

Te Mana Tuatoru:

THE ROHE POTAE OF TUHOE

IN THE HEART of the North Island of Aotearoa/New Zealand there is an imagined realm: the tribal land of Tuhoe, protected by their encircling boundaries, the Rohe Potae.¹ This was the visible circumference of their independent mana. From the later nineteenth century, Tuhoe history is, in essence, a history of their chiefly leaders' efforts to uphold their autonomous control over these lands. This essay argues that Tuhoe's authority rested not only in their own perceptions and desires but was upheld by a compact they made with the government in 1871. The very legislation which seemed later to confirm this compact, the Urewera District Native Reserve Act of 1896, would, however, become the means by which successive governments devoured Tuhoe's land. The imagined reality became shards in Tuhoe's hands.

By 1871, the last phase of the campaign to recapture Te Kooti Arikirangi Te Turuki was concentrated within Tuhoe's territory. It was believed that Tuhoe were giving him sanctuary. A scorched earth campaign in the Urewera was set in motion, while the Native Minister, Donald McLean, demanded the submission and removal of the leaders of Tuhoe. The chiefs were instructed to come to the coast, and to live temporarily on reserves under the watchful eyes of the Kawanatanga (Government-allied) Maori leaders. Those who submitted so as to save their villages, cultivations and people were required to give assistance in the hunt for Te Kooti. By November, the focus was centred on Ngati Huri, living at Maungapohatu, under the sacred mountain of Tuhoe. The terms of Ngati Huri's capitulation and agreement to assist in the final sweep of the Urewera were noted by the general government's agent in Napier, J.D. Ormond: 'The Chiefs given direction of affairs in their own districts on condition Kooti given up to the Law.'²

Although Te Kooti was never captured, this understanding, which the Tuhoe chiefs had sought, was accepted: a regional autonomy, with each chief recognized as having the authority within his own district. This insistence on the chiefs' respective authority was spelt out by Te Purewa of Maungapohatu to Ormond: he told him that the management of each hapu belonged to its own

1 I wish to thank my co-editor, Deborah Montgomerie, for her helpful comments on an earlier draft of this essay.

2 Ormond to Porter, annotation dated 21 November 1871, on Porter to Ormond, 16 November 1871, Agent General Government, Hawke's Bay (AGGHB) 1/3, National Archives (NA), Wellington.

chief.³ Tuhoe saw this agreement with the government as underpinning their political Union, Te Whitu Tekau (also called the Union of Mataatua), formed at Ruatahuna in June the following year. Paerau, the chief who made the agreement personally with McLean in Napier in 1871, wrote to inform McLean of the formation of the Union in 1872.⁴ From that date, Te Whitu Tekau, the Union of Seventy, asserted Tuhoe's authority within their rohe and denied access to the land without consent. Control over the tracks which entered their district was allotted to the respective chiefs of the regions, and their boundaries were marked by carved posts placed on the pathways.

The concept of creating 'a shelter for Tuhoe' ('he tawharau mo Tuhoe') was, of course, much older than this Union; the chiefly instruction went back to the inter-tribal wars of the early nineteenth century, and probably beyond. In addition, in ways that the government had not fully grasped, the Union rested in the teachings of Te Kooti. The prayers and the flag flying at the second great hui held at Ruatahuna, in 1874, were identified by visitors as 'Te Kooti's *karakia*', and 'the Te Kooti standard'.⁵ The purpose of the Union, as its founders informed the government,

... Was the apportionment of chiefs among Tuhoe. There are this day seventy chiefs. Their work is to carry on the work of this bird of peace and quietness.

4th. The things that were rejected from these boundaries are roads, leasing and selling land.⁶

The Hokowhitu (the Seventy) also instructed that gifts from the government were to be rejected, as they would inexorably pave the way towards land sales or leases.⁷

Although the Union and its authority may have seemed to be secure when Te Kooti first returned to Tuhoe after the wars, in January 1884, he warned them of the dangers which surrounded their land. It was on this occasion that he composed and sang a song of advice, he waiata tohutohu, for them:

Kāore te pō nei mōrikarika noa!
 Te ohonga ki te ao, rapu kau noa ahau.
 Ko te mana tuatahi ko te Tiriti o Waitangi,
 Ko te mana tuarua ko te Kooti Whenua,
 Ko te mana tuatoru ko te Mana Motuhake;
 Ka kīa i reira ko te Rohe Pōtae o Tūhoe,
 He rongō ka houhia ki a Ngāti Awa.

3 N.d. [November 1871], AGG HB 2/1, NA.

4 Te Makarini, Paerau and others to McLean, 9 June 1872, Te Whenuanui, Paerau ... And all the tribe to the government, 9 June 1872, Paerau to McLean, 10 June 1872, *Appendices to the Journals of the House of Representatives* (AJHR), 1872, F-3A, pp.28-30.

5 Herbert Brabant, resident magistrate at Opotiki, 25 May 1874, AJHR, 1874, G-2, p.7; Robert Price, *Through the Uriwera Country* [March 1874], Napier, 1891, p.29.

6 Te Whenuanui, Paerau and all the tribe, 9 June 1872, AJHR, 1872, F-3A, p.29.

7 Sub-inspector Charles Ferris to McLean and Samuel Locke, 2 November 1873, McLean Papers MSS 32:271, Alexander Turnbull Library (ATL), Wellington.

He kino anō rā ka āta kitea iho
 Ngā mana Māori ka mahue kei muri!
 Ka uru nei au ki te ture Kaunihera,
 E rua aku mahi e noho nei au:
 Ko te hanga i ngā rōri, ko te hanga i ngā tiriti!
 Pūkohu tāiri ki Pōneke rā,
 Ki te kāinga rā i noho ai te Minita.
 Ki taku whakaaro ka tae mai te Poari
 Hai noho i te whenua o Kootitia nei;
 Pā rawa te mamae ki te tau o taku ate.
 E te iwi nui, tū ake ki runga rā,
 Tirohia mai rā te hē o aku mahi!
 Māku e kī atu, 'Nōhia, nōhia!'
 Nō mua iho anō, nō ngā kaumātua!
 Nā taku ngākau i kimi ai ki te Ture,
 Nō konei hoki au i kino ai ki te hoko!
 Hi! Hai aha te hoko!

Alas for this unhappy night!
 Waking to the world I search about in vain.
 The first mana is the Treaty of Waitangi,
 The second mana is the Land Court,
 The third mana is the Separate Mana;
 Hence the Rohe Pōtae of Tūhoe,
 And peace made with Ngāti Awa.
 It would indeed be an evil thing
 To abandon the mana of the Māori!
 If I submitted to the law of the Council,
 Two things I would do:
 Building roads, and building streets!
 Yonder the mist hangs over Wellington,
 The home of the Minister.
 I fear that the [Land] Board will come
 To dwell in this land of Kootitia,
 And I am sick at heart.
 All my people, be watchful,
 See the evil of these things!
 I say to you, 'Remain, remain [on your land]!'
 It is from former ages, from your ancestors!
 Because my heart has searched out the Law,
 For this reason I abhor selling!
 Hi! Why sell!⁸

Te Kooti's song identifies the land of Tuhoe with himself, ('Kootitia'), while making play with the word 'Kooti', the Court: warning that if the newly created regional Land Boards should ever gain authority within the Rohe Potae, then the

8 The song text is from Mervyn McLean and Margaret Orbell, *Traditional Songs of the Maori*, Wellington, 1975, pp.38-9. It is placed in its historical context in Judith Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland, 1995, pp.321-4.

land would indubitably vanish through their hand-in-glove relationship with the Native Land Court. The song alerts its audience to the inroads made by local authorities: councils, courts and boards (all identified with 'progress' in the settlers' parlance), as they nibbled away at the land with public works, and opened up adjoining blocks to lease, debts, and sale.

Te Kooti's fears would become realized. However, the process was not immediately obvious. Indeed, in April 1886, when the Minister of Native Affairs, John Ballance, visited Whakatane he promised 'a separate district' would be formed for Tuhoe under the new Native Committees Act of 1883. But when Tuhoe sought to bind the government to Ballance's word, the separate district was not endorsed. The government's reasoning was ominous: it argued that any Tuhoe committee would only act under 'Te Kooti principles, which are to keep the Country locked up. He does not approve of Lands being surveyed, or passed through the Court, as he is evidently of opinion, that these two things help the Natives to part with their lands.'⁹ In the next decade, however, it seemed that protection might be attained.

The first step occurred when, as Apirana Ngata noted, 'a small war' broke out in 1895 'on the western side of the district owing to surveyors going on to the ground to put up trig stations.'¹⁰ This conflict had arisen from an earlier dispute over the survey of the Ruatoki block, which had led to the arrests, in 1893, of several Tuhoe chiefs who had tried to prevent this survey. The premier, Richard Seddon, visited the Urewera in the following year in an effort to ease the tension. Te Puke-i-otu of Waikaremoana, who had fought for Te Kooti, then outlined for Seddon the connection between the peace which Tuhoe had made with McLean in 1871 and their collective decision, taken at Ruatahuna a year later, to lay down the 'ring boundary'.¹¹ At Ruatoki, the young chief Numia Te Ruakariata of Ngati Rongo also informed the premier of Tuhoe's recent reaffirmation that the land should stay closed and that only their own 'committees' should 'deal with troubles that might arise in reference to their lands'.¹² The Ruatoki block had become the source of extended intra-tribal dispute because it had been brought to survey by one hapu to establish its title against the other hapu living there. Numia, the chief who had insisted on this survey, admitted its disruptive effects to Seddon, and told him of Tuhoe's avowed determination that the 'control of their own land should remain with themselves'.¹³ Subsequently, at Ruatahuna, Tuhoe reaffirmed their collective view:

9 R.S. Bush, resident magistrate at Opotiki, to Native Department, 4 April 1889, 89/821, Maori Affairs (MA) 23/13B, NA. Rakuraku Rehua and Tutakangahau ('that is from the large committee of Tuhoe Potiki' ('ara no te komiti nui o Tuhoe Potiki')) had sent a request for recognition of their separate district and their committee on 30 September 1888, 88/2533, MA 23/13B. The government agreed with Bush's analysis; its decision to do absolutely nothing followed on the heels of Te Kooti's arrest and imprisonment in February-March 1889.

10 *New Zealand Parliamentary Debates* (NZPD) 1909, 148, p.1388.

11 AJHR, 1895, G-1, p.76.

12 *ibid.*, p.52.

13 *ibid.*

The Meeting: We simply want a committee for our own district to settle matters amongst ourselves, not between ourselves and other people — a committee to protect and control our own affairs.¹⁴

However, it was the ‘small war’ of the following year which led finally to the passage of the 1896 Act. In April 1895 a tense encounter had occurred when the government tried to survey the external boundaries of the Rohe Potae and, even more dangerously, for the anticipated ‘strategic road’ to Waikaremoana.¹⁵ Police were sent from Auckland and Wellington to enforce the survey, openly supported by artillery troops. War was only just averted; after lengthy negotiations, mediated by James Carroll (Timi Kara), MHR for Eastern Maori and ‘Executive Councillor representing the Native race’, Tuhoe finally permitted the surveyors to continue their work. The agreement was followed up by the visit of a Tuhoe deputation to Wellington in September. Seddon now agreed that ‘the whole of the Urewera’, or the ‘Tuhoe boundary’, should become a reserve. As he affirmed that the Urewera should be set apart by special legislation as a district, where ‘the Native people could develop itself’, Seddon made reference to McLean’s ‘promise to Tuhoe’ and the policy established in 1871, to which, he acknowledged, Tuhoe had conformed.¹⁶ The Urewera District Native Reserve Act was passed in 1896 not only to uphold Seddon’s word; it was claimed at the time to be the legislative fulfilment of the pact Tuhoe had made with McLean and which it was still understood, over 20 years later, they had honoured.

When Seddon introduced the Bill, he referred to McLean’s promise of ‘many years ago’ that Tuhoe’s lands would be reserved from alienation.¹⁷ Under the Act, Tuhoe’s land was exempted from the authority of the Native Land Court. Seven commissioners were to be appointed, with authority to establish land titles and block divisions. Five of the seven were to be Tuhoe; the remaining two, Europeans. The Act also gave power to establish an elected general committee of Tuhoe with the sole authority to alienate land — and then only to the Crown — and to give ‘cession for mining purposes’. It adopted the desire for autonomous district committees for Tuhoe, as well as the general representative committee and, therefore, seemed to give effect to the core of Tuhoe’s argument. It was certainly presented to the House as meeting Tuhoe’s wishes, and as an experiment in tribal self-government. Furthermore, in 1900, the disputed land at Ruatoki was brought within its scope. Because titles there had been adjudicated by the Native Land Court in 1894, then subsequently appealed, this block had been considered to stand outside the Rohe Potae. Its incorporation in 1900 rendered all the previous title orders invalid, and brought within Tuhoe’s legal authority their most fertile piece of land.

14 *ibid.*, p.78.

15 James Cowan, *The New Zealand Wars*, Wellington, 2nd ed., 1956, II, p.498. Cowan accompanied the military expedition of April 1895 as a correspondent.

16 Seddon, interview with the Tuhoe deputation to Wellington, 7 September 1895, pp.2, 11, Justice 1/1897/1389, NA.

17 NZPD, 1896, 96, p.166.

Without the Act and in reality, until 1896 Tuhoe had had the authority in the Urewera. It was the last area in the country where the 'Queen's writ' did not run. A government agent, the resident magistrate Samuel Locke, had been granted permission to visit Ruatoki in 1889 to try to discuss mineral rights, but the only outcome had been a letter written by Tuhoe leaders restating the boundaries of the Rohe Potae.¹⁸ The first governor to enter the district had been Lord Onslow in 1891, but only after a formal invitation from the Tuhoe chiefs and only as far as Ruatoki. Even the *New Zealand Herald* recognized at this time, 'As for the Queen's writ, they [Tuhoe] carry out a better system of self-government than we could give them.'¹⁹

When Seddon met the Tuhoe deputation in Wellington in September 1895 he told them that their committees would administer their own districts, and that the general committee would be chosen from these committees. However, while the commissioners established under the 1896 legislation to determine the land blocks were appointed, the committees were not. As the opposition leader, Captain W.R. Russell, had anticipated during the parliamentary debate on the Bill (although with ambiguous motives), while the legislation pretended 'to confer upon the Native people the complete isolation and the control of a portion of country about 665,000 acres in extent . . . it will do no such thing; . . . this Bill has no meaning, and in that case I say the Tuhoe people will have been deluded'.²⁰

The first group of commissioners, aided by their assistant and secretary, the surveyor (and later ethnographer) Elsdon Best, between 1898 and 1902 conducted useless magnetic surveys, drew up extensive genealogies of the Tuhoe families, and apportioned the land, dividing it into 34 (later 52) blocks, each with listed family shareholders. At the initial meeting, held at Whakatane in 1898, the commission presented a flag to Tuhoe with the words 'Te Ture Motuhake o Tuhoe' (The Separate Law of Tuhoe) emblazoned upon it.²¹ However, appeals against some of their title awards led, in 1906, to the appointment of a second commission of three, none of whom were Tuhoe. While this protracted (and contested) process dragged on,²² the governor, Lord Ranfurly, made another visit to Tuhoe, in 1904 — again by express invitation. On this occasion, Ranfurly was permitted to enter the heartlands at Ruatahuna and the great painted meeting-house Te Whai-a-Te-Motu, whose name remembers the hunt for Te Kooti across the land. Carroll, now Minister of Native Affairs, accompanied him and took the opportunity to chastise Tuhoe with their own proverb: 'You certainly are carrying out your ancient boast about being wasters of the world's treasures. Were this beautiful land owned by another tribe, the people would be living in

18 Kereru Te Pukenui and 8 others, 17 April 1889, AJHR, 1889, G-6, p.2.

19 18 March 1891.

20 NZPD, 1896, 96, p.191.

21 Hurae Puketapu, one of the Tuhoe commissioners, cited in Ropata Wiri, 'Te Wai-Kaukau o Nga Matua Tipuna: Myths, Realities, and the Determination of Mana Whenua in the Waikaremoana District', unpublished MA thesis, University of Auckland, 1994, p.248.

22 For a good analysis of the second commission of 1906-7 and its decisions regarding the Waikaremoana block, see Wiri, especially pp.256-69.

a state of prosperity.²³ But he also assured them that their lands were settled upon them. Therefore, “‘What cause have you?’”, he asked, “‘for imagining that an understanding come to in good faith between us regarding your lands is now to be broken?’”²⁴

Carroll seemed to imply that nothing would change without their consent. But Liberalism, the only energetic, reforming social philosophy in New Zealand (and in many settler societies of this time), rested on the moral premise that occupation of land could only be justified by its productive use.²⁵ Liberalism believed that European society, as the most progressive form of human social organization, had earned the right to open up the land’s resources. This ideology possessed little toleration for a claim to a ‘homeland’, or a complementary sovereignty; in its perception, homelands were merely obstacles to development. This philosophy underpinned Carroll’s arguments. It led to both implicit and explicit threats, voiced by the generation of younger Maori reformers to whom Carroll belonged, that Tuhoe must develop their lands or expect them to be seized.²⁶ The ideology drove the government in its desire for access to Tuhoe land. But the problem was that only the Tuhoe general committee had the power to alienate land, or to make mining cessions to the Crown. Thus the Crown, while holding a theoretical monopoly of access, had none, for the committee had not been created. Regardless, in 1907, the government, flexing its muscles, made the Urewera Reserve subject to the Mining Act of 1905, which gave the governor authority to permit mining in any Maori reserve land.²⁷ Then, in 1909, the Tuhoe general committee was brought into existence. While this might seem to be intended to complete the task of establishing Tuhoe’s control over their land, the primary motivation of the government was to acquire the land for itself.

When the question of the general committee had been brought up at a meeting held with Carroll at Ruatahuna in 1906, it was linked with the issue of the grant of prospecting rights.²⁸ Speculation was running rife about hidden mineral wealth in the Urewera, and within Tuhoe a new prophetic leader had emerged, who sought to ensure that the control of prospecting remained under Tuhoe authority. He was Rua Kenana Hepetipa, who claimed to be Te Kooti’s predicted successor and who had emerged, conforming with Te Kooti’s vision, from within the boundaries of the Mataatua canoe district. However, some of the senior Tuhoe chiefs were suspicious of Rua and his intentions, seeing him as self-seeking. The creation of the general committee became a crucial arena in which the different Tuhoe factions competed for mana and authority. In so doing, they played straight into the government’s hands.

23 Malcolm Ross, *Through Tuhoe Land. Lord Ranfurly’s Farewell to the Maori People*, Christchurch, 1904, p.46.

24 *ibid.*, p.45.

25 See Tom Brooking, ‘Use It or Lose It: Unravelling the Land Debate in Late Nineteenth-Century New Zealand’, *New Zealand Journal of History*, 30, 2 (1996), pp.141-62.

26 See, for example, ‘A Letter addressed to Tuhoe’, Editor, *Te Pipiwharuroa*, CXII (July 1907), p.5.

27 Maori Land Claims Adjustment and Laws Amendment Act 1907, section 7.

28 [Numia] Kereru to Carroll, 23 July 1906, MA 23/9, NA.

In 1907, Rua offered to sell some of the Urewera land to the government. His purpose was to raise capital for his new community, the City of God, which he was constructing at Maungapohatu. But his offer inflamed existing divisions within Tuhoe, while the government had to admit that, under the law, only the general committee had the authority to alienate land. Suddenly, the creation of the committee became urgent. Rua's chiefly opponents, most particularly Numia and Te Pouwhare Te Roau of Ruatoki, also wished the committee to be elected, but so as to shut out Rua and his followers. Te Pouwhare wrote early in 1908 to warn the government that Rua had already contacted some European prospectors to search for minerals within the Rohe Potae. He urged the speedy formation of the committee, insisting that:

te rohe potae o Tuhoe e takakinotia nei e tenei iwi porangi e Tuhoe e mahi nei i nga mahi a to ratau tohunga a Rua a kua kore te mahi hoko i te whenua, kua tono ki nga kamupene hai kimi i nga kohatu whai tikanga o te rohe o Tuhoe, a ka whakamau ke atu o matau whakaaro ki te Kawanatanga hai arohi ki nga mahi i nga kohatu, kaore a Rua me tona iwi i whakaae ki iana ia kai a ia tonu te mana

the Rohe Potae of Tuhoe is now being ill-used by this mad tribe Tuhoe who are practising the works of their 'Tohunga' Rua, and the (proposed) sale of the land is no more, they have asked the Companies to search for minerals within the boundaries of Tuhoe, we on the other hand look to the Government to lead up to the working of the minerals; Rua and his people refused to agree, he says that he still is the 'mana'²⁹

Te Pouwhare was reminding the government that Rua was acting illegally, for the practice of 'tohunga' had been outlawed from 1907 with the intention of creating a device to check Rua's activities. Te Pouwhare was also warning the Crown that its intention of buying land as soon as the general committee was organized might be aborted through Rua's separate actions. Te Wharekotua wrote from Ruatahuna with a similar angry protest. He urged speedy government action against Rua because he had transgressed 'the law of the Rohe Potae (of Tuhoe) which has been passed by the Government as a permanent law for New Zealand' ('te ture o te rohe potae kua oti nei i te Kawanatanga te pahi hei ture tuturu mo Nui Tireni'). He also warned Carroll that Rua claimed the 'mana' over the land, and said that Rua had recently met with Hugh Macpherson (Hiwa Mehepeti), the 'principal man of the Gold Mining Company', to whom he had 'handed the land over' ('ka tukua e Rua te whenua ki a Hiwa tangata nui o te kamupene mahi koura').³⁰ Certainly Rua was, at this time, advertising the sale of mining rights within the Urewera and he set large fines for prospecting without his licenses — fines calculated at a lower level for Maori than Pakeha.³¹ Rua's

29 Te Pouwhare to Native Minister, 24 February 1908, MA 23/9. Contemporary translation (CT).

30 Te Wharekotua to Native Minister, 20 February 1908 (CT misdated 28 February), MA 23/9. The identity of 'Hiwa' is firmly established by a simultaneous letter, also written in protest, by Tupara Tamana, MA 13/90, NA. Hugh Macpherson later became the district police constable. Other portions of Te Wharekotua's letter are quoted in greater length in Judith Binney et al., *Mihaia*, corrected ed., Auckland, 1987, p.36.

31 *Poverty Bay Herald* (PBH), 30 March 1908.

'Maori mining company' is still referred to by elders; it is understood that he had hoped, with this income, to engender a separate Maori governing authority.³² His clearly stated purpose at the time was that mining rights belonged to those who owned the land, and not the government.³³ In this he directly challenged the legality of the Mining Act as having authority over the Urewera land. Rua's continuing claim to be the sole leader for Mataatua — although he publically accepted the principle of one national government when he met the premier, Sir Joseph Ward, in March 1908 — earned him the enmity of those senior Tuhoe chiefs, like Numia, who were prepared to work with the government, in order to preserve Tuhoe land through the existing law. Two different perceptions of authority had collided, yet both had the same objective: how best to preserve Tuhoe control.

Although Rua agreed to go to Wellington in June 1908 to discuss terms for opening the Urewera within the frame of the law, he remained quite clear that the 'right of administration' of Tuhoe lands lay with him.³⁴ For the government, therefore, it became essential to establish the general committee. But the block committees had to be created first; it was not until February 1909 that Numia was able to present Carroll with a list of nominees — from which Rua was excluded. Not coincidentally, Carroll's internal memo about Numia's list referred to the imminent visit of the minister of mines to Ruatoki, whose purpose was 'to finally conclude arrangements to throw open the country for mining.'³⁵ The first Tuhoe general committee (consisting of 20 men) was gazetted in March. However, it soon became clear that there were fundamental conflicts as to its authority and role. Within Tuhoe, in general, it was hoped that the general committee would have the sole power to determine the hapu blocks and to mediate in any internal disagreements. But the government, and Numia, the committee's chairman, were both pushing to open up some of the land to enable European settlement and prospecting, and also to create a national reserve.³⁶ The irony was that Rua, who was prepared to sell land, was shut out of the committee created by Numia, because Rua claimed the mana of Tuhoe.

By November 1908 Rua had gathered 1400 signatures from Tuhoe (thus, in effect, the entire tribe) to a petition offering to sell 100,000 acres to the Crown.³⁷

32 Pareora Te Puawhe (aged 96), Tuhoe elder from Maungapohatu, in *Opotiki: The Women's Stories*, Opotiki, 1994, p.65.

33 PBH, 15 June 1908.

34 PBH, 7 July 1908.

35 Carroll to Native Department, 13 February 1909, MA 13/91, NA.

36 [Numia] Kereru to Native Minister, 2 June 1909, MA 13/91.

37 PBH, 26 November 1908; see also Binney et al., *Mihaia*, pp.40, 88; Peter Webster, *Rua and the Maori Millennium*, Wellington, 1979, p.231. (The anthropologist Steven Webster also suggests that Rua 'probably' sent a petition in 1907 objecting to the general committee: 'Urewera Land 1895-1926', p.14, unpublished MSS [1985], Auckland University Library. This suggestion has been rendered as 'fact' in Wiri, p.271. Webster is incorrect both as to the date of the petition to which he refers (it was April 1908) and its suggested origin: that petition is in the file MA 13/90. There are a number of unreliable statements in Webster's MSS.)

This he presented to Carroll in Gisborne, while Rua was visiting there trying — in vain — to persuade the local county council to allow Tuhoe to complete the remaining portion of the old stock track running from the east coast to Rotorua. The track would have opened Rua's community at Maungapohatu to markets for their crops and animals, as it passed directly by their settlement. The offer of sale of Urewera land to the Crown was reaffirmed a year later, with a deputation of Tuhoe to Wellington.³⁸ However, Rua then withdrew this offer because Carroll would only deal through the general committee. Rua argued, 'inara kua riro ke he mana ke'; the translator elaborated upon Rua's statement: 'what I object to is that the mana goes to the others (that is to the General Committee, and is not retained by Rua)'.³⁹ At the same time, that is February 1910, Rua and his followers signed a new petition to the governor, drawn up by Tana Taingakawa, the former premier of the Kingitanga (King movement), asserting a Maori right to a separate authority on their own lands under the Treaty of Waitangi. In so doing, Rua was specifically linking the mana motuhake of Tuhoe to Te Kooti's 'first mana', the authority of the Treaty.

The conflict which had re-emerged within Tuhoe concerned the best way to uphold their independent mana. Rua, as the announced heir to Te Kooti, claimed that authority. When he took 'Eighty' Tuhoe chiefs on a pilgrimage to Gisborne in 1906, ostensibly to meet the 'King' (Edward VII) and to 'buy' back the land with the hidden wealth, in his understanding he was fulfilling a task set by Te Kooti: to turn the Union of Seventy (Te Whitu Tekau) into the Eighty, Te Kooti's number of completion.⁴⁰ Rua's support for Taingakawa was politically even more unsettling. A protest by a group from Ruatoki, who had also signed Taingakawa's petition, clarified the issue: they rejected absolutely the authority of the general committee over their lands or leasing rights:

Ko matou ia ko enei Hapu kua tango nei i te Mana o Te Tiriti o Waitangi kua tae mai nei ki a matou kua whakapumautia hoki e matou taua tikanga tae atu ki o matou whenua, me a matou mahinga me a matou mea katoa, kia kaua rawa a ratau ture e pa mai ki a matou.

We, these Hapu, have taken hold of the Authority of the Treaty of Waitangi, which has reached us — that right which has been adopted by us in regard to ourselves, our lands, our cultivations, and all things belonging to us, so that their [general committee's] laws (regulations) will in no way apply to us.⁴¹

The government had no intention of endorsing this independent base for regional Maori authority.

38 Apirana Ngata, 21 December 1909, NZPD, 1909, 148, p.1386.

39 Rua Hepetipa me te Ihairaira katoa (Rua Hepetipa and all the Israelites), 15 February 1910, MA 13/91. CT.

40 For a discussion of Te Kooti's prediction concerning the Eighty see Binney, *Redemption Songs*, pp.478-80.

41 Hori Aterea (Ngati Koura), Apihai Hauraki (Ngati Tawhaki), Anani[a] Te Ahikaiata (Te Urewera) to Carroll, 13 March 1910, MA 13/91. Adapted from CT. I am indebted to Jane McRae, Maori Studies, University of Auckland, for checking my transcripts of the Maori MSS as well as the accuracy of the contemporary translations.

Yet it had become apparent to Ngata, as the 'Member of the Executive Council representing the Native Race', that if the general committee were to function at all Rua had to be brought onto it. Part of Ngata's motivation was that Rua's involvement would be the only means by which the government could begin to exercise its capacity to buy up land within the Urewera. In May 1910, therefore, Rua was brought on to the committee by Ngata, replacing the Tuhoe leader's long-standing personal opponent, the Anglican chief Rakuraku Rehua. Rua immediately renewed his offer to sell land through the committee because, in his perception, his mana, his authority, had been recognized. The new rules were gazetted in September: the general committee could alienate land under its seal. Now it was Numia and Te Pouwhare, challenged by Rua's elevation, who protested against the proffered sales, in vain.

It is clear that Carroll and the Native Department were hoping that the general committee could be persuaded to vest the Urewera lands with the Waiariki Land Board, the regional Maori land-purchasing authority.⁴² The Board would then be able to exercise its powers for lease or direct purchase. This objective had been provided for by legislative change in December 1909. The Urewera District Native Reserve Act was amended, under Ngata's sponsorship, to give the governor, upon consent of the general committee, the power to vest land in the Land Board. In introducing this amendment, Ngata told the House of the recent Tuhoe deputation to Wellington and its offer to sell 100,000 acres to the Crown, and hinted at the prospect of leasing more.⁴³ The Crown's monopoly relationship with Tuhoe was reconfirmed, but Tuhoe's control was slowly being eroded. Following the recommendation of the Stout-Ngata Report on Native Land of 1908, in 1909 the Native Land Court gained the power to issue any freehold orders for titles in the Urewera and, from the following year, to hear any title appeals from Urewera shareholders. The wedge was in. From October 1910, after gazetting the new committee, the Crown was able to start the piecemeal purchasing of land, which laid the base for the next step. Within two years, the chief judge of the Native Land Court argued that the Crown's acquisition of 'interests' in the Urewera would soon make it necessary to separate its 'interests' from those of the non-sellers, by partition.⁴⁴

The pressure by the government to purchase began afresh at the end of 1914. William Herries, the new Native Minister and a long-time exponent of Maori land acquisition, set out systematically to purchase blocks in the Urewera. He extended the practice already established in the purchase of the three blocks sold with the general committee's agreement between 1910 and 1912. This had been to proceed, after consent, by governor's orders-in-council under the aegis of the Waiariki Land Board.⁴⁵ But now Herries acted *without* the agreement of the

42 For example Thomas Fisher, Under-secretary of the Native Department, to Carroll, 1 October 1909, MA 13/91.

43 NZPD, 1909, 148, p.1386.

44 Chief Judge J. Palmer to Native Department, 6 May 1912, MA 13/90.

45 Under-secretary Native Department to Waiariki District Land Court, 5 June 1916, MA 4/139, p.302, NA.

general committee; his agent, W.H. Bowler, began to purchase directly from the individual owners.⁴⁶ Further, the purchases were made at the Crown's nominated price, there being no competitor. Thus, for Tuhoe, the position in which all Maori had found themselves between 1840 and 1865 had been recreated. The state held a monopoly over purchase of their land, which condemned them to fixed prices. Yet, without sale or lease of land, they had no access to any capital to develop what they wished to keep. 'State capitalism' had placed them as absolute dependents on the government's offers.

Consequently, in May 1915, a petition from Tuhoe was drawn up at Matahi, Rua's new settlement in the Waimana (Tauranga) river valley. It bore 478 signatures, including Rua's, and it asked the government to lift the restrictions on the Urewera.⁴⁷ A counter-petition was sent in shortly afterwards. It came from inland Wairoa, an area which had similarly supported Te Kooti, and it sought to uphold the restrictions on the Rohe Potae. It also asked for no further Crown purchases to be made. It bore only 55 signatures.⁴⁸ The government made no response to either petition. A 'free-market' economy in the Urewera was not in its interests, whereas fragmentary and direct purchase from individual shareholders was.

Herries' decision to remove Rua from a position of influence among Tuhoe was, in part, moulded by the minister's desire for Tuhoe land. The tension was visible at a meeting held at Tauranga in January 1916. There, the old chief of Maungapohatu, Te Iwikino Hairuha, spoke for the petitioners who sought to lift the restrictions. (Te Iwikino had already received some money from the government's land purchasing officer for land shares in the Urewera.⁴⁹) Rua was quickly identified as being the driving force behind the petition. As Numia wrote in February:

Tenei matau kua whaka[a]ro ko toku ropu mo te pitihana a Rua ratau ko tona iwi wewete i te here o nga whenua o Te Urewera i te rohe potae . . . Ko taua pitihana whiua ki waho.

I and my party have discussed matters in connection with the petition of Rua and his people for the removal of the restrictions on the Urewera Reserve . . . Throw this petition out.⁵⁰

In reply, Herries assured Numia that he would not allow the restrictions to be lifted. To Numia's subsequent letter, which spread the poison that Rua was supporting Germany in the War, Herries committed himself that Rua would be seized:

Reply that sooner or later Rua will be arrested we want to do it by ordinary means without

46 AJHR, 1921, Sess.II, G-7, pp.2-3.

47 Petition of Karauria Meihana and 477 others, 19 May 1915, Legislative 1/1915/9, NA.

48 Petition by Rawaho Winitana and 54 others, 22 August 1915, *ibid.*

49 Bowler, the Native Land Purchase Officer, had paid him £16: 19 July 1915: 1915/2188, MA Register of Outwards Correspondence, NA.

50 Numia Kereru to Native Minister, 9 February 1916, MA 23/9. CT.

Ko Numia
 Te Pouwhare
 Mika
 Pupara
 Aetana
 Te Whetu
 Tana
 Paiaaka
 Te Pahi
 Wharepapa
 Te Marumui
 Te Wharepouri
 Paikakoa
 Kawiri
 Akuhata

Keru Piamana
 Te Koau
 Te Tawhao
 Kaako
 Whakaari
 Te Parata
 Rakur
 Rakur
 Te Pahi
 Te Pahi
 Rawiri
 Te Am
 Poniwahi
 Te Koko
 Te Koko



The seal of the general committee of Tuhoe, 4 November 1910. This was the first occasion on which the seal was used. The document is a report of the meeting held in May 1910 at Ruatoki, when Apirana Ngata moved for the inclusion of Rua Kenana on to the committee.

MA 13/91, NA

resorting to force if we can but Numia can rely on it that we will not let him go free. The mana of the law must be maintained.⁵¹

The subsequent history of the arrest of Rua in April 1916, on charges of illegal sale of alcohol, has been narrated elsewhere.⁵² While the immediate context for Rua's arrest was undoubtedly war-engendered hysteria, there is clear evidence that the matter of the Crown's interest in Tuhoe's land played a substantial part in Herries' decision to act.

The Crown's purchase of Tuhoe land under the 'mana of the law' proceeded apace. It began in June 1915, on instruction from Herries. In August 1916, Parliament retrospectively ratified all Crown purchases in the Urewera. The new legislation stated that every individual Maori owner there 'shall be deemed to have and to have had power to sell his interest to the Crown, but to no other person.'⁵³ The purchases made from 1915 had all been without the consent of the

51 Herries, annotation dated 6 March 1916 to undated letter from Numia Kereru, MA 23/9.

52 See Binney et al., *Mihaia*, especially pp.81-121.

53 Native Land Amendment and Native Land Claims Adjustment Act. This Act is cited in AJHR, 1921, Sess.II, G-7, p.3.

general committee. Indeed, to all intents and purposes, from 1912 the committee had ceased to function. When, in July 1917, Te Pouwhare wrote to Herries to ask whether the general committee was still in force, he was informed it had not met 'for some time', and that its chairman, Numia, was now dead.⁵⁴ Te Pouwhare then reactivated the committee on his own initiative.⁵⁵ Its purpose, as he saw it, was to mediate in all matters 'which affect the law' ('ki te taha ki te ture'). In his view it should continue to function until the Rohe Potae had been partitioned; then it should cease to exist.⁵⁶ Te Pouwhare sent in a list of names for this committee in August 1919, but the government refused to recognize it. Herries made his own views plain: he saw the committee as a 'hindrance to purchasing'. Instead, he argued sophistically that perhaps such a committee could be called into existence *after* the consolidation of the Crown's interests had been completed.⁵⁷

By 1919, therefore, the government's plan of dividing and consolidating its interests, and setting apart those of the remaining shareholders, was already well developed. Its purchases had been made from individual Maori owners through the Native Department and the Waiariki Land Board. In the Act of August 1916, the government had given itself the legal authority to continue to acquire the land interests of any shareholder within the Rohe Potae, thus formally overriding the principal guarantee made in 1896. The Waiariki Land Board held no doubt as to their primary role. As soon as the Act was passed — not coincidentally, immediately after Rua's lengthy Supreme Court trial had finished — its several agents advised the government that it would simply be 'bad policy' to leave the land unpurchased until Rua's release from gaol. Justice James Browne argued that any 'offer of help too might possibly be misunderstood. It would probably be considered by most of the Natives as . . . an acknowledgment that Rua had been badly used. The best way to assist them [Rua's people] and to help European settlement at the same time will be to send the Land Purchase Officer into the district to continue the purchase of their surplus lands.'⁵⁸

Between 5 June 1915 and 31 July 1921, the government purchased 345,000 acres of the Rohe Potae on top of the blocks (another 40,700 acres) already sold by the general committee between 1910 and 1912. The government had thereby acquired two-thirds of 44 blocks (and just over half the Reserve) prior to consolidation.⁵⁹ The consolidation process, begun in 1921, carved out the Crown's land on the ground. Only 8 blocks (of 52) still remained intact; the rest had to be partitioned. Until this process was complete, no alienation of land would be permitted, except to the Crown. All existing titles and surveys were

54 Te Pouwhare and Mika Te Tawhao to Herries, 24 July 1917, MA 13/91.

55 Te Pouwhare to Herries, 11 August 1917, MA 13/91.

56 Te Pouwhare to Herries, 5 July 1919, MA 13/91.

57 Herries, annotation dated 23 September 1919 to letter of enquiry from the judge of the Waiariki Native Land Court, 13 September 1919, MA 13/91.

58 Report of Captain Herbert Macdonald to the Board, 11 September 1916, Browne to Herries, 27 September 1916, 'Case of Rua Hepetipa', typescript, ATL.

59 AJHR, 1921, Sess.II, G-7, p.3.

cancelled; the Tuhoe family land shares were to be regrouped and rearranged. In practice, little would re-emerge of the former hapu districts, the original intended logic of the block divisions. This extensive process was initiated by the Native Department in a series of meetings held with Tuhoe during August-September 1921; the repeal of the Urewera District Native Reserve Act followed in the Urewera Lands Act, 1921-22. The Tuhoe general committee was simultaneously abolished.

The purpose of this article is not to trace the history of Tuhoe's land blocks — nor of the land that they were required to give for roads under the consolidation agreement, nor of the endless arguments about rights and boundaries that the work of the consolidation commission engendered.⁶⁰ It is to show how a much vaunted experiment in tribal self-government, or internal sovereignty, was undercut by government action. Furthermore, the 1896 Act had been designed by Seddon as part of his broader strategy to undermine the Kotahitanga (Maori Parliament), whose policy of recovering Maori control over their remaining lands the Maori members of the general Parliament were then actively supporting. Seddon's long-term alternative, the creation of tribal committees with limited powers in local matters, was intended to counter this political thrust, as he told Tuhoe plainly when he visited them in 1894.⁶¹ For Tuhoe, the experiment in autonomy was not merely short-lived; it was dust in their mouths before it began. Te Kooti's song of warning had been only too accurate.

But for Tuhoe themselves, their tribal autonomy did not, and does not, rest in committees or legislation. It exists in their own knowledge of their continuing *mana motuhake*. Articulation of this internal sovereignty has recently re-emerged. In 1995, a newly designed Tuhoe flag was raised at Pakaitore (Moutoa gardens) at Wanganui in support of Whanganui's claim for the recovery of control over their tribal resources and reserves. Both tribal associations are asserting their claims to possess a continuous, complementary relationship with the national governing authorities. The Tuhoe show of solidarity may signify their rebirth as a potent political force. If so, it is one whose historical grievances can scarcely be denied.

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60 As Evelyn Stokes, J. Wharehuia Milroy, and Hirini Melbourne observe in *Te Urewera: Nga Iwi Te Whenua Te Ngahere: People, Land and Forests of Te Urewera*, Hamilton, 1986, p.75.

61 AJHR, 1895, G-1, p.78. This theme is developed by Tony Tidswell, 'Was Seddon's 1896 Urewera District Native Reserve Act a concession to Tuhoe demands for local self-government, or an attempt to stifle Kotahitanga demands for political autonomy?', *Selected Essays Massey University*, Palmerston North, 1992, pp.86-95.