



Summary of Te Rarawa Historical Claims Tangonge Block

Comprising a lake, wetlands and some elevated areas Tangonge was a well-known and a part of the local Maori economy and environment. In terms of Te Rarawa historical claims, it provides an example of land and resource loss that resulted from old land claims, or transactions entered into prior to the signing of the Treaty of Waitangi.

Maori Use of Otararau Continued Following the Transaction

Tangonge was part of the Otararau block for which Reverend Joseph Matthews entered into a transaction with Nopera Panakareao and four others in 1835. Matthews established the Kaitaia Mission Station, and Panakareao was the acknowledged chief of the area.

Matthews estimated the area of Otararau at 2000 acres. He made a series of payments for the block between 1835 and 1842.

Matthews and other Pakeha settlers limited their use of Otararau to farming and settlement on the raised parts of the block. Local Maori, meanwhile, maintained unrestricted use of the lake and wetlands, and continued to take a range of fish and bird life, and material resources such as harakeke and raupo.

Such an arrangement, where Maori customary relationships with the land continued after the initial exchange, was characteristic of pre-treaty transactions. The Otararau old land claim was governed by Maori understandings of land tenure, which emphasized land use and conditional occupation rather than an outright transfer of ownership.

Crown Investigated Old Land Claims Including Otararau

Following the signing of the Treaty of Waitangi, the Crown assumed authority for investigating the so-called validity of pre-Treaty transactions. The first old land claims inquiries in the Kaitaia district occurred in 1843 under Commissioner E. L. Godfrey.

One of the issues to deal with was the extent to which Maori rights to the land continued after the so-called purchases were finalised. Matthews recognised such was the case in Otararau, and prior to the 1843 inquiry promised to return Tangonge to the local hapu.

Crown Acquired Tangonge as 'Surplus' Land

Subsequent to Godfrey's inquiry, an initial grant of 306½ acres for Otararau was issued in 1844. However, that grant was cancelled by a second inquiry in 1858 under Commissioner F. D. Bell.

Bell's inquiry included a survey of the block. As a result, Otararau was found to contain 1855½ acres. At Matthews' request, Tangonge was cut off from the southern end of the Otararau block by Commissioner Bell.

It is likely Matthews' intention was to fulfil his promise to ensure Tangonge was kept by its owners. However the inquiry process was blind to Maori land tenure practices, and preceded on the mistaken assumption that old land claims were strictly contracts for the sale and purchase of land under English law.

Instead of returning Tangonge to its owners, the Crown assumed ownership of it as 'surplus' to the Otararau old land claim; wrongly, according to the Waitangi Tribunal.

Maori Understandings Continued

That the Crown owned Tangonge on paper had little impact on the ground. Maori continued to use the block as they pleased and according to their customary tenure.

A Cycle of Petitions, Commissions and Inquiries Ensued

It was not until the 1890s, when gum-diggers moved onto Tangonge, that local Maori discovered the government claimed ownership. At that point, Timoti Te Ripi (or Timoti Puhipi) led a petition that sought the recognition of Maori rights and interests in the land. Signalling his earlier intent, Matthews also signed the petition and a second one submitted in 1894.

Both petitions were unsuccessful. The under secretary of Crown lands said the Maori claim to Tangonge could not be recognised, and the Surveyor General, Stephenson Percy Smith, stopped it from being sent to the Resident Magistrate for further investigation. Smith was keen to avoid creating a precedent of allowing Maori to claim surplus lands and also argued that Matthews' view was irrelevant as he had no authority to return any part of Tangonge.

A third petition in 1906 led to Tangonge being included in the Houston Commission set up in 1907 to investigate surplus lands in North Auckland.

Commissioner Robert Houston considered all three petitions on Tangonge and heard from Timoti Puhipi amongst others. Puhipi reiterated that he understood that Matthews had returned Tangonge to its owners, and he did not know of the Crown's claim until gum-diggers told him about it.

Houston found that indeed Matthews had returned Tangonge to its owners prior to the land commissioners' investigations. Therefore, it had never become surplus land and should still be vested in its Maori owners.

The government did nothing to act on Houston's recommendations regarding Tangonge. When yet another petition was forwarded in 1924 by Herepete Rapihana, it was referred to the Native Land Court and investigated by Judge MacCormack at Ahipara in 1925.

MacCormack reversed Houston's decision. He could not agree with Houston because Matthews had never had any authority to return the land to Maori. However, MacCormack did imply that the Crown had little to lose if it returned Tangonge by way of gift.

With no firm action from the Crown on either Tangonge or a multitude of other similar grievances, Maori continued to petition the government about specific old land claims and the general issue of surplus lands. Tangonge was included in the 1927 Sim Commission, which concluded it was surplus land and never gifted back to Maori.

After many more petitions, the Crown finally arranged to investigate surplus lands as a single issue in 1946. The Myers Commission was set up to investigate the justice of Maori claims to surplus lands and if necessary it could recommend compensation. It sat in Auckland and Kaikohe, but refused to sit in Mangonui or Kaitaia. In addition, it would not consider the legality of surplus lands in general, only whether if in good conscience and equity the land should revert to Maori.

The overall effect of this cycle of petitions, commissions and inquiries was to embed the Crown's understanding of its ownership of Tangonge and deny Maori understandings. The Myers Commission effectively upheld MacCormack's and Sim's decisions, and the kind of compensation that resulted – a lump sum paid to the Taitokerau Maori Trust Board – remained a source of dissatisfaction for Maori.

Maori Use and Interest Continued

While the process of petitioning and inquiring played out, Maori at Tangonge maintained their use and interest in the land.

Part of the block had been taken before the Court in 1933. The claimants told Judge Acheson that no part of Tangonge had ever been alienated but their present concern was title to the lake bed of about 693 acres.

By that time a major government drainage scheme had exposed the lake bed. The Pukepoto outlet had been constructed to drain the lake into the Awanui River and the lake had become an emergency ponding area.

The Crown did not show up at the Court hearing, and Acheson awarded title to Lake Tangonge in unequal shares to numerous Maori owners. The long-term outcome of the drainage scheme has seen the vital and productive source of food and plants become a mostly useless boggy plain.

By 1940, the Crown had leased out much of Tangonge on temporary grazing licences. However, a number of local Maori families had continued to live at Tangonge despite having no legal title.

Though one of the lessees complained that the families upset his 'enjoyment of the tenancy', the Commissioner of Crown Lands only wanted to act with due care and discretion. The families concerned remained at Tangonge without title in the 1960s, but were later removed.

Waitangi Tribunal Found in Favour of the Claimants

The Waitangi Tribunal's bottom line was that pre-treaty transactions were not sales. At best they gave 'purchasers' a right to conditional occupation, regulated by the authority of local Maori and their chiefs. Further, Maori had never entered a contract that surplus lands should pass to the Crown.

Regarding Tangonge, the Tribunal found that the Crown should never have assumed ownership of the land that Matthews had intended to return to Maori. Although Maori did not object to the Crown's assumption of ownership until 1893, they had no reason to as their occupation and use of Tangonge had continued without restriction in the meantime.

Want to Read More on This Topic?

Read more about Tangonge (and Otararau) in the relevant sections of Te Rarawa Historical Overview Report, available online at www.terarawa.co.nz, and the Waitangi Tribunal's *Muriwhenua Land Report (Wai 45)*.