

**Taranaki Regional Council and New Plymouth District Council
Mt Messenger Bypass Project**

In the matter; of the Resource Management Act 1991

And

In the matter; of application for resource consent and a
notice of requirement by the NZ Transport
Authority for an alteration to the State
Highway 3 designation in the New
Plymouth District Plan, to carry out the Mt
Messenger Bypass Project

**Brief of Evidence of Paul Thomas
Historian**

8 October 2018

Qualifications and Experience

1. My full name is Paul Robert Thomas. I graduated with a first class honours degree in history from Otago University in 1990. Since 1995, I have worked as a historian on Treaty of Waitangi issues, writing and advising on many different areas and issues and submitting a number of large-scale reports to the Waitangi Tribunal.
2. In 2011, I wrote "*The Crown and Māori in Mokau: 1840-1911*".¹ This report, commissioned by the Waitangi Tribunal for its Te Rohe Pōtae inquiry, analyses historical issues and tribal land tenure in the Mokau-Poutama region. It examines the Crown's 1865 confiscation of land in the region, including the area which is now designated for the Mt Messenger bypass project.
3. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I agree to comply with that Code. The evidence I offer is within my area of expertise and I have not omitted to consider material facts known to me that might alter or distract from the opinions that I express.

Purpose and Scope of Evidence

4. In late September 2018, Te Runanga o Ngāti Tama asked me to provide them with expert historical advice as part of their final submission to the Mt Messenger Bypass hearing. In particular, the runanga requested that I respond to Bruce Stirling's evidence on behalf of Ngā Hapū o Poutama which was submitted to this consent hearing in August 2018.² I was allocated a maximum of 30 hours to produce this work.
5. My aim here is to comment on some of the key claims made by Mr Stirling and, in addition, to provide some insights into Māori

¹ Paul Thomas, "*The Crown and Maori in Mokau: 1940-1911*", Waitangi Tribunal, 2011, Wai 898 #A28. Cited hereafter as Thomas (2011).

² Cited hereafter as Stirling (2018). I would like to emphasise that Mr Stirling is a very experienced and well-respected historian and my comments here are not meant as a criticism on him personally.

customary tenure and land rights in the broader Mokau-Poutama area, of which the land incorporated within the Mt Messenger bypass project is a part.

6. I will not comment on contemporary issues involving this land. Instead, I will examine Mr Stirling's major argument that Ngā Hapū o Poutama historically held mana whenua over the Poutama area and that this was recognised by Government institutions and officials in the mid - to late nineteenth century.³

7. I will argue that the evidence paints a different picture. Land rights in this area during the nineteenth century were complex, disputed, and subject to change. But one constant was that there are no historical records, at least as far as I am aware, that refer to a tribal group known as Ngā Hapū o Poutama. Instead, a wide range of individuals, hapū, iwi, and pan-tribal groups asserted rights in the Mokau-Poutama area at certain times. Especially important among these were Ngāti Maniapoto and Ngāti Tama, and it would seem, from the evidence that is available, that local people and hapū in the area were tied, in complex but powerful ways, to one or both of these tribes.

Was there a tribal group known as “Ngā Hapū o Poutama” in this region during the nineteenth century?

8. As far as I am aware, the answer to this question is a clear and resounding “no”. Throughout my extensive research into the area, I do not recall seeing a single reference to a tribal group named Ngā Hapū o Poutama or, as Mr Stirling often calls them, “Poutama”. The term “Poutama” was used to refer to a place, to an ancestor, to taonga. But during my research, I never came across the tribal name “Ngā Hapū o Poutama”, apart from in a 21st century context.

9. I am therefore somewhat surprised and confused that Mr Stirling argues that a group known as “Ngā Hapū o Poutama” dominated

³ Stirling (2011) p 2, para 9

customary rights in the area and by his frequent use of “Poutama” to describe not only a place but a tribal people.

10. Mr Stirling does not provide any direct evidence or quotes that show that there was indeed a tribal group known in the nineteenth century as Ngā Hapū o Poutama (or Poutama). Instead, he suggests that various chiefs or hapū belonged to the tribe “Poutama” when the original evidence uses a different tribal affiliation. This creates some confusion.
11. One example is from the 1882 Native Land Court hearings into the Mohakatino-Parininihi block. Mr Stirling states that the rights of “Poutama” to the land were upheld by the judge in this case. This leaves the impression that the judge awarded the land to a group he named as “Poutama”. However, the judge actually stated that the land was being awarded “to the resident section of Ngātimaniapoto.”⁴
12. It is possible that Mr Stirling never meant to infer that people in this region were known in the nineteenth century by the name Ngā Hapū o Poutama. Perhaps Mr Stirling is using Ngā Hapū o Poutama or Poutama as a general description rather than as a precise name—i.e., the hapū of the place Poutama. Regardless of whether this was Mr Stirling’s intention or not, the overall point needs to be reiterated: there does not seem to be any evidence of a tribal group in the nineteenth century known as Ngā Hapū o Poutama or Poutama.

Who were the key tribal groups that did claim customary rights in this area?

13. As in many other regions, customary tenure in Mokau-Poutama during the nineteenth century was highly complicated and often baffled European observers. Land rights were fluid, changeable, and overlapping. At various times, a wide variety of different rangatira, hapū, tribes, and pan-tribal alliances asserted that they held rights to

⁴ Mokau-Waitara NLC Minute Book no 1, p 74. See also Stirling (2018), p 46, para 160

land in the Mokau-Poutama region. The local population was highly mobile and although the amount of Māori “resident” in the area was generally small, the amount of people connected with the area was significantly larger. The harbour, rivers, waterways, and inland tracks meant that local people were in frequent contact with other regions and that Mokau-Poutama was often visited by other groups. Mokau-Poutama was a place where assertions of land rights were challenged, and where local Māori often held multiple tribal and pan-tribal affiliations.

14. Despite all this complexity, my research showed that Ngāti Tama and Ngāti Maniapoto were generally considered the two main tribes in the area in the nineteenth century. They (and their wider allies and kinfolk) were vitally involved in the warfare of the first decades of the century and in land dealings with the Crown from the 1840s onwards. It would seem that most chiefs and hapū based in the Mokau-Poutama region identified with one or both of these groups.
15. The following examples are not meant to suggest which group — Ngāti Tama or Ngāti Maniapoto — dominated rights in the area or to suggest that no other groups were ever mentioned in this context. Rather, they show that the Poutama area was generally considered in the nineteenth century an area where both Ngāti Tama and Ngāti Maniapoto asserted rights and that a people known as Ngā Hapū o Poutama or Poutama are absent from the evidence. For example, in 1848, the Te Atiawa chief Ihaia wrote to the Government explaining the tense situation in Poutama and to warn that war could break out between “Ngatitama” (and “the Ngatiawas more generally”) and “the Ngatimaniapotos”.⁵
16. In 1853, Crown land purchasing officer G.S. Cooper reported that many local Māori had ties both to Taranaki tribes and to Ngāti Maniapoto:

⁵ Quoted in Vincent O'Malley, "*Te Rohe Potae Political Engagement, 1840-1863*," Waitangi Tribunal, 2010, Wai 898 # A23, pp116-117

The Coast between Mokau and the Pari Ninihi is at present inhabited by a few Natives (numbering about 60) belonging chiefly to Ngatimaniapoto but who are also so mixed up with Ngatiawa that it is difficult to assign to them any distinctive name. The land on which they reside is debatable ground, having originally belonged to Ngatimetenga [Ngāti Mutunga?], a section of Ngātiawa, who still assert their right to the soil, upon which they are gradually encroaching.⁶

17. Another Crown land purchase official, John Rogan, wrote about the difficulties of the “Ngatitama question” as he attempted to acquire land in the Poutama area.⁷ Although the Crown failed in its attempts to buy large parts of the region at this time, it did acquire some fairly small blocks just north of the Mokau River in the 1850s. Ngāti Tama and other Taranaki Māori were deliberately excluded by the Crown from these discussions. Instead, the Crown concentrated on reaching land agreements with the chief Takerei Waitara and other local Ngāti Maniapoto. The 1854 deed for the sale of the Awakino block, signed by Takerei and 69 other Māori, stated that this was an agreement between the Crown and “us the Chiefs and people of Ngatimaniapoto”.⁸

18. During the New Zealand Wars of the 1860s, it was even clearer that key local chiefs considered themselves part of the Ngāti Maniapoto people and of the Waikato tribes more generally. In March 1860, Hone Eketone wrote a letter to the Crown on behalf of Takerei, Taonui Hikaka, Te Motutapu, Te Kaka, and Te Weteni emphasising that local Ngāti Maniapoto, and the tribe in general, wished to steer clear of the fighting in Taranaki and stating that “we the Ngatimaniapotos and Waikato will not be foolish.”⁹

19. In May 1865, Crown forces moving from the south captured Pukearuhe and established a redoubt on the land. Shortly afterwards, the Crown confiscated the entire Taranaki area from

⁶ G.S. Cooper to Dr Andrew Sinclair, 1 May 1854, McLean Papers, MS-Papers-0032-0126, Alexander Turnbull Library

⁷ J Rogan to McLean, 16 February 1855, McLean Papers, MS-Papers-0032-0540, Alexander Turnbull Library

⁸ *Turton's Deeds*. Deed no 452

⁹ "Battle of Waireka", *Taranaki Herald*, 31 March 1860, p 3

Waitara to Parininihi. While the Crown did not investigate which Māori held tribal rights in this area, the limited evidence suggests that the Crown believed both Taranaki Māori and Ngāti Maniapoto would be affected. It described the northern part of the confiscation area, which reached to Parininihi, as the “Ngatiawa confiscation district” but Crown officials also believed that the confiscation and the redoubt would inspire resistance from Ngāti Maniapoto forces.¹⁰

20. In 1869, that resistance arrived when Wetere and other local Māori attacked the Pukearuhe redoubt. Although Mr Stirling refers to this as an attack by the “Poutama” tribe, Crown officials at the time were clear that the Māori involved were part of Ngāti Maniapoto and the Kingitanga movement.¹¹

21. It would seem that the Pukearuhe attack was tied to the rivalry between Ngāti Tama and Ngāti Maniapoto over Poutama. In particular, there were reports that the attack was part of the opposition by Wetere and other local Ngāti Maniapoto to Ngāti Tama plans to strengthen their return to the area. According to Taranaki Māori in 1869, “the *take* or cause” of the attack was “the return of the Ngatitamas” and it was “intended by the Ngatimaniapotos as a declaration of their intention not to surrender Poutama to the Ngatitamas.”¹²

22. However, once again Crown reports that warfare between Ngāti Tama and Ngāti Maniapoto over Poutama was likely to break out proved incorrect.¹³ Instead, the two tribes, despite ongoing tensions, entered into complex negotiations and renewed contact.¹⁴ This interaction was damaged by their inability to keep the Native Land Court out of the region and by the growing influence of Crown officials and Europeans looking to acquire land in the area.

¹⁰ See Thomas, 2011, pp 151-154

¹¹ Searancke to Pollen, 1 Dec 1868, *AJHR*, 1869, A-13, pp 21-22

¹² Parris to Richmond, 4 March 1869, *AJHR*, A10, p 51

¹³ Parris to Richmond, 4 March 1869, *AJHR*, A10, p 51

¹⁴ See Thomas, 2011, pp 176-179

23. Mr Stirling presents the crucial 1882 Native Land Court hearing over the Mohakatino-Parininihi block as a triumph for the tribal group he terms “Poutama” and a victory over their Ngāti Tama rivals. According to his account, the land was claimed by Wetere and other Māori of the “Poutama” hapū. The Native Land Court accepted that “Poutama” held “perfect title” over the land and awarded nearly all the land to them. Mr Stirling states that that the “title award affirmed the established ownership of the land long asserted by Poutama and demonstrated by their occupation of and defence of their land.”¹⁵
24. I do not have space to discuss in detail the reasons why I view this hearing in a decidedly different light. I will only say here that the Native Land Court has been repeatedly condemned by historians and the Waitangi Tribunal for its distorted view of Māori customary tenure. Indeed, the Waitangi Tribunal's *Taranaki Report* criticised the Court's ruling regarding the Mohakatino-Parininihi block as a politically-driven decision that had “nothing to do with Māori custom, despite its pretensions to the contrary.”¹⁶
25. Even more important for the current discussion, the evidence does not back Mr Stirling's suggestion that this Court case was a struggle for land rights between the Ngāti Tama and “Poutama” tribes. No tribe called “Poutama” was mentioned during the hearing which was instead a struggle between Ngāti Maniapoto and Ngāti Tama.
26. This was shown in a number of clear ways. The hearing only went ahead because of the attitude of Rewi Maniapoto, the great Ngāti Maniapoto leader. Ngāti Maniapoto had previously shunned the Native Land Court as part of a Kingitanga boycott on this institution. However, Rewi eventually gave his backing for the hearing, urging local Ngāti Maniapoto to go to the court “and fight Ngāti Tama to the end” for legal control of the land.¹⁷

¹⁵ Stirling (2018) p 45, para 152; p 46, para 160

¹⁶ Waitangi Tribunal, *The Taranaki Report: Kaupapa Tuatahi* (Wellington, GP Publications, 1996), p 281. See also Thomas (2011), especially pp 275-278

¹⁷ Grace diary entry, 25 May 1882, W.H. Grace Diary 1882, MSX-4741, Alexander Turnbull Library

27. The fact that this hearing was a tribal struggle between Ngāti Tama and Ngāti Maniapoto was emphasised by the opening statements of both groups. Taniora Paroroa Wharau of the Ngāti Waikorara hapū of Ngāti Maniapoto stated that: “The land formerly belonged to Ngatitama; we conquered them six generations ago ... They have some of them returned to the land, - about 4 years ago; we said come and live under the mana of Ngatimaniapoto.”¹⁸
28. Ngāti Tama's legal representative, H.R. Richmond, was similarly emphatic that Ngāti Tama viewed this as a matter between themselves and Ngāti Maniapoto. None of the witnesses from either tribe made any mention of belonging to a tribal people called “Poutama.”
29. I also disagree with Mr Stirling’s assertion that this land was awarded to the “Poutama” hapū. The ruling of Chief Judge F.D. Fenton was explicit. Apart from one small area awarded to a Ngāti Tama leader, he ruled that the entire block should be granted to the “resident section of Ngātimaniapoto.”¹⁹
30. The 1882 hearings were far from the last time that Ngāti Tama and Ngāti Maniapoto asserted customary rights over the Poutama area. During the 1880s, Ngāti Maniapoto reiterated that they did not accept the Crown’s confiscation of land in Poutama and argued that this area, at least as far south as Waipingau, should be recognised as part of the tribe’s rohe.²⁰ Ngāti Tama’s refusal to accept the confiscation and loss of the Poutama lands is, of course, also emphatic.

Paul Thomas

8 October, 2018

¹⁸ Mokau-Waitara NLC Minute Book no 1, pp 3-4

¹⁹ Mokau-Waitara NLC Minute Book no 1, p 74

²⁰ Thomas (2011), pp 314-316