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EARLY ATTEMPTS AT HISTORIC SITE PROTECTION IN NEW ZEALAND

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If asked when site protection legislation first took effect in New Zealand, most people with an interest in heritage conservation would reply '1975, with the passing of the Historic Places Amendment Act'. This was indeed pioneering legislation, with its blanket protection of all archaeological sites, but it was not the first attempt to preserve and protect sites of historic and prehistoric significance in this country. Nearly 90 years ago, a remarkable piece of legislation was passed, under the title 'The Scenery Preservation Act, 1903'. Its title concealed the fact that it was designed 'to provide for the Acquisition of Lands of Scenic or Historical Interest [emphasis mine], or on which there are Thermal Springs'. The government allocated a sum of £100,000 to make the land acquisition and subsequent reservation possible (AJHR 1909 C.-6: 2).

What was the inspiration behind this Act? Inspection of the Annual Reports documenting its operation show that the tourist potential of New Zealand's forests, thermal regions and waterways was well recognised at this period (Roche 1979: 36). Increasing numbers of overseas tourists had been contributing to the growth of places like Rotorua since the 1880s (Rockel 1986). Under 'The Land Act, 1892', Crown land could be reserved for scenery preservation, but there was no provision for acquiring privately owned land. The Scenery Preservation Act of 1903 was promoted by Richard Seddon and Sir Joseph Ward to remove this obstacle. At the same time there was also widespread recognition of the speed of destruction of indigenous forests and the necessity of preserving forest blocks in mountainous locations. The damage to farmland, water supplies, and river transportation networks caused by sediment-charged floodwaters was frequently discussed at this period (e.g. Matthews 1905: Chapter 1).

But the economic benefits of tourism and soil and water conservation do not explain why places of historical interest were included under The Scenery Preservation Act, 1903. The reason may relate to questions of identity (Gibbons 1981: 308). When we remember that the Polynesian Society had been founded (by Europeans) in 1892, and that native plants were being promoted for garden use from the late 1880s, it is reasonable to assume that interest in and concern for indigenous or pre-European objects, places or plants were for Europeans part of defining for themselves a distinct New Zealand identity. The key figures in these movements were often New Zealand-born or raised. Two in particular, S. Percy Smith (who founded the Polynesian Society) and Henry J. Matthews (who propagated and sold native plants), were to play a role in the operation of The Scenery Preservation Act, 1903.

Under the Act, a Commission of five persons was set up whose role was to inspect and recommend the blocks of scenic, historic or thermal land which should be acquired. S. Percy Smith was Chairman, with John W.A. Marchant, Henry J. Matthews, William W. Smith and Hoani P. Tunuiarangi as the other members (NZ Gazette, May 31 1906: 1392). The background of these men was in each case well suited to their task.

Stephenson Percy Smith (1840-1922) came to New Zealand in 1849 and trained as a surveyor in Taranaki (Scholefield 1940, 2: 312-13). After proving his skills in major surveys of the Chatham Islands and the North Island, he was appointed Chief Surveyor in Auckland in 1877, rising through the ranks to the posts of Surveyor-General and Secretary for Crown Lands, which he held till his retirement in 1900. For Smith, retirement involved visiting and drafting a constitution for Niue Island, writing three ethnological books and several papers, as well as chairing the Scenery Preservation Commission. His interest in Maori military history and traditions, especially of the Taranaki area, is evident in the many pa sites recommended for acquisition. He took a very active role in the maintenance of the pa reserves in his home area, to the extent of clearing gorse and raising karaka trees to plant on Pukerangiora Pa in 1917 (*AJHR* 1918 C.-6: 8).

John Marchant (1841-1920) settled in New Zealand in 1863 (Scholefield 1940, 2: 54). He practised as a surveyor in Invercargill, but soon joined the Lands and Survey Department where he did similar work to S.P. Smith, becoming Chief Surveyor for Wellington Province in 1879, a Commissioner of Crown Lands in 1884, and Surveyor-General in 1902. He held this post while serving on the Scenery Preservation Commission, retiring in 1906.

Henry John Matthews (1859-1909) was born in Dunedin, growing up within a family deeply involved with horticulture (Hale 1955: 71-73; Gow 1973: 1068; Leach n.d.). He took over management of his father's nursery about 1880 and with the assistance of the foreman, John McIntyre, made regular trips into the mountains to obtain native species suitable for propagation. Through his mail-order catalogue of native plants, Matthews played an important role in having New Zealand plants highly valued by gardeners overseas. In response to government concern at the rate indigenous timber stocks were being depleted, Matthews was appointed New Zealand's first Chief Forester in 1896, a post he held until his premature death in 1909. He travelled widely in New Zealand both as Chief Forester and as a Scenery Preservation Commissioner.

The fourth member of the Commission was William Walter Smith of Ashburton and, after 1908, New Plymouth. The son of a pioneer farmer, he worked on Mt Peel and later Albury Station during the 1880s, and supplied large collections of moa bones to Julius von Haast at the Canterbury Museum (*Taranaki Herald*, November 13, 1936: 6) and to Sir Walter Buller (Smith 1891: 193). He recorded the Opihi and Totara Valley rock-paintings with Augustus Hamilton in 1897, as well as excavating the floors of the caves and rock shelters. His large collection of prehistoric stone tools was eventually deposited in the Canterbury Museum (Smith 1901: 427 fn.). A founding member of the Polynesian Society, he pursued his amateur interest in prehistory to the extent of publishing seven papers in learned New Zealand journals.

The fifth member, Hoani (also spelt Hone) Paraone Tunuiarangi, later known as Major Brown Tunuiarangi was a Ngati Kahungunu chief from Greytown and Pirinoa who became a professional soldier. Captain of the Wairarapa Mounted Rifles from 1897 to 1906, he commanded the Maori Contingent at the Diamond Jubilee Celebrations in London in 1897 (Scholefield 1924: 222). As well as serving on the Scenery Preservation Commission, he acted as an assessor for the Native Land Court and sat on a number of Royal Commissions. It is likely that some of the recommendations of the Hawkes Bay and Wairarapa pa sites can be attributed

to his special connection with these areas.

The Commission held its first meeting on March 30, 1904, with S.P. Smith as Chairman (*AJHR* 1905 H.-2A: 1). For administrative purposes it was attached to the Department of Tourist and Health Resorts, reflecting the inspiration behind the Act. In the second year of its operation, the Commissioners met in seven places for up to a week at a time, and visited over 74 named locations from Northland to Southland (*AJHR* 1906 C.-6: 2). But 1905 was to be their last year, for their appointments were revoked by the Governor as from March 31, 1906 (*NZ Gazette*, May 31, 1906: 1392).

This revocation followed the passing of 'The Scenery Preservation Amendment Act, 1906', which not only transferred the administration of the Act to the Department of Lands and Survey (*AJHR* 1906 H.-2: 5), but set up a Scenery Preservation Board of three members in lieu of the Commission. This Board was to consist of the Surveyor-General, the General Manager of the Tourist and Health Resorts Department, and the Commissioner of Crown Lands for the district where land to be dealt with under the Act was situated. Thus the particular and individual knowledge which the five Commissioners had brought to their deliberations was replaced by a formula approach based on departmental and district interests.

What had the Commission done (or failed to do) that brought about its abolition and replacement? It had certainly not wasted time. In the two years of its existence it 'furnished 14 interim reports containing 380 recommendations' (*AJHR* 1906 H.-2: 5). At the time the Amendment Act came into force the acquisition and proclaiming of a number of these, amounting to some 68,000 acres, was in hand. Of special interest to heritage conservationists were the sites of Motukaraka Island (a Ngati Paoa pa), Te Kawau Pa and Turuturumokai Pa (both in Taranaki), and Ship Cove in the Marlborough Sounds, which had been purchased and proclaimed reserves by March 31, 1906. Waiting for action were recommendations from the Commission on at least 60 other historic and prehistoric sites, many of them well known to archaeologists and historians today (Table 1).

When the status of these recommendations was reviewed in 1907 (*AJHR* 1907 C.-6) it was apparent that the majority of sites were in the categories 'held over' and 'no action yet taken'. A few Taranaki pa were held up because they were on land vested in the Public Trustee, while another could not be reserved as it was on a public road. The famous Ihupuku Pa at Waitotara could not be reserved because 'natives object to reservation', while the Okoihu Pa at Whangarei could not be acquired as it was on native land. The Commission had no shortage of money for purchasing these sites; it seems that lack of time to have surveys made, prices negotiated and reserves proclaimed was the simple explanation why only a handful had been reserved at the time the Commission appointments were revoked.

In the 1906-7 year the new Board added two more Taranaki pa (Puketi and Tataraimaka) to the list of reserves, but only one pa (Okoki at Waitara) was reserved the following year, and none in 1908-9. The principal efforts of the Board were directed at two major projects: reserving substantial blocks of native forest along the North Island main trunk railway, and preserving the bush lining the banks of the scenic Wanganui River. In its Annual Reports for 1909 and 1910 (*AJHR* C.-6) the Board emphasised how little of the budget was now being spent

on Board expenses. This point was made with obvious reference to the high expenses of the Commission, which had amounted to £1,822 and £1,221 in its two years of existence. Since the Board members were already government servants, their meetings in Wellington were arranged for times when they were in the capital on other duties. The necessary reports and inspections were carried out by departmental officers 'in the course of their ordinary duties' and most of the surveys could be 'effected by the staff surveyors engaged on other work in the neighbourhood' (*AJHR* 1907 C.-6: 2). There were clear savings to be made from transferring administration to the Department of Lands and Survey.

The official reason for replacing the Commission was given as follows:

'For two years the Commission performed these duties with advantage to New Zealand, but in 1906 it was found that some simpler machinery was necessary to more effectively carry out the purposes of the Act.' (*AJHR* 1907 C.-6: 2-3).

By 'simpler' it is tempting to read 'less costly'. The Commission's expenses came to £364 per member in its first year, a figure which exceeded the annual salary of government geologists, district surveyors, army majors and most police inspectors! Expenses of this size may have provided ammunition for the Act's opponents, especially the sawmillers, farmers and local bodies who saw its operation as depriving them of timber, land and revenue (*AJHR* 1907 C.-6: 2; *AJHR* 1910 C.-6: 1). However it could be argued that the Commission had to travel widely at first in order to achieve even coverage of the country and hence balanced recommendations. The fact that the Board used the Commission's list as the basis for many of its own recommendations suggests that the expenses of the Commission should have been viewed as 'setting-up' rather than recurrent. Ironically, within four years the Board was spending five times as much on surveys and valuations as had the Commission (*AJHR* 1910 C.-6: 2).

In 1910, the Scenery Preservation Act was amended for the second time, to give the government power to take native land for scenery-preservation purposes. It initially had this option under the 1903 Act, but lost it in the 1906 Amendment (Roche 1979: 85, 90). After 1906 the Public Works Act had to be used, as in the case of the native bush blocks bordering the Wanganui River, an action which created considerable Maori opposition (*AJHR* 1908 C.-6: 1; *AJHR* 1909 C.-6: 3; *AJHR* 1911 C.-6: 1). The Board was duly enlarged by one member, the Under-Secretary of the Native Department.

Land acquisition under this Act reached a peak in 1911-12, when 94,000 acres were reserved, but the only archaeological sites to be acquired were two adjacent pa in Taranaki (Pukerangiora and Te Arei) and a pa known as Te Awai-o-te-take (*AJHR* 1912 C.-6: 2). The Taranaki Scenery Preservation Society (of which S.P. Smith and W.H. Skinner were members) was probably the driving force behind these and subsequent reservations of Taranaki pa. Three historic pa were reserved in the following years: Rangiriri in the Waikato (1912), Horahora-kakahu Pa in Marlborough (1913) and Ruapekapeka Pa (1914). Scholars with an interest in Maori prehistory must have become increasingly disillusioned at the comparative neglect of archaeological sites within this otherwise vigorous land reservation programme. The £100,000 originally set aside was dwindling rapidly and fewer than 10 prehistoric sites were on the books.

Two well-known figures attempted to correct the imbalance. In 1917 W.H. Skinner, the newly appointed Commissioner of Crown Lands for Canterbury, reported to the government on the need to protect the 'painted' rock and cave shelters of the Pleasant Point area recently visited by the American antiquarian J.L. Elmore, who actually removed several drawings (*AJHR* 1919 C.-6: 2; Skinner 1946: 97-9; Trotter and McCulloch 1971: 18-19). Skinner realised that the numbers and position of the sites precluded their acquisition under The Scenery Preservation Act, but added

'Could a clause be added to the Act to make it punishable to interfere with the shelters and their decorations, notwithstanding their situation on private property, on the plea that they are of outstanding historic interest; are in fact, public monuments, and should therefore be protected by the State?' (Skinner 1946: 98).

The issue was taken up by the Director of the Dominion Museum, James Thomson. In his view, New Zealand's 'historical monuments' would include

'aboriginal rock-paintings, earthworks of Maori pas, Maori or pre-Maori stone fences, battle-sites of the Maori wars, redoubts, blockhouses, and perhaps certain buildings erected by the early colonists'. (*AJHR* 1918 C.-6: 2).

The Government responded by communicating with the other commissioners of Crown Lands, seeking their views on what action might be desirable (*AJHR* 1918 C.-6: 3). Apparently their replies included 'interesting reports on the "monuments" in their districts' (*AJHR* 1919 C.-6: 2). But the meeting in Wellington which it had been hoped would consider the various proposals was delayed by the 'great and increasing pressure of work in the Department caused by land-settlement' following the return of soldiers at the conclusion of the Great War (*AJHR* 1919 C.-6: 2). Apart from a plea for site protection at the 1929 Auckland Science Congress, the issue was not raised again until the Royal Society successfully lobbied for the legislation of 1954 which set up the Historic Places Trust (Fleming 1987: 60, 245).

In 1903 the historic sites provisions of The Scenery Preservation Act had the potential to make New Zealand a world leader in heritage protection. The Commission's energy and enthusiasm were matched by a generous budget. Only the administrative details involved in surveys and negotiations with land-owners slowed down the process of reservation. Given time, however, there is no reason why the majority of the sites recommended by the Commission could not have been acquired. The political decision to replace the Commission with a smaller Board in 1906 had a major impact on heritage protection by removing the three independent members with a keen interest in prehistoric and Maori sites, S.P. Smith, W.W. Smith and H.P. Tunuiarangi. Following the appointment of a Board of government servants, the emphasis shifted to major projects involving scenery preservation in places with tourist potential. The small blocks of land containing New Zealand's archaeological heritage were largely forgotten.

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TABLE 1

A. *Historic Sites Recommended for Acquisition and Reservation by the Scenery Preservation Commission (from Department of Lands Report for 1906-7, AJHR 1907 C.-6)*

Auckland District

St Paul's Mount (Whangaroa)
Rakapuka Pa, Bay of Islands
Pukeatua Pa, Kawakawa

Okuratope Pa, Waimate [reserved 13 April 1928]
 Rangitoto Pa, Hokianga
 Puoi Pa, Hokianga
 Te Ana-tangata Pa, Mangamuka
 Ruaroa Pa, northern Wairoa
 Takapuna Pa, Taheke River
 Motukaraka Is., near Otahuhu reserved 23 March 1905
 Tauhinu Pa, Waitemata
 Motukaru Pa, Coromandel
 Cook's Observatory, Mercury Bay
 Te Totara Pa, Thames-Paeroa Rd
 Ongare Pa, Katikati
 Papamoa pa, Tauranga [several pa]
 Horoauahi Pa and Pukerimu Pa, near Te Puke
 Pa in Pukehina Block, Tauranga-Opotiki Rd
 Two pa at mouths of Pikowai and Whakarewa Streams, near Matata
 'Old pa near Ohiwa'
 Pukeroa Pa, Rotorua

Hawke's Bay District

Ngatapa Pa, Mohaka [location in doubt]
 Ngatapa Pa, Wharekopae
 Te-iho-e-terei Is., site of Ngatikahungunu Pa, Ahuriri Inner Harbour
 Heipipi Pa
 Horehore Pa, Takapau
 Cook's Cove, Tolaga Bay
 Spring's Is.
 Rewatu Pa

Taranaki District

Two pa at Waitara [unspecified]
 Pukerangiora and Te Arei pa [reserved 28 Sept. 1911]
 Paritutu Mt, New Plymouth [became a Centennial Park]
 Te Awai-o-te-Take Pa [reserved 17 Aug. 1911]
 Te Kawau Pa, Mohakatino reserved 27 Sept. 1906
 Katikatiaka Pa
 Puketi Pa [also called Puketarata] reserved 1 Nov. 1906
 Koru Pa [gifted to Crown 1926]
 Urenui Pa [gifted to Crown 1933]
 Okoki Pa, Waitara [reserved 1 Aug. 1907]
 Tataraimaka Pa, Cape Egmont reserved 6 Dec. 1906
 Ngaweka Pa, Cape Egmont
 Whakarewarewa Pa, Cape Egmont
 Te Namu Pa, Opunake
 Rimupiko Pa, Opunake

Waimate Pa and Orangituapeka Pa, near Manaia
Ohawe Pa, Waingongoro River
Araukuku Pa, near Ngaire, Taranaki
Te Ruaki Pa, Whareroa Reserve
Turuturumokai Pa, Hawera
Okahu [?Ohaku] pa, Hawera
Kerikeringa Pa, near Tarata
Kairoa Pa, Huirangi

reserved 1 Dec. 1905

Wellington District

Weraroa Pa, Waitotara
Ihupuku Pa, Waitotara
Kakahimakatea Pa, near Featherston
Karaka Groves, Turanganui, Wairarapa
Te Tarata Pa, Wairarapa

Marlborough District

Peketa coastline and Kahautara Bluff
Waipapa Pt

Canterbury District

Onawe Pa, Akaroa Harbour

Otago District

Mouth of Shag River

B. Additional Historic Sites, Recommended by Scenery Preservation Board, 1906-1954

Okoihu Pa, Whangarei	
Pukemiro Pa, Waitara	reserved 25 March 1909
Rangirira Pa	reserved 21 Nov. 1912
Horahora-Kakahu Pa, Marlborough	reserved 18 Sept. 1913
Ruapekapeka Pa, Bay of Islands	reserved 26 Nov. 1914
Tapuinikau Pa	reserved 10 Oct. 1929
Mapoutahi Pa, Otago	reserved 22 July 1930
Ophi rock 'paintings'	reserved 2 Aug. 1949