



Summary of Te Rarawa Historical Claims Epakauri and Te Tauroa Blocks

Crown Acquisition of Te Rarawa Lands in the 1870s

During the 1870s, the Crown acquired numerous blocks of Maori land by using a combination of Native Land Court processes and Public Works and Immigration policy and legislation. Blocks the Crown acquired during the 1870s include several now contained in the Warawara Forest – like Te Kauaeoruruwahine and Otangaroa – and others such as Mapere, Epakauri and Te Tauroa.

This summary outlines the alienation of Epakauri and Te Tauroa blocks which contained 1,600 and 10,510 acres respectively. It is important to note several broader issues that surround these specific transactions:

- Crown purchasing practice in the 1870s was underpinned by the goals of colonisation. It therefore focussed on expanding European settlement, and provided employment through a public works scheme to develop communication and transport links;
- Maori policy of the times emphasised the amalgamation of Maori under a single framework of British law and citizenry;
- Acquisitions undertaken throughout the 1870s were characterised by over-zealous application of Crown policy, and pre-purchase negotiations and payments which arguably favoured the Crown's land purchasing agenda;
- The Crown had already acquired much of Te Rarawa's best lands prior to the 1870s, and continued its demand for Maori land during a time that Te Rarawa also had to contend with a cycle of poverty and debt; and
- The Waitangi Tribunal has examined the shortcomings of Crown purchasing policy, legislation and practices, 1865-1900, in a number of reports including: *Muriwhenua Land*, *Orakei*, *Te Roroa*, and *Taranaki*.

Initial Title Investigation Adjourned

Judge F. E. Manning investigated the titles to Epakauri and Te Tauroa blocks in the Native Land Court at Ahipara on 4 November 1875.

Usually the court would have been required to name all the owners in the blocks and their relative interests. However, the respective rights of the interested owners were disputed in Epakauri and Te Tauroa. The dispute led some owners to ask Manning to list just ten owners on the titles, but Manning would not agree.

Manning's refusal to apply the 'ten-owner rule' led to a stand-off between him and the Crown land purchasing officer J. W. Preece. According to Manning, Preece argued that naming only ten owners would facilitate the Crown's desire to purchase the blocks. Preece also said Manning's interpretation of the law was wrong.

The dispute could not be resolved and Manning adjourned the investigation.

Problems With Process

Manning later noted that the problems with the case had occurred due to the presence of land purchase officers and suggested they should not attend title investigations of Maori land.

Manning refused to re-open the hearings until it was agreed that the names of all the interested owners would be submitted.

Timoti Puhipi had been one of the chief claimants in the case, and had opposed Manning's initial ruling. However, in early April 1876, Manning advised that Puhipi retracted from that position, which he only took up in the first place because of Preece.

In the meantime, the Crown made substantial down-payments, sometimes referred to as 'tamana', on Epakauri and Te Tauroa. These pre-purchase payments were fairly common practice, yet they occurred without the benefit of a title fully investigated by the Court.

Second Hearing Also Adjourned

E. T. Brissenden, also a land purchase officer, asserted that debate about the blocks had been settled. However, when the case returned to Court in June 1876, Epakauri and Te Tauroa became subject to a dispute between Ngati Kuri and Te Rarawa.

Ngati Kuri and Te Rarawa each claimed that the whole of the land belonged to them and would not submit to any decision which did not put the whole of the land or expected purchase money in their hands.

Manning did not make an order for fear of worsening the animosity between the two parties and adjourned the hearing again. Manning also warned that Te Rarawa Maori no longer had sufficient land to support themselves. His warning went unheeded, and as it was, Manning was set to resign largely out of frustration with the Crown's purchasing procedures.

Third Hearing

The case was left to Judge Monro who determined title to the blocks on 6 March 1877. No record is given as to how, or even if, the owners settled their dispute. Ngati Kuri named two owners for the title to Epakauri and one for Te Tauroa, while Te Rarawa named two for Epakauri and three for Te Tauroa.

Three weeks later, on 27 March 1877, the blocks were transferred to the Crown for 4d an acre. Pre-purchase payments, or 'tamana', were made in both blocks prior to them being surveyed or investigated by the Court. Epakauri was gazetted as a kauri gum reserve in the late 1890s. Part of Te Tauroa also became a kauri gum reserve.

Basis of Grievance

Judging by the speed in which deeds were transferred to the Crown and in light of the troubled history of the title investigations, titles to Epakauri and Te Tauroa could not have been investigated adequately:

- The contested nature of both the Crown's procedures, and the Maori interests in the land itself, placed undue pressure on an already flawed process; and
- initial negotiations for the blocks took place prior to the Court's adjudication and without any evidence that the land purchase officers established any process to determine the 'rightful' owners of the land.

Furthermore, in the aftermath of these transactions, the Crown failed to keep the promises made during negotiations that economic benefits would result from Te Rarawa agreeing to the transactions and the mutually beneficial alliance that existed between Maori and the Crown would be strengthened.

Want to Read More on This Topic?

For more on the Epakauri and Te Tauroa blocks specifically, see chapter five of the historical overview, available online at www.terarawa.co.nz. See also the relevant sections of:

- Claudia Geiringer, 'Historical Background to the Muriwhenua Land Claim 1865-1950', Waitangi Tribunal, 1992.
- Evelyn Stokes, 'The Muriwhenua Land Claims Post 1865, Wai 45 and Others', Waitangi Tribunal Report, 2002.
- Waitangi Tribunal, *Muriwhenua Land Report (Wai 45)*, Wellington, 1997.

More general discussions about Crown purchasing in the 1870s may be found in these Waitangi Tribunal reports:

- *The Taranaki Report: Kaupapa Tuatahi*, Wellington, 1996.
- *Te Roroa Report (Wai 38)*, Wellington, 1992.