

Whakatohea Claims Research

Literature Review and Gaps Analysis

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The key purposes of this document are to review the existing research and published material on Whakatohea history and Treaty claims, to identify gaps in the existing research related to a comprehensive settlement of the Whakatohea Treaty claims, and assess the sources available to address those research gaps. Finally, there is an outline of how the research gaps can be addressed.

1. Existing Research

The two most valuable existing sources are Bryan Gilling's 1994 report for the Treaty of Waitangi Policy Unit (the forerunner to the Office of Treaty Settlements), 'Te Raupatu o Te Whakatohea', and Ranginui Walker's more recent published history, *Opotiki-Mai-Tawhiti Capital of Whakatohea* (2007). Lyall's more traditional tribal history, *Whakatohea of Opotiki* (1979) remains useful for a more comprehensive traditional history, but those traditions are not a focus here. Buddy Mikaere's preliminary report is also not considered here as it has been superseded by Gilling's more substantive work.

The other most useful sources are those emerging from the Waitangi Tribunal's Te Urewera inquiry, including reports on Ohiwa Harbour, on the Wai 203 and Wai 339 claims (Mokomoko whanau and Hiwarau block issues), Tahora block and Waimana block, as well as Judith Binney's overview report, 'Encircled Lands' (Parts 1 and 2) and the Tribunal's *Te Urewera* report (Parts 1 and 2).

Bryan Gilling, 'Te Raupatu o Te Whakatohea', TOWPU, 1994.

As the title suggests this report concentrates on land confiscation, as well as the events leading up to it, and the subsequent allocation of confiscated lands. This narrow focus was appropriate for a settlement that was initially focused very much on confiscation, but for today's comprehensive Treaty claims settlements, a range of other issues need to be traversed, such as: the fate of lands returned to Whakatohea from within the confiscation as well as the fate of lands outside the confiscation, along with related issues such as land

administration and alienation, land development, public works takings, socio-economic issues, other aspects of the iwi's relationship with the Crown (such as service in the World Wars), and perhaps also environmental and waterways issues where these are highly significant to the iwi.

Gilling's background to confiscation (Chapter II) contains a useful overview of the three decades prior to confiscation. This is a useful 'scene-setting' for what follows, as it establishes who Whakatohea were, how successfully they were engaging with te ao hou, and the social and economic capital they had built up by 1865; all aspects of their lives that were profoundly and negatively impacted by invasion and confiscation in 1865 and 1866. He very briefly touches on Whakatohea's limited relationship with the Crown prior to 1865 and the iwi's initial involvement in the New Zealand Wars (notably at Kaokaoroa) before traversing in detail the killing of Volkner in 1865 and the trial and killing in 1866 of those accused of the crime. [Note that the trial transcript [J 22/3a] is now available from Archives New Zealand as a high-resolution downloadable PDF. This is more legible than any of the photocopies made in the past and may be of interest to Whakatohea; go to:

<http://www.archway.archives.govt.nz/ViewFullItem.do?code=21387405> and click on the 'digitised record' tab and then download the file, which is 66MB so broadband is needed.]

The 1865 invasion of Crown forces and the deadly attacks on Whakatohea and the destruction of their property that followed are graphically set out in Gilling's detailed Chapter III. This contains useful and strong material (such as Stapp's private correspondence) that had not been drawn on for previous histories of the New Zealand Wars. Where the report has been superseded to some extent is in the subsequent fighting south of Opotiki and the scorched-earth campaigns against Te Kooti and any of those suspected of aiding him (particularly Tuhoe but also Whakatohea). Binney's subsequent research and the Waitangi Tribunal's very detailed *Te Urewera* report provide a fuller account of this period, and even if the focus in these sources is not on Whakatohea their role and actions are certainly recorded.

Gilling devotes considerable attention in Chapter IV to the Crown's confiscation policy. This material has subsequently been more thoroughly traversed and analysed in Tribunal inquiries, notably the Ngati Awa and Te Urewera inquiries, both of which provide a succinct and telling analysis of the issues related to confiscation policy. The policy and practice of confiscation is no longer really at issue, as the focus in Treaty claims is instead on the specifics of the implementation of that policy on the ground in a particular place

(the Whakatohea rohe in this case). The mechanics of this (in terms of proclamations) are set out in Gilling's Chapter IV(b).

What is more relevant is Chapter V, which shows how confiscation was effected over the lands of Whakatohea. This includes the allocation of confiscated land for military settlers and general settlement, the Compensation Court, and the Crown's out-of-court deals returning reserves to Whakatohea (mainly Opape, Hiwarau, and Hokianga island, as well as smaller individual reserves in the Waioeka and Waitotahi Parishes). Gilling also looks briefly at the aftermath of confiscation in relation to the title to Opape reserve and the difficulties caused by forcing almost all of Whakatohea on to a modest area of land that was of generally low productivity and which was traditionally the territory of a single hapu rather than the entire iwi. He also briefly examines social and economic conditions confronting Whakatohea through to about 1900.

The final chapter in Gilling's report briefly discusses the protests filed by Whakatohea about confiscation, especially in the twentieth century, as well as the two key inquiries into their claims in 1921 and 1928. He also refers to the 1908 Native Lands and Native Land Tenure Commission (the Stout–Ngata Commission), which reported on the inadequate land holdings of Whakatohea and how they should be managed. Finally, the 1946 settlement and the establishment of the Whakatohea Maori Trust Board is briefly examined.

Ranginui Walker, *Opotiki-Mai-Tawhiti Capital of Whakatohea*, Penguin, Auckland, 2007.

Walker's book draws extensively on Gilling's report for its chapters on invasion and confiscation but it also has a much broader focus on post-confiscation issues, some of which are directly relevant to claims settlement research.

Chapter One provides a brief introduction to the traditional history and tipuna of Whakatohea. Together with the first parts of Chapter Two (pp.41–49) and Lyall's book, there is sufficient information in these books to draw on for the purposes of defining who Whakatohea are and the defining of their rohe in relation to adjacent iwi. This information, along with setting the scene for the post-contact period, is largely what is required from this period for the purposes of Treaty claims settlement.

A related issue that is referred to in some of the Whakatohea Treaty claims is around defining the hapu that are part of the iwi. This is not only in relation to Te Upokorehe but also other hapu who claim they have been excluded from past Crown definitions of

‘Whakatohea’, such as Turangapikitoi and Rongopopoia who say they are each hapu of Upokorehe (see Wai 1787 and 1794). Walker raises the issue of Te Panenehu, who the Crown sought to subsume within Ngati Rua in relation to Opape (p.128). These are issues that will need to be worked through and agreed by consensus if all the claims are to be included in a Whakatohea settlement.

In Chapter Two (from p.49) Walker covers the contact era, Treaty signing, and post-1840 period in greater detail than Gilling was able to do, particularly with regard to Whakatohea’s social and economic success within te ao hou and their positive engagement with the Crown in 1860. The deteriorating relationship with the Crown is indicated by Hunter Brown’s reception in 1862, and the Crown’s hostile response to Kingitanga in the Bay of Plenty culminating in the battle at Kaokaoroa, which is covered in Chapter 3. This sets the scene for what follows in 1865 – the invasion and confiscation – which is also set out in detail in Chapter Three.

In Chapter Four, Walker traverses the trial of those accused of Volkner’s killing and the arrival of Te Kooti and Ringatu in the district, before returning to look at the 1866 confiscation and how it was implemented in the Opotiki district, including the Crown’s use of out-of-court deals, the sittings of the Compensation Court, and the allocation of the Opape reserve.

In addition, in Chapter Four Walker looks at lands outside the confiscation district, such as Whakapaupakihi, Whitikau, and Oamaru (his sources being predominantly NLC Minute Books). This is the only research available to date on these non-raupatu blocks, but considerably more is required for the purposes of a Treaty claims settlement.

Chapter Five looks at Whakatohea post-raupatu, supplementing Gilling’s rather fragmentary treatment of social and economic outcomes in the last three decades of the nineteenth century. The fate of lands, schools, and the people is outlined, along with the modest revival of the iwi’s fortunes on their greatly depleted tribal estate and the establishment of the various marae within the Whakatohea rohe.

Walker moves on in Chapter Six to the petitions filed by Whakatohea in the 1910s and 1920s protesting at the raupatu. The subsequent government inquiries, culminating in the report of the Sim Commission in 1928, are briefly outlined before the 1946 settlement and the establishment of the Whakatohea Maori Trust Board is examined. In addition to these important issues from this period, Walker also briefly discusses the establishment of the

Whakatohea Native Land Development Scheme in the early 1930s. The scheme endured for decades (along with the Waiaua and Opape schemes) and will require some additional research, although the topic is not one the Crown ever sees as a priority. Another mid-century issue raised in Chapter Six is Whakatohea's participation in the Maori War Effort Organisation in World War II, working on the home front to support those serving in the Maori Battalion. The revival of Whakatohea's raupatu grievances is placed in this context by Walker before moving on to discuss the 1946 settlement.

Chapter Seven looks at the work of the Whakatohea Maori Trust Board. This addresses several of the issues raised by Gilling which he did not have time to research but which he felt were relevant. Walker reveals that the £20,000 settlement (plus interest) was devoted to land purchases in the early 1950s, and that an additional settlement of £4,648 from the 1950 Surplus Lands Commission was also put towards land purchases (the background to this settlement is one of the issues requiring further research, as it relates to pre-Treaty private land dealings between Whakatohea and early Pakeha settlers).

Chapter Seven also looks at the recovery of the remains of Mokomoko from the grounds of Mt Eden Prison, and the 1991 pardon. This remains unfinished business, as indicated by the Mokomoko Whanau claim (Wai 203).

The rest of Walker's book looks at the history of the Whakatohea Maori Trust Board and the unsuccessful attempts to negotiate a Treaty settlement with the Crown in the mid-1990s. These are not issues that need be discussed here.

Judith Binney, 'Encircled Lands' Parts 1 & 2, CFRT, 2002. Wai 894 #A12

This masterful research report was critical to the Tribunal's Urewera inquiry. While much of its most useful material Whakatohea found its way into the Tribunal's *Te Urewera* report (see below), there are still parts of her report that are relevant to Whakatohea. This is especially so as regards early missionary and Crown contact (Chapter Two), the expansion of the New Zealand Wars into the Opotiki district (Chapter Three), and some details of the 1866 confiscation and its implementation, as well as the subsequent resistance to confiscation by Tuhoe and Whakatohea in 1867–1868 (Chapter Four). The details in Chapter Four on how confiscation was implemented are useful, even though they focus on Tuhoe claims, because they set out how the Compensation Court and Wilson's out-of-court deals effected confiscation on the ground.

Binney provides a great deal more detail and context for the arrival of Te Kooti in the district and how he was received, as well as the Crown's pitiless and prolonged scorched-earth campaign against Maori in Te Urewera and the Opotiki districts suspected of supporting him (Chapters Five and Six). While her focus is on Tuhoe, some of the impact of this period on Whakatohea emerges from the dense text.

Beyond the general relevance of her work on the war and confiscation, Binney's work also provides a great deal of useful detail on the role and fate of Te Upokorehe as well as the actions of Hemi Kakitu and Rakuraku in relation to Te Upokorehe and Tuhoe, including references to Hiwarau and to the re-purchase of confiscated land at Waiotahi (Chapters Four, Five, Six, and Seven). Binney also looks at the title to Whakarae pa (Matakerepu Historic Reserve) which is relevant to Hiwarau and Te Upokorehe (Chapter 7.6.4).

'Encircled Lands' also looks briefly at how the Waimana block was brought into the Native Land Court in 1878 and 1880 (Chapter 7.6.3), although Sisson's report (see below) contains a fuller account.

Part Two of 'Encircled Lands' is mainly relevant for its detailed section on Tahora block, which is replete with examples of Native Land Court issues and how they affected Whakatohea lands (Part Two, Chapter 2.4). There is also a telling section on the partition and alienation of Waimana lands in the 1880s, which involves some Whakatohea interests, as well as a part-Maori purchaser of Whakatohea descent (Part Two, Chapter 6.2).

While 'Encircled Lands' contains much detail that is relevant to Whakatohea, it is presented from a predominantly Tuhoe perspective. This makes it useful, to a point, provided the lack of a Whakatohea perspective is accounted for when drawing on this detail. The focus on Tuhoe is ameliorated to some extent by the Tribunal's analysis of Binney's report, as the Tribunal also draws on other research and on claimant submissions that provide the Tribunal with another perspective.

Waitangi Tribunal, *Te Urewera* (Pre-Publication), Parts 1 & 2, Legislation Direct, Wellington, 2009 & 2010.

The Tribunal's monumental *Te Urewera* report (in four parts) comprises more than 2,500 pages of densely detailed and closely argued historical analysis. Although the focus is overwhelmingly on Tuhoe and other claimant groups whose primary interests lie within the Urewera inquiry district, parts of the report are still useful to Whakatohea.

There are helpful references to Te Upokorehe and their status relative to Tuhoe and to Whakatohea (being seen by the Tribunal and by some Te Upokorehe witnesses as closer to the latter). This is in the context of a close analysis of the customary interests and relative tribal interests in Ohiwa Harbour and the adjacent lands. This was an important issue for Tuhoe, as it was for Ngati Awa and as it is for Whakatohea. Te Upokorehe and Ohiwa are discussed in relation to the confiscation (Chapter 4), where the Tribunal finds that Tuhoe have only moderate interests (30 percent) in the northern part of the Ohiwa lands (being those lands north of a line from Puketi to Whakarae) but much more dominant interests (90 percent) in the southern part of these lands. This has been mapped by the Tribunal (see below).

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are needed to see this picture.

This finding of a dominant Tuhoe interest in the south relates only to the area within the Tribunal's inquiry district, which is west of the Waiotahi River. Elsewhere it notes that to the east of the Waiotahi River it is Whakatohea who have the predominant rights (see pp.204–09, 232–33). Although the Tribunal's finding is relevant to Tuhoe, it is less so for Whakatohea as the finding does not specify Whakatohea's share in the same way as it is not reporting on Whakatohea claims. Nor did the Tribunal take much evidence from Whakatohea on the nature and extent of their interests at Ohiwa (although there was some independent research and some research from the Ngati Awa inquiry to consider).

The Tribunal's sections and findings on the 1865 invasion and confiscation are especially useful to Whakatohea as they traverse some of the key evidence related to Opotiki in order to set the scene for what subsequently happened to Tuhoe. This draws on the work of Binney and Gilling, and also addresses the less favoured work of the Crown's historian John Battersby (who tended to seek to defend or justify Crown actions). It also refers to the Sim Commission and its findings that the confiscation of Whakatohea lands exceeded "what was fair and just," in contrast to the confiscation of the lands of other Bay of Plenty tribes which were (wrongly) seen as appropriate (p.242). This attitude is reflected in the Crown's current attitude towards the Whakatohea confiscation: Crown submissions on the Tuhoe claim observed that they were not as badly affected as Whakatohea "in terms of the scale of the confiscation and the corresponding degree of prejudice suffered" (p.224).

In addition to the general relevance of the Tribunal's chapters on war and confiscation it also refers on occasion more directly to Whakatohea; noting for instance that the invasion of Opotiki in September 1865 and the imposition of martial law occurred without any warning to Whakatohea (pp.159–60), and that in April 1866 Whakatohea were given just eight days to entirely vacate their lands and move to Opotiki (p.200). Referring to Binney, the Tribunal also notes how Hemi Kakitu re-purchased confiscated Waiotahi land from the Crown in the 1870s (p.215). The Tribunal also analyses the issues surrounding the Mokomoko pardon and the Wai 203 claim, agreeing with the Mokomoko Whanau that the existing pardon is inadequate and needs revision as proposed by the Whanau. The Crown responded during the hearing by suggesting the issue be dealt with as part of a wider Whakatohea settlement. In relation to compensation sought beyond the revised pardon the Tribunal found that a payment was not an appropriate form for such compensation, suggesting instead a memorial scholarship or some other tangible tribute that would go towards addressing the wrong done to Mokomoko and his descendants (referring not only

to the execution but also to how he and his descendants were blamed for the subsequent raupatu) (Chapter 4.6).

In Chapter Five the Tribunal provides a great deal of detail about the scorched-earth campaign against Te Kooti and those believed to support him. Whakatohea had some involvement in these events, which had significant impacts on them, and the Tribunal refers at times to this, despite its focus on Tuhoe. It provides greater detail on this period than Gilling or Walker were able to. The hostility of some Crown officers towards Whakatohea was marked (see for example St John's comments at p.270).

In Part Two of its report the Tribunal focuses on issues that are not relevant to Whakatohea (such as the Waikaremoana invasion and confiscation or the Urewera District Native Reserve). The section on the formation of Te Whitu Tekau refers briefly to Whakatohea (as does Binney's report) (Part Two, pp.291–92).

Waimana is also touched on in relation to Te Whitu Tekau (Part Two, p.300) but is dealt with in more detail in Part Two Chapter 10, where the impact of the Native Land Court is set out in great detail. This includes early dealings and the Native Land Court's involvement in Waimana (Part Two, Chapter 10.5.3(1) (a) and (b)) as well as a significant section on Tahora (Chapter 10.5.3(2)). Crown purchasing in Tahora is also critically scrutinised (Chapter 10.7(2) (b) and (3) (c)), as is the issue of survey costs (Chapter 10.8 (2) (c) (ii), (iii), and (iv)).

The Tribunal also examines the role of the East Coast Trust in mismanaging the few Tahora partitions vested in it for almost 50 years (Chapter 12). The Whakatohea portions of Tahora were not affected by these vestings.

Waitangi Tribunal, *The Ngati Awa Raupatu Report*, Legislation Direct, 1999

Chapter Five of the Tribunal's report on the Ngati Awa raupatu claims deals with the killings of Volkner and Fulloon, and Chapter Seven deals briefly with the trials of those accused of the killings. The Tribunal rejects the accusations made at trial by those convicted of the killings that some Ngati Awa (notably a man giving evidence against them) bore greater responsibility for the killing of Volkner than them. It does not seem that in coming to this conclusion the Tribunal considered subsequent evidence from the Compensation Court where Whakatohea and others challenged the Crown awarding the same man a section of the confiscated land at Ohiwa, on the basis that he should have been

ineligible for such a grant due to his actions at Opotiki in connection with the killing of Volkner.

On the other hand, regardless of the shortcomings of the Tribunal's findings, they were deemed a sufficient basis for the pardoning of Mokomoko (even if the 1991 pardon was insufficient and inappropriately worded). There would appear to be little to be gained by Whakatohea in revisiting the issue, particularly given Gilling's detailed examination of the facts which are of greater value than the Tribunal's rather brief chapters on the killings and the subsequent trial.

A related issue concerns the trial of Kereopa in 1872, which is not dealt with by the Tribunal or by Gilling. This matter is further considered later in this report.

Ewan Johnston, 'Wai 203 (Mokomoko) and Wai 339 (Hiwarau Block) Research Report', Waitangi Tribunal, 2002. Wai 894 #A14

This report focuses on issues raised in the claims of the Mokomoko Whanau as well as the issues raised in the claims of Te Upokorehe (with a focus on Hiwarau). It also includes a brief discussion of the relationship between Te Upokorehe, Whakatohea, and Tuhoe (drawing heavily on Best, Lyall, and Sissons) and the position of Te Upokorehe before the New Zealand Wars and confiscation (Chapter 2). The material on Volkner, invasion, and confiscation (Chapters 3 and 4) is derived from secondary sources and is largely superseded by Gilling's more detailed research and the Te Urewera Tribunal's findings on these issues.

Johnston then moves on to the granting of Hiwarau and Hokianga to Te Upokorehe in 1874, as a result of Wilson's earlier out-of-court arrangements, and provides a more detailed history of the lands and their ownership than other writers (such as Binney) (Chapter 4.3). His discussion of the Compensation Court includes evidence from Whakatohea not considered by other writers which deals with issues of boundaries and the relationship between Whakatohea and Te Upokorehe (Chapter 4.4).

The rest of the report looks at the title history of Hiwarau in the late nineteenth and most of the twentieth centuries, including petitions about the ownership and the inclusion of owners who were not of Te Upokorehe, as well as the fragmentation of title (Chapter 5.2 and 5.4). The 1969 title amalgamation of Hiwarau into Hiwarau C is examined as is the administration of the land by the Maori Trustee following this, including issues such as owner consent, local body rates, and failure to properly collect rent and monitor leases

(Chapters 5.5 and 6). The Maori Trustee issues are more a matter between the owners and the Trustee, and were resolved to some extent by legal action in the mid-1990s. The Trustee has been deemed by the Tribunal not to be an agent of the Crown so the Crown is unlikely to agree to include these issues in any settlement, although this is a matter for legal advice and for negotiators to consider.

Finally, Johnston examines alienations of Hiwarau land, including the taking of the Matekerepu Historic Reserve (originally for scenic purposes) in 1912 and the private purchase of Hiwarau B3C in 1917; (Chapter 7.4).

Other Te Upokorehe interests at Waimana and Tahora are briefly raised but the discussion of these interests draws on existing research (such as that of Sissons and Binney) (Chapter 5.3).

Ewan Johnston, 'Ohiwa Harbour, Waitangi Tribunal, 2003. Wai 894 #A116

This report on Ohiwa Harbour issues is a thorough study of the harbour in relation to customary interests issues, confiscation, and the allocation of reserves. It also traverses the uses of the harbour in the twentieth century and recent environmental and resource management issues. Given that the Tribunal has since made some findings relative to Ohiwa interests (at least in relation to Tuhoe interests relative to all other iwi, as noted above), Johnston's work on customary interests is largely superseded but his sections on Whakatohea interests (Chapter 3.3) and Te Upokorehe (Chapter 3.4) are still useful as the iwi was not a focus of the Tribunal's inquiry.

Even so, Johnston largely relies on secondary sources (such as Lyall, Best, Mikaere, and others) when assessing customary interests, and on a different range of secondary sources for his examination of the confiscation and Compensation Court processes that led to the return of Hiwarau and Hokianga, including Binney and his own earlier work on the Wai 203 and Wai 339 claims (see above). As such, these issues are best addressed in those secondary sources.

Where Johnston's report is more useful is in relation to the history of the harbour in the twentieth century, where he describes how the harbour was used and how it changed after 1900, as well as the development of the township, the pollution of parts of the harbour and its catchment, and the emergence of aquaculture (Chapters 7 and 8). This research will be useful if environmental issues arise in the settlement (although fisheries, foreshore/seabed, and harbours are not usually included).

Jeffrey Sissons, 'Waimana Kaaku: A history of the Waimana Block', CFRT, 2002. Wai 894 #A24

This report on the Waimana block refers to Te Upokorehe interests in the land, even if their connections to Tuhoe are emphasised by Sissons at Waimana as his focus is very much on Tuhoe (Chapter One).

The involvement of Hira Te Popo of Whakatohea in Waimana lands in the 1870s is noted in Chapter Two, as are the differing roles of Hemi Kakitu and Joseph Kennedy and others linked to Whakatohea. Hemi Kakitu presented a Whakatohea claim to Waimana at the 1878 NLC title investigation. Sissons does not examine the evidence submitted by any of the parties to the NLC in any detail, merely noting that judgment was in favour of Ngati Raka and Ngai Turanga, both being referred to as hapu of Tuhoe. This evidence (including Judge Monro's separate notes held at the Auckland War Memorial Museum Library and included in Sisson's supporting documents) may warrant closer attention from a Whakatohea perspective. Kennedy appealed the award in the name of Te Upokorehe, and when Waimana was reheard in 1880 Hemi Kakitu came in with Tamaikoha's Tuhoe group. The Tuhoe claim was based on occupation (something Kennedy could not establish) but the inclusion of Hemi Kakitu in a Tuhoe claim based on occupation is significant. The award was again to Tuhoe but Te Upokorehe were included in this award (with Ngai Turanga, Ngati Raka, and Tuhoe). The ownership list included only seven Te Upokorehe names, compared to 41 Tuhoe, 10 Ngai Turanga, and 8 Ngati Raka. Hemi Kakitu was included with the Tuhoe list.

Some of the shares of Te Upokorehe were later acquired by Shera who cut them out in an 1885 partition as Waimana 1E (636 acres). Shera had through some NLC sleight of hand been included in the Te Upokorehe list so her acquisition of shares (plus two others sold to Swindley, who also acquired many Tuhoe interests in Waimana) effectively alienated Te Upokorehe interests, which are not further referred to. Hemi Te Kakitu was also amongst those on the Tuhoe list who sold their shares to Swindley in the early 1880s (Chapter Two).

Steven Oliver and Peter Boston, 'Tahora Blocks', Waitangi Tribunal, 2002. Wai 894 #A22

A large part of Whakatohea's western boundary involves the northern half of the enormous Tahora block. This report contains the most detailed coverage of Tahora block issues, including the slightly differing interests of Te Upokorehe and Whakatohea (especially Ngati Ira and Ngati Patu). As noted above, the Tribunal has reported on Tahora

issues and while its analysis and findings are helpful, its focus is on Tuhoe rather than on Whakatohea, so the Oliver & Boston report remains useful for the detail related to Te Upokorehe and Whakatohea interests.

The report also picks up on an Oamaru block issue related to the Tahora survey, and Whakatohea's role in this early stage of the Tahora title. The involvement of the Opotiki Native Committee in these issues in the late 1880s is also notable (Chapter 2.3 and 2.4). The report also details the Ngati Patu, Ngati Ira, and Whakatohea cases at the 1889 title investigation (Chapter 3.1). The 1889 judgment included the award of Tahora 2A to Te Upokorehe (but this was in conjunction with Te Whakatane of Tuhoe in the claims of Tamaikoha and of Netana Te Rangiihu) and Tahora 2B to Ngati Ira (Chapter 3.2). These awards were not affected by the 1890 rehearing, which focused on Tahora 2C and 2F (Papuni) in the south of the block (Chapter Five).

The Crown's purchase of individual interests in Tahora and its use of the survey line of £1,600 is outlined in Chapter Six, and has been generally reported on by the Tribunal. The report makes reference to the purchase of Whakatohea interests but those references appear to be examples of alienation rather than a comprehensive account of the loss of Whakatohea interests (see, for instance, p.126). As such there is scope for further research into the alienation of Whakatohea interests in the 1890s. The result of Crown purchasing activity was the awarding to the Crown of most of the Whakatohea interests in northern Tahora in 1896 (88 percent of the interests in the main 2B block and 100 percent of the interests in the smaller 2B1 block which was sacrificed to discharge survey liens and related NLC costs). Significant interests in the Tuhoe and Te Upokorehe 2A block were also acquired.

The fate of the remaining Tahora 2A interests, including those of Te Upokorehe, in the twentieth century is analysed in Chapter 7. The report notes that large parts of Tahora 2A were also purchased in the 1910s together with several large Oamaru sections (another Whakatohea block). These purchases involved the imposition of Crown pre-emption to prevent the owners doing anything with their land (such as leasing or mortgaging it) except sell it to the Crown. The development of the Waiotahi Valley Road is also directly linked to the Crown's purchase of Tahora and Oamaru blocks, as the Crown did not want to spend money on the road until it had forced the Maori owners to sell, lest they benefit from the road or it led to increased land values.

The report does not clearly distinguish Te Upokorehe interests from those of Tuhoe in Tahora 2A, so further analysis of ownership lists and partitions will be required to distinguish these. In some cases it is obvious, as when the site of Rongopopoia was partitioned out by Te Upokorehe (p.183). In other cases closer examination of the minutes or ownership lists should reveal which interests were located where. Other issues raised in Chapter 7 concern timber-cutting, private purchases under the Maori Land Board regime, survey liens, and rates arrears. Through such measures Tahora 2A was reduced from 24,668 acres in 1896 to 2,285 acres by 1923, an area reduced still more by more modest alienations after 1923.

Chapter 10 looks at Tahora 2B in the twentieth century, awarded to Ngati Ira. As noted, 2B1 was acquired by the Crown in the 1890s, as was nearly all of Tahora 2B, leaving Ngati Ira with 2B2. This remnant was further reduced by Crown purchasing in the early 1900s, leaving Ngati Ira with 2B2B (3,229 acres) with the last eight owners. The report does not appear to have found (or at least considered) evidence relating to this Crown purchasing, so it may benefit from further targeted research. The remnant of 2B(2B2B1 of 1,562 acres) was subject to further Crown purchasing in the 1910s, as noted above in relation to 2A and Oamaru, but despite the lengthy imposition of pre-emption the sole owner of one last subdivision (2B2B1) retained her land, at least until 1970 when the Crown finally got it. Timber-milling restrictions, conservation, Crown survey errors, unfairly distributed survey liens, and rates arrears were issues affecting the last of Tahora 2B in the 1930s to the 1960s, before it was secured by the Crown in 1970 following the tenant becoming bankrupt while the land was under the control of the Maori Trustee, as a result of which the land was vested in the Maori Trustee for alienation. The Crown acquired the land from the Trustee to add to the Waioeka Gorge Scenic Reserve.

2. Whakatohea Claim Issues Addressed in the Existing Research

As indicated in parts of Section 1 above, some very important Treaty claims issues are covered in the existing research. Before considering those issues it is useful to include a brief summary of the Whakatohea claims (or 'Wai' numbers) identified to date from copies of statements of claim supplied for this project. This list is a useful reminder of the range of issues raised by Whakatohea individuals, whanau, hapu, and the iwi, and which may require addressing. It is worth noting at the outset, for instance, that Wai 287 and Wai 1433 raise issues that are difficult to address within the context of Treaty claims research and Treaty claims settlements. Other than that, the claims raise broadly similar issues in relation to confiscation and other land loss, but differ in how these issues have affected them. Some

claims raise specific issues (such as Wai 864) or specific blocks (such as Wai 1092 and Wai 1787), which should be addressed within the broader research issues identified here and in Section 3 of this report.

Whakatohea Treaty Claims

Wai 87, Whakatohea Maori Trust Board; comprehensive tribal claim covering most issues

Wai 203, Mokomoko whanau issues (especially pardon)

Wai 287, Arlana Delamere for various iwi; re history education

Wai 339, Mokomoko whanau; pardon, confiscation, Ohiwa, and land issues (Hokianga and Hiwarau)

Wai 558, Hone Kameta for Ngati Ira o Waioeka

Wai 864, Moutohora Quarry claim (Whakapaupakihi 2)

Wai 1092, Upokorehe hapu Ngati Raumoia Roimata Marae Trust; confiscation, Ohiwa harbour, waterways, lands (Hiwarau, Waimana, Tahora)

Wai 1433, Tahu Nepia for Nepia Whanau Trust of Ratana, capture and enslavement of Nepia Te Mamaku by Crown's Whanganui forces 1867 and removal to Whanganui. Nepia Te Mamaku taken with sister Te Waiwera Wheau, descendants of Te Ranapia of Ngati Tamahaua of Whakatohea

Wai 1775, Ngati Patumoana; confiscation, landlessness, Native Land Court issues, land alienations, Public Works takings, and establishment of Maori Trust Board,

Wai 1781, Ngai Tama Haua; confiscation, landlessness, Native Land Court, land alienations, Public Works takings, rating issues, establishment of Maori Trust Board, socio-economic disadvantage.

Wai 1787, Rongopopoia ki Upokorehe; tribal identity and marae, confiscation, reserves allocation, Tahora, Mangatu, and Oamaru blocks, Ohiwa harbour and waterways, and socio-economic disadvantage.

Wai 1794, Turangapikitoi hapu; tribal identity, confiscation, reserves allocation, Tahora, Mangatu, and Oamaru blocks, Ohiwa harbour and waterways, and socio-economic disadvantage.

Wai 1795, Ngati Ruatakena hapu; confiscation, landlessness, Native Land Court, land alienations, Public Works takings, rating issues, establishment of Maori Trust Board, and socio-economic disadvantage.

Wai 1884, Ngati Ngahere; confiscation, landlessness, Native Land Court, land alienations, Public Works takings, rating issues, establishment of Maori Trust Board, and socio-economic disadvantage.

Wai 2008, Pakowhai hapu and Whakatohea; Native Land Court issues, Crown land purchases, Public Works takings, Native land development schemes, Maori Land Board issues, rating, environmental issues, wahi tapu issues.

Wai [no number allocated], Ngati Muriwai; tribal identity, confiscation, reserves allocation, establishment of Maori Trust Board, Maori Land Court/Opape papakainga issues, and waterways.

The issues covered to an adequate or at least reasonable degree for the purposes of a Treaty claims settlement include:

- Whakatohea identity – including origins, key tupuna, rohe, hapu, marae, and relationships with other iwi in the early nineteenth century.
- Early Contact and Early Crown relationship – including missionaries, pre-Treaty settlers, Treaty signing, early colonial period, and emergence of Kingitanga.
- New Zealand Wars and Confiscation – including involvement in and effects of battle of Kaokaoroa, the killing of Volkner (and Fulloon), Crown reaction to and investigation of killings; issues around the trial, execution, and subsequent pardon of Mokomoko; invasion of Opotiki district, unwarranted attack on and killings of Whakatohea, scorched earth tactics and plunder of Whakatohea; excessive and unjust confiscation, and Whakatohea interests in confiscation district. As set out later in this report, Gilling has identified a need to examine the period between Volkner’s killing and the invasion of Opotiki to assess the nature of any communications between the Crown and Whakatohea as this may be relevant to the motivation for (and appropriateness of) the invasion. This is a small and discrete task.

Another outstanding issue relates to the killing of Volkner: Gilling’s treatment is very detailed and the Crown has already agreed to a pardon of Mokomoko based on the existing research. But the existing research concentrates on the 1866 trial and no attention seems to have been paid to evidence from the trial of Kereopa in 1872. Recent scholarship has cast doubts on the extent of Kereopa’s culpability for Volkner’s killing, and the Crown has agreed to consider a pardon for him (Ngati Rangiwewehi DOS, pp.11–13, 21, and 34). This should not detract from the existing pardon for Mokomoko, nor the need to issue a full and proper pardon, but it does raise the question: who is left to be responsible for the killing of Volkner? The

Crown's own Maori witnesses in 1872 – to whom it granted immunity in exchange for testimony against Kereopa (and earlier against Mokomoko) – were accused by Kereopa, and also by some of those tried with Mokomoko, as having led the killing. For the sake of completeness, it would be worth reviewing the 1872 evidence to assess any implications it has for the Whakatohea claim.

- Aftermath of Confiscation – including relocation to Opape (and, for some, to Hiwarau); Compensation Court processes; out-of-court Crown deals; allocation of any other reserves; disposal of confiscated land; and, immediate to medium term socio-economic impacts.
- Past efforts at seeking redress for the Confiscation – including petitions in early to mid-twentieth century; Native Affairs Committee inquiry; Native Commission; Sim Commission; 1946 settlement, and establishment of Whakatohea Maori Trust Board.

Not all of the above issues have been covered as completely as they could be, and aspects of some issues would benefit from some additional research, such as Compensation Court minutes, the allocation of individual grants or reserves outside Opape, Hiwarau, and Hokianga (such as grants of Waiotahi and Waioeke Parish sections, if any were made to Whakatohea individuals beyond the known grant to Hira Te Popo).

A distinct issue that does require further research relates to pre-Treaty land dealings by early Pakeha settlers and the Church Missionary Society. This is dealt with to a very limited extent in the existing research, such as when Walker acknowledges the receipt by the Trust Board of £4,628 in 1952 as part of the Surplus Land Commission settlement. This payment relates to grievances arising from the Crown's resolution of pre-Treaty land claims ('old land claims'), and both the claims and the Crown's treatment of them need to be examined (see below).

More work could be done on efforts at redress, drawing on the extensive records of the Sim Commission, but the key issue with those earlier inquiries is their inadequacy and their failure to address the real grievances of Whakatohea or consider them in the context of the Treaty. Given this, the redress arising from them (the 1946 settlement) is also obviously inadequate, which is why a 'full and final' settlement is now being agreed. Looking more closely at such defective inquiries only serves to give their findings more credibility than they warrant.

3. Gaps in the Existing Research

Given that the above issues have been adequately addressed, or at least addressed to a reasonable extent, this leaves the following as the Treaty settlement issues that have not been addressed:

- Old Land Claims – as noted above, this refers to pre-Treaty land dealings which Pakeha later sought to transform into land grants from the Crown. As indicated in the attached Bibliography, four Old Land Claims have been identified that involve or may involve Whakatohea lands. Some of these resulted in grants and/or the Crown taking land from the claim ('surplus' land). Some old land claims were not resolved until the 1860s, often in the context of confiscation (as occurred at Matata and Turanga). Long-standing Maori grievances over old land claims in other districts (notably Te Tai Tokerau and Hauraki) led to the 1948 Surplus Lands Commission and a subsequent cash settlement in 1950 for all iwi affected by Crown takings of surplus land. Whakatohea received several thousand pounds from this 1950 settlement (as noted by Walker, who does not discuss the reason for the payment). For the sake of completeness, the fate of the four old land claims within the Whakatohea rohe should be briefly traversed and the link to the 1950 settlement clarified. The Crown has recently made concessions in the Te Papanahi o Te Raki settlement regarding surplus land so the issue should be readily addressed in a Whakatohea settlement.
- The 1872 trial and execution of Kereopa – as noted above, the evidence from Kereopa's trial relating to the killing of Volkner may warrant review to assess whether it has any implications for what Gilling, Walker, and other writers (including the Waitangi Tribunal) have already written about the 1866 trial of Mokomoko and others. The 1872 trial has received considerably less attention. If Kereopa is not as culpable for Volkner's killing as has been generally assumed, this does raise a question as to who is (other than those whose guilt seems to have been established at trial). The 1872 trial has been raised by Ngati Rangiwewehi as part of their DOS and is also being referred to in an upcoming book by Peter Wells (who recently completed a biography of William Colenso, who sought mercy for Kereopa in 1872). Regardless of this attention to the subject, there would seem to be nothing to be gained by

Whakatohea in considering it. Given this, the matter is not referred to in the Research Proposal below.

- The fate of lands returned from the Confiscation – this mainly concerns Opape, Awaawakino, and any smaller reserves granted to individuals of Whakatohea in the Waioeka and Waiotahi Parishes. At the most basic level, data needs to be assembled to quantify the extent, nature, and timing of land loss. Then we can look at the harm this caused Whakatohea (see Socio-Economic issue below). The partition of Opape has been addressed to some extent by Ranginui Walker but additional work on the fragmentation, administration, and any alienations of the reserve require quantification and consideration. The fate of Hiwarau is adequately addressed in Johnston’s report.
- The fate of Whakatohea lands outside the Confiscation – as with the fate of the lands returned from the Confiscation, the first step is quantifying the extent, nature, and timing of land loss for these lands. The area outside the Confiscation is larger than the area within it (even if the land outside is of much lower productivity) so how and when it was lost needs to be established before landlessness can be asserted with certainty. The main blocks are (subject to confirmation of the nature and extent of Whakatohea interests) Motu, Oamaru, Tahora, Takaputahi, Whitikau, Whitikau 3, and Whakapaupakihi. The nature and extent of Ngati Ira interests in Mangatu may also be relevant, although the Ngati Ira interests there seem to have been presented in the context of a Ngati Porou claim. Although Mangatu has been very thoroughly researched this has not been done from a Ngati Ira perspective but the research sources are readily available for review. For all blocks in which Whakatohea interests can be identified, the nature, extent, and fate of those interests needs to be assessed (including issues such as Crown and private purchasing, NLC costs, and twentieth century issues such as fragmentation and administration of retained land, public works and other takings, and the extent of retained land). At this stage it appears that extensive Crown purchasing in the 1870s to early 1900s was the main factor in Whakatohea land loss outside the confiscation. Whether the work on the NLC blocks is done from existing or new research will vary as some blocks have been quite well covered in the existing research, particularly Waimana and Tahora, although others are referred to only in passing (such as Motu, briefly covered in Te Aitanga-a-Mahaki research for the Waitangi Tribunal’s Turanga inquiry).

- Political engagement/Crown relationship – this is a broad issue that need only be briefly touched on in the context of other issues, unless particularly strong and unique Whakatohea issues emerge. For example, in Hawke’s Bay the Repudiation Movement of the 1870s was an important reaction against the impact of the NLC, in Wairarapa the Komiti Maori and then Kotahitanga Movement were very significant pan-tribal political responses to Crown policies, and Tuhoe had Te Whitu Tekau and the Urewera District Native Reserve. From research to date, no similar theme emerges for Whakatohea, whose focus was on seeking justice over the Confiscation, and that is addressed within the context of the Confiscation issues noted earlier. For non-confiscation land issues there are likely to be petitions related to specific blocks or protests over particular policies affecting Whakatohea. These can be touched in the context of the lands and people affected as they arise when the lands outside the Confiscation are being researched. There may have been a particularly active Maori Council in the district in the early 1900s, or politically important work done by the tribal executive committees established after 1945, but nothing located to date indicates this was the case. A broader political issue related to the twentieth century that can be referred to is the Whakatohea contribution to the war effort in World Wars One and Two, not only those who served in the armed forces but also home front contributions such as the Maori War Effort Organisation (Walker, pp.189–92). This serves as a contrast to the Crown’s treatment of Whakatohea and is something the Crown has proved willing to acknowledge in Treaty settlements.
- Socio-economic outcomes – this includes issues such as education, health, housing, income, and employment. The Crown remains reluctant to link poor Maori outcomes to landlessness, but the ‘before and after’ picture for Whakatohea is so dramatic that it needs to be drawn. The relative success and abundance prior to confiscation is covered in the existing research, as is the extent of plunder effected by Crown forces. Some of the immediate aftermath of confiscation, in terms of impoverishment and lack of productive land, is traversed by Gilling and Walker, who also discuss early education initiatives and the economic plight of Whakatohea in the late nineteenth century. Some additional detail on this period could be useful, and the socio-economic picture also needs to account for the Whakatohea lands outside the confiscation district (as set out above). This needs to be supplemented by material from the early to mid-twentieth century, some of which is set out in the attached Bibliography (notably Native School files and Maori Affairs files dealing with health and housing issues). For more recent data, Statistics New Zealand should already have provided a

Whakatohea Iwi Profile, which will set out the modern day disadvantage still being suffered, to bring the picture up to date.

- Twentieth century land issues – these are identified to some extent in relation to the fate of lands returned from the confiscation and lands outside the confiscation. The individual block detail emerging from the history of those lands needs to be contextualised in relation to a range of twentieth century land issues to illustrate their impacts on Whakatohea. These include those referred to above, notably twentieth century Crown and private land purchasing, land title fragmentation and consolidation, administration and amalgamation, Native Land Development schemes (from the 1930s to the 1980s), Soldier Settlement/Rehab Farms, public works and other takings (such as the Moutohora quarry example in Wai 864 or the acquisition of the last of Whakatohea's Tahora lands in 1970 for the Waioeka Scenic Reserve), rates arrears, survey liens (note that in 1932 a total of £2,524 in liens and interest had accumulated against Opape titles alone [AJHR, 1932, G-7, p.13]), the role of the Maori Land Board and Maori Trustee,), and the role of local government in resource management and earlier controls (such as zoning which could restrict papakainga housing and title subdivision). Most of these issues are seen by the Crown as somewhat peripheral to Treaty settlements (with the exception of land alienation and public works and other takings) but they can include issues of significance to iwi (such as Native Land Development schemes, Soldier Settlement schemes/Rehab Farms, or Maori Trustee action) even where these will not have a direct bearing on any settlement.
- Environmental issues – these are not considered significant by the Crown in Treaty settlements, but can be significant to iwi. They can include waterways issues (such as pollution, flood protection works, wetlands drainage, erosion and forest clearance), acclimatisation matters (introduced species and depletion of indigenous birds and fish valued by iwi, bounties on indigenous species valued by iwi, and licensing regimes), or loss of indigenous forests or restrictions on Whakatohea use of timber on their lands (as occurred on the remnants of Tahora 2B). A related matter is the role of the Department of Conservation and its predecessor agencies (the Wildlife Service and Forest Service). Many of these issues may be important to some, and a few may be important to all, but most are difficult and time consuming to adequately research. That research is ultimately of little interest to the Crown, whose focus is on other issues in Treaty claims settlement. Aspects of this research may later prove useful in broader resource management matters but it may be more appropriate to undertake targeted

research post-settlement that best serves Whakatohea's ongoing resource management issues. The environmental issues raised in the statements of claim are not specific (other than regarding Ohiwa Harbour, which has been adequately covered in the existing research). An approach focusing on key case studies may be the most cost effective method at this stage, drawing on issues raised by Whakatohea or which emerge from other research outlined above.

Finally, it should be noted that Gilling's 1994 report identified issues for further research (pp.188–91). Some (but not all) of these issues have since been covered by Ranginui Walker or in other research completed since 1994. Other issues probably do not require further research, particularly in light of the Crown's subsequent concessions on confiscation in the historical account and apology included in the 1996 draft settlement. The following are the issues raised by Gilling, with my comments added:

A. *Pre-European tribal history*: Gilling recommends a "comprehensive study," pointing to the lack of focus in Lyall's book and recommending a tribal history "which establishes Whakatohea as the tangata whenua of this rohe."

Comment: This is adequately covered by Walker (Chapters One and Two). Other secondary sources (such as Angela Ballara's *Iwi* and *Taua*) could also be drawn on. While it might be thought the sort of work Gilling has recommended could help in addressing the status of Te Upokorehe, that is the sort of issue that highlights the limitations of research; ultimately this is a political and cultural issue to be resolved by Whakatohea and Te Upokorehe. Such a resolution will involve whakapapa and historical connections, but these are ultimately issues best addressed by those with the expertise in such matters.

B. *Whakatohea interests in disputed lands*: this builds on the above work and would clarify Whakatohea interests at Ohiwa in the west, and relative to Ngai Tai in the east, Tuhoe in the west, and Ngariki/Te Aitanga a Mahaki in the south.

Comment: These 'border' issues have largely been addressed in research done after Gilling wrote the above recommendation in 1994. Ohiwa issues are adequately covered in the Te Urewera and Ngati Awa inquiries and Tribunal reports, and this research can be drawn on. Other subsequent research (such as Walker) has dealt with the traditional relationships and boundaries to the east with Ngai Tai. To the west, the Tuhoe and Te Upokorehe issues have been addressed in subsequent research, including detailed work on Waimana and Tahora blocks. Issues to the south are less

clear, but existing research on Mangatu will assist there, as will any research undertaken into the Whakatohea lands south of the confiscation district.

- C. *The six months between Volkner's killing and the September 1865 invasion*: Gilling suggests the extent to which Whakatohea may have sought to engage or negotiate with the Crown during this period is relevant to assessing how appropriate it was for the Crown to despatch its invasion force.

Comment: The Tribunal's *Te Urewera* report indicates the Crown was determined to punish those deemed responsible for the killings of Volkner and Fulloon and to confiscate the land of the tribes deemed responsible, so it seems unlikely that any overtures from Whakatohea could have deterred it from its course. Even so, it would not be difficult to quickly assess a range of sources to see what evidence there is of communication between Whakatohea and the Crown in this brief period. This could be done as a discrete task, which would involve an online search of Maori and English newspapers, an online search of AJHR, online searches of relevant Archives record groups, and a review of Maori Affairs inwards correspondence registers for the period.

- D. *Confiscation policy in general*: Gilling notes the policy in general has been adequately covered for claim purposes, adding that more work would only be useful for a "fully fledged book or tribal or regional history."

Comment: Since Gilling's report was written in 1994 a great deal more work has been done on confiscation policy in general, especially in relation to the confiscations in eastern and western Bay of Plenty, so this recommendation is now out of date.

- E. *Mapping tribal boundaries and calculating the impact of confiscation on the Whakatohea rohe*: Gilling believes Crown officials relied on the tribal boundaries loosely mapped on Heaphy's 1870 map (see below) to calculate the impact of confiscation on Whakatohea.

Comment: Firstly, Whakatohea boundaries are defined by the iwi as part of the claim settlement negotiations, not by an 1870 map. As evident from the map, the southern boundaries are far too poorly defined to give much of an idea of the exact area deemed by officials to fall within the Whakatohea rohe (Ngai Tai are not even shown on the map). It seems unlikely later inquiries (such as the Sim Commission) relied on such a crude map, particularly when they had far more accurate cadastral plans prepared for them, showing surveyed land titles well south of the confiscation line (a useful map from the Sim Commission records is noted in the attached Bibliography). As noted

above, boundary issues at Ohiwa and to the south and west are also addressed in the existing research. As for the area involved in the Whakatohea rohe, this will emerge from the research recommended in the next section of this report, through a combination of block-related research and GIS mapping.



F. *Return of confiscated lands*: the focus here being on Wilson’s dealings with Maori and establishing how much land was returned to Whakatohea (other than Opape, Hiwarau, Hokianga, and Hira Te Popo’s section).

Comment: This has been picked up in the research gaps identified above, and will be addressed as part of determining what land was returned to Whakatohea. Wilson’s

reports and official returns will assist here, as will more comprehensive research into the Compensation Court records. Finally, there are also comprehensive Crown grant records available showing to whom every section in the confiscation district was granted. Whakatohea will need to assist in identifying who among the Maori granted sections in the Waiotahi and Waioeka Parishes are of Whakatohea (many grants were made to Te Arawa and other kawanatanga as payment for military services, but some grants were made to Whakatohea on a different basis).

G. *Compensation Court records*: Gilling did not have time to thoroughly examine the minutes and other records of the Compensation Court and believes more information about lands returned to Whakatohea can yet be gleaned from these sources.

Comment: Since Gilling's report was written in 1994 more research has been done on Hiwarau and Hokianga island, but only a small amount of work has been done on Opape, and almost not work has been done on any other lands within the confiscation boundary (other than Hira Te Popo's section). As noted above, these will need to be traversed as part of addressing a gap in the records related to identifying all the lands returned to Whakatohea from within the confiscation boundaries.

H. *The impact of confiscation on Whakatohea*: Gilling suggests the immediate effects need to be assessed, and be based on a wider range of sources than he was able to examine in the limited time available for his report (such as newspapers, manuscripts, and later official reports).

Comment: This falls under the broader heading of the socio-economic issues identified earlier in this report, and which do require some further research. The ability to undertake online searches of historical newspapers and AJHR greatly reduces the labour involved in such work. In addition, there are a range of archival sources from the late nineteenth and early twentieth century that are also relevant (as set out in the attached Bibliography).

I. *The Opape block and life on it*: Gilling wonders how Wilson got Whakatohea to move to Opape, if they all went, and what life at Opape was like thereafter. He suggests a range of sources to be consulted.

Comment: This is in part a valid research topic, which falls broadly within the socio-economic issues outlined above. Other research gaps identified above are also relevant, such as the fate of Opape block after it was returned (including title fragmentation and any alienations). Addressing these research gaps would also pick up the useful points made here by Gilling. As for how Wilson got the people to move

to Opape, this seems rather self-evident: the Crown had invaded and confiscated their land, and any refusal to move would have resulted in force being used.

J. *Twentieth century grievances*: this refers to NLC titles, Public Works takings, and other land issues not directly related to the initial confiscation which are raised in the Whakatohea statement of claim but not with much specificity.

Comment: Twentieth century land loss and related issues do need to be addressed, especially for the lands outside the confiscation district where little research has yet been done. This gap is noted in the preceding section on research gaps.

K. *A petitions search*: it is suggested that this would identify grievances raised by Whakatohea during the last century or so, as well as petitions related to confiscation. Any relevant petitions would proved an entry point for further research.

Comment: This sort of search has been rendered somewhat redundant by advances in online search tools for AJHR and Archives New Zealand. Issues related to Whakatohea blocks or to Whakatohea issues will be identified during the course of addressing the research gaps noted in the preceding section, so there is no need to start with the petitions and work back from there. In addition, some early twentieth century petitions related to confiscation have already been dealt with by Walker.

L. *Native Land Commission (1921) and Sim Commission (1928)*: further investigation of these two commissions of inquiry, their terms of reference, and the evidence put to them.

Comment: This task has largely been superseded by research done since 1994. The shortcomings of the two commissions has been comprehensively established in Tribunal inquiries and accepted in existing DOS, so it need not be laboured over. The evidence given to the Sim Commission may be of some relevance to Whakatohea confiscation issues, but the content of the evidence put to Sim was in part shaped by the restrictive forum in which it was given, so it does have its limits. The approach of the inquiry was legalistic and took no account of the Treaty. The evidence was also given long after the event so it is not generally as useful as evidence from the late 1860s and 1870s. Even so, it is worth reading through the evidence put by Whakatohea to see if it sheds any additional light on the events surrounding the confiscation or the impact of it on the iwi.

M. *Further research on the 1946 settlement*: this includes issues around who was representing Whakatohea in the ‘negotiations’, whether it was a ‘full and final’

settlement, if the money was received, how the sum was arrived at, and how it was spent.

Comment: Most of these issues have subsequently been addressed in Walker's book, with reference to petitions and the main Maori Affairs file relevant to the settlement. There may be some merit in looking at the establishment of the Whakatohea Maori Trust Board and its role in receipt of the subsequent settlement in relation to hapu representation, as this has been raised in some of the Whakatohea hapu claims (one of the relevant files is referred to in Walker's book, and others are noted in the Bibliography attached to this report). Walker also refers to the iwi's own archives, which include minute books from the 1940s relating to the confiscation grievance. There may be other relevant material in the Trust Board's archives. Beyond these points, past settlements generally receive scant attention in today's Treaty claims settlements because those earlier deals had little to do with the Treaty, were based on inadequate inquiries, and were for inadequate sums (although some might say the sums in today's settlements are no less inadequate).

4. Research Proposal

Given the research gaps identified in Section 3 above, the projects set out below would address those gaps and (together with the existing research) provide Whakatohea with a firm evidential base for a comprehensive Treaty claims settlement.

Projects 1, 2, 3, and 5 are the highest priority. Projects 4 and 6 are not essential but could provide useful information and context. Limited elements of Projects 4 and 6 could be incorporated into other projects (such as Project 5). The hours allocated to projects have been stripped back to a fairly basic level, but I believe useful results can be achieved within the timeframes given. It should be noted at the outset that a great deal more hours could be devoted to all of these projects, and the additional research would probably reveal issues and events of interest and relevance to Whakatohea. But that sort of additional research would not deliver any significant benefits to claim settlement outcomes. Having anticipated an absence of external funding, I have sought to restrict the research to what is of most use to a Whakatohea claim settlement. Should external funding become available, resourcing could be revised to expand the projects.

Project 7 (Mapping) is not a research project as such, but will provide very useful illustrations of key themes and issues.

Project 8 (Sites of Significance) is only in part a research project as it includes a significant mapping component and requires extensive input from those among Whakatohea with traditional knowledge of the lands involved.

1. Old Land Claims

This very small and discrete project involves examining the four Old Land Claims identified to date that involve or may involve Whakatohea land (and any others that arise in Compensation Court dealings). This includes ascertaining the nature and extent of the claims, how they were resolved by the Crown, what surplus land was created, what evidence was submitted to the Surplus Lands Commission about these claims, and how they were addressed by the 1950 cash settlement.

This project would require 50 hours to research and write.

2. Lands Returned from the Confiscation

This project will examine the fate of Opape and Awaawakino reserves (but not Hiwarau or Hokianga), as well as the fate of any other lands within the confiscation identified as having been returned to Whakatohea individuals. This will include any material that can be located additional to that in the existing research relating to how Opape was initially allocated and how Whakatohea responded to being forced to move on to it.

The project will examine what happened to the lands after allocation, including subdivisions, and alienations together with information about any alienations (purchaser, price, date, and any relevant details). Given the extreme title fragmentation within Opape, and the multiple files dealing with many alienations (mostly leases but also some purchases), it is unlikely to be practicable or necessary to account for every single subdivision for a claims settlement project. At a most basic level, for each of the blocks allocated to Whakatohea the original area, the area of Maori land remaining c.1900, and the area remaining today will be ascertained.

This project would benefit from scoping to assess the extent of the task but this scoping could form the first milestone in the project, the final terms of which could then be adjusted.

This project will require 160 to 200 hours to research and write.

3. Lands Outside the Confiscation

The focus of this project is to identify Whakatohea interests outside the confiscation and to then quantify the nature, extent, and timing of the alienation and fragmentation of those interests (where they were awarded to Whakatohea). Preliminary research (as reflected in the attached Bibliography) indicates that most blocks were quickly affected by large Crown purchases in the 1870s to 1890s, with further Crown purchasing into the early 1900s. It is evident that very little Maori land remained south of the confiscation by about 1900 and even less remains today.

A relatively modest number of blocks have been identified to date in which Whakatohea have, or may have, interests but it will need to be established if those interests were recognised by the NLC. To date, it appears interests were raised in the Motu, Oamaru, Tahora, Takaputahi, Whitikau, Whitikau 3, Waimana, and Whakapaupakihi blocks. Very limited interests were awarded in Waimana. Interests may have been asserted in Mangatu.

Existing research for Waimana, Tahora, and Mangatu means only very limited additional research is required (mainly into NLC minutes). For other blocks, very little information is currently available.

For each block in which Whakatohea were awarded interests a basic block narrative will be developed setting out the title investigation and early subdivisions, and then briefly quantifying Crown purchasing, private purchasing, any Public Works and other takings, lands remaining in Maori ownership c.1900, and lands remaining today. The hours allocated to this project are premised on Whakatohea interests being largely confined to the blocks listed above, and that the bulk of this land was lost to late nineteenth century Crown purchasing. This will limit the time required to address the fate of these lands.

This project will require 160 hours to research and write.

4. Socio-Economic Outcomes of Confiscation

A full-scale research project establishing the causal links between loss of land (especially the most productive land that was targeted for confiscation) and poor socio-economic outcomes for Whakatohea would require significant resources. This is evident from the enormous reports prepared by Professor Brian Murton for Tuhoē

on these issues ('The Crown and the People of Te Urewera, 1860–c.2000: The Economic and Social Experience of a People', CFRT, 2004).

Such a report is more than is necessary for Whakatohea, partly because it is so evident that they lost so much of their most productive land to confiscation and that this taking is directly linked to their rapid economic decline. Most of the land in their remaining blocks in the hinterland were also lost quite rapidly. Another reason not to devote too many resources to this subject is that it is given very little consideration by the Crown, no matter how well it is researched. Even so, if attention is to be drawn to the outcomes of confiscation for Whakatohea then some research is needed to establish what those outcomes were (and are).

Gilling and Walker have done some research into the fate of Whakatohea after confiscation but this is fairly limited and relies heavily on periodic reports from a few local officials. This work could be expanded without too much effort, drawing on online research tools not available to earlier writers (notably the Papers Past site, online AJHRs, and the Archives site, Archway). Some useful Archives files are referred to in the attached Bibliography, including correspondence files dealing with health and welfare, housing, and Native schools (which are useful not so much in relation to education but because the files often provide detail about the circumstances of their pupils and their whanau). Further material is likely to be identified during more detailed research into Archives holdings as part of this project.

Other material relating to social and economic circumstances will emerge from files examined for Projects 3 and 5 (for instance, land purchase files might include correspondence about reasons for selling, while land development files also contain much about the circumstances of those working and living on the land).

Drawing on this range of sources will reveal a range of data (qualitative and quantitative) about the social and economic circumstances of Whakatohea over time. This research material need not be written up as a stand-alone report. It can instead be integrated into other research projects (mainly Projects 2, 3, and 5) where it relates to the lands and time period being traversed in those projects. This more clearly links the research about socio-economic outcomes to the Crown policies and practices affecting Whakatohea and their lands over time.

The present circumstances of Whakatohea can be gleaned from census data, as gathered together by Statistics New Zealand into the Whakatohea iwi profile (for the 2006 census at least).

This project could be completed by an experienced researcher (or researchers) (perhaps iwi researchers if they have the appropriate experience), and the material gathered supplied to the historian working on Projects 2, 3, and 5 so that it can be integrated into those projects (where the links between land loss and outcomes can be more clearly made). Using research assistance might require a greater number of hours (certainly more than 200) than if the work was done by a historian but researchers will be a more economical option. When these options have been explored, the resources needed for the project can be finalised.

5. Twentieth Century Issues

This project will go beyond the basic block detail gathered for Projects 2 and 3 and look more closely at a range of twentieth century land issues affecting Whakatohea's remaining lands. The main land issues are likely to be:

- Crown and private land alienations and the impact of the Maori Land Board regime after 1909;
- Public Works and other takings;
- Survey liens;
- Native land development schemes;
- Title fragmentation and related land title administration issues, such as consolidation, amalgamation, uneconomic shares/'conversion', and Europeanisation after 1967;
- the role of local government in resource management and earlier controls such as zoning which could restrict papakainga housing and title subdivision;
- Solider settlement/rehab farms;
- Rates

Some of these issues can be very time-consuming to research and analyse, and in some cases the results in terms of the final claim settlement are very minor. The issues are set out above in approximate order of priority and usefulness to the claim settlement. In other words, examples of unfair, improper, or excessive land

purchasing are not only easier to identify in the sources but they are also of more utility to the claims settlement.

At the other end of the scale, research into solidier settlement (rehab farms) is complex and it is very difficult to establish clear grievances much less anything the Crown might be prepared to accept as a Treaty breach. This is an issue raised in the original Wai 87 claim, but the statement of claim does not detail what the grievances around solidier settlement are. If they can be particularised, it may be possible to focus on specific issues and obtain a useful result.

Similarly, Native land development schemes generate voluminous records that cover a wide range of issues, some of which concern technical land use and farming issues that are difficult to relate to Treaty breaches. The focus will need to be on less technical issues such as the extent of consent to the schemes, the benefit Whakatohea land owners and farmers derived from them, and the costs in fiscal terms and in terms of the time owners were deprived of the rights of ownership. The Crown has yet to acknowledge any Treaty breach around these schemes (even where egregious mismanagement is shown), largely because of the overall benefit derived from them by Maori.

Title fragmentation and related land administration issues are another very broad topic that includes very complex issues that may ultimately deliver limited results in terms of a claims settlement. Broadly speaking, the creation of what were called 'uneconomic interests' and the compulsory alienation of those interests, as well as issues like compulsory Europeanisation, need not be explored in great detail but can be referred to as highlighting the impacts of the NLC regime imposed on Maori land.

The most effective use of the limited resources available will be to combine a broader policy-based approach to Maori land administration with focused case studies. Particular examples of rates arrears, survey liens, and Public Works takings can be used to illustrate the broader policies at work (some reference to specific rates issues are noted in the attached Bibliography). The case studies will include any specific issues raised in the Whakatohea statements of claim, such as the Public Works taking of Whakapaupakihi land for the Moutohoroa quarry in 1937 and the related issues around royalties from the quarry. Files relevant to this example are identified in the attached Bibliography.

Other than land issues, this project would also traverse the extent and nature of Whakatohea's political engagement with the Crown which is not already covered by protests and petitions over confiscation. As noted earlier, this would pick up on issues that are not necessarily related only to land, such as the Maori Councils of the early 1900s (although sources related to them are relatively scarce) or the post-1945 'tribal executive committees' established around the country (if these are of any importance to Whakatohea; their work was often fairly confined to some welfare issues and matters like marae restoration). The other issue to pick up is Whakatohea contribution to the war effort, particularly in World War Two.

As with Project 4, this project could involve experienced researchers, if any are available. That would increase the hours required but probably lower the overall cost. When these options have been explored, the resources needed for the project can be finalised. Even with research assistance a historian would require at least 150 hours to prepare a fairly brief report on the general issues and the case studies.

6. Environmental Issues

As noted earlier, this is not an essential report for Treaty claims settlement although it may pick up issues that are significant to Whakatohea. Environmental matters can include:

- waterways issues, such as pollution, flood protection works, wetlands drainage, erosion and forest clearance;
- acclimatisation, which includes introduced species and depletion of indigenous birds and fish valued by iwi, bounties on indigenous species valued by iwi, and licensing regimes imposed on iwi;
- loss of indigenous forests or restrictions on Whakatohea use of timber on their lands (as occurred on the remnants of Tahora 2B);
- the role of the Department of Conservation and its predecessor agencies (the Wildlife Service and Forest Service); and,

Some of these issues are difficult and time consuming to adequately research, although some have been covered in existing research (such as Ohiwa Harbour and timber-cutting restrictions on Tahora lands). It will not be feasible to provide an overview of all of these issues but – as with Tahora and Ohiwa – particular issues of importance to Whakatohea could be the subject of targeted research. Environmental

issues are raised in some of the statements of claim, but only in a rather general way so Whakatohea will need to identify specific issues for case study before considering resourcing for any work related to this project.

7. Mapping

A range of claim issues would greatly benefit from illustrative mapping. If the Trust Board has (or is developing) an internal GIS capacity, this work could be done in-house. If not, GIS mapping is quite costly so it may be necessary to restrict it to essentials if an external contractor is being engaged. Mapping could even be confined to gathering the necessary data and historical maps and leaving OTS to do the mapping (they have internal GIS mapping capacity).

Useful maps would include:

- Whakatohea rohe or ‘area of interest’ for DOS purposes (delineating ‘core’ areas from more contested or shared boundary overlap areas, and showing with whom they are shared), also showing marae locations;
- Whakatohea confiscation reserves, the confiscation line, and NLC blocks;
- Subsequent subdivision and alienation of the reserves and NLC blocks, delineating Crown and private purchases;
- Maori land remaining within above lands c.1900 and c.2000 (and perhaps 1930 as an intermediate point, depending on what data emerges from Project 3).

8. Sites of Significance

This is not a research project as such, but is something that has become an important element in Treaty claims settlements. It involves locating sites of significance to Whakatohea (pa, kainga, wahi tapu, urupa, or other sites such as battle sites, access routes, or mahinga kai) that are on Crown land and thus may be available for return to Whakatohea as cultural redress.

Typically, CFRT funds a ‘Crown asset audit’ which locates all Crown properties within the Whakatohea rohe along with information on valuation and the status of the land (what sort of reserve it is). This will have already been done for areas overlapped with Tuhoe to the west and south. In the absence of CFRT funding, OTS can supply a

Crown asset audit but it tends to omit properties. There are independent contractors who can assist in identifying these missing properties.

The next step is in identifying Whakatohea cultural sites that align with Crown land parcels, with a view to getting part or all of such parcels returned as cultural redress. Historical research can play a part in this process, but traditional knowledge of the land and the important sites on it is of greater value here. Research can help bolster the case for particular sites, but in the first instance the traditional local knowledge is required to identify sites.

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R22408403. MA 1/1307/1923/33

Waiariki Native Land Court: Opape and Awa-awakino Blocks. Order of Court laying off Road Lines, 1923–33. R22408538. MA 1/1317/1923/239

Waiariki Maori Land Board: Opape 5B1A. Land subject to Part XVI/09. Sale to Edward Ferden Johnson. For consent under Section 298/09, 1923–24
R22408565. MA 1/1319/1923/274

Ngata: Opape 2B. Petition of Whaiora Renata and others re lease to Sergeant Ferguson, 1923.
R22408586. MA 1/1321/1923/300

Waiariki Maori Land Board: Opape 6H. Land subject to Part XVI/09. Lease to Joseph Edwards. For consent under Section 298/09,1924. R22408717. MA 1/1333/1924/92

Waiariki Maori Land Board: Opape 3Y3. Subject to Part XVI/09. Gift to Pita Barker. For consent under Section 298/09, 1925. R22408971. MA 1/1355/1925/56

Waiariki Maori Land Board: Opape 3B 1. Land subject to Part XVI/09. Lease to J. Edwards and two others. For consent under Section 298/09,1925
R22410558. MA 1/1373/1925/454

Waiariki Maori Land Board: Opape No. 3Q No. 2A - Mortgage: Amoamo te Riaki to the Native Trustee for consent under Section 298/09,1928
R22410365. MA 1/1434/1928/12

Waiariki District Maori Land Board: Opape 3R 4 - Advance by Waiariki District Maori Land Board to Rangiua Tawhara - for consent under Sections 19/22 and 8/26, 1929–30.
R22410814. MA 1/1516/1930/11

Waiariki Maori Land Board: Opape 3A balance 2B Block - Advance by the Waiariki District Maori Land Board to Pateriki Porikapa - for consent under Sections 19/22 and 8/26, 1930.
R22411841. MA 1/1539/1930/474

Raiwhara Heremaia, Queensland House, Rotorua: Opape 5A. Offering to sell her interest to the Crown, 1916. R23910060. MA-MLP 1/167/k/1916/49

Waiariki Maori Land Board: Waioeaka 175, Whitikau 3A 3, Opape 6D, 6E, 6J 1 and 3A Balance 1B 4 - Mortgage: Edwards Family to the Waiariki Maori Land Board for consent under Sections 19/22 and 8/26, 1927. R22410361. MA 1/1434/1928/7

Opape 5 & 9, Opape Native Reserve, 1910–35. R19525113. MA 1/116/ 5/13/48

Opape 3K1, 1946–47. R19525260. MA 1/144/5/13/203

Opape 1A 19A, Burial Ground, 1969–70. R19526651. MA 1/429/21/1/170

Opape 1A18 Reservation, 1959. R19526765. MA 1/439/21/3/107

Opape 5 Reservation, 1965. R19527104. MA 1/459/21/3/506

Burial Reserves- Opape 4, 1976. R11838684 AAMK 869/W3074/728/g/21/1/34

Opape Marae, 1938–48. R18798045. MA W2490/46/34/3/12

Objecting to road being taken over Opape 5A3 to give access to Opape 6 (Balance), 1931–35. R19527253. MA 1/472/22/1/5

Opape 3K, 5A and 5G Blocks - Order of Court laying off roadlines, 1935–37 R19527588. MA 1/502/22/2/38

Roadlines - Opape 3, 4, 5, and 6, Waioeaka Lots 270 & 271, 1941–43 R19527640. MA 1/506/22/2/94

Consolidation Minute Book 8: Opape, Te Rahui, 1935–37. R20594080. Use copy AFKK 4711/1130

Opape Base Farm, 1931–57 [RESTRICTED]. R11842517. AAMK 869/W3074/ 873/d/63/42, Part 1

Opape Base Farm - Purchase of Opape 2A1 Block from Mrs. L.C. Ferguson, 1921–56 R11842519. AAMK 869/W3074/874/a63/42/3, Part 1

R11842520. AMK 869/W3074/874/b/63/42/3, Part 2, 1956–57

Waiariki District Land Development Scheme, Opape Base Farm (Ferguson's), 1931–32. R22088769. MA 31/9/10 [Use copy Repro 28]

Opape Scheme, Livestock, 1931–34. R19529272. MA 1/803/63/42/2

Opape Base Farm expenditure, 1931–38. R19529273. MA 1/803/63/42/4

Opape Development Scheme, Balance Sheets, 1936–42 R11842518. AAMK 869/W3074/873/e/63/42/1

Opape Base Farm Development Scheme – Main, 1931–39 R328126. BBFZ 5015/A1207/18/a/41, Part 1

R328127. BBFZ 5015 /A1207/18/b/41/1, Part 1, 1932–36

Opape Blocks - Pine Milling Company, 1963–68 R1855185. BAFK 1466/213/a/18/2/257

R1855184. BAFK 1466/212/h/18/2/257, 1968–73

R1855183. BAFK 1466/212/g/18/2/257, 1974–77

See multiple series 13 Maori Trustee alienation files (Archives Auckland), 1959–1980s

See multiple series 12 Maori Trustee lease/sale files (Archives Auckland), 1955–1970s [RESTRICTED]

See multiple series 20 Maori Trustee compensation files (Archives, Auckland), 1965–81

See multiple Rotorua MLC alienation files (Archives, Auckland), 1918–59

Note that many of the documents in these Maori Trustee and MLC files at Archives may be duplicated in the copies of MLC files held in the Trust Board Archives.

Awaawakino Block

Waiariki Maori Land Board, Rotorua: Awaawakino A and B - Advance by the Waiariki District Maori Land Board to Hori Mio - for consent under Sections 19/22 and 8/26, 1930. R22440816. MA 1/1523/1930/135

Waiariki Native Land Court, Rotorua: Opape and Awa-awakino Blocks. Order of Court laying off Road Lines, 1923–33. R22408538. MA 1/1317/1923/239

Oamaru Block

Oamaru block, Uriwera county - Native reserve, Tracks, bush - scale 1 mile:1 inch – Tracing, no date. R22822644. AAFV 997/16/A163

Crown acquisitions and confiscations of Maori land - documentation [copies] collected for Department of Survey and Land Information showing historic chain of title 1860s to present day - NZ Map Series sheet X16 - Bay of Plenty, Oamaru, Whitiakau, Takaputahi, Whakapaupakihi, Motu, Mangatu, Maungawaru [map not included], no date R21369268. AFIH 23369/A1688/134/a/X16

Crown acquisitions and confiscations of Maori land - documentation [copies] collected for Department of Survey and Land Information showing historic chain of title 1860s to present day - NZ Map Series sheet W17 - Oamaru, Motu, Tahora, Urewera, Pararakeke, Manuoha [map not included], no date R21369261. AFIH 23369/A1688/127/a/W17

Crown acquisitions and confiscations of Maori land - documentation [copies] collected for Department of Survey and Land Information showing historic chain of title 1860s to present day - NZ Map Series sheet W16 - Bay of Plenty, Waimana Estate, Tahora, Oamaru [map not included], no date. R21369260. AFIH 23369/A1688/126/b/W16

Crown acquisitions and confiscations of Maori land - documentation [copies] collected for Department of Survey and Land Information showing historic chain of title 1860s to present day - NZ Map Series sheet X17 - Oamaru, Motu [map not included], no date. R21369269. AFIH 23369/A1688/135/a/X17, Part 1

Oamaru Block, 1883–84. R23976587. LS-W 1/35/1462

Oamaru 1A, Crown deed, 1889. R23285997 ABWN/8102/W5279/228/AUC 1773

Oamaru 2A, Crown deed, 1889. R23285998 ABWN/8102/W5279/228/AUC 1774

Oamaru 3A, Crown deed, 1889. R23285999 ABWN/8102/W5279/228/AUC 1775

Oamaru 4A, Crown deed, 1889. R23286000 ABWN/8102/W5279/228/AUC 1776

Oamaru 5A, Crown deed, 1889. R23286001 ABWN/8102/W5279/228/AUC 1777

Oamaru 6A, Crown deed, 1889. R23286002 ABWN/8102/W5279/228/AUC 1778

Oamaru 7A, Crown deed, 1889. R23286003 ABWN/8102/W5279/228/AUC 1779

Oamaru No.'s 1B, 2C, 3C, 4C, 5C, 6C, 7C, Crown deed, 1896

R23291736. ABWN 8102/W5279/239/AUC 1985

Oamaru 7B, Crown deed 1905. R23438819. ABWN 8102/W5279/289/AUC 4059

Oamaru 2B1 Crown deed, 1959. R23438837. ABWN 8102/W5279/290/AUC 4078

Oamaru 3B Crown deed, 1905. R23438904. ABWN 8102/W5279/292/AUC 4154

Oamaru 4B Crown deed, 1905. R23438905. ABWN 8102/W5279/292/AUC 4155

Oamaru 2B4, Crown deed 1905. R23440834. ABWN 8102/W5279 /312/AUC 4586
Oamaru 2B6 Crown deed, 1905. R23440929. ABWN 8102/W5279 /317/AUC 4681

Paora Tepakihi, Opotiki Date: 23 September 1895 Subject: Complains of delay in purchase of Oamaru block, 1895. R23905265. MA-MLP 1/38/bb/1895/392

Native Land Court, Auckland Date: 8 December 1898 Subject: Forwarding orders in favour of the Crown for Oamaru Nos 1B 2C 3C 4C 5C 6 and 7C Blocks, 1893–98 (Enclosed: 1898/153, 1896/156, 1893/72). R23907545. MA-MLP 1/51/j/1898/206

Taniora Arapata, Kaikinikini: Asking for consideration promised to him by the late Mr Clendon in connection with the sale of Omaunu no. 2 Block, 1895–1900 (Enclosed: 1899/92, 1898/63, 1897/177, 1897/39, 1896/240, 1896/88, 1895/496, 1895/389).
R23907935. MA-MLP 1/59/p1900/7

T W Porter, Gisborne Date: 23 July 1906 Subject: Owner in Oamaru block near Opotiki wants to sell his share, 1906. R23909030. MA-MLP 1/78/w/1906/97

Oamaru Blocks, 1910–56

R23909104. MA-MLP 1/83/f/1910/16, Part 1

R23909105. MA-MLP 1/83/g/1910/16, Part 2, 1957–58

R23909143. MA-MLP 1/86/a/1910/16/2, Oamaru 1C, 1910–26

R23909144. MA-MLP 1/86/b/1910/16/3, Oamaru 2B, 1910–21

Oamaru 2B no. 6 - See also NLP1910/16/2 and NLP1910/16/3], 1910

R23909155. MA-MLP 1/86/l

R S Todd-Whincup. Honourable Secretary Otago Settlers Association, Opotiki: Oamaru 5B and 7B. Asking the Crown on behalf of his Association to acquire the above Native Land containing 4000 acres more or less, 1913. R23909551. MA-MLP 1/122/d/1913/35

Rotorua alienations, Oamaru 3B, 1910–11. R7292464. BAJJ 11195/2/a/1910/113

Rotorua alienations, Oamaru 4B, 1910. R7292465. BAJJ 11195/2/b/1910/114

Rotorua alienations, Oamaru 2B1, 1910–13. R7292377. BAJJ 11195/14/i/1913/131

Rotorua alienations, Oamaru 2B2, 1913–17. R7292378. BAJJ 11195/14/j/1913/132 Rotorua

alienations, Oamaru 2B3, 1913–15. R7292379. BAJJ 11195/14/k/1913/133

Rotorua alienations, Oamaru 2B4, 1913. R7292380. BAJJ 11195/14/l/1913/134

Rotorua alienations, Oamaru 2B7, 1913–15. R7292381. BAJJ 11195/14/m/1913/137

Rotorua alienations, Oamaru 7B, 1913–16. R7292423. BAJJ 11195/18/a/1913/309

Rotorua alienations, Oamaru 57B, 1913–17. R7292424. BAJJ 11195/18/b/1913/310

Oamaru No. 2 Blocks Waioeka Survey District – Gisborne, 1913–58

R12051325. ABWN 7611/W5021/855/1913/435, Part 1

Upper Waioeka Roads, Oamaru - Loan Block No. 3, 1919–28

R22418856. LS 1/1463/5/162

Motu Block

Te Motu, Crown deed 1873. R12154136. ABWN 8102/W5279/176/AUC 692

Motu, Crown deed, 1875–76. R12154196. ABWN 8102/W5279/179/AUC 760

Motu, Crown deed, 1880. R23280926. ABWN 8102/W5279/201/AUC 1235

Motu 2A Crown deed, 1896. R23384287. ABWN 8102/W5279/244/AUC 2087

Motu Crown purchase file, 1873–96.

Enclosed: 1884/142, 1882/260, 1882/134, 1879/592, 1879/353, N&D1878/4760, N&D1877/4290, N&D1877/11, 1875/192, 1875/139, 1873/212.
R23905499. MA-MLP 1/41/ae/1896/199

J A Wilson, Wellington: Drawing attention to clause in Motu and Waikohu Matawai leases, 1874. R23830060. MA-MLP 1/2/an/1874/247

T W Porter, Gisborne: Suggests that Motu and Waikohu Matawai Blocks be included in supplementary gazette notice for hearing of Government claims at present sitting of the Court at Makaraka, 1879–80 (Enclosed: 1880/209, 1879/579, 1879/493, 1879/479, 1879/450, 1879/371, 1879/348, 1879/319, 1879/201).
R23868026. MA-MLP 1/7/j/1880/345

Motu and Waikohu Matawai Crown purchase file, 1874–96 (Enclosed: 1896/22, 1890/303, 1883/52, NO1882/3668, NO1882/2458, 1881/307, 1881/213, 1880/233, N&D1878/191, N&D1877/102, N&D1876/1520, N&D1876/983, 1874/184).
R23905485. MA-MLP 1/41/ad/1896/195

Whakapaupakihi

G A Preece, Opotiki Date: 16 September 1879: Forwards a native letter offering the Orongokotuku Block for sale - The boundaries of Whakapaupakihi Block will probably be altered, 1879. R23867804. MA-MLP 1/5/ae/1879/386

G A Preece, Opotiki Date: 3 December 1879 Subject: If survey of Whiti kau and Whakapaupakihi could be proceeded with others could stand over.
R23867875. MA-MLP 1/5/co/1879/612

Chief Surveyor, Auckland Date: 17 November 1881 Subject: Amounts of survey liens registered against Heruiwi, Pukahunui, Whiti kau, Whakapaupakihi and Puketauhinu Blocks.
R23871177. MA-MLP 1/10/t/1881/496

H W Brabant, Tauranga Date: 17 February 1882 Subject: Forwarding papers relative to Puketauhinu, Whakapaupakihi and Whiti kau Blocks
R23871269. MA-MLP 1/10/ak/1882/53

Wi Pere, Member of House of Representatives, Wellington Date: 19 August 1886 Subject: Wants an advance of £200 on Haupapa, 1879–86
Enclosed: 1883/307, 1882/75, 1881/421, 1880/88, NO1879/4064, 1879/504, 1879/461, 1879/402, 1879/144 [Te Waiti], 1886/343, 1886/193, 1886/159, 1885/390, 1885/302, 1885/215, 1885/155, 1885/148, 1885/138, 1885/123, 1885/34, 1885/3, 1884/254, 1884/253, 1883/20, 1882/411, 1882/382 [Whakapaupakihi], 1882/221, 1882/166, 1882/77, 1882/67, 1882/31, 1882/24, 1881/448, 1880/494, 1880/291, 1880/239, 1880/152, 1879/488, 1879/356, 1879/63, 1879/59
R23889171. MA-MLP 1/20/x/1886/336

Whakapaupakihi deed, 1881. R23281017. ABWN 8102/W5279/207/AUC 1346

Native Affairs Committee: Petition for report 827/07, Heneriata Haeata. Alleging that Whakapaupakihi No. 4 should have been her property, solely and praying that legislation be granted to make it so, 1876-1914. R22402191. MA 1/932/1907/647

M.A. Bryers, Wellington: Ngaio, Oamaru No. 5, Whakapaupakihi No. 2 and Opape No.3 blocks. Applies on behalf of Ngapo Uenuku and Mrs Dormor for refund of fees on applications for partition, 1909. R22402645. MA 1/991/1909/705

Hori Toia, Opotiki: Whakapaupakihi No. 2 and Opape No. 11 Reserve. Wishes to know if those who did not subscribe to incorporation can get their interests cut out, 1910–11
R22403574. MA 1/1043/1911/7

Thomas Quirk, Konini: Rents from Whakapaupakihi 2 and 4. Complaint as to delay in payments to Native owners, 1912–15. R22404241. MA 1/1073/1912/1199

Te Peka Piuta, Tairua: Whakapaupakihi 2. Complains that Tairawhiti Board does not remit rents. Also wants information re Oamaru 3B, 1913. R22405063. MA 1 /1109/1913/3515

Survey of Whakapaupakihi Block, 1912–14. R21489729. BANF 5694/A1272/114/h/14/167

Pani Kaneri – Opape and Whakapaupakihi Blocks – Exchange, 1933–34
R19525101. MA 1/115/5/13/36

Whakapaupakihi 1 to 4 – Development, 1952–62. R19527839. MA1/536/26/18/5

Maori Trust Mortgages - Whakapaupakihi Number 2 Block, 1962–63
R11835746. AAMK 869/W3074/80/b/5/9/226

Public Works: Motuhora Quarry, 1930–43.

R2185015. AAPA 8108/W3365/24/9/4, Part 1

R2185016. AAPA 8108/W3365/24/9/4, Part 2, 1943–54

Gravel Pits - Motuhora Quarry, 1937–57. R11394369. AAZZ 889 W4923/82/62/86/4, Part 2
[See also SO 1512 plan of 1937 quarry taking, 31.5 acres]

Moutohora Quarry - Returns of Metal and Royalties, 1954–68

R2185617. AAPA 8108/W3365/88/51/5/1, Part 2

Moutohora Quarry – General, 1955–67

R2185615. AAPA 8108 W3365/88/51/5, Part 2

R2185616. AAPA 8108 W3365/88/51/5, Part 3 (1968–77)

Motuhora Quarry, no date. R5071335. AATJ 7439/W4695/56, Part 1

Moutohora Quarries Limited, 1978–95. R8284550 AATJ/20339/W5584/102/152652

Public Works: Motuhora School, 1918. R2185100. AAPA 8108/W3365/32/13/22

Whitikau

Whitikau 1 Crown deed 1884: R12153288. ABWN 8102/W5279/115/AUC 1477/ SEP 152

Whitikau 2A Crown deed, 1898. R23390250 . ABWN 8102/W5279/255/AUC 3195

Whitikau 3B2 (Rotorua?) Crown deed, 1898. R23390251. ABWN 8102/W5279/255/ AUC 3196

Whitikau 3A4 Crown deed 1905(?). R23438818. ABWN 8102/W5279/289/AUC 4058

Whitikau 3A2 Crown deed 1905(?).R23438834. ABWN 8102/W5279/909/AUC 4075

Judge Eager, Opotiki Date: 29 March 1904 Subject: Report on petition of Te Pae Kingi regarding Whitikau No 1 Block

Enclosed: J1903/1319, 1900/11, 1899/76, 1898/178, 1895/461, NO1885/35, NO1884/3761, NO1883/2432a, 1882/383, 1882/244, 1882/81, 1879/445, N&D1876/3255

R23908735. MA-MLP 1/71/m/1904/74

H W Brabant, Tauranga Date: 26 June 1882 Subject: Forwards letter from Captain Mair suggesting that Puketaukina, Whitikau, Paeroa East, Matahina, and Pokohu be advertised for hearing by the N L C [New Zealand Court] as Crown claims

R23871336. MA-MLP 1/12/e /1882/246

Te Paea Kingi and others, Torere Opotiki Date: January 1898 Subject: Asking that Mr. Gill may be sent to Torere to purchase Whitikau blocks. R23905878. MA-MLP 1/48/i/1898/22

Hon A T Ngata Date: 28 October 1910 Subject: Whitikau 2B2 and 3A4. The Native owners urge that the purchase be expedited. R23909228. MA-MLP 1/93/e/1910/141

Timoti Rewi and others Date: 29 January 1915 Subject: Whitikau 3A 3. Offering to sell their interests to the Crown, 1915–17. R23909942. MA-MLP 1/152/k/1915/15

Huriata Taiuru and others, Torere, Opotiki Date: 20 October 1913 Subject: Whitikau No 3a, No 2 near Motu, Gisborne. Comprising 367 acres. Offer to sell to Crown. Matter referred previously to Waiariki Board, and are anxious to have their request dealt at next sitting of the Board at Opotiki, 1913–15. R23909636. MA-MLP 1/131/a/1913/95

Rotorua alienation files - Whitikau 3A4, 1911. R7292199. BAJJ 11195/4/s/1911/18

Rotorua alienation files - Whitikau 2B2, 1911. R7292200 BAJJ 11195/4/t/1911/186

Land Alienation - Whitikau A2, 1959–83. R19904494. BBLA 4945/A1260/1246/b/13/216

Waioeka Parish

SO 6837 Crown Grant records Opotiki, Waioeka, Waiotahi parishes, no date
R21369305. AFIH 23397/A1688/168/c/Roll plan 46

Captain Fred Swindley, Opotiki - Hira te Popa wants to purchase or lease 50 acres land of Worth's purchase, also the block immediately behind it running down to River Waioeka, 1871. R22686773. ACFL 8170/A1628/8/eu/71/355

Kira Rangiihu, Opotiki Asking for information regarding section 393 Parish of Waioeka, 1905. R23908932. MA-MLP 1/75/g/1905/91

Correspondence relating to Parish of Waioeka, 1900–02. R20248790. MA 13/54/30b

Correspondence relating to Waioweka, 1894–04. R20248791. MA 13/54/30c

Chief Judge: Lot 338 Parish of Waioeka. For specific directions as to action required to determine owners, 1909–10. R22402906. MA 1/1012/1910/4114

Governor: Sections 335 and 338 Waioeka and other lands; Order in Council under Section 25/1909 conferring jurisdiction on NL Court, 1910–32
R22403394. MA 1/1036/1910/4887

C.W. Abbott, Teacher Native School, Omarumutu: Tirohanga Block 312, Waioeka Parish Block IV Opotiki S.D. Lands taken for a road by Opotiki Road Board. Asks what steps should be taken to obtain compensation for Parehuia Makarini and other Native owners, 1912. R22404284. MA 1/1074/1912/1411

Part Lot 14 & 22, Waioeka Parish, 1879. R23275498. ABWN 8102/W5279/191/AUC 1053

Part Lot 21 - Waioeka Parish, 1879. R23275499. ABWN 8102/W5279/191/AUC 1055

Part 321 - Waioeka Parish, 1898. R23384444 ABWN 8102/W5279/252/AUC 3148

Parish of Waioeka, Lots 311 and 374, 1909–65. R19525321. MA 1/150/5/13/268

Waiariki Native Land Court: Lot 337E Parish of Waioeka. Order of the Court laying off road line over. Ss 49,50 and 51 of the Native Land Amendment Act, 1913, 1922
R22408079. MA 1/1281/1922/9

Rotorua alienation files

Wairoeka Section 2 Lot 143, 1908–11. R7292467. BAJJ 11195/2/l/1910/117
Wairoeka Section 3 Lot 143, 1910–11. R7292469. BAJJ 11195/2/m/1910/119
Wairoeka 4 Section 143, 1917–49. R20662138. BAJJ 11192/22/c/1423
Wairoeka 189, 191–18. R20662144. BAJJ 11192/22/i/1433
Wairoeka 1A11, 1916–21. R20662569 BAJJ. 11192/50/i/2984
Wairoeka 1A9(part), 1920–21. R20662593. BAJJ/11192/52/g
Wairoeka Parish 263, 1921–22. R20662722. BAJJ/11192/60/f/3552
Wairoeka 336C1, 1926–27. R20662919. BAJJ 11192/74/c/4415
Wairoeka 175, 1929. R20663026. BAJJ 11192/82/n/4897
Wairoeka 336C2, 1937–45. R20663256. BAJJ 11192/102/g/6188
Wairoeka 335B3, 1941–42. R20663325. BAJJ 11192/108/h/6774
Wairoeka 262, 1920–21. R20662571. BAJJ 11192/126/p2992

See also multiple Series 13 Maori Trustee alienation files, 1956–1980s.

Note that many of the documents in these Maori Trustee files at Archives may also be duplicated in the copies of MLC files held in the Trust Board Archives.

Wairoeka Parish, Lot 293 - Order of Court laying off roadlines and Wairoeka Parish, Allotments 81 and 337A – Roadlines, 1933–54. R19527573. MA 1/502/22/2/23

Housing, Wairoeka Pa, 1937–39. R19900775 . BAJJ 4945/A76/1480/a/MH 0/1 1

Public Works: Schools - Waioweka Native School and Residence, 1932 - 1954
R2185133. AAPA 8108/W3365/34/13/65

Public Works: Schools - Omarumutu Native School, 1931–46
R2185132. AAPA 8108/W3365/34/13/64
Omarumutu Native School – Land, 1940–41. R10989689. W 1/W2108/10/31/492/1
Schools - Omarumutu School, 1960–61. R2185836. AAPA 8108/W3365/110/76/36
Omarumutu N.S. [Native School Site], no date. R22416619. LS 1/1494/6/6/754
Omarumutu Primary School & Residence – Land, 1986–92.
R11527507. ABWN 889/W5021/188/31/492/1, Part 1

Waiotahi Parish

38 Crown deeds for various Waiotahi Parish lots (also Maori Affairs special files on removal of restrictions and Maori Land Purchase files); these were sections mostly at Ohiwa given to Wi Maihi Rangihakeke and others for military services so not directly relevant to Whakatohea, but some lots may have been granted for other purposes. Whakatohea should check the names on the titles to see if any are of Whakatohea: AJHR 1884, Session II, G-5, pp.2–3; 1885, G-7, p.2; 1886, C-5, pp.2–3.

Maori Schools - Building and Site Files - Waiotahi and Ohiwa, 1879–10
R20392647. BAAA 1001/A440/704/b/44/4

Allotment 191G, Parish of Waiotahi - Ngaituranga Hapu desire purchase for burial ground, no date. R19526533. MA 1/421/21/1/31

Te Rupe Horotiu, Waiotahe Kutatere: wishes to be granted land near present holding in exchange for lands at Wairoa, 1910. R22403062. MA 1/1018/1910/4340

Clara Walker Opotiki, Section 392 Parish of Waiotahe. Asks for Deed on behalf of Mereana Hauaru, 1907. R22401942. MA 1/936/1907/786

Parish of Waiotahi, Allotment 192, Lot 7, 1945. R19526784. MA 1/440/21/3/124

Maro Ripeka Rahitana, Ohiwa: Section 97A Ohiwa Parish of Waiotahi. Application for removal of restrictions, 1910. R22403033. MA 1/1017/1910/4288

Papakainga and Urupa Reserve - Parish of Waiotahi Lot 388 - Maori Reservation, Section 439, 1928–65. R19527086. MA 1/458/21/3/496

Opotiki Township

Township of Opotiki - Sections, owners names, government reserves, compensation awards, S.A. Wilson, 1868. R22822704. AAFV 997/20/AT 11

Opotiki, Whakatane to Waipono Rivers - Lots, military, native, 1868
R22822537. AAFV 997/5/A47

SO 6825 Township of Opotiki, no date. R21369303. AFIH 23397/A1688/168/a/Roll plan 15

Maori Roll Plan B40 - Plan of Country and Town lots, Opotiki, 1880.
R23895948. BAPP 24788/A1721/211/b/B40

Tauranga Confiscation, Box 2/Folder 10. Miscellaneous papers – includes copy Memo re confiscated lands in Tauranga, Whakatane, Opotiki and Waikato available for sale or settlement, 1866–67. R23818729. BAPP 24590/A1721/251/c/10

Opotiki Confiscation – [Compensation Court Correspondence] Fenton, Senior Judge, Auckland to His Lordship, the Roman Catholic Bishop of Auckland re award of lands at Opotiki, Lots 15, 16, 17 and the northern halves of lots 24 & 25 Civil Township, 1 acre, 1868. R23818824. BAPP 24693/A1721/259/c

Hira te Popo, Opotiki - Asks to be sent Crown grants for three allotments in Opotiki. Granted, 1874. R21575171. ACFL 8170/A1628/15/c/74/353A

Brabant, for Civil Commissioner, Tauranga - To: A Sinclair, Waikato Lands Office: Lots 56 and 57 Commercial Township of Opotiki allotted to Erueti Tamaikowha - [Letter registered 119/77 and C52/77], 1877. R23818840. BAPP 24693/A1721/259/h

Brabant, Opotiki - States that he is instructed to build a Native Hostelry and asks on which, if either of two sites in Opotiki military township he may build it. Enclosure: Tracing of the area, showing the site allotted for the Native hostelry, 1874
R21575070. ACFL 8170/A1628/13/dv/74/89

Herbert Brabant, Resident Magistrate, Opotiki - [Wiremu Kingi?] complains that Mr Rushton was building on his land (No 119). Brabant has seen Rushton, who has produced a receipt for Sec 119. Brabant has also told Wiremu Kingi that Mr Rushton had bought the land since the date of Mr Wilson's letter, probably through a mistake, 1872.
R23209451. ACFL 8170/A162810/ar

Reserves in Borough of Opotiki, 1892–67. R22415826. LS 1/1375/5483, Part 1
R22415827. LS 1/1375/5483, Part 2
R22415828. LS 1/1375/5483, Part 3

Potts and Hodgson, Solicitors, Opotiki: For issue of Order in Council under Section Part V/09 in respect of Lot 120 Section 1 Town of Opotiki, 1924–25. R22408762. MA 1/1337/1924/182

Waiariki National Land Court: Section 2, Lot 12, Town of Opotiki - Vesting Order under Section 109 of the Rating Act, 1925, for consent of Native Minister, 1926. R22410037. MA 1/1404/1926/548

Messrs Potts and Hodgeson, Barristers and Solicitors, Opotiki: Allotments 92, 93, 113, 114 and 273 Section 1 Town of Opotiki for an Order in Council vesting the land in the Native Trustee under Section 108 of the Rating Act 1925, 1928. R22410522. MA 1/1447/1928/248