East Coast Inquiry District: An Overview of Crown-Maori Relations 1840-1986

A Scoping Report Commissioned by the Waitangi Tribunal

Wendy Hart

November 2007
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>6</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>6</td>
</tr>
<tr>
<td>Note regarding style</td>
<td>6</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>7</td>
</tr>
<tr>
<td><strong>Chapter One: Introduction</strong></td>
<td>9</td>
</tr>
<tr>
<td>1.1. The East Coast Inquiry</td>
<td>9</td>
</tr>
<tr>
<td>1.2. The Commission</td>
<td>9</td>
</tr>
<tr>
<td>1.3. Origin of the Commission</td>
<td>9</td>
</tr>
<tr>
<td>1.4. Structure of this Scoping Report</td>
<td>13</td>
</tr>
<tr>
<td>1.5. Methodology and Sources</td>
<td>13</td>
</tr>
<tr>
<td>1.6. Issues Identified by Claimants</td>
<td>16</td>
</tr>
<tr>
<td>1.6.1. The ‘Rongowhakaata Rohe’ Claim (Wai 684)</td>
<td>16</td>
</tr>
<tr>
<td>1.6.2. ‘Patutauh, Muhunga and Other Lands and Resources’ Claim (Wai 892)</td>
<td>17</td>
</tr>
<tr>
<td>1.6.3. The ‘Te Aitanga-a-Hauiti Iwi’ Claim (Wai 976)</td>
<td>17</td>
</tr>
<tr>
<td>1.6.4. The ‘Te Runanga O Te Whanau Land and Resources’ Claim (Wai 1198)</td>
<td>18</td>
</tr>
<tr>
<td>1.6.5. The Ruawaipu ‘Economic Crimes’ Claim (Wai 1271)</td>
<td>18</td>
</tr>
<tr>
<td>1.6.6. The Ruawaipu ‘Incarceration’ Claim (Wai 1284)</td>
<td>19</td>
</tr>
<tr>
<td>1.6.7. The Ruawaipu ‘Income Tax and Revenue’ Claim (Wai 1285)</td>
<td>19</td>
</tr>
<tr>
<td>1.6.8. The Ruawaipu ‘Maori Development’ Claim (Wai 1286)</td>
<td>20</td>
</tr>
<tr>
<td>1.6.9. The Ruawaipu ‘Maori Land Court’ Claim (Wai 1287)</td>
<td>21</td>
</tr>
<tr>
<td>1.6.10. The Ruawaipu ‘Rangatiratanga’ Claim (Wai 1288)</td>
<td>21</td>
</tr>
<tr>
<td>1.6.11. The Ruawaipu ‘Colonisation’ Claim (Wai 1289)</td>
<td>22</td>
</tr>
<tr>
<td>1.6.12. The Ruawaipu ‘Lands’ Claim (Wai 1291)</td>
<td>24</td>
</tr>
<tr>
<td>1.6.13. The ‘Te Whanau a Tapaeururangi o Ruawaipu’ Claim (Wai 1300)</td>
<td>24</td>
</tr>
<tr>
<td>1.6.14. The ‘Nga Uri o Ruawaipu’ Claim (Wai 1301)</td>
<td>24</td>
</tr>
<tr>
<td>1.6.15. The ‘Ruawaipu General Legislation’ Claim (Wai 1318)</td>
<td>25</td>
</tr>
<tr>
<td>1.6.16. Te Whanau a Kahu Claim (Wai 1319)</td>
<td>26</td>
</tr>
<tr>
<td>1.6.17. The Ruawaipu ‘Constitution Act 1986’ Claim (Wai 1335)</td>
<td>26</td>
</tr>
<tr>
<td>1.6.18. The Ruawaipu ‘Letters Patent 1983’ Claim (Wai 1336)</td>
<td>27</td>
</tr>
<tr>
<td>1.7. Summary of key themes presented in the Statements of Claim</td>
<td>27</td>
</tr>
<tr>
<td><strong>Part A: Political Relationship Overview</strong></td>
<td>29</td>
</tr>
<tr>
<td><strong>Chapter Two: Political Autonomy, Governance and Representation</strong></td>
<td>29</td>
</tr>
<tr>
<td>2.1. Introduction</td>
<td>29</td>
</tr>
<tr>
<td>2.2. Overview</td>
<td>29</td>
</tr>
<tr>
<td>2.2.1. Political Issues Focus Questions 1840s-1860s</td>
<td>29</td>
</tr>
<tr>
<td>2.2.2. Existing Research and Sources 1840s-1860s</td>
<td>30</td>
</tr>
<tr>
<td>2.2.3. Political Issues Focus Questions 1870s-1890s</td>
<td>38</td>
</tr>
<tr>
<td>2.2.4. Existing Research and Sources 1870s-1890s</td>
<td>39</td>
</tr>
<tr>
<td>2.2.5. Political Issues Focus Questions 1900-1945</td>
<td>41</td>
</tr>
<tr>
<td>2.2.6. Existing Research and Sources 1900-1945</td>
<td>42</td>
</tr>
<tr>
<td>2.2.7. Political Issues Focus Questions 1945-1986</td>
<td>44</td>
</tr>
<tr>
<td>2.2.8. Existing Research and Sources 1945-1986</td>
<td>44</td>
</tr>
<tr>
<td>2.3. Conclusions and Recommendations</td>
<td>48</td>
</tr>
<tr>
<td><strong>Chapter Three: East Coast Maori and Exile to the Chatham Islands/Wharekauri</strong></td>
<td>51</td>
</tr>
<tr>
<td>3.1. Introduction</td>
<td>51</td>
</tr>
<tr>
<td>3.1.1. Claims</td>
<td>51</td>
</tr>
<tr>
<td>3.2. Overview</td>
<td>53</td>
</tr>
<tr>
<td>3.2.1. Exile to the Chatham Islands Focus Questions</td>
<td>53</td>
</tr>
<tr>
<td>3.2.2. Existing Research and Sources</td>
<td>53</td>
</tr>
<tr>
<td>3.3. Conclusions and Recommendations</td>
<td>65</td>
</tr>
<tr>
<td><strong>Chapter Four: Overview of Constitutional Arrangements</strong></td>
<td>68</td>
</tr>
<tr>
<td>4.1. Introduction</td>
<td>68</td>
</tr>
<tr>
<td>4.1.1. Claims</td>
<td>68</td>
</tr>
<tr>
<td>4.2. Overview</td>
<td>70</td>
</tr>
</tbody>
</table>
Tables

Table 1: Groups of Detainees ............................................................................................................................... 57
Table 2: Demographic of Detainees .......................................................................................................................... 57
Table 3: Composition of Detainees .......................................................................................................................... 58
Table 4: Maori and General Seats: Rate of Change 1890-1990 .............................................................................. 89
Table 6: Eastern Maori Members of Parliament 1868-c1986 ................................................................................... 95
Table 7: Statistical Summary of Maori Elected to Local Bodies 1965 by District ..................................................... 103
Table 8: Maori Elected to Local Bodies at 1965 Election (Gisborne District) ................................................................. 103
Table 9: Statistical Summary of Maori Elected to Local Bodies 1968 by District ......................................................... 104
Table 10: Maori Elected to Local Bodies at 1968 Election (Gisborne District) ............................................................... 104
Table 11: Maori elected to Local Bodies at 1971 Election ............................................................................................. 105
Table 12: Statistical Summary of Maori Elected to Local Bodies 1971 by District ......................................................... 106
Table 13: Tairawhiti Districts- Maori Candidates 1974 Local Body Elections ............................................................ 107
Table 14: Maori as approximate percentages of total population 18 years and over in trial STV constituencies ................................................................. 110
Table 15: Report of Charges at Ruatoria Lock-Up 1921-1923 ................................................................. 159
Table 16: Return of particulars of summary convictions against Maoris for the calendar years 1932, 1933 and 1934 at the Magistrates’ Court. Port Awanui and Waipiro Bay (Abolished) ........................................ 161

Maps

Map 1: East Coast Inquiry District .............................................................................................................................. 8
Map 2: Local Body Boundaries .................................................................................................................................. 102

Images

Image 1: After the battle at Waerenga-a-hika, 1865 ............................................................................................. 54
Image 2: Chatham Exiles 1866 ............................................................................................................................... 55
Image 3: Maori Language Week March, Wellington [c1 August 1980] ................................................................. 135
Preface

The Author

Wendy Hart is a Research Analyst with the Waitangi Tribunal, she commenced work with the Tribunal in 2005. She has a Masters of Arts in History and a Bachelor of Arts with Honours in History from Victoria University of Wellington. She has undertaken research and report-writing assistance for the Hauraki, Central North Island and Urewera inquiries. In August 2006, she filed a research report for the Tauranga Moana inquiry (Wai 215) entitled ‘A Comparative Study of Public Works Takings in the Tauranga Moana Inquiry District’.

Acknowledgements

I would like to thank all the people who assisted me in the production of this report. Thank you especially to the East Coast inquiry facilitators and research supervisors: Kathryn Rose, Jaime Meikle, Kate MacIntyre, Mark Derby, Cathy Marr and Fiona Small, as well as the Waitangi Tribunal librarians, Beth Janes and Chris McDonald. Thanks to the records staff at the Gisborne District Council, the Auckland Museum Library, and Jody Wyllie at the Tairawhiti Museum. Thank you to staff at the National Library and the Wellington and Auckland branches of Archives New Zealand. Also thank you to the Alexander Turnbull Library Photographic Collection staff for kind permission to reproduce the images.

Note regarding style

This scoping report adopts the style conventions of the Waitangi Tribunal’s Style Guide in the main. However, some adaptations have been made for reasons of clarity and accessibility. The use of *ibid* or *op cit*, has not been employed. In multiple references to a source, subsequent references have a short title rather than simply the author’s surname. This is due to occurrences of multiple sources by the same author, and also multiple authors with the same surname.
Abbreviations

AJHR- Appendices to the Journals of the House of Representatives
ANZ- Archives New Zealand
ATL- Alexander Turnbull Library
BPP- British Parliamentary Papers (Irish University Press edition)
CFRT- Crown Forestry Rental Trust
CLO- Crown Law Office
NZPD- New Zealand Parliamentary Debates
RCC- Research Co-ordinating Committee
UTC- United Tribal Council
WT- Waitangi Tribunal
Map 1: East Coast Inquiry District
Chapter One: Introduction

1.1. The East Coast Inquiry

The East Coast inquiry district encompasses groups from Ngati Porou, Ngati Uepohatu, Ruawaipu, Te Aitanga a Hauiti, Te Whanau-a-Apanui, Te Aitanga a Mahaki, Rongowhakaata and other East Coast iwi and hapu.\(^1\) It covers an area from Gisborne in the south to just south of Cape Runaway in the north, and inland to the Raukumara Range and the Waipaoa River.

1.2. The Commission

The commission directed that a scoping report be prepared on the feasibility of further historical research for political, justice and legislation issues arising in the East Coast inquiry district, covering the period from 1840 to the enactment of the New Zealand Constitution Act 1986.\(^2\)

1.3. Origin of the Commission

In 2004, Dr Grant Phillipson reviewed existing complete and draft research in the East Coast inquiry, and made recommendations for further research based on existing statements of claim.\(^3\) In May 2006, the United Tribal Council (UTC) put a research discussion paper to the East Coast Research Co-ordinating Committee (RCC).\(^4\) The UTC indicated that a number of new claims raised new issues that were not catered for in the existing commissioned research programme for the East Coast inquiry. The discussion paper argued that the RCC had a responsibility to co-ordinate any review and to recommend further research where necessary.

Claims of particular concern to the UTC were the following:

---

\(^1\) Throughout this report the author refers to ‘East Coast Maori’, as this is a scoping report this term is used for purposes of expediency and there is no intention to homogenise the various iwi and hapu.

\(^2\) Direction Commissioning Research, paper 2.4.1, pp 1-2

\(^3\) Dr Grant Phillipson, ‘East Coast Casebook Research, Chief Historian’s final recommendations’, September 2004, doc A3

\(^4\) United Tribal Council, Research Discussion Paper, 5 May 2006
The UTC representatives requested the RCC to ask the Tribunal to include four new research projects.6 Firstly, a report on ‘East Coast Hapu and Te Tiriti o Waitangi’ that included both research into the reception, interpretation and application of te Tiriti o Waitangi on the East Coast, and a discussion of New Zealand’s constitutional status and indigenous rights. Secondly, a report on ‘East Coast Hapu and the Crown’s Institution of Justice’ that would examine traditional systems of law and justice, the origins and applications of the Crown’s institutions of justice, and the effects on East Coast Maori of judicial and correctional institutions. Thirdly, a research report ‘on tax and other revenues’ that would evaluate the origins of tax and revenue law and examine the impact on East Coast Maori. Finally, a report on ‘general legislation’ that would consider claims raised in the Wai 1318 statement of claim.

The ‘revised’ casebook programme was approved by the East Coast inquiry Presiding Officer Judge Milroy by memorandum dated 1 June 2006.7 Draft briefs for the new projects were discussed and approved at subsequent RCC meetings and a final project brief for ‘Project 24’ was distributed in December 2006.

---

5 The Deputy Chairperson of the Waitangi Tribunal, Judge Wainwright, directed that the Ruawaipu Human Rights claim (Wai 1404) would not be heard within the East Coast inquiry and instead, was likely to be heard as a generic claim.


7 Paper 2.5.18
The first project proposed by the UTC was developed into a specific scoping report commission (known as ‘Project 23’) looking at historical and secondary sources which discuss the reception of Te Tiriti o Waitangi by East Coast Maori in the period 1840-1865. Project 23 also looked at sources concerning the role of missionaries in the reception of the Treaty, and this scoping report was completed by Tribunal commissioner Mark Derby in July 2007.

The remaining issues raised by the UTC, including New Zealand’s constitutional status and indigenous rights, were synthesised into this commission, Project 24. This scoping report was commissioned on 1 February 2007. This commission directs the author to scope historical and secondary sources which may be available for further substantive research on Crown and East Coast Maori political relationships, justice and legislation issues in the period from 1840 to 1986.

The author is to survey sources in respect of the following questions with a view to ascertaining the necessity and feasibility for any possible substantive research.

1. In respect of the political system:

(a) How did the relationship between East Coast Maori and the Crown evolve? To what extent were East Coast Maori able to retain or develop the forms of political autonomy, governance and representation they desired?

(b) What were the effects on relations between East Coast Maori and the Crown of the incarceration of East Coast Maori on the Chatham Islands?

(c) To what extent was the relationship between East Coast Maori and the Crown advanced or hindered by New Zealand’s constitutional arrangements and by the evolution of its central and local political institutions?

---

8 Direction Commission Research, paper 2.4.2
9 Mark Derby, “Undisturbed Possession” Te Tiriti o Waitangi and East Coast Maori 1840-1865”, July 2007, doc A11
(d) Has New Zealand’s electoral system been conducive to the electoral participation of East Coast Maori at national and local levels, and if not, how has the representation of East Coast Maori in Parliament been affected?

(e) What is the available evidence of East Coast Maori participation in and protests against aspects of the above institutions, for example their involvement in movements such as the Kingitanga, the Repudiation movement, Kotahitanga, and tribal initiatives?

2. In respect of the justice system:

(a) How did the relationship between East Coast Maori and the Crown evolve with regard to the justice and prison systems?

(b) What was the level of engagement and dialogue between Crown officials and tribal leaders in the administration of justice?

(c) To what extent did East Coast Maori raise complaints, petitions, and protests concerning the administration of justice and imprisonment? How did the Crown respond?

3. In respect of particular categories of legislation:

(a) How and in what manner, if at all, was the relationship between East Coast Maori and the Crown affected by the tax system and its administration?

(b) How and in what manner, if at all, was the relationship between East Coast Maori and the Crown affected by New Zealand’s human rights legislation, institutions and practices?

(c) To what extent did East Coast Maori raise complaints, petitions, and protests concerning any such adverse effects? How did the Crown respond?

This scoping report considers to what extent existing or proposed research already covers these questions and where not, what sources might exist for further research.
1.4. Structure of this Scoping Report

This scoping report identifies available historical sources upon which any further proposed project may be able to proceed where considered necessary and feasible. The bibliography lists both sources consulted for the scoping report and potential sources for a substantive report. It focuses on what historical research may be possible and is not intended to be exhaustive.

This scoping report is structured into four parts: Political System (Part A), Justice System (Part B), Particular Legislation (Part C) and Conclusions and Recommendations (Part D). Within these parts, chapters are framed by the commission questions. Each chapter looks at available sources and evaluates their usefulness. This includes discussing relevant existing secondary and primary sources and furthermore what sources may need to be looked at in more depth.

The final part of this scoping report (Part D) draws conclusions and makes recommendations that may be developed into substantive research. On some issues where sources permit a substantive report has been recommended. On other issues a recommendation may have been made not to take the issue forward or to explore other avenues, for example, where the issue may be better advanced by claimants/tangata whenua submissions, or in oral evidence during hearing.

1.5. Methodology and Sources

As instructed by the commission, the East Coast inquiry statements of claim were examined and the issues, which corresponded with the commission questions, were drawn out. Of note were the issues raised in the Ruawaipu statements of claims. These issues were also present in the statements of claim of Ngati Porou, Uepohatu, Te Aitanga-a-Hauiti, Te Whanau a Apanui and other East Coast hapu.

The commission directs that the scoping report classify issues that are researchable from those suited to legal argument, and assesses the extent to which the former are capable
of being researched. Therefore this report has undertaken a preliminary investigation of primary and secondary historical resources to indicate whether the commission questions are likely to be covered by existing research, or if not, what sources might exist for further research.

Each chapter is framed by a commission question. In addition, ‘focus questions’, formulated from statements of claim and general secondary sources, are used within each chapter to help shape and guide the assessment of existing research and historical and secondary sources. Some chapters, for example Chapter Two which encompasses a considerable period of time, are divided into time periods to make the evaluation of sources more manageable and readable.

Chapter Two gives a high level overview of sources which discuss political issues over the period 1840 to 1986. This chapter provides something of a ‘scaffold’ for the subsequent chapters in Part A. Chapters Three to Six evaluate what historical and secondary sources may be available for possible substantive research on particular aspects of the political relationship, including electoral representation, political participation, and political movements and protest. Part B assesses what historical and secondary sources may be available for possible substantive research into justice issues. Part C looks at the feasibility of further research, and what sources may be available for such research on two particular issues: taxation and human rights.

Based on the evaluation of sources, recommendations are made on substantive research in Part D. These recommendations were also guided by considerations over the importance of an issue to the East Coast inquiry as a whole. As many of the issues addressed in this scoping report are relatively new in the Tribunal’s historiography, this scoping report identifies research possibilities as well as possible research issues. This scoping report also identifies limitations; for example, whether an issue was researchable or better suited to legal argument.

A preliminary examination of official publications was carried out, and while not exhaustive this process indicated possible sources. The relevant legislation was identified and reviewed using the New Zealand Statutes. The New Zealand Parliamentary Debates (NZPD), British Parliamentary Papers (BPP) and the
Appendices to the Journal of the House of Representatives (AJHR) also provided sources such as the reports of native officers and magistrates for information pertaining to the deportation of Maori to the Chatham Islands, and electoral and demographic information.

Subsequently, a wide array of secondary literature was reviewed. This included existing Waitangi Tribunal research from the Gisborne district inquiry casebook (Wai 814), Tribunal reports including *Turanga Tangata, Turanga Whenua: the Report on the Turanganui a a Kiwa Claims* (Wai 814), *Rekohu: A report on Moriori and Ngati Mutunga Claims in the Chatham Islands* (Wai 64), *Maori Electorate Option* (Wai 413), *The Offender Assessment Policy Report* (Wai 1024), and research reports on generic issues from other inquiries. This also includes existing research reports and research which is currently underway for the East Coast inquiry.

The published secondary material examined was a mixture of East Coast or Gisborne specific research and literature, such as W H Oliver and J Thomson’s *Challenge and Response*, and J A Mackay’s *Historic Poverty Bay*, and more thematic histories such as Alan Ward’s *Show of Justice*. Also examined was secondary literature that assessed Maori and Pakeha, and Maori and Crown relationships in a broader fashion, such as H Kawharu’s *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi* and Richard S Hill’s *State Authority, Indigenous Authority: Crown Maori Relations in New Zealand Aotearoa 1900-1950*.

Many secondary sources provided pathways to archival or primary sources, others gave hints to general archive files that may contain information pertinent to East Coast/Tairawhiti itself. As the records about the East Coast are often subsumed into Gisborne or absorbed into an ‘Eastern Maori’ electoral or bureaucratic boundaries, which may include Hawke’s Bay, Bay of Plenty or Auckland, teasing out specific information can be difficult. Many primary and secondary information sources such as official reports published in the AJHRs make no distinction between Gisborne and the East Coast, and there is invariably a substantial overlap.10

10 Derby, doc A11, p 7
An archival search was carried out for repositories at Alexander Turnbull Library and National Archives New Zealand using a set of key words derived from the statements of claim and the secondary literature review. To supplement archives at these main repositories, research was also carried out at Tairawhiti Museum, Gisborne District Council and the Auckland Museum Library. Further manuscripts, newspapers and council minute books of relevance were discovered during this process.

Both the *Hawke’s Bay Herald* and *Poverty Bay Herald* were sampled through the ‘Papers Past’ on-line portal, and also *Te Ao Hou*, the bi-lingual periodical published by the Maori Affairs Department between 1952 and 1976. Due to time constraints not all years or issues could be examined and these newspapers provide an important source if further substantive research is carried out.

1.6. Issues Identified by Claimants

The Commission specified that, in particular, this report identify and evaluate issues raised in the Ruawaipu statements of claim, this decision was informed by the commissioning process of this particular scoping report based upon the aforementioned UTC discussion paper. Nevertheless, the issues raised by the Ruawaipu statements of claim pertain not only to that particular claimant group, but affect all East Coast claimants including Ngati Porou, Ngati Uepohatu, Ruawaipu, Te Aitanga a Hauiti, Te Whanau-a-Apanui, Te Aitanga a Mahaki, Rongowhakaata and other East Coast iwi and hapu. Selected allegations and statements from statements of claim relevant to the commission questions have are summarised below.11

1.6.1. The ‘Rongowhakaata Rohe’ Claim (Wai 684)

This claim in part alleges that:

Prisoners, men, women and children of Rongowhakaata descent were deported to Wharekauri (Chatham Islands) because they were regarded as those most likely to cause trouble over the confiscation of land.12

---

11 Statements of claim have been quoted from liberally in this section, where relevant to the commission. This is in part to remove the need for statements of claim to be appended to this report in full. Statements of claim may be requested from the Registrar.

12 Claim 1.1.16, para 6(j)
1.6.2. ‘Patutahu, Muhunga and Other Lands and Resources’ Claim (Wai 892)

This claim states that:

The Crown, acting illegally and without lawful excuse and in breach of its duties under the Treaty wrongly accused members of Te Whanau a Kai, including those who were supporters of the Pai Marire faith, of being “rebels” in rebellion against the Crown. The Crown had no reason to believe that the Pai Marire movement was in itself a threat to good order and government and thereby subsequent Crown actions were justified. Members of the Pai Marire movement in Turanga was made up of individuals from a number of hapu, but there was no evidence that any particular group were representative of the whole of any hapu…

Caused the treatment of the captives as military prisoners, imprisonment and exile of substantial numbers of Te Whanau a Kai to Wharekauri without trial, or the right of habeas corpus.

Exiled Te Whanau a Kai to Wharekauri to facilitate Crown policy to confiscate Te Whanau a Kai lands and remove opposition to that policy being carried out…[The Crown] failed to repatriate the prisoners on Wharekauri, prior to the Poverty Bay confiscation.13

Therefore:

The Crown violated the fundamental liberties secured to subjects of the Crown and on the basis of the common law and the Treaty principles, the government, and agents for the Crown, acted illegally by interfering with Maori rights as British citizens without justification under the law.14

Te Whanau a Kai were dispossessed of their land, leadership, means of livelihood, personal freedom, and social structure and values. As Maori, they were denied their rights of autonomy, and as British subjects, their civil rights were removed. The losses are therefore physical, cultural, spiritual and economic. Widespread suffering, distress, and deprivation were caused to the people of the Turanga region as a result of the illegal invasions by the Crown, as were the subsequent losses of life and destruction of taonga and property, and the confiscation of their land. The effects of the raupatu have lasted for generations.15

1.6.3. The ‘Te Aitanga-a-Hauiti Iwi’ Claim (Wai 976)

This claim alleges that Te Aitanga-a-Hauiti tribal members were declared rebels and sent to the Chatham Islands and that the ‘causes of the ‘rebellion’ were exploited, and

---

13 Claim 1.1.20(a), paras 4.1, 4.2e-g
14 Claim 1.1.20(a), para 4.5
15 Claim 1.1.20(a), paras 5.11
circumstances exaggerated to gain Crown control over Te Aitanga-a-Hauiti ‘hauhau rebels’…”\textsuperscript{16}

1.6.4. The ‘Te Runanga O Te Whanau Land and Resources’ Claim (Wai 1198)

This claim argues that breaches of Article III of the Treaty of Waitangi/Te Tiriti are a denial of constitutional and human rights. Te Whanau a Apanui state that the Crown acted ‘generally in a manner that was unconstitutional and contrary to Te Whanau a Apanui’s rights as British subjects particularly in respect to confiscatory policies in respect to river, foreshore and seabed…In doing so the Crown failed to govern properly and justly, and to apply and exercise its laws and powers properly, without any underlying desire of benefit, and without unfair discrimination between its Pakeha and Maori subjects’.\textsuperscript{17}

1.6.5. The Ruawaipu ‘Economic Crimes’ Claim (Wai 1271)

This claim concerns pecuniary matters, with a focus on how economic policy may have affected Maori mana, well being and self-sufficiency. Claimants state that East Coast Maori ‘were proficient traders, entrepreneurs and business people and in 1858 contributed to one of the largest economic sales to be recorded in New Zealand history and the pre-1862 tangata whenua controlled the New Zealand economy’, however, claimants allege that the ‘Crown prejudicially promulgated and enacted various acts, laws, policies and regulation to obtain economic benefit and gain at the claimant’s expense’.\textsuperscript{18}

Furthermore, the claimants allege that the:

Crown through their acts, policies and omissions deliberately and systematically stripped the claimants of their mana whenua, rangatiratanga and kaitiakitanga over the tribal resources within their traditional rohe. This in turn prevented the claimants from fully utilising the tribal resources to the claimants’ best and full advantage. The claimants allege that this has rendered the claimants from being self-sufficient, efficient and effective traders to being poverty stricken, with high levels of unemployment and being reliant on government benefits, which the claimants allege has directly led to the claimants having high levels of criminal offending, re-offending and imprisonment.

\textsuperscript{16} Claim 1.1.28(a), paras 3.3, 4.3
\textsuperscript{17} Claim 1.1.49, paras 6.6, 6.8
\textsuperscript{18} Claim 1.1.58, paras 1.3-1.3
This claim looks [at?] legislation that has deliberately put the native in this predicament.19

1.6.6. The Ruawaipu ‘Incarceration’ Claim (Wai 1284)

The claimants alleges that the Crown has breached the commitment to provide Ruawaipu with the same rights and protections, as under Article III of Te Tiriti o Waitangi. Claimants allege that in 1868, Ruawaipu whanau were threatened by Government to obey all laws including Acts to confiscate their lands even after helping government during other land wars. Furthermore:

In the 1870s [sic] Ruawaipu whanau (hinerupe) men, women and children were marched from [their] ancestral lands to Wairoa, put on a boat to the Chatham Islands without writ or a right to trial, never to return to their papatipu again.

In the 1870s the [Crown] by musket used our tupuna as [C]rown agents to murder our tupuna that supported the kingi movement and paimarie; our wahi tapu and whare wananga were destroyed…

In 1878 Gudgeon sent in the constabulary to deal with those who refused to obey the [Crown] law of the land.

In 1914 many of our tupuna fought for [New Zealand] in the first, then second world war…many who were not rehabilitated unlike their Pakeha associates. The effects of this rehabilitation loss can be seen in the high crime rate of our rangatahi today.20

The claimants allege that the Suppression of Rebellion Act 1863, Peace Preservation Bill 1879, Maori Prisoners Trials Act 1879 and the Maori Prisoners’ Detention Act 1880 were all prejudicial towards Ruawaipu Maori.21

1.6.7. The Ruawaipu ‘Income Tax and Revenue’ Claim (Wai 1285)

This claim states that:

[In] the first few decades of European Settlement there was no income tax. Colonial governments survived on customs, duties on imports as well as revenue from land sales to settlers. New Zealand had a wealth of resources, many settlers arriving were destitute who were often catered for by the natives.

In 1877 Governor Grey stood for premier introducing a land tax. He had no legal authority.

In 1891 Premier John [Ballance] passed New Zealand’s first ever income tax directed primarily at land values and corporate activity.

---

19 Claim 1.1.58, para 5.7
20 Claim 1.1.70, paras 5.5-5.10
21 Claim 1.1.70, paras 6.6-6.9
In 1908 the House of Representatives (NZ Parliament) passed the second Land and Income Tax Act. This Act was voluntary. Maori did not give consent. The Act was founded for companies.

Since 1908 successive NZ governments deliberately kept the tax legislation vague. They did not define key terms contrary to their own legislative requirements under the Interpretation Act 1924.22

Furthermore, the claimant states that:

there is no law requiring tangata whenua to have a (IRD) tax number’ and that his rights are protected and recognised by international law in which the NZ government has no jurisdiction over, and that there is no NZ government law explicitly requiring or stipulating that he and his people as native aboriginal or tangata whenua must pay taxes. The claimant states that Crown and NZ government invalidly collected tenure, rates, tax, levy and revenue within the territory of Ruawaipu. The claimant states that as a matter of constitutional law, NZ government and the Crown were not in a position to place British tax systems within the Ruawaipu rohe as the Crown has not purchased one inch of soil under its pre-emptive right nor have Ruawaipu in any time in history consented to any expropriation of resource and property rights. The claimant states that he and his people have a constitutional development right to collect and manage their own tax and revenue.23


1.6.8. The Ruawaipu ‘Maori Development’ Claim (Wai 1286)

This claim alleges that ‘the following acts [Native Schools Act 1867 and Tohunga Suppression Act 1909] affected the claimants spiritual and educational growth, development and well being and were purposely designed to prevent the learning of Ruawaipu traditional matauranga necessary for their native education’. The claimants state that the Native Schools Act actively discouraged and punished the use of Te Reo during school hours. The Tohunga Suppression Act 1909, ‘imposed penalties on

22 Claim 1.1.71, paras 3.1-3.5
23 Claim 1.1.71, paras 6.1-6.8
tohunga who practised Ruawaipu traditional matauranga such as Maori medicine, spirituality, whakapapa, tikanga, kawa and history.  

1.6.9. The Ruawaipu ‘Maori Land Court’ Claim (Wai 1287)

This claim states that:

the Executive Council that governs the Governor General is subject to Letter Patent 1917/1918. In 1983 Rob Muldoon did not have the express power or authority to sequester Letters Patent 1917/18 and establish a new Letters Patent 1983 constituting the Governor General….

That the 1986 Letters Patent by David Lange which was in conjunction with Palmers 1986 Constitution Act, reaffirmed the Executive Council being Parliament which would constitute the Governor General. However Palmer did not have the delegated sovereign power to legislate the NZ Constitution.

1.6.10. The Ruawaipu ‘Rangatiratanga’ Claim (Wai 1288)

This claim states that:

Maori law has been recognised in legal European courts, and their right to self governance has been explicitly incorporated into Imperial law, and statute. NZ government will not recognise Maori law and self governance (one law for all).

[Case law states]… ‘that nothing in the said charter contained shall affect or be construed to affect the rights of any aboriginal natives of the said colony to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said colony then actually occupied or enjoyed by such natives’ [Queens Instructions, s37, December 1840]

‘And whereas it may be expedient that the laws, customs and usages of the Aboriginal or Native inhabitant of New Zealand, so far as they are not repugnant to the general principles of Humanity, should for the present be maintained for the Government of themselves, in all their relations to, and dealings with each other, and that particular Districts should be set apart within such Laws, customs and usages should be observed’ [New Zealand Constitution 1852 (Imperial), s71]

Case law also states ‘the doctrines of Feudalism, English Law or Civil Law cannot influence upon the lands (territories) to which the natives of New Zealand own according to their customs and usages’ [Fenton, 1870]. Reaffirmed [sic] by section 37 of the Royal Instructions, 5 December 1840 [Imperial, Letters Patent]

‘Maori customary law enjoyed legal status in the European Colonial courts in New Zealand, in the absence of any statute indicating otherwise, that statute being enacted by

24 Claim 1.1.76, paras 5.1-5.4
25 Claim 1.1.73, paras 3.5-3.6
the native inhabitants themselves’ [Lord Phillimore, Privy Council, *Hineiti v The Public Trustee*, NZ 1901].

The claimant alleges the following breaches:

- 1840 *Te Tiriti of Waitangi, Article II* denied by the NZ colonial government
- 1840 *Royal Instructions, s37* denied by the NZ colonial government
- 1845 the NZ Governor annuls the Aborigines Protectorate Office
- 1846 *Constitutional Act, ss9-10* denied by the NZ colonial government
- 1846 *Royal Instruction* opposed by New Zealand governor
- 1852 *New Zealand Constitution, s71* denied by the NZ colonial government
- 1858 *Native District Regulations, s2(7)* denied by the NZ colonial government
- 1863 Queen throws out *New Zealand Settlements Act*
- 1865 *Native Rights Act* states ‘every title shall not have been extinguished, shall be determined according to the ancient custom and usage of the Maori people’, denied by the NZ colonial government.
- 1866 *East Coast Land Titles Investigation Act* not given Royal Ascent.
- 1867 *East Coast Land Titles Investigation Act* not given Royal Ascent
- 1868 petitions from East Coast Natives descendants from Ruawaipu petition to Governor Grey asking to remove the troublesome government who are threatening to confiscate their lands with forced assimilation.
- 1878 Waiapu North defy government law
- 1959 Waiapu petition for kotahitanga and section 71 Constitution Act 1852
- 1962 *Maori Community Development Act, s18(1)(c)(iv)* denied by the NZ Crown
- 1986 *State Owned Enterprises Act, s9* denied by the NZ Crown.

**1.6.11. The Ruawaipu ‘Colonisation’ Claim (Wai 1289)**

The claimants state:

that they would have developed much healthier if they were given equal sharing status of crown law or left well enough alone to their sovereign native rights recognised by the Queen of England and in international laws acknowledged as native custom, laws and usages and native title with native rights…

---

26 Claim 1.1.74, paras 4.2-4.6
Legislation also is the culprit that weakened our ability to become economically self sufficient. Our economic position directly reflects our mental and health position. The statistics [Royal Commission 1987-Government Report November 2002] blatantly reveal the results of our poor living standards. Tangata whenua did not choose to be at the bottom of the system it was the system that chose us.  

The claimants allege the following breaches:

- **1844** Governor Fitzroy dropped the pre-emption clause in Article 2 of the Treaty and allowed private sales to take place.
- **1846** Governor Grey abolished the Protectorate Department, which had the responsibility of protecting Maori rights, and gave the New Zealand Company the exclusive right of pre-emption.
- **1863** *Suppression of Rebellion Act* abolishes the right to trial for Maori before imprisonment to punish ‘certain aboriginal tribes of the colony’ for ‘rebelling’ against the Crown by not selling their land, and then fighting to defend their homes.
- **1868** *The East Coast Land Titles Investigation Act* and the *1868 East Coast Act* authorises the issue of proclamations of confiscation to force Maori unwilling to sell to accept offers for their land.
- **1877** the Treaty is declared a nullity by Judge Prendegast in the Bishop of Wellington v Wi Parata case. Legislation was introduced to allow direct purchase of Maori land. This was another breach of Article 2.
- **1901** *Public Health Act* passed setting up Department of Public Health.
- **1903** An Act reaffirms Judge Prendergast’s 1877 ruling that the Treaty is a nullity.
- **1908** *Suppression of Tohunga Act* outlaws Maori medicine and Maori spirituality (protected at Waitangi in 1840) by establishing fines for Tohunga who try to practice and maintain traditional knowledge.
- **1909** *Native Health Act*. Maori could no longer use the whangai system for adopting children Maori women could no longer breastfeeding.
- **1918** Maori servicemen who returned after WWI were not eligible for the benefits of the Rehabilitation Scheme. The scheme was only available to Pakeha servicemen.

27 Claim 1.1.74, paras 5.1-5.16
28 Claim 1.1.75, paras 4.1, 4.3
-1960 the Hunn Report recommended a stepping up of the assimilation process.  

1.6.12. The Ruawaipu ‘Lands’ Claim (Wai 1291)

This claim states that:

The instructions from Lord Normanby to Hobson in 1839 lay the foundation for Te Tiriti o Waitangi basically that the natives of New Zealand could not sign anything injurious to themselves. Te Tiriti o Waitangi signed at Waiapu by Ruawaipu descendants and protected our absolute authority over our lands…reaffirmed by section 37 Letters Patent December 05 1840…

1868 Petitions from East Coast Natives descendants from Ruawaipu petition to Governor Grey asking to remove the troublesome government who are threatening to confiscate their lands with forced assimilation. Ruawaipu descendants make it clear that they are not going to cede one inch of soil.

1.6.13. The ‘Te Whanau a Tapaeururangi o Ruawaipu’ Claim (Wai 1300)

This claim asserts that:

The Crown (UK) granting the establishment of provincial government in 1852 [UK Constitution Act] and relinquishing the Crown’s direct duties and responsibilities of protection.

The Crown (UK) granting dominion status to NZ government in 1907 whilst failing to protect the te tino rangatiratanga of the hapu.

The Crown (UK) enacting the Statutes of Westminster 1931 granting constitutional powers to the NZ colonial government.

The Crown (UK) allowing the NZ government to take the 1852 and 1931 UK constitutions and usurp sovereignty over Te Whanau a Tapaeururangi [NZ Constitution Act 1986].

1.6.14. The ‘Nga Uri o Ruawaipu’ Claim (Wai 1301)

This claim asserts that:

the 1860s and the 1980s were crucial times in Ruawaipu’s post Treaty history. The ethnic suppression of Ruawaipu whanau hapu [sic] began in the latter part of the nineteenth century with the genesis of the Ngati Porou kawanatanga. It was during this era of civil unrest on the East Coast that the Crown suppressed Ruawaipu whanau hapu,
so as to gain by force, the political and economic ascendancy over the Ruawaipu tribal estate. The Crown was after oil but a barrier for the Crown was that tangata whenua of the Waiapu North did not recognise, and refused to recognise, the Queen’s governance over their tribal territories. The claimant asserts that as a result of acts done or omitted, by or on behalf of the Crown during that era, for generations since, Ruawaipu whanau hapu have been indoctrinated into believing that they are Ngati Porou and that Ngati Porou is in fact a legitimate tribe.

It seems likely around 1866 that the entity Ngati Porou was manufactured purely for political expediency. In 1868 the claimant’s forefathers petitioned Governor Grey asking him to remove the troublesome government who were threatening to confiscate their lands. The claimant’s forefathers made it clear that they were not going to cede one inch of soil. In 1878 Gudgeon reports of Waiapu North defying government law. The Kingitanga and Pai Marire movements had been strong in the Waiapu North area. There was fear that Waiapu North would follow Te Kooti. In 1894 Maori Land Court determinations identify Ruawaipu as the founding Tupuna. In 1895, W. E. Gudgeon a Judge of the Maori Land Court made some reference to the query, as to why Porourangi, when he said:

The name Ngati Porou does not by any means convey a correct idea of the assemblage of the tribes now known under that designation. Porourangi was indeed one of the progenitors of the tribe, but not the only one, nor indeed the chief one.

The claimant asserts that Ngati Porou as it is known today did not exist at the time his Tupuna affixed their marks to Te Tiriti o Waitangi, and that an examination of Ruawaipu’s true traditional history will reveal that ‘Ngati Porou’ at best can be described as a ‘model of kawanatanga’ (Crown governance)…The claimant asserts that the answer to W. E. Gudgeon’s reference to the query as to why Porourangi, is that the Crown’s Ngati Porou ‘model of kawanatanga’ was a way for the Crown to secure political stability on the East Coast and to acquire sovereignty, which was the key to achieving its immediate goal of obtaining cessions of land and in its broader goal of opening up the East Coast to Pakeha settlement and control, regardless of tangata whenua opposition.\(^{33}\)

1.6.15. The ‘Ruawaipu General Legislation’ Claim (Wai 1318)

This claim alleges that:

continuous Crown Acts, legislation, ordinances, proclamations, regulation, policy, practices and omissions have directly and indirectly “caused” prejudice over their ability to exercise their tino rangatiratanga (absolute authority and freedom) over their ancestral lands and natural resources, as agreed to and protected under Article II of Te Tiriti o Waitangi (indigenous version of the Treaty of Waitangi 1840).\(^{34}\)

---

\(^{33}\) Claim 1.1.82, paras 7, 9-11

\(^{34}\) Claim 1.1.84, para 5.1
1.6.16. Te Whanau a Kahu Claim (Wai 1319)

The claimant alleges that he has been prejudiced by the ‘the denial of active protection by the Crown UK’ and ‘[a]cts and omissions by the Crown UK impeding Te Whanau a Kahu from exercising their tino rangatiratanga over their taonga’.35

1.6.17. The Ruawaipu ‘Constitution Act 1986’ Claim (Wai 1335)

This claim alleges that: ‘the NZ Constitution Act 1986 is conspiracy and fraud, created by a history of tyranny and insubordinate legislation through colonial political peddlars.’36

Furthermore, the claimant alleges:

the intent of Crown constitution legislation such as the NZ Constitution Act 1986, is simply alien domination, usurpation and illegal adoption of English law to protect Parliament’s economic and political power in sovereign resources that belong to Ruawaipu.

The Claimant alleges the NZ Constitution Act 1986 has alienated his people’s inalienable right and fundamental freedoms (te tino rangatiratanga).37

Specifically claimants allege that the Crown failed to actively protect the constitutional rights of Ruawaipu from the New Zealand Constitution Act 1986, ‘commit[ted?] constitutional fraud and usurpation by way of the Statutes of Westminster 1931’, and failed to ‘act in the utmost of good faith and carry out the provisions of section 71 of the Constitutional Act 1852 and section 10 of its Constitutional Act 1846’. Essentially, that the ‘Crown UK breach[ed?] the constitution of Te Tiriti o Waitangi (tikanga).’38

35 Claim 1.1.89, para 5.1(a)-(b)
36 Claim 1.1.100, para 3.1
37 Claim 1.1.100, paras 3.1-3.3
38 Claim 1.1.100, paras 5.1-5.4

This claim alleges that:

On October 28 1983 Rob Muldoon usurped English letters patent 1917 and 1918 from King George V. The Governor General was constituted by these dormant letters patent, the Executive Council put over the Governor General was NZ Parliament who advised the Governor General to issue new Letters Patent revoking Letters Patent 1917/18, and in doing so giving the Executive ultimate power to breach Te Tiriti o Waitangi 1840.

These Letters Patent 1983 which adopted English law to validate NZ Parliaments assumption to sovereignty, have continued further grievance against the claimant by encroaching upon the sovereign authority of Ruawaipu whanau and hapu.

The claimant alleges that the NZ Parliament is impersonating a sovereign, and that part of the evidence is the intent of Letters Patent 1983.\(^{39}\)

The claimants allege that all New Zealand law given the Royal assent since 1983 is a breach.\(^{40}\)

1.7. Summary of key themes presented in the Statements of Claim

As previously stated, the above section quotes liberally from the various statements of claim. This is in part to remove the need for an appendix of the claims. The following key issues have been identified from the above statements:

- The Crown actively undermined and rejected forms of East Coast Maori autonomy through legislation, acts and policies
- The Crown’s failure to recognise East Coast Maori autonomy is reflected in times of warfare, from the 1860s and 1870s to the treatment of returned soldiers after World War One. This had major impacts on the political relationship
- The Crown failed to recognise East Coast Maori autonomy through imposition of forms of taxation and revenue gathering without consent

\(^{39}\) Claim 1.1.101, paras 3.1-3.3
\(^{40}\) Claim 1.1.101, para 5.1
♦ The Crown failed to recognise East Coast Maori self government and autonomy through practical provisions of constitutional arrangements, including forms of central and local government and representations in these institutions

♦ The Crown failed to enable East Coast Maori to provide for the economic, educational, health and cultural needs of communities as they chose

♦ East Coast Maori never ceded sovereignty over their ancestral lands and natural resources.

♦ The Crown failed to recognise East Coast Maori autonomy over lands and resources.

The following sections access and assess primary and secondary sources relevant to these issues under the themes of politics, justice, taxation and human rights.
Part A: Political Relationship Overview

Chapter Two: Political Autonomy, Governance and Representation

2.1 Introduction

This chapter assesses what research currently exists that addresses aspects of the political relationship between the Crown and East Coast Maori over the period 1840 to 1986. Where research does not exist or where further research may be required, historical sources that may be useful are indicated. Focus questions have been drawn from the Statements of Claim and secondary sources to shape the sections and highlight key themes and issues, such as issues of political autonomy, governance and representation. This chapter assesses broad secondary sources to provide a thematic overview. Successive chapters assess what research exists, and which historical sources are available on particular aspects of the political relationship.

2.2. Overview

2.2.1. Political Issues Focus Questions 1840s-1860s

♦ What was the understanding of East Coast Maori when they signed the Treaty of their continuing exercise of authority or autonomy?
♦ What is meant by claims that East Coast Maori understood that Crown authority only held where the Crown had acquired authority over land either by Crown grant or purchase?
♦ To what extent was the Resident Magistrate system ‘ineffective’ or was it reflecting a need to mediate between Maori and European law?
♦ Why did the runanga system become so strong on the East Coast and why was it perceived as sympathetic to the Kingitanga by 1860?
♦ Was this a period of missed opportunity in the political relationship, as Ward has suggested?
Did the Crown exclude East Coast Maori from the machinery of state while attempting to ‘reconcile’ Maori and British rule of law?

Did the wars, confiscation, and incarceration impact upon the East Coast Maori-Crown relationship, if so how?

What did the Crown mean by Maori ‘rebellion’ in terms of the political relationship? Did this effect the degree of practical autonomy the Crown was willing to allow?

How did East Coast Maori respond? Did this foster internal divisions?

Did the wars and confiscations cause East Coast Maori to reconsider the kind of autonomy they could expect to achieve?

2.2.2. Existing Research and Sources 1840s-1860s

In 1840, some East Coast Maori chiefs signed the Maori language version of the Treaty of Waitangi (Te Tiriti o Waitangi), and on 21 May 1840 William Hobson proclaimed sovereignty over New Zealand based upon the cession through the Treaty of Waitangi. In the years following the signing of the Treaty and the proclamation of sovereignty, there was dispute over the extent of the Crown’s authority and British law. This section briefly surveys both contemporary and secondary historical sources on how the relationship between Maori and the Crown evolved. This includes the extension of Crown authority into the East Coast, and the way British law was promoted, such as the Resident Magistrates and runanga system. This section also surveys a variety of sources on the question of if, and how, Maori participated in these systems, and how Maori and British perceptions of autonomy and rule of law were reconciled, if at all.

Alan Ward sets the scene prior to the signing of the Treaty of Waitangi in A Show of Justice, indicating how the colonial administration endeavoured to ‘reconcile’ tribal autonomy and British rule. Initially the New Zealand settler colony was to be a dependency of New South Wales, and the Colonial Office felt sure ‘that the benefits of British protection and of laws administered by British Judges would far more than compensate for the sacrifice by the natives of a national independence which they are no
longer able to maintain.’\textsuperscript{41} Ward argues that although the 1839 instructions were ‘ambivalent and paternalistic’ they did demonstrate ‘some attempt at balance between concern to avoid dislocating Maori society too abruptly and concern to assist the Maori to participate in the encroaching European order.’\textsuperscript{42} The 1839 instructions had indicated a certain level of respect for Maori laws and customs; however, subsequent statements weakened the position of Maori autonomy in favour of ‘the speedier extension over the Maori of the regular administration and judicial machinery of the Colony and the constraints and obligations of British law.’\textsuperscript{43}

John Russell, the Secretary of State for Colonies 1839 to 1841, stated that:

\begin{quote}
you will look rather to the permanent welfare of the tribes now to be connected with us, than their supposed claim to the maintenance of their own laws and customs. The Queen’s sovereignty must be vindicated and the benefits of a rule extending its protection to the whole community must be known by the practical exercise of its authority.\textsuperscript{44}
\end{quote}

Ward argues that Russell’s statements weakened tribal autonomy and furthermore that Hobson took no practical steps to engage the Maori leadership in the formal machinery of state. Consequently, ‘Maori were placed in a position of subordination and tutelage from which they have ever since been trying to recover.’\textsuperscript{45}

In his scoping report for the East Coast inquiry Mark Derby surveyed the period preceding the signing of the Treaty in 1840, including the 1835 Declaration of Independence of New Zealand. At 1835, New Zealand was recognised by the British Government as ‘a sovereign and independent state’.\textsuperscript{46} Derby has found that although there is no evidence that chiefs from the East Coast inquiry district signed the 1835

\begin{thebibliography}{9}
\bibitem{Ward1995} Ward, \textit{Show}, pp 34-35
\bibitem{Ward1995b} Ward, \textit{Show}, p 38
\bibitem{Ward1995c} Ward, \textit{Show}, p 45
\end{thebibliography}
Declaration, it is very possible that they were aware of it and its content.\textsuperscript{47} Article 2 of the 1835 Declaration of Independence states that:

\begin{quote}
Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tirei ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga….All Sovereign power and Authority within the Territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively, in the Hereditary Chiefs and Heads of Tribes in their Collective Capacity.
\end{quote}

Oliver and Thomson state that the relationship between East Coast Maori and the Queen’s Government began in 1840 when William Williams talked to the Maori of Poverty Bay and Waiapu about the Treaty of Waitangi, securing the signatures of forty-one chiefs.\textsuperscript{48} Derby also examines the reception of Te Tiriti, only the Maori version was used on the East Coast. He notes that both Daly and O’Malley have firmly stated that the East Coast signatories did not appreciate that by signing the Treaty they were ceding rights of governance of land and people to the Crown.\textsuperscript{49} Likewise, Oliver and Thomson observe:

\begin{quote}
That they [Maori] understood that their signing meant what the government held it to mean is improbable. Later arguments are based upon the view that the Queen ruled only where Europeans owned land and not where Maoris owned land- an indication that the abstract concept of sovereignty was meaningless, that government and settlement were regarded as identical, and that the notion of government, god-like, operating above and between the new and the old did not gain acceptance.\textsuperscript{50}
\end{quote}

Ward argues that the 1840s and 1850s were critical years for the political autonomy of East Coast Maori and their relationship with the Crown and also a period of missed opportunity for co-operation. In the 1850s, according to Ward, Maori sought increased kawanatanga –meaning an increased share in the administration of justice and

\textsuperscript{47} Derby, doc A11, p 17
\textsuperscript{48} W H Oliver and J M Thomson, Challenge and Response: a study of the development of the Gisborne East Coast Region (Gisborne: East Coast Development Research Association, 1971), p 76
\textsuperscript{50} Oliver and Thomson, p 76
involvement in political institutions. Despite the British policy of ‘amalgamation’, Maori were effectively shut out of political processes and institutions. This, in Ward’s view is the real ‘tragedy’, that the British ‘did not follow through with their own policy genuinely enough but, under Grey, began to patronise the Maori and keep them out of developing institutions of state power.’

J A Mackay claims that the first real contact with the Government had been through the visit of McLean in 1851, at which time an impromptu court was held to settle some disputes between Maori and Pakeha. Until the arrival of the ‘luckless’ Resident Magistrate Herbert Wardell in 1855, disputes would have been settled by the missionary or local runanga, which remained the real power. Oliver and Thomson argue that although Wardell was ‘used by Maori as a judicial backstop he was completely ineffectual as an expression of British authority.’ The Waitangi Tribunal’s Turanga report and Oliver and Thomson have commented on the remarkable strength of Turanga institutions at a time of continuing loss among the people:

It is very probable that the Maori population of the 1840s and 1850s was in a state of continual decline. The surprising thing is that this decline appears to have been in numbers only, and not in morale. The almost total lack of British settlement, the retention of most of the land and the unrestricted authority of their own institutions are probably responsible for the fact that though the population is a remnant, it is, in spite of the inroads of disease and the impact of liquor, a flourishing rather than a declining remnant.

In an article discussing Maori customary rights, University of Canterbury law lecturer Sasha McMeeking stated that ‘the development of law around customary rights has been “quite haphazard and highly reactive”’. Nevertheless, ‘in the early colonial period, the Pakeha authorities were more permissive in recognising Maori law than they are

52 J A Mackay, Historic Poverty Bay and the East Coast, North Island New Zealand (Gisborne: J G Mackay, 1949), pp 199-200; Daly, Poverty Bay, p 38
53 Oliver and Thomson, p 78; Daly, Poverty Bay, p 38
54 Oliver and Thomson, p 54; Waitangi Tribunal, Turanga Tangata, Turanga Whenua: The Report on the Turanganui a Kiwa Claims (Wellington: Legislation Direct, 2004), p 59,
often given credit for.\textsuperscript{55} Parts of McMeeking’s argument may be extended to other aspects of the Crown-Maori relationship on the East Coast, as existing research suggests that in the early colonial stage Maori held the reigns of legal and judicial power. Often Maori management structures—such as the runanga and tribal self-regulation—prevailed over or were integrated into Pakeha political, judicial and governance structures.

For instance, Wardell who was based at Turanga from 1855, at the request of certain East Coast chiefs due to increasing drunkenness and problems, was seen as largely ineffectual even to his own mind. The chiefs Raharuhi Rukupo, Rau and Iraia Tamararo and Rakaiapu had implored the Governor that they were desirous of a law ‘to look into our faults, and into those of the Europeans’.\textsuperscript{56} William Williams commented that the magistrate was appointed ‘in consequence of a wish expressed by a few chiefs’ for the government to actively suppress that importation of liquor into Poverty Bay, although majority were opposed to the idea.\textsuperscript{57} Charles Baker reported, ‘a letter came today from the Native Secretary to the Natives to day that their memorial to the Governor had led his Excellency to appoint a Magistrate to correct the evils complained of.’\textsuperscript{58}

Daly writes that land and liquor were stimulation for the extension of government authority into the East Coast:

\begin{quote}
On his return in 1853, Williams had found that there had been a considerable increase in drunkenness amongst Maori, which he attributed to their increased ‘worldliness’ and contact with Europeans. The missionaries on the East Coast encouraged the intervention of the Government in order to counter the negative influence of the general lawlessness of Europeans in the area…Europeans in the area had been concerned at the absence of any Government agent on the East Coast to protect their interests, and although it had not been a problem until the late 1840s, the difficulties they began to experience in their
\end{quote}

\textsuperscript{55} Sasha McMeeking in Howard Keene, ‘Customary Rights: Where Cultures Collide’, \textit{Te Karaka}, Autumn 2007, p 9
\textsuperscript{56} Raharuhi Rukupo, Rana (sic) and Iraia Tamararo, Rakaipu to Governor Grey, enclosure 3, ‘Despatch from Governor G Grey to Earl Grey’, 31 March 1851, BPP, vol 9, no 1, p 3 (see Derby, doc A11, p 55)
relations with local Maori by that time had increased the perceived need for
government authority to be extended to the area.'59

Ward has argued that the Resident Magistrate and his associated machinery were to
become the most important institution mediating European law and administration to
the Maori. The Resident Magistrates’ Courts Ordinance of 1846 gave the Resident
Magistrate a summary jurisdiction in disputes between Maori and Pakeha. For disputes
involving only Maori, he was to constitute, with two chiefs appointed as Assessors, a
Court of Arbitration; no judgement was to be carried into effect unless all three
members of the Court were agreed.'60

Nevertheless, although he settled some minor cases, Wardell had no power to compel
either European or Maori to attend his Court or to comply with his decisions. Wardell
commented:

while they had a fair idea of the rights and privileges which that position [subjects of the
Queen] gave them, they knew nothing of the obligations which it involved; they had not
been taught that obedience to its authority was compulsory and might be enforced, but
had conceived the notion that, as the only argument which had been used in its support
was an appeal to their reason, they had the right of exercising their freewill by accepting
or rejecting it as they might deem best.61

Upon conclusion of his duties on the East Coast, Wardell reported that the Maori in
Turanga:

denied the right of the Government to send a Magistrate amongst them, on the ground
that, as they had not sold their land to the Queen, the Government had no authority over
them…
In fact they regarded the Queen as the head of a people occupying isolated portions of
territory in the Island; with whom they had occasional intercourse: but as possessing-as
of right- no authority over them.’’62

59 Daly, Poverty Bay, p 38; see Oliver and Thomson, p 53
60 Ward, Show, p 74
61 H Wardell to Native Secretary, 20 September 1861, AJHR, 1862, E-7, p 31
Wardell was removed as Resident Magistrate was in 1860, and was not replaced. The only remaining Government official on the East Coast was W B Baker, stationed at Waiapu from 1861 as part of Grey’s runanga scheme, to which Poverty Bay Maori refused to be affiliated. Baker was already well known in the Waiapu district as the son and assistant of the pioneer missionary. Oliver and Thomson write that in Baker law and religion were merged and missionaries were utilised as judges.

Steps were taken to bring the traditional Maori runanga under the colonial system of justice. The incumbent Resident Magistrate Baker was instructed to:

Make a preliminary circuit of your district for the purpose of communicating with Chiefs and Assessors; explaining that the object of the Government in acceding to the request of the Ngatiporou tribe, that a European magistrate should be sent to reside in their district, is to place within their reach those advantages which attend a regular administration of justice, and to aid them in establishing among themselves a system of local self-government under European supervision adapted to their conditions and circumstances.

Oliver and Thomson argue that:

Baker’s experience at Waiapu was much the same [as Wardell’s at Poverty Bay]. He came to administer law as resident magistrate and to put into effect Sir George Grey’s local government scheme. In the event he did neither but merely made a further contribution to the flux. He was instructed to convert existing runangas into ‘efficient instruments in the hands of the Government, for establishing and maintaining law and order, and improving the social condition of the Native Race’ by investing them ‘with specific functions and authority’.

---

62 Wardell to Native Secretary, pp 30-31 (Daly, Poverty Bay, p 39)
63 Daly, Poverty Bay, p 43
64 Oliver and Thomson, p 60
65 Thomas H Smith to W Baker, 8 November 1861, AJHR, 1862, E-2, sec v, p 3
66 Oliver and Thomson, p 63
Baker, defying those instructions, decided against experimenting with the new institutions, Government-sponsored runanga, at Turanga. The *Turanga* report considered that:

given the more centralised runanga that evolved in Turanga, the Crown lost a very great opportunity to work with the leadership there when it failed to apply section 71 of the Constitution Act 1852 in this area. That Act, passed by the British Parliament to establish representative institutions in New Zealand, provided for the Governor to proclaim districts in which native ‘Laws, Customs, and Usages’ should be ‘maintained for the Government of themselves’.

The evidence scoped suggests that the attempt to transform the traditional runanga into a government sanctioned and centralised form was also unsuccessful due to the refusal of the chiefs to ‘legalise’ their runanga within the government scheme. Nevertheless, the ‘unofficial’ runanga continued to be a dominant political and social influence in the community. Contrary to what the government had anticipated for its official runanga scheme, the power of the traditional runanga grew stronger along the East Coast and throughout the North Island.

Indeed, the runanga, to the dismay of the Crown, transmuted into a supporter of the King and Repudiation movements. The *Hawke’s Bay Herald* reported that:

The *Runanga* is in fact the most powerful of the supports of the King movement, and by usurping the privileges of the lesser chiefs, puts the whole of the native districts more or less under its sway, and obtains for itself a thing unheard of before in native history, and undivided authority.

Another consideration that may be addressed in an overview report is how, if at all, the wars of the 1860s, impacted on the political relationship between East Coast Maori and the Crown. Furthermore, how the threat of land confiscation may have affected the East

---

67 Waitangi Tribunal, *Turanga*, p 60
68 Waitangi Tribunal, *Turanga*, p 59
70 Movements such as these shall be explored in Chapter Six
71 *NZ Advertiser*, nd, in *Hawke’s Bay Herald*, 12 May 1860, p 5 (Derby, doc A11, p 66)
Coast Maori and Crown political relationship. For example, Edward Stafford wrote to Donald McLean, in November 1865:

You will be good enough to notify to the Natives at Waipu, Poverty Bay, and to any other natives you may at any time communicate with, that, if they do not for the future preserve the peace, so surely will part of their land be taken from them for the purpose of defraying the cost of repressing the outrage and maintaining order; and that, if after this, they should break the peace, the Government will establish Military Settlements on their lands to maintain the Queen’s Authority.  

Chapter Three of this scoping report explores existing research and historical sources which address the conflict in 1865 in further detail. This conflict culminated in the exile of East Coast Maori accused of ‘rebellion’ to the Chatham Islands, and this act is alleged by some East Coast claimants to be in violation of the right of habeas corpus. Further contextual analysis for this event may be found in Chapter Six, which looks at sources that discuss East Coast Maori participation in movements such as the Kingitanga, the Repudiation movement, and Kotahitanga.

2.2.3. Political Issues Focus Questions 1870s-1890s

♦ Were Maori caught between new and old political systems by the 1890s? Did this affect East Coast Maori?
♦ Does this period show a strong link between retention of land and forms of authority and the continued well-being of communities, as put forward by Oliver and Thomson?
♦ What were the political objectives of such developments as the native school system on the East Coast?
♦ What was the link between the East Coast Maori and the emergence of influential national political figures from the area (for example, Ngata and Carroll)?
♦ What were their political aims, and how did this reflect the political relationship with the Crown (for example, the acceptance of the parliamentary system)?

Did this period see an end of East Coast Maori calls for recognition of customary rights (and autonomy generally)?

Is their evidence that East Coast Maori continued to exert practical, or effective autonomy well into the twentieth century?

2.2.4. Existing Research and Sources 1870s-1890s

The available sources suggests that the 1870s to 1890s saw new attempts to co-operate and different methods employed to gain measures of autonomy. The government proffered a number of legislative measures designed for the self-governance and political participation of Maori, it remains to be seen how East Coast Maori responded to these measures. In 1867, the Maori Representation Act gave Maori representation at a national level. The Native Committees Act 1883 provided for the election of committees in ‘Native Districts’. Nevertheless, there were calls for separate Maori institutions, leading to the Kotahitanga movement and the meeting of several Maori parliaments (Paremata Maori) in the 1890s. Some views on how the political relationship between Maori and the Crown changed or evolved in this period are summarised below.

S K Jackson, in his thesis concerning politics in the Eastern Maori electorate, perceives a tension between a resolute East Coast Maori and a ‘modernising’ Crown in the late-nineteenth century. What is of interest here is the way East Coast Maori reacted to Crown efforts to ‘amalgamate’ and ‘modernise’ Maori and their traditional practices. Jackson argues that Maori were caught between new and old, and ‘modernised’ at a frightening speed. Nevertheless, after 1890 Maori endeavoured to face the situation by entering politics themselves and creating their own movements. Jackson goes on to quote P H de Bres: ‘A society under siege does not dissolve without a struggle, but rather provides anti-bodies to check the rot. These have often taken a religious form’.

---

73 Habeas Corpus is a common law or prerogative, used as an instrument for safeguarding individual freedom against arbitrary state action. Habeas corpus serves to provide due process. However, the procedure of habeas corpus may be suspended in times of national emergency.

Ward argues that ‘‘amalgamation’’ was still the main goal in the 1870s and 1880s, but the immediate aim was to secure Maori acceptance of the concept of the rule of law and the regular administration of it through judicial institutions. Ward cites Grey’s opinion that only eventually would custom be superseded by the English code of law, ‘‘as the natives may learn to understand and appreciate it’’.

For example, in May 1878 Resident Magistrate Campbell commented on the native schools on the Waiapu district:

Judging by the amount of success that has attended these schools at their first establishment, there is every reason to hope that the effort to benefit the Native race will be the means, eventually, of fitting any of the rising generation to become useful members of the community.

Oliver and Thomson contend that the East Coast was perhaps different to other regions in New Zealand in the mid- to late- nineteenth century. They say that prior to the 1870s the East Coast was ‘‘a frontier still in the very early stages of transformation. Maori outweighed Pakeha in terms of population size, social pre-eminence, economic function, political authority and military strength.’ Furthermore, prior to 1870s ‘‘the traditional forms of social control showed remarkable persistence and adaptability.’

Lindsay Cox discusses the way movements towards the end of the nineteenth century and into the beginning of the twentieth looked at ways that Maori imperatives could operate within a European political model. Furthermore, there appears to be distinct change in terms of inter-tribal unity and co-operation. Cox discusses how there was a continual search for a unified Maori body to parallel the Crown’s government; he calls this search ‘‘kotahitanga’’.

---

76 Grey to Gladstone, 14 November 1846, BPP, 1847 [837], p85 (Ward, Show, p 63)
77 Resident Magistrate Campbell to Under-Secretary Native Department, 23 May 1878, AJHR, 1878, G-1, enclosure 13, p 12
78 Oliver and Thomson, p 18
79 Oliver and Thomson, p 59
80 Lindsay Cox, Kotahitanga: the Search for Maori Political Unity (Auckland: Oxford University Press, 1993), p 5
Historical evidence indicates that East Coast Maori were engaged with overarching issues affecting Maori and often led initiatives to see them addressed. For example, in 1883 Land Purchase Officer John Brooking reported that preparations were underway for a large meeting at Waiapu in honour of Chief Anuru te Kahaki. Brooking noted that the convening tribe, Ngatiporou had sent invitations to other Maori. The agenda was not to be simply local matters, but questions affecting Maori in general. Brooking believed that the meeting had ‘reference to a movement instituted by Ngapuhi, bearing on the Treaty of Waitangi’.

The Young Maori Party, formed in 1897 from the Te Aute College Students’ Association (Hawke’s Bay), also had strong links to the East Coast. Some of the most prominent members Sir Apirana Ngata of Ngati Porou, Dr Tutere Wirepa of Te Whanau a Apanui and Ngati Porou, and Reweti Kohere of Ngati Porou. Cox argues that the members of the Young Maori Party built on the work of earlier Maori Parliamentarians, James Carroll and Hone Heke, in articulating Maori needs to Pakeha audiences. The Young Maori Party not only sought increased Maori representation and political participation, but also believed that Maori lands should be retained and developed.

2.2.5. Political Issues Focus Questions 1900-1945

♦ To what extent did the system of Maori Council and Land Boards provide for expressions of autonomy on the East Coast?
♦ What is the evidence for O’Malley’s argument that this system failed in this regard?
♦ What was the level of support for the Ratana movement on the East Coast, was this perceived as a vehicle for autonomy and self-governance by East Coast Maori?
♦ To what extent does evidence from the East Coast support Ngata’s quote regarding the need for tribal structures to cushion impacts of change even by 1939?
♦ How did the development of organisations by Maori, such as the Maori War Effort Organisation, provide for means of autonomy and what was the government response?

81 Land Purchase Officer J Brooking to Resident Magistrate Gisborne, 13 June 1883, AJHR, G-1A, enclosure no 7, p 8
82 Brooking to Resident Magistrate, 13 June 1883, AJHR, G-1A, enclosure no 7, p 8
83 Cox, Kotahitanga, p 92
2.2.6. Existing Research and Sources 1900-1945

The available secondary and primary sources indicate that this period saw an increasing concern of Parliament with the management of Maori lands and Maori welfare issues. In 1900, the Maori Councils Act and Maori Land Administrations Act were passed. On the East Coast there was large-scale land management reform. This period also saw the emergence of supra-tribal political and welfare organisations such as the Ratana movement, which formed in 1918 and became aligned with the Labour Party in the 1930s, and the Maori War Effort Organisation which formed during the Second World War.

In 1900, the proposals of the Young Maori Party and the 1899 Paremata (Kotahitanga) were incorporated into the Maori Councils Act and the Maori Lands Administration Act, albeit in a diluted form. The Maori Lands Administration Act outlined the reason for its protective measures:

> Whereas the chiefs and other leading Maoris of New Zealand, by petition to Her Majesty and to the Parliament of New Zealand, urged that the residue (about five million acres) of Maori land now remaining in the possession of the Maori owners should be for their use and benefit in such ways as to protect them from the risk of being left landless…

Richard S Hill writes that Ngata had set out to promote economic and social revival on the East Coast and he intended to demonstrate that this was viable through collective endeavour. After his election to Parliament, Ngata urged Ngati Porou farmers to create incorporations to develop large areas of multiply-owned land. From 1911, Ngati Porou expanded its productivity plans, ‘with provisions in the 1909 Native Land Act to be used for trailblazing work on the consolidating of individualised shares’, according to Hill, ‘along with (an interrelated) tribal resurgence, this pioneering land-tenure reorganisation had helped revive the Maori economy on the East Coast.’

---

86 Hill, *State Authority*, p 111
Alongside, Ngata’s plans to reorganise East Coast land holdings, with more profitable farming, was the desire for the prohibition of alcohol. Hill writes:

In the East Coast tribal region, a prohibitionist liquor regime had been established after Ngata’s strictures against excessive alcohol consumption. The Horouta Maori Council was the vehicle, and opponents could thus depict the regime (imposed after a narrow regional polling majority) as an attack on their autonomy. In the name of indigenous rights, they campaigned to abolish prohibition, seeing its implementers as lackeys of the Crown in applying a definition of ‘order and regularity’ in Maori regions that differed from that in settler regions. An opposition haka denounced the various impositions of the state but focused on liquor regulation.87

Despite the frequent petitions arguing that allowing Ngati Porou communities to regulate their own liquor consumption was preferable to its prohibition by the state, prohibition continued until 1922.88

Hill notes that ‘by the post-war period, even the most pro-western of the Young Maori Party core members were reconsidering their previous enthusiasm for in-depth assimilation to European ways’. The ‘much-vaunted success’ of incorporation and consolidation on the East Coast, according to Hill, showed that in ‘modernisation’ the law could be used to preserve many of the traditional customs and lifestyle of Maori. Ngata was aware that ‘in state eyes the problem with his tenurial and managerial reforms was that they did potentially foster communalism’.89 O’Malley argues further that the Maori Councils legislation did not create more effective local self-government for Maori, nevertheless the Stout-Ngata Commission in 1908 noted that the Papatupu Block Committees did provide timely and effective investigation into title. These Committees, however, were not able to flourish, as they were abolished in 1909 and the Native Land Court once again had exclusive jurisdiction in investigation of title to Maori land.90

---

87 Hill, State Authority, p 97
88 Hill, State Authority, p 97
89 Hill, State Authority, p 111-112. See Walker, He Tipua, Chapter 5: Ahu-Whenua, for more on Ngata and the farming scheme.
Both secondary research and historical sources explore aspects of the political relationship in terms of how these new councils and political structures were ‘reconciled’ with traditional organisation and political methods. Prominent in existing literature is Sir Apirana Ngata, whom Ranginui Walker has described as the *modus vivendi* between two cultures of disparate traditions.\(^9\) Ngata, for example, stated in 1939 that:

> The most potent force on the old culture was the social order: the chief at the head and so on down, but there was never any snobbery, because the chief was only the representative of the elder branch of the same family. There was gradation in the social life, and also a spirit of co-operation or communism…The tribal organisation persists and has great value in cushioning the tribe in the contact with another civilisation, and the difficulties of adjustment.\(^2\)

### 2.2.7. Political Issues Focus Questions 1945-1986

- If and how were East Coast Maori involved in various political initiatives and how did the Crown respond?
- Did the political behaviour of East Coast Maori, for example, voting patterns, alter in this period given the political climate?
- If and how did East Coast Maori respond to the policy of assimilation in the 1960s?
- How and why did Maori respond to the government and government policy in the 1970s? Did East Coast Maori participate in these responses?
- What was the impact of efforts to create united Maori organisations in the 1970s and 1980s on the East Coast?

### 2.2.8. Existing Research and Sources 1945-1986

In 1945, the Maori War Effort Organisation was replaced with welfare organisations and committees established under the Maori Social and Economic Advancement Act, and in 1962 the New Zealand Maori Council was formed. The government refreshed its official policies of assimilation in this period, as indicated by the Hunn Report, released:

---

\(^9\) O’Malley, *Agents*, p 247

in 1961. However, there was also renewed protest in the late 1960s and 1970s, triggered by the Maori Affairs Amendment Act 1967, which introduced compulsory conversion of Maori freehold land with four or fewer owners. This revived protest culminated in a hikoi to publicise the continuing loss of Maori land in 1975. In the 1980s, the government undertook major restructuring in an effort to maintain economic stability, however, Maori perceived that they were once again marginalised by this process.93 This section examined sources of various views on the evolving Maori and Crown political relationship through to the Constitution Act 1986.

The available evidence indicates that the latter twentieth century saw Maori both engage within formal political institutions and organise at a national and supra-tribal level outside of these institutions. The war effort exacerbated the transformation of tribal structures into state-sanctioned tribal committees. The 315 tribal committees that were formed, according to Cox, demonstrated the Maori capacity to organise at a national level.94 In the post-war years the tribal committees of the Maori War Effort Organisation appeared to be a more Maori driven alternative to the Native Department. In 1945, these Maori (tribal) committees were replaced under the Maori Social and Economic Advancement Act and later the Maori Welfare Act 1962. Despite the structural potential of the committees they were perceived as a mechanism of top-down communication of government policy, as Cox states, the New Zealand Maori Council, ‘has not been able to shrug off its links with the State and with mainstream political intrigue. Because of that, its appeal as a rallying point for all Maori has suffered.’95

Another key change in the twentieth century, was according to Sorrenson, a move from tribal-base alliances to prestigious leaders, such as Carroll and Ngata, to the ‘class-based grass roots movement’ of the Ratana movement, which had strong allegiance to the Labour Party.96 S K Jackson suggests that on the East Coast, however, perhaps due to the long shadow cast by Sir Apirana Ngata allegiance to the prestigious leaders still

92 ‘Notes from a Lecture Given by Sir Apirana Ngata in Nelson, October 21 1939’, MS 1405, folder 1, Auckland Museum Archive
94 Cox, Kotahitanga, p 102
95 Cox, Kotahitanga, p 108
lingered even in the 1950s and 1960s. When S K Jackson conducted research for his 1977 thesis, one respondent said that the reasons Ngata was such a great leader were ‘[f]irstly, he had the academic achievement with an M.A. and L.L.B. Two, he had a thorough knowledge of the psychology of Maoris -even of different tribes. Three, was his sense of mission...Also there was his continual keeping in touch with local thinking’. Likewise, in 1951 Mrs M R Walker ‘a Ngatiporou National supporter’ of Ruatoria, wrote to the Honourable Mr Corbett congratulating the National party on its return to power, however she was regretful that Mr T Carroll was not elected as Member for Eastern Maori. She wrote: ‘We in this district gave Mr Carroll our strong support for he was [the] candidate strongly supported by the late Sir Apirana Ngata who had hoped that Mr Carroll would follow in the footsteps of his honourable uncle, the late Sir James Carroll’. Corbett, Minister of Maori Affairs wrote back to assure Mrs Walker that ‘[a]lthough there are once again no Maori members in the government I would like to assure you that the interests of the Maori people will be fully regarded’.

Jackson argues that Maori politics are very different from European politics, for example, the importance of marae etiquette to Maori politicians. Jackson’s thesis examines the disputed National candidacy in 1969, which saw Sir Apirana Ngata’s son Henare Kohere Ngata stand. He says that the other two potential National candidates were at a disadvantage partly due to a lack of proficiency in te reo and the Eastern Maori voter’s desire to pass the mantle to the son of Apirana Ngata. Ngata spoke at a marae at Te Kaha during his election campaign, stressing the need for unity and stated that:

For years we have been in the anomalous position of having our four Maori Members of Parliament in the House but they can do little, and they have done little, to influence Government policy because they’re in Opposition. On the other hand with the National Party there are no Maori members and, even with the best of intentions, I don’t think you can get any back-door entry to legislation. We need a Maori member on the National Party side of the House so that we can bring some influence to bear on matters concerned with Maori affairs.

98 M R Walker to E B Corbett [Translation], September 11 1951, MA 1 19/1/5 box 333, part 1, ANZ-Wellington
99 E B Corbett to M R Walker, 10 October 1951, MA 1 19/1/5 box 333, part 1, ANZ-Wellington
On the campaign trail in 1969 Mr Reweti and Mr Ngata respected the importance of Maoritanga and incorporated it into their campaigns. For instance, deferring to kaumatua, elevating the tikanga of marae and of religious practices over the political posturing. Support was not necessarily garnered with attractive policies, in some cases it was the mana, ancestry, or kinship and local connections of the candidate. For example, at Waipiro Bay Mr Reweti was told ‘We vote for Henare [Ngata] because he is ours but you, Reweti, have done everything we have asked of you. We like your policies but Henare is our man’.\textsuperscript{102} While support for Ngata was strong on the East Coast, it was Mr Reweti (Labour Party) who returned to the Eastern Maori seat.\textsuperscript{103}

The 1960s appears from the secondary and primary sources scoped to be a time when Maori were increasingly publicly questioning the policies and practices of the Crown, the Crown considering whether assimilation was the best policy.\textsuperscript{104} For example, Jackson explores the impacts of the 1967 Maori Affairs Amendment Bill on the relationship between the Crown and Eastern Maori.\textsuperscript{105} While overall, Maori were opposed to the Bill, there was ‘some support for the parts of the Bill among the people of Ngati-Porou who succeeded in bringing some changes about in those clauses dealing with incorporations.’\textsuperscript{106} One of the respondents from Eastern Maori in Jackson’s survey considered that ‘the [Maori Affairs] Department wanted these powers given to them by the Act because it is too much a paternalistic, possessive, great white father.’\textsuperscript{107} The Bill was considered to be racially discriminatory and a number of Eastern Maori surveyed felt ‘tremendous discontent’.\textsuperscript{108} Despite this, during his campaign (HK) Ngata gave support to the Maori Affairs Amendment Bill. Ngata gave support on an integrationist basis and highlighted the success Tai Rawhiti had had with their submissions on the Bill.\textsuperscript{109}

\textsuperscript{102} Jackson, ‘Politics in the Eastern Maori Electorate’, p 196
\textsuperscript{103} Jackson, ‘Politics in the Eastern Maori Electorate’, p 214
\textsuperscript{104} See J K Hunn, Report on the Department of Maori Affairs: with statistical supplement (Wellington: Government Printer, 1961). Curiously, there is no analysis of Maori in a political or electoral capacity, though it does address Maori participation in terms of crime, welfare, and land administration.
\textsuperscript{105} Jackson, ‘Politics in the Eastern Maori Electorate’, p 151
\textsuperscript{106} Jackson, ‘Politics in the Eastern Maori Electorate’, p 152
\textsuperscript{107} Jackson, ‘Politics in the Eastern Maori Electorate’, p 153
\textsuperscript{108} Jackson, ‘Politics in the Eastern Maori Electorate’, pp 157, 166
\textsuperscript{109} Jackson, ‘Politics in the Eastern Maori Electorate’, p 180
The Social Credit Candidate for Eastern Maori in 1969 Mr Paul, is said by Jackson to be the ‘most assimilationist of all the candidates’.\textsuperscript{110} Paul did not agree with separate Maori branches for the party and believed the Maori seats should be abolished ‘because Maoris get better representation from their local members than from their Maori members…Maori branches suffer from the fact that they are entirely dependent on one person. I found this out in both Gisborne and Whakatane where the branches were dependent on one person. Then, when they moved, they collapsed.’\textsuperscript{111}

The history of Maori autonomy or rangatiratanga in 1970s and 1980s is only just emerging in the wider historiography. Hill and O’Malley note that the mid-1970s were a period of increasing frustration that Maori were still shut out of meaningful political participation.\textsuperscript{112} Existing secondary literature suggests that pan-tribal and detribalised informal associations, demanding full autonomy, arose from the discontent of the late 1960s. In 1979, the Mana Motuhake party was formed by the former Northern Maori member and Labour Minister of Maori Affairs, Matiu Rata. As the party’s name suggests, its philosophy advocated Maori autonomy, self-reliance and discouraged Maori dependence upon the State.\textsuperscript{113} This is examined further in Chapter Six.

2.3. Conclusions and Recommendations

The question of how the political relationship between East Coast iwi and hapu and the Crown evolved over the period 1840 to 1986 encapsulates issues of political autonomy, governance and representation at central, local and community levels, involvement in governance and judicial structures, and grass-roots movements towards autonomy. The purpose of this scoping report is to practically and realistically evaluate if and how this issue of the evolving political relationship could be taken forward in further research.

Based on this preliminary scoping exercise it is opined that an overview report on the evolving political relationship between East Coast Maori and the Crown is possible and would be useful to the inquiry. The East Coast inquiry casebook has reports completed and underway which examine many aspects of engagement on a political level between

\textsuperscript{110} Jackson, ‘Politics in the Eastern Maori Electorate’, p 183
\textsuperscript{111} Mr Paul, interview 10 August 1970 (Jackson, ‘Politics in the Eastern Maori Electorate’, p 183)
East Coast Maori and the Crown. These reports address issues including the East Coast wars, local government, environment and resource management, the Native Land Court, public works legislation, socio-economic aspects, and rating. In considering the necessity for further research it is noted that some aspects are likely to be covered by existing research in the East Coast research programme.

It would not be practical or useful to the East Coast inquiry to duplicate research which is underway or to simply summarise existing secondary sources. However, it would be a useful undertaking to provide a substantive overview report, commencing late in the East Coast research programme, which can synthesise material from various reports to provide an overview of the evolving political relationship between East Coast Maori and the Crown. For instance, useful secondary sources could include:


Daly, S, *Poverty Bay*, Rangahaua Whanui series, district report 5B (Wellington: Waitangi Tribunal, 1997)

Derby, M, “Undisturbed Possession’ Te Tiriti o Waitangi and East Coast Maori 1840-1865’, doc A11

Edwards, C, ‘Turanganui a Kiwa 1840-1865’ (Issue 2) (Wai 814 record of inquiry, doc F10)


---

113 Cox, *Kotahitanga*, p 135. Also see Cox, Chapter Seven for analysis of Maori political movements, such as the National Maori Congress, in the 1990s.
Mackay, J A, Historic Poverty Bay and the East Coast, North Island New Zealand (Gisborne: J G Mackay, 1949)


Stirling, B, ‘Rongowhakaata and the Crown, 1840-1873’, research report commissioned by the Crown Forestry Rental Trust, 2001 (Wai 814 record of inquiry, doc A23)


An in-depth outline of this proposed political overview report can be found in Part D of this scoping report. It is suggested that this overview report draw upon models of existing research. For example, the Waitangi Tribunal’s He Maunga Rongo: Report on the Central North Island Claims Stage One which addresses political engagement between the Crown and Central North Island Maori. Another model may be David Armstrong’s ‘Te Arawa Land and Politics’ which drew upon the existing body of scholarship to provide a ‘single and coherent ‘stand-alone’ narrative’. In Armstrong’s model substantive gaps in the existing body of research and secondary literature were identified and filled with historical research where feasible.

---

114 Waitangi Tribunal, The Central North Island Report (Wellington: Waitangi Tribunal, 2007), first release
Chapter Three: East Coast Maori and Exile to the Chatham Islands/Wharekauri

3.1. Introduction

The East Coast wars and the exile of Maori to the Chatham Islands/Wharekauri have been explored in a number of research reports on the Gisborne record or inquiry and by a number of secondary published sources. This chapter considers whether existing research is sufficient and if not, if historical sources exist to make further research feasible. The focus questions have been drawn from the statements of claim and are used to assess whether existing research is sufficient.

3.1.1. Claims

A number of East Coast claimants allege that deportation to the Chatham Islands was unlawful and not in good faith, and that the exile had a detrimental effect on the Crown-Maori relationship.

The Ruawaipu claimants allege that the Crown exiled Ruawaipu whanau (hinerupe) men, women and children to the Chatham Islands ‘without writ or a right to trial’, and many were ‘never to return to their papatipu again.’

Te Aitanga-a-Hauiti also claim that their tupuna were declared rebels and sent to the Chatham Islands. Te Aitanga-a-Hauiti claim that the causes of the ‘rebellion’ were exploited, and circumstances exaggerated to gain Crown control over Te Aitanga-a-Hauiti ‘hauhau rebels.’

Te Whanau a Kai also allege that:

The Crown, acting illegally and without lawful excuse and in breach of its duties under the Treaty wrongly accused members of Te Whanau a Kai, including those who were supporters of the Pai Marire faith, of being “rebels” in rebellion against the Crown. The Crown had no reason to believe that the Pai Marire movement was in itself a threat to good order and government and thereby subsequent Crown actions were justified. Members of the Pai Marire movement in Turanga was made up of individuals from a

116 Claim 1.1.70, paras 5.5-5.10
117 Claim 1.1.28(a), paras 3.3, 4.3
number of hapu, but there was no evidence that any particular group were representative of the whole of any hapu...[The Crown]caused the treatment of the captives as military prisoners, imprisonment and exile of substantial numbers of Te Whanau a Kai to Wharekauri without trial, or the right of habeas corpus.\textsuperscript{118}

Te Whanau a Kai claimants believe that Te Whanau a Kai were exiled to Wharekauri to facilitate Crown policy to confiscate their lands and remove opposition to that policy being carried out. They say that the Crown failed to ‘repatriate the prisoners on Wharekauri, prior to the Poverty Bay confiscation.’\textsuperscript{119} Likewise, Rongowhakaata claimants also state that ‘[p]risoners, men, women and children of Rongowhakaata descent were deported to Wharekauri (Chatham Islands) because they were regarded as those most likely to cause trouble over the confiscation of land’.\textsuperscript{120}

Te Whanau a Kai state therefore that, ‘the Crown violated the fundamental liberties secured to subjects of the Crown and on the basis of the common law and the Treaty principles, the government, and agents for the Crown, acted illegally by interfering with Māori rights as British citizens without justification under the law.’\textsuperscript{121}

Te Whanau a Kai argued that as a result of Crown actions, which included imprisonment on the Chatham Islands, they have been:

- dispossessed of their land, leadership, means of livelihood, personal freedom, and social structure and values. As Maori, they were denied their rights of autonomy, and as British subjects, their civil rights were removed. The losses are therefore physical, cultural, spiritual and economic. Widespread suffering, distress, and deprivation were caused to the people of the Turanga region as a result of the illegal invasions by the Crown, as were the subsequent losses of life and destruction of taonga and property, and the confiscation of their land. The effects of the raupatu have lasted for generations.\textsuperscript{122}

\textsuperscript{118} Claim 1.1.20(a), paras 4.1, 4.2e
\textsuperscript{119} Claim 1.1.20(a), paras 4.2e-g
\textsuperscript{120} Claim 1.1.16, para 6(j). See Hazel Riseborough and John Hutton, \textit{The Crown’s Engagement with Customary Tenure in the Nineteenth Century}, Rangahaua Whanui series, theme C (Wellington: Waitangi Tribunal, 1997) for an account of the pressure put upon Maori in the nineteenth century to sell land and the increasing unwillingness, resistance and ‘rebellion’. This is of particular concern on the East Coast where special legislation was required to individualise titles to facilitate sales.
\textsuperscript{121} Claim 1.1.20(a), paras 4.5
\textsuperscript{122} Claim 1.1.20(a), paras 5.11
3.2. Overview

3.2.1. Exile to the Chatham Islands Focus Questions

♦ Were East Coast Maori among those incarcerated?
♦ What were the effects of the incarceration of East Coast Maori as exiles on the Chatham Islands/Wharekauri on their relations with the Crown?

3.2.2. Existing Research and Sources

North Island Maori had been embroiled in conflict with the Crown for some time, as Keith Sinclair notes, the Waikato Campaign which had began in 1863 and lasted for a year was succeeded by ‘fighting [which] continued intermittently, against the fanatical Hauhau in Taranaki and on the East Coast, for nearly ten’.123

Fighting broke out at Waipapu in June 1865 when Pai Marire proponent Patara resisted Ngati Porou’s attempt to arrest him. Subsequently, colonial forces were despatched to the East Coast, the Pai Marire ‘were pursued by colonial forces and kupapa Maori. From June to October 1865, there was virtual civil war on the East Coast between Pai Marire and kupapa’124 The Waitangi Tribunal’s Turanga report states that in 1865, tensions in Ngati Porou territory were ‘rising’, exacerbated by mass conversion to Pai Marire. The Turanga report notes that on 8 June 1865, McLean and Mokena Kohere travelled from Turanga to the northern East Coast, where they met with chiefs of Ngati Porou. Furthermore, ‘[c]onflict was significantly greater there than at Turanga. The very next day, fighting broke out near Pukemaire, a large pa near the present township of Tikitiki’.125 By mid-October 1865, the Pai Marire pa of Pukemaire and Hungahungatoroa at Waipapu had fallen to the Ngati Porou kawanatanga and colonial forces’.126 Colonial troops had arrived from Taranaki to fight Pai Marire forces along the East Coast and fighting spilled down into Hawke’s Bay.127 The situation gathered momentum throughout 1865, culminating in burning and looting of the mission building

124 Michael King, Penguin History of New Zealand (Auckland: Viking, 2004), p 218
125 Waitangi Tribunal, Turanga, p 72; Oliver and Thomson, p 91
126 Waitangi Tribunal, Turanga, p 72
127 King, History of New Zealand, p 218
at Waerenga a Hika. A government ultimatum of 10 November 1865 was not complied with.

Image 1: After the battle at Waerenga-a-hika, 1865 ¹²⁸

¹²⁸ F-008137-1/2, ATL
According to the *Turanga* report, as the number of Ngati Porou Pai Marire converts on the East Coast swelled in early November 1865 to 120, Donald McLean, the Crown’s principal agent on the East Coast, ‘decided to grasp the opportunity to use the Ngati Porou and colonial forces then in the district to destroy the Pai Marire influence along the East Coast and, in the process, break the independence of the Turanga tribes’.

McLean had considerable political power, Michael Turnbull describes him as ‘not only the Native Minister but also the ‘generalissimo’ of the East Coast’.

The *Turanga* report states that after the surrender of the Waerenga a Hika pa, the Crown imprisoned 113 men, purportedly the ‘worst offenders’, and transported them to the Chatham Islands (Wharekauri). By late 1866, a further 73 male prisoners had been sent over after fighting in the Hawke’s Bay. In total, 123 prisoners from Turanga were exiled. The wives and children of some prisoners were allowed to join them, and according to the *Turanga* report this increased the total number on the Chatham to

---

129 F-118691-1/2, ATL
130 Waitangi Tribunal, *Turanga*, p xvi
around 300. Detainees on Chatham Islands included Rongowhakaata (including Te Kooti), Te Aitanga a Mahaki, and likely Te Whanau a Kai and Ngariki Kaiputahi, and Ngai Tamanuhiri.

On the 24 February 1866 when the decision had been made to send prisoners to the Chatham Islands, the instruction to the Resident Magistrate was that prisoners were ‘to be detained there until the suppression of the rebellion may admit to their return’.  

Cecilia Edwards has written a report for the Gisborne inquiry entitled ‘Detention on the Chatham Islands 1866-1868’. This report gives a comprehensive account of the identity and composition of the prisoners, the conditions of detention, the treatment of prisoners and the escape in July 1868. Edwards discusses the returns from the first three extraditions to the Chatham Islands, noting that while the names of male detainees were recorded, the accompanying women and children may not have all been and that hapu affiliations were not recorded.

132 Waitangi Tribunal, *Turanga*, p xvii; Frank A Simpson indicates that part of the reason wives and children were allowed to accompany prisoners, as per the Native Secretary’s February 1866 instructions, was so that Maori were ‘treated liberally and fairly, and given every opportunity of rehabilitating themselves as loyal British subjects’. (Frank A Simpson, *Chatham Exiles: Yesterday and To-day at the Chatham Islands* (Wellington: Reed, 1950), p 110)
134 Russell to Resident Magistrate, Chatham Islands, February 1866; Russell to McLean, 24 February 1866, AJHR 1868, A-15a, pp 3-4
135 Edwards, ‘Detention’, p 12
According to Edwards the first three groups of detainees were:\textsuperscript{136}

### Table 1: Groups of Detainees

<table>
<thead>
<tr>
<th>Date Landed</th>
<th>No. of Men</th>
<th>No. of Women</th>
<th>No. of Children</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 March 1866</td>
<td>39</td>
<td>10</td>
<td>19</td>
<td>68</td>
</tr>
<tr>
<td>27 April 1866</td>
<td>47</td>
<td>30</td>
<td>11</td>
<td>88</td>
</tr>
<tr>
<td>10 June 1866</td>
<td>30</td>
<td>9</td>
<td>8</td>
<td>47</td>
</tr>
</tbody>
</table>

| Total            | 116 (115?) | 49           | 38              | 203   |

The return of 30 November 1867, taken after a fourth group (October 1866) and fifth group (December 1866), show tribal affiliation:\textsuperscript{137}

### Table 2: Demographic of Detainees

<table>
<thead>
<tr>
<th>Name of Tribe</th>
<th>No.</th>
<th>Where captured</th>
<th>Date sent to Chatham</th>
<th>Women</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Te Aitanga a Mahaki</td>
<td>39</td>
<td>Waerenga a Hika</td>
<td>10 March 1866</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>Te Aitanga a Mahaki</td>
<td>45</td>
<td>Waerenga a Hika</td>
<td>23 April 1866</td>
<td>30</td>
<td>11</td>
</tr>
<tr>
<td>Ngata Kahungunu</td>
<td>3</td>
<td>Te Wairoa</td>
<td>23 April 1866</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rongowhakaata (principally)</td>
<td>30</td>
<td>Waerenga a Hika</td>
<td>10 June 1866 (landed)</td>
<td>9\textsuperscript{138}</td>
<td>8</td>
</tr>
<tr>
<td>Ngatihineruru [sic] Waikato</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ngatituatepu</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ngatikahungungu</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ngatimaahu Rongowhakaata\textsuperscript{139}</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuho[u]rangi</td>
<td>52</td>
<td>Omarunui and Petane</td>
<td>23 October 1866</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ngatikerumokih1</td>
<td>21</td>
<td></td>
<td>28 December 1866 (landed)</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>Ngatimatipu Uriwera</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ngatirauunui Whauaki</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ngatiraukawa Wairarapa</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL men</td>
<td>190</td>
<td></td>
<td></td>
<td>69\textsuperscript{141}</td>
<td>45\textsuperscript{142}</td>
</tr>
<tr>
<td>TOTAL women</td>
<td>140</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{136} Thomas to Under Secretary Native Department, 16 June 1866, AJHR 1868 A-15E, p 9 (Edwards, ‘Detention’, p 17)

\textsuperscript{137} Return of Prisoners, AD 31/16, ANZ (Edwards, ‘Detention’, p 18)

\textsuperscript{138} See AJHR 1868, A-15E, p 13

\textsuperscript{139} Six Rongowhakaata and one Te Whanau a Kai man were in the fourth and fifth extraditions (Edwards, ‘Detention’, p 20)

\textsuperscript{140} Edwards notes that this is a variance with the sum of previous reports which counted 193 men in total

\textsuperscript{141} Two more than accounted for in arrivals

\textsuperscript{142} One more accounted for in arrivals
The official return at 30 November 1867 showed the composition of detainees as this:\textsuperscript{143}

**Table 3: Composition of Detainees**

<table>
<thead>
<tr>
<th>Tribal Affiliation</th>
<th>Male detainees</th>
<th>Women</th>
<th>Children</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Te Aitanga a Mahaki</td>
<td>84</td>
<td>40</td>
<td>30</td>
<td>154</td>
</tr>
<tr>
<td>Rongowhakaata</td>
<td>30</td>
<td>9</td>
<td>8</td>
<td>47</td>
</tr>
<tr>
<td>Non Turanga</td>
<td>73</td>
<td>20</td>
<td>7</td>
<td>100</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>187</strong></td>
<td><strong>69</strong></td>
<td><strong>45</strong></td>
<td><strong>301</strong></td>
</tr>
</tbody>
</table>

In relation to the East Coast inquiry statements of claim it is evident from the returns presented by Edwards, compiled from returns in the AJHRs, that Rongowhakaata were among Maori exiled to the Chatham Islands. It is, however, unclear from existing sources whether Ruawaipu, Te Aitanga-a-Hauti, or Te Whanau a Kai tupuna were among the prisoners. Claimants may take the opportunity to clarify their position in tangata whenua evidence.

In terms of the condition and treatment of prisoners on the Chatham Islands, Edwards proffers the following observations:

- the physical conditions of the detainees were hard intentionally, however, whether conditions were unduly harsh is a matter of interpretation
- that detainees and families had to construct their own permanent shelter
- the clothing was not adequate for the conditions
- detainees were required to grow their own food but were provided with government rations
- the death rate of 9 men out of 190 over 24 months can be comparable with death rates elsewhere
- sickness reports do not provide reliable conclusions. Nevertheless, there was an increase in illness during Winter months and a prevalence of respiratory illness
- that the behaviour of the guards gave rise for concern.\textsuperscript{144}

\textsuperscript{143} Return of Prisoners, 30 November 1867, AD 31/16, ANZ (Edwards, ‘Detention’, pp 20-21)

\textsuperscript{144} Edwards, ‘Detention’, pp 52-53
The sources scoped indicate that the indefinite incarceration of Maori on the Chatham Islands and the simultaneous legislative moves to confiscate land from those exiled, damaged relations between East Coast Maori and the Crown further. As Mackay has noted, it had originally been proposed that the prisoners would be returned ‘within the space of one or perhaps two years, and a promise to thus effect was verbally given to exiles, as well as to the loyal chiefs who agreed to the imprisonment of their kin’. Binney argues furthermore that ‘the underlying reason that the whakarau [prisoners or captives] were pursued was part of the government’s and Captain Reginald Bigg’s (an army officer and later Resident Magistrate at Gisborne) larger policy to use the claim that the prisoners were ‘rebels’ as further justification for land confiscations’.

The East Coast Land Titles Investigation Act 1866 created confusion and resistance as the legislation and its architect Biggs tried to ‘force’ East Coast Maori to cede their land to the Crown. This included East Coast Maori who had not engaged in rebellion, as confusion ensued and the Native Land Court was suspended. Biggs had described Turanga as ‘the most valuable [district] and the one from which the Government will most quickly obtain a return’.

The subsequent East Coast Act 1866 sought to remedy the perplexity, stating that anyone engaged in rebellion in any capacity since 1863 could not obtain title in tribal land. Under the Act the court could divide tribal land and confiscate land that belonged to ‘rebels’ and award titles to those who were not ‘rebels’. Binney argues that this legislation ‘created an environment where Maori contested ownership rights with one another. At the same time [the East Coast Act 1866] sought to curtail any movement of sympathy for the whakarau by defining all supporters as ‘rebels’ and then punishing them by stripping them of their land’.

---

145 Mackay, *Historic Poverty Bay*, pp 233-234
149 Binney, *Redemption Songs*, pp 105-106
As Binney notes further, Biggs wrote to McLean in June 1867, informing him that ‘he was encountering considerable obstruction on the part of Turanga Maori to his attempts to discover the names of those previously entitled to the land to be confiscated’. Biggs advised that the return of the prisoners should be delayed until these difficulties had been overcome, and so confiscation could be carried out.\(^{150}\) On the basis of this advice it was decided by McLean that the exiles should remain on the Chatham Islands for an indefinite period.\(^{151}\) It appears that Biggs’ actions curbed Maori compliance with government requests even more so. For example, at the Native Land Court sitting at Turanganui 4 July 1867 regarding ‘rebel’ lands, Biggs applied for adjournment partly because ‘he needed time to gather more evidence as Maori were withholding vital information from him, and he would now have to get it from those imprisoned on the Chatham Islands’.\(^{152}\)

In December 1867, the Auckland Superintendent advised the Colonial Secretary of a Provincial Council resolution recommending the proclamation of a general amnesty for all political offences.\(^{153}\) However, the release of Chatham Island prisoners, even those recommended by McLean, was not carried out. This led to criticism of the government’s action in detaining the prisoners and denying their release.\(^{154}\) In January 1868 the Under Secretary of the Native Department, Rolleston, visited the Chatham Islands and issued a report on what he found. Rolleston was critical of a number of factors.\(^{155}\) He exposed the ill-treatment towards Maori of some guards, in particular Sergeant Elliot, the interference with religious worship, inappropriate medical practices and negligence of the medical officer, and lastly the conscription of prisoners to work for settlers. As a consequence of Rolleston’s findings some detainees were released and the guard on the island was supplanted by eleven new men.\(^{156}\)

Biggs’ recommendation not to release prisoners and the conditions of exile were clearly to the chagrin of East Coast Maori and further strained relations. In 1868, Wi Haronga and 100 others petitioned the government, complaining that the prisoners taken from

---

\(^{150}\) Biggs to McLean, 13 June 1867, ‘Papers Relative to Prisoners and Guard at the Chatham Islands’, AJHR, 1868, A-15E, p 19; Binney, *Redemption Songs*, p 71

\(^{151}\) Daly, *Poverty Bay*, pp 77-78

\(^{152}\) Monro to Fenton, Auckland, 25 July 1867, AJHR, A-10D, p 4 (Daly, *Poverty Bay*, p 69)

\(^{153}\) AJHR 1868, A-1, p 31 (Edwards, ‘Detention’, p 57)


Poverty Bay had now been on the Chatham Islands for two and a half years, and ‘some had died there.’\textsuperscript{157} Likewise, the Member of Parliament for the Bay of Islands electorate Hugh Carleton ‘observed that ‘those people who had engaged in the rebellion had been more severely punished than any rebels in any other quarter of the island’ by their incarceration on the Chatham Islands.’\textsuperscript{158}

Daly suggests that land concurrent confiscation measures also met with resistance. When the Native Land Court sat again in March 1868, many East Coast Maori had decided to boycott the court as long as the East Coast Land Titles Investigation Act remained in force. Daly states that, like the sittings in 1867, the March 1868 sitting of the Native Land Court was followed by petitions from Maori of Poverty Bay and Waiapu.\textsuperscript{159}

Existing secondary literature suggests that the confused land confiscation legislation put both ‘loyal’ and ‘rebel’ Maori in a defensive position against the government. Orr-Nimmo briefly explores the tensions between ‘loyal’ and ‘rebel’ Maori, and Maori and the government that confiscation legislation wrought upon Turanga, and specifically Waiapu. Orr-Nimmo argues that while evidence suggests that Resident Magistrate Campbell was aware of Ngati Porou opposition to confiscation measures in 1868, Campbell pushed ahead advocating those measures. On 23 February 1869, Campbell wrote to McLean enclosing a letter from some Waiapu Maori, which he claimed showed they wanted confiscation of ‘all the Hau Hau Lands on this part of the coast’.\textsuperscript{160} Furthermore, a petition was signed by 1097 Maori from along the East Coast who complained that the ‘fighting took place in times past’, and that it had been Maori who had crushed the rebellion rather than the Pakeha unaided.\textsuperscript{161}

\begin{footnotesize}
\begin{enumerate}
\item[156] Edwards, ‘Detention’, p 65
\item[157] Daly, \textit{Poverty Bay}, p 74; ‘Petitions from East Coast Natives Relative to their Lands’, AJHR, 1868, A-16, p 3
\item[158] NZPD, 26 August 1868, p 39; NZPD, 19 August 1868, pp 517-518 (Daly, \textit{Poverty Bay}, p 74)
\item[159] Daly, \textit{Poverty Bay}, p 72. See also Wai 283, statement of claim 1.1, where members of Te Aitanga a Mahaki claim the prejudicial effects of the East Coast Land Investigation Acts 1866 and 1867.
\item[160] Campbell to McLean, 23 February 1869, McLean Papers, Folder 200, MS-Copy-Micro-0535-043, ATL (Orr-Nimmo, ‘Sun of Advancement’, p 129)
\item[161] Daly, \textit{Poverty Bay}, p 74
\end{enumerate}
\end{footnotesize}
In Ward’s view, Biggs’ and McLean’s zealous actions pushed resistance to the brink and led to further conflict:

At Poverty Bay Biggs, the local military commander and Resident Magistrate, was a zealot for confiscation and pressed demands which even the local squatters considered ‘too unyielding’. While Biggs haggled (and the local tribes petitioned parliament that government officers never visited them except ‘for the purpose of teasing us into handing over our land to them without any recompense’) it was deemed expedient by Biggs and McLean to keep in exile some of the Poverty Bay people who had been deported to the Chatham Islands during the campaigns of 1865 and 1866, lest they return to stiffen resistance to the cession. In the Chatham, Te Kooti Rikirangi, deported without trial in 1866 for allegedly supporting the Hauhaus…In July 1868 he organised a mass escape in a government vessel and shortly afterwards attacked Poverty Bay…

Edwards also explores the growing discontent that led to the escape of the majority of detainees on the Rifleman in July 1868. One of the motives put forward in the official papers was that the escape was due to the ‘expectation or promise [of release]… left unfulfilled’, however, the Under Secretary of Native Affairs stated that the ‘Native Office contains no record of any promise such as above referred to, and little or no trace of any such expectation’.

After the escape in July 1868, Binney argues that ‘neither Te Kooti nor the prisoners in general were seeking revenge for the way they had been treated on Wharekauri. However, they were pursued because they were armed with weapons taken from the Rifleman…and their escape route through Waikaremoana was blocked by the militia forces’. The resultant hostility of the escape and pursuit led to what Binney describes as a ‘focused’ attack on Matawhero on 9 November 1868. The ‘precise act of war’ resulted in 52 fatalities and 300 Maori were taken prisoner by Te Kooti. Binney deduces that the ‘events of Matawhero have to be located within the context of the
failure of the government to make any serious efforts to negotiate with the escaped prisoners. Instead, they had been insistently pursued by military forces’.166

Binney goes on to explain how the war expanded as Te Kooti evaded the government and that government hostility, borne of frustration, increased. The war raged through eastern Bay of Plenty, the Urewera, to Mohaka, Taupo the western Bay of Plenty, Rotorua and back into the Urewera and the upper Waioeka River.167

In July 1870 Te Kooti planned to raid Tolaga Bay (Uawa). Binney notes that Preece had thought Te Kooti would attack Ngati Porou.168 Te Kooti had expected to find support from Te Aitanga a Hauiti at Uawa, some of whom had been imprisoned on Wharekauri with Te Kooti, and George Read reported that ‘the Tolaga Bay community would, if given its own choice, let Te Kooti into their pa.’169 However, the raid on Uawa— that was to be Te Kooti’s last— was not a success and Te Kooti withdrew into the Mangatu ranges.170

Existing secondary research suggests that prisoners held without trial and for approximately one year longer than anticipated, strained the relationship between East Coast Maori and the Crown and led to further (armed) conflict. There is evidence that McLean purposefully delayed the release of the prisoners while confiscation of East Coast land was being determined.171 The Turanga Tribunal concluded that ‘[s]ince there were never any charges, trials, or convictions, and since the Turanga prisoners had committed no crimes…that the imprisonment was unlawful and in breach of the principles of the Treaty of Waitangi. But the breach was greatly aggravated because the period of detention was made indeterminate for mere bureaucratic convenience.’172

The Turanga report has examined the auxiliary effects of exile to the Chatham Islands and the effect on the relationship between the Crown and Maori. Issues discussed in the Turanga report include the Crown’s distinction between ‘loyal’ and ‘rebel’ Maori and

---

166 Binney, ‘Te Kooti’, p 5
167 Binney, ‘Te Kooti’, p 6; Binney, Redemption Songs, pp156-158; 160-162; 182-190; 198-205; 205-208
168 Preece to Defence Minister, 30 April 1870, AJHR, 1870, A-8B, p 47 (Binney, Redemption Songs, p 229)
169 Read to McLean, n.d. [1869-1870], MSS 32/521, ATL (Binney, Redemption Songs, p 231)
170 Binney, Redemption Songs, pp 233-234
171 See Binney, ‘Te Kooti’, p 2; Binney, Redemption Songs, p 71
the subsequent confiscation of land in terms of the vulnerability of the land of Maori that the Crown branded rebels:

‘[W]e concluded that Turanga Mari were not in rebellion at Waerenga a Hika, or in the period preceding the outbreak of hostilities in November 1865. Accordingly, it must follow that a policy of confiscation, whether through the New Zealand Settlements Act, the East Coast legislation, or an imposed cession, was without any justification and was in breach of article 2 of the Treaty of Waitangi. The second matter that demands examination is why the Crown decided to pass new legislation (the East Coast Titles Investigation Act 1866, its 1867 amendment, and the East Coast Act 1868) in order to confiscate Turanga land rather than use the New Zealand Settlements Act 1863.’

Edwards also argues that: ‘It is fair to say that Government placed a high priority on achieving a cession of land, under a policy of confiscation…Biggs and McLean probably accurately predicted the effect of a return of the former rebels to Turanga. The state of peace in the district is likely to have been threatened by the return of men and women during the difficult negotiations between loyal Maori and Government to ceded land.’

Existing historical evidence indicates that East Coast Maori saw Crown actions, both in terms of the exile and land confiscations, as an affront to peaceful relations. Despite the tarnished view of Crown actions, the Rongowhakaata former prisoner below, wanted to work towards a restoration of normalcy in the Crown-Maori relationship. This is a translation of a letter from a released Rongowhakaata prisoner to the editor, which appeared in *Te Waka Maori* newspaper in January 1868.

My Friend: Here we are, I and my friend just returned from exile. That is to say from Wharekauri, (Chatham Islands). We were carried there as prisoners on account of our Hauhau antecedents. We belong to the Rongowhakaata tribe of Turanga, (Gisborne). We have seen the evil of Hauhauism- its result is calamity and sorrow. We must have been in a state of monomania when we joined them…

---

172 Waitangi Tribunal, *Turanga*, p xvii
173 Waitangi Tribunal, *Turanga*, p 161
174 Edwards, ‘Detention’, p 91
175 Translation of letter to the editor, *Te Waka Maori*, in Judge Jones compiled extracts from AJHR, VSL 8118, Tairawhiti Museum Archives
The thought[s] of the prisoners on the Chatham Islands are not evil. We believe that if they were to return they would not again unite with the Hauhaus... But we only speak with reference to our own people. Of thoughts and desires of other tribes we know nothing.

Kathy Orr-Nimmo considers that the events of the late 1860s on the East Coast, marked a turning point in the East Coast Maori-Crown relationship and had negative implications for the well-being of the region. Orr-Nimmo argues that ‘[i]t seems highly likely that the Crown’s on-going effort to get land ceded on the East Coast retarded the re-establishment of the efforts of East Coast Maori to engage positively with Pakeha culture’.176 Into the 1870s, Orr-Nimmo notes a marked departure from the prosperous and innovative East Coast of the pre-conflict years.177

Another lasting effect, as noted by Karen S Neal, was the growth after 1872 of the Ringatu religion, founded by Te Kooti. Neal proffers that the search for an ‘alternative’ did not cease with the wars, that various dissident Maori movements sought to create their own system.178

### 3.3. Conclusions and Recommendations

The exile of Maori to the Chatham Islands has been thoroughly investigated in the Waitangi Tribunal’s Gisborne inquiry and the following Turanga report. The deportation of Maori to the Chatham Islands and the East Coast Wars have also been the subject of several research reports and secondary sources. Existing research includes the following:

Binney, J, ‘Te Kooti Arikirangi Te Turuki’, research report commissioned by the claimants in association with the Crown Forestry Rental Trust (Wai 814 record of inquiry, doc A37)

---

176 Orr-Nimmo, ‘Sun of Advancement’, p 130
177 Orr-Nimmo, ‘Sun of Advancement’, p 131. This shifts in commercial or social wealth may be examined in socio-economic or demographic research commissioned for the East Coast inquiry.

Daly, S, *Poverty Bay*, Rangahaua Whanui series, district report 5B (Wellington: Waitangi Tribunal, 1997)


The Crown Forestry Rental Trust has also commissioned a scoping report on ‘Rebellion’, Civil War and the Confiscation of the East Coast’, which will be useful in serving this research objective in the context of the East Coast inquiry as a whole. It is therefore recommended that no further historical research is required on this issue.

The exile of East Coast Maori presents a critical issue in the trajectory of the East Coast Maori and Crown relationship. As such, existing research from the Gisborne and East Coast inquiries may be synthesised in the proposed overview report examining the political relationship of the Crown and East Coast Maori. For example, an overview could look to address broader questions concerning how did the East Coast wars and Chatham Islands exile alter the political relationship between East Coast Maori and the Crown. Did one party become more wary of the other, or vice versa, and perhaps less willing to co-operate politically?

There are aspects of the imprisonment and exile that can not be covered by written historical evidence. For example, while the economic impact of land confiscation may be empirically investigated, other less tangible effects on Maori of the deportation and
dislocation from whanau and whenua could be better explored through tangata whenua and claimant oral evidence. Overall these issues do not require further general historical research. Instead, this report considers that the claimants are best placed to identify those of their people that were involved and make submissions on how the *Turanga* findings affect them.

---

Chapter Four: Overview of Constitutional Arrangements

4.1 Introduction

The issue of constitutional arrangements runs very much in tandem with the question addressed in the following chapter regarding the electoral system and East Coast Maori representation at local and national levels. This chapter assesses which secondary sources address this issue and where existing research is not sufficient, what sources exist which may make further research feasible. The focus questions are drawn from the statements of claims and assist in evaluating existing secondary research and sources.

4.1.1. Claims

The key allegations put forward by East Coast Maori, more specifically Ruawaipu, claimants are included below. The claimants query the ‘right’ of the Crown (as the ‘Crown United Kingdom’) to grant to the New Zealand Government the ability to create constitutional legislation. Clearly this is a matter of legal argument.

Ruawaipu claimants have alleged that various pieces of constitutional legislation have breached their guarantee to te tino rangatiratanga under Te Tiriti o Waitangi. For example, Te Whanau a Tapaeururangi o Ruawaipu claimants make the following assertions:

The Crown (UK) granting the establishment of provincial government in 1852 [UK Constitution Act] and relinquishing the Crowns direct duties and responsibilities of protection.

The Crown (UK) granting dominion status to NZ government in 1907 whilst failing to protect the te tino rangatiratanga of the hapu.

180 The Maori language version of the Treaty was signed on the East Coast (see Derby, doc A11, and Claudia Orange, The Treaty of Waitangi (Wellington: Allen & Unwin, 1987), pp 71-89)
The Crown (UK) enacting the Statutes of Westminster 1931 granting constitutional powers to the NZ colonial government.

The Crown (UK) allowing the NZ government to take the 1852 and 1931 UK constitutions and usurp sovereignty over Te Whanau a Tapaeurangi [NZ Constitution Act 1986].

Furthermore, the Ruawaipu ‘Constitution Act 1986’ Claim alleges that:

the intent of Crown constitution legislation such as the NZ Constitution Act 1986, is simply alien domination, usurpation and illegal adoption of English law to protect Parliaments economic and political power in sovereign resources that belong to Ruawaipu.

The Claimant alleges the NZ Constitution Act 1986 has alienated his people’s inalienable right and fundamental freedoms (te tino rangatiratanga).

The Ruawaipu ‘Letters Patent 1983’ Claim states that:

These Letters Patent 1983 which adopted English law to validate NZ Parliaments assumption to sovereignty, have continued further grievance against the claimant by encroaching upon the sovereign authority of Ruawaipu whanau and hapu.

Therefore, these claimants allege that all New Zealand law given the Royal assent since 1983 is a breach.

---

181 Claim 1.1.76, paras 3.2-3.5
182 Claim 1.1.100, paras 3.1-3.3
183 Claim 1.1.101, paras 3.1-3.3
184 Claim 1.1.101, para 5.1
4.2. Overview

4.2.1 Constitutional Arrangements Focus Questions

♦ What sources are available for a more detailed historical overview of constitutional developments as part of the political relationship between the Crown and iwi and hapu of the East Coast inquiry district?
♦ How has New Zealand’s constitutional arrangements impacted upon the relationship between East Coast Maori and the Crown?
♦ What effects, if any, has the evolution of New Zealand’s status from colony to dominion had upon East Coast Maori and the relationship with the Crown?
♦ Has New Zealand’s evolving system of government, at central, provincial, and local levels, had any effects on East Coast Maori in terms of participation and input to legislative and decision making structures?

4.2.2. Existing Research and Sources

In 1817, the Imperial Parliament specifically stated that New Zealand was ‘not within His Majesty’s Dominions’, though there were some colonial officials who sought to provide for the small number of British settlers in New Zealand. A British Resident was appointed and D V Williams comments that there was a ‘legally anomalous semi-recognition that the northern tribes of Maori possessed a measure of sovereignty and a capacity to participate in international relations’.185 Thirty-five chiefs from the North Island issued a Declaration of Independence in 1835, with a further 18 chiefs signing in the following four years.186 In 1839, a decision was made to take steps to acquire sovereignty over New Zealand.187

In August 1839, the Secretary of State for War and Colonies Lord Normanby issued instructions to Captain Hobson, which stated:

---

185 David V Williams, ‘The Foundation of Colonial Rule in New Zealand’, 13, NZVLR, June 1988, p 55
186 Derby has found no written evidence that chiefs of the East Coast signed the Declaration of Independence, although it is likely East Coast Maori had knowledge of it. (Derby doc A11,p 17)
we [Her Majesty’s Government] acknowledge New Zealand as a Sovereign and independent State, so far at least as it is possible to make that acknowledgement in favour of a people composed of numerous, dispersed, and petty Tribes, who possess few political relations to each other, and are incompetent to act, or even deliberate, in concert. But the admission of their rights, though inevitably qualified by this consideration, is binding on the faith of the British Crown.188

Cox argues that Normanby’s observations were both superficial and misleading, as the political relations between tribes were in fact ‘long-standing, complex, and expressed as concerted action as the need arose’. Nevertheless, in Cox’s view, Normanby’s instructions demonstrated a willingness on the part of the British Colonial Office at 1839 to recognise and assign to Maori the sovereignty over Aotearoa.189

In comparison to Cox, Richard Mulgan and Peter Aimer argue that ‘[b]efore European colonisation, there was no national Maori organisation or indeed any overall sense of Maori identity…As contact increased, so the conception of the ‘Maori people’ developed, partly as a means of defending shared Maori institutions against settlers and their governments.’190

Existing secondary sources argue that the place of the Treaty of Waitangi itself in New Zealand’s constitutional framework is also contentious. Mulgan and Aimer write that the Treaty of Waitangi is commonly referred to as New Zealand’s founding constitutional charter. Adding that the Treaty ‘marks the historical founding of New Zealand as a British colony and plays a crucial part in determining the legitimacy of New Zealand governments and their right to command the allegiance of New Zealand citizens, both Maori and Pakeha’.191 Even so, ‘the Treaty was not recognised as having the force of law or in any way defining or constraining the powers of New Zealand governments.’192

187 Williams, ‘The Foundation’, p 56
188 Lord Normanby’s Instructions to Captain Hobson, 14 August 1839, in W David McIntrye and W J Gardner (eds), Speeches and Documents on New Zealand History (Wellington: Oxford University Press, 1971), p 12
189 Cox, Kotahitanga, p 1
191 Mulgan and Aimer, p 51
192 Mulgan and Aimer, p 51
The Treaty’s function, in the view of P G McHugh was to assert the British Crown’s ‘exclusive and exhaustive’ and ‘indivisible’ sovereignty over its territories. Both Cox and Kawharu indicate the contrary perceptions of ‘sovereignty’ in the Maori and English versions of the Treaty. The British Crown envisaged the cession of sovereignty from Maori in the English version of the Treaty of Waitangi. Conversely, according to Cox and Kawharu, the Maori language version appeared to reinforce the powers of tribal sovereignty and ‘unwittingly…the Treaty had confused issues of sovereignty, at least in Maori eyes’.

Following the signing of the Treaty, the New South Wales Legislative Council had power to enact laws for New Zealand. Cox comments that this was ‘an arrangement irksome to both parties but eventually remedied to some degree through the issuing of Letters Patent…It can be seen that this earliest period in the constitutional life of the nation held no place for any input by Maori at a legislative level.’

The ensuing Letters Patent, which was issued on the 16 November 1840 entitled the ‘Charter for erecting the Colony of New Zealand’ established the colony boundaries and created New Ulster, New Leinster, New Munster. The Letters Patent also created the Legislative Council and Executive Council, in effect setting up governmental process, with the positions of Colonial Secretary, Attorney-General and Colonial Treasurer who would all advise the Governor. Cox notes that the legislative body established under the Letters Patent ‘remained an exclusively European body [which] again points to the lack of provision for Maori contribution to affairs of State’.

In 1846, a Constitution Act further defined the governance of New Zealand, by dividing the country into ‘Provincial’ and ‘Aboriginal’ districts. The Act set up a three-level system of colonial, provincial and municipal bodies. Cox argues that had this Act come into effect most Maori would have been excluded from the franchise by a provision

---

194 Cox, Kotahitanga, p 4; McHugh in Kawharu, Waitangi, pp 39-41
195 Cox, Kotahitanga, p 31
196 Cox, Kotahitanga, p 32
which required voters not only to ‘occupy a tenement [for example, a Crown grant], but also to be able to read and write the English language’.

However, before this proposed Constitution was introduced Governor Grey confidentially implored the Secretary of State, Earl Grey, for a postponement. Governor Grey reasoned that:

Her Majesty’s native subjects in this country will certainly be exceedingly indignant at finding that they are placed in a position of inferiority to the European population…
The Natives are, at present, certainly not fitted to take a share in a representative form of Government, but each year they will become more fitted to do so, and each year the numerical difference between the two races will become less striking,- so that a great advantage would be gained by delaying even for a few years the introduction of the proposed constitution into the Northern parts of New Zealand.

In 1848, a Suspending Act was passed under which those parts of the 1846 Constitution dealing with establishment of provincial assemblies and the General Assembly were not to come into force for another five years.

Another Constitution Act was promulgated in 1852, entitled ‘An Act to grant a Representative Constitution to the Colony of New Zealand’. Although including a Maori franchise was considered when drafting the 1852 constitution, such a clause was omitted. Earl Grey, the former Secretary for War and Colonies, ‘had felt that in the fullness of time Maori would become sufficiently acculturated to European modes of operation to take advantage of the property franchise contained in the constitution.’

Mulgan and Aimer argue that while the immediate purpose of the Treaty of Waitangi had been to provide law and order for the British and to regulate dealings between the two peoples, the rapid increase in the number of settlers and their demand for land, altered the balance of power. Thus, section 71 of the New Zealand Constitution Act

---

197 Cox, Kotahitanga, p 34
198 Governor Grey to Earl Grey, 3 May 1847 in McIntrye and Gardner (eds), pp 63-65
1852 stated that ‘particular districts should be set apart within which [Maori] laws, customs, or usages should be observed’. Section 71 was never put into practice.\textsuperscript{200}

Of the 82 sections of the Constitution Act 1852, two sections (71 and 73) dealt with Maori matters. Cox writes that:

Section 71 ‘[delineated] districts wherein Maori custom and law would continue to be observed. Here again, the imperial legislators displayed a preparedness to give effect to the guaranteed tino rangatiratanga of iwi. Local administrators, however, whose responsibility it was to execute parliamentary will, remained reluctant to grant formal autonomy to iwi. A shared sovereignty was, and perhaps still is, abhorrent to the executive arm of government.’\textsuperscript{201}

The Kaipara Tribunal stated that the fact that the Crown chose not to implement section 71 of the Constitution Act 1852 was of particular note. They commented:

We found part of the answer in the phrase ‘it may be expedient’. Claimant counsel described this phrase as superfluous. We see it as significant, because it suggests that the new government proposed in the 1852 Act was not required to implement this provision, but that it was empowered to do so if it were deemed ‘expedient’ in whatever undefined circumstances. The New Zealand Government did not consider it expedient to set aside any ‘native district’. Instead, it chose the policy option of requiring all Maori to comply with British law and New Zealand statutes…

[Section 71] was intended to provide only a short-term expedient measure, and was made redundant by the Native Lands Act 1862 and subsequent Acts. It was never envisaged as a long-term arrangement, although it was not repealed until the passing of the Constitution Act 1986.\textsuperscript{202}

The Constitution Act 1852 envisaged a two-level system of General Assembly/Colonial parliament and Provincial councils. The General Assembly for the colony was to consist of the Governor, a Legislative Council, and a House of Representatives. The Council was to be a nominated body, and the House was to be elected. The franchise appeared to

\textsuperscript{200} Mulgan and Aimer, p 61
\textsuperscript{201} Cox, \textit{Kotahitanga}. pp 36-37
be universal, in that all males over 21 with individual title to property were qualified to vote. However, Cox argues that ‘this clause once again militated against participation by Maori in the political life of the colony, since land was traditionally vested in the hapu, the iwi, or …whanau.’

As discussed below in Chapter Five, four Maori electorates were established in 1867 by the Maori Representation Act 1867. This was designed as a ‘temporary measure’ ‘to provide a franchise for Maori until ‘assimilated’ and in possession of individualised land titles.’ Nevertheless, this ‘temporary measure’ did not sate Maori desire for political autonomy, governance and representation. Cox argues that Maori were effectively largely shut out of the political process and that the ‘response to this rise in the power of colonist-driven Provincial and General Assemblies, which inadequately addressed their own concerns, was to establish councils of rangatira and kaumatua known as runanga.’

While several legislative measures altered and diminished the Constitution Act of 1852, for example, the Regulation of Elections Act 1858 and the New Zealand Constitution Amendment Act 1857, the 1852 Act remained in place until repealed by Constitution Act 1986.

New Zealand became a Dominion in 1907 and in 1931, the United Kingdom (Imperial) Parliament approved the Statute of Westminster, which New Zealand adopted in 1947. This statute meant that the United Kingdom Parliament would only legislate for New Zealand at the request and with the consent of the New Zealand Parliament. From 1947, the New Zealand Parliament has had the power to amend law, and in 1950 abolished the upper house (the Legislative Council). Full power to make law was
granted to the General Assembly.\textsuperscript{208} In 1986, the Constitution Act removed the residual ability of the British Parliament to legislate for New Zealand.\textsuperscript{209}

Matthew Palmer notes that from 1950 to 1996:

New Zealand was the most streamlined system of democratic government in the world. There was no supreme law, no federalism, no written constitution, and no upper house. There was a small House of Representatives, in which the governing party always had a majority, which was in turn dominated, in numbers and political influence by a Cabinet that exercised control through very strict party discipline. Such a system of constitutional design relied, for representativeness, solely on the mechanism of electoral competition between two political parties.\textsuperscript{210}

In response to concerns voiced about the two party system, in 1985, the Royal Commission on the Electoral System was established. The Commission’s report issued in 1986, recommended that New Zealand abandon its ‘first past the post’ electoral system and adopt a system of ‘mixed member proportional’ (MMP) representation. In 1996, the MMP system was enacted altering, Matthew Palmer argues, the two-party duopoly and the dynamics of power in the New Zealand government.\textsuperscript{211}

The introduction of the MMP system also had implications for Maori voting and political representation. Firstly, while the Maori seats were retained they were no longer fixed at four and could vary in accordance with the number of Maori electing to be on the Maori roll. Secondly, as under MMP voters had two votes, one ‘party vote’ and one for a representative in their electorate, Matthew Palmer argues that Maori party votes could now have a direct influence on who was able to form a government.\textsuperscript{212}

\textsuperscript{208} Geoffrey Palmer, \textit{Unbridled Power? An Interpretation of New Zealand’s Constitution & Government} (Wellington: Oxford University Press,1979), p 3
\textsuperscript{210} Matthew S R Palmer, ‘Constitutional Realism about Constitutional Protection: Indigenous Rights under a Judicialized and Politicized Constitution’, \textit{The Dalhousie Law Journal}, vol 29, 2007, p 14. See also Palmer, \textit{Unbridled Power}, p 7, where it is argued that the two party system has been problematic since 1935.
\textsuperscript{211} Palmer, ‘Constitutional Realism’, pp 17-18
4.3. Conclusions and Recommendations

From this scoping it is apparent that New Zealand’s constitutional arrangements and the effects of those arrangements upon Maori have been dealt with in a broad manner by a number of secondary sources. These include:

Cox, L, Kotahitanga: the Search for Maori Political Unity (Auckland: Oxford University Press, 1993)


Williams, D V, ‘The Foundation of Colonial Rule in New Zealand’, 13, NZVLR, June 1988

The question of the legitimacy of New Zealand’s constitutional arrangements, which has been alleged by the Ruawaipu claimants, is very much in the realm of legal argument. Another concern, as raised by Andrew Sharp, is the risk of presentism in what he terms ‘Maori juridical’ and ‘Maori constitutional’ histories. For example, Sharp cites the Waitangi Tribunal’s Taranaki report:

For Maori, their struggle for autonomy, as evidenced in the New Zealand wars, is not past history. It is part of a continuum that has endured to this day. The desire for autonomy has continued to the present day in the policies of the Kingitanga, Ringatu, the Repudiation Movement, Te Whiti, Tohu, the Kotahitanga, Rua, Ratana, Maori parliamentarians, the New Zealand Maori Council, Te Hahi Mihiangaere, iwi runanga, the Maori congress and others. It is a record matched only by the Government’s

opposition and its determination to impose an ascendancy, though cloaked under other
names such as amalgamation, assimilation, majoritarian democracy, or one nation.  

This scoping report has not found sufficient historical sources which would make a
specific substantive historical study of constitutional arrangements on the East Coast
feasible. However, as discussed in subsequent chapters sufficient secondary research
exists to assemble an overview report on the political relationship of East Coast Maori
and the Crown. Matters stemming from New Zealand’s constitutional arrangements,
including the participation and representation of East Coast Maori in central and local
government, participation in the electoral system, and the flow-on effects for Maori in
terms of specific legislation and institutions, may be addressed in the proposed political
overview report.

———

(Sharp in Sharp and McHugh, p 57)
Chapter Five: Electoral Participation and Representation

5.1. Introduction

This chapter conducts an evaluation of primary and secondary sources pertaining to New Zealand’s electoral system and the participation of East Coast Maori. Scoping for the previous chapter found that while there are secondary sources which discusses constitutional arrangements, insufficient historical material exists to make further study feasible. This chapter scopes and evaluates sources on an aspect of New Zealand’s constitutional arrangements, electoral participation and representation. This scoping looked at whether there was sufficient existing research to address issues of electoral participation and representation at both national and local levels. Focus questions have been drawn from statements of claim and general secondary sources, to shape and guide the scoping of possible specific secondary and historical sources.

5.2. Overview (National Level Electoral Participation and Representation)

5.2.1. National Level Focus Questions

♦ How have electoral boundaries affected the representation of East Coast Maori at a national level?
♦ Did voting qualifications (for example, property or title) effectively exclude East Coast Maori from representation?
♦ Have separate Maori seats been an effective method for East Coast Maori representation?
♦ How did New Zealand’s ‘first past the post’ voting system affect the participation of East Coast Maori in the electoral process and the representation of East Coast Maori at a national level?
♦ Have Maori methods of representation, electioneering, voting, and political organisation been encouraged or incorporated into the electoral system? If so in what ways?
5.2.2. Existing Research and Sources 1840s-1860s

In 1846 the British Government passed a New Zealand Constitution Act, creating a three-tier system of government, the franchise was limited to adult males who occupied an tenement and could read and write English. The New Zealand Government Act 1846 provided for a three-level system of colonial, provincial and municipal bodies and contained provisions for acquisition of ‘wastelands’. Cox argues that ‘[h]ad this Act come into effect, most Maori would have been excluded from the franchise by a provision which required voters not only to occupy a tenement [i.e. a Crown grant], but also to be able to read and write the English language’.215

The following New Zealand Constitution Act 1852 created a two-tier system of government and changed the franchise requirements to all males over 21 who had a freehold estate within an electorate valued at 50 pounds, or a leasehold with an annual value of 10 pounds, or a tenement with an annual rental of 10 pounds in a town or 5 pounds in the country.216 As noted in the chapter above, Cox argues that this clause ‘militated against participation by Maori’ due to traditional land holding patterns.217

As Cox notes, when drafting the 1852 Constitution Act some consideration was given to the inclusion of a Maori franchise. However, it was thought ‘prudent to omit such a clause.’218 Likewise, Alan Ward states that the 1852 Constitution Act was much to the detriment of Maori:

Over the protests of the Aboriginal Protection Society and contrary to Grey’s opinion, the Colonial Office again took the precaution of providing in the 1852 Constitution Act which established representative government in New Zealand for Native Districts wherein Maori institutions could be preserved…Furthermore, trusting his assurances that the progress of ‘amalgamation’ was such that many Maori possessed, or would soon possess, individual property sufficient to qualify them for the electoral roll, the Colonial Office accepted- erroneously- that ‘a very large proportion’ of Maori would shortly be enfranchised, and did not make any special provision for Maori

215 Cox, Kotahitanga, p 34
216 See Waitangi Tribunal, Maori Electoral Option Report (Wellington: Brookers, 1994).
217 Cox, Kotahitanga, p 35
218 Cox, Kotahitanga, p 36; Dalziel, p 52
representation. Grey’s bland and over-optimistic reports had the effect of leaving the Maori unfranchised.\textsuperscript{219}

Maori men were not excluded, however, when in 1859 Law Officers of the Crown were asked for an opinion on Maori eligibility to vote they reported that ‘Maori property, being communal, and Maori “tenements”, which were impermanent, did not meet the requirements for the franchise’.\textsuperscript{220}

At this time the franchise for Maori males was dependant on the holding of land in individual title, and despite the Native Lands Acts 1862 and 1865, the eligibility of a significant number of Maori males seemed a remote prospect. In 1867 Donald McLean floated the Maori Representation Bill, seeking the establishment of three Maori seats in the North Island and one in the South Island, this bill was passed. The Maori Representation Act 1867 also allowed for Maori males to vote irrespective of property qualifications, unlike their Pakeha counterparts.\textsuperscript{221} Four Maori electorates were established in 1867 by the Maori Representation Act 1867, as a ‘temporary measure’ designed ‘to provide a franchise for Maori until they were sufficiently assimilated and had individualised their land titles’.\textsuperscript{222}

Rozalind Dibley’s 1993 thesis ‘Maori Representation in the Parliament: the Four Maori Seats’, focuses on Maori Members of Parliament in the 1990-1993 term, however, her study does provide some useful background analysis of the Maori seats.\textsuperscript{223} Dibley argues that the government philosophy in 1867 centred on laws ‘which attempted to transform the Maori into brown-skinned Pakeha with a minimum of financial, military and administrative interference’.\textsuperscript{224}

Ranginui Walker discusses Maori representation, as proposed by McLean, arguing that it was not full equality and in fact a ‘token gesture designed to keep Maori under

\textsuperscript{219} Ward, \textit{Show}, p 90  
\textsuperscript{220} Waitangi Tribunal, \textit{Maori Electoral Option Report}, pp 4-5  
\textsuperscript{221} Waitangi Tribunal, \textit{Maori Electoral Option Report}, p 5  
\textsuperscript{222} Cox, \textit{Koahitanga}, p 36  
Richard Mulgan and Peter Aimer too have discussed the continuing deficiencies of the Maori Representation Act 1867:

Maori interests, too, are protected by the electoral system to the extent that the Maori electorates, first instituted in 1867, have guaranteed Maori voters representation by their own preferred MPs. Until the electoral reforms of the 1990s, the actual implementation of Maori parliamentary representation was less than equal (Sorrenson, 1986; Walker, 1992). The number of seats was fixed at four, regardless of the size of the Maori population or, after enrolment on the Maori rolls was made optional, regardless of the number of Maori opting for the Maori roll. For many years the boundaries of the Maori electorates were excluded from consideration by the Representation Commission.

The Maori seats were set at four and are constitutionally different from general seats. Ranginui Walker considers ‘that the most discriminatory measure of the Maori seats is their exclusion (especially in terms of their numbers) under the Electoral Representation Commission’. According to Walker, ‘the [1867] Act limited the number of Maori representatives to four in a House of over 70. The Maori population at the time [1867] was 56,049 and the Pakeha population numbered 171,009. On a population basis, therefore, Maoris were entitled to 20 seats.’

The existing secondary literature on the electoral system and Maori consistently refers to prejudicial legislation and a disjunction in Maori and Pakeha views. Peter McBurney’s report on Kingitanga and autonomy movements in the Tauranga inquires provides a useful discussion on the precepts of political representation and sovereignty. Examining the disjunction between Maori and Pakeha worldviews, McBurney cites P G McHugh’s argument that:

The Maori, unlike the Pakeha segment of New Zealand society, have hardly participated in the history through which the Anglo-Saxon Westminster representative system of

---

227 Walker, *Ka Whawhai*, p 145; Dibley, p 4
government evolved. In the end, Pakeha society has expected Maori to accept a system of electoral government which is based upon the specialisation of the Judeo-Christian belief in individual responsibility.230

McBurney also examines the critique of Diceyan sovereignty proffered by Joe Williams.231 Albert Venn Dicey set out three guiding principles for the rule of law.232 Firstly, that regular law should dominate and society should be free from arbitrary power. Secondly, that all are equal before the law. Lastly, that the constitution is part of the ordinary law of the land and is subject to common law. Joe Williams has pointed out that ‘the strategic disenfranchisement of Maori nullified the very precepts of Diceyan sovereignty, as Maori were excluded from the political processes by which they might have communicated their consent or dissent’.233 Williams points out that Maori were denied participation in government from the outset and property qualifications imposed restrictions on voter eligibility. Furthermore, any beneficial changes to property qualifications induced by the introduction of the Native Land Court in 1865, were circumvented by the Maori Representation Act 1867 which limited Maori representation.234

The first election under the Maori Representation Act 1867 was held in 1868. On the East Coast Resident Magistrate Campbell organised ‘the Ngatiporou’ into nominating Mokena Kohere, a man Ward describes as ‘of high traditional rank and an increasingly important leader of Kupapa auxiliaries’. The Eastern Maori seat was contested and decided by a show of hands at a hui in Napier.235 However, Kohere arrived in Napier too late to be considered in the nomination and at the open poll a ‘desultory crowd’ showed 34 hands for the chief Tareha and thirty-three for Karaitiana.236

233 Joe Williams, in Renwick (ed), Sovereignty & Indigenous Rights , pp 191
234 McBurney, ‘The Kingitanga’, p 16
235 Ward, Show, p 344
236 Campbell to McLean, 24 November 1867 and 27 May 1868, McLean MSS 174; Hawke’s Bay Herald, 18 April 1868; H T Clarke to McLean, 1 October 1869, McLean MSS 183 (Ward, Show, p 210)
Ward notes that ‘Ngatiporou who were not winning elections, pressed persistently for a member of their own’. The Waitangi Tribunal in the *Maori Electoral Option Report* considered that the ‘gradual increase in Maori polling stations, usually at the request of local Maori communities’ was indicative of keen Maori interest in elections in the late nineteenth century.

### 5.2.3. Existing Research and Sources 1870s-1890s

The Maori Representation Act 1867 had been intended as a temporary measure. However, as the ‘Maori did not disappear [nor] did they adjust as quickly as had been expected to the European system’, Maori representation was extended for five years in 1872 and again, indefinitely, in 1876.

Despite an apparent desire for increased electoral empowerment and political involvement emanating from Maori, a number of factors curtailed any change. For example Ward comments that in 1896, despite having given every indication of wanting more, not fewer, Maori electorates, Maori (unless 50 per cent or more part-European in descent) lost their right to membership on the common roll.

There were two notable changes, which improved the position of Maori in the political sphere to some degree. Firstly, as the Waitangi Tribunal has noted, although Maori members had limited influence, hindered by a lower competency in English and easily outnumbered and thus outvoted by Pakeha members, the four Maori members wielded considerable influence in the Maori Affairs Committee established in 1872. Secondly, in 1893 when the franchise was extended to women, Maori women swelled the ranks of eligible Maori voters. However, the benefits of these changes for East Coast Maori are suggested to have been minimal according to Oliver and Thomson, who argued that:

---

237 Ward, *Show*, p 271  
239 Royal Commission on the Electoral System, p 83. It should be noted that as a result of the 1867 legislation Maori men achieved universal suffrage some 12 years before European men.  
240 Ward, *Show*, p 303  
[East Coast] suffered, often, from poor advocacy in Wellington, from some major political miscalculations, and from an ill-repute in the counsels of the nation...Some [MPs] were insufficiently aware of the need to defer to the feelings of guilt about Maori affairs which affected many politicians in this period [1880s], and did not realise that the appearance of being harsh to Maoris merely put weapons in the hands of their opponents. 242

Secondary sources indicate that East Coast Maori could find themselves embroiled in the politicking of the general election. At the 1875 election, Captain Read ran for the East Coast electorate, which included Gisborne, the East Coast, and Tauranga. Oliver and Thomson argued that:

Once the contest was joined, all sides went in for the most dubious of election practices, including the enrolment of Maori voters, which may have been legal, and bribing them, which certainly was not…. Not only were Maori voters important- it was suggested that more than half the Tauranga electors were Maori- but there was also a Maori candidate, Wi Mahi te Rangi Kaheke, who secured ten votes. Pitt’s [Major Pitt, Read’s organiser] attempt to secure Maori votes by bribery in the Tauranga district made it possible to upset the result on petition from [G B] Morris’s supporters. 243

Likewise, the Eastern Maori election of 1875 was coloured by controversy. According to Oliver and Thomson, the result of the Eastern Maori election was disputed because the returning officer, Samuel Locke, made a “Nil” return, although Karaitiana Takamoana headed the poll. The political representation of East Coast Maori again fell victim to bureaucratic manoeuvring:

In the House J. D. Ormond alleged that the flooding of the Waiapu River and an accidental omission of the returning officer had resulted in the effective disenfranchisement of the Ngati Porou, who could have been expected to vote for their candidate, Hotene Porourangi, in such numbers that he would have won. Though Vogel and McLean placed themselves above the battle, it is clear from Ormond’s advocacy in the House and McLean’s role in the Commission of Inquiry, from Locke’s crucial role

242 Oliver and Thomson, p 114
243 Oliver and Thomson, p 117
and from the Opposition’s efforts to have Karaitiana returned, that this was a party issue.\textsuperscript{244}

Moreover, Oliver and Thomson write that:

A solid phalanx of Ngati Porou leaders supported by Locke and the deputy returning officers (J H Campbell, R M Waiapu, and his son F W Campbell) testified to the great numbers of potential voters who had been deprived of their rights. Estimates varied considerably; these witnesses made out that Porourangi had been deprived of somewhere between five and nine hundred votes. Karaitiana’s witnesses put the figure much lower and also claimed that he had many supporters among those who were prevented from voting. His brother, Tomoana, who canvassed the Waiapu district for him, had a good deal of influence; those who followed him among the Ngati Porou were regarded with hostility by Ropata and the tribe’s loyalist leaders. They were certainly trying to get their own man elected, but they were also trying to eliminate the influence of the Hawke’s Bay Repudiation movement, in which Karaitiana was the Maori leader.\textsuperscript{245}

There is a rich body of official primary sources which involve two of the most prominent Maori politicians- Sir Apirana Ngata and Sir James Carroll. Though the focus appears to be more on Ngata rather than Carroll.\textsuperscript{246}

Carroll was elected in 1887 and began, in the view of Oliver and Thomson, ‘twenty-two years in politics, a career which marks, whatever its ambiguities, a turning point in the role of the Maori in New Zealand public life.’\textsuperscript{247} Carroll is described by Oliver and Thomson as ‘the most perplexing of the East Coast’s parliamentarians…In a somewhat ambiguous way this testifies to a lack of racial prejudice in the region, for though Carroll was, in culture and descent, quite as much European as Maori, he used his Maoriness as an electoral stratagem’.\textsuperscript{248}

\textsuperscript{244} Oliver and Thomson, p 118
\textsuperscript{245} Oliver and Thomson, p 118
\textsuperscript{246} Including Walker, \textit{Tipua: the life and times of Sir Apirana Ngata}; Graham Butterworth, \textit{Sir Apirana Ngata} (Wellington: Reed, 1968);
\textsuperscript{247} Oliver and Thomson, p132
\textsuperscript{248} Oliver and Thomson, pp 220-221
Wi Pere, James Carroll, Apirana Ngata are described as notable examples of mixed descent. Oliver and Thomson state that ‘land and litigation demanded the services of such people, and provided a “career open to talents” for the educated Maori, as assessor, interpreter and law clerk’. Carroll and Ngata as demonstrated in the table above enjoyed substantial political careers, and can be credited with bringing the interests of East Coast Maori and Maori more generally into the political mainstream.

5.2.4. Existing Research and Sources 1900-1945

For some time Maori were not extended the provisions available to Pakeha voters, such as an electoral roll, which was largely dependent on compulsory enrolment, nor a secret ballot. Although an Act of 1914 provided for a Maori electoral roll this was not implemented for some 35 years due to voluntary enrolment. Maori were only afforded a secret ballot in 1937 whereas Pakeha had had a secret vote since 1870. Before 1910, Maori seats were voted by a show of hands if a poll was not demanded.

Parliament passed Carroll’s Maori Council Act of 1900, which gave Maori a very limited form of local government. Ngata also made strides towards tribal involvement and aimed for the economic and social revival of the East Coast. After his election to Parliament, he had urged Ngati Porou farmers to create incorporations to develop large areas of multiply owned land.

In Jackson’s 1977 thesis, ‘Politics in the Eastern Maori Electorate 1928-1969’, the unique nature of the Eastern Maori electorate is pointed out. Jackson writes that Eastern Maori felt a real tension between loyalty for Sir Apirana Ngata, who held the electorate between 1905 continuously to 1943 and supporting Labour by electing a Labour/Ratana member. Jackson’s thesis provides an useful account of these tensions, and explores Eastern Maori attitudes towards voting, parties, and candidates particularly relating to Jack Ormond’s defeat of Ngata. Jackson also discusses the way Eastern Maori did not necessarily follow Pakeha voting patterns, instead supporting the party that was

249 Oliver and Thomson, p 164
251 Royal Commission on the Electoral System, p 83
253 Hill, *State Authority*, pp 110-111
perceived to provide solutions to Maori problems. For example, Jackson attributes part of the strong Maori support for Labour after 1943 to advances in welfare, housing, and employment schemes. In particular the Maori Social and Economic Advancement Act 1945 which set up a network of tribal committees, which aimed to ‘improve the social, economic, moral and spiritual well-being of Maoris’.\textsuperscript{255}

5.2.5. Existing Research and Sources 1945-1986

The sources surveyed pointed to policy and administrative differences between the Maori and general rolls. Enrolment for Maori was made compulsory in 1956, 29 years after Pakeha compulsory enrolment was introduced. Electoral rolls were first used for the Maori electorates in 1949.\textsuperscript{256}

The administration of the Maori electorate boundaries and the number of Maori seats were less than flexible. While general electorates are regularly reviewed and revised, only one major boundary change has occurred in the Maori electorates when in 1954 the Southern Maori electorate was enlarged.\textsuperscript{257}

The Royal Commission in 1986 observed a ‘deep sense of injustice’ that the number of Maori seats had been fixed at four since 1867.\textsuperscript{258} The table below illustrates the representational disadvantage between 1890-1990.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|}
\hline
Year & Maori Seats & Total Seats \\
\hline
1890 & 4 & 120 \\
1913 & 4 & 120 \\
1931 & 4 & 120 \\
1935 & 4 & 120 \\
1939 & 4 & 120 \\
1943 & 4 & 120 \\
\hline
\end{tabular}
\caption{Representational Disadvantage 1890-1990}
\end{table}

\textsuperscript{256} Dibley, p 6; Richard Mulgan, \textit{Democracy and Power in New Zealand} (Auckland: Oxford University Press, 2\textsuperscript{nd} edition, 1989), pp 83-84
\textsuperscript{257} Dibley, p 6
\textsuperscript{258} Royal Commission on the Electoral System, p 95
Table 4: Maori and General Seats: Rate of Change 1890-1990

<table>
<thead>
<tr>
<th>Election Year</th>
<th>General Seats</th>
<th>Maori Seats</th>
<th>Total</th>
<th>Maori Seat %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1890</td>
<td>70</td>
<td>4</td>
<td>74</td>
<td>5.4%</td>
</tr>
<tr>
<td>1902</td>
<td>76</td>
<td>4</td>
<td>80</td>
<td>5%</td>
</tr>
<tr>
<td>1969</td>
<td>80</td>
<td>4</td>
<td>84</td>
<td>4.8%</td>
</tr>
<tr>
<td>1972</td>
<td>83</td>
<td>4</td>
<td>87</td>
<td>4.6%</td>
</tr>
<tr>
<td>1978</td>
<td>88</td>
<td>4</td>
<td>92</td>
<td>4.3%</td>
</tr>
<tr>
<td>1984</td>
<td>91</td>
<td>4</td>
<td>95</td>
<td>4.2%</td>
</tr>
<tr>
<td>1987</td>
<td>93</td>
<td>4</td>
<td>97</td>
<td>4.1%</td>
</tr>
</tbody>
</table>

At the 1954 election, Jackson noted an increase in the level of non-voting. A study by R M Chapman of voting between 1928 and 1960 also noted a widening gap between the number of Maori adults and the number of Maori voting. A J McCracken concurred, citing clear evidence of declining Maori participation in the political process.

Jackson also discusses the method of choosing candidates for the 1954 election. He notes that the method for choosing the National party candidate for Eastern Maori was the same as the Pakeha method. Before this, the National Party candidate had been chosen on marae and the method largely Maori. Jackson notes that there was ‘discontent in some National Party circles in Eastern Maori at the imposition of this Pakeha-style method’. Jackson writes that the National Party were ‘foolish’ in not recognising the importance of the marae, as the marae was a basic Maori institution which had been effectively adapted to a specific political use. Jackson explores a number of factors, which are unique to Maori voting, for example the importance of Maoritanga, the marae (kawa), fluency in te reo and tribal affiliations.

---

259 Royal Commission on the Electoral System (Dibley, p 13). Percentages added. Substantive research could evaluate these figures against percentage of Maori in total population.


262 Jackson, ‘Politics in the Eastern Maori Electorate’, p 71
The 1956 Electoral Act made a division between Maori and European (defined as all persons other than Maori in section 2 of the Act) electoral districts, only ‘half-caste’ Maori were allowed to choose between the rolls. The Electoral Amendment Act 1975 amended this, so Maori could choose to register in a Maori or general electoral district.263

The Tribunal also regarded the 1967 amendment to the Electoral Act which allowed Maori to stand for European electorates, and accordingly Europeans to stand for Maori electorates, as an ‘important change’, although Maori candidates did not win General seats until 1975.264

In 1975, the Electoral Amendment Act made it possible for Maori to choose whether they enrolled on the Maori or general roll. The definition of Maori was also adjusted, to allow for a decision based on cultural identity rather than Maori blood: ‘Maori means a person of the Maori race of New Zealand; and includes any descendant of such a person who elects to be considered as a Maori for the purpose of this Act’.265 Options, whereby Maori could choose after each census whether to be included on the Maori or general roll, were conducted in 1976, 1982 and 1986.266 The table below shows the proportion of Maori on the electoral roll over the period 1949 to 1990.

---

263 Butler and Butler, p 48
265 Royal Commission on the Electoral System, p A-86; Dibley, pp 7-8
266 Royal Commission on the Electoral System, p 84
Table 5: Proportion of New Zealand Maori on the Maori Electoral Roll

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Maori Roll</th>
<th>Total number Maori</th>
<th>% of Total on Maori Roll</th>
</tr>
</thead>
<tbody>
<tr>
<td>1949</td>
<td>35102</td>
<td>108588</td>
<td>32%</td>
</tr>
<tr>
<td>1951</td>
<td>40260</td>
<td>118740</td>
<td>35%</td>
</tr>
<tr>
<td>1954</td>
<td>38117</td>
<td>125223</td>
<td>30%</td>
</tr>
<tr>
<td>1957</td>
<td>43033</td>
<td>140929</td>
<td>31%</td>
</tr>
<tr>
<td>1960</td>
<td>48655</td>
<td>144957</td>
<td>34%</td>
</tr>
<tr>
<td>1963</td>
<td>49256</td>
<td>181153</td>
<td>27%</td>
</tr>
<tr>
<td>1966</td>
<td>53010</td>
<td>201479</td>
<td>26%</td>
</tr>
<tr>
<td>1969</td>
<td>51680</td>
<td>225526</td>
<td>23%</td>
</tr>
<tr>
<td>1972</td>
<td>54626</td>
<td>233389</td>
<td>23%</td>
</tr>
<tr>
<td>1975</td>
<td>71263</td>
<td>251187</td>
<td>28%</td>
</tr>
<tr>
<td>1978</td>
<td>106735</td>
<td>289212</td>
<td>37%</td>
</tr>
<tr>
<td>1981</td>
<td>75787</td>
<td>279252</td>
<td>27%</td>
</tr>
<tr>
<td>1984</td>
<td>77007</td>
<td>284903</td>
<td>27%</td>
</tr>
<tr>
<td>1987</td>
<td>77827</td>
<td>295659</td>
<td>26%</td>
</tr>
<tr>
<td>1990</td>
<td>83019</td>
<td>306200</td>
<td>27%</td>
</tr>
</tbody>
</table>

However, the Royal Commission on the Electoral System in 1986, stated decisively that ‘Maori seats under plurality have not given the Maori people a fair share of effective political power and influence. They have become a political backwater’.268

The Royal Commission concluded that there were some deficiencies in separate representation, which were exacerbated by the two-party system:

[Although Maori voting patterns since 1943 have assured the Labour Party of 4 safe seats, the Labour Party has been in Opposition for 29 of the 43 years since then, and Maori representatives have consequently had limited opportunities to participate in the determination of Government policy … Maori MP’s are sometimes said to have failed

---

267 Parliamentary Library, Ref 8/11 (1990) and Parliamentary Library Ref 8/12 (1992); Department of Statistics (1991) (Dibley, p 219)
268 Royal Commission on the Electoral System, p 98
to exploit their position on those occasions when they held the balance of power between the 2 major parties.269

The Royal Commission went on to say that the Labour party’s command of the Maori seats since 1943 was a disincentive to all parties to commit resources or develop polices for Maori or to entice Maori votes.270

The Royal Commission also stated that the unwieldy size of Maori electorates may also be detrimental to Maori and Maori members of parliament. For instance, the Eastern Maori electorate, following the 1983 Representation Commission covered eight general electorates.271

The Royal Commission found that generally Maori participated less in the electoral system than non-Maori, Maori were less likely to enrol. The Commission noted, for example, that for the 1984 election: ‘the rates of informal voting in the 4 Maori seats are usually higher than the rates in General seats, but in 1984 still averaged only 1.0% of all the votes cast in the 4 Maori seats’, moreover special votes for the Maori seats were more likely to be disallowed due to non-enrolment.272

Like the 1986 Royal Commission, the Waitangi Tribunal *Maori Electoral Option Report* found key deficiencies in the electoral system and its guiding legislation. The Maori Electoral Option Tribunal of 1994, in response to a claim regarding the Electoral Act 1993 found that the Crown was under a Treaty obligation ‘to protect Maori citizenship rights and in particular existing Maori rights to political representation under the Electoral Act 1993’.273

The Tribunal found that measures should be taken to facilitate both the enrolment and effective participation of Maori, including traditional methods of face to face communication (kanohi ki te kanohi) and conventional methods of mass communication tailored and targeted to Maori electors. The support and funding of the Crown for these

---

269 Royal Commission on the Electoral System, p 92  
270 Royal Commission on the Electoral System, p 92  
271 Royal Commission on the Electoral System, p 94  
272 Royal Commission on the Electoral System, p 84
methods was imperative in meeting Treaty obligations. The Tribunal called on the Crown to consult with pan-Maori organisations— the National Maori Congress, the New Zealand Maori Council and the Maori Women’s Welfare League— to construct and implement these methods.274

The Ikaroa-Rawhiti Maori electorate, which includes the East Coast, was second only to Waiairiki in voter turnout at the 1999 election, with 72.47 per cent, above an average of 70.65 per cent participating.275

5.3. Conclusions and Recommendations (National Level)

As indicated from the discussion above examining documentary sources on political participation and representation specific to East Coast Maori is problematic. While there is anecdotal evidence of the tribulations of voting in the Eastern Maori electorate in the nineteenth century, more precise analysis is rendered improbable due to a lack of sources. As Ward argued, it is difficult to analyse nineteenth-century Maori election results due to incomplete sources, ‘such considerations would render largely invalid an analysis of Maori elections according to the normal criteria of psephology [the statistical analysis of elections]’.276

Even into the twentieth-century specific quantitative and qualitative analysis of electoral participation is fraught, due to the difficulty in separating out East Coast Maori from other Maori of the Eastern Maori Electorate. The Eastern Maori boundary was fixed by the Maori Representation Act 1867 and remained largely unchanged until 1954.277 The Act stated that:

The Northern Maori Electoral District shall compromise so much of the North Island of New Zealand as lies northward of the Manukau harbour and a line drawn from the

273 Waitangi Tribunal, Maori Electoral Option Report, pp 37-38; See also Butler and Butler, p 292; Taiaroa v Minister of Justice [1995] 1 NZLR 411 (CA).
274 Waitangi Tribunal, Maori Electoral Option Report, p 38
276 Ward, Show, pp 210, 344, fn25
277 Dibley, p 6
nearest point on the Manukau harbour to the Tamaki stream and thence the course of the Tamaki stream to the sea.

The Western Maori Electoral District shall comprise so much of the North Island of New Zealand as shall lie south of the southern boundary of the Northern Maori Electoral District being bounded on the east by a line commencing at Wairakei a stream in the Bay of Plenty thence by a line running southwards along the boundary of the Arawa tribal territory to the summit of Titiraupunga, thence to the nearest part of Lake Taupo thence to the middle of that lake and the Upper Waikato river to its source thence by a direct line to the summit of the Ruahine range of mountains thence by a line following the watershed to Turakirae a point in Cook Straits.

The Eastern Maori Electoral District shall comprise all that portion of the North Island of New Zealand not contained in the Northern and Western Maori Electoral Districts [emphasis added].

The Eastern Maori electorate boundary change of 1954, removed a large portion of Hawke’s Bay, and Manawatu, Wairarapa and Wellington to the Southern Maori electorate. In 1954 the Eastern Maori electorate was made up of the geographic counties of Coromandel, Thames, Ohinemuri, Tauranga, Matamata, Rotorua, Whakatane, Opotiki, Waipu, Waikohu and Cook. In 1981 the Electoral Commission was authorised to include the Maori seats in its five-yearly review due to the shifting Maori population and tribal boundaries.

The sources required for a quantitative analysis of East Coast Maori participation in the electoral system, being the electoral rolls, are unwieldy and imprecise. For example, if the electoral roll for the East Coast District for 1879 is examined both Maori and Europeans from Auckland, Opotiki, Tauranga, Gisborne, Napier, Katikati, Wairoa, and Whakatane, to name but a few, are listed. In the twentieth century the electoral rolls expand, rendering quantitative analysis for East Coast Maori impracticable. For instance, the 1975 Eastern Maori Electoral District Roll runs to some 80 pages. The

279 Dibley, p 6
supplementary roll for the Eastern Maori Electoral District for 1978, likewise lists Maori voters from all over the East Coast and far beyond.280

Ward reiterates the difficulty, and he pays specific attention to conflicting affiliations in the Eastern Maori Electorate. Ward states:

Maori elections are extremely difficult to analyse. Voting figures are far from complete, though some may be gleaned from newspaper reports and scattered comments by officials. Some patterns are fairly clear. For example, Hawke’s Bay candidates usually dominated the Eastern Maori electorate, because Ngatiporou and Arawa candidates split the remaining votes in a first-past-the-post voting system.281

Table 6: Eastern Maori Members of Parliament 1868-1986282

<table>
<thead>
<tr>
<th>Maori/Euro Seat</th>
<th>Eastern Maori MP</th>
<th>Place of origin</th>
<th>Party</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maori</td>
<td>Tar[e]ha Te Moananui</td>
<td>Heretaunga/Hawke’s Bay</td>
<td></td>
<td>1868-1870</td>
</tr>
<tr>
<td>Maori</td>
<td>Karaitiana Takamoana</td>
<td>Heretaunga/Hawke’s Bay</td>
<td></td>
<td>1871-1879</td>
</tr>
<tr>
<td>Maori</td>
<td>Henare Tomoana</td>
<td>Heretaunga/Hawke’s Bay</td>
<td></td>
<td>1879-1884</td>
</tr>
<tr>
<td>Maori</td>
<td>Wiremu Pere</td>
<td>Turanga/Gisborne</td>
<td></td>
<td>1884-1887</td>
</tr>
<tr>
<td>Maori</td>
<td>Wiremu Pere</td>
<td>Turanga/Gisborne</td>
<td></td>
<td>1893-1905</td>
</tr>
<tr>
<td>Maori</td>
<td>James Carroll</td>
<td>Born Wairoa, Hawke’s Bay</td>
<td></td>
<td>1887-1893</td>
</tr>
<tr>
<td>Euro</td>
<td>James Carroll (Waiaupu)</td>
<td>Bay later settled on the</td>
<td>Liberal</td>
<td>1893-1908</td>
</tr>
<tr>
<td>Euro</td>
<td>James Carroll (Gisborne)</td>
<td>East Coast</td>
<td>Liberal</td>
<td>1908-1919</td>
</tr>
<tr>
<td>Maori</td>
<td>Apirana Turupa Ngata</td>
<td>Te Araroa, East Coast</td>
<td>Liberal</td>
<td>1905-1943</td>
</tr>
<tr>
<td>Maori</td>
<td>Tiaki Omana</td>
<td>Mahia, Hawke’s Bay</td>
<td>Labour</td>
<td>1943-1963</td>
</tr>
<tr>
<td>Maori</td>
<td>Puti Tipene Watene</td>
<td>Kirikiri, Thames</td>
<td>Labour</td>
<td>1963-1967</td>
</tr>
<tr>
<td>Maori</td>
<td>Peter Tapsell</td>
<td>Rotorua</td>
<td>Labour</td>
<td>1981- [1996]</td>
</tr>
</tbody>
</table>

281 Ward, Show, p 344, fn 25
282 This table is compiled from Louise Callan, ‘The browning of Parliament’, Mana, issue 59, September 2004, pp 46-47. Place of origin has been added to clarify members from the East Coast.
As demonstrated by the above table the Eastern Maori electorate boundary included not only Maori of the East Coast, but also Hawke’s Bay, Thames and Rotorua. Extracting East Coast Maori participants from the electoral rolls would be an impracticable task.

Given the rich body of secondary research which exists and given the difficulty in analysing electoral data for a qualitative or quantitative analysis of East Coast Maori electoral participation over time, it is not recommended that further historical research be undertaken. Instead it would be more constructive to make use of the existing studies by Dibley, McCracken, Jackson and the Royal Commission on the Electoral System. Key existing secondary sources include:


Waitangi Tribunal, Maori Electoral Option Report (Wellington: Brookers, 1994)

Rather than a stand-alone substantive report on electoral participation and representation at a national level, it is recommended the analysis and data collected by Dibley, McCracken, Jackson and the Royal Commission be absorbed into the proposed overview report on the political relationship between the Crown and East Coast Maori.
5.4. Overview (Local Level Electoral Participation and Representation)

5.4.1. Introduction

This section evaluates whether issues of electoral participation and representation at the local government level are addressed in existing research and research which is underway for the East Coast inquiry. East Coast Maori political participation and representation through voting, candidacy and membership on municipal and rural councils and bodies, is being explored in research which is currently.

5.4.2. Local Level Focus Questions

♦ What were the voting qualifications for local bodies? How did these voting qualifications affect the participation of East Coast Maori in the franchise?
♦ When did Maori become eligible to sit on these bodies? Were East Coast Maori represented at a local level?
♦ Did local bodies or authorities engage with Maori and seek their advice or views on issues?
♦ In what ways did they encourage or discourage their participation as voters, candidates and members, especially given consideration to the relatively high Maori population on the East Coast?

5.4.3. Existing Research and Sources

In 1842, the Legislative Council passed the Municipal Corporations Ordinance, which provided for the creation of boroughs, the levying of rates and the power to construct roads. However, the Ordinance was disallowed and followed instead by the Municipal Corporations Act 1844, which in turn became obsolete after the Constitution Act of 1846. The Public Roads and Works Ordinance 1845 allowed for electors to petition for the creation of a board that could levy special rates for the creation of roads.283 As set out in A H McLintock’s account, Sir George Grey refused to implement the 1846 Constitution Act, instead replacing it with the New Zealand Constitution Act of 1852.284 The 1852 Act established a system of six provinces; Auckland (which included the East

283 Tom Bennion, Maori and Rating Law, p 11. See also Towers, ‘Its rate and taxes are biting’.
Coast), New Plymouth, Wellington, Nelson, Canterbury and Otago, which were to be controlled by Provincial Councils and an elected superintendent. In 1867, the Municipal Corporations Act was passed which provided for the creation of boroughs, these new local bodies could levy rates and those ratepayers would be eligible for elections. The Provincial Councils began a period of public works, which necessitated the creation of road and highway boards, the first of which on the East Coast was the Poverty Bay Highways Board formed in 1870.

At this point Maori land was not excluded from rating, so that ‘technically’ Maori could vote in local elections. Prior to the Municipal Franchise Reform Act 1898, the local election franchise was restricted to owners or occupiers of rateable property. Following the Act this was extended in boroughs to persons having a three-month residential qualification.

In 1876, the Provincial system of local government was abolished and replaced with a system of counties, boroughs and towns. The Rating Act 1876 was introduced, adopting countrywide the English Annual Rental Value system which lasted until 1882. In 1882, the Rating Act and the Crown and Native Lands Rating Act were both passed. There was some concern that Maori, while expected to meet rating requirements were not represented on local bodies. M W Green, member for Dunedin East, argued in 1882 that:

It is an axiom of the British Constitution that where there is taxation there ought to be representation; but the Maoris who are to be taxed for the construction of these roads have not that representation which, according to the principles of English law, the ought to have if they are to be placed upon a level with the European subjects of the Queen.

In 1888, the Native Lands Rating Act Repeal Act brought the rating of Maori land under the provisions of the Rating Act 1882. The Rating Act Amendment Act 1893

---

286 Mackay, *Historic Poverty Bay*, p 388
287 Bennion, *Maori and Rating Law*, p 6
290 M W Green, Native Lands Rating Bill, NZPD, 1882, vol 43, p 715
widened the category of Maori land that could be rated. The Native Land Rating Act, which was passed in 1904, widened this further, meaning all Maori land other than customary or papatupu land was now rateable.291 J A Williams notes that one Maori out of every 25 was placed on the voting rolls of the local bodies to avoid rating on Maori communal land under the 1904 legislation without representation.292

The Native Townships Local Government Act 1905, allowed for the establishment of four member councils, including one Maori member appointed by the Governor, to administer native townships including the levying of rates. In 1908, all native townships were moved under the Maori land boards and became liable for rates.293 During the First World War there was concern from local authorities over the rating of Maori land, however, Native Minister Herries pointed out that under current legislation Maori who individually owned land were no different than European owners.294 Following the war, rating communally-owned land and unoccupied land remained live issues for local bodies. In 1924, the Native Land Rating Bill was introduced. The resultant Act provided that native land be rated as other land, with the exception still of customary land under section 4(a). In 1927, the Native Land Amendment and Native Land Claims Adjustment Act provided for unpaid rates to be written off.

A G Harper noted that unlike parliamentary elections, at the local body level under the Local Elections and Polls Act 1925 and its various amendments until 1947, there was no distinction between Maori and Pakeha voters in terms of enrolling, nomination and voting.295 The key qualification of both the municipal and rural franchise was rate payment. In 1944, the local franchise was extended to permit tenants and spouses to vote, by way of a residential qualification.296

In 1950, local authorities were given further power to collect rates arrears under the Maori Purposes Act 1950. The Maori Affairs Act of 1953, provided for the ‘conversion’ of uneconomic shares in multiply-owned land by sale to other owners or to the

291 Bennion, p 34
292 Williams, Politics of the New Zealand Maori, p 125
293 Bennion, p 35
294 Bennion, pp 39-40
296 Palmer, Local Government Law, p 32
Government. The Conversion of uneconomic shares was repealed by the Maori Affairs Amendment Act 1974, along with provision for Maori-owned general land to be returned to the status of Maori land.

Janine Hayward argues that there was no formal recognition of responsibility to Maori in local body politics until the Town and Planning Act 1977, but notably without reference to the Treaty. The reform process of the 1980s further transferred Crown powers to local government and whether these reforms also devolved Treaty obligations has been considered by the Waitangi Tribunal previously. Hayward cites the Ngawha Geothermal Tribunal findings:

The Crown obligation under article 2 to protect Maori rangatira[tanga] is a continuing one. It cannot be avoided or modified by the Crown delegating its powers or Treaty obligations to the discretion of local and regional authorities. If the Crown chooses to so delegate, it must do so in terms which ensure that its Treaty duty of protection is fulfilled.

Hayward provides a useful discussion on who may represent Maori and how they can promote Maori interests at a local government level. There has been an apparent tension between the representation of tangata whenua and taura (Maori from outside the region), and some local bodies may have further disenfranchised Maori by excluding taura from representation. Conversely, Hayward notes that certain councils have gone to extra-legal lengths to ensure Maori representation.

The requirement of local bodies to meet Treaty obligations is a contentious one, as discussed by Hayward:

[T]he devolution of kawanatanga did not end at the central government level, although many argue that the devolution of Treaty obligations did. As provincial and local government were established, these new units of government took on greater authority (particularly in recent decades). The question is whether these local levels of

---

government also inherited Treaty obligations, as settler government had inherited these from the original Treaty partner. Or, is there an arbitrary point at which kawanatanga continues to flow down, but the concomitant Treaty obligations to Maori do not?300

Kathy Orr-Nimmo provides an overview of the shift in county boundaries on the East Coast before 1890 and up to 1989. Map 2 below shows the county boundary changes up until the amalgamation of all three into the Gisborne District Council in 1989.301 Before 1890 the East Coast area was part of the Cook County Council, which also covered Poverty Bay. In 1890, Waiapu became a separate county council. Oliver and Thomson note that Waiapu was set up as a separate county partly due to ‘vehement antipathy to Gisborne’ and demonstrated ‘boundless confidence and a strong sense of local identity’.302 Waikohu also separated from the Cook County in 1908. Oliver and Thomson state that Waikohu, in contrast to Waiapu, was predominantly European and thus rate-paying.303 In 1918, the Uawa County Council (Tolaga Bay area) was created out of the Cook County. In 1919, Matakaoa County Council was formed in the northern part of Waiapu County. Orr-Nimmo notes that the Matakaoa County was sparsely populated and much of the County’s existence controlled by a Government Commissioner. In the 1960s, Uawa County was absorbed by Cook County was again, and Matakaoa absorbed into Waiapu County.

In 1985, the Waiapu County Council submitted a report to the Local Government Commission on the issue of restructuring county councils.304 The report noted, among the factors that made the Waiapu County Council unique, was the extent of the Maori population (approximately 70 per cent) and Maori land holdings (44 per cent of the total area). Waiapu County Council proffered that any restructuring should look at amalgamating Waiapu with Opotiki, which also had a strong Maori population and land-holding. The report suggested that a merger of Opotiki and Waiapu would ‘enable specialist staff in Maori land, rating matters and social problems to be employed’.305 Commissioner Wood, of the Local Government Commission, reported after visiting

---

300 Hayward, ‘The Treaty Challenge’, p 5
302 Oliver and Thomson, p 198
303 Oliver and Thomson, p 198
304 Waiapu County Council to Local Government Commission, 3 October 1985, AANX 7536 w5027 LGC 1/2/79, ANZ-Wellington
Waiapu County in August 1985, that the Council had made special reference ‘to the Maori influence and point[ed] out that their Council is comprised of about half Maoris’.

In 1989, all three counties (Waiapu, Waikohu and Cook) were amalgamated into the Gisborne District Council which ‘is a unitary authority that also functions as the local regional council’.

---

Map 2: Local Body Boundaries

---

305 Waiapu County Council to Local Government Commission, 3 October 1985, AANX 7536 w5027 LGC 1/2/79, ANZ-Wellington, p 2
5.4.4. Comparative Local Body Case-study

The sources below concerning Maori on local bodies, including councils and local boards are reproduced to supplement existing research. The archival files from the Maori Affairs Department recorded only Maori candidates, with the exception of one Nuiean. Comparative data on the election of candidates of other ethnicities was not available in these files but maybe useful for further analysis. These tables may give some insight into the level of representation and participation of East Coast Maori in the 1960s and 1970s, when compared on a national level and could be explored further. The local body Minutes Books held at the Gisborne District Council were also examined, including Waiaupu, Cook, Waikohu counties and Gisborne. The information below in conjunction with the minute books, may be of use for any further research looking at Maori governance at a local level.

Table 7: Statistical Summary of Maori Elected to Local Bodies 1965 by District

<table>
<thead>
<tr>
<th>Local Body</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whangarei</td>
<td>14</td>
</tr>
<tr>
<td>Auckland</td>
<td>4</td>
</tr>
<tr>
<td>Hamilton</td>
<td>4</td>
</tr>
<tr>
<td>Rotorua</td>
<td>10</td>
</tr>
<tr>
<td>Gisborne</td>
<td>16</td>
</tr>
<tr>
<td>Wanganui</td>
<td>4</td>
</tr>
<tr>
<td>Palm. Nth</td>
<td>10</td>
</tr>
<tr>
<td>Christchurch</td>
<td>2</td>
</tr>
</tbody>
</table>

Table 8: Maori Elected to Local Bodies at 1965 Election (Gisborne District)

<table>
<thead>
<tr>
<th>Local Body</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook County Council</td>
<td>A D McGregor</td>
</tr>
<tr>
<td></td>
<td>C A Hale</td>
</tr>
<tr>
<td>Waiaupu County Council</td>
<td>T S Howell</td>
</tr>
<tr>
<td></td>
<td>L H Tangaere</td>
</tr>
<tr>
<td></td>
<td>W H Walker</td>
</tr>
<tr>
<td></td>
<td>S H Burdett[d]ett</td>
</tr>
<tr>
<td></td>
<td>T T Fox</td>
</tr>
<tr>
<td></td>
<td>B Chaffey</td>
</tr>
<tr>
<td>Wairoa County Council</td>
<td>A G Ormond</td>
</tr>
<tr>
<td>Cook Hospital Board</td>
<td>A J Barlett</td>
</tr>
<tr>
<td>Waiaupu Hospital Board</td>
<td>S E Goldsmith</td>
</tr>
<tr>
<td></td>
<td>P M Goldsmith</td>
</tr>
<tr>
<td></td>
<td>F T Maxwell</td>
</tr>
<tr>
<td></td>
<td>D A Awarau (Niuean)</td>
</tr>
<tr>
<td>Wairoa Hospital Board</td>
<td>Mrs Noble-Campbell</td>
</tr>
<tr>
<td>Poverty Bay Catchment Board</td>
<td>S H Burdett</td>
</tr>
<tr>
<td></td>
<td>H H Haig</td>
</tr>
</tbody>
</table>

308 ‘Statistical Summary- Maoris Elected to Local Bodies 1965 Election’, MA w2429 19/1/79, box 16, part 1, ANZ-Wellington
309 ‘Maori Elected to Local Bodies at 1965 Election’, MA w2429 19/1/79, box 16, part 1, ANZ-Wellington
### Table 9: Statistical Summary of Maori Elected to Local Bodies 1968 by District\(^{310}\)

<table>
<thead>
<tr>
<th></th>
<th>Whangarei</th>
<th>Auckland</th>
<th>Hamilton</th>
<th>Rotorua</th>
<th>Gisborne</th>
<th>Wanganui</th>
<th>Palm. Nth</th>
<th>Christchurch</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>7</td>
<td>4</td>
<td>16</td>
<td>26</td>
<td>7</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>

### Table 10: Maori Elected to Local Bodies at 1968 Election (Gisborne District)\(^{311}\)

<table>
<thead>
<tr>
<th>Local Body</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gisborne City Council</td>
<td>A R Paenga</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Wairoa Borough Council</td>
<td>S Standring</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Cook County Council</td>
<td>A D McGregor</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>C A Hale</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Wairoa County Council</td>
<td>J E Adsett</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>A G Ormond</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Waiapu County Council</td>
<td>S Burdett</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>P Whaipooti</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>H Tangaere</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>W Walker</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>T Fox</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>T Hovell</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Cook Hospital Board</td>
<td>A J Barlett</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>H K T Ruru</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Wairoa Hospital Board</td>
<td>T J Richardson</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>L Manuel</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Waiapu Hospital Board</td>
<td>P Goldsmith</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>F Maxwell</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>D Awarau (Niuean)</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>H Tangaere</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>S Goldsmith</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Poverty Bay Catchment Board</td>
<td>L T Walker</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>S H Burdett</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>H H Haig</td>
<td>Re-elected</td>
</tr>
<tr>
<td>East Coast Licensing Committee</td>
<td>S Burdett</td>
<td>Elected first time</td>
</tr>
<tr>
<td>No 4 District Road Council</td>
<td>S Burdett</td>
<td>Elected first time</td>
</tr>
</tbody>
</table>

\(^{310}\) 'Statistical Summary- Maoris Elected to Local Bodies 1968', MA w2429 19/1/79, box 16, part 1, ANZ-Wellington

\(^{311}\) 'Maori Elected to Local Bodies at 1968 Election', MA w2429 19/1/79, box 16, part 1, ANZ-Wellington
<table>
<thead>
<tr>
<th>Local Body</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whangarei City Council</td>
<td>J D Williams</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>H H Te W Pou</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Mangonui County Council</td>
<td>A Rollo</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>J King</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Hokianga County Council</td>
<td>D Topia</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>J Williams</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Hokianga County Council</td>
<td>J Williams</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Whangarei Harbour Board</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mangonui County Council</td>
<td>A Rollo</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>J King</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Kawakawa Town Council</td>
<td>R Tureia</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>A Bristowe</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Auckland Regional Council</td>
<td>P W Hohepa</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Auckland City Council</td>
<td>H D B Dansey</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Manakau City Council</td>
<td>J Mackie</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>C Bidois</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Glen Eden Borough</td>
<td>E Ngata</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Papakura Borough</td>
<td>W Proctor</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Otahuhu Borough</td>
<td>F Wilcox</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Hamilton City Council</td>
<td>L Rangi</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Ngaruawahia Borough Council</td>
<td>T J Kirkwood</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Huntly Borough Council</td>
<td>R Tukiri</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Cambridge Borough Council</td>
<td>H H Wahapu</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Tauranga City Council</td>
<td>V K Smith</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Rotorua City Council</td>
<td>P Tapsell (Deputy Mayor)</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>D Morrison</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>D Hulton</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Rotorua County Council</td>
<td>P Francis</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Whakatane Borough Council</td>
<td>J Brown</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Whakatane County Council</td>
<td>K Tumoana (Deputy Mayor)</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Taupo County Council</td>
<td>S J Andrews</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>L R Grace</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>J T Asher</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Murupara Borough Council</td>
<td>R Boynton (Deputy Mayor)</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>T Clarke</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>H Roberts</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Opotiki County Council</td>
<td>T Stainton</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Opotiki Borough Council</td>
<td>R Walker</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Kawerau Borough Council</td>
<td>M Lanham</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>E Delamere</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Gisborne City Council</td>
<td>Ahipene Rangi Paenga</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Waiapu Hospital Board</td>
<td>Phillip Goldsmith</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>Hunaare Tangaere</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>Doris Awarau (Niuean)</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>Tom Fox</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>Des Beale Williams</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Waiapu County Council</td>
<td>Len Walker</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>Hunaare Tangaere</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>Sid Burdett</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>Pene Whaipooti</td>
<td>Re-elected</td>
</tr>
<tr>
<td>East Coast Licensing Committee</td>
<td>Sid Burdett</td>
<td>Re-elected</td>
</tr>
</tbody>
</table>

312 ‘Maoris Elected to Local Bodies at 1971 Election’, MA w2429 19/1/79, box 16, part 1, ANZ-Wellington
<table>
<thead>
<tr>
<th>Local Body</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>No 4 District Road Council</td>
<td>Sid Burdett</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Wairoa Borough Council</td>
<td>Gary Rangihiu</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Wairoa County Council</td>
<td>James Adsett</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Wairoa Hospital Board</td>
<td>Lena Manuel</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Poverty Bay Catchment Board</td>
<td>L T Walker</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>S H Burdett</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>H H Haig</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Cook Hospital Board</td>
<td>H K T Ruru</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>S V Prentice</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Cook County Council</td>
<td>A D McGregor</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>C A Hale</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Taumarunui Borough Council</td>
<td>A Henry</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Taumarunui County Council</td>
<td>P Hura</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>B H Jones</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Waitara Borough Council</td>
<td>M Te R Tippins</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>P Marshall</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Patea Borough Council</td>
<td>T Ratana-Flavell</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Wanganui City Council</td>
<td>K W Puohotaua</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Palmerston North City Council</td>
<td>T S Mihaere</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Manawatu Catchment Board</td>
<td>T S Mihaere</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Otaki Borough Council</td>
<td>M Rikihana</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Waitakanee County Township</td>
<td>A Kauri</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Hastings City Council</td>
<td>W Bennett</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Porirua City Corporation</td>
<td>G Moke</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>P Katene</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>E D Nathan</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>T Wineera</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Invercargill City Council</td>
<td>S Tuhakaraina</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Mataura Borough Council</td>
<td>N Raihania</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Temuka Borough Council</td>
<td>W Torepe</td>
<td>Re-elected</td>
</tr>
<tr>
<td>Christchurch City Council</td>
<td>A Orme</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Blenheim Borough Council</td>
<td>C Whitehead</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Nelson City Council</td>
<td>B Hippolite</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Mount Herbert County- Port Victoria Riding</td>
<td>G M Coach</td>
<td>Elected first time</td>
</tr>
<tr>
<td>Chatham Islands County Council</td>
<td>J Tuanui</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>L Tuuta</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>R Tuuta</td>
<td>Elected first time</td>
</tr>
<tr>
<td></td>
<td>R Preece</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>A Preece</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>F Lanauze</td>
<td>Re-elected</td>
</tr>
<tr>
<td></td>
<td>J Te Aike</td>
<td>Elected first time</td>
</tr>
</tbody>
</table>

Table 12: Statistical Summary of Maori Elected to Local Bodies 1971 by District\(^{313}\)

<table>
<thead>
<tr>
<th>Whangarei</th>
<th>Auckland</th>
<th>Hamilton</th>
<th>Rotorua</th>
<th>Gisborne</th>
<th>Wanganui</th>
<th>Palm. Nth</th>
<th>Christchurch</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>8</td>
<td>5</td>
<td>17</td>
<td>22*</td>
<td>6</td>
<td>9</td>
<td>14</td>
</tr>
</tbody>
</table>

\(^{313}\)“Statistical Summary- Maoris Elected to Local Bodies 1971’, MA w2429 19/1/79, box 16, part 1, ANZ-Wellington
## Table 13: Tairawhiti Districts- Maori Candidates 1974 Local Body Elections

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Successful</th>
<th>Unsuccessful</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waiapu Hospital Board</td>
<td>Phillip Goldsmith, Hunaara Tangaere, Tom Fox, Des Beale Williams, Doris Awarau</td>
<td>nil</td>
<td>All sitting members re-elected</td>
</tr>
<tr>
<td>Waiapu County Council</td>
<td>Len Walker, Hunaara Tangaere, Sid Burdett, Buster Chaffey, Pene Whapooti</td>
<td>Tom Fox, Tu Manuel, Phillip Goldsmith</td>
<td>All sitting members re-elected</td>
</tr>
<tr>
<td>East Coast Licensing Committee</td>
<td>Sid Burdett</td>
<td>-</td>
<td>Re-elected unopposed</td>
</tr>
<tr>
<td>No 4 District Road Council</td>
<td>Len Walker, George Haig, Sid Burdett</td>
<td>-</td>
<td>Re-elected unopposed</td>
</tr>
<tr>
<td>Poverty Bay Catchment Board</td>
<td>Alec McGregor, Clarrie Hale</td>
<td>Monty Searancke, Bub Wehi</td>
<td>Sitting riding members unopposed</td>
</tr>
<tr>
<td>Cook County Council</td>
<td>Buddy Smith</td>
<td>Digger Ruru</td>
<td>New member</td>
</tr>
<tr>
<td>Cook Hospital Board</td>
<td>Digger Ruru, Peggy Kaua, Sophie Prentice</td>
<td>-</td>
<td>Sitting members re-elected unopposed</td>
</tr>
<tr>
<td>Gisborne Harbour Board</td>
<td></td>
<td>Bub Wehi</td>
<td>Mr Wehi first time up</td>
</tr>
<tr>
<td>Gisborne City Council</td>
<td>Rangi Paenga</td>
<td>Peggy Kaua, Elizabeth Meade</td>
<td>Sitting member re-elected</td>
</tr>
<tr>
<td>Wairoa County Council</td>
<td>Bill Christy, Jim Adsett, George Ormond</td>
<td>-</td>
<td>Christy new member</td>
</tr>
<tr>
<td>Wairoa Borough Council</td>
<td>Gerry Rangihu</td>
<td>Pona Reedy</td>
<td>Sitting member re-elected</td>
</tr>
<tr>
<td>Wairoa Hospital Board</td>
<td>Lena Manuel</td>
<td>-</td>
<td>Elected unopposed</td>
</tr>
<tr>
<td>Poverty Bay Electric Power Board</td>
<td>Nil</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

---

314 "Tairawhiti Districts- Maori Candidates 1974 Local Body Elections", MA w2429 19/1/79, box 16, part 1, ANZ-Wellington
5.5. Conclusions and Recommendations (Local Level)

While the minute books of local bodies have been located and viewed they offer limited insight into representation and participation issues. Rather the minute books record the discussion and debate of councillors and from a preliminary viewing do not ruminate on issues of Maori participation or representation. Likewise, the local body election statistics compiled in figures 7 to 13 appear to be unique in the Maori Affairs archive. These observations over a decade provide a relatively small view when researching the period 1840 to 1986. Nevertheless, as research currently underway is completed on ratings, local bodies, resource management and health and education service provisions, analysis of the political participation and representation of East Coast Maori at a local level may be furthered.

Draft versions of Richard Tower’s report “Its rates and taxes are biting…its teeth cannot be withdrawn!’ Rating on the East Coast’ and Jane Luiten’s ‘Scoping report on East Coast Local Government Issues’, both commissioned by the Crown Forestry Rental Trust were made available to the author. Towers provides a comprehensive discussion of rating issues on the East Coast and looks at how rating impacted East Coast Maori and their land over the period 1840 to 1990. Luiten’s report scopes the evidence available concerning if, and how, East Coast Maori were involved in local body politics and local decision making structures. Furthermore, reports on socio-economic aspects, resource management and the provision of health and education services are to be undertaken for the East Coast inquiry.

These research commissions negate the need for further exposition of representation of East Coast Maori at a local government level in this scoping report and in terms of further substantive research. Primary and secondary sources found during the course of this scoping have been presented below. These sources may complement existing research on local government issues, which may be synthesised in an overview report.

on East Coast Maori and Crown political relationships towards the end of the casebook programme.

Existing and currently underway research includes:


Luiten, J, ‘Scoping Report on East Coast Local Government Issues’ a report commissioned by the Crown Forestry Rental Trust [draft]


Towers, R ‘Its rate and taxes are biting…its teeth cannot be withdrawn!’: Rating on the East Coast’, a report commissioned by the Crown Forestry Rental Trust [draft]

It would be not be beneficial to undertake further substantive research on local government issues given the high likelihood of duplication. Conversely, the information provided by reports which are currently underway may be synthesised into the proposed overview report on political relationships at a later stage in the casebook and any significant gaps be filled during that overview process.
Table 14: Maori as approximate percentages of total population 18 years and over in trial STV constituencies

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Maori descent 18yrs &amp; over (%)</th>
<th>Half or more Maori, 18yrs and over (%)</th>
<th>Those on Maori roll (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northland</td>
<td>20.3</td>
<td>15.0</td>
<td>9.5</td>
</tr>
<tr>
<td>North Shore</td>
<td>4.5</td>
<td>2.5</td>
<td>1.1</td>
</tr>
<tr>
<td>Rodney</td>
<td>8.1</td>
<td>5.1</td>
<td>2.7</td>
</tr>
<tr>
<td>West Auckland</td>
<td>7.1</td>
<td>4.8</td>
<td>2.8</td>
</tr>
<tr>
<td>Auckland City</td>
<td>7.3</td>
<td>5.1</td>
<td>3.0</td>
</tr>
<tr>
<td>South Auckland</td>
<td>12.7</td>
<td>10.0</td>
<td>4.8</td>
</tr>
<tr>
<td>Papatoetoe</td>
<td>14.4</td>
<td>11.6</td>
<td>5.3</td>
</tr>
<tr>
<td>Hauraki</td>
<td>12.2</td>
<td>8.8</td>
<td>4.2</td>
</tr>
<tr>
<td>Hamilton-Waikato</td>
<td>13.3</td>
<td>10.4</td>
<td>4.8</td>
</tr>
<tr>
<td>Bay of Plenty</td>
<td>18.3</td>
<td>16.3</td>
<td>9.3</td>
</tr>
<tr>
<td>East Cape-Hawke’s Bay</td>
<td>23.3</td>
<td>18.8</td>
<td>8.4</td>
</tr>
<tr>
<td>Otorohanga-Tokoroa</td>
<td>20.9</td>
<td>16.7</td>
<td>7.5</td>
</tr>
<tr>
<td>Waikarara</td>
<td>12.8</td>
<td>9.6</td>
<td>4.2</td>
</tr>
<tr>
<td>King Country-Taranaki</td>
<td>12.2</td>
<td>8.6</td>
<td>4.8</td>
</tr>
<tr>
<td>Wanganui</td>
<td>10.3</td>
<td>7.4</td>
<td>3.6</td>
</tr>
<tr>
<td>Manawatu</td>
<td>10.6</td>
<td>7.4</td>
<td>3.7</td>
</tr>
<tr>
<td>Hutt Valley</td>
<td>8.4</td>
<td>5.9</td>
<td>3.2</td>
</tr>
<tr>
<td>Wellington City</td>
<td>5.4</td>
<td>3.7</td>
<td>2.0</td>
</tr>
<tr>
<td>Marlborough-West Coast</td>
<td>4.4</td>
<td>2.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Kaikoura</td>
<td>3.4</td>
<td>1.6</td>
<td>0.9</td>
</tr>
<tr>
<td>Christchurch City</td>
<td>3.9</td>
<td>2.0</td>
<td>1.0</td>
</tr>
<tr>
<td>South Canterbury</td>
<td>3.3</td>
<td>1.6</td>
<td>1.0</td>
</tr>
<tr>
<td>Otago</td>
<td>2.6</td>
<td>1.2</td>
<td>0.6</td>
</tr>
<tr>
<td>Southland</td>
<td>5.7</td>
<td>3.0</td>
<td>1.4</td>
</tr>
</tbody>
</table>

Table for illustrative purposes only. Indication of likely percentages of the population who belong to one or other of the 3 Maori categories. Figures based on 1981 census and 1984 electoral roll. Proportions of total population 18 years and over who were on the Maori roll in 1984 for present 4 Maori electorates, they do not include Maori on General roll or not enrolled at all. Report of the Royal Commission on the Electoral System, p 114.
Chapter Six: Movements, Protests and Organisations

6.1. Introduction

This chapter outlines secondary and primary sources which discuss major forms of Maori protest and response to political institutions at local and central levels are discussed. This chapter is divided chronologically looking at sources covering Maori protests and movements concerning the resistance to British sovereignty, and the emergence of the Kingitanga and Pai Marire in the 1860s, the Repudiation movement and Maori parliament/Paremata, administrative committees/komiti and Maori councils. Focus questions have been developed from statements of claim and general secondary sources to evaluate whether existing secondary sources and research sufficiently addresses the movements, protests and organisations on the East Coast, and if not, what historical sources exist to research further.

6.2. Overview

6.2.1. Movements, Protests and Organisations Focus Questions 1840s-1860s

♦ What were the perceptions of East Coast Maori of the implications that the Treaty of Waitangi may have on their sovereignty, autonomy and self-governance?

♦ Were East Coast Maori involved in the Kingitanga? What was their understanding of the movement and what did they think it may achieve for the East Coast specifically?

♦ Did East Coast Maori adopt Pai Marire? Did they perceive it as a religious or political movement, or both?

♦ Did East Coast Maori respond to government policies of land confiscations after the wars, if so, in what ways? Did this lead to increased protest? What was the affect on the Crown-Maori political relationship?

6.2.2. Existing Research and Sources 1840s-1860s

McBurney concludes that in the years following 1840, Maori were largely unaware of the Treaty’s implications for sovereignty, or tino rangatiratanga. But by the 1850s as
settler numbers swelled, Maori grew conscious of the implications. Te Whiwhi-o-te-Rangi (also known as Matene Te Whiwhi of Ngati Raukawa) and Tamihana Te Rauparaha took up the idea of a Maori monarchy. Cox argues that:

for Matene, the protection of Maori land was central to his advocacy of a Maori monarchy. For Tamihana the creation of unity beyond the tribe was a mechanism whereby law and security for the land and for iwi would be advanced. Later events were to show that both these leaders placed considerable value of the maintenance of law and order and actively discouraged any military activity to resolve Maori grievances- both with Europeans and among Maori. In 1855 (J. W. Mackay gives 1852) they visited various iwi and laid down the proposition. Taranaki, Whanganui, Taupo nui a Tia, Heretaunga, Te Tairawhiti, Rotorua, and the Waikato all received them and their message.

Te Wherowhero, a Waikato chief who had signed the 1835 Declaration of Independence but not the Treaty of Waitangi, became the first Maori King in 1858, taking the name Potatau. The kaupapa of the Kingitanga movement was described by the Kingmaker, Wiremu Tamehana as ‘the mana Maori and holding land’. In the opinion of Cox, the Kingitanga sought to advance or at least maintain the position of Maori in national affairs. McBurney cites Maharia Winiata’s argument that the Kingitanga movement ‘involved the grafting of European procedures and concepts on to the indigenous foundation of the Maori socio-political system. The status of the leaders of the movement was based primarily upon kinship’.

Orange says that in part to draw attention away from the Kingitanga and war in Taranaki, a conference was held between Maori and the Government at Kohimarama. In July 1860, some 200 Maori met with Governor Gore Browne at Kohimarama. In Cox’s view, ‘one significant outcome of this conference was that tribes who had not

---

318 Cox, Kotahitanga, pp 45-46; Mackay, Historic Poverty Bay, p 211.
319 See Cox, Kotahitanga, p 29
321 Cox, Kotahitanga, p 44
signed the Treaty … were now covered by its mantle’, and that there was, ‘affirmation of Maori support for the Treaty, now recognised as an important agreement between iwi and the Crown: an agreement which could be used to support Maori aspirations for equality.’\textsuperscript{324} The Kohimarama Covenant suggested that a native council be set up, but this did not occur and the conference was not held again. As Derby notes:

Certainly, the disaffection which Europeans had already observed in the district did not diminish. Yet, as Te Irimana had indicated at Kohimarama, support for the Kingitanga remained very uneven and provisional in the district. In 1861, Resident Magistrate Baker found that the Ngati Porou at Rangitukia desired to ‘live under the shadow of the Queen’, while further south, Te Aitanga a Hauiti were ‘somewhat inclined to favour the King Movement’. They ‘appeared to be quite willing to accept and to receive British law, but they did not manifest the same desire for its introduction as the tribes occupying the Northern part of the District…’.\textsuperscript{325}

The Kingitanga, appears in existing research to have had a varied level of acceptance on the East Coast. Oliver and Thomson argue that ‘farther north the King movement made a more decisive impact’, however they indicate that ‘in 1861 and 1862 the Kingite-loyalist conflict has overtones of a contest between rival claimants for leadership within the Ngati Porou’.\textsuperscript{326} When Baker had been appointed Resident Magistrate at Waiapu, the news was initially greeted by the hoisting of the British flag, but Oliver and Thomson observe, that by the following year he had become a cause of disaffection.\textsuperscript{327}

In 1862, a new religious and independence movement grew out of the conflict in Taranaki. McBurney argues, that when the Pai Marire first emerged it was dismissed as primitive fanaticism, however, recently like the Kingitanga it has been interpreted as an expression of Maori nationhood.\textsuperscript{328} Pai Marire was led by Te Ua Haumene, who based the new religion on the principle of pai marire, meaning goodness and peace. The church was called Hauhau, deriving from Te Hau, meaning the breath of God. The terms Pai Marire and Hauhau became interchangeable as labels for those who followed this religion. Cox notes that the Hauhau movement founded by Te Ua Haumene

\textsuperscript{324} Cox, \textit{Kotahitanga}, p 78
\textsuperscript{325} W B Baker, ‘First Report’, 3 January 1862, AJHR, E-9, sec V, no 2, p 4 (in Derby, doc A11, p 78)
\textsuperscript{326} Oliver and Thomson, p 82
\textsuperscript{327} Oliver and Thomson, p 84
\textsuperscript{328} McBurney, ‘The Kingitanga’, p 187-188
‘stressed the need for passive resistance to the incursions of European colonization.’\(^{329}\)

Followers, set out to take the Pai Marire message to the East Coast and Poverty Bay. In December 1864, Tiu Tamehana ‘attempted to make his way from the Tauranga district to the East Coast to spread the faith to the Tai Rawhiti tribes, as planned by Te Ua and Tawhiao’\(^{330}\). Mary Gillingham reports that in early 1865, two groups of evangelical followers also left Taranaki and travelled to Poverty Bay.\(^{331}\) Kereopa te Rau and Patara Raukatauri, were despatched by Te Ua early in 1865 to convert the Maori of the East Coast to the Pai Marire faith.\(^{332}\) Gillingham writes that the question of political autonomy was being debated by Tauranga, Bay of Plenty, East Coast Maori and the government during the early 1860s.\(^{333}\)

Gillingham says that these debates took place in the backdrop of impending war between the Crown and Kingitanga. Furthermore, as the Crown needed to quash the Kingitanga to impose British sovereignty in New Zealand, Maori of the central North Island and the East Coast needed to decide whether they would ‘actively’ support the Kingitanga or the Crown.\(^{334}\) East Coast Maori joined the fighting in Waikato with Kingitanga’s warriors, including those from Bay of Plenty, East Coast and Tuhoe tribes.\(^{335}\) However, support for the Kingitanga diminished from 1864, following several defeats. Ngati Porou had been divided on the issue of support for the Crown from the 1850s, but in the opinion of K M Sanderson, by early 1865 they were ‘tenuously united on the side of the government’.\(^{336}\) Cox argues that, while ‘the power of the King to coerce his subjects was negligible, and allegiance to him was to some extent limited...The institution of a king as a focus for Maori nationalism, however, was effective.’\(^{337}\) However, after the fall of Gate Pa, many Waiapu Kingites raised the Queen’s flag and at this time a Kingite recruiter found he could only enlist 12 followers. According to Oliver and Thomson in 1865, ‘an effort on the part of the Opotiki people

\(^{329}\) Cox, Kotahitanga, p 53


\(^{331}\) Cox, Kotahitanga, pp 53-54

\(^{332}\) James Cowan, The New Zealand Wars: a history of the Maori campaigns and the pioneering period (Wellington: Government Printer, 1956), p 72

\(^{333}\) Gillingham, ‘Waitaha’, p 27

\(^{334}\) Gillingham, ‘Waitaha’, p 27


\(^{336}\) Kay Sanderson, ‘Maori Christianity on the East Coast 1840-1870’, New Zealand Journal of History, vol 17, no 2, October 1983, p 177
to get help from Waiapu for an assault on Maketu came to nothing, in spite of a strong residual feeling in favour of the King’.338

According to Daly, it was the advent of Pai Marire on the East Coast that would lead to civil war and to fighting in Turanga.339 In the opinion of Binney:

the deep divisions which Pai Marire caused amongst Maori in Poverty Bay should be seen in the context of the determination of some to maintain control over European settlement. Perhaps these divisions should also been seen as evidence of a perceived loss of control over these processes and their future effects on Maori autonomy in the region.340

The Pai Marire emissaries had travelled north to Waiapu from Turanga in April 1865 and rival pa sites were built by Hauhau and Kawanatanga groups. According to Daly, most people carried weapons when travelling within the region. Patara’s arrival at the ‘rebel’ pa at Pukemaire at the beginning of June 1865 ‘sparked open conflict’ and ‘this situation made the possibility of Hauhau at Turanga avoiding a conflict with the Government still more unlikely as ‘Pai Marire’ on the East Coast became synonymous with ‘rebellion’’.341

James Cowan writes that with:

[The Northern part] of the East Coast district pacified, it was now possible to begin operations for the defeat of Hauhauism in the Poverty Bay country. Here the position was serious, for the greater part of the native population had fallen to the fascinations of Pai-marire and accepted the new religion, and several hundreds of men had fortified themselves in a strong pa within rifle-shot of the English mission house at Waerenga-a-Hika (“Hika's Clearing”), about seven miles from the present Town of Gisborne.342

In Challenge and Response, Oliver and Thomson have called the siege of Waerenga a Hika the ‘hinge of fate’ for Maori of the East Coast, as Pai Marire at Turanga were not

337 Cox, Kotahitanga, p 52
338 Oliver and Thomson, p 84
339 Daly, Poverty Bay, p 53
340 Binney, Redemption Songs, p 37 (Daly, Poverty Bay, p 53)
341 Daly, Poverty Bay, p 56
allowed to maintain either their policy of neutrality or their autonomy.\textsuperscript{343} Following the siege, ‘rebel’ Maori including Te Kooti Rikiranga, were exiled to the Chatham Islands.\textsuperscript{344}

Following the fighting, a government policy of land confiscation was adopted, with the East Coast Land Titles Investigation Act of 1866. Binney writes that Biggs, an army officer and Resident Magistrate at Gisborne from February 1867, had tried to force the East Coast people to cede all their land to the Crown. Biggs told East Coast Maori that much of it was going to be confiscated in reprisal for the Pai Marire wars, and that the rest would then be returned as a Crown grant to those who had been ‘loyal’.\textsuperscript{345}

6.2.3. Movements, Protests and Organisations Focus Questions 1870s-1890s

- Did the concept of ‘repudiation’ develop on the East Coast?
- Was there support for the Repudiation movement on the East Coast?
- What implications did repudiation have for the East Coast Maori-Crown political relationship?
- Was there support for the Kotahitanga on the East Coast? Did East Coast Maori advocate Maori ‘parliaments’ and if so, in what form?
- What was the East Coast Maori response to the Native Land Court Process?
- Did East Coast Maori seek Maori committees or councils, with a view to managing land, retaining autonomy and a form of self-government?

6.2.4. Existing Research and Sources 1870s-1890s

The Repudiation movement began in the 1870s, due to growing Maori resistance to estate owners in the Hawke’s Bay. It has, however, been argued that the concept began at Poverty Bay in the 1850s when Maori attempted to return the money paid for their land, to repudiate the sale.\textsuperscript{346} Bell reported in 1860, that East Coast Maori had:

\textsuperscript{342} Cowan, \textit{The New Zealand Wars}, p 125
\textsuperscript{343} Oliver and Thomson, p 94; Daly, \textit{Poverty Bay}, p 59
\textsuperscript{344} See Chapter Three.
\textsuperscript{345} Binney, \textit{Redemption Songs}, p 105
\textsuperscript{346} Oliver and Thomson, p 71(Keith Sinclair, \textit{Kinds of Peace: Maori people after the wars 1870-85} (Auckland: Auckland University Press, 1991), pp 112-113)
adopted a course quite novel; namely that of repudiating their sales; commencing with the claim of the Bishop of Waiapu which I had always understood to be disputed by nobody. On the whole, I could not but arrive at an unfavourable opinion of the Natives. I never heard anywhere such language used about the Queen’s authority, Law, Government, Magistrates, and the like. I think much of this state of things arises from the decline of Chieftainship in the district, instanced by the proverb among them that ‘at Turanga all men are equal’; and it would have been far better if the Ordinance of 1846 had been put in force, and straggling settlers prevented from occupying the land contrary to law. This is, in my opinion, the chief cause of the bad state of feeling that has grown up in Poverty Bay. Whatever may be the true reason, it has resulted in preventing the settlement of the claims, and at present I see no prospect of making such a settlement.\(^{347}\)

Sinclair argues that the Repudiation movement had developed among kupapa, many of whom had fought against the Hauhau and Te Kooti, consequently the ‘movement stirred up very bitter feelings among rival Maori groups and between the races’.\(^{348}\)

On the East Coast resentment was strong towards land legislation and perhaps ripe for the Repudiation movement, due to the previous years of fighting and confiscation legislation which inexplicably targeted both ‘loyal’ and ‘rebel’ Maori.\(^{349}\) Binney discusses the 'escalating resistance, and the clumsiness of the existing [land confiscation] legislation’ in the late 1860s.\(^{350}\) The Repudiation movement was led in the Hawke’s Bay by the chiefs Henare Tomoana and Karaitiana Takamoana, and Henare Matua. In 1872, a member of the Legislative Council Henry Robert Russell became an ‘improbable ally’.\(^{351}\) The movement was established ‘to take away by legal process and proof of fraudulent dealings, the land of the great runholders, especially McLean, J D Ormond, Russell and Samuel Williams’.\(^{352}\)

\(^{347}\) Bell, memorandum, 24 February 1860, AJHR, 1862, E-1, pp 5-6
\(^{348}\) Sinclair, *Kinds of Peace*, p 113
\(^{349}\) A scheme for confiscation was proposed in 1863-1864, for the establishment of military settlements in ‘rebel’ districts, and to bring all tribes under British law, including on the East Coast. See Vincent O’Malley, ‘Report on the East Coast Confiscation Legislation and its Implementation’, research report commissioned by the Crown Forestry Rental Trust, 1994 (Wai 894 record of inquiry, doc A34), p 36 and Daly, *Poverty Bay*, pp 60-61. Confiscation took place under the East Coast Land Titles Investigation Act 1866 and its amending Act in 1867.
\(^{350}\) Binney, *Redemption Songs*, p 106
\(^{351}\) Sinclair, *Kinds of Peace*, p 115
\(^{352}\) Oliver and Thomson, p 134
Influences and tensions from outside the East Coast region continued to exert an influence, the Repudiation movement spread to Poverty Bay, where the estate of Captain Read was targeted. The Hawke’s Bay Repudiation movement was extended to the region with Wi Pere as its chief local representative. The disillusionment with land purchases emanating from the Hawke’s Bay, was most certainly influencing attitudes in other parts of the North Island. As then Resident Magistrate of Wairarapa Henry Wardell said to McLean on 10 June 1873:

Much sympathy is felt by the Natives in this district with the proceedings of Henare Matua and his party at Napier, and I think it very probable that similar questions will before long be agitated here.

Resident Magistrate Nesbitt, writing from Poverty Bay two days later, informed McLean of similar stirrings:

Great dissatisfaction is evidenced at the nature of land tenure, and much anxiety to have it altered. There is also a disposition lately apparent to repudiate former bargains in the disposal of their land. This tendency has, I think originated in consequence of communications with Napier.

Despite these reports of East Coast Maori dissatisfaction and leanings towards the Repudiation movement, the Poverty Bay Herald reported otherwise. After Henare Matua’s visit to Poverty Bay in 1873 and Henare Tomoana’s visit in 1876, the Repudiation movement was reportedly “turned down” by Ngati Porou. The Herald remarked that the:

Hawke’s Bay Repudiation party will be remembered only as another South Sea Bubble scheme- conspicuous through its gigantic failure and iniquity…More than one story comes to us of the unfruitful attempts that have been made to induce many of the Poverty Bay natives to embrace views of a repudiation tendency.

---

353 Oliver and Thomson, p 103
355 W K Nesbitt to McLean, 12 June 1873, AJHR, 1873, G-1, no 15, pp 13-14 (Cole, p 75)
The available sources suggest that some East Coast Maori were influenced by, or indeed influenced, the Repudiation movement. It may also be the case that other East Coast Maori disagreed with the movement, as suggested by the Poverty Bay Herald. The sources, however, are limited one way or the other. Sharron Mary Cole’s 1977 thesis examines the Repudiation movement in Hawke’s Bay, her thesis offers some valuable discussion on how the movement developed and the interactions of Hawke’s Bay Maori (Ngati Kahungunu) with other North Island Maori, including those of the East Coast.\(^{357}\)

Cole does present a cautionary note regarding sources. The sources which were available to Cole were often primary manuscript material (for example the McLean and Ormond Papers) which was Pakeha and often anti-Repudiation, she notes there was little from the Maori perspective. The only primary sources which Cole discovered supporting Repudiation were the letterbook of Henry Russell and the repudiationist newspaper *Te Wananga*.\(^{358}\)

Oliver and Thomson suggest another level of analysis, being a connection between the Repudiationists and radical elements in Auckland provincial politics and Greyites in National Politics. This they argue:

suggests two further lines of investigation, which would be of significance for the East Coast. The first would be an investigation of Maori political contests in the framework of New Zealand politics as a whole. It is clear that the 1875 Eastern Maori contest is more than a Ngati Porou v. Ngati Kahungunu struggle; it is rather a struggle of dominant groups in those tribes each with formidable Pakeha allies…Did Te Whiti’s more radical form of repudiation have any European affiliations? Did the Kotahitanga movement? Did the King movement?

Further, and upon the assumption that such links will be found to exist, that nature of the Pakeha affiliation to those continuations of Maori resistance in a legal-constitutional framework would bear study. If Sheehan and Rees would prove to be typical then we shall clearly not be dealing with pure-minded crusaders against the runholders.\(^{359}\)

\(^{357}\) Henry Russell replaced McLean as Central Government Agent for the East Coast in 1869.

\(^{358}\) Cole, p 2

\(^{359}\) Oliver and Thomson, pp 134-135
Cox notes that the Repudiation movement faded away in the late 1870s, and its adherents were absorbed into other ‘pan-tribal movements’ who were also unsatisfied with existing European political base, such as the Paremata Maori and Tiriti o Waitangi movements which developed in Te Taitokerau, and the Kotahitanga movement of the East Coast.360

At the first Maori parliament in 1879, the principal topic was the Treaty of Waitangi, and both the meaning of the Treaty and its effects on Maori. Parliaments held in March 1880 and March 1881 discussed broader issues of Maori involvement in government and Crown policy.361 The movement held hui between 1881-1890 in Ngapuhi territory and in 1888 hui were held at Waitangi and Waiomatatini on the East Coast.362 At the hui of 14 April 1892, held at Pewhairangi, Bay of Islands, representatives from nearly all iwi were present, the resolutions adopted at this hui included the rejection of the Native Land Court and its laws and the desire to give to Maori committees the power to deal with land issues and other court-related matters.363

In April and May 1893, the Maori parliament put forward a petition and accompanying draft Bill to the General Assembly.364 The petition and draft Bill both asserted the Maori right to self-government and outlined the establishment of district Maori committees under the Federated Maori Assembly. The draft bill cited the Treaty of Waitangi, the 1835 Declaration of Independence and section 71 of the Constitution Act in support of Maori self-government. Although the draft bill was signed by almost half the Maori population, James Carroll and his Cabinet met the call for Maori self-government with antipathy. According to O’Malley, Carroll replied to Maori petitions for self-government by stating that it would be a ‘kindness’ to free Maori from the ‘delusion’ that Parliament would ever grant them a separate constitution.365

The Government resisted recognising the Maori parliament in an official capacity and the Maori parliament’s Federated Maori Assembly Empowering Bill 1893, which

360 Cox, Kotahitanga, p 65
361 Cox, Kotahitanga, p 66
362 Cox, Kotahitanga, p 66
363 Cox, Kotahitanga, table 3, p 67; see Te Nohonga Tuatahi o te Paremata Maori o Niu Tireni (Otaki: Webbe & Co, 1892).
364 AJHR, 1893, J-1, p 2 (O’Malley, Agents, pp 158-159)
sought to allow them the power to form a Maori Assembly which would appoint committees of local government for Maori districts, received no attention in the House. In 1894, Crown pre-emption was reintroduced, and hence political pressure from Maori protest movements increased. East Coast Maori and Eastern Maori (Hawke’s Bay) leaders were prominent in the Kotahitanga movement. However, Apirana Ngata for one did not, referring to the Maori parliament as ‘crude and ridiculous.’

The demands for a separate Maori Parliament (Paremata Maori) came to dominate agendas. It was felt that a validation from the Crown was necessary, and accordingly a number of petitions and bills were tabled in the Parliament to achieve this goal. For instance, the Native Rights Bill 1894 which ‘sought jurisdiction over members of the Maori race and their offspring, to be vested in a duly elected Maori Parliament’ was rejected by the House. When Cadman, Ward, Carroll and Seddon attended the Maori parliament, Seddon told them that ‘they should not call their meetings a parliament as they were only [a] runanga and reminded them that there was only one Parliament, which was not likely to abandon control of Maori or their lands to a body of chiefs.’

Ward writes that the growth of Maori protest was an ‘obvious product’ of land alienation. In 1895, the Kotahitanga achieved a ‘relatively effective’ boycott of the Native Land Court, and the Kotahitanga, Kingitanga (Kauhanganui) and the Young Maori Party joined to agitate for laws that would return the power to determine title and management of the lands to Maori committees. This joint effort, according to Daly, proved that ‘Maori dislike of the Native Land Court and concern at excessive land loss was a unifying political force.’ Nevertheless, after the apparent failure of the boycott, the Kotahitanga began its decline. Despite this, Cox argues that ‘even though absolute unity was not achieved through the Maori Parliament, it was a useful forum through which to harness the diversity of Maori opinion, talent, and authority, and thus influence

---

366 Daly, *Poverty Bay*, p 242
367 Daly, *Poverty Bay*, pp 242-243
368 Cox, *Kotahitanga*, p 69
369 Daly, *Poverty Bay*, p 243
371 Daly, *Poverty Bay*, p 243
the Crown. The seeds of its demise were its preoccupation with its own extra-legal status, rather than the conflict with the Kingitanga.\textsuperscript{372}

The sources surveyed suggest that East Coast Maori sought both to participate in, and protest their exclusion from the machinery of government and their lack of power over their own land, people and resources. While East Coast Maori were certainly involved in movements such as the Kingitanga, the Repudiation movement, Kotahitanga, other methods of self-governance were sought. Building on the tradition of successful runanga on the East Coast, Maori looked to establish Maori committees and councils.

The analysis of Oliver and Thomson indicates that frustration with the lack of Maori self-governance was exacerbated by the confused and convoluted Native land legislation. Oliver and Thomson are of the opinion that the legislature devised for the passing of land from Maori to European from the 1860s, ‘can have few equals for ineptitude in the history of colonisation’.\textsuperscript{373} Daly comments on the multitude of Acts and amendments to Acts, some pertaining specifically to the difficulties arising from ‘extra-legal’ transactions on the East Coast. She says that this legislative process ‘added to the already uncertain nature of land tenure in the district to create the complicated and protracted process of litigation and appeal, claim and counter claim, which was to typify land dealings in this area for the next two to three decades.’\textsuperscript{374}

The seeds of the Native Committees Act 1883 can be found in the 1870s and early 1880s when Maori sought to involve themselves in the Native Land Court process.\textsuperscript{375} Petitions were sent to Parliament, the Repudiation movement’s newspaper \textit{Te Wananga}, and the Maori Parliament agitated for Maori committees to be established and for the powers of the Native Land Court to be curtailed.\textsuperscript{376} As McBurney notes, the response to these proposals was mixed. On the East Coast, Captain T W Porter had noted that among East Coast Maori existed:

\textsuperscript{372} Cox, \textit{Kotahitanga}, p 70
\textsuperscript{373} Oliver and Thomson, p99
\textsuperscript{374} Daly, \textit{Poverty Bay}, p 125
\textsuperscript{375} McBurney, ‘The Kingitanga’, p 129
\textsuperscript{376} McBurney, ‘The Kingitanga’, p 129; O’Malley, \textit{Agents}, p 92
the general desire to institute some system of self-government; and committees or bodies somewhat analogous with the old runangas have been established, and have exerted a strong influence upon the state of the Natives, both in habits and in land matters.\textsuperscript{377}

While Porter thought that ‘it would be wise to encourage to a limited extent’, he was wary that the current incarnation of committees ‘although evincing a laudable self-reliance, have threatened to become dangerous by the wrongful assumption of unauthorized powers’.\textsuperscript{378}

The available secondary sources suggest that there was a strong agitation for Maori to hold control over their lands emanating from Turanga and East Coast. O’Malley points to several petitions, which sought to have control divested from the Native Land Court and placed instead in Maori committees.\textsuperscript{379} As O’Malley points out this agitation for autonomy was not without its inter-tribal tensions citing a petition from Ngati Porou which sought that the government ‘vest all the Maori Committees of Ngati Porou with authority’ to investigate titles themselves.\textsuperscript{380}

The member for Eastern Maori, Henare Tomoana, was amongst those in 1880 advocating the establishment of Maori committees.\textsuperscript{381} It was Tomoana that presented the ‘Native Committees Empowering Bill’ to Parliament in July 1881. The Bill was not debated by the House and passed over until the next Parliament. In January 1882, the Bill was scrutinised and the reinstated Native Minister Bryce deemed the Bill unnecessary.

McBurney comments that debate on the Bill revealed a split amongst Pakeha members, with some considering the Bill’s provisions and increased Maori participation in the Native Land Court process as commendable.\textsuperscript{382} This support was coloured by the

\begin{itemize}
\item \textsuperscript{377} Porter to Native Under-Secretary, 5 June 1878, AJHR, 1878, G-1, enclosure 14, p 12 (O’Malley, \textit{Agents}, p 95)
\item \textsuperscript{378} O’Malley, \textit{Agents}, p 95; McBurney, ‘The Kingitanga’, p 130
\item \textsuperscript{379} See for example, Petition of Hepeta Maitai and 34 others, no 239, session II, 1879, MA 23/13A, ANZ (O’Malley, \textit{Agents}, p 96)
\item \textsuperscript{380} Pineamine Tuhaka to Native Minister, 17 January 1881, MA 23/13A, ANZ (O’Malley, \textit{Agents}, p 97)
\item \textsuperscript{381} McBurney, ‘The Kingitanga’, pp 129-130; O’Malley, \textit{Agents}, pp 97-99
\item \textsuperscript{382} McBurney, ‘The Kingitanga’, p 130
\end{itemize}
assimilationist tendency of the time. Richard Turnbull, the Member of Parliament for Timaru from 1878 to 1880, believed that the Bill would:

[G]radually imbue them with respect and reverence for Courts of justice. It was a Bill in every way calculated to meet the requirements of a race in a process of transition from what he might call a state of nature to a state of civilisation…. The Natives showed a desire to encourage the supremacy of law, which the House should endeavour to gratify…He thought the Bill would not interfere with the functions of the Native Land Court, but would assist it, as the Committees would take the responsibility of finding out who were the persons entitled to land, and would, in fact, do a great deal of preliminary work for the Court.383

Conversely, Native Minister John Bryce believed that while he adhered to the idea of ‘assimilating the treatment of the Maoris to the treatment of the Europeans’, he was of the opinion that the Native Committees Empowering Bill would not do that.384 The Bill was re-drafted by Bryce with its provisions restricted. The committees would only have recommendatory powers and the power to investigate disputes worth no more than £20. McBurney states that the re-drafted bill ‘was a sham’.385 The Bill passed into Native Committees Act in September 1883, which was described by Rees as a ‘hollow shell’ that gave Maori no real authority, and highlighted Maori requests for legislation which would provide them with some real powers of self-government.386 Following the failure of the Native Committees Act 1883, Maori continued to agitate for district committees which would act as ‘courts, local government bodies, and agricultural corporations’, at a level of Maori self-government which remained unpalatable to most Pakeha settlers and politicians alike.387 Instead of joining the Kawhia and Waikato Committees, the Kingitanga set up its own ‘King committees’ in late 1885. However, these were short lived and by 1886 the King committees merged with the official committees.388

383 NZPD, 13 July 1882, vol 42, p 298 (O’Malley, *Agents*, p 100)
384 NZPD, 3 August 1882, vol 43, pp 127-128 (O’Malley, *Agents*, p 100)
385 McBurney, *The Kingitanga*, p 132
388 O’Malley, *Agents*, pp 131-133
In 1884, Wi Pere the member for Eastern Maori attempted to pass a Native Land Act Amendment Bill to increase Maori involvement in determining title and managing lands. However, the Bill was unsuccessful.\footnote{O’Malley, Agents, p 143} The Premier Robert Stout stated that ‘there is no reason to suppose that Native Committees have yet attained the position which would justify the Legislature in placing them as arbiters between the owners of land and the representatives of the Crown’.\footnote{NZPD, 7 November 1884, vol 50, p 478 (O’Malley, Agents, p 144)} Pere, resuming the Eastern Maori seat after Carroll, also introduced a Native Lands Administration Bill in 1894.\footnote{O’Malley, Agents, pp 160-161; Native Lands Administration Bill, Bills Rejected, 1894} The Bill sought again to vest powers in the Native Committees to investigate titles and empower management of lands. Furthermore, any amendment required the consent of the Kotahitanga ‘in an effort to have the authority of the Maori Parliament recognised’.\footnote{O’Malley, Agents, p 161} Pere’s 1894 Bill was as unpopular with Pakeha members as his 1884 Bill, and his later 1896 and 1897 Bills met the same unsuccessful fate.\footnote{Native Land Bill, Bills Rejected, 1896, 1897}

When the Liberal Government was elected at the end of 1890 the acquisition of Maori land intensified in tandem with the Liberal policy of ‘bursting up’ the estates of European runholders.\footnote{Tom Brooking, “Bursting Up the Greatest Estate of All: Liberal Maori Land Policy, 1891-1911”, New Zealand Journal of History, vol 26, no 1, 1992, p 84 (O’Malley, Agents, p153)} Although there was impetus to give increased powers to the Maori committees, the Liberal government was not willing and instead embarked on an aggressive land purchase policy.\footnote{O’Malley, Agents, p 156; see Stout-Ngata Commission, AJHR, 1908, G-1C}

In the late 1890s, both O’Malley and J A Williams observe, Maori experienced a tension between retaining what remained of their tribal lands and the ‘paternal’ government protections and legislation that may enable this.\footnote{J A Williams, Politics of the New Zealand Maori: Protests and Cooperation (Auckland: University of Auckland, 1969), p 73; O’Malley, Agents, p 181} O’Malley states that ‘[Maori] sought autonomy over their own lands…but at the same were wise enough to appreciate that no amount of nominal autonomy would be sufficient to withstand coercive legislation and institutions which facilitated alienation’.\footnote{O’Malley, Agents, p 181} When, in 1898, Seddon proposed the abolition of the Native Land Court and the establishment of Native Land Boards to administer surplus lands, some Maori were wary that the boards would
yet again act in the Pakeha interest. At the Kotahitanga session in 1899, Apirana Ngata and Hone Heke drafted their own bill based upon Seddon’s proposed legislation, which suggested that six District Land Boards be established in the place of the Native Land Court. 398

Daly writes that between 1890 and 1900:

Maori political groups began to coalesce in their reaction against land sale, and in protest over land legislation and the Native Land Court process. Government policy on Maori land began to affect the East Coast region in a more general way, reflecting national political trends. The Native Land Court was overshadowed during this period by such institutions as the Validation Court and Maori land councils, in an era marked by a plethora of legislated provisions for the closer European settlement of Maori land in the North Island. 399

The bills of Seddon, Ngata and Heke were subsumed into two pieces of legislation in 1900, the Maori Councils Act and the Maori Lands Administration Act. 400 To the chagrin of Maori, the Land Councils were perceived to be dominated by a Pakeha majority and many Maori were reluctant to vest their lands in them. By 1909, the block committees established under the 1900 legislation had been abolished and the Native Land Court resurrected. As O’Malley puts it, ‘Maori had again been marginalised in the process of determining title to their own lands’. 401

Daly writes that due to the propensity shown by East Coast Maori for forming themselves into block committees during the 1870s and 1880s, the government’s proposals for the formation of official Maori committees during the 1880s and again in 1900 were greeted with a degree of enthusiasm. However, she notes, while the Maori Lands Administration Act 1900 and the Maori Councils Act 1900 appeared to provide provisions for greater Maori self-government and a greater degree of involvement in the

---

398 Williams, Politics, p 108; O’Malley, Agents, p 183
399 Daly, Poverty Bay, p 173. Also see Brooking, “Bursting up’ the Greatest Estate of All”.
400 O’Malley, Agents, p 183
401 O’Malley, Agents, p 186; Native Land Act, New Zealand Statutes, 1909, no 15, s 90
administration of their own lands, in fact the legislation did not give these powers, and Maori were again to be disappointed.\(^{402}\)

The Maori Councils Act simply worked to place the impetus on Maori themselves for health reform, the improvement of housing and sanitation, and education, both technical and agricultural, without providing adequate funding, resources, or supervision from the Government once the councils were in place. Although councils were empowered to make by-laws governing a variety of issues, especially concerning the protection of mahinga kai, there was nothing in the Act to state that any government agency would enforce such laws…In addition, the Maori councils tended to be given as little power as possible in order that they should not interfere with the existing local authorities, with which the real power on the local level remained.\(^{403}\)

Maori Councils Act 1900 is described by Daly as, as ‘much a failure as previous committee legislation had been, as it did not provide Maori with any real power…Maori quickly lost faith in them on a political level, and they began to disintegrate after 1904 through lack of interest and resources.’\(^{404}\)

6.2.5. Movements, Protests and Organisations Focus Questions 1900-1945

♦ Did East Coast Maori accept or reject the parliamentary system?
♦ How did East Coast Maori view the East Coast Maori Trust in terms of their control of land, self-governance and autonomy?
♦ Were East Coast Maori involved in Maori ‘tribal’ councils, the Maori War Effort, and ‘tribal’ committees? Did they feel these bodies were ‘their own’, autonomous or state-driven and Pakeha dominated?
♦ Did East Coast Maori support Ratana? If so, in what ways?
♦ Did East Coast Maori support the Maori Women’s Welfare League? If so, in what ways?

\(^{402}\) Daly, Poverty Bay, pp 239-240
\(^{403}\) Daly, Poverty Bay, p 240
\(^{404}\) Daly, Poverty Bay, p 245
6.2.6. Existing Research and Sources 1900-1945

In the early twentieth century, Sir Apirana Ngata came to advocate the parliamentary system as a viable mechanism for Maori.⁴⁰⁵ Ballara discusses how Maori were increasingly forming into ‘corporate bodies’ to negotiate with the Crown from the 1920s.⁴⁰⁶ One consideration is the impact of the East Coast Maori Trust on the autonomy of East Coast Maori and their power over their lands. The first form of the Trust had been established by Wi Pere and William Rees in 1878 to provide for the community management of East Coast lands and after a mortgagee sale a new trust was created in 1892 under Carroll and Pere. In 1902, the Government intervened in the Trust and enacted the East Coast Native Trust Native Lands Act.⁴⁰⁷ Under the 1902 Act an East Coast Native Trust Lands Board was established to administer the lands, which the Turanga Tribunal argues, excluded Maori from participation in the management of their lands.⁴⁰⁸ For instance, East Coast Maori were largely unhappy to see their remaining land in the control of an ‘alien authority’, and in 1908 many lodged formal objections at the Validation Court in 1908. Ward argues that ‘this was but the first of a long series of protests and the trust began operating under a running fire of criticism from the beneficial owners’.⁴⁰⁹

Later in the midst of World War Two, with a mind to boost Maori recruitment into the armed forces, Paraire Paikea, the member for Northern Maori, designed the Maori War Effort Organisation. The structure of the organisation was hierarchical, with a network of 315 tribal committees co-ordinated by a Maori parliamentary committee.⁴¹⁰ In the post-war years the function of the Maori War Effort Organisation shifted from military recruitment to social welfare. These committees were absorbed into the Native Department, and was reformed as a structure of Maori committees, district councils and the National Maori Council. Orange argues that the organisation changed ‘from being

⁴⁰⁵ Williams, Politics (Cox, Kotahitanga, p 93)  
⁴⁰⁶ Angela Ballara, Iwi: the dynamics of Maori tribal organisation from c1769 to c1945 (Wellington: Victoria University Press, 1998), p 317  
⁴⁰⁷ See Turanga Report, pp 545-547  
⁴⁰⁸ Turanga Report, p 564  
⁴¹⁰ Cox, Kotahitanga, p 102
an autonomous body run by Maori [to] the welfare section of a department dominated by Pakeha’. 411 Orange says that the demise of the Maori War Effort Organisation is one of the best examples of the repeated pattern of government failure to allow Maori full freedom to develop their resources and to give them scope to exercise that autonomy which they believe should be theirs under the promises of the Treaty of Waitangi. 412

In 1945 the Maori (tribal) committees were granted a legislative basis with the Maori Social and Economic Advancement Act and later the Maori Welfare Act 1962. 413 There are a number of views on the effectiveness of these committees. Cox argues that as these Maori committees were largely self-funded, aside from a Government subsidy for money spent on welfare activities, fundraising and competition could distract committees from their essential business. 414 Whether this argument applies to East Coast Maori committees requires further analysis.

The sources available did not indicate whether East Coast Maori in particular supported or were involved in the Ratana movement, which emerged after World War One. This was initially a faith healing movement that grew into a political one with an estimated 25,000 to 30,000 adherents nation-wide. Ratana captured all four Maori seats in the 1943 election, including the Eastern Maori seat where Tiaki Omana (Hamuera) defeated Sir Apirana Ngata. J Henderson commented that unlike the Hau Hau, Te Whiti, Te Kooti and King movements which were more locally confined to Taranaki, the East Coast and Waikato-Maniapoto, Ratana ‘appealed to the disaffected in all parts of New Zealand’. 415 Another pan-tribal organisation active on the East Coast was the Maori Women’s Welfare League, which preliminary research reveals had membership in Gisborne and Ruatoria. 416

413 Cox, *Kotahitanga*, p 104
414 Cox, *Kotahitanga*, pp 106-107
415 J Henderson, *Ratana: the Man, the Church, the Political Movement* (Wellington: Polynesian Society, 1963), p 82
416 For example, Maori Women’s Welfare League, Gisborne District 1950-1954, MA 1 673 36/26/3; Maori Women’s Welfare League, Ruatoria 1951, MA 1 675 36/26/17, ANZ-Wellington
6.2.7. Movements, Protests and Organisations Focus Questions 1945-1986

♦ How were movements or efforts for East Coast Maori autonomy impacted by the war effort, especially, given the high level of East Coast Maori contribution to the war effort?
♦ Did East Coast Maori seek to reassert their cultural and tribal identity in this period?
♦ Did East Coast Maori begin to move away to urban centres? How did this affect movements and protest or the dissemination of ideologies and methods?
♦ How did East Coast Maori view or respond to the Hunn Report and the Prichard-Waetford Report?
♦ What were the perceptions of the Maori Women’s Welfare League and the New Zealand Maori Council? Did East Coast Maori seek other modes of protest, and movements in this period?
♦ Were East Coast Maori influenced by wider protests, for example, the land march movement?
♦ Were there East Coast based initiatives in response to government policies or legislation?
♦ Did East Coast Maori support, lead, or join the Mana Motuhake political party?
♦ Did East Coast Maori support, lead, or join the Waitangi Action Committee or the Hikoi ki Waitangi?
♦ Were East Coast Maori involved with the kohanga reo or te reo Maori movements?

6.2.8. Existing Research and Sources 1945-1986

Existing secondary sources indicate that in the post-war years there were various Maori responses to government policies of assimilation, and policies, which affected remaining Maori land. Secondary sources note that this period saw Maori movements aimed at the reassertion of tribal and cultural identity in response to assimilationist policies and the post-war urban shift. Walker notes, for example, that in the 1950s and 1960s the land development schemes promoted by Ngata were ‘abandoned for the security of wage labour’. If and how this post-war rural exodus affected East Coast Maori requires further analysis. However, Oliver and Thomson discuss the increasingly

---

417 Walker, *Ka Whawhai*, p 198
difficult regional development and the declining efficiency in Maori farming and dairy industry. These factors, according to Oliver and Thomson, coupled with the remoteness of the region compelled younger East Coast Maori to leave the area.418

Orange discusses Maori protest in the 1950s and 1960s, noting the ‘serious concern’ over legislation, such as the Maori Affairs Act 1953 which was viewed by some Maori as a discriminatory measure that disregarded ownership rights and traditional Maori values.419 Orange comments that legislation such as the Maori Trustee Act 1953, the Town and Planning Act 1953 and the Counties Amendment Act 1961 were seen as contravening the Treaty and provoked protest.420 The Hunn Report of 1960 crystallised Maori fears, according to Orange, ‘by assuming the ultimate demise of any separate Maori identity in New Zealand’.421 Maori saw the subsequent Prichard-Waetford Report of 1965, as a further affront. Its recommendations shaped the Maori Affairs Amendment Act 1967, which provided for the compulsory conversion of land held by four or fewer owners from Maori into European title, this move was hailed as the ‘last land grab’ by Maori.422

In the 1960s new Maori movements arose, which some Maori saw as a panacea to bodies such as the Maori Women’s Welfare League and the New Zealand Maori Council, which were increasingly viewed as ‘conservative’ and ‘state-sponsored’.423 Orange notes that Maori were increasingly influenced by events and trends outside of New Zealand, for example the post-war decolonisation of Africa, Asia and the Pacific, and that ‘Maori watched with interest the assertiveness of non-European groups emerging in the newly independent countries’ and that their success added ‘a degree of frustrated energy to Maori protest’.424

Existing research suggests that the Maori land march movement formed early in 1975 was in response to the frustration felt over the alienation and loss of control over remaining Maori land. The march began in Te Hapua in September 1975 and moved

418 Oliver and Thomson, p 238
420 Orange, An Illustrated History, p 137
421 Orange, The Treaty of Waitangi, pp 242-243
422 Aroha Harris, Hikoi: Forty years of Maori protest (Wellington: Huia, 2004), p 24
423 See Harris, Hikoi, p 15
through some 25 marae on its way through the centre of the North Island.\textsuperscript{425} Ranginui Walker notes that after the land march the participants split and some launched their own marches. For example, one group marched around the East Coast.\textsuperscript{426} The group, led by Dun Mihaka, marched around the East Cape visiting communities that had been missed on the march from Te Hapua to Wellington.\textsuperscript{427} In July 1977, the Orakei Maori Action Group occupied Bastion Point. Walker argues that after the occupation an ‘uneasy peace in Maori-Pakeha relations reigned for a year before it was disturbed again by the emergence of a new wave of Maori activists’.\textsuperscript{428}

New political groups and movements were also borne drawing upon the heritage of the Kingitanga and Kotahitanga movements. Amster Reedy of Ngati Porou and Matiu Rata of Te Aupouri formed the Mana Motuhake Political Party, in the late 1970s. Orange argues that ‘the attractiveness of the party which had its roots in the nineteenth-century Maori struggles with the Government (Kotahitanga and the King movement) and recalled the 1835 Declaration of Independence, was shown by the 1981 election results: the party came second to Labour in all four Maori electorates’.\textsuperscript{429} On the other hand, Cox argues that the party, while committed to autonomy for Maori, could not be thought of as ‘truly standing apart from the State’, as it operated within the existing political structure.\textsuperscript{430} Consequently, Walker points out that in 1981 there was a shift away from Mana Motuhake to the more ‘hard-nose approach’ of the Waitangi Action Committee.\textsuperscript{431} Unlike Orange, Walker believes it was this that really brought together the political movements of Kotahitanga and Kingitanga, by convening a hui at Waahi Marae in October 1983.\textsuperscript{432} Tairawhiti Maori were one of the Kotahitanga contingents which gathered at Turangawaewae Marae on 28 January 1984, convened by the Waitangi Action Committee, that resolved to undertake the Hikoi ki Waitangi.\textsuperscript{433} Harris argues that the Hikoi ki Waitangi, like the earlier Land March, ‘united Maori across iwi boundaries’.\textsuperscript{434}

\begin{footnotes}
\item Orange, \textit{The Treaty of Waitangi}, p 244
\item Walker, \textit{Ka Whawhai}, pp 214-215
\item Walker, \textit{Ka Whawhai}, p 215
\item Harris, \textit{Hikoi}, p 76
\item Walker, \textit{Ka Whawhai}, p 220
\item Orange, \textit{The Treaty of Waitangi}, pp 248-249
\item Cox, \textit{Kotahitanga}, p 136
\item Walker, \textit{Ka Whawhai}, p 229
\item Walker, \textit{Ka Whawhai}, p 234
\item Walker, \textit{Ka Whawhai}, p 235
\item Harris, \textit{Hikoi}, p 112
\end{footnotes}
Harris argues that in addition to the fear of the loss of remaining Maori land, was the fear of the loss of culture and tradition, and that the loss of Maori culture, as epitomised by the decline of te reo Maori, was one of the most important motifs in Maori protest and activism. Sir Apirana Ngata had made particular efforts in the early twentieth century, to ensure the retention of Maori culture, language and tribal organisation. However, assimilationist policies suppressed the Maori language, promoting English as a first language and discouraging the use of te reo in schools and in the public sphere. Evidence to the Waitangi Tribunal indicated that the percentage of Maori school children who could speak Maori had dropped from 90 per cent in 1913, to 26 percent in 1953 and by 1975 this had fallen further to less than five per cent. The Tribunal found that this was indicative of how effective the educational policy which promoted ‘nothing but English’ had been. In 1970, at a Young Maori Leaders Conference convened in Auckland concern for Maori language and culture was paramount on the agenda. The issue of culture and language also led to the formation of Nga Tamatoa, Te Atarangi movement, the kohanga reo movement, and advocates of kura kaupapa Maori and Maori immersion education in the 1970s and 1980s. As demonstrated in the photograph below (Image 3), East Coast Maori were active in the call for te reo Maori to be rejuvenated by equal status with the English language.

In 1985, the jurisdiction of the Waitangi Tribunal, which had been established under the 1975 Act, was extended to allow the investigation of historical claims back to 1840. Orange argues despite some unease, the events of the mid-1980s were leading to greater recognition of the Treaty, beginning with the assertion of Maori rights to stronger voice, Maori assertion of their customary rights fishery management, and the provisions of the State Owned Enterprises Act 1986 which took Maori interests into account and incorporated recognition of the Treaty of Waitangi. Nevertheless, as Walker states, Maori ‘belatedly became agitated over [the State Owned Enterprises Act’s] implication

---

435 Harris, Hikoi, p 44
436 Harris, Hikoi, p 44
438 Harris, Hikoi, p 44
439 Harris, Hikoi, p 50
440 Orange, The Treaty of Waitangi, pp 252-253
for their land claims against the Crown before the Waitangi Tribunal’. The issue was taken to the High Court by the Maori Council, and the verdict stated that Section 9, which gave effect to the Treaty of Waitangi, prevented the Crown from transferring land to State Owned Enterprises without arrangements to protect Maori claims.

In the late 1980s and 1990s, secondary literature and primary accounts indicate that Maori continued to search for kotahitanga, self-governance and autonomy. For example, the Whakakotahi Taskforce was formed in 1989 with an aim to launch a broader iwi-based forum, as a result on 14 July 1990, the National Maori Congress was formed at Turangawaewae Marae, forming a significant event in the Kotahitanga trajectory according to Cox. East Coast Maori, under the waka affiliation Horouta, may have participated in the regional workshops in 1989 and 1990, which were charged to consider the principles the Congress would pursue, its structure and principles. Somewhat concurrently, the government had passed the Runanga Iwi Act 1990, which provided for the establishment of runanga as legal corporations, which would function as the voice of an iwi in their negotiations with the Crown. The Act was criticised and in the following year repealed.

The emergent body of literature concerning this period discusses how movements and protests against the lack of Maori autonomy, self-governance, and control over land and culture, took a variety of forms in the twentieth century. From movements operating and engaging with the State, to movements working outside of the State, from theatre groups to kohanga reo, from land marches to congresses. An overview report on political relationships between East Coast Maori could include discussion of East Coast Maori participation in bodies such as the Maori Women’s Welfare League, Ratana, Mana Motuhake, National Maori Congress, the Land March movement, land occupation, as well as non-governmental organisations, such as Maori health, welfare or education bodies in Tairawhiti.

---

441 Walker, Ka Whawhai, p 263
442 Walker, Ka Whawhai, p 265
443 Cox, p 140
444 Cox, pp 148-150
6.3. Conclusions and Recommendations

The overview of existing research and secondary sources presented in this chapter indicates that there were numerous modes of political engagement and a diversity of political movements over the period 1840 to 1986. Existing analysis suggests that different individuals, hapu, whanau and iwi of the East Coast engaged with the Crown in different ways, at times engaging within a Pakeha political framework and at other times operating purposefully within a Maori framework for Maori kaupapa. Key existing sources include:


Political engagement may form a key part of the proposed overview report concerning the political relationship between East Coast Maori and the Crown. There are numerous bodies, organisations, and movements, which appear in the existing sources to have arisen in reaction to Crown or government institutions, policy, legislation and actions. However, undertaking an in-depth analysis of why these movements, bodies and organisations arose on the East Coast, what their objectives and achievements were and how the government responded or interacted may be a timely and complex task.

It is likely that many case-studies of East Coast Maori political movements, reaction or resistance to Crown actions, policies or practices will emerge from existing and proposed research from the East Coast and Turanga inquiries. For example, scoping and research reports are underway looking at the civil war and confiscation on the East

---

Coast, local government issues, and rating. Furthermore, there are numerous existing reports which look at land issues, public works, Crown purchasing and the Native Land Court.\textsuperscript{447} These reports may detail how East Coast Maori responded to Crown policies and practices and may provide case-studies of political engagement which may be synthesised into an overview report on the political relationship between the Crown and East Coast iwi and hapu. This scoping report has identified key political events and movements at a local and national level and may be used as a framework to background case-studies drawn from existing research in an overview report. Gaps, particularly in mid to late twentieth century political activity may be identified through this process and filled in a political overview report.

\textsuperscript{447} See Part D for a list of existing research reports and research currently underway.
Chapter Seven: Justice and the Administration of Justice

7.1. Introduction

This chapter looks at what secondary sources exist and what historical research sources are available to undertake an overview of Crown polices and practices in the implementation of justice and punishment systems for East Coast Maori and to consider the major impacts of these. Focus questions have been drawn out from statements of claim and general secondary sources to shape and guide the discussion of existing secondary and primary sources. The focus questions include many issues over a wide period, from how the legal and justice systems were accepted or modified by Maori on the East Coast to the participation of, or consultation with, East Coast Maori for legal and prison reforms.

7.2. Overview

7.2.1. Justice Issues Focus Questions 1840s-1860s

♦ To what extent were forms of law such as policing and magistrates extended in the East Coast prior to 1870?
♦ How did East Coast Maori react or respond to these forms of law and policing?
♦ Was there a ‘tension’ or co-operation between the ‘official’ runanga system and ‘indigenous’ runanga?
♦ Did, and if so in what ways, the war and presence of the military on the East Coast affect the administration of justice and law?

7.2.2. Existing Research and Sources 1840s-1860s

The Letter Patent 1840 empowered the Governor of New Zealand to make laws for the peace, order and good government of New Zealand, and in particular for the administration of justice. Among the first Ordinances made by the Legislative Council at its session of June 1841, were those establishing the Criminal Courts of General and Quarter Sessions (Ordinance IV) and the Civil Courts of Request (Ordinance VI). At the
second session in December 1841, a Supreme Court was established under Ordinance I.448

In the early 1840s, law and order was administered in New Zealand by small police forces in each main Pakeha settlement controlled by local Police Magistrates. This police system was derived from that employed in urban areas of New South Wales. In April 1840, at the request of Governor William Hobson a group of mounted police were brought across from New South Wales for policing duties, from this came the establishment of New Zealand's Police Magistracy Forces.449 The Police Magistracy system, which had its roots in metropolitan London, was repealed in 1846. New Zealand largely inherited the English criminal law system and ‘embraced the punitive ethic of England’ with penal servitude, often entailing hard labour on public works.450

Secondary literature indicates that there was some contention over whether and how British rule of law would operate in Maori districts. For example, the Native Exemption Ordinance 1844 provided that warrants could not be served outside European townships except through the medium of two chiefs, and there was some recognition of Maori practices such as utu, a kind of recompense to the victim.451 Other English laws were also modified to provide for a Maori context. For instance, the Unsworn Testimony Ordinance allowed for non-Christian Maori to give unsworn evidence, the Jurors Ordinance in theory allowed Maori to serve on mixed race juries in cases involving at least one Maori, and the Cattle Trespass Ordinance 1842 was amended to take into account the unfenced crops of Maori.452

According to Richard S Hill an influx of European settlers and policies aimed at Maori assimilation to European modes of law and order, required a new means of policing and law enforcement. Legislation provided for the replacement of Police Magistracy with a

449 Richard S Hill, Policing the Colonial Frontier: the theory and practice of coercive social and racial control in New Zealand, 1767-1867 (Wellington: Historical Publications Branch Department of Internal Affairs, 1986), vol 1, p 91
451 Ward, ‘Law and Law Enforcement on the New Zealand Frontier’, p 133
new Armed Police Force and a Resident Magistracy system by May 1 1847.\textsuperscript{453} The Armed Police Force had a dual capacity, being both a police and military force, designed according to Hill, for paramilitary reconnaissance and the imposition of order.\textsuperscript{454} The Resident Magistrates had no power over this police force, instead their main function was to act as key agents for the government and moreover to aid the assimilation of Maori to European standards of behaviour.\textsuperscript{455}

A Maori Assessor system also operated alongside the Resident Magistracy. The Assessors with the Resident Magistrate formed a Court of Arbitration for certain types of civil disputes.\textsuperscript{456} Ward argues that the Assessor system, along with the enrolment of Maori constables under the Armed Police Ordinance, began an intermingling of Maori authority and European authority.\textsuperscript{457} In 1858, Governor Grey and William Fox developed a system of ‘official’ Maori runanga, drawing upon existing village runanga, which would enforce the law with the aid of the Maori Assessors and under the Resident Magistrates.\textsuperscript{458}

By the 1860s, a three tiered system of criminal and civil justice emerged with the Resident Magistrates’ Courts, the District Courts and the Supreme Court.\textsuperscript{459} The administration of justice among Maori was, nevertheless, still the domain of the resident magistrates and assessors, confirmed by the Resident Magistrates’ Act 1867. The Resident Magistrate did have power to appoint police for the ‘official runanga’, and the 1867 legislation confirmed their control over ‘native’ police forces (karere).\textsuperscript{460}

There are a variety of views on the imposition of the British justice system on the East Coast between 1840 and 1860, these views range from optimism to disillusionment at the limited influence of Colonial law on the East Coast. Between 1840 and 1850 European settlement on the East Coast was minimal, as was any Government presence. In 1841, William Williams wrote that Turanga in contrast to other settled areas, was ‘as

\textsuperscript{453} Hill, \textit{Policing the Colonial Frontier}, pp 235, 258  
\textsuperscript{454} Hill, \textit{Policing the Colonial Frontier}, p 235  
\textsuperscript{455} Hill, \textit{Policing the Colonial Frontier}, p 258  
\textsuperscript{456} Hill, \textit{Policing the Colonial Frontier}, p 258  
\textsuperscript{457} Ward, ‘Law and Law Enforcement’, p 134  
\textsuperscript{459} Report of the Royal Commission on the Courts 1978, p 1  
\textsuperscript{460} Richard S Hill, \textit{The Colonial Frontier Tamed: New Zealand policing in transition, 1867-1886} (Wellington: Historical Publications Branch Department of Internal Affairs, 1989) vol 2, p 50
much Native as ever, and the only difference is that instead of the tribes of savages, we have quiet Christian communities, where without the restraint of English laws, we have an almost total exemption from those scenes of riot and disturbance, which are if continual occurrence among the settlers.”

Cecilia Edwards argues that Williams held the view that the acceptance of a (Christian) God preceded Maori acceptance of one (British) law.

By the time Donald McLean visited the East Coast in 1855, Sanderson notes that despite the low level of European settlement East Coast Maori were aware of the impact of land alienation elsewhere and McLean’s visit aroused tension.

Contrary to the ‘tension’ that Sanderson suggests, McLean considered his visit and the arbitration he executed in his time on the East Coast and Turanga as a success. McLean claimed that Turanga Maori:

> expressed a wish that I should frequently visit them at Turanga and the place deserves the attentive consideration of the Government- a magistrate should be appointed to reside there and visit the adjacent districts on each side of it from East Coast to Table Cape.

Still by 1859, very little land on the East Coast had been sold to European and Leonard Williams estimated that ‘all the purchases when added together did not amount to many hundred acres’.

Furthermore, Sanderson estimates that the European population on the East Coast is unlikely to have been more than 400 to 500 prior to 1865. Due to the low level of European settlement and land ownership, Maori held that the Crown had no right to exercise authority on the East Coast.

In the Waikato, Resident Magistrate Fenton had attempted to graft European modes of policing on to tribal institutions, this, however, was not a success and further polarised

---

462 Edwards, ‘Turanganui’, p 118
463 Sanderson, p 172
465 W L Williams, *East Coast Historical Records* (Gisborne: reprinted from the Poverty Bay Herald, 1932), p 31 (Sanderson, p 172)
466 Sanderson, p 172; Oliver and Thomson, p 21
Kingites. Hill writes that while Fenton’s plan of ‘indirect rule’ had failed in the Waikato, on the East Coast a more informal version had different results.

In the even less pakeha-penetrated East Cape/Poverty Bay region- the ’East Coast’- a more successful if more informal version of indirect pakeha control of the Maori had been implemented. Since 1846 Resident Magistrates had been sent to act as the ‘eyes and ears’ of the state in semi-penetrated areas. In the absence of any possibility of immediate recourse to state coercion they relied for the preservation of order on chiefly authority (or, sometimes, what remained of it), upon runanga legislation and policing, and upon their authority to appoint individual Maori as agents of the state in the capacity of Assessors. By 1855 white settlement and trading operations- and, concomitantly, Maori access to liquor- in the East Coast, one of the most geographically isolated regions in the province, had spread sufficiently far to require a mediator at the racial interface.

When Henry Samuel Wardell was appointed to the position of resident magistrate at Turanga in 1855, he quickly realised that he was both unwelcome and powerless. Wardell stated that: ‘[Maori] conduct towards Europeans generally was such as was to be expected from a people who believed the former to be living amongst them on sufferance: they were exacting in their demands, and arbitrary in their modes of enforcing them, but personal violence was scarcely ever offered to Europeans’.

For example, in 1858 the Hawke’s Bay Herald reported that at Turanga, ‘the natives do not appear to work well with the Europeans; but on the contrary, seem disposed to resist British authority’. The power appeared to lie in the hands of the runanga, rather than Resident Magistrate Wardell. In 1858, a correspondent to the Hawke’s Bay Herald reported that the runanga was controlling the sale of timber and other goods, and plaintively observed: ‘Is it not cruel that we, settlers in a British colony, and supposed to be living under British rule, should be subjected to such loss and annoyance, without our government taking (as far as we are aware of) the slightest notice of the matter!’.

---

467 Hill, Policing the Colonial Frontier, p 425
468 Hill, Policing the Colonial Frontier, p 425
469 Hill, Policing the Colonial Frontier, p 425
470 AJHR, 1862, E-7, pp 30-31 (Sanderson, p 173)
471 Hawke’s Bay Herald, 12 June 1858, p 3
472 Hawke’s Bay Herald, 11 December 1858, p 6
Due to the patchy results of Wardell’s experience at Turanga from 1855, C W Richmond, who had been appointed to the new position of Minister of Native Affairs in 1858, and the Ministers felt that Resident Magistrates in Maori districts unsupported by force, were out of place. According to Ward, the request for a magistrate in Waiapu on the East Coast was not approved.  

In 1860, Wardell was transferred to the Wellington province.

In 1861, W B Baker was appointed Resident Magistrate to the isolated East Coast, based at Waiapu. Ward notes that the new magistrates, such as Baker, ‘were despatched with Fenton’s efforts of 1857 held up to them as a model, and with rousing injunctions as to the high duty, not only of teaching the Maori the advantages of submission to law, but also of training them in the arts of self-government.’ Nevertheless, Baker faced a fiercely independent Maori population. Hill argues that Baker initially relied too heavily on the ‘friendly’ chiefs at the cost of communicating with equally or more important chiefs.

Ward states that Maori on the East Coast were polarised, and the arrival of Resident Magistrate Baker strengthened Kingite sympathies among some communities. Like Hill notes above, Ward recognises that Baker inherited the problems of Wardell. Baker himself observed that some Poverty Bay Maori ‘flatter themselves that they bullied the last magistrate out of the place’ and were not seriously courted again. Furthermore, ‘Ngatiporou refused to sell Baker a single acre for his courthouse but voluntarily ceded him 120 acres, demonstrating that initiative in the disposition of land clearly remained in their hands. Thereafter, Baker wrote, ‘the word whenua [land] is banished from my vocabulary. To utter a word having reference to it is to imperil my position and popularity.’

Baker’s efforts on the East Coast were not only impeded by ‘unfriendly’ relations with some chiefs, but also isolation and distance. Baker’s arrangements to meet with his

---

473 Ward, Show, pp 110-111; Hill, Policing the Colonial Frontier, p 427
474 Hill, Policing the Colonial Frontier, p 446
475 Ward, Show, pp 130-131
476 Hill, Policing the Colonial Frontier, p 822
477 Ward, Show, p 133
478 Baker to McLean, 10 November 1862, McLean MSS, 148 (Ward, Show, p 139)
assessors regularly were thwarted largely by the inconvenience to the Assessors from far off and the expense to the Maori at Baker’s headquarters providing for them.479

Some historians argue that some Maori adopted British law on the East Coast, while others disparaged it. Karen S Neal writes that the loyalist chiefs at Waiaupu and Wairoa welcomed the introduction of the Resident Magistrate system adapting it to their needs, while the Kingite Maori supported more radical change than simply adopting and adjusting British institutions.480 Oliver and Thomson write that on the East Coast, ‘Maori animosities, it is very clear, were transferred from the battlefield to the law court’. 481

The runanga, also discussed in Chapter Two, provides an example of what some historians have described as the interaction of British and Maori modes of law and justice. The runanga system, as imagined by Sir George Grey in 1861, was designed to extend English law into what were perceived to be ungovernable Maori districts, such as the East Coast. O’Malley argues that although:

Government officials, who had hoped to appropriate for their own ends the aspirations of Maori in such districts for state recognition of existing tribal governance structures, instead found the new runanga system reappropriated by iwi (‘tribal’) leaders in pursuit of their own, rather different objectives. An assertion of British sovereignty from one perspective was thus viewed from another as belated recognition of the right of Maori communities to manage their own affairs in accordance with their own customs, as had been widely understood by many chiefs to have been promised to them under the Treaty of Waitangi signed in 1840.482

Both Hill and McBurney note that on the East Coast there was a tension between the ‘official runanga’ system, replete with assessors, wardens, karere and police, and the parallel indigenous runanga system.483 The ‘indigenous’ runanga conveyed chiefly

479 Ward, Show, p 136
480 Neal, p 138
481 Oliver and Thomson, p 160
483 Hill, Policing the Colonial Frontier, pp 822-823
authority and other qualities, which the state-sanctioned runanga lacked, as J E Gorst wrote in 1864:

A Maori magistrate only acts as a sort of detective and public prosecutor, and sometimes reasons and expostulates in a friendly way with offenders who will not submit themselves to his decision. Against a Pakeha defendant, it is generally easy enough to put the Runanga in motion. No more mercy is shown by a Maori Runanga to a Pakeha than by an Auckland jury to a Maori.484

Moreover, Hill argues that on the East Coast it was not possible to establish a dual system of control whereby ‘official’ and ‘indigenous’ runanga co-existed. The strength of the indigenous Maori authority, grounded in the 1850s, could not be supplanted by the envisaged Europeanised runanga system.485 Although the steadfastness of Maori institutions of justice of the East Coast was rocked by escalated military incursions after 1865, the unofficial runanga remained a feature.486 Oliver and Thomson state that:

Politically, Maori resilience was shown in the renewed energy of the local committees or runangas which had been a feature of the pre-war period. After the 1860s, with Resident Magistrates at Gisborne and Waipau, a European police force, Armed Constabulary units and the Ngati Porou Native Rifles under Ropata, the official means of law enforcement were less easy to avoid. Nevertheless, avoided they often were, even in cases of serious crime. There was a case of wife-beating leading to murder at Waerenga-a-hika in 1874 which the Maori decided to try by runanga rather than use of European court; two years later a runanga punished a very violent offender by depriving him and his heirs of any interest in the land; a thief at Tokomaru, in 1877, was punished by a 200-strong runanga with total loss of stock, possessions and interest inland; and in 1881 a Poverty Bay runanga at least discussed the question of putting a person to death for witchcraft.487

485 Hill, Policing the Colonial Frontier, p 824
486 See Chapter Three regarding the East Coast Wars and exile of prisoners to the Chatham Islands.
487 Oliver and Thomson, p 166
7.2.3. Justice Issues Focus Questions 1870s-1890s

♦ To what extent does the evidence support arguments of East Coast Maori willingness to accept new laws and policing?
♦ To what extent did the break down of East Coast Maori authority, through land loss and the wars, lead them to accept new systems of law, justice and policing?
♦ Or did the East Coast Maori runanga system work effectively or fill gaps in the administration of British justice?
♦ What was the impact of Crown’s alleged failure to recognise runanga authority?
♦ Was there recognition of runanga authority and if so, for what periods?
♦ Did East Coast Maori welcome a system that would adjudicate between themselves and settlers?
♦ Did Maori feature more highly than settlers in civil and/or criminal cases in the nineteenth century?

7.2.4. Existing Research and Sources 1870s-1890s

After the dismantling of the ‘official runanga’ machinery in 1866, many karere remained employed by the State as Native Constables. According to Hill, the functions of these Native Constables included the surveillance of Maori and the suppression of behaviour that contravened European norms. In the late 1860s and early 1870s the new Native Constable post together with the Armed Constabulary, were part of a State effort to deal with ‘rebel insurgence’. In 1875, there were some 170 Maori Assessors and 170 Maori police according to Ward. Up until 1886, the Armed Constabulary (Police) Force was responsible for preserving the peace and undertaking military duties as necessary, and the force remained under military control. In September 1886 the Police Force Act came into effect, severing police operations from those of the armed forces, creating New Zealand’s standing army the Permanent Militia and the New Zealand Police Force.

---

488 Hill, *The Colonial Frontier Tamed*, p 37
489 Hill, *The Colonial Frontier Tamed*, p 38; Cowan, *The New Zealand Wars*, p 495
490 Ward, ‘Law and Law Enforcement in New Zealand’, p 144
After the passing of the Magistrates’ Courts Act 1893, the special provisions for Maori of the Resident Magistrates’ Act 1867 were repealed, and Maori were generally subject to the same legal machinery as the colonists and the ordinary jurisdiction of the police. The 1893 Act dispelled with the system of Resident Magistrates, Assessors and all that remained of the special provisions under the Native Exemption Ordinance of 1843. Furthermore, by 1892 there were only nine Native Constables left so the fate of special policing arrangements for Maori also appeared tenuous.

This period saw an increased European presence on the East Coast, however, views on the influence or effects of the presence of settlers and government officials vary. Some East Coast Maori participated in the new British judicial institutions with gusto, while others preferred traditional methods, with a third avenue being a mixing of the two modes of law and order. With increased European presence on the East Coast came issues of inter-racial conflict, and concern over the ‘moral condition’ and sobriety of Maori.

The experience on the East Coast, in terms of the administration of justice, is not a singular one. Primary accounts and historians report diverse experiences across communities and areas of the East Coast, and the perceptions of government officials vary. Resident Magistrate W K Nesbitt, writing in June 1874, with regards to native affairs in Gisborne reported:

I cannot speak too highly of the manner in which the Natives submit to the operation of the European laws, some of which must appear to them strange, if not incomprehensible. In their disputes amongst themselves they invariably prefer submitting their differences to the Court rather than to their runangas.

As there has not been any large and sudden expenditure of Government money lately, Drunkenness has not been so prevalent; but I fear their sobriety consists in their instability to get drunk for want of means.

Ward, ‘Law and Law Enforcement in New Zealand’, p 146
Hill, *The Iron Hand*, p 67
Resident Magistrate, Gisborne to Under-Secretary Native Department, 23 June 1874, AJHR, 1874, G-2c, enclosure no 3, p 3
…on the whole, I think the Europeans of the district may congratulate themselves on the amicable relations that exist between them and the Natives, and I believe the Government has no reason to complain of their want of loyalty.

Likewise in May 1876, Nesbitt reported on a very enthusiastic reception of European judicial process, that: ‘Natives in this district, as a rule, continue to obey the laws, and have rather too great a desire to take advantage of the Resident Magistrate’s Court in all difficulties, both amongst themselves and with Europeans’. The runanga and Government officials purportedly jostled for powers and for the money gained from fines. However, some Maori runanga were reportedly also ‘dissatisfied with their own efforts’. At Waiapu, Resident Magistrate J C Campbell, found that Maori runanga which met every month, were ‘dissatisfied…largely owing to drunkenness of important chiefs’. Ward notes that within six months:

the Ngatiporou had built Campbell a courthouse, office, and lock-up…After consultation with the chiefs he quelled a rash of horse-stealing and house-breaking by shipping several offenders to gaol in Auckland. He extended hospitality to the chiefs when, as was frequent, they visited him from all parts of the district, took them into his confidence, and was continually solicited by them to arbitrate in community disputes.

In June 1874, the Resident Magistrate J H Campbell, reporting from Waiapu, noted that:

The continuance of the Ngatiporou in loyalty and peacefulness, together with a decided advancement in civilization, and conformity to European habits is deserving of commendation. The almost entire absence of crime shows a great deal of improvement in their moral condition. The chief offences against the law continue to be horse and sheep stealing, as well as other petty thefts, the perpetrators being generally idle, good-for-nothing young men, who are too lazy to work for their living. Several of these offenders have been sent to gaol at various times, but it does not appear to do them much good; in fact, some of them have rather relished their gaol life. I have suggested

---

496 Resident Magistrate, Gisborne to Under-Secretary Native Department, 18 May 1876, AJHR, 1876, G-1, enclosure no 35, p 29. Emphasis added.
497 Campbell to McLean, 1 September 1866 to 18 August 1869, McLean MSS, 174 (Ward, Show, pp 205-206)
498 Resident Magistrate, Waiapu to Under-Secretary Native Department, 13 June 1874, AJHR, 1874, G-2c, enclosure no 2, pp 2-3
to the Assessors that a more satisfactory way of making an example of these characters
would be to sentence them to stated periods of labour upon the roads, which I consider
would, by exhibiting them as culprits before their own people, be a greater disgrace, and
prove a more effective means of withholding them from a repetition of their offence.

He continued:

A general desire is expressed that a small body of regular police should be stationed at a
central point such as Te Awanui, for the purpose of more effectually detecting and
bringing to justice these offenders. The three Native policemen, living at long distances
apart, are of very little avail for the security of property. In this desire I entirely concur,
as it would greatly strengthen the hands of the Magistrate and more satisfactorily attain
the ends of justice.

A Court-room is also very much required. A room in my own private residence has for
the last eight years supplied this deficiency, but it is extremely inconvenient, and family
arrangements are often much interrupted in consequence.

Campbell noted that there had only been one major incident during the last year. This
occurred when Ngatipuai and Ngatihoroai both lay claim to a block of land between Te
Awanui and Waiapu River. Luckily, Campbell added, no-one was hurt in this dispute
unlike similar incidents in the preceding year when one man was shot.\textsuperscript{499}

By 1875, Resident Magistrate Campbell had a small court house erected, and he
reported a distinct lack of disorder.\textsuperscript{500}

I am glad to report an almost total absence of crime, and very few disputes have arisen
which have caused any trouble. The establishment of a small Armed constabulary
station at Te Awanui has already proved a great benefit to the district. A small Court-
house, which was much required for holding courts and public meetings, has been
erected.

\textsuperscript{499} Resident Magistrate, Waiapu to Under-Secretary Native Department, 13 June 1874, AJHR, 1874, G-
2c, enclosure no 2, p 2

\textsuperscript{500} Resident Magistrate, Waiapu to Under-Secretary Native Department, 24 May 1875, AJHR, G-1,
enclosure no 12, p 15
In April 1877, Campbell reported that:

Morally, their condition is decidedly improved. With the exception of very few cases of horse-stealing and petty thefts, committed by boys generally, there has been nothing to disturb the peace and well-being of the district. Their disposition towards the Government, a very few excepted, is good.  

According to Oliver and Thomson, government officials viewed the persistence of the runanga ‘with mixed tolerance and disquiet’. Furthermore, Porter noted in 1878 some utility of the runanga (or ‘tribal’ committees) for the settlement of land disputes. Despite this, Porter considered the committees, ‘although evincing a laudable self-reliance, have threatened to become dangerous by the wrongful assumption of unauthorised power’.  

W E Gudgeon, who served as Resident Magistrate for the Waiapu and Wairoa districts prior to 1880, was also uneasy because committees of the Turanga tribes and of ‘the Ngati Porou were assuming judicial powers and levying severe fines for theft, which were “absorbed” by the committee.’ Gudgeon reported further problems in the Waiapu area. North of the Waiapu, an assessor had warned Gudgeon not to allow European police to serve summons in his area. Oliver and Thomson comment that Gudgeon had been told that Maori committees were preferable because their fines kept the money in the district. Gudgeon concluded that there was ‘an element of danger and discontent in these committees’.

By 1878, Porter, writing from Gisborne, conveyed his fears for the Maori population and their ‘closer intercourse’ with European civilization. Porter had observed in 1877 a ‘habit of drunkenness, extravagance, and neglect of ordinary cultivation’, but thankfully this habit had abated. He attributed the spread of Good-Templarism with the recession of this ‘evil’, as Porter had feared that the proliferation of 52 public houses

---

501 Resident Magistrate Campbell, Waiapu to Under-Secretary Native Department, 26 April 1877, AJHR, G-1, enclosure no 11, p 10
502 Oliver and Thomson, p 166
503 Oliver and Thomson, p 166
504 Oliver and Thomson, p 167
505 Captain Porter to Under-Secretary Native Department, 5 June 18878, AJHR, 1878, G-1, enclosure no 14, p 12
between the Turanganui River and Hicks Bay, ‘would reduce the Natives to a confirmed state of intemperance and poverty’. The following year, Gudgeon reported that the ‘habit of hard drinking acquired during the period in which they were receiving large sums of money from the Government for service in the field is not easily shaken off’. He noted that the extent of problem could be demonstrated by the case of one chief of Whareponga who had spent some £12,000, gained through land sales, on spirits.

Gudgeon also noted that he was having trouble persuading Ngati Porou to adopt the Native Licensing Act 1878, whereas Te Aitanga-a-Hauiti were actively petitioning the government to proclaim the district from Tolaga Bay River and northern Tokomaru Bay under the Act. Henare Potae and others of the Te Aitanga-a-Hauiti tribe, at Uawa, petitioned the Governor to prohibit the sale of the ‘man-destroyer’ liquor in their district. Gudgeon was in support of this petition and a similar one from Chief Toha of Wairoa. He was urging other chiefs to adopt the Native Licensing Act 1878, and had received promises from the chiefs at Reporoa, Te Awanui, and Waioamatatini to promote the adoption of the Act. Gudgeon adjudged that the tribes of Wairoa and Poverty Bay ‘compare favourably with their northern neighbours in the matter of sobriety’.

Reporting from Gisborne in May 1879, Gudgeon noted that Ngati Porou and Turanga tribes had formed committees, which had assumed judicial powers and levied hefty fines on offenders. However, when the committees turned to Gudgeon to enforce their judgements he informed them that to his mind they had no jurisdiction from a legal point of view. Gudgeon was informed by one committee member, that indeed they did have a right under the Treaty of Kohimarama to try cases of adultery and inflict fines of a £18 maximum.

506 Captain Porter to Under-Secretary Native Department, 5 June 18878, AJHR, 1878, G-1, enclosure no 14, p 12
507 Gudgeon to Under-Secretary Native Department, 21 May 1879, AJHR, 1879, G-1, enclosure no 7, p 6
508 Henare Potae and others, Uawa, to Governor, 25 January 1879, AJHR, 1879, G-1B, enclosure no 5, p 3
509 Gudgeon to Under-Secretary Native Department, 13 May 1879, AJHR, 1879, G-1B, enclosure no 6, p 3
510 Gudgeon to Under-Secretary Native Department, 21 May 1879, AJHR, 1879, G-1, enclosure no 7, p 6
511 Gudgeon to Under-Secretary Native Department, 21 May 1879, AJHR, 1879, G-1, enclosure no 7, pp 5-6
Gudgeon informed the Under-Secretary of the Native Department that while the aforementioned Gisborne and Turanga committees were ‘amenable to reason and easily managed’, this was not so of similar committees north of the Waiapu River. The chairman of the committee north of Waiapu River, Anaru Kahaki, warned Gudgeon not to allow a European policeman to serve summonses and was told in no uncertain terms that Maori could managed their own affairs. Gudgeon deduced on the basis of sly-grogging in the area that Kahaki’s committee was not capable of managing their own affairs. Nevertheless:

Notwithstanding these small eccentricities, I have much pleasure in reporting that the tribes in the Waiapu and Wairoa Districts are not wanting in respect to the law, and that I have as yet found no difficulty in enforcing any judgement, whether fine or imprisonment, inflicted by me in my judicial capacity. At the same time, I would respectfully submit that there is an element of danger and discontent in these committees, unless their powers are restrained and defined by Statute. As an instance, I would state that a Maori told me that they would rather have their committee, because the fines in that case were kept in the district, and did not go to the Government.

Oliver and Thomson write that the ‘Resident Magistrate’s Courts handled a great deal of business, though the fact that their civil cases much more frequently arose from disputes between European and Maori than between Maori and Maori suggests that a great deal of unofficial arbitration went on in the villages’. In criminal matters there was considerable Maori co-operation with the European justice system. For example, in 1880 the police were helped even north of Waiapu by those who had previously warned them off and offenders sought by Pakeha justice were almost invariably surrendered. According to Ward, even feuding chiefs of eminent rank such as Tuta Nihoniho and Te Hati Haukamau of the Ngati Porou had allowed themselves to be taken and incarcerated for a few weeks for carrying arms. Gudgeon reported that Ngati Porou continued to show favourable disposition to European law. He noted that ‘the very men who gave the constables notice not to cross the boundary at Waiotautu have lately rendered every assistance to them; and in a case of breach of the Arms Act, not only did they hand over

---

512 Gudgeon to Under-Secretary Native Department, 21 May 1879, AJHR, 1879, G-1, enclosure no 7, p 6
513 Gudgeon to Under-Secretary Native Department, 21 May 1879, AJHR, 1879, G-1, enclosure no 7, p 6
514 Oliver and Thomson, p 167
515 Ward, Show, p 301
the guns, but proceeded to Auckland, and gave evidence for the prosecution [of Te Hati Hokomau]. The chief Te Hati Hokomau [sic?] was imprisoned for two months:

the greatest chief of Ngatiporou, Te Hati Hokomau [sic], was arrested on a warrant and imprisoned for two months without the slightest opposition from his people by whom he was surrounded.

According to Oliver and Thomson, throughout the 1880s on many occasions Maori helped the police to effect arrests, sometimes in murder cases. For instance, when the Pook family was killed in 1889, a relative of the murderer gave the police the information, which led to an arrest and execution.

In May 1881, Captain Porter reported that while the Gisborne District was on the whole ‘quiet, peaceful, and law-abiding’, there was some concern over Te Kooti. He stated that the ‘loyal chiefs’ of the district were looking to the Government to suppress Te Kooti’s religion in Poverty Bay and Wairoa.

Evidence suggests that the Government and the Resident Magistrate attempted to mediate in inter-tribal conflict in an effort to maintain law and order, when they perceived Maori methods had failed. For instance in 1882, Captain Preece reported that a long-standing quarrel between two tribes, caused by the shooting of a man some nine years before, at Waiapu had escalated seriously.

On my [Preece’s] arrival at Waiapu in the month of October, informations were laid against the parties [the tribe of Wiremu Keiha and the tribe of Hirini Kahe] for sureties of the peace. They failed to appear in answer to the summonses, and warrants were issued for the apprehension. … In the meanwhile, through the exertions of Major Ropata, Hotene Porourangi, and Mokena Kohera, the defendants expressed their intention to attend the Court. They did so, and two of them were bound to keep the peace for twelve months, and had considerable difficulty in finding sureties. The other

---

516 Gudgeon to Under-Secretary Native Department, 23 April 1880, AJHR, 1880, G-4, enclosure no 12, pp 10-11
517 AJHR, 1880, G-4, pp 10-11
518 Oliver and Thomson, p 167
519 Porter to Under-Secretary Native Department, 20 May 1881, AJHR, 1881, G-8, enclosure no 11, p 13
520 Porter, 20 May 1881, p 13
521 Preece to Under-Secretary Native Department, 26 June 1882, AJHR, 1882, G-1, enclosure no 8, p 6
case was dismissed. The two tribes returned to their respective settlements, and since have been living peaceably together.522

At Tolaga Bay and Awanui in 1883, Native Agent Booth reported a warm greeting.523 Booth wrote that Maori were ‘thoroughly loyal’ and law-abiding and seemed pleased that he had a good knowledge of the Maori language and could conduct himself in the Resident Magistrate’s Court without need for an interpreter. The accompanying enclosure from Land Purchase Officer John Brooking conveyed similar sentiments.524 Brooking wrote that there was little crime and drunkenness had decreased, in part due to the Native Licensing Act. Furthermore, serious crime was rare except for the shooting of Te Hamana Mahuika by Te Naera Wharetı, near Waiapu in February 1883. Brooking argued that this crime was partly due to the action of Native Committee, which had incited ‘jealously’ during a land dispute, culminating in the shooting.525 Brooking’s report highlighted further the volume of land disputes both between Maori and European, and between hapu.

The evidence suggests that Maori also demonstrated their opposition to the Government by being obstructive. In 1884, Native Agent Booth reported that ‘an old Hauhau chief’ and followers obstructed a working party on the Gisborne-Waiapu Road.526 The police made a case, which saw the chief, and his followers heavily fined, and Booth observed that this had deterred similar incidents.

Booth gave a return of the cases he had heard at Awanui and Tolaga Bay, and furnished the Native Department with an approximate figure of civil and criminal cases concerning Maori.527 The return and similar sources could demonstrate how Maori were involved in the European criminal and civil justice system, and what the implications for Maori in terms of fines and imprisonment may have been:

522 Captain Preece to Under-Secretary Native Department, 26 June 1882, AJHR, 1882, G-1, enclosure no 8, p 7
523 Native Agent Booth to Under-Secretary Native Department, 15 June 1883, AJHR, 1883, G-1A, no 7, p 7
524 Land Purchase Officer Brooking to Resident Magistrate Gisborne, 13 June 1883, AJHR, 1883, G-1A, enclosure no 7, p 7
525 Brooking to Resident Magistrate, 13 June 1883, p 7
526 Native Agent Booth to Under-Secretary Native Department, 1 May 1884, AJHR, 1884, G-1, enclosure no 9, pp 17-18
Criminal: Persons apprehended, 131; discharged for want of evidence, 23; dismissed on the merits, 18; summary convictions, 71; fined, 44. Civil: Europeans against Maoris, 127 cases, aggregate amount sued for £1,745 8s 2d., aggregate amount recovered £1,321 0s 7d.; Maoris against Europeans, sixteen cases. Aggregate amount sued for £15 15s 6d., aggregate amount recovered £27 19s; Maoris only concern, forty cases, aggregate amount sued for £323 2s 6d., aggregate amount recovered £129 19s.

Oliver and Thomson suggest that in the 1880s and 1890s there was an increasing transfer of lands into European, and ‘loyalist’ Maori hands, a process which had begun after the wars of the 1860s. The Liberal Government increased its Maori land purchases from Maori from 1891 reinstating Crown pre-emption, which according to P G McHugh, ‘replay[ed] the worst features of its earlier application, particularly amongst the Ngati Porou of the East Coast’. Jackson comments that after 1890 Maori endeavoured to face the situation by entering politics themselves and creating their own movements.

Moana Jackson notes that in the initial post-Treaty period there was some balance between Maori and Pakeha systems of legal authority. For example, the Native Exemption Ordinance and the Resident Magistrate Courts Ordinance allowed for the appointment of ‘Native’ Magistrates and incorporated traditional concepts. Nevertheless, in subsequent years legal process and statutory developments overwhelmed Maori authority and established a mono-legal system. M Jackson points to the Native Lands Act 1862, Tohunga Maori Acts, and the Maori Prisoners Act 1880 as examples of the way in which laws were enacted to deprive Maori of their rights as British subjects. At a meeting with East Coast Maori at Whakato on 24 February 1885, Native Minister Ballance put forward his views on the relationship between Maori and the Government. Ballance stated that East Coast Maori ‘had no need to go

527 Booth to Under-Secretary, 1 May 1884, p 18
528 See Oliver and Thomson, pp 108-11.
532 Jackson, The Maori and the Criminal Justice System, p 51
533 ‘Notes of a Meeting between the Hon. Mr. Balance and Natives at Whakato, near Gisborne on the 24th February, 1885’, AJHR, 1885, G-1, pp 66-78
to England for rights and justice. There is both the power and the inclination in the Government and the Parliament of the colony to do full justice to the Native race.534

7.2.5. Justice Issues Focus Questions 1900-1945

♦ What was the East Coast Maori attitude to the new legal system?
♦ Did Maori feature more highly than settlers in civil and/or criminal cases in the twentieth century?
♦ Was there a period when magistrates or the justice system was more accommodating of Maori views?
♦ Were East Coast Maori readily included in legal machinery such as police, magistrates, court systems and over which times?
♦ Does the evidence support the views of Resident Magistrates that East Coast Maori welcomed the judicial system and were willing to obey the law even if they did not understand it?
♦ Was there a problem of a lack of Maori police in this area? Did the police recruit actively for Maori?
♦ Were there allegations that Maori offenders on the East Coast were likely to get harsher sentences than Pakeha?
♦ Was there an active attempt to recruit Maori judges?
♦ What kind of participation by East Coast Maori was there (for example, petitions, consultation) for legal reforms, prison reforms

7.2.6. Existing Research and Sources 1900-1945

Following the decline of the Native Constables in the 1890s, Maori were employed in a police-like capacity under the Maori Councils Act 1900. There was a revival in the appointment of Native Constables between 1900 and 1913, however, thereafter the institution once again declined with the last appointment being in 1933 and officially ended in 1945.535 Legislation and policy in this period continued towards assimilation of Maori into Pakeha modes of law and order, the most conspicuous example being the Tohunga Suppression Act of 1907, which Hill argues was aimed at a practice which was viewed by politicians and police as an impediment to Maori modernisation and linked

534 Notes of Meeting, 24 February 1885, p 67
535 Hill, The Iron Hand, p 245
with defiance towards the State. At the outbreak of the First World War in 1914, the War Regulations Amendment Act 1916 included provisions for the regulation of the liquor trade. Subsequently the temperance movement agitated for stronger strictures and six o’clock closing was introduced in December 1917. The outbreak of war also led to the introduction of measures to suppress dissent and maintain law and order. This included the enforcement of conscription, which some Maori opposed due to the experiences of war and land confiscation.

In the 1920s and 1930s, Maori were excluded from the police force proper, and instead acted in an auxiliary capacity as Native and District Constables. These Maori constables worked under the nearest Pakeha Police, and although they were seen as increasingly unnecessary as the Maori population acquired fluency in English and assimilated, their expertise was valued on the East Coast even by the 1950s. One of the key issues of justice administration in the 1920s to 1940s continued to be the regulation of liquor sale and consumption, police enforced ‘paternalistic’ legislation controlling liquor sales to Maori. However, Dunstall notes that on the East Coast, liquor was available at weddings, tangihanga and feasts, sometimes masquerading as ‘cold tea’. The 1920s also saw the beginnings of a rise in Maori offending and being apprehended. Dunstall suggests that one factor may have been the improvements in accessibility in remote areas due to motorised vehicles. He argues that in this period Maori communities began to feel the effects of intrusive state policy and the prosecution rates of Maori began to rise.

The sources surveyed for this scoping report indicate that in the twentieth century issues of ‘tohungaism’, alcohol, sexual offences, and Maori on juries, for example, all entered the political discourse. At a grass-roots level the administrators of justice, both Maori and European police, judges, and wardens, contended with the isolation and particularities of the East Coast. Dunstall argues, for example, that policing on the East Coast was not just a matter of policing, but also about local relationships. Constable M

536 Hill, The Iron Hand, pp 246-247
537 Hill, The Iron Hand, pp 341-342
538 Hill, The Iron Hand, p 353
539 Graeme Dunstall, A Policeman’s Paradise?: Policing a stable society, 1918-1945 (Palmerston North: Dunmore Press, 1999), vol 4, pp 119-120
540 Dunstall, A Policeman’s Paradise?, p 213
541 Dunstall, A Policeman’s Paradise?, p 4
Campbell stationed at Port Awanui in the 1920s, attended tangihanga to both pay his respects and to keep abreast of who attended.542

In 1901, the Native Land Office at Gisborne noted that while serious crime was very rare and excessive drinking had decreased ‘the practice of Maori doctors or tohungas has, in some instances, caused crime which would not otherwise have occurred. A case which was before the Supreme Court at this session, when the tohunga was sentenced to imprisonment for twelve months, will no doubt have a salutary effect.’543

An examination of the Tolaga Bay Police logbooks between 1903 and 1923 revealed the prevalence of incidences involving drink. The Tolaga Bay Hotel features regularly in the Constable’s reports from 1903 to 1907, until the night of 18 October 1907 when the hotel was destroyed by fire.544 Other crimes involving Maori which feature in the 1903 to 1909, and 1909 to 1915 log books are theft, forgery, committal for debt and attempted rape.545 In the period 1915 to 1919 there are increasing arrests of Maori for drunkenness and disorder.546

The enumerator of the 1906 census, Alex Keefer, noted that in the Cook and Waiapu counties, drinking was on the wane and serious crime was a rarity.547 In Waiapu County, a tohunga based in the northern part beyond Tokomaru, was reported to have ‘lost his prestige’, however, the enumerator noted that it was ‘[s]till astonishing how the Maoris still cling to these people’.548 In the Cook County, Keefer lamented that ‘tohungas still carry on their practices; this is to be regretted, for there is no excuse whatever, seeing we now have eight duly qualified medical gentlemen in this county’.549

542 Dunstall, A Policeman’s Paradise?, p 213
543 John Brooking to Under-Secretary Department of Justice, Census Report, no 5 East Coast, 4 May 1901, AJHR, 1901, H-26B, p 12
544 Tolaga Bay Police 1903-1909, BBIO 4756 box 1a, ANZ-Auckland
545 Tolaga Bay Police 1903-1909, BBIO 4756 box 1a; Tolaga Bay Police 1909-1915, BBIO 4756 box 1b, ANZ-Auckland
546 Tolaga Bay 1915-1923, BBIO 4765 box 1c, ANZ-Auckland
547 Alex Keefer, Enumerator, Census Report no 5 Cook and Waiapu, 18 May 1906, AJHR, H-26A, p 13
548 Keefer, 18 May 1906, p 13
549 Keefer, 18 May 1906, p 13
The table below from Ruatoria demonstrates the type of crime for which Maori were apprehended between 1921 and 1923. Drunkenness and theft appear regularly.

Table 15: Report of Charges at Ruatoria Lock-Up 1921-1923

<table>
<thead>
<tr>
<th>Date</th>
<th>Ethnicity</th>
<th>Age</th>
<th>Crime</th>
<th>Sentence</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>27/3/1921</td>
<td>Maori</td>
<td>17</td>
<td>Breaking and entering, theft of goods to value of £15</td>
<td>Convicted, sentenced to two years reformatory justice</td>
<td>Not bailed</td>
</tr>
<tr>
<td>23/9/1921</td>
<td>Non-Maori</td>
<td>21</td>
<td>Theft £5</td>
<td>Convicted and sentenced to 6 months Napier Gaol</td>
<td>Not bailed</td>
</tr>
<tr>
<td>19/10/1921</td>
<td>Maori</td>
<td>19</td>
<td>Breaking and entering with intent to commit a crime</td>
<td>Charges dismissed</td>
<td>Not bailed</td>
</tr>
<tr>
<td>19/10/1921</td>
<td>Maori</td>
<td>21</td>
<td>Breaking and entering with intent to commit a crime</td>
<td>Charges dismissed</td>
<td>Not bailed</td>
</tr>
<tr>
<td>14/12/1921</td>
<td>Maori</td>
<td>18</td>
<td>Breaking and entering, theft of goods and cash value £31-19-7 ½</td>
<td>3 years probation and to make restitution</td>
<td>Not bailed</td>
</tr>
<tr>
<td>29/4/1922</td>
<td>English</td>
<td>47</td>
<td>Fraud to value £487-4-2.</td>
<td>Sentenced to one year imprisonment with hard labour</td>
<td>Not bailed</td>
</tr>
<tr>
<td>13/5/1922</td>
<td>Maori</td>
<td>26</td>
<td>Breaking and entering, theft of property to value of £66-13-9</td>
<td>Sentenced to 3 years reformatory treatment</td>
<td>Not bailed</td>
</tr>
<tr>
<td>13/5/1922</td>
<td>Maori</td>
<td>22</td>
<td>Breaking and entering, theft of property to value of £66-13-9</td>
<td>Sentenced to 3 years reformatory treatment</td>
<td>Not bailed</td>
</tr>
<tr>
<td>15/1/1923</td>
<td>Maori</td>
<td>50</td>
<td>Drunk in Public Place</td>
<td>Convicted and fined £1</td>
<td>Not bailed</td>
</tr>
<tr>
<td>8/2/1923</td>
<td>Non-Maori</td>
<td>59</td>
<td>Drunk in Public Place</td>
<td>Convicted and discharged</td>
<td>Not bailed</td>
</tr>
<tr>
<td>14/3/1923</td>
<td>Maori</td>
<td>23</td>
<td>Drunk in Public Place</td>
<td>Convicted and fined £2 plus 5/- costs</td>
<td>Not bailed</td>
</tr>
<tr>
<td>25/8/1923</td>
<td>Non-Maori</td>
<td>30</td>
<td>Drunk in Public Place</td>
<td>Convicted and fined £1 plus 5/- costs</td>
<td>Bailed</td>
</tr>
<tr>
<td>18/9/1923</td>
<td>Maori</td>
<td>22</td>
<td>Breaking and entering, theft of goods top value of £15</td>
<td>Two years probation</td>
<td>Not bailed</td>
</tr>
</tbody>
</table>

In 1933, Inspector O’Halloran of the Gisborne District observed very little serious crime, although assaults, theft, false pretence, mischief, breach of the peace were on the rise, most often discovered in gaming-houses and after-hours at licensed premises. O’Halloran noted that the one serious crime of exception, took place at Tokomaru Bay when two armed criminals staged a robbery and committed violence on a Maori. It is not noted what became of the assaulted Maori, but the armed offenders were apprehended by Opotiki police.

---

550 Report of Ruatoria Lock-Up 1921, BBJQ 4921 box 1a, ANZ-Auckland. Note the names of offenders have been omitted to protect privacy, full records can be accessed at Archives New Zealand Auckland branch.
551 Inspector O’Halloran, Gisborne, Police Force Report, AJHR, 1933, H-16, p 7
552 O’Halloran, 1933, p 7
ending 31 December 1932, an increase of 54 from the previous year; arrests or summonses stood at 1,181, and of the cases dealt with 35 were committed for trial or sentence, of which 28 were convicted.553

The Gisborne district police report of 1935 revealed 983 offences at 31 December 1934, as compared with 904 offences in the year ending 31 December 1933.554 There was an increase in ‘carnal knowledge’ of girls under 16, petty thefts, theft of animals, false pretence, vagrancy, unlawfully using horses and motorcars, and failing to maintain wife or children. There were decreases in disorderly behaviour, breach of the peace, supplying liquor at unauthorised times, breach of prohibition orders, being found on licensed premises after closing hours, and breaches of the Motor-vehicles Act.555 Inspector Martin had recommended that the police station at Port Awanui be closed and that a new station at Tikitiki be built, as Tikitiki was now the main centre of the police sub-district.556 Martin noted that while serious crime was rare, three murders took place in the district:

In the first instance a Maori woman left her husband to live with another man. The husband subsequently took his wife away, and the other man followed them when he found the woman had deserted him. He borrowed a shotgun and some cartridges, overtook them, and shot the husband dead. He then shot the woman dead, and afterwards committed suicide by hanging himself. Both men were also Maori.

In another case a man and his wife (both Maoris) were heard to be quarrelling in their bedroom. A relative entered the room through a window and found that the husband had murdered his wife with a butchers’ knife, and then committed suicide by cutting his throat. Inquiries showed that the husband was in a state of depression for some time prior to the murder, and that he was of unsound mind at the time he committed the offence.

553 O’Halloran, 1933, p 7
554 Inspector Martin, Gisborne District, Police Report, AJHR, 1935, H-16, p 8
555 Martin, 1935, p 8
556 Martin, 1935, p 8
There is still a fair amount of crime committed by the Natives in the backblocks of the East Coast, the principal offences being theft and mischief. However, a number of these offenders have been arrested and dealt with.\(^{557}\)

**Table 16: Return of particulars of summary convictions against Maoris for the calendar years 1932, 1933 and 1934 at the Magistrates’ Court. Port Awanui and Waipiro Bay (Abolished)\(^{558}\)**

<table>
<thead>
<tr>
<th>Offence</th>
<th>1932</th>
<th>1933</th>
<th>1934</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common assault</td>
<td>9</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>Horse stealing</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>Cattle stealing</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>Theft undefined</td>
<td>51</td>
<td>46</td>
<td>37</td>
</tr>
<tr>
<td>Receiving stolen property</td>
<td>6</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>False pretences</td>
<td>nil</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Unlawfully converting motor vehicles to own use</td>
<td>2</td>
<td>nil</td>
<td>3</td>
</tr>
<tr>
<td>Unlawfully converting other property to own use</td>
<td>3</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Wilful damage, mischief, etc</td>
<td>7</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Drunkenness, vagrancy</td>
<td>10</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>Other offences against good order</td>
<td>16</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>Breaches of the Licensing Act</td>
<td>7</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Breaches of various Acts</td>
<td>22</td>
<td>17</td>
<td>14</td>
</tr>
</tbody>
</table>

The Judge at the Native Land Court and Tairawhiti District Maori Land Board Office reported in 1936 that the Maori Councils and Village Committee in the district were ‘more or less defunct’, he also failed to see how such committees could prevent criminal offences.\(^{559}\) The Judge stated that the hands of the committees were ‘tied’, by virtue of them having no administrative expenses and by the fact that if they wished to impose a penalty it had to be sued for in the Magistrate’s Court as a civil debt.\(^{560}\)

In 1937, a Grand Jury brought the prevalence of sexual offences committed by Maori to the attention of the Minister for Native Affairs. Judge Ostler noted that the concern was raised by the five cases of sexual offences, and that the ‘class of offence seems to be

---

\(^{557}\) Martin, 1935, p 8  
\(^{558}\) Return of particulars of summary convictions against Maoris for the calendar years 1932, 1933 and 1934 at the Magistrates’ Court. Port Awanui and Waipiro Bay (Abolished), MA 1 36/1 box 648 part 2, ANZ-Wellington  
\(^{559}\) Judge [illegible] Native Land Court and Tairawhiti District Maori Land Board Office to Registrar Native Land Court Gisborne, 28 August 1936, MA 1 36/1 box 648 part 2, ANZ-Wellington  
\(^{560}\) Judge [illegible] Native Land Court and Tairawhiti District Maori Land Board Office to Registrar Native Land Court Gisborne, 28 August 1936, MA 1 36/1 box 648 part 2, ANZ-Wellington
very common amongst the Maoris living to the North of Gisborne’. The Grand Jury suggested that these cases might be averted if perhaps the Maori Councils could exercise greater supervision over ‘living conditions’. The Under-Secretary of Native Affairs, believed that the ‘condition’ raised by Judge Ostler was:

due to the spirit of the times; a lack of parental control of the Maori youth; an absence of religious or moral instruction or the decreasing influence of tribal leadership on the Maori people. But whatever the cause it would appear to be necessary to find a remedy or at least some means of diminishing its incidence.

The Department of Health at Gisborne reported that the four Maori Councils in the area had been made aware of the Grand Jury’s findings. Two of the councils had been interviewed with a view to making recommendations. The Takitimu Council was currently in operation and the interview with the Horouta Council was delayed due to weather conditions affecting East Coast roads. The outcome of this is unknown.

In the 1940s, the Police and Maori Affairs Departments were concerned at the activities of tohunga on the East Coast. A report of 5 September 1941, told of a tohunga of the Tikitiki district intended to visit the Waiaua district. Sergeant J Isbister relayed reports that this tohunga had found an old greenstone axe head ‘which he claimed had been buried in the ground for hundreds of years, and was the cause of nearly all the sickness and deaths in the district’. Constable N H Tuck, of the Tikitiki Station informed the inspector at Gisborne that he too knew of this tohunga. Tuck relayed that the tohunga was a leader of the Ringatu Church at Kaiwaka Pa, with a large following. The constable had trouble finding any evidence against the tohunga saying that even Maori

561 Judge H H Ostler to Minister for Native Affairs, 9 November 1937, MA 1 36/1 box 648 part 2, ANZ-Wellington
562 Enclosure dated 2 November 1937 in Judge H H Ostler to Minister for Native Affairs, 9 November 1937, MA 1 36/1 box 648 part 2, ANZ-Wellington
563 Under-Secretary to Judge Carr, Native Land Court Gisborne, 2 December 1937, MA 1 36/1 box 648 part 2, ANZ-Wellington
564 L S Davis, Medical Officer Gisborne to Director-General of Health, 12 August 1938, MA 1 36/1 box 648 part 2, ANZ-Wellington
565 Sergeant J Isbister, Opotiki to Inspector of Police, 5 September 1941, MA 119/1/27 box 343, ANZ-Wellington
566 Constable N H Tuck, Tikitiki to Inspector of Police, 14 September 1941, MA 119/1/27 box 343, ANZ-Wellington
who did not agree with the tohunga’s activities were not willing to come forward to police, as ‘they would then be “Tapu” amongst all the other Natives.’

7.2.7. Justice Issues Focus Questions 1945-1986

♦ Was there any recruitment of police, justice administrators, or judges from East Coast Maori?
♦ Did East Coast Maori participate in protest, or consultation for legal reforms or prison reforms?
♦ Is there any evidence to support or dismiss allegations that sentences for East Coast Maori were harsher than for Pakeha?
♦ Is there evidence of perceived law and order problems with Maori on the East Coast?

7.2.8. Existing Research and Sources 1945-1986

In this period legislative measures were taken to further assimilate Maori to Pakeha norms, and to eradicate residual legal differentiation. This included the abolition of separate policing and jury arrangements. The Maori Social and Economic Advancement Act 1945 and other legislation in the 1950s had promoted assimilation. This included the status of Maori in the police force, and the abolition of separate policing arrangements. Butterworth notes that although there were no active attempts to recruit Maori until the mid-1950s, by the mid-1980s the number of Maori in the regular police was proportionate to their population. The legislative difference between Maori and Pakeha on juries was re-evaluated. In 1962, the provision of 1867 which provided that Maori in civil cases in Supreme Court proceedings could be tried by a Maori jury, was removed and Maori were eligible for services on ordinary juries.

This period also saw a continuing trend of disproportionate Maori offending and prosecution, which had begun to be visible in the 1920s. Between 1950 and 1970 the number of Maori prisoners doubled in relation to the total prison population. Greg

567 Tuck to Inspector of Police, 14 September 1941
Newbold attributes this rise to the post-war urban drift, amongst other factors which saw Maori as a percentage of the prison population rise from a quarter in 1945 to a half in the 1980s. The rate of Maori offending and incarceration led to initiatives from the Government, Maori and community groups to address the issue over this period. Community roles designed to support welfare and the administration of justice specifically among Maori continued into the 1970s and 1980s. In 1962, the Maori Welfare Act made the role of the Maori warden uncertain. However, in 1969, the wardens were bought back under the District Maori Councils under the Maori Purposes Act 1969. There was an ongoing relationship between the police, Maori Councils and wardens and Maori welfare officers. The Wardens and Welfare Officers were engaged in promoting the government policy of assimilation, for example, when in December 1948, the activities of a tohunga were suspected in the Wairoa and East Coast districts the Minister of Maori Affairs instructed that the Welfare Officers should inquire into and report on any activities, ‘with a view to suppressing his activities as a tohunga’.

One of the exhibits to the 1952 Commission of Inquiry into the Taxation of Maori Authorities, concerned the Maori welfare programme under the Maori Social and Economic Advancement Act 1945. The report on the welfare programme stated that ‘an important part of the Act is that it does not seek to impose standards from without; rather, it calls upon the Maori people to exercise control and direction of their own communities in the essentials of good citizenship and civic responsibility’. Like the Maori Councils Act 1900, the Act of 1945 set up tribal executives and tribal committees which exercised some powers pertaining to Maori welfare. One component of this power was the Maori wardens, named in the 1952 report as the ‘police force’ of the executives and committees. In 1949, 110 wardens had been appointed and by 1952 this had risen to 150. The duty of a Maori warden, according to the 1952 report was to ‘stamp out mischief before it becomes crime’, such as warning a hotel licensee not to

570 Newbold, *The Problem of Prisons*, p 55
571 Butterworth, *More than Law and Order*, p 242
572 R Royal, Wellington to Maori Welfare Officer, 17 December 1948, MA 119/1/27 box 343, ANZ-Wellington
573 ‘The Welfare Division’, Exhibit 108, 13 June 1952, Commission of Inquiry into the taxation of Maori Authorities, 1952, p 1; see also Memorandum for Under-Secretary Justice Department, 4 November 1947, MA 1 36/1 box 648 part 2, ANZ-Wellington.
sell liquor to an intoxicated Maori. In 1952, *Te Ao Hou*, reported that considerable new powers had been given to Maori local authorities by the Maori Social and Economic Advancement Amendment Act 1951. Tribal committees now had full authority to take action in crime involving drinking. *Te Ao Hou* commented that the amendment necessary, not simply due to crime, but also to nuisance and ‘possible danger of ill-feeling between the races’, as well as the effect of parental drinking on children. Under Section 3 of the amended Act a fine of £20 could be levied on anyone who supplied liquor on a marae, without holding a permit from the Tribal Committee.

The 1960 Report on the Department of Maori Affairs by J K Hunn examined legal differentiation and crime as part of its analysis. Hunn observed that Maori offending in 1954, was almost three and a half times that of the European rate, and that figure rose by another 50 percent by 1958. He noted that the greatest rise was in Auckland, but urbanisation could not be attributed as the sole cause as some county districts had also achieved ‘notoriety’. The prevalence of offences against property is largely attributed by Hunn to ‘a survival of the communal way of life followed by the Maoris for centuries. Share and share alike was the custom but propriety rights in a modern society make it a crime to take other people’s property.’ Hunn noted an interesting anomaly when comparing the rate of arrests and the higher rates of total imprisonments for Maori, stating that this ‘puzzling circumstance’ may be explained by the fact that Maori often came into the court with no idea how to plead or defend themselves. Further approximately 80 per cent of Maori were not represented by counsel compared with 60 per cent of Europeans, and 80 to 85 percent of Maori pleaded guilty compared with 60 per cent of Europeans. Butterworth attributes the comparatively higher rate of Maori offending from the 1950s, to the ‘youthful structure’ of the Maori population due to a high birth rate and the cultural dislocation of urbanisation. Some of the methods employed to deal with Maori offending, such as Maori Wardens and Maori Welfare Officers, were perceived by various government agencies as anachronistic and

---

577 ‘Abuse of Liquor’, p 49
578 Hunn, p 18
579 Hunn, p 19
580 Hunn, p 20
ineffectual and in the 1970s new initiatives were launched. One of these, the Joint (‘J’) Team launched in 1971, was a joint approach by police, the Department of Social Welfare, the Department of Maori Affairs and voluntary organisations especially targeted to help Maori youth. One of these ‘J’ teams operated out of Gisborne, however, due to problems with co-operation and funding the teams were disbanded in 1980.582

In terms of legislation, Hunn in 1960 recommended that ‘differentiation between Maoris and Europeans in statute law should be reviewed at intervals and gradually eliminated’.583 This revision was to apply as a start to, legislation regarding adoption, bills of exchange, chattels security, electoral provisions, intestate succession, juries, life insurance, sand drift, and tohunga suppression. In 1962, the issue of Maori service on juries was broached, with the Attorney-General Mr Hanan accepting the recommendations of the Hunn Report to take ‘a step in the direction of true equality of citizenship’.584 Prior to this, the Juries Act 1908 had set out, in sections 141 to 151 provisions for Maori to serve on juries only when it was a Maori on trial. The Crown Law Office advised the Secretary for Maori Affairs that the definition of ‘Maori’ set out in section 2 of the Juries Act 1908 was unclear.585 When the Gisborne District Law Society came to debate the Juries Amendment Bill of 1962, which would clarify the definition of Maori and Maori placement on juries, the society’s opinion was split. Of the 30 members, nearly half believed the Bill to be premature.586 Nevertheless, one of the comments put forward by the society argued:

The Hunn Report mentions 82 subjects on which the law is different for Maori and pakeha. Nobody intends to wipe out these 82 distinctions immediately or perhaps for quite a long time. But if we can’t begin now to equalise the law (122 years after the Treaty of Waitangi) when can we begin? Will there be a sign in the sky to show that the Maoris are now ready?587

581 Butterworth, More than Law and Order, p 244
582 Butterworth, More than Law and Order, p245
583 Hunn, p 60
584 ‘Maoris and Juries’, Christchurch Star, 10 November 1962
585 G S Orr, Crown Law Office to Secretary for Maori Affairs, 15 January 1963, MA 1 19/1/727 box 387, ANZ-Wellington
586 Gisborne District Law Society, Juries Amendment Bill- Further Debating Points, c1962, MA 1 19/1/727 box 387, ANZ-Wellington
587 Gisborne District Law Society, Juries Amendment Bill- Further Debating Points, c1962, MA 1 19/1/727 box 387, ANZ-Wellington, p 2. Emphasis in original.
The East Coast representatives on the New Zealand Maori Council supported the Juries Amendment Bill, although it was reported that the Tribal Committees themselves had not been consulted about the Bill and alleged that ‘the New Zealand [Maori] Council does not speak for Maoridom’.\footnote{Hunn responded that it was ‘hardly likely’ that the 477 Tribal Committees would ever be consulted on any proposition or any legislation, as the Government could only deal with the New Zealand Maori Council as that was what the Council was established for.} Another issue arising from a survey of secondary sources was the under-representation of Maori in the police force. Despite the abolition of separate policing arrangements for Maori, Butterworth notes that until the mid-1950s there were no active recruitment policies and the police institution, still looking outwardly European, did not attract Maori.\footnote{This altered in 1955 when the new Director of Police Training reserved a quarter of the places at police school, bolstering the number of Maori in the police force to 69 by 1965. One East Coast Maori police recruit, Waho Tibble, interviewed by Butterworth, reported that the police was a better vocation for him as it paid better than what he had received as a clerk at the Maori Land Court.} The evidence suggests that policing on the East Coast was distinctive from policing in other areas, partly due its large Maori population and its rural isolated geography. A report from the New Zealand Police in the Gisborne District 1966 to 1971, pointed to a period of decline in the East Coast area, which it attributed to unproductive Maori landholdings.\footnote{Tuai, Nuhaka, Ruatoria, Tokomaru Bay, Te Araroa, Te Kaha, Te Karaka, Opotiki, Manutuke, and Wairoa Stations all reported that both the population they serviced and their workload was either static or declining. Many stations looked to the centralisation of police and court functions to Gisborne within the next few years. Tokomaru Bay Station, for example, reported that:}

\begin{itemize}
  \item \footnote{J K Hunn to Minister of Maori Affairs, 8 November 1962, MA 1 19/1/727 box 387, ANZ-Wellington. The Tairawhiti and Ikaroa representatives on the New Zealand Maori Council were Sir A T Carroll, H K Ngata, H T Reedy, and R Tutaki, P T Watene, and J Bennett respectively.}{The Tairawhiti and Ikaroa representatives on the New Zealand Maori Council were Sir A T Carroll, H K Ngata, H T Reedy, and R Tutaki, P T Watene, and J Bennett respectively.}
\end{itemize}
It is doubtful whether the area will develop. There is nothing to keep people here, there is little work offering. In fact, it would seem that a continual diminution will take place. There would be about 80 [per cent] Maori population. There is no indication of any development. 593

Likewise Te Kaha Station reported that the bulk of the land was owned by Maori and there may be a few sections for holiday-makers in the future, but the effect on police work would be minimal: ‘Isolation alone is the only justification for the retention of this station’. 594

Although the East Coast was in parts rural and isolated, there is no doubt that East Coast Maori were affected by wider occurrences. One other aspect of the administration of justice in this period, was the rising tide of Maori protest. This included the response of the police and justice system to aspects of protest, such as land marches and occupations and civil disobedience. For example, the protest aroused by the Maori Affairs Amendment Act 1967, which was seen to impact detrimentally on Maori land ownership, and the Maori response to New Zealand’s sporting contact with South Africa. 595

7.2.8. Post-1986

The commission requires issues regarding to the justice and prison system up to 1986 to be scoped. However, developments after this year may be of relevance if substantive research is taken forward. Moana Jackson, writing in 1988, explained his ‘holistic perspective’ on Maori within the criminal justice system, by stating that ‘the values, attitudes and place of the Maori community today are a cumulative consequence of the incidents and pressures which make up its history. In particular, they are the consequences of the recent past, and the interaction of the Maori with the introduced world of the Pakeha.’ 596 Jackson argues further that:

595 Butterworth, More than Law and Order, p 185
As applied to a contemporary issue such as criminal offending, the perspective does not assert, as many Pakeha people believe, that young Maori dominate the prisons simply because of century old land claims, or that Maori offending is directly “caused” by colonial injustices. However it does claim that those injustices defined Maori/Pakeha relations and determined the contemporary place of the Maori community which so often exhibits the stresses that can render the young criminally vulnerable.597

Jackson states that the sense of disillusionment with English Law and Maori perceptions of the criminal justice process, in 1988, was a manifestation of a process, which began when law turned from protector to usurper of Maori land and customary rights after 1840.598

The Waitangi Tribunal’s *Offender Assessment Policies Report* of 2005, provides both contextual information and a discussion of Government policy in the 1980s and 1990s with regard to Maori and the justice system.599 The Tribunal noted that ‘lending support to the influence of historical and socio-cultural factors is the fact that nations comparable to New Zealand also have high proportions of their indigenous populations represented as offenders and prison inmates.’600 The Tribunal concurred with Jackson, that the past is inextricably involved with the present, stating that it is ‘wrong for the Pakeha to talk all the time that our crime or our bad health is a class or a poverty problem…it’s more basic than that because the poverty grew from what happened to our culture, not the other way around’.601

7.3. Conclusions and Recommendations

Sufficient primary historical sources and secondary material on justice and law and order issues exists. Key historical sources available include files at the Auckland Office of Archives New Zealand which may provide evidence on how justice and prison systems were administered on the East Coast. Due to legislative changes, a number of

---

596 Jackson, *The Maori and the Criminal Justice System*, p 20
597 Jackson, *The Maori and the Criminal Justice System*, pp 20-21
598 Jackson, *The Maori and the Criminal Justice System*, p 36
600 Waitangi Tribunal, *The Offender Assessment Policies Report*, p 21
these files had been changed to a more restricted access. Access is possible to such files, however, these require written authorisation from the Ministry of Justice. Any further research would need to take account of this issue in planning the project.

The author obtained access to some of the earlier files. An example of the type of evidence provided is shown in the case study on the Ruatoria lock-up below. If further substantive research is considered necessary permission would need to be sought to access later twentieth century files held at Archives New Zealand Wellington and Auckland. Including:

- BBJQ 4916 box 1a Ruatoria Police Station-Record Book-Correspondence 1925-1944
- BBJQ 4916 box 1b Ruatoria Police Station-Record Book-Correspondence 1944-1947
- BBJQ 4916 box 1c Ruatoria Police Station-Record Book-Correspondence 1948-1952
- BBJQ 4921 box 1b Ruatoria Report of Charges taken at Ruatoria Lock-Up 1939-1948
- BBJQ 4921 box 1c Ruatoria Report of Charges taken at Ruatoria Lock-Up 1949-1963
- BBJQ 4918 box 1a Ruatoria Record of Convictions in Summary Proceeding 1937-1943
- BBJQ 4918 box 1b Ruatoria Record of Convictions in Summary Proceeding 1943-1952
- BBJQ 4918 box 1c Ruatoria Record of Convictions in Summary Proceeding 1945-1947
- BBJQ 4919 box 1a Ruatoria Police Station-Diary of Duty and Occurrences 1949-1951
- BBJQ 4929 box 1a Ruatoria Police Station-District Orders & Memorandum Books 1926-1940
- BBJQ 4929 box 1b Ruatoria Police Station-District Orders & Memorandum Books 1946-1956

---

602 Archivist, Graham Langton of Archives New Zealand, explained that the ‘Clean Slate’ Act 2004 has changed many police and court records from a 70 year period of access restriction to a 100 year restriction (Email correspondence, Archives New Zealand to the author, 11 May 2007).
The Tolaga Bay Police Prisoner’s Description Book 1904-1926 (BBIO 4756 box 1a) contains similar information to the Report of Charges at Ruatoria Lock-Up. One category is ethnicity, however, the Tolaga Bay records are not as detailed regarding convictions as the Ruatoria records.
A rich body of existing secondary literature on policing, prison and justice issues is available. Including:


Hill, Richard S, *Policing the Colonial Frontier: the theory and practice of coercive social and racial control in New Zealand, 1767-1867* (Wellington: Historical Publications Branch, Department of Internal Affairs, 1986), vol 1


Justice and criminal justice issues appear not to be duplicated elsewhere in the East Coast casebook. It may be useful to incorporate an overview of Crown justice policy and practice (law enforcement) into an overview report on the political relationship between the Crown and East Coast iwi and hapu.\(^{603}\)

Issues which might be discussed in such a political overview report may include the introduction of state authority and the engagement of Maori communities as a potential

---

\(^{603}\) The ‘Ruawaipu Incarceration’ Claim (Wai 1284) is mainly concerned with the deportation of East Coast Maori to the Chatham Islands, see Chapter Three for discussion. Wai 1284 and the ‘Ruawaipu Rangatiratanga’ Claim (Wai 1288) are also concerned with issues of law and order, policing and criminal justice issues.
indicator for other social and political changes and the tension between adaptation by local communities and imposition of change by the state. The involvement of Maori in the formulation of policy, the applied administration of law and justice, and Maori complaints and protests against the justice system provides a key part of any further investigation of the East Coast Maori and Crown political relationship. The overview report could examine how, if at all, the introduction of European modes of law and justice impinged upon traditional judicial systems and tribal leadership and what effects, if any, this had on the political relationship between East Coast Maori and the Crown. Of particular importance to this substantive research, is the theme of participation and dialogue with East Coast Maori at both central and local levels of government. For instance, whether the views of East Coast Maori were sought or acknowledged by the Crown on issues of law and justice.

It is recommended that the proposed substantive overview report be left until towards the end of the casebook, so material from other research reports may be synthesised. However, as justice and criminal justice issues are not covered in the casebook this is an area of research which could commence earlier. The study of policing and criminal justice after 1945 may be more problematic given restrictions on accessing archival sources. The necessity of such a study to the East Coast inquiry is unclear at this stage.604 Gaps in research, such as present policies and practices, might still need to be considered and this might be better done by a specialist in the area rather than a general historian.

604 Although outside the timeframe of this scoping report the Ruawaipu claimants have submitted the ‘Supreme Court Act 2003 and Common Law’ claim (Wai 1320) which asserts the ‘jurisdictional rights to native judicial or customary law’ (Wai 1320/Wai 900, claim 1.1.90, para 5.10).
Part C: Particular Legislation Issues

Chapter Eight: Overview of the Tax System and East Coast Maori

8.1. Introduction

The chapter evaluates whether historical research concerning the taxation system and East Coast Maori is feasible. This involves considering what existing research and secondary sources exist, and the adequacy of historical sources for substantive research.

The key issues set out by Ruawaipu claimants are essentially the Crown’s right to impose a taxation system upon Maori under the Treaty of Waitangi, and what effect the taxation system may have had on East Coast Maori. Claimants allege that ‘[in] the first few decades of European Settlement there was no income tax. Colonial governments survived on customs, duties on imports as well as revenue from land sales to settlers. New Zealand had a wealth of resources, many settlers arriving were destitute who were often catered for by the natives’.605 This claim is based on the contention that, as a matter of constitutional law, the New Zealand government and the Crown ‘were not in a position to place British tax systems within the Ruawaipu rohe as the Crown has not purchased one inch of soil under its pre-emptive right nor have Ruawaipu in any time in history consented to any expropriation of resource and property rights’.

The claimant states that his rights are protected and recognised by international law over which the New Zealand government has no jurisdiction, and that there is no New Zealand government law explicitly requiring or stipulating that he and his people as native aboriginal or tangata whenua must pay taxes. Furthermore, the claimant states that there is no law requiring tangata whenua to have a tax number administered through the Inland Revenue Department. The claimant states that he and his people have a constitutional development right to collect and manage their own tax and revenue.606

605 Claim 1.1.71
606 Claim 1.1.71, paras 6.1-6.8
8.2. Overview

8.2.1. Focus question Tax System

♦ What sources are available for an overview of policies and implementation of the taxation system and the political relationship between the Crown and East Coast iwi and hapu?

8.2.2. Existing Research and Sources

Income tax and income tax administration have not been the subject of any Tribunal report to date. Very few sources were located that contained particular information on the question of how income taxation or its administration affected East Coast Maori.

The claimants have queried the right of the Crown to impose a taxation system in addition to gathering revenues by customs, duties and land sales. The rating and administration of land is covered in other commissioned research for the East Coast inquiry. Tom Bennion’s publication for the Rangahaua Whanui series entitled *Maori and Rating Law* provides an examination of revenue rated from Maori land.\(^{607}\) The philosophical origins of the rating system, that is deriving from the common law notion of land tenure, may have some bearing on an analysis of the origins and imposition of income taxation upon Maori. Bennion discusses how and why rating evolved. Rates originated in England in 1601 as a means of raising funds for the welfare of poor inhabitants of parishes.\(^{608}\) The use of rates was expanded and by 1840 became a basic financial tool of local government.

The first concept of income tax in New Zealand, which originated in England, had its basis in earlier English property taxes.\(^{609}\) C Alley and A Maples of the University of Waikato have discussed the difficulty of defining income and cite J Prebble who comments that ‘income tax law generally taxes the results of legal transactions, rather

---


than their underlying economic effect’. Furthermore: ‘Income tax will never exactly fit into the economic activity to which it relates. The compromise and adjustments that must be made to make the system work mean that there can never be a single, coherent system of income taxation…. However, the lack of basic principle does not distinguish taxation from other branches of the law.’

The main function of taxation was initially to fund a centralised administration and military defence. In the twentieth century taxation revenue expanded and became a percentage of gross domestic product (GDP), this growth was due largely to new state expenditures in health, social security and education.

In New Zealand from 1840 to 1890 the majority of tax revenues came from customs duties, the remainder was sourced from stamp duties, property tax and excise tax on beer. Much of the government’s revenue was derived from holding a monopoly on land sales, however, according to Keith Hooper ‘the process of “taxation” by land acquisitions created a new population of landless Maori’. By the 1890s the Liberal Government reformed the tax system, introducing direct taxation, and providing a social welfare system and new economic infrastructure.

In the early twentieth century with a demographic revival of Maori, the perception that Maori were to become extinct as a people became obsolete. Instead, policies of assimilation were renewed, and efforts were revived to persuade Maori to embrace individualism and ‘civilisation’. Hill and O’Malley argue that ‘[w]hile the British ‘civilising mission’ would mean continuation of the process whereby most of the country’s resources ended up with the colonisers, Maori would be able to become fuller participants within the political economy-albeit at a low level-when they assimilated’.

---

612 Customs duty is a monetary payment exacted on an importer of goods by a government; Stamp Duty is a form of tax levied on documents, often referred to as a ‘transaction’ or ‘conveyance’ duty; Excise tax is a tax imposed upon certain goods at some point in their production or distribution which has the effect of increasing the price of goods (Peter Spiller, *New Zealand Law Dictionary*, 5th edition (Wellington: Butterworths/LexisNexis, 2002).
613 Hooper, *Tax Policy*, p 18
615 Hill and O’Malley, ‘The Maori Quest’, p 12
616 Hill and O’Malley, ‘The Maori Quest’, p 12
The same could be said for the fiscal economy. However, the argument of contribution to the state is terms of taxation, as an expression of active citizenship, is most likely a legal matter. As East Coast Maori have argued in the statement of claim above, they consider themselves autonomous Maori authority structures independent from the state. Contribution to the state in fiscal terms hinges on legal arguments of constitutional grounding. The Ngai Tahu Tribunal commented that:

Each tribe has its own rangatiratanga which could be called tribal sovereignty. In the context of the Treaty, rangatiratanga was said to be exercised in a similar way to that of local bodies who may be said to have a form of limited self-government, which is of course subject always to the sovereignty of the Crown, that is, of the nation.\(^{617}\)

Margaret Wilson has commented that while Maori citizenship rights as individuals is derived from Article 3 of the Treaty, the right to full citizenship as tangata whenua is derived from the right to tino rangatiratanga under Article 2. However, ‘attempting to give meaning to tino rangatiratanga is fraught with difficulty’, due to translation but also because the concept is subject to change within both Maori and European/Pakeha contexts.\(^{618}\) Wilson argues further that while the Treaty recognises tino rangatiratanga under Article 2, Article 1 gives the Crown the right to determine the constitutional arrangements for governance, meaning that tino rangatiratanga must be exercised within the limits as defined by the dominant culture.\(^{619}\)

The power to make laws and to appropriate public monies resides in the Parliament which consists of the sovereign and the House of Representatives.\(^{620}\) The authority to raise and spend public monies is one of the oldest functions of the Westminster Parliament.\(^{621}\) Charmaine Edward and Audrey Sharp argue that tax law should be based on the power to tax as established by a country’s founding constitutional document, and in New Zealand’s case the Treaty of Waitangi represents part of the framework within


\(^{619}\) Wilson, ‘The Reconfiguration’, p 5

\(^{620}\) Wilson, ‘The Reconfiguration’, p 6

\(^{621}\) Joseph, *Constitutional and Administrative Law*, p 286
which Government institutions must conform. Edward and Sharp look at how New Zealand Government and policy makers are required to incorporate Maori perspectives and cultural practices into policy.

There is little information on, or way of analysing how the ‘relationship’ between East Coast Maori and the Crown was affected by the tax system or administration, as is posed by the commission question. In the early twentieth century, Maori perceptions of the taxation system only become apparent in passing references in census reports. For example, the enumerator of Waiapu and Cook counties in 1911, reported that Maori were reluctant co-operate as the ‘census meant to them more taxation’. Perceptions of how the relationship may have been affected could be better advanced by tangata whenua evidence.

While data on personal taxation and the effects of taxation on income and welfare is scarce and maybe better suited to a socio-demographic study, there is some information on the taxation of Maori authorities specific to the East Coast. In 1951, a Royal Commission was launched to investigate alleged tax evasion by Maori farming organisations on the East Coast. Te Ao Hou reported in 1953 that the Commission had made it clear that East Coast Maori had ‘really believed that they were enjoying taxation immunity with Ministerial knowledge and approval’. Although the belief is immunity was ‘definitely shattered’, what was also apparent from the Royal Commission was the unworkable nature of the legislation which required an unreasonable level of clerical work.

The report of the 1951 commission of inquiry addressed the legislative quandary between the taxation of Maori authorities and the individual liability for income derived from shares. The findings of the Commission are detailed below:

623 Alex Keefer, Enumerator to Under-Secretary Native Department, 29 April 1911, AJHR, 1911, H-14A, p 10
624 ‘What Taxes Must We Pay?’, Te Ao Hou, Summer 1953, no 3, p 53
625 ‘What Taxes Must We Pay?’, p 53
(a) That taxation has not been fully paid in accordance with statutory requirements since 1 April 1940, but this failure to pay does not amount to wilful tax evasion by Maori authorities.

(b) That the Maori authorities or their managers who appeared before the Commission believed they had been excused by Government from compliance with section 29 of the Land and Income Tax Amendment Act 1939, and the payment of taxes on the full income of the authority, so long as they paid social security charge on the portion of the income which was actually paid in cash to the Maori owners by way of distribution.

(c) That in fact no undertaking or promise was made by any Minister of the Crown that any Maori authority would be exempt from full compliance with section 29 of the Land and Income Amendment Act 1939, although many Maori and others believed that such an undertaking or promise has been given.

(d) That responsible members of the Maori race have affirmed before this Commission that the Maori people recognise their obligations as citizens of New Zealand to make proper contribution in the matter of taxation.627

Edward and Sharp write that the Commission ‘wanted to ensure that Maori lands made an adequate contribution to the government revenue, while at the same time recognising that the particular character of Maori ownership through the Maori authority structures required a special system of taxation’.628 The result of the Commission was to introduce legislation specific to Maori authorities (in 1954) and a flat tax rate on distributed beneficiary income, these provisions were later incorporated into the Income Tax Act 1994.629

The Land and Income Act 1954 provided that:

(i) Section 73 (j) …exempts Maori customary land from land tax.

(ii) Section 75 …that no Maori shall be chargeable with land tax in respect of his interest in Maori land, unless the land is- as to his interest therein- in occupational possession of some person other than the Maori owner or a trustee for him. Where the Maori is liable the rate shall not exceed half of the European rate, or 10% of the total revenue

628 Edward and Sharp, p 296. See also David Williams, Crown Policy Affecting Maori Knowledge Systems and Cultural Practices (Wellington: Waitangi Tribunal, 2001) for a general discussion of official policies which tended towards amalgamation or assimilation of Maori.
629 Inland Revenue Department, Taxation of Maori Organisations. Government discussion document, Tax Simplification 2, (Wellington: Inland Revenue Department, August 2001) (Edward and Sharp, p 296)
therefrom. Unless the Maori’s interest is vested in a European trustee, the land tax shall be paid on behalf of the Maori owner by the leasee. A European in respect to any interest owned by him in Maori land, shall pay land tax in the same way as if it were not Maori land.

(iii) Sections 158-164 (inclusive)…contain special provisions for the taxation of income of a Maori authority or beneficiaries. Other than this special legislation, Maoris are liable to ordinary income tax and social security tax in the same manner as other tax payers.630

The legislative provisions of the 1954 Act, with the exception of an increase in the base flat rate and the introduction of resident withholding tax on distributions made by Maori authorities, had not changed at 2001.631 In 2001, in response to calls from Maori that tax laws required revision, the Government launched a review, which according to Sharp and Edward formed part of a general programme to simplify tax requirements for businesses and individuals.632 The outcome of this review was the Taxation (Maori Organisations, Taxpayer Compliance and Miscellaneous Provisions) Act 2003, which Edward and Sharp consider, delivered an acknowledgement of the need for a specific tax framework for Maori organisations managing assets held in communal ownership.633

630 Miscellaneous-Legal Differentiation-Between Maori and European Land and Income Tax, 1962, AAMK 869/w3074/705m/19/10/21, ANZ-Wellington. Emphasis in original.
631 Edward and Sharp, p 296
632 Edward and Sharp, p 299
633 Edward and Sharp, p 300
8.3. Conclusions and Recommendations

Certainly taxation, rating, customs, and revenue gathering has a place in a wider discussion of the political relationship between the Crown and East Coast Maori. For example, dog tax was among special taxes which impacted more harshly upon Maori, and some Maori argued they were exempt from such taxes under Section 71 of the Constitution Act. Furthermore, resistance to such taxation may have been present in Maori protests and movements. Another consideration is land tax charged on Maori land when it was first sold, which was a significant source of government revenue and unique to Maori land. However, rating and land revenue issues are comprehensively dealt with in Richard Tower’s report on rating on the East Coast which has been commissioned by the Crown Forestry Rental Trust. There are inevitably themes concerning revenue gathering methods, such as whether their was adequate consultation with East Coast Maori concerning rating and taxation, which cross over into a wider discussion of East Coast Maori and the Crown in a political context. It is evident that the debate over both personal and business tax has engaged East Coast Maori and this demonstrates an aspect of political engagement that would be useful if a substantive overview report on the political relationship between the Crown and East Coast iwi and hapu is taken forward.

The feasibility of doing further historical research on how the relationship between East Coast Maori and the Crown may have been affected by the tax system is questionable due to the scarcity of historical sources. The perceived impacts of the tax system upon East Coast Maori may be better advanced in tangata whenua evidence. However, the affects of the tax system in terms of welfare and economics, if any, may form part of a socio-demographic study in the research programme. Taxation is an issue only in so far as matters reflect the political relationship generally. The political aspects of this issue are likely to be touched upon in the proposed overview report on the political relationship of East Coast iwi and hapu and the Crown.

634 Williams, Politics of the New Zealand Maori, p 76
635 For example, see New Zealand Planning Council, ‘Maori Information: Income Distribution’, no 5, June 1991.
Chapter Nine: Human Rights Legislation, Institutions and Practices

9.1. Introduction

The claim regarding Human Rights put forward by Trevor Te Maro on behalf of Te Whanau a Pokai, a hapu of Ruawaipu, alleges that the Human Rights Commission Act 1977, the Human Rights Act 1993, the Human Rights Amendment Act 1999 and the Human Rights Amendment Act 2001 breach the protections afforded under the Treaty of Waitangi. The Deputy Chairperson of the Waitangi Tribunal, Judge Wainwright, directed that this claim would not be heard within the East Coast inquiry and instead, was likely to be heard as a generic claim.

Given the exclusion of the ‘Ruawaipu Human Rights’ claim from the East Coast inquiry, and the tentative mentions of human rights issues in other East Coast statements of claim, further substantive research is not recommended. This chapter outlines existing secondary literature concerning New Zealand human rights legislation, institutions and practices for parties’ information.

9.2. Overview

9.2.1. Human Rights Issues Focus Questions

♦ What historical research sources are available to explore how and in what manner, if at all, was the relationship between East Coast Maori and the Crown affected by New Zealand’s human rights legislation, institutions and practices?

♦ What historical research sources are available to explore to what extent did East Coast Maori raise complaints, petitions, and protests concerning any such adverse effects and how the Crown responded?

636 ‘Ruawaipu Human Rights’ Wai 1404, claim 1.1, 17 January 2006. Te Whanau a Apanui also allege a violation of human rights in respect to confiscatory policies in respect to river, foreshore and seabed, and the Crown’s failure to ‘apply and exercise its laws and powers properly, without any underlying desire of benefit, and without unfair discrimination between its Pakeha and Maori subjects.’ (Claim 1.1.49, paras 6.6, 6.8)

637 Memorandum - Direction of the Deputy Chairperson, regarding claim submitted by Trevor Te Maro (Wai 1404), 21 June 2007
9.2.2. Existing Research and Sources

Dr Petra Butler and Dr Andrew Butler provide a concise background to New Zealand’s human rights legislation, institutions and practices in their 2005 *The New Zealand Bill of Rights Act: A Commentary.* Butler and Butler argue that initially ‘New Zealanders were content to…leave their civil and political liberties to a hotchpot of common law doctrines and statutory provisions’. New Zealand, like other British colonies, did not codify its civil liberties as part of its supreme law.

In 1963, when the New Zealand Bill of Rights Bill was introduced into Parliament, there was no mention of the Treaty of Waitangi. The Member for Southern Maori, Sir Eruera Tirikatene asked whether ‘this Bill is to be regarded as a Bill of Rights for New Zealand citizens, and as the Treaty of Waitangi was the initiating factor establishing the rights of the Maori citizens and the sovereignty of the Crown in this country, it might be cited in this Bill so that its vital spirit might be recognised constitutionally and thus preserved for all time.’ The New Zealand Maori Council also indicated the importance of the Treaty in the context of a Bill of Rights stating ‘as the Treaty is an expression for the principles of justice and freedom to all for which the Bill provides guarantees, it should be referred to in the Bill of Rights and its importance as the basis for the relationship between the Government and the Maori people acknowledged’. The 1963 Bill was rejected and it was not until 1984 that the bill of rights issue would gain prominence once more.

In 1985 a White Paper on a Bill of Rights for New Zealand was presented. The White Paper proposed a draft bill that would recognise and affirm ‘the rights of the Maori people under the Treaty of Waitangi’. Geoffrey Palmer stated that affirming and recognising the Treaty as part of the supreme law of New Zealand would mean:

---

639 Butler and Butler, p 11
640 NZPD, 15 August 1963, pp 1183-1184 (Butler and Butler, p 18)
641 AJHR, 1965, I-14, p 17 (Butler and Butler, p 19)
‘Governments, Courts and Parliament will not longer be able to claim that these rights are only moral rights and have no substance in law, or that they can be overridden, expressly or impliedly, by the ordinary process of legislation.’ Palmer emphasised that a Bill of Rights should not supersede the Treaty, rather recognise and give the Treaty a special constitutional status.

9.3. Conclusions and Recommendations

The claim regarding Human Rights put forward by Trevor Te Maro on behalf of Te Whanau a Pokai, a hapu of Ruawaipu, was excluded from the East Coast inquiry by the Deputy Chairperson of the Waitangi Tribunal, Judge Wainwright, and instead is likely to be heard as a generic claim. The formal exclusion of the ‘Ruawaipu Human Rights’ claim from the East Coast inquiry, and the tentative mentions of human rights issues in other East Coast statements of claim, changes the nature of this as part of the scoping exercise.

Furthermore, there must be recognition of the relatively recent articulation of ‘human rights’ and the risk of presentism. The issue of human rights may be framed within Treaty terms, for example, in terms of Article 3 rights, which constitutes a guarantee of legal equality between Maori and other citizens of New Zealand. It appears to be a matter of legal argument and analysis rather than a feasible historical research issue. Given the exclusion of the claim from the East Coast inquiry, the scarcity of historical sources and the recent articulation of human rights in secondary literature it is recommended this issue not be taken forward.

642 AJHR, 1985, A-6 (Butler and Butler, p 25). ‘Information-Sharing Visit to the East Coast’, AJHR, 1983, E-6, p 45 discusses by government officials to the East Coast to discuss the Race Relations Act and the Human Rights Commission Act. The office mentioned that the area had not been visited by his office before, and one of the goals of the visit was to ‘listen to their suggestions concerning ways and means of improving race relations’.
643 AJHR, 1985, A-6, p 37 (Butler and Butler, p 27)
644 Memorandum- Direction of the Deputy Chairperson, regarding claim submitted by Trevor Te Maro, 21 June 2007
645 See for example discussion in D V Williams, ‘Wi Parata is dead, long live Wi Parata’, revision of the paper presented to the Foreshore and Seabed Conference: Foreshore and Seabed: the New Frontier, New Zealand Centre for Public Law and Victoria University of Wellington, 10 December 2004, p 18
646 See Waitangi Tribunal, The Napier Hospital and Health Services Report (Wellington: Legislation Direct, 2001), p xxvii which states: ‘We consider that it is the conferring of citizenship rights upon Maori that supplies the underlying principle of equity. These rights were, like all others, placed under Crown protection. The principle applies to Maori as citizens rather than as members of groups exercising rangatiratanga’.
Part D: Conclusion

Chapter Ten: Conclusions and Recommendations

10.1. Summary of Recommendations

This scoping report was asked to distinguish issues that are researchable from those suited to legal argument, and assess the extent to which the former are capable of being researched. The recommendations for further substantive research are summarised below.

As a result of identifying the issues arising from the Statements of Claim upon which this scoping report focused, an overview report on the political relationship between the Crown and East Coast iwi and hapu is considered to be the most useful for any additional substantive research for this inquiry. This overview would present patterns and trends in the evolving political relationship at different levels including community, local and central levels. It is not recommended that further research reports on particular aspects, such as constitutional arrangements, electoral representation, or taxation issues be commissioned. It is noted that these issues raised are covered in a number of other reports already commissioned, for example, on land issues, development schemes, local government, rating, environment and the Resource Management Act. However, while these reports are likely to produce a great deal of information on particular aspects of political relationships at particular levels they are unlikely to provide the kind of broad overview which is recommended for this inquiry. It is proposed, therefore, that an historical overview report on high level political relationships between East Coast iwi and hapu and the Crown would be useful for the East Coast Tribunal and inquiry parties.

Justice and criminal justice issues appear not to be addressed elsewhere in the East Coast research programme. Sufficient primary historical sources and secondary material exist to make a substantive report on justice and law and order issues largely feasible. However, given the minimal reference to specific justice and prison issues in statements
of claim it may be more useful to incorporate an overview of Crown justice policy and practice (law enforcement) into the proposed overview report on the political relationship between the Crown and East Coast iwi and hapu.\textsuperscript{647}

The overview research report proposed would synthesise evidence and case-studies based upon existing and anticipated research reports for the East Coast inquiry, and draw on relevant material from the contiguous Turanga district inquiry. It is suggested that the timing of this overview report be left towards the end of the casebook to enable the synthesis of information from other East Coast reports.

The purpose of the overview report would to assist the Tribunal and inquiry parties in bringing together overarching themes, patterns, and changes in the political relationship between the Crown and East Coast iwi and hapu. There is precedent for this approach. For example, David Armstrong’s ‘Te Arawa Land and Politics’ report drew upon the existing body of scholarship to provide a ‘single and coherent ‘stand-alone’ narrative’ and also covered existing research gaps in the body of evidence.\textsuperscript{648} It is suggested that the Waitangi Tribunal’s \textit{He Maunga Rongo: Report on the Central North Island Claims Stage One}, which addresses political engagement between the Crown and Central North Island Maori be used as a model chapter structure for the overview report.

### 10.2. Issues

The proposed political overview report may address issues of:

- political autonomy, governance and representation at central and local levels
- involvement in governance structures
- electoral participation and representation
- participation in legislative and decision-making structures
- justice policy and practice

\textsuperscript{647} The ‘Ruawaipu Incarceration’ Claim (Wai 1284) is mainly concerned with the deportation of East Coast Maori to the Chatham Islands, see Chapter Three for discussion. Wai 1284 and the ‘Ruawaipu Rangatiratanga’ Claim (Wai 1288) are also concerned with issues of law and order, policing and criminal justice issues; Although outside the period of focus of this scoping report (1840-1986) the Ruawaipu claimants have submitted the ‘Supreme Court Act 2003 and Common Law’ claim (Wai 1320) which asserts the ‘jurisdictional rights to native judicial or customary law’ (Wai 1320/Wai 900, claim 1.1.90, para 5.10).
-grass-roots movements towards autonomy and self-government.649

10.3. Proposed Chapter Structure

It is proposed that the overview be set out chronologically. The model set out the *He Maungā Rongo: Report on the Central North Island Claims Stage One* may be adopted and extended after 1920. The *Central North Island* report divides the historical material into four periods: the era of practical autonomy, 1840-1865; the era of civil war and active repression, 1863-1870; the era of committee and komiti, 1870-1890; the era of Kotahitanga and the Councils, 1890-1920. It is noted that the evidence available to the Central North Island inquiry did not allow the Tribunal to address issues of political autonomy after 1920, aside from some public works takings and environmental management issues.650 The proposed overview report on political relationships for the East Coast inquiry would extend further into the twentieth century. Therefore, later chapters might include a discussion of land management reform and the emergence of supra-tribal political and welfare organisations, up to the Second World War. The final section could examine the latter half of the twentieth century with discussion of the Hunn Report and policies of assimilation and renewed Maori protest and political movements.

---

650 Waitangi Tribunal, *He Maungā Rongo: Report on the Central North Island Claims Stage One*, first release, part 2, chapter 3, p 2
10.4. Relevant Reports

The following reports could be of use to this proposed overview report on political relations:

### 10.4.1. Filed Reports

<table>
<thead>
<tr>
<th>Author</th>
<th>Report</th>
<th>Source</th>
<th>DOC No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander, D</td>
<td>‘Rongowhakaata Land- Awanui Moana: The Loss, the Struggle and the Return’</td>
<td>CFRT</td>
<td>Wai 814, A15</td>
</tr>
<tr>
<td>Alexander, D</td>
<td>‘Rongowhakaata Lands- Arai Matawai: A Block History from 1911 Onwards’</td>
<td>CFRT</td>
<td>Wai 814, A12</td>
</tr>
<tr>
<td>Alexander, D</td>
<td>‘Rongowhakaata Lands during the Twentieth Century’</td>
<td>CFRT</td>
<td>Wai 814, A11</td>
</tr>
<tr>
<td>Alexander, D</td>
<td>‘Rongowhakaata Lands- Paokahu Block: A Twentieth Century Block History’</td>
<td>CFRT</td>
<td>Wai 814, A14</td>
</tr>
<tr>
<td>Alexander, D</td>
<td>‘Rongowhakaata Lands- Public Works Takings of Rongowhakaata Lands during the Twentieth Century’</td>
<td>CFRT</td>
<td>Wai 814, A13</td>
</tr>
<tr>
<td>Arapere, B</td>
<td>‘Ngariki Kaiputahi Research Report’</td>
<td>WT</td>
<td>Wai 814, A21</td>
</tr>
<tr>
<td>Basset-Kay Research</td>
<td>‘Te Aitanga a Hauiti’</td>
<td>WT</td>
<td>Wai 390, A1</td>
</tr>
<tr>
<td>Battersby, J</td>
<td>‘Conflict in Poverty Bay 1865 (Issue 3)’</td>
<td>CLO</td>
<td>Wai 894, A126</td>
</tr>
<tr>
<td>Belgrave, M McPherson, M Mataira, P</td>
<td>‘Turanganui a Kiwa, a Socio Demographic Profile of the Gisborne Land District’</td>
<td>CFRT</td>
<td>Wai 814, E15</td>
</tr>
<tr>
<td>Binney, J</td>
<td>‘Te Kooti Arikirangi Te Turuki’</td>
<td>CFRT</td>
<td>Wai 814, A37</td>
</tr>
<tr>
<td>Boast, R</td>
<td>‘Maori and Petroleum’</td>
<td>CFRT</td>
<td>Wai 796, A12</td>
</tr>
<tr>
<td>Boston, P, Oliver, S</td>
<td>‘Tahora Block’</td>
<td>WT</td>
<td>Wai 894, A22</td>
</tr>
<tr>
<td>Coombes, B</td>
<td>‘Ecological Impacts and Planning History’</td>
<td>CFRT</td>
<td>Wai 814, A20</td>
</tr>
<tr>
<td>Doig, S</td>
<td>‘The Waiapu River, Maori and the Crown’</td>
<td>WT</td>
<td>Wai 272, A6</td>
</tr>
<tr>
<td>Doig, S</td>
<td>‘The Waiapu River’, document bank</td>
<td>WT</td>
<td>Wai 272, A6a</td>
</tr>
<tr>
<td>Edwards, C</td>
<td>‘Crown Acquisition and Management of Te Hau ki Turanga (Issue 27)’</td>
<td>CLO</td>
<td>Wai 814, F5</td>
</tr>
<tr>
<td>Edwards, C</td>
<td>‘Detention on the Chatham Islands, 1866-1868 (Issue 4)’</td>
<td>CLO</td>
<td>Wai 814, F3</td>
</tr>
<tr>
<td>Edwards, C</td>
<td>‘Implementing a Policy of Confiscation in Turanganui a Kiwa (Issues 5, 7 and 9)’</td>
<td>CLO</td>
<td>Wai 814, F18</td>
</tr>
<tr>
<td>Edwards, C</td>
<td>‘Poverty Bay Commission: Title Investigation (Issue 9)’</td>
<td>CLO</td>
<td>Wai 814, G6</td>
</tr>
<tr>
<td>Edwards, C</td>
<td>‘Summary of the Evidence on Crown Acquisition and Management of Te Hau ki Turanga (Issue 27)’</td>
<td>CLO</td>
<td>Wai 814, F32</td>
</tr>
<tr>
<td>Edwards, C</td>
<td>‘Turanganui a Kiwa, 1840-1865 (Issue 2)’</td>
<td>CLO</td>
<td>Wai 814, F10</td>
</tr>
<tr>
<td>Gilling, B</td>
<td>‘Great Sufferers Through the Cession”: Te Whanau a Kai and the loss of Patutahi’</td>
<td>CFRT</td>
<td>Wai 814, C1</td>
</tr>
<tr>
<td>Gilling, B</td>
<td>‘The People, the Courts and the Lands: A Research Report for Ngariki Kaiputahi’</td>
<td>CFRT</td>
<td>Wai 814, A32</td>
</tr>
<tr>
<td>Gilling, B</td>
<td>‘The Validation Court, 1892-1909: An Overview’</td>
<td>CFRT</td>
<td>Wai 814, A8</td>
</tr>
<tr>
<td>Author</td>
<td>Report</td>
<td>Source</td>
<td>DOC No.</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Gilling, B</td>
<td>‘The Validation Court, Crown, Judiciary and Maori Land, 1888-1909’</td>
<td>CFRT Wai 814, A7</td>
<td></td>
</tr>
<tr>
<td>Gilling, B</td>
<td>‘The Validation Court’, document bank</td>
<td>CFRT Wai 129, A1a</td>
<td></td>
</tr>
<tr>
<td>Gilling, T</td>
<td>‘Te Whanau a Kai: the Manawhenua and Alienation of Te Whanau a Kai Lands, 1869-1910’</td>
<td>CFRT Wai 814, A36</td>
<td></td>
</tr>
<tr>
<td>Goldstone, P</td>
<td>‘Hamiora Pere (Peri)- Part of Issue 6’</td>
<td>CLO Wai 814, G2</td>
<td></td>
</tr>
<tr>
<td>Goldstone, P</td>
<td>‘The Native Land Court at Poverty Bay, Turanga, 1874-1884 (Issues 12 and 13)’</td>
<td>CLO Wai 814, F4</td>
<td></td>
</tr>
<tr>
<td>Goldstone, P</td>
<td>‘Ngatapa and the Execution of Prisoners (Issue 6)’</td>
<td>CLO Wai 814, F7</td>
<td></td>
</tr>
<tr>
<td>Gould, A</td>
<td>‘Afforestation at Mangatu (Issue 26)’</td>
<td>CLO Wai 814, F1</td>
<td></td>
</tr>
<tr>
<td>Haapu, J</td>
<td>‘Ripoata o Mangatu: The Mangatu ’</td>
<td>CFRT Wai 814, A27</td>
<td></td>
</tr>
<tr>
<td>Hawke, G</td>
<td>‘Capital, Finance and Development Reflections on Economic and the Gisborne Inquiry’</td>
<td>CLO Wai 814, G1</td>
<td></td>
</tr>
<tr>
<td>Hayes, R</td>
<td>‘Crown Purchases (Issue 16) [Gisborne]’</td>
<td>CLO Wai 814, F22</td>
<td></td>
</tr>
<tr>
<td>Hayes, R</td>
<td>‘Joint Tenancy (Issue 11)’</td>
<td>CLO Wai 814, F8</td>
<td></td>
</tr>
<tr>
<td>Hayes, R</td>
<td>‘Native land Court, Leasing; Issue 14 [Gisborne]’</td>
<td>CLO Wai 814, F34</td>
<td></td>
</tr>
<tr>
<td>Hayes, R</td>
<td>‘Protection Mechanisms: Issue 17 [re: the role and performance of the trust commissioners]’</td>
<td>CLO Wai 814, F15</td>
<td></td>
</tr>
<tr>
<td>Ivory, A</td>
<td>Scoping report on Hapu Oneone land alienation claim (Wai 1020)</td>
<td>WT Wai 900, A12</td>
<td></td>
</tr>
<tr>
<td>Kawharu, M</td>
<td>‘Te Mana Whenua o Te Aitanga a Mahaki’</td>
<td>CFRT Wai 894, A78</td>
<td></td>
</tr>
<tr>
<td>Macky, M</td>
<td>‘Precis of Validation Court Minutes (Issue 18)’</td>
<td>CLO Wai 814, G14</td>
<td></td>
</tr>
<tr>
<td>McBurney, P</td>
<td>‘Ngai Tamanuhiri: Mana Whenua Report’</td>
<td>CFRT Wai 814, A30</td>
<td></td>
</tr>
<tr>
<td>Murton, B</td>
<td>‘Aitanga a Mahaki, 1860-1960: The Economic and Social Experience of a People’</td>
<td>CFRT Wai 894, A82</td>
<td></td>
</tr>
<tr>
<td>Nepia, M</td>
<td>‘Ihaka, M’ ‘Exploratory Report [re. Overview of the Ngati Porou claims]’</td>
<td>WT/ TRONP Wai 272, A1</td>
<td></td>
</tr>
<tr>
<td>O’Malley, V</td>
<td>‘East Coast Confiscation Legislation and Its Implementation’</td>
<td>CFRT Wai 894, A34</td>
<td></td>
</tr>
<tr>
<td>O’Malley, V</td>
<td>‘“An Entangled Web”: Te Aitanga-a-Mahaki Land and Politics, 1840-1873, and their Aftermath’</td>
<td>CFRT Wai 814, A10</td>
<td></td>
</tr>
<tr>
<td>Oliver, S</td>
<td>‘Gisborne Harbour Board and the Development of Port Gisborne’</td>
<td>CFRT Wai 814, A9</td>
<td></td>
</tr>
<tr>
<td>Orr-Nimmo, K</td>
<td>‘Report for the Crown Forestry Rental Trust on the East Coast Maori Trust’</td>
<td>CFRT Wai 814, A4</td>
<td></td>
</tr>
<tr>
<td>Orr-Nimmo, K</td>
<td>‘The Sun of Advancement’, document bank</td>
<td>WT Wai 272, A5a</td>
<td></td>
</tr>
<tr>
<td>Author</td>
<td>Report</td>
<td>Source</td>
<td>DOC No.</td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Parker, B</td>
<td>‘Cession Retention Maps [Poverty Bay cession-Te Muhunga block] (Issue 8)’</td>
<td>CLO</td>
<td>Wai 814, F12</td>
</tr>
<tr>
<td>Parker, B</td>
<td>‘Johnson’s Title to Te Kuri (Issues 17, 13, 15)’</td>
<td>CLO</td>
<td>Wai 814, F9</td>
</tr>
<tr>
<td>Parker, B</td>
<td>‘Public Works (Issue 24) [Gisborne]’</td>
<td>CLO</td>
<td>Wai 814, F13</td>
</tr>
<tr>
<td>Parker, B</td>
<td>‘Supplementary Evidence on Public Works (Issue 24) [Gisborne]’</td>
<td>CLO</td>
<td>Wai 814, G17</td>
</tr>
<tr>
<td>Pickens, K</td>
<td>‘Ngai Tamanuhiri Land Alienation Report’</td>
<td>WT</td>
<td>Wai 814, A19</td>
</tr>
<tr>
<td>Pollock, K</td>
<td>‘Private Transactions to 1869 (Issue 10) [Gisborne]’</td>
<td>CLO</td>
<td>Wai 814, F2</td>
</tr>
<tr>
<td>Pollock, K</td>
<td>‘Turanga Land Interests of Te Kooti (Issue 23)’</td>
<td>CLO</td>
<td>Wai 814, F14</td>
</tr>
<tr>
<td>Robson, J</td>
<td>‘Ngariki Kaiputahi; Mana Whenua Report’</td>
<td>CFRT</td>
<td>Wai 814, A28</td>
</tr>
<tr>
<td>Rongowhakaata Trust</td>
<td>‘Rongowhakaata: te Tipuna, Te Whenua me Te Iwi; A History of a People’</td>
<td>CFRT</td>
<td>Wai 814, A28</td>
</tr>
<tr>
<td>Rose, K</td>
<td>‘Te Aitanga-a-Mahaki Land: Alienation and Efforts at Development, 1890-1970’</td>
<td>CFRT</td>
<td>Wai 814, A18</td>
</tr>
<tr>
<td>Rose, K</td>
<td>‘Te Aitangi-a-Mahaki Land and Autonomy, 1873-1890’</td>
<td>CFRT</td>
<td>Wai 814, A17</td>
</tr>
<tr>
<td>Sarich, J</td>
<td>Scoping report on Te Whānau o Erena Pera Manene Ripia claim (Wai 973)</td>
<td>WT</td>
<td>Wai 900, A13</td>
</tr>
<tr>
<td>Small, F</td>
<td>‘Rongowhakaata and the Native Land Court, 1873-1900’</td>
<td>CFRT</td>
<td>Wai 814, A24</td>
</tr>
<tr>
<td>Southeran, C</td>
<td>‘Statement of Evidence- Museum of New Zealand, Te Papa Tongarewa, Concerning Te Hau ki Turanga’</td>
<td>Museum of New Zealand</td>
<td>Wai 814, F17</td>
</tr>
<tr>
<td>Stirling, B</td>
<td>‘Rongowhakaata and the Crown, 1840-1873’</td>
<td>CFRT</td>
<td>Wai 814, A23</td>
</tr>
<tr>
<td>Tukaki-Millanta, L</td>
<td>‘He Purongo Ke Te Ropu Whakamana I Te Tiriti o Waitangi Mo Te Take ki Te Moutere o Whangaokena: A Report to the Waitangi Tribunal on the Claim to Whangaokena Island’</td>
<td>WT</td>
<td>Wai 298, A1</td>
</tr>
<tr>
<td>Tuuta, D</td>
<td>‘Awapuni Blocks (Watson Park)’</td>
<td>WT</td>
<td>Wai 814, A5</td>
</tr>
<tr>
<td>Walzl, T</td>
<td>‘Rongowhakaata: Socio-Economic Overview, 1850-2000’</td>
<td>CFRT</td>
<td>Wai 814, A31</td>
</tr>
<tr>
<td>Waugh, J</td>
<td>‘Waipaoa Catchment Erosion (Issues 26 and 30)’</td>
<td>CLO</td>
<td>Wai 814, F6</td>
</tr>
</tbody>
</table>
### 10.4.2. Reports in Progress at November 2007

<table>
<thead>
<tr>
<th>Author</th>
<th>Report</th>
<th>Source</th>
<th>Project No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander, D</td>
<td>East Coast Public Works and Maori land alienation issues</td>
<td>CFRT</td>
<td>Project 6</td>
</tr>
<tr>
<td>Barrington, J</td>
<td>Provision of Education Services to East Coast Maori</td>
<td>CFRT</td>
<td>Project 12</td>
</tr>
<tr>
<td>Bassett-Kay</td>
<td>Native Townships on the East Coast</td>
<td>CFRT</td>
<td>Project 5</td>
</tr>
<tr>
<td>Berghan, P</td>
<td>Supplementary East Coast Block Research Narratives</td>
<td>CFRT</td>
<td></td>
</tr>
<tr>
<td>Coombes, B</td>
<td>Environmental Impacts</td>
<td>CFRT</td>
<td>Project 11</td>
</tr>
<tr>
<td>Derby, M</td>
<td>Scoping report on East Coast hapu and Te Tiriti o Waitangi</td>
<td>WT</td>
<td>Project 23</td>
</tr>
<tr>
<td>Dodgson, R</td>
<td>Scoping report on the Pouawa block claim (Wai 1266)</td>
<td>WT</td>
<td>Project 20</td>
</tr>
<tr>
<td>Gilling, B</td>
<td>‘East Coast Treaty Claims: a Scoping Report’</td>
<td>CFRT</td>
<td></td>
</tr>
<tr>
<td>Lange, R</td>
<td>Scoping of Health Services to East Coast Maori</td>
<td>CFRT</td>
<td>Project 13</td>
</tr>
<tr>
<td>Luiten, J</td>
<td>Scoping Report on East Coast Local Government Issues</td>
<td>CFRT</td>
<td>Project 14</td>
</tr>
<tr>
<td>MacIntyre, K</td>
<td>Scoping report on potential claim issues of Te Whanau a Apanui (Wai 1198)</td>
<td>WT</td>
<td>Project 22</td>
</tr>
<tr>
<td>Mitchell, J J</td>
<td>Scoping report on Makarika Station claim (Wai 858)</td>
<td>WT</td>
<td>Project 18</td>
</tr>
<tr>
<td>Stirling, B</td>
<td>19th-century Lands Overview</td>
<td>CFRT</td>
<td>Project 3</td>
</tr>
<tr>
<td>Innes, C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stowe, D</td>
<td>Document Bank: documents leading to passing of Te Runanga o Ngati Porou Act 1987</td>
<td>WT</td>
<td></td>
</tr>
<tr>
<td>Subasic, E</td>
<td>Scoping Report on ‘Rebellion’, Civil War and Confiscation on the East Coast</td>
<td>CFRT</td>
<td>Project 1</td>
</tr>
<tr>
<td>Towers, R</td>
<td>East Coast Rating Issues</td>
<td>CFRT</td>
<td>Project 15</td>
</tr>
<tr>
<td>Young, G</td>
<td>Scoping report on the impact of title reorganisation</td>
<td>CFRT</td>
<td>Project 8</td>
</tr>
<tr>
<td>Young, G</td>
<td>Ruawaipu Oral and Traditional Scoping</td>
<td>CFRT</td>
<td></td>
</tr>
<tr>
<td>Walzl, T</td>
<td>Report on history of East Coast Trust blocks within the East Coast inquiry district, 1900-1971</td>
<td>CFRT</td>
<td>Project 4</td>
</tr>
<tr>
<td>Walzl, T</td>
<td>Wahi Tapu issues on the East Coast</td>
<td>CFRT</td>
<td>Project 10</td>
</tr>
<tr>
<td>Dr Jane McRae</td>
<td>Document Bank: Te Reo Sources</td>
<td>CFRT</td>
<td></td>
</tr>
</tbody>
</table>
10.5. Timeframe

The proposed overview report would need to take account of significant information that is likely to be generated by the various reports for the inquiry already commissioned and yet to be completed. Therefore it is recommended that the proposed overview is not started in the main until towards the completion of the East Coast research programme although preparatory work (for example, a more detailed survey of primary sources and existing reports) could begin earlier. Six to nine months should be sufficient time to complete this overview report.
Bibliography

11.1. Unpublished Primary

Alexander Turnbull Library, Wellington

MS-Papers-6919 Apirana Ngata Papers (restricted access)
qMS-0109 Charles Baker, Journals 1827 – 1867, typescript,
MS-2307 H S Wardell, Ledger 1855-1858
qMS-2121 H S Wardell Diary 1858
qMS-2249 Journal of William Williams vol 2 1832 – 1840, typescript
qPam 1926 MAO 200 Maori Hui at Tikitiki, 1926 (Pacific Collection)
MS-Copy-Micro 0664 McLean Diary
MS-Copy-Micro-0535-043 McLean Papers
MS-1287 McLean Journal 1851-1870, vol 4,
Pq 572.9931 MACC 1950 McLean, Sheila, ‘Maori Representation, 1905-1948’
Pq527.9931 TAI 1960 Report of the Tairawhiti Young Leaders’ Conference, 17th-19th
MS 1784-275 Statistics of New Zealand, 1853-1856, compiled from Official
Records (Auckland: New Zealand Government, 1858)
MS-Copy-Micro- 0677 Williams Family Papers
qMS2249 W Williams Journal, 1832-1840
qMS- 2251 W Williams Journal, 1847-1855
MS-2452 Williams, W L, East Coast Historical Records, annotated
typescript

Alexander Turnbull Library Photographic Archive, Wellington

F-008137-1/2 After the battle at Waerenga-a-hika, 1865
F-118691-1/2 Chatham Exiles 1866
Army Department (AD)
AD 31/14 Chatham Island Prisoners Papers, 1866
AD 31/15 Chatham Island Prisoners Papers, 1867
AD 31/16 Chatham Island Prisoners Papers, 1868
AD 32/71/5006 Returns of Maori Prisoners
AD 103/44 Porter Papers

Agent General for the Government –Hawke’s Bay (AGG-HB)
AGG-HB 1/1-3 General Inwards Correspondence 1865-71
AGG-HB 4/2-8 Outwards Letters
AGG-HB 7/2a Misc re Maori Affairs and Land Purchases
AGG-HB 7/2b Descriptions and Comments on Maori Prisoners of War
AGG-HB 7/2e Misc letters and papers Maori Affairs and Native Land Purchases
AGG-HB 7/2h Kereopa’s farewell and interview with Bishop Williams, January 1872
AGG-HB 7/2g Miscellaneous
AGG-HB 7/3 Papers relating to Te Kooti
AGG-HB 7/4 Papers relating to Poverty Bay

Department of Internal Affairs Head Office (AAAC)
AAAC 7536 w5333 box 20 LG 23/1/5 pt 1 Local Government Reform, Maori issues

Electoral Department (EL)
EL ROLLS Eastern Maori Electoral Rolls, 1967-1978
EL 12/19/2/1 Maori Elections-Returning Officer- Eastern Maori Electorate-General
Correspondence, 1944-1967
EL 13/30 Electoral District of Eastern Maori-Returning Officers Journal,
containing particulars of conduct of General Election, 1949

Hawke’s Bay Province (HB)
HB 3/1 -3 Inwards Correspondence from Government
HB 4/6-7 Local Inwards Correspondence
HB 4/12 Correspondence from Maori
HB 6/5 Outwards Letterbook
Internal Affairs (IA)
IA 1 w 1729 103/10/18 Local Bodies Miscellaneous-Complaints-Cook County and Uawa County
IA 1 w 1729 103/10/24 Local Bodies Miscellaneous-Complaints-Waikohu County and Uawa County

Justice Department (J)
J 1 w2304 18/22/14 part 3 Legislation-Misc-Maori Jury Regulations and Amendments
J 1 5/16/3 Re-Arrangement of Magistrate’s Court in East Coast (Gisborne) District 1935-1936

Legislative Series (LE)
LE 1 1576/1965/6 Committees-Local Bills-Petitions-42/1965 East Coast Bays Borough, 1965
LE 1 1965/6 box 1576q Committees Local Bills Petitions East Coast 1965
LE 1 7/1855/22 Messages from Officer Administering the Government-Number 34 and enclosures. Transmitting Correspondence regarding the need to appoint a Resident Magistrate at the East Cape

Local Government Commission (AANX)
AANX 7536 w5027 box 170 Local Government Commission Waiapu County 1962-1968

Maori Affairs Department (MA. AAMK,ABJZ)
AAMK 869/w3074/705m/19/10/21 Miscellaneous-Legal Differentiation-Between Maori and European Land and Income Tax, 1962
AAMK 869 w3074 36/5/6 pt 2 1088a Welfare Gisborne District 1976-1982
AAMK 869 w3074 1088a 36/5/6 pt 2 Welfare-Honorary Community Officers-Gisborne District 1976-1982
ABJZ 860 w4644 143 36/15/3 pt 1 Community Development Services-Crime-Courts-Treatment of Maori Offenders 1959-1986

MA 31/20  Copies of Correspondence between the Native Commissioner and the East Coast Commissioner 1937-1939

MA 1 box 648 36/1 pt 2  Crime-General File 1936-1948
MA w2490 box 109 36/15 pt 5  Crime-General File, 1962-1963
MA w2490 123 36/15/16 pt 1  Crime Statistics 1948-1980
MA w2490 box 109 36/15 parts 2 & 3  Crime among Maori-General 1949-1960
MA 1 box 366 19/1/248  Criticism of Maori Administration on the East Coast 1936-1951

MA 102/3  Department of Maori Affairs file on taxation 1952
MA 31/17  East Coast Commission-Stout-Ngata Commission, 1908-1929

MA 23/26  East Coast District Tribal Register 1878
MA 23 10/Micro-R3853  Kohimarama Conference 1860
MA 62/9  Inwards Correspondence received by the Native Department 1869-80
MA 62/8  Inwards Correspondence received by the Lands Department

MA 1 box 387 19/1/727  Jury Services by Maori
MA 1 673 36/26/3  Maori Women’s Welfare League, Gisborne District 1950-1954
MA 1 675 36/26/17  Maori Women’s Welfare League, Ruatoria 1951
MA w1369 box 21 26/3/27  Maori Councils-appointment of Native Police Constables, 1928-1939

MA w2459 box 166 19/1/79 part 1  Maori Candidates for Local Bodies, 1956-1975
MA 1 1860/83  Memoranda from Donald McLean, Kohimarama 1860
MA 1 1861/190  Memoranda from T H Smith…Kohimarama Conference 1861
MA 62/4  Minutes of the [Poverty Bay] Commission 1873
MA 85/2 summarised Minutes of Evidence [Royal Commission to Enquire into Confiscation’s of Native Lands and Other Grievances] 10 February-1 April 1927

MA 85/2 Minutes of Evidence [Royal Commission to Enquire into Confiscation’s of Native Lands and Other Grievances], 31 April-4 May 1927

MA 62/9 Misc Office Papers, 1858-73

MA 1 box 646 35/2 part 1 New Zealand Council of Tribal Executives, 1952-1961

MA 1 box 646 35/2 part 2 New Zealand Council of Tribal Executives, 1961-1962

MA 78 box 19 Papers relating to the work of the Commission Waiapu, no date

MA 78/10 Papers relating to the work of the [East Coast] Commission

MA 78/19 Papers relating to the work of the [East Coast] Commission…Waiapu

MA 78/19 Papers relating to the work of the [East Coast] Commission…Cook County

MA 23/29 Papers relating to Maori relationships with Europeans

MA 23/25 Register of Chiefs

MA 1 19/1/27 box 343 Report on Tohungaism 1932-1977

MA w 2459 boxes 180-182 19/1/384 parts 1-6 Taxation of Maori- 1938-1971

MA 23/8 Te Kooti’s Papers 1873-91

MA 23/28 Various genealogies of Maori Tribes


Police Department (P)

P 29 39 Gisborne District-Report, no date

P 1/1888/1485 Waiapu Murder and Suicide (Mere Kepa and Wiremu Turei), 1888
New Zealand Police, Ruatoria Police Station (BBJQ)

BBJQ 4916 box 1a Ruatoria Police Station-Record Book-Correspondence 1925-1944
BBJQ 4916 box 1b Ruatoria Police Station-Record Book-Correspondence 1944-1947
BBJQ 4916 box 1c Ruatoria Police Station-Record Book-Correspondence 1948-1952
BBJQ 4921 box 1b Ruatoria Report of Charges taken at Ruatoria Lock-Up 1939-1948
BBJQ 4921 box 1c Ruatoria Report of Charges taken at Ruatoria Lock-Up 1949-1963
BBJQ 4918 box 1a Ruatoria Record of Convictions in Summary Proceeding 1937-1943
BBJQ 4918 box 1b Ruatoria Record of Convictions in Summary Proceeding 1943-1952
BBJQ 4918 box 1c Ruatoria Record of Convictions in Summary Proceeding 1945-1947
BBJQ 4919 box 1a Ruatoria Police Station-Diary of Duty and Occurrences 1949-1951
BBJQ 4929 box 1a Ruatoria Police Station-District Orders & Memorandum Books 1926-1940
BBJQ 4929 box 1b Ruatoria Police Station-District Orders & Memorandum Books 1946-1956
BBJQ 4932 box 1a Record of Judgement Summons Magistrates Court Ruatoria 1922-1959
BBJQ 4917 box 2e Ruatoria Criminal Record Books 1940-1947
BBJQ 4917 box 1a Record of Convictions in Summary Proceedings before Justices at Ruatoria 1936-1938
BBJQ 4917 box 1b Record of Convictions in Summary Proceedings before Justices at Ruatoria 1938-1941
BBJQ 4917 box 1c Record of Convictions in Summary Proceedings before Justices at Ruatoria 1914-1943
BBJQ 4917 box 2a Record of Convictions in Summary Proceedings before Justices at Ruatoria 1943-1945
BBJQ 4917 box 2b Record of Convictions in Summary Proceedings before Justices at Ruatoria 1947-1950
BBJQ 4917 box 2c Record of Convictions in Summary Proceedings before Justices at Ruatoria 1950-1952
BBJQ 4917 box 2d Record of Convictions in Summary Proceedings before Justices at Ruatoria 1952-1953
BBJQ 4917 box 3a Ruatoria Criminal Record Book 1962-1963
BBJQ 4917 box 3b Ruatoria Criminal Record Book 1966-1968
BBJQ 4917 box 4a  Ruatoria Criminal Record Book 1968-1971
BBJQ 4917 box 4b  Ruatoria Criminal Record Book 1971-1975
BBJQ 4917 box 5a  Ruatoria Criminal Record Book 1975-1982

**Gisborne District Court (BANO)**

BANO 18165 box 2a  Ruatoria Judgement Summons 1965-1972
BANO 18165 box 2b  Ruatoria Judgement Summons 1972-1974
BANO 18165 box 3a  Ruatoria Judgement Summons 1984-1986

**New Zealand Police, Tolaga Bay Police Station (BBIO)**

BBIO 4756 box 1a  Tolaga Bay Police Diary of Duty and Occurrences 1903-1909
BBIO 4756 box 1b  Tolaga Bay Police Diary of Duty and Occurrences 1909-1915
BBIO 4756 box 1c  Tolaga Bay Police Diary of Duty and Occurrences 1915-1923
BBIO 4758 box 1a  Tolaga Bay Police Station- Prisoners Description Book 1904-1926

**Auckland Museum Library**

MS 91/75  Algar Williams Collection Papers, 1783-1963, [Inventory Available]
MS 93/129  C Athol Williams Collection, 1841-1976,
MS 249  Diary of G A Preece, 1860s-1870s,
MS 120  G S Samuel Papers, 1881-1955,
MS 1405, folder 1  Lecture, Sir Apirana Ngata, 1939,
MS 1618  Mair Family Papers, 1844-1891,
MS 193  Maori Appellate Court c1950s East Coast Land Settlements,
MS 1488  Misc Papers [Tai Rawhiti] 1856-1938
MS 92/82  Papers relating to Armed Constabulary, East Coast/Bay of Plenty Campaigns
MS 1005  Rev. James Hamlin Papers, 1859-1864,
MS 303  Von Tempsky, memoranda of New Zealand Campaign-East Coast,
MS 1270  W C Tompkinskon, letter 1969 [Te Kooti, Tai Rawhiti]

**University of Auckland Library**

MSS A-115  Horouta Maori Council Minutes 1909-1935
<table>
<thead>
<tr>
<th>Microfilm</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henry Williams, Extracts from Letters 1845 to 1855</td>
<td></td>
</tr>
<tr>
<td>Te Kooti Rikirangi Te Turuki, Prayerbook</td>
<td></td>
</tr>
<tr>
<td>William Williams Letters 1838-47</td>
<td></td>
</tr>
</tbody>
</table>

**Gisborne District Council Archives**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMALGAMS</td>
<td>Records pertaining to the amalgamation creating the Gisborne District Council</td>
</tr>
<tr>
<td>CCCMINBK</td>
<td>Cook County Council Minute Books</td>
</tr>
<tr>
<td>ECCB1</td>
<td>Records of the Former East Cape Catchment Board</td>
</tr>
<tr>
<td>ECCBKEPT</td>
<td>Records of the Former East Cape Catchment Board</td>
</tr>
<tr>
<td>ECLC</td>
<td>Records of the East Coast Licensing Council</td>
</tr>
<tr>
<td>ECUC1</td>
<td>Records of the East Cape United Council</td>
</tr>
<tr>
<td>GBCARCH2</td>
<td>Records of the Gisborne Borough Council</td>
</tr>
<tr>
<td>GCCMINBK</td>
<td>Gisborne City Council Minute Books</td>
</tr>
<tr>
<td>GDCCONS1</td>
<td>Gisborne District Council Records, formerly East Cape Catchment Board</td>
</tr>
<tr>
<td>GDCMINS</td>
<td>Gisborne District Council Minute Books</td>
</tr>
<tr>
<td>GENERAL</td>
<td>Records not fitting into any recognise agency series</td>
</tr>
<tr>
<td>GHB1</td>
<td>Gisborne Harbour Board Records</td>
</tr>
<tr>
<td>HBHB</td>
<td>Hicks Bay Harbour Board Records</td>
</tr>
<tr>
<td>INDEXES</td>
<td>List of Indexes created by various local authorities</td>
</tr>
<tr>
<td>MACC1</td>
<td>Records of Matakoao County Council</td>
</tr>
<tr>
<td>MATB1</td>
<td>Records of Mangapapa Town Board</td>
</tr>
<tr>
<td>PBRB1</td>
<td>Records of the Poverty Bay River Board</td>
</tr>
<tr>
<td>PHOTOS</td>
<td>Photographs of any and all agencies</td>
</tr>
<tr>
<td>REF1</td>
<td>Reference material held at GDC archive</td>
</tr>
<tr>
<td>TEAD1</td>
<td>Records of Te Arai Domain Boards</td>
</tr>
<tr>
<td>TKCH1</td>
<td>Records of Te Karaka Community Health Committee</td>
</tr>
<tr>
<td>TKTBI</td>
<td>Records of Te Karaka Town Board</td>
</tr>
<tr>
<td>TOHB</td>
<td>Records of Tokomaru Harbour Board</td>
</tr>
<tr>
<td>UCCARCH1</td>
<td>Records of Uawa County Council</td>
</tr>
<tr>
<td>WADB1</td>
<td>Records of Waiotahi Drainage Board</td>
</tr>
<tr>
<td>WBIS1</td>
<td>Records of Waikanae Beach Improvement Society</td>
</tr>
<tr>
<td>WKCCMINS</td>
<td>Waikohu County Council Minute Books</td>
</tr>
<tr>
<td>WPCC1</td>
<td>Records of Waiapu County Council</td>
</tr>
<tr>
<td>WPCMINBK</td>
<td>Waiapu County Council Minute Books</td>
</tr>
</tbody>
</table>
National Library of New Zealand, Wellington

New Zealand Electoral Rolls, Microfilm, National Library Family History Centre

Tairawhiti Museum Archives

VSL 9071  Census: Turanga/East Coast/Cook County, 1873
VSL 6517  Cook County Council
VSL 11549  Electoral Roll East Coast, 1879,
VSL 6528  East Coast Development Research Association
VSL 8044-  Gisborne District Council
VSL 6637  Gudgeon papers
VSL 8118  Judge Jones Manuscripts- Local History
VSL 6701-6702  Lynsar Papers
VSL 6706 (2 books)  McLean Papers
VSL 6734  Maori Affairs Departments Gisborne & Napier
VSL 6734 (1 book)  Maori Affairs
VSL 6770 (3 boxes)  Oliver and Thomson
VSL 2744-2745  R de Z Hall Papers
VSL 9865  Royal Commission of Inquiry into the Taxation of Maori Authorities, 1952
VSL 6737  Sir Apirana Ngata Letterbook 1889-1899
VSL 6737 (1 box)  Sir Apirana Ngata

11.2. Unpublished Secondary

Theses

Drummond, R J H, ‘The Origins and Early History of Ngati-Porou, a Maori Tribe of East Coast,
New Zealand’, MA thesis, Victoria University College, 1937
Fargher, R W S, ‘Donald McLean: Chief Land Purchase Agent (1846-1861) and Native Secretary (1856-1861)’, MA thesis, University of Auckland, 1947
Yang, E, ‘An Enquiry into Maori Representation in District Health Boards and Local Government’, LLB (hons) dissertation, University of Auckland, 2005
11.3. Published Primary

**Official**

*Appendices to the Journals of the Legislative Council*
*British Parliamentary Papers*
*Journals of the Auckland Provincial Council*
*New Zealand Gazette*
*New Zealand Census of Population and Dwellings*
*New Zealand Law Reports*
*New Zealand Parliamentary Debates*
*New Zealand Statutes*

**Newspapers**

*Poverty Bay Herald*
*The New Zealand Herald*
*Hawke’s Bay Herald*
*Napier Daily Telegraph*
*New Zealand Herald*
*Te Waka Maori*
*Te Wananga*

**Books and Edited Collections**

Hawthorne, James, *A Dark Chapter from New Zealand History: By a Poverty Bay Survivor* (Napier: James Wood, 1869)
Nihoniho, Tuta, *Narrative of the Fighting on the East Coast, 1865 – 1871* (Wellington, 1913)
Williams, William, *Christianity among the New Zealanders* (London: Seeley, Jackson, and Halliday, 1867)

### 11.4. Published Secondary

**Books and Edited Collections**


Clarke, George, Notes on Early Life in New Zealand (Hobart: J Walch & Sons, 1903)


Cox, L, Kotahitanga: the Search for Maori Political Unity (Auckland: Oxford University Press, 1993)

Dalton, B J, War and Politics in New Zealand, 1855-1870 (Sydney: Sydney University Press, 1967)


Dow, Derek, Maori Health & Government Policy 1840 – 1940 (Wellington: Victoria University Press in association with the Historical Branch, Department of Internal Affairs, 1999)

Donald, Steven, Historic Tolaga Bay: An Overview of Uawa History (Tolaga Bay: Rakopu Press, 2006)


de Bres, P H, Religion in Atene: Religious associations and the urban Maori (Wellington: Polynesian Society, 1971)


Dunstall, Graeme, Policemen’s Paradise?: Policing a Stable Society, 1918-1945 (Palmerston North: Dunmore Press, 1999), vol 4

Durie, M, Te Mana, Te Kawanatanga: the Politics of Maori Self-determination (Melbourne: Oxford University Press, 2001)


Durie, M, Nga Tai Matatu: Tides of Maori Endurance (Melbourne: Oxford University Press, 2005)

Elsmore, Bronwyn, Mana from Heaven: A Century of Maori Prophets in New Zealand (Reed: Auckland, 1989)

Farrell, M, Te Pooti Maori: Maori Representation and Electoral Reform (Hamilton: Centre for Maori Studies and Research, University of Waikato, 1992)

Fenton F D, Observations on the State of the Aboriginal Inhabitants of New Zealand (New Zealand Government, 1859)


Gillies, Iain, Cook, the County and its People (Gisborne: Gisborne District Council, 1989)

Gillies, Iain, Baskets Away: the Formative Years of Gisborne and District (Gisborne: Centenary Celebration Committee of the Gisborne City Council and Cook County Council, 1976)

Halbert, Rongowhakaata, ‘Horouta: The History of the Horouta Canoe, Gisborne and East Coast’ (Auckland: Reed, 1999)


Harris, Aroha, Hikoi: Forty Years of Maori Protest (Wellington: Huia, 2004)


Henderson, J, *Ratana: the Man, the Church, the Political Movement* (Wellington: Polynesian Society, 1963)

Hill, Richard S, *Policing the Colonial Frontier: the theory and practice of coercive social and racial control in New Zealand, 1767-1867* (Wellington: Historical Publications Branch, Department of Internal Affairs, 1986), vol 1


Hughes, David Alan, *Stories of Port Awanui at the turn of the Century* (Gisborne: D Hughes, 1984)

Hughes, SL & I C, *Port to Pasture: Reminiscences and Records of Port Awanui, East Coast* (Gisborne: SL & CI Hughes, 1988)


Kohere, Reweti *The Story of a Maori Chief: Mokena Kohere and his Forbears* (A H & A W Reed: Wellington, 1949)


Laurie, John (compiler), *Tolaga Bay, a History of the Uawa District: Tolaga Bay School*
Centennial, 1888 – 1988, (Tolaga Bay School Centennial Committee, Tolaga Bay Area School, 1988)
Lawson, L, Wharekahika: a History of Hicks Bay (Hicks Bay: L Lawson, c1986)
Levine, S and R Vasil, Maori Political Perspectives: He Whakaaro Maori mō ngā Ti Kanga Kawanatanga (Auckland: Hutchinson Group, 1985)
Mackay, Joseph Angus, Historic Poverty Bay and the East Coast (Gisborne: Poverty Bay-East Coast Centennial Council, 1949), 2nd ed, 1966
McConnell, Robert N, Te Araroa: An East Coast Community: a history Te Araroa (Te Araroa: Robert N McConnell, 1993)
New Zealand Educational Institute, Te Kete Tuawha: More Maori in Parliament (Wellington: Te Reo Areare, 1996)
Norton, C, New Zealand Parliamentary Election Results 1946-1987 (Wellington: Department of Political Science, Victoria University of Wellington, 1988)
Oliver, W H and Jane M Thomson, Challenge and Response: a study of the development of the
Gisborne East Coast Region (Gisborne: The East Coast Development Research Association, 1971)

Orange, Claudia (ed), The Dictionary of New Zealand Biography. Volume Two. 1870 - 1900 (Wellington: Bridget Williams Books Ltd & Department of Internal Affairs, 1993)


O’Regan, Rolland, Rating in New Zealand (Petone: Baranduin Publishers Limited, 1973)


Prebble, J, Why is Tax Law Incomprehensible?’ (Wellington: Victoria University Press, 1993)

Purchas, H T, A History of the English Church in New Zealand (Christchurch: Simpson and Williams, 1914)

Rau, Charles, 100 Years of Waiapu (Gisborne: Gisborne District Council, 1993)


Reeves, S, To Honour the Treaty: the Argument for Equal Seats (Auckland: Earth Restoration Ltd, 1996)

Rei, Tania, Maori Women and the Vote (Wellington: Huia Publishers, 1993)

Rei, T A, R Smith and M L Ormsby, Maori Women and the Franchise (Wellington: Women’s Studies Department, Victoria University of Wellington, 1993)


Simpson, Frank S, *Chatham Exiles: Yesterday and To-day at the Chatham Islands* (Wellington: Reed, 1950)


Walker, Ranginui (ed.), *Nga Tumanako: Maori Representation Conference* (Auckland: University of Auckland, 1985)


Williams, J A, Maori Society and Politics, 1891-1909 (Madison, 1963)
Williams, W L, East Coast Historical Records (Gisborne: reprinted from the Poverty Bay Herald, 1932)
Wilson, Margaret (ed), Justice and Identity: Antipodean practices (Wellington: Bridget Williams Books, 1995)

Online Sources

Occasional Papers
Alley, C and A Maples, ‘The Concept of Income within the New Zealand Taxation System’, University of Waikato: Department of Accounting working paper, no 87, September 2006
Te Puni Kokiri/Maori Congress, ‘Maori Congress Full Employment Committee’, October 1998
Williams, D V, ‘Wi Parata is dead, long live Wi Parata’, revision of the paper presented to the
   Foreshore and Seabed Conference: Foreshore and Seabed: the New Frontier, New Zealand Centre for Public Law and Victoria University of Wellington, 10 December 2004

**Journal Articles**

Archer, K, ‘Representing Aboriginal Interests: Experiences of New Zealand and Australia’,
   *Electoral Insight*, vol 5, no 3, 2003, pp 39-45
Banducci, S, T Donovan and J A Karp, ‘Minority Representation, Empowerment, and
Banducci, S and J A Karp, ‘Perceptions of Fairness and Support for Proportional
   Representation’, *Political Behaviour*, vol 21, no 3, 1999, pp 217-238
Cameron, Neil, Susan Potter and Warren Young, ‘The New Zealand Jury’, *Law and
   Contemporary Problems*, vol 62, no 2, Spring 1999, pp 103-139
Comrie, M, A Gillies and M Day, ‘The Maori Electoral Option Campaign: Problems of
   Measuring ‘Success’’, *Political Science*, vol 54, no 2, 2002, pp 45-58
Dahlberg, T R M, ‘Maori Representation in Parliament and Tino Rangatiratanga’, *He Pukenga
   Korero*, vol 2, no 1, 1996, pp 62-72
Edward, Charmaine and Audrey Sharp, ‘The Taxation of Maori Authorities’, *New Zealand
Elias, Rt Hon Dame Sian, ‘Maori and the New Zealand Legal System’, *The Australian Law
Fleras, A, ‘From Social Control towards Political Self-Determination? Maori Seats and the
   Politics of Separate Maori Representation in New Zealand’, *Canadian Journal of
   Political Science*, vol 18, no 3, 1985, pp 551-576
Gould, J D ‘Research Note: Calculating the Maori Electoral Population’, *Political Science*,
   vol 46, no 2, December 1994, pp 255-264
Gudgeon, W E, ‘The Maori Tribes of the East Coast of New Zealand’, *Journal of the
   Polynesian Society*, vols 3-6, 1984
Hampton, A, ‘The Limitations of the Prescriptive Dimensions of Lijphart’s Consensus Model:
   A Case Study of the Incorporation of Maori within New Zealand’s Democratic System,
Harris, B V, ‘The Treaty of Waitangi and the Constitutional Future of New Zealand’, 2004

New Zealand Law Review, 269


Keesing, Felix M, ‘Maori Progress on the East Coast’, Te Wananga, vol 1, no 1, 1929, pp 92-127


Williams, David V, ‘The Foundation of Colonial Rule in New Zealand’, 13, NZVLR, June 1988

Young, J M R, ‘The Political Conflict of 1875’, *Political Science*, vol 13, no 2, pp 56-78

**Waitangi Tribunal and Associated Reports**

**Waitangi Tribunal Reports**


Waitangi Tribunal, *The Napier Hospital and Health Services Report* (Wellington: Legislation Direct, 2001)


**Rangahaua Whanui and Publications**


Daly, Sian, *Poverty Bay*, Rangahaua Whanui series, district report 5B, 1997


Research Reports


Derby, Mark “Undisturbed Possession’ Te Tiriti o Waitangi and East Coast Maori 1840-1865”, scoping report commissioned by the Waitangi Tribunal, Wai 900, document A11


Goldstone, Paul ‘Ngatapa and the Execution of Prisoners (Issue 6)’, research report commissioned by the Crown Law Office, 2004 Wai 814 record of inquiry, document F7


Claims’, research report commissioned by the Waitangi Tribunal and Te Runanga o Ngati Porou, 1993, Wai 272 record of inquiry, document A1


Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Wendy Hart, a member of the Tribunal’s staff, to prepare a scoping report on Crown-Māori political, justice and legislation issues arising in the East Coast inquiry district, covering the period from 1840 to the enactment of the New Zealand Constitution Act 1986.

The scoping report will consider grievances raised in the various Ruawaipu statements of claim, together with any similar grievances presented in other claims, that are not already the subject of other research projects for the East Coast casebook. In particular, the scoping report will distinguish issues that are researchable from those suited to legal argument, and assess the extent to which the former are capable of being researched.

The scoping report will address the following research questions:

1. In respect of the political system:

   a) How did the relationship between East Coast Māori and the Crown evolve? To what extent were East Coast Māori able to retain or develop the forms of political autonomy, governance and representation they desired?
b) What were the effects on relations between East Coast Māori and the Crown of the incarceration of East Coast Māori on the Chatham Islands?

c) To what extent was the relationship between East Coast Māori and the Crown advanced or hindered by New Zealand’s constitutional arrangements and by the evolution of its central and local political institutions?

d) Has New Zealand’s electoral system been conducive to the electoral participation of East Coast Māori at national and local levels, and if not, how has the representation of East Coast Māori in Parliament been affected?

e) What is the available evidence of East Coast Māori participation in and protests against aspects of the above institutions, for example their involvement in movements such as the Kīngitanga, the Repudiation Movement, Kōtahitanga, and tribal initiatives?

2. In respect of the justice system:

a) How did the relationship between East Coast Māori and the Crown evolve with regard to the justice and prison systems?

b) What was the level of engagement and dialogue between Crown officials and tribal leaders in the administration of justice?

c) To what extent did East Coast Māori raise complaints, petitions, and protests concerning the administration of justice and imprisonment? How did the Crown respond?

3. In respect of particular categories of legislation:

a) How and in what manner, if at all, was the relationship between East Coast Māori and the Crown affected by the tax system and its administration?

b) How and in what manner, if at all, was the relationship between East Coast Māori and the Crown affected by New Zealand’s human rights legislation, institutions and practices?

c) To what extent did East Coast Māori raise complaints, petitions, and protests concerning any such adverse effects? How did the Crown respond?

The commissionee will identify and access relevant source material and will assess which aspects of the claim require research and the degree to which they are capable of being researched.
The commission commences on 10 January 2007. The commission ends on 8 June 2007, at which time a copy of the final report must be submitted for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report should also be provided in Word 97 or Adobe Acrobat format, together with any data tables in Excel or Access format and maps in a standard graphics file format. The report and any subsequent evidential material based on it must be filed through the Registrar.

At the discretion of the presiding officer the commission may be extended if one or more of the following conditions apply:

- The terms of the commission are changed so as to increase the scope of work;
- 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;
- The presiding officer directs that the services of the commissionee be temporarily reassigned to a higher priority task for the inquiry; or
- The commissionee is required to prepare for and/or give evidence in another inquiry during the commission period.

The report may be received as evidence and the author may be cross-examined on it. The Registrar is to send copies of this direction to:

Wendy Hart
Claimant counsel and unrepresented claimants in the East Coast inquiry
Acting Chief Historian, 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 Kōkiri
Dated at Wellington this 1 day of February 2007

Judge S T A Milroy
Presiding Officer