



Summary of Te Rarawa Historical Claims Motukaraka

Motukaraka has always been occupied by the Ngai Tupoto hapu, including a sub-group known as Ngati Here. Historically important, it contained key cultivations and papakainga and was strategically located on the Hokianga Harbour. It is one of several examples of land and resource loss that resulted from old land claims, or transactions entered into before Te Tiriti o Waitangi was signed.

McDonnell's Claim to Motukaraka

Motukaraka was one of numerous blocks of Maori land subjected to the processes the Crown established when it assumed authority to investigate and determine the validity of pre-Treaty land transactions.

The Land Claims Commission heard Capt. Thomas McDonnell's claim to Motukaraka in 1842. McDonnell said he had purchased 50,000 acres at Motukaraka in 1831 from Te Taonui, Whatiia, Te Whaiti, Te Take, Tei, Te Huinga and others.

While McDonnell paid over goods to those he dealt with, Ngai Tupoto disputed the right of most of the so-called sellers to assume that role. Led by Hua and Te Uruti, Ngai Tupoto refuted the sale of any more than 200 acres. Hua and Te Uruti had each signed Te Tiriti o Waitangi at Mangungu and lived on Motukaraka with their whanau.

Whatiia agreed he had entered an agreement with McDonnell about his interests in Motukaraka, but he disputed the boundaries saying that he had only agreed to a small area.

The commission recommended McDonnell be granted 2560 acres. Usual practice allowed the Crown to assume ownership of the balance of the 50,000-acre block as 'surplus' land, but that did not happen in Motukaraka (see below).

Continued Debate

After the commission's decision, Ngai Tupoto continued to oppose McDonnell's claim and thus set off on a long journey to legally assert its rightful ownership of Motukaraka.

The pattern of claim, counter-claim, petition and inquiry that followed was typical of many of the Te Rarawa land claims that the Crown failed to address throughout history.

McDonnell took issue with the Ngai Tupoto stand. He canvassed the Governor on a number of occasions, asserting his right to the land and complaining about Maori removing timber from it.

An inquiry held in 1852 found that local Maori disputed McDonnell's claim, arguing that at best he had rights to about 200 acres within certain boundaries. The claim was submitted to the Executive Council for reconsideration in 1852, with no conclusive result.

Resident Magistrate James Clendon argued that the finding of the 1852 inquiry should be upheld and the matter laid to rest because Ngai Tupoto would never give up more than 200 acres.

However, McDonnell petitioned both houses of parliament in 1856 seeking redress. The House of Representatives recommended in favour of McDonnell while the Legislative Council reported in favour of Ngai Tupoto.

Crown Takes Up McDonnell's Grant

In 1857 a new Land Claims Commission recommended that the case be heard as a special one under the provisions of the Land Claims Settlement Act 1856. As a result, in 1860, the Crown took over McDonnell's original grant, and he received scrip for more than 3000 acres of Crown land elsewhere.

Twenty-five years passed before the Crown attempted to use Motukaraka in any way. Meanwhile Ngai Tupoto continued to occupy and use the land as they had always done.

Survey and Resistance

In 1885, after previous leaders like Hua and Te Uruti had died, the Crown indicated its intent to follow up its claim to the land and survey it.

The Crown Law Officer, John Curnin, was especially insistent that the Crown should assert its ownership of Motukaraka and use Motukaraka to show other Maori in the area that it was futile to question the Crown's right to surplus lands.

Ngai Tupoto resisted nonetheless, but Curnin dismissed them as squatters on Crown land. The Surveyor General, Stephenson Percy Smith, tested the extent of Ngai Tupoto resistance by ordering the survey to proceed.

W. J. Wheeler, the staff surveyor, said that Ngai Tupoto seemed resigned to the government moving in but wanted to at least have their cultivations and wahi tapu reserved. Smith, however, was reluctant to make any reserves because he did not want to create the impression that Ngai Tupoto had some kind of right in Motukaraka.

Wheeler suggested a compromise whereby the government could reserve wahi tapu and cultivations in exchange for land of equal value from outside the Motukaraka block. Ngai Tupoto was not totally satisfied, but Hone Hare and other key objectors said they could see little choice in the matter. Eventually they agreed to an exchange arrangement that allowed them to keep their Motukaraka reserves.

The Motukaraka Reserves

The reserves were settled and the survey proceeded in 1886. There were a number of problems, including differences between what Ngai Tupoto requested, what Wheeler recommended and what resulted on the ground.

In particular, in most of the reserves there were significant differences between what the area the Crown granted and the area Ngai Tupoto requested. In some cases the Crown granted a mere fifth of what was requested. Also, Wheeler admitted to an error that gave the Crown 46 acres more than what it was entitled to, and Smith claimed he had 'prevailed upon' Ngai Tupoto to give up one of their reserves to the Crown.

The upshot of the survey and arrangement for the reserves was:

- the Crown surveyed a total of 2727½ acres;
- Ngai Tupoto kept reserves with a total area of 107½ acres, for which it gave the Crown 196½ acres at Omarokura (on the Skyline Road); and
- the Crown kept the balance in Motukaraka of 2620 acres.

Crown Relinquishes the Surplus

Under the old land claims process, the difference between the 50,000 acres McDonnell originally claimed and the 2727½ acres the Crown eventually surveyed ought to have reverted to the Crown as surplus lands. In Motukaraka that never happened.

Instead, the balance of McDonnell's claim became the Motukaraka East and West Blocks, later investigated by the Native Land Court. The government's inability to take up the surplus at Motukaraka was arguably evidence of Ngai Tupoto's abiding opposition to the Crown's claims, and the strength of their own uninterrupted possession.

Still, Smith continued to deny Ngai Tupoto's rights at Motukaraka. Conveniently forgetting the exchange arrangement he said the government gave Ngai Tupoto certain reserves 'as an act of grace'.

Continuing Dissatisfaction

Whereas the Crown considered the Motukaraka case settled, Ngai Tupoto continued to press its view by petitioning the government in 1926 and again in 1938. The effect of enquiry after enquiry, however, was to reiterate the Crown's point of view.

Attempted Taitokerau-wide Settlement

Eventually the 1946 Myers Commission investigated all Taitokerau old land claims. Though it fundamentally upheld the Crown's view of its right to surplus land, it also recommended compensation in the form of a lump sum payment to the Taitokerau Maori Trust Board. That kind of settlement, however, has itself been a source of continuing dissatisfaction for Maori.

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Motukaraka has its own discrete history, but also fits the broader context of old land claims generally. The Waitangi Tribunal has not investigated the Motukaraka claim, but old land claims are central to its *Muriwhenua Land Report (Wai 45)*, and Motukaraka is included amongst the numerous claims Te Rarawa is currently negotiating with the Crown. Details of the Motukaraka case are outlined in chapter three of Te Rarawa Historical Overview Report, available online at www.terarawa.co.nz.