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Māori Land Court 1960-1980:

An autoethnographic and social commentary

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ABSTRACT
TUHINGA WHAKARĀPOPOTO

The Māori Land Court in the 1960s and 1970s was a Court responsible for settling issues over the ownership, use and disposal of various land held by Māori. In 1980, a Royal Commission that examined the Māori Land Court made a number of administrative recommendations but it did not recommend dramatic reform of the Court. The Māori Land Court was to continue without major changes in format and jurisdiction. This thesis will show that the Court had to pragmatically and practically navigate relationships that Māori had with their land and with their *whanaunga* (relatives) and all the social circumstances that that entailed. The thesis uses autoethnographic and micro-history techniques to tell a story about the Court from a Māori Studies perspective. It employs Māori cultural concepts such as *whānau* (family), *whakapapa* (genealogy) and *whenua* (land) to give a perspective of the Court from a Māori worldview. The thesis therefore contains a lot of biographical material to show that the Court was a social institution that was linked to Māori and their historical and contemporary relationships to the land as well as the history of New Zealand.

TABLE OF CONTENTS
RĀRANGI WHAKATAKI

Title		page
Abstract	Tuhinga Whakarāpopoto	i
Table of Contents	Rārangi Whakataki	ii
Glossary	Rārangi Whakamarama	iv
Notes and Acknowledgements	Nga Tuhi me nga Whākinga	vii
Prologue	Kupu Whakataki	xii
Introduction	Whakamōhiotanga	1
Chapter One	Te Āhuatanga	18
Chapter Two	Tīpuna and Whanaunga	47
Chapter Three	Te Kōti Whenua Māori	75
Chapter Four	Te Ao Hurihuri	100
Chapter Five	Te Ao Hou	131
Chapter Six	Nga Kaimahi	155
Chapter Seven	Nga Mahi	180
Chapter Eight	Nga mea Whenua	212

Chapter Nine	Tasman Forestry Proposal	244
Chapter Ten	Pūtauaki	271
Chapter Eleven	Nga mea Whānau	305
Chapter Twelve	Nga mea Whakapapa	335
Chapter Thirteen	Nga mea Tamariki	362
Conclusion	Te Whakamutunga	381
First Schedule	Pukapuka Āpiti Tuatahi	384

-Photographs Index
-Figures Index
-Tables Index
-Maps Index
-Whakapapa Index

Second Schedule	Pukapuka Āpiti Tuarua	386
Bibliography	Pukapuka Kāhui Kōrero	390

GLOSSARY

RĀRANGI WHAKAMARAMA

Ahikā	continuous occupation rights
Aroha	love
Haka	fierce dance with chants
Hapū	clan, subtribe
Hui	meeting
Iwi	tribe
Kaimahi	worker(s)
Kāinga	home
Kaiwhakahaere	administrator, executor, director
Kamokamo	a type of marrow (vegetable)
Karakia	prayer(s), spell, incantation, charm
Kaumatua	elder
Kaumātua	elders
Koha	gift
Koroua	grandfather
Kuia	grandmother, great grandmother
Kūmara	sweet potato
Mahi	work
Mākutu	spiritual afflicted illness
Mana	power, prestige
Manuka	teatree (tree)
Marae	meeting ground
Marae ātea	area in front of a meeting house
Mātua Whāngai	adoptive parents

Moko	tattoo (especially a facial tattoo)
Mokopuna	grandchild
Pā	fortified village
Pānui	schedule, advertisement
Papakāinga	original home
Pātere	an abusive song
Pēpeha	saying
Pukapuka āpiti tuatahi	first schedule
Pukapuka kāhui kōrero	bibliography
Pūkeko	moorhen
Rangatira	chief(s)
Raupatu	confiscation
Rohe	area
Rongoā	medicine
Rua	underground storage pits
Rūnanga	council
Take	claims, rights
Tamaiti Whāngai	a child adopted in accordance with Māori customary practice
Tamariki	children
Tāngata whenua	people of the land
Tapu	sacred
Tatu pounamu	a peace agreement
Tikanga	rules, principles, values
Tipuna	ancestor
Tīpuna	ancestors
Tōhunga	priest, expert
Tūpāpaku	corpses, physical body of the deceased
Uri	descendants

Urupā	cemetery, graveyard
Utu	reciprocity
Waiata	songs
Waka	canoe
Whakamutunga	conclusion
Whakapapa	genealogy
Whakawhiti	to swap
Whānau	family
Whanaunga	relative(s)
Whare wānanga	houses of higher learning
Whenua	land

NOTES AND ACKNOWLEDGEMENTS
NGA TUHI ME NGA WHĀKINGA

NOTES: NGA TUHI

Before one reads this thesis there are a few technical matters that need to be explained. Firstly, it is the convention within my academic department to use macrons instead of double vowels. Therefore for such a name like 'Maata Rangituukehu' it will appear as Māta Rangitūkehu. I have also used this convention when citing texts in the footnotes. If the title or the author of a work contains double vowels, I have also used macrons in their place. However, when I have directly quoted from a source that uses double vowels I have left the words to stand on their own to indicate that those double vowels appear in the original form. It is also departmental practice to italicise Māori terms to denote that these words are non-English words. It does not apply to Māori proper nouns such as places or names and the terms Māori and Pākehā.

Secondly, there are some textual usages that need explanation. There are instances where I use both metric and imperial measurements in the thesis. I have used the older imperial measurements when the context requires. This is in instances where the imperial measurements were originally used in documents or oral sources. At times, I use the lower case 'c' when referring to dates like 'c.1810'. The lower case 'c' in this instance refers to circa which is an approximate time. There will be times where a name will appear with the prefix 'Te' in front of another name, and on other occasions there will be no prefix as in 'Te Rangitūkehu' and 'Rangitūkehu'. There is no substantive difference when either is used. The use of 'Te' in front of names tended to be used in traditional Māori times, sometimes to denote higher rank or prominence than others. But this is not always the case. At times, I have included words in brackets after certain Māori words to indicate the proper word being used in that instance. This is in cases where there are texts that are being quoted. In the actual text an abbreviated form or different spelling is used. Therefore I have included the actual word being used in the bracket as in the following example: 'The people belonged to N. Awa [Ngāti Awa]'.

Thirdly, I use *whakapapa* (genealogy) tables in a number of ways in this thesis. I have used *whakapapa* tables throughout the text to illustrate various relationships I have mentioned in the text. It is to be noted that the names in these *whakapapa* are not ordered along seniority lines like in others. The reasons for this are at times purely practical (to fit the names on to the page). But there are also many names in *whakapapa*, especially those of older ancestors, where it is not known whether some siblings or cousins are older or younger than others. The source of these *whakapapa* is from my own knowledge as well as a number of personal notes that I have made over the years. The original sources of these notes were conversations with my *whānau* over many years.

One particular aunt, Te Onehou Phillis, needs to be mentioned. It is from her that I have gained an interest in *whakapapa*. From the 1980s through to this very day we still have rich conversations about our *whakapapa* connections to various *whānau* (family). At times, I include myself in the *whakapapa* tables to link myself to those I have mentioned in the text. In some of the *whakapapa* tables I have placed the words *He whāngai* under the names of various persons. This indicates that they were not a natural child of a parent. Instead, they were an adopted child of the parent in accordance with Māori customary practice.

Fourthly, there are a few expressions that appear in the footnotes that need some explanation. For example, there is an expression such as 'Kōrero-a-Bob Anderson, Ngākauroa, c. 1985'. These indicate periods of informal conversations that took place with a person and the place and the approximate time period or periods in question (c.= circa). These conversations were never intended to be in the nature of formal interviews nor confidential in nature. Confidential instances of conversation (and there were many) were simply not used in this thesis.

Fifthly, almost all of the written sections of this thesis have a Māori title that appears alone with an English title. These are the Māori equivalents to those titles such as glossary (*rārangi whakamarama*), and introduction (*whakamōhiotanga*) right through to the conclusion (*te whakamutunga*) and bibliography (*pukapuka kāhui kōrero*). For chapters 1-8 and 10-13, I give the translation of that chapter title in a footnote. Chapter 9 purposely has an English title only. The reason for this is to indicate clearly that the Tasman Forestry Proposal was a social and cultural disaster for my *whānau*, *hapū* (clan, sub-tribe) and *iwi* (tribe) of Ngāti Awa.

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First and foremost I would like to thank my two PhD supervisors, Michael Reilly and Tom Brooking, for their patience and utmost support for this PhD. When I started the PhD, Michael was a lecturer and Tom was a senior lecturer. They are now known as Professor Michael Reilly and Professor Tom Brooking. It is absolutely irrefutable that without their kindness and constant encouragement, I could not have completed this thesis.

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Fifthly, to my friends who were there at the beginning, especially Hamish Hay, Bill Keane, Shaun Broadley, Jo Duff, Vernon Wybrow, and Asma Bashir. They spurned me on to begin this project and to see it through to the end. I have lost touch with Bill and Shaun in recent years but their kind words and support will never be forgotten.

A special mention has to be made of my very dear friend and lawyer colleague Aroha Reihana, who gave constant support and encouragement and helped me get through this very long project with a number of laughs along the way.

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I would also like to thank my other university colleagues for their support as well, namely, Shaun Scott, Cath Logan, Judy Bennett, Angela Wanhalla, John Dawson, Jacinta Ruru, Mark Henaghan, Darryn Russell and John Broughton.

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The eighth acknowledgement is to my examiners Andie Palmer, Wharehuia Milroy and Nathan Matthews. They provided advice and constructive criticism of the second to last draft of this thesis. In respect to them I made all of their suggested changes even though I was not required to do so. *Nga mihi ki a koutou*.

Lastly, if I have forgotten to mention specifically others who supported me in this thesis (no matter how small), I wish to give you a big THANK YOU. Because, I have not specifically mentioned you, here is one of my favourite *waiata* (song) for you all.[1]

Kua rongorongo ake ahau
E haere ana koe e taku tau
Whakawhiti ana Te Moana-nui-a-Kiwa e
Ka patupatu ake taku Manawa
Ka whakarangirua i aku mahara
Aue tama ko taku aroha, kore rawa e mutu mai.

Waiho ra ma te wa koutou e tama ma
E whakahoki mai
Kia awhiawhi atu aku ringa nei
Ki to uma piri ai.
Ka patupatu ake taku Manawa
Ka whakarangirua i aku mahara
Aue tama ko taku aroha, kore rawa e mutu mai.

[1] My aunt, Nellie Kirkwood, sang this often at family events in the 1970s and 1980s. Her husband Stephen Kirkwood as well as my father, Bob Anderson, and another uncle, Maurice Anderson, were World War Two veterans who served in the Māori Battalion.

PROLOGUE
KUPU WHAKATAKI

This PhD was started in 2001 in my *alma mater* the Department of History at the University of Otago. I had completed a Master of Arts in history in the late 1990s at the same time I completed my law degrees. As I began to organise the various topics for analysis and the methodologies for the project it became increasingly apparent that the traditional and somewhat positivist historical methods that I was accustomed to using were not making any sense for this project.

I grew up in rural New Zealand amongst my *whānau* (family), *hapū* (clan or sub-tribe) and *iwi* (tribe) fully aware of the Māori Land Court in the 1970s. It was simply a fact of life for Māori whom I knew. But the way that I was attempting to analyse it, made no sense of my reality. My own recollections of the Court were not in terms of the Māori Affairs Act 1953 and all the legalisms. It was seen as being part of the Department of Māori Affairs; a government department that influenced almost all aspects of Māori life.[1] The Court itself was a place that you had to go to conduct all of your land business. You had to go and inherit land through the Court. The Court changed our land titles for this purpose or that purpose. Our *whanaunga* (relatives) went to the Court to sell land to get money. The Court was an institution that involved people. All the legalism was just a side issue. With this in mind, I started to make further enquiries as to appropriate methodologies that I could use to portray this reality. I first enquired of the techniques employed by the feminists.[2] They were well versed in portraying the world not on male terms but through the perspectives of women. This was a very fruitful exercise in showing how a different reality could be portrayed in terms of gender. I then made further enquiries that took me into the subject matter of microhistory, what the German historians term *Alltagsgeschichte*, and 'history from below'.[3]

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[1] See G.V. Butterworth, *Māori Affairs*, Iwi Transition Agency, Government Print Books, Wellington, 1990.

[2] I took courses in women's history in the early 1990s. I made my first enquiry with the standard textbook by Anderson and Zinsser. From there I then started to look at other feminist authors such as Simone de Beauvoir. Bonnie S. Anderson & Judith P. Zinsser, *A History of their Own: women in Europe from prehistory to the present*, Harper & Row, New York, 1989. (2 vols.); *Simone de Beauvoir's The second sex: new interdisciplinary essays*, Ruth Evans (ed.), University Press, New York, 1998.

[3] *New Perspectives on Historical Writing*, Peter Burke (ed.), University Park, 1991; See also Sigurður Gylfi Magnússon, 'Social History - Cultural History - Alltagsgeschichte - Microhistory: In-Between Methodologies and

However, I needed more material that covered the subject area of ethnicity and this was when I first stumbled upon the subject area of subaltern studies. I was intrigued with how the Indian academics such as Ranajit Guha and Gayatri Chakravorty Spivak had tackled this issue of telling stories about non-elite people in the Indian context (not entirely dissimilar to E.P Thompson's classic narrative in the context of class society).[4] What Guha and Spivak seemed to be doing was more in line with what I thought would be appropriate for a narrative on the Māori Land Court. It was then that I began to re-read the works of the New Zealand historians, Judith Binney and Anne Salmond, and their work with Māori individuals.[5] This in turn led me to re-read the works of the Māori academics Hirini Moko Mead, Ranginui Walker and Linda Tuhiwai Smith.[6] It then dawned on me that the Māori Studies discipline held many of the answers for this project. As a result, I transferred this PhD from under the mantle of history over to the discipline of Māori Studies. I was initially excited; I could then portray a story of the Māori Land Court using Māori analytic tools and terminology which somehow made more sense to me. However, by placing the PhD under the mantle of Māori studies, while providing many answers for the project, it also posed its own challenges. Māori Studies as an academic discipline was relatively new. It was only in the early 1950s that the first Māori Studies course was offered at Auckland University through the efforts of Ralph Piddington who headed the Department of Anthropology.[7] There were only a few examples of PhDs in Māori studies in 2002,[8] so there was not the range of

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Conceptual Frameworks', *Journal of Microhistory* (2006) at http://www.microhistory.org/pivot/entry.php?id=20 (Accessed on 27 February 2009).

[4] *Selected Subaltern Studies*, Ranajit Guha & Gayatri Chakravorty Spivak (eds.) Oxford University Press, New York, 1988; E. P. Thompson, *The Making of the English Working Class*, Gollancz, London, 1963.

[5] Anne Salmond, *Amiria: the life story of a Maori woman*, *Amiria: the life story of a Maori woman*, Reed, Auckland, 1976; Anne Salmond, *Eruera, the Teaching of a Maori Elder*, Oxford University Press, Wellington, 1980; Judith Binney & Gillian Chaplin, *Ngā Mōrehu: The Survivors: The Life Histories of Eight Maori Women*, Oxford University Press, Auckland, 1986.

[6] S.M.Mead, 'Te Toi Mātauranga Māori mo nga ra kei mua: Māori Studies Tomorrow', *Journal of the Polynesian Society*, (1983), Vol.92, No.3, pp.333-35; Sidney Moko Mead, *Landmarks, Bridges and Visions: Aspects of Māori Culture*, Victoria University Press, Wellington, 1996; Ranginui Walker, *Ngā Pepa a Ranginui: The Walker Papers*, Penguin Books, Wellington, 1996; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999.

[7] Māori Studies in the past has drawn a lot of its inspiration from the discipline of social anthropology. This is because it was introduced into the universities through anthropology departments but also influential former academic staff members of Māori Studies departments were trained in anthropology such as Pat Hohepa, Hugh Kāwharu, Hirini Moko Mead, Ranginui Walker and Joan Metge. Nowadays, the academic staff in Māori Studies departments is less homogenous in their academic backgrounds. See: See Steven Webster's chapter on the history of Māori Studies in 'Māori Studies and the concept of Māori culture 1972-1993' in, *Patrons of Maori Culture; Power, Theory and Ideology in the Māori Renaissance*, University of Otago Press, Dunedin, 1998. See also S.M.Mead, 'Te Toi Mātauranga Māori mo nga ra kei mua: Māori Studies Tomorrow', *Journal of the Polynesian Society*, (1983), Vol.92, No.3, pp.333-351.

[8] On a search in 2002 of databases for New Zealand universities I was only able to identify five PhD theses. These were by Christine Tremewan, 'Myths from Murihiku', Unpublished PhD thesis in Māori Studies, University of

examples to guide me on what a Māori studies PhD actually looked like.[9] There has been some improvement in the numbers of examples since 2002, especially by Auckland University and Massey University. The subject areas cover a number of topics from art and crafts to language and politics (see Schedule Two on page 386 for a complete list and categories).

So the biggest challenge for me was to examine the fundamental question of 'What is Māori Studies?' just as E.H. Carr posed a similar question for the discipline of history in 1961.[10] For me, this was absolutely needed to fully understand the foundations and building blocks of the discipline which then would influence how the form and substance of the PhD actually took shape. As a result of posing such a question I eventually came to the conclusion that Māori studies struggled to identify and has not to date dealt decisively with its methodologies, analytical approaches and its parameters for study.

Ranginui Walker gave a simple definition of Māori Studies in 1993.

> The way it sits at present in tertiary institutions, it [Māori Studies] can only be defined as being the study of Māori people.... It is the study of Māori language, customs and traditions within the European conventions of organising and transmitting knowledge.[11]

Canterbury, Christchurch, New Zealand, 1992; Tania Ka'ai, 'Te Tatari i te Kaupapa', Unpublished PhD thesis in Māori Studies, University of Waikato, Hamilton, New Zealand, 1995; Terry P. Duval, 'A preliminary dictionary of Māori gainwords compiled on historical principles', Unpublished PhD thesis in Māori Studies, University of Canterbury, Christchurch, New Zealand, 1995 (3 volumes); Monty Soutar, 'Ngāti Porou Leadership: Rapata Wahawaha and the politics of Conflict: 'Kei te ora nei hoki tātou, me tō tātou whenua' ', Unpublished PhD thesis in Māori Studies, Auckland University of Technology, Auckland, New Zealand, 2000; Taiarahia Black, 'Kāore te aroha-: te hua o te wānanga', Unpublished PhD thesis in Māori Studies, University of Massey, Palmerston North, New Zealand, 2000.

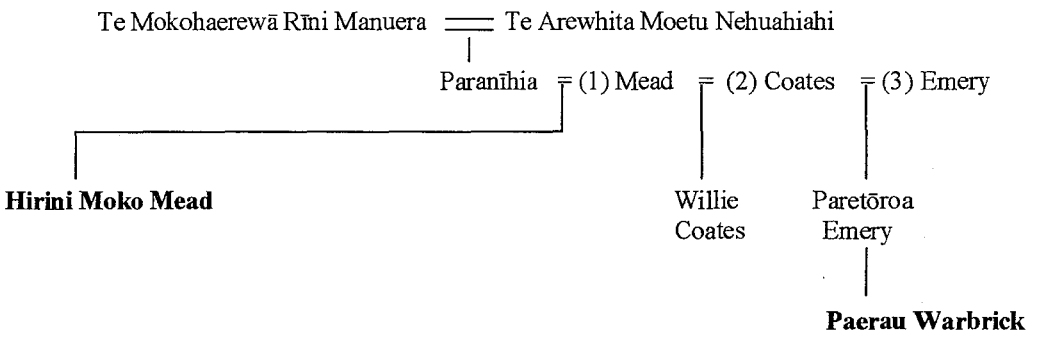
[9] The database technology in 2008 has enabled me to locate another six more PhDs in Māori studies, namely, Augie Fleras, 'A descriptive analysis of Maori wardens in the historical and contemporary context of New Zealand society', Unpublished PhD thesis in Māori Studies, Victoria University of Wellington, Wellington, New Zealand, 1980; Jane McRae, 'Whakataukī : Māori sayings', Unpublished PhD thesis in Māori Studies, University of Auckland, Auckland, New Zealand, 1988; Maurice Alemann, The impact of legislation on Maori land in Tai Tokerau, , Unpublished PhD thesis in Māori Studies, University of Auckland, Auckland, New Zealand, 1998; Sarah-Jane Tiakiwai, 'Maori participation in higher education : Tainui graduates from the University of Waikato, 1992 to 1997', Unpublished PhD thesis in Māori Studies, University of Auckland, Auckland, New Zealand, 2001; Ian Christensen, 'Ko te whare whakamana : Māori language revitalisation', Unpublished PhD thesis in Māori Studies, Massey University, Palmerston North, New Zealand, 2001; Brendon Te Tiwha Puketapu, 'Māori organisation and contemporary Māori development : strengthening the conceptual plait', Unpublished PhD thesis in Māori Studies, Massey University, Palmerston North, New Zealand, 2000.

[10] E.H. Carr, *What is History?*, University of Cambridge & Penguin Books, Cambridge, 1961.

[11] Ranginui Walker, *Ngā Pepa a Ranginui: The Walker Papers*, Penguin Books, Wellington, 1996, p.167.

The discipline of Māori Studies in practice has consisted of two types of courses. One type has focused on the language and the other has dealt with the cultural aspect of *Te Ao Māori*.[12] The cultural aspects have encompassed such things as traditions, tribal histories, oratory and customary concepts. Hirini Moko Mead of Victoria University in Wellington has termed the cultural aspect *nga tikanga, nga mātauranga Māori i tua atu o te reo*.[13]

Whakapapa A.1



While other academic disciplines in the social sciences and humanities have undergone changes to their orthodox practices over the last fifty years or so, Māori studies did not have orthodox practices built up over decades to in fact change. Instead, it has borrowed techniques from different academic subjects to make up a discipline that is eclectic and more malleable and flexible than other disciplines. However, the major differentiation between narratives for other disciplines and narratives for Māori Studies must be the relative importance of Māori values and principles. Otherwise there is little differentiation between disciplines.

Various academics have advocated different models for analysing *Te Ao Māori* that use Māori values and principles for the basis of their analyses. Proponents of *mātauranga Māori*[14] and

[12] When I use the term *Te Ao Māori*, which translates as 'The Maori World', I mean Māori society.
[13] The literal translation of this is 'the Māori customs and knowledge on the side of the Māori language'. S.M.Mead, 'Te Toi Mātauranga Māori mo nga ra kei mua: Māori Studies Tomorrow', *Journal of the Polynesian Society*, Vol.92, No.3, Sept 1983, p.333.
[14] Sidney Moko Mead, *Landmarks, Bridges and Visions: Aspects of Māori Culture*, Victoria University Press, Wellington, 1996, p.18. Te Maire Tau has been quite critical of *mātauranga Māori* for use in the Māori studies discipline. For Tau, the ancient traditional paradigms of *mātauranga Māori* are unsuitable for Māori Studies departments in the universities. Academia in the universities is secular and *mātauranga Māori* had spiritual components: Te Maire Tau, 'Matauranga Māori as an Epistemology', *Histories, Power and Loss: Uses of the Past-A Commentary*, Andrew Sharp and Paul McHugh (eds.), Bridget Williams Books, Wellington, 2001, pp.61-93; Te Maire Tau, 'Death of Knowledge; Ghosts on the Plains', *New Zealand Journal of History*, (2001), Vol.35, No.2,

kaupapa Māori[15] advocate the use of Māori concepts and knowledge for academic analysis. Commentators rarely differentiate between the two. Hirini Moko Mead has been the main proponent for *mātauranga Māori*: an approach where social phenomena in *Te Ao Māori* can be analysed using Māori terms, categories and practices.[16] A *kaupapa Māori* model is also based upon the conceptualisation of Māori knowledge. Russell Bishop, Ted Glyn, Linda Tuhiwai Smith and Tania Ka'ai have been the main proponents of this model when considering aspects of research.[17] Linda Tuhiwai Smith has pointed out that

> (1) it sets out its own field of study which enables a process of selection to occur and which defines what needs to be studied and what questions to be asked (2) It has a set of assumptions and taken-for-granted values and knowledge, upon which it builds and (3) it is greater than the sum of its parts.[18]

At its core *mātauranga Māori* and *kaupapa Māori* proponents base their core arguments on Māori principles and values. It is important to understand that Māori values and principles, like Pākehā values and principles, are fluid and ever changing. Therefore certain values and principles in the eighteenth-century will have a different ambiance to them by the mere fact of the changing social world. This was a point highlighted by Anne Salmond when she wrote about Māori concepts changing over time and when she criticised some social commentators for their elusive attempts to define traditional Māori and pre-European contact concepts.[19]

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pp.131-152. Te Maire Tau's definition of *mātauranga Māori* is an archaic form and does not take into consideration the influence of the changing social world. The *mātauranga Māori* to which Hirini Mead refers is more than the old traditional forms of knowledge once taught at *whare wānanga*. It entails general knowledge of *Te Ao Māori*. Tau's definition fails to take in to consideration Anne Salmond's point that Māori terms, categories and practices are not static. They have changed overtime and will change as the years go on. Anne Salmond, 'The Study of Traditional Māori Society: The State of the Art', *Journal of the Polynesian Society*, (1983), Vol.92, No.3, pp.309-331.
Additionally, academia is not an entirely secular place. In New Zealand, there are usually ceremonies and prayers that employ spiritual aspects to open new indigenous departments.

[15] Russell Bishop & Ted Glyn, *Culture Counts: Changing Power Relations in Education*, Dunmore Press, Palmerston North, 1999; Tania Ka'ai, *'Te Tatari i te Kaupapa'*, Unpublished PhD thesis in Māori Studies, University of Waikato, Hamilton, New Zealand, 1995; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999 (third impression.)

[16] Sidney Moko Mead, *Landmarks, Bridges and Visions: Aspects of Māori Culture*, University of Otago Press, Dunedin, 1996, p.18.

[17] Russell Bishop & Ted Glyn, *Culture Counts: Changing Power Relations in Education*, Dunmore Press, Palmerston North, 1999; Tania Ka'ai, *Te Tatari i te Kaupapa*, Unpublished PhD thesis in Māori Studies, University of Waikato, Hamilton, New Zealand, 1995; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999.

[18] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, pp.190-191.

[19] This was one of the observations by Anne Salmond in Anne Salmond, 'The Study of Traditional Māori Society: The State of the Art', *Journal of the Polynesian Society*, (1983), Vol.92, No.3, pp.309-331.

It is not possible to list the whole range of Māori values and principles, because like any other human qualities, Māori values and principles are numerous. Some also rank certain values and principles above others and also associate components of the values and principles with some and not with others. A number will suffice for the present discussion. In table A.1 below are some key values and principles that have been identified by leading social commentators and academics. It is to be noted that these principles and values are intertwined with each other and do not stand alone from each other. This is the reason why some are combined with others, as in the terms given by Joan Metge in table A.1. Other social commentators also have slight differences attached to their meanings. The term *mana* used by Hirini Mead in table A.1 is not exactly the same as the word *mana* used by Eddie Durie or Manuka Henare in table A.1.

Table A.1: A Range of Māori values and principles

Hirini Mead (2003) [20]	*Whanaungatanga, Manākitanga and Whanaungatanga, Mana, Tapu, Utu, Noa and Ea*
Joan Metge (1996) [21] **(organised in groups)**	*Aroha + Whanaungatanga, Taha wairua + Taha tinana, Tapu + Noa, Ora + Aitua, Tika + Hē, Mana + Whakapapa + Mana tūpuna + Mana atua +Mana tangata + Mana tāne +Mana wāhine + Nga mahi a ngākau+ Obligations from aroha* and /or *mana , Utu, Kotahitanga*
Pat Hohepa (1996) [22]	*Tapu, Mana, Pono, Whanaungatanga, Aroha, Utu*
Eddie Durie (1994) [23]	*Whanaungatanga, Manākitanga, Mana, Mana tupuna, Wairua, Utu, Aroha*
Manuka Henare (1987)[24]	*Whanaungatanga, Wairuatanga, Mana Māori, Mana, Tapu & Noa, Tika, Utu, Rangatiratanga, Waiora, Mauriora, Hauora, Kotahitanga*

[20] Hirini Moko Mead, *Tikanga Māori: Living by Māori Values*, Huia Publishers, Wellington, pp.25-34.
[21] Joan Metge, 'Commentary on Judge Durie's Custom Law', [confidential draft paper for the New Zealand Law Commission 1994], cited in New Zealand Law Commission, *Maori Custom and Values in New Zealand Law*, Study Paper 9, New Zealand Law Commission , Wellington, March 2001.
[22] Pat Hohepa and David V. Williams, *The Taking into account of Te Ao Maori in Relation to the Reform of the Law of Succession*, New Zealand Law Commission MP6, Wellington, 1996, p.14.
[23] Eddie Durie, 'Custom Law', [confidential draft paper for the New Zealand Law Commission 1994] cited in New Zealand Law Commission, *Maori Custom and Values in New Zealand Law*, Study Paper 9, New Zealand Law Commission, Wellington, March 2001.
[24] 'The April-Report -Report of the Royal Commission on Social Policy', *Appendices to the Journal of the New Zealand House of Representatives*, 1988, H2.

Table A.2: General definitions for Māori values and principles [25]

Whanaungatanga	The nurturing of relationships within a kin group
Manākitanga	The nurturing of human relationships generally
Mana	Authority, control, prestige and power
Tapu	A state of sacredness.
Utu	Reciprocity
Noa	Balance
Ea	A sense of closure
Aroha	Love
Taha wairua	A person's spiritual side
Taha tinana	A person's physical side
Ora	General wellbeing
Aitua	Calamity, misfortune and accident
Tika	That which is right
Hē	That which is wrong
Mana tūpuna	*Mana* that is sourced through a person's chiefly lineage
Mana atua	*Mana* that is sourced through the sacred power of the gods
Mana whakapapa	*Mana* that is sourced through a person's genealogy
Mana tane	*Mana* that is sourced through being a man
Mana wahine	*Mana* that is sourced through being a woman
Nga mahi a ngakau	The matters of the heart
Kotahitanga	Unity
Pono	True and genuine
Wairuatanga	Spirituality
Wairua	A person's spirit
Mana Māori	*Mana* which comes from being Māori
Rangatiratanga	Chieftainship and leadership
Waiora	The principle of sound physical health
Mauriora	Life-force health
Hauora	Temperamental health

[25] These definitions are provided as brief descriptions only. They are not exhaustive or definitive. It is to be noted that there are difficulties in the translation from Māori into English. Perfect equivalents between Māori and English terms are not always possible. The two sources that have been used to define these terms are Cleve Barlow, *Tikanga Whakāro: Key concepts in Māori culture*, Oxford University Press, Auckland, 2000 and H.W.Williams, *A Dictionary of Maori Language*, Government Print, Wellington, 1992.

The above values and principles have been important considerations for producing this narrative on the Māori Land Court in the Māori Studies discipline. One of the substantive ways that this has been done is the use of Māori concepts to highlight the Māori Land Court's role in *Te Ao Māori*. These are concepts such as *tīpuna* (ancestors), *whanaunga, whānau, whakapapa, whenua* (land) and others. The various chapters are centred on themes based upon these Māori concepts thereby recognising their importance, but also fostering further analysis of other Māori concepts.[26]

There has been the heavy use of *whakapapa* charts within the prose itself. *Whakapapa* has been purposely placed within the prose instead of in appendices so that it can highlight the importance of *whakapapa* in *Te Ao Māori*.[27] Each chart is purposely utilised at specific points of the text to characterise multiple ways of understanding *Te Ao Māori*. Sometimes I use the charts to identify my relationship to *whanaunga* (relatives) or *whenua* (land) in the text. Other times I use them to portray descent or inheritance. All of this is to enable relationships and obligations between *whanaunga* to be clarified. I have purposely left it to the reader to experience this type of knowledge as *whakapapa* is an old form of esoteric Māori knowledge and Māori philosophy that is to be filtered and synthesised by the reader. It often requires the reader to re-examine relationships within the charts in order to capture thought processes particular to the Māori world view. Chapter twelve is specifically devoted to *whakapapa* in the context of the Court, however, a few points should be mentioned here. *Whakapapa* was often used strategically within *Te Ao Māori* to synthesise, explain and emphasise relationships for political, economic or social purposes.

In oration form, *whakapapa* was recited where intermarriages were mentioned (*whakamoe*). These intermarriages were mentioned to enhance the relationships between social groups. On other occasions, a descent line was mentioned without the mention of the spouse (*taotahi*). Usually this was done to identify the source of rights from one *whānau* group as opposed to

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[26] This is what Rarawa Kohere did and to a degree Robert Hans Jahnke and Lynne Pere attempted to do with the chapters in their theses. Rarawa Kohere, 'Tāwakewake : an historical case study and situational analysis of Ngāti Ruawaipu leadership', Unpublished PhD thesis in Māori Studies, Massey University, Palmerston North, New Zealand, 2005; Robert Hans George Jahnke, 'He tataitanga ahua toi : the house that Riwai built, a continuum of Māori art ', Unpublished PhD thesis in Māori Studies, Massey University, Palmerston North, New Zealand, 2006; Lynne Mereana Pere, 'Oho mauri : cultural identity, wellbeing, and tāngata whai ora/motuhake', Unpublished PhD thesis in Māori Studies, Massey University, Palmerston North, New Zealand, 2006.

[27] See further discussion of this in Chapter Twelve.

other *whānau* lines. At other times a single line of descent was mentioned to emphasise the single descent and ascent lines (*tarere*). This method was used to link the orator or subject person to their ancestor. On other occasions certain principal ancestors were recited (*tāhū*). Usually this was to bolster proprietary or personal claims. Yet on other occasions *whakapapa* was recited to enable a link with another branch of a *whānau*, *hapū* or *iwi* (*whakapiri*).[28]

One of the procedural considerations of this narrative involved *aroha* (love) and *utu* (reciprocity). When I first visited each one of the Māori Land Court registries to view their records, I took along an assortment of food for the staff members' morning or afternoon tea. This recognised that I was going to ask various Māori Land Court officials for assistance. I simply could not go empty-handed to various places when I wanted their help even though it was their legal duty to assist me under their terms of employment. Additionally, when I formally conducted interviews with various participants concerning the Māori Land Court I always took *koha* (a gift) in recognition of their help.

Lastly, it is also important to recognise the spiritual aspect of working with Māori material.[29] One must deal appropriately with the subject material. This would be in either its handling, storage, or writing lest spiritual consequences may result (I will mention this further in Chapter One). One specific area that has spiritual considerations involves the use of *whakapapa*. *Whakapapa* has inherent spiritual qualities associated with it because it involves the names of long-deceased ancestors. In these situations a *karakia* (a prayer) after its use would not be an inappropriate practice.

On the whole, while Māori studies posed its own challenges and considerations, the end result is a narrative on the Māori Land Court that portrays the Court in a reality more attuned with how Māori people understand the Court.

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[28] See further discussion of this in Chapter Twelve.

[29] The spiritual aspect is pervasive in *Te Ao Māori* as in other indigenous cultures. See the brief mention by Smith of the ritual where she and her father spiritually cleansed themselves by sprinkling water over themselves when they returned home from dealing with any artefacts in museums. See Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999, p.11.

INTRODUCTION
WHAKAMŌHIOTANGA

The Māori Land Court in the 1960s and 1970s was a Court responsible for settling issues over the ownership, use and disposal of various land held by Māori. In 1980 there was a Royal Commission that examined the Māori Land Court.[1] While there were a number of administrative recommendations such as recommending a Rules Committee be set up to review the Rules of Court, improving relations between staff and persons attending court, the use of recording devices in the Court and the feasibility of the use of electronic data, the Royal Commission did not recommend dramatic reform to the Court. The Māori Land Court (and the Māori Appellate Court) was to continue without major changes in format and jurisdiction.[2]

In effect the Māori Land Court was still seen as an integral part of the land tenure system pertaining to Māori. Land had four broad types of legal categories under the Westminster legal system pertaining to New Zealand in the 1960s and 1970s.[3] They were (1) customary land, (2) Māori freehold land, (3) European land and (4) Crown land. The Land Registry Office at the time dealt primarily with the ownership of European land whether held by Māori or Pākehā as well as Crown land.[4] The Māori Land Court dealt primarily with Māori freehold land and any customary land still in existence. The Court did have some limited instances where it could also deal with European land as well as Crown land.[5]

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[1] 'The Māori Land Courts. Report of the Royal Commission of Inquiry (1980)', *Appendices to the Journal of the House of Representatives*, (1980), H.3. A review of the Court was not considered by the 1978 Royal Commission on the Courts because its Commissioners considered the Māori Land Court to be outside of the terms of their warrant ('Royal Commission on the Courts', *Appendices to the Journal of the House of Representatives*, (1978), H.2.)

[2] 'The Māori Land Courts. Report of the Royal Commission of Inquiry (1980)', *Appendices to the Journal of the House of Representatives*, (1980), H.3, pp.127-132.

[3] The Westminster legal system originates from the system of law and government in Great Britain. Parliament (the legislature) is deemed to be the supreme law-making body. This was expounded by Albert Dicey (A.V. Dicey's, *An Introduction to the Study of the Law of the Constitution*, Macmillan London, 1931, [1885]). Statutes take precedence over the common law. Land legislation therefore is the major source of law that affects the legal title to land in New Zealand.

[4] The Land Registry Office was part of the Lands and Deeds Division of the Justice Department. After the massive restructuring of government departments in the 1980s and 1990s, its equivalent today is Land Information New Zealand (LINZ).

[5] For example, the Māori Land Court could establish easements over European land owned by Māori under section 30(1)(j), Māori Affairs Act 1953. The Court could also deal with Crown land in instances where there would be exchanges of land under section 187, Māori Affairs Act 1953.

Customary land was land that was still held by Māori according to their customs and usages. The legal title in such blocks of land was derived from customary rights and tradition. New Zealand was once all customary land. The various policies and practices by New Zealand governments over the years have changed the legal status of most customary land since the Treaty of Waitangi in 1840.[6] These policies and practices entailed the government or Pākehā acquiring vast tracts of customary land and transforming its legal title. For example, most of the South Island and the Wairarapa District in the North Island were acquired from Māori by various governments through deeds of sale.[7] In many cases, especially in the Far North of the North Island and the Wellington areas, various governments confirmed pre-Treaty of Waitangi purchases by Pākehā.[8]

Once customary land had been acquired by various governments or Pākehā it ceased to be Māori customary land and became Crown land or European land. The government disposed of a lot of their Crown land to third parties. The third parties were mostly Pākehā settlers whereby the Crown land became European land. Eventually European land would then be registered in various land registry offices.

In some situations Crown land was transferred back to Māori. The land then became European land owned by Māori or Māori freehold land. For example, the confiscations by the government of land in the Waikato, Bay of Plenty and Taranaki regions in the 1860s transformed massive regions of customary land into Crown land.[9] When the government eventually returned blocks of land to various Māori, those lands became Māori freehold land.

Most Māori freehold land had originally been customary land that had been subjected to the investigatory processes of the Native Land Courts from 1865. A Native Land Court was

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[6] The Treaty of Waitangi was a treaty made in 1840 between *hapū* and *whānau* on the one hand and the British Crown on the other. It established a relationship between the two on how they would conduct relationships towards each other. Many Pākehā New Zealanders have maintained that the Treaty either purported to cede sovereignty or that it is an historical relic which does not mean anything. Many Māori have always maintained that the Treaty did not cede sovereignty. They have purported that it was an agreement that contained certain guarantees and promises that the Crown had never upheld. See Claudia Orange, *The Treaty of Waitangi*, Bridget Williams Books, Wellington, 1986; Marcia Stenson, *The Treaty: Every New Zealander's Guide to the Treaty of Waitangi*, Random House, Auckland, 2004; Patrick Snedden, Pākehā *and the Treaty*, Random House, Auckland, 2005.

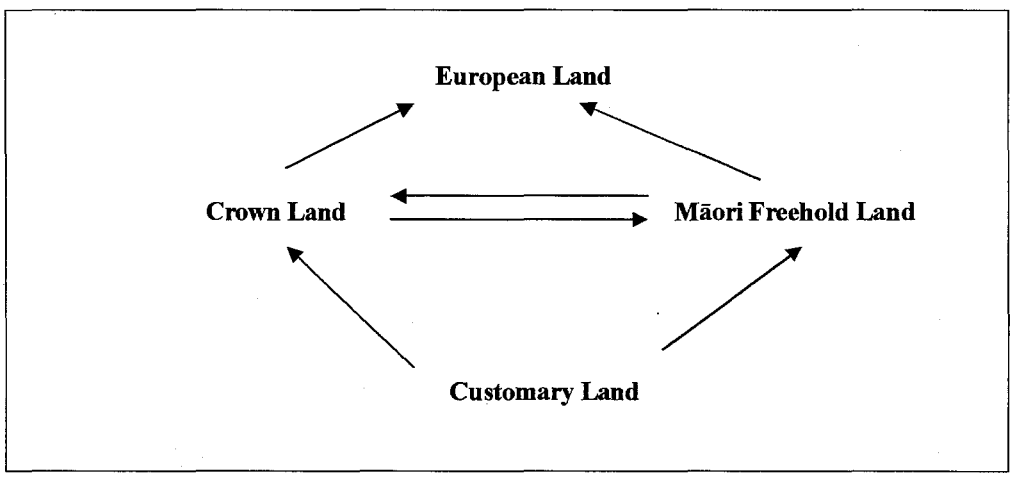
[7] See Alan Ward, *An Unsettled History*, Bridget Williams Books, Wellington, 1999, pp.111-113. Also see Harry C. Evison, *The Ngāi Tahu Deeds*, University of Canterbury Press, Christchurch, 2006.

[8] See Alan Ward, *An Unsettled History*, Bridget Williams Books, Wellington, 1999, pp.73-85.

[9] See David McCan, *Whatiwhatihoe: The Waikato Raupatu Claim*, Huia Publishing, Wellington, 2001; Waitangi Tribunal, *Taranaki Report 1996*, Wai 143, Legislation Direct, Wellington, 2001, [1996]; Waitangi Tribunal, *Ngāti Awa Raupatu Report 1999*, Wai 46, Legislation Direct, Wellington, 1999.

convened in a district where it would hold hearings to establish the owners of customary land. At the conclusion of the Native Land Court's hearing, a certificate of title would be issued for the customary land blocks thereby transforming it to Māori freehold title.[10] This process was done mainly for North Island lands as most of the South Island had already been purchased by the government directly from South Island *rangatira* (chiefs) by the 1860s.[11] Once the question of ownership was determined by the Native Land Court, this enabled the further transition of land from Māori freehold land to European land. The most common means of transition of Māori freehold land to general land was by selling it to Pākehā. Diagram B.1 below shows a generalised flow chart of the transition of customary land to the other categories of land.

Figure B.1: Transition of customary land to other categories of land.



By the 1960s and 1970s, the amount of customary land left in New Zealand was negligible. Most land in New Zealand was Crown land or European land. In 1980 Māori freehold land comprised approximately five-percent of the total landholdings in New Zealand.[12] The majority of land owned by individual Māori was in the form of multiply-owned Māori freehold land. The

[10] See David V. Williams, *'Te Kōti Tango Whenua': The Native Land Court 1864-1909*, Huia Publishers, Wellington, 1999; D.M. Loveridge, *The origins of the Native Lands Acts and Native Land Court in New Zealand*, Unpublished Report for the Crown Law Office, [Waitangi Tribunal, Wellington, 2000].

[11] See: 'Chapter 5: The Wairau and Te Waipounamu Purchases', Waitangi Tribunal, *Te Tau Ihu o te Waka a Maui*, Wai 785, Legislation Direct, Wellington, 2007; and Waitangi Tribunal, *Ngāi Tahu Report 1991*, Vol. 1., Wai 27, Waitangi Tribunal, Wellington, 1997.

[12] As at the 31 March 1980, there was 1,217,646 hectares (3,008,803 acres) of Māori freehold and customary land out of a total of 26, 867,948 hectares (66,390,700 acres) approximately 4.5% of the land mass of New Zealand. Department of Statistics, *New Zealand Official Year Book 1980, Government Printer*, Wellington, 1980 & Department of Māori Affairs, 'Report of the Department of Māori Affairs and the Māori Land Board and Māori Trust Office for the year ending 31 March 1981', *Appendices to the Journal of the House of Representatives of New Zealand*, (1980), E13, p.13.

jurisdiction of the Māori Land Court in the 1960s and 1970s was founded mainly on the Māori Affairs Act 1953 and amendments passed in 1967 and 1974. A large part of the Court's business dealt with the inheritance of Māori freehold land known as 'Succession'. The continued buying and selling of Māori freehold land was further processed through the Court as well as subdividing and amalgamating Māori freehold land blocks for reserves, housing and developments in forestry and farming.

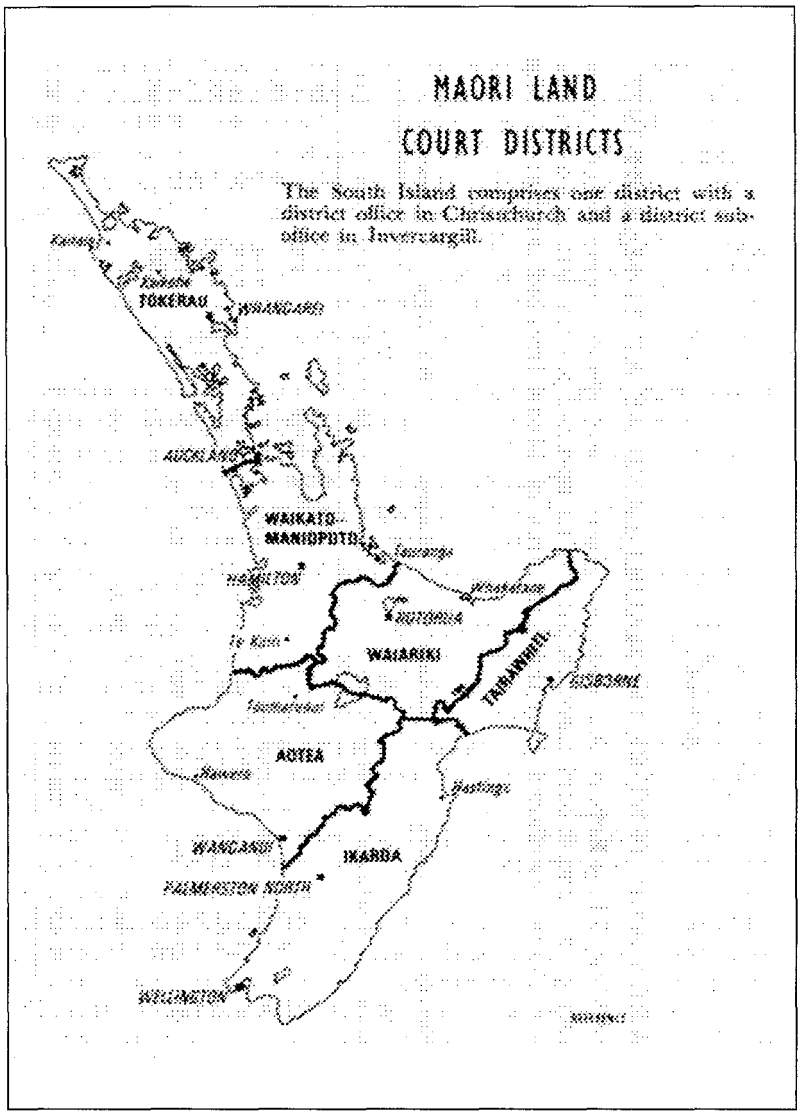
The Māori Land Court system was a nation-wide one. New Zealand was divided into a number of Māori Land Court districts. In 1960 there were seven Māori Land Court districts. These were the Tokerau, Waikato-Maniapoto, Waiariki, Tairāwhiti, Aotea, Ikaroa and South Island Māori Land Court Districts.[13] In 1962 the Auckland Māori Land Court district was created by taking parts of the Tokerau and Waikato-Maniapoto districts within its boundary.[14] However, this district was abolished in 1969.[15] The Māori Land Court within the Auckland District did not process enough business. It was viewed as a 'poor second cousin' to the other districts.[16] There was a relatively small amount of Māori freehold land centred on Auckland as compared with other districts. Many Māori did not use the Auckland Māori Land Court. Instead they preferred to use the Māori Land Court in the other districts. This was because many of the Māori living within Auckland city and its suburbs were relatively new arrivals to the region since World War Two. They did not belong to *whānau* (family), *hapū* (clan or sub-tribe) or *iwi* (tribe) associated with the Auckland region so their preference was always to use the Māori Land Court closest to where their own Māori freehold land was situated.[17]

Each Māori Land Court district had a Māori Land Court office that was serviced by a registrar and various court clerks. These offices were located in the provincial centres because a majority of Māori freehold land as well as large Māori populations were located in provincial New Zealand.

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[13] *New Zealand Gazette*, 1956, pp.305-307.
[14] *New Zealand Gazette*, 1962, pp.1329-1331.
[15] *New Zealand Gazette*, 1969, pp.1309-1312.
[16] Personal communication by Terry Ryan, 6 December 2002, Māori Land Court, Christchurch. Terry Ryan was a clerk in the Māori Land Court in the Waikato-Maniapoto District and the South Island District in the 1960s and 1970s.
[17] Ibid.

Map B.1: Māori Land Court Districts 1970s [18] Note: The whole of the South Island was one district.



The Māori Land Court comprised of a Chief Judge and less than ten judges. The Māori Land Court judges had offices physically located in the Māori Land Court registries. There were generally seven Māori Land Court judges at any one time in the 1960s and 1970s which equated to the number of Māori Land Court Districts. This number fluctuated depending upon retirements or the death of judges while in office. A judge's primary area of responsibility was for the Māori Land Court District for which they were appointed. However, they could sit in

[18] Source: 'The Māori Land Courts. Report of the Royal Commission of Inquiry (1980)', *Appendices to the Journal of the House of Representatives*, (1980), H.3, p.134.

other districts when required such as instances where judges were on leave, were ill or in the worst case scenario had died. [19]

Table B.1: Chief Judges of the Māori Land Court 1960-1980[20]

Name of Chief Judge	Years as Chief Judge
David Gordon Bruce Morison	1945-1961
Ivor Prichard	1961-1964
Geoffrey John Jeune	1964-1969
Andrew Graham Todd	1969-1974
Kenneth Gillanders Scott	1974-1980
Edward Taihakurei Junior Durie	1980- 1999

The Māori Land Court Registries were themselves physically located alongside the regional offices of the Department of Māori Affairs. The Department also provided the Court with administrative and support services.[21] The courtroom was often located in the same building or sometimes another venue would be used for the court sittings. At times, the other venues were not always appropriate. The following sentiments were expressed in a letter written to Chief Judge Jeune by a Whāngārei solicitor in 1966 which outlined the concerns about the use of Porowini Hall in Whangarei.

Many Maori witnesses usually talk in low pitched voices and even with normal traffic passing, it is hard to hear what the witnesses are saying...Judge Scott had to stop proceedings until the noise had abated.[22]

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[19] From the period 1960-1980, two judges died while in office. These were Judge Porter of the Tokerau District in 1961 and Chief Judge Todd in 1974.

[20] This information was obtained from cross referencing New Zealand Gazette Notices and Māori Land Court Minute Book references. See also W. Paerau Warbrick, *A list of the judges of the Native Land Court & Māori Land Court 1864-2003 = He pepa o ngā ingoa o nga tiati o nga kōti whenua Māori 1864-2003*, Dunedin 2003.

[21] The Department of Māori Affairs came into existence with the Māori Affairs Act 1953. It dominated Māori life in the 1950s through to the late 1980s when it was restructured under the Māori Affairs Restructuring Act 1989. It was a department with major roles for Māori, including the Office of the Māori Trustee which administered Māori lands and a number of estates, Māori development and Māori Housing. The Department of Māori Affairs since 1953 replaced the Native Affairs Department which also dominated Māori life prior to 1953. See G.V. Butterworth, *Māori Affairs*, Iwi Transition Agency, Government Print Books, Wellington, 1990.

[22] 'Letter of Mr. Brown to Chief Judge Jeune 31 January 1966' Correspondence with Registrars and Deputy Registrars to 31-12-1966. MA Series 1 Acc W2459 19/6/23 Box 224 Correspondence Part I, Archives New Zealand, Wellington.

The court sittings though were not confined to the provincial centre of the Māori Land Court offices. The Māori Land Court for parts of the year held hearings 'on circuit'. This meant at various times of the year, a judge along with court clerks would visit certain towns within the Māori Land Court district and conduct court hearings at those places. If the courtroom for the Magistrates Court was in use at any of the towns, the hearings would take place at either a town hall or civic venues such as County Council or Borough Council offices.

Photograph B.1: Building used by the Māori Land Court in the Aotea District in the 1960s and 1970s at the corner of Market Street and Rutland Street, Wanganui. (Source Alison Dangerfield, New Zealand Historic Places Trust 2008).[23]



[23] Evald Subsavic, Registration Report for a Historic Place. Native Land Court and Aotea Maori Land Board Building (Former), *A Report for the New Zealand Historic Places Trust.* 10 June 2008.
(http://www.historic.org.nz/Register/pdfs/Native%20Land%20Court.pdf (Accessed 28 January 2009)).

Table B.2. Māori Land Court Registry Locations with Resident Judges 1960-1980 [24]

Māori Land Court Districts	Location of Registry	Resident Judges
Tokerau	Whangarei	William Field Porter (1958-1961) Kenneth Gillanders Scott (1961-1965) William Collinson Nicholson (1965-1980)
Auckland 1962-1969	Auckland	District serviced by Tokerau and Waikato-Maniapoto Māori Land Court District Judges
Waikato-Maniapoto	Hamilton	Maurice Alister Brook (1956-1971) Kevin Bernard Cull (1971-1989)
Waiariki	Rotorua	Ivor Prichard (1945-1961) Norman William Smith (1961- 1964) Kenneth Gillanders Scott (1965-1974) Edward Taihakurei Junior Durie (1974-1980)
Tairawhiti	Gisborne	Norman William Smith (1952- 1961) Bartholemew Sheehan (1961-1966) Edward James Haughey (1966-1970) Ross Maitland Russell (1975-1994)
Aotea	Wanganui	Gerard Michael O'Malley (1953- 1961) David Grant Davis (1961-1970) Leonard George Herston Sinclair (1971) Melville Charles Smith (1971-1984)
Ikaroa	Palmerston North	Geoffrey John Jeune (1954-1964) Melville Charles Smith (1964-1984)
South Island	Christchurch	District serviced by Ikaroa Māori Land Court District Judges

Decisions of the Māori Land Court were sometimes subjected to further litigation from time to time. There were generally four avenues of appeal against a decision of the Māori Land Court. These were a rehearing of the case,[25] an appeal to the Chief Judge,[26] an appeal to the Māori

[24] The source for the names of the Māori Land Court judges include the *New Zealand Gazette* for dates of appointment. One had also to view individual Māori Land Court minute books to get the general dates for the judges' times of residency in the various districts. See also W. Paerau Warbrick, *A list of the judges of the Native Land Court & Māori Land Court 1864-2003 = He pepa o ngā ingoa o nga tiati o nga kōti whenua Māori 1864-2003*, Dunedin 2003.

[25] Rule 33, Māori Land Court Rules 1958.

[26] Section 452, Māori Affairs Act 1953.

Appellate Court,[27] or judicial review of the decision in the Supreme Court. A rehearing of a case involved going through a further hearing before either the same judge or another judge. This procedure was designed primarily for minor matters that could be quickly resolved. An appeal to the Chief Judge was a special procedure. It was primarily designed for correcting overt factual or legal mistakes in court orders after many years had passed.

An appeal to the Māori Appellate Court was normally designed for weighty and substantive factual mistakes by the Māori Land Court. The Māori Appellate Court did not have a permanent location with permanent administrative staff or permanent judges. It was an *ad hoc* Court that convened when needed. Two or more Māori Land Court judges (usually three from other Māori Land Court Districts) could convene as a Māori Appellate Court. It normally sat in the Māori Land Court district from where the case originated. It also utilised that Māori Land Court District's staff for the conduct of the hearing.

Judicial review of Māori Land Court cases could also be brought before the Supreme Court in limited cases.[28] Such a procedure was normally available to litigants for substantive procedural mistakes of the Māori Land Court or Māori Appellate Court. [29]

[27] Section 37, Māori Affairs Act 1953.
[28] The Supreme Court of New Zealand in the 1960s and 1970s was the equivalent to the High Court of New Zealand in 2009. The name was changed in 1980.
[29] See *Alexander v Māori Appellate Court* [1979] 2 NZLR 44 and *Murray v Scott and Another; Waho v Smith and Another* [1976] 1 NZLR 643. In the case of *Murray v Scott and Another* the procedure used was not judicial review as *per se*. Rather, the procedure was one that sought a prohibition of the Chief Judge exercising their powers. However, the Supreme Court was required to treat the application as if it was an application for judicial review.

Photograph B.2: A session of the Māori Appellate Court in Wanganui circa 1959 (Source: Wanganui Herald). (The seated judges from left to right are Geoffrey Jeune, Norman Smith, Ivor Prichard, Gerard O'Malley and Alister Brook). [30]

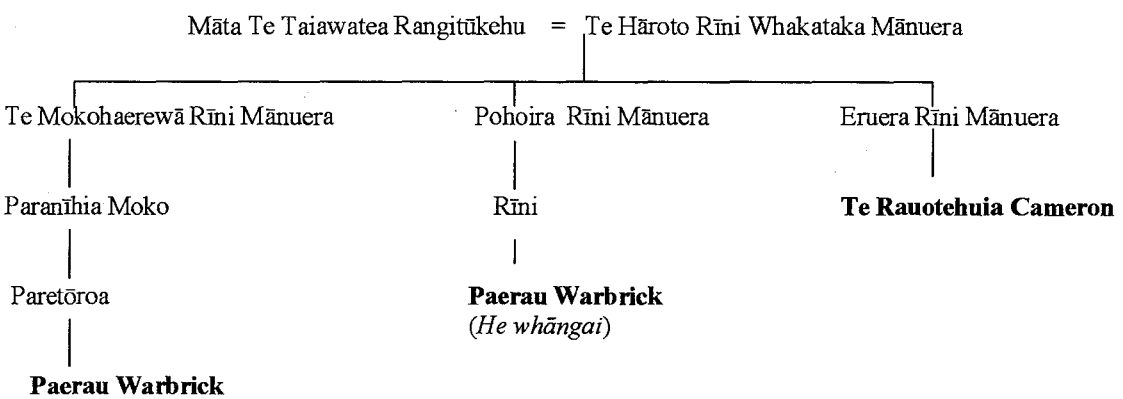


[30] G.V. Butterworth, *Māori Affairs*, Iwi Transition Agency, Government Print Books, Wellington, 1990, p.102. Neither the names of the judges nor the date of the photograph are recorded in the caption in G.V. Butterworth's book (G.V. Butterworth, *Māori Affairs*, Iwi Transition Agency, Government Print Books, Wellington, 1990, p.102). There is no date attached to the image either. It took a lot of effort to identify the various judges. In my travels to the various Land Court Registries in 2002 and 2003, some court staff and lawyers could identify only one at a time. There were conflicting accounts of the identity of the second judge as to whether this was Judge Norman Smith or Judge Bartholemew Sheehan. Two factors lead me to choose Norman Smith. Firstly, in Māori Appellate Court sittings, there are protocols for seating judges according to seniority. The most senior judge is always seated to the right of the presiding judge. In this case, Judge Prichard is the presiding judge. Judge Norman Smith was more senior to Judges O'Malley, Jeune and Brook. Secondly, Judge Bartholemew Sheehan was not a judge at the same time as Judge O'Malley. The only fair conclusion is that this judge is Norman Smith. The date of the picture is also between 1956 (after Judge Brook's appointment to the Māori Land Court bench) and before 1961 (when Judge O'Malley's term ended).

Of the thousands of cases that went before the Māori Land Court, instances of further litigation in the Māori Appellate Court and Supreme Court were rare. This was because most cases in the Māori Land Court were not contentious. However, there was also the fact that Māori litigants, as a lower socio-economic group, did not have the resources to appeal cases to these higher judicial bodies anyway. They barely had the resources for controversial cases in the Māori Land Court as can be demonstrated by Te Rauotehuia Cameron's comments about her father's unsuccessful application in the Māori Land Court to have Pūtauaki (Mount Edgecumbe) made a Māori Reservation in 1979.

> He should have had lawyers and experts to advise him, but the people had no money for such advice.[31]

Whakapapa B.1



The following narrative about the Māori Land Court uses many examples from Te Rauotehuia Cameron's *whānau* (which is my own *whānau*), to demonstrate and highlight aspects of the Māori Land Court pertinent to Māori. It could be described as a microhistory but as one will see it is much more than a microhistory in substance and in form. The first chapter therefore explains

[31] Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003, p.326. Te Rauotehuia's father did eventually employ a lawyer in the case, namely, Mrs. Honor Gray, however she was employed days before the second substantive hearing because of the veracity of the opposition lawyer in the first substantive hearing. See Chapter Ten.

and justifies the form and method that is being used for the thesis. There is purposely a change in the writing style and content from a third person narrative to a first person narrative. Autobiography and autoethnography are also employed as a method of telling a particular story about the Court. Māori and other indigenous people traditionally employed the first person narrative in telling stories. They also placed themselves into those stories, so as not to divorce them from the rich narratives. This is the reason that there is also an autobiographical account of myself since many of the examples used in this thesis come from my own *whānau*, *hapū* and *iwi* to explain the Māori Land Court in the 1960s and 1970s. This story of the Court therefore is told using the first person narrative.

In the next four chapters, there is an examination of the Māori Land Court in its historical sense. This is in terms of the Court being influenced by wider New Zealand political and social factors, and its inter-relationship with my *whānau*. It is of absolute importance that there is a significant examination of the historical context of the Court and the socio-political pressures that shaped the Court. This is because in a Māori philosophical context, the past is very much part of the present. This is not only in the way the past has shaped the present, but also in the sense that the past gives meaning to present.[32] Chapter Two emphasises the role of *tīpuna* (ancestors) and *whanaunga* (relatives) in a story of the Court. Specifically I set out the lives of my *tīpuna* and *whanaunga*, such as, Te Rangikawehea, Hātua, Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere which give some historical context for the Native Land Court; the predecessor of the Māori Land Court. Through these *tīpuna* and *whanaunga* one can therefore understand the context of the society at the time of the creation of the Native Land in the 1860s.

Chapter Three continues to examine the first Native Land Court through the 'lens' of *tīpuna* and *whanaunga*. In the 1860s Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere had encountered the Native Land Court as a major institution designed to individualise title in Māori customary land, thereby making it easier for Pākehā to acquire the *whenua* (land). This chapter initially considers the first operations of the Native Land Court in the 1860s in Northland. Then

[32] See: Tānia Ka'ai; John C. Moorfield, Michael Reilly & Sharon Mosely (eds.), *Ki te Whaiao*, Pearson, Auckland, 2005, [2004] p.21; Joan Metge, *The Māoris of New Zealand: Rautahi*, Routledge and Kegan Paul, London, 1976, [1967], pp.68-70.

it peruses the three Native Land Court hearings in the Bay of Plenty to assist in gaining a greater appreciation and understanding of the Court's processes in its early period.

In Chapter Four there is a focus on the wider subtle and elusive social influences on the Court. This is in terms of the integration of Pākehā values and concepts into *Te Ao Māori* (The Māori world) in the nineteenth and twentieth century. As in the first chapters, I explore this process through the 'lens' of my own *whānau*. *Whānau* adopted many of the practices and items of Pākehā culture right from the time of first contact with Europeans. *Whānau* then adapted and moulded their own Māori practices to the new Pākehā culture. The Pākehā values and concepts like religion, education, marriage and work therefore became important elements of Māori life. The integration of Pākehā values and concepts into *Te Ao Māori* was a foregone conclusion by the end of the Second World War. The Māori Land Court, like other social institutions, could not be insulated from such effects.

Chapter Five continues to explore the more overt influences on the Court. These were major government policies in the post war years that were aimed at national economic security and prosperity, the continued development of Māori land in agriculture and forestry and racial integration. At the beginning of the 1950s, a new National government consolidated Māori affairs and land legislation which had direct effects on the Māori Land Court. The Māori Land Court system through the first two thirds of the twentieth century had adopted procedures for Māori development that were evolutionary. However, the Māori Affairs Amendment Act 1967 imposed processes that were revolutionary. Compulsory acquisition of land and completely different rules for inheritance went against many of the Māori values at the time. The Māori Affairs Amendment Act 1974 abolished much of the compulsory aspects of the 1953 and 1967 legislation. However, it preserved all the other aspects of the legislation which meant the continuation of the Māori Land Court. The 1980 Royal Commission supported the Court's continuation, but insisted that its services be improved.

In the next chapters I move directly into the Court environs itself to examine it in terms of it being a social location. In Chapter Six the Department of Māori Affairs, the court clerks and the role of lawyers in the court are explored. They had a huge effect on Māori and *whānau* who used the Court. This chapter has some ethnographic elements that describe how the business of the

Court was conducted. The most common theme within this chapter is the importance of relationships within the context of the Court. The clerks of the Māori Land Court were extremely important. They were practically the core workers in the Court. The lawyers who did practice in the Court found themselves being integrated into the social world of *whānau*. Those Pākehā were to gain far greater insight into *Te Ao Māori* than their other lawyer contemporaries could ever get. The Department of Māori Affairs and its staff played a huge role in the Court. Not only did it give the Court its administrative support, but it also supplied the Court with its staff. The relationship between the Department and the Court was symbiotic. There is also a particular work place culture that exists between the Court and the Department.

In Chapter Seven, I examine the specific work that was done in the Court. There is therefore a large amount of ethnographic material in this chapter. This is needed to enable a deeper understanding of how the Court went about its day to day business. I continue to examine the clerks' interaction with *whānau* though a case-study approach. I do this through the examination of a specific succession case in the late 1960s for my *whānau*. In this chapter, I also make some comment about another important group of persons that were important to the Court. These are its judges. As a group, the judges possessed all of the traditions, symbolism and powers attached to such an office. All of them approached their judicial duties seriously. But as individuals, these judges were still people with their idiosyncratic ways. This chapter therefore adds a further layer of depth to a story on the Court.

In Chapter Eight I specifically look at the Court's work regarding the land itself. The purpose of this chapter is to examine the transformation of the title to *whenua*. The Court was an integral part of this process. There is an examination of the original Māori concepts of customary land in the nineteenth century to give it some historical context. In the 1960s, Māori continue to have relationships with the land but in different ways. The Māori Land Court was a necessary institution for dealing with the *whenua* in the modern context. Consolidation of land interests, partitions and amalgamations were common notions associated with land. Māori reservations, the appointment of agents, the creation of incorporations and trusts were also modern mechanisms used by the Court to manage Māori freehold land. But despite all of this, the *whenua* still was as important a place for *whānau*, *hapū* and *iwi*. Living on the land, hunting on the land, farming the land were important for Māori. As in other chapters, I further examine

specific *whenua* in my own *whānau* in the 1960s and 1970s not only to show the types of cases that went through the Court, but also to show what was happening on the *whenua* itself.

Chapters Nine and Ten are by way of case studies in regard to the role of the Māori Land Court in large scale land developments. Chapter Nine deals with the Tasman Forest Proposal in the Eastern Bay of Plenty in the 1960s. It was a joint-venture initiative that was driven by Tasman Pulp and Paper Company and the Crown where they envisaged my *whānau, hapū* and *iwi* Māori freehold land blocks as part of the venture. The Crown insured the passage of special legislation in the form of the Tarawera Forest Act 1967, to safeguard the project against any operational or legal problems. In this chapter, there will be an examination of the Tasman Forestry Proposal and the Māori Land Court's role in 1966 in the forceful acquisition of our *whenua*. The Māori Land Court was but a part of the whole process of how our *whenua* was lost to Tasman.

Chapter Ten follows on from the Tasman Forest Proposal and is specifically related to the loss of Pūtauaki (Mount Edgecumbe) in the venture. It was not until the early 1970s that people realised that Pūtauaki no longer legally belonged to us. The two Māori freehold land blocks, which contained Pūtauaki, were included in the Tasman Forest Proposal. In this chapter, there is an examination of my *whānau* efforts to get back ownership of Pūtauaki in the Māori Land Court in the late 1970s and early 1980s. Unlike the 1966 Māori Land Court hearings, the Māori Land Court in the late 1970s was open to the possibility of Pūtauaki being made into a Māori Reservation. The Māori Land Court's procedures and practices during the hearing were also different from those of the 1960s hearings. The Māori language was allowed to be spoken in the hearing. There were *karakia* (prayers), *haka* (fierce dance with chants) and *waiata* (songs) utilised. These types of narratives used by the parties allowed there to be compromises and an amicable agreement reached. However, despite the best intentions of the parties, and the Court, the attempts to create Pūtauaki a Māori Reservation ultimately failed due to third party influence.

The last three chapters particularly stress that *whānau* and *whakapapa* are important points in a story on the Court. In Chapter Eleven there is an emphasis on the Māori Land Court having to deal with *whānau* dynamics. The Court's procedures and decisions were always flexible to the realities of *whānau* throughout its history. In this chapter there is an evaluation of succession cases in the Court. It is revealed that the actual persons who processed the succession

applications in the Court in the 1960s and 1970s were mainly women and elderly men. Other men enjoyed full employment in New Zealand right into the 1980s, so women and elderly men were usually the only ones capable of attending the Court. These *whānau* members were often the ones who took an interest in the inheritance anyway. They physically lived on or near the land blocks or had an association with the land blocks that were the subject of inheritance cases in the Court. They were also influential in the decisions by which persons ultimately inherited land interests. As will be seen, all of these factors involving *whānau* were demonstrated, accommodated and encouraged in the Māori Land Court.

In Chapter Twelve there is an emphasis on the importance of *whakapapa* for the Court. *Whakapapa* was initially used by witnesses in the Native Land Court in the nineteenth and early twentieth century in its oral form to establish title to the *whenua*. The clerks of the Court would record *whakapapa* in diagrams in the minute books. Such diagrams often linked the various witnesses to *tīpuna* that originally held rights to the land. By the 1960s and 1970s the Court was faced with a system of inheritance that entailed a detailed and elaborate system of recording heirs. The Court struggled to cobble together the names of the various heirs, let alone the eventual heirs to the land interests in question. No longer would elaborate diagrams in Minute Books suffice for such a large number of heirs. Instead, the Court had developed a highly sophisticated formulaic representation of *whakapapa* to heirs, and there is an examination of how this system worked in practice.

For the last chapter of the thesis, I examine one particular issue of significance for the Māori Land Court. It concerns incidences within *whānau* where *tamariki* (children) were raised by those other than their natural parents and how the Māori Land Court treated them in terms of succession in the 1960s and 1970s. The Māori Land Court and its predecessor the Native Land Court were always faced with problematic issues over the treatment of these children for adoption and inheritance purposes. In this chapter, it will be shown that in every case, the relationship of adopted children with others in the *whānau* was always an important consideration for the Māori Land Court in allowing inheritance or not. However, there was a differentiation for the Court between *tamaiti whāngai* (a child adopted in accordance with customary Māori practices) and children adopted in line with statutory regimes (statutory adoption). At times *tamaiti whāngai* were included or excluded in successions because of their

close *whakapapa* ties to the deceased. In other instances they were excluded because of a lack of close *whakapapa* ties to the deceased. However, adopted children in line with statutory regimes in the Māori Land Court had an entirely different implication for the Court. The New Zealand Parliament gave these children the ability to inherit land as of right and therefore the Court had to recognise these children as valid heirs.

CHAPTER ONE

TE ĀHUATANGA[1]

This chapter is concerned with the form and method that is being utilised for the present narrative. There has already been an allusion to the fact that the Māori Studies discipline has more flexible forms and methods for its discourse as opposed to other disciplines in the humanities and social sciences. Accordingly, the reader will immediately notice a change in the writing style and content that has been produced thus far. Two of the major changes concern the use of the first person narrative and the position of me within the narrative. There is a reflection on the reasons for this approach which necessitates an examination of the genre of autobiography and autoethnography. In doing so, there is some reflection on ethical issues concerning autoethnography and its use in the context of Māori Studies. In particular, there is a small discussion on physical and spiritual matters. Lastly, because an autobiographical and autoethnographical approach is employed for this thesis, there is an autobiographical account of myself. This is to assist the reader in understanding my background since many of the examples used in this thesis come from my own *whānau* (family), *hapū* (clan, subtribe) and *iwi* (tribe) in order to explain the Māori Land Court in the 1960s and 1970s.

In the first part of the Introduction, I gave an account of the Māori Land Court in a very 'matter of fact' manner. If I continue this narrative along similar lines this thesis will end up as a conservative piece of writing that is more in line with orthodox forms in the legal history sub-discipline. The narratives over the years about the Māori Land Court and its predecessor the Native Land Court have been written in that style.[2]

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[1] *Te Āhuatanga* = Form, method, appearance.

[2] E.J. Haughey, 'The Māori Land Court', *New Zealand Law Journal*, (1976), pp.202-210; Bryan D. Gilling, 'Engine of Destruction', *Victoria University of Wellington Law Review*, (1994), Vol.24, No. 2, pp.115-139; Jeremy McGuire, 'The Status and Functions of the Māori Land Court', *Otago Law Review*, Vol.8, No.1, pp.125-143; N. Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960; David V. Williams, *'Te Kooti Tango Whenua': The Native Land Court 1864-1909*, Huia Publishers, Wellington, 1999; Richard Boast, Andrew Erueti, Doug McPhail, Norman F. Smith, *Māori Land Law*, Butterworths, Wellington, 1999.

Because this present narrative first and foremost comes out of the discipline of Māori Studies, I propose to use a number of Māori terms instead of English equivalents. This is in line with the very point made by Moana Jackson in 1992 when opining about understanding Māori words and concepts and the importance of maintaining the Māori words instead of equivalent concepts.[3] Accordingly, the term 'narrative' is no longer going to be used in this thesis. Instead, I will use the term *kōrero* when discussing the Māori Land Court. This is because the term *kōrero* portrays its own communicative and symbolic meanings for *Te Ao Māori* (the Māori World).

The Williams' *Dictionary of the Maori Language* lists six definitions for the word *kōrero* namely '1. tell, say; 2. address; 3. speak, talk; 4.conversation; 5.news; 6.story, narrative, discussion.'[4] I use all of these definitions of *kōrero* when I refer to *kōrero* in this introduction. When I refer to *kōrero* I make no differentiation between written, oral or other mediums of imparting knowledge. Important oral forms of *kōrero* for *Te Ao Māori* are numerous and are such things as *waiata*, *poi*, *karanga*, *karakia*, *haka*, and *kanikani*.[5] I have already given an example of a *waiata* in the acknowledgements of this thesis. There are the written forms of *kōrero* such as reports,[6] books,[7] articles,[8] or fiction,[9] and the non-written forms that include carvings,[10] paintings,[11] *moko*,[12] sculpture,[13] and photographs.[14]

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[3] Moana Jackson, 'The Treaty and the Word', *Justice, Ethics and New Zealand Society*, G.Oddie and R.W. Perrett (eds), Oxford University Press, Auckland, 1992, pp.1-10.

[4] H.W.Williams, *Dictionary of the Māori Language*, Government Print., Wellington, 1992, [1988], pp.141-142.

[5] These definitions are sourced from H.W.Williams, *Dictionary of the Māori Language*, G.P.Publishers, Wellington, 1992. *Waiata*=songs , *poi*=A performance where a light ball with a short string attached which is swang and twirled rhythmically to the accompaniment of a song, *karanga*=calling, summoning, *karakia*=spell, charm, incantation, *haka*=a fierce type of dance usually performed by males, and *kanikani*=a dance. They are types of oral forms such as incantations, songs, and dance performances. See other examples given in Mervyn McLean and Margaret Orbell, *Traditional Songs of the Māori*, Auckland University Press, Auckland, 1975.

[6] Examples are, A.Mackay (ed.), *A compendium of official documents relating to Native affairs in the South Island*, 2 Vols., Government Printer, Nelson, 1872; Waitangi Tribunal, *Ngāti Awa Raupatu Report 1999*, Wai 46, Legislation Direct, Wellington, 1999; Waitangi Tribunal, *Muriwhenua Land Report*, Wai 45, G.P. Publications, Wellington, 1997.

[7] Examples are, John Te H. Grace, *Tuwharetoa: A history of the Māori People of the Taupo District*, Reed Books, Auckland, 2002, [1959]; A.C.Lyall, *Whakatohea of Opotiki*, Reed Books, Auckland, 2005, [1979]; J.M.McEwan, *Rangitane: A Tribal History*, Heinemann Reed, Auckland, 1986.

[8] Examples are the range of articles on Māori subject matter appearing in academic journals such as *Journal of the Polynesian Society*, *New Zealand Journal of History*, or other articles of general interest in the monthly national current affairs magazine *Mana* or Māori newspapers such as the Whakatāne based *Pu Kaea*.

[9] Examples are in *Huia Short Stories*, Huia Publishers, Wellington, 1995.

[10] See examples given in Roger Neich, *Carved Histories. Rotorua Ngāti Tarawhai Woodcarving*, Auckland University Press, Auckland, 2001, especially pp.101-178.

[11] See examples given in Roger Neich, *Painted Histories, Early figurative painting*, Auckland University Press, Auckland 1994.

[12] See examples given in D.R. Simmons, *Tā Moko*, Reed Books, 2002

While near equivalents of the term *kōrero* in other academic disciplines are terms such as *narrative* or *discourse*, I prefer not to use these here. These concepts have taken on a whole range of communicative, symbolic and substantive meanings particular to those disciplines.[15] The French historian, Michel Foucault, recognised that the use of terms from other academic disciplines was extremely problematic and did not necessarily translate between disciplines. Foucault either restricted his use of terms like *genealogy* and *discourse*, or he invented new terminology for his concepts such as *episteme*.[16]

This *kōrero* about the Māori Land Court is therefore different from others in that it utilises Māori concepts such as *whenua* (land), *whānau* (family) and *whakapapa* (genealogy) as its core analytic tools. Legislation and case law are at the fore of many other authors' works such as *Māori Land Law* by Norman Smith in 1960 and the updated version by Richard Boast, Andrew Erueti, Doug McPhail and Norman F. Smith, in 1999.[17] In these works, legislation and the common law is given prominence through constant analysis and mention in the main text and prose of those works. The main reason for this relates to the authors' influence by New Zealand university law school approaches. The authors are either judges such as Norman Smith and E.J. Haughey or law school academics such as Richard Boast *et al* and David V. Williams.[18]

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[13] Examples of these are in Sandy Adsett & Cliff Whiting (ed.), *Mataora: The Living face*, David Bateman., Auckland, 2001.

[14] See for example the photographs in Michael King, *Māori: A Photographic and Social History*, Reed Books, Auckland, 1996.

[15] The best starting points to understanding these terms are various dictionaries pertaining to the various disciplines, for example, Thomas Barfield (ed.), *Dictionary of Anthropology*, Blackmall Publishers, Oxford, 1997 and Gordon Marshall (ed.), *Oxford Dictionary of Sociology*, Oxford University Press, 1998.

[16] This concept refers to foundations of knowledge. See Michel Foucault, *The Order of things: An archaeology of the Human Sciences*, Pantheon Books, New York, 1973; Michel Foucault, *Archaeology of Knowledge*, Pantheon Books, New York, 1982.

[17] N. Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960; Richard Boast et.al, *Māori Land Law*, Butterworths, Wellington, 1999.

[18] N. Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960; E.J. Haughey, 'The Māori Land Court', *New Zealand Law Journal*, (1976), pp.202-210; Richard Boast et al. , *Māori Land Law*, Butterworths, Wellington, 1999. See also David V. Williams, *'Te Kooti Tango Whenua': The Native Land Court 1864-1909*, Huia Publishers, Wellington, 1999. See also Bryan D. Gilling, 'Engine of Destruction', *Victoria University of Wellington Law Review*, (1994), Vol.24, No. 2, pp.115-139; Jeremy McGuire, 'The Status and Functions of the Māori Land Court', *Otago Law Review*, Vol.8, No.1, pp.125-143. Both are influenced by law school approaches which focus on legislation and case law as central to the prose.

Ann Parsonson's article in 2001 is different again. It utilises an historical approach.[19] Her main focus is on the stories that were told in the Native Land Court in the 1880s; specifically in the Pirongia East and West hearings of the Native Land Court. While Parsonson notes Māori concepts such as *hapū* (clan, subtribe), *iwi* (tribe) and *kaiwhakahaere*[20] her particular style of prose is still an orthodox historian's approach. She writes in the third person and her notes are predominantly from primary and documentary sources.[21]

The major point of difference between this thesis and a strictly historical or legal approach is my own location within this *kōrero*. I frequently express myself in the first person. I have already employed *whakapapa* charts to illustrate my relationships with persons that I have referred to in this *kōrero*. Lynette Joy Carter in her PhD thesis in Māori Studies positioned herself as both participant and observer. She often wrote subjectively and in the first person. She admitted that she found it difficult to know what tense to use when writing about particulars matters.[22]

The positioning of 'self' in the *kōrero* is a characteristic that appears often in Māori Studies academic writing as well as works by Māori academics generally. Godfrey H. Pohatu, a former lecturer of mine while I was an undergraduate in the early 1990s, wrote a PhD in education that acknowledged that his *kōrero* was as much about himself as it was about his research topic. He drew his inspiration for such an approach from my *whanaunga* (relative), Linda Tuhiwai Smith, who had written her thesis from the perspective of the first person. Linda Smith re-centred herself from the margins of 'Otherness' and reclaimed her written space.[23]

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[19] Ann Parsonson, 'Stories for Land: Oral narratives in the Māori Land Court', *Telling Stories: Indigenous history and memory in Australia and New Zealand*, Bain Attwood and Fiona Magowan (eds.), Bridget Williams Books, Wellington, 2001, pp. 21-40.

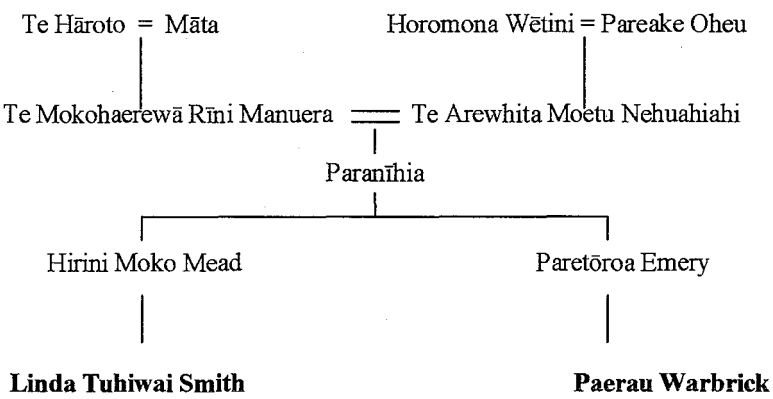
[20] This is a term for a person akin to a lawyer who conducts the case for the Māori participants in the Court.

[21] In fairness she does refer to the odd discussion she had with informants though these are minimal. The informants were Tom Moke and Helen Crown of Pirongia. See Ann Parsonson, 'Stories for Land: Oral narratives in the Māori Land Court', *Telling Stories: Indigenous history and memory in Australia and New Zealand*, Bain Attwood and Fiona Magowan (eds.), Bridget Williams Books, Wellington, 2001, p.219, n.16.

[22] Lynette Joy Carter, 'Whakapapa and the state : some case studies in the impact of central government on traditionally organised Māori groups', Unpublished PhD thesis in Māori Studies, University of Auckland, Auckland, New Zealand, 2003.

[23] Godfrey H. Pohatu, "The University, Maori Studies and Treaty Praxis", Unpublished PhD thesis in Education, University of Otago, Dunedin, New Zealand, 1998, p.36. See also Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999. The term 'Otherness' relates to the concept in academia (especially in the humanities and social science) of 'Other' which refers to something or someone different. It is used in a political sense to identify other people who are insignificant to a certain group or person. The Palestinian American academic Edward Said in his book *Orientalism* (1978) is one who is recently associated with this concept. Said argues that the Eastern cultures were viewed as 'Other' people by Westerners thereby leading to their marginalisation in Western thought. See Edward

Whakapapa 1.1



In Linda Tuhiwai Smith's *Decolonizing Methodologies* (1999), apart from criticising western approaches to research and methods, she also employed the first person in her writing.[24]

I have a childhood familiarity with museums, having helped my father- a Maori anthropologist-pursue his own research in the back rooms of the Auckland War Memorial Museum...playing hide and seek in the cupboards and corridors.[25]

This approach of expressing oneself sits very well within the Māori studies discipline because it employs techniques common to *Te Ao Māori*. Māori society was primarily an oral culture where communication was expressed in the first person. This characteristic has thus been transposed into the written form. Other indigenous oral cultures also have examples of this. Te'o Tuvale in Samoa wrote the first Samoan-authored written history of the Islands in 1918. His first chapters are in the form of genealogies.[26]

Said, *Orientalism*, Pantheon Books, New York, [1978]. See also Keyan G. Tomaselli, Lauren Dyall & Michael Francis, '"Self" and "Other": Auto-Reflexive and Indigenous Ethnography', *Handbook of Critical and Indigenous Methodologies*, Norman K. Denzin, Yvonne S Lincoln & Linda Tuhiwai Smith (eds.), Sage, Los Angeles, 2008, pp.347-372.

[24] See also Smith's conclusion. Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999, pp.196-199.

[25] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, pp.10-11.

[26] Jocelyn Linnekin, 'Mornings of the Country': Centering the Nation in Samoan Historical Discourse', *Narratives of the Nation in the South Pacific*, Ton Otto & Nicholas Thomas (eds), Harwood Academic Publishers, Amsterdam, 1997, pp.198-199. A copy of Te'o Tuvale, *History of Modern Samoa: An account of Samoan History up to 1918* [1918] can be found in the New Zealand Electronic Text Index at http://www.nzetc.org/tm/scholarly/tei-TuvAcco-t1-front1-d3.html (Accessed on 4 February 2009).

I, Teo Tuvale, have tried to gather these stories over many years for my own use and interest. Colonel Robert Logan intimated to me that he wished me to put on record the story of happenings in Samoa from ancient times to the present day...I attempt to obey his wish with this object in view.[27]

This first person style of writing in the Pacific is further illustrated in modern works such as that by Debbie Hippolite Wright, Rosalind Meno Ram and Kathleen Fromm Ward, *Narratives and Images of Pacific Island Women* (2005) and Peggy Fairbairn-Dunlop and Gabrielle Makisi's *Making our Place: Growing up PI in New Zealand* (2003).[28] However, the best and most obvious examples of authors expressing themselves in the first person are to be found in the literary genre of autobiography.[29]

The use of autobiography to give *kōrero* about past events is a particularly old form even in the western world. The American historian, Jeremy D. Popkin, noted that originally history and autobiography were not sharply distinguished. The classical 'fathers of history', namely, Herodotus and Thucydides included a lot of their own experiences within their works and it was only in the early nineteenth century that historians wished to distinguish history from autobiography.[30]

The abundance of autobiographies by indigenous persons simply shows the popularity of this type of literary genre amongst indigenous people. In North America, there are particularly early

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[27] Jocelyn Linnekin, 'Mornings of the Country': Centering the Nation in Samoan Historical Discourse', *Narratives of the Nation in the South Pacific*, Ton Otto & Nicholas Thomas (eds), Harwood Academic Publishers, Amsterdam, 1997, pp.198-199.

[28] Debbie Hippolite Wright, Rosalind Meno Ram and Kathleen Fromm Ward, *Narratives and Images of Pacific Island Women*, The Edwin Mellen Press, New York, 2005; Peggy Fairbairn-Dunlop and Gabrielle Makisi, *Making our Place: Growing up PI in New Zealand* , Dunmore Press, Palmerston North, 2003.

[29] I make no differentiation for the purposes of this introduction between memoirs, diaries, and personal journals. I collectively refer to these as autobiographies. However, see some types of classifications of these in Heewon Chang, *Autoethography as Method*, Left Coast Press, Walnut Creek, California, 2008, pp.35-37. In 2007, I delivered a research paper on the use of autobiography where I noted that its value is in the layers of information that are contained in its primary, ancillary and tertiary facts. Primary facts are the basic facts such as family, friends, locations, employment and the list can continue. Ancillary facts allude to other things like certain items or certain social practices. Tertiary facts are those that relate to the autobiographer's interpretation of events. See Paerau Warbrick, 'Of the people, for the people, by the people: He tangata, He tangata, He tangata - The value of autobiography in academia: Māori women and Post World War Two American Presidents'. In: Self Narratives : A Research Conversation Day, Gender Studies, University of Otago, Dunedin, 10 December 2007.A copy can be located at http://eprintstetumu.otago.ac.nz/53 (4 February 2009). These categories are extremely simplistic and serve to illustrate the types of information that are contained in autobiographies.

[30] Jeremy D. Popkin, *History, Historians & Autobiography*, University of Chicago Press, Chicago, 2005, pp.14-15. See also William C. Spenglemann, *The Forms of Autobiography: Episodes in the History of the Literary Genre*, Yale University Press, New Haven, 1980.

examples of autobiography by Native North Americans.[31] The pamphlet *A Short Narrative of My Life* (1762) by the *Mohegan* clergyman Samson Occom is the earliest written piece.[32] Other early examples include *A Son of the Forest* (1829) by the *Pequot* politician William Apes, [33] the *Sauk* chief Black Hawk's *Autobiography of Ma-ka-tai-me-she-kia-kiak, or Black Hawk* (1882),[34] and the *Paiute* elder Sarah Winnemucca's *Life Among the Piutes: Their Wrongs and Claims* (1883).[35]

In the Pacific there is *Ongka: a self-account by a New Guinea Big man* (1979), Frederick Osifelo's *Kanaka Boy* (1985), and the Tongan missionary Semisi Nau's *The Story of my Life* (1996).[36] In Australia, aboriginal women have been particularly active in publishing such as Ella

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[31] See Arnold Krupat, *For Those Who Come After: a Study of Native American Autobiography*, University of California Press, Berkeley, 1985
(available at http://publishing.cdlib.org/ucpressebooks/view?docId=ft987009fp;brand=ucpress (accessed on 3 May 2010). I am grateful to Dr. Andie Palmer of the University of Alberta for this reference.

[32] Samson Occom, 'A Short Narrative of My Life' (1762) , *The Elders Wrote: An Anthology of Early Prose by North American Indians 1768-1931*. Bernd Peyer (ed). Dietrich Reimer Verlag, Berlin, 1982, pp.12-18.

[33] William Apes, *A Son of the Forest: The Experience of William Apes, A Native of the Forest, Comprising a Notice of the Pequod Tribe of Indians, Written by Himself*, [William Apes, 1829].

[34] Black Hawk, *Autobiography of Ma-ka-tai-me-she-kia-kiak, or Black Hawk*, J. B. Patterson (ed.), Oquawka, Illinois, 1882. An electronic copy can be found at
http://www.ruthgrahamministries.com/book/1462073/Autobiography-of-Ma-ka-tai-me-she-kia-kiak--or-Black-Hawk/num_1.html (Accessed on 4 February 2009).

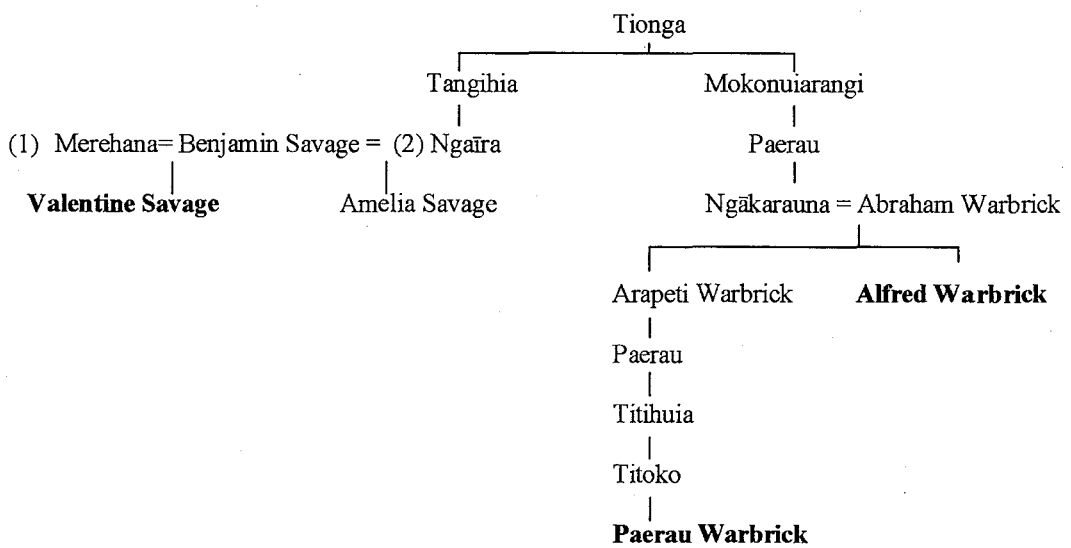
[35] Sarah Winnemucca Hopkins, *Life Among the Piutes: Their Wrongs and Claims*, Mrs. Horace Mann (ed.), [Boston, 1883], An electronic copy can be found at
http://digital.library.upenn.edu/women/winnemucca/piutes/piutes.html (Accessed on 4 February 2009).
See other examples in *Native North American Literature*, Janet Witalec (ed.), Gale Research, New York, 1994.

[36] Ongka & Andrew Strathern. *Ongka: a self-account by a New Guinea Big Man*, Duckworth, London, 1979; Frederick Osifelo, *Kanaka boy: an autobiography*. Institute of Pacific Studies, University of the South Pacific, Suva, Fiji, 1985; Semisi Nau, *The story of my life: the autobiography of a Tongan Methodist missionary who worked at Ontong Java in the Solomon Islands*, Allan K. Davidson (ed.). Institute of Pacific Studies, University of the South Pacific, Suva, Fiji 1996.
Further examples include Liliuokalani, *Hawaii's Story by Hawaii's Queen*, Lee and Shepard, Boston, 1898. An electronic copy can be found at digital.library.upenn.edu/women/liliuokalani/hawaii/hawaii.html (4 February 2009); David Lujan Sablan, *The book of my life*, D.L. Sablan, Tamuning, Guam, 1983; Elota & Roger M. Keesing, *Elota's story: the life and times of a Solomon Islands big man*, Holt, Rinehart, and Winston, New York, 1983; Gideon A.P Zoleveke & John Chick, *Zoleveke: a man from Choiseul; an autobiography*, Institute for Pacific Studies, University of the South Pacific, Suva, Fiji, 1980; Michael Thomas Somare, *Sana: an autobiography of Michael Somare*, Niugini Press, Port Moresby, 1975; Ratu Sir Kamisese Mara, *The Pacific Way: a memoir*, University of Hawaii Press, Honolulu 1997; Satya Colpani, *Beyond the black waters: a memoir of Sir Sathi Narain*, Institute for Pacific Studies, University of the South Pacific, Suva, Fiji, 1996; Tom Davis. *Island boy: an autobiography*, Institute for Pacific Studies, University of the South Pacific, Suva, Fiji, 1992. My thanks to K. Peacock of the University of Hawaii for many of these sources at http://www.hawaii.edu/cpis/psi/bibliography/biog.07.pdf (Accessed on 4 February 2009).

Simon (*Through my Eyes* 1978) and Sally Morgan (*My Place* 1987) and Aboriginal women who speak of gaining academic qualifications in *Aboriginal Women by Degrees* (2000).[37]

Early examples of autobiography amongst Māori include Tamihana Te Rauparaha's (c.1818-1876) personal account of his warrior father Te Rauparaha Werawera, the manuscripts of Wiremu Maihi Te Rangikaheke (c.1815-1896) containing such things as *whakapapa* and personal material, and Maraea Morete's (1844-1907) accounts of her early childhood and captivity. [38] In the twentieth century there were works such as Valentine Savage's account of his early life in the Bay of Plenty in the 1840s and 1850s, Matutaera Nihoniho's (1815-1914) account of fighting anti-government Māori in the late 1860s and 1870s, and the autobiographies of Reverend Rewiti Kohere and one of my *whanaunga,* namely, the Rotorua geyser guide, Alfred Warbrick.[39]

Whakapapa 1.2



[37] Ella Simon, *Through my eyes*, Rigby, Adelaide, 1978; Sally Morgan, *My Place*, Fremantle Arts Centre Press, Fremantle, 1987; *Aboriginal Women by Degrees: their stories of the journey towards academic achievement* , Mary Ann Bin-Sallik (ed), University of Queensland Press, St. Lucia, 2000.

[38] Tamihana Te Rauparaha, *Life and Times of Te Rauparaha*, Peter Butler (ed.), Alister Taylor, Martinborough, 1980; Jenifer Curnow, 'Wiremu Maihi Te Rangikaheke', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Wellington, 1990, [Auckland University Press Reprint 1998], pp.494-495; R.De.Z. Hall, 'Maraea Morete', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Wellington, 1990, [Auckland University Press Reprint 1998], pp.298-299.

[39] G.M. Henderson, *The antecedents and early life of Valentine Savage, known as Taina*, Wingfield Press, Wellington, 1948; Tuta Nihoniho, *Narrative of the fighting on the East Coast,* [John Mckay, Government Printer, Wellington, 1913]; Alfred Warbrick, *Adventures in Geyserland : life in New Zealand's thermal regions, including the story of the Tarawera eruption and the destruction of the famous terraces of Rotomahana,* AH & AW Reed, Dunedin, 1934; Rewiti T. Kohere, *Autobiography of a Māori*, AH & AW Reed, Dunedin, 1951.

In the 1970s and 1980s, there was continued interest in Māori autobiography by scholars such as Anne Salmond who worked with Eruera and Amiria Stirling; and Judith Binney who worked with Māori women in *Ngā Mōrehu*: *The Survivors* (1986).[40] Other autobiographical works by Māori continued into the 1990s and twenty-first century with *kōrero* on the founders of the Māori Women's Welfare League in 1993, Hana O'Regan's, *Ko Tahu Ko Au* (2001), rugby league personality Stacey Jones in 2002, the Māori politician John Tamihere in 2004, and the personal accounts of women growing up in Porangahau in the Wairarapa in *Tuāhine* (2007). [41] While these autobiographies have different qualities, the point is that these *kōrero* are in fact legitimate forms of research in themselves.

There is very little difference between a researcher who gathers information from an interviewee[42] and publishes that *kōrero*, and the instances where the researcher themselves (the autobiographer) publishes their own *kōrero*.[43] The autobiographer essentially focuses their attention inwards rather than towards others.

The autobiographer also uses their memory and self-reflects on their experiences instead of using texts (although some may use diaries to prompt memories). They also make similar choices to those made by other researchers. They synthesise and organise information even though their perspectives on the past may have changed. They self-edit moments or themes from their past with choices of what and what not to include in their *kōrero*. The American writer Diane Bjorkland reflecting on two hundred years of American autobiography has observed:

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[40] Anne Salmond , *Amiria: the life story of a Maori woman*, Reed, Auckland, 1976; Anne Salmond, *Eruera, the Teaching of a Maori Elder*, Oxford University Press, Wellington, 1980; Judith Binney & Gillian Chaplin, *Ngā Mōrehu: The Survivors: The Life Histories of Eight Maori Women*, Oxford University Press, Auckland, 1990, [1986].

[41] *Early stories from founding members of the Maori Women's Welfare League = e timatanga tatau tatau, Te Rōpu Wahine Maori Toko i te Ora*, Anna Rogers and Miria Simpson (eds), Māori Women's Welfare League & Bridget Williams Books, Wellington, 1993; Hana O'Regan, *Ko Tahu, Ko Au : Kāi Tahu tribal identity*, Horomaka Publishing, Christchurch, 2001; Stacey Jones, *Stacey Jones : keeping the faith*, Hodder Moa Beckett, Auckland, [2002]; John Tamihere, *John Tamihere : black & white*, Reed Publishing, Auckland, 2004; *Tuāhine: Sisters of Porangahau*, Marina Sciascia & Hilary Pedersen (eds.), [Marina Sciascia & Hilary Pedersen, Waipukurau, 2007].

[42] Bill Oliver's 1978 article on oral history is still a useful perspective on the analysis of interviews for academic historians. See also Michael King's and Angela Ballara's perspectives on oral history in Māori contexts. W.H. Oliver, 'Oral and other History', *New Zealand Journal of History*, (1978), Vol.12, No.2, pp.99-103; Michael King, 'New Zealand Oral History: Some cultural and methodological considerations', *New Zealand Journal of History*, (1978), Vol.12, No.2, pp.104-123; Angela Ballara, ' I riro i te hoko': Problems in Cross-Cultural Historical Scholarship', *New Zealand Journal of History*, (2000), Vol.34, No.1, pp.20-33.

[43] Jeremy Popkin explored the issues of when historians become autobiographers. Jeremy D. Popkin, *History, Historians & Autobiography*, University of Chicago Press, Chicago, 2005.

...putting together an autobiography is not simply a matter of recalling and recording facts of one's personal history. As an act of communication, it entails problems of composition and rhethoric-something openly acknowledged by many autobiographers.[44]

One unarguable point that an autobiographer has over other researchers though is that the autobiographer was the primary witness to events, people and perspectives that influenced their own lives. While the biographers of Tahupotiki Ratana, Apirana Ngata, Te Puea Herangi, Whina Cooper and Arapeta Awatere, represent one form of *kōrero* about those Māori, they are still at best one step removed from being a witness to the events that shaped the lives of those people.[45]

A related emerging field to autobiography within academia has been autoethnography. Autoethnography whether a practice, a writing form, or a particular perspective on knowledge and scholarship, hinges on the push and pull between and among analysis and evocation, personal experience and larger social, cultural and political concerns. It looks to extract meaning from experience rather than to depict experience exactly as it was lived. It puts the autobiographical and personal in conversation with the cultural and social. It also locates the particular experiences of individuals in tension with dominant expressions of discursive power.[46]

Nicholas Holt elaborates further on autoethnography:

Autoethnography is a genre of writing and research that connects the personal to the cultural, placing the self within a social context...These texts are usually written in the first person and feature dialogue, emotion and self consciousness as relational and institutional stories affected by history, social structure, and culture...Whatever the specific focus, authors use their own experiences in a culture reflexively to look deeply at self-other interactions...By writing themselves into their own work as major characters, autoethnographers have challenged accepted views about silent authorship, where the researcher's voice is not included in the presentation of findings.[47]

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[44] Diane Bjorkland, *Interpeting the Self: Two hundred years of American autobiography*, University of Chicago Press, Chicago, 1998, p.17.

[45] Keith Newman, *Ratana revisited: an unfinished legacy*, Reed, Auckland, 2006; James McLeod Henderson, *Ratana : the origins and the story of the Movement*, Polynesian Society, Wellington, 1963; Ranginui Walker, *He tipua : the life and times of Sir Āpirana Ngata* , Viking, Auckland, 2001; Michael King, *Te Puea, a biography*, Hodder and Stoughton, Auckland, 1977; Michael King, *Whina, a biography*, Hodder and Stoughton, Auckland, 1983; Hinemoa Ruataupare Awatere, *Awatere : a soldier's story/ Arapeta Awatere*, Huia Publishers, Wellington, 2003.

[46] Tony E. Adamas & Stacey Holman Jones, 'Autoethnography is Queer', *Handbook of Critical and Indigenous Methodologies*, Norman K. Denzin, Yvonne S Lincoln & Linda Tuhiwai Smith (eds.), Sage, Los Angeles, 2008, pp.374-375.

[47] Nicholas L. Holt, 'Representation, Legitimation, and Autoethnography: An Autoethnographic Writing Story', *International Journal of Qualitative Methods*, (2)(1, Article 2 (2003), p.2 at www.ualberta.ca/~iiqm/backissues/2_1/pdf/holt.pdf (Accessed on 10 February 2009). The field of autoethography like Māori, Pacific , Indigenous and Native Studies is relatively new. See Carolyn Ellis, *The Ethnographic I: A*

This *kōrero* about the Māori Land Court utilises autoethnographic approaches and sources. It is a more difficult approach than other forms of research given that I must also navigate raw and powerful emotion and feelings without the benefit of detaching myself from the subject matter. I do draw heavily on examples from my own *whānau*, *hapū* and *iwi* to analyse the Māori Land Court. However, this does not mean that I completely disregard traditional sources for information. I do use books and articles, archival material and Māori Land Court Minute Books for this *kōrero* as well as material from formal interviews and personal communications. The autoethnographic (and to a degree autobiographical) and traditional sources of information are simply used in tandem to complement each other.

While I give examples from my own *whānau*, *hapū* and *iwi*, our own experiences of the Court are not unique to ourselves. My own *whānau* shared common experiences, values and perspectives with other *whānau* around New Zealand. The autoethnographic approach is not only utilised in such a way that demonstrates the interconnectedness of me to my *whānau*. It is also used to demonstrate the interconnectedness of me and my *whānau* to the wider New Zealand community.

This is similar to the general themes of micro-history where an examination of a social group at the micro level assists in understanding the macro levels of society. [48] However, this theme of interconnectedness serves to emphasise the importance of relationships and people. The importance of relationships and people is significant because there are deep philosophical sayings in *Te Ao Māori* that highlight the importance of people.

The Māori Land Court affected people's lives and as an institution it was in turn affected by the lives of people.[49] When my *kuia* Māta Te Taiawatea Rangitūkehu (also known as Māta Te

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Methodological Novel about Autoethnography, AltaMira Press, Walnut Creek, 2004; Tony E. Adamas & Stacey Holman Jones, 'Autoethnography is Queer', *Handbook of Critical and Indigenous Methodologies*, Norman K. Denzin, Yvonne S Lincoln & Linda Tuhiwai Smith (eds.), Sage, Los Angeles, 2008, pp.347-372; See also an example of autoethography in B. J. Jago, 'Chronicling an academic depression', *Journal of Contemporary Ethnography*, (2002), Vol. 31, No. 6, pp. 729-757.

[48] See Peter Burke (ed.), *New Perspectives on Historical Writing*, University Park, 1991; See also Sigurður Gylfi Magnússon, 'Social History - Cultural History - Alltagsgeschichte - Microhistory: In-Between Methodologies and Conceptual Frameworks', *Journal of Microhistory* (2006) at http://www.microhistory.org/pivot/entry.php?id=20 (Accessed on 27 February 2009).

[49] The Māori Land Court had to adopt procedures that were relevant to Māori otherwise the system would not function. Unlike the general courts in New Zealand the Māori Land Court had to accept hearsay evidence. The

Taiawatea Rangitōwhare) [50] of Ngāti Awa and Tūhourangi, was asked by our *whanaunga*, Hōri Pāwa (George Powell) in about 1910, 'what was more important the land or the people?' she did not hesitate to reply '*Ko te tāngata ano rā*' (the people of course).[51] This reply by Māta Rangitūkehu resonates with the same sentiments expressed by an ancient *pēpeha* which states, ' *He aha te mea nui o te āo, Māku e ki atu, He tāngata, he tāngata* ' ('What is the most important thing in the world? I will say 'The people, the people').[52]

Photo 1.1: Left: Māta Te Taiawatea Rangitūkehu circa 1895[53] Right: Hōri Pāwa (George Powell) circa 1900[54]



initial rights of *whānau* to customary land was based on hearsay evidence of *kōrero* about *tīpuna* (that had been dead for many decades or centuries) and their various deeds.

[50] Many Māori had multiple names which depended on many factors. This is explained further in chapter seven.

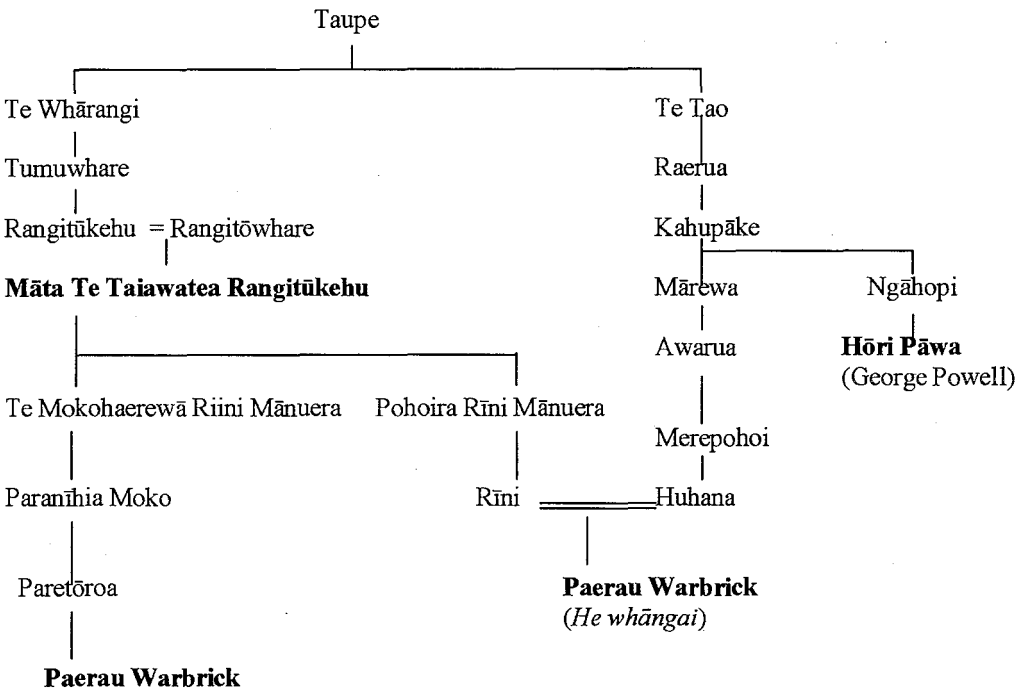
[51] *Māta Reunion Book* (1988), Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.5. Hori Pawa (George Powell) was a staunch supporter of Māta in her efforts in the Native Land Court in the late nineteenth and early twentieth centuries.

[52] This *pēpeha* is widely known today by all Māori communities. Michael King gives a reference to it facing his contents page and quotes it as being from a chant from the Aupouri people in North Northland. Michael King, *Māori: A Photographic and Social History*, Reed Books, Auckland, 1996 (revised edition).

[53] Source: Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.176. Even the original that hangs in the meeting house at Kōkōhīnau Marae is not of good quality.

[54] Source: Pouroto Ngaropo, *Reunion Book for the Descendants of Hori Pawa, Te Whareraupo, Te Mihiwai and PareTeWhetu* (5-8 February 1998) Appendix, p.55. Even the original is not of good quality.

Whakapapa 1.3



Before I continue, I must point out that autoethnographic approaches have not been without their criticisms and challenges. Scholars with little or no familiarity with the field find the evaluation of autoethnographic-works extremely difficult. This is because they are more familiar with evaluating research by traditional criteria such as validity, dependability, reliability, objectivity and trustworthiness. [55] Nicholas Holt however insists on different criterion questions for evaluating such works[56] such as what is the intrinsic interests and value of the story? Ellis[57] also

[55] Nicholas L. Holt, 'Representation, Legitimation, and Autoethnography: An Autoethnographic Writing Story', *International Journal of Qualitative Methods*, (2)(1), Article 2 (2003) at www.ualberta.ca/~iiqm/backissues/2_1/pdf/holt.pdf (Accessed on 10 February 2009).

[56] Holt also mentions works by D. Garratt & P. Hodkinson, 'Can there be criteria for selecting research criteria. A hermeneutical analysis of an inescapable dilemma', *Qualitative Inquiry*, (1998), Vol.4, No.4, pp.515-539; L. Richardson, 'New Writing practices in qualitative research', *Sociology of Sport Journal*, (2000), Vol.17, No.1, pp.5-20 ; A.C. Sparkes, 'Autoethnography and narratives of self: Reflections on criteria in action', *Sociology of Sport Journal*, (2000) Vol.17, No.1, pp.21-41.; C. Ellis & A. Bochner , 'Autoethography, personal narrative, reflexivity: Researcher as subject', *Handbook of qualitative research*, N.K. Denzin & Y.S. Lincoln (eds.), Sage, Thousand Oakes, 2000, pp.733-768 (2nd edition). Nicholas L. Holt, 'Representation, Legitimation, and Autoethnography: An Autoethnographic Writing Story', *International Journal of Qualitative Methods*, (2)(1), Article 2 (2003) at www.ualberta.ca/~iiqm/backissues/2_1/pdf/holt.pdf (Accessed on 10 February 2009).

[57] C. Ellis, *Final Negotiations*, Temple University Press, Philadephia, 1995.

considered whether a story evokes in the reader a feeling that the experience is authentic, believable, and possible.[58]

While autoethography has also been labelled as narcisstic or self indulgent, Heewon Chang opines that autoethnography nonetheless engages with readers in a meaningful understanding of the autoethnographer's personal and societal context.[59] Chang has shown that criticisms against autoethnographies illustrate[60]

....the existing tug of war between two positions –objectivity vs. subjectivity- in social science. The objectivity position promotes the 'scientific", systematic approach to data collection, analysis and interpretation that can be validated by more than researchers themselves; on one hand , the subjectivity position allows researchers to insert their personal and subjective interpretation into the research process.
...Anderson (2006)[61] leans toward the objectivity camp. The autoethnography that he advocates is expected to satisfy the following conditions: the autoethnographer (1) is "a complete member in the social world under study" (p.375), (2) engages reflexivity to analyse data on self (3) is visibly and actively present in the text; (4) includes other informants in similar situations in data collection; and is commited to theoretical analysis... Ellis and Boucher (2006)[62] and Denzin (2006)[63] stand on the opposing end, arguing for "evocative" and emotionally engaging, more subjective autoethnography...some scholars straddle both positions (Best , 2006)[64]...

Apart from issues surrounding substantive methodology, there are also core ethical issues for autoethnographic approaches. Any formal interviews conducted subsequent to autoethnographic projects must adhere to guidelines that are prescribed by academic institutions. For example, I was required to get formal written permission from interviewees to use their *kōrero* in this thesis.

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[58] Nicholas L. Holt, 'Representation, Legitimation, and Autoethnography: An Autoethnographic Writing Story', *International Journal of Qualitative Methods*, (2)(1, Article 2 (2003), page 11 at www.ualberta.ca/~iiqm/backissues/2_1/pdf/holt.pdf (Accessed on 10 February 2009). Holt also points out at page 12 that L. Richardson lists five factors for reviewing personal narrative papers namely (a) Substantive contribution: Does the piece contribute to our understanding of social life? (b) Aesthetic merit: Does this piece succeed aesthetically? Is the text artistically shaped, satisfyingly complex, and not boring? (c) Reflexivity: How did the author come to write this text? How has the author's subjectivity been both a producer and a product of this text? (d) Impactfulness: Does this affect me emotionally and/or intellectually? Does it generate new questions or move me to action? (e) Express a reality. Does this text embody a fleshed out sense of lived experience? Autoethnographic manuscripts might include dramatic recall, unusual phrasing, and strong metaphors to invite the reader to 'relive' events with the author. (L. Richardson, 'New Writing practices in qualitative research', *Sociology of Sport Journal*, (2000), Vol.17, No.1, pp.5-20.)

[59] Heewon Chang, *Autoethography as Method*, Left Coast Press, Walnut Creek, California, 2008, p.51.

[60] Heewon Chang, *Autoethography as Method*, Left Coast Press, Walnut Creek, California, 2008, pp.45-46.

[61] L. Anderson, 'Analytical autoethnography', *Journal of Contemporary Ethnography*, (2006), Vol.35. No.4, pp.373-395.

[62] C. Ellis & A Bochner, 'Analysing analytic autoethnography', *Journal of Contemporary Ethnography*, (2006), Vol.35, No.4, pp.429-449.

[63] N. Denzin, 'Analytical autoethnography, or déjà vu all over again', *Journal of Contemporary Ethnography*, (2006), Vol.35, No.4, pp.419-428.

[64] J. Best , 'What, we worry?: The pleasures and costs of defective memory for qualitative sociologists', *Journal of Contemporary Ethnography*, (2006), Vol.35, No.4, pp.466-478.

A researcher may hold confidential or privileged information from legal, medical or employment relationships prior to embarking on projects. Since there are legal implications that prohibit the use of such information the researcher cannot use such information for their projects. For example, I have acted as legal counsel in the past for *whānau* in the Māori Land Court where individuals imparted information that was relevant for this PhD project. Not only is the information confidential but its information cannot be used due to lawyer/client privilege. Even in instances where information was obtained in circumstances where there was an expectation of confidentiality, the researcher should not use such information. For example, I have in my possession formal reports from social welfare agencies that commented on specific adoptions in the Native Land Court. These were sourced from a *whānau* member who inherited them. Even though the *whānau* member gave permission for me to use them in such a report, I believe that the sensitive nature of the contents of the report made me err on the side of caution. I accordingly did not use such reports for this PhD project.

Further ethical issues for autoethnographic approaches are matters such as the ownership of stories and the naming of others in stories.[65] These issues, especially in the context of Māori Studies, are valid issues for continued debate but are beyond the scope of this thesis. It warrants substantive philosophical debate in another forum, however, some small points will have to suffice for the PhD thesis at this stage.[66]

On the issues of the ownership of stories such matters *may not* warrant such a high level of importance for autoethnographers working in Māori Studies. The main reason relates to the different philosophical foundation of the subject matter.[67] The concept of 'ownership' of stories in an Anglo-legal sense is an inappropriate concept to associate with stories that one has acquired through one's life. In *Te Ao Māori* the concepts of 'stewardship' over things were to the fore philosophically rather than the concept of 'ownership' of the things themselves.[68] For example,

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[65] Heewon Chang, *Autoethography as Method*, Left Coast Press, Walnut Creek, 2008, pp.68-69.

[66] I have been invited to give a seminar on autoethnography pertaining to Māori, Pacific and Indigenous perspectives in Gender Studies at the University of Otago in 2010 where I will examine such ethical issues in depth with a view to future publication.

[67] This was a major theme made by Moana Jackson in regard to considering Māori issues. There are simply different philosophical foundations from a Māori perspective as opposed to Western perspectives. Moana Jackson, 'The Treaty and the Word', *Justice, Ethics and New Zealand Society*, G.Oddie and R.W. Perrett (eds), Oxford University Press, Auckland, 1992, pp.1-10.

[68] See the discussion of *kaitiakitanga* (stewardship) in New Zealand Law Commission, *Maori Custom and Values in New Zealand Law*, Study Paper 9, New Zealand Law Commission, Wellington, March 2001, p.40.

this is just one of the philosophical difficulties experienced by Māori groups in the late twentieth and early twenty-first centuries regarding ownership issues with the New Zealand government over indigenous flora and fauna. [69] Philosophically, Māori did not view their relationship with flora and fauna in the way of ownership. Instead, Māori were interconnected with flora and fauna through *whakapapa* (see chapter twelve).[70] The focus for understanding Māori interests in flora and fauna was therefore sourced on the 'relationship' and not on the ownership over the inherent core being of the various things. The same applies to stories. The emphasis on stories should be about the autoethnographer's relationship with those in the stories. This would therefore lead to different considerations for the autoethnographer.

Such considerations would entail questions like, Should I name people in all the circumstances? How would those people feel about my story? Should I name and shame persons given all the circumstances? Should I tell this story to benefit those persons and their descendants? What is the extent of my duties to rectify any negative effects that may result from the *kōrero*? All these matters were actually considered when I wrote this *kōrero* on the Māori Land Court. I did not adopt the classical 'publish and be damned' attitude but rather every point made in the chapters was purposely portrayed in the way they appear.[71]

My last point relates to a different set of implications for stories because of the philosophical ideals of the subject matter in Māori Studies. Autoethnographers must not only be aware of the physical considerations for stories but also the spiritual considerations. I have already mentioned in the Prologue about the use of *karakia* (prayers) when dealing with *whakapapa*. The spiritual aspect is pervasive in *Te Ao Māori* like other indigenous cultures. In Te Maire Tau's comments on *mātauranga Māori*, he recognised that academia in the universities is secular and *mātauranga Māori* had spiritual components. While it is quite clear that he is uncomfortable with the inclusion of spiritual matters in the academy this is a different issue concerning whether there

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[69] See the interview on flora and fauna and cultural and intellectual heritage rights with Maui Solomon at http://www.inmotionmagazine.com/nztrip/ms1.html (22 February 2009).

[70] Cleve Barlow, *Tikanga Whakaaro: Key Concepts in Māori Culture*, Oxford University Press, Auckland, 2001, [1991], pp.171-175.

[71] Linda Tuhiwai Smith posted nine questions for consideration for research in an indigenous context. While they are helpful considerations they are not prescriptive. Smith's general observation, in my belief, is more illuminating 'Research methodology is based on the skill of matching the problem with an 'appropriate' set of investigative strategies.' see: Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999, p.173.

'are' already spiritual considerations in academia.[72]Admittedly, such an issue sits uncomfortably in universities which is a place traditionally grounded in rationality and the rejection of ethereal matters. However, those academics who have worked within Māori Studies or in subject areas concerning Māori begrudgingly or privately accept that spiritual matters are relevant considerations for such research.

Linda Tuhiwai Smith has mentioned the ritual where she and her father Hirini Moko Mead spiritually cleansed themselves by sprinkling water over themselves when they returned home from dealing with artefacts in museums. [73] In the medical field Bradford Hāmi mentioned the actions of his grandfather Dr. Golan Māka. Dr. Māka's patients were predominantly *whānau* in the Eastern Bay of Plenty in the 1950s through to the 1970s (including my own *whānau*). He not only attended to the medical needs of his patients, he also acquired a vast knowledge of *mātauranga Māori* from his patients. Dr. Māka had mockingly stated that he would not be affected by spiritually afflicted illnesses of Māori known as *mākutu*,[74] however later in life Dr. Māka was haunted nightly by the sceptre of an old woman trying to do him harm.[75]

The significance of this for autoethnographers working with subject material in *Te Ao Māori* is in the form of a warning. If the content of the *kōrero* is inappropriate there may spiritual sanctions associated with such stories. Depending upon the level of inappropriateness (particularly if the subject matter is outright offensive) the autoethnographer could be subjected to calamities or sickness. Such calamities might not only affect them personally but also members of their *whānau* over generations. In those instances, it would require specialist knowledge from experts to attempt to ameliorate the effects of the original offensiveness associated with the *kōrero*. The *kōrero* that appear in this thesis have therefore been produced with these spiritual considerations in mind. They have not been wantonly or brazenly placed

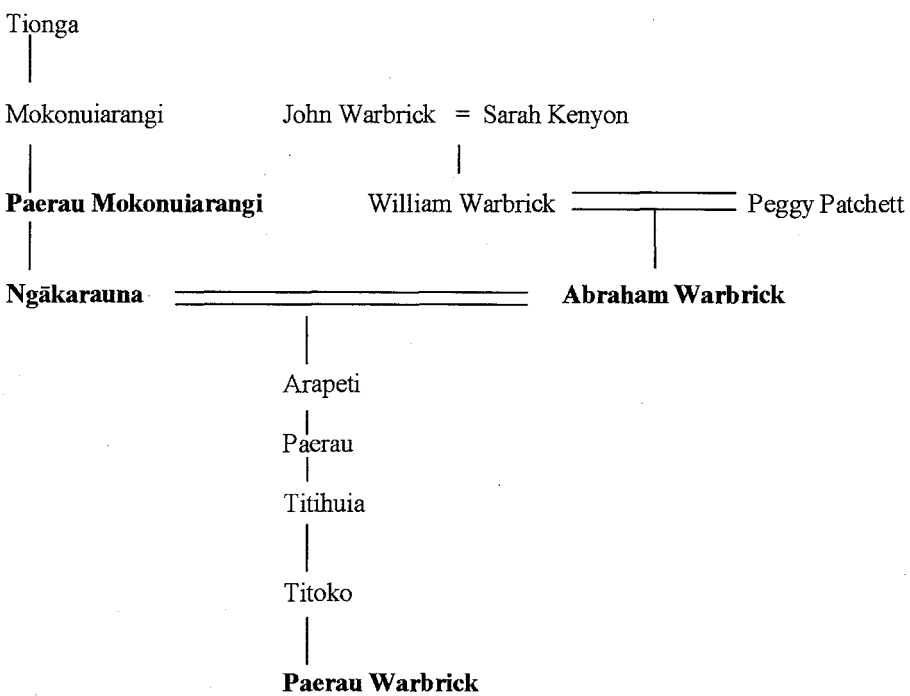
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[72] Te Maire Tau, 'Matauranga Māori as an Epistemology', *Histories, Power and Loss: Uses of the Past- A Commentary*, Andrew Sharp and Paul McHugh (eds.), Bridget Williams Books, Wellington, 2001, pp.61-93.
[73] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books & University of Otago Press, London & Dunedin, 1999 (third impression), p.11.
[74] My own colleague Poia Rewi on 13 November 2007 is on record where he says '...I'm not saying it's not out there' where he refuses to rule out the modern use of *mākutu*. See comments by Rawiri Taonui and Poia Rewi in the case of a death involving *mākutu*. See 'Charlatans may be to blame: scholar' at http://www.stuff.co.nz/archived-stuff-sections/archived-national-sections/korero/2011 (Accessed on 5 March 2009).
[75] Bradford Hāmi, *Dr. Golan Māka*, Tandem Press, North Shore, 1995, pp.140-144.

down but with a keen eye to those spiritual considerations. At this point, with a view that this *kōrero* is autoethnographic it is now important that I give the reader an account of myself.

My name is Paerau Warbrick. My principal *iwi* is Ngāti Awa. My Māori name originates from my *whakapapa* to the *iwi* Ngāti RaNgātihi of the Te Arawa Confederation of tribes. The name Paerau is derived from one of my Ngāti RaNgātihi *tipuna* called Paerau Mokonuiarangi. The name Warbrick is derived from my Pākehā *tipuna* called Abraham Warbrick who was from Todmorden, East Lancashire in England. He came to New Zealand in about 1849 and married Paerau Mokonuiarangi's daughter, Ngākarauna.[76]

Whakapapa 1.4

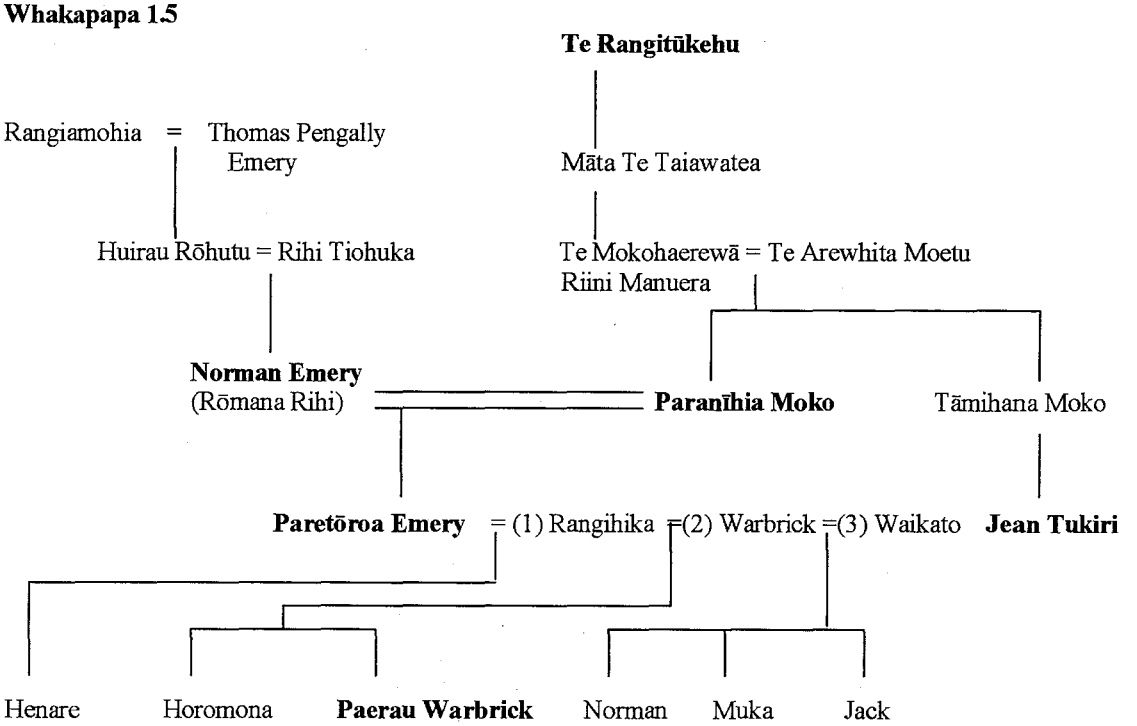


[76] See Alfred Warbrick, *Adventures in Geyserland : life in New Zealand's thermal regions, including the story of the Tarawera eruption and the destruction of the famous terraces of Rotomahana*, AH & AW Reed, Dunedin, 1934: Also R.F. Keam, 'Alfred Patchett Warbrick', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, p.564.

I was born in 1970. I was told by my maternal aunt, Jean Tukiri,[77] that I was born at the home of my maternal grandparents, Norman Emery and Paranīhia Moko. That home is no longer standing. Norman Emery, who was also known as Rōmana Rihi, was principally from the *iwi*, Ngāti Maniapoto and Ngāti Tūwharetoa of Taupo. In married life, he lived amongst Paranīhia's *whānau*. Paranīhia Moko was principally from the *iwi* of Ngāti Awa and Ngāti Tūwharetoa of Kawerau. Both these grandparents are long deceased. They are both buried at Kōkōhīnau.

My mother was Paretōroa Emery. She had six children. I am from her second union. Paretoroa is also buried at Kōkōhīnau. The *whenua* on which I was born is from Paranīhia's paternal line. It is associated with our *tipuna*, Te Rangitūkehu of Ngāti Awa. The old Māori name for this place is called Otamāoa. You will not see this name on any Pākehā maps. Otamāoa is on the west side of the Rangitaiki River about one kilometre north-west of Kōkōhīnau *marae* (meeting ground) beside the road that runs along Te Teko and Edgecumbe in the Whakatāne district of the Eastern Bay of Plenty.

Whakapapa 1.5

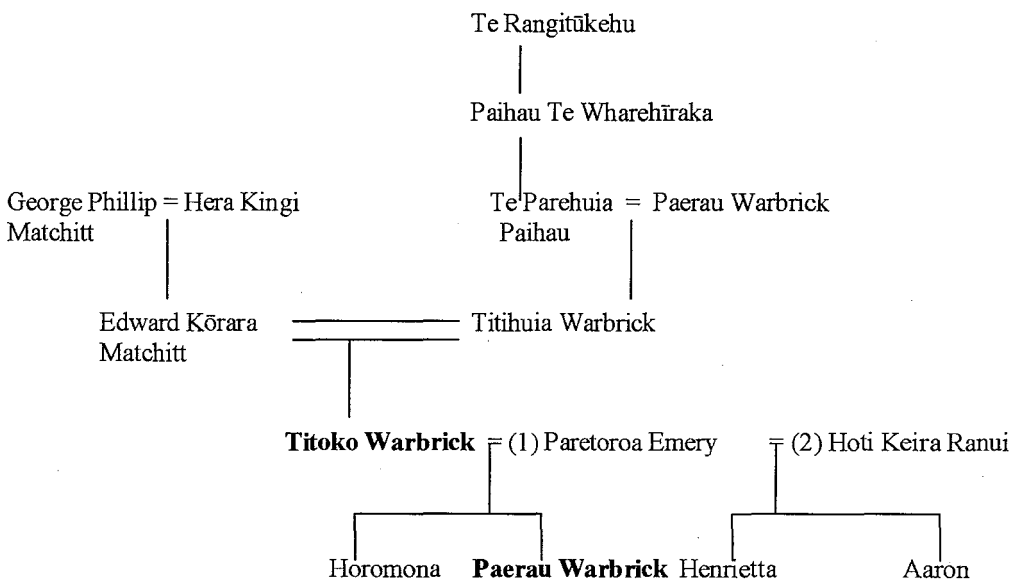


[77] Kōrero- ā -Jean Mahi Tukiri, Taiwhakaea Marae, Whakatāne, January 2000. Jean was a first cousin to my natural mother. She was a nurse who was working at the Whakatāne hospital. She was called to take my mother to the hospital, however, I was already born when she arrived. I was physically delivered into this world by my grandfather, Norman Emery.

My father is Titoko Warbrick. He is a third cousin to my mother through the common *tipuna* Te Rangitūkehu. Titoko is descended from Te Rangitūkehu's son Paihau Te Wharehīraka and Paretoroa is descended from Te Rangitūkehu's daughter Māta Te Taiawatea. Titoko is still alive and has always lived on *whenua* called Wai-o-koro-ahu. Like Otamāoa, you will not see that place on any Pākehā map or sign. It lies about one kilometre north-east of Kōkōhīnau Marae on the east side of the Rangitaiki river. Wai-o-koro-ahu is on one side of the river and Otamāoa on the other.

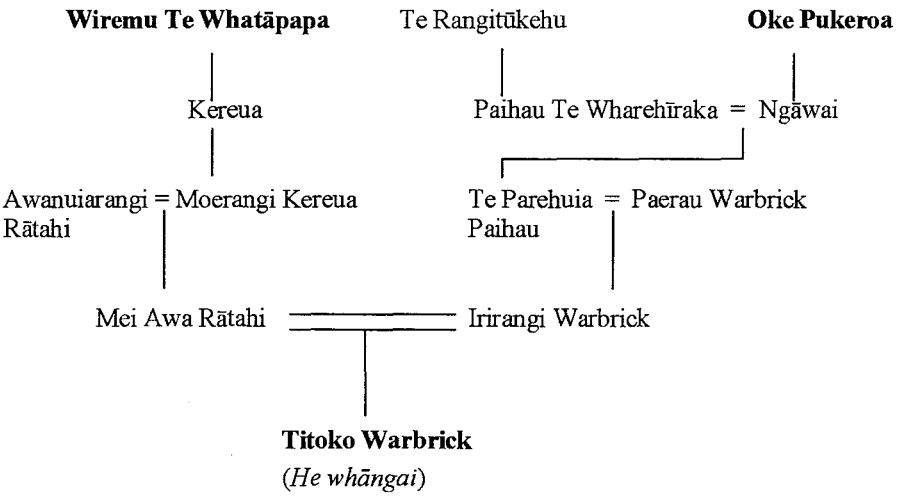
Wai-o-koro-ahu is also associated with our *tipuna* Te Rangitūkehu. Titoko's mother was Titihuia Warbrick of the *iwi*, Ngāti Awa and Ngāti Rangitihi. Titoko's father was Edward Kōrara Matchitt whose *iwi* was Whakatōhea, Whānau-a-Apanui and Ngāti Porou. Titihuia is buried at Kōkōhīnau and Edward Matchitt is buried in the cemetery at Awakaponga some fifteen kilometres northwest of Kōkōhīnau Marae. Titoko's parents never married. He became a *tamaiti whāngai* of his mother's brother Irirangi Warbrick and his wife Mei Awa Rātahi of *Ngāti Awa*. Both are buried at Kōkōhīnau. Titoko was related to Mei Awa Rātahi through his natural lines as well. Mei's *tipuna*, Wiremu Te Whatāpapa of Ngāti Awa, was a brother to Titoko's *tipuna* Oke Pukeroa.

Whakapapa 1.6



My own natural parents did not raise me. They never married and they went their own ways well before I was born. At the age of two weeks, I became a *tamaiti whāngai* of Sinclair Valentine Rīni Anderson (Bob Anderson) and his wife Huhana Waimatao Wana (Susan Anderson). Bob and Susan Anderson were related to me through my natural lines. Both have been dead for a very long time. They are interred at Kōkōhīnau.

Whakapapa 1.7

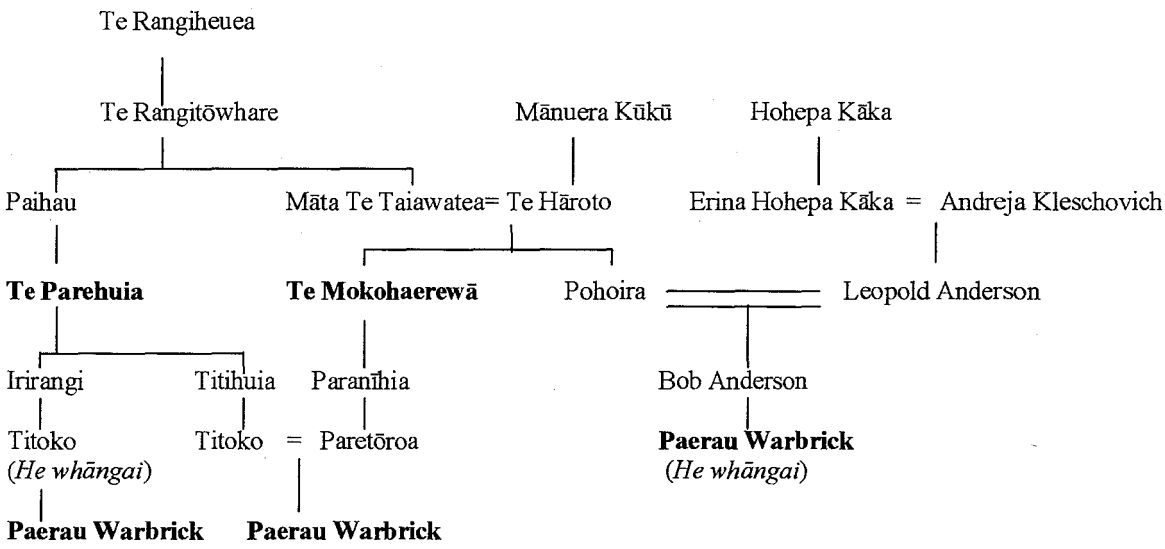


Bob and Susan Anderson lived on *whenua* called Ngākauroa. Like Otamāoa and Wai-o-koro-ahu, the name does not appear on any Pākehā maps. The *whenua* is associated with our *tīpuna* Te Rangitūkehu as well as Mānuera Kuku. It is on the eastern side of the Rangitaiki River and situated about two kilometres south of Wai-o-koro-ahu. This is the *whenua* where I was raised. This is my *kāinga* and my *tūrangawaewae*.

It was mainly through my father, Bob Anderson, that I became interested in Māori land matters and eventually the Māori Land Court. This was because the land at Ngākauroa was mainly Māori freehold land and any issues arising from our lands necessitated dealing with the Māori Land Court in some way or another. Bob Anderson's parents were Leopold Anderson of the far North *iwi*, Te Aupōuri and Pohoira Rīni Mānuera of the *iwi* Ngāti Awa and Tuhourangi of the Te Arawa Confederation of tribes. Pohoira is buried at Kōkōhīnau, but Leopold is buried at Hillcrest

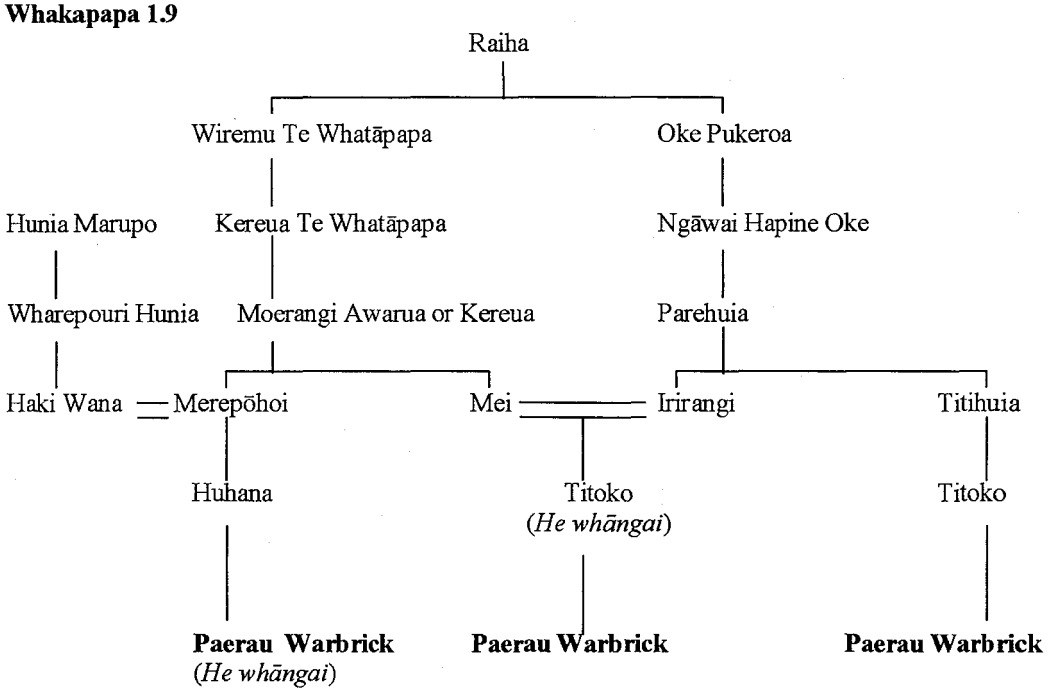
cemetery near Whakatāne along with his brothers Henry (Tat) Anderson, Peter Anderson and Theo Anderson. I am related to Bob Anderson through his mother Pohoira. My natural maternal great grandfather, Te Mokohaerewā, was a brother to Pohoira and my natural paternal great grandmother, Parehuia, was a paternal first cousin to Pohoira.

Whakapapa 1.8

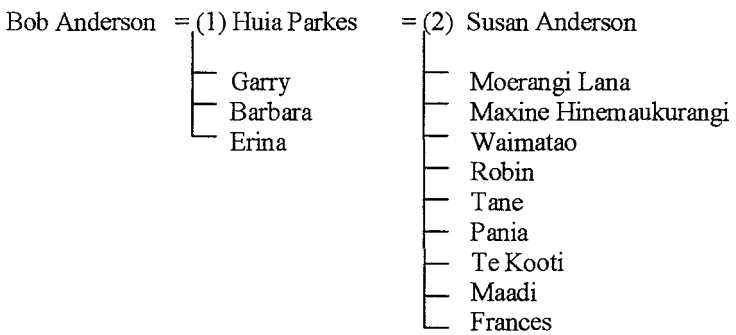


Susan Anderson's parents were Haki Taipa Wana of the *iwi* Ngāti Awa and Ngā Puhi and Merepohoi Awa Rātahi of the *iwi* Ngāti Awa. They are both buried at Taiwhakaea near Whakatāne. I am related to Susan Anderson through her maternal lines. My natural paternal grandmother, Titihuia Warbrick, was a third cousin to Susan's mother, Merepohoi. Bob and Susan Anderson had had nine other children when I went to live with them. The oldest was sixteen and the youngest, who were twin children, were eight years old. Bob also had three other children to his first wife, Huia Parkes. Garry, Barbara and Erina were raised by Huia's *whānau* when Bob and Huia divorced in 1952. Huia's ashes are interred in Auckland.

Whakapapa 1.9



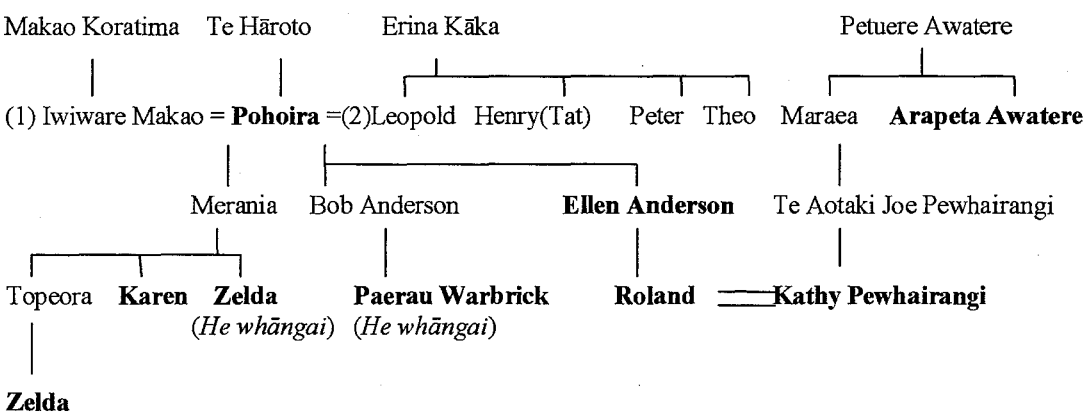
Whakapapa 1.10



When I went to live with Bob and Susan Anderson, they lived in a small two bedroom makeshift house built by Bob's father, Leopold Anderson, in about 1930. There were about twelve of us living in the old home. Pohoira also stayed with us along with our first cousins, Karen and Zelda Ngāmanu (their mother died when they were young so they came to live with Pohoira). When I was six it burnt down. Rats had eaten the old wiring and there was an electrical fault. There was no insurance in those days. We effectively were homeless. We had to then live in the garage of

my father's sister, Ellen Anderson, for most of 1977. The garage was only 100 metres from our old home. At least it was still on the land at Ngākauroa. There were about eight of us living in the garage. My father's mother, Pohoira, along with Karen and Zelda, and my other cousin Roland and his wife Kathy (she is a *whanaunga* to Arapeta Awatere whom I mentioned earlier), lived in my aunt Ellen Anderson's house near the garage.

Whakapapa 1.11



Our living conditions were not ideal. They were extremely cramped conditions and the relationship between my father Bob and his sister Ellen was always strained. Our father refused to live in the garage instead he lived in a small bach that was near the old home at Ngākauroa. In September 1977, we made plans to move to a farm cottage some five kilometres southeast of Ngākauroa near the Ōmataroa Hills that belonged to a Pākeha farmer called Ray Sax. I recall quite vividly that our grandmother Pohoira wanted to move with us but it was not possible. While we wanted her to come to live with us it would have created all sorts of *whānau* disputes such as accusations of luring her to live with us for some or other benefit. However, Pohoira did not see it like that. I know to this day that she willed herself to die because she thought it was better to die than be left at Ngākauroa without us. Pohoira died in November 1977.[78] In December 1977 we moved from Ngākauroa and our father again refused to leave the land.

[78] 'Obituary of Pohoira Ada Anderson', *New Zealand Herald*, 22-11-1977, Section 2, p.18

It had only been about six months after we moved into Ray Sax's cottage that our mother Susan became gravely ill. There was some rumour amongst *whānau* that our grandmother Pohoira wanted to take her with her into the realm of death. Susan and Pohoira had an extremely close bond, with each other. I have numerous memories of them gardening together, talking for hours on end and bottling and pickling vegetables of all sorts. We eventually got a *tōhunga* (priest) in to stop Pohoira from taking our mother. I cannot recall with absolute certainty but I think it was our *whanaunga*, Willy Pakeha, who came to perform the rituals.[79]

However, we were in a predicament. Our doctor Dr. Golan Māka whom I have already mentioned had recently died. [80] This was in 1978 and when we went to the new Pākeha doctor, Dr. Haig, in Edgecumbe, he could only prescribe Pākehā medicine. He was simply not versed in the practice of Dr. Māka who believed in mixing the very best of Pākeha medicine with the very best elements of Māori medicine that included the attendance to spiritual health by *karakia*. This forced my mother to rely solely on *tōhunga* concerning her condition and on his advice she discarded her doctor-prescribed medicines in favour of *rongoā* (medicine) made from an elixir of flax juice. I will not mention the name of the *tōhunga* not for fear of spiritual retribution but simply because what was done, was done. As a result of not taking her prescribed medicine our mother eventually died at Easter in 1979.[81]

Our father, not long after, then moved us back to his father Leopold's dilapidated house back at Ngākauroa (our other aunt, Marge Anderson of Tainui, had left Ngākauroa in 1978 after my father's brother, Bill Anderson, died in late 1977) .Our father eventually died of respiratory failure at Ngākauroa in July 1987.[82] He was afflicted with asthma his entire life except when he served with the Māori Battalion during the Second World War. The irony was the climate in North Africa, Italy and the Balkans (the home of his Croatian paternal grandfather) was more beneficial to him than the climate at Ngākauroa.[83]

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[79] Willy Pakeha also went by the name Wi Tarei. He contributed a chapter in Michael King's edited book on *Te Ao Māori*. See Wi Tarei, 'A Church Called Ringatu', *Tihe Mauri Ora: Aspects of Maoritanga*, Michael King (ed.), Methuen Publishers, Auckland, 1978, pp.60-66.
[80] Bradford Hāmi, *Doctor Golan Māka,* Tandem Press, North Shore City, New Zealand, 1995.
[81] 'Obituary of Huhana Waimatao Anderson', *New Zealand Herald*, 16-04-1979, Section 2, p.14.
[82] 'Obituary of Sinclair Valentine Rīni Anderson', *New Zealand Herald*, 18-07-1987, Section 8, p.20.
[83] Kōrero-ā-Bob Anderson, Ngākauroa, Te Teko, circa 1985.

All of my primary schooling was done at Te Teko Primary School. This was five kilometres west of Ngākauroa. Te Teko Primary school was once called Te Teko Native School[84] and had been the school for my *whanaunga* in Te Teko since before the Tarawera volcanic eruption in 1886. The *whenua* where the school stands was given to the government for a school by my *tīpuna* Te Rangitūkehu and Tiopira Hukīkī in the 1870s. The following is a *waiata* pertaining to Te Teko School:[85]

Te Kura o Te Teko	The School of Te Teko
He kura tino pai	A School that is good
E tama e hine	Boys and Girls
Kia kaha! Kia toa!	Be strong Be brave
Pūtauaki te maunga	Putauaki is the mountain
Rangitaiki te awa	Rangitaiki is the river
Ngāti Awa taku iwi e	Ngāti Awa is my tribe
Ngāti Awa taku iwi e	Ngāti Awa is my tribe

Out of a roll of about 300 children at Te Teko Primary School approximately 285 were Māori. All Māori at the school were *whanaunga* to each other. Most of the Pākehā children at the school were the children of the local policeman, the publican, the butcher or Jehovah's witnesses. Many Pākehā who lived within the school's district did not send their children to Te Teko Primary School. Instead, their children went to the more distant schools that had large Pākehā student numbers. In effect there was an informal degree of segregation in operation in our district. I witnessed the same thing when I occasionally attended the weekly farm stock sales in Te Teko with my *whanaunga* in the 1970s and well into the 1990s. Māori and Pākehā hardly ever interacted with each other but rather congregated separately at the sales.

Near the completion of my primary schooling I won fully paid scholarships to attend the prestigious secondary boarding schools of St. Stephens in Auckland, Te Aute in Hastings and Lindisfarne also in Hastings.

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[84] For a source on New Zealand Native Schools see *A Civilising Mission? Perceptions and Representations of the New Zealand Native Schools System*, Judith Simon and Linda Tuhiwai Smith (eds), Auckland University Press, Auckland, 2001.

[85] This was a song that was taught to us children at Te Teko Primary School. I do not know the identity of the original composer.

I recall being made by my teachers at Te Teko Primary School to sit a snap-quiz and examination. A number of us boys did the tests. It was never explained what was the purpose of the test. It was just like any other school work. But I learnt the results were sent away to officials who awarded the scholarships. I can still recall being called to the Principal's office at Te Teko School during the normal day where I was congratulated by the Principal on receiving those scholarships. The smile on his face was soon replaced with a grim look and then a beetroot red colour of anger when I point blankly turned the offers down flat. When I think back to the way I gained those scholarships, I still believe that the process was entirely unethical. We were not told of the purpose of the tests. They were done without our consent or knowledge for what purposes they would be used for.

There was no way that I was going to leave my *whānau* and go to places that I had never ever heard about. But the major reason which I explained to the Principal was that I knew in my heart that my father Bob Anderson did not have many years left in him. What years that remained I wanted to spend getting to know my father; both his strengths and his faults (and there were many). If I attended secondary school somewhere else in those formative years I would never have known him. My father died a mere three and a half years later when I was in the sixth form. All of my secondary schooling was taken at Edgecumbe College, some seven kilometres north of Ngākauroa, between 1984 and 1989. Its student makeup was less homogenous than that of Te Teko Primary. The ratios of Māori to Pākehā were 45% Māori to 55% Pākehā. Amongst the Pākehā students was a large section of children from Dutch parentage who had emigrated from Europe to our area after the Second World War.[86]

The enduring thing that Edgecumbe College taught me was how to interact with Pākehā. I had not had that experience before attending high school. But these were rural Pākehā. Many of their world views were not totally alien to me. However, it was a different matter when I started

[86] See the accounts of Dutch women in *Swapping country and culture in the 1950s: Dutch-born women look back* Judi Doornbos (ed), Inlet View Press, Mana, 2005. There was a wave of Dutch immigrants from 1948-1960s (approx 2000-3000 per annum). See Appendix in Hank Schouten, *Tasman's Legacy*, New Zealand-Netherlands Foundation, Wellington, 1992, pp.255-257. Some of the families which I recall had Dutch connections were Beijemaan, Van Kaan, Lagocki, Wetting, De Jong, Overdevest, Van der Horst, Ruiter, de Vries, Van der Spek, Corporaal, and Van den Boom, One Dutchman which we called 'Harry the Dutch' had actually married *whanaunga* and was a friend of my father Bob Anderson. His name was Ari Van der Zwaard. He was in the Dutch resistance during World War II and one of the most memorable things he told me was the German soldiers took all their food and essentially his village starved. They had to forage to eat left-over potatoes in the countryside. They dared not peel the potatoes because they knew it contained trace elements essential for the body.

tertiary education at Otago University in 1990. The Pākehā that I encountered were urban Pākehā. Even the Māori I encountered were urban Māori or Ngāi Tahu Māori who were simply different to me. I had rebuffed the kind attempts by my natural uncle, Hirini Moko Mead, to attend the University of Victoria in Wellington. Even though I knew he was *whanaunga* to me I did not actually know him or his *whānau*. Hirini had not lived in Te Teko since the 1930s. I only got to meet him in about 1989.

By 2000, I had completed a Bachelor of Laws and Diploma for Graduates in Law, as well as a Master of Arts (in history). I began to practise as a barrister specialising in Māori Land Law in 2000, and I became a lecturer in the School of Māori, Pacific and Indigenous Studies at Otago in 2004. As a result of the retirement of Ron Crosby, a solicitor of Blenheim, in December 2007, and the death of Robin Corcoran, a solicitor of Kaiapoi near Christchurch in November 2008, I am currently the most experienced barrister on Māori Land Court matters pertaining to the South Island of New Zealand.

On mature reflection I would have been better off financially than I am today if I had attended the prestigious secondary schools, and had been mentored by my uncle Hirini Moko Mead in Wellington. Those paths would have put me in direct contact with some of the most powerful and influential members of Māoridom. However, I would not have known the South Island or had the privilege of working amongst the Ngai Tahu people. I have found them to be a quiet and shy type of people, but a nonetheless a thoroughly kindly people.

In summary, the form and method that is being used for this *kōrero* on the Māori Land Court is flexible. It is written in the first person as opposed to the third person style that is evident in most academic writing. This is deliberate as it is a more culturally appropriate form for Māori and other predominantly oral cultures to communicate in such a manner. The most common examples where this occurs can be found in the area of autobiography. I have already shown that there are simply countless examples of autobiographies by indigenous people from Australia, the Pacific and New Zealand. There are very early examples of autobiographical-material from North American natives as a result of their earlier contact periods with Europeans than in Australasia and the Pacific. I have not only alluded to autobiography but also to autoethnography in the context of Māori Studies as a way of conveying a different story about the Māori Land

Court than what is already written to date. As a result of this method I had to give the reader an understanding of myself, and therefore, a significant chunk of the *kōrero* was about some of my personal circumstances. However, this approach was necessary, given the fact that many of the examples used in this thesis to explain the Court, come from my own *whānau*, *hapū* and *iwi*. It is important that a *kōrero* is given in this micro-historical way as it illuminates detailed aspects and circumstances of the Court that also operate at the macro-level. Every participant in the Court has their own personal story to tell and the way in which the Court is viewed is dependent on factors in life that influenced those personal stories.

CHAPTER TWO
TĪPUNA AND WHANAUNGA[1]

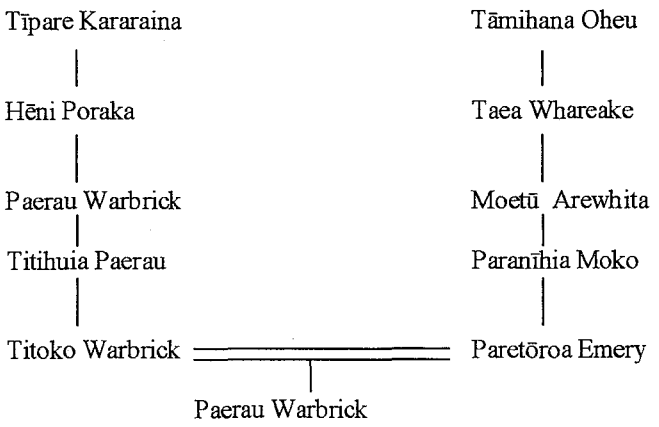
It is important for an understanding of the Māori Land Court as a whole that I emphasise the role of *tīpuna* (ancestors) and *whanaunga* (relatives) in discussion of their deeds, their actions, their memory, or their property. It does not matter what time period is under discussion in a *kōrero* about the Court, whether it is the 1960s and 1970s or the nineteenth or twenty-first centuries. The importance of *tīpuna* and *whanaunga* is pervasive across time periods. Indeed, this is the reason why there is an emphasis on *tīpuna* and *whanaunga* throughout the whole of the thesis. Whereas in modern day politics in New Zealand or North America, the influence or memory of Robert Muldoon, Pierre Trudeau, Franklin D. Roosevelt or John F. Kennedy is never too far away from the political consciousness, the same is true in regard to *tīpuna* and *whanaunga* within the consciousness of most Māori.

Before I continue any further, I will articulate what I mean by the terms *tīpuna* and *whanaunga* and state how they will be applied in this chapter. Williams' dictionary states that the meaning of *tipuna* is ancestor or grandparent.[2] The term is non-gender specific and can refer to a male or female. I use the term *tipuna* to refer to a person's great grandparents and further up the line of ascent. I do not distinguish in this chapter between natural lines of descent or *tamaiti whāngai* (a child adopted in accordance with Māori customary practice) lines of descent. Specific examples are given in the *whakapapa* 2.1 below. For example, Tīpare Kararaina and Hēni Poraka are my *tīpuna*, as are Tāmihana Oheu and Taea Whareake. However, Titihuia Paerau or Paranīhia Moko will not be referred to as *tipuna* in this thesis. Instead I use the term *kuia* which I use to mean 'grandmother'.[3] For the male equivalent, I use the term *koroua* to refer to a grandfather.[4]

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[1] *Tīpuna*=ancestor; *whanaunga*= relative.
[2] H.W.Williams, *A Dictionary of the Māori Language*, Legislation Direct, Wellington, 2005, p. 458. An alternative spelling of *tipuna* is *tupuna* and the plural of the word is spelt with the addition of macrons *viz. tīpuna* or *tūpuna*.
[3] Williams also gives three definitions for the term *kuia* which are 'old woman', 'mother' and 'grandmother'. H.W.Williams, *A Dictionary of the Māori Language*, Legislation Direct, Wellington, 2005, p.154.
[4] Williams gives only one definition for the term *koroua*. That term is 'old man'. H.W.Williams, *A Dictionary of the Māori Language*, Legislation Direct, Wellington, 2005, p.146.

Whakapapa 2.1

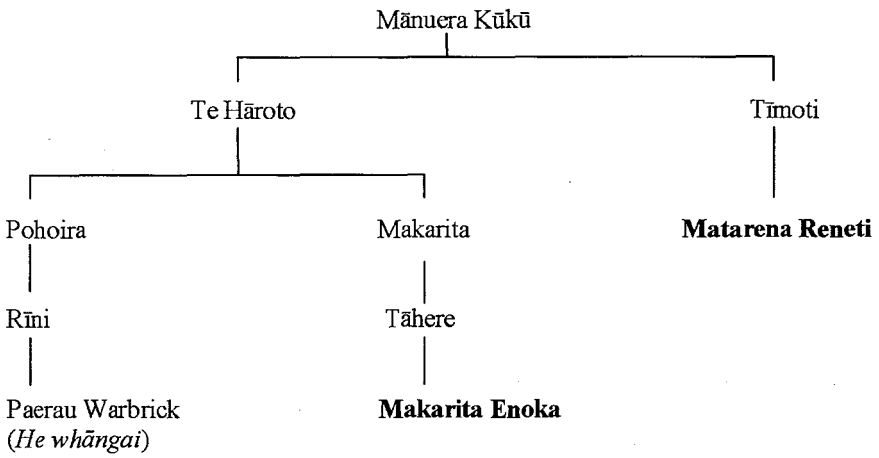


Williams' meaning of *whanaunga* is 'relative, blood relative'.[5] The term *whanaunga* is used in this chapter to describe persons who are descended from other than a person's *whānau*. The persons include those who belong to uncles' and aunts' lines of descent. The term would therefore encompass a myriad of cousins through various degrees. Like the term *tipuna*, the term *whanaunga* is non-gender specific. Some general examples of a person's *whanaunga* would be a great granduncle or a third cousin.

As an example, in *whakapapa* 2.2 below, Matarena Reneti and Makarita Enoka, for the purposes of this chapter, would be classed as my *whanaunga*.[6] As with the term *tipuna*, I also do not make any distinction in this chapter, between whether a *whanaunga* is a person through my *whāngai* or natural lines of descent. However, more often than not, a person is *whanaunga* through my *whāngai* and natural lines of descent anyway given the fact that I became a *tamaiti whāngai* of *whanaunga*.

[5] H.W.Williams, *A Dictionary of the Māori Language*, Legislation Direct, Wellington, 2005, p.487.
[6] In many contexts it is also appropriate to refer to Matarena Reneti as my *kuia* or *tipuna* and Makarita Enoka as my *tuahine* or sister (even though she is not a biological sister or a sister under a *whāngai* relationship). This is because of the different philosophical underpinnings of Māori society. Relationships between kin were never completely confined to strict biological categories as in Western society. There is a degree of fluidity depending upon relationship contexts.

Whakapapa 2.2



An examination of the lives of *tīpuna* and *whanaunga* is therefore useful for the understanding of the Māori Land Court in a number of ways. The first relates to an understanding of the historical and social contexts of Māori who were the major stakeholders in the Courts. The actions and deeds of *tīpuna* and *whanaunga* were often used in *kōrero* for formulating the essence of legal rights in Māori customary land in the early Native Land Court hearings.

The second relates to *tīpuna* and *whanaunga* operational roles in the Native Land Court. They were major participants in the Native Land Court and Māori Land Court. They were the ones who interacted with the Court and gave most of the evidence in the Court. I have already mentioned Hori Pawa (George Powell) in chapter one in the context of my *kuia* Māta Te Rangitūkehu. Hori Pawa was an important *whanaunga* of mine in my *whānau* claims in the Court. I believe (and I doubt that this will change as the years go on) that if it was not for Hori Pawa, our *whānau* would be landless. Hori Pawa was a staunch supporter of my *kuia* Māta, ensuring our land claims in the Native Land Court in the nineteenth and early part of the twentieth century were not trumped by other *whanaunga*, or indeed other *whānau*, *hapū* or *iwi* (I will mention Hori's actions again later in this chapter). Such an example serves to illustrate that the lives and actions of *tīpuna* and *whanaunga* reverberated through to the 1960s and the 1970s and continue even to the present day.

The *tīpuna* and *whanaunga* that I will specifically examine are Te Rangikawehea, Hātua, Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Moututere. There will also be a mention of traditional Māori society and the changing political and social circumstances leading up to the 1860s. In the 1860s, there were wars involving various *hapū* and *iwi* and the New Zealand Government. The wars culminated in the confiscation of lands and the creation of Compensation Courts. Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Moututere were participants and witnesses in these events. The period of the 1860s was a significant one as it was a time of great uncertainty amongst Māori. It was also during this period that the Native Land Court, the predecessor to the Māori Land Court, was created.

Te Rangikawehea

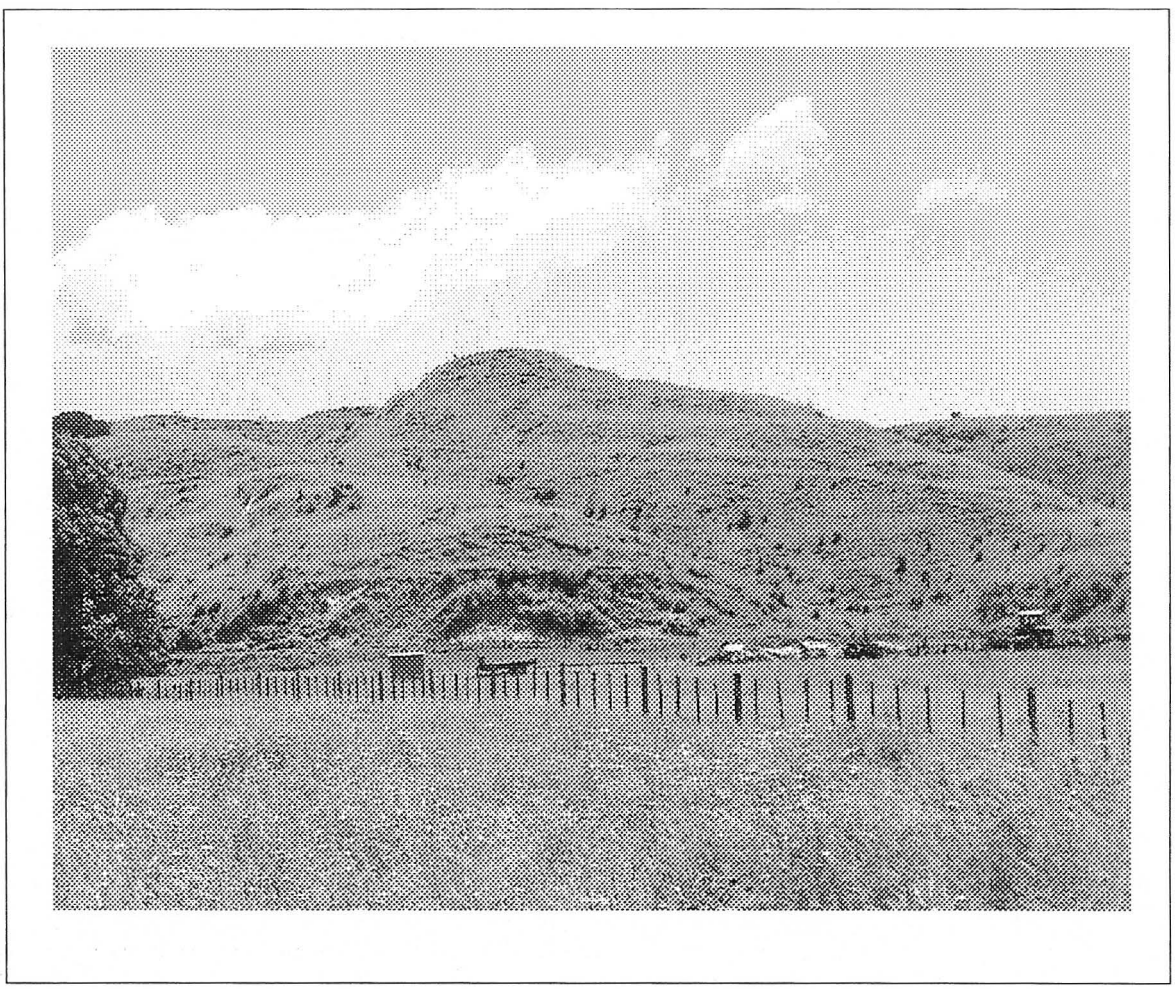
I want to start by describing the relationships of my *tipuna* called Te Rangikawehea. He is a principal *tipuna* and *whanaunga* for a number of Māori who appeared and argued in the Native Land Court as well as the Māori Land Courts in the nineteenth, twentieth and twenty-first centuries. Te Rangikawehea's descendants have married into all *iwi* throughout New Zealand. I have already shown in chapter one how my first cousin, Roland Anderson, had married a *mokopuna* (grandchild) of Pita Awatere (see whakapapa 1.11). His descendants therefore possess a whole range of *kōrero* about the Courts through their other non-Ngāti Awa lines of ascent and descent. It is therefore a fair comment to make that Te Rangikawehea's descendants have experienced the full effect of the Native Land Court and Māori Land Courts over time.

Te Rangikawehea (c.1740-c.1810) was a *rangatira* of Ngāti Awa in the Eastern Bay of Plenty at the time of Captain Cook's arrival in the Whakatāne District in November 1769. Therefore Te Rangikawehea's existence provides a good cross reference with an important Pākehā *tipuna* and historical figure known to many Westerners. Te Rangikawehea's father was Tukere Nukutaimehameha and his mother was Mahi Te Hukitū. To be more exact, Te Rangikawehea was a *rangatira* of Te Pahipoto and Ngā Maihi, which back at the time of Cook were *iwi* in their own right along with Ngāti Awa and Te Rangihouhiri. As a teenager, I recall being told that the proper members of Te Pahipoto are those who can claim descent from Te Rangikawehea.[7] Nowadays, Te Pahipoto along with Nga Maihi, and Te Rangihouhiri are seen as *hapū* of Ngāti

[7] Kōrero-a-Eruera Mānuera, Ōtūmahi, Te Teko, c.1987-1989.

Awa. The constant metamorphosis of these Māori social units continues in the modern period as it will in the future as discussed later in the chapter. A carving of Te Rangikawehea is depicted in the *wharenui* called Matātua that was once housed in the Otago Museum in Dunedin until the mid 1990s, when it was returned to Ngāti Awa.[8] Te Rangikawehea's principal place of residence was the *pā* (fortified village) at Te Kupenga, about two kilometres south of Te Teko on the western banks of the Rangitaiki River. His other places of residence were the *pā* at Puketapu and Otumahi.[9]

Photo 2.1: A photo taken in January 2007 of the present-day situation of the *pā* of Te Kupenga on Tahuna Road, South West of Te Teko, Eastern Bay of Plenty. The terracing is still visible. The land is now in private ownership and is used for farming purposes. Source: Paerau Warbrick personal collection.

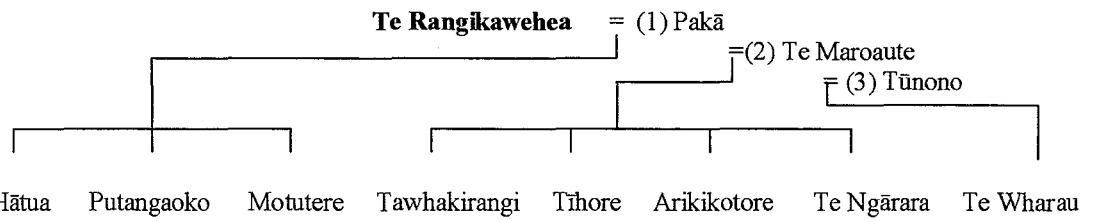


[8] See:'A history of the carved house *Matātua*', *Appendices to the Journals of the House of Representatives*, 1874, G.2.

[9] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.149.

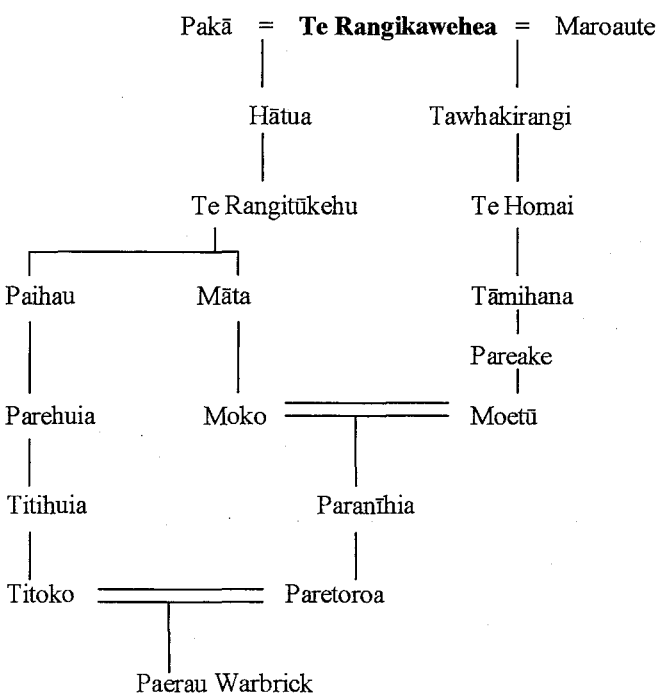
Te Rangikawehea had many children by many wives. His wives were Pakā, Maroaute, Tūnono, Uara, and Te Porenui, and there may have been others.[10] Te Rangikawehea's union with Uara and Te Porenui did not produce any descendants who are alive today.

Whakapapa 2.3



I am descended from Te Rangikawehea's union with Pakā as well as from Marouate (see whakapapa 2.4 below). I think they were from Ngāti Porou. Many of the Māori who still live around Te Teko, Eastern Bay of Plenty today are directly descended from Te Rangikawehea.

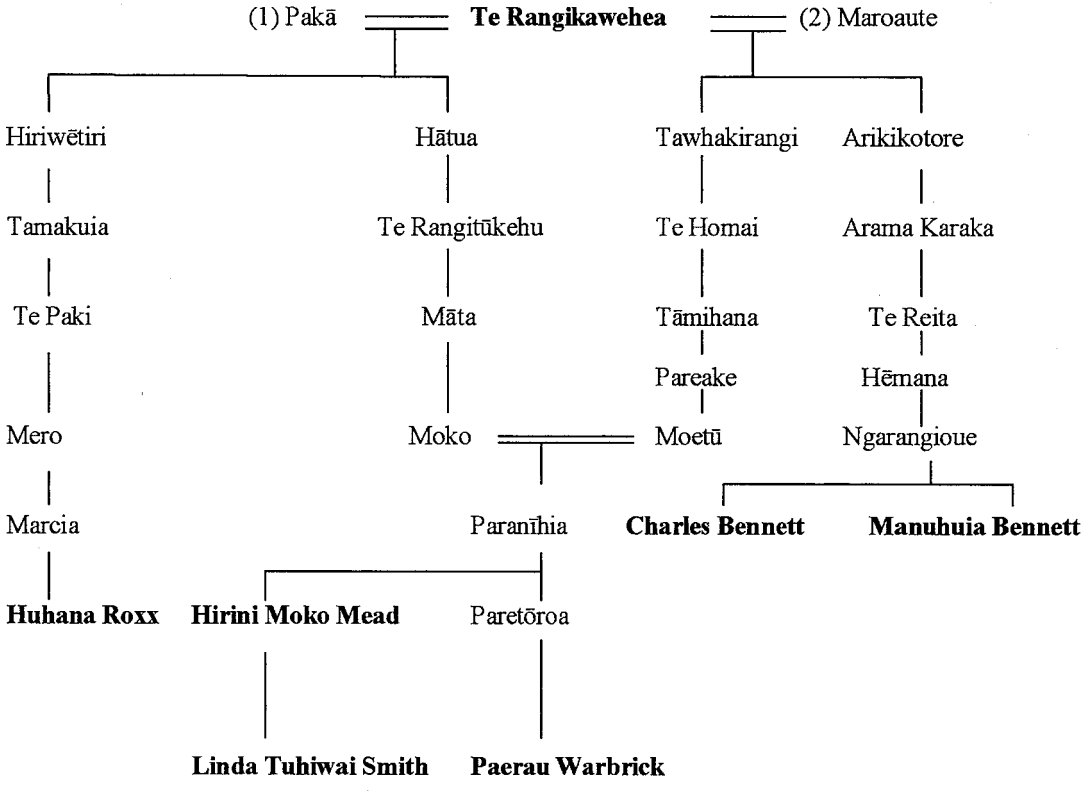
Whakapapa 2.4



[10] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.149.

In the late twentieth century and early twenty first century, some of Te Rangikawehea's well known descendants throughout New Zealand were the former commander of the Māori Battalion during World War Two, Sir Charles Bennett, and his brother the Anglican Māori Bishop of Aotearoa (New Zealand), Manuhuia Bennett; the anthropologist, Hirini Moko Mead, and his daughter, Linda Tuhiwai Smith; the former Māori Fisheries Commissioner, Anaru Rangiheuea; and the Chief Executive of Te Taura Whiri (The Māori Language Commission) Huhana Roxx.

Whakapapa 2.5



Some of Te Rangikawehea's contemporaries were the Ngā Puhi *tīpuna* called Te Hotete and Tuhikura,[11] the Ngāti Hao *tipuna* called Tapua and Kawehau,[12] the Waikato *tipuna* called Te Rauangānga and Parengaope,[13] the Ngāti Haua *tīpuna* called Te Waharoa and Rangi-te-Wiwini,[14] the Ngāti Tuwharetoa *tīpuna* called Herea Te Heuheu and Rangiaho,[15] the Ngāti Toa *tīpuna* called Werawera and Parekohatu,[16] the Ngāti Porou *tīpuna* called Rongotumamao and Ngarangikahiwa,[17] the Ngāti Kahungunu *tīpuna* called Kurimate and Tatari,[18] and the Ngai Tahu and Kāti Mamoe *tīpuna* called Nuku and Whakāro,[19] and Te Ihutakura and Kakatuaheka.[20]

Te Rangikawehea was known throughout the Matātua region as an aggressive *rangatira*. He is known for his battles with the *iwi* Ngai-Tai, Te Whakatōhea and Te Whānau a Apanui of the Eastern Bay of Plenty. He is particularly mentioned in their following *pātere* (an abusive song) that was given to Sir Apirana Ngata in 1924 by Kōpu Erueti, a *rangatira* of the *iwi* Te Whānau a Apanui.[21] This is a rare instance of another *iwi* acknowledging the leader of another *iwi* who gave them particular trouble and grief. I produce only the first twenty verses, as it is a monumental *pātere* of some seventy-five verses. It concerns bitter *iwi* feuds principally between Te Whakatōhea and Ngai-Tai.

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[11] Angela Ballara, 'Hongi Hika', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1990, p.201.
[12] Angela Ballara, 'Eruera Maihi Patuone', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.338.
[13] Steven Oliver, 'Te Wherowhero', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.526.
[14] Evelyn Stokes, 'Te Waharoa Wiremu Tāmihana Tarapipipi', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.515.
[15] Elizabeth Hura, 'Herea Te Heuheu Tukino I', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.446.
[16] Steven Oliver, 'Te Rauparaha', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.505.
[17] Steven Oliver, 'Te Kani-a-Takirau', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p. 458.
[18]Angela Ballara, 'Te Hapuku', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.443.
[19] Atholl Anderson,'Te Huruhuru', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.454.
[20] Harry C. Evison, 'Karetai', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.216.
[21] A.T. Ngata and Pei Te Hurinui Jones, *Nga moteatea : he maramara rere no nga waka maha. Part III / The songs : scattered pieces from many canoe areas: Part III* , Polynesian Society, Auckland, 1990, pp.90-97.

Figure 2.1. He Pātere nō Te Whakatōhea: A *Pātere* from Te Whakatōhea

Koua pau tonu mai koe i mua,	You could have been utterly consumed before now
I tera whakauenga riri au,	When you waged war
I te puta i te Arapopo,	On the battlefield at Te Ara-popō
I mate ai Tamaiharoaterangi.	When there fell Tama-i-hāroa-te-rangi
5Koua ki noa koe, koua tangi noa koe,	5 You said then, as you cried aloud,
Kia heke koe ki Whakatane.	You would trek off to Whakatāne.
Ko Ruatakenga ra tena,	It was Rua-takenga,
Ka kiia Torere kia nohia.	Who said, Tōrere was to be settled on,
Kia penei hoki ka rokohanga mai	'Twas thought then there was time
10 E to tutae maka, e Ngatoroirangi.	10 To excrete there, O Ngātoro-i-rangi.
Ko te huka o te pake e maka	Now let the frayed cloak be cast
Ki te wai, ki Torere;	Into the waters of Tō-rere;
Koia te kopura iwirau, e tipu nei	Hence the pied flecked hair that grow
Te rae o Matetinotangata.	Upon the brow of mate-tino-tangata.
15 Me aha he kai mau i reira?	15 What was your food there?
He kai nui tonu mahau ko te rau o Hūnā	Your big meal, of course, would have been the leaves of Hūnā
Ka kapi nga putahi o te kai	A bounteous feast was to come
*I a te Pahipoto, i a te **Rangikawehea***	From Pahi-poto, and from **Rangikawehea [emphasis mine]**
Hoki ke mai koe ki Ō-hiwa,	But you returned instead to Ō-hiwa
20 Ki te tamahine a te Whakatōhea...	20 To the daughter of Whakatōhea...

Te Rangikawehea was instrumental in persuading and warning my other *tīpuna* from the *hapū* Te Warahoe and Ngāti Hamua of Ngāti Awa to leave Ngāti Awa territory, circa 1790s-1805. Te Warahoe and Ngāti Hamua had become unpopular even amongst their own *whanaunga* and other *iwi* groups, and so they fled the area. Otherwise they might have been killed.[22] By the 1810s, Te Rangikawehea would have been an old man. The Ngāti Awa historians, Hirini Moko Mead and Te Onehou Phillis, both descendants of Te Rangikawehea allude to his being killed about 1834 in the Ngāti Awa war with Tūhoe.[23] This was about the time of our *whanaunga* Te Rauparaha's warmongering in the South Island.[24] Te Rauparaha was related to us by his

[22] Elsdon Best, *Tūhoe: The Children of the Mist*, Vol.I, AH & AW Reed [Polynesian Society, First Published 1925], Wellington, 1973 reprint, pp.172-185.
[23] Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982; Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.150.
[24] See 'Chapter 3', 'Te Rauparaha', Harry C. Evison, *Te Waipounamu: The Greenstone Island*, Aoraki Press, Wellington & Christchurch, 1993, pp.47-82 and 'Chapter V', 'Raids on the South', T. Lindsay Buick, *An Old New*

marriage to one of our *whanaunga* Te Akau of Tūhourangi. However, the Ngāti Awa historian Hamiora Pio,[25] who was present at the battle of Otukaimarama, where Te Rangikawehea was killed, noted that the *rangatira* was Te Rangikawehea the younger.[26] Elsdon Best also noted that that chief who was killed was Rangikawehea II.[27] Best's description of Rangikawehea II is also of an able-bodied man on a scouting expedition.

It is therefore probable that this Te Rangikawehea was a son or grandson of Te Rangikawehea. An aged Te Rangikawehea would definitely have been far too old to have been on scouting expeditions in the 1830s. This point is highlighted by the fact that when the missionary William Colenso visited Te Teko in 1834, he noted that Hātua, a son of Rangikawehea was about sixty years old and Hātua's son Te Rangitūkehu was about thirty years old.[28] The description of Rangikawehea's son and grandson in this instance would therefore imply that if Te Rangikawehea was alive in 1834, he surely would have been too old to be on a scouting expedition as described by Elsdon Best above. It is unknown where Te Rangikawehea is buried. Some have indicated he is buried near Matata.[29] Others have indicated he could be in the ancestral burial caves at Otumahi.[30] Others have said he is on Pūtauaki (Mount Edgecumbe) with all the other Matātua *rangatira*.[31]

Hātua

The eldest son of Te Rangikawehea, who survived to adulthood and produced children, was Hātua (c.1770-c.1850). He was the eldest son of the union of Te Rangikawehea and Pakā. Pakā and her sister Maroaute (another wife of Te Rangikawehea) had connections to Ngāti Porou. The

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Zealander or Te Rauparaha: The Napoleon of the South, Whitcombe and Tombes, Dunedin, 1911, pp.121-188; Steven Oliver, 'Te Rauparaha', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.505; Angela Ballara, 'Te Rangihaeata', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.488; Atholl Anderson, 'Te Puoho o te rangi', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.483.

[25] Hamiora Pio was known by many names. He is also known as Hamiora Tumutara. He also took on the name Te Tihi o te Whenua. See Hirini Mead, 'Hamiora Tumutara Te Tihi-o-te-Whenua Pio', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, [Reprint 1993], p.387.

[26] Elsdon Best, *Tūhoe: The Children of the Mist*, Vol.I, AH & AW Reed, Wellington, 1973, [1925], p.384.

[27] Elsdon Best, *Tūhoe: The Children of the Mist*, Vol.I, AH & AW Reed, Wellington, 1973, [1925], p.383.

[28] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.151.

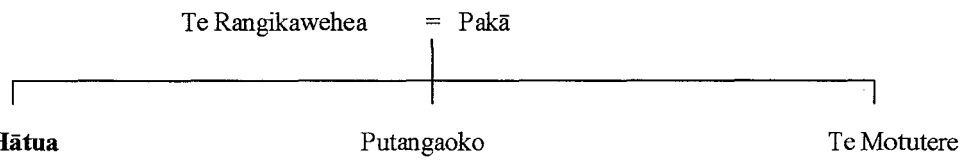
[29] Kōrero-a-Taea Wells, Kawerau, c.1998-2000..

[30] Kōrero-a-Te Onehou Phillis, Ōtūmahi, Te Teko, c.2000-2001.

[31] Testimony of Eruera Mānuera, *Whakatāne Minute Book* 70 at folio 126.

other two children from this union were Putangaoko and Te Motutere. It was Hātua who came to prominence as a *rangatira* for Ngāti Awa on Te Rangikawehea's death.

Whakapapa 2.6



Hātua's principal *pā* was at Puketapu, about one kilometre south of Te Teko. Hātua was a witness to the Ngā Puhi raids into Ngāti Awa,[32] and also the siege of Te Arawa at Mokoia Island at Rotorua.[33] Hātua's contemporaries from other tribes were the Nga Puhi *rangatira* Patuone,[34] Tamati Waka Nene,[35] the Ngāti Mahuta *rangatira* Te Wherowhero,[36] the Ngāti Toa *rangatira* Te Rauparaha,[37] and the Ngāi Tahu and Kāti Mamoe *rangatira* Taiaroa[38] and Karetai.[39] It was Hātua who negotiated the Māori peace agreement, termed a *tatau pounamu,*[40] at Ohui with the *iwi* Tūhoe through their *rangatira* Koura and Te Ikapoto.[41]

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[32] Nga Puhi warriors invaded the Bay of Plenty from circa 1818 to circa 1824 because of various grievances. See Elsdon Best, Tūhoe: *The Children of the Mist*, Vol.I, AH & AW Reed [Polynesian Society, First Published 1925], Wellington, 1973 reprint, p.526 -527.

[33] Additionally, See 'Chapter 37: The capture of Mokoia by Hongi Hika', D.M.Stafford, *Arawa*, AH & AW Reed, Auckland, 1967, (1982 reprint), pp.175-392.

[34] Angela Ballara, 'Eruera Maihi Patuone', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.338.

[35] Angela Ballara, 'Tamati Waka Nene', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.306.

[36] Steven Oliver, 'Te Wherowhero', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.526.

[37] Steven Oliver, 'Te Rauparaha', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.505.

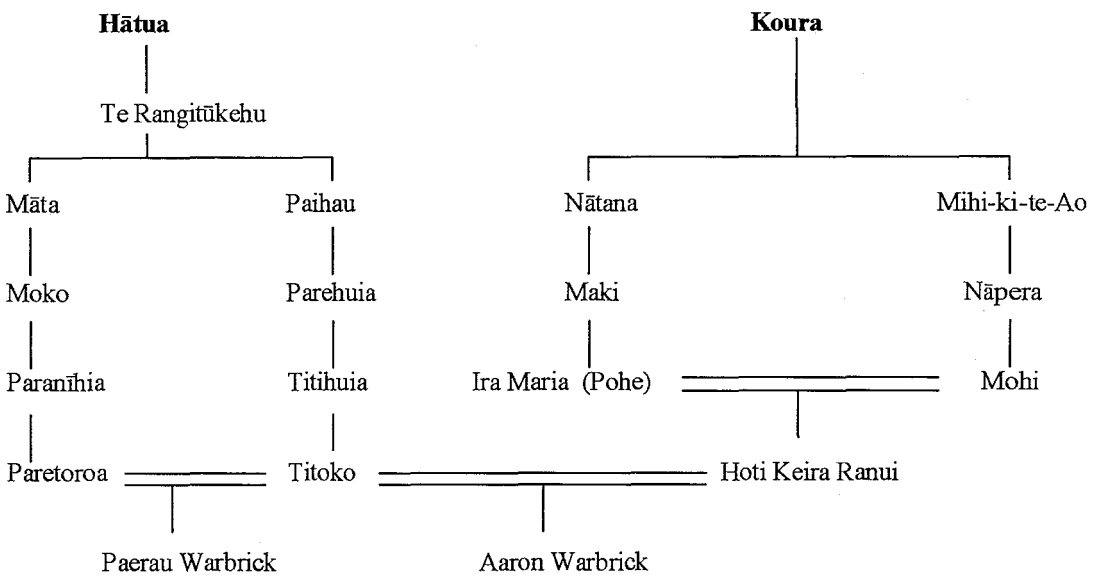
[38] Steven Oliver, 'Te Matenga Taiaroa', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.415.

[39] Harry C. Evison, 'Karetai', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.216.

[40] For a discussion of the elements of *tatau pounamu* within Māori society, see the discussion in 'Chapter 10', Hirini Moko Mead, *Tikanga Māori: Living by Māori Values*, Huia Publishers, Wellington, pp.167-180.

[41] Elsdon Best, *Tūhoe: The Children of the Mist*, Vol.I, AH & AW Reed, Wellington, 1973, [1925], pp.387-392.

Whakapapa 2.7



I only know of one wife from whom Hātua had offspring. Her name was Tumuwhare Te Wharangi. There is no doubt that Hātua had other wives, but their unions did not produce offspring. Te Rangitūkehu is the only known child of Hātua and Tumuwhare who survived to adulthood and who had offspring. It has been said that Hātua was also the father of my *whanaunga* Matutaera. Hātua's sister-in-law, Mahora Tionga, had claimed that Hātua was the father instead of Hātua's brother, Te Wharau Rangikawehea. Matutaera certainly appears in some Native Land Court documents as Matutaera Hātua.[42] Elsdon Best also produces a *whakapapa* that lists Matutaera as a son of Hātua and he refers to Matutaera as 'the much younger brother of Te Rangitūkehu'.[43]

[42] Matutaera is listed as either Matutaira Hātua or Matutaera Hātua. See 'List of names for the Houpoto Whituare Block', *Ōpotiki Minute Book 2*, folio 350; 'List of names for the Pokohu B Block', Whakatāne Minute Book 2 at folio 280 and 'List of names for the Pokohu D Block', *Whakatāne Minute Book 2* , folio 294.
[43] Elsdon Best, *Tūhoe: The Children of the Mist*, Vol.I, AH & AW Reed, 1973, [1925], pp. 177 & 186.

Whakapapa 2.8

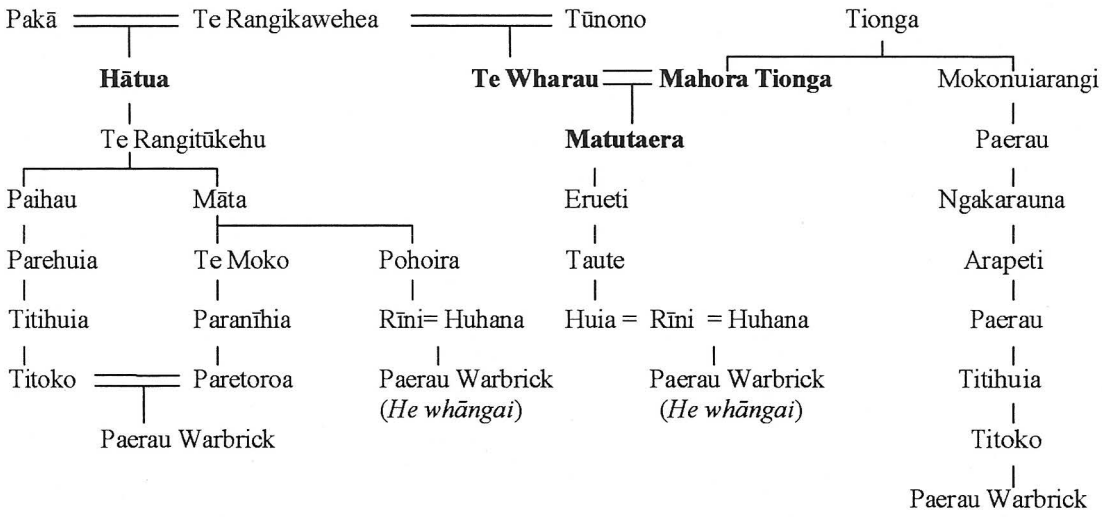
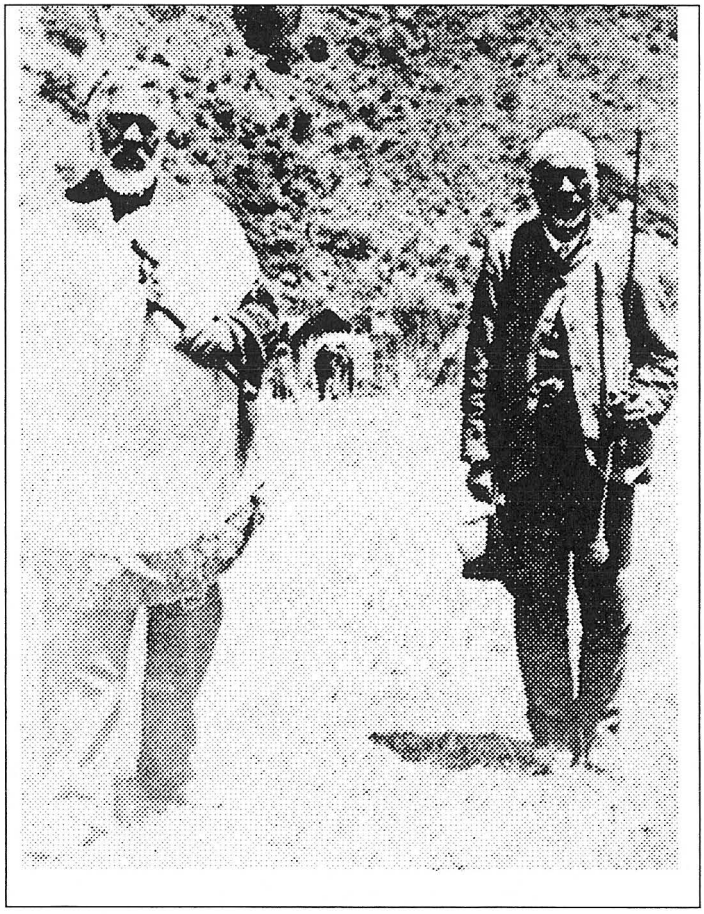


Photo 2.2: Matutaera on the right with the master carver Tuwhakamakaka on the left taken in 1927.[44]



[44] Source: Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.99.

Hātua was alive at the time the Treaty of Waitangi was taken to Whakatāne where our Whakatāne-based *whanaunga* appended their signatures to the document.[45] Valentine Savage described Hātua and his son Te Rangitūkehu when they visited Matata sometime in the 1840s. They were accompanied by their slaves. Such a description has always troubled me given the fact that my *tīpuna* bonded fellow human beings. It simply goes against my modern social democratic upbringing and I always feel sad for those fellow humans when I read such a description.

> In the party were Hātua and his son Rangitukehu...I was very much impressed by these visitors, who were fully dressed in fine flax garments from neck to ankles, with *huia* feathers in their hair and greenstone pendants in their ears. Hātua had a whole pigeon suspended in his ear. They had ten or a dozen *kukis* to carry their luggage, miserable, stunted creatures most of them misshapen with carrying heavy loads. Their naked shoulders were scored by the flax straps of the *pikau* load and their legs were bowed by the weights they had to bear. Some of them had actually carried their masters on their shoulders part of the way. The born slaves were smaller than the free people, and usually darker and unattractive, with the dull, hopeless expression of a beast of burden.[46]

I do not know exactly when Hātua died or the circumstances of his death, but he is buried on Pūtauaki.[47]

Te Rangitūkehu

Te Rangitūkehu was born about the year 1805. Other names that he was also known by were Tūkehu and Te Wharewera. Te Rangitūkehu decided to build his principal place of residence at Kōkōhīnau.[48] Kōkōhīnau *pā* was to be one of the major places where important land meetings and issues were decided for Ngāti Awa.[49] This included various meetings for discussing Native Land Court matters.

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[45] These chiefs were called Tautari, Mato, Tunui, Pīariari, Tūpara (Tupari), Mokai, Tarawatewate (Tuarawhati), Taupiri, Matatēhokia, Mokai, Haukākawa, Rewa. (There were two rangatira named Mokai, who signed the Treaty at Whakatāne). Miria Simpson, *Ngā Tohu o Te Tiriti: Making a Mark*, National Library of New Zealand, Wellington, 1990, pp.63-65.

[46] G.M. Henderson, *The antecedents and early life of Valentine Savage, known as Taina*, Wingfield Press, Wellington, 1948, p.134.

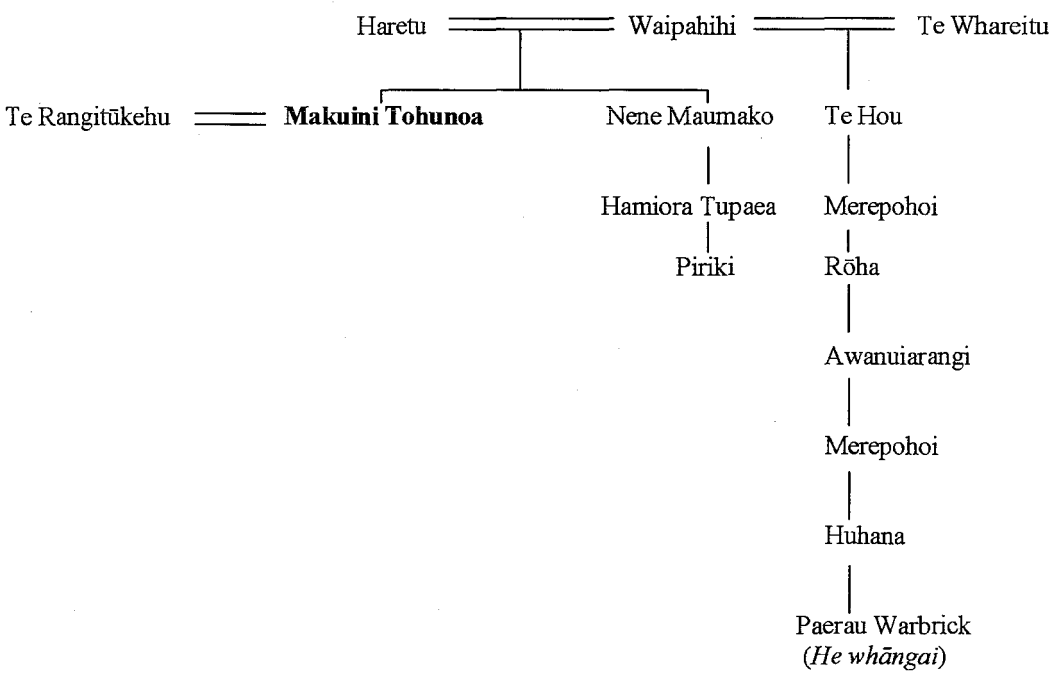
[47] *Kōrero-a-Eruera Mānuera, Whakatāne Minute Book* 70 at folio 126.

[48] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.152.

[49] Kōkōhīnau was especially important in the 1860s. The missionary Thomas Grace when in the Eastern Bay of Plenty, always called on Kōkōhīnau. See: Thomas Samuel Grace, *Pioneer Missionary among the Māoris 1850-1879, Being letters and journals of Thomas Samuel Grace*, S.J. Brittan, G.F. Grace, C.W. Grace & A.V. Grace (eds.), G.H. Bennett & Co, Palmerston North, [1928]. Additionally, the Civil Commissioner for the Bay of Plenty District, T.H. Smith, who was subsequently to become a native land court judge, frequently called at Kōkōhīnau for discussion on political matters. See for example, 'Report from T.H. Smith, Civil Commissioner to Minister of Native Affairs', *Appendices to the Journals of the House of Representatives*, 1862, E9, p.21.

Te Rangitūkehu had at least two wives. One was Mākuini Tohunoa. She was also known as Mākuini Kaewao. Her father was Haretu of the Ngāti Rangihouhiri *hapū* of Ngāti Awa. Her mother was Waipahihi who was also of Ngāti Rangihouhiri. Makuini died without leaving any children in about 1883.[50] My *tipuna*, Te Hou, was a half sister to Makuini.

Whakapapa 2.9



Te Rangitūkehu's other wife was Te Rangitōwhare. Her other name was Paranīhia. Rangitōwhare's father was Te Rangiheuea of Ngāti Tāoi of Tūhourangi and her mother was Te Tonga Te Whetu. I believe Te Tonga was of Ngāti Awa. I am a descendant of this union. Te Rangitōwhare died about 1880.[51] Te Rangitūkehu and Te Rangitōwhare had at least three children together. One child died as a young woman. Her name was Te Rauotehuia. She is now buried on Pūtauaki after initially being buried in the ancestral cave called Te-Niho-o-te-Kiore which is at the foothills of Pūtauaki.[52] Another was my paternal great great grandfather, Te

[50] *Whakatāne Minute Book* 2, folio 346, *Whakatāne Minute Book 5* , folio 369, *Whakatāne Minute Book 9*, folio 201.
[51] *Whakatāne Minute Book* 4, folios 83-84.
[52] Captain Gilbert Mair gives an account of her funeral along with other accounts of my *whānau* in 'Chapter XXII When Mount Edgecumbe Trembled', Captain Gilbert Mair, *Reminiscences and Māori Stories*, Brett Printing and Publishing, Auckland, 1923, pp.76-80.

Wharehīraka Paihau (Paihau). Another was my maternal great great grandmother Māta Te Taiawatea (Māta). Māta was older than Paihau. Te Rangitūkehu had at least two other children. However, it is unknown within my *whānau* whether their mothers were Makuini, Rangitōwhare or other women. The other two children were males, Erueti and Topia. Topia was a sickly child, afflicted with leprosy. Neither left any children who have descendants today.[53]

Te Rangitūkehu also had a close male companion called Uaha Taku Oha. Uaha also appears in Native Land Court lists as "Awaha".[54] Uaha was of Ngāti Awa but his mother was Ngāti Kahunungu. The appropriate term for Te Rangitūkehu's relationship with Uaha is 'takatapuhi'.[55] According to Tiaki Rewiri, Uaha simply always lived with Te Rangitūkehu.[56] Uaha also had a wife. Her name was Tikiahi. She was also known as Marata.[57] She was originally from Taranaki. She was enslaved and taken as a prisoner to Ngāti Awa where she became part of the *iwi* by marrying Uaha sometime in the 1840s.[58] They did not have any children.

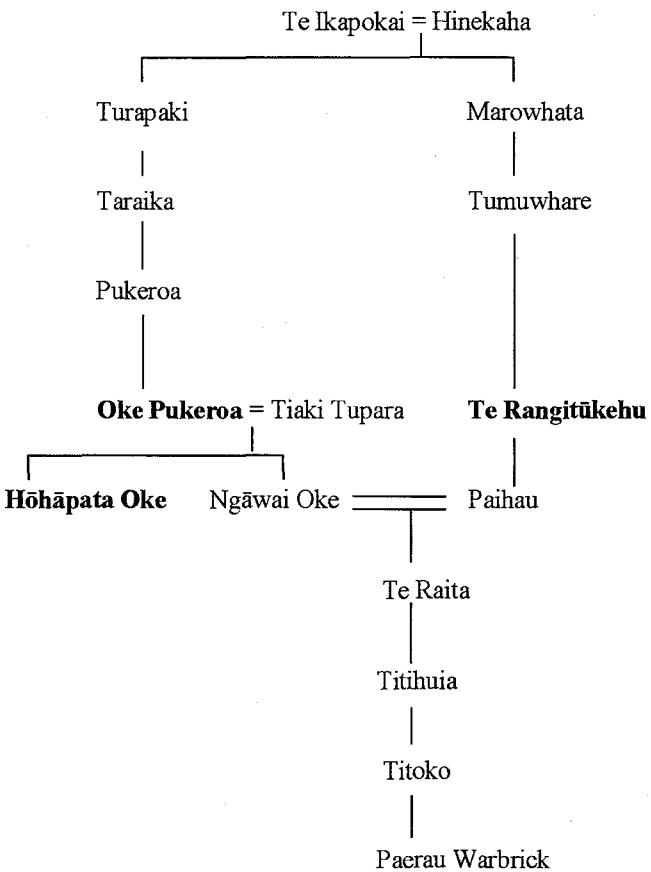
Te Rangitūkehu did not die at his home at Kōkōhīnau. He had died at Otamauru near Whakatāne on 27 June 1887.[59] Te Rangitūkehu's two wives, Makuini Tohunoa and Rangitōwhare, had predeceased him some years before as well as at least three of his children, Te Rauotehuia, Topia and Erueti. His two surviving children were Paihau and Māta.[60] In old age Te Rangitūkehu had become extremely frail and in his final days he was attended to by his cousin Hiriwetiri Te Motutere (whom I will mention again shortly) and my other *tipuna* named Oke Pukeroa.[61] Oke Pukeroa was the father-in-law of Te Rangitūkehu's son, Paihau. Te Rangitūkehu was also *whanaunga* of Oke Pukeroa through at least the *tīpuna* Te Ikapokai and Hinekaha. According to

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[53] *Whakatāne Minute Book* 2, folios 336-337, *Whakatāne Minute Book* 4, folio 81, *Whakatāne Minute Book* 5, folios 287, 350-351, 363, 364 and Whakatāne Minute Book 6, folio 130.
[54] *Whakatāne Minute Book* 5, folios 288 & 367, *Whakatāne Minute Book* 6, folio 132.
[55] Williams gives the definition of 'takatapui' as 'intimate companion of the same sex'. He also gives alternative spellings as 'takapui' and 'tapui'. See H.W.Williams, *A Dictionary of the Māori Language*, Government Print, Wellington, 1988
[56] *Whakatāne Minute Book* 5, folio 288.
[57] *Whakatāne Minute Book* 5, folios 288 and 372, & in *Rotorua Minute Book* 50, folio 95 where she is referred to as Marata Ua.
[58] *Whakatāne Minute Book* 4, folios 83-84.
[59] *Whakatāne Minute Book* 2, folios 336-337, *Whakatāne Minute Book* 4, folio 81, *Whakatāne Minute Book* 5, folios 287, 350-351 & 363, *Whakatāne Minute Book* 21, folio 345, *Whakatāne Minute Book* 73, folio 308, *South Island Minute Book* 102, folios 201-216.
[60] *South Island Minute Book* 102, folio 201.
[61] *Whakatāne Minute Book* 5A, folio 273 & *Whakatāne Minute Book* 4, folio 350.

Oke Pukeroa's son, Hōhāpata Oke, Te Rangitūkehu was initially buried at Otamauru but in 1899 his bones were exhumed and taken up to the summit of Pūtauaki.[62]

Whakapapa 2.10



Tiopira Hūkiki

Tiopira Hūkiki was born about 1810. He was also known as Tiopira Tukupaka. Tiopira's father was Putangaoko Rangikawehea of Te Pahipoto of Ngāti Awa. His mother was Te Ruatapatahi Te Papata of Ngāi Taiwhakaea of Ngāti Awa. Tiopira Hūkiki was a first cousin to Te Rangitūkehu.

Tiopira held great influence over his cousin, Te Rangitūkehu. He was extremely able and learned, and a literate person. He had been schooled by missionaries but it is unknown where his

[62] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.154.

education took place or by which Christian denomination.[63] When Civil Commissioner Thomas Smith visited Kōkōhīnau in 1862 to encourage Māori support for a *rūnanga* (council) system he observed that Tiopira was a prominent figure at Kōkōhīnau *pā*.

> From Te Awa-o-te-Atua we proceeded...The meeting took place at Kōkōhīnau, the residence of the Chief Rangitūkehu...about a hundred natives were present. Tiopira, the teacher and leading man in the place, took a principal part in the proceedings...many of them were merely silent spectators...arisen from their unwillingness to oppose their chief Rangitūkehu.[64]

Tiopira was also known for his honesty, good disposition and political astuteness.[65] By the 1860s, it was Tiopira who was the scribe on behalf of Ngāti Awa for petitions against the government for the various grievances.[66] The *kōrero* that I have also heard about Tiopira is that he was an extremely tough negotiator towards the Government. Government agents would try and meet Te Rangitūkehu alone instead of in the company of Tiopira as the latter was too assertive in regard to any deals or requests from the government. Te Rangitūkehu was more malleable and held a more kindly disposition towards the Government than Tiopira. [67]

Tiopira's wife was Atareta. They had natural children of their own as well as *tamaiti whāngai* (foster children). However, Tiopira's natural children did not survive him and he died without any natural descendants. Two *tamaiti whāngai* children who survived him were Māka Oheu and his sister, Pareake Oheu, otherwise known as Taea Whareake. Both were related to Tiopira who died circa 1882.[68] I am a direct descendant of Pareake Oheu.

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[63] Lauren Te Aorangi Hunia, 'Tangi Putauaki: A Māori history of the Rangitaiki', Unpublished Master of Arts Thesis in History, University of Auckland, Auckland, New Zealand, 1977, pp.39-40.

[64] 'Report from T.H. Smith esq. Civil Commissioner, May 28, 1862', *Appendices to the Journals of the House of Representatives*, 1862, E.9, pp.20-21.

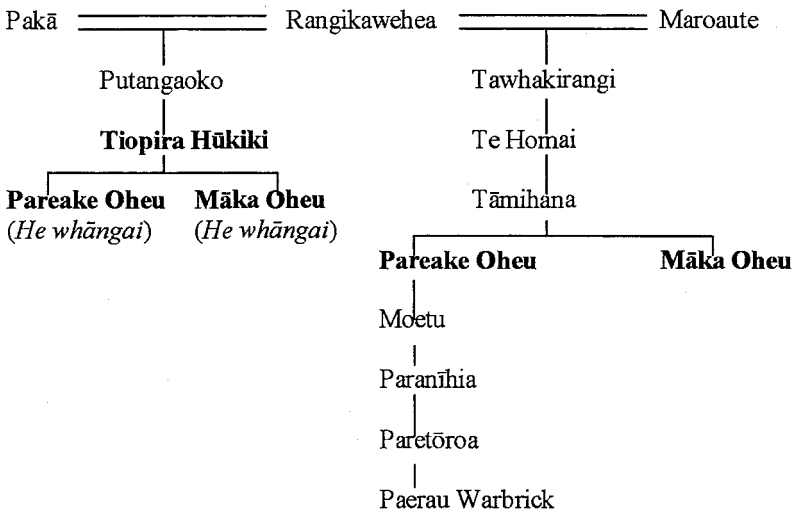
[65] The missionary Thomas Grace referred to him as 'Theophilis' and noted that he was "very clever and has always been well disposed". Thomas Samuel Grace, *Pioneer Missionary among the Māoris 1850-1879, Being letters and journals of Thomas Samuel Grace*, S.J. Brittan, G.F. Grace, C.W. Grace & A.V. Grace (eds.), G.H. Bennett & Co, Palmerston North, [1928], p.171.

[66] See an example of one of his letters dated 6 April 1866 as a petition to the government in [Hirini Moko Mead], *Te Muru nga Hara: The Pardon*, Research Report No.1, Te Runanga o Ngāti Awa, [Whakatāne, 1986], Appendix B, pp.49-51.

[67] Kōrero-a-Te Onehou Phillis, Ōtūmahi, Te Teko, c.1995-1997.

[68] *Whakatāne Minute Book* 5A , folios 342-346, *Whakatāne Minute Book* 5, folio 289, *Whakatāne Minute Book* 6, folios 142-143, *Whakatāne Minute Book* 8, folio 6, *Whakatāne Minute Book* 10, folios 1-2 & 209, and *Maketu Minute Book* 17, folios 16-17, & 18.

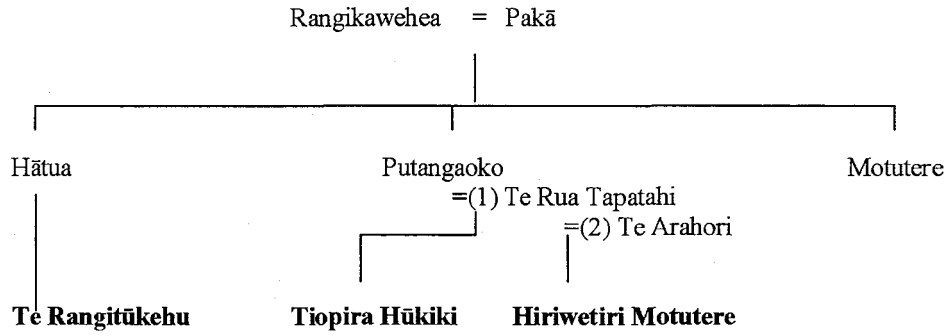
Whakapapa 2.11



Hiriwetiri Motutere

Hiriwetiri Motutere (c.1815-1919) was a half brother to Tiopira Hūkiki. They shared the same father but had different mothers. Hiriwetiri's mother was Te Arahori.[69] Hiriwetiri was therefore also a first cousin to Te Rangitūkehu. Hiriwetiri's wife was Tangiwai Potama. Hiriwetiri had two children who survived to adulthood and had issue. They were Paraha and Tamakui. Hiriwetiri was known as a tough, aggressive and opinionated man.

Whakapapa 2.12



[69] *Whakatāne Minute Book* 5A, folios 342-346, *Whakatāne Minute Book* 5 ,folio 289, *Whakatāne Minute Book* 6, folios 142-143, *Whakatāne Minute Book* 8, folio 6, *Whakatāne Minute Book* 10, folios 1-2 & 209, and *Maketu Minute Book* 17, folios 16-17, & 18.

On Te Rangitūkehu's death bed, Hiriwetiri Motutere influenced Te Rangitūkehu to sign a will that bequeathed all of his lands to his son, Paihau, to the exclusion of his daughter Māta.[70] On the death of Te Rangitūkehu, Hiriwetiri was the oldest and most senior of Te Rangitūkehu's *whanaunga* alive at the time. Paihau was a young man and more easily influenced. He was very much like his father in that way. Māta on the other hand was stronger willed and more opinionated than her younger brother. In sentiment she was a mixture of her father, along with her uncles Tiopira and Hiriwetiri as well.

In hearings before the Native Land Court Māta confirmed Hiriwetiri's duress. She also challenged the validity of the will and was supported in the Court by Hori Pawa.

> It is true there was a will as stated. Hiriweteri acted usurpingly and influenced my father, to make that will. He was near death and yielded to Hiriweteri.[71]

However, Hiriwetiri cannot entirely be held responsible for the duress of signing a will in favour of Paihau. My other *tipuna* Oke Pukeroa was also in attendance on Te Rangitūkehu in his final days. As he was Paihau's father-in-law it might have influenced him.[72] Despite Hiriwetiri's actions, he and Māta still worked together on common issues pertaining to *whānau*, *hapū* and *iwi* affairs. Hiriwetiri died a very old man at Te Teko in December 1919.[73]

The changing political, economic and social circumstances

It was during the time of Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere that the Native Land Court came into existence in the 1860s.[74] These three men were at the forefront of establishing my *whānau* rights to land in the Whakatāne district through the Native Land Court. They, like the multitude of other *tīpuna* and *whanaunga* from around New Zealand, initially struggled with the court processes. As they got used to the Court and its various processes and idiosyncratic methods, their effective use of the Court eventually improved. However, some *tīpuna* and *whanaunga* were simply 'shut out' of participating in court hearings because they

[70] *Whakatāne Minute Book 4*, folio 350.
[71] *Whakatāne Minute Book 4*, folio 350.
[72] Te Rangitūkehu's will was eventually ignored. The Native Land Court treated Māta and Paihau as being entitled equally to succeed to Te Rangitūkehu's lands because of duress. See *Whakatāne Minute Book* 4, folio 81; *Whakatāne Minute Book* 4, folio 350 and *Whakatāne Minute Book* 5, folios 350-351 & 363.
[73] *Whakatāne Minute Book* 20, folio 185 & *Whakatāne Minute Book* 40 at folios 10-11.
[74] Native Land Act 1862 & Native Land Act 1865.

were imprisoned or ostracised by the government.[75] In chapter three I will elaborate further on these processes and involvement of my *tīpuna* in the courts. However, a general discussion of what was happening in New Zealand in the 1860s is needed at this stage to understand the societal context for which the Court was created.

The way *tīpuna* and *whanaunga* conducted themselves in the Court, depended on the social situations at the time and the continuing interaction of Māori and Pākeha. What was said and done in the initial Native Land Court sittings also made reference to the contemporary political, economic and social circumstances of the day. The 1860s was a time in New Zealand when there were great tensions between *whānau* and *hapū* on the one hand, and the New Zealand colonial government on the other. The tensions were focussed on land control and acquisition which also had political, economic and social implications for Māori. There were many *hapū* and *whānau* that were initially willing to sell land blocks to the Governor and individual Pākehā. *Whanaunga* at Whakatāne had sold Motuhora (Whale Island) off the coast of Whakatāne to the Pākehā trader, Hans Tapsell, many decades before the Native Land Court came in to existence.[76] But by and large, at least in my own area, sales were extremely small in comparison to other *hapū* around New Zealand.

Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere were well aware of the great tensions over land concerning Te Rauparaha and the Governor around Nelson and Wellington in the 1840s.[77] One of Te Rauparaha's wives Te Akau of Tūhourangi, was *whanaunga* to one of Te Rangitūkehu's wives, Te Rangitōwhare, also of Tūhourangi. They were also cognisant of the great land sales of the South Island by the people of Ngāi Tahu in the 1850s and 1860s,[78] and the

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[75] One *whanaunga* of mine who was imprisoned and did not take part in any land court sittings whatsoever was Te Hura Te Taiwhakaripi. He was gaoled by the government for defending Ngāti Awa lands in the 1860s. See: S.M.Mead & Miria Simpson, 'Te Hura Te Taiwhakaripi', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.453-454.

[76] The Island was reputedly sold in about 1833. See 'Chapter 35: Sale of Motuhora', Don Stafford, *Te Arawa*, Reed Publishing, Auckland, 2005, [1967]; Elsdon Best, *Tūhoe: The Children of the Mist*, Vol.I, AH & AW Reed, Wellington, 1973 [1925], p.390.

[77] Angela Ballara, 'Te Rangihaeata', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.488-490; Steven Oliver, 'Te Rauparaha', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.504-507.

[78] Atholl Anderson, 'Tuhawaiki', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.553-555; Athol Anderson, 'Topi Patuki', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.337-338; Harry C. Evison, 'Karetai', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.216-217; Steven Oliver, 'Te Matenga Taiaroa', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.415-

squabbles over land in the Wairarapa and Taranaki districts.[79] The major concern for a lot of *hapū* about land sales was that once land was sold to the Governor or Pākehā individuals, Māori political, economic and social control within their geographical areas was weakened. Land sales meant the settlement of Pākehā and they brought their own social and economic ways of doing things. Individual *rangatira* differed in their approaches to Pākehā settlement. Some encouraged it, others were not too bothered about it, while some were extremely critical. Te Rangitūkehu was not too bothered about Pākehā settlement around his own district, although there were not many settlers in the Whakatāne area by the 1860s. He was still firmly in control of his own affairs around Kōkōhīnau *pā* and the Rangitaiki district. However, this was to change because of issues around land in Taranaki.

The Government's Wars of Aggression

By the late 1850s, there was a general awareness amongst *hapū* throughout New Zealand that Pākehā-controlled institutions like central, provincial and municipal governments, along with Pākehā settlers, were beginning to exert strong political, economic and social influences in New Zealand.[80] A major concern for *whānau* and *hapū* was the scale and magnitude of the sale of land. In 1859 there was a major land issue at Waitara in Taranaki. That event set off a significant chain of events in New Zealand.[81]

The issues at Waitara concerned the sale of a block of land called Pekapeka. Land agents failed to identify its proper owners or simply chose to ignore *whānau* and *hapū* interests in the land block. Individual Māori land interests were so intertwined with other individuals from *whānau* and *hapū* that it was nearly impossible to partition bits of land from the whole block and to have those bits sold. The land agents however bought Pekapeka without a clear and unencumbered legal title. One of the owners who purported to sell Pekapeka was Te Teira Manuka. When

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416; Te Maire Tau, 'Horomona Pohio', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.342-343.

[79] Angela Ballara, 'Hine-i-paketia', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.190-191; Angela Ballara, 'Te Hapuku', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.442-445; Ann Parsonson, 'Wiremu Kingi Te Rangitake', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.499-502.

[80] See A.H. McLintock, *Crown Colony in New Zealand*, R.E.Owen, Government Printer, Wellington, 1958.

[81] J.Cowan, *The New Zealand Wars: A history of the Māori Campaigns and the Pioneering Period*, Government Printer, Wellington, 1922 (2 vols.); James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press, Auckland, 1982.

surveyors began initial markings upon the block, there was open armed conflict with other owners led by Te Teira's own *whanaunga*, Wiremu Kingi Te Rangitake (Wiremu Kingi).[82]

An initial stalemate ensued but Governor Gore Browne's term in office ended during negotiations for peace at Waitara in September 1861. Subsequently, George Grey who was Governor of New Zealand from 1845 to 1853, was recalled back to the job. Grey was less willing to negotiate with Wiremu Kingi over the Waitara issue or for that matter over any political, economic or social issue which would have involved the government being subservient to Māori.[83] Instead Governor Grey used troops to settle issues in the Waitara.

Hiriwetiri went to the Taranaki during this period to ascertain the issues at Waitara. However he was arrested by colonial troops. He was eventually taken as a prisoner to Rekohu (Chatham Islands) some 800 kilometres east of New Zealand. It did not help the situation that he was sympathetic toward the Taranaki religious movement founded by Te Ua Haumene as well.[84] He is recorded as Hiriwetire Te Whakamate along with Te Kōti Rikirangi[85] as being in the third lot of prisoners which included women and children to be imprisoned on Rekohu in 1866.[86]

Tiopira Hūkiki was then sent by Te Rangitūkehu to visit Taranaki to enquire about Hiriwetiri's fate as well as about the Waitara issues and Te Ua Haumene.[87] On route to the Taranaki, Tiopira like Hiriwetiri, was arrested. However, on the intercession of a magistrate who knew Tiopira very well, he was released. Otherwise, it is likely that Tiopira would have also been imprisoned

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[82] See 'Chapter 3: Waitara, Waitotara and War' in Waitangi Tribunal, *The Taranaki Report*, Wai 143, Legislation Direct, Wellington, 2001, [1996], pp.57-82 & 'Chapter 4 The Taranaki Wars', Waitangi Tribunal, *The Taranaki Report*, Wai 143, Legislation Direct, Wellington, 2001, [1996], pp.83-106.

[83] B.J. Dalton, 'Thomas Robert Gore Brown', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.46-48; Keith Sinclair, 'George Grey', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.160-164, Ann Parsonson, 'Wiremu Kingi Te Rangitake', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.499-502.

[84] Lindsay Head, 'Te Ua Haumene', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.511.

[85] Judith Binney, 'Te Kōti Arikirangi Te Turuki', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.462-466.

[86] 'Copy of Letter from Captain Thomas to the Undersecretary, Native Department, dated 16 June 1866 at ChathamsIslands ', *Appendices to the Journal of the House of Representatives*, 1868, A.10. 15E, pp.9-10..

[87] Lindsay Head, 'Te Ua Haumene', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.511.

on Rekohu.[88] The treatment of Hiriwetiri and Tiopira brought home the fact that issues in Waitara were having a direct effect on my own *tīpuna* and *whanaunga* at Kōkōhīnau *pā*. More land issues and power issues continued to have an effect when in July 1863 Governor Grey sent troops into the Waikato District to settle the many disturbances over land control in that district.[89] Governor Grey occupied *whānau* and *hapū* lands with troops at Tauranga in the Western Bay of Plenty,[90] then in the Eastern Bay of Plenty[91] and further through to the North East Coast of the North Island, and down the East Coast into the Wairarapa.[92]

Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere were therefore witnesses to the military occupation of our *whānau* and *hapū* lands by the Government. Our own *pā*, which is now the site of the present day *urupā* (cemetery), was formally occupied by troops.[93] And my *whānau* and *hapū* had to relocate our *kāinga* (home) to the present day site of our *pā* at Kōkōhīnau. The ironic thing was that formally we did not even own the land where we had relocated. The whole district was now owned by the Crown. Our *whānau*, *hapū* and *iwi* therefore had to wait for a Compensation Court to convene in our district so we could eventually beg for our own land back.

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[88] Thomas Samuel Grace, *Pioneer Missionary among the Māoris 1850-1879, Being letters and journals of Thomas Samuel Grace*, S.J. Brittan, G.F. Grace, C.W. Grace & A.V. Grace (eds.), G.H. Bennett & Co, Palmerston North, [1928], p.71.

[89] Manuka Henare, 'Rewi Manga Maniapoto', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.263-264.

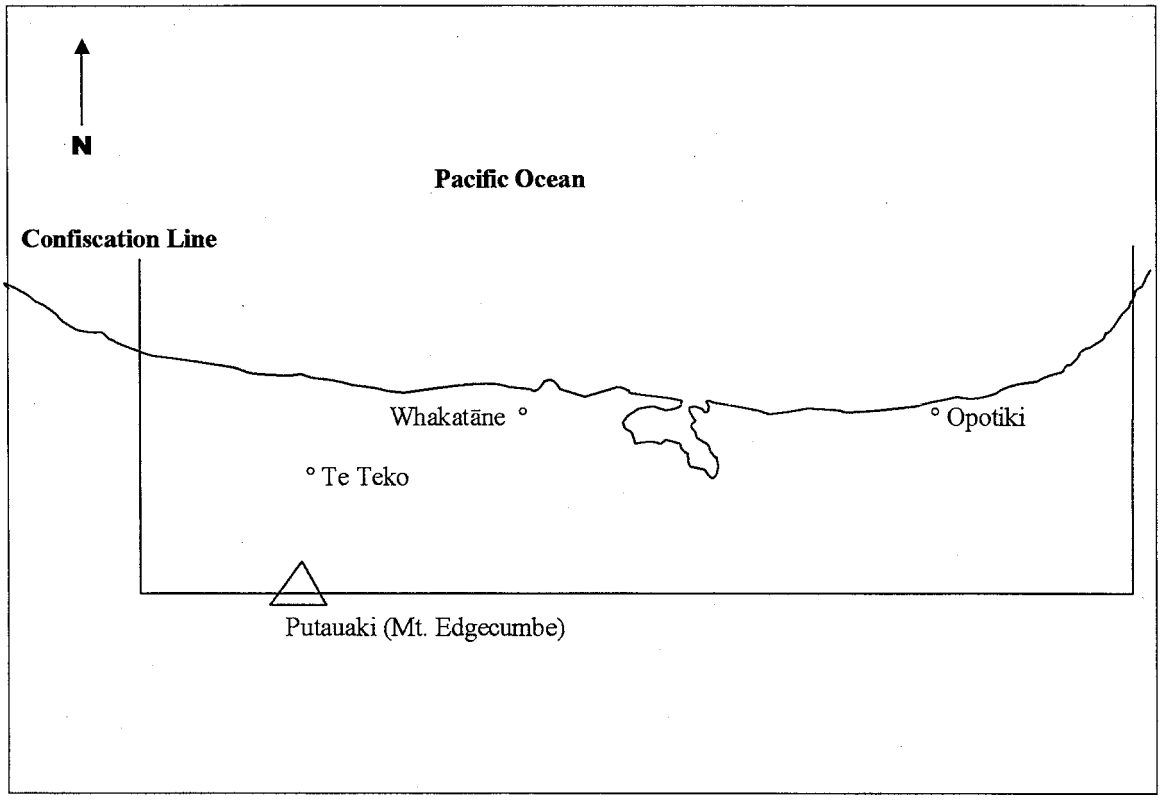
[90] Ngahuia Dixon, 'Henare Wiremu Taratoa', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], p.430; Steven Oliver and Alister Matheson, 'Hori Kingo Tupaea', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.556-557.

[91] S.M.Mead & Miria Simpson, 'Te Hura Te Taiwhakaripi', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.453-454.

[92] Steven Oliver,'Rapata Wahawaha', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.567-570.

[93] Kōrero-a-Robin Anderson, Taneatua, October 2002.

Map 2.1: Generalised Map of the confiscated area in the Eastern Bay of Plenty by proclamation in 1866 (not to scale)



The Compensation Court

These Courts were convened in the areas where land was proclaimed to be forfeit to the Crown. The best explanation of the operation of the compensation court is to be found in the *Taranaki Report.*[94] In a very simplistic explanation of its process, the Compensation Courts were convened in order to return confiscated lands to Māori who were deemed non-rebellious (loyal natives) as well as, though to a very lesser extent, Māori who were seen as 'surrendered rebels'.

Compensation Courts were convened in those districts at the same time as the Native Land Court was convening in other districts. Both courts effectively dealt with land. *Tīpuna* and *whanaunga* affected by *raupatu* therefore had some experience of a type of land court, previous to the Native Land Court convening in their district. The proceedings of the Compensation Courts were curious legal experiments. The judges were often judges of the Native Land Court. The chief judge of the Compensation Court was Francis Dart Fenton and the proceedings involved

[94] Waitangi Tribunal, *Taranaki Report*, Wai 143, GP Publications, Wellington, 1996, pp. 137-170.

questions such as which Māori were 'rebels' and who were 'loyalists' to the crown? Those who tended to be loyal Māori were awarded larger parcels of land by the Compensation Court and those who were deemed 'rebels' were either awarded small parcels for subsistence purposes or simply none whatsoever. The processes of the Compensation Court involved simply, 'rough justice'. The actions of the Compensation Court judges can also be described as biased in favour of the government, irrational and simply unfair and unreasonable. McCan's account of the role of Chief Judge Fenton of the Compensation Court in dealing with Waikato lands is a case in point. Chief Judge Fenton was advising the government, an interested party in the proceedings, on political matters concerning the lands on which he was to adjudicate as a judge.[95]

The Compensation Court judges Thomas Henry Smith and William Mair involved in my own *whānau* and *hapū* lands in our district were no better than Chief Judge Fenton. They favoured the whims of government in their role as judges. This is highlighted by their unwillingness to confront and properly assess whether they had jurisdiction to award lands in the first place in the Eastern Bay of Plenty, and also their *carte blanche* awarding of thousands of acres of land to Ngāti Pikiao of the Te Arawa Confederation of tribes (a loyalist tribe) in the Western Bay of Plenty when there was undisputable evidence that the lands belonged to another *iwi* called Ngāti Rangihouhiri.[96]

Te Rangitūkehu, who was deemed a loyalist by the government, had even supported the *iwi* claims by Te Rangihouhiri to the Compensation Court despite having a tense relationship with their *rangatira* named Te Hura. However, Te Rangitūkehu's support did not even assist Te Rangihouhiri claims for more land. They were simply ignored by the Compensation Court judges. When the Compensation Court's sittings were finally concluded in the Whakatāne district in 1867, my own *tīpuna* and *whanaunga* were given back two blocks of land for being 'loyal' to the government. One was 12,710 acres and the other 2527 acres. However, the government reserved for the Crown the right to make roads over the block. In the *New Zealand Gazette* notice in 1874, Te Rangitūkehu's and Tiopira Hūkiki's names were the first on the list.[97]

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[95] David McCan, *Whatiwhatihoe: The Waikato Raupatu Claim*, Huia Publishing, Wellington, 2001, pp.53-57.
[96] Waitangi Tribunal, *Ngāti Awa Raupatu Report*, Wai 46, GP Publishers, Wellington,1999, pp.80-92.
[97] *New Zealand Gazette*, 1874, p.789

Table 2.1. List of claimants names in confiscated land for whom a grant of 2,527 acres is made at Kōkōhīnau.[98]

Men	Women	Children
Rangitūkehu	Makuini Tohunoa	Hinehou
Tiopira Hūkiki	Paranīhia	Hūkiki
Rota Napi	Mata Tuaia	Turuturu
Pāora Ko	Tahurangi	Rangiwhakawaitau
Hirini	Mere	Paihau
Matutaera Wharau	Ruiha	Ranapia
Kehu Pero	Rupia	Ngaheu
Wi Hunia	Ngahope	Pohoira
Tanete Hinurewa	Namonika	Raita
Kauri	Tuhi	Erueti
Tamehana	Puketapu	Maria
Te Tutere	Heni	Minama
Rama	Meri	Arihia
Awaha	Takirihau	Kuwaha
Honi	Tikiahi	Rairino
Uru	Riria	Te Pori
Hohaia Tikera	Atareta	Tanerau
Werahiko	Maramene	Tiopira
Reone Ngawhara	Mahora	Wharepouri
Hoera	Pirihita	Te Pare
Ropiha Ikakoropeke	Hara	Rangiwhakawaitau
Hohepa Pu	Ema	Hori
Ngapuni	Huhana	Pepi
Ngakaho	Ripora	Ani
Kawana	Nohokaho	Kingita
Maka	Katerina	
Hoanai Tuhimata	Hariata Hiako	
Marae Tukino	Tuihi	
Heremaia Otutara	Mahure	
Ihaka	Ka	
	Rangitakaharoa	

It is from this list that many of the *tipuna* and *whanaunga* of Kōkōhīnau can be identified. Matutaera to whom I alluded earlier, appears as Matutaera Wharau. Hiriwetiri's name does not appear on the list because he was deemed rebellious since he was formally imprisoned on Rekohu. Most of the *uri* (descendants) of these *tipuna* and *whanaunga* are also still owners of this land today, thereby demonstrating the continuing link of *whānau* with their *tipuna* in the context of land.

[98] *New Zealand Gazette*, 1874, p.789

Conclusion

Te Rangikawehea and Hātua were *rangatira* at the time of the first arrivals of Pākehā in New Zealand. They were contemporaries of other significant *rangatira* and *whanaunga* around New Zealand such as our *whanaunga* Te Rauparaha. The mere existence of *tīpuna* and *whanaunga* provides the source of the rights in the land before the Courts in the first place.

The lives of *tīpuna* and *whanaunga* are also important in that they give some context for the Native Land Court, the predecessor of the Māori Land Court. Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere belonged to an older Māori world where they were paramount. That world, however, was severely altered with the exercise of power by the Government in the 1860s. The power was in the form of troops occupying *whānau*, *hapū* and *iwi* lands, as well as the confiscation of those lands. They were not the only *rangatira* or in fact the only *whānau*, *hapū* or *iwi* in New Zealand to be affected by the Government's exercise. The effects of *raupatu* were to be felt by all *whānau* in New Zealand. Through these *tīpuna* and *whanaunga* one can understand the context of societal relations at the time of the creation of the Native Land in the 1860s. Chapter Three will examine the first Native Land Courts with the continuing focus on *tīpuna* and *whanaunga*.

CHAPTER THREE
TE KŌTI WHENUA MĀORI[1]

In the 1860s Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere had witnessed government troop occupations and the operation of the Compensation Court on their lands. They were also aware of a new legal institution that had been created by the Government called Te Kōti Whenua Māori; otherwise known as the Native Land Court. The Native Land Court system was introduced to Māori in the 1860s at the time the government troops were occupying and confiscating *whānau* (family), *hapū* (clan, subtribe) and *iwi* (tribe) lands in the Waikato, Taranaki, Bay of Plenty and East Coast regions of the North Island. I have already touched upon the fact that the Native Land Court was a major institution designed to individualise title in Māori customary land; thereby making it easier for Pākehā to acquire the *whenua* (land).

How much of the finer detail Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere knew about the Court is unknown. However, one could be quite certain that they understood the gist of what the Court was doing. Certainly, Tiopira Hūkiki with his sharp and enquiring mind would have had no trouble in understanding the Court's implications for *whānau*, *hapū* and *iwi*. Te Rangitūkehu also had political contacts in Auckland amongst Māori and Pākehā. He was a frequent visitor to Auckland from the 1840s for trading and political purposes. Te Rangitūkehu's contacts would have been very aware of the Court since the first Court sittings in the 1860s took place just north of Auckland. It was not until the late 1870s that the Court finally reached the Bay of Plenty as there was no immediate need for the Court in the district; the Government had already gained title to most of the *whenua* through land confiscation.

This chapter will initially consider the first operations of the Native Land Court in the 1860s. Then there will be an examination of three Native Land Court hearings in the Bay of Plenty to assist the reader in gaining a greater appreciation and understanding of the Court's processes in its early period. It will become apparent in this *kōrero* that *tīpuna* (ancestors) and *whanaunga* (relatives) formed an integral part of the Native Land Court.

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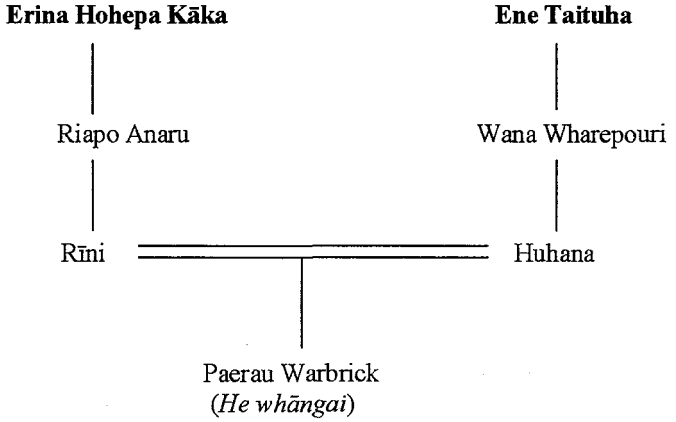
[1] *Te Kōti Whenua Māori* = Native Land Court, Māori Land Court.

This chapter ends with the death of Te Rangitūkehu, at a time, 1887, which marks a major change from the old world of the Māori to a newer period where Māori were no longer a majority. This will inevitably help us to contextualise and understand the intersection of Māori and Pākehā values which influenced the Court in the 1960s and 1970s.

The First Native Land Courts

I have already intimated that Te Kōti Whenua Māori was created during a time of heightened tensions and armed conflict between Government and *whānau*, *hapū* and *iwi* in the central North Island area. It is therefore no wonder that the first Court sittings were convened in the government-friendly areas of the Hokianga and the Kaipara regions of North Auckland.[2] From there, the Court then convened throughout the rest of the Northland area. In the districts of the *hapū* of my other *tīpuna*, namely, my *kuia* Erina Hohepa Kāka of Te Aupōuri, and my *kuia* Ene Taituha of Ngāti Hine and Ngā Puhi.

Whakapapa 3.1



There are only scant accounts of the very first court sittings of the Native Land Courts in the Hokianga and Kaipara regions of North Auckland in 1864. What little is known is that the first court sittings involved three judges sitting in judgment over the issue of who owned various

[2] Donald M. Loveridge, 'The Origins of the Native Lands Act and the Native Land Court in New Zealand', *An Unpublished Report for the Crown Law Office*, October 2000, p.206.

pieces of land. Two Native Land Court districts were created by the Governor in that region known as Kaipara North and Kaipara South.[3] The Pākehā magistrate, John Rogan, was made President of the Native Land Court and he sat alongside two Māori who were created judges, namely, Te Keene of Orakei and Tamati Rewiti of Kaipara for the District of Kaipara North. Judge Rogan also sat alongside two other Māori who were appointed judges, namely, Wiremu Tipene and Matikikuha both of Kaipara for the District of Kaipara South.[4]

The functions of the court in its day to day business were essentially left up to Judge Rogan completely. He decided that the best way to do this were 'proceedings... adapted to the native themselves, and the circumstances of the district'.[5] Prior to the hearings Judge Rogan sent letters to various settlements to ask for claimants to appear. It was understood that various Māori would settle the ownership issue themselves and agree that the title would be issued in favour of a certain person. If there were disputes, then the Judges would settle such issues.[6]

The very first court hearing was convened in the Kaipara South District at Te Awaroa on 7 June 1864. A request had been received by Judge Rogan from a number of *rangatira* (chiefs) to investigate their interests in blocks directly on the Kaipara River. Judges Rogan, Wiremu Tipene and Matikikuha assembled a jury and they invited Judges Te Keene and Tawhiti Rewiti of the Kaipara North District to take part in the proceedings. The very first block of land before the court was the Otamateanui block. Judge Te Keene asked Te Otene of Ngāti Whatua to describe the boundaries and history of the block. This took all day to explain. All the witnesses were questioned at length by the judges in the minutest detail. At the end of the various court sittings, the judges agreed which individuals owned the land. Certificates were then drawn up, and sent to the Governor for his endorsement. The first certificates were ready for delivery to Te Otene in November 1864.[7]

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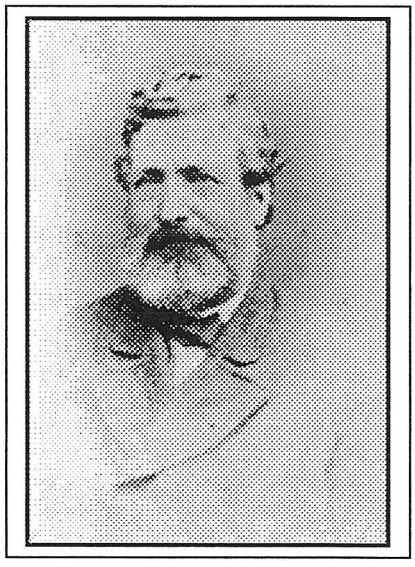
[3] *New Zealand Gazette*, 1864, p.168.
[4] *New Zealand Gazette*, 1864, p.273.
[5] Donald M. Loveridge, 'The Origins of the Native Lands Act and the Native Land Court in New Zealand', *An Unpublished Report for the Crown Law Office*, October 2000, p.213.
[6] Donald M. Loveridge, 'The Origins of the Native Lands Act and the Native Land Court in New Zealand', *An Unpublished Report for the Crown Law Office*, October 2000, p.214.
[7] Donald M. Loveridge, 'The Origins of the Native Lands Act and the Native Land Court in New Zealand', *An Unpublished Report for the Crown Law Office*, October 2000, pp.214-216.

John Rogan gave evidence before a Commision of Enquiry in March 1891 about his own practice of deciding disputes about the boundaries of land.

...where there was anything in the shape of a disputed survey I found it necessary for me, or some other officer belonging to the Court, to go on the ground and investigate the matter in order to save time. I never had any difficulty at all with such matters. I think I may decidedly say I had never had a dispute before me which was not satisfactorily settled by going on the ground that way.[8]

By October 1864 more judges were appointed in the North Auckland area. George Clarke,[9] a former missionary amongst my Ngā Puhi and Te Aupōuri *whanaunga*, was appointed President of the Court and six more Māori were appointed judges, namely, Hone Mohi Tawhai, Penetana Papahurihia, Hotene Tawatawa, Wepiha Pi, Tango Hikuwai, and Riwhi Hongi.[10] Penetana Papahurihia had been an influential *tohunga* (priest) with his own Judeo-Māori religion amongst my Ngā Puhi *whanaunga* since at least the 1830s.[11]

Photo 3.1: The first Presidents of the Native Land Court. To the left is John Rogan. The photo was taken circa 1880s.[12] To the right is George Clarke. The photo was taken circa 1868.[13]





[8] 'Report of the Commission appointed to inquire into the subject of the Native Land Laws', *Appendices to the Journals of the House of Representatives* (1891), G.1, p.57.
[9] Ray Grover, 'George Clarke', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), , Auckland, 1998, [1990], pp.82-84.
[10] *New Zealand Gazette*, 1864, pp.402-403.
[11] Judith Binney, 'Penetana Papahurihia', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.329-331.
[12] Reference No. PA2-1973, Alexander Turnbull Library, Timeframes Website at http://timeframes.natlib.govt.nz (Accessed 21 April 2009).
[13] Reference No. PAColl-6081-1, Alexander Turnbull Library, Timeframes Website at http://timeframes.natlib.govt.nz (Accessed 21 April 2009).

Photo 3.2: Photo of Hone Mohi Tawhai who was one of the first Māori Judges of the Native Land Court under George Clarke's Presidency, taken circa 1860s.[14]



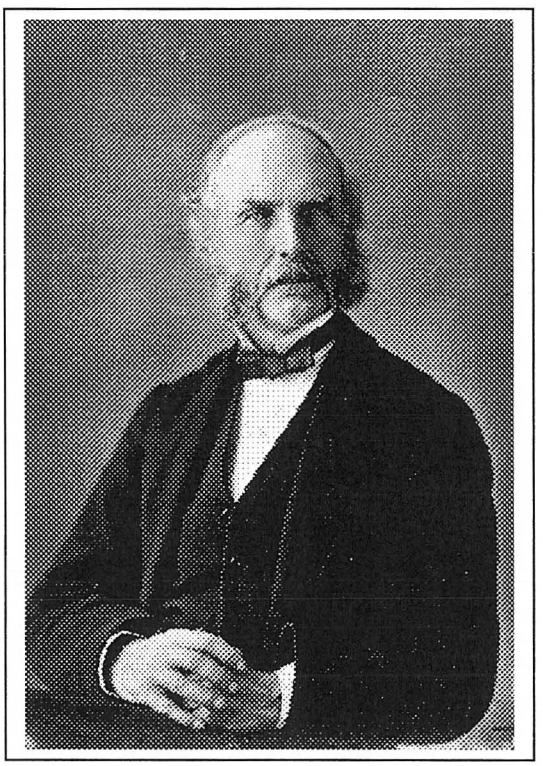
The Native Land Court in other areas

After the North Auckland hearings, the Native Land Court began to sit in other areas of the country where my other *whanaunga* lived. However, there had been some formal restructuring of the Court by 1865.[15] There was no longer a president of the court. Instead, Francis Dart Fenton was appointed Chief Judge.[16] More Pākehā judges were appointed[17] and the former Māori judges were demoted to the positions of native assessors.[18] Native assessors were judicial officers who played a formal part in the court hearings. They were used to synthesise the various arguments of claimants as they were fluent in the language and well versed in Māori protocols. The assessors were also important for the cross-examination of claimants. While there was a formal demotion

[14] Reference number: PAColl-3483, Alexander Turnbull Library, Timeframes Website at http://timeframes.natlib.govt.nz (Accessed 21 April 2009).
[15] Native Land Act 1865.
[16] *New Zealand Gazette*, 1865, p.13.
[17] Judges appointed throughout 1865 were James McKay, William Bertrand White, Thomas Henry Smith, Walter Lawry Buller, George Frederick Swainson and James Booth, Henry Alfred Home Munro and Frederick Edward Maning. See: W. Paerau Warbrick, *A list of the Judges of the Native Land Court & Māori Land Court 1864-2003: He pepa o nga ingoa o nga tiati o nga kooti whenua Māori*, [Dunedin, 1 July 2003], Archives New Zealand, Wellington.
[18] *New Zealand Gazette*, 1865, p.13.

of the Māori judges to native assessors, their role was nonetheless important. It was a formal requirement that a judge had to sit with two native assessors in order to constitute a court.[19]

Photo 3.3: Photo of the first Chief Judge of the Native Land Court, Francis Dart Fenton, taken circa 1870s.[20]



The Court had convened in the Rotorua area amongst the Te Arawa people from the mid 1860s. These were the *whanaunga* of Te Rangitūkehu's wife, Te Rangitōwhare. This area, like North Auckland, was perceived to be a friendly area for the Government. Te Arawa also supported the government with troops during the occupation of the lands of Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere in the 1860s.[21] Fenton himself made regular visits to Rotorua for court sittings in the 1860s.[22] The main street of Rotorua remains named after Fenton.

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[19] Donald M. Loveridge, 'The Origins of the Native Lands Act and the Native Land Court in New Zealand', *An Unpublished Report for the Crown Law Office*, October 2000, p.222.
[20] Reference number: PAColl-7489-01, Alexander Turnbull Library, Timeframes Website at http://timeframes.natlib.govt.nz (Accessed 21 April 2009).
[21] D.M. Stafford, *Arawa*, AH & AW Reed, Auckland, 1967, (1982 reprint), pp.368-418..
[22] Vincent O'Malley & David Armstrong, *The Beating Heart. A political and socio-economic history of Te Arawa*, Huia Publishers, Wellington, 2008, pp.89-104.

By the time the Native Land Courts convened in the *rohe* (area) of Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri; the land court system was a firmly established institution throughout both the North and South Islands of New Zealand.

The Native Land Courts reach the Eastern Bay of Plenty

As mentioned previously, the first process of the court involved itself convening in a district along with a Pākehā judge, and any one or more other officers associated with the court such as a native assessor, a clerk or a formal interpreter. It was some fifteen years after the first Court sittings in the Kaipara District, that a Native Land Court eventually started hearings in the Eastern Bay of Plenty. As mentioned earlier, there was a very good reason for the late arrival of a Native Land Court to the district. The colonial government had, by government proclamation, established the Crown as the owner of most of the land in the Eastern Bay of Plenty.[23]

In the aftermath of the Waitara land block dispute and the government's wars of aggression, there was some criminal activity by some Māori in the Eastern Bay of Plenty. Such criminal activity involved the murders of James Fulloon and the Reverend Carl Volkner.[24] These murders were used by Governor Grey as justification for the draconian measures of declaring thousands of acres of land forfeit to the Crown and the military occupation of lands.[25] The confiscation and subsequent occupation of lands by troops is now commonly known as *raupatu*.[26] This technique was used not only in the Eastern Bay of Plenty but also the Tauranga District, the Waikato District, the Taranaki District, the East Coast District of the North Island and the Wellington District.[27]

The first time Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere appeared before the Native Land Court was in the late 1870s and early 1880s. Te Rangitūkehu and Tiopira Hūkiki

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[23] *New Zealand Gazette*, 1866, p.17. This was done by virtue of powers issued to Governors under the New Zealand Settlements Act 1863.

[24] Waitangi Tribunal, *Ngāti Awa Raupatu Report*, Wai 46, GP Publishers, Wellington, 1999.

[25] The Governor had a power to declare districts in Aotearoa where settlements would take place and compensation was not to be given to property owners who happened to fall in to a certain class of persons (notably people deemed in rebellion against the Queen. (New Zealand Settlements Act 1863 at its amendments).

[26] A translation of this term is 'taken by the blade of a *patu* [a short club], by force'. Hirini Moko Mead, Tikanga Māori, Huia Publishers, Wellington, 2003, p.366. See also Malcolm McKinnon (ed.), *New Zealand Historical Atlas: Ko Papatuanuku e Takoto Nei*, David Bateman, Wellington, Auckland, 1997, plates 38 & 39.

[27] 'Report of the Select Committee on Confiscated Land', *Appendices to the Journal of the House of Representatives*, 1866, F.2. See also comprehensive maps of confiscated areas in Malcolm McKinnon (ed.), *New Zealand Historical Atlas: Ko Papatuanuku e Takoto Nei*, David Bateman, Wellington, Auckland, 1997, plates 38 & 39.

were aged men at this point of time. Native Land Court sessions were convened to deal with the ownership of the land blocks Kaingaroa, Pokohu, and Matahina. These three blocks were situated south of the confiscation line and therefore did not form part of the thousands of acres deemed to belong to the Crown.

The Kaingaroa, Pokohu and Matahina land blocks investigations were similar to other investigations that took place throughout the country. However, they took place in the context of the Eastern Bay of Plenty socio-political circumstances. In this context, the idea of *raupatu*, invasion and war at the hands of the government were very real experiences felt in the district. Other districts such as the Kaipara district of Northland and the South Canterbury district of the South Island simply did not experience *raupatu* and everything that went with it. They instead had their own social histories.

This is an important point to emphasise because the everyday processes of the court hearings did not occur in a vacuum. It is relatively common to read Native Land Court minutes in *raupatu*-affected regions where Government-military circumstances are mentioned by *tīpuna* and *whanaunga*. *Tīpuna* and *whanaunga* often indicate the political position of *whānau*, *hapū* and *iwi* in the various conflicts as well. For example, the following small testimony was given by Te Rangitūkehu in the Native Land Court land hearings regarding the Matahina land block investigation:

[Ngāti Hamua and Te Warahoe]...have been in open war against the government and ...came to fight against me as well...I have always been the Queen's loyal servant.[28]

The Kaingaroa No. 1 Block Investigation

The Kaingaroa No. 1 Block investigation[29] began with Judge Henry Halse as the judge, U. Karaka as the assessor, N. Grey as the court clerk and B. Edwards as the interpreter. It was a block of some 114, 517 acres (46,344 hectares) and was situated some fifty kilometres south of Te Teko. The hearings took place at Matata which is some fifteen kilometres north-west of the Kōkōhīnau Pā where Te Rangitūkehu and Tiopira Hūkiki resided. It was Tiopira Hūkiki and

[28] *Whakatāne Minute Book* 1, folio 148.
[29] *Ōpōtiki Minute Book* 1, folios 116-211, 248-249, 409-410, and 413-414.

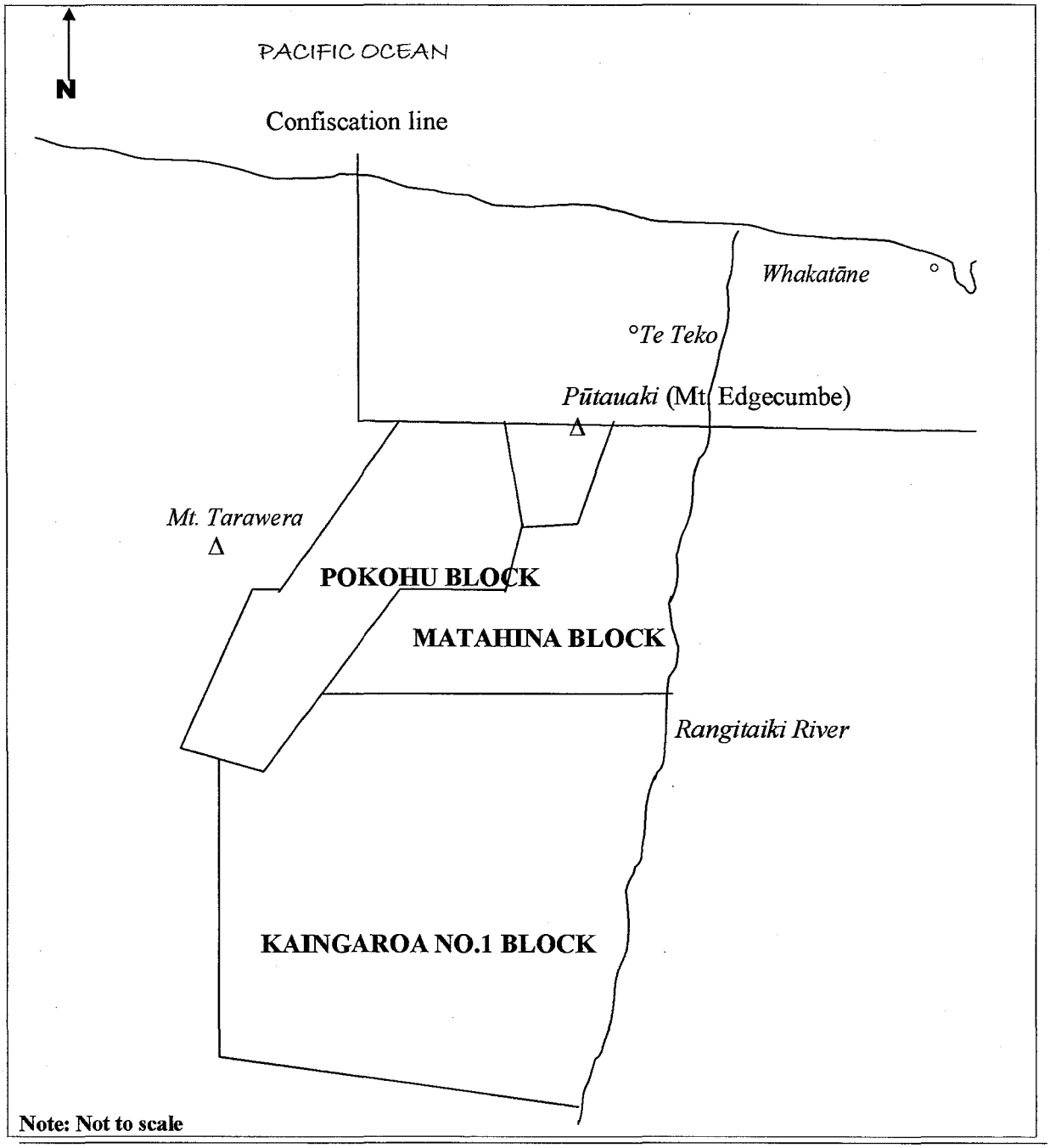
Hiriwetiri Motutere who attended the hearings in this instance and gave evidence on behalf of my *whānau*, *hapū* and *iwi*. The sittings commenced on the 31 July 1878 and continued erratically throughout that year. Actual court sessions began at 10 o'clock in the morning and finished at approximately 4 o'clock in the afternoon. There were regular breaks throughout the day including lunch between 12 o'clock and 2 o'clock. However, the sessions were quite flexible and there could be breaks in the sessions owing to someone being late to a court session or simply because of the bad weather. The court hearings took place either in a huge tent or makeshift surroundings with tables at the front for the Judge and assessor and clerk. The sessions certainly did not taken place in surroundings that resembled modern-day courts or the old style magistrates-courts.

The place of the first Native Land Court sitting in the Whakatāne district was significant, as Matata was then known by Pākehā as the town of Richmond. The land around Matata was once land belonging to the Ngāti Rangihouhiri *hapū* of Ngāti Awa, but the land had been confiscated and awarded to members of the Te Arawa *iwi* as well as Pākehā who supported the government in their military occupation of Eastern Bay of Plenty lands in the 1860s. Many of these were my *whanaunga* on the Warbrick side of my *whakapapa* (genealogy). Richmond was a military town made up of Māori and Pākehā who were given crown grants of land in the 1860s. Accordingly, the place of the court sitting was a government-friendly area that many of the streets in Matata are named after government figures of the 1860s stands as a testament to the pro-government stance of its inhabitants. For example, there is Arawa Street, Mair Street, Wilson Street, Clarke Street and Pollen Street.[30] There is even a Warbrick Terrace, named after my Pākehā *tipuna*,

[30] Arawa refers to the pro-government *iwi*, Te Arawa. Mair refers to Gilbert Mair who was a surveyor and prominent soldier during the New Zealand Wars. He eventually became a good friend of Te Rangitūkehu and is interred in the Te Arawa cemetery at Ohinemutu at Rotorua. Wilson refers to John Alexander Wilson who was Commissioner of Confiscated Lands in the Bay of Plenty. He was also a judge of the Compensation Court and Native Land Court. Clarke refers to George Clarke who has already been mentioned as President of the Native Land Court and eventual judge of the Native Land Court. Pollen refers to Daniel Pollen who was the Commisioner of Crown Lands in the Auckland Province that included the Bay of Plenty, and he was eventually made Premier. See: Paula Savage, 'Gilbert Mair', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland, 1998, [1990], pp.260-261; Jinty Rorke, 'John Alexander Wilson', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.586-587; Ray Grover, 'George Clarke', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.82-84; and 'Daniel Pollen', at http://en.wikipedia.org/wiki/Daniel_Pollen (Accessed 28 April 2009). This last source for Pollen is from the democratic website called Wikipedia. I do not subscribe to the academic snobbery that prohibits its use *per se* (see: ' Wikipedia in academia: 'History department decision still fueling debate' at http://www.middlebury.edu/about/newsevents/archive/2007/newsevents_633084484309809133.htm (accessed on 27 February 2008) All types of sources have merits and limitations. But recognising that many of my peers around the

Abraham Warbrick, who worked as a Government native-land-purchasing agent and who was a personal friend of the onetime Minister of Native Affairs, Sir Donald McLean.[31]

Map 3.1: Generalised location of the Kaingaroa, Pokohu and Matahina Blocks. (Eastern Bay of Plenty).[32]

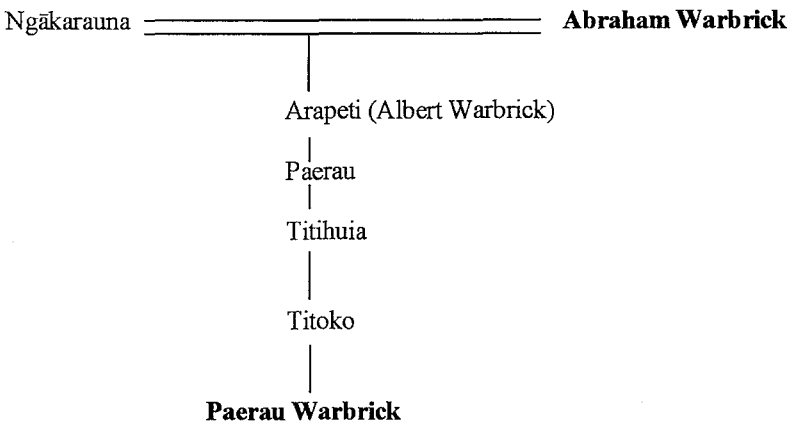


world have a negative view of it, I have kept its use to the absolute minimum. For the two times that I have used Wikipedia I believe it provides the best explanation of the subject matter that was available.

[31] Alan Ward, 'Donald McLean', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990] pp.255-258.

[32] The general dimensions of this map come from the maps contained in the Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003 & Anita Miles, *Te Urewera*, Waitangi Tribunal, Wellington, 1999, p.205.

Whakapapa 3.2



Preliminary procedure

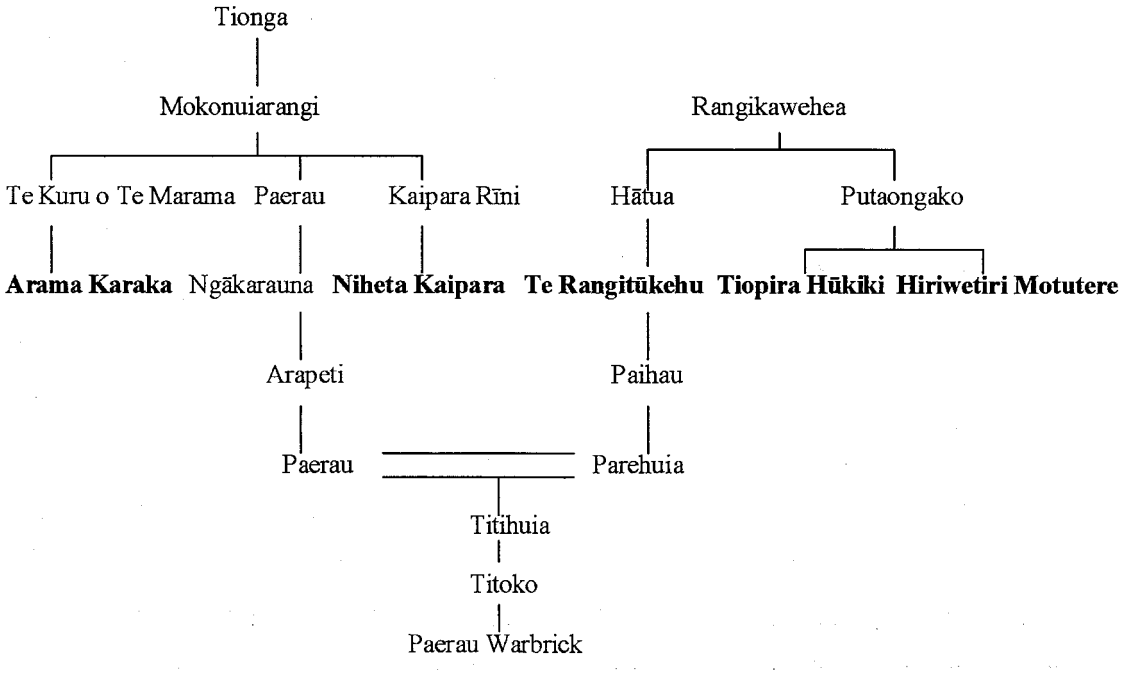
In the Native Land Court minute books pertaining to the Kaingaroa No.1 block investigation the initial court sitting begins with the words *'Case called, claims read, map produced'*. The meaning of this pertains to the beginning of the court session at which time, the case would be read to those who had gathered. It would have been read aloud by the assessor or the clerk, that the investigation taking place concerned the Kaingaroa No.1 land block. The assessor or the clerk would have then read through a list of names of various Māori who were appearing on behalf of certain *hapū* or *iwi*. The names of the claimants to the block and who they represented are listed in Table 3.1, below.

While my *whanaunga*, Tiopira Hūkiki and Hiriwetiri Motutere, were claimants in the block, there were also other *whanaunga* of mine representing other *hapū* and *iwi* claimants in the block. These were *whanaunga* from the Warbrick side of my *whānau* like Niheta (Niheta Kaipara) and Arama Karaka of Ngāti Hape. The various claimants rarely engaged the services of a lawyer to speak on their behalf. Instead, most presented their claims themselves and at times they would get a member of their own *whānau* to assist them. In this case, Niheta assisted Ngāti Hapi, Hakopa assisted Ngāti Hinewai, Heretaunga assisted Ngāti Haoa and Kamareira assisted Ngāti Tahu. These men were noted for being very familiar with Pākehā processes and they possessed a high degree of literacy. It is also of interest that some are even referred to in the minute books as 'counsel' to the claimant groups.

Table 3.1: Names of claimants in the Kaingaroa No. 1 investigation

Claimant (Initial claimant and applicants)	**On behalf of (*iwi* or *hapū*)**
Peraniko Te Hura	Ngāti Manawa
Niheta (counsel), Arama Karaka & Huta Tangihia	Ngāti Hapi (Ngāti Hape)
Hakopa (counsel), Henare Ngakiti, Mikaere, Morihi, & Mihaka Tutangata	Ngāti Hinewai
Ihaia Te Waru & Takerei, Heretaunga (Counsel)	Ngāti Haoa
Kamareira (counsel), Rawiri Wiki & Nepia Teroera (witness)	Ngāti Tahu
Tiopira (Tiopira Hūkiki), Te Wairoa, Hiriwetere (Hiriwetiri Motutere) & Te Oraora	Ngāti Awa (represented by *hapū* of Pahipoto)
Pāora Patu, Hamiora Tumutara & Rokoroko	Tāwera *hapū* of Ngāti Awa
Te Ngahue	Tūhourangi
Penetito Hawea, Werahiko & Te Meihana Koata	Ngā Maihi of Ngāti Awa

Whakapapa 3.3



The processes within the Native Land court followed a hearing process not dissimilar to English procedural law of the time.[33] Whoever was the first party to give evidence, presented their claim orally. They would orally justify their claims on various grounds. They could call on other members of their party to give oral evidence. In English procedural law this is called *examination-in-chief.* After the first party and their witnesses finished giving their evidence, each of the other parties could put questions to them. In English procedural law, this is called *cross-examination.* At the end of the process, the judge made their decision. This procedure was encouraged by the first Chief Judge of the Native Land Court, Francis Dart Fenton, who was a trained solicitor and came from an old Yorkshire legal family.[34] John Rogan, the first President of the Native Land Court, and essentially Fenton's predecessor, on the other hand, had no legal background. He was originally a surveyor and then a government land purchaser.[35]

Actual hearing

After the names of the various claimants had been called, a map would then have been placed on a table where the various claimants could view and contemplate their general understanding of the block. Tiopira Hukiki and Hiriwetiri Motutere would have been well suited to the task of understanding the spatial representations of the map because of their literary skills. The production of the map of the area under investigation was important because the various claimants had to make sure that they were giving evidence for the correct block of land. This may seem a small point to highlight but it is to be noted that the name of the block, 'Kaingaroa No. 1', was a Pākehā name constructed for legal purposes. The land or portions of the land were known by different names by the various claimants. For example, Niheta Kaipara's *kōrero* in the court referred to a place called Tokatoka. He was also uncertain of the whereabouts of a place called Motuparapara and Pekapeka on the block.[36] Therefore, it was necessary for the various claimants to physically look at the map and to discuss amongst themselves the physical dimensions of the land to insure that these were the lands in which they held a stake.

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[33] A good source for understanding the English origins and influences on the nineteenth-century general court system for Aotearoa is to be found in the writings of Jeremy Finn, 'The English Heritage' and 'Colonial Government, Colonial Courts and the New Zealand experience', in Peter Spiller, Jeremy Finn & Richard Boast, *A New Zealand Legal History*, Brookers, Wellington, 2001, (2nd ed).

[34] W.L.Renwick, 'Francis Dart Fenton', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1990, p.121.

[35] Bryan D. Gilling, 'The Nineteenth-Century Native Land Court Judges: An introductory Report', *Unpublished Report commissioned by the Waitangi Tribunal*, (Wai 64, Chatham Islands Claim), Wellington, 1994 p.8.

[36] *Ōpōtiki Minute Book 1*, folio 134.

Te Ngahue of Tūhourangi, who was *whanaunga* to Te Rangitūkehu's wife Te Rangitōwhare, withdrew his claim on seeing the map and after a question from Peraniko Te Hura. The impression that is given from the Court minutes is that Te Ngahue realised that the land block and its dimensions was different to what he initially thought was the block under consideration. Te Ngahue simply admitted to Peraniko in the court hearing that "this is your land".[37]

After the reading out of the list of claimants, the very first person to state their claim to the whole or to part of the block was usually the applicant (the person who initiated the proceedings). In this case, it was Peraniko Te Hura of Ngāti Manawa. However, the proceedings were fluid enough to allow the applicant to present their claims to the court after others had given their evidence. Peraniko presented his claims after Tiopira Hukiki, Hiriwetiri Motutere and other claimant groups presented their *kōrero* to the Court over many days.

Tiopira Hūkiki and Hiriwetiri Motutere gave evidence on behalf of Ngāti Awa where they laid claim to the northern portion of the block.[38] Tiopira and Hiriwetiri complained bitterly about other claimants to the land. Tiopira specifically had mentioned that the northern boundary of the block had always been a set boundary between the Māori of the area. Tiopira also gives some insight into the socio-political conditions at the time regarding lands in the Eastern Bay of Plenty. Tiopira mentioned that since money was involved various people now wanted to alter the boundary.[39] These latter comments in the court minutes by Tiopira regarding the exchange of money can only be understood with reference to extra information regarding the block. This is in the light of a Mr. Mitchell being present during the court hearing because there had already been some money exchanged between various claimants in the land for its purchase.[40] Essentially, there is some indication in the minutes that there has been a purchase of the land block even prior to the Judge Halse determining the actual owners of Kaingaroa No.1 block in the first place. Tiopira and Hiriwetiri indicate that it was therefore in the selling-claimants interests to claim the whole block and refute every other persons' interests in the land block.

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[37] *Ōpōtiki Minute Book* 1, folio 166.
[38] *Ōpōtiki Minute Book* 1, folios 170-179.
[39] *Ōpōtiki Minute Book* 1, folios 170.
[40] *Ōpōtiki Minute Book* 1, folio 138.

These small references by Tiopira and Hiriwetiri in the minutes properly highlight the broader political issues in the Eastern Bay of Plenty at the time of the court hearing. Land purchasing agents on behalf of the government were pre-empting sales of Māori land before the actual owners were properly identified. A similar scenario at Waitara in 1859 had sparked the New Zealand wars and resulted in *raupatu*. Specific to the Kaingaroa No.1 hearing, the Mr. Mitchell referred to in the court minutes was Henry Mitchell who was a land purchasing agent on behalf of the government. My Pākehā *tipuna*, Abraham Warbrick, whom I have already mentioned was also a land purchasing agent and was a contemporary of Henry Mitchell.[41]

Despite Tiopira Hūkiki's and Hiriwetiri Motutere's claims to ownership of part of Kaingaroa No.1 their claims were simply not recognised by the court. They were excluded from any ownership of this block in favour of Peraniko Te Hura's people of Ngāti Manawa in addition to my Ngāti Rangitihi *whanaunga* Arama Karaka Mokonuiarangi, Niheta Kaipara, Huta Tangihia and Poia Ririapu.[42]

The Pokohu Block Investigation

The Pokohu block investigation[43] began with Judge Frederick Brookfield as the judge, Rakena Wi Kaitaia as the assessor, I.C.J. Austin as the court clerk and James Davis as the interpreter. It was a block of some 60,600 acres (24,525 hectares). The hearings took place in Whakatāne on the 29 September 1881 and throughout the rest of the year. The names of the claimants to the block and who they represented are listed in Table 3.2.

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[41] For Mitchell's actions See: Waitangi Tribunal, 'He Maunga Rongo: Report on Central North Island Claims Stage One', Part VI [August 2007]: Pre-publication copy. [Waitangi Tribunal, Wellington, 2007]. Also see Mitchell's actions with another purchasing agent named Charles Davis in Alan Ward, 'Charles Oliver Bond Davis', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1990, pp.99-100. For the actions of my own *tipuna* Abraham Warbrick regarding land at Tauranga, see the comments of the Waitangi Tribunal that state they were 'fraudulent'. Waitangi Tribunal, *Te Raupatu o Tauranga Moana: Report on the Tauranga Confiscation Claims*, Waitangi Tribunal, Wellington, p.326.

[42] *Ōpōtiki Minute Book* 1, folios 206-209.

[43] *Whakatāne Minute Book* 1, folios 213-266, 274-276, 341, 349, 351-353 & *Whakatāne Minute Book 2*, folios 216-218.

Table 3.2: Names of claimants in the Pokohu Block investigation

Claimant (Initial claimant and applicanta)	**On behalf of (*iwi* or *hapū*)**
Mikaere Te Wharerau	Ngāti Tarawai and Ngāti Koira of Ngāti Rangitihi
Hakaraia	Ngāti Pou and Ngāti Awa
Penetito Hāwea	For Ngā Maihi and Tūwharetoa (also joined Ngāti Pou and Ngāti Awa)
Hakopa Takapou	Ngāti Hinewai

By the time of this hearing, Tiopira Hūkiki had died. Te Rangitūkehu therefore had to attend the Native Land Court as a major witness on behalf of Ngāti Awa. In Te Rangitūkehu's own words before the Court:

I belong to the N.Aotahi [Ngāti Aotahi] and N.Pou [Ngāti Pou] hapu of the N.Awa [Ngāti Awa] tribe- I cannot speak of the particular places around the boundaries of the block but can speak of my claim to it-making canoes on it-ancestry and occupation. I heard Hamiora Tumutara's evidence and genealogies, he was right in some things and mistaken in others-his genealogies are correct. I am a descendant of Tuwharetoa whose children were Pou and Aotahi-because I was a descendant of these ancestors I used my right in making canoes upon this land. I have planted and exercised my rights in various ways and no person has ever dared to dispute my authority to do so. The Ng. Rangitihi [Ngāti Rangitihi] have never been to exercise any right on the land whatever. Hakaraia and N Kohera [Ngāti Koira] have-After the completion of my canoes the Ng.Rangitihi [Ngāti Rangitihi] and Tūhourangi came to drag them out for me...[44]

Te Rangitūkehu continued his evidence when being cross examined by the other parties. In part he acknowledged some of the others' testimony. For example, he accepted Hakopa Takapou's assertions of the position of *kāinga* (homes) at Maratatua and Rerewhakaitu belonging to Ngāti Hinewai.[45] In others instances Te Rangitūkehu disputed testimonies such as Hamiora Tumutara's claims that Aotahi did not have claims in the land.[46]

During the hearing, Rakena Wi Kaitaia, the assessor, was dispatched to the land block itself. This was to enable a report on the places as well as the boundaries mentioned by the claimants in the Court. Rakena's report confirmed the existence of tree stumps and wood that indicated the place

[44] *Whakatāne Minute Book* 1, folio 226.
[45] *Whakatāne Minute Book* 1, folio 227.
[46] *Whakatāne Minute Book* 1, folio 228 (per cross examination by Mikaere Te Wharerau).

where Te Rangitūkehu made his canoes.[47] His report also demonstrates the difficulties in the claimants' understanding of the spatial dimensions of the block in terms of the Pākehā system of mathematical surveys and boundaries. Rakena noted,

> The first mark is Okataina. The Ngati Rangitihi and Ngati Tarawai said that Okataina [Lake Okataina] was the boundary of Putauaki; when I arrived there I found this was wrong-Te Rotoiti [Lake Rotoiti] is near but Okataina is a great distance off.[48]

Eventually the Court awarded most of the block to Ngāti Pou within Ngāti Awa, Ngāti Aotahi and Ngāti Pukeko were included. However, Judge Brookfield noted that parts of Ngāti Rangitihi and Ngāti Hinewai were incorporated into Ngāti Pou and therefore they shared an interest in the block as well.[49]

However, this was not the end of the Pokohu hearings. Three years later on 16 January 1884 there was a rehearing of the case involving Judge Edward Puckey and Judge William Mair at Whakatāne.[50] The main cause of the re-hearing was in-fighting amongst *whānau*, *hapū* and *iwi*. Raimona Petera placed a new claim to the block on behalf of Ngāti Tuwharetoa. Ngāti Pou changed their stance and rejected the inclusion of Ngāti Awa. Ngāti Awa in turn included Ngāti Pou but rejected Ngāti Rangitihi's inclusion, and Ngāti Rangitihi rejected Ngāti Awa and almost all of Ngāti Pou. [51] The result was a triumph for Ngāti Rangitihi. They were awarded half the block with the remainder shared equally between Ngāti Pou and Ngāti Awa. Effectively, Te Rangitūkehu's claims to the land were only recognised in part.[52]

The Matahina Block Investigation

The Matahina Block investigation[53] was conducted by the same judicial officers who conducted the Pokohu hearings. These were Judge Frederick Brookfield, Rakena Wi Kaitaia as the assessor,

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[47] *Whakatāne Minute Book* 1, folio 277.
[48] *Whakatāne Minute Book* 1, folios 277-278.
[49] *Whakatāne Minute Book* 1, folios 274-276.
[50] This was pursuant to the Special Powers and Contracts Act 1883.
[51] *Whakatāne Minute Book* 2, folios 216-218..
[52] *Whakatāne Minute Book* 2, folios 216-218
[53] *Whakatāne Minute Book* 1, folios 54-163, 267-274, 331-336 & *Whakatāne Minute Book* 2 at folios 219-268 and 311-332.

I.C.J. Austin court clerk and James Davis as the interpreter. It was a block of some 85,834 acres (34,737 hectares). The hearings took place in Whakatāne on the 6 September 1881 and throughout the rest of the year. The names of the claimants to the block and who they represented appear in Table 3.3 below. As in the Pokohu Block investigation, Te Rangitūkehu had to give much of the evidence on behalf of Ngāti Awa as his cousin, Tiopira Hūkiki, had died. Te Rangitūkehu's initial testimony is as follows:

I belong to the N. Maihi [Nga maihi] hapu and Chief of all the N. Awa [Ngāti Awa] tribe. N.Awa consists of N. Maihi [Nga Maihi], Ngatamaoki [Nga Tamaoki], Te Paepoto [Te Pahipoto] and the whole of the N.Awa [Ngāti Awa] *hapus*-The block of land under investigation is called Matahina and I am the chief man over the whole of it as Mount Edgecumbe (Putauaki) is the Chief mountain from my ancestors down to myself - no one has ever dared to dispute with me respecting this land. I know a mountain on this land. Mokonuiarangi is the chief man there...I know the hill Maungapohatu outside of this block which belongs to Tuhoi [Tuhoe] and N.Hako [Ngāti Haka] is a hapu of theirs.[54]

Table 3.3: Names of claimants in the Matahina Block investigation

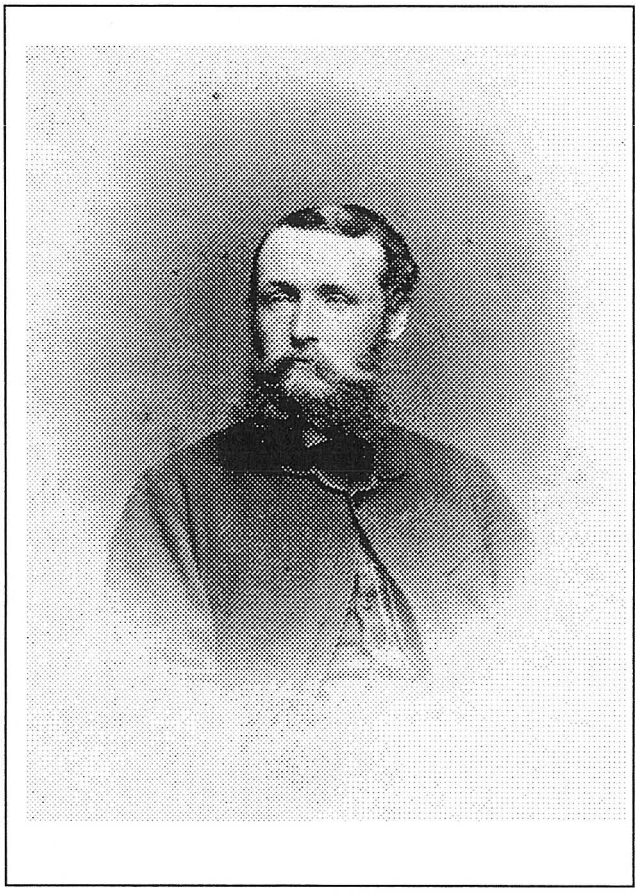
Claimant (Initial claimant and applicanta)	**On behalf of (*iwi* or *hapū*)**
Penetito Hāwea	Ngā Maihi of Ngāti Awa
Mehaka Te Koupounamu	Patuheuheu
Niheta Kaipara	Ngāti Rangitihi
Te Whati	Ngāti Hamua
Henare Te Rangi	Ngāti Hinewai
Mita Rawiri	Ngāti Mura
Makarini Te Waru	Te Urewera
Te Waratini	Ngāti Manawa

The initial hearing concluded with the Court awarding the block to Te Rangitūkehu and the rest of my *whanaunga* of Ngāti Awa.[55] However, as in the case regarding Pokohu, there was a rehearing involving Judge Puckey and Judge Mair at Whakatāne on 31 January 1884.[56] In this rehearing Hiriwetiri Motutere played a more active role in the presentation of evidence. This was due to the advanced age and increased frailty of Te Rangitūkehu.

[54] *Whakatāne Minute Book* 1, folio 147.
[55] *Whakatāne Minute Book* 1, folios 331-336.
[56] *Whakatāne Minute Book* 2 at folios 265-268.

The judgment resulted in Te Rangitūkehu's and Hiriwetiri Motutere's claims to most of the land being still recognised. However, Ngāti Rangitihi was awarded 1000 acres. Patuheuheu and Ngāti Haka were awarded 2000 acres and Ngāti Hamua was awarded 1500 acres.[57]

Photo 3.4: Judge William Gilbert Mair. He was the Native Land Court judge that delivered the judgement in the Pokohu and Matahina rehearings in 1884. The photo was taken circa 1862.[58]



Making of the land lists

Once the final judgements in the Kaingaroa, Pokohu and Matahina hearings were concluded, the next most important step involved who would be actually listed as the owners for the land. At one time there were only ten persons whose names would appear as the owners in the court

[57] *Whakatāne Minute Book 2* at folios 265-268.
[58] Reference number: PA2-1870, Alexander Turnbull Library, Timeframes Website at http://timeframes.natlib.govt.nz (Accessed 21 April 2009).

records but this practice was discontinued after Ngāti Kahungūnu people in the Wairarapa District complained bitterly to the government.[59]

Most times though, the successful claimants had meetings amongst their *whanaunga* and a general consensus would ensue as to whose names would be placed on a list and handed to the court. Children's names were included in the lists as in the case of the Matahina owners' list where trustees were appointed for the children.[60]

In the case of the Pokohu Block, it was further partitioned by the court into five smaller blocks known as Pokohu A, Pokohu B, Pokohu C, Pokohu D and Pokohu E. The names of Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere appeared in the list for Pokohu D under the names Rangitūkehu Hatua, Tiopira Takupaka and Hiriweteri Motutere.[61] Even though Tiopira Hūkiki had died prior to the Pokohu hearings, the Court still allowed his name to be added to the owners' list so as to leave it up to his *whanaunga* to determine his heirs at a later date. Once the owners lists were finalised by the court, the court then issued certificates of title in the name of the owners. The process by the Native Land Court of the transfer of Māori customary land to Māori freehold land was then complete.

Table 3.4: Number of persons listed for each of the Pokohu Blocks [62]

Block name	Number of persons on the list for the block
Pokohu A	280
Pokohu B	304
Pokohu C	89
Pokohu D	800
Pokohu E	119

[59] See: "The ten-owner system in the Hawke's Bay" in Richard Boast et.al, *Māori Land Law*, Butterworths, Wellington, 1999, pp.65-68.
[60] *Whakatāne Minute Book* 1, folio 336.
[61] *Whakatāne Minute Book* 2, folio 294.
[62] *Whakatāne Minute Book* 2, folios 268-270 & 275-301.

Ancillary matters

While there are existing testimonies given by Te Rangitūkehu, Tiopira Hukiki and Hiriwetiri Motutere within the various minute books, these are not exact testimonies. Throughout the hearings, the clerks of the court as well as the judges wrote down minutes for the court hearings. These were recorded in two separate minute books. However, for some unknown reason, a large majority of the judges' minute books no longer exist.[63] Most judges' questions were spoken in English and then translated to the claimants by the court interpreters. Most of the assessors questions to claimants were spoken in Māori and much of the evidence given by the claimants were in Māori.[64] Therefore the existing minute books contain abridged versions of what was said during the hearing.[65] This will explain the following ungrammatical text attributed to Te Rangitūkehu during the Matahina investigation.

> I belong to the N. Maihi [Nga maihi] hapu and Chief of all the N. Awa [Ngāti Awa] tribe. [66]

Apart from the Kaingaroa, Pokohu and Matahina hearings being conducted in Māori, the court processes nonetheless required great patience and a high degree of concentration by all on the task at hand. Court hearings were simply long and laborious. It was clear that the claimants during the hearings had a lot of knowledge of certain aspects and yet only limited knowledge of other things. For example, Tiopira Hūkiki in the Kaingaroa No. 1 investigation was not able to point out houses or the places of which Maihi (a *hapū*) lived in former times; yet he claimed that they went on to the land.[67]

Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere in attending to their affairs in the Native Land Court had to nevertheless negotiate further aspects of the Court hearings. It is quite

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[63] This is a point made by Bryan D. Gilling, ' 'Engine of Destruction? An Introduction to the History of the Māori Land Court', *Victoria University of Wellington Law Review*, (1994), Vol. 24,, No.2, 1994, p.119. There are some judges' minute books that are still in existence such as those of Judges O'Brien, Scannell, Ward, Brabant, Gudgeon, Jackson, Palmer, Johnson, Mair, McCormack, Puckey, Von Sturmer, Wilson, however, they are not comprehensive minute books.

[64] Any person with a rudimentary knowledge of the Māori language, after reading pages and pages of minute book entries would come to understand that some English expressions used in the minute books, because of the ackwardness of expression, must have been spoken in Māori and then a translation used.

[65] One can make this out by the fact that despite the court opening at 10.00am and closing at 4.00pm some entries are sparse yet there are written notes that allude to the person speaking for a very long time.

[66] *Whakatāne Minute Book* 1, folio 147.

[67] *Ōpōtiki Minute Book* 1, folio 170.

clear that there were a number of intra- and inter-claimant out-of-court negotiations. Throughout the court proceedings for the investigations of the Kaingaroa No.1, Pokohu and Matahina blocks, there are frequent references to meetings that happened before the court sittings and with various persons, either Māori or Pākehā, who were interested in the block. These were not necessarily ordinary meetings but were highly strategic meetings for the conduct of the court sittings. All of these meetings were conducted by men and indeed all of the claimants and witnesses in the Kaingaroa, Pokohu and Matahina court hearings were men.

Ann Parsonson has attempted an explanation of this male-dominated phenomena in the context of the Te Rohepotae hearings of the Waikato region. Her comments are equally relevant to the Kaingaroa No.1, Pokohu and Matahina court hearings. Parsonson indicates that men were more apprehensive of the potential influence of women in supporting various strategies used in the hearings. [68] What this refers to is a general rejection by Māori women of the hard-line and harsh strategies such as half-truths or outright lies given in court testimony.[69] Te Rangitūkehu, Tiopira Hukiki and Hiriwetiri Motutere were also prone to circumstances outside of their control during the court sittings. For instance, the weather conditions could force the cancellation of court sittings. At a Kaingaroa No. 1 court sitting, the weather was so atrocious that people could not even hear the various claimants' spoken words.[70]

At times, there was a scarcity of food in the district which forced the postponement of the court sittings. Various Māori attendees and witnesses had great difficulties in merely procuring food because of the exhaustion of the local supplies. For example, in the Kaingaroa No. 1 hearings, the Court adjourned the one hearing on August 13, 1878 to 'allow natives to obtain food....there was hardly any to be obtained and [they] were suffering considerable inconvenience'.[71] The next

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[68] Ann Parsonson, 'Stories for land, oral narratives in the Māori land Court', *Telling Stories: Indigenous history and Memory in Australia and New Zealand*, Bain Attwood and Fiona Magowan (eds.),Bridget Williams Books, Wellington, 2001, p. 24 & fn.16.

[69] Additionally Parsonson opines that women would feel uneasy at having to explain *whakapapa* which was traditionally reserved for men's oratory. Ann Parsonson, 'Stories for land, oral narratives in the Māori land Court', *Telling Stories: Indigenous History and Memory in Australia and New Zealand*, Bain Attwood and Fiona Magowan (eds.),Bridget Williams Books, Wellington, 2001, p. 24 & fn.16. For contrast also see Bryan D. Gillings, 'By whose custom: the operation of the Native Land Court in the Chathams', Victoria *University of Wellington Law Review*, Vol.23, No.3, 1993, pp.45-58. Also see Angela Ballara's observations on the Land Court in Angela Ballara, *Iwi: the dynamics of Māori tribal organisation from c.1769 to c. 1945*, Victoria University Press, Wellington, 1998, pp.88-92; Heather Angela Ballara, The origins of Ngāti Kahungunu, Unpublished PhD thesis in History, Victoria University of Wellington, Wellington, New Zealand, 1991.

[70] *Ōpōtiki Minute Book* 1, folio 142.

[71] *Ōpōtiki Minute Book* 1, folios 141-142.

day the Court also stated that there would be a report made to the government without delay about the exhaustion of food supplies in the area.[72]

This scarcity of food example highlights the hidden costs that were borne by Te Rangitūkehu, Tiopira Hukiki, Hiriwetiri Motutere and the other claimants. By attending the Court, they had to be housed and fed as well. They also neglected their cropping at home thereby running into poverty and want at a later time during the year. All of these points have been made by David V. Williams in respect to the Native Land Court hearings generally.[73] Apart from the hidden costs, Te Rangitūkehu, Tiopira Hūkiki, Hiriwetiri Motutere and the other claimants would have also been subjected to further direct court costs. Williams has categorised these into three areas, such as the imposition of duties, court fees and survey charges.[74]

The Death of Te Rangitūkehu

When Te Rangitūkehu died in June 1887, it was a watershed amongst my *whānau*, *hapū* and *iwi*. He was a dominant figure in Ngāti Awa politics in the mid-nineteenth century. Te Rangitūkehu's death marked a point in time of great social transition in the Eastern Bay of Plenty district as well as nationally. Amongst Ngāti Awa, other notable men died around the same time as Te Rangitūkehu namely Tiopira Hūkiki circa 1882, and Te Rangitūkehu's son, Paihau, circa 1888. This left a political power vacuum in Ngāti Awa. Ngāti Awa's neighbouring *iwi*, Whakatōhea and Tūhoe, were still reeling from the effects of the *raupatu* on their lands.[75] Tūhourangi and Ngāti Rangatihi were under considerable social strain because of the effects of the devastating Tarawera volcanic eruption in June 1886.[76] Ngāti Awa itself was experiencing strain due to the ash causing poor crop yields and lack of vegetation growth in turn causing starvation amongst animals.[77]

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[72] *Ōpōtiki Minute Book* 1, folios 141-142.

[73] See: David V. Williams, *Te Kooti Tango Whenua: The Native land Court 1864-1909*, Huia Publishers, Wellington, 1999, pp.189-199.

[74] David V. Williams, *Te Kooti Tango Whenua: The Native land Court 1864-1909*, Huia Publishers, Wellington, 1999, p.189.

[75] A. C. Lyall, *Whakatōhea of Ōpōtiki*, Reed Books, Auckland, 2005, [1979], pp.169-175; Ranginui Walker, *Ōpotiki-Mai-Tawhiti: Capital of Whakatōhea*, Penguin Books, North Shore, Auckland, 2007, pp.172-196. See also Waitangi Tribunal, *Te Urewera Pre-publication Report Part I*, Waitangi Tribunal, Wellington, 2009, pp.155-257 at http://www.waitangi-tribunal.govt.nz/doclibrary/public/reports/nieast/Wai0894/TeUreweraW.pdf (Accessed 1 May 2009).

[76] Vincent O'Malley & David Armstrong, *The Beating Heart. A political and socio-economic history of Te Arawa*, Huia Publishers, Wellington, 2008, pp.191-212.

[77] Lauren Te Aorangi Hunia, 'Tangi Putauaki: A Māori history of the Rangitaiki', Unpublished Master of Arts Thesis, University of Auckland, Auckland, New Zealand, 1977, p.115.

My *whanaunga*, Niheta Kaipara, who was an important *rangatira* of Ngāti Rangitihi and a claimant in the Kaingaroa No. 1 and Matahina investigations had perished in the eruption.[78] Māori of Tūhourangi, who were *whanaunga* to Te Rangitūkehu's wife, Te Rangitōwhare, were almost completely annihilated after the eruption. Tūhourangi *kāinga* around Lake Rotomahana were totally destroyed and there were massive casualty rates. Te Rangitōwhare alone lost eight of her siblings, along with their children and grandchildren in the eruption.[79] The remainder of Tūhourangi had to depend on the goodwill of the other *iwi* of Te Arawa as well as Hauraki *iwi* for survival.[80]

Nationally, Pākehā made up the overwhelming majority of the population. At the time of Te Rangitūkehu's death the population of Māori were at an all-time low point.[81] There was even a widespread belief that Māori were a dying race at the time.[82] In central government, Māori could only have four elected members in the colonial legislature. This ineffective political power could not thwart any prejudicial or racist legislation whatsoever.[83] The Native Land Court by this stage was in full operation around the whole of New Zealand. There were also such growing problems with the system that a Commission of Inquiry into Native Land Laws and the operation of the Native Land Court was set up in 1891.[84]

And so it can be seen that the lives and actions of the *tīpuna* Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Motutere are a conduit to viewing the operations of the Native Land Court. They also assist in contextualising wider issues in New Zealand society at the time. The Native Land Court system was not an easy system for Māori. The Kaingaroa No.1, Pokohu and Matahina land block

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[78] Listed as No.62. Niheta Kaipara Mokunuiarangi. See the list of the dead at http://www.anheizen.com/aftermath/index.php?content=deathlist.php. (Accessed 1 May 2008).

[79] These were Petera Rangiheuea, Rahera Rangiheuea, Puharo Rangiheuea, Awheto Rangiheuea, Ngarotarota Rangiheuea, Matiu Rangiheuea, Akutina Rangiheuea, Ngakawhena Rangiheuea (Ngakawhena Kitua). Many of Te Rangitōwhare's immediate *whānau* are listed as Nos. 81-107. See the list of the dead at http://www.anheizen.com/aftermath/index.php?content=deathlist.php. (Accessed 1 May 2008).

[80] Vincent O'Malley & David Armstrong, *The Beating Heart. A political and socio-economic history of Te Arawa*, Huia Publishers, Wellington, 2008, pp.205-212.

[81] Department of Statistics, *New Zealand Official Year Book 1990*, Department of Statistics, Wellington, 1990, pp.156-158.

[82] See: Jane Stafford and Mark Williams, *Maoriland : New Zealand literature 1872-1914*, Victoria University Press, Wellington, 2006, pp.110-141.

[83] Māori Representation Act 1867.

[84] 'Report of the Commission appointed to inquire into the subject of the Native Land Laws', *Appendices to the Journals of the House of Representatives* (1891), G.1; & 'Unfinished report of the late Mr. Thomas McKay relating to native- land laws', *Appendices to the Journals of the House of Representatives* (1891), G.1A.

hearings highlighted many issues and circumstances surrounding the investigations. The stakes in claiming lands were particularly high for Māori. For *whānau*, *hapū* or *iwi* their claims usually meant the total exclusion of everyone else's claims.

The deaths of Te Rangitūkehu and Tiopira Hūkiki in the 1880s, signalled a real change from the old world of the Māori to a newer period for New Zealand Māori-Pākeha relations. They were born into a world where political, economic and social circumstances were totally Māori-centric. By the time of their deaths Pākehā were the dominant force in New Zealand. However, with their deaths our *whānau*, *hapū* and *iwi* still had to interact with the Native and Māori Land Court. The *uri* and *whanaunga* of Te Rangitūkehu, Tiopira and Hiriwetiri would continue to be in the courts to this present day. The following *pēpeha* (saying) is appropriate at the end of this chapter to describe the effect of the deaths of these *tīpuna*.

Kua hinga te tōtara a te wao nui a Tāne.

A tōtara in the great forest of Tāne has fallen.[85]

[85] One of the many meanings of the *pēpeha* refers to the cycle of life where one person or thing (such as the *tōtara* tree) dies but is still replaced with new persons or things (smaller growing *tōtara* trees).The saying also means an important person has died. See: Hirini Moko Mead and Neil Grove, *Ngā Pēpeha a ngā Tīpuna*, Victoria University Press, Wellington, 2001, pp.271-272.

CHAPTER FOUR
TE AO HURIHURI[1]

In the preceding chapters I discussed the political context of the Native Land Court. I now turn my focus to the more subtle and elusive social influences on the Court. These influences concern the integration of Pākehā values and concepts into *Te Ao Māori* (the Māori world) in the nineteenth and twentieth century. *Whānau* adopted many of the practices and items of Pākehā culture right from the time of first contact with Europeans adapting and moulding their own practices and culture to the new Pākehā world.

The Pākehā values and concepts informing religion, education, marriage and work became important elements of Māori life. For instance, the influence of Christianity resulted in Māori substituting court procedures for inter-*whānau*, *hapū* and *iwi* fighting over land. Pākehā education allowed Māori to gain the literacy required to read court documents and forms. Westernised marriage granted Māori spouses special rights in the Native Land Court, and formalised employment diverted many Māori away from their traditional land holdings.

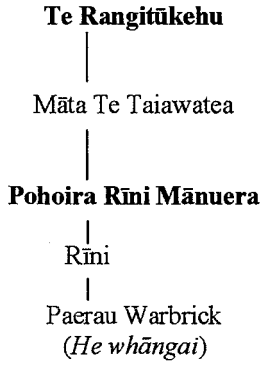
In this chapter, I explore the influence of those Pākehā values and concepts on Māori which in turn influenced the Native Land Court. The Native Land Court was simply another social environment where *whānau* accepted and practised the various values which they adopted through decades of interacting with Pākehā. As in the other chapters, I explore these adopted values through examples from my own *whānau*. The process of integration of Pākehā values and concepts into *Te Ao Māori* might be seen as inevitable: Pākehā were the dominant force in New Zealand at Te Rangitūkehu's death in 1887.[2] The birth of his *mokopuna* (grandchild) and my *kuia* (grandmother), Pohoira Rīni Mānuera, around the year of his death marked a turning, and changing world for Māori.

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[1] *Te Ao Hurihuri* = The World turns

[2] The 1891 census recorded that there was 44,177 Māori out of a total of 668,651 people. See: Department of Statistics, *New Zealand Official Year Book 1990*, Department of Statistics, Wellington, 1990, pp.156-158.

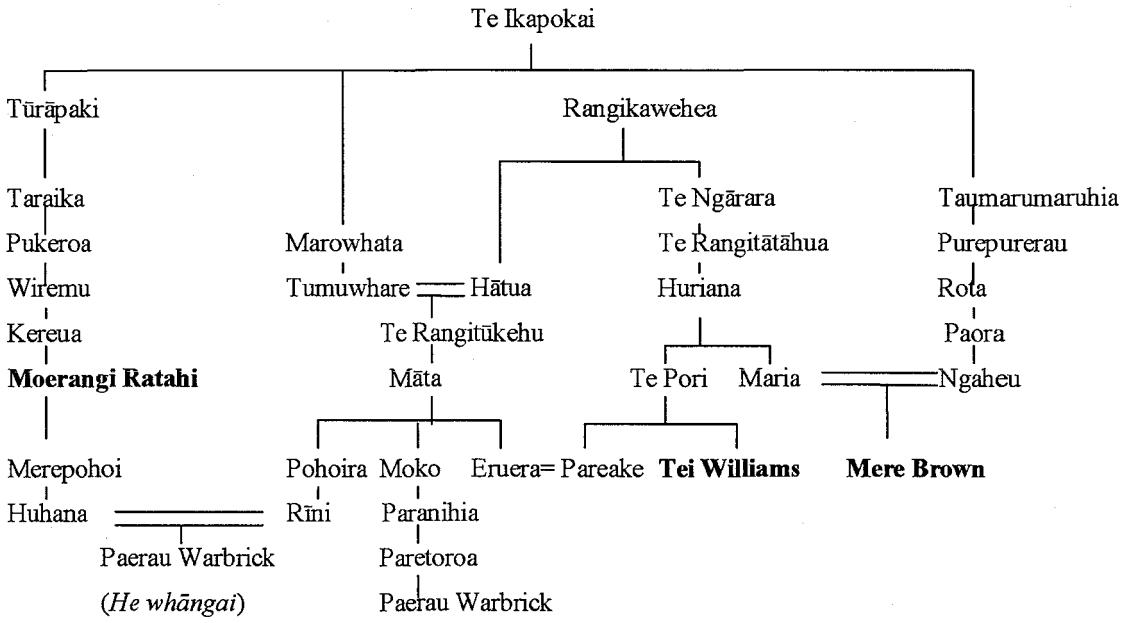
Whakapapa 4.1



It is because of this changing world that I have adopted the term *Te Ao Hurihuri* for this chapter. I have taken the expression from the title of the popular New Zealand historian Michael King's book, *Te Ao Hurihuri* (1975).[3] I thought the title was very appropriate in this instance. Firstly, the literal meaning of the term *Te Ao Hurihuri* is 'the world turns'. This is the theme that I wish to convey in this chapter as the Māori world was in the grip of change. Secondly, my *whānau* and I had a relationship with Michael King. I met him on a number of occasions in the 1990s and early 2000s. King had met my *kuia* Pohoira Rīni Mānuera and her brother Eruera Rīni Mānuera, in the early 1970s for his television documentary *Tangata Whenua*.[4] King also interviewed and photographed a number of my other *tipuna* and *whanaunga* for his book *Moko* in the mid 1970s, namely Mere Brown, Tei Williams and my other *kuia*, Moerangi Ratahi.[5]

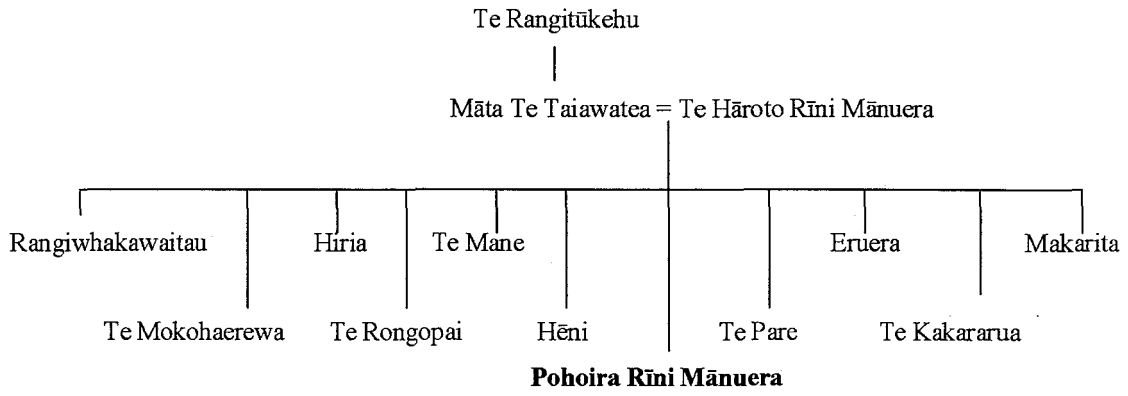
[3] Michael King (ed), *Te Ao Hurihuri: the world moves on: aspects of Māoritanga* , Hicks Smith, Wellington, 1975. It is a collection of essays by various commentators that detail Māori life and how it has changed.
[4] Barry Barclay & Michael King, 'The Great Trees', *Tangata Whenua Video recording*, [1974], 1997 recording, University of Otago Libraries, Dunedin, 109 Leith Street Tapes, call number 0974462.
[5] Michael King & Marti Friedlander, *Moko: Māori tattooing in the 20th century*, Alister Taylor, Wellington, 1972.

Whakapapa 4.2



Pohoira Rīni Mānuera was born circa 1890.[6] She was a *mokopuna* to Te Rangitūkehu, Tiopira Hūkiki and Hiriwetiri Te Motutere. Only Hiriwetiri was still alive when she was born. Pohoira was one of at least eleven children of Te Rangitūkehu's daughter, Māta Te Taiawatea, and her husband Te Hāroto Rīni Mānuera.

Whakapapa 4.3



[6] Nobody knows for certain the exact date of when Pohoira was born as the New Zealand colony had not established a comprehensive registration system for births, deaths or marriages. *Whānau* members particularly were problematic because they lived in rural areas distant from towns where registration could easily take place.

When Pohoira was born, New Zealand was on the verge of a Pākehā political reformation. Queen Victoria, the original guarantor of *whānau* rights under the Treaty of Waitangi of 1840, was still on the British throne. Political parties had crystallised in the New Zealand Parliament and James Carroll was the serving Member of Parliament for Pohoira's electorate of Eastern Māori.[7] The Liberal Party, a socially progressive and union-friendly party, had taken control of the New Zealand government.[8] The new Liberal Government was to give formal recognition to unions as well as pass a series of labour laws designed to improve working conditions.[9] All New Zealand women were to win the right to vote within three years of Pohoira's birth.[10] Economically the economy was in the grips of a recession which had hastened the Liberals to power. *Laissez-faire* was the standard economic theory followed by various colonial governments throughout the British Empire. In New Zealand it was practised with a particular social flavour.[11] That particular social flavour involved Māori. Māori were struggling to adapt to the political, economic and social conditions of the late nineteenth-century. Nearly all *whānau*, *hapū* and *iwi* from all around New Zealand no longer held the resources of land that they held collectively only some fifty years earlier.[12]

Māori had struggled to come to terms with the implications of an Anglo-economy based upon capital goods (including land) being expressed in terms of monetary wealth.[13] The interaction with Pākehā settlers, when they became the majority of people in New Zealand sometime in the late 1850s, meant a massive social transition for Māori. Many of the social changes were

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[7] Alan Ward, 'James Carroll', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.78-81.

[8] See Tim McIvor, 'John Ballance', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.23-25; David Hamer, 'Richard John Seddon', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.447-451.

[9] See: Keith Sinclair, 'William Pember Reeves', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.411-414.

[10] See: Tessa K. Malcolm, 'Katherine Wilson Sheppard', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.459-461; Phillida Bunkle and Beryl Hughes (ed.), *Women in New Zealand Society*, Allen & Unwin, Boston, 1980.

[11] *Laissez-faire* theory insists on the importance of a free and competitive market of individual suppliers and individual purchasers with minimal state regulation. See Gordon Marshall, *Oxford Dictionary of Sociology*, Oxford University Press, Oxford, 1998 (second edition).

[12] G.M. Oulton, 'Māori Land 1860 & Māori Land 1890' in Alan Ward, *An Unsettled History*, Bridget Williams Books, Wellington, 1999, pp.162-163 , (Maps 1 & 2). One can see the results of *raupatu* in Map 2, at No.3 (Bay of Plenty), No.6 (Waikato) and No. 10 (Taranaki).

[13] See: Te Rangi Hiroa [Sir Peter Buck], *The Coming of the Māori*, Māori Purposes Fund Board, Wellington, 1962, [1949]; Raymond Firth, *Economics of the Māori*, R.E.Owen Government Printer, Wellington, 1959 & Elsdon Best, *The Māori as He Was: A brief account of Māori life as it was in pre-European Days*, A.R. Shearer, Government Printer, Wellington, 1974, [1924].

prompted by changes in land utilisation, the changing power relations that were internal to *whānau* and *hapū*, and the changing power relations in terms of *whānau* dealing with settlers and the colonial government. When Pohoira was born the Māori population was at its lowest point in modern history. The 1891 census recorded that there was 44,177 Māori out of a total of 668,651 people, meaning Māori formed approximately 6.6% of the people in New Zealand. [14] There was also a growing movement amongst Māori for a separate Māori Parliament known as *Te Kōtahitanga*.[15] The *Kīngitanga*, which referred to the establishment of a Māori king in the Waikato in response to the governments' encroachments on *whānau* and *hapū* rights, was also an established movement at the time of Pohoira's birth.[16]

Many Māori around New Zealand were constantly petitioning the government for either redress for various wrongs inflicted upon them or for changes in the governments' native policies.[17] The Native Land Court had been in operation for twenty five years when Pohoira was born. A Commission of Inquiry into Native land laws as well as the operation of the Native Land Court was established in 1891.[18] This Commission was set up to inquire about a number of defects in the Native laws and Native Land Court system. The main report found:

> Numerous witnesses bear testimony to the gradual deterioration of the Native Land Court. It takes a longer time now to hear a case than formerly. Its fees and charges are greatly in excess of what they were. Its adjournments and postponements are more frequent and inconvenient...It has gradually lost every characteristic of a Native Court, and has become entirely European...[19]

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[14] The 1857-1858 Census gave the population as being 59,413 non-Māori as opposed to 56,043 Māori. see Department of Statistics, *New Zealand Official Year Book 1990*, Department of Statistics, Wellington, 1990, pp.156-158.

[15] See: Freda Rankin Kawharu, 'Hone Heke Ngapua', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.356.

[16] See: R.T. Mahuta, 'Tukato Matutaera Potatau Te Wherowhero', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.509-510; Tipene O'Regan, 'Hone Taare Tikao', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.540-54; Angella Ballara, 'Henare Tomoana', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Books & Department of Internal Affairs, Wellington, 1993, pp.544-546.

[17] A perusal of the Native Affairs section in the *Appendices to the Journals of the House of Represenatives* in the 1890s give many instances of various legal bodies or persons investigating various issues and complaints surrounding native claims.

[18] 'Report of the Commission appointed to inquire into the subject of the Native Land Laws', *Appendices to the Journals of the House of Representatives* (1891), G.1; 'Unfinished report of the late Mr. Thomas McKay relating to native- land laws', *Appendices to the Journals of the House of Representatives* (1891), G.1A.

[19] 'Report of the Commission appointed to inquire into the subject of the Native Land Laws', *Appendices to the Journals of the House of Representatives* (1891), G.1, p.xi.

Most Māori were still based in rural areas. Māori still lived on areas of their land that had not been purchased, seized or acquired through various other processes by the government or non-Māori. Pohoira's *whānau* around Te Teko were settled on land granted back from the *raupatu*. These were lands situated in the immediate environs of Kōkōhīnau and included the hills of Omataroa to the east of Kōkōhinau as well as land around Kawerau including the ancestral mountain Putauaki and its foothills.[20]

When Pohoira was born, much of the Rangitaiki Plains was still swamp. The whole area of the plains frequently flooded and it was this characteristic that inspired the government to drain the swamp and allot land to Pākehā settlers. On one hand, this assisted my *whānau* in terms of food production as our crops were formerly destroyed as a result of flooding. On the other hand, the loss of the swamp meant the loss of a valuable food resources as it was the habitat for eels and ducks.[21] The economic base of Pohoira's *whānau* rested firmly on agriculture, like the growing of food and the collecting of food, the selling and trading of stock and goods, and the breaking in of land for farming purposes. All of this involved increased interaction with Pākehā and their values.

However, my *whānau* had been interacting with Pākehā for well over a century at the time of Pohoira's birth. The process of the influence of Pākehā values had started during the time of Pohoira's *tipuna*, Te Rangikawehea. During Te Rangikawehea's day, Captain James Cook navigated his ship through Whakatāne waters in the Eastern Bay of Plenty. Cook's arrival in New Zealand was to initiate a prolonged interaction of Pākehā with *whānau*, *hapū* and *iwi* throughout New Zealand.[22] It was believed that Cook introduced the turnip and cabbage to Pohoira's *tīpuna* and on Cook's second voyage in 1773, he planted vegetables and trees throughout the whole of the Bay of Plenty region.[23] During Hātua's and Te Rangitūkehu's time

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[20] See map of lands returned after the *raupatu* in Waitangi Tribunal, *Ngāti Awa Raupatu Report 1999*, Wai 46, Legislation Direct, Wellington, 1999, map 6, p.91; see also land grants given back to my *whānau* at *New Zealand Gazette* (1872), pp.789-790.

[21] Waitangi Tribunal, *Ngāti Awa Raupatu Report 1999*, Wai 46, Legislation Direct, Wellington, 1999, pp.103-108; 'Drainage operations in Rangitaiki plains: Report for the year ending 31 March 1911', *Appendices to the Journals of the House of Represenatives*, (1911), C-11.

[22] David McKay, 'James Cook', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.90-92.

[23] Lauren Te Aorangi Hunia, 'Tangi Putauaki', A thesis presented for the degree of Master of Arts in History, University of Auckland, Auckland, 1977, p.21.

Ngā Puhi invasions in the 1820s had exposed *whānau* to the power of muskets.[24] This was also felt by other *whānau* and *hapū* throughout the whole of the North Island. The displacement of various *whānau* and *hapū* throughout the North Island had huge demographic effects not only in the North Island but the South Island as well.[25] During Hātua's and Te Rangitūkehu's day their *whānau* started to use the potato for trading purposes growing it side by side with kūmara.[26]

However, the introduction of muskets and other goods and items such as the potato and various tools by Pākehā sailors in the 1820s and 1830s did not necessarily change *whānau* thinking to a great extent. Māori clearly out-numbered Pākehā people. The use of these Pākehā items merely facilitated their normal political, economic and social practices at the time albeit on a larger scale. The increased demand for Pākehā goods and services involved more interaction with Pākehā. Obtaining Pākehā goods and commodities required increased knowledge of Pākehā customs regarding trade and purchasing. Pākehā trade involved the use of a currency system which Māori had to adopt if they wanted Pākehā commodities. The sale of land, timber and other goods and services such as flax or labour resulted in currency being introduced to transactions. A characteristic of currency transactions was that it had different social implications compared with other transactions based on bartering and social networks used by Māori. For example, Māori along coastal regions would sometimes trade with Māori from inland areas for food found only along the coast in exchange for food found inland. The trade would take place in the context of *whānau* interaction.[27] With transactions based upon currency transactions though, anyone with money, regardless of their status or family connections, automatically gained access to trade with any Pākehā trader or merchant (despite the purchasers and traders possibly being total strangers to one another). It was therefore the use and demand of Pākehā goods and services which exposed *whānau* to ever increasing practices and cultural values associated with Pākehā.

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[24] Angela Ballara, 'Pomare I', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.345-346.

[25] See 'Māori migrations 1820-1849', *New Zealand Historical Atlas: Ko Papatuanuku e Takoto Nei*, Malcolm McKinnon (ed.), David Bateman & Historical Branch of the Department of Internal Affairs, 1997 (2003 reprint), plate 29.

[26] Lauren Te Aorangi Hunia, 'Tangi Putauaki', A thesis presented for the degree of Master of Arts in History, University of Auckland, Auckland, 1977, p.23.

[27] See Raymond Firth, *Economics of the New Zealand Māori*, Government Printer, Wellington, 1959; Hazel Petrie, *Chiefs of Industry: Māori tribal Enterprise in early Colonial New Zealand*, Auckland University Press, Auckland, 2006, pp.25-27.

Agricultural items and livestock, muskets, cooking utensils and other household items became important items amongst my *whānau*, *hapū* and *iwi*. At what point of time my *whānau* began accepting western clothes as customary is unknown. It is known that Hātua and Te Rangitūkehu, in the 1830s, were still wearing cloaks and traditional attire.[28] It is probable that the 1860s was a time that many *whānau* adopted European dress and certainly by the 1880s they were wearing European clothes. A photograph of Pohoira's mother, Māta Te Taiawatea, in Victorian dress taken about 1885 is in existence, as is a portrait of Pohoira's oldest sister, Rangiwhakawaitau, in European clothing from the same time period.[29]

By the time of Pohoira's birth many pre-European *whānau* values and practices still survived and others were being modified to reflect the realities of the coming twentieth century. For example, in terms of funeral practices in the 1890s, various *whānau* still practiced *hahu*, which was the exhumation of a person's bones for cleaning and then internment in another place.[30] Te Rangitūkehu who had died in 1887 was exhumed in this way when Pohoira was as child in 1899 and interred on the summit of the ancestral mountain, Pūtauaki.[31] Pohoira's oldest sister, Te Rangiwhakawaitau, who died circa 1897 was also exhumed sometime around 1905 and interred in the ancestral cave called Te-Niho-o-te-Kiore at the foot of Pūtauaki.[32] By the 1890s there had been some modification to the funeral practices of many *whānau* around New Zealand as a result of the use of Pākehā objects. Various *whānau* had started to use Pākehā items in their funeral practices, such as photographs of their deceased *whanaunga* to adorn the area where the deceased person laid in state, and coffins for the deceased person.[33]

Māori accepted many elements of Pākehā culture and claimed it as their own. With the utilisation of Pākehā goods and interaction with Pākehā, *whānau* inevitably were exposed to and also adopted Pākehā values. With time, a mixture of Pākehā values and traditional Māori values

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[28] There is an account of Hātua and Te Rangitūkehu dressed in fine flax garments, greenstone pendants, and *huia* feathers in their hair in G. M. Henderson, *The antecedents and early life of Valentine Savage, known as Taina*, Wingfield Press, Wellington, 1948, pp.133-134.

[29] The two portraits are to be found hanging in either the *wharenui* called Ruataupare or the *wharemate* called Rangimuaiho at Kōkōhīnau *Pā* near Te Teko. The portraits are shifted between the two houses when they are needed for formal occasions.

[30] Cleve Barlow, *Tikanga Whakāro: Key concepts in Māori culture*, Oxford University Press, Greenlane, 2001, [1991], pp.14-15.

[31] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.154.

[32] Kōrero-a-Eruera Rīini Mānuera, *Whakatāne Minute Book 70* at folios 125-126.

[33] See photographs of various funerals in Michael King, *Māori. A Photographic and Social History*, Reed Books, Auckland, 2000, [1983], p.137.

became accepted by *whānau* to varying degrees. The individual Pākehā values and traditional Māori values were not mutually exclusive of each other. For example, the values associated with the Pākehā concept of justice and the Māori concept of *tikanga* (rules, protocols) have much in common. These two values of justice and *tikanga* emphasise ideas associated with the concept of 'right' as opposed to the concept of 'wrong'. In addition, interaction between Pohoira's maternal grandmother's people of Ngāti Taoi at Lake Rotomahana near Rotorua and Governor George Grey in the late 1840s also highlighted the values of conservation and preservation of wildlife in both Māori and Pākehā culture. In 1849 there was a bounty of ducks, *pukeko* (moorhen) and other birds on Lake Rotomahana which were preserved by rigid *tapu* (sacred) when the young were fledged. Permission though was given by my Ngāti Tāoi *whanaunga* to Governor Grey's travelling party to shoot the birds. However, Governor Grey refused the offer stating that it was '...customary in England to preserve all manner of game, not only birds but beasts and even fishes at certain seasons by strict laws'.[34] As a result a notice in both English and Māori was ordered to be erected by the Governor that stated that travellers were at liberty to go to Rotomahana but on no account were they to fire at or disturb the birds on the lake.[35] In essence, Māori and Pākehā interaction resulted in the mixing of values. Some values were disregarded or unused, while others were fused together, or adopted in ways that suited *whānau* needs. During the later nineteenth-century *whānau* faced the reality that they had to interact more with Pākehā as they had become the dominant population in New Zealand. *Whānau* had to understand Pākehā values, and use skills obtained from Pākehā and to utilise Pākehā institutions.[36] The following are some examples of the influence of Pākehā values on *whānau*.

The adoption and influence of the Pākehā religion

The most explicit and lasting Pākehā values that were adopted by various *whānau* resulted from the work of the missionaries.[37] The missionaries' work of religious instruction as well as

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[34] G.S. Cooper & George Grey, *Journal of an expedition overland from Auckland to Taranaki by way of Rotorua, Taupo, and the west coast undertaken in the summer of 1849-50 by his Excellency the Governor-in-Chief of New Zealand*, Williamson and Wilson, Auckland, 1851, pp.220-216.

[35] G.S. Cooper & George Grey, *Journal of an expedition overland from Auckland to Taranaki by way of Rotorua, Taupo, and the west coast undertaken in the summer of 1849-50 by his Excellency the Governor-in-Chief of New Zealand*, Williamson and Wilson, Auckland, 1851, pp.220-216.

[36] Paul Monin in his study of Hauraki Māori has observed that their history of contact with *Pākehā* was not a history of fatal impact but rather they welcomed European presence with an eye to securing benefits. Paul Monin, *This is my Place. Hauraki Contested 1769-1875*, Bridget Williams Books, Wellington, 2001, p.2.

[37] Judith Morrell Nathan, 'Robert Maunsell', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.285-286; J.M.R. Owens, 'Richard Taylor', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.437-438; Robin Fisher,

teaching of literacy and numeracy had started with Samuel Marsden in 1814 amongst the various *hapū* of Pohoira's second husband Leopold Anderson, of Te Aupouri and Ngā Puhi in Northland.[38] The types of values which the missionaries had encouraged various *whānau* and *hapū* to adopt were those linked to the Christian teachings that discouraged war and accepted peace instead of incessant fighting with neighbouring or distant *whānau* and *hapū*. The Reverends Henry Williams and William Williams were notable for this in the 1820s.[39] These values were linked to the Christian respect for the sanctity of life and personal human dignity. The courts and especially the Native Land Court were to become the new venue for grievances between *whānau*, *hapū* and *iwi*. Additionally, the missionaries also encouraged *whānau* to give up their social institutions such as slavery and cannibalism.[40] Forced labour, at least in the form of overt slavery, was abolished throughout the British Empire in 1833.[41]

By the 1830s and 1840s, Christian missionaries had reached the Whakatāne district. Henry Williams and James Hamlin stopped in at Whakatāne and Ohiwa in 1828. John Alexander Wilson and the Roman Catholic Bishop Jean Baptiste Pompallier preached in Whakatāne in 1840. However, missionary visits were only ever fleeting ones during this time.[42] Pohoira's maternal grandfather, Te Rangitūkehu, and other *whanaunga* at Kōkōhinau were visited regularly by Catholic preachers in the early 1840s.[43] Tiopira Hūkiki eventually became a Christian teacher under the patronage of the Church Missionary Society in the latter 1860s. He

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'Henry Williams', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.593-594; Judith Morrell Nathan, 'Williams Williams', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.594-598; Sheila Natusch, 'Johann Friedrich Heinrich Wohlers', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.606-607.

[38] G.S. Parsonson, 'Samuel Marsden', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Allen and Unwin, Auckland, 1998, [1990], pp.271-273; Judith Binney, 'Thomas Kendall', *The Dictionary of New Zealand Biography*, Vol.I, W.H.Oliver (ed.), Auckland University Press, Auckland, 1998, [1990], pp.224-225; 'William Hall', *Dictionary of New Zealand Biography*, Vol. I, Department of Internal Affairs, Wellington, 1940, p.346; 'John King', *Dictionary of New Zealand Biography, Vol. I*, Department of Internal Affairs, Wellington, 1940, p.467.

[39] Frederick Wanklyn Williams, *Through Ninety Years 1826-1916: Life and Work among the Māoris in New Zealand*, Whitcombe and Tombs Limited, Auckland, [1940], pp.13-14.

[40] Marsden describes the incidence of these. See John Rawson Elder (ed.), *The Letters and Journals of Samuel Marsden 1765-1838*, Coulls Somerville Wilkie & A.H. Reed, Dunedin, 1932.

[41] The British Parliament's Emancipation Act of 1833 promised to end slavery throughout the British Empire by 1838. This tied in with the natural-rights discourse of the enlightenment and the efforts of William Wilberforce and Thomas Clarkson in the early 1800s. See: *The Historical Encyclopedia of World Slavery*, Vol. I, Junius P. Rodriguez (General editor), ABC-CHO, Santa Barbara, California, 1997, pp.xx-xxii.

[42] Lauren Te Aorangi Hunia, 'Tangi Putauaki', A thesis presented for the degree of Master of Arts in History, University of Auckland, Auckland, 1977, pp.32-36.

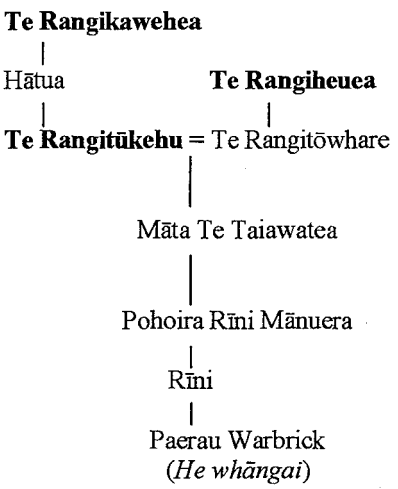
[43] Lauren Te Aorangi Hunia, 'Tangi Putauaki', A thesis presented for the degree of Master of Arts in History, University of Auckland, Auckland, 1977, p.35.

was paid £6 per annum and was expected to be itinerant and at home one Sunday out of three. He was also expected to keep a record of the places he visited every other Sunday.[44]

Westernised marriage

Monogamy was also encouraged by the missionaries for practical if not for spiritual reasons. For example, Samuel Marsden in 1819 opined that conflict internal to *whānau* must result from polygamy.[45] Westernised marriage in the form of the exchange of rings and a Christian ceremony was yet another custom readily adopted by *whānau*. The institution of marriage had changed within *whānau* throughout the latter years of the nineteenth-century.[46] Multiple marriages became less common. Previously *rangatira* were well known to have more than one wife. Pohoira's *koroua* (grandfather), Te Rangitūkehu, had at least two wives simultaneously during his life.[47] Pohoira's *tipuna*, Rangikawehea, was known to have had at least three wives.[48] Her other *tipuna*, Te Rangiheuea of Ngāti Tāoi, Tuhourangi, had at least five wives.[49]

Whakapapa 4.4



[44] Lauren Te Aorangi Hunia, 'Tangi Putauaki', A thesis presented for the degree of Master of Arts in History, University of Auckland, Auckland, 1977, pp.39-40.

[45] John Rawson Elder (ed.), *The Letters and Journals of Samuel Marsden 1765-1838*, Coulls Somerville Wilkie & A.H. Reed, Dunedin, 1932, pp.208-209. However, an old Māori chief had told Marsden that the reason why he had so many wives was for the practical reason of having a labour resource.

[46] See an exceptional analysis of the institution of marriage in traditional Māori society by Bruce Biggs, *Māori Marriage*, A.H. & A.W. Reed for the Polynesian Society, Wellington, 1960.

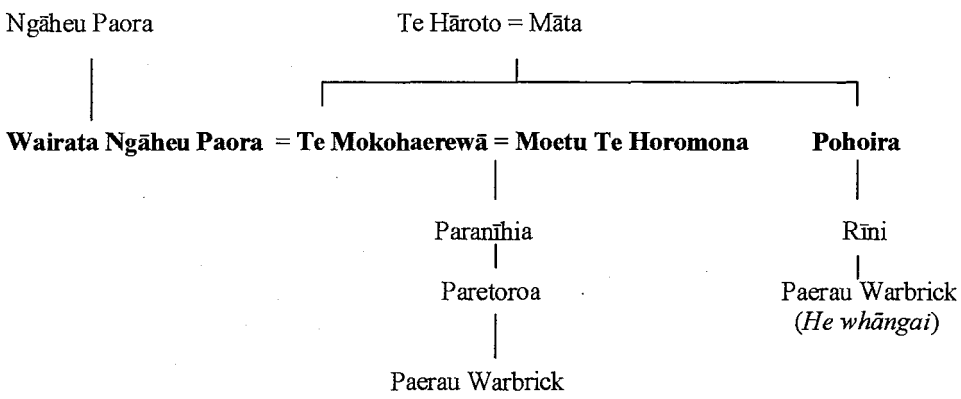
[47] These were Makuini Tohunoa and Paranihia Te Rangitowhare Rangiheuea. See Succession to Te Rangitūkehu at *South Island Minute Book* 102 at folio 201. I have also heard of another wife called Merepeka.

[48] The wives names were Pakā, Te Maroaute and Tūnono. See: Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.367.

[49] See *South Island Minute Book* 106 at folio 61 where there are five wives listed as Te Tonga, Ringitanga, Pareanei or Pareaurei, Aroarokaikore and Pareterangi. Te Onehou Phillis lists three wives in her *whakapapa* who are Te Tonga, Te Aroarokaikore and Ringaringa. See also Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.353.

By the time of Pohoira's birth though, the marriage practices had changed. It is unknown whether Pohoira's parents Māta Te Taiawatea and Te Hāroto Rīni were married in the late 1860s with the trappings of western marriage, such as the exchange of rings and the formalised exchange of wedding vows witnessed before a member of the clergy. However, many of Pohoira's siblings did adopt these western marriage trappings in the late nineteenth century and early twentieth-century.[50] Some customary matters associated with marriage still persisted. Arranged marriages were still common even into the mid twentieth-century.[51] Pohoira's older brother, Te Mokohaerewā, had an arranged marriage at the time of Pohoira's birth. When there were marriage problems, customary practices still allowed Te Mokohaerewā to be released from his childless first marriage to Wairata Ngāheu Pāora and then marry Moetu Te Horomona.[52]

Whakapapa 4.5



Westernised marriage granted Māori spouses special rights in the Native Land Court. A spouse could be left land through a will regardless of whether they were Māori.[53] This was major change to Māori land law and the court also had the power to make provisions for the upkeep and maintenance of widows.[54] In practice, the Court was always mindful of an equitable decision on

[50] Pohoira Rīni Mānuera, Eruera Rīni Mānuera and Makarita Rīni Mānuera had at least western style marriages.
[51] My maternal grandmother, Merepohoi Ratahi, was forbidden by her father to marry Te Kihi Mate of Ngāi Taiwhakaea, Ngāti Awa in the early 1920s. Instead a marriage had been arranged by him with Haki Wana of Ngāi Taiwhakaea, Ngāti Awa. A paternal granduncle, Ikapokai Manukorihi (Bobby Ngaheu), also took his brother's widow as a wife in the late 1940s.
[52] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.4.
[53] Section 137 Native Land Act 1909.
[54] Section 140 Native Land Act 1909.

the facts. They often encouraged the *whānau* to get together to make arrangements between themselves.[55]

Democratic ideals

Christian missionaries not only influenced various *whānau* but they also introduced them to western democratic values whether they were Anglo or French-based ideals. These values were associated with democratic ideas and practices such as suffrage, freedom of the press, as well as those associated with law and order, justice and equitable redress and, above all else, individual personal liberty and freedom.[56] For example, Tiopira Hūkiki found some use for the democratic right of petition available to subjects against the Crown. He used his literary skills to petition the government against various wrongs like the imprisonment of *whanaunga* after the *raupatu* (confiscation) in the 1860s.[57]

The adoption of Pākehā education

Schools were the most powerful of Pākehā institutions that foisted values directly onto *whānau*. The value of a state organised education system open to anyone and everyone who wanted knowledge was a potent ideal that was introduced by Pākehā in New Zealand. At the time of Pohoira's birth in the 1890s, New Zealand-wide state-sponsored education was fully operational and it had been an important characteristic of colonial New Zealand since the late 1870s.[58]

Whānau though had access to education through the native schools set up under the Native Schools Act 1867, and prior to that through a number of mission schools for *whānau* provided by the various church denominations.[59] The value of the Pākehā schooling system was seen to be of

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[55] Spouses and wills always caused problems for the Court in the early twentieth century. See Tom Bennion & Judy Boyd, *Succession to Māori Land 1900-1952*, Waitangi Tribunal, Wellington, 1997.

[56] These ideas were influenced by the Age of Enlightenment in Europe.

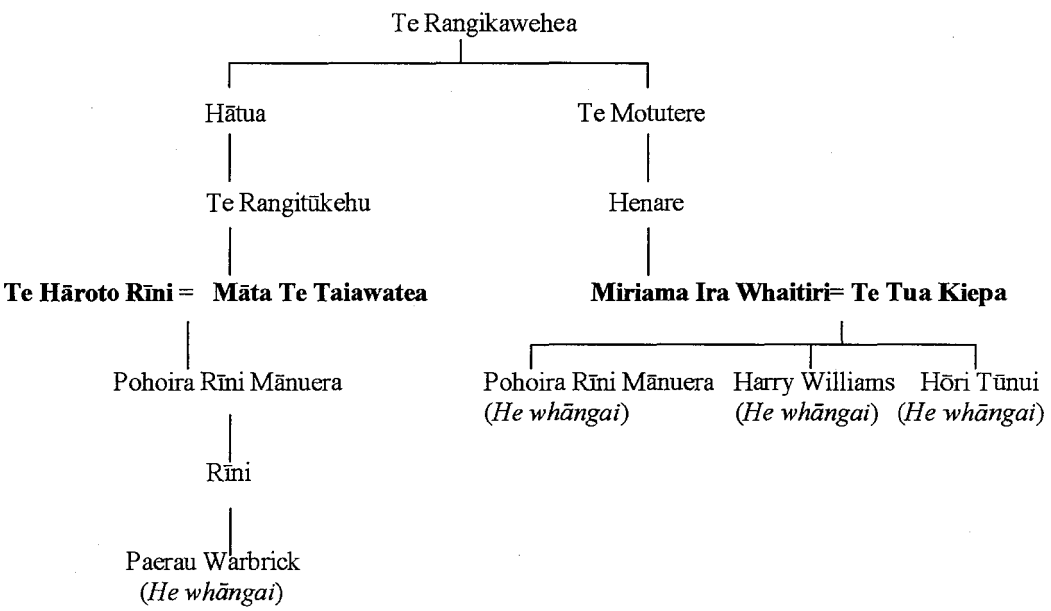
[57] See an example of a petition in Tiopira's own handwriting in Te Runanga o Ngāti Awa, *Te Murunga Hara: The Pardon*, Te Runanga o Ngāti Awa, Whakatāne, [1989], pp.49-51. Māori began using the medium of petition when they gained access to literacy with the influence of the missionaries. As far back as 1820, Māori around Thames requested that 'Britain afford them protection. A number of Māori also engaged in dialogue with the British monarch directly. These were Taiwhanga, Tawhiao, Te Rata and Ratana (Claudia Orange, *The Treaty of Waitangi*, Bridget Williams Books, Wellington, 1986, pp.10, 205-233).

[58] See: P.J. Lineham, 'Charles Christopher Bowen', *The Dictionary of New Zealand Biography*, Vol.I, W.H. Oliver (ed.), Allen & Unwin, Wellington, 1998, [1990], pp.33-34.

[59] See: J.M. Barrington & T.H. Beaglehole, *Māori schools in a changing society*, New Zealand Council for Educational Research, Wellington, 1974; Judith Simon & Linda Tuhiwai Smith (ed.), *A Civilising Mission: Perceptions and representations of the New Zealand Native Schools System*, Auckland University Press, Auckland, 2001.

some worth to Pohoira's *koroua*, Te Rangitūkehu, when he specifically gave land for a Native school to be established at Te Teko in 1881.[60] Pohoira's mother and father, Māta Te Taiawatea and Te Hāroto Rīni, also saw some value in Pākehā education and ensured that many of their children were enrolled in the Native School at Te Teko.[61] Pohoira's younger brother, Eruera Rīni Mānuera, was also sent to St. Stephens Māori Boys School in Auckland before the First World War.[62] Pohoira's *whanaunga*, Miriama Ira Whaitiri (Miriama) and her husband Kiepa Te Tua (Kiepa), were also keen to ensure Pohoira's education. Like their *whanaunga*, Māta Te Taiawatea and Te Hāroto Rīni, they also believed in the value of the schooling system. Not long after Pohoira was born, she was sent to be brought up by Miriama and Kiepa at Opape in the Opotiki district, some sixty kilometres east of Kōkōhīnau. Pohoira was raised as their *tamaiti whāngai* along with other *tamaiti whāngai* such as Harry Williams and Hōri Tunui. When Pohoira was old enough to attend school she along with the others were enrolled at the Omarumutu School, some ten kilometres east of Opotiki under the name Ira Kiepa.[63]

Whakapapa 4.6



[60] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.21.
[61] Eruera Rīni Mānuera attended Te Teko School. See: Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002. A daughter is also recorded as Julie Haroto. In discussions with Te Onehou Phillis in December 2002 she thought that Julie Haroto may have been Eruera's older sister, Te Rongopai Rīni Mānuera. However, I contend that it may be another sister called Hiria who died as child at the beginning of the twentieth century. See Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.23.
[62] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, pp.28-29.
[63] *Whakatāne Minute Book* 69 at folio 126.

A changed economy

At the time of Pohoira's birth, *laissez-faire* policy was a long time standard throughout the British Empire. The freedom to enter contracts between those engaged in commerce was amongst the commercial values brought by Pākehā. Other commercial values associated with business involved acting in good faith, dealing with a degree of integrity and honesty, and the extension of credit. These were simply needed to make commercial and business transactions work effectively. However, a fundamental change for Māori in the economy involved new relationships around work. The money-based economy introduced through interaction with Pākehā necessitated the adaptation of the *whānau* and *hapū* economies found throughout New Zealand. One major consequence of the monetary system was the development of work values in terms of a western industrialised economic paradigm.[64] This paradigm involved new social contexts where individual *whānau* members were not located in their w*hānau* or *hapū*, but rather in structures based on master/servant or employer/employee relationships.

Land alienation and loss of *rangatiratanga* over rivers and streams and beaches after 1840 hastened the process whereby *whānau* members had to work in employer/employee relationships. The increase of demand by Māori for Pākehā goods advanced such a process even further. Once huge land blocks were taken out of the control of *whānau* through sale, *raupatu* or appropriation by the Government through various statutes, what land was left could not support everyone. Many *whānau* members (as well as former slaves) had to become workers for strangers in the late nineteenth-century New Zealand.[65] As Marcia Stenson and Erik Olssen observe: 'Those Māori farming lands they had retained after confiscation and sales...found it difficult to make an economic success of their land holdings'.[66]

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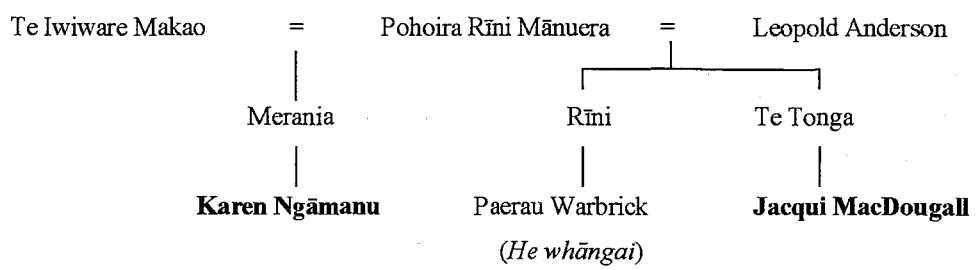
[64] Various *whānau* were also diversifying into other activities such as providing services to the Crown including road-making and transport services in the fledgling colony. See Marcia Stenson & Erik Olssen, *A Century of Change*, Addison Wesley Longman, Auckland, 1997, [1989], pp.219-224.

[65] In Anne Salmond's discussions with Eruera Stirling, he mentioned that his own father Duncan Stirling of Ngati Mamoe, Waitaha and Ngai Tahu worked with Pākehā at Riverton, then Dunedin, then ended up on the East Coast of the North Island in late nineteenth century (Anne Salmond, *Eruera, the Teaching of a Māori Elder*, Oxford University Press, Wellington, 1980). Pohoira's brother, Eruera Rīni Mānuera, worked on a farm owned by *Pākehā* in Kamo just north of Whangarei before the First World War. (Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, p.43; & Kōrero a Te Onehou Phillis, Otūmahi, circa 1985.) Leo Anderson and his brothers had to leave the Te Aupouri peninsula after the First World War and work for Pākehā in the Bay of Plenty. This was because their own lands were impoverished and could not provide a means of living for them.

[66] Marcia Stenson & Erik Olssen, *A Century of Change*, Addison Wesley Longman, Auckland, 1997, [1989], p.221.

Pohoira's first husband, Te Iwiware Makāo of Te Whakatōhea and Whānau-a-Apanui near Ōpōtiki, was a surveyor and thus provided Pohoira and their two small children with a living through paid employment. They had had a formalised western marriage in 1912 but it was not a long one. Te Iwiware died as a result of a drowning accident in 1916.[67] Pohoira's *mātua whāngai*, Miriama and Te Kiepa were both dead by the time she married Te Iwiware, and so Pohoira soon returned back to her natural mother and father, Māta Te Taiawatea and Te Hāroto Rīni, at Kōkōhinau with only one child, Merania. Her other child Riripeti had died prior to Te Iwiware in 1914.[68] When Pohoira returned to Kōkōhinau, many of her *whanaunga* earned a living from the land holdings around Kōkōhinau, Otamāoa and Te Teko generally. They had cleared the land of scrub and farmed the land. However, members of the *whānau* also had to become labourers on nearby Pākehā farms or drain diggers to supplement *whānau* income. On Pohoira's arrival back at Kōkōhinau, Merania lived with Pohoira's parents, Māta Te Taiawatea and Te Hāroto Rīni. Pohoira herself then took a job as a housekeeper with a Pākehā solicitor called Joe Buddle in Whakatāne.[69] Unlike her three sisters, Pohoira did not possess a *moko* on her chin. When questioned by some of her *mokopuna*, such as Jacqui MacDougall and Karen Ngāmanu, she explained that it was because of her work.[70] Pohoira further explained that it was thought inappropriate by Pākehā at the time to employ such a person with a *moko*.[71]

Whakapapa 4.7



[67] *Ōpōtiki Minute Book* 24 at folio 202.
[68] Kōrero-a-Zelda Riripeti Marumaru (nee Ngāmanu), Wellington, c.1993. This has been confirmed in 2009 with the discovery of a death certificate which records the child having died in 1914.
[69] Kōrero-a-Nellie Marahia Kirkwood and Joanna Te Tonga Hughes, Ngākauroa, c.1996.
[70] Kōrero-a-Jacqui MacDougall, Taneatua, circa 1996, Kōrero a Karen Ngāmanu, Whakatāne, circa 1988.
[71] Kōrero-a-Jacqui MacDougall, Taneatua, circa 1996, Kōrero a Karen Ngāmanu, Whakatāne, circa 1988.

Photo 4.1: Photograph of Pohoira Rīni Mānuera taken circa 1918. It is a photograph that is reputably taken when she was the housekeeper to Joe Buddle, solicitor of Whakatāne. (Source: Personal collection)[72]



Influence of Pākehā from within *whānau*

The influence of Pākehā values on *whānau* did not necessarily emanate only from outside the *whānau*. They also came from within it. Two French millers, Aubrey Obell and Jean Guerrin, were encouraged by Te Rangitūkehu and Tiopira to set up flour mills in the Whakatāne district in the 1850s.[73] Aubrey set up a mill on the Rangitaiki River near the Matahina Block and Jean Guerrin set up a mill at Poronu between Whakatāne and Taneatua. Those two Pākehā eventually married into my *whānau* and introduced to them their continental values and beliefs. To what extent these influences were felt and taken on board in my *whānau* can not be defined, but commerce and trade practices were definitely taught to Pohoira's *tipuna*, Mānuera Te Pohokotia and to other *whanaunga*, by Jean Guerrin.[74]

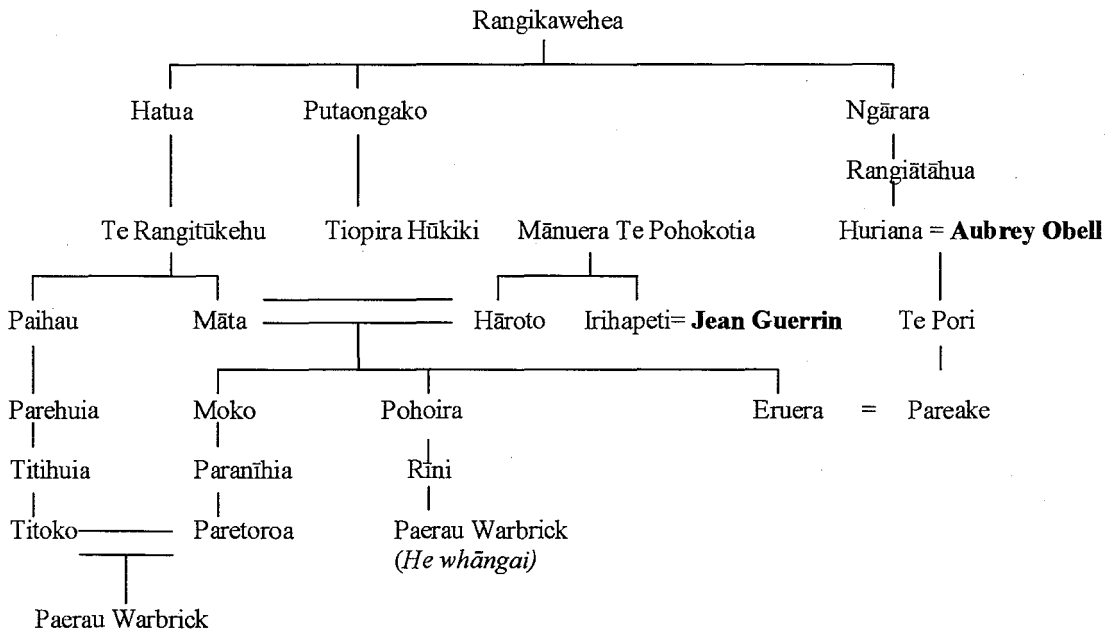
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[72] The original is held by my aunt, Ellen Anderson, at her residence at Ngākauroa Te Teko.

[73] David Young, *Matahina Power in the Land: the story of a hydro electric dam in a dynamic landscape*, Steel Roberts, Wellington, 1988, pp.43-58.

[74] See: Gilbert Mair, *Reminiscences and Māori Stories*, Brett Printing & Publishing Co. Limited, Auckland, 1923, Chapter XXII, pp.39-40 & David Young, *Matahina Power in the Land: the story of a hydro electric dam in a dynamic landscape*, Steel Roberts, Wellington, 1988, pp.43-58. With the construction of the Matahina Dam in the 1960s, the millstones of Aubrey's mill were found but have since been misplaced.

Whakapapa 4.8



Many of my other Pākehā *tīpuna* from other tribal areas also married into various *whānau* such as Abraham Warbrick in Ngāti Rangitihi in the 1840s, Jones[75] in Whakatōhea and Whānau-a-Apanui in the 1850s, James Stirley in Ngāti Porou in the 1850s, George Phillip Matchitt in Ngāti Porou in the 1880s, and Pengally Emery in Ngāti Maniapoto in the 1880s. Pohoira's father-in-law, Andreja Klescovich, was Pākehā. Like Aubrey and Guerrin, these Pākehā brought their own cultural concepts and values and mixed them with the *tikanga* of the various *whānau*.[76] A look at the *whakapapa* of various Māori women in Judith Binney and Gillian Chaplin's *Ngā Morehu: The Survivors*, also show Pākehā *tīpuna* belonging to many of those women.[77] Having Pākehā *tīpuna* is not an exception for most *whānau* throughout New Zealand. Pākehā and Māori marriage has simply increased over time.[78]

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[75] His first name has been lost from *whānau* memory.

[76] See Atholl Anderson's examination of Southern Māori marriages in Atholl Anderson, *Race against Time: The early Māori-Pākehā families and the development of the mixed race population in Southern New Zealand*, Hocken Lecture 1990, Hocken Library, University of Otago, Dunedin, 1991; also Angela C. Wanhalla, 'Transgressing Boundaries: A history of the mixed descent families of Maitapapa, Taieri, 1830-1940', Unpublished Doctor of Philosophy Thesis in History, University of Canterbury, Christchurch, 2004; Julie Simpson, 'Te Hapa o Niu Tireni-'Left out of New Zealand'? An investigation of Māori Interactions with Pākehā in South Canterbury, 1844-1906', Unpublished Bachelor of Arts with Honours dissertation in History, University of Otago, Dunedin, 2002.

[77] Judith Binney & Gillian Chaplin, *Ngā Morehu: The Survivors: The Life Histories of Eight Māori Women*, Auckland University Press & Bridget Williams Books, 1990, [1986].

[78] John Harre, *Māori & Pākehā: A Study of Mixed Marriages in New Zealand*, A.H. & A.W. Reed, Wellington, 1966.

Whakapapa 4.9

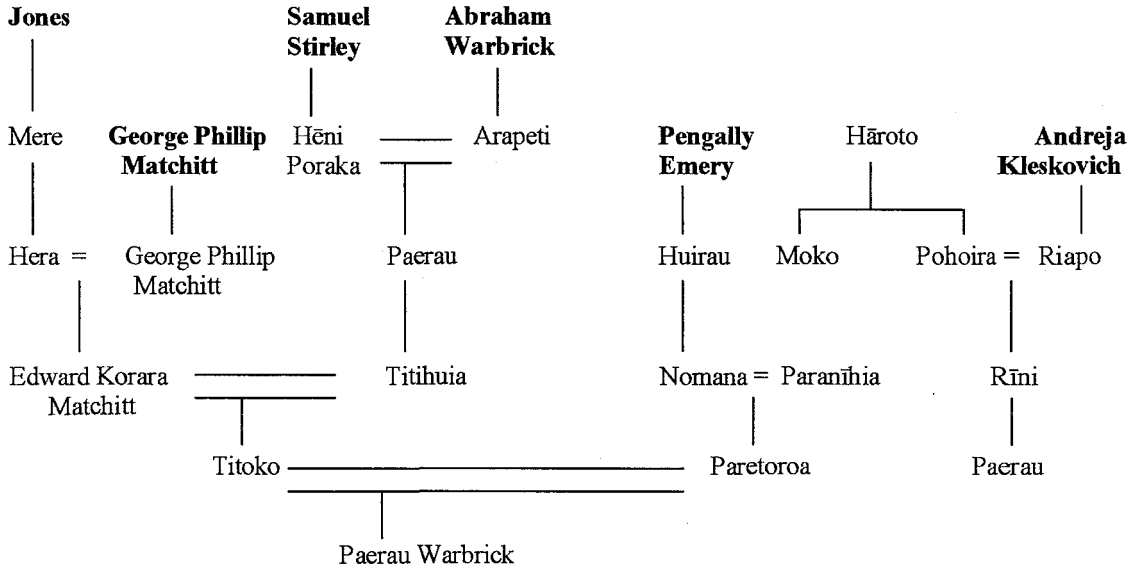
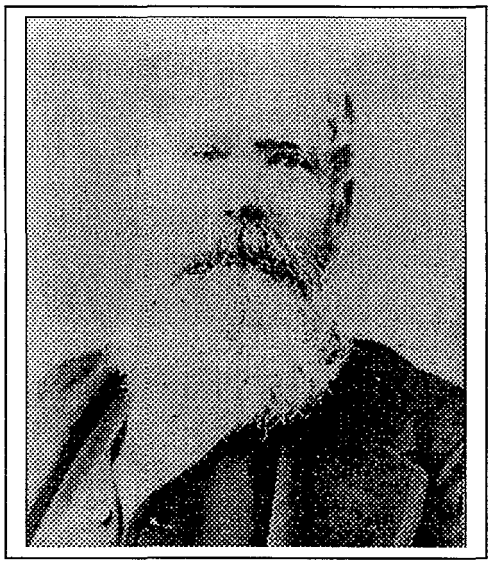


Photo 4.2: Photo of Abraham Warbrick taken circa 1870. He came to New Zealand in 1841. (Source: Warbrick Family Album)[79]



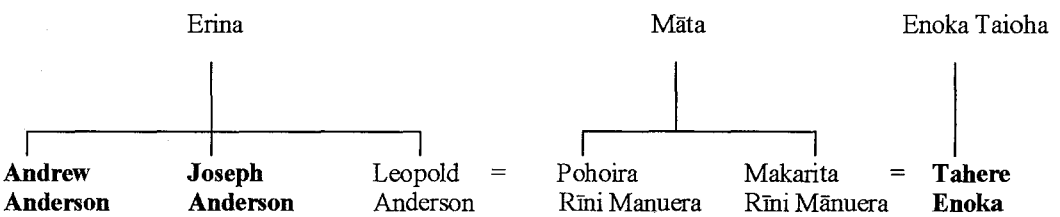
The Great War

The First World War was at its peak when Pohoira returned to Kōkōhīnau from Ōpōtiki after her widowhood and her subsequent employment as a housekeeper by Joe Buddle. I am going to label this time as a flash point for Māori generally in terms of the adoption of Pākehā cultural concepts

[79] The original is now held by the Whakatāne Museum. The album was found in a derelict state in a shed at Wai-o-koro-ahu. It was placed in the Museum in the early 1980s by my step mother, Hoti Keita Warbrick (nee Ranui).

and values. I will characterise this as cultural saturation. Most Māori nationally were wearing Pākehā clothes, using Pākehā tools and items had taken on Pākehā religion, were exposed to western education, were integrated into a Pākehā economy and were using the Native Land Court *en masse* for dealing with their lands. Inheritance and succession issues were increasing in the Courts. There was ever-decreasing Māori customary lands left to be investigated by the Native Land Court.[80] What customary land was left was usually in the interior and remote places of the North Island. Even the lands held by Tūhoe and Ngāti Ruapani *whanaunga* were being opened up to development.[81] The First World War is a good period to describe as a flashpoint period because Māori as a whole were exposed to an international situation that affected and eventually contributed to ending the British Colonial Empire. The Great War simply dominated the national consciousness and a huge number of New Zealand men served during this time. Two of the three chief judges of the Māori Land Court in the 1960s served in the Great War, namely, Chief Judge David Morrison and Chief Judge Ivor Prichard. [82] One of my other *whanaunga*, Kurei Jones from Whakatōhea, was killed at Gallipoli.[83] He was just one of a large contingent of Māori soldiers who served in the First World War. Such overseas service exposed these Māori to international cultural concepts. Some, like our *whanaunga* Kepa Ehau of Te Arawa, who was also a Native Land Court assessor, had even returned back to New Zealand conversant in *te reo wīwī* (French).[84] Pohoira's brothers-in-law from other *iwi* fought in the Great War, such as Andrew and Joseph Anderson from Te Aupōuri and Tāhere Enoka of Ngaiterangi.

Whakapapa 4.10



[80] G.M. Oulton, Māori Land 1910 in Alan Ward, *An Unsettled History*, Bridget Williams Books, Wellington, 1999, pp.162-163 , (Maps 3 & 4).
[81] Anita Miles, *Te Urewera*, Waitangi Tribunal, Wellington, 1999.
[82] 'Obituary David Gordon Morison', *Evening Post*, 6 April 1981; 'Ivor Prichard', *Who's who in New Zealand*, G.C. Peterson (ed.), AH & AW Reed, Wellington, 1964 (8th edition), p.238; 'Land Court Judge Dies', *Bay of Plenty Times*, 28 September 1984.
[83] Kurei Jones alias Kurei Papuni killed in action 6 August 1915. *Ōpōtiki Minute Book* 50 at folio 1.
[84] Manu H. Pene, 'Kepa Hamuera Anaha Ehau', *The Dictionary of New Zealand Biography*, Vol.IV, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1998], pp.155-156.

Whether Māori agreed with New Zealand's participation in the Great War or not, it was nonetheless a fact of New Zealand's political, economic and social life. The effect of the New Zealand wars, *raupatu*, and land alienation were issues still at the forefront for many of them. Māori in the Waikato region were particularly staunch in their stance towards the war. They refused to volunteer their sons to go to war. For example, Te Puea Herangi and her *whanaunga* resisted participation in the war. However, many Pākehā in the Waikato turned against them by withdrawing seasonal work. The New Zealand government also forced conscription on her *iwi*. When Te Puea's *whanaunga* resisted, they were promptly arrested. [85]

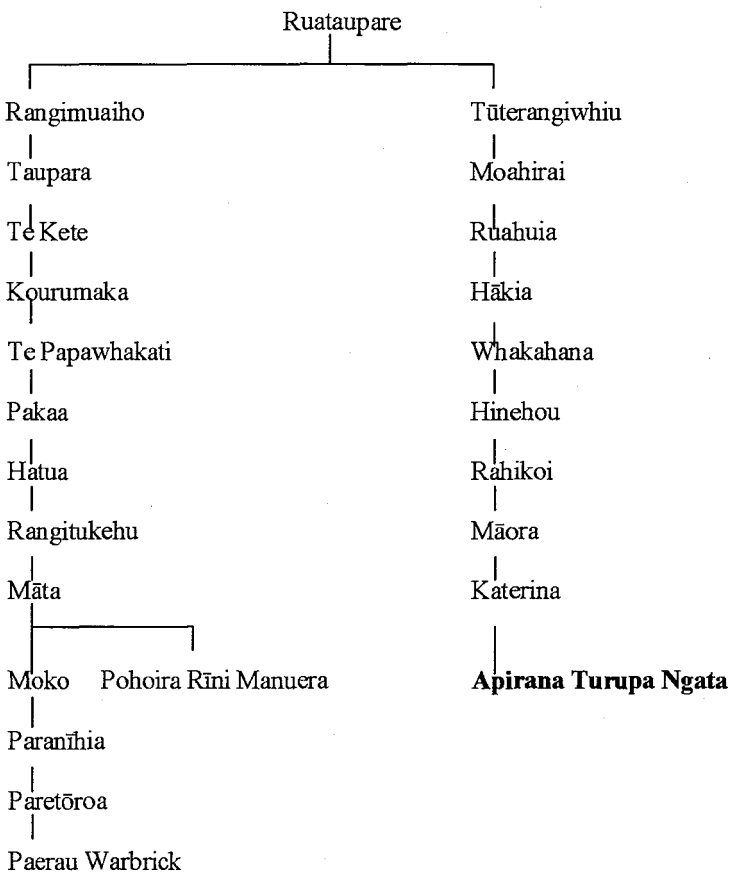
Whakapapa 4.11



[85] See Michael King, *Te Puea: A biography*, Hodder and Stoughton, Auckland, 1977, pp.79-108 also Ann Parsonson, 'Te Kirihaehae Te Puea Herangi', *The Dictionary of New Zealand Biography*, Vol.III, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1996], pp.208-211.

In New Zealand, after the Great War, the likes of Maui Pomare and Apirana Ngata as supporters of the New Zealand military effort overseas were extremely influential on Māori land matters.[86] Ngata would stay at Kōkōhinau from time to time on his travels between his home near Te Araroa on the East Coast of the North Island and Auckland. This was because Kōkōhīnau was ideally situated around the half way point of the two destinations and because the *wharenui* at Kōkōhinau is named Ruataupare, which is the common ancestor that links my *whānau* with Ngata's Ngāti Porou *whanaunga*.

Whakapapa 4.12



It was Ngata who helped construct the Native Land Act of 1909. This consolidated many of the older statutes affecting the Native Land Court. Along with Pomare, Ngata was instrumental in

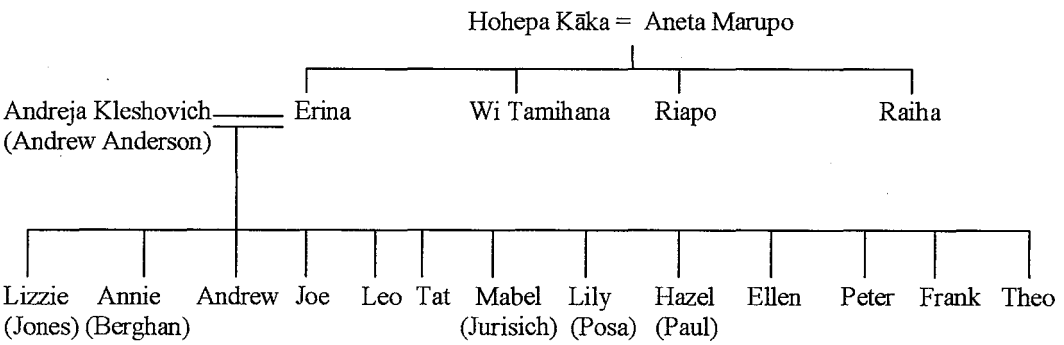
[86] Graham Butterworth, 'Maui Wiremu Piti Naera Pomare', *The Dictionary of New Zealand Biography*, Vol.III, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1996], pp.404-407; M.P.K. Sorrenson, 'Apirana Turupa Ngata', *The Dictionary of New Zealand Biography*, Vol.III, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1996], pp.359-363.

securing a Commission of Inquiry in 1927 into the *raupatu* of the 1860s.[87] It was also through Ngata's initiatives that large tracts of Māori freehold land around his own tribal area of Ngāti Porou and surrounding other *iwi* were placed into incorporations with a management committee that enabled the land to be used for farming purposes.[88] This incorporation technique was eventually used by Pohoira and other *whanaunga*. Our Māori freehold land block Omataroa 10A became a Māori Incorporation through the Māori Land Court in the 1960s.[89]

Pohoira and Leo Anderson: a case study of changing cultural values

Not long after the conclusion of the Great War, Pohoira married her second husband, Leopold Riapo Anderson (Leo Anderson). My *koroua*, Leo, was part of a large *whānau*. His father, Andreja Kleschovich, was Croatian and came to New Zealand in the 1880s. He took on the more English sounding name Andrew Anderson not long after he arrived in New Zealand. My *koroua*'s mother was Erina Hohepa Kāka of Ngāi Takoto of Te Aupōuri in Northland. Her father, Hohepa Kāka, was well over 100 years old when he died in the late 1920s.

Whakapapa 4.13



Leo's *whānau* on the Te Aupōuri peninsula, north of Kaitaia, were extremely impoverished after the Great War. There was simply no work for Leo Anderson and his brothers in the region.[90] He

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[87] Graham Butterworth, 'Maui Wiremu Piti Naera Pomare', *The Dictionary of New Zealand Biography*, Vol.III, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1996], pp.404-407.

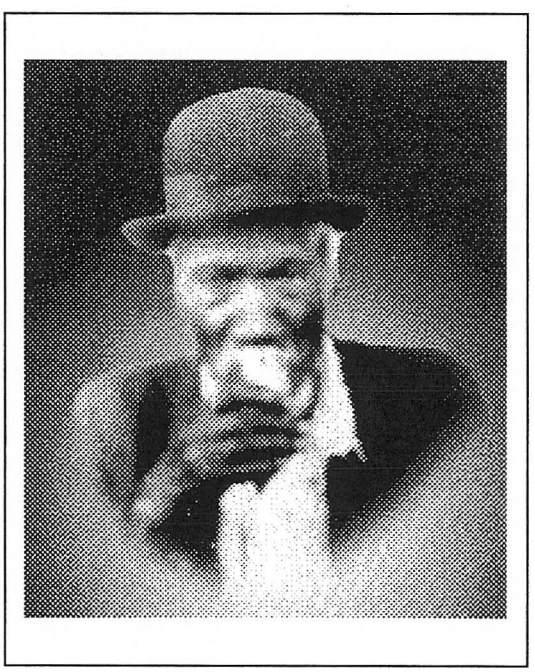
[88] M.P.K. Sorrenson, 'Apirana Turupa Ngata', *The Dictionary of New Zealand Biography*, Vol.III, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1996], pp.359-363.

[89] Omataroa No.10 Incorporation was created on 14 February 1962 by court order at *Whakatāne Minute Book* 33 at folios 188-191. Its proper legal title was Proprietors of Omataroa No. 10 Block.

[90] Kōrero-ā-Marjorie Anderson, Whakatāne, circa 1995.

moved down to the Bay of Plenty to seek work with his older brother Joe Anderson (Uncle Joe). They stayed with the Marr *whānau* at Matata while working on drainage schemes. [91] Pohoira's father-in-law, Andrew Anderson, had more influence on his children than her mother-in-law, Erina. Erina had died at the end of the Great War. Andrew was a well educated man for the time. His own father, also named Andreja Klescovich, was a businessman in Croatia which was part of the Austro-Hungarian Empire. Andreja made sure that at the beginning of the twentieth century, all of his children were given a good education in terms of those days' standards (which meant having at least a good primary school education).

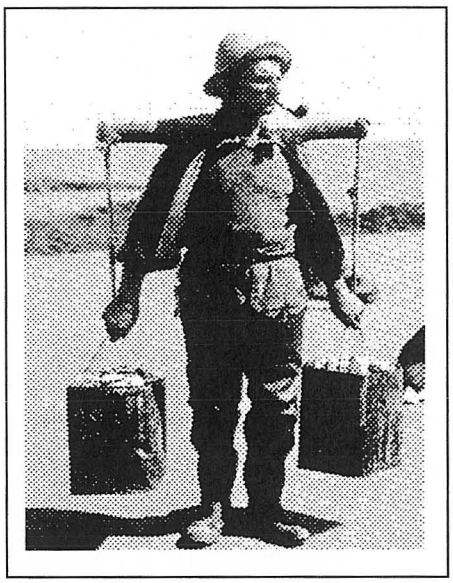
Photo 4.3: Undated photo of Hohepa Kāka of Te Aupouri and Ngāi Takoto (Source: Ellen Anderson).[92] Hohepa was well over a hundred years old when he died in the late 1920s. He was reputed to be a witness to the signing of the Treaty of Waitangi when it was taken to Kaitaia.



[91] Kōrero-a-Nellie Marahia Kirkwood, Ngākauroa, Te Teko, circa 1998. *Kāka - Kleschovich Reunion Book* (1988), Unpublished Reunion Book made by the descendants of Andrew Kleschovich and Erina Hohepa Kāka for their family Reunion, Te Kao, January 3-6 1996, p.79.

[92] This copy is from my aunt Ellen Anderson at Ngākauroa, Te Teko. The original quality of the photo is poor.

Photo 4.4: Andreja Kleshovich taken circa 1915 near the Ninety Mile Beach, Northland. He came to New Zealand from Croatia in the 1880s. The items he is carrying are Toheroa (Source: Ellen Anderson).[93]



Leo and his *whānau* were exposed to Pākehā cultural concepts because their father Andrew was a dominant and enduring influence in their lives. Andrew died in 1952, outliving his wife Erina by almost thirty-five years. Leo and his siblings had close associations and friendships with Pākehā. An overwhelming majority of them eventually had Pākehā spouses and they tended to be more conversant with Pākehā cultural values than Pohoira's *whānau*. Eight of Leo's siblings were eventually to marry Pākehā. Only five out of the thirteen married Māori. My *koroua* of course married Pohoira, Uncle Joe married Paparinga Horne of Ngāti Pukenga, Te Arawa and Peter Anderson (Uncle Peter) married Aunty Sarah McCauley also of Ngāti Pukenga, Te Arawa. Hazel Anderson (Aunty Hazel) married Hare Paora (Harry Paul) of Ngā Puhi and Tat Anderson (Uncle Tat) married Meri Etana Heka of Te Aupōuri. Uncle Tat would eventually live with a Pākehā woman called Floss Lang after he and Meri became estranged in the late 1930s. By marrying Māori spouses, the children of those five were strongly influenced by Māori values especially when maintaining strong links to their *whānau*, *hapū* and *iwi*. By marrying Pākehā spouses however the children of Leo's other eight siblings were more heavily influenced by the Pākehā values that both parents as a unit possessed.

[93] This copy is from my aunt Ellen Anderson at Ngākauroa, Te Teko. The original quality of the photo is poor.

Photo 4.5: Leo Anderson and his brothers and sisters taken circa 1950 (Source: Wendy Cobden).[94]
Back row: Leo Anderson, Frank Anderson and Peter Anderson.
Front Row: Mabel Anderson (Mrs. Robert Jurisich) and Lizzie Anderson (Mrs. Ted Jones)



Photo 4.6: Leo Anderson's other brothers and sisters taken circa 1950 (Source: Wendy Cobden).[95]
Back row: Joe Anderson, Theo Anderson and Andrew (Sonny) Anderson.
Front Row: Annie Anderson (Mrs. Edward Berghan) and Hazel Anderson (Mrs. Harry Paul)



[94] This copy is from my first cousin Wendy Cobden (nee Anderson) at Edgecumbe in the Bay of Plenty.
[95] This copy is from my first cousin Wendy Cobden (nee Anderson) at Edgecumbe in the Bay of Plenty.

By the 1920s, Pākehā cultural values were becoming so ingrained in *Te Ao Māori* that Māori were increasingly taking up Pākehā names, both formally and informally.[96] There was also an increase in transliteration from English to Māori. All of Pohoira's and Leo's children had Pākehā names. These were Te Whetu (Theo) born in 1922, Rīni (Bob) (1923), Te Taiawatea (Ellen) (1924), Te Tonga (Joanna) (1925), Marahia (Nellie) (1927) and Te Rehutai (Bill) (1928) and Kāka (Ted) (1931). Leo's other children to Pohoira's sister, Makarita who was widowed in 1928, also possessed Pākehā names. They were Turuturu (Maggie) and Hirini (Sid).

This adoption of Pākehā names cannot be simply explained by the fact that Leo had a strong Pākehā background. Many of Pohoira's siblings' children also possessed Pākehā names and nick-names. This despite these children's parents possessing two parents with strong Māori values. Accordingly, Te Mokohaerewa Rīni Mānuera's children who had Pākehā names or nicknames were Thompson or Digger (Tamihana), Cueball (Wetini), Elsie (Paranihia), Janey (Hēni) and Sarah (Te Kunu). Te Rongopai Rīni Mānuera had Bessie (Irihapeti), Jack (Māhaki) and Gundy (Te Kani). Eruera Rīni Mānuera had Eliza (Te Onehou), Eric (Eriki), Bubbles (Anaru) and John (Hone). Makarita Rīni Mānuera had Joy (Te Aomapuna), Siki (Ngaiterangi), Rose (Hohi), Jerry (Tahere), and I have already mentioned Maggie (Turuturu) and Sid (Hirini).

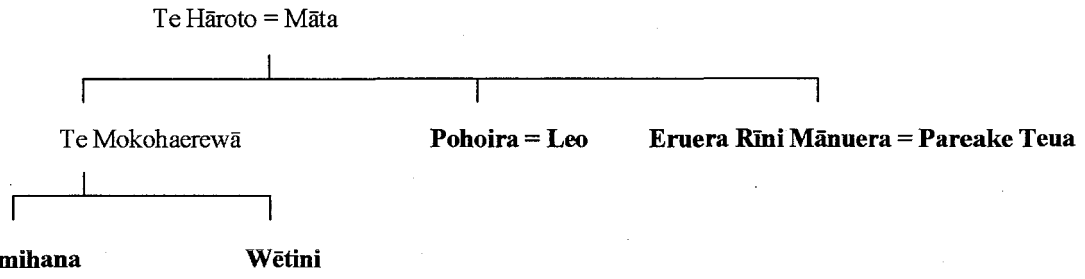
The 1920s for Pohoira and Leo not only meant their marriage and the birth of most of their children, but also a time of land development. The utilisation of land in terms of Pākehā efficiency and business was a particular trait in Pohoira's *whānau* due to the influence of Leo. When Leo and Pohoira were married, they first stayed at Otamāoa, north of Kōkōhīnau with Pohoira's brother, Eruera Rīni Mānuera and his wife Pareake Teua. (I have already mentioned Otamāoa earlier, as the place where I was born.) It was while they stayed with Eruera in the early 1920s that Leo formed a contract gang to dig and maintain drains on the Rangitaiki Plains building on his experience as a labourer while living with the Marr *whānau* at Matata after the Great War.[97] Leo gained these contracts through his friends who were mostly Pākehā and he

[96] Māori with Pākehā names are common for the South Island native freehold titles. For example, those titles issued under the South Island Landless Natives Act 1906 have example upon example of Māori with Pākehā names. See: *New Zealand Gazette* (1908), pp. 1822-1851. Māori and Pākehā marriages began earlier and were more common in the South Island because of the smaller population of Māori.

[97] Kōrero-ā-Ellen Te Taiawatea Anderson, Ngākauroa, Te Teko, circa 1991.

employed Kokohinau *whanaunga* on these gangs such as Pohoira's nephews, Tamihana and Wētini, who needed jobs to earn a living. [98]

Whakapapa 4.14



In about 1922, Leo and Pohoira shifted closer to Kokohinau but east of the Rangitaiki River at Wai-o-koro-ahu. While contracting for drain-clearing, Leo cleared land around Wai-o-koro-ahu for farming purposes.[99] Later in the 1920s, after the birth of their children Te Whetu (Uncle Theo), my own father Rīni (Bob Anderson), Te Taiawatea (Aunty Ellen) and Te Tonga (Aunty Joanna), Leo and Pohoira moved to Ngākauroa and cleared the land there for dairying. Leo also began plough contracting during this period and Pohoira not only had to tend the household but also had to do farm-work. Leo was a hard worker even by those day's standards. He was for all purposes a 'workaholic'. When I think of how he was away from his own *whānau* in Te Aupouri spending long hours in back breaking work, I feel sorry for my *koroua*. But his own homeland was so economically and socially depressed, it was no wonder that he and his brothers had to come down to Matātua and Te Arawa lands to make a decent living.

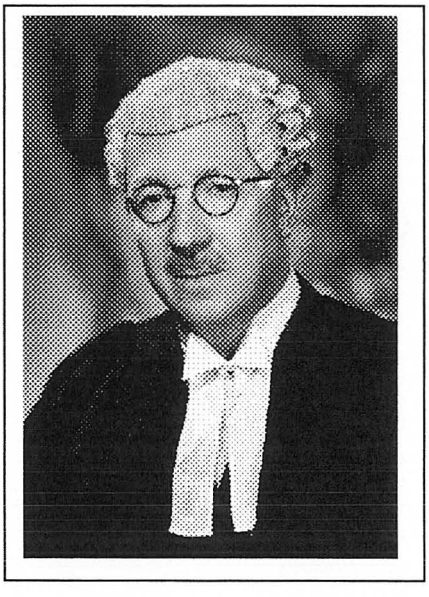
Judge Frank Acheson, who was appointed a Native Land Court judge to the Taitokerau district in 1924 (Leo's *whānau*, *hapū* and *iwi* district), was genuinely shocked at the poverty in the district. Acheson used his position as judge, to implement land development schemes, in particular dairying, at Te Kao in Northland. Te Kao was Leo's *papakāinga* (original home). However, the scheme was too late for Leo and his brothers. They had already started dairying on lands in

[98] Kōrero-ā-Ellen Te Taiawatea Anderson, Ngākauroa, Te Teko, circa 1991.
[99] Kōrero-ā-Bob Anderson, Ngākauroa, Te Teko, circa 1982.

Matātua and Te Arawa.[100] This type of land utilisation, where land was cleared and placed into production, was a major theme of Māori land legislation throughout the rest of the twentieth century. As mentioned earlier, land utilisation was required because work which was entirely centred around the institution of the *whānau* had been altered. A money-based economy had necessitated the utilisation of land for wages. For *whānau*, the land was philosophically linked to *whānau, hapū* and *iwi* identity but the changed political, economic and social conditions of the twentieth century fundamentally altered *whānau* utilisation of land.

The Great Depression of the 1930s hit Māori particularly hard. A recession had affected New Zealand in the 1920s due to the end of high prices paid for agricultural goods under the commandeer system in the Great War.[101] Māori, who were still largely rural-based, were faced with meagre farm incomes because of the slump in agricultural produce prices. Māori continued to be less knowledgeable about financial matters concerning Pākehā finance and how to obtain money for production of lands.

Photo 4.7: Judge Frank Acheson (Source: DNZB).[102] His proactive land development schemes at Te Kao in the 1920s was too late for Leo Anderson and his many brothers. They sought work in the Bay of Plenty after the Great War and eventually lived and died there.



[100] See John Acheson & Richard Boast, 'Frank Oswald Victor Acheson', *The Dictionary of New Zealand Biography*, Vol.III, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, [1996], pp.1-3.

[101] Tony Simpson, *The slump : the thirties depression : its origins and aftermath*, Penguin, Auckland, 1990, pp.31-50.

[102] *Dictionary of New Zealand Biography* at http://www.dnzb.govt.nz/dnzb (Accessed 10 May 2009).

Pohoira and Leo were forced to diversify their farming. Leo sold pedigree spaniel dogs, and kept race horses, as well as contracts for his ploughing and drainage services.[103] My uncle Theo Anderson, my aunt Ellen Anderson and my father were teenagers during the Great Depression so they had to do most of the day to day work on the farm at Ngākauroa, while their father Leo was away with his other business.

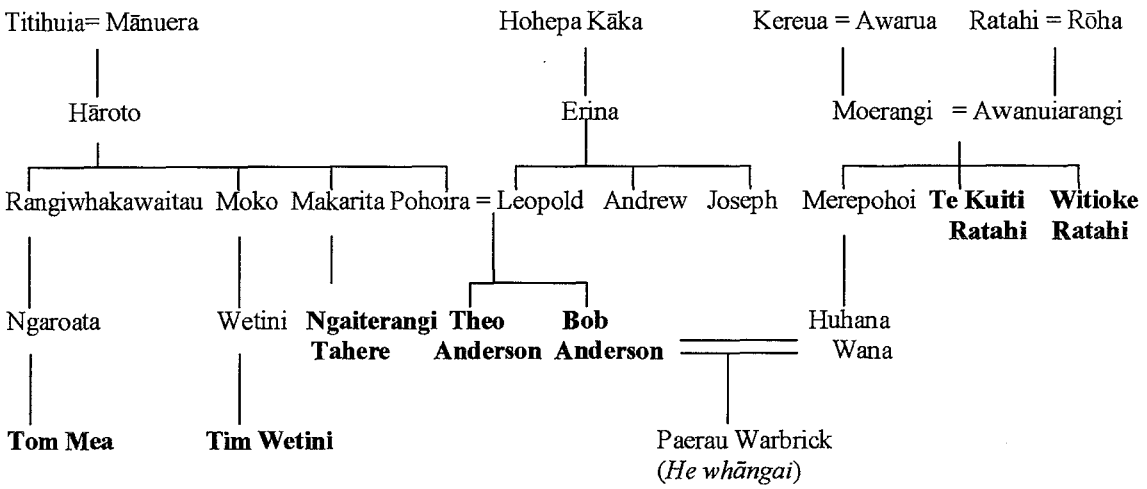
By the time of the Second World War, Pākehā and *whānau* cultural concepts and values had converged in many similar areas such as religion, education and work in the employment context, including the monetary utilisation of land. There was also unity in understanding that the threat from Germany and Japan posed a clear danger to Pākehā and *whānau*. Unlike the Great War, the Second World War was close to New Zealand as the theatres of war were now also in the Pacific rather than mainly in Europe. Part of Pohoira and Leo's farm at Wai-o-koro-ahu was required to grow peas and carrots for the war effort instead of dairying.[104]

In contrast to the Great War, huge numbers of Māori men from all over New Zealand and from every *whānau* served overseas. Amongst them was my own father, Bob Anderson, and my uncle Ngaiterangi Tahere who returned from the War. My mother's uncle, Witioke Ratahi, and my *whanaunga*, Tom Mea and Tim Wetini, were killed overseas. There would have been a greater number of men from *whānau* who served in the armed forces. However, government regulations required many to stay in New Zealand because their employment was deemed vital to the domestic war effort. Such men included my uncle, Theo Anderson, and my mother's uncle, Te Kuiti Ratahi, who were involved in the dairy processing industry. Māori women like Pākehā women also worked in factories and offices because of labour shortages. My father's sister, Ellen Anderson, was one who was required to work in a dairy factory.[105]

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[103] Kōrero-ā-Ted Anderson, Ngākauroa, Te Teko, circa 1990.
[104] Kōrero-ā-Ted Anderson, Ngākauroa, Te Teko, circa 1990.
[105] Kōrero-ā-Ellen Te Taiawatea Anderson, Ngākauroa, Te Teko, circa 1991.

Whakapapa 4.15



Conclusion

The integration of Pākehā values and concepts into *Te Ao Māori* was a foregone conclusion by the end of the Second World War. I have only mentioned some of the larger categories of Māori social life such as religion, education, marriage and work to illustrate my points. All of these were to have subtle influences on the Māori Land Court, for like other social institutions it could not help but be influenced by them. A majority of Māori could read and write due to the education system. They could therefore read the Court's documents, whether they were letters from the Court, filed submissions, or title binders and folders. Westernised marriage granted Māori spouses special rights in the Native Land Court. Māori with Pākehā names began to appear in the title to Māori freehold land. Formalised employment elsewhere diverted many Māori away from their traditional land holdings. Leo and his lands at Te Kao were a case in point. He was simply absent from his lands when Judge Acheson began processing the land development schemes through the courts in the 1920s.

By the end of the war, there was next to no customary land left in New Zealand. Pohoira and Leo were middle-aged by this time and they continued to farm their land at Ngākauroa and Wai-o-koro-ahu. In the sixty or so years that had passed since the death of Te Rangitūkehu in 1887, *Te Ao Māori* had changed dramatically. At the conclusion of the war, *Te Ao Māori* was already beginning another dramatic change. This was the time of mass urbanisation of Māori and the Native Land Court was then to become known as the Māori Land Court. We have arrived at period of time which informs the Court during the 1960s and 1970s, the focus of this study.

CHAPTER FIVE
TE AO HOU[1]

New Zealand society by the end of the Second World War had become a much more integrated and changed society. The Second World War as well as the effect of the Great Depression influenced many of the post war leaders who dealt with Māori land. These men included Secretary of Māori Affairs Jack Hunn, the Ministers of Māori Affairs Ralph Hanan and Duncan McIntyre, and the Māori Land Court Judges such as Maurice Alister Brook, Bartholemew Sheehan, Kenneth Gillanders Scott (later chief judge), Melville Charles Smith, William Collinson Nicholson, Andrew Graham Todd (chief judge) and Kevin Bernard Cull.[2] All of these served in the war.

Farming was still a major industry for employment in New Zealand after the war. However, by the 1950s the employment situation for rural Māori had worsened in terms of providing for the economic well being of *whānau* (family). This had been a constant trend from the beginning of the twentieth century. Small farming units of Māori freehold land could no longer economically support all *whānau* and therefore other avenues for employment were needed.[3] Many Māori therefore took jobs away from their traditional lands in the primary production industries of forestry, seasonal work in the shearing gangs and in the freezing works.[4] Government

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[1] *Te Ao Hou*= The new world

[2] R.M. Williams, 'Jack Kent Hunn', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, pp.244-246; G.P. Barton, 'Josiah Ralph Hanan', *The Dictionary of New Zealand Biography*, Vol.V, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, pp.205-206; 'Duncan McIntyre', J.E. Traue, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1978, p.180; 'Maurice Alister Brook', J.C. Peterson, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1971, p.95; 'Bartholemew Sheehan', J.E. Traue, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1978, p.246; 'Kenneth Gillanders Scott', J.E. Traue, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1978, p.243; 'Melville Charles Smith', J.E. Traue, *Who's who in New Zealand*,, A.H. & A.W. Reed, Wellington, 1978, p.253; 'William Collinson Nicholson', J.E. Traue, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1978, p.207; 'Andrew Graham Todd', J.C. Peterson, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1971, p.328; 'Kevin Bernard Cull', J.E. Traue, *Who's who in New Zealand*, A.H. & A.W. Reed, Wellington, 1978, p.92.

[3] The figures for 1971 demonstrate the trend. By 1971 Māori workers in primary production such as farming, fishing, hunting and forestry comprised 13.3%. Whereas Māori involved in secondary production such as craftpersons, production processing and related workers comprised 44.9%. Māori Transport workers comprised 7.7%. See J. Metge, *The Maoris of New Zealand*, Routledge & Kegan Paul Ltd., London, 1976, [1967], pp.81-82.

[4] Also see Joan Metge, *A New Maori Migration: urban and rural relations in northern New Zealand*, Athlone Press & Melbourne University Press, London, 1964.

infrastructure industries such as the Ministry of Works, New Zealand Railways, the New Zealand Post Office and the Department of Māori Affairs were avenues for employment for many *whānau*. Many Māori also trained in the professions of teaching and nursing.[5]

Accordingly, the major theme for the government in terms of Māori in the post war years were policies aimed at economic security and prosperity. These policies were brought about by the changing economic and social realities that were faced by Māori. The continued development of Māori land was part of the measures for economic security and *whānau* well-being and the Māori Land Court had a necessary role to play. Developments in agriculture and forestry which were tied to the nation's economic prosperity were to be major themes for the New Zealand post-war governments.[6]

The utilisation of Māori land and racial integration were both seen as being tied up with New Zealand's prosperity. At the beginning of the 1950s, a new National government consolidated the Māori affairs and land legislation that was designed to achieve these objectives.[7] Accordingly, we have finally come to the time which directly affects the Māori Land Court in the 1960s and 1970; the period under study. In this chapter I will emphasise the theme of economic development and the changes in government Māori land policy and legislation. This had direct effects on the Māori Land Court and Māori generally. As in previous chapters, I continue to examine these issues through the lense of my own *whānau*.

Te Ao Hou

The period after the Second World War was the time of *Te Ao Hou* (the new world) instead of the old-world of the Māori (*Te Ao Tāwhito*). Even the Native Land Court had a change of name

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[5] For example, Pohoira's nieces Putiputi O'Brien, Maggie Thompson and grandnieces such as her older brother's granddaughters, Jean Tukiri and Peggy Wetini, trained as nurses. Pohoira's other nieces, Rangimāwhiti Kōpu and Te Onehou Phillis, trained as teachers as well as her grandnephews, Hirini Moko Mead and John Himiona Hunia.

[6] The Speech from the Throne which was the Governor General's speech to both Houses of Parliament outlining the Government's commitments and concerns in 1950 mentioned that the government considered inflation as the greatest economic evil confronting New Zealand, that flourishing conditions in business would spread throughout the community in the form of full employment and good wages, and that the long strenuous and sustained efforts of the farming community continued to be rewarded with butter and cheese exports reaching the highest totals to that date and wool production the second highest to that date. *New Zealand Parliamentary Debates*, Vol. 289, 28 June 1950, pp.7-12.

[7] There was the major revision of Māori related legislation such as the Māori Affairs Act 1953, Māori Trustee Act 1953, Māori Vested Lands Administration Act 1954, Māori Trust Boards Act 1955, Māori Reserved Land Act 1955.

in 1947 to its more modern term, the Māori Land Court.[8] I have adopted the term *Te Ao Hou* for the title of this chapter not only because of its literal translation but also because it was the title of a magazine issued by the Department of Māori Affairs for Māori between 1952 and 1976. Such a magazine not only contained general-interest topics but it also covered modern themes and living for Māori at the time.[9] The world was a new place for Māori and my own *whānau*. My *kuia* (grandmother) and *koroua* (grandfather), Pohoira Rīni Mānuera (Pohoira) and Leopold Anderson (Leo), were well into their middle-age by this stage.

Pohoira and Leopold continued dairy farming after the Second World War. Pohoira's oldest daughter, Merania Makao, was married to Te Wharau Riritahi and by this stage had a young family. Te Wharau worked in the fledgling forestry processing industry. Pohoira's and Leo's oldest son Theo and oldest daughter Ellen were both employed in the local dairy factory in Edgecumbe. My father, Bob Anderson, was a labourer on his return from Second World War. He entered into a government scheme to get his own farm once he was married to his first wife, Huia Parkes.[10] Pohoira and Leo's daughter Joanna worked in the Māori Affairs Department at Ruatoki and then Wellington. Another daughter Nellie attended teachers training college and then became a teacher in Auckland. Their youngest son Ted worked initially at Symes Mill in Edgecumbe and then became a driver of trucks for his paternal uncle, Peter Anderson, in Whakatāne. Pohoira and Leo's son Bill remained on the farm at Ngākauroa because of his ill health.[11] All of this was typical of young *whānau* members after the Second World War.[12] They had to seek employment elsewhere because the land at Ngākauroa could no longer sustain the increased size of our *whānau*.

The Government needed better administrative services to cope with *whānau* and their educational, health and housing needs in a changing society that was not totally dependent upon Māori freehold land.[13] A trend for *whānau* after the war was the move to the cities for

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[8] Section 2, Māori Purposes Act 1947.
[9] See http://teaohou.natlib.govt.nz/journals/teaohou/index.html (Accessed 30 June 2009).
[10] Kōrero- ā- Joanna Te Tonga Hughes, Ngākauroa, circa February 2001.
[11] Kōrero- ā- Ellen Te Taiawatea Anderson, Ngākauroa, circa 1991.
[12] Kōrero- ā- Nellie Marahia Kirkwood, Ngākauroa, circa 1998.
[13] See J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10, p.19. Hunn pointed out that the steady evacuation of Māori on rural land resulted in challenges in terms of housing, education, employment etc.

employment. Māori living in towns and cities by the 1950s increased.[14] Pohoira's daughter Nellie Anderson was typical of many in the upper North Island after World War Two. Her second husband was Tipene Kakuera (Steven Kirkwood) from Tainui. They moved to Auckland for better job opportunities. It was in Auckland, like many other of the Māori baby-boomer generation, that Nellie and Steven's children were born.[15] Accordingly, increased job training, education, and other social support services for *whānau* in the cities were needed.

The Department of Māori Affairs was the government department that was to provide the support for Māori. Cities were seen as providing the place for jobs and economic wealth whereas similar opportunities closer to *hapū* (clan, subtribe) were limited or unavailable. Urbanisation resulted in many *whānau* being exposed to an even greater number of Pākehā than they had previously and the policy of integration were thus seen by the government as important for Māori and Pākehā alike.[16] Integration was linked to a modern New Zealand. Māori and Pākehā living apart from each other was simply no longer tenable in the social circumstances. The major changes in Māori land legislation in the 1950s and 1960s can in fact be seen as part of the process of integration of Māori with Pākehā.

Despite the increasing urbanisation of Māori, government policy and implementation was nonetheless needed to deal with *whānau* and their lands. Agriculture and farm efficiency continued to be important for New Zealand and indeed the country's economy had always been dependant upon agriculture and primary production.[17] Māori land in the 1950s therefore needed to be developed and utilised more effectively and efficiently in terms of that agriculture and primary production.[18] In short, Māori land simply had to work for what *whānau* was left on or

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[14] The following figures for Māori urban population are taken from the Hunn Report. In 1926, 9% of Māori lived in urban areas, 1951, 19% of Māori and in 1956 24% of Māori lived in urban areas. In 1960 96.2% of Māori lived in the North Island and 72.5% lived in the Auckland Province. See J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10, pp.18-19. By 1966 Māori in urban areas reached 55.8% and in 1971 the figure had risen to 68.2%. See J. Metge, *The Maoris of New Zealand*, Routledge & Kegan Paul Ltd., London, 1976, [1967], p.78.

[15] Kōrero-ā- Nellie Marahia Kirkwood, Ngākauroa, circa 2001.

[16] See J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10, p.15. Hunn noted that integration meant 'to combine (not fuse) the Māori and Pākehā elements to form one nation wherein Māori culture remains distinct'.

[17] See Department of Statistics, *New Zealand Official Year Book 1990*, Department of Statistics, Wellington, 1990, pp.435-464.

[18] In the 1960s the New Zealand government was constantly concerned about East Coast *whānau* lands reverting back to rough terrain through lack of top dressing, erosion and the inability of owners to raise finance for

near the land. This involved either effective farming by *whānau* of the land, [19] or large developments such as large scale farming ventures, [20] or forestry ventures,[21] or in the extreme case selling off Māori freehold land in order to create jobs for *whānau*.

In the early 1950s the Tasman Pulp and Paper Company wished to establish a mill for wood processing near Kawerau. It was set up to exploit Kaingaroa Forests' vast wood resource.[22] Tasman initially approached the Savage *whānau* of Ngāti Tūwharetoa near Kawerau for land. However, the Savage *whānau* did not wish to sell their land for such purposes.[23] Tasman then approached the Māori Land Court to obtain information about *whānau* who owned land near the Savage *whānau*. This was Pohoira's own *whānau*.[24] Pohoira and especially Pohoira's brother, Eruera Rīni Mānuera, saw the merits of selling land for the purpose of a mill. Accordingly, with the consent of Pohoira's *whānau* a portion of their Matata Block at Kawerau was sold to Tasman Pulp and Paper Company.[25]

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development: See for example the Report of the Department of Māori Affairs *Appendices to the Journal of the House of Representatives*, (1965), Vol. II, G.9, p.22.

[19] For example, the effective dairy farming of *whānau* land at Ngākauroa and Wai-o-koro-ahu. Also by 30 June 1960 the Department of Māori Affairs had settled 2,215 Māori on farms. See J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10, p.50.

[20] For example, the Mangatū Incorporation on the East Coast of the North Island during the 1970s.

[21] For example, the Tarawera Forest project by Tasman Pulp and Paper Company, the Crown and *whānau* which culminated in the passing of the Tarawera Forest Act 1967.

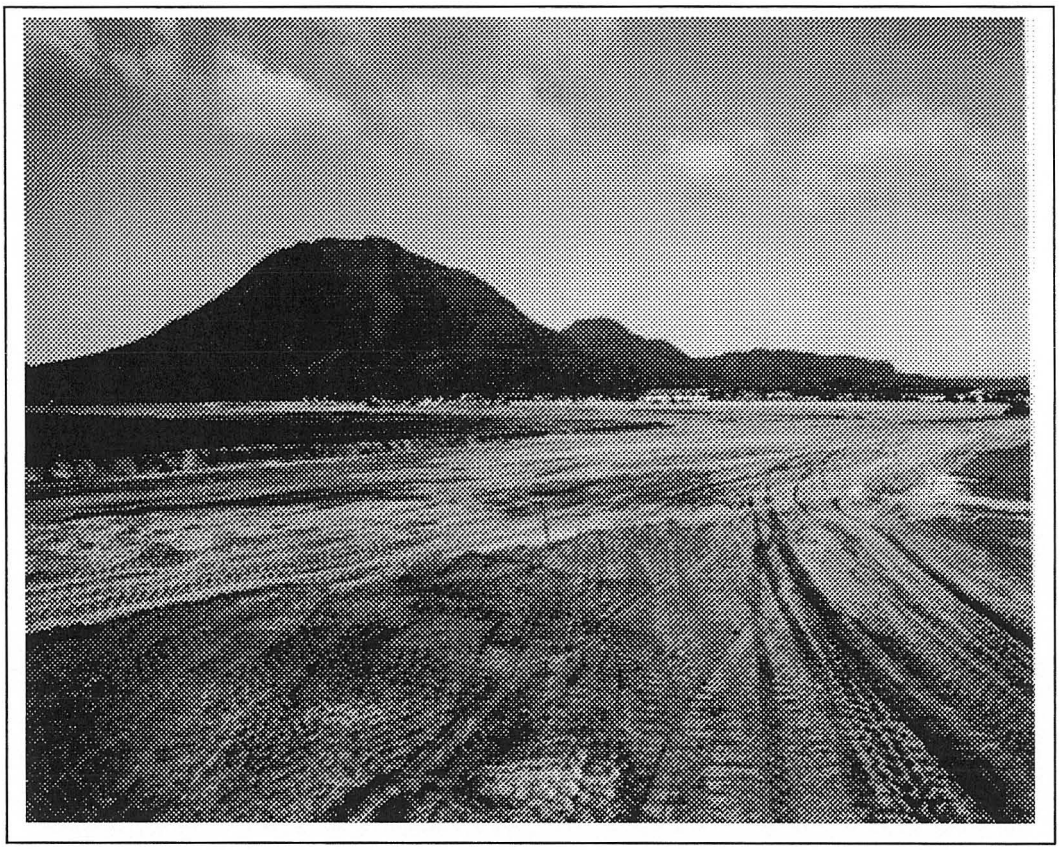
[22] Tasman Pulp and Paper Company, *Tasman 30: Tasman Pulp and Paper Company Limited : thirtieth anniversary*, Tasman Pulp and Paper Company, Kawerau, 1985, p.4.

[23] Kōrero-ā-Te Onehou Phillis, Otumahi, circa 1991.

[24] Pohoira's claim in the land was through her mother Māta Te Taiawatea (Māta) and a brother, Maui Rīni Mānuera (Maui) who died as an infant. In 1954 both were still recorded as owners. Māta was recorded as No.8 Maata Rangitukehu alias Tuaia and Maui was recorded as No. 9 Te Maui Taiawatea. See: 'Transfer of Lots 1, 2, 3 and 4 plan S.2476 the Owners by their agent under Part XVIII Maori Land Act, 1931, The Māori Trustee to Tasman Pulp and Paper Company Limited; produced 31st May, 1954 at 2.20 o'clock, Certificate of Title for Lot 59B 2D Section 4, Parish of Matata, Vol. 1108, folio 284, (Land Information New Zealand, Hamilton). George Hata in 1985 claimed that it was Arapeta Te Rire of Ngāti Tūwharetoa ki Kawerau who played a leading role in persuading the Maori community to give up its land for the mill. See Tasman Pulp and Paper Company, *Tasman 3: Tasman Pulp and Paper Company Limited : thirtieth anniversary*, Tasman Pulp and Paper Company, Kawerau, 1985, p.6.

[25] 'Transfer of Lots 1, 2, 3 and 4 plan S.2476 the Owners by their agent under Part XVIII Maori Land Act, 1931, The Māori Trustee to Tasman Pulp and Paper Company Limited; produced 31st May, 1954 at 2.20o'c', Certificate of Title for lot 59B 2D Section 4, Parish of Matata, Vol. 1108, folio 284, (Land Information New Zealand, Hamilton).

Photo 5.1: The clearing of our former *whānau* land (59B 2D Section 4, Parish of Matata) in 1955 for the construction of the Tasman Pulp and Paper Company at Kawerau in the Eastern Bay of Plenty (Source: Fletcher Challenge Archives) [26]



The major justification for doing so was to provide *whānau* members, as well as other *hapū* and *iwi* members on the Rangitaiki Plains, with jobs; various *whānau* in the area would be able to keep close to their other *whanaunga* (relatives) and *hapū* without the need to go to Auckland or other urban areas to seek work. Tasman Pulp and Paper provided work to many of Te Rangitūkehu's descendants including Pohoira and Leo's sons, Ted Anderson, my own father Bob Anderson, my own brothers Robin, Tane and Te Kōti Anderson and thousands of other *whanaunga* who are too many to mention. The economic ramifications of that mill on the Rangitaiki Plains flowed to other businesses and infrastructure throughout the region. This was

[26] 'Kawerau mill site before construction, 8 September 1955', Fletcher Challenge Archives, (No. 9106P/129) at http://www.fclarchives.co.nz/item.php?id=30929 (Accessed 2 July 2009).

to continue right up until the mid 1990s.[27] The establishment of Tasman Pulp and Paper mill in the early 1950s coincided with the consolidation of Māori land legislation with the passage of the Māori Affairs Act 1953. This was the legislation that I clearly remember being constantly referred to by *whanaunga* when I was a boy, teenager and young man. It was only repealed and replaced with the current legislation, Te Ture Whenua Māori Act 1993 (Māori Land Act 1993), when I was twenty-three years of age.

Legislative Changes

Under the Māori Affairs Act 1953, the Māori Land Court was to continue in existence but there were to be major changes affecting inheritance of Māori freehold land. In terms of land title itself, the constant succession and fragmentation of Māori lands was seen by many as a problem for the development of *whānau* land.[28] The Māori Land Court and its predecessor the Native Land Court was, however, directly responsible for the fragmentation of title. As previously mentioned in former chapters, the major role of the Court over the many years since the time of Te Rangitūkehu and Tiopira Hūkiki, was the processing of succession applications. This involved the constant succession to shares within Māori freehold land, which inevitably meant individual *whānau* members holding smaller and smaller lots of shares.

For an example, the land block Omataroa Rangitaiki No. 1 in 1978 comprised 2375 shareholders.[29] One of the smallest share units was held by my *whanaunga*, Huta Hohepa, with 0.07 shares.[30] These originated in part from Te Rangitūkehu who was five generations before Huta (see *whakapapa* 5.1 below). The constant succession from Te Rangitūkehu down through his *uri* (descendants) meant the ever decreasing share unit held by each one.

A different shareholder, Te Pare Te Whetu, on the other hand still held 1436.58 shares recorded in her name in 1978 in Omataroa Rangitaiki No. 1.[31] She was three generations above Huta Hohepa and a succession to her had not been processed through the Court by 1978. Therefore,

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[27] There was major restructuring of the work force in Tasman Pulp and Paper Company Limited in the 1990s due to anti-union legislation passed by the Bolger National Government called the Employment Contracts 1991. The number of workers at Tasman Pulp and Paper Company Limited was drastically reduced and the company was eventually sold to Scandinavian business interests known as Noske Skog in the late 1990s.

[28] See P.G. McHugh, *The Fragmentation of Māori Land*, Legal Research Foundation Inc. [Wellington], 1980.

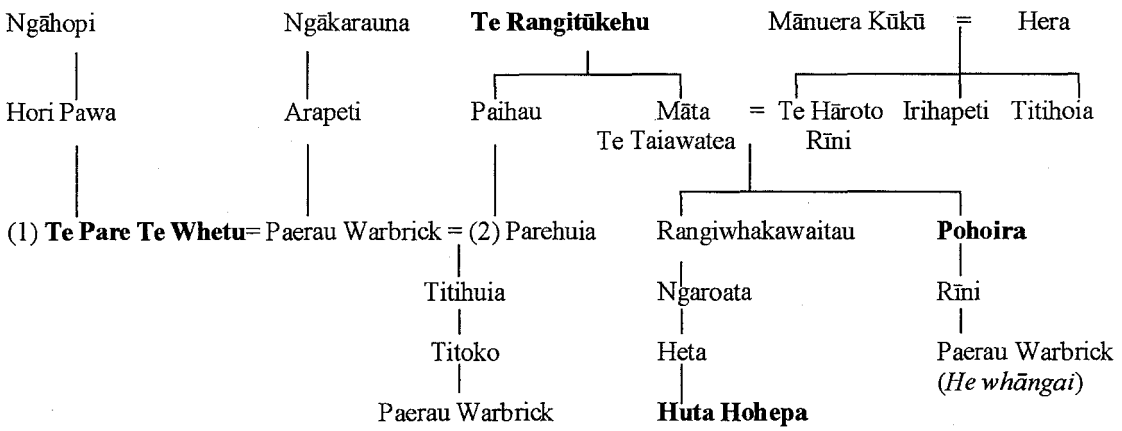
[29] Omataroa Rangitaiki No.1 shareholder list circa 1978 (in author's possession).

[30] Shareholder 581, Huta Heta, Omataroa Rangitaiki No.1 shareholder list circa 1978 (in author's possession).

[31] Shareholder 2331, Te Whetu Rereatu Paerau, Omataroa Rangitaiki No.1 shareholder list circa 1978 (in author's possession).

while her shares were greater than Huta Hohepa, her 1436.58 shares would nonetheless be broken up to smaller share units amongst her *uri* on the conclusion of her succession through the Court.

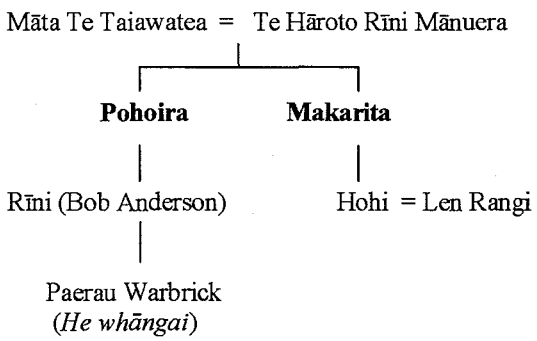
Whakapapa 5.1



The problems associated with the fragmentation of shares rested in its 'chilling effect' on large development or utilisation by any individual shareholder in the land. The expression 'chilling effect' is taken from defamation jurisprudence. It refers to a situation where a person would rather do nothing than to write or speak about various matters because of the fear of legal proceedings against them. The amount of effort by individual shareholders needed to bring land into economic productivity was huge in terms of labour and capital. Individuals did not want to embark on such efforts if they did not have any security of title in the land block after its development. Other shareholders in the land could simply claim rights in the developed block of land without any monetary outlay themselves or any physical effort whatsoever. With such fragmentation of title, individual shareholders no matter what the size of their shareholding held property rights in the land. This gave rights to use the land, speaking rights at meetings, rights to file matters in Court, rights of being heard in the Court, and the right to call persons to account for profits made from the land. The exercise of these rights by any shareholder, let alone a multitude of shareholders, could and did slow down development of the lands. It could also lead to conflicts between *whānau* members.

For example, Pohoira's and Leo's farm at Ngākauroa comprised mostly Māori freehold land that was not solely owned by Pohoira. Hohi Rangi, Pohoira's niece, was an heir to a small shareholding in the land at Ngākauroa from her mother, Pohoira's sister, Makarita Rīni Mānuera.[32] In the late 1960s, there were some issues over land management between my father and uncles and Hohi and her husband, Len Rangi.[33] Fragmentation of land interests was therefore to be combated under the Māori Affairs Act 1953 with what was to be called conversion, live buying and the operation of the £10 pound rule.

Whakapapa 5.2



Conversion

Conversion was the compulsory acquisition by the Māori Trustee of uneconomic shares in land. The aim of conversion was to reduce the number of shareholders in a block and to stop fragmentation. This happened when a succession was processed through the Court or when blocks of land were combined and new ownership lists were generated. The Māori Land Court would identify shares of the deceased that were deemed uneconomic (which were shares worth £25 or less). The Māori Trustee could then nominate to buy those shares compulsorily. The Māori Trustee could then sell the shares to other members in the Māori freehold land block who wished to utilise the land.[34] Conversion was therefore a controversial principle. It was a confiscation of property without the consent of the owner. This is despite others refuting this

[32] *Whakatāne Minute Book* 48 at folios 219-220.
[33] Kōrero-ā- Ted Anderson, Ngākauroa, circa 1984.
[34] This was the compulsory purchase by the Māori Trustee of interests in Māori freehold land blocks that were worth less than £25 (thus becoming an uneconomic interest under section 137 Māori Affairs Act 1953). However, under section 137 of the Māori Affairs Act 1953 if a deceased person left an uneconomic interest to a person under a will this would automatically defeat the Māori Trustee's option to accept the interest. Alternatively, the Court could make a finding that an heir had enough shares in a block already and therefore could combine their shares to make a partition for a house. See also Aroha Harris, 'Maori Land Title Improvement since 1945', *New Zealand Journal of History*, Vol.31, April 1997, p.140.

claim of 'confiscation' by trying to justify it in terms of it retaining Māori land in Māori ownership.[35]

Live buying

A further process of reducing the number of shareholders in Māori freehold land was known as live buying.[36] This involved the Māori Trustee offering to buy the small shares of shareholders. If the Māori Trustee bought the shares they would then sell the shares to either larger shareholders or others who wished to build-up their shareholding. This would mean the Māori freehold land block could be potentially more economic for individual Māori for their own purposes (usually farming). Again, the rationale behind such a scheme was the slowing or elimination of large numbers of owners in the block. Pohoira's *whānau* around Kōkōhīnau were not so much affected by conversion or live buying in respect to their lands. This was unlike *whanaunga* who lived in the Waikato region where the scheme was particularly rampant.[37]

The £10 rule

The £10 rule was another mechanism to stop further fragmentation of shares in a Māori freehold land. The Māori Land Court was given powers to require that only one heir in a succession could inherit a parcel of shares in an individual block that was worth less than £10.[38] This rule did affect many of Pohoira's *whanaunga*. For example, Pohoira's maternal first cousin, Poihaere Paihau, died at Paroa near Whakatāne in May 1932. She left no will and she had no children or grandchildren. A succession application was placed before the Māori Land Court by Poihaere's maternal niece, Maioha Kaira Warbrick, in 1966. There were twenty-two heirs to Poihaere.[39] However, Poihaere's shares in various Māori freehold land blocks were divided between only six heirs listed in table 5.1 below.[40]

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[35] Hunn himself thought it was a misconception that conversion in some districts was being called confiscation. Quoted in P.G. McHugh, *The Fragmentation Māori Land*, Legal Research Foundation Inc. [Wellington], 1980. p.19.
[36] This was where the Māori Trustee purchased shares in blocks but with the owner's consent ie. a simple sale and purchase arrangement in some instance not needing to be processed through the court). Aroha Harris, 'Maori Land Title Improvement since 1945', *New Zealand Journal of History*, Vol.31, April 1997, p.140. See also P.G. McHugh, *The Fragmentation of Māori Land*, Legal Research Foundation Inc. [Wellington], 1980. pp.19-20.
[37] See Table 2, in Aroha Harris, 'Maori Land Title Improvement since 1945', *New Zealand Journal of History*, (1997), Vol.31, No.1, p.140. Table 2 shows Uneconomic interests purchased on succession in the North Island from 1966-1967. The values of uneconomic shares in the Waikato Māori Land Court district amounted to £85,096. The next nearest value of uneconomic shares was the Tairawhiti Māori Land Court district on a mere £18,801 compared to Waikato.
[38] Section 136(2)(d) Māori Affairs Act 1953.
[39] *Whakatāne Minute Book* 40 at folios 13-14.
[40] *Whakatāne Minute Book* 40 at folios 13-14.

Whakapapa 5.3

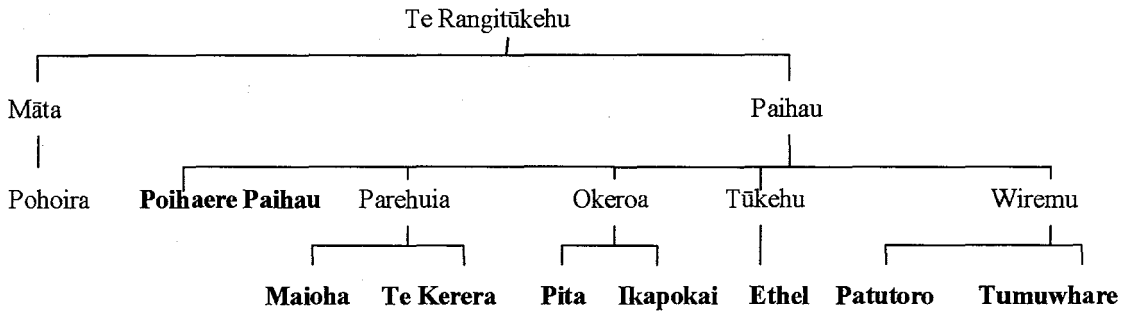


Table 5.1: Recipients of shares belonging to Poihaere Paihau after a 1966 succession application made in the Māori Land Court.

Name of Block	Value of shares	Recipients of the shares
Pokohu D	£24	Te Kerera Warbrick, Pita Haimona Manukorihi, Ethel Marjorie Tukehu, Patutoro Paihau **equally**
Matata Parish 59B 2A	£62	Maioha Kaira Warbrick, Ikapokai Manukorihi, Ethel Marjorie Tukehu, Patutoro Paihau **equally**
Matata Parish 59B 1	£20	Maioha Kaira Warbrick, Tumuwhare Paihau **equally**

One can see the operation of the £10 rule in the above three instances in the table. For both Matata Parish blocks the value of the shares clearly shows that each recipient would each obtain shares in those blocks worth either equal or in excess of £10. However, in the instance of the Pokohu D block above, on the face of it, it appears as if the £10 rule would be breached as each recipient would receive shares to the value of £6 each. However, on further investigation of the block, all four heirs in Pokohu D were already shareholders in the block through succession to their own parent (see whakapapa 5.3). Accordingly, their own shares which they already owned as well as the shares worth £6 inherited from Poihaere put their shareholding in excess of £10.

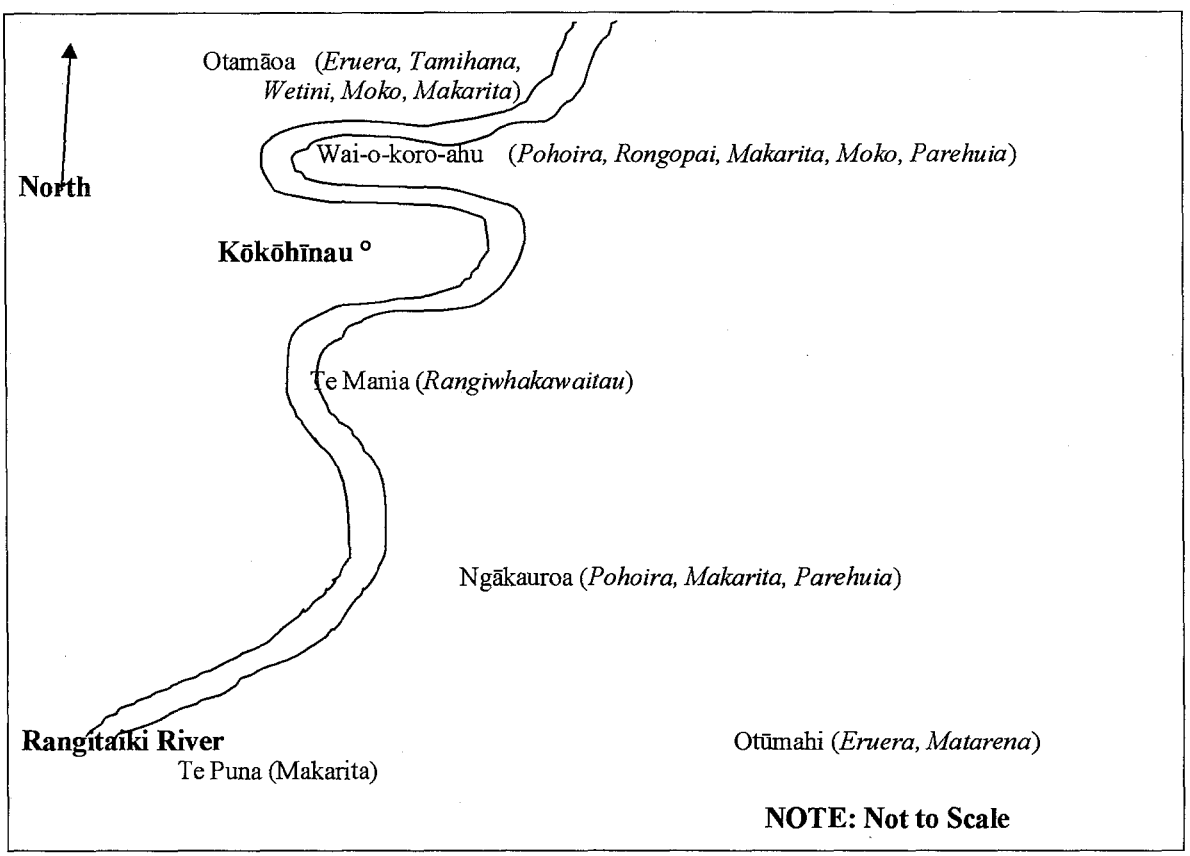
Despite the formal powers of the Māori Land Court there were nevertheless informal understandings between Pohoira's *whānaunga* regarding fragmentation. To try to overcome some of the conflicts which could result from the fragmentation process, certain land blocks that were developed and utilised by various *whānau* members were to be used solely by those *whānau* members who developed the lands (Map 5.1. below shows various land blocks with the names of various *whānau* who used the blocks).

Whānau lands at Ngākauroa, Wai-o-koro-ahu, Otamaoa, Te Mania, Otūmahi, and Te Puna were subject to these informal understandings. For example, large parts of Ngākauroa and Wai-o-koro-ahu were intended for Pohoira's *whānau* because of the efforts of Leo in bringing the land into production. Pohoira's brother, Eruera Rīni Mānuera, farmed *whānau* lands at Otumahi and Otamāoa despite his not having sole legal title to those lands. As well, Pohoira's and Eruera's nephews, Tāmihana Moko and Wētini Moko, farmed lands at Otamaoa and Wai-o-koro-ahu despite not having sole ownership to those *whānau* lands.

Pohoira had long recognised that fragmentation led to some problems. Through various deals from the 1950s through to the 1970s, many shares held by *whānau* members were swapped between themselves in the Māori Land Court to consolidate ownership in fewer shareholders. The Māori term amongst our *whānau* for these transactions was *Whakawhiti* (swapping).[41] Pohoira by 1967 had managed to consolidate ownership of half the farm at Ngākauroa to just seven shareholders. Throughout the 1970s Pohoira also secured the agreement of three other *whanaunga* to purchase their small shareholding.[42] The Māori Land Court encouraged all such arrangements throughout this period.

[41] Kōrero-ā- Te Onehou Phillis, Otūmahi, circa 1988.
[42] *Whakatāne Minute Book* 38 at folios 21-3, 167-8 & 257, *Whakatāne Minute Book* 63 at folio 80.

Map 5.1: Places with the names of various *whānau* who use the land near Kōkōhīnau Marae, Te Teko, Eastern Bay of Plenty.



The Hunn and Prichard and Waetford Reports

Māori land development and measures against fragmentation of Māori land interests continued, as highlighted in the influential government-commissioned Hunn Report of 1960. Jack Hunn, the Secretary of Māori Affairs and architect of the report, was born and raised in the Ngāti Kahungunu district of the Wairarapa. He was trained in law, but entered the public service for a career.[43] The National-led governments of the time were to base many of their Māori policies on that report.[44] It is not my intention to give the full detail of the report because it commented on diverse matters especially in the area of social policy.[45] However, there were recommendations specifically relating to land development and the land title system which had implications for the

[43] R.M. Williams, 'Jack Kent Hunn', *The Dictionary of New Zealand Biography*, Vol.V, Claudia Orange (ed.), Auckland University Press & Department of Internal Affairs, Wellington, 2000, pp.244-246.
[44] G.V. Butterworth, *Māori Affairs*, Iwi Transition Agency, Government Print Books, Wellington, 1990, pp.100-103.
[45] J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10.

Māori Land Court. These were recommendations 44-63, listed in figure 5.1, below. Most of these recommendations from the Hunn Report were not carried out by the government at the time. Such recommendations, though, did keep the general themes and concerns about Māori freehold land in the forefront of government policy. These were continuing land development and policies to combat the continual fragmentation of land interests in the blocks. It was, however, to be another report issued five years after the Hunn Report that aggressively pursued these concerns and themes and which had a direct impact on the Māori Land Court.

In 1965, the Minister of Māori Affairs, Ralph Hanan, charged Ivor Prichard, a retired Chief Judge of the Māori Land Court, and Tomo Hemi Waetford, a Department of Māori Affairs official, to report on the operation of Māori Land Court. The *Prichard and Waetford Report* was to have a profound effect on the relationship of Māori with their Māori freehold land. Its 38 recommendations addressed the inefficiencies in Māori land legislation and the Māori Land Court itself. The recommendations were supposed to hasten the further development of Māori land, which in turn would have all sorts of positive outcomes for various *whānau*. [46] However, the report was extremely controversial. Its tone was forceful and extremely prescriptive in terms of altering long established functions and substantive rules of the Court. For instance, the report described the fragmentation of Māori land as 'evil'.[47] One proposal also supported conversion fees of £100 instead of £25.[48] The Māori Land Court could then take more shares off *whānau*. Though the conversion proposal was not adopted, most of the Report's other recommendations were adopted by the government either as policy or through the Māori Affairs Amendment Act 1967.

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[46] Ivor Prichard & Hemi Tono Waetford, *Report to Hon. J.R. Hanan, Minister of Māori Affairs of Committee of Inquiry into the Laws affecting Māori Land and the Jurisdiction and Powers of the Māori Land Court*, Published report by the Minister of Māori Affairs, [Wellington, 15 December 1965].

[47] Ivor Prichard & Hemi Tono Waetford, *Report to Hon. J.R. Hanan, Minister of Māori Affairs of Committee of Inquiry into the Laws affecting Māori Land and the Jurisdiction and Powers of the Māori Land Court*, Published report by the Minister of Māori Affairs, [Wellington, 15 December 1965], p.6.

[48] Ivor Prichard & Hemi Tono Waetford, *Report to Hon. J.R. Hanan, Minister of Māori Affairs of Committee of Inquiry into the Laws affecting Māori Land and the Jurisdiction and Powers of the Māori Land Court*, Published report by the Minister of Māori Affairs, [Wellington, 15 December 1965], p.8.

Figure 5.1: Recommendations and issues 44-63 significant to the Māori Land Court appearing in the Hunn Report[49]

Land settlement

(44) Strong arguments favour a land development programme of 20,000 acres a year, rising to 50,000 acres.
(45) Such a programme will initially cost £1 million instead of the present £ 1/2 million pounds.
(46) Crown purchase would be the best way to overcome the obstacle of multiple ownership.
(47) A system is to be devised for compiling an accurate record of tenure, classification and utilisation of Māori Land.
(48) Land development (physical stages only) could, for overall economy, be taken over by Lands Department as agent for the Board of Māori Affairs.
(49) Farm mortgages could, with advantage, be administered by the State Advances Corporation when reduced to two-thirds of valuation.
(50) The salvaging of reverted lands has become a problem requiring special attention.
(51) It would be timely to ascertain the condition of stations handed back to the owners and of unit farms on which mortgage debt has been repaid.
(52) Proposals for training prospective Māori farmers are under consideration.

Land Title System

(53) Would the Maori people regard home ownership as an acceptable basis for turangawaewae today?
(54) Legal power to "nominate" a successor might be attractive to Māoris than devising land by will.
(55) To realise the full benefits of the "£10 Rule", it would have to be increased to say £50, and be made mandatory.
(56) As a corollary, successions and partitions below £50 value would not be allowed.
(57) The definition of "uneconomic interest" would likewise need to be altered from "under £25" to "under £50".
(58) The "conversion" system should be used more freely to eliminate uneconomic interests.
(59) "Live buying" by agreement should be carried out on a larger scale.
(60) Owners could be given a statutory option of:
(a) selling to any Māori whose interest would then exceed £50.
(b) Selling to the incorporated owners as a body.
(c) Selling to the Māori Trustee for resale to either of the foregoing, or for retention by him in trust for a Māori parent body as proposed later.
(d) Making a gift to any one of the foregoing.
(61) The trustee principle could be adopted and applied systematically to reduce land titles to sole ownership and prevent fragmentation.
(62) If regional measures were preferred to national measures the trustee principle could be operated by incorporating the Māori tribes in suitable cases.
(63) Some Māori land could well be made European land by change of definition eg. perhaps under 5 acres (rural) or under £500 value, or else all house sites.

Māori Affairs Amendment Act 1967

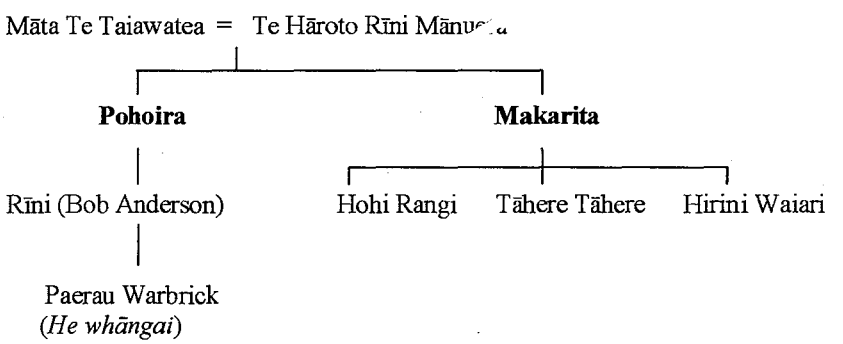
A controversial aspect of the *Prichard and Waetford Report* that was adopted in the Māori Affairs Amendment Act 1967, involved the changing of the status of Māori freehold land to

[49] J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10, pp.8-9.

general land. This was for those Māori freehold land blocks with four or less registered owners. The Registrar of the Māori Land Court could simply identify the blocks of land and then change its status without notification of the owners.[50]

Half the farm at Ngākauroa got changed from Māori freehold land to general title land by this means. My *koroua* Leo was registered as sole owner of one of the blocks on the farm.[51] Pohoira's niece and nephews, Hohi Rangi, Tāhere Tāhere and Hirini Waiari, had their Māori freehold land block also at Ngākauroa changed by this process.[52] It was only in 2002 that they realised their block was in fact in general title and accordingly they changed it back to Māori freehold land title under Te Ture Whenua Māori Act 1993.[53]

Whakapapa 5.4



The procedural concern with Māori freehold land blocks being transferred to general title was that it took it out of the control of the Māori Land Court. Māori would then have to deal with a new system to which they were not accustomed. Instead, the District Land Registries would deal with the title in terms of conveyance for Pākehā. The District Land Registries were not *whānau*-friendly places. They did not have the cultural and technical skills to deal with *whānau* and

[50]Ivor Prichard & Hemi Tono Waetford, *Report to Hon. J.R. Hanan, Minister of Māori Affairs of Committee of Inquiry into the Laws affecting Māori Land and the Jurisdiction and Powers of the Māori Land Court*, Published report by the Minister of Māori Affairs, [Wellington, 15 December 1965], pp.9-10 & Section 6, Māori Affairs Amendment Act 1967.

[51] Status Declaration that the land ceased to be Maori Land dated 1 August 1969, Certificate of Title for Omataroa 7AC5B1B, CT Reference 2D/1455, (Land Information New Zealand, Hamilton).

[52] Status Declaration that the land ceased to be Maori Land dated 25 September 1969, Certificate of Title for Omataroa 7AC5A1B, CT Reference 11A/321, (Land Information New Zealand, Hamilton).

[53] *Whakatāne Minute Book* 100 at folios 89-92.

lands. The Māori Land Court did have such skills that it had acquired over a century of practice since the time of Te Rangitūkehu and Tiopira Hūkiki.

The transactions in the District Land Registries also required higher costs. Conveyance required solicitors to process land titles instead of the clerks and judges of the Māori Land Court. This was what our *whānau* had to do when my *koroua* Leo eventually died in 1973. We had to deal with the solicitor, Robert Chappell, in Whakatāne to have half the land of the farm transferred from my *koroua*'s name into my father's and his brothers' and sisters' names. It cost us nearly $600 to do so.[54] It has to be noted that this was a lot of money in 1973. In comparison, if my *whānau* had been able to do a succession through the Māori Land Court, it would have cost us $3 for the application fee and under $20 for other costs.[55]

A major substantive issue though with Māori freehold land being transferred to general title was that Pākehā rules of succession would apply to the land blocks. The long established Māori rules of succession in the Māori Land Court were no longer applicable.[56] A person who died and left a valid last will and testament, could leave the general title land block to whomever they wished. This included legal persons such as companies, the government or social entities. Widows and widowers of the deceased could take a proportion of the land as of right and pass it on to third persons instead to children or *whanaunga* of the deceased. Stepchildren could also inherit lands and therefore pass title to *whānau* who did not even have any *whakapapa* (genealogy), *whānau*, *hapū* or even *iwi* links to the deceased (including Pākehā as well as the legal entities mentioned above). Therefore the Pākehā rules of succession could lead to problems and outcomes never anticipated by *whānau*. The issues of non-Māori inheriting Māori freehold land were simply not contemplated by Prichard and Waetford. They recommended that the same rules pertaining to Pākehā be adopted for succession in the Māori Land Court. Accordingly, all the rules and procedures for succession to Māori freehold land that had been adopted by the Court and reemphasised in legislation from the 1860s was simply overturned by the Māori Affairs Amendment Act 1967.[57]

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[54] Kōrero- ā- Theo Anderson, Ngākauroa, Te Teko, circa 1981.
[55] See similar succession applications in the *Whakatāne Minute Book* 57 for 1973.
[56] Section 76, Māori Affairs Amendment Act 1967.
[57] Sections 74-89, Māori Affairs Amendment Act 1967.

New Rules of Succession

Under the previous rules of succession (not allowing for the £25 uneconomic interest rule and the £10 rule) if a *whānau* member died with a will, then as long as the will transferred shares in Māori freehold land to the class of allowable persons, the Court would confirm such transfer. The class of allowable persons included the standard heirs such as children, grandchildren or siblings or more distant relatives related to the deceased.[58] Since 1931 the class of allowable persons had also included spouses.[59] Pohoira's nephew, Akutina Hunia, for example, died in 1967 with a will and left all of his Māori freehold lands to his wife, Te Humehume.[60] Under the Māori Affairs Amendment Act 1967, there was no prohibition on the classes of people for whom the deceased could leave their Māori freehold lands.[61] This was like a non-Māori leaving ordinary property to whomever they wanted. Accordingly, there are instances where public charities were left shares in Māori freehold land such as the Waimate Hospital Board or the Waitaki Hospital Board.[62]

In addition, Māori Incorporation shares were also subject to changes. They were to be treated like shares in a company as if they were personal property. Surprisingly though, unlike shares in Māori freehold land, there was a limitation as to the class of persons to whom the shareholder could transfer the shares. This included other shareholders, the Incorporation itself or the Māori Trustee as well as spouses, children, grandchildren including brothers and sisters and parents and other *whanaunga*.[63] The main rationale for such a system in this instance stemmed from the fact that shareholders did not actually own the land as such. The Māori Incorporation owned the land and, with its management committee, they could effectively deal with parcels of land without being encumbered by multiple owners.

For those cases where the deceased died without a will (which was the majority of cases for Māori), the Pākehā rules of succession also applied. Spouses, children and grandchildren could

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[58] Section 114, Māori Affairs Act 1953.
[59] Section 114 (2)(b), Māori Affairs Act 1953.
[60] *Rotorua Minute Book* 149 at 130 (quoted in Succession to Te Rangitūkehu, *South Island Minute Book 102* at folio 212.)
[61] Section 76, Māori Affairs Amendment Act 1967.
[62] For example, The North Canterbury Hospital Board, The Otago Hospital Board, The Waimate Hospital Board and The Waitaki Hospital Board were left shares in 21 Māori freehold land blocks in the South Island in the will of Alexander Porete or Alexander John Kio Porete or Ariki Hoani Kio Porete or Kio Porete or Pollett (*Registrars Minute Book* 4, Te Waipounamu, at folio 254).
[63] Sections 38 & 41, Māori Affairs Amendment Act 1967.

inherit the land. And in some cases either parents, grandparents and half siblings could inherit the land without belonging to the same *hapū* or *iwi*, and these included Pākehā parents, grandparents and half siblings. In the former rules of succession, inheritance involved rules of Māori custom where rights in the land followed the land itself.[64] In the cases of there being no immediate heirs, the rights in the land were traced back to their original source (either the paternal or maternal line) and heirs determined along that branch of the *whānau*.

Under the Māori Affairs Amendment Act 1967, rules of succession in the instance of a *whānau* member dying without a will were to be followed according to the general law under the various Administration Acts.[65] One of the most different outcomes for many *whānau* involved spouses inheriting the Māori freehold land absolutely. Under the former rules of the Māori Affairs Act 1953 and former statutes, if the deceased left children and a spouse, the children would inherit the Māori freehold land shares equally amongst themselves. The Māori Land Court could also grant to the surviving spouse a life interest or a lesser interest (such as holding the interest until remarriage) in the Māori freehold land shares to enable maintenance of the surviving spouse.[66] The spouse effectively could not own the land, but was able to receive income off the land.

For an example, if the rules under the Māori Affairs Amendment Act 1967 were in operation in 1916 when Pohoira's first husband, Te Iwiware Makao, died with no will, Pohoira could have made a claim to his Māori freehold land shares as of right. Pohoira would have been able to claim at least one third of Te Iwiware's estate (including one third of his Māori freehold land). She would then have been able to pass those shares to the children of her second husband, Leopold Anderson, who had no *whakapapa* links to Te Iwiware. In addition, depending upon the value of the Māori freehold land shares, Pohoira could have claimed the entire lot of the shares because of a widow or widower's preferential charge on top of a deceased spouse's estate, before children could take the Māori freehold shares.[67] Accordingly, children could be totally disinherited from their parent's Māori freehold land interests if a spouse's charge was more than the value of the deceased's whole entire estate including the Māori freehold land interests. However, the Native Land Act of 1909 made no such provision for widowers like Pohoira. Te

[64] For example see section 117, Māori Affairs Act 1953.
[65] Section 76 Maori Affairs Amendment Act 1967, sections 54-63 Administration Act 1952 & sections 75-80 Administration Act 1969.
[66] See section 121 and 122, Māori Affairs Act 1953.
[67] Section 56(1)(a) Administration Act 1969.

Iwiware's Māori freehold land therefore went directly to Pohoira's and Te Iwiware's daughter, Merania Makao.[68]

Whakapapa 5.5

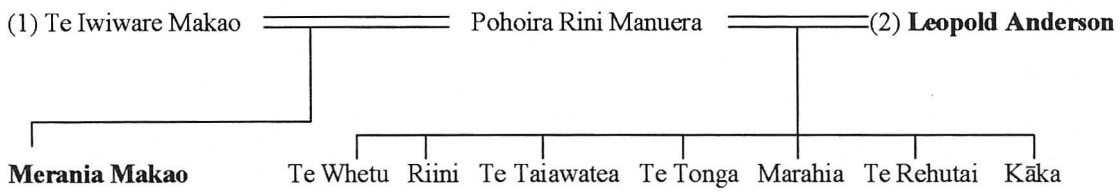
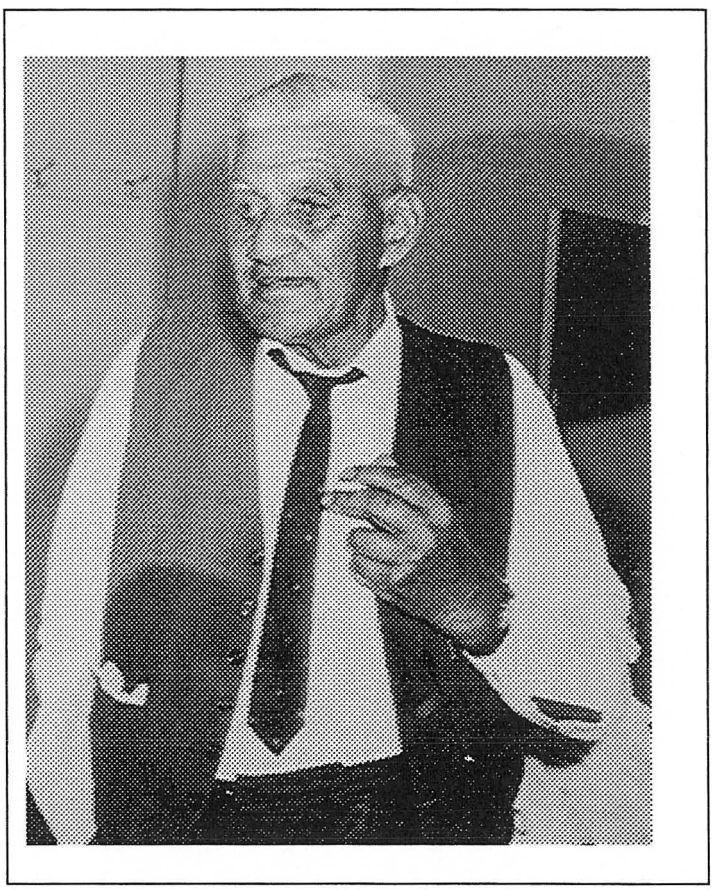


Photo 5.2: A photo of an aged Leo Anderson taken in the late 1960s. The ravages of time, and all his physical farm and labouring work had taken a toll on him. (Source: Personal collection) [69]



[68] Sections 139 & 140 Native Land Act 1909. Also see *Opotiki Minute Book* 24 at folio 202.
[69] The original is held by my aunt Ellen Anderson, at her residence at Ngākauroa Te Teko.

Under the Māori Affairs Amendment Act 1967, when Leo Anderson died in 1973, Pohoira was entitled to one third of his estate (including one third of his Māori freehold lands) as well as a monetary charge against his estate. Pohoira's and Leo's children were then entitled to two-thirds of the remaining estate which included two-thirds of Leo's Māori freehold lands.[70]

There was a problem with this formula which mirrored the issue concerning the hypothetical succession to Te Iwiware Makao above. Pohoira in 1973 was entitled as of right to one third of Leo's Māori freehold land interests. His Māori freehold land interests were in Te Aupouri and Ngā Puhi lands. When Pohoira eventually died in 1977, Pohoira's daughter from her first marriage, Merania Makao, was therefore entitled to one eighth of Pohoira's Māori freehold lands, which included lands which were originally Leo's Māori freehold land interests.[71] Merania was therefore entitled to Māori freehold land interests with which she had absolutely no *whakapapa* connections.

As can be seen from the above examples, the major changes brought about by the Māori Affairs Amendment Act 1967, as a result of the *Prichard and Waetford Report* and to a lesser extent the *Hunn Report*, upset many of the long established rules pertaining to Māori freehold land. While the intention of the government lay in trying to standardise Māori land law rules to align general land and property law and therefore integrate Māori into the general law, they created more problems than were solved. Māori could understand that the goals of the reports and legislation were the better utilisation and development of lands for the *whānau*. However, the alteration of succession rules and status declaration of Māori freehold land to general title, on top of conversion, live buying and the operation of the £10 rule was simply unfair and inequitable. With the election of a new Labour government in 1972, the harsher powers given to the Māori Land Court in the Māori Affairs Amendment Act 1967 were repealed. Conversion of uneconomic interests, live buying and the operation of the £10 rule were all abolished and succession rules essentially reverted back to those in the pre-1967 legislation.[72]

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[70] Section 56(1)(a) Administration Act 1969.
[71] Copy of Pohoira's will in author's possession. Merania's heirs are included by clause referring to all of Pohoira's Maori freehold land interests being devised to her children equally. Even though Merania had died before Pohoira this does not discount her heirs sharing her share between them. See section 33 of the Wills Act 1837.
[72] Section 25, Māori Affairs Amendment Act 1974.

When the Maori Affairs Amendment Act of 1974 was debated in Parliament, Pohoira's Member of Parliament for Eastern Māori, Paraone Reweti, commented in an answer to Allan McCready, Member of Parliament for Manawatu:

> I was interested to hear the member for Manawatu saying that the Bill takes us back a number of years. I assure the member that it takes us back to 1967 when the National Government introduced the 1967 amendment Act and the representatives of the Māori people indicated in their submissions at that time that the Bill was designed to enforce measures on the Māori people. I shall read from one submission from the Tuwharetoa Incorporation "Our basic concern with regard to the Bill is the element of compulsion that marks so many of its provisions".[73]

The new Labour government also softened the government's view that the fragmentation of land interests was a major problem. Instead, there was a change of emphasis to better administration of the lands themselves, which in turn would still lead to better development.[74] For example, Matiu Rata, the Minister for Māori Affairs, when he introduced the Māori Affairs Amendment Bill in 1974,[75] specifically alluded to the powers of the Māori Land Court to vest the land in trustees.[76] Trustees could then deal with the land on behalf of the owners thereby by-passing the need for owners' meetings on every single issue pertaining to the block of land. The development of Māori lands could therefore continue but through different means.

With the passage of the Māori Affairs Amendment Act 1974, smaller government initiatives for Māori land continued. The *Sheehan Report* of 1975 looked specifically into issues regarding Māori reserved lands.[77] The *Sheehan Report* was less controversial; it recommended in many instances that general-title reserved land be changed to Māori freehold land. The report additionally recommended that Māori-controlled management structures, linked to the Māori beneficiaries of the land, be placed over the land, as an alternative to the Māori Trustee being in control of the land. At the end of the 1970s, a Royal Commission of Inquiry was also set up to investigate the operation of the Māori Land Court itself. It came about because another Royal

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[73] *New Zealand Parliamentary Debates*, Vol.391, June 11-July 5, 1974, p.2689.
[74] 'Government White Paper on proposed amendments to the Māori Affairs Act 1953, The Māori Affairs Amendment Act 1967, and other related Acts', *Appendices to the Journal of the House of Representatives*, (1973), Vol. III, E.20.
[75] *New Zealand Parliamentary Debates*, Vol.391, June 11-July 5, 1974, p.2688.
[76] Section 234, Māori Affairs Act 1953; section 6, Māori Purposes Act 1951; section 8, Native Purposes Act 1943.
[77] 'Report of Commission of Inquiry into Māori Reserved Land', *Appendices to the Journal of the House of Representatives*, (1975), Vol. IV, H.3.

Commission of Inquiry into the Courts in 1978 failed to address issues pertaining to the Māori Land Court.[78]

The Royal Commission Report on the Māori Land Court merely advised the government about inefficiencies in administration in the Māori Land Court. Successions and land development were to continue as they had been for many decades. The Report did not have the reforming zeal of the *Hunn* and *Prichard Waetford* Reports. However, it was helpful in that it described technical inadequacies in the Māori Land Court such as (1) delays and errors in the processing of applications, (2) delays in issuing the *pānui*, (3) delays in the despatch of minutes and, (4) errors in the title records.[79] It also stressed that a higher standard of service was needed and more trained staff and support facilities were necessary.[80]

Photo 5.3: A photo of an aged Pohoira Rīni Mānuera toward the end of her life in the 1970s. (Source: Mac Burt)[81] By the time of her death she had outlived two husbands and three of her children. She had also seen the rapid transition of Māori from *Te Ao Tāwhito* to *Te Ao Hou*



[78] 'Royal Commission on the Courts', *Appendices to the Journal of the House of Representatives*, (1978), Vol. VII, H.2.

[79] 'The Māori Land Courts. Report of the Royal Commission of Inquiry', *Appendices to the Journal of the House of Representatives*, (1980), Vol. IV, H.3, p.57.

[80] 'The Māori Land Courts. Report of the Royal Commission of Inquiry (1980)', *Appendices to the Journal of the House of Representatives*, (1980), Vol. IV, H.3. p.58.

[81] Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.190.

Conclusion

Pohoira was aged and frail by the late 1970s. Her husband Leo Anderson had died in 1973 at Edgecumbe.[82] The farm at Ngākauroa was still being run by Pohoira's and Leo's son Bill, but in the late 1970s, Bill was in increasingly bad health.[83] He died on 8 November 1977 and Pohoira died three weeks later on 21 November 1977.[84] Throughout her lifetime, Pohoira had witnessed massive changes in New Zealand society and the eventual adoption of Pākehā values by *whānau* throughout Māoridom. However, it has to be acknowledged that many values were forced upon Māori.

Māori could see the economic value to *whānau* of the development of their Māori freehold land. There was the potential arising for opportunities of greater employment in rural areas. This was premised on *whānau* acceptance of their place within a Pākehā dominated economic system. The Māori Land Court with its powers and functions from the Māori Affairs Act 1953 had its role to play in regard to fulfilling those aspirations. Māori could understand the sentiments expressed in the Māori Affairs Act 1953 and its amendments and also those in the *Hunn* and *Prichard and Waetford Reports*. However, they did not like their compulsory aspects.

The Māori Land Court system through the first two thirds of the twentieth century had adopted procedures for Māori development that were evolutionary. The experience of Pohoira and her *whānau* are a case in point. Shares between *whānau* members were sold, swapped or converted to consolidate other *whānau* members' holdings in Māori freehold land blocks. Succession to Māori freehold land shares continued as it had throughout much of the twentieth century. However, the Māori Affairs Amendment Act 1967 imposed processes that were too revolutionary. Compulsory acquisition of land, or the inheritance of land by those who did not fit the general understanding of who should inherit, went against not only many of the Māori but also Pākehā influenced values held by Māori at the time. The Māori Affairs Amendment Act 1974 abolished many of the compulsory aspects of the 1953 and 1967 legislation. However it preserved all the other aspects of the legislation which meant the continuation of the Māori Land Court. The 1980 Royal Commission supported the Court's continuation, but insisted that its services be improved. In effect, the Court had to ensure that it continued to be part of *Te Ao Hou*.

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[82] Anderson, Riopo (Leo), *New Zealand Herald*, 30-03-1973, section 2, p.12.
[83] Anderson, William Te Rehutai, *New Zealand Herald*, 09-11-1977, section 4, p.14.
[84] Anderson, Pohoira (Ada), *New Zealand Herald*, 22-11-1977, section 2, p.18.

CHAPTER SIX
NGA KAIMAHI[1]

In the preceding chapters, I have made an examination of the Māori Land Court in terms of the wider societal and political factors, and their inter-relationship with my *whānau*. In this chapter, I move directly into the Court environs itself to examine it in terms of it being a social location. In a contemporary *kōrero* about the Court in the 1960s and 1970s, the place of the Department of Māori Affairs, the court clerks and the role of lawyers need to be explored. The Department members, clerks and lawyers were *nga kaimahi* (the workers) of the Court. They had a huge effect on Māori and *whānau* (family) who used the Court.

The Department of Māori Affairs played an important administrative and supporting role to the Court. However, at times there were tensions between Department staff and court staff (including judges). The Department of Māori Affairs, being a department of the State, was used to carrying out its functions speedily. These were regularly at the whim of the Government at the time. The Māori Land Court however, being part of the judiciary, functioned judiciously and therefore more slowly. There were bound to be tensions at times. The Court, like any other workplace, did have its own culture, dynamics, and idiosyncrasies. Lawyers who practised were relatively rare in the Court. There was simply no money to be made in Māori Land Court work compared to other legal work. The lawyers who did appear in the Court for Māori often had a lot to do with *whānau* for a number of other issues as well.

This particular chapter will put the emphasis on relationships within the context of the Court. This chapter includes some ethnographic elements that describe how the business of the Court was conducted. The interaction of Department staff, clerks and lawyers and their relationships with Māori cannot be understated. These were important aspects of the Court that need to be accentuated for this *kōrero*.

[1] *Nga Kaimahi* = The workers

The Department of Māori Affairs

When my *kuia*, Pohoira Rīni Mānuera, her brother Eruera Rīni Mānuera and other *whanaunga* who lived in Te Teko, visited the Māori Land Court in the 1960s and 1970s, they had to travel about 70 kilometres to visit the Department of Māori Affairs on Haupapa Street in Rotorua. The reason for visiting the Department was that, from the Tokerau District Māori Land Court in Whangārei, through to the South Island District Māori Land Court, in Christchurch, the administrative offices of each Māori Land Court were situated within the same buildings as the Department. The administrative office of the Māori Trustee, despite that office also being a separate statutory body, was situated within the same building of the Department.[2]

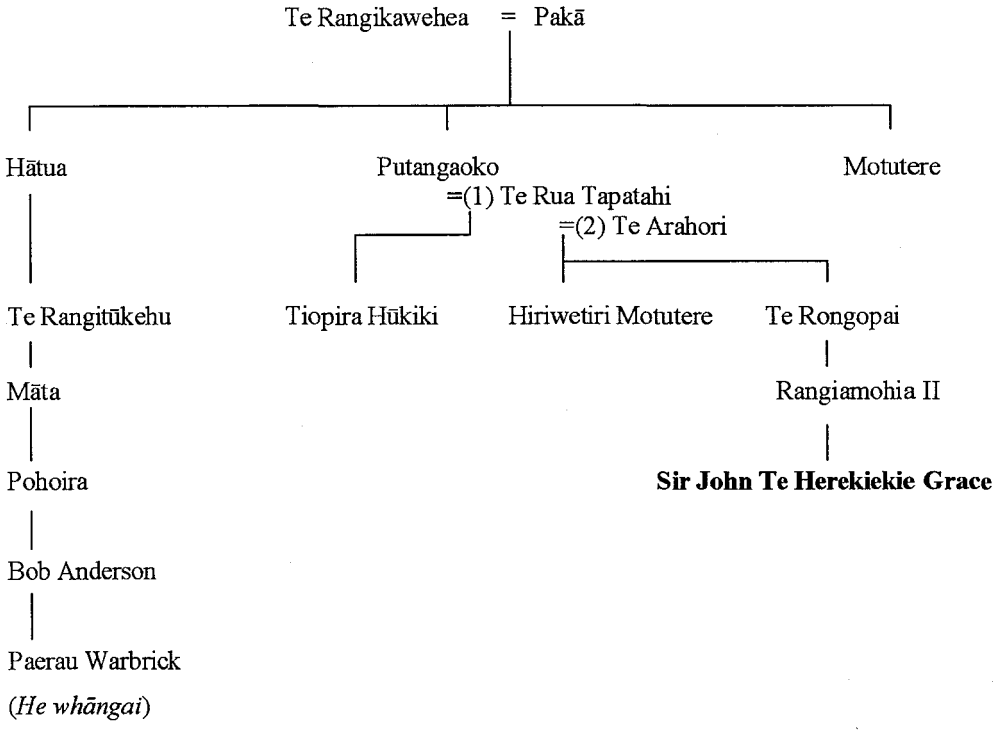
The main reason for the location of the administrative offices of the Court alongside the offices of the Department was one of practicality. The Department gave administrative support to the Court (as well as to the Māori Trustee). The Department, the Māori Land Court as well as the Māori Trustee, shared administrative support-systems like typing-pools, car-pools and accounting sections. The land development section of the Department worked together with the title improvement section of the Court when having to reorganise and reconstitute land boundaries (I will discuss this further in chapter eight). The Department also had control over all budgetary issues as well as the hiring of personnel for the Department, Court and Māori Trustee.

There were many other well-known people in the 1960s and 1970s who had also initially worked in the Department or its predecessor; the Department of Native Affairs. There were those from Ngāti Porou and Ngāti Hine such as Arapeta Awatere, who was a welfare officer in Rotorua, Wellington, Gisborne and Wanganui.[3] Sir John Te Herekiekie Grace, initially a clerk and subsequently the private secretary to Ministers of Māori Affairs, was one of the many of Ngāti Tūwharetoa who worked in the Department.[4] Sir John was also *whanaunga* to us at Kōkōhīnau. His younger brother was named after my *tipuna* Te Rangitūkehu.

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[2] G.V. Butterworth & S.M. Butterworth, *The Māori Trustee*, The Māori Trustee, [Wellington], [1991].
[3] Hinemoa Ruataupare Awatere, 'Arapeta Marukitepua Pitapitanuiarangi Awatere', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press, Auckland, 2000, pp.24-26.
[4] Graham Butterworth, 'John Te Herekiekie Grace', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press, Auckland, 2000, pp.191-192.

Whakapapa 6.1



Others who worked in the Department were those with Ngāti Kahu, Ngāti Hine and Ngā Puhi connections such as Nau Paraone Kawiti Puriri (Brownie Puriri). He was first a cadet adjusting land titles in the Court and then was District Welfare Officer and subsequent Assistant Controller of the Māori Welfare division in the Department in Wellington.[5] A former barrister colleague of mine, Aroha Reihana of Ngāti Hine and Ngāti Kahungunu, with whom I prosecuted cases in the Māori Land Court in Christchurch, Dunedin and Invercargill, was one of Brownie's *whanaunga*. There were also those Māori of Te Aitanga-o-Mahaki such as Lena Matewai Ruru who was a welfare officer in Gisborne and Wairoa.[6] Another lawyer who I went through law school with at Otago University, Tania Ruru, was *whanaunga* to her.

[5] Angela Ballara, 'Nau Paraone Kawiti Puriri', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press, Auckland, 2000, pp.424-425.
[6] Tum Glover, 'Lena Matewai Ruru', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press, Auckland, 2000, pp.455-456.

Te Kiato Riwai, who was a welfare officer and subsequent senior welfare officer for the South Island in Christchurch, was of Ngāi Tahu and Ngāti Mutunga.[7] I have acted as a barrister on behalf of some of his *uri* in the Māori Land Court in Christchurch earlier this century. John Rangihau who was a welfare officer based in Whakatāne was of Tūhoe.[8] My father used to drink with John Rangihau from time to time in the 1950s and 1960s. They were all ex-Māori Battalion B company members who fought in the Second World War.

The fact that the Māori Land Court was administratively integrated into the structure of the Department clearly shows how central the Department and the Court were to Māori in the 1960s and 1970s. The Department was essentially a 'one stop shop' for Māori and their economic and social welfare. The Court being right there was testament to the Court occupying an important place for Māori. Apart from the Department providing administrative support to the Court, it also provided its workers. Almost all of the Court's clerks originally started work in the other sections of the Department.

This organisational and support structure had historical origins. The Native Land Court, when it was first set up in the 1860s, was administered by the Native Department (the Department of Māori Affair's predecessor). Despite the restructuring of the Native Department and Māori Affairs Department over the decades, the Court simply maintained its physical locality and administrative dependency upon the Department.[9] The administrative functions of the Court were that intertwined with the Department, that the district-officer, who was the chief-executive for the Department, also held the position of registrar for the Court.[10] Therefore from the viewpoint of an outsider looking at the Department of Māori Affairs you would simply assume that the Court and the Department were one and the same body. This certainly was the assumption made by a majority of, if not all, my *whānau*.

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[7] Adelaide Couch-Snow, 'Te Kiato Riwai', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press, Auckland, 2000, pp.439-440.

[8] Roka Rangihau, 'John Te Rangianiwaniwa Rangihau', *The Dictionary of New Zealand Biography*, Vol. V, Claudia Orange (ed.), Auckland University Press, Auckland, 2000, pp.431-432.

[9] See G.V. Butterworth & H.R. Young, *Māori Affairs*, Iwi Transition Agency, Wellington, 1990, & J.K. Hunn, 'Report on Department of Maori Affairs', 24 August 1960, *Appendices to the Journal of the House of Representatives*, (1961), Vol. II, G.10, pp.103-104.

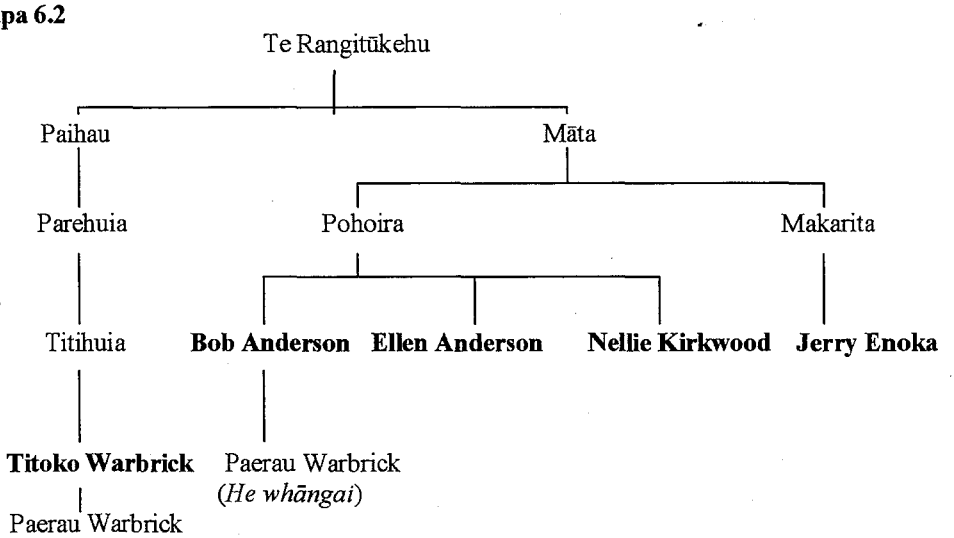
[10] 'The Māori Land Courts. Report of the Royal Commission of Inquiry (1980)', *Appendices to the Journal of the House of Representatives*, (1980), Vol. IV, H.3, p.49.

When I was doing research for this thesis in 2002, people that I came across in my travels referred to the Court as 'Māori Affairs' meaning the Department of Māori Affairs. For example, in 2002 in Hastings, I walked down the stairs from the Māori Land Court offices where I was greeted, by a *koroua* (old man) of about 70 years of age, at the bottom of the stairs. He then asked me "Is that the Māori Affairs up there?" (He had meant the Māori Land Court). In Hamilton a few weeks later, I visited retired Judge Kevin Cull at his home on River Road. I was met at the door by Mrs. Cull where she asked me "Have you been over to the Māori Affairs?" (She had also meant the Māori Land Court offices.) As can be demonstrated, such was the cultural influence and dominance of the Department, persons still referred to it as the Department of Māori Affairs. This is despite the Department's abolition in the late 1980s.

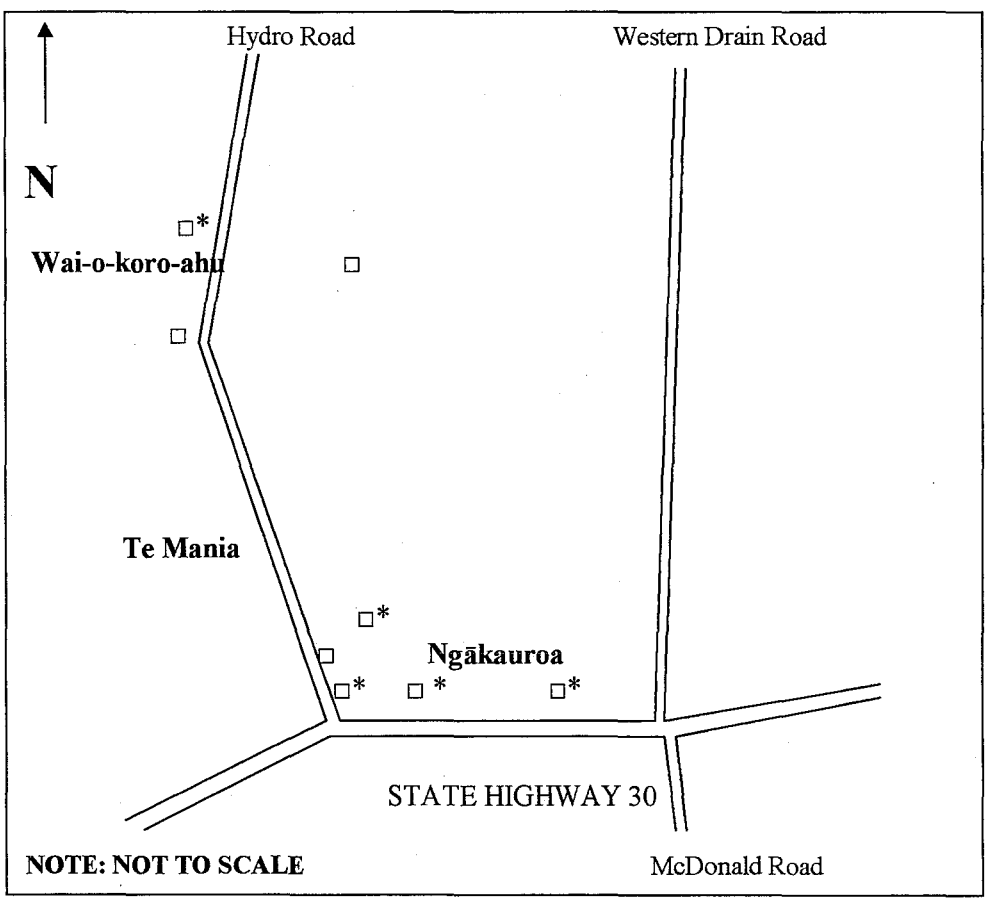
The Māori Affairs Department in the 1960s and 1970s was a large government department responsible for providing special facilities to Māori. There were administrative sections within the Department which dealt with Māori development in terms of farming and housing; social and economic advancement in terms of education and employment; and title improvement which was part of the Department's, as opposed to the Court's, efforts to restructure Māori land titles.[11] The Department was essentially the first government department that most Māori dealt with in terms of those things listed above. The Department of Māori Affairs and its predecessor played a large part in Māori life throughout the twentieth century. For example, the houses (see map 6.1) currently occupied by my natural father, Titoko Warbrick, at Wai-o-koro-ahu, my uncle Jerry Enoka, and my paternal aunts, Ellen Anderson and Nellie Kirkwood, at Ngākauroa, were houses planned by either the Department or its predecessor, the Department of Native Affairs. My late father and mother, Bob and Susan Anderson, also had money in an account with the Department in the late 1970s for the purposes of building a house.

[11]See 'Report of the Board of Māori Affairs, Secretary, Department of Māori Affairs and the Māori Trustee for year ending 31 March 1960', *Appendices to the Journal of the House of Representatives*, (1960), Vol. II, G.9; 'Report of the Māori and Island Affairs Department and the Māori Trustee and the Board of Māori Affairs for year ending 31 March 1970', *Appendices to the Journal of the House of Representatives*, (1970), Vol. II, G.9; 'Report of the Department of Māori Affairs and the Māori Land Board and the Māori Trustee for year ending 31 March 1980', *Appendices to the Journal of the House of Representatives*, (1980), Vol. II, E3.

Whakapapa 6.2

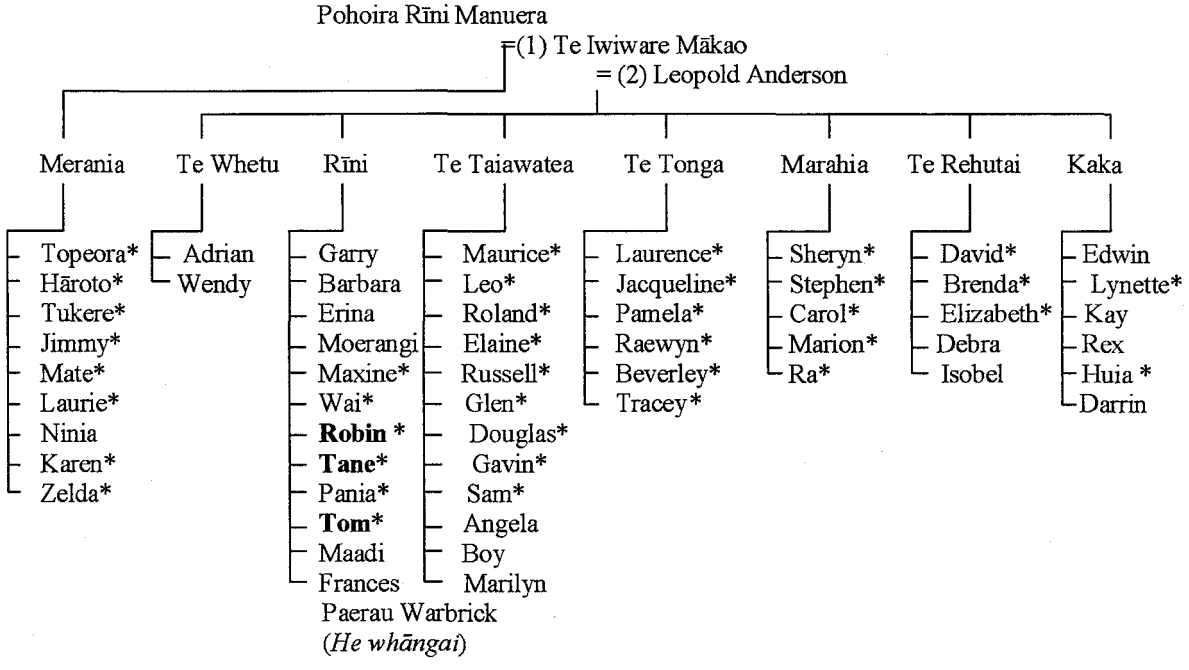


Map 6.1: Houses currently situated at Wai-o-koro-ahu and Ngākauroa. (The asterisks indicate that they were built with assistance of the Department of Māori Affairs.)



In terms of employment and education opportunities, the Department also influenced a majority of my brothers, sisters and paternal first-cousins in their careers and job opportunities. The department either helped place them into actual jobs or organised training programmes for them to attend. For example, my three older brothers attended various trade-training schemes organised by the department throughout the 1970s. Robin Anderson attended a scheme for fitters and turners in Hamilton. Tane Anderson attended a trade-training scheme for post-office linesmen in Auckland, and Tom Anderson attended a trade-training scheme for welding in New Plymouth. The *whakapapa* below shows my own brothers and sisters and paternal-first cousins. The asterisks beside various names indicate those whom the Department helped in terms of their job opportunities and training. This level of involvement was common in other *whānau* that I know.

Whakapapa 6.3



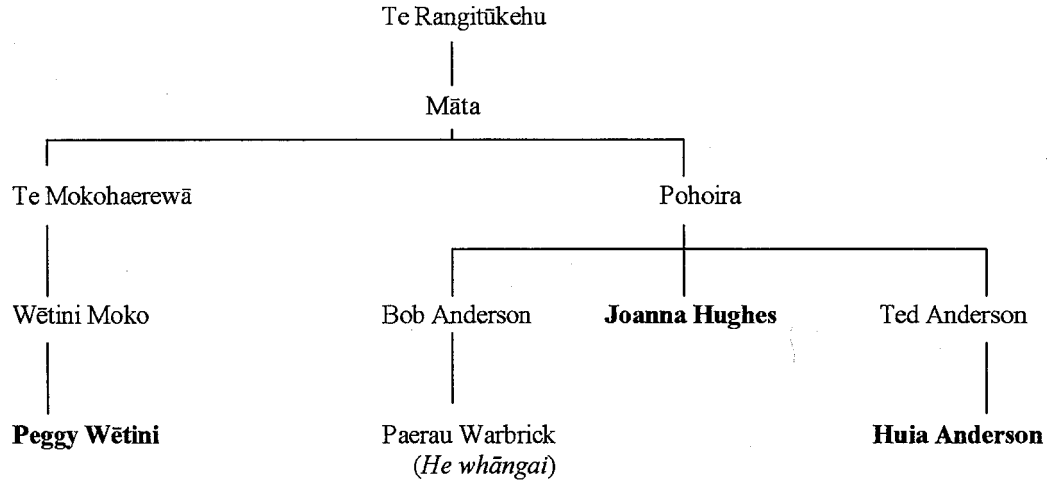
The academic Erik Schwimmer recognised the efforts of the Department in the late 1960s.

The largest enterprise has been the Department sponsored apprentices training schemes for Māori boys from country districts in carpentry, plumbing, electrical wiring, motor mechanics, panel beating, painting and decorating. Though the number of such special apprenticeships is not very large (with annual intake of 144), the qualitative results have been impressive. The Department reports: 'Māori boys taken into the schemes continue to obtain better than average

results in the preliminary trade examinations conducted for all apprentices by the New Zealand Trades Certificate Board'. [12]

The Department of Māori Affairs not only guided young Māori into job opportunities, but it sometimes provided employment for many Māori themselves. I had *whanaunga* who worked in the Department over the years. My aunt, Joanna Hughes, started work with the Department's predecessor in the 1940s at Ruatoki and then Wellington.[13] She worked closely with one of its clerks called Norman Smith in the Department who was to eventually become Judge Norman Smith.[14] My other aunt, Peggy Wetini, worked as a welfare officer with the Department in the 1960s and she was based in Tauranga. But the two that I can clearly remember are my first cousin, Huia Anderson, and one of my *whanaunga* by the name of Hera Motu in the early 1970s who worked as a clerical assistant and a social worker.

Whakapapa 6.4



While in the Department, Huia tried her best to make sense of the legal wrangles surrounding the farm at Ngākauroa when our *kuia* Pohoira died in 1977. She used her access to the Māori Land Court records and those clerks in the Court to make sense of the legal implications of Pohoira's estate. She also tried to understand the reasons why my father and mother could not build a new

[12] Erik Schwimmer, 'The Māori and the Government', *The Māori People in the Nineteen-Sixties*, Erik Schwimmer (ed.), Longman Paul, Auckland, 1968, (1972 reprint), p.344.
[13] Kōrero- ā- Joanna Te Tonga Hughes, Ngākauroa, circa February 2001.
[14] Norman Smith was also the author of number of books on Māori. See: Norman Smith, *Native custom and law affecting Native Land*, The Māori Purposes Fund Board, Wellington, 1942; Norman Smith, *The Māori people and us*, Reed, Wellington, 1948; Norman Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960; Norman Smith, *Māori Land Corporations*, A.H. & A.W. Reed, Wellington, 1962.

house for us at Ngākauroa after a fire had destroyed our old one in 1977. This was despite there being money held by the Department of Māori Affairs for this purpose. Additionally, my father was the sole heir to Pohoira's Māori freehold land block that composed half the farm at Ngākauroa.

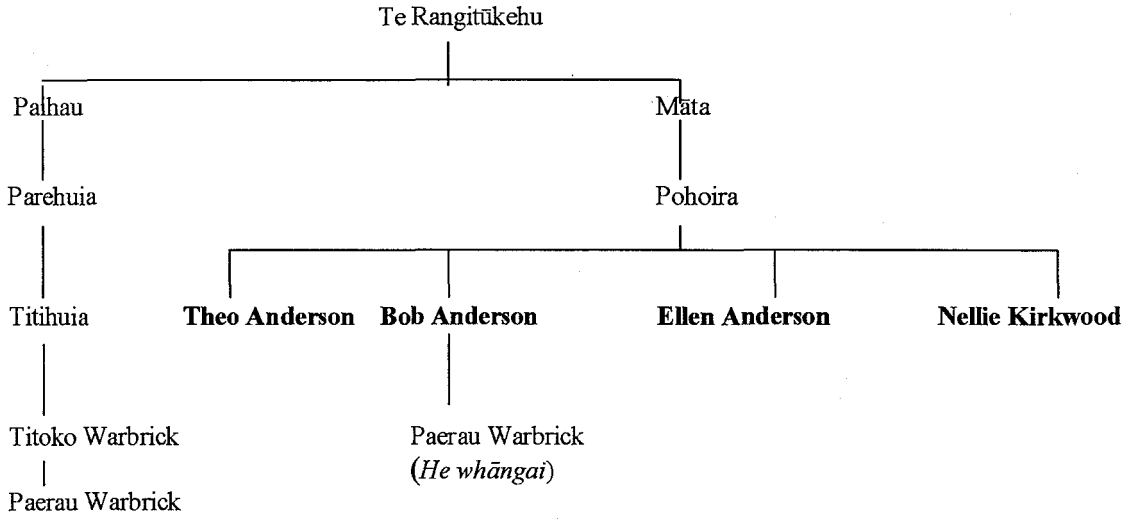
When Pohoira died she legally owned the whole farm at Ngākauroa. On her death, her estate attracted taxes in the form of death and estate duty.[15] It was a vast sum for the day in excess of $20,000. This had crippled us financially and socially as a *whānau*. Pohoira's and Leo's former solicitor Joe Buddle had died shortly before Leo's death. On Leo's death, another Whakatāne solicitor, Robert Chappell (senior), had convinced my father and his siblings to gift their father's land interests at Ngākauroa (half the farm) to Pohoira out of *aroha* (love). The approach had come from Mr. Chappell and not from anyone else. My father and his siblings were only too willing to give Leo's land over to their mother Pohoira. However, it was the worst financial mistake they ever made. When Pohoira died only four years after Leo in 1977, their gift of land resulted in the increase in value of Pohoira's estate. The increased valuation of her estate in turn triggered the thresholds for taxation of her estate. We as a *whānau* therefore had a huge debt to pay to the Inland Revenue Department.

Robert Chappell (senior) had intended this situation all along. He actively tried for years to force the sale of half the farm at Ngākauroa to firms in Rotorua in which he held business interests. The proceeds of the sale would therefore release our *whānau* from Pohoira's tax debts. It was the time of the Kiwifruit agricultural boom in the Bay of Plenty, and Chappell simply coveted the farm. In about 1982, Chappell brought Deeds of Purchase to the farm at Ngākauroa. I was present when Chappell brought the Deeds to the cowshed for my Uncle Theo Anderson's signature. (He was the administrator and executor to Pohoira's last will and testament.) Uncle Theo turned to my father Bob and asked him what he thought about it. My father replied that if Theo signed the papers "Ellen and Nellie would be landless" (This referred to their sisters Ellen Anderson and Nellie Kirkwood, whose only future land holding was in the land block which Chappell wanted to purchase.) When Uncle Theo then point-blankly refused to sign the Deeds, Chappell swore at Uncle Theo and my father. It was the first and only time I have seen a professional elderly Pākehā man swear and curse.

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[15] Estate and Gift Duties Act 1968.

Whakapapa 6.5



Essentially, Huia had in discussion with Department and Māori Land Court staff concluded that Pohoira's estate, including the Māori freehold land, was unable to be utilised for any major project, such as building a house. Only once the death and estate duties had been paid in full to the Inland Revenue Department could the land be utilised in that way. My father and mother could therefore not build us a house on the land at Ngākauroa. It took us (Pohoira's *whānau*) until the late 1980s to pay off those death and estate duties to the Inland Revenue Department. Both my father and mother were dead by that stage.

Hera Motu was my mother's *whanaunga* through her *whakapapa* to Ngāti Hine in Northland. To date, I am unsure of exactly how we were related to Hera. However, I do know that she was related through my mother's paternal grandmother, Ene Taituha, who was from Ngāti Hine and Ngā Puhi. Hera was seconded from the Department in Northland down to the Bay of Plenty. I was very young in the early 1970s when she would visit us at Ngākauroa. With her links in the Department, Hera was able to advise my mother on budgetary advice, family benefit allowances and other welfare measures. This was the value of those people who worked in the Department. They actually helped Māori people with their everyday lives.

Māori Land Court

Two people who initially started in the Rotorua office of the Department of Māori Affairs but subsequently transferred to the Māori Land Court were Ray Poulamalu and Michael Johnston. They had a lot to do with my *whānau* over the many years. Ray Poulamalu began work with the Land Utilisation branch of the Department in Rotorua in 1954. He only retired from the Māori Land Court in 2008. He initially wanted to be a surveyor in the Department but not long after Ray started in the Department, he was shifted over to the Māori Land Court. In 1964 Ray then moved to the Hamilton office of the Court and in 1967, he moved again to the Whangārei office of the Māori Land Court.[16] Ray's father was Samoan and his mother was of Ngāti Rangiteaorere, Ngāti Rangiwewehi and Ngāti Pikiao of the Te Arawa confederation of tribes in the Western Bay of Plenty.[17]

Photo 6.1: A photo of Ray and Liz Poulamalu taken in January 2008 at Whangārei on the day of his retirement from the Court. (Source: Te Pouwhenua). [18]



[16] Interview with Ray Poulamalu, 10 October 2002, Whangārei & Dawn Paewhenua, 'A day "and a life" in the Māori Land Court', *Te Pouwhenua*, Issue 25, Te Kōti Whenua Māori: Māori Land Court, October 2004, pp.6-7 & 9.

[17] Interview with Ray Poulamalu, 10 October 2002, Whangārei & Dawn Paewhenua, 'A day "and a life" in the Māori Land Court', *Te Pouwhenua*, Issue 25, Te Kōti Whenua Māori: Māori Land Court, October 2004, pp.6-7 & 9.

[18] *Te Pouwhenua*, Issue 44, Te Kōti Whenua Māori: Māori Land Court, March 2008, p.1.

In conversations with Ray, he remembered my *kuia*'s brother, Eruera Rīni Manuera, attending the Court in Rotorua. He remembered Eruera was because of his reputation as a prominent *rangatira* and *kaumatua* in Matātua, who also had links to Tūhourangi in Te Arawa.

Ray recalled the various sittings of the Māori Land Court in Rotorua in the late 1940s through to the early 1960s. He specifically remembered how those taking part in the various matters before the Court would be lined up along the street. Some would be sitting on the curb quietly awaiting their turn in the Court.[19] Ray stressed that it was important that the hearings were held in public, with open access for anyone who wanted to attend the Court.

> The reason for open Court was really to allow people the opportunity to challenge evidence if they thought it was wrong. Like if *whakapapa* were given and was wrong they could say Ko he! Ko he! [That is wrong! That is wrong] or remain silent in acceptance if it were right.[20]

Michael Johnston, like Ray Poulamalu, started in the Department in 1971 in Rotorua.[21] He was first employed in the Land Development section and then soon after starting he was moved to the Māori Land Court. Michael spent all his time working in the Court at Rotorua. He retired from the Māori Land Court in 2003.[22]

Michael was raised in Tokoroa in the south-western Bay of Plenty. His mother was a Pākehā and his father was of Ngāi Tahu and Kāti Mamoe in the South Island.[23] Over the many years, Michael dealt with a myriad of my *whanaunga* in the Court. He specifically recalled Pohoira and her brother Eruera Rīni Mānuera when they attended business in the Court. This was because they were amongst the most aged *kaumatua* at the time he began work in the Court. [24]

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[19] Interview with Ray Poulamalu, 10 October 2002, Whangārei.
[20] Interview with Ray Poulamalu, 10 October 2002, Whangārei.
[21] The Department of Māori Affairs was also responsible for Pacific Island affairs 1968-1974. It was known as the Department of Māori and Island Affairs. See 'History of the Department of Māori Affairs', 'The Māori Land Courts. Report of the Royal Commission of Inquiry (1980)', *Appendices to the Journal of the House of Representatives*, (1980), Vol. IV, H.3, pp.137-138.
[22] Interview with Michael Johnston, 16 January 2003, Rotorua.
[23] Interview with Michael Johnston, 16 January 2003, Rotorua.
[24] Interview with Michael Johnston, 16 January 2003, Rotorua.

Michael alluded to a particular institutional attitude in the Department of Māori Affairs and the Māori Land Court in Rotorua during the 1970s. His comments were supported by others who worked in the Department and the Court in earlier and subsequent decades. This attitude was just not confined to Rotorua. It was in other Department and Court offices throughout New Zealand.

There was an informal perception in the Department that the Māori Land Court was the 'dumping ground' for those people who 'did not make the grade' or were 'not good enough for their sections in the Department'.[25] Michael mentioned that he first started in the land Development section of the Department but he was then moved to the Māori Land Court because he was perceived by his superiors as not being 'good enough' for the section. It was simply a fact of the workplace.[26]

This perception and practice was confirmed by another person who worked in the Court during the 1960s and 1970s.[27] They preferred not to be identified for the purposes of this thesis because of the embarrassment they felt. I will refer to them as clerk X. They commented that they first started in the accounts section of the Department in the early 1960s. However, they were quickly moved to the Court. In hindsight, they are light-hearted about the situation. This is because the Department was abolished in the late 1980s and those in the Court still retained their jobs. However, at the time they felt somewhat bitter about the situation.[28] Lindsay Wilson, another person who started working in the Department in 1971 in Hamilton, but began work in the Land Court in 1981, confirmed that there was a bad feeling toward the Māori Land Court in the Department.[29] In Lindsay Wilson's own words:

> There was a perception that the Māori Land Court was at the bottom rung in terms of rank in the Department in terms of the other division in the Department of Māori Affairs. I could not understand this, nor could I understand that work colleagues found it amusing that I actually applied to work in the Court. The Māori Trustee's office was seen as the top in the Department of Māori Affairs, followed closely by the Land Development Section, the Māori Housing section back a bit and the Māori Land Court was 'the pits'.[30]

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[25] Interview with Michael Johnston, 16 January 2003, Rotorua.
[26] Interview with Michael Johnston, 16 January 2003, Rotorua.
[27] Interview with clerk X, 5 May 2003.
[28] Interview with clerk X, 5 May 2003.
[29] Interview with Lindsay Wilson, 16 January 2003, Hamilton.
[30] Interview with Lindsay Wilson, 16 January 2003, Hamilton.

The Land Court was always last to get resources. Even when Lindsay attended annual budgetary meetings in Wellington in the 1970s, he recalled that all day would be spent on allocating monies to the Department's other sections. Only at the very end of the day, in a space of less than ten minutes, would there be any discussion about the Court's resources. [31] Lindsay gave some insight into why this prejudiced view against the Court developed in the Department. There was some jealousy in the Department that the Court exercised a degree of autonomy and independence compared with the Department. The other sections of the Department were politically driven by government policy of the day. The Court on the other hand was a judicial body. There were times when there were tensions between the District Officer (Chief-Executive of the District Office of the Department) and the Court. [32]

The District Officer was always under pressure from government policy to deal speedily with administrative matters. Some matters, however, like land-development projects could not be rushed. They had to be processed through the Court in a judicial manner. Judicial processes were slow because the legal tests under legislation had to be met. At times, the Māori Land Court judges rejected applications in the Court that were sponsored by the Department. Therefore there were conflicts between the Land Court and the Department in respect of deadlines. Lindsay even recalled that on occasions, relationships between Department staff and Māori Land Court staff were severely strained. [33]

This strained relationship was also commented upon by clerk X. In a number of instances, the District Officers and Māori Land Court Judges would not even be on speaking terms with each other. This tension created some real operational problems for the Court. The District Officer was also the Registrar of the Court. They were also the person who controlled budgetary and resource allocation for the Court. [34] At times, as a result of the pettiness of the District Officer, certain vehicles from the car pools would not be available for the Court sittings which would result in Court hearings being postponed or cancelled altogether. Alternatively, accommodation would be conveniently forgotten to be booked for a judge while they were on circuit, thereby causing embarrassment or difficulties for the judges. Clerk X was aware that these types of

[31] Interview with Lindsay Wilson, 16 January 2003, Hamilton.
[32] Interview with Lindsay Wilson, 16 January 2003, Hamilton.
[33] Interview with Lindsay Wilson, 16 January 2003, Hamilton.
[34] Interview with clerk X, 5 May 2003.

situations not only happened in the Māori Land Court District where they worked but in all the other Districts as well. [35]

Notwithstanding the perceptions of the Court, in terms of work ethic the conditions in the Department as a whole were strict. [36] For example, on arrival at work and also after break-times, a clerical officer waited at the entrance door to the offices to record when staff arrived to work and returned from their breaks. The name of each staff-member entering the office was noted down in a book. At the exact time of the beginning of the working day and at the expiry of the breaks, the clerical officer drew a red line in the book. Any staff member entering the office after the official start-times had their names recorded below the red line in the book. If this happened more than once, senior management in the Department and the Land Court were notified and the late staff member disciplined. [37] In the work place itself, the staff-members were required to work that intensively that at times, in the words of Michael Johnston, 'you could hear a pin drop'. Newspapers and playing cards were also banned from the workplace. All Department and Court staff were prohibited from possessing these items even during their work-breaks or at lunchtime.[38]

Despite this strictness, there were also some light hearted times in the Court. Within the Court's clerical offices, there were frequent instances of someone's rubbish bin and actual court-files catching on fire. This was because people were able to smoke at work. Ashtrays were always emptied in the rubbish bin, and as a result, there were frequent fires.[39] During strike action, lockouts or other industrial disputes against the government for increased pay, Court staff and Department staff knew that the disputes would never last long. [40] This was because most government workers (including the Department and Court workers) belonged to their union called the Public Service Association (PSA). When a section of the PSA went out on strike, all sections of the PSA went out on strike. The key section was the Post Office workers' section. Without the operation of the Post Office (which controlled New Zealand's telephone system, one of New Zealand's major banks: the Post Office Savings Bank, and all New Zealand's mail), the

[35] Interview with clerk X, 5 May 2003.
[36] Interview with clerk X, 5 May 2003.
[37] Interview with Michael Johnston, 16 January 2003; Interview with clerk X, 5 May 2003.
[38] Interview with Michael Johnston, 16 January 2003, Rotorua.
[39] Interview with clerk X, 5 May 2003.
[40] Interview with Lindsay Wilson, 16 January 2003, Hamilton.

whole government services effectively came to a halt. The government soon relented to all the PSA's demands and then the Department and Court staff went back to work. [41] There were also active social-clubs within the Court and Department. Judge William Collinson Nicholson (Judge Collin Nicholson) who was the resident judge in the Tokerau District from 1966-1980 commented that he always looked forward to the social club events. They were always such happy times and everyone could relax. In his own words ' I liked buying the social club raffles, I usually won one of the packs with sausages, eggs and chops'.[42] The social-club was also a place where the Department staff, the judges and clerks of the Court could simply relax and enjoy each others' company without the formal structures of the workplace. [43]

The Clerks

The clerks were simply fundamental to the Māori Land Court. The Courts could not function without them. They were responsible for carrying out the day-to-day functions of the court. Clerks were an integral part of all Māori Land Court hearings and any work that flowed on from those proceedings. Their work included a whole range of administrative matters such as basic searches for information for the various *whānau*, work done by the title improvement section of the Court including complex map and cadastral boundary definitions, and working out shareholdings allocations for hundreds of Māori freehold land owners.

Lindsay Wilson gave a brief list of the various clerical work titles in the Court which highlight the diverse range of activities carried out by these officials. Officials included panui-clerks, alienation clerks, title improvement clerks, court-clerks, orders clerks and special project clerks. Michael Johnston mentioned that there were also search-clerks within the Court. [44] Clerk X mentioned that there were search-clerks, court-clerks and courter-clerks (most of these specific duty clerks will be described in the next chapter). [45] However, it seems that the term 'clerk' was a fluid one for most of the period in the 1960s and 1970s. The various clerical titles described particular tasks a clerk might be allocated for any day, week or month.

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[41] Interview with Lindsay Wilson, 16 January 2003, Hamilton.
[42] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[43] Interview with clerk X, 5 May 2003.
[44] Interview with Lindsay Wilson, 16 January 2003, Hamilton.
[45] Interview with clerk X, 5 May 2003.

Within their work-place, clerks employed particular language and written symbols to make sense of the Court records. This was vital, because there was a need to develop systems to deal with and record *whānau* and *whakapapa* relationships. For example, in table 6.1 below is a list of some of the common abbreviations and symbols used by the clerks in the various Court minute-books, folders and binders. Table 6.2 also lists some of the more common abbreviations used for the actual minute-books themselves in the Waiariki Māori Land Court District.

Table 6.1: Some common abbreviations and symbols used in Māori Land Court minute books

Abbreviation	Meaning	Abbreviation	Meaning
m	male	B/C or b/c	Beneficiary card
f	female	a/c	Applicant
md	Male deceased	42/65	Minute book number and folio number
fd	Female deceased	v/o	Vesting order
i	issue	o f o	Opposite folio
ni	No issue	P/E	Previous evidence
sdp	Single deceased person. Person has no descendants and left no will.	sec	Refers to a section within a piece of legislation
Adoption 1190	Number 1190 adoption file within the court's adoption index	Will 429	Will number 429 contained within the Court's will index

Table 6.2: Some common abbreviations used for minute books in the Waiariki Māori Land Court District in the 1960s and 1970s.

Abbreviation	Meaning	Abbreviation	Meaning
ROT	Rotorua Minute Book	WHK or Whk	Whakatāne Minute Book
TPO	Taupo Minute Book	OPO or Opo	Ōpōtiki Minute Book
REG	Registrars Minute Book	TKA	Te Kaha Minute Book
MAK	Maketu Minute Book	AP	Appellate Court
TPU	Te Puke Minute Book	APRO	Rotorua Appellate Court Minute Book
Tau	Tauranga Minute Book		

The clerks, by dealing with the myriad of Māori freehold land blocks, built up an intricate knowledge of *whenua*. In their interaction with Māori, clerks also built up valuable social skills. Clerks had a lot of personal interaction with the various *whānau* that utilised the Court.[46] Often, Māori who were employed in the Court were also related to the many *whānau* that used the Court. As mentioned previously, Ray Poulamalu's mother was from Ngāti Rangiteaorere, Ngāti

[46] This was not only confined to clerks but also the lawyers who dealt with the Māori Land Court as well as judges.

Rangiwewehi and Ngāti Pikiao of the Te Arawa confederation of tribes.[47] These *iwi* were of the immediate surrounding district in Rotorua, where Ray was first employed as a clerk in the Court.

One other notable clerk of the Court in Rotorua from the 1920s and 1930s, and with whom my own *whānau* had many personal relations, was the Ngāti Tarawhai and Ngāti Whakaue leader, Kepa Ehau.[48] Kepa had worked all over the Bay of Plenty and he often visited our marae at Kōkōhīnau. Kepa was well educated, having attended St. Stephen's Native Boy's School in Auckland (just like Pohoira's brother, Eruera Rīni Mānuera), and also Te Aute College in Hawke's Bay from the 1890s through to the turn of the twentieth-century. Kepa was not only a qualified licensed interpreter but also possessed expert knowledge of Māori tradition, *whakapapa* as well as having an understanding of Māori land law. His expertise was so well known that there were numerous requests from Māori from the Hauraki, Waikato and Tauranga districts asking him to represent them in their land matters. This was not only in his retirement but during his time as a clerk as well.[49]

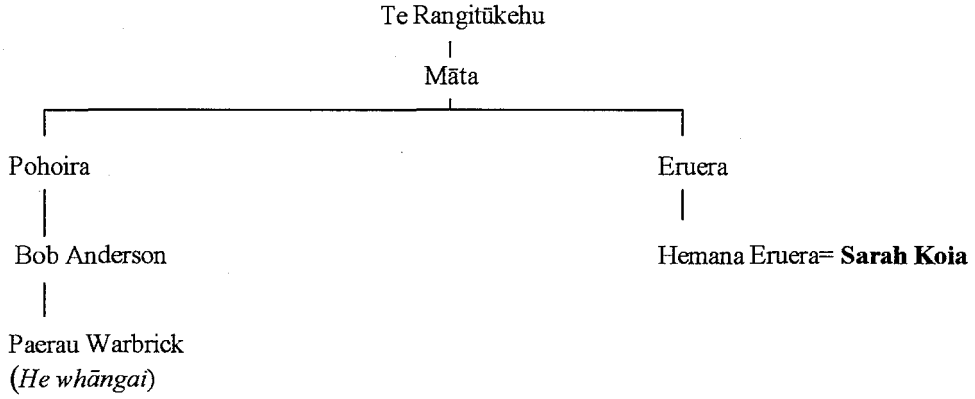
The only pre-requisite for being a clerk in the Māori Land Court though was simply 'ability'. Other qualities or skills were not absolutely necessary. For example, some clerks like Ray Poulamalu, and Michael Johnston, who initially started in the Department of Māori Affairs, were young adolescent men, who had more or less come straight from secondary school.[50] By contrast, others held previous work experience, such as Lindsay Wilson, and clerk X. They were both young people but had been employed in private businesses before being employed in the Department and then subsequently the Court.[51] Then there were clerks like Kepa Ehau, who were exceptionally well educated and talented.

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[47] Interview with Ray Poulamalu, 10 October 2002, Whangārei & Dawn Paewhenua, 'A day "and a life" in the Māori Land Court', *Te Pouwhenua*, Issue 25, Te Kōti Whenua Māori: Māori Land Court, October 2004, pp.6-7 & 9.
[48] Manu H. Pene, 'Kepa Hanuera Anaha Kepa', *The Dictionary of New Zealand Biography*, Vol.IV, Claudia Orange (ed.), Allen and Unwin, Wellington, 1998, [Auckland University Press Reprint 1999], pp.155-156.
[49] Manu H. Pene, 'Kepa Hanuera Anaha Kepa', *The Dictionary of New Zealand Biography*, Vol.IV, Claudia Orange (ed.), Allen and Unwin, Wellington, 1998, [Auckland University Press Reprint 1999], pp.155-156.
[50] Interview with Ray Poulamalu, 10 October 2002, Whangārei & Dawn Paewhenua, 'A day "and a life" in the Māori Land Court', *Te Pouwhenua*, Issue 25, Te Kōti Whenua Māori: Māori Land Court, October 2004, pp.6-7 & 9; Interview with Michael Johnston, 16 January 2003, Rotorua.
[51] Interview with Lindsay Wilson, 16 January 2003, Hamilton; Interview with clerk X, 5 May 2003.

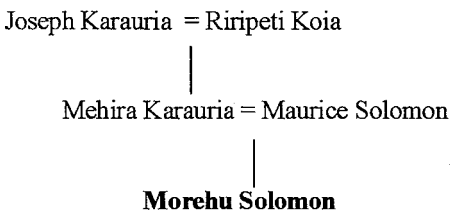
One such clerk was Joseph Karauria who was particularly prominent in the Māori Land Court at Gisborne from the 1940s through to the early 1970s.[52] Like Te Kiato Riwai whom I mentioned earlier in this chapter, I have acted as legal counsel on behalf of some of Joseph Karauria's *uri* in the Māori Land Court in Christchurch within the last ten years. Joseph was also *whanaunga* to my uncle's wife, Sarah Koia. Joseph Karauria was of Te Whānau-a-Ruataupare and Ngāti Kahungunu. His father was of Te Whānau-a-Ruataupare from Tokomaru Bay and his mother was from Ngāti Kahungunu of Wairoa. Joseph was raised amongst his father's *whanaunga* at Tokomaru Bay on the East Coast of the North Island. Pakirikiri was his principal marae. [53] According to his *mokopuna* (grandchild) Morehu Solomon, Joseph was extremely sick as a child. He was hospitalised throughout his teenage years with tuberculosis and pleurisy and it was not until he was nineteen years of age that he was finally able to leave hospital. [54] As a result of missing his friends when he was in hospital, Joseph developed a thirst for knowledge. He was therefore particularly old at nineteen compared to other boys who attended Te Aute College in Hawke's Bay for their secondary schooling. From Te Aute College, Joseph went on to tertiary education at Canterbury University College in Christchurch. Joseph was intent on becoming a lawyer and he was financed through his studies by a paternal uncle and through special education grants. [55]

Whakapapa 6.6



[52] Interview with Morehu Solomon, 14 March 2003, Dunedin.
[53] Interview with Morehu Solomon, 14 March 2003, Dunedin.
[54] Interview with Morehu Solomon, 14 March 2003, Dunedin.
[55] Interview with Morehu Solomon, 14 March 2003, Dunedin & 'Report of the Commission of Inquiry on Native Affairs', *Appendices to the Journal of the House of Representatives*, (1934-35), Vol. II, G.11, p.182.

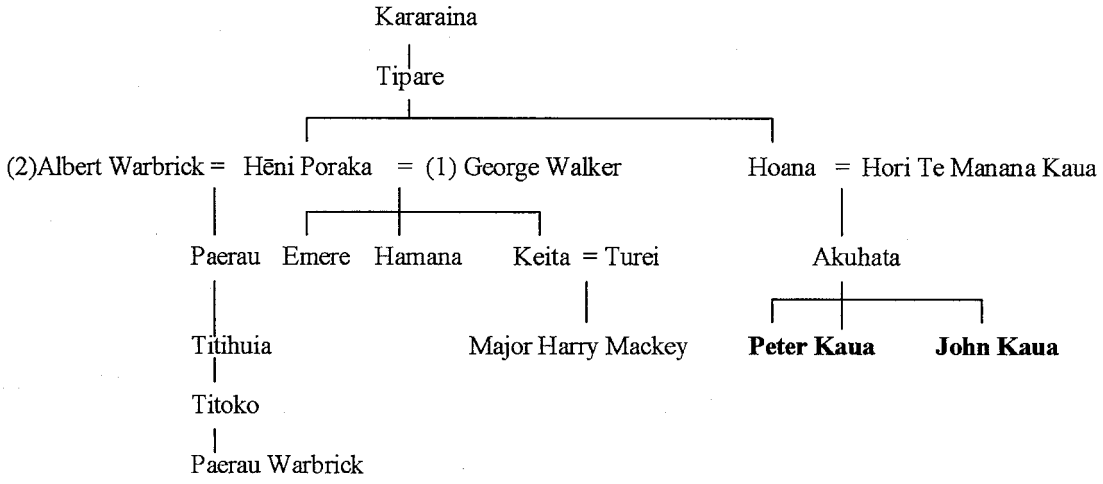
Whakapapa 6.7



Joseph frequently returned home from Christchurch to Tokomaru Bay because his paternal uncle would always want to see him. However, one year on his return from Canterbury at the end of the university year, instead of returning to Tokomaru Bay, Joseph decided to seek some employment in Wellington.

As a result Joseph did not finish his law degree. Instead, Joseph sought employment in Department of Native Affairs in the 1930s. From the Department, Joseph eventually ended up as a clerk (and subsequent by a senior clerk) in the Māori Land Court at Gisborne in the 1960s and early 1970s.[56] Joseph would no doubt have had interaction with sections of my Ngāti Porou *whanaunga* whose lands were processed through the Gisborne Office of the Māori Land Court. He also worked alongside Ngāti Porou *whanaunga* of mine called Peter and John Kaua who both worked in the Department of Māori Affairs at Gisborne in the 1960s and 1970s.

Whakapapa 6.8



[56] Interview with Morehu Solomon, 14 March 2003, Dunedin.

Morehu Solomon, who lived with his grandparents, remembers that Joseph always brought work home from the Court. In the evenings Joseph would write up court notes and have all sorts of papers strewn around the house. Morehu clearly recalls how his *koroua* spent hours in the evening on the kitchen table transcribing the minutes of the Court hearings into the official Court Minute Books. Joseph was extremely diligent and meticulous in his handwriting in the thick and heavy books.[57]

Morehu recalls that the only time that his *koroua* (grandfather) refused to work on Court matters was on Saturday mornings. This was the time which Joseph spent in his vegetable garden. Morehu also recalled that *whanaunga* were always calling in and staying at Joseph's place in Gisborne. In particular, they sought advice from Joseph about their land matters. Joseph was always obliging and always helped his *whanaunga* with their enquiries and their various land issues when they came to stay. However, Morehu observed that his *koroua* worked himself far too hard, and as a result of his work, he had suffered a bad stroke. Joseph never recovered from it. He was then unable to continue with his job in the Court. His health progressively got worse and he was eventually hospitalised and died soon after. [58] Morehu was reflective about his *koroua*. On one hand, Joseph was extremely knowledgeable about Māori land matters and the Court. But on the other hand, he saw that it eventually killed him. [59]

The Lawyers

Peter Bloomer, who was based in Napier, regularly appeared in the Māori Land Court in the Ikaroa District, as well as Gisborne and Rotorua from the mid 1950s through to the 1980s.[60] When he was in practice, the other legal partners in his firm would become annoyed with him because of his Māori Land Court work. It would often cause friction amongst them, because there was little money to be made from Māori Land Court work compared with other legal work.[61] (With the exceptions of opportunistic and unethical activities such as Robert Chappell's (senior) attempts to obtain our land at Ngākauroa. However, this kind of incident was rare.)

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[57] Interview with Morehu Solomon, 14 March 2003, Dunedin.
[58] Interview with Morehu Solomon, 14 March 2003, Dunedin.
[59] Interview with Morehu Solomon, 14 March 2003, Dunedin.
[60] Interview with Peter Bloomer, 15 October 2002, Napier.
[61] Interview with Peter Bloomer, 15 October 2002, Napier.

Nonetheless, Peter thoroughly liked practising before the Māori Land Court. In his own words 'There was something about meeting Māori people that I thoroughly enjoyed'. [62] Peter was not a New Zealand-born citizen. He was born in England to a British father and a Canadian mother in 1920. For most of his childhood he lived in Nova Scotia. He attended University and trained as a lawyer in Nova Scotia. [63] Peter came to New Zealand after the Second World War and was initially the Government's solicitor in Internal Affairs in Wellington. He frequently advised the Government on industrial disputes. He then began in Napier in the firm of the lawyer Edgar Joseph Webby Hallett in 1956. Peter's contemporaries who practised in the Court in the Ikaroa Māori Land Court District were Mark Robertshawe around Napier and Mark Poole around Dannevirke. [64]

Peter explained that some of the most enjoyable experiences with Māori clients involved the times when he travelled to distant places. He gives the following account from the mid 1960s.

> I remember sometimes my line of work would take me to some of the most remote locations. I remember having to get a lease done for this family. I had to go to Whakatāne to get one sister's signature which I did and then I had to venture into the bush near Ruatahuna for the other sister's signature. When I reached her place she was living in a house made from two car crates placed together. I was warmly invited in and offered tea. I will always remember to this day that her welcome was the most courteous and respectful reception that I have received in my entire life. [65]

Peter was often called upon to arbitrate disputes amongst *whānau* because of his competency in dealing with Māori land issues in the Court. He often did this for free because he enjoyed working with the various *whānau* to help them with their disputes. On one occasion, he was even forced to take a small piece of Māori land as a gift. This was because of his work trying to bring *whānau* together. In 2002, Peter still owned the piece of land in question, and vowed that he would never part with it. [66]

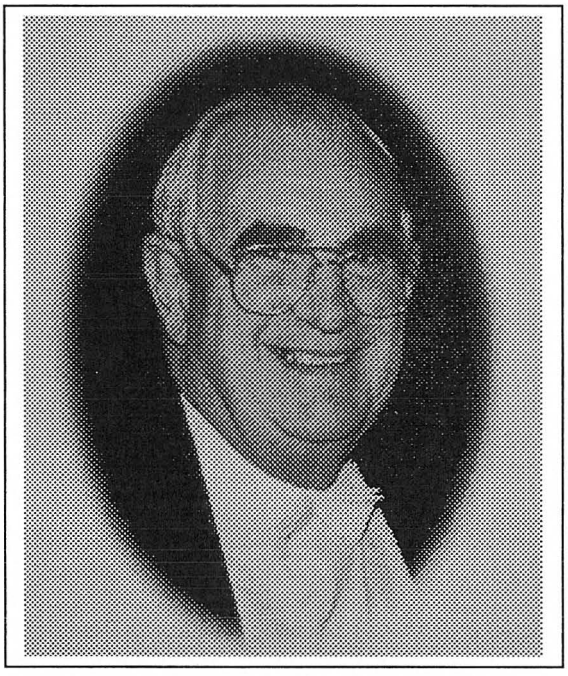
Anthony Robin Thomas Corcoran (Robin Corcoran), who was a well known lawyer from Kaiapoi near Christchurch, supports Peter Bloomer's observation that there was 'no money to be

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[62] Interview with Peter Bloomer, 15 October 2002, Napier.
[63] Interview with Peter Bloomer, 15 October 2002, Napier.
[64] Interview with Peter Bloomer, 15 October 2002, Napier.
[65] Interview with Peter Bloomer, 15 October 2002, Napier.
[66] Interview with Peter Bloomer, 15 October 2002, Napier.

made in the Māori Land Court'.[67] Robin practised in the Māori Land Court from the 1960s until his death in November 2008. He explained that Māori clients never had access to large sums of money. It was therefore pointless trying to charge them fees that they had no practical way of paying. Much of the legal work that Robin did for Māori in the Court was for free or at a heavily discounted rate.[68]Robin began doing Māori Land Court work because his father, Edmund James Corcoran, also did Māori Land Court work. His father had practised as a solicitor in the Court in Christchurch following the First World War. When his father died unexpectedly in 1965, the various *whānau* based around Canterbury expected Robin to continue representing them with their issues before the Court. Like Peter Bloomer, Robin also enjoyed his work with various *whānau*.[69] Robin explained that it took a certain type of lawyer, who enjoyed the social aspects of dealing with Māori, to work in the Māori Land Court. Because of the trust that he gained from working with Māori, he quickly learned the intra-politics of each *whānau*. In his role as a lawyer, he even learned such intimate *whānau* details as the identity of a person's father, as well as who was *not* the father of this person or that person.[70]

Photo 6.2: A photograph of Robin Corcoran taken circa 2006. (Source: Ursula Corcoran). [71]



[67] Interview with Robin Corcoran, 29 July 2003, Christchurch.
[68] Interview with Robin Corcoran, 29 July 2003, Christchurch.
[69] Interview with Robin Corcoran, 29 July 2003, Christchurch.
[70] Interview with Robin Corcoran, 29 July 2003, Christchurch.
[71] This photograph was taken from Robin Corcoran's funeral card from November 2008. The original photograph is with his widow Ursula Corcoran.

This social aspect of dealing with Māori was confirmed by Collin Nicholson. He practised as a solicitor before the Māori Land Court and its predecessor, the Native Land Court. This was in the Wanganui area from the 1930s through to the 1960s (with a break during the war years from 1939-1945). Collin was Auckland-born and educated. He was first employed at his uncle's law firm in Pātea and then he moved to Hawera. Eventually he was appointed a Judge of the Māori Land Court in 1966 where he was based in Whangārei in the Tokerau Māori Land Court District.[72]

Collin commented that it was his wife Mac Nicholson (nee McLelland) who always complained bitterly that he 'charged way too little for his services'.[73] This was not only for his Māori clients but also his Pākehā clients including the local Patea and Waverley Borough Councils. This was borne out when he was appointed a Judge. Former clients actually wrote to him in Whāngarei and complained that their legal costs had dramatically increased.[74]

Because of his expertise in Māori Land Court issues, Collin mentioned that many Māori came to see him on about other issues. He recalled getting phone calls in the middle of the night because various Māori had gotten into some sort of trouble. Collin specifically recalled having to organise the initial steps in Māori funerals. He had to intervene when the deceaseds' bodies were not being immediately released to the *whānau*. The usual cases involved the situations where autopsies were required. Collin then became the liaison between *whānau* and the various officials. In his opinion, Māori viewed him as a Pākehā who knew how those processes operated. However, the range of issues was not only for such morbid things. Māori went to Collin to help organise birthdays and weddings as well. [75] Collin had built up a good reputation of trust amongst various *whānau* in the Aotea Māori Land Court District. When he was appointed a judge in 1966, Māori from around Wanganui made it clear to him that they did not want him to go to Whangārei. [76]

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[72] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[73] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[74] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[75] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[76] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.

Conclusion

The most common theme within this chapter has been the importance of relationships within the context of the Court. The Department of Māori Affairs and its staff played a huge role in the Court. Not only did it give the Court its administrative support, but it also supplied the Court with its staff. The relationship between the Department and the Court was symbiotic. The Department, although being a government agency, was charged with affairs relating to Māori. This included Māori and their land, for which the Court played an integral part. However, the Court clearly needed the Department for its operations. Both existed for the purpose of helping Māori. This was the one goal that they had in common.

As has been shown, the relationship of the Department and the Court was one with its own particular work place culture. The Court was viewed as occupying the lowest rung of this workplace culture. It is now somewhat ironic that the Māori Land Court continues today, whereas the Department has been abolished for nearly twenty years. The clerks of the Māori Land Court were extremely important. There were some who wished to initially work in the Court. Others though were removed from the Department into the Court. The clerks were practically the core workers in the Court. They were often the first people that Māori and their *whānau* came into contact when they visited the Court. This interaction will be explored further in the next chapter.

As in the case today, the number of lawyers who then practised in the Court were few. The economic reality was that other avenues of legal work were far more rewarding for most lawyers than Māori Land Court work. However, the lawyers who did practise in the Court found themselves being integrated into the social world of *whānau*. Those Pākehā were to gain far greater insights into *Te Ao Māori* than their other lawyer contemporaries.

CHAPTER SEVEN
NGA MAHI[1]

In the last chapter, I paid particular attention to the general environs and work-place culture of the Court. There was an examination of the role of the Department of Māori Affairs as well as the clerks and lawyers who worked in the Court. The effects of these people on Māori were also of significance to *Te Ao Māori* generally. In this chapter, I examine further the specific work that was done in the Court. There is therefore a large amount of ethnographic material in this chapter. This is needed to provide another layer of understanding of how the Court went about its day to day business.

At the end of the last chapter, I made a comment that the clerks of the Court were its core workers. I continue to examine their interaction with *whānau* (family) though a case-study approach in this chapter. I do this through the examination of a specific succession case in the late 1960s for my *whānau*. The succession is for my *kuia* Pohoira's mother, Māta Te Taiawatea Te Rangitūkehu.

In this chapter, I also make some comment about another group of persons that were important to the Court. These are its judges. They were not mentioned in the last chapter because I thought it was inappropriate that they be termed *nga kaimahi* (workers) in the Court. This is because the judges of the Court were a different species of workers than general workers. They form part of the judicial branch of government. As a group, the judges possessed all of the traditions, symbolism and powers attached to such an office. All of them approached their judicial duties seriously. But as individuals, these judges were still people with their idiosyncratic ways. This chapter therefore adds a further layer to the *kōrero* on the Court. With the judges, the clerks and *whānau*, the Māori Land Court was a fully functioning Court.

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[1] *Nga Mahi* = the work

Protocols and Judges

There was a degree of informality in Māori Land Court hearings compared to the general courts in the 1960s and 1970s. This was as a result of the actions of the judges themselves. They had the power to formalise the hearings but they chose not to do so. Māori did not engage the services of lawyers for their cases before the Court. Therefore, it was pointless for judges to insist on the strict Magistrates Court or Supreme Court procedures of the time. Māori could not reasonably be expected to comply with those procedures anyway. This had long been recognised by the first judges of the Court such as John Rogan and by Francis Dart Fenton, the first President and Chief Judge of the Native Land Court back in the 1860s.

Judge William Collinson Nicholson, while he was a solicitor in Hawera, recalled appearing before Judge Gerard O'Malley in the Aotea Māori Land Court District in the 1950s and 60s. It was generally understood, at least in Judge O'Malley's courtroom, that lawyers (and Māori) were to conduct themselves 'in a not too formalistic way'. [2] 'There were never ever any gowns or wigs that were worn in the courtroom by lawyers as well as the judges. You presented yourself in a gentlemanly fashion with only elementary formalism'.[3]

Some traditional and formal habits for individuals were so ingrained, however, that some could not change their ways. One elderly lawyer who practised before the Court in the 1960s and 1970s, refused to turn his back to the front of the Court even when walking out of the courtroom. He would walk backwards towards the door at the back of the courtroom, bow his head before the judge and exit still facing the judge.[4]

While informality was the norm for most hearings, there were still times where strict formality was adopted by the judges. For example, this happened in long and complicated cases such as the Tasman Forestry Proposal in the 1960s.[5] In that case there were multiple parties before the Court. The subject matter was complicated and the parties were represented by a number of

[2] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[3] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[4] Interview with clerk X, 5 May 2003.
[5] 'Transcripts of Māori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33.

lawyers who would not normally appear in the Māori Land Court. In these types of cases, formal procedures were adopted to make management of the hearing more efficient for the Court.

Nonetheless, it was always at the individual judge's discretion how they controlled procedures in their courtrooms. Each judge had their own particular style. Michael Johnston, recalled Judge Kenneth Gillanders Scott (later Chief Judge Gillanders Scott) in the Waiariki Māori Land Court District. Judge Gillanders Scott was particularly harsh on lawyers when they appeared before him in the Court. He quite literally and quite often bellowed and yelled from the bench at the various counsel.[6]

Judge Gillanders Scott out of all the judges in the Māori Land Court in the 1960s and 1970s was by far the most interesting and colourful Māori Land Court judge of the time. Only Judge Ivor Prichard (later Chief Judge Ivor Prichard), the staunchly conservative and blatant National Party supporter, came anywhere near Judge Gillanders Scott's eccentricity. Nonetheless, Judge Gillanders Scott was still a polarising figure. It was also by fate that my *whanaunga* (relatives) were the ones that were the most subjected to him during his time on the Bench. He was the resident judge in Pohoira's and Leopold's Māori Land Court districts. Judge Gillanders Scott was the resident judge in the Tokerau (1961-1965) and Waiariki (1965-1980) Māori Land Court Districts. He was a veteran of World War Two and practised as a solicitor in Gisborne before being appointed to the Māori Land Court bench. Judge Kevin Cull, who was a partner with Gillanders Scott in his law firm in Gisborne, and who eventually also became a Māori Land Court Judge, remembered Gillanders Scott very well. As a solicitor and then as a judge Gillanders Scott did not change his ways.

> He was a mighty man in all respects. He was strongly spoken, an able speaker and extremely opinionated. He dominated all conversation. You could not get a word in. He was a great talker, he liked his strong liquor and he worked extremely hard. I have never seen a man ever in my life that could drink so much and till very late in the evening and get up the next day and go to work as if he was not on liquor the night before. His height with his dominance made the man larger than life.[7]

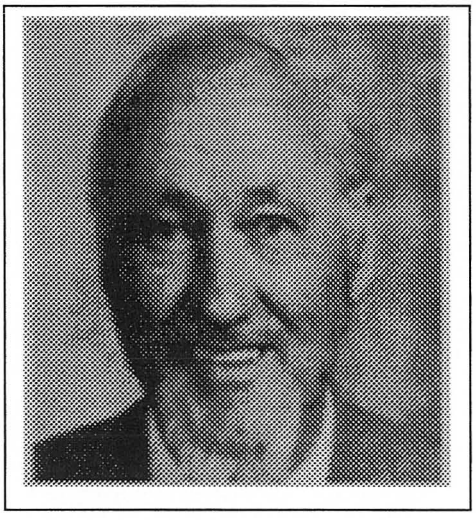
Peter Bloomer, who appeared as a solicitor before Judge Gillanders Scott, confirmed the temperament described by Michael Johnston and Judge Cull with the expression 'He was a judge

[6] Interview with Michael Johnston, 16 January 2003, Rotorua.
[7] Interview with retired Judge Kevin Cull, 11 October 2002, Hamilton.

who often blew hot and cold'.[8] Judge Nicholson, who was appointed to replace Judge Gillanders Scott in the Tokerau Māori Land Court District in 1965, also made the following observations.

> Gillanders Scott- he simply talked too much. On my first day as judge I remember hearing the Maoris [sic] saying amongst themselves "This judge [Nicholson] is alright, he's not like the last one [Gillanders Scott] who would bite you".[9]

Photo 7.1: A photograph of Judge Kenneth Gillanders Scott taken circa 1979. (Source: Notable New Zealanders). [10]



However, Judge Gillanders Scott's 'larger-than-life', and outwardly bold temperament, was his public persona. Judge Cull further explained that 'it was all an act'.[11] Outside of the courtroom and in the administrative offices of the Court, Judge Gillanders Scott was a favourite judge of many of the clerks. Michael Johnston recalls that he was extremely polite and good to work with. When the clerks made mistakes with their work he was never critical. He always assured clerks that 'he would fix the mistakes and not to worry. He was never a demanding judge on the clerks'.[12]

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[8] Interview with Peter Bloomer, 15 October 2002, Napier.
[9] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[10] Ray Knox, *Notable New Zealanders*, Hamlyn, Auckland, 1979, p.413.
[11] Interview with retired Judge Kevin Cull, 11 October 2002, Hamilton.
[12] Interview with Michael Johnston, 16 January 2003, Rotorua; & Interview with clerk X, 5 May 2003.

Judge Gillanders Scott also had a mischievous streak about him. He would frequently get the clerks in trouble with the Registrar.[13] Michael Johnston pointed out that Judge Gillanders Scott would talk for long periods of time with the clerks on all sorts of subjects not related to their work. This would divert them away from the duties as clerk. In such a strict workplace this action was frowned upon. However, the Court Registrar was powerless to do anything because it was the judge that caused the clerks' diversions.

In his private life, there was also a sense of loneliness about Judge Gillanders Scott. Judge Cull explained:

> He was an extremely keen card player. I liked him very much. He never married. He lived with his sisters Emily, Mary and Essey. I can't remember if there was a fourth sister. His sisters doted on him. After his retirement from the bench, he filled out the rest of his days by watching the planes come and go from the Rotorua Airport. This was such a sad end to someone who was larger than life.[14]

While Judge Gillanders Scott was a larger than life figure, there were other judges at the other end of the spectrum. These were ones that were quiet and contemplative in their persona. Judge Geoffrey Jeune of the Ikaroa and South Island Māori Land Court Districts (1954-1964), who was also Chief Judge of the Court (1964-1969), fitted into this category. Judge Nicholson described him as 'an extremely patient judge'.[15] Peter Bloomer, who used to have the occasional dinner with him after Court hearings, recalled that 'he did not speak much'.[16] Judge Cull observed that even in social occasions he was 'relatively quiet'.[17] Robin Corcoran mentioned that he played golf with Judge Jeune on a number of occasions when he visited the South Island. He also confirmed that 'Judge Jeune was a very reserved man'.[18] Judge Jeune's nephew, Peter Jeune, mentioned that his uncle felt 'isolated from other judges' in the wider judicial system. Peter Jeune explained that his uncle always felt annoyed that the Māori Land Court judges never got invited to other judicial functions. They were therefore a socially isolated class of judges.[19]

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[13] Interview with Michael Johnston, 16 January 2003, Rotorua; & Interview with clerk X, 5 May 2003.
[14] Interview with retired Judge Kevin Cull, 11 October 2002, Hamilton.
[15] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[16] Interview with Peter Bloomer, 15 October 2002, Napier.
[17] Interview with retired Judge Kevin Cull, 11 October 2002, Hamilton.
[18] Interview with Robin Corcoran, 29 July 2003, Christchurch.
[19] Interview with Peter Jeune, 1 July 2003, Christchurch.

Another judge who was perceived as quiet and contemplative was Judge Nicholson. He had a reputation of being a judge 'of few words'.[20] When questioned about this, Judge Nicholson explained that it was always important to listen as a judge. He mentioned that some persons interpreted his low-key style as ignorance. He specifically recalled the cutting remarks made by the former Chief Judge Ivor Prichard to Judge Nicholson's wife, Mac Nicholson, while on route to the funeral of Hemi Waetford in Northland in 1966.[21] Chief Judge Prichard mentioned that he thought Judge Nicholson was not good enough to be a judge of the Court. While his wife was enraged by such a comment, Judge Nicholson simply took such a comment in his stride.[22]

Apart from the perception that Judge Nicholson was reserved, there was another quality that I have to comment upon. A universal comment made by court clerks was that Judge Nicholson was known for his physical fitness to which they attributed his longevity.[23] He was known to walk great distances when he was a judge. He walked a long distance from his home to the Māori Land Court offices every day and back again in the evening. (When I met him in 2002, he was still lucid and mobile for a person aged in his nineties. He also still drove a car.) His physical fitness was in fact important for his role as a judge in the Tokerau Māori Land Court District.

When I questioned Judge Nicholson about the perception that he was a physically fit person, he quickly pointed out that it was a requirement of his job. Being a judge in the Tokerau District in the 1960s was a physically-demanding job. Judge Nicholson pointed out that only four years before his appointment, two of his predecessor judges in the Tokerau District had died of a heart attack while in office.[24] One was Judge William Field Porter, who was only aged in his mid fifties when he died in 1961. Judge Porter had only been a judge for three years before he died.[25] Judge Porter's predecessor, Judge Clement George White, only spent eighteen months as a

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[20] Interview with retired Judge Kevin Cull, 11 October 2002, Hamilton.
[21] Hemi Waetford was the co-author of the *Prichard-Waetford Report* (1965).
[22] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[23] In October 2002, I visited the Māori Land Court in the Whangārei. Most of the court staff either knew Judge Nicholson personally or had heard of his reputation. They all recognised his physical fitness as a predominant characteristic.
[24] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[25] *Te Ao Hou*, September 1961, p.3.

Māori Land Court judge before he died in 1957.[26] Judge Nicholson was therefore very conscious of his health.

> You had to be fit in those days. The metal roads in the far North were difficult to navigate and some were hazardous. You had to be fit to get around. I had some crazy ideas when I was judge. I had a reputation as a judge who would visit blocks of land for which I dealt with in the course of Māori land work.[27]

As can be seen, the judges of the court varied with their characters. They all had a good idea of the role of a judge. They were all lawyers before being appointed and most regularly appeared in the Māori Land Court. They therefore knew a great deal of how the Court worked in practice. When Judge Cull was appointed as a judge, he did not find it such a difficult task. In his own words, 'I matured into the role and with yourself doing your stuff and the staff doing their job, it just all came all together'.[28]

The work of the Court: A Succession case study

At this point, I am going to track a succession through the Court for my *tipuna* (ancestor), Māta Te Taiawatea, who was a daughter of Te Rangitūkehu, and mother to my *kuia* (grandmother) Pohoira.[29] I will pay particular attention to the actual processes, effort and work involved for the Court and my *whānau*. The court staff along with judges spent all their working lives doing their duties in the Court. Only too often, a lot of the mundane details surrounding the processes and work involved in are lost and forgotten. But an examination of the processes is important to gain an appreciation of the ordinary work of the Court and its day-to-day functions.

Succession to Māta Te Taiawatea Rangitūkehu 1967

It was my *kuia* Pohoira's brother, Eruera Rīni Mānuera, who was to lodge the succession in the Court for their mother, Māta Te Taiawatea Rangitūkehu.[30] Māta had died at Kōkōhīnau on 27 June 1929. There had already been a previous succession application processed by the Native

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[26] *Taranaki Daily News*, 14 August 1957.
[27] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.
[28] Interview with retired Judge Kevin Cull, Hamilton, 11 October 2002.
[29] *Whakatāne Minute Book* 42 at folios 65-66 & *Whakatāne Minute Book* 44 at folios 54-55.
[30] People could send an application into the court by post. See rule 13(2) Māori Land Court Rules 1958 (A copy of the rules can be found as Appendix D, Norman Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960, pp.227-368). However, most of my *whānau* preferred to visit the Māori Land Court in person as they would usually have to get specific details from the Court in order to fill out the forms anyway.

Land Court many years before.[31] However, certain lands had not been dealt with by the Court at the time.[32] Eruera visited the Māori Land Court on Haupapa Street, Rotorua, sometime in either late 1966 or before 3 March 1967.[33] The actual journey to the land court's office, 75 kilometres, required some detailed planning by various *whanaunga* because they lived quite a distance away. Roading infrastructure in the Eastern Bay of Plenty and motor vehicles in general were not as developed or efficient in the 1960s as they are in the New Zealand of the twenty-first century (recall Judge Nicholson's explanations of the rough conditions in Northland in the 1960s). And there was the issue of actually getting to Rotorua which required some money to be saved for the journey. Often, other business concerning the Department of Māori Affairs would also be conducted when the journey was made. Additionally, if other *whanaunga* knew about an impending trip to the Court, they would often ask those *whanaunga* if they could inquire about their lands in the Court or bring up various concerns with the Department of Māori Affairs.

'Counter-Clerk'[34]

On arrival at the Court's offices, the initial person that Eruera would have dealt with was a counter-clerk. A counter-clerk was the title used to designate a staff-member who was assigned counter duties for the day. A counter-clerk attempted to assist various people with their enquiries as well as being the first officials to process a person's application in the Court. At the Rotorua office of the Māori Land Court, Ray Poulamalu and Michael Johnston would have had to perform duties as counter-clerks on some days.

Amongst the many things required of counter-clerks was the obligation to assist *whānau* or any members of the general public with their enquiries.[35] Counter-clerks, by dealing with the many *whānau* that went to the Court, built up a vast knowledge of the various characteristics of individuals and *whānau*. Counter-clerks also learnt strategies to explain and deal with the various *whānau* that they encountered. The range of questions and issues that a counter-clerk dealt with

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[31] *Whakatāne Minute Book* 23 at folios 279-280.
[32] Eruera had to go to Rotorua because this was the where the land was situated for which Māta was still an owner. See rule 14 Māori Land Court Rules 1958.
[33] This was last date for when a person could lodge their application (*pānui* closes) for the April, 1967 Whakatāne court sitting. See *The New Zealand Gazette*, 15 December 1966, p.2093.
[34] Term used by clerk X, 5 May 2003.
[35] The Māori Land Court was a Court of Record, which meant that they held records for the ownership to land. Accordingly, any one could access the multitude of files, indexes and minute books. 'Chapter 2: Title Records System', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras. 13.1-13.6.

were wide and varying. They tried to answer questions about who owned which blocks of Māori freehold land and the physical location of those blocks through the use of cadastral maps.[36]

Counter-clerks also assisted *whānau* with enquiries regarding their applications before the Court and also about whether various sections of the Department of Māori Affairs or other government departments were better equipped to handle their enquiries. If a person wanted to know whether they or their *whānau* were an owner in a certain block or blocks of land, the courter-clerk would first enquire about the name of the block or the person. The courter-clerk would then go into the offices of the Court and bring to the counter a file known as a title-binder.[37]

A title-binder was a file that contained a range of information about a particular block of land. It would have information as to whether the block was partitioned, who were the legal owners, and what other legal matters such as mortgages or charges were affecting the block. *Whānau* could then peruse the contents of the title-binder to try to locate the information in which they were interested. If they wanted, *whānau* could request a list of owners for the block and the counter-clerk would have to provide a list (albeit for a price).[38]

In dealing with the counter-clerk for succession to Māta Te Taiawatea, Eruera would have either had a succession application form already filled out or he would have completed such a form at the counter.[39] Eruera would then have had to pay the counter-clerk a fee of £1 and 10 shillings when he handed over the application form.[40] The particulars of the application form required Eruera to fill in his own name and address, and the names of the Māori freehold land blocks for which his mother was still registered as being an owner. In that case the land blocks were Matata 72B32, Tuararangaia 3 B2 and Matata 72B3M2.[41]

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[36] Cadastral maps are used because they can conveniently show areas in terms of their spatial dimensions.
[37] 'Chapter 2: Title Records System', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras. 3.1-3.13.
[38] 'Chapter 2: Title Records System', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.13.6
[39] *Whakatāne Minute Book* 42 at folios 65-66 & *Whakatāne Minute Book* 44 at folios 54-55.
[40] Form 86, and second schedule Māori Land Court Rules 1958. The money that the counter-clerk received from Eruera for the application fee was to be taken by and processed by a senior court-clerk or their nominee. 'Chapter 3: Fees and Duties', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual.
[41] *Whakatāne Minute Book* 42 at folios 65-66 & *Whakatāne Minute Book* 44 at folios 54-55.

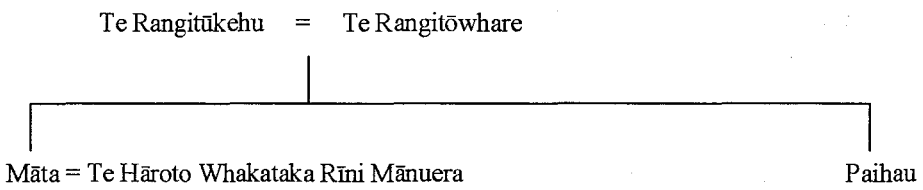
Eruera then had to note when Māta died (27 June 1929).[42] However, knowledge of the exact date of death has never been a strict requirement. The most important fact that the Court wanted to know, was whether the person was in fact dead. The reason for such a loose requirement for the exact date of death relates to the very early practices of the Native Land Court. In many of the succession applications before the Court in the nineteenth century, a witness simply gave testimony as to the death of someone. Many Māori deaths were not recorded in any register until well into the twentieth century. Accordingly, the Court was obliged to accept the testimony and honesty of a person purporting the death of their *whānau* members. For example, in 1888 when Māta Te Taiawatea herself had given evidence of the death of her own mother, Paranihia Rangitowhare, it is noted that she simply said "Deceased died, I can't say the date".[43]

On the application form, Eruera was also required to write the exact names by which his mother appeared as an owner in the land blocks. These names were 'Maata Rangitukehu', 'Mata Tuaia' and 'Maata Tuaia'.[44] Māta Te Taiawatea, like most Māori persons during the nineteenth and much of the twentieth-century, had many names. A person usually had a base-name by which they were commonly known. In the case of Māta Te Taiawatea her base-name was Māta. But Māta also went by other names. Te Taiawatea was one and a lesser known one was Tuai or Tuaia. Many names which appeared with their base name also identified them with their mother or father. For example, Māta's father was Te Rangitūkehu and her mother was Te Rangitōwhare. Accordingly, Māta's other names were Māta Rangitūkehu and Māta Rangitōwhare. Other variations based on her parent's names were Māta Tūkehu and Māta Tōwhare. For females, there were also names which associated them with their husbands. For example, Māta's husband was Te Hāroto Whakataka Rīni Mānuera. As a consequence, she was also known by the names Māta Hāroto and Māta Taka Rīni.[45]

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[42] *Whakatāne Minute Book* 48 at folios 263-265.
[43] *Whakatāne Minute Book* 4 at folio 83.
[44] *Whakatāne Minute Book* 42 at folios 65-66 & *Whakatāne Minute Book* 44 at folios 54-55.
[45] *Māta Reunion Book* (1988), Unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko, April 22-25 1988, p.204.

Whakapapa 7.1



For certain blocks, a person would be listed under a certain name, and then in other blocks they would be listed under a different name. The main reason for such a practice was for identity purposes relating to the land and *whānau* associated with the land. For example, in lands which were associated with Māta's mother, Te Rangitōwhare, such as the Rotomahana Parekarangi Blocks around Rotorua, Māta and her younger brother Paihau tended to be recorded as Māta Rangitōwhare and Paihau Rangitōwhare.[46] For lands associated with their father, Te Rangitūkehu, such as those around the Whakatāne district, Māta and her younger brother Paihau tended to be recorded with names such as Māta Rangitūkehu or Tūkehu and Paihau Rangitūkehu or Tūkehu.[47]

After completing the details of Māta's names, Eruera then had to list, on the back of the form, the names of Māta's children as well as any issue of those children who had died. Along with these names, there was also a requirement that if addresses for *whanaunga* were known, they were also to be listed.[48] By 1967, the heirs to Māta were numerous because all but two of Māta's children had died. These were Eruera and my *kuia* Pohoira Rīni Mānuera. There were also a few of Māta's grandchildren who had also died (especially from her older children) and therefore there were nearly 100 heirs to Māta's land interests (see table 7.3 below.) When Eruera had given over the completed application form to the counter-clerk, the application was checked for all the correct particulars and accepted. If the form was not accepted, it would have meant that it would have been given back to Eruera for him to give more particulars.

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[46] Such as the owners list for the land block Rotomahana Parekarangi Block No.6G where Māta appears as Māta Rangitōwhare and Paihau appears as Paihau Rangitōwhare. (*Rotorua Minute Book* 13, at folio 318.

[47] Such as the owners list for the land block Pokohu No. 1 where Māta appears as Māta Rangitūkehu and the owners list for the land block Pokohu No.2 where Paihau appears as Paihau Rangitūkehu. (*Whakatāne Minute Book* 1, at folios 342 and 353).

[48] Form 86, Māori Land Court Rules 1958.

On the application's acceptance, the counter-clerk would then have asked Eruera if he had any preferences for the venue of the court hearing. This would allow him and any others in support, to attend the Court to confirm the particulars in the form before a judge. In this instance, Eruera therefore could have chosen either Whakatāne which was the nearest venue to his home at Otamāoa, or Rotorua. In this instance he chose Whakatāne for the place of the Court hearing. [49]

After the departure of Eruera from the Court's premises, the counter-clerk was then ready to formally begin Māta's succession through the Court's administrative system. Eruera's application form was then taken from the counter area into the body of the Court's administrative offices. The general office-layout comprised of a separate office for the deputy-registrar and another separate office for the judge.[50] There were common spaces that had desks and a variety of other office equipment for the various clerks and other offices of the court. There were also a number of shelves that had files, boxes, and minute books of all kinds. Once inside the body of the court's administrative offices, the application had to be noted in a register which recorded the date when it was lodged.[51] This Court Application Register was very detailed. It had to record the serial number of the application, the date of receipt, the amount of the application fee paid, the receipt number for application fee, the name of the applicant, the particulars of the application and the locality of the court sitting where the hearing would take place.[52]

The counter-clerk then proceeded to give the application form to a section officer who checked its particulars again. In most instances the application form was pinned to a thick piece of cardboard. The latest action for that application was always at the top of the pile and the original application form was always at the bottom. A cover sheet was always pinned to the top of the whole bundle thereby creating an operational file that could be worked through. This was a common bureaucratic technique for the time. From the section officer, the application was then given to a search-clerk to begin further processing.

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[49] Eruera could have still requested a hearing at another venue around the country if it would have been more convenient to him and his supporters. There were a number of provincial towns where there was court sittings held throughout the year. Eruera would have had to request the court to adjourn the hearing to another venue under rule 11(6) Māori Land Court Rules 1958. (See the other court venues around New Zealand in 1967 at *New Zealand Gazette*, 15 December 1966, p.2093).

[50] Interview with Lindsay Wilson, 16 January 2003, Hamilton.

[51] Rule 17, Māori Land Court Rules 1958 also 'Chapter 4 Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.18.

[52] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 20.

'The search-clerk'[53]

A search-clerk was a clerk whose job it was to cross-reference ("search") information on the application form with information in the Court's records. The job was labour intensive. It formed the basis upon which the Court acted and the utmost care had to be taken in writing down the particulars.[54] When Michael Johnston was moved to the Māori Land Court from the Land and Development Section of the Department of Māori Affairs, his first role was that of a search-clerk. He was mentored and trained in the role by Mary Page who was another search-clerk and Wihāpi Winiata, who was the section officer for the search section.[55]

Land search

The first practical step for a search-clerk was to perform a land search. This was a check by the search-clerk of whether the dead person was in fact an owner within all or any of blocks that were listed on the application.[56] For Māta's succession, the search-clerk would have checked within a title binder or register for each of the blocks listed on the application, namely, Matata 72B3Z, Tuararangaia 3 B2 and Matata 72B3M2.[57] If the search-clerk was unable to find that Māta was in fact listed as owner, then a letter had to be written to Eruera to inform him of the fact, as well as asking him for any more information.[58]

An experienced search-clerk though would attempt to look at title binders for an antecedent or parent block. This was a block of land from which a current block may have originally been partitioned. This was in order to try and locate the deceased in the antecedent block. From there, it would have then been a matter of tracking what happened to the land interests. The possibilities were endless. For example, the shares could have been sold or exchanged by the deceased. The shares could have been allocated into another subsequent block which had a slightly different name, or a succession may have already been completed earlier. Once the search-clerk had identified the deceased owner in each block, the search-clerk had to make notes

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[53] Term used in an interview with Michael Johnston, 16 January 2003, Rotorua.
[54] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras. 61-63.
[55] Interview with Michael Johnston, 16 January 2003, Rotorua.
[56] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 65.
[57] RE: Succession to Māta Rangitukehu, *Whakatāne Minute Book 42* at folios 65-66 & *Whakatāne Minute Book* 44 at folios 54-55.
[58] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 66.

on a printed search schedule for the file.[59] This included such information as the legal description of the land, the area of the land, the name under which the deceased held shares in the land, total shares in the land block and any encumbrances on the land.[60] Table 7.1 below gives a brief description of some of the particulars for Māta.

Table 7.1: Particulars for Māta within each of the three blocks[61]

Name of Block	Owner's Name	Shares Held
Matata 72B3Z	Māta Tuaia	1.75
Matata 72B3M2	Māta Tuaia	0.95293
Tuararangaia 3 B2	Māta Rangitukehu	3.70549

The search-clerk was also to make notes, if applicable, of the person from whom the deceased received the shares. Again, the search-clerk kept searching the title binder to see whether the deceased had inherited or bought the shares from somebody. This was to enable the search-clerk to try and ascertain whether the person listed under the name was the correct deceased person and not somebody belonging to some other *whānau*. In the above blocks, however, Māta was listed as an original owner in the antecedent blocks to the Matata Parish 72 and Tuararangaia blocks.

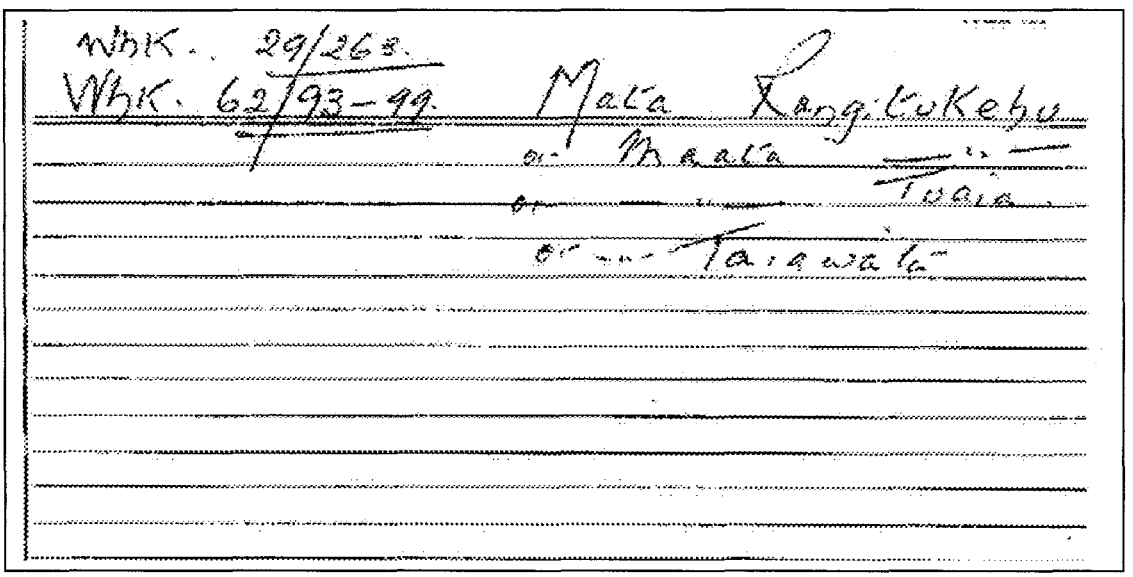
Identity of Heirs

Once the land was properly identified, the next step was the identification of all the heirs. The first practical step was for the search-clerk to check a nominal card index that was in use in the Court. The nominal card index comprised small cards with a person's name on the card. It was organised in alphabetical order by using the person's first name, not last name, to order the index.[62] An index card for Māta Tuaia or Māta Rangitūkehu would therefore be in the 'M' section of index. This is because of her base name Māta. The nominal card index was developed to give clues for the search-clerk so as to identify a previous succession and therefore previous heirs. The person's names on the card equated to persons for whom successions had been done in the past. There would also be a reference to the particular minute book where the previous succession had taken place. The card could also refer to the other names that the person went by

[59] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para 67.
[60] 'Chapter 4; Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, Appendix 2.
[61] *Whakatāne Minute Book* 44 folios 54-55.
[62] Interview with clerk X, 5 May 2003, Rotorua.

(for cross reference purposes) as well as those minute book references for those particulars. Since the index was organised by a person's first name, it was also common for that person to have several cards equating to the several different names by which they were known. For example, a card under the name Te Taiawatea Rangitukehu (which was one of Māta's other names) also appeared in the 'T' section of the index. However, it should be noted that the nominal card index was never a complete record as it was developed by the clerks for a quick reference. At times there were many names that did not have a card because of human error or where a card may have been lost. Alternatively, no succession application may have even been before the Courts before.[63]

Figure 7.1: Nominal Card Index card used by search-clerk to process succession to Māta Te Taiawatea.[64]

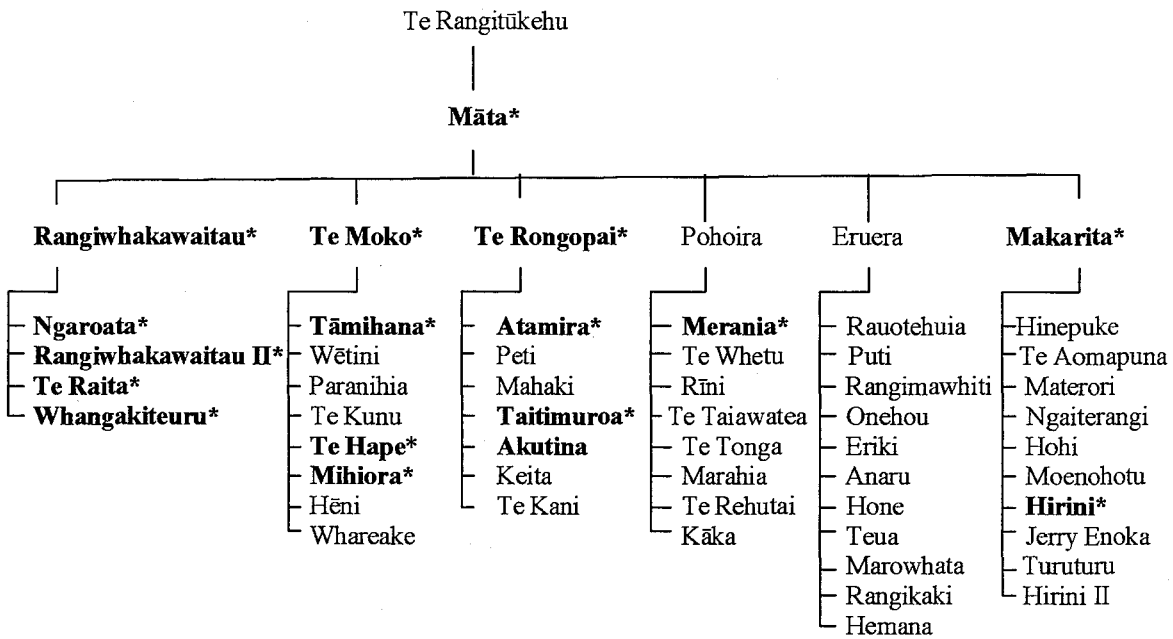


Once a person's name and minute book reference was identified on the card index, the search-clerk then proceeded to the minute books themselves. In particular, search-clerks were after information as to whether the deceased had a will and the identity of the heirs at a certain date. If the minute book referred to a will, then the search-clerk would have to locate the will within the Court's will index. On perusing the will, the search-clerk would try and ascertain whether the will prescribed heirs to any pieces of land.

[63] Interview with clerk X, 5 May 2003.
[64] Nominal card Index, Māori Land Court, Waiariki Registry, Rotorua.

By 1968, most of the descendants of Māta had died without any wills. This was a particular characteristic not only of my own *whānau* but almost all Māori throughout New Zealand. A Māori having a will was an exception rather than a common occurrence for the purposes of the Māori Land Court.[65] *Whakapapa* 7.2 below shows descendants of Māta. The ones shown in bold are those who had died by 1967 and those shown with an asterisk are those who did not leave any wills. As can be seen, only one of my *whanaunga*, Akutina, a son of Te Rongopai, left a will when he died.

Whakapapa 7.2



In the case of Māta, the search-clerk would have found that the very first succession application placed before the Court for her showed that she died without any will and that there were two of her children who had previously died but left issue.[66] Eruera's application form would have also shown that certain heirs listed at the time of Māta's death had subsequently died prior to 1966. These were her two daughters, Te Rongopai and Makarita, her eldest daughter's three children, namely, Ngaroata Hiwarau, Rangiwhakawaitau Araroa and Te Raita Paora Tene, and two sons of her eldest son, Tāmihana Moko and Te Hape Moko.

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[65] See also the comments of P.G.McHugh, *The Fragmentation of Māori Land*, Unpublished paper for the Legal Research Foundation Inc., [1980], p.11, fn.31.

[66] *Whakatāne Minute Book* 29 at folio 263.

Complexities

Depending on the complexity of each application, the work could take hours for a search-clerk to complete. The application form had to be consistent with what records were held by the Courts. If immediate heirs to the deceased were also themselves deceased, then the process for identifying their heirs was similar to the initial application. Those heirs' names would also have to be checked against the nominal card index, previous minute books and the wills index. If there had been any instances of inconsistencies between the information on the application form, and the records of the Māori Land Court, the search-clerk would then have to make a note on the file. Either the applicant would have to explain to the search-clerk any inconsistencies prior to the court sitting, or to the presiding judge on the actual court hearing date.

One of the other complexities faced by a search-clerk arose from the need to try and reconcile and understand complex *whakapapa* or *whānau* relationships. The job was particularly laborious when certain minute book references and information on the application form used variations of a person's name. For example, my uncle Jerry Enoka, a son of Makarita (see *whakapapa* 7.2), is known by at least two alternative names. In one land court minute book relating to an earlier succession to Māta he is recorded as Tahere Tahere.[67] Yet in another land court minute book relating to another succession to Māta, he is recorded as Tahere Enoka II.[68] The search-clerk would immediately be confronted by two questions: Are these two persons one and the same person? Or are they two different people?

One way for the search-clerk to try to reconcile these names would be to identify the parent of the two named persons. Then they would cross-reference to any previous successions that were processed through the Court for that parent. In the case of Tahere Tahere and Tahere Enoka II their mother was Makarita who was the youngest daughter of Māta. The search-clerk could check the nominal card index for a minute book reference for Makarita, then attempt to reconcile the particulars.[69] If there was still doubt as to whether Tahere Tahere and Tahere Enoka II were one and the same person, the search-clerk would make further enquiries with the applicant or make a note on the file for enquiries to be made at the court hearing.

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[67] *Whakatāne Minute Book* 44 at folio 55.
[68] *Whakatāne Minute Book* 48 at folio 264.
[69] *Whakatāne Minute Book* 43 at folio 12, there is only a 'Tahere Tahere' listed.

Another complexity for a search-clerk occurred when a previous minute book reference made reference to a number of children, but in another minute book reference, a particular child listed in the previous minute was missing from the reference. The search-clerk was then faced with three possibilities. The most common was that the particular child noted down in the previous minute book reference had since died. Alternatively, a clerical mistake had been made in the minute book. Another possibility was that the Court had been misled either intentionally or unintentionally. However, not all previous minute book references could in fact be reconciled this way. The search-clerk could then refer particulars to their section officers who had greater experience at explaining anomalies, or alternatively, the search clerk could make a note in the file. The presiding judge would then have to make a ruling as to the particulars.

As has been demonstrated, the search process by the search-clerk for identifying lands and proper heirs could be long and tedious. A search-clerk after working only a few months in the job would acquire many skills in helping identify further land blocks in which the deceased was an owner. Additionally, over the years a search-clerk would deal with the same *whakapapa* on a number of occasions. They could therefore make quick references to which *whānau* could have land interests in certain other *whenua* (land).

Valuation of the shares

Once the search-clerk had completed a list of the shares in the land as well as the heirs they then had to refer the application to the title improvement section. This was to obtain valuations of the shares.[70] The clerks within the title improvement section did this by consulting valuation information contained within the Court such as the current valuation rolls.[71] The reason for the valuation of the shares resulted from certain extra taxes and court fees which were associated with successions, such as succession duty and the special succession fee.[72] However, these were only applicable when shares in the land as well the deceased's assets were worth a considerable

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[70] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para 69.

[71] Chapter 4; Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual.

[72] 'Chapter 3: Fees and Duties', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.7; 'Chapter 3: Fees and Duties', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.9.

amount of money.[73] In those circumstances, the applicant was then required to pay the extra duties or fees associated with the succession.[74] However, by and large, most successions involved shares worth below the taxable rates. Even then, the valuation of the shares affected the outcome of successions by the application of the special rules relating to uneconomic interests of land below £25 ($50) and the £10 ($20) rule that was examined in chapter five.[75]

On completion of the valuations, the title improvement section sent the information to two places. In the first instance, this was sent back to the search clerk, and in the second instance, over to the Office of the Māori Trustee. If the shares were uneconomic interests and the Māori Trustee was not interested in acquiring such shares, then and only then could the Māori Land Court transfer the interests to the heirs.[76] Accordingly, the information that the search clerk and the Office of Māori Trustee received from the title improvement section for Māta's succession was as follows.

Table 7.2: Particulars for Māta within each of the three blocks[77]

Name of Block	Owners Name	Shares Held[78]	Value of Shares
Matata 72B3Z	Māta Tuaia	1.75	$100
Matata 72B3M2	Māta Tuaia	0.95293	$740
Tuararangaia 3 B2	Māta Rangitukehu	3.70549	$48

In this instance, the Office of the Māori Trustee would have been alerted to the fact that the value of Māta's shares in the Tuararangaia 3 B2 block were uneconomic interests. However, the Māori Trustee did not opt to obtain these shares, and accordingly, the Court was able to transfer the shares to all or some of Māta's heirs.

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[73] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras. 1-13.
[74] 'Chapter 3: Fees and Duties', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual.
[75] New Zealand changed from the use of imperial currency to decimal currency on 10 July 1967.
[76] Section 137, Māori Affairs Act 1953.
[77] *Whakatāne Minute Book* 44 folios 54-55.
[78] Information for this was obtained from the title binders for each of these blocks of land in the Māori Land Court Registry in Rotorua.

The Māori Trustee and money

When all the matters pertaining to the deceased and their land had been finally searched and the heirs were identified, and there were no anomalies, and the shares had been valued, the search-clerk was required to make one more enquiry with the Office of the Māori Trustee.[79] The search-clerk had to enquire whether there was any money being held by the Māori Trustee for the deceased. The money could have come from many sources. These were rents for a block of land, or proceeds from the sale of timber or land.[80] If there was money held for the deceased the search-clerk noted the details in the file. The Māori Land Court in addition to making orders as to succession could also give a pronouncement on what was to be done with the money.[81] In the succession to Māta, however, the Māori Trustee held no money on behalf of Māta. [82]

'The *pānui*-clerk'[83]

Once the search section officer was satisfied that the application was ready for a Court hearing, the file, along with the information from the search-clerk, was referred to a *pānui*-clerk. The file was then placed in the *pānui* cupboard with all other applications.[84] A *pānui*-clerk was responsible for ensuring that all the files for the ready applications were organised and their particulars listed in the *pānui* (schedule list, advertisement).[85] A *pānui* was a list of all the dates, times, places and applications that would be heard by the Māori Land Court. The *pānui*

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[79] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 70.

[80] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 70.

[81] Section 32, Māori Affairs Act 1953,

[82]However, in a subsequent 1970 succession to Māta made by Hohi Rangi for the eight land blocks Rangitaiki 60C, Parish of Matata Lot72B3YSec1, TunapahoreB2B, Parish of Matata 72B3Y17, Parish of Matata 72B3Y14, Omataroa Rangitaiki, Tunapahore 4A and Tarawera 1, there was money held by the Māori Trustee in three separate accounts (Māori Trustee Beneficiary card 53579, Beneficiary Card 28788/U and Beneficiary Card 6432/D). On that occasion, the court ordered that the sum of $8 was to be given to Hohi Rangi as a refund of the application fees and expenses, and the remainder of the money was credited to thirteen other *whanaunga* (two of whom were Eruera Rīni Manuera and my *kuia* Pohoira).
Whakatāne Minute Book 48 at folios 263-265.

[83] Term used in interview with Lindsay Wilson, 16 January 2003, Hamilton.

[84] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 72.

[85] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 72. However, it was the role of the alienation clerk to prepare the alienation section of the *pānui*. Chapter 4 Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 82.

publication was a particularly old practice of the Court dating back to the very first court sittings in the Hokianga in 1864.[86]

The entry on the *pānui* for each application included the name of the applicant, the blocks, the name of the deceased person and a brief note as to the nature of the application.[87] For Māta's succession, the *pānui* entry would have shown the following particulars in figure 7.2 below, for a Māori Land Court hearing in Whakatāne on 11 April 1967.[88]

Figure 7.2: *Pānui* entry for succession to Māta Te Taiawatea on 11 April 1967.[89]

No.	Applicant:	Block:	Deceased:
No.129	Eruera Riini Manuera	Matata Parish Lot 72B No.3Z & others	Maata Rangitukehu or " Tuaia or Mata Tuaia

Once the *pānui* was complete, a copy had to be sent to all the applicants that had their matters before the Court and other interested parties for the application. Two copies had to be sent to the Head Office of the Māori Land Court in Wellington. A copy of the *pānui* was sent also to a list of other people selected by the Registrar or nominated by a judge.[90] The drafting of the *pānui* though was no easy task. At times some judges complained bitterly about the quality of the *pānui*. For example, in 1962 Chief Judge Prichard instructed the Deputy Registrar in Hamilton

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[86] At the very first Native Land Court sitting in Northland, President Rogan sent out printed forms to the various *kāinga* which notified the people of the subject matter of the various court hearings. See Donald M. Loveridge, 'The Origins of the Native Lands Act and the Native Land Court in New Zealand', *An Unpublished Report for the Crown Law Office*, October 2000, p.214.

[87] 'Chapter 4 Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para. 81.

[88] *Whakatāne Minute Book 42* at folios 65-66.

[89] This has been reconstructed using a *pānui* in my possession for a Whakatāne Sitting of Tuesday 29 October 1968.

[90] 'Chapter 4: Applications, Searching and Pānui', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras. 91 & 92

that he wanted the *pānui* to be set out methodically and more particulars for certain things to be included.[91]

The purpose of the *pānui* was not only to inform various Māori on the matters before the Court but to enable them to partake in any of the proceedings. If a succession application (or in fact any other application matter) was being advertised in the *pānui* and a person had a particular interest in any case, they could enquire about the particulars of the case before the court hearing. Alternatively, they could attend the Court on the day and challenge or support the application.

At times a supplementary *pānui* could also be issued by the Registrar. One reason for the issue of a supplementary *pānui* arose when a person had missed the expiry date to lodge applications. As a result, some hardship could then be experienced by that person. One such instance could come about when people needed money to be paid to them for the maintenance of children. However, the power of the registrar to issue a supplementary *pānui* had to be exercised sparingly. For example, in 1966 Chief Judge Jeune wrote to the Registrar in the Hamilton office stating that he was astounded by the size of the supplementary *pānui* which had twenty-seven applications advertised. In the Chief Judge's own words:

> I see no justification for this. I should like to know if the judge was consulted hereon and I ask you to refer the matter to him this week in case he wishes to refer it to me when he sees me later. The list should approximately be 5 urgent matters.[92]

Court-clerks

Court-clerks were responsible for organising the processes associated with the actual court sitting. When the court-hearing dates approached, it was the court-clerks who had to organise and plan all the resources that were necessary for the court to function. If the court venue was to be in the courtroom within the same building as the Department of Māori Affairs and Māori Land Court, there did not need to be the level of planning required for a court sitting that was elsewhere in the district ('on circuit'). The court-clerk simply checked off each file with what

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[91] See 'Letter of Chief Judge Ivor Prichard to the Deputy Registrar at Hamilton dated 15 November 1962', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).

[92] 'Letter of Chief Judge Geoffrey Jeune to the Deputy Registrar in Hamilton dated 21 March 1966', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).

was on the *pānui*. On the morning of the court sitting, they then took all the files that were being heard on the day to the court room. Each case was dealt with by the court in the order that they were listed on the *pānui*.

However, if the court sittings happened to be at a venue in the other provincial towns, then the court-clerks had to do a lot more organising. The first thing to organise was the venue of the court. The courts tended to sit at a Magistrates Court (if the town had a Magistrates Court). However, the Māori Land Court hearings would sometimes coincide with Magistrates Court sittings. In those instances, another type of public or semi-public building was used such as county council or borough council meeting rooms or memorial or church halls.[93] For example, in the Tokerau Māori Land Court District, some hearings were held in the Community Church Hall in Kaikohe and in Council chambers in Kaeo and Kaitaia. In the Waiariki Māori Land Court District, the St. John's Ambulance Hall was sometimes used for sittings in Taupo.[94]

The venues for the court sittings were not always suitable for the various persons attending the Court. In 1966, the local lawyers in Whāngarei protested about a hall's suitability as a court room. In a letter to Chief Judge Jeune, a Mr. Brown stated that they had difficulties with the noise levels and facilities for counsel. Brown complained that Porowini Hall, where they had had land court sittings, was situated near a road bypass and the noise of the trucks and other vehicles made it near impossible to hear witnesses.[95] Brown continued:

> Many Māori witnesses usually talk in low pitched voices and even with normal traffic passing, it is very hard to hear what the witnesses are saying....Judge Scott had to stop proceedings until noise abated.[96]

Furthermore, Brown complained that 'seating within the Hall was primitive' and there was 'insufficient space allocated for placing books and they could not enter quietly without

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[93] Interview with Ray Poulamalu, 10 October 2002, Whangarei.
[94] Interview with Ray Poulamalu, 10 October 2002, Whangarei. Interview with Michael Johnston, 16 January 2003, Rotorua.
[95] 'Letter of Brown to Chief Judge Geoffrey Jeune dated 31 January 1966', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).
[96] 'Letter of Brown to Chief Judge Geoffrey Jeune dated 31 January 1966', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).

interrupting proceedings'.[97] The Chief Judge agreed that the venue was unsuitable and he indicated that Judge Nicholson who was the new resident judge could make arrangements with Mr. Izard (the local Magistrate) for use of the local Magistrates Court.[98]

After organising the venue for the Court, the next item for the court-clerks to organise was the means of getting to the out of town court sittings. Under normal practice, the court-clerks were to organise this through the Department of Māori Affairs, who had at their disposal a number of cars for Department business. The court-clerks and judge always travelled together to the venue.[99] The Court files and stationery as well as a range of minute books were literally piled into the boot of the car. Special cane hampers[100] or canvas bags[101] were eventually bought to carry the Court files and the minute books. The main reason for this was to prevent the files and minute books being damaged by dust entering into the car boots when travelling.[102]

On top of the venue and transportation, there was often accommodation that had to be organised for the court-clerks and the judge. The court-clerks and the judges usually stayed in separate accommodation. Hotels and pubs were the favoured venues as they also provided meals. Sometimes some court-sittings could take days to complete and so long periods of accommodation were needed. For example, in 1970 one court sitting was expected to last two full weeks in Hastings.[103] Judge Nicholson, also mentioned towards the end of his time as a judge, he was seconded to Rotorua for six months. He was housed in a motel during that entire period, and he found it the most boring time in his life.[104]

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[97] 'Letter of Brown to Chief Judge Geoffrey Jeune dated 31 January 1966', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).

[98] 'Letter of Chief Judge Geoffrey Jeune to Brown dated 11 February 1966', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).

[99] Interview with Lindsay Wilson, 16 January 2003, Hamilton.

[100] Interview with Godfrey Pohatu, 14 October 2002, Gisborne.

[101] Interview with Lindsay Wilson, 16 January 2003, Hamilton.

[102] See also 'Letter of Chief Judge Ivor Prichard to the Deputy Registrar at Whangarei dated 16 October 1961', Correspondence with Registrars and Deputy Registrars to 31-12-1966, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part I, (Archives New Zealand, Wellington).

[103] See 'Letter of Deputy at Registrar Hamilton to Chief Judge Andrew Todd dated 24 April 1970', Correspondence with Registrars and Deputy Registrars from 1-1-1962, MA Series 1 Acc W2459, 19/6/23 Box 224, Correspondence Part II, (Archives New Zealand, Wellington).

[104] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei.

Court sitting 11 April 1967

On the morning of 11 April 1967, the court-clerk, Irikau Kingi and Judge Gillanders Scott, travelled from Rotorua to Whakatāne for the Whakatāne court sitting. [105] The trip would normally take one and a half hours. The Māori Land Court opened at 11.00 in the morning at the Magistrates Court in Whakatāne. [106] What follows is a reconstruction of the events of the day. They are reconstructed by accounts given by clerks and former judges about general court procedure in the Māori Land Court as well as my own understanding and experience of procedure.[107]

Irikau Kingi called to those within the courtroom to stand, before Judge Kenneth Gillanders Scott entered. The people remained standing while Judge Gillanders Scott entered the room and made his way to his chair on the Magistrates bench. Before sitting and facing the people, following court tradition, Judge Gillanders Scott would bow to the people. If there were any lawyers present, the lawyers would then bow to the judge. Only when the judge was seated, would all the people be permitted to sit. Irikau Kingi would then take his place seated on a lower bench in front of the judge.

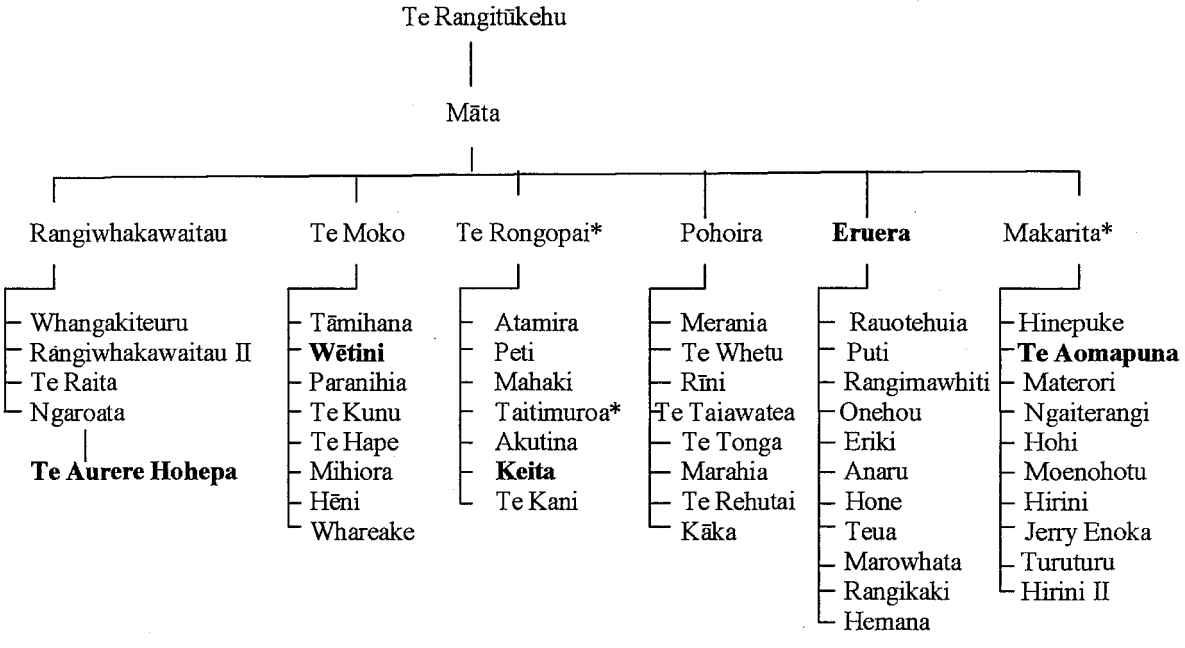
Irikau had all the files for the various applications on the bench near him. Irikau would announce to the court that the court was opened and he would call the applications one by one, as the judge had directed.[108] When Irikau announced an application from the *pānui* he would turn to hand the file to the judge at the back of him. The judge would also have in front of him a minute book for him to record the substance of the proceedings. At times, there were applications that were considered straightforward. Therefore a template of the hearing was written up or typed up previously which just required a few notations on the day and a signature. The *whānau* whose application was therefore called, would make their way to the front of the courtroom. They would be seated at tables in front of the courtroom, facing the judge and court-clerk. When the succession to Māta Te Taiawatea Rangitūkehu (*pānui* 129) was called by Irikau, Eruera Rīni

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[105] *Whakatāne Minute Book* 42 at folios 65-66.
[106] *Whakatāne Minute Book* 42 at folios 65-66.
[107] Interviews with retired Judge Collin Nicholson, 10 October 2002 & 9 January 2003, Whangārei; Interview with Lindsay Wilson, 16 January 2003, Hamilton; Interview with Godfrey Pohatu, 14 October 2002, Gisborne; Interview with Ray Poulamalu, 10 October 2002, Whangarei; Interview with Michael Johnston, 16 January 2003, Rotorua; Interview with retired Judge Kevin Cull, Hamilton, 11 October 2002.
[108] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.2.

Mānuera and his grandniece, Te Aurere, his nephew Wētini, and his nieces Keita and Te Aomapuna, made their way to the tables at the front of the Court.[109]

Whakapapa 7.3



Eruera and each one of them had to swear an oath before the Court. The oath was administered by Irikau where Eruera and each one of them had to place their hand on a copy of the Bible and reply "I do" in reponse to Irikau saying the following,

> You swear by Almighty God that the evidence you are about to give concerning the matter now before the Court shall be the truth, the whole truth and nothing but the truth. [110]

Under normal circumstances, the judge would ask a few general questions and then make a declaration as to the heirs of Māta. However, in this particular instance the *whānau* had made an arrangement amongst them as to who would get the various portions of the land instead of the

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[109] *Whakatāne Minute Book* 42 at folios 65-67.
[110] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.3.

amounts being divided in certain proportions amongst ninety-six heirs listed in table 7.3 below.[111]

Table 7.3: List of heirs to Māta Te Taiawatea as at January 1967

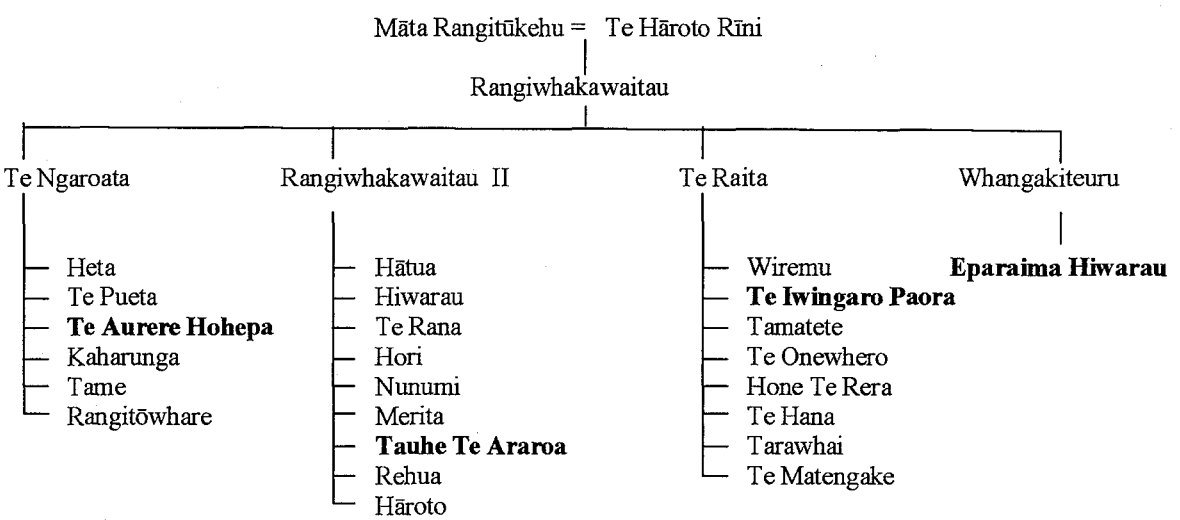
Don Hohepa	Owha Paul	Wiremu Hona
Hiraka Hohepa	Iwingaro Paul	David Hona
Huta Hohepa	Hana Blake	Anna Hona
Tutere Hohepa	Hone Paul	Barbara Hona
Hine Hohepa	Te Papi Te Pōno	Peti McManus
Richard Hohepa	Toby Hiwarau	Jack Hunia
Tame Hohepa	Milly Thompson	Gundy Hunia
Delia Hohepa	Lorna Thompson	Keita Moses
Tat Hohepa	Manuera Thompson	Mavis McManus
Te Aurere Karaitiana	Jean Tukiri	Myra Hunia
Kaha Leabourne	Daphne Van Veen	John Hunia
Rangitowhare Hohepa	Patson Thompson	Elaine Hunia
Herewini (Gollie) Araroa	Monty Thompson	Tai Hunia II
Ani Araroa	Mei Thompson	Raihi Hunia
Mihitekapua Araroa	Julie Thompson	Priscilla Hunia
Wi Araroa	Tangiwai Thompson	Noeline Hunia
Araroa Araroa	Ramari Thompson	Aroha Hunia
Kiriwera Araroa	Hinerau Thompson	Karen Hunia
Miriama Araroa	Merepeka Thompson	Peter Hunia
John Araroa	Te Wetini Moko	Humehume (Sume) Hunia
Merita Araroa	Paranihia Emery	Pohoira Anderson
Miro Araroa	Hera (Te Kunu) Moko	Eruera Rīni Mānuera
Te Rana Araroa	Heni Wairoa	Hinepuke Ratema
Tarei Araroa	Te Whareake (Noti) Loffley	Joy Ririnui
Rachel Araroa	Poihaere Hona	Materori Wi Hapi
Mita Ihaia	Taiawa Hona	Ngaiterangi (Sikee)Tahere
Noreen Tominika	Joseph Hona	Hohi Rangi
Nicholas Tominika	Titihoia Hona	Moenohotu Te Ua
Merita (Sally) Pakeha	Moetu Hona	Jerry Enoka
Tauhe Araroa	Rongopai Hona	Maggie Turuturu Thompson
Paretaihinu Paul	Aitai Hona	Hirini Waiari II
Te Hape Paul	Janice Hona	
Te Hunua Paul	Margaret Hona	

The arrangement amongst the *whānau* was based upon only one of the *whānau* from each child of Māta inheriting the land interests. Eruera and Pohoira would inherit one-sixth of Māta's land interests. Wetini Moko would inherit the one-sixth share that his father Te Moko would have inherited, and Keita would inherit the one-sixth share that her mother Te Rongopai would have been entitled to. However, there were problems in regard to Rangiwhakawaitau's and Makarita's *whānau*. The members of their *whānau* could not come to an agreement amongst themselves. Therefore, all of Makarita's children would inherit their mother's entitlement. There also

[111] *Whakatāne Minute Book* 42 at folios 65-67.

seemed to be only Te Aurere Hohepa to inherit her mother Ngaroata's share of Rangiwhakawaitau's proportion.[112] As for the *whānau* of Rangiwhakawaitau's other children, Te Raita, Te Whangakiteuru and Rangiwhakawaitau II, there was no indication of whether one child from each should inherit their parents' share of Māta's lands. Judge Gillanders Scott therefore made a decision to postpone the whole succession to a later date. This was to enable more discussion amongst the *whānau*.[113] So a recording was made in the minute book by Judge Gillanders Scott, and the file pertaining to Māta's succession was handed back to the court-clerk to be placed to the side within the court room. At the conclusion of the court sitting all the files, minute books and other materials were loaded back into the car, and the court clerk along with the judge returned back to the court's offices in Rotorua.

Whakapapa 7.4



Back inside the Court's offices in Rotorua, the court-clerk would have to liaise with *whānau* to see whether an arrangement could in fact be met. The *whānau* of Rangiwhakawaitau eventually decided that Te Tauhe Te Araroa would take Rangiwhakawaitau II's share, Te Iwingaro Paora would take Te Raita's share, and Eparaima Hiwarau would take Te Whangakiteuru's share.[114] Again, the succession application was ready to go back to the court.

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[112] *Whakatāne Minute Book* 42 at folios 65-67.
[113] *Whakatāne Minute Book* 42 at folios 65-67.
[114] *Whakatāne Minute Book* 48 at folios 263-265.

Court sitting 8 November 1967

On the morning of 8 November 1967, the court-clerk, Irikau Kingi, and Judge Kenneth Gillanders Scott again travelled from Rotorua to Whakatāne for a court sitting. The succession to Māta was listed on the *pānui* as No. 172 for the 8 November 1967, court sitting.[115] At the hearing, only Eruera Rīni Mānuera was in attendance. He confirmed to Judge Gillanders Scott that there was a complete arrangement between the heirs about who would inherit the lands. Accordingly, Judge Gillanders Scott gave effect to the arrangement. However, there were some slight changes as to the heirs that were indicated at the 11 April 1967 hearing. Table 7.4 below lists who received Māta's land interests together with the relevant proportions.[116]

Table 7.4: Māta's land interests with the proportions that each person received

Name of Block	Deceased Owner	New Owner	Proportion
Matata 72B3Z	Māta Tuaia	Te Wētini Moko	Solely
Tuararangaia 3 B2	Māta Rangitūkehu	Te Wētini Moko	Solely
Matata 72B3M2	Māta Tuaia	Eruera Rīni Manuera	1/5
		Pohoira Rīni Mānuera	1/5
		Te Kani-a-Takirau Hunia	1/5
		Hinepuke Ratema	1/45
		Te Aomapuna Ririnui	1/45
		Materori Wihapi	1/45
		Hohi Rangi	1/45
		Ngaiterangi Tahere	1/45
		Moenohotu Teua	1/45
		Tahere Tahere	1/45
		Turuturu (Maggie) Thompson	1/45
		Hirini Waiari II	1/45
		Te Tauhe Te Araroa	1/20
		Te Iwingaro Paora	1/20
		Eparaima Hiwarau	1/20
		Te Aurere Hohepa	1/20

All of these particulars were recorded in the minute book by Judge Gillanders Scott, and the file pertaining to Māta's succession was again handed back to the court-clerk to be returned to Rotorua. Eruera was then free to go home and wait for the paper work confirming the result. All the work for the succession to his mother Māta (at least on his part) was completed. However, this was not always the case with successions. A judge did not need to give their decision immediately on the day. Instead, they could have issued a decision at a later date.[117]

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[115] *Whakatāne Minute Book* 48 at folios 263-265.

[116] *Whakatāne Minute Book* 48 at folios 263-265.

[117] Depending on the complexity of some cases, *whānau* could have been questioned extensively by the judge, or by a lawyer representing somebody who was interested in the case, or any other Māori (either *whanaunga* or not) who were also interested in the case. Some examples where this would happen would be where someone was contesting

'Orders Clerk'[118]

When succession applications had been adjudicated upon by the judge, and the file returned to the office, it was the job of the orders clerk to complete the final paperwork. Orders-clerks were responsible for the recording of the orders of the court. Orders are documents that conveyed the intention of the court. A person could take that document as proof that a court of law had ordered certain particulars. For example, if Te Wētini Moko needed to prove that he was in fact the new owner of Māta Rangitūkehu's shares in Tuararangaia 3 B2 (see table 7.4 above), he could prove this by producing the Court Order. Therefore, it was absolutely important that orders-clerks paid close attention to what the judge ordered. They did this by reference to entries in the court's minute book.[119]

The court-clerk was responsible for the preparation of the draft orders and these were passed to the court typist for actual production.[120] The senior court-clerk was also responsible for checking that all entries in the minute book had the necessary orders produced.[121] Once a draft order was typed up, the draft went to the section-officer who then checked its particulars.[122] The draft order then went to the judge to sign. The order was thereafter sealed with the Seal of the Court.[123]

Once the Court Order was produced, this original order was then placed into the orders binder.[124] For Māta's succession, three different court orders had to be made which showed the transfer of the ownership of Māta's shares. A court order had to be made for the Matata 72B3Z shares that recorded Te Wetini Moko as the sole owner. Another separate court order was needed for the Tuararangaia 3 B2 shares. This was also to show that Te Wetini Moko was the sole owner of

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who should and should not be the proper heirs. From there anything could happen from a long drawn-out series of court sittings or appeals to higher courts such as the Māori Appellate Court, Supreme Court (High Court), Court of Appeal or Privy Council in London. However, almost all succession applications were quite straightforward and the heirs and shares in the land were declared and transferred on the day.

[118] This was a term used in an interview with Lindsay Wilson, 16 January 2003, Hamilton.

[119] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.23.

[120] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras.66-68.

[121] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras.66-68.

[122] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras.35 and 36.

[123] 'Chapter 5 Court Procedure', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, paras.37-39.

[124] 'Chapter 2 Title Records System', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para 4.1.

those shares. The third Court order was for the Matata 72B3M2 shares. This was to show the sixteen names and their relative proportional ownership as listed in table 7.4 above.

The orders-clerk then worked on the final stages of the process. Copies of the original order had to be made by the orders clerk and placed into various other binders. A copy of the relevant order was filed into the relevant block order file. This file contained superseded orders as well as current orders relating to the block.[125] Accordingly, a copy of the order that recorded Te Wetini Moko as now owning Māta's shares in Matata 72B3Z had to be placed in the block order file for Matata 72B3Z.

Finally, the particulars of the shares transferral then had to be made in an ownership schedule in the title binder file.[126] It was in this succession schedule, that the orders-clerk had to make a series of calculations. They had to split up the shares belonging to Māta, and record the heirs with their relevant proportions. In the case of Māta's shares in Matata 72B3M2, the following details in table 7.5 below list the number of shares which each heir then owned. On the completion of all these details, a copy of the order was then sent to Eruera Rīni Mānuera, and the whole succession process was complete.

Table 7.5: The new owners of Māta's 0.95293 shares in Matata 72B3M2

Name	Number of shares
Eruera Rīni Manuera	0.190586
Pohoira Rīni Mānuera	0.190586
Te Kani-a-Takirau Hunia	0.190586
Hinepuke Ratema	0.0211762
Te Aomapuna Ririnui	0.0211762
Materori Wihapi	0.0211762
Hohi Rangi	0.0211762
Ngaiterangi Tahere	0.0211762
Moenohotu TeUa	0.0211762
Tahere Tahere	0.0211762
Turuturu (Maggie) Thompson	0.0211762
Hirini Waiari II	0.0211762
Te Tauhe Te Araroa	0.0476465
Te Iwingaro Paora	0.0476465
Te Aurere Hohepa	0.0476465
Eparaima Hiwarau	0.0476475

[125] 'Chapter 2 Title Records System', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para 6.1.
[126] 'Chapter 2 Title Records System', *Manual of Instructions*, (Volume 8: Court and Titles), Department of Māori Affairs Internal Manual, para.3.3.

Conclusion

This chapter looked at the human qualities possessed by judges of the Court. They could be either larger than life characters, such as Judge Gillanders Scott, or the more reserved type like Judges Geoffrey Jeune and Collin Nicholson. Like other human beings, there were judges' personality that existed somewhere in between the extremes. Their idiosyncratic ways influenced the operation of the Court as a place of work. The functionality of the Māori Land Court was dependent on the actions of the judges, the clerks and *whānau*.

As has been demonstrated, the clerks' roles were extremely important. Their work was labour-intensive. By and large, *whānau* and the wider public never got to see a lot of these operational aspects of the Court. That was why it is important to examine a succession, from an operational point of view, for my *tipuna*, Māta Te Taiawatea Rangitūkehu. There was a process that involved paperwork being collated by the counter clerk, search-clerk, *pānui* clerk, court clerk, orders clerk and various section heads and judges. This example shows the day-to-day operations of the Court, its officials and its relationship with Māori. To rephrase the words of Judge Kevin Cull of the Waikato-Maniapoto district, their efforts ensured that 'the whole thing just came together'.[127]

[127] Interview with retired Judge Kevin Cull, Hamilton, 11 October 2002.

CHAPTER EIGHT
NGA MEA WHENUA[1]

In the last chapter, one of the specific areas I examined was the succession process through the Māori Land Court. This was because inheritance and succession was a major component of the Court's work during the 1960s and 1970s. One other area of the Court's work that I made only a mention of in passing in chapter six, involved the area of title improvement. This area of the Court's work dealt with concerns specific to the block of land as a whole. It also dealt with questions surrounding the underlying title or the re-organisation of the use of the land.

I have left this area of the Court for its own separate discussion because the improvement section and the land development section of the Department worked so closely together. They were almost indistinguishable from each other (the scope of work that the land development section of the Department and the title improvement section of the Court will become more apparent in Chapter Nine). In simple terms, the title improvement clerks of the Court prepared applications involving underlying title issues that included partitioning or amalgamating the land into different parcels of Māori freehold land where formal Court approval was required.[2] This reorganisation of the land also involved the reconstitution of certain relationships between the owners. There were instances which required the Court to impose a formal management structure over the land. The constitution of reservations, trusts, and Māori incorporations involved new forms of relationships between the owners of the land, and those who managed the land. In some instances the relationships between the owners and its managers could be detrimental and could also involve the Māori freehold land being sold.

In this chapter I am going to examine the title improvement section by looking at examples of its work in relation to the *whenua* (land) itself. For historical purposes I include an examination of the original customary concepts attached to the title of the original land blocks. This is important as those concepts determined the owners of *whenua* and therefore the owners of the new form of

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[1] *Nga mea whenua*= The things pertaining to land.
[2] Also see title improvement attempts by the Department and the Court in a Taitokerau context in Aroha Harris, 'Māori Land Title Improvement since 1945', *New Zealand Journal of History*, (1997), Vol.31, No.1 , pp.132-152.

land title known as Māori freehold land. The Pokohu No. 1 Block that was mentioned in chapter three will be utilised in this chapter to demonstrate the underlying customary concepts of Māori customary land in the nineteenth century. This not only helps us understand the *whakapapa* of the land but it is needed to understand the full *kōrero* about *whenua* and the Māori Land Court. The Pokohu No. 1 Block is chosen because it was *whenua* that the Māori Land Court allowed to be sold in the 1960s. This was part of the Tasman Proposal which is the subject matter of the subsequent chapter.

There will also be a further examination of specific *whenua* in my own *whānau* (family) in the 1960s and 1970s. This is not only to show the types of cases that went through the Court, but it also shows what was happening on the *whenua* itself. For the land is something real. Pohoira and Leo worked on the land. Their sons hunted on the land. They all lived on the land, some of their children were born on the land and in the case of Pohoira, she died on the land. Pohoira and her *whānau*, *hapū* and *iwi* had all of these various types of relationships with the land. The following Pokohu No.1 block examination and my *whānau* lands highlight these types of the relationships that Māori had with land and the importance of *whenua* to Māori.

Pokohu No. 1 block

The hearings for the Pokohu No. 1 block took place in Whakatāne on 29 September 1881 and throughout the rest of the year.[3] The case was also re-litigated on 16 January 1884 at Whakatāne.[4] The various *hapū* and *iwi* that were involved were Ngāti Tarawhai, Ngāti Koira, Ngāti Rangitihi, Ngāti Pou, Ngāti Awa, Ngā Maihi, Tūwharetoa and Ngāti Hinewai. On the conclusion of the case, Ngāti Rangitihi was awarded half the block with the remainder shared equally between Ngāti Pou and Ngāti Awa. This was essentially the start of physically transforming the land or the beginning of title improvement.

Once judgment was made, the various *hapū* and *iwi* had then to decide amongst themselves whose names would appear as the owners in the Court's records. Usually after various *hui* long lists of names were handed to the court which contained adults' and children's names. Once the

[3] *Whakatāne Minute Book* 1 at folios 213-266, 274-276, 341, 349, 351-353 & *Whakatāne Minute Book* 2 at folios 216-218.
[4] *Whakatāne Minute Book* 2 at folios 216-218

owners had been settled, the Court issued certificates of title. This in itself was a revolution in Māori land tenure. It had the effect of transferring the shadow of the land from one of Māori customary land, to Māori freehold title.[5] In all cases the *whenua* (land), in its corporeal form, still exists no matter what concepts are attached to it. Pokohu Block No. 1 was then further partitioned by the Court into five smaller blocks known as Pokohu A, Pokohu B, Pokohu C, Pokohu D and Pokohu E. These blocks are what I referred to as antecedent or parent blocks in the last chapter. The partitioning of blocks of land would also be a major function of the Court right through to the twenty-first century. Table 8.1 below sets out the number of persons on the list for each block.[6]

For illustrative purposes only, if the Court further partitioned Pokohu A into two new blocks of equal size, the new names for the blocks would be Pokohu A1 and Pokohu A2. In turn, if those blocks were further partitioned into four further blocks of equal size then the names would be Pokohu A1A, Pokohu A1B, Pokohu A1C, Pokohu A1D and Pokohu A2A, Pokohu A2B, Pokohu A2C, Pokohu A2D. This system of fragmentation and the naming of these new blocks continued as the years went on. Therefore, the names of the blocks could become very complex if the blocks were further partitioned. For example, by 1966, Pokohu B had been partitioned so many times over the years that there were blocks in existence that were known as Pokohu B1A, Pokohu B1C2 and Pokohu B3A.

Table 8.1: Number of persons listed for each of the Pokohu Blocks

Block name	Number of persons on the list for the block
Pokohu A	280
Pokohu B	304
Pokohu C	89
Pokohu D	800
Pokohu E	119

[5] The expression 'the shadow of the land' is directly taken from the title of Ian Wards' book, on Māori and Pākehā racial conflict in the 1830s to the Crown Colony period. Ian Wards. *The Shadow of the Land: a study of British policy and racial conflict in New Zealand 1832-1852*, Historical Publications Branch, Dept. of Internal Affairs, Wellington, 1968. In turn, Ian Wards sourced the comments of Nopera Panakreao on 28 April 1840. Nopera was a *rangatira* at the signing of the Treaty of Waitangi when it was taken to Kaitaia on the Te Aupouri Peninsula, north of Waitangi. He was also *whanaunga* to Leo Anderson. The full expression was 'The shadow of the land goes to the Queen, but the substance remains with us'. Although, it was uttered specifically in respect to governance and sovereignty over land, I still think it is appropriate in this instance. Sovereignty and governance are only concepts associated with the land. Māori customary land and Māori freehold land are also only concepts associated with the land.

[6] *Whakatāne Minute Book 2*, folios 268-270 & 275-301.

The Pokohu No. 1 block was originally held by various *whānau* according to Māori customary title. This statement is somewhat inaccurate as holding title to the land explained the relationship that people had to land in an English context. Instead, various *whānau* had relationships with the land rather than having title or owning the land. The native tenure to land varied from region to region and between peoples.

This assertion is backed up by the testimony that Chief Land Purchase Officer Donald McLean delivered to the House of Representatives in 1860 regarding native land tenure and its alienation in terms of English property rights. A question was put to McLean in the following manner: 'Has a Native a strictly individual right to any particular portion of land independent of the tribal right over it?' In McLean's answer he pondered what was meant by tribal right and then went on to answer the question by saying: 'It varies so much in parts of the country...as the custom which prevails in one place does not in another'. McLean then went on to comment that opposed to a general rule there were very wide exceptions. In some instances a whole *hapū* had to consent to the alienation of land and then in others the chief's consent was all that was needed. In summing up McLean's evidence, the House then stated the following:

> That there were no settled rights or principles guiding alienation of land, and that in such matters the exception is wider than the rule. The Natives have no fixed rule. The custom varies in different districts.[7]

The Reverend J.A. Wilson in 1860 in his recollection of land negotiations for various religious purposes in the 1830s stipulated that Native New Zealanders asserted their claims on (1) Hereditary claims which he thought the best; (2) Lands obtained by conquest; and (3) Lands for which the titles were disputed or in doubt due to intermarriage between tribes. Wilson did differentiate though between tribal and individual rights in which tribes held title over land and yet in some instances individuals themselves held title to the land.[8]

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[7] 'Appendix A, Native Tenure extracts from Opinions of various authorities', *Appendices to the Journal of the House of Representatives*, (1861), E.1, p.3.

[8] 'Appendix A, Native Tenure extracts from Opinions of various authorities', *Appendices to the Journal of the House of Representatives*, (1861), E.1, pp.13-14.

Evelyn Stokes commented on land as follows:

> Property rights were varied, complex and closely related to social structure. The leadership structure was similarly complex, 'chiefs' appearing to have more power and influence in allocation of property rights, but not exclusively so...It was also observed that people not of the rangatira class also had property rights. This distinguished Maori tenure systems from the early European interpretation as a feudal or manorial system.[9]

This was in line with the views of Raymond Firth who believed that descriptions of total communal ownership in Māori society was too simplistic.[10]

The judges within the Pokohu Block No.1 hearing therefore were faced with having to formulate some method and jurisprudence to transfer such a diverse and complex set of native tenure rules into an English land tenure paper-record system. The judges had to come up with a workable system to implement government policy in the day to day running of the Court. In effect the Judges gravitated to certain principles that could more or less fit within a system of land tenure in line with reaching the immediate goal of creating a colonial paper registration system for Māori and their land.

The Pākehā judges appointed in 1865 had by and large a basic understanding of Māori land tenure. Many of them had lived amongst and worked with various *whānau* and could speak Māori.[11] These were men such as John Rogan, George Clark, Francis Dart Fenton, James McKay, William Bertrand White, Thomas Henry Smith, Walter Lawry Buller, George Frederick Swainson, James Booth, Henry Alfred Munro, and Frederick Edward Maning.[12]

Despite their familiarity with Māori, the judges could not easily accommodate Māori land tenure concepts within an English land tenure paper-record system. In retrospect there were many

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[9] Evelyn Stokes, *Maori customary Tenure of land*, Department of Geography, University of Waikato, Hamilton, p.40.

[10] Hazel Riseborough & John Hutton, *The Crown's engagement with customary tenure in the nineteenth century*, Waitangi Tribunal, Wellington, 1997, p.149.

[11] Bryan D. Gilling, 'The Nineteenth Century Native Land Court Judges; An introductory Report', An unpublished commissioned report by the Waitangi Tribunal, Wellington, 1994. pp.7-9.

[12] W. Paerau Warbrick, 'A list of the Judges of the Native Land Court & Māori Land Court 1864-2003', An unpublished list, [Dunedin, 1 July 2003], (Copies in Archives New Zealand, Wellington, and libraries at University of Auckland, Auckland; University of Waikato, Hamilton; Massey University, Palmerston North; University of Canterbury, Christchurch; Hocken Library, Dunedin.)

substantive blunders by the Native Land Court judges especially the Native Land Court's complete marginalisation of Moriori customary claims to land on Rekohu (Chatham Islands).[13] Much of this no doubt resulted from a clash of world views.

A major systematic problem was that once a court order was issued by the Court then rights under a paper-record system were less dynamic than the Māori tenure system. The Native Land Court process and paper-record system effectively froze rights held by various *whānau*, *hapū* or *iwi* at the point of time of the Court hearings. Under customary law, various *whānau* could effectively abandon land in favour of other *whanaunga* thereby leaving them to occupy and utilise the land. The subsequent *whanaunga* would thereby hold customary title to the land. However, under the English-tenure paper record system, *whānau* names remained on the certificate of title no matter how much time passed. It did not matter whether other *whanaunga* occupied or utilised the land for very long periods of time. The original *whānau* still held title to the land under New Zealand law.

The Court therefore in its deliberations for investigation of titles started from the philosophical point of treating blocks of land as collectively owned parcels of land. Individual or *whānau* rights that were described to the Court were used to justify collective rights. When titles were eventually issued by the Court, individual or *whānau* rights were effectively collapsed under an umbrella right of a *hapū* or *iwi* to the whole block. Varying subtle proprietary rights held by individuals or *whānau* were thus never recorded on the paper-record system. Cultivation sites or rat runs being held individually or by *whānau* have been given as such examples where the Court would give preference to *hapū* or *iwi* in assigning rights in the huge blocks of land.[14]

By the 1880s, within case after case in the Native Land Court minute books, claimants always began with slightly formulaic expressions. The basic claimant's expressions usually began with who the claimants were claiming for with quite succinct expressions of the rights relied upon. No doubt this was as a result of over fifteen years of jurisprudential and procedural practice by

[13] Bryan D. Gilling, 'By whose custom? The Operation of the Native Land Court in the Chatham Islands', *Victoria University of Wellington Law Review*, Vol.23 (1993), pp.45-58.
[14] Hazel Riseborough & John Hutton, *The Crown's engagement with customary tenure in the nineteenth century*, Waitangi Tribunal, Wellington, 1997, pp.153-158.

whānau in Court throughout New Zealand. Accordingly, in the Pokohu No.1 block hearings the following opening statements were given.

Mikaere Te Whararau is recorded as saying:

I belong to the Rangitihi [Ngāti Rangitihi] Tribe and Ngati Tarawai [Ngāti Tarawhai] and Ngati Koira [Ngāti Koira] hapu. I know the block of land shown on the map and claim it on behalf of the whole of Ngati Rangitihi through ancestry, occupation continuously.[15]

Hamiora Tumutara also states the following:

I belong to the N Awa [Ngāti Awa] tribe and N Pou [Ngāti Pou] hapu and I know the land shown on the map and claim this land through ancestry occupation and conquest.[16]

Niheta Kaipara's opening statement records:

I belong to the N Rangitihi [Ngāti Rangitihi] tribe and the N Tarawai [Ngāti Tarawhai] and the N Koira [Ngāti Koira] hapus [sic]. I know the land block shown on the map No. 1 produced before the Court and am sure it correct. Those that are claiming against us are not in the right. My claims are ancestry, occupation.[17]

By the 1880s and during title investigations, the various claimants' statements as to the basis of their various claims fitted into five generic *take* (claims, rights). The five main *take* were (1) *take taunaha*, (2) *take tīpuna* (ancestry), (3) *take raupatu* , (4) *take tuku* (gift) and (5) *take ahikā*. Various commentators on Māori land tenure over the years have organised their analyses somewhat differently but by and large their categorical tools for analyses fall into the above categories.[18] They are also not meant to be mutually exclusive of one another.

Take taunaha

This *take* essentially referred to having rights to the land by right of discovery and naming the land. When the various *tīpuna* arrived in Aotearoa certain passengers would discover new areas

[15] *Whakatāne Minute Book* 1 at folio 213.
[16] *Whakatāne Minute Book* 1 at folio 214.
[17] *Whakatāne Minute Book* 1 at folio 280.
[18] Norman Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960, pp. 83-106; Richard Boast *et.al*, *Māori Land Law*, Butterworths, Wellington, 1999, pp.42-45.

of land and also name various areas of land. By doing so they were essentially placing their marks on the land and thereby using such rationale to formulate rights to the land. Additionally when various *tīpuna* explored various parts of Aotearoa names were attributed to the land by either themselves or their kin. The Bishop of New Zealand, George Selwyn, in 1860 described this as follows.

In its theory ... a few leading Chiefs, with a small body of children and retainers arrive at different parts of the island, and make a rough partition of the territory among themselves by natural boundaries of mountains and rivers. These families grow into tribes, each possessing the patrimony derived from its ancestors.[19]

Using the Pokohu Block investigation one can see the expression of *take taunaha* in the shape of the following comment by Hakaraia Te Peraniko.

It was through Ngatoroirangi that Tuwharetoa obtained his right to the land. Ngatororangi laid down no boundary upon this land.[20]

Ngatoroirangi was a *tōhunga* (priest) of great power who was an original crew member of the Te Arawa *waka* (canoe) that came from Hawaiiki and settled in New Zealand. He was originally supposed to go on the Tainui *waka* but Tamatekapua, the captain of the Arawa *waka*, kidnapped him. Ngatoroirangi travelled much of the Waiariki district and named various places as a result of his *mana* and Tuwharetoa was one of his many descendants. Accordingly, *take taunaha* also had close associations with *take tipuna*.

Take tīpuna

This *take* referred to the rights that *tīpuna* had in the land. There would be some distant ancestor who held rights to the land in question and various claimants would bolster their claims by stating their descent from the ancestor and therefore enjoying the same rights to the land as the ancestor. In an 1846 pamphlet Chief Justice William Martin described such rights as follows:

The lands of a tribe do not form one unknown district, over which all members of the tribe may wander. On the contrary, they are divided into a number of districts appertaining to the several subtribes. Each subtribe consists of

[19] 'Appendix A, Native Tenure extracts from Opinions of various authorities', *Appendices to the Journal of the House of Representatives*, (1861), E.1, p.4.
[20] *Whakatāne Minute Book* 1 at folio 238.

the descendants of a common ancestor (whose name it generally bears) who was in former times, the conqueror or in any other way the recognised owner of the district.[21]

In the Pokohu No.1 block hearings Mikaere Te Wharerau stated:

The ancestor under whom I claim this land is Kahukura who for fifteen generations occupied the land through his descendants who have never been disturbed and some of the Rangitihi are residing upon it at the present time...[22]

Niheta Kaipara of Ngāti Rangitihi along with Mikaere Te Wharerau held a different view as to who the *tīpuna* were who held the right in the land. Instead of Kahukura being the ancestor, he cited three other *tipuna* being Te Apiti and two others, namely, Tarahina and Waiata well down the chain of descent from Kahukura.[23] Hamiora Tumutara of Ngāti Awa however disagreed with the ancestors mentioned. He stated:

This block (Pokohu) was Pou's and his descendants viz N. Awa [Ngāti Awa], Hakaraia and his descendants and those of N. Pukeko who come under the ancestry.[24]

My *tipuna* Te Rangitūkehu speaking after Hamiora Tumutara backed up Hamiora's claims but also implied that Tuwharetoa was the one who held the mana over the land and that it was his sons, Te Aotahi and Pou (from whom Te Rangitūkehu was descended), who both held the rights to the land.[25] As in this case, the Court was often faced with many disputed accounts as to which ancestors held customary title the land. The judges of the Court had to do the best they could while trying to deduce which claims they would accept.

Take raupatu

This particular *take* was based upon the right to land through conquest and driving off the former occupants from the land. In the Pokohu No.1 hearings this was asserted by Hamiora Tumutara as one of the bases for his claim to the land. However, he asserted that 'I will not proceed with the

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[21] 'Appendix A, Native Tenure extracts from Opinions of various authorities', *Appendices to the Journal of the House of Representatives*, (1861), E.1, pp.4-5.
[22] *Whakatāne Minute Book* 1 at folio 213.
[23] *Whakatāne Minute Book* 1 at folio 280.
[24] *Whakatāne Minute Book* 1 at folio 216.
[25] *Whakatāne Minute Book* 1 at folio 226.

case conquest as some have always occupied the land and driven off all invaders'.[26] Te Rangitūkehu in his evidence recognised that invasion and conquest could be a basis of a claim:

This land has been constantly by us from our ancestors' time down to my own time and no other tribes have ever come to drive us. I have heard of fights having taken place by the N. Manawa against N. Pou to drive them off this land but was defeated. The N. Hinewai [Ngāti Hinewai] or N. Rangitihi [Ngāti Rangitihi] has never come to fight against us on this land.[27]

Take ahi kā

This was a *take* based on the fact that a claimant actually occupied the land. In essence this was possession of the land in question. However, there were many qualifications associated with possessing the land as the occupiers could in fact merely be invitees to the land. However, occupation of the land in question added a lot of weight to one's claims in the Court. Te Rangitūkehu referred to the importance of the occupation in the Pokohu No.1 block hearing with the following statement:

This land has been constantly occupied by us from our ancestor down to my own time and no other tribes have come to drive us... I used my right in making canoes upon this land. I have planted and exercised my right in various ways and no person has ever dared to dispute my authority to do so.[28]

However, Mikaere Te Wharerau claiming for Ngāti Rangitihi also mentioned in the same hearing that his ancestor

...Kahukura who for fifteen generations have occupied the land through his descendants who have never been disturbed and some of the Rangitihi are residing upon it at the present time and have plantations and houses.[29]

Hakaraia Peraniko of both Ngāti Rangitihi and Ngāti Pou expressed his occupation of the Pokohu through the following;

I have planted at Okoratere and caught the eels out of the river also planted Taro at Ohakiri and caught eels at Mangahio...have been in the habit of catching pigeons on that stream also eels planted potatoes at Okahu and is a permanent place of residence as of myself.[30]

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[26] *Whakatāne Minute Book* 1 at folio 215.
[27] *Whakatāne Minute Book* 1 at folio 227.
[28] *Whakatāne Minute Book* 1 at folio 226.
[29] *Whakatāne Minute Book* 1 at folio 213.
[30] *Whakatāne Minute Book* 1 at folio 233.

Henare Te Rangi of Ngāti Hinewai expressed occupation of the block in the following terms as well:

I myself have planted... planted potatoes there also my father before me. I have no plantations there at present ... My brother goes there at the present to catch birds. My sisters have lived at Waipapa. We visited this land during the autumn when the berries were ripe in the springtime planted so as to have something to eat whilst catching birds.[31]

Take tuku

At times persons could actually claim a right to the land through the fact that the former owner(s) gifted the land to them. There were many instances of gifting such as payment for assistance in times of war or gifting by a person on their death bed.[32] In the Pokohu No.1 hearing there are no examples of such *take* although commentators on native land tenure like Norman Smith, Hazel Riseborough and John Hutton mention some of its characteristics.

Gifted lands though like other gifts were not always absolute and could also be tied to obligations. In order for the gift to be recognised as a complete gift of land though

(1) the person(s) gifting the land had to have sufficient rights to in fact gift the land;
(2) the gift was widely known and either assented to by the group or they had acquiesced in the light that it was publicly known;
(3) occupation of the land must have taken place and there was continued occupation of the land.[33]

By the 1960s parts of the Pokohu No. 1 block were still in existence. Many of the blocks were still the subject of successions in the Māori Land Court. The block's transformation from Māori customary title to one of Māori freehold title in the 1880s was revolutionary in the sense of transforming the shadow of the land from one system of land tenure to another. However, this process paled in comparison to the radical scheme of what happened to the blocks in the late

[31] *Whakatāne Minute Book* 1 at folio 248.
[32] Hazel Riseborough & John Hutton, *The Crown's Engagement with customary tenure in the nineteenth Century*, Waitangi Tribunal Rangahaua Whanui Series, Waitangi Tribunal, Wellington, 1997, pp.134-135.
[33] Norman Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960, pp.102-103; Hazel Riseborough & John Hutton, *The Crown's Engagement with customary tenure in the nineteenth Century*, Waitangi Tribunal Rangahaua Whanui Series, Waitangi Tribunal, Wellington, 1997, pp.134-135.

1960s. A major amalgamation programme involving the Pokohu blocks and over fifty other blocks (including the ancestral mountain Pūtauaki) was processed through the Māori Land Court as the Tasman Proposal in the mid 1960s. The Māori Trustee eventually gained control of the blocks and thereafter sold the land. The Tasman Proposal was controversial in that it was a major alienation of Māori land without the consensus of all the Māori owners including my own *whānau*. While it will be further explored in the next chapter, a few observations are still apt at this point.

It is obvious that the Māori connection to land is extremely important. It is important because it is tied up with Māori identity and the Māori world-view. It is not my intention to give a full discussion of the importance of land to Māori as this is a thesis in itself.[34] My colleague Jim Williams' observations, however, give a good synopsis of the importance of land.

> Land is fundamental to Māori identity. Accordingly, it is much more than a mere resource; it is a large part of Māori mana as well as being the primary ancestor; it embodies the past and, at the same time, is the foundation for future generations. Māori are connected to the land by *whakapapa*; on one level, inheriting resource rights (take) from certain ancestors; on another level, being linked to specific places because ancestors are there...The ancestral connection is one reason for the spiritual connection that Māori feel with the land and which obliges them to care for it on behalf of all generations yet to come.[35]

The testament given by the various *tīpuna* in the original Pokohu Block hearings clearly show the importance that it held for the various claimants, including my *whānau, hapū* and *iwi*. The claimants gave testimony about the deeds and actions of their *tīpuna*, the various *whakapapa* that linked them to the land and the position of their *kāinga* (homes) and food gathering places. The Tasman Proposal in the mid 1960s and the controversy that it caused for *whānau, hapū* and *iwi* in the Eastern Bay of Plenty once again showed the importance and the passion that Māori continued to have towards their land. Nonetheless, much of the land which Māori had a relationship with, had been transformed from Māori customary land to Māori freehold land. The relationships that many had with the land in the 1960s and 1970s were substantively no different from that in the nineteenth century except that the Māori Land Court was a necessary institution for dealing with Māori freehold land.

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[34] See the various essays written on land in *Whenua: managing our resources*, Merata Kawharu (ed), Reed Books, Auckland, 2002.

[35] Jim Williams, 'Papa-tūā-nuku: Attitudes to land', *Ki te Whaiao*, Tānia Ka'ai, John C. Moorfield, Michael Reilly & Sharon Mosely (eds), Pearson, Auckland, 2004 (2005 reprint), p.50.

The following examples from my *whānau* demonstrate the types of enduring relationships that Māori had with the land. They also highlight the types of interaction that were necessary with the title improvement section of the Court when certain things were needed or were imposed upon the land.

Ngākauroa

Partition

I now wish to return to Ngākauroa, to the farm of Pohoira Rīni Mānuera and Leo Anderson in the 1960s. The land area was subject to partitions through the Court in the 1960s. A partition involved the severing of the title of land into two or more separate parcels of land.[36] The farm at Ngākauroa was omprised of two Māori freehold land blocks named Ōmataroa 7AC5A2. Ōmataroa 7AC5B1B in 1960. Ōmataroa 7AC5A2B was owned by Pohoira and her *whanaunga* and Ōmataroa 7AC5B1B was owned solely by Leo. Ōmataroa 7AC5A2 was approximately 21 acres and 7AC5B1B was approximately 27.5 acres.

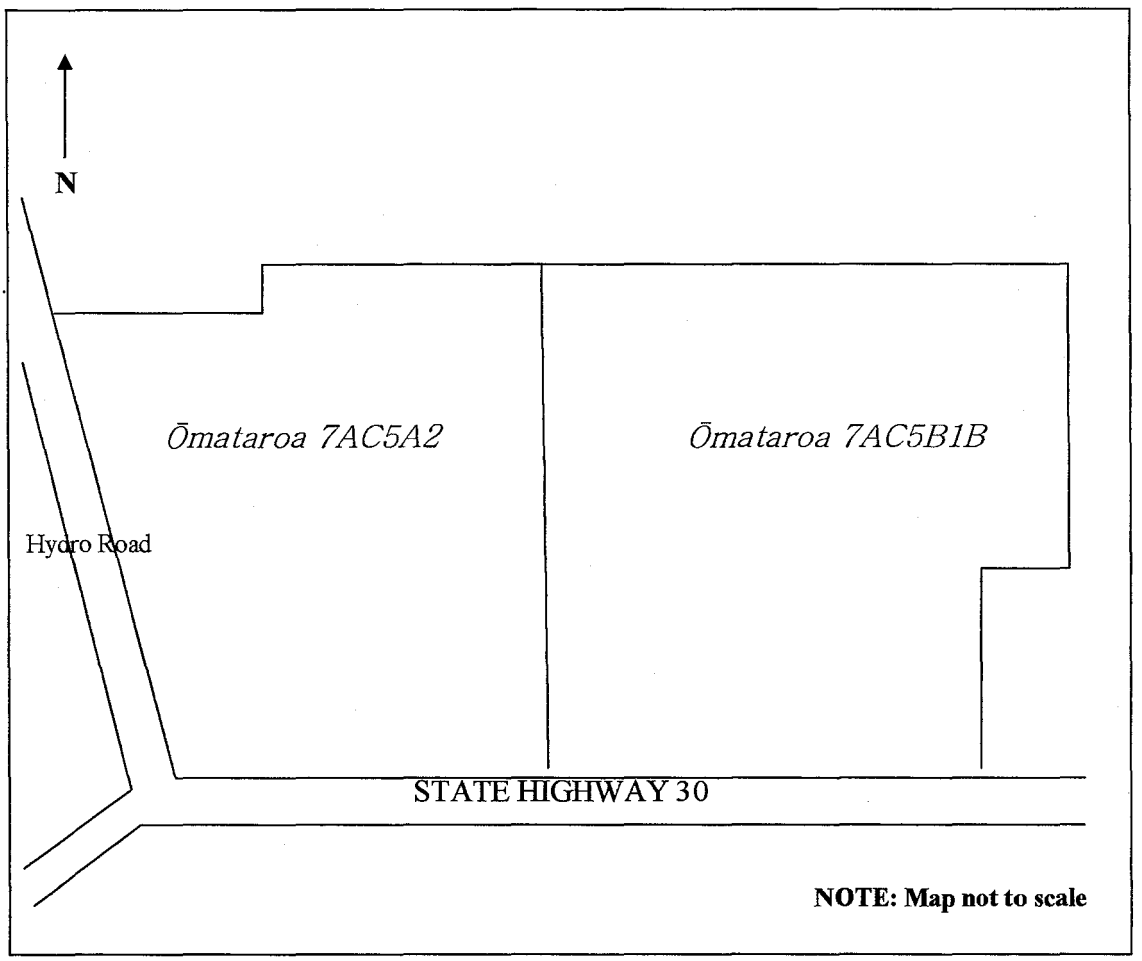
It was Pohoira's and Leo's long term wish to consolidate their land holdings in Ōmataroa 7AC5A2 through the Māori Land Court. This was to allow them to rationalise the land for their farming where they would not be encumbered with the legal interests of others in the block. Pohoira was one of a number of owners in the block along with her brother Eruera Rīni Mānuera, a sister Makarita Rīni Mānuera (Mrs. Tahere Enoka), nephews and nieces as well as great grandnephews and nieces.

Table 8.2: List of owners of Ōmataroa 7AC5A2 in 1960. These are Pohoira's *whanaunga*.

Pohoira Rīni Manuera	Makarita Rīni Mānuera	Eruera Rīni Manuera
Te Herewini Te Araroa	Mahaki (Tiaki) Hunia	Nunumi Araroa
Kani Hunia	Eparaima Eparaima	Te Papi Araroa
Keita Hunia	Merita Te Araroa	Parehe Te Araroa
Akutina Hunia	Riripeti Hunia	Tarei Te Araroa
Te Rana Te Araroa	Tai Hunia	Te Kahuranga Hohepa

[36] See section 176, Māori Affairs Act 1953.

Map 8.1: Māori freehold land blocks Ōmataroa 7AC5A2 and Ōmataroa 7AC5A1B at Ngākauroa in 1960.



Pohoira and her husband Leopold Anderson had been living permanently on the *whenua* (land) at Ngākauroa since at least the early 1930s. Their house was built on the land, along with implement sheds, garages, a barn, a cowshed, and stock yards. It was through Leo's efforts that contracted scrub-cutters (some whom were Pākehā) made the land into pasture for milking cows. Leo also ran dry stock and bulls on the land. During the Great Depression and the Second World War, Leo also bred race horses and pedigree spaniel dogs on the land to supplement his and Pohoira's income.[37] My father, Bob Anderson, along with his brothers Theo, Bill and Ted planted barbary hedges on the land in the 1930s for wind breaking and to act as borders for the several paddocks. Pohoira planted her fruit trees on the land, namely, golden queen and white

[37] Kōrero-ā-Bob Anderson, Ngākauroa, Te Teko, 1980-1985; Kōrero-ā-Ted Anderson, Ngākauroa, Te Teko, circa 1988-1990.

peaches, plums, figs, louquat, poormans, apple trees and passion fruit. She kept gardens comprising of potatoes, *kūmara* (sweet potato), *kamokamo* (a type of marrow), and sweet peas, carrots and onions. They also planted maize for the stock. Pohoira also planted her various flowers including dahlias and Leo specifically kept a rose garden.[38]

Housing

It was in the early 1960s that Pohoira gifted one of her shares in Ōmataroa 7AC5A2 to her daughter, Ellen Anderson, and her husband, Maurice Anderson, of Ngāti Maniapoto and Ngāti Tuwharetoa. The one share equated to one acre of land and this was to enable them to build themselves a house. [39] The one acre was eventually partitioned from Ōmataroa 7AC5A2. The two blocks were then renamed Ōmataroa 7AC5A2B (the parent block) and Ōmataroa 7AC5A2A (the one acre block).

Ellen and Maurice had a large family and they were living in Tūrangi and Matamata where Maurice was working in mining. Pohoira wished that they would have a house as a base and for a place where they could retire. The house was also to serve as a place for Pohoira to live as well while Ellen and Maurice lived away. Pohoira became the guardian of her oldest daughter Merania's two small children when Merania passed away in 1965 leaving a young *whānau* and a widower. Pohoira took the youngest two children Karen and Zelda. Zelda was a granddaughter of Merania but nonetheless was raised as a child of Merania.

Pohoira at the time the children came to stay with her at Ngākauroa had lived in Pohoira's and Leo's old two bedroom house on the farm at Ngākauroa along with my father and mother, Bob and Susan Anderson, and their nine children.[40] It was Pohoira's and Leo's original house that was built by Leo in the late 1920s. Accordingly the partition of a house for Pohoira's daughter and son-in-law also served to alleviate the cramped conditions in the two bedroom house. Pohoira was to stay in the Ellen and Maurice Anderson's house with her granddaughters, my first cousins, Karen and Zelda, right up until her death in November 1977.

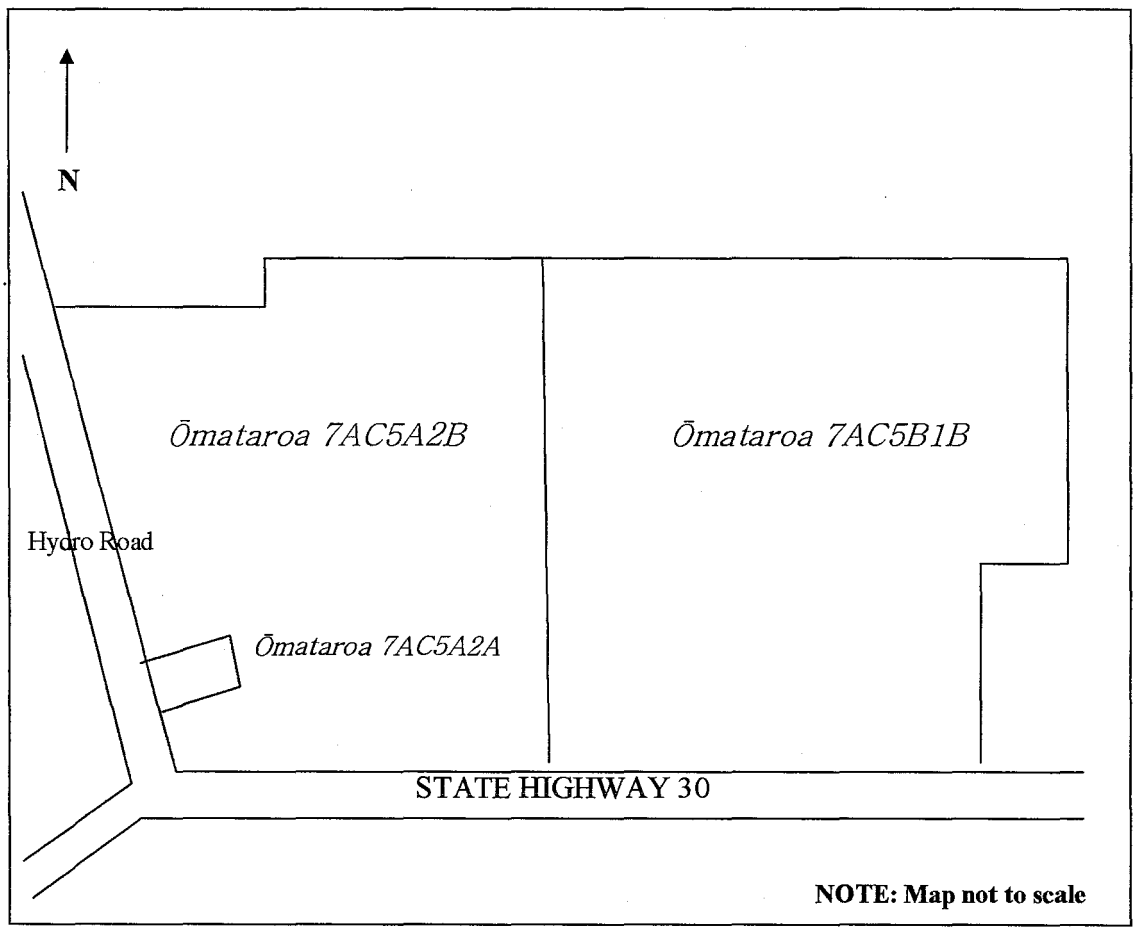
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[38] Kōrero-ā-Bob Anderson, Ngākauroa, Te Teko, 1980-1985; Kōrero-ā-Ted Anderson, Ngākauroa, Te Teko, circa 1988-1990; Kōrero-ā-Ellen Anderson, Ngākauroa, Te Teko, circa 1988-1994.
[39] *Whakatāne Minute Book* 37 at folio 245-246.
[40] Kōrero-ā-Tane Anderson, Ngākauroa, Te Teko, 1980.

Consolidation of land interests in Ōmataroa 7AC5A2B

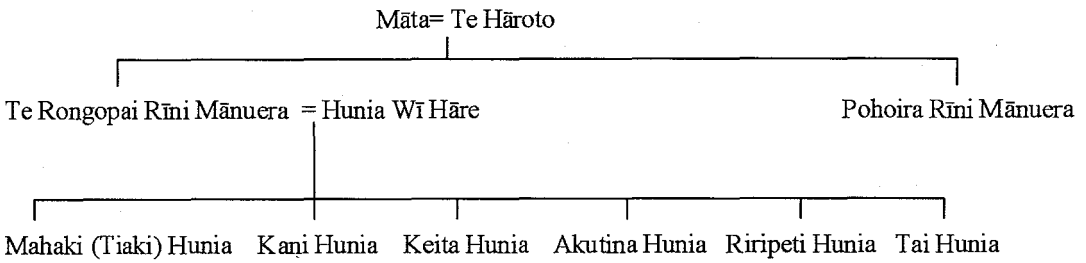
In the 1960s, Pohoira increasingly realised that their land holdings and land tenure would be much clearer and defined if they reduced the number of owners in the block. Accordingly, she embarked on gaining the shares in the block from her brother and sister and many of her nephews, nieces and grand nephews and nieces. In some cases Pohoira directly purchased the interests of her *whanaunga* through the Māori Land Court.[41] In other cases she did this through exchanging her other shares in other Māori freehold land blocks with theirs in the Ōmataroa 7AC5A2B block.[42] For example, in 1964, Pohoira gave her interests in Matata 72B3W2B1D to Mahaki (Tiaki) Hunia, Kani Hunia, Keita Hunia, Akutina Hunia, Riripeti Hunia and Tai Hunia. In return, they gave Pohoira their interests in Ōmataroa 7AC5A2B.[43]

Map 8.2: Māori freehold land blocks at Ngākauroa in 1966. Ōmataroa 7AC5A2 has been the subject of partition and the block is now called Ōmataroa 7AC5A2B. The one acre block is called Ōmataroa 7AC5A2A and is owned by Ellen and Maurice Anderson.



[41] *Whakatāne Minute Book* 63 at folio 80.
[42] The process is known as an exchange order under section 187 Māori Affairs Act 1953.
[43] *Whakatāne Minute Book* 38 at folio 257.

Whakapapa 8.1



Gifting of further shares

In November 1977, in the last days of her life, Pohoira was to gift some of her interests in Ōmataroa 7AC5A2B to my father and mother to enable them to build them a house.[44] The land interests were equivalent to one acre of land just like my aunt and uncle, Ellen and Maurice Anderson, received in the mid 1960s.

Pohoira had initially signed the various application forms needed for the Māori Land Court to transfer some interests in the block to my father and mother to enable them to make a partition for their own home. However, since Pohoira had died part way through the process, the gift was ineffectual unless the administrators of her will agreed to complete the gift. The administrators were my father's brother and sister, Theo Anderson and Joanna Hughes. In the Māori Land Court, Uncle Theo Anderson had expressed the desire of the *whānau* to allow such a gift to continue to his brother Bob and his sister-in-law Susan. This was on the basis that it was an act of *aroha* (love) and the *mana* (power, prestige) of Pohoira depended on the completion of the gift.[45] In legal effect though, Pohoira had left her whole shares in Ōmataroa 7AC5A2B to her son Bob anyway. It did not change the ownership of the block as such except that it added Susan as a joint owner of shares in her own right.[46] Uncle Theo Anderson gave the following testimony in the Court on 5 December 1977:

Our mother P.R. Anderson [Pohoira Rīni Mānuera], died only recently, after signing the application..We are here present in Court today to ask that the section 440 order proposed by her none the less be made by the Court. In the will she left the whole of her interest in this block to Rīni Anderson. So this transaction today will not upset the

[44] The gifting of shares was normally done under section 213, Māori Affairs Act 1953. However, under section 440 Māori Affairs Act 1953, the court could place the ownership of shares into any Māori as long as a dwelling was going to be erected.

[45] *Whakatāne Minute Book* 66 at folio 190.

[46] 'Last Will and Testament of Pohoira Riini Manuera', 'Estate file of Pohoira Rīni Mānuera or Māta or Mrs Leo Anderson', Waiariki District Māori Land Court, Rotorua.

terms of the will. We still want for it to proceed because it means that one acre of the shares will be in the names of Rīni and his wife jointly. Our brother's house burnt down last January. The family is pulling together to see if they can provide a home for him on this block and we want this to go through and not be held up in the administration of the estate.[47]

Wai-o-koro-ahu

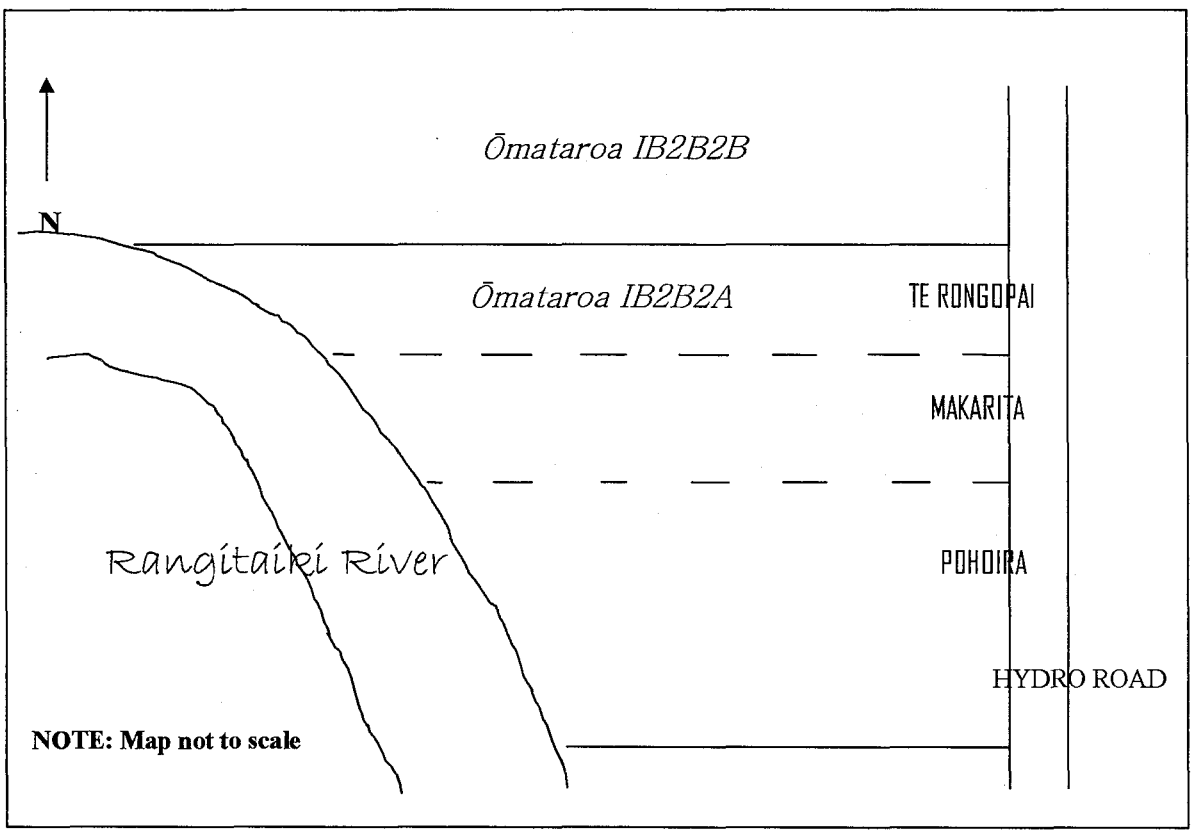
Further along the road, about one kilometre to the north of Ngākauroa at Wai-o-koro-ahu, was another Māori freehold land block owned by Pohoira, Makarita Rīni Manuera and the *whānau* of their other sister, Te Rongopai Rīni Manuera. This block was called Ōmataroa 1B2B2A. Its area was approximately 16.5 acres. The block bordered on the Rangitaiki River. This block was the first one which Pohoira and Leo moved to after living with Pohoira's brother, Eruera Rīni Mānuera and his wife Pareake Teua, for a period of time after their marriage in the early 1920s. Their house had comprised of a loose corrugated iron structure and hessian sacks on the floor. It was at this place that most of Pohoira's and Leo's children were born.[48] During the Second World War, the New Zealand Defence Department required Pohoira and Leo to grow peas and carrots on the land as part of the war effort.

On 15 February 1979, the Māori Land Court appointed Pohoira's nephew, Te Kani (Gundy) Hunia as the agent[49] for the owners.[50] The land had been used by the various owners along *whānau* lines despite there being no formal partition. The land was divided and fenced into three sections along *whānau* lines that equated to the *whānau* of Te Rongopai, Makarita and Pohoira. However, Pohoira's share of the block equated to half of the block. It was to be Pohoira's sons, Theo Anderson and Ted Anderson, who would inherit Pohoira's shares in the block when she died. All three pieces of Ōmataroa 1B2B2A were used for grazing cattle and Pohoira's piece of Ōmataroa 1B2B2A was used for grazing the milking cows of her son Bill.

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[47] *Whakatāne Minute Book* 66 at folio 190.
[48] Kōrero-ā-Bob Anderson, Ngākauroa, Te Teko, 1980-1985.
[49] Section 73(2) & (3) Māori Affairs Amendment Act 1974.
[50] *Whakatāne Minute Book* 68 at folios 70-72.

Map 8.3: Māori freehold land block Ōmataroa 1B2B2A at Wai-o-koro-ahu in 1960. The block to the north is owned by Pohoira's sister Te Rangiwhakawaitau's *whānau*. I have indicated on the map, the various areas used by *whānau* of Pohoira, Makarita and Te Rongopai.

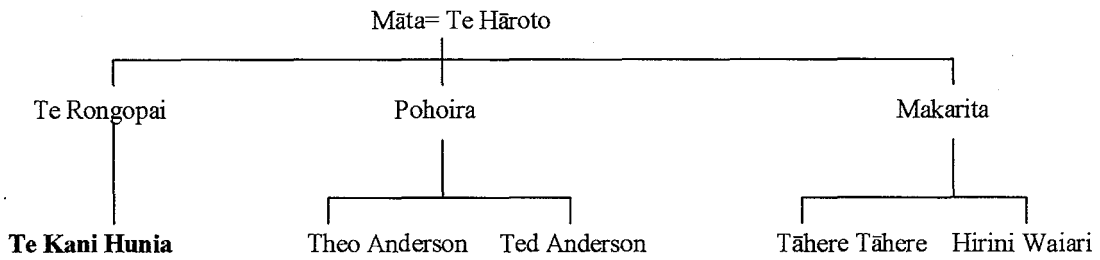


The reason why there was a need for an agent to be appointed over the block was for liaison purposes. The Rangitaiki River which this block bordered was notorious for flooding hence the reason Pohoira and Leo had moved to Ngākauroa in the late 1920s. The Whakatāne Borough Council was beginning to make plans to erect stop banks along the river in the mid to late 1970s and the Council needed a liaison person for the land block as well as other land owners all along the river bank. This was because the Council needed access to the river through the land bordering the river. Therefore the Council needed some contact person for the rest of the owners.

It was appropriate at the time that Pohoira's nephew, Te Kani (Gundy) Hunia, was appointed an agent for the owners. He was one of the few owners in the block that had the skills and capacity to deal with the local borough council and any contractors that may have needed access to the land to get to the river. The other owners were unsuitable as they were either junior to him (his

own nephews and nieces) or they lived away from the block (Hirini Waiari) or did not have the skills or sobriety to deal with the block.

Whakapapa 8.2



Kōkōhīnau

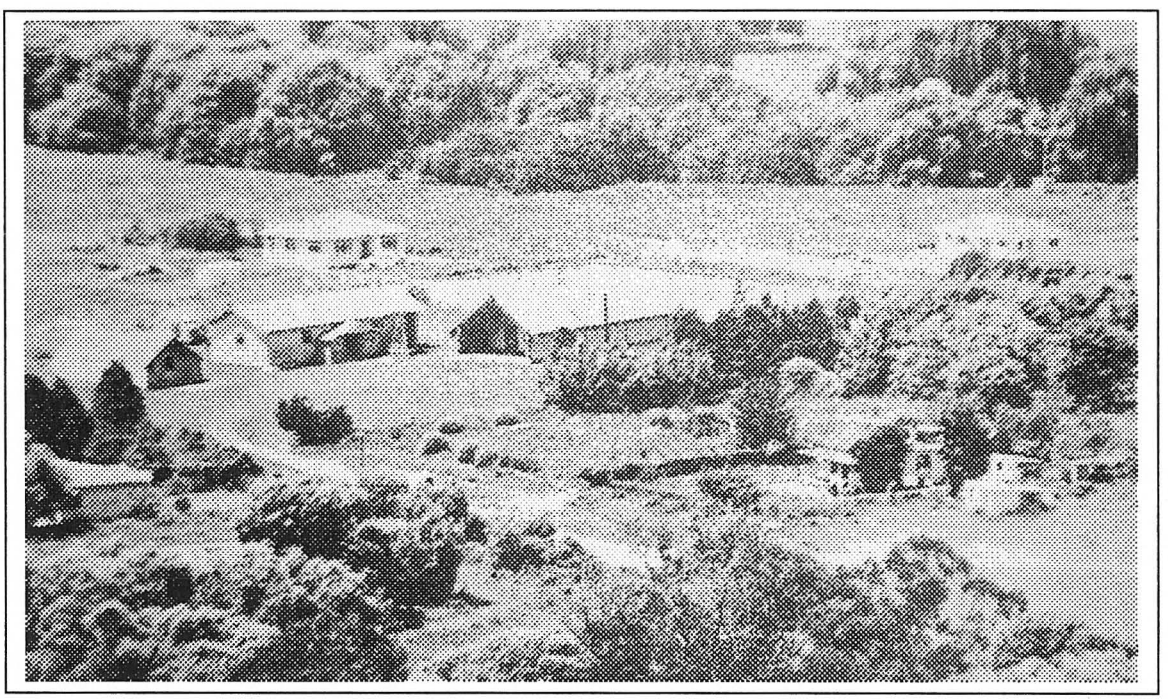
The lands to the northwest of Ngākauroa on the western side of the Rangitaiki River were known as Kōkōhīnau. These comprised the *marae* (meeting place) and an *urupā* (cemetery) while the rest were used for grazing cattle. The area was approximately 28 acres. Much of this land over Kōkōhīnau was classified as a Māori reservation.[51] The Māori Land Court did not ultimately create Māori Reservations *per se*. This role was left up to the Secretary of the Department of Māori Affairs. However, the role of the Māori Land Court was an advisory one. The Court, usually after a non-contested hearing, would make a recommendation that a certain amount land be set aside as a Māori reservation for specific purposes and for a particular class of persons. Once created the Māori Land Court could then make further recommendations on altering or cancelling the reservation. The Court minutes and the Court order would then be sent to Wellington where the Secretary of the Department of Māori Affairs would create the Māori reservation by publishing a notice in the Gazette.

In Kōkōhīnau's case, in 1969 the reservation recommendation order stipulated that (a) 7800 square metres (1acre, 3 roods, 18 perches) was to be set aside as a burial ground (*urupa*); (b) 2.1512 hectares (5 acres, 2 roods, 25 perches) was to be set aside as a meeting place and sport/recreation grounds for the common use and benefit of the Māori people generally.[52] Once the reservation appeared in the *New Zealand Gazette*, it became a legal Māori reservation. The Māori Land Court could then exercise further powers under the Māori Affairs Act 1953 in

[51] Section 439, Māori Affairs Act 1953.
[52] *Whakatāne Minute Book* 47 at folios 202-204 & *New Zealand Gazette* 1970, p.893.

appointing trustees of the Māori reservation. In Kōkōhīnau's case, the trustees were Tiki Hunia (Dick Hunia), Eruera Rīni Mānuera and Tame Waitere (Tom Whitely).

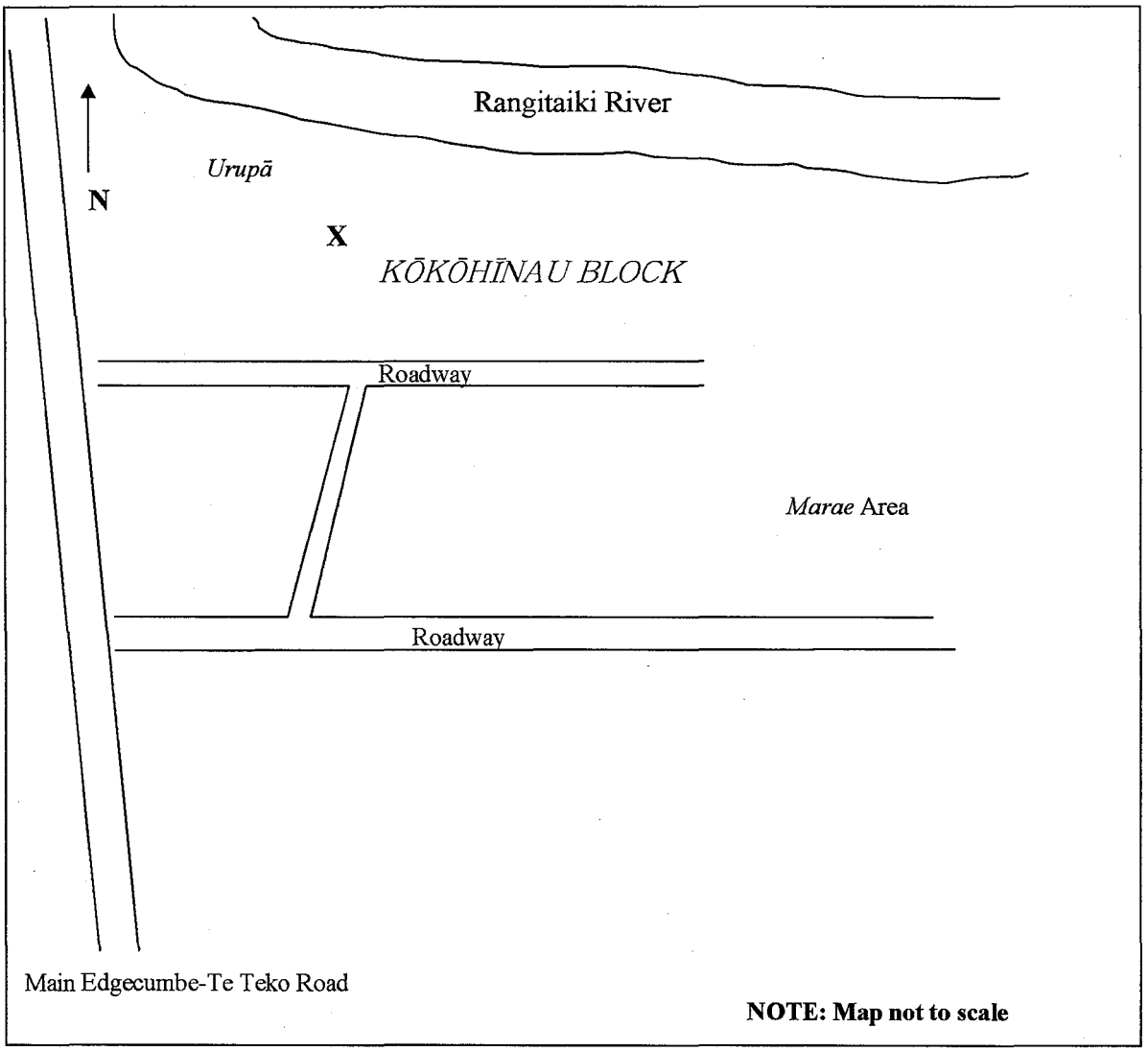
Photo 8.1: Aerial photograph of Kōkōhīnau taken 1957 from the Northwest. (Source: Whites Aviation)[53]



In 1976, the class of beneficiaries for the Māori Reservation around Kōkōhīnau was further changed by the Māori Land Court. The Court recommended a redefinition of the class of persons for whom the Māori reservations was constituted. Instead of it being set aside as a meeting place and sport/recreation grounds for the common use and benefit of the Māori people generally, it was to be for the common use and benefit of the Pahipoto *hapū* of Ngāti Awa.[54]

[53] Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.4.
[54] *Whakatāne Minute Book* 63 at folios 329-331 & *New Zealand Gazette* 1976, p. 2505.

Map 8.4: Māori freehold land block Kōkōhīnau during the 1960s and 1970s. The X mark on the map shows the approximate position from where the aerial photograph on the previous page was taken.

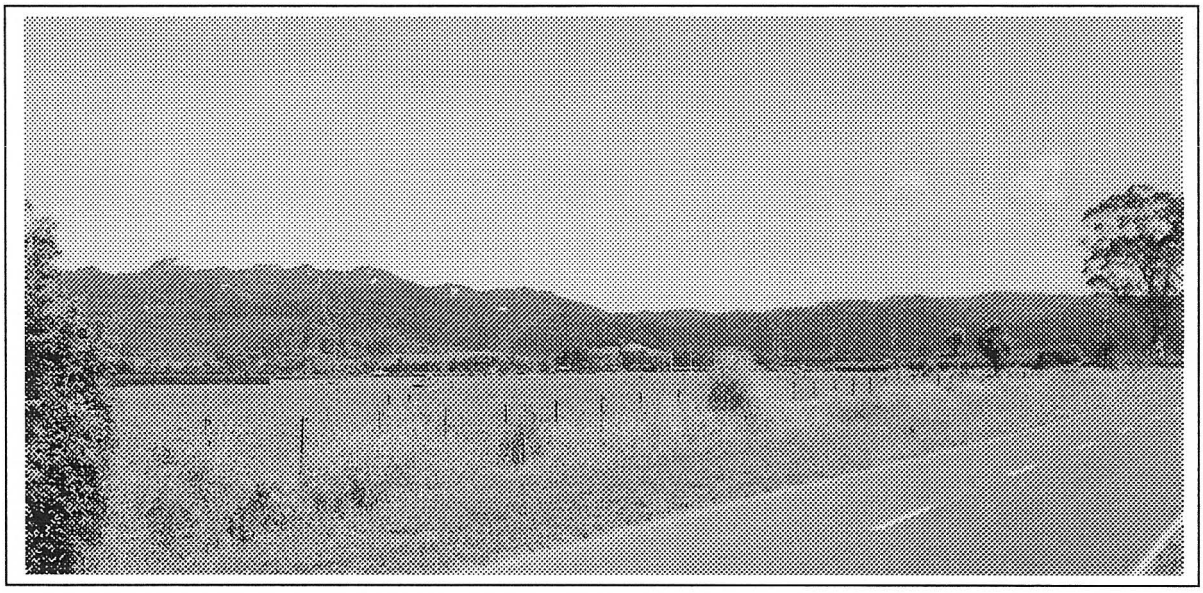


Ōmataroa

Many of the Māori freehold land blocks of Ōmataroa and Rangitaiki were situated on the hills east of Ngākauroa. These hills were used by my *whānau* to hunt wild pigs, shoot wild ducks, collect firewood and catch eels in its tributaries. Pohoira's sons Bob (my father), Bill and Ted Anderson were particularly well known for hunting wild pigs in these hills with their horses and their dogs. Pohoira's grandnephews, Titoko Warbrick (my natural father) and Mackie Kaipara, were also well known pig hunters who learnt from their Anderson uncles. Bill used part of a lagoon in the hills for duck hunting. These hunting areas were traditionally held by Pohoira's

hapū Pahipoto, Ngāmaihi and Ngaitamaoki. Pohoira held many interests in these blocks through both her maternal and paternal lines. The hills also comprised many old *pā* (fortified village) sites and various burial grounds and caves.

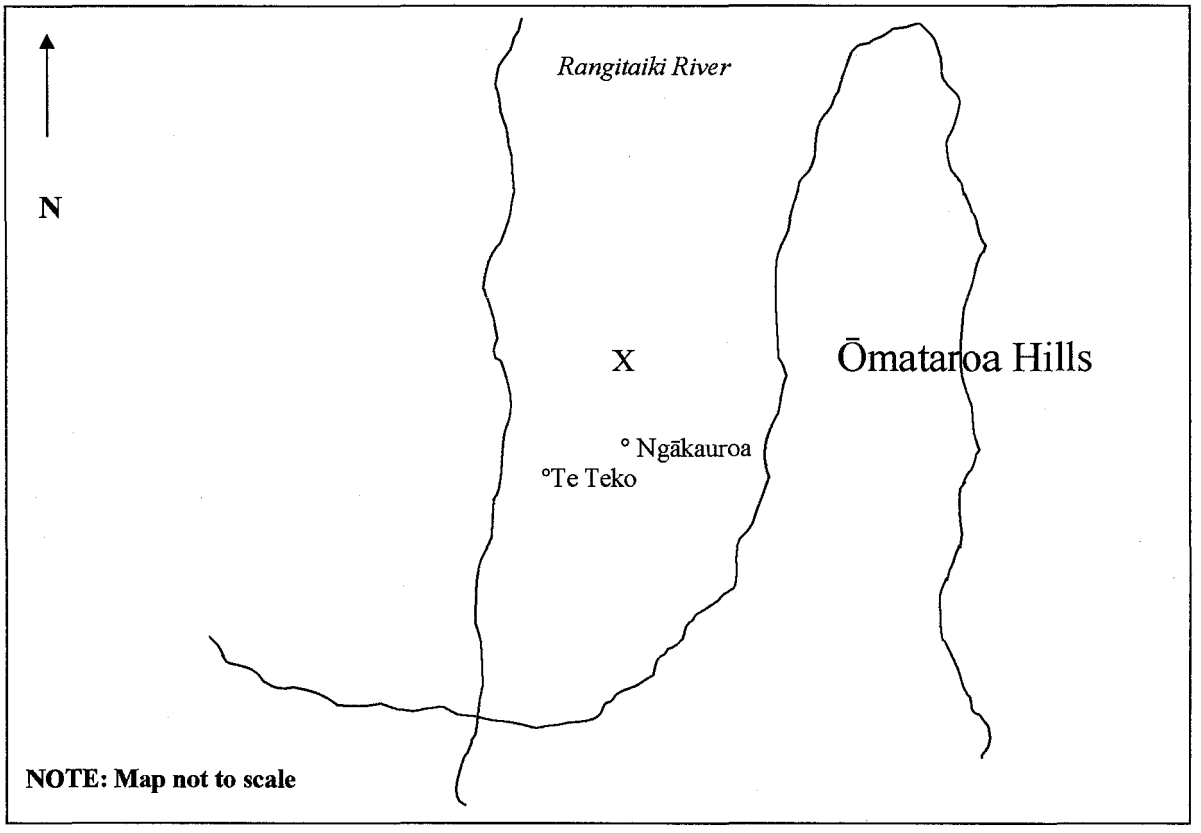
Photo 8.2: Photograph of Ōmataroa Hills taken January 2008 near Wai-o-koro-ahu. (Source: Personal Collection).



One particular cave had to be blessed and sealed after various Pākehā began disturbing the various bodies and bones of *tīpuna*. An old Pākehā man in the 1960s called Alec Maunder used to go into the caves and search for greenstone and other artefacts. He would take out the skulls of *tīpuna* and place these on manuka sticks and shoot at them for target practice. However, within weeks of doing so, Maunder developed a swelling condition of the eyes which could not be explained by western medicine. It was Alec Maunder's wife, knowing that her husband had done wrong, who sought counsel from *whanaunga* who were *tōhunga*. In the end Alec Maunder had to go and place the skulls back into the cave and then *tōhunga* sealed the cave.[55]

[55] Kōrero-ā-Bob Anderson, Ngākauroa, Te Teko, 1980-1985.

Map 8.5: General area of the Ōmataroa Hills where other Ōmataroa and Rangitaiki Blocks were amalgamated to form Ōmataroa Rangitaiki No.1. The X mark on the map shows the approximate position from where photo 8.2 on the previous page was taken.



Amalgamation

Many of the Māori freehold land blocks on the hills were eventually amalgamated together by the Māori Land Court in the early 1970s. Amalgamation involved the Court cancelling several titles of land and substituting one title over a continuous area of land.[56] The Court therefore formed a huge block of land known as Ōmataroa Rangitaiki No. 1 on 17 January 1972.[57] The Department of Māori Affairs was particularly interested in amalgamation for the ease of dealing with a single block rather than a multitude of blocks.[58]

[56] Section 435, Māori Affairs Act 1953.
[57] *Whakatāne Minute Book* 52 at folios 167-168.
[58] See: 'Report of the Māori and Island Affairs Department and the Māori Trustee and the Board of Māori Affairs for year ending 31 March 1972', *Appendices to the Journal of the House of Representatives*, (1972), Vol. II, G.9, p.17.

The process of forming Ōmataroa Rangitaiki No. 1 was a long and arduous one. There were many sittings of the Court amalgamating some blocks and partitioning others to form Ōmataroa Rangitaiki No. 1. The two blocks that formed Ōmataroa No.1 were Rangitaiki 219 and Ōmataroa Rangitaiki.[59] Rangitaiki 219 was formed on the 23 July 1971 from the partitions and amalgamations of Rangitaiki Parish 32B4C, Rangitaiki 217, Rangitaiki 218, and fourteen other Rangitaiki Blocks.[60] Ōmataroa Rangitaiki was formed on 10 April 1970.[61]

The work associated with amalgamation for the clerks in the Māori Land Court was an onerous task. It involved identifying which blocks needed to be amalgamated. They had to make calculations as to the total sum of acreage for the new block comprised of all the other old blocks. Then the clerks had to calculate a person's shareholding in the new block with reference to their shares and acreage entitlement in an old block. This was a painstaking job. No matter how small the person's shares in the block, the shareholding nonetheless had to be worked out and calculated.[62] In order to do this the clerk worked their way through each individual block file to first locate a list of the owners of each block. This was not an easy task. Depending upon the block in question, there could be a number of problematic scenarios for the clerk. The first difficulty could occur where a file contained an original owners' list for the block in question with no recorded successions and no court orders. In this scenario, the clerk had to record the names of those in the original owner's list. They then worked out those owners' new share entitlement in the new block. Alternatively, the file might contain a relatively up-to-date owner's list. In this case, the clerks also recorded the owners on the updated list and then also calculated their new share entitlement. [63]

However, most block files did not have reasonably up-to-date lists of owners with their entitlements. Instead, some files would contain older lists of owners as well as court orders that recorded the new owners of various shares through either succession, gifts, exchanges or transfers to the new owners. In this case, clerks would have to construct a draft list of owners as of a particular date. From there they would have to cross reference Court orders with owners on

[59] *Whakatāne Minute Book* 52 at folios 167-168.
[60] *Whakatāne Minute Book* 52 at folios 49-50.
[61] *Whakatāne Minute Book* 47 at folios 332-350.
[62] Interview with clerk X, 5 May 2003, Rotorua.
[63] Interview with clerk X, 5 May 2003, Rotorua.

the draft list. The clerks were therefore tracking the owners of the various shares to a relatively up-to-date draft according to what information was contained within the block file. [64]

Once all Court orders were cross referenced a second draft would be constructed becoming an owner's list for that block. From that point the clerk would be able to calculate the owners' new share entitlements working from the second draft constructed for the old block. Once each block had been examined and a list of new entitlements constructed, an application was ready to go to the Court. In the Court, the several other titles were cancelled. A new title was then substituted for the several older titles along with a list of new owners with their respective shares. [65]

Section 438 Trust

Once the Ōmataroa and Rangitaiki blocks were amalgamated to become Ōmataroa Rangitaiki No.1, the whole block was placed into a trust under section 438 Māori Affairs Act 1953. [66] The New Zealand Insurance Company was then appointed as the responsible trustee over the whole block. [67] There were ten other advisory trustees appointed over the block. Three were *whanaunga* from Kōkōhīnau namely Pohoira's brother, Eruera Rīni Mānuera, Tame Waitere (Tom Whitely), and Te Rangi (Dick) Hunia.[68] The other trustees were my mother's *whanaunga*, namely, her uncle Aniheta Ratene, and Stanley Kēpa, Tikitere Takuira, Joseph Wihau Grant and Hāre Wells. There was also the accountant, Raymond Herbison, and the solicitor, Peter Ian Harvey of Whakatāne, who were also appointed advisory trustees.[69] It was not long after the amalgamation that the Trustee, New Zealand Insurance Company, negotiated a lease over the land with the Caxton Paper Mills Limited (Caxton). [70] This was to plant pine forestry on the block and return a rental to the owners. (As a young boy in the 1970s, I clearly recall the young sapling trees being planted on Ōmataroa as the hills can be clearly seen from Ngākauroa.)

Legally, my father and uncles could no longer hunt on the blocks subsequent to leases in favour of Caxton. In practice, however, my father and uncles simply ignored the Caxton leases. They hunted on the blocks like my *whānau* always had. My father and uncles possessed expert and

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[64] Interview with clerk X, 5 May 2003, Rotorua.
[65] Interview with clerk X, 5 May 2003, Rotorua.
[66] *Whakatāne Minute Book* 52 at folios 167-168.
[67] *Whakatāne Minute Book* 52 at folios 167-168.
[68] *Whakatāne Minute Book* 52 at folios 167-168.
[69] *Whakatāne Minute Book* 52 at folios 167-168.
[70] TN.11289 (Block Order File for Ōmataroa Rangitaiki No.2), Māori Land Court, Rotorua Registry.

practical knowledge of the terrain of the hills from the time they were children in the 1920s. They were never caught by Caxton officials who would have prosecuted them for ignoring the leases and entering upon the land.[71]

Incorporation

There was one particular Ōmataroa block which never formed part of the projects for the amalgamations which culminated in Ōmataroa Rangitaiki No.1. This block was Ōmataroa 10A and it was made a Māori incorporation by the Court in 1962.[72] Ōmataroa 10A had up to then been primarily used for quarrying. All the other blocks surrounding Ōmataroa 10A were eventually subsumed into Ōmataroa Rangitaiki No.1. The reason why Ōmataroa 10A was made into an Incorporation was as a result of a meeting of owners on 27 November 1961. There had also been a resolution put to the meeting to sell the land to the Whakatāne Board Mills, a wood processing company. However, my *whānau* were non-committal on the proposal. That resolution was unresolved and Judge Gillanders Scott deemed the resolution to have been lost.[73]

Incorporations were a hybrid legal structure specifically designed to overcome the practical issues of managing land that had a multitude of owners. It had elements of a company as well as a trust. Incorporation involved the creation of a legal concept called a 'body corporate' over the land. The body corporate then held the land in trust for the owners.[74] Incorporation practically involved removing the owners of the land as the registered owners in the Court's records. The body corporate was then recorded as the owner of the block.[75] A Committee of Management (Committee) was thereafter appointed by the Court to run the affairs of the body corporate.[76] Under an Incorporation, the former owners of the land were recorded as owning shares in the body corporate. They also had the power to elect the Committee as well as have regular annual

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[71] Kōrero-ā-Robin Anderson, Ngākauroa, Te Teko, c1995-2000.
[72] *Whakatāne Minute Book* 33 at folios 188-191. Its legal title was Proprietors of Ōmataroa No. 10 Block. (see section 273 Māori Affairs Act 1953).
[73] *Whakatāne Minute Book* 33 at folios 188-191. Its legal title was Proprietors of Ōmataroa No. 10 Block. (see section 273 Māori Affairs Act 1953).
[74] Norman Smith, *Māori Land Law*, A.H. & A.W. Reed, Wellington, 1960, p.158. (see section 275 Māori Affairs Act 1953).
[75] The Committee of Management is also known as the body corporate. See section 273 Māori Affairs Act 1953.
[76] See sections 292-299 Māori Affairs Act 1953.

general meetings.[77] The owners' shareholdings were controlled by the Committee in a register.[78] It was now the Committee that dealt with successions to the shares instead of the Court.

Under the Māori Affairs Amendment Act 1967, Incorporations were not spared from the harsh reforms in other areas of Māori land law. Incorporations were given powers of compulsion similar to conversion or live buying under the Māori Affairs Act 1953. The Committee was also given the power to set a minimum shareholding in the Incorporation. What this meant was that any person whose shareholdings were below the minimum shareholding would then be paid a sum of money to have their shareholding cancelled.[79] Other harsh measures in the 1967 legislation included all land held by an Incorporation being immediately classified as general land.[80] This was consistent with the Registars' new powers to declare any Māori freehold land with less than four owners to be general land.[81] In addition, all Incorporation shares were classified as personal property and therefore could be transferred to any person, including Pākehā, without restriction.[82]

Ōmataroa 10A was one of those blocks that my father and uncles used to gain access to the hills for hunting during the 1960s and 1970s. In the 1970s, I use to go with my brothers onto the land to collect watercress for food, fern for the construction of *rua* (underground pits) for the storage of potatoes and *kumara* (sweet potato), and the collection of *manuka* (teatree) for stakes for gardening. (A Pākehā apiarist also kept some of his beehives on the land, and it was always an effort to carefully navigate past the beehives to get access to the watercress.) Despite the land primarily being used for quarrying rock, our *whānau* never had problems in gaining access to the block, unlike when trying to access the Ōmataroa Rangitaiki No.1 block of land.

Matahina

The final Māori freehold land block that I wish to mention is Rangitaiki 60C. The land is in the area of Matahina. Pohoira held a number of interests in this block of land. It was situated some five kilometres south of Ngākauroa. The block straddled the Rangitaiki River, and it was on this

[77] Sections 292-300 Māori Affairs Act 1953.
[78] Regulations 24-28 The Māori Incorporated Owners Regulations 1955.
[79] Sections 33-37 Māori Affairs Amendment Act 1967.
[80] Section 31 Māori Affairs Amendment Act 1967.
[81] Section 4 Māori Affairs Amendment Act 1967.
[82] Section 38 Māori Affairs Amendment Act 1967.

block that Aubrey Obell (the French miller that I mentioned in chapter four) resided in the 1850s. The block also comprised ancient burial grounds. However, much of the block was taken under the Public Works Act 1928 for the construction of the Matahina Hydro-Electric Dam in the 1960s.[83] When the dam was being constructed, there were many incidences of the bones of *tīpuna* being unearthed. The millstones of Aubrey's old mill were also uncovered.[84] However, those were the days when the Crown cared little about those matters. *Whānau*, *hapū* and *iwi* were powerless to stop the Crown. Such was life in Te Ao Māori back in the 1960s.

Pohoira and Eruera Rīni Mānuera's brother-in-law and nephew-in-law, Kakaho Teua (Baldy), resided on the land in 1960.[85] He had acquired a lease over the land for dairy farming on parts of the land in the 1950s. Otherwise there was scrub and manuka on much of the land. When the government seized about 146 acres of the land for the Matahina Dam in 1960, the Māori Land Court had the role of determining monetary compensation for the owners as well as Kakaho. It was the Chief Judge Ivor Prichard that delivered the Court's decision on 19 May 1961.The sum of £2100 was awarded by the Court to the owners of the land and £5400 plus £270 interest was awarded to Kakaho.[86] The whole affair of forcing Kakaho to liquidate his dairy farm was devastating for him. He had worked so hard after the Second World War, to acquire a long term lease and build up his dairy farm only to have his labours count for nothing. My aunt Moenohotu (Mona) was his second wife. They had no children of their own. Instead they raised many *tamaiti whāngai* (a child adopted in accordance with Māori customary practice). However, Kakaho did have children from his first marriage. Kakaho's son, Sid Teua, was a very close friend of my father. As a young boy I would pick up parts of conversations between my father and Sid that touched on the issue of the taking of Kakaho's farm. It was not so much the actual words that were spoken, that portrayed the essence of the feelings that Kakaho experienced. Instead, it was the pauses and the silences in their voices as well as the looks in their faces that portrayed the feelings of hurt, anguish and sadness. [87]

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[83] See: clauses 1-4 in the preamble of the Deed of Settlement to Settle Rangitaiki 60C Historical Claims at http://nz01.terabyte.co.nz/ots/DocumentLibrary/Wai248DeedFinal.htm (accessed 30 June 2009)

[84] Kōrero-ā-Bob Anderson, Ted Anderson, Titoko Warbrick, Ngākauroa, Te Teko, c1980-1990.

[85] It was Kakaho who came to bless Leo Anderson's house in 1979, when we moved back to Ngākauroa after our mother's death.

[86] *Whakatāne Minute Book* 33 at folios 159-163.

[87] I have seen the types of expressions on people's faces before. This was especially when my aunts spoke about my father's lost opportunity to obtain a farm after World War Two. All my father had to do was to sign the confirmation papers that were sent to him. The letter of confirmation was sent to his father-in-law, Tau Parkes, who duly

Whakapapa 8.3

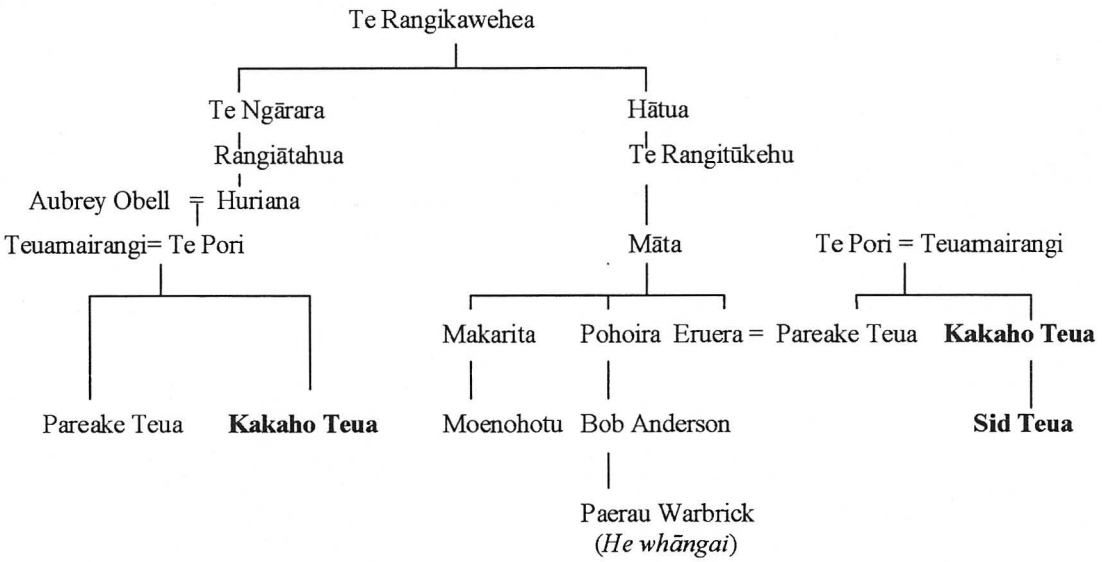
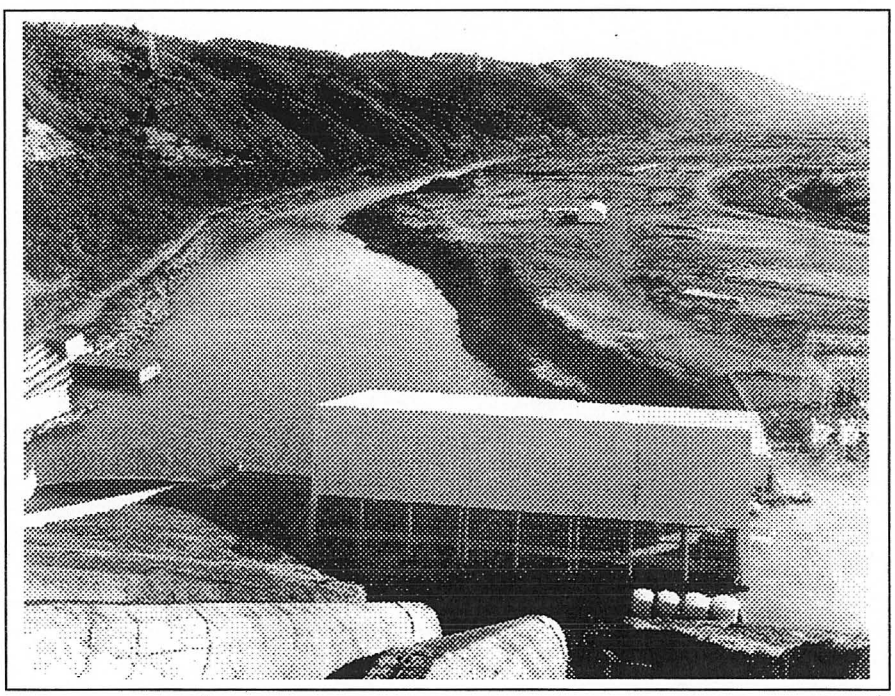


Photo 8.3: Photograph of the Matahina Hydro-Electric Dam taken c 1968. (Source: David Young).[88] The view is northward looking. A lot of Rangitaiki 60C was taken for its construction under the Public Works Act 1928. Kakaho Teua's farm was all the land on the right hand side of the picture.



destroyed the confirmation ballot papers out of spite. Kōrero-ā-Ellen Anderson, Joanna Hughes, Nellie Kirkwood, Ngākauroa, Te Teko, c1990-2000.

[88] David Young, *Matahina. Power in the Land*, Steele Roberts Limited, Wellington, 1998, p.39.

Conclusion

This purpose of this chapter was to point out aspects of the work of the title improvement section of the Court as well as the transformation of the title to *whenua*. In its historical role the Court had to grapple with the underlying customary concepts to Māori customary land, but also the new form of title known as Māori freehold land. The Pokohu No. 1 block investigations highlighted customary concepts related to title in the land. The various *take* to land were used by Māori to justify not only their ownership or rights in the *whenua*, but also to explain certain relationships that they had with the land. Once the original investigations into ownership of the land were processed through the Court, the Court was still faced with the ongoing partition of the land into smaller blocks. The Court was, however, faced with continuing issues pertaining to the management and use of the land.

By the 1960s, Māori continued to have relationships with the land but in different ways. After all, this was the time of Te Ao Hou, and the relationships with the land was in a modern context. (However, Alec Maunder found out that older spiritual concepts relating to *whenua* were still in operation in the 1960s.) The Māori Land Court was a necessary institution for dealing with the *whenua* in the modern context. The title improvement section of the Court was involved in consolidation of land interests, partitions and amalgamations which were common notions associated with land. Māori reservations, the appointment of agents, the creation of incorporations and trusts were also modern mechanisms used by the Court to manage Māori freehold land. But despite all of this, the *whenua* still had an important place for *whānau*, *hapū* and *iwi*. Living on the land, hunting on the land, farming the land was still taking place in Te Ao Māori. In the case of Pohoira Rīni Mānuera she even died on the land at Ngākauroa.

The land blocks that I examined in this chapter have been relatively small land blocks specific to my *whānau* and other *whanaunga*. One of the bigger land blocks was Rangitaiki 60C that was partly taken by the Crown in the 1960s for the Matahina hydro-electric Dam. The other larger block was the Ōmataroa Rangitaiki No.1 block that came into being in 1972 as a result of amalgamation. However, the size of these blocks do not compare to the large land block that came about as a result of the Tasman Forestry Proposal in 1966. In that case, nearly 100 Māori freehold land blocks were affected by the proposal. The scale and magnitude was such that it involved not only Pokohu blocks, some Kawerau and Matata blocks, but also the Matahina

Block that was mentioned in chapter three. The following chapter examines the large scale Tasman Forestry Proposal. Although it eventually was processed through the Court, a special Act of Parliament was still required to ensure its ultimate success without any legal opposition whatsoever.

CHAPTER NINE
TASMAN FORESTRY PROPOSAL

Who would have known that by my *whānau* (family) selling our land to Tasman Pulp and Paper Company (Tasman) in the 1950s, we were effectively letting a wolf in sheep's clothing into our area. From an economic point of view, it was advantageous for hundreds of *whānau* on the Rangitaiki Plains. As mentioned in chapter five, Tasman provided work in the area. My father, uncles, brothers and hundreds of *whanaunga* (relatives) worked in Tasman over the years. My brother, Robin Anderson, still works there.

However, from a cultural and environmental perspective, Tasman's role in the area was very bad. Tasman polluted the Tarawera River by pouring its wastes into the river. It is the only river in New Zealand which a major industry is allowed to pollute in the way that it does. Upstream from Tasman, the Tarawera River's waters are clear and fresh looking. Downstream from Tasman the river water is dark and black. Despite Tasman claiming that the water is safe to drink, or is safe for wild life, the black water suggests otherwise to any reasonable and fair minded person.[1] Tasman not only affected the river. It also had a hand in the forceful acquisition of our *whenua* in the Tarawera Valley (approximately thirty kilometres south west of Kōkōhīnau) in the vicinity of the Pokohu Blocks. The forceful acquisition was for a forestry scheme in the 1960s which was of national significance.

The Tasman Forest Proposal was a joint-venture initiative that was driven by Tasman and the Crown. The Crown and Tasman envisaged that their land as well as Māori freehold land blocks were to be part of the venture.[2] Pine trees were then to be planted on the land thereby insuring security of supply for Tasman in the medium term. All of these Māori freehold land blocks belonged to my *whānau* and other *whanaunga* not only through my Ngāti Awa genealogical lines but also my Ngāti Rangitihi, Tūhourangi and Ngāti Tūwharetoa ki Kawerau connections as

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[1] See: Stephen Park, 'Colour and Clarity of the Tarawera River 1991-2008', Environment Report for Environment Bay of Plenty, Environmental Publication 2008/2, [Whakatāne, 2008] at http://www.envbop.govt.nz/Reports/Report-090528-ColourAndClarityOfTheTaraweraRiver1991-2008.pdf (Accessed 7 August 2009).

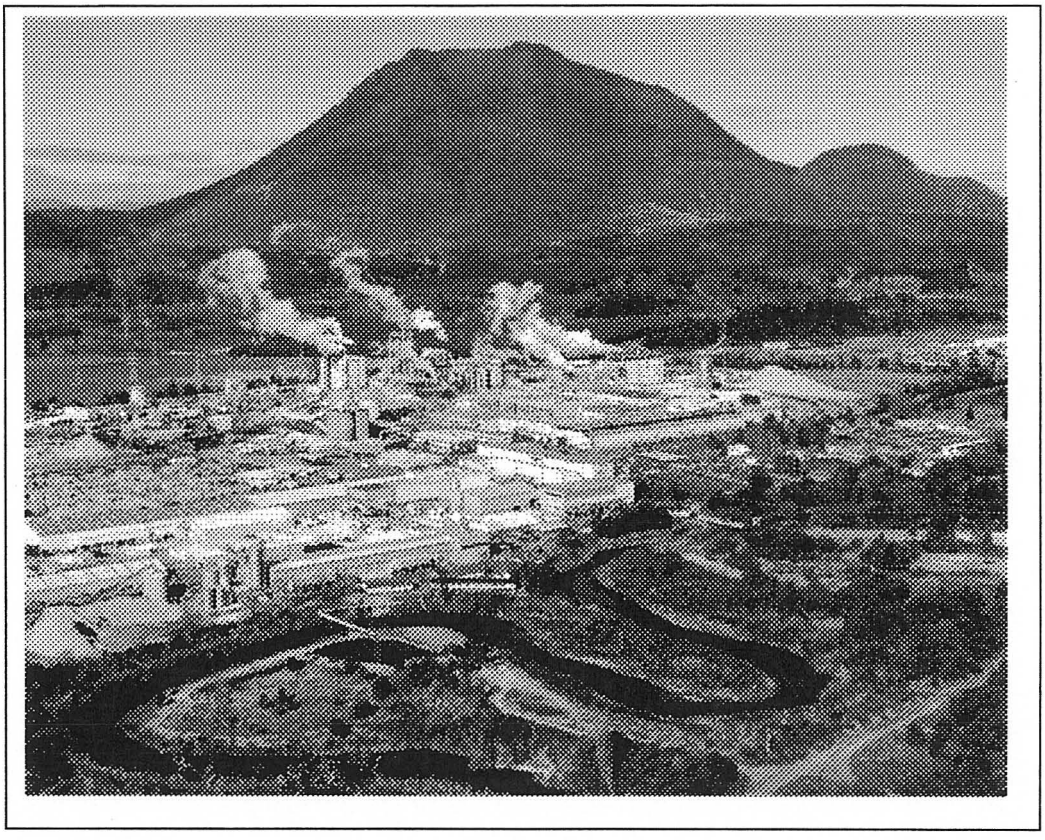
[2] See 'Chapter 3: Developing the Joint-Venture Proposal from 1960 to 1964', Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003, pp.55-151.

well. The upshot of the proposal was that Tasman eventually got control of all our *whenua* for the Tasman Forestry Proposal. All the Crown, Tasman and Māori freehold land blocks were to be transferred to Tarawera Forests Limited (TFL). The former Māori owners of the Māori freehold land blocks were issued shares in a separate company called Māori Investments Limited (MIL) which is still in existence today. To add insult to injury, Tasman also took by stealth, the ancestral mountain, Pūtauaki, for the scheme. Most of my *whanaunga* did not understand that Pūtauaki was also to be part of the Tasman Forest Proposal. This will be further examined in the next chapter.

In this chapter, there will be an examination of the Tasman Forestry Proposal and the Māori Land Court's role in the forceful acquisition of our *whenua* (land). The Māori Land Court was but a part of the whole process of our *whenua* being lost to Tasman. The Department of Māori Affairs and the Māori Trustee were also key players in the process. The Crown also played its part by utilising various Departments of the State to ensure the project got maximum support from the government. Finally, the Crown insured the passage of special legislation in the form of the Tarawera Forest Act 1967, to safeguard the project against any operational or legal problems whatsoever.

Nevertheless, it was the Māori Land Court in its function and role towards title improvement that was important in the progression of the Tasman Forest Proposal. The Court cancelled the titles to the Māori freehold land blocks and amalgamated the land into one super-block known as Tarawera No. 1 block. The Court then appointed the Māori Trustee as responsible trustee over the land. The Māori Trustee then sold Tarawera No.1 block to TFL. The only control that my *whānau* could exert over their former lands was by voting representatives on to the Board of Directors of MIL who could then appoint two members onto TFL. Effectively, my *whānau* had lost control over our lands and Pūtauaki and the Court played a large role in that result.

Photo 9.1: Photograph of Tasman Pulp and paper Company taken in 2004. The Tarawera River is in the foreground. The ancestral mountain, Pūtauaki is in the background. (Source: Rob Donald).[3]



Meetings of owners of the land

October 1965 Meeting at Kawerau

One of the very first meetings where some of the Māori freehold land owners had an opportunity to discuss the proposal with Tasman Representatives was in Kawerau on 14 October 1965. There were 36 owners present along with ten government representatives and nine Tasman representatives. Three of the government representatives were directly linked to the Māori Land Court. These were J.H.W. Barber (District Officer for the Department of Māori Affairs and Registrar of the Court in Rotorua), J.A. Dye, Special Titles Officer, Rotorua and J. Piahana, licensed Interpreter, Rotorua. The brother of my *kuia* (grandmother), Eruera Rīni Mānuera, was

[3] This photograph is on the cover of the Environment Report for Environment Bay of Plenty prepared by Stephen Park, 'Colour and Clarity of the Tarawera River 1991-2008', Environment Report for Environment Bay of Plenty, Environmental Publication 2008/2, [Whakatāne, 2008] at http://www.envbop.govt.nz/Reports/Report-090528-ColourAndClarityOfTheTaraweraRiver1991-2008.pdf (Accessed 7 August 2009).

present at the meeting along with my *whanaunga*, Takawai Edwards and Tom Whitely (Tame Waitere).[4]

The meeting commenced at 10.30 and Mr. Schmitt, Managing Director of Tasman, outlined Tasman's proposal. At the conclusion of Schmitt's explanations, Alfred Edwards, who lived in the Tarawera Valley, categorically stated, 'I want my blocks of land left out of the scheme'. However, his comments were quickly dismissed by the Department of Māori Affairs representative, B. Souter, who indicated that he was raising that issue at the wrong time, and that there would be an opportunity at a different time to raise that issue.[5] It was one of the Māori owners, Mr. Fraser, that opined that the Māori freehold lands be leased instead of being transferred to a company. However, my *whanaunga* Phillip Howell objected to such a thing on an economic basis that the Māori owners would receive little returns in the form of a lease. However, Howell's pressing concern was with the Whakatāne County Council and the rates on the land.

If it doesn't go to Tasman, the County Council is the dog I am afraid of. If the Government intends to go in with Tasman and the Māoris do not then the County will really come in. The County will want to rate our land. I ask my people if that is so who is going to pay those rates?[6]

It was my other *whanaunga*, Monica Lanham, that wanted to know more details associated with the scheme. It was clear from the way the meeting was developing, that there was some indications of support for the proposal. Phillip Howell wanted the scheme to go ahead. Mr. Semmens, another Māori owner, was also in favour of the scheme. His support was somewhat philosophical. He thought that by developing the land, he would be effectively saving the land.

As far as Tasman is concerned, it is the only crowd that can develop that country. We can never do anything with that country up there. The Māoris are thinking about what is going to happen to their land. The Māori people have

[4] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company Limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[5] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.3, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[6] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.12, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

lost a fair bit of land all over New Zealand and that is what they are worried about. The forest is the only thing to bring that land back.[7]

Kepa Ehau, who was elderly by this stage, and who had been a Land Court clerk in the 1920s and 1930s (see chapter six), was more blunt in his support.

I am a shareholder in the biggest Māori block. This is the first company that has ever offered to help the Māoris to develop land. They have come here with their experts and resources. I want to thank Tasman Pulp and Paper on behalf of the owners of the biggest Māori block that is involved in this scheme. In principle we will agree to everything. That is why I am here today. As far as I am concerned, carry on and may you flourish. You have the good wishes of the owners of the biggest Māori block in this scheme (Pokohu D).[8]

It was after Kepa Ehau had spoken that Mr. Souter addressed the meeting in detail about what would happen to the Māori land. It all depended on the agreement of the Māori Land Court. The proposal envisaged that the Māori freehold land blocks were to be amalgamated by the Court. A trustee would then be appointed by the Court which would then sell the block to TFL. The trustee would then receive a debenture issued by TFL for the value of the Māori freehold land blocks.[9]

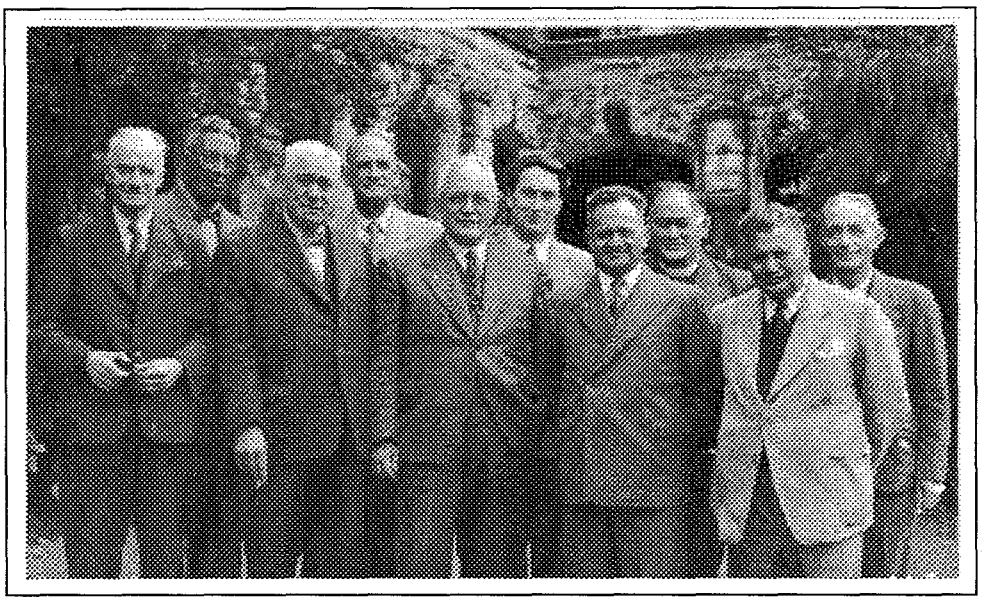
It was also during his speech that Mr. Souter introduced the idea of the Māori land owners having their own company separate from TFL which would hold the debenture. The former Māori land owners would then be issued with shares in the new Māori company according to the value of their former shares. Mr. Souter referred to the theoretical company as Pokohu Māori

[7] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.9, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[8] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.13, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[9] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, pp.14-15, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Holdings Limited.[10] It was also envisaged that the company would then nominate two directors on TFL. [11] As the meeting progressed, it was Mr. Fraser who became critical of the proposal.

...I think it would be robbing the small landowner of a full say as to what should eventually happen to this land. If these titles are amalgamated you may as well say you have got the land-take it![12]

Photo 9.2: A group photo showing Kepa Ehau taken c. 1950s. Kepa is the second from the left. Kepa strongly supported the Tasman Forestry Proposal at both the Kawerau and Kōkōhīnau meetings in 1965. (Source: New Zealand Dictionary of Biography).[13]



Monica Lanham also expressed concern that Mr. Edwards (Alfred Edwards) who was born in the Tarawera Valley and was still living on the land, was going to be forced off his blocks. Even

[10] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.15, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[11] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.15, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[12] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.16, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[13] The photograph is from a group photograph taken circa 1950s of some outstanding speakers of the Maori language.http://www.dnzb.govt.nz/dnzb/Maori_default.asp?../dnzb/Maori_Essay_Body.asp?PersonEssay=4E5 (Accessed 7 August 2009). In the back row, from left, are Kepa Ehau, Rongo Halbert, Bruce Biggs, Canon Dan Kaa, and Pei Te Hurinui Jones. In the front row, from left, are Morris Jones, Rangi Royal, Michael Rotohiko Jones, Wiremu T. Ngata and Eru Pou.

though she wanted to know why their interests could not be excluded from the scheme, she still did not get an answer from Tasman.

The Edwards family are very concerned and I don't blame them. Their home is in the Tarawera Valley. They were born there. Mr. Howell was born there but does not live there. I want to know why they cannot take their bit out now before it goes to Court.[14]

Mrs. Hawthorne, another Māori owner, expressed that she was also not happy with the way the meetings of owners were being conducted. At that time, there had been an indication that there was going to be a subsequent meeting at Kōkōhīnau late in the year.

I am not very happy about the meetings of owners. There are several others who are not very happy. There are a number of owners who do not know what is going on. The list has not been made available to everybody we should try and make an endeavour to let all the owners know what is going on. [15]

Despite the concerns by Mrs. Hawthorne, Mr. Barber the Registrar of the Māori land Court had indicated that the Department of Māori Affairs and Tasman had done their very best. But he did indicate that there would be adequate opportunity for the owners of Māori freehold land to study the proposal. [16]

At this initial meeting, at no point whatsoever was there any reference to Pūtauaki by either the Tasman, government representatives or other Māori present. It appeared to the Māori owners that it was not to form part of the Tasman Forest Proposal. Eruera and my other *whanaunga* did not speak at this meeting, Instead they listened to a rather complicated proposal. While there were indications that there was support for the scheme, it was also clear that there was apprehension about it as well. It was at Kōkōhīnau nearly eight weeks later that the Tasman Proposal was to be further discussed. At that time, there were to be a larger number of owners to consider the Proposal.

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[14] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.18, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[15] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.19, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[16] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.20, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

December 1965 Meeting at Kōkōhīnau

The first time that most of my *whānau* had any definite ideas of the Tasman Forestry Proposal was when they received a formal notice from the Māori Land Court dated 19 November 1965. It was issued under the hand of Mr. Barber, the Registrar of the Court in Rotorua. The notice was convening a meeting at Kōkōhīnau on 11 December 1965. The details were very specific in that it was a proposal to amalgamate blocks in the Tarawera Valley, the appointment of the Māori Trustee over the land, and the formation of a Māori Holding Company.[17]

Accompanying the notice was a green booklet of ten pages that contained two maps that could be lifted out from it.[18] The booklet contained specific details of the Proposal. It was primarily directed at the Māori owners of the land in the Tarawera Valley as the Crown had already accepted Tasman's proposals.[19] The booklet's introduction was as follows:

> Tasman wishes to place before the owners of land in the Tarawera Valley a proposal for the development of an exotic forest on the currently unproductive lands of the Valley...The basic concept involves the transfer by the Māori landowners, the Crown and Tasman of their land in the Tarawera Valley to a new public company to be formed and known as Tarawera Forests Limited...
>
> All the partners in this joint venture would share in the capital of Tarawera Forests Limited in proportion to the value of their respective contributions in land and money.
>
> It is proposed that the Forest Company would have a Board of Directors composed of seven members; the Maori owners to nominate two members, the Crown, one and Tasman four.[20]

The booklet then explained more complicated matters such as land classification, financial arrangements, taxation and certain concessions. It pitched its message to the Māori owners in terms of converting unproductive lands into a revenue-producing asset with profits reaching

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[17] 'Tarawera Valley Afforestation: Notice to Māori owners', [19 November 1965]. Exhibit K, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[18] [Tasman Pulp and Paper Company], *Proposal by Tasman Pulp and Paper Company Limited to Māori Owners and the Crown to participate in the Development of an exotic Forest in the Tarawera Valley*, [1965]. Exhibit G, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[19] [Tasman Pulp and Paper Company], *Proposal by Tasman Pulp and Paper Company Limited to Māori Owners and the Crown to participate in the Development of an exotic Forest in the Tarawera Valley*, [1965]. p.5, Exhibit G, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[20] [Tasman Pulp and Paper Company], *Proposal by Tasman Pulp and Paper Company Limited to Māori Owners and the Crown to participate in the Development of an exotic Forest in the Tarawera Valley*, [1965], p.1, Exhibit G, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

£700,000 per year (a staggering sum for that time).[21] Not every owner in the Māori freehold land blocks got sent that green booklet, and even those who did receive it had very little comprehension of the things that were contained in it.

My natural father, Titoko Warbrick, specifically recalled attending the owners' meeting at Kōkōhīnau on 11 December 1965. The meeting was of such importance that it was attended by representatives from the New Zealand Treasury, the New Zealand Forest Service, the Department of Māori Affairs, the Lands and Survey Department, as well as Tasman Pulp and Paper Company.[22] The meeting was also opened by the local Māori Member of Parliament, Steve Watene. According to the minutes of the meeting, there were approximately 350 Māori in attendance. The meeting lasted all day, and it was a tense meeting.

It was Kepa Ehau, who made the first speech to the meeting where he was emphatic in his support for the proposal.

> My friends, I do not know whether I have any say in this matter, but when I hark back I remember nothing but trees from Murupara to Lake Taupo, and now you cannot even find a worm on this land. I am advising my crowd to agree, to put our faith in their [Tasman] hands.[23]

It was then that the Registrar of the Māori Land Court in Rotorua, Mr. Barber, spoke about the proposal, explaining that it involved some 4000 owners in all the Māori freehold land blocks.[24] He was followed by Mr. Schmitt, Managing Director of Tasman, who gave a complicated analysis of the Proposal. It was during his speech that there was an interjection. The identity of the person is not recorded in the minutes but their words were very clear. They wanted someone to interpret it into Māori because some who were present could not understand the proposal or

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[21] [Tasman Pulp and Paper Company], *Proposal by Tasman Pulp and Paper Company Limited to Māori Owners and the Crown to participate in the Development of an exotic Forest in the Tarawera Valley*, [1965]. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua, Exhibit G, p.5.

[22] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[23] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, p.1, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[24] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, pp.1-3, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

the explanation given by Mr. Schmitt. It was therefore up to John Rangihau, the Department of Māori Affairs interpreter, to translate and explain the proposal in Māori.

The other principal speakers who followed Mr. Schmitt included the Director General of Forests, Mr. Poole; the Deputy Secretary to the New Zealand Treasury, Mr. Davis; the Assistant Directer General of Lands and Survey, Mr. Lynskey, and the Deputy Secretary of the Department of Māori Affairs, Mr. Souter. The Proposal was very complicated with all sorts of facts and figures. Even Mr. Souter admitted:

> Mr. Chairman, I can appreciate the difficulties people here today have in following these ideas that I am putting forth because I worked on them for some months and I can well understand that they could be quite difficult because I have had difficulty in explaining them to accountants and people like that.[25]

As at the Kawerau meeting, not once in the explanations given to the meeting was a reference made to Pūtauaki. Instead, Mr. Dye mentioned the other important mountain in the vicinity of the proposal. This was Mount Tarawera. Mr. Dye noted that only 99 acres of Ruawahia No. 2 block. was going to be used thereby leaving Mount Tarawera out of the scheme.[26]

The only time my natural father Titoko Warbrick recalled anybody raising the issue of the Pūtauaki was when our *whanaunga*, Rangikawehea Hunia (Dick Hunia) cautioned the meeting of owners that he believed that the mountain was being sold. Dick Hunia, was eventually shouted down by other owners and *whanaunga* as 'not knowing what he was talking about'.[27] Instead, the other Māori owners and *whanaunga* corrected Dick Hunia by stating that they understood that the blocks that were to be part of the scheme were those 'at the back of the mountain [Pūtauaki]'.[28] In hindsight though, Dick Hunia was correct. Pūtauaki was indeed part of the proposal but our *whānau* never knew it.

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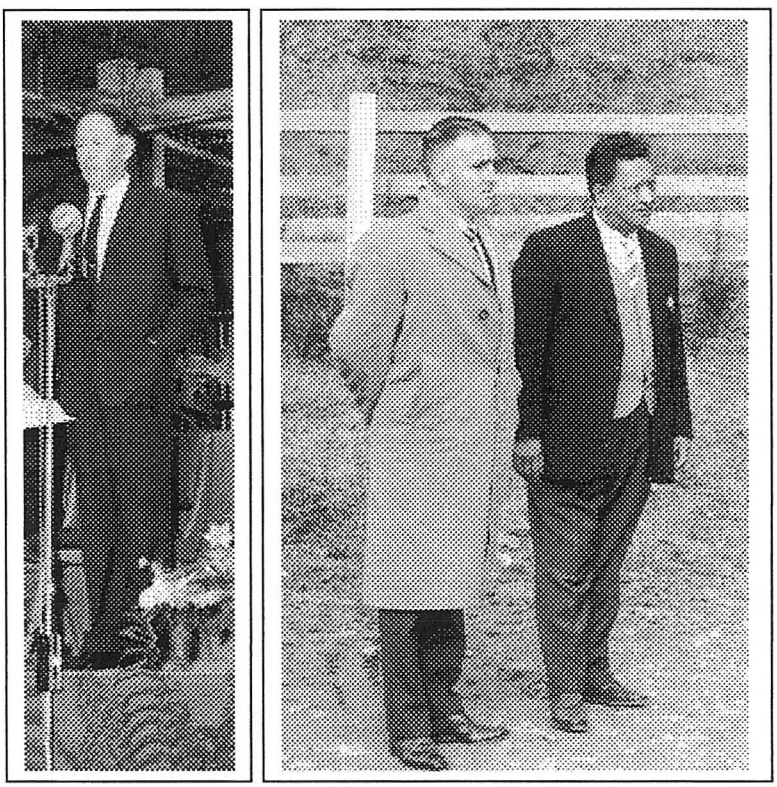
[25] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, p.16, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[26] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, p.20, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[27] Kōrero-a-Titoko Warbrick, Wai-o-koro-ahu, Te Teko, circa 1988-1990.

[28] Kōrero-a-Titoko Warbrick, Wai-o-koro-ahu, Te Teko, circa 1988-1990.

Photo 9.3: Left to Right. Photograph of the Director General of Forests, A.L. Poole taken 1967; and photograph of the Deputy Registrar of the Māori Land Court in Rotorua, Harris Martin and John Rangihau, District Welfare Officer and interpretor for the Department of Māori Affairs in Rotorua taken in 1965. A.L.Poole and John Rangihau attended the meeting at Kōkōhīnau in 1965, and Harris Martin helped process the application through the Court for the Tasman Forestry Proposal in 1966. (Source: Fletcher Challenge Archives).[29]



In Te Onehou Phillis's book *Eruera Mānuera*, she lists a number of persons in attendance at the meeting.[30] However, it must be noted that this is a list based upon a list of *owners* present at the meeting.[31] That list does not show my father or Dick Hunia as owners but nonetheless they were present at the meeting. My *kuia*, Pohoira Rīni Mānuera, and her brother, Eruera Rīni Mānuera, were also present but their names do not appear on the list attached to the minutes of the meeting. However, at the time of the meeting at Kōkōhīnau, successions to *tīpuna* of Dick Hunia, Titoko Warbrick, Pohoira and Eruera, who were still owners in the Māori freehold blocks which were to be part of the scheme, had not been put through the Māori Land Court.

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[29] Photograph of A.L. Poole, 1967, 6259P/102, at http://www.fclarchives.co.nz/item.php?id=28934 (Accessed 7 August 2009); Photograph of Harris Martin and John Rangihau, 1965, 9104P/37, at http://www.fclarchives.co.nz/item.php?id=29747 (Accessed 7 August 2009).

[30] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Whanganui a Tara [Wellington], 2002, pp.243-247.

[31] 'List of Owners present at a Meeting in the Kōkōhīnau Pa on Saturday 11 December 1965, Tarawera valley Afforestation', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Accordingly Dick Hunia, Titoko Warbrick, Pohoira Rīni Mānuera and Eruera Rīni Mānuera would not have been recorded as legal *owners* despite them being heirs to the owners nonetheless.

Photos 9.4: Two small photographic images of the day of the Kōkōhīnau meeting on 11 December 1965. The photos are taken on the *marae ātea* (area in front of a meeting house) outside of the meeting house Ruataupare. (Source: Māori Investments Limited).[32]





The transcript of minutes of the meeting typed up by the Department of Māori Affairs also does not show anywhere where Dick Hunia cautioned the meeting. However, in the transcript there is a part of the transcript stating:

At 1.45pm. the owners and officials assembled in the Meeting House to resume meeting. However the Maori owners put forward a request to the Chairman to hold a short meeting amongst themselves; the Chairman agreed to this and he and the rest of the officials left the Meeting House.

The meeting resumed at 3.30pm[33]

Therefore, Dick Hunia must have addressed the issue of Pūtauaki in the separate meeting where there were only the Māori owners in attendance (between 1.45 pm-3.30pm).

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[32] http://maoriinvestments.co.nz/history.php (Accessed 7 August 2009).

[33] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, p.20, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

When the full meeting resumed at 3.30pm, it was Monica Lanham who had pointed out that people were unsure of the proposal. The main reason was that they had not had the time to consider it. While she admitted her tentative support for the proposal, she wished better terms in favour of the Māori owners. She also noted that the Savage and Parks *whānau* interests be taken out of the Proposal. This was backed up by other owners who were more direct and who did not want to be part of the scheme. Takawai Edwards stated, 'I agree with this lady [Monica Lanham]; I am taking my own interests out'. Tini Mereana was equally clear with her statement, 'Take my interests out (Pokohu B1A)'.[34] Mr. Fraser, even though he supported the proposal expressed an unease with the process of the meetings.

> I have always held the view that I am sure it is a view held by all proper thinking owners that the meeting should be held under Part XXIII of the Māori Affairs Act 1953...At the October meeting I moved a resolution which was approved by the meeting that application be made to call a meeting of the owners of the several blocks involved to consider Tasman's proposals...Only the owners in a particular block have the right to say "Yay" or "Nay" regarding the proposals. I do not agree I should move a resolution in respect of any other block than that in which I am interested...It would appear, however, that this is the form this meeting is going to take...I think this is an unprecedented move as far as Māori alienations are concerned. I deplore the action of the people responsible.[35]

Despite there being opposition by many to the proposal, the Tasman Forestry Proposal was eventually put to the vote. The meeting resulted in resolutions that were in favour of the proposals. However, it was clear that Monica Lanham and others were not happy about their land interests being included in the scheme against their consent. Nevertheless, the motions were passed at the meeting and the Tasman Forestry proposal had to then be placed before the Māori Land Court.

Māori Land Court hearings in regard to the initial amalgamation and Māori Trustee's appointment. RE: Pokohu A2A1 and other lands (1966)

Although the Court's decision of 19 August 1966 notes that there were hearings on 8 February 1966 at Opotiki and 16 March 1966 and 11 July 1966 at Rotorua, the first substantive Court

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[34] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, p.21, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[35] Minutes of a meeting held in Kōkōhīnau Pa on Saturday 11 December 1965 regarding Tarawera Valley Afforestation Proposals, p.22, Exhibit L (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

hearings were over 2- 4, 8 August 1966.[36] On 2 August 1966, the Māori Land Court convened in the Whakatāne War Memorial Hall with Judge Kenneth Gillanders Scott as the presiding judge. Mr. Irikau Kingi was the Court Clerk and Interpreter. What the Māori Land Court hearings are notable for is the attendance of a number of lawyers representing multiple parties. The lawyers for the parties appear in table 9.1.

Table 9.1: Lawyers and the Parties represented for RE: Pokohu A2A1 and other lands (1966)[37]

Lawyer	Parties represented
Mr. D.M.Forsell	Registrar of the Waiariki District Māori Land Court
Mr. R.A.Potter	Raniera Kingi and others
Mr. J.D. Dillon	Tasman Pulp and Paper Company Limited
Mr. C.H. Chappell	Whakatāne County Council
R.D. McGregor	Samuel Bowman Savage and others
Grattan O'Sullivan & L.A.McKoy	Monica Lanham and others

D.M. Forsell was the office solicitor of the Department of Māori Affairs who filed the application with the Court for the amalgamation and appointment of the Māori Trustee as trustee responsible for the subsequent new amalgamated block.[38] J.D. Dillon appeared on behalf of Tasman. C.H. Chappell's appearance on behalf of the Whakatāne County Council took part as an interested party. This was in regard to informing the Court that 13 of the land blocks were exempt from rates at the time. However, since Tasman's actions showed that the blocks would be brought into production and used profitably, the Whakatāne County Council considered that the lands' rate exemption should be revoked.[39]

There were formally three Māori groups involved as parties to the proceedings. These were

(1) Raniera Kingi and others in support of the Tasman Forestry Proposal,
(2) Monica Lanham and others in opposition to the Tasman Forestry Proposal; and

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[36] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua Friday 19 August 1966, Exhibit M, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[37] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33.

[38] Waitangi Tribunal, *Tarawera Forest Report*, Waitangi Tribunal, Wellington, 2003, p.190.

[39] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, pp.Z1 & Z2.

(3) Samuel Bowman Savage and others also in opposition to the proposal.

These three Māori groups were made up of a myriad of *whānau* who came together for a generalised goal of either support or opposition to the Proposal. The first Māori group, Raniera Kingi and others, belonged to Te Arawa.[40] Raniera Kingi was *whanaunga* of mine (see *whakapapa* 9.3). He was represented by R.A. Potter.[41]

The second Māori group, Monica Lanham and others, was represented by Grattan O'Sullivan. Monica Lanham belonged to the various *whānau* who identified themselves as Tūwharetoa at Kawerau and whose *marae* (meeting ground) is at Hahuru near Kawerau. She belonged to the Savage *whānau*. Monica Lanham is also *whanaunga* to me as well as to Raniera Kingi (see whakapapa 9.3). Others included in this group were a whole mish-mash of *whānau* who also belonged to *hapū* associated with Ngāti Awa on the Rangitaiki Plains.[42] For example, there were members of the Grace *whānau*, [43] Petera *whānau*, [44] and Takotohiwi *whānau*.[45] There were also members of the Edwards *whānau* such as Takawai Erueti, Gilbert Erueti, Kanui Whitely, Waimani Ramanui, Waru-o-Noema Ramanui and Rotohiko Ramanui.

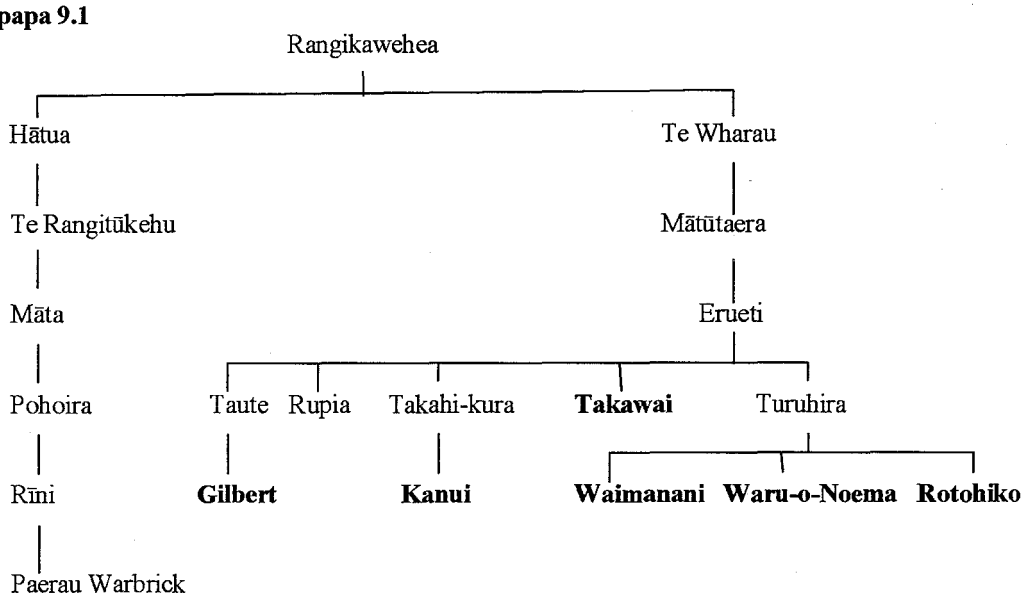
Included with Monica Lanham were members of my own *whānau* such as Eruera Rīni Mānuera and many others. There were those who were part of Rangiwhakawaitau Rīni Mānuera *whānau* such as Merita Pākehā, Nunumi Te Araroa (Tominika), Iwingaro Pāora, and Mea Hohepa. There were members of the Te Mokohaerewa Rīni Manuera *whānau*, namely, Wētini Moko, and Paranīhia Moko. There were members of the Rongopai Rīni Mānuera and Hunia *whānau* such as Keita Moses, Irihapeti Hunia and Marcia Kirk. There were also members of the Makarita Rīni Mānuera *whānau*, namely, Hinepuke Ratema including her husband James Ratema, Te Aomāpuna Ririnui, Moenohotū Teua, Hohi Rangi, Materori Wihapi, Ngaiterangi Tāhere, and

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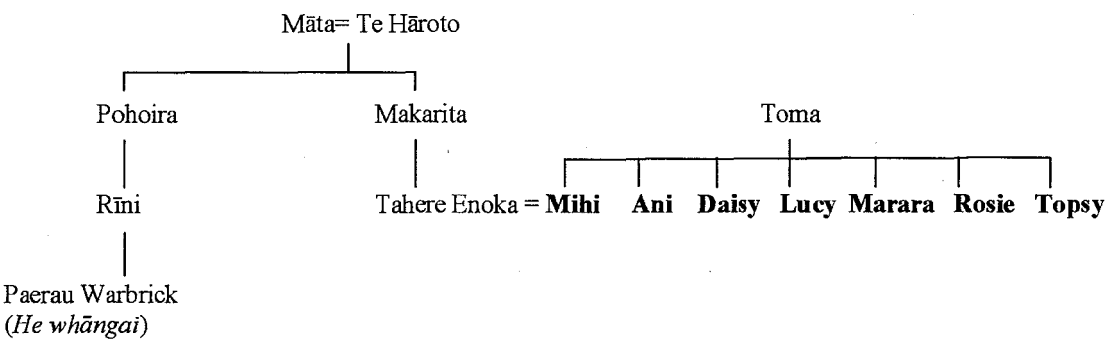
[40] The Court files did not contain the names of other *whānau* who were part of Raniera's group.
[41] Waitangi Tribunal, *Tarawera Forest Report*, Waitangi Tribunal, Wellington, 2003, pp.190-193.
[42] 'Undated signed papers consenting to Mr.G.T.O'Sullivan acting as Solicitor and Counsel in connection with the applications under sections 435 and 438 of the Māori Affairs Act 1953 in relation to the Tasman proposals', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[43] Rangitūkehu Grace, Narahe Grace, Lawrence Grace and Te Takipa Grace. Note that the signatures and handwriting for this *whānau* are quite illegible so the spelling of the first names may not be entirely accurate.
[44] Matehaere Petera, Witeri Petera, Te Owai Petera, Hinewai Petera, Rangi Petera and Ngahiwi Petera.
[45] Himi Takotohiwi, Hineikoia Takotohiwi, Reme Takotohiwi and Hamuera Takotohiwi.

Tāhere Enoka.[46] Tāhere Enoka's wife's *whānau* were also included in this group, namely, Mihi Enoka herself along with her sisters Ani Toma, Daisy Monika, Lucy Tawera, Marara Paul, Rosie Heke and Topsy Hape.

Whakapapa 9.1



Whakapapa 9. 2



The third Māori group, Samuel Bowman Savage and others, were represented by R.D. McGregor. McGregor represented members of the Edwards *whānau* who actually resided on one block and they did not wish to move on the terms offered by Tasman.[47] Samuel Bowman Savage

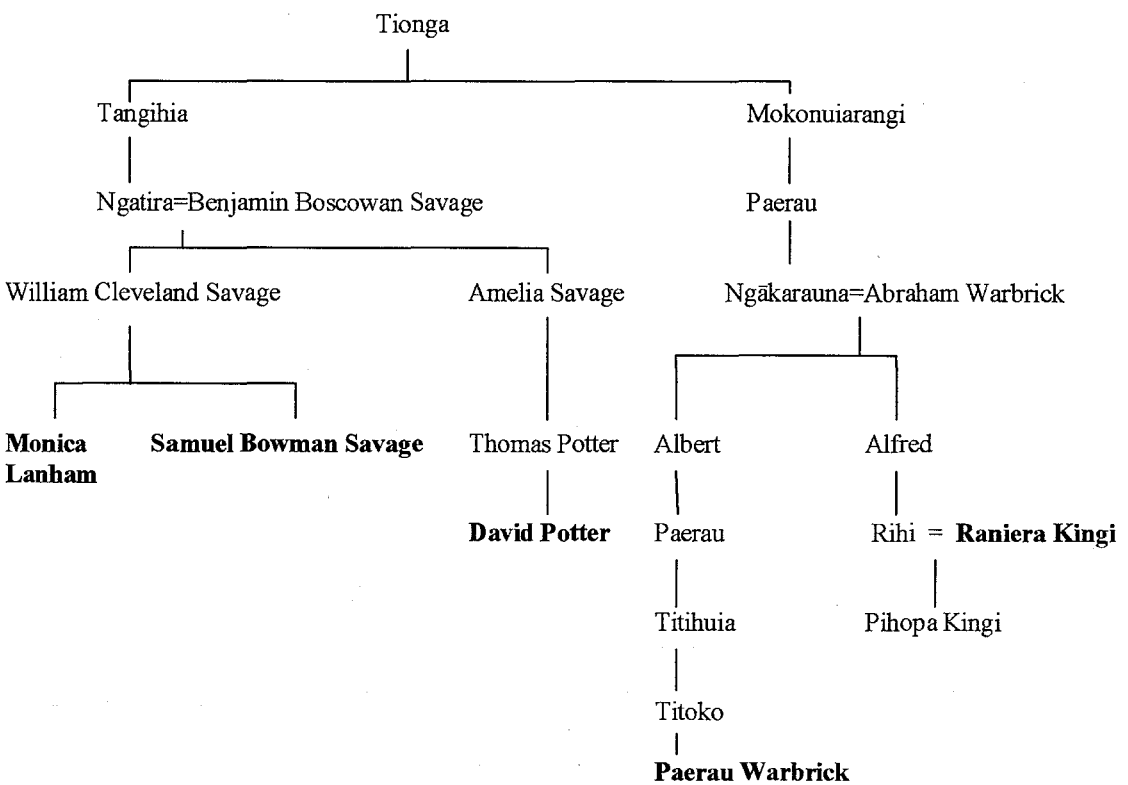
[46]'Undated signed papers consenting to Mr.G.T.O'Sullivan acting as Solicitor and Counsel in connection with the applications under sections 435 and 438 of the Māori Affairs Act 1953 in relation to the Tasman proposals', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[47] Waitangi Tribunal, *Tarawera Forest Report*, Waitangi Tribunal, Wellington, 2003, pp.195-196.

was also *whanaunga* to me as well as *whanaunga* to Raniera Kingi and a brother to Monica Lanham. The gist of R.D. McGregor's argument was that some owners wished certain blocks to be excluded from the scheme. In a petition to the Court with their signatures, many owners affirmed the following:

> We oppose the proposal to amalgamate the Maori lands involved in the Tasman-Crown-Maori Trustee deal and wish to have our interests in all the blocks concerned partitioned out and consolidated in a single block adjacent to the family lands comprising Putauaki 59B/2C2B so that we may make our own decision about our own interests.[48]

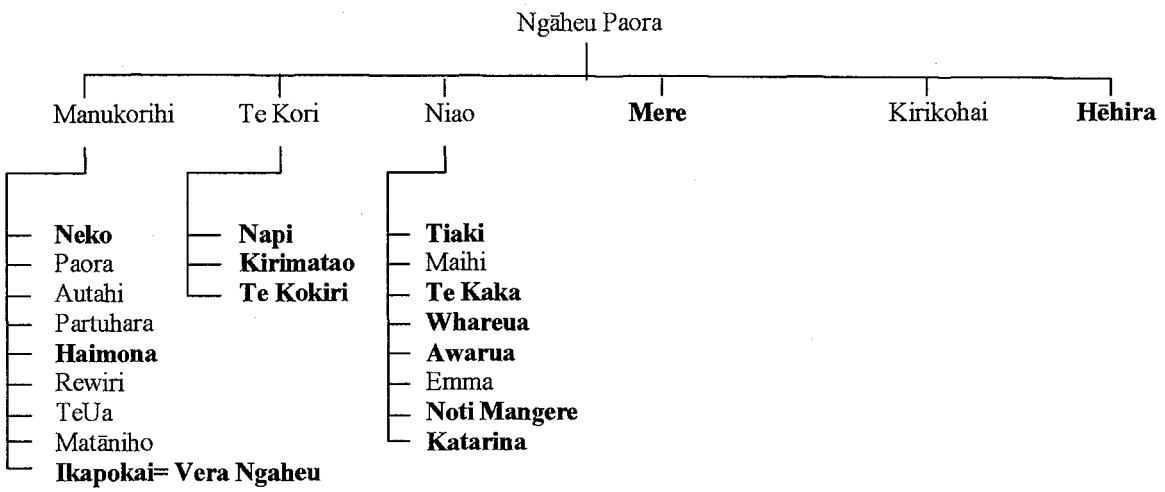
Amongst members of this group were also the large Ngāheu *whānau*. These were Mere Ngāheu, Hehira Ngāheu, Neko Ngāheu, Haimona Ngāheu, Ikapokai Manukorihi, Vera Ngāheu, Joanna Ngāheu, Jimmy Ngāheu, Shirley Te Rito, Pareraututu Teua, Erueti Teua, Panapa Teua, Napi Ngāheu, Kirimatao Kori, Te Kokiri Ngāheu, Te Kaka Niao, Katarina Niao, Noti Mangere Niao, Tiaki Niao, Whareua Niao, Awarua Niao Ngāheu, Queenie Maihi Niao, William Maihi Niao, Amiria Niao Ngāheu, Shirley Niao Ngāheu, Margery Niao Ngāheu and Hariata Niao.

Whakapapa 9.3



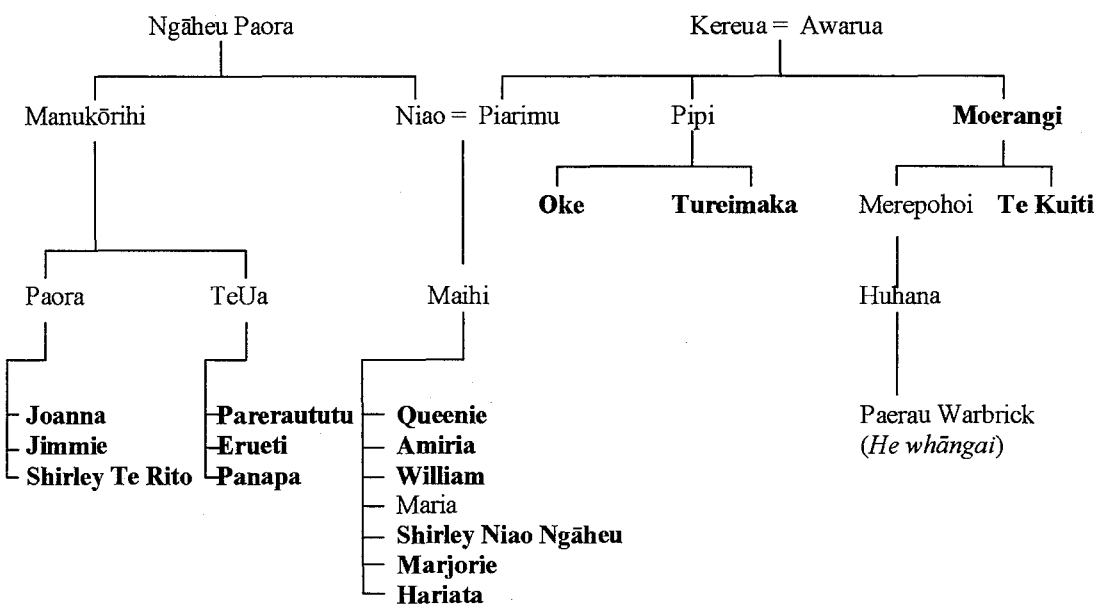
[48] 'Exhibit 7A-E (both incl)', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Whakapapa 9.4



Many of the above *whānau* members also belonged to the Kereua *whānau* and hence the reason why their Kereua *whānau* members were also part of this group such as Moerangi Awarua or Kereua, Te Kuiti Awa Ratahi, Oke Pipi, and Tureimaka Pipi.[49]

Whakapapa 9.5



[49] 'Undated signed papers opposing the Tasman proposals', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua. R.D. McGregor was the lawyer who represented the persons that signed these papers. There were over fifty persons who signed these papers.

Formalistic approach

Because lawyers represented the many parties involved, Judge Gillanders Scott employed a very formalistic approach to court procedure in contrast to the informal approach used for succession cases where a family member would be the sole attendee. However, he still allowed other owners' objections to be received by the Court. For example, Mahi Tamihana (Jean Tukiri), Patson Thompson, Rangitūkehu Paul sent a handwritten objection to the amalgamation into the Court stating:

> We the undersigned object to the terms of the Tasman Forestry Proposal. We feel that should the proposed amalgamation of the Pokohu Blocks transpire we should utilize our land shares to better advantage both the Tasman Proposal and to ourselves if our landshares are transferred to an adjoining block next to Putauaki 59B2C2B. This would make our block (592B2C2B) a more economic area and consolidate our interests.[50]

In the simplest terms and over four days, the court-room procedure involved Counsel indicating for whom they represented, the introduction and examination of their witnesses and the cross examination of others' witnesses. Final submissions were then given by Counsel at the conclusion of the hearing.[51] On 3 August 1966 the Court even sat during the evening. It adjourned at 5.20 pm for dinner and resumed at 7.30 pm. Witnesses continued to give their evidence to the Court until 9.17 pm.[52]

On the very first day, and within the first half hour of the Court, Judge Gillanders Scott asked Counsel to indicate whom they represented. Two other persons also appeared without counsel namely Mr. Fraser on behalf of the Pokohu B3A Incorporation and Mr. Horopapera on behalf of his *whānau*.[53] Judge Gillanders Scott however treated these two people very formalistically. In Mr. Fraser's instance he allowed him to appear in his personal capacity but not on behalf of the Incorporation as he had no written authority from the Committee of Management. In Mr.

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[50] 'Signed paper [date marked 3/8/66)] objecting to Tasman proposals by Whakaarorangi Turoa and others', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[51] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33.

[52] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, pp.Y8 & 1C3.

[53] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.A5.

Horopapera's instance, the judge alluded to him having to get authority to act from his *whānau*. After these initial exchanges the parties adjourned to chambers to discuss the procedure of the case. [54]After the adjournment, Judge Gillanders Scott took a very practical approach and wished Mr. Fraser to give his evidence after the first witness since he was a probation officer and wished to get back to his own affairs.[55] During the hearings there were many witnesses who simply read out a statement of their opinions, like the Manager of Tasman Pulp and Paper Company, Mr.Schmitt, who was then cross-examined by the other parties.[56]

In brief, my own *whānau* objections related not to the concept of a forestry venture as *per se*, but in terms of the proposed scheme being unfair to the Māori landowners.[57] In Grattan O'Sullivan's opening submissions he stated:

> Mr. Dillon also, and my learned friends, have advanced their cause most ably but it is my suggestion to this Court that the proposition that has been placed before the Court is at best a marriage of convenience-the land which Tasman has not got and desires, and the money which the Maori owners have not got and wished they had... [58]
>
> What I do suggest, however, is that there are alternatives which should be explored... Tasman have placed this matter on the footing that this is unproductive land and that utilisation of it is for the benefit of the Maori owners. And frankly, sir, the persons whom I represent have no quarrel with that statement. They then go on that it is in the national interests that the additional areas of exotic forests be established and idle land will be brought into production but it does not say that the scheme that the company has placed before the Court is the only scheme... it is open to the Court to consider possible alternatives... [59]

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[54] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.B1.

[55] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.B1.

[56] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.D.4.

[57] Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003, p.193.

[58] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.W6.

[59] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.W7.

The conduct of the rest of the hearing involved a lot of expert witnesses. There was a lot of evidence given to the Court relating to the feasibility of the Tasman Forestry Proposal and the economic benefits that would accrue to the owners of the Māori freehold land. The only time during the hearings where a person did raise a cultural matter concerning the land was when Arapeta (Albert) Te Rire gave evidence in opposition to the amalgamation. Arapeta wished to communicate his evidence in Māori and in secret. However, Judge Gillanders Scott discouraged him from doing so as he preferred to hear and understand the evidence from the source (Arapeta) and not through the interpreter.[60]

Arapeta's opposition related to the inclusion of the Kawerau C block in to the Proposal. Arapeta was a trustee of the Kawerau C block and he contended that it was the birth place of the important Te Arawa *tipuna* called Tuhourangi. Arapeta's claims though were disputed by the Court itself. The Court had pointed out that other evidence pointed to a nearby block in Kawerau C being the birthplace and that block had already been sold to Tasman and the actual physical birthplace on that block of land had been fenced off by Tasman for non-use anyway.[61] Mr. Forsell in his final submissions to the Court even went as far as stating (albeit for other reasons as well): 'It is therefore submitted that the Court should treat Mr. Te Rire's views as those of an utterly contumacious and unreliable person and thus ignore those views entirely'.[62]

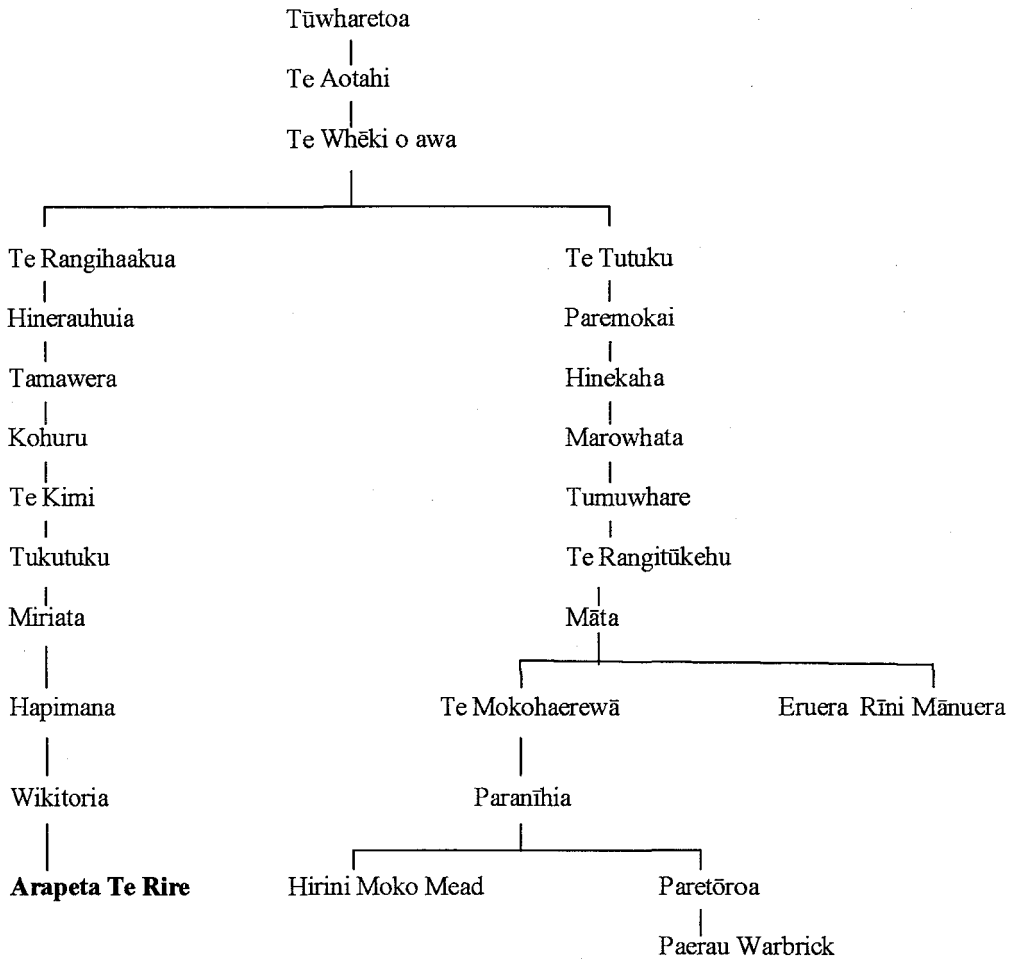
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[60] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, pp.1S2-1S5.

[61] 'Transcripts of Maori Land Court sitting in the War Memorial Hall, Whakatāne, on Tuesday 2 August 1966', Files of Documents associated with Wai 411, Tarawera Forest Report [2003], Waitangi Tribunal, Wellington, Document A33, p.1Z3.

[62] 'Final submissions on behalf of Applicant dated 8 August 1966, p.4', (Miscellaneous papers), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Whakapapa 9.6



Judgement

Less than two weeks after the conclusion of the Court hearings in Whakatāne, Judge Gillanders Scott gave his judgement orally in open Court on Friday 19 August 1966 at Rotorua. It was a decision that agreed with the Tasman Forestry Proposal in its entirety. He issued Court orders affecting the 40 blocks immediately.[63]

The Court first went about clearing the Māori land blocks of any encumbrances. He wound up the Māori Incorporation Pokohu B No.3A. He then returned the ownership of the land directly to the former shareholders of the Incorporation. He then dissolved the initial trust over the block

[63] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Friday 19 August 1966, Exhibit M, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Kawerau C (for which Arapeta Te Rire was a trustee) and replaced the trustees with the Māori Trustee. Judge Gillanders Scott then revoked the injunctions that were in place over Pokohu B3A, Pokohu B3D and Pokohu C. He then appointed the Māori Trustee as an agent to collect royalties on behalf of the owners of the several blocks where there were some timber cutting rights attached to the land. [64] After clearing up the various encumbrances, Judge Gillanders Scott then invoked the title improvement powers of the Māori Land Court. He partitioned the block Matahina A1D into two blocks known as Matahina A1D1 and Matahina A1D2. He partitioned the block Ruawahia No. 2 into two blocks known as Ruawahia 2A and Ruawahia 2B. He then cancelled the 40 land titles and substituted one title under the name Tarawera 1. The Māori Trustee was then appointed as trustee over Tarawera 1 with wide ranging powers. [65] Specifically the Māori Trustee was empowered

> (a) to utilise develop improve exploit and manage the land vested in him.
> (b) in his discretion to enter into such contracts as in his opinion may be necessary or desirable for exploitation of the said land and to do any act matter or thing incidental or conducive thereto. ... [66]

The reasons for Judge Gillanders Scott's judgment were not immediately given on 19 August 1966. Instead he issued a full written decision on Monday 10 October 1966.[67] In his October decision, Judge Gillanders Scott was very impressed with the forestry scheme. In the second paragraph of his judgement he had even underlined the followed remarks.

> The subject matter of this application and the proposal put forward by the application is one to be commended not only for its novelty in Maoridom but for its obvious substance. It may well be the vanguard of a series of like applications directed unselfishly to the better utilization of Maori freehold land. [68]

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[64] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Friday 19 August 1966, Exhibit M, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[65] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Friday 19 August 1966, Exhibit M, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[66] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua Friday 19 August 1966, p.6, Exhibit M, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[67] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[68] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, p.1. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Judge Gillanders Scott then had to examine whether the amalgamation met the provisions of section 435 of the Māori Affairs Act 1953. He had to consider whether the several titles could be conveniently or economically worked under one title. After examining the terms 'conveniently' and 'economically' in the statute with respect to precedents, he decided that the land blocks could in fact be conveniently or economically worked under one title.[69] Judge Gillanders Scott also refused to allow the exclusion of land blocks from the scheme as their case had not been made out.[70] He also refused to consider any alternative use of land blocks for which the Edwards or Savage *whānau* held interests because they had expressed no interest in development prior to Tasman's proposals.[71] Additonally, he refused to exclude the land area on which the Edwards *whānau* actually lived because of the minute amount of land of less than a quarter acre involved anyway (20 perches).[72]

However, there was one jurisdictional problem that he had yet to overcome. That related to section 435(6) of the Māori Affairs Act 1953. That provision forbade the Court from amalgamating land if it were subject to a lease, licence, mortgage, charge or other encumbrance without the consent of the persons holding such encumbrances. [73] The specific circumstances which posed this issue for the Court related to a rent charge over the interests of T.T.S. Potter's shares in one of the blocks. However, the Court refused to recognise the rent charge as having any legal efficacy. The rent charge was held by a minor and the documentation of the charge was irregular.[74] In summing up the case, in the Judge's own words:

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[69] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, pp.2-3. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[70] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, p.4. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[71] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, pp.6-7. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[72] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, pp.7-8. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

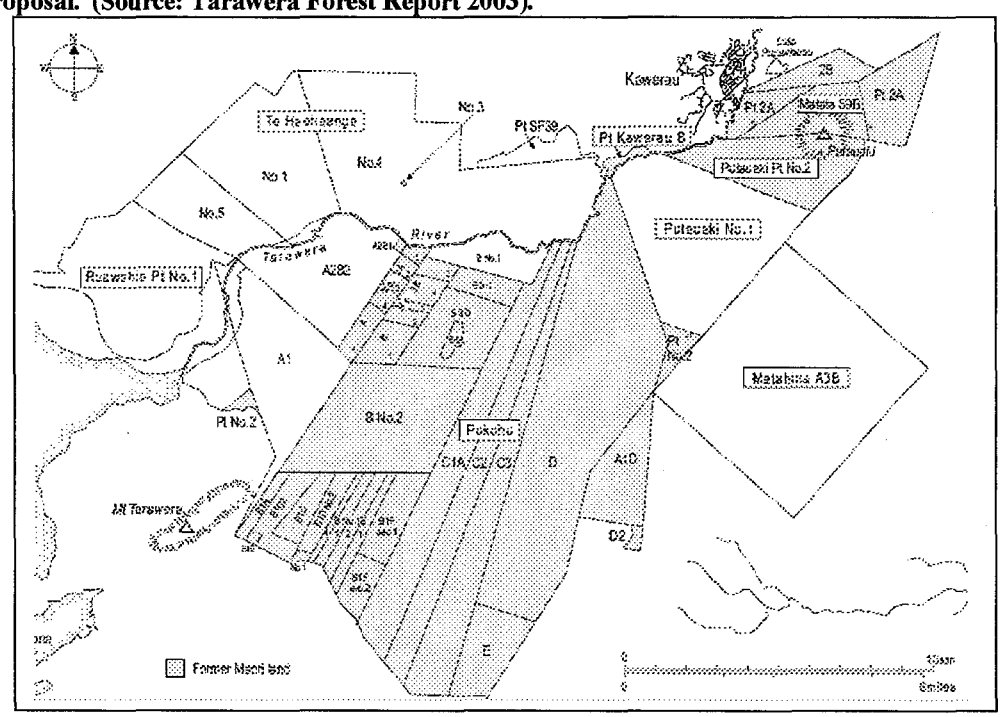
[73] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, p.4. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[74] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, p.5. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

I have critically studied the evidence and nowhere have I found any cogent evidence showing or for that matter even tending to show that a forestry scheme is otherwise than in the best interests of and for the benefit of the Māori owners. [75]

The essential characteristic of the whole case was that the case was conducted formally with lawyers representing most interests. It was well understood by *whānau* that legal counsel had to be instructed to attempt any type of meaningful opposition against such powerful economic interests as Tasman Pulp and Paper Company and the Department of Māori Affairs. Expert Pākehā witnesses had to be cross-examined and questioned. The skills of cross-examination and the questioning of witnesses in the Māori Land Court were beyond the expertise of *whānau* members. While there was significant opposition by the owners, their opinions were largely ignored. Tasman was especially forceful and adamant in its desire to include the Māori freehold lands into the forestry scheme. Judge Gillanders Scott's reasoning for agreeing with Tasman's proposals was on the grounds that the forestry scheme would be the best utilisation of the land. He was particularly swayed by the fact that most of the land blocks were not being utilised.

Map 9.1: Map showing the Crown, Tasman and Māori freehold land blocks that were subject to the Tasman Forest Proposal. (Source: Tarawera Forest Report 2003).[76]



[75] RE: Pokohu A2A1 and other lands, Decision of the Māori Land Court at Rotorua, Monday 10 October 1966, Exhibit N, p.16. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[76] *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003, p.58.

Sale of Tarawera No.1

Within two years of obtaining the trusteeship over the block, the Māori Trustee sold Tarawera No. 1 to TFL for the Tasman Forestry proposal. The consideration that was paid for the land was in kind. The original Māori owners of all the blocks which eventually formed Tarawera No. 1 were issued shares in a separate company alluded to by Mr. Souter in the Kawerau meeting on 14 October 1965. Whereas Mr. Souter referred to this theoretical company as Pokohu Māori Holdings Limited, the name of the actual company was Māori Investments Limited (MIL). [77] MIL was then issued shares in TFL and was granted the right to appoint members to the TFL Board of Directors. The transaction was so complex that it required an Act of Parliament known as the Tarawera Forest Act 1967 to facilitate its implementation. Under the Act, the Māori Land Court did get a special jurisdiction under section 12A(3) to determine succession to the shares in the MIL up until 31 March 1975.[78] However, the whole purpose of the Act was for an iron-clad guarantee that the Tasman Forestry proposal was beyond any challenges whatsoever.

Conclusion

Despite spirited opposition by many of the owners of the *whenua*, the Tasman Forestry Proposal nevertheless went ahead. There were powerful economic interests in favour of it. Tasman Pulp and Paper and the Crown had worked hard at bringing the proposal to fruition. They coveted the Māori freehold land for the forestry. The wishes of the Māori owners in opposition were simply marginalised. The Crown had powerful bureaucratic tools to ensure the success of the proposal. It had the Department of Māori Affairs as well as Treasury, the New Zealand Forestry Service, and the Lands and Survey Department. Representatives from all of these departments of the State showed up at the Kōkōhīnau meeting on 11 December 1965. Tasman had the capital as well as public relations officers at its disposal (they also attended the meeting at Kōkōhīnau).

By the time the Māori Land Court began its hearings, the Māori owners had already been railroaded into the proposal. There was nothing feasible that those owners who did not want their land to be part of the proposal could have done. The unusual formalities of the Court and the

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[77] Minutes of a meeting held at Kawerau on 14 October 1965 at which Tasman Pulp and Paper Company limited outlined its proposal for the establishment of an Exotic Forest in the Tarawera Valley, p.15, Exhibit J (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[78] For example in the succession to Pohoira Rīni Mānuera's paternal first cousin, Onehou Timoti (Pohoira's father Te Hāroto and Onehou's father Timoti, were half brothers), the Court pronounced succession to the shares on 25 July 1973 at *Whakatāne Minute Book* 54 at folio 140.

need for lawyers in this application imposed an additional disadvantage to any opponent of the scheme. The Court was so mesmerised by the proposal, that it was blinkered to any other alternatives for the land. Finally, at no point in the minutes of the meetings nor the Māori Land Court's transcripts of the 1966 hearing was Pūtauaki ever mentioned. Our *whānau* was simply unaware that it had gone out of our ownership and it was to become a bone of contention to this present day.

CHAPTER TEN
PŪTAUAKI

It was to be a number of years after the 1966 *Pokohu Blocks and Others* Court hearing that my *whānau* (family) came to fully realise that the ancestral mountain Pūtauaki was no longer in our ownership. There had been absolutely no mention of the mountain by Tasman or the Crown representatives at the various *hui* (meeting) at Kawerau and Kōkōhīnau during 1965. Nor was there any mention of Pūtauaki in the Māori Land Court hearings in 1966. Dick Hunia was even shouted down at the meeting at Kōkōhīnau in December 1965 when he was told by *whanaunga* (relative) that he did not know what he was talking about when he expressed concerns that the mountain could be sold. There had been an odd comment made by Monica Lanham that we had lost the mountain after the Kōkōhīnau meeting, but my *whānau* never really took much notice of her comment. Pūtauaki was always there overlooking the *whenua* on the Rangitaiki Plains. All our *whanaunga* owned it. The mountain was still there as it had always been.

However, there were other comments by my other *whanaunga* from other *iwi*, which made us realise that that Pūtauaki no longer legally belonged to us. This was subsequently confirmed with enquiries to the Māori Land Court. The two Māori freehold land blocks, which contained Pūtauaki, were included with the other blocks in the amalgamation that formed Tarawera No. 1. When the Māori Trustee sold Tarawera No. 1 to Tarawera Forests Limited (TFL), the title to Pūtauaki also went to TFL. Te Rangitūkehu and Hātua were buried on the Mountain, so TFL now owned them as well as all our other *tīpuna* and *whanaunga* buried on Pūtauaki. The Crown, Tasman, the Māori Trustee and the Māori Land Court had all duped us, and made us look stupid. Even today, my *whānau* and *hapū* (clan, subtribe) are mocked at times on our *marae* (meeting ground) at Kōkōhīnau by other *iwi* for not owning our ancestral mountain.

In this chapter, there will be an examination of efforts by my *whānau* to get back ownership of Pūtauaki. It involved petitions to the Minister of Māori Affairs, another meeting at Kōkōhinau during the 1970s, and more Māori Land Court sittings in the late 1970s and early 1980s. My *whānau* was to try another title improvement function of the Māori Land Court. This time it was to have Pūtauaki made into a Māori Reservation under the Māori Affairs Act 1953.

Just like in the 1966 Court hearings my *whānau* had eventually to utilise the services of a lawyer in the Court. This was because TFL and MIL were represented by formidable lawyers. Mr. Lindsay Moore (a District Court Judge in 2009) rigorously presented TFL and MIL's opposition to the Māori reservation. Mr. Neutze, solicitor for Tasman and the secretary for TFL and MIL in 1980, was also an aggressive advocate for TFL and MIL. Like the 1966 hearings, all of the witnesses in the reservation hearing were politically and historically skilled in *whānau, hapū* and *iwi* (tribe) issues. These were men such as Eruera Rīni Mānuera (Ngāti Awa and other Matātua tribes) and Arapeta Te Rire (Tūwharetoa). Mānu Paul, Dick Hunia, Anaru Rangiheuea and Hirini Moko Mead who were also involved in the hearing and were also noted for their skills of administration and were learned men. However, unlike in the 1966 hearings, there was a lot of scope for *tīkanga Māori* (Māori values and protocols) in terms of procedure and substantive arguments in the Court hearings. It was by these means that important Tūwharetoa *kaumātua* (elders) who were in opposition to the Māori reservation application, eventually supported it. However, our *whānau* attempts to create Pūtauaki as a Māori Reservation eventually failed. The reason for this was TFL's and MIL's ultimate refusal to relinquish control and ownership over the mountain.

Realisation that Pūtauaki was lost

Immediately after the meeting at Kōkōhīnau in December 1965, Monica Lanham in a harsh tone commented to my *kuia* (grandmother) Pohoira's brother, Eruera Rīni Mānuera, 'good job your've lost your mountain'.[1] However, Eruera never paid much thought to the comment. Monica Lanham was always known for her sharp and critical tongue and she talked far too much anyway. Two years later though, and the very day following the passing of the Tarawera Forest Act 1967 which was a necessary legislative vehicle for the Tasman Forestry Proposal, Eruera received an early morning visit from two *kaumātua* with spiteful intentions.

The day after the Tarawera Forest Act became law in 1967, chief Eruera Mānuera received two early morning visitors, one from Tūwharetoa (at Kawerau) and one from Ngāti Rangitihi. They knocked on his door and when he opened the door for them they said:-'Kaitoa, e koro, kua riro to Maunga' [good job old man you've lost your mountain].[2]

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[1] Kōrero-a-Ted Anderson, Ngākauroa, Te Teko, circa 1989-1990 & Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003, p.312.
[2] Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003, p.312.

The two *kaumatua* in question who came to the door were Arapeta (Albert) Te Rire of Tūwharetoa at Kawerau and Phillip Howell of Ngāti Rangitihi.[3] It was then that my *whānau* realised that we had lost the Mountain. In the early 1970s when the New Zealand Broadcasting Corporation decided to make the *Tangata Whenua* Series for New Zealand television Eruera Rīni Mānuera was interviewed about leadership.[4] However, when the historian Michael King interviewed Eruera, King kept referring to Pūtauaki as his main concern. In Eruera's own words:

> They got the mountain by some...what I call false pretences or ...like that, I think we didn't have any understanding at all to that effect. [5]

Wiremu Tārei, *whanaunga* to Eruera, in the same interview with Michael King commented:

> When they dealt in land, they dealt in blocks, the mountain was never mentioned, the blocks were mentioned and this was how the Maoris [sic] were bluffed as he [Eruera] says he was here himself but the name of the mountain was never mentioned and of course the Maoris agreed not knowing that this particular block whether number one, number two or number three whatever it is contained the mountain.[6]

Wiremu Tarei's comments about the blocks relates to Pūtauaki being part of the Pūtauaki Part No.2 and Matata 59B1 blocks. These two blocks were included in the amalgamation to form Tarawera No.1. However, the booklet and the accompanying maps that were sent to the owners in November 1965 along with the notice of the meeting at Kōkōhinau in December 1965 had clearly set out Pūtauaki as a reserve. It is therefore no wonder that my *whānau* and many of the other Māori owners thought the mountain was going to be excluded from Tasman Forest Proposal.

In Appendix III of the booklet, there were three reserves set out. One was Pūtauaki. The following explanation was given regarding Pūtauaki.

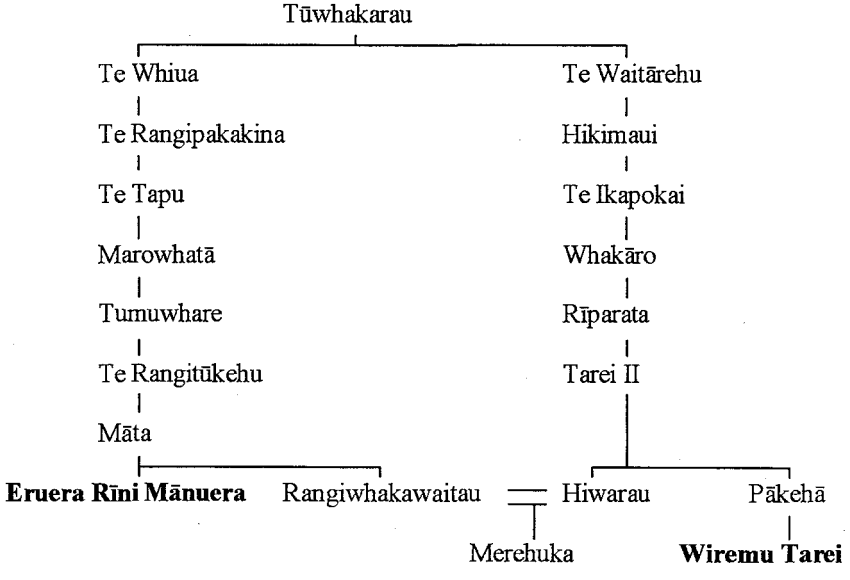
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[3] Kōrero-a-Ted Anderson, Ngākauroa, Te Teko, circa 1989-1990.
[4] Barry Barclay & Michael King, 'The Great Trees', *Tangata Whenua Video recording*, [1974], 1997 recording, University of Otago Libraries, Dunedin, 109 Leith Street Tapes, call number 0974462.
[5] Barry Barclay & Michael King, 'The Great Trees', *Tangata Whenua Video recording*, [1974], 1997 recording, University of Otago Libraries, Dunedin, 109 Leith Street Tapes, call number 0974462.
[6] Barry Barclay & Michael King, 'The Great Trees', *Tangata Whenua Video recording*, [1974], 1997 recording, University of Otago Libraries, Dunedin, 109 Leith Street Tapes, call number 0974462.

The Pūtauaki Mountain Burial Reserve is an area of 806 acres comprising parts of two Māori Blocks, Matata 59 B1 and Pūtauaki Pt. No.2. It is proposed that this boundary, which has been selected in consultation with certain tribal elders, will mark the limit of the afforestation activities of the Forest Company. Pūtauaki (Mt. Edgecumbe) is the sacred burial ground of certain sub-tribes of the Arawa and it is, therefore Tasman's wish that this area be protected and remain unplanted within the reserve.[7]

The understanding of my *whānau* as to what was to happen with Pūtauaki was completely different from Tasman's. However, it was Tasman's intention all along to acquire the mountain by 'false pretences' in Eruera's words.[8] Tasman did not sufficiently explain that title to the Mountain was going to pass to TFL because to do so would have been totally unacceptable to my *whānau*, *hapū* and *iwi* of Ngāti Awa. It would seem that Monica Lanham, Arapeta Te Rire and Phillip Howell, who were affiliated to non-Ngāti Awa *iwi*, were fully cognisant of the title to Pūtauaki being vested in TFL. They took particular glee in the loss as well.

Whakapapa 10.1



[7] [Tasman Pulp and Paper Company], *Proposal by Tasman Pulp and Paper Company Limited to Māori Owners and the Crown to participate in the Development of an exotic Forest in the Tarawera Valley*, [1965]. p.8. Exhibit G, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[8] Barry Barclay & Michael King, 'The Great Trees', *Tangata Whenua Video recording*, [1974], 1997 recording, University of Otago Libraries, Dunedin, 109 Leith Street Tapes, call number 0974462.

I have already mentioned that Tarawera No.1, which contained Pūtauaki, passed into the trusteeship of the Māori Trustee and then into the ownership of Tarawera Forests Limited (TFL), a company made up of Crown, Tasman and Māori shareholders. The Māori shareholders though did not directly own actual shares in TFL. Instead, another company called Māori Investments Limited (MIL) was set up by the Tarawera Forest Act 1967 to hold the Māori shareholders' shares in TFL as well as appoint some board members to TFL. The shareholders of MIL were comprised of former owners of all the blocks amalgamated to form Tarawera 1. Therefore MIL was extremely influential in any future dealings with Pūtauaki. This was a thoroughly unpopular arrangement for my *whānau* given that MIL was comprised of shareholders from all the Māori freehold land blocks amalgamated into Tarawera No.1, and not just the Pūtauaki Part No.2 and Matata 59B1 blocks. There were shareholders in MIL who had no close affiliation with Pūtauaki but nonetheless could influence decisions regarding it.

In 1973, TFL was first made aware of the desire of our *whānau* to have Pūtauaki returned. It is at this point of time that there is a change in our expression from wanting Pūtauaki returned to the owners, to returning Pūtauaki back to Ngāti Awa. (It is this expression that upset many former owners of the Pūtauaki Part No.2 block who associated themselves with Tūwharetoa at Kawerau instead of Ngāti Awa. Eventually, the expression would change again to returning Pūtauaki back to Ngāti Awa and Tūwharetoa). There was a meeting called on 25 February 1973 by TFL who wanted more land from my *whānau*. This time they wanted 14 acres from Matata 59Y which is situated next to Tasman. They wanted more land to build a road to get to the Tarawera Forest. At the meeting, my *whānau* hounded TFL for the return of Pūtauaki. In June 1973, we also made approaches to the Minister of Māori Affairs, Matiu Rata, to assist in getting Pūtauaki back. Such an approach alarmed TFL who wrote a letter to the Minister assuring him that 'It is, perhaps, unnecessary for me to say there was, of course, no element of confiscation in the acquisition of Mount Edgecumbe by Tarawera Forests Limited'.[9] TFL then took the position that MIL was better suited to speak on behalf of matters concerning Pūtauaki. After all, they were the legal entity that represented the former Māori owners of Pūtauaki.

[9] Letter by Tarawera Forests Limited to Hon. M.Rata dated 22 June 1973, p.2. Exhibit 0, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Photo 10.1: The ancestral mountain, Pūtauaki taken in January 2008 from a point down Brights Road, Te Teko (northeast of Pūtauaki). The northern slopes were once part of the Matata 59B1 block, which was owned by my Ngāti Awa *whanaunga*. (Source: Personal Collection).

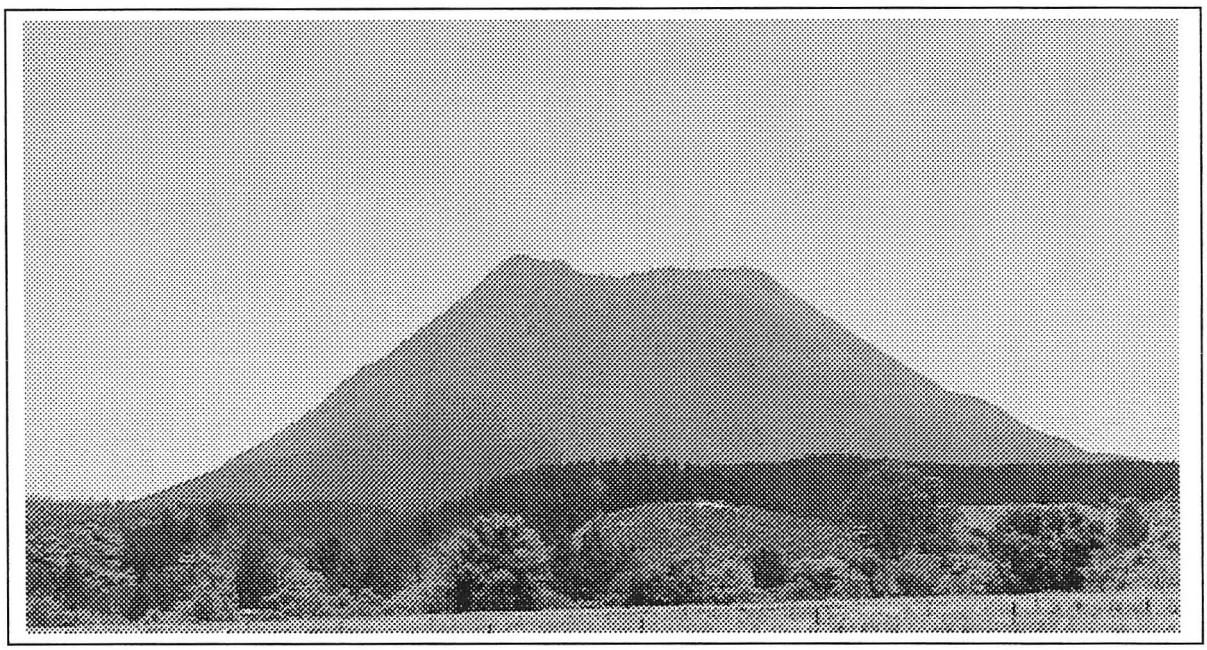
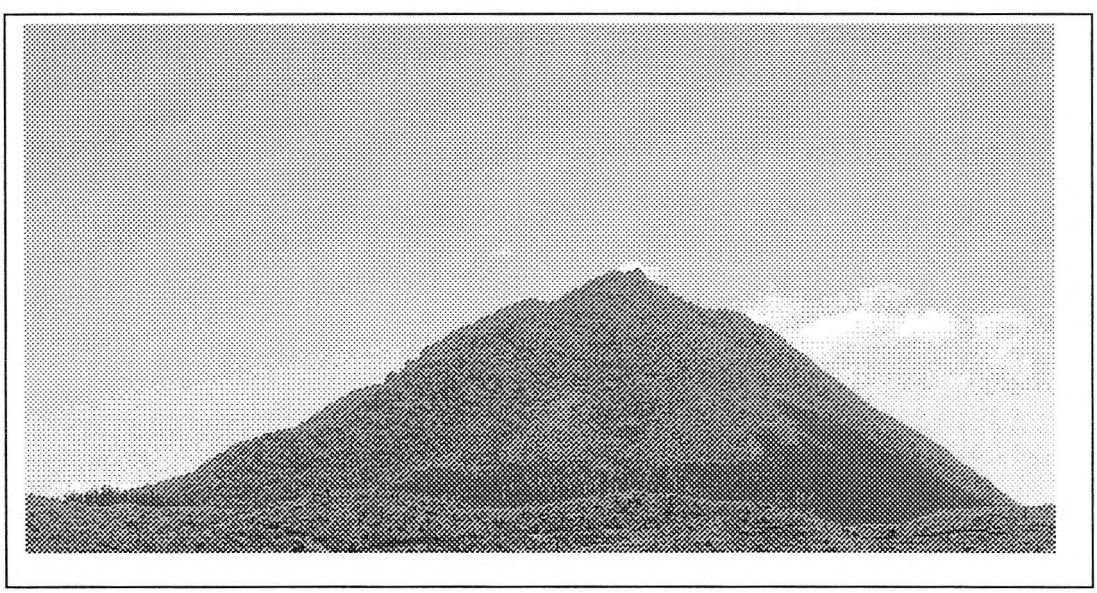


Photo 10.2: The ancestral mountain, Pūtauaki taken in January 2008 from a point down Tahuna Road, Te Teko (south, south east of Pūtauaki). The southern slopes were once part of the Pūtauaki Part No.2 block, which was owned by my Tūwharetoa *whanaunga*. (Source: Personal Collection).



Māori Investments Limited (MIL)

The Boards of Directors of MIL throughout the 1970s were thoroughly unsympathetic to the pleas of my *whānau* to have Pūtauaki returned to Ngāti Awa. Not one member was closely associated with Kōkōhīnau. Monica Lanham was MIL's first chairperson in 1968. My father's former father-in-law, Tau Park, was also an inaugural Board member.[10]

AGM August 1976

At an Annual General Meeting (AGM) of MIL on 14 August 1976 the issue of Pūtauaki's return to Ngāti Awa was raised by my *whanaunga*, John Hunia. There was some heated discussion when Phillip Howell, a board member of MIL, said that he had gone to see Eruera Mānuera personally and discussed the Tarawera proposal including the acquisition of Mt. Edgecumbe. The Deputy Chairperson of MIL, Tau Park, also said there had been several meetings at Kōkōhīnau, chaired by Mr. Manuera, at which the forestry Scheme, including the proposition that the mountain would go into the Scheme was discussed in full and that the mountain was well looked after by Tarawera Forests Limited. However, John Hunia said that Eruera Manuera was under the impression that Pūtauaki was not included in the proposal. The end result of the AGM was that nothing was resolved regarding the mountain. It was noted by the Board that the mountain was well looked after by Tarawera Forests Limited.[11]

Meeting at Kōkōhīnau April 1977

The representations by my *whānau* to Matiu Rata, the Minister of Māori Affairs in 1973, as well as another request for Pūtauaki's return to Duncan McIntyre, the new Minister of Māori Affairs in late 1976, prompted a meeting at Kōkōhīnau on 30 April 1977. Duncan McIntyre, a Pākehā in a conservative government, was sympathetic to our requests and was well known for his pro-Māori stances which dated back a number of years.[12] In addition, McIntyre was also the Member of Parliament for the Bay of Plenty electorate for which Pūtauaki was a prominent landmark. The meeting at Kōkōhīnau included representatives from Ngāti Awa, MIL, TFL and the Department of Māori Affairs. Those of my *whānau* in attendance were Eruera Rīni Mānuera,

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[10] Tasman Forestry Limited, *The Story of Tarawera Forest*, [Kawerau, 1994], p.3.

[11] 'Maori Investments Limited Seventh Annual General Meeting: Minutes of the Seventh Annual General Meeting held at the Tasman Training Centre on 14 August 1976, commencing at 10.50am', Exhibit Q, p.2. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[12] Duncan McIntyre was also a commander of the Māori Battalion during World War II. See also Barry Gustafson, *The First 50 Years: A History of the New Zealand National Party*, Reed Methuen, Auckland, 1986, pp.142-143.

Anaru Rangiheuea (Eruera's son), Kakaho Teua (who had his farm taken for the Matahina Dam), Tom Whitely (who attended the Kawerau and Kōkōhīnau meetings in 1966), John Hunia, Dick Hunia (who was shouted down at the Kōkōhīnau meeting in 1966), and Len Rangi (who my father threatened to throw in the drain at Ngākauroa in the late 1960s). The MIL representatives were Monica Lanham, Lang Grace, Jack Brady, Tau Park and Josephine Marr. The meeting started off in a septic tone. Monica Lanham demanded to know what criticism had been levelled at MIL by Ngāti Awa with the Minister of Māori Affairs.[13] John Mitchell of TFL was also under immense pressure from the Minister of Māori Affairs who had had asked TFL for explanations over Pūtauaki.[14] John Hunia, supported by Tom Whitely, denied that there had been no criticisms. He even had a tape recording of the meeting he had with the Minister. [15]

During further discussions at the Kōkōhinau meeting, Pūtauaki was described as a burial ground with examples of burials caves being discussed and bones being interned on the mountain. Yet despite John Hunia asking Monica Lanham 'Is Tarawera Forests Ltd. able to give the Mountain back to owners?' Mrs. Lanham still replied, 'No not on such flimsy evidence-owners would need more solid representation'.[16] Despite the free and frank discussions at the meeting, the result was that matters concerning the mountain were still unresolved. With my *kuia* Pohoira Rīni Mānuera's death in November 1977, this left her brother Eruera Rīni Mānuera as the last living grandchild of Te Rangitūkehu. Te Rangitūkehu was linked to the mountain not only through his own *tīpuna* and being buried on Pūtauaki, but also because of the *pepeha* that linked him to the mountain.

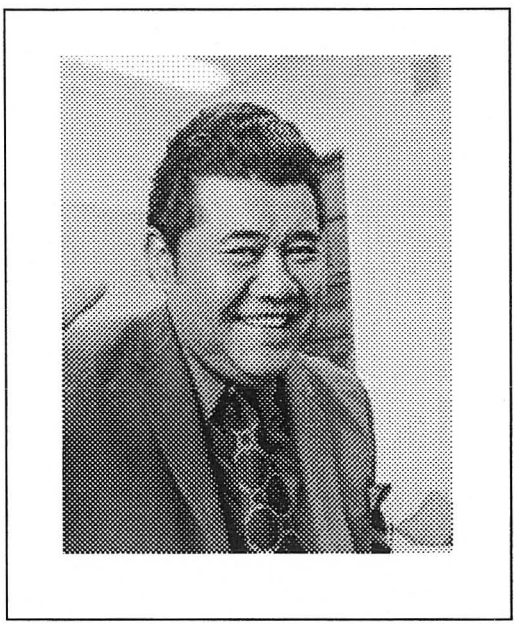
Ko Pūtauaki te Maunga	Pūtauaki is the Mountain
Ko Rangitaiki te Awa	Rangitaiki is the River
Ko Rangitūkehu te tangata	Rangitūkehu is the Man

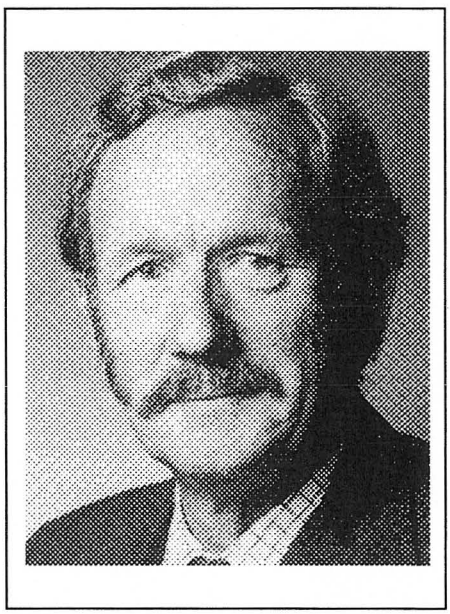
Eruera despite his age felt an enormous weight of responsibility to rectify the Pūtauaki situation. He decided to resort to the Māori Land Court to declare Pūtauaki a Māori reservation.

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[13] 'Meeting to Discuss Mount Edgecumbe Held at Kōkōhīnau Pa on 30 April 1977', Exhibit P, p.1. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[14] 'Meeting to Discuss Mount Edgecumbe Held at Kōkōhīnau Pa on 30 April 1977', Exhibit P, p.1. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[15] 'Meeting to Discuss Mount Edgecumbe Held at Kōkōhīnau Pa on 30 April 1977', Exhibit P, p.1. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[16] 'Meeting to Discuss Mount Edgecumbe Held at Kōkōhīnau Pa on 30 April 1977', Exhibit P, p.4. (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Photos 10.3 & 10.4: The two Ministers of Māori Affairs in 1973 and 1977 respectively who were petitioned by Eruera Rīni Mānuera to have Pūtauaki returned. On the left is Matiu Rata and on the right is Duncan McIntyre.[17]





Māori Reservation for Pūtauaki

On 30 September 1979, Eruera filed an application with the Māori Land Court in Rotorua for the recommendation for a Māori Reservation under section 439 of the Māori Affairs Act 1953. In his mid 80s by that stage, he was the last of his brothers and sisters and even maternal first cousins left alive. It is unclear who actually filled out the particulars of the application form as it is not in his hand writing, however, the form does bear his signature.[18] Instead of the form detailing Pūtauaki it instead simply referred to Part Tarawera No.1. It was noted that the purpose of the Māori reservation was for a 'Burial reserve (urupa)' for the common use and benefit of the 'Ngatiawa Tribe' and the following reason was given:

> It is an ancient burial ground of emotional and spiritual and historical significance to the Ngatiawa people.[19]

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[17] Sources: Photo of Matiu Rata taken circa 1973 at http://www.tiritiowaitangi.govt.nz/people/maorileaders1900.php (Accessed 13 August 2009); Photo of Duncan McIntyre taken circa 1978 in Barry Gustafson, *The First 50 Years: A History of the New Zealand National Party*, Reed Methuen, Auckland, 1986, p.329.

[18] 'Application for Recommendation for a Maori Reservation by Eruera R Manuera dated 30 September 1979', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[19] 'Application for Recommendation for a Maori Reservation by Eruera R Manuera dated 30 September 1979', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

On 4 October 1979, Mr. P.W. Patrick, the Registrar of the Māori Land Court wrote to the Secretary of TFL informing them of Eruera's application but also asking whether a sketch plan showing the mountain and forested areas could be supplied by TFL along with any views that they wished to make on the application.[20] This was followed up by a further letter from J.A. Tait for the Registrar dated 21 November 1979 asking for any further comments that TFL may wish to make.[21] On 23 November 1979, a reply to the Registrar of the Court was given by B.W. Neutze, the office solicitor for Tasman Pulp and Paper Company. Neutze informed the registrar that both MIL and TFL opposed Eruera's application. He enclosed a copy of minutes of a directors' meeting of MIL of 27 October 1979.[22] From the minutes of the MIL's directors meeting John Mitchell, Tasman's Forest Manager, briefed the directors on the implications of the withdrawal of Pūtauaki from the Tarawera forestry venture. Mitchell mentioned that the summit of Pūtauaki was occupied by a fire lookout station as well as television and radio transmitter masts. He opined that if Pūtauaki were to be a Māori reservation an expensive survey would have to be carried out and the road up to the summit would have to be excluded from the reservation. The afforested area around Pūtauaki would also be put at risk because the company would no longer be legally able to prevent entry onto the reservation and keep a careful check on those wishing to go into that area.[23]

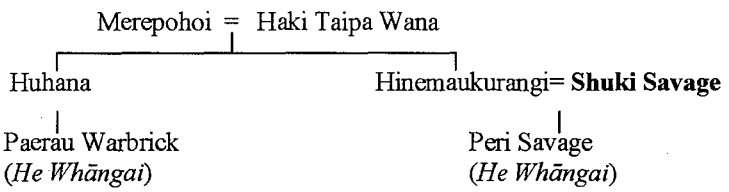
Arapeta Te Rire, who was then a director of MIL, mentioned that he was surprised by Eruera's wish to declare the mountain a reservation as Eruera had agreed with the original proposal. He and other elders had been available at all times to inspect burial caves and collect and rebury remains if necessary.[24] Mr. Kingi also spoke at the MIL meeting (though not a director), and mentioned that Eruera was also a principal spokesman in the Tarawera negotiations and that he had given approval to the proposal that Pūtauaki be included in the forestry venture. Phillip Howell, who was also a MIL director by this stage, advised that he had put the proposal that Pūtauaki be included in the forestry venture twice to Eruera and gotten his blessing. He said that

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[20] 'Letter of P.W. Patrick to the Secretary of Tarawera Forest Ltd. dated 4 October 1979', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[21] 'Letter of J.A. Tait to the Secretary of Tarawera Forest Ltd. dated 21 November 1979', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[22] 'Letter of B.W.Neutze to the Registrar of the Maori Land Court in Rotorua. dated 23 November 1979', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[23] 'Extract of Minutes of a meeting of Directors of Maori Investments Limited Saturday 27 October 1979', pp.2-3 (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[24] 'Extract of Minutes of a meeting of Directors of Maori Investments Limited Saturday 27 October 1979', p.3 (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Eruera had indicated to Mr. Howell 'that it was better to have someone looking after the mountain to ensure that it was not pillaged'.[25] My maternal uncle, Shuki Savage, another MIL director and younger brother to Monica Lanham (she died in 1978), indicated 'that from a protection point of view it was better for Tarawera Forest Limited to have a control over the entire mountain. It could then limit the number of people who could go up the mountain'.[26] Furthermore, all the directors '...agreed that the mountain had never been as well looked after as under the present ownership, burial caves were being carefully preserved and that accordingly the ownership should be left as at present'.[27]

Whakapapa 10.2



It was then duly resolved on the motion of Arapeta Te Rire and seconded by Shuki Savage that:

1. That the Board is happy with the present ownership of Pūtauaki Mountain and the manner in which entry onto the mountain is carefully controlled and regulated and burial grounds and other sacred lands are safeguarded;
2. That it would be a retrograde step, with consequent loss of the current careful screening and control of visitors and of fire surveillance measures in respect of the upper slopes of Pūtauaki Mountain, if the same were declared a Maori reservation;
3. That the Board Members, as the duly elected representatives of all the former owners of Tarawera No.1 Block, including Pūtauaki Mountain, consider themselves as the lawful representatives and trustees of Maori owners for the purpose of ensuring, inter alia, that Tarawera Forests Limited and the Forestry Department of Tasman Pulp and Paper Company Limited comply with their obligations to safeguard Maori graves and other sacred lands-it being acknowledged that the latter have always faithfully complied with any direction by the Board of Maori Investments Limited in that behalf;
4. That having regard to the foregoing, the Board unanimously opposes Mr.Manuera's application.

[25]'Extract of Minutes of a meeting of Directors of Maori Investments Limited Saturday 27 October 1979', p.4 (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[26]'Extract of Minutes of a meeting of Directors of Maori Investments Limited Saturday 27 October 1979', p.4 (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[27]'Extract of Minutes of a meeting of Directors of Maori Investments Limited Saturday 27 October 1979', p.4 (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

MIL therefore on or about 16 January 1980 employed Lindsay Hugh Moore (now Judge Moore of the District Court) of Davys, Burton, Henderson & Moore, Solicitors, in Rotorua to represent their opposition to Eruera's application in the Māori Land Court.

Māori Land Court sitting 30 January 1980.

The Māori Land Court had its first hearing on Eruera's application on 30 January 1980 in Whakatāne. It was presided over by Judge Edward T. J. Durie with J.McLean as the Court Clerk and Kina Noema as the Interpreter. (Judge Gillanders Scott who presided over the 1966 Court hearing was still based in Rotorua. He was Chief Judge of the Māori Land Court and was very close to retirement.)

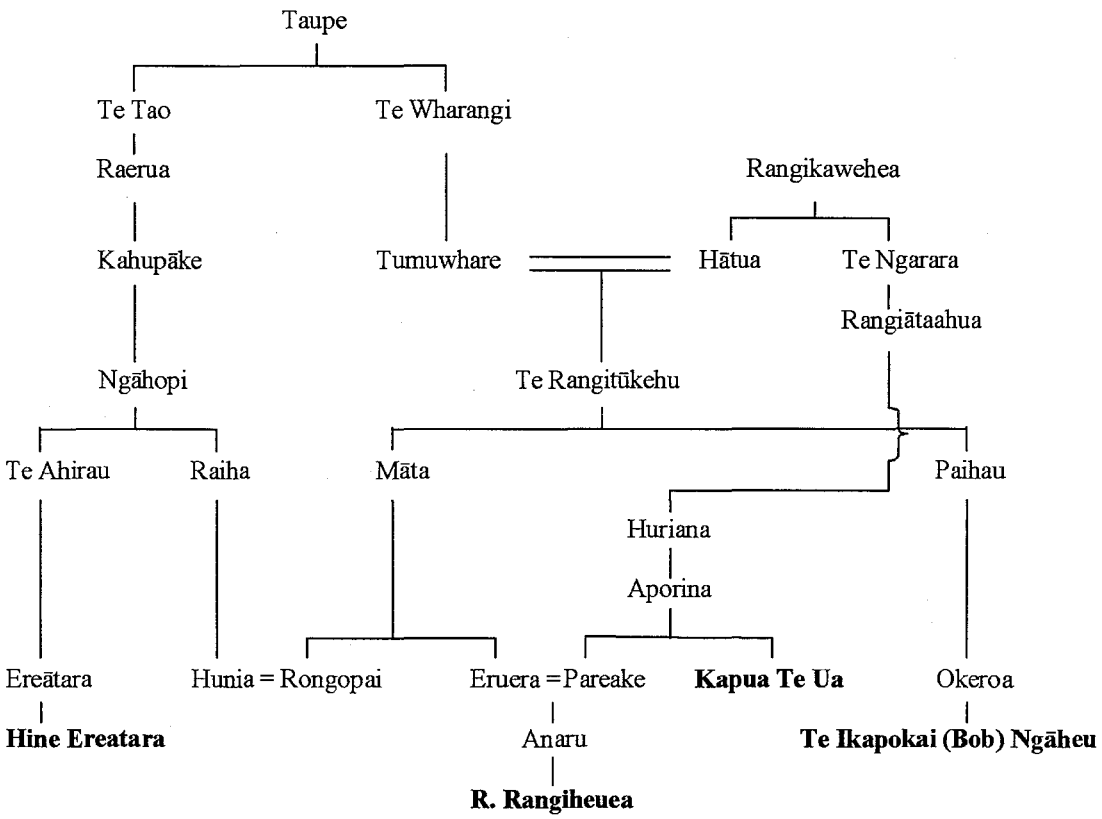
Eruera appeared in person but not represented by lawyers. Eruera's son, Anaru[28] Rangiheuea, as well as nephew Dick Hunia also appeared in support along with Manu Paul of the Ngāti Awa Māori Executive and the Waiariki District Council. Mr. Moore appeared as the lawyer in opposition on behalf of TFL and MIL. [29] Others who were in attendance were Hine Ereatara (Hine Elliot), Kapua Teua (Kakaho Teua), Takawai Edwards, Rangitiari Erueti (Mrs Takawai Edwards), R. Rangiheuea, Te Ikapokai (Bobby) Ngaheu, T. Whitely (Tom Whitely), R.T.M. Park (Tau Park), A.J. Te Rire (Arapeta te Rire), P.N. Howell (Phillip Howell), and the Tasman Representatives, G.Sybertsma, J.M.Mitchell, R.McKee. Others were also in attendance who did not sign the attendance register. [30]

The Court procedure compared with the 1966 court sitting was conducted less formally which was probably as a result of Judge Durie being the judge instead of Judge Gillanders Scott. Judge Durie proposed to hear Eruera first as the applicant, then others who wished to speak on Eruera's side. He then mentioned that he would hear from Mr. Moore as Counsel for the opposition and then to others who wished to speak after hearing both sides. Judge Durie indicated that he would then hear final statements. After these initial commentaries Judge Durie allowed Eruera to speak in Māori.[31]

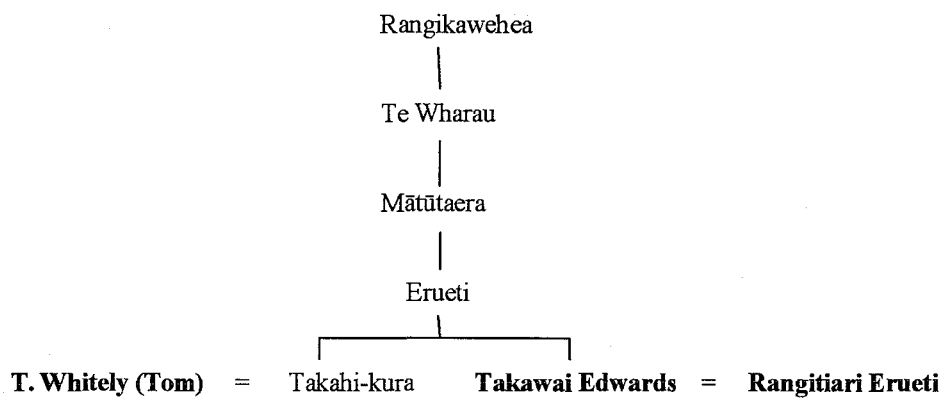
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[28] Noted mistakenly on the court minutes as Hanara. *Whakatāne Minute Book* 70 at folio 117.
[29] *Whakatāne Minute Book* 70 at folio 117.
[30] 'Persons present in Court on 30.1.80 on Appln.23998', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[31] *Whakatāne Minute Book* 70 at folios 117-118.

Whakapapa 10.3



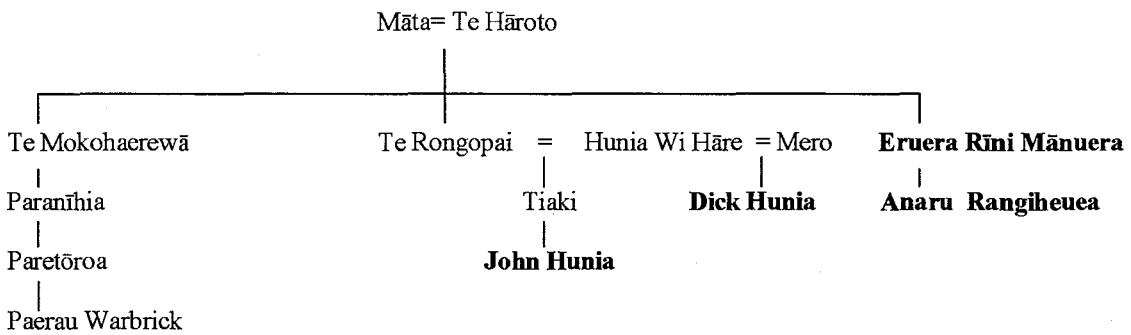
Whakapapa 10.4



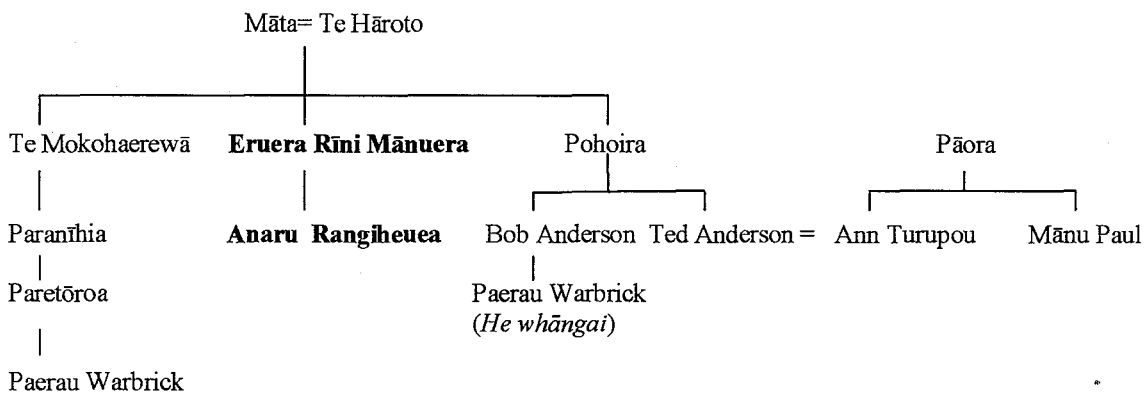
Eruera opened his submissions with a prayer and homage to his ancestors. He then greeted the Court and its officers and then greeted the Interpreter and then all those present. He then referred to the words of Apirana Ngata and had hopes that the younger Māori would come to a

knowledge and understanding of the European proceedings.[32] Eruera then formally introduced himself as Eruera Manuera of Kōkōhīnau *Pā* (fortified village) aged 86, elder and Paramount Chief of Ngāti Awa. Eruera then sang a *waiata* (songs) and recited *whakapapa* (genealogies) that associated himself with all the Māori attendees at the Court including Te Matau Park (Tau Park) who was in opposition to his application. Eruera then specifically took issue with those owners who agreed to Tarawera Forests taking over the mountain.[33]

Whakapapa 10. 5

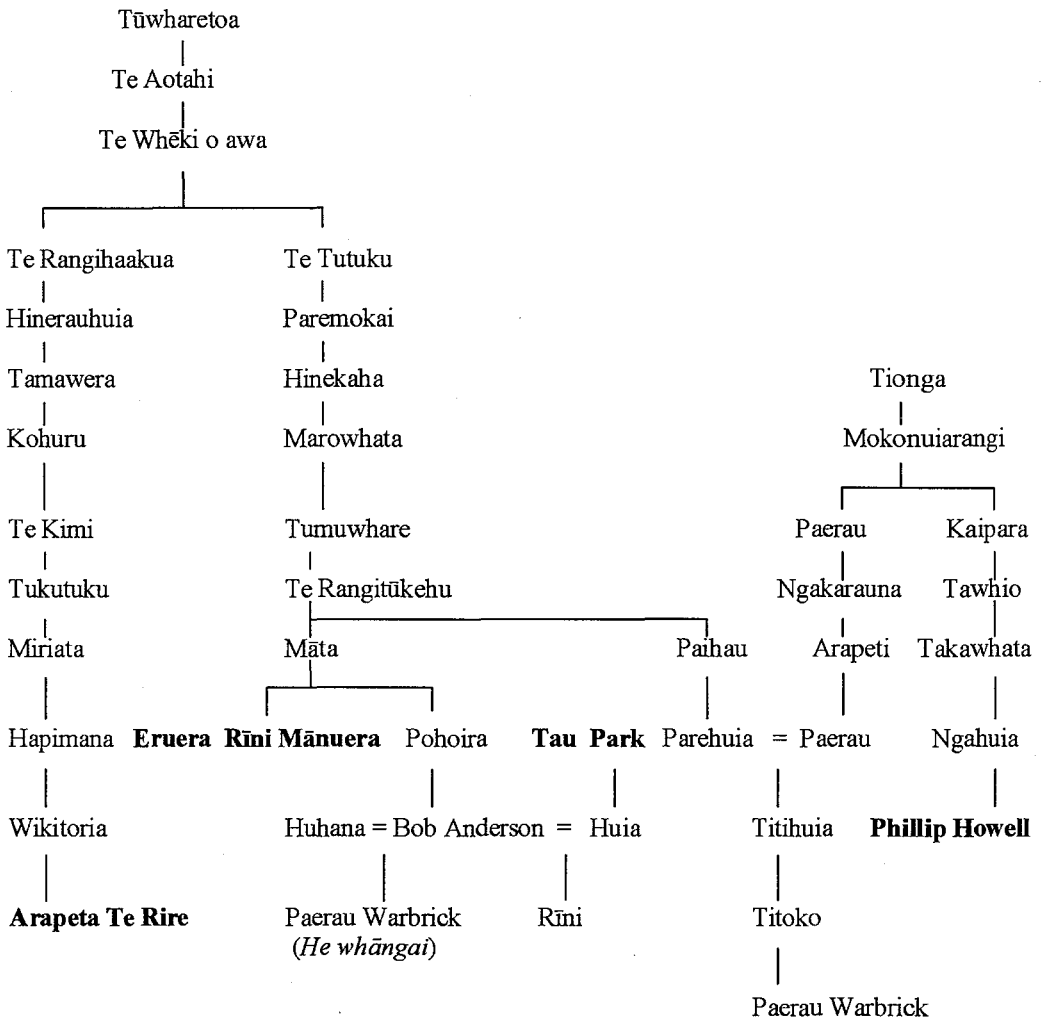


Whakapapa 10. 6



[32] *Whakatāne Minute Book* 70 at folio 118.
[33] *Whakatāne Minute Book* 70 at folios 118-119.

Whakapapa 10.7



The overall gist of Eruera's submissions related to returning Pūtauaki to Ngāti Awa. He gave historical evidence that the mountain was a place where the bones of his *tīpuna* were interred. Eruera gave detailed historical and oral testimony to the court. In his own words:

> The land was left by my elders as a burial ground and to this day that is what it is. In my youth I witnessed one of the last burials undertaken upon the Mountain. In those days bodies were buried for up to five years at the *marae* areas and after this period the bones were dug up, wrapped in cloth, taken by canoe to the bases of the Mountain (for most of the Rangitaiki flats were under swamp), blessed, then taken up the Mountain and deposited in the nooks and crannies up there. My recollection of the last digging up of graves is this. There was gunfire at the marae. It was a common thing in those days to warn all the neighbouring tribes of a death by sounding of guns. This was done this time for the lifting of bones to convey them to the Mountain. The bones of several Tupapaku would be taken up at the time. On this occasion my sister's [Rangiwhakawaitau] bones were amongst those taken up there.[34]

[34] *Whakatāne Minute Book* 70 at folio 119.

Mr. Moore then cross-examined Eruera and it is clear that Eruera's recollection of some of the finer details relating to meetings and various people was not lucid, but nonetheless consistent with an 86 year old Māori man in 1980. This can be seen from the following example where Mr. Moore (Q:) is asking Eruera questions and then Eruera (A:) responding to the questions being put to him.

Q: Were you at a meeting at Kawerau on 14.10.65, when a meeting of Government representatives, Maori affairs representatives, Tasman Pulp and Paper and Maori owners was called?

A: I do not recall. I went to the one at Kōkōhīnau, I do remember that one.

Q: There are minutes of that meeting which I have here, and I now produce and you will see that your name is there?

A: Yes I recognise then that I must have been there but I cannot recall it.

Q: Do you recall receiving notices of a meeting-a copy of which I now produce?

A: I do not remember-there have been many notices-one for the Te Mahoe Dam I remember-Ron Morrison called it-and there are many others that I go to. ...

Q: In 1965 did you recall discussing with Phil Howell that you agreed to planting part way up the Mountain saying 'That's all right it will stop the Mountain from burning?'

A: I cannot recollect.

Q: Do you recall talking to Mr. McKee about planting on the Mountain?

A: Who was Mr. McKee?

Q: The man over there (points out Mr. McKee in the Courtroom)

A: I do not recall. A lot of Europeans come to see me and they all look alike. [35]

During the hearing, Eruera was subjected to further intense cross-examination by Mr. Moore who was the lawyer for those in opposition. Moore had put questions to Eruera in regard to whether benefits had accrued to Eruera's people while the mountain had been in the ownership of TFL. These were projects such as a fire lookout on the mountain, a television mast atop of the mountain, and the sealing of the ancestral burial cave, Te Niho-o-te-Kiore. While Eruera agreed with some of the benefits that had happened he still maintained his argument that Pūtauaki was sacred and that it needed to be set aside as a scared place for Ngāti Awa.[36]

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[35] *Whakatāne Minute Book* 70 at folio 123.
[36] *Whakatāne Minute Book* 70 at folios 120-126.

Photo 10.5: Eruera Rīni Mānuera (seated) and John Hunia (standing) in 1981. John Hunia, a grandnephew to Eruera and a nephew to Dick Hunia, was present at the meeting at the Kōkōhīnau meeting with TFL and MIL in 1977. In response to Monica Lanham, John denied that there had been criticism against TFL and MIL when he and others met with the Minister of Māori Affairs, Duncan McIntyre in early 1977. [37]



The second witness to give evidence before the court was Eruera's son Anaru Rangiheuea. Anaru referred in his statement to the Court that he wished to have the land (Pūtauaki) set aside for the common benefit of not only Ngāti Awa of Matātua but for all Māori people in general. After some initial questioning by Judge Durie whether Eruera's application be amended so that the mountain is not just for Ngāti Awa, Anaru admitted that he wished to discuss the matter with his father.[38] Like Eruera, Anaru was subjected to intense cross-examination by Lindsay Moore. Anaru indicated that he was a member of the Te Arawa Trust Board representing Tuhourangi. He also indicated that he was a son of Eruera and that he was an owner in land nearby Pūtauaki. In the subsequent questions and answers between Anaru and Mr. Moore it became apparent that there was some disagreement between MIL and those *whānau* at Kōkōhīnau over the control of Pūtauaki. For instance, there was a proposal for a burial ground to be established at the foot of

[37] *Māta Reunion Book* (1988), Unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.67.
[38] *Whakatāne Minute Book* 70 at folios 126-127.

the mountain. The discussion between Anaru and Mr. Moore also highlighted that other Māori people apart from Ngāti Awa had connections with Pūtauaki.[39]

The third witness to give evidence was Cletus Mānu Paul (Mānu) who was a teacher at Kawerau with a degree in Sociology from the University of Waikato. Mānu was also a Justice of the Peace and Chairman of the Ngāti Awa Māori Executive and the Waiariki District Council of the New Zealand Māori Council. Mānu appeared not only with a personal interest in that he was a member of Ngāti Awa but also because he was a nephew and *mokopuna* (grandchild) of Eruera.[40] Mānu's sister, Ann Turupou Paul, had married into Eruera's *whānau*. Mānu Paul clearly stated in his testimony that he had 'an axe to grind in this matter'. [41] This related to the fact that he was at the 1965 meeting held at Kōkōhīnau. Mānu mentioned that he raised the point that Pūtauaki was being taken and that he objected to it. In Mānu's own words:

> I started to raise my point and then I was asked to leave the meeting by an overbearing Chairman, the District Officer of the Department of Māori Affairs at the time, Mr. Barber...maps were being put in and at that time I was a surveyor for the Catchment Board and I could read maps. I alone went there to point out to the people that they would be giving away the Mountain because they didn't seem to me to be able to read maps and to know that, but as soon as I started and the Chairman saw that I was against it, he made sure to get me out of the meeting.[42]

Immediately, there are some problems with Mānu's account. In minutes written up by the Department of Māori Affairs of the meeting at Kōkōhīnau in 1965, there is no record of Mānu's questioning. However, my own natural father, Titoko Warbrick, mentioned that Dick Hunia also spoke at the meeting. However, Dick also does not appear in the minutes. The only explanation for these anomalies is that the minutes are not comprehensive; that for whatever reason, that information is not included.

Mānu's testimony further indicated that apart from the legal aspects of the case, there were others who could best describe the other considerations of the case. The other considerations involved Māori attitudes and feelings regarding the case. In particular, Mānu suggested Hirini

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[39] *Whakatāne Minute Book* 70 at folios 127-131.
[40] *Whakatāne Minute Book* 70 at folio 131. The reference to nephew and *mokopuna* (grandchild) is a loosely used in this context. Mānu used these terms to indicate a kinship relationship with Eruera.
[41] *Whakatāne Minute Book* 70 at folio 131.
[42] *Whakatāne Minute Book* 70 at folio 132.

Moko Mead as an appropriate person for this.[43] Judge Durie himself engaged in further discussions with Mānu.

Court: If it [Pūtauaki] were a Māori reservation then that would no doubt give satisfaction to you. But that in itself is not the end of the matter. We come to the question of the appointment of trustees to control that Reservation. It may be that for the better protection of the forest it is necessary to have the Tarawera Forest Company have a say in the control. I want you to consider the prospects that this area might be made a Māori reservation, the trustees to be *komatua* [sic] (*kaumātua*) of the main tribe or a komatua [sic] for each of the tribes as the case may be, and , the Tarawera Forest Company. It is not unusual in Māori Reservations to have a tribal elder as trustee to act along with those having the means and the finance to supervise and control its future uses. Would such an arrangement give satisfaction to you in this case?

Mānu: It seems an underhand way around it. We get it back and yet we don't. No, that would not be a solution for me.[44]

After Mānu's testimony, Judge Durie then had to give some concluding remarks before the end of the Court for the day. He regretted that owing to the time the application had to be adjourned and he regretted that many had travelled to the Court but had not been given the opportunity to be heard. However, at that stage Judge Durie had a number of comments to make in regard to the court proceedings. Judge Durie mentioned that issues in the Māori Land Court did not often become apparent until the hearing. He specifically queried the opponents' stand and whether their opposition was based upon the application referring to the reservation being for Ngāti Awa alone.[45] Specifically Judge Durie asked:

I want to know first whether as a matter of principle you consider the area should be a Maori reservation, and only after that, your argument as to the persons for whom it should be so reserved. [46]

Judge Durie then queried why the Tarawera Forest Company (TFL) and MIL did not support the application and indeed did not bring the application themselves. He noted that the original

[43] *Whakatāne Minute Book* 70 at folio 134.
[44] *Whakatāne Minute Book* 70 at folios 133-134.
[45] *Whakatāne Minute Book* 70 at folio 136.
[46] *Whakatāne Minute Book* 70 at folio 136.

booklet detailing the scheme had introduced Pūtauaki under the heading of Reserves and recognised the significance of the mountain to the Māori owners.[47] In his own words,

> What better way of giving effect to that recognition than by seeking that it be made a Maori Reservation with adequate provisions for its control.
>
> ... The brochure emphasised the Reserve aspect. Did it go far enough/ Did it really explain to the owners that it had other values for the forestry scheme as use for forest fire prevention buildings-or for other uses not connected with the scheme such as television or radio transmissions and buildings. Were those uses contemplated by the brochure? Was a full and fair picture painted or was a picture painted of a sacred area that might receive the sort of protection contemplated by section 439 which provides for Maori Reservations? Was the inference that it would not be touched in any way? I do not wish to prejudge matters. I wish only to forewarn you of the matters that are of concern to me that they might be carefully covered when this hearing resumes.[48]

It was at that stage that Mr. Moore raised a technical matter that since there was a debenture on the land and a licence issued for the television operations on Pūtauaki, the Court did not have the jurisdiction to make a Māori reservation under section 439 of the Māori Affairs Act 1953 anyway. However, the Court simply made some brief minor comments as to that submission and adjourned the court sitting till 9:30am Wednesday 26 March 1980 in Whakatāne.[49]

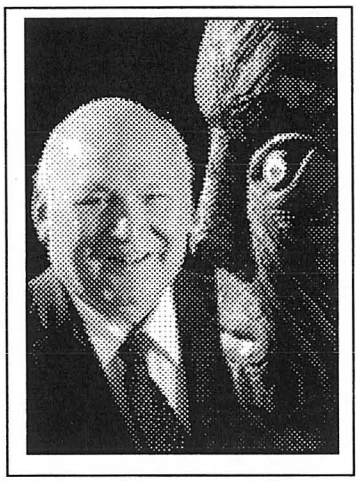
Māori Land Court sittings Wednesday 26 and Thursday 27 March 1980[50]

The Māori Land Court reconvened for the second hearing on Eruera's application on 26 and 27 March 1980 in Whakatāne. Again, it was presided over by Judge Edward T. J. Durie. Lindsay Moore again appeared as counsel for TFL and MIL in opposition to the application.[51] Eruera Mānuera, Anaru Rangiheuea and Mānu Paul were again the primary witnesses. However, Tiki Hunia (Dick Hunia) and Dr. Sidney Mead (Hirini Moko Mead) were in attendance as well. They provided further evidence in support of the application.

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[47] *Whakatāne Minute Book* 70 at folio 136.
[48] *Whakatāne Minute Book* 70 at folio 137.
[49] *Whakatāne Minute Book* 70 at folio 138.
[50] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980'(File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua. Note that the transcript does not indicate where Thursday 27 March 1980 commences. Instead the transcript simply continues one long narrative and it is clear that the Court hearing did not proceed well into the evening and early hours of the next day.
[51] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980'(File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

Photos 10.6 & 10.7: Left is Anaru Rangiheuea in 2008 and right is Mānu Paul taken in 2003. Anaru backed his father Eruera's stance to have Pūtauaki made into a Māori reservation. Mānu was extremely critical of Registrar of the Māori Land Court, J. Barber, at the 1965 meeting held at Kōkōhīnau. [52]





Unlike the January hearing, Eruera and his supporters were represented by a lawyer, Mrs. Honor Gray of Auckland, although she had only been briefed the Friday before the Wednesday hearing.[53] Mrs. Gray refined the basic premise of Eruera and his supporters:

As I have had to grasp in a very short time this matter is of deep spiritual significance to the Māori people in the area. As I understand the feelings of those who instructed me, in order for them to retain their *Tu Tangata,*[54] in order that they may continue to stand tall, the mountain must remain inviolate of commercialism and be accessible to those Māoris [sic] to whom it represents so much....[55]

In expressing her premise, Mrs. Gray indicated that she would recall Eruera Mānuera, Anaru Rangiheuea and Mānu Paul for further questioning as well as Dick Hunia and Hirini Moko Mead for further evidence. Anaru's short testimony merely confirmed to the Court that he wished the

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[52] Photo of Anaru Rangiheuea taken 2008 http://www.rotoruadailypost.co.nz/local/news/anaru-humbled-by-honour/3774366 (Accessed 14 August 2009) ; Photo of Mānu Paul taken c. 2000 in *Whakatāne Beacon,* 30 June 2008, p.1.

[53] Mrs. Gray also indicated to the Court that she also represented Michael Barnes of Auckland with Tūwharetoa connections as well as Ngāti Awa connections. Mrs Gray indicated that Barnes was unable to make it to the Court sitting but could appear at a later date. 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.1.

[54] The term *Tu Tangata* in this context roughly translates as the people who hold *mana* over an area.

[55] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.1.

lands to be given back to the Ngāti Awa people and trustees appointed from Ngāti Awa. He had moved away from his initial idea of having Pūtauaki for other Māori groups as well.[56] When Eruera was recalled by Mrs. Gray to give testimony she elicited from Eruera that he wished Pūtauaki to come back to the people before its amalgamation and that there be a Trust over it.[57] In the cross examination by Mr. Moore, Eruera indicated the he was also concerned about the ancestral bones that were on the Mountain.

...well I'm talking about the whole mountain right from the foot right up to the top. As far as the main object of talking, using it as a *rua koiwi*. It's a *rua koiwi*, it's not a cemetery, not a burial ground it's *a rua koiwi*.[58]

As in the January hearing Eruera used *waiata* to support his claim that the mountain was associated with Ngāti Awa. The *waiata* used the names of Ngāti Awa *tīpuna* (ancestors) associated with the mountain such as Ngamaihi, Hātua, Rangitūkehu, Tukikauri and Tarawhatiwhati.[59] However, when the Court had put questions to Eruera about whether the names were also associated with Tūwharetoa Eruera acknowledged their Tūwharetoa association.[60]

We have people over here [Ngāti Awa] -is fairly well associated with Tūwharetoa from Te Autahi [Te Aotahi]. That's the *tipuna* that's really associated with us the Ngāti Awa people-Te Autahi. There's Arapata [ArapetaTe Rire], he knows. He's pretty good at it. Te Autahi [Te Aotahi]....[61]

In further discussion with Eruera, the Court also attempted to try to identify a common ancestor for whom the mountain could be set aside as the reservation. The rationale for this was that if

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[56] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.25-26.
[57] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.3.
[58] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.3. The term *rua koiwi* in this context roughly translates as a storage pit for bones.
[59] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.9-11.
[60] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.11.
[61] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.11.

there was in fact a common ancestor then presumably there would not be the opposition from Tūwharetoa *whanaunga* (relatives). When the Court asked Eruera for whom the Māori Reservation should be set aside: Ngāti Awa or Tūwharetoa, Eruera was simply ambivalent. Eruera acknowledged that the original ancestor Tūwharetoa used to live at the foot of the mountain where the town of Kawerau stood.[62]

When Mrs. Gray recalled Mānu Paul, one of the first explanations that he gave to the court had to do with the *waiata* sung by Eruera. The *waiata* captured the identities of people associated with Pūtauaki, notably Ngāti Awa and Tūwharetoa.[63]

Ma wai e kai atu a Tamatūha te haunga
i te Kainga i te tuna moe huhi
Ko nga kirikiri te tangi a te wai ki Rangitaiki
Ko Ngamaihi taku kai
Ko Hātua taku kai
Ko Tukikauri te tuohu nei kei taku ropi
Ko Tarawhatiwhati te ure o te kumete
E hiakai atu ana hoki au kite Pukeiti
Ko te Umukohukohu
Te tangata rā e nāna i whakatipu te pakanga
i riro mai ai te Rohu
te ringamau o te Kou-o-Rehua ki te taonga
I whiua ai ki Pūtauaki
Nāna te ai i whakauawhe mai ki tawhiti.

Mānu Paul in his explanation gave the following translation: [64]

Who will revere for ever after Tamatūha
Who resides amongst the ancestors sleeping peacefully
Pumice will rain as tears of the Rangitaiki River
Ngamaihi is my ancestral resource
Hātua is my ancestral resource
Tukikauri is my ancestral resource at my side
Tarawhatiwhati is my ancestral resource at my side
Tarawhatiwhati is my ancestral resource between my legs
I hunger still for Pukeiti
For Umukohukohu my ancestor
The man who fired enthusiasm for the battle
From which was received te Rohu
From the hand of Kou-a-Rehua the gift
That was thrown back to Pūtauaki
His was the issue who emerged from afar.

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[62] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.11.

[63] 'Written Transcript of Waiata' Exhibit B, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[64] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.16. Mānu Paul noted that the interpretation was his own.

When questioned by Mr. Moore about who essentially were the *Pūtauaki* people, Mānu opined that it was Ngāti Awa, Tūwharetoa and Tūhoe tribes. Mānu disputed that Ngāti Rangitihi also had a claim.[65] In a heated exchange between Mānu and Moore, Moore suggested that MIL was really the appropriate vehicle to represent Māori interests in the mountain because they were the representatives of the shareholders of MIL who were the original owners of the individual blocks that were amalgamated together to form Tarawera No.1.[66] However, in further examination from Mrs. Gray, Mānu refined the reasons for his support of the application.

I support it firstly on one of culture, on the basis of identity, and the fact that I as a descendant of the people who allude to the mountain as being the main stay, the accepted form of identity. I am concerned that (a) the people who are not, in my opinion, rightful descendants of those who belong to the mountain. In fact control [sic] and earlier I stated that I could trace genealogy according to the people of Ngāti Awa but I couldn't quite trace the genealogy to people such as Tasman and if it is necessary for me to go to Court to submit my feelings of it, I will do so because I have seen instances where time has eroded the identity of people and the identity of the sacred *taonga*[67] that we call mountain so that Tarawera is now the name of Ruawahia, so that Mount Edgecumbe is now the name of Pūtauaki and five generations from now it could possibly be 'Tasman'. I am not in favour of the continued administration of the mountain. I would prefer the mountain to be vested in Māori people to be separate from the amalgamation of the forestry so that I can stand on a marae and say –that Pūtauaki is my mountain and not be ridiculed by somebody standing up on the other side saying 'No it's not yours its [sic] Tasman's'. I have to live with it. My children have to live with it and their children and what it does mean is that my pride has been attacked. My *mana* as a member of the Ngāti Awa people is being eroded. Those are the reasons I wish to support this application.[68]

A new witness called by Mrs. Gray was Tiki Hunia also known as Rangikawehea Hunia. He was more commonly known as Dick Hunia. Dick was unequivocal in his testimony to the Court. He was in support of Eruera's application.[69] He also admitted that he had attempted to have the mountain returned to Ngāti Awa instead of being included in the Tasman Proposal.[70] Dick mentioned that he had been around the foot of the mountain hunting but never actually been up

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[65] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.17-18.

[66] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.19-23.

[67] A treasured item.

[68] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.24.

[69] Dick's testimony had brought to the fore the fact that he did not agree to the Māori proportion of shareholding in the Tasman proposal. This was on the basis that a huge proportion of the land for the Tasman proposal was provided by the Māori owners. However, their share in the overall scheme was simply disproportionate to their land share. See 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.31.

[70] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.27.

to the top.[71] He noted that he was present at all the various meetings that were held over the land that went into the Tasman proposal from at least the 1950s. He mentioned that he was present at the meeting held at Kōkōhīnau in the 1960s. This was the meeting referred to by Mānu who mentioned that it was run in a heavy-handed fashion by Jack Barber, the Registrar of the Māori Land Court.

However, Dick indicated that it was John Rangihau, who was part of the Māori Affairs Department, who was the person who was actually running the meeting. Rangihau was the man who explained the Tasman proposal to *whānau* at the meeting.[72] Dick also indicated that the meeting was an extremely rushed affair. He mentioned that there were a lot of maps presented at the meeting and that too much information was placed before the people. In Dick's opinion the Tasman proposal was simply too difficult to fathom.[73] He further explained that those who voted on the proposal were not even knowledgeable about whether they were owners in the lands in question or not. In Dick's words the meeting was a 'holus bolus' affair.[74] Furthermore, one other aspect of Dick's testimony was that he acknowledged Tūwharetoa's association with Pūtauaki. 'I suppose we got more Tūwharetoa in our Ngāti Awa people than in Tūwharetoa'.[75] He admitted that his own *whānau* were all Tūwharetoa.[76]

The final witness who was called by Mrs Gray was Dr. Sidney Mead (Hirini Moko Mead) who was then professor of Māori Studies at the Victoria University of Wellington. He was a grand-nephew of Eruera. Hirini's maternal grandfather, Te Mokohaerewā, was an older brother to Eruera. The essence of Hirini's submissions related to Pūtauaki as being the symbol of Ngāti Awa. In his opinion no other tribal groups could claim it as a symbol. Hirini gave evidence that various *tīpuna* from other tribal groups such as Rauru from Taranaki were probably born near

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[71] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.27.
[72] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.29-30.
[73] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.32.
[74] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.29-30.
[75] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.27.
[76] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.27.

Pūtauaki but that did not make the people from Taranaki claimants to the mountain. Hirini clearly pointed out that the Tūwharetoa near Kawerau were part of Ngāti Awa. In Hirini's words:

It is clear from the small amount of evidence presented here that the Tūwharetoa people have no claim over Pūtauaki and they have no moral right to refuse the application before the court. In fact, members of that tribe by virtue of their close association with us should be helping Ngāti Awa and not opposing us. [77]

Under further questioning from Mrs Gray, Hirini mentioned that,

Grace in his book 'Tūwharetoa' published in 1959 says clearly that the sections of Ngāti Tūwharetoa living at Matata and Kawerau come under the general heading of Ngāti Awa, so the people there the Tūwharetoa related sections living here are also Ngāti Awa, so we have the support of Grace who is himself well placed as a Tūwharetoa person supporting what I am saying. [78]

The interaction between Mr. Moore and Hirini during cross-examination was extremely hostile.

Moore: You see this is what I am concerned about Dr. Mead. Do you compare your situation with mine. Do you think they are comparable?

Hirini: Not really I think I'm probably on a better moral footing that you are.... You're a paid man, I'm not. [79]

The continued interaction between Mr. Moore and Hirini entailed issues over the care of the mountain and also the alternative arrangements if Pūtauaki was to be returned to Ngāti Awa. While Mr. Moore wished to strongly suggest the *status quo* was the better option (TFL and MIL control), Hirini did not concede the point. Hirini was clear that the ownership of the mountain should be returned to Ngāti Awa with trustees being appointed as the best alternative to the *status quo*.

Hirini: Are you thereby suggesting that if we appointed trustees to look after the place, that those trustees could not do the job that you are doing?

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[77] S.M.Mead, 'Submission in support of application 23998 to set Pūtauaki Apart' Exhibit D, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

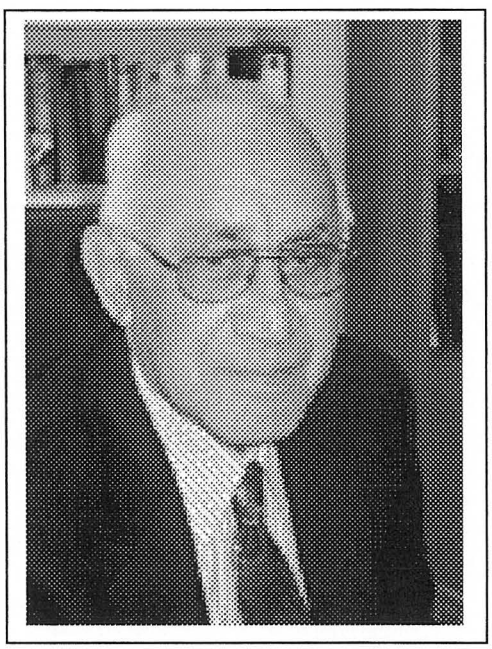
[78] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.46.

[79] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.47.

Moore: What I'm putting to you is - where do you get the funds from?...

Mead: I don't see that as a problem. What we are asking for is the setting aside of the mountain and all these other problems I don't see as problems which we have to resolve. [80]

Photo 10.8: Hirini Moko Mead circa 2007 (now Sir Hirini Moko Mead). Grandnephew to Eruera Rīni Mānuera. Inaugural Professor of Māori Studies at the University of Victoria of Wellington. He was extremely hostile in cross examination towards Mr. Moore (now Judge Moore of the District Court), counsel for TFL and MIL.[81]



Hirini was the last witness to be called by Mrs. Gray and thereafter Moore called his own witnesses. The first was Brendon Wilfred Neutze. Mr. Neutze was the foundation and continuing secretary of both TFL and MIL. He was also the office solicitor of Tasman Pulp and Paper Company at Kawerau. Neutze read aloud his detailed statement to the court. He gave a thorough background to the TFL, MIL, the Tasman Proposal and the intervening actions of Ngāti Awa to try and procure the mountain back into their hands.[82] It was during his statement that Mr. Neutze

[80] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.53

[81] Photo of Hirini Moko from http://www.waitangi-tribunal.govt.nz/about/wtmemb/mead.asp (Accessed 14 August 2009).

[82] B.W. Neutze, 'Statement by B.W. Neutze [1980]' Exhibit E, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

mentioned that there were 350 Māori present at the meeting at the Kōkōhīnau in the 1960s including Eruera Mānuera who was the host at the *marae* (meeting ground).[83] The number differed from the list of attendees supplied by the Department of Māori Affairs that noted 235 persons as being present.[84] In cross examination, Mrs. Gray pressed Mr. Neutze that the owners were under the impression that a brochure for the Tasman Proposal had caused some confusion. Gray suggested that the brochure referred to certain land areas including the mountain as reserves and another portion of land as an eeling reserve.[85]

Even the Court had picked up on that point when Judge Durie asked Mr. Neutze about the reserves labelled in the brochure.

Court: ...I have noted with some interest that the 'Reserve' to a forester can mean something different to what it might mean to a non forester. That it could be land excluded from planting or reserved from planting. Now there are three proposed reserves or non planting. One is Tarawera Scenic Reserve including Kokohu [Pokohu] A3. Do you know whether that part of Kokohu [Pokohu] A3 as was earmarked for Tarawera Scenic Reserve went into the amalgamation or whether it was kept out.

Neutze: It was not in the amalgamation.

Court: That part is not in the amalgamation. The second one is Te Haehaenga No.3 Burial Reserve. If Haehaenga No.3 Block is a 4 acre Māori Burial reserve, do you know whether that was included in the amalgamation or not. (It wasn't included). So the difference between reserves No.1 and 2 and Reserve No. 3 [Pūtauaki] is that the first two were kept right out of the whole scheme but No.3 went in. Do you think that distinction was made clear to the owners?

Neutze: I don't know that it was.

Court: Do you know whether there was a separate meeting of the owners of the mountain, that is to say the owners of Matata 59B1 and Pūtauaki Part No.2 for the purposes of having those owners decide whether they wanted the mountain in the scheme.

Neutze: There were no separate meetings around about those from the others.[86]

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[83] B.W. Neutze, 'Statement by B.W. Neutze [1980]', p.5. Exhibit E, (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

[84] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.66.

[85] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.,76-78.

[86] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.101.

Mrs. Gray further pressed Neutze on the fact that the minutes of the Kōkōhīnau meeting were inaccurate:[87]

Mrs. Gray:	Who was responsible for keeping the minutes?
Neutze:	An officer of the Department of Māori Affairs.
Mrs. Gray:	As I understand this meeting Mr Manu Paul attended. He was there for some time but there is no mention of him in the minutes.
Neutze:	Mr. Paul was there and he was voluable but I am not in a position to comment why his comments were not incorporated down there.
Mrs. Gray:	You were there that day.
Neutze:	Yes.

The last witness called by Mr. Moore was Arapeta Hoani Te Rire (Albert Te Rire). He was a *kaumatua* of Ngāti Tūwharetoa at Onepu near Kawerau. He was an expert of the history of his people and he had studied genealogies not only of his people but other related groups.[88] Arapeta took exception to some of the evidence given by Hirini Mead. According to his version of history there were two persons by the name of Tūwharetoa. These were Tūwharetoa Te Aupouri and Tūwharetoa Tu Rerehu. The former was their *tipuna* who had died in the area while the latter was another man who drowned at Lake Taupo and whom he associated with Ngāti Awa. Arapeta made a distinction that his people at Kawerau were not part of Ngāti Awa but were a distinct portion of Tūwharetoa. Notably, his people were the taproot for all Tūwharetoa around New Zealand.[89]

In support of his claims Arapeta gave detailed accounts of various Tūwharetoa sites which indicated that they had *ahi kā* (continuous occupation rights) to the area. A major point emphasised by Arapeta was the fact that land that was confiscated as part of the *raupatu* in the

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[87] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.78.
[88] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.106.
[89] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', pp.106-111.

Eastern Bay of Plenty region in the 1860s included the mountain Pūtauaki.[90] Arapeta claimed that when the government returned land back to *whānau* and *hapū*, the mountain was given to others.[91] Arapeta noted that members of his tribe had tried to petition the government for redress but to no avail.

In 1930 the leaders of the tribe made a petition, a man called Karawana, Jack Galvin from Owhata, Rotorua and Kata Thompson. They were learned men of that age and they took the petition down to Wellington and they kept going at it right up to the time of Patikura Wētini 1950 there about. He was the last elder of the Tūwharetoa Tribe and he also failed.[92]

In summary, Arapeta implicitly welcomed the *status quo* of the mountain being in the hands of TFL with MIL as representative of the former Māori landowners of lands in the Tasman proposal.

However, the issue that Arapeta had over the original ownership of the mountain, did relate to my *whānau*, *hapū* and iwi of Ngāti Awa being awarded ownership of the front part of Pūtauaki (Matata 59B1 block) after the *raupatu* (confiscation) of our *whenua* in the Eastern Bay of Plenty in 1866. Tūwharetoa at Kawerau had always disputed our exclusive ownership of the front portion, for which they are correct. The Tūwharetoa people at Kawerau (who are also my other *whanaunga*, *hapū* and *iwi*) also have their *tūpāpaku* (corpses, dead persons) buried on the front section of Pūtauaki. Both Eruera Rīni Mānuera and Arapeta recognised this relationship since the common *tīpuna* Tūwharetoa, from whom both Eruera and Arapeta descended, lived at Kawerau. Te Rangitūkehu's mother, Tumuwhare, was Tūwharetoa associated with Arapeta's *marae*, Hahuru at Onepu. Tumuwhare's father, Te Wharangi, is actually buried at Hahuru, hence the close connection that Kōkōhīnau *whānau* have with Hāhuru *whānau*.

It was during Arapeta's testimony that the Court intervened. It seemed that both Arapeta and Eruera wished to enter in discussions with a 'view to discussing differences in *whakapapa* and

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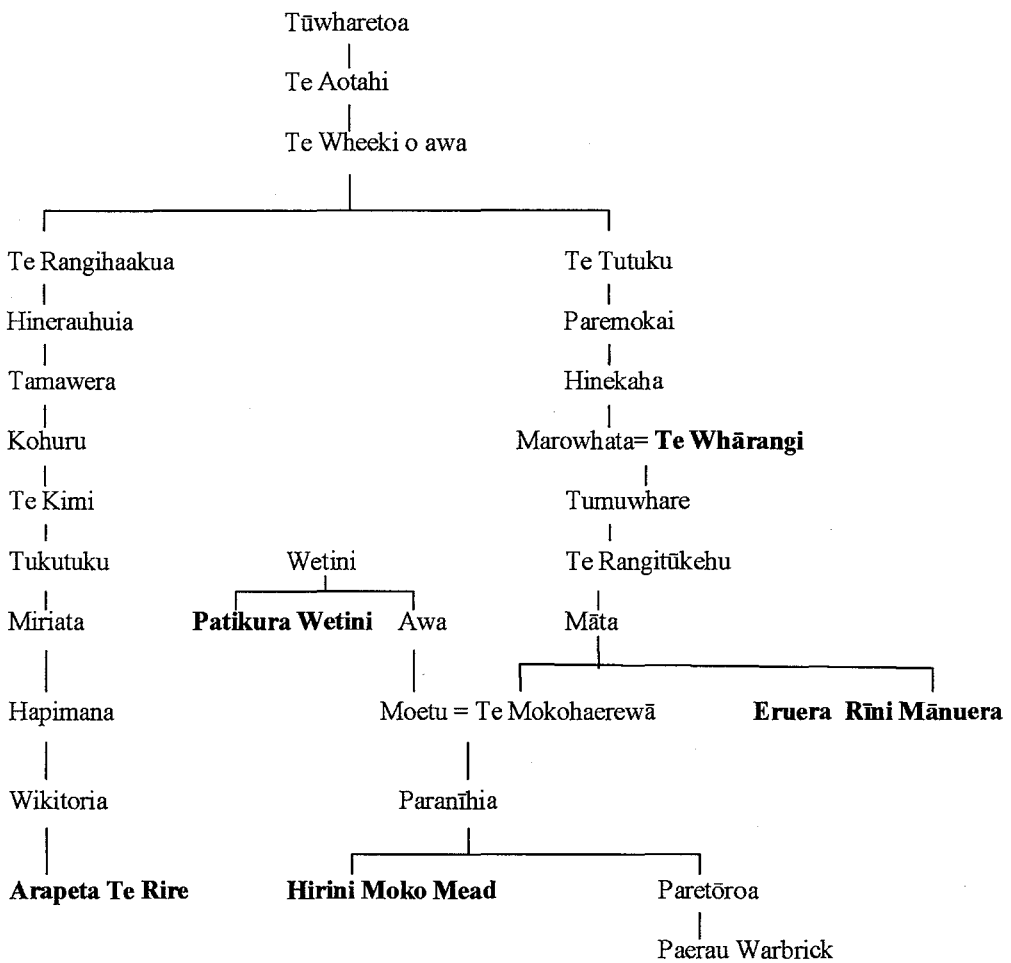
[90] See: Waitangi Tribunal, *Ngāti Awa Raupatu Report 1999*, Wai 46, Legislation Direct, Wellington, 1999 and Waitangi Tribunal, *Tarawera Forest Report 2003*, Wai 411, Legislation Direct, Wellington, 2003.

[91] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.109-111.

[92] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.109.

tribal lore to find a common ground or define differences'.[93] The Court therefore postponed the Court sitting to allow discussions to take place.

Whakapapa 10.8



After three hours, the Court resumed and Arapeta and Hirini Moko Mead had come up with a compromise for which they needed some guidance of the Court. Hirini mentioned that the title to Pūtauaki could be transferred from TFL to MIL 'who would hold it in trust for and maintain on behalf of the people in accordance with the wishes expressed in the Court.' Arapeta supported Hirini's address to the Court.[94] It appeared that there was a solution, however, the Court needed

[93] 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.113-114.
[94] Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', p.113-114.

to adjourn the sitting to enable reflection on the compromise. This was absolutely needed on Mr. Moore's part as Counsel. He did not have instructions on the compromise from TFL and MIL whom he formally represented. The Court essentially postponed the hearing until further clarification of TFL's position on the matter was known.

Māori Land Court sitting Friday 20 March 1981[95]

Despite the willingness of the Court to assist Eruera and Arapeta, the application for a Māori reservation was stalled. There had been an initial consensus at the March 1980 Court sitting between Ngāti Awa and Tūwharetoa at Kawerau. There was an agreement that Pūtauaki would be a Māori reservation for Ngāti Awa and Tūwharetoa. However, there was still an unwillingness by MIL to agree with such a proposition. This was supported by the unanimous decision of the Board of MIL on 19 April 1980 and 27 October 1979 (including Arapeta Te Rire) to continue to oppose the application.[96]

When the Māori Land Court reconvened the case on Friday 20 March 1981 Hirini Mead indicated that there were still obstacles and he asked the Court to use its influence to bring the parties together. [97] This time, the judge was Collin Nicholson of the Tokerau Māori Land Court District who was temporarily serving as a judge in Rotorua. Judge Nicholson adjourned the hearing between 10.30 a.m. and 3.40 p.m. to allow discussions between Hirini and others which included MIL representatives who were present at the hearing. In the discussions John Henry Fox of Tūwharetoa had moved that:

> Pūtauaki Mountain-the whole Mountain be set aside as a Māori reservation pursuant to section 439 for the purpose of an *urupa* (graveyard) and historic place for the use and benefit of Tūwharetoa, Pahipoto and affiliated tribes.[98]

The meeting was unanimous in its support for such as motion. As a result, the Court was informed of the decision and it was also requested that it 'use its endeavours to have the resolution brought to fulfilment'. [99]

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[95] *Rotorua Minute Book* 200, folios 70-71.
[96] Minutes of the Meeting of the Board of Directors for Māori Investments Limited 19 April 1980, p.4; Minutes of the Meeting of the Board of Directorsfor Māori Investments Limited 19 April 1980, pp. 3-5 (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[97] *Rotorua Minute Book* 200, folios 70-71.
[98] *Rotorua Minute Book* 200, folios 70-71. Pahipoto was a *hapū* that was part of Ngāti Awa. It is the principal *hapū* of Kōkōhīnau.
[99] *Rotorua Minute Book* 200, folio 71.

However, subsequent to the 20 March 1981 Court sitting, Mr. Neutze, the secretary of MIL and TFL, wrote to the Registrar of the Māori Land Court expressing TFL and MIL's continuing opposition to the application. In a letter dated 31 March 1981, Mr. Neutz called the meeting at the Court an 'informal meeting'. He noted that TFL representatives were not present at the meeting. He also noted that Tau Park (my father's former father-in-law) who was an MIL director had left the meeting and was still firmly opposed. Lastly, Mr. Neutz noted that there had not been a meeting of owners to discuss the issue. [100] A legal technicality was also raised which meant the defeat of the application in the Court. The land for which Pūtauaki was included had a series of debenture stock attached to the legal title to the land. Therefore the Māori Land Court could not recommend a reservation as land was subject to a legal charge or a mortgage under section 439 Māori Affairs Act 1953. The Māori Land Court lacked the jurisdiction to make the Māori reservation in the first place. The Māori Land Court was therefore obliged to accept Mr. Neutz's legal arguments and dismissed Eruera's application. [101]

Conclusion

The Māori Land Court in the late 1970s was open to the possibility of Pūtauaki being made into a Māori Reservation under the Māori Affairs Act 1953. This was despite there being strong legal and practical opposition from TFL and MIL. The Court being open to the possibility had a lot to do with the judges involved, namely, Judge Eddie Durie and Judge Collin Nicholson. They allowed a large amount of flexibility in the Court's procedures. This flexibility allowed persons who were politically and historically skilled in *whānau*, *hapū* and *iwi* issues such as Eruera Rīni Mānuera and Arapeta Te Rire (Tūwharetoa) to give substantive *kōrero* to the Court on Pūtauaki. Mānu Paul, Anaru Rangiheuea, Dick Hunia, Hirini Moko Mead and John Henry Fox were also learned men who added substantive knowledge to the issues before the Court. In terms of procedure, Māori was allowed to be spoken in the hearing. There were *karakia*, *haka*, and *waiata* utilised. This type of *kōrero* allowed parties such as Ngāti Awa and Tūwharetoa to compromise and reach an agreement to set aside Pūtauaki for the both of them on their own terms. The Court allowed *hui* to take place to enable the parties to talk about the issues before

[100] Letter dated 31 March 1981 from B.W. Neutz to Registrar of Māori Land Court (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.
[101] *Whakatāne Minute Book* 85 at folio 216. However, the legal technicality could have easily been overcome by amending the debenture stock contract and creating a separate title for Pūtauaki through surveying.

them. In those circumstances, TFL and MIL could only effectively oppose the reservation application from outside of the Court room setting through their letters and motions. Even when there was agreement amongst Ngāti Awa and Tūwharetoa there were limits to what the Court could do. Our *whānau* attempts to create Pūtauaki as a Māori Reservation ultimately failed. TFL and by proxy MIL would not relinquish control and ownership over Pūtauaki. In essence, TFL stole the Mountain and they were not giving it back.[102]

[102] To date, Pūtauaki is still not owned by Ngāti Awa and Tūwharetoa. In a commercial deal in 2003 and 2004, TFL swapped all the forestry land (of which Pūtauaki was part), with MIL's shareholding in TFL. Currently, Pūtauaki is owned by MIL.

CHAPTER ELEVEN
NGA MEA WHĀNAU[1]

As has been seen in all of the chapters so far, the Court constantly navigated processes and procedures that defined the relationships that *whānau* (family), *hapū* (clan, subtribe) and indeed *iwi* (tribe) had with their land. In this chapter, I want to further concentrate on the Māori Land Court having to deal with *whānau* dynamics and some of its complexities. Such complexities were constantly present in applications involving the myriad of simple succession applications, as well as perplexing ones like the Tasman Forest Proposal or the Pūtauaki Māori Reservation application.

The Court's procedures and decisions were always flexible in response to the realities of *whānau* throughout its history. *Whanaunga* often appeared on behalf of a number of *whānau* (not necessarily their immediate one) to prosecute applications before the Court. When the lists for Māori freehold land were constructed in the Native Land Court, they were organised along *whānau* lines. Men, women and children were listed in the ownership lists. Spouses from different *hapū* or *iwi* were sometimes included on the lists as well.

In this chapter, I will concentrate on succession applications in the 1960s and 1970s to explain aspects of the interaction that *whānau* had with the Court. As in previous chapters I will concentrate on some successions in my own *whānau*. In particular I will concentrate on the successions to the mother of Pohoira Rīni Mānuera and Eruera Rīni Mānuera, Māta Rangitūkehu, as well as their brothers and sisters to provide insights into all *whānau* relationships with the Māori Land Court. I will also shed some light on what may seem random acts or incidences in the Māori Land Court in the 1960s and 1970s.

In the 1960s and 1970s, Māori were no longer confined to their traditional areas. As has been noted in previous chapters, many lived in urban areas or in non-traditional regions of New Zealand because of work opportunities. This meant that Māori who appeared in the Māori Land

[1] *Nga mea whānau*=The things relating to family.

Court in the 1960s and 1970s were by and large those who still lived in the traditional area where *whānau* had resided since the nineteenth century. As will be seen, in terms of my own *whānau*, these were the likes of Eruera Rīni Mānuera, Te Aurere Hohepa, Te Wetini Moko, Keita Moses and Te Aomapuna Ririnui. They were the ones who still took an interest in the lands, as well as being able to practically process the applications through the Court.

The actual persons who appeared in the Courts in the 1960s and 1970s included a high proportion of women or elderly men. A look at the Whakatāne Minute Books, and indeed all the Court Minute Books from around New Zealand during this period, would substantiate this point. Apart from having the physical or mental ability to conduct themselves in the Court women and elderly men were also the ones who had the time to go into the Court to prosecute the applications. The majority of non-retired men had to attend their day to day jobs when the Court hearings took place during the working week.[2]

In the succession applications, the realities of *whānau* were a dominant factor in determining who would actually inherit the land as *per se*. Those who physically lived on or near the land blocks themselves, or those who had an association with a land block, inherited those particular land interests. This residency factor has obvious links to the concept of *ahi kā* (continuous occupation rights) (see chapter eight), which was one of the customary principles that supported traditional Māori title to land. As will be seen, residency not only played a role in determining those who attended the Court, but it also played other roles in their ability, seniority, and actual inheritance in the Māori Land Court.

Understanding *whānau*.

Before I get into a discussion of the actual successions in the Māori Land Court, there are a few points that first need to be mentioned to understand ideas associated with *whānau*. Williams' dictionary gives five definitions for *whānau*. These are '1. Be born; 2. Be in childbed; 3. Offspring, family group; 4. Family; and 5. A familiar term of address to a number of people'.[3]

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[2] Only when there were matters of high importance, such as the Pūtauaki application in the last chapter, did men formally take time off work to attend the Court. For example, Mānu Paul who was a school teacher and Hirini Moko Mead who was a university academic had to take time out from their busy schedules to attend the Court.

[3] H.W. Williams, *A Dictionary of the Māori Language*, Government Print, Wellington, 1988, (seventh edition).

When I use the term *whānau* in this chapter, I will be using a definition close to Williams' definitions in numbers 3 and 4 above. I will also be using it in a very wide and liberal sense. The characteristics of *whānau* encompass not only what anthropologists have termed a 'nuclear family' but also the 'extended family' comprising the myriad of granduncles and grandaunts and cousins of varying degrees. For the purposes of this chapter, I will also be using the term *whānau* to include spouses.

It is not my intention to enter into a fully fledged discussion of every definition for *whānau* as such a discussion is beyond the scope of this chapter and indeed this thesis. However there have been some important points made by respected scholars who have traversed this subject and which are helpful in understanding some general matters concerning *whānau*. Joan Metge, for example, in her 1995 book *New Growth from Old: The Whānau in the Modern World* has a number of good observations and reviews of other notable academics' work. [4] The classic *whānau* model (pre-European model) of the late eighteenth century as espoused by Elsdon Best, Raymond Firth and Te Rangi Hiroa (Sir Peter Buck) entailed: [5]

> A family group usually comprising three generations: an older man and his wife, some or all of their descendants and in-married spouses, or some variant (such as several brothers with their wives and families) representing a stage in a domestic cycle;
>
> A domestic group occupying a common set of buildings (sleeping house or houses, cookhouse and storage stages) standing alone or occupying a defined subdivision of a village;
>
> A social and economic unit responsible for the management of daily domestic life, production and consumption;
>
> The lowest tier in a three-tiered system of socio-political groups defined by descent from common ancestors traced through links of both sexes, the middle tier consisting of *hapū* and the highest *iwi*.[6]

This fluidity of spouses, in-laws and other persons being included in *whānau* structures in the late eighteenth and earlier nineteenth century can be demonstrated by particular reference to examples in my own *whānau*. One specific example relates to decisions over burials in an older

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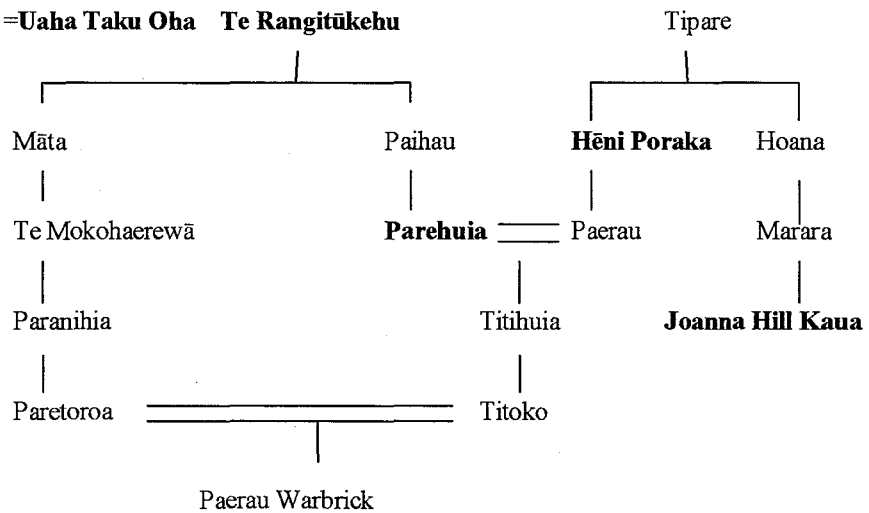
[4] Joan Metge, *New Growth from Old: The Whānau in the Modern World*, Victoria University Press, Wellington, 1995.

[5] Elsdon Best, *The Māori*, Polynesian Society, Wellington, 1924 (2 vols.);Raymond Firth, *Economics of the Māori*, Government Printer, Wellington, 1959; Te Rangi Hiroa (Sir Peter Buck), *The Coming of the Māori*, Māori Purposes Fund Board & Whitcombe and Tombs, Wellington, 1949.

[6] Joan Metge, *New Growth from Old: The Whānau in the Modern World*, Victoria University Press, Wellington, 1995, p.35.

burial section at the *urupā* (cemetery) at Kōkōhīnau. One of the oldest grandchildren of Te Rangitūkehu and therefore a first cousin to Pohoira and Eruera was Parehuia. She buried her husband's mother, Hēni Poraka, and her husband's niece, Joanna Hill Kaua, in the *urupā* of her own people in about 1916 and 1921 respectively. This was despite Hēni and Joanna being from a totally different *hapū* and *iwi* (Ngāti Porou).

Whakapapa 11.1



Even during the nineteenth-century extremely distant relatives and even former slaves could become part of the *whānau* unit. Te Rangitūkehu and his male companion Uaha Taku Oha, and Uaha's wife, Tikiahi Marata, who was a former slave from Taranaki, physically lived together with Te Rangitūkehu at Kōkōhīnau. By the Second World War, *whānau* had an even a higher degree of fluidity in its structure. This was due to the increased contact of Māori with Pākehā, but also the increased mobility of *whānau*. For example, there was a need for *whānau* members to seek job opportunities away from their traditional lands and in urban areas. The devastating influenza epidemic of 1918 on *whānau*, along with the effects of the Great Depression between the First World War and Second World War, also contributed to severe strain on *whānau* structures. Despite these strains *whānau* structures still adapted to the changing social conditions.

Joan Metge noted the complexities that existed in *whānau* in the period from the 1940s through to the 1970s. Metge not only made observations using her own research but also the research of

others involving Māori kinship in particular Māori communities. Metge's own research focussed on kinship groups in Auckland and the rural community of Kōtare in the Far North of the North Island. [7] Metge also commented on Maharaia Winiata's study involving *whānau* interaction in the area of Huria near Tauranga in the 1940s, Pat Hohepa's study of the area called Paerau in Northland in the 1960s, and Hugh Kawharu's research in Orakei in Auckland in the 1970s.[8] Metge observed that the Māori groups examined were small groups of relatives, who described themselves as families when speaking English or *whānau* and sometimes *hapū* or *whāmere* (a transliteration of the word 'family' in Hohepa's study), when speaking Māori.[9]

As can be seen, the concept of *whānau* is more than an arbitrary analytical tool imposed by academics on a group of Māori for descriptive purposes. There are simply too many instances where Māori themselves self-identified as being part of a *whānau*. Metge further elaborates that the groups (*whānau*, *hapū*, *whāmere*) were also essentially the same.

> They were ancestor oriented, defined by the people with reference to a *kaumātua*'s name and associated with a particular stretch of inherited land. Their members were distributed among several different households, mostly located in the community of the *kaumātua*'s [elders] ancestors. Group members managed their day-to-day affairs on a household basis but acted together as a group to sponsor life crisis *hui* [meetings] and to care for *whānau* property...
>
> The groups described by Winiata, Hohepa Kawharu and myself [Metge] differed from the *whānau* described by Best, Firth and Hiroa for the late 18th century in significant ways. They were generally larger; they comprised more than one household; they did not function as production units; and their members co-operated not only on a daily basis but from time to time and on special occasions.[10]

Metge then went on and gave the reasons for such changes having taken place.

> The *whānau* of the 1950s and 1960s were integrated into a centralised market economy. Members had to work individually for money incomes, had limited opportunities for co-operative activity, and often had to leave their

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[7] Joan Metge, *New Growth from Old: The Whānau in the Modern World*, Victoria University Press, Wellington, 1995, p.38.

[8] Maharaia Winiata, *The Changing Role of the Leader in Māori Society*, Blackwood & Janet Paul, Auckland, 1967; P.W. Hohepa, *A Māori Community in Northland*, Anthropology Department, University of Auckland, Auckland, 1964; I.H. Kawharu, *Orakei: A Ngāti Whatua Community*, New Zealand Council for Educational Research, Wellington, 1975.

[9] Joan Metge, *New Growth from Old: The Whānau in the Modern World*, Victoria University Press, Wellington, 1995, p.39.

[10] Joan Metge, *New Growth from Old: The Whānau in the Modern World*, Victoria University Press, Wellington, 1995, pp.39-40.

home communities in search of work. They were affected by current ideas and laws regarding family life and housing, including the appropriate number of occupants in a household.[11]

An important point about *whānau* was that it was a dynamic social institution. Angela Ballara recognised the importance of group dynamics when understanding *hapū* and *iwi* adapting to changing circumstances.[12] The adaptation to changing circumstances has been a constant theme in my own *whānau* which can be demonstrated in our successions in the Māori Land Court in the 1960s and 1970s. There were heirs who had died subsequent to the death of their *tīpuna* but prior to the time the succession had been lodged in the Court. There were also those who were living away from the Whakatāne District and working in other parts of New Zealand. In each succession application these were important factors in the realities of *whānau*. *Whānau* dynamics not only played a part in determining who attended the Court hearing but also in who was going to ultimately inherit the land interests.

Succession to Māta Rangitūkehu

Māori Land Court sitting 11 April 1967 [13]

Eruera Rīni Mānuera, Te Aurere Hohepa, Te Wētini Moko, Keita Moses and Te Aomāpuna Ririnui appeared before the Māori Land Court on 11 April 1967 to succeed to the land interests of their mother and grandmother, Māta Rangitūkehu, whose various other names included Māta Tuaia or Maata Tuaia (Māta). Māta died in 1929 without a will. Her husband, Te Hāroto, survived her but died in 1932. This was not the first time that *whānau* had to come before the Māori Land Court to inherit the interests of Māta.[14] However, on this occasion there were branches of Māta's *whānau* who were trying to come to some arrangement as to who should succeed to the interests. In terms of the current law at the time, there were nearly 100 heirs to Māta. The *whānau* were therefore wanting to reduce the number of heirs by an arrangement.

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[11] Joan Metge, *New Growth from Old: The Whānau in the Modern World*, Victoria University Press, Wellington, 1995, p.40.
[12] Angela Ballara, *Iwi: the dynamics of Māori tribal organisation from c.1769 to c. 1945*, Victoria University Press, Wellington, 1998, p.21.
[13] *Whakatāne Minute Book* 42 folios 65-67.
[14] *Whakatāne Minute Book* 23 folio 279-280.

Photo 11.1: Māta Rangitūkehu who died in 1929. Further successions to her land interests took place in April and November 1967 and July 1970. [15]



Māta had had six children who lived to adulthood and who had children. Two of Māta's children were still alive at the time of the Court sitting, namely, my *kuia* Pohoira Rīni Mānuera (Pohoira Anderson), and her brother Eruera Rīni Mānuera. They were both entitled to inherit one sixth proportion of Māta's land interests.

Whakapapa 11.2

Mata Rangitūkehu = Te Hāroto Rīni

Rangiwhakawaitau Te Mokohaerewā Te Rongopai **Pohoira Anderson** **Eruera Rīni Mānuera** Makarita

[15] Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.176.

Photo 11.2: Montage of those who attended the succession to Māta Rangitūkehu in the Māori Land Court in April 1967. Left to Right: Eruera Rīni Mānuera, Te Aurere Hohepa, Te Wētini Moko, Keita Moses and Te Aomāpuna Ririnui.[16]



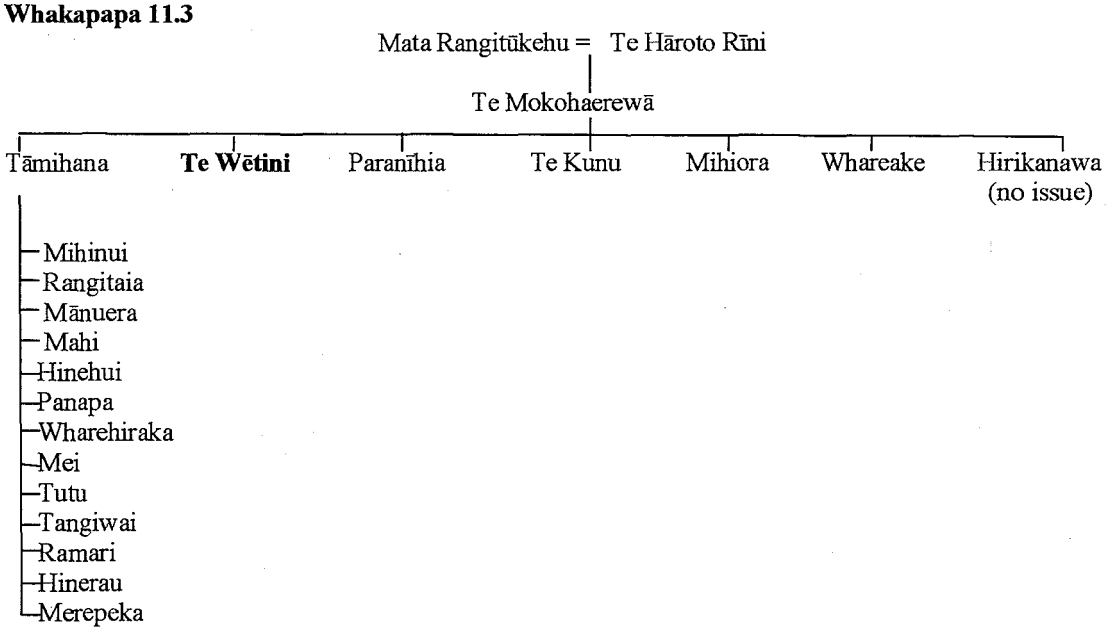
The *whānau* of Māta's son, Te Mokohaerewā, made certain arrangements amongst themselves. Te Mokohaerewā had predeceased Māta in 1921. Two of Te Mokohaerewā's children, Tāmihana and Hirikanawa, had also died by the time of the succession to Māta in 1967. Tāmihana had left a number of children so they had a role in deciding who should inherit Te Mokohaerewā's share from Māta. Eventually, it was decided by Te Mokohaerewā's *whānau* that the only son still alive, Te Wētini, would inherit Te Mokoharewa's proportion of Māta's land interests.

Māta's two daughters who survived her but who had also died before the 1967 succession were Te Rongopai Hunia and Makarita Tāhere Enoka. Both had died in the 1960s and they both had left a number of children as heirs. In Te Rongopai's case, two of her sons, Akutina and Taitimuroa, had also died by the time of the 1967 succession to Māta. However, Te Rongopai's *whānau* decided through a *whānau* meeting that the youngest son, Te Kani a Takirau Hunia, would inherit Te Rongopai's proportion of land interests from Māta. As for Makarita's share, her *whānau* could simply not come to an arrangement as to who would inherit Makarita's proportion

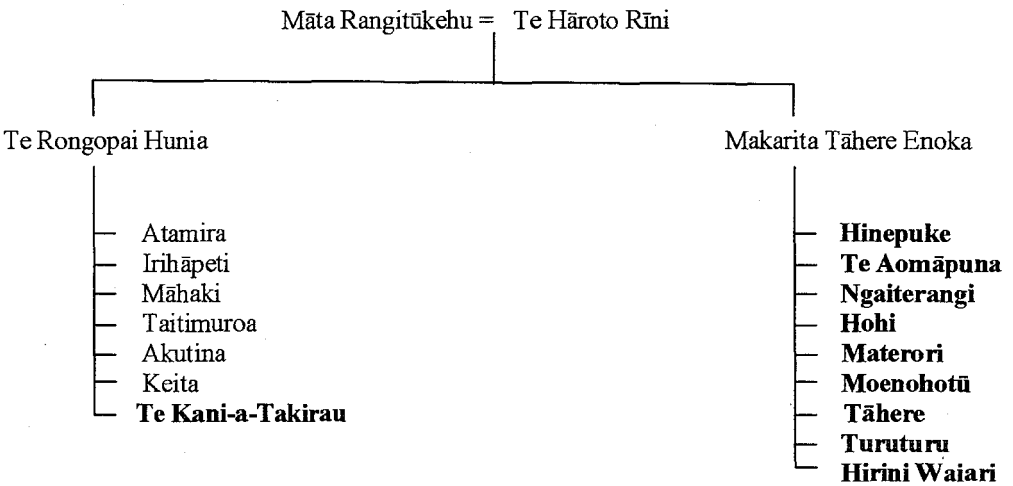
[16] Source of Photos: Eruera Rīni Mānuera taken 1963 (Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.151); Te Aurere Hohepa taken circa 1960 (*Te Whakataka Riini (Haroto) Manuera me Maata Te Taiawatea Rangitukehu Whanau Reunion Book* (2006), unpublished Reunion Book made by the descendants of Te Whakataka Riini (Haroto) Manuera and Maata Te Taiawatea Rangitukehu for their family Reunion, Kōkōhīnau, Te Teko 27-30 January 2006, p.43); Te Wētini Moko taken circa 1977 (*Māta Reunion Book* (1988), unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.78);
Keita Moses taken circa 1975 (*Māta Reunion Book* (1988), unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.59) and Te Aomāpuna Ririnui taken circa 1980 (*Māta Reunion Book* (1988), unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.39).

of land interests from Māta. Accordingly, each of Makarita's eight children was included as heirs to Māta's shares.

Whakapapa 11.3



Whakapapa 11.4



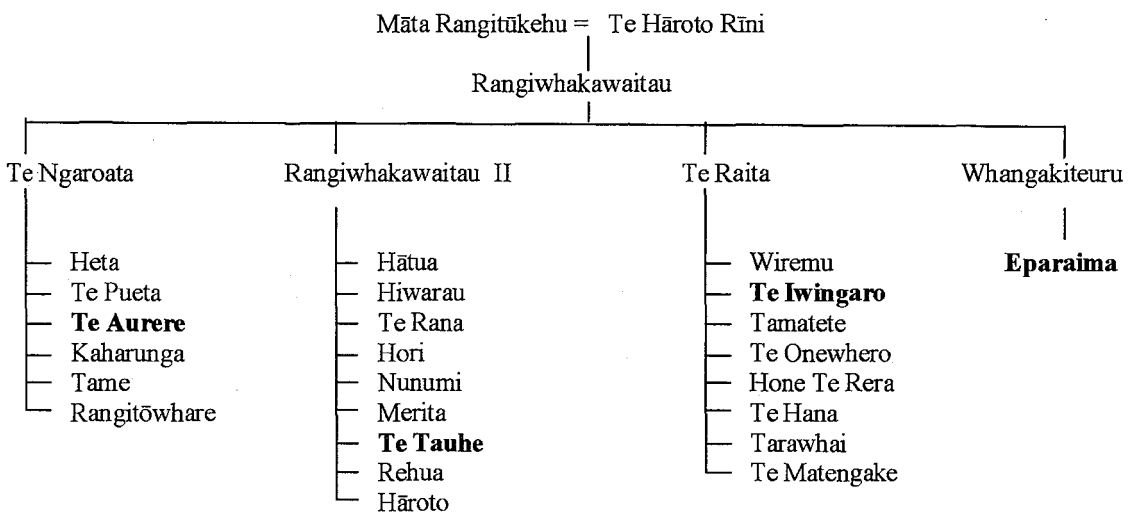
Māta's oldest daughter, Rangiwhakawaitau, had predeceased Māta circa 1897, and even all of Rangiwhakawaitau's four children had died by the time of the 11 April 1967 Māori Land Court

sitting. Rangiwhakawaitau's many grandchildren were therefore left to decide who would inherit Rangiwhakawaitau's proportion of the land interests from Māta. By the 11 April 1967 hearing, no agreement in Rangiwhakawaitau's *whānau* had been reached. The Māori Land Court though continued to encourage a family arrangement in not only Rangiwhakawaitau's *whānau* but also Makarita's *whānau*. The Court therefore postponed the Court hearing to allow further discussion and family arrangements as to the heirs of Māta's land interests.

Māori Land Court sitting 8 November 1967[17]

Over six months had passed before the succession to Māta was called back to the Māori Land Court on 8 November 1967. Only Eruera Rīni Mānuera was in attendance. Rangiwhakawaitau's *whānau* had however finally decided that four grandchildren, namely, Te Tauhe Araroa, Te Iwingaro Pāora, Eparaima Hiwarau and Te Aurere Hohepa, would inherit Rangiwhakawaitau's proportion of Māta's land interests. Each individual grandchild in this instance came from one of the four deceased children of Rangiwhakawaitau. As for Makarita's *whānau*, they could still not come to an agreement as to whether one heir or all heirs would inherit Makarita's proportion.

Whakapapa 11.5



Apart from the decision as to who were Māta's heirs to her land interests, Māta's *whānau* also had to decide which particular lands would the several heirs inherit. The land blocks were Matata

[17] *Whakatāne Minute Book* 44 folios 54-55.

72B3Z, Tuararangaia 3B2 and Matata 72B3M2. Eventually, the Court ordered the following distribution to Māta's heirs in their relevant proportions.

Table 11.1: Heirs to Māta Rangitūkehu alias Māta Tuaia alias Maata Tuaia as a result of an arrangement through the Māori Land Court 11 April 1967 and 8 November 1967

Name of Block	Name of Heir	Relevant proportion
Matata 72 B3 Z	Wētini Moko	All
Tuararangaia 3B 2	Wētini Moko	All
Matata 72 B3 M2	Pohoira Anderson	1/5 part
	Eruera Rīni Mānuera	1/5 part
	Te Kani-a-Takirau Hunia	1/5 part
	Hinepuke Ratema	1/45 part
	Te Aomāpuna Ririnui	1/45 part
	Ngaiterangi Tāhere	1/45 part
	Hohi Rangi	1/45 part
	Materori Wīhapi	1/45 part
	Moenohotū Teua	1/45 part
	Tāhere Tāhere	1/45 part
	Maggie Turuturu Thompson	1/45 part
	Hirini Waiari	1/45 part
	Te Tauhe Araroa	1/20 part
	Te Iwingaro Pāora	1/20 part
	Te Aurere Hohepa	1/20 part
	Eparaima Hiwarau	1/20 part

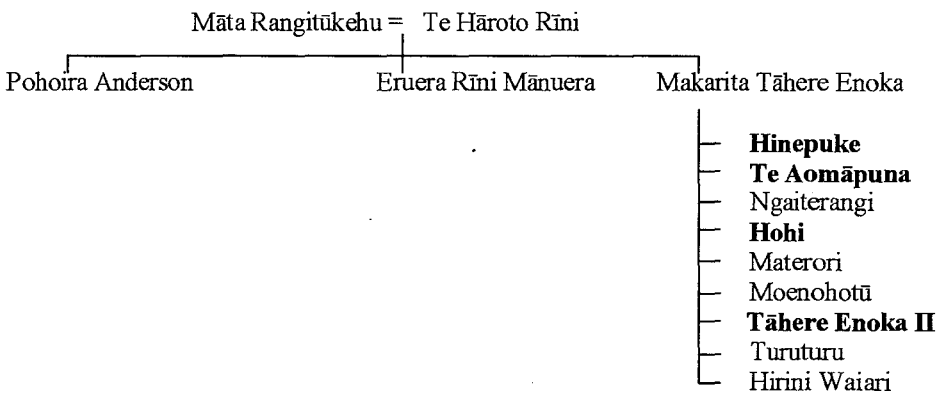
Māori Land Court sitting 17 July 1970 [18]

Nearly three years later, yet another succession application was brought before the Māori Land Court again for Māta. In this instance, a granddaughter, Hohi Rose Rangi, who was a daughter of Māta's youngest daughter, Makarita, had brought the application to the Court. The land interests involved were ones where Māta appeared in the ownership lists under various and alternative names such as Maata[19] Te Taiawatea, Maata Towhare, Maata Rangitowhare, Maata Tuaia, Maata Rangitukehu, Mata Tuaia, Te Taiawatea Rangitukehu and Taiawatea Tūkehu. In this instance, the *whānau* had made another arrangement amongst themselves as to who would take the land and in what proportions. Māta's two children, Pohoira Rīni Mānuera and her brother Eruera Rīni Mānuera, were still alive and were included in the succession. Te Kani-a-Takirau was again the sole heir to Te Rongopai's proportion as in the 1967 successions. However, unlike the 1967 successions, Makarita's *whānau* were able to come to an arrangement as to who would inherit

[18] *Whakatāne Minute Book* 48 folios 263-265.
[19] I have written the double vowels in the text in this instance rather than using macrons to indicate the way they appeared in the Māori Land Court minutes themselves.

Makarita's proportion. In this instance only Hinepuke Ratema, Hohi Rose Rangi, Te Aomāpuna Ririnui and Tāhere Enoka II were to be the heirs to Makarita's share of Mata's interests. Rangiwhakawaitau's *whānau* included Merita Pākehā and Ada Te Matengake Te Poono as heirs alongside Eparaima Hiwarau, Te Iwingaro Pāora and Te Aurere Hohepa. Unlike the 1967 successions to Māta, Te Tauhe Araroa was not included. Finally, in regards to Te Mokohaerewā's *whānau*, Paranīhia Moko was included in the succession with her brother Wētini. Eventually the Court ordered the following distribution in Table 11.2 below as to the heirs to Māta's lands.

Whakapapa 11.6



Whakapapa 11.7

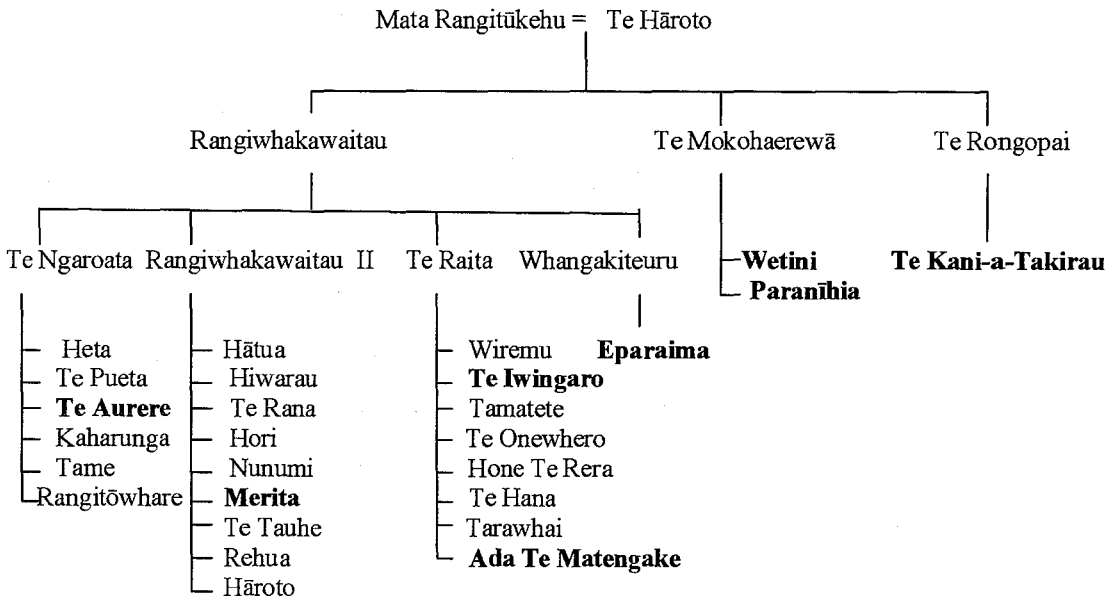


Table 11.2: Heirs to Maata Te Taiawatea, Maata Towhare, Maata Rangitowhare, Maata Tuaia, Maata Rangitukehu, Mata Tuaia, Te Taiawatea Rangitukehu, Taiawatea Tukehu as a result of an arrangement through the Māori Land Court 17 July 1970.

Name of Block	Name of Heir	Relevant proportion
Rangitaiki 60C 1	Eruera Rīni Mānuera	All
Parish of Matata Lot 72B 3Y Sec 1	Eparaima Hiwarau	All
Tunapahore B2 B	Pohoira Anderson	All
Parish of Matata Lot 72B 3Y 17	Hinepuke Ratema	All
Parish of Matata Lot 72B 3Y 14	Te Iwingaro Pāora	All
Omataroa Rangitaiki	Hohi Rose Rangi	1/10 part
	Hinepuke Ratema	1/10 part
	Te Aomāpuna Ririnui	1/10 part
	Tāhere Enoka (II)	1/10 part
	Te Aurere Hohepa	1/10 part
	Merita Pākehā	1/10 part
	Wētini Moko	1/10 part
	Paranīhia Moko (Mrs Emery)	1/10 part
	Te Kani-a-Takirau Hunia	1/10 part
	Ada Te Matengake Te Poono	1/10 part

Succession to Rangiwhakawaitau

Māori Land Court sitting 10 November 1966 [20]

Before the 1967 succession to Māta, another succession application was heard for her eldest daughter, Rangiwhakawaitau, in 1966. As mentioned previously, Rangiwhakawaitau died without a will circa 1897 and even though her husband Hiwarau survived her, he returned to his people of Ngāti Ruapani near Lake Waikaremoana. This was not the first time that a succession application for Rangiwhakawaitau had been before the Māori Land Court.[21] In this instance Rangiwhakawaitau was recorded as an owner under the name Rangiwhakawaitau Taiawatea in the block Tuararangaia 3B2. Rangiwhakawaitau's granddaughter, Te Aurere Karaitiana alias Te Aurere Hohepa, appeared and gave evidence in the Court. As previously mentioned, all of Rangiwhakawaitau's children had died by 1966. However, despite there being a large number of heirs there was nonetheless an arrangement made by the *whānau*. In this instance Te Puehu Hohepa, Te Aurere Karaitiana, Nunumi Tominika, Tauhe Te Araroa, Te Iwingaro Pāora and Hōne Pāora each received a one-eighth share each, and Eparaima Hiwarau a quarter share in Rangiwhakawaitau's interest in Tuararangaia 3B2.

[20] *Whakatāne Minute Book* 40 folios 220-221.
[21] *Whakatāne Minute Book* 26 folio 153.

Whakapapa 11.8

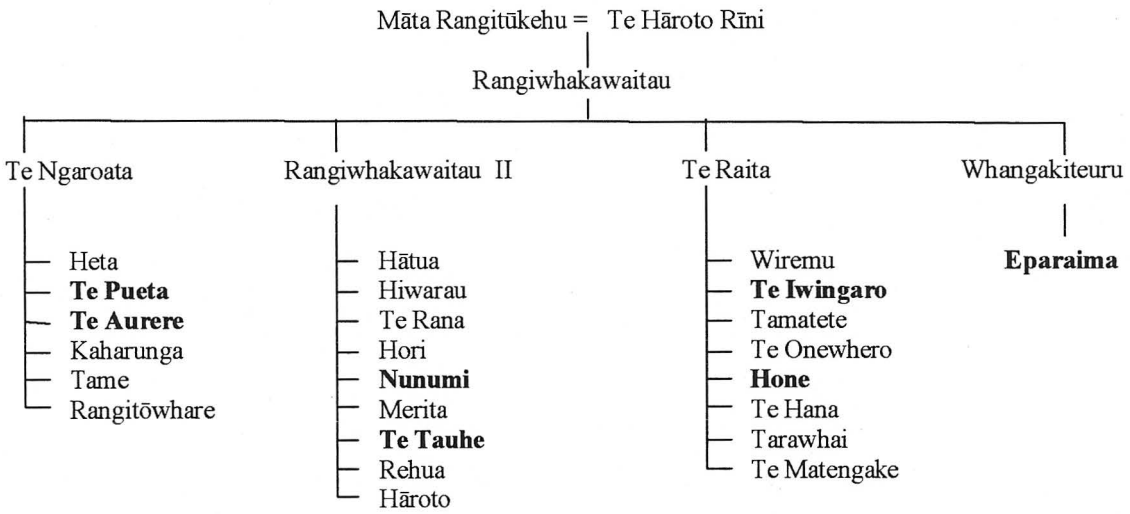


Photo 11.3: Rangiwhakawaitau who died circa 1897. The identity of the baby that she is carrying is unknown. She was one of the last *tipuna* to have been buried on Pūtauaki circa 1905[22]



[22] Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.166.

Succession to Te Mokohaerewā

Māori Land Court sitting 5 April 1966 [23]

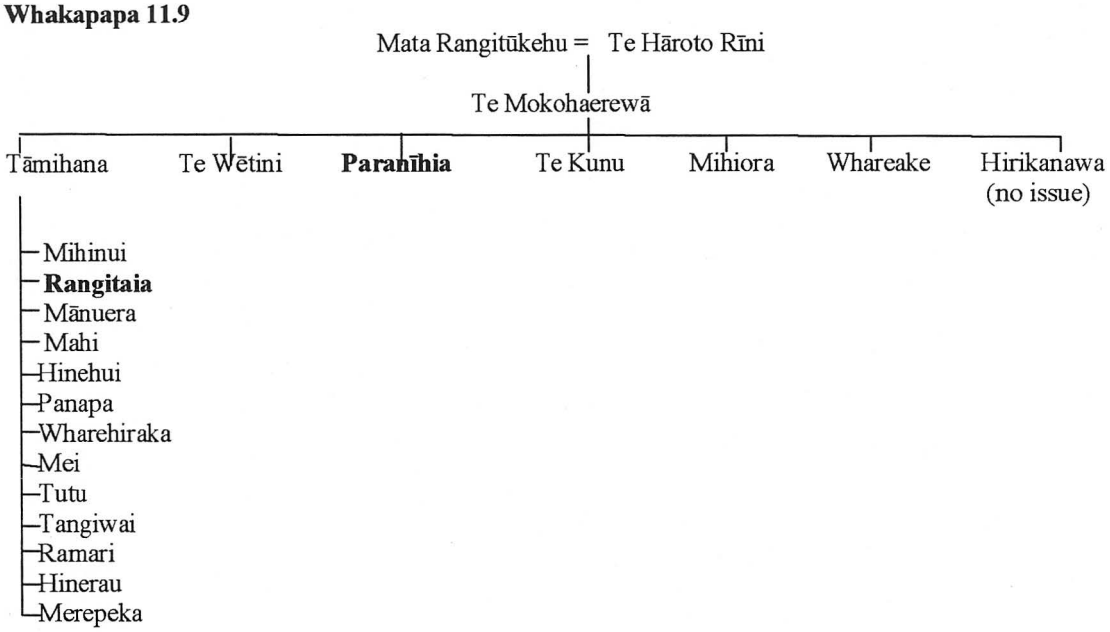
As in the case of his older sister Rangiwhakawaitau, Te Mokohaerewā's land interests were processed yet again through the Māori Land Court in 1966.[24] Te Mokohaerewā died without a will in 1921 and left a widow, Te Moetu, who died in May 1951. A granddaughter, Rangitaia Lorna Lawson, appeared in the Court for interests in the block Tuararangaia 3B2 recorded under the name Te Mokohaerewā Rangitūkehu. In this instance all the children of Te Mokohaerewā were declared to be entitled to succeed to the interests equally. This included the children of a deceased son, Tāmihana, who took their father's proportion equally amongst themselves.

Photo 11.4: (Left to Right) Te Mokohaerewā who died in 1921. His daughter Paranihia Emery who processed the July 1970 succession through the Māori Land Court. His granddaughter Rangitaia Lorna Lawson who processed the April 1966 succession through the Māori Land Court. [25]



[23] *Whakatāne Minute Book* 40 folios 15-16.
[24] *Whakatāne Minute Book* 26 folio 153.
[25] Photo of Te Mokohaerewā circa 1915 (Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.194; Photo of Paranīhia Emery circa 1970 (*Māta Reunion Book* (1988), unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.35; Photo of Rangitaia Lorna Lawson circa 1950 ((*Te Whakataka Riini (Haroto) Manuera me Maata Te Taiawatea Rangitukehu Whanau Reunion Book* (2006), unpublished Reunion Book made by the descendants of Te Whakataka Riini (Haroto) Manuera and Maata Te Taiawatea Rangitukehu for their family Reunion, Kōkōhīnau, Te Teko 27-30 January 2006, p.120).

Whakapapa 11.9



Māori Land Court sitting 14 July 1970 [26]

Another application for succession was heard for Te Mokohaerewā in 1970. In this instance his names were Te Mokohaerewā Taka alias Te Moko Harewa or Te Moko Whakataka. A daughter, Paranīhia Emery, had appeared in the Court as the witness where she indicated that her father was also known as Wharehiraka and Te Moko Harewa Rini. Paranīhia indicated to the Court that another one of her siblings, Mihiora Moko, had died after the 1966 succession. Paranīhia indicated that she would speak to Mihiora's children and lodge applications for succession to their mother. Te Mokohaerewā's land interests were in four blocks. These were Rangitaiki 60C1, Omataroa Rangitaiki, Parish of Matata 59Y and Tarawera No. 1. Te Wētini Moko became sole heir to the interests in Rangitaiki 60C1. All heirs including Wētini took the shares in the other three blocks.

Succession to Te Rongopai

Māori Land Court sitting 17 April 1963[27]

This was the first application for succession to Te Rongopai who died 17 May 1961. These were for land interests recorded under her name Rongopai Mānuera. Te Rongopai died without

[26] *Whakatāne Minute Book* 48 folios 228-229.
[27] *Whakatāne Minute Book* 37 folio 55.

leaving a will and she had been widowed since 24 July 1943. Te Rongopai's daughter, Riripeti Hunia, gave the evidence in the Court. Te Rongopai's children were therefore her heirs. Peti mentioned that there were originally eight children, however, two of them, Atamira and Te Moko, had died prior to Te Rongopai's succession and in turn those two left no issue nor any wills. The other six children, namely, Riripeti Hunia, Māhaki (Tiaki) Hunia, Tai Hunia, Akutina Hunia, Kani Hunia and Keita Hunia, were therefore Te Rongopai's heirs. Te Rongopai's *whānau* then decided that Keita Hunia would take the Matahina A1D1 shares and everyone would share Te Rongopai's other land interests equally as listed in table 11.3 below.

Photo 11.5: (Left to Right) Te Rongopai who died in 1961. Her daughter Riripeti Hunia (also known as Riripeti Hikatangata) processed the April 1963 and November 1967 successions through the Māori Land Court. Her other daughter Keita Moses processed the July 1969 succession through the Māori Land Court.[28]

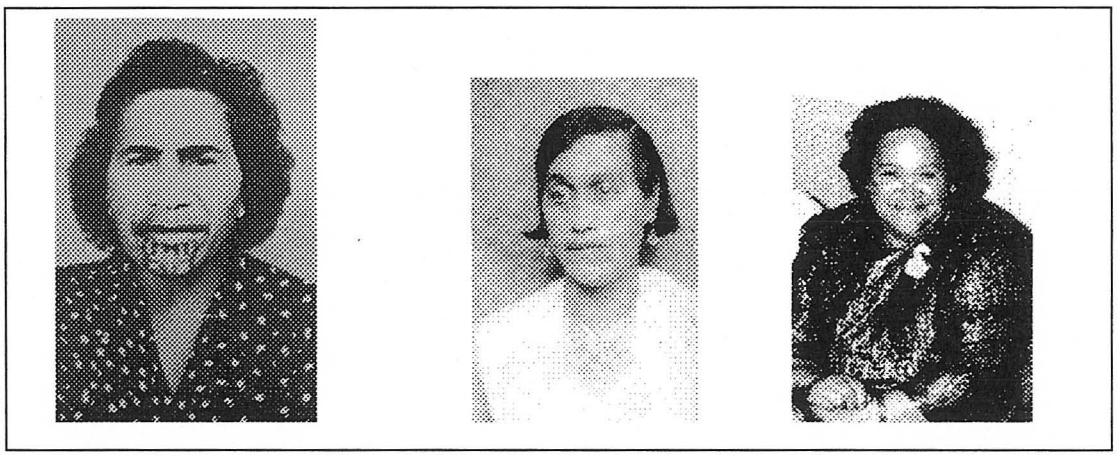


Table 11.3: Heirs to Te Rongopai Mānuera as a result of succession through the Māori Land Court 17 April 1963

Name of Block (s)	Name (s) of Heir	Relevant proportion
Turarangaia 3B 2 , Matata 59Z 2, Matata 72B 1D, Omataroa 10, Matata 72B 3W 2B 2B, Omataroa 7AC5A2, Omataroa 7AC 6E 2B 2B	Riripeti Hunia Māhaki (Tiaki) Hunia Tai Hunia Akutina Hunia Kani Hunia Keita Hunia	equally
Matahina A1 D1	Keita Hunia	All

[28] Photo of Te Rongopai circa 1940 (Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.166; Photo of Riripeti Hunia circa 1940 (*Māta Reunion Book* (1988), unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.54; Photo of Keita Moses taken circa 1975 (*Māta Reunion Book* (1988), unpublished Reunion Book made by the descendants of Māta Te Taiawatea Rangitūkehu for their family Reunion, Kōkōhīnau, Te Teko April 22-25 1988, p.59).

Māori Land Court sitting 1 April 1967 [29]

This was the second time that an application for succession came before the Court for Te Rongopai. This time it was land interests recorded in Te Rongopai's alternative names such as Rongopai Te Taiawatea, Te Rongopai Taka and Rongopai Taka (Te Whakataka). This time it was Eruera Rīni Mānuera, Te Rongopai's only living brother, who gave evidence in the Court where he mentioned that his sister was also known as Rongopai Hāroto and Rongopai Rīni Mānuera. This time it was for additional land interests in the blocks Matata 59Z2 and Omataroa 10. All Te Rongopai's children shared the Matata 59Z2 land interests but in this instance only Riripeti, Māhaki, Tai and Akutina shared the Omataroa 10 interest.

Māori Land Court sitting 1 November 1967 [30]

This was the third time that an application for succession came before the Court. Again this was for land interests under Te Rongopai's alternative names, namely, Te Rongopai Te Taiawatea, Te Rongopai Taka, Rongopai Riini Mānuera, Te Rongopai Taka, Te Rongopai Hāroto and Te Rongopai Riini. In this case there were two applications for succession. The first was for land interests in Tuararangaia 3B2 and the second was for land interests in Rangitaiki 60C, and Lot 59B 3A 3B Matata. As in the 1963 succession, Riripeti Hunia also known as Riripeti Hikatangata, gave the evidence for both applications where the Court declared the six children to be heirs for all the land interests except Lot 59B 3A 3B Matata which went solely to Riripeti.

Māori Land Court sitting 16 July 1969 [31]

This was the fourth time that an application for succession came before the Court for Te Rongopai's land interests recorded in her names Rongopai Hāroto and Rongopai Riini Mānuera. This was for the block Omataroa 1B 2B 2A. Rongopai's youngest daughter, Keita Moses, gave the evidence. By this stage, however, two of Te Rongopai's sons, namely, Tai Hunia and Akutina Hunia, had died since the previous succession. Tai died intestate while Akutina died leaving a will. While the Court declared all of Te Rongopai's children as heirs to the land interests, Tai Hunia's children were specifically mentioned as heirs to their father's entitlement. It was decided that Akutina's shares would stay within his name to allow his own heirs to decide who should take the land interests and in what proportions.

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[29] *Whakatāne Minute Book* 42 folios 67-68.
[30] *Whakatāne Minute Book* 45 folios 186-187.
[31] *Whakatāne Minute Book* 46 folio 217-218.

Whakapapa 11.10

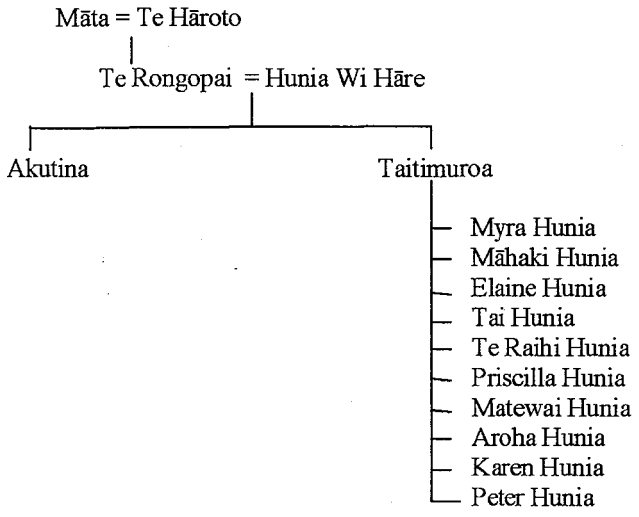


Table 11.4: Heirs to Te Rongopai Mānuera as a result of succession through the Māori Land , 16 July 1969

Name of Block (s)	Name (s) of Heir	Relevant proportion
Omataroa 1B 2B 2A	Riripeti Hunia	1/6 share
	Māhaki (Tiaki) Hunia	1/6 share
	Akutina Hunia	1/6 share
	Kani Hunia	1/6 share
	Keita Hunia	1/6 share
	Myra Hunia	1/60 share
	Māhaki Hunia	1/60 share
	Elaine Hunia	1/60 share
	Tai Hunia	1/60 share
	Te Raihi Hunia	1/60 share
	Priscilla Hunia	1/60 share
	Matewai Hunia	1/60 share
	Aroha Hunia	1/60 share
	Karen Hunia	1/60 share
	Peter Hunia	1/60 share

Māori Land Court sitting 27 July 1972[32]

This was the fifth time that an application for succession came before the Court. In this instance, the Deputy Registrar Roy Hunt processed the application through the Court as a matter of course for the land interests in Lot 252 Parish of Waimana and interests under the Tarawera Forest Act 1967 (Tarawera No.1). This occurred because there had been so many applications before the Court over the preceding nine years. In this instance, reliance was placed on the 16 July 1969 succession through the Court. The Court ordered all of those entitled as of the 1969 succession.

[32] *Whakatāne Minute Book* 54 folio 208.

Succession to Makarita

Māori Land Court sitting 12 April 1967 [33]

This was the first application for succession to Makarita to come before the Māori Land Court. Makarita had died on 1 July 1966 with no will. She had been widowed since 1928.[34] The succession was for land interests recorded in her names: Makarita Hirini, Makarita Riini Mānuera, Makarita Te Taiawatea and Makarita Tāhere Enoka. Makarita's daughter, Hohi Rangi, gave the evidence in the Court in this instance. Only one of Makarita's children, Hirini Tāhere, had died before Makarita and he died while still a child. Otherwise the rest of her children, namely, Hinepuke, Te Aomāpuna, Materori, Ngaiterangi, Hohi, Moenohotū, Tāhere, Hirini Waiari and Maggie were still alive.[35] There was a range of land interests that were involved in the succession. It was decided amongst the children that only certain of them would inherit individual land interests rather than all the offspring. Table 11.5 below shows the distribution of the land shares.

Table 11.5: Heirs to Makarita Hirini, Makarita Riini Mānuera, Makarita Te Taiawatea and Makarita Tāhere Enoka as a result of succession through the Māori Land Court 12 April 1967

Name of Block (s)	Name (s) of Heir	Relevant proportion
Matata 72B 3W 2B 3B Tarawera 1	Materori Wi Hapi Ngaiterangi Tāhere Moenohotū Teua	equally
Matata 59Z 2	Materori Wi Hapi Ngaiterangi Tāhere Hohi Rangi Moenohotū Teua Tāhere Tāhere Hirini Waiari	equally
Omataroa 1B 2B2A Omataroa 7AC 5A 1B Parish of Waimana Lot 252 Tuararangaia 3B 2	Hohi Rangi Tāhere Tāhere Hirini Waiari	equally
Omataroa 8B 2Y	Hinepuke Ratema Te Aomāpuna Ririnui Maggie Turuturu Thompson	equally
Omataroa 7AC 6E 2B 2B	Hohi Rangi Tāhere Tāhere Hirini Waiari	equally
Omataroa No.10	Ngaiterangi Tāhere Moenohotū TeUa	equally
Parish of Matata 59B 3A3B	Hohi Rangi	ALL
Matahina A1 D1	Tāhere Tāhere	ALL

[33] *Whakatāne Minute Book* 43 folio 12-13.
[34] Makarita's husband Tāhere Enoka died on 14 January 1928 from wounds inflicted during the First World War.
[35] The father to the last two, Hirini Waiari and Maggie, was my *koroua* Leopold Anderson who was the husband of Makarita's older sister, Pohoira Rīni Mānuera.

Māori Land Court sitting 13 July 1970 [36]

This was the second application for succession to Makarita to come before the Māori Land Court. Again, her daughter, Hohi Rangi, gave the evidence before the Court. However, in this instance there were only two blocks of land that needed processing through the Court. In this instance there was an arrangement made by Makarita's *whānau*. A daughter, Hinepuke Ratema, took the shares in Parish of Matata Lot 72B 3Y 9A solely. The shares in Omataroa 7AC 5A 2B were divided equally between Hohi Rangi, Tāhere Tāhere and Hirini Waiari (this land block was situated at Ngākauroa northwest adjoining Pohoira and Leo Anderson's farm).

Māori Land Court sitting 28 March 1974 [37]

This was the third application for succession to Makarita to come before the Māori Land Court for land interests under her name Makarita Mānuera. In this instance as in Te Rongopai's succession of 1972, [38] the Deputy Registrar of the Court, Roy Hunt, appeared and processed the application through Court. These were for land interests from our Tūhourangi side of the *whānau* (Māta's mother). In this instance Hohi Rangi was sole heir to the shares in Rotomahana Parekarangi 6O 2B, and Hinepuke Ratema and Ngaiterangi Tāhere shared equally the shares in Rotomahana Parekarangi 6Q 2B.

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[36] *Whakatāne Minute Book* 48 folio 219-220.
[37] *Whakatāne Minute Book* 57 folio 327.
[38] *Whakatāne Minute Book* 54 folio 208.

Photo 11.6: (Left to Right) Makarita who died in 1966. Her daughter Hohi Rangi (right) processed the 1967 and 1970 successions through the Māori Land Court.[39]



Trends and Themes

In the successions, there are a number of trends and themes, which are present that reflect the modern realities of *whānau* in explaining who processed the applications and attended the Court, as well as who actually inherited the land interests as *per se*. Those who processed the applications and attended the Court had the physical and mental ability to process the matters before the Courts. They were resident in the general area of their *whānau* and the *whenua* (land) which was the subject of the succession. Those who processed and attended the Court also personally knew the deceased or were familiar with the deceased. They also had a degree of seniority within their *whānau*.

Whānau who were resident in the area or had associations with the *whenua*, were also an important factor in deciding who would inherit the land interests. The decision-making process usually involved those who resided with a core group of the *whānau*. Others who lived far away

[39] Photo of Makarita circa 1960 (Hirini Moko Mead & Te Onehou Phillis, *Te One Matua: The Centennial of Ruataupare at Kōkōhīnau Marae*, Te Teko, 1882-1982, [Ngāti Pahipoto & Te Komiti Māori o Kōkōhīnau, Te Teko], 1982, p.166; Photo of Hohi Rangi circa 1970 (*Te Whakataka Riini (Haroto) Manuera me Maata Te Taiawatea Rangitukehu Whanau Reunion Book* (2006), unpublished Reunion Book made by the descendants of Te Whakataka Riini (Haroto) Manuera and Maata Te Taiawatea Rangitukehu for their family Reunion, Kōkōhīnau, Te Teko 27-30 January 2006, p.43).

did not take part in the decision-making, or were not prominent in the decision-making of the *whānau*. Additionally, those who physically lived on or near the *whenua*, or had associations with the *whenua*, tended to inherit those land interests solely.

Physical and capable ability

Those members of the *whānau* who processed the succession applications had to possess certain abilities. They could not be too aged and infirm. They also had to be literate and be educated enough to prosecute the application in the Māori Land Court. The subject material for successions was not particularly complex in terms of the law. However, they had to have knowledge of the basic material facts for the succession, such as when their *tipuna* or *whanaunga* died, and who were the rightful heirs. They also had to attend the Court and pay for any costs such as Court fees and transport costs as well as having time to appear in the Court.

Residency of whānau

Residency in the general area where *whānau* are located and which almost always equates to the location of the land interests is an important factor in understanding the interface of *whānau* with the Court. For example, Te Aurere (a resident of Te Teko) was a *whānau* participant in the Māori Land Court for succession to Rangiwhakawaitau[40] and Māta.[41] If one were to cross reference to other succession applications for Mata's *whānau* with respect to her succession as well as Te Mokohaerewā's, Te Rongopai's and Makarita's, the same trends are prevalent. Those who attended the Court for the succession to Māta were her son Eruera Rīni Mānuera, grandson Wētini Moko, granddaughters Keita Moses, Te Aomāpuna Ririnui, Hohi Rangi and great granddaughter Te Aurere Hohepa. In the succession to Te Mokohaerewā, his daughter Paranīhia and granddaughter, Rangitaia Lawson, attended the Court. In regard to Te Rongopai's successions, Te Rongopai's brother, Eruera Rīni Mānuera, and daughters, Peti Hunia and Keita Moses, gave the evidence in the Court. As for the succession to Makarita, her daughter Hohi Rangi, was the only one of her *whānau* to attend the Māori Land Court. The common denominator with all of those *whānau* participants who attended the Court was residency in the district where *whānau* and the lands were located. This is a practical response on the part of *whānau* to decide amongst them since it would seem pointless for a *whānau* member to make a

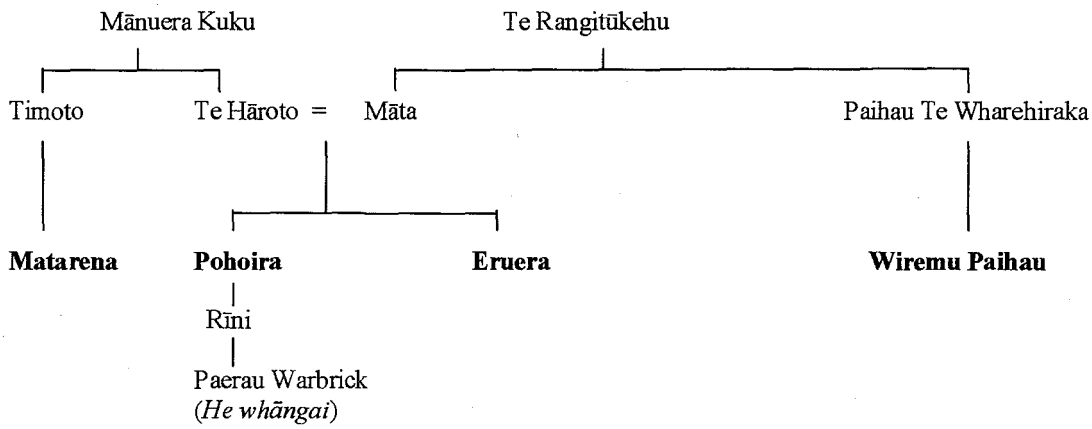
[40] *Whakatāne Minute Book* 40 at folios 220-221.
[41] *Whakatāne Minute Book* 42 folios 65-67.

special trip from Auckland or another district just to process their applications, unless of course there was simply no other person to process it.

Seniority

The successions to Māta and her children show that those who processed the applications and attended the Court had a degree of seniority in their *whānau*. The 1967 succession to Māta illustrates my point about seniority. In the April 1967 hearing Eruera Rīni Mānuera was the principal spokesperson while his nephew, Te Wetini Moko, nieces Keita Moses and Te Aomāpuna Ririnui, and grand-niece Te Aurere, attended the Court in support of him. In the November 1967 hearing, Eruera appeared solely as he was finalising the succession. Admittedly, Eruera by the 1960s was recognised amongst his principal *iwi* and by other *iwi* as being an extremely senior *kaumatua* (elder) and indeed a *rangatira* (chief). However, more importantly, Eruera was recognised as being extremely senior within his own *whānau*.[42] The only other persons of equal generational rank within his *whānau* were his older sister, my *kuia* (grandmother), Pohoira Rīni Mānuera, and his paternal and much younger first cousin, Matarena Reneti. The last male of equal and higher seniority in rank in Eruera's own *whānau* was his maternal first cousin, Wiremu Paihau, who had died in 1959.

Whakapapa 11.11



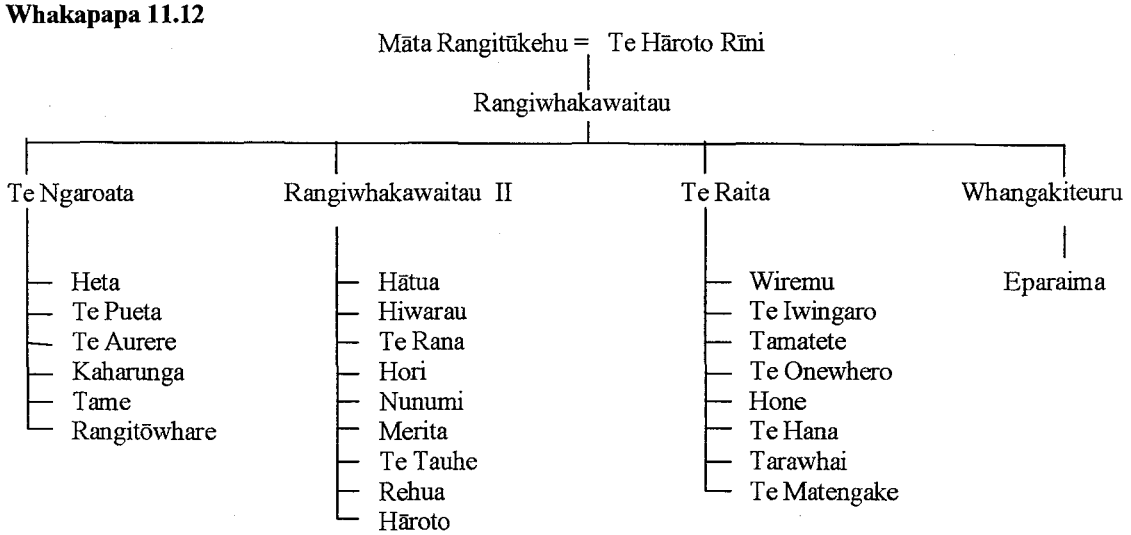
[42] See *Maata Reunion Book* (1988), unpublished Reunion Book made by the descendants of Maata Te Taiawatea Rangitukehu for their family Reunion, Kokohinau, Te Teko April 22-25 1988; Hirini Moko Mead & Onehou Eliza Phillis, *Te One Matua: The Abundant earth: The Centennial of Ruataupare at Kokohinau Marae Te Teko, 1882-1982*, Ngati Pahipoto and Te Komiti o Kokohinau, Te Teko, 1982; Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Te Whanganui-a-Tara [Wellington], 2002.

In general, seniority in *whānau* can be expressed in collateral terms rather than by strict primogeniture rules. A closer analysis of those in the *whānau* who attended the Court shows that they were the only ones of their generation within their *whānau* still alive. Seniority therefore tends to be achieved as a consequence of the death of everyone else in a person's age group. A more complex example of seniority can be understood in a careful study of those *whānau* members involved in the succession to Rangiwhakawaitau's interests in 1966 and Māta's succession of 1967.

Te Aurere Karaitiana (also known as Te Aurere Hohepa) was the applicant and principal witness for succession to Rangiwhakawaitau in 1966 and she appeared in support of her granduncle, Eruera Rīni Mānuera, in the April 1967 hearing for succession to Māta. An initial examination of Te Aurere's place within her *whānau* will reveal that she was the oldest daughter of Te Ngaroata, who in turn was the oldest daughter of Rangiwhakawaitau (the oldest daughter of Māta). The analysis could stop there in terms of seniority, however, there are more revealing aspects of Te Aurere's *whānau* which explain why she was the member of her *whānau* who attended the Court.

There were six siblings in Te Aurere's *whānau*. Two brothers were deceased before the succession applications in the mid 1960s. Te Aurere's older brother Heta had died in 1958 and her younger brother Tame (Tom Mea) was killed serving overseas during World War Two. Te Aurere's other older brother, Te Pueta (Tat), was living in Mangakino and Tokoroa instead of at Te Teko where the rest of the *whānau* were resident. Te Aurere had two younger sisters, Kaharunga and Rangitowhare. However they, like their brother Tat, were also living away from Te Teko as well. Again, a residency factor also figures in the calculations of seniority.

Whakapapa 11.12



However, the analysis for seniority cannot be confined to just Te Aurere's siblings, because as stated above seniority is expressed in collateral terms. Te Aurere's first cousins must now be considered. Te Aurere's Aunt, Te Raita, had eight children. Wiremu, Te Onewhero and Tarawhai had died by the time of the 1966 and 1967 successions. Only Te Iwingaro and Ada were resident in Te Teko at the time. Hone was resident in Auckland and Hana was resident in Taupo. Tamatete (though brought up as a *tamati whānga* (a child raised according to customary Māori adoption practice) by the Raerino *whānau*) lived in Kawerau but he was afflicted by deafness.

Te Aurere's uncle Whangakiteuru had only one child, Eparaima, living at the time of the 1966 and 1967 successions. He lived in Te Teko. A daughter, Māta, had died as a child. Te Aurere's aunt, Rangiwhakawaitau II, had ten children. Only three were living within twenty kilometres of Te Teko, namely, Merita and Tauhe in Te Teko and Nunumi at Poroporo outside of Whakatāne. Te Rana lived at Waikaremoana. The very youngest ones, Rehua and Hāroto, had died as little children and the three oldest ones Hātua, Hori and Hiwarau were also deceased by the time of the 1966 and 1967 successions.

On closer inspection of Māori Land Court records it appears that Hātua was the main *whānau* member who processed applications through the Court for Rangiwhakawaitau's *whānau*. He appeared for succession not only to his mother, Rangiwhakawaitau II, but also Te Aurere's

mother, Ngaroata, and for their aunt, Te Raita, in 1960.[43] With Hātua's death in the mid 1960s however, it was left up to other *whānau* members to process the applications. Te Aurere did have other first cousins that could have attended the Māori Land Court. However, there were only six others that were resident around Te Teko at the time, namely, Merita, Tauhe, Te Iwingaro, Ada, and Eparaima.

Whānau influences on who should inherit

Apart from those *whānau* members who processed the applications and attended the Māori Land Court, one can also see the interface of *whānau* with the Court in other ways. The Court took heed of *whānau* wishes as to who would in fact take the land. This is an entirely different issue to who was entitled to the lands in question. As one has seen, *whānau* have often come to some sort of arrangement as to who amongst them would inherit the land interests as *per se*. They decided for themselves who amongst the heirs would actually inherit the land interests. Such decisions, for example, led to land block interests just having one heir (see tables 11.1, 11.2, 11.3 and 11.5 above).

It appears that while *whānau* made arrangements amongst themselves, the decisions were not necessarily made after long and detailed discussions or meetings amongst *whānau*. Rather, the decision making would be made by a generalised consensus amongst those who were resident where the bulk of the *whānau* lived. Yet again, residency factors were an important consideration for these decisions.

The consensus would be demonstrated in the actual support by *whānau* members who attended the Māori Land Court and also by the silence or non-participation of other *whānau* members in the Māori Land Court hearings. One example of this can be seen in Rangiwhakawaitau's succession of November 1966.[44] In that instance, the minutes of the hearing reveal that the descendants of Hori Te Araroa and Wiremu Pāora were unknown.[45] Their offspring therefore did not take part in any discussion as to who would actually inherit the land interests.

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[43] *Whakatāne Minute Book* 35 at folios 88, 89, 97 & 98.
[44] *Whakatāne Minute Book* 40 folios 220-221.
[45] *Whakatāne Minute Book* 40 at folios 220-221.

More examples of certain *whānau* members not being involved in the *whānau* discussions as to actual heirs can be seen in two more successions. In the succession to Te Mokohaerewā on July 1970[46] Paranīhia, a daughter of Te Mokohaerewā, indicated that her siblings, Tāmihana and Mihiora, had died but they were to be included as successors and that she would speak to their children to lodge successions.[47] In Te Rongopai's succession of July 1969, Keita Moses indicated one of the son's shares (Akutina) shares would stay within his name to allow his own heirs to decide who should take his land interests.[48]

Residency of heirs

The decisions within *whānau* as to who would *in fact* inherit lands were not necessarily dependent on seniority. For example, in the succession to Māta in November 1967, Wētini Moko became heir to the interests in two land blocks solely.[49] This was despite his aunt, Pohoira Rīni Mānuera, and uncle, Eruera Rīni Mānuera, being still alive. Those who took the land interests for Rangiwhakawaitau were also scattered between four branches of her *whānau* (see whakapapa 5 and 8).[50] Each branch represented one of her four children. For Rongopai's entitlement a younger brother, Te Kani-a-Takirau, took the interests solely (see whakapapa 11.4).[51] The scattered approach to who would inherit the lands is best illustrated by the 1970 succession to Māta (see table 11.2).[52] For five of Māta's land block interests only one heir inherited them solely. For Māta's land interest in Omataroa Rangitaiki, there were ten heirs who took one tenth-part each.

The factor of residency is perhaps the most prominent characteristic in the decision-making as to who should in fact inherit the land interests. In a general sense, all those *whānau* members who inherited the land interests are (a) those who are resident in the area of the lands; or (b) those who actually reside on or near the block itself, or (c) those who had some association with the block and were resident in the general area.[53]

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[46] *Whakatāne Minute Book* 48 folios 228-229.
[47] *Whakatāne Minute Book* 48 at folios 228-229.
[48] *Whakatāne Minute Book* 46 at folios 217-218.
[49] *Whakatāne Minute Book* 44 folios 54-55.
[50] *Whakatāne Minute Book* 44 folios 54-55.
[51] *Whakatāne Minute Book* 44 folios 54-55.
[52] *Whakatāne Minute Book* 48 folios 263-265.
[53] Apart from residency, there seems to be no other considerations to why various persons in the *whānau* actually inherited certain land shares over others, apart from the fact that the land interests had to have heirs.

Examples of *whānau* members who took the land interests where they were resident can be seen in the 1970 succession to Māta[54] (see table 11.2). All those *whānau* members lived within an eight kilometre distance from where the land blocks were situated except for one. An example of heirs physically residing on the block by either having a house on or near the block, or working the land, can be seen in the succession to Makarita of April 1967.[55] Hinepuke Ratema inherited solely the interests in Matata Lot 72B 3Y 9A. That block is close to where she lived. As for Hinepuke's brother, Tāhere Tāhere, he had his house right next to the block Omataroa 7AC 5A 1B for which he and his brother and sister inherited the land interests. The one particular block that was not physically close to where the heir resided was Tunapahore B2B. This block is situated in the Ōpotiki District. In that instance my *kuia*, Pohoira Rīni Mānuera (Pohoira Anderson), inherited that land interest solely. However, the reason that Pohoira inherited those interests solely was that she had had a prior association with the block. As mentioned in previous chapters, Pohoira was raised as a *tamati whāngai* by *whanaunga* not far from Tunapahore B2B at Omarumutu and therefore she had meaningful ties to the block.

Conclusion

As has been seen, the factors determining who amongst *whānau* prosecuted the successions, attended the Court and who inherited the lands were far from just random acts. There were many subtle intricacies involved for *whānau*. The actual persons who appeared in the Court in the 1960s and 1970s were mainly women and elderly men. They were the ones that had the ability and capability such as time to go into the Court to prosecute the applications. These *whānau* members were also often the ones who were interested in the lands, and were able to process the applications through the Court. The successions in my *whānau* also show which other factors determined those *whānau* members who prosecuted the cases in the Court as well as those who actually inherited the land. These were a combination of seniority and residency. All of those *whānau* members who attended the Court for Māta and her children's successions in the 1960s and 1970s, as well as those who inherited the land interests were prime examples of this. Those *whānau* members who physically lived on or near the land blocks or those who had an association with a land block inherited those particular land interests. The successions cases also demonstrate that seniority status often resulted when they were the only ones of their generation within their *whānau* still alive, as well as being resident in the area. Eruera Rīni Mānuera and Te

[54] *Whakatāne Minute Book* 40 at folios 220-221.
[55] *Whakatāne Minute Book* 43 folio 12-13.

Aurere Hohepa were practically the only persons left in their *whānau* who could prosecute the successions in the Court anyway. All of these factors involving *whānau* were demonstrated, accommodated and encouraged in the Māori Land Court. Not only does this show that the Court was a legal body, but it was a social institution, not entirely detached from the realities of Māori and their association with their *whānau*.

CHAPTER TWELVE
NGA MEA WHAKAPAPA[1]

Whakapapa (genealogy) holds a special place in understanding the Māori Land Court in the 1960s and 1970s. It is an important aspect of the human as well as the legal and administrative side to the Court. *Whakapapa* is also a key for understanding *whānau* (family) relationships with *whenua* (land). Williams' dictionary gives seven definitions for *whakapapa*. These are '1. Lie flat; 2. Go slyly or stealthily; 3. Lay low, strike down; 4. Place in layers, lay one upon another; 5. Recite in proper order genealogies, legends etc, etc; 6. Genealogical table; 7. Bush felled for burning'.[2] It is definitions 4, 5 and 6 above which are most applicable for the Māori Land Court. In this chapter, it is not my intention to give a full detailed discussion concerning all aspects of *whakapapa*. However, I will give some explanation for contextual purposes. I will then go on and explain its importance to claims and inheritance to the land itself.

Whakapapa was initially used by witnesses in the Native Land Court in the nineteenth and early twentieth century in its oral form to establish title to the *whenua*. The clerks of the Court would record *whakapapa* in diagrams in the minute books. Such diagrams often linked the various witnesses to *tīpuna* that originally held rights to the land. As time went on and especially in regard to inheritance, *whakapapa* was then used to explain relationships between various heirs to deceased land holders. Elaborate diagrams in minute books would record *whānau* relationships with the deceased as well as to *whānau* claimants. At times a multiplicity of spouses would be recorded in the Court's minute books along with the various children and remoter issue of the unions. By the 1960s and 1970s the Court was faced with a system of inheritance that entailed a detailed and elaborate system of recording heirs. The Court struggled to cobble together the names of the various heirs, let alone the eventual heirs to the land interests in question. For many succession applications before the Court, there were heirs required for deceased owners who had died over fifty years previously. No longer would elaborate diagrams in minute books suffice for such a large number of heirs. Instead, the Court had developed a highly sophisticated formulaic

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[1] *Nga mea Whakapapa*= The things pertaining to *whakapapa* (genealogies).
[2] H.W. Williams, *A Dictionary of the Māori Language*, Government Print, Wellington, 1988, (seventh edition). The definition appears in the definition to the word 'papa'.

representation of *whakapapa* to heirs. It was the Court's ability to navigate and adapt *whakapapa* that helped it to deal effectively with *whānau* and the *whenua*.

General Observations on *Whakapapa*

There is a lot of written material containing *whakapapa* in the form of genealogies ranging from Percy Smith's translations of Te Whatahoro's commentaries regarding the ancient *whare wānanga*[3] (learning houses) to Elsdon Best's publication of Tūhoe and Matātua *whakapapa*. There are even *whānau* publications such as Lew Dawson's *Taproots Revisited: The Whakapapa of Wharetutu and George Newton 1828 to the Present.*[4] Most of these written works either list genealogical lines of ancestors, as in Elsdon Best's works, or give only a passing comment of how *tohunga* had to be careful in reciting long lines of descent lest one ancestor was forgotten in the sequence and a calamity befell the *tohunga* or his *whānau* or *hapū*.[5] Standard tribal histories written in the mid and later part of the twentieth century like Sir John Grace's *Tuwharetoa*, Don Stafford's *Te Arawa*, Jock McEwen's *Rangitane* and A.C. Lyall's *Whakatohea* also use *whakapapa* in the form of genealogical tables to give detailed accounts of various ancestors and their genealogical descent from certain other ancestors and their exploits.[6] *Whakapapa* in these works are often used to convey to the reader the relationships of people mentioned in the text. For example, Don Stafford in *Te Arawa* has used the followed *whakapapa* to illustrate to the reader the various *whanaunga* of Tionga of Ngāti Rangitihi who was killed by Tūhoe at

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[3] In classical Māori society these were particular institutions where the lore of various *hapū* and *iwi* was taught to selected young men of the *hapū* and *iwi*. See S.Percy Smith, *The Lore of the Wharewananga or Teachings of the Māori College in Religion, Cosmology and History*, Written down by H.T. Whatahoro from the teachings of Te Matorohanga and Nepia Pohuhu priests of the Whare wananga of the East Coast of New Zealand, 2 vols., New Plymouth, [1913].

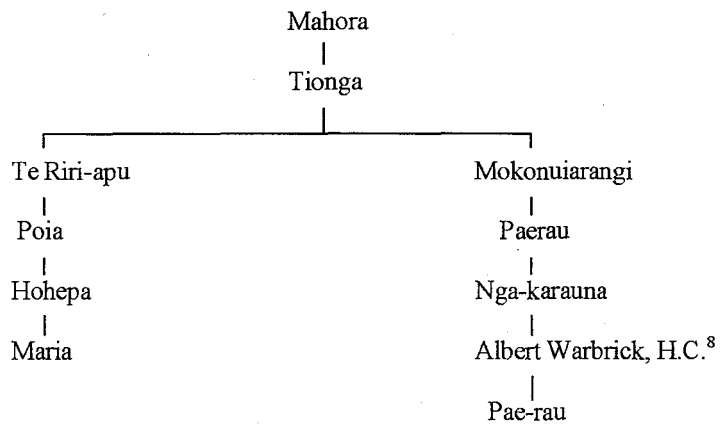
[4] S.Percy Smith, *The Lore of the Wharewananga or Teachings of the Māori College in Religion, Cosmology and History*, Written down by H.T. Whatahoro from the teachings of Te Matorohanga and Nepia Pohuhu priests of the Whare wananga of the East Coast of New Zealand, New Plymouth, [1913]. (2 vols.,). See also S. Percy Smith, *The peopling of the North: Notes on the ancient Māori history of the Northern Peninsula*, [Polynesian Society, Wellington, 1896-1897] & S. Percy Smith, *History and Traditions of the Māori of the West Coast, North Island of New Zealand prior to 1840*, facsimile ed., Kiwi Publishers, Christchurch, 1999, [1910]; Elsdon Best, *Tuhoe: The Children of the Mist, A sketch of the Origin, History, Myths and Beliefs of the Tuhoe Tribe of the Māori of New Zealand; with some account of other early tribes of the Bay of Plenty District*, Vol.II, AH & AW Reed, 1973, [1925]; Lew Dawson, *Taproots Revisited. The Whakapapa of Wharetutu and George Newton 1828 to the Present*, Taproots Publishing, [Invercargill, 1986].

[5] Edward Tregear, *The Māori Race*, A.D. Willis, Wanganui, 1904, pp.383-386.

[6] John Te. H. Grace, *Tuwharetoa. A history of the Māori People of the Taupo District*, Reed Books, Auckland, 2000, [1959]; Don Stafford, *Te Arawa*, Reed Publishing, Auckland, 2005, [1967]; J.M.McEwen, *Rangitane. A Tribal History*, Hinemann Reed, Auckland, 1986; A.C. Lyall, *Whakatōhea of Ōpōtiki*, Reed Books, 2005, [1979].

Pukekaikahu.[7] (Such *whakapapa* illustrates my Ngāti Rangatihi of Te Arawa *tīpuna* and *whanaunga* who lived from circa 1750 through to 1950.)

Figure 12.1: *Whakapapa* set out in Don Stafford's *Te Arawa* (2005)



However, these tribal histories, although employing *whakapapa* in their texts do not comment on the qualities or nature of *whakapapa* as a concept. Cleve Barlow has explained *whakapapa* in its abstract sense. He has used the term *whakapapa* interchangeably with the word genealogy as he did in a 1987 article written for the journal, *The New Zealand Genealogist*.[9] Barlow mentioned that everything has a *whakapapa* from birds to fish. This was easily explained in a western logic since animals and other living creatures have parents and in turn those parents have parents as well. However, Barlow also mentioned that even soil and mountains have a *whakapapa*. It is the term 'genealogy' for these inanimate objects or qualities that requires the western mind to undergo a conceptual shift and adopt a Māori world-view that understands the celestial and spiritual world as being at one with the physical world. Given this analytical framework, the term *whakapapa* has a 'before' and 'after' quality. Instead of the focus on certain things being a descendant from another as with a child and parent, one has to focus on the social phenomena of 'relationships'. For example, in a biblical sense first there was God and then there was the creation of the universe. It is this understanding of layers of relationship that Barlow is alluding

[7] Don Stafford, *Te Arawa*, Reed, Auckland, 2005, [1967], p.172.
[8] This abbreviation is used by Stafford to note that Albert Warbrick was half-caste (H.C.). Albert Warbrick H.C. is my great great grandfather.
[9] Cleve Barlow, *Tikanga Whakaaro: Key Concepts in Māori Culture*, Oxford University Press, Auckland, 2001, [1991], pp.171-175; Cleve Barlow, 'The Scope of Māori Genealogy', *The New Zealand Genealogist*, (1987), Vol.18, No.172, pp.34-36.

to when referring to inanimate objects possessing a *whakapapa*. This is because of the relationship that those objects have to the things that caused or made them.[10]

Barlow used a four part generic description of different types of *whakapapa*. The first regarded cosmic genealogies that dealt with the creation of the universe. The second classification concerned the genealogy of the gods, which entailed the creation of gods and life on earth. The third classification entailed gods being the progenitors of humans. It is this third classification which Barlow explains as the genealogy of mortal man or primal genealogies. These genealogies pertained to the first gods from whence humanity was descended. The fourth classification entailed the genealogy of the canoes. New Zealand was eventually settled by Māori who had come from Pacific islands by various *waka* (canoes) anywhere between 750-1450 AD. Many Māori can trace their ancestry back to members of various *waka* and even prior to the arrival of *waka*. It is this tracing back to various ancestors on those canoes which Barlow described as the genealogy of the canoes. Barlow's analysis is useful in that he provides a basic model from which one can tackle the broader understanding of *whakapapa* at a conceptual level. In terms of the Māori Land Court *whakapapa* was not so much concerned with the first categories of Barlow. However, the genealogies of the canoes provided the conceptual *whakapapa* framework for the Native Land Court's nineteenth-century investigations into ownership of *whenua*. *Tīpuna* from the *waka* held title to the land through both *take tīpuna* and *take taunaha*.[11] However, even Barlow's broader conceptual focus of *whakapapa* in terms of the social phenomena of relationships is significant for the Māori Land Court. The Māori Land Court was a social institution that dealt with Māori over many decades. Its judges and clerks and the *whānau* who appeared in the Court were involved with each other in multilayered relationships. It was these relationships that were the very essence of the Māori Land Court.

Whakapapa in the Native Land Court

As indicated earlier in this chapter, the early minute books of the Native Land Court in the original title investigations of blocks of land give example upon example of genealogies to emphasise the various claimant *whānau* and *hapū* interests in the land. The title investigation of

[10] *Whakapapa* has also been referred to as an 'epistemological framework in which perceived patterns and relationships in nature are located'. See Mere Roberts, Brad Haami, Richard Benton, Terre Satterfield, Melissa L. Finucane, Mark Henare and Manuka Henare, 'Whakapapa as a Māori mental Construct', *The Contemporary Pacific*, Vol.16, No. 1 (2004), pp.1-28.

[11] See Chapter Eight for various *take* (claims, rights) to land.

Kaingaroa No. 1 block is typical of other title investigations where *whakapapa* was used to buttress claims to land. *Whakapapa* was by oration in the courtroom by those who acted as witnesses on behalf of their various *whānau* and *hapū*. For example, the following testimony was given by one of my *whanaunga*, Niheta Kaipara, during the Kaingaroa No. 1 block investigation.

I belong to Ngatiape and live at Awateatua. I know this land as shewn on the plan. I claim this land firstly from Ancestry, secondly Conquest, Thirdly Signs of my ancestors and descendants and their cultivations that is where my ancestors dug fern root caught eels and rats. My first ancestors were Tangiharuru & Apa.[12]

The direct significance of *whakapapa* in Niheta's testimony is that it contextualises his claims based on ancestry, conquest as well as signs of his ancestors and descendants. One had to have knowledge of particular *tipuna* and their actions that were associated with the land. After giving his introductory comments above, Niheta recited *whakapapa* which showed his *tipuna*, Tangiharuru. The table in figure 12.2 below is what is recorded in the minute book.

The way the clerk recorded and transferred the oral form of *whakapapa* into the minute book varied and depended very much on the clerk's personal skill. They had to transcribe the *whakapapa* for the purposes of the court procedure. It is not known exactly how Niheta would have orally given the *whakapapa* during the hearing. Rawiri Te Maire Tau's observations though give some insight into its delivery. Drawing on the work of Apirana Ngata, Tau gives a useful explanation of the technical terms associated with *whakapapa*.

Whakamoe is the term which describes *whakapapa* and which states the intermarriages in the lines of descent.

Taotahi is to recall a descent line, without listing the spouse.

Tarere is to trace a single descent line, without showing intermarriages or other kin. Ngata says that this method is often used.

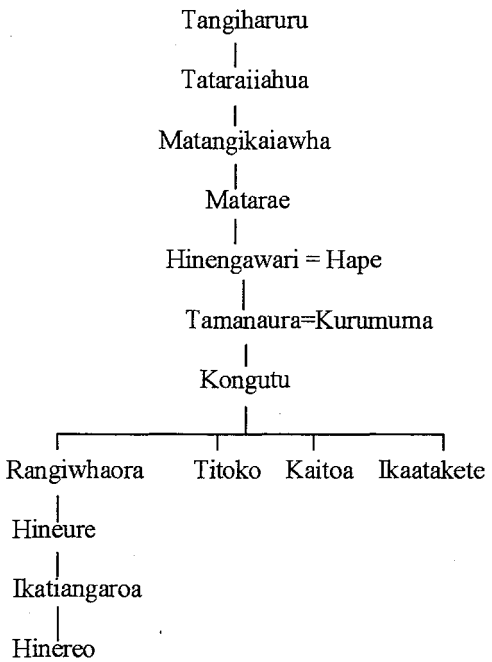
Tāhū sets out the main lines or the principal ancestors of a tribe, such as Porourangi, Tahu Pōtiki and Ira.

Whakapiri is to recite one's connection to another line. One may do this by reciting a line from the *tipuna* concerned. If the connection is to a person living, one must state whether one is of a senior or junior line. On this basis age is not a concern. As Ngata says, a person may be chronologically junior, but senior on a genealogical basis.

[12] *Ōpōtiki Minute Book* 1 folio 118.

Kauwhau taki is the term used for tracing *whakapapa*. Ngata's slight explanation for this term is aided by Williams, who says that *kauwhau* means 'Recite, proclaim, declare aloud old legends, genealogies etc'. This suggests *kauwhau taki* was the act of reciting, rather than the manner of recitation.[13]

Figure 12.2. *Whakapapa* recorded during testimony of Niheta Kaipara in the Kaingaroa No.1 hearing (1878)



With the above explanations, and using the court clerk's transcriptions of the *whakapapa* into the minute book, one can identify various examples of the above forms of genealogy, these include (1) *whakamoe* as there are two spouses mentioned, namely, Hape and Kurumuma; (2) *taotahi* as most other entries do not show the spouse; (3) *tararere* as it is largely one line of descent apart from showing Titoko, Kaitoa and Ikātakete; and (4) *tāhū* since Tangiharuru is a principal *tipuna* of *whānau* and *hapū* associated with Ngāti Manawa, Ngāti Rangitihi and Tuhourangi for which Niheta was associated. The *whakapapa* given orally by Niheta served to emphasise his connection with his *tipuna* and their actions connected with Kaingaroa No.1 block, but it also formed the basis upon which Niheta could give *kōrero* about the land. For example,

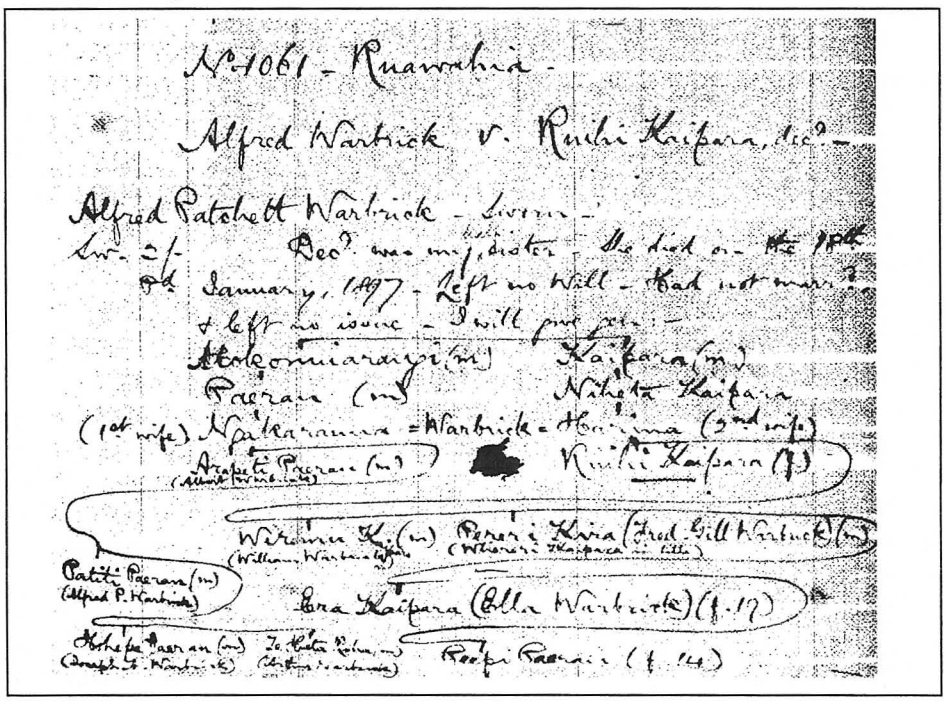
Titoko occupied this land permanently, Kaitoa and Ikaatakete went away to Tarawera beyond Taupo...Hape owned a portion of this land and when he married Hinengawari he had mana over the whole...The bones of Hinengawari

[13] Rawiri Te Maire Tau, *Nga Pikitūroa o Ngāi Tahu: The Oral traditions of Ngāi Tahu*, University of Otago Press, Dunedin, 2003, p.35.

are within this Block at Naurohia which is a flax swamp. Pekepeke is a name of a large lizard killed by my ancestor Matarae....[14]

The efforts to record *whakapapa* always posed a challenge for court clerks. It required a high degree of aural and written skills. The attention to the detail of senior lines and junior lines of descent in *whakapapa* was not a consideration for the court clerk recording the details. The main consideration was recording what was said during the court hearing. However, there are instances of mistakes in some *whakapapa* in the minute books. The fault lay with the court clerk and their recording skills, or the witnesses' inaudibility or inability to recite accurately the *whakapapa*. Take, for example, a succession processed through the Court for one of my *whanaunga*, Ruihi Kaipara (Lucy Warbrick), a granddaughter of Niheta Kaipara in 1899. Ruiha died 18 January 1897 in Sydney, New South Wales. She died intestate without having married or leaving any children. Ruihi's half-brother Alfred Warbrick (Patiti Paerau) processed her succession through the Native Land Court. Ruihi's brothers and sisters were the heirs to her lands.[15]

Figure 12.3: *Whakapapa* that appears in the Rotorua Minute Book during testimony of Alfred Warbrick in the Succession to Ruiha Kaipara (1899)[16]



[14] *Ōpōtiki Minute Book* 1 at folios 118-119.
[15] *Rotorua Minute Book* 40 at folios 330-332.
[16] *Rotorua Minute Book* 40 at folio 330.

Photo 12.1: Ruihi Kaipara (Lucy Warbrick) circa 1890. She died in Sydney in 1897. (Source: Warbrick Family Album).[17]



The problem with the *whakapapa* recorded in the minute book is in its inaccuracy. Kaipara and Niheta Kaipara were one and the same person. Niheta was a son of Mokonuiarangi and not a brother of Mokonuiarangi. Apart from that entry, the other particulars are accurate. However, Alfred Warbrick did admit to the following:

Mokonuiarangi + Kaipara were elder + younger brothers. I am unable to give names of their parents-I am not up in *whakapapa*-.[18]

[17] The original is now held by the Whakatāne Museum. The album was found in a derelict state in a shed at Wai-o-koro-ahu. It was placed in the Museum in the early 1980s by my step mother Hoti Keita Warbrick (nee Ranui).
[18] *Rotorua Minute Book* 40 at folio 331.

Apart from the inaccuracies of the entry it can nonetheless be observed that *whakapapa* were important for successions apart from just the initial investigation of title hearings. *Whakapapa* were required in the years following investigation of titles to enable a proper identification of the origin of the land interests in question as well as the identification of children or other *whanaunga* of deceased persons.

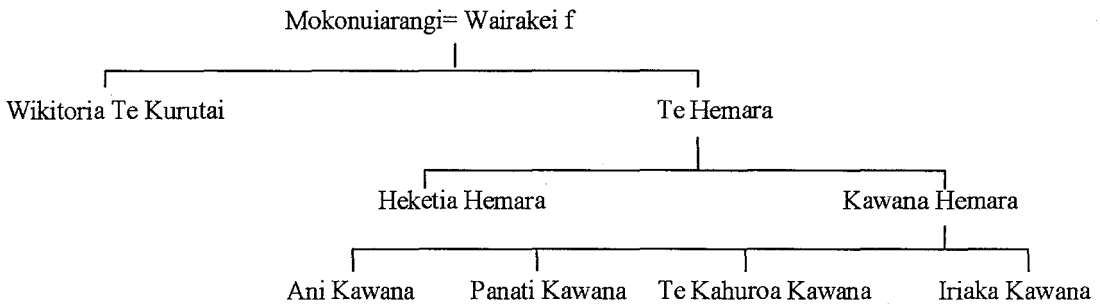
In the succession to Ruiha Kaipara above, Alfred Warbrick wished Ruiha's land interests in Ruawahia (which is a block of land west of the Pokohu Block) be given to him. He was, after all, a brother to Ruiha. However, Alfred and Ruiha were only half brother and sister. Their common parent was their Pākehā father, Abraham Warbrick. Although Alfred's and Ruiha's mothers were *whanaunga*, Ruiha's land interests in Ruawahia were sourced from her mother, Harina. The proper heirs to this land interest were therefore the children of Harina (Alfred's other half sibling). On this basis, the Court awarded the land interest to Ruiha's youngest sister Pēpi Paerau (Christina Warbrick). Alfred Warbrick was, however, named as trustee for his teenager half-sister.[19] The use of *whakapapa* was therefore instrumental in this instance in determining the heirs to the deceased especially to a half sister who died without issue and never married in this instance. The prevalence of the use of *whakapapa* in situations such as these was more common than not in the Court, especially in cases where the deceased had no children and therefore other *whanaunga* were the heirs. The point is that *whakapapa* was needed to explain to the Court the proper heirs as it was inextricably linked to who had rights in the land.

Another example from my Warbrick *whanaunga* involved a succession to Wikitoria Te Kurutai in 1895. In that instance, Wikitoria left a will in favour of a grandniece called Pare Tanira. A nephew of Wikitoria, Heketia Hemara, however, objected vehemently wishing the land interests to be awarded instead to himself and his nephew and nieces, namely, Ani Kawana, Panati Kawana, Te Kahuroa Kawana, and Iriaka Kawana.[20] *Whakapapa* was used in the hearing to situate Heketia's relationship to Wikitoria. The following *whakapapa* was recorded in the Minute Book. [21]

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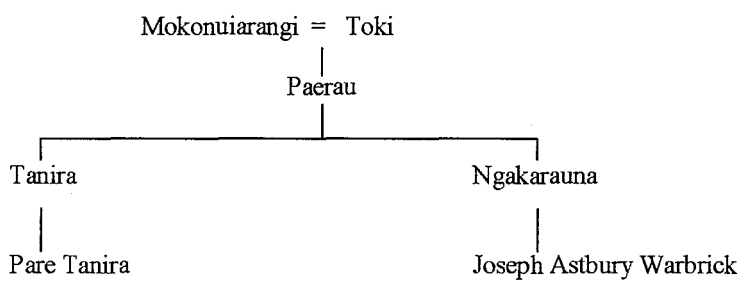
[19] *Rotorua Minute Book* 40 at folio 331.
[20] *Rotorua Minute Book* 34 at folio 100.
[21] *Rotorua Minute Book* 34 at folio 100.

Figure 12.4: *Whakapapa* recorded during testimony of Heketia Hemara in the Succession to Wikitoria Te Kurutai (1895)



Heketia Hamara took the approach that the source of the land interests was from his grandmother Wairakei and not his grandfather Mokonuirangi. Therefore he and his nephew and nieces were the proper heirs to Wikitoria. Joseph Astbury Warbrick, a brother of Alfred Warbrick, strongly objected to Heketia's claims. This was on the basis that Wikitoria had a valid last will and testament as well as Heketia being undeserving of the land interests because he ignored Wikitoria in her old age (a point disputed by Heketia). [22] Joseph Warbrick's and Pare Tanira's *whakapapa* to Wikitoria was through their grandfather Paerau being a half brother to Wikitoria (see figure 12.5 below as recorded in the minute book).

Figure 12.5: *Whakapapa* recorded during testimony of Joseph Warbrick in the Succession to Wikitoria Te Kurutai (1895)



Yet again one finds in the minute books of the Court in the first decades of the twentieth century that *whakapapa* continued to be used to enable an understanding of the relationships between

[22] *Rotorua Minute Book* 34 at folios 100-102.

whanaunga. Time and time again, during its judicial hearings, *whakapapa* looms large throughout the *kōrero* in the Court. Frequently, one will see within the minute books complex tables of *whakapapa* to assist in the understanding of complicated relationships between *whanaunga* of different generations. For example, the above matter involving different wives of Mokonuirangi and various half siblings were illustrated in *whakapapa* to emphasise that land interests were from one branch of one's *whakapapa* as opposed to the other. This was always the case in regard to complex succession cases. The form of the *whakapapa* in the minute books was in its *taotahi* and *tararere* forms. Only when the land interests were sourced from another branch of the *whānau* were examples of *whakamoe* placed in tabular diagrams of *whakapapa*. This was to indicate the source of the rights to land as in the case of Mokonuiarangi and his wives, Wairakei and Toki (above in figures 12.4 and 12.5.)

***Whakapapa* in the Māori Land Court**

By the 1960s and 1970s *whakapapa* continued to be an integral part of the Māori Land Court. The hearings concerning Putauaki being made into a Māori reservation in 1979 and 1980 continued to have core arguments based upon *whakapapa*. For example, many of the arguments between my *whānau* at Kōkōhinau marae and *whanaunga* at Hāhuru marae near Kawerau concerned the identity of the *tipuna* who held *mana* over Pūtauaki and who were the appropriate modern day descendants.[23] The Māori Land Court through its physical files such as minute books, and through the human knowledge of its clerks and judges, had built up an enormous in-house knowledge of *whakapapa* associated with the various *whānau*, *hapū* and *iwi* within its district.

Despite the Māori Land Court's knowledge and appreciation of *whakapapa*, this did not translate to unfettered patience in courtroom procedure. This was especially true when various *whanaunga* had difficulty in expressing their *whakapapa* in the courtroom environment and faced certain judges known for expressing their impatience in Court. My *whanaunga*, Awarua Savage, appeared before Judge Gillanders-Scott on 13 July 1966 for succession to our *whanaunga* Pohoira Marewa, Keita Riria and Te Mane Towhare. Gillanders Scott was not particularly pleased with Awarua's approach and use of *whakapapa* during that hearing. This

[23] *Whakatāne Minute Book* 70 at folios 117-138 (30 January 1980 hearing) and 'Transcript of proceedings of Māori Land Court sitting held at Whakatāne Wednesday 26 March 1980 and Thursday 27 March 1980', (File 85 Whakatāne 216 (only) Tarawera No.1), Tarawera No. 1 Box, Māori Land Court, Waiariki Registry, Rotorua.

was not helped by the fact that one of our other *whanaunga*, Peta Rutangiwhenua Wairua, had given conflicting *whakapapa* before Judge Brook on 13 July 1965 in succession to our other *tipuna* and *whanaunga*: Marewa Kahupake, Riria Meihana and Ropiha Meihana.[24] Judge Gillanders Scott stated the following

The witness Mrs Awarua Niao Savage alleges the Court was misled by Mr. P.R.Wairua on 13.7.65 at Whk 39/73. However she has not applied for a rehearing or appealed against the decision... This Court is not content on the shabby evidence before it to come to a decision as to who are entitled under section 35. Much more concise, lucid and telling evidence is needed. The difference between Mr. Wairua and Mrs Savage must sensibly be capable of resolve. This may well mean research and work but it is no function of the Māori Land Court or the Maori Affairs Department to keep or work out whakapapa for persons litigating in this Court...[25]

Despite Judge Gillanders Scott's comments that ' it is no function of the Maori Land Court or the Maori Affairs Department to keep or work out *whakapapa* for persons litigating in this Court' the reality was that the Court did keep and work out *whakapapa* everyday for litigants. A perusal of any minute book from the 1960s and 1970s clearly shows example upon example of *whakapapa* being used in this way for Court processes. It is more likely that Judge Gillanders-Scott was particularly critical of Awarua because of her confused evidence in giving *whakapapa* to the Court in respect to our deceased *whanaunga* Pohoira Marewa.

[The deceased] was my grandaunt on my maternal side. I do not know when she died. I do not know where she died. I do not know whether she died with or without a will. I do not know if she adopted any children. Her mother was Marewa. He father was Akutina or-no, her father was Te Nohi Meihana. She was a child of the second marriage of Marewa. I say she had no issue. I claim to be a successor through Marewa whose people were the original owners of this land.[26]

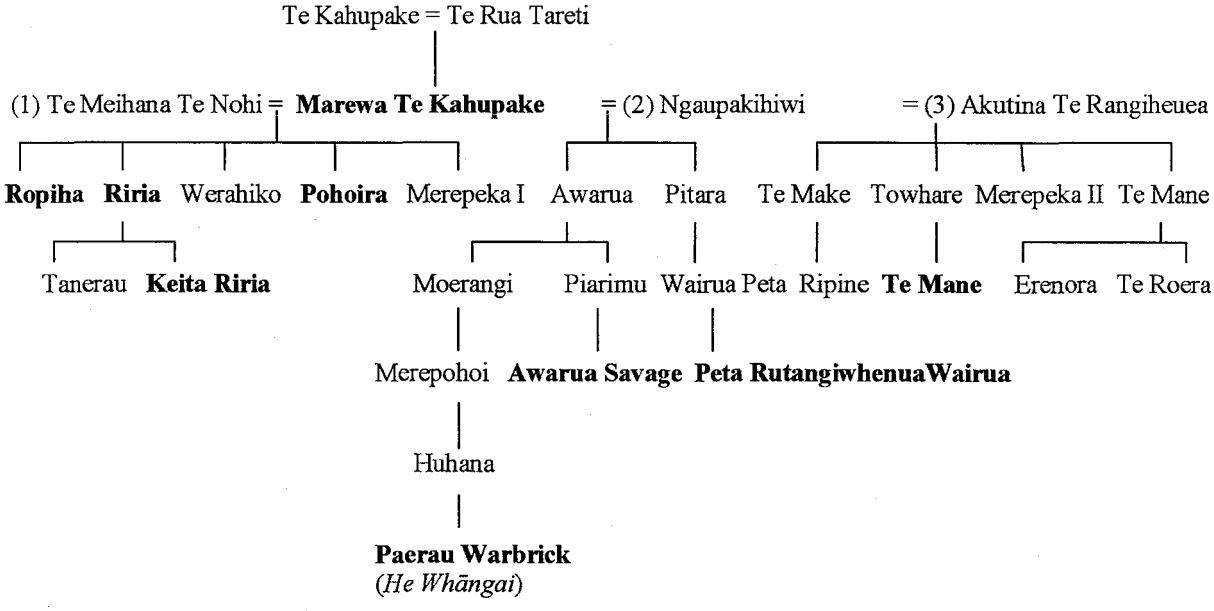
In both Peta Wairua's and Awarua Savage's instances of succession, both were unsure as to some aspects of *whakapapa*. This serves to illustrate the point that a superior knowledge of *whakapapa* was absolutely needed in cases where whole lines of *whānau* became *te whare ngaro*.[27] The inheriting *whanaunga* had to give a degree of specifics to the Māori Land Court as to the fate of the immediate heirs, as well as a justification as to why they were then the

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[24] *Whakatāne Minute Book* 39 at folio 73.
[25] *Whakatāne Minute Book* 39 at folios 350-351.
[26] *Whakatāne Minute Book* 39 at folio 350.
[27] This term means that a line or family has become extinct. *whare*=house, *ngaro* = lost. H.W. Williams, *A Dictionary of the Māori Language*, Government Print, Wellington, 1988, (seventh edition). The definition appears under the word '*whare*'.

remaining heirs. Reliance was placed heavily upon *whakapapa* to explain key relationships to *tīpuna* and the sources of the rights to land. All of this required some effort and skill in transmitting this knowledge to the Court. Below is a *whakapapa* for both Peta Rutangiwhenua Wairua and Awarua Savage to illustrate my points.

Whakapapa 12.1

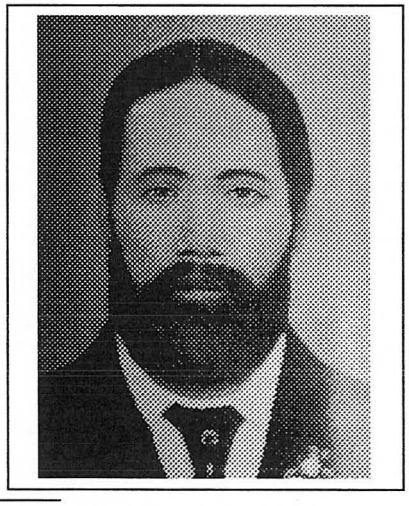


Marewa Te Kahupake's first husband was Te Meihana Te Nohi. All of the children of this marriage had died leaving no effective heirs. Only Riria, had two children, Tanerau and Keita, however, these children died in infancy effectively leaving no immediate heirs from that branch of the *whakapapa*. To complicate matters, Marewa's third husband was Akutina Te Rangiheuea. Although that marriage produced four children (three of whom had in turn had children), each one of those children, namely, Ripine, Te Mane, Erenora and Te Roera did not produce heirs themselves. Te Mane, Erenora and Te Roera died in infancy and Ripine was plagued with mental illness all her life and did not marry or have children herself.

In effect there were no immediate heirs from that branch of the *whakapapa* either. As mentioned previously the land interests that were being succeeded to by Awarua Savage and Peta Rutangiwhenua Wairua were for Marewa Kahupake herself as well as three children and a

grandchild from her first marriage, namely, Ropiha Meihana, Riria Meihana,[28] Pohoira Marewa and Keita Riria.[29] It was also for a grandchild, Te Mane, who was a son of Towhare, a daughter of Marewa Te Kahupake through her third marriage. [30] All the land interests at the time of these successions were sourced through Marewa Te Kahupake and therefore the heirs to these *whanaunga* were the remaining descendants of Marewa Te Kahupake. The above *whakapapa* to Marewa (*whakapapa* 12.1) is a complicated one where the *whakamoe* principles are important and needed to be understood. Given the fact of extinction in two major branches as well as the rights in the land interests being sourced from one person of the *whakapapa* namely, Marewa Te Kahupake, succession entailed that the descendants from the *whakapapa* of Awarua Savage and Peta Wairua's branch were the heirs to the lands in question. It is no wonder that Judge Gillanders Scott was impatient with Awarua Savage over *whakapapa*. She was attempting to succeed to three *whanaunga* from two different branches, Keita Riria and Pohoira Marewa from one branch, and Te Mane Towhare from the other. In her attempts to unravel the *whakapapa* and the relationships within she failed to explain it appropriately for Judge Gillanders Scott. For the succession that had been processed by Peta Wairua, apart from appearing before Judge Brook, the *whanaunga* were relatively simple in that it was two children from one branch (Riria and Ropiha) as well as the *tipuna* from whom the land was sourced (Marewa Te Kahupake).

Photo 12.2: Te Make Marewa also known as Te Make Akutina Rangiheuea circa 1900. Keita Riria and Pohoira Marewa were his half sisters. Te Mane Towhare was his nephew. Te Make was from the third union of Marewa Te Kahupake. Both his mother and father perished in the Tarawera Volcanic eruption of 1886. (Source:Te Onehou Phillis). [31]



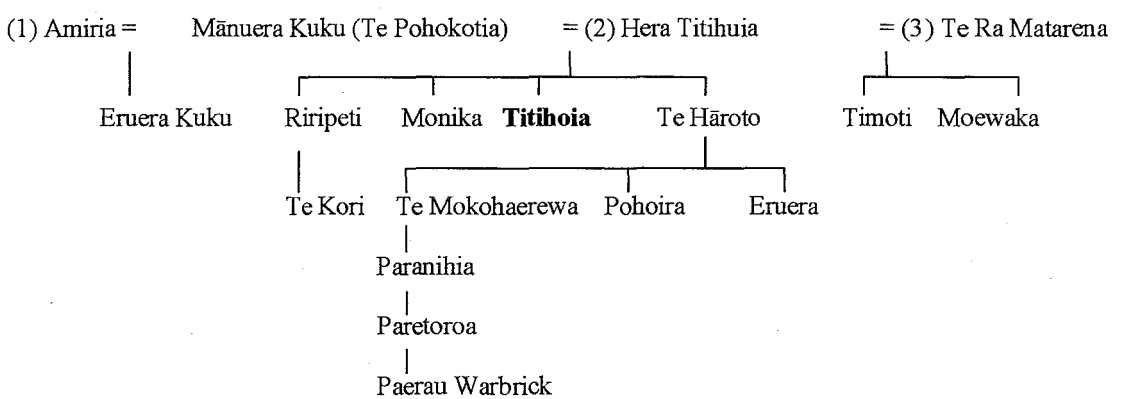
[28] *Whakatāne Minute Book* 39 at folio 73.
[29] *Whakatāne Minute Book* 39 at folio 350.
[30] *Whakatāne Minute Book* 39 at folio 350.
[31] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Wellington, 2002.

These complicated succession applications were becoming relatively common in the Court by the 1960s. A high level of skill was needed by witnesses in the Court in order to project *whakapapa* into a readily understandable form for the Court. It was needed for the ever increasing number of heirs to various land interests. The resulting situation meant that *whakapapa* began to take a particular form in the minute books. There just was not enough room on the page for complex diagrammatic forms of *whakapapa* showing up to one hundred heirs. The Court therefore developed a system of *whakapapa* by formula. There are two particular branches of my *whānau* which I wish to examine in order to illustrate my points. These are *whānau* who descend from Mānuera Kuku of Te Warahoe of Ngāti Awa and Te Rangiheuea of Ngāti Tāoi of Tuhourangi.

Succession to Titihoia Mānuera

On 25 July 1972 a succession application was processed through the Māori Land Court for Titihoia Mānuera.[32] Her alternative names were Titihoia Rewiri, Titihoia Rawiri, Titihuia Kuku or just plain Titihoia. Titihoia was a paternal aunt to my *kuia* (grandmother), Pohoira Rīni Mānuera and to Eruera Rīni Mānuera. Titihoia died in 1934 and is buried at the *urupā* (cemetery) at Kōkōhīnau. She was the last surviving amongst her siblings. The only heirs to Titihoia were therefore descendants of her two brothers, Te Hāroto and Timoti. Titihoia's sister, Riripeti, did have one child called Te Kori, however, he died while still young.

Whakapapa 12.2



[32] *Whakatāne Minute Book* 54 at folios 148-158.

The Deputy Registrar, Roy Hunt, used prior minute book references from 1971 and as far back as 1903 to obtain *whakapapa* and particulars as to Titihoia's heirs. The following introduction noted by Roy Hunt for succession to Titihoia is recorded in the minute book.[33]

I refer Court to Whk.52/98 of 18.10.71. All the interests on the application belong to Titihoia the daughter of Manuera Kuku and Hera (see Whk. 5/303 of 12.1.03) and the sister of Riini Taka or Te Haroto Manuera and Peti or Riripeti Manuera and half sister to Timoti Manuera and Eruera Kuku (see Whk. 5/303 of 12.2.03, Whk 16/157 of 1.2.16 and Whk.21/133 of 18.6.23). The deceased died 29.8.34. No will. No issue. Interests on application came from the father's side. Manuera Kuku married 3 times.

Manuera Kuku = Amiria			
1.	Eruera	d.s.p.	Whk 5/303
Manuera Kuku = Hera			
2.	Peti Manuera or Riripeti Manuera or Irihapeti Manuera	d.s.p	Whk.16/158
3.	Titihoia Rawiri	d.s.p.	Deceased in this case
4.	Riini Taka or Te Haroto Manuera	m.d.	No will - issue (Whk. 26/153 and 29/209-210)
Manuera Kuku = Te Ra Matarena			
5.	Timoti Manuera	m.d.	No. will – issue (Whk. 16/157)

The form of the minute book above is quite a technical style for recording *whakapapa*. One has traditional examples of *whakamoe* by the recording of Mānuera Kuku's three wives and the listing of the children from those marriages. However, there are also technical symbols alongside those names that hold special significance to the court such as 'd.s.p' which stands for deceased single person which meant that the person died without offspring. There is also 'm.d.' which means 'male deceased' and also such other codes as Whk 5/303 which is a reference to a court minute book where one could cross reference an earlier succession. In this case it stands for Whakatāne Minute Book 5 at folio 303. One has to recognise again that this is *whakapapa* for the purposes of succeeding to the land interests in question. It is not an exhaustive *whakapapa* as it does not record all of the children of the marriages. For examples, Monika is not recorded as a child under the marriage between Mānuera and his second wife Hera, and Moewaka is also not recorded as a child of the marriage between Mānuera and his third wife, Te Ra Matarena. Moewaka was only a small child when she died circa 1880s and therefore she did not leave any

[33] *Whakatāne Minute Book* 54 at folio 148.

heirs to partake in this succession. Monika also died as a very young woman in the 1860s without leaving a will or any offspring.[34] Accordingly, the entries recorded in this formulaic *whakapapa* are selective for the purposes of recording particular heirs to land. The Minute Book continues to record this formulaic *whakapapa* as illustrated by the following.[35]

No. 4 Left (Whk. 26/153 of 15.8.39, Whk. 29/209-210 of 16.8.51)				
6.	Te Rongopai Riini Manuera	f.d	Issue- Whk. 37/55 and 45/186	
7.	Pohoira Riini Manuera (Mrs Leo Anderson)	f	Te Teko	
8.	Eruera Riini Manuera	m.a.	Te Teko	
9.	Makarita Riini Manuera	f.d.	Issue Whk. 43/12	
10.	Te Moko Riini Manuera	m.d.	No will – issue (Whk. 26/153)	
11.	Rangiwhakawaitau Riini Manuera	f.d.	No will – issue (Whk. 26/153)	
No. 5 Left (Whk 16/157 of 1.12.16)				
12.	Merepeka Timoti or Morehu	f.d.	No. will – issue by legal adopt. 50	Whk. 28/3
13.	Nunumi White	d.	No will – no issue Whk 28/3	
14.	Whareki Timoti or Morehu	d.	No will – no issue Whk 28/3	
15.	Matewahine Timoti or Morehu	d.	No will – no issue Whk 28/3	
16.	Hone Timoti or Morehu	d.	No will – no issue Whk 28/3	
17.	Onehou Timoti or Morehu	d.	No will – no issue Whk 28/3	
18.	Keita Timoti or Morehu	d.	No will – no issue Whk 28/3	
19.	Paina Timoti or Morehu	d.	No will – no issue Whk 28/3	
20.	Matarena Timoti or Morehu (Mrs Reneti)	f.a.	PO Te Teko	
No. 12 Left (Whk 37/55 of 17.4.63 and Whk 45/186 of 1.11.68)				
21.	Tamatuha Paretuhara	m.a.	Adopt. 50. PO Te Teko	

As one can see in the above entries, this formulaic system of *whakapapa* continues to record the heirs' names with reference to numbers. Each heir has a particular number which then lists their heirs in turn. Each heir is assigned a different number and in turn the list continues until all of the heirs are recorded. In this particular succession to Titihoia, the following are the last entries in the minute book.[36]

---

[34] Monika and her brother-in-law, Jean Guerrin, were killed on the orders of Te Kōti, and Te Hāroto's sister Irihapeti was also forced to marry Te Kōti's lieutenant, Te Rangihiroa. See: Ron Crosby, *Gilbert Mair: Te Kooti's nemesis* , Reed Books, Auckland, 2004, pp.79, 91-93.

[35] *Whakatāne Minute Book* 54 at folio 148.

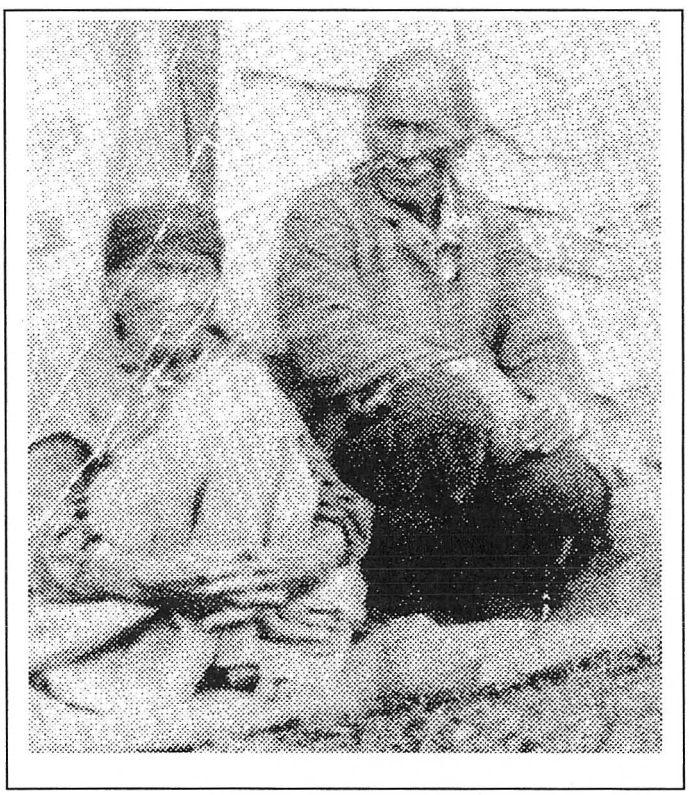
[36] *Whakatāne Minute Book* 54 at folio 156.

No. 77 Left (Whk 38/279 of 13.11.64)

112.	Pomare Paora	m.	20 Collingwood St. Ponsonby, Auckland
113.	Paretaihinu Paora	f.	South Island
114.	Te Hunua Paora	m.	Te Teko
115.	Te Owha Paora (Mrs Pakuria)	f.	Te Teko

The advantage of using this systematic approach is that the clerks can list a myriad of *whanaunga* and *uri* who would be heirs to the various *tipuna* or *whanaunga*. As one can see, with *whakapapa* in formulaic form, it allows additional information to be added. It is essentially a combining of *whakapapa* with clerical information for the purposes of succession. There is an opportunity to record whether the *whanaunga* is male or female, whether they are deceased or living or whether it is unknown, whether the deceased left a will, and a reference to a minute book for further details about the *whanaunga*. There is also an opportunity to note down a person's address as in the case of No. 112 Pomare Paora above, or a general place of residence like No. 113 Paretaihinu Paora.

Photo 12.3: Titihoia Mānuera and her husband Te Urukehu circa 1915. (Source:Te Onehou Phillis). [37]



[37] Te Onehou Phillis, *Eruera Mānuera*, Huia Publishers, Wellington, 2002. The original photograph is in Te Onehou's hallway in her house at Otūmahi, Te Teko.

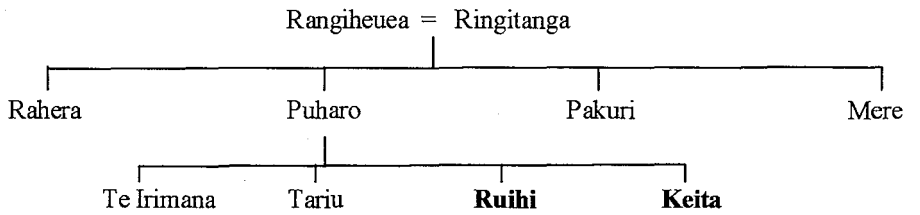
Within the succession to Titihoia, there were 115 names listed as her heirs in this formulaic *whakapapa*. On a scale of difficulty, the succession to Titihoia was relatively simple compared to Marewa Te Kahupake. This was because the two *whānau* who were the heirs to Titihoia essentially knew of each other well. The bulk of the *uri* (descendants) descended from Te Haroto Rīni Manuera and Timoti Rīni Manuera resided in approximately a twenty kilometre radius from each other. Titihoia had also died less than forty years beforehand and so there were many *whanaunga* still around who could remember her. This was not the case in regard to the succession to Marewa where the two branches lived further afield from each other. There was only one person still living at the time who knew the deceased people when they were living, namely, my great grandmother, Moerangi Ratahi, but she was extremely aged and frail (approximately 100 years old in 1966). Many of the deceased had died nearly seventy years before and there was difficulty in recalling a complete *whakapapa* by *whānau* to record the heirs. This problem is highlighted further when one is dealing with an even greater number of heirs from different branches of the *whānau*. This is despite the best efforts of a number of *whānau* members to personally record *whakapapa*. When numbers within *whānau* reach certain levels, and various members of the *whānau* live all around New Zealand, it is simply difficult to keep track of the myriad of *whanaunga*. The problems of recording *whakapapa* become even more difficult when dealing with instances of high mortality within the *whānau* and *hapū* due to terrible events such as the influenza epidemic of 1918, or the Tarawera eruption of June 1886 where mass extinction of branches of *whānau* occurred as in the case of the descendants of Te Rangiheuea. This is what formed the background to succession to Ruihi Rangiheuea in 1973.[38]

Succession to Ruihi Rangiheuea

Although Ruihi did leave children, they in turn did not survive to have children. Nor did her sister Keita survive either (two other siblings Te Irimana and Tariu predeceased Ruihi in the Tarawera eruption of 1886). Other branches of the *whānau* were also killed in the Tarawera eruption.

[38] *Rotorua Minute Book* 172 at folios 244-254.

Whakapapa 12.3



The first question for the court in the succession to Ruihi was the source of her land interests in the Whakarewarewa and Rotomahana-Parekarangi blocks situated in the township of Rotorua as well as south of Rotorua. Again, the Court had to turn to *whakapapa* to determine not only the source but also the ensuing heirs. As to the Whakarewarewa land interests, these were derived from Ruihi's maternal uncle, Pakuri Rangiheuea. It was decided implicitly by the court that the interests in the land therefore came from Te Rangiheuea's line instead of Ringitanga's line. As for the Rotomahana Parekarangi land blocks, Ruihi was listed as an original owner. The Court again found that the interests in the land came from Rangiheuea's line instead of Ringitanga's line. The reasoning though was not robust on this issue. It was only because other Rangiheuea *whanaunga* were in the block that it was assumed that Rangiheuea must have been the source of the land interests. Nonetheless, the Deputy Registrar of the Court began the listing of the heirs in the court's minute book as follows.[39]

Using Rotorua 44/236 of 18.6.02 as a starting point the following is the 'whakapapa' for Rangiheuea who left:

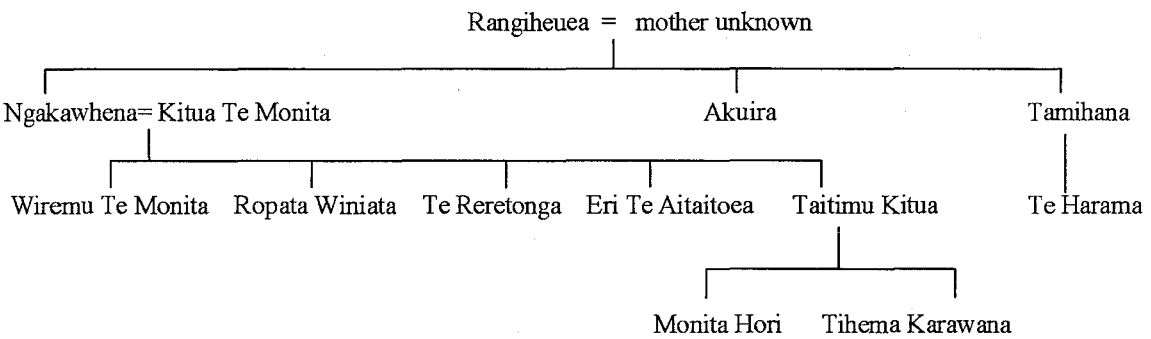
1.	Akutina	d.	No will - issue
2.	Pakuri	d.	No will - no issue
3.	Towhare (=Rangitukehu)	d.	No will - issue
4.	Puharo (= Paratene)	d.	No will - issue
5.	Meri (Mere)	d.	No will - issue
6.	Petera	d.	No will - issue
7.	Ihaia Rangiheuea	d.	No will - issue

The Rangiheuea *whakapapa* though is an extremely complicated one. Rangiheuea had at least five wives. He also had three children whose mother is unknown. This is despite the best efforts to ascertain their maternal lines to date (which again highlights the difficulty of recording *whakapapa* when mass extinction occurs). The following *whakapapa* serves to highlight

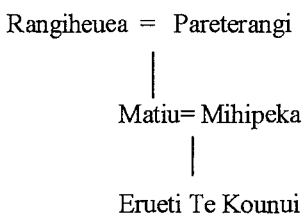
[39] *Rotorua Minute Book* 172 at folio 244.

Rangiheuea's children from his marriages. I am descended from the union of Rangiheuea and Te Tonga.

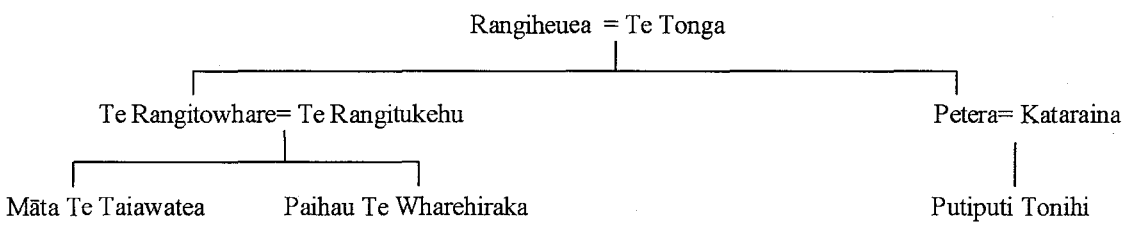
Whakapapa 12.4



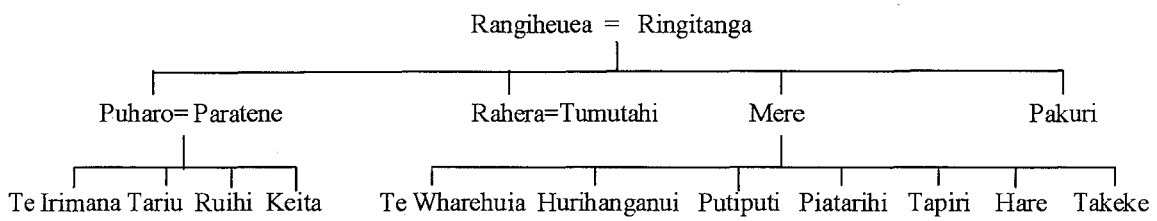
Whakapapa 12.5



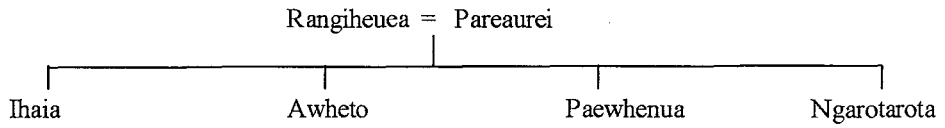
Whakapapa 12.6



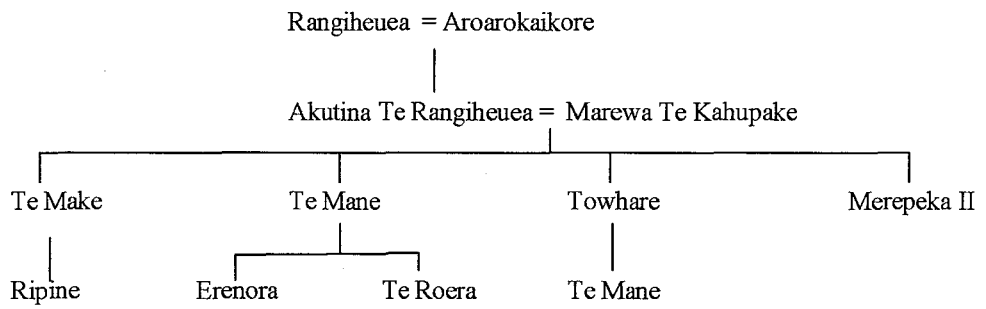
Whakapapa 12.7



Whakapapa 12.8



Whakapapa 12.9



Although Rangiheuea had fifteen children to various wives, there were only five children, namely, Akutina, Rangitōwhare, Mere, Petera and Ngakawhena who effectively left heirs (Akutina was the same person who was married to Marewa Kahupake mentioned earlier). In Akutina's case his heir was his son Te Make. Towhare, a daughter of Akutina, left no effective heirs. Te Make in turn left a will disinheriting his own daughter Ripine in favour of a niece and my mother's *kuia*, Moerangi Ratahi, who did not even have *whakapapa* links to the land interests (the land interests came from the uncommon parent between Te Make and his half sister Awarua).[40] The way that the court minute is drafted continues to highlight the difficulties in not only the Court's efforts but also the *whānau* in recalling a complete *whakapapa* to record the heirs to Ruihi Rangiheuea. My *whanaunga*, Maki Rewiti Tonihi, testified before the Court as follows:

I have had the opportunity to check above material and I confirm its accuracy. I have made a point myself of keeping a record of our family whakapapa and genealogy and I've had in that behalf the assistance of two experts named Ngairo Gardiner and Mere Taiamoho both dec'd [deceased].[41]

[40] Will 429, Wills Index, Waiariki Registry of the Māori Land Court. Also *Rotorua Minute Book* 172 at folio 244. Moerangi Ratahi is recorded as No. 21 Moerangi Awarua.
[41] *Rotorua Minute Book* 172 at folio 254.

The Māori Land Court at a later date essentially confirmed the list of heirs given by Maki Rewiti Tonihi and made orders as to who would inherit the land interests.[42] Despite the best efforts of Maki Rewiti Tonihi in the recording of *whakapapa*, he as well as the Court still failed to include a branch of heirs. These heirs were the *uri* of Ngakawhena, a daughter of Rangiheuea. There had been prior successions for her through the Māori Land Court.[43] The particular problem with the Rangiheuea *whakapapa* was that the *whānau* experienced mass extinction of its members due to the Tarawera eruption in 1886.[44] Not only was there mass extinction of its members, but also mass extinction of other *whanaunga* and *hapū* around their *kāinga* (homes) at Te Ariki and Te Wairoa near Rotomahana who knew Rangiheuea and his *whānau*. The *kāinga* were not repopulated and what survivors were left were forced to take up residency with other *whanaunga*. As a result, what descendants were still alive had difficulty with maintaining knowledge of *whakapapa* and this was what happened in Ngakawhena's case. She was simply forgotten about.

Photo 12.4: Photo of my Rangiheuea *whānau* at Te Ariki, Rotomahana before the Tarawera Eruption of 1886. The houses are reputably that of Tamihana Rangiheuea. Unfortunately, all that is seen in the photograph was destroyed as a result of the eruption. (Source: Alexander Turnbull Library).[45]

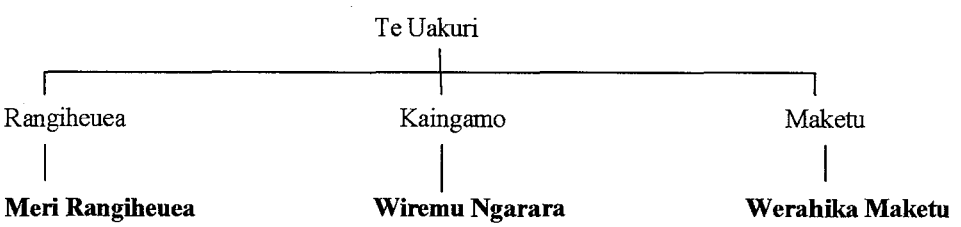


[42] *Rotorua Minute Book* 176 at folio 198.
[43] *Rotorua Minute Book* 39 at folio 161 & *Rotorua Minute Book* 47 at folio 211. Ngakawhena in those instances is named Hoana Ngakawhena Kitua.
[44] See R.F. Keam, *Tarawera: The volcanic eruption of 10 June 1886*, [University of Auckland], Auckland, 1988.
[45] 'Group outside Tamahana's kainga, Te Ariki', Reference number: 1/2-037815-F (Timeframes, Alexander Turnbull Library, Wellington) at http://timeframes.natlib.govt.nz/logicrouter/servlet/LogicRouter?PAGE=object&OUTPUTXSL=object.xslt&pm_RC=REPO02DB&pm_OI=43054&pm_GT=Y&pm_IAC=Y&api_1=GET_OBJECT_XML&num_result=6&&Object_Layout=about_object (Accessed 29 August 2009)

Even the most knowledgeable *rangatira* such as our Tuhourangi *whanaunga*, Mita Taupopoki, when prosecuting the succession to Ihaia Rangiheuea in 1902 had failed to mention Ngakawhena as an heir to our Whakarewarewa interests in land. [46] Instead, what is noted down in the minute book as children of Rangiheuea apart from Ihaia are Akutina, Pakuri, Towhare (my branch), Puharo, Meri (Mere) and Petera Rangiheuea.[47] The great difficulty in understanding the Rangiheuea *whakapapa* also arises from the specific particulars of the descendants and heirs of the deceased *tipuna*. This was demonstrated during the Court hearing for succession to Ihaia Rangiheuea in 1902. There was also a succession to Mere (Meri) Rangiheuea. However, this succession could not proceed. The Court noted that nobody within the Court, including Mita Taupopoki, knew the names of Meri's children and therefore the lands remained in Meri's name for the time being.[48]

These problems with the Rangiheuea *whakapapa* even challenged the Court as far back as 1888. Details of *whakapapa* were confused, omitted or used mistakenly to assert claims to land. In succession to Wiremu Te Ngarara, Papanui Tamahiki led the Court to believe that Meri Rangiheuea was an only child of Rangiheuea and therefore he and her cousin Werahika Maketu were the sole heirs to their cousin Wiremu.[49] This simply was not the case as the previous *whakapapa* demonstrated.

Whakapapa 12.10

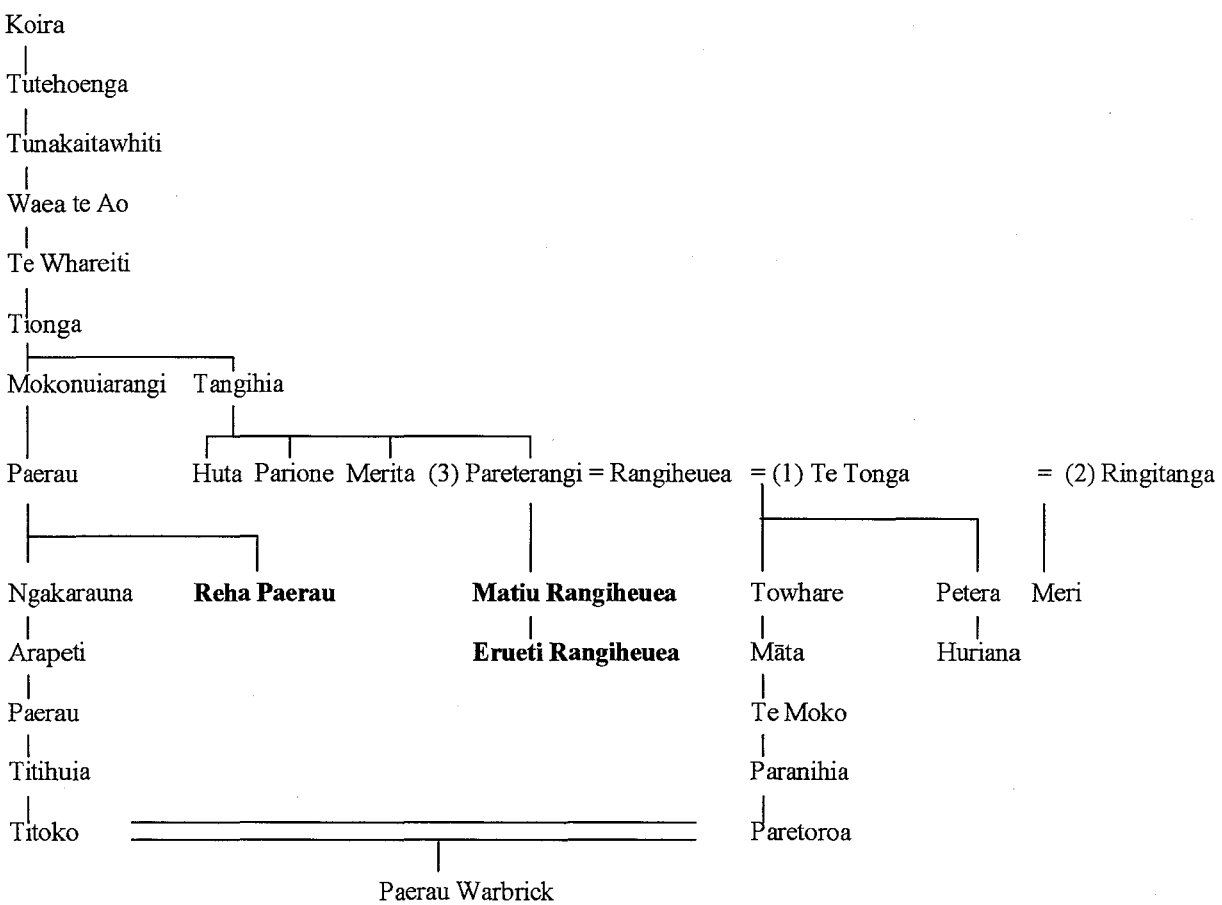


Difficulties in regard to which branch of *whakapapa* was the source of land, and therefore the source for the class of heirs, are highlighted again in 1888 in regard to succession to Matiu

[46] Peter Wāka, 'Mita Taupopoki', *The Dictionary of New Zealand Biography*, Vol.II, Claudia Orange (ed.), Bridget Williams Book & Department of Internal Affairs, Wellington, 1993, pp.505-507.
[47] *Rotorua Minute Book* 44 at folio 236.
[48] *Rotorua Minute Book* 44 at folio 236.
[49] *Whakatāne Minute Book* 4 at folios 46-47.

Rangiheuea and his son Erueti Rangiheuea. An attempt was made by *whanaunga* from Matiu's mother's side, namely, Reha Paero (Reha Paerau) to succeed to Matiu's and Erueti's land interests in the block Pokohu B.[50] This was challenged by *whanaunga* from Matiu's father's side; the *whanaunga* from the Rangiheuea *whakapapa*. The Court observed that Matiu's half brothers and sisters from the Rangiheuea *whakapapa* were his heirs.[51]

Whakapapa 12.11



The Rangiheuea *whakapapa* though an extremely complicated one was nonetheless sufficiently well recorded to enable the succession to Ruihi Rangiheuea to take place in 1973 with a number of heirs. The court minute continued to list the *whakapapa* in its formulaic style right up to the

[50] *Whakatāne Minute Book* 4 at folios 20-24.
[51] *Whakatāne Minute Book* 4 at folio 24. The Rangiheuea *whanaunga* nonetheless allowed *whanaunga* from Matiu's mother's *whakapapa* to share in the land interests.

following entries which are the same persons as are listed in the succession to Titihoia Mānuera above. [52]

No. 130 Left (Whk 38/279 of 13.11.64)

194.	Pomare Paora	m.	20 Collingwood St. Ponsonby, Auckland
195.	Paretaihinu Paora	f.	South Island
196.	Te Hunua Paora	m.	Te Teko
197.	Te Owha Paora	f.	Mrs. Pakuira. Te Teko

Conclusion

In summary, *whakapapa* was still a key for the Court in comprehending *whānau* relationships with *whenua*. For the successions to Titihoia Mānuera and Ruiha Rangiheuea in the 1970s, it was utilised to correctly identify the source of the rights to the land. This was absolutely vital because it ensured that either the paternal or maternal branches of the *whānau* were to be the heirs. In Titihoia's and Ruiha's successions, it was their paternal lines who were the correct heirs. This reversion to *whakapapa* to establish rights was also evident in the testimony of Niheta Kaipara in the Kaingaroa No. 1 investigation in the Native Land Court. He pointed to Tangiharuru as the *tipuna* who held title over the *whenua*, and therefore it was Tangiharuru's heirs who were the owners of the land.

Time and again in the Court, there was the reversion to *whakapapa* to buttress claimant rights to the *whenua*. In the Native Land Court, the successions involving my Warbrick *whanaunga* continued to show the importance of paternal and maternal branches of *whakapapa*. This reversion back to *whakapapa* to establish and justify claims was still being used in the 1960s and 1970s. My *whanaunga*, Awarua Savage, tried to succeed to our Marewa *whanaunga* who died without immediate heirs. In that case, Awarua failed because she could not utilise *whakapapa* effectively for the Court. While *whakapapa* was used to establish the source of rights in the land, it was also being used in the written and formulaic sense. By the 1960s and 1970s, the successions had become extremely complicated. This was due to the number of heirs to land interests. The complication was such that *whakapapa* needed to be adapted by the Court. The Māori Land Court established *whakapapa* in a formulaic sense to enable all heirs to be listed in

[52] *Rotorua Minute Book* 172 at folio 254.

the minute books. No longer could elaborate diagrams of *whakapapa* suffice to note down all the heirs. There were simply too many to list in that way. In the succession to Ruiha Rangiheuea, for instance, there were 197 names to be recorded as the heirs. *Whakapapa* therefore continued to hold an important place in understanding the Māori Land Court in the 1960s and 1970s. By its very nature *whakapapa* was the binding for relationships with the *whenua*. Yet, it was also used practically by the Court in its everyday functions.

CHAPTER THIRTEEN
NGA MEA TAMARIKI[1]

For this last chapter of this thesis, there is one particular subject which has significance for the Māori Land Court. It carries on from both the theme of *whānau* (family) and *whakapapa* (genealogy) for the Māori Land Court. It concerns incidences within *whānau* where *tamariki* (children) were raised by those other than their natural parents and how the Māori Land Court treated them in terms of succession in the 1960s and 1970s. The Māori Land Court and its predecessor, the Native Land Court, were always faced with problematic issues over the treatment of these children for adoption and inheritance purposes.

In this chapter, I will show that in, the relationship of *tamaiti whāngai* (a child adopted in accordance with customary Māori practices) with others in the *whānau* was always an important consideration for the Māori Land Court in allowing inheritance or not. However, there was a differentiation for the Court between *tamaiti whāngai* and children adopted in line with statutory regimes (statutory adoption). At times *tamaiti whāngai* were included or excluded in successions because of their close *whakapapa* ties to the deceased. In other instances they were excluded because of a lack of close *whakapapa* ties to the deceased. However, adopted children in line with statutory regimes in the Māori Land Court had an entirely different implication for the Court. The New Zealand Parliament gave these children the ability to inherit land as of right and therefore the Court had to recognise these children as valid heirs.[2] As will be seen, however, some members of the *whānau* did not welcome such implications. It always related back to the layers of relationships that these children had with branches of their *whānau*. Like all relationships, these were complex and depended upon a myriad of circumstances. Hence, the Court had difficulties in dealing with these issues because the circumstances were always different given the particularities of each *whānau*.

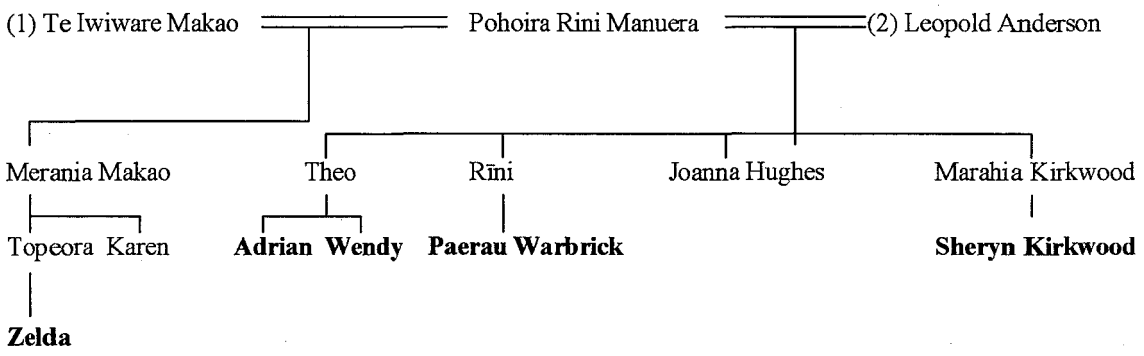
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[1] *Nga mea tamariki* = The things pertaining to children.
[2] Under section 16 of the Adoption Act 1955, statutory adopted children are deemed to be the child of the adoptive parent. They also cease to be the child of their existing parents.

Tamaiti Whāngai and Statutory Adoptions

In the 1960s, *tamaiti whāngai* occurred widely throughout Māori society.[3] It was simply commonplace amongst *whānau*. There were statutory adoptions within *whānau* as well. Within my own *whānau* in the 1960s *tamaiti whāngai* and statutory adoptions were quite prevalent. Apart from myself being a *tamaiti whāngai*, my cousins Karen and Zelda Ngamanu were *tamaiti whāngai* to our grandmother Pohoira Rīni Mānuera (they lived with Pohoira after their mother and grandmother Merania Makao (Pohoira's oldest daughter) died unexpectedly in 1965). My cousins, Adrian Anderson and Wendy Anderson, were statutorily adopted by my Uncle and Aunt Theo and Lena Anderson (nee Clark) in the early 1960s. The children to my uncle, Billy Hughes' first marriage, became *tamaiti whāngai* to my aunt Joanna Hughes (Billy Hughes' second wife), and my cousin Sheryn Kirkwood, who was a child from my aunt Marahia Kirkwood's first marriage to Earl Cross, was statutorily adopted by her second husband, Steven Kirkwood in about 1950.

Whakapapa 13.1



Joan Metge, writing in the 1960s, had the following to say in regard to *tamaiti whāngai*.

> Many Māori bring up children who are not their biological offspring. Sometimes they adopt these children under the terms of the Adoption Act 1955, but often they do not...In Māori a child adopted according to Māori custom is described as a *tamati whāngai* and the adoptive parents as *mātua whāngai*. The basic meaning of *whāngai* is to feed,

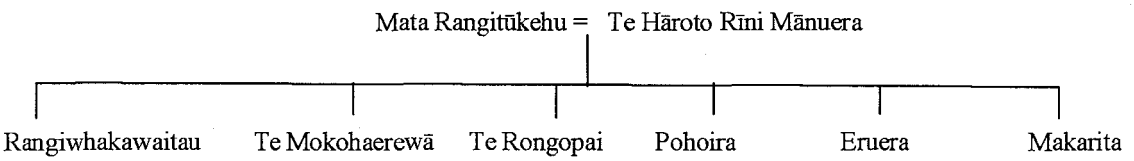
[3] See Steven Webster, 'Maori Adoption', Working Papers in Anthropology Linguistics and Maori Studies, [Working Paper No. 21, University of Auckland], 1973.

and in this context it means to feed not only with food but with affection and instruction, to nurture in the full sense of the word.

Synonyms also used are *tiaki* (look after), *whakatipu* (to make grow), and *taurima* (to treat with care). In the *whāngai* relationship, whether legalised or not, the adoptive parents usually take a child who is known to be a relative, the identity of the child's biological parents is not concealed either from the child or the community, and the tie between the child and its adoptive parents is seen as taking precedence over but not negating that with the biological parents.[4]

In previous chapters, I have referred constantly to the children of Māta Te Taiawatea Rangitūkehu and Te Hāroto Rīni Mānuera. These were Rangiwhakawaitau, Te Mokohaerewā, Te Rongopai, my own *kuia* (grandmother) Pohoira, Eruera and Makarita. When they were born or soon thereafter (c.1869-1898) each one of them became *tamaiti whāngai* to other *whanaunga*.

Whakapapa 13.2



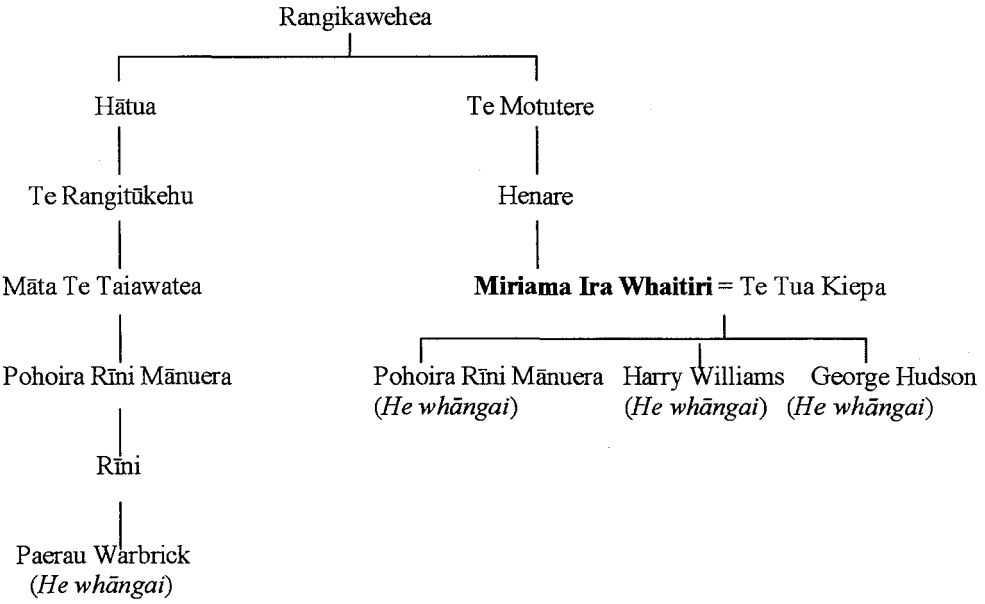
In this instance, it was not common that the whole lot became *tamaiti whāngai* of others but it was designed to circumvent the mean-spiritedness of our Ngāti Tuhourangi and other Te Arawa *whanaunga*. These were Māta's mother's people. They thought that our *koroua*, Te Hāroto, was too *ware* (common) for our *tipuna* (ancestor) Māta and so they cursed the marriage by saying that the children would not live to adulthood. Soon after their marriage, there were troubles with Māta's and Te Hāroto's children. Many were stillborn. Other children died before adulthood such as Hiria, Hēni, Te Mane, Te Pare and Te Kakararua.

Māta and Te Hāroto therefore sought counsel from Te Hāroto's *whanaunga* from Tūhoe to try and ameliorate the effects of the curse. The advice that was given was to give their children to others to bring up as *tamaiti whāngai*. When these *tamati whāngai* were adult, then they could return to Māta and Te Hāroto. I have already mentioned that my *kuia*, Pohoira, was raised as a *tamaiti whāngai* of Miriama Ira Whaitiri and her husband, Te Tua Kiepa, at Omarumutu near

[4] Joan Metge, *The Māoris of New Zealand: Rautahi*, Routledge and Kegan Paul, London, 1976, [1967], pp.144-145.

Ōpōtiki. Miriama and Te Tua raised a number of children. They had none of their own. At least three were *tamaiti whāngai*, Pohoira, Harry Williams and George Hudson, and there was possibly a fourth, Hōri Tūnui.[5]

Whakapapa 13.3



Miriama died 24 March 1914. She died intestate and Te Tua had predeceased her. When the succession to Miriama came before the then Native Land Court in 1915, Pohoira as well as Harry Williams were included as successors in the succession. However, this was as a result of consent by Miriama's other successors who were her brother, Pāpu Te Haeata's children, Rangi Haeta and Te Kani Haeata.[6] A major factor which made Pohoira and Harry eligible to receive lands from Miriama was their *whakapapa*. It was Miriama as opposed to Te Tua who was *whanaunga* to both Pohoira and Harry.[7] This *whakapapa* connection to Miriama actually worked against George Hudson as a *tamaiti whāngai*. George Hudson was too closely related to Miriama. Miriama was his maternal grandaunt. George's mother, Rangi Haeta, was one of only two

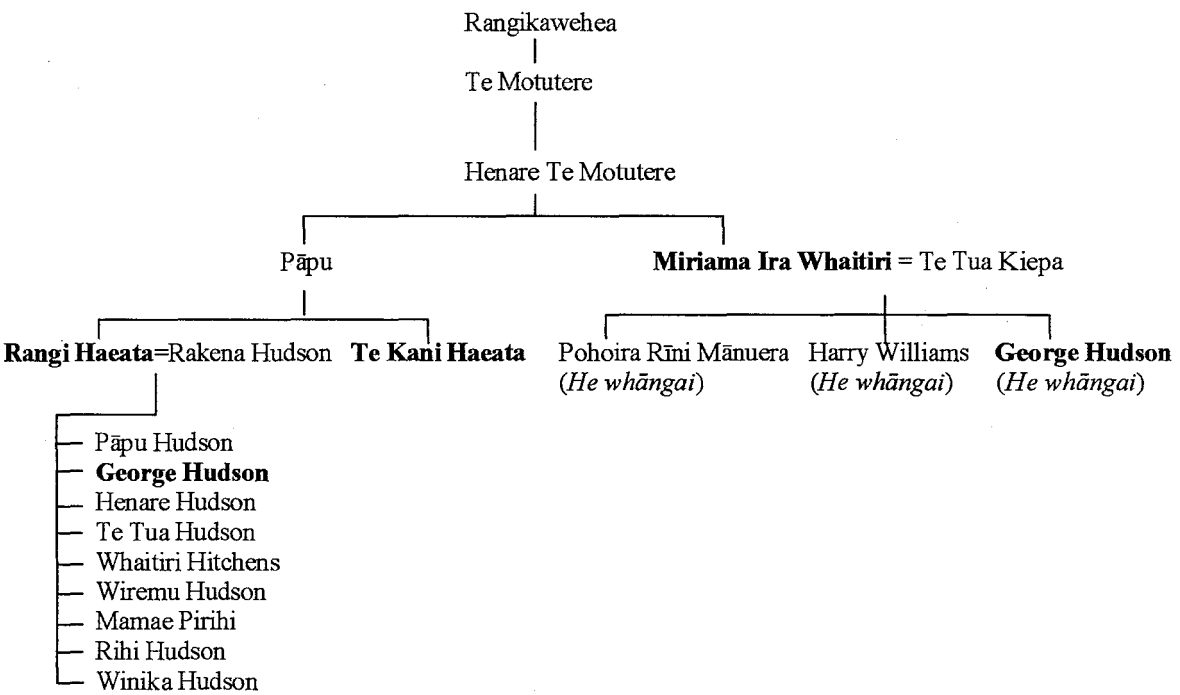
[5] While this name has been mentioned, nothing is actually known about Hōri Tunui. He is not specifically mentioned in any minutes of the Native Land Court or Māori Land Court at *Ōpōtiki Minute Book 23* at folios 300-301; *Whakatāne Minute Book* 64 at folios 358-359; *Whakatāne Minute Book* 69 at folios 126-130.

[6] *Ōpōtiki Minute Book* 23 at folios 300-301.

[7] All that is known is that Harry Williams was indeed related to Miriama. How exactly he is related to the *kuia* Miriama is unknown. In the 1920s and 1930s my father Bob Anderson recalled frequent visits by Harry Williams to his mother Pohoira. She also specifically referred to him as "my brother".

natural heirs to Miriama. To make matters worse, his uncle Te Kani Haeta was childless. For all purposes, George would have been in the position of sharing the lands of Miriama with his mother and uncle, as well as being a future heir to his mother and likely heir to his uncle. This would have meant he was double or even triple dipping in the succession. (Te Kani eventually died leaving no will and no children. George was one of his heirs.)

Whakapapa 13.4



Tamaiti Whāngai in the Native Land Court

The position of *tamaiti whāngai* had always posed challenges for the inheritance of land through the Court. Even amongst Native Assessors at the beginning of the twentieth century there were a range of general statements as to guiding principles to be followed by the Court. Often there were conflicting general opinions. The following are just some of the opinions from the early

twentieth century relating to *tamaiti whāngai* being able to succeed to their *mātua whāngai* in preference to other *whanaunga*.[8]

Thomas Fox, of Ngati Porou, Native Assessor.- A foster-child would not succeed to its foster father's property, supposing he had no issue, in preference to the nearest-of-kin....

Aperahama te Kume, of Waikato, Native Assessor.- A foster child, would, under certain circumstances succeed to the property of his foster-father if he had no children, but if he left issue, it would rest with them. There is no fixed custom....

Thomas R. Blake, Native Agent, Hastings.-An adopted child would succeed to a foster-father if he died without issue. Always understood this was a recognized principle of Native custom....

Henare Matua, of Ngatikere, Porangahau.-The right of foster-children to succeed to a foster-father's property is correct... If a foster-father left no issue, and other relatives had lived on friendly terms with the deceased, then the foster child would not succeed alone to the property as of right....

Hamiora Mangakahia, of Hauraki, Native Assessor.-There are cases where a foster-child would take his foster-father's property and there are cases where he would not. It depends very much on the circumstances of the case....

Hiraka te Rango, Ngatiwhiti, of Patea.-The custom is that, when a foster-father dies, his property goes to his foster-children...

Mr. Josiah Hamlin, Native Agent, Hawkes Bay.- A foster child does not succeed to his foster-father's property as a matter of course because of his adoption. It would need an *ohāki*[9] to entitle him to do so. If the foster father made no bequest the adopted child would not succeed.

Teira Tiakitai, of Waimarama, Hawkes Bay.-There are many modes of adoption. In some cases, if a child was adopted by a person, it would be for the tribes to consent to land being allotted to it. Another case of adoption is when a foster child-father on his death-bed asked the relations and the tribe to look after his foster- child. In other cases a foster-father would give his adopted child a piece of land. In other cases, if all the relatives were dead, the foster-child would succeed to his foster-father's land.

Henare Tomoana, of Te Waipatu, Hawke's Bay.- If an elder brother adopted the child of his younger brother and left no issue, the foster child would succeed, and the same would happen if the younger brother adopted the elder brother's child. If strange children were adopted, the tribes would object to their being allowed to succeed to lands of their foster-parents.

As can be seen from the above comments, *whakapapa* was an important consideration for the custom of whether *tamaiti whāngai* were faced with opposition to inheritance or not. Having *whakapapa* connections to their *mātua whāngai* (adoptive parents) linked the *tamaiti whāngai* not only to their *mātua whāngai* but also to *whanaunga* (relatives) and therefore potential heirs of their *mātua whāngai*. Above, I demonstrated how Pohoira and Harry Williams were able to

[8] 'Native Land and Native Appellate Court: (Decisions of) Relative to wills in favour of Europeans and the adoption and succession of children', *Appendices to the Journals of the House of Representatives* (1907), G-5, p.9.
[9] An *ohāki* was a verbal testament by the dying person (usually on their deathbed) whereby they gifted lands and property to certain persons.

inherit Miriama's lands. In that case, a lack of *whakapapa* connections to Miriama at least could not be used to deny their *ability* to inherit. However, if the person did not have *whakapapa* links to the *mātua whāngai* and other *whanaunga* in the land, then this factor could still cause problems for the *tamaiti whāngai*. It depended on the facts of the case.

There is an earlier case example where this happened in my *whānau*. In that instance it involved my own *tipuna*, Albert Warbrick, otherwise known as Arapeta Waperiki or Arapeti Ngakarauna. He made a claim to the Native Land Court in 1903 to deny the rights of a *tamaiti whāngai* to property and lands of his deceased brother Arthur Warbrick otherwise known as Te Hata Waperiki or Te Hata Reha.[10] Arthur Warbrick had died in a boating accident at Ohiwa in the Eastern Bay of Plenty the previous year (1902). He left no will. The *tamati whāngai* in question was a young five year old boy called Te Hata Paerau. My own *tipuna* Albert denied that Te Hata Paerau was a *tamaiti whāngai* of his brother Arthur and therefore should not share in Arthur's estate. However, his younger brothers, Alfred and Joseph Warbrick challenged their older brother Albert's assertions. Arthur's widow, Te Whai Hata, also stated the following:

> Before the child was born my husband said if the child was a boy I will adopt it. He said this to me and to the father and mother of the child. They are now both present. When the boy was born we went to the parents and said let us have our child. The mother agreed but said wait till it is a little older. When it was seven months old we went (I and my husband) and took the child and we kept the child. We have had it ever since. It is now living with me. He is five years old. He does not know his own parents. He looks on me as his mother and my deceased husband as his father...[11]

The claim made against Te Hata Paerau by my *tipuna* Albert was in spite of there being a close *whakapapa* link to his *matua whāngai*, Arthur Warbrick, as well as to Albert himself and his brothers, Alfred and Joseph Warbrick. Te Hata Paerau's natural parents were Neta Tatiana and Karepe Hakopa. Neta was a first cousin to Arthur Warbrick. In the end the Court awarded the whole of the estate to the *tamaiti whāngai*, Te Hata Paerau, with Joseph Warbrick and Te Whai Hata acting as his trustees during his childhood.[12]

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[10] *Rotorua Minute Book* 47 at folios 83-98.
[11] *Rotorua Minute Book* 47 at folio 87.
[12] *Rotorua Minute Book* 47 at folios 83-98.

Whakapapa 13.5

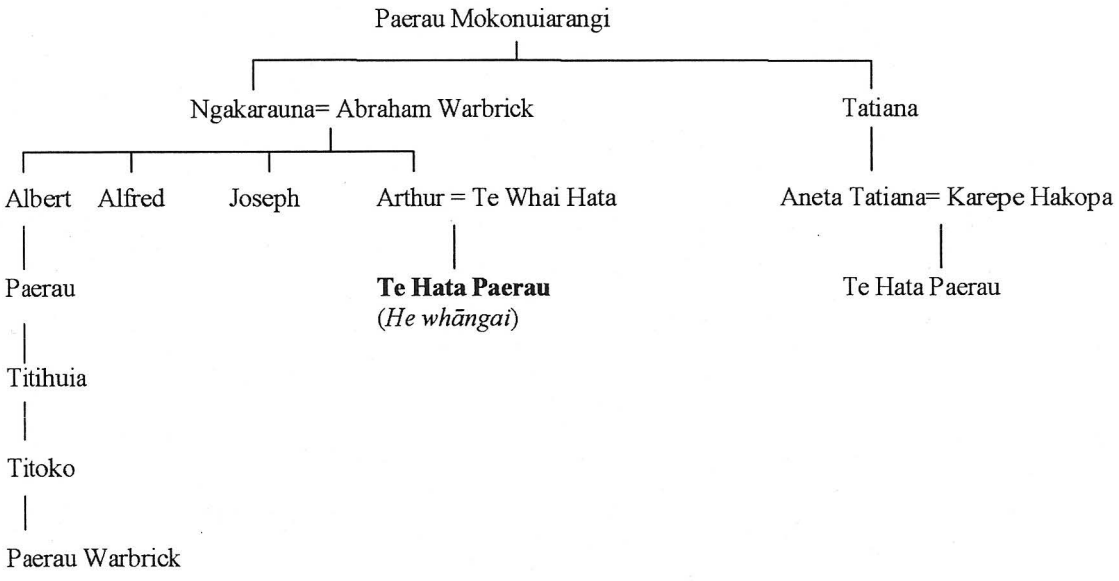
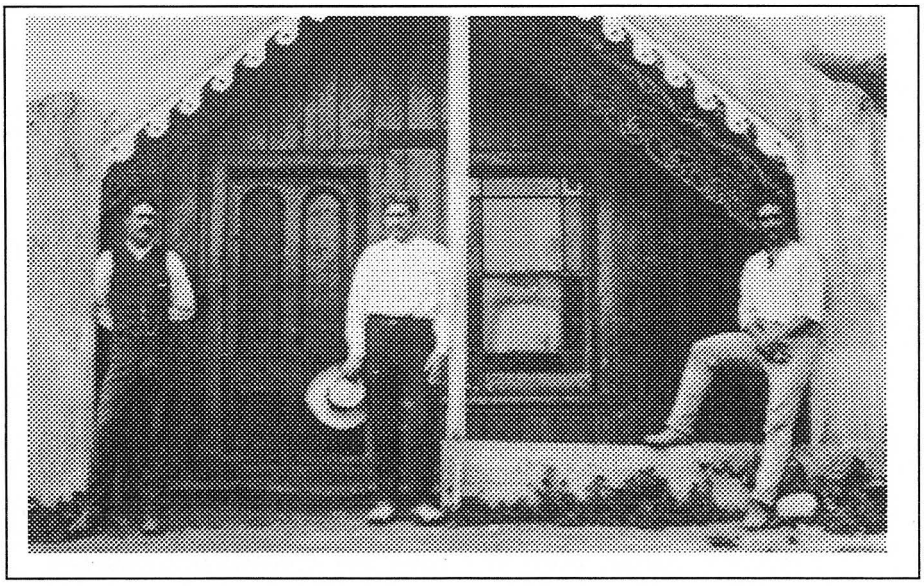


Photo 13.1: L-R. Alfred Warbrick, Arthur Warbrick and Joseph Warbrick circa 1888. Alfred and Joseph defended against their older brother, Albert Warbrick's assertions that Te Hata Paerau was not a *tamaiti whāngai* of Arthur Warbrick. (Source: Auckland Institute and Museum Library). [13]



[13] R.F. Keam, *Tarawera: The volcanic eruption of 10 June 1886*, [University of Auckland], Auckland, 1988, p.186.

Statutory Treatment of *Tamaiti Whāngai*

Throughout the first half of the twentieth century, there were a number of statutory changes affecting *tamaiti whāngai* and their ability to inherit lands. From 1902 through to 1953, there were statutes that allowed *whāngai* to inherit in intestate successions, and then in other circumstances, they were not allowed. The situation surrounding the ability of *tamaiti whāngai* to inherit during that period can be described as "messy". Below in table 13.1, I have set out the relevant laws and effects to try and clarify the situation.[14]

Table 13.1: Statutes affecting *tamaiti whāngai* and their ability to inherit from their *mātua wāangai* throughout most of the twentieth-century.

Legislation	Effect of Legislation
Native Laws Amendment Act 1901, section 50.	The *tamaiti whāngai* had to have their adoption registered in the Native Land Court if they wished to succeed to their *mātua whangai* who died intestate after 31 March 1902. (This was not to act retrospectively. This did not affect *tamaiti whāngai* adoptions prior to 1902.)
Native Land Act 1909, section 16(1)	*Tamaiti whāngai* were not to be recognised for intestate inheritance to their *mātua whāngai* before or after the commencement of the Act. The only exception was if their adoption was registered in the Native Land Court before 31 March 1910. (This acted retrospectively.)
Native Land Amendment Act 1927, section 161(1)	*Tamaiti whāngai* who were adopted before 31 March 1902 were allowed to inherit from their *mātua whangai* if their *mātua whangai* died intestate after the commencement of the Native Land Act 1909.
Native Land Amendment Act 1931, section 202.	*Tamaiti whāngai* were not to be recognized for intestate inheritance to their *matua whāngai* before or after the commencement of the Act. The only exception was if their adoption was registered in the Native Land Court before 31 March 1910. (This acted retrospectively.)
Māori Affairs Act 1953, section 80	*Tamaiti whāngai* were not to be recognized for intestate inheritance to their *mātua whāngai* before or after the commencement of the Act. The only exception was if their adoption was registered in the Native Land Court before 31 March 1910. (This acted retrospectively.)

[14] See also Deputy Chief Judge Wilson Issac, 'History of Māori Adoption in Māori Land Legislation', *Te Pouwhenua*, Issue 25, October 2004, pp.3 & 8-9.

The Native Land Court cases involving my own *whānau* and *tamaiti whāngai* issues occurred in the period of time where there were many changes happening in the law regarding this issue. The succession case of Arthur Warbrick in 1903 involving the *tamati whāngai*, Te Hata Paerau, and my *tipuna* Albert Warbrick, occurred when section 50 of the Native Laws Amendment Act 1901 was applicable. This piece of legislation was specifically mentioned in the case itself. However, the Court found it to be inapplicable to Te Hata Paerau because he had become a *tamaiti whāngai* prior to the 1901 Act.[15] The succession case of Miriama Whaitiri in 1915 involving Pohoira Rīni Mānuera and Harry Williams as *tamaiti whāngai* occurred at the time section 16(1) of the Native Land Act 1909 was applicable. There was no legal basis for them to inherit lands of Miriama. However, because of their *whakapapa* connection to Miriama and the wishes of Miriama's other heirs, they were included in the succession.

Tamaiti Whāngai in the Māori Land Court

By the 1960s and 1970s in the Māori Land Court the statutory position on *tamaiti whāngai* inheriting land when there was no will in operation was very clear. *Tamaiti whāngai* could not at first instance inherit lands despite there being a *whakapapa* connection between the *tamaiti whāngai* and their *mātua whāngai*. The *tamaiti whāngai* could only inherit through the wishes of the actual heirs in question. Alternatively, if the court was ignorant of the fact that they were not in fact *tamaiti whāngai*, but rather natural issue of the *mātua whāngai*, then the court would simply order the succession in favour of the *tamaiti whāngai*.[16]

Whakapapa and *whānau* relationships were important considerations in these instances. If the actual heirs were related to as well as being on friendly terms with the *tamaiti whāngai* then they could allow the *tamaiti whāngai* to share in the inheritance. This was certainly the case involving Pohoira Rīni Mānuera and Harry Williams in succession to Miriama Whaitiri. However, *whakapapa* could also have an opposite effect. It could act as a relevant consideration in denying the *tamaiti whāngai* inheritance as well. This occurred in instances where the *tamaiti whāngai* was extremely close kin of their *mātua whāngai*. This was especially the case when the *matua*

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[15] *Rotorua Minute Book* 47 at folios 86-87.

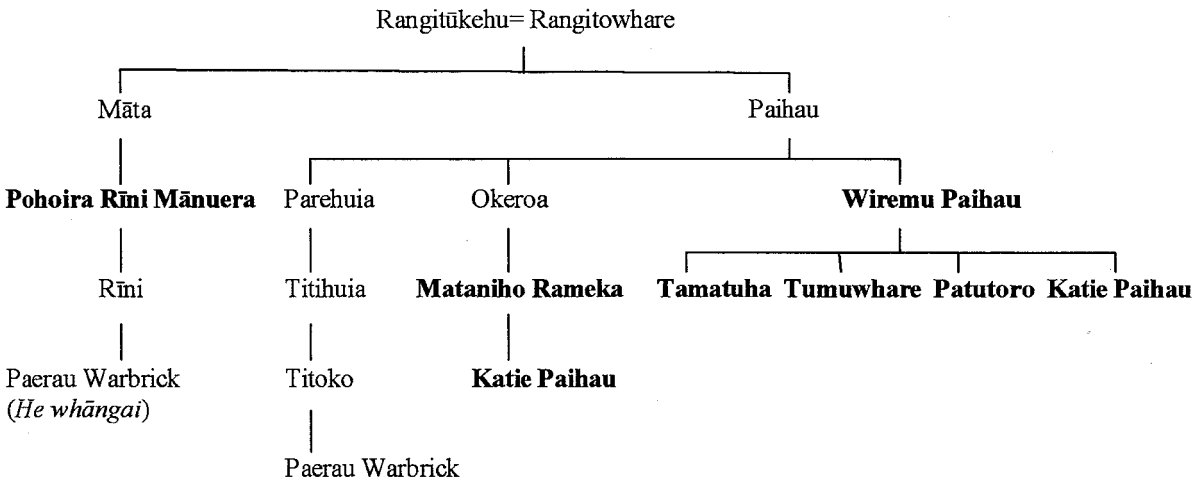
[16] This was what happened in Succession to James Newton in 1958 at *South Island Minute Book* 35 at folios 333-334, Succession to Charles Newton in 1963 at *South Island Minute Book* 39 at folios 217-218, and Succession to Robert Hart in 1979 at *South Island Minute Book* 58 at folios 92-93 where Wilhelmina Floate was simply assumed to be a natural child of James Newton (an heir to Charles Newton and Robert Hart). Wilhelmina was in fact a *tamaiti whāngai* of James Newton. See also *Te Waipounamu Chief Judges Minute Book* 5 at folios 214-219 and 1997 *Chief Judges Minute Book* at folios 344-349.

whāngai was a brother or sister or other close *whanaunga* to the natural parent of the *tamaiti whāngai*. There would be no need to include them in the succession because through their natural lines, they would be owners or potential owners, in the lands owned by the *mātua whāngai*. I have already mentioned above that this was certainly a relevant consideration in regard to George Hudson in succession to his grandaunt Miriama Whaitiri. This is also what happened in the succession to my *whanaunga*, Wiremu Paihau. Wiremu was a paternal first cousin to Pohoira Rīni Mānuera mentioned above. He was slightly older than Pohoira and was born circa 1887/1888. When he died intestate on 21 May 1959, he and his wife Noti Tarei were looking after three children. These were Katie Paihau, Tumuwhare Paihau and Patutoro Paihau. When Wiremu's succession was processed through the Court in July 1960[17] and again in November 1966,[18] only the latter two, Tumuwhare Paihau and Patutoro Paihau inherited Wiremu's lands along with an older son from a previous marriage, Tamatuha Paihau (I will also mention these three children again later in the chapter). Katie Paihau was a *tamaiti whāngai* of Wiremu and Noti. Katie was denied inheritance to Wiremu because she would eventually inherit shares in nearly all of the land blocks which Wiremu was an owner in anyway (save and except those few land blocks where he was a sole owner of various lands). Katie's natural mother, Mataniho Rameka, was Wiremu's maternal niece. Mataniho was therefore an owner in the same blocks as Wiremu.

This is an instance where *whanaunga* denied the *tamaiti whāngai* any inheritance, because the *tamaiti whāngai* would in time get a larger interest in the land blocks compared to others. This prevented the *tamaiti whāngai* from inheriting a proportion of lands of their *mātua whāngai* as well as from their natural parents. Otherwise, a situation would then have been created where the *tamaiti whāngai* would proportionally have owned more shares in land blocks than their natural brothers and sisters or their other brothers and sisters from the *whāngai* relationship.

[17] *Whakatāne Minute Book* 35 at folio 41.
[18] *Whakatāne Minute Book* 40 at folio 213-214.

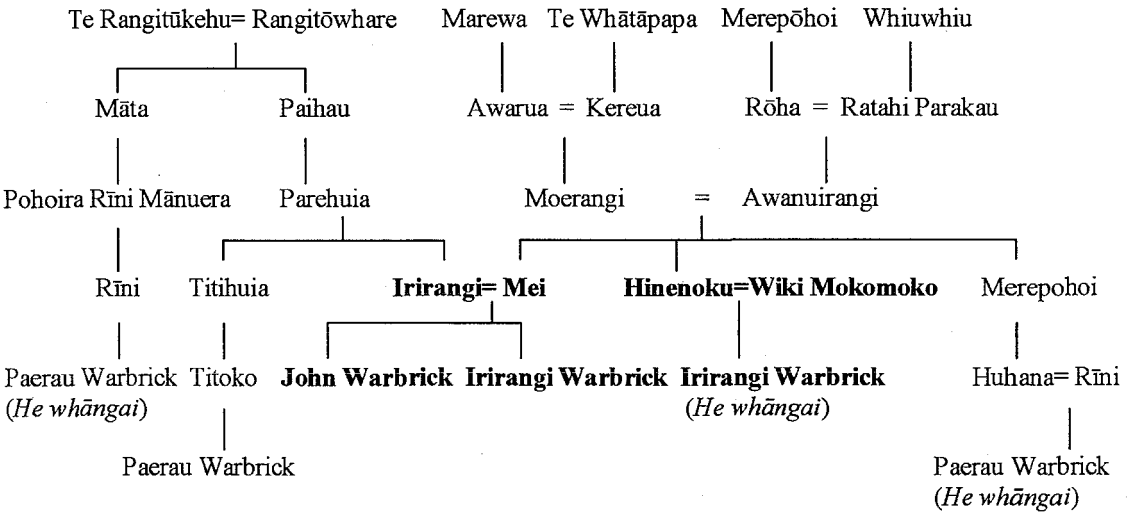
Whakapapa 13.6



One legal matter which the *tamaiti whāngai* could almost always rely on was the singular role that *whakapapa* played in regard to inheritance from their natural parents. If the natural parent died without leaving a will, then there was no statutory basis for denying the natural child's inheritance. *Whakapapa* in that instance was a trump. For example, Irirangi Warbrick became a *tamaiti whāngai* of Hinenoku (Rosie) and Wiki Mokomoko as a baby. Rosie was a sister to Irirangi's natural mother, Mei. (Rosie and Mei belonged to the Marewa *whānau* in the last chapter. They were first cousins to Awarua Savage.) Irirangi's father, also known as Irirangi, was a maternal nephew to Wiremu Paihau above. When Irirangi died intestate in 1959, the *tamaiti Whāngai*, Irirangi, nevertheless was declared by the Māori Land Court in 1966 to be an heir along with his natural brother, John Warbrick, to their natural father Irirangi (the *tamaiti whāngai* Irirangi is often referred to in the minutes of the Māori Land Court as Irirangi Warbrick II to distinguish him from his father, Irirangi).[19]

[19] *Whakatāne Minute Book* 40 at folio 4.

Whakapapa 13.7

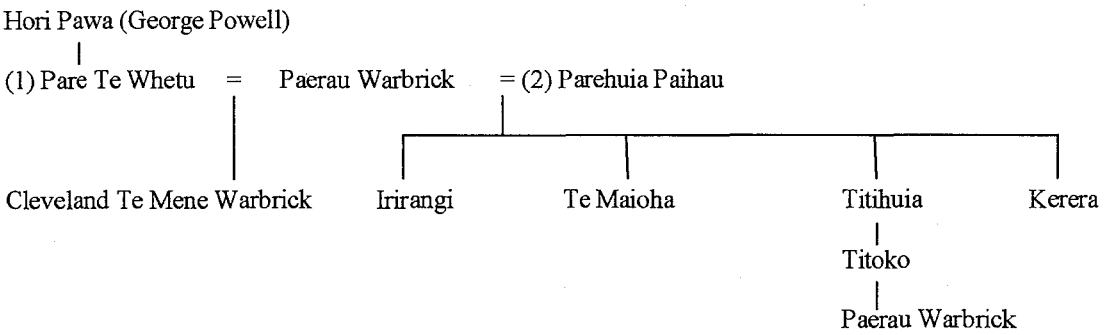


However, even though *whakapapa* was a trump, there was always the potential that the *tamaiti whāngai* could be left out of the succession to their natural parents on the basis that they were going to inherit their *mātua whāngai* lands. The only way that this could in fact happen in the Court was for the *tamaiti whāngai* to not be mentioned as a natural child to the deceased in the Court. This situation is impossible to ascertain from the Court Minute Books themselves unless one has specific knowledge of the *whānau* itself.[20] One could not interpret whether the listed children in the minute books were actually all of the children in question. This was what had happened with my own granduncle, Cleveland Te Mene Warbrick. He became a *tamaiti whāngai* of our *whanaunga* Charlotte Savage. When my grandaunt, Te Maioha Kyra Kaipara, processed a succession application to her father Paerau Warbrick in 1968, she failed to mention her half brother, Cleveland as a successor. The Court instead ordered that Paerau's four other children, Te Maioha, Kerara, Irirangi and Titihuia be heirs.[21]

[20] The Chief Judge's Minute Books have many examples where various children were left out of the succession. This was because the Māori Land Court was simply not informed during the hearing of the existence of a child or children who were entitled to inherit lands. The Chief Judge in the Māori Land Court had special powers in the 1960s and 1970s under sections 452 and 453 of the Māori Affairs Act 1953 to correct mistakes of this nature made by the Court.

[21] *Whakatāne Minute Book* 46 at folios 55-56.

Whakapapa 13.8



So far I have only mentioned instances where there was no automatic right for *tamaiti whāngai* to inherit lands from their *mātua whāngai*. It was only in instances where the actual heirs to the *mātua whāngai* agreed that the *tamaiti whāngai* could in fact inherit, that they could do so. However, these were instances where the *mātua whangai* did not leave any will. It was a totally different scenario if the *mātua whangai* died leaving a will with the *tamaiti whāngai* being gifted land interests under the will. In those cases, the will took priority and the *tamaiti whāngai* would inherit the Māori land interests as of right.[22]

Statutory Adopted Children in the Māori Land Court

Although *tamaiti whāngai* would not automatically inherit land interests, this was not the case in regard to statutory adopted children. If the *matua whāngai*[23] died without leaving a will, then these statutory adopted children inherited their Māori land interests (as well as other property) as of right. The Māori Land Court had to recognise that these children were the natural children of the *matua whāngai* which in effect meant for the purposes of the Māori Land Court that their *whakapapa* was the same as their *matua whāngai*. Earlier, I mentioned that Wiremu Paihau, and his wife, Noti Tarei, were looking after three children at the time of his death in 1959: Katie Paihau, Tumuwhare Paihau and Patutoro Paihau. Wiremu also had an adult son, Tamatuha Paihau.

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[22] See the recent case in the Court of Appeal that dealt with this issue *McGarvey v Temo* (2008) CA315/07 [2008] NZCA 375. However, do note that this is not the case in regard to Titi Island land interests in the South Island. It is impossible for these land interests to be passed by will to others. Instead, the heirs to these land interests were determined as if the deceased died without leaving a will. In that case the natural children would inherit the land interests. See section 6, Māori Purposes Act 1983.

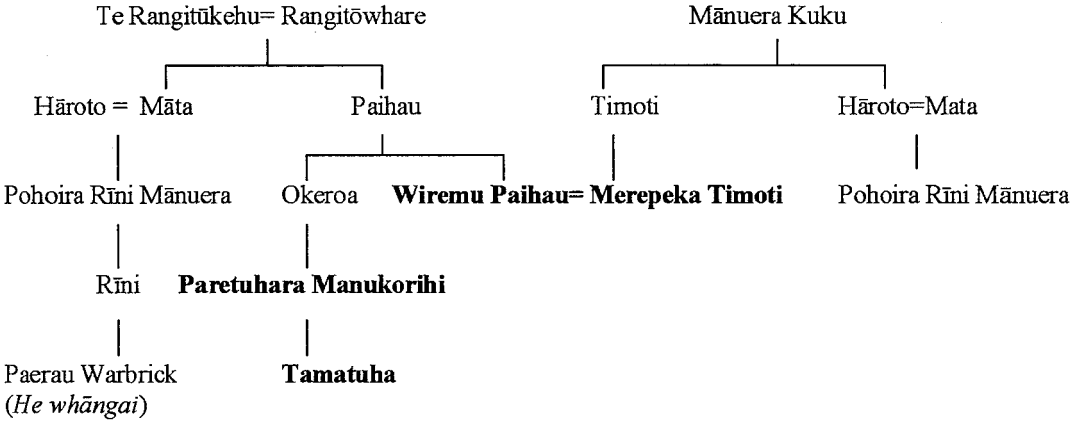
[23] I have used this term again to also indicate that the parents are not the natural parents of the children.

While I did mention that Katie Paihau was a *tamaiti whāngai* of Wiremu, I did not also mention earlier that the other three children, Tumuwhare, Patutoro and Tamatuha Paihau, were statutory adopted children. It were these children alone that inherited Wiremu's lands in the 1960s. [24] These three adoptions were processed through the Māori Land Court. The Māori Land Court lost this ability to process adoption in 1962.[25]

Tamatuha Paihau's statutory adoption was processed through the Native Land Court in 1930. Tamatuha was still a baby at the time. Wiremu and his first wife, Merepeka Timoti, became Tamatuha's *mātua whāngai.*

Tumuwhare Paihau's and Patutoro Paihau's statutory adoption were processed through the Māori Land Court in the late 1950s. They had both been with Wiremu and his second wife, Noti, since they were babies. Tumuwhare's natural mother was Lucy Tarei, a half sister to Noti. Her natural father was a Pākehā who is unknown. Patutoro's natural mother was Jean Barclay and his natural father was Heke Kupai. Both were distant *whanaunga* of Noti. Unlike Tamatuha's adoption, Tumuwhare's and Patutoro's adoptions did not go smoothly through the Māori Land Court.

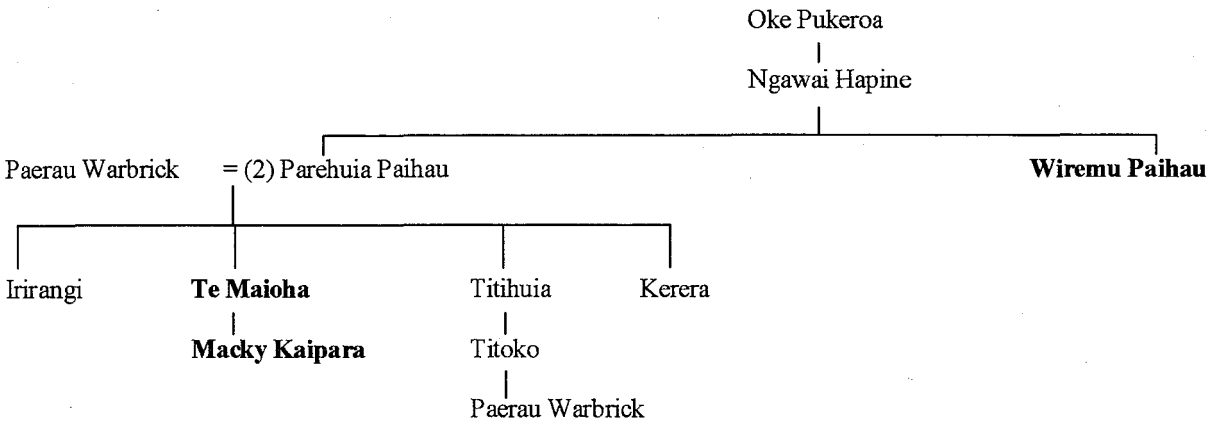
Whakapapa 13.9



[24] *Whakatāne Minute Book* 35 at folio 41, *Whakatāne Minute Book* 40 at folio 213-214.

[25] Part IX of the Māori Affairs Act 1953 gave the Māori Land Court power to issue adoption orders for children by Māori. However, the Māori Land Court could not issue adoption orders for non-Maori children. There was a ban on Māori adopting non-Māori children from the Native Land Act 1909. However, section 18 of the Adoption Act 1955 removed this ban. The Adoption Amendment Act 1962 removed the jurisdiction of the Māori Land Court to process adoptions which meant that all adoptions had to be processed through the Magistrate's Court.

Whakapapa 13.10



According to my uncle, Macky Kaipara, in the late 1990s, his mother Te Maioha was not entirely happy with the statutory adoptions. Te Maioha was a maternal niece to Wiremu Paihau. There was also quiet discontent amongst Wiremu's other *whanaunga* at the time about the adoptions. This was because some felt that the adoptions were unduely influenced by Wiremu's wife, Noti Tarei. Te Maioha being experienced in Māori Land Court processes knew the full implications of the statutory adoption of these two children. In effect, they would be legal heirs to her uncle's estate and they would in effect dilute Tamatuha's proportion of the inheritance.[26]

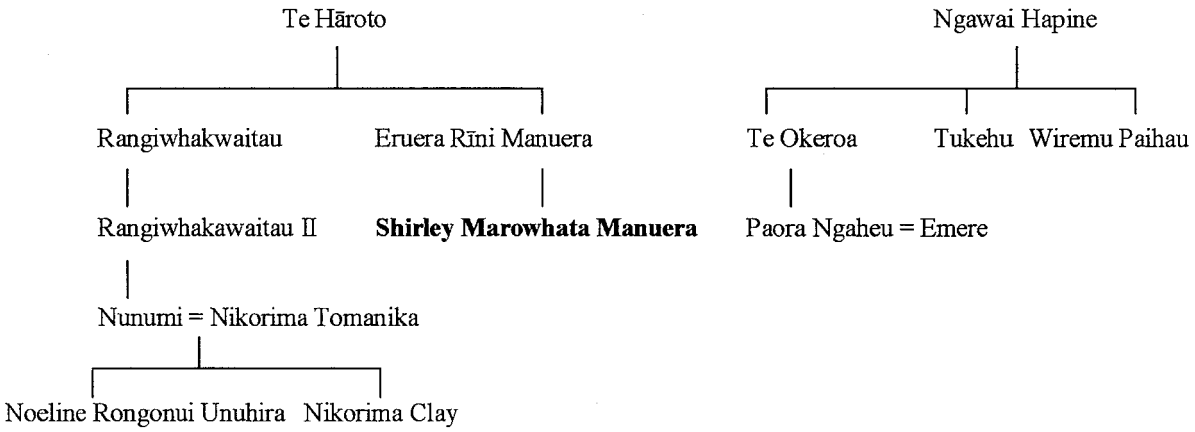
Whakapapa played an important role in Te Maioha's opposition to the adoption of the two children as they were *whanaunga* of Wiremu's wife, Noti, rather than of the paternal side. Macky was a teenager in the early 1950s and recalled that his mother had informed the Court of their opposition through informal means. She expressed concern to John Rangihau who was a District Maori Welfare Officer in Rotorua and the person with responsibility for making a report to the Māori Land Court on the suitability of Patutoro being statutorily adopted by her uncle Wiremu Paihau. Macky's mother also expressed concern to Anne Delamere who was also a District Maori Welfare Officer in Rotorua dealing with Tumuwhare's adoption.[27] However, there was also an ancillary matter that Wiremu was too old to be the children's statutory father. Macky recalled with amusement that the Court disregarded their *whakapapa* link arguments but instead concentrated on their ancillary argument that Wiremu was too aged to adopt the children. He was

[26] Kōrero-a-Macky Kaipara, circa 1998-1999.
[27] John Rangihau and Anne Delamere were the two Māori Welfare Officers working in the 1950s in the Eastern Bay of Plenty. See Anne Else, *A Question of Adoption*, Bridget Williams Books, Wellington, 1991, p.181.

approximately sixty-five years of age at the time and not in good health. In Macky's opinion though, he believed that it was the fact that Noti was considerably younger than Wiremu (some 20 years younger) that swayed the Court to eventually allow the adoption.[28]

As mentioned earlier, there were many other examples of *whanaunga* being statutorily adopted in my *whānau* other than Tamatuha Paihau, Patutoro Paihau and Tumuwhare Paihau. In 1955 Shirley Marowhata Mānuera was statutorily adopted by Paora and Emere Ngaheu. In 1959 Noeline Rongonui Umuhira was statutorily adopted by Nikorima and Nunumi Tominika. And one of the last ones in my *whānau* to be adopted through the Māori Land Court in 1962 was Noeline Nikorima Clay who also was statutorily adopted by Nikorima and Nunumi Tominika.

Whakapapa 13.11



All of these instances of statutory adoption through the Māori Land Court involved persons who were linked by *whakapapa* to the adopted child. When these statutory adoptions had to be processed through the Magistrates Court, many *whānau* were less than impressed with the process. There were instances where the Magistrates Courts refused adoption because the child was closely related to the adopters.[29] This was something of an antithesis to the approach of the Māori Land Court. An example was also given where grandparents were refused adoption because the Magistrate's Courts could not grapple with the idea that, conceptually, the child

[28] Kōrero-a-Macky Kongutu Kaipara, Kawerau c. 1996-1999. Access to the Adoption Minute Books of the Court is prohibited. Therefore, the only accounts of the Court hearings are through oral accounts.
[29] Anne Else, *A Question of Adoption*, Bridget Williams Books, Wellington, 1991, p.182.

would become her mother's sister in terms of statutory law.[30] Sir Eruera Tirikatene, Member of Parliament for Southern Māori, specifically mentioned in 1965 that Māori Land Court judges had practical experience in Māori genealogy, customs and traditions'.[31] The Māori Land Court, through the clerks, welfare officers and judges, were extremely efficient and effective at handling statutory adoptions and issues around *tamaiti whāngai* because of the long association and experience with *whānau* through land matters. Despite Sir Eruera Tirikatene's opinions on the suitability of the Court in handling Māori adoptions, the Court never got back statutory powers of adoption. The Magistrates Court and its successor, the Family Court, were to have such exclusive powers.

Conclusion

It was to be the position of *tamaiti whāngai* and statutory adopted children came to pose challenges for the Māori Land Court. *Tamaiti whāngai* were subject to competing considerations as to whether to allow them to inherit land or not. Even in the Native Land Court, the rules were not clear or settled on this issue. A number of considerations affected the Court's decisions. This was whether or not there was a *whakapapa* connection to the deceased. However, this could work in favour or against the child depending upon the circumstances. If they had too close a *whakapapa* link with the deceased, they could be excluded because they were going to be an heir in the lands anyway, through their natural lines. Alternatively, they could be excluded because they had no *whakapapa* to the deceased, and therefore no whakapapa to the deceased's *whānau*. Another consideration influencing such decisions was also the types of relationships that other *whānau* had with *tamaiti whāngai*. My *kuia*, Pohoira Rīni Mānuera, was able to inherit land not only because of her *whakapapa* link with Miriama Ira Whatiri, but because of the good relationships that she had with her *whāngai whānau*. When it came to statutory adopted children, however, the law was very clear. These children inherited as of right, as was seen in the case of Tumuwhare Paihau and Patutoro Paihau. The Court not only recognised these statutory adopted children for inheritance purposes, but it also processed the adoptions for much of the twentieth century as well. In all these instances the Court was called upon to interact with *whānau*, and understand the multiple issues within *whānau*. This was the essence of what the Māori Land

[30] Anne Else, *A Question of Adoption*, Bridget Williams Books, Wellington, 1991, p.182.
[31] Anne Else, *A Question of Adoption*, Bridget Williams Books, Wellington, 1991, p.182.

Court had been doing since the nineteenth-century anyway, and it must necessarily continue to treat the consequences of adoption, wherever formalised in the twenty-first century. Issues concerning *whenua*, *whānau* and *whakapapa*, were at the core of the Court and *tamaiti whāngai* and adopted children were a fact of Māori life.

CONCLUSION
TE WHAKAMUTUNGA

By the 1960s and 1970s, the Māori Land Court had transformed itself from being a totally colonialist institution to one that was essentially Māori in operations and outlook. This was the great irony of the Court. In the nineteenth century, the Court had been imposed upon Māori by a Colonial Government. It revolutionised Māori land tenure by transforming Māori customary land to Māori freehold land. The overriding purpose of this transformation was to speed up the process of alienation of Māori land. But by transforming the land, the Court had created a particular system in which it was forced to engage in a continuous relationship with Māori. Such a relationship still exists between the Court and Māori in the twenty-first century.

With the creation of Māori freehold land, the Court had then to deal with Māori in a judicious way. The Court was forced to take into consideration personal property rights that it had created for Māori in the land. Therefore, principles and practices had to be adopted and adapted constantly. Issues over inheritance and the exponential increase in the number of heirs in the land over time posed its own unique problems. Land developments such as partitions, amalgamations, incorporations or trusts also had to be adapted and navigated by the Court. In some instances, the Court dealt with large scale national and inter-*hapū* and *iwi* projects such as the Tasman Forestry Proposal and the sale and indeed theft of our mountain, Pūtauaki.

The Court was faced with the practical and pragmatic problems of a system that it helped to create. The Māori Affairs Act 1953, the Prichard and Waetford Report 1965, the Māori Affairs Amendment Act 1967 and 1974 were created to impose and clarify solutions. However, the legislation created other problems such as the conversion of land interests without consent. This innovation disgruntled Māori and contributed to increased political protest by Māori from the late 1960s.

In an operational sense, however, the Māori Land Court continued to operate as before, doing the best that it could in the circumstances. The Court's judges and clerks, and some lawyers, were faced with making a paper-based system work in a time where computers and email were still

thirty to forty years away. The creation of files, binders, minute books, and the coordination of court circuits, required constant organisation and management. There was also the practicality and pragmatism that was needed by the Court to engage with *whānau*, *hapū* and *iwi*. This meant it had to be flexible to the realities of Māori society. For example, procedurally, the Court had to also make its practices and procedures accessible to Māori without the strict formality of the general courts of New Zealand. Otherwise, Māori would not use the Court. Substantively, the Court was faced with the actualities of *whānau* in inheritance cases such as statutory adoptions and *tamaiti whāngai*.

All of those who had anything to do with the Māori Land Court whether they were judges, lawyers, clerks, or Māori themselves, had also to traverse the world view and cultural concepts associated with Māori. This was demonstrated not only in the types of evidence but also the way the evidence was presented in the Court. This was why I placed a major focus in the thesis on Māori concepts such as *tīpuna*, *whanaunga*, *whakapapa*, *whānau* and *whenua*. Stories were regularly told about *tīpuna* and *whanaunga* in the Court. Heirs were determined to *whenua* through the constant recourse to *whakapapa*.

This was also why I have included detailed discussions on *whānau* relationships. It was within those relationships that the cultural concepts of *tīpuna*, *whanaunga*, *whakapapa*, and *whenua* were manifested. There were also social forces within those relationships that made the Court, and those people involved in it, susceptible to change. This was not only in an institutional sense, but also at a personal level. For example, Collin Nicholson, as a solicitor in Hawera, became socially drawn into Māori society to the point that he began to organise Māori weddings and funerals. He also became extremely knowlegeable on aspects of *whakapapa*.

Within this thesis, the examples used in a *kōrero* about the Court were primarily from my own *whānau*, *hapū* and *iwi*. This had two purposes. First, it enabled me to study in depth, a Māori community's engagement with the Court. It was through this specific approach that Māori cultural concepts could be further probed. Such an approach also allowed me to examine the influence of Pākehā concepts and values and their significance to the Court.

Secondly, by using examples from my own *whānau*, *hapū* and *iwi*, I was able to locate the thesis in the Māori Studies academic discipline. Discussions about one's own *whānau*, *hapū* and *iwi* are not only standard in that subject, they also illuminate key values in *Te Ao Māori*. This was the reason why I used biographies, autobiography and autoethnography and the technique of the first person narrative. This enabled me to shine a light into aspects of *Te Ao Māori* which otherwise would be hidden. Such an approach also allowed Māori cultural concepts to be explored on their own terms. These techniques are not only appropriate for Māori studies, but they can also be found in subject areas such as anthropology, micro history and the study of histories from below.

Finally, the reader of this *kōrero* must realise that the Māori Land Court has always been a story about people, and the interconnectedness between the political, economic and social circumstances not only of *whānau* but also of the nation as a whole. This was the reason why my *tipuna*, Māta Te Taiawatea Te Rangitūkehu, responded to our *whanaunga*, Hori Pawa (George Powell), when he asked her, 'What was more important the land or the people? She did not hesitate to reply '*Ko te tāngata ano rā*' (the people of course).

FIRST SCHEDULE

PUKAPUKA ĀPITI TUATAHI

The following indices are designed to match the photograph, figure, table, map, and *whakapapa* chart references with the relevant page numbers.

PHOTOGRAPHS

Photograph Reference	Page Number	Photograph Reference	Page Number	Photograph Reference	Page Number
Photograph B.1	7	Photograph 5.1	136	Photograph 10.4	279
Photograph B.2	10	Photograph 5.2	150	Photograph 10.5	287
Photograph 1.1	29	Photograph 5.3	153	Photograph 10.6	291
Photograph 2.1	51	Photograph 6.1	165	Photograph 10.7	291
Photograph 2.2	59	Photograph 6.2	177	Photograph 10.8	297
Photograph 3.1	78	Photograph 7.1	183	Photograph 11.1	311
Photograph 3.2	79	Photograph 8.1	232	Photograph 11.2	312
Photograph 3.3	80	Photograph 8.2	234	Photograph 11.3	318
Photograph 3.4	93	Photograph 8.3	241	Photograph 11.4	319
Photograph 4.1	116	Photograph 9.1	246	Photograph 11.5	321
Photograph 4.2	118	Photograph 9.2	249	Photograph 11.6	326
Photograph 4.3	123	Photograph 9.3	254	Photograph 12.1	342
Photograph 4.4	124	Photograph 9.4	255	Photograph 12.2	348
Photograph 4.5	125	Photograph 10.1	276	Photograph 12.3	352
Photograph 4.6	125	Photograph 10.2	276	Photograph 12.4	357
Photograph 4.7	128	Photograph 10.3	279	Photograph 13.1	369

FIGURES

Figure Reference	Page Number	Figure Reference	Page Number	Figure Reference	Page Number
Figure B.1	3	Figure 7.2	200	Figure 12.3	341
Figure 2.1	55	Figure 12.1	337	Figure 12.4	344
Figure 5.1	145	Figure 12.2	340	Figure 12.5	344
Figure 7.1	194				

TABLES

Table Reference	Page Number	Table Reference	Page Number	Table Reference	Page Number
Table A.1	xvii	Table 5.1	141	Table 8.2	224
Table A.2	xviii	Table 6.1	171	Table 9.1	257
Table B.1	6	Table 6.2	171	Table 11.1	315
Table B.2	8	Table 7.1	193	Table 11.2	317
Table 2.1	73	Table 7.2	198	Table 11.3	321
Table 3.1	86	Table 7.3	206	Table 11.4	323
Table 3.2	90	Table 7.4	208	Table 11.5	324
Table 3.3	92	Table 7.5	210	Table 13.1	370
Table 3.4	94	Table 8.1	214		

MAPS

Map Reference	Page Number	Map Reference	Page Number	Map Reference	Page Number
Map B.1	5	Map 6.1	160	Map 8.4	233
Map 2.1	71	Map 8.1	225	Map 8.5	235
Map 3.1	84	Map 8.2	227	Map 9.1	268
Map 5.1	143	Map 8.3	230		

WHAKAPAPA

Whakapapa Reference	Page Number	Whakapapa Reference	Page Number	Whakapapa Reference	Page Number
Whakapapa A.1	xv	Whakapapa 4.10	119	Whakapapa 10.6	284
Whakapapa B.1	11	Whakapapa 4.11	120	Whakapapa 10.7	285
Whakapapa 1.1	22	Whakapapa 4.12	121	Whakapapa 10.8	301
Whakapapa 1.2	25	Whakapapa 4.13	122	Whakapapa 11.1	308
Whakapapa 1.3	30	Whakapapa 4.14	127	Whakapapa 11.2	311
Whakapapa 1.4	35	Whakapapa 4.15	130	Whakapapa 11.3	313
Whakapapa 1.5	36	Whakapapa 5.1	138	Whakapapa 11.4	313
Whakapapa 1.6	37	Whakapapa 5.2	139	Whakapapa 11.5	314
Whakapapa 1.7	38	Whakapapa 5.3	141	Whakapapa 11.6	316
Whakapapa 1.8	39	Whakapapa 5.4	146	Whakapapa 11.7	316
Whakapapa 1.9	40	Whakapapa 5.5	150	Whakapapa 11.8	318
Whakapapa 1.10	40	Whakapapa 6.1	157	Whakapapa 11.9	320
Whakapapa 1.11	41	Whakapapa 6.2	160	Whakapapa 11.10	323
Whakapapa 2.1	48	Whakapapa 6.3	161	Whakapapa 11.11	328
Whakapapa 2.2	49	Whakapapa 6.4	162	Whakapapa 11.12	330
Whakapapa 2.3	52	Whakapapa 6.5	164	Whakapapa 12.1	347
Whakapapa 2.4	52	Whakapapa 6.6	173	Whakapapa 12.2	349
Whakapapa 2.5	53	Whakapapa 6.7	174	Whakapapa 12.3	354
Whakapapa 2.6	57	Whakapapa 6.8	174	Whakapapa 12.4	355
Whakapapa 2.7	58	Whakapapa 7.1	190	Whakapapa 12.5	355
Whakapapa 2.8	59	Whakapapa 7.2	195	Whakapapa 12.6	355
Whakapapa 2.9	61	Whakapapa 7.3	205	Whakapapa 12.7	355
Whakapapa 2.10	63	Whakapapa 7.4	207	Whakapapa 12.8	356
Whakapapa 2.11	65	Whakapapa 8.1	228	Whakapapa 12.9	356
Whakapapa 2.12	65	Whakapapa 8.2	231	Whakapapa 12.10	358
Whakapapa 3.1	76	Whakapapa 8.3	241	Whakapapa 12.11	359
Whakapapa 3.2	85	Whakapapa 9.1	259	Whakapapa 13.1	363
Whakapapa 3.3	86	Whakapapa 9.2	259	Whakapapa 13.2	364
Whakapapa 4.1	101	Whakapapa 9.3	260	Whakapapa 13.3	365
Whakapapa 4.2	102	Whakapapa 9.4	261	Whakapapa 13.4	366
Whakapapa 4.3	102	Whakapapa 9.5	261	Whakapapa 13.5	369
Whakapapa 4.4	110	Whakapapa 9.6	265	Whakapapa 13.6	373
Whakapapa 4.5	111	Whakapapa 10.1	274	Whakapapa 13.7	374
Whakapapa 4.6	113	Whakapapa 10.2	281	Whakapapa 13.8	375
Whakapapa 4.7	115	Whakapapa 10.3	283	Whakapapa 13.9	376
Whakapapa 4.8	117	Whakapapa 10.4	283	Whakapapa 13.10	377
Whakapapa 4.9	118	Whakapapa 10.5	284	Whakapapa 13.11	378

SECOND SCHEDULE

PUKAPUKA ĀPITI TUARUA

The following is a near comprehensive list of PhDs that have been completed in the academic discipline of Māori Studies. This information was obtained from the various university library catalogues around New Zealand. I have placed them into a number of categories. This is to give an indication of the types of theses that have been produced. The categories are arbitrary. However, they give some insight into the types of subject areas that have been produced by PhD candidates in Māori Studies. Some have been co-joint degrees such as in the case of my colleague Brendan Hokowhitu. He did his PhD degree as a co-joint between Māori Studies and Physical Education (Brendan J. Hokowhitu, 'Te mana Māori : Te tātari i ngā kōrero parau', Unpublished PhD thesis in Physical Education and Māori Studies, University of Otago, Dunedin, New Zealand, 2001).

Art and Craft

Patricia Wallace, 'Traditional Maori dress: rediscovering forgotten elements of pre-1820 practice', Unpublished PhD thesis in Māori Studies, University of Canterbury, Christchurch, New Zealand, 2002.

Rawinia R. Higgins, 'He tānga ngutu, he Tūhoetanga te Mana Motuhake o te tā moko wāhine: the identity politics of moko kauae', Unpublished PhD thesis in Māori Studies, University of Otago, Dunedin, New Zealand, 2004.

Robert Hans George Jahnke, 'He tataitanga ahua toi : the house that Riwai built, a continuum of Māori art ', Unpublished PhD thesis in Māori Studies, Massey University, Palmerston North, New Zealand, 2006.

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