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# An Overview of Political Engagement between Hapu and Iwi of the Te Rohe Potae inquiry district and the Crown, 1914-c.1939



A Report Commissioned by the Waitangi Tribunal for the Te Rohe Potae district inquiry  
(Wai 898)

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Cover: Unidentified group at Te Tokanganui-a-noho Marae in Te Kuiti, c.1900 (ATL 1/2 024157-G)

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## Abbreviations

<i>AJHR</i>	<i>Appendices to the Journals of the New Zealand House of Representatives</i>
ANZ	Archives New Zealand
ATL	Alexander Turnbull Library
<i>NZPD</i>	<i>New Zealand Parliamentary Debates</i>
<i>NZJH</i>	<i>New Zealand Journal of History</i>
RCL	Royal Commission on Licensing
RDB	Raupatu Document Bank
SP	Supporting Papers

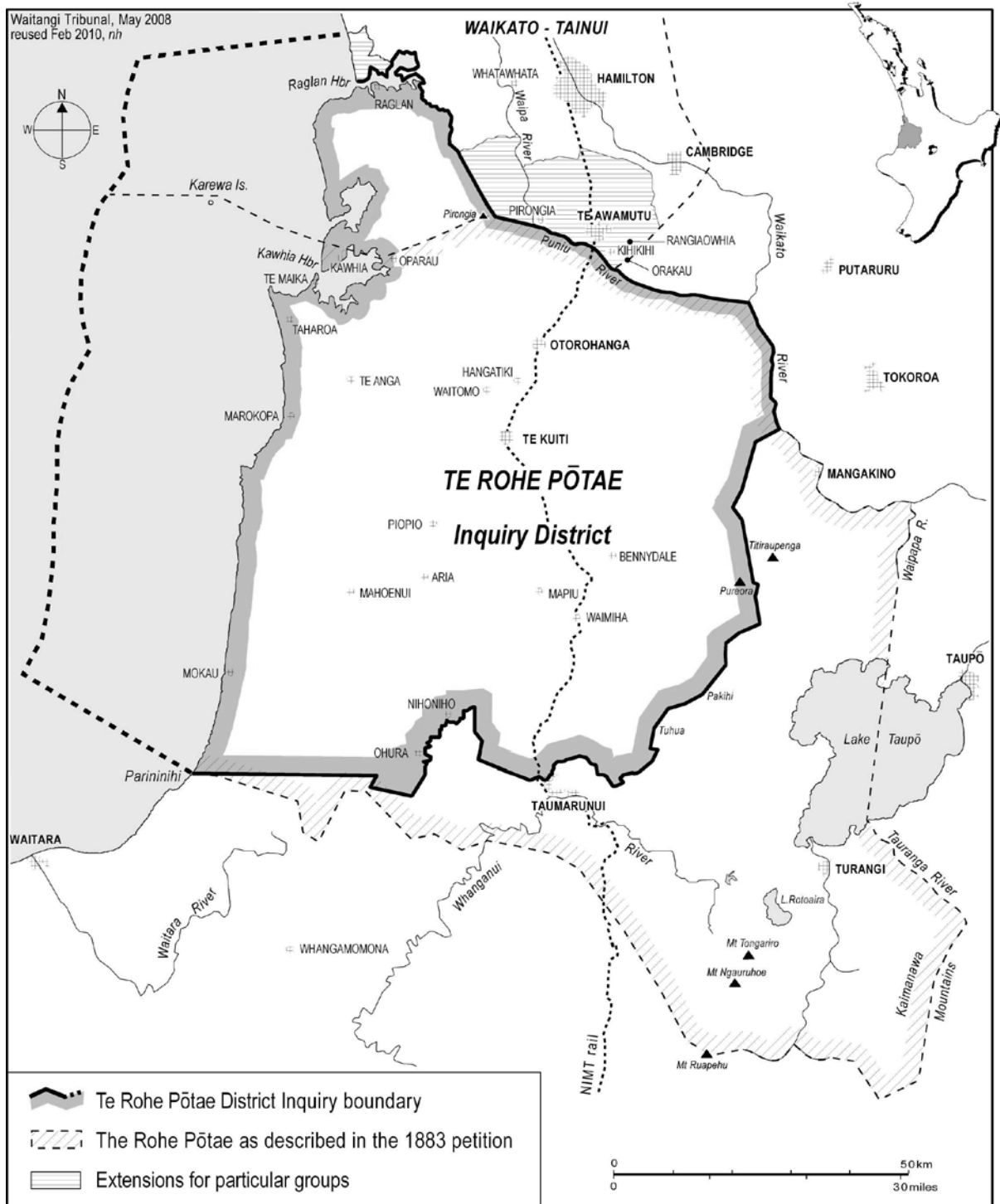
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Figure 1: The Te Rohe Potae District Inquiry



## **Introduction**

This report examines political engagement between hapu and iwi of the Rohe Potae inquiry district and the Government from 1914 through to c.1939. It focuses on four important episodes within this period which elucidate broader themes and patterns in their relationship(s) with the Government. This period was one of frustration for the tangata whenua as they struggled to retain political influence in the Rohe Potae in the face of rapidly expanding Pakeha settlement and power. Through engaging with the Government in numerous ways as political collectives, Rohe Potae hapu and iwi hoped to have their concerns and issues regarding the district considered and where necessary to have their interests protected. The evidence examined in this report suggests that the structures and forms for engagement put in place by the Government to manage this relationship, as well as the outcomes of such interactions, did not match Rohe Potae Maori expectations. The dissatisfaction was compounded in the twentieth century by the sense of unfulfilled opportunity held by hapu and iwi stemming from the agreements between the Rohe Potae leadership and the Government in the 1880s.

## **Waitangi Tribunal Research Commission**

This project is part of the Te Rohe Potae casebook research programme. Following the decision of Judge Ambler to proceed to a district inquiry in November 2006, Dr Vincent O'Malley was engaged to prepare a review of the research requirements for the inquiry. A draft research programme was formulated and circulated in May 2007. After consultation with claimants on the potential research outlined by Dr O'Malley, this research casebook programme was finalised at a judicial conference held on 1 October 2007. This project is one in a series of comprehensive overview projects on political engagement and autonomy issues for the inquiry.

The author has been commissioned to prepare a main report that focuses on the following issues:

- a) Identify and describe important issues in the political relationships between hapū and iwi of this district and the Crown over the period (other than those covered in the major land reports).

- b) What was the relationship between hapū and iwi of the Te Rohe Pōtae inquiry district and the Crown in relation to World War One? How did the local response to conscription reflect the relationship between the hapū and iwi of the district, Kingitanga and the Crown?
- c) How did the involvement of the hapū and iwi of Te Rohe Pōtae with the Maori Health Councils reflect their relationship with the Crown?
- d) To what extent did understandings about the Rohe Pōtae negotiations continue to influence relations with the Crown into the twentieth century? How did this political relationship play out in relation to rating and liquor issues in the district?
- e) How were the interests of Maniapoto and other hapū and iwi of the Te Rohe Pōtae district addressed in the Sim Commission, the Waikato-Maniapoto Maori Claims Settlement Act 1946 and related petitions and negotiations?<sup>1</sup>

### **Issues raised by claimants**

All Statements of Claim that raise issues relevant to the commission have been identified and examined during the preparation of this report. These issues, which to a large extent reflect the commission questions, are briefly detailed here:

- The systematic undermining of tribal tino rangatiratanga and mana motuhake guaranteed under the Treaty of Waitangi through Crown legislation, policies and practices;
- continued lack of good faith and efforts toward partnership in Crown dealings with Rohe Potae hapu and iwi;
- the systematic undermining of the mana of the Kingitanga;
- the continued twentieth century neglect of the agreements reached between Rohe Potae hapu and iwi and the Crown in the 1880s;
- the allowance of liquor into the Rohe Potae;
- the Crown repeatedly ignoring hapu and iwi petitions regarding licensing and other liquor laws;
- the impact of the establishment of the Tainui Trust Board and the Waikato-Maniapoto Maori Claims Settlement Act 1946 on Rohe Potae hapu and iwi relations.

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<sup>1</sup> WAI 898 #2.3.42.



## **Methodology and Chapter Structure**

It is important to note at the outset that this report is not a comprehensive history of Rohe Potae hapu and iwi between 1914 and 1939. Other reports prepared for the Rohe Potae casebook will provide important information on relevant issues for this period. For example, the various socio-economic reports; Heather Bassett and Richard Kays' Native Townships report; Michael Belgrave's environmental report; and Jane Luiten's local government report all provide valuable information regarding political engagement. In particular, as the commission specifies, this report does not cover political engagement and autonomy issues relating to Maori land. These issues are covered in the twentieth century land reports. Most importantly in regard to the period under examination, Terry Hearn's 'Rohe Potae Land Issues, 1900-1930' and 'Land Titles, Land Development, and Returned Soldier Settlement in the Rohe Potae' will provide important insights regarding land issues.

This report is designed to provide an overview of the key developments in political engagement over the period. To do so, it examines the four significant issues identified in the commission. Chapter One examines the Rohe Potae hapu and iwi response to voluntary service and conscription during the First World War and how these reactions reflected their relationship with the Government. Chapter Two discusses the revival of the Maori Council system after 1918 in the context of Government provision of Maori local self government. Chapter Three analyses the struggle over licensing legislation in the inquiry district between 1914 and 1954, and to a lesser extent rates on Maori land, in light of the agreements made between hapu and iwi of the district and the Government in the 1880s. Finally, Chapter Four examines how Rohe Potae interests were addressed in the Sim Commission and later settlement of 1946. As these dates indicate, the period of examination of the latter two chapters extend well beyond 1939. However, these subjects all have their origins before 1939 and it was decided to continue their examination until their logical conclusion. Significant developments that stem from the Second World War, including the Maori War Effort Organisation and the Maori Social and Economic Advancement Act will be examined in the next political engagement report focusing on the post war period.

This report defines 'political engagement' as the relationships between Rohe Potae hapu and iwi and the Crown. It examines three aspects of these relationships in the described chapters.

First, it identifies what types of bodies, and avenues and forums for, communication and interaction existed between Rohe Potae Maori and the Government. Second, it establishes the key issues that were the subject of dialogue (or lack of) between hapu and iwi of the Rohe Potae inquiry district and the Government. Third, it examines the outcomes of these exchanges and their impact on the ongoing relationship.

The research for this report has been based largely on English language documentary sources, including official Government records, newspapers, and manuscripts. It is acknowledged that these documents offer a limited perspective and it is expected that claimant groups will bring their own knowledge of events and issues raised in this report. As Chapter Two notes, a substantial body of Te Reo material has been located in the Maori Health Council files relevant to this inquiry. This material is included in the supporting papers of this report so that it is available to the Tribunal panel and all inquiry parties to utilise for inquiry purposes. The author acknowledges the significance of this material and translation work is currently underway (at the time of writing). The author will consider the results of this work and may amend Chapter Two accordingly. Any such amendment would be filed at a later date as an appendix to this report.

Political engagement between Maori and the Crown in the first half of the twentieth century, especially during and after the First World War, has not been examined by the Waitangi Tribunal to the same extent as the nineteenth century. The most obvious challenge this creates is a lack of existing Tribunal research on some of the areas covered in this report. Where research does exist it is often focused on land legislation, which is not the subject of this report. While some good academic research does exist on the Maori-Crown relations in the twentieth century, it is also limited. Particularly useful in this respect are Richard Hill's two monographs on the twentieth century and the 'Rangatiratanga Series' of the Treaty of Waitangi Research Unit at Victoria University of Wellington.<sup>2</sup> As a consequence, this report has largely constructed narratives directly from official sources and newspapers.

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<sup>2</sup> Richard Hill, *State Authority, Indigenous Authority: Crown-Maori Relations in New Zealand/Aotearoa 1900-1950*, Victoria University Press, Wellington, 2004; Richard Hill, *Maori and the State: Crown-Maori Relations in New Zealand/Aotearoa, 1950-2000*, Victoria University Press, Wellington, 2009.

## Supporting Papers

This report includes supporting papers. The supporting papers include most of the unpublished documents used in this report, which the reader may find useful to consult. Where a document is included in the supporting papers it is indicated in the relevant footnote.

## Political Engagement until 1914

As noted above, this report is one in a series focused on political engagement in the Rohe Potae inquiry district. As such, this report should be read in conjunction with these other reports. However, this report has been written prior to the completion of Cathy Marr's 'Political Engagement, 1870-1913' report and has therefore has not had the benefit of a detailed analysis of the period leading up to 1914. The following section provides a very brief overview of some important developments in the district prior to 1914 as background to the events of this report. It is largely based on existing secondary research and should not be considered as comprehensive. Marr's report will provide a detailed analysis of this period.

In the 1870s the Rohe Potae lay substantively outside of Government authority.<sup>3</sup> For a variety of reasons, by 1880 pressure both from within and outside the district was growing for the 'opening' of the area to European settlement and authority.<sup>4</sup> Between 1881 and 1885, a complex series of negotiations between the tangata whenua of the Rohe Potae and the Government began concerning a range of issues relevant to the future of the district. In the course of these negotiations a number of important agreements were reached regarding the construction of the North Island Main Trunk railway (NIMT) and desired reforms to Maori land administration legislation.<sup>5</sup> Agreements were also reached regarding mineral prospecting and liquor control in the district.<sup>6</sup> In preliminary research, Marr suggests of these agreements that 'Rohe Potae leaders believed that in return for allowing the 'opening up' of the area, they

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<sup>3</sup> Cathy Marr, *The Alienation of Maori land in the Rohe Potae (Aotea Block), 1840-1920*, Waitangi Tribunal Rangahau Whanui series (working paper: first release), December 1996, pp7-8.

<sup>4</sup> Marr, *The Rohe Potae, 1840-1920*, pp8-9.

<sup>5</sup> *ibid*, pp20-31; Also see Donald Loveridge, 'The Crown and the Opening of the King Country, 1882-1885', A Report for the Crown Law Office, 2006, pp52-177.

<sup>6</sup> Marr, *The Rohe Potae, 1840-1920*, pp20-31; Marr, 'The Waimarino Purchase Report', A Report Commissioned for the Waitangi Tribunal, 2004, WAI 903 #A60, pp99-248; Philip Cleaver and Jonathan Sarich, 'Turongo: The North Island Main Trunk Railway and the Rohe Potae', A Report Commissioned for the Waitangi Tribunal, 2009, pp46-79; Also see Donald Loveridge, 'The Crown and the Opening of the King Country, 1882-1885', A Report for the Crown Law Office, 2006, pp52-177.

had negotiated an agreement whereby the Crown would assist them to hold on to their lands, to retain iwi and hapu authority over them, and to allow their people to participate in the management of the district.<sup>7</sup> She also notes that Rohe Potae Maori considered each agreement as closely related to the others, together forming a ‘compact.’<sup>8</sup>

Importantly for this report, following these negotiations the consequent construction of the NIMT, and the introduction of the Native Land Court and related purchase of Maori land, facilitated large-scale European settlement in the district after 1900. Government purchase of Maori land began in earnest after 1892 and by 1910 less than 50 percent of the inquiry district remained in Maori ownership.<sup>9</sup> By 1931, the figure had dropped to just 24 percent.<sup>10</sup> The NIMT was completed as far as Taumarunui in 1903 and was fully operational by 1908.<sup>11</sup> Consequently, feeder roads were constructed from the railway into the hinterland, enabling settlers to take up the newly purchased land in earnest.<sup>12</sup> Also in 1903, the Native Townships of Te Kuiti, Otorohanga and Taumarunui were established by the Government which further facilitated land purchase and the extension of Government authority within the district.<sup>13</sup> County and borough local government also became operational in the district in 1905, and were well established by 1915.<sup>14</sup> Between 1901 and 1911 the number of Pakeha resident in the King Country district (probably including Taumarunui) increased from about 1400 to about 12,000.<sup>15</sup> The Maori population of the inquiry district is estimated to be approximately 1,600 in 1901 and 2,200 by 1911.<sup>16</sup> As these figures suggest, the Pakeha population grew from roughly an equal size at the turn of the century to well over quadruple by the start of the period under examination in this report. During this time, many of the agreements reached regarding the construction of the NIMT and the operation of the Native Land Court were not fulfilled for a variety of reasons.<sup>17</sup>

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<sup>7</sup> Marr, *The Rohe Potae, 1900-1960*, p156.

<sup>8</sup> Marr, *The Rohe Potae, 1840-1920*, p20.

<sup>9</sup> Craig Innes and Tutahanga Douglas, ‘Alienation of Maori land within Te Rohe Potae inquiry district 1840-2010: A quantitative study’, A report commissioned by the Waitangi Tribunal, December 2010, WAI898 #A21, pp44-46.

<sup>10</sup> *ibid*, p46.

<sup>11</sup> Cleaver and Sarich, p80.

<sup>12</sup> *ibid*, p191.

<sup>13</sup> *ibid*, pp207-210.

<sup>14</sup> Luiten, pp10-15, 53-101.

<sup>15</sup> Ministry of Works Town and Country Planning Division, *Waikato, Coromandel, and King Country Region*, Government Printer, Wellington, 1973, p173.

<sup>16</sup> Tony Walzl, preliminary work on demographic history of Te Rohe Potae inquiry district, Waitangi Tribunal, June 2010 (data derived from NZCPD 1901 and 1911).

<sup>17</sup> Marr, *Rohe Potae, 1840-1920*, pp33-54; Cleaver and Sarich, pp80-221.

Rohe Potae Maori aspirations to retain authority and to manage the process of settlement in the district through partnering with the Government were frustrated. During the negotiations it had been requested by Rohe Potae Maori that the Native Committee system (under the Native Committees Act 1883) be strengthened 'to have full authority to conduct matters for the Maori people.'<sup>18</sup> Following the negotiations, the Kawhia Committee established under the 1883 Act played a leading role in affairs of the district for a period.<sup>19</sup> For example, the Committee arranged contracts for timber and stone resources required in the construction of the NIMT.<sup>20</sup> However, according to O'Malley the Committee rapidly declined after 1890 due to commencement of Government purchase of individual interests.<sup>21</sup> In 1900, the Maori Council system (Maori Council Act 1900) was established in the district. The Maori Council Act was an attempt to provide a new official body for Maori local self-government in New Zealand. Historians generally agree that the Maori Councils Act 1900 was a Government and Maori 'compromise' after a period of pressure for self-government by various Maori groups.<sup>22</sup> However, due to the lack of financial resource and general Government neglect, the Maori Councils were in decline or had ceased functioning in most districts by the beginning of the First World War.<sup>23</sup>

Maori Land Councils were also established under the Native Land Administration Act in 1900. These were designed to provide Maori with a form of collective control of their remaining lands.<sup>24</sup> Maori were to voluntarily vest land in the Land Councils in order for them to be opened for settlement through lease with rentals being returned to Maori owners.<sup>25</sup> Membership of the Land Councils was to consist of a majority of Maori with a Government appointed chairman.<sup>26</sup> In 1905, this system was replaced with Maori Land Boards, which were to consist of three members, all of whom were to be Government appointed and only one of whom had to be Maori. After 1906, avenues for the compulsory vesting of land in the

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<sup>18</sup> Marr, *Rohe Potae, 1840-1920*, p43.

<sup>19</sup> Cleaver and Sarich, pp68, 103-107, 133; Also see Vincent O'Malley, *Agents of Autonomy: Maori Committees in the Nineteenth Century*, Huia Publishers, Wellington, 1998, pp187-189.

<sup>20</sup> Cleaver and Sarich, p103.

<sup>21</sup> O'Malley, *Agents of Autonomy*, p189.

<sup>22</sup> Raeburn Lange, 'A Limited Measure of Local Self-Government: Maori Councils, 1900-1920', Treaty of Waitangi Research Unit, Rangatiratanga Series, Number 2, 2004, pp11-19. Hill, p50.

<sup>23</sup> Hill, *State Authority, Indigenous Authority*, pp53-63.

<sup>24</sup> Tom Bennion, *The Maori Land Court and Land Boards, 1909 to 1952*, Waitangi Tribunal Rangahaua Whanui Series, 1997, pp1-2.

<sup>25</sup> *ibid*, p1.

<sup>26</sup> *ibid*, p2.

boards were greatly increased.<sup>27</sup> It is generally recognised that the advent of the Land Board system represented a fundamental shift away from the original intent of Maori collective management of land, and resulted in another period of sustained Maori land alienation.<sup>28</sup> From 1907, at least 180,000 acres of land was vested in Waikato-Maniapoto Maori Land Board, dramatically increasing the power of the Board in the district.<sup>29</sup> The 1909 Native Land Act consolidated this legislation while also simplifying the alienation processes for both vested and non-vested Maori lands.<sup>30</sup> In 1913, when the period of examination in this report begins, the Native Land Amendment Act enabled the Crown to resume purchase of undivided shares circumventing the need for approval of the majority of owners. This essentially re-established the purchasing system that existed prior to 1900.<sup>31</sup> The operation of Waikato-Maniapoto Maori Land Board in the Te Rohe Potae inquiry district will be examined in detail by the various twentieth century land reports commissioned for this inquiry. As the issues raised in the Statements of Claim suggest, it is in the context of this extension of Government authority, institutions and European settlement in the Rohe Potae that engagement developed until the Second World War.

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<sup>27</sup> Loveridge, *Maori Land Councils and Maori Land Boards: A Historical Overview, 1900 to 1952*, Waitangi Tribunal Ranaghaua Whanui Series, Waitangi Tribunal, December 1996, pp43-48.

<sup>28</sup> Richard Boast, *Buying the Land, Selling the Land: Governments and Maori Land in the North Island, 1865-1921*, Victoria University Press, Wellington, 2008, pp220, 224.

<sup>29</sup> Marr, *The Rohe Potae, 1900-1960*, pp10-11.

<sup>30</sup> Loveridge, *Maori Land Councils and Maori Land Boards: A Historical Overview*, p75.

<sup>31</sup> Boast, p234.

## Chapter One: Te Rohe Potae and the First World War

### Introduction

Chapter One examines the participation of Rohe Potae hapu and iwi in the First World War. In particular, it focuses on the local response to voluntary service and the later use of conscription and how these reactions reflected their relationship with the Government. However, tangata whenua responses to voluntary service and conscription should not be used as a simplistic gauge of the health of their relationship with the Government.

Voluntary participation in the war effort cannot be simply equated with a healthy relationship with the state. As Richard Hill argues, some Maori saw the war as an opportunity to impress on the Government historical grievances and other issues to be addressed, hoping their expression of loyalty through service would result in some improvement.<sup>32</sup> Neither should unwillingness to participate be equated with complete hostility to the Government based on existing grievance. The development of the war itself and Government policy and implementation of the war effort were also factors in Maori participation or withdrawal of support. Another issue that needs to be considered is the choice of individuals. If an individual wanted to enlist against the will of their whanau, hapu or iwi leaders it seems little could be done to stop them. Nevertheless, judging from the evidence examined in this report, some Rohe Potae Maori men, predominately Ngati Maniapoto, volunteered for service and this seems to have been actively encouraged by the tribal leadership during the early stages of the war. In this basic sense, their relationship with the Government was strong enough to support the war effort on a voluntary basis.

The Government's introduction of conscription, however, altered this dynamic. After capital punishment, conscription is perhaps the most powerful bureaucratic tool available to the modern state. It provides the state with considerable power over the life and death of its citizens. Its successful implementation within a given state requires a high level bureaucratic organisation and social and political cohesion. Conscription raises questions of citizenship and the obligations those citizens have to their state. War and conscription bring people's attitudes and feelings toward the state to the fore, both positive and negative. Paul Baker has

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<sup>32</sup> Hill, *State Authority, Indigenous Autonomy*, pp103-108.

argued that compulsory military training prior to the First World War, and conscription once the war began, demonstrated the 'potential power of the modern New Zealand state' as well as the impulse to 'regularize and control' the community.<sup>33</sup> Conscription is in some ways a test of a state's authority over its citizens.

The Government failed this test in the Rohe Potae inquiry district when it applied conscription to Maori in the Waikato-Maniapoto Maori Land District. The majority of Rohe Potae Maori men did not register for the reserve used to ballot drafts for conscription and defaulted when issued orders to parade for medical examination. Although difficult to quantify, during this period a number of Ngati Maniapoto and many Kawhia and Raglan men joined the Kingitanga's organised resistance to conscription. In this way, their relationship with the Government was placed under considerable strain and the episode was perhaps symptomatic of more fundamental and long standing problems with this relationship. Most obvious in this respect, was the fact that the last military engagement in which many Rohe Potae Maori were involved was fought against the Government in the 1860s.

Two difficulties have been encountered in the course of research for this chapter. Firstly, the labels used by Government officials and politicians to describe Maori involved in recruitment and conscription in the Rohe Potae and Waikato present a problem for research. Many of the documents concerning recruitment in the Waikato and King Country refer to the Maori involved as simply 'Waikatos'. The lack of specificity makes quantifying the participation of tribal groups difficult. In addition, military records regarding Maori recruits did not record tribal identity. Consequently, this chapter has been forced to generalise in statements regarding iwi involvement according to geographical location noted in the relevant source records. For example, it is assumed if a source discussed activity in Te Kuiti that the Maori involved were likely to be Ngati Maniapoto. Secondly, few statements by Rohe Potae hapu and iwi leaders regarding the war have been located, making their exact position regarding the war difficult to determine. It is expected that claimant evidence will add to the limited picture provided by the examination of the written record conducted in this chapter.

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<sup>33</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland University Press, Auckland, 1988, p14.



## Early Volunteers

At the outbreak of hostilities, the British Imperial Government opposed the idea of using native troops from the Empire in a continental conflict. It was thought that their loyalty may be tested and it was not considered appropriate for coloured peoples to be fighting whites.<sup>34</sup> The mid-1914 Imperial Government decision to place Indian troops on the Suez Canal appeared to reverse their initial position.<sup>35</sup> In early September 1914, the New Zealand Government made a formal request for a Maori unit to be accepted and the Army Council agreed to take 200 Maori troops.<sup>36</sup> This number was increased to 500 men when it was realised there would be a much larger number of volunteers and it was decided that 250 of these volunteers would reinforce the garrison on Samoa. A 'Native Contingent Committee' was formed to raise and organise a voluntary contingent, which was to become known as Te Hokowhita a Tu ('the seventy twice-told warriors of the war god').<sup>37</sup> The Committee consisted of the four Maori Members of Parliament and Sir James Carroll under the chairmanship of Maui Pomare.<sup>38</sup> Pomare and Apirana Ngata were the driving force behind Maori participation in the First World War, leading the recruitment programme throughout the war. On 29 September 1914, Pomare declared:

The Maoris of this Dominion have expressed as with one voice the unswerving loyalty to the British Throne... They have expressed this loyalty with no uncertain sound. They recognise that the British cause is their cause; that British King is their King; and that the God of British is the God of the Maoris too. In this they are absolutely one. This spirit has been expressed to me... in hundreds of letters.<sup>39</sup>

Recruitment was organised by electorate with each Member responsible for his district:

Tai-Tokerau	P.H Te Rangihiroa	100
Tai-Hauauru	Hon. Maui Pomare	180
Tai-Rawhiti	Hon. A.T Ngata	180
Te Waipunamu	Taare Parata	40 <sup>40</sup>

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<sup>34</sup> Michael King, *Te Puna: A Life*, New Edition, Reed Publishing LTD, New Zealand, 2006 p79; Baker, p211.

<sup>35</sup> King, p79.

<sup>36</sup> P.S O'Connor, 'The Recruitment of Maori Soldiers, 1914-1918' in *Political Science*, vol.19, 1967, p49.

<sup>37</sup> Christopher Pugsley, *Te Hokowhita A Tu: The Maori Battalion in the First World War*, Reed Publishing, Auckland, 2006, p9.

<sup>38</sup> O'Connor, p49.

<sup>39</sup> *Evening Post*, 29 September 1914, p3.

<sup>40</sup> 'A Description Concerning the Maori Contingent of Aotearoa and Te Waipounamu who took part in the Great War', Collated by the Committee of the Maori Members of Parliament, AD1 707\* 9/32/1 Expeditionary Force – Maori Contingents N.Z.E.F 1914-1933, ANZ Wellington. See Pugsley, p22.

The contingent concentrated in Avondale in the second half of October 1914. The Native Contingent Committee description of the events records that '[o]n the 19<sup>th</sup> the men from the South Island arrived 50 in number, [as well as] 36 from Hauraki and Ngati Maniapoto'.<sup>41</sup> In the same month, the decision was made to send the whole contingent to Egypt.<sup>42</sup>

Ngati Maniapoto appears to have supported the war initially, contributing some volunteers. On 7 January 1915, a 'Gala day' was held at Avondale Camp where relatives of the soldiers were invited to celebrate the festive season. Hari Wahanui, 'a chief from Otorohanga', was recorded giving the following 'stirring' speech to the Maori volunteers and other visitors:

"Greetings, this Christmastide and New Year," he said, "to those of you who are training to fight side by side with your white brethren. It will be seen that the Maoris all over New Zealand are of one opinion in their desire to help. For the first time in the history of the Maori race all tribes are united to fight together for the Empire. Even as late as 1886 there were dissensions among the tribes under British rule. We have learnt wisdom, and regret our former violence, and we are now at last united to help to fight for our white brethren. Although the Maori representatives in Parliament are not present to-day, I am here to speak on their behalf." Turning to the officers, the speaker continued: "We have handed our men over to you to be taught to be soldiers. Let them be taught as soldiers, and not play at it. You soldiers," he continued, "don't forget that we all originate from one common stock. We worship one God. Be truthful, be honourable. You carry the honour of the Maori race in your hands. Be brave, and remember the flag you will have flying over your tents. With reference to your religious beliefs don't forget that you aim for one Heaven. Fear God, read and study your Bibles, and may the British reign over us for ever." (Cheers.)<sup>43</sup>

Sometime in February 1916 (according to its sequence in the file), an undated and handwritten Army Department notation calculated 'King Country' volunteers in the First and Second Contingents. The calculations suggest of a total 503 rank and file of the First Maori Contingent, 'No.4 Group' supplied one officer and eight regulars, all of which were from the King Country (none from the Waikato). This was calculated to be 1.8 percent of the contingent. Of the Second Maori Contingent, 2.5 percent of 231 [not quite accurate], or seven recruits, were calculated to have volunteered from 'No.4 Group', again all from the 'King Country – none from Waikato'.<sup>44</sup> Auckland Military District (the Land District of

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<sup>41</sup> *ibid*; See Pugsley, p23.

<sup>42</sup> *ibid*; See Pugsley, p25.

<sup>43</sup> *Evening Post*, 7 January 1915, p8. (All newspaper references not included in the supporting papers of this report are available on the Papers Past website: <http://paperspast.natlib.govt.nz/cgi-bin/paperspast>)

<sup>44</sup> Handwritten note, undated, AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, p2280.

Auckland) was divided in four ‘Groups’, of which No.4 Group consisted of much of the Rohe Potae inquiry district and Waikato.<sup>45</sup> No.4 Group included the Waikato, part of the Taumarunui, Tauranga, and Bay of Plenty Electoral Districts.<sup>46</sup>

As demonstrated in the preceding two paragraphs, throughout this chapter it will be apparent that figures drawn from official correspondence and reports regarding Rohe Potae and Waikato participation in the First War World were seldom specific. It is often unclear what geographical boundaries were used by officials to classify and obtain figures, as well as who and what exactly was being referred to by ‘Waikatos’, Waikato and the King Country.

In an attempt to provide some clarity on the number of volunteers from the Rohe Potae inquiry district, this report has examined the Nominal Rolls of the Maori Contingents and Reinforcements. The Nominal Rolls provided a list of names of Maori volunteers of each shipment of reinforcements that embarked for Europe, the date of departure, as well as next of kin. The following table calculated those volunteers whose next of kin had addresses located within Rohe Potae inquiry district (see Table 4 at the end of Chapter for names of those volunteers). As stated, no tribal affiliations were recorded. Therefore, this method cannot distinguish if those volunteers with next of kin in the inquiry district were actually of Rohe Potae hapu and iwi descent or whether they were other Maori that had moved into the area. Accordingly, the following table only provides a general indication of those Maori who served from within the district over the duration of the war.

**Table 1:** *The Number of Volunteers who had ‘Next of Kin’ within the Te Rohe Potae Inquiry District*<sup>47</sup>

	<b>Rohe Potae Volunteers</b>	<b>Total Number</b>	<b>Rohe Potae Percentage</b>	<b>Date of Departure</b>
1 <sup>st</sup> Maori Contingent	19	518	3.6	14 Feb 1915
2 <sup>nd</sup>	14	311	4.5	19 Sept 1915
3 <sup>rd</sup>	5	111	4.5	5 Feb 1916

<sup>45</sup> *AJHR* 1911, H19, pp17-18.

<sup>46</sup> *ibid.*

<sup>47</sup> The Nominal Rolls used in this table have been reproduced in Pugsley, pp86-130.

4 <sup>th</sup>	3	74	4.0	6 May 1916
5 <sup>th</sup>	nil	89	0	29 July 1916
7 <sup>th</sup> Maori Reinforcement <sup>48</sup>	1	72	1.3	19 Aug 1916
8 <sup>th</sup>	2	64	3.1	23 Sept 1916
9 <sup>th</sup>	1	62	1.6	11 Oct 1916
10 <sup>th</sup>	2	71	2.8	15 Nov 1916
11 <sup>th</sup> (Rarotongans)	nil	n/a	n/a	16 Nov 1916
12 <sup>th</sup>	2	70	2.8	2 Jan 1917
13 <sup>th</sup>	5	61	8.2	19 Jan 1917
14 <sup>th</sup>	1	61	1.6	16 Feb 1917
15 <sup>th</sup>	1	40	2.5	3 April 1917
16 <sup>th</sup>	4	29	13.8	26 April 1917
17 <sup>th</sup>	3	30	10.0	26 April 1917
18 <sup>th</sup>	nil	31	0	12 June 1917
19 <sup>th</sup>	nil	50	0	16 July 1917
20 <sup>th</sup>	3	51	5.9	26 July 1917
21 <sup>st</sup>	1	50	2.0	15 Aug 1917
22 <sup>nd</sup>	3	30	10.0	13 Oct 1917
23 <sup>rd</sup>	nil	31	0	17 Nov 1917
24 <sup>th</sup>	nil	31	0	22 Nov 1917

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<sup>48</sup> The 6<sup>th</sup> contingent or reinforcement is problematic and no Nominal Roll appears to have survived. According to Chief Of General Staff, *War, 1914-1918: New Zealand Expeditionary Force, its provision and maintenance*, Government Printer, Wellington, 1919, the '5<sup>th</sup> Maori Draft' departed on 26 June 1916 with 58 men. However, the Nominal Roll of the 5<sup>th</sup> Contingent is dated departing on 29 July 1916 with 89 men, which judging from the identical figures appears to be the '6<sup>th</sup> Maori Draft' in *War*. When these 58 men are added to the total Maori men who served in the table below the total is 2227, the standard figure given for the total Maori who served in the First World War. However, due to the absence of Nominal Roll for this draft it is impossible to assess for Rohe Potae participation, and therefore it has not been included in the table.

25 <sup>th</sup>	nil	30	0	31 Dec 1917
26 <sup>th</sup>	nil	55	0	8 Feb 1918
27 <sup>th</sup>	nil	14	0	3 March 1918
28 <sup>th</sup>	nil	12	0	23 April 1918
29 <sup>th</sup>	nil	7	0	9 May 1918
30 <sup>th</sup>	nil	16	0	13 June 1918
31 <sup>st</sup>	2	58	3.4	17 August 1918
32 <sup>nd</sup>	14	40	35.0	3 Oct 1918
<b>Total</b>	86	2169	4	

Although a proportional analysis of the number of volunteers from each major tribal area is beyond the scope of this report, it is clear from this table that eligible men did enlist from within the Rohe Potae inquiry district totalling four percent of the total of volunteers.

The number of volunteers was at its highest at the beginning of the war. After the 2<sup>nd</sup> Reinforcement the number of volunteers in each departing shipment was not above five until the last reinforcement. This included a long period of apparently no volunteers between November 1917 and June 1918.

In February 1915, the Maori Contingent sailed for Egypt and in May 1915 they were sent to Malta. Although the Imperial authorities had still not given permission for the Maori Contingent to enter combat, they impressed in Egypt and Malta, and in August 1915 went into action on Gallipoli.<sup>49</sup> After the Maori Contingent entered combat, Maori voluntary recruitment began to slow. Tensions became apparent after the early enthusiasm, the causes of which were both domestic and Imperial military decision making. Combat brought high casualties and conflict between Pakeha officers and Maori officers, leading General Alexander Godley (the commanding officer of New Zealand's forces) to disperse the Maori Contingent into smaller units, each attached to a regular infantry battalion. He also sent four Maori officers home as punishment.<sup>50</sup> This caused considerable anger amongst the Native

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<sup>49</sup> Baker, p211.

<sup>50</sup> *ibid*, pp211-212.

Contingent Committee and other Maori leaders.<sup>51</sup> Consequently, the committee refused to recruit until the Maori were reunited in a single unit, leading to tension with James Allen, the Minister of Defence.<sup>52</sup> By March 1916, recruiting had dropped significantly, with only 120 volunteers in training.<sup>53</sup> In February 1916, General Godley formed the New Zealand Pioneer Battalion as a unit of the new New Zealand Division. It was decided to reunite the Maori volunteers in a single unit within this Battalion. By April 1916, the tension between Allen and the Native Contingent Committee had eased and normal recruitment was resumed.<sup>54</sup>

However, Maori voluntary recruitment had already begun to slow before the officer controversy and would remain low for the duration of the war.<sup>55</sup> On 8 May 1915, Archdeacon H.A Hawkins, the Superintendent of the Maori Mission of the Anglican diocese of Auckland, gave a pessimistic report on potential Maori reinforcements to Allen. He reported that 'North of Auckland' Maori had held 'many meetings' regarding the possibility of additional recruitment, at which they had concluded that they were willing to defend New Zealand if directly attacked but were unwilling to 'decrease the race by sending away their young men'. He noted of the Waikato and Taranaki 'little sympathy' for the First Contingent and that very few men were sent from these regions.<sup>56</sup> Throughout the report Hawkins asserted that the reluctance of Maori generally was not held by the 'young men' but the 'old people'. He held some hope that if a recruiting system was established that included Maori recruiting officers 'who kn[e]w them, and who c[ould], in their own language, explain things to them' then maybe a further 250 men could be recruited.<sup>57</sup> On 12 May 1915, Ngata also began to express concern that the tribes would not be able to maintain the levels of volunteers required to reinforce the contingent.<sup>58</sup> By the end of June 1915, Allen wrote to Godley: '[the] Maoris seem to have a disposition not to serve led by some of the chiefs who are beginning to feel sore over their land question.'<sup>59</sup> Allen did not explain specifically who he was discussing or what he meant by 'their land question', however it was clear that by this

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<sup>51</sup> *ibid*, pp212-213.

<sup>52</sup> *ibid*.

<sup>53</sup> O'Connor, p60.

<sup>54</sup> *ibid*.

<sup>55</sup> O'Connor, pp53-54.

<sup>56</sup> Hawkins to Allen, 8 May 1915, AD1 707\* 9/32/1 Expeditionary Force – Maori Contingents N.Z.E.F 1914-1933, ANZ Wellington. SP, pp398-400.

<sup>57</sup> *ibid*.

<sup>58</sup> O'Connor, p53.

<sup>59</sup> Allen to Godley, 1 July 1915, ALLEN1 1 M1/15 Part 2, Miscellaneous Correspondence – Allen to Godley, ANZ Wellington. SP, pp2244.

time the decreasing rate of Maori enlisting was becoming a concern. The First Contingent numbered 518 men, the Second 311 (19 September 1915), and the Third 314 (February 6 1916). However, the Third included 148 Niue Islanders and 55 Rarotongans, leaving only 111 Maori recruits.<sup>60</sup>

In May 1915, Ngati Maniapoto leadership demonstrated their reluctance to allow further volunteers. In a telegraph received on 14 June 1915, Ngati Maniapoto outlined their position regarding the attempted recruitment for the '2<sup>nd</sup> reinforcement' to Allen:

'Re Native 2<sup>nd</sup> reinforcement Tribe Maniapoto meeting held 27 May 1915  
The resolution that passed is this:

1. See no way to accept any native to serve or to join reinforcements
2. They also wish that the Govt uphold the understanding of the first native contingent for garrison duty in Samoa and Egypt.

Hari Wahanui – Te Kuiti<sup>61</sup>

It is unclear from this statement exactly why Ngati Maniapoto decided they could 'see no way' to serve at this time. However, the second resolution did reveal disapproval of the Government decision to send the Maori Contingent into combat, which Ngati Maniapoto believed undermined the 'understanding' that the Contingent was intended 'for garrison duty in Samoa and Egypt.' In a reply dated 15 June 1915, Allen stressed that service was still voluntary. He also emphasised that combat was a Maori choice. He stated that the Contingent was to be transferred from Malta to Gallipoli because Maori had been so 'good and useful to the Empire' and that command had 'invited' them to serve on the front. Other sources indicate that General Godley had requested that the contingent reinforce the troops on Gallipoli, a view which was supported by the Native Contingent Committee.<sup>62</sup> Pugsley points out that the contingent itself also wanted to see combat, quoting second in command and Medical Officer Te Rangi Hiroa's (Peter Buck), passionate plea to allow the Maori to fight with the Pakeha on Gallipoli.<sup>63</sup> Allen's letter then attempted to shame Ngati Maniapoto: 'I understood the native chiefs of New Zealand were also anxious to stand along side of their pakeha brothers in the defence of the country of their forefathers and in the defence of the Great British Empire.'<sup>64</sup> No further correspondence was located regarding this issue. It is

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<sup>60</sup> O'Connor, pp60.

<sup>61</sup> Hari Wahanui to Allen, 14 June 1915, AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, pp2277-2278.

<sup>62</sup> Baker, p211.

<sup>63</sup> Pugsley, pp34-35.

<sup>64</sup> Allen to Hari Wahanui, 15 June 1915, AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, p2279.

unclear how long Ngati Maniapoto leadership maintained this position concerning recruiting. As demonstrated by Table 1, recruitment from the Rohe Potae inquiry district appeared to continue after this time.

In late October 1915, the *King Country Chronicle* noted the efforts of ‘the Maoris of the district’ to raise money for the ‘Soldiers Relief Fund.’ Several dances were held at Oparure and Te Kuiti and raised over £30. These events were promoted by ‘Mesdames H.G Hetet, A Joseph and C. Holland, the last mentioned lady acting as secretary’.<sup>65</sup>

### **Tension in the Waikato**

Tension regarding the lack of recruits from the Waikato had been growing since the war began.<sup>66</sup> O’Connor notes that the ‘unwillingness’ of the Waikato people to perform their military service was ‘the most important theme of all’ in discussion regarding the increasing difficulty of Maori recruitment.<sup>67</sup> Volunteers were virtually non-existent from the Waikato (between Otahuhu and Huntly) and military authorities were having difficulty enforcing compulsory military training in the Territorial Force under the Defence Act 1909.<sup>68</sup> In February 1916, Major Northcroft, the Officer in Charge of No.4 Group (based in Hamilton), described voluntary enlistment in his area:

The area covered by this Group [No.4] extends from Otahuhu to Mangapeehi on the Main Trunk Line and in view of the fact that only Fifteen Maoris have left this large District in the Expeditionary Forces it was considered that the encouragement of the Territorial Training might assist this Branch. Of the fifteen men who have enlisted none have gone from the District between Otahuhu and Hamilton (which includes Huntly). Those who have been enlisted previously resided in various parts of the King Country.<sup>69</sup>

As the earlier noted figures from No.4 Group indicated, Northcroft’s description also asserted that some volunteers had ‘resided in various parts of the King Country’, but that none had come from Waikato. The difficulty in the Waikato was exemplified by the high-profile case of Tonga Mahuta, King Te Rata’s Brother, whose refusal to drill and parade for

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<sup>65</sup> *King Country Chronicle*, 27 October 1915, p4. SP, p83.

<sup>66</sup> King, pp82-84; O’Connor, pp62-63.

<sup>67</sup> O’Connor, p62.

<sup>68</sup> ‘Huntly Prosecutions’, Officer in Charge No.4 Group, Northcroft to Allen, 10 February 1916, AD1 731 10/281 Territorial Force – Maoris failing personal service – Tonga Mahuta, ANZ Wellington. SP, pp175-177.

<sup>69</sup> *ibid.*



the Territorial Force led to him being charged and fined several times under the Defence Act between 1915 and 1918.<sup>70</sup>

On 9 February 1916, the *King Country Chronicle* reported an 'Important Maori Meeting' was held in Te Kuiti to discuss the 'question of recruiting'.<sup>71</sup> The article noted that the hui was for 'the purpose of discussing matters of interest affecting the destinies of the race and chiefly of the Waikato and Maniapoto people.'<sup>72</sup> According to the article the hui was in response to a recent meeting in Mercer where 'Taingakawa and Te Rata dealt with the question of recruiting.' At this hui Tupu Taingakawa, the Kingmaker or Tumuaki, was recorded as concluding regarding recruitment that 'though he would do nothing to prevent the young Maoris from enlisting it was his ardent wish that members of the race should not go to the front, as they could not be spared.'<sup>73</sup> The purpose of the Te Kuiti hui was described in this way by the article:

There has been a distinct cleavage between the Waikato and Maniapoto people regarding methods to be adopted for the safeguarding of Maori interests; in fact, there are several different parties among the Maniapoto natives themselves. The meeting in progress is for the purpose of coordinating the various interests and acting as a united people chiefly in the matter of the present war.<sup>74</sup>

Kingitanga representatives were reported to be in attendance.<sup>75</sup> The hui occurred in the context of growing tension in the Urewera between the Government and the followers of Rua Kenana after his arrest.<sup>76</sup>

The following day, the *King Country Chronicle* reported the outcome of the hui. A significant proportion of the article has been reproduced here as it described several agreements reached between Ngati Maniapoto and Waikato:

A meeting of considerable importance has just concluded at Te Kuiti between the members of Ngatimaniapoto and Waikato tribes. Between the two peoples there have always been points of difference and it has never been possible to arrive at definite understanding concerning matters of policy affecting the race generally. However, in political matters the King's influence has always been great, and the present conference was held at the instance of King Rata and his chief councillor, Tupu

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<sup>70</sup> See generally AD1 731 10/281 Territorial Force – Maoris failing personal service – Tonga Mahuta, ANZ Wellington; O'Connor, pp62-65.

<sup>71</sup> *King Country Chronicle*, 9 February 1916, p5. SP, p84.

<sup>72</sup> *ibid.*

<sup>73</sup> *ibid.*

<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*

<sup>76</sup> *ibid.*

Taingakawa. Various speakers at the meeting emphasised the fact that the time had arrived for the natives to accept full responsibility of citizenship in all respects and to shape their efforts so as to give the utmost possible assistance to the State. It was desired in order to attain this object that the various sections of Maori people should arrive at an understanding so that united action should be taken in all cases. This policy was affirmed and an agreement arrived at between the King Country and Waikato people.

In respect to the question of recruiting, considerable discussion took place and it was finally decided that the young men should be allowed a free hand in the matter.

Regarding the question of young Maoris complying with the provisions of the Defence Act...it was suggested that some special method should be adopted to meet the case which would have the support of the whole of the Maoris and would achieve the desired end without the infliction of any degree of hardship....

At the conclusion of the meeting it was decided to hold a special conference at Huntly next month for the purpose of confirming the resolutions passed and placing them before the Government. The Prime Minister and other members of the Cabinet will be invited to attend and the gathering is expected to be one of the largest and most important yet held.<sup>77</sup>

Unfortunately, the article did not provide detail on which speakers made the various points outlined, providing only the correspondent's view of the proceedings. However, it does seem that the official position regarding volunteering would be to leave individuals to choose whether to serve or not. It is unclear from this what level of encouragement would be given by the respective tribal leadership to those that decided to enlist. This agreement could be interpreted as a compromise to avoid unnecessary tension between those that thought that they should give their 'utmost possible assistance to the State' and those that believed Maori should not serve. It was also significant that there would be continued discussion and it was hoped there would be a meeting with Government officials regarding their position. No record has been found regarding a hui in March 1916. However, a large hui was held in November 1916, and was perhaps the proposed hui described in this article. This hui is discussed below.

On 15 February 1916, Allen described the situation regarding Maori recruitment to Godley.

In his summary, he drew attention to the situation regarding the 'Waikato':

I regret to say there has been some trouble with regard to the enlistment of the Maoris. The first cause was Herbert. There is a tremendously strong feeling amongst the Maoris especially the Maori Committee, including the Maori Members of Parliament, about the appointment of Herbert. He certainly did not hit on with the Maoris... Then came the return of the four Maori officers... That difficulty has been

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<sup>77</sup> *King Country Chronicle*, 12 February 1916, p5. SP, p85.

settled... We cannot get the Waikato tribe to encourage their young men to enlist. The King's own son, Tonga Mahuta, has refused to turn up to territorial parades and we have summoned him and he has been fined. This caused some [removed word] as to whether the mana of Mahuta or the mana of the Government is to prevail. There can be no question about it that the Government's mana must prevail.<sup>78</sup>

Waikato's denial of Government authority regarding training for the Territorial Force as well as the low number of volunteers irked Allen. His comments that Government 'mana' must 'prevail' demonstrated that Government authority was an important issue underlying the tension in the Waikato.

As pressure was growing regarding Maori recruitment, the burden of the war was also becoming apparent in the Pakeha population. Many people were becoming increasingly uncomfortable with what were perceived to be 'shirkers', eligible young men who were 'avoiding' service. Sections of the population were resorting to various methods of 'shaming' apparent 'shirkers' into service, which created intense pressure to serve. Others were becoming concerned at the unfairness of this same treatment applied to 'worthy eligibles' (those that had legitimate reason for not volunteering). Baker convincingly argues that by late 1915 officials and politicians recognised that the voluntary system was becoming increasingly 'involuntary' and therefore unfair, and in any case, was unlikely to be able to sustain the required level of reinforcement in what appeared likely to be a long and costly war.<sup>79</sup> Conscription would be needed, as it would alleviate the harsh treatment of worthy eligibles and the mounting pressure from society on men to enlist as well as provide a consistent level of recruits. In addition, the eventual raid on Rua Kenana's community at Maungapohatu in April 1916 stoked Pakeha concern regarding Maori opposition to the war.<sup>80</sup> At times this concern became hysterical, as will be seen in the events described below.

### **Maori Conscription**

In May 1916, the Military Service Bill, which outlined provisions for conscription, was introduced and debated in Parliament. The debate surrounding the Bill was substantial and passionate. Parliament was aware that they were contemplating passing a powerful piece of legislation. Provision for Maori conscription was not included in the Bill. However, in the

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<sup>78</sup> Allen to Godley, 15 February 1916, ALLEN1 1 M1/15 part 2, Miscellaneous Correspondence – Allen to Godley, ANZ Wellington. SP, pp2245-2251.

<sup>79</sup> Baker, pp46-63; O'Connor, pp54-62

<sup>80</sup> Baker, pp214-217.

course of the debate the Maori MPs successfully argued for Maori conscription.<sup>81</sup> As a result, Section 50 was added to the Act which enabled the extension of the legislation ‘so as to provide for the compulsory calling-up of Natives for military service in the Expeditionary Force.’

Pomare was the first Maori Member to enter the debate. He declared his general support for conscription, stating ‘Sir, we have to keep up our reinforcements: hence the Bill. We have got to bring about equality of sacrifice: hence the Bill. Why not? It is the fairest way, and no one can gainsay it.’<sup>82</sup> As Pomare began to discuss Maori in particular, Dr. Thacker (Christchurch East) interjected and questioned Pomare: ‘What about the Waikatos?’ reflecting the growing tension in the Waikato.<sup>83</sup> Pomare’s reply to the outburst emphasised the delicate nature of the recruitment situation, requesting that Thacker did not discuss the ‘Waikatos’ in order to avoid any controversy that would impact on recruitment. He also emphasised that other elements in the Pakeha population and Empire also refused to fight, referring to Thacker’s own countrymen, the Irish.<sup>84</sup> Pomare outlined equality of sacrifice as the basis for his support of conscription of Maori:

First of all, it is because it is the fairest way: it treats every man alike, no matter what creed, no matter what his wealth, and no matter what his colour may be. I have been round recruiting during the recess, and, I ask, why should some Tribes give their best under the voluntary system while others refuse to send their sons to the front? I say it should apply to all alike; and for that reason I believe in conscription.<sup>85</sup>

Hindmarsh (Wellington South) stated that he did not think that Maori should be conscripted, repeating a common idea that it would further diminish the last ‘remnant’ of a dying race.<sup>86</sup> Ngata disagreed with this ‘sentimental’ argument as a reason for exclusion from conscription, believing that the ‘spirit of their fathers’ called Maori to war, adding that the lack of warfare had led to a general decline of Maori (physical and spiritual).<sup>87</sup> Further, Ngata also asserted that ‘No Maori blood can be shed anywhere in the world without calling for revenge’ (referring to the casualties of Gallipoli).<sup>88</sup> Similarly to Pomare, he also described some of the resentment of other North Island tribes at those who were not volunteering:

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<sup>81</sup> Baker, p217.

<sup>82</sup> *NZPD*, vol. 175, p519.

<sup>83</sup> *ibid.*

<sup>84</sup> *ibid.*

<sup>85</sup> *ibid.*

<sup>86</sup> *ibid.*, p544.

<sup>87</sup> *ibid.*, p612.

<sup>88</sup> *ibid.*, p612.

It is because of the reluctance – not to use a harder word – of some of the tribes of the North Island to contribute their quota that some of the Maori tribes in the other districts have urged that the “broom” should be applied to those who are remaining behind. That is their figure of speech. They define “compulsion” as the Government broom for sweeping shirkers into the trenches.<sup>89</sup>

Accordingly, Ngata advocated the conscription of Maori. However, due to administrative difficulties he believed it necessary to establish a separate system from that of general conscription. One difficulty that Ngata accurately foresaw was the process of the registration of eligibles which would precede balloting. Maori had been excluded from the National Register of 1915, which had been conducted before conscription was being seriously contemplated by the Government. Ngata pointed out that any attempt at registration of ‘reluctant’ tribes would now be difficult given ‘the full knowledge of what registration entails.’<sup>90</sup> In relation to registration, he then asked whether separate recruitment districts would be established for Maori: ‘Are you going to have districts within districts – special Maori districts?’<sup>91</sup>

Tau Henare (Northern Maori) was the most reserved in his acceptance of conscription. His speech was translated from Te Reo to the House. Overall, he asserted that he supported conscription, but did not want it applied to those ‘anxious and willing to go’, referring to his own constituents. Unlike the other Members, Henare attempted to explain the reluctance of Waikato and Taranaki, and also outlined a possible solution to the situation:

It has been said that some of the Natives of Waikato and Taranaki have not gone on active service. I wish to point out that in the days of old the Maoris fought against Europeans, and in consequence some of the Native lands were confiscated. It may be possible that these Natives are still nourishing grievances for the action taken in confiscating their lands, and hence their reluctance to go. I would suggest that those blocks of confiscated lands which are not already settled by Europeans should be returned for the use and occupation of the returned Native soldiers of those districts.<sup>92</sup>

To conclude, Massey agreed with Ngata and Pomare, stating if it was the desire of Maori to be conscripted that he would allow it, but that the Members could ‘change their minds’. He also confirmed that he believed a separate administration of Maori conscription would be

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<sup>89</sup> *ibid*, p611.

<sup>90</sup> *ibid*, p613.

<sup>91</sup> *ibid*.

<sup>92</sup> *ibid*, pp572-573.

required.<sup>93</sup> On 1 August 1916, the Military Service Act became law and the first Pakeha were conscripted in November that year.<sup>94</sup>

In contrast to the parliamentary debate surrounding adequate provisions for religious objectors within the Military Service Act, no discussion was had on the political and religious motivations of some Maori objectors.<sup>95</sup> Members of Parliament, and the population more generally, had little sympathy for any ‘objectors’, especially political objectors, and those unwilling to serve in a non-combat capacity.<sup>96</sup> The Maori Members, being advocates of Maori participation, did not defend or explain why some Maori were unwilling to serve. The closest to an exception was Tau Henare, who, as noted, asserted that if raupatu land was used in soldier resettlement after the war perhaps more Maori men from Taranaki and Waikato would enlist. Judging from this debate, it appears that Maori political and religious objection was not considered legitimate terms for exemption from conscription. In fact, it was these objecting tribes that conscription was intended for in order to achieve ‘equality of sacrifice’.

### **Preparation for Conscription**

Section 50 of the Military Service Act provided for the application of conscription to all eligible Maori men in New Zealand. However, it is clear that the ‘Waikatos’ were the primary Government target for conscription. The administrative system established after the passing of the Act to implement Section 50, described below, used Maori Land Districts as its basis. Although this technically provided for the conscription of all Maori (as all districts could have the system applied), it enabled conscription to be applied in stages by geographical location. The Government chose the Waikato-Maniapoto Land District to be conscripted first and it was the only area in which conscription was applied. No substantial official discussion was given to the application of conscription to other areas where rates of volunteers were low.

On 24 November 1916, according to the *Waikato Times*, a large hui was organised by the Kingitanga to honour the ‘third anniversary of the accession of Te Rata to the “Kingship”,

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<sup>93</sup> *ibid*, p615.

<sup>94</sup> Baker, pp89-90, 96.

<sup>95</sup> *NZPD*, vol. 175, pp496-518.

<sup>96</sup> O’Connor, ‘The Awkward Ones - Dealing with the Conscience, 1916-1918’ in *NZJH*, vol.8, no.2, p119.

but really to discuss recruiting matters.<sup>97</sup> This is likely to be the hui that had been proposed in February 1916. Representatives from ‘Te Arawa, Ngati Kahu Ngunu, Maniapoto, Ngati Maru, Ngati Haua, Ngati Taranaki, Ngati Raukawa, Ngati Whiti, Ngati Tama, Ngati Porou, Ngatituwharetoa, Wanganui, Ngaiterangi, Ngati Awa’ were in attendance.<sup>98</sup> The *Waikato Times* account recorded that Allen, Ngata, Pomare, and Tau Henare all visited Mercer on this occasion to argue the Government’s cause.<sup>99</sup> The article claimed that the opportunity was taken by the Kingitanga to attempt to persuade the other tribes against allowing their young men to serve. The argument put forward by the ‘Waikatos’ was described in the article in the following way:

The trouble apparently arises from a clause in the Treaty of Waitangi, which states that no Maoris shall be required to bear arms for service outside the Dominion. The Waikato chiefs are making this clause the basis of their argument against recruiting and are practically accusing the Government of a breach of the Treaty in having taken away any natives at all... They are apparently brooding over what they regard as a just grievance and are determined to do all they can to retain their young manhood in New Zealand as far as possible to perpetuate the race.<sup>100</sup>

The article noted that some opposition from the visiting tribes was expressed at the hui, who wanted to ‘know why they should send away their sons to fight for the protection of the Waikatos, who are holding back between 500 and 1000 eligible men’.<sup>101</sup> Unfortunately, as with the previous hui, the article does not detail the position of Ngati Maniapoto or other tribal leaders present.

Demonstrating the growing tensions of the voluntary system, Allen took the opportunity to attempt to persuade the Waikato to ‘volunteer’ before Section 50 was implemented. Only Allen was recorded to have spoken, with Ngata acting as interpreter. His address first outlined the reasons for British involvement in the war and then appealed to the honour and pride of the Waikato as a fighting people, stressing that they did not want to be the only Maori to whom conscription was applied.<sup>102</sup> In reply, Tupu Taingakawa, the King Maker, outlined Kingitanga reasons for their lack of support (King Te Rata was absent). According

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<sup>97</sup> *Waikato Times*, 24 November 1916, p5. SP, pp136-137.

<sup>98</sup> *ibid.*

<sup>99</sup> *Auckland Star*, 25 November 1916, p5 in AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, pp401-402.

<sup>100</sup> *Waikato Times*, 24 November 1916, p5. SP, pp136-137.

<sup>101</sup> *ibid.*

<sup>102</sup> *Auckland Star*, November 25, 1916, p5 in AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, pp401-402.

to the *Auckland Star*'s report of Tupu Taingakawa's speech, he began by emphasising that his reply would be 'brief.'<sup>103</sup> He then stated:

Speaking as a Waikato, I tell you that I am an aggrieved man. My grievance dates back to the years 1861, 1863, 1864, down to the present time. All the world has heard of the visit paid by myself and another recently to Great Britain. Although I had these grievances, and although there was some bitterness, still I did not nurse any feeling of revenge. Who was it [that] uttered the words, 'Let the young men go if they choose?' I was responsible for those words, and I stand by those words to-day. I gathered from your remarks that you seemed to think that, in spite of that promise, I and others were exercising influence contrary to the true spirit of those words. Te Rata, our highest chief – he gave utterance to those words. And that remains his opinion to this day, and I can vouch for it. It would appear as if the purpose of your visit was to urge our young men to enlist. I have placed no difficulties in the way of the recruiting officers sent by your Department to this district. So I repeat here today, that they may hear – 'To them that choose to go, let them go.'<sup>104</sup>

Tupu Taingakawa reiterated the position that had been decided earlier in February – that there would be freedom of choice regarding volunteering. As O'Connor points out in respect of this meeting, Taingakawa appears to have been aware that by declaring publically that he and Te Rata placed no obstacles in the way of men volunteering they placed themselves 'beyond the reach' of prosecution under the War Regulations.<sup>105</sup> In addition, this declaration may have been an attempt to delay the introduction of conscription. Taingakawa was obviously aware that the Kingitanga was under no obligation to become unofficial recruiting officers or to 'urge' their 'young men to enlist', knowing that this was not a requirement under a voluntary system. Allen replied that he awaited the 'results.'<sup>106</sup> Privately he returned from the hui believing that the only possible course was conscription.<sup>107</sup>

The settler press coverage of the hui was extreme in its criticism of the Kingitanga policy. The *Auckland Star* saw the hui and lack of encouragement for voluntary service as evidence of how far the Kingitanga had declined since the wars of the nineteenth century. The article labelled those present: 'an effeminate, ease loving buffoonery which delights in tinsel, in the blare of a make believe brass band, and the enervating pleasure of the dance hall.'<sup>108</sup>

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<sup>103</sup> *ibid.*

<sup>104</sup> *ibid.*

<sup>105</sup> O'Connor, p66.

<sup>106</sup> *Auckland Star*, November 25, 1916, p5 in AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, pp401-402.

<sup>107</sup> O'Connor, p66.

<sup>108</sup> *Auckland Star*, November 25, 1916, p5 in AD1 707\* 9/32/1, Expeditionary Force – Maori Contingents N.Z.E.F, 1914-1933, ANZ Wellington. SP, pp401-402.



Similarly, the *Waikato Times* headline read ‘Disloyal Waikatos, Native Recruiting, No Desire to Compel, Last Chance Offered.’<sup>109</sup>

On 9 March 1917, Allen described to Attorney General A.L Herdman his thoughts on conscripting the ‘Waikatos’:

The time has come when something will have to be done with regard to certain Natives, especially the Waikato Tribe, who have not answered the call to enlist voluntarily.

Would you please advise me as to the steps which should be taken to extend the provision of the Act to provide for the compulsory calling up Natives for military service?

The main difficulty seems to be the registration. There may also be difficulty with regard to Grouping, but I think this could be got over by having no Groups whatever, and putting all the names on one list which would be the list available for the ballot.

This means the Waikatos, who have not enlisted voluntarily, would form the main portion of the list.<sup>110</sup>

As noted below, on numerous occasions Allen emphasised that Waikato was the prime target of conscription. He was determined to see the Government authority heeded in regard to service.<sup>111</sup>

On 23 March 1917, the administrative preparations began for the application of conscription. Allen met the acting Prime Minister and then the Maori Members, at which time a consensus was reached regarding a plan. It was decided at this meeting regarding administrative districts that:

The Maori Land Districts as defined in the Rules of Court under the Native Land Acts should be adopted with one amendment to secure the inclusion in the Waikato-Maniapoto District of Tauranga, and settlements west of Manaku [sic?]. The suggested amendment is that the boundary should be a straight line from the conjunction of Waipapa Wiver [sic] with the Waikato River to Wairakei to the Coast.<sup>112</sup>

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<sup>109</sup> *Waikato Times*, 25 November 1916, p5. SP, pp133-135.

<sup>110</sup> Allen to Hon A.L Herdman (Extract), 9 March 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p305.

<sup>111</sup> Allen to Godley, 15 February 1916, ALLEN1 1 M1/15 part 2, Miscellaneous Correspondence – Allen to Godley, ANZ Wellington. SP, pp2245-2251.

<sup>112</sup> Extract of correspondence, 11 April 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p308.

By 13 April 1917, the maps of the new districts for conscription were completed by the Department of Lands and Survey. Under the title 'Maori Military Districts under the Military Service Act 1916', the 'Waikato-Maniapoto District' was described as:

All that area of the North Island lying between Tokerau Districts hereinbefore described, and the southern and eastern boundaries of the Waikato-Maniapoto Native Land Court and Maori Land District as described in the New Zealand Gazette of the 27<sup>th</sup> March, 1914 page 1212 from the sea at Parininihi to the Waikato River and a right line thence to Wairekei on the Bay of Plenty: including Waiheke, Matakana, and Motuhua Islands and the Islands adjacent to the coast between Cape Colville and the Wharekawa Harbour.<sup>113</sup>

The Waikato-Maniapoto Maori Land District was a large area, including parts of the Bay of Plenty, Hauraki and the King Country. It is unclear why the additions described in the earlier correspondence were not included in the final schedule. The district incorporated many tribes, including most Rohe Potae hapu and iwi.

At the March 1917 meeting it was also decided to use the 'machinery' of the 1916 Maori census to supply additional information for the completion of the register of those Maori eligible for conscription in the North Island.<sup>114</sup> Once registered, men were divided into the First Division and Second Division of the Maori Reserve according to the criteria of the Military Service Act 1916 (sec 4). The First Division included all unmarried men of military age, men married after May 1915, widowers with no children and those divorced or formally separated. The Second Division included all other men of military age. From the register, drafts would be balloted. The use of the census data was to overcome the anticipated difficulties of Maori avoiding registration (despite fines), due to the knowledge that it was for the specific purpose of conscription.<sup>115</sup>

Significantly, the use of census data for such a purpose was controversial and perhaps even illegal.<sup>116</sup> General census data was confidential and only to be used for its statutory purposes. However, the Maori census was not established and guided by Census and Statistics Act

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<sup>113</sup> Extract from correspondence, Surveyor General to Adjunct General, 13 April 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p312.

<sup>114</sup> Extract from meeting, 28 March 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p307.

<sup>115</sup> Allen to Hon A.L Herdman (Extract), 9 March 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p305; Baker, p218.

<sup>116</sup> Michael King asserts as much in *Te Puna*, p85.

1910 and therefore it is unclear if it was technically illegal.<sup>117</sup> The Maori census was conducted under instructions given to enumerators and sub-enumerators issued by the Government Statistician. In the case of the 1911 Maori census, these instructions contained no reference to the confidentiality of the data and no such instructions can be located for the 1916 census.<sup>118</sup> The Military Service Act 1916 specified that '[information gathered under the National Register Act 1915] and all other available sources of information' could be used to construct a register of those eligible. In addition, the regulations guiding 'Registers of Native Reservists' stated the register 'would contain such material particulars with respect to the reservists as may be within the knowledge of the [Government] statistician.'<sup>119</sup> Despite these technicalities, the effort made to keep the use of the census data hidden from the public suggests that officials were aware of the dubious nature of this practice.<sup>120</sup>

On 19 May 1917, the Secretary of the Recruiting Board wrote to the Government Statistician, Malcolm Fraser, asking him to prepare the register from the Maori census data, but also warned that this must remain secret:

With reference to the proposed extension of the provisions of the Military Service Act to Maoris: this matter was further considered by the Recruiting Board at its meeting yesterday, and I was then directed to instruct you to prepare First and Second Division Registers of Maoris of military age in the six North Island Districts from the particulars furnished in the Maori census. It is to be understood, of course, that no public intimation is to be made of the basis from which the Register is to be compiled.<sup>121</sup>

On 22 May 1917, Allen requested an update of the situation regarding the 'Waikatos' from the Secretary of the Recruiting Board.<sup>122</sup> On 23 May 1917, Allen received the following reply regarding the use of the Maori census data:

It is proposed to use the recent Maori census as the basis for the Register, but as the information in the census is confidential and it is very undesirable that any indication should be given that the census is being used for this purpose, special care will be necessary in proceeding with the work. It is, therefore, proposed to appoint those men who acted as Maori census enumerators, and whose integrity can be relied on, as

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<sup>117</sup> Kate Riddell, ' "Improving" the Maori: Counting the Ideology of Intermarriage' in *NZJH*, vol.34, no.2, 2000, p84.

<sup>118</sup> See *AJHR* 1914, H14A and *AJHR* 1917, H39A.

<sup>119</sup> *New Zealand Gazette*, no.23, 1917, pp533-534.

<sup>120</sup> O'Connor, p69.

<sup>121</sup> Extract, Government Statistician to Secretary of Recruiting Board, 19 May 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p315.

<sup>122</sup> Extract, Allen to Secretary of Recruiting Board, 22 May 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p316.

for the purposes of the Military enrolment. The Government Statistician is having cards prepared and particulars from the census schedules will be entered on them. These cards will be sent in bundles to the registrars of the several districts under the seal of confidence. These Officers will be instructed to thereupon make up a register of the Maoris of military age. At the same time they will publicly announce that they have been appointed registrars to enrol Maoris in the Reserve. As soon as they have completed the Register, which work it is anticipated will take about a fortnight or so, the cards and register will be returned to the Government Statistician for the purposes of the ballot. In effect, the idea of adopting this procedure is to use the card containing the particulars from the Maori census to refresh the memory of the registrars who acted as enumerators.<sup>123</sup>

As this reply demonstrated, an elaborate plan was considered necessary in order to ensure that the use of the census data remained hidden from the public. Essentially, the appearance of a regular registration process would be established, while confidential census data was being used to supplement the process. Or as the Government Statistician euphemistically described it ‘refresh the memory of the registrars’. Despite the intention to apply only to the Waikato-Maniapoto District, on 26 June 1917, a gazette notice was issued which extended conscription to all Maori under Section 50 of the Military Service Act 1916. Following the issuing of this notice, volunteers from the Rohe Potae essentially ceased until the last two reinforcements (31<sup>st</sup> and 32<sup>nd</sup>).

The process of nationwide registration was protracted. The census was conducted on a county basis, while the Maori register needed to be based on Maori Land Districts. In order to remedy this difficulty, the Government Statistician appointed the Police of the North Island as registrars, who with their local knowledge, it was thought, would be better equipped than the census enumerators.<sup>124</sup> In addition, establishing the marital status of Maori men was proving difficult. On 24 July 1917, a Gazette notice declared that customary marriages existing before 1 May 1915 were to be classified as legitimate and entitled men to be placed in the Second Division.<sup>125</sup> After this several months of inaction followed. On 6 February 1918, the enrolment of the First Division of the Maori Reserve was gazetted.<sup>126</sup> The regulations governing the registers and ballots followed on the 14 February.<sup>127</sup>

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<sup>123</sup> Extract, Secretary of Recruiting Board to Allen, 23 May 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp317-318.

<sup>124</sup> O'Connor, p69.

<sup>125</sup> *ibid.*

<sup>126</sup> *New Zealand Gazette*, no.16, 1918, p385

<sup>127</sup> *New Zealand Gazette*, no.23, 1918, p533.

On 7 July 1917, the *King Country Chronicle* recorded that a hui was held in Parnell, with leaders from 'Waikato, Ngatimaru, Ngapuhi and Ngatipaoa.'<sup>128</sup> 'Keritoki Te Ahu' was noted as stating that the proposed conscription was 'aimed at the Waikato tribe principally' and that the issue needed careful consideration as Waikato had significantly different history than other iwi who had chosen to contribute volunteers (referring to war and raupatu).<sup>129</sup> He recommended further discussion between the Government and Waikato to resolve the issue. Others thought that the issue should be held over as 'only a few chiefs of the leading tribes of the Haurakis and Waikatos were present.'<sup>130</sup> It was decided the issue should be referred to a hui in Morrinsville on 14 September 1917. Unfortunately, a gap in the *King Country Chronicle* stored at the Alexander Turnbull exists between November 1917 to October 1918, so no evidence of the planned hui has been located.

After the June 1917 announcement of Maori conscription, Allen received a number of protests from around New Zealand by various tribes concerned that conscription would be applied to them. In reply, in what became a standard approach, Allen assured them that conscription was intended for the 'Waikatos'. Even before the public proclamation, there was fear by those tribes that had contributed significantly to the war effort that they would be conscripted. On 20 June 1917, Allen received a petition from Te Arawa protesting the proposed conscription.<sup>131</sup> On 6 August 1917, in reply Allen stated:

The compulsion of the Military Service Act need not be feared by the Tribes of New Zealand who voluntarily sent their sons on the service of the King and Empire, and if it has become necessary to introduce compulsion so far as the Maori people are concerned it is because one Tribe, at any rate, has not done its duty. Even if compulsion were made applicable to all the Maoris in New Zealand those Districts who have sent their sons voluntarily will get credit for having done so.<sup>132</sup>

The reply again emphasised that conscription was being implemented 'because of one Tribe...that has not done its duty.' On 18 December 1917, Tau Henare (Northern Maori) also wrote to Allen emphasising that the 'North' was 'feeling the pinch' with respect to recruiting. Henare promised one more platoon of men and asserted that he believed the district had raised 'somewhere about six hundred' men, insinuating that conscription would

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<sup>128</sup> *King Country Chronicle*, 7 July 1917, p5. SP, p89.

<sup>129</sup> *ibid.*

<sup>130</sup> *ibid.*

<sup>131</sup> Haki G. Thomas (and 54 others named) to Allen, 20 June 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p285.

<sup>132</sup> Allen to Haki Thomas and others, 6 August 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp2273.

be unnecessary and a harsh measure given this sacrifice.<sup>133</sup> Allen replied that he was grateful and ‘earnestly hoped’ that northern Maori would not be called on to add to their ‘heavy sacrifices.’<sup>134</sup> Later on 6 February 1918, Allen sent a telegram to Henare and Ngata to inform them that a proclamation directing the First Division (essentially all unmarried men) of the Native Expeditionary Force Reserve to enrol was soon to be issued. However, he reassured them that the ‘Act’ would be applied ‘only to the Waikatos as they have not enlisted voluntarily.’<sup>135</sup>

On 14 February 1918, Moanaroa Parata of Coromandel (and others) petitioned Pomare requesting the exemption of ‘the whole of Hauraki’ from conscription.<sup>136</sup> Similarly, on 28 May 1918, a petition was received from Hohepa Mataitaua of Thames for the exemption of ‘their young men’ from conscription.<sup>137</sup> Both used the justification that they had sent a significant number of volunteers. These petitions are significant as Hauraki lay within the Waikato-Maniapoto Maori Land District. On 10 June 1918, Allen replied:

I very much regret that it was not possible when constituting the Native Recruiting Districts to exclude the Hauraki Peninsula from the Waikato-Maniapoto Native Recruiting District because I know how well your young men have answered the call to arms in this great war. When they are called in the ballot, however, they have the right to appeal for exemption on the form provided and if they do so I am sure that Native Military Service Board, knowing that your hapus have done their duty, will extend every consideration to them.<sup>138</sup>

On 7 August 1918, after apologising for the late reply, Allen used the same words to answer the first petition. The replies demonstrated how the decision to use Maori Land Districts as a basis for conscription created inequalities within the process, undermining the official justification of ‘equality of sacrifice’. It is unknown how many Hauraki Maori were exempted through the appeals process that Allen described.

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<sup>133</sup> Tau Henare to Allen, 18 December 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p293.

<sup>134</sup> Allen to Tau Henare, 20 December 1917, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p294.

<sup>135</sup> Allen to Ngata and Henare, 6 February 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p295.

<sup>136</sup> Private Secretary to Allen, 18 February 1918, AD82 5 11/1/2, Office of Recruiting Board – Maoris – General File 1917-1918, ANZ Wellington. SP, p320-322.

<sup>137</sup> Hohepa Mataitaua to Allen, 28 May 1918, AD82 5 11/1/2, Office of Recruiting Board – Maoris – General File 1917-1918, ANZ Wellington. SP, p323.

<sup>138</sup> Allen to Mataitaua, 10 June 1918, AD82 5 11/1/2, Office of Recruiting Board – Maoris – General File 1917-1918, ANZ Wellington. SP, p324.

Between February and April 1918, registration continued to proceed slowly. According to O'Connor, the Police were not well informed of their task, unaware that they were to use the census data, and were surprised at the lack of turnout in their districts. In many districts the census data proved to be highly inaccurate.<sup>139</sup> Finally, by the end of April 1918, the Government Statistician indicated that a roll of 420 eligible men had been compiled for the Waikato-Maniapoto District. Tension heightened as the settler population grew concerned at how Maori would respond to the first attempts at conscription, some even believing a violent uprising was possible.<sup>140</sup>

On 9 February 1918, J.C Jack, a licensed surveyor and 'President' of the Kawhia Rifle Club, wrote a letter to Allen to inform him 'in the public interest' of the 'dangerously undefended state of the coast' from the 'Mokau River to Waikato Heads.' He outlined how this area had very little European population and a large 'native population' that could be best described as 'passively loyal.' Jack asserted that Maori in this area were 'much under the influence of their elders' and wished to implement 'Maori Home Rule.' Further he believed the 'history of subject coloured races...the world over proves that they are practically sure to revolt.' He recommended that small rifle clubs be formed in Waingaro, Raglan, Te Mata, Oparau, Hauturu and Marokopa which could then be issued with Government rifles with 300 rounds of ammunition each. Jack believed the knowledge that 'every settler' had a rifle 'and knew how to use it' would have a 'calming effect on the native mind.'<sup>141</sup> Although probably aware that this was an exaggerated report, in March as registration was proceeding, the Chief of the General Staff requested the Police to report on the attitude of the Maori of their sub-districts to registration and conscription. Reports covered much of the North Island, including Taranaki, Bay of Plenty, Hauraki, Waikato, and the King Country.

Reports from Te Kuiti and Otorohanga both noted the contribution of volunteers from their area, but also the reluctance of eligibles to register as well as an eagerness for more information regarding conscription from Ngati Maniapoto leaders. Dated 6 April 1918, Senior-Sergeant William Earls[?] reported from Te Kuiti Police Station:

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<sup>139</sup> O'Connor, p71.

<sup>140</sup> King, pp86-87. O'Connor, pp73-74.

<sup>141</sup> J.C Jack to Allen, 6 February 1918, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, pp333-335.

I have ascertained that 76 Natives have gone to the Front from the Maniapoto district which includes 18 Natives from Te Kuiti. The Natives of this district have raised large Sums of money by entertainments and subscriptions for patriotic purposes. The young Natives of this district are not responding in the way they should for Enrolment on the Register of Maoris as only 5 of military age called at this office and filled in Enrolment cards. I don't think they are taking the matter seriously, and they are much under the influence of the Chiefs of the district who are anxious to know what steps will be taken by the authorities to enforce the provisions of the Military Service Act. I have seen nothing in the demeanour of the Maoris to warrant the suggestion that they are hostile toward the Europeans.<sup>142</sup>

Constable J.W Robinson of Otorohanga, after emphasising the contribution of volunteers and money raised by local Maori, stated the following:

The remaining Natives are not responding to the Order for enrolment, only about 14 Natives applied at this Station. They appear to be waiting to see what steps the Authorities will take to enforce the provisions of the Military Service Act, the leading Chiefs here, Hari Hemera Wahanui, Naatanahera Morerua, and John Ormsby, all are in favour of the Order for enrolment, and have advised the young men to enrol, and I understand many of the older natives have done the same, and have resolved not to assist the young men with money if they are fined for failing to enrol.

There is absolutely no indication of the Natives here being hostile toward their neighbours...<sup>143</sup>

Taken together these reports suggest 'young men' required to register in Otorohanga and Te Kuiti did so only in low numbers. The two reports present different assessments regarding the position of Maori leadership in their sub-districts. Robinson suggested that the 'leading Chiefs' had advised the young men to enrol. Conversely, Earls implied that those eligible in Te Kuiti were 'much under the influence of the Chiefs' who were 'anxious' to first understand how conscription was to be applied. It is unclear from this evidence what exact position the tribal leadership in Otorohanga and Te Kuiti held regarding conscription. However, both reports make clear that these areas had contributed significant numbers of volunteers, but that few had registered, and that there was little chance of violent resistance to conscription.

Constable McGregor from Mokau also noted low turnout for registration. He described how hui had been held to discuss conscription and as a result attempts had been made to contact Pomare to attain more information. According to the report, they received no reply.

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<sup>142</sup> Senior-Sergeant William Earls [?], Report on Te Kuiti Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, pp371-372.

<sup>143</sup> Constable J.W Robinson, Report on Otorohanga Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, p370.



McGregor concluded that Maori in Mokau ‘quite evidently do not understand [the process of conscription]’. He recommended a ‘high Government Official’ be sent to Mokau to explain the situation. No risk of violence was reported.<sup>144</sup> No report has been located for Taumarunui.

The position of Raglan and Kawhia areas seems less ambiguous, with both reports clearly indicating the influence of the Kingitanga on their decisions. Constable M. T. Smith reported from the Kawhia sub-district, which ran ‘35 miles along the coast’ from Aotea Harbour to Kiriterere Stream. He noted that there was a Maori population of 950 and roughly 30 men eligible for registration. He described the month following the commencement of registration in this way:

...the Chiefs of the different tribes have held several meetings, with the result that the younger Maoris refused to register. I interviewed a number of the leading Natives to ascertain the reason, and was informed in each case that the matter was held over and was to be decided at a big meeting to be held in Waikato, when King Rata’s decision would be final.

Similarly to the reports from Otorohanga and Te Kuiti, Smith held little fear of violent uprising in the region, as had been suggested by Jack. However, he did state ‘there is no doubt the Maoris will be a bit awkward at the commencement’ of conscription but he believed the situation would be eased by firm Government action.<sup>145</sup> Constable O’Sullivan of Raglan submitted a very similar report to that on Kawhia sub-district. He noted the influence of ‘Te Rata’ on attitudes to conscription and resulting low turnout for registration.<sup>146</sup>

Reports from outside the Te Rohe Potae inquiry district are also revealing. Significantly, reports from the Taranaki region were perhaps most concerned by the attitude of Maori toward conscription, particularly in Opunake and Hawera.<sup>147</sup> In Opunake, the Constable had particular concern for the Maori around ‘Rahotu, Pungarehu and Parehaka’ who ‘may give

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<sup>144</sup> Constable McGregor, Report on Mokau Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, pp378.

<sup>145</sup> Constable M.T Smith, Report on Kawhia Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, pp355-356.

<sup>146</sup> Constable O’Sullivan, Report on Raglan Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, p354.

<sup>147</sup> Constable Clouston [?], Report on Opunake Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, SP, pp345-347; Constable Lapauple [?], Report on Waitara Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, SP, p349; Sub-Inspector Hutton, Report on New Plymouth Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, SP, p344; Senior Sergeant Till, Report on Hawera Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, p351.

trouble.<sup>148</sup> Reports from Thames and Putaruru recorded support for Waikato's opposition to conscription.<sup>149</sup> In contrast, Coromandel and Whitianga reported that Maori in their sub-districts were low in number and did not oppose conscription.<sup>150</sup> Similarly, Rotorua and Tokaanu reported little resistance to registration.<sup>151</sup>

Dated 30 April 1918, the following letter from Colonel Porter, the Inspector of Recruiting Services, to Allen has been quoted in full as it gives some indication of the atmosphere developing within the Waikato-Maniapoto district:

Re Maori Recruiting

In the face of the immediate action now being taken re Waikato Maoris I think I am justified in at once affording you the following information, re the apparent causes and influences that has caused the antagonistic attitude of the Waikatos and Maniapoto to recruiting for the Reinforcements.

Reporting to the Adjunct General on the 2<sup>nd</sup> February last, I wrote as follows

2/2/18

"I was lately advised of two men Pro-Germans, who spoke Maori well, visiting Wairaka Upper Waikato, posing as Missionaries (probably Mormons) and strongly advising the Maoris not to enlist or fight of the British. I am trying to trace these men."

In pursuance of the forgoing during my late tour of the Auckland District Groups, I visited Te Awamutu and Wairaka 25<sup>th</sup> and 26<sup>th</sup> instant. From a very reliable source I ascertained the men referred are two-----Church Missionaries who periodically visit the various Kaingas calling themselves Dutchmen, but I am assured by an informant they are Germans. The position is rather a delicate one for several reasons, I cannot put in writing. I have, however, taken steps to have them watched and if possible detected.

I did not make myself known generally to the Maoris, and was enabled to overhear discussions in several places evincing a sulky spirit of opposition against the Military Service Act, etc., doubtless inspired by evil disposed persons.

I gleaned the following:-

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<sup>148</sup> Constable Clouston [?], Report on Opunake Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, pp345-347

<sup>149</sup> Sergeant Fraser, Report on Thames Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, SP, p364; Constable Bishop, Report on Thames South Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington. SP, p362.

<sup>150</sup> Constable Spellman, Report on Coromandel Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, SP, p360; Constable Kirby, Report on Whitianga Sub-District, AD10 17 3/30, Confidential File – Recruiting – Maoris, ANZ Wellington, SP, p361.

<sup>151</sup> Constable Holland, Report on Tokaanu Sub-District, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, SP, p301; Constable Weil, Report on Whitianga Sub-District, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp296-297.

1. That the tribes of Waikato and Maniapoto intend making a general appeal against conscription, not individually.
2. That the men liable for enrolment no longer visit the towns, but have mostly taken to the back country forests and settlements. I noted it was only the elders who visited the townships.
3. I found a similar feeling of antagonism had been attempted among some of the friendly Arawa hapus.

The Hon. Dr Pomare should probably be informed of the forgoing.

Porter C.B Colonel, Inspector of Recruiting Services to Allen (confidential)<sup>152</sup>

Judging from this letter, the Inspector was attempting to ascertain the prevailing attitude of Maori while keeping his identity hidden, essentially spying within the district. The letter has an almost conspiratorial tone, with the Inspector asserting that two ‘German’ missionaries were encouraging a ‘sulky spirit of opposition against the Military Service Act, etc.’ Also, significantly, he believed that the ‘tribes of Waikato and Maniapoto’ were intending to make a ‘general appeal’ against conscription. In May 1918, Porter commented on a newspaper report of the arrest and charging of a Te Awamutu local, ‘Taiwhaire’, for ‘unloyal utterances’, concluding: ‘I think it a good thing that an example has been made in this case. I, myself, heard him say that he would rather fight for the Germans than for the British, and that he would kick and trample on the Law.’<sup>153</sup>

### **Resistance and Arrest**

The application of conscription in the Waikato-Maniapoto district in 1918 was ultimately unsuccessful due to a combination of poor administration, organised Kingitanga resistance and the end of hostilities in November 1918. No Maori conscripts left New Zealand for active service and the Government was unable to force the resisting tribes to obey the law.<sup>154</sup>

The process of notification of those balloted was a dubious one. On 6 May 1918, 200 Maori men were balloted from the Native Expeditionary Force Reserve First Division.<sup>155</sup> However, the gazette notice was not released publically by the Government Printer until 10 May (to be displayed in a public location). On 7 May, personal notices were posted, followed by a

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<sup>152</sup> Inspector of Recruiting Services, Colonel Porter to Allen, 30 April 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp2275-2276.

<sup>153</sup> Inspector of Recruiting Services, Colonel Porter to Adjunct General, Defence Headquarters, 29 May 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p382.

<sup>154</sup> Baker, p220.

<sup>155</sup> *New Zealand Gazette*, no.65, 1918, p1753.

Section 13 (Military Service Act) gazette notice to parade for medical examination.<sup>156</sup> The withholding of the gazette notice was significant as it was statutorily considered ‘conclusive proof that those named therein were lawfully called up for service’ under the Military Service Act (Sec 10). In effect, the time between balloting, notification and medical examination was shortened. O’Connor contends that this was an attempt to reduce the time available to leave the district once those eligible became aware that they had been balloted.<sup>157</sup> This seems to be a reasonable assumption as officials did fear Maori leaving the district, so much so that there was consideration of drawing all those eligible in one draft.<sup>158</sup> In addition, it had been decided to issue personal notices to parade in plain and unregistered envelopes (no O.H.M.S printed on envelopes for identification by recipient).<sup>159</sup> This action was presumably to ensure more of those eligible would open their letter unaware of its sender and content so that they could not claim they did not receive notification. Although failure of personal notification by letter did not ‘affect the validity of calling-up of any man’, the Military Service Act did specify that this notice should be a ‘registered letter’ (Sec 10(5)).

The Medical Board was scheduled to sit in Te Kuiti on 20 May, Hamilton on 24 May, and Huntly on 28 May.<sup>160</sup> As it was anticipated, only 68 out of the 209 appeared for service, and 32 of them were declared medically unfit.<sup>161</sup> On 29 May 1918, the Commanding Officer of No.4 Group wrote a report to the Director of Recruiting.<sup>162</sup> The report stated that only ‘thirteen Maoris appeared for medical examination out of the thirty three gazetted’ on the first day of examination in Te Kuiti.<sup>163</sup> However, the ‘attitude of the Maoris [of those that did attend] was not at all hostile and all appeared to take the situation in good spirit’.<sup>164</sup> Four of 15 appeared in Hamilton and only five of 33 in Huntly. The report noted that the Medical Board ‘met with a very cool reception’ in Huntly.<sup>165</sup> It was also observed that a number of letters from balloted men ‘who object strongly to being conscripted’ were received by the

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<sup>156</sup> Director of Recruiting to Headquarters, 6 May 1918, AD83 1 R6/5, Maoris drawn in Ballot, ANZ Wellington. SP, p378-381.

<sup>157</sup> O’Connor, p74.

<sup>158</sup> ‘Notes of Conference held at D.R.’s Office 1/5/18’, AD83 1 R6/5, Maoris drawn in Ballot, ANZ Wellington. SP, p377.

<sup>159</sup> *ibid.*

<sup>160</sup> *New Zealand Gazette*, no.67, 1918, pp1757-1760.

<sup>161</sup> O’Connor, p74.

<sup>162</sup> Commanding Officer of No.4 Group to Director of Recruiting, 29 May 1918, AD83 1 R6/5, Maoris drawn in Ballot, ANZ Wellington. SP, p383-385.

<sup>163</sup> *ibid.*

<sup>164</sup> *ibid.*

<sup>165</sup> *ibid.*

Commanding Officer and 'Postmasters from various officers, mostly Huntly and Ngaruawahia have advised me of numerous notices being refused.'<sup>166</sup> Meanwhile, in the same report it was noted:

...it seems that a big meeting of the Maoris about the district was held at "Waahi Pah" across the river from Huntly township. The Natives seem to have discussed the ballot question at some length and the conclusion arrived at was that they were prepared to ignore the ballot and "let the pakeha fight his own battles."<sup>167</sup>

On 26 May, a Police report outlined the attitude of the 'Natives at Huntly' who had failed to parade for medical examination and noted that 'a large number of strange Natives' arrived at Waahi Marae.'<sup>168</sup> Newspaper reports suggested that between 500 and 600 Maori were gathered in Huntly.<sup>169</sup> The Commanding Officer of No.4 Group suggested firm action in order to quickly deal with the situation.<sup>170</sup>

On 31 May 1918, the following table was forwarded to Allen showing the results of the first draft.

*Table 2: 'Conscription of Maoris. Results of Medical Examinations'<sup>171</sup>*

Place	No. called up	No. Reported	Medically fit	Medically Unfit	Failed to report
Te Kuiti	69	22	13	9	47
Paeroa	27	17	6	11	10
Morrinsville	7	4	3	1	3
Hamilton	33	9	6	3	24
Tuakau	28	4	1	3	24
Auckland	11	6	2	4	5
Huntly	34	6	5	1	28
<b>Total</b>	<b>209</b>	<b>68</b>	<b>36</b>	<b>32</b>	<b>141</b>

The table is significant, as it provides some insight into the resistance to conscription of those called to examination in Te Kuiti. Only 22 reported out of 69 called up for service, with 47, two thirds, failing to report. A further nine were classified medically unfit, leaving

<sup>166</sup> *ibid.*

<sup>167</sup> *ibid.*

<sup>168</sup> Constable Ingram, Report on Huntly Sub-District, 28 May 1918, AD83 1 R6/5, Maoris drawn in Ballot, ANZ Wellington. SP, p382.

<sup>169</sup> Baker, p219.

<sup>170</sup> Commanding Officer of No.4 Group to Director of Recruiting, 29 May 1918, AD83 1 R6/5, Maoris drawn in Ballot, ANZ Wellington. SP, p383-385.

<sup>171</sup> Major, Auckland District to Allen, 31 May 1918, AD82 5 11/1/2, Office of Recruiting Board – Maoris – General File 1917-1918, ANZ Wellington. The figures in this table were edited by pencil. It was assumed that these altered numbers were correct. SP, pp325-327.

only 13 for active service. The report of which the table was part was unwilling to conclude that the low turnout was solely due to the opposition to conscription, believing that lack of information regarding the appeal process and conscription more generally would reduce the number of absentees.<sup>172</sup>

By early June, it appears that some of those actively opposed to conscription had moved to Mangatawhiri (Te Paina) near Mercer. By this time, Te Puea had assumed control over what became an organised resistance to conscription and called all eligible men in the Waikato-Maniapoto district to Mangatawhiri.<sup>173</sup> She drew on Pai Marire for her inspiration for passive resistance, preaching Tawhiao's prophetic words for all Kingitanga followers to lay down their arms and pursue peace.<sup>174</sup> According to Ramsden, by this time 400 people were gathered at Mangatawhiri.<sup>175</sup> Te Puea composed the waiata known as 'The Song of Te Puea' at Mangatawhiri, which lamented the dispossession of her people and was interpreted as a call to object to service.<sup>176</sup>

Given the large number in attendance at the hui in Huntly and Mangatawhiri, it seems likely that at least some of those Rohe Potae hapu and iwi, especially those from Raglan and Kawhia, who did not parade for medical examination in Te Kuiti and elsewhere would have joined these gatherings. Te Puea recalled to Ramsden in July 1944 that around this time she sent a message to 'Tae Tapara' and other Ngati Maniapoto, who were hiding in the mountains at Marokopa: 'You and the others who are hiding are to come here. If we are to die, let us all die together.'<sup>177</sup> However, without a clear statement from Maniapoto leadership it is difficult to verify Colonel Porter's statement that 'the tribes of Waikato and Maniapoto intended making a general appeal against conscription, not individually'.<sup>178</sup> As noted above, reports by Police in Te Kuiti and Otorohanga were ambiguous as to the position of Maniapoto leadership. It is unknown if the onset of conscription brought a significant

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<sup>172</sup> *ibid.*

<sup>173</sup> Baker, p218.

<sup>174</sup> King, pp82, 92-94.

<sup>175</sup> 'Chapter VIII – Te Puea and the Last War', Ramsden's unpublished draft of Te Puea biography, pp2-3, MS-Papers-0188, 347-362, Ramsden Papers, ATL Wellington. SP, pp38-39.

<sup>176</sup> King, pp87; Chapter VIII – Te Puea and the Last War', Ramsden's unpublished draft of Te Puea biography, pp18-19, MS-Papers-0188, 347-362, Ramsden Papers, ATL Wellington. SP, pp55-56.

<sup>177</sup> 'Notes from Ngaruawahia, July 1944', MS Papers 0188-386 Ramsden Papers, ATL Wellington. SP, pp59-65.

<sup>178</sup> Commanding Officer to Allen, 30 April 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp2275-2276.

change of policy. As stated, it is significant to note that between 12 June 1917 and 17 August 1918, volunteering from within the Rohe Potae had virtually ceased (see Table 1).

Plans were prepared to arrest some of those defaulters at Mangatawhiri as it ‘was ascertained that a considerable number of the Natives [had gathered there]... and were holding a Korero in reference to conscripting the Natives.’<sup>179</sup> Taking the advice of Pomare, ‘tactful Sergeants’ were selected for the job in an attempt to guarantee the process remained ‘peaceful.’<sup>180</sup> On 10 June 1918, despite some public fear of violent resistance, a telegram addressed to the Adjunct General at Defence Headquarters indicated that the ‘Police report [that there is] not likely to be any active resistance on the part of the Maoris congregated at Mercer’.<sup>181</sup> On 11 June 1918, three police officers entered Te Paina Marae and after an exchange with Te Puea made 7 arrests.<sup>182</sup> They met only passive resistance, with none of the people whose names the Police read out identifying themselves. Baker asserts that the arrests were made on the basis of those present who seemed ‘likely candidates.’<sup>183</sup>

On 1 August 1918, a summary of the second draft was provided for Headquarters.

*Table 3: Summary of Progress Reports Maori Medical Board, July 1918*<sup>184</sup>

Place	No. called up	Appellants (against conscription)	A fit (for service)	B2 (Medical attention needed)	C2 (Unfit for service)	Failed to attend
Te Kuiti	61	15	26	1	11	23
Hamilton	48	3	5	-	3	40
Paeroa	37	8	19	2	7	9
Morrinsville	12	3	3	1	1	7
Huntly	41	5	6	-	2	33
Tuakau	26	1	4	-	1	21
Auckland	9	1	4	1	-	4
Volunteers	5	-	4	-	1	-
Previous Ballots	9	6	6	-	3	-
Returned Soldiers	1	-	1	-	-	-
<b>Total</b>	<b>249</b>	<b>42</b>	<b>78</b>	<b>5</b>	<b>29</b>	<b>137</b>

<sup>179</sup> Commanding Officer of No.4 Group to Headquarters, 12 June 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p279.

<sup>180</sup> *ibid.*

<sup>181</sup> Telegram, 10 June 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p281.

<sup>182</sup> Commanding Officer of No.4 Group to Headquarters, 12 June 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p279.

<sup>183</sup> Baker, p219.

<sup>184</sup> Officer Commanding District to Headquarters, 1 August 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp259-260.

These figures again show a significant reluctance to attend examination by those conscripted in the Te Kuiti area. Although there was a higher turnout than in the first draft, of the 38 who appeared, 11 were classified unfit for service (C2), one needed medical attention (B2) and 15 appealed against conscription. This left only 11 to proceed to training.<sup>185</sup> No other tables have been located for the final drafts made before the end of hostilities in November 1918.<sup>186</sup>

Arrests continued to be made throughout the period of conscription. By 18 June 1918, 24 'Maori defaulters' had been arrested, with 94 outstanding warrants for No.1 and No.4 Groups.<sup>187</sup> One of those arrested was Te Rauangaanga Mahuta and it was hoped if he could be convinced to serve, then the other defaulters would follow his lead.<sup>188</sup> By 29 June 1918, Mahuta had issued a statement to fellow defaulters to obey the law.<sup>189</sup> On 2 July 1918, Pomare wrote to Allen informing him that due to the influence of Mahuta's decision, only 7 resisters remained defiant.<sup>190</sup> On 1 July 1918, prosecution of the remaining objectors was recommended:

It will be necessary to consider what action is to be taken when these men are sentenced. The probability is that two years tree-planting will not act as a deterrent and it will probably be desirable to embark them and other "defiant objectors" without training before their sentences expire.<sup>191</sup>

Despite some success in convincing some objectors to take the uniform and oath, arrests continued and a number of these men were unwilling to compromise in the same way. By 24 August 1918, 44 more arrests had been made at Mercer. After offering no resistance at the time of their arrest, 34 men refused to wear the uniform on arrival at Narrow Neck Camp. On 28 August they were sentenced to 21 days of detention. On 18 September they again refused the uniform and were remanded for courtmartial.<sup>192</sup> On 24 September, Colonel

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<sup>185</sup> For definitions of classifications used by the Medical Board see *AJHR* 1917, H19z, p1.

<sup>186</sup> See Gazette notices on the following dates 7 May 1918, 25 June 1918, 6 August 1918, 24 September 1918.

<sup>187</sup> Colonel Patterson to Headquarters, 24 June 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p275-276.

<sup>188</sup> *ibid.*

<sup>189</sup> Colonel Patterson to Headquarters, 2 July 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p263.

<sup>190</sup> Pomare to Allen, 2 July 1918, 2 July 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p264.

<sup>191</sup> Colonel, Adjutant General to Secretary Recruiting Board, 1 July 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p266.

<sup>192</sup> Headquarters to Allen, 22 October 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp224-225.



Patterson informed Headquarters that the attitude of other Maori in training had ‘influenced in my decision [to courtmartial]’ as they ‘were faithfully carrying out their obligations’ and were ‘becoming incensed at the attitude of these recalcitrant and the seemingly lenient treatment being meted out to them.’<sup>193</sup> He also noted a ‘good deal of public opinion respecting the matter.’<sup>194</sup> Six of these objectors were sentenced to two years hard labour.<sup>195</sup> Consequently, some debate was had as to where these men should be imprisoned. On 28 September, Colonel Patterson stated:

...prison farms like Waikeria or Kaingaroa will not appear to the Maori mind as being imprisonment at all. To my mind the Maori idea of prison is a prison of the type of Mount Eden where the inmates are shut off from the sounds and sights of the outside world... in Mount Eden where their treatment will be absolutely unknown to their tribesman will produce a far better effect than their incarceration in an establishment where their smallest doings will no doubt be easily and certainly communicated to their people.<sup>196</sup>

On 2 October, it was decided to keep the prisoners at Mount Eden Prison.<sup>197</sup>

Tae Tapara of Ngati Maniapoto was one of those arrested and he gave his testimony of the events to Eric Ramsden in 1944. His testimony is generally consistent with the described events:

I, Tae Tapara, am of the hapu of Ngati-Te-Kanawa, of the tribe of Ngati Maniapoto. Puketoa, my grandfather, was a faithful follower of that great leader and rangatira, King Tawhiao. This was the belief of King Taiwhiao: “Kua mutu tana whaka heke toto”! (There shall be no more bloodshed.) In the year 1917 [sic 1918] I was called upon in the ballot to serve in the military with other members of my tribe, Ngati Maniapoto. Although most of my people went to the war then being fought my belief was otherwise and, at the earnest solicitation of my grandfather I went to join the people of Waikato at Mangatawhiri, Mercer, who were then under the rule of that great personality, Princess Te Puea Herangi. The belief of Waikato was as mine – hence my reason for making myself as one with them. For weeks we remained at Mangatawhiri until, under police supervision, we were taken to Narrow Neck camp, where we were medically examined and passed as fit for service overseas. Thus began our great affliction, also our punishment as deserters. After refusing to wear the uniform of the soldiers we were given our first military punishment. For 40 hours we received only bread and water. Once again we were asked to clothe ourselves in military uniform, and once again we refused. This time the punishment was more

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<sup>193</sup> Colonel Patterson to Headquarters, 24 September 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp241-242.

<sup>194</sup> *ibid.*

<sup>195</sup> *ibid.*

<sup>196</sup> Colonel Patterson to Headquarters, 28 September 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p231.

<sup>197</sup> Major Osburne-Lilly to Headquarters, 2 October 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p330.

severe. We were given two weeks on bread and water. For the third time we were advised to equip ourselves in the uniform, and for the third time we said “No!” Our punishment this time was no blankets to sleep under. The next day we were asked: “Do you still refuse to put on the uniform of the soldier?” Again, we answered: “Yes.” Thus was our verdict pronounced in the presence of those 1,000 men in uniform. For us that meant two years in Mount Eden gaol with hard labour. For eight months we served our sentence. During that period the Great War ended, and thus brought to an end a sentence that was already telling on our nerves, although even now (1944) and I am 51 years old, I would still say “No” to the uniform, and follow the beliefs of my rangatira and King, who declared that there should be no more bloodshed on this island. In acting as I did I believe that I did no more than my rightful duty to my gallant ancestor, King Tawhiao.<sup>198</sup>

This account demonstrates some Ngati Maniapoto were involved in the anti-conscription movement. Clearly, the inspiration of Tawhiao was fundamental to Tae Tapara’s decision to resist conscription. Other young men of the Rohe Potae are likely to have made the same decision, evidenced by the high level of defaulters in Te Kuiti, Hamilton and Huntly.

On 13 August 1918, The National Peace Council wrote to Allen concerning Maori conscription. They asserted that ‘forcing of the Native Races into conflict with Europeans, about whom they can neither know nor care any thing, is degrading to their and our manhood, and utterly unworthy of traditional ideals.’<sup>199</sup> On 19 August 1918, in reply Allen justified Maori conscription in his usual way:

A very large percentage of the Maori Race has enlisted voluntarily, and the only portion that have not so enlisted are the Waikatos, and these are the only ones who have been dealt with under the Military Service Act.<sup>200</sup>

This justification was disingenuous as the Waikato were not the only tribe involved in conscription as has been evidenced in this chapter. In addition, other iwi involved had contributed comparatively significant numbers of volunteers, as demonstrated by Ngati Maniapoto.

This ambiguity had been brought to Allen’s attention in the House in April 1918. Mr Okey (Taranaki) asked Allen:

whether his attention has been called to the large number of young Natives, apparently eligible for military service, in and around the Taranaki District who do

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<sup>198</sup> ‘Chapter VIII – Te Puea and the Last War’, Ramsden’s unpublished draft of Te Puea biography, pp4-5. MS-Papers-0188, 347-362, Ramsden Papers, ATL Wellington. SP, pp40-41.

<sup>199</sup> Mackie (Secretary), The National Peace Council of New Zealand, to Allen, 13 August 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p255.

<sup>200</sup> Allen to Mackie (Secretary), 19 August 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p254.

not appear to have any calling in the direction of assisting production, and whether he will take the necessary steps to have these men brought into camp.<sup>201</sup>

Allen replied in the same manner as he had on numerous occasions: 'The intention, however, is to apply compulsion only to the one tribe, the members of which have not voluntarily enlisted'.<sup>202</sup> Apparently beginning with Ramsden's draft biography of Te Puea, a number of secondary sources assert that Pomare (being from Taranaki) had shown leniency on the iwi of his own area, despite the fact they had not volunteered. Ramsden argued that 'Many of the Waikato and Maniapoto chiefs held the opinion that, in singling out those tribes for compulsory military service, Pomare had attempted to obtain utu for past grievances of the Taranaki people.'<sup>203</sup> Pei Te Hurinui Jones also argued that this was the case, and King, O'Connor and McCan have all echoed these ideas.<sup>204</sup>

Sometime in the winter of 1918, Pomare and Te Heuheu Tukino of Tuwharetoa visited Mercer in another failed attempt to persuade Waikato to volunteer and end their obstruction of conscription.<sup>205</sup> According to Te Puea, the hui was a tense affair. She recalled the events to Ramsden some years later:

Yes, I remember the incident regarding the visit of Pomare and Te Heuheu. Te Heuheu's heart was not in it: he knew the feeling of the people. When they came Mercer was flooded. The people hakaed in the water: they did all they could to show their feelings by specially composed hakas... There was only one piece of dry land. It was there that Pomare and Te Heuheu sat while the people ridiculed and insulted them. I witnessed the incident of the women's gesture to Pomare and Te Heuheu. She was a member of my poi party. But when I brought them out to sing I had no idea that she would do that. This woman had no pants on, only the piupiu. She pulled back the latter, exposed her person to Pomare and Te Heuheu... Te Heuheu stared straight at her, the tears pouring down his cheeks. But Pomare opened his umbrella and attempted to shield himself from the women. That shows the difference between those two men. A rangatira is always able to face anything, even the anger and insults of a woman. She kept calling out that what was the use of her private part if Pomare was going to take away her husband. In fact, by that she spoke for all the women with husbands and sweethearts.<sup>206</sup>

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<sup>201</sup> NZPD 1918, vol.182, p276.

<sup>202</sup> *ibid.*

<sup>203</sup> 'Chapter VIII – Te Puea and the Last War', Ramsden's unpublished draft of Te Puea biography, p12, MS-Papers-0188, 347-362, Ramsden Papers, ATL Wellington. SP, p49.

<sup>204</sup> Pei Te Hurinui Jones, 'Maori Kings' in Erik Schwimmer (ed.), *The Maori People in the Nineteen-Sixties: A Symposium*, Blackwood & Janet Paul LTD, Auckland, 1968; David McCan, *Whatiwhatiho: The Waikato Raupatu Claim*, Huia Publishers, Wellington, 2001, p177; King, p85; O'Connor, p76.

<sup>205</sup> See note on dates in King, p91. Also, the *Waikato Times* reported flooding at Mercer 'Maori Pa' on 9 July 1918, p9.

<sup>206</sup> 'Notes from Ngaruawahia, July 1944', MS-Papers-0188 368, Ramsden Papers, ATL. SP, pp59-65.

On 15 September 1918, according to the *Waikato Times*, James Carroll, Pomare, Tau Henare and 'Te Heu Heu, chief of the Taupos' visited Morrinsville to discuss conscription with 'the Waikatos.'<sup>207</sup> They pointed out if Waikato volunteered there would be no need for conscription.<sup>208</sup> Given the date of the Morrinsville hui and the attendance of Te Heu Heu, this meeting may have occurred around the same time as the one described at Mercer.

At this time allegations were made by Colonel Patterson (Commanding Officer of Auckland District) that Te Puea was 'the chief source of this mischief' and efforts should be made to affect her arrest.<sup>209</sup> It was decided to attempt to induce Te Puea to make seditious statements on the next Police raid on Mercer.<sup>210</sup> It was also believed she was ethnically German, and therefore pro-German, through her grandfather who had the surname Searancke.<sup>211</sup> Although these allegations were unfounded, they gave birth to a legacy of a supposed 'German element' in Waikato and Ngati Maniapoto still heard during the Second World War.<sup>212</sup> Correspondence often referred to her simply as 'the woman.'<sup>213</sup> However, on 24 September 1918, Patterson acknowledged it was 'doubtful whether a prosecution against the so-called "Princess" Puea' was possible.<sup>214</sup>

Numerous administrative problems were encountered by the military and civil authorities during the process of conscription in the Waikato-Maniapoto district. On 24 June 1918, it was reported that:

It now appears that several of the Maoris arrested by the Civil Police have proved to be the wrong people, but owing to the difficulty experienced in obtaining any information from the maoris, it is impossible to find out whether the men registered, or whether it is the sons of these people that the police are trying to arrest. One Maori arrested was 59 years of age, and the Camp Commandant, Narrow Neck, was given instructions by this office to discharge him from camp immediately. This man's name was Puhi Rawaho. It was useless retaining this man in camp, as it was most obvious that the police had arrested the wrong man.<sup>215</sup>

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<sup>207</sup> *Waikato Times*, 15 September 1918, p3. SP, p138.

<sup>208</sup> *ibid.*

<sup>209</sup> Patterson to Superintendent of Police, 5 September 1918, AD83 1 R6/5, Maoris Drawn in Ballot, ANZ Wellington. SP, pp386-387.

<sup>210</sup> *ibid.*

<sup>211</sup> King, p95.

<sup>212</sup> *ibid.*

<sup>213</sup> Major, Director of Personal Services to Headquarters, 3 September 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p250.

<sup>214</sup> Patterson to Headquarters, 24 September 1918, AD83 R6/5, Maoris Drawn in Ballot, ANZ Wellington. SP, p388.

<sup>215</sup> Colonel, Officer Commanding District to Headquarters, 24 June 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p276.

Similarly on 10 October 1918, Colonel Patterson observed ‘the men called up by ballot are supposed to be First Division reservists, [however] a number of them are married men with children and a considerable number are boys under age’.<sup>216</sup> Late in the process, on 9 January 1919, Colonel H.R Potter wrote to the Director of Personal Services outlining what was a fundamental error with the final two drafts:

A difficulty has now arisen in respect to those natives called up for service in the 3<sup>rd</sup> and 4<sup>th</sup> Maori Ballots in that, on being arrested by the Civil Police and brought before the Group Commander for investigation of the charge, they are simply able to prove non-receipt of notice and the charges against them have to be dismissed owing to the absence of Gazette notice under Section 13 of the Military Service Act.<sup>217</sup>

Essentially, the authorities had missed an essential administrative step, failing to issue gazette notices for medical examination, creating a legal loophole for defaulters. The report noted that no further action against defaulters would be taken until instructions had been received.<sup>218</sup> This state of flux continued until March 1919, when it was decided to grant leave without pay to all defaulters of the third and fourth drafts. On 9 June 1919, Cabinet decided not to execute any of the outstanding 57 warrants until further notice.<sup>219</sup>

By the end of hostilities in November 1918, 14 objectors had been charged and were imprisoned at Kaingaroa, Waikeria and Mount Eden (Auckland). Their names were:

Dick Ngawharau  
George Hoera  
Hina Puruhau  
Heta Philips  
Huru Kuri  
Joe Hiko  
Pau  
Pita Te Ruinga  
Tae Tapara  
Tame Motu  
Take Puke  
Tame Wiki  
Timi Toto

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<sup>216</sup> Colonel Patterson, Officer Commanding District to Headquarters, 10 October 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p228.

<sup>217</sup> Colonel Potter (Commander of Auckland Military District) to Director of Personal Services, 9 January 1919, AD83 1 R6/4, Maori Recruiting as Volunteers – General Correspondence and Instructions re, ANZ Wellington. SP, p390.

<sup>218</sup> *ibid.*

<sup>219</sup> Pomare to Allen, 17 September 1919, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p180.

Under the Expeditionary Forces Amendment Act 1918, defaulters were to lose their civil rights for 10 years. These rights included, holding official office or employment in the Crown's service or any local body or public authority, being elected to the House of Representatives, or being enrolled as an elector (Section 13). The Religious Objectors Advisory Board was established to advise Allen on defaulters they considered should be exempted from this punishment (Section 9). The Military Appeal Boards had operated within the narrow parameters of the official definition of 'bona fide' religious objection according to the Military Service Act. The Act defined religious objection as those belonging to a recognised religious body from at least 4 August 1914, who had (written) 'tenets and doctrines' that 'declare the bearing of arms and the performance of combatant service to be contrary to Divine revelation' (Section 18, (1,e) and (4)).<sup>221</sup> The Boards operated within a Christian paradigm, and other conscientious (non-religious) objectors were not able to appeal against their conscription.<sup>222</sup> All objectors were denied appeal if they would not commit to non-combat duties (Section 18 (4)). The Advisory Board did attempt to operate within a broader definition of 'bona fide' objection but were still constrained by the strict definition of the Act. At best they could offer genuine conscientious (political) objectors the avenue of appealing on religious grounds.<sup>223</sup>

On 20 March 1919, the Religious Objectors Advisory Board reported to Allen. In respect of Maori they noted:

In regard to the Maori Objectors we found that none of the Maoris who appeared before us objected to Military Service on "Bona fide religious grounds," but nevertheless we are of the opinion that these cases merit your most earnest attention, with a view to deciding whether these men should, in equity, be longer detained in prison. We consider it extremely doubtful whether they are fully conscious of the nature of their offence, and whether they understand or appreciate the reason for the further punishment they are to suffer by the deprivation of their civil rights, if their names appear on the Military Defaulters List. The following quotation from a reply given by one of the Maoris we saw and questioned in Auckland appears fairly to represent the Maori Objectors point of view:

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<sup>220</sup> Major Andrews to Headquarters, Auckland Military District, 24 May 1919, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p199.

<sup>221</sup> O'Connor, 'The Awkward Ones - Dealing with Conscience, 1916-1918' in *NZJH*, vol.8, no.2, pp121-123

<sup>222</sup> *ibid.*

<sup>223</sup> *ibid.*

“At the treaty of Waitangi we signed to make peace and they put a Bible in our hands. They have now taken the Bible away and put a sword into our hands and wish to make us fight.”

We found that the work and conduct of the Maori Objectors while in prison had been exemplary in practically all cases.<sup>224</sup>

Unfortunately, the Board’s file does not contain transcripts of interviews with prisoners, Maori or Pakeha, leaving only this interpretation of Maori comments. The Board’s statement, given the strict criteria under which they operated, could be interpreted as concession. The military authorities did offer some resistance to this recommendation, believing that Maori should not receive special treatment.<sup>225</sup>

On 17 April 1919, a deputation from Te Arawa met Allen to discuss the jailed ‘Waikatos.’ Kini Amohu stressed to Allen that the war was over and wished to see the ‘Waikatos’ released, believing a time was coming when the ‘Waikatos’ and the Government would be reconciled. Allen began by commenting on Te Arawa loyalty during the war and their ‘generosity’ in wishing the release of those Maori in prison. He noted the Advisory Board’s recommendations regarding Maori, and that some of the Pakeha ‘so-called religious objectors’ were just ‘disloyal’. However, he believed that the ‘the majority of the Waikatos’ were in a ‘different category’ being neither ‘religious or conscientious’, as they had simply been ‘under a bad influence.’ He did not explain this ‘influence’, but it seems probable he was referring to Kingitanga, Te Puea’s and tribal leadership. Accordingly, he concluded that he would represent the Te Arawa views to Parliament. On 24 May 1919, orders were issued to ‘discharge’ the ‘Maoris who are at present imprisoned.’<sup>226</sup>

## **Conclusion**

From the onset of war, Ngati Maniapoto appeared to have had a policy of allowing their young men to decide whether to enlist or not. During the period of volunteerism, some active encouragement of this enlistment was evident by the tribal leadership. Consequently, some Maniapoto enlisted for service. In addition, efforts were made to raise money for the war effort by the Maori community in Te Kuiti and surrounding areas. Although publicly

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<sup>224</sup> Religious Objectors Advisory Board report to Allen, 20 March 1919, AD1 734\* 10/407/15, Religious Objectors Advisory Board, 1919, ANZ Wellington. SP, pp392-395.

<sup>225</sup> Major General Robin to Allen, 26 March 1919, AD1 734\* 10/407/15, Religious Objectors Advisory Board, 1919, ANZ Wellington. SP, p396.

<sup>226</sup> Major Andrews to Headquarters, Auckland Military District, 24 May 1919, AD1 1046\* 66/11 Conscriptio – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, p199.

declaring that they allowed their young men to choose service, Waikato iwi appear to have actively discouraged participation in the war from its outbreak. As a result, almost no enlistment was recorded during the period of volunteerism from the Waikato.

As early as May 1915, some tension was evident regarding recruitment, with Ngati Maniapoto leadership informing Allen that they would not be providing reinforcements for the 2<sup>nd</sup> Contingent. However, this difficulty appeared to have been overcome as 14 men from the Rohe Potae volunteered for the 2<sup>nd</sup> Contingent. In February 1916, in an effort to reach a unified position regarding recruitment, a hui was held of Ngati Maniapoto and Waikato leaders. According to the newspaper article which reported this hui, an agreement was reached to allow their young men to choose whether to serve or not. Also, importantly, further dialogue with the Government in respect of recruitment was desired by both groups. This agreement could be interpreted as a compromise to avoid unnecessary tension between those who thought that they should give their 'utmost possible assistance to the State' and those that believed Maori should not serve – both within Ngati Maniapoto and between Ngati Maniapoto and Waikato. Rohe Potae Maori volunteering continued throughout this period.

In April 1916, the Military Service Bill was introduced to Parliament and became law in August 1916. The Maori Members successfully argued for the inclusion of provisions for Maori conscription. Tension regarding the lack of Waikato recruitment had been building since the war began and it soon became clear that conscription would be targeted at this area. In November 1916, a large hui attended by many iwi from over the North Island, including Ngati Maniapoto, was held in Mercer. At this hui, Allen attempted to persuade Waikato to volunteer, implying if they did not, compulsion would be used. Clearly aware of the obligations under a voluntary system, Tupu Taingakawa replied that young Waikato men had the freedom to enlist, and that he had not and would not do anything to prevent them from doing so.

In early 1917, preparations began for conscription. Allen and the Maori Members decided to use Maori Land Court Districts as basis for the planned conscription. In this way, the Waikato-Maniapoto Maori Land District could be used to target the 'Waikatos'. It was also decided at this time to use the dubious practice of compiling the register from Maori Census



data in order to overcome the expected low turnout. On 26 June 1917, a gazette notice was issued which extended conscription to all Maori under Section 50 of the Military Service Act 1916. Other iwi that had volunteered in considerable numbers raised concerns with the Government regarding conscription, unaware that it was to be targeted only at Waikato. Allen replied with a standard reassurance that conscription was targeted at 'one tribe' who had not volunteered. Underlining that conscription would not only affect one tribe, Maori from Thames and Coromandel, who were also within the Waikato Maniapoto Maori Land District, appealed on the basis that they too had volunteered. In reply, Allen could only state that he hoped the Appeal Board would show them special consideration.

As preparation for balloting continued, in early 1918 a series of Police reports were gathered from around the North Island in an attempt to assess what the local reaction there would be to conscription. The reports from Te Kuiti and Otorohanga do not provide a clear indication of a Ngati Maniapoto position regarding conscription. The report from Otorohanga suggested that the Chiefs in that area were in 'favour' of registration whereas in Te Kuiti they were waiting for more information regarding conscription. In both cases, low turnout for registration was noted. Importantly, they both emphasise the contribution already made by the Maori communities in their districts to the war effort. Those in Mokau also desired more information. Reports from Raglan and Kawhia record that Maori in their district were awaiting the decision of King Te Rata. In April, Colonel Porter in a confidential report argued that 'the tribes of Waikato and Maniapoto' intended 'making a general appeal against conscription, not individually.'<sup>227</sup> However, without having located a clear statement from Maniapoto leadership regarding conscription it is difficult to verify this statement.

Baker concludes in this way regarding the application of conscription on the Waikato:

By the argument of the day, a government was entitled to conscript its citizens only because of, and in return for, the benefit of citizenship it had given them. The Waikato had enjoyed no such benefits. In fact their experience of Pakeha government had been decidedly negative. Their response to the war again demonstrated their rejection of the authority the Government and Pomare were determined to impose on them, which is why they were conscripted. The conscription of the Waikato was less a means of obtaining men or equalizing sacrifice than of exerting political control.<sup>228</sup>

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<sup>227</sup> Commanding Officer to Allen, 30 April 1918, AD1 1046\* 66/11 Conscription – Maoris under Military Service Act – Correspondence 1917-1918, ANZ Wellington. SP, pp2275-2276.

<sup>228</sup> Baker, p222.

Ngati Maniapoto's position appeared to be more complex. They had willingly contributed to the Government's war effort, demonstrating some level of commitment or support of the state, yet the Government still applied conscription. There appeared to be an inherent inequality in the application of conscription, and as a result, the official justification of 'equality of sacrifice' was undermined. Conscription was imposed on Ngati Maniapoto, despite the fact that they had volunteered, while other tribes with low rates of volunteering were not conscripted at all. Judging from the low turnout for medical examination, and high level of appeal, once conscription began it appeared that many Ngati Maniapoto felt conscription was unjust. At this time, it is likely that some Rohe Potae Maori joined the organised resistance of Te Puea. Tae Tapara was one such person – a Ngati Maniapoto man who was imprisoned for his continued refusal to wear the uniform.

Ngati Maniapoto voluntary service was not recognised during the war, rather it was seemingly 'punished' in a determined Government effort to force 'Waikato' to serve. In addition, despite a clear desire by Ngati Maniapoto leaders for further dialogue and information regarding conscription, the Government continued with its plans to coerce service. The Government actions examined in the following three chapters of this report do not provide evidence of any particular recognition or strengthening of the relationship with Ngati Maniapoto as a consequence of this service. Yet the stubborn resistance of Waikato (and Taranaki) to service in the war contributed to Government efforts to settle their grievances regarding raupatu. As Chapter Four demonstrates, this settlement process only held a limited place for Ngati Maniapoto.

**Table 4:** *Names of Robe Potae Volunteers by Contingent*

<b>Unit</b>	<b>Name of Volunteers</b>	<b>Next of Kin</b>	<b>Departed</b>
Maori Contingent	Thomas Hetet (2 <sup>nd</sup> Lieutenant)	Mr H. M. Hetet, Te Kuiti	14 February 1915
	Tuheka Taonui Hetet	John Taonui Hetet, Te Kuiti	
	John Netana	Rihari Netana, Kihikihi	
	Thomas Wi	Wi Kio, Te Kuiti	
	Whare Barton	Teahau Rohutu, Tokaanu, Kihikihi	
	Peter Emery	Rangi Auraki Emery, Timawhae	
	Thomas Emery	Mrs. Waipaia, Kihikihi	
	Hekiera Remihana	Hekiera Terangi, Otorohanga	
	William Ormsby	Messers Howarth and Arrowsmith Solicitors, Otorohanga	
	Ngore William Mangaroa	Thompson Mangaroa, Taumarunui	
	Jack Otene	Mrs E. Thompson, Kihikihi	
	Reihana Paora	Poheri te Warutu, Mangapehi	
	Tau Paranihi	Wairakau Paranihi, Taumarunui	
Horima Rangi	Enoaka Rangi, Otorohanga		

	Ranui Paeahi	Tawehe Edwards, Kawhia	
	Haki Rata	Te Rata, Ongarue	
	Karena Tamaki	Tamihana Tamaki, Pirongia	
	Kohatu Hari Hemara Wahanui	Hari Hemara, Otorohanga	
	Thomas Wahanui	Hemara Wahanui, Otorohanga	
	Rua Warahi	Tematewai Maria, Kiamananui, Taumarunui	
2 <sup>nd</sup>	Thomas French	John French, Te Rauamoā, via Te Awamutu	19 September 1915
	Francis Moncur Jones	Mrs Tema Jones, Pirongia	
	Rore John Joseph	P. Joseph, Te Kuiti	
	Papara Kahui	Mrs Whakapo Kahui, Waiwhaata, Otorohanga	
	Kohi King	King Temate, Otorohanga	
	Pianau Kingi	Kingi, Otorohanga	
	Walter Ormsby	Mrs Albert Ormsby	
	Willie Henry	Henry Paul, Otorohanga	
	Henry Te Whau	John Te Whau, Honikiwi, via Otorohanga	
	Tom Toa	Mrs T. Toa,	

	Ingoa Tukemata  Thomas Kene Tutt  Thomas Wilkinson  Tangi Wipa	Otorohanga, King Country  Miss Honahu Tukemata, Otorohanga  Maru, Kawhia  Oneroa, Otorohanga  Mrs Raumiriu Purangi, Otorohanga	
3 <sup>rd</sup>	Henry Te Haeta Wilkinson  Thomas Tutawake Morgan  William Ormsby  William Hiakia Peciman  Thomas Edward Jones	Mrs G. W. Wilkinson, Otorohanga  Tutawake Morgan, Kawhia  Mrs. W. Ormsby, Otorohanga  Rupeke Peiman, Kawhia, Auckland  Mrs Tema Jones, Pirongia, Waipawa	5 February 1916
4 <sup>th</sup>	Michael Rotohiko Jones (Lance Corporal)  Gilbert Richard Ormsby  Charles Thompson	Pei Jones, Ongarue, King Country  Miss Martha Ormsby, Otorohanga  Mrs Kiri Whero, Pirongia, King Country	6 May 1916
5 <sup>th</sup>			26 June 1916

7 <sup>th</sup> Maori Reinforcement <sup>229</sup>	Henry Barrett	Robert Barrett, Aria, Te Kuiti	19 August 1916
8 <sup>th</sup>	Turner Bell  James Poutarewa	Mrs Ngarima Bell, Te Kuiti  Thomas Hira Poutawera	23 September 1916
9 <sup>th</sup>	Tu Pohi	Parawera Pohi	11 October 1916
10 <sup>th</sup>	James Barrett  Henry Marshall Davies	Mrs Huia Barrett, Waitomo Caves  Roland Charles Davies, care of R Davies, Te Kuiti	15 November 1916
11 <sup>th</sup>			16 November 1916
12 <sup>th</sup>	Anthony Ormsby (Corporal)  Wetene Hetet	Mrs Laura Marie Ormsby, Otorohanga  John Te Hetet, Te Kuiti	2 January 1917
13 <sup>th</sup>	Wiremu Paitaki Barlow  Tommy Heuheu  William Davies  Tu Tuahine  Henry Wi Waka Wi	Mrs Raukura Ngapuhoro, Kawhia  Mrs Pingao Heuheu, Porootarao, Te Kuiti  Mrs Davis Ormsby  Te Maraki Tuahine, Te Kuiti  Wi Kio, Te Kuiti	19 January 1917
14 <sup>th</sup>	Henry Teko Wi (Corporal)	Wi Kio, Te Kuiti	16 February 1917
15 <sup>th</sup>	Peter Wi	Wi Kio, Te Kuiti	3 April 1917
16 <sup>th</sup>	George Barton	Peter Barton, Ngahape, Taumarunui	26 April 1917

<sup>229</sup> See footnote 50.

	Philip Maeke Mai Rangi Takaroro Thomas Wright	Miss Ria Heeni Maeke, Taumarunui Takaroro Tawari, Otorohanga Mrs Manaeroa, Piopio	
17 <sup>th</sup>	James Harmon Patena Tupe Piere Warahi	Robert Harmon, Hauturu, Kawhia Mrs Teomaki Hinewai, Taringamotu, Taumarunui Matiere Warahi, Taumarunui	26 April 1917
18 <sup>th</sup>			12 June 1917
19 <sup>th</sup>			16 July 1917
20 <sup>th</sup>	William Barlow Richard Bell Te Kahukawakawa	Mrs Raukura Barlow, Kawhia Alexander Bell, Taumarunui Warahi Kahukawakawa, Taumarunui	26 July 1917
21 <sup>st</sup>	Tommy Rangi	Marikena Rangi, Te Kuiti	15 August 1917
22 <sup>nd</sup>	Te Ara Gage Thomas Karaka Henry Wirepa Kio	John Gage, Kihikihi Rongo Karaka, Raglan Wirepa Kio, Te Kuiti	13 October 1917
23 <sup>rd</sup>			17 November 1917
24 <sup>th</sup>			22 November 1917
25 <sup>th</sup>			31 December 1917
26 <sup>th</sup>			8 February 1918
27 <sup>th</sup>			3 March 1918
28 <sup>th</sup>			23 April 1918

29 <sup>th</sup>			9 May 1918
30 <sup>th</sup>			13 June 1918
31 <sup>st</sup>	Joseph Dixon  Tehuaki Maupakanga	Matehu Rikihana (Dixon), Kihikihi, via Te Awamutu  Takapo Maupakanga, Kawhia, Raglan	17 August 1918
32 <sup>nd</sup>	Ted Barrett  William Bowlin  Charles Richard Davis  Thomas Phillips Davis  Toriwai Huiatahi  Winiata Kapinga  Rahikoi Moumou Kauwhata  Manga Maata  Te Araroa Pauahi  Thomas Ponui  Te Riwhi Tamati  Te Ruinga te Mapi	Mrs Huiahana Barrett, Waitomo  Mrs Moetua Taitua, Taumarunui  E.C Davis, Waitomo  E.C Davis, Waitomo  Huiatahi Barrett, Waitomo  Kapinga Taniwha, Aria, Te Kuiti  Te Moumou Kauwhata, Otewa, via Otorohanga  Tame Maata, Piopio  Tarere Pauahi, Kihikihi  Whakahua Ponui, Kawhia  Honi Tamati, Te Kuiti  Te Ruinga te Haere, Otorohanga	3 October 1918



	Thomas Turnbull	R Turnbull, Kawhia	
	Piniha Wanihi	Mrs Tangi Wanihi, Waitetuna, Raglan	

## Chapter Two: Maori Health Councils in the Te Rohe Potae, 1919-1945

### Introduction

Marr's late nineteenth century political engagement report examines the operation of the Maori Council system in the Te Rohe Potae inquiry district between 1900 and 1918. Historians generally agree that the Maori Councils Act 1900 was a Government and Maori 'compromise' after a period of pressure for official recognition of Maori local self-government by various Maori groups.<sup>230</sup> In many cases building on existing tribal bodies, the legislation established a system of 25 council districts, each with a Maori Council of six to eleven elected members. Under each Maori Council was a second tier of Komiti Marae (Marae Committee) which were appointed and controlled by the Council.<sup>231</sup> Councils were empowered to discuss a range of education, health and social matters and create by-laws for enforcement by the Komiti Marae.<sup>232</sup> Due to lack of financial resource and general Government neglect, the Maori Councils were in decline or had ceased functioning in most districts by the beginning of the First World War.<sup>233</sup> This chapter examines the rejuvenation of this system in 1919 under the Department of Health and its operation in the Rohe Potae until 1945. Helen Robinson's socio-economic health report will examine this legislation and the operation of Health Councils in terms of the provision of health care for Rohe Potae hapu and iwi. The focus of this chapter is on the Council system as a site of political interaction with the Government and as a potential means of Maori self-government in the Te Rohe Potae inquiry district.

As Raeburn Lange has noted, the Maori Council system between 1919 and 1945 has not received a lot of scholarly attention. After a brief revival under the supervision of Te Rangi Hiroa (Peter Buck) and his successor Edward Pohau Ellison, the Maori Councils were essentially in decline again, making the lack of attention understandable.<sup>234</sup> As this chapter demonstrates, fundamental problems with financial resources and administrative structure which continued from the pre-war period, perhaps even more acutely, ensured that the

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<sup>230</sup> Raeburn Lange, 'A Limited Measure of Local Self-Government: Maori Councils, 1900-1920', Treaty of Waitangi Research Unit, Rangatiratanga Series, Number 2, 2004, pp11-19. Hill, p50.

<sup>231</sup> Lange, 'In an Advisory Capacity: Maori Councils, 1919-1945', Treaty of Waitangi Research Unit, Rangatiratanga Series, Number 5, 2005, p1.

<sup>232</sup> Lange, 'In an Advisory Capacity', p1.

<sup>233</sup> Hill, *State Authority, Indigenous Authority*, pp53-63.

<sup>234</sup> Lange, 'In an Advisory Capacity', pp2-4.

Councils were not, and could not be, the body of local self-government many Maori had hoped for at their inception. In addition, the Councils were moving further from the broad role in local government they were first intended for and closer to a solely welfare and health function. Hill has characterised the transition to Maori Health Councils as evidence of increasing bureaucratisation of the council system, with the health and welfare focus demonstrating an intended tightening of social control over Maori communities.<sup>235</sup>

When viewed in the broadest context, the life and decline of the Maniapoto Maori Health Council after 1918 is a stark symbol of the marginalisation of Rohe Potae hapu and iwi authority in their own district since the 1880s. In 1880, as noted in the introduction of this report, the tangata whenua of the Rohe Potae were in possession of virtually all their ancestral lands and in political control of the entire district.<sup>236</sup> During the negotiations between the leadership of the district and the Government in the 1880s, it had been requested that the Native Committee system (under the Native Committees Act 1883) be strengthened ‘to have full authority to conduct matters for the Maori people.’<sup>237</sup> Following the negotiations and commencement of Pakeha settlement, the Kawhia Committee established under the 1883 Act played a leading role in affairs of the district for a period.<sup>238</sup> However, Vincent O’Malley has noted that the Committee rapidly declined after 1890 due to commencement of Government purchase of individual interests.<sup>239</sup>

As noted above, in 1900 the Maori Council system was established in the district in an attempt to provide a new official body for Maori local self-government but quickly declined due lack of Government support. Although developments regarding land administration are beyond the scope of this report, it is worth noting that Maori Land Councils were also established in 1900 (under the Native Land Administration Act). These were designed to provide Maori with a form of collective control of their remaining lands.<sup>240</sup> Maori were to voluntarily vest land in the Land Councils in order for them to be opened for settlement through lease with rentals being returned to Maori owners.<sup>241</sup> Membership of the Land

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<sup>235</sup> Hill, *State Authority, Indigenous Authority*, pp150-151.

<sup>236</sup> Marr, *Rohe Potae, 1840-1920*, p7.

<sup>237</sup> *ibid.*

<sup>238</sup> Cleaver and Sarich, pp68, 103-107, 133; Also see O’Malley, *Agents of Autonomy*, pp187-189.

<sup>239</sup> O’Malley, *Agents of Autonomy*, p189.

<sup>240</sup> Bennion, pp1-2.

<sup>241</sup> *ibid.*, p1.

Councils was to consist of a majority of Maori with a Government appointed chairman.<sup>242</sup> In 1905, this system was replaced with Maori Land Boards, which were to consist of three members, all of which were to be Government appointed and only one of which had to be Maori.<sup>243</sup> It is generally recognised that the advent of the Land Board system represented a fundamental shift away from the original intent of Maori collective management of land, and resulted in another period of sustained Maori land alienation.<sup>244</sup> The operation of this system in the Te Rohe Potae inquiry district will be examined in detail by Hearn's land issues (1900-1930) report commissioned for this inquiry. For the purposes of this report, however, their failure can be interpreted as another blow to the ability of Rohe Potae Maori to govern their district.

The development of Maori local government stood in marked contrast to that of regular local government in the inquiry district after 1885. According to Jane Luiten, the Government created and supported county and borough local government system rapidly expanded in the district after 1885 and was fully established by 1915.<sup>245</sup> This system, although facing problems of its own in the early 1900s, could financially support itself and fund Pakeha settlement through the powerful system of rates and Government loans.<sup>246</sup> Overall, Luiten contends that this system inherently excluded Rohe Potae Maori representation and was largely hostile to their interests.<sup>247</sup> This chapter, and the following, confirm local government in the inquiry district as a system that was often in opposition to the interests of the tangata whenua. While a full comparison of the two systems is beyond the scope of this report, when viewed in this context, the contrasting fortune of the Maori Health Councils in the Rohe Potae becomes more pronounced. For example, roughly 50 years after having complete control of the district, members of the Maniapoto Maori Health Council were squabbling with local government for the right to collect dog registration tax in it, while pleading with the Government to fund the administration costs of their failing council. These fundamental issues should not be lost sight of throughout the chapter.

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<sup>242</sup> Bennion, p2.

<sup>243</sup> *ibid.*

<sup>244</sup> Boast, *Buying the Land, Selling the Land*, pp220, 224.

<sup>245</sup> Luiten, pp10-15, 53-54.

<sup>246</sup> *ibid.*, pp25-26.

<sup>247</sup> *ibid.*, pp30-36, 341-350, 415.

Nevertheless, the Councils of this period did perform some functions within Te Rohe Potae Maori communities from a political engagement perspective. Perhaps most significantly, despite their financial and legislative restrictions, the Councils were the only non-land related semi-official body where Ngati Maniapoto leadership, in particular, could interact with the Government. In this forum, council members could continue to attempt to assert their agenda and retain a limited official authority over the affairs of their communities, even if largely within the confines of health and welfare issues. The activities of the Maniapoto Maori Council provide evidence that members consistently attempted to manipulate the Council system to their advantage, enthusiastically using the faulty scheme for what benefit it could provide. However, they were frustrated by the lack of Government response to requests for amendments to the council legislation and other requests to aid the function of the system.

The files relating to the Maori Health Councils within the Rohe Potae do not contain extensive material concerning the 'day to day' activities of the councils or komiti. The focus of correspondence was on finance and changing membership of the councils, as well as other official matters that concerned Wellington. Despite this, there are a number of important issues that are raised from this correspondence which are detailed below. These issues are supplemented by information from the general files on the council system that detail issues faced by all Maori Health Council. Together, these provide a reasonably comprehensive narrative of the activities of the Councils in the Rohe Potae until their abolition in 1945. These official sources only provide a limited perspective of what Rohe Potae communities actually thought of their own Councils. It is unclear if they were perceived as simply an extension of Government authority or as a more distinct Maori authority. As noted in later chapters, the various members of the Maniapoto Maori Council identified below were active in numerous other political initiatives.

### **Legislative Framework and Administration**

In 1918, Tureiti Te Heuheu (Member of the Legislative Council) called for the revival of the Maori Council system, linking the decline of that system to the impact of the influenza epidemic.<sup>248</sup> The Influenza Epidemic Commission also recommended the use of 'Maori

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<sup>248</sup> NZPD, vol.183, p1054.

health committees' under the direction of the Department of Health to prevent new epidemics.<sup>249</sup> In 1919, the Native Land Amendment and Native Land Claims Adjustment Act moved the Maori Council system from under the control of the Native Department to the Department of Health.<sup>250</sup> The Health Act 1920 created the Division of Maori Hygiene. Te Rangi Hiroa was made Director of the Division of Maori Hygiene and was to oversee the activities of the Councils.<sup>251</sup>

The Native Land Amendment and Native Land Claims Adjustment Act 1919 set out new provisions of the Maori Health Councils. Section 16 repealed the provisions for Maori Council collection of dog registration tax in the Native Land Amendment and Native Land Claims Adjustment Act 1916. Section 17 repealed and replaced Section 68 of the Public Health Act 1908, which had contained provisions for the establishment of Maori 'Health Committee'. Under Section 17, existing Maori Councils and 'Maori Council District' were to be declared Health Councils and were to 'advise the District Health Officer in all matters relating to health of the Maori inhabitants of the district, and to perform such functions and duties as the District Health Officer approves or the Governor-General by regulations prescribes' (sec17 (a)). The Maori Health Councils continued to be able to appoint Health Committees (Komiti Marae) which would have the power to carry out sanitary works and enforce rules and observances approved by the District Health Officer (sec17 (b)). The Minister of Health could 'out of moneys that may from time to time be appropriated by Parliament' pay the 'expenses of administration under this section' and for sanitary projects under the Act (sec17 (c)). The Native Minister 'out of moneys available for Native purpose under the Civil List Act, 1908' could also subsidise (maximum of 1 pound for 1 pound) funds raised by Maori Health Councils for sanitary works and 'generally improving the sanitary condition of such a district' (sec17 (d)).

A year later, the Public Health Act 1908 was repealed by the Health Act 1920 which established the Division of Maori Hygiene. Under Part II, 'Powers and Duties of Local Authorities', section 66 restated the provisions outlined above with reference to the newly established Director of Maori Hygiene. However, one significant change was made to the financial provisions. Subsection (5) contained provisions for the pound for pound subsidy of

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<sup>249</sup> Lange, 'In an Advisory Capacity', pp6-7.

<sup>250</sup> *ibid*, pp9-10.

<sup>251</sup> *ibid*, p11.

sanitary projects from monies available for Native purposes under the Civil List Act 1920. However, subsection (6), providing for ‘the expense of the administration of... the Health Councils and village committees’ which could still be ‘be paid out of moneys appropriated by Parliament for the purpose’, was now made subject to the provisions of subsection (5). This presumably meant that the administration costs of the Maori Health Councils could only be subsidised rather than paid outright.

The new Health Council legislation only repealed parts of the existing Maori Council legislation.<sup>252</sup> Thus the majority of the existing Maori Council functions remained in place. Maori Councils still operated on a regional level, issuing a full range of bylaws to be administered in their districts, as they had under the 1900 Act. The Komiti Marae would enforce these bylaws in their local community. Other important features of existing legislation included the Native Land Amendment and Native Land Claims Adjustment Act 1916 Section 15 (1-4) provision that members of a Maori Council were to be appointed by the Governor General. It also reduced the number of members from 12 to eight members (including the Official Member). This appointment of members by the Governor General had replaced provisions for the election of members by the Maori population of each Maori Council district, and has correctly been interpreted as a further erosion of the position of the Councils.<sup>253</sup> However, it seems evident in practice, at least in the Rohe Potae, that an informal and unofficial process existed where Council members continued to be nominated by Maori of the area to Department of Health officials who were then appointed by the Governor General.<sup>254</sup> In the case of the Maniapoto Maori Council, it appears hui were held to nominate Council members. Komiti Marae appear to have continued to be elected or selected by local Maori and then ratified by the Maori Council of the district.<sup>255</sup> In effect, it appears members may not have been as ‘representative’ as under previous legislation but neither were they simply ‘Government appointed.’ However, as evidenced below, this informal process of nomination of members sometimes led to the exacerbation of local

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<sup>252</sup> Maori Council Act 1900, Maori Councils Amendment Act 1903 and Native Land Amendment and Native Land Claims Adjustment Act 1916.

<sup>253</sup> See for example, Lange ‘A Limited Measure of Local Self-Government’, p38.

<sup>254</sup> See for description of process Watt to Boyd, 15 December 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington, SP, p699; Under Secretary Native Department to Te Rangi Hiroa, 6 April 1922, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p466.

<sup>255</sup> Mokena Patupatu to Te Rangi Hiroa, 7 March 1922, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p460.

tensions, resulting in competing groups within the district lobbying the Government for appointment.

The Official Member of a Maori Council was still to be wholly Government appointed under Section 8 of the original Act. The legislation did not provide a clearly defined role for the Official Member. In practice, it appears their principle duties were countersigning cheques signed by the Chairman of the respective Maori Council and reporting any breaches of the bylaws to the council.<sup>256</sup> Although countersigning cheques technically gave the Official Member control over expenditure of the Maori Council, this role appears to have been 'honorary' (at least in the inquiry district). The Official Member often appeared to have little part in the day to day operation of the Maori Council, simply being called on to sign cheques when needed. In 1932, correspondence relating to the appointment of the Official Member noted that it was 'custom' for the Official Member to be a 'policemen near the residence of the Chairman', possibly to aid in the enforcement of bylaws. The same correspondence also asserted that a trend was developing within the system toward the appointment of 'a person of some standing who is interested in the general welfare of the Maori people.'<sup>257</sup>

Between 1920 and 1945, the administration of the Maori Health Council system consisted of two distinct periods. Between 1920 and 1931 the system was administered by the Division of Maori Hygiene, firstly under Te Rangi Hiroa until 1927 and then Edward Ellison, both graduates of Te Aute College and experienced doctors.<sup>258</sup> From 1931, the Division of Maori Hygiene was abolished and responsibility for the council system was transferred to regional Medical Officers of Health.<sup>259</sup> From this time the Auckland Medical Officer of Health administered the Maori Councils in the Rohe Potae inquiry district.

Despite being formally under Department of Health control, the Native Department still played a significant role in the administration of the council system. This seems to have been a result of the Department of Health officials' lack of specialist knowledge of Maori affairs, especially after the abolition of the Division of Maori Hygiene. For example, as evidenced

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<sup>256</sup> Watt to Constable Fry, 8 August 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p743.

<sup>257</sup> Watt to Medical Officer of Health Auckland, 2 March 1932, H1 1936 121/12, Maori Health Council, Waikato, ANZ Wellington. SP, p2281.

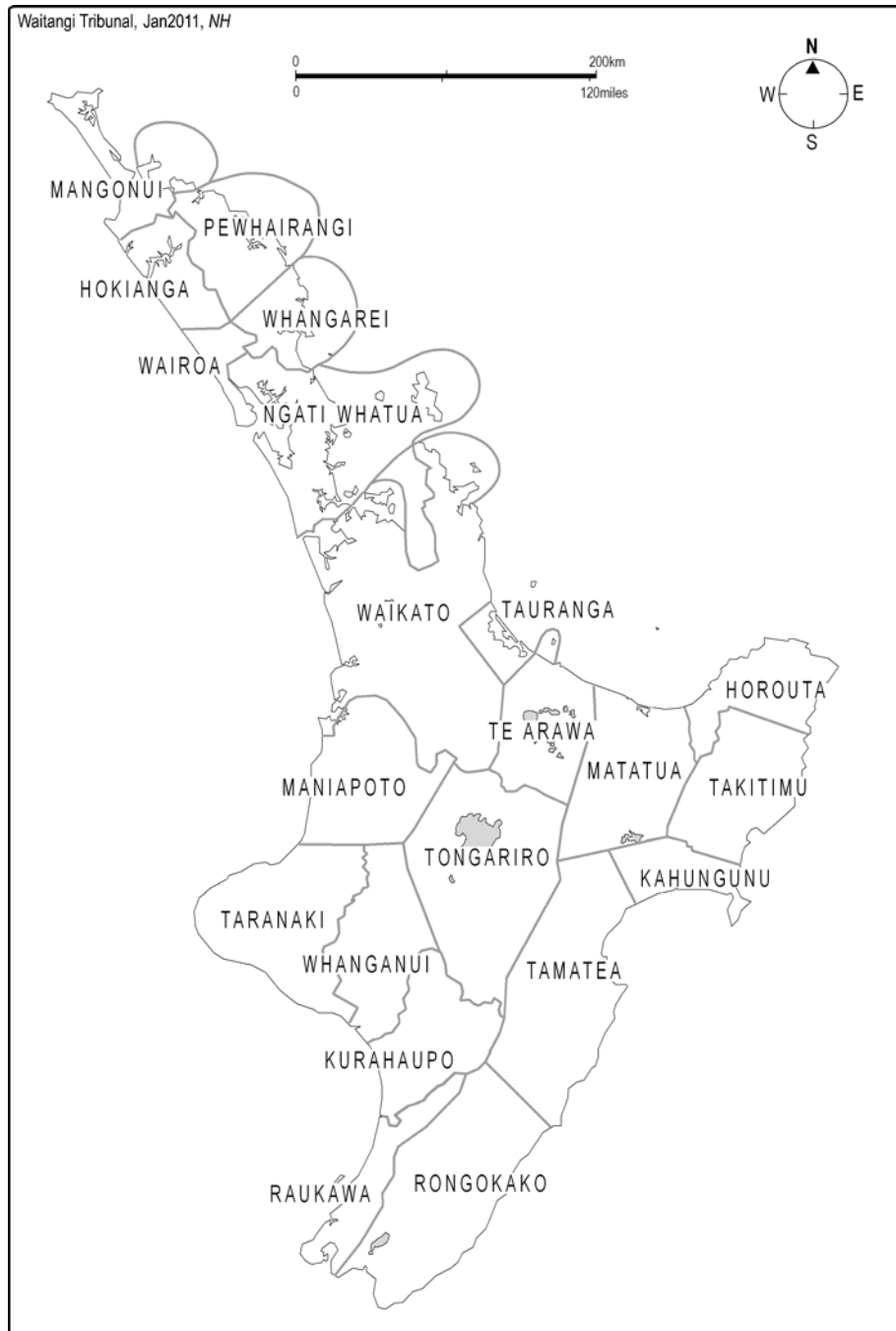
<sup>258</sup> Lange, 'In an Advisory Capacity', p12.

<sup>259</sup> *ibid*, pp28-30.



below, the Native Department continued to aid in the appointment of Maori Council members and also in the formulation and amendment of additional bylaws for approval by the Governor General. Also, requests for the amendment of Maori Council legislation by council members and other Maori were often referred to the Native Department.

*Figure 2: Maori Council Districts<sup>260</sup>*



<sup>260</sup> Lange, *May the People Live: A History of Maori Health Development 1900-1920*, Auckland University Press, Auckland, 1999, p190.

## Formation and Membership of the Maniapoto Health Council

The following analysis of the early history of the Maniapoto Maori Council is based on the English language correspondence of the relevant official records.<sup>261</sup> However, a considerable amount of the correspondence between Te Rangi Hiroa and various members of the council was conducted in Te Reo. It is acknowledged that this material is important to the understanding of the formation and early history of the Maniapoto Maori Council. This material was unable to be professionally translated for the purposes of this report. A preliminary survey suggests that this material contains some relevant information regarding the themes and issues identified in the following analysis. Accordingly, this material is included in the supporting papers of this report so that it is available to the Tribunal panel and all inquiry parties to utilise for inquiry purposes. Further translation work on these relevant Te Reo Maori sources is currently underway (at the time of writing). The author will consider the results of this work and may amend the following section accordingly. Any such amendment would be filed at a later date as an appendix to this report.

In November 1920, members of Maniapoto Maori Council were gazetted. Moerua Natanahira was Chairman and James Herbert Armstrong was the Official Member. The other members were, Raureti Huia, Pire Huihi, Mokena Patupatu, Te Tata Wahanui, Ngatai Hetete and Te Whiwhi Mokau.<sup>262</sup> The balance of the Council was £41.9.6 in December 1920.<sup>263</sup> In 1922, Moerua Natanahira passed away and Mokena Patupatu was appointed as the new Chairman.<sup>264</sup> At this time, it appears some members of the old Council resigned and new members were appointed and were 'anxious to commence work'.<sup>265</sup> Raureti Huia, Pire Huihi and Te Whiwhi Mokau resigned and David Turner, Kopere Rangawhenua, Hone Hughes and Te Ngoi Maika replaced them.<sup>266</sup> It is unclear what, if any, were the political motivations of these resignations. Mokena Patupatu immediately began establishing Komiti Marae around the Maniapoto Maori Council district by visiting and corresponding with the

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<sup>261</sup> H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, pp403-612.

<sup>262</sup> *New Zealand Gazette*, no.84, p2792.

<sup>263</sup> Manager, Bank of New Zealand, to Te Rangi Hiroa, 26 January 1921, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p415.

<sup>264</sup> Paymaster General to Te Rangi Hiroa, 13 February 1922, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p451.

<sup>265</sup> Under Secretary Native Department to Te Rangi Hiroa, 13 February 1922, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p453.

<sup>266</sup> *ibid.*

various settlements to organise hui for elections.<sup>267</sup> By 1922, Komiti were established in the following 23 Kainga: Hangatiki, Otewa, Marokopa, Mangaorongo, Rewatu, Te Kuiti, Te Awaroa, Te Kopua, Kinohaku, Tahaia, Taringamotu, Piopio, Tokanui, Kahotea, Te Taharoa, Hauturu, Ongarue, Oparure, Pohatuiri, Otorohanga, Mangapeehi, Korapatu and Aria.<sup>268</sup>

Despite the establishment of a Council and Komiti network, until 1926 the Maniapoto Maori Council was characterised by instability of membership and almost no financial resources. In February 1924, Constable George Hamilton Fry replaced Constable Armstrong as the Official Member of Maniapoto Maori Council.<sup>269</sup> In June 1924, four members of the council resigned.<sup>270</sup> In April 1925, the members of the Council were Mokena Patupatu (Chairman), Tuwhakaririka Patena, Kingi Te Mate, Tongaporutu Whanonga, Hori Ngatai Hetete, Nikora Te Hauparao and Hone Hughes.<sup>271</sup> On 15 September 1925, Native Health Inspector Anthony Ormsby<sup>272</sup> wrote to Te Rangi Hiroa and stated the Maniapoto Maori Council is 'practically useless and further the Chairman is now a bankrupt.'<sup>273</sup> He recommended the Native Department appoint 'R. K Wetere of Mahoenui' as a new Chairman and suggested a meeting with Department officials and Wetere. Ormsby also stated that some members of the Council were 'complaining re the expenditure of moneys collected.'<sup>274</sup> In conclusion, he noted to provide two weeks notice of the meeting and also suggested that the Council move its base from Otorohanga to Te Kuiti 'as the majority of the members live nearer Te Kuiti'.<sup>275</sup>

Efforts were made to arrange a meeting between Native Department officials, members of the Council and Inspector Ormsby, but it is unclear if it eventuated. On 2 June 1926,

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<sup>267</sup> Mokena Patupatu to Te Rangi Hiroa, 7 March 1922, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p450.

<sup>268</sup> *Kabiti*, no.37, 1922 in H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p496.

<sup>269</sup> Te Rangi Hiroa to Manager of Bank of New Zealand, Otorohanga, 19 February 1924, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p519.

<sup>270</sup> Te Rangi Hiroa to Under Secretary Native Department, 16 June 1924, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p526.

<sup>271</sup> 'Members of the Maniapoto Maori Council', 28 April 1925, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p2282.

<sup>272</sup> Native Health Inspectors were employees (usually Maori) that acted as 'agents in the field' for the Director of Maori Hygiene and were used relied heavily upon by Te Rangi Hiroa.

<sup>273</sup> Inspector Ormsby to Te Rangi Hiroa, 15 September 1925, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p559.

<sup>274</sup> *ibid.*

<sup>275</sup> *ibid.*

Mokena Patupatu resigned as Chairman.<sup>276</sup> By mid July, a new Council had been formed. Rongo Wetere was the new chairman with Thomas Anderson, Neha Wetere, Tame Waeroa, Takawe Ngataua and Aupouri Josephs as Members.<sup>277</sup> Only a month later Thomas Anderson replaced Rongo Wetere as Chairman.<sup>278</sup> At the same time, Mokena Patupatu was appointed ‘Advisory Counsellor’ under Section 9 (7) of the Maori Council Act 1900.<sup>279</sup>

Insufficient contextual information is available on the causes and motivations of members and other parties in the instability of membership described. However, in 1932 Inspector Ormsby wrote of the early years of the Council:

...the old council which consisted chiefly of the older members of the tribe had ceased to take an interest in their work. I recommended to the [Native] Department that the new Council should be composed of younger members of the Tribe who were educated and would carry on the affairs of the Council, in a businesslike manner.<sup>280</sup>

It appears Ormsby was referring to the above events, yet the statement still provides little contextual information. Regardless of the exact situation it seems clear that the Maniapoto Council was unstable at this time. Although change of members was regular throughout the period examined in this chapter, it was acute in this initial phase of formation. Interestingly, in 1926 Te Rangi Hiroa stated in his annual report that the Councils were ‘ever changing their personnel, which entails a lot of office work and supervision.’<sup>281</sup>

In addition to the unstable membership, the financial position of the Council was precarious. By October 1922, the Maniapoto Maori Council balance was only £-/9/2 and remained so until 1926. Only monthly statements were provided to Director of the Division of Maori Hygiene making it unclear if this balance is a constant figure or whether it fluctuated in a given month. As noted, in 1925 Inspector Ormsby observed that some members of the

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<sup>276</sup> Te Rangi Hiroa to Bank of New Zealand (BNZ) Manager, Otorohanga, 2 June 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p582.

<sup>277</sup> Under Secretary Native Department to Te Rangi Hiroa, 19 July 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p584.

<sup>278</sup> Te Rangi Hiroa to BNZ Manager, Otorohanga, 17 August 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p587.

<sup>279</sup> Te Rangi Hiroa to Under Secretary Native Department, 17 August 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p590.

<sup>280</sup> Inspector Ormsby to Medical Officer of Health (Auckland), 16 September 1932, H1 1937 121/18 (3252), Maori Health Council –Maniapoto 1927-1934, ANZ Wellington. SP, pp716-717.

<sup>281</sup> *AJHR* 1926, H31, p43.

Council were ‘complaining re the expenditure of moneys collected.’<sup>282</sup> Later in 1932, Ormsby stated: ‘...there was great difficulty in getting the members to accept office. One reason being that the previous Council had only a few shillings to the credit in their account.’<sup>283</sup> Ormsby went on to describe that he arranged a meeting of Ngati Maniapoto to:

...consider transferring a sum of £120 from a trust account to the Maori Council Account. This money was collected by the people for the purpose of fighting rating on Native Lands... However it was decided at this meeting that after deducting the cost of sending a deputation to Wellington that the balance of the monies be paid over to Maori Council. This was duly done and formed the nucleus [sic] of our Maori Council Fund.<sup>284</sup>

On 23 September 1926, the Bank of New Zealand of Otorohanga informed Te Rangi Hiroa that the Maniapoto Maori Council’s balance was now £71.5.6.<sup>285</sup> This could be the money to which Ormsby was referring, although the deputation to which he alludes did not go to Wellington until September 1927 (see Chapter Three).

On 23 October 1926, after the request of Te Rangi Hiroa for the countersigning of several cheques on behalf of the Maniapoto Maori Council, Constable Fry (the Official Member) wrote to the Assistant Director of Maori Hygiene outlining his concern regarding the Council. After stating that he had signed the cheques, he explained:

I do not wish to remain the Official Member of this Council unless I am permitted to know something of the Council’s deliberations. As far as I am aware there has not been a single business meeting of this body since I came to Otorohanga. Just what responsibility attaches to me when I countersign these cheques?<sup>286</sup>

Judging from this statement, it seems the Official Member was not participating in the operation of the Council and, reflecting his undefined role, was unsure of his duties. On 26 October 1926, soon after Constable Fry’s letter, two cheques of £82.1.11 and £20.12.0 were forwarded to Te Rangi Hiroa to pay for the ‘water supply at Waipapa’.<sup>287</sup> In 1926, Te Rangi Hiroa reported the completion of a water supply for £45 of which a subsidy was applied for,

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<sup>282</sup> Inspector Ormsby to Te Rangi Hiroa, 15 September 1925, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p559.

<sup>283</sup> Inspector Ormsby to Medical Officer of Health (Auckland), 16 September 1932, H1 1937 121/12, Maori Health Council –Maniapoto 1927-1934, ANZ Wellington. SP, pp716-717.

<sup>284</sup> *ibid.*

<sup>285</sup> Bank of New Zealand, Manager, Otorohanga to Te Rangi Hiroa, 23 September 1926, H1 , H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p591.

<sup>286</sup> Constable Fry to Assistant Director of Maori Hygiene, 23 October 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p599.

<sup>287</sup> Te Rangi Hiroa to Messrs Ward Bros, 26 October 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington, SP, pp 602; Te Rangi Hiroa to Marae Edwards, 26 October 1926, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p601.

suggesting that the financial restrictions were easing.<sup>288</sup> It is unknown if the subsidy was ever approved and received. By July 1927, Inspector Ormsby stated that the Council membership was ‘now in working order and are showing signs of energy. They are meeting regularly now on the first Monday each Month.’<sup>289</sup>

## **Bylaws**

In 1922, the original Maori Council bylaws established in 1902 were abolished and a new series formulated by Te Rangi Hiroa and accepted by the Maniapoto Maori Council.<sup>290</sup> The revised bylaws were an effort at reorienting the Council’s functions toward its new public health role.<sup>291</sup> The bylaws were made under the authority of the Maori Councils Act 1900 and the Health Act 1920. They were divided into twelve major categories: General; Buildings; Drainage; Nuisances; Keeping of Animals; Privies; Infectious Diseases; Tangis, Huis and Gatherings; Water-supplies; Drunkenness; Hawkers; Smoking and Gambling. The powers to enforce the collection of fines from these bylaws were contained in Section 25 of the Maori Council Act 1900, which stated that if a ‘Maori shall refuse to pay any fine imposed or inflicted...under this Act, the Chairman of the Council is hereby empowered to proceed for recovery of the same by civil process in the Magistrate’s Court.’ As will be seen in the course of this chapter, this action was taken at the expense of the Council and did not provide sufficient power for the efficient collection of fines.

In addition to the bylaws established for all the Maori Councils, each Council was able to produce supplementary bylaws of their own to be enforceable in their council district. These bylaws had to be submitted to the Governor General for approval (Maori Council Act 1900 Section 16 (19)), which effectively meant to the Department of Health and the Native Department. They also could not ‘conflict’ with any existing ‘provision of any other Act dealing with the same subject matter’. Despite the difficulties in its early years, the Maniapoto Maori Council did attempt to implement a number of bylaws under Section 16 of the Maori Council Act 1900 and the Health Act 1920. At several hui held in December 1924, the Maniapoto Council approved the following bylaws:

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<sup>288</sup> *AJHR* 1926, H31, p43.

<sup>289</sup> Inspector Ormsby to Menzies, 26 July 1927, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p610.

<sup>290</sup> *New Zealand Gazette*, 1922, no.30, pp1075-1078.

<sup>291</sup> Lange, ‘In an Advisory Capacity’, p13.

- 1) Any person causing pain to any dumb animal in a Maori Settlement by beating or working same when unfit, or by not feeding or watering same shall pay to the Council or Village Committee the sum of not more than FIVE POUNDS - £5.
- 2) Any person failing to leave any Maori Settlement when warned to do so by the Chairman or any member of the Council or by the Chairman of a Village Committee shall pay...the sum of not more than TEN SHILLINGS – 10/-.
- 3) Any person committing adultery or interfering indecently with any, man, woman or child within a Maori Settlement shall pay...the sum of not more than TWENTY FIVE POUNDS.
- 4) Any person assaulting another or any persons fighting in any Maori Settlement shall pay...the sum of not more than FIVE POUNDS – £5.
- 5) Any person who uses bad language or slanders another in any Maori settlement shall pay... the sum of not more than FIVE POUNDS.
- 6) Any person who steals from another in any Maori Settlement shall pay...the sum of not more than FIVE POUNDS – £5.
- 7) The proprietor of a picture-show established in any Maori Settlement shall pay...the sum of TWELVE POUNDS – £12 per annum, with the exception of a travelling show, who shall pay such sum for each opening as the Council or Village Committee shall decide.
- 8) Any person being the owner or occupier of any store within a Maori Settlement shall pay...the sum of TWO POUNDS - £2 per annum, with the exception of a store or stall in temporary use at any gathering the fee shall be TEN SHILLINGS – 10/- per week or part thereof.
- 9) No hui or gathering will be permitted in any Maori Settlement without permission has firstly been obtained from the Maori Council of the district. Failing such permit being obtained, the originators of such hui or gatherings shall pay to the Council the sum of not more than TWENTY-FIVE POUNDS – £25.
- 10) Any person whether European or Maori who sells, gives or supplies Methylated Spirits (Mete) in any quantity whatsoever without a permit has firstly been obtained and duly signed by the Official Member, shall be deemed guilty of an offence and shall be liable of a fine of FIVE POUNDS (£5) for the first offence TEN POUNDS (£10) for the second offence and FIFTEEN POUNDS (£15) for the third or subsequent offence.
- 11) Any Maori as defined under the Maori Council Act who drinks or procures Methylated Spirits (Mete) in any quantity whatsoever without a permit has firstly been obtained and duly signed by the Chairman of the Maniapoto Maori Council and countersigned by the Official Member, shall be deemed guilty of an offence and shall be liable to a fine of FIVE POUNDS (£5) for the first offence, TEN POUNDS (£10) for the second offence and FIFTEEN POUNDS (£15) for the third or any subsequent offence.<sup>292</sup>

The first nine of these bylaws were formulated and agreed to by a conference of chairmen in 1924 and were passed by a number of Councils.<sup>293</sup> However, the last two were passed only

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<sup>292</sup> Constable Fry to Te Rangi Hiroa, 15 December 1924, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, SP, p535; Native Department record, 2 December 1926, MA W1369 19 26/3/12, Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. SP, p1351-1352.

<sup>293</sup> *New Zealand Gazette*, 1927, no.2, pp156-162; Lange 'In an Advisory Capacity', pp25.

by the Maniapoto Maori Council.<sup>294</sup> In early 1925, in a memorandum to the Under Secretary of the Native Department, Te Rangi Hiroa requested the gazetting of the additional bylaws and that a 100 copies be made, presumably for the Maniapoto Maori Council to distribute. He added that this should be done as quickly as possible: ‘as strong representation has been made to me regarding the amount of drinking of methylated spirits by the Natives and I think we can prevent it by the additional bylaws dealing with the matter.’<sup>295</sup> The bylaws were gazetted in early 1927.<sup>296</sup>

These additional bylaws demonstrate Maniapoto Maori Council efforts to extend and retain a measure of influence over their communities, although within the new parameters established by the 1919 and 1920 Maori Health Council legislation. In particular, the effort to control methylated spirits reflected the wider concerns of Ngati Maniapoto leadership to regulate liquor in the district (an issue explored fully in the next chapter). The drinking of methylated spirits may have been a problem exacerbated in the Rohe Potae due to the licensing restrictions in place (described in Chapter Three). Given the context of the extremely limited financial resource already described, the bylaws can also be seen as an attempt to increase the financial resources of the Council through the expansion of the offences from which fines could be collected. The reliance on fines for revenue was to become a major issue for the Maniapoto Maori Council.

On 2 June 1925, Constable Fry wrote to Te Rangi Hiroa expressing concern regarding these bylaws.<sup>297</sup> After explaining that Mokena Patupatu had recently presented a copy of the Order in Council to storekeepers in Otorohanga, Fry stated:

I have been asked to explain the exact meaning of the Order and, not having been advised of the same, cannot give any information. Mokena promised to let me have a copy of the Kahiti but has not done so. Will you please have me advised as to the real position.<sup>298</sup>

As already described, Constable Fry was uninformed of the Maniapoto Council’s activities, and again here the bylaws were drafted, gazetted and then implemented without his

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<sup>294</sup> *New Zealand Gazette*, 1927, no.2, p162.

<sup>295</sup> Te Rangi Hiroa to Under Secretary Native Department, 5 January 1924 [sic 1925], MA W1369 19 26/3/12, Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. Note this letter was received on 6 January 1925, suggesting that the 1924 date was an error. This later date fits with the chronology of events also. SP, p1350.

<sup>296</sup> *New Zealand Gazette*, 1927, no.2, 1927, p162.

<sup>297</sup> Constable Fry to Te Rangi Hiroa, 2 June 1925, H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p547.

<sup>298</sup> *ibid.*



awareness. These two incidences can be interpreted as evidence that the Maniapoto Council was working independently of their Official Member. It appears that the Council only contacted Constable Fry when they required him to countersign cheques and fulfil his other official functions, otherwise it seems he was not participating in the Council's regular activities.

As early as 1929, Maori Councillors were aware of the fundamental weaknesses of the Maori Health Council system. In March 1929, a Maori Councils' General Conference was held in Ngaruawahia to discuss 'the Maori Councils Act and By-law instituted thereunder'.<sup>299</sup> Unfortunately no record of which chairmen attended has been found. After the conference, a summary of the proceedings forwarded by the leading chairman to Native Minister Ngata emphasised the councils' lack of power:

It was apparent that the members of the conference were unanimous in the opinion that the Act did not supply that authority which was necessary to enable the several councils to carry out the full intention of Parliament.<sup>300</sup>

A number of important recommendations were made. Firstly, it was requested that the Maori Council Act be amended 'to meet all present requirements.' Specifically, regarding bylaws, a clear definition of the 'extent of Maori Council Control or jurisdiction' was recommended.<sup>301</sup> Importantly, reflecting the financial problems of the councils, a request was made for sufficient funding to 'enable the spirit and intention of the Act to be properly administered.'<sup>302</sup> It was also noted that 'the power and authority to conduct our maraes is a privilege which a large majority of the Maoris throughout the Dominion are jealous of, although this statement was not explained.'<sup>303</sup> Finally, it was emphasised that since Carroll had ended his term as Native Minister:

the Maori Councils ceased to be an effective instrument in the regeneration of the Maori Race because of the apathetic attitude of the Government towards its endeavours in not amending the Act to meet present day conditions existing between the Maoris and the Pakehas. Therefore it is true that today the Maori Councils throughout the Dominion are almost dead. We respectfully submit that in our opinion it would be a catastrophe to the Maori race and a mark of disrespect to the memory of the late Sir James Carroll to abolish the Maori Councils.<sup>304</sup>

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<sup>299</sup> Pitt [?] to Native Minister, 18 March 1929, MA W1369 13 26/3 Part 1, Maori Councils general, 1920-1943, ANZ Wellington. SP, pp1359-1360.

<sup>300</sup> *ibid.*

<sup>301</sup> *ibid.*

<sup>302</sup> *ibid.*

<sup>303</sup> *ibid.*

<sup>304</sup> *ibid.*

Although the conference had raised fundamental problems regarding the council system, the Native Department response was slow and ultimately no action was taken.<sup>305</sup> The initial response from the Native Minister was to send a copy of the Under Secretary's notes on the conference to the Chairman of the Conference. These notes addressed each point raised, but essentially asserted that although overall need for the reform of council legislation was apparent 'I do not know that there is any particular urgency in this respect.'<sup>306</sup> The response also revealed that the conference was held in the context of the recognition that many of the council bylaws were 'ultra vires' (in conflict with regular law) and needed to be revised and made consistent across all the councils.<sup>307</sup> Significantly, in regard to finance of the councils it was stated:

Logically, the Natives should themselves contribute the money for their special local government. The Council has power to impose tenement tax – the Native paying is relieved of local rates.<sup>308</sup>

This reference to section 24 of the original 1900 Act was a strange comment given that it was recognised as a dead letter from the earliest days of the Maori Councils. Councils had been officially discouraged from using this provision and no statutory machinery for its implementation had ever been established.<sup>309</sup> The comment seems to reveal a complete unawareness of the present financial condition and situation facing the Maori Councils. As the conference made clear, the Maori Councils were struggling to survive let alone implement a bureaucratically demanding system of rates with no Government help.

On 13 November 1930, Ellison again attempted to bring to the Native Minister the 'urgent matters' raised by the Maori Councils at the conference before they were 'relegated to the limbo of things forgotten.' Importantly, he raised the issue of the possible return of the right to collect dog tax for increased revenue (see section below) and the need to more clearly define the jurisdiction of the Councils.<sup>310</sup> However, no response to this memorandum was

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<sup>305</sup> Lange, 'In an Advisory Capacity', pp23-24.

<sup>306</sup> Under Secretary Native Department to Native Minister (see hand written note regarding forwarding these suggestions to Chairman of Conference), 12 August 1929, MA W1369 13 26/3 Part 1, Maori Councils general, 1920-1943, ANZ Wellington. SP, pp1361-1362.

<sup>307</sup> *ibid.*

<sup>308</sup> *ibid.*

<sup>309</sup> Lange, 'A Limited Measure of Local Self-Government', pp45-46.

<sup>310</sup> Ellison to Under Secretary Native Department, 13 November 1930, MA W1369 13 26/3 Part 1, Maori Councils general, 1920-1943, ANZ Wellington. SP, pp1363-1366.

filed until after Ellison had left office in October 1931.<sup>311</sup> Again little effort was made to address the serious concerns raised by Ellison. The eventual reply noted that there had been no response made in 1930 as the changes could only be made by amending the legislation, which was not possible then or at the present time.<sup>312</sup> This lack of action typified the Native Department's response to requests for reform throughout the period, both by single councils and collective efforts like the described conference. It seems the council system was a low official priority and this was likely to have been compounded by the general economic crisis engulfing the country by this time.

Although not raised at the conference, one clear issue regarding the authority of the Councils was the lack of wardens or other officers to enforce bylaws. No statutory provisions were made in this respect. Lange summarises the various efforts made by different Councils and Komiti to appoint unofficial wardens and officers.<sup>313</sup> However, without legal authority backing their actions as well as sufficient Maori Council financial resource to pay such wardens, they appear to have been unsustainable in the long term.<sup>314</sup>

Despite the overall weaknesses of the Maori Council system, it appears that the Maniapoto Maori Council did have some success in enforcing its bylaws. By 1929 the current members were unaware of the present bylaws relating to the sale of methylated spirits in the district. On 20 May 1929, Tamahiki Waeroa, Chairman of the Maniapoto Maori Council, wrote to the Director of Maori Hygiene (Ellison):

Our council passed a resolution at our last meeting in Te Kuiti on 11/2/29 that representation should be made to the Native Minister to amend the law that members of the Maniapoto Maori Council should be given authority to witness the signatures of Natives drawing money from the Post Office and Maori Land Board etc. This request is being made on behalf and on request of the Natives residing in the District. The Natives feel that they have a grievance on account of the fees charged by Native Agents. Our Council wrote to your Dept after our last meeting but as yet no reply has been received. Our Council feel that something should be done in the way of placing restrictions on the sale of methylated spirits to natives and Pakehas. This form of drinking is growing in the King Country and we feel that

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<sup>311</sup> Under Secretary Native Department to Director General of Health, 21 October 1931, MA W1369 13 26/3 Part 1, Maori Councils general, 1920-1943, ANZ Wellington. SP, pp1367-1368.

<sup>312</sup> *ibid.*

<sup>313</sup> Lange, 'In an Advisory Capacity', pp25-26.

<sup>314</sup> *ibid.*

something in the way of legislation should be brought forward at an early [sic] to combat this evil.<sup>315</sup>

As the quote details, it appears this was a second letter trying to draw attention to these issues, the first of which had received no reply. On 18 May 1929, an additional request was made for Hawkers and Billiards licence forms.<sup>316</sup> Also, significantly the letter demonstrated the Maniapoto Maori Council's attempt to expand its influence into land matters, wishing to supervise their community's interactions with 'Native Agents'. On 28 June 1929, Ellison replied drawing attention to the existing bylaws regarding methylated spirits. However, he informed the Maniapoto Maori Council that it would be 'better for action to be taken quite independent of the council in so far as the arranging of excessive fees by Native agents are concerned.'<sup>317</sup>

After this period of correspondence, the Maniapoto Maori Council appears to have entered a period of successful collection of fines on the sale and consumption of methylated spirits. On 3 March 1931, the M. H. Watt, the Director of Health, wrote to the Maniapoto Maori Council:

I presume that the amounts collected by your council by way of fines have been due to breaches of the by-laws dealing with drinking and supplying of methylated spirits, and I wish to congratulate your Council on the very firm stand it has taken in endeavouring to combat this dangerous practice.<sup>318</sup>

On 31 March 1931, the Maniapoto Maori Council balance was £31.13.6.<sup>319</sup> Some success also seems to have been had enforcing other bylaws. On 13 July 1931, the Watt wrote to Tamahiki Waeroa (chairman):

I have noticed in the paper this morning and also have received a report concerning the action taken by your Council against Tarati Rewi Tana for holding a tangi in defiance of your Council and her appeal against the penalty imposed by your Council and the successful conclusion, as far as your council is concerned, in the Magistrate's Court at Te Kuiti when the Magistrate gave judgement in favour of the Council for a fine of £10 and costs. I wish to congratulate your Council on the stand it has taken in

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<sup>315</sup> Tamahiki Waeroa to Ellison, 20 May 1929, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p904.

<sup>316</sup> Tamahiki Waeroa to Ellison, 18 May 1929, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p896.

<sup>317</sup> Ellison to Tamahiki Waeroa, 28 June 1929, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p892.

<sup>318</sup> Ellison to Tamahiki Waeroa, 3 March 1931, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p867.

<sup>319</sup> Bank of New Zealand balance statement, 31 March 1931, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p859.

the matter and also upon the very excellent manner in which it is enforcing these By-Laws in the Maniapoto district.<sup>320</sup>

It appears this action taken was conducted under Section 69 (9) of the additional bylaws and Section H 'Tangis, Huis and Gatherings' (53-61) of the regular bylaws.<sup>321</sup>

In 1931, the Maniapoto Maori Council attempted to amend an additional bylaw relating to 'Natives loafing about Maori Settlements' (Section 69 (2)).<sup>322</sup> Although it is not entirely clear what circumstances led to the Council's request, it demonstrated further effort and desire of the Council to use the bylaw system to their advantage. The Council asked for the increase of the fine for 'loafing' from 10 shillings to £2, stating 'there are a lot of able bodied young natives who are in the habit of loafing about instead of working and thus becoming useful members of the community'.<sup>323</sup> Although the formal reply to the Council has not been located, it appears the request was denied on the grounds that 'the bylaw can only be used – daily if necessary – to punish real trespassers but could not be used to punish those who live about the pa and are merely idlers.'<sup>324</sup> It was noted that if a 'real trespass' occurred then section 6 of the Police Offences Act 1927 could be utilised.<sup>325</sup> Perhaps revealing that there was more to the situation than young men without work during the Depression, Pei Hurinui Jones, a Consolidation Officer at this time, reported that the issue had been resolved by Sergeant Fearnley, who had made three arrests at Te Keeti Pa at Otorohanga for breaking and entering and theft.<sup>326</sup>

The consumption of methylated spirits continued to be an issue throughout the early 1930s, with the bylaw providing a helpful tool for combating this harmful practice. It is likely the problem was exacerbated by the Depression. On 9 September 1933, Inspector Ormsby wrote a short memorandum concerning the issue in response to a departmental inquiry. He described that the practice was 'now prevalent' in Taupiri, Ngaruawahia and 'most of the King Country.' He stated it was very difficult to find information on where methylated spirits

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<sup>320</sup> Watt to Tamahiki Waeroa, 13 July 1931, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p845.

<sup>321</sup> *New Zealand Gazette*, 1926, no.2, p162; *New Zealand Gazette*, 1922, no.30, pp1075-1078.

<sup>322</sup> Wetini Hotu to Director of Maori Hygiene, 24 October 1931, MA W1368 19 26/3/12, Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. SP, p1353.

<sup>323</sup> *ibid.*

<sup>324</sup> Under Secretary Native Department to Director General of Health, 13 November 1931, MA W1368 19 26/3/12, Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. SP, p1354.

<sup>325</sup> *ibid.*

<sup>326</sup> Pei Hurinui Jones to Registrar of Native Land Court, 17 December 1931, MA W1368 19 26/3/12, Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. SP, p1355.

were purchased, and that in areas other than the Maniapoto Maori Council district it was hard to do anything about it. Of the bylaws he noted: "The Maniapoto Maori Council has inflicted several fines in connection with Maoris drinking methylated spirits, but we have to depend mostly on the honour of the storekeepers in helping to put a stop to the practice."<sup>327</sup>

In an effort to further combat the drinking, the Director General of Health made inquiries to the Solicitor General as to jurisdiction of the Maniapoto Maori Council bylaws. He asked first in respect to their applicability to those Maori who diluted the spirit with a mixer, and secondly, to supplying storekeepers (non-Maori) within and outside the Maori Council district.<sup>328</sup> It was concluded that the bylaws applied to those who mixed the spirit and all those store keepers within the Maori Council district but not those outside.<sup>329</sup> In December 1933, another report was received of increasing consumption of methylated spirits in the Maniapoto Council district, noting that several cases were being brought before the Maniapoto Maori Council.<sup>330</sup>

However, by 1935 it seemed clear that Council was finding it difficult to sustain the collection of fines without sufficient statutory power. The Council's balance was only 10 shillings in November 1934.<sup>331</sup> In September 1935, the Medical Officer of Health wrote to the Director of Health to inform him that the Maniapoto Maori Council was finding it 'difficult to collect fines inflicted upon offenders who have committed breaches of their by-laws' and that over £150 was outstanding.<sup>332</sup> He continued, '[t]he only method of collecting these fines appears to be civil action by the chairman. As you are doubtless aware at the present time it is almost impossible to collect money by civil action'.<sup>333</sup> The 'present time' was likely to be reference to the general economic situation of the country, which would have compounded the difficulty of collecting fines through civil action. Further, he noted

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<sup>327</sup> Inspector Ormsby to Medical Officer of Health, Auckland, 9 September 1933, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p651.

<sup>328</sup> Director General of Health to Solicitor General, 9 October 1933, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p640.

<sup>329</sup> Crown Solicitor to Director General of Health, 16 October 1933, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, pp634-637

<sup>330</sup> Medical Officer of Health, Auckland, to Director General, 6 December 1933, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p621.

<sup>331</sup> Director General of Health to Medical Officer of Health, 2 November 1934, H1 1937 121/18 (3251) Maori Health councils – Maniapoto, 1927-1934, ANZ Wellington. SP, p614.

<sup>332</sup> Medical Officer of Health to the Director General of Health, 10 September 1935, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p977.

<sup>333</sup> *ibid.*

that the solicitor of the Maniapoto Maori Council suggested that the ‘Act should be amended so as to confer on the Council, while sitting as a Council, the powers of a Court of Justice when dealing with these fines.’<sup>334</sup> This recommendation was seconded by the Council members themselves.<sup>335</sup> Tamahiki Waeroa, the Chairman of the Maniapoto Maori Council, had written directly to the Native Minister, George Forbes, describing this situation and recommending the same changes.<sup>336</sup> Later in September, Robert Shore, the Acting Director General of Health, informed the Under Secretary of the Native Department, that he did ‘not feel competent to express an opinion, and would welcome guidance’ on the matter.<sup>337</sup>

On 3 October 1935, Native Minister Forbes replied directly to Tamahiki Waeroa.<sup>338</sup> Essentially, Forbes stated that no changes would be made to the present legislation, but ‘the matter will be further considered when any amendments to the Maori Councils Act are contemplated.’<sup>339</sup> A recommendation was made to request ‘the Police to take independent action’ in cases of outstanding fines that fall within the provisions of the Police Offences Act, as the ‘fear of the Police prosecution’ had been found ‘sufficient to induce payment of the fines’ in other Maori Council districts.<sup>340</sup> As the General Conference of 1929 had already described, the Councils did not have sufficient financial resource to carry out their duties. This Maniapoto Maori Council example demonstrates that Maori Councils lacked adequate statutory power to enforce collection of fines (their only source of revenue) and were demanding reform. This problem had been recognised since the earliest days of the Council system.<sup>341</sup> Again, the Native Department appeared to consider reform of the Maori Council system a low priority.

Also, as discussed in more detail below, the imposition of punitive fines, predominantly on their own community, did not provide an adequate financial foundation for the survival of the Maniapoto Maori Council. In addition to the inadequate legislative power to collect fines,

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<sup>334</sup> *ibid.*

<sup>335</sup> *ibid.*

<sup>336</sup> Tamahiki Waeroa to Forbes, Native Minister, 6 September 1935, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p978.

<sup>337</sup> Shore to Under Secretary Native Department, 21 September 1935, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p979.

<sup>338</sup> Native Minister to Tamahiki Waeroa, 3 October 1935, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p890.

<sup>339</sup> *ibid.*

<sup>340</sup> *ibid.*

<sup>341</sup> Lange, ‘A Limited Measure of Local Self-Government’, p55-60.

the fining of the community was unlikely to have increased the popularity of the Council among its people. The suggestion of using the Police to aid collection is likely to have further undermined the popularity of the Council.

### **Dog tax**

As stated, the Native Land Amendment and Native Land Claims Adjustment Act 1919 transferred all responsibility for registration of dogs from Maori Councils to the relevant local government authority. Prior to this, section 16 of the Native Land Amendment and Native Land Claims Adjustment Act 1916 specified that if ‘in the opinion’ of the Native Minister a Maori Council had failed to ‘properly to carry out its duties’ regarding the registration of dogs, responsibility would be transferred to the appropriate European local government authority. The return of the right to collect dog registration tax remained an issue for many Maori Health Councils throughout their existence, as it offered one of the few viable sources of income other than punitive fines collected from breaches of the bylaws. Between 1920 and the abolition of the Maori Councils in 1945, as described below, there were a number of instances of unofficial Maori registration of dogs and collection of tax within the Rohe Potae. However, it is not always clear which Maori Council or other organisation was responsible.

The collection of dog tax was an example of the competing spheres of authority between the Maori Council and the local bodies. Lange notes this as a fundamental point of tension between 1900 and 1920, stating that the original 1900 legislation did not provide ‘guidance as to how this Maori orientated governance would relate to “European” local government in the same district.’<sup>342</sup> As stated, although the power had been taken from the Maori Councils in 1919, the Maori Councils as a collective applied pressure to have the power restored. The numerous instances of the unofficial collection of dog tax by Maori in the Rohe Potae, and the corresponding complaints from county councils, demonstrated that tension remained between the Maori Councils and local authorities in the inquiry district. The issue of dog tax in the 1920s and 1930s should be viewed as concurrent and exacerbated by the broader issues surrounding the payment of rates on Maori land and the liquor legislation of the district (see Chapter Three). This conflict regarding rates is fully analysed in Luiten’s Local Government report.

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<sup>342</sup> *ibid*, pp51-53.



Responding to pressure from the Maori Councils, early in his time as Director of Maori Hygiene, Te Rangi Hiroa attempted to have the right to collect dog tax returned. On 22 May 1922, Te Rangi Hiroa wrote to the Under Secretary of the Native Department requesting the consideration of the issue, as he was being ‘inundated’ with requests from various Maori Councils to have the ability to collect the tax restored. He stated:

These bodies being Health Councils under the Public Health Act as well as Maori Councils, I cannot afford to lose their services and I fear that if the collecting of the Dog Tax does not revert to them, the finances will suffer too severely to permit them carrying on as is necessary.<sup>343</sup>

Importantly, he also pointed out that the tax was not being collected efficiently by the local authorities.<sup>344</sup>

On 27 May 1922, the Under Secretary of the Native Department replied summarising the history of the tax and the Maori Councils:

Apparently the reason the collection of the dog tax was taken away from the Maori Councils was their apathy. The European Councils complained that much the same state of affairs as you now describe existed. They alleged that the Maori Councils had carried out no regular system of registration of the dogs with the result that the number of these dogs in and around certain localities constituted a nuisance and a danger to the travelling public. An attempt was made to awaken the Maori Councils to a sense of their duty but apparently without avail. Then it was sought to transfer in some cases the collection of the dog tax to European Councils. As the Maori body generally covered an area an area occupied by several local bodies legal difficulties arose and the matter was brought to a climax by taking away the right altogether (Section 16 of the Act of 1919).<sup>345</sup>

According to Lange, the system of Maori dog registration had come under serious pressure from European local authorities and farming communities in the first two decades of the twentieth century. As the report above described, it was claimed that dogs were not being registered by the Maori Councils and were becoming a menace to livestock and humans.<sup>346</sup> However, Lange points out that many Maori Councils lacked the bureaucratic and financial resources to implement the system successfully, and also faced opposition from Maori

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<sup>343</sup> Te Rangi Hiroa to Under Secretary Native Department, 22 May 1922, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1024.

<sup>344</sup> *ibid.*

<sup>345</sup> Under Secretary Native Department to Te Rangi Hiroa, 27 May 1922, 22 May 1922, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1025.

<sup>346</sup> Lange, ‘A limited Measure of Local Self-Government’, pp53-55.

communities themselves to the tax.<sup>347</sup> By the time of the transfer of the Maori Councils dog tax provisions to European local authorities in 1916, much of the council system had fallen into disuse due to lack of Government financial and political support. The Under Secretary's interpretation of Maori Councils as in a state of 'apathy' in this report is a harsh interpretation of the situation. The reply concluded that '[h]aving had their opportunity and neglected it there may be some difficulty regaining it, but the matter will receive due consideration.'<sup>348</sup>

Nearly a year later, on 23 March 1923, Te Rangi Hiroa requested an update on the situation regarding the dog tax. He emphasised that the Maori Councils were 'continuously raising this subject' and they 'emphatically' state that the 'collecting of Maori dog tax is conspicuous by the absence of the local authorities to collect the same.'<sup>349</sup> He added that he was of the opinion that much revenue was being lost, which neither local authorities nor Maori Councils were receiving, making it logical for the right to be restored to his councils.<sup>350</sup> Lastly, it was argued that his closer supervision of the Maori Council system would ensure that the dog tax was collected.<sup>351</sup>

On 7 April 1923, on behalf of the Native Minister (Ngata), the Under Secretary wrote to Te Rangi Hiroa regarding the dog tax. In answer to the original request, he noted that the Native Minister did not think it 'any use' reviving the powers to collect the dog tax. He then went on to describe that Maori Councils could assist local bodies to collect the tax by urging their people to pay annually, adding that the 'Local Body would no doubt welcome the assistance of the Councils'. Te Rangi Hiroa replied with some energy, essentially pointing out that the Native Minister was 'missing the point':

Probably as you remark, Local Bodies would welcome the assistance of the Maori Councils in collecting the tax, as their ability to do so, judged by results is much less than that of our Councils. The whole point of my suggestion, however, is to enable the Councils to raise money to assist in carrying out their duties with regard to the improvement of Health and sanitation.

As this avenue of financial assistance has been shut off, their condition will not be improved by assisting Local Bodies to obtain money which they cannot utilise

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<sup>347</sup> *ibid.*

<sup>348</sup> Under Secretary Native Department to Te Rangi Hiroa, 27 May 1922, 22 May 1922, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1025.

<sup>349</sup> Te Rangi Hiroa to Under Secretary Native Department, 23 March 1923, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1028.

<sup>350</sup> *ibid.*

<sup>351</sup> *ibid.*

for the betterment of local conditions. It would be rather an anomaly to ask the Maori Councils to collect money for the Local Bodies who deprived the collectors of this source of revenue, because they were supposed to be incapable of collecting it. The very fact that the Local Bodies do not collect this tax as efficiently as the inefficient Maori Councils is an argument in favour of restoring the power to the latter.

What they do not collect cannot in any way be a loss of revenue to the Local Bodies.<sup>352</sup>

Despite the efforts of Te Rangi Hiroa, the tax was not restored to the Maori Councils. As described in the previous section, the incident revealed that the Native Department did not understand, or was unwilling to remedy, the essential issue lying beneath the request, namely that the Maori Councils did not have an adequate financial basis for their operation.

It appears that many Maori Councils attempted to collect the tax without official sanction.<sup>353</sup> This led to further tension with the local authorities, including in the Rohe Potae. In October 1924, Te One Haereiti of Hangatiki and ‘other Natives in the Te Kuiti district’ were summoned before the Magistrate Court for ‘non-payment of dog tax’ owed to the Waitomo County Council.<sup>354</sup> According to a newspaper report of the proceedings, the defendants pleaded guilty to the charges. However, the defence lawyer (Mr Low) had appealed that his clients had been under the ‘misapprehension’ that they were supposed to pay the tax to the ‘Maori Council.’<sup>355</sup> Mr Low described how his defendant ‘Te One Haeriti’ was the ‘Chairman of the Native Council’ and had been distributing collars and collecting fees on behalf of the council.<sup>356</sup> He added that ‘I believe the revenue has been collected by the Maori King.’<sup>357</sup>

It is unclear exactly what ‘Native Council’ was being referred to in the newspaper clipping, and this confusion was reflected in correspondence surrounding the case (in two separate files). Several memoranda from earlier in April referring to the collection of dog tax in the Huntly and Morrinsville districts are included in this correspondence. The first was from the

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<sup>352</sup> Te Rangi Hiroa to Under Secretary Native Department, 18 April 1923, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1026.

<sup>353</sup> See generally MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington.

<sup>354</sup> Minister of Health (Pomare) to Chairman of the Waitomo County Council, 26 September 1924, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1374.

<sup>355</sup> Newspaper clipping, dated 29 October 24, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1373.

<sup>356</sup> *ibid.*

<sup>357</sup> *ibid.*

Under Secretary of the Native Department, informing Te Rangi Hiroa that the ‘Maori Council’ in this area was ‘sending its own officers to effect registration of dogs.’<sup>358</sup> The second, in reply, informed the Under Secretary that there was no official council in operation in the Waikato Maori Council District (see section below).<sup>359</sup> The activity described in these two letters may be referring to an unofficial Kingitanga council that had become operational and was collecting as far south as Hangatiki (hence the court case reference to the Maori King). Conversely, the Te One Haeriti referred in the above court case, could perhaps be Te One Te Aroa, the Chairman of the Hangatiki Komiti Marae.<sup>360</sup>

It is impossible to draw a conclusion on exactly which Council was collecting revenue from this evidence, yet it is clear that at least some dog tax was being collected in the Te Rohe Potae inquiry district by a Maori authority. Two further memoranda referring to the case fail to clarify the situation. On 21 October 1924, the Native Department decided to issue a notice reminding the Maori Councils, and Maori generally, that responsibility for dog registration now rested with the European local authority of their district. In this memorandum the reason for such notice was recorded as ‘certain Maoris’ had pleaded that they had paid ‘some Native authority’ rather than the appropriate local authority.<sup>361</sup> On 26 September 1924, Minister of Health Pomare wrote to the Waitomo County Council regarding the court case. He informed the County Council that the ‘Natives’ of the area had been confused as they were unaware of the 1919 Act and had been paying their Maori Council, but they had now been duly informed. Accordingly, he requested that no more ‘summonses’ were made by the County Council.<sup>362</sup> Again, as in the previous correspondence regarding these events, it is unclear exactly what Maori Council was collecting dog tax.

The issue of which body held responsibility of collecting dog tax seemed to recur over the following decades. In June 1936, a ‘Maori deputation’ met the Raglan County Council to discuss the enforcement the ‘Dog Registration Act.’ The unnamed leader of the deputation

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<sup>358</sup> Under Secretary Native Department to Te Rangi Hiroa, 23 April 1924, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1046.

<sup>359</sup> Te Rangi Hiroa to Under Secretary Native Department, 28 April 1924, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1047.

<sup>360</sup> *Kahiti*, no.37, 1922 in H1 1937 121/18 (3252), Maori Health Council, Maniapoto, 1920-1927, ANZ Wellington. SP, p496.

<sup>361</sup> Under Secretary Native Department to Te Rangi Hiroa, 21 October 1924, H1 1933 121 (3225), Maori Health Councils – General 1921-1927, ANZ Wellington. SP, p1049.

<sup>362</sup> Pomare to Chairman of the Waitomo County Council, 26 September 1924, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1374.

asserted that they were to attend a conference at Morrinsville to discuss the matter with the Native Minister, and therefore requested that any efforts to enforce dog tax be put on hold until the outcome of the conference was known.<sup>363</sup> When the Raglan County Council requested permission to attend the Conference, the Native Minister replied that he had been unable to commit to visiting Morrinsville. Despite this, he emphasised that it was the Local Authority that held legal power to collect dog tax and therefore he could not interfere with Raglan County Council's 'exercise of its functions.'<sup>364</sup>

Again in 1939, Rite Wharekoka, a member of the Komiti Marae of Waimiha, wrote to Apirana Ngata (which was forwarded to the Native Department) raising several issues regarding the Maniapoto Maori Council, most prominently amongst these the collection of dog tax. Again, Rite Wharekoka assumed that the responsibility for dog tax lay with the Maniapoto Maori Council:

Remembering you and your good work, I come to you again to make representation to the Health Department to have them explain the purport of Section 5 of the Maori Council Act, 1903 and Amending Acts, affecting Ngati Maniapoto.

We, who have signed here under, do implore that this knowledge be afforded to us. We believed that the said Section implied that our Maniapoto Council should have the sole right to impose dog tax. We wish to be assured on this point. Secondly to be afforded the right to issue licenses to Billiards saloons and other Council operations. Thirdly, that the Council have full control of everything affecting Waimiha Pa.

We therefore wish to intimate that on the 4<sup>th</sup> May, 1939 the European Council of Taumarunui entered the Pa of Waimiha and imposed tax on the dogs belonging to the above Maoris. Sheep and cattle dogs 3/6, domestic, if owned by a pensioner 3/6 otherwise 11/-.<sup>365</sup>

The letter also stated that he was in correspondence with the Health Department regarding this issue. Clearly, as late as 1939, Rite Wharekoka was unaware of the 1919 transfer of responsibility for dog registration from the Maniapoto Maori Council to the appropriate European local authority. It is unclear from this letter if Waimiha Komiti Marae was still collecting dog registration tax in Waimiha, but it is a possibility. In a reply from Peter Fraser,

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<sup>363</sup> County Clerk, Raglan County Council, to Michael Savage, Native Minister, 9 June 1936 MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1377.

<sup>364</sup> Under Secretary Native Department to Clerk, Raglan County Council, 6 August 1936, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1378.

<sup>365</sup> Rite Wharekoka to Ngata, 12 May 1939, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p982.

Minister of Health, to Ngata, he simply informed Ngata to respond that the statutory situation must prevail.<sup>366</sup>

In May 1942, Otorohanga County Council contacted the Native Department to inform them that a 'Haona Kaka' Council, led by 'Kiri Ratapi' and 'Karema Tamaki', were selling dog collars in their district. They wanted to know if the 'Hoana Kaka' Council had the right to do so.<sup>367</sup> In reply, the Native Department informed the Otorohanga County Council that this was an unofficial Ratana council and had no right to collect dog tax.<sup>368</sup> Significantly, a letter sent later from a Native Department official based in Te Kuiti stated:

In recent times, it [Ratana council] has assumed the lost "mana" of the defunct Maori Council which existed under the Maori Councils Acts of a decade ago, one of the duties of the defunct body being the collection of tax on all Maori owned dogs of any breed....<sup>369</sup>

Clearly, this Ratana council had begun to collect dog registration tax in the absence of both the County Council and the 'defunct Maori Council.' The impact of the rise of the Ratana movement on the Maniapoto Maori Council will be discussed below, as well as the decline of the official Maori Council system in the Rohe Potae inquiry district.

In November 1942, yet another example of the collection of dog tax in the Rohe Potae inquiry district was recorded. In the Waipa county it was reported that a 'Maori' had been 'collecting dog registration fees from natives in the county.'<sup>370</sup> Again in this case, he claimed 'that he has the authority of the Maori Council.'<sup>371</sup> The memorandum requested the matter be looked into before further action was taken.<sup>372</sup> Unfortunately, it is unclear what 'Maori Council' was collecting the dog tax.

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<sup>366</sup> Fraser to Ngata, 18 September 1939, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p983.

<sup>367</sup> S.J. Fortescue, County Clerk, to The Officer in Charge, Native Department, 5 May 1942, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1383.

<sup>368</sup> Registrar [of Native Land Court Auckland] to County Clerk, Otorohanga County Council, 6 May 1942, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1384.

<sup>369</sup> T.H.Te Anga to Registrar, 23 May 1942, 23 May 1942, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1382.

<sup>370</sup> Under Secretary Internal Affairs to Under Secretary Native Department, 20 November 1942, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1388.

<sup>371</sup> *ibid.*

<sup>372</sup> *ibid.*

The relevant local authorities did not always collect dog tax and consequently tension continued throughout the period. Maori Councils, including the Maniapoto Maori Council, clearly believed they were missing out on valuable income and attempts were made to unofficially collect the tax. As Te Rangi Hiroa reasoned in 1924: ‘there is a lot of dissatisfaction existing as these taxes are being neglected, and as the various Maori Councils point out, a valuable source of revenue is being lost which could be utilised for the improvement of their settlements.’<sup>373</sup> The issue surrounding the power to collect dog registration tax is further evidence of the insufficient financial basis of the Maori Health Councils - a once valuable source of income they attempted to have restored. As had been the case with bylaw reform, the Native Department was unwilling to substantially amend the Maori Council system. It appears that although aware of the critical problem of raising funds for the administration costs of the Maori Councils, made known through numerous collective and individual complaints, the Native Department appears to have considered reform of the system a low priority. Department of Health officials, including Te Rangi Hiroa and Ellison, attempted to advocate for the Maori Councils but to no avail.

### **The Official Member**

In mid-1932, the Maniapoto Maori Council experienced a period of turmoil. Tension developed between the Official Member, Sergeant Fearnley, and the Chairman, Tamahiki Waeroa. The record of these events presents the dispute from several perspectives, containing letters from various officials called on to express an opinion, as well as the Chairman of the Council and the Official Member.

On 14 June 1932, the first reports of the dispute were received by the Department of Health.<sup>374</sup> In July 1932, after a request from the Director General of Health to investigate the situation regarding the Maniapoto Maori Council, Medical Officer John Boyd wrote a letter describing the key complaints of the Council. He listed them as follows:

1. Mr Waeroa informs me that a section of the Council is dominated by Sergeant Fearnley and is afraid of him.

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<sup>373</sup> Te Rangi Hiroa to Under Secretary Native Department, 28 April 1924, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1376.

<sup>374</sup> Watt (Director General of Health) to John Boyd (Medical Officer of Health) to, 14 June 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p754.

2. It is alleged that the Official Member conducts correspondence on Council matters with Head Office without reference to the Council or its authority. The nature of this correspondence is not disclosed to the Council.
3. It is also alleged that the Official Member makes use of very harsh Police methods, thus intimidating and antagonising the Maori people and thereby injuring the “Mana” of the Council, and hindering its usefulness [sic].
4. Complaint is made that the Maniapoto Maori Council has received no acknowledgement of Bylaws passed by the Council.
5. The Council wishes to obtain copies of the Maori Councils Act and copies of the Bylaws, never having been supplied with the same.<sup>375</sup>

Tamahiki Waeroa also informed Boyd that he desired the appointment of a new official member and a shift of the ‘headquarters’ from Te Kuiti to Otorohanga.<sup>376</sup> Significantly, throughout the early 1930s a number of requests for copies of the bylaws seem to have gone unanswered.<sup>377</sup> Providing copies of the Maori Councils bylaws and Maori Councils Act, in both English and Te Reo, seems to be a basic administrative requirement, enabling the Council to disseminate knowledge of the laws to their Komiti Marae, Maori communities and Europeans. In regard to these administrative requests, on 6 August, Director General of Health Watt replied that ‘I have no copies of the Maniapoto’s By-laws’ or a ‘complete set of Maori Councils Act available.’<sup>378</sup>

In August 1932, taking up Waeroa’s request, an attempt was made to resolve the situation by moving the Council from Te Kuiti to Otorohanga, hoping that a change of Official Member would resolve the situation. Constable Fry (of Otorohanga) was approached to replace Sergeant Fearnley.<sup>379</sup> Seemingly unaware of his previous appointment as Official Member, the letter described the role in this way:

The position is an honorary one and does not entail a great amount of work or time on the part of the Official Member, his principal duties being that of countersigning of cheques drawn on the Maori Council’s Account, and reporting to the Council any breach of the By-laws, and generally advising the Council of any breach of its by-laws, and generally advising the Council on all matters affecting the administration of the Maori Councils Act and By-laws made thereunder.<sup>380</sup>

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<sup>375</sup> Boyd to Watt, 28 July 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p752.

<sup>376</sup> *ibid.*

<sup>377</sup> For an earlier request see: 30 September 1930, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p882.

<sup>378</sup> Watt to Tamariki Waeroa, 6 August 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p746.

<sup>379</sup> Watt to Boyd, 9 August 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p741.

<sup>380</sup> Watt to Constable Fry, 8 August 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p743.



As seen by the previous description of the issues the Council was facing, Sergeant Fearnley appears to have been taking a much more active role in the day to day activities of the Council, which is at odds with the description of the role provided here. Indeed, in the ‘thank you’ letter sent to Sergeant Fearnley, his role in the Council was described as ‘very active.’<sup>381</sup> Sergeant Fearnley’s active involvement in the Council business seems to have been considered by at least some Maniapoto Members as ‘dominating’ and was clearly a source of tension.

On 12 August 1932, Sergeant Fearnley wrote a ‘confidential’ letter to Watt describing his perspective of the situation. He stated ‘[t]hings have not been running very smoothly in the Council matters recently’ and he recommended

...it would be a very good idea if one of the Officers of your Department could take a run up to Te Kuiti and straighten things out. I consider new elections of Members is essential for the well being of the council, and if the Natives are to have continued confidence in us as a body we cannot afford to have men on the Council who break the law themselves. Several of the old people have asked me to take this action as they are far from satisfied.<sup>382</sup>

In response, Watt sent Boyd to investigate the situation further.<sup>383</sup> After a visit to Te Kuiti, Boyd reported that the ‘source of the trouble is alcoholic liquor’ and that several Maori including members of the Council had been ‘convicted and fined for drunken-ness’ and disorderly conduct (some of whom were related to Tamahiki Waeroa). According to Boyd, the trouble reached its height when Sergeant Fearnley refused to drop the prosecutions after Waeroa’s request, hence Waeroa’s desire to move the Council from Te Kuiti to Otorohanga. The letter goes on to state that Sergeant Fearnley believed that Constable Fry would not accept the position of Official Member as he ‘is not interested in the Maori but rather the reverse.’ Boyd came to the conclusion that Sergeant Fearnley’s ‘energy and interest’ was largely responsible for the ‘good work’ of the Maori Council over previous years. Boyd described how he attended a meeting of ‘several leading Maoris’ where it was decided that the ‘present council should be disbanded’ and a new Council appointed.<sup>384</sup> The names

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<sup>381</sup> *ibid.*

<sup>382</sup> Sergeant Fearnley to Watt, 12 August 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p739.

<sup>383</sup> Watt to Boyd, 17 August 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p737.

<sup>384</sup> Boyd to Watt, 10 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p732.

nominated for the new Council were Tamahiki Waeroa, Wetini Hotu, Pakuwera Katu, Nuitone Moerua, Tame Hetete, Hare Taituha and Rewi Tana.<sup>385</sup>

Tamahiki Waeroa responded to Boyd's visit by writing to Watt. He informed Watt that he had only 'a few minutes notice from Sergeant Fearnley' to attend the described hui. Although still a nominated member of the new Council, he believed that those present 'did not represent the Ngati Maniapoto people' with the majority being 'Ratanaites'. He asserted these Ratana adherents had 'all along been opposed to the Council.' Waeroa then defended the present council members stating: 'My Council has always endeavoured to do everything for the betterment and welfare of the people and we have performed often unpleasant duties at a great deal of inconvenience and expense.' He also emphasised that the present Council had no intention of resigning unless 'the main people of Ngati Maniapoto' desired it, or it was proved they had been 'inefficient' in their duties. Waeroa placed responsibility for the current situation firmly on Sergeant Fearnley, stating: 'The cause of dissatisfaction with the Council is Sergeant Fearnley [sic] (Official Member) who is interfering with Maori affairs that do not concern him.'<sup>386</sup> The correspondence provides further evidence of Fearnley's heavy involvement in the Council business. If Tamahiki Waeroa's report of events was accurate, Fearnley had attempted to engineer a meeting to disband the present council and appoint new members without the involvement of the existing members.

On 13 September 1932, Watt wrote to Boyd, forwarding Tamahiki Waeroa's letter, and informing him that the present Council was actually due to leave office in October.<sup>387</sup> Due to this fact, he queried whether it was necessary to proceed with the appointment of the proposed Council given the doubt surrounding their standing and support in the Ngati Maniapoto community.<sup>388</sup> Although commenting on his 'excellent' first impression of the Maori he met at the Te Kuiti hui, he did acknowledge his lack of 'personal knowledge of the Maoris in the district.'<sup>389</sup> Accordingly, Boyd agreed that it would be best to postpone the appointment until the end of October.<sup>390</sup>

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<sup>385</sup> *ibid.*

<sup>386</sup> Tamahiki Waeroa to Watt, 9 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, pp733-734.

<sup>387</sup> Watt to Boyd, 13 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p730.

<sup>388</sup> *ibid.*

<sup>389</sup> *ibid.*

<sup>390</sup> *ibid.*

The following day, Mokena Patupatu, presumably still the Advisory Counsellor of the Maniapoto Maori Council, made a special appeal to Native Minister Ngata. The letter asserted that a 'Ratana section of the people' was attempting to form a new Council with members of their choosing. Mokena Patupatu also claimed that Sergeant Fearnley was 'the man at the bottom of all this' and that he should be removed from his post. Finally, Mokena Patupatu concluded that 'the control of all the council's affairs should be left to the elected members'.<sup>391</sup> Ngata, although not responding directly, noted on the letter that he believed the matter should be referred to Inspector Ormsby.<sup>392</sup> Meanwhile, Tamahiki Waeroa attempted to continue the regular business of the Council, forwarding new Komiti Marae members for Te Kuiti, Otewa and Mokau. He also reminded Boyd of the need for printed bylaws for Komiti Marae, which he believed were a 'big help' in guiding their practice.<sup>393</sup>

Inspector Ormsby wrote two memoranda concerning the affair, which eventually formed the basis for resolving the issue. The first, dated 16 September 1932, recounted the early years of the Maniapoto Maori Council (quoted earlier in this chapter). Significantly, he wrote in this memorandum that he did not think it necessary to disband the whole Council, as only two new members were being requested by Sergeant Fearnley, namely Hare Taituha and Tame Hetet.<sup>394</sup> However, he believed that Sergeant Fearnley should be removed as Official Member and replaced with 'a member of the race or Constable Fry who has agreed to act in that capacity.'<sup>395</sup> In regard to the two new candidates, he thought they would make 'good members', but that their inclusion would make the Council unrepresentative of the wider rohe, as they were both from Te Kuiti.<sup>396</sup> Finally, if required, he stated he would call a 'representative meeting of the leaders of the people' in order to bring an end to the issue.<sup>397</sup>

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<sup>391</sup> Translation, Mokena Patupatu to Ngata, 14 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 - 1934, ANZ Wellington. SP, p727.

<sup>392</sup> Watt to Boyd, 27 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 - 1934, ANZ Wellington. SP, p724.

<sup>393</sup> Tamahiki Waeroa to Boyd, 27 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 - 1934, ANZ Wellington. SP, p719-723.

<sup>394</sup> Ormsby to Boyd, 16 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 - 1934, ANZ Wellington. SP, pp716-717.

<sup>395</sup> *ibid.*

<sup>396</sup> *ibid.*

<sup>397</sup> *ibid.*

Ormsby's second memoranda provided the most detailed account of the events that led to the tension between the Chairman and Official Member as well as broader context to Maniapoto Maori Council's relationship with Ratana. Hence, a large part of the memorandum has been reproduced here:

The first intimation that I had that there was discontent with the Official Member was when the Chairman of the Council informed me that there had been trouble at Te Kuiti Pa and that Sergeant Fernley [sic] had taken the matter in hand. The Chairman also advised me that he had approached Sergeant Fernley and asked him to let the Council deal with the matter, to which request was refused [sic]. I personally attended a meeting of the Council when this request was refused.

One of the accused in the trouble was an uncle of the Chairman's and it was suggested that the Council would probably favour him to which the Chairman took exception. The case was duly brought before the Magistrate and dismissed, and ill feeling between the Official Member, the Chairman and some members concerned. The Council contended whereas it was difficult for the Magistrate to convict on Police evidence, and methods of conducting the case that they understood the circumstances and could have dealt with the case in accordance with By Laws of the Maori Council, that they would have inflicted a suitable penalty, and above all held their Mana which was taken away by the Official Member taking the case to the Magistrate's Court.

The Council has in the past and still is having trouble with the Ratana Section of the Maori people in the Maniapoto area and since these proceedings and other things that transpired, there has been a lighting up of a fire that had practically died out, and frankly there is an allegation that the Official Member has allied himself to that section of the people at Te Kuiti.<sup>398</sup>

In conclusion, Ormsby recommended a list of new members to 'overcome the difficulties of an election.' His nominees were apparently 'young leaders of the Ngati Maniapoto people' and known by Ngata:

Tuwahakaririka Patena of Ngahape near Te Awamutu [Peter Barton]  
Tamahiki Waeroa of Mangapeehi  
Wetini Hotu of Hangatiki  
Te Rongo Kingi Wetere, of Mahoenui  
Tewi Eketone of Otorohanga  
Nuitone Moerua of Te Kumi  
Official Member: Wanakore Herangi of Otorohanga  
Advisory Member: Mokena Patupatu  
Headquarters: Otorohanga<sup>399</sup>

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<sup>398</sup> Ormsby to Boyd, 15 October 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 - 1934, ANZ Wellington. SP, pp714-715.

<sup>399</sup> *ibid.*

Tuwahakaririka Patena, as will be seen in the next chapter, was heavily involved in Ngati Maniapoto efforts to raise Government awareness of the agreements made in the 1880s regarding rates and liquor. Others such as Wetini Hotu were also involved.

If Ormsby's account is accurate, his memorandum revealed that the authority of the Council lay at the heart of the conflict. Sergeant Fearnley had refused to let the Maniapoto Maori Council deal with the issue using its own bylaws, rather bringing the case to the Magistrate's Court, hence undermining the Council's mana. Although the details of the incident are not known, the Magistrate Court was unable to convict anyone of a crime. These facts suggest that it may have been a case better dealt with by the Maori Council, especially given the location of the incident. Regulation of liquor consumption in Maori kainga was within the jurisdiction of a Maori Council (Section 3 of the Maori Councils Amendment Act 1903), and seemed to fit within their general role as the body to aid in improving Maori social and physical wellbeing. However, given the involvement of relations of the chairman, issues of bias were also at stake.

In November 1932, a petition was received by the Department of Health by Ratana members of Ngati Maniapoto putting forward another list of potential members. The translation of the petition asserted that the following names had come from a gathering of all Ngati Maniapoto.<sup>400</sup>

Tetapu Terangituatea of Waimiha  
Patea Tanirau of Piopio  
Rauputu Tumokemoke of Mokau  
Kiri Tutunui of Waitomo  
Rewi Tana of Otorohanga  
Manawhiuahu Temoerua of Hangatiki  
Tame Hetete of Te Kuiti

Given the difference in names provided by this petition and by Ormsby, Watt concluded that elections would have to be held to resolve the impasse.<sup>401</sup> Some discussion then followed as to how to proceed with elections, referring to procedure and legislation prior to the present system of appointment of members by the Governor General. Significantly, Watt described the existing system in the following way:

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<sup>400</sup> Translation petition, 12 November 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, pp704-706.

<sup>401</sup> Watt to Boyd, 22 November 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p702.

The usual procedure in appointing or re-appointing a Maori Council has been for the wishes of the people of the district to be considered and a recommendation made to the Governor-General to appoint the members desired.<sup>402</sup>

As stated in the introduction of this chapter, it seems clear that the appointment of members was not a wholly official process, with the ‘wishes of the people’ being considered in appointments. Yet in this case, the appointment rather than election of members had led to two interest groups pressuring Department of Health officials for control of the Council. On 22 December 1932, it was decided to organise a meeting of Ngati Maniapoto in the new year to vote on the new members.<sup>403</sup>

The situation remained unresolved in the early months of 1933. On 3 March 1933, another letter was received by the Health Department regarding the petition of November 1932, seeking information on the appointment of the proposed members.<sup>404</sup> The letter stated the change of council was required as ‘the sitting members were found guilty (or some of them were found guilty of certain offences).’ The letter also argued that the meeting at which the proposed members were nominated was ‘convened on your instructions’.<sup>405</sup> In response, Ormsby appears to have been asked to comment on the petition and those nominated. However, on 20 March, Ormsby mistakenly assumed that the signatories of the new letter were the proposed members, and commenting on each one. Significantly, he noted that they were all ‘Ratanaites’ (with one exception) and in his view ‘did not carry the confidence of the people.’<sup>406</sup>

On the same day, Ormsby forwarded a letter to Boyd summarising the outcome of a meeting of the ‘whole of Ngati Maniapoto people’ held on 1 March.<sup>407</sup> In an attempt to demonstrate the representative nature of the hui, he provided a list of various spokesmen from around the district. According to Ormsby, at this meeting ‘a resolution’ was passed confirming the

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<sup>402</sup> Watt to Boyd, 15 December 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p699.

<sup>403</sup> Boyd to Watt, 22 December 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p698.

<sup>404</sup> Hukarere Paterangi (and five other signatories) to Boyd, 3 March 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p693.

<sup>405</sup> *ibid.*

<sup>406</sup> Inspector Ormsby to Boyd, 20 March 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p692.

<sup>407</sup> Inspector Ormsby to Boyd, 20 March 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p691.

desire to declare his proposed list as the new Maori Council, with the addition of Kohatu Hari Hemara.<sup>408</sup> Boyd commented on this hui:

On the 1<sup>st</sup> March I attended a general meeting of the Maniapoto Tribe held at Mangapehi for the purpose of selecting the Council. The Maoris selected were unanimously approved. I may state that I was informed that the Ratana section were invited to attend the meeting but did not do so.<sup>409</sup>

Boyd concluded by recommending the appointment of these members.

However, Watt still had some concern regarding the Official Member. On 29 March 1933, he commented on the selection of a Maori (Wanakore) as an Official Member, noting that it was a departure from the standard practice of appointing a Pakeha ‘Clerk of the Court or a Police Constable or officer’ and that Official Members were usually ‘in the hands of the Department not the Maoris.’<sup>410</sup> He requested that Sergeant Fearnley be queried on the matter, strangely given the Council’s poor opinion of Fearnley: ‘I would like to know why Sergeant Fearnley has not been recommended for re-appointment.’<sup>411</sup> On 16 May 1933, Fearnley replied he did not know the Maori nominated and accordingly was not willing to comment. He also added if the other nominated members were satisfactory to the ‘Native Health Officer...I have nothing further to add.’<sup>412</sup> It seems that by this time Fearnley had lost interest in the issue of the Council, although the exact reasons were unclear. Finally, on 27 May 1933, Watt informed the Under Secretary Native Department to gazette the members proposed at the 1 March hui.<sup>413</sup> Soon after the appointment of the new Council, Wanakore Herangi fell ill and Robert Green (Justice of the Peace of Otorohanga) was appointed as his successor.<sup>414</sup>

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<sup>408</sup> *ibid.*

<sup>409</sup> Boyd to Watt, 22 March 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p690.

<sup>410</sup> Watt to Boyd, 29 March 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p689.

<sup>411</sup> *ibid.*

<sup>412</sup> Fearnley to Watt, 16 May 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p685.

<sup>413</sup> Watt to Under Secretary Native Department, 27 May 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington, SP, p683; See *New Zealand Gazette*, no.49, 1933, p1867.

<sup>414</sup> Boyd to Watt, 7 August 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p675.

In October 1933, a final effort was made by the Ratana followers to have the Maniapoto Maori Council removed from office in favour of their candidates.<sup>415</sup> The petition reiterated what had already been argued. Namely, that on 12 November 1932 they had held a representative meeting of Maniapoto to nominate new members and that the present Council was unacceptable due to some members having committed criminal offences. In response, Ormsby once again defended the new Council. He asserted that the allegation ‘that the members of the present Council are law breakers is not correct’ and the new Council were rangatira and that none of the ‘petitioners’ would ‘dare’ to question their standing at any ‘Maori meeting.’ Ormsby then provided a summary of each member, attempting to demonstrate that they were ‘the real leaders and Rangatiras of the tribe.’

1. Tuwhakaririka Patena, son of Hanauru and one of the highest in rank of the Ngati Maniapoto people and also Waikato and practically the same as the “Maori King’s” family.
2. Te Rongo Wetere, grandson of Te Rerenga Wetere, also a great chief of the Ngati Maniapoto.
3. Nuitone Moerua, son of Te Koerua Natanahira, a chief and spokesman of Ngati Maniapoto and he was also first Chairman of the Maniapoto Maori Council.
4. Tamahiki Waeroa, son of Waeroa Matena and grandson of Tawhana and Rangawhenua, also of high rank.
5. Tewi Eketone, son of Tukua Eketone, also chief and was the first clerk of the Maniapoto Council.
6. Kohatu Hari Hemara, son of Hari Wahanui, who was a leader and spokesman of the Ngati Maniapotos, a direct descendant of Wakanui [sic] Huatere and one of the chiefs responsible for prohibition in the King County and who also agreed to the Railway to go through the King County.

He added that these individuals were known by Native Minister Balneavis and Mr Taite Te Tomo (Western Maori).<sup>416</sup> On this basis, no further action was taken regarding the petition.

Boyd stated in this respect:

I understand the present Council is approved by the Hon. Native Minister and as the members were selected in accordance with Maori custom from the leading people of the Tribe, I do not consider that any action is necessary regarding the petition. The Ratana party had the opportunity of attending the Tribal Meeting at Mangapehi and proposing as candidates members of their party, but failed to do so.<sup>417</sup>

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<sup>415</sup> Watt to Boyd, 30 October 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, pp627-633.

<sup>416</sup> Ormsby to Boyd, 6 November 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p623.

<sup>417</sup> Boyd to Watt, 7 November 1933, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, p622.



The attempt by ‘Ratanaites’ to assume control of the council demonstrated the increasing influence of the movement in the 1930s in the Rohe Potae. Lange notes a systematic attempt by Ratana to gain control or influence of the Maori Councils across the North Island in the 1920s and 1930s.<sup>418</sup> In 1926, Te Rangi Hiroa also records these efforts in his annual report.<sup>419</sup> Keith Newman describes tension in the Waikato and Rohe Potae caused by the rise of Ratana. In particular, he describes the tension caused by King Koroki’s suggestion of a ‘marriage’ between Ratana and Kingitanga at meeting of Ratana, Waikato and Maniapoto elders in 1933, a position not accepted by all.<sup>420</sup>

The undefined role of the Official Member, at least in the case of the Maniapoto Maori Council, allowed Sergeant Fearnley to assume more responsibility for council activities than the majority of the members believed was appropriate. The events described above suggested that the undermining of the authority of the council in regard to liquor consumption on a marae, an issue within their jurisdiction, was the final issue that caused the chairman to take action to have the Official Member removed. Although the situation appears to have been complex, with family members of councillors and perhaps the councillors themselves involved in the incident, the Magistrate’s Court could not convict those involved with criminal charges, providing evidence that perhaps the issue may have been better dealt with by the Maori Council. For unknown reasons, Sergeant Fearnley appears to have allied with, or was supported by, the Ratana adherents in the Rohe Potae. After his attempt to have members of his choice appointed to the council failed, he appears to have lost interest.

The incident also provides some evidence that the lack of formal process surrounding the Government appointment of council members sometimes exacerbated pre-existing divisions within the council district. In this case, the Department of Health was inundated with requests by both groups for certain members to be placed on the council and the lack of a clear process for appointment placed the officials at an impasse. In this way, the system compounded the tension between the competing factions. As Ormsby stated, the incident lit a ‘fire that had practically died out.’<sup>421</sup> An unofficial election carried out at a representative meeting of Ngati Maniapoto was required to bring the tension to an end. It also shows that

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<sup>418</sup> Lange, ‘In an Advisory Capacity’, pp26-28.

<sup>419</sup> *AJHR*, 1926, H31, p43.

<sup>420</sup> Keith Newman, *Ratana: The Prophet*, Raupo (Penguin Book Group), Wellington, 2009, pp172-177.

<sup>421</sup> Ormsby to Boyd, 15 October 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, pp714-715.

the Government operated a system in which the Maori of the district had a significant influence over the selection of members.

### **Taumarunui Maori Council**

Archival material relating to the Taumarunui Maori Council is limited to the establishment of a district boundary, selection of its first members and drafting of its bylaws, with files relating to it ending in 1939. Thus an incomplete picture is presented here compared to that of the Maniapoto Maori Council. By the time this Council was operational, the council system was in decline or defunct in most of the country and little activity seems to have occurred in the Taumarunui district. However, the creation of the Council is included here to provide a complete picture of the Maori Council system's operation in the Te Rohe Potae inquiry district.

In 1919, Taumarunui was within the Whanganui Maori Council District, with the settlements north of the township within the Maniapoto Maori Council District. In November 1933, a request was received by the Department of Health from M.T. Poihipi for the formation of a Maori Council in the Taumarunui area.<sup>422</sup> On 27 February 1934, another request came from M.T Poihipi on behalf of the 'Maori people of Taumarunui and surrounding places, Manunui, Taringamotu, Piriaka, Tepeka, [and] Okahukura' to form a Maori Council.<sup>423</sup> The distance from Whanganui and general lack of communication with that council were the main reasons given for the formation of a new council.<sup>424</sup> In March 1934, after being asked to investigate the matter, Inspector of Health Wark 'strongly supported the application' of M.T. Poihipi for a new Council.<sup>425</sup> The establishment of the Taumarunui Maori Council was a protracted process.

The definition of the new district's boundaries took a considerable amount of time as this required the redefinition of three other Maori Council Districts (Maniapoto, Whanganui and Tongariro). Also, several errors were made in the drafting of the boundaries, resulting in

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<sup>422</sup> M.T Poihipi to Director of Health, 1 November 1933, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, pp992-993.

<sup>423</sup> M.T Poihipi to Director of Health, 27 February 1934, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p994.

<sup>424</sup> *ibid.*

<sup>425</sup> Inspector J Wark to Medical Officer of Health, 24 March 1934, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p995.

several revisions and general confusion amongst the responsible Lands and Survey, Native Department and Department of Health officials.

**Figure 3: Taumarunui Maori Health Council District<sup>426</sup>**



The first effort at drafting the boundaries of the Taumarunui Maori Council was made in May 1934. However, it was then considered by Department of Health officials to be ‘too small’ an area to be worth administering.<sup>427</sup> It was also decided that the Maniapoto Maori Council and Whanganui Maori Council should be consulted on the proposed changes, in order to ascertain if the ‘Maoris residing in the portions of these two districts are willing that

<sup>426</sup> Map, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. Judging from the filing sequence these are the final boundaries of the council. SP, pp1018-1019.

<sup>427</sup> Director General of Health to Under Secretary Secretary of Lands and Survey, 7 June 1934, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p2270.

they be included in the new Taumarunui district.<sup>428</sup> The proposed boundaries were then extended south to the eastern and southern boundaries of the Kaitieke County Council. On 3 August 1934, it was reported that the Tongariro and Maniapoto Councils were both 'agreeable' to the boundary changes.<sup>429</sup> In April 1935, the Director General of Health then realised, at this late stage, that if the new district was established it would also alter the three other districts, therefore requiring the redrafting and gazetting of these districts.<sup>430</sup> On the same day, the Native Minister's approval was given for the creation of the new council.<sup>431</sup> On 13 June 1935, new boundaries for the three districts were gazetted.<sup>432</sup>

On 16 September 1935, the Secretary of the Maniapoto Maori Council wrote to the Native Minister complaining of the 'Southern portion' of their district being included in the Taumarunui district. He stated that 'the people who lived in that area wish to remain in our district.'<sup>433</sup> This seemed to contradict the earlier correspondence, which had suggested Maniapoto Maori Council acceptance of the new district. A month later, it was acknowledged by the Department of Health to Department of Lands and Survey 'that a mistake was made' when the new districts were drafted, resulting in the inclusion of 'too great' an area of the Maniapoto district in Taumarunui.<sup>434</sup> New boundaries were drafted with a portion of the Maniapoto district returned. In December 1935, however, confusion arose over whether the Maniapoto Maori Council wished all or just part of its territory returned.<sup>435</sup> In February 1936, the Native Department informed the Director General of Health that the Maniapoto Maori Council wished to have their entire district returned.<sup>436</sup> Yet again, new boundaries were drafted and gazetted in April 1936.<sup>437</sup> However, in June 1936, it was

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<sup>428</sup> Medical Officer to Director General, 19 June 1934, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p998.

<sup>429</sup> Medical Officer to Director General, 3 August 1934, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1000.

<sup>430</sup> Director General of Health to Under Secretary Department of Lands and Surveys, 3 April 1935, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1003.

<sup>431</sup> Director General of Health to Medical Officer of Health, 3 April 1935, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1004.

<sup>432</sup> *New Zealand Gazette*, no.44, 1935, p1690.

<sup>433</sup> Wetini Hotu to Native Minister, 16 September 1935, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1009.

<sup>434</sup> Director General of Health to Surveyor General, 16 October 1935, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1010.

<sup>435</sup> Director General of Health to Under Secretary Native Department, 17 December 1935, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1011.

<sup>436</sup> Under Secretary Native Department to Director General Health, 5 February 1936, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1012.

<sup>437</sup> Medical Officer of Health to Director General of Health, 11 June 1936, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1013.

asserted by Inspector Wark that an error still existed in these new boundaries, including Taringamotu and Okahukura in the Maniapoto instead of Taumarunui district.<sup>438</sup> The issue was finally resolved in December 1936 when the Department of Health again requested Maniapoto and Taumarunui Council views on the boundaries and consensus was reached.<sup>439</sup> In June 1937, the final boundaries were gazetted.<sup>440</sup>

Some tension developed around the appointment of new members for the Taumarunui Maori Council. As stated, M Poihipi made the original request for the establishment of the council. In his early correspondence he had nominated a list of members for appointment, with himself as secretary and treasurer.<sup>441</sup> During the period establishing the boundaries of the district, M Poihipi consistently wrote to the Department of Health demanding explanation for what he considered a long delay, requesting progress reports and the appointment of his nominated members.<sup>442</sup> However, in mid 1935, different members were nominated than those forward by M Poihipi, when the Department of Health arranged representative hui. Correspondence noted that, in the view of local Maori, Poihipi did not attend the arranged hui and had 'no mana in the district and that any communications of his are strictly on his own behalf' being from outside the district.<sup>443</sup> Even after the appointment of other members, Poihipi continued to protest, claiming that the hui had not been representative and requesting a re-election of members, reminding the Department that he had been the first to request the establishment of a Maori Council.<sup>444</sup> Inspector Wark asserted that although he did start the process, he had not been present at any of the

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<sup>438</sup> *ibid.*

<sup>439</sup> Director General of Health to Medical Officer of Health, 22 December 1936, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington.

<sup>440</sup> *New Zealand Gazette*, no.37, 1937, p1285.

<sup>441</sup> M Poihipi to General Director of Health, 27 February 1934, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p994.

<sup>442</sup> See for example Poihipi to Director General of Health, 22 May 1934, SP, p996; Poihipi to Director General of Health, 12 June 1934, SP, p997; Poihipi to Director General of Health, 31 July 1934, SP, p999; Poihipi to Director General of Health, 25 September 1934, SP, p1001; Poihipi to Director General of Health, 13 November 1934, SP, p1002; Poihipi to Director General of Health, 7 March 1935, SP, p2271; Poihipi to Director General of Health, 7 August 1935, SP, p1005; Poihipi to Director General of Health, 16 August 1935, SP, p1006; Poihipi to Director General of Health, 27 August 1935, SP, p1007; Poihipi to Director General of Health, 29 August 1935. SP, p1008; H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington.

<sup>443</sup> Medical Officer of Health to Director General of Health, 28 August 1935; Medical Officer of Health to Acting Director General of Health, 12 September 1935, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington.

<sup>444</sup> Poihipi to Director General of Health, 24 September 1935; Poihipi to Minister of Health, 19 June 1936, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1013.

necessary hui and had not been ‘even mentioned as a prospective Councillor.’<sup>445</sup> Meanwhile, Poihipi continued to protest.<sup>446</sup>

In order to resolve the situation, a reluctant compromise was reached between the Taumarunui Maori Council and Poihipi. In February 1937, the Medical Officer of Health reported that the Taumarunui Maori Council had offered to appoint him ‘Secretary unofficially, without a vote’ but Poihipi was still unwilling to accept this position.<sup>447</sup> The Medical Officer of Health stated that on his next visit to Taumarunui, he would ‘see if the Chairman... will agree to use Mr Poihipi at all’ in order to ‘silence’ him.<sup>448</sup> On 2 April 1937, Poihipi wrote a letter as the secretary of the Taumarunui Maori Council, suggesting an arrangement had been reached.<sup>449</sup> It appears that he was an unofficial member (with no vote), as he was not included in the list of members gazetted in July 1937.<sup>450</sup>

Similarly to the incident regarding the Maniapoto Maori Council described above, the Government appointment of the Maori Council in Taumarunui created a situation where various parties (or individuals) were competing for membership on the council. In this case, Poihipi continued to protest the appointments made by the Department of Health. Without a formal and transparent process available to resolve the situation, the Taumarunui Maori Council reluctantly appointed him as unofficial secretary of the council to resolve the situation. Files relating to the Taumarunui Maori Council end in 1939. Consequently, its history during the war years is unknown.

### **Kawhia and Raglan**

The Waikato Maori Council District had no official Maori Council in operation throughout the period of investigation, as the council system never had full acceptance by the Waikato tribes. The Waikato Maori Council district included Raglan and Kawhia, which are part of the Te Rohe Potae inquiry district.

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<sup>445</sup> Medical Officer of Health to Director General of Health, 30 July 1936, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1014.

<sup>446</sup> Poihipi to Director General of Health, 13 February 1937, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1016.

<sup>447</sup> Medical Officer of Health to Director General of Health, 3 February 1937, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1015.

<sup>448</sup> *ibid.*

<sup>449</sup> Poihipi to Native Department, 2 April 1937, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1017.

<sup>450</sup> *New Zealand Gazette*, no.49, 1937, p1720.

By 1931, officials were considering dividing the Waikato Maori Council District into two, due to Maori in the Coromandel and Thames wishing to form their own district and council.<sup>451</sup> Inspector Ormsby was asked for his opinion on dividing the district. In reply, Ormsby suggested that one 'Waikato-Maniapoto' Maori Council be formed as well as a separate council in the Thames and Coromandel.<sup>452</sup> He believed the 'Waikato and Maniapoto tribes are so closely connected that they have always worked harmoniously in the past.'<sup>453</sup> However, it seems this idea was rejected when a meeting was held at Waahi early in 1932.<sup>454</sup> Ormsby did suggest that if a Waikato Maori Council was formed, Mokena Patupatu, the Advisory Councillor of the Maniapoto Maori Council, be appointed to the same position for this new council.<sup>455</sup> It appears King Te Rata Mahuta was approached to nominate members for a Waikato Maori Council, but names were never received.<sup>456</sup> Consequently, those Maori living in Kawhia and Raglan were without an official council for the period. As has been seen in regard to collection of dog registration tax, it seems likely that these areas had unofficial Kingitanga council-like systems in operation. Later chapters involving the Rohe Potae Maori protest surrounding liquor legislation and the Tainui Maori Trust Board demonstrate the influence of these unofficial councils on tribal politics and their engagement with the Government.

### **Government Funding for the Maori Health Councils in the Rohe Potae**

Government funding for sanitary projects and water supply is largely beyond the scope of this report and will be covered by Helen Robinson's Health report, which focuses on Government provision of health initiatives for Rohe Potae hapu and iwi. However, the payment of these subsidies does provide an indication of the general level of Government commitment to the Maori Council system. In addition, funds provided for administration of the Maori Council system are also directly relevant to this report.

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<sup>451</sup> Medical Officer of Health to Ormsby, 6 November 1931, H1 1936 121/12 Maori Health Councils – Waikato, ANZ Wellington. SP, p2284.

<sup>452</sup> Ormsby to Medical Officer of Health, 10 November 1931, H1 1936 121/12 Maori Health Councils – Waikato, ANZ Wellington. SP, p2283.

<sup>453</sup> *ibid.*

<sup>454</sup> Medical Officer of Health to Director General Health, 3 February 1932, SP, p988; Ormsby to Medical Officer of Health, 16 February 1932, H1 1936 121/12 Maori Health Councils – Waikato, ANZ Wellington. SP, p989.

<sup>455</sup> Ormsby to Medical Officer of Health, 16 February 1932, H1 1936 121/12 Maori Health Councils – Waikato, ANZ Wellington. SP, p989.

<sup>456</sup> Medical Officer of Health to Director General of Health, 25 November 1932, H1 1936 121/12 Maori Health Councils – Waikato, ANZ Wellington. SP, p990.

In his study of the Maori Health Council system across the North Island, Lange argues that subsidies for water and sanitary works were ‘only acquired with difficulty’, providing several case studies to demonstrate.<sup>457</sup> He points out those subsidies were most easily obtained in the late 1920s. It appears that this was the case with the Maniapoto Maori Council. As described above, some water supply projects were completed by the Maniapoto Maori Council in the late 1920s. As already noted, in 1926 there was a water supply project at Waipapa, for which a subsidy was applied and presumably obtained. In 1928, a major drainage project was initiated at ‘Te Kuiti Pa’ with a total cost of £200, for which the ‘Natives are contributing £50’.<sup>458</sup>

In 1931, the Secretary of the Maniapoto Maori Council described some additional works at Te Kuiti, revealing the struggle to gain subsidies, and also the financial pressures on the council:

This work was done at the Maori Pa at Te Kuiti and was to complete the sewerage and drainage, which was started some time ago and left uncompleted owing to lack of funds. We received assistance from the Dept of the sum of £25.0.0 on condition we paid pound for pound. The amount expended on the improvements amounted to £63.4.3, which is £13.4.3 over the amount we received a subsidy for. Now at the present time the Council is right up against financially [sic] and we would consider it an act of grace if you could let us have £6.10.0 being rather less than half the pound subsidy. We have a debt to meet at the present time for which we are threatened to be summoned for and we have not the money to meet it. It is a bill of costs from a Lawyer for Court expenses in trying to recover some of our fines through the civil court, but owing to stressful times we have not been able to recover the amounts sued for. It is only our sense of modesty that has refrained us from asking you for the subsidy before. Kia Ora.<sup>459</sup>

The difficulty of obtaining subsidy seems apparent by the almost pleading tone adopted by the Council’s secretary. The letter also revealed the difficulty of retrieving fines through civil action. It appears that those owing fines were unable to pay despite the successful court case, due to ‘stressful times’ (The Depression), which further compounded the Council’s financial woes because it still owed legal fees to its lawyer.

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<sup>457</sup> Lange, ‘In an Advisory Capacity’, pp15-16.

<sup>458</sup> *AJHR* 1928, H31, p36; *AJHR* 1929, H31, p31.

<sup>459</sup> Wetini Hotu to Director General of Health, 22 August 1931, H1 1937 121/18 (3251) Maori Health Councils – Maniapoto 1927-1934, ANZ Wellington. SP, pp832.



In response, the Director General of Health requested the Native Department to pay £6.10.0 from the Native Civil List, adding 'this Council has always in the past been a very active council and has carried out numerous other sanitary schemes in the district'.<sup>460</sup> On 6 November 1931, the request was approved. However, the letter remarked 'Meantime I would like to point out that this Department's subsidy was £50 and not £25 as suggested by Wetini Hotu...'.<sup>461</sup> According to Inspector Ormsby's 1932 account of the early years of the Maniapoto Maori Council, subsidies did not cover the full cost of 'improvements at the Te Kuiti Pa' and the Chairman had to pay the balance.<sup>462</sup>

Soon after its establishment, on 2 April 1937, the Taumarunui Maori Council made a request to the Native Department for financial assistance from the 'civil list.' The request appears to be a reference to Section 66 (5) and (6) of the Health Act 1920. It is unclear if this request was for the purpose of paying for the administration of the new Council or for sanitary or water supply works.<sup>463</sup> On 9 April 1937, the Under Secretary of the Native Department replied: 'With regard to your enquiry as to financial assistance from the Civil List, I have to advise that there is no provision for the granting of assistance from the Civil List (Native Purposes) to Maori Councils'.<sup>464</sup> This response appears incorrect, as the above provisions were still in force. No further correspondence relating to this matter has been located.

From the evidence examined in this report, and importantly from a political engagement perspective, it appears that no Government subsidies were provided for the 'the expense of the administration of... the Health Councils and village committees' under Section 66 (6) in the Rohe Potae inquiry district. The absence of these subsidies was critical given the few sources provided for revenue by the Maori Council Act and amendments. As already described, the only real source of revenue available to the Maniapoto Maori Council was monies collected from fines for breaches of the bylaws. By 1935, lack of means to collect these fines had left the Maniapoto Maori Council with £150 of fines owed and a balance of

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<sup>460</sup> Director General of Health to Under Secretary Native Department, 25 August 1931, H1 1937 121/18 (3251) Maori Health Councils – Maniapoto 1927-1934, ANZ Wellington. SP, p830.

<sup>461</sup> Under Secretary Native Department to Director General of Health, 6 November 1931, H1 1937 121/18 (3251) Maori Health Councils – Maniapoto 1927-1934, ANZ Wellington. SP, p799.

<sup>462</sup> Ormsby to Boyd, 16 September 1932, H1 1937 121/1 3251 Maori Health Councils - Maniapoto 1927 – 1934, ANZ Wellington. SP, pp716-717.

<sup>463</sup> Secretary of Taumarunui Maori Council to Under Secretary Native Department, 2 April 1937, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p1017.

<sup>464</sup> Under Secretary Native Department to Secretary of Taumarunui Maori Council, 9 April 1937, H1 1999 121/33 Maori Health Councils – Taumarunui, 1933-1939, ANZ Wellington. SP, p2285.

almost zero. Despite appeals to have more power to enforce payment of fines, the Native Department was unwilling to make any amendment to relieve the situation. In addition, efforts were made to have the dog tax restored, but to no avail. These weaknesses were all made clear at the general conference of 1929. In this context, Government funding for the support of the system was essential for its proper functioning.

In 1936, in response to a request for assistance from Matatua Maori Council to the Native Department, Department of Health officials began to advocate for greater assistance for Maori Councils' administration costs.<sup>465</sup> After gaining the opinion of the relevant Medical Officers of Health on the financial situation of Maori Councils in their district, the Director General of Health wrote to the Under Secretary of the Native Department recommending that 'those Councils whose work...justifies' it should receive a subsidy to assist administration costs.<sup>466</sup> He added in this respect:

This position regarding this [Matatua Maori Council] and other Councils has always been a difficult one in that the only method of obtaining revenue is by fines – never a satisfactory method, particularly during the past few years when the financial position of the natives has not been very satisfactory.<sup>467</sup>

By 1938, still no action had been taken. Late in that year, Tupito Maruera, Chairman of the Taranaki Maori Council, in a circular to all the Maori Councils operational at this time, encapsulated the financial situation faced by the Maori Councils in the late 1930s:

Finance has, undoubtedly, proved the vital factor which has operated unfairly against the true working of the Councils.

Some of our Councils, no doubt, through their own initiative and resourcefulness have functioned progressively. But fate has not altogether been kind to many of our Councils, who have not enjoyed such a measure of success to the same degree, with the result that today they are either partially defunct or completely extinct. Why? Lack of financial support, undoubtedly.

At one time the Councils drew monies from the collection of a "dog tax," that eventually, was, of course, taken away. Fines also formed a fair proportion of the Councils' revenue but to day with conditions in pas being not so congested because of the general influx of their residents into towns and scattered areas forsaking the communal life of the pa to resume to live privately [sic], this source of income practically became nil. This left the Council more or less without any definite financial resources whatsoever. The result was that apart from other factors detrimental to the

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<sup>465</sup> H R Waiari Secretary for the Matatua Maori Council to Native Minister, 30 March 1936; Under Secretary Native Department to Director General of Health, 8 April 1936, H1 1999 121/34 Maori Health Councils – Financial Assistance, ANZ Wellington. SP, pp1056-1057.

<sup>466</sup> Director General of Health to Under Secretary Native Department, 7 May 1936, H1 1999 121/34 Maori Health Councils – Financial Assistance, ANZ Wellington. SP, p1058.

<sup>467</sup> *ibid.*

true functioning of the Councils, members found it difficult to attend meetings for the Council, because of the expense entailed in travelling which had hitherto been met out of monies received as dog tax and fines.

Although the Maori Council Act provided whereby appeal may be made to the Government for financial assistance toward defraying administration cost, we wish to ask, how many of the Councils have had this assistance? Are we getting it today?<sup>468</sup>

In reply, it was stated that the issues described would be ‘carefully considered’ in 1939.<sup>469</sup> By 1940, discussion began on the complete revision of the Maori Council legislation within the Native Department and by January 1941 a draft bill was prepared.<sup>470</sup> However, this had come too late for many Maori Councils.

### **The final years of the Maniapoto Maori Council**

The last Maniapoto Maori Council was formed in August 1936. Again each ‘area’ (sub-district) nominated members for the Council.<sup>471</sup> The new members were gazetted in November 1936:

Tamahiki Waeroa  
Tewi Eketone  
Wetini Houtu  
Te Rongo Kini Wetere  
Raureti Te Huia  
Whare Houtu  
Pei Te Hurinui Jones  
Mokena Patupatu (Advisory Member)  
Thomas Charles Thompson (Official Member)<sup>472</sup>

In April 1937, Komiti Marae were gazetted for Te Kuiti, Te Koura, Otorohanga, Waimiha and Mokau.<sup>473</sup>

In 1937, Chairman Tamahiki Waeroa made another request to the Native Minister, similar to that made in 1935, to amend the Maori Council legislation in order to enable the collection of outstanding fines owed to the council. As in 1935, £150 was still outstanding, revealing

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<sup>468</sup> Tupito Maruera, Circular to Maori Councils, H1 1999 121/34 Maori Health Councils – Financial Assistance, ANZ Wellington. SP, pp1062-1063.

<sup>469</sup> Acting Director General of Health to Wakarua, 16 December 1938, H1 1999 121/34 Maori Health Councils – Financial Assistance, ANZ Wellington. SP, pp1064.

<sup>470</sup> Lange, ‘In an Advisory Capacity’, p48.

<sup>471</sup> Medical Officer of Health to Director General of Health, 22 August 1936, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, p981.

<sup>472</sup> *New Zealand Gazette*, no.75, 1936, p2195.

<sup>473</sup> *New Zealand Gazette*, no.22, 1937, p945.

that the advice to aid the collection of fines provided at that time had not been successful. Tamahiki Waeroa asked ‘that the law be altered so that the fines be confirmed by the Magistrates Court and then be placed in the same position as if the fine was originally imposed by the Magistrates for a breach of the Police Offences Act.’<sup>474</sup> He concluded that if the Council’s authority was not extended ‘the work of the Council will be nullified.’<sup>475</sup> The Native Minister replied that the situation had not changed since 1935, no amendments would be made.<sup>476</sup> From this time, the Maniapoto Maori Council seems to have entered decline, with very little correspondence on record, suggesting little activity.

The financial history of the Maniapoto Maori Council described in the course of this chapter closely parallels the 1938 account by Tupito Maruera, Chairman of the Taranaki Maori Council. By 1937, the Maniapoto Maori Council simply had no viable sources of revenue and could no longer function effectively. In an undated handwritten note, which according to its filing sequence was written between December 1937 and September 1938, the Maniapoto Maori Council was still listed as one of only four active councils in New Zealand.<sup>477</sup> However, by 1942, as stated above, the Ratana’s unofficial council seems to have gathered considerable influence in the district:

In recent times, it [Ratana council] has assumed the lost “mana” of the defunct Maori Council which existed under the Maori Councils Acts of a decade ago, one of the duties of the defunct body being the collection of tax on all Maori owned dogs of any breed....<sup>478</sup>

This Committee, of course, being unauthorised, has no legal standing whatsoever although the Chairman states it has some parliamentary authority to act. In fact, it has assumed extraordinary powers in regard to monetary matters among the Maoris generally, to land development operations and to politics.<sup>479</sup>

Clearly, as Tamahiki Waeroa pointed out in his 1937 request, without the expansion of Maori Council powers and finances, the present system would be ‘nullified.’ In this context of

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<sup>474</sup> Tamahiki Waeroa to Native Minister, 26 February 1937, MA W1369 19 26/3/13 Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. SP, p1356.

<sup>475</sup> *ibid.*

<sup>476</sup> Native Minister to Tamahiki Waeroa, 10 March 1937, MA W1369 19 26/3/13 Maniapoto Maori Council Bylaws 1924-1943, ANZ Wellington. SP, p1357.

<sup>477</sup> Undated handwritten notes, H1 1999 121/34 Maori Health Councils – Financial Assistance, ANZ Wellington. SP, pp1059-1060.

<sup>478</sup> T.H. Te Anga to Registrar, 23 May 1942, 23 May 1942, MA1 371 19/1/261, That the power be again given to Maori Councils to collect dog registration tax, ANZ Wellington. SP, p1382.

<sup>479</sup> *ibid.*

decline, it appears that unofficial Ratana organisations such as the 'Hoana Kaka Council' became more prominent.

During the Second World War, some attempts were made to revive the Maniapoto Maori Council. These efforts were led by Erana Tane, who in 1943 appealed directly to the Governor General regarding the appointment of J.A Ormsby as successor to the late Mokena Patupatu as 'Chief Advisor'.<sup>480</sup> The Medical Officer of Health received another letter from Erana Tane in 1944 asserting that 'We have decided and selected the members for the Maniapoto Maori Council.' According to Inspector Milne (the apparent replacement for Ormsby), there had been no meeting of the hapu and that those names she forwarded were not representative of the iwi.<sup>481</sup> He also noted that 'influential Maoris' were not interested in forming a council as they were waiting until the 'new "Law"... comes into operation.'<sup>482</sup> This was a reference to the debate surrounding the future of the Maori Council system, as the Maori War Effort Organisation (MWEO) attempted to ensure its post-war existence in the later years of the Second World War. The final demise of the Maori Health Council system, the emergence and operation of the MWEO in the inquiry district, and the eventual establishment of a new system of Maori local self-government under the Maori Economic and Social Advancement Act 1946 will be examined in the next political engagement report focusing on the post war period.

## **Conclusion**

As the primary attempt of the Government to provide some form of regional self-government to Maori of the inquiry district between 1914 and 1939, the Maori Health Council system was a failure. The system was created on the foundation of the original Maori Councils which had proven to be a disappointment due to lack of Government support. The new councils inherited many of the problems and limitations of the previous system. Despite these weaknesses, the members of the Maniapoto Maori Council enthusiastically used the system for what utility it offered. When considered in the broader context of the dwindling Maori authority in the district, the failure of the system becomes more pronounced.

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<sup>480</sup> Erana Tane to Governor, 16 May 1943, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, pp984-986.

<sup>481</sup> Medical Officer of Health to Director General of Health, 15 May 1944, H1 1998 121/18, Maori Health Councils – Maniapoto 1935-1945, ANZ Wellington. SP, pp2286.

<sup>482</sup> *ibid.*

The Maori Health Councils were, although retaining most of their functions from 1900, a form of local Maori self-government with an increasingly narrow focus on issues relating to the health and welfare of their respective communities. They were empowered to produce bylaws for enforcement in their districts, but within the parameters of the Government health agenda. The new bylaws of 1922 were largely drafted by Te Rangi Hiroa, the Director of Maori Hygiene. The additional bylaws, drafted by individual Councils, still had to be approved by the Department of Health and the Native Department. In 1924, in conference with other councils, the Maniapoto Maori Council passed nine additional bylaws. A further two bylaws were solely passed by the Maniapoto Maori Council, and aimed to control the sale and consumption of methylated spirits within their district.

The fundamental weakness of the Council system was financial. Essentially, the Council system was unable to support itself. In 1919, the right to collect the dog tax was taken from the Maori Councils, which although controversial, had provided valuable revenue. In the early 1920s, Te Rangi Hiroa advocated to have this power restored to the Councils, recognising its significance to their functioning. However, the Native Department did not consider this an option, due to the difficulties Maori Councils had had collecting it prior to the First World War, and the tensions it had raised with farmers and local authorities, who were now responsible for its collection. Tension within the Te Rohe Potae inquiry district regarding the collection of the dog tax was evident throughout the period, with numerous incidents of unofficial collection by Maori, and corresponding complaints by relevant local authorities. It is unclear if the Maniapoto Maori Council was directly involved in this collection. Confusion seemed to exist as to who had the right to collect the tax. As late as 1939, Rite Wharekoka, a member of the Komiti Marae of Waimiha, assumed the responsibility still lay with the Maniapoto Maori Council and was therefore confused as to why the Taumarunui Borough Council was collecting it.

Without the dog tax, the Maori Councils' only source of income was fines collected from the breach of their bylaws. As observed at the time, this was a dubious financial foundation. The Maniapoto Maori Council had some success enforcing and collecting fines in the early 1930s. These appear to have been fines relating to the methylated spirits bylaws. However, this was short lived and by 1935 the Council was owed over £150 in outstanding fines. Around this

time, several direct appeals were made to the Native Minister from the Maniapoto Maori Council, requesting the increase of the powers available for collection of the fines. The Chairman of the Council believed that if these powers were not granted, his council would be 'nullified'. Extra powers were not granted. Although aware that the Maori Council system had fundamental problems, the Native Department was unwilling to implement piecemeal reform, preferring to wait until such a time as the whole system could be considered. However, this time was never specified. Almost a decade passed before serious discussion began on overhauling the Council system. This left the Maniapoto Maori Council with no source of income.

In this context, direct Government financial assistance for the Maori Council system assumed critical importance. Under Section 66 (5) and (6), provisions were made for the Government subsidy of sanitary projects and costs of administration. The Maniapoto Maori Council received subsidies for sanitation projects in the late 1920s and early 1930s, however these seemed inadequate to fully fund projects such as sanitary works at Te Kuiti Pa, which resulted in some debt. Another request was made to subsidise the project, which appeared to be granted. However, it appears from the evidence examined in this report that at no time was money received for the administration costs of the Maniapoto Maori Council or Taumarunui Maori Council. In the late 1930s, requests for financial assistance grew, and in 1938 the Chairman of the Taranaki Maori Council summarised the financial problems of most Councils. His description closely resembled that of the Maniapoto Maori Council outlined in this chapter. He noted the provisions for administration costs and asked rhetorically 'Are we getting it today?'

The Council system does not appear to have been a high priority for the Native Department, who, although not directly responsible for its administration, was needed to implement reform to the system as a whole. Seeing the usefulness of the Councils, Department of Health officials often advocated for the Maori Council system, requesting the consideration of the needed reforms regarding bylaws, dog tax and subsidy for administration. However, the Native Department, for much of the period, was unwilling to consider comprehensive reform.

This chapter has also revealed some evidence that the system of Government appointment of council members sometimes exacerbated pre-existing divisions within the inquiry district. In 1932 tension developed between the Official Member and the Chairman of the Maniapoto Maori Council. The Official Member appeared to have become heavily involved in Council activities and was supported by the Ratana members of Ngati Maniapoto. When he undermined the authority of the Council by taking a case to the Magistrate's Court, which perhaps would have been better dealt with by the Maori Council, a dispute broke out. As a result, the Department of Health officers were inundated with requests for dismissal of the Council in favour of some new members (supported by the Official Member and Ratana), while the existing Chairman defended his council. The informal process of nomination of members from Maori within the district placed officials at an impasse, not knowing whom to appoint. In this way, the system served to heighten the tension between Ratana and others in Ngati Maniapoto. An unofficial election carried out at a representative meeting of Ngati Maniapoto was required to bring the tension to an end. In similar way, the formation of the Taumarunui Maori Council led to an individual suggesting the appointment of his own Council, which was not representative. When he and his nominated members were not appointed, he bombarded the Health Department until the Taumarunui Maori Council reluctantly appointed him as an unofficial member. At the same time, it seems clear that Maori of the inquiry district had the principal say in the appointment of council members, although this was not carried out in a formal or transparent manner.

Examination of the Maori Health Council system in the Rohe Potae inquiry district demonstrates the willingness of Rohe Potae hapu and iwi to utilise official Government bodies established to facilitate Maori local self-government. The Councils provided a forum where some dialogue was evident between councillors and Government officials regarding the district, particularly in respect to formulating bylaws. However, much of the councillors' communication focused on attempting to reform the council system itself, hoping to reinforce their council's authority and establish a viable financial platform from which to operate. These attempts did not often aim to create a more comprehensive body for local self-government, but simply to ensure the effective operation of the existing system. The amount of energy expended by the councillors in this way, underlines the substantial problems with the Maori Health Councils. Native Department response to pressure for reform was slow and ultimately came too late to save the councils, suggesting the Maori



Health Councils' functionality and effectiveness were not a high priority. Indeed, events eventually forced a Government response with the advent of the Maori War Effort Organisation and ensuing debate over Maori local self-government. Overall, this chapter reveals both Rohe Potae hapu and iwi dissatisfaction with the Maori Health Councils as a system established by the Government for local self-government and as a forum for their political relationship.

## Chapter Three: Te Rohe Potae and Liquor, 1914-1954

### Introduction

For the first half of the twentieth century, the liquor legislation of the Rohe Potae was a significant regional, and at times, national political issue. The twentieth century efforts of residents of the King Country to amend the liquor legislation in order to introduce licenses into the district provoked protest from some Rohe Potae Maori on the foundation of agreements reached between themselves and Government officials in the 1880s. The establishment of the King Country as a 'dry district' or no-license area was one outcome of the complex negotiations between Rohe Potae hapu and iwi leaderships and the Government in the 1880s. During these negotiations, a number of important agreements had been reached on a broad range of issues, including the reform of the Native Land Court system and associated legislation to be introduced into the district. This was, essentially, an effort to retain hapu and iwi control of land and community affairs in the Rohe Potae whilst partnering with the Government, and permitting selected public works and settlement activities (most notably the construction of the NIMIT). This chapter will focus, in particular, on how licensing in the district came to be the most prominent way in which these complex negotiations were brought to the attention of the Government in the twentieth century.

This chapter is not concerned with the contemporary and historical debates surrounding the social and medical impact of alcohol on Maori. In addition, it is not an historical investigation of the negotiations of the 1880s, which is being conducted as part of Marr's 'Political Engagement, 1870-1913' and other reports. Neither is it focused, in particular, on the impact or scale of the illegal liquor trade, or 'sly-grogging', in the Rohe Potae during the era of no-license. Rather, this chapter is focused on the political interactions that occurred between the Crown and Rohe Potae hapu and iwi regarding the licensing in the district. This report is concerned with the ways in which the negotiations of the 1880s were conceived of by Rohe Potae Maori and acted upon in the twentieth century. This includes the ways in which the negotiations of the 1880s were brought to the attention of the Government, and its responses. It is clear, when viewed in conjunction with similar efforts in respect to rates on Maori land, that during the first half of the twentieth century, Rohe Potae tribal leaderships continued to use the negotiations of the 1880s as a platform from which to

engage with the Government in an attempt to influence important developments in their district in the face of growing Pakeha and local authority power.

Throughout the period, Rohe Potae hapu and iwi were, in some ways, entangled in a debate between two powerful interest groups. On the one side, the local authorities of the district, on behalf of the constituents of their counties and boroughs, lobbied central Government for licenses in the King Country. On the other, the New Zealand Alliance and their temperance allies formed a powerful force which reacted against this agitation, advocating continued strict control of liquor in the King Country. After it became clear that national prohibition was not achievable, the King Country became a major focus of New Zealand Alliance activities. One consequence of New Zealand Alliance interest is that it is sometimes difficult to separate Rohe Potae Maori views on licensing and of the negotiations of the 1880s from those of the temperance groups. Temperance forces realised the utility offered by the sanctity and general importance placed on the negotiations of the 1880s by Rohe Potae hapu and iwi. In this sense, the negotiations of the 1880s, at the very least, acted as a convergence point of Rohe Potae Maori and Pakeha temperance interests. It does seem clear their financial and moral support contributed to an intensification of emphasis on liquor at the expense of the broader aspects of the negotiations. However, this should not be taken as far as to assert that temperance groups created or instigated Rohe Potae Maori views and actions surrounding licensing issues and the original negotiations more generally. By 1920, it appears that many Rohe Potae Maori, particularly the tribal leadership, attached great importance to the agreements regarding liquor. Apart from concerns regarding liquor consumption, the emphasis may be explained by the fact that the no-license legislation was one of the few remaining elements of the 1880s negotiations still functioning, and that some influence could be still be exerted over.

As a consequence of the regional attention of Pakeha on the licensing of the district, and consequent Rohe Potae Maori and temperance group reaction, various Government commissions and inquiries were established with a focus on liquor legislation. The focus on liquor legislation prevented any holistic examination of the negotiations of the 1880s, with any evidence presented regarding the broader dimensions of agreements reached in the 1880s being, understandably, considered by the Government as marginal to the issue at stake. Rohe Potae Maori, although taking various positions regarding the future of liquor

legislation at these investigations, were united in that they all agreed that significant agreements had been reached between their tupuna and the Government. Crown investigations into the negotiations of the 1880s focused on written evidence, attempting to locate the exact moment when an agreement regarding a guarantee of no-license was made in exchange for permission to build the NIMT. In this way, the written record was placed in a privileged position, preventing any credible treatment of the oral traditions of rangatira and other Rohe Potae Maori, as well as leaving no room for the importance of verbal agreements.

### **Liquor and the Rohe Potae until 1914**

The following section briefly summarises the key events and developments regarding liquor legislation in the Rohe Potae prior to 1914. This section relies largely on existing secondary research and should not be considered as comprehensive. Marr's 'Political Engagement Report, 1870-1913' examines this period in detail. Many of these events described are at the heart of the controversy in the twentieth century and, as will be seen, various interpretations were offered at the inquiries into the liquor issue, as well as in evidence presented by both pro-license and temperance groups throughout the period.

Rohe Potae hapu and iwi were concerned about the potential ill effects of alcohol from as early as 1850.<sup>483</sup> Numerous efforts to control alcohol consumption were implemented including the use of the aukati, their own police forces, and alliance with Pakeha temperance groups when this seemed useful.<sup>484</sup> Marr has also noted how through the negotiations of the 1880s the Rohe Potae tribal leadership sought Government support to retain control of their land and communities while allowing selected settlement processes.<sup>485</sup> In this context, the issue of control of liquor became more important as liquor was closely associated with loss of land and community cohesion.<sup>486</sup> Accordingly, the issue of control of liquor became a significant aspect of the negotiations.

Rohe Potae Maori leaders discussed issues relating to the control of liquor at a number of the key events during the negotiations. These included: Wahanui's address to Parliament in November 1884; the Kihikihi hui of February 1885; and the turning of the first sod

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<sup>483</sup> Marten Hutt, *Maori and Alcohol: A History*, 2<sup>nd</sup> ed, The Printing Press, Wellington, 2003, pp89-93.

<sup>484</sup> *ibid*, pp89-93.

<sup>485</sup> Marr, *Rohe Potae, 1840-1920*, p15.

<sup>486</sup> Marr, *Rohe Potae, 1900-1960*, p149.

ceremony in 1885. As will be seen below, in the twentieth century debate existed over the exact intentions of these Rohe Potae Maori efforts, in particular, as to whether they desired total prohibition of alcohol in the district or only the banning licensed premises in the district. Marr has argued that by the 1880s Maori leaders within the Rohe Potae considered total prohibition as the only viable means of liquor control.<sup>487</sup> However, whatever the intentions of Rohe Potae Maori, in the course of the negotiations the Government responded by using existing legislation to ban the introduction of licenses within the district.<sup>488</sup>

In 1884, during the course of negotiations with the Government, the Gospel Temperance Mission or the Blue Ribbon Army began to gather support for a petition to establish the area as a no-license or 'dry' district under existing legislation.<sup>489</sup> As one of their various efforts regarding alcohol control, the petition received support from Rohe Potae leadership (Wahanui, Taonui, Rewi Maniapoto and King Tawhiao).<sup>490</sup> In September 1884, after some 1400 Rohe Potae Maori had signed, including the above chiefs, the petition was presented to Governor Sir William Jervois.<sup>491</sup> In response, on 3 December a proclamation under section 25 of the Licensing Act of 1881 established the Native Licensing District known as 'Kawhia Licensing Area'.<sup>492</sup> As Figure 4 indicates, this area covered most of the inquiry district. Under Section 25, no publican or hotel licenses were to be permitted within the proclaimed area under any circumstances. This made districts proclaimed under this provision different from other 'Native Licensing Districts', where it was possible to apply for licenses under special conditions (Sections 18-22). In addition, it was prohibited to sell or supply alcohol to Maori individuals within this proclaimed territory, with a fine up to £20 for those who did

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<sup>487</sup> Marr, *Rohe Potae, 1900-1960*, p149.

<sup>488</sup> Government efforts to control Maori consumption of alcohol had been in place since the earliest days of the colony. In 1847, the foundation of Pakeha attempts to control the liquor consumption of Maori was established with an Ordinance which banned the sale of spirits to Maori. This Ordinance would come into operation in specific districts which were proclaimed by the Governor. The whole of New Zealand was proclaimed such a district. Legislation from this time built on the foundation of this Ordinance, particularly the concept of 'native licensing districts'. The 1870 Outlying Districts Sale of Spirits Act adapted this concept in reaction to the growing settler population, by legislating that proclaimed native districts must have a Maori population of at least two-thirds that of the Pakeha. Twelve such districts were established under this Act. The Native Licensing Act 1878 and Licensing Act 1881, contained similar provisions. Peter J. L. Skerman, 'The Dry Era: A History of Prohibition in the King Country 1884-1954', MA Thesis, University of Auckland, 1972, pp33-55.

<sup>489</sup> Marr, *Rohe Potae, 1900-1960*, p142.

<sup>490</sup> Skerman, pp19-21

<sup>491</sup> *ibid*, p19.

<sup>492</sup> *ibid*, p20.

so. A second proclamation under the same legislation was made in 1887, covering an area known as the 'Upper Whanganui Licensing Area'.<sup>493</sup>

Marr highlights that once this system was implemented it was effectively outside of Rohe Potae Maori control. She notes that the Rohe Potae leadership were unable to alter the boundaries of the districts proclaimed when it was discovered that they were unsuitable. In addition, the prohibitive provisions themselves were ineffective.<sup>494</sup> The illicit importation of alcohol became an immediate problem in the district with the influx of construction workers and the North Island Main Trunk facilitating the trade.<sup>495</sup> In short, the legislation introduced had not achieved what Rohe Potae leadership had hoped for.

In the 1890s, Rohe Potae Maori responded in a number of ways to the growing problem of sly-grogging. The most prominent and controversial example was the 1891 request of Wahanui and 33 others for the issuing of a hotel license at Otorohanga.<sup>496</sup> By the twentieth century, as will be seen below, this attempt came to be interpreted as prima facie evidence of Maori repudiation of their agreement with the Government. However, other Rohe Potae leaders objected to this effort, and alternative motivations for the application have been posited.<sup>497</sup> Marr argues that, rather than refuting the agreement, Wahanui was attempting to re-establish Maori control over the liquor trade in the district through the introduction of licenses once it was apparent that the proclamation had failed.<sup>498</sup> By having a licensed premises at Otorohanga, the liquor trade would be closely supervised and under Maori control.

Importantly, temperance advocates from around New Zealand protested against the application vigorously and it was eventually declined.<sup>499</sup> Also from around the mid 1890s, as the Pakeha population of the district increased, residents of the district began to agitate for the introduction of licenses within the district.<sup>500</sup> These developments were evidence of the growing tension in Pakeha society regarding the consumption of alcohol in New Zealand.

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<sup>493</sup> *ibid*, p26.

<sup>494</sup> Marr, *Rohe Potae, 1900-1960*, pp149-150.

<sup>495</sup> Cleaver and Sarich, pp125-128; Skerman, pp95-96.

<sup>496</sup> Marr, *Rohe Potae, 1900-1960*, pp149-151.

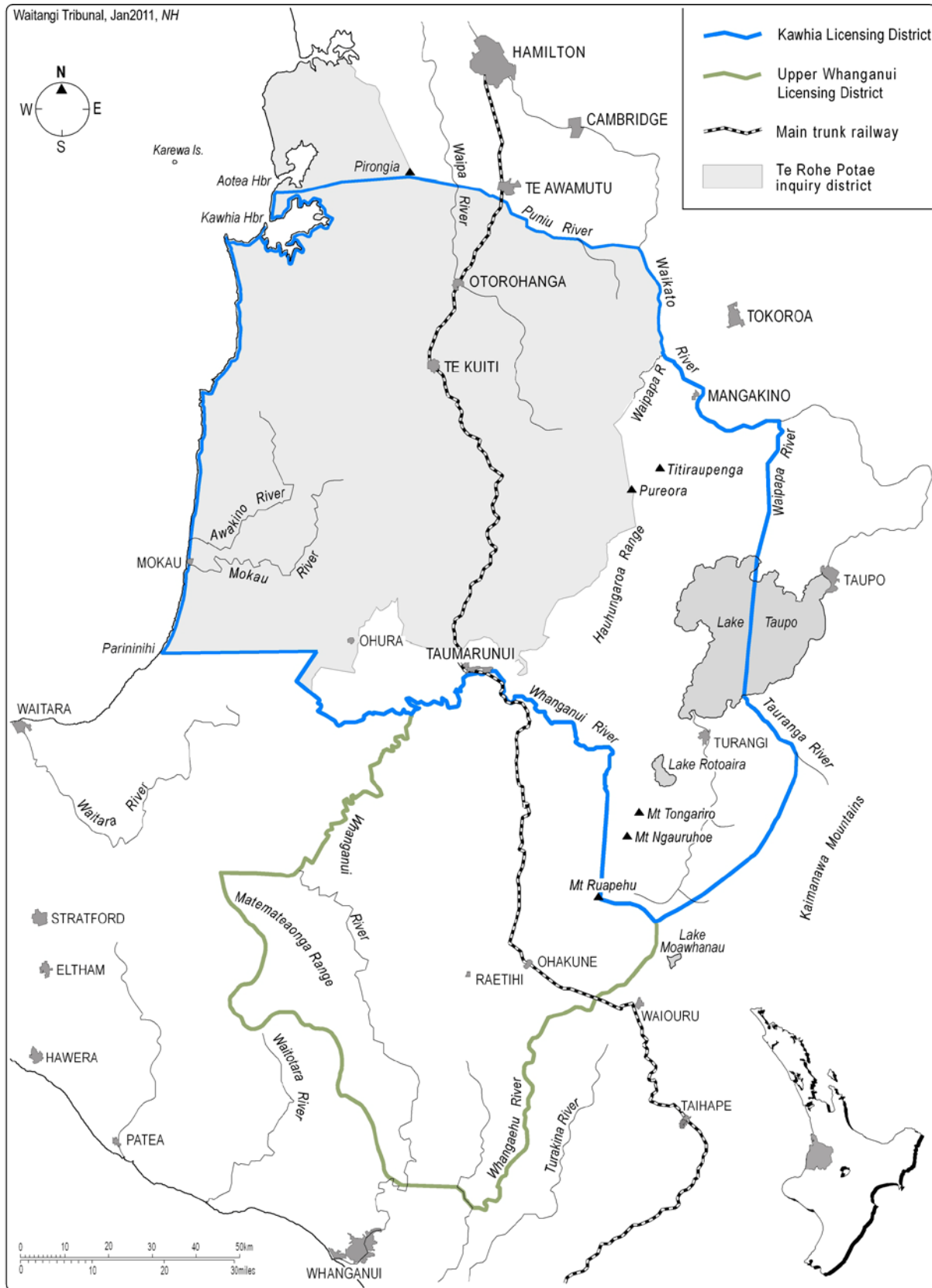
<sup>497</sup> Skerman, pp40-43.

<sup>498</sup> Marr, *Rohe Potae, 1900-1960*, pp150-151.

<sup>499</sup> Skerman, pp45-54.

<sup>500</sup> *AJHR* 1946, H38, p218.

Figure 4: Boundaries of the King Country Licensing Area<sup>501</sup>



<sup>501</sup> This map is based on the proclamations of 1887 and 1894, which were in force during the period under examination. See Findlay to Reverend Dawson, 8 June 1909, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1463.

## **The development of the temperance movement and prohibitive liquor legislation**

For much of the twentieth century, the processing, distribution and consumption of liquor in New Zealand was a contentious political issue. Emerging in the mid nineteenth century, prohibitionists, temperance and advocates of Government control of liquor distribution had gained considerable political power by the 1890s.<sup>502</sup> In 1886, the New Zealand Alliance for the Abolition of the Traffic was formed and developed into the leading prohibitionist and temperance organisation in New Zealand. The Alliance was supported by other older international movements such as the Women's Christian Temperance Union.<sup>503</sup> In 1893, the Alcoholic Liquors Sales Control Act provided for regional control over the number of liquor outlets in a 'Licensing District' and the option to implement local prohibition through polls (held every three years with a 60 percent majority). The boundaries of the licensing districts were the same as European electorates. The Act had a profound effect, resulting in the halving of 'pubs per capita in just 16 years.'<sup>504</sup> In addition, the drinking age was incrementally increased from 16 in 1893 until it reached 21 by 1910.<sup>505</sup> Restrictions were also placed on women owning licenses, and new barmaids could only be close relatives of license-holders.<sup>506</sup> (The Alcoholic Sales and Liquor Control Amendment Act 1895 provided for triennial polls for 'dry' districts to reintroduce alcohol. As will be seen, this was the provision that advocates of licenses in the Rohe Potae hoped would be extended to the King Country Licensing Area. The provisions for licensing districts going 'dry' were repealed in 1918, while polls to go 'wet' remained.)

Unsatisfied with this progress, Alliance members advocated for a poll on national prohibition. In 1910, Parliament legislated that a referendum on prohibition was to be held in conjunction with every general election.<sup>507</sup> In 1911, the first poll was held and 56 percent of the voters supported prohibition, only four percent short of the required 60 percent.<sup>508</sup>

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<sup>502</sup> Paul Christoffel, 'Removing Temptation: New Zealand's Alcohol Restrictions, 1881-2005', PhD Thesis, Victoria University of Wellington, 2006, pp12-14, 35-38.

<sup>503</sup> *ibid*, pp12-14, 35-38.

<sup>504</sup> *ibid*, pp99-101.

<sup>505</sup> Licensing Amendment Act 1910 s42.

<sup>506</sup> Christoffel, 'Removing Temptation', p9.

<sup>507</sup> *ibid*, p70.

<sup>508</sup> *ibid*.



Significantly, Maori were unable to vote in either the national or local licensing district polls.<sup>509</sup> The Maori vote in these polls was not provided until 1949 and 1957 respectively.<sup>510</sup>

The First World War acted as a further catalyst for temperance and prohibitionist legislative advances. In 1917, a temporary six o'clock closing time for pubs was imposed, which in 1918 was made permanent. Two additional polls on prohibition were held in 1919, which only failed by narrow margins.<sup>511</sup> Many historians have argued that 1919 was the final blow to prohibitionist cause in New Zealand. However, Christoffel convincingly argues that the prohibitionist and temperance movement remained a 'vibrant political force' throughout the 1920s, identifying the Depression and the Second World War as significant factors in its eventual decline.<sup>512</sup>

Due to the strength of the prohibitionist movement, successive Governments had been reluctant to pass legislation regarding liquor and related issues. For much of the twentieth century, political parties did not formulate specific party policies regarding liquor, primarily to avoid unnecessary conflict within parties over what was considered an issue of conscience.<sup>513</sup> Consequently, select committees and commissions with inter-party memberships were used by various Governments throughout the twentieth century to recommend and formulate liquor policy and legislation.<sup>514</sup> In addition, parliamentary votes on liquor legislation were made the subject of 'non-partisan "conscience" votes.'<sup>515</sup> Public referenda on liquor issues were also used to shift responsibility from Parliament completely, as described.<sup>516</sup> Once prohibitive measures were established, this approach to liquor legislation has ensured that any reform or repeal of the existing structure was difficult to implement. As this chapter demonstrates, this reluctance was evident in regard to licensing in the King Country Licensing Area.

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<sup>509</sup> For the exclusion from license districts see: Minister of Maori Affairs to Dr Winiata, 15 April 1955, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington, SP, pp1421-4122; For exclusion from general licensing poll see: Licensing Amendment Act 1949 sec 2 and 3.

<sup>510</sup> Hutt, p73; Licensing Amendment Act 1957, Section 6.

<sup>511</sup> Paul Christoffel, 'Prohibition and the Myth of 1919', in *NZJH*, vol.42, no.2, 2008, p154.

<sup>512</sup> *ibid*, pp154-171.

<sup>513</sup> Christoffel, 'Removing Temptation', pp53-60.

<sup>514</sup> *ibid*, p54.

<sup>515</sup> *ibid*.

<sup>516</sup> *ibid*.

In the context of the developing temperance movement, between 1900 and 1914 a number of prohibitive statutory provisions were enacted which created the legislative status quo in the no-license district until licenses were introduced in 1954.<sup>517</sup> Due to general provisions of the Licensing Act 1908 and amendments, by 1910 the supply of alcohol to Maori in the North Island by any person was illegal unless on a licensed premises for consumption on that site. Given that licensed premises were not permitted within proclaimed areas such as the Rohe Potae, this meant that supply of alcohol to Maori within the district was completely illegal.<sup>518</sup> Importing liquor from outside the district was only possible (by Pakeha) under certain conditions (Licensing Act 1908 section 147).<sup>519</sup> In 1909, the King-Country Licenses Act validated the Proclamations made under the Licensing Act 1881 (and section 272 of the Licensing Act 1908), and all land they purported to cover. It also provided that any licenses that had been issued in variance with the proclamations were invalid and were to expire at the end of that year. As will be described below, although this legislation theoretically provided protection for Maori, difficult and ineffective enforcement led both pro-license and temperance (both Maori and Pakeha) advocates to criticize this legislation.

### **The growth of Pakeha settlement in the Rohe Potae**

Coinciding with the growth of the temperance movement, Pakeha settlement and power in the Rohe Potae grew dramatically in first two decades of the twentieth century. Jane Luiten has shown that the first decade of the twentieth century witnessed the establishment and rapid growth of settler local government in the Rohe Potae.<sup>520</sup> As will be seen, these bodies were the leading advocates for the introduction of licenses in the districts. As described in the introduction, of this report between 1901 and 1911, the number of Pakeha residents in the King Country district (probably including Taumarunui) increased from about 1400 to about 12,000.<sup>521</sup> Purchase of Maori land also increased after 1905, and by 1910 less than 50 percent of the inquiry district remained in Maori ownership.<sup>522</sup> By 1931, the figure had dropped to just 24 percent.<sup>523</sup> Cleaver and Sarich also note that the NIMT was completed as

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<sup>517</sup> *AJHR* 1946, H38, pp218-219.

<sup>518</sup> Skerman, p59.

<sup>519</sup> *AJHR* 1946, H38, p219.

<sup>520</sup> Jane Luiten, 'Local Government in Te Rohe Potae', a report commissioned by the Waitangi Tribunal for the Te Rohe Potae district inquiry, January 2011, WAI898 #A24, pp10-15, 53-54.

<sup>521</sup> Ministry of Works Town and Country Planning Division, *Waikato, Coromandel, and King Country Region*, Government Printer, Wellington, 1973, p173.

<sup>522</sup> Craig Innes and Tutahanga Douglas, , p46.

<sup>523</sup> *ibid.*

far as Taumarunui in 1903, and by 1908 it was fully operational with the first train travelling from Auckland to Wellington.<sup>524</sup> Consequently, feeder roads were built to link new settlement lands to the railway, further facilitating settlement.<sup>525</sup> Also in 1903, the Native Townships of Te Kuiti, Otorohanga and Taumarunui were established, which further aided land purchase and the extension of Crown authority within the district.<sup>526</sup> Under the described pressure of growing Pakeha settlement, by 1914 most of the agreements reached with the Government in the negotiations during the 1880s had been ignored or had failed in implementation.<sup>527</sup> However, the no-license proclamations remained in force.

In the face of this rapid growth of Pakeha settlement, the support of a significant proportion of Rohe Potae Maori for the no-license and associated legislation solidified in the early twentieth century. Apart from the obvious continuing concern regarding the impact of alcohol on Maori communities, it appears that the no-license legislation assumed extra significance as one of the last remaining agreements from the negotiations of the 1880s. Drawing on existing conceptions of the negotiations' significance and solemn nature, this group presented the agreements reached regarding liquor during those negotiations (and the resulting proclamations) as something immutable and beneficial to the Maori community. For example, on 8 June 1910, the *Evening Post* published a report of hui held at Waahi where chiefs from the Waikato and the 'Rohi Potae', the president of the New Zealand Alliance as well as King Mahuta met to discuss liquor legislation. In particular, it was asked by temperance leaders what the 'real attitude of the Maoris toward the proclamation' was, as 'reports' had been circulating that they were willing to have the proclamations 'annulled'.

King Mahuta replied:

My words shall not be many but few about the Rohi Potae [sic]. Those words (the proclamation) shall never be altered. They never shall be. The intention of our Maori councils is that we will not have liquor in the district. This thing shall be again discussed at our great meetings. I quite approve what you ask for. I shall stand by the word of our fathers, and our grandfathers. Their work is right. I will do as you ask, and I will send a message to my people through the council, to say that the word of our fathers is to stand, and that no liquor shall come into the Rohi Potae [sic].<sup>528</sup>

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<sup>524</sup> Cleaver and Sarich, p80.

<sup>525</sup> *ibid*, p191.

<sup>526</sup> *ibid*, pp207-210.

<sup>527</sup> For failure of railway agreements see Cleaver and Sarich, Chapters 3, 4 and 5; For failure of agreements regarding land purchasing and the Native Land Court see Marr, *The Rohe Potae*, Part 1 and 2. Boulton, 'Alienation in the Rohe Potae Inquiry District, 1884-1908: An Overview', A report commissioned by the Waitangi Tribunal, Draft February 2011.

<sup>528</sup> *Evening Post*, 8 June 1910, p3.

The statement revealed a clear desire to maintain the current proclamations and associated legislation as the ‘word of our fathers, and our grandfathers’. It also seems to suggest that total prohibition was an aspiration.

By 1914, the parameters of the struggle of the twentieth century had been drawn. Led by local government bodies, many Pakeha of the district, as well as some Rohe Potae Maori, believed that licenses would provide better control of liquor consumption in the district. As will be seen below, within this group, debate also existed as to who should control licenses once they were introduced (Maori, local authorities, private enterprise or the Government). While a large proportion of Rohe Potae tribal leadership, supported by temperance groups, advocated the continuation of the no-license legislation and the strengthening of existing prohibitive legislation on the basis of the agreements of the 1880s.

### **Local authority pressure for licenses**

In 1914, the local authorities of the King Country renewed efforts for the introduction of licenses into the district through the amendment of the existing legislation. Temperance and prohibitionist groups who wished to maintain and strengthen the existing legislation reacted in opposition to these efforts. Written petition and deputation were the main means through which pressure was exerted on Government by both groups. Maori opposition to licensing, although in existence as described above, was not particularly vocal at this time, but became clear and persistent after the Hockley Committee of 1921-1922.

In mid 1914, preparation was begun for a conference of King Country local authorities to discuss what was commonly referred to as the ‘licensing question’ or the ‘liquor question.’ The *King Country Chronicle* recorded the Te Kuiti Borough Council proposing and passing the following motion: ‘...that the time has arrived when legislation should be effected giving an effective vote to the King Country on the liquor question...’<sup>529</sup> In addition, a nominated delegate was selected for the upcoming conference. Discussion was also had on whether the delegate should advocate for municipal control of any licenses that were introduced, however it was decided not to pursue this issue at this time due to lack of unanimity.<sup>530</sup> Municipal

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<sup>529</sup> *King Country Chronicle*, 9 May 1914, p5. SP, p78.

<sup>530</sup> *ibid.*

control was favoured by some local authorities as it provided the opportunity to increase revenue from hotel licences.<sup>531</sup>

On 20 June 1914, the *King Country Chronicle* reported that a deputation representing the local authorities met Prime Minister Massey in Te Kuiti to impress on him their desire for a poll on licenses. The deputation consisted of John Ormsby, E. Martin and W. Sandison. John Ormsby had been an active participant in the negotiations of the 1880s, being a spokesman for Ngati Maniapoto interests at Kihikihi in February 1885 and the Chairman of the Kawhia Committee.<sup>532</sup> However, Ormsby had also been influential in the establishment of Otorohanga and a member of the Town Board. According to the article, Ormsby was recorded as making the following comments:

Mr Ormsby said he had acted as spokesman for the Maoris in 1885 at the turning of the first sod of the railway at the entrance to the King Country when application was made to the Government of the day to prohibit the introduction of liquor to the district and to prohibit all land dealings until titles were determined. The result was that licenses were prohibited but liquor came in very freely. In any case the conditions had changed entirely. He felt it was time the restrictions were lifted.<sup>533</sup>

Martin emphasised that the original intention of the no-license provisions had been to protect Maori from liquor in a district that was still largely free of Pakeha settlement, however the Pakeha population now outnumbered Maori. In addition, other legislation prevented Maori from being served alcohol at 'off licensed premises.' Therefore, he argued, the Europeans of the district had the right to vote on the introduction of licenses. He requested that 'if the vote of the district was in favour of license that the system of municipal control should be established'.<sup>534</sup> Sandison added that the present legislation was ineffective with a 'great amount of liquor' entering the district and that it would be an 'infinite improvement if the traffic was under the control of the people.'<sup>535</sup> Massey replied that he could say 'very little' on the subject and that he would have to consult Cabinet.<sup>536</sup>

On the same day, a deputation of 'ladies, clergymen of the Anglican, Presbyterian, Congregational, and Methodist Churches, and a number of citizens' met Massey in the

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<sup>531</sup> See for example, *King Country Chronicle*, 27 May 1914, p5. SP, p80.

<sup>532</sup> Cleaver and Sarich, p68.

<sup>533</sup> *King Country Chronicle*, 20 June 1914, p5. SP, p81.

<sup>534</sup> *ibid.*

<sup>535</sup> *ibid.*

<sup>536</sup> *ibid.*

‘interests of temperance.’<sup>537</sup> Mr Boddie, the Mayor of Te Kuiti, acted as the spokesman for this group. He made it clear that ‘all recognised that certain reforms were necessary’ and that the lifting of restrictions on licenses was not the best or only solution. This group advocated greater control of the alcohol trade, both legal and illegal, from outside the district and were ‘absolutely against the idea of State or municipal control.’<sup>538</sup>

In response to the Licensing Amendment Bill to be placed before the House, in July 1914, another deputation of King Country local authorities met Massey. This time the deputation visited Wellington and requested the ‘annulment of the Rohe Potae anti-liquor proclamation’ which would place the area on the ‘same effective position for voting on local option issues as other European districts.’<sup>539</sup> John Ormsby was again a member of the deputation, and was recorded as stating: ‘there was more abuse of liquor among natives and Europeans in the prohibition area than there would be if it were a license area.’<sup>540</sup> Massey ‘promised’ to place the matter before Cabinet, although he stressed that the present bill would not be amended in light of the deputation.<sup>541</sup>

In July 1914, when discussing the Licensing Amendment Bill, Massey made the following statement to the House in response to these deputations from the Rohe Potae:

A difficult matter connected with the licensing question at the present time is the state of the King Country. I think most members know that in the early “eighties” a Proclamation was issued making what is called the King-country a prohibition district. At that time the Native population was very greatly in excess of the European population, but to-day the position is reversed – the European population is very greatly in excess of the Native population. A very large proportion of the European population there is claiming the right to vote... The matter of the King Country will have to be considered, and considered very seriously and earnestly, in the not-far distant future. But it cannot be dealt with satisfactorily in any rough-and-ready method such as been proposed... We are in the habit of setting up Royal Commissions, and I think we might be wise to set up a Royal Commission to inquire into the state of things existing in the King Country, and its possible remedy.<sup>542</sup>

The statement acknowledged that the issue could not be resolved without a comprehensive investigation. The Government was not prepared to take a definite position on the situation. Massey’s suggestion of a Royal Commission points to the importance of the issue and the

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<sup>537</sup> *ibid.*

<sup>538</sup> *ibid.*

<sup>539</sup> *King County Chronicle*, 18 July 1914, p5. SP, p82.

<sup>540</sup> *ibid.*

<sup>541</sup> *ibid.*

<sup>542</sup> *NZPD* 1914, vol.168, p830.

level of inquiry he felt necessary to resolve it. However, the onset of the First World War appears to have delayed any movement toward a Royal Commission or other form of official investigation.

### **The ‘First’ Hockley Committee, 1921-1922**

The first Government investigation of the Rohe Potae liquor legislation was initiated on 13 December 1921 when the Parliamentary Committee on Licensing was formed. The chairman of the committee was Frank Hockley (Member for Rotorua), hence it is often referred to as the Hockley Committee. The licensing issue in the Rohe Potae was not the primary concern of the Committee, with it being formed to make a general assessment of ‘what amendments are required in the present Licensing Act’ for its ‘satisfactory working...in the interests of the public.’<sup>543</sup> The Committee heard evidence from 42 people, only three of which were from the Rohe Potae – Erima Harvey Northcroft, John Ormsby and Alexander Smith Laird. The Committee was important as the evidence presented established some of the general arguments which would be made by pro-license advocates throughout the period.

Northcroft, a solicitor from Hamilton, stated he wanted ‘to place before the Committee the desires of the residents of the King Country, concerning the present licensing restrictions.’<sup>544</sup> He believed a ‘great deal of misunderstanding’ existed concerning the licensing legislation, stating

The crucial point or criticism offered against the sale of liquor in the King Country has been that there has been a solemn pact between the European and the Maori that alcohol should not be sold there. There has, however, been a gross misunderstanding about the question.<sup>545</sup>

Northcroft asserted that there had been negotiations in the 1880s and described Maori motivation in the following way:

The Maori was particularly influenced by the desire to open up his country, and he felt the circumstances were too much for him, because the country would be opened up whether he liked it or not. He felt, however, that the land should be preserved, and for that reason he asked that certain steps should be taken concerning alcohol. About that time the Maori land was being eliminated very rapidly. Alienation was destruction to the Maori, which went owing to the excessive amount of alcohol which was consumed at the sittings of the Land Court.<sup>546</sup>

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<sup>543</sup> *AJHR* 1922, I14, p1.

<sup>544</sup> Copy of Report, Copy of Evidence, Parliamentary Licensing Committee, 1922, p156, MSY-5656- 77-206- New Zealand Alliance Papers, ATL Wellington. SP, p7.

<sup>545</sup> *ibid*

<sup>546</sup> *ibid*.

Summarising the negotiations as he understood them, Northcroft referred to a petition of '1882 or 1883', which he described as primarily concerned with land retention and 'incidentally' contained a request for 'restriction of liquor.' He then stated that there was further discussion with Sir Robert Stout at the turning of the first sod ceremony regarding those issues.<sup>547</sup> Importantly, however, although he revealed some understanding of the negotiations of the 1880s, he did not see these in any way binding on future Governments, as '[t]he white-man had a right to go into the country'. He considered any agreements reached a 'matter of grace', rather than a 'bargain' or exchange by two equal parties.<sup>548</sup> He concluded:

I realise that if this was a solemn pact between the Maori and the European, and if this could be properly substantiated [sic], it could not be departed from. It was, however, no question of a pact at all. The European had a right at the time to go through the country and open it up.<sup>549</sup>

In addition to the lack of obligation, he also argued that the situation had changed markedly in the Rohe Potae since the 1880s. Europeans now outnumbered Maori and the liquor restrictions had never been implemented effectively. He argued, incorrectly, that the no-license proclamation had not been made until 1894. (As stated, there had been a corrective proclamation at this time, after the original proclamation of 1884). He did note correctly, however, the great difficulty in keeping liquor out of the district in the 1880s and 1890s – a problem that, he asserted, persisted in 1922.<sup>550</sup> Using the attempts to gain licences by Wahanui in the 1890s as evidence, he argued: 'So as early as 1892 then, or 7 or 8 years after this arrangement had been made, the Natives themselves...desired to depart from it, and for the reason that it had never been carried into effect.'<sup>551</sup> On this foundation he continued:

Originally they anticipated complete prohibition, but they soon realised that they were not getting the prohibition that they wanted, but, unlike Europeans they were unable to change; they could not decide whether they should continue in the same way. We insist that they should have the right of reviewing their request.<sup>552</sup>

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<sup>547</sup> *ibid*, p157. SP, p8.

<sup>548</sup> *ibid*.

<sup>549</sup> *ibid*, pp159-160. SP, pp10-11.

<sup>550</sup> *ibid*, pp158, 160. SP, pp9, 11.

<sup>551</sup> *ibid*.

<sup>552</sup> *ibid*, p158. SP, p9.



Thus he used the powerful language of democracy and Maori choice to advocate his position:

Subject to prohibition not being carried at the next general election, we do ask that the King Country be put in the same position as any other district, in that it should be allowed to decide for itself in the matter of license or no-license. If prohibition is carried well and good; the Maori will agree to the law.<sup>553</sup>

Arguments based on the right to vote or to 'decide', for both Maori and Pakeha, were reiterated consistently by pro-license advocates.

Northcroft went on to detail problems of enforcing restrictive liquor legislation in the King Country, which he considered systemic and inevitable unless national prohibition was introduced. In particular, he noted the purchase of illegal liquor by Maori in the district, which was very expensive and of poor quality.<sup>554</sup> Accordingly, he advocated State control of licenses as a possible compromise that he believed would be most pleasing to Maori:

The desire of the Maoris themselves is that their liquor should be sold to them, if they had it at all, under the best conditions, or if they were not to get it they should be entirely restrained. It is clear that State Control would meet that position. If a Maori should have liquor imported for him from Te Awamutu or Hamilton, you will have a better opportunity of restraining him through a Manager in a State Controlled hotel. If the police act in conjunction with the Managers of State Institutions [sic], then we think the evils can be minimised. The people would have no incentive to deal with sly-grog sellers. You cannot build a barrier around a country such as Rohe Potae, and under present conditions the evils will not be stopped until National Prohibition is carried. I urge that the matter of being able to acquire alcohol in the King Country should be done in the way I suggest.<sup>555</sup>

The Committee then heard John Ormsby. As stated, Ormsby had been an active participant in the negotiations of the 1880s, being a spokesman for Ngati Maniapoto interests at Kihikihi in February 1885 and the Chairman of the Kawhia Committee.<sup>556</sup> However, no indication was provided by Ormsby in his examination that he believed he was speaking on behalf of all Rohe Potae Maori. As detailed earlier in this chapter, Ormsby had also, on a number of occasions, been a member of deputations by local authorities to Government where he advocated for the introduction of licenses in the district. Although presenting a more nuanced argument than Northcroft, which emphasised the important obligations held

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<sup>553</sup> *ibid*, p160. SP, p11.

<sup>554</sup> *ibid*, pp160-161. SP, pp11-12

<sup>555</sup> *ibid*, pp161-162. SP, pp12-13.

<sup>556</sup> Cleaver and Sarich, p68.

by the Government due to the negotiations of the 1880s, he saw the introduction of licenses under state control as the only practical solution to the current situation.

He began his evidence by providing a ‘short history of the King County’ recalling the commencement of negotiations between the Government and Rohe Potae leadership in the 1880s. He stated:

When these negotiations were going on, we amongst the rest, were fearful that the circumstances which used to follow the sittings of Native Land Courts at Cambridge and other places such as drinking and debauchery, might interfere with the investigation of our titles. Consequently a petition was presented to the House of Representatives by our party in 1884 [1883?], in which we pointed out the evils we were anxious to guard against, and at the same time recognising the conditions or advantages we would receive by having the country thrown open.<sup>557</sup>

Ormsby made the important connection between Rohe Potae leadership concerns regarding liquor and those in respect of land sales and the introduction of the Native Land Court. He went on to state that general temperance influence (the Blue Ribbon Army) had been growing in the district at the same time that negotiations had begun in the Rohe Potae: ‘It commenced amongst the Europeans and spread through the Native districts’.<sup>558</sup> As a consequence, another petition instigated by the leaders of the Blue Ribbon Army was submitted to Parliament in 1884 with a total of 1400 signatures which the ‘Chiefs, themselves, all signed’.<sup>559</sup> In this way, Ormsby described how the interests of the temperance movement and the ‘Chiefs’ had converged during the negotiations.

Ormsby went on to further elaborate on his role in events and his view that a ‘sacred pact’ had been reached between Rohe Potae leadership and the Government. In particular, he recalled how as the Chairman of the Kawhia Committee, he had reminded Stout at the turning of the first sod ceremony in April 1885 ‘that it was the wish of the Natives that liquor was not to be allowed to cross the Puniu river, in order to allow them to carry on their investigations in connection with their titles.’ Significantly, this suggested that he considered Maori desired the complete prohibition of all liquor from entering the district, rather than just the banning of licenses. Also, Ormsby again drew attention to the fact that the agreement reached regarding liquor was related to the operation of the Native Land Court.

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<sup>557</sup> Copy of Report, Copy of Evidence, Parliamentary Licensing Committee, 1922, pp167-168, MSY-5656- 77-206- New Zealand Alliance Papers, ATL Wellington. SP, pp18-19.

<sup>558</sup> *ibid.*

<sup>559</sup> *ibid.*

At this point, Richard McCallum (Member for Wairau) interjected stating ‘Tell ys [sic] what Mr Stout said?’ To which Ormsby replied ‘He promised to give effect to that wish.’<sup>560</sup> Ormsby then stated ‘[t]hings continued on, and the construction of the railways works were pushed through. Liquor followed in its wake without let or hindrance. We made representations to the Government drawing their attention to the fact’.<sup>561</sup>

At this point the discussion moved to the idea of a sacred pact, when Leonard Isitt (Member for Christchurch North) asked Ormsby if ‘[t]here was a Solemn Pact?’ To which he replied:

We understood that there was a solemn pact, and seeing that, it gave us all the more reason to think why it was that after the pact was made, the liquor was still coming in. In about 1887 petitions were again sent in by the same people asking that liquor should be prohibited... Ever since that time various representations were made to the Government drawing their attention to the condition of things. One of the first steps they took toward keeping the pact was the appointment of a Constable at Te Kuiti. From that time there has been no reduction of liquor in the district; it has been on the increase ever since.<sup>562</sup>

Although personally desiring ‘absolute prohibition’, Ormsby then detailed that he believed state-controlled licensing was the only practical solution to what he considered a hopeless situation:

Personally, my own leanings are toward absolute prohibition, but it seems to me that under the present circumstances the Natives will get liquor whatever you do. They are getting it now in the worst form, under the most expensive system possible. They must go individually or else get an accomplice to buy for them.... Some five or six years ago I was one of a deputation sent to Wellington by a joint meeting of natives and Europeans for the purpose of pointing out the unique position under which the King Country was placed; that is, when the liquor vote is taken you may get a majority in favour of it in the King Country, you derive no benefit from it. There should be liquor or prohibition according to the vote. It would be manifestly better for the Natives, that if licenses were granted it should be granted either to the State or to the municipality, to ensure proper control. There is no other way to limit drinking.<sup>563</sup>

Ormsby further elaborated his view:

Mr. [Alexander] Harris [Member for Waitemata] – there was a solemn pact entered into? – [Ormsby] I have no hesitation in saying that.

[Harris] Do you think conditions having changed, would justify the Government going back? – [Ormsby] – No practical difference; it [the pact] has never been carried out.

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<sup>560</sup> *ibid*, pp169. SP, p20.

<sup>561</sup> *ibid*.

<sup>562</sup> *ibid*.

<sup>563</sup> *ibid*, p171. There is an error in pagination in the report. The page number jumps from 169 to 171. SP, p21.

[Harris] Supposing we find ways and means to carry it out? – [Ormsby] You will have a bigger majority to fight against now, because the Europeans have more than doubled.

[Harris] The welfare of the Pakeha was not considered in those days; it was the Maori they wanted to protect. Should not the Government still protect the Maori? – [Ormsby] But they did not protect the Maori, because the liquor never stopped coming in. Moreover, the liquor question was only secondary question so far as the Natives were concerned. We wanted the Government to stop buying the native lands – the non-sale of the land.<sup>564</sup>

Judging from Ormsby's statements as a whole, he believed the value of restrictions on alcohol had been undermined by the fact that the Government had not maintained the agreements regarding land, which to his mind were the fundamental issue at stake in the 1880s. Overall, the evidence presented made it clear that Ormsby believed that a 'sacred pact' had been entered between the Government and Rohe Potae Maori, and also that none of the agreements had been kept. He saw licenses as a pragmatic solution to a situation that was beyond repair. As will be described below, although agreeing with much of his argument, his position that licenses should be introduced under state control was not held by all Rohe Potae Maori.

Alexander Laird, a former Mayor of Taumarunui, gave evidence last and he largely supported Ormsby. He claimed that the present situation 'neither prohibits or protects the people', adding that 'I endorse all that Ormsby has said. The liquor comes in in large quantities, and consequently orgies take place.'<sup>565</sup> He carried on to argue that licenses would enable regular, controlled consumption in safer environments (Hotels), rather than binge drinking of inferior alcohol that existed at the present, especially amongst the Maori population.<sup>566</sup> This was a common argument used by pro-license advocates throughout the period.

The witnesses heard by the Committee were advocates of the introduction of licenses in the Rohe Potae. Not surprisingly, given the evidence heard by the Committee, on 2 August 1922 the following recommendation was published regarding the King Country Licensing Area:

That if national prohibition is not carried at the next licensing poll the people of the Rohe Potae should be given the opportunity of voting as to whether they desire license or not; the poll to be taken on the lines laid down in the Licensing Act.<sup>567</sup>

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<sup>564</sup> *ibid*, pp172-73. SP, pp22-23.

<sup>565</sup> *ibid*, p177. SP, p26.

<sup>566</sup> *ibid*, pp177-180. SP, pp26-29.

<sup>567</sup> *AJHR* 1922, I14, Clause 5.

This recommendation provided for a licensing district poll under the current Licensing Act, which at that time did not provide for Maori voting. It is unclear if special provisions would have been made for the Maori vote. Even if this was the case, it would have been a combined poll requiring a 60 percent majority to carry licenses, allowing the larger Pakeha population to hold the balance of power for all communities in the district, including Maori.

The recommendation of the Hockley Committee regarding the King Country Licensing Area precipitated a concerted wave of protest from temperance advocates from around New Zealand and the Rohe Potae. The protest came in the form of deputations, letters, resolutions and petitions. The Justice Department records (the department responsible for the administration of liquor legislation) have two large files containing many protest letters and consequent responses.<sup>568</sup> Methodist, Anglican, Baptist and Presbyterian congregations as well as Women's Christian Temperance Union and New Zealand Alliance branches were the main bodies that sent letters. Protests were received throughout 1923 and 1924. For example, on 4 March 1923, the Methodist Church of Te Kuiti, wrote:

We, the officers and members of the Methodist Church in Te Kuiti, convinced of the value of Prohibition in the King Country, enter our protest against the repeated attempts made to induce the Government to break a sacred pledge entered into between the Government and the Maori race, in placing the King Country under No-License. For the welfare of the Maori people and for the honour of the Dominion, we urge upon the Government to resist all attempts made to induce it to regard that treaty as a "scrap of paper", and loyally maintain its pledge by keeping the King Country under No License.<sup>569</sup>

The standard response to these protest letters noted that 'careful consideration' would be given to the issues raised.<sup>570</sup>

Importantly, Rohe Potae Maori protest regarding the license issue became significant from this time. For example, on 26 March 1923, a petition was received from Raureti Te Huia<sup>571</sup> of Manga-Toatoa Punui and four others. Te Huia Raureti (perhaps the father of Raureti Te Huia), Maniapoto Tupotuhi, Kite Paiaka, Rangitakiawaho te Kapupapa, the other signatories, were all over 65 years of age. The petition essentially requested there should be no revision

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<sup>568</sup> J1 W1190 1038 1934/37/29, Liquor in the King Country 1934; J1 W1190 996 1923/821, Protestations of groups against a licensed liquor trade in the King Country, 1923-1923, ANZ Wellington.

<sup>569</sup> Officers and Members of the Methodist Church of Te Kuiti to Prime Minister (Massey), 4 March 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1471.

<sup>570</sup> Massey to J.E Hodson (Methodist Church in Otorohanga), 14 March 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1476.

<sup>571</sup> He is later a member of the Tainui Trust Board for the Punui district, see Chapter 4.

of the liquor laws in connection with the 'ROHE-POTAES', as the wish of 'Our Fathers' is 'Ours'.<sup>572</sup> A similar petition was received on 15 July 1923, by Matengaro Te Haata and 16 other Ngati Maniapoto.<sup>573</sup> Government response was similar to those protest from church and temperance organisations, namely that their requests would receive 'careful consideration'.<sup>574</sup>

Furthermore, on 12 July 1923 'a deputation of Natives from the King Country' was received by Massey in Wellington. Reverend Haddon, Reverend Seymour, 'Mr Hetet', 'Mr Atutahi and Others' were representing Rohe Potae Maori. Various Members of the House of Representatives were present, and Maui Pomare introduced the deputation and acted as interpreter.<sup>575</sup> Mr Hetet spoke first and presented a petition with over 1000 signatories. He stated:

...we have heard that the Europeans of that district have been down here and are endeavouring to break the pact which was entered into by our predecessors in 1884 with the Government of the day, and that is why we have come because we do not want to trample underfoot that compact between the various Tribes and the leading Chiefs of that district.<sup>576</sup>

The petition was then personally presented to Massey.<sup>577</sup> 'Mr Hetet' then continued, stating that he believed it would 'be disastrous to the Native Race'.<sup>578</sup> 'Mr Atutahi' then added:

We are the descendants of those who have gone into the night; those who have left their words of promise and oaths behind them. I come here as an ardent supporter of this petition which has been explained to you by the previous speaker. I will not be one of those who will attempt to break the compact which has been entered into by my predecessors.<sup>579</sup>

Rev. Haddon then described how he believed that there was very little drinking done by Maori in the district at the moment and that with more strengthening of the existing laws the sly-grog traffic could be further curtailed.<sup>580</sup> An unnamed 'Taupo District Representative',

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<sup>572</sup> Raureti Te Huia to Coates (Native Minister), 26 March 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, pp1486-1488.

<sup>573</sup> Matengaro Te Haata (and 16 others) to Massey, 16 July 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, pp1496-1498.

<sup>574</sup> Coates to Raureti Te Huia, 5 April 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1489.

<sup>575</sup> *King Country Chronicle*, 14 July 1923, p5. SP, p90.

<sup>576</sup> Transcript of deputation, 12 July 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1549-1552

<sup>577</sup> *ibid.*

<sup>578</sup> *ibid.*

<sup>579</sup> *ibid.*

<sup>580</sup> *ibid.*

then spoke, refuting that the admission of licenses would reduce drinking amongst Maori youth, fearing that it would have the opposite effect.<sup>581</sup>

Massey then replied, explaining that the matter would receive ‘due and proper consideration.’ He elaborated on the process of a select committee and of the Hockley Committee in particular, reassuring the deputation that Parliament was still some time from passing any legislation affecting the Rohe Potae. The transcript recorded Massey adding: ‘Neither the Government nor Parliament would take advantage of the Native People that was quite certain, though he presumed, from what the Member had said [Pomare?], that there was a difference of opinion even among the Native People with regard to the matter.’ He then asked the deputation whether they objected to the ‘taking of a poll?’ To which the ‘Taupo Delegate’ stated ‘We object to that.’ Massey then concluded by telling the deputation that ‘their side of the question’ and their petition would be represented in ‘the Special Committee and later on when the Bill was being dealt with possibly by the same Committee, and possibly another committee’.<sup>582</sup> Finally, in reference to the comment by Massey regarding Maori opinion, Rev Seymour stated: ‘The Natives absolutely repudiate the evidence given by Mr Ormsby of Otorohanga. He simply appeared on his own authority. Two of them claimed to represent the Europeans and Mr Ormsby said he represented the Natives’.<sup>583</sup>

On 26 July 1923, a large deputation of Pakeha opposing the introduction of licenses into the Rohe Potae also met Massey and a number of Members of the House.<sup>584</sup> The Pakeha deputation had another petition ‘signed by 1400 electors’ and emphasised that not all residents of the district desired licenses. The deputation argued that the ‘solemn’ agreement reached between Maori and the Government should not be broken, in addition to asserting that licenses would be damaging to Rohe Potae hapu and iwi wellbeing.

During the presentations of the various spokesmen for the deputation, an interesting exchange occurred that demonstrated that some within the temperance movement considered licenses in the Rohe Potae a national issue – no longer solely a matter of discussion between Rohe Potae Maori, the Government and to some extent the Pakeha of

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<sup>581</sup> *ibid.*

<sup>582</sup> *ibid.*

<sup>583</sup> *ibid.*

<sup>584</sup> Transcript of deputation, 26 July 1923, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, pp1553-1560.

the area. It also foreshadowed what would develop into a complex issue surrounding whether the Rohe Potae Maori as a collective or the designated leadership of that community should be given authority to decide on the license issue. Mr Stanton of Taumarunui commented during his statement: “They [a large part of the Pakeha community] believed it was a solemn obligation and should not be broken without the absolute consent of both parties entering into that agreement.”<sup>585</sup> Sometime later in the discussion, Isitt replied to this point made by Stanton, stating:

I have been asked to state that the majority of this deputation by no manner of means agrees with Mr Stanton’s suggestion that this matter might be settled by agreement between the Maoris and the Government. We hold very strongly that the pact has been entered into in the interests of the whole of the people and even if a majority of the Maoris could be induced to vote for the introduction of licensed houses into the King Country it would not warrant the Government in exposing a semi-civilised people to the temptations of the licensed liquor trade.<sup>586</sup>

This comment by Isitt alluded to the fear of many temperance advocates that if an election was held, Maori would be susceptible to persuasion or ‘induced’ to vote in favour of licenses. Stanton replied:

My point was this – if there was an alteration to be made it should be by the representative men of these places, not by the vote of the Maori people – by their acknowledged leaders. I did not say it was desirable that this should be done.<sup>587</sup>

No further comments were made regarding this issue on this occasion. However, who held the right to decide whether licenses should be introduced was a recurring question over the following decades. Massey concluded proceedings in a similar manner as he had for the Maori deputation, stressing that no changes were imminent.<sup>588</sup>

In early August 1923, Sir Robert Stout, the Chief Justice at that time, made a speech regarding what had been agreed at the turning of the first sod ceremony in 1885. Stout was a well-known temperance advocate and his speech was delivered at the Salvation Army Citadel in Wellington at a meeting organised by the New Zealand Alliance.<sup>589</sup>

In this discussion, and by questions put to me by Wahanui, the Natives wished to know if the Government would continue the prevention of alcohol being brought into the Rohe Potae district. I told them that I pledged the Government to that effect, and that the Government had already carried out the promise which had been

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<sup>585</sup> *ibid.*

<sup>586</sup> *ibid.*

<sup>587</sup> *ibid.*

<sup>588</sup> *ibid.*

<sup>589</sup> *Evening Post*, 3 August 1923, p5.



made to Wahanui by publication of the Gazette notice in December... We therefore have this position, that there was a bargain made between the Maoris and the Government that this district was to be kept free from the sale of spirituous liquors. That was our bargain, and I might say that this bargain has been referred to since by the Maoris... Are we to break the bargain that we made with them? We got their territory on this condition: no alcoholic liquor was to be sold in that district.<sup>590</sup>

Temperance advocates placed great importance from this time on Stout's support of the idea of a sacred pact, as Stout had been Prime Minister at the time of the ceremony, and had officiated at the proceedings.

### **The 'Second' Hockley Committee, 1924**

Partly in response to the described protest regarding the proposed poll in the King Country, but also to a separate petition 'favouring the co-operative control of the licensing industry [nationwide]', in August 1923 a new parliamentary licensing committee was established.<sup>591</sup> Hockley was again appointed Chairman of the Committee, hence it is often referred to as the 'second Hockley Committee'.<sup>592</sup> The Committee heard a number of Maori and missionary witnesses in respect to the Rohe Potae, all of which asserted a 'compact' had been entered into between Rohe Potae leadership and the Government. However, definitions of this compact differed, as did opinion on the introduction of licenses. Essentially, two perspectives were outlined. The first took up a position similar to Ormsby's in 1922. They advocated a referendum to be held for both Maori and Pakeha. The introduction of licenses under municipal control was believed by this group to be the best means of ameliorating the present situation facing the Maori community in respect to sly-grogging. It was hoped that if placed under municipal control some financial benefit could also be gained for Rohe Potae Maori. The second perspective, supported by temperance groups and the Kingitanga, remained against any referendum, wishing instead the agreements of the 1880s to be maintained and strengthened. The former advocated the right of the individual to decide the issue through the vote, while the latter emphasised the chiefly authority of Rangatira and the Kingitanga to make decisions in conjunction with Rohe Potae Maori.

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<sup>590</sup> *New Zealand Herald*, 3 August 1923, p5 quoted in Skerman, pp156-157.

<sup>591</sup> *King Country Chronicle*, 26 July 1923, p5. SP, p91.

<sup>592</sup> *King Country Chronicle*, 2 August 1923, p5. SP, p92. See McLintock, p53 for reference to second Hockley Committee.

On 24 September 1924, Hone Pihama Te Uru was questioned by the committee regarding a petition he had submitted which requested licensing in the Rohe Potae. It was signed by 431 other Maori of the Rohe Potae. The petition stated: ‘...your petitioners feel and are convinced that the present system of Licensing Law applying to the King County is unjust and inequitable and requires amendment...’ The petition outlined that the original intention of restricting alcohol in the district was to prevent it influencing the decision making of ‘natives’ in the Native Land Court and sale of their lands. It then argued that conditions had changed, making the original intention of the restrictions no longer valid. The petition noted that the Native Land Court ‘now protected the native in the matter of transferring lands’; that the ‘Crown’ had never prevented the introduction of alcohol into the King Country; and finally that ‘sly-grogging’ was doing serious damage to the Maori community. On this basis, the recommendation was made ‘that it is just and equitable that the inhabitants of the King Country both European and Native, should have the right to vote on the subject of the introduction of liquor.’ It stated that the introduction of licenses would be in the ‘best interests of the natives in the Rohu Potae [sic].’<sup>593</sup> The petition then requested municipal control of any licenses issued in the district, outlining that the profits raised by such licenses would be used by the local authorities to supplement their income in order to alleviate unpaid rates on Maori land.

Through his statement and cross examination, Hone Pihama Te Uru elaborated on the opinion expressed in the petition. He described the negotiations of the 1880s in this way:

In the year 1884 a compact with the Government was entered into by Wahanui and other Chiefs of the Waikato District in which it was mutually agreed between the Government of the day and the Natives that native lands should not be sold and that no liquor of any kind should be imported into the district. The reason for prohibiting the sale of native lands was because they were afraid of the Native being given liquor which would muddle their intellect and cause them to dispose of their lands for less than they were worth. That is the reason why Wahanui and the other Natives entered into the compact with the Government to prohibit drink from being imported into the district.<sup>594</sup>

In a similar way to that of Ormsby in 1922, Pihama Te Uru believed a key reason for the request to control liquor in the district during the negotiations of the 1880s had been

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<sup>593</sup> ‘Petition of Hone Pihana Te Uru and others re reform in the licensing legisiton as affecting the King County’, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, pp2215-2242.

<sup>594</sup> Transcript of the examination of Hone Pihama Te Uru, 12 September 1924, p25, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, p2134.

concern regarding the relationship between the consumption alcohol and land sales. He continued, explaining that Wahanui soon realised he had made a ‘big mistake’, being unable to provide hospitality to visitors. He recognised that alcohol was being smuggled into the district and was being consumed in ‘large quantities’ by Maori, in a manner of which he did not approve.<sup>595</sup> Accordingly, ‘he and other Chiefs sent a Petition to the Government to allow liquor traffic in the King Country’, referring to the petition of 1891 requesting a license at Otorohanga.<sup>596</sup>

Te Uru then described what he considered the situation facing the Rohe Potae in the 1920s. He explained that with the assistance of the Native Land Court and the Maori Land Board, the power of the chiefs of old over land transactions had been placed in the hands of individual owners. In a similar way, he, as a Maori of the Rohe Potae, was now asking for ‘the same right as the Pakeha to vote on this [liquor] question in our district’.<sup>597</sup> He then described the evils of the slog-grog trade, namely the impact of poor quality and expensive alcohol on the Maori community.<sup>598</sup> He argued that the controlled consumption of alcohol at licensed hotels would reduce the impact of alcohol, as consumers ‘will not be supplied with more [alcohol] after they have become drunk.’ To conclude his argument, he contended that the profits of licenses should be used for local purposes, such as public works and the payment of rates, ‘not by outsiders and foreigners lest the capital leave our district.’<sup>599</sup>

In further questioning, the Committee then attempted to clarify the origin of the idea of using profits for local benefit, and whether licenses were wanted if they were not under local control. When asked by Isitt ‘Who told you that if public houses were established in the District that the profits would go to public works such as roads?’ Pihama Te Uru replied: ‘We are asking that hotels be allowed to be erected in our District and that they be controlled by our Councils’.<sup>600</sup> The question was then posed as to whether Pihama Te Uru would accept regular licenses, to which he replied: ‘No. If the profits go to the publican then we will not encourage this, but we are only asking that these hotels be erected because we know that we

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<sup>595</sup> *ibid.*

<sup>596</sup> *ibid.*

<sup>597</sup> *ibid.*, p26. SP, p2135.

<sup>598</sup> *ibid.*, p27. SP, p2136.

<sup>599</sup> *ibid.*

<sup>600</sup> *ibid.*, pp27-28. SP, p2136-2137.

will derive profits from them.<sup>601</sup> Finally, when asked if Pakeha had any influence on this idea, it was asserted that it was a Maori idea.<sup>602</sup> The transcript of the examination reported that ‘two other Native witnesses, Te Aohau Wereta and Hone Muira... endorsed the remarks of Hone Pihama Te Uru.’<sup>603</sup>

Pihama Te Uru and his co-petitioner’s position seemed to resemble that of Ormsby, outlined at the Committee of 1922. Both advocated licensing as a means of better controlling Maori consumption of alcohol. Although Ormsby advocated state control before the committee of 1922, he had detailed, on 7 August 1923 in the *King Country Chronicle*, that he considered ‘State Control or municipal control’ as the most likely system to minimise the negative effects of alcohol on the Maori community (given that complete prohibition was not possible unless implemented nationwide).<sup>604</sup> As had been the case with Ormsby’s earlier evidence, the position taken in this petition was rejected by other Rohe Potae witnesses.

On 23 September 1924, three Christian missionaries to the Maori were examined by the committee, Reverends J.E Ward, Mati Wharehuia and Arthur John Seamer. These witnesses both refuted the petition of Pihama Te Uru, asserting that a compact had been reached between the Maori of the Rohe Potae and the Government, and they did not believe it should be broken by the introduction of licenses.<sup>605</sup> The evidence of Mati Wharehuia discussed a range of issues relating to the petition of Pihama Te Uru. In regard to land, he stated ‘[t]he Government made a bargain with the Maori in the Rohu Potae [sic] district to reserve the Maori land and not sell to anybody either privately or to the Crown, but what is the position today? It is broken, and it was not the Maori who did it.’<sup>606</sup> He then asserted that the claim by the petition of Pihama Te Uru that the ‘Native Land Court now adequately protects the Native’ was ‘ridiculous’, providing some contemporary examples which he argued proved it a nonsense.<sup>607</sup> He also refuted the assumption of the petition that licenses

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<sup>601</sup> *ibid*, p28. SP, p2137.

<sup>602</sup> *ibid*.

<sup>603</sup> *ibid*, p30.

<sup>604</sup> *King Country Chronicle*, 7 August 1923, p2. SP, p93.

<sup>605</sup> Transcript of the examination of Rev J.E Ward, 23 September 1924, A2-3, pp2140-2141; Transcript of the examination of Mati Wharehuia, 23 September 1924, A9-10, SP, pp2148-2149; Transcript of the examination of Arthur John Seamer, 23 September 1924, F5-6, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, pp2179-2180.

<sup>606</sup> Transcript of the examination of Mati Wharehuia, 23 September 1924, B1, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, p2150.

<sup>607</sup> *ibid*.

would ease the problems associated with alcohol consumption and that an arrangement could be made under municipal control in which license revenue could be used to pay for rates on Maori lands.<sup>608</sup> When asked by William Lysnar (Member for Gisborne) whether he believed it fair that individual Maori in the Rohe Potae be given the vote on the issue, he asserted that he believed the Maori vote would be swamped by the Pakeha.<sup>609</sup>

Arthur John Seamer, the General Superintendent of the Methodist Home and Maori Missions, gave evidence of a similar nature, emphasising that licenses were not a solution to the problems of Maori consumption of alcohol.<sup>610</sup> Seamer had spent much of his life amongst Maori communities around the North Island. He worked closely with Tahupotiki Wiremu Ratana in the 1920s and also from this time is believed to have developed a close relationship with Te Puea until her death in 1952.<sup>611</sup> Seamer saw a connection between the Treaty of Waitangi and the ‘pledged word’ or the agreements of the 1880s. He believed consistent breaches of the Treaty by successive Government administrations had done terrible damage to the relationship between Maori and Pakeha, and as a consequence mission work. He believed that the breaking of the agreement regarding liquor would have the same effect.<sup>612</sup> He described the nature of the agreements made in the 1880s in the following way:

Gentlemen, you are no doubt aware that the most sacred pledge that a Maori can give is his pledged word on the “Marae” or Council ground – “his Kupu Marae.” The Maori Chiefs gave their “Kupu Marae” that the line should go through the King Country and our representatives, authorised by the then Premier, gave our “Kupu Marae.” The Maoris kept theirs. We did not keep ours fully even for five years. Now it is suggested that we dishonour ourselves by breaking it completely.<sup>613</sup>

On the same day, ‘Mr Partene or Barton’ (Peter Barton/Tuwhakaririka Patena) gave evidence before the Committee, primarily concerned with refuting the petition of Pihama Te Uru. Patena began by stating that he was a ‘descendent of the chief Maniapoto’ and a resident of

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<sup>608</sup> *ibid*, B3. SP, p2152.

<sup>609</sup> *ibid*, B8. SP, p2157.

<sup>610</sup> Transcript of the examination of Arthur John Seamer, 23 September 1924, F7, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, p

<sup>611</sup> Ruawai D Rakena, ‘Seamer, Arthur John 1878 – 1963’, *Dictionary of New Zealand Biography*, updated 22 June 2007, URL: <http://www.dnzb.govt.nz/>

<sup>612</sup> Transcript of the examination of Arthur John Seamer, 23 September 1924, F5-6, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, pp2179-2180.

<sup>613</sup> *ibid*, F7. SP, p2181.

the Rohe Potae.<sup>614</sup> He then discussed and emphasised the mana of King Potatau in the Rohe Potae '[t]he King that was appointed by all the tribes throughout New Zealand, and not to rebel against Queen Victoria or King Edward or the present King George, but only to maintain the mana of the Maori people known as the [missing word] Maoris.'<sup>615</sup> Patena asserted that the mana of King Potatau 'was established in the district that is known now to be the Rohu Potae'.<sup>616</sup> He then described that the Rohe Potae had been in existence long before the 'discussion between the Government of this Country and the Maori for the continuation of the Main trunk line.'<sup>617</sup> He described the aukati and the fear of Pakeha to enter the area, noting that many Maori wanted by the Government took refuge in the Rohe Potae.<sup>618</sup> He continued by stating that the mana of King Potatau over the Rohe Potae had been maintained through his sons and was still held in the present. He concluded by stating '[n]ow, I think you are acquainted with the mana of the Maori King.'<sup>619</sup>

Patena then described the authority of Rangatira over land transactions and 'council of war', describing its relevance to the discussions held at the turning of the first sod ceremony. Unfortunately, the transcript of the statement of Patena does not include many Maori names or terms, apparently unable to be understood or transcribed during the presentation of his evidence. He described that 'A.....', presumably Wahanui, had been selected by a 'conference of Chiefs' to be the spokesman for the discussion with 'Sir Robert Stout' regarding the construction of the NIMT.<sup>620</sup> At this discussion, it was asserted that an agreement was reached that the line could be constructed on the condition that Stout '“not...allow liquor to come into the... Rohu Potae [sic]”'. Patena quoted 'A.....':

“Now, Robert Stout you being the official representative of the Government having given your consent that strong drink will not be allowed into the Rohu Potae, we will hand over to you every inch of line from one end of the line to the other, and which also refers to the stations without payment to the Government. That is our pledge.”<sup>621</sup>

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<sup>614</sup> Transcript of the examination of Mr Partene, 23 September 1924, C6, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, p2166.

<sup>615</sup> Ibid.

<sup>616</sup> Ibid.

<sup>617</sup> Ibid, D1. SP, p2167.

<sup>618</sup> Ibid.

<sup>619</sup> Ibid.

<sup>620</sup> Ibid, D2. SP, p.2168.

<sup>621</sup> Ibid.

In this way, he described the agreement as an exchange where Maori gifted the land for the railway for a guarantee that ‘strong drink will not be allowed into the Rohe Potae.’ To conclude his discussion, he described that the Maori name given to the NIMIT, ‘T....’ (probably Turongo?), symbolised peace between the peoples, as the word ‘Roma’ (probably meant to be rongō) means peace.<sup>622</sup>

Patena then outlined his absolute resistance to any change of this agreement, emphasising that he now held the same authority as the chiefs in the 1880s. He told the Committee that he held the wheel-barrow and ‘pick and shovel’ used at the turning of the first sod ceremony in his ‘hands’ to demonstrate the authority on which he spoke. He then stated:

Therefore I must say again that I will protest strongly against any endeavour to break the pledge that had been made to my forefathers. As I say I have implements used in connection with turning the first sod at my house, and no one would have possession of those things only those who are the right descendants of the old people who made the pledge... My forefathers were from the Rangitera line [sic]; they have gone to their rest, and I take their place. I stand in the Rangiteraship of my forefathers and I am the Rangitera in my tribe of the present day...<sup>623</sup>

He told the committee that Ormsby had no authority to present evidence in 1922 and that the petition of Pihama Te Uru was also without the full consent of the people:

The petition that has been presented lately to the House, that is, the Petition of Hone Pihama te Uru was drawn up by himself. There were no meetings because there were no Maoris at any of the settlements that discussed the reason for signing of the petition... there were a few pakehas behind him.<sup>624</sup>

In contrast he stated that he had held many meetings and that ‘I am the mouthpiece of the people and I am here to represent the people and I am voicing the opinion of these people.’<sup>625</sup> He added regarding Pihama Te Uru:

Pihama is a man that never lived among the Maori people; he lives among the pakehas, and he is working man for the pakehas... He never comes to the Maori meetings to take part in any discussions of the tribe.<sup>626</sup>

In the course of questioning, Patena revealed that he believed many of the signatures on the petition of Pihama Te Uru were gathered on false pretence, and he cited letters of protest as

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<sup>622</sup> *ibid.*

<sup>623</sup> *ibid.*, D3. SP, p2169.

<sup>624</sup> *ibid.*, D4. SP, p2170.

<sup>625</sup> *ibid.*

<sup>626</sup> *ibid.*, D5. SP, p2171.

evidence of his position.<sup>627</sup> He believed they had been deceived by the promise of payment of outstanding rates on their land.<sup>628</sup> Copies of these letters were provided for the Committee.<sup>629</sup>

When Lysnar asked if Patena believed it was ‘fair’ if the vote was given to individual Maori in the district, Patena answered that it was an agreement made between ‘chiefs and Europeans’ and that ‘[i]t cannot be broken because it is a solemn treaty. It is like the Treaty of Waitangi. Her Majesty Queen Victoria protected that treaty.’<sup>630</sup> Mr Lysnar then asked if there was any written record of the compact, Patena believed there was and that it had been ‘put in the hands of Sir Robert Stout.’<sup>631</sup> Isitt then attempted to clarify that agreements or promises made between ‘Rangitira’ did not need to be written down in order to be binding, to which Patena answered: ‘[w]hen a Rangitira[sic] has once said his word, his word is his bond. When he says a word it is like the proverb “when I spit out my speech I do not go and pick it up and put it back again afterwards!”’<sup>632</sup>

Following this statement, Mr Witty asked ‘[b]ut have not the Maoris sold land within the area?’ After Patena answered ‘yes’, Witty continued ‘[w]ell, if they have broken one treaty, why not break another?’ Patena replied: ‘Of course we all know that money is able to break anything’.<sup>633</sup> This conversation appears to be a reference to the wider dimensions of the negotiations of the 1880s, something discussed by Mati Wharehuia and Pihama Te Uru, but not directly by Patena.

Significantly, on 3 October 1924, Sir Robert Stout gave evidence before the Committee in an unofficial capacity or ‘as a citizen’ rather than as Chief Justice. In his evidence he openly admitted that he had a strong interest in the temperance movement, the ‘evils’ of alcohol,

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<sup>627</sup> *ibid.*

<sup>628</sup> *ibid.*

<sup>629</sup> Hohepa Kawana and others to Licensing Committee, 15 September 1924, Raetihi; Whare Hotu and others to Licensing Committee, 18 September 1924, Te Kuiti; Te Hiko-o-te-Rangi and others to Honourable Prime Minister, 21 September 1924, Hangatiki, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, pp2196-2199.

<sup>630</sup> Transcript of the examination of Mr Partene, 23 September 1924, E1-2, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, pp2172-2173.

<sup>631</sup> *ibid.*, E2. SP, p2173.

<sup>632</sup> *ibid.*, E1-2. SP, pp2172-2173.

<sup>633</sup> *ibid.*, E2-3. SP, pp2173-2174.



and the dangers it presented to Maori.<sup>634</sup> After this introduction, Stout recalled the events surrounding the turning of the first sod ceremony in 1885:

The Maoris made a request to the Government; if you will refer to Hansard you will see that Wahanui was called to the bar of the House and made a speech in which he referred to this question of licensing and demanded that there should be no liquor. That was in 1884. Then the question arose about the opening of the railway. When I arrived at Alexandra in April 1885 I found that there had been no final agreement. I went to the house of Wahanui and had a conversation with the natives. There were also natives from the Waikato present. Two of the native Waikato delegates objected to permission being given to turn the first sod. After considerable discussion and a speech by Wahanui, the natives agreed. I then spoke and said it was settled that one of the conditions was that the land was not to be opened for the sale of liquor. – You have seen, I presume, the petition presented by Wahanui in which reference was made to the sale of liquor in the district. That was emphasized, and when the first sod was turned some hours later I addressed the natives and mentioned what the agreement was in reference to that matter. To show you what the natives thought, when the new Governor Lord Glasgow, arrived, a telegram was sent by Rewi Maniapoto asking that no liquor should be sold in the King Country. So you will see that it was a bargain made between the Government and the Maoris of the King Country that the land was not to be opened for the sale of liquor. That was agreed to by the Government of the day. I do not think there was any formal resolution passed by the House, but not a single member of the House, so far as I know, ever raised an objection to this bargain being carried out by the Government. The natives gave up the land on the faith of that bargain, and therefore, as a citizen, I think it would be a disgrace to the Colony if that bond were broken. We ought to look upon ourselves as the helpers of the Maoris and to do all we can to preserve the race, but if we are going to do something to kill the race it will be a disgrace to civilisation.<sup>635</sup>

In the course of questioning, Stout emphasised the power of Chiefs to make decisions at that time.<sup>636</sup> Building on this line of thought, Lynsar, as he had often during the sitting of the committee, questioned whether this arrangement could be broken through the consent of Rohe Potae Maori.<sup>637</sup> Stout asserted that it should not be broken and that every effort should be made to enforce prohibition in the district in order to ‘save’ Maori.<sup>638</sup> In addition, Stout emphasised the complexity of the negotiations of 1880s and that the agreements were not written:

There were negotiations with the natives extending over several months; it was not all settled at once, and the natives knew what the arrangement was. We had great

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<sup>634</sup> Transcript of the examination of Sir Robert Stout, 3 October 1924, A1-2, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, pp2187-2188.

<sup>635</sup> *ibid*, A3-4. SP, pp2189-2190

<sup>636</sup> *ibid*, A6-7. SP, pp2192-2193.

<sup>637</sup> *ibid*, A7. SP, p2193.

<sup>638</sup> *ibid*, A7-8. SP, pp2193-2194.

difficulty in getting this line made... I do not say it was in the form of a written contract.<sup>639</sup>

Stout also acknowledged that other agreements had been reached, but that he was not a party to those, as they had been arranged by Ballance.

[Hockley] What were the terms? [Stout] The terms were that we were to make a line through Maori territory; that they were not to charge us for the land and that we were to prevent the sale of liquor in their territory – that was the main thing..

[Hockley] No other conditions were mentioned? [Stout] No others; all the other things had been arranged by Mr Ballance. I am not aware they got any money for the land for rail purposes.

[Hockley] Were there any other conditions with regard to the sale of their land? [Stout] No, nothing about the sale of their land other than this – that the rights of the Government pre-emption were not given up.<sup>640</sup>

Stout concluded by stating that ‘I understood that it [no-license agreement] was to hold good for all time.’<sup>641</sup>

The evidence and petition of Hone Pihana Te Uru shared some similarities with that presented by John Ormsby in 1922. It acknowledged that a compact had been reached between chiefs of the Rohe Potae and the Government in the 1880s. He described that the leadership’s concern regarding liquor control was related to a wider desire to maintain control of the Native Land Court process in the district and to prevent land sales. In his evidence and petition, the right of individual Maori was emphasised, asking for the same voting rights as Pakeha in regard to licences. Similarly to Ormsby, he believed that controlled liquor consumption through licensing was the best option for the welfare of Maori. However, in questioning he clarified that he only desired the introduction of licenses if they were under local authority control. The petition also outlined a vague plan for the utilisation of the profits of licensing for public works and payment of rates on Maori land.

As had been the case with Ormsby, the evidence of Pihana Te Uru was not well received by some Maori of the Rohe Potae. In fact all the other witnesses objected to his evidence and petition. Patena’s evidence contrasted significantly with that of Pihana Te Uru. He described the compact as an agreement made between Wahanui and Stout before the turning of the

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<sup>639</sup> *ibid*, A5-6. SP, pp2190-2191.

<sup>640</sup> *ibid*, A8. SP, p2194.

<sup>641</sup> *ibid*, A9. SP, p2195.

first sod ceremony, with Stout guaranteeing no liquor in exchange for the free gift of the land required for the railway. He asserted that it was a treaty that should not be broken and should be protected by the Crown. Rather than emphasising the rights of the individual, Patena evoked his authority as a chief and the mana of the Kingitanga. He asserted that he spoke on behalf of the people and that Pihana Te Uru had no such authority or support. The petition was argued to be disingenuous and that, as a consequence, many signatures had been gained on false pretence. Several letters were submitted from Rohe Potae Maori withdrawing their support for the petition, as they had been misled.

Despite these differences in opinion, all Rohe Potae Maori who presented evidence before the committee considered that a compact had been made with the Government in the 1880s. All also agreed that the agreements made had been unfulfilled, demonstrating a clear sense of injustice at events since the onset of large-scale Pakeha settlement in the district. Obviously, by extension this evidence also suggests a disappointment amongst the tangata whenua of the Rohe Potae with how their relationship to the Government had developed. In addition, the witnesses also wished to influence Government policy regarding licensing in the district on the basis of the agreements – to correct the perceived grievances with the Government. Some hoped for a renegotiation of the legislation surrounding the agreement, while others desired that the existing provisions be maintained and strengthened. These views were supported by representatives of missionary organisations and Sir Robert Stout, a prominent political figure and strong supporter of temperance and prohibition in New Zealand who had also been part of the events of the 1880s.

On 3 October 1924, the minutes of the Committee reveal that it was resolved that no recommendation be made on the petition of Hone Pihama Te Uru. In addition, the various petitions of protest that had been received after the first Hockley Committee were ‘referred to the Government for consideration.’<sup>642</sup> Unfortunately, the minutes reveal little on how these decisions were reached by the Committee or their exact views of the evidence presented to them. Presumably, these very petitions had been referred to the select committee by Government for their opinion and advice after hearing evidence relating to them. In this way, it appeared that the issue was becoming a political ‘hot potato’, with the Committee and the Government unwilling to make a decision. As a consequence, the first

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<sup>642</sup> Minutes Book of the Licensing Committee 1924, LE1 791 1924/9, Committees-Licensing, 1924, ANZ Wellington. SP, p2204.

Hockley Committee recommendation that a poll in the King Country regarding licensing, was removed from the report of the second committee, in effect maintaining the status quo in the King Country Licensing Area.

Despite the maintenance of the status quo, the removal of the recommendation by the second Hockley Committee should not be interpreted as an affirmation of the desires of those Rohe Potae Maori who objected to the proposed introduction of licenses or a recognition of the agreements of the 1880s. Its removal must be seen as part of the larger debate surrounding alcohol consumption at this time. Both Hockley Committees occurred at the height of the wider political and public struggle over prohibition. Christoffel describes the prohibition polls of 1919, 1922 and 1925 as a ‘huge battle between prohibitionists and the liquor industry for the hearts and minds of the public’, with both sides financing large advertising campaigns.<sup>643</sup> In the 1922 poll nearly 49 percent of the population voted for prohibition.<sup>644</sup> Put simply, no Government wanted to alienate these voters. As noted earlier, Governments for the first half of the twentieth century tended to avoid alcohol related decisions for this reason. In the tense political environment surrounding prohibition at this time, the Government was unlikely to have wanted to be seen to be advocating the introduction of licenses in the King Country by legislating a poll in the district – a cause strongly opposed by prohibitionist groups (of which Rohe Potae Maori formed only one voice).

Demonstrating this broader context, when the report of the Hockley Committee was introduced to the House, much of the debate focused on the wider issue of prohibition. In particular, discussion centred on a clause that recommended that if ‘continuance’ was carried at the next election ‘no further poll be taken for nine years.’<sup>645</sup> Rolleston (the Member for Waitomo) did raise the issue of licensing in the King Country, carefully emphasising that the residents of his district only wanted the ‘choice’ that other districts enjoyed regarding licenses, which would not necessarily guarantee their introduction.<sup>646</sup> He then recited some arguments used by those who advocated licenses, including that it was undemocratic that Maori and Pakeha population had no choice in the matter and that the present legislation

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<sup>643</sup> Christoffel, ‘Removing Temptation’, p83.

<sup>644</sup> *ibid*, p84.

<sup>645</sup> *NZPD* 1924, vol.205, pp463-479.

<sup>646</sup> *ibid*, pp478-479.

was not working, to the detriment of Maori.<sup>647</sup> Little further discussion was had on the topic. As described below, no legislation regarding any of the recommendations of the Hockley Committee was discussed until 1927, and only after intense debate. In this way, the issue of licenses in the Rohe Potae seems to have been left in abeyance rather than actively addressed by the Government. Nevertheless, Rohe Potae leadership had mobilised a significant level of protest in reaction to efforts to introduce licenses through deputation, petition and providing evidence for the second Hockley Committee, making clear to the Government their views on the negotiations of the 1880s and liquor specifically.

### **Rates on Maori Land in the Te Rohe Potae inquiry district**

At this point, it is worth examining the concurrent struggle between Rohe Potae Maori, local authorities and the Government over the payment of rates on Maori land between 1914 and 1930. It should be noted that Luiten's Local Government report provides a comprehensive examination of issues surrounding rates, focusing largely on pressure applied by local authorities for rates 'reform' in the Rohe Potae and their implementation of national legislation in the district. In addition, Hearn also examines the role of unpaid rates on Maori land in Government motivation for consolidation and land development. The following narrative outlines the salient points of this struggle in terms of Rohe Potae leadership efforts to influence Government policy and protect their interests in the Rohe Potae through the foundation of the agreements reached in the 1880s.

Unpaid rates on Maori land developed into a national issue after the First World War, fuelled by economic recession for much the 1920s and 1930s.<sup>648</sup> The financial situation of many King Country local authorities became increasingly precarious in the 1920s and as a consequence were at the forefront of a campaign to pressure Government into legislating harsher measures to recoup rates owed on 'idle' and 'unproductive' Maori land, which they saw as a valuable source of lost income.<sup>649</sup> In this way, similarly to the development of the liquor issue, Maori faced opposition from local authorities to their interests. However, importantly, in contrast to the license issue, Maori did not have the support of a significant Pakeha interest group which held similar objectives, such as the New Zealand Alliance. For

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<sup>647</sup> *ibid.*

<sup>648</sup> Marr, *Rohe Potae, 1900-1960*, pp94.

<sup>649</sup> *ibid.*

example, in May 1923, the Te Kuiti Chamber of Commerce, in conjunction with county and borough councils, organised a three day tour of the district for 15 Members of Parliament to show them the problems of unpaid rates on Maori land.<sup>650</sup> In 1924, the Native Land Rating Act was passed which aimed to simplify collection by utilising the Native Land Court. However, this system failed. By August 1927, Maori concern increased after several further local body and public conferences on the 'Native lands problem' were held and at which the views of Maori who attended were not considered.<sup>651</sup>

On 1 September 1927, a deputation of Rohe Potae leaders went to Wellington in order to submit a memorial to Prime Minister and Native Minister Coates regarding the issue of rating Maori land. Symbolically, the memorial was presented to Coates and Maui Pomare in the wheelbarrow that was used at the turning of the first sod ceremony for the NIMT.<sup>652</sup> The deputation included, 'Wehi te Ringitanga, Tuwhakaririka Patena (Peter Barton), Mokena Patupatu and Thomas Hetet' and met with Coates and Under Secretary Balneavis. Mokena Patupatu, as stated in the Maori Health Council chapter, was the Advisory Councillor of the Maniapoto Maori Council at this time. Tuwhakaririka Patena was 'Mr Partene or Barton', who as described had given evidence at the second Hockley Committee in 1924. This is substantiated by the following statement made to Coates: '[t]his wheelbarrow was used on another occasion in connection with the liquor question in the King Country. That matter of course has gone on all fours with the matter that we bring before you today.'<sup>653</sup> Importantly, Barton's statement also demonstrated the connection between liquor and rates as two agreements made during the 1880s.

The memorial itself began by placing the current pleas within the context of the negotiations of the 1880s by declaring: 'We the representatives and descendants of King Tawhiao, Wahanui, Rewi Maniapoto acting as ambassadors on behalf of the whole of the Native People of the Rohe Potae come before you...with saddened hearts, to lay before you burdens which are too heavy for us to carry.' The petitioners also invoked the King's 1884 visit to England. After affirming their loyalty to the British Crown and New Zealand Government, the petition reminded Coates and the Government of their obligations to Maori under

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<sup>650</sup> *ibid*, pp96.

<sup>651</sup> Newspaper clippings including *King Country Chronicle*, 27 August 1927, MA31 4\*4, ANZ Wellington.

<sup>652</sup> Transcript 'Maori Deputation from Te Kuiti, re Rating... at Wellington, 1<sup>st</sup> September, 1927', MA31 4\*4, ANZ Wellington. SP, pp1337-1340.

<sup>653</sup> *ibid*.

Article Two of the Treaty of Waitangi: ‘the complete dominion and Chieftainship over their lands.’ This guarantee was something the memorial asserted the ‘Local Bodies’ in the King Country were treating as a ‘joke’, wanting to take Maori land in order to pay for the outstanding rates. On the foundation of the Treaty, the memorial then detailed the ‘promises’ made to the tangata whenua of the Rohe Potae by ‘Hon. John Ballance respecting rates on our lands when we consented to the Railway passing through the Rohe Potae.’ Quoting the *New Zealand Herald’s* summary of the hui held in Kihikihi on 4 and 5 February 1885, the memorial reminded Coates and the Government of the assurances of Ballance regarding rates and compensation for land taken for the Railway. The memorial concluded by stating: ‘We use [the wheelbarrow] today for the first time since then, to convey to you the “troubles” which that Railway has brought us.’<sup>654</sup>

Coates replied carefully to the deputation, stating that he did not know the details of the agreements reached in the 1880s. He added: ‘There is one thing I can promise you, and that is that whatever definite understanding was in those days, as far as one can stick to the spirit of those arrangements then I look upon it as my duty to do that.’ However, he did add the caveat: ‘Of course there are changing conditions and they bring entirely different everyday administration.’<sup>655</sup>

In November 1927, Coates and Ngata introduced the Native Land Amendment and Native Land Claims Amendment Act to Parliament, where they presented Maori land consolidation as a means of meeting Maori and Pakeha concerns regarding rates. A Consolidation Committee was formed with Ngata as its Chairman, with the task of expanding consolidation to the King Country, North Auckland, Bay of Plenty and Rotorua.<sup>656</sup> One of its tasks was to negotiate rates ‘compromises’ with Maori in each district, in which the Government would pay a portion of the rates owed to local authorities.<sup>657</sup>

On 13 April 1928, the Consolidation Committee met at Te Tokanganui a Noho marae to negotiate a rates compromise with Ngati Maniapoto. Newspaper reports of the meeting

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<sup>654</sup> ‘Memorial to the Hon. J.G Coates. Prime Minister and Minister for Native Affairs’, 22 August 1927, MA31 4\*4, ANZ Wellington. SP, pp1333-1336.

<sup>655</sup> Transcript ‘Maori Deputation from Te Kuiti, re Rating... at Wellington, 1<sup>st</sup> September, 1927’, MA31 4\*4, ANZ Wellington. SP, pp1337-1340.

<sup>656</sup> *NZPD* 1927, pp537-559.

<sup>657</sup> See, *Rohe Potae, 1900-1960*, pp103-104 for details.

suggested those leaders in attendance showed considerable hostility to the idea of paying rates at all, standing firm on their belief that the 1880s agreements guaranteed that only Maori land sold or leased would be rated.<sup>658</sup> According to the brief transcript of the hui, members of the Consolidation Committee believed that this ‘so-called promise’ was essentially what current policy and legislation recognised.<sup>659</sup> The leaders present were then asked to ‘seriously consider the compromise suggested by the Committee as the moment for making such adjustments might pass and the future would indeed be most difficult.’<sup>660</sup> A long discussion amongst Ngati Maniapoto continued into the night. Pei Te Hurinui Jones, a Ngati Maniapoto and later Consolidation Officer, was present throughout. The following motion was submitted to the Consolidation Committee the next morning:

A motion:

1. We agree to pay rates
2. Of the rates we agree to, we shall pay half, based on the unimproved value of lands we are using. All of the rates on lands within the following councils, up to the 31 March 1930, should be written off.  
The county councils of Otorohanga, Kawhia, Ohura, Waitomo, Taumarunui (the portion of the Waikato Maniapoto area), Clifton, Kaitieke, Waipa (on the south side of the Puniu River)  
The town boards: Taumarunui, Te Kuiti, Otorohanga  
If the government decides to pay part of these rates we say should be written off, then the government should pay it from its own funds. The government should keep in mind the writing off of considerable sums from soldier settlements, and other lands with charges the government has written off.  
Those lands lying idle should not be rated.  
Lands which are not served by roads should not be rated.  
Lands subject to lease, the lessees should pay all of the rates for which those lands are liable.  
Those rates that have not been paid by lessees before the end of the lease, or before they have abandoned the land should not accrue on the land.
3. This meeting resolves that the government should pay to the hapu of Ngati Maniapoto £1,500 each year in perpetuity, as a token on the part of the government for the agreement of our ancestors to allow the roads and railway to traverse within the King Country. This resolution is in accordance with the example set by the agreement between the government and Te Arawa and Ngati Tuwharetoa.

(Marae Erueti) Tiamana<sup>661</sup>

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<sup>658</sup> *New Zealand Herald*, 13 April 1928, MA31 4\*4, ANZ Wellington.

<sup>659</sup> Minutes of meeting ‘King Country Consolidation Scheme’, 12 April 1928, MA31 4\*4, ANZ Wellington. SP, pp1341-1348.

<sup>660</sup> *ibid.*

<sup>661</sup> *ibid.* Translation taken from Luiten, pp139-140.



The motion is significant from a political engagement perspective, as it demonstrated a clear belief that the agreements of the 1880s had not been fulfilled, in this case regarding rates. It also was an attempt by Ngati Maniapoto to renegotiate a new agreement on the basis of the old. Part three of the motion, although brief, is essentially a request for new negotiations and a settlement similar to those reached with Te Arawa in 1921.<sup>662</sup> In this way, Ngati Maniapoto attempted to reform or reorient their relationship with the Government after the disappointments since the 1880s, and through so doing, reassert some influence over district affairs.

Ngata essentially rejected the motion as too demanding and an unreasonable request to make of the local authorities.<sup>663</sup> In the transcript of the hui, Ngata did not even mention clause three of the motion.<sup>664</sup> He urged the hui to give consent to his proposal.<sup>665</sup> Later on that day, the transcript recorded that the leaders at the hui agreed to the proposed compromise and consolidation scheme.<sup>666</sup> Luiten argues that by 1933, the rates compromise and consolidation scheme implemented in the Rohe Potae had failed to deliver a solution to issues surrounding the rating of Maori land.<sup>667</sup>

Between 1914 and 1930, Rohe Potae hapu and iwi leadership clearly used the agreements reached in the 1880s as a foundation from which to influence the important regional issues of rates and liquor. As demonstrated by the comments Patena made before Coates in 1927, these two issues were related as they were both important conditions promised before permission was given by Rohe Potae leadership to construct the NIMT. Both before the Hockley Committee and Coates, Patena presented the wheelbarrow which had been used at the turning of the first sod ceremony as a potent symbol of these agreements. However, for understandable reasons, no connection between the two issues seems to have formed at a Government level at this time. Unfortunately Patena had not discussed rates at the Hockley Committee hearing and Coates was probably only concerned with rates at this time, the primary concern of the deputation, knowing that there was unlikely to be a move away from

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<sup>662</sup> See Marr 'Crown Policy Toward Major Crown/Iwi Claim Agreements of the 1940s and 1950s', Preliminary Report for the Treaty of Waitangi Policy Unit, 1990, WAI143# B1, pp8-9.

<sup>663</sup> Minutes of meeting 'King Country Consolidation Scheme', 12 April 1928, MA31 4\*4, ANZ Wellington. SP, pp1341-1348.

<sup>664</sup> *ibid.*

<sup>665</sup> *ibid.*

<sup>666</sup> *ibid.*

<sup>667</sup> Luiten, pp159-160.

no-license in the near future. While Rohe Potae Maori had had some success in respect of preventing the introduction of liquor licenses, the Government seems to have firmly rejected any arguments based on past agreements or promises regarding rates. It appears that from this time few collective efforts were made to influence Government policy regarding rates using the agreements of the 1880s. Rather, resistance and protest continued in other forms (although probably still inspired by the promises). These efforts are detailed in Luiten's report.<sup>668</sup>

### **Petition and Counter Petition, Deputation and Counter Deputation**

In the years following the second Hockley Committee, local authorities within the no-license district continued to apply pressure on the Government to 'reform' licensing legislation in the Rohe Potae. As described, the most common expression of this was the desire for a local referendum on the issue. Led by the affected local authorities, the King Country pro-license lobby group continued to argue that the residents of the district had the right to a referendum, which was the only solution to the current impasse. In 1926, N.T Morton, a member of the Te Kuiti Borough Council, and later mayor, published a pamphlet on the issue, which detailed the 'absolutely farcical and grossly unfair' state of the legislation in the King Country. It also described what it considered the 'true extent' of the sly-grog problem in the 1920s.<sup>669</sup> The *King Country Chronicle* editorials also continued to argue that it was undemocratic and simply unfair that the residents of the district should not be allowed to vote on the issue of licensing.<sup>670</sup>

In late July 1926, two petitions were submitted to Parliament by Rolleston (Member for Waitomo) and R Smith (Member for Waimarino).<sup>671</sup> One was signed by Pakeha residents and the other by Maori. The Pakeha petition was signed by 5356 residents within the no-license district, and according to the *King Country Chronicle* pleaded that:

...whereas in 1884 the King Country was a native reserve and almost without white inhabitants, the majority of the population is now European. The widespread sly-grog traffic is viewed with alarm by the petitioners and has deplorable results,

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<sup>668</sup> Luiten, pp289-302.

<sup>669</sup> Quoted in Skerman, p171.

<sup>670</sup> For example see *King Country Chronicle*, 22 March 1923; 3 August 1926, p4; 7 August 1926, p5; 6 August 1927; 13 August 1927, p4. SP, pp90, 98-100, 101, 104, 105.

<sup>671</sup> *King Country Chronicle*, 31 July 1926, p5. SP, p97.

especially among the younger generation. These evils, it is contended, would be reduced if the sale of liquor was permitted, but properly controlled.<sup>672</sup>

The second petition, signed by Ngohi Ngatai and 211 others, was to lead to considerable controversy over the following years. This petition placed two requests before the Government. It asked for either complete prohibition or a referendum of the Maori population of the Rohe Potae regarding the introduction of licenses. It stated in the preamble that the 1884 request of Wahanui had not been for no-licenses but for complete prohibition and that since that time liquor had flowed into the district like a 'river.' The petition claimed that there was now more drinking in the Rohe Potae than any other district.<sup>673</sup>

The petitions were followed by deputations who met the Native Minister and Attorney General in early August. A deputation of 'elderly chiefs' of Ngati Maniapoto submitted a declaration of protest against the petition of Ngohi Ngatai signed by '35 leading chiefs of the tribe.'<sup>674</sup> Given the signatories of the declaration, it appears that Tuwhakaririka Patena again led the deputation.<sup>675</sup> Also, the declaration was presented in the wheel-barrow used at the turning of the first sod ceremony.<sup>676</sup> It stated that Ngatai's petition was the work of 'pakehas and their agents' and had the 'clothing of a sheep' but was in reality 'a destroying wolf.'<sup>677</sup> It refuted the claims of the petition. It noted that Wahanui did not request prohibition, asserting that his words before Ballance in Kihikihi and before the House in 1885 asked only for no-license.<sup>678</sup> The document defended no-license, claiming that drinking was not worse in the district than elsewhere. It noted a long history of attempted Pakeha deception regarding licenses in attempts to gain influence amongst Maori in the Rohe Potae, noting the

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<sup>672</sup> *ibid.*

<sup>673</sup> *ibid.* Also see '132/1934 The Petition of Ngohi Ngatai and 211 others', 1 August 1934, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1392-1395. This petition was submitted again at this later date. These events are described below.

<sup>674</sup> *Evening Post*, 6 August 1926, p8.

<sup>675</sup> See original Te Reo version, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1395.

<sup>676</sup> Balneavis to Under Secretary Native Department, 14 February 1936, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, p1398.

<sup>677</sup> See *Evening Post*, 6 August 1926, p8 or copy in 77-206-17/03, 'Solemn Testamentary Declaration of the Chiefs of the Maniapoto (King Country) Tribe', Correspondence and papers relating to the licensing in the King Country, New Zealand Alliance Records, ATL Wellington. See Te Reo version in, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1410-1418.

<sup>678</sup> *Evening Post*, 6 August 1926, p8.

petitions of 1887 and 1892 as examples of Rohe Potae Maori being ‘led astray.’<sup>679</sup> The Chiefs’ statement claimed that some had ‘signed’ their ‘names in ignorance (of the real purport of the petition); others have had their names written in without their consent; some young children have signed and some names have been written in the lead pencils.’<sup>680</sup> Finally, it implored Maori of the district:

Now oh people do not disturb the sleep of your ancestors. Beware of this temptation from the pakeha. The path which was marked out by Tawhiao, Rewi Maniapoto and Wahanui is safe for you. In it you will not be injured by strong drink like the other Maori people (those who live in the licensed areas). Therefore stand firm. The historic words stand. (They represent our attitude on this question. “Ka Whawhai tonu matou, Ka whawhai tonu te ake!” (We will fight continually, we will fight for ever.) There it is. From your Fathers.<sup>681</sup>

Significantly, the declaration was signed first by King Te Rata.<sup>682</sup> Tuwhakaririka Patena (Peter Barton) and Hotu Taua Pakukohatu (the father of Wetini Hotu, member of the Maniapoto Maori Council) followed. The other signatures were arranged by rohe, iwi and hapu. These included signatures from Ngahape, Hangatiki, Kihikihi, Mokau, Taumarunui, Piopio, Otorohanga, Waitomo and Kawhia.<sup>683</sup>

The *Evening Post* included a summary of the discussion between the deputation and Native Minister Coates. Coates asked the deputation if they had considered ‘“the question of referendum?”’ to which the deputation replied in the negative.<sup>684</sup> Continuing this line of questioning Coates asked ‘“What proportion of the population [Maori] wish to stick to the pact?”’ The spokesmen of the deputation stated that he thought a ‘majority’, it was added that ‘there was divided opinion in the matter’.<sup>685</sup> It was claimed that the petition was not backed by any of the Chiefs and that ‘the leader of the movement was a Native who had certain interests in a hotel proposition in Te Kuiti.’<sup>686</sup> Coates then asked ‘“So it is all the good totara trees who are behind this deputation?”’, to which ‘“yes”’ was replied by the spokesman. Coates, while looking at the petition of Ngohi Ngatai, noted that, given the

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<sup>679</sup> ‘Solemn Testamentary Declaration of the Chiefs of the Maniapoto (King Country) Tribe’, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, p1410.

<sup>680</sup> *ibid.*

<sup>681</sup> *ibid.*

<sup>682</sup> See Te Reo original, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1414-1417.

<sup>683</sup> *ibid.*

<sup>684</sup> *Evening Post*, 6 August 1926, p8.

<sup>685</sup> *ibid.*

<sup>686</sup> *ibid.*

knowledge brought to him by the deputation, it did seem to be misleading. He finished by reassuring the deputation that the present Government:

paid great attention to what the fathers of the Maori people had to say. Cabinet was anxious to know the feelings of the leaders of the tribes, and wanted to hear all who wished to be heard. No doubt there were other opinions to be heard, and when they had been stated he would be able to give a reply.<sup>687</sup>

In another document, which appears to have been submitted by the deputation, the position regarding a referendum was further elaborated. The document stated: ‘Our hearts are grieved at the efforts of the Pakehas, who want to sell their drink – we do not want a vote because our young people would be bribed to break the sacred law of their elders.’<sup>688</sup> King Te Rata, Tuwhakaririka Patena and Hotu Taua Pakukohatu were the leading signatories of this document, followed by the note ‘and thirty other leading Chiefs of the King Country, Te Kuiti, 2/6/26’ (presumably signatories of the declaration).<sup>689</sup>

In 1935, after the death of Tuwhakaririka Patena the events surrounding the petition of Ngohi Ngatai were retold anonymously by ‘Kawhia Settler’ in *King Country Chronicle*. The article first described the surprise and sense of urgency felt amongst the ‘leaders of the Prohibition Party’ following the submission of the two petitions.<sup>690</sup> It then detailed the consequent events:

It was at this juncture that meetings were hastily summoned at all the leading centres, delegates finally converging at Te Kuiti. There was a midnight sitting, with no solution as to how those petitions were to be contraverted, and all retired, to meet again at 8am. Then an inspiration flashed to the chairman- a veteran clergymen who had spent a life-time among the Maoris. Why not obtain the signatures of the tribal successors of the chiefs who had signed the original pact? This could be done within a few hours, whereas a public petition would require weeks.

The suggestion was unanimously adopted at the early morning gathering, and within a few hours the necessary document had been prepared and cars were speeding to Kawhia and to the coast, or to the locality where the reigning chief resided. The campaign was a complete triumph, for within 24 hours the counter-petition carried every signature of every chief succeeding to the tribal leadership of the original signatories.

Now came another crucial question: should the “king” be asked to sign? Finally it was decided that Te Rata should see the document, but should not be asked

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<sup>687</sup> *ibid.*

<sup>688</sup> Chiefs to Native Minister and Prime Minister, 2 August 1926, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1406-1409.

<sup>689</sup> *ibid.*

<sup>690</sup> *King Country Chronicle*, 25 July 1935, p3. SP, p109.

to sign. A trusted messenger was dispatched to Waahi, and the “king”, carefully read the petition and scrutinised the name of each signatory.

“Does the superintendent wish me to sign also?” Te Rata asked.

“He would be delighted if you did,” was the diplomatic reply.

Te Rata was a man of few words. He called for a pen, and in his bold scrawl added the culminating name: “Te Rata Mahuta Tawhiao Potatau te Wherowhero.”

It was this document that Tuwhakaririka (Peter Barton), the successor of the famous Wahanui, and representing the great Ngati-Maniapoto tribe, carried to Wellington...<sup>691</sup>

This description provides further evidence of the close relationship developing between those Rohe Potae Maori opposed to licensing, the Kingitanga and clergy in the temperance movement.

### **The Licensing Amendment Bill 1927**

By 1927 still no legislation had been passed which considered the incorporation of the recommendations of the second Hockley Committee, and it was still hoped by license advocates that the Licensing Amendment Bill 1927 may contain provisions for a referendum in the King Country.<sup>692</sup> The ensuing debate, focused on the Rohe Potae, demonstrated that the House was divided in its understanding of the nature of the negotiations of the 1880s.

In September 1926, the Minister of Finance, Downie Stewart, made a ministerial announcement to the House that the proposed Licensing Bill would be postponed until the next session.<sup>693</sup> The statement made by Stewart revealed some important insights into the difficulties of drafting liquor legislation at this time. In describing the parts of the proposed bill, he emphasised the importance of a referendum in regard to the licensing issue, stating that it had ‘for many years been adopted as the fairest way of settling the issue between continuance and prohibition’, and that he hoped to extend these provisions to deal with ‘the restoration of licenses and the extension of the term between polls.’<sup>694</sup> He went on to add that:

It was recognized, however, that as the licensing question is always treated as a non-party measure, the most practical measure was to limit the contents of the Bill to proposals which might meet with more or less general approval, and leave the most

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<sup>691</sup> *ibid.*

<sup>692</sup> *King Country Chronicle*, 12 August 1926, p7. SP, p102.

<sup>693</sup> *NZPD* 1926, vol.211, pp326-327.

<sup>694</sup> *NZPD* 1926, vol.211, p326.

controversial questions, such as the two-issue ballot paper and other important items, to be dealt with by the House itself during the progress of the Bill.<sup>695</sup>

It was then stated that even issues that had been thought of as non-controversial had raised considerable opposition. The general problem of legislating on issues on which there was no clear public opinion was also raised.<sup>696</sup> Accordingly, the Government decided to leave the bill until the next session, hoping that in the recess some compromise could be reached between various factions in Parliament. Before the Bill came up for debate again, in late July, Smith (Member for Waimarino) asked Prime Minister Coates if the legislation contained provision for a referendum in the King Country.<sup>697</sup> Coates replied that Smith would have to wait for the introduction of the Bill.<sup>698</sup>

In November 1927, the Licensing Amendment Bill came before the House for debate. In the course of the debate, significant discussion was focused on licensing in the 'Rohe Potae district.' As had already been acknowledged the Bill was to be considered in 'Committee of the Whole', where the provisions would be debated and decided by the whole of House. When introducing the Bill, Coates stressed that Members were free of party obligations in respect of the Bill.<sup>699</sup> In reference to the Rohe Potae, he stated that he had not included any provisions on the issue, but was certain other Members would move for such.<sup>700</sup> Coates stated that the primary reason for his reluctance as 'interference with what might be – I do not say that it was – a compact between Maori and pakeha at that time.'<sup>701</sup> He stated he was unable to find 'any confirmatory evidence.'<sup>702</sup> Indicating the polarised views on the subject, Lysnar, who had been a member of the second Hockley Committee, interjected during the address of Coates stating '[t]hat is only a myth.'<sup>703</sup> He maintained this position throughout the debate.<sup>704</sup> Coates replied that he did not think that the issue could be 'disposed of in those few words.'<sup>705</sup> By this time, Coates had heard Rohe Potae Maori deputations regarding rates and liquor, both of which emphasised the negotiations of the 1880s as the foundation of their protest. In this current session he had introduced, with Ngata, the Native Land

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<sup>695</sup> *ibid.*

<sup>696</sup> *NZPD* 1926, vol.211, p327.

<sup>697</sup> *NZPD* 1926, vol.212, p726.

<sup>698</sup> *ibid.*

<sup>699</sup> *NZPD* 1927, vol.215, p728.

<sup>700</sup> *ibid.*

<sup>701</sup> *ibid.*

<sup>702</sup> *ibid.*

<sup>703</sup> *ibid.*

<sup>704</sup> *NZPD* 1927, vol.216, p170.

<sup>705</sup> *NZPD* 1927, vol.215, p728.

Amendment and Native Land Claims Amendment Act, which aimed to deal with the rates issue. In respect of liquor, Coates clearly believed that he did not have enough information in order to make a decision, expressing concern that he did not want to implement a policy which would ‘interfere’ with an agreement made with the Maori of the Rohe Potae. McLeod (Minister of Lands) supported Coates’ opinion, stating that from what he had ‘read’, it appeared that an agreement had been reached ‘with the leading chief’ of the Rohe Potae. He believed if an agreement could be shown to have been reached then the ‘pakeha should be the last man to break it.’<sup>706</sup>

Rolleston (Member for Waitomo) entered a motion to have provisions for a referendum to be held in the no-licence area included in the Bill.<sup>707</sup> Rolleston argued, in a similar way to other advocates of licenses, that the King Country should be afforded the same rights as other no-license districts. That is, a referendum where a three-fifths majority would carry ‘restoration.’<sup>708</sup> He formulated his motion in such a way as to enable the licenses, if voted in, to be an ‘experiment’, alluding to the systems of municipal and state control, emphasising that ‘[w]e are definitely opposed to giving monopoly to a private individual.’<sup>709</sup> Rolleston then moved on to address ‘the pact or arrangement’ made that established no-license in the district, which he asserted was very difficult to find in the official record. He focused on the speech of Wahanui made before the House in 1884, found at ‘*Hansard*, Volume 50, page 556’. Significantly, he believed Wahanui had made a ‘double-barrelled request’, demonstrating some understanding of the broader nature of the negotiations of the 1880s.<sup>710</sup> According to Rolleston, Wahanui had requested on the one hand absolute prohibition and on the other protection of his lands from purchase.<sup>711</sup> He then went on to argue that both these requests had never been fulfilled. In regard to land he stated:

In spite of that request, and in spite of the fact that the Native Lands Alienation Restriction Act was passed, the request of Wahanui, as far as the sale of land was concerned, was never given effect to, for in less than twelve months after he appeared before the bar of the House the sales of land continued as gaily as previously.<sup>712</sup>

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<sup>706</sup> NZPD 1927, vol.216, p148.

<sup>707</sup> *ibid*, p159.

<sup>708</sup> *ibid*.

<sup>709</sup> *ibid*.

<sup>710</sup> *ibid*, p160.

<sup>711</sup> *ibid*.

<sup>712</sup> *ibid*.



As to liquor he contended that total prohibition had never been implemented and that the no-licence legislation had been ineffectual, resulting in significant quantities of alcohol being imported into the district. He noted Wahanui's efforts to have a license established in Otorohanga as evidence that Maori had also been unhappy with the situation.<sup>713</sup> He summarised:

I contend that if a pact was entered into in 1884 both clauses have been broken, first by the non-enforcement of the Native Land Alienation Restriction Act, and, secondly, - and this is the matter to which I want to draw the attention of the House - because, in addition to liquor allowed in to the proclaimed area, a license was granted within the boundaries of the King Country... at Tokaanu.<sup>714</sup>

Again he reiterated: 'It was broken by the white people within twelve months of its being made, and was repudiated by the Maoris when they asked that prohibition be removed and that licenses be granted to hotels within the King Country.'<sup>715</sup> Not only had the agreements been broken, argued Rolleston, the present situation in the Rohe Potae regarding sly-grogging necessitated change for the benefit of the Maori of the district.<sup>716</sup> He also argued that the present situation was paternalistic and that Maori should be given the right to vote on the issue in the interest of equality.<sup>717</sup> Finally, he emphasised that the European population of the district was now far in excess of the Maori, 24,000 to 4,000, and accordingly the Pakeha deserved some say on licenses in the district.<sup>718</sup>

Ngata essentially agreed with Rolleston.<sup>719</sup> He began his discussion of the Rohe Potae by noting the comments of McLeod about honouring the agreements, stating that he was expressing 'the best elements in the pakeha civilization that was introduced into this country.'<sup>720</sup> Yet he went on to assert that '...quite apart from any treaties or engagements made in the past, we want to study the facts as they stand to-day and recommend what is in our opinion is the best thing to do in the interests of the Maori people.'<sup>721</sup> Referring to the address of Rolleston, Ngata also described the broader aspect of the negotiations of the 1880s, asserting that Wahanui had been after more than just no-license. According to Ngata,

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<sup>713</sup> *ibid.*

<sup>714</sup> *ibid.*, pp160-161.

<sup>715</sup> *ibid.*, p160.

<sup>716</sup> *ibid.*, p161.

<sup>717</sup> *ibid.*

<sup>718</sup> *ibid.*, pp161-162.

<sup>719</sup> *ibid.*, pp162-165.

<sup>720</sup> *ibid.*, p162.

<sup>721</sup> *ibid.*

Wahanui had made a ‘plea for a closed reserve...he did not want his lands bought. He wanted the Pakeha kept outside.’<sup>722</sup> He then described how the rapid introduction of the Native Land Court and consequent purchases in the district, despite the wishes of Wahanui and others, undermined the liquor proclamation by bringing Pakeha settlement and consequently liquor.<sup>723</sup> On the basis that the agreements had already been undermined, he believed that ‘sentiment’ needed to be put aside and that the right to vote on the issue needed to be extended to the district in the interest of equality.<sup>724</sup>

The clause regarding a referendum was rejected in committee due to the fact that an appropriation of finances would be required to implement a referendum, therefore the clause was out of order.<sup>725</sup> In addition, the Bill itself was never passed in any form.<sup>726</sup>

### **Continuity and Change in the 1930s**

Similarly to the previous decade, during the 1930s local authority pressure for reform continued to be exerted on the Government with a consistent stream of petitions and deputations.<sup>727</sup> In turn, church and temperance groups submitted resolutions in support of the continuation of no-license. In particular, the election of the first Labour Government led to renewed hope by pro-license advocates of some progress, resulting in a number of petitions between 1935 and 1936. Sly-grogging in the King Country also intensified during the 1930s due to a number of factors and this added further intensity to the debate.<sup>728</sup> Despite the continued pressure, the status quo was maintained by the Government throughout the decade. The lack of change reflected the state of liquor legislation generally, which by the end of the decade was officially recognised as needing a major reworking.<sup>729</sup> In 1939, the Secretary of Justice made a recommendation for a Royal Commission on liquor legislation. However, the outbreak of Second World War intervened and no action was taken.<sup>730</sup> During the Second World War a number of clubs were established in the northern King Country which began to sell alcohol illegally, further complicating the licensing

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<sup>722</sup> *ibid*, p163.

<sup>723</sup> *ibid*, pp163-164.

<sup>724</sup> *ibid*, pp164-165.

<sup>725</sup> *ibid*, pp673-676; *King Country Chronicle*, 1 December 1927, p5. SP, p106.

<sup>726</sup> *NZPD* 1927, vol.216, p876.

<sup>727</sup> Skerman, pp182-183.

<sup>728</sup> *ibid*, p169.

<sup>729</sup> Christoffel, p103.

<sup>730</sup> Conrad Bollinger, *Grog's Own Country: The Story of Liquor Licensing in New Zealand*, Minerva Limited, Auckland, p95.

situation. The clubs eased the sly-grog problem and decreased the urgency of the pro-license lobby in these areas.<sup>731</sup> It was in this context that the Royal Commission on Licensing (RCL) formed and sat between 1945 and 1946.

In August 1934, the petition of Ngohi Ngatai (1926) was resubmitted to Parliament. It was presented to the House by Walter Broadfoot (Member for Waitomo) and referred to the Native Affairs Committee for consideration.<sup>732</sup> The petition again caused controversy, and the circumstances surrounding its submission are ambiguous. On 14 August, a letter from the New Zealand Alliance to Native Minister Forbes outlined that an important hui had been held at Ohakune a week earlier. The letter stated that the hui was attended by King Koroki Tawhiao, 'almost all the prominent King Country Chiefs' and Ratana.<sup>733</sup> The letter asserted that the hui unanimously objected to the petition and supported the '1884 covenant.' A copy of the 1926 declaration of the Chiefs of Ngati Maniapoto was included in the letter.<sup>734</sup> As a result of this letter a search was conducted to find the original declaration, which according to the correspondence could not be located.<sup>735</sup>

On 16 August, the Under Secretary of Native Affairs wrote to the Chairman of the Native Affairs Committee giving the department's advice on the petition.<sup>736</sup> The Under Secretary argued that the issue was beyond the purview of the Native Department as the prayers of the petition affected the whole of the King Country, not just Maori, as well as the general licensing laws. However, he did make clear that the Department considered Rohe Potae Maori ideas of a promise regarding liquor well founded and the continued 'protection' of Maori desirable. In regard to the proclamations establishing the relevant no-license districts, he stated 'I do not think it will be disputed that the proclamations were issued pursuant to promises given by the Government of the day to the leading Maori Chiefs of the District

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<sup>731</sup> Skerman, pp190-199.

<sup>732</sup> '132/1934 The Petition of Ngohi Ngatai and 211 others', 1 August 1934, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1392-1395.

<sup>733</sup> Murray (General Secretary of the New Zealand Alliance) to Minister of Justice Forbes, 14 August 1934, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1599.

<sup>734</sup> *ibid.*

<sup>735</sup> Cobbe to Coates, 6 September 1934, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1602.

<sup>736</sup> Under Secretary Native Affairs to Chairman of the Native Affairs Committee, 16 August 1934, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, p1396-1397.

that the sale of liquor within the King Country would not be permitted.<sup>737</sup> The letter included a number of quotes from Ballance and Wahanui taken from official sources in order to verify this statement.<sup>738</sup> The opinion of the Under Secretary was that the protection of Maori from the worst excesses of alcohol through education or prevention was in their best interest. It noted the contested history of the issue and that the ‘present Maori population of the District is not unanimous with regard to the matter.’<sup>739</sup> In late September the petition was withdrawn by Broadfoot.<sup>740</sup>

In November 1934, protest of the Maniapoto Maori Council regarding the petition and its withdrawal is evident. The *King Country Chronicle* recorded that ‘Mr Hotu’, the secretary of the Maniapoto Maori Council, asserted the petition was the same as that submitted eight years earlier and that it had the same signatories, some of whom had now passed away.<sup>741</sup> The article also stated that Broadfoot had ‘no knowledge’ of the circumstances under which the petition was prepared, summarising the following interview:

Interviewed yesterday morning concerning the published report that some of the signatures on the petition were eight years old, and that they had been obtained by incorrect statements, Mr Broadfoot said the petition was sent by post to him by a resident of his electorate. He presented it to the House and it was referred to the Native Affairs Committee. The next intimation he received was from the person presenting the petition asking that it not be proceeded with and withdrawn. He did what was asked and knew nothing further of the petition or any of the circumstances concerning it.<sup>742</sup>

The New Zealand Alliance records contain a letter written to the editor of the *Waikato Times*, where Wetini Hotu asked why no explanation had been given by Broadfoot as to why it had been withdrawn.<sup>743</sup> He believed an explanation was owed to the ‘Maori people and to Parliament’ as to why this petition of several years ago was presented as a new matter.<sup>744</sup>

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<sup>737</sup> *ibid.*

<sup>738</sup> *ibid.*

<sup>739</sup> *ibid.*

<sup>740</sup> ‘Petition No.132/1934’, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington; See *King Country Chronicle*, 27 September 1934, p4. SP, p108.

<sup>741</sup> *King Country Chronicle*, 10 November 1934, p5.

<sup>742</sup> *ibid.*

<sup>743</sup> Wetini Hotu to Editor of the *Waikato Times*, 2 November 1934, 77-206-17/06, Correspondence and papers relating to the licensing in the King County, New Zealand Alliance Papers, ATL Wellington. SP, p30.

<sup>744</sup> *ibid.*

The elections of 1935 appear to have initiated a new wave of local authority petitions, however no action was taken by the Government.<sup>745</sup> Reflecting the ongoing pattern, temperance groups also submitted resolutions and various letters in support of no-license.<sup>746</sup> In April 1936, Broadfoot submitted the petition of Hurakia Tawhaki Matena and 69 others regarding licenses in the district.<sup>747</sup> According to evidence presented at the Royal Commission on Licensing in 1945, this petition was drafted by Pei Te Hurinui Jones.<sup>748</sup> According to Jones, he had formed ‘a strong committee of young Maniapoto tribal leaders to sponsor’ the petition.<sup>749</sup> Again, it was referred to the Native Affairs Committee for recommendation. The petition was significant as its prayer was for the establishment of a Maori trust board to administer an annual fee of £500 imposed on each hotel license in the district, if they were introduced, for the benefit of Rohe Potae Maori.<sup>750</sup> Although it shared some similarities with previous petitions that had asked that revenue be used for the benefit of Maori, such as the petition of Hone Pihama Te Uru, it differed in that it requested the establishment of a wholly Maori body to administer the revenue for Maori benefit rather than recommending municipal control. It also did not recommend a referendum of any kind, effectively refusing the primary means through which licenses could be introduced into the district (which had been a feature of Maori petitions considered to be in favour of licenses). The petition asserted that the proportionately large and growing Pakeha population in the district as well as the decreasing vote for prohibition at the triennial poll made the introduction of licenses seem ‘inevitable.’ The petition argued that the proposed trust board system was a way of acknowledging the original intent of the agreements of the 1880s in the face of this inevitability.<sup>751</sup>

The petition contained an outline for the setup and administration of the proposed ‘Trust Board’. The outline requested that the Board be empowered to ‘finally determine’ what the

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<sup>745</sup> Skerman, p183; see for example ‘Petition 212/1935 Taurmarunui Borough Council and 4211 others’, 2 April 1935, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington; *King Country Chronicle*, 8 October 1935, p5. SP, pp111-112, 1609.

<sup>746</sup> See for example, International Order of Good Templars to Honorable Mason, 6 April 1936, Baptist Union to Justice Department, 8 April 1936, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, pp1610, 1614.

<sup>747</sup> ‘Petition 41/1936 Hurakia Tawhaki Matena’, 2 April 1936, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1399-1402.

<sup>748</sup> RCL Notes of Proceedings, vol.33, pp4804-4805, J61 9 Part 33, RCL, ANZ Wellington. SP, pp1815-1816.

<sup>749</sup> Pei Te Hurinui Jones, ‘Maori Kings’, p156.

<sup>750</sup> Petition with original signatures, LE1 1936/16 in Mitchell, ‘King Country Petitions Document Bank’, pp2677-2681.

<sup>751</sup> *ibid.*

license revenue could be expended on. The Board was to be able to establish 'District Committees for various parts of the King Country' for which funds would be set aside for each. Each Committee was to produce an annual report of expenditure to the Board. '[R]egulations' were to be 'drawn up' to define the 'powers and functions' of the system. Finally, it was suggested that health and education services be priorities for the Board and Committees. The outline resembled the Maori Health Council system, with two tiers of organisation and a focus on health and welfare. Significantly, Tamahiki Waeroa, the Chairman of the Maniapoto Maori Council, as well as Jones (Secretary) both signed the petition.<sup>752</sup> As described in Chapter Two, the Maniapoto Health Council was by this stage financially unviable. Therefore, the petition could be interpreted as an effort by the councillors to revive or recreate a new system of local government for Ngati Maniapoto. The involvement of Jones in the similar recommendation regarding rates in 1928 and ongoing Waikato raupatu settlement negotiations at this time, which involved the establishment of a trust board system, add further weight to this interpretation.<sup>753</sup>

On 4 May, in a letter to an unknown recipient, presumably the secretary of the Native Affairs Committee, Jones informed that a 'meeting of the elders of the Ngatimaniapoto people held at... Tokanganianoho Te Kuiti' had resolved to send a deputation consisting of 'Hori Tana, Te Whare Hotu, Tokorehu te Ahipu and Wetini Hotu' to appear before the Native Affairs Committee.<sup>754</sup> Wetini and Whare Hotu were both members of the Maniapoto Maori Council. The meeting had resolved that the deputation was to impress the desire to adhere to the 'promise' made to the elders that no licenses would be permitted in the King Country. Significantly, the resolution also specified 'that... if the Government contemplates Legislation' to the contrary, that 'a conference be held with Maniapoto tribal representatives at Te Kuiti beforehand'.<sup>755</sup> Given Jones' continued involvement, it is possible that the two resolutions were a compromise after some disagreement about the petition, with the 'conference' perhaps an opportunity to negotiate a system as described in the petition if protest failed to maintain the status quo.

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<sup>752</sup> *ibid.*

<sup>753</sup> McCann, pp190-204.

<sup>754</sup> Pei Te Hurunui Jones to unknown, 4 May 1936, LE1 1936/16 in Mitchell, 'King Country Petitions Document Bank', pp2659.

<sup>755</sup> *ibid.*

The *King Country Chronicle* emphasised the opposition of the deputation to the petition, although it is not clear the exact position they took. The paper reported that ‘Whare Hotu, Hori Tana, Wetenei Hotu and Tukorehu Apihi’ and Gabriel Elliott (‘who represented the Rev. A. J. Seamer, Superintendent of Methodist Maori Missions’) travelled to Wellington in order to give evidence to the Native Affairs Committee.<sup>756</sup> The deputation was reported to have given evidence against the introduction of licenses on the basis that a ‘pact’ had been agreed in the 1880s.<sup>757</sup> Nothing was reported on the resolution regarding the desire for a ‘conference’ if the Government planned to amend the current legislation.

The President of the New Zealand Alliance, Reverend Blanchard, also provided evidence to the Native Affairs Committee. Essentially, he placed the petition of Hurakia Tawhaki Matena in the same context as the petition of Ngohi Ngatai as one that was attempting to ‘break down the covenant.’<sup>758</sup> He believed that the proposed £500 fee was a ‘bribe’ to the Maori people and believed it was inspired by Pakeha.<sup>759</sup> He questioned the low number of signatories, asserting that the majority of Rohe Potae Maori wanted to strengthen the ‘existing law’ and did not wish to break the agreement.<sup>760</sup>

Earlier on 14 April, the Under Secretary of Native Affairs had informed the Native Affairs Committee of his opinion of the petition.<sup>761</sup> Similarly to Blanchard, despite its differences, he placed the petition in the context of the petition of Ngohi Ngatai described above. The Under Secretary acknowledged the ‘well established legal maxim that anyone can waive a condition imposed for his own benefit.’ That being the case, he believed that if the ‘majority of the members of the King Country tribes’ were prepared to waive the restriction then the issue would then be what system should be implemented. The petition, he asserted, demonstrated a willingness to ‘accept what they consider inevitable’ in this respect. However, he asserted that the proposal outlined in the petition reduced ‘the matter to one of barter’

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<sup>756</sup> *King Country Chronicle*, 12 May 1936, p4. SP, p113.

<sup>757</sup> *ibid.*

<sup>758</sup> Reverend J.R Blanchard, President of the New Zealand Alliance, ‘To the Members of the Native Affairs Committee considering a petition in regard to licenses for the sale of alcoholic liquor in the King Country’, p2, LE1 1936/16 in Mitchell, ‘King Country Petitions Document Bank’, pp2660-2665.

<sup>759</sup> *ibid.*, p3.

<sup>760</sup> *ibid.*, pp2-3.

<sup>761</sup> Under Secretary Native Department to Chairman of the Native Affairs Committee, 14 April 1936, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, pp1403-1404.

and which ‘commercialises the promises made to the Maoris by former Administrations...’<sup>762</sup> The small number of signatories was also noted, believing a full referendum would be required before any action could be justifiably taken.<sup>763</sup> On 8 May, the Native Affairs Committee made no recommendation regarding the petition.<sup>764</sup>

On 22 August 1936, the *King Country Chronicle* reported that a conference was held in Te Kuiti by the ‘Maniapoto Maori Association’ in ‘conjunction with about forty-one elders of the Maniapoto tribe.’<sup>765</sup> According to the article, ‘Marakopa, Waitomo, Hanganiki, Otorohanga, Hauturu and Te Kawa and other outlying districts were represented.’ The hui was called to discuss ‘the statements made by the Native Minister, Mr Savage, about the equal status of Maori and Pakeha and the observance of the Treaty of Waitangi in the spirit and word it was made.’ The article reported the following general resolution:

that Ngati-Maniapoto were not ready for equal status, and though they appreciated the sincere desire of the Premier to improve their standing, it was felt that much improvement could readily be effected without the institution of “equal status.”<sup>766</sup>

Under the subtitle ‘Rates and Liquor Question’ the article reported the following position regarding those issues:

The question of rates in the King Country was next considered and it was emphatically stressed by the elders that by the Rohe Potae Pact the railway was allowed by the natives to be laid down through the King Country on certain conditions, namely, that liquor for all time be excluded and that the teeth of the Government were not to bite further into their hereditary land; therefore the question of rates and liquor were to be left as set down by the word of Wahanui, and it was added that the liquor question often raided from time to time be not again brought forth by certain parties in an endeavour to violate the sacred pacts of the past.

It was argued that the administration of Native Land Boards and Courts be investigated so as to eradicate their maladministrative tendencies, particularly in regard to leases. A resolution in this matter is also to be forwarded to the Premier.<sup>767</sup>

The report is significant as it demonstrated that Ngati Maniapoto continued to consider the wider dimensions of the negotiations, including protection of land from alienation, exemption from rates and liquor restrictions.

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<sup>762</sup> *ibid.*

<sup>763</sup> *ibid.*

<sup>764</sup> ‘Report on 41/1936 Hurakia Tawhaki Matena and 69 Others of Te Koura’, 7 May 1936, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington SP, pp1405..

<sup>765</sup> *King Country Chronicle*, 22 August 1936, p4. SP, p114.

<sup>766</sup> *ibid.*

<sup>767</sup> *ibid.*



The report also foreshadowed the difficulty that the Rohe Potae leadership faced in maintaining the existing preferential liquor legislation in the context of the growing emphasis of the Labour Government, and society more generally, on ‘equality of treatment’ and the ‘equality of the individual’ for Maori and Pakeha.<sup>768</sup> According to this perspective, not only did the legislation withhold Pakeha voting rights that citizens enjoyed in other ‘dry’ districts, but also denied Maori the same rights. A tension, which has already been noted, was developing between the authority of Rohe Potae rangatira and kaumatua to speak and make decisions on behalf of their people, using hui and other methods of gaining consensus, and a European model based on the right of the individual to decide through majority at the ballot box. The right for ‘the people’ to decide, as noted, was particularly strong in respect of liquor legislation, where national and district referenda were commonly used to make decisions. From the advent of the Labour Government, the particular situation in the Rohe Potae became increasingly part of a broader debate surrounding the restrictive legislation regarding Maori purchase and consumption of alcohol, which focused on the system as a form of discrimination.<sup>769</sup> This tension was apparent in the evidence presented to the RCL and consequent recommendations.

In the late 1930s the illicit trade of alcohol in the Rohe Potae reached its highest levels. The report of the RCL is the most comprehensive source available on sly-grogging trade and general consumption of alcohol in the King Country during the period under examination.<sup>770</sup> Skerman, echoing the arguments and statistical evidence presented in the RCL report, states that sly-grog trading reached its peak in the late 1930s.<sup>771</sup> The following table of criminal convictions supports such a view:

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<sup>768</sup> Hill, p166.

<sup>769</sup> *AJHR* 1946, H38, pp212-217.

<sup>770</sup> *ibid*, pp219-227.

<sup>771</sup> Skerman, p189.

**Table 5: Convictions for 'Drunkenness, Selling liquor and Supplying Liquor to Natives'<sup>772</sup>**

	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945
Drunkenness	2	13	7	18	46	50	15	12	9	3	7
Selling Liquor	2	4	2	13	28	17	nil	6	1	nil	nil
Supplying liquor to Natives	8	2	8	22	20	12	11	17	14	nil	8

The table clearly shows a marked increase in convictions in the years 1938 to 1940. Skerman argues that the increase was largely explained by increasing abuse of legal requirements for importation of liquor on the railway, the increase in the use of automobile transportation and the effects of the Depression.<sup>773</sup> In the late 1930s, the *King Country Chronicle* published many articles detailing the described sly-grogging convictions and also editorials urging that the problem showed the need for the introduction of licenses.<sup>774</sup> Many of the articles expressed the urgent desire for an inquiry into the matter. Similarly, on 7 June 1939, the Waitomo Licensing Committee also resolved for an urgent inquiry into the matter, citing sly-grogging and the impact on Maori in particular.<sup>775</sup>

In the context of a growing sly-grog trade and the continuing desire for social environments where liquor could be consumed within the King Country Licensing Area, a club system began to develop within the district which facilitated the illegal consumption of alcohol. This consisted largely of workingmen and returned servicemen institutions established in the towns of the district from around 1939.<sup>776</sup> Skerman states that there were 34 of these institutions established in the district by 1945.<sup>777</sup> To operate legally, clubs could only consume alcohol under what was termed a 'locker system' or, alternatively, apply for a charter, effectively a license, in order to establish a bar to sell drinks. Charters were not permitted in a dry district. Under the locker system, individuals were allowed to bring alcohol

<sup>772</sup> *AJHR* 1946, H38, p220.

<sup>773</sup> Skerman, pp189-193.

<sup>774</sup> See for example: *King Country Chronicle*, 19 April 1939, pp4-5; 24 May 1939, p5; 26 May 1939, p5; 29 May 1939, p5; 2 June 1939, p4; 9 June 1939, p5; 12 June 1939, p5; 14 June 1939, p5. 5 July 1939, p5; 7 July 1939, pp4-5. SP, pp116-128.

<sup>775</sup> Magistrate, Magistrate's Court of Hamilton to Minister of Justice, 7 June 1939, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, p1689.

<sup>776</sup> Skerman, p191.

<sup>777</sup> Skerman, pp192-193.

(from home) then store it separately under lock and key for consumption on site.<sup>778</sup> It was widely acknowledged that the clubs within the King Country were not operating within these parameters.<sup>779</sup> Rather, clubs ordered liquor using various names of individuals, technically meeting legal requirements, but then sold them from behind a bar to members.<sup>780</sup> Police and apparently large parts of the King Country community, including some churches, turned a blind eye to these clubs as they were considered a positive, finally providing a solution to the long term desire for licensed premises and their perceived combating of the sly-grog problem (even though they were technically perpetuating it).<sup>781</sup> According to Skerman, the clubs largely excluded women and Maori from membership.<sup>782</sup> Club membership was limited to around 1000 men in 1946.<sup>783</sup>

As evidenced by the RCL investigations, the advent of the club system added a new layer of complexity to the debate surrounding liquor legislation in the Rohe Potae. As early as 11 May 1939, Erana Mokena Patupatu alias Mrs E Tane (see chapter two for request for the revival of Maori Council system around this time) wrote to the Prime Minister advocating the introduction of licenses.<sup>784</sup> Importantly, her letter notes the exclusion of Maori men from the ‘European workingmen’s Club’ located on the main street in Otorohanga as a reason for the introduction of licenses, in order that ‘Natives and Europeans alike’ can drink in these healthy environments.<sup>785</sup> The club system in the Rohe Potae would be the focus of some debate before the RCL as a local example of the discriminatory nature of existing liquor legislation. Also, and perhaps most importantly, the club system began to fundamentally undermine the legitimacy of the no-license legislation, essentially enabling the establishment of surrogate licensed premises in the district which although operating illegally were ignored by the authorities.

Despite these changes, the Government maintained the status quo throughout the war years, neither amending the current legislation nor establishing an independent body to inquire into

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<sup>778</sup> *AJHR* 1946, H38, p223.

<sup>779</sup> *AJHR* 1946, H38, p223; Skerman, pp192-193.

<sup>780</sup> Skerman, pp198-199.

<sup>781</sup> *AJHR* 1946, H38, p223; Skerman, pp192-193.

<sup>782</sup> Skerman, p193.

<sup>783</sup> *AJHR* 1946, H38, p223; Skerman, pp192-193.

<sup>784</sup> Erana Mokena Patupatu alias E Tane to Savage, 11 May 1939, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, pp1694-1696.

<sup>785</sup> *ibid.*

licensing legislation. This was despite advice of the Secretary of Justice and pressure from the public. For example, in response to a signed resolution from the Borough Mayors of Te Kuiti, Taumarunui, Ohakune and Raetihi for the provision of 'local option' in the King Country, in 1943 Prime Minister Fraser stated 'that it is not proposed to make any alteration in regard to the prohibition of the sale of alcoholic liquor in the King Country area.'<sup>786</sup> However, at around this time, the leader of the National Party, Sidney Holland, as part of his efforts to revive the party's political fortunes, again suggested the formation of a commission of inquiry.<sup>787</sup> Labour then took up this initiative and announced that they would form a commission if re-elected.<sup>788</sup> These developments demonstrated that the King Country licensing issue was beginning to take party lines, which until this time, as noted, had been considered a matter of conscience above party affiliation. As will be seen, party politics was to have a significant impact on developments after the RCL.

On 31 January 1945, the RCL was finally established, with Justice David Stanley Smith as Chairman, to conduct a comprehensive investigation of the laws relating to the manufacture, importation, sale and supply of alcohol in New Zealand.<sup>789</sup> This included an examination of the situation in the Rohe Potae. In the event, the Commission was to sit for nearly two years, producing a report of over 400 pages, with 53 volumes of supporting evidence.

### **The Evidence presented to the Royal Commission on Licensing 1945 (RCL)**

In July 1945, the RCL sat in Te Kuiti to hear evidence relevant to the license issue in the Rohe Potae. Not all the voluminous evidence presented can be examined in this chapter. Much of the evidence examined by the RCL reiterated those arguments which have already been detailed in the various petitions and depositions already described. Focus here is placed on the evidence of Rohe Potae Maori, with summaries of other relevant temperance and pro-licence evidence.

On 4 July 1945, the evidence of Pei Te Hurinui Jones was heard by the Commission. Jones acted as the spokesman for a representative 'Conference' of 'all the tribes in the King

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<sup>786</sup> Fraser to Mayor Taumarunui, 1 May 1943, J1 1522 18/25/8 Part 1, General File re King Country Licensing, ANZ Wellington. SP, pp1774-1775.

<sup>787</sup> Bollinger, p95.

<sup>788</sup> *ibid.*

<sup>789</sup> *AJHR* 1946, H38, pp1-3.

Country' held between 27 and 29 April 1945 to discuss the 'Liquor Question'.<sup>790</sup> He began by reading the statement and resolutions of this hui to the Commission. According to the statement, the conference was convened by 'three elders' of Ngati Manaipoto, 'Te Whare Hotu of Oparure, Te Kuiti (Ngati Kinohaku)', 'Te Mahuri Tawhana of Te Kuiti' and 'Hikaka Hetete of Te Kuiti' (both Ngati Rora). It was held at 'Te Tokanga-nui-a-noho' marae.<sup>791</sup> Tame Reweti of Hangatiki was appointed Chairman of the conference, and Te Aupouri Whitinui of Te Kumi and Wiremu Tauri of Manunui secretaries.<sup>792</sup> The statement recorded that the 'utmost latitude was allowed and every opportunity was given to all tribal representatives to speak on the subject matter of the gathering... and every shade of opinion was expressed.' More than 40 tribal representatives were recorded as speakers.<sup>793</sup> The resolutions of the conference were essentially a refined version of the 1936 petition of Matena, with some significant changes.

Similarly, to the petition of Matena, the statement began with a preamble of four matters of fact. The first being that 'there was a solemn pact made with the Maori Chiefs of our tribes' which resulted in the proclamations of 1884, 1885 and 1887, making the Rohe Potae a no-license area. The second noted the strong movement 'particularly among the European inhabitants of the King Country' to have the issue of licenses decided by a referendum of the residents of the district. Thirdly, it was noted that the vote at the last General Election would indicate that 'if put to the poll now... [it] would be determined in favour of the introduction of licenses'. The fourth was an acknowledgement that 'successive' Governments had 'given due consideration' of representations made on behalf of the Maori of the district and that licenses had not been granted.<sup>794</sup> Significantly, these facts were the same as those in the petition of Matena with the important exception of his fifth, which had asserted the 'inevitability' of the introduction of licenses.

The resolutions began with an important proviso, placing them within the context of the agreements of the 1880s:

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<sup>790</sup> RCL Notes on Proceedings, vol.33, p4798, MS-papers-3776-2/1/33, Smith, David Stanley (Sir), 1888-1982 Papers, ATL Wellington. SP, pp75.

<sup>791</sup> *ibid.*

<sup>792</sup> *ibid.*

<sup>793</sup> *ibid.*

<sup>794</sup> RCL Notes on Proceedings, vol.33, p4799, J61 9 part 33, RCL, ANZ Wellington. SP, p1811.

Wherefore, in consideration of the fact that the solemn pact herein before referred to was intended to protect the Maori people from the evils of the drinking of intoxicating liquors; and furthermore, it being strongly urged that any alteration in the status quo should always have in mind the pact referred to, and should recognise the desire of the Maori people to ameliorate some of the social conditions among themselves, THIS CONFERENCE HEREBY RESOLVES AS FOLLOWS<sup>795</sup>

The proviso firmly placed the resolutions within the context of the solemn pact, and that any further development regarding liquor in the district must take the meaning and purpose of the agreement into consideration. The first resolution was a request for complete prohibition.<sup>796</sup> It asked for the ‘prohibiting [of] intoxicating liquors or the ingredients for the manufacture of intoxicating liquors being brought in the said area. In short there shall be total prohibition against the importation, sale and manufacture’.<sup>797</sup> The second was that no referendum be held in the no-license area ‘on the subject of License or No-License, and/or the sale or consumption of liquor under any other form whatsoever.’<sup>798</sup> The third resolution:

That in the event of Licenses being granted; or the sale, importation/or manufacture of Liquor for the sale within the said area being allowed under other means of control, legislation shall at the same time be enacted to provide for...<sup>799</sup>

The rest of the resolution outlined the Board system that the petition of Matena had described, with the addition of an elaborated provision for revenue collection. The License Fee’ of £500 was noted first and it then stated:

...alternatively, if sales of Liquor are to be permitted under other forms of control, fifty per centum (50%) per annum of the nett profits – to be collected by the Government – shall be paid to a Trust Board representing the Maori Tribes of the King Country in respect of each and every building or establishment used for the purpose of selling liquor, and all cases the annual payment in respect of each and every building and/or established aforementioned shall not be less than £500.<sup>800</sup>

The refined resolutions made it clear that the primary desire of the Rohe Potae Maori represented by Jones was the strengthening of the existing legislation to the extent that they desired total prohibition. The creation of a Maori trust board was only a secondary consideration or final resort.

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<sup>795</sup> *ibid.*

<sup>796</sup> *ibid.*

<sup>797</sup> *ibid.*

<sup>798</sup> *ibid.*

<sup>799</sup> *ibid.*

<sup>800</sup> *ibid.*

The final two resolutions related to the RCL, requesting an itinerary of sittings and that an opportunity be given to hear evidence in Te Kuiti.<sup>801</sup> The last resolution provided a list of ‘accredited representatives as appointed by this Conference to give evidence before the Royal Commission.’ The list was as follows

	<b>Addresses</b>	<b>Tribe</b>
Pei Te Hurinui Jones	Hawera	Roro- Maniapoto
Tita Wetere	Morrinsville	Hikairo
Tuarau Tata	Kinohaku	Maniapoto
Tame Reweti	Hangatiki	Maniapoto
Tiwha Topia Turoa	Taumarunui	Whanganui
Marae Erueti	Kawhia	Hikairo
Kare Herangi	Otorohanga	Maniapoto
Aupouri Whitinui	Te Kumi, Te Kuiti	Maniapoto
H Te Kata	Parawera, Kihikihi	Raukawa
Whare Hotu	Oparure, Te Kuiti	Kinohaku-Maniapoto
Te Kiri Kaipa	Ngutunui Hall	Waikato- Maniapoto <sup>802</sup>

Several appendices were included, which contained: an invitation to the conference; a list of those who spoke at the conference;<sup>803</sup> an abstract of the address of Wahanui from *Hansard*; and a gazette reference to a proclamation of the no-license area.<sup>804</sup>

J.D Willis, Crown counsel to assist the Commission, began the cross examination. When asked by Willis if Maori were against the ‘sale of liquor in the King Country’, Jones answered in the affirmative. He also stated that the agreement or pact was verbal, believing that it had not been a written treaty.<sup>805</sup> When asked to elaborate on the Trust Board, he stated that the conference had in mind the ‘Taranaki Maori Trust Board or the Arawa Trust Board of Rotorua’ and drew on their regulations.<sup>806</sup>

During cross-examination the New Zealand Alliance counsel, F.C Spratt, made a determined effort to discredit Jones as a witness. Spratt attempted to suggest that he was working for

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<sup>801</sup> *ibid*, p4800. SP, p1812.

<sup>802</sup> *ibid*.

<sup>803</sup> The list: Kiri Katipa; Pei Te Hurinui Jones; Nuitone Moerua; Tu Tawhiao; Peehitu Pihirake; Te Kohinga Taniora; Hikaka Hetete; Eruera Te Tuhi; Tuarau Tata; Tuwakaririka Patena (Junior); Tare Patena; Ngahihi Huiha; Patatai Te Hanairo; Tita Tau; Whare Hotu; Ngonge Hiki; Te Ngaronui Jones; Raureti Te Huia; Pareaporangi Huihi; Parehina Tawhana; Mara Erueti; Muiora Kaahu; Rotohiki; Whareiaia Moke; Tokurehu Te Ahipu; Hori Tana; Paraone Amohanga; N. Parete; T. Marikena; Te Kata; Te Naki Ngataua; E. Te Tah; Tamahiki Waeroa; Tokoroa Poihipi; Paneta Otene; M. Kingi; Whatu Apiti; Te Tiwha Turoa.

<sup>804</sup> RCL Notes of Proceedings, vol.33, pp4801-4802, J61 9 Part 33, RCL, ANZ Wellington. SP, pp1813-1814.

<sup>805</sup> RCL Notes of Proceedings, vol.33, p4803, MS-papers-3776-2/1/33, Smith, David Stanley (Sir), 1888-1982 Papers, ATL Wellington. SP, p76.

<sup>806</sup> *ibid*.

Pakeha interests and that the statement he had prepared was not representative of Rohe Potae Maori. Spratt attempted to implicate Jones in prior efforts to have licenses introduced into the district, however in these efforts there seems to have been some confusion between the petitions of Ngohi Ngatai (1926) and Hurakia Tawhaki Matena (1936). Although quoting and referring to the petition of Hurakia Tawhaki Matena, he also made reference to the incidence of forgery and false pretence associated with the petition of Ngohi Ngatai.

Spratt began by asking if Jones knew of a petition submitted by Broadfoot in 1926, the year that the petition of Ngatai was submitted. Jones replied that he had, although in the course of discussion it seems clear that he was referring to the petition of Matena submitted in 1936. Jones went on to state that he had drafted the petition on behalf of a Maori committee he represented and that he had had some involvement in the gathering of signatures.<sup>807</sup> Spratt questioned Jones on who had initiated the petition, to which it was stressed that it was a Maori idea not a Pakeha one. Various parts of the petition of Matena were then read to the Commission. Jones emphasised that the petition had been misinterpreted by the House and by other Maori as a pro-license petition, because it was introduced by Broadfoot rather than a Maori Member.<sup>808</sup> Spratt then alleged that signatures on the petition were falsely attained. This seems to be a reference to the petition of Ngohi Ngatai, as no such allegation appears to have been made previously regarding the petition of Matena. This line of questioning continued with Jones denying that was the case. The chairman then stated that the Commission could not investigate allegations of forgery.<sup>809</sup>

Significantly, Spratt then made the accusation that the resolutions reached by the Conference had been made after key elders had left the hui. Jones agreed that some elders had left. On the assumption that Jones was actually in favour of licenses, Spratt essentially tried to argue that he had hijacked the meeting with his own agenda.<sup>810</sup> Jones refused to agree that he advocated the introduction of licenses and that his idea of trust board control was only an 'IF (a big "if").'<sup>811</sup> Spratt then asserted that Jones was personally in favour of trust control, to which Jones agreed.<sup>812</sup> Carrying on this line of questioning, again trying to assert that

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<sup>807</sup> RCL Notes of Proceedings, vol.33, pp4804-4805, J61 9 Part 33, RCL, ANZ Wellington. SP, p1815.

<sup>808</sup> *ibid*, p4807. SP, p1817.

<sup>809</sup> *ibid*, p4808. SP, p1818.

<sup>810</sup> *ibid*, p4810. SP, p1820.

<sup>811</sup> *ibid*, p4808. SP, p1818.

<sup>812</sup> *ibid*, pp4810-4811. SP, pp1820-1821.



Jones had personally hijacked the hui, Spratt asked ‘And that the proper thing for your people to do was to realise that things could not stay as they were and they might as well get the Trust Board set up?’ To which Jones emphatically replied:

No. My attitude definitely at the Conference was that I was putting up a sort of “last ditch” defence against the introduction of liquor, and setting up of the Board was so that the Maoris would not be left out of the control, there being complete pakeha control under the municipality. If it is kept out, well and good, I would abide by the wishes of the Tribe as expressed in those resolution.<sup>813</sup>

He continued that he advocated the maintenance of the pact as a ‘Tribal representative, and I say that without any reservation.’<sup>814</sup> Finally, Spratt asserted that the resolutions had been reached when most of the elders were not present and were therefore not representative.<sup>815</sup> Significantly, Jones stated: ‘Well, I suppose most of them had gone, but there were Elders still there, and it was an Elder who moved that resolution. Our leading Elder chief moved that resolution’.<sup>816</sup> On this comment, Spratt asked no further questions.<sup>817</sup>

Elsewhere in cross examination, Jones asserted that it was the understanding of the conference that their Elders at the time of the negotiations of the 1880s had desired total prohibition, hence the primary request of the current resolution.<sup>818</sup> He also asserted that the conference believed that the ‘Chiefs had every moral right’ to make a binding and permanent agreement on behalf of their people.<sup>819</sup>

Other witnesses endorsed Jones’ evidence and verified his report of the resolutions. Tame Reweti, the Chairman of the Conference described above, stated that it was the ‘correct’ report.<sup>820</sup> He, in agreement with the resolutions, asserted that firstly Rohe Potae Maori wanted total prohibition, as had been the true intention of the pact, and that ‘[t]here should be some legislation added to the pact whereby the pact could be maintained and protected.’<sup>821</sup> However, in the ‘event of an hotel license being granted in the King Country, the Maoris should have an opportunity of claiming the revenue...’<sup>822</sup> Similarly, Whare Hotu,

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<sup>813</sup> *ibid*, p4811. SP, p1821.

<sup>814</sup> *ibid*.

<sup>815</sup> *ibid*.

<sup>816</sup> *ibid*, pp4811-4912. SP, pp1821-1822.

<sup>817</sup> *ibid*, p4812. SP, p1822.

<sup>818</sup> *ibid*, p4813. SP, p1823.

<sup>819</sup> *ibid*.

<sup>820</sup> *ibid*, p4818. SP, p1828.

<sup>821</sup> *ibid*, p4820. SP, p1830.

<sup>822</sup> *ibid*.

endorsed the submission of Jones.<sup>823</sup> As described above, Whare Hotu had been a member of the deputation to Wellington after the submission of the petition of Matena in 1936.

Other witnesses strongly opposed the resolutions presented by Jones. Tita Taui Wetere, the Chairman of the 'Waikato-Maniapoto Council', was the leading spokesman of this opposition. According to a contemporary newspaper report, 'Tita Wetere, of Morrinsville, [was] a son of the Kawhia chief Tau Wetere, and a leading figure in the counsels of the Waharoa family, who descended from the famous Wiremu Tamehana the original "King-Maker."'<sup>824</sup> The Waikato-Maniapoto Council appears to have been a Kingitanga body which was supported by the New Zealand Alliance.<sup>825</sup> Wetere claimed to speak on behalf of 93 percent of the Rohe Potae Maori population.<sup>826</sup> He essentially argued that the Maori of the Rohe Potae desired that the pact be maintained and strengthened as it was the wish of the Elders in the 1880s and remained so in 1945.<sup>827</sup> His evidence emphasised what he considered the primary role of Tawhiao in the negotiations.<sup>828</sup> In his written statement, he described the pact in the following way:

The Pact was a bargain made after much preparatory talk and we briefly state its main provisions. It gave the Government:-

1. The right to put the Main Trunk Railway through.
2. The necessary land for the Railway including five to eight acres for stations and extra width for cuttings, etc.
3. The opening of land under limitation of King Tawhiao's veto for pakeha settlement.

On the other side it gave the Maoris:-

1. Protection from taxation for the Railway and feeder roads.
2. The permanency of their mineral rights.
3. A solemn undertaking that no sale of intoxicants should ever be allowed in the King Country.<sup>829</sup>

He also stated:

We have never heard it said by our elders that the Pact was written on paper, It was written in the uttered words of men of whom it was said "Their word is their bond." The fact and substance of the Pact has come down to us through hundreds of channels in oral tradition and their words recorded in Government records about that time speaking of the fact of the Pact.<sup>830</sup>

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<sup>823</sup> *ibid*, p4821. SP, p1831.

<sup>824</sup> *Waikato Times*, 22 April 1946, p6. SP, pp141-142.

<sup>825</sup> RCL Notes of Proceedings, vol.33, p4904, J61 9 Part 33, RCL, ANZ Wellington. SP, p1915

<sup>826</sup> *ibid*, p4901. SP, p1912.

<sup>827</sup> *ibid*.

<sup>828</sup> *ibid*, p4902. SP, p1913.

<sup>829</sup> *ibid*, p4901. SP, p1912.

<sup>830</sup> *ibid*, pp4901-4902. SP, pp1912-1913.

Similarly to the Alliance cross examination of Jones, Wetere asserted that the idea of Trust Board control was Pakeha inspired and part of a long history of attempted manipulation of the Maori people in respect of licenses.<sup>831</sup> The resolutions presented by Jones were described as a ‘“a devouring dog disguised in a sheep skin”’, the words used to describe the Ngatai’s petition in the declaration of the chiefs back in 1926. Wetere acknowledged that ‘nearly all Maori chiefs would favour’ total prohibition, but knew in the 1880s and in the present that this was an impossible request. He stated of the April Conference to which Jones was the spokesman:

The April meeting at Te Kuiti decided unanimously against the liquor traffic, yet representatives were cleverly appointed without definite instructions and almost immediately three petitions were launched that might have confused the position. Two of these really favoured license, the other was for total prohibition. In these circumstances the prominent Ngati Maniapoto leaders asked for the Council to meet and clear up the position. The Council decided to draft a statement on lines that they unanimously considered the chiefs and people really wanted and to send it out for approval or otherwise. About 93 per cent. of the people have already approved it and appended their signatures. These papers will be made available for inspection, but must remain the property of the tribe. More signatures will come in from isolated places.<sup>832</sup>

A copy and translation of this Memorial was attached to the evidence, which was stated to have been signed by 35 of the 36 leading ‘Elders and Chiefs’ as well as 2,264 other Rohe Potae Maori.<sup>833</sup> In addition, a ‘Solemn Declaration’ signed by King Koroki was attached.<sup>834</sup>

Tare Patena Tuwhakaririka (Charles Barton), the grandson or son of Tuwhakaririka Patena (?), gave evidence in support of Wetere’s explanation of the April conference, explaining that he believed the ‘[t]he majority of the elders’ had left the hui when the resolutions were passed.<sup>835</sup> He also objected to the idea of a Maori referendum.<sup>836</sup> Naki Tame Kino Ahikawa also supported the evidence of Wetere.<sup>837</sup>

During questioning further significant elaborations were made by Wetere. Willis, Crown Counsel, attempted to point out that the resolutions presented by Jones and the evidence

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<sup>831</sup> *ibid*, pp4901-4902, 4908-4910. SP, pp1912-1913, 1919-1921.

<sup>832</sup> *ibid*, p4909. SP, p1920.

<sup>833</sup> *ibid*, pp4911, 4913. SP, pp1922, 1924.

<sup>834</sup> *ibid*, p4904. SP, p1915.

<sup>835</sup> *ibid*, pp4922-4923. SP, pp1933-1934.

<sup>836</sup> *ibid*, p4923. SP, p1934.

<sup>837</sup> *ibid*, pp4924-4925. SP, pp1935-1936.

presented by Wetere shared more similarities than differences. He suggested that both affirmed the desire to have no licenses introduced into the district, the only significant difference being the resolution regarding the Maori Trust Board.<sup>838</sup> In reply, Wetere emphasised that '[t]here is no "if" in my attitude', making clear that he did not want to allow for any position where licenses would be acceptable.<sup>839</sup> Significantly, when under cross-examination by the Chairman of the Commission, Wetere stated that he did not object to a referendum of the Maori people on the issue, apparently confident that they would reject licenses.<sup>840</sup> However, later Wetere retracted this statement, stating that the rest of the Waikato Maniapoto Council wished that no referendum in any form be held in the no-licence area.<sup>841</sup> He also stated he did not object to Maori returned servicemen being allowed to drink with 'their pakeha friends' at RSA events, but in no other circumstances.<sup>842</sup>

Discussion of the Memorial during cross examination revealed that the Waikato-Maniapoto Council had strong support from temperance and church groups as well as Waikato and the Kingitanga. Attempting to demonstrate the broad support for the position outlined by Wetere, Spratt proceeded to ask questions that focused on the high percentage of 'Elders and Chiefs' and the large number of people that had signed the Memorial.<sup>843</sup> The Memorial was said to have 2,264 (of 2400 Maori voters in the King Country) signatures from the 'King Country' and 1,585 from Waikato.<sup>844</sup> Wetere stated of the Waikato support '[t]he Waikato-Maniapoto tribes are one. They are not a separate people.'<sup>845</sup> Later in questioning, the Chairman also requested that the Memorial submitted by Wetere be examined by Thomas Matengaro Hetet (see below) in order to ascertain how many of the 2,264 King Country signatories were resident in the district.<sup>846</sup> Hetet stated of the Memorial:

I would say that on a rough check 30 per cent or 40 per cent of the signatures are of people not within the King Country. I am sorry to say so. There are a lot of Waikato people, a lot from down the Wanganui River and Lake Taupo.<sup>847</sup>

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<sup>838</sup> *ibid*, p4917. SP, p1928.

<sup>839</sup> *ibid*.

<sup>840</sup> *ibid*, p4921. SP, p1932.

<sup>841</sup> RCL Notes of Proceedings, vol.34, pp5071-5072, J61 9 Part 34, RCL, ANZ Wellington. SP, pp2072-2073.

<sup>842</sup> RCL Notes of Proceedings, vol.33, p4920, J61 9 Part 33, RCL, ANZ Wellington. SP, p1931.

<sup>843</sup> *ibid*, pp4913-4914. SP, pp1924-1825.

<sup>844</sup> *ibid*.

<sup>845</sup> *ibid*, p4914. SP, p1825.

<sup>846</sup> *ibid*.

<sup>847</sup> *ibid*, p4926. SP, p1937.

Hetet and Weterere were then asked by the Chairman to resolve the ‘discrepancy’ as 30 to 40 percent was ‘getting on to half.’<sup>848</sup>

The following day, it was stated by Spratt that they could not settle the difference as they had different opinions on the ‘extent of the Rohe Potae and King Country.’<sup>849</sup> The Chairman clarified that he wanted to know who on the list was entitled to vote in the King Country, stating that residence was the deciding factor for ‘voting in Parliamentary Elections.’<sup>850</sup> However, Spratt asserted that it was tribal affiliation that determined Maori voting.<sup>851</sup> Later Weterere was recalled to give further evidence on the Memorial and that according to him all the signatories were resident within the no-license areas as defined by the 1884 and 1885 proclamations.<sup>852</sup> Hetet appeared to still not agree to this assertion.<sup>853</sup> At this time it was made clear that it was compiled with the help of various churches, including the Methodist, Anglican and Brethren.<sup>854</sup> Ministers were asked to collect and witness the signatures.<sup>855</sup> The idea that signatories were pressured to sign due to the fact that the Ministers advocated no-license was raised but denied by Weterere.<sup>856</sup>

Several other Maori witnesses gave evidence in support of the continuation of no-license on the basis of the compact, but did not declare support for either Jones or Weterere. Marae Erueti of Ngati Hikairo provided a short statement describing the nature of the ‘pact’, stating

The Railway line was opened through the King Country on the definite understanding that:-

1. Certain specified areas would be given free for route of line and station sites.
2. There would be no rates on Native Lands.
3. No liquor was to be allowed into the King Country under any circumstances.<sup>857</sup>

Like resolutions presented by Jones, he stated that the intention of the ‘chiefs and tribes’ in the 1880s was total prohibition and therefore he also advocated this in the present.<sup>858</sup> George

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<sup>848</sup> *ibid.*

<sup>849</sup> *ibid.*, p4927. SP, p1938.

<sup>850</sup> *ibid.*

<sup>851</sup> *ibid.*

<sup>852</sup> RCL Notes of Proceedings, vol.34, p5121, J61 9 Part 34, RCL, ANZ Wellington. SP, p2120.

<sup>853</sup> *ibid.*

<sup>854</sup> *ibid.*, pp5118-5119, J61 9 Part 34, RCL, ANZ Wellington; also see RCL Notes of Proceedings, vol.33, p4914, J61 9 Part 34, RCL, ANZ Wellington. SP, pp2117-2118, 1825.

<sup>855</sup> RCL Notes of Proceedings, vol.34, pp5118-5119, J61 9 Part 34, RCL, ANZ Wellington. SP, pp2117-2118.

<sup>856</sup> *ibid.*, p5120. SP, p2119.

<sup>857</sup> RCL Notes of Proceedings, vol.33, p4894. J61 9 Part 33, RCL, ANZ Wellington SP, p1905.

Turner (Hori Tana), as a direct descendant of Rewi Maniapoto, also provided evidence to the Commission. He read a statement signed by ‘G. Searancke’, the Chairman of an unspecified ‘Tribal Committee.’ The statement emphasised the role of Rewi Maniapoto in the negotiations and the gifting of areas of land for the railway, concluding that ‘[w]e therefore stand firmly honouring the pact made by ancestors.’<sup>859</sup>

Two Maori witnesses provided evidence against the continuation of the pact for their specific area or group. Samuel Pahumu Araranga provided a statement on behalf of the Maori of Waimarino requesting that the no-license ban be lifted from their territory. The statement asserted that the ‘pact’ had been imposed on them without authority and consent and was now the cause of much ‘crime, corruption, bribery, graft and poverty, with the Maori the principal victim.’ It described the perceived inequalities of the no-license ban noting that Maori were not served in clubs in the area.<sup>860</sup> On behalf of the ‘Maori Servicemen of the Ngati Maniapoto Federated Tribes’, Thomas Matengaro Hetet made a request for Maori servicemen to have ‘equal privileges with our Pakeha brothers in arms, particularly as to the enjoyment of Social gatherings, membership of Clubs and other social amenities sponsored by and carried on by Returned Services organisations...’<sup>861</sup>

A number of New Zealand Alliance and church witnesses presented evidence in support of the continuation of no-license, primarily on the foundation of the negotiations of the 1880s. Much of what was presented to the RCL reiterated what has already been detailed in this chapter. They provided the most comprehensive historical evidence concerning the negotiations and placed value on Maori oral tradition regarding those events (in contrast to most other Pakeha witnesses at the RCL). Although a clear paternalism is evident in much of what was presented to the RCL, it is also evident that many of them had firsthand experience in Maori communities. In addition, as demonstrated throughout this chapter, these groups had a close relationship with those Rohe Potae Maori opposed to the introduction of licenses. Their arguments also focused on their first hand experiences of the negative effects of alcohol on the health and welfare of Maori communities, ultimately desiring the strengthening of liquor laws rather than their liberalisation.

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<sup>858</sup> *ibid.*

<sup>859</sup> *ibid.*, p4884. SP, p1895.

<sup>860</sup> *ibid.*, p4877. SP, p1888.

<sup>861</sup> *ibid.*, pp4860-4871. SP, pp1870-1882.

Arthur Seamer, the Superintendent of Methodist Home and Maori Missions, gave evidence which supported that provided by Wetere, emphasising the authority of the Kingitanga in the Rohe Potae. Seamer attempted to counter the consistent argument levelled by pro-license advocates that Maori should be given equality in all things, including liquor, particularly that they be able to vote on the issue. He acknowledged the huge inequalities that Maori faced in employment and other spheres and his support of official efforts to have these alleviated.<sup>862</sup> However, he believed the liquor issue was distinct from those issues. He reminded the Commission that Maori Chiefs had ‘erected and maintained [in the present] protective “fences” ’ on their own initiative, referring to the current no-license legislation.<sup>863</sup> The democratic features of the Kingitanga and chiefly authority were pointed out to the Commission, asserting that ‘alien’ Pakeha ‘referendum’ should not be forced on the situation.<sup>864</sup> He stated:

The historical and traditional view that as the Pact was negotiated by the duly appointed Paramount Chiefs or King of the Associated Tribes, in concert with his Council of Chiefs, the matter of any alterations in it lies legally, according to both Maori and Pakeha law, in the hands of their lawful successors – King Koroki and his Council of Chiefs acting as they always do in harmony with the will of the people after the tribes had full opportunity for discussion.<sup>865</sup>

Essentially, Seamer argued that authority for the decision regarding liquor should remain with those that held traditional authority in the Rohe Potae, which he believed to be the Kingitanga.

Under Secretary of Native Affairs Shepherd also provided evidence to the RCL.<sup>866</sup> The evidence addressed the general debate as to whether liquor legislation should be amended to place Maori on an equal status with Pakeha in terms of the purchase and consumption of alcohol, as well as the licensing issue in the Rohe Potae. In terms of the Rohe Potae, he represented Maori opinion as divided, emphasising Ngatai’s petition as representative of Maori who advocated the introduction of licenses.<sup>867</sup> As already described above, Shepherd

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<sup>862</sup> RCL Notes of Proceedings, vol.34, pp5100-5102, J61 9 Part 34, RCL, ANZ Wellington. SP, pp2101-2102.

<sup>863</sup> *ibid.*

<sup>864</sup> *ibid.*, pp5109-5111. SP, pp2109-2111.

<sup>865</sup> *ibid.*, p5110. SP, pp2110.

<sup>866</sup> MA24/5, Royal Commission on Licensing Laws 1945, Statement submitted by the Under-Secretary of the Native Department on the sale and supply of liquor to Maoris and the granting of licenses in King Country, ANZ Wellington. SP, p1423-1450.

<sup>867</sup> *ibid.*, pp11-12. SP, pp1435-1436.

placed Matena's petition in the same context as that of Ngatai's petition. For this reason he recommended that a referendum be held in the district. However, he did not believe that Maori should be placed under the same legislation as Pakeha, recommending a number of protective measures.<sup>868</sup>

Evidence presented by the pro-license European residents of the district was limited due to the advent of the club system. The report of the commission explained that they had first expected to hear a large body of evidence in the northern King Country, in particular at Te Kuiti. However, in the event no witnesses were forthcoming and the Mayor of Te Kuiti and Chairman of the Waitomo County Council had to be asked to attend.<sup>869</sup> The lack of witnesses for what had been a controversial issue for more than 50 years was explained as due to the fact that 'Europeans in the Te Kuiti area... have been driven to a solution of the liquor question which they prefer to keep if they can.'<sup>870</sup> It was noted that seven clubs were in existence in the Te Kuiti area.<sup>871</sup> Essentially there were no witnesses as citizens did not want to jeopardise a system that was operating illegally yet serving the desired purpose of circumventing the need for licenses.

The majority of pro-license evidence was heard from witnesses from the Taumarunui area.<sup>872</sup> Matthew Harold Wilks, a Public Accountant from Taumarunui, advocated the introduction of licenses under trust board control.<sup>873</sup> Using similar arguments to those already outlined, Wilks believed that Wahanui had desired complete prohibition rather than just the sale of liquor via licensed hotels.<sup>874</sup> In addition, the European population was now a large majority and clearly wanted licensed premises for the controlled consumption of alcohol.<sup>875</sup> Overall, it was argued that the legislation controlling liquor was defunct, serving neither the interests of Pakeha or Maori.<sup>876</sup> Given that Wilks considered total prohibition was impracticable, he recommended the introduction of licenses under the control of a trust board that would

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<sup>868</sup> *ibid*, p17. SP, p1441.

<sup>869</sup> *AJHR* 1946, H38, p223.

<sup>870</sup> *ibid*.

<sup>871</sup> *ibid*.

<sup>872</sup> RCL Notes of Proceedings, vol.34, pp4980-5017, 5022-5032, 5033-5035, J61 9 Part 34, RCL, ANZ Wellington. SP, pp1992-2028, 2033-2043, 2044-2046.

<sup>873</sup> *ibid*, pp4985-4988. SP, pp1997-2000.

<sup>874</sup> *ibid*, p4981. SP, p1993.

<sup>875</sup> *ibid*, pp4982-4983. SP, pp1994-1995.

<sup>876</sup> *ibid*, p4983. SP, p1995.



administer the profits of the sale of alcohol for the benefit of the whole community.<sup>877</sup> The board would be comprised of seven elected members, including one Maori.<sup>878</sup>

### **Recommendations of the Royal Commission on Licensing**

The 1946 report of the RCL was the first significant step toward the introduction of licenses in the Rohe Potae. The RCL recommendations regarding the Rohe Potae were guided by the overall assumption that the status quo could no longer be maintained. In particular, the RCL appeared to have been heavily influenced by the evidence it had received regarding the negative drinking conditions in the Rohe Potae.<sup>879</sup> Given the complexity and controversy that had developed around the issue, the RCL accepted that the consent of the majority of the residents of the district would be needed to implement any change. However, the recommendations did acknowledge that Rohe Potae Maori held a privileged position in the decision to introduce licenses, yet the report placed this entitlement in the hands of individuals through a referendum. This recommendation began the process which was to ultimately undermine the authority of the tribal leadership of the district regarding this issue. Moreover, the report rejected the foundation from which this leadership had fought against the introduction of licenses until the 1940s, finding that the agreement reached in the 1880s was not binding for all time. This conclusion was based almost solely on the personal investigation of Chairman Smith in the events of the 1880s, which was appended to the main report (Appendix C). Potentially further eschewing the basis of the no-license legislation, the report also recommended that if the Maori vote was not in favour of licenses, that the club charters for onsite sale of alcohol be issued in the district.

A full analysis of Appendix C cannot be made without a comprehensive examination of the negotiations of the 1880s, which is beyond the scope of this report. The following comments focus on the general approach of the report and Appendix C and the reasoning used to reach the described recommendations. The RCL recommended that a referendum of the Maori people would be held first. If this poll was in favour of licensing, then a Pakeha referendum should be conducted.<sup>880</sup> The report stated in this regard:

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<sup>877</sup> *ibid*, pp4985-4986. SP, pp1997-1998.

<sup>878</sup> *ibid*, pp4985-4988. SP, pp1997-2001.

<sup>879</sup> Skerman, p196.

<sup>880</sup> *AJHR* 1946, H38, p230.

If the Maori people decide against open licenses, the Europeans cannot complain if they are not permitted to vote on the question whether there should be open licenses. The Europeans came into the King-country, knowing the nature of the present restrictions, and they must await the decision of the Maori residents on the question of open licences.<sup>881</sup>

This statement clearly placed the decision regarding licenses in the hands of Rohe Potae Maori. The RCL recommended that a 60 percent majority be attained to authorise licenses and that the voting age be the same as for a general election.<sup>882</sup> The report went on to state: ‘[i]f, however, these licenses are not granted, Parliament would not, we think, infringe the intention of the Proclamation of 1884 or 1887 if it authorized the granting of club charters for “on” sales only to properly conducted clubs within the King-Country.’<sup>883</sup> The report stated earlier that: ‘If it is unlawful but better than any other system, it should be made lawful.’<sup>884</sup> In regard to what form licenses would take if introduced, the report stated: ‘If open licenses are authorized in the King-country, there appears to be general agreement in the King-country that they should come under some form of community control.’<sup>885</sup>

To reach these recommendations, the RCL first had to establish that the agreement regarding liquor could be amended and, second, why referenda were the preferred method of gaining consent for amendment. The primary justification for the recommendation that the existing legislation could be altered with the consent of Rohe Potae Maori was found in the investigation and findings of Justice Smith regarding the negotiations of the 1880s. The RCL report recognised that the main Rohe Potae leadership objection to a referendum, according to the evidence it had heard, was based on the belief that the agreements of the 1880s were sacred and could not be altered. The report stated:

The reason which is given for the denial of the vote to the residents of the King-country is that the Europeans made “a sacred pact” with the leading Maori Chiefs in return for a gift of the lands for the Main Trunk Railway Line. This ground is put forward by most of the elders of the King-country Maoris of to-day and by various church and temperance organizations. The ground so taken has not hitherto, so far as we know, been subjected to critical analysis.<sup>886</sup>

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<sup>881</sup> *ibid.*

<sup>882</sup> *ibid.*

<sup>883</sup> *ibid.*

<sup>884</sup> *ibid.*, p223.

<sup>885</sup> *ibid.*, p231.

<sup>886</sup> *ibid.*, p228.

Given this need, the report stated that Chairman Smith had conducted an examination of ‘all the documents available’ (Appendix C) surrounding the negotiations.<sup>887</sup> The conclusions of Appendix C were wholly accepted by the other members of the RCL.<sup>888</sup> The report elaborated: ‘We think, therefore, that the weight of the evidence is heavily against the view that the arrangement made by the leading Maori chiefs was of a kind which could not be altered if the Maori tribes concerned desired its alteration.’<sup>889</sup> This statement indicated that the most important conclusion of Justice Smith, in terms of the RCL’s decision for a Maori referendum, was that the agreements could be altered with the consent of the Maori of the Rohe Potae.

Smith argued that due to the fact that the no-license agreement was not a condition in a direct ‘bargain’ or exchange for the railway, it was not a ‘sacred pact’ as defined by Rohe Potae elders. If not a sacred pact, it was argued that it could therefore be altered in the present as long as the consent of Rohe Potae Maori was gained. Smith’s investigation acknowledged the broader dimensions of the negotiations of the 1880s, recognising that a number of ‘concessions’ had been made in order for the Government to achieve its goal of ‘opening’ the district to settlement.<sup>890</sup> These included agreements concerning: the survey of the external boundaries and related survey fees; the prohibition of prospecting for gold; additional powers for the Maori committees; and that ‘their land should go through the Native Land Court only when they wished.’<sup>891</sup> However, he saw the central agreement, or the heart of the negotiations, as permission to build the railway on the basis that the lands required would be paid for by the Government.<sup>892</sup> Accordingly, he did raise concern that few Maori received payment for these lands, suggesting some Government obligation in this respect.<sup>893</sup> In his view, this stood in contrast to the evidence presented to the RCL (mainly by Wetere and the Alliance) that emphasised the central agreement as the gifting of the land for the railway on the promise that there would be no licenses permitted in the district.<sup>894</sup> Smith argued that the agreement reached regarding licenses was actually only peripheral and made prior to that regarding the payment for the land required for the railway. The other

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<sup>887</sup> *ibid.*

<sup>888</sup> *ibid.*

<sup>889</sup> *ibid.*, p229.

<sup>890</sup> *ibid.*, p380.

<sup>891</sup> *ibid.*, pp379-380.

<sup>892</sup> *ibid.*, p380.

<sup>893</sup> *ibid.*, p380.

<sup>894</sup> *ibid.*, p363.

concessions, he noted, only contributed to the reaching of this major agreement. He stated in this respect:

The reaching of this agreement [payment of land for the railway] was helped by various concessions by the Government, one of which was the Proclamation of December, 1884, prohibiting licenses for the sale of alcohol in the Northern King-country – i.e., the Kawhia Licensing District. This proclamation ranked with other matters like the pardoning of Te Kooti, the arrangements for the survey of external boundaries, the improvement of the Maori committees, the arrangements for prospecting for gold, and the determination of the Government to put the line through. All these were matters of policy suited to the circumstances of the times.<sup>895</sup>

Smith provided little explanation of this final point. For example, he did not explain why these other agreements were secondary if at the same time they were important in gaining what he perceived to be the essential agreement.<sup>896</sup> Neither did he explain exactly why these other agreements held no obligation in the present.<sup>897</sup>

Smith supported this central argument by asserting that following the ceremonial turning of the first sod the ‘leaders of the Maoris...did not...act as though there were a solemn pact or treaty in existence which could not be altered.’<sup>898</sup> The 1891 request of Wahanui for a license in Otorohanga was cited by Smith as the primary evidence of this.<sup>899</sup>

On the basis of Smith’s argument that no permanent binding agreement would be breached, the RCL recommended a referendum. However, the report provided very little discussion as to why a referendum was the desired method of testing the opinion of Rohe Potae Maori. An important reason appears to have been the implicit assumption within the RCL report and Appendix C that an irreconcilable difference of opinion existed amongst Rohe Potae Maori.<sup>900</sup> In particular, the report asserted that a division existed between ‘younger Maoris’ and the ‘elders’:

The Maoris do not vote at the national poll, but our evidence indicates that a large number of the younger Maoris do desire a vote on the question whether or not there shall be licenses in the King Country. Most of the elders are opposed to a vote, many of them on the ground that, if the Maoris were granted a secret Ballot, the younger

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<sup>895</sup> *ibid*, p380.

<sup>896</sup> *ibid*.

<sup>897</sup> *ibid*.

<sup>898</sup> *ibid*.

<sup>899</sup> *AJHR* 1946, H38, pp376, 380.

<sup>900</sup> *ibid*, p363.

Maoris would carry a proposal in favour of the sale of liquor under some form of license.<sup>901</sup>

Although not explicit, the RCL may have considered the various petitions that had been submitted as well as evidence presented before the Hockley Committees as further evidence of a division. Also, the Under Secretary of Native Affairs had presented evidence that emphasised a divided opinion. As stated, referenda had been a common method of deciding contentious liquor questions during the first half of the twentieth century. Furthermore, a tension had been developing over the decades as to who had the right to decide the issue in the district, Pakeha or Maori, and more complicated still, the tribal leadership or Maori individuals via the poll. Pro-license advocates throughout the period had argued against the existing situation on the grounds that it was unfair and undemocratic to withhold the choice from both Pakeha and Maori. Perhaps in the context of 'social democracy' and notions of 'equality', these ideas fell on fertile ground before the RCL.

However, by choosing to put the issue to the vote the RCL had ignored most of the evidence presented by the Rohe Potae leadership. As described above, the majority of evidence presented to the RCL requested a continuation or strengthening of protective legislation as well as that no referenda of any sort (Pakeha or Maori) be held in the district. This evidence, implicitly and explicitly, advocated that the tribal leadership continue to be able to make decisions for, and in conjunction with, their communities. According to the evidence presented, these views had been reached through hui and consultation with the people.

The main source of contention in the Maori evidence itself seems to have been between that presented by Wetere and Jones and the groups they represented. Their evidence had significant differences but shared many similarities. Yet in the environment of the inquisitorial Royal Commission the differences were disproportionately emphasised at the expense of the obvious similarities. For example, New Zealand Alliance counsel who favoured the evidence of Wetere made a determined effort to undermine the credibility of Jones and his evidence. Rather than focusing on the fact that both placed fundamental importance on the agreements reached in the 1880s and desired them to be maintained and enhanced, the Maori Trust Board resolution, which was only a secondary consideration or

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<sup>901</sup> *ibid*, p228.

‘last resort’, was overemphasised and interpreted as a compromise and a Pakeha inspired pro-license notion. In addition, both also advocated that no referendum be held in the district.

As noted, the RCL report also recommended that club charters should be issued in the King Country Licensing Area if licences were not introduced. The report argued that the proclamations and supporting legislation technically did not prohibit the issuing of club charters.<sup>902</sup> This was supported by Justice Smith’s conclusion that the agreement reached regarding liquor was nothing more significant than the issuing of a no-license proclamation.<sup>903</sup> The report also cited the supportive attitude toward the clubs of ‘responsible citizens’ within the district, including the Presbyterian Church of Te Kuiti, as further evidence in support of this recommendation.<sup>904</sup>

Also significantly, the RCL did not recommend that Maori have input on how and by whom licenses would be administered if introduced. As stated, the report noted that ‘If open licenses are authorized in the King-country, there appears to be general agreement in the King-country that they should come under some form of community control.’<sup>905</sup> The RCL accordingly recommended that Maori and Pakeha also vote on whether they preferred community trust control of licenses.<sup>906</sup> This was reference primarily to the evidence of Wilks of Taumarunui and other Pakeha witnesses that advocated the formation of a representative community trust board to administer the revenue generated by licences, similar to those in operation elsewhere in New Zealand.<sup>907</sup> Wilks suggested that this board have one Maori trustee. Although not explicit, perhaps the evidence of Jones was believed to support this position. However, his evidence was substantially different, outlining a tribally controlled trust board modelled on the Taranaki Maori Trust Board or the Te Arawa Trust Board established in the 1920s in other negotiations with the Government. In fact, his evidence outlined a plan for a form of regional tribal authority that would have significant influence over the health and education of Rohe Potae hapu and iwi. This aspect of Jones’ evidence and the resolutions that he was presenting, was not considered by the RCL, most likely due

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<sup>902</sup> *AJHR* 1946, H38, p229.

<sup>903</sup> *ibid.*

<sup>904</sup> *ibid.*, pp223, 229.

<sup>905</sup> *ibid.*, p231.

<sup>906</sup> *ibid.*

<sup>907</sup> *ibid.*, pp230-231.

to the fact that this proposal was discredited by Wetere and temperance groups as a Pakeha initiative. In this way, no space was provided for a renegotiation of the agreements regarding liquor, which was the bottom line of the resolutions adopted by the hui of April 1945.

Finally, Appendix C had a narrow focus on written sources. Appendix C clearly stated that it placed written sources in a preeminent position.

There is no evidence available to-day from witnesses who could purport to recollect what occurred at the time of the negotiations for the opening-up of the King-country, and, if there were, the evidence would have little weight in comparison with that available from the documents of the time.<sup>908</sup>

This was despite the fact that Rohe Potae leadership witnesses had emphasised on numerous occasions that the Pact was not a written one. For example, Wetere stated:

We have never heard it said by our elders that the Pact was written on paper, it was written in the uttered words of men of whom it was said “Their word is their bond.” The fact and substance of the Pact has come down to us through hundreds of channels in oral tradition and there are words recorded in Government records about that time speaking of the fact of the Pact.<sup>909</sup>

The comments of Wetere revealed that Maori understanding of the negotiations was not based solely on written or oral sources, but a combination. Apart from the introduction, which briefly outlines the evidence of Wetere and the New Zealand Alliance, the report contained very little analysis of the evidence presented at the RCL or previous investigations. Where they were analysed, it was only to discredit them as false, demonstrating their ‘errors’ with reference to the written sources. For example, the report discredited the eyewitness recollections of Stout.<sup>910</sup> This marginalisation of oral sources meant that Smith made no allowance for agreements that may not have been recorded or Maori interpretations of the same written evidence.

Smith’s report presented one interpretation of the documents and events, providing no forum where a Maori understanding of the same evidence could be expressed. For example, Smith’s assertion that the Rohe Potae leadership did not consider the agreement regarding liquor as binding or important following the negotiations was fundamentally weakened without reference to their understanding or interpretation of Wahanui’s actions in 1891. This

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<sup>908</sup> *ibid*, p363.

<sup>909</sup> RCL Notes of Proceedings, vol.33, p4902, J61 9 Part 33, RCL, ANZ Wellington. SP, p1913.

<sup>910</sup> *AJHR* 1946, H38, pp369-370.

perspective would only have been accessible through allowing Rohe Potae witnesses directly, and through their solicitors, the opportunity to examine and question the report.

The lack of opportunity to examine and reply to Smith's report, which was fundamental to the decisions reached by the RCL, was criticised by some Rohe Potae Maori following its publication. The Maori King Country Sacred Pact Committee, which was formed in the wake of the commission by Tita Wetere and his supporters, stated in a document refuting the recommendations:

The Hon. Justice Smith, appointed as Chairman to guide the weighing of evidence, became an Investigator and Collector of new evidence from incomplete and Pakeha-coloured Government files. He became Investigator, Witness and Interpreter, as well as the Chairman. We submit that this was unfair to our case, although we fully understand that legally a Royal Commission has very wide powers regarding procedure, etc.<sup>911</sup>

Many other issues of fact and interpretation were outlined in this pamphlet, including the underlying theme that oral evidence was not carefully considered.<sup>912</sup> This document also objected to the assumption of the Report and Appendix C that Maori opinion was divided:

We submit that the report gives a wrong impression when it states baldly without further explanation that the Maoris were divided on the question of No-license. The natural inference from this is that the evidence [presented to the RCL] showed a real division of opinion amongst the people on the principles of the Historic Pact, when the evidence surely showed that the number of Maoris that wanted the Sacred Pact broken was so small as to be negligible. There were differences of opinion on interpretation and minor matters, but all except representatives of a very small group spoke in favour of the Pact being sustained. To our mind these very differences, minor and unimportant in themselves, really emphasised the agreement on the central fact. We consider that one point was established beyond all reasonable doubt, i.e. that our Fathers and we ourselves have always sincerely believed and still believe that a Solemn Pact was made and still exists.<sup>913</sup>

This comment again highlighted the fact that the recommendation for a referendum presumed that the majority Maori opinion needed to be attained due to irreconcilable divisions. Overall, the RCL, and in particular Appendix C, began the process of undermining the Rohe Potae conception of the negotiations of the 1880s as a 'Sacred Pact' in Parliament, official circles and the Pakeha press.

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<sup>911</sup> Maori King Country Sacred Pact Committee, *Te Kingi Kanatere Obaki Tapu me te Komihana Raihana: The King Country Sacred Pact and the Licensing Commission*, Te Kuiti, 1949, p3.

<sup>912</sup> *ibid*, p2.

<sup>913</sup> *ibid*, p4.



## Labour's Referenda of 1949 and National's combined Referendum of 1954

After the recommendations of the RCL, Rohe Potae leadership opposition to the introduction of licenses reached its most public and most organised of the period under examination. Kingitanga involvement increased as did New Zealand Alliance support. However, from this time events moved rapidly toward the introduction of licenses in the Rohe Potae. In 1948, as described below, legislation was introduced which incorporated the majority of recommendations of the RCL regarding the King Country, and in 1949 referenda were held. Although the Maori poll did not attain the 60 percent majority required for the introduction of licenses, club charters were issued in the district as the RCL had recommended. Despite this temporary stay, momentum had permanently shifted. The Pakeha referendum demonstrated a massive majority in favour of the introduction of licenses. In addition, evidence emerged that Maori in the southern parts of the King Country no-license district were in favour of licenses. As part of its 1951 election campaign, the National Party declared its intention to hold a joint referendum in the no-license area. National won the election, and in 1953 introduced legislation for a joint referendum to be held in 1954. Moreover, in 1953 the Government Historian, Dr A. H. McLintock, was appointed to make an independent study of the 'pact question.'<sup>914</sup> As discussed below, this report categorically rejected the concept of a sacred pact and any Government obligation to Maori concerning the introduction of licenses. In 1954, both Pakeha and Maori residents of the no-license area voted for the introduction of licenses.

As the Labour Government prepared to introduce legislation to implement the recommendations of the RCL, protest was again evident from Rohe Potae leadership. In September 1948, the *Auckland Star* recorded Te Puea as stating in regard to the RCL recommendations: ' "Governments come and Governments go...but good faith should stand for something permanent between Maori and Pakeha; otherwise, how can we walk 'hand in hand,' looking with confidence to the future, as we have been told to do?" '<sup>915</sup> She considered the current proposals a definite move away from the 'pact.'<sup>916</sup> In November 1948, the Licensing Amendment Bill was presented to the House and was placed before a

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<sup>914</sup> *AJHR* 1953, H25.

<sup>915</sup> *Auckland Star*, 13 September 1946 in J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, pp1795-1796.

<sup>916</sup> *ibid.*

parliamentary select committee.<sup>917</sup> According to the *Waikato Times*, after a series of ‘well attended’ hui in Otorohanga and Te Kuiti, the ‘King Country Sacred Pact Committee’ issued a statement to the Minister of Justice, the Maori members and the select committee.

On behalf of our chiefs and elders and 2264 adult King Country Maori people, whose duly attested signatures we can submit to you, and supported by similarly attested signatures of 1585 members of our tribe resident in Waikato, our executive most solemnly demands that the King Country Pact entered into in good faith by our fathers should be kept inviolate.

We scorn attempts made to belittle the Pact, which was and is a Kupu Marae, and no agreement could be more sacred as between a Maori tribe and a representatives of the British Crown. Our Supreme Council of Chiefs and King Koroki and Princess Te Puea will also inform you.

We protest and protest, and will ever protest against the infringement of the Pact which is a sacred and beneficial oath.<sup>918</sup>

This resolution was accompanied by a similar one from a ‘meeting of women’ in Te Kuiti as well as a letter from Te Puea.<sup>919</sup>

At around this time, some Maori from Waimarino, as they had before the RCL, voiced their discontent with their inclusion within the no-license area. On 22 November 1948, Toma Ropata Te Hitama, Chairman of the Waimarino Tribal Committee, who was stated to represent 200 adults and 11 chiefs, protested what he termed ‘interference’ from ‘Princess Te Puea, King Koroki and even those Taranaki’. He stated they needed to ‘learn to mind their own business.’<sup>920</sup> He believed Waimarino land had been included in the proclamations even though they were not privy to the agreements made by the Northern tribes.<sup>921</sup> In conclusion, he stated that ‘We desire that Waimarino be removed from the influence of the Pact and declared a separate licensing area’.<sup>922</sup>

The Licensing Amendment Bill proposed separate Maori and Pakeha polls to be held simultaneously.<sup>923</sup> The first ballot paper would contain two questions, the first to decide if licenses would be issued and the second whether they would be under trust control or the

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<sup>917</sup> NZPD, vol.284, pp3677-3678, 3708, 4130, 4193-228, 4246-4259, 4290-4299.

<sup>918</sup> *Waikato Times*, 13 November 1948, p6. SP, p144.

<sup>919</sup> *ibid.*

<sup>920</sup> *Central District Press*, 24 November 1948 in J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, pp1797-1798.

<sup>921</sup> *ibid.*

<sup>922</sup> *ibid.*

<sup>923</sup> NZPD, vol.284, p4291.

‘present system.’<sup>924</sup> A 60 percent majority would be required for the introduction of licenses, with the Maori vote ultimately deciding the issue. However, ‘[i]f the Maori vote is against the issue of licenses, but the European is in favour of it, then club charters may be issued in the King Country.’<sup>925</sup> The Amendment also proposed to abolish all prohibitive legislation regarding the consumption of alcohol (Sec 122), with the exception of the King Country where they would remain in force unless licenses were introduced.<sup>926</sup> David Wilson (Leader of the Legislative Council) had stated in this respect: ‘[i]t is the view of the Government that the Maoris should now be placed in the same position as the Pakeha as to liquor.’<sup>927</sup> With the exception of Maori being permitted to drink at RSA organised events which were off licensed premises, the RCL had recommended the continuation of these restrictions.<sup>928</sup> Indeed, the RCL recommended the stricter enforcement of measures preventing Maori men purchasing alcohol for off-site consumption and were strongly opposed to Maori women being allowed to drink at licensed premises and off-site.<sup>929</sup> The RCL had envisioned the continuation of some prohibitive measures even if licenses were introduced into the Rohe Potae. Thus the provisions of the amendment moved one step closer to the complete liberalization of liquor legislation in the district. It also placed the amendment, including the proposed referenda, firmly in the context of the debate surrounding the ‘equality’ of the existing legislation.

The minimal debate surrounding the provisions of the Licensing Amendment Bill regarding the referenda in the King Country demonstrated an acceptance of the finding of Justice Smith’s investigations. Henry Mason (Attorney General) concluded on examination of Justice Smith’s report that ‘honourable members will feel that his conclusion is well warranted’ and that ‘there was no moral difficulty or anything whatever to prevent the Maoris being consulted in the form in which he [Smith] recommended.’<sup>930</sup> Thomas Webb (Member for Rodney) wished to give full consideration before the House to the findings of Smith, as he stated that they had been ‘seriously challenged by members of temperance organizations before the [Parliamentary select] committee.’<sup>931</sup> He summarised Smith’s

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<sup>924</sup> *ibid.*

<sup>925</sup> *ibid.*

<sup>926</sup> *ibid.*

<sup>927</sup> *ibid.*

<sup>928</sup> *AJHR* 1946, H38, pp216-217.

<sup>929</sup> *AJHR* 1946, H38, pp216-217.

<sup>930</sup> *NZPD*, vol.284, p4197.

<sup>931</sup> *ibid.*, p4214.

findings in order that these organisations did not feel that their ‘representations’ had ‘lightly been thrust aside.’<sup>932</sup> Essentially, he agreed with the key findings of Smith. He emphasised that there had been no pact, as the petition of 1884 and resulting proclamation were entirely separate from the negotiations for the railway. There had been no bargain involving the land required for the railway in exchange for no licenses, therefore there was no legal obligation for future Governments to maintain the agreement. In addition, Webb argued that ‘even if there were a pact’ or a ‘gentlemen’s agreement [verbal agreement]’ there was nothing to stop two parties ‘to a bargain from agreeing to cancel it.’<sup>933</sup> He believed that the proposed referendum was the fairest way of gaining consent to cancel this agreement.<sup>934</sup> Webb asserted that continued protest against the poll from Rohe Potae ‘elders’ was undemocratic and out of step with ‘modern’ times:

Now, the Maori elders say they will not vote; they say it is tapu, and they will be betraying their ancestors if they vote on this issue. I would say that we cannot tolerate that in these modern days. The Maoris are claiming more and more equality with the Europeans, they return members to Parliament, in these democratic days the elders have to face up to their responsibility and see the poll as a representative one.<sup>935</sup>

The comment showed the strength of the democratic ethos. Jack Watts (Member for St Albans) believed the decision should be placed in the hands of the majority and that the role of the tribal leadership was now to ‘encourage all their Maori brethren to vote’, implying that the decision was no longer the responsibility of the Maori through their own institutions.

The Maori members generally supported the new legislation. Eruera Tirakatene (Member of the Executive Council representing the Maori Race) asserted that after examining the written evidence he believed ‘nothing pointing to a constitutional pact’ could be found.<sup>936</sup> However, he believed that Rohe Potae Maori had a different understanding of the agreements than Pakeha and that some form of ‘gentlemen’s agreement’ had been reached. He considered it likely that Rohe Potae Maori ‘will press for some consideration with regard to the original bargain relating to the roads and railways’ no matter which way the vote went.<sup>937</sup> He argued that proclamations after the original request in 1884 ‘by Wahanui and his friends’ had

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<sup>932</sup> *ibid.*

<sup>933</sup> *ibid.*, p4218.

<sup>934</sup> *ibid.*, pp4218-4219.

<sup>935</sup> *ibid.*, p4219.

<sup>936</sup> *ibid.*, p4226.

<sup>937</sup> *ibid.*, p4226.

enforced the license ban on areas where Maori had not desired it.<sup>938</sup> He implied that a referendum was the fairest way of dealing with the issue, believing that the 60 percent majority gave adequate consideration to those that felt there was ‘a constitutional pact.’<sup>939</sup> Rangi Mawhete (Member of the Legislative Council) essentially agreed with Tirakatene.<sup>940</sup> However, he did express some concern regarding the removal of prohibitive legislation.<sup>941</sup> On 3 December 1948, the Licensing Amendment Act was passed into law.

During 1949 as the referenda date approached, the King Country Sacred Pact Committee released a stream of publications aiming to inform the public of the history of the licensing agreement and to encourage those within the district to vote against their introduction.<sup>942</sup> On March 9 the referenda were held with the following results:

*Table 6: Results of the 1949 Referenda (Licensing Issue)*<sup>943</sup>

<b>Pakeha</b>	<b>Votes</b>	<b>Percentage</b>	<b>Maori</b>	<b>Votes</b>	<b>Percentage</b>
For	7737	80.75	For	1550	50.37
Against	1844	19.25	Against	1527	49.63
Majority	5893		Majority	23	

*Table 7: Results of the 1949 Referenda (Trust Control)*

<b>Pakeha</b>	<b>Votes</b>	<b>Percentage</b>	<b>Maori</b>	<b>Votes</b>	<b>Percentage</b>
For	8300	75.2	For	1957	70
Against	2738	24.8	Against	838	30
Majority	5562		Majority	1119	

<sup>938</sup> *ibid*, p4227.

<sup>939</sup> *ibid*, p4228.

<sup>940</sup> *ibid*, p4292.

<sup>941</sup> *ibid*, p4293.

<sup>942</sup> Maori King Country Sacred Pact Committee, *To the Electors in the King Country: A Plea of the Continuance of No-licence*, Te Kuiti, 1949[?]; Maori King Country Sacred Pact Committee, *From Maori to Pakeha: A Message Without Guile of Reservation about The King Country Sacred Pact*, Te Kuiti, 1949[?]; Maori King Country Sacred Pact Committee, Te ohaki tapu o te Kingi Kanatere o mua iho: tona timataranga me tona ahuatanga: The Historic King Country Sacred Pact: Origin and Purpose, Te Kuiti, 1949[?]; Maori King Country Sacred Pact Committee, *He Wakaaturanga: ki nga Maori katoa e nobo ana i te Kingi Kanatere: Manifesto to all Maori People in the King Country*, Te Kuiti, 1949[?]; Maori King Country Sacred Pact Committee, *Te Kingi Kanatere Ohaki Tapu me te Komihana Raibana: The King Country Sacred Pact and Licensing Commission*, Te Kuiti, 1949[?].

<sup>943</sup> ‘Declaration of Result of Special Licensing Polls In the King Country’, 29 March 1949, EL 12 36 7/73/8, By-Elections - Gaming and Licensing Polls 1949, ANZ Wellington. SP, p1459.

These results ensured that the Rohe Potae would remain a no-license district for the immediate future. However, the Maori vote was extremely close, with slightly over 50 percent of the Maori voters in favour of the introduction of licenses. Only the failure to meet the requirement for a 60 percent majority keep the King Country Licensing Area 'dry.' In addition, a large majority of Pakeha desired the introduction of licenses.

Following these results, on 29 March 1949 a deputation of 400-500 Rohe Potae Maori led by King Koroki, chiefs of Ngati Maniapoto and Te Puea visited Wellington to meet Prime Minister Peter Fraser. The *Waikato Times* stated that this deputation included representatives from '152 of the 156 sub-tribes of the King Country' and that King Koroki was accompanied by '20 from the Waikato.'<sup>944</sup> On 30 March 1949, Tita Wetere, who had presented evidence to the RCL, read a statement to Fraser, Mason (Attorney General) and Tirikatene on behalf of the deputation.<sup>945</sup> The statement began by declaring that the 'solemn pact' had been 'ignored and insulted' by recent events which had occurred in the absence of Fraser.<sup>946</sup> Wetere asserted that Fraser's own policy of "consultation and co-operation with the leaders of the Maori people before any change in the licensing laws were made" had been "brushed aside".<sup>947</sup> The statement asserted that this policy had been outlined in other statements in 1945.<sup>948</sup> The Licensing Amendment Act was described as a 'catastrophe' and he complained that the select committee regarding the legislation had been a 'closed book', ignoring their protests.<sup>949</sup> The leaders' statement added that, consequently, the "…recognised tribal leaders had thus been by-passed in the Prime Minister's absence under the guise of modern pakeha democracy...".<sup>950</sup> The policy of referenda was thought to have been intended by the Government to create 'rifts' rather than 'cohesion.'<sup>951</sup> The proposed 'off-sale' from chartered clubs, presumably the ability to purchase alcohol for off-site consumption, was also objected to.<sup>952</sup> According to the *Waikato Times*, the statement of the deputation also 'devoted considerable space' to critiquing Smith's report (Appendix C).<sup>953</sup>

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<sup>944</sup> *Waikato Times*, 29 March 1949, p4. SP, p145.

<sup>945</sup> *Waikato Times*, 30 March 1949, p6. SP, pp147-148.

<sup>946</sup> *ibid.*

<sup>947</sup> *ibid.*

<sup>948</sup> *ibid.* No record of these statements has been located.

<sup>949</sup> *ibid.*

<sup>950</sup> *ibid.*

<sup>951</sup> *ibid.*

<sup>952</sup> *ibid.*

<sup>953</sup> *ibid.*

In reply, Fraser defended the recommendations of the RCL.<sup>954</sup> He stated:

The chairman of the Licensing Commission examined the basis of the pact and did not agree that it was binding on people generation after generation to all eternity. The European people had the right to be consulted, but not the right to override the Maori people, and if there was to be any altering of the pact it could only be done by a majority of the Maori people.<sup>955</sup>

He added that 'he could not see that any representations could alter the decision of the people'. However, he continued rather vaguely 'if some time in the future the people of the King Country indicated they wanted another vote, that would be given every consideration....'<sup>956</sup> Fraser's statements revealed that, although he considered Rohe Potae Maori had a privileged position regarding the licensing issue, another referendum was a distinct possibility. The logical conclusion of these statements was that the issue was unlikely to be settled until licences were introduced. He concluded by assuring the deputation that for now the matter was settled.<sup>957</sup>

In April 1949, the Licensing Control Commission was established to investigate and coordinate the granting of licenses nationwide. The granting of Club Charters and Tourist House Licenses in the no-license district, as the RCL had recommended, was one task of the Commission. Tourist House Licenses enabled guests at hotels to consume alcohol on the premises as well as any person 'partaking in a meal in a room set apart and used as a dining room.'<sup>958</sup> In August 1949, the Commission granted Tourist House Licenses at Waitomo and Chateau Tongariro, both within the King Country no-license district.<sup>959</sup> The *Waikato Times* reported no protest regarding the issue of these licenses.<sup>960</sup>

In February 1950, the Commission sat in Te Kuiti to consider the granting of club charters in the King Country Licensing Area. Thirty-two applications were received, including 13 from Te Kuiti alone.<sup>961</sup> The *Waikato Times* reported that David Whyte and Tuarau Wahanui opposed the granting of charters on the grounds that they were a breach of the agreements

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<sup>954</sup> *Waikato Times*, 31 March 1949, p6. SP, p149.

<sup>955</sup> *ibid.*

<sup>956</sup> *ibid.*

<sup>957</sup> *ibid.*

<sup>958</sup> Sec67(a and b) Licensing Amendment Act 1948.

<sup>959</sup> *Waikato Times*, 3 August 1949, p6. SP, p150.

<sup>960</sup> *ibid.*

<sup>961</sup> *Waikato Times*, 21 February 1950, p4. SP, p151.

reached by their leaders, Wahanui and Rewi Maniapoto, in the 1880s.<sup>962</sup> Whyte argued that the introduction of charters was unconstitutional, as the Treaty of Waitangi protected the agreements made between Maori and Government through ‘virtue of the British Constitution.’<sup>963</sup> Whyte therefore desired that all investigations of the Commission be suspended until the ‘Appeal Court’ had examined his claim.<sup>964</sup> In May 1950, twelve Charters were issued in the no-license district with another eight adjourned until improvements to their facilities were made.<sup>965</sup> The introduction of these licenses and charters demonstrated a distinct movement, or what Skerman termed a ‘revolution’, toward the liberalisation of liquor legislation in the district.<sup>966</sup> It also revealed the diminishing power of Rohe Potae leadership and the temperance movement protest against liquor reform.

Perhaps illustrating the increasing desperation and a tacit acknowledgement that protest was no longer yielding the desired results in New Zealand, on 26 April 1950, Te Puea requested the Government refer the issue of the ‘King Country pact’ to the Trusteeship Committee of the United Nations.<sup>967</sup> The request was made in reaction to statements made by the Minister of Education in sympathy with those residents in the King Country no-license district who were prevented from benefiting from the reformed licensing legislation following the RCL.<sup>968</sup> In her statement, Te Puea recalled the ‘66 year’ history of the issue and the many attempts by pro-license advocates to have the proclamations overturned.<sup>969</sup> She emphasised the consistent position throughout these years of the Rohe Potae tribal leadership regarding the sanctity of the agreements reached in the 1880s.<sup>970</sup> She desired that the UN provide ‘a statement of the moral and political principles applicable’ regarding the issue.<sup>971</sup>

The referenda of 1949 resulted in renewed agitation from King Country local bodies and Members of Parliament for a joint referendum, or alternatively, the splitting of the King Country Licensing Area into southern and northern sections. In October 1950, Patrick

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<sup>962</sup> *Waikato Times*, 23 February 1950, p9. SP, p152.

<sup>963</sup> *ibid.*

<sup>964</sup> *ibid.*

<sup>965</sup> *Waikato Times*, 5 May 1950, p4. SP, p155.

<sup>966</sup> Skerman, p212.

<sup>967</sup> *Waikato Times*, 26 April 1950, p4. A UN body established to oversee the decolonisation of numerous European dependencies in the Pacific and Africa after the Second World War. SP, p154.

<sup>968</sup> *Waikato Times*, 22 April 1950, p8. SP, p153.

<sup>969</sup> *Waikato Times*, 26 April 1950, p4. SP, p154.

<sup>970</sup> *ibid.*

<sup>971</sup> *ibid.*



Kearins (Member for Waimarino) requested that Waimarino and Waitomo Electorates be able to vote separately on the liquor issues, as he believed that polling at the 1949 referendum indicated that Waimarino Maori were over 60 percent in favour of the introduction of licenses.<sup>972</sup> He supported this position by quoting the Licensing Control Commission's view that the licensing issue needed to be reconsidered due to the differing opinions of Maori in Waitomo and Waimarino.<sup>973</sup> Broadfoot (Waitomo) simply recommended that a joint referendum be held at the next general election knowing that the larger Pakeha population was overwhelmingly in favour of licences.<sup>974</sup> In early 1951, the local authorities organised another deputation to meet with the Minister of Internal Affairs, William Bodkin, to impress on him the need for a joint referendum.<sup>975</sup> It was reported of this meeting that Bodkin had 'promise[d]' to place before cabinet a recommendation to 'lift the proclamation prohibiting the granting of licenses in the King Country.'<sup>976</sup> The New Zealand Alliance responded with a letter of protest.<sup>977</sup> Bodkin denied making such a promise.<sup>978</sup>

In August 1951, the National Party in the course of its campaign in the snap election of that year, declared its intention to hold a joint referendum if elected.<sup>979</sup> It was decided that this poll would be held in conjunction with the next general election in 1954.<sup>980</sup> National won the election and solidified its hold on power, which it had won in 1949.<sup>981</sup> The policy of a joint referendum was opposed by Labour until it was held in 1954. The near three year interim enabled the forces opposed to licenses to launch one last campaign against their introduction.<sup>982</sup> In early 1952, several letters from the Women's Christian Temperance Union were received by Prime Minister Holland and Minister of Justice Webb, protesting the 'likelihood of a combined poll' so soon after the supposedly 'decisive' poll of 1949.<sup>983</sup> New Zealand Alliance representatives argued that the proposed joint referendum contradicted the

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<sup>972</sup> NZPD, vol.292, pp3831-3832.

<sup>973</sup> *ibid.*

<sup>974</sup> *ibid.*, p3833.

<sup>975</sup> Skerman, pp213-214.

<sup>976</sup> Goodman (New Zealand Alliance) to Bodkin, 27 April 1951, J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, p1799.

<sup>977</sup> *ibid.*

<sup>978</sup> Bodkin to Goodman, 2 May 1951, J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, p1801

<sup>979</sup> Skerman, p215; *Waikato Times*, 17 August 1951, p6. SP, p157.

<sup>980</sup> Skerman, p215.

<sup>981</sup> Robert Chapman, 'From Labour to National' in Geoffrey Rice W. (ed.), *The Oxford History of New Zealand*, 2<sup>nd</sup> ed, Oxford University Press, Auckland, 1992, p375.

<sup>982</sup> Skerman, pp215-217.

<sup>983</sup> Clarke to Holland, 26 February 1952; Clarke to Webb, 26 February 1952, J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, p1802.

findings of the RCL, which had placed importance on gaining the separate and prior consent of Maori.<sup>984</sup>

In May 1953, Deputy Prime Minister Holyoake announced that the Government intended to introduce legislation for a combined poll during the next session of Parliament.<sup>985</sup> The announcement produced a concerted outpouring of protest from church groups, temperance organisations, and from those Rohe Potae Maori who opposed licensing.<sup>986</sup> Six separate petitions from Rohe Potae Maori were received in August and September of 1953, all requesting that the 'King Country Pact' be adhered to.<sup>987</sup> In response to the protest and some unrest within its own caucus concerning the proposed legislation, in late September the National Government announced that the 'newly appointed' Parliamentary Historian (Dr A. W. H. McLintock) would conduct an investigation of all available evidence into the 'existence or non-existence of a King-country Licensing Pact.'<sup>988</sup>

McLintock's report was presented to the House on 29 October 1953. The report was the final blow against arguments in opposition to the introduction of licenses which were based on the agreements of the 1880s. McLintock concluded that no pact or binding agreements of any sort had been reached with Rohe Potae leadership, either concerning liquor legislation or the railway. In respect of the licensing agreement, he concluded: '[t]he proclamation was not irrevocable. It did not bind the Government of New Zealand in perpetuity. It could be superseded by Act of Parliament.' Similarly, he concluded regarding the railway negotiations:

The protracted negotiations between Bryce and, later, Ballance and the King Country Natives on the question of the railway did not in any way bind the Government of New Zealand of that time, or successive Governments, to a solemn pact or pledge.<sup>989</sup>

Although not explicit, the implications were clear. The present Government had no enduring obligation to Rohe Potae Maori concerning the present liquor legislation stemming from a 'sacred pact'. Unlike Smith or the RCL, he did not consider that Maori consent had to be gained independently of Pakeha in order to alter the present legislation.

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<sup>984</sup> Skerman, pp216-217.

<sup>985</sup> 'King Country Licensing Issue', 15 May 1953, J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, p1804.

<sup>986</sup> See for example, *Waikato Times*, 18 May 1953, p6; 20 June 1953, p6; 23 July 1953, p6; 5 August 1953, p8; 12 August 1953, p8; 15 August 1953, p6; 20 August 1953, p6; 2 September 1953, p9; 3 September 1953, p13. SP, pp158-163, 165, 167-168.

<sup>987</sup> Mitchell, 'King Country Petitions Document Bank', pp2544-2653, 2859-2870, 2871-2879, 2880-2892.

<sup>988</sup> *Waikato Times*, 12 September 1953, p6; 26 September 1953, p6. SP, p169-170.

<sup>989</sup> *AJHR* 1953, H25, p58.

Similarly to the analysis of Justice Smith's report, a full analysis of McLintock cannot be made without an examination of the negotiations of the 1880s, which is beyond the scope of this report. Again, the following comments focus on the general approach of the report and the reasoning used to reach the described conclusions. As Justice Smith had before him, McLintock emphasised that he considered the request for no-license and resulting proclamations as distinct from the negotiations regarding the railway. He asserted that this had not been a Rohe Potae Maori initiative, but was 'inspired by' Pakeha temperance groups in the district and 'had not the slightest connection with the projected Main Trunk Railway.'<sup>990</sup> As a consequence, he argued, the 'Proclamation was not issued by the Government in return for certain privileges.'<sup>991</sup> Thus there was no 'bargain' or exchange which constituted an agreement with specified conditions, in his reckoning.<sup>992</sup> In this way, McLintock compartmentalised the negotiations still further than Justice Smith. Smith had acknowledged there were a number of 'concessions' by the Government, including the licensing proclamation, which were important in gaining what he considered the preeminent agreement regarding the railway. McLintock's analysis, however, isolated the licensing agreement, negotiations surrounding land policy, and those concerning the railway, into separate developments. He demonstrated minimal understanding of the Maori perspective of those negotiations, failing to consider them holistically as a concerted effort by Rohe Potae leadership to retain control over their land and communities while accepting selected aspects of Pakeha settlement. McLintock, as had Smith, supported his argument by asserting that none of the participants in these events acted or declared that a pact had been made following the turning of the first sod ceremony.<sup>993</sup>

McLintock also privileged the written record above any other forms of evidence, particularly evidence presented by Maori at previous investigations. He made these views clear when he stated:

Before this report is concluded it is only fair to the Maori people of the King Country to make reference to the evidence which has been submitted from time to time from them or on their behalf. That many of these petitioners and memorialists believe most sincerely in the existence of a pact cannot be gainsaid. Unfortunately, the

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<sup>990</sup> *ibid*, p57.

<sup>991</sup> *ibid*, p57.

<sup>992</sup> *ibid*, p57.

<sup>993</sup> *ibid*, p37.

grounds on which their belief is based are far from satisfactory. With all the good will possible, the historian cannot escape the conclusion that much of what is attested to owes its origins to the circumstances of a half-century ago. A general vagueness on what ought to be clear, combined with errors and discrepancies on fundamental points, renders invalid a great mass of “traditional evidence.”<sup>994</sup>

He concluded that ideas regarding the importance and sanctity of the agreements were perpetuated by ‘emotion’ and had no basis in fact at all.<sup>995</sup> McLintock’s report, therefore, shared similar weaknesses to Smith’s. In no way did McLintock acknowledge that the written record may not provide a complete understanding of the events of the 1880s and subsequent developments, even though he stated in his notes on ‘source materials’ that the records were ‘fragmentary’ and that many gaps existed.<sup>996</sup> Most importantly, this method of analysis prevented any Maori perspectives or interpretations of the same events and documentation being incorporated, or at least considered, in the preparation of the report. Perhaps a more detailed analysis of evidence presented by Maori at the various investigations could have elucidated aspects of the negotiations that were not recorded.

In November 1953, following the release of the report, the National Government presented the Licensing Amendment Bill before the House, which included provision for a combined referendum. Much of the debate focused on the merits of McLintock’s report and the nature of the negotiations of the 1880s. Generally supporting the findings of Justice Smith, the Labour Members argued that Maori ought to retain a direct say on the matter, moving that Maori consent be gained before any amendment of the legislation effecting licensing in the King Country.

The debate had begun before the introduction of the bill, when the Maori Affairs Committee had no recommendation to make regarding the six Rohe Potae Maori petitions. The Committee reported that it was ‘of the opinion that, in the light of the fact that historical proof has been produced in Dr McLintock’s report, H-25, to dispel the belief that a sacred pact existed in the King Country, it has no recommendation to make.’<sup>997</sup> Objecting to the finding of the committee, Iriaka Ratana (Western Maori) expressed her concern that McLintock had no understanding of Maori agreements:

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<sup>994</sup> *ibid*, p56.

<sup>995</sup> *ibid*, p57.

<sup>996</sup> *ibid*, p58.

<sup>997</sup> *NZPD*, vol.301, p2229.

What I want to express today is the feeling and thought of the people of my electorate. I am not sure one pakeha member of this House can stand up and explain the true meaning of “Ohaki” as far as our people are concerned. Ohaki means something dear and sacred to us; it is like a faith to us. Our ancestors knew no law. They could not write, but their word was their law, and this thing, which they held dear in their hearts, has been handed down to us. It is something we cannot throw out of our hearts.<sup>998</sup>

Tirikatene supported Ratana in her views.<sup>999</sup> Nash, the Leader of the Opposition, raised the point that the report needed to be fully considered by the House before the Committee took its findings as writ.<sup>1000</sup>

The debate over the Licensing Amendment Bill No.2 began on 19 November 1953. Webb (Minister of Justice and Attorney General) outlined the primary reasons for the Government’s provision for a combined poll. Firstly, he asserted that a Maori minority had control of the majority of Pakeha and Maori. He stated: ‘[w]hat had happened was that out of a combined total of 12,658 voters, 1527 Maoris were able to exercise a veto and the proposal was lost. The National Party was never satisfied with the separate poll idea...’<sup>1001</sup> The present legislation was described as the fulfilment of the ‘promise’ made by Holland in 1951.<sup>1002</sup> Secondly, the Government had appointed McLintock to investigate the issue of the pact in response to opposition to the proposal. Consequently, Webb stated that the report had categorically shattered ‘the illusion of the sacred pact’ therefore there was no reason not to hold a combined referendum.<sup>1003</sup> Holland summarised National’s position by stating: ‘[i]s that democracy at its best, when 74 per cent of the people vote in favour of liquor trade and a larger percentage vote in favour of Trust control and we have neither? Does that make sense?’<sup>1004</sup>

Nash responded with a lengthy speech. He emphasised that some form of agreement must have been reached between Rohe Potae leadership and the Government otherwise no proclamation would have been made.<sup>1005</sup> He believed McLintock’s focus on written records

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<sup>998</sup> *ibid.*

<sup>999</sup> *ibid.*, pp2229-2230.

<sup>1000</sup> *ibid.*, p2230.

<sup>1001</sup> *ibid.*, p2243.

<sup>1002</sup> *ibid.*, p2344.

<sup>1003</sup> *ibid.*

<sup>1004</sup> *ibid.*, p2380.

<sup>1005</sup> *ibid.*, p2344.

was insufficient given what was known about Maori agreement making in the nineteenth century. He stated:

To imagine that we must set out and find a solemn, written pact, does not make sense when we know the history of the Maoris... There is nothing more magnificent in the record of the Maoris than the manner in which they expected their word to be accepted.<sup>1006</sup>

Essentially, McLintock's report could not rule out the reaching of a verbal agreement. In addition, Nash wished it to be made clear by the Government what instructions were given to McLintock in order to fully understand his analysis and findings.<sup>1007</sup>

I should like to ask what instructions were given to Dr McLintock. What was his order of reference? Did he get any order of reference? Perhaps the Prime Minister could tell the House, and that would remove some misunderstanding. Was he asked to find out whether there was a pact or not? Was he asked to report on the facts relating to the King Country and to the Maoris?

Nash implied that the report was biased in favour of finding against the pact due to its narrowly focused guidelines.<sup>1008</sup> He believed that if the instructions were made available it would 'remove the suspicions outside [the House] that his orders were limited.'<sup>1009</sup>

McLintock, Nash asserted, only built an argument against the agreement by discrediting witnesses who spoke in favour of a pact.<sup>1010</sup>

Nash acknowledged that an agreement could not be binding for all time, however he argued that Rohe Potae Maori were party to an agreement with the Government and as a result any amendment must be made with their consent.<sup>1011</sup> He stated: 'What concerns me is that the elders of the Maori people feel that they should have been consulted. Why have they not been consulted?' He continued: 'If we want good relationships, which I believe we have, and if we want them to continue we ought to make this proposal entirely subject to the decisions of the Maori people.'<sup>1012</sup> On this basis, he moved that ' *the Government be recommended to make legislative provision whereby the extension of licenses for the King Country shall not take place without the independent consent of the Maori people.*'<sup>1013</sup> When pushed to further define what was meant by 'independent consent of the Maori people', Nash did not specify whether he meant another

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<sup>1006</sup> *ibid*, p2349.

<sup>1007</sup> *ibid*, p2352.

<sup>1008</sup> *ibid*, p2352.

<sup>1009</sup> *ibid*.

<sup>1010</sup> *ibid*.

<sup>1011</sup> *ibid*, p2350.

<sup>1012</sup> *ibid*, p2353.

<sup>1013</sup> *ibid*, p2354.

separate poll or some other form of consultation with the Rohe Potae tribal leadership.<sup>1014</sup> Ratana seconded this motion, giving a passionate plea for the protection of the Maori people from the negative effects of alcohol and for maintenance of the agreements of the 1880s.<sup>1015</sup>

The irony of the position taken by Labour was not lost on the National members. Ronald Algie (Minister of Education) commented:

Yes. Tonight it appears there was a solemn pact. Where was it in 1948? Why was it not produced then to stop the establishment of chartered clubs in the King Country? The Labour Party introduced that system apparently in opposition to its own belief in the pact; or was it because it did not believe there was a pact? Labour members talk about the protection of the Maori. Let us remember that by reason of the Labour legislation a Maori living in the King Country can send his order to any hotel or wholesale merchant and get his carton delivered to him in the King Country.<sup>1016</sup>

In addition to the issues described by Algie, Labour members also seem to have brushed aside the fact that the legislation of 1948 had ignored the request of the Rohe Potae leadership made before RCL that no referendum be held in the district. Nevertheless, the RCL and the consequent referendum of 1949 had ensured that the Maori opinion of the no-license district was considered before that of the Pakeha, even if not in the desired form. The proposed Licensing Amendment Bill gave no such consideration. A combined poll virtually ensured that the majority Pakeha vote would decide the issue no matter the outcome of the Maori vote.

The bill was enacted after several divisions. Nash's proposed amendment was declared a hostile motion, meaning that if it was passed it would 'kill the Bill'.<sup>1017</sup> The motion failed by 44 votes to 23.<sup>1018</sup> However, the *Waikato Times* noted that eight National members were considering voting against the Bill.<sup>1019</sup> In committee, Ratana proposed an amendment which provided for separate referendum that was only narrowly defeated by 38 votes to 33.<sup>1020</sup> As a result of the Act, a combined poll would be held in the King Country Licensing Area in November 1954.

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<sup>1014</sup> *ibid.*

<sup>1015</sup> *ibid.*, pp2354-2355.

<sup>1016</sup> *ibid.*, p2356.

<sup>1017</sup> *ibid.*, p2402.

<sup>1018</sup> *ibid.*, p2403.

<sup>1019</sup> *Waikato Times*, 20 November 1953, p8. SP, p171.

<sup>1020</sup> *NZPD*, vol.301, p2433.

Following the passing of the Licensing Amendment Act No.2, Rohe Potae Maori protest was not as vocal as might have been expected. In July 1954, a petition signed by Te Tata Wahanui and 11 Ngati Maniapoto prayed for the repeal of the Licensing Amendment Act. However, the brief notes regarding the petition state that the matter had already received considerable attention in Parliament the previous year. It also noted the discussion of the six similar petitions of that year.<sup>1021</sup> No recommendation was by the Maori Affairs Committee.<sup>1022</sup> The New Zealand Alliance launched one last campaign in the Rohe Potae, which attempted to ‘solicit adherence to the Pact’, ‘[s]eek the nature of Strength of opposition’ and to review key contacts.<sup>1023</sup> According to the report of the campaign, the ‘elders’ still supported total prohibition and were against the proposed referendum. Some younger Maori wished to have admission to the chartered clubs and consequently were going to vote in favour of licenses.<sup>1024</sup>

In the event, as expected, licensing was passed by a large majority. Trust control was also rejected by a significant majority. The Maori vote was 61 percent in favour of licensing, indicating a growth in voters in favour of their introduction since 1949. Given this result, even if a separate Maori referendum had been carried out, as proposed by Labour, the vote would still have gone in favour of licensing.

*Table 8: The Results of the King Country Referendum, 1954*<sup>1025</sup>

**Licensing**

	<b>For</b>	<b>Against</b>	<b>Percentage for</b>
<b>Combined</b> <sup>1026</sup>	17,031	4,135	80.5
<b>Western Maori</b>	2178	1381	61

**Trust Control**

	<b>For</b>	<b>Against</b>	<b>Percentage for</b>
<b>Combined</b>	7475	13165	36
<b>Western Maori</b>	1606	1669	49

<sup>1021</sup> Mitchell, ‘King Country Petitions Document Bank’, p2551.

<sup>1022</sup> *ibid.*

<sup>1023</sup> ‘Report of Campaign in King Country’, 77-206-17/12, Correspondence and papers relating to the licensing in the King Country, New Zealand Alliance Records, ATL Wellington. SP, p31-35.

<sup>1024</sup> *ibid.*

<sup>1025</sup> ‘Summary of King Country Poll’, signed 18 February 1951, EL 12 37 7/79, By Elections – King Country Licensing Poll 1954 – General File, ANZ Wellington. SP, p1461.

<sup>1026</sup> Portions of regular electorates which comprise the King Country Licensing Area.



## Aftermath

Evidence of some Rohe Potae Maori protest regarding the process of issuing licenses in the Rohe Potae demonstrated continuing tension over liquor legislation. As early as February 1955, the Licensing Control Commission began sitting in the old no-license district to decide where hotel licenses were to be issued.<sup>1027</sup> Once the Licensing Control Commission had decided how many and where licenses would be issued, the Licensing Committees would decide to whom they would be granted.<sup>1028</sup> These Committees were elected by, and operated within, the general electoral districts. Under the Licensing Act 1908 Maori were not able to vote in the elections to establish their membership. In March 1955, 'Maniapoto Maori' following a 'meeting' issued a resolution to the Minister of Maori Affairs regarding the lack of a vote:

This meeting expresses its deep indignation and protests against the racial discrimination which deprived the Maoris of a vote in the control of the first hotels licensed for the sale of liquor to both races in the Waitomo district.

The Government agreed to a combined vote of both races at the demand of the pakehas on the grounds of democracy. How is it not deemed undemocratic to rob the Maori of his human rights at the ballot in selecting a committee to control the licenses which may prove most detrimental to our race?<sup>1029</sup>

Similarly, in April Dr Winiata of the 'Te Puea Herangi Advisory Council at Turangawaewae', on behalf of the 'Waikato and Maniapoto' people, wrote to the Minister of Maori Affairs. He noted the inability to vote, which he described as 'one wrong after another [the 1954 referendum].'<sup>1030</sup> The letter described:

That although the vote was taken over the issue of the King Country Licenses, and that Hotels are now allowed in the King Country: the people are concerned that the use of power by the majority of Europeans had resulted in the convenient dismissal of Maori rights over a territory of land historically recognised in Maori and European circles as constituting a special area from which there was to be no sale of liquor. Though beaten, very many Maori leaders feel strongly that justice and true morality have been set aside. Particularly are the people sensitive because a European historian was engaged by the Government to carry out research along lines that ignored the oral traditions of the tribes. The feeling is – the advocate in many ways became the

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<sup>1027</sup> *Waikato Times*, 23 December 1954, p7. SP, p173.

<sup>1028</sup> Secretary of Justice to Minister of Justice, 17 January 1955, J1 1522 18/25/8 Part 2, General File re King Country Licensing, ANZ Wellington. SP, pp1805-1806.

<sup>1029</sup> *Auckland Star*, 26 March 1955, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, p1419.

<sup>1030</sup> Dr M. Winiata, Secretary of Te Puea Advisory Council, to Minister of Maori Affairs, 12 April 1955, MA w2490 108 26/14/2, 132/1934 Ngohi Ngatai and 211 others – Liquor in King Country, 1934-1955, ANZ Wellington. SP, p1420.

judge and that the Maori case with its particular features was not given a fair hearing.<sup>1031</sup>

Winiata described the ‘strong feeling’ of the people regarding the current circumstances and believed they did not provide a foundation for ‘good relationships between our two peoples.’<sup>1032</sup> Both examples expressed discontent with the recent events, including the referendum and McLintock’s report. The frustration at the lack of input into the establishment and operation of the new license system was also apparent.

## **Conclusion**

The long struggle over liquor licensing symbolised in many ways the gradual loss of authority and influence of Rohe Potae hapu and iwi leadership within their own district in the years following the negotiations of the 1880s. Although detailed analysis of the events of the 1880s is beyond the scope of this report, it appears the no-license proclamations had been made by the Government in an attempt to meet the requests of the Rohe Potae Maori to control the consumption of alcohol in the district. These requests were part of broader negotiations regarding the NIMT and land legislation through which Rohe Potae leadership had hoped to retain control of land and community affairs in partnership with the Government. Similarly, it appears they had hoped to retain influence and the ability to have input into Government policy regarding liquor control. However, the proclamations effectively placed control in the hands of the Government. During the 1890s, the no-license legislation proved to be ineffective and was poorly enforced by the Government.

By 1914, when this chapter’s period of analysis begins, many of the agreements reached in the 1880s regarding land administration and the NIMT had collapsed. The rapid growth of Pakeha settlement had facilitated this process. This growth had been fuelled by Government and private purchase of Maori land, the establishment of local government and Native Townships, and the construction of the NIMT. By this time, the no-license proclamations and associated legislation were one of the few tangible aspects of the negotiations that remained.

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<sup>1031</sup> *ibid.*

<sup>1032</sup> *ibid.*

Many Pakeha residents of the King Country Licensing Area, through their local government representatives, began to lobby Government for the amendment of the current legislation in order to introduce licenses. They argued that any agreements reached in the 1880s were not binding and that citizens of the King Country should be extended the rights that the rest of the country held in respect of liquor. Essentially, they demanded a referendum to decide the issue. Additionally, it was asserted that the prohibitive legislation was proving to be highly ineffective, which was to the detriment of both Maori and Pakeha in the district.

Simultaneously, the temperance movement emerged as a significant political power in New Zealand. Through their influence in Parliament, by 1918 a comprehensive range of legislation had been passed regarding liquor consumption and distribution. This movement became a powerful supporter of the no-license legislation in the Rohe Potae. One result of this support was the strengthening of the prohibitive legislation relating to the King Country Licensing Area between 1900 and 1914. Various temperance and church groups from within the Rohe Potae, and around New Zealand, vigorously opposed any efforts that attempted to alter this legislation through petition and deputation.

Rohe Potae Maori, due to their role in establishing the no-license district, were an important part of the debate. Like Pakeha, they took various positions regarding the introduction of licenses throughout the period. Some considered the introduction of licenses as an opportunity to better control the consumption of alcohol within the Maori community. Others believed the introduction of licenses was inevitable and hoped to renegotiate with the Government a new agreement which ensured Maori control and benefit from the introduction of licenses. Still others believed that the agreement and consequent proclamations were sacred and should be kept inviolate and strengthened. Significantly, this seems to have been the opinion of the majority of the Rohe Potae tribal leadership throughout the period. However, despite differences of opinion in this respect, all who presented evidence to the various Government inquiries regarding the licensing question considered that important agreements had been reached with the Government in the 1880s. All asserted that the Government and the Rohe Potae leadership of the 1880s had come to a number of significant agreements on a range of issues regarding the future of the district. This can be seen in the evidence of Ormsby before the first Hockley Committee in 1922, Tuwhakaririka Patena at the Second Hockley Committee in 1924, through to Tita Wetere

and Jones at the RCL in 1945. Most of this evidence also contended that these agreements had never been kept and that the Government still retained an obligation to uphold them in the present.

Following the Hockley Committee of 1922 a strong movement led by Tuwhakaririka Patena of Ngati Maniapoto developed from within the Rohe Potae to have the agreements regarding rates and liquor recognised by the Government. This movement had the support of temperance groups and the Kingitanga in their efforts to maintain the no-license legislation. Deputations and petitions reminded the Government of their obligations. On numerous occasions the wheel-barrow used at the turning of the first sod of the NIMT was used as a potent symbol of the negotiations. In both cases, local government seemed to represent the primary opposition to Rohe Potae leadership objectives. Local government represented a powerful force that applied pressure on the Government to implement legislation and policy in the interest of its constituents. In the face of this pressure, for example, in 1928 Rohe Potae hapu and iwi attempted to renegotiate a new agreement regarding rates with the Government on the foundation of that made in the 1880s. As part of a broader proposal, they requested the establishment of a trust board, modelled on those recently established for Te Arawa and Tuwharetoa, as 'a token on the part of the government for the agreement of our ancestors to allow the roads and railway to traverse within the King Country.' Ngata refused the proposal on the basis that it was unfair on local government, and recommended complying with the Government initiative regarding consolidation schemes and a rates compromise. Efforts regarding the licensing issue, however, successfully brought to the Government's attention the significance with which many Rohe Potae Maori attached to the no-license legislation. This was demonstrated by Coates' acknowledgement in Parliament in 1927 that more would have to be known about the agreement before any new policy could be implemented. The pressure applied by temperance groups was also important in Government consideration of the issue and seems to have been vital to the success Rohe Potae leadership achieved in maintaining the no-license district. Without the support of a powerful Pakeha interest group, efforts regarding the rating of Maori land were much less successful.

Indeed, largely in fear of the potential political consequences of upsetting the considerable body of temperance voters, successive Governments maintained the legislative status quo for

much of the period under investigation. Yet very few efforts were made to strengthen or effectively enforce the no-license and associated legislation. The illicit trade of alcohol reached a peak in the 1930s, and in response to the continued inaction of the Government, residents of the King Country took the issue into their own hands. Numerous clubs were established in the northern King Country in the late 1930s and the early 1940s which served alcohol illegally, particularly in Te Kuiti and Otorohanga. Police and other authorities turned a blind eye to these clubs. In doing so, the Government essentially failed to maintain the integrity of the no-license legislation, allowing surrogate licenses into the district. As a result of the emergence of the clubs, local authority pressure for the introduction of licenses eased. The clubs added further complexity to the debate surrounding no-license, as they often prohibited Maori from being served.

During the late 1930s and early 1940s, significant additional change occurred which began to alter the parameters within which the no-license debate was conducted. From the election of the first Labour Government, the no-license and associated prohibitive legislation was increasingly debated in the context of 'equality' and 'democracy'. Some Maori began to consider the protective legislation surrounding Maori consumption of alcohol in New Zealand as discriminatory. In respect to the King Country, the lack of a poll on the issue was increasingly presented by advocates of licenses as discriminatory and undemocratic for both Maori and Pakeha. In addition, the club system's exclusion of Maori was also identified as an issue. As precursor to this debate, discussion on who exactly held the right to decide the issue had emerged over the decades - Pakeha and Maori together, or Maori alone? If the latter, did the tribal leadership have the right to decide on behalf of the Maori of the Rohe Potae or should the majority decide through the poll?

In addition, by the late 1930s party politics began to play a significant role in the ongoing debate in the King Country. Until this time, reflecting the divisive issue alcohol represented in society at large, parties did not formulate specific liquor policies and tended to allow party members to vote according to 'conscience.' However, National and Labour policy began to diverge in respect of the King Country Licensing Area after the Second World War. Under pressure from National, in 1945, Labour established the Royal Commission on Licensing to investigate the laws relating to the manufacture, importation, sale and supply of alcohol in New Zealand. This included the no-license legislation in operation in the King Country.

In 1946, after hearing a substantial body of evidence from witnesses in the King Country, the RCL made a number of recommendations that were to prove the turning point in the struggle over the licensing issue. It recommended that referenda be held in the no-licensing district. The first was to be of the Maori population. If the results of this poll were in favour of licenses, then a poll would be held by the Pakeha population on the same issue. If both voted for it, licenses would be introduced. Although placing the decision in the hands of the Maori of the no-license district, this recommendation rejected the majority of evidence presented to the RCL by the Rohe Potae leadership which had been firmly against referenda in any form. The RCL also recommended that if licenses were not introduced charters should be issued for the clubs in the Rohe Potae.

The rationale for the recommendation regarding referenda came primarily from an appended report (Appendix C) written by Chairman Justice Smith which had investigated the agreements of the 1880s. Essentially, Smith rejected the idea that the agreement was immutable or a 'sacred pact' as defined by Rohe Potae elders, as he did not see the no-license agreement as a condition in a direct 'bargain' or exchange for permission to build the railway. According to Smith, the agreement regarding liquor was only peripheral, and made prior to, the primary exchange which involved permission to build the railway on the condition that the Government pay for the land required. He argued that the agreement could be amended in the present with the consent of Rohe Potae Maori.

Smith's report heavily influenced the findings of the RCL, but Maori complained that no opportunity was provided where their understanding and opinion of the same evidence could be expressed. It also privileged the official written record, preventing any credible treatment of the oral traditions of rangatira and other Rohe Potae Maori, as well as leaving no room for the importance of verbal agreements.

The report of the RCL provided very little discussion as to why a referendum was the desired method of attaining the opinion of Rohe Potae Maori. The most important reasoning appears to have been the implicit assumption that an irreconcilable difference of opinion existed amongst Rohe Potae Maori best resolved by a majority vote. The RCL seems to have over emphasised the diversity of opinion in evidence presented to them, most notably the

tension between Tita Wetere and Jones and those they spoke on behalf of. Both had affirmed the significance of the agreements made in the 1880s and the desire for no referenda. Tita Wetere desired the strengthening of existing legislation and Jones requested complete prohibition. However, Jones had requested that *if* licenses were introduced against the will of the tribal leadership, then a tribal trust board should be established to ensure some benefit for Rohe Potae hapu and iwi. This was conceived of by New Zealand Alliance counsel and Wetere as a pro-license compromise and part of what they considered a long legacy of Pakeha deception in relation to licensing. The RCL seems to have accepted this reasoning, despite the similarities of the evidence. In line with contemporary notions of equality and democracy, the RCL assumed that the fairest method of resolving this division was referenda. Furthermore, by ignoring the evidence of Jones and those he represented, the RCL recommendations provided no possibility of significant Maori input into, or control of, the potential licensing system introduced if the referenda were in favour of their introduction.

In 1948, the Labour Government implemented the recommendations regarding referenda. In a 1949 poll, just over 50 percent of Maori within the King Country Licensing Area voted in favour of the introduction of licenses. However, a 60 percent majority was required for their introduction. Despite this narrow defeat of licenses, the ground had permanently shifted. The Pakeha referendum demonstrated a massive majority in favour of licenses. Evidence emerged that Maori in the southern parts of the King Country Licensing Area (upper Whanganui and Waimarino) were also in favour of licenses. Charters were issued for several clubs in the district and tourist hotel licenses were issued at several locations, further weakening the no-license legislation. Furthermore, the concept of a sacred and immutable agreement between the Government and Maori, the primary defence used by Rohe Potae leadership to prevent the introduction of licenses, had been fundamentally undermined. In addition, by holding a Maori referendum the Government had shifted responsibility for the decision in respect of licenses away from the tribal leadership to the majority of Maori via the poll, thereby limiting their ability to make decisions for their people through customary institutions.

As part of its 1951 election campaign, the National Party declared its intention to hold a joint referendum in the no-license area. National won the election, and in 1953 introduced

legislation for a joint referendum to be held in 1954. Labour Members unsuccessfully fought against the proposal, hoping to secure some form of consultation or a separate poll for Rohe Potae Maori. In 1953 the Government Historian, Dr A. H. McLintock, was appointed to make an independent study of the 'pact question.' This report categorically rejected the concept of a sacred pact and any Government obligation to Maori concerning the introduction of licenses, further undermining resistance to the introduction of licenses. Finally in 1954, after 40 years of debate and agitation, Pakeha and Maori residents of the no-license area voted in favour of the introduction of licenses.

Control of the consumption of alcohol was a major regional issue over which Rohe Potae tribal leaders had attempted to engage and partner with the Government to secure benefit for their people. In the 1880s, as one outcome of a complex period of negotiation surrounding the future of the district, the Rohe Potae was proclaimed a 'dry district' where no licenses were to be issued. It was soon apparent that Rohe Potae Maori held very little influence over this system. By 1914, the no-license proclamations and associated legislation developed into a battleground between King Country local government and the temperance movement. After being central to its establishment, the tangata whenua of the Rohe Potae were by this time only one group vying for Government attention regarding the issue. Rather than being able to discuss and amend the legislation with the Government as party to an agreement, engagement was essentially limited to protest, like other interest groups, through deputations, petitions and presenting evidence before Government inquiries. By the mid 1920s, the no-license legislation had become a rallying point and potent symbol for the leadership of the district for what had been lost since the 1880s. This demonstrated that many Rohe Potae Maori continued to place importance on the negotiations well into the twentieth century. Aided by the support of the temperance movement, Rohe Potae Maori leadership and temperance lobby protest had success in maintaining the no-license legislation for 40 years. However, as the political landscape shifted away from temperance sentiment and successive Government inquiries undermined the defence of an immutable pact, influence over the issue was further diminished. The 1949 referenda recommended by the RCL dealt a significant blow to any influence the leadership held over the issue by transferring the decision to individual Maori voters of the district. Even though the Maori poll resulted in the continuation of no-license, as the 60 percent majority was not attained, the door had been opened for further referenda on the issue. In addition, following the



referenda the introduction of club charters and other forms of licenses began the process of the liberalisation of liquor legislation in the district. The 1954 combined referendum merely completed this process, with both Maori and Pakeha voting in favour of licenses.

## Chapter Four: The Sim Commission and the Waikato-Maniapoto Maori Claims Settlement Act 1946

### Introduction

Vincent O'Malley's 'Te Rohe Potae War and Raupatu Report' was originally intended to cover twentieth century political engagement issues relating to raupatu and subsequent settlement negotiations in a single volume. However, given the large scope of the issues, it was decided that this present report would take them up in the twentieth century. This chapter draws on the framework already established by O'Malley, examining the responses of the Rohe Potae hapu and iwi to war and raupatu.<sup>1033</sup> In particular, this chapter focuses on how the interests of Rohe Potae hapu and iwi were addressed in the Sim Commission of 1926-1928 and the consequent negotiations and eventual settlement in 1946. The sources examined for this chapter, particularly those relating to the Tainui Trust Board, contain material that include discussion of hapu and iwi boundaries and relationships between these various groups that are beyond the author's expertise to critically analyse. Therefore, this chapter reproduces much of this evidence in full and without providing any assessment of the material. The account provided here is also based on the limited picture provided by the official record, and it is expected that claimant evidence will tell the story in a different way.

The origins and the course of the conflict in the Waikato between Kingitanga (including many Rohe Potae hapu and iwi) and Government forces in the 1860s and consequent land confiscations are examined in detail in O'Malley's 'Te Rohe Potae Political Engagement, 1840-1863' and 'Te Rohe Potae War and Raupatu'. However, to provide background to the current chapter a few basic events and facts are outlined below. During the course of the conflict in the Waikato, the Government passed the New Zealand Settlements Act 1863 which provided the legal foundation for the confiscation of the land of those Maori thought to be in rebellion.<sup>1034</sup> Soon after the battle of Orakau in April 1864, steps were put in motion to confiscate large parts of the Waikato.<sup>1035</sup> Approximately 1.2 million acres was confiscated

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<sup>1033</sup> O'Malley, 'Te Rohe Potae War and Raupatu', A report commissioned by the Waitangi Tribunal, December 2010, pp802-819.

<sup>1034</sup> Bryan Gilling, 'Raupatu: the Punitive Confiscation of Maori Land in the 1860s' in Richard Boast and Richard Hill (ed.), *Raupatu: The Confiscation of Maori Land: Raupatu*, Victoria University Press, Wellington, 2009, pp16-17.

<sup>1035</sup> *ibid*, p22.

from Mangere in the north to the Puniu River in the south.<sup>1036</sup> The Puniu formed the northern boundary of what became known to Pakeha as the King Country (an area where the remaining Kingitanga forces had retreated following the conflict to live amongst the hapu and iwi of the Rohe Potae).<sup>1037</sup> Following the confiscation various nineteenth century Government processes were established to provide compensation and return land to ‘rebel’ and ‘loyal’ Maori, most notably the Compensation Court.<sup>1038</sup> A long history of protest from Waikato and Rohe Potae hapu and iwi regarding the raupatu and consequent compensation processes are evident, including the petitions of Wiremu Tamihana of the mid-1860s and the deputation of King Tawhiao to England in 1884.<sup>1039</sup> Just prior to the outbreak of the First World War, King Te Rata also visited England with another petition for King George V regarding breaches of the Treaty of Waitangi and confiscation.<sup>1040</sup>

### **The Sim Commission**

Following the First World War, various tribes applied pressure on Parliament to investigate their long-held historical grievances.<sup>1041</sup> Many of these groups drew on their loyal service in the war to further support their claims.<sup>1042</sup> Equally, the reluctance of Taranaki and Waikato tribes to serve had demonstrated that their sense of injustice regarding the conflict and raupatu of the nineteenth century remained strong.<sup>1043</sup> As described in Chapter One, Maori politicians such as Ngata and Pomare had actively supported and organised the Maori war effort, hoping that a loyal response would help advance their political objectives and enhance perceptions of their people in New Zealand and abroad.<sup>1044</sup> This belief had brought them into tension with those tribes who did not wish to serve during the war. However, the friction during the war made it even clearer to these leaders that specific historical grievances such as raupatu needed to be addressed in some way by the Government. For example, the affected tribes were unlikely to participate in their state-sponsored education, health and land programmes that they believed would advance Maori until such a time. Also, loyal service and the described pressure from tribes following the war provided additional leverage for

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<sup>1036</sup> *ibid*, p23.

<sup>1037</sup> *ibid*, p190.

<sup>1038</sup> *ibid*, pp467-621.

<sup>1039</sup> *ibid*, pp685-749.

<sup>1040</sup> Pei Te Hurinui Jones, ‘Maori Kings’, pp146-1947.

<sup>1041</sup> Hill, *State Authority, Indigenous Autonomy*, pp130-136.

<sup>1042</sup> Monty Soutar, ‘Te Hokowhitu-a-Tu: What Did They Come Back To?’ in *Turnbull Library Record*, 2009, p38.

<sup>1043</sup> *ibid*, pp38.

<sup>1044</sup> Hill, *State Authority, Indigenous Autonomy*, p104.

these politicians to influence the Government.<sup>1045</sup> Even though he had been the fiercest advocate of conscription, Pomare now attempted to fulfil his promise to Waikato for an investigation of raupatu which he had made in return for their support for his 1911 election campaign for Western Maori.<sup>1046</sup>

Also significantly, in 1921 Gordon Coates became Native Minister and held this position until 1928 (he was also Prime Minister between 1925 and 1928).<sup>1047</sup> During this time, Coates was influential in assisting the Maori Members achieve their objectives regarding Government investigation and some redress for Maori historical grievances.<sup>1048</sup> He was one of the first New Zealand born leaders of note and formed a close relationship with the Maori Members. In particular, Coates was influenced by the advice of Ngata and Pomare in formulating his policies.<sup>1049</sup> Already by 1920, pressure from Ngata (as well as the relevant tribes) had resulted in the establishment and sitting of the Jones Commission (Native Land Claims Commission) which found that the major South Island purchase had been unjust and that financial redress should be provided to Ngai Tahu.<sup>1050</sup> During the 1920s, Te Arawa and Tuwharetoa entered negotiations with the Government regarding grievances surrounding their lakes, which resulted in the establishment of regional tribal trust boards to administer compensation funds.<sup>1051</sup>

In 1923, a deputation of 70 chiefs from Taranaki, Waikato and the Bay of Plenty, supported by legal counsel, presented their grievances to Members of Parliament regarding raupatu and requested the appointment of a commission to have them investigated.<sup>1052</sup> The *Dominion's* description of the deputation did not mention Rohe Potae hapu and iwi specifically.<sup>1053</sup> However, hapu and iwi of the Rohe Potae may have been part of the deputation described as

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<sup>1045</sup> Michael Belgrave, *Historical Fictions: Maori Claims and Reinvented Histories*, Auckland University Press, Auckland, 2005, pp263-264.

<sup>1046</sup> Hill, 'Enthroning "Justice above Might?": The Sim Commission, Tainui and the Crown', Report commissioned by the Treaty of Waitangi Policy Unit, 1989, p3.

<sup>1047</sup> O'Malley, 'The Aftermath of the Tauranga Raupatu, 1864-1981', An Overview Report Commissioned by the Crown Forestry Rental Trust, 1995, p104.

<sup>1048</sup> Hill, *State Authority, Indigenous Autonomy*, p131.

<sup>1049</sup> O'Malley, 'The Aftermath', p104.

<sup>1050</sup> Hill, *State Authority, Indigenous Autonomy*, p130; O'Malley, 'The Aftermath', p104.

<sup>1051</sup> Marr, 'Crown Policy Toward Major Crown/Iwi Claim Agreements of the 1940s and 1950s', Preliminary Report for the Treaty of Waitangi Policy Unit, 1990 (WAI143# B1), pp1-9; Hill, *State Authority, Indigenous Autonomy*, pp130-135.

<sup>1052</sup> Transcript of meeting at Native Affairs Committee Room, 1 August 1923, MA85/8, Files of Native Minister's Office, 1923-1927, RDB, vol.58, pp19760-19793.

<sup>1053</sup> See *The Dominion*, 18 August 1923, MA85/8, Files of Native Minister's Office, 1923-1927, RDB, vol.50, p19601.

‘Waikato’.<sup>1054</sup> In response, Ngata spoke in support of the deputation, asserting that these grievances would ‘cut across of all progressive movements [in education, sanitation and industry]’ until they were addressed. Placing the claim within the context of the recent conflict, he stated: ‘The Waikatos were not cowards or rebellious when they refused to take part in the Maori Contingents sent to Gallipoli and France. They were a people with a long standing grievance, which had not been ventilated much less compensated.’<sup>1055</sup> Native Minister Coates agreed that the issues needed to be investigated.<sup>1056</sup>

In September 1925, Coates announced the intention of the Government to form a Royal Commission to investigate raupatu.<sup>1057</sup> Coates noted that Maori had brought their case on numerous occasions to ‘His Majesty’s Government in England’ and to the Parliament of New Zealand.<sup>1058</sup> The British Government had turned the appeals away, asserting that the ‘New Zealand Government and Parliament’ had full ‘authority and jurisdiction’ over these matters.<sup>1059</sup> Coates believed that it was the responsibility of the New Zealand Government to ‘afford the opportunity to the Natives to ventilate the grievances they allege before some tribunal’.<sup>1060</sup> Although he asserted that the Royal Commission would provide the ‘fullest possible hearing’, he ruled out the Treaty of Waitangi as a basis for Maori arguments before the commission.<sup>1061</sup> He stated:

The failure to obtain consideration in the past has been due largely to the ill-advised attempts by the Natives’ advisers to rely on the terms of the Treaty of Waitangi. The obvious answer to that claim is that such reliance is propounded on behalf of [Maori] men who repudiated the Treaty [through rebellion], and with the Treaty the cession of sovereignty to the Crown, which was basis of the Treaty.<sup>1062</sup>

However, Coates asserted that the exclusion of the Treaty did not prevent a ‘benevolent consideration of the question whether the extent of the territorial confiscation was just and fair under the circumstances of the warfare and the actions taken by Natives and by Europeans’.<sup>1063</sup> Judging from these statements, the commission was not to inquire into the

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<sup>1054</sup> *ibid.*

<sup>1055</sup> Transcript of meeting at Native Affairs Committee Room, 1 August 1923, MA85/8, Files of Native Minister’s Office, 1923-1927, RDB, vol.58, p19793.

<sup>1056</sup> *ibid.*

<sup>1057</sup> *NZPD*, vol.208, p773.

<sup>1058</sup> *ibid.*

<sup>1059</sup> *ibid.*

<sup>1060</sup> *ibid.*

<sup>1061</sup> *ibid.*

<sup>1062</sup> *ibid.*, p774.

<sup>1063</sup> *ibid.*, p774.

legality and justice of confiscation itself, but instead was to examine whether the method and extent of its application had been justified.<sup>1064</sup>

In October 1926, a Royal Commission chaired by Supreme Court Justice Sir William Sim was established to investigate Government land confiscation. It became known as the ‘Sim Commission’ although it was officially titled the Royal Commission to Inquire into Confiscations of Native Lands and Other Grievances Alleged by Natives. The limitations which Coates had described the previous year in Parliament were incorporated into the terms of reference for the Commission:

1. Whether, having regard to all the circumstances and necessities of the period during which Proclamations and Orders in Council under the said Acts were made and confiscations effected, such confiscations or any of them exceeded in quantity what was fair and just, whether as penalty for rebellion and other acts of that nature, or as providing for protection by settlement as defined in the said Acts.
2. Whether any lands included in any confiscation were of such a nature as that they should have been excluded for some special reason.
3. Whether any, and, if so, what Natives (having title or interest in lands confiscated) are in your opinion justly entitled to claim compensation in respect of the confiscation of such title or interest, and, if so, what Natives or classes or families of Natives are now entitled by descent or otherwise to claim and receive such compensation.
4. Whether reserves or other provisions subsequently made for the support and maintenance of Natives within one or more of the classes excepted by the said section five [of the New Zealand Settlements Act 1863]<sup>1065</sup> were in regard to any particular tribe or hapu inadequate for the purpose.<sup>1066</sup>

Question one had the following important proviso:

- a) you shall not have regard to any contention that Natives who denied the sovereignty of her then Majesty and repudiated Her authority could claim the benefit of the provisions of the Treaty of Waitangi; b) you shall not accept any contention that the said Acts or any of them were *ultra vires* of the Parliament of the Dominion; c) you shall have regard to the then circumstances of the colony and in estimating the value of an excess of confiscation (if any) you shall have regard to the value of the confiscated land as at the date of confiscation, and not to any late increment of the value thereof.<sup>1067</sup>

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<sup>1064</sup> *ibid*, p774.

<sup>1065</sup> Section V of the New Zealand Settlements Act 1863 contained provisions for those Maori who were eligible and ineligible for compensation. Subsections 1-4 provided a definition of those ineligible, which was essentially a definition of rebellion and inciting rebellion against the Government.

<sup>1066</sup> *AJHR 1928*, G7, p3, RDB, vol.58, p19793.

<sup>1067</sup> *ibid*.

As well as placing any claims regarding the legality of the New Zealand Settlements Act and amendments beyond the scope of inquiry, it should also be noted that these terms of reference provided a limited definition of potential grievances which could be investigated. No consideration was to be given to the broader or long-term social and economic consequences of the war and raupatu. For example, no scope was provided for an investigation of the influx of Maori refugees south of the confiscation line and associated social and economic disruption which eventually contributed to the establishment of the Rohe Potae (known to Pakeha as the 'King's Country').<sup>1068</sup> Only issues directly related to the taking of land, and to those Maori from which it was taken, were to be considered. In addition, recommendations for redress could only be made in monetary terms, not the return of land.<sup>1069</sup> The guidelines for investigation demonstrated the intention of the Government to limit the potential findings and consequent recommendations for redress.

As O'Malley has pointed out, the Commission was also limited by time. It had only eight months to investigate all the major confiscations as well as over 50 petitions on separate issues.<sup>1070</sup> The Commission sat and heard evidence in the following locations:

Waitara, 10-17 February 1927  
Wellington, 23 February 1927  
Opotiki, 23-26 March 1927  
Whakatane, 28-29 March 1927  
Tauranga, 31 March to April 1927  
Ngaruawahia, 20-22 April 1927  
Wairoa, 2-4 May 1927  
Wellington, 10 May 1927<sup>1071</sup>

As seen by the list, no locations were within the Rohe Potae inquiry district. Ngaruawahia was to be the location for hearing issues related to the Waikato raupatu.

Despite the terms of reference given to the Commission, lead counsel for the claimants, David Stanley Smith (later Justice Smith and Chairman of the Royal Commission on Licensing) successfully argued that the ultimate justice of confiscation needed to be

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<sup>1068</sup> These issues have been discussed at length in O'Malley, 'Te Rohe Potae War and Raupatu', A report commissioned by the Waitangi Tribunal, December 2010, pp182-232.

<sup>1069</sup> *AJHR 1928*, G7, p3, RDB, vol.58, p19793.

<sup>1070</sup> O'Malley, 'Te Rohe Potae War and Raupatu', A report commissioned by the Waitangi Tribunal, December 2010, p805.

<sup>1071</sup> McCann, p184.

examined.<sup>1072</sup> The basis of this argument was that a number of the petitions placed before the Commission ‘alleged that the confiscations were not justified’. Smith asserted that these petitions were not subject to the proviso placed on question one, therefore the issues needed to be considered.<sup>1073</sup> The final report stated of this argument:

It is true that in terms these limitations do not apply to the petitions referred to us for inquiry, but we think that in dealing with these petitions, and in ascertaining what accords with good conscience and equity, we should treat petitioners whose ancestors were rebels as not entitled, except in special circumstances, to claim the benefits of the Treaty of Waitangi.<sup>1074</sup>

Although the narrow terms of reference had been circumvented by Smith, the Commission would still decide to whom the benefits of the Treaty of Waitangi would be extended. Those deemed as ‘rebels’ by the Commission would not be protected by the Treaty.

On 20 April 1927, the Sim Commission sat in Ngaruawahia to investigate the Waikato confiscation. In his opening address, Smith launched a determined attack on the legality of the Government invasion of the Waikato and therefore the subsequent raupatu. Smith provided a lengthy and detailed account of the events that led to the Government invasion of the Waikato. Only a summary of his argument is provided here. Smith based his argument on the foundation that all Maori had the right ‘to organise their tribes upon their lands as they pleased, subject to the right of the Government to enforce the criminal laws’, and the ‘full, exclusive and undisturbed possession’ of their lands.<sup>1075</sup> He asserted that these rights were guaranteed under both the Treaty of Waitangi and *jus gentium* or international law.<sup>1076</sup> He asserted that the ‘King Movement’ had been formed with a ‘noble purpose’ of establishing the necessary ‘social and political’ structures for Maori that had not been provided by the Government in a rapidly changing colonial environment.<sup>1077</sup> Its consequent actions were justified in the context of aggressive Government policy. Essentially, Smith argued that Waikato iwi were not in rebellion and that the Government had therefore launched an unjust war of conquest.<sup>1078</sup> As a consequence, the raupatu had also been carried out illegally.

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<sup>1072</sup> *AJHR* 1928, G7, p6.

<sup>1073</sup> *ibid.*

<sup>1074</sup> *ibid.*

<sup>1075</sup> MA85 85/2, Minutes of evidence 11<sup>th</sup> April -4<sup>th</sup> May 1927, pp462-463, RDB, vol.49, pp18903-18904.

<sup>1076</sup> *ibid.*

<sup>1077</sup> *ibid.*, pp513-514, RDB, vol.49, pp18954-18955.

<sup>1078</sup> *ibid.*



Critically in terms of this report, Smith's account separated Ngati Maniapoto from the other Kingitanga iwi and cast them as the true 'rebels', aggressors who were actually deserving of confiscation. Drawing heavily on the account of J.E Gorst, Smith asserted that Ngati Maniapoto, particularly Rewi Maniapoto, were responsible for plans to attack Auckland and the actions taken against Gorst's printing press at Te Awamutu.<sup>1079</sup> He went as far as to assert that 'Waikato tribes', led by Ngati Haua's Wiremu Tamihana, prevented Ngati Maniapoto from carrying out a planned attack on Auckland:

Now, I pause to remark that at this time it was the Waikato tribes who stood between the Ngatimaniapotos and the Europeans at Auckland, and saved them from an attack..., and the tragedy of the situation is this, that when we come to the confiscations we find that the Ngatimaniapotos lost practically no land at all whereas the Waikatos lost an enormous area of their best land.<sup>1080</sup>

Furthermore, in regard to the reasons for war detailed by Grey in the proclamation (or ultimatum) of July 1863, Smith asserted 'none of those items were the work of the Waikatos but of the Ngatimaniapotos.'<sup>1081</sup> O'Malley has examined the basis of this persistent representation of Ngati Maniapoto as 'fanatical' and 'extremist' in New Zealand's historiography.<sup>1082</sup> He has argued that casting Ngati Maniapoto and Rewi Maniapoto in this way is problematic, and at least over-simplifies the events of the 1860s, and in some cases is not based in any fact at all.<sup>1083</sup> For example, O'Malley states of the supposed attack on Auckland: 'Yet Rewi Maniapoto, whose supposedly imminent attack on Auckland was to justify the British move south of the Mangatawhiri, was reportedly attending a tangi at Taupo at the time of the invasion of Waikato.'<sup>1084</sup>

The Commission also investigated a claim of Ngati Apakura (Ngati Rahui and 'Ngati Puhehiwae' [Puihawe?]) under question three of the terms of reference. This claim was brought forward by the descendents of those Ngati Apakura who believed they had remained 'loyal', during the war and does not appear to have been made through petition. Smith argued that much of their land had been confiscated, but due to the fact that the Ngati Apakura tribal rohe had never been determined by the Native Land Court it was difficult to

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<sup>1079</sup> *ibid*, p490, RDB, vol.49, p18931.

<sup>1080</sup> *ibid*, p492, RDB, vol.49, p18933.

<sup>1081</sup> *ibid*, p513, RDB, vol.49, p18954.

<sup>1082</sup> O'Malley, 'Te Rohe Potae Political Engagement, 1840-1863', A report commissioned by the Waitangi Tribunal, December 2010, pp358-367, 443-468.

<sup>1083</sup> *ibid*.

<sup>1084</sup> *ibid*, pp481.

ascertain precisely what and how much.<sup>1085</sup> As part of this claim, Smith requested the investigation of such title.<sup>1086</sup> Ngati Apakura believed that they had been entitled to the return of some land through the Compensation Court process.<sup>1087</sup> As will be seen, the desire to define the complex different tribal rohe along the confiscation line, which had arbitrarily separated the Waikato confiscated lands from what is now the Te Rohe Potae inquiry district, was to be a recurring and important issue for other hapu and iwi of the district. The Commission heard evidence from Marae Euretī (Edwards), Rore Euretī, Rohi Ruaparaha, and Kaparaha Hongihongi.<sup>1088</sup> The witnesses detailed the rohe of Ngati Apakura, the Government sacking of Rangiaowhia and the fleeing of surviving woman and children south into some Ngati Maniapoto areas, Kawhia, Maungatautari and later to Taupo.<sup>1089</sup> Crown counsel maintained that Ngati Apakura had been in rebellion and that is why they had not appeared before the Compensation Court and were not eligible for compensation in the present.<sup>1090</sup>

The presentation of petitions 25, 26 and 27 raised issues concerning the confiscated lands of 'Ngaititamainu' and Ngati Mahanga in the area around Whaingaroa Harbour. These petitions asserted that these groups and some individuals had been loyal and were entitled to compensation which was never granted.<sup>1091</sup> After a lengthy presentation of petitions 26 and 27, Smith noted while discussing petition 25 that the claimants had decided to put their individual hapu claims aside to ensure that the Commission would spend its limited time on the important questions of the overall justice of the Waikato confiscations and whether these had been excessive.

If we were to proceed with all these claims on the same basis as that of the Ngati Apakura we should be engaged in a very long investigation, and it might tend to some differences between the different hapus. As a result of a discussion by the people concerned, it has been agreed that all hapus "will sail in one canoe," with all the people whose lands were confiscated: that is to say, the people interested in the Waikato confiscations, both north and south of the Mangatawhiri, have agreed that they will stand really on the question that the confiscations were either unjustified or excessive. But they are doing that on the assumption, of course, that if any compensation is granted, it will be a sum that will be adequate according to the number of natives. It has been agreed that any sum awarded shall be administered by

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<sup>1085</sup> MA85 85/2, Minutes of evidence 11<sup>th</sup> April -4<sup>th</sup> May 1927, p531, RDB, vol.49, p18972.

<sup>1086</sup> *ibid.*

<sup>1087</sup> *ibid.*, pp531-532, RDB, vol.49, pp18972-18973.

<sup>1088</sup> *ibid.*, pp532, RDB, vol.49, pp18973, 18985-18993.

<sup>1089</sup> *ibid.*, pp532, RDB, vol.49, pp18972-18974, 18985-18993.

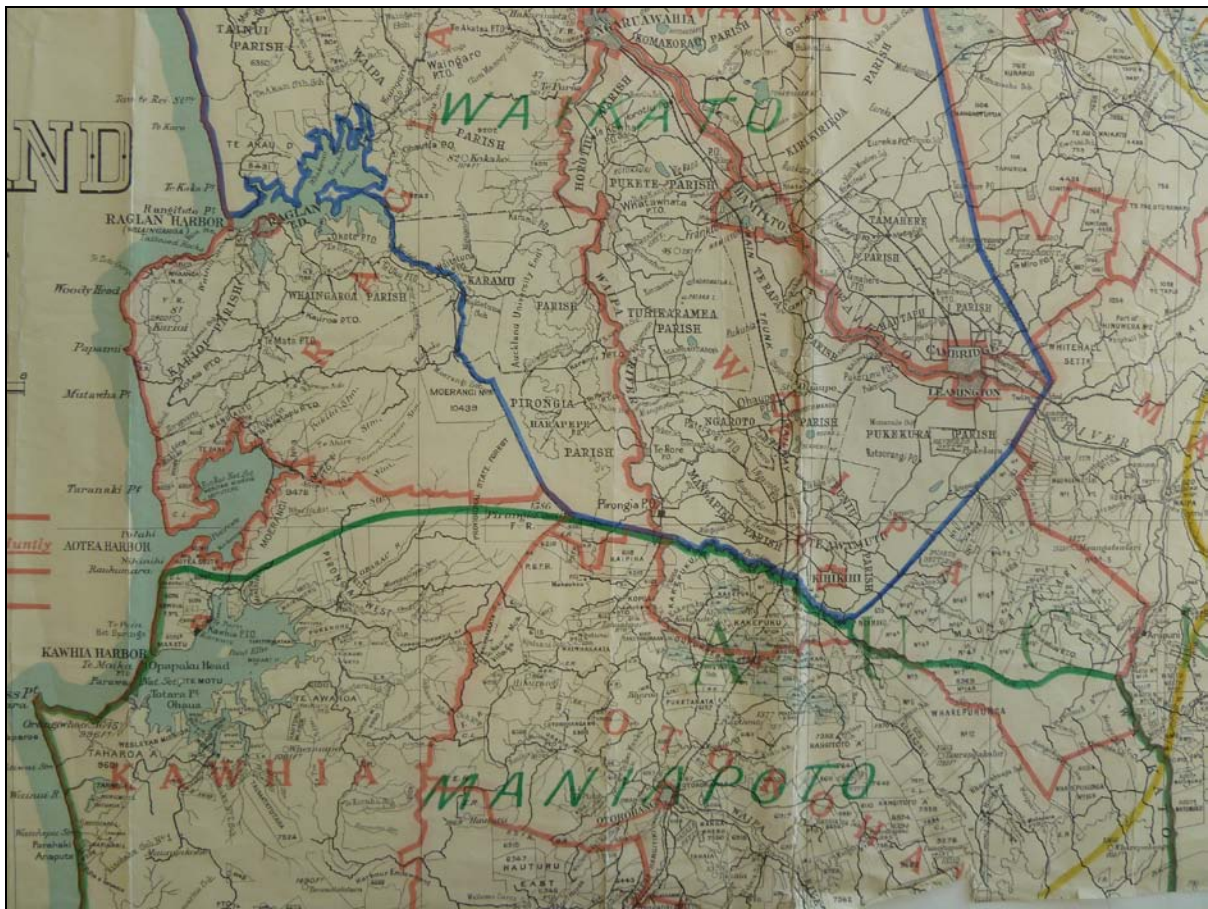
<sup>1090</sup> *ibid.*, pp531-533, RDB, vol.49, pp18972-18974, 18985-18993.

<sup>1091</sup> *ibid.*, pp534-543, RDB, vol.49, pp18975-18984.

a Trust Board of which Rata Mahuta will be the head. Under these circumstances, it will be unnecessary for me to proceed with a number of special claims which have been put forward.<sup>1092</sup>

It is unclear exactly which groups were party to this decision. Following this statement, under question two, Smith presented a list of wahi tapu and mahinga kai to the Commission for their consideration when calculating the value of land confiscated.<sup>1093</sup>

**Figure 5:** *Waikato and Ngati Maniapoto Tribal Boundaries used for the Purposes of the Sim Commission*<sup>1094</sup>



In June 1927, whilst the Commission was deliberating on its findings, it appears that a decision was made regarding the tribal boundaries between Waikato and Ngati Maniapoto. This decision was made without consultation with Ngati Maniapoto. On 30 May, Taylor, Crown Counsel before the Commission, wrote to the Department of Lands and Surveys ‘with the object of establishing the position of the boundary between the Waikato and

<sup>1092</sup> *ibid*, p540, RDB, vol.49, p18981.

<sup>1093</sup> *ibid*, p541, RDB, vol.49, p18982.

<sup>1094</sup> MA85 9/7 7, Map-Waikato [Plan showing boundaries between Waikato and Maniapoto Tribes], 1927, ANZ Wellington. SP, pp1453-1457.

Maniapoto Tribes.<sup>1095</sup> On 2 June, the Commissioner of Crown Lands returned a map with the following note on its construction: “The Native Land Court minute books dealing with investigation of titles to certain blocks have been searched and [Native Land Court] Judge MacCormick has been interviewed and also Mr. George Graham a local student of Maori History.”<sup>1096</sup> The above map shows a clear boundary between Ngati Maniapoto and Waikato, which coincides exactly with the confiscation line. In this way, the map suggests that Ngati Maniapoto lands were unaffected by confiscation.

On 29 June 1927, the Sim Commission released what were to be controversial findings and recommendations. However, they were not tabled in Parliament until September 1928.<sup>1097</sup> In this time it became clear that the Maori Members were not entirely happy with the commission findings.<sup>1098</sup> They attempted to have the compensation moneys increased from a total of £8,600 recommended by the Commission to £12,500 per year.<sup>1099</sup> This included an increase from £3,000 to £4,500.<sup>1100</sup> In September 1928, Coates told the House that payments of around £12,000 would be needed to meet the recommendations of the Commission, suggesting the Maori Members’ figure was being considered.<sup>1101</sup> The Native Land Claims Adjustment Act 1928 (Section 20) provided Government authority to give effect to the recommendations, but also to alter the amounts of redress if desired.<sup>1102</sup>

The Commission found that there had been no justification for the Taranaki confiscations at all, as the Government had attacked Taranaki Maori when they were not in rebellion against the Crown.<sup>1103</sup> In regard to the Waikato raupatu, it was found that the ‘tribes’ had been in a state of rebellion and therefore confiscations were justified, however, those carried out were greatly in excess of what was fair.<sup>1104</sup> The Commission asserted that the Government of the day had provided good reason for the actions of the Kingitanga to behave as it had. It stated that ‘[Maori] had not, as a nation, sinned more against us than we, the superior and

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<sup>1095</sup> Graham (Commissioner of Crown Lands) to Taylor, 2 June 1927, MA85 9/7 7, Map-Waikato [Plan showing boundaries between Waikato and Maniapoto Tribes], 1927, ANZ Wellington. SP, p1457.

<sup>1096</sup> *ibid.*

<sup>1097</sup> O’Malley, ‘The Aftermath’, p131.

<sup>1098</sup> *ibid.*, pp131-132.

<sup>1099</sup> Maori Members to Prime Minister, 10 September 1928, MA1 5/13/- part 2, RDM, vol.57, pp21671-21672.

<sup>1100</sup> *ibid.*

<sup>1101</sup> O’Malley, ‘The Aftermath’, p132.

<sup>1102</sup> *ibid.*

<sup>1103</sup> McCan, p186.

<sup>1104</sup> *AJHR* 1928, G7, p15.

protecting power, had against them.<sup>1105</sup> Despite this, the Commission asserted that the ‘plan for the destruction of Auckland’ and ‘a general attack on the North Island’ meant they had been in a state of rebellion.<sup>1106</sup> Crucially, echoing the evidence of Smith, the Commission concluded that it was the ‘Ngatimaniapotos, under Rewi, and the Ngatihaua, Ngatimehitia’ of the southern Waikato who were ‘principally engaged in the rebellion.’<sup>1107</sup> However, demonstrating the influence of the tribal boundaries produced in the map above (Figure 5), the commission argued that Ngati Maniapoto had remained untouched by confiscation. Thus the Commission argued that those who had actually deserved confiscation had escaped without punishment, while those innocent had received a grievous blow, suffering an excessive amount of land confiscated.<sup>1108</sup> According to the Commission’s report, the confiscation had allowed the ‘Ngatimaniapotos to escape without any loss of territory, and made the Waikatos the chief sufferers.’<sup>1109</sup> Not only had the Commission found that Ngati Maniapoto had had no interests in land taken by confiscation, they were found to be the primary culprits and aggressors in the wars of the 1860s, and to have actually deserved punishment by *raupatu*. The Commission recommended that £3000 per annum be paid in compensation ‘for the benefit of the Natives of the tribes whose lands were confiscated.’<sup>1110</sup>

In August 1927, two petitions by members of Ngati Maniapoto regarding the Sim Commission proceedings and findings were presented to Parliament. Both petitions were very similar, outlining several issues. Firstly, the petitions asserted that Ngati Maniapoto did have interests in ‘large areas’ of land that were confiscated, and the Commission’s statements to the contrary were incorrect. These were located in the ‘Cambridge, Kihikihi, Pirongia, Ohaupo, Waikato and Ngaruawahia districts.’<sup>1111</sup> Secondly, members of the *iwi* had not been given the opportunity to present evidence to the Commission from a Ngati Maniapoto perspective.<sup>1112</sup> The first petition was signed by Hotu Taua Pakuhatu (one of the signatories of the Declaration of Chiefs against licenses in 1926) and 33 others. The petition concluded:

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<sup>1105</sup> *ibid.*

<sup>1106</sup> *ibid.*

<sup>1107</sup> *ibid.*, p16.

<sup>1108</sup> *ibid.*, pp16-17.

<sup>1109</sup> *ibid.*, p16.

<sup>1110</sup> *ibid.*, p17.

<sup>1111</sup> Petition No.175/1927, Hotu Taua Pakuhatu and others, Le 1/1927/23, ANZ, in Mitchell, ‘King Country Petitions Document Bank’, p.2411.

<sup>1112</sup> Petition No.176/1927, Hone Te Anga and others, Le 1/1927/23, ANZ, in Mitchell, ‘King Country Petitions Document Bank’, p.2419; Petition No.175/1927, Hotu Taua Pakuhatu and others, Le 1/1927/23, ANZ, in Mitchell, ‘King Country Petitions Document Bank’, p.2411.

WHEREFORE your petitioners pray that the scope of the above mentioned Commission shall be extended to include any claim which may be made by the Ngati-Maniapoto people and that no final decision be arrived at with respect to the report of the Commission until such claims shall have been heard and dealt with and that in the alternative such other consideration should be granted to your Petitioners as in your discretion should be deemed adequate.<sup>1113</sup>

The signatories of this petition included members of the Hotu (Houtu), Barton (Patane), Amohanga, Hetete (Hetet), and Ngatai families. The other petition was signed by Hone Te Anga and 59 others, which included Mokena Patupatu (Advisory Counsellor to the Maniapoto Maori Council). The petitions were referred to the Native Department, and in September 1927 a response was issued to the petitioners, essentially dismissing their claims. It stated that the investigations of the Commission had ceased and that the Ngaruawahia sitting had been held in the 'Waikato-Maniapoto District', suggesting that it was believed that Ngati Maniapoto had been given the opportunity to be heard.<sup>1114</sup>

### **Protest during the settlement negotiations, 1928-1946**

Following 1928, protracted negotiations began between Government politicians and officials and representatives of 'Waikato' (to reach a settlement on the basis of the Sim Commission's recommendations). Progress was relatively slow on the Waikato claim until after 1935.<sup>1115</sup> In March 1929, Ngata had made a visit to Ngaruawahia to begin negotiations.<sup>1116</sup> However, King Te Rata was ill at this time and he decided that more consideration was needed by those iwi affected by confiscation.<sup>1117</sup> Also, during the years of the Depression the Treasury was firmly against the principle of perpetual annual payments.<sup>1118</sup> After King Te Rata's death in 1933, Pei Te Hurinui Jones formed a rangatahi, or group of 'young people', sanctioned by the newly appointed King Koroki, to lead the negotiations for a settlement with the Government.<sup>1119</sup> Tumate Mahuta was appointed the leader of this group.<sup>1120</sup>

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<sup>1113</sup> Petition No.175/1927, Hotu Taua Pakuhatu and others, LE 1/1927/23, ANZ, in Mitchell, 'King Country Petitions Document Bank', p.2411.

<sup>1114</sup> Under Secretary of Native Affairs to Chairman of the Native Affairs Committee, 6 September 1927, MA1 1427 1927/368, 4 October 1927 From Clerk of the House of Representatives, Wellington – Subject Order House of Representatives that Petition No.175/27 of Hotu Taua Pakuhatu and others and Petition No. 176/27 of Hone Teanga and others regarding the Confiscated Lands Commission be referred to the Government for consideration, ANZ Wellington. SP, p1452.

<sup>1115</sup> McCa, pp188-190.

<sup>1116</sup> *ibid*, p189.

<sup>1117</sup> *ibid*.

<sup>1118</sup> O'Malley, 'The Aftermath', p134.

<sup>1119</sup> McCa, p190.

<sup>1120</sup> *ibid*.

It is unclear from the records examined in this report exactly how these representatives were selected and how much support they had from other Maori in the Waikato and in the Te Rohe Potae inquiry district who were concerned with land confiscation. No evidence has been located in the official record to suggest that the Government made any efforts to ascertain this information. Given subsequent events described below, it seems likely that the approval of King Koroki and Te Puea was considered sufficient for such purposes. In other words, no formal process for officially selecting representatives to negotiate with the Government or to ensure that they were sufficiently representative of those affected by confiscation appears to have been put in place. From this time, Government efforts concentrate on negotiating with this group. When opposition arose from other Waikato and Rohe Potae hapu and iwi over the following decade, it was largely ignored by the Government, which considered that it was dealing with the accredited representatives of those affected by the Waikato confiscation. Consequently, tension continued to grow throughout the process of negotiation. Serious government efforts to reconcile these groups did not occur until after an agreement was reached in 1946, when continued and persistent opposition to the settlement and the newly formed Tainui Maori Trust Board refused to subside.

Pei Te Hurinui Jones, as we have seen in chapters two and three, was active in Ngati Maniapoto efforts regarding the Maori Health Councils, rates and the licensing issue. He often appears to have taken an advisory role to the tribal leadership of Ngati Maniapoto on these key issues. A distinct feature of his involvement was his continued efforts to establish a state-sanctioned Ngati Maniapoto body that could administer funds for the benefit of tribal education, health and general well being. The trust board was his primary model in all these efforts. With both rates and liquor, he had argued on the foundation of the agreements made in the 1880s for the creation of such a trust board. In the case of the latter, he had encountered sustained opposition from some other Rohe Potae Maori. These efforts, as described in the previous chapters, were fruitless. His involvement in the settlement negotiations was, however, on behalf of King Koroki, rather than Ngati Maniapoto. As an integral part of these negotiations, he became the focus of protest from those who opposed the settlement process.

Some dissatisfaction with the negotiations was apparent from 1935. Tumate Mahuta initially made a request for the return of confiscated land, however the Government made clear that no land would be returned. Negotiations soon focused on exactly what sum of money would form the settlement and how this would be paid.<sup>1121</sup> On 12 October 1935, Tarapipipi Taingakawa Tamehana Te Waharoa of Ngati Haua, who had inherited the title of Kingmaker, wrote a letter expressing his concerns. He contended that only the return of land was suitable for compensation and that any deal reached which only involved money would not be satisfactory.<sup>1122</sup> It was also asserted that '[t]he submission[s] of Tumate Mahuta and his party' were 'not those of Waikato as a whole, but of a few from Waikato who are desirous of taking the money of the confiscation.'<sup>1123</sup>

Concern regarding the taking of monetary compensation was not new. As detailed by O'Malley, the return of the land had been a consistent demand of the Kingitanga from the time of the raupatu.<sup>1124</sup> King asserts that Kingitanga concern regarding the receiving money and the insistence on the return of land was not simply 'idealism nor rapaciousness' but 'an expression of the belief that money taken' would be 'contaminated'. He states: '[t]he fact that the bones of ancestors lay in this land for which money was being offered, and that this money would be used to buy the necessities of life, meant the recipients would be indeed be "eating" their ancestors.'<sup>1125</sup> As described, Tumate Mahuta had initially made a request for the return of land, however the Government refused to entertain such a request. As will be seen, some Waikato continued to request the return of land.

Opposition from Ngati Haua and others who were dissatisfied with the settlement process continued from this time. In 1937, the negotiations were renewed with the election of the Labour Government, which emphasised that no land would be returned in an agreed settlement.<sup>1126</sup> Tumate Mahuta noted that 'elements' that had been pressing for the return of land had instead decided to propose a 'division of the compensation moneys' after a hui in

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<sup>1121</sup> *ibid*, p191.

<sup>1122</sup> Tarapipipi T. T. Te Waharoa to Prime Minister William Forbes, 12 October 1935, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21994; McCan, p191.

<sup>1123</sup> *ibid*.

<sup>1124</sup> See for example O'Malley, 'War and Raupatu', pp731, 740, 752, 754, 755, 776.

<sup>1125</sup> King, p249.

<sup>1126</sup> Tumute Mahuta to Native Minister, 3 April 1937, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21924.



Otorohanga in late March.<sup>1127</sup> Mahuta did not describe who exactly attended this hui, however given its location it seems likely that some Ngati Maniapoto would have participated. Native Minister Langstone in his reply assured Tumate Mahuta that payment would not be made to individuals but to a trust board for the benefit of those whose land was confiscated.<sup>1128</sup>

In November 1937, the Government proposed a ‘round the table conference’ to continue discussion and requested that Te Puea and Tumate Mahuta forward the names of those who would represent ‘the Waikatos.’<sup>1129</sup> Tumate Mahuta informed Langstone that himself, Jones and Kahupake Rongonui would represent Waikato.<sup>1130</sup> Te Puea confirmed her continued support of Tumate Mahuta, noting the appointment of representatives had been discussed at a tribal hui held on 14 November at Ngaruawahia.<sup>1131</sup> On 13 November, Tarapipipi Te Waharoa submitted that Tumate Mahuta, Marae Erueti (Edwards) and Te Kamanomano Maahu of Kawhia were appointed to attend the round table after ‘a meeting of all the representatives of the Waikato people held at Rukumoana Morrinsville’.<sup>1132</sup> The letter was apparently signed by King Koroki.<sup>1133</sup> Opposition to the settlement from Marae Erueti suggests support from some Ngati Hikairo for Tarapipipi Te Waharoa’s position. King notes Marae Erueti’s leadership of ‘a large section of Waikato’ who still demanded ‘as the land was taken, so should land be returned.’<sup>1134</sup> In the event, the Government dealt with Tumate Mahuta and his nominated representatives, despite continued protest from Tarapipipi Te Waharoa and Marae Erueti.<sup>1135</sup> King Koroki eventually wrote to Langstone stating that his

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<sup>1127</sup> *ibid.*

<sup>1128</sup> Langstone to Mahuta, 6 April 1937, 3 April 1937, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21912.

<sup>1129</sup> Savage to Tumate Mahuta and Te Puea Herangi, 3 November 1937, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, pp21888-21889.

<sup>1130</sup> Tumate Mahuta to Langstone, 1 December 1937, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, pp21888-21889.

<sup>1131</sup> Te Puea to Savage, 18 November 1937, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21887.

<sup>1132</sup> Translation. Tarapipipi Waharoa to Savage, 13 December 1937, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21874.

<sup>1133</sup> *ibid.*

<sup>1134</sup> King, p249.

<sup>1135</sup> Langstone to Marae Erueti, 15 February 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21851; See for example, Tarapipipi Te Waharoa to Savage, 21 February 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21849.

name had been used ‘incorrectly objecting to my uncle Tumate negotiating with the Government’ and that he hoped that the telegrams would be ignored.<sup>1136</sup>

At this time, protest became evident from some Ngati Maniapoto. On 8 February 1938, Warihi Tiemi, on behalf of some Ratana members of Ngati Maniapoto, petitioned Prime Minister Savage stating:

We hereby apply to you to include Mr H.T Ratana [Hami Tokouru Ratana Member for Western Maori] as a representative in the round-the-table conference dealing with the confiscated lands claims of Taranaki and Waikato and that Mr Maraku should also be included as spokesman under Mr H.T. Ratana on behalf of Ngati Maniapoto.<sup>1137</sup>

Langstone replied that representatives had already been selected.<sup>1138</sup> He noted that Hami Tokouru Ratana was a Member of Parliament which entitled him to attend the meeting, but Mr Maraku was not permitted as there would then be no means to stop ‘others being present also.’<sup>1139</sup> The letter continued by stating that interested parties could remain ‘outside the conference room in case their selected representatives desire to come out of the conference room to consult them on any points, which may arise during the proceedings’.<sup>1140</sup>

On the same day as the petition of Warihi Tiemi, Reihana Amohanga requested that representatives of Ngati Kaputuhi [a hapu of Ngati Maniapoto] be allowed to attend the round table conference.<sup>1141</sup> He wrote as the Assistant Secretary of the New Zealand Labour Party Maori Branch of Otorohanga and ‘acting on the instructions from my Elders of the Ngati Kaputuhi tribe.’<sup>1142</sup> The letter was polite and congratulatory in tone, praising the efforts of the Labour Government for attempting to settle raupatu grievances.<sup>1143</sup> However, the letter noted their continued support for the ‘Petition lodged in the latter part of the year

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<sup>1136</sup> Koroki to Langstone, 24 April 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, pp21791-21792.

<sup>1137</sup> Warihi Tiemi and others to Savage, 8 February 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, pp21862-21865.

‘Ratana, Haami Tokouru – Biography’, from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, updated 1 September 2010.

URL: <http://www.TeAra.govt.nz/en/biographies/4r6/1>

<sup>1138</sup> Langstone to Warihi Tiemi, 10 February 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, pp21860-21861.

<sup>1139</sup> *ibid.*

<sup>1140</sup> *ibid.*

<sup>1141</sup> R. Amohanga to Prime Minister and Minister of Native Affairs, 8 February 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, pp21858-21859.

<sup>1142</sup> *ibid.*

<sup>1143</sup> *ibid.*

1928'.<sup>1144</sup> This was likely to be a reference to the petition of Hotu Taua Pakuhatu of 1927, which Reihana Amohanga had signed. Significantly, the letter referred to the 'Waikato-Maniapoto Claim' rather than the 'Waikato Claim', which it was commonly referred to in other correspondence. Finally, the letter asked to be informed of the dates and place of the upcoming conference.<sup>1145</sup> In reply, Langstone conveyed the dates of the proposed conference and thanked Amohanga for his 'expressions of appreciation', but noted that representatives had already been selected.<sup>1146</sup> Reihana Amohanga cabled again on 15 February 1938, advising that Ngati Kaputuhi 'strongly oppose[d] being represented by Tumate Hurinui Rongonui.'<sup>1147</sup> Combined, the petitions reveal evidence that some Ngati Maniapoto considered that they continued to be excluded from decision making processes regarding the negotiation and any potential settlement.

The round table conference was held on 15 and 16 February 1938.<sup>1148</sup> It featured more debate over the sum of money to be paid to Waikato and discussion also included the purchase of some land west of Lake Taupo, primarily led by Pei Te Hurinui.<sup>1149</sup> However, no settlement was reached.

Protest continued after the conference. On 4 March 1938, Marae Erueti and Hori Tana (George Turner of Ngati Maniapoto) wrote to Savage, complaining that their appointed representatives (those proposed by Tarapipipi Te Waharoa) had not been in attendance at the conference.<sup>1150</sup> Erueti and Tana also noted that the Government had not replied to their inquiries concerning the matter, although responses had been sent to Tarapipipi Te Waharoa.<sup>1151</sup> They concluded by stating: 'We now humbly pray, that matter of the Waikato Grievance be opened again, and that the Delegation appointed by the people, being given a chance to place their case, before the members of the Grievance Conference.'<sup>1152</sup> However,

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<sup>1144</sup> *ibid.*

<sup>1145</sup> *ibid.*

<sup>1146</sup> Langstone to R. Amohanga, 10 February 1938, MA1 5/13/9, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21857.

<sup>1147</sup> R. Amohanga to Langstone, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21850.

<sup>1148</sup> McCa, pp200-202.

<sup>1149</sup> *ibid.*

<sup>1150</sup> Marae Erueti and Hori Tana to Savage, 4 March 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21765.

<sup>1151</sup> *ibid.*

<sup>1152</sup> *ibid.*

for an unknown reason this letter was only received by Native Department in December 1938, nine months after it was sent.<sup>1153</sup> There is no reply on record.<sup>1154</sup>

After 1938, a number of unrelated inquiries were made from within the Te Rohe Potae inquiry district, providing some indication of the level of interest that the negotiations were generating within the district. On 22 February 1939, Chas Searancke Jnr wrote to Langstone on behalf of Hongihongi Tapara of Te Kopua Mission Station, Te Kawa, inquiring as to the progress of settlement negotiations 'as one of our own Chiefs' is 'greatly interested'.<sup>1155</sup> In February 1940, 'Ruhe Rangitaawa Mohi iti' wrote from Te Uku (between Hamilton and Raglan) to Langstone regarding the return of confiscated land in the vicinity of Te Awamutu and 'Mangaohoi stream.'<sup>1156</sup> The specific issues regarding the land are unclear in the letter, but it appears that the land was owned by other Maori.<sup>1157</sup> In reply, Langstone advised that they petition Parliament once more information had been gathered.<sup>1158</sup>

In April 1938, soon after the conference, Tumate Mahuta passed away and the Second World War began.<sup>1159</sup> During the conflict it was decided by both the Government and Waikato leaders that negotiations should be put on hold.<sup>1160</sup> In contrast to the First World War, Waikato contributed significantly to the war effort, perhaps reflecting their belief that their raupatu issues were going to be addressed, to some extent, by the Government.<sup>1161</sup> The significant Maori contribution to the war effort strengthened the position of those iwi who had been in negotiation with the Government since the time of the Sim and Jones Commissions, providing the final impetus for settlement.<sup>1162</sup> According to Hill, in 1944 Taranaki iwi decided to use the 'spirit of co-operation' generated during the conflict to finally

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<sup>1153</sup> See received stamp and hand written notes on Marae Erueti and Hori Tana to Savage, 4 March 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21765.

<sup>1154</sup> Marae Erueti and Hori Tana to Savage, 4 March 1938, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21765.

<sup>1155</sup> Chas Searancke Jnr to Langstone, 22 February 1939, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21763.

<sup>1156</sup> Te Ruhe Rangitaawa Mohi iti to Langstone, 23 February 1940, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21760.

<sup>1157</sup> *ibid.*

<sup>1158</sup> Langstone to Te Ruhe Rangitaawa Mohi iti, 28 February 1940, 23 February 1940, MA1 5/13/9, Report of the Commission 1927 re Waikato Confiscations, vol.1, 1933-1945, RDB, vol.57, p21761.

<sup>1159</sup> McCan, p202.

<sup>1160</sup> King, pp250.

<sup>1161</sup> See MA 31/21\*53, Personal file on Te Puea Herangi and leaders of the Waikato tribe; also report of conference between Right Honourable P Fraser and Waikato leaders with Maori leaders on the Maori war effort, ANZ Wellington.

<sup>1162</sup> Hill, *State Authority*, pp215-222.

reach a settlement, in fear that it might dissipate once the war was over.<sup>1163</sup> Significantly, they decided to abandon their request for the return of land for monetary settlement, agreeing to an annual £5000 payment to a regional trust board as a reminder of the 'sin' of raupatu.<sup>1164</sup> In this context, negotiations reopened with Waikato after the war.

### **The Hui and Agreement of April 1946**

In April 1946, a large hui was held at Turangawaewae Marae, Ngaruawahia, to further discuss a possible settlement. Representatives from South Auckland, Taranaki and the King Country were to be present and it was expected to be the 'largest [hui] for some time.'<sup>1165</sup> King Koroki was also to be in attendance.<sup>1166</sup> According to McCan, '66 tribal committees' were represented from South Auckland, Taranaki and the King Country as well as tribal representatives from around the country.<sup>1167</sup> Several thousand were expected in total.<sup>1168</sup> Prime Minister Peter Fraser, Minister of Native Affairs Henry Mason, and Eruera Tirikatene (Member of the Executive Council Representing the Native Race), were to attend on behalf of the Government.<sup>1169</sup> (In the event, representatives from Tauranga and Tuwharetoa were also present.<sup>1170</sup>) Both parties were confident of an agreement being reached.

The details of this crucial hui are not well documented, with official transcripts only covering one of the several days on which discussions occurred. In addition, no formal record exists of discussions held outside of the formal meetings, which appear to have been important in reaching agreement. Newspaper reports of the hui were released afterward and only provide a summary of events rather than a detailed, clear chronology of the various meetings.

The proceedings began with significant korero on Good Friday, 19 April 1946. The *Waikato Times* provides one of the only accounts of the discussion and is worth detailing in full:

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<sup>1163</sup> *ibid*, p220.

<sup>1164</sup> *ibid*.

<sup>1165</sup> *Waikato Times*, 17 April 1946, p9. SP, p2287.

<sup>1166</sup> *ibid*.

<sup>1167</sup> McCan, p205.

<sup>1168</sup> *ibid*.

<sup>1169</sup> *ibid*.

<sup>1170</sup> 'Notes of Meeting Held at Turangawaewae, Ngaruawahia, on Saturday 10 April 1946, In Regard to Settlement of Waikato Claim', p1, MA1 5/13/9, vol.2, Report of the Commission re Waikato Confiscations, RDB, vol.58, pp22244.

### *Compensation only Secondary*

It was originally reported that the Maoris main representations concerned compensation for confiscated lands, but following discussions at an all-day sitting on Good Friday, opinion became crystallised, a majority of those participating – incidentally the great majority were elderly men – favouring united appeals for Government support and recognition of King Koroki...

The case was very ably presented by Mr Tita Wetere, of Morrinsville, a son of the Kawhia chief Tau Wetere, and a leading figure in the counsels of the Waharoa family, who descended from the famous Wiremu Tamehana the original “King-Maker.”

With typical native eloquence and imagery, Mr Wetere referred to the root causes of the misunderstanding between the Maori and the pakeha. He said the latter was persistent in holding to the belief that monetary grants would compensate the Maori for the spiritual loss of land and that material advancement should be an acceptable substitute for the soul and mana of the race...

### *Promises Unfulfilled*

“This has been, and still is, the greatest barrier to sympathetic understanding between our tribes and the Government,” said Mr. Wetere. “Our people have suffered from specious political promises unfulfilled, and the flattering speeches of high officials,” he said, “are the primary reasons for the institution of the Maori kingship in 1860 by Wiremu Tamehana...”<sup>1171</sup>

Tita Wetere, who was a leading spokesman before the Royal Commission on Licensing the previous year, then proceeded to detail the various promises made by officials and politicians throughout the history of the Kingitanga.<sup>1172</sup> To conclude he stated ‘all other claims of the Waikato people would “fade into insignificance beside the matter of recognition.”’<sup>1173</sup> This official recognition of the Kingitanga was hoped to include statutory provision and representation at international forums such as the United Nations.<sup>1174</sup> It appears that Fraser’s reply did not address this issue of recognition directly, although he does seem to have defended the welfare programmes initiated by his and previous Governments.<sup>1175</sup>

The following day, formal negotiations began. After introductions and lunch, two formal resolutions were read to the Prime Minister and Native Minister. The first was presented by Pei Jones.<sup>1176</sup> The transcript does not record what was contained in this resolution, but it was probably a request for a monetary settlement to be administered by a representative trust

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<sup>1171</sup> *Waikato Times*, 22 April 1946, p6. SP, pp141-143.

<sup>1172</sup> *ibid.*

<sup>1173</sup> *ibid.*

<sup>1174</sup> *Waikato Times*, 22 April 1946, p4, SP, p143; McCan, p206.

<sup>1175</sup> *Waikato Times*, 22 April 1946, p6. SP, pp141-142.

<sup>1176</sup> ‘Notes of Meeting Held at Turangawaewae, Ngaruawahia, on Saturday 20<sup>th</sup> April 1946, In Regard to Settlement of Waikato Claim’, p4, MA1 5/13/9, Part 2, Report of the Commission re Waikato Confiscations, RDB, vol.58, pp22247.

board as per negotiations up to that time. The second was read by Tita Wetere and, again, ‘appeal[ed] for the Statutory Recognition of King Koroki by the Government.’ In reply, Fraser rejected Tita Wetere’s resolution. Fraser stated that the resolution would receive due consideration, but subtly acknowledged that he and the other Government representatives were primarily there to honour and finally answer the deputation of ‘Tumate Mahuta some years ago’.<sup>1177</sup> He emphasised that Tita Wetere’s statement had asserted that King Koroki was representative of all Maori in New Zealand. He challenged this assumption and stated that the Government could not officially recognise the King until such time as this universal acceptance was proved.<sup>1178</sup>

Because we believe in democratic methods, the Government and myself must await some conclusive proof that statutory recognition is the wish of the majority of Maori tribes and the Maori people right throughout the whole of New Zealand.... We are pleased to recognise King Koroki as a leader of the Waikato tribes and we are glad to co-operate with him and Princess Te Puea and the other chiefs at all times.<sup>1179</sup>

He continued that he would always be ‘pleased’ to receive ‘representations from accredited representatives of King Koroki.’ In light of the events of the late 1930s, these statements seem to have been further evidence that Fraser and other Government representatives believed that Tita Wetere and his party, in these negotiations, were not ‘accredited representatives.’<sup>1180</sup> As described, there had been considerable tension during the 1930s when Tarapipipi Te Waharoa had attempted to appoint representatives for negotiation.

Having dismissed the resolution of Tita Wetere, Fraser went on to outline what the Government proposed ‘in regard to settlement of the long standing Waikato compensation claim.’<sup>1181</sup> He noted that Taranaki iwi had accepted an annual payment of £5000 per annum to be administered by a trust board after the Sim Commission had recommended that figure. The Sim Commission had only recommended £3000 per annum in regard to the Waikato. Fraser noted that the Government had subsequently increased the offer to £5000 until a total of £100,000 had been reached, but that this was unacceptable to the ‘Waikato people’.<sup>1182</sup> He then went on to describe a new offer:

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<sup>1177</sup> *ibid*, pp4-5, RDB, vol.58, pp22247-22248.

<sup>1178</sup> *ibid*, pp5-6, RDB, vol.58, pp22248-22249.

<sup>1179</sup> *ibid*, p6, RDB, vol.58, p22249.

<sup>1180</sup> *ibid*.

<sup>1181</sup> *ibid*, p7, RDB, vol.58, pp22250.

<sup>1182</sup> *ibid*.

The Government has gone into the matter and they propose that the amount in perpetuity should be £5000 per year, but there has been 10 years since the representations were made to the Government... We consider that the £5000 should date from 10 years back and that it should be paid at the rate of £1000 per year, making £6000 up to 50 years, and thereafter £5000...<sup>1183</sup>

He noted that some Waikato Maori ‘would prefer land.’ He described the practical difficulties of this proposal, asking where this land could be purchased. However, he stated that the funds could be used for that purpose.<sup>1184</sup> Fraser concluded by expressing his desire that the offer be accepted and that ‘these claims that were born of injustice’ would become ‘a forgotten memory.’<sup>1185</sup> Fraser then left the hui, leaving Mason to further discuss the offer.

After Mason had briefly reiterated the issues regarding the purchase of land, Tame Kirkwood urged ‘the people’ to accept the settlement. At this point, Hori Tana of Ngati Maniapoto was recorded to have stated:

[E]xtended greetings to the Members of Parliament. He wished to express his own opinion in regard to the Waikato claim. This is a matter that affects the whole of the Waikato tribes and also the Maniapoto tribe. It was for that reason that he wished to express a warning that this matter be properly administered. This matter should not be finalised today but should be discussed further before any decision is made.<sup>1186</sup>

Following this, on behalf of the ‘elders of the people’ and Te Puea, Roore Erueti of Kawhia accepted the offer and defended the ‘late Tumate Mahuta.’ He stated that he had been the ‘accredited representative of the Waikato people’ and that he stated this in case ‘some other representations might be made which would cast doubt against the credentials of the late Tumate Mahuta.’<sup>1187</sup> Following this, Paahi Moke and Marae Erueti ‘disapproved of the acceptance’.<sup>1188</sup> Several others then expressed support for the acceptance of the settlement.<sup>1189</sup> Unfortunately, full speeches were not recorded in this part of the transcript. Mason then spoke and expressed the pleasure of the Government at the acceptance of the offer.<sup>1190</sup> The transcript of the hui ended with the general comment ‘[t]he assembled people expressed general approval of the settlement and of the generosity of the Government.’<sup>1191</sup> It

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<sup>1183</sup> *ibid*, pp7-8, RDB, vol.58, pp22250-22251.

<sup>1184</sup> *ibid*, p8, RDB, vol.58, p22251.

<sup>1185</sup> *ibid*.

<sup>1186</sup> *ibid*, p9, RDB, vol.58, pp22252.

<sup>1187</sup> *ibid*.

<sup>1188</sup> *ibid*.

<sup>1189</sup> *ibid*, p10, RDB, vol.58, pp22253.

<sup>1190</sup> *ibid*.

<sup>1191</sup> *ibid*, p11, RDB, vol.58, pp22254.



then provided a brief summary of the events of 22 April 1946, where a formal letter of acceptance was drafted by Roore Erueti, Ngapaka Kerei Kukutai, Wanakore Herangi and Te Puea Herangi, which is discussed below.<sup>1192</sup>

Pei Te Hurinui Jones provided an account of the events in which the key decision was made behind closed doors and directly with Fraser. In his chapter ‘Maori Kings’, he described that after ‘an all-day debate between tribal leaders and the Acting-Minister of Maori Affairs on Turangawaewae *marae*’:

I was asked by the Prime Minister – touring the district at that time – to bring the leading tribal elders to the Waipa Hotel that evening. When we arrived at this hotel, we were conducted by Mr Fraser to his big bedroom. The elders were invited to make themselves comfortable on the Prime Minister’s bed and the rest sat on chairs. “Now”, said the Prime Minister, “we can talk man to man without the worry of saying things for the benefit of the hundreds out there on the *marae* today. My Government is prepared to make a fair settlement on the same basis as was made with Sir Maui Pomare for his Taranaki people.” The writer pointed out to the Prime Minister that Mr Savage had made a similar promise ten years earlier. “All right then,” the Prime Minister replied. “You ask the elders whether an extra £50,000 spread over ten years will be acceptable.” One of the elders said, “Make it £10,000 for the first year and spread £40,000 over forty years.” “That is fair enough,” said the Prime Minister, “and it shall be arranged accordingly.”<sup>1193</sup>

Jones does not describe exactly which ‘elders’ were privy to this decision. It is also unclear from his description if this meeting occurred following the meeting on 19 or 20 April. Newspaper reports suggest that Fraser departed for Wellington by plane after leaving the meeting at lunchtime on 20 April, although it is unclear if this was in the afternoon or in the evening.<sup>1194</sup> Given this fact it seems unlikely that the described meeting was held on the evening of 20 April. Moreover, it would have been unusual for Fraser to reiterate a similar proposal once in public and then later, at this meeting, describe it as if it was a new deal. It therefore seems likely that this deal was struck on the evening of 19 April and then publically discussed the following day, as described above. Regardless of exactly when it happened, it is important that a key player in the negotiations believed that the most significant decision was made behind closed doors. If this meeting was held on 19 April, the hui of the 20 April takes on a new complexion, as the deal would have already been struck, making the public hui less than a genuine discussion.

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<sup>1192</sup> *ibid*, p11, RDB, vol.58, pp22254.

<sup>1193</sup> Pei Te Hurinui Jones, ‘Maori Kings’ in Erik Schwimmer (ed.), *The Maori People in the Nineteen-Sixties: A Symposium*, Blackwood & Janet Paul LTD, Auckland, 1968, p158.

<sup>1194</sup> *Waikato Times*, 23 April 1946, p4. SP, pp139-140.

The *Waikato Times* described that no decision was reached until 22 April. It noted:

On Saturday [20 April] the Prime Minister had to leave for Wellington by air to keep important engagements, but he left Mr Mason to carry on the discussions with the Maoris. However, when Mr Mason left Ngaruawahia two hours later finality not been reached.

Further discussions took place yesterday [22 April], and in the afternoon Mr R. Edwards, a leader elder of the Waikatos, announced that the tribes were agreeable to acceptance of the Government's offer.<sup>1195</sup>

This report suggests that the formal hui of 20 April, described above, did not result in the clear decision depicted in the transcript where '[t]he assembled people expressed general approval of the settlement and of the generosity of the Government.'<sup>1196</sup>

Other evidence suggests that tension with Ngati Haua, and those who supported their position, boiled over at the hui. On 22 April, the *Waikato Times* reported that 'leaders of the Maori tribes in Waikato, Taupo, Taranaki, Tauranga, Hauraki, and the King Country areas who were gathered at Ngaruawahia during the weekend' held a further meeting after which they released a public statement that 'disassociated themselves' from the requests of Tita Wetere made on 20 April, 'particularly in reference to the paragraph asking for statutory recognition for the king.'<sup>1197</sup> It also stated that the resolution had been read in English which obscured its 'full significance' from those present.<sup>1198</sup> Later, when defending the settlement against continued protest, Te Puea described how 'the Ngati-Hauas' had actually left the meeting early as a sign of their disapproval:<sup>1199</sup>

I pointed out to them that arrangements so finalised were carried out in the open and that no underhand work was done in connection therewith and that the whole question was submitted to them for their consideration when they abandoned the matter and left the marae to go home.<sup>1200</sup>

This letter is discussed further below. On 23 April 1946, the Private Secretary to the Native Minister, Rotohiko Michael Jones (the brother of Pei Te Hurinui) noted the great difficulty

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<sup>1195</sup> *Waikato Times*, 23 April 1946, p4. SP, pp139-140.

<sup>1196</sup> 'Notes of Meeting Held at Turangawaewae, Ngaruawahia, on Saturday 10 April 1946, In Regard to Settlement of Waikato Claim', p11, MA1 5/13/9, vol.2, Report of the Commission re Waikato Confiscations, RDB, vol.58, pp22254.

<sup>1197</sup> *Waikato Times*, 22 April 1946, p6. SP, pp141-143.

<sup>1198</sup> *ibid.*

<sup>1199</sup> Te Puea Herangi to Michael Rotohiko Jones (Private Secretary of Native Minister), 8 May 1946, MA1 5/13/9, Part 2, Report of the Commission re Waikato Confiscations, RDB, vol.58, pp22213.

<sup>1200</sup> *ibid.*

in reaching a decision at the hui, stating that ‘there were times when the discussions seemed to be at a stalemate and most difficult.’<sup>1201</sup>

On 25 May 1946, Pei Te Hurinui Jones wrote a letter to Eric Ramsden which summarised the events of April.<sup>1202</sup> In particular, he recorded his version of the conflict with Tita Wetere, which he noted was personal and had begun whilst the RCL was sitting in Te Kuiti (see Chapter 3). He described that at a meeting of the ‘General Committee of the Waikato and Maniapoto’ before the arrival of the Prime Minister, of which Tita Wetere had been appointed Chairman by Te Puea, he had unsuccessfully attempted to have Wetere’s statement regarding the official recognition of the King altered before it was read the following day. As Chairman, Wetere refused to accept Jones’ motions, despite the support of the majority of the meeting. Tita Wetere claimed he had the support of the King and Te Puea for his statement (as she had appointed him Chairman). According to the account of Jones, Wetere was wrong on both counts. Jones also described the hui of 22 April, where final approval was given to the settlement, as a ‘heated debate’ which lasted many hours and during which violence almost broke out on several occasions. Jones noted that a vote had occurred and the ‘Antis’ were in the minority, although they were extremely vocal in their opposition. The number of votes for and against the agreement was not recorded. Interestingly, this account did not include any mention of the meeting with Fraser in his hotel room.

Government representatives at the hui appear to have had no clear process for ensuring that the settlement had the approval of the majority of the tribal leaderships concerned. In fact, it seems that some important steps in the agreement process were conducted in less than open circumstances. The evidence examined in this chapter indicates that the decision to accept the settlement was certainly not unanimous and created considerable tension at the hui. However, the extent and size of this opposition is difficult to determine. Significantly, the Government clearly believed that it had attained majority consent, and perhaps more importantly, the consent of those who they considered to be the representatives of King Koroki and Te Puea. Ngati Maniapoto’s position regarding the hui and agreement is unclear,

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<sup>1201</sup> Rotohiko Michael Jones to Mason, 23 April 1946, MA1 5/13/9, Part 2, Report of the Commission re Waikato Confiscations, RDB, vol.58, pp22235.

<sup>1202</sup> Pei Te Hurinui Jones to Eric Ramsden, 25 May 1946, Ramsden Papers MS-Papers-0196, Series B, File 195, ATL Wellington. SP, pp66-73.

with Hori Tana making the only recorded statement by a member of the tribe. He expressed concern at the haste at which the settlement was reached and noted that it concerned Ngati Maniapoto as well as Waikato. Later protest provides evidence that there was considerable discontent amongst Ngati Maniapoto in respect of the agreement.

### **The Waikato-Maniapoto Maori Claims Settlement Act 1946 and the establishment of the Tainui Maori Trust Board**

As noted above, on 22 April 1946 a formal letter of acceptance was forwarded to Mason signed by Roore Erueti, Wanakore Herangi, Ngapaka Kerei Kututai and Te Puea Herangi. The letter included a proposed structure and initial members for the trust board to administer the compensation fund. The translation was provided by Jones. The letter proposed twelve districts for which trust members would be representatives, and one member to be appointed by the Maori King.

*Table 9: Districts and Members Initially Proposed for the Tainui Trust Board<sup>1203</sup>*

<b>Districts</b>	<b>Members</b>
The member appointed by the King	Pei Te Hurinui Jones (Ngati Mahuta and Ngati Maniapoto)
Tamaki (Mangere, Pukaki, Puketapapa, Maraetai, Kawakawa Bay Clevedon)	Hauwhenua Kirkwood (Ngati Tai)
Manuka – Pukekohe (Waiuku, Huarau, Otaua, Te Papa, Pukekohe)	Whetu Kingi (Ngati Tipa)
Te Puaha (Tauranganui, Manaia, Onewhero, Tuakau)	Ngapaka Kerei Kukutai (Ngati Naho)
Rangiriri (Pukekawa, Te Awaroa, Opuatia, Tupekerunga, Mangatangi, Rangiriri)	Hori Teterere (Ngati Naho)
Waahi (Hukanui, Rotowaro, Rakaumangamanga, Waahi Huntly, Taupiri, Toko-ma-puna)	Hori Paki (Ngati Whawakia)
Pukemoremore (Te Hoe, Tauhei, Hukanui (Gordonton), Tauwhare Pukemoremore)	Karenga Tomonui (Ngati Wairere)
Turangawaewae (Ngaruawahia, Tangirau, Horotiu,	Te Uira Tuteao (Ngati Mahuta)

<sup>1203</sup> Roore Erueti, Wanakore Herangi, Ngapaka Kerei Kututai and Te Puea Herangi to Mason, 22 April 1946, MA1 5/13/9, part 2, RDB, vol.58, p22231.

Waingaro, Hamilton, Frankton, Nukuhau)	
Whatawhata (Whatawhata Aramiro)	Tapatai Erueti (Ngati Mahanga)
Tainui (Takaunui, Raglan, Weraroa, Te Akau, Port Waikato)	Turanga Kereopa (Tainui)
Rangiaohia (Pirongia, Rangiaohia, Rukuhia, Ohaupo, Te Hinau-a-Tamatea)	Karena Tamaki (Ngati Apakura)
Puniu (Mangatoatoa, Kihikihi and Te Awamutu)	Hari Keremeta (Ngati te Werokoko)
Kemureti (Aniwaniwa, Cambridge, Te Tiki-o-te-Ihingarangi, Parawera)	Te Whare Heta (Ngati Raukawa)

These descriptions indicate that ‘Tainui’ district included parts of land within the Te Rohe Potae inquiry district. Kemureti, Puniu, Rangiaowhia and Whatawhata all formed the southern boundary of the Waikato Confiscation area which borders the inquiry district (and form parts of the extension area of the inquiry district). On 23 April, Mason gave priority to drafting legislation to recognise the settlement and to constitute a trust board for the next session of Parliament.<sup>1204</sup> On 24 May, Mason forwarded a draft bill to Jones for his comment which was entitled ‘Waikato Maori Claims Settlement Bill’.<sup>1205</sup>

Meanwhile, several letters of protest were received by Peter Fraser. Dated 7 May 1946, a reply is recorded on file to a letter written by George Turner (Hori Tana) ‘Elder, Maniapoto Tribe.’ In this response, Fraser stated that he noted all that Tana had said with reference to the question of land claims discussed at Ngaruawahia on 20 April and this would be given full consideration.<sup>1206</sup> Unfortunately, the letter of George Turner itself is not on record. However, given his recent statements at the hui of April 20 it is likely to have noted his dissatisfaction with the agreement. On 8 May, Wiremu Tamehana wrote informing Fraser that a ‘conference’ was held on 7 May with Te Puea, himself and the other chiefs ‘in the presence of King Koriki [sic].’ He stated that it was ‘decided to submit the matter of compensation for the Waikato Confiscated Lands for further and final determination by King Koriki’s Kauhanganui, or Council of Chiefs, and Tribal representatives’.<sup>1207</sup> He,

<sup>1204</sup> Mason to R.M. Jones (Private Secretary), 23 April 1946, MA1 5/13/9, part 2, RDB, vol.58, p22228.

<sup>1205</sup> Mason to Pei Te Hurinui Jones, 24 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22229.

<sup>1206</sup> Peter Fraser to George Turner, 7 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22227.

<sup>1207</sup> Wiremu Tamahana to Fraser, 8 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22226.

therefore, requested that the issue be deferred until after this meeting.<sup>1208</sup> This suggests that the April hui was still a matter open to dispute, with some believing no settlement had been reached.

On the same day, Te Puea wrote to Rotohiko Michael Jones in defence of the settlement and explained her perspective of the opposition. She explained that ‘the Ngati Hauas’ had ‘assailed’ their efforts to finalise a settlement. She noted that representatives of this party had been in Waahi on 7 May, and had unsuccessfully attempted to gain King Koroki’s support for their efforts. They had approached Te Puea as well. However, she reminded them that they had been privy to the decision in April but through leaving had forfeited any say on the matter (as quoted above). Te Puea informed them that the acceptance letter was ‘now in the hands of the Prime Minister’. They requested that she communicate with Fraser to keep the matter open. She refused, stating that they could contact him if they wished. The letter stated ‘I felt that if they did [notify Fraser] no notice will be taken of their protest.’ Finally, Te Puea added ‘I do not know of any right they possess to interfere in this matter. Their lands were not confiscated.’<sup>1209</sup>

On 13 May 1946, Tahiopipiri Moerua wrote a letter, which he stated was on behalf of all Ngati Maniapoto, which highlighted their issues with the settlement. It requested that the Government suspend the appointment of the Trust Board that was to administer the Waikato settlement funds and that a new ‘Court of Enquiry’ be established to investigate the customary ownership of the Waikato confiscated lands, from which new members of the Trust Board should be appointed.<sup>1210</sup> On 26 June, Tahiopipiri Moerua submitted another letter with a list of Ngati Maniapoto he wanted appointed to the Board.<sup>1211</sup> The letters demonstrated that some Ngati Maniapoto believed they held interests in the Waikato confiscation district which had not been sufficiently recognised and were concerned that there would be consequent lack of representation on the proposed trust board.

Native Minister Mason rejected these requests, essentially ignoring the issues raised by the letter. He simply asserted that the settlement was designed to benefit all the tribes affected by

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<sup>1208</sup> Wiremu Tamahana to Fraser, 8 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22226.

<sup>1209</sup> Te Puea Herangi to Michael Rotohiko Jones (Under Secretary of Native Affairs), 8 May 1946, MA1 5/13/9, Part 2, Report of the Commission re Waikato Confiscations, RDB, vol.58, p22213.

<sup>1210</sup> Tahiopipiri Morua to Peter Fraser (Prime Minister), 13 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22194.

<sup>1211</sup> Tahiopipiri Morua to Prime Minister’s Office, 13 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22188.

the Waikato confiscation. He stated that the members of the Trust Board ‘are to be found from among the people who belong to those tribes.’ He believed the ownership of the lands confiscated was sufficiently well known for the purposes of the settlement, negating the need for an additional inquiry. This would, in his view, ‘only give a lot of trouble and expense without any benefit’. He added, that ‘in a matter like this it is not possible to please everyone’, and that if every objection was considered the Board would never be established.<sup>1212</sup>

Similar to the protest of Ngati Maniapoto, on 6 May Aupouri Whitinui (and 3 others) wrote to Mason on behalf of Ngati Apakura, Ngati Hinetu and Ngati Morotaua. He asserted that ‘we are affected by this confiscation claim through the happening at Rangiaowhia.’ He objected to the proposed appointments of members to the trust board, which he believed were made by ‘Waikato.’ ‘We desire to select our own members to represent us on the board.’<sup>1213</sup> Mason replied in similar fashion to those letters from Ngati Maniapoto, stating that ‘[i]n a matter like this it is not possible to please everyone, and if notice had to be taken of every objection, the Board would never be appointed.’<sup>1214</sup> He went on to state that unless it can be shown ‘very clearly’ that the proposed members ‘are not worthy’, then they would be appointed.<sup>1215</sup>

On 30 May, Jones had finished his comments on the draft bill. His letter that accompanied his suggestions gives important insights into his perspective of the opposition to the settlement. He stated that the content of the letter was ‘intended to give you some idea of the psychological background to be taken into account in the framing of the legislation with regard to this Waikato Confiscation Claim.’ He described the events in April:

In this connection I might cite the re-action of the minority but “vocal” element among our people to the settlement made at Ngaruawahia. At the tribal discussions after your departure [Mason] this section shifted their ground from one where they were advocating :- “As the land was taken, so should also the land be returned; [to] any monetary payment can only ameliorate the wrong,” and they urged that the acceptance of the Government’s terms should be made subject to the annual grant being paid direct and unconditionally to the Maori King.

As a matter of fact at the conclusion of the tribal discussion a number of them including their leader, Marae Erueti, were seeking seats on the proposed Trust

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<sup>1212</sup> Native Minister to Tahiopipiri Morua, 1 July 1946, MA1 5/13/9, part 2, RDB, vol.58, p22191.

<sup>1213</sup> Aupouri Whitinui to Mason, 6 May 1946, MA1 5/13/9, part 2, RDB, vol.58, p22165.

<sup>1214</sup> Mason to Aupouri Whitinui, 6 August 1946, MA1 5/13/9, part 2, RDB, vol.58, p22163.

<sup>1215</sup> *ibid.*

Board; but Te Puea, Roore Edwards and the other leaders were diffident about accepting them for the first Board. (They can be elected later if they are acceptable; and after the Board has got into its stride). It was felt that their presence on the Board at the outset might create difficulties as they are likely to advocate impracticable and possibly embarrassing ideas.<sup>1216</sup>

These comments suggest Jones and other leaders believed that the first members of the board should be selected for stability, necessitating the exclusion of what they perceived as opposition leaders. He also discussed the naming of the board, acknowledging that Ngati Maniapoto and Ngati Raukawa were eligible for some of the compensation funds because parts of their lands were confiscated.

Over ninety per cent of the people whom the funds are to be expended are Waikato Tribes (and it is proper therefore, for the Board to be called “The Waikato Maori Trust Board”), but there are sections of two important Tainui tribes also concerned, namely; the Ngatimaniapoto and the Ngati Raukawa – the district around the Puniu, Te Awamutu and Kihikihi area being their former tribal lands.<sup>1217</sup>

In this way the name of ‘Tainui’ appears to have been suggested as a concession to Ngati Maniapoto and Ngati Raukawa.

Sometime in late August 1946, Roore Erueti proposed a number of important changes prior to the submission of the bill to Parliament. Most significantly for this report, he requested the name of the bill be changed from Waikato Maori Claims Settlement to Waikato-Maniapoto Maori Claims Settlement Bill. This appears to have been a further measure aimed to decrease opposition to the bill from Ngati Maniapoto, furthering the logic of Jones described above. It was also agreed that the trust board would be called the Tainui Maori Trust Board.<sup>1218</sup> In 1947, a publication by the Tainui Maori Trust Board described the change of name as an initiative of Te Puea and as a ‘gift’ from Waikato to Maniapoto: ‘Ka puta te kupu a Te Puea me whakanoho ki roto i te ingoa o te Ture te ingoa o Ngati Maniapoto, hei Koha ma Waikato.’<sup>1219</sup>

On 13 September 1946, the Waikato-Maniapoto Maori Claims Settlement Bill was introduced to the House and forwarded to the Maori Affairs Committee for

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<sup>1216</sup> Pei Te Hurinui Jones to Mason, 30 May 1946, MA1 5/13/9, part 2, RDB, vol.58, pp22198-22199.

<sup>1217</sup> *ibid.*

<sup>1218</sup> Rotohiko Michael Jones to Roore Erueti, 23 August 1946, MA1 5/13/9, part 2, RDB, vol.58, pp22151.

<sup>1219</sup> Pei Te Hurinui Jones, Poari Kai-Tiaki Maori O Tainui, Ko Te Ripoata Whanui Whakaaturanga o nga Moni, March 1947, pp22-23. This document is reproduced in full in the supporting papers of this report. SP, pp2252-2269.



consideration.<sup>1220</sup> On 18 September, the Maori Affairs Committee reported back to the House.<sup>1221</sup> At this time, Broadfoot (Member for Waitomo), on behalf of particular Maori in his electorate, raised concerns regarding the appointment of the first members of the Tainui Trust Board. He noted that the Bill had been introduced hastily and that little notice had been given for the sitting of the Maori Affairs Committee, which made it difficult for those concerned in his district to attend. One such person had informed him that: 'there is some diversity of opinion, not in respect of the amount agreed upon, but in the method of selecting members of the Board. According to Maori custom, each sub-tribe meets and nominates its man.'<sup>1222</sup> Broadfoot contended that the three year term of the first members (nominated at the April hui) described in the proposed legislation was too long.<sup>1223</sup> He went on to state that he hoped that Fraser would consider amending the Bill in order 'to enable the tribes to be called together at an early date' to appoint members for the first board.<sup>1224</sup> He also noted that the Private Secretary (Rotohiko Michael Jones) had informed him that this process had already been conducted (probably referring to the April hui) but that he could find 'no evidence produced from the files to that effect.' If such a process was implemented it would 'save acrimonious problems at a later date.'<sup>1225</sup>

Tikikatene (Member of the Executive Council representing the Native Race) stated that the Maori Affairs Committee had recommended such a process. The Committee had suggested that 'an authority of the Native Department' be present at a hui to nominate members, noting that problems in membership selection had arisen with regard to the 'Arawa Trust Board'.<sup>1226</sup> Tikikatene referred to 'Mr. Turner', perhaps Hori Tana, requesting that such a hui to appoint members should be held in Te Awamutu in the presence of the Native Minister.<sup>1227</sup>

In reply, Fraser stated that there had not been a Bill 'introduced with greater unanimity than the Bill we are discussing.'<sup>1228</sup> He added that a meeting should be held at Te Awamutu in

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<sup>1220</sup> *NZPD*, vol.274, p883.

<sup>1221</sup> *NZPD*, vol.275, pp38-39.

<sup>1222</sup> *ibid*, p38.

<sup>1223</sup> *ibid*.

<sup>1224</sup> *ibid*.

<sup>1225</sup> *ibid*.

<sup>1226</sup> *ibid*.

<sup>1227</sup> *ibid*.

<sup>1228</sup> *ibid*, pp38-39.

order for those concerned to make a nomination, adding '[t]here will be no difficulty at all.'<sup>1229</sup> He went on to state:

The measure should be accepted with thankfulness by everyone who has at heart the interests of the Maori people... King Koroiki [sic], princess Te Puea, and the elders of the tribe are all unanimously in support of the settlement, which will heal sores that have been open ever since the Maori wars. It will remove that load of injustice from the minds of the people in the Waikato and King-Country. If there are any adjustments necessary, everything possible will be done to make those adjustments. Henceforth, the old feeling of injustice suffered need no longer rankle, and the thoughts of the Maori people can turn to a future brighter even than their glorious past.

Fraser's statement emphasised what he considered the unanimity of agreement underlying the settlement while still acknowledging that adjustments could be made if necessary. As will be seen below, while a meeting was held in Kihikihi to receive nominations for the Puniu members of the Board, provisions were not included in the Act for the local nomination of all the new members. The Act enabled those selected at the controversial April hui to be appointed as the first board members (as Pei Te Hurinui had advised).

On 25 September 1946, the Act was passed into law. The Act was intended to effect a full and 'Final' settlement of all claims that have been made 'or which might hereafter be made... in respect of or arising out of the confiscation of lands in the Waikato district' (full title and sec3 (1)). The Act also created the Tainui Trust Board to receive the compensation funds for the benefit of 'all Maori Tribes in that district whose lands had been confiscated.' The interpretation of the Act also provided a definition of 'Tainui' as those Maori eligible for compensation: '“Tainui Tribes” means the Tainui tribes, or sections of Tainui tribes, who were the owners, according to Maori custom, of the lands in the Waikato district which were affected by the confiscations...; and includes their descendants.' The Tainui Trust Board was also empowered to 'determine finally whether any person or any group or class of persons belongs to the Tainui tribes' (sec12 (2)). The Trust Board was to have a minimum of 10 and a maximum of 16 members (sec5 (2)). These members were to be 'Maoris belonging to the Tainui tribes' according to the definition of the Act (Sec 5 (2)). Members were to be appointed by the Governor General on the recommendation of the Minister of Native Affairs. The Board was empowered to draft regulations 'for the election by poll or otherwise of persons to be nominated [to the Minister] for membership of the Board' (Sec22 (1)).

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<sup>1229</sup> *ibid*, p38.

However, importantly, this was subject to the proviso that the Minister was not bound by any nominations for appointment made by ‘the Tainui tribes in accordance with regulations made under this Act’ (Sec5 (3)). Under these provisions the first members of the board could thus be appointed by the Governor General, after which they could draft regulations for later nominations. The first members were to have a term of 3 years (sec 6 (3a)). In this way, Jones’ recommendations were incorporated into the final Act in order to provide stability for the initial years of the Board. As will be seen below, these provisions provided a strong defence against ongoing opposition.

### **Continued Protest regarding the Composition of the Tainui Maori Trust Board**

Despite the inclusion of the ‘Maniapoto’ in the title of the Act, Ngati Maniapoto protest continued. In particular, a concerted effort was made to organise a separate meeting between Ngati Maniapoto representatives and the Government. On 29 September 1946, Reihana Te Amohanga, on behalf of 16 hapu of Ngati Maniapoto,<sup>1230</sup> submitted a resolution objecting to the bill as a whole, the members of the Trust Board and the name of the Trust Board.<sup>1231</sup> On 2 October 1946, he sent a telegram to Rotohiko Michael Jones praying that the bill would not be implemented until a meeting had occurred between Government officials and themselves.<sup>1232</sup> Similarly, on 7 October 1946, Wi Nakora on behalf of 243 signatories wired the following to the Governor General:

We the soldiers of the World War One and Two of the Ngati Maniapoto Tribe including the parents and widows of the soldiers died pray that you will use your influence to the utmost in restraining the carrying into effect of the Waikato Maniapoto Land Settlement Claims Bill as we and elders were denied the right to speak when the Native Minister met the Waikato Tribes at Ngaruawahia. We feel that unless we are given an opportunity to meet the Minister in our territory that a great injustice will have been done. A list of names of the soldiers widows of soldiers and parents supporting this resolution following.

Wi Nikora representing soldiers World War 1 and 2 of Ngati Maniapoto.<sup>1233</sup>

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<sup>1230</sup> Ngati Kinohaku, Hari, Pakere, Raerae, Ihingarangi, Rereahu, Hinetu, Marotaua, Kaputuhi, Pou, Rora, Porahui, Taiwa, Hekcha[?], Matakore, Paretekawa.

<sup>1231</sup> Reihana Te Amohanga to Governor General, 29 September 1946, MA1 5/13/9, part 2, RDB, vol.58, pp22113-14.

<sup>1232</sup> Reihana Te Amohanga to M. Jones, 2 October 1947, MA1 5/13/9, part 2, RDB, vol.58, p22111.

<sup>1233</sup> Wi Nikora to Governor General, 7 October 1946, MA1 5/13/9, part 2, RDB, vol.58, p22108.

The telegram indicated that these Ngati Maniapoto felt aggrieved that they had not been consulted in any meaningful way from the time of the Sim Commission through to the passing of the Act. Specifically, it alleged that the April hui was not an open forum. They also requested a meeting with the Native Minister in their ‘own territory.’ The complaints were made in the context of loyal Ngati Maniapoto service in two world wars, further emphasising the sense of grievance at the lack of Government consideration. On 30 October 1946, Tauwehe Noble (and others) submitted a letter to the Governor General in support of the requests for a separate hui with Ngati Maniapoto.<sup>1234</sup>

On 9 October 1946, Mason replied to Reihana Te Amohanga. Mason first reiterated his telegram of 7 October which he had sent in reply to Wi Nikora. It stated that the settlement bill had now passed into law and that he was satisfied that it carried ‘out the wishes of the majority of the people whose lands were actually confiscated.’<sup>1235</sup> A reassurance was given that the ‘section of Maniapoto people whose land was confiscated will have a representative on the Board.’<sup>1236</sup> The letter then went on to draw attention to the provisions of the Act which defined ‘Tainui tribes’ and the geographical area of the Waikato confiscation district, pointing out that only those ‘Maniapoto’ who descended from owners of this area within the district would be eligible for any benefit from the compensation moneys paid to the Trust Board.<sup>1237</sup> Finally, Mason emphasised that power for the appointment of members ultimately lay with the Native Minister.<sup>1238</sup> The main points of this letter were to become a standard reply to such protest. There would be no separate hui with Ngati Maniapoto. The Government maintained that the legislation and Board provided sufficiently for those Ngati Maniapoto who had ‘actually had land confiscated.’

On 24 October 1946, the following were appointed as the first members of the Tainui Maori Trust Board:

Pei Te Hurinui Jones  
Hauwhenua Kirkwood  
Ngapaka Kerei Kukutai  
Hori Tetera

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<sup>1234</sup> Tauwehe Noble (and others) to Governor General, 30 October 1946, MA1 5/13/9, part 2, RDB, vol.58, pp22087-22084.

<sup>1235</sup> Mason to Reihana Te Amohanga, MA1 5/13/9, part 2, RDB, vol.58, pp22096.

<sup>1236</sup> *ibid.*

<sup>1237</sup> *ibid.*

<sup>1238</sup> *ibid.*

Hori Paki  
Tapatai Erueti  
Turanga Kereopa  
Karena Tamaki  
Hari Keremeta  
Te Whare Heta  
Kakenga Tomonui  
Te Uira Tuteao Manihera  
Henare Tuwhakaraina<sup>1239</sup>

These are the same members as those listed on the formal letter of acceptance after the April 1946 hui, with the exception of Whetu Kingi, who seems to have been replaced by Henare Tuwhakaraina. The first meeting of the Trust Board was held on 4 November 1946 at Turangawaewae, where King Koroki ‘congratulated the Government and all concerned on this important milestone in tribal history.’<sup>1240</sup>

On 14 November 1946, Jones wrote to Mason discussing the inaugural meeting.<sup>1241</sup> In this letter, he included an extract from the minutes of the Board’s discussion. These contained the Board’s reference to a discussion of ‘tribal boundaries’ within the Waikato Confiscation area. From this discussion, which was not detailed, a list of tribes was produced, noting the member which represented these groups. The list was prefaced by the following comment:

At this stage, Michael Rotohiko Jones, produced the Lands and Survey Plan (Plan No.15226, (red) shewing the Confiscated Area, and a long discussion took place with regard to the definition of tribal boundaries inside the boundaries of the land confiscated. It was found most difficult to link up the various tribes who had suffered as result of the Confiscation with the ancestral boundaries within the confiscated area on account of the displacement of the tribal units. At the present time most of the tribes are living on the fringes of their ancestral lands, and in many cases the lands the tribes are now living on were gifted to them by related tribes and they are now living in the Maniapoto tribal area, at Kawhia, and elsewhere.<sup>1242</sup>

This comment hints not only at the well known complexity of tribal boundaries but also the dislocation created by confiscation and consequent impact on the tribal boundaries and locations in the surrounding areas, especially the Rohe Potae (something that was never considered before the Sim Commission). It is unknown what evidence was drawn on to

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<sup>1239</sup> *New Zealand Gazette*, no.75, 24 October 1946, p1633, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1069.

<sup>1240</sup> Pei Te Hurinui Jones to Mason, 4 November 1946, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, p1310.

<sup>1241</sup> *ibid.*

<sup>1242</sup> ‘Extract from minutes of the Tainui Trust Board’, undated, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1312-1313.

inform this discussion on tribal boundaries, presumably the personal knowledge of whakapapa and tribal history of the Board members. In addition, the following list was formed by members who had been appointed to the Trust Board rather than nominated by election by the people they were to represent. The following schedule was produced in the board minutes:

**Table 10:** Board Representatives of the 'Tribes and/or Subtribes, 14 November 1946'<sup>1243</sup>

Board Member and District	'Tribes and/or Subtribes'
Pei Te Hurinui Jones	Representative of Maori King
1. Ngapaka Keri Kututai (Te Puaha)	Ngati Tipa, Ngati Amaru
2. Hauwhenua Kirkwood (Tamaki)	Ngatai, Ngati Tama-oho, Ngati Koheriki
3. Hauwhenua Kirkwood (protem) (Wairoa)	Ngatai, Ngati Tama-oho, Ngati Koheriki
4. Hauwhenua Kirkwood (protem) (Manuka)	Ngati Te Ata, Te Akitai
5. Hori Tere (Rangi-riri)	Ngati Naho, Ngati Hine, Ngati Taratikitiki
6. Hori Paki (Waahi)	Ngati Mahuta (northern section), Ngati Pou, Ngati Whawhakaia, Ngati Kuirangi, Ngati Tai
7. Kakenga Tomonui (Te Hoe-Tauwhare)	Ngati Wairere, Ngati Makirangi
8. Henare Tuwhakaraina (Pukemoremore)	Ngati Werewere
9. Te Uira Tuteao Manihera (Turangawaewae)	Ngati Mahuta (southern section)
10. Turanga Kereopa (Tainui)	Tainui, Ngati Tahinga
11. Tapatai Erueti (Whatawhata)	Ngati Mahanga, Ngati Tamainupo
12. Karena Tamaki (Rangiaowhia)	Ngati Apakura
13. Karena Tamaki (protem) (Puniu)	Ngati Paretekawa, Ngati Ngutu
14. Te Whare Heta	Ngati Koroki, Ngati Raukawa-ki-Panehakua

As can be seen by this table, Karena Tamaki was appointed as the temporary representative of the Puniu district of Ngati Paretekawa and Ngati Ngutu (hapu of Ngati Maniapoto).

In November, a petition was submitted by Matiu Ratana (Western Maori) to Fraser on behalf of 'Ngati Maniapoto elders.'<sup>1244</sup> The petition was formulated and presented to Ratana at a meeting of Ngati Maniapoto held at 'Te Keeti Pa' (Otorohanga) on 4 November, where he

<sup>1243</sup> *ibid.*

<sup>1244</sup> Matiu Ratana to Peter Fraser, 21 November 1946, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1109-1110.

had been electioneering. The petition outlined the ‘unanimous’ protest of ‘elders and members of the Ngati Maniapoto tribe’ regarding the exclusion of two members who should ‘represent the Ngati Maniapoto Tribe’ after careful consideration of ‘the Constitution of the Tainui Trust Board’.<sup>1245</sup>

Native Minister Mason responded to the Ngati Maniapoto petition using similar justifications for the appointment of members as had been used in previous responses. However, Mason informed them that a meeting was to be arranged in Kihikihi for Ngati Maniapoto to ‘recommend a member’ for the Board who had yet to be appointed. As he had done before, he stressed that, according to the Act, members to the Tainui Trust Board were appointed by the Governor General on the recommendation of the Native Minister.<sup>1246</sup> The Minister was not, he continued, ‘bound’ by any nominations that may be submitted by ‘Tainui Tribes’.<sup>1247</sup> Furthermore, Mason again referred to Plan No.15226 which depicted the lands ‘affected by the confiscations’ in the ‘Waikato district’, noting that only descendents of the ‘owners according to Maori custom of the area mentioned...are entitled to have any say in matters affecting the administration of the Tainui Maori Trust Board’.<sup>1248</sup> The statement implied that Ngati Maniapoto did not hold large interests in this area. He noted that the procedures established for the appointment of members was the same as ‘the Arawa, Tuwharetoa and Taranaki Trust Boards.’ Appointment of the first board was necessary in order that ‘preliminary arrangements’ for the ‘administration of the fund’ and regulations could be formulated. He continued to state that during the first term of the Board ‘ample time’ would be given to ‘sub-tribes’ to ‘judge the merits’ of members so as to inform their election of nominees for the next Board. Finally, after these justifications, Mason stated that there would soon be an opportunity for Ngati Maniapoto to nominate a member at a hui to be held in Kihikihi, of which the date and arrangements would be forwarded in the near future.<sup>1249</sup>

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<sup>1245</sup> Hira Kingi, Ratapu Wilson, Charlie Barton, Te Puea Ngarotata and W. Turner (and 52 others) to Fraser, 4 November 1946, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1111.

<sup>1246</sup> Mason (Native Minister) to Ratana (Member for Western Maori), 29 July [sic November] 1946, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1117.

<sup>1247</sup> *ibid.*

<sup>1248</sup> *ibid.*

<sup>1249</sup> *ibid.*

On 13 December 1946, the Tainui Maori Trust Board called a meeting in Kihikihi ‘for an expression of opinion from the Ngati Paretekawa and Ngati Ngutu sections of the Tainui tribes as to who they desired as their representative on the Board’.<sup>1250</sup> The Under Secretary of the Native Department and Rotohiko Michael Jones (Private Secretary) were present, as well as ‘thirty-two persons... including the appointed members of the Board.’<sup>1251</sup> If this description is accurate, then only 19 persons were present aside from the Board itself. Two nominations were made for membership, Raureti Te Huia and Tame Pahi Maniapoto.<sup>1252</sup> Twenty four voted in favour of Raureti Te Huia, while six voted for Tame Pahi Maniapoto.<sup>1253</sup> If Rotohiko M. Jones’ description of attendance is correct it appears the Board members themselves cast votes. The letter describing the hui noted that George Turner (Hori Tana), who opposed the appointment of Raureti Te Huia, was not present at the meeting, which perhaps suggests opponents of the proceedings were not well represented.<sup>1254</sup> Raureti Te Huia’s appointment to the Board was gazetted on 6 March 1947.<sup>1255</sup>

Unusually, correspondence exists on record of Raureti Te Huia being a member of the Tainui Trust Board before his appointment at this meeting, despite the fact that he is not listed in the formal *Gazette* notice or other lists already noted.<sup>1256</sup> This correspondence described that he was nominated for membership by Te Puea in August 1946, but that there was some controversy regarding his appointment.<sup>1257</sup> In fact, Raureti Te Huia wrote a letter to Broadfoot (Member for Waitomo) as a member of the Board, with suggestions regarding future Trust Board policy and whakapapa charts describing hapu he believed were eligible for compensation.<sup>1258</sup>

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<sup>1250</sup> Rotohiko M. Jones to Mason, 15 January 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1119-1120.

<sup>1251</sup> *ibid.*

<sup>1252</sup> *ibid.*

<sup>1253</sup> *ibid.*

<sup>1254</sup> *ibid.*

<sup>1255</sup> New Zealand Gazette, 6 March 1947, p203, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1121.

<sup>1256</sup> Roore Erueti to Rotohiko M. Jones, 20 August 1946; Rotohiko M. Jones to Roore Erueti, 23 August 1946, MA1 5/13/9, part 2, RDB, vol.58, pp22151-22152.

<sup>1257</sup> Rotohiko M. Jones to Roore Erueti, 23 August 1946, MA1 5/13/9, part 2, RDB, vol.58, p22151.

<sup>1258</sup> Raureti Te Huia to Broadfoot, 30 October 1946, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1088-1090.



Taken together, the circumstances of Raureti Te Huia's appointment to the Tainui Maori Trust Board are ambiguous. His prior 'membership' and the circumstances of his election were dubious at best. However, as will be seen below, while still a member of the Board, Raureti Te Huia submitted a petition praying for the investigation of Ngati Maniapoto interests in lands north of the Puniu River.

During the early months of the Tainui Maori Trust Board, Ngati Haua opposition continued. Several hui were held at Rukumoana (Morrinsville) in order to gather support for opposition to the settlement and the new Board.<sup>1259</sup> It is difficult to determine the level of support for this movement. Newspaper reports suggest that the hosts of these hui may have exaggerated the number of people who attended.<sup>1260</sup> However, this group began to claim the support of the '48 tribes' numbering some 1910 people.<sup>1261</sup> It seems likely that those that opposed the Board and the settlement within the Rohe Potae inquiry district would have coalesced around this movement. As the Board was established and reversing the settlement seemed less likely, this group began to focus protest against the membership and pushed for elections of new members.<sup>1262</sup> Ngati Haua representatives still maintained that the Board and settlement were not representative of 'Waikato' and that a clique (led by Pei Te Hurinui), not the majority, had 'engineered the matter.'<sup>1263</sup> On 24 July 1947, a petition was lodged, by the '48 sub-tribes of Waikato-Maniapoto-Haua' praying for the review and re-election of the members of the Board.<sup>1264</sup>

On 4 June 1947, the first regulations of the Tainui Trust Board were gazetted. They contained the following list of tribal divisions that would be represented on the Board and consequently eligible for compensation.

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<sup>1259</sup> *New Zealand Herald*, 25 July 1946, MA1 5/13/9, part 2, RDB, vol.58, p22157; Te Kaka to Fraser, 7 October 1946, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1074-1076.

<sup>1260</sup> *ibid.*

<sup>1261</sup> Te Kaka to Fraser, 7 October 1946, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. pp1074-1076.

<sup>1262</sup> *ibid.*

<sup>1263</sup> Unknown of Rukumoana to Fraser, 11 July 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1167.

<sup>1264</sup> 'Petition 38/1947 of Te Hau Tanawhea and 183 others', 24 July 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1155-1157.

**Table 11:** *Tribal Divisions of the Tainui Tribes, 4 July 1947*<sup>1265</sup>

1. Ngati Tipa and Ngati Amaru
2. Ngatai, Ngati Tamaoho, and Ngati Koheriki (Tamaki Section)
3. Ngatai, Ngati Tamaoho, and Ngati Koheriki (Wairoa Section)
4. Ngati Te Ata and Te Akitai
5. Ngati Naho, Ngati Hine, and Ngati Taratikitiki
6. Ngati Mahuta (northern section), Ngati Pou, Ngati Whawhakia, Ngati Kuirangi, and Ngati Tai
7. Ngati Wairere and Ngati Makirangi
8. Ngati Werewere
9. Ngati Mahuta (southern section) and Ngati te Wehi
10. Tainui and Ngati Tahinga
11. Ngati Mahanga and Ngati Tamainupo
12. Ngati Apakura
13. Ngati Ruru and Ngati te Werokoko
14. Ngati Paretekawa and Ngati Ngutu
15. Ngati Koroki and Ngati Raukawa ki Panehakura

The regulations also established the process for nomination of possible members to the Under Secretary of Native Affairs. If two or more potential members were nominated from a hapu, public representative meetings called by the Secretary of the Board were to be held, where one nominee would be selected.<sup>1266</sup>

On 5 August 1947, in response to the continued protest regarding membership, Jones (Chairman of the Board) was asked by the Native Department to comment on a number of petitions. In regard to a recent petition by Ngati Paoa and Ngati Whanaunga of Hauraki praying for inclusion on the Board, Jones implicitly acknowledged the complexity of the tribal landscape and the difficulty of creating a Board that would be truly representative.<sup>1267</sup> He suggested that Ngati Paoa and Ngati Whanaunga were technically outside the statutory

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<sup>1265</sup> *New Zealand Gazette*, no.30, 5 June 1947, p709, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1173-1175.

<sup>1266</sup> *ibid.*

<sup>1267</sup> Pei Te Hurinui Jones to Under Secretary Native Department, 5 August 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1170-1172.

definition of ‘Tainui tribes’, as their land had not been confiscated.<sup>1268</sup> However, he noted ‘sections of these two tribes are also members of the Tainui tribes whose land was confiscated’.<sup>1269</sup> Ngati Maniapoto were described as in a similar position. He stated that if they could trace descent to one of the listed hapu, people living in Hauraki or King Country could lodge requests directly with the secretary of the Board.<sup>1270</sup> Of the Ngati Haua opposition, Jones asserted they had been the leaders of the ‘land for land’ argument during the long period of negotiation prior to settlement.<sup>1271</sup> He made clear that he believed that King Koroki and the majority of Waikato were satisfied with the settlement. In addition, he asserted that Ngati Haua were divided into two ‘factions’. Ngati Werewere, ‘their alternative tribal appellation’, were already represented on the Board, facing opposition by those described.<sup>1272</sup>

### **Government efforts to defuse opposition**

In September 1947, a ‘Waikato-Maniapoto’ deputation led by Tita Wetere<sup>1273</sup> met Peter Fraser (Native Minister), Tirikatene (Southern Maori) and Matiu Ratana (Western Maori) to discuss their grievances regarding the settlement and the Tainui Maori Trust Board.<sup>1274</sup> These were outlined in a number of petitions before Parliament and the Maori Affairs Committee (44/1947, 54/1947 and 32/1947).<sup>1275</sup> Significantly, petition 44/1947 was submitted by Hoani Hakaraia Teuawiri (and 98 others) of Kai Iwi praying that ‘the boundary lines of the Maniapoto tribes in the Waikato confiscated area be defined.’<sup>1276</sup> This demonstrated the continued efforts of Ngati Maniapoto to have their interests north of the Puniu investigated and officially established. However, it is unclear if a spokesman was present for this particular petition, as almost no comment was made in the course of the meeting regarding the issues it raised.<sup>1277</sup> The other petitions included petition 32/1947 of ‘48 sub-tribes of

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<sup>1268</sup> *ibid.*

<sup>1269</sup> *ibid.*

<sup>1270</sup> *ibid.*

<sup>1271</sup> *ibid.*

<sup>1272</sup> *ibid.*

<sup>1273</sup> ‘Te Hau Tanawhea, Taakiwaiora Hopa, Pouwhare Kihī, Tairi Te Oriori and others, represented the Waikato tribes’

<sup>1274</sup> ‘Minutes of representations made to Native Minister (Rt. Hon. Peter Fraser) at Parliament Buildings, Wellington, Tuesday evening September 1947’, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1177-1190.

<sup>1275</sup> *AJHR* 1947, I3, p3.

<sup>1276</sup> *ibid.*, p11.

<sup>1277</sup> For the only reference see ‘Minutes of representations made to Native Minister (Rt. Hon. Peter Fraser) at Parliament Buildings, Wellington, Tuesday evening September 1947’, p7, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1184.

Waikato-Maniapoto-Haua' praying for the review and re-election of the members of the Board. Petition 54/1947 prayed for the return of all Waikato confiscated lands and was signed by 2646 Maori.<sup>1278</sup>

Tita Wetere claimed that the primary concern of the deputation was not the settlement itself but the constitution of Tainui Trust Board.<sup>1279</sup> The first members had not been selected by the people but rather by Jones in less than open and public fashion.<sup>1280</sup> He believed that their protest regarding the Board had been officially ignored.<sup>1281</sup> The request was made for the election of new members.<sup>1282</sup> Tita Wetere also raised issues regarding the list of tribes that had been formulated as the beneficiaries of the Trust Board as well as the members themselves. He claimed that the members and the tribal list were rewarding 'loyal' Waikato rather than those who had fought the Crown.<sup>1283</sup> '[T]he loyal Maoris were running the Board and the rebels whose land was confiscated had no say.'<sup>1284</sup> In particular, they wanted the inclusion of 'Ngati Puhiawe', 'Ngati Amure' and Ngati Hikairo and the exclusion of 'loyalist' 'Ngati Tipa'.<sup>1285</sup> Also, Ngati Werewere should be replaced by Ngati Haua, as 'Werewere was only a very small part [of Ngati Haua?].'<sup>1286</sup>

In a private discussion of Native Department officials, Fraser and Maori Members of Parliament, it was questioned why the Board had taken so long to draft regulations and whether it was legal for the Board to be formed for such a long period without them. They concluded that the issues with the board could be solved by holding elections via the regulations.<sup>1287</sup> They then rejoined the deputation where discussion continued. Tirikatene raised the issue of reforming the Board, but noted that this could not be rushed as administrative tasks would need to be brought in to order before this was possible.<sup>1288</sup> At this point, Tanawhea Te Hau (the lead signatory of Petition 32/1947) stated that 'the idea was to have a meeting of all the tribes and try and iron out their grievances so that they could

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<sup>1278</sup> 'Minutes of representations made to Native Minister (Rt. Hon. Peter Fraser) at Parliament Buildings, Wellington, Tuesday evening September 1947', p7, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board-Appointment of Members, 1946-1955, ANZ Wellington. SP, p1184.

<sup>1279</sup> *ibid*, p1. SP, p1190.

<sup>1280</sup> *ibid*, p2. SP, p1189.

<sup>1281</sup> *ibid*, pp1, 4. SP, pp1189, 1187.

<sup>1282</sup> *ibid*, pp2, 9. SP, pp1189, 1182.

<sup>1283</sup> *ibid*, pp2-4. SP, pp1189-1187.

<sup>1284</sup> *ibid*.

<sup>1285</sup> *ibid*, p4. SP, p1187.

<sup>1286</sup> *ibid*, p10. SP, p1181.

<sup>1287</sup> *ibid*.

<sup>1288</sup> *ibid*, p12. SP, p1179.

become united again.<sup>1289</sup> Discussion then focused on arranging such a hui. Wetere stated that he did not want the Board to call the meeting as he wanted ‘it to be a meeting of the whole of the people.’<sup>1290</sup> In addition, he wished for the Native Minister to be present, not Private Secretary Rotohiko Michael Jones, as he ‘was a member of the Tainui tribe.’<sup>1291</sup> Tirikatene rejected these requests, stating that the meeting needed a ‘responsible head’ and that the Native Minister could appoint who he wanted to attend on his behalf.<sup>1292</sup> He did state, however, that hui would be ‘called on the instructions of’ the Native Minister’. The deputation then resolved that the meeting would involve:

1. A full and free discussion in connection with the election of members of the Tainui Trust Board.
2. A re-grouping and re-alignment of tribal and sub-tribal divisions.<sup>1293</sup>

The deputation also decided that they would defer their petition regarding the return of the land.<sup>1294</sup> The matter of the location of the hui, Rukumoana or Ngaruawahia, was left outstanding.<sup>1295</sup>

Fraser decided that the hui would be held at Ngaruawahia on 9 October 1947.<sup>1296</sup> Once again, there was controversy. Te Hau Tanawhea contended that the hui should be held at Rukumoana and he also argued it was inappropriate to have such a hui in conjunction with ‘the coronation annual celebrations in honour of King Koroki.’<sup>1297</sup> He also wanted Fraser (Prime Minister and Native Minister) to attend.<sup>1298</sup> Tita Wetere asserted that insufficient time had been given for the hui, fearing that there would be too few in attendance as many were involved in preparations for the celebrations.<sup>1299</sup> Despite these concerns, the meeting proceeded on 9 October 1947.

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<sup>1289</sup> *ibid.*

<sup>1290</sup> *ibid.*

<sup>1291</sup> *ibid.*, p13. SP, p1178.

<sup>1292</sup> *ibid.*, pp12-13. SP, pp1178-1179.

<sup>1293</sup> *ibid.*, p13. SP, p1178.

<sup>1294</sup> *ibid.*, p14. SP, p1177.

<sup>1295</sup> *ibid.*

<sup>1296</sup> Peter Fraser to Te Hau Tarawhea and Tita Wetere, 24 September 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1191.

<sup>1297</sup> Te Hau Tamawhea to Fraser, 1 October 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1194.

<sup>1298</sup> *ibid.*

<sup>1299</sup> Tita Werere to Fraser, 12 October 1947, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1199-1200.

In the event, sixty people were present, including members of the Tainui Maori Trust Board, while Under Secretary Shepherd and Private Secretary Rotohiko Michael Jones attended on behalf of the Government. After a discussion, the following changes were made to the tribal divisions by majority vote. Tamaki and Wairoa were merged into one district. Ngati Paretaua was added to Manuka district. Ngati Haua replaced Ngati Werewere in Pukemoremore district.<sup>1300</sup> The Rangiaowhia district was divided into two, creating a new district, Hauauru, to represent Ngati Hikairo and Ngati Puhiaue.<sup>1301</sup> Tita Wetere, who moved this request, also wished to have Ngati Kauwhata, Ngati Ngamuri and Ngati Waenganui included in this district, but failed on a vote of 30 to 28.<sup>1302</sup> Of the Puniu district, (undistinguishable first name) Moerua failed to get Ngati Paretekawa changed for Ngati te Kanawa and Ngati Whaita instead of Ngati Ngutu.<sup>1303</sup> Whare Hotu moved unsuccessfully for separate representation for Ngati Paretekawa and Ngati Ngutu, in effect hoping to double the representation of Ngati Maniapoto.<sup>1304</sup> Jones suggested adding ‘sections of the Ngati Maniapoto tribe’ in the description of Puniu district and it was accepted.<sup>1305</sup> These changes were gazetted on 22 July 1948.

*Table 12: Tribal Divisions of the Tainui Tribes, 22 July 1948*<sup>1306</sup>

Geographical Location	Tribes
1. Te Puaha	a) Ngati Tipa b) Ngati Amaru
2. Tamaki-Wairoa	a) Ngati Tamaoho b) Ngati Koheriki
3. Manuka	a) Ngati Te Ata b) Te Akitai c) Ngati Paretaua
4. Rangiriri	a) Ngati Naho b) Ngati Hine c) Ngati Taratikitiki d) Ngati Pou
5. Waahi	a) Ngati Mahuta (northern Section)

<sup>1300</sup> ‘Notes of Meeting of Tainui Trust Board held at Ngaruawhia on 9<sup>th</sup> October, 1947’, pp1-3, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1212-1214.

<sup>1301</sup> *ibid*, p2. SP, p1213.

<sup>1302</sup> *ibid*, pp2-3. SP, pp1212-1213.

<sup>1303</sup> *ibid*, p3. SP, p1214.

<sup>1304</sup> *ibid*.

<sup>1305</sup> *ibid*.

<sup>1306</sup> *New Zealand Gazette*, no.41, p906, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1232.

	b) Ngati Whawhakia c) Ngati Kuirangi
6. Te Hoe-Tauhei	a) Ngati Wairere b) Ngati Makirangi
7. Pukemoremore	a) Ngati Haua
8. Turangawaewae	a) Ngati Mahuta (southern section) b) Ngati Te Wehi
9. Tainui	a) Tainui b) Ngati Tahinga
10. Whatawhata	a) Ngati Mahanga b) Ngati Tamainupo
11. Rangiaowhia	a) Ngati Apakura
12. Hauauru	a) Ngati Hikairo b) Ngati Puhiawe
13. Parawera	a) Ngati Ruru b) Ngati Werokoko
14. Puniu	a) Ngati Paretেকawa b) Ngati Ngutu (sections of the Maniapoto Tribe)
15. Kemureti	a) Ngati Koroki b) Ngati Raukawa ki Panehakua

Discussion then moved to the member appointed by the Maori King and the election of a new board. Frustratingly, the minutes of this discussion are brief and seem somewhat fragmented. However, it is clear that the meeting ended with some dissatisfaction. Tita Wetere and Wetere Wetere are recorded to have objected ‘to the King having a member to represent him on the Board.’<sup>1307</sup> At this point Tanawhea Te Hau ‘spoke with great heat on the question of the Board. He said that because the Chairman would not agree to an election of a new Board during the meeting he was disobeying the Prime Minister’s instructions [and] acting wrongly.’<sup>1308</sup> Tokoroa Poihipi then defended Jones, stating that he had been appointed by the King and that he should continue until time of the elections. In response, Pahi Moke asserted that ‘from the beginning until the present all the matters affecting the people had been settled by two or three and he thought that the whole of the people should be allowed to make decisions.’<sup>1309</sup> According to the minutes, the meeting ended with it being ‘unanimously agreed that the King’s representative to the Board was a matter for the Kahui Ariki to decide and not for the people.’<sup>1310</sup> According to a petition submitted at a later date,

<sup>1307</sup> ‘Notes of Meeting of Tainui Trust Board held at Ngaruawhia on 9<sup>th</sup> October, 1947’, p3, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1212.

<sup>1308</sup> *ibid*, p4. SP, p1211.

<sup>1309</sup> *ibid*.

<sup>1310</sup> *ibid*.

in which this meeting was raised as evidence of the ‘dictatorial’ nature of the Tainui Trust Board, it was noted that Under Secretary Shepherd had been elected chairman of the meeting.<sup>1311</sup> Significantly, judging from the above statements, particularly those of Tanawhea Te Hau, it would appear that some felt that ‘a full and free’ discussion had not been held regarding the re-election of the Board, which had been agreed at the September hui and directed by Prime Minister Fraser.<sup>1312</sup>

After the above hui, there is little correspondence on file relating to the described dispute until mid 1948. On 14 July 1948, in a letter to the Under Secretary of Maori Affairs, Jones made it clear that elections were to be held late in 1948. The Waikato Maniapoto Maori Claims Settlement Act specified that the first members were to hold office until 31 August 1949 (sec 7(b)), suggesting that although an election had not been agreed to at the earlier meeting that, some months afterwards, steps were put in place for an early election. Jones requested from the Under Secretary of Maori Affairs the supply of the ‘present set-up of the tribal division areas as [per] the outcome of the meeting held at Ngaruawahia’ as nominations for elections needed to be made at least three months before they proceeded.<sup>1313</sup>

Meanwhile, the ‘48 tribes of Waikato-Maniapoto-Ngati Haua’ renewed their opposition to the settlement and the Tainui Trust Board. Fraser was invited to a hui on 26 June 1948 at Rukumoana to further discuss the issues. George Turner (Hori Tana) opened discussions by stating that he was a descendent of Rewi Maniapoto ‘who fought nowhere else but on his own land.’ He believed that those that fought and suffered most were entitled to compensation. Therefore, he ‘considered that the people of Maniapoto should have been provided for in the settlement’.<sup>1314</sup> Te Hau Tanawhea and others returned to arguments made previously, demanding that land should be returned as it had been taken. ‘The people do not want the money....’<sup>1315</sup> They also reiterated their issues with the creation and

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<sup>1311</sup> ‘Petition 90/1948 of Te Hau Tanawhea, Mania Moeroa, Phillip Te Kata, Hori Tana (George Turner), Hipirini Te Kata, Haami Te Hira’, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1327-1328.

<sup>1312</sup> See invitation distributed for meeting, ‘Notice of Meeting, Tainui Maori Trust Board’, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1192-1193.

<sup>1313</sup> Pei Te Hurinui Jones to Under Secretary Maori Affairs, 14 July 1948, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1231.

<sup>1314</sup> ‘Notes of the representations made to the Right Hon. the Minister of Maori Affairs at Rukumoana on Saturday 26 June 1948’, pp1-2, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1314-1315.

<sup>1315</sup> *ibid*, p2. SP, p1315.



operation of the Tainui Trust Board.<sup>1316</sup> Rore Erueti, perhaps there on behalf of the Tainui Trust Board and in defence of the settlement, rejected the points raised by these speakers and noted that George Turner and Te Hau Tanawhea had been offered membership on the Board but had refused.<sup>1317</sup> Fraser's reply categorically rejected the notion of returning the land: 'It [the Government] could not give them their land back, because the present owners could not be put off.'<sup>1318</sup> Fraser continued, stating that the decision had been made to settle through compensation, a deal had been reached, and 'it would be kept.'<sup>1319</sup> In regard to the Board, he encouraged those gathered to attempt to gain membership, stating that '[a] new Board would be elected in October.'<sup>1320</sup> He went on to implore those present to 'look forward with pride' and utilise the opportunities presented by the Board.

Following this official address, in what almost seems to be an afterword, Pahi Moke raised the general point that he 'would like the Minister to consider the inclusion of the whole of Ngati Maniapoto.' Fraser's reply was brief and blunt: 'the Maniapoto did not have their lands confiscated.' Pahi Moke continued, arguing that 'the Maniapoto people had suffered greatly in the fight.'<sup>1321</sup> The transcript ends at that moment. It is unknown if this discussion continued after this point. However, it is abundantly clear that Fraser maintained the position of other politicians and officials discussed in this chapter and was unwilling to examine the issue of raupatu in a broader context of its flow-on effects for the hosts of the displaced peoples, or in the context of harm wrought by the war itself. Focus was placed firmly on the land within the confiscated area, and the descendants of the owners of those lands. Consideration of Ngati Maniapoto grievances was limited to their established land interests within the Waikato Confiscation area. As noted earlier, some Ngati Maniapoto, held that their interest in these lands were not well defined, but attempts to have this rectified were to no avail.

On 23 September 1948, Mania Moerua, Te Hau Tanawhea and Sam Te Hira were again in Wellington demanding of Fraser a definite answer to their issues raised in Petition

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<sup>1316</sup> *ibid*, pp2-3. SP, p1315-1316.

<sup>1317</sup> *ibid*, p3. SP, p1316.

<sup>1318</sup> *ibid*, p4. SP, p1317.

<sup>1319</sup> *ibid*, p3. SP, p1316.

<sup>1320</sup> *ibid*, p4. SP, p1317.

<sup>1321</sup> *ibid*, p6. SP, p1319.

32/1947.<sup>1322</sup> Fraser reiterated what had been said earlier at Rukumoana. The settlement had been made with the consent of the ‘overwhelming’ majority of Waikato Maori and would not be altered.<sup>1323</sup> The only possible scenario where a change could be initiated was if a ‘general meeting of all the tribes at Ngaruawahia’ with King Koroki’s approval called for the deal to be altered, not just a section of the people. Even then it was not guaranteed.<sup>1324</sup> Fraser stated that although he ‘understood that through the earnestness of the people they had missed the opportunity to nominate their member for the Board’ an exception would be made.<sup>1325</sup> In effect, he encouraged them to ensure that they gained representation on the Board. Fraser’s comments appear to have been in response to another letter of protest written by the ‘48 tribes’ on 13 September 1948, claiming they were not notified of the need to submit nominations.<sup>1326</sup>

In October 1948, according to the accounts of Jones and Te Puea, the leaders of the ‘48 Tribes’ arranged a representative meeting at Ngaruawahia, as Fraser had described, in an effort to have the Tainui Trust Board abolished.<sup>1327</sup> A resolution was passed to that effect.<sup>1328</sup> Pei Te Hurinui’s letter describing the events stated that he attended the early stages of the hui and informed them that it had been convened unofficially and no proper notice had been provided. He had stressed to them to nominate members for the upcoming elections.<sup>1329</sup> Te Puea noted that neither she nor King Koroki were present at this hui.<sup>1330</sup> The meeting was officially ignored.

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<sup>1322</sup> ‘Minutes of the Representations made to Minister of Maori Affairs (RT. HON. P. Fraser), at Parliament Buildings, Wellington, 23 September 1948’, p1, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1320-1324.

<sup>1323</sup> *ibid*, pp2-3. SP, pp1221-1222.

<sup>1324</sup> *ibid*, p3. SP, p1222.

<sup>1325</sup> *ibid*.

<sup>1326</sup> Te Hau Tanawhea and others to Fraser, 13 September 1948, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p

<sup>1327</sup> Pei Te Hurinui Jones to Under Secretary of Maori Affairs, 25 October 1948, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, SP, pp1242-1245; Te Puea Herangi to Fraser, 11 October 1948, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1325-1326.

<sup>1328</sup> Pei Te Hurinui Jones to Under Secretary of Maori Affairs, 25 October 1948, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, pp1242-1245

<sup>1329</sup> *ibid*.

<sup>1330</sup> Te Puea Herangi to Fraser, 11 October 1948, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1325-1326.

In November 1948, elections for the Tainui Maori Trust Board were held.<sup>1331</sup> Significantly, it appears that none of the prominent leaders of the '48 Tribes' had been nominated for the elections. The exception was Tita Wetere, who after the meeting of 9 October 1947 that had decided the new tribal divisions of the Board, does not seem to have either attended subsequent hui or been party to petitions from the '48 tribes'. He was elected member for Hauauru (Ngati Hikairo).<sup>1332</sup> On 17 November 1950, Tita Wetere became the vice Chairman of the Tainui Maori Trust Board.<sup>1333</sup>

Rather than submit nominations, Mania Moerua, Phillip Te Keta, Hori Tana (George Turner) and Haami Te Hira (Sam Hill) had submitted another petition of protest regarding the settlement and the Tainui Maori Trust Board.<sup>1334</sup> The Maori Affairs Committee made no recommendation regarding the petition.<sup>1335</sup> On 20 November 1948, Raureti Te Huia of the Puniu Tribal Division Committee (of the Tainui Maori Trust Board) wrote to Walter Nash, the acting Minister of Maori Affairs, stating that his committee formally disagreed with the Petition.<sup>1336</sup> On 5 April 1949, a letter from Te Hau Tanawhea expressed his disappointment at the lack of recommendation from the Maori Affairs Committee: '[n]aturally their[sic] was very great disappointment and a resolution asking the people to work for greater unity among the Waikatos as a means of achieving greater and better understanding of their many problems was unanimously carried'.<sup>1337</sup> Judging from this resolution, it seems that the issue was to be put to rest, at least for the present time.

Following the above exchange, the files of the Tainui Maori Trust Board, which cover the period up to 1955, contain little evidence of further protest from these leaders. Disputes that did arise focused on specific aspects of the Tainui Maori Trust Board's administration, for

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<sup>1331</sup> 'Tainui Maori Trust Board. Board Members elected by Poll 27 Nov. 1948.' AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1253.

<sup>1332</sup> *ibid.*

<sup>1333</sup> Under Secretary of Maori Affairs to Secretary of Tainui Maori Trust Board, 17 November 1950, AAMK 869 W3074 869 26/13/2, part 1, Trust Boards – Tainui Trust Board- Appointment of Members, 1946-1955, ANZ Wellington. SP, p1276.

<sup>1334</sup> 'Petition 90/1948 of Te Hau Tanawhea, Mania Moerua, Phillip Te Kata, Hori Tana (George Turner), Hipirini Te Kata, Haami Te Hira', AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, pp1327-1328.

<sup>1335</sup> *AJHR* 1947, I3, p19.

<sup>1336</sup> Raureti Te Huia to Nash, 20 November 1948, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, p1329.

<sup>1337</sup> Tanawhea Te Hau to Fraser, 5 April 1949, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, p2271.

example the board's involvement with the Turangawaewae Sawmilling Company.<sup>1338</sup>

However, files have not been examined past the mid-1950s.

### **Post Settlement petitions regarding Rohe Potae hapu and iwi interests in the Waikato Confiscation area.**

Two petitions lodged by Ngati Maniapoto and Ngati Apakura after the Waikato-Maniapoto Maori Settlement Act provide further evidence that Rohe Potae hapu and iwi continued efforts to have their specific raupatu grievances heard and remedied. The first petition, dated 31 March 1947, was lodged by Raureti Te Huia on behalf of the 'Maoris of the Ngati Ngutu and Ngati Paretekawa Tribes' with respect to confiscated land within the Mangapiko and Puniu parishes.<sup>1339</sup> The second petition was submitted by Karena Tamaki and 57 others of Ngati Apakura and Ngati Puhiawe regarding lands confiscated in the Parish of Ngaroto.<sup>1340</sup> These efforts were to be frustrated, because, while their claims were investigated by the Native Land Court, they were rendered void on the basis that the Court believed the Waikato Maniapoto Maori Claims Settlement Act had brought full and final settlement to all raupatu claims. As described above, Raureti Te Huia and Karena Tamaki were members of the Tainui Maori Trust Board. The submission of these petitions indicates they did not consider the settlement as having sufficiently recognised the specific claims of Ngati Ngutu, Ngati Paretekawa, Ngati Apakura and Ngati Puhiawe.

Vincent O'Malley has described the events and history of the petition of Raureti Te Huia in some detail, therefore this chapter will primarily focus on the claim of Karena Tamaki.<sup>1341</sup> However, it is important to summarise a few key points regarding the first petition. Due to their similar content, the two petitions were forwarded together from the Maori Affairs Committee to the Government for investigation. In April 1948, the petition was heard alongside that of Karena Tamaki by Judge Beechey in Te Awamutu.<sup>1342</sup> However, Karena Tamaki was not present at the hearing due to sickness. Rore Erueti presented some evidence

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<sup>1338</sup> See for example, Ngatokorua Mahara (and 27 others) to Corbett (Minister of Maori Affairs), 10 October 1953, AAMK 869 W3074 810a 26/13 part 1 Trust Boards – Tainui Trust Board- General File, 1946-1953, ANZ Wellington. SP, p1330-1331.

<sup>1339</sup> LE1 1947/16 in Mitchell, 'King Country Petitions Document Bank', pp2815-2816.

<sup>1340</sup> Petitions Nos. 15 and 29/1947: Papers held in the Department of Survey and Land Information, Hamilton (Te Awamutu district), File 2 Petition No.29/1947, Chronological Sketch in RDB, vol.99, pp37880-37882.

<sup>1341</sup> O'Malley, 'War and Raupatu' pp817-820.

<sup>1342</sup> Petitions Nos. 15 and 29/1947: Papers held in the Department of Survey and Land Information, Hamilton (Te Awamutu district), File 12, Minutes of sitting of Maori Land Court to hear petitions from Raureti Te Huia and Karena Tamaki in RDB, vol.99, pp37990-38001.

relevant to the petition on his behalf, but the hearing predominately focused on the petition of Raureti Te Huia.<sup>1343</sup> Raureti Te Huia argued that much of the land described in his petition (paragraphs 3-8) was land confiscated then returned by the Crown to the wrong Maori and, in some cases, sold by the Crown to Pakeha.<sup>1344</sup> He wished this land to be returned or compensation given to Ngati Ngutu and Ngati Paretekawa.

Judge Beechey soon came to the conclusion that there was little point proceeding with the detail of the matter if the 1946 Settlement Act was intended to be a full and final settlement of all claims regarding the Waikato raupatu.<sup>1345</sup> Raureti Te Huia argued that the issues he raised were not encompassed by the Act. He stated that the land at stake was returned land, thus it was no longer confiscated land as such, and consequently was not subject to the Settlement Act.<sup>1346</sup> Judge Beechey rejected this logic stating that this issue still arose due to the original confiscation of the land.<sup>1347</sup> Judge Beechey also asked whether this claim had been raised prior to the 1946 Settlement, to which Raureti Te Huia replied that it had not.<sup>1348</sup> It is a mystery as to why he made this comment, as O'Malley has shown the history of these claims dating back to 1910. Significantly, Raureti Te Huia had lodged a similar petition in 1923 of which O'Malley considers 'a lost opportunity' for some specific Ngati Maniapoto grievances to be heard before the Sim Commission.<sup>1349</sup> In the final report regarding the petition, Judge Beechey rejected the claims of paragraphs 3-8 of the petition on the grounds that they had been settled by the Waikato-Maniapoto Maori Claims Settlement Act.<sup>1350</sup>

In May 1948, the petition of Karena Tamaki was brought before the Court for a full hearing.<sup>1351</sup> The hearing extended over several days of Court time, lasting several months. Pei Te Hurinui Jones represented the petitioners.<sup>1352</sup> Like the claim of Raureti Te Huia, the petition primarily dealt with issues surrounding returned lands or, in this case, the lack

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<sup>1343</sup> *ibid*, pp37994-37998.

<sup>1344</sup> *ibid*, p37994.

<sup>1345</sup> *ibid*, p37998.

<sup>1346</sup> *ibid*, p38000.

<sup>1347</sup> *ibid*, p38000.

<sup>1348</sup> *ibid*, pp38000-38001.

<sup>1349</sup> O'Malley, 'War and Raupatu', pp819-820.

<sup>1350</sup> *AJHR* 1950, G6, pp2-3.

<sup>1351</sup> Petitions Nos. 15 and 29/1947: Papers held in the Department of Survey and Land Information, Hamilton (Te Awamutu district), File 13, Minutes of sitting of Maori Land Court to hear petition No29/1947, Karena Tamaki and 57 others, Ngaurawahia, in RDB, vol.99, pp38003-38026.

<sup>1352</sup> *ibid*.

thereof for Ngati Apakura.<sup>1353</sup> If its claims were found to be correct, the petition requested that the appropriate compensation be paid to Ngati Apakura. Jones did not launch an elaborate defence as to why the issues of this petition were not covered by the 1946 Act.<sup>1354</sup> His principal argument in this regard was summarised by the findings of the Court in this way:

Mr. Jones, for the petitioner, while admitting the force of this submission [regarding the 1946 Act], contended, nevertheless, that the claim arose not through the original confiscation of land, but through what was termed a further confiscation by the Crown granting to Europeans an area of 4,500 acres that had earlier been set aside especially for return to the Ngati Apakura.<sup>1355</sup>

Primarily, Jones saw the hearing as an opportunity to present to the Court the history of Ngati Apakura's suffering before, during and after confiscation.<sup>1356</sup> He also argued that it had been the responsibility of the Maori Affairs Committee to find that the claim was void or not due to the 1946 Act, not his own.<sup>1357</sup> Having been referred to the Court, he would not lose the opportunity to present the case in full.<sup>1358</sup> He hoped that even if the case was found to be void, that it would lay the foundation for the future settlement of the claim for Ngati Apakura: 'later on... these people [Apakura] will be able to go to Parliament and say – "Now, you are possessed of the full facts of the case. We would like to know how the Government and Parliament propose to deal with it."<sup>1359</sup> Despite the protest of Lands and Survey Department representatives, the case proceeded to be heard in detail.<sup>1360</sup> Jones called several witnesses who presented Ngati Apakura's case.<sup>1361</sup>

On 12 October 1948, after an adjournment to gather information, the Crown presented a detailed case refuting the Ngati Apakura claim.<sup>1362</sup> The evidence of the case cannot be examined in detail here, but essentially the Crown argued that the petitioners had been operating on the basis of several misunderstandings.<sup>1363</sup> The most important of these was the

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<sup>1353</sup> *ibid*, p38003.

<sup>1354</sup> *ibid*, p38004.

<sup>1355</sup> *AJHR* 1947, G6c, pp1-2.

<sup>1356</sup> Petitions Nos. 15 and 29/1947: Papers held in the Department of Survey and Land Information, Hamilton (Te Awamutu district), File 13, Minutes of sitting of Maori Land Court to hear petition No29/1947, Karena Tamaki and 57 others, Ngaruawahia, in RDB, vol.99, pp38003-38004, 38025.

<sup>1357</sup> *ibid*, p38004.

<sup>1358</sup> *ibid*.

<sup>1359</sup> *ibid*, p38005.

<sup>1360</sup> *ibid*, pp38005-38006.

<sup>1361</sup> *ibid*, pp38006-38025.

<sup>1362</sup> *ibid*, pp38028-38070.

<sup>1363</sup> *AJHR* 1947, G6c, p2.

incorrect assumption that an area of around 4,500 acres had been allocated to Ngati Apakura by the Crown and that the Crown later resumed ownership of this land.<sup>1364</sup> Rather, Beechey's final report on the case asserted, based on Crown evidence, that Ngati Apakura had been eligible for the return of land but had received none due to their failure 'to take advantage of the opportunities that were offered by the Government to both friendly and rebel Natives to have land restored to them...apparently from their own apathy and the feeling of bitterness and distrust they held toward the Government.'<sup>1365</sup>

In his closings, Jones accepted that the Crown evidence had undermined several key claims posited in the petition, but maintained that the evidence still clearly showed 'that the Ngatiapakuras were the worst sufferers' in confiscation, despite subsequent efforts 'to ameliorate their condition.'<sup>1366</sup> On this foundation, he argued that Ngati Apakura were eligible for separate compensation to that which had been made available through the Tainui Trust Board. He stated that Ngati Apakura themselves did not want to take 'relief' at the 'expense of the other sections of Waikato' as the settlement was already small enough.<sup>1367</sup> Though dismissing the petition as erroneous, Beechey's final report acknowledged that the hearing 'proved that the two sub-tribes did suffer as the result of confiscation to a greater extent perhaps than other sections of the Waikatos'.<sup>1368</sup> However, he categorically rejected the notion of separate compensation other than that offered by the 1946 Act. He believed it was 'abundantly clear from the wording of the preamble' that the settlement was full and final. Therefore, it was argued that the Tainui Maori Trust Board held responsibility to administer the compensation fund in order to provide for any 'special damage' done to Ngati Apakura and Ngati Puhiawe.<sup>1369</sup>

## Conclusion

Although established to investigate all major raupatu claims, the Sim Commission did not hear evidence from Ngati Maniapoto regarding their specific grievances concerning raupatu. The basis of this exclusion was the assumption of the Commission, and other officials, that

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<sup>1364</sup> *ibid*, p3.

<sup>1365</sup> *ibid*, p3.

<sup>1366</sup> Petitions Nos. 15 and 29/1947: Papers held in the Department of Survey and Land Information, Hamilton (Te Awamutu district), File 14, Minutes of sitting of Maori Land Court to hear petition No29/1947, Karena Tamaki and 57 others, Ngaruawahia, in RDB, vol.99, pp38068-38070.

<sup>1367</sup> *ibid*, p38070.

<sup>1368</sup> *AJHR* 1947, G6c, p3.

<sup>1369</sup> *ibid*, pp4-5.

Ngati Maniapoto tribal boundaries lay outside the confiscation area and accordingly they held no interests, or very little, in land that was confiscated. In fact, evidence heard before the Sim Commission presented Ngati Maniapoto as the primary aggressor in the wars of the 1860s, suggesting that it was them, not northern iwi, who should have had their land confiscated. Although more muted in the final report, this perspective was expressed in the findings of the Commission. In addition, the narrow parameters of the Sim Commission prevented any consideration of the broader impact of raupatu on surrounding areas, including the social and economic consequences of the influx of northern iwi into the area south of the confiscation line. In 1927, two petitions expressed Ngati Maniapoto concerns regarding the findings of the Sim Commission. The petitioners asserted that Ngati Maniapoto held significant interests north of Puniu and desired that their specific raupatu grievances be heard by the Commission. These requests were denied.

The investigation of five different districts (Taranaki, Waikato, Tauranga, Bay of Plenty, Hawkes Bay and North Auckland) and the limited time period for inquiry provided minimal scope for the detailed analysis of the issues of particular tribes. In addition, the Commission's examination of specific issues was guided by the petitions which had been referred to it. During the hearing concerning Waikato, it was decided by claimants and counsel that they would concentrate the claim on the overall justice of the war and raupatu, rather than the specific issues of individual tribes. In this way, other issues of hapu and iwi of the Rohe Potae that concerned raupatu were only examined in this broadest, although important, sense. However, before this decision was made, Ngati Apakura had the opportunity to present some specific concerns before the Commission.

Following the Commission, between 1935 and 1946, a period of negotiation began, aimed at reaching a settlement between the Government and representatives of Waikato iwi. Controversy among the Waikato delegates was evident from the outset. Some Waikato Maori, particularly Ngati Haua, under the banner of the Kauhanganui, believed the delegates selected were not fully representative of those affected by confiscation. This group appears to have had support from some Ngati Hikairo and Ngati Maniapoto. Ngati Maniapoto also continued to independently voice their concerns regarding their lack of inclusion in the official process of negotiation. No formal process for officially selecting representatives to negotiate with the Government or to ensure that they were sufficiently representative of



those affected by confiscation appears to have been put in place. Te Puea and King Koroki's approval seem to have been the only measure in this regard. Compounding the sense of injustice held by those who wished to be involved in the negotiations process, the Government made very little effort to engage, discuss and understand their issues when they were raised.

The tension peaked when an agreement was reached in April 1946. The evidence examined in this chapter indicates that the decision to accept the settlement was certainly not unanimous and created considerable tension at the hui. However, the extent and size of this opposition is difficult to determine. The Government believed it had gained the consent for the settlement of the majority in a public forum and, perhaps more importantly, the consequent official approval of those who they considered the 'accredited' representatives of King Koroki. However, similar to the negotiations, no formal processes to ensure that the settlement had the approval of the majority of the tribal leaderships were in place. In fact, according to Jones' account of the hui, some important steps in the agreement process were conducted in less than open circumstances. Out of this same controversial hui, the first members for the Tainui Maori Trust Board were nominated by those that had approved the settlement.

Not surprisingly, this controversy continued after the passing of the Waikato-Maniapoto Maori Claims Settlement Act and the establishment of the Tainui Maori Trust Board. Protest focused on what was considered by the opposition to be the dubious method of appointment of the first Board. Although technically following the provisions of the 1946 Act and apparently to be approved by the people, Jones admitted that he thought that it was wise to exclude those leaders who had opposed the settlement in order to achieve stability in the first term of the Board. Protest also surrounded the Board's efforts to define which tribes and corresponding 'districts' would be the beneficiaries of the compensation fund. The following hapu and iwi of the Rohe Potae inquiry district were included in the first regulations formulated by the Trust Board: Ngati Apakura, Tainui, Ngati Tamainupo, Ngati Tahinga, Ngati Mahanga, Ngati Ngutu, Ngati Paretekawa, Ngati Ruru, Ngati te Werokoko, Ngati Koroki and Ngati Raukawa ki Panehakura.

Under increasing pressure from deputations and petitions, the Government increased its efforts to reconcile these groups. However, Fraser and other officials involved were determined to make clear that there would be no re-negotiation of the settlement, encouraging those opposed to it to participate in the opportunities presented by the Trust Board. After meeting a deputation of the '48 tribes' it was decided by Fraser to call a meeting of all the beneficiaries of the Tainui Trust Board to discuss the tribal divisions and the possible re-election of the Board. At the subsequent hui, new tribal divisions were established which resulted in the inclusion of representation for Ngati Hikairo and Ngati Haua on the Board as well as some other changes. Significantly, some considered that an open discussion of the re-election did not occur at this meeting, which contributed to further ill feeling. However, soon after, early elections were scheduled for late 1948. In the event, only one of the leaders of those who had opposed the settlement and Trust Board took the opportunity to attain membership on the Board. Further petitions and efforts to gather support amongst Waikato were undertaken. These were unsuccessful and largely ignored by the Government, and the opposition seems to have faded from this time.

Although certain tribes of the Rohe Potae were represented on the Tainui Maori Trust Board it seems unlikely that Rohe Potae Maori considered their raupatu grievances to be fully settled. Petitions following the settlement by Ngati Apakura and Ngati Puhiaawe as well as Ngati Ngutu and Ngati Paretekawa demonstrate continued efforts to have specific grievances heard and compensated. In addition, Ngati Maniapoto never received the full inquiry into their specific war and raupatu grievances that they had clearly desired.

## Conclusion

The relationship between Rohe Potae Maori and the Government between 1914 and 1939 was largely characterized by frustration and disappointment. Each of the four significant issues examined in this report demonstrates this dissatisfaction in different ways. When considered together, they provide important insight into the broader relationship that developed over this time.

The period began with the First World War, a struggle of the British Empire against its enemies, which the New Zealand Government loyally supported. With the formation of a Maori Contingent, Rohe Potae Maori men, particularly Ngati Maniapoto, volunteered in some numbers in the initial rounds of recruitment. From this time, enlistment remained relatively consistent until June 1917, when it was publically announced that Maori conscription would be introduced. Enlistment appears to have been encouraged by the tribal leadership especially in the early months of the war, however tension between the Government and Ngati Maniapoto leadership regarding the deployment of the Maori Contingent in combat was evident in May 1915. In this basic sense, their support for the Government was strong enough to sustain voluntary participation in the war. Although publicly declaring that they allowed their men to choose service, Waikato and Kingitanga leaders appear to have actively discouraged participation in the war from its outbreak. As a result, almost no enlistment was recorded from the Waikato.

In the context of decreasing Maori and Pakeha volunteers, in August 1916 the Military Service Act was passed containing provisions for conscription. On the insistence of the Maori Members of Parliament, the Act included provisions for the separate conscription of Maori men. It was made clear that the intention was to only conscript from those tribes that had not volunteered. However, in reality there was one target – the ‘Waikatos.’ Allen, the Minister of Defence, and the Maori Members decided to use Maori Land Districts as a basis for the planned conscription in order that the Waikato-Maniapoto Maori Land District could be used to target the ‘Waikatos’ specifically. No plans were formulated for the application of conscription in those other Maori Land Districts where rates of volunteers were low. It was also decided to use the dubious practice of compiling the Maori register for conscription

from Maori Census data in order to overcome the expected low turnout. Significantly, the Waikato-Maniapoto Maori Land District included areas where tribes had volunteered, including Hauraki and the Rohe Potae, undermining the official justification of attempting to restore 'equality of sacrifice'. Importantly, just prior to the application of conscription, Rohe Potae Maori leaders in Mokau, Otorohanga and Te Kuiti all expressed a desire for more information regarding conscription, suggesting they wished to discuss the issue with Government officials. Essentially, a coercive form of engagement was pursued by the Government rather than continued dialogue with the leaders of the Waikato and the Rohe Potae.

The application of conscription in the Rohe Potae was a failure. Low turnout for registration and medical examination in the main centres of Kawhia, Raglan, Te Kuiti and Otorohanga suggest that many Maori objected to conscription. However, no direct statements by Ngati Maniapoto leaders have been found to confirm a definite position of opposition. Kawhia and Raglan Maori appear to have more openly supported the Kingitanga's opposition to conscription. The examination of the official notification process also revealed further evidence of dubious practice. For example, unregistered letters of notification were used, when statute required them to be registered. As drafts were called, it seems that some balloted men from Ngati Maniapoto and the Rohe Potae joined Te Puea's organised resistance to conscription. Through the determined effort of the Government to enforce their authority on the perceived disloyalty of the 'Waikatos', Ngati Maniapoto's loyal service was 'punished' by having conscription applied. Judging from the evidence examined in this report, Government actions following the First World War did not reveal a strengthening of the relationship as a consequence of this loyal service.

Following the war, the defunct Maori Council system was placed under the control of the Health Department where it experienced a period of rejuvenation. These Health Councils represented the only Government sanctioned body for Maori regional self-government operating in the district between 1914 and 1939. In the Rohe Potae, the Maniapoto Maori Council administered much of the inquiry district, with the exception of the area around Kawhia Harbour stretching north to Raglan Harbour. These areas were part of the Waikato Maori Council District. Although this district had no functioning official Maori Council throughout the period, Kingitanga councils were in operation in these areas. In the late

1930s, the Taumarunui Maori Council was established, which formed a new district out of parts of the existing Maniapoto, Whanganui and Tongariro districts. Councils were empowered to produce bylaws approved by the Government for enforcement in their districts.

Despite the new energy instilled in the system by Te Rangi Hiroa, it inherited many of the weaknesses of the original council setup. The most important of these faults was the lack of provision for councils to financially support themselves or to obtain adequate Government support. Without the right to collect dog registration tax or a system for rating land, the only source of income available to the Councils was the collection of fines through the enforcement of their bylaws on their own communities. However, they lacked the power to adequately enforce fines or sustain their collection. The Health Act 1920 provided for the subsidy of the councils' administration costs, however the evidence examined in this report suggests the Maniapoto Maori Council and the Taumarunui Maori Council never received such subsidies. Given the inability of the councils to sustain their operations, this lack of subsidy assumes critical importance, condemning the system to failure. This was noted by the Government officials at the time, such as the Director General of Health in 1936.

Even with these fundamental faults, Ngati Maniapoto enthusiastically used the system for what it could offer. Additional bylaws were established to control the drinking of methylated spirits in the district, which seem to have been successfully enforced during the early 1930s. Sanitary works were completed at several locations in the district, although attaining Government subsidy for these projects was difficult. Demonstrating that the Council attracted prominent Ngati Maniapoto leaders, members were actively involved in issues examined in other parts of this report. Supported by Department of Health officials, members consistently requested reform regarding enforcement of bylaws, fine collection, dog tax and subsidy for administration. The requests provide evidence of Maori discontent with the structures provided by the Government for political engagement. However, amendment does not appear to have been a high priority for the Native Department, which wanted to wait until such a time as the whole system could be considered. However, this time was never specified. It was not until the beginning of the Second World War that serious discussion began on overhauling the Council system. This came too late for the Councils of this inquiry district, which ceased to operate in the late 1930s. The collapse of

the system represented the failure of official support for even the very limited Maori self-government in the district, which stood in marked contrast to the rapid growth of the Pakeha dominated county and borough local government in the district from 1900.

The protracted struggle over the significant regional issue of liquor licensing provides insight into the gradual loss of authority and influence of Rohe Potae hapu and iwi leadership within their own district since the 1880s. In the 1880s, as one outcome of a complex period of negotiation between Rohe Potae leadership and the Government regarding the future of the region, the district was proclaimed a no-license area. By 1914, the no-license proclamations and associated legislation developed into a battleground between the increasingly powerful King Country local government and the temperance movement. After being central to its establishment, the tangata whenua of the Rohe Potae were by this time only one group vying for Government attention regarding the issue. Rather than being able to discuss and amend the legislation with the Government as party to an agreement, like other interest groups, engagement was essentially limited to protest.

By the mid 1920s, the no-license legislation had become a rallying point and a potent symbol for what had been lost since the 1880s for the majority of Maori leadership in the Rohe Potae. Following the Hockley Committee of 1922 a strong movement led by Tuwhakaririka Patena of Ngati Maniapoto emerged to have the agreements regarding liquor and similar promises regarding rates to be honoured by the Government. This movement had the support of temperance groups and the Kingitanga in their efforts to maintain the no-license legislation. In the case of both liquor and rates, Pakeha-dominated King Country local government represented a determined opponent to Rohe Potae leadership objectives, petitioning Government for change in the interests of their constituents. Although Maori met with little success regarding rates, with temperance support they succeeded in maintaining the no-license legislation for a considerable period.

However, as the political landscape shifted away from temperance sentiment and successive Government inquiries undermined the defence of an immutable pact, Rohe Potae leadership's influence over the issue was further diminished. The 1949 referenda recommended by the RCL dealt a significant blow to any influence the Rohe Potae tribal leadership held over the issue by transferring the decision to individual Maori voters of the

district. Even though the Maori poll resulted in the continuation of no-license, as the requirement for a 60 percent majority was not attained, the door had been opened for further referenda on the issue. In addition, following the referenda the introduction of club charters and other forms of licenses began the process of the liberalisation of liquor legislation in the district. The 1954 combined referendum completed this process, with both Maori and Pakeha voting in favour of licenses.

The various attempts in the interwar years to renegotiate new agreements with the Government using the negotiations of the 1880s as a foundation were a significant undercurrent of these efforts regarding rates and liquor. For example, at the 1928 negotiations surrounding a rates 'compromise', Rohe Potae leaders requested the establishment of a trust board 'as a token on the part of the government for the agreement of our ancestors to allow the roads and railway to traverse within the King Country.' Similarly in 1936, Jones, with the support of other Maniapoto Maori Health Council members, petitioned Government requesting the establishment of a tribal trust board in the event that licenses were introduced into the district. By doing so he believed that the Government would honour the original intent of the negotiations of the 1880s, with the revenue raised through licenses being used to finance tribal health, education and welfare initiatives. Although seemingly not acceptable to all Rohe Potae Maori, he took this position again at the Royal Commission on Licensing. These requests were inspired by the establishment of similar tribal trust boards around the country. But these attempts were fruitless, with the Government ignoring both efforts. Given the failure of the Maori Council system, the requests provide evidence of the desire for the formation of a new official tribal body to facilitate welfare initiatives and self-government in the district. The establishment of such a trust board may have aided Rohe Potae Maori efforts to maintain influence in the district by providing a means of engaging directly with the Government regarding issues relevant to the region, such as rates and liquor legislation.

Following the First World War, various tribes applied pressure on Parliament to investigate their long-held historical grievances. Some groups drew on their loyal service in the war to further support their claims. Equally, the reluctance of Taranaki and Waikato tribes to serve had demonstrated that their sense of injustice regarding the conflict and raupatu of the nineteenth century remained strong. In this context, the Government established a number

of commissions to settle their various historical grievances. The Sim Commission was established to settle grievances relating to confiscation in Taranaki, Waikato, Tauranga, Bay of Plenty, Hawkes Bay and North Auckland. However, the Sim Commission did not hear evidence from Ngati Maniapoto regarding their specific grievances concerning the Waikato raupatu. It was assumed by the Commission, and other officials, that Ngati Maniapoto tribal boundaries lay outside the confiscation area and accordingly they held no interests, or very little, in land that was confiscated.

The case presented by claimant counsel before the Sim Commission presented Ngati Maniapoto as the primary aggressor in the wars of the 1860s, even suggesting that it was them, not northern iwi, who should have had their land confiscated. Although more conservatively stated in the final report, this perspective was expressed in the findings of the Commission. In addition, the narrow parameters of the Sim Commission prevented any consideration of the broader impact of the war and raupatu on surrounding areas, including the social and economic consequences of the influx of Maori from the confiscation area south into the inquiry district. These issues were highly relevant to Rohe Potae hapu and iwi. In 1927, two petitions expressed Ngati Maniapoto concerns regarding the findings of the Sim Commission. The petitioners asserted that Ngati Maniapoto held significant interests north of the Puniu and desired that their specific raupatu grievances be heard by the Commission. These requests were denied.

During the negotiations to reach a settlement between the Government and Waikato, Rohe Potae hapu and iwi continued to seek recognition of their raupatu claims as well as inclusion in the negotiation process. Ngati Haua leaders, under the banner of the Kauhanganui, believed the delegates selected to negotiate on behalf of Waikato were not fully representative of those affected by confiscation. This group appears to have had support from some Ngati Hikairo and Ngati Maniapoto leaders. Some Ngati Maniapoto also continued to independently voice their concerns regarding their exclusion in the official process of negotiation. No formal procedure appears to have been put in place for officially selecting representatives to negotiate with the Government or to ensure that they were sufficiently representative of those affected by confiscation. The controversy reached a peak at the April 1946 hui where an agreement for settlement was reached. The tension was again



exacerbated by a lack formal process for ensuring the majority of Waikato accepted the decision.

Controversy continued after the passing of the Waikato-Maniapoto Maori Claims Settlement Act 1946 and the establishment of the Tainui Maori Trust Board. Protest focused on what was considered to be the dubious method of appointment of the first Board. The Board's definition of tribes and corresponding 'districts' that would be the beneficiaries of the compensation fund was also contested. Significantly, Ngati Hikairo did not have separate representation. Under increasing pressure from deputations and petitions, the Government increased its efforts to reconcile these groups, however the Government made clear that there would be no re-negotiation of the settlement. They encouraged those opposed to the settlement to attempt to gain membership on the Board. As a result, new tribal divisions were established which resulted in the inclusion of Ngati Hikairo and Ngati Haua. Early elections were also held, however, only Tita Wetere of Hikairo took the opportunity to attain membership of those that had objected to the Board. Further unsuccessful petitions and protest were ignored by the Government. Official records examined up to 1955 suggest that opposition faded from this time.

Ngati Hikairo, Ngati Apakura, Tainui, Ngati Tamainupo, Ngati Tahinga, Ngati Mahanga, Ngati Koroki, Ngati Raukawa-ki-Panehakua, Ngati Ruru, Ngati Werokoko, Ngati Ngutu and Ngati Paretekawa were represented on the Tainui Maori Trust Board. However, it seems unlikely that Rohe Potae Maori considered their raupatu grievances to be fully settled. Petitions sent following the settlement by Ngati Apakura and Ngati Puhiawe as well as Ngati Ngutu and Ngati Paretekawa demonstrated continued efforts to have specific grievances heard and compensated. In addition, Ngati Maniapoto never received the full inquiry into their specific war and raupatu grievances that they had clearly desired.

In the four important issues examined in this report, Rohe Potae Maori struggled to achieve various political objectives through engaging with the Government. However, they were largely frustrated by the Government's response. After loyally serving the country in the First World War - during which Ngati Maniapoto and other tribes that had volunteered experienced the unjustified application of conscription - Rohe Potae Maori experienced several decades of political disappointments. Soon after the war, despite their eager adoption

and use of the Maori Council system, Ngati Maniapoto witnessed their requests to reform the legislation guiding the system ignored until their council could no longer function. Simultaneously, Rohe Potae Maori influence on key regional issues such as liquor and rates further diminished in the face of expanding Pakeha settlement and power, despite their best efforts to bring the agreements of the 1880s to Government attention. Attempts to renegotiate new agreements with the Government on foundation of those made in the 1880s were unsuccessful, including requests for the establishment of a regional trust board. This was compounded by the lack of consideration of Rohe Potae hapu and iwi war and raupatu grievances, particularly Ngati Maniapoto, before the Sim Commission and their partial representation on the Tainui Trust Board.

Judging from the issues examined in this report, demographic, economic and political change by the end of the period studied ensured that the Government had the power to engage with the tangata whenua of the Rohe Potae largely on its own terms. Any shared notion of a unique foundation for engagement on a regional level established through the negotiations of the 1880s seems to have been completely eroded by mid-century, if it had ever existed at all. Government responses to Rohe Potae efforts to protect or remind the Crown of these agreements indicate that Government representatives and officials came to consider them at best irrelevant to the mid twentieth century political relationship, and at worst that they had never been made. Other Rohe Potae hapu and iwi initiatives such as seeking consideration of war and raupatu grievances and establishing a suitable form of local self-government through the Maori Health Councils were also conducted on a timetable and within parameters largely set by the Government.

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**WAITANGI TRIBUNAL**

**CONCERNING** the Treaty of Waitangi Act 1975

**AND** the Te Rohe Pōtae Inquiry

**DIRECTION COMMISSIONING RESEARCH**

1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Jonathan Sarich, a member of the Tribunal's staff, to prepare a research report providing an overview of political engagement between the hapū and iwi of Te Rohe Pōtae inquiry district and the Crown for the Te Rohe Pōtae district inquiry from 1913 to 1939. This report should address the following matters:
  - a) Identify and describe important issues in the political relationships between hapū and iwi of this district and the Crown over the period (other than those covered in the major land reports).
  - b) What was the relationship between hapū and iwi of the Te Rohe Pōtae inquiry district and the Crown in relation to World War One? How did the local response to conscription reflect the relationship between the hapū and iwi of the district, Kingitanga and the Crown?
  - c) How did the involvement of the hapū and iwi of Te Rohe Pōtae with the Maori Health Councils reflect their relationship with the Crown?
  - d) To what extent did understandings about the Rohe Pōtae negotiations continue to influence relations with the Crown into the twentieth century? How did this political relationship play out in relation to rating and liquor issues in the district?
  - e) How were the interests of Maniapoto and other hapū and iwi of the Te Rohe Pōtae district addressed in the Simm Commission, the Waikato-Maniapoto Maori Claims Settlement Act 1946 and related petitions and negotiations?
2. The researcher will consult with affected claimant groups to determine what issues they consider to be of particular significance to their claims in respect of the above matters and to access such relevant oral and documentary information as they wish to make available.
3. The commission commenced on 18 January 2010. A complete draft of the report is to be submitted by 28 January 2011 and will be circulated to claimants and the Crown for comment.

4. The commission ends on 11 March 2011, at which time one copy of the final report must be submitted for filing in unbound form. An electronic copy of the report should also be provided in Word or Adobe Acrobat format. Indexed copies of any supporting documents or transcripts are also to be provided as soon as it is practicable after the final report is filed. The report and any subsequent evidential material based on it must be filed through the Registrar.
5. At the discretion of the Presiding Officer the commission may be extended if one or more of the following conditions apply:
  - a) the terms of the commission are changed so as to increase the scope of work;
  - b) more time is required for completing one or more project components owing to unforeseeable circumstances, such as illness or denial of access to primary sources;
  - c) the Presiding Officer directs that the services of the commissionee be temporarily reassigned to a higher priority task for the inquiry;
  - d) the commissionee is required to prepare for and/or give evidence in another inquiry during the commission period.
6. The report may be received as evidence and the author may be cross-examined on it.
7. The Registrar is to send copies of this direction to:
  - Jonathan Sarich
  - Claimant counsel and unrepresented claimants in the Te Rohe Pōtae district inquiry
  - Chief Historian, Waitangi Tribunal
  - Manager - Research / Report Writing Services, Waitangi Tribunal
  - Inquiry Supervisor, Waitangi Tribunal
  - Inquiry Facilitator, Waitangi Tribunal
  - Solicitor General, Crown Law Office
  - Director, Office of Treaty Settlements
  - Chief Executive, Crown Forestry Rental Trust
  - Chief Executive, Te Puni Kokiri

Dated at Whangarei this 29<sup>th</sup> day of September 2010.

  
Judge D J Ambler  
Presiding Officer  
**WAITANGI TRIBUNAL**