# NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA and THE TRUSTEES OF THE NGĀTI KAHUNGUNU KI WAIRARAPA TAMAKI NUI-Ā-RUA SETTLEMENT TRUST and **THE CROWN DEED OF SETTLEMENT OF HISTORICAL CLAIMS** [date]

## **PURPOSE OF THIS DEED**

#### This deed -

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles; and
- provides an acknowledgement by the Crown of the Treaty breaches and an apology;
   and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust that has been approved by Ngāti Kahungunu ki Wairarapa Tāmaki nuia-Rua to receive the redress; and
- includes definitions of
  - the historical claims; and
  - Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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THIS DEED is made between
NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA
and
THE TRUSTEES OF THE NGĀTI KAHUNGUNU KI WAIRARAPA TAMAKI NUI-Ā-RUA SETTLEMENT TRUST
and
THE CROWN

## **KARAKIA**

## **KO TE TAU O TĀKITIMU**

Tau ake hoki au i taku tau nei,
Ko Ruatipua, ko Ruatahito
Ngarue i runga, ngarue i raro,
Ngarue i te iho o Tāne;
Ko taku waka, ko Tākitimu,
Rere mai te maramara
Ko Ihinui, ko Ihiroa,
Ko Te Āwhiorangi
Ko wai kai runga nei e tūpā whai ake,
Ko au ko Uenuku e tūpā whai ake
E Rata, e Rata

He aha tāu hanga?
E tūpā whai ake,

Tangi kokiri ana te tangi a te whao, e tūpā whai ake, E tangi ki tōna iho i makā ki tawhiti, e tūpā whai ake.

Nā wai i tākiri taku waewae? Nā Rua i tākiri taku waewae.

Inumia te kawa, takina te kawa,
He kawa tuanihinihi te kawa,
He kawa tuarangaranga te kawa
Te kawa o wai, te kawa o Tākitimu;
Inumia te waka o Tīrari
Inumia te waka o Tīrara

Inumia te waka o Rongokako

Inumia te waka o Tamatea-mai-i-tawhiti.

Haumi e, hui e, taiki e!

Karakia recited by Ruawharo to launch the Tākitimu waka in Hawaiki.

## 1 BACKGROUND

## NGĀTI KAHUNGUNU

1.1 Ngāti Kahungunu iwi and hapū living in Tāmaki nui-a-Rua and Wairarapa in 1840 trace their origins back to the Tākitimu voyaging waka and its leader, Tamatea-arikinui. According to renowned Wairarapa scholar Te Mātorohanga, it was "curiosity that brought Tamatea-arikinui and the Tākitimu waka to Aotearoa... he came as a chief; there was no cause of wrong doing towards his people or his islands at Hawaiki; nothing but his desire to see the island of his ancestors, of Kupe, of Toi." Tākitimu said Te Matorohanga was a very sacred waka.

"... A canoe of the ancients, a canoe of old,

A canoe of thy offspring, a canoe of the gods,

A very sacred canoe is my 'Tākitimu'..."

- 1.2 On arrival in Aotearoa, Tākitimu landed at Whangaparaoa near East Cape but Tamatea decided to venture to Te Taitokerau in search of a home. After a period he returned to Te Tairawhiti where some of his people settled at Nukutaurua on the Mahia Peninsula. The Tākitimu waka travelled south to Wairarapa where the tohunga Tupai is said to have remained and founded a Whare Wānanga. On its journey around Te Waipounamu Tākitimu was wrecked on a reef near the mouth of the Waiau River and is commemorated in the naming of the mountain range along that river. Whilst the Tākitimu waka remained in the far south, Tamatea continued on with the journey and eventually returned to the north. According to Te Mātorohanga, Tamatea-arikinui became known as Tamatea-mai-Tawhiti, and as a result of his travels around Aotearoa, he was also known as Tamatea-pōkai-whenua.
- 1.3 Tamatea married sisters, the daughters of Ira-turoto and Tokerau-wahine, and Kahungunu comes from the couple's second daughter lwipupu. Kahungunu married several times into the chiefly lineages at Turanga-nui-a-Kiwa, including the daughter of paramount chief Ruapani. However he did not remain permanently at Tūranga but instead settled at Nukutaurua with Rongomaiwahine, the high ranking rangatira of the Māhia Peninsula tribes. She was a descendant of the Tākitimu tohunga Ruawharo and Popoto of the Kurahaupō waka. The marriage between Kahungunu and Rongomaiwahine and their resulting offspring gave rise to the iwi called Ngāti Kahungunu. Kahu-kura-nui, their eldest son, also married a daughter of Ruapani, Ruatapuwahine. Their children, Rongomaitara and Rākai-hiku-roa fought when the latter's son, Tūpurupuru, was responsible for the deaths of Rongomaitara's twin children. Tūpurupuru was killed and, as a consequence, Rākai-hiku-roa and his people left the Tūranga area, initially for Nukutaurua, before they were pushed further south into Heretaunga. Travelling with them was another group under the leadership of Te Aomatarahi, descendants of Tahumākākānui and Ira-turoto whose origins are traced back to Paikea, the ancestor of Porourangi, the eponymous ancestor of Ngāti Porou. Iraturoto was the father of Kahungunu's mother, lwipupu. Also accompanying Rākai-hiku-roa were descendants of Tahu-pōtiki, the younger brother of Porourangi, who later formed the iwi Ngāi Tahu of Te Waipounamu.
- 1.4 Under the leadership of Rākai-hiku-roa's son Taraia and Te Aomatarahi this group and descendants ventured into Heretaunga and Wairarapa in search of suitable places to settle. They fought with local tribes including the descendants of Awanuiarangi,

## 1: BACKGROUND

Whatumamoa, Tara and also other iwi who occupied the Heretaunga plains and further south. Battles, whether lost or won, were invariably followed by marriage between the chiefly lines of the opposing sides to secure concessions and peace. After the battles were over, Kahungunu's descendants had successfully established colonies at Wairoa, Nūhaka, Ahuriri and Heretaunga. Chiefly marriages between the groups ensured that their children's position was strengthened: from the conquering group they inherited mana over the people, and through their descent from the tangata whenua they inherited mana over the land. Within a few generations the descendants of Kahungunu and Te Aomatarahi had become the rangatira over tribal groups from Tūranga-nui-a-Kiwa all the way south to Tāmaki nui-a-Rua.

## NGĀTI KAHUNGUNU KI TĀMAKI NUI-A-RUA

- 1.5 Around the time of the migration of Ngāti Kahungunu to Heretaunga, Whata, a relative of Te Aomatarahi, had settled in southern Hawkes Bay. Whata's iwi, Te Aitanga-a-Whata, who had intermarried into the resident iwi were also joined by Ngāi Tahu, whose eponymous ancestor was Tahumākākānui. Their lands became embroiled in an exchange of feasts (kai-hau-kai) between Te Whatuiāpiti and Te Angiangi and passed into the hands of Te Rehunga, a descendant of Kahungunu and Te Aomatarahi. Te Rehunga went to live in Tāmaki nui-a-Rua and was soon joined by many of his people including Te Manawakawa, a great-grandson of Te Whatuiāpiti. Eventually fighting broke out however Te Rehunga and Te Manawakawa suffered a severe defeat and were forced to retreat to Heretaunga. Following Te Rehunga's death, Te Kikiri-o-te-rangi, a grandson to both Te Rehunga and Te Manawakawa, returned to occupy their lands at Takapau and before long travelled to Tāmaki nui-a-Rua. Te Kikiri was joined by a descendant of Rangiwhakaewa, Te Rangitotohu, who sought revenge for the killing of his father Tūtauā at the battle of Piripiri. Te Rangitotohu and his siblings, including Te Koro-o-ngā-whenua, and their mother Te Ruatōtara, as descendants of Rangiwhakaewa are eponymous ancestors of significant hapu in the Tāmaki nui-a-Rua rohe. Umuroa, the mother of Rangiwhakaewa, was a descendant of Rākai-hiku-roa, Kahungunu's fighting grandson. Battles were fought and won by Te Kikiri, Te Rangitotohu and their allies with the following pā being taken from the resident iwi: Raikapua, Pōhutuwai, Ngatoto, Te Waiwhakatahe, Te Waikari and Tīraumea. At Te Waiwhakatahe a lasting peace was made.
- Ngāti Rangiwhakaewa rangatira told of how their lands had been wrongly claimed and sold by others. It was Ngāti Rangiwhakaewa they said who had mana over the land in Tāmaki nui-a-Rua asserting that Ngāti Rangiwhakaewa was an aho-rua hapū, being descended from two iwi, including Ngāti Kahungunu. Influential Ngāti Rangiwhakaewa rangatira Hori Herehere said of the Puketoi 6 block that Rangiwhakaewa came to this country and seized the land from others who then left this part of the country. He said that Rangiwhakaewa was a half-caste Ngāti Kahungunu and that Ngāti Rangiwhakaewa are a hapū of Ngāti Kahungunu. Ngāti Pakapaka rangatira Ihaia Ngarara testified in 1894 during the subdivision of Tīpapakuku block that the land belonged to Ngāti Rangiwhakaewa solely, adding that Rangiwhakaewa was a descendant of Kahungunu.
- 1.7 In its 1891 rehearing of the Waikōpiro block, the Native Land Court said in its judgement that the land was taken by the conquest of Te Aomatarahi and Taraia, and Ngāti

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Kahungunu became the dominant power on the land. The judgement also stated that many of those conquered drifted back on to the lands and inter-married with members of the dominant tribe, Ngāti Kahungunu. However, the mana still remained with Ngāti Kahungunu, the Court concluding "That which was taken by a strong hand was never recovered by a strong hand".

## NGĀTI KAHUNGUNU KI WAIRARAPA

- 1.8 After the incursion of Rākai-hiku-roa and his followers into Heretaunga, some of their descendants who were by now also descendants of earlier tangata whenua, including Ngāi Tara and other iwi, sought out new places to live in the Wairarapa. The first migration was that of Te Whākumu who fled the fighting in Heretaunga, hoping to find sanctuary with his relatives Te Whakamana and Te Rerewa in Wairarapa. Te Whākumu was a grandson of Te Aomatarahi's son Rongomaipureora and Hine-ngāti-ira, making him a descendant of Iratūroto and Kahungunu. Through his father Rerekiokio he was also descended from Ira-kai-pūtahi, the eponymous ancestor of Ngāti Ira of the Tolaga Bay district. Te Whākumu married Hine-i-pū-te-rangi, the daughter of Te Whakamana, and Ngāti Ira then settled at Pōtaka near Ōtaraia on the Ruamāhanga River. Some also went to Te Kawakawa near Mātakitaki-a-Kupe. Ngāti Ira increased in numbers but did not extend their settlements further into the Wairarapa although their descendants moved along the coast towards Te Whanganui-a-Tara.
- 1.9 The next migration occurred after an argument broke out in Heretaunga between Rākaiwerohia and his sister Hineterangi. Both rallied support and fighting resulted in Rākaiwerohia's death. Defeated, the supporters of Rākaiwerohia, including his son Te Rangitāwhanga, decided to migrate south to Wairarapa Moana. According to the evidence of Ngatuere Tāwhao Ngāti Kahungunu attempted to obtain land through an exchange of weapons but this was refused by the resident rangatira, Te Rerewa. Instead he asked for waka as payment for the land. Several waka were then built and exchanged for the land and Te Rerewa and many of his people migrated on the canoes to Te Waipounamu. Some of his iwi remained behind and he implored them to live in peace. Peace however did not last as Te Rangitāwhanga was forced to rally Ngāti Kahungunu's forces when Te Aoturuki and others of Ngāti Kahungunu were killed. Ngāti Kahungunu avenged these deaths, attacking and defeating those responsible at several of their pa, resulting in Te Rangitāwhanga extending the bounds of their lands. This led some Ngāti Kahungunu rangatira to say that the offending iwi had no mana left over the district.
- 1.10 Another migration from Heretaunga to the Wairarapa was led by Māhangapūhua. Māhangapūhua and his twin brother, Māhangatīkaro, were also the progeny of the earlier peace-making marriages in Heretaunga after the incursions of Rākai-hiku-roa and Te Aomatarahi. Māhanga received a large tract of land along the east coast of Wairarapa from the Whareama River in the north to the Āwhea River in the south from his Ngāi Tara relative, Te Angatu. Māhanga's daughter Te Aoteki was married to Tū-maite-uru of Ngāi Tara and brought his wife's people, Ngāti Moe, to live with them in Wairarapa and eventually settled at Pāpāwai.
- 1.11 By the time of the contact period with Europeans most hapū were not simply descendants of Kahungunu, Ira or other iwi, but were hybrid populations connected by

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descent to several of the earliest peoples to inhabit the region as well as to later migrant groups.

## **TURBULENT YEARS**

- 1.12 The first few decades of the 1800s were times of enormous upheaval for Ngāti Kahungunu tangata whenua of Wairarapa and Tāmaki nui-a-Rua. Northern hapū in the Āmiowhenua taua found their way to Wairarapa and Tāmaki nui-a-Rua and met with mixed success but did not remain. However newly resident west-coast iwi began a series of raids and occupations in the lower Wairarapa starting about 1825. In the face of these musket-armed attacks many Ngāti Kahungunu retreated to Heretaunga and Te Māhia Penninsula. Here Ngāpuhi rangatira Te Wera Hauraki came well equipped with muskets and offered protection in an alliance which included Nukupewapewa from Wairarapa.
- 1.13 In the Manawatū, iwi combined forces and were fighting against Ngāti Kahungunu and also Ngāti Rangiwhakaewa well into the 1830s. Ngāti Rangiwhakaewa rangatira Te Ngārara was killed and amongst the captured were Te Ngārara's son Ihaia Ngārara and Hōri Herehere. Ihaia spoke about the death of his father Te Ngarara by another iwi and their Ngāti Raukawa allies, an event that gave rise to the hapū name Ngāti Pakapaka. Ihaia put it this way: "the name of Ngāti Pakapaka originated from Hoani's people having killed some of ours and overcooked them. I am a Ngāti Pakapaka. ...It was when he [Ngarara] was killed that we were called Ngāti Pakapaka." Te Hāpuku of Ngāti Te Whatu-i-apiti who sought to punish Manawatū iwi for an attack on Heretaunga attacked the Ngatoto pā, east of Woodville, where Haereroa, the nephew of Ngāti Rangiwhakaewa rangatira Te Hirawanu Kaimokopuna, was killed. Te Hāpuku cooked and ate part of the body hence the name Ngāti Mutuahi "consumed by fire". During this fighting Whakarongo, a female cousin of Te Hirawanu, was captured and married to Te Hāpuku.
- 1.14 During the 1830s most of the iwi from across the entire region from Wairoa through to Wairarapa were gathered together at Nukutaurua. Te Wera Hauraki, Pareihe and Nukupewapewa not only kept the communities safe from invasion but also successfully assisted other iwi in fighting expeditions further up the East Coast and inland to Taupō. Nukupewapewa returned to the Wairarapa seeking to expel the invading iwi from his home. Despite the odds, Nukupewapewa succeeded in capturing several of them, including the wife of a prominent rangatira. She however was released to return to her husband carrying a message of peace. This peace-making was successful but sadly Nukupewapewa died before it was formally concluded. However, several Ngāti Kahungunu rangatira travelled to Pito-one in 1839 to seal the peace. Acknowledging the legitimacy of the conquests by the northern iwi on the Kapiti coast and in Te Whanganuia-Tara, Tūtepākihirangi assured these iwi they could remain in Te Whanganui-a-Tara. The Tararua ranges were the bounding mountains, the streams flowing west would provide water for them to drink and the streams flowing east would do the same for Ngāti Kahungunu. Ngāti Kahungunu ki Wairarapa were back in their homelands by 1841, with west coast iwi having retreated as agreed to the west of the Remutaka and Tararua ranges and the agreement was further sealed through chiefly marriages between iwi.
- 1.15 Having conducted a detailed analysis of Native Land Court records for Wairarapa and Tāmaki nui-a-Rua, eminent historian Dr Angela Ballara concluded that after two decades

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of turbulence in the region, "those who were victorious and successful were all of Ngati Kahungunu or were associated with Ngati Kahungunu chiefs in their victories". Ngāti Kahungunu had emerged with their customary interests intact throughout their rohe, maintaining ahi kaa from Te Māhia to Wairarapa.

#### **NEGOTIATIONS**

- 1.16 Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua gave the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Trust a mandate to negotiate a deed of settlement with the Crown through a series of 12 mandating hui in February and March 2012.
- 1.17 The Crown recognised the mandate on 29 November 2012.
- 1.18 The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Trust and the Crown
  - 1.18.1 by terms of negotiation dated June 2013, agreed the scope, objectives, and general procedures for the negotiations; and
  - 1.18.2 by agreement dated 7 May 2016, agreed, in principle, that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
  - 1.18.3 since the agreement in principle, have
    - (a) had extensive negotiations conducted in good faith; and
    - (b) negotiated and initialled a deed of settlement.

## **RATIFICATION AND APPROVALS**

- 1.19 Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua have, by a majority of 93% ratified and approved, in November 2016, the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust receiving the redress to be provided by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua in settlement of their historical claims, and approved the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust to take over the mandate to negotiate a deed of settlement from the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Trust.
- 1.20 The Crown, on 12 December 2016, recognised that the results of the ratification referred to in clause 1.19 demonstrated sufficient support from Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua for the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust to receive the redress under this deed.
- 1.21 Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua have, since the initialling of the deed of settlement, by a majority of [percentage]%, ratified this deed and approved its signing on their behalf by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust.

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- 1.22 Each majority referred to in clause 1.19 and clause 1.21 is of valid votes cast in a ballot by eligible members of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.
- 1.23 The trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust approved entering into, and complying with, this deed by [process (resolution of trustees etc)] on [date].
- 1.24 The Crown is satisfied -
  - 1.24.1 with the ratification and approvals of Ngāti Kahungunu ki Wairarapa Tāmaki nuia-Rua referred to in clause 1.19 and clause 1.21; and
  - 1.24.2 with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust's approval referred to in clause 1.23; and
  - 1.24.3 the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust are appropriate to receive the redress.

#### **AGREEMENT**

- 1.25 Therefore, the parties -
  - 1.25.1 in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and
  - 1.25.2 agree and acknowledge as provided in this deed.

## 1: BACKGROUND

## **WAIATA**

# HE ORIORI MO TŪTEREMOANA (NA TŪHOTOARIKI)

Nau mai, e tama, kia mihi atu au;
I haramai rā koe i te kunenga mai o te tangata
I roto i te āhuru mōwai, ka taka te pae o Huaki-pōuri;
Ko te whare hangahanga tēnā a Tāne-nui-a-rangi
I te one i Kurawaka, i tātaia ai te Puhi-ariki,
Te Hiringa matua, te Hiringa tipua, te Hiringa tawhitorangi;
Ka karapinepine te pūtoto ki roto te whare wāhiawa;
Ka whakawhetū tama i a ia,
Ka riro mai a Rua-i-te-pūkenga, a Rua-i-te-horahora;
Ka hōkai tama i a ia, koia hōkai Rauru-nui,
Hōkai Rauru-whiwhia, hōkai Rauru-maruaitu,
Ka mārō tama i te ara namunamu ki te taiao;
Ka kōkiri tama i a ia ki te aotūroa,
E tama. e i!

Haramai, e tama, whakaputa i a koe Ki runga te tūranga matua; Mārama te ata i Uru-rangi, Mārama te ata i Taketake-nui-o-rangi, Ka whakawhenua ngā Hiringa i konei, e tama! Haramai, e mau tō ringa ki te kete tuauri, Ki te kete tuatea, ki te kete aronui, I pikitia e Tāne-nui-a-rangi i te ara tauwhāiti, I te pūmotomoto o Tikitiki-o-rangi. I karangatia e Tāne-nui-a-rangi ki a Huru-tea-a-rangi, I noho i a Tonganuikaea, nāna ko Paraweranui; Ka noho i a Tāwhirimātea, ka tukua mai tana whānau, Titiparauri, Titimatanginui, Titimatakakā: Ka tangi mai te hau mapu, ka tangi mai te rorohau, Ka eketia ngā rangi ngahuru mā rua i konei, E tama. e i!

Haramai, e tama, i te ara ka takoto i a Tānematua;
Kia whakangungua koe ngā rākau matarua na Tūmatauenga;
Ko ngā rakau tēnā i patua ai Tini o Whiro i te Paerangi;
Ka heke i Tahekeroa, koia e kume nei ki te pō tangotango,
Ki te pō whāwhā o Whakarūaumoko, e ngunguru rā i Rarohenga,
Ka waiho nei hei hoariri mō Tini o Tane-matua i te aoturoa.
I konei, e tama, ka whakamau atu ki te Pito-uru-rangi,
Ki a Tū-mata-kakā, ki a Tūmatatawera,
Ki a Tūmatahuki, ki a Tumatarauwiri,
Hei whakamau i te pona whakahoro kai nā Hinetītama,
Ka waiho hei tohu ki a Tanematua,
Ka whakaoti te pūmanawa o Tāne i konei,

# 2 NGĀ KŌRERO O MUA

## Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua

- 2.1 I heke mai ngā tīpuna pōkai moana o Ngāti Kahungunu ki Aotearoa mai i ō rātou whenua taketake i te taha rāwhiti o Te Moana-nui-a-Kiwa e mōhiotia nei ko Hawaiki, mā runga i te waka o Tākitimu. Whānui ana te pōkai a te pāpā o Kahungunu, a Tamatea-mai-Tawhiti, rāua ko tōna koroua, ko Rongokako, i ngā whenua o Aotearoa. Ka moe a Kahungunu i a Rongomaiwahine, i tētahi o ngā uri whakaheke i a Popoto nō te waka o Kurahaupō, ā, ka puta i tēnei moenga ko te iwi o Ngāti Kahungunu. I tō rātou hekenga whakarunga i te tai rāwhiti, ka pakanga, ka whakarite hononga whai rautaki, ka pākūhā hoki ngā uri a Kahungunu rāua ko Rongomaiwahine me ngā iwi i tūtakingia ai e rātou. Nō te hekenga ki te tonga, ki Wairarapa me Tāmaki-nui-a-Rua, ka noho pūmau ko te hapū o Ngāti Kahungunu hei tangata whenua, hei ahi kā hoki ki te rohe.
- Kua tapaina tēnei rohe o Ngāti Kahungunu ko Te Rohe o Rongokako, e kōrero nei mō ngā mahi i tutuki rā i a Rongokako i tōna putanga i te whare wānanga i whakatūria ai ki Wairarapa e Tupai, e tētahi tohunga nō te waka o Tākitimu. Kei tēnei whaitua te takutai kei tōna 270 manomita te roa i Te Poroporo ki Tāmaki-nui-a-Rua, ki Turakirae i te pito whakarunga o te takutai o Wairarapa. Ko te tawhā o uta ka tīmata ki te hiku o te awa o Manawatū i te paeroa o Ruahine, ā, ka whakawhiti i ngā pae maunga o Ruahine, o Tararua, me Remutaka ki Turakirae. Nā te tini o te kaimoana i taea rā te kohikohi, nā te nui hoki o te kūmara i taea rā te hauhake puta noa i te ākau, i tino muia te rohe. Āpitihia rā ko ngā takiwā rahi o te ngahere ki uta, otirā ko Te Tapere-nui-a-Whātonga, me tētahi o ngā roto nui katoa o Te Ika a Māui, i ora ai i ngā whenua me ōna rawa tētahi wāhanga mātātoa o te iwi o Ngāti Kahungunu mō ngā rautau e hia nei.

## Ngā Tau Whakapānga Tōmua i Waenga i te Karauna me Ngāti Kahungunu

- 2.3 Kātahi anō a Ngāti Kahungunu ka whai pānga ki te Pākehā i a Hui-tanguru, i te tau 1770, i te wā i puta ai ngā waka e toru i te takutai rāwhiti, i paku whakateraki atu i Te Mātakitaki-a-Kupe, ki te whaitaki atu ki tō Captain James Cook Endeavour. I tūtaki anō ngā iwi o te rohe ki a Cook i te wā i āia rā ia i tōna waka o Adventure ki uta i taua wāhanga anō o te takutai i te tau 1773. I ngā tekau tau i muri mai, ka kawea atu ngā poaka me ngā rīwai, nā Cook i hari tuatahi mai ki Aotearoa, ki Wairarapa, ki reira whakapūmautia ai hei kai.
- I te tekau tau 1830, he tokomaha ngā uri o Ngāti Kahungunu ki Wairarapa me Tāmakinui-a-Rua i whakatahi atu ki Te Māhia mai Tawhiti (kei Te Matau a Māui) nā te kaha haeretanga o ngā pakanga i te rohe i muri i te taenga o iwi kē me ā rātou pū. I noho tonu ētahi o ngā uri o Ngāti Kahungunu ki ō rātou whenua i Wairarapa me Tāmaki e mau tonu ai ō rātou mana whenua nō ngā tīpuna. Heoi anō, ko te nuinga i whai punanga i waenga i ō rātou tini whanaunga o ngā iwi i Nukutaurua ki Te Māhia mai Tawhiti. Ka tauhokohoko rātou me ngā Pākehā e noho ana ki reira e riro ai i a rātou he pū me ētahi atu rawa.
- 2.5 Nō rātou i Nukutaurua, ka tūpono a Ngāti Kahungunu ki te Karaititanga mā ngā kaiako Māori me ngā toronga o ngā mihinare ki Tūranganui-a-Kiwa, ki te kāinga i hūnuku ai ētahi i te hiku o te tekau tau 1830. I tere tā rātou kapo i te Karaititanga, ā, i rikarika tā

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- rātou hao i ētahi atu hua i haria mai rā e te Pākehā, pēnei i te tuhituhi me te pānui, i te hangarau hou, me ngā māra kai hou.
- 2.6 Tae rawa ake ki te puku o te tekau tau 1830, ka tīmata tā rātou pakanga e mau anō ai i a rātou ō rātou whenua. I te tau 1838, ka tīmata ngā uri o Ngāti Kahungunu i Nukutaurua ki te hoki ki tō rātou wā kāinga, ki Tāmaki-nui-a-Rua me Wairarapa, ka tū ki te rohe o Te Matau a Māui, ki te taha o ō rātou whanaunga o reira i mua i te haere tonu i te tau 1840. Kātahi ka whakaaetia kia hora te rongo taketake i waenga i ngā iwi i nōhia rā e rātou te pito whakatetonga o Wairarapa i tētahi wā poto. Ka whakatauria e ngā iwi rāwaho me Ngāti Kahungunu tētahi paenga i ngā pae maunga o Remutaka me Tararua.
- 2.7 I tō rātou hokinga ki Wairarapa, ka whai a Ngāti Kahungunu ki te pāhekoheko me ngā tauiwi whakatū kāinga o Te Whanganui a Tara, mā te mahi i runga i ā rātou pāmu i te tuatahi, kātahi ka pōhiritia ngā kaipāmu kia hūnuku ki Wairarapa nā te mea mārakerake ana ngā raorao whārahi o reira e rite nei kia hurihia hei whenua whakataka, ā, kāore ngā whenua o Te Whanganui a Tara i pērā.
- 2.8 Kāore a Ngāti Kahungunu i waitohu i te Tiriti o Waitangi, ā, kāore te Tiriti i haria ki Wairarapa, ki Tāmaki-nui-a-Rua hoki hei waitohu mā Ngāti Kahungunu. E ai ki ngā kōrero kua tuhia, kāore anō a Ngāti Kahungunu i whai pānga atu ki te Karauna tae noa ki te tau 1845.

## Te Rirohanga atu o Maungaroa nā te Whakahau, i te tau 1845

- 2.9 I muri mai i ngā torotoronga ki Wairarapa e ngā tauiwi whakatū kāinga i te upoko o te tekau tau 1840, ka whakaritea ngā takanga hipi i runga i ngā whenua o Ngāti Kahungunu i te pito whakatetonga o te taiororua o Wairarapa i te upoko o te tau 1844. Tae rawa ki te upoko o te tau 1845, kāore i iti iho i te rima tekau Pākehā e mahi ana i ngā teihana e whitu e whakahaerehia ana i Wairarapa, ka mutu e toru atu anō ngā teihana i rite kia nōhia. Hei utu i te whenua, i te mahi, me te whakaruruhautanga o ngā kaitiaki takanga, ka rite tonu te whakawhiwhia o Ngāti Kahungunu ki te whiwhinga pūtea, he pūkenga hou ka ākona ki a ia, he puna rawa tauhokohoko hoki ka mau i a ia. He iti nō ngā whenua pai, ā, nā ngā uauatanga hoki e pā ana ki ngā taitara i te rohe o Te Whanganui a Tara i paingia ai a Wairarapa e ngā tauiwi whakatū kāinga.
- 2.10 I te nuinga o te wā, e rangimārie ana ngā hononga i waenga i ngā Māori nō rātou te whenua me ngā kaitiaki takanga me ngā kaimahi e noho ana i aua whenua rā. Heoi anō, i a Hui-tanguru, i te tau 1845, ka ara ake tētahi tautohe i waenga i a Ngāti Kahungunu me ētahi o ngā kaimahi e mahi ana i tētahi o ngā takanga hipi hou ki Whāwhānui i te takutai paeroa o Wairarapa. I whakahē te rangatira, a Te Wereta, i te nōhanga o te whenua o tana iwi mehemea kāore ia i whakaae, mehemea hoki kāore te utu e tukuna ki a ia, nō reira, ka haere ia ki Whāwhānui ki te kōrero i te take, engari kāore te kaitiaki takanga i reira. Ka noho tonu a Te Wereta ki reira i te pō, ka hui ai ki ngā Māori nā rātou te whenua i tuku ki te kaitiaki takanga. I mua i te wehenga o Te Wereta, i te aonga ake o te rā i muri mai, ka ara ake tētahi tautohe i waenga i a rāua ko tētahi o ngā kaimahi a te kaitiaki takanga, ā, nā tērā, ka whakahau te rangatira kia utua ia ki ētahi rawa hei utu mō te hara ki a ia. I ngā hāora o muri mai, nō te wehenga o Te Wereta, ka haurangi ētahi o ngā kaimahi a te kaitiaki takanga, ā, nā tētahi tana hama i whakamahi hei kurukuru i ngā Māori i reira tonu, me te aha, ka whara tētahi. Ko te utu i puta ake hei urupare, ko te muru.

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- 2.11 I a Poutū-te-rangi, i te tau 1845, ka tonoa e te Karauna tētahi Kaitiaki-Whāiti mō ngā Māori ki Whāwhānui ki te whakatewhatewha i te take. E ai ki ngā kōrero kua tuhia, koinei te wā tuatahi i tae ake tētahi āpiha o te Karauna ki Wairarapa. He kaitauhokohoko tūmataiti te Kaitiaki Whāiti i Kaipara i te tau 1841, i noho ai ia hei papa mō te muru. Ka urupare atu te Karauna mā te whakatumatuma ki te whakaeke a te ope taua, ā, ka whakahau hoki ia kia tukuna te whenua. I te tau 1842, ka kaha te whakahētia e te Tari Taipūwhenua ki Ingarangi tenei "kaupapa whakawhiu" e kīja nei he "whakaritenga pāhekeheke kei rite tonu te toaitia". I te tau 1845 ki Wairarapa, ka whakatau te Kaitiaki-Whāiti nō Ngāti Kahungunu te katoa o te hē, ā, nāna i whiu ana kupu whakatumatuma e tukuna ai ki te Karauna te poraka whenua o Maungaroa, kei te takiwā o Whāwhānui me Te Mātakitaki-a-Kupe, hei utu i te murunga. Kāore te poraka i rūritia, engari e ai ki te whakatau tata a te Kaitiaki-Whāiti, i tōna 23,000 eka tōna nui. I te tau 1853, e ai ki te whakatau tata a Te Komihana Tumuaki Hoko Whenua, ki a Donald McLean, i "tōna waru tekau mano eka" te nui o te poraka. E ai ki te rangahau a Ngāti Kahungunu e pā ana ki ngā paenga i kōrerotia rā i te whakaaetanga ā-pukapuka, kāore e kore ko tōna 45,000 eka te itinga o ngā whenua i riro atu.
- 2.12 I te tau 1853, i kī a McLean ko ngā kupu whakatumatuma a te Kaitiaki-Whāiti, "he ōrite ki te karanga kia pakanga". I tuhi hoki ia, i roto i te rirohanga atu o ngā whenua ētahi pānga nō ētahi o Ngāti Kahungunu kāore nei i whai wāhi ki te muru, ā, "kāore e tika ana i raro i ngā mātāpono o te tōkeke, o te tika me te ture" kia tukuna e rātou. I whakaae te Kaitiaki-Whāiti i pā ētahi wāhanga o te rirohanga o te whenua nā te whakahau ki ērā kāore i whai wāhi atu ki te muru, kāore nei hoki i hara, ā, nāna nei i tuhi "e tukituki ana ki ō tātou whakaaro ki te tika." I whakatau te Kaitiaki Tumuaki he nui rawa te whenua i tangohia, "ina huritaotia hoki te mūkākā a tētahi o ngā Pākehā," ā, ka mea hoki ia, "kāore au i te kaha ki te whakaae kia noho ko taua mātāpono hei whāinga i te nuinga o te wā."
- 2.13 I whakaae te Karauna kia rima tau te noho utukore a te kaipāmu ki te whenua i riro i Whāwhānui, hei utu i ōna whenua i murua ai. I a Poutū-te-rangi, i te tau 1850, ka tāpaea e te Karauna te whenua ki te Kamupene o Niu Tireni, engari kāore i tangohia. I ngā marama i muri mai, i te tau 1850 tonu, ka takoto i te Hekeretari o te Tari Māori ōna huatau ki ōna rangatira kia whakaaro rātou ki ngā whenua, otirā mehemea e tika ana kia "whakahokia ki ngā Māori," engari kāore taua huatau i whakatinanahia. I a Whiringa-ānuku, i te tau 1851, he mautohetanga ka whakatakotohia e Ngāti Kahungunu ki a Kāwana Kerei, ā, ka mea atu ki a McLean he muremurenga te rirohanga o te whenua, ā, he mea riro "i roto i te whakatumatuma ki te kore e tukuna, he katipa, he hōia hoki ka tonoa hei urupatu i a rātou."
- 2.14 I a Pipiri, i te tau 1853, ka whakatewhatewhahia e te Komihana Hoko Whenua Māori ngā mautohetanga a Ngāti Kahungunu. Tūmataiti ana tana whakapāha i te mea kua kitea ānō nei ko te Karauna e tautoko ana i tētahi tangata takitahi e ai rā ki a McLean nāna i "tāhae" ngā whenua Māori. I te "tino whakamā" ia i whai pānga atu te Karauna ki tēnei āhuatanga. Heoi, i whakamōhio a McLean i a Ngāti Kahungunu kāore i āhei te mana o te rirohanga o te whenua te "whakakore", ā, ka takoto i a ia tana tono kia whai wāhi atu tēnei whenua ki roto i te hokonga hou a te Karauna i tētahi atu whenua e takoto pātata ana. I muri i ngā whakawhitinga kōrero ki a Te Wereta, ki ētahi atu rangatira o te rohe me tētahi nō Te Matau a Māui, ka waitohungia te whakaaetanga ā-pukapuka mō Mataoperu i a Whiringa-ā-nuku, i te tau 1853. £1,000 te utu a te Karauna mō ngā eka e 29,000, ko tētahi haurua o aua eka rā nō roto mai i te rirohanga o te whenua o te tau

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1845. Ka whakatau a McLean "kua tau te take, me te kore tonu i whakanoa kau" i te rirohanga o te whenua i te tau 1845.

## Te Ōhanga Whenua Whakataka ki Wairarapa, mai i ngā tau 1844-1852

- I te roanga ake o te tekau tau 1840, ka pāhekoheko te Māori ki te tāmitanga me te whakatū kāinga tauiwi mā te tuku i ō rātou whenua ki ngā kaitiaki takanga i runga i te whakaaro he ōrite rātou, engari e pupuri tonu ana rātou ki te mana o te whenua. Ka kīia ēnei whakaritenga i roto i ngā whakaaetanga ā-tuhi he "tuku". I mahara ngā kaitiaki takanga he whakaritenga rīhi ēnei, me te aha, ka utua e rātou. I mahara hoki a Ngāti Kahungunu he tūāpapa tēnei mō te tauutuutu i waenga i a rātou me ngā kaitiaki takanga kāore nei i herea noa ihotia ki te utu ā-rīhi, engari ka whai wāhi ko ētahi atu koha ukiuki, ka whakamahia tahingia hoki ngā rauemi a ngā taha e rua e rāua tahi.
- 2.16 E ai ki te Karauna, he takahitanga ēnei whakaritenga i tana mana hoko i te tuatahi i raro i te Tiriti, ki ōna nei whakaaro he mea matua e hokona ai e ia te whenua me whai hei whakatairanga i te whakahaeretanga o te whakatū kāinga tauiwi. Heoi anō, nā te mea kāore anō te Tiriti i haria ki Wairarapa, ki Tāmaki-nui-a-Rua hoki, kāore e kore e noho kūware ana a Ngāti Kahungunu ki te wāhanga ki te mana hoko i te tuatahi, tae atu rā hoki ki tā te Karauna whakamāoritanga i taua wāhi rā. Ahakoa tēnei, pūkeke ana te noho a Ngāti Kahungunu kia mau tonu i a rātou te mana ki ō rātou whenua, kia pāhekoheko hoki rātou me ngā tauiwi whakatū kāinga i runga i ngā whakaritenga pai ki a rātou e pā ana ki te rīhi me te tuku.
- 2.17 I te tau 1846, ka whakaturehia te Land Purchase Ordinance i taea ai i raro i te ture te whiu ngā hunga tūmataiti i takahi rā, ki tāna titiro, i te mana hoko i te tuatahi o te Karauna nā te whai mahi hoko i ngā whenua Māori. Heoi anō, kāore te Karauna i uruhi i ngā kaitiaki takanga i Wairarapa i taua wā ki te Ture Whāiti, ā, kāore hoki ia i aukati i te whakawhānui tonutanga a ngā kaitiaki takanga i tō rātou ōhanga i roto o Ngāti Kahungunu. I whai whakaaro te Karauna ki te whakarite, kaua ki te aukati, i ēnei mahi tiaki teihana, engari kāore i neke atu i te whakaaro kau. Ka tere te tipu o te tokomaha o ngā kaitiaki takanga, me te aha, ka nui ake te taupori o ngā tauiwi whakatū kāinga mai i te 50 i te tau 1845 ki tōna 200 i te taenga ake ki te tau 1847, manohi anō, kua tau te tokomaha o ngā Māori ki tōna 800. Tae rawa ake ki te upoko o te tekau tau 1850, i waenga i te 300,000 me te 400,000 eka te rahi o ngā whenua kua tukuna ki ngā kaitiaki takanga e 30, me te aha, ka piki haere te whiwhinga pūtea ka hua i ia tau, hei tauira, mai i te £600 i te tau 1850, ki te £1,200 i te tau 1851.
- 2.18 Mai i te tau 1847 ki te tau 1849, ka tautoko te Karauna i ngā whāinga a te Kamupene o Niu Tireni ki te hoko whenua i Wairarapa. Ka tohutohu te Karauna i ngā kaitiaki takanga i Wairarapa kia mahi tahi i roto i āna whāinga hoko nā te mea ka hāngai tonu ngā hua ki a rātou. I whakatumatuma hoki rātou ki te hāmene i raro i te Ture Whāiti o te tau 1846. I whakatūpatohia a Ngāti Kahungunu ki te kōrero e kī nei mēnā kāore rātou e hoko i ō rātou whenua ki te Karauna, ka unuhia ngā tauiwi whakatū kāinga i Wairarapa. Ka whakaūngia e ngā māngai hoko ngā hua o te whakahaere whakatū kāinga tauiwi, ā, i pūrongotia e rātou tā rātou "ū ki te aki" i ngā rangatira e hiahia ai rātou ki te hoko.
- 2.19 I tētahi hui nui me ngā māngai hoko i Otaraia, i a Whiringa-ā-rangi, i te tau 1848, ka mea a Haimona Pita ki a rātou, "i a rātou te whenua; ā, ka mau tonu i a rātou. Nō ō rātou tīpuna i mua, ā, nō rātou ināianei: ko te whenua hoki tō rātou tipuna nui, ā, ina tukuna e

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rātou, ka mate ko rātou me ā rātou tamariki." Ka haere tonu ana kōrero, "he nui te whenua", ā, e pai ana kia haere mai ngā tauiwi whakatū kāinga ki Wairarapa noho ai nā te mea ko ētahi atu "i te pērā me te kore i hoko." I whakaae ētahi rangatira ki te whakaaro o tā te Kamupene tono mō te whakatū kāinga tauiwi nā te mea i whakatairangahia hei umanga Karaitiana, engari whakahē tonu ana a Ngatuere rāua ko Te Manihera, ka pātai ai, "ka pōhiritia te kiritea kia panaia anō ai rātou? Kāo - tukuna ngā Pākehā kia noho ki te whenua, ā, me utu hoki e ia - engari kaua e tukuna ki ōna ringaringa mā te hoko."

- 2.20 I te tau 1849, ka tīmata te whakawhānuitanga o te pūnaha kaitiaki takanga ki te rohe pātata o Te Matau a Māui. I te tau 1850 ka āta whakapāhunu a McLean i tēnei whakawhānuitanga mā te whakatūpato i ngā kaitiaki takanga o te wā, me ērā e whai ana ki te tū hei kaitiaki takanga ki tō te Karauna whakaaro ki te hāpai i te Native Land Purchase Ordinance o te tau 1846. I te tau i muri mai, ko te whakatūpato hoki a McLean i ngā Māori o Te Matau a Māui, kua kore te Karauna e tuku kia haere tonu ngā mahi tiaki teihana, ā, me whakaae kē rātou ki te hoko i ō rātou whenua ki a ia. I tua atu i te whakataunahua i te whakawhānuitanga o ngā mahi tiaki teihana i waho o te ture, i whai te Karauna kia tukituki ana hokotanga i ngā whenua i Te Matau a Māui ki ngā whakaritenga e tū kē ana i Wairarapa me Tāmaki-nui-a-Rua, mā te whakatenatena pea i ngā kaitiaki takanga kia hūnuku ki Te Matau a Māui.
- 2.21 I te tau 1851 me te tau 1852 ka whakatūpato tonu a McLean i ētahi kaitiaki takanga i Wairarapa me ērā e whai ana ki te tū hei kaitiaki takanga ki te hāpaitanga o te Ture Whāiti o te tau 1846. I te tau 1853 ka tuhi tētahi tangata whakatū kāinga tauiwi kua kīia te Māori ka unuhia ā rātou tauiwi whakatū kāinga ki te kore rātou e whakaae ki te hoko. I whakahau te Karauna i te tauiwi whakatū kāinga me tētahi atu kia wehe engari i whai ia kia noho tonu ia ka pupuri kē ai ki tana utu rīhi. I whakaū te Karauna i tana kōrero ki ngā kaitiaki takanga e kī nei i muri tonu i tā te Karauna hoko whenua i te Māori, kua wātea ngā kaitiaki ki te hoko herekore i ō rātou whenua. Me kore ake ngā whakatumatuma a McLean e pā ana ki te hāpaitanga o te Ture Whāiti o te tau 1846 i mutu ai tā ngā kaitiaki takanga whakahaere i te ōhanga, ā, nā tērā i para te huarahi angitu mō ngā mahi hoko a te Karauna.

## Te Whakaaetanga ā-Pukapuka mō Rangiwhakaoma, i ngā tau 1851-1853

2.22 I te upoko o te tekau tau 1850, nā te Karauna ngā hokotanga o mua i Te Matau a Māui i whakamahi hei poapoa kia hua ai ētahi atu hokotanga i Wairarapa me Tāmaki-nui-a-Rua mā ngā hononga whakapapa ki ētahi ihorei. Tērā tētahi wā, nā tētahi āpiha o te Karauna i whakakīkī ngā kaihoko whenua atu i Te Matau a Māui kia tukuna te £100 o ngā moni hua mai i te hokotanga o Waipukurau ki a Wiremu Te Pōtangaroa rāua ko Te Wereta o Wairarapa. I te tau 1851, i te otinga o ētahi hokotanga i te raki, ka tūtaki, ā, ka whakawhiti kōrero a McLean ki ētahi rangatira o Ngāti Kahungunu, tae atu ki ērā i reira i ngā whakaritenga mō te hokotanga o Te Matau a Māui i te tau 1851. I ngā marama i muri mai, i te tau 1851 tonu, ka pōkai a McLean i Wairarapa me Tāmaki-nui-a-Rua i a ia e haere ana ki Te Matau a Māui me ana uka kōura e £3,000 te nui hei hoko whenua māna i reira. He mea whakaatu te moni ki a Ngāti Kahungunu hei whakaatu i te whai rawa ka hua ki ērā i whakaae ki ngā whakaaetanga ā-pukapuka a te Karauna mō te hokotanga.

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- 2.23 Tae rawa ake ki te tau 1852, kua tuwhera ngā whakaritenga ki te hoko i te whenua o Rangiwhakaoma. I waenga i ngā whakaritenga ka whakatakotohia e McLean ngā hua āpāpori, ā-ōhanga hoki i meatia e ia ka puta mai i te whakaaetanga a te Māori ki te hoko i ō rātou whenua. Tae rawa ake ki te hiku o Poutū-te-rangi, i te tau 1852, ka whakahaerehia tētahi rūri whakataki i ētahi eka whenua e hia rau mano nei huri i Rangiwhakaoma, ā, ka haere tonu ngā whakawhitinga kōrero me ngā matapaki ki ngā rangatira o te rohe e pā ana ki te mahi hoko e whakaarotia ana.
- 2.24 I a Poutū-te-rangi, i te tau 1853, ka haere a Kāwana Kerei, ko te Pīhopa o te Hāhi Mihinare o Aotearoa tōna nei hoa haere, ki Wairarapa me Tāmaki-nui-a-Rua ka hui ai me ētahi rangatira o te rohe kia mau ai ētahi whenua hei takoha ki te whakatū kura i te rohe. I taua wā ka kōrero a Grey ki ngā whakaritenga e haere tonu ana mō Rangiwhakaoma, ā, kāore e kore i whakatairangahia e ia ki a Ngāti Kahungunu ngā hua taituarā o te whakatū kāinga tauiwi kua whakatauria ka puta i te whakataunga o ngā whakaritenga mō Rangiwhakaoma me ētahi atu whenua, i te taha o te Karauna. I whai hoki ia ki te whakatū i tētahi "taone Māori" ki Pāpāwai i reira rā ētahi whenua i takohangia ai hei whakatū i tētahi kura.
- 2.25 I te 22 o Pipiri, i te tau 1853, e 301 katoa ngā tāngata, tāne mai, wāhine mai, tamariki mai hoki, otirā, ngā "rangatira me ngā uri o Ngāti Kahungunu" i waitohu i te whakaaetanga ā-pukapuka mō Rangiwhakaoma. I whakaae te Karauna ki te utu i te £2,500 mō ngā whenua i waenga i te awa o Waimata me Whareama. I puta i a McLean te kupu mō te "utu māmā" i riro ai te Poraka ki Rangiwhakaoma. I te tīmatanga, e 275,000 eka te nui o te whenua i whakatau tata ai ngā kairūri a te Karauna engari e mōhiotia ana he tata kē ake tōna nui ki te 485,000 eka. I whakaae te Karauna kia wehea ngā rāhui tekau e 28,000 eka tōna nui hei whenua mō ngā Māori nō Wairarapa me Tāmaki-nui-a-Rua. E rima ēnei rāhui i rūritia, ā, i whakaaturia i runga i te mahere i tāpirihia ki te whakaaetanga ā-pukapuka.
- 2.26 Ki a Ngāti Kahungunu, ko tētahi o ngā whāinga matua o te waitohu i te whakaaetanga ā-pukapuka, ko te whakarite i tētahi hononga matatū ki te Karauna, i runga i ngā kaupapa i whakatairangahia e Kerei rāua ko McLean, ka mutu, ka noho ko ngā kaupapa whānui ake o te tauutuututanga me te herenga tahitanga hei pou herenga i taua hononga rā. I whakaritea e Te Pōtangaroa rāua ko Te Ōtene Kuku te hononga ki te Karauna ki tētahi mārenatanga. I tā rāua tuhinga ki a McLean rāua ko Kāwana Kerei, ka mea rāua: "E hoa, me pēnei taku kī atu: Tukuna kia takoto te whakaaetanga ki mua i ā tātou tamariki, i taku tamāhine, i tō tama. Ā muri i tērā, ka puta tētahi whakatau whānui. ...Kia mutu tērā, kua mārena ā tāua tamariki."

## Te Komiti Nui, i te tau 1853

- 2.27 I a Pipiri, i te tau 1853, i te rā i muri i te waitohutanga o te whakaaetanga ā-pukapuka mō Rangiwhakaoma, ka pōhiri a Kāwana Kerei i ētahi rangatira o Wairarapa kia hui tētahi Komiti Nui ki te matapaki i te hokotanga tonutanga a te Karauna i ngā whenua i Wairarapa. Ka tū te Komiti Nui ki Tūranganui (i waenga o Pirinoa me te roto o Ōnoke) i a Here-turi-kōkā, i te tau 1853, i a Kerei e whai ana ki te wehe i Aotearoa i muri i tana tūnga tuatahitanga hei kāwana.
- 2.28 Ko te Komiti Nui tētahi huarahi hou hei hoko i te whenua ki te Karauna. Ko te pūrongo a Kerei ki te Kāwanatanga o Piritānia e mea ana i tono ia ki ngā rangatira i te Komiti Nui

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kia whakaea i ōna hiahia i tā rātou whakaoti i te hokotanga o te whenua i Wairarapa i mua i tōna wehenga i Aotearoa. I whakanuia e ia ki ngā rangatira ngā hua taituarā ā-pāpori, ā-ōhanga ka puta ki a rātou i te whakatūnga o ngā kāinga mō te Pākehā. Ka whai wāhi ki ngā hua nei ko te kura, ko te hōhipera, ko ngā ratonga whai rongoa a te Kāwanatanga, ko ngā mira puehu parāoa, ko te whakapūmau i ngā haumi ka piki rā te uara i te whānuitanga o te whakatū kāinga tauiwi, me te māmā ake o te whai wāhi ki ngā rawa kikokiko me ngā mākete mō ā rātou whakanaotanga. I roto i ētahi o ngā whakaaetanga ā-pukapuka i puta i muri i te Komiti Nui ngā āpitihanga mō te koha, nā reira i whakaritea ai tētahi tahua koha e whakaurua ai te rima ōrau o ngā moni hua ki te Karauna mai i te hokotanga atu o ngā whenua i hokona mai ai e ia i ngā Māori o Wairarapa. Nō muri a Kerei ka kī ko ngā hua taituarā e pā kē ana ki ngā hokotanga ngā "utu motuhenga" ki te Māori mō ō rātou whenua.

2.29 I mārama a Kerei, he take nui ki ngā tikanga a Ngāti Kahungunu tōna wehenga. Ki a Ngāti Kahungunu, he poroporoaki tōna wehenga, he kaupapa pōuri e whakanuitia ai te mana o ngā taha e rua mā te koha. Ka whakaritea ko te whakatōnga o ētahi rākau rāwaho ki Tūranganui hei tohu i te whakaaetanga nui i whakatauria ai e Ngāti Kahungunu me te Karauna i te Komiti Nui. Ko te kōrero i muri mai a te rangatira, a Rāniera Te Iho e kī ana ko Kerei rāua ko McLean "i haere mai ki te whakatō i te tikanga ki Wairarapa" i te tau 1853. Ko te tikanga hou i whakatōngia ai he tikanga mō te pātuitanga, mō te tauutuututanga, mō te herenga tahitanga i waenga i a Ngāti Kahungunu me te Karauna, ka noho hei ārahi i te hononga i waenga i a rātou me ngā mahi hoko whenua ka kawea i raro i tēnei tikanga. I te tau 1877, i kōrero a Grey mō tana whāinga i a ia e tū ana hei Kāwana kia mārena a Ngāti Kahungunu i te Pākehā. I te Komiti Nui, i ngā tekau tau maha i muri mai, ka tohe tonu a Ngāti Kahungunu kia ea ngā kī taurangi a te Karauna.

## Tā te Karauna Hoko Whenua, i ngā tau 1853 – 1865

- 2.30 I waenga i a Here-turi-kōkā o te tau 1853 me Hui-tanguru o te tau 1854, kua neke atu i te 50 ngā whakaaetanga ā-pukapuka i whakaritea ai e McLean me Ngāti Kahungunu mō ngā whenua i eke rā, i te taha o Rangiwhakaoma, ki tōna 1.5 miriona eka i Wairarapa me Tāmaki-nui-a-Rua. Kua neke noa atu i te haurua o ngā whenua katoa o Ngāti Kahungunu. Ko tōna £23,000 te utu a te Karauna mō ēnei whenua, arā, he tata tērā ki te 4 kapa mō ia eka. He rite tēnei utu ki ngā whiwhinga utu o ngā tau 10 ki te 15 ka hua mai i ngā rīhi me ngā tauhokohokotanga i raro i te ōhanga a ngā kaitiaki takanga.
- 2.31 I a Mahuru, i te tau 1853, ka mea a McLean ka nui noa atu tana utu i ia eka mō ngā poraka iti i pīrangitia ai e ia nā te mea he tauiwi whakatū kāinga kē i aua poraka nei e noho ana. Ka whakaahuatia e McLean ngā utu i utua rā e ia mō enei poraka iti hei "utu māmā rawa atu nei".
- 2.32 I muri mai ka whakapāha a Ngāti Kahungunu i te āhua o ngā utu i whiwhi ai rātou mō ngā whenua i hokona ai e te Karauna i muri i te Komiti Nui. I tētahi hui i te tau 1870, ka kī a Hikawera Mahupuku, "nā tō rātou kūware i whiwhi ai rātou i tētahi utu iti noa ake i te utu e tika ana mō te whenua," me tana āpiti kōrero atu anō mō McLean "nāna nei i whakapūmau ngā utu mō ia poraka, ehara kē i ngā kaihoko atu."
- 2.33 Ko ngā whakahau a Grey ki a McLean kia riro i a ia "te katoa o te rohe o Wairarapa," engari kāore i whakaritea he whāinga e whai pānga ana ki te whakatakotoranga o tētahi

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ara ki anamata mō Ngāti Kahungunu atu i ētahi rāhui noho pakupaku, kāore nei i rūritia, kāore nei hoki i whakamarumarutia e te ture, kua tuhia ki ētahi whakaaetanga ā-pukapuka. I whakaae tētahi āpihi hoko whenua ka 'whai māramatanga' te tuku i a rātou kia mau tonu ki ngā whenua pai mō te mahi pāmu, engari i ngā wā kāore e whakamahia ana hei pāmu, ka whai ia ki te hoko i aua whenua rā.

- 2.34 He tere noa atu te whakaritenga o ngā whakaaetanga ā-pukapuka i whakaritea ai i muri mai i te Komiti Nui i tērā i whakaritea ai ki Rangiwhakaoma, ka mutu, he iti noa atu te whakawhiti kōrero me ngā tāngata nō rātou te whenua me te hunga e noho ana ki reira. Hei tauira, i waenga i te 9 me te 15 o Hakihea, i te tau 1853, 13 ngā whakaaetanga ā-pukapuka hoko i waitohungia e te Karauna me ngā Māori o Wairarapa. I te nuinga o ngā wā, kāore te Karauna i rūri i te whenua i mua i te waitohutanga o te whakaaetanga ā-pukapuka hei hoko mai i te whenua. I ētahi wā i noho tārewa ngā paenga, ngā rāhui me te utu hoko mō ētahi tau tonu.
- 2.35 I whakarite te Karauna i ētahi whakaaetanga ā-pukapuka i Te Whanganui a Tara me ētahi rōpū whai kokoraho, ka mutu, kāore te katoa o te hunga whai mana e noho ana ki reira i mōhio, me te aha, ka amuamu rātou e pā ana ki ēnei mahi hoko i tō rātou mōhiotanga. Hei tauira, i a Kohitātea, i te tau 1854, i Te Whanganui a Tara, ka waitohu te Karauna me ētahi kaihoko e rima i te whakaaetanga ā-pukapuka mō Awhea. I muri mai, ka tohe te rangatira, a Marere Te Apatu i tana kī kua "hē te hokotanga" o te whenua nā te mea "kāore te tokomaha ake e noho kē ana ki tēnei whenua i whakaae ki te hoko, me te aha, ko rātou i mahue ki waho." I a Kohitātea o te tau 1856, i Te Whanganui a Tara, ka whakawhiti kōrero te Karauna me te kaihoko kotahi e pā ana ki te whakaaetanga ā-pukapuka mō Wharehanga. I tere tonu tā te hunga whai mana tohe ki tēnei whakaaetanga ā-pukapuka, ā, nā rātou anō i aukati te rūritanga o te whenua tae noa ki te tekau tau 1860.
- 2.36 I muri i te whakatārewatanga o ngā mahi hoko mai i a Hui-tanguru ki a Whiringa-ā-rangi, i te tau 1854, ka tīmata anō a McLean me āna kaimahi i ngā mahi. Nō te taenga ki a Poutū-te-rangi o te tau 1855, e 50 atu anō ngā mahi hoko kua whakaritea e te Karauna, ko tētahi haurua o ērā i waitohungia i Te Whanganui a Tara. I roto i ēnei hokotanga ngā whakaaetanga ā-pukapuka hou e iwa mō ngā hokotanga hou. Ko ērā atu he puka whakamana i te harangotengote o ngā utu hoko, o ngā utu tōmua rānei mō ngā whakaaetanga ā-pukapuka kāore anō i tuhia. Tae rawa ake ki te tau 1865, i whai whakaaetanga te Karauna kia hokona ngā whenua i eke rā te tapeke ki tōna 220,000 eka. 150 ngā mahi hoko i oti i a ia e whai wāhi ana ki ngā whakaaetanga ā-pukapuka hou, ki ngā whakatōpūtanga o ngā whakaaetanga ā-pukapuka e tū kē ana, ki ngā puka whakamana i ngā utu hoko me ngā utu tōmua. Ka haere te wā, ka iti haere hoki te waitohutanga o ngā whakaaetanga nei e ngā uri o Ngāti Kahungunu.
- 2.37 I a Mahuru, i te tau 1855, ka whakahau a McLean i ana kaimahi kia mutu te whakarite whakaaetanga ā-pukapuka anō kia tau rā anō ngā tohe maha kua ara ake i ngā whakaaetanga ā-pukapuka o taua wā. Heoi anō, ka pau te hia tau e tau ai i te Karauna ngā tohe nei. I te tau 1857, ka whakahē te Kāwanatanga i tērā i kīia rā e ia "he hapa tē taea te wete" i te āhua o ngā mahi hoko whenua i Wairarapa. I ētahi wā nā te tōmuri o te whakatutuki i ngā utu me ngā tohe e pā ana ki ngā utu e hapa tonu ana, ka noho nama ngā rangatira ki ngā tauiwi whakatū kāinga i a rātou e tatari ana ki ngā utu kāore anō rātou kia whiwhi. Nā tēnei ka tipu haere te whakaahunga i roto i a Ngāti Kahungunu. I te

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tau 1860 ka amuamu ngā rangatira, a Wiremu Waaka rāua ko Karaitiana Te Korou ki a Kāwana Gore Browne e kī nei, "kua rite mātou ki te kurī e tatari ana ki ngā utu o ō mātou whenua." Tae rawa ake ki te tau 1862, kua hoki a Kāwana Kerei ki Aotearoa, ā, ka tuku kōrero ia ki te Kāwanatanga o Piritānia mō ngā tohe e pā ana ki ngā hokotanga o ngā whenua i Wairarapa e kī nei ia he "uaua te kite i te tika o tā te Kāwanatanga tango i ngā whenua mai i ngā Māori i runga i ētahi herenga whāiti, engari i a ia e pupuri ana ki ēnei whenua, kāore e taea e ia, i raro i te ture, ngā herenga nō reira mai te mana ki te tango mai i aua whenua, te whakaea."

- 2.38 I a Kohitātea, i te tau 1854, ka whakarite a McLean i te whakaaetanga ā-pukapuka hoko i te poraka o Tautāne (e 93,000 eka), kei Tāmaki-nui-a-Rua, me ētahi rangatira o Te Matau a Māui me Ngāti Kahungunu e haere ana ki Pōneke, ka mutu, he pānga ō ētahi noa iho o rātou ki te poraka. Tae rawa ki te tau 1856, ka tohe ngā Māori e noho ana ki Tautāne i te whakaaetanga ā-pukapuka i waitohungia ai e ō rātou whanaunga o Ngāti Kahungunu. I whakaae te Karauna ko ērā i tōia mai e ia ki te whakaaetanga ā-pukapuka he "kaikokoraho ririki noa iho", ā, kāore te tokomaha o ngā kaikokoraho "matua" i whai wāhi atu, engari i whakapeka ia ki te whakakore i te mahi hoko. Heoi anō, ka whai kē te Kāwanatanga ki te whakaoti, ki te whakawhānui ake hoki i te hokotanga mā te tango i ngā pānga o te hunga e noho ana ki te whenua i whakahē rā i te whakaaetanga ā-pukapuka.
- 2.39 Ka ākina e te Karauna te hunga e noho ana ki taua whenua kia whakaae ki te whakaaetanga ā-pukapuka mō Tautāne. I a Poutū-te-rangi o te tau 1858, ka waitohu tētahi rōpū nui ake, ka mutu, he nui ake ngā tāngata whai mana, i tētahi whakaaetanga ā-pukapuka tuarua ki Tautāne. I whakawehea i roto i te whakaaetanga ā-pukapuka tuatahi ngā rāhui e rua kāore nei i tautuhia, engari i roto i te whakaaetanga ā-pukapuka tuarua, kotahi te rāhui noho (1,000 eka), te urupā, he wāhi ahuwhenua hoki (e 50 eka) i whakawehea ki ngā kaihoko atu, otirā, ko ngā taitara o te rāhui i tukuna ki ngā rangatira tokorua noa iho i te tau 1867.
- 2.40 He nui te whenua i hokona atu ai e te Karauna i kī rā ia nāna i hoko i Wairarapa ki ngā tauiwi whakatū kāinga i mua i te rūritanga o ngā paenga me ngā rāhui, i mua hoki i te whakataunga o ngā tohe i waenga i a rātou ko Ngāti Kahungunu. Ko tētahi o ēnei momo tauira ka pā ki ngā whenua i Wainuioru (tae atu ki ngā poraka o Te Umukererū, o Wainuioru, o Maungaraki me Tikiwhakairo) i roto i ngā paenga o ngā whakaaetanga āpukapuka mō Pāhaoa kāore nei i rūritia, he take kāore nei i tino whakatauria tae noa ki te tau 1882. I a Mahuru o te tau 1853, ka tīmata a McLean i ētahi whakaritenga me Te Wereta mō tētahi whenua nui i te takutai e pātata ana ki Pāhaoa (e whakatau tatangia nei kei tōna 110,000 eka te nui) engari kāore tētahi utu i whakaaetia. I a Whiringa-ā-nuku o te tau 1853, ka waitohu te Karauna i tētahi whakaaetanga ā-pukapuka e kī nei me utu te £700, ka whakatau ai i te toenga o te utu whakamutunga i te wā kua rūritia ngā paenga me ngā rāhui e whā. I a Hakihea, i te tau 1853, £100 atu anō ka utua e te Karauna. I a Kohitātea, i te tau 1855, ahakoa kāore anō i rūritia e te Karauna ngā paenga me ngā rāhui, e £450 tāna i utu ai, ka mutu, hei tāna anō, koinei te utu whakamutunga. I kitea i te puka whakamana i te whakaaetanga e rua atu anō ngā rāhui i whakaaetia e te Karauna.
- 2.41 He tohe i puta i ētahi atu o Ngāti Kahungunu e whai pānga ana ki te poraka o Pāhaoa, ā, kāore rānei i whai wāhi atu, kāore rānei i whakaae atu ki ngā whakaaetanga ā-pukapuka

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o te tau 1853 me te tau 1855. Hei urupare, mai i te tau 1856 ki te tau 1860, ka whakarite te Karauna i ētahi utu me ētahi whakaaetanga ā-pukapuka e hāngai ana ki ngā whenua me ngā pānga i te poraka o Pāhaoa. I te tau 1860, ā, i te tau 1862 anō ka whakamōhio atu a Ngāti Kahungunu ki Wainuioru i te Karauna kāore anō te nama mō ngā eka e 30,000 o reira kia ea noa. Tae rawa ake ki taua wā rā, kua hokona kētia atu e te Karauna te whenua ki ētahi tauiwi whakatū kāinga, i kīia rā e Ngāti Kahungunu ka panaia mēnā kāore ā rātou take e tau. I tētahi hui i a Kohitātea, i te tau 1862, ka takoto i a McLean tētahi £500 atu anō hei whakatau i te take. I whakahētia te whakaaro nei nā te mea i te whai kē rātou i te utu taketake o te £3,500 i whakahautia rā e Te Wereta, otirā, me tango te £1,250 kua utua kētia. I te whai ngā taha e rua ki te whakatakoto i te take nei ki a Kāwana Kerei i tōna toronga ki Wairarapa, engari kāore te toronga i hua ake. Ka whakahau te Minita mō ngā take Māori, a Fox, kia kaua e tāpae whakaaro atu anō i te £500 kua tāpaea kētia e McLean.

- 2.42 I te tau 1863, ka whiua e Ngāti Kahungunu tētahi tokorua whakatū kāinga tauiwi ki te pānui pananga. Hei urupare, ka tukuna e te Kaiwhakahaere o Te Whanganui a Tara tētahi o ana āpiha ki te whakatau i te take. I a Hōngongoi o te tau 1864, ka karangatia e te āpiha o te Karauna tētahi hui, e toru rā te roa, ki Te Hūpēnui. I te 21 o Hōngongoi ka tīmata ngā whakahaere ki tana pānui i ngā whakaaetanga ā-pukapuka a te Karauna, kātahi ka whakarongo ki ngā kōrero a Ngāti Kahungunu. I te 22 o Hōngongoi ka whakapeka ia ki te whakanui i tā McLean i tāpae ai i te tau 1862, ka mutu, ka kī ia he "whānako" ngā utu i takoto ai i te tau 1856 ki te tau 1860 mō ngā wāhanga o Pāhaoa e tohea ana, ā, kei waho ērā i tā te Karauna "hokotanga tika" tuatahi o Pāhaoa. Ka rere tonu ana whakaohiti ki te panaia ngā Pākehā i te whenua e ngā Māori ka noho rātou "hei hoariri mō te Kuīni", me te aha, ka tau mai "te pakanga ki runga ki tēnei wāhi kāore anō i tūkinotia e te mahie." Kātahi a Hoera Whakataha ka tū me tana "wiriwiri i te nguha" me tana kī ake "kei kīia nō te Māori te hē. I pīrangi te Kāwana ki te pakanga, ā, heoi anō tā te Māori he whakaae atu".
- 2.43 I te 23 o Hōngongoi, i te tau 1864, i te rā whakamutunga o te hui, ka tautuku a Ngāti Kahungunu kia heke tā rātou utu mō te whenua, engari i paopaongia ia tāpaetanga hou e te āpiha o te Karauna. Nāwai rā, ka tono a Wiremu Te Weu i te £800 noa iho, he hekenga tēnei i te £2,500. Ka urupare atu te āpiha o te Karauna, "E kāo, kua whakatakotohia e au te £700 ki a koe: arā, ko tā McLean £500 tēnā, me te £200 mai i ngā ōrau e 5. Nō reira, ka kōpiro a Wairarapa ki te toto mō te £100 e tārewa ana i waenga i a tāua...", ā, "ka riro katoa atu ō whenua, ō kararehe me ō rīhi. Heoi anō, nāu tō mate i kimi." Ka whakatā te hui, ā, ka kōrero tūmataiti a Ngairo rātou ko Manihera ko Rāniera Te Iho ki te āpiha, ka whakawherewhere ai i a ia kia riro māna e utu te huatango o te £100. I te hokinga ki te hui, ka whakaae te Karauna ki te utu i te £800 ki te whakatau i te take. Kāore i ea i tēnei te take e tārewa tonu ana mō ngā rāhui, kāore hoki he māramatanga i puta mō ngā paenga kāore anō i rūritia. Kāore ēnei i tutuki noa kia tae rā anō ki ngā tau 1870.
- 2.44 I te tau 1874, ka takoto i te Karauna tana whakaaro kia whakawehea ngā eka e 800 mō ētahi Māori kāore nei ō rātou pānga i whakaarotia i te hokotanga o te whenua pātata o Tikiwhakairo. Hei whakautunga, ka whai te Karauna ki te āta whakaoti i tētahi hokotanga o ngā eka e 7,000 i te tonga i oti rā i a ia ētahi utu tōmua te utu mō ētahi whenua i taua takiwā i te tau 1858 me te tau 1862. Ka mea tētahi āpiha o te Karauna ki a Ngāti Kahungunu ki te paopao rātou i te whakautunga "ka kokorahotia e te Kāwanatanga te

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katoa, ā, kāore rātou e paku whakaarotia." Heoi anō, nāna i tuku pūrongo ki te Minita mō ngā Take Māori me tana kī i mōhio ngā Māori i mua nō rātou te whenua, ā, kua nōhia e rātou taua whenua i ngā tau tini. I tuhi ia me tana kōrero ka whakawhiti kōrero ia me te tumuaki o te komiti Māori o te rohe kia tutuki ai tētahi whakataunga mārie hei karo i te "tukitukinga" e pā ana ki te take. I te tau 1877, kāore anō kia riro i te Karauna te 7,000 eka e pātata ana ki te whenua i Tikiwhakairo, kua tīmata tana whakaaro ki tētahi kaupapa e riro ai i a ia ētahi whenua e tata ana ki Wainuioru hei ritenga mō te £100 i utua rā e ia i te tau 1862. Ka kīia tēnei whenua e tētahi āpiha o te Karauna he whenua "e tauria ana e te kohu i te korenga i mōhio ki ngā paenga". Ka mea hoki tētahi atu āpiha, kāore ia i kite i ētahi pārongo whai take e pā ana ki te whakakoretanga o te taitara Māori i tēnei poraka. E ai ki te āpiha, kei tōna 4,000 eka te nui o te poraka, ā, ki ōna whakaaro ko te rirohanga i a rātou "te whā rau, te rima rau eka rānei" he "pai ake i te korenga i riro i a rātou o tētahi paku whenua i te mutunga iho." Heoi anō, i te mea kāore te whenua i tautuhia, ka whakatārewahia e te Karauna te kokoraho kia rūritia rā anōtia te whenua, ā, kia whakawāngia rā anōtia hoki e te Kōti Whenua Taketake.

- 2.45 I te tau 1881, ka hui te Karauna me ngā Māori kāore nei i whai wāhi atu ki te utu tōmua o te tau 1862, engari i te whai i te £100 mō ō rātou pānga ki ngā eka e 500. I tohe te Karauna, ka tāpae kē rātou i te utu hei rūri i te poraka nui ake. I whakaae ngā tāngata nō rātou te whenua, ā, ka whakaritea te poraka o Te Umukererū hei whakawākanga mā te Kōti Whenua Taketake. Ka kōwhiria e te Karauna ngā eka e 500 o te poraka ki ōna whakaaro "kāore e kore ka hokona e ngā kaihoko Pākehā," me te aha, ka whakawhiwhia atu ki te Karauna e te Kōti Whenua Taketake i te tau 1882. He ōrite te utu tōmua o te £100 ki te utu hoko o te whā herengi mō ia eka. He mea hoko ā-tūmataiti nei e Ngāti Kahungunu te nuinga o te poraka i toe mai mō te 17 herengi mō ia eka i ngā tau e rua tekau i muri mai i te utu tuatahi.
- 2.46 Nō te taenga ki te tau 1865, kua riro i te Karauna tōna rua hautoru o ngā whenua o Wairarapa me Tāmaki-nui-a-Rua. Nā tēnei i tere ai te horapa o ngā whenua whakataka me te whakatū kāinga tauiwi, te whakatū taone e hia rā ki ngā whenua raorao o Wairarapa, me tētahi ōhanga tauiwi e kaha ana. I mutu hoki tō Ngāti Kahungunu ōhanga ā-rīhi i reira ā ake tonu atu. I pērā rawa te whānui o ngā hokotanga a te Karauna i te pito whakatetonga o Wairarapa ka mea ngā āpiha i te tau 1858 "he iti noa iho ngā whenua kāore anō kia hokona, ā, ko tētahi take hei whakaarotanga, mehemea he pērā rawa te pai o te hoko whenua anō me te kore e whakapōrearea i ngā Māori."
- 2.47 He nui te pānga o tēnei ki a Ngāti Kahungunu. Ka whakaahuatia rātou e tētahi āpiha o te Karauna hei iwi "e noho ana i te paraheaheatanga o te noho nama me te pōhara", ā, kei te pērā rawa te nui o te nama me te iti o te pūtea e whakamomori nei rātou ki te whai moni." I te pūrongotanga kua "tino raruraru" a Ngāti Kahungunu "i te matekai," ka tukuna anō e te Karauna he utu tōmua ki a rātou mō ētahi hokotanga whenua hou.

## Ngā rāhui

2.48 I te Komiti Nui, nā Kerei te kōrero ki a Ngāti Kahungunu ka mau tonu i a rātou ētahi rāhui nui tonu e ea ai ō rātou matenui o taua wā, o muri hoki mai i te whenua kua hokona e te Karauna. I tōna tikanga ka āta tautuhia aua rāhui, ā, ka tika hoki te tautuhia. Heoi anō, kāore he huarahi kotahi i whāia hei tautuhi i ngā rāhui i roto i ngā whakaaetanga āpukapuka i whakaaetia ai i te tau 1853 ki te tau 1865. Kei tōna 100 ngā rāhui i whakaae ai te Karauna ka whakawehea e ia. He iti noa iho o ēnei whakaaetanga āpukapuka i

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whakaatu i ngā paenga o ngā rāhui. He ingoa rāhui i kitea i ētahi whakaaetanga ā-pukapuka engari kāore i tautuhia ngā paenga, ā, kāore kau he kōrero mō te rāhui i ētahi atu.

2.49 I te 20 o Whiringa-ā-nuku o te tau 1853, e rua marama i muri mai i te Komiti Nui, ka tuhi a Donald McLean ki ngā kairūri ā-rohe o te Karauna i Wairarapa, ka whakaahua ai i te āhua o te whakataunga o ngā rāhui. I tuhi a McLean kia whakaae noa te Karauna ki ngā rāhui i whakaarotia ai e te kairūri "me mātua whai mō ō rātou oranga te take". I whakatūpato a McLean i ngā kairūri me tana kī tērā pea ka tono ngā Māori i ētahi "rāhui nui rawa", ā, mehemea he raruraru ka ara ake kia tukuna e ngā kairūri ngā tono ki a McLean. I whakaotihia ana tohutohu ki te tono kia "arotahi pū" te kairūri ki te take o "ngā paenga Māori e kore ai e puta he tohe i muri ake, ā, kia whakahaeretia ngā whakaritenga o te wā", kātahi ia ka whakatepe i ana kōrero i tana kī me oti ēnei "i mua i tō mahi rūri atu anō." Heoi anō, i tono te Karauna i te kairūri kotahi rā e kawe ana i ēnei rūritanga ki mahi kē nā te mea he nui ake ki te Karauna te tautuhi i ngā whenua e hokona ana ki ngā Pākehā tēnā i te tautuhi i ngā paenga o ngā rāhui Māori.

Ngā Rāhui o te Whakaaetanga ā-Pukapuka mō Rangiwhakaoma, i te tau 1853

- 2.50 I roto i te whakaaetanga ā-pukapuka o te tau 1853 mō Rangiwhakaoma te rāhui o Mataikonā (17,718 eka), me ētahi atu rāhui iti ake e iwa kia eke ai te tapeke ki te 27,863 eka, otirā, ki tōna ono ōrau o te katoa o te poraka o Rangiwhakaoma. Koinei te wāhi rāhui nui katoa, ā, koinei hoki te wāhanga nui katoa o tētahi rāhui ā-poraka mai i ngā whakaaetanga ā-pukapuka katoa i Wairarapa me Tāmaki-nui-a-Rua. Ko Mataikonā te rāhui kotahi o ngā rāhui katoa e mau tonu ana i tēnei rā, ā, koia hoki te poraka nui katoa o ngā whenua Māori e toe ana i te rohe o Wairarapa me Tāmaki-nui-a-Rua.
- 2.51 I mua i te waitohutanga o te whakaaetanga ā-pukapuka mō Rangiwhakaoma, ka puta i te Karauna tētahi mahere-huahua o te hokotanga i whakaritea ai, ā, ka āta whakamāramatia ngā hua o ngā rāhui e rima. Heoi anō, i te tau 1855, ka hokona e te Karauna ngā rāhui e toru kāore anō i rūritia, ā, ka hokona hoki tētahi wāhanga e 50 eka te nui o tētahi rāhui tuawhā i whāia e tētahi tauiwi whakatū kāinga mō tōna papakāinga. I whai wāhi atu te rāhui o Whakataki (ko tōna 6,600 eka), i hokona ai mō te £200 (ko tōna whitu kapa mō ia eka). I roto i te whakaaetanga ā-pukapuka ngā kōrero mā te Māori e hoko mai anō te whenua o Whakataki.
- Kāore ngā rāhui e toe ana i rūritia, me te aha, kāore ngā tohe mō te whānui me te wāhi i tau noa tae noa ki te upoko o te rautau rua tekau. Kāore a Takapūai (e 94 eka) i whakawehea, ā, i te tau 1910, 192 eka ka tukuna e te Karauna mai i hea rā hei utu paremata. Ko Waimimiha te rāhui whakamutunga mai i te poraka o Rangiwhakaoma i tukuna ōkawatia, i muri i ngā tekau tau i mautohe ai a Ngāti Kahungunu. I tōna haurua eka, koia te rāhui pakupaku katoa o Rangiwhakaoma, engari e ai ki ērā mō rātou mā te rāhui, ā, kua roa e tohe ana, i tōna tikanga ka nui tonu te rāhui nei. Kāore i whakawehea e te Karauna te rāhui o Waitutu. I tata tonu te hokotanga o Rangiwhakaoma ki tētahi tauira e tika ana ina whakatauritea ki ērā atu i whai ake, inā hoki he rite tonu te tōmuri o te tuku i ngā taitara mō ngā rāhui, me te kite i ngā raruraru e pā ana ki ngā paenga i ngā hokotanga i muri i te Komiti Nui, tae noa ki te tau 1865.

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Ngā Rāhui i ngā Whakaaetanga ā-Pukapuka i Muri i te Komiti Nui, mai i ngā tau 1853-1865

Te hokotanga kētanga o ngā rāhui i mua i te tuku

- 2.53 Ko ngā rāhui i hokona ai e te Karauna i mua i te rūritanga, pēnei i a Hikurangi me Awatoitoi (te whakaaetanga ā-pukapuka mō Whareama) me Ritokau (te whakaaetanga ā-pukapuka mō te Wāhanga o te Takanga a Smith), kāore i iti iho i te tekau. He mea whakawehe i Turakirae tētahi o ngā rāhui nui katoa, a Ōwhanga, koia nei te wāhi nui tuatahi i riro atu i a Mahuru o te tau 1853, i muri i te Komiti Nui. He mea hoko tēnei rāhui nui e te Karauna i a Hakihea, i te tau 1853, me ētahi atu rāhui e rua i Turakirae. He iti noa ake ngā kaihoko i whai wāhi atu ki te maha o ēnei mahi hoko kotahi noa iho i ētahi wā i ērā atu wā o mua i waitohungia whānuitia ai ngā whakaaetanga ā-pukapuka e whakawehe ana i ngā rāhui.
- 2.54 I ētahi wā, he mea tohe te hokotanga a te Karauna i ngā rāhui e ērā mō rātou ngā rāhui i whakawehea ai. Ko te whakaaetanga ā-pukapuka o te 27 o Hakihea o te tau 1854 mō Te Karamu, tae atu ki te rāhui o te ngahere o Taratahi, i whai wāhi atu ki roto i ngā paenga o te whakaaetanga ā-pukapuka mō Hikawera me Taratahi i waitohungia ai i te rā i muri mai, engari kāore he kōrero i puta mō te rāhui. He mea whakaae te rāhui tuatahi i te whakaaetanga ā-pukapuka e Ngatuere Tāwhirimātea Tāwhao, kāore nei i whai wāhi atu ki te whakaaetanga ā-pukapuka tuarua. Kāore ia i mōhio ki te whānuitanga o te hokotanga a te Karauna i waitohungia ai i te rā i muri mai e ētahi atu rangatira, tae atu hoki ki ētahi ihorei tokorua i kite i te whakaaetanga ā-pukapuka tuatahi. Ka whakawehe te Karauna i te £400 hei whakatau i ngā kokoraho i whakapae ai ia ka puta i a Ngatuere. tē whakamarumaru ai i te rāhui i whakaaetia ai e ia i te hokotanga tuatahitanga. I te tau 1857, i ngā kaimahi rori e whakatū whare noho ana i te whenua i mahara ai a Ngatuere koirā te rāhui tuatahi, ka whakatuaki ia i a rātou mō te haere poka noa i te whenua kāore nei ia i hoko atu. I te tau 1858, ka utu te Karauna i a Ngatuere ki te £200 hei whakakore i ōna pānga ki ngā poraka o Taratahi me Hikawera, ā, ka whakawehea ngā rāhui e toru, tae atu ki tētahi i Uru-o-Tāne, i te taha o te rāhui waka kōpiko, i te awa o Wai-o-Hine. I te tau 1860, ka tohe a Ngatuere ki te Karauna mō ngā tauiwi whakatū kāinga e hanga whare ana i runga i tōna rāhui i Uru-o-Tāne, me tana kī atu ki a McLean: "He mahi hara tā ērā Pākehā ki te Haki o Ingarangi, ki a koe hoki. Ko tāku e mea nei, ko te tango i te wehenga whenua i rāhuitia rā e mātou hei kāinga mō mātou, mō ngā Māori. I mahara au, otiră, i mahara mătou katoa, he whenua taurikura a Wairarapa. Ko ngā whenua i rāhuitia ai hei papa kāinga mō mātou, mō te Māori, me waiho kia pērā... E pōuri ana au mō ō mātou whenua, mō ngā whenua o ō mātou tamariki, e tangohia noa ihotia nei e te Pākehā o konei. Kei te hē..." I te whai tonu a Ngatuere i ngā taitara o ngā rāhui i te tau 1882.

Ngā raruraru mō te rūritanga me te tuku rāhui

2.55 I mātuatua ake te rūritanga o ngā whenua o ngā tauiwi whakatū kāinga i te rūritanga o ngā rāhui Māori, ā, nā te tōmuri o te rūritanga o ngā rāhui ka uaua kē atu te whakawehenga, te whakaurunga rānei o aua rāhui ki ngā whenua i hokona ai ki ngā tauiwi whakatū kāinga. He hua tēnei i kīia rā e McLean nā te "whāwhai kurī noa" a te Karauna ki te hoko whenua ki ngā tauiwi whakatū kāinga. I whai wāhi atu ki ngā rāhui i hokona ai i mua i te rūritanga ko Te Oroi (te whakaaetanga ā-pukapuka mō Awhea), ko

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Whāwhānui (te whakaaetanga ā-pukapuka mō Mataoperu), ko Motupiri (te whakaaetanga ā-pukapuka mō Owhanga), ko Waipuna (te whakaaetanga ā-pukapuka mō te Wāhanga o Pāhaoa me te Takanga a Wilson), ko te pā o Pāhaoa, ko Rerewhakaitu me tētahi rāhui ahuwhenua e 500 eka tōna nui (te whakaaetanga ā-pukapuka mō Te Awaiti me te Wāhanga o Pāhaoa), ko Tukuwahine (te whakaaetanga ā-pukapuka mō Whangaehu), me Whatakai (te whakaaetanga ā-pukapuka mō Whareama 2). I whakaaetia anō tētahi atu rāhui i te whakaaetanga ā-pukapuka mō Tūranganui, ka mutu, i whakatakunetia mō tētahi kaikauhau reimana Māori kāore nei ōna pānga ki te wāhi, otirā, i hokona atu hoki tēnei i mua i te rūritanga.

- 2.56 Nā te tōmuri o te Karauna ki te tuku i ngā rāhui i aukati ai tā ētahi o Ngāti Kahungunu mahi moni mā te rīhi i ō rātou whenua i raro i te ture. I te tau 1865, ka kite te Komihana mō ngā Rāhui Māori kua āhei noa tā te ihorei, tā Te Manihera Rangitakaiwaho rīhi i ōna whenua mō te £150 pea i ia tau mēnā ka tukuna ki a ia te taitara whenua e tāria ana e ia. Manohi anō, i taea e ia te whakamahi te takuhe o mua a te Karauna mō te rāhui o Wharekaka (1,389 eka) e āhei ai tana tono pūtea taurewa e £915 te nui hei utu i ana nama, hei kohikohi kāhui hipi hoki. Nā ngā whiwhinga moni mai i ngā hipi me te utu rīhi mai i te rīhi ā-ture o Wharekaka i utua ai te pūtea taurewa.
- 2.57 I te Karauna te tikanga o te tuku takuhe. I te tau 1864 ka paopaohia e te Minita mō ngā Take Māori me te Kaiwhakahaere o te Rohe o Te Whanganui a Tara ngā tohutohu a ngā āpiha, ā, ka whakahē rāua i te tukunga o tētahi taitara ki a Ngairo (te teina o Ngatuere) mō tētahi rāhui mai i te whakaaetanga ā-pukapuka o te tau 1858 mō Tūpurupuru nā te mea he kaitautoko a Ngairo i te Kīngitanga, pēnei i te tokomaha o ngā rangatira o Ngāti Kahungunu. Manohi anō, i te tau 1861, ka taunakitia te takuhe ki a Ngatuere mō ngā eka 100 i rāhuitia ai i te whakaaetanga ā-pukapuka o te tau 1858 mō Manaia nā te mea i whakaatu ia i te "waiaro e pākaha ana e whakararata ana" i ngā tauiwi whakatū kāinga ki Te Hūpēnui. I taua wā anō ka taunakitia tētahi takuhe ki a Te Manihera i runga i te whāinga ki te "whakaepaepa" i a ia. He whenua i Whakataki i oatitia ai ki a Wiremu Te Pōtangaroa i tōna "ngākau pono me tāna mahi pai i kaha nei ia ki te mahi mā te Kāwanatanga." I tukuna ki tētahi rangatira te Wehenga e 73 o Awhea (e 500 eka), ā, ko te Wehenga e 74 o Awhea (e 525 eka) i tukuna ki tētahi atu tokorua rangatira i te tau 1867 nā te mea he "kaiwhakatairanga" te tokotoru rā i ngā "hokotanga nui ki te Kuīni." He tokomaha ngā rangatira o Ngāti Kahungunu i hiahia ki te whai i ngā taitara takuhe a te Karauna mō ngā rāhui, he āwangawanga nō rātou kei noho whenua kore rātou.
- 2.58 He tokomaha ngā rangatira o Ngāti Kahungunu i hiahia ki te whai i ngā taitara takuhe a te Karauna mō ngā rāhui, he āwangawanga nō rātou kei noho whenua kore rātou. I mau i ētahi atu o Ngāti Kahungunu ngā taitara takuhe a te Karauna mā te hokotanga o ngā wehenga o ngā whenua o te Karauna. Kāore i iti iho i te 17 ngā wā i hokona ai e ētahi takitahi māori ngā wāhanga o tētahi poraka i hokona ai e te Karauna. I te nuinga o te wā he ōrite te utu i utua ai e rātou ki ngā utu a ngā Pākehā whakatū kāinga, mai i te rima herengi ki te tekau herengi mō ia eka, ka mutu, inā kē te nui ake o te utu i utua ai e rātou i te utu tuatahi i utua ai ki a rātou. He mea hoko te nuinga o ēnei whenua i ngā ringaringa o te Māori i mua i te tau 1900, ā, i ēnei rā he wāhanga nō ngā whenua e toru anake kei ngā ringaringa tonu o te Māori.
- 2.59 I te tau 1855, i whakaritea i roto i te whakaaetanga ā-pukapuka mō Whakataki kia hokona anō e te Māori ngā eka e 6,600 nā rātou i hoko atu i te taenga ki te tau 1857. Ko

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te takunetanga o te whakaritenga, he "whakakōpani i ā mātou hokotanga ki ngā Māori e pā ana ki taua wāhanga whenua." Tae rawa ake ki te tau 1858, kua neke atu i te £100 te whakapaunga moni a ētahi o ngā Māori e noho ana ki reira hei utu anō i te 249 eka (kei tōna 14 te whakareanga ake o te utu i utua ai e te Karauna), ahakoa i hiahia rātou kia nui ake ngā whenua mō rātou. Kāore te Karauna i tuku i te taitara mō tēnei whenua kia tae rā anō ki te tau 1881.

- 2.60 I te tau 1862, ka tohutohu a McLean i te Karauna, mō te whakahokinga o Whakataki, "kāore i kō atu, i kō mai o te tika kia whakapūmautia ki a rātou." I te tau 1864, ka whakaae te Karauna ki a Hori Karaka me ētahi atu kia whakahokia te toenga o te whenua. Tae rawa ake ki te tau 1872, kāore anō te whenua kia tukuna e te Karauna, ahakoa ngā petihana e hia nei a te Māori. I taua wā rā, e 85 eka o te whenua o Whakataki i hokona ai e te Karauna ki tētahi tauiwi whakatū kāinga.
- 2.61 I te tau 1874, ka whai te Karauna kia mana te ture hei whakatutuki i te whakaaetanga i puta rā i te tau 1864 me ētahi atu whakaaetanga o mua atu e hoki ana ki te tau 1853. I roto i te Whakataki Grants Act o te tau 1874 te whakaritenga mō ngā takuhe i neke atu i te 6,600 eka ki ētahi tāngata takitahi i te rāhui o Whakataki. He mea āta oati te wāhanga nui katoa o te poraka ki ngā tāngata e 20 nō rātou te mana taketake ki te whenua "hei tautoko, hei tauwhiro hoki" i a rātou. Heoi anō, nō te 1881 rawa, kātahi anō te Karauna ka tuku i ngā takuhe mō ngā taitara o Whakataki, arā, e 28 tau i muri mai i te rāhuitanga o ngā whenua i puta i te hokotanga tuatahitanga o Rangiwhakaoma, ā, e whitu tau i muri mai i te whakaritenga o roto i te ture mō ngā takuhe.
- 2.62 I a Kohitātea, i te tau 1856, ko tōna 400 eka i hokona mō te £60 mai i a Matiaha Mōkai me tētahi atu tokorua i raro i te whakaaetanga ā-pukapuka mō Aranga Te Kura, i kī rā ngā whakaritenga me hoko anō e Matiaha te 200 eka o te poraka mō te £100. I utua e ia te £100 engari kāore i riro i a ia te whenua i utua ai. Ko te korenga o te rironga mai o te whenua tētahi o ngā kaupapa i whakaarahia rā i te petihana i tukuna ai e ngā uri e 51 o Ngāti Kahungunu i te tau 1867. Ka whakatau te komiti o te whare Pāremata e uiui ana i te petihana, kāore tēnei āhuatanga i tika, me te aha, ka tūtohu rātou kia tukuna te takuhe, engari i te āhua nei, kāore tērā i tutuki noa.

Ngā whakamātau a te Karauna ki te whakatika i ngā raruraru mō ngā rāhui

2.63 I ētahi wā, i te hokotanga atu a te Karauna i ngā rāhui kāore anō i rūritia ki ngā tauiwi whakatū kāinga, he whenua kē atu anō ka hoatu e ia hei utu, tēnā i te pana i ngā tauiwi whakatū kāinga i te whenua i whakaaetia rā e te Karauna hei rāhui mō te Māori. I te tau 1854, ka hokona e te Karauna te rāhui o Motupiri 100 eka, i whakaritea ai i te whakaaetanga ā-pukapuka o te tau 1854 mō Ōwhanga, ki tētahi tauiwi whakatū kāinga. Ka whakaae te tangata mōna kē te whenua, a Rāwiri Piharau, ki te kōwhiri i tētahi rāhui mai i ngā whenua o te Karauna i Ruamārie, i te taha o te awa o Tauherenīkau, engari i te tau 1857, ka hokona e te Karauna te whenua nei ki tētahi tauiwi whakatū kāinga ahakoa tā McLean whakaohiti i mua e kī ana kua rāhuitia kētia te whenua mō Piharau. Ka tāpaea ki a Piharau te 150 eka nō tētahi atu whenua o te Karauna hei rāhui, ā, e £30 anō i āpitihia atu ki tērā. Kāore te Karauna i utu i te £30 engari i kōwhiri a Piharau i tōna whenua i Tirohanga ka tīmata ai tana ahuwhenua. Ka hē anō te Karauna i tana korenga i rāhui i te whenua, inā hoki, ka hokona kētia ētahi o aua whenua ki ētahi tauiwi whakatū kāinga. Kāore a Piharau mō te neke i te whenua nā te mea e pātata ana ki te moana o

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Wairarapa me tana pā tuna. Ka kīia ia e tētahi āpiha hoko whenua he "upoko mārō", me te aha, ka tohutohu te Karauna i te Kaiwhakawā ā-Rohe kia karangatia ia ki te kōti. I te tau 1860, ka whakaae a Piharau ki tā te Minita mō ngā Take Māori, ki tā Frederick Weld, tāpae i te £300, i te puehu parāoa kotahi tana me te huka haurua tana hei utu i tōna rāhui. Ka tukuna hoki e Weld ki a ia te 150 eka i Pouawatea, engari he rite tonu te waipukehia, ka mutu he wāhanga i kokorahotia e tētahi tauiwi whakatū kāinga. Ka hokona e te Karauna mai i a Piharau me tētahi atu tokorua i te tau 1864 mō te £150. Ka rapa tonu a Piharau i tētahi rāhui, i kīia rā i tētahi uiui mō ngā rāhui i Wairarapa he kokoraho "taurangi", ā, i whāia hoki e ana uri tae noa ki te tau 1914, engari auare ake.

- 2.64 I ētahi wā ko ngā whenua nā te Karauna i tāpae hei rāhui whakakapi, he akeake noa ake i ngā rāhui i whakaaetia tuatahitia rā. Kāore ngā rāhui o ngā māra o Rerewhakaaitu me te ngahere o Waipuna, i roto rā i te whakaaetanga ā-pukapuka o te tau 1854 mō te Wāhanga o Pāhaoa me tā Wilson Takanga, i rūritia, ā, i whakawhitihia atu nā te hokotanga ki ētahi tauiwi whakatū kāinga. I te tau 1886, i muri i ngā mautohe a Ngāti Kahungunu me tētahi uiui a te Kāwanatanga i ngā tau e hia nei o mua, ka tāpaea ki a Ngāti Kahungunu a Paehuia hei whakakapinga mō aua rāhui e rua, engari he poraka tērā i tuawhenua e tawhiti ana i ngā māra o te taha o te takutai i Rerewhakaaitu me te ngahere i Waipuna, e pātata ana ki ō rātou wāhi pukahu i te kaimoana.
- 2.65 I ētahi atu wā, he utu ka tāpaea e te Karauna ki a Ngāti Kahungunu mō te rāhui kua riro, hei whakakore i tō rātou pānga ki reira. Kāore i roto i te whakaaetanga ā-pukapuka o te tau 1845 mō te rirohanga o Maungaroa ngā māra kai a Ngāti Kahungunu o taua wā, engari kāore te Karauna i tautuhi i ēnei, kāore hoki i rāhuitia ōkawatia i muri mai. Nā te whakaaetanga ā-pukapuka o te tau 1853 mō Mataoperu i rāhuitia ai tētahi māra kai i Ohiranga me tētahi papakāinga i Opouawe. Kāore te rāhui o Ohiranga i rūritia i tukuna rānei hei takuhe i mua i te "poapoatanga" o te komihana o ngā whenua o te Karauna, e ai ki a ia anō, kia hokona te whenua i reira rā te rāhui ki taua kaitiaki takanga i whai wāhi atu rā ki te raruraru i te tau 1845. I te mautohetanga a ngā Māori, kāore te Karauna i whakahoki i te whenua, kāore hoki ngā paenga i panonitia. I aki te Komihana o ngā Whenua o te Karauna kia whāia te huarahi tuarua rā, ā, nāna hoki a McLean i whakaohiti ki te kore te take mō ngā rāhui e tau ka mate ia ki te whāki i ngā āhuatanga i hokona ai e ia te whenua. Ka whakatauria e te Karauna te take mā te hoko i te rāhui o Ohiranga mō te £80 i Pōneke ki te tangata kotahi o ngā tāngata tokohia nō rātou te whenua.
- 2.66 I tukuna te taitara o te rāhui o Opouawe i te tau 1887 i te wā ka tukuna te 10 eka hei takuhe ki tētahi tangata nōna anake te whenua. Kāore he huarahi atu ki reira, ka mutu, kāore taua tangata i noho ki reira, ā, kāore hoki te hunga mō rātou te whenua i rāhuitia ai i te tau 1853 i noho ki reira, engari i te whakamahia kētia e tētahi kaitiaki takanga e pātata ana mō te utukore. Nō Ngāti Kahungunu tonu te nuinga o te whenua i ēnei rā.
- 2.67 I te tau 1861, he whenua ka hokona e te Karauna ki tētahi tauiwi whakatū kāinga i reira rā te rāhui o Whatakai kāore anō kia rūritia, kei tōna 63 eka, mai i te whakaaetanga āpukapuka o te tau 1853 mō Whareama 2. Ahakoa ngā tohe i puta i taua wā tonu, kāore ngā pānga Māori i whakatauria. I te tau 1869, nā te nohonga o te Māori ki te rāhui i ara ake ai ngā uiui i kitea ai kua tohua te whenua hei whenua "tautohe" i ngā mahere kōwhiringa mō ngā whenua o te Karauna i mua i te hokotanga atu ki te tauiwi whakatū kāinga. I te tau 1870, ko te whakatau a tētahi āpiha o te Karauna e pā ana ki te takuhe ki te tauiwi whakatū kāinga, "tē taea e te Kāwanatanga tōna āhua o nāianei te

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whakapūmau, te whakatinana rānei" engari i whakatakoto ia i te whakaaro kia mau tonu te whenua o te tauiwi whakatū kāinga mā te āpiti utu anō ki te Māori mō rātou kē, i tōna tikanga, te rāhui. Ka mea te āpiha ka āhei tā te takuhe ki te tauiwi whakatū kāinga te whakakore i raro i te ture engari i kī hoki ia "ka eke tērā ki te tekau o ngā utunga o te uara o te whenua." Ko te hokotanga tuatahitanga o te whenua, e ai ki te āpiha, he "horinga", ā, ka tohutohu ia i te Karauna kia puta i te "paruparu", ā, "me whai i te utu iti katoa ka taea". Kāore te Karauna i aha i muri mai, engari i te tau 1872, ka tono āpetihana a Te Manihera Rangitakaiwaho i te £500 hei utu mō te whenua, engari auare ake.

- 2.68 I te tau 1872 ka tāpaea e te Karauna te utu o te £100, ā, ka utu i te £15 i taua wā tonu ki tētahi kaikokoraho, me te korenga i whakaaetia e te nuinga o te rōpū. I te tau 1874, ka tohe a Ngāhui Hemara, te wahine a Te Manihera, "Kāore mātou ko taku iwi i whakatū taunahua i te ara o te Kāwanatanga e pā ana ki ētahi atu whenua e toru o mātou i whakaurua ki ngā hokotanga hē i oti i ērā tāngata pōrangi." Ki ōna whakaaro he "whānui kē noa atu" te whenua o Whatakai i te 63 eka i whakatau tatangia ai e te Karauna, ā, ka whai ia i te £500 hei utu mō te whenua. I pīrangi ia kia rūritia te whenua "e mārama ai au mehemea me hoko rānei e au, me pupuri rānei hei nohoanga mōku." I te tau 1875, he utu anō ka utua e te Karauna ki ētahi tāngata takitahi, tae atu ki a Ngāhui Hemara, i eke rā ki te £150. Kāore te katoa o te hunga whai mana i whakaae ki te utu o te tau 1875, ā, i te tau 1901, e 30 o rātou i whakaara petihana kia whakahokia a Whatakai ki a rātou, engari auare ake.
- Ko te rāhui o Te Oroi, mai i te whakaaetanga ā-pukapuka o te tau 1854 mō Awhea, te wā kotahi i āta whakatika ai te Karauna i tōna hē i tana hoko i te whenua rāhui kāore i rūritia ki ētahi tauiwi whakatū kāinga mā te whakatau kia tukuna he whenua ki ērā mō rātou kē ngā rāhui. Ko tōna 550 eka te rāhui o Te Oroi i hokona ai ki tētahi tauiwi whakatū kāinga i te tau 1854, ā, e ai ki ngā kupu a te Komihana ā-Rohe "i muri tonu" i te waitohutanga o te whakaaetanga ā-pukapuka mō Awhea. I muri i te paunga o ngā tau e hia nei e mautohe ana a Ngāti Kahungunu, ka riro anō i te Karauna te whenua i te takiwā o te tau 1861, ā, i te tau 1884, e 2,280 eka te nui o te rāhui ka whakataungia i mua i te tukunga ki ngā tāngata nō rātou taua rāhui i te tau 1888.
- 2.70 Kāore te maha o ngā taitara o ngā rāhui e toe tonu ana i tukuna tae noa ki te wā kua mutu te uiui a te Karauna i tīmata rā i te tau 1878 i hua ake i ngā amuamu e hia nei a ngā Māori ki te Komihana mō ngā Rāhui Māori. Nā te uiui ka tirohia ngā rāhui e 90 mai i ngā whakaaetanga ā-pukapuka i whakaritea ai i muri i te Komiti Nui tae noa ki te tau 1865. I te tau 1882, ka oti tētahi pūrongo e whakaatu ana kua hokona ngā rāhui 14, nā te Karauna te nuinga, ā, 11 ngā rāhui kāore rānei i kitea, kāore rānei i tautuhia. Nā te Native Reserves Titles Grant Empowering Act o te tau 1886 i whakarite kia tukuna ngā taitara mō ngā rāhui e 31 kāore i oti i Wairarapa me Tararua. O ngā rāhui 11 kāore nei i tautuhia, kotahi i tukuna mā te Kōti Whenua Taketake i te tau 1888, ā, e toru i whakaritea mā ngā taitara i tukuna ai i raro i te ture motuhake i whakamanatia rā i te tau 1898. Kāore he mahi whai take i oti i te Karauna hei whakatau i ētahi atu rāhui e whitu kāore anō i tautuhia.

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Ētahi atu raruraru e pā ana ki ngā rāhui

- 2.71 I te tau 1859, ka whakatakoto tētahi āpiha o te Karauna i tana whakaaro kia whai wāhi atu ki ngā takuhe a te Karauna, i tukuna ai ki ngā tāngata takitahi nō rātou ngā rāhui, tētahi whakaritenga e kore ai e āhei te whakawhiti atu i te roanga o ngā rā e ora ai te tangata nōna te whenua. Heoi anō, kāore te Karauna i whai i aua whakaaro. Tae rawa ake ki te tau 1865, kua tukuna ngā taitara o ngā rāhui e 24, e 8,765 eka te rahi, ki ngā rangatira takitahi. Ko te rāhui nui katoa o ērā ko te Wehenga 65 o Tūranganui (e 2,840 eka), i tukuna ai ki a Rāniera Te Iho-o-Te-Rangi i te tau 1863. Kāore ēnei rāhui i whakaritea kia kore ai e āhei te whakawhiti atu, me te aha, i hokona atu te nuinga i muri iho. Tae rawa ake ki te 1900, he iti iho i te 1,500 ngā eka o ngā rāhui e toe ana, ā, i tēnei rā, 107 eka noa iho te nui o te whenua kei ngā ringaringa tonu o te Māori.
- I whai wāhi ki roto i ngā ture whenua Māori, i te tekau tau 1860, ngā whakaritenga hei 2.72 here i te whakawhitinga o ngā taitara mō ngā rāhui i tāpaea rā ki te Kōti Whenua Taketake. Heoi ano, kaore enei herenga i whakatinanatia i nga wa katoa, a, i ahei ta te Kāwana i te Kaunihera wete i runga i tā te Minita mō ngā Take Māori tohutohu mēnā i tonoa e te hunga nona te whenua. I te tau 1869, ka kawea te take o te rāhui o Ngātāhuna, mai i te whakaaetanga ā-pukapuka ki Rangiwhakaoma, ki te Kōti Whenua Taketake, ā, i a Kohitātea, i te tau 1870, ka whakawehea ki ngā poraka e rua. 1,485 eka te nui o Ngātāhuna 1, ka mutu kāore he herenga o runga i tērā. E 67 eka te nui o Ngātāhuna 2, ā, kāore hoki he herenga o runga i tērā. I runga o Ngātāhuna 2, e mōhiotia nei ko te 'Māra Māori', ētahi kāinga me ētahi māra. I te tau 1871, e 485 eka, e 33 ōrau o Ngātāhuna 1 i hokona e tētahi āpiha o te Karauna, i tōna anō mana motuhake mō te £140. I taua wā tonu, ka rīhingia e te āpiha te 1,000 eka o Ngātāhuna 1 e toe ana, ā, i reira anō te kōwhiringa kia hokona mō te £250. I te tau 1873, e £200 te utu i utua ai e te āpiha mō te toenga o te rāhui. Nā tēnei hokotanga i aukati ai tā te tangata puta ki te rāhui o Ngātāhuna 2, i kīja rā e ngā tāngata nō rātou te whenua he whenua "kāore nei ōna take ki a mātou". I te tau 1880 ka tono te hunga nō rātou te whenua kia wetekina ngā here e āhei ai te hokotanga o te whenua, ā, i ea tērā i te tau 1881.
- 2.73 Kāore ngā herenga i whakaritea ai i whakaūngia i ngā wā katoa. I te tau 1868, i whakawhiwhia e te Kōti Whenua Taketake te rāhui o Whakatomotomo (1,160 eka) ki ngā tāngata e waru (i te wā ko te 10 tāngata te taumata i āhei ai tā rātou pupuri taitara). Nā te Kōti i whakarite tētahi herenga nā reira i kore ai e āhei te whakawhiti, atu i te whai i te huarahi o te rīhi kia iti ake i te 21 tau te roa. Heoi anō, i te tau 1870, e 515 ngā eka o te rāhui i hokona e tētahi tauiwi whakatū kāinga o reira. Ka riro atu te whenua nei i ngā ringa o te Māori engari kāore kau he tuhituhinga e whakaatu ana i te wetenga o te herenga. I te tekau tau 1890, ka mautohe te hunga nō rātou te mana whenua, i kore nei i whai wāhi ki te taitara, i tā rātou whakahē i te hokotanga, i te korenga hoki i whai wāhi atu ki te hokotanga.
- 2.74 I te tau 1863, i tukuna e te Karauna te taitara o te whenua Māori 10.5 eka, i te taha whakarunga o te awa o Ruamāhanga hei takuhe ki a Te Manihera Rangitakaiwaho. I pēnei te Karauna e pūmau ai te ngākau pono o Te Manihera ki a ia. He mea āta waiho tēnei whenua, i reira rā te pā o Otaraia me tētahi urupā, i te whakaaetanga ā-pukapuka o te tau 1854 mō Wharekaka. E ai ki te Karauna nō Te Manihera anake te whenua, me tana kī ka noho te whenua "hei whenua Māori tonu, engari kia mōhio ngā Māori katoa nō Te Manihera anake te whenua kei reira rā tētahi whare rahi kua hangaia i te rākau e tū

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ana, ko tōna utu ka neke atu i te whā rau pauna." I te tau 1865, he mea whakamahi e ia te nuinga o te whenua, tae atu hoki ki ētahi atu kua neke atu i te 1,000 eka i rāhuitia ai mōna i te whakaaetanga ā-pukapuka tuatahi, e riro ai i a ia tētahi pūtea taurewa i te Karauna. I te tau 1868, ka hokona te whenua. I tēnei rā, e toe noa iho ana ko te urupā rori-kore kotahi haurua eka nei tōna nui.

- 2.75 Ahakoa te kī taurangi a te Karauna ka rawaka ngā whenua hei rāhui mō Ngāti Kahungunu, i roto i tōna 100 rāhui mai i ngā whakaaetanga ā-pukapuka a te Karauna i oti i mua i te 1865 te 63,000 eka, arā, te whā ōrau noa iho o te 1,500,000 eka i hokona ai e te Karauna. He nui ngā momo rahinga o ngā rāhui 100 i rūritia ai mai i te 18,000 eka ki tērā e iti ake ana i te 1 eka. I ngā rāhui tekau mā rima i neke atu i te 1,000 ngā eka, manohi anō, 10 noa iho i waenga i te 500 me te 1,000 eka te nui. Pēnei i ngā hokotanga, i Wairarapa te nuinga o ēnei rāhui. Kāore i rawaka ētahi o ngā rāhui i rāhuitia ai mō ētahi ihorei pēnei i a Wiremu Kīngi, i a Ngatuere Tāwhirimātea Tāwhao me Te Wereta Kawekairangi hei oranga mō rātou me ō rātou whānau, me te aha, tae rawa ake ki te tau 1865, ko te kōrero i tae ake ki te Karauna e kī ana kua "tata kē te hokona o te katoa o [ō rātou] whenua", ā, "he iti noa iho kei a rātou hei whakawhirinakitanga atu i te hekenga o [ō rātou] werawera."
- 2.76 Tae rawa ake ki te tau 1900, e 44,000 noa iho ngā eka e toe ana puta noa i ngā rāhui e 65 i Wairarapa me Tāmaki-nui-a-Rua mai i ngā hokotanga o mua i te tau 1865. I tēnei rā e 22,500 eka puta noa i ngā rāhui e 30 e toe tonu ana kei ngā ringaringa o te Māori. He tata ki te 18,000 eka, e 80 ōrau, o te toenga nō te rāhui o Mataikonā mai i te whakaaetanga ā-pukapuka mō Rangiwhakaoma.

## Te Whakaritenga mō te Pūtea Koha, te Mātauranga me te Hauora

Ngā Rārangi mō te Koha me ngā Pūtea Rima Ōrau

- 2.77 Ko tētahi āhuatanga nui i te hokotanga a te Karauna i te rohe o Wairarapa me Tāmakinui-a-Rua i muri i te Komiti Nui, ko te whakaritenga o tētahi pūtea koha e utua ai e te Karauna te rima ōrau o ana huamoni i te hokotanga o te whenua i hokona ai i ngā Māori o Wairarapa. Ko te tikanga o te Koha ko te tautoko i a Ngāti Kahungunu kia āta whai wāhi atu me te whai take anō ki te whanaketanga o te ōhanga i whakatairangahia ai e Kāwana Kerei ki te Komiti Nui. Kāore e kore, i mahara a Ngāti Kahungunu ko te koha nei tētahi kī taurangi nā Kāwana Kerei i te tau 1853 e herea ana ki ngā hokotanga whenua katoa. Ko te "koha" hoki tētahi mea tuku i runga i te whakaaro nui, ka mutu, ko tōna tikanga ia ka tauutuutu haere i waenga i te hunga tuku koha me te hunga whiwhi koha. I ngā tekau tau i muri mai, ka ākina e te Karauna te whakaaro ki a Ngāti Kahungunu ko te koha ko te whānuitanga o ngā hua o te whakatū kāinga tauiwi me te tāmitanga. I ngā tekau tau 1850 me 1860 ka kīia, ka whakamāoritia hoki te "koha" i ōna wā hei pānga, arā, e taea te whakamahi hei utu i te nama, e taea rānei te whai mā te haumitanga.
- 2.78 He mea whakaae kia whai wāhi atu ngā rārangi mō te koha ki ngā whakaaetanga hoko ā-pukapuka e rua tuatahi a te Karauna i te upoko o Mahuru, i te tau 1853. E kīia nei i roto i te tuhinga reo Pākehā o ngā whakaaetanga ā-pukapuka e rua, "Mō ngā whenua kua hokona e mātou, he whakaaro atu anō me tāpiri hei utu i a mātou mō te whakatūnga o ngā kura hei ako i ā mātou tamariki, mō te whakatūnga o ngā mira puehu parāoa mō mātou, mō te whakatūnga o ngā hōhipera me ngā kaimaimoa tūroro mō mātou, hei utu hoki i ētahi tahua ā-tau ki a mātou mō ētahi o ō mātou rangatira..." I roto i te rārangi te

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whakaritenga "kia āta matapaki ā-Komiti nei" ngā kaihoko atu me te Kāwana (me ana āpiha rānei) i te āhua me te wā e whakahāngaitia ai te koha ki ēnei take (atu i ngā tahua ā-tau ka riro mā te Kāwana e tohatoha). I tōna tikanga ko te take o te koha ko te "5 ōrau, e rite nei ki te £5 i ia £100", mai i ngā moni i te hokotanga atu o te whenua, "i muri i te tangohanga o ngā moni hei utu i ngā rūritanga me ētahi atu utu e pā ana ki te roherohenga o ngā whenua e kōrerotia ana". I ngā hokotanga tuatahitanga a te Karauna, i waenga i te tau 1853 me te tau 1854, 12 ngā rārangi mō te koha o ngā whakaaetanga ā-pukapuka i whakaaetia ai e te Karauna. I ngā mea e whā tuatahi o ēnei whakaaetanga ā-pukapuka, ka whakaahuatia katoangia te rārangi mō te koha. Heoi anō, i ngā whakaaetanga ā-pukapuka i muri mai, he rārangi poto ake ka whakamahia pēnei i te "ka utua te koha ki a mātou", ka kīia rānei te koha "ko tērā e whakaaetia ana ki ētahi atu kaihoko i ngā whenua i Wairarapa". I whai wāhi ki ēnei whakaaetanga ā-pukapuka tuatahi te 457,000 eka i whakatau tatangia i te tīmatanga, arā, ngā whenua kāore i te rūringia i taua wā.

- 2.79 I a Mahuru, i te tau 1853, ko te tuhinga a McLean e kī ana ka whai wāhi atu ngā rārangi mō te koha ki ngā "whakaaetanga ā-pukapuka o anamata". Ka pau ngā rā torutoru i muri mai, ka oti i a ia te hokotanga o ngā eka e 800 o te whenua i Huangarua, £100 te utu o te whenua nei. Ka kī a McLean kāore te rārangi koha mō te koha i whai wāhi atu ki tēnei whakaaetanga ā-pukapuka "nā te mea me nui noa atu te utu i utua ai mō ēnei hokotanga iti e noho ai ngā tauiwi whakatū kāinga ki ō rātou papa kāinga tēnā i ngā poraka nui ake." I muri mai, ka tuhi a McLean he mea hoko nā Māori ngā poraka nui ake "i raro i te utu māmā ake i runga i te mahara ka riro i a rātou ngā ōrau e rima." Ko te poraka kotahi i whai wāhi atu rā te rārangi koha, ko te poraka o Mākōura, e 2,291 eka, te poraka iti ake i te 10,000 eka, i reira rā te whenua i whakaarotia ai hei papa mō te taone o Whakaoriori. I muri i a Kohitātea, i te tau 1854, ka mutu tā te Karauna whakauru i ēnei rārangi ki ngā whakaaetanga ā-pukapuka i ana hokotanga o ngā whenua i Wairarapa me Tāmaki-nui-a-Rua.
- 2.80 I a Kohitātea, i te tau 1856, ko tōna £760 te utu e tārewa ana ki ngā Māori e hoko whenua atu ana i raro i te rārangi mō te rima ōrau. I tūtohu te Komihana o ngā Whenua o te Karauna me Donald McLean kia rapungia ngā nama o taua wā, o anamata hoki ka hua i te rārangi mō te rima ōrau, kātahi ka whai i tētahi "whakaaetanga tōkeke" ki ngā Māori e hoko atu ana kia "wetekina ai te herenga e utua kētia ai ki tētahi tahua kua tohua, e āhei nei te hoko mā te utu harangotengote pūmau." I te tau 1858, ka whakakorengia e te Karauna te rārangi mō te koha i te whakaaetanga ā-pukapuka o te tau 1854 mō Tautāne (kei tōna 70,000 eka te nui) mā te utu kotahi o te £500. Ahakoa he hua wawe i puta ake ki a Ngāti Kahungunu, he iti noa atu te utu i te rima ōrau o te whiwhinga moni ka hua mai i te wā i muri mai i te hokotanga o te whenua, ahakoa mai i ngā utu iti katoa mō te whenua o te Karauna me utu e ai ki te ture. Koinei anake te whakakoretanga o te rārangi mō te koha mā te utu kotahi.
- 2.81 Kāore te Karauna i whakatū i te komiti haumi me te Māori i whakaahuatia rā e te rārangi mō te koha. I kohia e ia te rima ōrau o ngā utu mai i te hokotanga o ngā whenua nō ngā whakaaetanga ā-pukapuka i whai wāhi rā ngā rārangi mō te koha. Nā te Karauna i rau atu ēnei moni katoa ki tētahi pūtea kotahi hei painga mō ngā Māori o Wairarapa me Tāmaki-nui-a-Rua, tē tuku ai ki ētahi pūtea whāiti mō ia poraka. Arā kē ngā take i tango moni mai ia i te pūtea o ngā rima ōrau, ko tētahi o ērā ko te tuku moni wawe ki ētahi rangatira, me te kore i kōrero ki te whānuitanga o te hunga whai painga mai i te koha.

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Tae rawa ake ki te tau 1860, e £941 te nui o ngā utu kua utua e te Karauna. Kei roto i ēnei utu te £100 i utua ai ki ngā Māori o Rangiwhakaoma i a Mahuru, i te tau 1853 mō ngā 'kokoraho ki Wairarapa'. I te whāinga a ētahi atu Māori o Rangiwhakaoma i te utunga o te koha mō te poraka o Rangiwhakaoma, ka kīia rātou kāore te koha i hāngai ki reira. Ko ētahi atu utu ko te £366 hei whakatika i te mira i Pāpāwai i pakaru ai i te rū whenua o te tau 1855, me te £260 mō tētahi kura i Whakaoriori. Kāore te mira i Pāpāwai i kōrerotia i te Komiti Nui hei hua whānui, inā hoki he kī taurangi motuhake kē tērā nā Kerei, ka mutu, he mea utu motuhake nā te Karauna, ā, i utua te kura mai i ētahi atu mātāpuna, pēnei i te whenua i tukuna kētia e Ngāti Kahungunu. I muri mai, ka whakahē a Ngāti Kahungunu i tēnei whakapaunga moni, i te hapanga hoki o tā te Karauna kōrero ki a rātou e pā ana ki te whakahaeretanga o te pūtea.

- 2.82 I te tau 1860, ka whakamaumahara a Ngāti Kahungunu i te Karauna ki te tikanga i whakaritea ai i te Komiti Nui. Ka mea rātou ki a Kāwana Gore Browne, "Kei a koe te tikanga o te oranga o ō tamariki. E ora nei rātou i tō tuku i āu rawa me āu hua ki a rātou e noho ai rātou i te waikanaetanga me te haumarutanga." Ka tuhi rātou, kāore anō rātou i kite i ngā tākuta me ngā kaiako o ngā kura i mahara ai rātou ka puta i muri i te Komiti Nui. I te tau i muri mai, ka pūrongo te kaiwhakawā ā-rohe o Wairarapa mō te amuamu a te Māori, i tua atu i ngā mautohe mō ngā rāhui me ngā utu ā-hoko, e pā nei ki "te korenga i ea o ngā tini kī taurangi i tāpaea rā ki a rātou i te wā i poapoatia ai rātou ki te hoko i ō rātou whenua." Nā taua āpiha anō i pūrongo ko te whakaritenga o te koha "kāore e kore ka uaua nā runga i te pōhēhē o ngā Māori ka nui ake, ka pūmau ake hoki i ērā ka āta hua ake."
- 2.83 I te tau 1863, ka whakaaro anō ngā āpiha ki te tuku utu hei whakakore i ngā pānga Māori i raro i te rārangi mō te koha. Ko te tuhi a tētahi atu āpiha e mea ana ka whakaae pea te Māori ki tētahi utu pērā "inā hoki kāore anō te tikanga o te whakahāngai i ngā tapeke ka hua mai i ngā rima ōrau e whakaahuatia ana i te rārangi kia whakatinanahia ā mohoa nei." I te tau 1864, ka tuhi atu tētahi kāhui ihorei nō Ngāti Kahungunu ki a Kāwana Kerei e kōrero ana mō te whakaaro nei. Ka whakahē rātou i runga i te whakaaro he mahi tēnei "hei whakakore i ō mātou taitara e mutu ai te koha ā haere ake nei." Ka tuhia e rātou: "kāore mātou e whakaae ki tēnā, ahakoa pēhea, ko tā mātou noa iho e hiahia nei ko te koha mō ō mātou wāhi, ahakoa te iti, te nui rānei, kia tukuna mai ki a mātou i ia tau, i a mātou e ora nei, ā, hei ō mātou matenga ki ā mātou tamariki mehemea he toenga ā taua wā, tukuna ki a rātou, ā, ā muri i a rātou, utua ki ā rātou tamariki." Tae rawa ake ki taua wā kua whakatau kē te Karauna ka whāiti noa iho ngā utu mai i te pūtea ki te hunga waitohu i ngā whakaaetanga ā-pukapuka e whai wāhi rā te rārangi mō te koha, me ā rātou uri.
- 2.84 I a Whiringa-ā-nuku, i te tau 1870, ka karangatia e te Karauna tētahi hui ki Te Hūpēnui e tohaina ai ngā pūtea katoa kua whakaemihia ki te pūtea rima ōrau ā mohoa. E £3,170 te tapeketanga kua whakaemihia mai i ngā rima ōrau, ka mutu, £1,230 kua pau kē i te Karauna me te korenga i kōrero ki te Māori, ka waiho mai ai ko te £1,940 hei tohanga. Ka rapu te Māori i ngā tuhinga whai taipitopito e whakaatu ana i te āhua o te whakapaunga o ngā pūtea mō ia poraka e hāngai ana. Heoi anō, kāore te Karauna i kaha ki te whakaatu i ēnei tuhinga. Heoi anō, nā tētahi āpiha i whakaatu ētahi whakataunga tata hukihuki e pā ana ki ngā nama mō ia poraka. Nō te paunga o ngā rā e whā i tautohetohe ai, ka whakaaengia te utu me tōna tohanga ki ia poraka e ērā i te hui,

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- ahakoa tō rātou tino whakaahunga i te āhua o te tataunga o tā rātou koha, i te āhua hoki o te whakapaunga o te maha o taua koha me te korenga o rātou i whakaae atu.
- 2.85 Ka akiaki ērā o te hui kia mutu tā te Karauna utu i ngā tāngata takitahi. Ka takoto i te Karauna tana whakaaro kia ea i a rātou ētahi utu i ia toru ki te rima tau mai i te pūtea kua whakaemihia. Heoi anō, i te tau 1872, ka utu te Karauna i te £100 mai i te pūtea mō te poraka o Pāhaoa ki tētahi tangata takitahi kāore e noho ana i reira, ka waiho ai i te £39 noa iho hei utu ki te tokomaha atu anō o ngā tāngata whai painga mai i ngā pūtea kua whakaemihia mai i te poraka e kōrerotia nei. I muri mai, ka whakahēngia te utu e ngā tāngata whai painga.
- I te tau 1873, ka karangatia anō e te Karauna tētahi atu hui, ā, i reira ka whakahēngia e Ngāti Kahungunu ngā tangohanga o mua mai i te pūtea hei utu i ngā kaimaimoa tūroro, i ngā kura me ngā mira. Ka tohaina e te Karauna te £596, tētahi haurua o ngā pūtea e toe ana. Matangurunguru ana a Ngāti Kahungunu i te tapeketanga ahakoa kua piki te uara o ngā whenua. Ko te whakamarama a tētahi āpiha ki a Ngāti Kahungunu, e heke ana te pūtea o te koha nā te mea i heke te wāhi o ngā whenua o te Karauna e toe ana i ngā tau, ā, ko ngā utu teitei mō ngā whenua i kitea rā e rātou "i ngā hokonga whenua tūmataiti kaua i ngā hokonga a te Kāwanatanga." I pūrongo te āpiha kāore te whakamārama ki a Ngāti Kahungunu e pā ana ki te rārangi mō te koha i eke ki te taumata e tika ana i te wā i waitohungia ai ngā whakaaetanga ā-pukapuka. Heoi anō, nā taua āpiha anō te Karauna i tohutohu e mea ana ka putu tonu ētahi "tapeketanga nui tonu" mai i ngā whenua o te Karauna i te taha whakararo o te whārua, i te tai rāwhiti anō hoki, kāore anō kia hokona.
- 2.87 Ahakoa kāore ngā rārangi mō te koha i whakaurua ki ngā whakaaetanga ā-pukapuka mai i a Kohitātea, i te tau 1854, i te tekau tau 1870, ka whakaae te Karauna ki te whakahāngai i te rārangi mō te koha ki ngā poraka e rima. I te tau 1873 ka waitohu te Karauna me ngā Māori o Wairarapa i tētahi whakaaetanga ā-pukapuka mō te poraka o Moroa, e 5,000 eka nei te nui, e whakaū ā-ture nei i tōna takohatanga ki te Karauna e Ngāti Kahungunu i te tau 1853. I roto i te whakaaetanga ā-pukapuka, ka mutu, i whakaaetia i te tau 1853, ka whakahokia te rima ōrau mai i ngā hokotanga hei "koha". I a Hakihea, i te tau 1873, ka oti i te Karauna ngā whakaaetanga ā-pukapuka mō ngā poraka o Arikirau, o Kuramahinono me Maungaraki, i tōna 3,000 eka te nui. I tōna rua herengi ki ia eka te utu a te Karauna ki te Māori, engari i te hokotanga atu, i waenga i te kotahi pauna (£1) me te toru pauna, tekau mā rua herengi (£3.12s) te utu mō ia eka. Kāore te Māori i pai ki tēnei rerenga kētanga, ā, i te tau 1878 ka whakaae te Karauna ki te utu i ngā rima ōrau mō ēnei poraka e toru. I te tau 1872, ka whakaaetia te hokotanga a te Karauna i te poraka o Whangaehu Nama 2 (e 2,077 eka), ā, i te otinga o te hokotanga i te tau 1881 ka whakatauria te hokonga i runga i te whakaaro ka utua ngā rima ōrau, pērā i ngā whakaaetanga ā-pukapuka o mua.
- 2.88 I a Poutū-te-rangi, i te tau 1881, ka kitea i tētahi pūrongo mō te tohanga o ngā pūtea o te rima ōrau ngā kupu e kī ana, "Ahakoa te tīwekaweka o te tikanga whakahaere, kāore au e whakapono ana i tūkinotia ngā Māori." I uiuitia e te Minita mō ngā Take Māori te whakahaeretanga o te pūtea, ā, ka mea ia "Me arotake te katoa o te kaupapa." Heoi anō, i te auautanga o ngā uiui a te Māori, ka karangatia e te Karauna tētahi atu hui i te marama i muri mai hei toha i ngā pūtea o te rima ōrau e tino aero ana. I te hui ka whakahē te Māori i tā te Karauna tango i te 60 ōrau mai i te £557 kua whakaemihia i te

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pūtea e ea ai te haurua o te utu i te tākuta i waenga i te marama o Mahuru o te tau 1873 me te marama o Pipiri, i te tau 1880. Mai i te tau 1859 e whakawhiwhia ana e te Karauna ki te tākuta tana utu katoa hei wāhanga mō tana kōtuituinga Āpiha Maimoa Tūroro Māori. I te tau 1883 ka mea tētahi āpiha o te Karauna mēnā ka tangohia tonuhia he moni i te pūtea o ngā rima ōrau hei āwhina ki te whakaea i te utu o te tākuta, "ka ara ake te upoko o te tūkinotanga."

- 2.89 E rere tonu ana te moni ki te pūtea o ngā rima ōrau i muri i te tohanga o te tau 1881 i te Karauna e hoko tonu atu ana i ngā whenua e toe ana mai i ērā i riro i a ia mai i ngā whakaaetanga hoko ā-pukapuka i roto rā ngā rārangi mō te koha. Heoi anō, kāore te Karauna i whakaae ki ngā tono a te Māori i ngā tohanga mai i te pūtea kua whakaemihia. I tētahi o ēnei tono te kōrero ki te Karauna e mea ana he mea whakarite te pūtea mō te koha i te wā i a Kāwana Kerei, ka mutu, "i kawea tonuhia ki te wā i a Tā Donald McLean, ā, me kawe tonu ki aku tamariki me aku mokopuna." Ka hoki ngā mahara o tētahi atu kaituhi, o Te Waaka Kahukura, ki tāna i mahara ai mō ngā kupu "pūmau" a McLean mō te pūtea: "Ka utua te koha mō ō whenua ki a koe mō ake tonu atu," engari ko taua koha rā "kua kore e utua mai ki a mātou." Ka urupare atu te Karauna ki ngā tono e rua mai i te tau 1886 e mea ana taro ake ka whakaritea tētahi tohanga o ngā pūtea o ngā rima ōrau kua whakaemihia mai i te tau 1881. Ka urupare atu tētahi āpiha e mea ana i te tau 1885. kua eke ki te £192 te nui i roto i te Pūtea o ngā Rima Ōrau, ka mutu, "Kāore e kore he nui ake i tēnei tapeketanga kei reira e taea ana e te Tari mō ngā Whenua o te Karauna te whakaū." I te tau 1891, ka whakamaumahara te Māori i te Karauna ki te kōrero mō te koha me ētahi atu kī taurangi i oti i a ia i te tau 1853, ka mutu i kōrerotia tērā e te komihana uiui i tana kõrero, "ko tētahi kaupapa i kaha nei te amuamutia ko te hia takahanga o ngā kirimana i waenga i te Kāwanatanga me ngā Māori, nā reira i riro ai ngā poraka nui ki te Karauna."
- 2.90 I te tau 1892 kua tau te pūtea ki te £253. I te tau 1895, ka tāpaea e Ngāti Kahungunu tētahi petihana ki te Pirīmia mō tā rātou koha, engari kāore he utu i ea. Kāore he pūtea anō i whakaemihia, ā, i te tau 1899, ka whakawhitihia atu tēnei tapeketanga i te Kaitiaki o te Motu ki te kaute a te Kāwanatanga hei "moni kāore i kokorahongia". I te tau 1938 ka takoto i a Ngāti Kahungunu tētahi petihana mō ngā take e hia nei, tae atu ki te pūtea o ngā rima ōrau. Ka hē te urupare a te Karauna ki tēnei wāhanga o te petihana i tana kīnga kāore anō he pūtea kia whakaemihia mai i te tau 1881.

Tā te Karauna Whakarite i ngā Ratonga Hauora

- 2.91 I te Komiti Nui, kāore e kore ka kōrero a Kerei mō te whakaritenga o ngā ratonga hauora mō te Māori ka puta i muri i te hokotanga o ngā whenua, i tā te Pākehā whakatū kāinga hoki. I roto i ngā whakaaetanga ā-pukapuka tuatahi i whai wāhi rā ngā rārangi mō te koha e whakaahuatia ana te "hanganga o ngā hōhipera me ngā kaimaimoa tūroro mō tātou", ka utua mai i te pūtea o ngā rima ōrau. Ka roa a Ngāti Kahungunu e maumahara ana ki te kōrero a Kerei mō ngā ratonga hauora. Heoi anō, kāore te ratonga o ēnei painga i eke ki tā te tokomaha o Ngāti Kahungunu i mahara ai.
- 2.92 Mai i te tau 1859 ka tīmata te Karauna ki te whakaea i ngā utu āwhina ki ngā āpiha maimoa tūroro Māori e tuku ratonga ai ki te Māori i maharatia ai kāore e taea e rātou te āwhina ā-hauora te utu. Mai i te tau 1859 ki te tau 1883 ka ea i te Karauna te utu āwhina i tētahi āpiha maimoa tūroro Māori ki Te Hūpēnui. Ko te nuinga o ngā tūroro tokoiti i kitea

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rā e ia nō te whenua pātata o Pāpāwai me Waiohine, ka mutu, me uaua ka toro ia i ngā kāinga o te taha moana, o ngā rohe tūhāhā rānei. He iti noa iho te utu āwhina i whakawhiwhia ki te tākuta tuarua i te tau 1864 ki te tau 1866 mō ana mahi i waenga i te Māori o te tai rāwhiti o te rohe.

- 2.93 I te tau 1869, ka mautohe ētahi Māori ki te Kāwanatanga mō te "hē o te maimoatanga" o rātou e te tākuta maimoa tūroro Māori i Te Hūpēnui, ā, ka tono rātou kia whakakapia tōna tūranga e tākuta kē. Heoi anō, arā ētahi atu i waitohu i tētahi petihana e tautoko ana i te tākuta. Ka whakatau te Karauna ki te pupuri ki te āpiha maimoa tūroro, engari ka whakaatu tonu ētahi Māori i tō rātou matangurunguru ki āna ratonga. I te tau 1873, ka mutu tā te Karauna tono kia ea ngā utu o te tākuta i te pūtea mō te koha i muri i te whakahēnga a te Māori i te whakamahinga pēneitanga o te pūtea, ki te hē hoki o ngā ratonga e tukuna ana. Heoi anō, i te tau 1880 ka whakatau te Karauna, ahakoa te whakahē tonutanga a te Māori, ka utu ia i te tākuta mai i te pūtea mō te koha, ka mutu ka hoki te whakaeanga o tēnei utu āwhina ki te tau 1873. I te tau 1883 ka mutu i te Karauna te utu āwhina i te Āpiha Maimoa Tūroro ki Wairarapa, me te aha, ka whakakorehia ana ratonga.
- 2.94 I a Whiringa-ā-nuku, i te tau 1853, i te marama i muri i te Komiti Nui, ka tuhituhi tētahi āpiha o te Karauna i te hiahia o Kerei ki te whakatū i tētahi hōhipera mō te Māori ki Wairarapa. Tae rawa ake ki taua wā rā e hia nei ngā hōhipera mō tēnei take kua oti i te Karauna te whakatūtū haere i ngā taone o Te Ika a Māui. Heoi anō, kāore te Karauna i whakatū i tētahi hōhipera ki Wairarapa i taua wā. Ko ngā hōhipera tuatahi i whakatuwherahia ai ki Wairarapa, i Te Hūpēnui i te tau 1875, i Whakaoriori hoki i te tau 1879 hei mātua maimoa i te taupori o ngā tauiwi whakatū kāinga e tipu haere ana. Me uaua ka whakamahia ēnei, me ngā hōhipera o muri mai, e te Māori.
- 2.95 I te tau 1895, ka tāpaea e Ngāti Kahungunu tana petihana ki te Karauna kia kopoutia ngā āpiha maimoa tūroro "hei maimoa i te Māori anake e ai ki te kī taurangi i oatihia ai e te Kāwanatanga me ngā Komihana Hoko Whenua i te tau 1853 ki te tau 1854." Hei urupare, ka tūtohu tētahi āpiha o te Karauna kia ea i a ia tētahi utu āwhina i ngā tākuta, kia whakatū "pūpahi hōhipera" hoki mō te Māori, kia whakatuwhera mātūtū Māori rānei ki ngā hōhipera o Whakaoriori me Te Hūpēnui. Kāore te Karauna i whakatinana i ēnei kōrero ahakoa te pūrongo tonutanga o te tino matenui ki ngā kaupapa maimoa i te hauora o te Māori.
- 2.96 I a Haratua, i te tau 1898, ka tae atu te Pirīmia, a Richard Seddon, ki tētahi hui tōrangapū ā-iwi me te Pāremata Māori (te Pāremata i Pāpāwai i raro i te Kotahitanga, i te kaupapa tōrangapū e whai ana kia tū te Māori i tōna mana motuhake). I whakarite a Seddon kia wātea tētahi tākuta o Te Hūpēnui ki te hui nāna nei i maimoa te tokomaha o ngā Māori. E ai ki te pūrongo a te tākuta, he mea nui te "komiti patu iroriki" o te rohe i roto i te whakapūmautanga o te hauora o ērā i tae rā ki te hui. Ko te komiti te kaupapa i tīmataria ai e Tamahau Mahupuku rāua ko Hēnare Parata nā ā rāua nei mahi whakahou i ngā tikanga patu iroriki ki Pāpāwai i āwhina te whakaritenga o te kaupapa here a te Karauna mō te hauora Māori i te upoko o ngā tau 1900.
- 2.97 Ko te kõrero a Seddon ki ērā i te Pāremata Māori o te tau 1898 i Pāpāwai kia "āhua nui tonu te moni hei whakapau i ia tau i runga i te whāinga kia roa ake ngā rā o ngā Māori, mā te tuku i ētahi tākuta kua pūkekotia ki a rātou." I muri i te hui, ka tono a Ngāti

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Kahungunu kia pūmau te kopoutanga o te tākuta hei tākuta mō te Māori, engari i whakapekatia tēnei tono e te Karauna. Nā tētahi āpiha i pūrongo "kei te āhua whairawa ngā Māori o Wairarapa, ā, e kaha ana rātou ki te utu i te kaimaimoa tūroro." Ka hoki te tākuta ki tāna anō mahi o ia rā, ka mutu, ka tuku ia i tētahi reta ki te Kāwanatanga e whakahē ana i tāna e whakaahua nei he ratonga rongoa "whakaaniu" e "pā atu ana ki a rātou nā ōna momo kaiwhakataruna."

- 2.98 I ngā tau 1800, ka whakahē te Māori i te utu nui o te toro i ngā tākuta, me te aha, ka mate ētahi ki te hoko atu i ō rātou whenua hei utu i ngā nama mō te rongoa. Puta noa i te hiku o te tekau tau 1890 ka tono tonu te Māori kia whānui ake ngā ratonga hauora. I te tau 1899, e £25 te utu āwhina i te tau ka whakaritea e te Karauna hei utu i tētahi tākuta i Hāmua, i roto o Tāmaki-nui-a-Rua. Koinei tētahi hauwhā o te utu i utua ai ki ngā Āpiha Maimoa Tūroro Māori o mua, o ngā tau i waenga i te tau 1859 me te tau 1883, ka mutu, i paopaongia e tētahi tākuta o Te Hūpēnui i te tau 1899, nāna nei i whakaara te whakaaro me nui ake te utu āwhina e whānui ake ai tā te tākuta toro i te rohe. I te tau 1903 ka whakapikihia te utu āwhina i te tākuta o Hāmua ki te £50 e whānui ake ai tana haereere i te rohe. I te tau 1909 ka whakakorehia te utu āwhina nā te tapahitanga o ngā utu, nā te whakaaro hoki o te Āpiha Matua mō te Hauora i Te Whanganui a Tara e kī nei "he tokoiti ngā Māori, ka mutu kei te āhua whairawa rātou." Kāore te tākuta i whakaae ki tērā whakaaro, i tana kõrero hoki e mea ana he moni ā te Māori o te rohe i "ngā wā kuti hipi" noa iho. I taua wā, ka whakatuwherahia ngā hōhipera hou ki Tāmaki-nui-a-Rua, ki Pahīatua me Taniwaka.
- 2.99 I te tau 1908, e iwa tau i muri mai i te whakawhitinga o te toenga o te pūtea o ngā rima orau ki te kaitiaki o te motu, ka whakatakotoria e te Māori ki te Kāwanatanga te tono āpetihana i tētahi tākuta. Nā tētahi āpiha o te Karauna i tūtohu kia kopoutia tētahi nā te mea "i ngā whakaritenga o te Whakaaetanga hoko āpukapuka o ngā whenua Māori i Wairarapa ki te Kāwanatanga, he whakaritenga i oti kia utu kore ai ngā kaimaimoa tūroro Māori o taua rohe." I whakahē te Minita mo te Hauora o te Motu i te tono i tētahi tākuta i tana tuhinga e mea nei "Kaua mātou e hāpai i ngā haepapa i puta ake i te hokotanga o te whenua." I hoatu kē ia te Karauna i te £25 i ia tau hei utu āwhina i te maimoatanga o "ngā Māori pōhara" kāore e tawhiti ake i te toru kiromita te tawhiti i te whare maimoa tūroro o te tākuta i Whakaoriori. Ka whakamutua tēnei utu āwhina i tōna tau 1911.

Tā te Karauna Whakarite i te Mātauranga

- 2.100 He mea nui ki a Ngāti Kahungunu te mātauranga o ngā tikanga Pākehā, otirā i a rātou e whai ana ki te whakatakoto ara mō te anamata o ā rātou tamariki, engari kia kaua tō rātou mātauranga Māori e noho hei papa. Nā tēnei, i āta whakapono a Ngāti Kahungunu ki ngā kōrero a Kāwana Kerei i te Komiti Nui, o te tau 1853, mō ngā kura ka whai mai i muri i te whakatū kāinga a ngā Pākehā, ki ngā kupu hoki o ngā whakaaetanga āpukapuka mō te Koha i kī rā ka whakaritea te pūtea mō te koha hei "whakatū kura hei ako i ā mātou tamariki".
- 2.101 Ahakoa he kaupapa matua tēnei i ngā whakaaetanga ā-pukapuka tuatahi i whai wāhi rā ngā rārangi koha, e ai ki ngā taunakitanga, kotahi anake te utu i tangohia mai i te pūtea o ngā rima ōrau mō ngā take mātauranga. I te tau 1860, ka whakahau a McLean kia utua te Pīhopa o Te Whanganui a Tara ki te £260 mō tētahi kura Mihinare i Pāpāwai. Ahakoa te whakaaetanga a te Karauna kia whakahaerengia ngātahingia te pūtea o te koha e rāua tahi ko te Māori, nō te 1861 rawa kātahi anō te Karauna ka rapu i te whakaaetanga

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a te Māori ki tēnei utu. I te tau 1863, nō te whakamōhiotanga o te Māori ki te utu, ka whakahē rātou nā te mea he kaupapa motuhake te kura i ngā ratonga mātauranga ka utua e te pūtea o te koha. I te tau 1869, ka tono te Minita mō ngā Take Māori i tētahi whakatewhatewha ki te hua o te whakatū kura hāhi-kore ki Wairarapa i ahu mai ōna nei pūtea i te pūtea o ngā rima ōrau, engari kāore he aha i puta ake i tēnei.

Te Tuku Whenua i Pāpāwai me Kaikōkirikiri

- 2.102 I a Poutū-te-rangi, i te tau 1853, he mea whakatenatena a Ngāti Kahungunu e te Pīhopa o Aotearoa rāua ko Kāwana Kerei kia tukuna he whenua ki te Hāhi Mihinare mō ngā kura mō ā rātou tamariki, ahakoa kāore ngā whakaritenga taketake mō ēnei tuku whenua i te mōhiotia ināianei. I ēnei takoha ngā eka e 400 i Pāpāwai me ngā eka 190 i Kaikōkirikiri (e pātata ana ki Whakaoriori). Heoi anō, pēnei i tā te Karauna aukati i tā te Māori rīhi whenua atu ki ngā tauiwi whakatū kāinga, kāore te Karauna i whakaae kia tukuna he whenua ki te Hāhi Mihinare. Ka riro kē ia te whenua ki te Karauna, me te aha, ka whakakorengia te taitara Māori, i mua i te takohatanga o te whenua e te Karauna ki te Hāhi. Ahakoa, ki tā te Māori titiro, e noho ana tēnei kaupapa i raro i te whakaaro o te tuku whenua e mea ana ki te kore te whenua e whakamahia mō te take i kīia ai, ka whakahokia ki te hunga nāna i tuku, nā te mea nā te Karauna te whenua i tuku ki te Hāhi Mihinare, ka wetekina ngā here i maharatia ai, ka mea ai ko te whenua nei "mō te mātauranga o ngā tamariki a ā mātou pononga nō ngā iwi katoa, o ngā tamariki hoki nā ngā tāngata pōhara me ngā tāngata rawakore e noho ana ki ngā moutere o Te Moananui-a-Kiwa."
- 2.103 I a Hakihea, i te tau 1860, ka whakatūria e te Hāhi te Kāreti o Hato Tāmati, tētahi kura noho mō ngā tama, i runga i ngā whenua i tukuna ai i muri i tētahi utu tuatahi mai i te pūtea o te koha me tētahi utu āwhina ukiuki o te £10 i ia tau mō ia ākonga. Kua takohangia kētia e Ngāti Kahungunu ētahi moni nui ki te hāhi mō te kura, ā, kua tukuna hoki he poro rākau mō reira. Heoi anō, e whā tau noa iho te roa o te kura noho e tū ana, ka katia ai e te Hāhi.
- 2.104 I kirihaunga te tohe a Ngāti Kahungunu kia whakatuwherangia anō te kura, ā, i te korenga o tērā i āhei, ka whakahokia ngā whenua i tukuna ai ki a rātou. Ka tuhi tētahi kāhui ihorei o Pāpāwai ki tō rātou Māngai o te Pāremata i te tau 1882, e whakamārama ana i ō rātou hiahia i te tau 1853 kia noho te whenua ki te Hāhi "i te wā tonu kei reira te kura", engari, i te katinga o te kura, ko rātou "e tatari ana kia whakahokia te whenua". Heoi anō, kāore tērā i āhei nā runga i te āhua o tā te Karauna tuku i te whenua ki te Hāhi, ahakoa kāore a Ngāti Kahungunu i mōhio.
- 2.105 I te tau 1896, ka takoto i a Ngāti Kahungunu tana petihana ki te Pāremata kia whakahokia te whenua ki a rātou. Nā te komiti whiriwhiri o ngā Take Māori i tūtohu kia whakataungia tētahi ture motuhake e noho wehe ai "ngā takuhe nā te Karauna i tuku ki te Pīhopa Rōre o Niu Tireni, ka [kīia ai] he 'papatupu' te whenua", engari kāore te Karauna i whai i tēnei tūtohunga. I te tau 1898, ka whakahē te Pirīmia, a Seddon, i ngā hapanga ki te manaaki i ngā koha, ki te whakatū, ki te whakapūmau hoki i ngā kura o runga i ngā whenua i tukuna ai. I oati ia ki te whakatau ture e tuwhera ai ngā kura, engari auare ake.

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- 2.106 Ka whai te Karauna i te ara o te ture hei āki i te Hāhi, ā, ka mautohe tonu te Māori kia whakahokia ō rātou whenua. Heoi anō, i te tau 1903, ka whakaūngia e te Kaunihera a te Karauna te mana o te Hāhi ki te whakahaere i ngā whenua i tukuna ai i raro i te taitara nā te Karauna i tuku. I taua tau, ka whakatū te Hāhi i te Kāreti o Hikurangi, i tētahi kura noho ki Clareville (i waenga o Te Hūpēnui me Whakaoriori) mō ētahi tama torutoru, mā te whakamahi i ngā pūtea mai i te Tiakitanga ki Pāpāwai me Kaikōkirikiri. I whakahēngia te kura e te hunga nā rātou ngā whenua i tuku nā te mea he pāmamao tonu i ō rātou kāinga. I whakahē hoki te Māori i te kura i te korenga i whakawātea ki ngā kōtiro Māori, i te aronui hoki ki te mātauranga o te hāhi tē aronui ai ki te ahumahi me ngā mahi whakangungu ringa rehe. I te hiku o te tekau tau 1920 ka tāpaea e Ngāti Kahungunu tana petihana ki te Pāremata i te wā ka tīmata te Kāreti o Hikurangi ki te tāpae utu. I te tau 1932, ka wera te Kāreti o Hikurangi i te ahi, ā, kāore i tapihia, kāore hoki i whakatuwherahia anō.
- 2.107 I te roanga o te tūnga o te kāreti, ka whai tonu a Ngāti Kahungunu kia manaakitia rānei ngā whakaritenga o te koha mā te tuku i te mātauranga e hāngai ana ki ō rātou matenui, kia whakahokia rānei ngā whenua i tukuna ai. I te tau 1905, i tūtohu tētahi komihana uiui kia ea ēnei mate me ētahi atu nawe e pā ana ki ngā tiakitanga ā-kura, engari kāore te Karauna i paku aha.
- 2.108 I te tau 1941 ka hui tētahi komiti o Ngāti Kahungunu ki Te Ore Ore, ka tuhi ai i tētahi petihana ki te Pāremata, e whai nei kia kaha ake tā rātou whai wāhi atu ki te whakahaeretanga o te Tiakitanga ki Pāpāwai me Kaikōkirikiri. I te tau 1943, ka tūtohu tētahi komiti whiriwhiri o te Pāremata kia oti i te Māori me te Hāhi tētahi whakaaetanga e kaha ake ai tā te Māori whai wāhi atu ki te whakahaeretanga o te tiakitanga. Ko te whakatau a te komiti e mea ana kāore ngā pūtea hei whakatū anō, hei whakahaere tonu hoki i te Kāreti o Hikurangi i te rawaka, ā, me whai kē te tiakitanga kia tukuna ngā hautoru e rua o ana whiwhinga moni hei karahipi e kuraina ai ngā ākonga Māori ki ngā kura noho o te hāhi i waho i te rohe, ā, kia wātea tētahi hautoru hei pūtea tautoko i ngā Māori e kuraina ai rātou ki ngā kura tuarua o te rohe tonu. Me nui ake te whakaaro ki ngā tamariki o Ngāti Kahungunu ki te tonga o Wairarapa. I whakamanatia ngā tūtohunga a te komiti i te Papawai and Kaikokirikiri Trust Act o te tau 1943, ka mutu he iti nei ngā tohe, ā, nā tētahi Māngai Māori o te Pāremata ōna māharahara i whakapuaki i tana kī, "e whāwhai ana te whakamanahia o ngā Pire". I whakahē a Ngāti Kahungunu i te tokoiti o ngā māngai Māori i te Poari Tiaki i whakamāramahia rā i te Ture, ā, nā tētahi panonitanga o te tau 1946 i te Ture i āhei ai tā Ngāti Kahungunu kopou i ngā Māori tokowhā ki te Poari tekau katoa nei ona mema, ka mutu, me Māori hoki tētahi o ngā tāngata tokorima ka kopoutia e te hāhi. Nā te Minita o te Mātauranga tētahi atu mema i kopou. I te whakataunga o te ture o te tau 1946, ka mea tētahi o te Kaunihera Ture, "e maharatia ana mā tēnei e whakatikahia ai tētahi hē ukiuki." Ahakoa ngā panonitanga o te ture i muri mai, e toha pūtea tonu ana te Tiakitanga ki Pāpāwai me Kaikōkirikiri ki ngā take mātauranga ā mohoa nei.

# Te Pooti-riri-kore: He Whenua Taurikura – Te Kīngi me te Kuīni i Wairarapa ki Tāmaki-nui-a-Rua

2.109 Nā ngā māharahara o Ngāti Kahungunu e pā ana ki te tere me te whānuitanga o te rirohanga o ngā whenua, ki te āhua tonu o te hokotanga a te Karauna i te tekau tau 1850 i tipu haere ai te whakaahunga ki te Karauna. I te tau 1856 ka tae ake ētahi o Ngāti

## 2: NGĀ KŌRERO O MUA

Kahungunu ki tētahi hui me ētahi atu iwi maha ki Pūkawa, ka matapaki ai i te kōwhiringa o tētahi Kīngi Māori. E pā ana te kaupapa o te Kīngitanga ki te tere o te whakawhitinga o ngā whenua Māori nā ngā mahi hoko a te Karauna. Mā te whakakotahi i ngā iwi, e tōmina ana te Kīngitanga kia whakatinanahia e ngā Māori ō rātou mana me ō rātou tino rangatiratanga i ō rātou hapori.

2.110 I a Paenga-whāwhā o te tau 1859, ka haere ētahi o Ngāti Kahungunu ki Pā Whakairo (kei te Matau a Māui) ki te tūtaki ki te kīngi Māori, ki a Pōtatau Te Wherowhero, i whakawahia ai i te tau 1858. I a Mahuru o te tau 1859, nā Ngairo Takatakapūtea rāua ko Matiaha Mōkai o Ngāti Kahungunu i whakatū tētahi hui mā te hia rau Māori i tētahi wharenui hou i tapaina ai ki te ingoa o Aotea, i tētahi marae hou i tapaina ai ki te ingoa o Rongotaketake, i Te Waihinga ki Wairarapa, kia matapakina ai te Kīngitanga. Nā te ingoa o te marae i ara ake ai tētahi tikanga whakahohou i te rongo a Ngāti Kahungunu. Ko te kaupapa o tēnei hui nui ka maumaharatia

ko te Whakapono kia herea te mana Atua, e nga tangata o Wairarapa nei... ko te pupuri i te rangimarire, me te maungarongo, me te aroha, ko te Whakapono hei kaupapa mo enei tikanga katoa.

- 2.111 Ka tae atu te 100 tauiwi whakatū kāinga o te rohe ki te tina me ngā Māori i hui rā, ā, e kīia ana he mea whakahaere taua hui rā i runga i te wairua hūmārika. I te paunga o ngā rā e toru o te hui, ka kīia i noho wehewehe ngā whakaaro e pā ana ki te Kīngitanga, ka mutu, "ka noho kūpapa tētahi wāhanga nui o te hui."
- 2.112 I ngā marama i muri mai i te hui nei, nā te kaha o te whakahē a ētahi o Ngāti Kahungunu i te whakawhitinga tonutanga o ngā whenua ki te Karauna, i tipu ake ai te tautoko i te Kīngitanga. Ka mea tētahi rangatira i haere mai i te rohe o Ōtaki ko ngā kaitautoko i te kaupapa nō Wairarapa, "ko ērā e whakaahu ana i ngā Komihana ā-Rohe [Hoko Whenua] o te Kāwanatanga."
- 2.113 I a Paenga-whāwhā, i te tau 1860, i muri mai i te pakarutanga o te riri ki Taranaki, ka takoto i ētahi tauiwi whakatū kāinga tā rātou petihana ki te Karauna e tono ana kia whakatūria tētahi ope hōia ki Wairarapa hei whakaruruhau i a rātou. I ngā rā o muri mai, i taua marama tonu, ka hui te hia rau Māori ki Pāpāwai, ka whakaae ai me noho kūpapa rātou. I āta kī rātou ahakoa i te tautoko ētahi o Wairarapa i te Karauna, ā, i te tautoko ētahi atu i te Kīngitanga, "mā te mau tonu ki te whakapono, ki te kotahitanga me te maungārongo, ka pai ngā mea katoa." Heoi anō, i tā rātou rongotanga mō te petihana ka ara ake te mānukanuka, me te aha ka rangatū tētahi kura takahi puni Māori i Te Hūpēnui ki Pāpāwai, ka whakatau ai a Te Manihera Rangitakaiwaho, tētahi kaiwhakahē nui i te Kīngitanga, i ngā mauri o ngā tauiwi whakatū kāinga i tana kōrero mō "tōna pākai whakamarumaru", mehemea kāore ngā hōia a te Karauna i tukuna ki Wairarapa, ā, memehea hoki kāore te ope hōia o te rohe i karangatia. I whiwhi hoki te Karauna i tētahi petihana ātete i ngā tauiwi whakatū kāinga i whakahē rā i te karangatanga o te ope hōia, ā, ka whakatau rātou kia kaua e whāia tēnei huarahi. I whakatau a Kāwana Gore Browne i ngā Māori o te rohe whānui i tana kōrero mō ngā whakaaro hūmārika o te Karauna.
- 2.114 I te tau 1860, ka karanga a Kāwana Gore Browne i tētahi rūnanga mā ngā iwi o te motu ki Kohimarama kia pāhekoheko ai ia ki te Māori e pā ana ki ngā kaupapa here a te Kāwanatanga e kaha ake ai te tautoko i te Karauna. Ko tōna tekau rangatira o Ngāti

## 2: NGĀ KŌRERO O MUA

Kahungunu mai i Wairarapa me Tāmaki-nui-a-Rua i tae ake, engari kāore ngā kaitautoko matua o te Kīngitanga ki Wairarapa i tae. Ka mea ētahi o ngā rangatira i te hui kua whakaaturia tō rātou ngākau pono ki te Kuīni nā te hokotanga o ō rātou whenua. Ka kī a Rāniera Te Iho-o-te-Rangi ki te Kāwana, "Ka whakaaturia taku ngākau pono ki te Kuīni mā te tuku kia riro aku whenua." Ka tuhi a Wiremu Waaka rāua ko Karaitiana Te Korou ki te Kāwana:

Kua huri te Pīhopa me ngā Minita, ā, ka meatia tonutia au kia anga au ki runga, engari i tēnei wā ka titiro whakararo au, ka tukuna aku whenua ki te Kuīni i runga i te rangimārie, ā, kei te aroaro o te Atua taku kupu. Anei rā: ka tukuna e te tangata tōna whenua ka mea, 'E tukuna ana i konei ō mātou whenua ki te Kuīni; ka tukuna i tēnei tau o te Ariki, o Ihu Karaiti'. Kāti."

2.115 Ka kōrero a Kāwana Gore Brown i te hiranga o te kotahitanga i waenga i te Māori me te Karauna. I tautokona te whakaaro nei e Ngāti Kahungunu, engari e raupeka ana rātou mēnā e motuhenga ana te hiahia o te Karauna me ngā tauiwi whakatū kāinga ki taua whakaaro. Ka mea a Rāniera:

E hoa, me kī au ki a koe e pā ana ki tēnei kupu, he riki noa iho tō tātou whakakotahitanga – inā hoki ko ō tātou tinana kua kotahi, engari ko ō tātou ngākau kua wehe, arā, ngā ngākau o te Pākehā me ō te Māori. Anei te pūtake o te wehenga: e ai ki ētahi Pākehā, tūtūā mai, rangatira mai, he kurī noa iho mātou, te Māori, ki ō koutou whakaaro.

- 2.116 Nā te rūnanga i Kohimarama i tirohia ai te āta whai wāhitanga a te Māori ki te Kāwanatanga, he iti noa iho nei, kāore noa iho rānei ōna tūranga, me ētahi atu kaupapa e pā ana ki te whakataunga o ngā taitara o ngā whenua. I rawe a Wiremu Waaka ki te whakaaro kia kōrero te Kāwana ki a ia: "Anei! E toro atu nei taku ringa... E whai ana au ki te kimi i tētahi ture hou hei tohutohu mai. Tukuna mai kia whakawāngia ai e au tōna pai, tōna kino rānei." Ko te whakaahua a Kāwana Gore Browne i te rūnanga ko "te hīkoitanga tuatahi ki te ao o te mana motuhake e mōhio nei rātou, e rawe nei rātou."
- 2.117 Ka kī a Kāwana Gore Browne ka tū anō tētahi rūnanga pērā i te tau 1861. Heoi anō, kāore tana piki tūranga, a Kāwana Kerei i whakaae kia tū anō tētahi rūnanga pērā, i tana pūrongo i tōna horokukū ki te "karanga i ētahi Māori āhua mohoao ki te waihanga i tētahi whakaritenga ā-ture."
- 2.118 I te tau 1861, ka tīmata tā te Karauna whakatairanga i ngā "kaupapa hou", i tētahi pūnaha kāwanatanga Māori e whakamanatia ana e ngā rūnanga me ngā āpiha ā-ture Māori e whai utu ana, pēnei i te pirihimana me te whakawā. Ka kī te Karauna ka mahi tahi ēnei me ngā kaiwhakawā Pākehā o te rohe ki te waihanga, ki te whakaū hoki i ngā ture iti ā-rohe. I maharatia mā rātou anō hoki e whakatau ngā taitara o ngā whenua, e whakahaere hoki kia hāngai te whakawhitinga o ngā whenua ki ngā tauiwi whakatū kāinga, tē whakawhiti kē ai ki te Karauna. Ko te tikanga ia o ngā "kaupapa hou", ko te whakapakari i te ngākau whakapono o te Māori ki te Karauna me te whakawaimeha i te pai, otirā i te mana o te Kīngitanga.
- 2.119 Pōrori ana te whakatū a te Karauna i ngā "kaupapa hou" ki Wairarapa. Tae rawa ake ki a Whiringa-ā-nuku, i te tau 1861, kāore anō te Karauna kia whakatū rūnanga ki Wairarapa.

# 2: NGĀ KŌRERO O MUA

Heoi anō, kua tau noa atu ngā whakahaere a ngā tāngata o te rohe e tautoko ana i te Kīngitanga, ā, i roto i tō rātou rūnanga ngā rangatira e 30, he rite tonu tā rātou nei hui ki te whakaaro ki "ngā take ā-pāpori, ā-tōrangapū, ā-rohe, ā-hea noa atu hoki." E ai ki te Kaiwhakawā ā-Rohe, koinei te "tohu i te kokenga ā-pāpori", ka mutu, he "tika, he tōkeke" ake hoki tā rātou kawe i a rātou tēnā i ngā "Māori a te Kuīni." I whakarite hoki te rūnanga o te Kīngitanga i tētahi huarahi hei whakatau tautohetohe i "whakahaeretia ai i runga i ngā mātāpono whānui o te tika." I tēnei wā, ka mea te pūrongo a te kaiwhakawā ā-rohe ko ngā "Māori a te Kuīni" te tokoiti, ka mutu "he kūpapa tonu" rātou tēnā i te "ngākau pono". I tēnei kāhui anō a Te Manihera Rangitakaiwaho, i mua rā, ko ia te tino kaiwhakahē a te Karauna i te Kīngitanga, i taua rohe rā.

- 2.120 I waenga i a Poutū-te-rangi, i te tau 1862 me Pipiri, i te tau 1863, ka kopoutia e te Karauna tōna 16 āpiha ā-ture Māori ki Wairarapa me Tāmaki-nui-a-Rua. Ka hīkina te mahi a tētahi whakawā, a Ngatuere Tāwhirimātea Tāwhao i te tau 1863 mōna i tautoko i te Kīngitanga. Tae rawa ake ki te tau 1865 ka whakakorehia e te Karauna ngā "kaupapa hou".
- 2.121 I a Hakihea, i te tau 1862, ka hīria te kara o te Kīngitanga i tētahi kāinga ki Wairarapa, ki "Tūkaiora". Ka whakahau te Karauna kia turakina te pou o te kara, ā, ka kīia te mahi nei he 'hara waniwani, he hara taumaha hoki." I a Pipiri, i te tau 1863, ka whakaūngia e te Kīngitanga ki Wairarapa te kupu a Kīngi Pōtatau kia "mau ki te whakapono, ki te aroha, ki te ture... me aroha ki ngā Māori me ngā Pākehā."
- 2.122 I a Hōngongoi, i te tau 1863, ka urutomo te Karauna ki Waikato, ā, ka tīmata te pakanga ki te Kīngitanga i reira. I Wairarapa ka tipu haere te maniore i ngā heitara e mea ana e kainamu mai ana tētahi pakanga. I a Here-turi-kōkā o te tau 1863, ka karanga te Kaiwhakahaere o te Rohe o Te Whanganui a Tara i te ope hōia, ā, ka urupare atu ngā kaitautoko o te Kīngitanga i te rohe mā te tuku kia rangatū ā rātou toa i Te Hūpēnui, i muri i te whakaaetanga a te Kaiwhakahaere kia pērā rātou. I whakangungu tonu ngā kaitautoko o te Kīngitanga ki Ngāti Kahungunu i ā rātou toa, engari i whakaae rātou kia kaua e piri atu ki te Pakanga ki Waikato i runga i tō rātou hiahia kia "mau tonu ki te rangimārie me ngā tauiwi whakatū kāinga me te Kāwanatanga". Ka tau tonu te rongomau ki Wairarapa.
- 2.123 I te tau 1865, ka huri ētahi o Ngāti Kahungunu ki Wairarapa ki te whakapono o te Pai Mārire. He mea whakatū tēnei e Te Ua Haumēne i te horopaki o te pakanga me te raupatu. I runga i tana whai i te paipera Karaitiana, ka kīia mā te Pai Mārire e mau ai te Māori ki te mana motuhake, ā, he Māori nō ngā iwi maha o Te Ika a Māui i huri. Nā te horapa o te Pai Mārire i mānukanuka ai te Karauna, otirā, i muri mai i te patunga o Carl Volkner. Ahakoa kāore i whakawehewehengia ngā apataki kaikoka i ngā apataki maungārongo o te whakapono o te Pai Mārire, i a Paenga-whāwhā o te tau 1865, ka puta i a Kāwana Kerei tana kupu e whakahē ana i te "wāhanga whiwhita, e kīia nei ko te Paimārire", ā, ka whakaatu hoki ia i te hiahia o te Kāwanatanga ki te ātete atu, ki te tāmi hoki i ngā kaupapa pēnei i te Pai Mārire, ka mutu, mēnā e tika ana, ka pērātia mā te rākau riri.
- 2.124 I a Pipiri o te tau 1865 ka ārahi a Ngairo Takatakapūtea rāua ko Wī Waka i tētahi rōpū e 20 ōna tāne nō Ngāti Kahungunu ki te tautoko i te Pai Mārire i te Pakanga ki Taranaki. Ka hoki a Wī Waka i a Poutū-te-rangi o te tau 1866, i a Hōngongoi hoki ka whakapuaki ai

## 2: NGĀ KŌRERO O MUA

i tana kī taurangi mō te pūmau o te pono o tana ngākau ki te Karauna. Ka hoki a Ngairo me ana tāngata i a Mahuru o te tau 1866, ā, i a Poutū-te-rangi o te tau 1867 ka hui ia me te Kāwana ki te whakapuaki i tana kī taurangi mō te pūmau o te pono o tana ngākau. Nā te tautoko i te Pai Mārire i roto o Ngāti Kahungunu, nā te mea hoki i reira ētahi kaiwhawhai nō Taranaki, ka mānatunatu ngā tauiwi whakatū kāinga i Wairarapa, me te aha, ka toro a Hikawera Mahupuku me ētahi atu apataki o te Pai Mārire i te Kaiwhakawā ā-Rohe, ka tono ai kia "kaua e tukuna kia maringi te toto i konei." Nā Ngatuere i whakatau atu ki a Kāwana Kerei "e kore a Wairarapa e pūriko i te toto Pākehā," ka kīia e ia ko Wairarapa me Tāmaki-nui-a-Rua "Te Pooti-Riri-Kore". I muri mai, ka kī ake a Ngāti Kahungunu, "mai i tērā wā ā mohoa nei... kei te kōrero tonu ō tātou hoa Pākehā ko Wairarapa tētahi wāhi kāore anō te toto kia maringi noa, koia nei te wāhi e noho ana te Māori me te Pākehā hei hoa, e kotahi ai te noho, ā, ka kīia he wāhi pai." Kāore ngā rākau o te riri i hāpainga i waenga i te Karauna me te Māori ki Wairarapa me Tāmaki-nui-a-Rua.

#### Te Kōti Whenua Taketake

- 2.125 No te taenga ki te upoko o te tekau tau 1860, na te kore haeretanga o ta te Maori hoko i ō rātou whenua ki te Karauna, i runga i te here me hoko ki a ia i te tuatahi, i whakarerekē te Karauna i ana mahinga me ngā whenua Māori. Ka whakatūria e te Karauna te Kōti Whenua Taketake i raro i te Ture Whenua Māori o te tau 1862 me te tau 1865, hei whakatau ko wai te hunga nō rātou ngā whenua Māori "e ai ki te tikanga Māori, ā, ka hurihia te mana whenua Māori ki tētahi taitara nā te Karauna i tuku. Mā ēnei ture i wete ai te Karauna i te here i whakaritea ai i te Atikara Tuarua o te Tiriti o Waitangi e kī nei me hoko te whenua ki a ia i te tuatahi, kia kotahi ai ngā tauiwi whakatū kāinga ki ngā Māori ki te hoko rānei, ki te rīhi rānei i ngā whenua. I tua atu o ētahi atu mea, ko te whāinga a te Karauna mā ngā Ture Whenua Māori, e ai rā ki te Rōia Matua, hei "whakaemi mai i te nuinga o ngā whenua o Te Ika a Māui i ngā ringaringa tonu o ngā Māori ki ngā ringaringa o te tāmitanga." Ka whakatūria te Kōti ki Wairarapa me Tāmaki-nui-a-Rua i te tau 1866, ka mutu, ka noho koia hei wāhi e whakawhiti kōrero ai a Ngāti Kahungunu me ngā kaupapa tāmi, ā, koinei hoki te aronga nui o ngā nawe maha o Ngāti Kahungunu. Kāore te Karauna i kōrero ki a Ngāti Kahungunu mō ngā ture whenua Māori hou, ā, kāore hoki he māngai mō te Māori i te Pāremata i te wā i whakamanatia ai ngā ture whenua Māori.
- 2.126 He mea whakatōpū te āhua o ngā mana tuku iho i waenga i ngā whānau me ngā hapū o Ngāti Kahungunu, ā, nā ngā mana tuku iho i ea ai ngā pānga maha e inaki ana ki te whenua kotahi, ki ngā rawa rānei nō te katoa mā roto i ngā hononga ngātahi ki te whenua. Nā ngā Ture Whenua Māori i tino rerekē ai te āhua o te mana whenua tuku iho o Ngāti Kahungunu nā te tuku kia pūmau te noho o te whenua ki ngā ringaringa o te kotahi, ā, kāore nei pea ngā tāngata nō rātou ngā pānga tuku iho ki te whenua i whai wāhi atu. I mate a Ngāti Kahungunu ki te whai i te Kōti Whenua Taketake mehemea i hiahia rātou ki te taitara e whakaūngia ana e te ture, e whakamarumarutia ana mai i ngā kokoraho a ētahi atu Māori. Me whai taitara i te Karauna mehemea hoki rātou i pīrangi ki te rīhi ā-ture, ki te hoko ā-ture rānei i te whenua, ki te pīrangi rānei ki te whakamahi i te whenua hei pānga rawa e riro ai he moni whakawhanake. Nā te huringa kia takitahi te tangata nōna anake te whenua, ka mahara te Karauna ka whakarērea e te Māori te whakaaro o te pupuri ki te whenua i raro i te tikanga tuku iho ā-hapū, ā-hapori, e kotahi ai rātou me te hapori Pākehā.

## 2: NGĀ KŌRERO O MUA

2.127 E āhei ana tā te Kōti Whenua Taketake whakatewhatewha i te taitara whenua i tētahi tono nā te Māori kotahi. Ehara i te mea me whai whakaaetanga mai i te kāhui whānui o ngā tāngata nō rātou te mana tuku iho, engari ina whakaaetia e te kōti te tono me whai wāhi rawa te hunga he pānga tuku iho ō rātou ki ngā whakahaere a te Kōti mēnā ka pīrangi rātou, ahakoa tō rātou hiahia, tō rātou kore rānei i hiahia ki te taitara i te Karauna.

Te Ture kia 10 ngā Kaipupuri Taitara

- 2.128 I raro i te Ture Whenua Māori o te tau 1865, kāore i āhei tā te Kōti tuku whenua ā-iwi ki ngā tāngata tokomaha ake i te tekau. Nā te ture kia tekau ngā kaipupuri taitara i maharatia ai mā ngā rangatira tokoiti o Ngāti Kahungunu nō rātou ngā ingoa i ngā taitara e noho hei kaitiaki, hei māngai ā-iwi rānei mō ō rātou whānau me ō rātou hapū i roto i ngā take e pā ana ki te whenua. Heoi anō, nā te Ture i riro ai ki ngā tāngata nō rātou ngā ingoa i te taitara te mana ā-ture hei kaipupuri taitara mārika. Nā konei i āhei ai tā ngā tāngata nō rātou ngā ingoa i te taitara rīhi rānei, hoko rānei i te whenua me te kore e mate ki te whakapā atu ki te whānau me te hapū.
- 2.129 I roto i te whāinga kia whakatikaina te āhua whāiti o te ture kia 10 ngā kaipupuri taitara, ka whakataungia e te Karauna te Ture Whenua Māori o te tau 1867. Nā te wehenga 17 o te Ture Whenua Māori o te tau 1867 i panonihia ai te ture kia tekau ngā kaipupuri taitara. Nā tēnei i whakaritea ai kia tuhia ngā ingoa o ētahi atu kaipupuri mana ki te tuarā o ngā tohu o ngā taitara hei tohu i te āhua o te tiakitanga i waenga i ngā kaipupuri taitara ā-ture me ētahi atu tāngata o ō rātou hapori. He mea here ngā taitara o raro i te wehenga 17 kia kaua e whakawhitihia ngā whenua atu i te huarahi rīhi kāore nei i roa ake i te 21 tau. Heoi anō, i te Kōti Whenua Taketake te tikanga ki te whakatinana rānei i te whakaritenga hou. Ahakoa ngā panonitanga i te ture, me uaua ka whakatinanahia te wehenga 17. E mōhiotia ana he mea whakahē te take nei e te Kaiwhakawā Matua, engari kāore i te mārama te pānga o tērā ki te whakatau a ngā kaiwhakawā e pā ana ki te tuku taitara i ōna take whāiti.
- 2.130 I Wairarapa me Tāmaki-nui-a-Rua, e whitu noa iho o tōna kotahi rau taitara i tukuna i raro i te wehenga 17, ko tōna 22,000 eka te nui o ngā whenua o roto. Kāore pea ngā tāngata takitahi o Ngāti Kahungunu i mōhio ki te whakaritenga, ka mutu nā ngā tāngata nō rātou ngā poraka o Mataikonā me Motuwaireka anake i tono kia whakatinanahia. I ērā atu take, nā te Kōti tonu te whakaaro i whakapuaki. He taitara anō i tukuna tonutia i raro i te ture kia 10 ngā kaipupuri taitara. He mea tuku ngā taitara o tōna 100 poraka whenua i Wairarapa me Tāmaki-nui-a-Rua, i reira rā tōna 650,000 eka, i raro i te Ture o te tau 1865.
- 2.131 I mutu te ture kia 10 ngā kaipupuri taitara i te wā i herea ai e te Ture Whenua Māori o te tau 1873 te Kōti kia tautuhia ngā tāngata takitahi katoa he mana tuku iho ō rātou ki ngā whenua e whakatewhatewhahia ana, ā, me whai wāhi rātou ki ngā taitara hei kaipupuri taitara mārika. Nā tēnei i tokomaha ake ai ngā tāngata takitahi i whai wāhi atu rā ki ngā taitara. Nā ngā whakaritenga o waho i te kōti i waenga i ētahi kaitono, i whakaaetia rā e te Kōti, i tokoiti noa iho ai ngā tāngata takitahi i whai wāhi atu rā ki ngā taitara i ētahi wā, me te aha, ka panaia ētahi atu he pānga tuku iho ō rātou. E ai ki ngā taunakitanga, kua neke atu i te 70 ngā taitara o ngā poraka whenua i Wairarapa me Tararua, e 339,000 eka te nui, i tukuna i raro i te Ture o te tau 1873 me ōna panonitanga i mua o te tau 1900.

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- 2.132 Kāore te whānuitanga o ngā pānga whaiaro, o ngā hea whaiaro rānei o ia kaipupuri taitara ki te poraka i tautuhia, i tohua rānei, ka mutu, kāore hoki i taea i raro i ngā tikanga tuku iho. I taea e te kaipupuri taitara ahakoa ko wai te tono kia whakawehea e te Kōti ōna pānga takitahi. I te korenga o tētahi hanga whai take hei whakahaere i ngā taitara o te takitini i uaua ai ki a rātou te whakahaere ā-tōpū nei i ō rātou whenua, te whakaemi rawa, te whakapaipai ake rānei i ō rātou whenua. Kāore i whakaritea i roto i ngā ture whenua Māori tētahi āhua whai take hei whakahaere ā-tōpū i ngā whenua Māori tae noa ki te Native Land Court Act o te tau 1894, nā reira i whai wāhi atu ai te mana tōpū o ngā kaipupuri taitara. Heoi anō, tae rawa ake ki taua wā, kāore a Ngāti Kahungunu i te kite i te hua whai take o tēnei momo taitara.
- 2.133 I āhei te hoko (te whakawehe me te hoko rānei) ngā pānga takitahi i tukuna ai i raro i te Ture o te tau 1873 ina whakaaetia e te katoa o ngā kaipupuri taitara. I āhei tā ngā kaihoko o te Karauna, tā ngā kaihoko tūmataiti rānei whakawhiti kōrero mō te hokotanga o ngā whenua o Ngāti Kahungunu me ngā kaipupuri taitara takitahi me te kore i mate ki te whakawhiti kōrero me te tōpūtanga o ngā kaipupuri taitara i tētahi poraka. Nā te Native Land Act Amendment Act o te tau 1877 i mana ai tā te Karauna tono ki te Kōti kia whakawehea ō te kaihoko atu pānga mai i ērā o ērā atu kaipupuri taitara o te poraka. Nā te Native Land Act Amendment Act o te tau 1878 i whānui ake ai tēnei mana ki ngā kaihoko katoa.
- 2.134 Ahakoa kāore ētahi taitara atu anō i tukuna i raro i te ture kia 10 ngā kaipupuri taitara i muri i te Ture o te tau 1873, i te rangona tonutia ōna hua mai i ngā taitara i tukuna ai i mua. Nā te Equitable Owners Act o te tau 1886 (me ētahi atu whakaritenga i te Ture Whenua Māori o te tau 1894) i āhei ai te tāpiritanga o ētahi kaipupuri taitara ki te taitara, engari i ngā wā anake kāore anō ngā pānga o te taitara kia whakawhitia. Nā tēnei herenga i kore ai te Ture o te tau 1886 i whakahāngaitia ki ngā poraka o Wairarapa i tukuna ai i raro i te ture kia 10 ngā kaipupuri taitara, ā, e toru noa iho o ngā tono e waru i tukuna ai mō ngā poraka ki Tāmaki-nui-a-Rua i raro i te Ture i angitu.
- 2.135 I te tau 1891 ka tāpaea tētahi tono i raro i te Ture o te tau 1886 kia whai wāhi ai ētahi atu kaipupuri taitara ki te taitara mō te poraka o Piripiri (18,014 eka), i tukuna tuatahitia ki ngā kaipupuri taitara e waru. I te tīmatanga i aukatihia te tono nā runga i te here e kī ana me tāpae ngā tono i mua i te paunga o ngā tau e rua, me te aha, ka tukuna te take ki te Kōti Matua, nāna nei te whakatau i te tau 1892 kia whakarongo te Kōti Whenua Taketake ki te take. Ko te whakatau a te Kōti Matua e mea ana ehara i te mea nā te whakarongo a te Kōti Whenua Taketake ki te take i muri i te ture o te tau 1867 kua tutuki i a ia āna mahi e mōhiotia ai ngā kaipupuri taitara e whai painga ana. Nā konei ka tāpirihia atu e te Kōti Whenua Taketake ngā kaipupuri taitara 124 ki te taitara.
- 2.136 I te tau 1891, ka tāpaea e tētahi rōpū o Ngāti Rangiwhakaewa tētahi tono i raro anō i taua Ture. I te tono rātou kia whai wāhi atu rātou ki te poraka o Oringi Waiaruhe. Heoi anō, kāore i āhei te whakarongo ki te take nā te mea, tae rawa ake ki tērā wā kua hokona te pānga o tētahi o ngā kaipupuri taitara e ngā rōia e mahi ana i runga i te mana ki te pānga tuku iho o tētahi kaipupuri taitara kua mate e tamō ana, ā, nā konei i kore ai i whai wāhi ki ngā whakaritenga o te Ture.
- 2.137 I te tau 1896, i raro i te Ture o te tau 1894 ka arotakengia pērātia te poraka o Tāmaki (e 34,098 eka) i tukuna tuatahitia ai ki ngā kaipupuri taitara e 3 i te tau 1870. I ngā uiuitanga

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tuatahi ka mea te kaiwhakawā o te Kōti Whenua Taketake e aro ana ki te take, "mārama kehokeho ana te take" e tika ana kia whakahāngaitia te wehenga 17 o te Ture o te tau 1867, ka mutu, i te tau 1870 "kāore he mana ā-ture" o te Kōti Whenua Taketake, ā, i "tino pōhēhē rawa atu ia ki tana mahi i tēnei take." Nā konā, i te tau 1896, ka tukuna kia whai wāhi atu ngā kaipupuri taitara e 99 ki te taitara. Waihoki, i te take mō Tahoraiti 2 (e 5,924 eka), i tukuna tuatahitia ai ki ngā kaipupuri taitara 10, ka tukuna kia whai wāhi atu ngā kaipupuri taitara e 74 ki te taitara. Ka kī te Kaiwhakawā "mōiriiri ana" tā ngā kōti o te wā i waenga o te tau 1867 ki te tau 1873, whakatinana i te wehenga 17 anō hei "ture niho-more". Manohi anō, i mūhore te tono a te tokomaha o ngā kaipupuri mana i tohe kia whai wāhi atu rātou ki te taitara o te rāhui o Tautāne (1,052 eka, tae noa atu ki tētahi urupā nui) i raro i ngā whakaritenga mō ngā kaipupuri taitara tōkeke o te Ture o te tau 1894, i runga i tā te Kōti whakatau kāore he tiakitanga mā te hapū whānui i whakaritea i te wā i tukuna ai te taitara ki ngā kaipupuri taitara e rua i mua.

#### Te Utu o te Taitara

- 2.138 Me rēhita rawa te rūritanga o te whenua e whakatewhatewhahia ana e te kōti i mua i te tukunga o te taitara. I ētahi wā he nui rawa te utu ki te rūri whenua, ā, he utanga tērā hei pīkau mā Ngāti Kahungunu. I ētahi wā, pēnei i Akura, i Taumataraia, i Ngutukoko, me Kai o te Atua, he whenua ka hokona hei utu i ngā rūri. I Okurupatu, he ōrite te utu o te rūri ki te rua herengi ki ia eka. I Te Hūpēnui, nā te rīhitanga o ngā whenua i utua ai ngā nama o te rūri, he mea tango te utunga i te katoa o ngā moni rīhi o ngā tau e whitu tuatahi o te rīhi e 21 tau te roa. Tērā te wā, nā tētahi tauiwi whakatū kāinga i tuku moni taurewa ki te Māori hei utu i ngā nama o te rūri, ā, i muri mai ka mate rātou ki te mōkete i ētahi atu whenua hei utu i te moni taurewa. E £740 te utu o te rūri i tētahi tōpūtanga poraka e pātata ana ki Te Mātakitaki-a-Kupe e 26,810 eka tōna nui, neke atu tērā i te ono kapa ki ia eka, arā, ko tōna kotahi hauwaru o te uara ā-mākete o te whenua, me te aha, ka rīhingia atu te whenua hei utu i te nama nei. I te tau 1873 ka hokona e te Karauna te poraka o Tararua mō te £2,792, engari ko te utu hei rūri i te poraka, ko te £1,431.
- 2.139 He wāhi tō te Karauna i roto i te whakariterite me te aroturuki i ngā tukanga o te rūri. I te tau 1866, ka whakatau te Kōti Whenua Taketake e "whai take ana te amuamu" a Ngāti Kahungunu e pā ana ki te hē o te rūritanga o ētahi o ō rātou whenua e tētahi kairūri o te Karauna, i kī rā ia he "tino rerekē tōna tūranga" i te mea ko ia tētahi kaimahi nā te Karauna i te Kōti, ā, ko ia hoki te Komihana o ngā Rāhui Māori. Ka kīia te rūri tuatahi o te rāhui nui o Mataikonā he "whakataruna" kau, me te aha, inā te nui o te rūritanga anō i mate ai ngā kaipupuri taitara ki te tono mōkete.
- 2.140 He utu anō i roto i te tukanga o te Kōti Whenua Taketake i raru ai a Ngāti Kahungunu, pēnei i ngā utu o te kōti, i ngā utu o te rōia, o te kai, o te wāhi noho e hāngai ana ki ngā wā i mate ai te hunga i tae ake ki te whakawā ki te noho tawhiti atu i ō rātou kāinga ake nā te roa o ngā whakawā. Ko ētahi atu utu o ngā whakawā roa ko te rironga o te wā mahi me te whiwhinga moni. Ko te kōrero a Niniwa-i-te-rangi, a tētahi wahine whai mana o Ngāti Kahungunu, ka mate ia ki te utu i te £10 i tana haere ki te kōti mō te wiki kotahi hei utu i te wāhi noho me te kai, he utu kāore nei pea e ea i te uara o te whenua e tukuna ana. I mate ētahi kaipupuri taitara ki te hoko i ētahi wāhanga o ngā poraka whenua, i mate rānei ki te whakawehewehe i ō rātou whenua ki te utu i te nama e pā ana ki te rūri me te kōti. I te tau 1895, i te taparere o te kaihau tētahi ihorei, a Hamuera

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Tamahau Mahupuku, i mua i tana whai i te whakaaetanga a te Karauna kia mōketehia tōna 11,500 eka o ana whenua o Ngāwaka-a-Kupe mō te £18,000. Ko te nuinga o ana nama i hua ake i tana whai taitara ki ngā whenua i te Kōti Whenua Taketake.

2.141 I ētahi huihuinga i te Kōti, i pērā rawa te apiapi o te noho a ngā whānau o Ngāti Kahungunu ki ngā puninga taupua, nā te riko haere, ka pakaru mai ngā mate kino i waenga i ngā Māori i tae ake ki aua huihuinga. He rite tonu te hari a ērā i tae ake ki te Kōti i ā rātou tamariki, me te aha ka roa te tamōtanga i te kura.

Te Poronga Whenua me te Whakawhitinga o ngā Taitara

- 2.142 E ai ki ngā ture mō te tuku ihotanga i whakaritea ai e te Kōti Whenua Taketake e mea ana me whakawehe te whenua kia ōrite te nui ki tēnā, ki tēnā o ngā kaipupuri taitara tuku iho. Haere he whakatipuranga, ka iti haere hoki ngā hea takitahi, ka iti haere hoki ngā hua, ka mutu, nā tēnei poronga whenua i piere nuku ai te whakahaeretanga me te whai huatanga o ngā whenua Māori, ā, i te mutunga iho, kāore he hua o te whakamahi i te whenua. Nāwai, ā, nā te pupuritanga ki ngā pānga ā-ture o te takitahi i whakawehea ai, i poroa ai, i hokona ai hoki ngā pānga ā-hapori, ā-iwi rānei.
- 2.143 Nā ēnei tukanga ā-taitara i hua ake ai ētahi taitara e pakupaku ana, e tahangoi ana, e papatoiake ana, i taea ai pea te aukati i te ara ā-ture, ā, i noho whakaraerae hoki kia whakawhitingia. Hei tauira, e rima ngā taitara i tukuna mō Te Ore Ore (e 967 ngā eka) i te tau 1868 me te tau 1869, tae atu ki Te Ore Ore Nama 3 (e 460 eka). Nā te mea i hokona tūmataitingia ngā pānga takitahi he rite tonu te whakawehenga o Te Ore Ore Nama 3, ā, nāwai ka kaha ake te poroa haeretia. Tae rawa ake ki te tau 1900 e 48 eka noa iho i ngā ringaringa tonu o te Māori, ka mutu, i tēnei rā ko ōna wehenga iti ka tīmata i te 20 eka, ā, ka heke ki te 0.1 eka. He mea whakawehewehe te poraka o Akura Nama 1 (e 814 eka) ki ngā taitara 18 i muri i tētahi take whakawehewehe i neke atu i te whitu tau e whakawāngia ana i ngā Kōti i Whakaoriori, i Papaioea, me Ōtaki. Tae rawa ake ki te tau 1900, ko tōna 490 eka i riro nā ngā hokotanga tūmataiti, ā, ka poroa te toenga ki ngā taitara e 40, i heke ki te kotahi eka noa iho te iti o ētahi.
- 2.144 Nā te whakatakitahitanga o ngā taitara me te nui o ngā whenua e whakawhitia ana i raro i ngā ture whenua Māori i puta ai ētahi hua tūkino i ngā hapori o Ngāti Kahungunu. Otirā, nā ngā Ture Whenua Māori i uaua ai ki a Ngāti Kahungunu te pupuri, te whakarite, te whakahaere hoki i ō rātou whenua me ngā rawa i raro i te whakatōpūtanga. I te whakatinanahanga o ngā ture whenua Māori ki Wairarapa me Tāmaki-nui-a-Rua i te tau 1866, i ngā ringaringa tonu o te iwi tōna 1,000,000 eka (tae atu hoki ki ngā rāhui) e puritia ana; tae rawa ake ki te tau 1900 nā te nui o te hoko a te Karauna, ā, nā te hoko ātūmataiti, kāore nei i rite ki te nui o te hoko a te Karauna, kua heke tēnei ki te 278,000 eka, otirā, ki tōna 10 ōrau o te katoa o te rohe.

## Ngā Mahi Hoko a te Karauna ki Tāmaki-nui-a-Rua

2.145 He whenua rahi nō te Māori i waenga o Wairarapa me te taha whakarunga o Te Matau a Māui kāore nei i whai wāhi ki ngā hokotanga tōmua a te Karauna. E mōhiotia nei te rohe e Ngāti Kahungunu ko Tāmaki-nui-a-Rua, i reira rā te ngahere nui o Te Tapere-nui-a-Whātonga, e mōhiotia nei e te Pākehā i tōna wā ko te "Seventy Mile Bush". I te tau 1857, ka whai te Karauna kia wātea te huarahi ki ngā mahi hoko i tēnei rohe. Ka tīmata te

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Karauna ki te whakawhiti kōrero me tētahi atu rōpū mō ngā whenua i Tāmaki-nui-a-Rua engari ka kitea ake i hiahia kē ērā ki te whakatau i ngā hokotanga mō ētahi atu whenua i waho o te rohe i mua i te huri ki ngā take mō Tāmaki-nui-a-Rua

- 2.146 I te tau 1858 ka utu tōmua te Karauna i te £100 i Te Whanganui a Tara ki ngā rangatira e iwa o tērā atu rōpū mō ō rātou pānga ki te poraka o Ngawaapurua (i whakatau tatangia kei tua o te 100,000 eka te nui), ā, he utu atu anō i utua ai e ia ki tētahi rōpū tuarua. Nā konei i tū ai ngā pihi o ngā Māori i taua whenua e noho ana, ā, ka whakaaturia e rātou ki te Karauna tā rātou whakahē i te whakaaetanga ā-pukapuka mō Ngawaapurua. I a Mahuru, i te tau 1859, ka hoki a Donald McLean ki te rohe ki te wāhi anō i ngā whakawhitinga kōrero ki reira, ā, i a Whiringa-ā-nuku o te tau 1859, ka whakaritea me Ngāti Kahungunu ngā whakaaetanga ā-pukapuka mō Makuri me Ihuraua ki Akitio, i pā rā ki ngā eka e 72,000 i ngā pae maunga o Puketoi, i te taha uru o te poraka o Rangiwhakaoma. I whakaritea tētahi rāhui e 21 eka te nui mō tētahi tangata takitahi o Ngāti Kahungunu. Nō te taenga atu ki te upoko o te tekau tau 1860, kāore he kauneketanga atu anō i te hokotanga o te poraka o Ngawaapurua i kitea.
- 2.147 Ko Ngāti Pakapaka ētahi nō rātou te whenua, ā, e noho tonu ana ki te taha whakateraki o Te Tapere-nui-a-Whātonga, ā, i te tau 1861 ka kuhu a Paora Rangiwhakaewa me ētahi atu rangatira o Ngāti Rangiwhakaewa i a rātou anō, ā, ka whakaūngia ō rātou mana mā te rīhi i ngā whenua i Mangatoro ki tētahi o ngā tauiwi whakatū kāinga tuatahi. I mua i te whakaritenga o te rīhi ka uiuitia te mana pupuri e tētahi komiti Māori, me te aha ka whakaūngia ngā mana o te hunga nā rātou i rīhi te whenua. He mea whakahaere te uiui e Hēnare Matua rāua ko Karaitiana Takamoana, i āhei ai tā rāua whakawā nā te mea he hononga ō rāua ki a Ngāti Pakapaka me Ngāti Mutuahi, he pānga hoki ō rātou ki Mangatoro. Ko tōna 13,000 eka i Mangatoro i rīhingia ki te tauiwi whakatū kāinga i runga i te utu rīhi o te £100 i ia tau.

Te Taenga o te Kōti Whenua Taketake ki Tāmaki-nui-a-Rua, i te tau 1867

- 2.148 I te 14 o ngā rā o Kohitātea, i te tau 1867, e rima ngā poraka i Tāmaki-nui-a-Rua i haria ki te aroaro whakawā o te Kōti Whenua Taketake ki Waipawa i runga i ngā tono a Ngāti Rangiwhakaewa, i noho rā ki aua whenua. Hui katoa ngā inenga o aua wāhi katoa, ka eke ki te 65,555 eka te nui o ngā poraka e rima (o Otawhao, o Oringi, o Waiaruhe, o Tahoraiti, o Kaitoki me Mangatoro) i te rohe o Tāmaki-nui-a-Rua, ka mutu, i te korenga o ngā kokoraho i tautohea, ka tukuna ia taitara ki ngā kaikokoraho tekau, he iti ake rānei i tērā tokomaha. I te 4 o ngā rā o Mahuru, i te tau 1868, ka whakatewhatewhahia te taitara o te poraka o Mangapuaka (e 906 eka) e te Kōti Whenua Taketake ki Waipawa, ā, ka tukuna ki tētahi rangatira o Ngāti Ranigwhakaewa me ētahi atu tāngata e whā e kokoraho ana i te whenua i tōna taha.
- 2.149 Nā te here kia 10 ngā kaipupuri taitara i runga i ngā taitara a te Kōti Whenua Taketake i tēnei wā i kore ai ētahi o ngā kaipupuri taitara e whai wāhi atu ki ngā taitara. I te tau 1870, i whai ētahi i kore nei e whai wāhi ki te taitara mō Oringi Waiaruhe kia whakawāngia anō, engari kāore i whakaaetia, ā, nā konā i tohea ai e rāua ki tā rāua kōrero, "e tūwhitia ana mātou i taua whenua", ā, e rongo ana rātou i te "tino pōuri ki tō mātou whenua. Ko mātou te papa o tēnei mahi." I tuhi ngā kaipupuri taitara kāore nei i whai wāhi atu ko tēnei whakaraeraetanga ki tō rātou nōhanga ki te whenua te hua o tōna

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rīhitanga. Ko tētahi āpiha o te Karauna, i mahi rā i runga i tōna anō mana motuhake, tētahi o te hunga nāna i rīhi te whenua.

Ngā Mahi a te Karauna, i ngā tau 1868-1870

- 2.150 I a Hōngongoi o te tau 1868, ka ngana anō te Karauna ki te hoko i ngā whenua i Tāmakinui-a-Rua. I a Here-turi-kōkā, ka hui te Karauna ki Waipawa me tētahi tokomaha Māori nā rātou nei i whakaae kia hokona atu ētahi whenua i te taha whakateraki o Te Taperenui-a-Whātonga, ā, nā konei i tīmata ai te rūritanga o Tāmaki-nui-a-Rua, engari kāore i oti. He mea tautoko te rūritanga e ērā e "āritarita ana ki te hoko", engari i whakahēngia e ētahi atu Māori. I kīia rā, ko te āta whakahē a Aperahama Rautahi, a tētahi rangatira o Ngāti Rangiwhakaewa, i te rūritanga, tētahi take i hīkina ai. Ka whakaritea kētia tētahi mahere huahua o te rohe o Tāmaki-nui-a-Rua kāore anō i rūritia mai i ngā mahere o ngā whenua kua oti kē te tā mai i ngā rohe e pātata ana, ā, ka whakamahia tērā i ngā whakatewhatewhatanga a te Kōti Whenua Taketake i ngā taitara.
- 2.151 I a Paenga-whāwhā o te tau 1870, ka tīmata te utu tōmua a te Karauna ki ērā nāna nei i tautuhi he kaikokoraho matua rātou. He mea tuku ēnei utu tōmua i runga i te mahara he tono ka tāpaea ki te Kōti Whenua Taketake mō ngā utu o te rūri me te kōti, ā, i ētahi wā anō mō te kai me te wāhi noho. Tae rawa ake ki a Pipiri o te tau 1871, kua eke ki te £1,290 te nui o ngā utu tōmua i noho nama ki ngā hokotanga i marohitia ai, tae atu ki te £500 i utua ai ki te Kāwanatanga ā-Rohe ki Te Matau a Māui mō ngā rūritanga. He mea marohi ēnei utu tōmua hei wāhanga utu mō ngā pānga hei here i te hunga whiwhi i te utu ki te hoko whenua mehemea ka whakawhiwhia rātou ki te taitara. I te tau 1879, ka whakahau te Minita mō ngā Take Māori kia mutu tēnei mahi, i te wā tonu kua hokona te nuinga o ngā whenua o Tāmaki-nui-a-Rua.
- 2.152 Tae rawa ake ki a Paenga-whāwhā o te tau 1870, kua whakaritea ngā whakaaetanga o mua i te tuku taitara mō ngā hokotanga a te Karauna i ngā poraka nui e toru (i Te Ahu-a-Tūranga, i Māharahara, me Puketoi). I raro i ngā whakaaetanga, ka whakaae ngā kaiwaitohu Māori ki te tono ki te Kōti Whenua Taketake kia tukuna te taitara ki te whenua, ā, kia hokona atu hoki ki te Karauna. Ko te £50 te utu tōmua i utua ai mō ia poraka. Kāore ētahi o ngā kaiwaitohu i noho ki te whenua rā. Kāore ētahi o Ngāti Rangiwhakaewa i waitohu, ka mutu he "tino kaiwhakahē" rātou ko ētahi o ō rātou uri o Ngāti Kahungunu whānui i ngā hokotanga a te Karauna i marohitia ai.

Te whakatewhatewhatanga o Te Taha Whakateraki o Te Tapere-nui-a-Whātonga, i te tau 1870

- 2.153 I te tuaono o Mahuru, i te tau 1870, ka hui te Karauna me tētahi rōpū Māori nui ki Waipawa ki te matapaki i te whakatewhatewhatanga e kainamu ana a te Kōti Whenua Taketake mō te taitara ki ngā poraka o Tāmaki-nui-a-Rua, me te hokotanga a te Karauna i tētahi wāhanga nui o taua whenua. I tua atu i ngā āpiha o te Karauna, i taua hui hoki te Kaiwhakawā o te Kōti Whenua Taketake māna e whakawā ngā kokoraho whenua i ngā rā ka whai ake. I tae atu a Ngāti Kahungunu me ētahi atu Māori o roto, o waho anō hoki o Tāmaki-nui-a-Rua ki te hui.
- 2.154 Ka haere tonu ngā matapaki i te hui ki Waipawa e pā ana ki ngā pānga tuku iho i Tāmaki-nui-a-Rua ki te 7 o ngā rā o Mahuru, i te tau 1870, engari kāore i whakatauria,

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me te aha, ka waiho ngā kokoraho e tautohea ana kia whakatauria ki te Kōti Whenua Taketake ka whakawā i te rā i muri mai. I te hui ka kitea ko Ngāti Rangiwhakaewa rātou ko Ngāti Pakapaka, ko Ngāti Parakiore i tētahi taha, ā, e noho wehe ana i tērā taha i reira rā a Ngāti Mutuahi, kua pāhekoheko kē ki te hokotanga a te Karauna i te whenua, ka mutu, e tautokona ana rātou e tētahi o ngā rangatira whai mana nui nō Manawatū e noho whanaunga ana ki a rātou. Ka "nui te tautohetohe" i te hui, ā, e ai ki tētahi rangatira o Ngāti Pakapaka, ki a Ihaia Te Ngārara, e rua tekau tau i muri mai, nā te tautohetohe i te hui ka tū "tētahi whawhai nui i waho i te Kōti."

- 2.155 I te 8 o ngā rā o Mahuru, i te tau 1870, i te rā tuatahi o te whakawā a te Kōti Whenua Taketake, ka puta a Aperahama Rautahi ki te kōti hei kaitautoko i ērā o Ngāti Rangiwhakaewa me tā rātou tohe i te kokoraho i Te Ahu-a-Tūranga, engari i te whakapātaritaritanga o ana taunaki ā-whakapapa e tētahi rangatira whai mana nui i tautoko kē rā i te kokoraho, ka tere tonu tana wehe i te kōti, me te aha, ka whakakorehia tāna i kī ai. Ko te kōrero a Ihaia Te Ngārara i muri mai: "I waho kē i te kōti ngā tautohetohe matua, kāore i kino ngā tautohetohe o roto. I te mataku kē hoki ngā tāngata ki te kōrero i te Kōti i aua rā," me tana kī ko ia hoki i "mataku i te Kōti i te tau 1870," i tana "kore i waia ki ngā whakahaere o te Kōti." Nō te wā, e rua tekau tau i muri mai, i pakari ake ai ētahi rangatira o Ngāti Rangiwhakaewa, o Ngāti Pakapaka me Ngāti Parakiore ki te whakaatu taunakitanga mō ā rātou take ki te Kōti Whenua Taketake, ka kōrero rātou mō ō rātou hononga ki a Ngāti Kahungunu.
- 2.156 Moroiti ana ngā taunakitanga i tuhia ai mō ngā mana tuku iho, mō te nōhia rānei o te whenua i tēnei poraka, otirā, i ngā poraka katoa o Tāmaki-nui-a-Rua i whakatewhatewhahia ai. He mea whakaoti i roto i ngā rā e whā te whakatewhatewhatanga o ngā taitara mō ngā poraka 17 i reira te 290,000 eka, ā, i tukuna ia taitara ki ngā kaipupuri taitara 10, ki te tokoiti ake rānei, i kōwhiringia ake ai e ngā kaikokoraho angitu. I pāuhutia te take mō Puketoi 6, ā, ka oti te whakatewhatewhatanga o te taitara i te tau 1890.
- 2.157 I muri i te whakakorenga o tā rātou take, i whai wāhi atu ētahi tāngata takitahi torutoru nei o Ngāti Rangiwhakaewa ki ngā poraka o Tāmaki (e 34,098 eka), o Piripiri (18,014 eka) me ngā poraka e rua o ngā poraka iti ake, me Tiratu (e 7,945 eka) me Otanga (e 5,033 eka). I kōrerotia i ngā taunakitanga te tokomaha atu o Ngāti Rangiwhakaewa me ētahi atu anō he pānga ō rātou ki te whenua. I whakatauria ētahi herenga mō te whakawhiti whenua ki ngā poraka o Tāmaki me Piripiri nā te mea he poraka ēnei kāore i marohitia hei hokotanga mā te Karauna. I ētahi atu taitara mō ngā poraka o Tāmaki-nui-a-Rua ngā ingoa o ētahi tāngata takitahi o Ngāti Rangiwhakaewa i whakawhiwhia rā ki aua taitara, tae atu ki te rangatira, ki a Hōri Herehere nāna anō ia i whakaahua hei "kaihoko-kore." I whai wāhi atu ki ētahi taitara iti ake ngā pānga o ētahi atu o Ngāti Kahungunu, pēnei i a Tuatua (e 9,600 eka) me Rakaiatai (e 8,200 eka). He mea tuku te poraka o Wharawhara (e 2,180 eka) ki a Ngāti Parakiore me Ngāti Manuwhiri, ka mutu kāore i tohea.
- 2.158 Nā te āhua, nā te putanga hoki o ngā whakatewhatewhatanga o ngā taitara o Mahuru, i te tau 1870, i mautohe ai ētahi o Ngāti Kahungunu. I a Whiringa-ā-nuku o te tau 1870, ka tuhi a Paora Ropiha Takou ki te Kaiwhakawā Matua o te Kōti Whenua Taketake me tana kī i "tino whakahē " ia i te tikanga whakahaere o te kōti i ngā whakawā ki Tāmaki-nui-a-Rua. I kōrero ia mō te whakahē a Ngāti Rangiwhakaewa me Ngāti Parakiore i te

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marohitanga a te Karauna kia hokona e ia te maha o te whenua, ka mutu, kua āhua roa rātou e tautohe ana ki ērā e ū ana ki te whakaaro kia hokona.

- 2.159 I te tau 1871 ka tuhi a Hēnare Matua hei ringa tuhituhi mō "te katoa o te Rūnanga e kawe ana i ngā mahi o Tāmaki" ki te Kaiwhakawā Matua o te Kōti Whenua Taketake ki te whakatakoto amuamu pērā anō, ki te whai whakawākanga anō mō ngā poraka. I tuhi hoki tētahi tokorua tāne o Ngāti Rangiwhakaewa, ko ō rāua nei pānga takitahi i whakaūngia i ētahi o ngā taitara o te tau 1870, ki te Kaiwhakawā Matua ki te whai whakawākanga anō. Kāore te kōti i whakaae ki te whakawā anō. Kāore hoki he kōti pīra i te pūnaha o te Kōti Whenua Taketake o taua wā e taea ai te tohe te whakatau.
- 2.160 I te tau 1871, he mea tāpae ki te Kaunihera Ture o te Pāremata ngā petihana e rua e tohe ana ki te tukanga whakatewhatewha taitara me te hokotanga a te Karauna i ngā whenua. Nā Te Otene Matua me ētahi tāngata e 73 tētahi o ngā petihana, ā, ko tētahi atu nā Paora Rangiwhakaewa me ētahi atu tāngata e 70 o Ngāti Rangiwhakaewa me ngā karanga hapū o Tāmaki-nui-a-Rua. I kōrero rātou mō tā Aperahama Rautahi kī atu ki te kōti i tana kāwai whakaheke i a Ngāti Rangiwhakaewa, i tana noho me tana ahuahu i te whenua, i tā ōna tīpuna noho anō hoki i aua whenua i ngā whakatipuranga e iwa o mua i a ia, i te whakatewhatewhatanga taitara mō Te Ahu-a-Tūranga o te tau 1870. Otirā, i mūhore tana take i tōna whakapātaritaritanga e tētahi atu rangatira i kī rā ia e takune ana ia ki te hoko atu, me te aha, ka kī a Aperahama he mea "porowhiu" ia i te whenua. I whai te hunga tāpae petihana kia whakawāngia anō tā rātou take, engari auare ake.
- 2.161 Ka whai mai i ngā petihana ngā amuamu ki te Komihana Whakawhiti Whenua Māori ki Te Matau a Māui o te tau 1873 e pā ana ki ngā taitara me ngā hokotanga o Tāmaki-nui-a-Rua. He mea whakatū te Komihana hei whakatewhatewha i ngā mautohe e pā ana ki te hia taitara mai i te Kōti Whenua Taketake ki Te Matau a Māui me te whakawhitihanga o aua taitara rā. Nā te taunakitanga a Hēnare Matua mō ngā amuamu mō Tāmaki-nui-a-Rua i tuaruatia ai, i whakanuitia ai ngā āwangawanga i whakapuakina rā e ērā nā rātou i tuhituhi, i tāpae petihana hoki ki ēnei take i mua. Kāore i whakaaetia e te Komihana ana amuamu mō Tāmaki-nui-a-Rua.

Te Hokotanga a te Karauna i te Taha Whakateraki o Te Tapere-nui-a-Whātonga, i ngā tau 1871-1882

2.162 Nō tā te kōti tuku i ngā taitara i a Māhuru o te tau 1870, ka whai te Karauna ki te whakatutuki i ana hokotanga o ngā taitara mō te taha whakateraki o Te Tapere-nui-a-Whātonga. Ko Karaitiana Takamoana o Ngāti Kahungunu tētahi o ngā kaiarataki i ngā whakawhitinga kōrero mō te hokotanga, ā, nā ngā Māori e noho ana ki reira (he whanaunga hoki nōna) i whakauru tōna ingoa ki ngā taitara mō tana tohungatanga ki te whakawhiti kōrero me te Karauna. Ka whakamārari ngā whakawhitinga kōrero mō te wā nā te utu o te hokotanga. I tētahi hui i Waipukurau, i a Paenga-whāwhā o te tau 1871, ka whakaritea e Karaitiana (he mea pōti i a Hui-tanguru hei Mema mō ngā Māori o te Tairāwhiti) tētahi rongoa ki te whakamāraritanga, ā, ka whakaae rātou ko ētahi atu kaipupuri taitara e 23 i whakawhiwhia rātou ki te £1,300 mai i ngā utu tōmua i utua mō ngā taitara. Kāore anō te utu hokotanga whakamutunga i tau i taua wā. I te 1 o ngā rā o Pipiri, i te tau 1871, ka waitohu a Karaitiana me ētahi atu kaipupuri taitara 11 i tētahi whakaaetanga kia hokona ngā poraka 12 o te 17 mō te £16,000. I a Here-turi-kōkā o te

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tau 1871, ka kohi te Karauna i ngā waitohu o ngā kaipupuri taitara e 69 atu anō, ā, ka utua te £12,000 o te utu hokotanga. I takune ērā o Ngāti Kahungunu i whai wāhi atu ki te hokotanga kia takohangia ētahi o ā rātou whiwhinga moni mai i te hokotanga hei pūtea whakawhiwhi ki ngā kura Māori o Pākōwhai me Ōmāhu i Heretaunga. I tōna tikanga e 250,000 eka te nui i whakatau tatangia ka hokongia, engari i te rūritanga ka piki tēnei ki te 265,000 eka. E rima ngā rāhui, e tata ana ki te 20,000 eka te nui, kāore i whai wāhi atu.

- 2.163 Ka whakahē a Ngāti Rangiwhakaewa i te hokotanga o ngā whenua i whai pānga rā rātou. I a Hōngongoi o te tau 1871 ka amuamu a Ihakara Whaitiri rāua ko Nopera Kuikainga ki te Kaiwhakawā Matua o te Kōti Whenua Taketake mō te pikitanga o tā rāua tono kia whakatakangia atu ō rāua pānga i ngā hokotanga, ā, kia tautuhia e te rūri. I a Here-turi-kōkā, ka tuhi anō a Nopera Kuikainga ki te amuamu mō te hokotanga, me tana kī ki te Kaiwhakawā Matua: "E raruraru ana ngā Māori e pā ana ki ō rātou whenua i ngā whenua katoa o Tāmaki." Ka tuhi hoki a Hēnare Matua mā te rūnanga e whakahaere nei i ngā taitara mō Tāmaki-nui-a-Rua me te kuene kia hīkina ngā mahi hoko, "nā te mea e tino raruraru ana a Tāmaki nā ngā whakaritenga mō tērā whenua." Hei whaiwhai i ēnei amuamu, ka tukuna e Hēnare Matua me Ngāti Rangiwhakaewa ngā petihana e rua i waitohungia ai e te tokomaha ki te Kaunihera Ture o te Pāremata e whakahē ana i te hokotanga. Ka haere tonu ngā mahi hoko.
- 2.164 I te waitohutanga o te whakaaetanga hoko ā-pukapuka i a Here-turi-kōkā o te tau 1871, ka puritia tonutia te toenga o te £4,000 mai i te utu hokotanga kia rūritia rā anōtia ngā rāhui, ā, kia oti te hokotanga. I marohi te Karauna ki te whakamahi i tēnei toenga o te utu hei poapoa i te "hunga whakahē" i te hokotanga kia whakaae mai, ā, hei whakatenatena i ngā kaihoko atu kia akiaki i a rātou. E ai ki ngā kōrero ko "te iwi o Pōrangahau" ngā kaiwhakahē matua, he Ngāti Kahungunu rā hoki e whai pānga ana ki a Hēnare Matua, i whakahē i te hokotanga i mua. I a Hakihea o te tau 1873, ka ea i te Karauna te utu whakamutunga o te £4,000 ki ngā kaiwaitohu e 64. Ahakoa tonu, kāore te katoa o ngā kaipupuri taitara i waitohu i te whakaaetanga ā-pukapuka. Waihoki, he mea whakaū e te Karauna ngā pānga o ngā rangatira e rua o Ngāti Kahungunu, kāore nei i whai wāhi ki te taitara, i tana whakaae ki te utu i a rāua ki te £500 mō ō rāua pānga.
- 2.165 Ko ngā taitara e rima i reira rā ngā eka e 65,555 i tukuna ai ki a Ngāti Rangiwhakaewa i te tau 1867, kāore i whakaurua ki te hokotanga o te tau 1871. O ngā taitara katoa i whakawāngia ai i te tau 1870, ko ngā poraka o Tāmaki, o Piripiri, o Tiratu, o Tīpapakuku, o Otanga, o Wharawhara, e 69,827 nei ngā eka, i ngā ringaringa tonu o ngā Māori o Tāmaki-nui-a-Rua.
- 2.166 Kāore te katoa o ngā kaipupuri taitara i waitohu i te whakaaetanga ā-pukapuka o te tau 1871, ka mutu, nō te tau 1882 rawa kātahi anō ngā waitohu katoa ka mau. Mō ngā pānga o ērā kāore nei i whakaae ki te hoko, ka riro mā te Kōti Whenua Taketake e kotikoti, ka whakatakangia atu ai i ngā poraka i hokona ai. I te tau 1882, ka tāpae a Hori Ropiha me ētahi atu i tā rātou petihana ki te Pāremata mō tō rātou kore i whakaae ki te hoko i ō rātou pānga ki Rakaiatai me Te Ohu, ā, ka amuamu rātou mō ngā poro rākau e mahia ana i runga i ō rātou whenua me te korenga o tā rātou whakamana atu. Ka tono te Karauna ki a Hēnare Matua me tētahi atu rangatira o Ngāti Kahungunu kia akiaki i ērā atu kaipupuri taitara ki te hoko, engari kāore rāua i whakaae ki te āwhina i te whakaotinga o ngā hokotanga. I te tau 1882, ko ngā pānga o Hori Ropiha me ō ētahi atu

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kaipupuri taitara e toru kāore anō i hoko i ō rātou pānga, i whakawehea e te Kōti Whenua Taketake kia kīia ai ko Manawatū 7A, e 3,000 eka tōna nui, ka mutu, i riro ki te Karauna te toenga o ngā eka e 4,350.

2.167 I te tau 1881, ka whai te Karauna i te tautoko a te rangatira o Ngāti Kahungunu, a Hēnare Matua kia whakapakepake i a Maata Te Opekahu, ko ia nei tētahi o ngā kaipupuri taitara o tētahi o ngā pānga e rua o Te Ohu me Umutaoroa kāore anō i hokona atu, kia hokona atu e ia. Kāore a Hēnare Matua i whakaae ki te akiaki i a ia ki te hoko atu i tōna pānga, engari i te tau 1882, ka whakaae te kaipupuri taitara ki te hoko atu i tōna pānga mō te £400, ā, nā konā ka kuene te tama, a Hori Herehere i tana whaea kia kaua e waitohu i te whakaaetanga ā-pukapuka. Ka whakaohiti te Karauna i a ia ki te kōrero ki te kore te whakaaetanga ā-pukapuka e whakaotingia, ka tono ia ki te Kōti Whenua Taketake māna hei kotikoti tōna pānga, ā, i reira ka whāia kia whiua ia ki te utu o te £130 kua noho kē hei nama tōmua mō tōna pānga, ā, kua utua ki tētahi atu kaipupuri taitara, ka āpitihia atu te utu whakaranea, ngā nama mō te haereere me ētahi atu take i tonoa rā e te kaimahi hoko a te Karauna. I te tau 1882, ka riro ngā pānga kāore anō i hokona e toe ana i Te Ohu me Umutaoroa kia oti ai ērā mahi hoko a te Karauna.

Te whakatewhatewhatanga o te Taha Whakatetonga o Te Tapere-nui-a-Whātonga, i te tau 1871

- 2.168 I te tau 1870, ka kaha ake anō te rere o ngā mahi hoko whenua a te Karauna nā tētahi kaupapa here hou mō te whakawhanake i te ōhanga. I whai te Karauna kia riro i a ia ētahi whenua rahi mō ngā tauiwi whakatū kāinga hou, ā, ki te whakamahi i ngā moni hua mai i te hokotanga o ngā whenua ki ngā tauiwi whakatū kāinga hei utu i ngā mahi tūmatanui kaitā, hei whakatairanga hoki i te hekenga mai o te manene.
- 2.169 I te tau 1870, i tētahi hui i Waipawa i te pito whakarunga o Te Matau a Māui e pā nei ki Te Tapere-nui-a-Whātonga, ka whakaū te Karauna i te kōrero ki te Māori me mau ētahi papa kāinga e rawaka ana e whai painga ai rātou mai i te whakatūnga o ngā kāinga me te whanaketanga o tō rātou rohe i raro i te whakamarumarutanga a te Karauna. Nā tētahi āpiha hoko o te Karauna i mea ki a rātou: "Kia kaha tātou ki te mahi hei whakapai ake i tō tātou kāinga, kia eke ai hoki tātou ki ngā taumata o te Pākehā... tukuna mai ētahi o ō koutou wāhi whenua ki a au, ka puritia ai ētahi mō koutou ko ā koutou tamariki." Ahakoa tēnei, ka whānui tonu te mahi hoko a te Karauna ki Wairarapa me Tāmaki-nui-a-Rua i te roanga ake o te rautau tekau mā iwa.
- 2.170 I te tau 1870, ka tīmata ngā āpiha matua o te Karauna ki te matapaki i te hokotanga o ngā whenua o te taha whakatetonga o Te Tapere-nui-a-Whātonga i kore ai te Māori e whakaae kia whakawāngia i ngā whakawākanga a te Kōti Whenua Taketake ki Waipawa, nā te tamōtanga o ētahi "kaikokoraho matua e noho pātata ana ki Wairarapa." I te māharahara te Kaiwhakahaere ā-Rohe ki Te Matau a Māui ka whakaupatia te hoko whenua i te taha whakatetonga o Te Tapere-nui-a-Whātonga e ngā kaikokoraho nō Wairarapa, he pānga hoki ō rātou i te taha whakatetonga o Te Tapere-nui-a-Whātonga, i tana kōrero ka "whakatutū puehu pea" rātou. Otirā, tae rawa ake ki a Mahuru o te tau 1870, kua takoto tētahi tono i ērā nā rātou i arataki ngā kokoraho ki te taha whakateraki o Te Tapere-nui-a-Whātonga i whakawāngia ai e te Kōti Whenua Taketake i Wairarapa kia whakatewhatewhangia ngā whenua o te taha whakatetonga o Te Tapere-nui-a-Whātonga.

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- 2.171 E whakahaeretia ai te hokotanga, ka tautoko te Karauna i tā ngā kaitono whakarite i ngā mahere huahua me te whakawehenga o te whenua mō te whakatewhatewhatanga me te hokotanga o te taitara. I a Hōngongoi, ka mea te Kaiwhakahaere ā-Rohe ki Te Matau a Māui i te hiahia ērā i tautuhia ai hei "kaipupuri taitara matua" o te taha whakatetonga o Te Tapere-nui-a-Whātonga ki te hoko i runga i ngā "whakaritenga e wanea ana".
- 2.172 I te 31 o ngā rā o Here-turi-kōkā, i Whakaoriori, ka wātea te Kōti Whenua Taketake ki te whakawā i ngā poraka o te taha whakatetonga o Te Tapere-nui-a-Whātonga. Heoi anō, kāore he kaikokoraho i tae ake, me te aha, ka hiki te Kōti. Nā te tono a te Karauna ka hiki te whakawānga o ngā poraka o te taha whakatetonga o Te Tapere-nui-a-Whātonga ki te 4 o ngā rā o Mahuru i te tuatahi, ā, ka hīkina anō mō te 6 o ngā rā o Mahuru. Ka tuhi te Kaiwhakawā ki te Minita mō ngā Take Māori me tana whakaohiti e kī ana "e ara ana tētahi rōpū ki te unu kokoraho i tēnei Kōti." I kite hoki tētahi āpiha o te Karauna i tana kīnga, i te rohe kua whai pakiaka haere tētahi "kaupapa hōhonu... hei whakapiri ake i te Māori kia kotahi ai rātou i roto i ngā mahi tohe ki te autanga mai a ngā Pākehā".
- 2.173 I te 6 o ngā rā o Mahuru, ka kī te Kōti ki ngā Māori i reira mēnā he kokoraho a wai rā o reira ki te whenua e pātata ana ki Whakaoriori e pīrangi nei rātou kia whakawāngia, "tēnā nau mai, ka whakatewhatewhangia ai, māna, ki te hiahia rātou ki te unu i aua kokoraho, e wātea ana rātou ki te pērā." He kokoraho i unuhia mai i tērā wā. Nō te rā i muri mai, i te wā ka tīmata te Kōti ki te whakawā i ngā kokoraho ki te taha whakatetonga o Te Tapere-nui-a-Whātonga, nā "ngā Māori o Wairarapa" i tono kia unuhia ngā kokoraho katoa i pānuitia ai. Ka urupare te Kōti me tana kī ka "whakawāngia ngā kokoraho mēnā koirā te hiahia o ngā kaitono". Ka āpiti atu hoki te Kōti mēnā he pānga ō ngā Māori o Wairarapa ki aua whenua, "e wātea ana te huarahi kia kōrerotia ā rātou kokoraho, manohi anō, kei noho rātou ka kī ā muri i te whakatau a te Kōti kāore ō rātou wāhi ki te whakatewhatewhatanga."
- 2.174 Kāore ngā kaikokoraho i ngā taitara mō te taha whakatetonga o Te Tapere-nui-a-Whātonga i unu i ā rātou kokoraho, me te aha, ka whakawāngia e te Kōti ā rātou kokoraho ki ngā poraka 11 i reira ngā whenua e tapeke ana ki te 187,000 eka. Ko Mangahao 1 (e 23,000 eka) te poraka tuatahi i whakawāngia ai. I muri i tā ngā kaitono whakatakoto i ā rātou kokoraho ki te Kōti, ka whakahē tētahi "tāne nō Wairarapa" i te kokoraho me ngā whakahaere me tana kī, ko ngā kaitono "kua whakawhiti mai ki konei, ā, kāore i paku whakaaro mai ki a au. He pānga tōku ki tēnei whenua. Kāore au i te pīrangi kia tuhia taku ingoa." Tokorua atu anō i tū ki te kī atu "kāore e tukuna" e rāua ō rāua whenua ki te Kōti, engari kāore rāua i whakaae kia tuhia ō rāua ingoa. Ka tukuna e te Kōti te taitara ki ngā tāngata takitahi 10, ka mea atu ai "mō ērā tāngata i puta ake ki te whakahē me te kore i homai i ō rātou ingoa, kāore rātou e whai wāhi mai ki ngā whakatau" a te kōti.
- 2.175 I te rā i muri mai, ka whakatewhatewhahia te taitara mō Mangahao 2 (e 8,000 eka). Ka mea tētahi tāne ki te Kōti kāore ia i pīrangi kia tū te whakawākanga. Kāore te urupare a te Kōti i tuhia. I tēnei whakawākanga ka whai te rangatira o Ngāti Kahungunu, a Ngatuere Tāwhirimātea Tāwhao, ki te whakatuwhera anō i te take mō Mangahao 1, me tana kī ake kāore ia i mōhio i te wā o te whakawākanga i roto rā ngā whenua i whai pānga ai ia. Ko ngā mahere huahua noa iho o ngā whenua e kokorahotia ana i wātea. I kokoraho a Wī Waka rāua ko Irihāpeti Whakamaiuru i ētahi whenua i roto o Mangahao 1 engari kāore ēnei kokoraho i whakawāngia e te Kōti nā te mea kua tau kē te take i te rā

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- o mua. Pēnei i Mangahao 1, ka tuhi te Kōti i ngā tohe ki te kokoraho i ngā whakawākanga poto mō ērā atu poraka i te taha whakatetonga o Te Tapere-nui-a-Whātonga.
- 2.176 I te poraka o Manawatū-Wairarapa 2 (e 36,000 eka), ka whakahē a Karaitiana Te Korou i ngā kaikokoraho, i tana kī nō rātou tonu ko ētahi atu ngā pānga ki te whenua. Ahakoa i whakakorehia e te Kōti tana tohe ki te kokoraho, i whakaurua a Karaitiana Te Korou me ētahi atu nāna nei i tautoko ki te taitara mō te poraka e 6,000 eka te nui o Manawatū-Wairarapa 2A (ko Pukahu). He mea whakawehe te poraka o Ngatapu e pātata ana (11,000 eka) e mōhiotia ai ngā pānga o Ngāti Hāmua ki te 4,000 eka o Ngatapu 2 i te taha whakaterāwhiti tonu o Pukaha. Me whakawehe rawa hoki nā te mea he "takitini" ngā ingoa o ngā kaipupuri taitara i hoatu ai ki te Kōti, ā, nāna i tono kia whakahekea ki te 10, ki te tokoiti ake rānei, kei "waiho te whenua hei kokoraho ā-iwi." I te tau 1875, nā tētahi rangatira i whai wāhi atu te kōrero e kī ana nō Ngāti Kahungunu me tētahi atu iwi hoki ngā poraka o Ngatapu.
- 2.177 I a Whiringa-ā-nuku, i te tau 1871, ka kī a Hēnare Matua me ētahi atu o Ngāti Kahungunu ki te Karauna e whai ana rātou kia whakawāngia anō ngā taitara o te taha whakatetonga o Te Tapere-nui-a-Whātonga, ā, ka tono rātou kia tae rā anō ki tērā wā me hiki ngā mahi hoko a te Karauna i te whenua. I tāpae petihana hoki rātou ki te Whare o ngā Māngai me te Kaunihera Ture kia whakawāngia anō ngā taitara. Kāore te Karauna i hiki i ngā mahi hoko i te rohe.
- 2.178 I tāpaea e te rangatira o Ngāti Hāmua, e Nireaha Tāmaki, tētahi atu petihana e pā ana ki ngā poraka i whakawāngia ai i te tau 1871. I tono ia i tētahi whakawākanga anō, me tana kī i mau ia i ngā waipuke, me te aha, kāore ia i tae ki te kōti kia oti rā anō ngā take. I whakahē ia i ngā kaitono i angitu ai, i "ētahi hoki o Ngāti Kahungunu" i whakaurua ki ngā taitara, i kīia rā e ia he "tauhou" ki te whenua. I ngā rā e hia nei i muri i te hokotanga o te whenua, ka uiuitia te petihana e tētahi komiti o te Pāremata.
- 2.179 Ka tuhi te Kaiwhakawā nāna nei i whakawā ngā kokoraho i ngā poraka o te taha whakatetonga o Te Tapere-nui-a-Whātonga ki te komiti o te Pāremata i a Whiringa-ārangi o te tau 1871, ka mea "he autaia tonu te tokomaha o ngā Māori nō Wairarapa katoa me ētahi atu wāhi i tae mai" i mua rā i a rātou "ngā huarahi katoa" hei whakatakoto mā rātou i ā rātou kokoraho. I kī hoki ia:

I waihangaia tētahi Komiti ko tāna he whakahōtaetae i ngā mahi a te Kōti, ka mutu, e hia nei ngā mautohe i ara ake i taua wā, engari i pikitia. Nā te mea kotahi noa iho taku taenga atu ki Wairarapa i mua, ā, he iti taku mōhio ki taua rohe me ngā Māori, tērā pea e hē ana tāku ki ngā Māori o Wairarapa. Heoi anō, kāore au i te whakaae kia whai whakawākanga anō ēnei tāngata i te korenga hoki o tā rātou whakaae ki te Kōti i manawanui atu rā ki ō rātou hiahia i ia take.

Kāore he whakawākanga atu anō i whakaaetia.

2.180 Nō muri tata mai i te mutunga o te whakatewhatewha taitara o te tau 1871 ki Whakaoriori, ka tae atu te tokomaha o ērā i whakawhiwhia ki te taitara ki Te Whanganui a Tara ki te whakaoti i ngā whakawhitinga kōrero mō te hokotanga. I te 5 o ngā rā o Whiringa-ā-nuku o te tau 1871, i whakaae rātou ki te hoko i te 10 o ngā poraka 11 i reira rā te 125,000 eka mō te £10,000. He mea waiho i te hokotanga ngā rāhui e waru i reira

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- rā te 4,369 eka. I waitohungia tētahi whakaaetanga ā-pukapuka i te 10 o ngā rā o Whiringa-ā-nuku o te tau 1871.
- 2.181 Ko ngā poraka o Wairarapa-Manawatū 2A me Ngatapu 2 i roto i ngā poraka i hokona ai. I ngā rāhui e waru tētahi rāhui e 500 eka tōna nui i te poraka o Ngatapu 2. I a Whiringa-ā-rangi o te tau 1872, ka hokona tēnei rāhui e te Karauna mō te £60. Mai i te tau 1871 ki te tau 1882 e 390,000 eka ngā whenua o Tāmaki-nui-a-Rua i riro ki te Karauna mō te £28,000, arā, ko tōna kotahi herengi, e rima kapa ki ia eka. Inā kē te iti o tēnei i tā ngā kaipupuri taitara i whai ai mō te whenua i hokona ai e te Karauna ki ngā tauiwi whakatū kāinga, ka mutu, ko te whānuitanga o tā rātou i utu ai ka tīmata i te 6 tae atu ki te 25 te whakareanga o ngā utu i utua ai ki te Māori.

### Te Hokotanga a te Karauna ki Wairarapa, i ngā tau 1873-1900

- 2.182 I Wairarapa, i te wāhi i whakawhitingia ai te rua hautoru o ngā whenua e te Karauna i mua i te tau 1865, ka hoko tonu te Karauna i ngā whenua Māori i muri i te whakatūnga o te Kōti Whenua Taketake. I te tau 1866 ki te tau 1900 ka riro i te Karauna tōna 673,000 eka o ngā whenua Māori i Wairarapa me Tāmaki-nui-a-Rua.
- 2.183 I te tau 1872, ka tīmata tā te Karauna whakawhiti kōrero mō te hokonga o te poraka o Tararua, koia nei te poraka nui katoa i Wairarapa i whakawāngia rā e te Kōti Whenua Taketake. He ukauka, he putunga kai hoki ngā utu tōmua a te Karauna ki ētahi kaikokoraho, tae atu ki ērā o waho o Wairarapa. Kāore anō te taitara ki te poraka o Tararua kia whakatauria. I a Whiringa-ā-rangi o te tau 1873, ka whakatauria e te Karauna me Ngāti Kahungunu me ētahi atu iwi tētahi whakaaetanga ā-pukapuka i mua i te whakataunga o te taitara ki te poraka. E whakatau tatangia ana i reira te 103,000 eka, i whakaae rā te Karauna ki te utu i te £2,792, i tua atu i ngā utu tōmua o mua i te whakataunga o te taitara, arā, e ono kapa ki ia eka. Ko te wāhi i rūritia ai i te mutunga iho i eke ki te 114,500 eka. Ko te utu o te rūritanga o te whenua, ko te £1,431. He mea whakatau te taitara e te Kōti Whenua Taketake i te tau 1881, i reira ka oti te hokotanga.
- 2.184 I te tau 1873, he mea waiho ki waho i te poraka o Tararua ko ngā rāhui e rua, 1000 eka te nui o tēnā, o tēnā, ko Mangatarera-o-Te-Whakatūrākau me Hāpuakōrari, engari kāore i rāhuitia. I te tau 1879, e rua ngā wā ka tono te Kairūri Matua ki te Tari Hoko Whenua kia tohua ngā paenga o ngā rāhui i te wā e rūritia ana a Tararua, me tana whakatau "Ka māmā noa atu ngā raruraru me te utu mēnā ka hokona ēnei rāhui e te kāwanatanga." Heoi anō, i mua i te āta tautuhinga o te rāhui o Mangatarera-o-Te-Whakatūrākau, ā, i mua hoki i te whakawākanga o te taitara ki Tararua, ka hoko pokerehū te Karauna i te rāhui ki ētahi tauiwi whakatū kāinga mō te £500. Kāore te Karauna i whakamōhio i ngā kaipupuri taitara Māori ki tēnei hapa engari i whai kia hokona te rāhui mai i a rātou mō te £200 i te wā e whakatewhatewhangia ana te taitara i te tau 1881. I whakaae ngā kaipupuri taitara ki te utu, kāore e kore i runga i te whāinga kia tere, kia māmā te whakataunga a te Kōti ki tōna taumata e taea ai.
- 2.185 I te wā o te whakatewhatewha Taitara o te tau 1881, ka whakamārama te Kōti ka tukuna te rāhui whakamutunga, a Hāpuakōrari, ki ngā rangatira e toru e tū ana hei māngai mō ngā momo rōpū ā-iwi i whai wāhi rā ki te taitara o Tararua. I te tau 1882 me te tau 1884 ka uiui ngā āpiha rūri e pā ana ki te rūritanga o Hāpuakōrari, engari i kī hoki rātou "ka māmā noa atu ngā raruraru me te utu" mēnā i hokona kētia e te Karauna. Kāore ngā

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āpiha o te Karauna i mōhio ki te wāhi i marohitia ai hei rāhui. I te tau 1886 ka whai te Karauna ki te hoko i ngā pānga Māori ki Hāpuakōrari mā te utu tōmua i te £15 ki tētahi piki tūranga nā tētahi o te tokotoru i marohitia ai hei kaitiaki mō te rāhui. Heoi anō, kāore tēnei hokotanga i koke. I te tau 1952, ka whakamārama te Minita mō ngā Take Māori ki tētahi o ngā uri a tētahi o ērā i marohitia ai hei kaitiaki, "i te āhua nei e herea ana te Karauna ki te whakahoki i te 1,000 eka o te Poraka o Tararua". Heoi anō, ka haere tonu tana kōrero "ko te painga atu pea" mēnā i hoko ngā kaipupuri taitara i ō rātou pānga ki Hāpuakōrari ki te Karauna, nā te mea, kāore e kore, kua tino moroiti noa iho pea te utu i taua wā. Kāore anō te Karauna kia rūri i te poraka o Hāpuakōrari, ā, kāore anō te taitara kia tukuna.

- 2.186 I ētahi wā, ko te whāinga kē o ētahi atu hokotanga a te Karauna i Wairarapa i muri i te tau 1865, ko te whakatau i ngā raruraru i hua mai i ngā hokotanga o mua. I roto i ēnei, ko te rirohanga, i te tau 1881, o ngā eka e 70 o te poraka o Rangitūmau, o te wāhi iti kāore nei i whai wāhi atu ki ngā hokotanga o te tekau tau 1850, me te tekau tau 1860. I waenga i te tau 1872 me te tau 1874, i riro i te Kāwanatanga ā-Rohe, nā te Karauna nei hoki i whakamana ki te hoko whenua mō tētahi wā poto, ngā poraka e whā e marara ana, kua neke atu i te 5,000 eka tōna nui (a Whangaehu 2, a Kuramahinono, a Arikirau me Maungaraki). Kua tukuna e te Karauna ngā utu tōmua mō ēnei whenua mai i te tekau tau 1860, ā, mō Arikirau, ka hoki pea ki te 1856 rā anō, i mua i te whakataunga o te taitara. He utu tōmua anō i tukuna mō ēnei poraka i te tau 1872, ko tētahi rā hei utu mō ētahi o ngā nama e mau ai te taitara. I te tau 1892, ka whakawhitia atu te rāhui kotahi, a Katotāne (178 eka) i puta rā i ēnei poraka.
- 2.187 I te tau 1896, i te arotakenga a te Karauna i te pānga o ana hokotanga i te rohe ki ngā Māori, ka mea te Tari Hoko Whenua Māori "i amuamu ngā Māori ki te Pirīmia i tērā atu rā me tā rātou kē i te waiho mātou i a rātou kia noho whenua-kore, ā, nāna i oati ka whakahaeretia tētahi uiui āmiki i te take." I whakaae hoki ia nā te tautuku i ngā ākinga a ngā tauiwi whakatū kāinga kia hoko whenua tonu, "e mōhio tonu ana au kua rere ki tua o te pae e tika ana." Kāore he uiuitanga mō te whenua-koretanga o te Māori i te rohe i whakahaeretia. Heoi anō, i te tau 1898, ka mea te Pirīmia, a Seddon, ki ngā Māori i Pāpāwai mēnā ka whakamanangia ngā tono ā-ture, ka mutu te hokotanga o ngā whenua Māori, ā, ka kōrero ia mō ngā mahi a te Karauna hei āwhina i ngā Māori e noho whenuakore ana i ētahi atu rohe. Nā konā te tokomaha o ngā rangatira o Ngāti Kahungunu i tuhi ai ki te Pirīmia me te tautapa i ngā mema o tētahi poari i marohitia ai i runga i te tūmanako ka noho ko ērā hei "Poari Tohutohu mō te pupuri anō ki te whenua me te rapu i ngā Māori e noho whenua-kore ana." Kāore tētahi poari pēnei i whakatūria engari, i te tau 1899, ka tono tētahi rangatira o te rohe ki te hoko i ētahi whenua o te Karauna, ā, ka kīja ia, "kāore e taea te aha kia huritao rā anō te Kāwanatanga mēnā me noho rawa te whenua mō ngā Māori kāore nei ō rātou whenua." I reira, nā Hoani Paraone Tūnuiarangi i tuku ngā tono i whiwhi rā ia i ngā uri o Ngāti Kahungunu kāore nei ō rātou whenua e kimi tautoko ana ki te Pirīmia, ā, ka mea hoki ia "kua kite mātou kāore ō rātou nei whenua, ā, kei te tino rawa kore rātou. Kāore he whenua i whakaritea mō ngā Māori e noho whenua-kore ana i Wairarapa.

#### Te Hoko Tūmataiti i te Whenua i Wairarapa i ngā tau 1865-1900

2.188 Nā te whakakorenga o te mana hoko i te tuatahi o te Karauna i raro i te ture whenua Māori i āhei ai te hoko tūmataiti o ngā whenua Māori i ngā tāngata takitahi Māori e pupuri

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whenua ana, e ai rā hoki ki te whakatau a te Kōti Whenua Taketake. Nā te ture i āhei ai tā te Kōti Whenua Taketake tuku taitara me ōna momo herenga i te whakawhitinga me te rīhitanga, kia kaua ai te Māori e noho-whenua kore, engari kāore i marohitia ka kore rānei e taea ēnei herenga te whakakore, ka pūmau rānei. I Wairarapa, he mea here ngā taitara neke atu i te 190 i tukuna ai e te Kōti Whenua Taketake. Heoi anō, he maha ngā wā, nā tērā, i whai ngā kaipupuri taitara ki te wete i ngā here e āhei ai te whakawhiti whenua. Me uaua ka whakahēngia te tono kia wetekina ngā here e te Karauna, e te Kōti Whenua Taketake rānei mai i te tau 1888. I Wairarapa, he maha ake ngā hokotanga tūmataiti i ngā hokotanga a te Karauna, engari i te nuinga o te wā, he iti ake ngā poraka nā te mea kua hokona kētia e te Karauna te nuinga o ngā whenua o Wairarapa me Tāmaki-nui-a-Rua.

- 2.189 I roto i ngā ture whakahaere i ngā hokotanga tūmataiti ngā herenga kia whai tohu whakamana i te Komihana Tiakitanga e whakaū ana i mōhio ngā kaihoko Māori ki ngā whakaritenga o te hoko, kua utua ki te utu i oatingia ai, ā, kāore ngā mea e rāhuitia ana pēnei i te waipiro, i te rākau riri rānei i tukuna hei utu.
- 2.190 I tīmata ētahi hokotanga tūmataiti hei rīhi ki ngā tauiwi whakatū kāinga. Pēnei i te ōhanga rīhi whenua o mua, he momo whakawhiti whenua te rīhi i paingia ake e te tokomaha o Ngāti Kahungunu nā te mea nā reira i whiwhi moni ai rātou engari kāore i mate ki te hoko atu i te whenua. I whai wāhi atu ki te hia hokotanga tūmataiti te taurewa tōmua i whāia rā e te hunga rīhi atu i te whenua me te hunga e marohi ana ki te hoko i te whenua hei nama ki ngā pānga o ngā kaipupuri taitara takitahi kia poapoatia rā anōtia rātou ki te hoko atu i te whenua. Nā te mea nā te Ture Whenua Māori o te tau 1865 i noho kaipupuri taitara mārika ai ngā tāngata nō rātou ngā taitara, ka noho whakaraerae ngā whenua Māori hei kohi utu mō ngā nama a te tangata takitahi. Hei whakatika i tēnei, ka whai te Karauna ki te whakamana i te Ture Whenua Māori o te tau 1873. Nā te wehenga 88 i whakamarumarutia ai ngā pānga ki ngā whenua Māori i ngā whakatau a te Kōti, kua kore nei hoki i āhei hei āki i te hokotanga o te whenua hei kohi utu mō te nama. Heoi anō, kāore tēnei i aukati i te hokotanga i ahu mai i ngā mōkete, i ngā utu tōmua, i ngā nama here, hei karo rānei i te kaihautanga.
- 2.191 He utu kē i puta mai i te rīhi tūmataiti, i te hoko whenua tūmataiti rānei i ērā i puta mai i te rirohanga o te taitara, i te hokotanga atu rānei ki te Karauna. Ko te nama ā-whenua hei pīkau mā te kaihoko atu, mā te kairīhi atu rānei i te whenua, ko te tekau ōrau mai i te utu hoko, ko te tau tuatahi rānei o te rīhi, ko te utu whakawhiti rānei i oatingia ai. Neke atu te utu nei i te 20 o ngā utu mō ngā whenua ehara i te Māori. Ka kī tētahi tauiwi whakatū kāinga o te rohe nā te whakatōpūngia o te utu mai i te whai taitara i te Karauna me te nama ā-whenua hei pīkau mā ngā tauiwi whakatū kāinga i tino heke ai te utu whakamutunga i tutuki ai i ngā kaihoko Māori; inā hoki, "nā ngā nama pēnei, e 50 ōrau te hekenga rikiriki o te utu o ngā whenua Māori."
- 2.192 I waenga i te tau 1866 me te tau 1900, ko tōna 79,000 eka o ngā whenua o Wairarapa i hokona tūmataitingia. Ka hia tau ngā kaihoko ā-tūmataiti i kore ai e uru ki Tāmaki-nui-a-Rua nā ngā mahi hoko a te Karauna. I te tekau tau 1890, ka whai mai ko te maha o ngā hokotanga tūmataiti i ngā pānga takitahi ki ērā taitara kāore anō kia tino riro atu ki te Karauna. I roto i te wā poto tae noa ki te tau 1900, i tōna 69,000 eka te nui o ngā whenua i riro nā ngā hokotanga tūmataiti. Tae rawa ake ki te paunga o te rautau tekau

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mā iwa, kua hokona atu ko tōna haurua o ngā taitara i whai herenga mai i te tau 1865 ki te tau 1900.

# Ngā Urupare ā-Tōrangapū a Ngāti Kahungunu: Te Whakahētanga Hoko Whenua me te Kotahitanga

- 2.193 I muri tata mai i te whakamanatanga o ngā Ture Whenua Māori, ka kitea ngā utu me ngā pānga mai i te whakahaeretanga o aua ture ki a Ngāti Kahungunu me ō rātou whenua. Ka hia tekau tau a Ngāti Kahungunu he nui ngā wā ka piri rātou me ētahi atu iwi e mautohe ana, e kōkiri take ana kia tino panonitia ai ngā ture whakahaere i ō rātou whenua. Ko te mea nui katoa ki a rātou, ko te whai wāhi nui ake a te Māori ki te whakataunga me te whakahaerenga o ngā taitara whenua.
- 2.194 I te tau 1867, ka tukuna e Ngāti Kahungunu tā rātou petihana tuatahi mō ngā ture whenua Māori. Ka whai mai i tēnei, i te tau 1868, ngā amuamu e kī nei he "uaua rawa" ngā ture o te Kōti Whenua Taketake, nō reira kāore ā rātou take i eke "ki te taumata i hiahiatia ai." Waihoki, i whakapono rātou "kāore i te pērā rawa te kaha o te mana o ngā āhuatanga Māori i roto i ngā whakaritenga a te Kōti ina kāore i riro nā te hunga whakawā i whakatau." I taua tau, i whai a Ngāti Kahungunu ki te kaiwaenga i ngā whakawākanga a te Kōti Whenua Taketake mā te whai kia unuhia rānei, kia hīkina rānei ngā kokoraho, engari i tukuna kia haere tonu te whakawākanga o ngā take e rua i whai wāhi rā tētahi hunga whakawā Māori. I whāia te ara o te papare i te kōti i te tau 1871, ki Te Hūpēnui me Whakaoriori. He mea hiki ngā take ki Te Hūpēnui nā runga i te matapae ka whakahoutia ngā Ture Whenua Māori. I unuhia hoki e rātou ā rātou kokoraho i te Kōti ki Whakaoriori, engari i noho tonu ētahi atu kaitono, me te aha, ka whakawāngia ngā take, ā, ka tukuna ngā taitara.
- 2.195 Ka waihangā tētahi komiti ā-iwi o Ngāti Kahungunu ki te rohe i Wairarapa i te tau 1872 hei whakatau i ngā whakaritenga mō ngā taitara i waho mai i te whiriwhiringa a te kōti. I reira, ka whai wāhi atu ēnei whakaritenga ki te whakatau a te Kōti. I unuhia te nuinga o ngā take i te Kōti. Ko ngā take i whakaritea ai e te komiti i waho i te Kōti, me tētahi take o mua i whakawāngia ai e tētahi hunga whakawā Māori, kāore i unuhia. I te tau 1872, ka tāpaea e Ngāti Kahungunu me ētahi atu iwi tā rātou petihana ki te Pāremata kia whakakorengia te kōti, ā, ka whāia kia riro mā ngā komiti ā-rohe ngā taitara ki te whenua e whakatau.
- 2.196 I te tau 1873, ka piri a Ngāti Kahungunu me ētahi atu iwi ki te tāpae i tētahi petihana e whakamārama ana, otirā ki ō rātou nā whakaaro, i ngā hapa me ngā utu o ngā ture whenua Māori, i te āhua o te whakatinanatanga o aua ture i te Kōti Whenua Taketake, i te āhua hoki o te whakahaeretanga me te whakaritenga o ngā hokotanga whenua i whai mai i muri. I mautohe rātou ki "ngā pōuri me ngā kino katoa kua pā ki a rātou nā ngā mahi a tō Kōti Whenua Taketake, a ō rōia me ngā kaiwhakawhiti reo," me "ngā mahi kino o te kaihoro whenua mā te tuku nama, mā te inu me ngā mōkete o te haere putuputu atu ki ia tangata kei te taitara, tē kōrero kē ai ki te katoa i te wā kotahi o te waiho i a mātou ki ngā ringaringa o ngā rōia me ngā kaiwhakawhiti reo o ngā kaihoko Pākehā...". Hei tā rātou, "ka pai kē atu mēnā ka whakamutua katoatia ngā mahi a te Kōti [Whenua] ki te kore ngā ture e whakapaingia ake i ērā o te wā nei."

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- 2.197 I te tau 1873, ka hono atu a Ngāti Kahungunu me ngā iwi maha ki te Kaupapa o te Whakahētanga o te Hoko Whenua i Te Matau a Māui, i whai rā i aua whakahoutanga i ngā ture whenua Māori, i whai rā hoki kia nui ake ngā māngai Māori i te Pāremata, ā, kia nui ake hoki te whai wāhitanga atu ki te hautūtanga. I whai hoki ki te whakapātaritari i ngā mahi hoko a te Karauna me ngā hokotanga tūmataiti o mua i roto i te kōti, nā tēnei rautaki hoki i tapaina ai te kaupapa ki tōna ingoa Pākehā. Mai i te tau 1873 ki te tau 1878 ka karangatia e te Kaupapa o te Whakahētanga o te Hoko Whenua tētahi hui nui ki Te Matau a Māui ki te whakarau kakai i ēnei take, ki te whakarite tonu kia hua ai ngā panonitanga i tāpaea rā ki te Kāwanatanga me ngā petihana e pā ana ki ēnei kaupapa. Nāna i whakaputa te hautaka reorua o Te Wānanga hei whakatairanga i tana kaupapa.
- 2.198 I te tau 1876, ka whakatakotohia e Hoani Manihera Rangitakaiwaho me ētahi tāngata e 394 tā rātou petihana ki te Pāremata e whakahau ana kia pai ake te whakaputa kōrero mō "ngā mea katoa e whai pānga ana, e noho ana rānei hei mana ki te iwi Māori", kia rite te tokomaha o ngā māngai Māori o ia rohe ā-iwi, ā, kia whakakorengia te Ture Whenua Māori. I tuhi ngā kaituku petihana e "tino whakapōraru ana, e tino kino ana hoki" te āhua o te whakahaere o ngā hokotanga whenua. I tono rātou kia whakaae rā anō te katoa o "ngā iwi, o ngā hapū me ngā rangatira" kia kaua te rūri whenua, te whakatewhatewha taitara, te hoko whenua e whakaaetia: "Waiho te āhua ki te whakatewhatewhatanga o te tukunga, o te rironga rānei o ngā taitara ki ō rātou whenua ki te iwi Māori, kia mahia ā te wā pai ki a rātou."
- 2.199 Mai i te puku o te tekau tau 1870, ka waihanga a Ngāti Kahungunu i ētahi komiti ā-rohe hou i pōtingia ai ki Wairarapa me Tāmaki-nui-a-Rua kia aru i ngā whāinga e rite ana ki ō te Kaupapa o te Whakahētanga o te Hoko Whenua. I whakahē te komiti o Te Hika a Pāpāuma i ngā ture whenua Māori, nā tōna rangatira, nā Pāora Pōtangaroa te tuhinga i te tau 1877 e mea ana "Orotā ana ngā niho o ēnei ture e horo nei i te tangata me te whenua. E pēnei ana nā te mea kua kite mātou, te iwi Māori i te hē o ngā whakatau a tēnei taniwha, a te kōti, a tētahi tauhou e pupuri nei ki te whenua, e whakaae ana ki te tangata e kōrero rūpahu ana. ...Kāore mātou e pai ki ēnei ture." I taua tau, ka whakaahuatia te Kōti e Te Whatahoro, e tētahi rangatira o Ngāti Kahungunu i kopoutia rā hei kaiwhakawā i te Kōti Māori, hei "tino taniwha e horo nei i te nuinga o te whenua i tēnei ao, ā, kāore e kore, ka noho pōhara te iwi Māori i a ia".
- 2.200 I mua i te Kaupapa o te Whakahētanga o te Hoko Whenua, i waenga i ngā tau 1866-1871, neke atu i te 130 ngā taitara i roto rā te 627,000 eka i whakataungia ai e te Kōti Whenua Taketake ki Wairarapa me Tāmaki-nui-a-Rua. I waenga i ngā tau 1872-1880, i te wā e tino korikori ana te Kaupapa o te Whakahētanga o te Hoko Whenua me te komiti o Wairarapa, i heke pea ki tōna 16 ngā poraka i reira rā te 18,500 eka i haria ai ki te aroaro o te Kōti Whenua Taketake hei whakatau māna i ngā taitara. Mai i ngā tau 1881-1899, i kitea te 187,000 eka i ngā whakatewhatewhatanga o ngā taitara 100 atu anō.
- 2.201 I te tū tonu ngā komiti a Ngāti Kahungunu i te tekau tau 1880. Heoi anō, kāore ngā ture whenua Māori i whakahoungia kia rite ai ki ērā i rite tonu rā te inoia e rātou me ētahi atu iwi, otirā, ki te wāhi o te tuku mana ki ngā komiti Māori mā rātou e whakatau, e whakahaere hoki ō rātou ake taitara whenua.
- 2.202 I a Poutū-te-rangi o te tau 1881, ka whakatū hui te rangatira me te poropiti o Te Hika a Pāpāuma, a Pāora Pōtangaroa ki Te Ore Ore (e pātata ana ki Whakaoriori) i puta ai te

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hia mano Māori mai i ngā kāinga maha o te rohe. He hui nui ā-wairua, ā-tōrangapū hoki tēnei ki a Ngāti Kahungunu. Nā Pāora i tāpae tētahi haki kua whakawehea ki ngā wāhanga e whā, he pango te paenga, e whakaatu ana i ngā tohu pēnei i te whetū, i te korowai me te koti hōia. Ko te haki te whakaahuatanga o tāna i matakite ai, arā, kia pupuri te iwi ki ō rātou whenua, kia kaua e whai nama atu anō, ā, kia whakanau ki te utu i ngā nama e tārewa tonu ana. E tohu ana ngā wāhanga o te haki i ngā poraka whenua nui kua hokona kētia, ā, ko ngā whetū e whakaahua ana i ngā rāhui iti e mau tonu ana i a rātou. Ko te koti hōia e whakaatu ana i te mana mā reira e riro ai i te Karauna ngā whenua.

- 2.203 Ka mea a Pāora Pōtangaroa ki tana iwi, ka kauria e ia te moana i te kākahu o te hōia kia haria ai te Tiriti o Waitangi ki a Kuīni Wikitōria, ka tono ai kia ū ia ki ngā kōrero o runga i te tiriti. He tokomaha e whakapono ana i ea tēnei poropititanga, i muri i tōna matenga, i te wā i haria tēnei kōrero e te ope o te Wairarapa Native Mounted Rifles ki Rānana i te tau 1897 i tō rātou haerenga ki reira kia whai wāhi ki ngā whakanui i te huritau ono tekau i noho ai a Kuīni Wikitōria ki te torōna.
- 2.204 Ka tū tētahi Komihana uiui i ngā Ture Whenua Māori i te tau 1891. I taua Komihana rā a Timi Kara, tētahi kaitōrangapū o te Kāwanatanga Rīpera, ka tū hei Minita mō ngā Take Māori i muri mai. I tētahi hui ki Waipawa ka kī ia ki ērā o reira: "Kua kitea te hē o te whakahaerenga o ngā ture whenua Māori, ā, kāore ngā mahi a te Kōti Whenua Taketake i te paingia." Hei whakakore i te "rangiruatanga me ngā raruraru" kua hua mai, me whai ture hou, ā, i te hui te Komihana ki te Māori ki te rapu i ō rātou whakaaro ki te āhua o te whakahou i "ngā momo ture i tino kino nei te pēhi i a rātou." I muri i te rongo i ngā taunakitanga maha i a Ngāti Kahungunu me ētahi atu iwi, tae atu hoki ki ngā Pākehā tokomaha i whai wāhi ki ngā whakaritenga whenua Māori, ka tautoko te komihana i te whakaaro kia nui ake te whai wāhi atu, te whakahaere hoki a te Māori ki te whakataunga me te whakahaerenga o ō rātou taitara whenua. Kāore te Karauna i paku aha i tēnei pūrongo.
- 2.205 I muri i te Komihana o te tau 1891, ka tahuri a Ngāti Kahungunu ki te kaupapa o te Kotahitanga, mā te piri ki ētahi atu iwi ki te kōkiri tohe kia panonitia te ture i ngā pāremata ā-tau a ngā iwi Māori, kia whai tūranga matua hoki ia i roto i te kaupapa. Ka tū tētahi pāremata nui o te Kotahitanga ki Pāpāwai i te tau 1897, i reira rā ka whakatūria ētahi whare nui i waenga i tētahi kāinga e tino ora ana, i taea rā hoki e ia ngā manuhiri o tua atu i te 2,000 tāngata te manaaki. He nui te utu i pīkautia rā e Ngāti Kahungunu i tana tautoko i ngā pāremata o te Kotahitanga i te tau 1897 me te tau 1898, i tana tautoko hoki i te niupepa a te Kotahitanga, i Te Puke ki Hikurangi. He mea kite ā rātou mahi i ngā rangatira pēnei i a Hamuera Tamahau Mahupuku rāua ko Hoani Paraone Tūnuiarangi, i puritia tonutia nei e rāua ngā poraka whenua nui whakamutunga o te Māori i Wairarapa, ā, i whakamahia ēnei whenua hei pīkau i ngā nama mō te Kotahitanga.
- 2.206 I te tau 1897, ka whakarite te pāremata o te Kotahitanga i tētahi petihana hei hari mā Tūnuiarangi ki te Karauna i Rānana. E whakahau ana te petihana kia rāhuitia mō ake tonu ngā whenua Māori e rima miriona eka te nui. Ko Tūnuiarangi tētahi kāpene i te Ope Tūao Māori, ā, i pōhiritia ia e te Pirīmia, e Richard Seddon, hei hoa haere mōna ki Rānana ki te whakanui i te ono tekau tau i noho ai a Kuīni Wikitōria ki te torōna. He mea tāpae a Tūnuiarangi ki te Kuīni nāna nei ia i whakawhiwhi ki tētahi tohutoa huritau, me tētahi hoari ōkawa kua whakairotia. I whai wā hoki ia ki te tāpae i te petihana a te

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Kotahitanga ki te Hekeretari mō ngā Taipūwhenua nāna nei ia i pōhiri ki te whakamārama i ngā āwangawanga o te Māori ki te Pāremata o Piritānia. He mea matua ēnei mahi nā reira i ara ake ai te pire o te tau 1898, arā, i te Native Lands Settlement and Administration Bill, e whakaatu ana i ngā āhuatanga maha o te kaupapa a te Kotahitanga, ā, i haria rā e Seddon rāua ko tana Minita Māori, ko Kara, ki Pāpāwai i te tau 1898 hei matapakitanga.

- 2.207 Nā te Pire o te tau 1898 i mea ai kia mutu te Kōti Whenua Taketake me ngā mahi hoko, ā, kia whakatūria ētahi poari ki te whakahaere i ngā whenua Māori. I muri i te taunaki a te tokomaha o Ngāti Kahungunu me te Kotahitanga, ko te nuinga o te Pire i whakamanatia i te Māori Lands Administration Act o te tau 1900. I hāngai te kōrero a te Pirīmia, a Seddon, i Pāpāwai i te tau 1898, i tana mea atu ki a Ngāti Kahungunu me te pāremata o te Kotahitanga, "Ko te mate nui katoa ka pā ki te iwi, ko te rirohanga o ō rātou whenua, nā te mea ko te whenua tōna oranga. Nā, he whakaritenga kei tēnei Pire hei aukati i ēnei kino... mā reira e mutu ai te Kōti Whenua Taketake mō ake tonu." I kī hoki ia, "ko ērā mea e pā ana ki te Kōti Whenua Taketake i puta ake i mua rā ētahi o ngā hakihaki kino katoa kua puta i te hītori o tēnei taipūwhenua. Kua whakawā ngā Kōti Whenua Taketake i roto i ngā kāinga Pākehā; kua haere atu ngā Māori ki aua kāinga rā, ā, noho ana ko rātou hei papa i ō rātou haerenga ki reira... Ko koutou ngā makorea o tētahi iwi takitini i tōna wā. I te wā he tokoiti mātou, ā, he tokomaha koutou, nā koutou mātou i manaaki, otirā, i te mea kua tokomaha mātou ināianei, ā he tokoiti koutou, e tika ana kia manaaki mātou i a koutou."
- 2.208 Nā te Māori Councils Act o te tau 1900 me te Māori Lands Administration Act o te tau 1900 i whakaritea ai te whakatūnga o ngā Kaunihera Whenua Māori e kaha ake ai tā ngā Māori whakahaere i ā rātou anō take. Kāore te Māori Lands Administration Act o te tau 1900 i tuku i te katoa o te mana o te whenua Māori e toe ana ki tētahi rōpū Māori, kāore rānei i āhei tāna whakamana ture e pā ana ki taua whenua, engari i whakaritea kia tū he kaunihera e whai Perehitini Pākehā ana, kia rua, kia toru rānei ngā mema kua kopoutia (me Māori tētahi), ā, kia rua, kia toru rānei ngā mema Māori kua pōtingia. I a Hakihea o te tau 1901, ka whakatū te Karauna i te Kaunihera Māori ā-Rohe ki Te Ikaroa i roto rā a Wairarapa me Tāmaki-nui-a-Rua, me ētahi atu iwi. He mea kopou tētahi kaiwhakawā i Whakaoriori hei Perehitini, ko Ihaia Hutana rāua ko Te Whatahoro ngā mema Māori i kopoutia, i te taha o ngā mema e toru i pōtingia ai: o Hoani Paraone Tūnuiarangi, o Mohi Te Atahikoia, me Rupuha Te Hianga. I tū te hui tuatahi a te Kaunihera ki te wharekōti i Whakaoriori i a Hui-tanguru o te tau 1902. Kāore te Pāremata o te Kotahitanga i hui anō i muri i te tau 1902, me te aha, ka akutō haere te kaupapa i te warenga o ētahi mema ki te pitomata o te ture o te tau 1900.
- 2.209 I ngā kaunihera ētahi o ngā mana o te Kōti Whenua Taketake e pā ana ki ngā take whenua, engari kāore anō te kōti i turakina, me te aha, i te kōti te tikanga mō ia take kia tukuna rānei te mana ki te kaunihera, kāore rānei, ka mutu, i te whakaaetia tonutia kia kawea te take ki te Kōti Pīra Māori. I āhei tā ngā kaunihera rīhi, engari kāore i āhei te hoko whenua Māori i whai pānga ai ia mai i ngā kaipupuri taitara, i āhei hoki te tono moni taurewa mai i te Kaitiaki o te Motu me ētahi pokapū whāiti o te Kāwanatanga hei āwhina i te whakawhanaketanga o ngā whenua Māori.
- 2.210 He poto noa iho te wā ki te Māori e whai hua ai rātou i te Ture o te tau 1900 i mua i tā ngā tauiwi whakatū kāinga herekore kōkiri tohe hei āki i te Karauna kia tino panonitia te

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Ture me te kore i kōrero atu ki ngā iwi. Ka kapi ngā kaunihera i te Māori Land Settlement Act o te tau 1905, ā, ka kopoutia ngā poari whenua Māori e te Karauna, i runga rā tētahi Perehitini Pākehā me ngā mema e rua, ā, ko tētahi o aua mema rā, ko ngā mema e rua rānei me Māori. I whakaturengia anō hoki te hoko whenua a te Karauna, ā, i roto i taua whakaturetanga te mana ki te hoko i ngā pānga o ngā kaipupuri taitara kāore nei i whakaae ki te hoko mēnā ko te hunga hoko-kore te tokoiti.

2.211 Ahakoa te āritarita i te tīmatanga e pā ana ki te ture o te tau 1900, ko te Kaunihera Whenua Māori ā-Rohe ki Te Ikaroa te mea wherū o ngā Kaunihera e whitu o te motu, ā, ko te nuinga o ana mahi ko te whakarite i ngā whakawhitinga whenua. Tae rawa ake ki te tau 1907, kāore he pānga whenua o roto o Wairarapa me Tāmaki-nui-a-Rua i tukuna e Māori ki ngā Poari hei wawaetanga, hei papa kāinga rānei i raro i te mana rīhi.

#### Wairarapa Moana me Pouākani

- 2.212 Kei te hītori o Wairarapa Moana koinei te Moana o Wairarapa me te Moana o Ōnoke e whakaaturia ana ngā āhuatanga tino whakahirahira o te hononga i waenga i a Ngāti Kahungunu me te Karauna mai i te tau 1853. Ko ngā moana, he taonga tāpua ā-ahurea, ā-wairua e noho nei ki te mātārae o ngā whakaaro o Ngāti Kahungunu, ā, i tōna wā i whakamīharotia nā ngā rua tuna, nā ētahi atu ika, nā ngā manu me ngā rawa maha atu anō.
- 2.213 I te wā o te Komiti Nui o te tau 1853, i kapi i a Wairarapa Moana tētahi wāhanga nui o te whenua kei tua atu o ngā takutai e pari rā ngā moana i ēnei rā. I reira hoki ngā whenua i waipukehia rā i te pāpunitanga o te pūwaha ki te moana i Ōnoke Moana i te wā ka pūrena ngā moana, i te wā e mōhiotia nei ko te hinurangi. I te wā o te hinurangi e 20 ki te 30 tana o ngā tuna ka hīngia ake e te iwi. Ka pūrena ana ngā moana, ka kapi ko tōna 53,000 eka; i ngā kaupeka e whakawāteangia ai te pūwaha i te whenua koure kei Ōnoke nā te kaha o te rere o te wai i Moana Ōnoke, ā, ina mimiti haere ngā moana, ka kapi ko tōna 24,000 eka.
- 2.214 I te tau 1853, i te wā e rere ana ngā whakawhitinga kōrero mō te hoko i ngā whenua i ngā taha moana, ka āta oati a McLean ka whakawātea noa ihotia te whenua koure i ngā wā ka whakaae te Māori. E ai ki ngā whakaaetanga ā-pukapuka o te tau 1853 mō ngā whenua i ngā taha moana, ko te moana tonu tētahi o ngā paenga, engari kāore i whakamāramatia mēnā e hāngai ana ki te taumata o te moana i ngā wā o te hinurangi, mēnā rānei ka hāngai kē ki te wā e pāpaku ana ngā wai o ngā moana. Kāore te whenua i rūritia i mua i te hokotanga. I te tau 1891, ka mea a Hēmi Te Miha, tētahi o ngā ringa waitohu i ētahi o ngā whakaaetanga ā-pukapuka, ko te paenga te moana i ngā wā o te hinurangi, tētahi tohu i te taumata o te wai hōhonu i mōhiotia rā e ia ko te "tahakupu o te whenua", ā, nāna i tohu ki a McLean i te tau 1853. I hoki ngā mahara o te kaimahi a McLean i Wairarapa i te wā o ngā hokotanga o te tau 1853, ki te wā i kī ai ia ki a McLean i whakaū ngā tauiwi whakatū kāinga nō rātou ngā whenua e waipukehia ana. E kīia ana ko te urupare a McLean, "E kore rawa te whenua o ngā tauiwi whakatū kāinga e waipukehia, nā te mea kāore anō te whenua o raro i te pae-waipuke kia riro atu."
- 2.215 I mahara ētahi o ngā tauiwi whakatū kāinga he "waipuke" te hinurangi. Mai i te tekau tau 1860, ka kōkiri tohe ngā tauiwi whakatū kāinga ki te Karauna kia riro i a ia te mana o te pūwaha ki ngā moana e pāpaku ai ngā wai o ngā moana mō ake tonu, e noho ai ngā

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whenua o raro iho i te hinurangi hei whenua whakataka, he whenua e nonoi nei ngā Māori kāore anō i hokona e rātou. I aua whenua anō hoki ngā whenua i raro iho i tēnei pae i mua engari kua rewa ake nā tētahi rū whenua nui i te tau 1855. I kī atu tētahi āpiha o te Karauna e mātai ana i te take ki te Minita mō ngā Take Māori, e ai ki tāna titiro "kāore i tukuna" ngā moana me te whenua koure, ka mutu, kāore i āhei tā te Karauna "kokoraho i tērā wāhanga o te moana, i runga i te tika, kua maroke rā mai i te whakatutukitanga o ngā hokotanga."

- 2.216 I te tau 1868, ka tuhi a Rāniera Te Iho me ētahi atu ki te Karauna ki te inoi i te kupu whakaū a te Karauna nāna nei i oati i te tau 1853, e kī ana me whakaae rawa te Māori i mua i te whakawāteatanga o te whenua koure. I marohi te Karauna ki te whakaū i tāna i oati ai, ko McLean hoki e kī ana ki tana kaimahi "ina whakamātau ki te whakawātea [i te whenua koure], he takahi tērā i te hokotanga [a te Karauna]."
- 2.217 Mai i te tau 1872, ka whai te Karauna kia riro ki a ia ngā mana ki Wairarapa Moana i a Ngāti Kahungunu nāna nei, i tana urupare, i whakatau kia kaua e hokona atu. I te tau 1874, ka kirihaunga te whai a te Karauna kia hokona kētia e ia mō te £200, tērā i kīia rā e McLean ko "tō rātou mana, i tōna tikanga, ki te aukatinga o te moana." I ngā rā o muri, i taua tau tonu, ka tūtohu tētahi āpiha o te Karauna kia hokona tahingia e te Karauna ngā mana hī ika Māori i ngā moana me ngā whenua katoa ka pāngia e te hinurangi, nā te mea ina noho ana kia wātea te pūwaha, "ka rahi tonu ngā whenua whakataka ka wātea ake, i waho mai o te paenga o te whenua i hokona ai ki te Karauna" i te tekau tau 1850.
- 2.218 I a Hui-tanguru o te tau 1876, ka waitohu te Karauna i tētahi whakaaetanga ā-pukapuka i Te Whanganui a Tara me te hia tāngata takitahi o Ngāti Kahungunu i tuku rā i ō rātou mana ki te moana ki te Karauna mō te £800 me tētahi penihana ā-tau e £50 te nui ki te kaihoko matua. I te aro te whakaaetanga ā-pukapuka ki ngā mana hī ika me ētahi atu mana ki te moana me te whenua i waenga i te moana me ngā poraka i hokona ai e te Karauna i te tekau tau 1850. Kāore i tino mārama te tikanga o te whakaaetanga āpukapuka ki ngā āpiha, tae atu ki te tāne nāna nei te whakaaetanga i tuhituhi, ā, i muri ka pātai rātou ki te Karauna mēnā i riro i a rātou ngā mana hī ika, mēnā rānei i hokona e ia "ngā moana me ngā papa o raro i ngā moana?" He mea korero te Minita mo ngā Take Māori e hāngai ana te whakaaetanga ā-pukapuka ki ngā mana hī ika, kaua ia ki te papa moana me ngā whenua kei ngā taha moana. I te paunga o ngā wiki torutoru i muri i te waitohutanga o te whakaaetanga ā-pukapuka, ka hokona e te Karauna te 1,500 eka o ngā whenua ki tētahi tauiwi whakatū kāinga mō te £750, ko tētahi wāhanga o te whenua kei "raro i ngā wai o te moana", ā, ko tētahi wāhanga ka pāngia e te hinurangi. I muri mai ka whakarite te Karauna i tētahi whakaaetanga ā-pukapuka e whakaū ana i whai wāhi te papa moana ki te whakaaetanga ā-pukapuka o te tau 1876 engari kāore i waitohungia. I taunakitia e te mahere whakaaetanga ā-pukapuka tō Ngāti Kahungunu whakaaro e mea ana nō rātou tonu ngā whenua ka pāngia e te hinurangi.
- 2.219 I te rewanga o ngā wai o te moana e ai ki te kaupeka o Hui-tanguru o te tau 1876, ka tautoko ētahi tauiwi whakatū kāinga kia wātea te pūwaha, engari kāore te Karauna i tuku kia pērā nā te mea kāore anō ia kia pānui i te whakakorenga o ngā "mana Māori." I whai kē ngā tauiwi whakatū kāinga ki te utu i ngā Māori o te rohe kia wāhia te whenua koure e pāpaku ake ai ngā wai o ngā moana, ā, i whakaaetia e rātou i muri i te hīnga nui o ngā tuna.

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- 2.220 I tere te mautohe a te tokomaha o Ngāti Kahungunu ki te whakaaetanga ā-pukapuka o te tau 1876, i waitohungia ai e te tokoiti Māori. Hei urupare ki tā Ngāti Kahungunu petihana ki te whakaaetanga ā-pukapuka, ka whakatau te Komiti mō ngā Take Māori kāore te nuinga o ngā kaipupuri taitara i whakaae ki te whakaaetanga ā-pukapuka, ā, i tūtohu ia mā te Kōti Whenua Taketake e whakatau ngā taitara ki ngā moana. Ka whakahē a Ngāti Kahungunu i te Kōti Whenua Taketake, ā, ka whakapeka rātou ki te tono taitara i reira. I te tau 1880, ka tono te Karauna ki te Kōti Whenua Taketake hei whakatau i ngā pānga ki ngā moana kua riro i te Karauna i te tau 1876. I te whakawākanga o te take i te tau 1881, e hia nei ngā take i whakahē ai ngā kaipupuri taitara i te Karauna, tae atu ki tērā e kī ana ka pā noa iho ngā kōrero o te whakaaetanga ā-pukapuka ki ngā mana hī ika, kaua ki te whenua nō reira i waho kē te take rā i te mana o te Kōti. I tono ngā kaipupuri taitara ki te Kōti Matua hei whakatau i te take ki taua mana. I tukuna e ia te take ki te Kōti Whenua Taketake, i runga i tana whakatau koirā kē te wāhi tika katoa hei whakatau i ngā "tikanga Māori" e pā ana ki ngā take pēnei i te taitara ki ngā mana hī ika me ngā papa moana.
- 2.221 I te tau 1882, ka whakatau te Kōti Whenua Taketake kua riro i te Karauna ngā pānga 17 kāore nei i whakawehea mā te whakaaetanga ā-pukapuka o te tau 1876. I te tau 1883 ka whakatau te Kōti kia 139 ngā hea takitahi o te papa moana, tae atu ki ngā mea 17 kua riro i te Karauna. I kapi i te mahere rūri tōna 24,500 eka o te papa moana.
- 2.222 I runga i tana ū ki te ātete ki ngā mahi a te Karauna ki te hoko i ngā moana, ka waihanga a Ngāti Kahungunu i tētahi komiti ki Wairarapa i raro i te aratakitanga o te rangatira, o Piripi Te Maari, e mau tonu ai i a rātou ngā moana, hei whakatinana hoki i tō te iwi mana o runga o Wairarapa Moana. Ka kōkiri tohe anō ngā tauiwi whakatū kāinga e ahu whenua ana i pāngia rā e te hinurangi kia pāpaku tonu ngā taumata o te moana. I te tau 1886, ka hui te komiti ki Wairarapa me te Minita mō ngā Take Māori, me John Ballance, ka whakarite ai i tētahi whakataunga mō te wā e riro ai mā tētahi pūrere ngā pūwaha o ngā moana e whakapuare kia rere ai te tai i te marama o Paenga-whāwhā, e rua marama i mua i te paunga o te kaupeka hī tuna. Nā konā i torutoru ake ai ngā tuna i hīngia ai e Ngāti Kahungunu, otirā, i iti ake ngā pānga o te hinurangi ki ngā tauiwi whakatū kāinga kei te ahu i ngā whenua ka kapi i taua hinurangi rā.
- 2.223 Kāore ētahi tauiwi whakatū kāinga i pai ki tēnei whakataunga, me te aha, i a Mahuru, i te tau 1886, ka waihangahia te South Wairarapa River Board i raro i te River Boards Act o te tau 1884 māna e whakahaere ngā moana. Ka whakahau te Poari, kāore nei he māngai nō Ngāti Kahungunu o roto, ko Wairarapa Moana tētahi "awakeri tūmatanui" e āhei ai tā rātou whakawātea i te pūwaha ka pāngia ana ngā whenua pāmu e te hinurangi. Ka mea te Āpiha ā-Ture Tuarua o te Motu ki te Karauna kei tua noa atu taua mahi rā i te mana ā-ture i whakatauria e te ture ki runga i a rātou.
- 2.224 I a Kohitātea o te tau 1887, ka whakamōhio te Karauna i te Poari i whakaae ngā kaipupuri taitara ki ngā moana kia wātea te whenua koure i ngā marama 10 o te tau mēnā ka waiho kia kati i ngā marama o Hui-tanguru me Poutū-te-rangi, i ngā marama ka nui te hī ika. Ka paopao te Poari i tēnei whakaaro. Ka whakaae tētahi Mema o te Pāremata i te rohe ki te tūao hei takawaenga kia whakawhiti kōrero mō tētahi whakataunga, ā, ka hui ia me te komiti o ngā kaipupuri taitara i tono rā kia kopoutia tētahi komihana hei whakatewhatewha i ngā "raruraru me ngā tautohe katoa e pā ana ki te moana," tae atu ki ngā taha o te moana e whai hononga ana ki ngā hokotanga whenua o te tekau tau 1850. I a Haratua, ka whakaū te komiti i tō rātou kore e hoko, e

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rīhi rānei i ngā moana. I a Here-turi-kōkā, ka tuhia e te komiti tētahi whakaaetanga āpukapuka me te Karauna kia whakaaetia ai, kia tohua ai hoki ki ngā pou ngā taha o te moana o ngā whenua i hokona ai e te Karauna i te tekau tau 1850, ā, ka rewa ana te moana ki runga ake o aua pou rā, e āhei ana tā te Karauna whakawātea i te whenua koure tae noa ki te wā ka heke te wai o te moana ki ngā pou. I mua i te kōkiritanga a te Kāwanatanga a Ballance i te take, ka pōtingia he kāwanatanga kē, me te aha, kāore te Minita mō ngā Take Māori hou, a Edwin Mitchelson, i whakaae ki te whai tonu i te whakaaetanga.

- 2.225 I a Pipiri o te tau 1888, ahakoa ngā kupu whakamārama a te Āpiha ā-Ture Tuarua o te Motu me ngā hiahia o ngā kaipupuri taitara ki ngā moana, ka tautoko te Karauna i te South Wairarapa River Board kia whakawāteangia te whenua koure e rere ai ngā wai o Wairarapa Moana. Ka mautohe a Piripi Te Maari me ētahi atu Māori i runga i te rangimārie i te pūwaha, ā, ka waitohu te tumuaki o te Poari i tētahi tauākī e whakaae ana kāore tā rātou mautohe i te whiua ki ngā tauiwi whakatū kāinga, ki te Poari hoki, engari ki te Karauna kē. He mea mātakitaki te mautohe rangimārie a Ngāti Kahungunu e ngā kātipa tekau mā rua i tukuna ai e te Minita mō ngā Take Māori kia kaua ai rātou e whakararuraru i te whakawāteatanga.
- 2.226 I runga i tana mōhio ki te whakaaro o te Āpiha ā-Ture Tuarua o te Motu ki te Poari me te mana o te Karauna ki te whakawātea i ngā moana, i te tau 1889, nā te Kāwanatanga i kōkiri te Public Works Acts Amendment Act o te tau 1889 i whai rā tētahi whakaritenga i āhei ai tā te Poari whakahaere tonu i te whenua koure, otirā, ko tētahi wāhanga o tērā, ko te taumata o ngā wai o ngā roto. Nā te wehenga 18 o te Ture i tukuna ai te "mana o te whakaritenga, o te waihanganga, o te whakahaerenga hoki o tētahi pūwaha ki ngā moana katoa, ki ngā puna wai katoa rānei kāore e puta ki tai, ki tētahi awa rānei e taea ai te whakatere waka." I tērā, ka rite tonu te whakawāteangia o ngā moana, e tukituki nei ki ngā hiahia o Ngāti Kahungunu.
- 2.227 Ka tāpae a Piripi Te Maari me ētahi atu o Ngāti Kahungunu i tētahi petihana ki te Pāremata i te tau 1890 e whakahē ana i ngā mahi a te Poari o te Awa, i ngā kokoraho hoki a te Karauna i ngā whenua o raro iho i te paenga o te hinurangi i kīia rā e Ngāti Kahungunu kāore i hokona e ia, me tā te Karauna whāinga kia hokona e ia i te tau 1876. I whai rātou i tētahi whakataunga e whakahaeretia ai te hinurangi kia kaua ai te wai e hipa i te taumata o te wā i rū ai te whenua i Wairarapa i te tau 1855, i runga i ngā taha paenga moana i whakaaetia ai i ngā hokotanga o mua a te Karauna. Nā tētahi komiti whiriwhiri o te Pāremata i tūtohu kia whakahaeretia tētahi uiui mō Wairarapa Moana e tētahi komihana a te karauna.
- 2.228 I Te Hūpēnui, i a Paenga-whāwhā me Haratua o te tau 1891, ka whakawā te Komihana a te Karauna i ngā taunakitanga mō Wairarapa Moana. Ko te nuinga o ngā taunakitanga a te Māori me ngā Pākehā e pā ana ki ngā whakaaetanga ā-pukapuka o te tau 1853, ko ngā kōrero e mea ana he mea tohu ngā paenga e te taumata o ngā wai o te moana i te wā o hinurangi, e ai rā hoki ki te kōrero a tētahi āpiha o te Karauna i te tau 1874. Ko te whakatau a te Komihana, ko te paenga i ngā poraka o Turakirae, o Ōwhanga me Kahutara te paeraro o te wai, engari i Tūranganui, ka whakaae te Komihana, a Mackay, ki te taunakitanga e mea ana i hoko noa te Karauna i ngā wāhanga i heke rā ki te taumata o te hinurangi. I tūtohu te komihana kia utua e te Karauna a Ngāti Kahungunu

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- mō ngā eka e 4,000 o ngā whenua kāore i hokona e ia i waenga i te taumata o te hinurangi me te paenga o te awa i raro iho.
- 2.229 Mō te āhua ki te whakahaerenga o te pūwaha o te moana ki tai, ko te whakatau a te Āpiha ā-Ture Tuarua o te Motu, nā te whakaaetanga ā-pukapuka o te tau 1876, i waitohungia ai e te 17 o ngā kaipupuri taitara ā-ture 139 i te papa moana, i huri ai te Karauna hei kaipupuri pānga ngātahi. Nā te Komihana i whakatau kāore ō te Karauna mana motuhake ki te whakawātea i te moana, ā, i te mutunga iho, he hea noa iho tōna ki ngā mana hī ika. I whakatau hoki te Komihana kāore ngā mahi a te Poari o te Awa i tika i raro i te ture nā te mea kāore ōna mana ki ngā moana, i noho tonu rā i raro i te mana o ngā kaipupuri taitara o Ngāti Kahungunu, ki te whenua koure hoki, i ngā ringaringa tonu o te Māori. Nō reira, ka huri te kaikomihana ki te Atikara 2 o te Tiriti o Waitangi e oati ana ka pupuri tonu ngā Māori ki ō rātou wāhi kohi kaimoana me ētahi atu "mana kaipupuri taitara", ā, ko te "takahitanga o ō rātou mana me te korenga o tā rātou whakaae... tētahi tino hē, ka mutu, he tukitukinga ki ngā mana o te taonga".
- 2.230 I tūtohu te Komihana i tētahi whakataunga e pā ana ki te taumata o te moana, e whakarite nei kia wātea te pūwaha i ngā marama o muri i te hinurangi, i ngā wā rānei e waipukehia ana ngā whenua o ngā kaipāmu. Hei utu i tēnei whakaaetanga, he moni ka utua ki te Māori, ka ea pea i tētahi utu mō ngā whenua i whai painga rā i tēnei whakataunga. Kāore te Karauna i whakatinana i ngā tūtohunga a te Komihana.
- 2.231 I a Haratua o te te tau 1892, i ngā mema o te Poari o te Awa me ana kaikirimana e hui ana ki te Moana o Ōnoke kia whakawāteangia ai te whenua koure, i ō rātou taha anō tētahi Āpiha Pirīhimana me ngā kātipa i tukuna ai e te Minita mō ngā Take Māori, ka tūtakina rātou e te 100 Māori, tāne mai, wāhine mai hoki, i whai i te ara o te "ātete mārie" hei whakahōtaetae i te keringa o te awakeri hei whakawātea i te pūwaha. I karongia te riri i te wā ka whakaae te Poari ki te makawe i tētahi o ngā kaimautohe Māori mō tana whakahōtaetaetanga. Ahakoa kua wātea kē te whenua koure, i te mutunga iho ka whai ngā kaipupuri taitara kia rangona tā rātou take i te kōti. Ka haka ngā Māori i runga i tā rātou whakanui i tō rātou toanga, otirā, ki tā rātou me tā ētahi atu kaimātakitaki i mahara ai he toanga.
- 2.232 Kāore te Poari i whakatakoto i tā rātou take mō te whakahōtaetaetanga. Engari ia, i a Haratua i te tau 1892, nā Piripi Te Maari, mā ngā kaipupuri taitara katoa, tētahi take i whakatakoto mō te kaihaumitanga o te Poari. Ka hāngai te tukuna o te take ki te Kōti Pīra. I te tau 1893, ko te whakatau a ngā kaiwhakawā tokowhā o ngā mea e rima e whakawā ana i te take i te Kōti Pīra e mea ana ahakoa e kati ana te whenua koure i te pūwaha, i reira tonu te pūwaha, nō reira he rerenga wai māori, he awakeri tūmatanui hoki tērā e whakaaetia nei kia whakawāteangia e te poari. He utu i utua rā ki te Poari. Ko te whakatau a te kaiwhakawā kotahi i whakahē i te whakatau, he nui ngā wāhanga i wāhi ai te moana i te whenua koure i ngā tau engari ehara i te rerenga wai māori, nō reira, kāore e tika ana kia kīia he awakeri tūmatanui.
- 2.233 I whakaaetia kia kawea e Piripi Te Maari tētahi tohe ki te Kaunihera a te Karauna. I kōkiri ia me ētahi atu o Ngāti Kahungunu i tētahi petihana ki te Pāremata i te tau 1893 me te tau 1895. Ko te whakatau a te Komiti mō ngā Take Māori: "Pūrangiaho ana te kitea kua pā te hē ki ngā Māori... nō reira, kua raweketia ngā mana kaipupuri taitara o ngā Māori. "I tūtohu ia kia utua a Ngāti Kahungunu e te Karauna mō ōna hē, kia hoko rānei ia i ngā

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mana ki ngā moana, engari kāore te Karauna i paku aha i tēnei tūtohunga. I a Hōngongoi i te tau 1895, ka uta te Karauna i tētahi utu rūri mō te taitara ki a Wairarapa Moana hei utu i te rūri i whakaritea ai e ia i te tau 1882, otirā, i te rūri kāore i tautokona e ngā kaipupuri taitara.

- 2.234 Ka mate a Piripi Te Maari i a Here-turi-kōkā o te tau 1895, i mua i te kōkiritanga o tana tohe ki te Kaunihera a te Karauna, ā, nā Hamuera Tamahau Mahupuku tōna tūranga i whakakapi. I a Kohitātea, i te tau 1896, ka pōhiri a Mahupuku me ngā kaipupuri taitara o Wairarapa Moana i te Minita mō ngā Take Māori, i a Timi Kara, ki Pāpāwai, ki te wāhi i whakaae ai rātou ki tētahi tuku rangatira mō ngā moana e mutu ai te raruraru mō te pūwaha me ngā whenua i te paenga o te moana kāore anō i hokona. He mea whakaōkawa tēnei tuku rangatira ki tētahi whakaaetanga ā-pukapuka i whai wāhi rā te whakawhitinga o ngā papa moana ki te Karauna, te whakaritenga o ngā rāhui i ngā moana e rawaka ana ki a Ngāti Kahungunu, me tētahi utu o te £2,000 nā te Karauna hei utu i ngā nama ā-ture nui i kohia rā e Ngāti Kahungunu mō ngā moana te take.
- 2.235 I te 18 o ngā rā o Kohitātea o te tau 1896, ka hui a Kara rāua ko te Pirīmia, ko Richard Seddon me te hia rau Māori, me te Poari o te Awa, me ngā tauiwi whakatū kāinga ki Tīpapakuku mō tētahi hākari nā Ngāti Kahungunu hei whakanui i te mutunga o te tautohe mō ngā moana kua roa e tū ana. Ka mea a Seddon ki te hui mō Wairarapa Moana "i rangatira te whakaaro kia tukuna mai, ā, i whakaaetia tērā koha i runga i tērā whakaaro, ka mutu, ka rangatira anō te whakahaeretanga, haere ake nei." I oati ia, nā runga hoki i te here o roto i te Tiriti o Waitangi, e kore ngā mana o Ngāti Kahungunu ki ō rātou wāhi hī ika e raweketia. Ka urupare atu a Tamahau mā Ngāti Kahungunu: "He mea tuku e mātou hei koha i tētahi rangatira ki tētahi," me tana tūmanako "ka pai mai, ka aroha mai koutou ki a mātou." I te 11 o ngā rā o Hui-tanguru o te tau 1896, ka whakautua taua hākari e Kara rāua ko Seddon mā te whakatū i tētahi pōkeka mā Ngāti Kahungunu ki Tīpapakuku. I takohangia e Ngāti Kahungunu ki a Seddon tētahi taonga, he patu parāoa, kua hia rau tau e puritia ana e te iwi. Ko te hiranga o te tuku rangatira ki a Ngāti Kahungunu e whakaaturia ana i ngā kōrero kua whakairohia ki te pakoko i Pāpāwai e kīia nei ko "te Tiriti o Wairarapa Moana."

Takapūtao: ngā Eka e 200 Whakamutunga i Wairarapa Moana

- 2.236 I te tau 1927, ka tono te South Wairarapa River Board ki te Karauna kia riro i a ia ngā eka e 200 o ngā whenua i te pūtahitanga o te awa o Tūranganui me Ruamāhanga mō ngā mahi ārai waipuke te take. I te tau 1883, i te wā i tukuna e te Kōti Whenua Taketake te taitara mō Wairarapa Moana, ka tautoko te Kōti i tētahi mahere taitara e whakaatu ana i te paenga kāore nei a Takapūtao i whai wāhi atu, ā, ka tohua ki te "NR", kia mōhiotia ai he rāhui Māori (native reserve). Heoi anō, ko te mahere taitara anake te tohu i tētahi rāhui i taua wā. Ko te whenua rā i mōhiotia rā e Ngāti Kahungunu ko Takapūtao, ā, i reira tētahi papakāinga, tētahi urupā, ētahi māra me tētahi wāhi hī tuna. I tāpae petihana ētahi o Ngāti Kahungunu ki te Karauna e mea ana kāore i whakawhitingia e rātou te whenua, e hiahia ana rātou ki te pupuri tonu, ā, i tono hoki rātou kia tukuna mā te Kōti Whenua Taketake e whakatewhatewha te taitara ki te whenua.
- 2.237 I te tau 1927, ko te pūrongo a te Kaikomihana ā-Rohe o ngā Whenua o te Karauna i Te Whanganui a Tara ki te Hekeretari Poumatua mō ngā Whenua e kī ana mēnā kāore te whenua i whakawhitingia ki te Karauna, kāti, kāore ō te Karauna mana ki te tuku i taua

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mana ki te poari o te awa. I tōna tikanga kua puta noa tērā whakawhitinga mā te tuku rangatira rānei o Wairarapa Moana, mā te hokotanga rānei o Tūranganui i te tau 1853. Ka urupare atu te Hekeretari Poumatua o te Tari mō ngā Take Māori, ko ia nei hoki te Kaiwhakawā Matua o te Kōti Whenua Taketake, me tana kī "i te āhua nei kāore kau ō wai mana rānei" ki te tuku i te whenua hei Rāhui Māori, ā, ka whakatau ia i hē te korenga o te whenua i uru ki te rūritanga o te taitara ki Wairarapa Moana i te tau 1883, i te tuku hoki o te tau 1896.

- 2.238 I te tau 1928, ka tohutohu te Hekeretari Poumatua o te Tari mō ngā Take Māori kia kaua e kōkiri ture hei whakamārama i te āhua o te whenua nā te mea "he whakaaetanga tērā e whakaatu ana i te rangiruatanga o tēnei take," ā, mā reira pea e akiaki te Māori ki te tāpae petihana atu anō. Ka mea kē te Hekeretari Poumatua kia tono te Karauna ki te Kōti Whenua Taketake kia panonitia te taitara me te mahere rūri e whakaurua ai ngā eka e 200 o roto i te paenga o te poraka o Wairarapa Moana.
- 2.239 I a Kohitātea o te tau 1929, ka whakaaturia e te Karauna tētahi mahere o te taitara ki Wairarapa Moana kua panonitia ki te Kaiwhakawā Matua o te Kōti Whenua Taketake. Ka tohutohu te Kaiwhakawā Matua ki te Karauna kia kaua e whai i te panonitanga nā te mea i te kawe tonu ia i tētahi tono e pā ana ki te whakatewhatewhatanga o te taitara ki te whenua, ā, "ka hoto pea ngā Māori e makihuhunutia ana rātou." I a Mahuru o te tau 1930, he mea whakakore te take a ngā kaitono e te Kōti Whenua Taketake "mō te korenga o ngā whāinga o te kōti i ea". Ko te kī a te Kaiwhakawā Matua ka waiho te take e pā ana ki te panonitanga o te mahere mō te paunga o te wā ki te Pāremata o te wā, "mō te tūpono ka hiahia ngā Māori ki te tāpae petihana anō mō te take nei."
- 2.240 I a Whiringa-ā-rangi o te tau 1930, ka whakatau te Kōti Whenua Taketake ki te tuku i tētahi whakahau e panonitia ai ngā taitara o te tau 1883 me te tau 1896 kia whai wāhi ai ngā eka e 200. Kāore te whakataunga a te Kōti i pānuitia, i whakatairangatia hoki, ā, i te āhua nei, kāore ō Ngāti Kahungunu kaikokoraho ki te whenua i mōhio kua whakakorehia tā rātou tono kia whakatewhatewhangia te taitara, kua tukuna hoki e te Kōti te whakahau e pā ana ki te mahere kua panonitia. I a Kohitātea o te tau 1931, ka tukuna tētahi taitara hou mō Wairarapa Moana ki te Karauna, i whai wāhi atu rā ngā eka e 200.
- 2.241 I tohe tonu a Ngāti Kahungunu kia riro i a rātou te taitara ki ngā eka e 200. I te tīmatanga o ngā mahi whakamarumaru awa ki Takapūtao i te tau 1932, ka mautohe rātou ki te mōreareatanga o tō rātou urupā i tēnei āhuatanga i runga i te whenua i pōhēhē ai rātou koirā tō rātou rāhui. I te tau 1933 ka whakawhitingia te whenua ki te Poari o te Awa. Ka tāpae a Ngāti Kahungunu i tētahi petihana atu anō mō te whenua i te tau 1933 i tukuna rā hei uiuitanga mā te Kōti Whenua Taketake. I te tau 1936, ka whakatau te Kōti 'kāore ana whakataunga māna.' I kōrerotia ngā eka e 200 i tētahi petihana i tāpaea rā mō ngā take whānui e pā ana ki a Wairarapa Moana me Wairarapa Whenua e Ngāti Kahungunu ki te Karauna i te tau 1938. I whakawhirinaki te Kairūri Matua ki te mahere kua panonitia o te tau 1930 hei tātā i te petihana.

Ngā Rāhui o Wairarapa Moana me Pouākani

2.242 Tekau tau i muri mai i te tuku rangatira mō ngā moana o te tau 1896, kāore anō te Karauna i whakarite i ētahi rāhui rawaka i ngā taha moana, pērā i tā rātou i whakaae ai. Engari ia, nā te wehenga 53 o te Reserves and Other Lands Disposal and Public Bodies

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Empowering Act o te tau 1907 i āhei ai tā te Karauna hoko whenua i wāhi kē tē mate ai ki te ū ki ngā rāhui i ngā taha moana i whakaaetia ai. E ai ki te Ture, ko te £5,000 te taumata o te utu e āhei ana hei hoko i ngā whenua whakakapi, ko ēnei moni ka ahu mai i te hokotanga atu anō o ngā whenua i ngā taha moana. I te tau 1908, ka tāpae a Ngāti Kahungunu i tētahi petihana ki te Pāremata e pā ana ki ngā rāhui o ngā taha moana i oatingia ai i te tau 1896, nā te mea mā ērā e puta ai ngā tāngata ki ngā wāhi matua mō te hī tuna. Ka whakahē te Karauna i tā Ngāti Kahungunu tono, ā, i whakahē hoki ia i ngā whakaaro e āhei ai tā rātou hoko, tā rātou rīhi rānei i ngā whenua e hokona ana i raro i te Ture o te tau 1907. I te wā e whakaritea ana te hokotanga o ngā poraka o ngā taha moana, ka mea te Hekeretari Poumatua o te Tari o ngā Whenua, ki ōna whakaaro, kaua te Māori "e tukuna kia pupuri rānei, kia rīhi rānei i ngā whenua e pātata tonu ana ki ngā whenua Pākehā i te takutai o Wairarapa Moana, nā te mea hoki, kāore e kore, ka āhua nui tonu ngā rīriri ka hua ake ā tōna wā."

- 2.243 I te tau 1909, ka hui te Karauna me tētahi rangatira o Ngāti Kahungunu, ā, ka tāpaea tētahi takuhe mai i ngā whenua o te Karauna i Waimarino rānei, i Pouākani (i Mangakino) rānei, hei whakakapi i ngā rāhui o ngā taha moana. Nā te mōhio ki te tawhiti me te pāpaku o te whenua i tāpaea ai ka ara ake te whakahē i roto o Ngāti Kahungunu, nā rātou nei i tono kia whai wāhi ki roto i te tāpaetanga ētahi whenua i te rohe o Pouākani e pai ake ana hei ahuahutanga, me ētahi rāhui hī ika e rua i ngā pito e rua o Wairarapa Moana. I te tau 1910, ka tāpaea e te Karauna ngā eka e 30,000 ki Pouākani. Kāore he whenua atu anō i tāpaea. Tae rawa ake ki te tau 1914, kua heke haere te tokomaha o ngā mea o Ngāti Kahungunu e whakahē ana i te tāpaetanga, ka mutu, nō muri mai ka whakamanatia te ture e tūturu ai te whakaaetanga. Nā te Ture hoki i whakahau kia kohia e te Kōti Whenua Taketake tētahi rārangi o ngā kaipupuri taitara me ō rātou pānga e hāngai ana, ā, kia mutu tērā, kua tūturu te whakaaetanga. I te tau 1916, ka tukuna te mana o ngā taitara o te whenua o Pouākani ki ngā uri e 230 i heke mai i ērā i whakarārangitia ai ki te taitara ki Wairarapa Moana o te tau 1883. Kāore he taitara i tukuna tae noa ki te tau 1930.
- 2.244 I te whenua o Pouākani, e ono rau kiromita atu i Wairarapa Moana, te ngahere whakaapi e 6,000 eka te nui, ngā whenua pai hei pāmu e 4,500 te nui, e noho ana i ngā tahatika o te awa o Waikato, me te whenua tāhoata e 20,000 te nui, kāore nei i pai hei pāmu, ka mutu, e ai ki te kairūri matua, he "tino akeake". Kāore i āhei tā ngā kaipupuri taitara tae atu ki ngā whenua o Pouākani, me te aha, kāore rātou i noho ki reira.
- 2.245 I te wā o te rūritanga o te tau 1920, e 99 eka i mahue i te Karauna mai i te taitara ki tētahi rāhui parenga e 40 mita nei te whānui e takoto pātata ana ki te awa o Waikato, nā te mea tērā pea ka whakamahia hei wāhi whakarite i te hiko ā-awa. Mai i te tekau tau 1940, ka whakarite te Karauna i ngā rori e taea ai te whakatū matatara hiko ā-awa e hangaia ana i te taha whakateraki o te awa o Waikato, tae atu ki te matatara ki Maraetai i Mangakino, i te taha o te whenua o Pouākani. Hei tautoko i te whakaritenga o ēnei hanganga ā-awa, ka whakatakoto mahere te Karauna i te tau 1945 kia whakatūria te taone o Mangakino i te taha o te awa o Waikato, ki te mānia kotahi anake e rahi ana i te poraka o Pouākani. I te tīmatanga, i whakaaro te Karauna ki te pātai i ngā kaipupuri taitara mēnā e whakaae ana rātou, engari i whakatau kē rātou kia kaua e whakamōhio i a rātou, i te Kōti Whenua Taketake hoki kei hua mai "ngā mautohe ki te Minita i mua i te āta whakataunga o te take ki Te Whanganui a Tara, ā, tērā pea ka puta he oati me te kore i āta whai whakaaro ki ngā āhuatanga me whakaaro". I tīmata te hanganga o te

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taone me te matatara i te upoko o te tau 1946. I a Pipiri o te tau 1947, ka whakamōhiotia ngā kaipupuri taitara o Ngāti Kahungunu ki te kōrero e whai ana te Karauna ki te tango i ngā wāhanga nui katoa te uara o ō rātou whenua.

- 2.246 Ko ngā whakataunga tata a te Karauna e pā ana ki te nui o ngā whenua me whai mō ngā mahi tūmatanui i Pouākani ka rere i waenga i te 1,000 eka me te 5,000 eka, ā, i te mutunga iho ka tau ki te 2,300 eka i a Hui-tanguru o te tau 1947. I te 17 o ngā rā o Whiringa-ā-nuku, i te tau 1947, ka hui te Pirīmia, a Peter Fraser, ko ia nei hoki te Minita mō ngā Take Māori, me ngā kaipupuri taitara ki Pouākani, i reira ka whakaū ia kāore he whenua e tangohia i tua atu o ērā me tango, ā, ka mea hoki ia ka kōrero atu ia ki a rātou katoa mō ngā take ka pā ki ō rātou whenua. I te tau 1948, ka whakatau te Karauna ki te tango i ngā eka e 787. I tōna tikanga, ko ngā eka e 683 e whakamahia ana hei whakatū i te taone o Mangakino ka rīhingia mō te 21 tau, kāore e tangohia, nā te mea i maharatia ka turakina ngā taone i te wā ka oti te hanganga o ngā matatara. E 470 atu anō ngā eka i riro i ngā ara whakatū pou hiko, ā, nā reira ka heke te whakamahinga o te whenua. I te tau 1956, he mea arotake e te Kōti Whenua Taketake te utu whakahoki mō ngā whenua i tangohia ai, me te utu mō ngā whenua e rīhingia ana, ka mutu, ka hoki ngā utu rīhi ki te tau 1949. Nā te mea ka kīja ko tētahi haurua o te utu whakahoki kei roto i ngā "painga". e £510 i utua mō ngā eka e 787 i tangohia ai, ā, i whakatauria ko te £34 hei utu ā-tau mō ngā eka e 683 i rīhingia ai hei whenua mō te taone. E £339 te utu i tukuna ki ngā kaipupuri taitara mō ngā utu ā-kōti.
- 2.247 I te wā e hangā ana te matatara, ka papā te tokomaha o te taupori o Mangakino ki tua atu o te 5,000. Nā konei i marohi ai ētahi āpiha o te Karauna kia noho pūmau tonu te taone, e pai ai tā te Karauna whakamarumaru i tana haumitanga atu ki te taone. I te tau 1956, ka kīia a Ngāti Kahungunu e ētahi āpiha o te Karauna ka tīngongo te taone, engari, e ai ki te Karauna, e tika ana kia whakawhiwhia rātou ki te whiwhinga moni ā-tau o te £7,000 ki te £8,000 mai i te rīhitanga o ngā wehenga whenua o te taone ka rīhingia mō ake tonu i runga i te utu o te rima ōrau o te uara o te whenua kāore anō i whakarākeingia. Mēnā kāore rātou e whakaae ki te rīhi i te whenua, e āhei ana te tangohia me te aha, ko te utu whakahoki ka herea noa ihotia ki te uara o te whenua kāore anō i whakarākeingia.
- 2.248 I whakaae ngā kaipupuri taitara ki te whakahaere i tētahi taone pūmau, ā, i te tau 1956 ka whai te Karauna ki te whakamana i te ture e āhei ai tā rātou whakatū kaporeihana hei whakahaere i ngā whenua o te taone, e £55,000 te utu ka utua ki te Karauna mō te uara o ngā whakarākeitanga ki te whenua. I raro i ngā whakaritenga o tētahi whakaaetanga i tau ai i te tau 1959, ka utua tēnei nama i ngā pūtea o ngā whiwhinga moni ā-rihi o ngā kaipupuri taitara mai i ngā wehenga whenua o te taone, i te wā ka mutu ngā rīhi a te Karauna i te tekau tau 1960. Ka whakaae ngā kaipupuri taitara ki te rīhi i ngā papa o ngā kura, o te hōhipera, o ētahi atu whare tūmatanui, me ngā rāhui ki te Karauna i runga i te utu māmā noa iho, engari i nonoi te Karauna kia tukuna ki a ia te taitara herekore. I ētahi whakawhitinga kōrero motuhake, ka whakaae te kaporeihana o ngā kaipupuri taitara ki te Kaunihera ā-Kaute o Taupō kia whakawhitingia ki a ia te taitara herekore o ētahi whenua, e £7,600 te uara, me te aha, ko te utu a te Kaunihera ko te whakahaere i nga ratonga pēnei i te tuku wai mai me te whakarere wai paru atu, ā, kia whakaaetia te wawaetanga e āhei ai tā te Karauna hoko i ngā whenua tuhene.

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2.249 I te wā i eke te hanganga i ngā matatara ā-awa ki tōna taumata i te tau 1959, ka mahara te Karauna ka pouri te ahua o te taone tuhaha o Mangakino i nga ra ka whai mai, me te aha, ka tīmata te aranga ake o ngā raruraru ā-pāpori. I te tau 1961, i kīia e ngā āpiha he taone kēhua te taone, ā, tae rawa ake ki te tau 1964, kua heke te taupori mai i tōna taumata o te 6,400 i te tau 1959 ki te 2,000. I taua wā, ka tīmata te whakawhitingia o ngā rīhi o ngā wehenga whenua o te taone ki te kaporeihana o ngā kaipupuri taitara, ā, tae rawa ake ki te tau 1975, e 680 ngā rīhi ā-taone i whakahaeretia ai e ia, me te aha, he iti noa atu ngā whiwhinga moni rīhi i ērā i maharatia ai. He whiwhinga moni pūmau ā te tokomaha o ngā kaireti, ā, i whakaputuhia e rātou ngā nama nui mō te rīhi me ngā reti. Ka kino kē atu ngā rīhi iti i tā te Karauna whakatau e whakarite ana kia arotakengia ngā rīhitanga whai reti i ia 14 tau, kaua kē i ia 7 tau i whāia tuatahingia ai e ngā kaipupuri taitara. Nā konei ka nui noa atu ngā nama o te rīhi i te uara o te tāra, i te uara whānui mō te rīhi, me te uara o ngā whenua. Nā ēnei tūāhuatanga i noho kē ai te taone me ngā rīhi hei nama, otirā, hei pīkautanga ki ngā kaipupuri taitara, ehara kē i te rawa whai whiwhinga moni. I te tau 1990 ka kīja ngā kaipupuri taitara ko ngā rīhi ā-taone kua kore i taea te pīkau tonu, tae atu hoki ki te utu i te toenga o ngā mōkete e noho nama tonu nei ki te Karauna mai i te tau 1959, kua nui ake i ngā whiwhinga moni mai i ngā reti, ā, kia tukuna kia herekore ngā taitara o ngā wehenga whenua o te taone. Ko te whenua noa iho kei ngā ringaringa tonu o te kaporeihana o ngā kaipupuri taitara i Mangakino ko te papa o te marae o Pouākani.

Te Whakawhanaketanga o te Whenua o Pouākani

- 2.250 I te tau 1947, ka toro atu te Pirīmia, a Peter Fraser, ko ia nei hoki te Minita mō ngā Take Māori, i te whenua o Pouākani ki te arotake i te pai o te whenua kāore nei i riro i te kaupapa hiko, hei whenua mō tētahi kaupapa whakawhanake pāmu Māori. I tērā wā, e whakawhanakengia ana ngā whenua o te Karauna e tata ana ki Pouākani hei whenua mō ngā hōia kua hoki mai i te pakanga. I reira, ka hui a Fraser ki ngā kaipupuri taitara i Te Hūpēnui, ā, ka whakaū ia ki a rātou e kore rātou e "tūrākaha i te nama tē taea te pīkau" mai i te whakawhanaketanga o ō rātou whenua. Ka tautoko ngā kaipupuri taitara i te kaupapa a te Karauna ki te whakawhanake i a Pouākani, ā, ki te whakarite whakangungutanga e whakatū kāinga ai ētahi o ngā kaipupuri taitara o Wairarapa ki reira. Mai i te tau 1948, ka hūnuku ētahi whānau o Wairarapa me Tāmaki-nui-a-Rua ki Pouākani, me te aha, ka rongo a Ngāti Kahungunu i te kounutanga me te mokemoketanga ā-ahurea, ā-tinana hoki i ō rātou wā kāinga me ō rātou whanaunga. Māngi ana te whakatū kāinga a Ngāti Kahungunu ki Pouākani, ki waenga i te rohe o iwi kē.
- 2.251 I tīmata te whakawhanaketanga o ēnei whenua i te tau 1948, ahakoa te tino teitei o ngā utu me te uaua i te tīmatanga ki ngā kaiwhakahaere a te Kāwanatanga kia angitu te whakawhanake i te whenua. Oke ana te kaupapa i te tekau tau 1950 me te tekau tau 1960, i te korenga o te whakangungutanga me te whakahaeretanga o ngā kaipāmu o Ngāti Kahungunu i eke ki te taumata e tika ana, i te ahu whenua hoki kāore e tino tika ana mō te mahi pāmu. Kāore te tokomaha o ngā kaipāmu i ora i ngā pāmu rīhi, me te aha, ka wehe rātou i te whenua. Ko ngā pāmu e 60 i wawatangia ai i te tīmatanga o te kaupapa i heke ki te 28 o ngā pāmu kau me ngā pāmu hipi e 2. Pēnei i te maha o ngā kaupapa whakawhanake i ētahi wāhi o te motu, ka nui te putunga o ngā nama o ngā pāmu. Tae rawa ake ki te tau 1970, i te ekenga o te tapeketanga o nga nama ki te \$1 miriona, 18 ngā pāmu kau e whakahaeretia ana, kua whakarērea ērā atu pāmu. Tekau o

# 2: NGĀ KŌRERO O MUA

ēnei pāmu i rīhingia ki te Pākehā i te korenga o ngā kaipupuri taitara i kitea. Nā te mea kāore tonu ngā pāmu i te whai huamoni, ko te whiwhinga moni whai hua ki ngā kaipupuri taitara o Ngāti Kahungunu i ahu kē noa mai i te mira poro rākau i te tāraketanga o te whenua. He tino tokoiti ngā taiohi kua whakangungua kia tū hei kaipāmu i te whenua. I te tau 1971, ka whakaae te Karauna ki te waihanga anō i te kaupapa engari i te āwangawanga tonu ngā kaipupuri taitara ki tōna whakahaerenga. I te tau 1974, i whakaae te Karauna, nā te rorokutanga o ngā pāmu, i "ngoikore" tana whakahaere i te kaupapa.

- 2.252 Mai i te tau 1977, ka whai ngā kaipupuri taitara, kāore nei i pai ki tā te Karauna whakahaere, kia hoki anō te mana whakahaere o te whenua ki a rātou. I te tau 1983, i tukuna te mana o ngā heketea 4,883 o te kaupapa mō Pouākani ki te kaporeihana kaipupuri taitara, otirā, i taua wā ko te uara o ngā rawa pāmu kua tau ki te \$12 miriona, ā, ko te nama whakawhanake kua whakahekengia ki te \$312,000. Heoi anō, me whai haumitanga atu anō te kaupapa nā runga i te hikitanga o ngā mahi whakapaipai. He nama anō i whakaputua i te tukunga o ngā rīhi pāmu, ā, i te wā ka mate ngā kaipupuri taitara ki te utu i te \$600,000 hei utu whakahoki mō ngā whakatikahanga, ahakoa he iti noa iho te uara o ēnei ki a rātou. Ka whai ngā kaipupuri taitara kia utua e te Karauna te utu whakahoki mō ēnei nama, mō te waiho kia putu ngā nama tōmuri o ngā reti mō ngā pāmu i rīhingia, tae atu hoki ki tōna \$87,000 e noho ana hei nama ki tētahi pāmu, ā, kāore hoki tērā i utua. I whakahē te Karauna i te tono kia whakahokia te utu. Ka mea te Hekeretari Tuarua o te Tari Māori mēnā i mārō te herenga o ngā rīhi kua panaja ngā tāngata i te whenua i mua i tā rātou whai wā ki te whakaatu i ō rātou kaha, ā, i tērā kua whakaruhitia te whāinga whānui o te tuku mahi pāmu mā ngā Māori o Wairarapa. Nō reira, hei tāna, ko te whāinga matua ko te whakaū i te pūmau o te noho a ērā i te whenua ki ā rātou pāmu, me te whai oranga, "ahakoa ko te whakahaumako me te whakapaipai te papa o tērā".
- 2.253 Mai i te tau 1989, ka tono ngā kaipupuri taitara kia whakakorengia te toenga o ana nama o te \$1 miriona, e aro ana hoki ki te nama whakawhanake o te \$400,000 e noho ana hei nama mā rātou ki te Karauna, engari, i te tīmatanga, ka whakahē te Karauna ki te pērā, me te aha, ka tipu haere tonu te nama. Ka haere tonu ngā tautohenga i waenga i a Ngāti Kahungunu me te Karauna i te tekau tau 1990.
  - Ngā Wāhi Hī Ika o Wairarapa Moana
- 2.254 I te whakaaetanga ki te tuku o Wairarapa Moana i te tau 1896, ka whakaū te Pirīmia, a Seddon, ki a Ngāti Kahungunu "e kore e whakatautengia ā rātou mahi hī ika me tā rātou kohi i ngā kai e tika ana i te moana i raro i te Tiriti o Waitangi, e ai rā hoki ki ngā mana motuhake o te tiriti mā te tautohenga kua puta." I kī ia, e kore e whakaaengia tā ngā rōpū waihanga taiao hoatu taraute ki ngā moana. Heoi anō, kua whakaurungia kētia te taraute ki te rohe, ā, i roto hoki o Wairarapa Moana. Kāore te Karauna i aha ki te tautoko i ngā kupu a te Pirīmia mō te taraute. He rite tonu tā Ngāti Kahungunu mautohe nā te mea i tino kāwetowetongia ō rātou mana hī hika me ō rātou wāhi tuku iho mō te hī ika nā ngā momo mahi me ngā whakawhanaketanga, tae atu ki ngā momo rāwaho, ki te whakawāteatanga o te pūwaha ki Ōnoke i te wā e kaha ana te heke o ngā tuna, ki te tukunga o te wai i ngā wairepo huri noa i Wairarapa Moana, ki te hanganga o te tupehau, me te nui o te hī ika a ngā pakihi arumoni i te tuna, i te inanga me te kōura.

# 2: NGĀ KŌRERO O MUA

## Ngā Take Whenua o te Rautau 20

- 2.255 I te tau 1900, kua iti ake i te 10 ōrau, arā, i tōna 240,000 eka, o ō rātou whenua i Wairarapa me Tāmaki-nui-a-Rua e puritia tonutia ana e Ngāti Kahungunu. He mea māhurehure tēnei whenua ki ngā taitara kua neke atu i te 600. Ko te hokonga a te Karauna i te whenua, otirā, ko te hokonga tūmataititanga o te whenua ka haere tonu i tētahi anō rautau. Uaua ana te whakahaeretanga me te whakawhanaketanga o ngā whenua i toe tonu ki a Ngāti Kahungunu nā ngā tukanga whakawehe whenua a te Kōti Whenua Taketake, me te tuku ihotanga nā reira i tini ai ngā taitara iti, ngā taitara e rikiriki ana, e tōtōa ana, nā te tokomaha haere o ngā kaipupuri taitara e itiiti haere ana, nā te uaua rawa rānei kia tae atu ki ngā whenua, nā te korenga rānei o ngā rori e tae atu ai, ā, nā te iti anō hoki o ngā moni whakawhanake. I tēnei rā, kei a Ngāti Kahungunu ko tōna 1.5 ōrau, arā, ko te 35,000 eka o ngā whenua i puritia ai e rātou i te tau 1840. Ko tētahi haurua o tēnei whenua kei te poraka nui, kei te poraka torehapehape o Mataikonā i rāhuitia ai i te whakaaetanga ā-pukapuka mō Rangiwhakaoma o te tau 1853. Ko te toenga o tēnei whenua kua whakawehea ki ngā taitara kua neke atu i te 400.
- 2.256 I whakamāramatia te whāiti o ngā whenua e toe ana ki a Ngāti Kahungunu i te komihana a Stout rāua ko Ngata i te tau 1907 e uiui ana mō ngā pānga whenua o te Māori. Ko tāna i hura ai, kua rīhi kēngia te nuinga o te whenua ki ngā tauiwi whakatū kāinga. Hāunga ngā poraka nui e toru, ko ngā wawaetanga i nōhia rā e te Māori he tino pakupaku, ā, he papakāinga, he rāhui hoki i reira. I tūtohu te komihana kia mutu ngā hokotanga katoa, atu i ngā poraka o Waitutuma. I whakaae ia ki ngā kaipupuri taitara e hiahia ana ki te hoko i ngā poraka o Waitutuma hei kohi moni ki te hoko whenua e pai ana mō te pāmu, me tana tūtohu kia puritia ngā moni ka hua i te hokotanga ki tētahi tiakitanga mō tēnei take. I tūtohu hoki te Komihana kia māketehia tūmatanuitia ngā rīhi ka whai mai, ā, kia whai whakangungu, kia whai tautoko hoki te Māori e rite ana ki tērā e tukuna ana ki ngā tauiwi whakatū kāinga hei āwhina i a rātou ki te whakawhanake i ngā "toenga rikiriki" o ngā whenua. I whai a Ngāti Kahungunu ki te whakawhanake i ngā pāmu nui, ka mutu, i tautoko a Stout rāua ko Ngata i "tēnei tōmene e tika ana kia mihia". I tana pūrongo whakamutunga mō ngā whenua Māori, ka mea te Komihana i taea noa ihotia ētahi o ngā raruraru ā-ōhanga i hua mai i te iti rawa o te whakamahinga o ngā whenua Māori te whakatikatika i mua noa atu "mehemea i kaha kē atu te aronga o te ture kia hurihia te Māori hei kaipāmu, hei kaiwhakatū kāinga whai take."
- 2.257 Kāore te Karauna i whai i ngā tūtohunga a te komihana, hāunga anō te wāhi ki te hoko i ētahi wāhanga o te poraka o Waitutuma. I te tau 1909, ka whai te Karauna kia whakamanatia te Ture Whenua Māori o te tau 1909 e wete ana i ngā herenga katoa o te wā e pā ana ki te whakawhitinga o te whenua, e tuku ana hoki mā ngā Poari Whenua ā-Rohe e noho hei takawaenga e tirotiro ana i te whakawhitinga o ngā whenua i waenga i ngā Māori me ngā kaihoko. I ngā tau ka whai i muri, ka haere anō ngā mahi hoko whenua, ā, tae rawa ake ki te tau 1930, kua tata ki te haurua o ngā whenua e toe ana i Wairarapa me Tāmaki-nui-a-Rua ka riro rānei ki te Karauna, ki ngā kaihoko tūmataiti rānei. I waenga i te tau 1930 me te tau 1950 ka hokona ko tōna 3,600 eka, ā, i waenga i te tau 1950 me te tau 1970, e 22,000 eka atu anō ka hokona. Ka haere tonu ngā mahi hoko whenua i te roanga o te rautau rua tekau, ā, ko tōna 6,000 eka i riro atu i te Māori i waenga i te tau 1970 me te tau 1990.

# 2: NGĀ KŌRERO O MUA

- 2.258 He tokoiti noa iho ngā Māori i āhei rā tā rātou tono i ngā moni whakawhanake me te tautoko mai i te Karauna, pērā i ērā i wātea rā ki ngā tauiwi whakatū kāinga mai i te tekau tau 1890. Nā tēnei i taunahua ai tō Kahungunu kaha ki te whai hua moni mai i te iti o ngā whenua pai i ō rātou ringaringa tonu. I te tau 1911, ka kī a Ngāti Kahungunu ki te Pirīmia Whakakapi, ki a Timi Kara, e ū ana rātou ki "te mahi hei whakapai ake, hei ahuahu hoki i ō mātou whenua", ā, "e inoi ana ki a koe kia homai ētahi moni tautoko mō tēnei take." Ka tāpaea ō rātou whenua hei pānga rawa mō ngā pūtea taurewa mai i te Karauna hei whakawhanake i ō rātou whenua. Heoi anō, nō te tau 1929 rā anō, kātahi te Karauna ka tīmata ki te tuku i te moni me te tautoko i raro i ngā Kaupapa Whakawhanake Whenua Māori. He mea takune ēnei kaupapa hei tautoko i te Māori ki te whakawhanake i te whenua mō te ahuwhenua arumoni. I te whakaaetanga a te Māori ki tētahi kaupapa whakawhanake, ka riro ki te Karauna te mana whakahaere katoa o ngā whenua kua whai wāhi atu. Ko te whakaahuatanga a tētahi āpiha matua o te Karauna i tāna whakahaere katoa i ngā whenua i te wā o te whakawhanaketanga, he momo "whakawiri i runga i te aroha." Heoi anō, tae rawa ake ki tēnei wā, he tino iti ngā whenua Māori i Wairarapa me Tāmaki-nui-a-Rua e toe ana hei whenua pai mō ēnei kaupapa, me te aha, he iti noa iho te whakawhanaketanga i hua ake.
- 2.259 I te tau 1937, ka whakatū te Karauna i tētahi kaupapa whakawhanake mō ngā eka e 806 ki Mākirikiri i takunetia rā hei whakawhanake i ngā pāmu kau e ono o reira. Nō te taenga ki te tau 1941, e whā ngā pāmu kua whakatūria i ngā eka e 400 kua whakawhanakehia, engari, nō te taenga ki te tau 1944, kua "tino hē" te āhua o te kaupapa, ā, me whai haumitanga nui tonu mō te whakawhanaketanga. I te hiku o te tekau tau 1950, he mea tuku ki tētahi Māori me ētahi kaipāmu Pākehā ngā rīhi o ngā pāmu o te kaupapa. I te tau 1992, i raro tonu te kaupapa i te mana o te Karauna.
- 2.260 Ka tīmata te kaupapa nui ake o Homewood i te tau 1940, ā, i reira ngā eka e 2,500 puta noa i ngā taitara e 26 hei whakawhanaketanga, hei whakahaeretanga i te pāmu kotahi. I te tau 1953, "nā te mea i te aroaro ngā huarahi haurokuroku me ngā nama e putu haere ana", ka whakaae te Karauna me ngā kaipupuri taitara ki te whakamutu i te kaupapa, ā, ka rīhingia atu te whenua ki tētahi Pākehā e noho tata ana. I tōia hoki e te Karauna ētahi pāmu takitahi ki ngā whakaritenga o ngā kaupapa whakawhanake. Mai i te tau 1938, ka tautoko te Karauna i tētahi kaipāmu Māori ki te whakawhanake whenua i Tahoraiti, engari nāwai, nāwai ka huri anō te whenua hei rango i mua i te whakawhanaketanga e ōna kaipupuri taitara kāore nei i tautokona e te Karauna. I whakahaerehia hoki e te Karauna tētahi kaupapa whakawhanake mō tētahi pāmu i Pirinoa mai i te tau 1940. I te tau 1952, ka rīhingia atu te whenua ki tētahi Pākehā e noho tata ana hei whakakore i te nama whakawhanake.
- 2.261 Ko tōna 20 ōrau o ngā taitara i ngā ringaringa tonu o Ngāti Kahungunu he "whenua rori-kore", e ponitakatia ana e te whenua tūmataiti, e te whenua rānei i ngā ringaringa o te Karauna, kāore nei he putanga, pēnei i tētahi whenua e tata ana ki tētahi rori. Nā ngā mahi rānei a te Karauna, nā ōna hapa rānei i huri ai te maha o ēnei taitara hei whenua rori-kore. I te tau 1853, ka whakaae te Karauna kia takoto tētahi rāhui ki Te Awaiti, engari kia hipa nei te toru tekau tau, kātahi anō te taitara ka tukuna. I tēnei wā ka hurihia te whenua hei whenua rori-kore. I ētahi wā, i te rautau rua tekau, ka rīhingia ngā poraka o ngā whenua rori-kore ki ngā pāmu pātata, ka hokona rānei i te korenga o ētahi rori ki reira. He mea hoko tētahi wawaetanga o Te Awaiti i te tau 1980 e hoki mai ai he moni i te hokotanga o ngā whenua rori-kore. I whai mai tēnei i te hanganga o tētahi arawhiti me

# 2: NGĀ KŌRERO O MUA

tētahi rori i te tekau tau 1960 e taea ai te puta ki ngā whenua whānui e pātata ana, engari i haukotingia te rori i ngā mita e 20 i te paenga o Te Awaiti. I takoto tonu tēnei rāhui, ngā rāhui o Huariki me Pūkaroro i te taha whakateraki, e honohia nei ki Te Awaiti mā tētahi rori kōkau, hei whenua rori-kore.

2.262 Nō te tau 1886 rā anō i tīmata ai tā te Karauna whai kia mana ngā ture e pā ana ki ngā huarahi ki ngā whenua Māori. Heoi anō, ahakoa, i waenga i te tau 1886 me te tau 1975, i ngā Kōti te mana ki te tuku whakaaetanga e puta ai te tangata ki ngā whenua rori-kore o te Māori mā ngā whenua o te iwi whānui, o te Karauna rānei, me whai whakaaetanga rawa i ngā kaipupuri taitara ki te whenua e takoto pātata ana e puta ai. Manohi anō, i te wā ka whāia te whakaaetanga e puta ai te tangata ki ngā whenua rori-kore o te iwi whānui, o te Karauna rānei mā ngā whenua Māori e takoto pātata ana, ehara i te mea me whai whakaaetanga i ngā kaipupuri taitara ki ngā whenua Māori. Mai i te tau 1975, i whakaaetia ai kia puta te tangata ki ngā whenua rori-kore o te Māori me te kore e mate ki te whai whakaaetanga i ngā kaipupuri taitara ki ngā whenua e takoto pātata ana. engari kāore anō tēnei whakaritenga kia whāia nā te mea me kōkiri rawa te Māori i te take ki te Kōti Teitei, i mahara ai a Ngāti Kahungunu he nui rawa te utu e tutuki ai, ka mutu, kārangirangi ana rātou ki te whakataunga ka puta. I tēnei rā, ko ngā taitara e 80 ki ngā whenua rori-kore, kei reira te 3,525 eka i Wairarapa me Tāmaki-nui-a-Rua, te whakatinanatanga o te maha o ngā whenua kei ngā ringaringa tonu o Ngāti Kahungunu. Nā te hapanga o te putanga atu i uaua ai ki ngā kaipupuri taitara te whakawhanake huarahi ōhanga, te whakatinana hoki i ō rātou mana pupuri taitara, i ō rātou herenga āahurea hoki hei kaitiaki mō ō rātou whenua.

# Ngā Tangohanga mō ngā Mahi Tūmatanui

- 2.263 He āhua nui tonu te whenua i tangohia ai i ētahi o ngā kaipupuri taitara whenua o Ngāti Kahungunu mō ngā mahi tūmatanui. Mai i te tau 1878 ki te tau 1981 kua neke atu i te 1,700 eka i Wairarapa me Tāmaki-nui-a-Rua i riro i te Karauna me ngā rōpū ā-rohe i ngā tangohanga motuhake e 50, tae atu hoki ki ngā eka e 800 i Pouākani. He urupā, he wāhi tapu, he marae, he papakāinga me ētahi atu whenua e nui ana ki te ahurea o Ngāti Kahungunu, ngā whenua i tangohia ai i te takiwā o Te Mātakitaki-a-Kupe, o Hurunuiorangi, o Te Ore Ore, o Kaitoke, o Tahoraiti, o Tautāne me Te Uru o Tāne.
- 2.264 Nā te Ture Whenua Māori o te tau 1878 i āhei ai tā te Karauna tango kia tae ki te rima orau o ngā whenua i raro i te taitara nā te Kōti Whenua Taketake i tuku mō ngā mahi tūmatanui me te kore e mate ki te whakahoki i te utu mō tētahi wā ā tae noa ki te 15 tau mai i te rā i tukuna ai te taitara. Tekau tau te roanga ake o tēnei, tēnā i tētahi ture pēnei mō ngā whenua whānui. Kāore tēnei "ture rima ōrau" i wetekina mai i ngā taitara whenua Māori tae noa ki te tau 1927. Nā tēnei hoki i riro ai ngā wāhi tāpua o ngā whenua o Ngāti Kahungunu mō ngā mahi tūmatanui. I ētahi wā kua pau kē te mana o tēnei ture, kāore he taunakitanga e whakaatu ana i utu te Karauna i te utu whakahoki mō ngā whenua i tangohia ai i a Ngāti Kahungunu mō ngā rori, pēnei i te rāhui o Mātakitaki Nama 3 me ngā wāhi e rua i tangohia ai i te urupā i Te Kopi.
- 2.265 I te tau 1887 me te tau 1888, tekau mā ono ngā eka i tangohia ai mō te rori me te ara tereina te take, mai i te poraka o Kōpuaranga, i tētahi rāhui mai i te whakaaetanga āpukapuka o Manawatū-Wairarapa o te tau 1853. Nā te Public Works Act i whakarite kia kōkirihia e te Karauna mā te Kōti Whenua Taketake tētahi whakatewhatewhanga i te

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taitara ki te poraka katoa e kawe e whakataungia ai mā wai e whakahoki te utu o te £82 mō te whenua i tangohia ai. Ko tētahi haurua o tērā moni i pau i ngā nama mō te rūri me te kōti e pā ana ki te take nā te Karauna kē i whakatakoto, ehara i ngā kaipupuri whenua tuku iho.

- 2.266 I mua i te puku o te rautau rua tekau, me uaua ka kōrero te Karauna ki ngā kaipupuri taitara o Ngāti Kahungunu i mua i tana hao i ō rātou whenua i raro i te ture mō ngā mahi tūmatanui. Kāore he taunakitanga e whakaatu ana i te kōrero a te Karauna ki ngā kaipupuri taitara i mua i te hanganga o ngā rori mā te rāhui o Whakataki ki te poraka o Rangiwhakaoma i te tekau tau 1870 me te tekau tau 1880. Kāore hoki he taunakitanga e whaakatu ana i tā te Karauna whakamōhio rānei, i tāna kōrero rānei ki ngā kaipupuri taitara o te rāhui i Tautāne i mua i te tangohanga o ō rātou whenua mō tētahi rori hou te take, i tonoa rā e tētahi kaipupuri taitara ki te whenua e tata ana kia māmā ake ai tana putanga atu ki tōna whenua. Nā te hapanga o tēnei kōrero i roa ai ngā tautohenga me ngā mautohe e pā ana ki ētahi mahi tūmatanui. I whakahē te Karauna i ētahi atu huarahi e riro ai i a rātou ngā whenua me whai mō ngā take tūmatanui, pēnei i ngā rīhi nā Ngāti Kahungunu i tāpae i ētahi wā.
- 2.267 I te rautau rua tekau, i tata eke ki te 400 eka te nui o ngā whenua mai i ngā taitara ki Tahoraiti i Tāmaki-nui-a-Rua i riro i te Karauna mō te whānuitanga o ngā take tūmatanui, tae atu ki tētahi wāhi tuku para, ki tētahi ruapara, ki te rua kirikiri, ki tētahi whenua keo raiwhara, ki tētahi papa rererangi, ki tētahi rāhui taiao matomato, me ngā ara tereina. He mea whakatinana ēnei tangohanga me ngā mahi tūmatanui i puta mai i ērā ahako ngā pānga kino ki te marae me te papakāinga o Mākirikiri e pātata ana, mai i ngā rauhanga pēnei i te rua para me te wāhi tuku para.
- 2.268 I te tau 1911, nā te Karauna ngā eka e 38 i tango mai i Mākirikiri mō te tiaki taiao matomato te take, ā, ka tuku ai i te mana o te rāhui ki te kaunihera ā-rohe i te tau 1913. I whai te kaunihera i te whenua hei rāhui hākinakina, engari i noho tonu te whenua hei rāhui matomato ahakoa te whakahekenga o te uara ā-matomato nā ngā mahi tope rākau, me ngā tūkinotanga a ngā kararehe. Nāwai, nāwai ka wawaengia, ka rīhingia te whenua, ā, i te tau 1950, ka whakakorengia te mana matomato i tētahi wāhanga paku, ā, ka tāpiringia tērā ki te rua para e pātata ana i te tau 1951. I te tau 1983, ka hurihia anō te āhua o te rāhui matomato hei rāhui hākinakina.
- 2.269 I te tau 1978, nā te Kaunihera o te Taone o Taniwaka i whai ngā eka 14 o te poraka o Tahoraiti hei rua para hou. I te korenga o ngā kaipupuri taitara i whakaae ki te hoko, ka whai te kaunihera i ngā huarahi e tangohia ai te whenua i raro i te Public Works Act. I te māharahara te Karauna i ngā mautohe a te Māori mō ēnei tangohanga, me te aha, kāore i taunakitia tēnei tangohanga o te whenua mō ngā mahi tūmatanui. Heoi anō, kāore anō te Public Works Act o te tau 1928 i panonitia e kitea ai ēnei āhuatanga o te kaupapa here, ā, kua herea te Karauna ki te whakapuaki i te tangohanga o te whenua, me te aha, i pērā ia i te tau 1981.
- 2.270 I te tekau tau 1950, ka whai te Kaunihera ā-Rohe o Wairarapa ki te Tonga ngā eka e ono o te whenua i te pā o Hurunui-o-Rangi mō tētahi pekanga rori hou, ā, e waru eka anō mō tētahi rua kirikiri. He mea tango ēnei whenua i raro i te Public Works Act o te tau 1928 ahakoa ngā whakahē ā tuhi me ngā mautohe tūmatanui a ngā kaipupuri taitara o Ngāti Kahungunu me te hunga e noho ana ki te pā o Hurunui-o-Rangi. I roto i ā rātou mautohe

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- ngā whakamātau ki te aukati i te rori hou, i wehe ai te marae Hurunui-o-Rangi i ōna urupā e rua.
- 2.271 I ngā wā i nui ake ai te tangohanga o ngā whenua i te nui i hiahiatia ai, kāore te Karauna me ngā rōpū ā-rohe i tāpae i ngā whenua kia whakahokia ki ngā kaipupuri taitara Māori o mua. Ko ngā whenua kua kore i hiahiatia hei rua kirikiri, hei papa rererangi hoki i Taniwaka i hokona atu ki ngā kaipāmu o te rohe me te kore i tāpaea kia whakahokia ki ngā kaipupuri taitara Māori o mua. Kāore te whenua i tangohia ai hei rua kirikiri i te pā o Hurunui-o-Rangi i tāpaea kia whakahokia ki te Māori i te wā ka pau ngā kirikiri o te rua. Engari ia, ka hokona te whenua ki a wai kē atu nāna nei i whakatū tētahi whare patu mīti i te taha o te urupā o Hurunui-o-Rangi.

## Ngā Take Taiao

- 2.272 Nā te whakatū taone i Wairarapa me Tāmaki-nui-a-Rua i tino panonitia ai te taiao i roto i te wā. Mai i te tekau tau 1860, nā te ture i whakarite kia whakatinana te Karauna i te mana whakahaere i te nuinga o ngā rawa taiao i Wairarapa me Tāmaki-nui-a-Rua, ka mutu, he rite tonu tā te Karauna whakawhiti i taua mana ki ngā momo mana ā-rohe. Ki te Karauna, ko te whanaketanga o te ōhanga te kaupapa mātuatua ake i te tiakitanga o te taiao. Nā tēnei i herea ai te kaha o Ngāti Kahungunu ki te whakatinana i tōna mana kaitiaki i te taiao tūroa me ngā taonga o reira, ki te whakawhanake, ki te whakamahi rānei i ēnei rauemi, ki te tiaki i ngā wāhi e noho mōrearea ana i te tūkinotanga mai i te whakawhanaketanga ahuwhenua, ā, nā tēnei hoki i kāwetoweto ai ngā huarahi e toro ai rātou ki ngā rawa e tino kaingākautia ana.
- 2.273 Kua heke te kounga o te ora o te taiao i te rohe, otirā, i Te Tapere-nui-a-Whātonga ki te raki me Wairarapa Moana ki te tonga, nā te whakamārakerake, nā te horo whenua, nā ngā awakeri, nā ngā mahi raweke awa, me te parahanga o ngā ara wai. Nā te keringa o ngā wairepo e pā ana ki Wairarapa Moana kua kino rawa atu ngā hua ki te hauora o ngā arawai, ki ngā wāhi tuku iho hoki mō te hī ika. Tae rawa tonu ki te tau 1974, e 80 ōrau te whakaitinga o te wāhi hī ika i Wairarapa Moana nā te kaupapa o te autakitanga o Ruamāhanga. Nā te whakapeautanga o te rere o te wai ka pā kino hoki te kaupapa o te autakitanga ki te kounga o te wai o ngā moana me ngā taiao, ā, i whakararurarungia hoki ngā ara heke o ngā tuna me ngā ika māori. Kua tino pā ēnei panonitanga katoa ki te mauri o Wairarapa Moana.
- 2.274 Kua iti haere te maha o ngā manu me ngā ika, e hira ana ki a Ngāti Kahungunu, nā te whakaurunga mai o ngā momo hou, i te panonitanga o ngā taunga, me ngā tikanga hou o te whaiwhai kararehe, o te hī ika hoki. Kei te mātārae o te whakaaro ko te huia, i pau rā i te korenga o ōna taunga me ngā riha rāwaho, i whaiwhaingia ki tōna korehāhātanga i tōna tau 1900, ahakoa ngā mahi a ētahi Māori o Wairarapa ki te whakatau rāhui ki tōna taunga i ngā pae maunga o Tararua i mua rawa atu, i tōna tekau tau 1870. Kua whakaparangia, kua kore rānei ngā mahinga kai me ngā wāhi kohi rongoa i roto tonu i ngā ringaringa o Ngāti Kahungunu nā te panonitanga o te taiao. Nā te korenga hoki o ēnei rawa i riro ai hoki ngā mātauranga me ngā tikanga e pā ana ki aua āhuatanga, tae noa ki te mātauranga mō te mahi rongoa me ngā haratau.
- 2.275 Ko ngā kai o ngā wāhi tuku iho mō te mahi hī ika i hīngia ai e Ngāti Kahungunu me ētahi atu Māori mō te hia rautau ka pau i roto i ngā tekau tau nā te nui o ngā mahi hī ika a ngā

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pakihi arumoni. Mai i te tau 1894, ka tīmata tā te Kōti Whenua Taketake tuku taitara ki ngā Māori o Wairarapa i te takutai mō ngā rāhui ika me ngā taunga ika. Heoi anō, i pā noa iho ēnei rāhui ki ngā takutai tae atu ki te tohu tai pari, kaua ia ki ngā taunga ika tonu. Nā te Māori Social and Economic Advancement Act o te tau 1945 i whakarite kia rāhuitia ētahi taunga ika ki ngā iwi, engari kāore te Karauna i whakaae ki te whai i tēnei whakaritenga i te wā i whai a Ngāti Kahungunu ki te rāhui, ki te whakamarumaru hoki i ngā taunga ika o mua me ngā mana hī ika mai i te hī ika a ngā pakihi arumoni i te wāhi mai i Te Mātakitaki-a-Kupe ki Aohanga mai i te tau 1949.

## Te Whakamarumarutanga o ngā Taonga Tuku Iho a Ngāti Kahungunu

2.276 Kua wahi wāhi atu tā te Karauna whakamātuatua i te whakawhanaketanga, me te iti hoki o te whakamarumarutanga i raro i te ture ki te tūkinotanga me te aurutanga o te maha o ngā wāhi tuku iho o Ngāti Kahungunu, tae atu ki ngā wāhi tapu, ki ngā pā, ki ngā urupā, ki ngā mahinga kai, ki ngā nohoanga, me ngā wāhi hahu kōiwi. I te ao hurihuri nei, kua pērā rawa te tūkinotanga ā-kikokiko, ā-ahurea o Te Mātakitaki-a-Kupe, o Ngā Rā a Kupe, o Te Kopi, o Mangatoetoe, o Te Awaiti, o Te Unuunu, o Hurunui-o-Rangi, o Pirinoa, o Mairirikapua, me ētahi atu wāhi tāpua, i ētahi rā kua kore e taea te whakatikatika nā ngā mahi tūmatanui me ētahi atu whakawhanaketanga.

# Ngāti Kahungunu me te Wawaotanga o Niu Tireni

- 2.277 Kua whakaaturia te ngākau nui o Ngāti Kahununu ki tō rātou hononga ki te Karauna, i hua tuatahi ake ai ki Tūranganui i te tau 1853, nā te roa me te rangatira o ngā mahi i te wawaotanga o Niu Tireni. Ko tētahi rā me kōrero, ko te rangatira o Ngāti Kahungunu, ko Hoani Paraone Tūnuiarangi (ko Major Brown te ingoa i mōhiotia rā e te Pākehā) ko ia rā tētahi ngārahu i te Ope Tūao Māori i haere rā hei hoa mō te Pirīmia, mō Seddon me tana rōpū nō Niu Tireni, ki ngā whakanui i te huritau ono tekau i noho ai a Kuīni Wikitōria ki te torōna, i tū rā ki Rānana i te tau 1897. Nāwai, ka tū ia hei ngārahu mō te Wairarapa Mounted Rifle Volunteers, ā, i te tau 1902, nāna i tāpae āna tāngata o Ngāti Kahungunu hei hōia ki te Pakanga ki Awherika ki te Tonga. I whakaae a Seddon, engari kāore te Kāwanatanga o Piritānia i whakaae kia whai wāhi atu ngā hōia ehara i te Pākehā.
- 2.278 He nui ngā uri o Ngāti Kahungunu i whakatūao i a rātou ki te Pakanga Tuatahi o te Ao e tū ai i te taha o ngā haumi o te pakanga, ā, ka kohi pūtea hoki hei āwhina ki te tuku i ā rātou kaiaka ki tāwāhi, ka mutu, ko ētahi i hinga i reira. I tua atu i te hono ki ngā ope whānui, ka whai hoki kia tū i Te Hokowhitu a Tū. I kaha kē atu te ngākau nui o te iwi i te Pakanga Tuarua o te Ao, i te haerenga o ā rātou kaiaka hei hōia mō Ngohi D o te Ope Taua 28. He tokomaha ngā aituā o te Ope Taua 28. He nui te utu o tā rātou whai wāhitanga atu ki te pakanga, me te aha, kua kore ētahi kaiārahi o nāianei, o āpōpō hoki mō ngā whānau, mō ngā hapū, mō te iwi, ka mutu, kua ngaro hoki te matatau ki te reo Māori me ngā tikanga a Ngāti Kahungunu. I te kāinga, he nui te wāhi o Ngāti Kahungunu ki te Whakahaerenga o ngā Mahi a te Māori mō te Pakanga.
- 2.279 I muri i te Pakanga Tuarua o te Ao, ka whakatū te Karauna i ngā Poari Whakaauraki, nā tērā i whakaritea ai he pāmu mā tētahi tikanga matapōkere mō ngā ika a Whiro. Ko tā te kaupapa here a te Karauna he tuku kia wātea ngā ika a Whiro katoa i ea rā i a rātou te paearu whakauru ki ēnei tikanga matapōkere. I whai ngā komiti whakaauraki ki te whakanoho i ngā ika a Whiro Māori ki ngā kaupapa whakaauraki, ki ngā kaupapa

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whakawhanake whenua Māori rānei, ka mutu he torutoru noa iho ngā kaupapa pērā i whakatūria ki Wairarapa me Tāmaki-nui-a-Rua. Tae rawa ake ki te tau 1950, e ono noa iho ngā ika a Whiro Māori kua noho ki ngā pāmu i te Rohe Whenua Māori o Ikaroa, i reira rā a Tāmaki-nui-a-Rua, a Wairarapa me Te Waipounamu.

## Te Waitautanga ā-Pāpori, ā-Ōhanga hoki

Tā te Karauna Whakarite i ngā Ratonga Mātauranga ki te Māori

- 2.280 Mai i te tau 1867, ka whai te Karauna ki te whakatū, ki te whakapaipai hoki i ngā kura motuhake mō te Māori, kia whakaako ki te reo Pākehā. E ai ki te Karauna ko ēnei kura tētahi wāhanga o te kaupapa whakawhenumi i te Māori ki te ahurea Pākehā. Nā te Native Schools Act o te tau 1867 i here ngā hapori ki te tuku pūtea, ki te tuku whenua rānei ki te Karauna hei tautoko i tētahi Kura mō ngā Māori o tērā hapori. Tae rawa ake ki te tau 1878, kāore anō tētahi Kura mō ngā Māori i whakatūria ki Wairarapa me Tāmakinui-a-Rua. I te taenga o te Pirīmia, o Kerei, ki Pāpāwai i taua tau, ka pātai a Ngāti Kahungunu ki a ia e pā ana ki tētahi kura mō ā rātou tamariki, me te aha, ka whakaatu ia i tōna pōuri i te korenga o tētahi kura mō ngā Māori i reira, ā, ka mea ia ka whakatūria tētahi ki reira inangeto.
- 2.281 I te tau 1882, i muri i tētahi petihana me ngā tono ā-tuhi a te Māori, ka tukuna e te Karauna ētahi pūtea āwhina e tū ai te tuatahi o ngā Kura mō ngā Māori ki Wairarapa me Tāmaki-nui-a-Rua, ki Pāpāwai. I te tau 1886, ka whakatū te Karauna i ētahi whare hou hei whare anō mō te wharenui e opurua ana, koia rā hoki te whare tuatahi o te kura. He Māori, he Pākehā hoki ngā ākonga i kuraina ki te kura nei. Nō te taenga ki te tau 1905, i te korenga i pai ki te taumata o te mātauranga i te kura, ka angitu tā ngā mātua Māori me ngā mātua Pākehā tāpae i te petihana ki te Karauna kia tangohia te tapanga "Native", ā, kia whakawhitingia te kura ki te Poari Mātauranga o Te Whanganui a Tara. Ahakoa i tūmanakotia mā konei e piki ake ai ngā rauemi me ngā putanga, ka heke te tokomaha o ngā ākonga o Te Kura o Pāpāwai, ā, tae rawa ake ki te tau 1919, kua noho kē ia hei kura-āpiti mō te Kura Tuarua ā-Rohe o Te Hūpēnui.
- 2.282 I te tau 1881, ka whakatū ngā Māori i tō rātou ake kura ki Te Ore Ore. I te tau 1882, ka tīmata tā te Karauna tuku pūtea hei āwhina ki te utu i te kaiako, ā, i te tau 1886, ka tōia a Te Kura o Te Ore Ore ki te pūnaha o ngā Kura mō ngā Māori. Heoi anō, i te tau 1889, ka whakahē te Matawai o ngā Kura mō ngā Māori i ngā rawa o te kura i tana kī "kei te taumata kē o te kino mō tētahi kura; he hahaka, he pōuri, he paruparu hoki, ka mutu he iti rawa". E hia nei ngā whakaaro i puea ake kia whakatūngia he whare anō, engari kāore tēnei i whāia. Ka kati te kura i te tau 1889.
- 2.283 Mai i te tau 1890 ki te tau 1898, ka whakahaere ngā Māori o te rohe i tētahi kura ki Tahoraiti i Tāmaki-nui-a-Rua, ā, nā rātou i tuku tētahi whare me tētahi kaiako i runga i te tūmanako ka whakatū te Karauna i tētahi Kura mō ngā Māori ki reira, engari kāore ia i pērā. I te tau 1901, ka tuku pūtea āwhina te Karauna ki tētahi kura mō ngā Māori mō te hapori iti ki Tūranganui. E ono tau noa iho te kura e tū ana, ā, ka kati i te tau 1907, ko te kino o ngā rawa tētahi take i kīia rā e te Matawai i ngā Kura mō ngā Māori kāore te kura "i te paku tata kia kīia ia he whare."

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- 2.284 I te tau 1902, ka tono ngā Māori i Mataikonā i tētahi Kura mō ngā Māori, i whakahēngia rā e te Karauna. I te tau 1906, ka whai te Kaunihera Māori o Rongokakao kia tū tētahi Kura mō ngā Māori i te raki, ki Aohanga, ā, i taua tau anō i muri mai, ka pūrongo tētahi "e tino matenuitia ana" tētahi kura i reira. Nā te mea "tino kore ana he mātauranga" i ngā tamariki, he take "totoa" tērā take ki ngā mātua. I te tau 1908, kāore te Karauna i whakaae ki te whakatū kura ki reira. Ka tukuna anō e ngā Māori o Aohanga tētahi tono kia tū tētahi Kura mō ngā Māori i te tau 1938, i whakaaetia rā e te Karauna, me te aha, ka whakatūria tētahi Kura mō ngā Māori ki Aohanga i te tau 1942, engari ka kati i te tau 1947.
- 2.285 I te tau 1903, ka whai ngā Māori i Hurunui-o-Rangi kia tū tētahi Kura mō ngā Māori nā te māharahara ki te haumarutanga o ā rātou tamariki e kuraina ana ki tētahi kura tūmatanui e tata ana. I whakaahua tētahi āpiha o te Karauna i ngā āhuatanga ka pā ki ngā tamariki i ia rā ka haere ana rātou ki te kura, i whai wāhi ai te "whakawhitinga o tētahi awa mōrearea", ka mutu, e "whakatīwhetangia" ana ngā tamariki e te Pākehā nō rātou i te kura. Heoi anō, kāore te Karauna i whakatū i tētahi Kura mō ngā Māori ki Hurunui-o-Rangi. I tuhi taua āpiha o te Karauna ki ōna rangatira, e pā ana ki te tono, e mea ana ahakoa e whai take ana tā ngā Kura mō ngā Māori whakatairanga i ngā uara Pākehā ki ngā rohe Māori, he nui ake te whai hua o ngā Kura ā-Poari ki te whakawhenumi Māori i roto i ngā "rohe hāwhe Pākehā" nei, pēnei i a Hurunui-o-Rangi. I whai tonu ngā Māori kia tū tētahi Kura mō ngā Māori ki reira, ā, i te tau 1931 ka mūhore tā rātou tāpae petihana anō kia tū tētahi Kura mō ngā Māori, i tautokona rā e tētahi Mema o te Pāremata.
- 2.286 I whakatūria e te Karauna te Kura angitu katoa mō ngā Māori ki Ōkautete i te tau 1906 i runga i ngā whenua i takohangia ai e ngā Māori o te rohe i te tau 1903. He mea whiu te hia ākonga o Ōkautete ki te whakawhiunga tinana me ētahi atu momo whakawhiunga mō te kōrero i te reo Māori ki te kura. I hiahia a Ngāti Kahungunu kia ako ā rātou tamariki i te reo Pākehā, ā, kia matatau rātou ki te ao Pākehā, engari kia kaua tō rātou Māoritanga e noho hei papa. I te Kura mō ngā Māori o Ōkautete anō hoki ōna raruraru tāpua e pā ana ki ngā kaimahi me ngā rauemi i whakaratongia ai, engari ka tū ia hei kura nui i roto i te hapori. Ka tū te Kura tae noa ki te tau 1962, ki te wā i whakawhitingia ai e te Karauna ki te Poari Mātauranga nāna nei i whakahaere ā kati noa i te tau 2001.
- 2.287 I te tekau tau 1860 e tuku pūtea ana te Kāwanatanga ā-Rohe o Te Whanganui a Tara ki te hia kura hei whakaea i ngā matenui o ngā tamariki Pākehā. I te tau 1881, ka pūrongo tētahi āpiha o te Karauna e kī ana i te korenga o ētahi kaiako i mōhio ki te kōrero Māori, nā te kaikiri hoki o ētahi o ngā mātua tauiwi whakatū kāinga i tamō ai ngā tamariki Māori i te kura. Nā te mea i te noho te konekone o ētahi mātua Pākehā ki te whakawhenumitanga ā-iwi i tō rātou kura ā-rohe hei take nui, ka takoto i tētahi āpiha o te Karauna e toro ana ki reira tana whakaaro e mea ana "ki te pērā rawa te konekone o ngā mātua ki te taenga atu o ērā tamariki ki te kura, tērā pea me whakawehe tētahi wāhanga iti e tau ai ō rātou mauri." Kāore he whakaritenga atu anō i wātea ki ngā ākonga Māori i tēnei kura. Heoi anō, i te iti o ngā Kura mō ngā Māori i Wairarapa me Tāmaki-nui-a-Rua, e whakawhirinaki ana te nuinga o ngā tamariki Māori ki ngā kura Tūmatanui e whai mātauranga ai rātou kia rite ai rātou mō te ao hou.
- 2.288 Ko te põhara, ko te uaua o te tae atu nā te tawhiti, ko ngā rori marahea hoki ngā whakakōroiroitanga i te kaha o Ngāti Kahungunu ki te takahi i ngā huarahi o te mātauranga i ngā kura mō ngā Māori me ngā kura tūmatanui. Mō ērā o Ngāti

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Kahungunu i kuraina ki ēnei kura, he iti tonu ngā huarahi ki te mātauranga tiketike ake. I te nuinga o te wā, he whāiti te titiro a ngā āpiha Pākehā ki te pito mata o te Māori tēnā i tana titiro ki tō te Pākehā, ka mutu, i te nuinga o te wā, kāore rātou i whakatenatenahia kia whai i te mātauranga tiketike ake. I te tau 1948, kua tata ki te rima tekau ōrau o ngā ākonga katoa i wehe i te kura tuatahi ka puta ō rātou nei ihu i te pae tuarima, i te pae tuaono rānei. Heoi anō, kāore he Māori kotahi i Wairarapa me Tāmaki-nui-a-Rua i tae ki ngā taumata o runga i te pae tuawhā i te tau 1948.

Tā te Karauna Whakarite Ratonga Hauora i muri i te tau 1900

- 2.289 I te tau 1900, nā te mahi tahi a te Karauna me te Pāremata Māori i mana ai te Māori Councils Act o te tau 1900 nā reira i mana ai ngā kaunihera ā-iwi Māori ki te āki i ngā ture patu iroriki i waenga i ō rātou hapori, hei whakapai ake i te awakeri, i te rerenga o te wai me ngā whare. Nā ngā rangatira i whai rā i te kaupapa o te Kotahitanga, nā Tamahau Mahupuku rāua ko Hēnare Parata, i kōkiri ēnei tikanga hou mō te hauora mā ngā kaupapa pēnei i te komiti patu iroriki i whakaritea ai mā te Pāremata o Pāpāwai, me te mahi manakore a Hēnare Parata hei matawai Māori mō te patu iroriki o Wairarapa. He mea kopou e te Minita mō ngā Take Māori, e Timi Kara ngā tāne tokorua nei ki ngā tūranga whakahōnore hei Komihana Māori mō te Patu Iroriki kia haere ai rāua hei hoa mōna ki ngā hapori Māori maha ki reira whakatairangatia ai ngā tikanga hou nei. I tirohia paitia e Ngāti Kahungunu te Ture o te tau 1900 e punua whakaū ai rātou i tō rātou mana motuhake me te kuhu i a rātou anō, ā, ka tere te whakatūnga o te Kaunihera Māori o Rongokako, i kapi rā i ai at e katoa o Wairarapa me Tāmaki-nui-a-Rua. I taua wā anō ka whakatūria i raro i te Public Health Act o te tau 1900 te Tari Hauora Tūmatanui e titiro whānui ana kia pai ake te patu irorikitanga me te ārai māuiuitanga.
- 2.290 I a Pipiri o te tau 1899, i mua i te whakamanatanga o te Māori Councils Act, ka tuhi te Komiti o Takapau (i roto rā a Ngāi Tahu me ētahi atu hapū o Ngāti Kahungunu) i te tono kia whakawhānuihia ake te "rohe pōtae", ka whakatūria i raro i taua ture e kainamu ana, e whai wāhi ai hoki ko rātou. I taua wā anō nā te Komiti o Hāmua, i aratakina ai e Nireaha Tāmaki, i tautuhi ngā paenga o te "Rohe Pōtae o Wairarapa" i raro i ngā whakaritenga o "Te Pooti Ririkore" i whakamāramatia rā i ngā Pakanga o Niu Tireni. I tono hoki a Nireaha Tāmaki kia whakawehea e te Karauna ētahi whenua o te Karauna "hei wāhi e ākona ai ngā taiohi o Wairarapa ki ngā mahi pāmu." He tokomaha ngā māngai i whāia rā e ngā Māori o Wairarapa, ā, e 63 ngā ingoa i tautapangia hei kaunihera mō ngā rohe iti e whitu i roto i ngā paenga e marohitia ana. I mahara rātou ka tū "tētahi kawenata i waenga i a mātou, i ngā rangatira, me ō mātou hapū me te Kāwanatanga o Niu Tireni, e whai ana i ngā take nui me ngā take whai mana e tika ana kia whāia, hei whakatinanatanga mā mātou me ō mātou hapū me ā mātou whakahekenga ka whai mai ā muri."
- 2.291 I a Haratua o te tau 1901, ka haere a Timi Kara ki Pāpāwai ki tana hui tuatahi me ngā mema 12 o te Kaunihera Māori o Rongokako. Ko Aporo Kumeroa i pōtingia hei kaihautū, ā, nāna te kōrero kua tohua e te Kaunihera "tētahi ao hou i roto i ngā take Māori", ahakoa tana mōhio ki ngā "mana more" kua tukuna ki a rātou "hei takahanga tuatahi." I mihia e ngā kaimātakitaki ngā mahi i oti kē i te Matawai Māori mō te Patu Iroriki, i a Hēnara Parata, hei whakapai ake i a Pāpāwai. I āta whai wāhi atu hoki ia ki te whakatairanga i ngā kaupapa whakapai ake i ngā tikanga patu iroriki ki ētahi atu papakāinga i Wairarapa, ā, ka kawea tonuhia e ia āna mahi i te tau 1902. I te tau 1903,

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nāna tētahi tākuta me tētahi tapuhi mai i te Tari Hauora i tautoko ki te whakaora tūroro i te pakarutanga o tētahi mate i Pāpāwai i puta ake i te whakaparahanga o te manga o Pāpāwai i Te Hūpēnui. I te tau 1905, ka kopoutia a Taiawhio Te Tau hei Matawai Māori mō te Patu Iroriki o te rohe o te Kaunihera o Rongokako, māna e pūrongo ki te Kāwanatanga e pā ana ki te āhua o ngā whare me te hauora i Wairarapa. I hono atu ia ki ētahi atu Kaunihera Māori i tā rātou whakatairanga i tētahi pātuinga whare hōhipera ki te Karauna mō ngā Māori, he kaupapa i tautokona ai e ngā Māori engari kāore i tautokona e te Karauna.

- 2.292 Heoi anō, he iti te pūtea i tukuna e te Karauna ki ngā kaunihera, ka mutu, he mea here ō rātou mana ki te kohi pūtea. I te tau 1906, ka tāpaea e te Kaiwhakahaere o ngā Kaunihera Māori e whakaaro nuitia ana tāna rīhaina nā te hapanga o ngā rauemi, me tana kī anō "he tohu tēnei i te kaha o te Māori i taea nei e rātou tēnei nui o te pai te whakatutuki ahakoa kāore he āwhina whai hua i kitea." Nō muri tata mai ka roroku haere ngā kaunihera, ka mutu, ka kino kē atu tēnei i muri i te tau 1912, i te wā ka mutu tā te Karauna tuku pūtea ki ngā matawai Māori mō te patu iroriki. Heoi anō, ka tū tonu te Kaunihera Māori o Rongokako, ahakoa he "kaunihera pōhara" kāore nei i taea e ia te tino aha hei whakatika i te āhua pōhara o te noho a ngā Māori o Wairarapa.
- 2.293 I te upoko o te tekau tau 1920, i muri i te Pakanga o te Ao Tuatahi me te Taru Tawhiti Urutā, ka whai a Ngāti Kahungunu ki te whakaora mai anō i te Kaunihera Māori o Rongokako me tana tūnga i roto i ngā mahi whakapai ake i te hauora me te patu irorikitanga. Tae rawa ake ki te tau 1928, he kaikaunihera hou kua pōtingia, engari me āhua roa te tatari kia pānuitia e te Tari Hauora te kaunihera hou, kia tukuna hoki e ia ngā "pūnaha" whakahaere. Uaua ana ki te kaunihera te whakatū hui, ā, he iti ō rātou mana ki te whakapai ake i te patu irorikitanga me te pāpuni i te rerenga o te waipiro. He iti te mana kohi pūtea i tukuna iho rā ki te Kaunihera, nō reira he iti noa ngā mea i tutuki i a ia i mua i tōna rorokutanga i te upoko o te tekau tau 1930. I te tau 1932, ko tā te Tari Hauora i tuhi ai mō te Kaunihera o Rongokako e mea ana "ko te uaua, i ngā wā katoa hoki, ko te āhua ki te pūtea." I te tau 1934, ko te pūrongo a te Tari e kī ana kua hia tau te Kaunihera e "moe hōtoke" ana, ka mutu, nā te hapanga o ngā rawa pūtea, nā te papatoiake hoki o te whakatū hui auau, me uaua rawa ka kite i tētahi kauneketanga e whai take ana."
- 2.294 Nā te tere o te horapa o ngā ratonga hauora tūmatanui hei wāhanga mō te whakatūranga o te pūnaha toko i te ora i te hiku o te tekau tau 1930 i tāpua ai te pikinga o ngā putanga hauora mō te tokomaha o ngā tāngata o Aotearoa. Ahakoa te pikinga o te hauora o te hapori whānui i Wairarapa me Tāmaki-nui-a-Rua, i muri tonu tō Ngāti Kahungunu e tōnanawe ana, ko te take nui, he tokomaha nō rātou e noho ana i te pakukoretanga me ngā āhuatanga pōhara o te noho.
  - Ko Ngāti Kahungunu i te Rautau rua tekau
- 2.295 I waho kē ngā hapori o Ngāti Kahungunu o ngā paenga o te whakawhanake ōhanga mō te roanga tonu o te rautau rua tekau. Nā te rirohanga tāpua o te whenua, nā te poronga o ngā whenua e toe ana, ā, nā te korenga o ngā rawa i wātea ki a rātou mō te whakawhanaketanga, ka uaua rawa atu ki a Ngāti Kahungunu te tautoko i te whānuitanga o ngā whānau me te hapori.

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- 2.296 I te iti o te mātauranga, i te hapanga hoki o ngā pūkenga me ngā whakangungutanga, i whakawhirinaki te tokomaha o Ngāti Kahungunu ki ngā mahi ahuwhenua ā-kaupeka he iti nei te utu, ā, nā tā rātou whakatipu i ā rātou ake kai, nā te hī ika rānei i māmā ake ai te wāhi ki te iti o te whiwhinga moni. Ka kaha kē atu te noho whakaraerae o ngā rawa kai tuku iho i te tūkinotanga o te taiao o Wairarapa Moana me ngā arawai tuku iho. Ko te tokomaha o Ngāti Kahungunu i noho tonu rā ki tuawhenua i tino rongo i te tuakokatanga. Nā te takarepa hoki o ngā whare i pāngia ai te tokomaha e ngā mate pēnei i te taipō me te kohi.
- 2.297 I mate ērā kāore i ora i ngā mahi ā-kaupeka ki te hūnuku ki ngā taone i Wairarapa me Tāmaki-nui-a-Rua, ki waho hoki o te rohe ki reira kimi mahi ai, kimi ratonga pāpori ai, kimi whare pai ake ai hoki. I hūnuku hoki ētahi whānau ki tawhiti, ki te "whenua rāhui" o Pouākani i Mangakino i te hiku o te tekau tau 1940 i te wā i tīmata tōna whakawhanaketanga. Nā ēnei hūnukutanga, ko te toru hauwhā o Ngāti Kahungunu kei waho i tō rātou nā rohe e noho ana. Nā te hekenga o te tokomaha o Ngāti Kahungunu i Wairarapa me Tāmaki-nui-a-Rua, ka rongongia hoki te uaua ā-pāpori e ngā whānau me ngā hapori i noho tonu. I mua i te horapa haeretanga o te toko i te ora i te hiku o te tekau tau 1930, ka tata tonu ki te katoa o ngā koroua me ngā kuia i kore nei i whakawhiwhia ki te penihana kaumātua, ka mutu, ko te tokoiti i whakawhiwhia ai, he mea utu rātou ki tētahi penihana iti ake i tā ngā Pākehā whiwhi penihana i whakawhiwhia ai.
- 2.298 Ehara i te mea ko ngā raruraru noa iho i whakarērea e te tokomaha o ērā i wehe rā i ō rātou nā whenua tīpuna i Wairarapa me Tāmaki-nui-a-Rua, engari i mahue hoki ō rātou whānau, ō rātou hapori me te reo. He iti ake te ōwehenga o ngā Māori o Wairarapa e mōhio ana ki te kōrero Māori i te tauwaenga ā-motu mō ngā Māori, ka mutu, e heke haere tonu ana, ā, kāore he kaikōrero Māori kotahi i whāngaitia ki te reo i te taha o te waiū e ora tonu ana.
- 2.299 I tino pā kinotia a Ngāti Kahungunu e tā te Karauna waihanga anō i te ōhanga i te tekau tau 1980, nā reira i taka ai te tokomaha o Ngāti Kahungunu i roto i ngā pakihi mahi ringa raupā pēnei i te mahi pāmu, i te patu mīti, i te tope rākau, i te mahi ara tereina me ngā mahi tūmatanui ki te koremahitanga. He kino ake ngā putanga ki a Ngāti Kahungunu mō te whiwhinga moni, mō te whai mahi, mō te whare, mō te hauora, mō te mātauranga me te taihara, tēnā i ngā putanga ki ētahi atu Māori, ā, he kino noa atu i ngā putanga ki ngā Pākehā o roto o Wairarapa me Tāmaki-nui-a-Rua.
- 2.300 Nā te wheako i te tāmitanga, he tokomaha ngā uri o Ngāti Kahungunu kua noho tauhou i ō rātou whenua, i tō rātou ahurea, i tō rātou reo anō hoki, ā, kua tino tūkino rawatia te taurikura o te ao ā-hapū, ā-iwi hoki. I te whānui haeretanga o te taupori o ngā tauiwi whakatū kāinga, ka panaia a Ngāti Kahungunu ki waho o tētahi hapori ko te Pākehā te rangatira, ā, kāore hoki ā rātou aha e piki ake ai rātou i ngā taumata, ka mahi tahi tonu rātou i ngā kaupapa a te Karauna, me ngā mana o te Karauna. Hei tā Ngāti Kahungunu, he rite tonu tā te Karauna takahi i tana tikanga o te whai i ngā here i whakaritea ai mā te Tiriti o Waitangi, mā te kawenata hoki me te Komiti Nui o te tau 1853. E kaha tonu ana te ū a Ngāti Kahungunu ki ngā mātāpono mai rā anō i noho rā hei tūāpapa mō tō rātou hononga ki te Karauna.

## 2 HISTORICAL ACCOUNT

The Crown's acknowledgement and apology to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua in part 3 are based on this historical account.

- 2.1 Ngāti Kahungunu voyaging ancestors arrived in Aotearoa from their homelands in eastern Polynesia, known as Hawaiki on the Tākitimu waka. Kahungunu's father Tamatea-mai-Tawhiti and his grandfather Rongokako both travelled extensively within Aotearoa. Kahungunu married Rongomaiwahine, a descendant of Popoto of the Kurahaupo waka and it is from this union that the Ngāti Kahungunu iwi was formed. As they moved down the east coast the descendants of Kahungunu and Rongomaiwahine fought, formed strategic alliances and intermarried with the iwi groups they came across. Following their migration south into Wairarapa and Tāmaki nui-a-Rua the hapū of Ngāti Kahungunu established themselves as tangata whenua and maintained ahi kā in the region.
- 2.2 The Ngāti Kahungunu area has been called Te Rohe o Rongokako referring to the accomplishments of Rongokako when he graduated from the whare wānanga established in Wairarapa by Tupai, a tohunga from the Tākitimu waka. The area comprises a coastline of approximately 270 kilometres from Te Poroporo, near Cape Turnagain, in Tāmaki nui-a-Rua to Turakirae Head on the southern Wairarapa coast. The inland boundary commences near the headwaters of the Manawatū River in the Ruahine ranges and traverses the Ruahine, Tararua and Remutaka ranges to Turakirae Head. The ability to harvest abundant seafood and grow kūmara along the rocky coast was a great attraction. Together with large tracts of inland forests, particularly Te Tapere nui-a-Whatānga, and one of the biggest lakes in the North Island, the land and its resources sustained an active Ngāti Kahungunu population for hundreds of years.

# Early Contact Between the Crown and Ngāti Kahungunu

- 2.3 Ngāti Kahungunu first encountered Pākehā in February 1770, when three waka came out from the east coast a little way north of Cape Palliser to meet Captain James Cook's *Endeavour*. Local iwi again met Cook when he was forced inshore on the *Adventure* along the same stretch of coast in 1773. Over the ensuing decades, the pigs and potatoes introduced to New Zealand by Cook were brought to Wairarapa where they quickly became well established food sources.
- 2.4 In the 1830s, many Ngāti Kahungunu of Wairarapa and Tāmaki nui-a-Rua withdrew to the Māhia peninsula (Hawke's Bay) after warfare in the district escalated following the arrival of other tribes armed with muskets. Some Ngāti Kahungunu remained on their Wairarapa and Tāmaki lands to maintain their ancestral rights. However, most took refuge with many others from related iwi at Nukutaurua on the Māhia peninsula. There they traded with resident Pākehā whalers to acquire muskets and other goods.
- 2.5 During their residence at Nukutaurua, Ngāti Kahungunu were introduced to Christianity through Māori teachers and visits by missionaries at Tūranganui-a-Kiwa (Gisborne), to where a few moved in the late 1830s. They rapidly adopted Christianity and eagerly

## 2: HISTORICAL ACCOUNT

- embraced other benefits brought by Pākehā, such as literacy, new technology, and new crops.
- 2.6 By the mid-1830s they began fighting to reoccupy their lands. In 1838 those Ngāti Kahungunu at Nukutaurua began their return home to Tāmaki nui-a-Rua and Wairarapa, stopping for a time in the Hawke's Bay area with related iwi before continuing on from 1840. An enduring peace was then agreed with those iwi who had briefly occupied southern Wairarapa. A boundary between these outside iwi and Ngāti Kahungunu was settled along the Remutaka and Tararua ranges.
- 2.7 Upon their return to Wairarapa, Ngāti Kahungunu sought to engage with settlers in Wellington, at first through working on their farms and then by inviting farmers to move to Wairarapa where, unlike Wellington, there were large areas of flat, open grassland that could be readily converted to pastoralism.
- 2.8 Ngāti Kahungunu did not sign the Treaty of Waitangi and the Treaty was not taken to Wairarapa or Tāmaki nui-a-Rua for Ngāti Kahungunu to sign. Ngāti Kahungunu did not have any recorded contact with the Crown until 1845.

## Forced Cession at Maungaroa (Barton's Run), 1845

- 2.9 Following exploratory visits to the Wairarapa by settlers in the early 1840s, the first sheep runs were established on Ngāti Kahungunu land in the southern Wairarapa valley in early 1844. By early 1845 there were at least fifty Europeans on seven operating stations in Wairarapa with another three stations ready to be occupied. In exchange for land, labour, and protection for runholders, Ngāti Kahungunu received regular income, new skills, and secured a source of trade goods. Lack of suitable land and title difficulties in the Wellington district made Wairarapa an attractive prospect for settlers.
- 2.10 Early relations between Māori land owners and the runholders and workers occupying their land were largely harmonious. However, In February 1845, a disagreement arose between Ngāti Kahungunu and some of the employees working on a newly-established sheep run at Whāwhānui in south-east coastal Wairarapa. The rangatira Te Wereta objected to his people's land being occupied without his consent and without payment being made to him, so he visited Whāwhānui to discuss the matter but the runholder was absent. Te Wereta remained overnight, meeting with those Māori who had allocated the land to the runholder. Before Te Wereta left the following morning a dispute arose between him and one of the runholder's workers, leading to the rangatira demanding various goods as compensation for the offence given to him. Later that day, after Te Wereta had gone, some of the runholder's workers got drunk and one used a hammer to attack those Māori still present, injuring one of them. In response, they carried out a muru (ritual taking of compensation).
- 2.11 In March 1845, the Crown sent a Sub-Protector of Aborigines to Whāwhānui to investigate the matter. This was the first recorded visit by a Crown official to the Wairarapa. The Sub-Protector had been a private trader in Kaipara in 1841 when he was subject to muru. The Crown responded by threatening military action and forced a cession of land. In 1842, the Colonial Office in England strongly criticised this "penal infliction" as being of "too questionable propriety to be often repeated". In 1845, in

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Wairarapa, the Sub-Protector deemed Ngāti Kahungunu entirely at fault and used threats to induce the surrender to the Crown the Maungaroa block, around Whāwhānui and Cape Palliser, as reparation for the muru. The block was not surveyed but the Sub-Protector estimated it contained approximately 23,000 acres. In 1853, the Chief Land Purchase Commissioner, Donald McLean estimated the block to contain "about eighty thousand acres." Based on research carried out by Ngāti Kahungunu on the boundaries described in the deed, it is likely that the cession contained at least 45,000 acres.

- 2.12 In 1853, McLean described the Sub-Protector's threats as "equivalent to a declaration of war." He also wrote that the cession included land in which Ngāti Kahungunu not involved in the muru had interests and which "they certainly never could be called upon by any principle of equity, justice, or law" to give up. The Sub-Protector acknowledged that the forced cession fell partly upon those not involved in the muru and who were innocent of any offence, which he wrote was "contrary to our ideas of justice." The Chief Protector considered the area of land taken to be excessive, "especially when the provocation given by one of the Europeans is taken into account," and observed, "I cannot approve of the principle as a general rule of action."
- 2.13 The Crown granted the Whāwhānui farmer free occupancy of the ceded land for five years as compensation for the property taken from him in the muru. In March 1850, the Crown offered the land to the New Zealand Company but the offer was not taken up. Later in 1850, the Native Secretary suggested to his superiors that they consider whether the land should "revert back to the Natives," but this suggestion was not acted on. In October 1851, Ngāti Kahungunu lodged protests with Governor Grey and told McLean that the cession had been unfair and the land acquired "under threat that if they did not give it up constables and soldiers should be sent to destroy them.
- 2.14 In June 1853, Native Land Purchase Commissioner Donald McLean investigated Ngāti Kahungunu's protests. He privately regretted that the Crown was seen as supporting an individual who McLean considered to be in "illegal possession" of Native lands. He was "quite ashamed" that the Crown had been a party to this. However, McLean informed Ngāti Kahungunu that the cession could not be "repudiated" and proposed to include this land along with adjacent land in a new Crown purchase. Following negotiations with Te Wereta, other resident rangatira and one from Hawke's Bay, the Mataoperu deed was signed in October 1853. The Crown paid £1,000 for about 29,000 acres, about half of which lay within the 1845 cession. McLean concluded that this "put an end to the question, without altogether invalidating" the 1845 cession.

## Wairarapa Pastoral Economy, 1844-1852

2.15 Throughout the 1840s, Māori engaged with colonisation and settlement on equal terms through allocating their land to runholders while retaining full ownership. The written agreements described these arrangements as a "tuku" (gift exchange). The runholders perceived these arrangements as leases, for which they paid rent. Ngāti Kahungunu also understood them as the basis of reciprocal relationships with the runholders that were not confined to rental payments but included other ongoing gifts and the sharing of the resources of both parties.

- 2.16 The Crown viewed these arrangements as contravening its Treaty right of pre-emption, which it considered necessary to purchase the land required to promote organised settlement. However, as the Treaty had not been taken to Wairarapa or Tāmaki nui-ā-Rua it is unlikely that Ngāti Kahungunu were aware of the provision for pre-emption, let alone how the Crown interpreted it. Despite this, Ngāti Kahungunu remained determined to maintain control of their lands and engage with settlers on their preferred terms of lease and tuku.
- 2.17 In 1846, the Land Purchase Ordinance was enacted which provided for legal sanctions against private parties who contravened the Crown's view of its pre-emptive Treaty right by entering into transactions for Māori land. However, the Crown did not enforce the Ordinance against existing runholders in Wairarapa and nor did it prevent the continued expansion of the runholder economy of Ngāti Kahungunu. The Crown considered measures to regulate rather than prohibit such runholding but these did not proceed. The number of runholders quickly grew and the settler population expanded from around 50 in 1845 to almost 200 by 1847 compared to about 800 Māori. By the early 1850s, between 300,000 and 400,000 acres were allocated amongst 30 runholders, generating an increasing annual rental income which, for instance, rose from about £600 in 1850 to about £1,200 in 1851.
- 2.18 From 1847 to 1849, the Crown supported several New Zealand Company attempts to purchase land in Wairarapa. In Wairarapa the Crown advised runholders they should cooperate with its purchase efforts as these would be to their direct benefit. It also threatened them with prosecution under the 1846 Ordinance. Ngāti Kahungunu were warned that if they did not sell the Crown would remove settlers from Wairarapa. Purchase agents emphasised the benefits of organised settlement and reported that they maintained "constant pressure" on rangatira to induce them to sell.
- 2.19 At a major hui with purchase agents at Otaraia in November 1848, Haimona Pita told them, "they had held the land; and would do so still. It had belonged to their forefathers, and was theirs now: the land was in fact their great parent, to surrender whom would be death to themselves and their children." He added, "there was plenty of room" and settlers could come and occupy Wairarapa as others "were now doing without buying it." Some rangatira welcomed the idea of the Company's proposed settlement as it was promoted as a Christian enterprise, but Ngatuere and Te Manihera remained opposed, asking would they "welcome the white man, only to find themselves banished once more? No let the Pakeha stay on the land and pay tribute for it but never let it pass into his hands by sale."
- 2.20 In 1849, the runholder system began to expand into the adjacent Hawke's Bay district. In 1850, McLean actively discouraged this expansion by warning runholders and intending runholders alike that the Crown would consider imposing the Native Land Purchase Ordinance 1846. The following year, McLean also warned Hawke's Bay Māori that the Crown would no longer tolerate runholding and they should agree to sell their land to it instead. The Crown intended its Hawke's Bay purchases to not only forestall the expansion of informal runholding there but also to undermine existing arrangements in Wairarapa and Tāmaki nui-a-Rua, perhaps by encouraging the runholders there to move to Hawke's Bay.

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2.21 In 1851 and 1852, McLean continued to warn some Wairarapa runholders and intending runholders about imposing the 1846 Ordinance. In 1853 a settler wrote that Māori had been told that they would lose their settlers if they refused to sell. The Crown had directed the settler and another to leave but he proposed to remain and withhold rent instead. The Crown assured runholders they could immediately purchase the freehold of their lands after the Crown had completed its purchase from Māori. McLean's threats to use the 1846 Ordinance were instrumental in ending the runholder economy and paved the way for the success of Crown purchasing efforts.

## The Castlepoint Deed, 1851 - 1853

- 2.22 In the early 1850s, the Crown used early purchases in the Hawke's Bay to entice further sales in Wairarapa and Tāmaki nui-a-Rua through the kinship ties of leading rangatira. In one instance, a Crown official persuaded vendors at Hawke's Bay to share £100 of the proceeds of the Waipukarau purchase with Wiremu Te Pōtangaroa and Te Wereta of Wairarapa. In 1851, with the completion of purchases to the north, McLean met and exchanged correspondence with Ngāti Kahungunu rangatira, including with those who were present at the 1851 Hawke's Bay purchase negotiations. Later in 1851, McLean journeyed through Wairarapa and Tāmaki nui-a-Rua en route to Hawke's Bay with £3,000 in gold sovereigns for land purchases there. The money was displayed to Ngāti Kahungunu in an effort to demonstrate the wealth awaiting those who agreed to Crown purchase deeds.
- 2.23 By 1852, the Crown had open negotiations to purchase Castlepoint. During negotiations McLean laid out the social and economic benefits that he said would result from Māori agreeing to sell their land. A preliminary survey of several hundred thousand acres around Castlepoint was underway by the end of March 1852 and there was continued correspondence and discussion with local rangatira about the proposed transaction.
- 2.24 In March 1853, Governor Grey, accompanied by the Anglican Bishop of New Zealand, visited Wairarapa and Tāmaki nui-a-Rua and met with local rangatira to secure land to endow schools in the region. During this time Grey discussed the ongoing Castlepoint negotiations and likely promoted to Ngāti Kahungunu the collateral benefits of organised settlement resulting from transacting Castlepoint and other land with the Crown. He also undertook to lay out a "native township" at Pāpāwai where land was given to endow a school.
- 2.25 On 22 June 1853, the Crown and 301 men, women and children, the "chiefs and people of Ngatikahungunu", signed the Castlepoint deed. The Crown agreed to pay £2,500 for the land between the Waimata River and Whareama. McLean later remarked on the "cheap rate" at which the Castlepoint Block was acquired." Crown surveyors initially estimated that the land comprised 275,000 acres but it is now known to comprise nearer to 485,000 acres. The Crown agreed to set aside ten reserves comprising about 28,000 acres for Māori from Wairarapa and Tāmaki nui-a-Rua. Five of which had been surveyed and were shown on the plan attached to the deed.
- 2.26 For Ngāti Kahungunu, a key objective in signing the deed was to establish an enduring relationship with the Crown, on the bases promoted by Grey and McLean, and underpinned by broader concepts of reciprocity and mutual obligation. Te Pōtangaroa

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and Te Ōtene Kuku had likened the relationship they were forging with the Crown to a marriage. Writing to McLean and Governor Grey they wrote: "Friend, let me put it like this: Let the agreement be put before our children, my daughter and your son. After that, we'll get a consensus. ...When that's over, our two offspring are wed."

### The Komiti Nui, 1853

- 2.27 In June 1853, a day after the Castlepoint deed had been signed, Governor Grey invited a number of Wairarapa rangatira to convene for a Komiti Nui (large coming together) to discuss further Crown purchases in Wairarapa. The Komiti Nui was held at Tūranganui (between Pirinoa and Lake Ōnoke) in August 1853, just as Grey was intending to depart New Zealand at the end of his first governorship.
- 2.28 For the Crown the Komiti Nui was a new approach to land purchasing. Grey reported to the British Government that he asked the rangatira at the Komiti Nui to give him the satisfaction of having completed the purchase of land in Wairarapa before he left New Zealand. He emphasised to the rangatira the collateral social and economic advantages they would receive from European settlement. These advantages included schools, hospitals, and medical services provided by the Government, flour mills, securing ample reserves that would rise in value as settlement expanded, and enhanced access to material goods and markets for their produce. Some of the deeds that followed the Komiti Nui included koha clauses, which provided for the establishment of a koha fund into which five percent of the Crown's profits from selling land it had purchased from Wairarapa Māori would be paid. Grey subsequently testified that the collateral benefits associated with purchases were the "real payment" to Māori for their lands.
- 2.29 Grey understood that his departure was culturally significant to Ngāti Kahungunu. For Ngāti Kahungunu, his departure was a poroporoaki, a solemn occasion on which mutual recognition was acknowledged through koha. The important agreement reached at the Komiti Nui by Ngāti Kahungunu and the Crown was marked by the ceremonial planting of exotic trees at Tūranganui. The rangatira Rāniera Te Iho later recalled that Grey and McLean "came and planted the tikanga at Wairarapa" in 1853. The new tikanga (or system of values and practices) that was planted was one of partnership, reciprocity, and ongoing mutual obligation between Ngāti Kahungunu and the Crown which was to guide the relationship between them and the land transactions to be effected under this tikanga. In 1877, Grey described how as Governor he had sought to marry Ngāti Kahungunu to Pākehā. Ngāti Kahungunu continued to seek fulfilment of the Crown's promises at the Komiti Nui for many decades.

### Crown Land Purchasing, 1853 – 1865

2.30 Between August 1853 and February 1854, McLean negotiated more than 50 deeds with Ngāti Kahungunu for land which together with the Castlepoint purchase comprised about 1.5 million acres of land in the Wairarapa and Tāmaki nui-a-Rua. This was well over half of Ngāti Kahungunu lands. The Crown paid about £23,000 or almost 4 pence an acre for this land. This was equivalent to about 10–15 years income from leases and trade under the runholder economy.

- 2.31 In September 1853 McLean reported paying significantly more per acre for small blocks which he wanted to acquire because there were already settlers occupying these blocks. McLean described the prices he paid for these small blocks as a "wonderfully cheap rate".
- 2.32 Ngāti Kahungunu later regretted the prices they received for the land the Crown purchased after the Komiti Nui. At a hui in 1870 Hikawera Mahupuku said that "through their ignorance they had received much less than they ought for the land," adding that it had been McLean "who invariably fixed the price for each block and not the sellers."
- 2.33 Grey's instructions to McLean were to acquire "the entire Wairarapa district," but there was no related drive to provide for the future of Ngāti Kahungunu beyond the few modest, unsurveyed, and unprotected occupation reserves noted in some deeds. A land purchase officer acknowledged it would have been "politic" to allow them to retain particular lands suited to farming but where these were not used for farming he sought to purchase them.
- 2.34 The deeds signed after the Komiti Nui were arranged with much greater haste than had been the case at Castlepoint and there was much less consultation with the lands' owners and occupiers. For example, between 9 and 15 December 1853, the Crown signed 13 purchase deeds with Wairarapa Māori. In most cases the Crown did not survey land before signing deeds to purchase it. In some cases details as to boundaries, reserves, and purchase price were left unsettled for some years.
- 2.35 The Crown arranged several deeds in Wellington with small groups of claimants and without the knowledge of all resident right-holders, who later protested about these transactions after they became aware of them. For instance, in January 1854 the Crown signed the Awhea deed with five vendors in Wellington. The rangatira Marere Te Apatu later objected that the land had been "wrongly sold" as "the greater number who actually lived on this land did not agree to sell and were consequently left out." In January 1856, the Crown negotiated the Wharehanga deed with a single vendor in Wellington. Other right-holders quickly disputed this deed and prevented the survey of the land until the 1860s.
- 2.36 Following a pause in transactions from February to November 1854, McLean and his staff resumed work. By March 1855, the Crown had arranged a further 50 transactions, half of them signed in Wellington. The transactions included nine new deeds for fresh purchases. The rest were receipts for instalments of purchase payments or advance payments for deeds yet to be drawn up. By 1865 the Crown had entered agreements to purchase lands totalling about 220,000 acres. It entered 150 transactions comprising new deeds, enclosures to existing deeds, receipts of payments and advance payments. These agreements were signed by fewer Ngāti Kahungunu as time went on.
- 2.37 In September 1855, McLean instructed his staff to cease new deeds until the numerous disputes arising from the existing deeds were resolved. However, it took the Crown a number of years to resolve these disputes. In 1857, the Government condemned what it referred to as "an unpardonable laxity" in the conduct of Wairarapa land transactions. In some cases delays in completing payment and disputes about the amounts owing led to rangatira becoming indebted to settlers while they waited for the payments owing to

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them. This caused growing dissatisfaction amongst Ngāti Kahungunu. In 1860, the rangatira Wiremu Waaka and Karaitiana Te Korou complained to Governor Gore Browne that "we have become like dogs through waiting for the price of our lands." By 1862, Governor Grey had returned to New Zealand and he reported to the British Government about disputes concerning Wairarapa land purchases that it was "hard to see how the Government can, on the one hand, take from the Natives lands on certain conditions, and then, on the other hand, answer, whilst it retains these lands, that it cannot legally fulfil the conditions under which it took them."

- 2.38 In January 1854, McLean had arranged the first purchase deed for the Tautāne block (93,000 acres), located in Tāmaki nui-a-Rua, with several Hawke's Bay rangatira and some Ngāti Kahungunu visiting Wellington, only some of whom had interests in the block. By 1856, Māori living at Tautāne challenged the deed signed by their Ngāti Kahungunu kin. The Crown acknowledged those it dealt with for the deed were "only secondary claimants," and that many of the "principal" claimants had been excluded but it declined to rescind the transaction. Instead, the Crown sought to complete and expand the purchase by acquiring the interests of the land's occupants who had opposed the deed.
- 2.39 The Crown then put pressure on the land's occupants to accept the Tautāne deed. In March 1858, a larger and more representative group of right-holders signed a second deed at Tautāne. The first deed set aside two reserves that were never defined, while the second deed set aside an occupation reserve (1,000 acres) and an urupā and cultivation area (50 acres) for the vendors, the titles to which were granted to just two rangatira in 1867.
- 2.40 The Crown sold much of the land it claimed to have purchased in Wairarapa to settlers before boundaries and reserves were surveyed and before disputes were resolved with Ngāti Kahungunu. One such instance concerned land at Wainuioru (including Te Umukererū, Wainuioru, Maungaraki, and Tikiwhakairo blocks), within the boundaries of the unsurveyed Pāhaoa deeds, a matter not fully resolved until 1882. In September 1853, McLean opened negotiations with Te Wereta for a large area of coastal land around Pāhaoa (estimated to comprise 110,000 acres) but a price was not agreed. In October 1853, the Crown signed a purchase deed which provided for £700 to be paid, with the balance of the price to be finalised when the boundaries and four reserves were surveyed. In December 1853, the Crown paid a further £100. In January 1855, although the Crown had not surveyed the boundaries or the reserves, it made what it described as a final payment of £450. The deed receipt referred to two further reserves as having been agreed to by the Crown.
- 2.41 Other Ngāti Kahungunu with interests within the Pāhaoa block and who had not been involved in or consented to the deeds of 1853 and 1855 subsequently raised claims. In response, from 1856 to 1860 the Crown arranged a number of payments and deeds related to lands and interests within the Pāhaoa block. In 1860 and again in 1862, Ngāti Kahungunu at Wainuioru advised the Crown that about 30,000 acres there had not yet been paid for. By then the Crown had sold the land to several settlers, whom Ngāti Kahungunu threatened to expel if their interests were not addressed. At a meeting in January 1862, McLean offered an additional £500 to settle the matter. This offer was declined as they sought the original amount demanded by Te Wereta of £3,500, less the

- £1,250 which had already been paid. Both parties hoped to refer the matter to Governor Grey during an anticipated visit to Wairarapa but the visit did not occur. Native Minister Fox instructed that no further offer be made beyond the £500 proffered by McLean.
- 2.42 In 1863, Ngāti Kahungunu served two Wainuioru settlers with eviction notices. In response, the Superintendant of Wellington sent one of his officers to resolve the issue. In July 1864, the Crown official convened a three-day hui at Greytown. On 21 July he commenced proceedings by reading the Crown's purchase deeds and then listened to the korero of Ngāti Kahungunu. On 22 July the official declined to increase the offer McLean had made in 1862 and described payments made between 1856 to 1860 for disputed parts of Pāhaoa as "thefts", separate from the Crown's original "righteous purchase" of Pāhaoa. He went on to warn that if Māori turned the Pākehā off the land they would "be enemies of the Queen", and would one day bring "war upon this place which has not yet been spoiled by evil." Hoera Whakataha then stood, "trembling with fury" declaring that "it must not be said that the Māori was [at] fault. The Governor wanted war and Māori could only agree to it".
- 2.43 On 23 July 1864, the final day of the hui, Ngāti Kahungunu gradually lowered their price for the land, but each new offer was rejected by the Crown official. Eventually Wiremu Te Weu requested just £800, down from the original £2,500. The Crown official responded "No, I have offered you £700: that is Mr McLean's £500, and £200 out of the 5 percents. So Wairarapa is to be steeped in blood for the £100 that is between us..." and that "you are to lose all your lands, stock and rents. Be it so it is your own choice." The meeting broke up and Ngairo, Manihera and Rāniera Te Iho took the official aside and persuaded him to pay the £100 difference. When the meeting resumed the Crown agreed to pay £800 to settle the matter. This did not address the unresolved issue of reserves nor clarify unsurveyed boundaries. These would not be dealt with until the 1870s.
- 2.44 In 1874, the Crown offered to set aside 800 acres for several Māori whose interests had not been taken into account in the neighbouring Tikiwhakairo purchase. In exchange the Crown sought to finally complete a purchase of 7,000 acres further south on which it had paid advances on various lands in the vicinity in 1858 and 1862. A Crown official told Ngāti Kahungunu that if they rejected the exchange "the Government would lay claim to the whole and they would receive no consideration." However, he reported to the Native Minister that Māori had previously understood that the land was theirs and had occupied it for many years. He wrote that he would liaise with the head of the local Māori committee to achieve a compromise which would avoid a "collision" over the matter. In 1877, the Crown had yet to acquire the 7000 acres adjacent to the land at Tikiwhakairo and had begun considering how to acquire some land near Wainuioru for the £100 it had paid in 1862. A Crown official described this land as "surrounded by obscurity as regards identification of boundaries". Another official observed that he could not find any satisfactory information concerning the extinguishing of native title on this block. The official believed the block to be about 4,000 acres and considered that obtaining "four or five hundred acres" was "better than not succeeding in getting any land there at all." However, as the land had never been defined the Crown deferred action on this claim until the land was surveyed and had been through the Native Land Court.
- 2.45 In 1881, the Crown met with Māori who had not shared in the 1862 advance and who sought £100 for their interests in the 500 acres. The Crown refused, instead offering to

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pay for the survey of the larger block. The owners agreed and put the Te Umukererū block through the Native Land Court. The Crown selected the 500 acres of the block it seemed "the most likely to be taken up by European purchasers," which was awarded to it by the Native Land Court in 1882. The £100 advance equated to a purchase price of four shillings per acre. The majority of the block remaining was sold privately by Ngāti Kahungunu for 17 shillings per acre twenty years after the original payment.

- 2.46 By 1865, the Crown had acquired about two-thirds of Wairarapa and Tāmaki nui-a-Rua. This led to a rapid expansion of pastoralism and settlement, the establishment of several towns on the Wairarapa plain, and a flourishing colonial economy. It also ended forever Ngāti Kahungunu's leasehold economy. Crown purchasing in southern Wairarapa was so extensive that officials advised in 1858 that as "the land unsold is but small in extent, and it will be a matter of consideration how far it is desirable to make any more purchases without inconveniencing the Natives."
- 2.47 This had a severe effect on Ngāti Kahungunu. One Crown official described them as being in a "helpless state of debt and poverty" and "so much in debt and so completely out of credit that they are completely at their wits end to get money." When it was reported that many Ngāti Kahungunu were "in a very distressed state from... want of any food," the Crown paid further small advances to them for fresh land purchases.

#### Reserves

- 2.48 At the Komiti Nui Grey assured Ngāti Kahungunu that they would retain ample reserves for their present and future needs from the land the Crown purchased. Such reserves were meant to be carefully and accurately defined. However, no consistent approach was taken to defining the reserves in the deeds agreed between 1853 and 1865. The Crown agreed to set aside approximately 100 reserves. Of these, very few deeds set out the boundaries of the reserves. Some deeds named reserves but did not define the boundaries, and some did not provide for any reserves.
- 2.49 On 20 October 1853, two months after the Komiti Nui, Donald McLean wrote to the Crown's district surveyor in Wairarapa describing how the reserves were to be determined. McLean wrote that the Crown should only agree to reserves that the surveyor considered were "essential for their welfare". McLean warned the surveyor that Māori might request "extravagant reserves", and that if any difficulties arose the surveyor should refer the requests back to McLean. He concluded his instructions by requesting that the surveyor give his "undivided attention" to the issue of "native boundaries to prevent future disputes, and to facilitate the present negotiations" concluding that these should be done "before you undertake any other surveying." However, the Crown later reassigned the one surveyor working on these surveys because the Crown considered it more important to define the land to be sold to Europeans than to define the boundaries of Māori reserves.

Castlepoint Deed Reserves, 1853

2.50 The 1853 Castlepoint deed provided for the Mataikonā reserve (17,718 acres), along with nine smaller reserves making a total of 27,863 acres, or about six percent of the Castlepoint block. This is the largest area of reserves, and the largest proportion of a

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block reserved, in any of the Wairarapa and Tāmaki nui-a-Rua deeds. Mataikonā is the only one of the reserves that remains mostly intact today and is the largest remaining block of Māori land in Wairarapa and Tāmaki nui-a-Rua.

- 2.51 Prior to signing the Castlepoint deed the Crown produced a sketch-map of the proposed purchase and detailed the outlines of five of the reserves. However, the Crown purchased three of the unsurveyed reserves in 1855 as well as a 50 acre portion of a fourth reserve sought by a settler for his homestead. This included the Whakataki reserve (about 6,600 acres), which was purchased for £200 (about seven pence per acre). The deed provided for Māori to repurchase Whakataki.
- 2.52 The remaining reserves were not surveyed and disputes about their extent and location were not resolved until the early twentieth century. Takapūai (94 acres) was never set aside and in 1910 the Crown granted 192 acres elsewhere as compensation. Waimimiha was the last reserve from the Castlepoint block to be formally granted, following decades of protests by Ngāti Kahungunu. Comprising half an acre it was also the smallest of the Castlepoint reserve, although those for whom the reserve was made had long insisted that it was supposed to have been a large reserve. The Crown never set aside Waitutu reserve. Although Castlepoint was close to a model purchase when compared to those that came after it, the delays in granting title to reserves and issues over boundaries were common themes that continued through purchases after the Komiti Nui until 1865.

Reserves in Deeds After the Komiti Nui, 1853-1865

Reserves purchased prior to granting

- 2.53 At least ten reserves were purchased by the Crown before they were surveyed, such as Hikurangi and Awatoitoi (Whareama deed) and Ritokau (Part Smith's Run deed). One of the largest reserves, Ōwhanga, was set aside from Turakirae (West Side of Lake Block), which was the first large area acquired in September 1853 after the Komiti Nui. The Crown purchased this large reserve in December 1853, along with two other Turakirae reserves. Many of these transactions involved far fewer vendors sometimes only one than the earlier widely-signed deeds setting aside the reserves.
- 2.54 The Crown's purchase of reserves was sometimes disputed by those for whom they had been set aside. The Te Karamu deed of 27 December 1854, including the Taratahi Bush reserve, fell within the boundaries of the Hikawera and Taratahi deed signed the following day, which made no mention of the reserve. The reserve was agreed in the first deed with Ngatuere Tāwhirimātea Tāwhao, who was not involved in the second deed. He was unaware of the extent of the Crown purchase signed the following day by other rangatira, including two leading rangatira who had been witnesses to the first deed. Rather than protect the reserve it had agreed during the first purchase, the Crown set aside £400 to resolve the claims it anticipated from Ngatuere. In 1857, when road workers built accommodation on land Ngatuere believed was the original reserve, he accused them of trespassing on land he had never sold. In 1858, the Crown paid Ngatuere £200 to extinguish his interests in the Taratahi and Hikawera blocks and set aside three reserves, including one at Uru-o-Tāne (Blackbridge) beside the Wai-o-Hine River ferry reserve. In 1860, Ngatuere protested to the Crown that settlers were building on his reserve at Uru-o-Tāne, telling McLean: "what those Pakeha had done was an

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offence against the Union Jack, and you. I mean, taking the section which we had reserved as homes for us, the Maori. I thought, indeed we all thought, that Wairarapa was a trouble-free land. The areas which had been reserved as homelands for us, the Maori, should remain so... I am so sad about our lands, those of our children, which are being taken just like that by the Pakeha here. It is wrong." Ngatuere was still seeking titles to the reserves in 1882.

Issues with surveying and granting reserves

- 2.55 Surveying settler lands often took precedence over surveying Māori reserves and the delay in surveying reserves made it more likely that they would never be set aside or be included in land sold to settlers. This was a result of what McLean referred to as the Crown's "undue haste" in selling land to settlers. Reserves sold before they could be surveyed included Te Oroi (Awhea deed), Whāwhānui (Mataoperu deed), Motupiri (Owhanga deed), Waipuna (Part Pāhaoa and Wilson's Run deed), Pāhaoa pa, Rerewhakaitu and a 500 acre cultivation reserve (Te Awaiti and Part Pāhaoa deed), Tukuwahine (Whangaehu deed), and Whatakai (Whareama 2 deed). Another reserve was agreed in the Tūranganui deed and was intended for a Māori lay preacher who had no interests in the area and this too was sold before survey.
- 2.56 The Crown's delay in granting reserves prevented some Ngāti Kahungunu from making income through legally leasing their lands. In 1865, the Native Reserves Commissioner noted that the leading rangatira Te Manihera Rangitakaiwaho could readily lease his land yet to be granted for perhaps £150 per annum once title was granted. In contrast, he had earlier been able to use his Crown grant for the Wharekaka reserve (1,389 acres) to raise a loan of £915 to repay debt and establish a sheep flock. The loan was repaid using income from the sheep and the rent from a legal lease of Wharekaka.
- 2.57 The issuing of grants was at the Crown's discretion. In 1864, the Native Minister and the Superintendent of Wellington Province rejected the advice of officials and opposed the issuing of title to Ngairo (brother of Ngatuere) for a reserve from the 1858 Tūpurupuru deed because Ngairo was, like many other Ngāti Kahungunu rangatira, a supporter of the Kīngitanga (Māori King Movement). In contrast, a grant to Ngatuere for 100 acres reserved from the 1858 Manaia deed was recommended in 1861 as he was reported to have shown a "firm and friendly attitude" to settlers at Greytown. At the same time a grant was recommended to Te Manihera in an effort to "conciliate" him. Land at Whakataki was promised to Wiremu Te Pōtangaroa for his "loyalty and the good service he continuously rendered to the Government." Awhea Sections 73 (500 acres) was granted to one rangatira and Awhea Section 74 (525 acres) to two other rangatira in 1867 as all three had been "promoters" of "large sales to the Queen." Many Ngāti Kahungunu rangatira were eager to secure Crown granted titles for reserves due to fears that they would be deprived of the land.
- 2.58 Many Ngāti Kahungunu rangatira were eager to secure Crown-granted titles for reserves due to fears that they would be deprived of the land. Other Ngāti Kahungunu obtained Crown-granted titles through the purchase of sections of Crown land. In at least 17 instances individual Māori purchased back portions of a Crown purchase block. They usually paid the same rate as European settlers which ranged from five to ten shillings per acre and was many times greater than the original price paid to them. The majority of

- these lands were purchased out of Māori ownership before 1900 and today portions of only three of them are Māori land.
- 2.59 The 1855 Whakataki deed provided for Māori to repurchase the 6,600 acres that they had sold by 1857. This provision was intended to "put an end to our native customs relative to that piece of land." By 1858 some resident Māori had paid more than £100 to repurchase 249 acres (approximately 14 times the rate paid by the Crown), although they wished to acquire more. The Crown did not grant title to this land until 1881.
- 2.60 In 1862, McLean advised the Crown that, regarding the return of Whakataki, "it would be no more than justice to secure it upon them." In 1864, the Crown agreed with Hori Karaka and others to return the remainder of the land. By 1872, the Crown had still not granted the land, despite several petitions by Māori. During this period the Crown sold 85 acres of Whakataki to a settler.
- 2.61 In 1874, the Crown promoted legislation to carry out the agreement made in 1864 as well as older agreements dating back to 1853. The Whakataki Grants Act 1874 provided for grants of more than 6,600 acres to individuals in the Whakataki reserve. The largest portion of the block was guaranteed for the "support and maintenance" of 20 of the original owners. However it was not until 1881 that the Crown finally issued grants for the Whakataki titles, 28 years after the original Castlepoint transaction had reserved the land, and seven years after legislation provided for the grants.
- 2.62 In January 1856, about 400 acres of land was purchased for £60 from Matiaha Mōkai and two others as the Aranga Te Kura deed, under the terms of which Matiaha was to buy back 200 acres of the block at a cost of £100. He paid the £100 but did not get the land paid for. The failure to provide the land was one of the topics raised in a petition submitted by 51 Ngāti Kahungunu in 1867. The Parliamentary committee inquiring into the petition found this unsatisfactory and recommended the grant be made but it does not appear this was ever done.
  - Crown attempts to remedy issues of reserves
- 2.63 In some instances, where the Crown sold unsurveyed reserves to settlers it offered replacement land to Māori rather than move settlers off land the Crown had agreed to reserve for Māori. In 1854, the Crown sold the Motupiri reserve of 100 acres, provided for in the 1853 Ōwhanga deed, to a settler. The intended owner, Rāwiri Piharau then agreed to select a reserve from Crown land at Ruamārie by the Tauherenīkau River, but in 1857 the Crown sold this land to a settler despite McLean warning beforehand that the land was reserved for Piharau. Piharau was offered 150 acres of other Crown land as a reserve, along with £30. The Crown did not pay the £30 but Piharau did select his land at Tirohanga and began cultivating. The Crown again failed to reserve the land and instead sold some of it to settlers. Piharau refused to move off the land as it was near Wairarapa Moana and his pa tuna (eel weirs). He was referred to by a land purchase official as "obstinate" and the Crown advised the local Resident Magistrate to summons him to court. In 1860, Pihirau agreed with Native Minister, Frederick Weld, to accept £300 plus a ton of flour and half a ton of sugar in payment for his reserve. Weld also allocated him 150 acres at Pouawatea but it was continually flooded, and part of it was claimed by a settler. The Crown bought it from Piharau and two others in 1864 for £150. Piharau

- continued to seek a reserve, which an 1882 inquiry into Wairarapa reserves noted as an "unsettled" claim, and his descendants pursued it until 1914, without success.
- 2.64 In some instances, land that the Crown had offered as replacement reserves was of poorer quality than the reserves originally agreed upon. The Rerewhakaaitu cultivation and the Waipuna bush reserves in the 1854 Part Pāhaoa and Wilson's Run deed was not surveyed and was alienated through being sold to settlers. In 1886, following Ngāti Kahungunu protests and a Government inquiry several years earlier, Ngāti Kahungunu were offered Paehuia as an alternative to both reserves but it was an inland block distant from the coastal cultivation site in Rerewhakaaitu and bush area at Waipuna, adjacent to their abundant fisheries.
- 2.65 In other cases, the Crown offered Ngāti Kahungunu a payment for the lost reserve, for the purpose of extinguishing their interest. The 1845 Maungaroa deed of cession excluded any existing cultivations of Ngāti Kahungunu but the Crown did not define these or formally reserve them afterwards. The 1853 Mataoperu deed reserved a cultivation at Ohiranga and a papakāinga at Opouawe. The Ohiranga reserve was not surveyed or granted before the commissioner of Crown lands was, as he later described it, "induced" to sell land which included part of the reserve to the same runholder involved in the 1845 incident. When Māori protested, the Crown did not restore the land or adjust the reserve boundaries. The Commissioner of Crown Lands had urged the latter course and warned McLean that if the reserve issue was not resolved he would be obliged to reveal the circumstances under which he had sold the land. The Crown addressed the issue by purchasing the Ohiranga reserve, paying £80 in Wellington to one of the numerous right-holders.
- 2.66 Title to the Opouawe reserve was awarded in 1887 when 10 acres was granted to a single owner. It lacked access and was not occupied by the owner or by those for whom it was intended to have been reserved in 1853, instead being used by an adjacent runholder without payment. The land largely remains in Ngāti Kahungunu ownership today.
- 2.67 In 1861, the Crown sold land to a settler which included the unsurveyed Whatakai reserve, estimated at 63 acres, from the 1853 Whareama 2 deed. Despite immediate objections Māori interests were not addressed. In 1869, Māori occupation of the reserve prompted inquiries which revealed the land had been marked as "disputed" on Crown land selection maps before it was sold to the settler. In 1870 a Crown official concluded that the settler's grant "in its present state cannot be maintained or upheld by Government," but proposed to secure the land of the settler by making an additional payment to the Māori for whom the reserve had been set aside. The official said the settler's grant could be legally overturned but noted "the whole would cost ten times as much as the land is worth." The official described the initial sale of the land as a "blunder", and advised the Crown get out of this "mess" "as cheaply as possible." The Crown had taken no further steps when, in 1872, Te Manihera Rangitakaiwaho petitioned for £500 in exchange for the land, but this was unsuccessful.
- 2.68 In 1872, the Crown proposed a price of £100, and immediately paid £15 to one claimant, without the agreement of the wider group. In 1874, Ngāhui Hemara, wife of Te Manihera, protested that "I and my tribe did not throw any difficulties in the way of the Government

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respecting three other lands belonging to us which were included in the wrong sale made by those foolish people." She understood Whatakai to be "of very much greater extent" than the 63 acres estimated by the Crown and sought £500 for the land. She wished to have the land surveyed "that I may be clear in either selling it or keeping it for my own occupation." In 1875, the Crown made further payments to individuals, including Ngāhui Hemara, these totalled £150. Not all right-holders accepted or agreed with the 1875 payment and in 1901, 30 of them petitioned for the return of Whatakai, without success.

- 2.69 The Te Oroi reserve, from the 1854 Awhea deed, was the one case in which the Crown fully remedied the error it made in selling unsurveyed reserve land to settlers by ensuring that land was awarded to those for whom it had been reserved. At Te Oroi about 550 acres of the reserve was sold to a settler in 1854, in the words of the District Commissioner "immediately after" the Awhea deed was signed. Following several years of protests by Ngāti Kahungunu the land was re-acquired by the Crown in about 1861 and in 1884 the reserve of 2,280 acres was confirmed before being awarded to its owners in 1888.
- 2.70 Many titles to the surviving reserves were not issued until after the conclusion of a Crown inquiry that began in 1878 as a result of numerous Māori complaints to the Native Reserves Commissioner. The inquiry looked into about 90 reserves from deeds arranged after the Komiti Nui up until 1865. In 1882, a report was completed which found that 14 reserves had been purchased, mostly by the Crown, and 11 reserves were missing or undefined. The Native Reserves Titles Grant Empowering Act 1886 provided for titles to be issued for 31 previously unmade Wairarapa and Tararua reserves. Of the 11 undefined reserves one was awarded through the Native Land Court in 1888 and three were addressed through titles issued under special legislation enacted in 1898. The Crown took no remedial action to establish the other seven undefined reserves.

Other issues with reserves

- 2.71 In 1859, a Crown official suggested that Crown grants to individual owners of reserves should include a provision making them inalienable for the lifetime of the owner. However, the Crown did not adopt this advice. By 1865, titles to 24 reserves comprising 8,765 acres had been issued to individual rangatira. The largest such reserve was Tūranganui Section 65 (2,840 acres), awarded to Rāniera Te Iho-o-Te-Rangi in 1863. These reserves were not made inalienable and most were subsequently purchased. By 1900, less than 1,500 acres of the reserves remained and today only 107 acres remain Māori land.
- 2.72 Native land legislation in the 1860s included provisions for restrictions on alienation to be imposed on the titles for reserves which came before the Native Land Court. However these restrictions were not always applied and could be removed by the Governor in Council on the advice of the Native Minister if the owners requested this. In 1869, Ngātāhuna reserve, from the Castlepoint deed, went through the Native Land Court and in January 1870 was made into two blocks. Ngātāhuna 1 was 1,485 acres and had no restrictions placed upon it. Ngātāhuna 2 was 67 acres and had restrictions placed upon it. Known as the "Māori garden", Ngātāhuna 2 included homes and cultivations. In 1871, a 485 acre, 33 percent, portion of Ngātāhuna 1 was purchased by a Crown official, acting in their private capacity, for £140. At the same time the official leased the

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remaining 1,000 acres of Ngātāhuna 1 with an option to purchase for £250. In 1873, the official paid £200 for the remainder of the reserve. This purchase landlocked Ngātāhuna 2 which the owners now considered "of no benefit to us". In 1880, the owners asked for the restrictions to be removed to enable the sale of the land, and this was done in 1881.

- 2.73 In instances where restrictions were in place they were not always enforced. In 1868, the Native Land Court awarded the Whakatomotomo reserve (1,160 acres) to eight owners (at a time when a maximum of 10 owners were permitted on titles). The Court imposed a restriction, which meant that the block could not be alienated except by a lease of no more than 21 years. However, in 1870, a local settler purchased 515 acres of the reserve. This land passed out of Māori ownership although there is no record of the restriction being removed. In the 1890s, the customary owners excluded from the title protested they had not agreed to the sale or been party to it.
- 2.74 In 1863, the Crown granted title over 10.5 acres of customary Māori land beside the lower Ruamāhanga River to Te Manihera Rangitakaiwaho. The Crown did this in an attempt to secure the loyalty of Te Manihera. This land, which included the Otaraia pa and an urupā, had been specifically excluded from the 1854 Wharekaka deed. The Crown considered Te Manihera the sole owner of the land, noting the land to be "still native land but is looked upon by all Natives as the exclusive property of Te Manihera who has a large wooden house built upon it, the cost of which is upward of Four hundred pounds." In 1865, most of the land, along with more than 1,000 acres which had been reserved for him in the original Wharekaka deed, was used to secure a loan from the Crown. In 1868 this land was sold. Today only the land-locked urupā of half an acre remains.
- 2.75 Although the Crown promised Ngāti Kahungunu ample reserves, the approximately 100 reserves from Crown purchase deeds prior to 1865 comprised 63,000 acres, or just four percent of the 1,500,000 acres the Crown purchased. The 100 surveyed reserves varied in size from 18,000 acres to less than 1 acre. Fifteen reserves comprised more than 1,000 acres while only 10 were between 500 and 1,000 acres. Like the purchases, these reserves were concentrated in Wairarapa. Some reserves for leading rangatira such as Wiremu Kīngi, Ngatuere Tawhirimatea Tawhao and Te Wereta Kawekairangi were insufficient to provide for them and their families with the result that by 1865 the Crown was advised the owners had "sold nearly the whole of [their] land and had "little to depend upon except [their] own labour."
- 2.76 By 1900 only 44,000 acres remained across 65 reserves in Wairarapa and Tāmaki nui-a-Rua from the pre-1865 purchases. Today 22,500 acres across 30 reserves remain in Māori ownership. Almost 18,000 acres, 80 percent, of what remains is Mataikonā reserve from the Castlepoint purchase.

### The Koha Fund, Education and Health Provision

Koha Clauses and the Five Percents Fund

2.77 A key feature of Crown purchasing in Wairarapa and Tāmaki nui-a-Rua, following the Komiti Nui was the establishment of a koha fund into which five percent of the Crown's profits from selling land it had purchased from Wairarapa Māori would be paid. The Koha

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was intended to support Ngāti Kahungunu to establish a full and meaningful role in the economic development promoted to the Komiti Nui by Governor Grey. Ngāti Kahungunu likely understood the koha to be a general commitment made by Governor Grey in 1853 in relation to all land purchases. "Koha" means a present or gift, with connotations of ongoing reciprocity between the giver and the recipient. Over the coming decades the Crown encouraged Ngāti Kahungunu to consider koha as referring to the wider benefits of settlement and colonisation. During the 1850s and 1860s the term "koha" was sometimes used and translated to refer to interest, such as that payable on debt or earned through investment.

- 2.78 The first two Crown purchase deeds to include koha clauses were agreed in early September 1853. The English language version of the first deeds described "a certain additional consideration for the lands we have sold, to be paid to us for the forming of Schools to teach our children, for construction of Flour Mills for us, for the construction of Hospitals and for Medical attendance for us, and also for certain annuities to be paid to us for certain of our Chiefs..." The clause provided that the vendors and the Governor (or his officials) "shall carefully discuss in Committee" how and when the koha was to be applied to these purposes (other than the annuities which the Governor was to disburse). The source of the koha was to be "5 percent, equal to £5 out of every £100", of the proceeds from on-selling the land, "after deducting surveys and other expenses connected with laying off the said lands". In the first wave of Crown purchasing, between 1853 and 1854, the Crown agreed to koha clauses in 12 deeds. The first four of these deeds described the koha clause in full. However, later deeds used shortened clauses such as "the koha will be paid to us" or referred to the koha "which has been allowed to the other sellers of the lands in Wairarapa". These early deeds covered what was initially estimated as 457,000 acres, the lands being unsurveyed at the time.
- 2.79 In September 1853, McLean wrote that Koha clauses would be included in "future deeds". A few days later he finalised the purchase of 800 acres of land at Huangarua, paying £100 for this land. McLean reported that he had not included the koha clause in this deed "as the price paid for these small purchases must be considerably higher to secure the settlers in their homesteads than for larger blocks." McLean later wrote that Māori sold the larger blocks "at a cheaper rate in consequence of being promised the five per cents." The only block smaller than 10,000 acres to include a koha clause was the 2,291 acre Mākōura block, comprising the site of the proposed township of Masterton. After January 1854 the Crown ceased including these clauses in its land purchase agreements in Wairarapa and Tāmaki nui-a-Rua.
- 2.80 In January 1856, the amount due to the Māori vendors under the five percent clause was estimated at £760. The Commissioner of Crown Lands and Donald McLean recommended that the Crown ascertain the current and future liability arising from the five percents clause and then come to "an equitable arrangement" with the Māori vendors for "the surrender of the condition for a stipulated sum, payable in certain fixed instalments." In 1858, Crown extinguished the koha clause in the 1854 Tautāne deed (estimated to comprise 70,000 acres) through a one-off payment of £500. Although Ngāti Kahungunu received an immediate benefit the payment was considerably less than five percent of the income that would have been generated over time through the sale of the land, even at the lowest prices for Crown land required by legislation. This was the only instance of the extinguishment of the koha clause through a one-off payment.

- 2.81 The Crown did not establish the joint committee with Māori described by the koha clause. It collected five percent of land sales proceeds from lands within the deeds containing koha clauses. The Crown paid all of this money into a single fund for the general benefit of Wairarapa and Tāmaki nui-a-Rua Māori rather than into discrete funds for each block. It drew on the five percents fund for a variety of purposes, including occasional cash advances to selected rangatira, without consulting the wider beneficiaries of the koha. By 1860 the Crown had made payments totalling £941. These included £100 paid to Castlepoint Māori in September 1853 for 'claims at Wairarapa.' When other Castlepoint Māori later sought payment of koha on the Castlepoint block they were told it did not apply there. Other payments included £366 to repair the mill at Pāpāwai which had been damaged by the 1855 Wairarapa earthquake, and a £260 for a school at Masterton. Unlike wider benefits discussed at the Komiti Nui the Pāpāwai mill was an explicit promise by Grey and was initially paid for separately by the Crown while the school was to be funded from other sources, including an endowment already provided by Ngāti Kahungunu. Ngāti Kahungunu later objected to this expenditure and to the Crown's wider lack of consultation with them regarding the administration of the fund.
- 2.82 In 1860, Ngāti Kahungunu reminded the Crown of the tikanga established at the Komiti Nui. They told Governor Gore Browne that "It will be for you to provide for your children. Do you provide for them by permitting them to be supplied with all your goods and commodities and causing them to dwell in peace and security." They wrote that they had yet to see the doctors and school teachers anticipated in the wake of the Komiti Nui. The following year the Wairarapa Resident Magistrate reported that Māori complained that, in addition to protests about reserves and purchase payments, "many promises made to them when first induced to sell their land have not been fulfilled." The same official reported that arranging the koha "is likely to be attended with difficulty, the Natives having considered it to be a larger and more permanent fund than is likely to prove."
- 2.83 In 1863, officials again considered buying out Māori rights under the koha clause. Another official wrote that Māori would probably accept such a payment "especially as the mode of applying the sums accruing from the 5 per cents as expressed in the clause has never been carried out." In 1864, a group of leading rangatira from Ngāti Kahungunu wrote to Governor Grey of this proposal. They objected to it as an effort "to do away with our title, so that there shall be no rent [koha] hereafter." They wrote: "we do not agree to that, on any account, all that we desire is that only the rent [koha] for our places, whether the amount be little or great, that it be given to us every year, whilst we are alive and after [our] death, to our children, should any remain at that time, let them receive them, and after them, [pay it] to their children." By this time the Crown had decided that payments from the fund should be confined to the signatories of the deeds containing the koha clause and their descendants.
- 2.84 In October 1870, the Crown convened a hui at Greytown to distribute all the funds so far accumulated in the five percents fund. A total of £3,170 had accumulated from the five percents, of which £1,230 had already been expended by the Crown without consultation with Māori, leaving £1,940 to be distributed. Māori sought detailed accounts showing how the funds had been expended in relation to the relevant blocks. However, the Crown was unable to provide these accounts. Instead an official provided rough estimates for what was owed on each block. After four days of debate, the payment and its distribution by block was agreed to by those at the hui, despite their strong dissatisfaction with the

- way in which their koha had been calculated and the way in which so much of it had been expended without their consent.
- 2.85 Those at the hui urged the Crown to cease making payments to individuals. The Crown proposed to make regular payments every three to five years from the accumulated fund. However, in 1872, the Crown paid £100 from the Pāhaoa block fund to a non-resident individual, leaving only £39 for the numerous other beneficiaries of the funds accumulated from the block concerned. The beneficiaries later objected to the payment.
- 2.86 In December 1873, the Crown called a further hui at which Ngāti Kahungunu again criticised earlier deductions from the fund for medical attendance, schools, and mills. The Crown distributed £596, which was half of the remaining fund. Ngāti Kahungunu found the sum disappointing in light of rising land values. An official explained to Ngāti Kahungunu that the income for the koha fund was decreasing because the area of Crown land remaining for sale reduced over time and that the high land prices they were observing "were on private not Government land sales". The official reported that the koha clause had not been adequately explained to Ngāti Kahungunu at the time the deeds were signed. Nevertheless the same official advised the Crown that "considerable sums" might still accrue from unsold Crown land in the upper valley and on the east coast.
- 2.87 Despite not including koha clauses in deeds since January 1854, during the 1870s the Crown agreed to apply the koha clause to five blocks. In 1873, the Crown and Wairarapa Māori signed a deed for 5,000 acre Moroa block, formalising its 1853 gifting to the Crown by Ngāti Kahungunu. The deed stated that, as agreed in 1853, five percent would be returned from on sales as "koha". In December 1873, the Crown completed deeds for the Arikirau, Kuramahinono, and Maungaraki blocks, comprising approximately 3,000 acres. The Crown paid about two shillings per acre to Māori but on sold the land for between £1 and £3 12 shillings per acre. Māori were unhappy with this difference and in 1878 the Crown agreed to pay the five percents on these three blocks. In 1872, the Crown's purchase of the Whangaehu No. 2 block (2,077 acres) was agreed and when the purchase was completed in 1881 it was confirmed that this was on the basis that the five percents be paid as provided in earlier deeds.
- 2.88 In March 1881, a report on previous distributions of the five percents fund found that "Although the mode of proceeding was irregular I do not think that any injustice befell the natives." The Native Minister queried the administration of the fund and observed "The whole matter seems to require revision." However, following frequent inquiries from Māori the Crown called another meeting a month later to distribute the ever-dwindling five percents fund. At the meeting Māori objected to the Crown deducting 60 percent from the £557 then accumulated in the fund to cover half of the cost of a doctor between September 1873 and June 1880. Since 1859 the doctor had been fully funded by the Crown as part of its network of salaried Native Medical Officers. In 1883, a Crown official noted that if the five percents fund continued to be drawn on to subsidise the doctor's salary, "an injustice will be committed."
- 2.89 Money continued to come into the five percents fund after the 1881 distribution as the Crown continued to sell the remaining lands it had acquired through the purchase deeds which contained koha clauses. However, the Crown did not agree to Māori requests for

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further distributions from the accumulated fund. One such request advised the Crown that the koha fund had been arranged in Governor Grey's time, "continued in Sir Donald McLean's time, and it was to continue to my children and grand-children." Another writer, Te Waaka Kahukura, recalled his understanding of McLean's "abiding" words about the fund: "Interest [koha] upon your lands will be paid continually to you for ever and ever," but that the koha was "no longer paid to us." The Crown responded to two 1886 requests by advising that it would soon arrange a distribution of any five percent funds that had accrued since 1881. An official responded that in 1885 there had been £192 in the Five Per Cent Fund and that "No doubt there will be more than this amount which can be accounted for by the Crown Lands Office." In 1891 Māori reminded the Crown of the koha and other promises made in 1853, and a commission of inquiry observed that, "it was made a subject of grave complaint that the contracts of the Government with the Natives, by which large blocks were ceded to the Crown, had been broken in many ways."

2.90 In 1892 the fund stood at £253. In 1895 Ngāti Kahungunu petitioned the Premier for their koha, but no payment was made. No further funds accrued and in 1899 this sum was transferred by the Public Trustee to the Government account as "unclaimed monies". In 1938 Ngāti Kahungunu lodged a petition on several matters, including the five percents fund. In relation to this aspect of the petition the Crown responded incorrectly that no further funds had accumulated since 1881.

The Crown's Provision of Health Services

- 2.91 At the Komiti Nui Grey likely spoke about the provision of medical services for Māori to follow from land sales and European settlement. Early deeds with koha clauses described the "construction of hospitals and for medical attendance for us", to be provided out of the five percents fund. Grey's kōrero on health services was long remembered by Ngāti Kahungunu. However, the delivery of these benefits was not what many Ngāti Kahungunu had envisioned.
- 2.92 Starting in 1859, the Crown paid annual subsidies to native medical officers to provide services to Māori they considered unable to pay for medical help. From 1859 to 1883 the Crown subsidised a native medical officer at Greytown. Most of the small number of patients he saw were from nearby Pāpāwai and Waiohine and he rarely visited coastal kāinga or more remote areas. A second doctor received minimal subsidies from 1864 to 1866 for his work with Māori on the east coast of the district.
- 2.93 In 1869, some Māori protested to the Government about what they perceived as the "unsatisfactory treatment" being provided by the native medical officer at Greytown, and called for his replacement. However others signed a petition in support of the doctor. The Crown decided to retain the medical officer but Māori continued to express dissatisfaction with his services. In 1873, the Crown dropped a proposal to fund the officer out of the koha fund, following Māori objections to both this use of the koha fund and the quality of the services being provided. However, in 1880 the Crown decided, despite continued objections from Māori, that it would fund the doctor from the koha fund and backdated this subsidy to 1873. In 1883 the Crown ended the subsidy for the Wairarapa Native Medical Officer and his services were dispensed with.

- 2.94 In October 1853, a month after the Komiti Nui, a Crown official noted Grey's intention to have a hospital for Māori established at Wairarapa. By this time The Crown had established several such hospitals for this purpose in North Island towns. However, the Crown did not establish a hospital in the Wairarapa at this time. The first hospitals to open in Wairarapa were in Greytown in 1875 and in Masterton in 1879 primarily to service the growing settler population. These, and later hospitals, were rarely used by Māori.
- 2.95 In 1895, Ngāti Kahungunu petitioned the Crown to appoint two medical officers "solely to attend" to Māori "in accordance with the promise made by the Government and the Land Purchase Commissioners in the years 1853-1854." In response a Crown official recommended that the Crown subsidise doctors and establish "cottage hospitals" for Māori, or open Māori wards at the Masterton and Greytown hospitals. The Crown did not take these steps despite continued reports on the great need of medical care for Māori.
- 2.96 In May 1898, Premier Richard Seddon attended a pan-iwi political hui with Pāremata Māori (the Parliament at Pāpāwai under Kotahitanga, the Māori political movement seeking Māori self-determination). Seddon arranged for a Greytown doctor to be available at the hui who successfully treated many Māori. The doctor reported that the work of the local "sanitary committee" had been important in sustaining the good health of those attending the hui. This committee was the initiative of Tamahau Mahupuku and Hēnare Parata whose sanitary reform work at Pāpāwai informed developments in the Crown's Māori health policy in the early 1900s.
- 2.97 Seddon told those at the 1898 Pāpāwai Pāremata Maori that "a reasonable amount should be spent every year to try and preserve the lives of the natives, by giving them the aid of skilful doctors." After the hui Ngāti Kahungunu requested the doctor be permanently appointed as a Māori doctor, but the Crown declined this request. An official reported that "the Wairarapa natives are fairly well off, and can afford to pay for medical attendance." The doctor returned to his usual practice and sent the Government a letter criticising what he described as the "shameful" medical services "practised upon them by all sorts of quacks."
- 2.98 In the 1880s, Māori criticised the high cost of doctors visits and some had to sell land to pay for medical expenses. Throughout the late 1890s Māori continued to request more extensive health services. In 1899, the Crown introduced a £25 annual subsidy for a doctor at Hāmua in Tāmaki Nui-a-Rua. This was a quarter of the amount paid to earlier Native Medical Officers, between 1859 and 1883, and was rejected by a Greytown doctor in 1899, who suggested a larger subsidy was required to enable a doctor to service a wider area. In 1903 the subsidy for the Hāmua doctor was increased to £50 to enable him to travel further afield. In 1909, the subsidy was ended due to retrenchment and because the Chief Health Officer in Wellington was of the view that the "Natives are few and they are fairly well off." The doctor disagreed, noting local Māori had money only "at shearing time." During this time, new hospitals were opened in Tāmaki nui-a-Rua in Pahīatua and Dannevirke.
- 2.99 In 1908, nine years after the remainder of the five percents fund had been transferred to the public trustee, Māori petitioned the Government for a doctor. A Crown official recommended one be appointed as "in the terms of the Deed of sale of the Wairarapa

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Māori lands to the Government provisions were made for the free medical attendance of the natives of that district." The Minister of Public Health declined the request for a doctor writing "We must not undertake any responsibility arising out of the sale of land." Instead the Crown provided a £25 per annum subsidy for the treatment of "indigent natives" living within three kilometres of the doctor's surgery in Masterton. This subsidy was ended around 1911.

The Crown's Provision of Education

- 2.100 Education in Pākehā ways was important to Ngāti Kahungunu, particularly as they looked to provide for their children's future, but not at the expense of their mātauranga Maori (traditional knowledge). For this reason Ngāti Kahungunu placed significant weight on Governor Grey's discussion, at the 1853 Komiti Nui, of schools which would follow European settlement as well as the wording of some early Koha deeds which called for the koha fund to provide for "the forming of schools to teach our children".
- 2.101 Despite being a central tenet of early koha deeds, evidence suggests that only one payment was ever made from the five per cent fund for educational purposes. In 1860, McLean directed that a £260 payment be made to the Bishop of Wellington for an Anglican school at Pāpāwai. Despite the Crown having agreed that the koha fund would be jointly administered with Māori it was only in 1861 that the Crown sought Māori consent to this payment. In 1863, when Māori were informed of the payment, they objected to it as the school was a separate project from the educational services to be provided by the koha fund. In 1869 the Native Minister requested an investigation into the viability of a secular school in Wairarapa funded from the five percents fund, however nothing came of this.

Gifted Lands at Pāpāwai and Kaikōkirikiri

- 2.102 In March 1853, Ngāti Kahungunu were encouraged by the Bishop of New Zealand and Governor Grey to gift land to the Anglican Church for schools for their children, although the original terms of these gifts has not survived. The two gifts comprised 400 acres at Pāpāwai and 190 acres at Kaikōkirikiri (near Masterton). However, just as the Crown did not allow Māori to lease land to settlers, the Crown did not permit a gift of customary land to the Anglican Church. Instead the land passed through the Crown, extinguishing native title, before it was gifted by the Crown to the Church. While Māori viewed the gift in the context of tuku whenua (gift exchange of land) by which land not used for the stated purpose could be resumed by the giftors, the Crown's gift of the land to the Anglican Church removed intended obligations and stated the purpose of the land as "for the education of children of our subjects of all races, and of children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean."
- 2.103 In December 1860, the Church established St Thomas's College, a boarding school for boys, on the gifted lands after receiving an initial payment from the koha fund and an ongoing subsidy of £10 per annum per student. Ngāti Kahungunu had previously donated significant sums to the church for the school and supplied the timber for it. However, the boarding school operated for only four years before the Church closed it down.

- 2.104 Ngāti Kahungunu unsuccessfully campaigned to have the school re-opened or, failing that, have the gifted land returned to them. A group of leading rangatira of Pāpāwai wrote to their local MP in 1882, stating that their intention in 1853 was for the Church to have their land "as long as there was a school", but that now the school had been closed they "expected to have the land back". However, this could not happen because of the manner in which the Crown had, unknown to Ngāti Kahungunu, granted their land to the Church.
- 2.105 In 1896, Ngāti Kahungunu petitioned Parliament, seeking the return of the land. The Native Affairs select committee recommended that the Crown introduce special legislation to set aside "the Crown grants issued in favour of the Lord Bishop of New Zealand, and [declare] the land 'papatupu' or Native land", however, the Crown did not act on this recommendation. In 1898 Premier Seddon criticised the failures to honour the gifts and establish and maintain schools on the gifted lands. He pledged to introduce legislation that would ensure schools were opened but did not do so.
- 2.106 The Crown undertook legal proceedings against the Church and Māori continued to protest for the return of their land. However, in 1903, the Privy Council affirmed the Church's right to manage the gifted lands under the title issued by the Crown. That year the Church established Hikurangi College, a boarding school in Clareville (between Greytown and Masterton) for a small number of Māori boys, using funds from the Pāpāwai and Kaikōkirikiri Trust. The school was opposed by the donors of the gifted lands as it was located some distance from their settlements. Māori further criticised the school for not catering for Māori girls and the emphasis on religious education over industrial and trade training. In the late 1920s, Ngāti Kahungunu petitioned parliament when Hikurangi College began to charge fees. In 1932, a fire damaged Hikurangi College and it was not repaired or reopened.
- 2.107 Throughout the life of the college Ngāti Kahungunu continued to seek either to have the terms of the gift honoured through the provision of education appropriate to their needs or that the gifted lands be returned. A 1905 commission of inquiry made recommendations to address these and other grievances related to school trusts but the Crown took no action.
- 2.108 In 1941, a Ngāti Kahungunu komiti met at Te Ore Ore and drew up a petition to Parliament, seeking a greater say in the management of the Pāpāwai and Kaikōkirikiri Trust. In 1943, a Parliamentary select committee recommended that Māori and the Church reach a compromise, whereby Māori would have greater involvement in the trust's administration. The committee concluded that as there were not enough funds to restore and maintain Hikurangi College, the trust should instead use two-thirds of its income to provide scholarships for Māori students to attend church boarding schools outside the district and one-third to provide financial support for Māori to attend local secondary schools. Preference was to be given to Ngāti Kahungunu children of southern Wairarapa. The committee's recommendations were enacted in the Pāpāwai and Kaikōkirikiri Trust Act 1943 with little debate, with at least one Māori MP expressing concern that "Bills were being rushed through". Ngāti Kahungunu objected to the limited Māori representation on the Trust Board detailed in the Act, and a 1946 amendment to the Act provided for four Māori to be appointed by Ngāti Kahungunu to the ten-member Board, and for one of the five church appointees to be Māori. One other member was

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appointed by the Minister of Education. When the 1946 legislation was introduced a Legislative Councillor said "it is felt that it will heal a long-standing breach." Although there have been further legislative amendments the Pāpāwai and Kaikōkirikiri Trust continues to distribute funds for educational purposes to this day.

# "Te Pooti-riri-kore": A Land Without War – King and Queen in Wairarapa ki Tāmaki nui-a-Rua

- 2.109 Ngāti Kahungunu concern about the pace and extent of land loss and the Crown's conduct of purchases in the 1850s led to growing dissatisfaction with the Crown. In 1856 some Ngāti Kahungunu attended a hui with many other iwi at Pūkawa, which discussed the selection of a Māori King. The Kīngitanga movement was concerned about the rapid alienation of Māori land as a result of Crown purchasing. Through uniting iwi, Kīngitanga desired to ensure that Māori could exercise mana and tino rangatiratanga over their communities.
- 2.110 In April 1859, some Ngāti Kahungunu travelled to Pā Whakairo (Hawke's Bay) to meet the Māori king, Pōtatau Te Wherowhero, who had been appointed in 1858. In September 1859, Ngairo Takatakapūtea and Matiaha Mōkai of Ngāti Kahungunu hosted a hui for several hundred Māori to discuss Kīngitanga in a new wharenui (meeting house), named Aotea at a new marae called Te Rongotaketake, at Te Waihinga in Wairarapa. The name of the marae evoked a Ngāti Kahungunu peace-making tradition. The kaupapa of this significant hui was remembered as

The commitment from the people of Wairarapa is to entrust to the spirit of the Atua... to hold fast to harmony, peace, love and this spiritual commitment is all encompassing.

- 2.111 The gathered Māori were joined at a dinner by 100 local settlers and the hui was reported to have been conducted in a very cordial manner. At the conclusion of the three-day hui it was reported that with respect to Kīngitanga opinion was divided and a "large party professed themselves neutral."
- 2.112 In the months following this hui a strong opposition among Ngāti Kahungunu to any further alienation of land to the Crown led to growing support for Kīngitanga. A rangatira visiting from the Ōtaki district reported that the movement's Wairarapa supporters "are those who are displeased with the Government District [Land Purchase]

  Commissioners."
- 2.113 In April 1860, after the Taranaki War had begun, some settlers petitioned the Crown to establish a militia in Wairarapa for their protection. Later that month several hundred Māori met at Pāpāwai and agreed to remain neutral. They emphasised that even though some in Wairarapa supported the Crown and some supported Kīngitanga, "because trust, harmony, and maungarongo [peace] was maintained, all would go well." However, when they heard of the petition it caused alarm and a force of Māori fighting men paraded through Greytown to Pāpāwai where Te Manihera Rangitakaiwaho, a leading opponent of Kīngitanga, assured the settlers of the "shield of his protection," provided that no Crown troops were sent to Wairarapa and no local militia was called out. The Crown had also received a counter petition from settlers who opposed the calling out of

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militia and decided not to take this step. Governor Gore Browne assured Māori in the wider region of the Crown's friendly intentions.

2.114 In 1860, Governor Gore Browne convened a pan-tribal conference at Kohimarama to engage with Māori in relation to Government policy so as to build support for the Crown. Approximately ten Ngāti Kahungunu rangatira from Wairarapa and Tāmaki nui-a-Rua attended, but prominent supporters of Kīngitanga in Wairarapa did not. Some of the rangatira who attended stated that they had proved their loyalty to the Queen by selling their lands. Rāniera Te Iho-o-te-Rangi told the Governor, "I prove my allegiance to the Queen by parting with my lands." Wiremu Waaka and Karaitiana Te Korou wrote to the Governor:

The Bishop and the Ministers have turned and still continued to turn me (my thoughts) upwards, but I now look downwards and quietly offer my land to the Queen, and my oath is before God. It is this: a man offers his place and says, 'We hereby offer our place to the Queen; we give it up in this year of Lord Jesus Christ'. Enough."

2.115 Governor Gore Browne spoke of the importance of unity between Māori and the Crown. Ngāti Kahungunu rangatira endorsed this, but doubted whether the Crown and settlers truly shared this desire. Rāniera commented:

Friend, I must say to you that concerning this word, that our union is nominal – that our bodies are united, while our hearts are divided, that is to say the hearts of Pakehas and of the Maories. The cause of the separation is this: some Pakehas, both low people and gentlemen, have said that we, the Maories, are dogs in your estimation.

- 2.116 The Kohimarama conference canvassed Māori participation in Government, in which Māori had little or no role, and other topics including the determination of land titles. Wiremu Waaka welcomed the opportunity to be consulted by the Governor: "See! I stretch forth my hand... I am endeavouring to find out some new rule for my guidance. Let me have it that I may judge whether it be good or bad." Governor Gore Browne described the conference as "the first steps towards that self-government which they will comprehend and enjoy."
- 2.117 Governor Gore Browne said there would be a similar conference in 1861. However, his successor, Governor Grey declined to hold another such conference, reporting his reluctance to "call a number of semi-barbarous Natives together to frame a constitution."
- 2.118 In 1861, the Crown began promoting the "new institutions", a system of local Māori government to be effected through official rūnanga (Māori councils) and salaried Māori judicial officers including policemen and whakawā (assessors). The Crown said these would work with local Pākehā resident magistrates to frame and enforce local bylaws. It was envisaged they would also determine land titles and manage land alienation direct to settlers, rather than to the Crown. The "new institutions" were intended to restore Māori confidence in the Crown while restricting the appeal and therefore influence of the Kīngitanga.

- 2.119 The Crown was slow to establish the "new institutions" in Wairarapa. By October 1861, the Crown had yet to establish a rūnanga in Wairarapa. However, local Kīngitanga were well organised and their rūnanga, comprising about 30 rangatira, met frequently to consider "social and political affairs, local and general." It was seen by the Resident Magistrate as "indicating social advancement" and behaving in a more "just and honorable" way than the "Queen's Natives." The Kīngitanga rūnanga also provided a forum for resolving disputes that was "governed by the broad principles of justice." At this stage the Resident Magistrate reported that the "Queen's Natives" were in a distinct minority and were "more strictly neutral" than "loyal". This included Te Manihera Rangitakaiwaho who had previously been the Crown's strongest local advocate against Kīngitanga.
- 2.120 Between March 1862 and June 1863, the Crown appointed approximately 16 Māori judicial officers in Wairarapa and Tāmaki nui-a-Rua. One whakawā, Ngatuere Tāwhirimātea Tāwhao, was suspended in 1863 due to his support of the Kīngitanga. The Crown had disestablished the "new institutions" by 1865.
- 2.121 In December 1862, the Kīngitanga flag was raised at a Wairarapa kāinga, "Tukaiora". The Crown demanded the removal of the flagstaff and described this act as a "wanton and serious offence." In June 1863, Wairarapa Kīngitanga affirmed the word of King Pōtatau to "adhere to religion, love, and law... be loving to the Natives and the Europeans."
- 2.122 In July 1863, the Crown invaded the Waikato and began a war there against Kīngitanga. In Wairarapa tensions rose amid rumours of pending conflict. In August 1863, The Wellington Provincial Superintendent called out the militia and local Kīngitanga responded by parading their own forces through Greytown, after the Superintendent had agreed to them doing so. Ngāti Kahungunu Kīngitanga continued to drill their forces but agreed they would not join the Waikato War as they wished to "continue at peace with the settlers and the Government". Peace was maintained in Wairarapa.
- 2.123 In 1865, some Ngāti Kahungunu in Wairarapa converted to the Pai Mārire (Good and Peaceful) faith. This was established by Te Ua Haumēne in the context of war and confiscation. Based on the Christian bible, Pai Mārire promised the achievement of Māori autonomy, and attracted Māori converts from a number of North Island iwi. The spread of Pai Mārire alarmed the Crown, especially after the killing of Carl Volkner. Without making any differentiation between violent and peaceful adherents of the Pai Mārire faith, in April 1865, Governor Grey issued a proclamation condemning the "fanatical sect, commonly called Paimarire" and declaring the Government's intention to resist and suppress movements such as Pai Mārire, if necessary by force of arms.
- 2.124 In June 1865, Ngairo Takatakapūtea and Wī Waka led a group of about 20 Ngāti Kahungunu men to support Pai Mārire in the Taranaki War. Wī Waka returned in March 1866 and in July swore an oath of allegiance to the Crown. Ngairo and his men returned in September 1866, and in March 1867 he met with the Governor to take the oath of allegiance. Support for Pai Mārire among Ngāti Kahungunu, and the presence of the fighters from Taranaki, disquieted Wairarapa settlers, prompting Hikawera Mahupukpu and other Pai Mārire adherents to visit the Resident Magistrate and ask that he "not allow blood to be shed here." Ngatuere assured Governor Grey that "the Wairarapa will"

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not be stained by Pakeha blood," referring to Wairarapa and Tāmaki nui-a-Rua as "Te Pooti-Riri-Kore" (a land without war). Ngāti Kahungunu later observed that "from that time onward...our Pakeha brethren still share with others that Wairarapa is a place where blood has not been shed, where Māori and Pākehā treated each other as brethren, where they moved in unison, and was recognised as a good place." No armed conflict has ever taken place between the Crown and Māori in Wairarapa and Tāmaki nui-a-Rua.

#### The Native Land Court

- 2.125 By the early 1860s, growing opposition from Māori to selling their lands to the Crown under pre-emption led the Crown to change the way it dealt with Māori land. The Crown established the Native Land Court under the Native Lands Acts 1862 and 1865, to determine the owners of Māori land "according to native custom" and convert customary title into a title derived from the Crown. Through these laws the Crown also set aside the right of pre-emption granted to it by Article Two of the Treaty of Waitangi, enabling settlers to deal directly with Māori to purchase or lease land. Amongst other things, the Crown intended that the Native Land Acts would, as the Attorney General later stated, "bring the great bulk of the lands of the northern island, which belonged to the natives, within the reach of colonisation." The Court was introduced to Wairarapa and Tāmaki nui-a-Rua in 1866 and was an important point of interaction between Ngāti Kahungunu and colonial institutions and was a major focus of Ngāti Kahungunu grievances. The Crown did not consult Ngāti Kahungunu about the new native land laws and Māori were not represented in Parliament when the native land laws were enacted.
- 2.126 Customary tenure among Ngāti Kahungunu whānau and hapū was collective in nature, and customary rights were able to accommodate multiple and overlapping interests to the same land or resources through shared relationships with the land. The Native Lands Acts profoundly changed the native land tenure of Ngāti Kahungunu through the assignment of permanent individual ownership which did not necessarily include all those with customary interests in the land. Ngāti Kahungunu had no alternative but to use the Native Land Court if they wanted a title that would be legally recognised and protected from claims by other Māori. A Crown title was also necessary if they wished to legally lease or sell their land, or use it as security to raise development finance. Through the individualisation of land ownership, the Crown expected that Māori would eventually abandon the tribal and communal basis of their traditional land holdings, leading to their amalgamation with Pākehā society.
- 2.127 The Native Land Court's investigation of title for land could be initiated by an application from individual Māori. There was no requirement to obtain consent from the wider group of customary owners, but once an application was accepted by the Court all those with customary interests had to participate if they wished to be included in the Court's orders, regardless of whether or not they wanted a Crown title.

The 10 Owner Rule

2.128 Under the Native Land Act 1865 the Court was required to award tribal lands to 10 or fewer individual grantees. The ten-owner rule meant those few individuals named on the title were often Ngāti Kahungunu rangatira who were expected, by their whānau and

- hapū, to act as trustees, or tribal representatives, for them in any dealings over the land. However, the Act gave the named grantees the legal rights of absolute owners. Title owners could therefore lease or sell the land without reference to whānau and hapū.
- 2.129 In an attempt to remedy the narrow nature of the 10 owner rule the Crown introduced the Native Lands Act 1867. Section 17 of the Native Lands Act 1867 amended the ten-owner rule. This provided for additional right holders to be named on the back of certificates of title, indicating a trust relationship between the legal owners and other members of their community. Section 17 titles were subject to restrictions against alienation except by way of leases not exceeding 21 years. However, the Native Land Court had discretion about whether to implement the new provision. Despite the changes to the legislation section 17 was rarely implemented. It is known that the Chief Judge was opposed to the measure, but it is not clear the effect this had on judges making title awards in particular cases.
- 2.130 In Wairarapa and Tāmaki nui-a-Rua only seven out of approximately one hundred titles were awarded under section 17, comprising approximately 22,000 acres. Ngāti Kahungunu individuals may have been unaware of the provision, and it was only the owners of the Mataikonā and Motuwaireka blocks who asked to have it applied. In the remaining cases its use was suggested by the Court. Other titles continued to be awarded under the 10 owner rule. Approximately 100 Wairarapa and Tāmaki nui-a-Rua land blocks comprising approximately 650,000 acres were awarded title under the 1865 Act.
- 2.131 The 10 owner rule ended when the Native Land Act 1873 required the Court to identify all individuals with customary rights in the lands being investigated, and that they should be listed on the titles issued as absolute owners. This led to many more individuals being included on titles. Out-of-court arrangements between claimants, accepted by the Court, sometimes resulted in only a small number of individuals on titles, to the exclusion of others with customary interests. Evidence suggests that more than 70 Wairarapa and Tararua land blocks comprising about 339,000 acres were awarded title under the 1873 Act and its amendments prior to 1900.
- 2.132 The extent of each owner's personal interest or share in a block was not defined or located, and it could not have been done so in a customary sense. Any owner could however apply to have their individual interest partitioned out by the Court. The absence of an effective management structure for multiply-owned titles meant it was difficult for them to collectively manage their land, accumulate capital, or make improvements to their land. The native land laws did not provide an effective form of collective administration of Māori land until the Native Land Court Act 1894, which provided for the incorporation of owners. However, by this stage Ngāti Kahungunu saw no practical application for this sort of title.
- 2.133 The individual interests awarded under the 1873 Act could be sold (or partitioned and sold) when all owners agreed to this. Crown and private purchasers could negotiate for the purchase of Ngāti Kahungunu land with individual owners rather than with the collective body of owners in a block. The Native Land Act Amendment Act 1877 granted the Crown the right to ask the Court to partition the sellers' interests from those of the

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- remaining owners of the block. The Native Land Act Amendment Act 1878 extended this right to any purchaser.
- 2.134 Although no further titles were awarded under the 10 owner rule after the 1873 Act, its effects were still being felt in titles issued earlier. The Native Equitable Owners Act 1886 (and a related provision in the Native Land Court Act 1894) enabled other owners to be added to the title but only if none of the interests in the title had been alienated. This restriction prevented the 1886 Act being applied to any of the Wairarapa blocks issued under the 10 owner rule, and only three of the eight applications under the Act for Tāmaki nui-a-Rua blocks succeeded.
- 2.135 In 1891, an application was made under the 1886 Act to include other owners in the title to the Piripiri block (18,014 acres), originally granted to eight owners. The application was initially barred by the two-year time limit for applications to be made and was referred to the Supreme Court, which found in 1892 that the Native Land Court could hear the case. The Supreme Court held there could be no presumption that the Native Land Court hearing a case after the 1867 legislation had in fact performed its duty to ascertain all beneficial owners. The Native Land Court subsequently added 124 owners to the title.
- 2.136 In 1891, a group of Ngāti Rangiwhakaewa made an application under the same Act. They sought admission to the Oringi Waiaruhe block. However, the case could not be heard as by then the interest of a single owner had been sold by lawyers acting for the estate of a deceased absentee owner, and it was thus excluded from the Act's provisions.
- 2.137 In 1896, the Tāmaki block (34,098 acres), originally granted to 3 owners in 1870, was subject to a similar review under the 1894 Act. During preliminary inquiries the Judge sitting in the Native Land Court observed that this was "a clear case" in which section 17 of the 1867 Act should have been applied and that in 1870 the Native Land Court had "acted without jurisdiction" and "entirely misunderstood its duty in the matter." Accordingly, the 1896 court admitted 99 owners to the title. Similarly, in the case of Tahoraiti 2 (5,924 acres), originally awarded to 10 owners, the Court admitted 74 owners to the title. The Judge suggested it was "notorious" that courts in the period 1867 to 1873 treated section 17 as "a dead letter." In contrast, the many right-holders who sought to be included in the title to the Tautāne reserve (1,052 acres, including a large urupā) under equitable owner provisions of the 1894 Act failed in their application, the Court finding that no trust for the wider hapū was intended when title had earlier been awarded to two owners.

The Costs of Title

2.138 A registered survey of the land investigated by the court was required before title could be issued. The costs to survey land were sometimes significant and placed a burden on Ngāti Kahungunu. In some cases, such as at Akura, Taumataraia, Ngutukoko, and Kai o te Atua, land was sold to pay for surveys. At Okurupatu the survey costs equalled two shillings per acre. At Hūpēnui the survey costs were paid through the land being leased out, repayments requiring all of the rent for the first seven years of the 21-year lease. In one instance, Māori were loaned money by a settler to pay for survey costs and were

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later required to mortgage other lands to settle the loan. The survey costs for a group of blocks near Mātakitaki-a-Kupe (Cape Palliser) comprising 26,810 acres amounted to £740, equal to more than six pence per acre or about one-eighth of the land's market value, and the land was leased out to discharge this debt. In 1873, the Crown purchased the Tararua block for £2,792, while the cost to survey the block was £1,431.

- 2.139 The Crown played a role in regulating and monitoring surveying processes. In 1866 the Native Land Court found that Ngāti Kahungunu had "just ground of complaint" about the poor surveying of some of their lands by a Crown surveyor, who acknowledged he was in a "very anomalous position" as he was also acting for the Crown in the Court as well as being Commissioner of Native Reserves. The first survey of the large Mataikonā reserve was described as a "sham," requiring a costly re-survey for which the owners took out a mortgage.
- 2.140 The Native Land Court process also involved other costs for Ngāti Kahungunu, including court costs, lawyer's fees, and food and accommodation associated with attending often protracted land court hearings away from their settlements. Long hearings also meant lost working time and income. Niniwa-i-te-rangi, a Ngāti Kahungunu woman of mana, described in 1894 how attending court for a single week cost her £10 in accommodation and food, a price unlikely to be covered by the value of the land being awarded. Some owners had to sell parts of land blocks or further subdivide their land to pay survey and court-related costs. In 1895 the leading rangatira Hamuera Tamahau Mahupuku was faced with bankruptcy before he obtained the Crown's permission to mortgage about 11,500 acres of his Ngāwaka-a-Kupe lands for £18,000. The bulk of his debts were incurred in obtaining titles for the lands in the Native Land Court.
- 2.141 During some Court sittings, Ngāti Kahungunu whānau were crowded into temporary camping grounds that, becoming unsanitary, contributed to outbreaks of serious illnesses amongst those Māori attending. Those attending Court often took their children with them, resulting in lengthy absences from school.
  - Fragmentation and Alienation of Titles
- 2.142 The rules of succession provided by the Native Land Court required that land be divided equally amongst the owners' successors. With each succeeding generation individual shares became smaller and less economic, and this fragmentation made management and economic use of Māori-owned land extremely challenging and the land effectively unusable. Over time, ownership of individual legal interests led to the partition, fragmentation and sale of communal or tribal interests.
- 2.143 These title processes sometimes created small, awkwardly-shaped, and unwieldy titles that were difficult to manage, could become shut off from legal access, and were vulnerable to alienation. For example, Te Ore Ore (967 acres) was awarded as five titles in 1868 and 1869, including Te Ore Ore No. 3 (460 acres). As a result of the private purchase of individual interests Te Ore Ore No. 3 was repeatedly partitioned, becoming increasingly fragmented. By 1900 only 48 acres remained in Māori ownership and today its subdivisions range from 20 acres down to 0.1 acre. Akura No. 1 block (814 acres) was partitioned into 18 titles after a subdivision case extending over seven years at Courts in Masterton, Palmerston North, and Otaki. By 1900 about 490 acres had been

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- acquired through private purchases and the remainder was further fragmented into 40 titles, some as small as one acre.
- 2.144 The individualisation of title and the extensive alienation of land under the native land laws produced harmful effects on Ngāti Kahungunu communities. In particular, the Native Land Acts made it difficult for Ngāti Kahungunu to collectively retain, manage, and control their lands and resources. When the native land laws were introduced to Wairarapa and Tāmaki nui-a-Rua in 1866 about 1,000,000 acres (including reserves) remained in tribal ownership; by 1900 this had been reduced by extensive Crown purchasing and, to a much lesser extent, by private purchasing to 278,000 acres, or about 10 percent of the whole region.

# Crown Purchasing in Tāmaki nui-a-Rua

- 2.145 A large area of Māori land between Wairarapa and southern Hawke's Bay was not included in the early Crown purchases. The district was known to Ngāti Kahungunu as Tāmaki nui-a-Rua including the great forest of Te Tapere nui-a-Whātonga, known to Pākehā for a time as the "Seventy Mile Bush". In 1857 the Crown sought to open purchases in this district. The Crown initiated negotiations with another group for land in Tāmaki nui-a-Rua but found they wished to first conclude transactions for other lands outside the district before dealing with Tāmaki nui-a-Rua.
- 2.146 In 1858, the Crown paid an advance of £100 in Wellington to nine rangatira of the other group for their interests in the Ngawaapurua block (estimated to exceed 100,000 acres) and it also made a separate payment to a second group. This sparked opposition from Māori who lived on the land who told the Crown of their opposition to the Ngawaapurua deed. In September 1859 Donald McLean returned to the district to re-open negotiations there and in October 1859 the Makuri and Ihuraua deeds were arranged with Ngāti Kahungunu at Akitio, affecting about 72,000 acres in the Puketoi ranges west of the Castlepoint block. A reserve of 21 acres was made for a Ngāti Kahungunu individual. By the early 1860s no further progress had been made with the purchase of the Ngawaapurua block.
- 2.147 Ngāti Pakapaka were among the resident owners of the northern Bush and in 1861 Paora Rangiwhakaewa and other rangatira of Ngāti Rangiwhakaewa took matters into their own hands and asserted their claims through the leasing of land at Mangatoro to an early settler. Before the lease was arranged a komiti Māori inquired into its ownership resulting in the rights of the lessees being affirmed. The inquiry was presided over by Hēnare Matua and Karaitiana Takamoana, who were able to arbitrate as they had connections to Ngāti Pakapaka and Ngāti Mutuahi, who also asserted interests in Mangatoro. About 13,000 acres at Mangatoro was leased to the settler at an annual rental of £100.

The Arrival of the Native Land Court in Tāmaki nui-a-Rua. 1867

2.148 On 14 January 1867, a group of five blocks in Tāmaki nui-a-Rua were brought before the Native Land Court sitting at Waipawa on the applications of Ngāti Rangiwhakaewa, who lived on the lands. The five blocks (Otawhao, Oringi Waiaruhe, Tahoraiti, Kaitoki, and Mangatoro) in the Dannevirke area had a combined area of 65,555 acres and as the

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claims were not disputed the titles were each awarded to 10 or fewer of the claimants. On 4 September 1868, title to the Mangapuaka block (906 acres) was investigated by the Native Land Court at Waipawa and was awarded to a rangatira of Ngāti Rangiwhakaewa and four others claiming with him.

2.149 The limit of 10 owners permitted on Native Land Court titles at this time meant that some owners were excluded from the titles. In 1870, some of those excluded from the Oringi Waiaruhe title sought a rehearing, which was not granted, and protested that as a result, "we are being driven off that land" and that they were "very sorrowful about our land. We have been made to suffer by this work." The excluded owners wrote that this threat to their occupation of the land was a result of it being leased. A senior Crown official, acting in his private capacity was one of the lessees.

Crown Dealings, 1868-1870

- 2.150 In July 1868, the Crown renewed its efforts to purchase land in Tāmaki nui-a-Rua. In August, the Crown met with a large number of Māori at Waipawa who reportedly agreed to sell land in the northern Bush, as a result of which a survey of Tāmaki nui-a-Rua began but it was not completed. The survey was supported by those "anxious to sell," but was opposed by other Māori. Active opposition to the survey by Aperahama Rautahi, a rangatira of Ngāti Rangiwhakaewa, was cited as a factor in its suspension. A sketch plan of the unsurveyed Tāmaki nui-a-Rua district was instead compiled from existing plans of land in adjoining districts and was used for Native Land Court title investigations.
- 2.151 In April 1870, the Crown began paying advances to those it identified as principal claimants. These advances were paid in expectation of applications being made to the Native Land Court, for survey and court expenses, and in some cases for provisions and accommodation. By June 1871 a total of £1,290 had been advanced and charged against the proposed purchases, including £500 paid to the Hawke's Bay Provincial Government for surveys. These advances were intended as part payment for interests to commit recipients to selling land if they were awarded title. In 1879 the Native Minister ordered this practice to stop, by which time most of the Tmaki nui-a-Rua lands had been purchased.
- 2.152 Pre-title agreements for the Crown purchase of three large blocks (Te Ahu-a-Tūranga, Māharahara, and Puketoi) were arranged by April 1870. Under the agreements the Māori signatories agreed to apply to the Native Land Court for title to the land and to then sell it to the Crown. An advance of £50 was paid on each block. Some of the signatories did not live on the land. Some Ngāti Rangiwhakaewa did not sign and they and some of their kin in wider Ngāti Kahungunu were "staunch opponents" of the Crown's proposed purchases.

Investigation of the Northern Bush, 1870

2.153 On 6 September 1870, the Crown met with a large number of Māori at Waipawa to discuss the pending investigation of title of Tāmaki nui-a-Rua blocks by the Native Land Court and the Crown's purchase of a large part of that land. In addition to Crown officials the meeting was also attended by the Native Land Court Judge who was to hear the land

- claims a few days later. Ngāti Kahungunu attended the meeting as did Māori from other groups from inside and outside Tāmaki nui-a-Rua.
- 2.154 Discussions at the Waipawa meeting about customary interests in Tāmaki nui-a-Rua continued on into 7 September 1870 but were not conclusive, leaving the contending claims to be resolved in the Native Land Court which was to sit the following day. The meeting revealed a division between the hapū of Ngāti Rangiwhakaewa, Ngāti Pakapaka, and Ngāti Parakiore on the one hand and, on the other, Ngāti Mutuahi, who had engaged with Crown land purchasing and who were supported by an influential rangatira from Manawatu who was related to them. There was "much quarrelling" at the meeting and Ihaia Te Ngārara, a rangatira of Ngāti Pakapaka, two decades later recalled that, as a result of the contestation at the meeting, there was "a great fight outside the Court."
- 2.155 On 8 September 1870, the first day of the Native Land Court hearing, Aperahama Rautahi appeared in court for the Ngāti Rangiwhakaewa counter-claimants to Te Ahu-a-Tūranga but when his whakapapa evidence was challenged by an influential witness for the claimants, he left the court abruptly and his claim was dismissed. Ihaia Te Ngārara later recalled: "The main contentions took place outside the Court, there was not a severe contest inside. People were afraid to speak in Court in those days," adding that he was "afraid of the Court in 1870," as he was "unacquainted with the procedures of the Court." When some rangatira of Ngāti Rangiwhakaewa, Ngāti Pakapaka and Ngāti Parakiore were, two decades later, better able to present evidence about their claims to the Native Land Court they referred to their links to Ngāti Kahungunu.
- 2.156 Very little evidence as to customary rights or occupation of the land was recorded in this or any of the other Tāmaki nui-a-Rua blocks investigated. The title investigations for the 17 blocks comprising about 290,000 acres were completed in four days and each title was awarded to 10 or fewer owners selected by the successful claimants. The Puketoi 6 case was adjourned and the title investigation was completed in 1890.
- 2.157 Following the dismissal of their claim a few individuals of Ngāti Rangiwhakaewa were admitted to Tāmaki (34,098 acres), Piripiri (18,014 acres) and two of the smaller blocks, Tiratu (7,945 acres) and Otanga (5,033 acres). Many others of Ngāti Rangiwhakaewa and others with interests in the land were referred to in evidence. Restrictions on alienation were placed on Tāmaki and Piripiri as these were among the blocks that were not intended for Crown purchase. The titles to other Tāmaki nui-a-Rua blocks included a few individual Ngāti Rangiwhakaewa grantees, including the rangatira Hōri Herehere who two decades later described himself as a "non-seller." Some smaller titles included other Ngāti Kahungunu interests, such as Tuatua (9,600 acres) and Rakaiatai (8,200 acres). Wharawhara (2,180 acres) was awarded to Ngāti Parakiore and Ngāti Manuwhiri without contest.
- 2.158 The conduct and outcome of the September 1870 title investigations led to protests from some Ngāti Kahungunu. In October 1870, Paora Ropiha Takou wrote to the Chief Judge of the Native Land Court that he "strongly disapproved" of the procedure of the court at the Tāmaki nui-a-Rua hearings. He described how Ngāti Rangiwhakaewa and Ngāti Parakiore had opposed the Crown's proposed purchases of much of the land and had been in a dispute for some time with those who were committed to sale.

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- 2.159 In 1871, Hēnare Matua wrote on behalf of the "whole of the Runanga who conduct the business of Tamaki" to the Chief Judge of the Native Land Court to make similar complaints and to seek a rehearing of the blocks. Two men of Ngāti Rangiwhakaewa whose individual interests had been recognised in some of the 1870 titles also wrote to the Chief Judge to seek a rehearing. The court did not approve a rehearing. There was then no appellate court in the Native Land Court system to which this decision could be appealed.
- 2.160 In 1871, two petitions against the title investigation process and the Crown purchasing of the land were submitted to Parliament's Legislative Council. One was from Te Otene Matua and 73 others and the other was from Paora Rangiwhakaewa and 70 others of Ngāti Rangiwhakaewa and related hapū of Tāmaki nui-a-Rua. They recalled how Aperahama Rautahi told the court during the 1870 Te Ahu-a-Tūranga title investigation of his Ngāti Rangiwhakaewa ancestry, that he lived on and cultivated the land, and that his ancestors had lived on it for nine generations before him. Yet his claim failed when it was challenged by another rangatira who he said was intent on selling, and as a result Aperahama stated that he was "overthrown" from the land. The petitioners sought a rehearing, which was not granted.
- 2.161 The petitions were followed up by complaints to the 1873 Hawke's Bay Native Lands Alienation Commission about the Tāmaki nui-a-Rua titles and purchases. The Commission was established to investigate protests about numerous Hawke's Bay Native Land Court titles and their alienation. The testimony of Hēnare Matua on the Tāmaki nui-a-Rua complaints repeated and enlarged upon the concerns expressed by those who had earlier written and petitioned on these issues. The Commission did not uphold his complaints about Tāmaki nui-a-Rua.

Crown Purchasing in Northern Bush, 1871-1882

- 2.162 Once the court awarded titles in September 1870 the Crown set about finalising its purchases of the northern Bush titles. Karaitiana Takamoana of Ngāti Kahungunu was a leading figure in the purchase negotiations and had been included by resident Māori (to whom he was related) in the titles for his expertise in negotiating with the Crown. Negotiations stalled for a time over the purchase price. At a hui at Waipukurau in April 1871 Karaitiana (elected in February as the Member for Eastern Maori) brokered a solution to the impasse, joining 23 other owners in acknowledging receipt of the £1,300 in pre-title advances paid on the titles. The final purchase price had yet to be agreed. On 1 June 1871, Karaitiana and 11 other leading title holders signed an agreement to sell 12 of the 17 blocks for £16,000. During August 1871 the Crown secured the signatures of a further 69 title holders and paid out £12,000 of the purchase price. Those of Ngāti Kahungunu who participated in the purchase intended to donate some of their share of the purchase proceeds to endow the Pākōwhai and Ōmāhu Native schools at Hastings. The area purchased was estimated to be 250,000 acres but on survey this increased to 265,000 acres. Five reserves comprising just under 20,000 acres were excluded.
- 2.163 Ngāti Rangiwhakaewa opposed the purchasing of lands in which they had interests. In July 1871, Ihakara Whaitiri and Nopera Kuikainga complained to the Native Land Court Chief Judge that their requests to exclude their interests from the purchases and to have them defined by survey had been ignored. In August Nopera Kuikainga wrote again to

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complain about the purchasing, telling the Chief Judge: "The Maoris are in trouble about their lands within the whole lands of Tamaki." Hēnare Matua also wrote on behalf of the runanga that had managed the Tāmaki nui-a-Rua titles to urge the suspension of purchase, "as the arrangements for that land Tamaki are in a very bad state." Hēnare Matua and Ngāti Rangiwhakaewa followed these complaints up with two numerously-signed petitions to Parliament's Legislative Council opposing the purchasing. The purchasing continued.

- 2.164 When the purchase deed was signed in August 1871 the £4,000 balance of the purchase price was retained until the reserves were surveyed and the purchase completed. The Crown intended to use this balance of the payment to induce "dissentients" to the purchase to accept it and to encourage the sellers to put pressure on them. Reports suggest the main dissentients were "the Porangahau people," being Ngāti Kahungunu associated with Hēnare Matua, who had earlier opposed the purchase. In December 1873, the Crown paid the final instalment of £4,000 to 64 signatories. Even so, not all the title holders had then signed the deed. In addition, the interests of two Ngāti Kahungunu rangatira who had not been included in the title were recognised by the Crown in November 1874 when it agreed to pay them £500 for their interests.
- 2.165 The five titles comprising 65,555 acres awarded in 1867 to Ngāti Rangiwhakaewa were not included in the 1871 purchase. Of the titles heard in 1870, the Tāmaki, Piripiri, Tiratu, Tipapakuku, Otanga, and Wharawhara blocks comprising 69,827 acres were retained in the ownership of Tāmaki nui-ā-Rua Māori.
- 2.166 Not all of the title holders signed the 1871 purchase deed and it took until 1882 for all of the signatures to be obtained, or for the interests of those who refused to sell to be defined by the Native Land Court and cut out of the purchased blocks. In 1882 Hori Ropiha and others petitioned Parliament about their refusal to sell their interests in Rakaiatai and Te Ohu and complained that timber on their land was being logged without their authority. The Crown requested Hēnare Matua and another Ngāti Kahungunu rangatira to lobby the remaining owners to sell, but they refused to assist in the completion of the purchase. In 1882, the interests of Hori Ropiha and three other owners of Rakaiatai who had not sold were partitioned out by the Native Land Court as Manawatū 7A of 3,000 acres, with the Crown awarded the balance of 4,350 acres.
- 2.167 In 1881, the Crown sought the assistance of the Ngāti Kahungunu rangatira Hēnare Matua to persuade Maata Te Opekahu, the owner of one of the two unsold interests in Te Ohu and Umutaoroa to sell. Hēnare Matua declined to convince her to sell but in 1882 the owner agreed to sell her share for £400, prompting her son Hori Herehere to urge his mother not to sign the deed. The Crown warned her that if the deed was not completed it would apply to the Native Land Court to define her interest, and would then seek to charge it with £130 already advanced against her interest and paid to another owner, plus interest, and travel and other expenses claimed by the Crown's purchase agent. In 1882 the two remaining unsold interests in Te Ohu and Umutaoroa were acquired, completing the Crown's purchases.

Investigation of the Southern Bush, 1871

- 2.168 In 1870, the Crown's land purchase operations gained fresh impetus from a new economic development policy. The Crown intended to acquire large areas of land for new settlers and to use the profits from on-selling land to settlers to fund large-scale public works and promote immigration.
- 2.169 In 1870, at a hui in Waipawa in southern Hawke's Bay regarding Seventy Mile Bush, the Crown emphasised to Māori the necessity for them to retain an adequate land base on which they could reap the benefits to come from the settlement and development of their district under Crown auspices. A Crown purchase official told them: "Let us work hard to improve our settlement and achieve Pakeha standards...give up some of your areas of land to me and hold on to others for you and your children." Despite this, the Crown conducted extensive purchasing in Wairarapa and Tāmaki nui-a-Rua throughout the remainder of the nineteenth century.
- 2.170 In 1870, senior Crown officials began to discuss purchasing the southern Bush lands which Māori refused to have heard at Native Land Court hearings in Waipawa, due to the absence of some "principal claimants who reside near Wairarapa." The Provincial Superintendent of Hawke's Bay was concerned that purchasing land in the southern Bush might be delayed by claimants from Wairarapa, with interests in the southern Bush area, saying that they "may give trouble". Nevertheless by September 1870 an application had been lodged by those who had led the claims to the northern Bush for Native Land Court hearings in Wairarapa to investigate the southern Bush lands.
- 2.171 To facilitate purchase the Crown assisted the applicants with the preparation of sketch plans and the division of the land for title investigation and purchase. In July the Provincial Superintendent of Hawke's Bay reported that those he identified as the "principal owners" of the southern Bush were willing to sell, subject to "satisfactory arrangements".
- 2.172 On 31 August 1871, at Masterton, the Native Land Court opened to hear the southern Bush blocks. However, no claimants came forward and the Court adjourned. At the Crown's request the southern Bush blocks were adjourned, first to 4 September and then to 6 September. The Judge wrote to the Native Minister warning that "some league is getting up to withdraw claims from this Court." A Crown official had earlier observed that a "deep seated scheme... for making the Maori more united in their actions against the encroachment of the Europeans" was gaining traction in the district.
- 2.173 On 6 September, the Court advised Māori present that if anyone who had claims to the land near Masterton wished to have them heard, "they might come forward and have them investigated or if they wished to withdraw them they were at liberty to do so." A number of claims were then withdrawn. The next day, when the Court began hearing claims to the southern Bush, "the Natives of Wairarapa" asked that all the claims advertised be withdrawn. The Court responded that it "would hear the claims if the applicants wished it". The Court added that if Wairarapa Māori had any interests in those lands, "they would have an opportunity of stating their claims, at the same time they must not say they had nothing to do with the investigation after the Court had come to a decision."

- 2.174 The applicants for the southern Bush titles did not withdraw and the Court heard their claims to 11 blocks comprising a total of 187,000 acres. Mangahao 1 (23,000 acres) was the first block heard. After the applicants put their claim to the Court, a "Wairarapa man" objected to the claim and the proceedings, saying the applicants "have crossed over here and have not considered me in the least. I have a claim to this land. I do not wish my name to be written down." Two others stood to say they "would not give up" their land to the Court but refused to have their names recorded. The Court awarded title to 10 individuals and stated "as regards the several persons who had appeared to make objections and would not give their names," it "could not take those persons into consideration."
- 2.175 The following day title to Mangahao 2 (8,000 acres) was investigated. A man told the Court he did not want the hearing to proceed. No response by the Court was recorded. During this hearing the Ngāti Kahungunu rangatira Ngatuere Tāwhirimātea Tāwhao sought to re-open Mangahao 1, advising the court he was not aware when it was heard that it included land in which he had interests. Only sketch plans of the lands being claimed were available. Wī Waka and Irihāpeti Whakamaiuru each claimed land within Mangahao 1 but these claims were not heard by the Court as the case had been settled the previous day. As with Mangahao 1, the Court recorded few counter-claims during the brief hearings for the other blocks in the southern Bush.
- 2.176 In the Manawatū-Wairarapa 2 block (36,000 acres), Karaitiana Te Korou opposed the claimants, naming himself and others as having interests in the land. Although the court dismissed his counter-claim Karaitiana Te Korou and some of those he had advocated for were included in the title for the 6,000-acre Manawatū-Wairarapa 2A (Pukahu) block. The nearby Ngatapu block (11,000 acres) was divided to acknowledge Ngāti Hāmua interests in the 4,000 acre Ngatapu 2 just east of Pukaha (Mount Bruce). The division was also needed as the names of the owners given to the Court were "legion," and it asked that they be reduced to 10 names or fewer, otherwise "the land would be left as a tribal claim." In 1875, a rangatira involved described the Ngatapu blocks as being shared between Ngāti Kahungunu and another iwi.
- 2.177 In October 1871, Hēnare Matua and others of Ngāti Kahungunu told the Crown they sought a rehearing of the southern Bush titles, and until that occurred they asked that the Crown suspend its purchases of the land. They also petitioned the House of Representatives and the Legislative Council for a rehearing of the titles. The Crown did not suspend purchasing in the area.
- 2.178 A further petition regarding the blocks heard in 1871 was lodged by the rangatira Nireaha Tāmaki, of Ngāti Hāmua. He called for a rehearing, saying that he had been detained by floods and did not reach the court until the cases were over. He objected to the successful applicants, as well as to "some Ngati Kahungunu" included in titles, referring to all of them as "strangers" to the land. Several days after the purchase of the land was concluded a Parliamentary committee inquired into the petition.
- 2.179 The Judge who heard the claims for the southern Bush blocks wrote to the Parliamentary committee in November 1871 and stated that "there was a good attendance of Natives from all Wairarapa and other places" who had "every opportunity" to prefer their claims. He also noted that:

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A Committee formed for the purpose of obstructing the business of the Court, and several protests were made at the time which were disregarded. As I have never been in Wairarapa but once and know little of that district or the natives, I may possibly be doing an injustice to the Wairarapa Natives. Yet I cannot see that these people are entitled to a rehearing when they did not as far as I know recognise the Court which waited for their convenience in every case.

No rehearings were authorised.

- 2.180 Soon after the 1871 title investigations concluded in Masterton many of those awarded title travelled to Wellington to conclude purchase negotiations. On 5 October 1871, they agreed to sell 10 of the 11 blocks comprising about 125,000 acres for £10,000. Eight reserves comprising 4,369 acres were excluded from the purchase. A purchase deed was signed on 10 October 1871.
- 2.181 The blocks sold included Wairarapa-Manawatū 2A and Ngatapu 2. Among the eight reserves made was a reserve of 500 acres in Ngatapu 2. In November 1872, this reserve was purchased by the Crown for £60. From 1871 to 1882 the Crown acquired about 390,000 acres of Tāmaki nui-a-Rua lands for a total of about £28,000, or about one shilling five pence per acre. This was considerably less than the owners had sought for land which the Crown on-sold to settlers at prices ranging from 6 to 25 times what it paid to Māori.

# Crown Purchasing in Wairarapa, 1873-1900

- 2.182 In Wairarapa, where two thirds of the land had been alienated by the Crown before 1865, the Crown continued to purchase Māori land after the introduction of the Native Land Court. Between 1866 and 1900 the Crown acquired approximately 673,000 acres of Māori land in Wairarapa and Tāmaki nui-a-Rua.
- 2.183 In 1872, the Crown began negotiating for the sale of the Tararua block, the largest block in Wairarapa to go through the Native Land Court. The Crown paid advances in cash and food supplies to various claimants, including those outside of Wairarapa. Title to the Tararua block was yet to be determined. In November 1873, the Crown entered into a pre-title purchase deed with Ngāti Kahungunu and other iwi for the block. It was estimated to comprise 103,000 acres, for which the Crown agreed to pay £2,792, beyond the pre-title advances, or about six pence per acre. The final surveyed area was 114,500 acres. The survey of the land cost £1,431. Title was determined by the Native Land Court in 1881 at which point the purchase was completed.
- 2.184 Two reserves of 1,000 acres each, Mangatarera-o-Te-Whakatūrākau and Hāpuakōrari, were excluded from the Tararua block in 1873 but were not reserved. In 1879 the Chief Surveyor twice requested the Land Purchase Department to point out the boundaries of the reserves when Tararua was surveyed, concluding "It would save great trouble and expense if these reserves were purchased by the government." However, before the Mangatarera-o-Te-Whakatūrākau reserve was properly identified, and before the Tararua title was heard, the reserve was mistakenly sold by the Crown to settlers for £500. The Crown did not inform the Māori owners of this error but offered to purchase the reserve from them for £200 during the 1881 title investigation. The owners accepted

- this offer, likely to ensure the block passed through the Court as quickly and as easily as possible.
- 2.185 During the 1881 Title investigation the Court clarified that the remaining reserve, Hapuakorari, was to be granted to three rangatira representing the different tribal groups included in the title of Tararua. In 1882 and 1884 survey officials inquired about surveying Hāpuakōrari, but again suggested "it would save a deal of trouble and expense" if the Crown instead purchased it. Crown officials were uncertain of where the intended reserve was to be located. In 1886 the Crown attempted to purchase Māori interests in Hāpuakōrari paying a £15 advance to a successor to one of the intended three trustees for the reserve. However, this purchase did not proceed any further. In 1952 the Minister of Maori Affairs outlined to a descendant of one of the intended trustees that "it seems as though the Crown is under an obligation to hand back 1,000 acres of the Tararua Block". However, he went on to say that "it would probably be in the best interests" of the owners to sell their right to Hapuakorari to the Crown, as it was likely worth very little by that time. The Crown has not surveyed Hāpuakoōrari and title has not been awarded.
- 2.186 Other Crown purchases in Wairarapa after 1865 were at times attempts to resolve issues with earlier purchases. These included the 1881 acquisition of 70 acres of the Rangitūmau block, the small area having been omitted from purchases in the 1850s and 1860s. Between 1872 and 1874, the Wellington Provincial Government, to whom the Crown had briefly delegated its purchasing power, acquired four scattered blocks, comprising just over 5,000 acres (Whangaehu 2, Kuramahinono, Arikirau, and Maungaraki). The Crown had paid advances for these lands from the 1860s and, in the case of Arikirau, as early as 1856, before title had been determined. Further pre-title advances were paid on these blocks in 1872, including one to pay for some of the costs of obtaining title. The sole reserve made from these blocks, Katotāne (178 acres), was alienated in 1892.
- 2.187 In 1896, when the Crown assessed the impact on Māori of its purchasing in the district, the head of the Native Land Purchase Department observed that "the Natives complained to the Premier the other day that we were leaving them landless and he promised them a full inquiry into the matter." He further acknowledged that in yielding to settler pressure for more purchasing, "I am afraid myself that we have already gone too far." No inquiry into Māori landlessness in the district was undertaken. However, in 1898 Premier Seddon told Māori at Pāpāwai of legislative proposals that if enacted would cease the sale of Māori land, and referred to what the Crown had done to help landless Māori in other districts. A large number of Ngāti Kahungunu rangatira subsequently wrote to the Premier nominating members for a proposed board which they hoped would be an "Advisory Board for retaining land and ascertaining landless natives." No such board was established but in 1899 a local rangatira applied to purchase some Crown land and was advised that "nothing could be done until the Government had considered whether or not the land was required for landless natives." Hoani Paraone Tūnuiarangi then sent the Premier applications that had been received from landless Ngāti Kahungunu for assistance, adding "we have seen that they have no land and that they are in great indigence." No land was set aside in Wairarapa for landless Māori.

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# Private Land Purchasing in Wairarapa, 1865-1900

- 2.188 The removal of Crown pre-emption under the native land legislation enabled private purchasing of Māori land from individual Māori land owners, as determined by the Native Land Court. To prevent Māori becoming landless legislation enabled the Native Land Court to issue titles with various forms of restrictions on alienation and leasing, although it was not intended that these restrictions would be irrevocable or permanent. In Wairarapa, restrictions were placed on more than 190 of the titles issued by the Native Land Court. However, in many cases owners subsequently sought to remove restrictions to enable alienation. It was rare for an application for removal of restrictions to be declined by the Crown or, from 1888, by the Native Land Court. In Wairarapa, private purchases outnumbered Crown purchases, but generally dealt with much smaller blocks, as the Crown had already purchased the majority of Wairarapa and Tāmaki nui-a-Rua lands.
- 2.189 Rules governing private purchases included requirements for a certificate from the Trust Commissioner confirming that Māori vendors understood the transaction, had received the payment promised, and that prohibited items such as liquor or firearms were not given as payment.
- 2.190 Some private purchases began as leases to settlers. Similar to the early pastoral leasehold economy, leasing was a form of alienation many Ngāti Kahungunu preferred as it enabled them to obtain an income without selling their land. Several private purchases involved credit advances which lessees and intending purchasers made against the interests of individual owners until they could be induced to sell. As the Native Lands Act 1865 made named grantees absolute owners Māori tribal land became vulnerable to the recovery of individual debt. To address this, the Crown promoted the Native Land Act 1873. Section 88 protected Māori land interests from Court judgements, which could no longer be used to force land sales for debt recovery. However, this did not prevent sales resulting from mortgages, advances, liens, or to avoid bankruptcy.
- 2.191 Privately leasing or selling land incurred costs separate from obtaining title or selling to the Crown. The buyer or lessee faced a ten percent land duty from the purchase price, first year's rent, or consideration paid. This rate was 20 times the duty charged for non-Māori land. A local settler claimed that the cumulative effect of obtaining Crown title and land duty charged to settlers greatly lowered the final price achieved by Māori sellers; that "with such expenses, Native lands are depreciated fully 50 per cent."
- 2.192 Between 1866 and 1900, approximately 79,000 acres of Wairarapa land were privately purchased. In Tāmaki nui-a-Rua private purchasers were excluded for many years by the Crown's purchasing activity. During the 1890s extensive private purchasing of individual interests ensued in those titles the Crown had not entirely acquired. In the short period through to 1900 privately purchases amounted to approximately 69,000 acres. Approximately half of the titles which had restrictions placed upon them between 1865 and 1900 were sold by the end of the nineteenth century.

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# Ngāti Kahungunu's Political Responses: Repudiation and Kotahitanga

- 2.193 Soon after the enactment of the Native Land Laws the costs and impacts of their operation on Ngāti Kahungunu and their lands were apparent. For decades Ngāti Kahungunu protested and lobbied often in combination with other iwi for fundamental changes to the laws governing their lands. Above all they wanted a greater role for Māori in the determination and management of land titles.
- 2.194 In 1867 Ngāti Kahungunu delivered their first petition about the native land laws. This was followed in 1868 by complaints that the rules of the Native Land Court "are too complicated," so their cases were not put "as fully as they desire." In addition, they believed that "the constitution of the Court the native element is not sufficiently powerful when constituted without juries." That year there were attempts by Ngāti Kahungunu to hinder Native Land Court sittings by having claims withdrawn or adjourned, although two cases involving a Māori jury were able to proceed. Boycotts of the court were attempted in 1871 at Greytown and Masterton. The Greytown cases were adjourned in anticipation of reforms of the Native Land Acts. They also withdrew their claims from the Court in Masterton but some other applicants remained and the cases were heard and titles awarded.
- 2.195 A Ngāti Kahungunu local tribal committee was formed in Wairarapa in 1872 to make arrangements about titles outside the forum of the court. These arrangements would then inform the Court's ruling. Most cases were withdrawn from the Court. Cases arranged outside the Court by the committee and one earlier case being heard by a Māori jury were not withdrawn. In 1872 Ngāti Kahungunu and other iwi petitioned Parliament for the abolition of the court, seeking to have local committees determine land titles.
- 2.196 In 1873, Ngāti Kahungunu joined other iwi in filing a petition setting out what they saw as the defects and costs of the native land laws, the way in which they were implemented in the Native Land Court, and how the ensuing land purchases were conducted and regulated. They protested at "all the miseries and evils which had befallen us because of the work of your Native Land Courts, and your lawyers and interpreters," and "the evil work of swallowing up lands by debts and drink and mortgages of going to the grantees one by one, and not speaking to them altogether of leaving us in the hands of the lawyers and interpreters of the European purchasers...". They argued that "it would be better that the work of the [Land] Courts should cease altogether unless the laws are made better than they now are."
- 2.197 In 1873, Ngāti Kahungunu joined many other iwi in the Hawke's Bay-based Repudiation Movement, which sought similar reforms to the native land laws as well as more Māori representation in Parliament and a greater involvement in governance. It also sought to challenge past Crown and private land transactions in the courts, a strategy which lent the movement its English-language name. From 1873 to 1878 the Repudiation Movement convened large hui in Hawke's Bay to debate these issues and formulate proposals for change which were submitted to the Government along with petitions on these topics. It published the bi-lingual periodical *Te Wananga* to promote its kaupapa (message).

- 2.198 In 1876, Hoani Manihera Rangitakaiwaho and 394 others petitioned Parliament to call for better consultation on "everything affecting or having authority over the Māori people", for equal Māori representation in Parliament based on tribal districts, and for the repeal of the Native Land Act. The petitioners wrote that the way land purchases were conducted was "very confusing and very bad." They proposed that unless all "the tribe, the hapu, and the chiefs" consented there should be no survey, title investigation, and sale of land: "Let the question of the investigation of title to and disposal of their lands rest with the Māori people, to be done when they think fit."
- 2.199 From the mid-1870s, Ngāti Kahungunu formed new elected local committees in Wairarapa and Tāmaki nui-a-Rua to pursue similar aims to the Repudiation Movement. The committee of Te Hika a Pāpāuma opposed the native land laws, its leader Pāora Pōtangaroa writing in 1877 that "the teeth of these laws are voracious in consuming people and land. It is because we the Maori people have seen the fault of decision making of this entity, the court, a stranger who owns the land, deciding in favour of the person who speaks falsehood. ...We are not agreeable to these laws." In the same year Te Whatahoro, a Ngāti Kahungunu rangatira who had been appointed as a kaiwhakawā (assessor) in the Native Court, described the Court as "verily the monster who swallows the most land in this world, and by which the Maori people will be most certainly impoverished".
- 2.200 Prior to the repudiation movement, between 1866-1871, more than 130 titles comprising 627,000 acres were determined by the Native Land Court in Wairarapa and Tāmaki nui-a-Rua. Between 1872-1880, when the Repudiation movement and Wairarapa committee were most active, perhaps as few as 16 blocks comprising approximately 18,500 acres were brought before the Native Land Court for title determination. From 1881-1899 a further 100 title investigations accounted for 187,000 acres.
- 2.201 The Ngāti Kahungunu committees continued into the 1880s. However, there was no reform of the native land laws along the lines they and other iwi repeatedly proposed, particularly in relation to giving Māori committees the authority to determine and manage their own land titles.
- 2.202 In March 1881, the Te Hika a Pāpāuma rangatira and prophet Pāora Pōtangaroa held a hui at Te Ore Ore (near Masterton) attended by several thousand Māori from throughout the region. This hui was of spiritual and political significance to Ngāti Kahungunu. He presented a flag divided into four sections bordered in black showing symbols such as stars, a korowai and an army tunic. The flag depicted his matakite (vision), which was for the people to hold on to their lands, not to incur any further debt, and to refuse to repay existing debts. The sections of the flag symbolised the large blocks of land already sold, while the stars were the small reserves remaining to them. The army tunic represented the authority under which the Crown was acquiring the land.
- 2.203 P\u00e4ora P\u00f6tangaora told his people that he would swim the ocean in a soldier's uniform to take the Treaty of Waitangi to Queen Victoria and ask her to honour it. Many of his people consider this prophecy was fulfilled, after his death, when members of the Wairarapa Native Mounted Rifles took this message to London in 1897 when they travelled there to take part in Queen Victoria's Diamond Jubilee celebrations.

- 2.204 A Commission into Native Land Laws was held in 1891. The Commission included James Carroll, a Liberal Government politician and future Native Minister. At a hui at Waipawa he told those present that: "It was recognised that the operation of the Native land laws was not good, and that the workings of the Native Land Court were not giving satisfaction." In order to do away with the "confusion and trouble" that had arisen, new legislation was required and the Commission was meeting with Māori to seek their opinions as to how to reform "the various laws that pressed most severely upon them." After hearing extensive evidence from Ngāti Kahungunu and other iwi as well as many Pākehā involved in native land dealings, the commission endorsed the view that Māori should have a greater degree of input and control in the determination and management of their land titles. The Crown did not act on this report.
- 2.205 In the wake of the 1891 Commission Ngāti Kahungunu turned to the Kotahitanga movement, joining other iwi to lobby for legislative change at annual pan-iwi Māori parliaments and playing a key role in the movement. An important Kotahitanga parliament was held at Pāpāwai in 1897 where large buildings were erected for this purpose amid a settlement that was in its heyday and able to host the more than 2,000 visitors present. The 1897 and 1898 Kotahitanga parliaments at Pāpāwai, as well as the Kotahitanga newspaper *Te Puke ki Hikurangi*, were supported at great cost by Ngāti Kahungunu. Their efforts were embodied in rangatira such as Hamuera Tamahau Mahupuku and Hoani Paraone Tūnuiarangi, who retained ownership of the last of the large Māori land blocks in Wairarapa and used these lands to underwrite the costs of Kotahitanga.
- 2.206 The 1897 Kotahitanga parliament prepared a petition for Tūnuiarangi to take to the Crown in London. The petition called for the remaining five million acres of Māori land to be reserved in perpetuity. Tūnuiarangi was a captain in the Native Volunteer Force and was invited by Prime Minister Richard Seddon to join him in London for Queen Victoria's Diamond Jubilee celebrations. Tūnuiarangi was presented to the Queen who awarded him a jubilee medal and an inscribed ceremonial sword. He also took the opportunity to present the Kotahitanga petition to the Secretary of State for Colonies who invited him to outline Māori concerns to the British Parliament. These actions were instrumental in bringing about the 1898 Native Lands Settlement and Administration Bill, which embodied much of the Kotahitanga agenda and which Seddon and his Native Minister Carroll brought to Pāpāwai in 1898 to discuss.
- 2.207 The 1898 Bill proposed an end to the Native Land Court and land purchasing, and established boards to manage Māori lands. After being endorsed by many among Ngāti Kahungunu and Kotahitanga, much of the Bill was later enacted as the Maori Lands Administration Act 1900. Premier Seddon spoke frankly at Pāpāwai in 1898, telling Ngāti Kahungunu and the Kotahitanga parliament, "The greatest trouble that can befall a race is to lose their land, because the land is life to them. Now, we have proposals in this Bill which would stop these evils... that will finish for all time the Native Land Courts." He added that "what has happened in the past in connection with the Native Land Courts is one of the darkest blots that has occurred in the history of this colony. Native Land Courts have sat in the European settlements; the Natives have gone to those settlements, and many of them have gone to their destruction... You are only the remnant of a once numerous race. When we were few and you were numerous, you

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befriended us, and now that we are numerous, and you are few, it is our duty to befriend you."

- 2.208 The Māori Councils Act 1900 and the Māori Lands Administration Act 1900 provided for the establishment of Māori Land Councils to provide for greater Māori administration over their own affairs. The Māori Lands Administration Act 1900 did not provide absolute control of the remaining Māori land in a Māori body and the ability to pass laws relating to that land but provided for councils consisting of a Pākehā president, two to three appointed members (one of whom had to be Māori) and two to three elected Māori members. In December 1901 the Crown established Te Ikaroa District Maori Land Council which included, among other areas, Wairarapa and Tāmaki nui-a-Rua. A Masterton magistrate was appointed president, with Ihaia Hutana and Te Whatahoro as the appointed Māori members, alongside three elected members; Hoani Paraone Tūnuiarangi, Mohi Te Atahikoia, and Rupuha Te Hianga. The Council first met in the Masterton courthouse in February 1902. The Kotahitanga Pāremata did not sit again after 1902 and the movement slowed as some members focused on the potential of the 1900 legislation.
- 2.209 The councils had some of the powers of the Native Land Court in land matters but the court was not disestablished and the councils could act in its stead only at the discretion of the court on a case-by-case basis, added to which appeal to the Native Appellate Court remained. The councils were able to lease but not to sell Māori land vested in it by the land's owners and could borrow from the Public Trustee and certain Government agencies to assist development of Māori lands.
- 2.210 Māori had limited time to make the 1900 Act work before pressure from the settler freeholder lobby pushed the Crown to extensively amend the Act without consultation with iwi. The Māori Land Settlement Act 1905 Act replaced the councils with Māori land boards appointed by the Crown, comprising a Pākehā president and two members, at least one of whom was to be a Māori. Crown land purchasing was also re-introduced, including the authority to purchase the interests of owners who did not agree to sell where the non-sellers were in the minority.
- 2.211 Despite some early enthusiasm for the 1900 legislation Te Ikaroa District Maori Land Council was one of the less active of the seven Councils nationally and its business consisted predominantly of processing land alienations. By 1907 no land in Wairarapa or Tāmaki nui-a-Rua had been vested by Māori in the Boards, for subdivision and settlement under leasehold tenure.

# Wairarapa Moana and Pouākani

- 2.212 The history of Wairarapa Moana comprising Lake Wairarapa and Lake Ōnoke embodies many of the most important aspects of the relationship between Ngāti Kahungunu and the Crown since 1853. The lakes are a culturally and spiritually significant taonga of the utmost importance to Ngāti Kahungunu, and were once highly prized for their tuna (eels), other fisheries, birdlife, and many other resources.
- 2.213 At the time of the Komiti Nui in 1853 Wairarapa Moana covered an extensive area of land beyond the current shores of the lakes. This included land that was seasonally

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inundated when the outlet to the sea at Lake Ōnoke closed up and lakes were full, a time known as the hinurangi. During the hinurangi 20 to 30 tonnes of tuna were caught by the iwi. When full the lakes covered about 53,000 acres; when the outlet on the spit at Ōnoke was opened seasonally by the force of water built up in Lake Ōnoke and the lakes lowered they comprised about 24,000 acres.

- 2.214 In 1853, during negotiations to purchase land bordering the lakes, McLean explicitly promised the spit would only be opened with Māori consent. The boundaries of the 1853 purchase deeds for the lands around referred to the lake as a boundary but did not clarify if this was the level of the lake during hinurangi or the level when the lakes were low. The land was not surveyed before being purchased. In 1891, Hēmi Te Miha, a signatory to some of the deeds, said the boundary was the lake during the hinurangi, a high-water mark he knew as "tahakupu o te whenua" and which he pointed out to McLean in 1853. McLean's clerk in Wairarapa during the purchases in 1853 recalled telling McLean that settlers asserted the land being flooded was theirs. McLean was said to have responded "It is impossible the settlers' land could be flooded, because the land below the flood-line had not been acquired."
- 2.215 Some settlers saw the hinurangi as a "flood". Starting in the 1860s, settlers lobbied the Crown to secure control of the outlet to the lakes in order to keep the level of the lakes permanently lower to enable grazing on land below the level of the hinurangi, land that Ngāti Kahungunu insisted they had not sold. This included land previously below this level but which had been uplifted by a major earthquake in 1855. A Crown official examining the issue advised the Minister of Native affairs that in his view the lakes and the spit had "never been ceded," nor could the Crown "fairly claim that part of the lake which has become dry since the purchases were made."
- 2.216 In 1868, Rāniera Te Iho and others wrote to the Crown seeking assurance that the Crown's 1853 promise, that Māori authority was required to open the spit, would be upheld. The Crown intended to uphold the promise, McLean telling his clerk that "any attempt to open [the spit] would violate [the Crown's] purchase."
- 2.217 From 1872, the Crown sought to acquire rights to Wairarapa Moana from Ngāti Kahungunu who, in response, resolved not to sell. In 1874, the Crown unsuccessfully sought instead to purchase for £200 what McLean called "their alleged right to the closing of the lake." Later that year a Crown official recommended the Crown purchase not only Māori fishing rights in the lakes but also any land subject to the hinurangi, because if the outlet was kept open "there will be a considerable extent of grazing-land rendered available, outside of the boundary of the land sold to the Crown" in the 1850s.
- 2.218 In February 1876, the Crown signed a deed in Wellington with several Ngāti Kahungunu individuals ceding their rights in the lakes to the Crown for £800 and an annual pension of £50 for the leading vendor. The deed referred to fishing rights and to other rights in the lakes and the land between the lake and the blocks purchased by the Crown in the 1850s. The meaning of the deed was not clear to officials, including the man who drafted it, and they later asked if the Crown had acquired fishing rights or if it had purchased "the lakes and the grounds under the lakes?" The Native Minister was advised the deed related to fishing rights and not to the lake bed or the land around the lakes. Within a few weeks of the deed being signed the Crown sold 1,500 acres of land to a settler for £750,

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part of the land being "in the lake" and part being land affected by the hinurangi. The Crown later prepared a deed to confirm that the 1876 deed did include the lake bed but this was not executed. The deed plan supported the Ngāti Kahungunu view that the land affected by the hinurangi still belonged to them.

- 2.219 When the waters of the lake rose seasonally in February 1876 some settlers advocated opening the outlet but the Crown would not allow this as it had not proclaimed the extinguishment of "native rights." The settlers instead offered to pay local Māori to cut open the spit and lower the lakes, which they agreed to do after securing a large catch of tuna.
- 2.220 Many Ngāti Kahungunu promptly protested against the 1876 deed, signed by only a few Māori. In response to Ngāti Kahungunu's petition against the deed, the Native Affairs Committee found that most owners had not consented to the deed and it recommended title to the lakes be determined by the Native Land Court. Ngāti Kahungunu objected to the Native Land Court and declined to apply to it for title. In 1880 the Crown applied to the Native Land Court to determine what interests the Crown had acquired in the lakes in 1876. When the case was heard in 1881 the owners opposed the Crown on several grounds, including that the deed concerned only fishing rights not land so it was outside the Court's jurisdiction. The owners asked the Supreme Court to determine the matter of jurisdiction. It referred the matter back to the Native Land Court, finding it the most appropriate body to determine "Native custom" in relation to matters such as title to fishing rights and lake beds.
- 2.221 In 1882, the Native Land Court found the Crown had acquired 17 undivided interests through the 1876 deed. In 1883, the Court determined ownership of the lake bed in 139 individual shares, including the 17 which had been acquired by the Crown. The survey plan covered approximately 24,500 acres of lake bed.
- 2.222 Ngāti Kahungunu, determined to resist Crown efforts to purchase the lakes, formed a Wairarapa komiti under the leadership of the rangatira Piripi Te Maari to retain the lakes and exercise the iwi's authority over Wairarapa Moana. Settlers who farmed land affected by the hinurangi again lobbied the Crown to have the levels of the lake kept low. In 1886, the Wairarapa komiti met with the Native Minister, John Ballance, and agreed to an interim compromise whereby the outlet of the lakes to the sea would be artificially opened in April, two months before the tuna fishing season ended. This reduced Ngāti Kahungunu's catch of tuna but also reduced the effects of the hinurangi on settlers farming land covered by it.
- 2.223 Some settlers were not satisfied with this compromise and in September 1886, the South Wairarapa River Board was formed under the River Boards Act 1884 to control the lakes. The Board, on which Ngāti Kahungunu were not represented, declared Wairarapa Moana to be a "public drain" so they could open the outlet whenever farm land was affected by the hinurangi. The Solicitor-General advised the Crown that such an action by the Board far exceeded any legal authority conferred by legislation.
- 2.224 In January 1887, the Crown informed the Board that the lakes' owners offered to keep the spit open for 10 months of the year provided it remain closed during February and March, the two biggest months for fishing. The Board rejected this offer. A local Member

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of Parliament volunteered to negotiate a settlement and met with the komiti of owners, which asked that a commissioner be appointed to investigate "all trouble and disputes concerning the lake," including the boundaries of the lake relative to the land purchases of the 1850s. In May, the komiti reaffirmed that they would neither sell nor lease the lakes. In August it drafted a deed of agreement with the Crown under which the lake boundaries of the lands purchased by the Crown in the 1850s would be agreed and marked by posts, and when the lake rose above those posts the Crown could open the spit until it the level of the lake returned to the posts. Before Ballance's Government progressed the matter it was voted out of office and the new Native Minister, Edwin Mitchelson, declined to pursue the agreement.

- 2.225 In June 1888, against the advice of the Solicitor-General and the wishes of the lakes' owners, the Crown supported the South Wairarapa River Board to open the spit and drain Wairarapa Moana. Piripi Te Maari and other Māori protested peacefully at the outlet, and the head of the Board signed a statement accepting their protest which was directed not at the settlers or the Board but at the Crown. Ngāti Kahungunu's peaceful protest was watched over by a dozen constables sent by the Minister of Native Affairs to ensure they did not disrupt the opening.
- 2.226 Aware of the Solicitor-General's view on the Board and the Crown's right to open the lakes, in 1889 the Crown promoted the Public Works Acts Amendment Act 1889 which included a provision enabling the Board's ongoing control of the spit and by extension the level of the lakes. Section 18 of the Act conferred the "power of making, constructing, and maintaining an outlet to any lake or other body of water not having a navigable communication with the sea or any navigable river." The lakes were subsequently opened, repeatedly, against Ngāti Kahungunu's wishes.
- 2.227 Piripi Te Maari and other Ngāti Kahungunu petitioned Parliament in 1890 objecting to the River Board's actions, Crown claims to land below the boundary of the hinurangi which they stated Ngāti Kahungunu had never sold, and the Crown's attempted purchase in 1876. They sought a compromise that would see the hinurangi managed so as not to exceed the water level prior to the 1855 Wairarapa earthquake, based on the lake boundaries agreed in the early Crown purchases. A Parliamentary select committee recommended a royal commission of inquiry into Wairarapa Moana.
- 2.228 In Greytown in April and May 1891, the Royal Commission into the Wairarapa Lakes heard evidence. Much of the evidence given by Māori and Pākehā regarding the 1853 deeds was that the boundaries were defined by the lake level during the hinurangi, as one Crown official had advised in 1874. The Commission found that the lakes' margin in the Turakirae, Ōwhanga and Kahutara blocks was the low water mark, whilst at Tūranganui Commissioner Mackay accepted the evidence that the Crown purchased only down to the level of the hinurangi. The commission recommended the Crown compensate Ngāti Kahungunu for 4,000 acres of land it had never purchased between the level of the hinurangi and the lower lake margin.
- 2.229 On the question of control of the lake outlet to the sea the Solicitor General considered the 1876 deed, signed by 17 of the 139 legal owners of the lake bed, made the Crown a tenant in common. The Commission found this conferred no independent right to open the lake and in practise only resulted in a share in fishing rights. It also found the River

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Board's actions were not legal as its powers did not extend to the lakes, which remained under the control of their Ngāti Kahungunu owners, or the spit, which remained in Māori ownership. In this regard, the commissioner referred to Article 2 of the Treaty of Waitangi, which guaranteed to Māori the retention of their fisheries and other "proprietary rights," and that "such infringement of their rights without their consent...is a grievous wrong and contrary to the rights of property".

- 2.230 The Commissioner recommended a compromise over the lake level, providing for the outlet to be opened after two months of the hinurangi or when farmers' lands were flooded. In return for this concession a fee was to be paid to Māori, which might be raised by a levy on the lands which benefited from this compromise. The Crown did not act on the Commission's recommendations.
- 2.231 In May 1892, as the members of the River Board and its contractors gathered at Lake Ōnoke to open the spit, again accompanied by a Police Inspector and constables sent by the Native Minster, they were met by 100 Māori men and women who used passive resistance to obstruct the digging of a trench to open the outlet. Conflict was avoided when the Board agreed to undertake prosecution for obstruction against one of the Māori protestors. Even though the spit was then opened, the outcome was that owners would have their day in court. Māori celebrated with a haka what they and some observers saw as a victory.
- 2.232 The Board did not bring a case for obstruction. Instead, in May 1892, Piripi Te Maari, on behalf of the owners, brought a case of trespass against the Board. The case was referred direct to the Court of Appeal. In 1893 four of the five judges hearing the case in the Court of Appeal found that even when the spit blocked the outlet, the outlet was still there, making it a natural watercourse and a public drain which the board was entitled to open. Costs were awarded to the Board. The dissenting judge found that the many places at which the lake broke through the spit over the years were not a natural watercourse and could not constitute a public drain.
- 2.233 Piripi Te Maari was given leave to appeal to the Privy Council. He and other Ngāti Kahungunu petitioned Parliament in 1893 and 1895. The Native Affairs Committee found: "It is clear that the Natives have been wronged... and thus the propriety rights of the Natives were interfered with." It recommended that the Crown compensate Ngāti Kahungunu for the injury done or purchase their rights to the lakes, but the Crown did not act on this recommendation. In July 1895 the Crown imposed a survey lien against the title to Wairarapa Moana for the costs of the survey it had prepared in 1882, but which the owners had never endorsed.
- 2.234 Piripi Te Maari died in August 1895, before his appeal could proceed to the Privy Council, and his mantle was assumed by Hamuera Tamahau Mahupuku. In January 1896, Mahupuku and the owners of Wairarapa Moana invited Native Minister James Carroll to Pāpāwai where they agreed to a tuku rangatira (a chiefly gift exchange) of the lakes to end the trouble over the outlet and the unsold lands around the lake margin. This gift exchange was formalised in a deed involving the transfer of the lake beds to the Crown, the provision of ample reserves around the lakes for Ngāti Kahungunu, and a payment by the Crown of £2,000 to reimburse the heavy legal expenses incurred by Ngāti Kahungunu over the lakes.

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2.235 On 18 January 1896, Carroll and Premier Richard Seddon joined hundreds of Māori, the River Board, and settlers at Tipapaku (Pigeon Bush) for a hakari (feast) hosted by Ngāti Kahungunu to celebrate the end of the long-running lakes dispute. Seddon told the gathering that Wairarapa Moana "was given to the government and was accepted in that spirit and in that spirit it shall be ever dealt with." He promised that Ngāti Kahungunu's rights to their fisheries, as guaranteed by the Treaty of Waitangi, would not be impeded. Tamahau responded on behalf of Ngāti Kahungunu: "We gave them as a present from one chief to another," and in return hoped "that you will have some affection, some love, for us." On 11 February 1896, Carroll and Seddon hosted Ngāti Kahungunu at a reciprocal picnic at Tipapaku. Ngāti Kahungunu gifted a tribal taonga (treasure) to Seddon, a patu parāoa (whalebone club) held by the iwi for hundreds of years. The significance of the tuku rangatira for Ngāti Kahungunu is reflected in references to it on the monument of Pāpāwai as "the Treaty of Lake Wairarapa."

Takapūtao: the Last 200 Acres at Wairarapa Moana

- 2.236 In 1927, the South Wairarapa River Board applied to the Crown to acquire 200 acres of land at the confluence of the Tūranganui and Ruamāhanga rivers for the purpose of flood protection works. In 1883, when the Native Land Court awarded title to Wairarapa Moana, the Court endorsed a title plan showing a boundary excluding Takapūtao which was marked as "NR", meaning native reserve. However, the title plan is the only reference to a reserve at the time. The land was known by Ngāti Kahungunu as Takapūtao and contained a papakāinga, urupā, cultivations and an eel-fishing place. Some Ngāti Kahungunu petitioned the Crown that they had never alienated the land, wished to retain it, and asked that the Native Land Court be allowed to investigate title to the land.
- 2.237 In 1927, the Wellington District Commissioner of Crown Lands reported to the Under-Secretary for Lands that if the land had not been transferred to the Crown then the Crown had no power to vest the land in the river board. Such a transfer could only have occurred through the tuku rangatira of Wairarapa Moana or the 1853 Tūranganui purchase. The Under-Secretary of the Native Department, who was also the Chief Judge of the Native Land Court, responded that there "appears to be no authority" for designating the land as a Native Reserve, and asserted that the land had been incorrectly omitted from the 1883 survey of the Wairarapa Moana title and from the 1896 tuku.
- 2.238 In 1928, the Under-Secretary of the Native Department advised against introducing legislation to clarify the status of the land as it "would be an admission that there is some doubt in the matter," which might encourage a further Māori petition. The Under-Secretary suggested that the Crown make an application to the Native Land Court to amend the title and survey plan so as to include the 200 acres within the boundary of the Wairarapa Moana block.
- 2.239 In January 1929, the Crown supplied an amended plan of the Wairarapa Moana title to the Chief Judge of the Native Land Court. The Chief Judge advised that the Crown refrain from pursuing the amendment as the Court was still dealing with an application for the investigation of title to the land and "the Natives might be suspicious that undue advantage was taken of them." In September 1930, the applicants' case was dismissed

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- by the Native Land Court "for want of prosecution". The Chief Judge advised that the issue of amending the plan was being left until the end of the Parliamentary term, "in case the Natives should lodge a further petition in the matter."
- 2.240 In November 1930, the Native Land Court sat to issue an order amending the 1883 and 1896 titles to include the 200 acres. The Court sitting was not gazetted or advertised and Ngāti Kahungunu claimants to the land were seemingly unaware that their application for title investigation had been dismissed or that a Court order regarding the amended plan had been issued. In January 1931, a new title was issued to the Crown for Wairarapa Moana, including the 200 acres.
- 2.241 Ngāti Kahungunu continued to seek title to the 200 acres. When river protection works began at Takapūtao in 1932 they protested at the threat this posed to their urupā on what they still mistakenly believed was their reserve. In 1933 the land was transferred to the River Board. Ngāti Kahungunu filed a further petition about the land in 1933 which was referred to the Native Land Court for inquiry. In 1936, the Court determined that it had 'no recommendation to make'. A wide-ranging petition on issues related to Wairarapa Moana and Wairarapa lands was submitted to the Crown by Ngāti Kahungunu in 1938 referred to the 200 acres. The Chief Surveyor relied on the 1930 amended plan to rebut the petition.

Wairarapa Moana Reserves and Pouākani

- 2.242 A decade after the 1896 tuku rangatira of the Lakes, the Crown had not set aside the ample reserves around the lakes as had been agreed. Instead, section 53 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1907 enabled the Crown to purchase land elsewhere in lieu of the agreed lakeside reserves. The Act stipulated a cap of £5,000 for the purchase of replacement lands, this money coming from the on sale of land around Lakes. In 1908, Ngāti Kahungunu petitioned Parliament for the lakeside reserves promised in 1896 as they were needed for access to the important tuna fishery. The Crown declined Ngāti Kahungunu's request and also declined suggestions to allow them to purchase or lease any of the land being sold under the 1907 Act. While preparing for the sale of lakeside blocks the Under Secretary to the Department of Lands noted that he believed Māori should not "be allowed to retain or lease any lands adjoining European properties on the foreshore of Wairarapa lake as such a course would no doubt lead to considerable friction in time to come."
- 2.243 In 1909 the Crown met with one Ngāti Kahungunu rangatira and proposed a grant of Crown land at either Waimarino or Pouākani (Mangakino), in place of lakeside reserves. Knowledge of the distant and low quality land on offer led to opposition within Ngāti Kahungunu, who proposed that better agricultural land in the vicinity of Pouākani be included as well as two fishing reserves at either end of Wairarapa Moana. In 1910 the Crown offered 30,000 acres at Pouākani. No other land was offered. By 1914, opposition to the deal within Ngāti Kahungunu had declined and legislation was then enacted to put the agreement into effect. The Act also directed the Native Land Court to compile a list of owners and their relative interests, and once this was done the agreement came into effect. In 1916 the Pouākani land was vested in 230 owners descended from those listed on the 1883 title to Wairarapa Moana. Title was not issued until 1930.

- 2.244 Six hundred kilometres from Wairarapa Moana, the Pouākani land comprised 6,000 acres of heavy bush, 4,500 acres of good farming land bordering the Waikato River, and 20,000 acres of pumice land not suited to farming and described by the chief surveyor as "very poor". The Pouākani land was inaccessible and unoccupied by its owners.
- 2.245 During the survey in 1920 the Crown excluded 99 acres from the title for a 40-metre wide river bank reserve along the land's frontage to the Waikato River, due to the river's potential for hydro-electric power generation. From the 1940s the Crown provided roading for the hydro-electric dams being developed along the upper Waikato River, including the Maraetai dam at Mangakino, beside the Pouākani land. To support these hydro developments the Crown made plans in 1945 for the establishment of Mangakino township beside the Waikato River on the only large area of flat land on the Pouākani block. The Crown initially considered approaching the owners to seek their consent but decided to defer notifying them or the Native Land Court as that might result in "protests to the Ministers before the matter has been fully considered in Wellington and promises may be made without the full consideration that is necessary". Construction of the township and dam began in early 1946. In June 1947 Ngāti Kahungunu owners were notified that the Crown sought to take the most valuable part of their land.
- 2.246 Crown estimates for public works takings at Pouākani fluctuated between 1,000 acres and 5,000 acres, finally settling on 2,300 acres in February 1947. On 17 October 1947, the Prime Minister and Native Affairs Minister Peter Fraser, met with the owners at Pouākani where he ensured the area to be taken was no more than was necessary and undertook to consult them on all future matters affecting their land. In 1948 the Crown resolved to take 787 acres. The 683 acres being used for the Mangakino township was to be leased for 21 years rather than taken, as it was envisaged the township would be removed when the dams were completed. A further 470 acres fell within power line corridors which reduced the land's productivity. Compensation for the land taken, and rent for the land being leased, was assessed by the Māori Land Court in 1956, with rent backdated to 1949. With half the value of compensation offset as "betterment", £510 was paid for the 787 acres taken and the annual rent for the 683 acres of township land was set at £34. Court costs of £339 were awarded to the owners.
- 2.247 During construction of the dam, the population of Mangakino boomed to more than 5,000 people. This led some Crown officials to propose it remain as a permanent town, enabling the Crown to protect its investment in the township. In 1956, Ngāti Kahungunu were told by some Crown officials that the town would shrink but that the Crown expected they would receive an annual income from rentals on town sections of £7000 to £8000 leased in perpetuity at a rent based on five percent of the land's unimproved value. If they declined to lease out the land it could be taken, with compensation limited to unimproved value.
- 2.248 The owners agreed to take control of a permanent town, and in 1956 the Crown promoted legislation enabling them to form an incorporation to administer the township lands, paying the Crown £55,000 for the value of the improvements to the land. Under the terms of an agreement reached in 1959 this debt was to be repaid from the owners' share of the rental income from the town sections when the Crown's existing leases expired in the 1960s. The owners offered to lease the sites of schools, the hospital, and other public buildings and reserves to the Crown at a peppercorn rental but the Crown

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insisted on the freehold being given to it. In separate negotiations the owners incorporation agreed with the Taupo County Council to transfer to it freehold land worth £7,600 in exchange for the Council taking over services such as water supply and waste water disposal and for allowing subdivisions to enable Crown sales of surplus properties.

2.249 After construction around the hydro dams peaked in 1959 the Crown soon considered the future of the remote Mangakino township to be bleak and social problems began to emerge. In 1961 officials described it as a ghost town and by 1964 the population had fallen from its 1959 peak of 6,400 to 2,000. At this time the leases of town sections began to be transferred to the owners incorporation and by 1975 it administered 680 township leases with total rental income far lower than had been anticipated. Many tenants were on fixed incomes and ran up large arrears of rent and rates. Low rents were exacerbated by the Crown having negotiated leases that provided for rental reviews every 14 years rather than the 7 years initially sought by the owners. As a result rents fell far behind inflation, market rents and property values. These factors made the township and leases a liability and a burden to the owners rather than an incomegenerating asset. In 1990 the owners were advised the township leases were financially untenable as costs, including repayment of the balance of the mortgage owing to the Crown since 1959, exceeded rental income, and that they should freehold the township sections. The only land retained by the owners incorporation at Mangakino is the site of the Pouākani marae.

# Pouākani Land Development

- 2.250 In 1947, Prime Minister and Native Affairs Minister Peter Fraser visited Pouākani to assess the suitability of the land not taken for the power scheme for a Māori farm development scheme. Crown lands near Pouākani were then being developed for returned soldiers. Fraser went on to meet the land's owners in Greytown where he assured them that they would not be "overburdened with an impossible debt" resulting from the development of their land. The owners endorsed a Crown scheme to develop Pouākani and provide training to settle some of the Wairarapa owners on it. Beginning in 1948 some whānau from Wairarapa and Tāmaki nui-a-Rua relocated to Pouākani causing cultural as well as physical dislocation and isolation of Ngāti Kahungunu from their home lands and their whanaunga (kin). Ngāti Kahungunu settling at Pouākani found being located within the rohe (territory) of other iwi was deeply unsettling.
- 2.251 Development of these lands began in 1948, though costs were very high and Government supervisors initially found it difficult to develop the land successfully. The scheme struggled during the 1950s and 1960s, as the Ngāti Kahungunu farmers suffered from insufficient training and supervision, working land that was not ideally suited for farming. Numerous farmers could not make a living from their leasehold farms and walked off the land. The 60 farms envisaged when the scheme began were later reduced to 28 dairy and 2 sheep farms. Like many development schemes in other parts of the country, the farms built up substantial debt. By 1970, with total debt at \$1 million, 18 dairy farms were in operation, the other farms having been abandoned. Ten of these farms were leased to Pākehā as no owner nominees could be found. With the farms still failing to produce profit, the Ngāti Kahungunu owners' only real income came from milling timber during the clearing of land. Very few young people had been trained to become farmers on the land. In 1971 the Crown agreed to restructure the scheme but

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- the owners remained concerned about its administration. In 1974, the Crown admitted that, given the deterioration of the farms, its supervision of the scheme had been "lax".
- 2.252 From 1977, the owners, who were critical of the Crown's management, sought to have control of the land returned to them. In 1983 the 4,883 hectares of the Pouākani scheme was vested in the owners' incorporation, by which time the farm assets were valued at \$12 million and the development debt had been reduced to \$312,000. The scheme was, however, in need of further investment as a result of deferred maintenance. Other debts accrued when farm leases were surrendered and the owners had to pay \$600,000 in compensation for improvements, even when these were of little value to them. The owners sought compensation from the Crown for these costs and for allowing large rent arrears to accrue on leased farms, including about \$87,000 owing on one farm and which was never collected. The Crown declined compensation. The Deputy Secretary for Maori Affairs stated that strict enforcement of leases would have pushed people off the land, before being given a chance to prove themselves, which in turn would have undermined the overall objective of providing farming employment for Wairarapa Māori. Therefore he stated that the priority had been to ensure that those on the land were secure on their farms and obtaining a living, "even if it was at the expense of fertiliser and maintenance".
- 2.253 From 1989 the owners applied to have some of its remaining debts of about \$1 million written off, focusing on the development debt of \$400,000 owed to the Crown, but the Crown initially declined to do so and the debt continued to grow. Disagreements between Ngāti Kahungunu and the Crown continued into the 1990s.
  - Wairarapa Moana Fisheries
- 2.254 When accepting the tuku of Wairarapa Moana in 1896 Premier Seddon assured Ngāti Kahungunu that they "shall not be impeded in fishing and obtaining from the lake the food they are entitled to by the Treaty of Waitangi and which they are entitled to by special treaty rights through the dispute which has occurred." He stated that acclimatisation societies would not be allowed to put trout in the lakes. However, trout had already been introduced to the district and were present in Wairarapa Moana. The Crown did not act to support the words of the Premier about trout. Ngāti Kahungunu made frequent protests as their fishing rights and customary fisheries were seriously diminished by various actions and developments, including the introduction of exotic species, opening of the outlet at Ōnoke at the peak of tuna migration, drainage of wetlands around Wairarapa Moana, stopbank construction, and large-scale commercial fishing of tuna, inanga (whitebait), and koura (fresh water crayfish).

# 20th Century Land Issues

2.255 At 1900 Ngāti Kahungunu retained less than 10 percent, or about 240,000 acres, of their land in Wairarapa and Tāmaki nui--Rua. This land was fragmented across more than 600 titles. Crown and especially private land purchasing continued for another century. The lands remaining to Ngāti Kahungunu were difficult to manage and develop due to Native Land Court processes of partition and succession that led to many small, fragmented, and uneconomic titles, large and growing numbers of owners holding increasingly tiny shares, poor or non-existent road access, and lack of development

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finance. Today Ngāti Kahungunu retain about 1.5 percent, or 35,000 acres, of the land they owned in 1840. Half of this land is contained in the large, rugged Mataikonā block reserved from the Castlepoint deed in 1853. The rest of this land is divided into more than 400 titles.

- 2.256 The limited extent of Ngāti Kahungunu's remaining lands was outlined in the 1907 Stout-Ngata commission of inquiry into Māori land holdings. It found that the majority of land was already leased to settlers. Other than three large blocks the lands occupied by Māori were in very small subdivisions, comprising papakāinga and reserves. The commission recommended all purchasing should cease with the exception of the Waitutuma blocks. It agreed with the owners of the Waitutuma blocks to sell that land in order to raise funds to buy more suitable farming land, recommending that the purchase proceeds be held in trust for this purpose. The Commission also recommended that all future leases be subject to public auction, and that Māori receive training and assistance similar to that already provided to settlers to help them develop the "small remnant" of lands remaining. Ngāti Kahungunu sought to develop extensive farming and Stout and Ngata supported this "laudable desire". In its final report on native lands the Commission stated that some of the economic problems resulting from under-utilised Māori land could have been solved long ago "if the Legislature had in the past devoted more attention to making the Maori an efficient farmer and settler."
- 2.257 The Crown did not adopt the commission's recommendations, other than by its purchase of some portions of the Waitutuma blocks. In 1909 the Crown promoted the Native Land Act 1909 removing all existing restrictions on land alienation and providing for District Land Boards to oversee land alienation as an intermediary between Māori and purchasers In the years following land purchasing resumed and by 1930 nearly half of the remaining land in Wairarapa and Tāmaki nui-a-Rua had been acquired by either the Crown or private purchasers. Between 1930 and 1950 about 3,600 acres was purchased, with a further 22,000 acres purchased between 1950 and 1970. Land purchasing continued through the rest of the twentieth century, with about 6,000 acres acquired from Māori between 1970 and 1990.
- 2.258 Only a few Māori could obtain development finance and assistance from the Crown, similar to that available to settlers from the 1890s. This hindered Ngāti Kahungunu's ability to profitably use what little good land they retained. In 1911, Ngāti Kahungunu told Acting Prime Minister James Carroll they were committed to "the work of improving and cultivating our lands" and "entreat of you to provide an assisting sum of money for this purpose." They offered their land as security for loans from the Crown to develop their lands. However it was not until 1929 that the Crown began to provide finance and assistance under Native Land Development Schemes. These schemes were intended to assist Māori in developing land for commercial agriculture. Once Māori consented to a development scheme the Crown required full control of the lands included. A senior Crown official characterised its complete control over the lands during development as a form of "benevolent despotism." However, by this time there was very little Māori land in Wairarapa and Tāmaki nui-a-Rua remaining that was suitable for these schemes and little development occurred.
- 2.259 In 1937, the Crown established a development scheme for 806 acres at Mākirikiri intending to develop six dairy farms there. By 1941 four farms had been established on

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400 acres of developed land but by 1944 the scheme was in "very poor" condition and still required significant development investment. In the late 1950s one Māori and several Pākehā farmers were allocated leases of farms in the scheme. In 1992 the scheme was still under Crown control.

- 2.260 The more substantial Homewood scheme began in 1940 and consisted of 2,500 acres across 26 titles to be developed and managed as a single farm. In 1953, "in the face of marginal prospects and rising debt", the Crown and owners agreed to end the scheme and the land was leased out to a neighbouring Pākehā. The Crown also brought individual farms within the provisions of development schemes. From 1938 the Crown supported a Māori farmer to develop land at Tahoraite but the land later reverted to scrub before being developed by its owners without Crown assistance. The Crown also operated a development scheme for a farm at Pirinoa from 1940. In 1952 the land was leased to a neighbouring Pākehā to discharge the development debt.
- 2.261 About 20 percent of the titles retained by Ngāti Kahungunu are "land-locked", surrounded by land in private or Crown ownership, without access, such as frontage to a road. The Crown's acts or omissions contributed to a number of these titles becoming landlocked. In 1853 the Crown agreed to a reserve at Te Awaiti but did not issue title until more than thirty years later. During this period the land became landlocked. In some instances during the twentieth century landlocked blocks were leased to neighbouring farms or even sold as they lacked access. A subdivision of Te Awaiti was sold in 1980 to create some return from the landlocked land. This followed the construction of a bridge and road in the 1960s that provided access to adjoining general land but which stopped 20 metres away from the boundary of Te Awaiti. This reserve, as well as Huariki and Pūkaroro reserves further north, which are connected to Te Awaiti by a paper road, remained landlocked
- 2.262 The Crown has promoted provisions to legislation since 1886 relating to access to Maori land. However, whilst the Courts had the power to grant access between 1886 and 1975, the provision of access to landlocked Maori land through adjoining General or Crown land required the consent of the adjoining owner. In contrast, when access was sought to landlocked General or Crown land through adjoining Maori land, the consent of Maori land owners was not required. From 1975 access could be granted to landlocked Maori land without the consent of adjoining land owners but this provision has not been used as it requires Māori to initiate High Court litigation which Ngāti Kahungunu consider prohibitively expensive and of uncertain outcome. Today the 80 landlocked titles, comprising 3,525 acres in Wairarapa and Tāmaki nui-a-Rua, represent a significant proportion of the lands remaining to Ngāti Kahungunu. Lack of access has made it difficult for owners to develop economic opportunities, exercise their rights of ownership or their cultural obligations as kaitiakitanga of the land.

# **Public Works Takings**

2.263 A significant area of land was taken from some Ngāti Kahungunu land owners for public works. From 1878 to 1981 the Crown and local bodies acquired more than 1,700 acres in Wairarapa and Tāmaki nui-a-Rua across 50 separate takings, as well as the 800 acres at Pouākani. The land taken included urupā, wāhi tapu, marae, papakāinga, and other lands of great cultural significance to Ngāti Kahungunu in the vicinities of Mātakitaki-a-

- Kupe (Cape Palliser), Hurunuiorangi, Te Ore Ore, Kaitoke, Tahoraiti, Tautāne, and Te Uru o Tāne.
- 2.264 Native land Act 1878 allowed the Crown to take up to five percent of land held under a Native Land Court title for public works without compensation for a period of up to 15 years from the date of title. This was three times longer than under a similar rule applying to general land. This "five percent rule" was not removed from Māori land titles until 1927. It resulted in the loss of significant areas of Ngāti Kahungunu land for public works. In some cases where this rule had expired there is no evidence that the Crown paid compensation for land taken from Ngāti Kahungunu for roads, such as the Mātakitaki No. 3 reserve and two areas taken from the urupā at Te Kopi.
- 2.265 In 1887 and 1888, sixteen acres were taken for road and railway purposes from the Kōpuaranga block, a reserve from the 1853 Manawatū-Wairarapa deed. The Public Works Act provided for the Crown to implement a Native Land Court title investigation on the entire block in order to determine who it should pay £82 in compensation for the land taken. Half that sum was consumed by survey and court costs for the case brought by the Crown, not by the land's customary owners.
- 2.266 Prior to the middle of the twentieth century, it was uncommon for the Crown to consult Ngāti Kahungunu owners before compulsorily acquiring their land for public works. There is no evidence of Crown consultation with owners prior to roads being constructed through the Whakataki reserve in the Castlepoint block in the 1870s and 1880s. Nor is there evidence of the Crown notifying or consulting the owners of Tautāne reserve before part of their land was taken for a new road, requested by a neighbouring land owner to provide better access to his property. This lack of consultation led to protracted disputes and protests over some public works. The Crown declined alternative methods of securing land it needed for public purposes, such as the leases offered by Ngāti Kahungunu in some cases.
- 2.267 During the twentieth century the Crown acquired nearly 400 acres from Tahoraiti titles at Dannevirke for a wide range of public purposes, including a sewage plant, rubbish dump, gravel pit, rifle range, aerodrome, scenic reserve, and railways. These takings and subsequent public works were effected despite the negative impacts of facilities such as a rubbish dump and sewage treatment plant on the adjacent Mākirikiri marae and papakāinga.
- 2.268 In 1911, the Crown took 38 acres at Mākirikiri for scenery preservation and vested the reserve in the local council in 1913. The council had sought the land for a recreation reserve, but the land remained a scenic reserve despite the scenic value of the land being degraded by logging, fire, and stock damage. The land was later subdivided and leased and in 1950 the scenic status was revoked over a small portion, which was added to the adjoining rubbish dump in 1951. In 1983 half of the scenic reserve was reclassified as a recreation reserve.
- 2.269 In 1978, the Dannevirke Borough Council sought 14 acres of the Tahoraiti block for a new rubbish dump. When the owners declined to sell the council took steps to have the land taken under the Public Works Act. The Crown was concerned at Māori protests over a such a taking and did not endorse this taking of land for public works. However, the

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- Public Works Act 1928 had not been amended to reflect these policy positions and the Crown was legally obliged to proclaim the taking of the land, which it did in 1981.
- 2.270 In the 1950s, the Wairarapa South County Council sought six acres of land at Hurunui-o-Rangi pā for a road deviation and eight acres for a gravel pit. These lands were taken under the Public Works Act 1928 despite the written objections and public protests of the Ngāti Kahungunu owners and occupiers of Hurunui-o-Rangi pā. Their protests included attempts to block the new road, which separated Hurunui-o-Rangi marae from its two urupā.
- 2.271 In some areas where land taken was later surplus to requirements, the Crown and local bodies did not offer the land back to the former Māori owners. Land no longer required for the gravel pit and aerodrome at Dannevirke was sold to local farmers without being offered to the former Māori owners. Land taken for a gravel pit from Hurunui-o-Rangi pā was not offered back to Māori when the pit was exhausted. Instead, the land was sold to a third party who built an abattoir beside the Hurunui-o-Rangi urupā.

## Te Taiao: Environmental Issues

- 2.272 The settlement of Wairarapa and Tāmaki nui-a-Rua resulted in significant transformation of the environment over time. From the 1860s, legislation provided for the Crown to exercise control over much of the natural resources in Wairarapa and Tāmaki nui-a-Rua, which the Crown then often transferred to various local authorities. The Crown prioritised economic development over environmental protections. This limited opportunities for Ngāti Kahungunu to exercise their kaitaikitanga over the natural environment and the taonga it contains or to develop and use these resources themselves, conserve areas at risk of being damaged by agricultural development, and diminished their access to highly valued resources.
- 2.273 The environmental health of the region, in particular at Te Tapere nui-a-Whatonga in the north and Wairarapa Moana in the south, has since been degraded as a result of deforestation, erosion, drainage, river control works, and pollution of waterways. Extensive drainage of wetlands associated with Wairarapa Moana has been particularly devastating to the health of waterways and to customary fisheries. As recently as 1974 the Ruamāhanga diversion scheme reduced the catchment area of Lake Wairarapa by 80 percent. By redirecting water flow the diversion scheme also had a negative impact on the water quality of the lakes and their environment and interrupted migrational pathways of tuna and native fish. All of these changes have seriously affected the mauri (life force) of Wairarapa Moana.
- 2.274 The numbers of birds and fish, important to Ngāti Kahungunu, have declined as a result of the introduction of new species, habitat modification, and new methods of hunting and fishing. Most notably the huia, depleted by loss of habitat and introduced pests, was hunted to extinction by about 1900, despite the efforts of some Wairarapa Māori to place rāhui over its habitat in the Tararua Ranges as early as the 1870s. The mahinga kai (food cultivations) and rongoā (medicinal) gathering places, still held by Ngāti Kahungunu, have been polluted or lost due to environmental change. The loss of these resources also contributed to the loss of associated knowledge and ritual, including knowledge pertaining to rongoā and crafts.

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2.275 Traditional customary fisheries enjoyed for centuries by Ngāti Kahungunu and other Māori were depleted over decades of large scale commercial fishing. From 1894, the Native Land Court began awarding titles to Wairarapa Māori along the coast for fishing reserves or fishing grounds. However, these reserves related only to coastal land down to the high tide mark, and not to the fishing grounds themselves. The Maori Social and Economic Advancement Act 1945 provided for fishing grounds to be reserved for iwi but the Crown declined to apply this provision when Ngāti Kahungunu sought to reserve and protect traditional fishing grounds and fishing rights from commercial fishing in the area from Palliser Bay to Aohanga from 1949.

# Protection of Ngāti Kahungunu Heritage

2.276 The Crown's prioritisation of development as well as limited statutory protection has contributed to damage to or destruction of many Ngāti Kahungunu heritage sites, including wāhi tapu, pā, urupā, mahinga kai, nohoanga, and archaeological sites. In recent times, Mātakitaki-a-Kupe (Cape Palliser), Nga Rā ā Kupe (Kupe's Sail), Te Kopi, Mangatoetoe, Te Awaiti, Te Unuunu, Hurunui-o-Rangi, Pirinoa, Mairirikapua (Black Rock), and other sites of significance have suffered physical and cultural damage that is in some cases irreparable as a result of public works and other developments.

# Ngāti Kahungunu and the Defence of New Zealand

- 2.277 The commitment of Ngāti Kahungunu to their relationship with the Crown, established at Turanganui in 1853 has been demonstrated through a long and proud record of service in New Zealand's defence. Notably, Ngāti Kahungunu rangatira Hoani Paraone Tūnuiarangi (or Major Brown as he was known to Pākehā) was a commander in the Native Volunteer Force that accompanied Premier Seddon's New Zealand delegation to Queen Victoria's Diamond Jubilee in London in 1897. He later took command of the Wairarapa Mounted Rifle Volunteers and in 1902 offered to the Crown the services of his Ngāti Kahungunu men for the South African War. Seddon approved but the British Government declined to involve non-European troops.
- 2.278 Many Ngāti Kahungunu volunteered to serve in World War I as part of the allied war effort and raised funds to help send their young men overseas, some of whom lost their lives. In addition to joining the regular forces, they also enlisted in the Māori Pioneer Battalion, known as Te Hokowhitu a Tū. An even larger commitment was made by the iwi during World War II, when many of their young men served in the 28<sup>th</sup> (Māori) Battalion's D Company. The 28<sup>th</sup> (Māori) Battalion suffered a high casualty rate. The cost of their participation in war has been high, resulting in a loss of present and future leadership from whānau, hapū, and the iwi, as well as a loss of expertise in te reo Māori and Ngāti Kahungunu tikanga. On the home front Ngāti Kahungunu made important contributions to the Māori War Effort Organisation.
- 2.279 After the Second World War the Crown established Rehabilitation Boards, which provided farms through a ballot to returned servicemen. The Crown's policy was to allow any returned servicemen who met the eligibility criteria to enter these ballots. Māori rehabilitation committees tried to settle Māori returned servicemen on rehabilitation schemes or Māori land development schemes, few of which were established in Wairarapa and Tāmaki nui-a-Rua. As of 1950, only six Māori ex-servicemen had been

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settled on farms in the Ikaroa Maori Land District, which included Tāmaki Nui-a-Rua, Wairarapa, and the South Island.

## **Social and Economic Under Development**

The Crown's Provision of Educational Services to Māori

- 2.280 From 1867, the Crown undertook the establishment and maintenance of schools specifically for Māori, to provide instruction in English. The Crown saw these schools in part as a means of assimilating Māori into European culture. The Native Schools Act 1867 required Māori communities to provide funds or donate land for the Crown to support a Native School for that community. By 1878 there were not yet any Native Schools in Wairarapa or Tāmaki nui-a-Rua. When Premier Grey visited Pāpāwai that year Ngāti Kahungunu asked him about a school for their children to which he expressed his sadness at the lack of a native school there and said that one would be built very soon.
- 2.281 In 1882, after a petition and written requests by Māori, the Crown subsidised its first Native School in Wairarapa and Tāmaki nui-a-Rua, at Pāpāwai. In 1886 the Crown built new buildings to replace the overcrowded wharenui (meeting house) which had been the original school house. The school was attended by Māori and Pākehā pupils. By 1905, dissatisfied with the standard of education at the school, Māori and Pākehā parents successfully petitioned the Crown to remove "Native" status and transfer the school to the Wellington Education Board. Although it was hoped this would raise resources and outcomes, the roll of Pāpāwai School declined and by 1919 it had become a side-school of Greytown District High School.
- 2.282 In 1881, Māori established their own school at Te Ore Ore. In 1882, the Crown began subsidising the teacher's salary and in 1886 brought Te Ore Ore School into the Native Schools system. However, in 1889 the Native Schools Inspector condemned school facilities as "about as unsuitable for school purposes as it could possibly be; it is low, dark, and dirty as well as far too small". Several suggestions were made to replace the building but this was not done. The school closed in 1889.
- 2.283 From 1890 to 1898 local Māori operated a school at Tahoraiti in Tāmaki nui-a-Rua, providing a building and a teacher in the hope the Crown would establish a Native School there, but it did not do so. In 1901 the Crown subsidised a Native school for the small community at Tūranganui. The school lasted only six years and closed in 1907 due in part to poor facilities that the Native Schools Inspector observed did not even "come within the category of buildings."
- 2.284 In 1902, Māori at Mataikonā requested a Native School, which the Crown declined. In 1906, the Rongokakao Maori Council sought a Native School to the north, at Aohanga, and later that year an official reported that a school was "very much needed" there. As the children were "totally without education" their parents saw the matter as "one of urgency." In 1908 the Crown declined to establish a school there. A further request was made by Aohanga Māori for a Native School in 1938 which the Crown approved, and in 1942 a Native School was established at Aohanga but it closed in 1947.

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- 2.285 In 1903, Māori at Hurunui-o-Rangi sought a Native School due to concerns for their children's safety attending the nearby public School. One Crown official described how the children's daily trip to school involved the "fording of a dangerous river" and that at school the children were "harassed" by Pākehā. However, the Crown did not establish a Native School at Hurunui-o-Rangi. The same Crown official wrote to his superiors, regarding the request, that although Native Schools were effective at promoting European values in Māori districts, Board Schools were more effective at assimilating Māori in "half-Europeanised districts", such as Hurunui-o-Rangi. Māori continued to seek a Native School there and in 1931 unsuccessfully petitioned again for a Native School, supported by a Member of Parliament.
- 2.286 The most successful Native School was established by the Crown at Ōkautete in 1906 on land gifted by local Māori in 1903. For some years pupils at Ōkautete suffered corporal punishment and other forms of discipline for speaking te reo Māori at school. Ngāti Kahungunu wanted their children to learn English and be proficient in te ao Pākehā (the European world) but not at the cost of their own Māoritanga (language and culture). Ōkautete Native School also suffered from significant problems with the staff and resources provided but became a valued community institution. The School operated until 1962, when the Crown transferred it to Education Board control under which it operated until it closed in 2001.
- 2.287 In the 1860s, the Wellington Provincial Government was funding numerous schools to cater for the needs of Pākehā children. In 1881, a Crown official reported that the inability of some teachers to speak Māori and racial discrimination on the part of some settler parents discouraged attendance by Māori children. The antipathy of some European parents to racial mixing at their local school was of such concern that a visiting Crown official suggested that "if their attendance is objectionable to parents as hitherto, a small ward might be set apart for their accommodation." No extra provision was made for Māori students at this school. Nevertheless the Crown's limited provision of Native Schools in Wairarapa and Tāmaki nui-a-Rua meant that most Māori children were dependent on Public schools for education to prepare them for the modern world.
- 2.288 The ability of Ngāti Kahungunu to take advantage of educational opportunities in native schools or public schools was hindered by poverty, poor health, and by difficulties of access due to distance and poor roads. For those Ngāti Kahungunu who did attend school, higher education opportunities remained limited. Education officials generally had a very limited view of Māori potential in comparison to Pākehā and they were generally not encouraged to pursue higher learning. In 1948, almost fifty percent of all students leaving post-primary education (years 9-12) achieved fifth or sixth form. However, no Māori in Wairarapa or Tāmaki nui-a-Rua achieved higher than fourth form (year 10) in 1948.

Crown's Provision of Health Services after 1900

2.289 In 1900, collaboration between the Crown and Pāremata Māori led to the enactment of the Māori Councils Act 1900 which empowered local Māori tribal councils to enforce sanitary regulations amongst their communities and improve drainage, water supplies, and housing. Tamahau Mahupuku and Hēnare Parata, rangatira active in the Kotahitanga movement, set in motion these health reforms through initiatives such as the

## 2: HISTORICAL ACCOUNT

sanitary committees set up for the Pāpāwai Pāremata and Hēnare Parata's unofficial work as a sanitary inspector for Wairarapa Māori. Native Minister James Carroll appointed both men as honorary Native Sanitary Commissioners to accompany him to numerous Māori communities where these reforms were promoted. Ngāti Kahungunu enthusiastically welcomed the 1900 Act as a measure of self-government and self-help and quickly established the Rongokako Māori Council, which covered all of Wairarapa and Tāmaki nui-a-Rua. At the same time the Public Health Act 1900 established the Department of Public Health with a broad focus on improving sanitation and preventing disease.

- 2.290 In June 1899, before the Maori Council's Act was passed, the Takapau Komiti (comprising Ngãi Tahu and other Ngãti Kahungunu hapū) wrote to ask for the Wairarapa district, or "rohe potae", to be established under the pending legislation to be extended to include them. At the same time the Hāmua Komiti headed by Nireaha Tāmaki defined the boundaries of the "Wairarapa Rohe Potae" in terms of "Te Pooti Ririkore" (the land without war), as defined during the New Zealand Wars. Nireaha Tāmaki also asked for the Crown to set aside some Crown land "as a place where the young people of Wairarapa may be taught farming." Wairarapa Māori sought extensive representation, naming 63 proposed councillors for the seven sub-districts within the proposed boundaries. They envisaged "a covenant between us the chives and our hapū with the Government of New Zealand, embracing the measures of importance and authority to be observed, to be given effect to by us and our hapū and our descendants after us."
- 2.291 In May 1901, James Carroll went to Pāpāwai to attend the first meeting of the 12-member Rongokako Maori Council. Aporo Kumeroa was elected as chair and said the Council marked "a new era in native affairs," even though he saw the "very moderate powers" given to them as "a preliminary step." The work already done by Native Sanitary Inspector Hēnare Parata in improving Pāpāwai was noted by observers. He had also been active in promoting hygiene improvements at other Wairarapa papakāinga and continued this work in 1902. In 1903, he assisted a doctor and nurse from the Department of Health in treating an outbreak of illness at Pāpāwai caused by pollution of the Pāpāwai Stream at Greytown. In 1905 Taiawhio Te Tau was appointed as Native Sanitary Inspector for the Rongokako Council district, reporting to the Government on the state of housing and health in Wairarapa. He joined other Maori Councils in promoting to the Crown a network of cottage hospitals for Māori, an initiative that Māori supported but which was not endorsed by the Crown.
- 2.292 However the Crown provided little funding to the councils and they had limited powers for raising revenue. In 1906, the respected Maori Councils Superintendent tendered his resignation due to the lack of resources, adding that "it redounds to the credit of the natives themselves that so much good has been accomplished without any assistance worthy of the name." The councils soon fell into a general decline, and this was made worse after 1912 when the Crown stopped funding Māori sanitary inspectors. However, the Rongokako Māori Council continued to exist, albeit as "a poor council" that was unable to do a great deal to remedy the widespread poor living conditions of Wairarapa Māori.
- 2.293 In the early 1920s, following the First World War and Influenza Pandemic, Ngāti Kahungunu sought to reinvigorate the Rongokako Māori Council and its role in health

## 2: HISTORICAL ACCOUNT

and hygiene improvements. By 1928, new councillors had been elected but had to wait some time for the Health Department to proclaim the new council and provide the administrative "machinery." The council struggled to meet and had little authority to improve hygiene or limit liquor supply. The Council inherited limited revenue-raising powers, so it was able to achieve little before falling into decline in the early 1930s. In 1932, the Health Department wrote of the Rongokako Council that "the difficulty, as always, is one of finance." In 1934, the Department reported that the Council had been "hibernating" for several years and "the lack of financial resources and the difficulty of holding regular meetings would seem to make any striking progress unlikely."

- 2.294 The rapid expansion of public health services as part of the establishment of the social welfare system in the late 1930s led to significant improvements in health outcomes for many New Zealanders. Even as the health of the general community in Wairarapa and Tāmaki nui-a-Rua improved, that of Ngāti Kahungunu continued to lag far behind, due largely to their much higher levels of poverty and poor living conditions.
  - Ngāti Kahungunu in the twentieth Century
- 2.295 Ngāti Kahungunu communities were on the margins of economic development through much of the twentieth century. The significant land loss, and fragmentation of remaining land, along with the lack of access to capital for development, made it increasingly difficult for Ngāti Kahungunu to support whānau and the community as a whole.
- 2.296 With limited education and lacking skills and training, many Ngāti Kahungunu relied on low-paid seasonal agricultural work, supplementing low incomes by growing their own food or fishing. Customary food resources were further threatened as Wairarapa Moana and customary waterways suffered environmental damage. Many Ngāti Kahungunu who remained in rural areas suffered extreme poverty. Substandard housing also resulted in a high incidence of diseases such as typhoid and tuberculosis.
- 2.297 Those who could not subsist on seasonal work were forced to move to urban centres in Wairarapa and Tāmaki nui-a-Rua and outside of the district in search of work and access to social services and better housing. A few whānau moved to the distant Pouākani "reserve land" at Mangakino in the late 1940s when it began to be developed. As a result of these demographic movements, three-quarters of Ngāti Kahungunu now live outside their rohe. The exodus of many Ngāti Kahungunu from Wairarapa and Tāmaki nui-a-Rua also put social strain on the whānau and communities that remained. Prior to the expansion of the welfare state in the late 1930s, nearly all kaumātua and kuia were denied the old age pension and the few who did receive it were paid a lower rate than Pākehā pensioners.
- 2.298 Many of those leaving their ancestral lands left behind not only the problems in Wairarapa and Tāmaki nui-a-Rua but also their whānau, community, and language. The proportion of Wairarapa Māori able to speak te reo Māori is lower than the national average for Māori and continues to decline with no native speakers of Māori remaining.
- 2.299 Ngāti Kahungunu were heavily affected by the Crown restructuring the economy in the 1980s, which led to many Ngāti Kahungunu who worked in manual labour industries such as farming, meat processing, forestry, railways, and public works becoming

## 2: HISTORICAL ACCOUNT

- unemployed. The income, employment, housing, health, educational, and crime outcomes for Ngāti Kahungunu are worse than for other Māori and considerably worse than for Pākehā in Wairarapa and Tāmaki nui-a-Rua.
- 2.300 Through their experience of colonisation many Ngāti Kahungunu have been alienated from their lands, culture and language, with the rich fabric of hapū and iwi life having been severely damaged. As the settler population expanded Ngāti Kahungunu became marginalised from a Pākehā-dominated society, and lacking the means to advance their own position, they continued to co-operate in Crown initiatives and with Crown authorities. Ngāti Kahungunu believe that the Crown has continually failed to honour the reciprocal obligations established through the Treaty of Waitangi and the compact of the 1853 Komiti nui. Ngāti Kahungunu steadfastly continue to hold to the principles that have always underpinned their relationship with the Crown.

# 3 NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

- 3.1 E whakaae ana te Karauna kāore a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i waitohu i te Tiriti o Waitangi i te tau 1840. Ahakoa tonu, e whakaae ana anō te Karauna e whai pānga ana ngā oati i oatihia ai e ia ki te Māori i roto i te Tiriti o Waitangi, ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua. Nā konei, ka whakaae te Karauna ki te tika o ngā nawe o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, o ā rātou kokoraho o nehe rā anō, ā, ka tāpae ia i ngā whakaaetanga e rārangi iho nei.
- 3.2 E whakaae ana te Karauna kua ū a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, e tū nei hei hoa ā-Tiriti, ki ō rātou herenga me ō rātou haepapa i raro i te Tiriti o Waitangi.
- 3.3 E whakaae ana te Karauna e mau tonu ana ngā āhuatanga o te mamae me te rirohanga i pā ki a Ngāti Kahungunu nā runga tonu i ngā hē o te Karauna. E whakaae ana anō te Karauna kāore anō kia tika tana whakaea i ngā nawe tautini o Ngāti Kahungunu, ā, kua hipa noa atu te wā e tika ana kia arohia ēnei nawe.

# Te Rirohanga atu o Maungaroa nā te Whakahau

- 3.4 E whakaae ana te Karauna i takahi tana urupare ki te murunga o Maungaroa, i te pito whakatetonga o Wairarapa, i te Tiriti o Waitangi me ōna mātāpono anō, inā hoki, ko tā te Karauna:
  - 3.4.1 he whakatau wawe i hara ngā hunga o Ngāti Kahungunu i whai wāhi atu, he whakarite wawe hoki i ngā whakawhiunga, nā konei i kore ai a Ngāti Kahungunu e whai wāhi ki ngā tukanga tika, ki te tika rānei o te whāia o ngā ture e hāngai ana;
  - 3.4.2 he whakahau i a Ngāti Kahungunu mā te whakatumatuma ki te riri, kia waitohungia tētahi whakaaetanga ā-pukapuka i riro ai te hia tekau mano eka i Maungaroa, he whakawhiunga i hē, i tuhene rawa hoki mō te āhua o ngā mahi i mahia ai:
  - 3.4.3 he tango i ētahi whenua, mā te rirohanga, i ētahi tāngata o Ngāti Kahungunu o te takiwā kāore i whai wāhi atu ki te murunga, nā konei i kore ai e tukuna kia whakawāngia tōkekengia a Ngāti Kahungunu e ai ki te ture;
  - he mau tonu ki ngā whenua i riro rā i te tau 1845, ahakoa tana mahara kāore pea i tika te rirohanga; ā,
  - 3.4.5 he kore i tuku kia kōwhiri a Ngāti Kahungunu mēnā rānei i hiahia rātou kia whakahokia ngā whenua i riro nōna e whakawhiti kōrero ana mō tētahi hokotanga i te tau 1853, he mea inaki ki ngā whenua o te rirohanga.

## 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

# Ngā Mahi Hoko a te Karauna Mai i te Tau 1853 ki te Tau 1865

3.5 E whakaae ana te Karauna i whakatumatuma ia ki te aukati i ngā mahi whakatū kāinga Pākehā ki Wairarapa me Tāmaki-nui-a-Rua ki te kore a Ngāti Kahungunu e hoko atu i ō rātou whenua ki te Karauna, ki te kore hoki rātou e tuku i ngā whenua rīhi whakataka i whakawhiwhia ai a Ngāti Kahungunu ki ngā moni me ngā hua tauhoko i te tekau tau 1840 me te upoko o te tekau tau 1850. Nā runga i tērā, kāore i taea e Ngāti Kahungunu te whai wāhi atu ki te ōhanga hou o ngā tauiwi whakatū kāinga, i runga tonu i ā rātou ake whakaritenga, ā, koinei te pūtake o ētahi o ngā nawe nui o Ngāti Kahungunu.

### 3.6 E whakaae ana te Karauna:

- i te Komiti Nui (te huihuinga nui) o te tau 1853, nā Kāwana Hōri Kerei i mahara ai a Ngāti Kahungunu ka riro i a rātou he painga nui ā-mātauranga mai, ā-hauora mai, ā-ōhanga mai anō hoki mā te hoko atu i ētahi wāhi nui o ō rātou whenua ki te Karauna mō ngā utu iti;
- 3.6.2 whai muri i te Komiti Nui me tā te Karauna hoko atu i ētahi wāhi whenua nui ki ngā tauiwi whakatū kāinga, kāore a Ngāti Kahungunu i whiwhi ki te nui o ngā painga nā te Karauna i mahara ai rātou ka riro atu ki a rātou, ā, koinei te pūtake o ētahi o ngā nawe ukiuki o Ngāti Kahungunu, ā mohoa noa nei; ka mutu
- kāore i ea i a ia ana here i raro i ngā āpitihanga mō te koha, he mea whakauru atu ki ētahi whakaaetanga hoko ā-pukapuka whai muri i te Komiti Nui o te tau 1853, i whakawehea ai e te Karauna ētahi pūtea i hua ake i te hokotanga atu o ngā whenua hei painga mō Ngāti Kahungunu. Otirā, kāore i tika tā te Karauna kōrero ki a Ngāti Kahungunu e pā ana ki te whakahaeretanga o te pūtea, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.7 E whakaae ana te Karauna kāore ia i mahi i runga i te ngākau pai i ngā wā katoa i te tere me te whānui o āna mahi hoko whenua puta noa i Wairarapa me Tāmaki-nui-a-Rua i te tekau tau 1850, otirā, i te korenga ōna i aro ki ngā kaipupuri mana matua, tae atu hoki ki ngā hunga i noho ki ngā whenua, i takahi ēnei mahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.8 E whakaae ana te Karauna he rite tonu te korenga ōna i rūri, i whakawehe, i tiaki rānei i ngā whenua ko tōna tikanga ka rāhuitia mō Ngāti Kahungunu i ētahi hokotanga kia kore ai e hokona atu ki ngā tauiwi whakatū kāinga, ka mutu, i ētahi wā i whakaupatia takekoretia e ia te tukuhanga atu o ngā rāhui i oatitia ai. I takahi ēnei mahi a te Karauna me ēnei hapa hoki ōna i te Tiriti o Waitangi me ōna mātāpono.
- 3.9 E whakaae ana anō te Karauna kāore ia i mātua whakarite kia tiakina he rāhui rawaka hei pupuri mā Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, otirā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.10 E mihi ana te Karauna ki te pūkeke o Ngāti Kahungunu kia mana tonu ai te karangatia o Wairarapa me Tāmaki-nui-a-Rua ko 'Te Pooti-Riri-Kore' (he whenua riri kore). Ka mihi pū anō te Karauna ki te niwha o Ngāti Kahungunu kia mau ai te rongomau puta noa i ngā Pakanga o Niu Tireni, ahakoa tino kore nei rātou i whakapono ki te Karauna, hāunga anō

# 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

hoki te whakatumatumahia o rātou ki te riri ope taua nō te Karauna i whai kia whakatauria ai tētahi tohe whenua i te tau 1864.

# Ngā Ture Whenua Māori

- 3.11 E whakaae ana te Karauna:
  - 3.11.1 kāore ia i kōrero ki a Ngāti Kahungunu mō te whakaritenga o ērā ture whenua Māori nā reira i taea ai te whakatakitahitanga o te mana ki ngā whenua Māori i noho kē rā i raro i te mana tuku iho ā-iwi i mua, nā reira hoki i whakahaeretia ai tā te Karauna, tā te tangata tūmataiti anō, hokohoko i ngā whenua Māori;
  - 3.11.2 i waenga i te tau 1865 me te tau 1873, i tuku taitara te Kōti Whenua Taketake ki tōna 100 poraka whenua i Wairarapa me Tāmaki-nui-a-Rua, he mea whakakapi i te 650,000 eka neke atu, ā, he mea tuku ia poraka ki ngā kaipupuri takitahi tekau, heke iho rānei;
  - i mahara a Ngāti Kahungunu ko te hunga nō rātou ngā ingoa i ēnei taitara ka noho hei kaitiaki mā ō rātou whānau me ō rātou hapū, heoi anō, kāore ngā ture whenua Māori i aukati i tā ngā kaipupuri nō rātou ngā ingoa i ngā taitara whakamahi i ēnei whenua i raro i te mana o te kaipupuri takitahi, nōna te mana ki te whakawhiti atu i te whenua me te korenga o te whakaaetanga a te whānuitanga o ngā kaipupuri mana;
  - 3.11.4 he nui tonu ngā nama i hua i te tukanga whakataunga taitara a te Kōti Whenua Taketake, tae atu ki ngā utu mō ngā rūri me ngā whakawākanga, he utu i whakawhitingia atu ai ētahi anō whenua o Ngāti Kahungunu i ōna wā;
  - 3.11.5 nā te whakahaerenga me ngā pānga o ngā ture whenua Māori i Wairarapa me Tāmaki-nui-a-Rua i māmā ake ai te whakawehengia, te poroa me te whakawhitingia o ngā whenua o ngā hapori o Ngāti Kahungunu, he tukanga i horo ai ngā hanga ā-iwi tuku iho o Ngāti Kahungunu me ōna hapū; ā,
  - 3.11.6 kāore ia i whai kia tika ai te tiakina o ngā hanga ā-iwi tuku iho o Ngāti Kahungunu, kia whakaritea anō ai tētahi ara ā-ture hei whakahaere ā-tōpū i ngā whenua o Ngāti Kahungunu, tae rā anō ki te tau 1894, ki te wā tonu kua whakawhitingia kētia te nuinga o ngā whenua o Ngāti Kahungunu. I takahi ēnei hapa o te Karauna i te Tiriti o Waitangi me ōna mātāpono.

# Ngā mahi hoko a te Karauna i muri i te tau 1865

- 3.12 E whakaae ana te Karauna i muri i tana hoko i ētahi pito whenua nui i muri i te Komiti Nui, i tīmata anō ana hokotanga whānui i Te Tapere-nui-a-Whātonga i waenganui i te tau 1870 me te tau 1882, kei tōna 390,000 eka te nui, otirā, nā te rirohanga o ēnei whenua tapu i hua ai he nawe e kaha rangona tonutia ana e Ngāti Kahungunu, ā mohoa noa nei.
- 3.13 E whakaae ana te Karauna he wā ōna i mārō rawa tāna akiaki kia riro mai ai ngā waitohu hei whakaea i ngā whakaaetanga hoko ā-pukapuka mō ngā whenua o Te Tapere-nui-a-Whātonga, otirā, i takahi ēnei mahi i te Tiriti o Waitangi me ōna mātāpono.

## 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

3.14 E whakaae ana te Karauna nōna i hoko i te poraka o Tararua mai i te tau 1873 ki te tau 1881 kāore ia i tautuhi, kāore hoki ia i rūri i te rāhui o Hāpuakōrari i mua i te whakaūnga o tana taitara ki te poraka o Tararua, otirā, kāore i whakaritea te rāhui o Hāpuakōrari i muri iho.

## Ngā Urupare ā-Tōrangapū a Ngāti Kahungunu

- 3.15 E whakaae ana te Karauna:
  - 3.15.1 ka hia tekau tau ngā rangatira me ngā hapū o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua e mahi ngātahi ana ki te ātete i ngā mahi hoko whenua me ngā pānga kino o ngā ture whenua Māori me te Kōti Whenua Taketake ki ō rātou hapori, ki te kotahitanga anō hoki o ngā hapū me te iwi, mā roto tonu mai i te Kīngitanga, i te Kaupapa o te Whakahētanga o te Hoko Whenua, i te kaupapa komiti ā-rohe, i te kaupapa poropiti a Pōtangaroa, otirā, i ngā pāremata nui o te Kotahitanga i whakahaerehia rā ki Pāpāwai, ki wāhi kē atu anō hoki puta noa i te motu; ā,
  - 3.15.2 kāore te Karauna i pāhekoheko ki ēnei kaupapa i ngā wā katoa, otirā ki ngā whakaaro i whakapuakina ai e ngā pāremata o te Kotahitanga ki te Karauna, ā, he nui hoki ngā wā kāore i whakatauria e te Karauna ngā nawe i whakahuatia ai. Ko te korenga o te whakamana, o te whakawhiti kōrero hoki e kōrerotia nei tētahi pūtake o te auhitanga me ngā taumahatanga kua pā ki a Ngāti Kahungunu, ā mohoa noa nei.

# Wairarapa Moana

- 3.16 E whakaae ana te Karauna, ki tā Ngāti Kahungunu, he pātaka tuku iho a Wairarapa Moana me ōna ara wai katoa i pukahu nei ngā kai me ētahi atu rawa tuku iho o roto, he taonga hoki, otirā, he whakatinanatanga nō te mana ā-iwi.
- 3.17 E whakaae ana te Karauna nōna i hoko i ngā whenua e karapoti ana i ngā roto o Wairarapa, kāore ia i āta tautuhi, i āta whakatau rānei i ngā paenga ki a Ngāti Kahungunu, nā konei i hua ai tētahi tautohenga ukiuki mō te mana pupuri i te whenua i waenga i te paeraro o te wai me te taumata o te wai hōhonu i te hinurangi, i te pāpunitanga o te pūwaha ki Ōnoke Moana i te wā ka pūrena ngā moana, me te aha, koinā te pūtake o ētahi nawe nui o Ngāti Kahungunu.
- 3.18 E whakaae ana te Karauna:
  - i te tau 1876 i hokona e ia he pānga o ētahi tāngata takitahi ki Wairarapa Moana kāore nei i tautuhia, me te korenga o te whakaaetanga a te hapori whānui, ā, nāwai rā i mate rātou ki te kuhu ki ngā whakawākanga a te Kōti Whenua Taketake ki te tiaki i ō rātou pānga nō te Karauna i tono kia tautuhia ana pānga i te tau 1880;
  - 3.18.2 kāore ia i aro ki ngā pānga tuku iho me ngā mana taonga o Ngāti Kahungunu nōna i tautoko i tētahi poari awa ā-rohe i te tau 1888 ki te keri i tētahi awakeri ki

## 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

te whenua koure o te Māori ki Ōnoke Moana, i kaha ai te rere o te wai i Wairarapa Moana;

- 3.18.3 i kōkiri ia i tētahi ture i te tau 1889 i riro ai i te poari awa ā-rohe te mana kia whakawāteahia tonutia te whenua koure, kia whakatau hoki i ngā taumata wai o Wairarapa Moana, engari kāore hoki i whai kia tiakina ngā mana taonga o te Māori ki te whenua koure me ngā roto;
- 3.18.4 nā te tukunga o te wai i Wairarapa Moana me ana wairepo i kāwetoweto ai ngā huarahi e toro atu ai a Ngāti Kahungunu ki ngā rawa me ngā wāhi kohi kai; otirā.
- 3.18.5 nā te whakatōpūtanga o ēnei mahi a te Karauna, o ēnei hapa anō hoki ōna e pā ana ki te whenua koure i Ōnoke Moana me te taumata o te wai i Wairarapa Moana i takahi te Tiriti o Waitangi me ōna mātāpono, otirā, koinei tētahi pūtake o te auhitanga me ngā nawe e rongo nei a Ngāti Kahungunu.

## 3.19 E whakaae ana te Karauna:

- 3.19.1 i whakaae ia ki tōna whakawhiwhinga ki Wairarapa Moana i tētahi tuku rangatira nā ngā Māori o Wairarapa, nā konei i rangatira ai te āhua whakaea i ngā tohe ki ō rātou mana pupuri;
- i whai painga tonu hoki te Karauna i te tuku rangatira, i tōna whakawhiwhinga ki tētahi taitara motuhake ki Wairarapa Moana, i taea ai e ia te aro ki ngā āwangawanga o ngā tauiwi whakatū kāinga e pā ana ki te waipuketanga o ngā whenua e takoto pātata ana ki ngā roto;
- 3.19.3 kāore i ea i a ia tōna here i raro i te tuku rangatira kia rāhuitia he whenua e rawaka ana i te takiwā o ngā roto, engari kē i rāhuitia he whenua tūhāhā me uaua ka tae atu te tangata, i te taha whakateraki atu i Taupō-nui-a-Tia, i Pouākani, e rua tekau tau i muri mai;
- 3.19.4 nā te whakaritenga o ētahi whenua tawhiti ki Pouākani, tē whakarite kē ai i ētahi rāhui ki Wairarapa Moana, i kounutia ai ētahi o ngā whānau o Ngāti Kahungunu i ō rātou hapū, i ō rātou kāinga tuku iho hoki;
- 3.19.5 he nui ngā whenua o Pouākani me whai haumitanga nui e whai hua ā-ōhanga ai;
- 3.19.6 nā te korenga ōna i whakarite i ētahi whenua rāhui e pātata ana ki Wairarapa Moana, nā te korenga hoki ōna i tiaki i ngā mahinga ika tuku iho o ngā roto i ngā momo hou i whakauruhia i panaia ai a Ngāti Kahungunu ki waho o ngā mahi ohaoha, waihoki, i heke tōna mana me tōna tūranga ki tōna anō rohe, ā, koinei tētahi o ngā nawe nui o te iwi; otirā,
- 3.19.7 ko te whakatōpūtanga o ēnei mahi āna, o ēnei hapa hoki ōna e pā ana ki te whakaaetanga mō ngā roto tētahi takahitanga o te Tiriti o Waitangi me ōna mātāpono.

# 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

- 3.20 E whakaae ana te Karauna:
  - 3.20.1 ko Takapūtao, i te pūtahitanga o Ōnoke Moana me ngā awa o Ruamāhanga me Tūranganui, tētahi wāhi tāpua ā-ahurea ki a Ngāti Kahungunu;
  - 3.20.2 i muri i tā te Karauna hoko i te poraka o Tūranganui, ka hua ake he rangiruatanga mō te whai wāhi atu o Takapūtao ki te hokotanga;
  - 3.20.3 i āta whai a Ngāti Kahungunu ki te tiaki i ō rātou pānga ki Takapūtao mā te tāpae petihana ki te Kāwanatanga me ngā whakawākanga i te Kōti Whenua Taketake;
  - 3.20.4 i kōkirihia e te Karauna tētahi whakatewhatewhatanga takarepa mō te taitara ki Takapūtao;
  - i whakakorengia ngā pānga tuku iho o Ngāti Kahungunu i te kīia o Takapūtao he whenua Karauna i raro i tētahi tono a te Karauna ki te Kōti Whenua Taketake i tētahi whakawākanga i tū ki rohe kē atu, he kaupapa kāore i whakamōhiotia atu ki a Ngāti Kahungunu, me te aha, kāore rātou i tae atu; otirā,
  - 3.20.6 kāore te Karauna i āta whai ki te tiaki i ngā pānga o Ngāti Kahungunu ki ngā whenua i hiahia ai rātou kia puritia tonutia, otirā, he takahitanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

## Ngā Tangohanga mō ngā Mahi Tūmatanui

- 3.21 E whakaae ana te Karauna, ko te korenga ōna i whakamōhio i ngā kaipupuri taitara o Ngāti Kahungunu, ko te korenga hoki ōna i whakawhiti kōrero mō te tāpaetanga kia tangohia atu ai he whenua i Pouākani mō te kaupapa hiko o Mangakino i mua i tā te Karauna kuhu atu ki aua whenua, i mua hoki i te hanganga mai o ētahi hanga ki aua whenua tonu, tētahi takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- 3.22 E whakaae ana te Karauna, i muri mai i ētahi hokotanga whenua whānui a te Karauna i Wairarapa me Tāmaki-nui-a-Rua, i riro tonu atu he whenua anō nō ngā hapori o Ngāti Kahungunu nā runga i ngā tangohanga mō ngā mahi tūmatanui, ā, koinei te pūtake o ētahi nawe ukiuki o Ngāti Kahungunu. E whakaae ana anō te Karauna, ko ētahi o ngā whenua i tangohia atu ai i raro i te ture mō ngā mahi tūmatanui, he wāhi tāpua ā-ahurea, he mea tū tata rānei ki aua tūmomo wāhi, ā, nā konā i rerekē ai te āhua o aua wāhi mō ake tonu atu, me te aha, koinei te pūtake o ētahi nawe ukiuki o Ngāti Kahungunu.
- 3.23 E whakaae ana te Karauna, mō te taha ki ngā tangohanga mō ngā mahi tūmatanui i Wairarapa me Tāmaki-nui-a-Rua, he iti noa rānei te kōrero, kāore kau rānei he kōrero i whakaritea ki a Ngāti Kahungunu mō te kaupapa here me te whakaturetanga o ngā ture mahi tūmatanui i te rautau tekau mā iwa me tētahi wāhi nui o te rautau rua tekau. E whakaae ana anō te Karauna ko ngā kōrero ki ētahi hapori o Ngāti Kahungunu i mua i ētahi tangohanga whenua, i hauarea noa, i korekore nei rānei, ā, arā ōna wā, ko ngā whenua i tangohia rā mō ngā mahi tūmatanui, i tukuna ki a wai ake rānei, tē whakahokia kētia ai ki ngā Māori e pupuri taitara ana.

# 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

# Te Whenua-koretanga

- 3.24 E whakaae ana te Karauna, nā te whakatōpūngia o ngā hokotanga a te Karauna, o te whakahaerenga me ngā pānga o ngā ture whenua Māori, o ngā tangohanga mō ngā mahi tūmatanui hoki i tata whenua-kore tonu ai a Ngāti Kahungunu i te tau 1900. E whakaae ana anō te Karauna, i te roanga o te rautau rua tekau i haere tonu tāna hoko me tāna tango i ētahi pito o ngā whenua iti noa i mau tonu rā i a Ngāti Kahungunu, mō ngā mahi tūmatanui. Nā ēnei mahi i ngaukinotia ai a Ngāti Kahungunu e te whakatoihara mauroa, i raru ai tō rātou whakawhanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki. Ko te korenga o tā te Karauna whakarite kia mau tonu ai i a Ngāti Kahungunu he whenua e rahi ana kia ea ai ō rātou matenui o te wā, o anamata hoki i takahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.25 E whakaae ana anō te Karauna, he nui ngā whenua, e mau tonu nei i a Ngāti Kahungunu, he whenua rori-kore. Nā konei i uaua ai tā ngā kaipupuri taitara whakatinana i ō rātou mana pupuri, i uaua ai rānei tā rātou whakatutuki i ō rātou here ā-ahurea hei kaitiaki, ka mutu, e noho tonu nei tēnei hei pūtake mō te auhitanga me ngā taumahatanga e rongo nei a Ngāti Kahungunu i ēnei rā nei.

# Ngā Whenua Tuku i Pāpāwai me Kaikōkirikiri

3.26 E whakaae ana te Karauna ko ngā takarepa i te whakahaeretanga o ngā whenua i Pāpāwai me Kaikōkirikiri, he mea takoha ki te Hāhi Mihinare i te tau 1853 mō te tuku mātauranga ki ngā Māori o Wairarapa, kāore i whakatikaina e te ture, e ara kē atu rānei, kia tata pau rā anō tētahi rautau, ā, ko ēnei takarepa me ēnei whakaupatanga tētahi pūtake o ngā nawe o Ngāti Kahungunu.

# Te Whakakinotanga ā-Taiao

- 3.27 E whakaae ana te Karauna ka kīia e Ngāti Kahungunu he taonga ō rātou whenua, ō rātou maunga, ō rātou ngahere, ō rātou takutai moana, ō rātou awa, ō rātou roto, me ō rātou wairepo, otirā, he wāhi e nui ana ki tō rātou tuakiri, he puna tuku iho tāpua mō ngā kai, mō ngā rongoā, mō rawa kē atu anō, ka mutu, he wāhi e nui ana ki tō rātou oranga ā-wairua, ā-kikokiko anō hoki.
- 3.28 E whakaae ana te Karauna, i roto i ngā tau kua whakakinotia te taiao o Ngāti Kahungunu, otirā Te Tapere-nui-a-Whātonga ki te raki me Wairarapa Moana ki te tonga, nā te whakamārakerake, nā te horo o te whenua, nā ngā mahi raweke awa, nā te parahanga o ngā ara wai, nā te kaha hoki o te tukuhanga o ngā wai i ngā wairepo. Nā ēnei mahi whakakino i te taiao, kua heke te nui o ngā momo taketake e whai take nui ana ki a Ngāti Kahungunu, otirā, ko ētahi kua korehāhā.
- 3.29 E whakaae ana anō te Karauna kāore ngā ture taiao tawhito nō mua i te hiku o te tekau tau 1980 i whakaū i ngā uara, i ngā mahi rānei o te ahurea Māori, otirā, i whakatinahia kētia te āheinga o Ngāti Kahungunu ki te whakatinana i te kaitiakitanga ki tōna taiao, ki ana taonga anō hoki. Ko ēnei mahi, ko ēnei hapa hoki te pūtake o ētahi nawe nui o Ngāti Kahungunu.

## 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

# Te Rironga o ngā Taonga me ngā Wāhi Tapu

3.30 E whakaae ana te Karauna kua pāngia kinotia a Ngāti Kahungunu e te rirohanga, e te whakakinotanga rānei o te maha o ō rātou wāhi me ngā taonga tāpua ā-ahurea, tae atu rā ki ngā taonga ka taea te kawe haere, me te aha, koinei tētahi pūtake o te auhitanga me ngā nawe e rongo nei a Ngāti Kahungunu.

#### Te Koha ki a Niu Tireni

- 3.31 E whakaae ana te Karauna kua whakaaturia e Ngāti Kahungunu ō rātou ngākau pono hei kirirarau mō te motu i tā rātou wawao i a Niu Tireni i tāwāhi, me te aha, e mihi ana te Karauna ki ā rātou mahi me ā rātou whakahere.
- 3.32 E whakaae ana te Karauna he nui te whai wāhitanga atu o ngā whenua tuku iho o Ngāti Kahungunu ki te whai rawa me te whanaketanga o Niu Tireni, engari kāore i āhei tā Ngāti Kahungunu whai wāhi taurite atu ki aua hua.

# Te Waitautanga ā-Ōhanga me ngā Pānga ā-Ahurea

- 3.33 E whakaae ana te Karauna ki ngā hua tūkino o tētahi pūnaha mātauranga ā-kāwanatanga i roa rawa e arokore ana ki te uara o ngā māramatanga ā-ahurea Māori, i iti noa hoki ngā tūmanako mō te angitu o te Māori i te mātauranga, me te aha, ko te kikokore o ngā hua mātauranga i puta kua pā kino ki ngā whakareanga tamariki o Ngāti Kahungunu, ki ō rātou whānau me ō rātou hapū anō.
- 3.34 E whakaae ana te Karauna nā ngā kura i whakatūria ai e ia i pāngia kinotia rā ngā tamariki o Ngāti Kahungunu i runga i te whakapāhunu i te kōrerotia o te reo Māori i ngā kura, nā te whakawhiu hoki i a rātou mō te kōrero i tō rātou ake reo nō rātou i te kura.
- 3.35 E whakaae ana te Karauna kāore ia i āta whai ki te tiaki i te reo Māori, kāore hoki i ākina kia whakapuakina e ngā iwi me ngāi Māori, he tūāhua i pā kino ki te reo Māori i Wairarapa me Tāmaki-nui-a-Rua, me te aha, koinei tētahi takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- 3.36 E whakaae ana te Karauna he wāhi nui tō te whenua-koretanga me te nohonoho tāone i wheakotia rā e Ngāti Kahungunu puta noa i te rautau tekau mā iwa me te rautau rua tekau, ki te waitautanga ā-pāpori, ā-ōhanga hoki kua pā ki a Ngāti Kahungunu, inā hoki kua rangona te uaua nui nō rātou e oke ana ki te whakamahi i ngā whenua e mau tonu nei i a rātou, ki te whakapūmau i ō rātou hapori ā-marae tuku iho, ki te whakarauora anō i tō rātou ahurea, i tō rātou reo anō hoki i te rautau rua tekau mā tahi. E whakaae ana te Karauna ko te wheako o te tāmitanga o Ngāti Kahungunu tētahi nawe e kaha rangona ana e te iwi.

## HE WHAKAPĀHA

3.37 E whai whakaaro nui ana te Karauna ki ngā uauatanga i pā ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ki ō koutou tīpuna hoki i whai rā i te ture hei āki i ngā hē o te Karauna, otirā ki ērā kāore tonu i te ao tūroa nei ki te kite i te whakatutukitanga o tēnei whakataunga. Ki a koutou, e te iwi o Ngāti Kahungunu ki Wairarapa me Tāmaki-

# 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

- nui-a-Rua, ki ō koutou tīpuna me ā koutou mokopuna, e whakatakoto ana te Karauna i tēnei whakapāha.
- 3.38 Kāore he here o te whakapāha a te Karauna mō tana korenga i whakatutuki i ana herenga ki te whakaaro nui ki te tino rangatiratanga o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua nā te auau o tana takahi i te Tiriti o Waitangi me ōna mātāpono. E kaha rawa atu ana te whakapāha a te Karauna mō ngā tūkinotanga me ngā mamaetanga kua pā ki ngā hapū me ngā whānau o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i ēnei takahitanga.
- 3.39 Hōhonu ana te puna o te whakapāha a te Karauna i tīmata rā tana whai hononga ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, i te tau 1845, ki te whakatau wawe i hē rātou i tētahi tautohenga ki ngā tauiwi whakatū kāinga, ā, e hia nei ngā tekau mano eka ka tangohia i a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua mā te āki i a rātou kia tukuna taua whenua, i runga i te whakatumatuma ka pāngia rātou e ngā rākau o te riri.
- 3.40 E kaha rawa atu ana te whakapāha a te Karauna i tana whakatumatuma māna e mutu ai tā ngā Pākehā whakatū kāinga ki Wairarapa me Tāmaki-nui-a-Rua mehemea kāore ō koutou tīpuna i hoko i ō rātou whenua ki te Karauna, arā, kia riro atu ngā rīhi whenua whakataka i whakaritea ai me ngā Pākehā nā reira a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i whai moni ai, i whai painga tauhokohoko ai hoki me te pupuri tonu ki te whenua, me te aha, nā tana mahi i tukituki atu te āhua o tā koutou pāhekoheko ki ngā mahi whakatū kāinga i runga i tā koutou i pai ai mō ngā tau e hia nei.
- 3.41 Hōhonu ana te puna o te whakapāha a te Karauna he rite tonu nō tana kore i whakawhiti kōrero i runga i te pono, he rite tonu hoki nō tana kore i āta tiaki i ō koutou pānga ka hokona ana he whenua i Wairarapa me Tāmaki-nui-a-Rua. Tata tonu tā koutou noho whenua kore i tō koutou ake rohe, ka mutu ko te nuinga o ngā whenua i mau tonu i a koutou he whenua kāore nei ōna hua ā-moni, he whenua rori-kore hoki, tē riro kē ai i a koutou ngā painga ā-pāpori, ā-ōhanga, ā-rawa anō hoki i mahara ai koutou o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ka whakawhiwhia ki a koutou i ngā whakaaetanga me te Karauna. E whakapāha ana te Karauna i te mea kua kino kē atu tēnei whakatoiharatanga nā te maha o āna tangohanga mō ngā mahi tūmatanui me te kore i kōrero atu ki a Ngāti Kahungunu, me te kore hoki i whakaaro ki te oranga o ngā hapori o Ngāti Kahungunu. E whakapāha ana te Karauna i ēnei hē i whai wāhi atu rā ki tō koutou whakatānoatanga ā-ahurea, ā-pāpori, ā-ōhanga hoki.
- 3.42 E kaha rawa atu ana hoki te āwhiti a te Karauna i tana whakapā mamae ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i hua ake ai i tana korenga i tiaki i ō koutou anga ā-iwi i muri i tā te ture whenua taketake whakatakitahi i ngā mana whenua i noho rā hei mana whenua ā-iwi i mua.
- 3.43 Herekore ana te whakapāha a te Karauna i tana kore i hāpai i te wairua o tō tuku rangatira i a Wairarapa Moana i te tau 1896. Nā koutou tēnei taonga nui whakaharahara i tuku ki te Karauna e mutu ai ngā raruraru, e pūmau ai hoki te tiakanga ōna, engari kāore te Karauna i ū ki ana kī taurangi, ki tā koutou rānei i hiahia ai, me te aha ka heke te kounga o ō koutou moana matahīapo.

## 3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

- 3.44 Inā te kaha o te noho whakaiti a te Karauna nā te mea, i te roanga o te hononga ki te Karauna, kua rangatira te tū a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ahakoa te nui o te tūkino. Nā ngā mahi a ō koutou rangatira i mau ai te rongo taketake i roto o Wairarapa me Tāmaki-nui-a-Rua. E mihi ana te Karauna ki tō koutou tūranga matua i roto i te Kotahitanga, me te rangatira o tā koutou pāhekoheko me te Karauna kāore nei i pērā te whakautua e ia i ngā wā katoa.
- 3.45 Kua kite koutou i te hekenga o te kounga o ō koutou whenua me ngā taonga, mai i Te Tapere-nui-a-Whātonga i te raki ki Wairarapa Moana i te tonga, hei āwhina i te whakawhanaketanga ā-ōhanga, ka mutu, kāore te āhua o tā koutou rongo i ngā painga o aua hua i rite ki te rongo a ētahi atu i ngā painga. Nā konei te Karauna ka tino whakapāha rawa atu.
- 3.46 E whai ana te Karauna mā tēnei whakapāha me te whakataunga e mauru ake ai ngā hē nei, e tīmata ai hoki te huarahi ki te ora, e mau anō ai hoki tōna mana kua tāharahara. E anga whakamua ana te Karauna ki te whakatō kākano hou e pūmau ai te hononga ki ngā tāngata o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ko ōna nei pakiaka ko te pono atu me te pono mai, ko te mahi ngātahi, ko te whakaaro nui hoki ki te Tiriti o Waitangi me ōna nei mātāpono.

## TE URUPARE A NGĀTI KAHUNGUNU KI WAIRARAPA ME TĀMAKI-NUI-A-RUA

- 3.47 Mā tēnei whakaaetanga ā-pukapuka houtupu, e whakaae ana a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ki te whāinga matua o te whakahoki rawa mai i te mana, o te whakatau i te puehu me te koke ngātahi i runga i te maungārongo, ā, i runga hoki i te whakaaro nui o tētahi taha ki te mana o tērā atu.
- 3.48 Nō reira, e whakaae ana ō mātou ngākau me ō mātou hinengaro, i runga hoki i te ngākau pono katoa, ki tēnei whakapāha a te Karauna, ā, e anga whakamua ana te titiro e mahi tahi ai a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua me te Karauna hei hoa pātui e whakahōnore ana i te Tiriti o Waitangi.

# 3 ACKNOWLEDGEMENTS AND APOLOGY

## **ACKNOWLEDGEMENTS**

- 3.1 The Crown acknowledges that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua did not sign te Tiriti o Waitangi/the Treaty of Waitangi in 1840. Nevertheless, the Crown further acknowledges that the undertakings it made to Māori in te Tiriti o Waitangi/the Treaty of Waitangi apply to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua. The Crown hereby recognises the legitimacy of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua's grievances and historical claims, and makes the following acknowledgements.
- 3.2 The Crown acknowledges that as a Treaty partner Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua have honoured their obligations and responsibilities under te Tiriti o Waitangi/the Treaty of Waitangi.
- 3.3 The Crown acknowledges that the sense of grief and loss suffered by Ngāti Kahungunu as a result of the Crown's failings endures today. The Crown further acknowledges that it has failed to deal with the longstanding grievances of Ngāti Kahungunu in an appropriate way and that recognition of these grievances is long overdue.

# **Maungaroa Forced Cession**

- 3.4 The Crown acknowledges that its response to the muru at Maungaroa in southern Wairarapa breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles in that the Crown:
  - 3.4.1 prejudged the guilt of the Ngāti Kahungunu parties involved and predetermined the punishment, denying Ngāti Kahungunu due process and the fair application of relevant law;
  - 3.4.2 coerced Ngāti Kahungunu through threats of force to sign a deed ceding tens of thousands of acres at Maungaroa, a punishment that was inappropriate and disproportionate to the actions committed;
  - took land through the cession from local Ngāti Kahungunu people who were not involved in the muru, denying Ngāti Kahungunu the equitable application of law;
  - 3.4.4 retained the land ceded in 1845 despite its doubts about the justice of the cession; and
  - 3.4.5 did not give Ngāti Kahungunu a choice as to whether they wanted the cession land returned when negotiating a purchase in 1853, which overlapped with the cession land.

# Crown Purchasing, 1853 to 1865

3.5 The Crown acknowledges that it threatened to end Pākehā settlement in Wairarapa and Tāmaki nui-a-Rua unless Ngāti Kahungunu sold their land to the Crown and gave up the

## 3: ACKNOWLEDGEMENTS AND APOLOGY

pastoral leases, which were providing Ngāti Kahungunu with income and trade benefits in the 1840s and early 1850s. As a result, Ngāti Kahungunu could not participate in the new settler economy on their own terms and this has been a source of considerable grievance for Ngāti Kahungunu.

- 3.6 The Crown acknowledges that:
  - 3.6.1 during the Komiti Nui (large assembly) of 1853, Governor George Grey led Ngāti Kahungunu to expect significant education, health and other economic benefits from selling considerable areas of their land to the Crown at low prices;
  - following the Komiti Nui and the Crown's sale of large areas of land to settlers, Ngāti Kahungunu did not receive many of the benefits the Crown led them to expect and this has been a source of ongoing grievance for Ngāti Kahungunu to the present day; and
  - 3.6.3 it failed to adequately discharge its obligations under the 'koha' clauses, that were incorporated into certain purchase deeds after the 1853 Komiti Nui, under which the Crown set aside funds for Ngāti Kahungunu benefit derived from onselling the land. In particular, the Crown failed to adequately consult with Ngāti Kahungunu in relation to the administration of the fund, in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.7 The Crown acknowledges that it did not always act in good faith when it conducted rapid and extensive land purchases throughout Wairarapa and Tāmaki nui-a-Rua in the 1850s, and that by not dealing with key right holders, including residents on the land, these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.8 The Crown acknowledges that it repeatedly failed to survey, set aside or protect from being on-sold to settlers lands intended to be reserved for Ngāti Kahungunu from some purchases and in some instances it unreasonably delayed the issuing of reserves where these were promised. These Crown acts and omissions breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.9 The Crown further acknowledges that it failed to ensure adequate reserves were protected in the ownership of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and that this breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.10 The Crown pays tribute to the determination of Ngāti Kahungunu to maintain Wairarapa and Tāmaki nui-a-Rua as 'Te Pooti-Riri-Kore' (a land without war). The Crown particularly acknowledges the resolve of Ngāti Kahungunu to maintain peace throughout the New Zealand Wars despite feeling a deep sense of distrust towards the Crown and even when faced with threats of military force as the Crown attempted to settle a land dispute in 1864.

## 3: ACKNOWLEDGEMENTS AND APOLOGY

### **Native Land Laws**

- 3.11 The Crown acknowledges that:
  - 3.11.1 it did not consult Ngāti Kahungunu about the introduction of the native land laws which provided for the individualisation of Māori land which had previously been held in tribal tenure, and facilitated Crown and private purchasing of Māori land;
  - 3.11.2 between 1865 and 1873 the Native Land Court awarded titles for approximately 100 land blocks in Wairarapa and Tāmaki nui-a-Rua, covering more than 650,000 acres to ten or fewer individuals in each case;
  - 3.11.3 Ngāti Kahungunu understood that the individuals named on these titles were to be trustees for their whānau and hapū, but the native land laws did not prevent the named owners from dealing with these lands as sole owners, able to alienate land without the consent of the wider community of right holders;
  - 3.11.4 the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times led to further alienations of Ngāti Kahungunu land;
  - 3.11.5 the operation and impact of the native land laws in Wairarapa and in Tāmaki nui-a-Rua made the lands of Ngāti Kahungunu communities more susceptible to partition, fragmentation and alienation, a process that contributed to the erosion of the customary tribal structures of Ngāti Kahungunu and its hapū; and
  - 3.11.6 it failed to take steps to adequately protect the traditional tribal structures of Ngāti Kahungunu and also to provide a legal means for the collective administration of Ngāti Kahungunu land until 1894, by which time the bulk of Ngāti Kahungunu land had been alienated. These Crown failures were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

# **Crown Purchasing after 1865**

- 3.12 The Crown acknowledges that having purchased large areas of land after the Komiti Nui it resumed large scale purchasing in Te Tapere-nui-a-Whātonga (Seventy Mile Bush) between 1870 and 1882, covering about 390,000 acres, and that this loss of sacred lands gave rise to grievances felt deeply by Ngāti Kahungunu today.
- 3.13 The Crown acknowledges that in some cases it applied unreasonable pressure to obtain signatures to complete purchase deeds for Te Tapere-nui-a-Whātonga lands and that these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.14 The Crown acknowledges that in its purchase of the Tararua block from 1873 to 1881 it did not identify and survey the Hāpuakōrari reserve before its title to the Tararua block was confirmed, and did not subsequently set aside the Hāpuakōrari reserve.

## 3: ACKNOWLEDGEMENTS AND APOLOGY

# Ngāti Kahungunu Political Responses

- 3.15 The Crown acknowledges that:
  - 3.15.1 Ngāti Kahungunu leaders and hapū in Wairarapa and Tāmaki Nui-ā-Rua were for many decades involved in collective efforts to resist land sales and the detrimental effects of the native land laws and Native Land Court on their communities and on hapū and iwi integrity, principally through Kl̄ngitanga, the Repudiation movement, the local committee movement, Pōtangaroa's prophetic movement, and the Kotahitanga parliaments hosted at Pāpāwai and elsewhere around the country; and
  - 3.15.2 the Crown did not always engage with these movements and particularly the views expressed by the Kotahitanga parliaments to the Crown, nor did the Crown address the grievances raised in many instances. This lack of recognition and consultation has been a source of real distress and hardship for Ngāti Kahungunu down to the present day.

## Wairarapa Moana

- 3.16 The Crown acknowledges that for Ngāti Kahungunu, Wairarapa Moana and its associated waterways were traditionally an abundant source of food and other customary resources, a taonga, and an embodiment of tribal mana.
- 3.17 The Crown acknowledges that when it purchased lands surrounding the Wairarapa lakes it did not clearly define or confirm the boundaries with Ngāti Kahungunu which led to an ongoing dispute about the ownership of land between the low and high water levels of the seasonal hinurangi, when the outlet to the sea at Lake Ōnoke closed up and the lakes were full, and that has been a source of considerable grievance for Ngāti Kahungunu.
- 3.18 The Crown acknowledges that:
  - 3.18.1 in 1876 it purchased the undefined interests in Wairarapa Moana of a few individuals without the consent of the wider community who were then compelled to participate in Native Land Court hearings to protect their interests when in 1880 the Crown applied to have its interests defined;
  - 3.18.2 it disregarded the customary interests and property rights of Ngāti Kahungunu when it supported a local river board in 1888 to cut a channel through the Māori owned spit at Lake Ōnoke and significantly drain Wairarapa Moana;
  - 3.18.3 it promoted legislation in 1889 that gave authority to the local river board to continue to open the spit and dictate water levels in Wairarapa Moana but did not also act to protect Māori property rights in the spit and lakes;
  - 3.18.4 the draining of Wairarapa Moana and its associated wetlands diminished Ngāti Kahungunu's access to traditional resources and food gathering sites; and

## 3: ACKNOWLEDGEMENTS AND APOLOGY

3.18.5 these cumulative Crown actions and omissions regarding the spit at Lake Ōnoke and the water level of Wairarapa Moana were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles and were a source of distress and grievance for Ngāti Kahungunu.

## 3.19 The Crown acknowledges that:

- 3.19.1 it accepted a tuku rangatira (chiefly gift) from Wairarapa Māori of Wairarapa Moana which offered an honourable conclusion to the disputes of their ownership;
- 3.19.2 the tuku rangatira immediately benefited the Crown by giving it a clear title over Wairarapa Moana, which enabled it to address settlers' concerns about flooding of land adjacent to the lakes;
- 3.19.3 it failed to meet its obligation under the tuku rangatira to provide ample reserves in the vicinity of the Lakes, providing instead remote and inaccessible land north of Lake Taupō, at Pouākani, after a delay of two decades;
- 3.19.4 the provision of distant Pouākani land, instead of Wairarapa Moana reserves, led to the dislocation of some Ngāti Kahungunu whānau from their hapū and traditional homes;
- 3.19.5 much of the Pouākani land required considerable investment to make it economically viable;
- 3.19.6 its failure to provide reserve lands near Wairarapa Moana and protect the customary fisheries in the lakes from introduced species contributed to the economic marginalisation and loss of mana and status of Ngāti Kahungunu within its own rohe, a significant grievance for the iwi; and
- 3.19.7 the Crown acknowledges that its accumulated acts and omissions in relation to the Lakes agreement constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

## 3.20 The Crown acknowledges that:

- 3.20.1 Takapūtao, at the confluence of Lake Ōnoke and the Ruamāhanga and Tūranganui rivers, is a site of cultural significance for Ngāti Kahungunu;
- 3.20.2 after the Crown purchased the Tūranganui block, doubts arose whether Takapūtao was included in the sale;
- 3.20.3 Ngāti Kahungunu actively sought to defend their interests in Takapūtao through petitions to the Government and hearings in the Native Land Court;
- 3.20.4 The Crown conducted a flawed investigation into the title for Takapūtao;

## 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.20.5 Ngāti Kahungunu customary interests were extinguished when Takapūtao was declared Crown land under an application by the Crown to the Native Land Court in a sitting in another district which Ngāti Kahungunu were not notified of and did not attend; and
- 3.20.6 the Crown failed to actively protect Ngāti Kahungunu interests in land they wished to retain, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

# **Public Works Takings**

- 3.21 The Crown acknowledges that its failure to inform Ngāti Kahungunu owners and discuss the proposed taking of Pouākani lands for the Mangakino power scheme prior to the Crown's entry onto that land and the construction of a number of structures on that land constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.22 The Crown acknowledges that after extensive Crown purchasing in Wairarapa and Tāmaki nui-a-Rua Ngāti Kahungunu communities suffered further land loss through public works takings and this has been a source of ongoing grievance for Ngāti Kahungunu. The Crown further acknowledges that some lands compulsorily taken for public works included, or were adjacent to, areas of great cultural significance, forever altering those sites, and this has been a source of ongoing grievance for Ngāti Kahungunu.
- 3.23 The Crown acknowledges that with respect to public works takings in Wairarapa and Tāmaki nui-a-Rua, there was limited, if any, consultation with Ngāti Kahungunu about the policy and enactment of the public works legislation in the nineteenth century and for much of the twentieth century. The Crown also acknowledges that consultation with Ngāti Kahungunu communities prior to some takings was negligible or absent and that in some instances lands taken for public works was disposed of to third parties rather than offered back to the Māori owners.

#### Landlessness

- 3.24 The Crown acknowledges that the cumulative effect of Crown purchasing, the operation and impact of the native land laws, and public works takings left Ngāti Kahungunu virtually landless by 1900. The Crown also acknowledges that throughout the twentieth century it continued to purchase and take for public works portions of what little land Ngāti Kahungunu retained. These actions caused real and lasting prejudice to Ngāti Kahungunu, undermining their economic, social and cultural development. The Crown's failure to ensure Ngāti Kahungunu retained sufficient lands for their present and future needs breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.25 The Crown further acknowledges that many of the lands Ngāti Kahungunu do retain suffer from being landlocked which has made it difficult for owners to exercise their rights of ownership or maintain their cultural obligations as kaitiaki, and that this continues to be a source of real distress and hardship for Ngāti Kahungunu today.

## 3: ACKNOWLEDGEMENTS AND APOLOGY

# Pāpāwai and Kaikōkirikiri Gifted Lands

3.26 The Crown acknowledges that inadequacies in the administration of lands at Pāpāwai and Kaikōkirikiri, gifted to the Anglican Church in 1853 for the education of Wairarapa Māori, were not remedied by legislative or other means for almost a century, and these inadequacies and delays were a source of grievance for Ngāti Kahungunu.

## **Environmental Degradation**

- 3.27 The Crown acknowledges that Ngāti Kahungunu consider their lands, mountains, forests, coastal waters, rivers, lakes, and wetlands as taonga, as part of their identity, as traditionally significant sources of food, medicinal plants, and other resources, and as integral to their spiritual and material well-being.
- 3.28 The Crown acknowledges that over time the Ngāti Kahungunu environment, in particular Te Tapere-nui-a-Whātonga in the north and Wairarapa Moana in the south, has suffered from degradation through deforestation, erosion, river control works, pollution of waterways, and the extensive drainage of wetlands. Through these acts of environmental degradation, indigenous species of importance to Ngāti Kahungunu have suffered a decline in population, some to the point of extinction.
- 3.29 The Crown further acknowledges that historic environmental legislation before the late 1980s did not provide for the recognition of Māori cultural values and practices and limited the ability of Ngāti Kahungunu to exercise kaitiakitanga (or stewardship) over their natural environment or taonga. These acts and omissions have been a source of considerable grievance for Ngāti Kahungunu.

# Loss of Taonga and Wāhi Tapu

3.30 The Crown acknowledges that Ngāti Kahungunu have suffered the loss or degradation of many of their culturally significant sites and taonga, including movable taonga, and that this has been a source of distress and grievance for Ngāti Kahungunu.

# **Contribution to New Zealand**

- 3.31 The Crown acknowledges that Ngāti Kahungunu have shown their loyalty as citizens of the nation in their defence of New Zealand overseas, and the Crown pays tribute to their service and their sacrifices.
- 3.32 The Crown recognises that the traditional lands of Ngāti Kahungunu have made a significant contribution to the wealth and development of New Zealand, in which Ngāti Kahungunu have not been able to share equally.

# **Economic Under-Development and Cultural Impacts**

3.33 The Crown acknowledges the harmful effects of a state education system that for too long did not value Māori cultural understandings, generally held lower expectations for Māori academic achievement, and that resulting poor educational outcomes have afflicted generations of Ngāti Kahungunu children, their whanau and their hapū.

## 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.34 The Crown acknowledges that the schools it established caused significant harm to Ngāti Kahungunu children by discouraging the use of te reo Māori in schools and punishing them for speaking their own language while at school.
- 3.35 The Crown acknowledges that it failed to actively protect te reo Māori and encourage its use by iwi and Māori, which had a detrimental impact on te reo Māori in Wairarapa and Tāmaki nui-a-Rua, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.36 The Crown acknowledges that the Ngāti Kahungunu experience of landlessness and urbanisation, throughout the nineteenth and twentieth centuries, has contributed significantly to Ngāti Kahungunu enduring social and economic under-development as they have struggled to make use of the land they retain, maintain their traditional marae communities and recover their culture and language in the twenty-first century. The Crown acknowledges that the Ngāti Kahungunu experience of colonisation is a grievance that the iwi feels deeply.

# **APOLOGY**

- 3.37 The Crown pays tribute to the struggles of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and your ancestors in pursuit of justice for the Crown's wrongs and especially to those who have not survived to see this settlement completed. To you, the people of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, to your tīpuna and to your mokopuna, the Crown offers this apology.
- 3.38 The Crown unreservedly apologises for not honouring its obligations to respect te tino rangatiratanga o Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua through repeated breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown profoundly regrets the damage and hurt these breaches have caused to the hapū and whānau of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.
- 3.39 The Crown is deeply sorry that it began its relationship with Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua in 1845 by prejudging their guilt in a dispute with settlers and depriving Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of tens of thousands of acres by forcing them to cede this land with threats of armed violence.
- 3.40 The Crown profoundly regrets that it threatened to end Pākehā settlement in Wairarapa and Tāmaki nui-a-Rua unless your tīpuna sold their land to the Crown, giving up the pastoral leases they had negotiated with Pākehā which had provided Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua with income and trade benefits while retaining ownership of the land, thus undermining how you had been engaging with settlement on your own terms for a number of years.
- 3.41 The Crown is deeply sorry it often failed to negotiate in good faith and actively protect your interests when purchasing land in Wairarapa and Tāmaki nui-a-Rua. Instead of the social, economic and material benefits Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua were led to expect from agreements with the Crown, you have been left virtually landless in your own rohe and many of the lands you have retained are uneconomic and landlocked. The Crown is sorry that this prejudice has been exacerbated by its many

## 3: ACKNOWLEDGEMENTS AND APOLOGY

public works takings made without consulting Ngāti Kahungunu, and without regard for the wellbeing of Ngāti Kahungunu communities. The Crown apologises for these failures which have contributed to your cultural, social and economic marginalisation.

- 3.42 The Crown also profoundly regrets the harm to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua caused by its failure to protect your tribal structures after the native land legislation had individualised your previously tribal land tenure.
- 3.43 The Crown wholeheartedly apologises for not upholding the spirit of your tuku rangatira of Wairarapa Moana in 1896. You gave this great taonga to the Crown to end dispute and ensure its protection, and the Crown did not live up to its promises or your expectations resulting in your precious lakes being degraded.
- 3.44 The Crown is deeply humbled that throughout its relationship with the Crown, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua has acted honourably in the face of great injustice. The actions of your rangatira ensured there was lasting peace in Wairarapa and Tāmaki nui-a-Rua. The Crown pays tribute to your leading role in Kotahitanga, and your honourable interaction with the Crown which it has not always reciprocated.
- 3.45 You have seen your whenua and taonga, from Te Tapere-nui-a-Whātonga in the north and Wairarapa Moana in the south, degraded to fuel economic development and not even been able to share equally in that prosperity. For this the Crown is profoundly sorry.
- 3.46 Through this apology and settlement the Crown seeks to atone for these wrongs, begin the process of healing, and restore its tarnished honour. The Crown looks forward to forging a renewed and enduring relationship with the people of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua that is grounded in mutual trust, co-operation, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA REQUITAL

- 3.47 By this solemn deed, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown recognise the need for the restoration of honour, for reconciliation and mutual advancement in peace and with respect for the mana of each.
- 3.48 So with our heart and our mind, and with all goodwill, we accept this Crown apology and look forward to a future in which Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown work together as partners honouring Te Tiriti o Waitangi.

## 4 SETTLEMENT

## **ACKNOWLEDGEMENTS**

- 4.1 Each party acknowledges that -
  - 4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
  - 4.1.2 full compensation of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua is not possible; and
  - 4.1.3 Ngāti Kahungunu has not received full compensation and that this is a contribution to New Zealand's development; and
  - 4.1.4 the settlement is intended to enhance the ongoing relationship between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown (in terms of the te Tiriti o Waitangi/the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

### **SETTLEMENT**

- 4.3 Therefore, on and from the settlement date,
  - 4.3.1 the historical claims are settled; and
  - 4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
  - 4.3.3 the settlement is final.
- 4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.

## **REDRESS**

- 4.5 The redress, to be provided in settlement of the historical claims,
  - 4.5.1 is intended to benefit Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua collectively; but
  - 4.5.2 may benefit particular members, or particular groups of members, of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua if the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust so determine in

## 4: SETTLEMENT

- accordance with the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust's procedures; and
- 4.5.3 does not necessarily reflect the full nature and extent of customary interests held by Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua.

## **IMPLEMENTATION**

- 4.6 The settlement legislation will, on the terms provided by sections 15 to 20 of the draft settlement bill.
  - 4.6.1 settle the historical claims; and
  - 4.6.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
  - 4.6.3 provide that the legislation referred to in section 17(2) of the draft settlement bill does not apply
    - (a) to a redress property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land; or
    - (b) for the benefit of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity; and
  - 4.6.4 require any resumptive memorial to be removed from a computer register for, a redress property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land; and
  - 4.6.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not
    - (a) apply to a settlement document; or
    - (b) prescribe or restrict the period during which -
      - (i) the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust, may hold or deal with property; and
      - (ii) the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust may exist; and
  - 4.6.6 require the chief executive of the Ministry of Justice to make copies of this deed publicly available.
- 4.7 Part 1 of the general matters schedule provides for other action in relation to the settlement.

# 5 CULTURAL REDRESS

### **CULTURAL REDRESS PROPERTIES**

# **Wairarapa Moana Properties**

5.1 The settlement legislation will vest in the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on the settlement date with the Wairarapa Moana Statutory Board as the administering body –

### As a historic reserve

5.1.1 the fee simple estate in Kākahimakatea property as a historic reserve; and

## As a local purpose reserve

- 5.1.2 the fee simple estate in each of the following properties as local purpose reserves:
  - (a) Pounui lagoon property:
  - (b) Ōwāhanga property:
  - (c) Wairarapa Lake Shore property:
  - (d) Kahutara property:
  - (e) Ruamahanga Cutoff property; and

## As a scenic reserve

5.1.3 the fee simple estate in Wairarapa Lake Shore Scenic Reserve property as a scenic reserve; and

#### As a recreation reserve

5.1.4 the fee simple estate in Wairarapa Lake Domain property as a recreation reserve.

# Other properties

5.2 The settlement legislation will vest in the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on the settlement date –

# In fee simple

5.2.1 the fee simple estate in each of the following properties in fee simple:

## 5: CULTURAL REDRESS

- (a) Akitio property:
- (b) Ngātamatea property:
- (c) Te Oroi site A; and

# In fee simple subject to easements

- 5.2.2 the fee simple estate in Te Kopi property (Part Aorangi Forest Park), subject to the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Trust providing
  - (a) a registrable right of way easement in gross in relation to that property in the form in part 5.1 of the documents schedule; and
  - (b) a registrable covenant in relation to that property in favour of the
     Department of Conservation for pest control purposes in the form in part
     5.2 of the documents schedule; and
- 5.2.3 the fee simple estate in Remutaka summit property, subject to the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Trust providing
  - (a) a registrable right of way easement in gross in relation to that property in the form in part 5.3B of the documents schedule; and
  - (b) a registrable easement in gross for a right of way and right to place and maintain a structure in relation to that property in the form in part 5.3A of the documents schedule; and

## As a local purpose reserve

5.2.4 the fee simple estate in Mangatārera o Te Whakatūrākau site A as a local purpose reserve with the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Trust as the administering body; and

## As a local purpose reserve subject to easements

- the fee simple estate in Te Pouaruhe site A, with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as the administering body, subject to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust providing
  - (a) a registrable right of way easement in gross in relation to that property in the form in part 5.5A of the documents schedule; and
  - (b) a registrable right of way easement in gross in relation to that property in the form in part 5.5B of the documents schedule; and

## 5: CULTURAL REDRESS

### As a recreation reserve

- 5.2.6 the fee simple estate in each of the following sites as a recreation reserve, with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as the administering body:
  - (a) Te Hīwawā property:
  - (b) Whāwhānui White Rock property; and

## As a recreation reserve subject to an easement

the fee simple estate in Te Pouaruhe site B as a recreation reserve, with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as the administering body, subject to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust providing a registrable right of way easement in gross in relation to that property in the form in part 5.6 of the documents schedule; and

### As a scenic reserve

- 5.2.8 the fee simple estate in each of the following sites as a scenic reserve, with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as the administering body:
  - (a) Aorangi property:
  - (b) Mangatārera o Te Whakatūrākau site B:
  - (c) Tuhirangi property:
  - (d) Hikapu property:
  - (e) Puketoi property:
  - (f) Awakura property:
  - (g) Te Oroi site B; and

# As a scenic reserve subject to an easement

the fee simple estate in Remutaka property as a scenic reserve, with the governance entity as the administering body, subject to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust providing a registrable right of way easement in gross in relation to that property in the form in part 5.4 of the documents schedule; and

## 5: CULTURAL REDRESS

### As a historic reserve

5.2.10 the fee simple estate in the Ngā Rā-a-Kupe property as a historic reserve, with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as the administering body.

## **TERMS OF VESTING**

- 5.3 Each cultural redress property is to be
  - 5.3.1 as described in schedule 3 of the draft settlement bill; and
  - 5.3.2 vested on the terms provided by
    - (a) sections 45 to 86 of the draft settlement bill; and
    - (b) part 2 of the property redress schedule; and
  - 5.3.3 subject to any encumbrances, or other documentation, in relation to that property
    - (a) required by clause 5.2 to be provided by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust; or
    - (b) required by the settlement legislation; and
    - (c) in particular, referred to by schedule 3 of the draft settlement bill.

## PROVISIONS IN RELATION TO CERTAIN CULTURAL REDRESS PROPERTIES

- 5.4 The trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must consult with
  - 5.4.1 immediately adjoining landowners, the Wellington Regional Council and New Zealand Transport Agency before carrying out any development on the Remutaka summit property; and
  - 5.4.2 the trustees of the Rangitāne Tū Mai Rā Trust, the trustees of the Port Nicholson Block Settlement Trust and the trustee of the Toa Rangatira Trust before carrying out any development relating to the cultural heritage of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua on the Remutaka summit property.
- 5.5 The Crown and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, as soon as practicable after the settlement date, enter into a management agreement under section 53 of the Conservation Act 1987 to give effect to the relationship between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Department of Conservation by providing for joint management of the Awakura property.

## 5: CULTURAL REDRESS

- 5.5A The settlement legislation will, on the terms provided by section 71 of the draft settlement bill provide, in relation to the Whāwhānui White Rock property, that
  - 5.5A.1 existing improvements do not vest and may remain on the property; and
  - 5.5A.2 if the South Wairarapa District Council first consults with the trustees of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, it may access the property to maintain and repair the existing convenience on the property and construct a replacement if the replacement blends in with the natural surroundings of the area.
- 5.5B The parties record that the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and the owners of White Rock Station intend to enter into a memorandum of understanding in which the trustees acknowledge that no improvements, other than conveniences, will be situated on the Whāwhānui White Rock property without the agreement of the owners of White Rock Station, and that no rocks will be removed from it.
- 5.5C The parties record that the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and Wellington Regional Council intend to enter into a memorandum of understanding in relation to the Remutaka Summit property to work collaboratively in the management of that property to meet the objectives of the trustees and the Wellington Regional Council.
- 5.5D The Director-General of Conservation and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, as soon as practicable after the settlement date, enter into an access agreement for the purposes of providing access to the Te Kopi property over adjoining land administered by the Department of Conservation.

## **VESTING AND GIFTING BACK**

- 5.6 In clause 5.7, **vesting and gifting back site** means Castlepoint Scenic Reserve (as shown on OTS-203-14).
- 5.7 The settlement legislation will, on the terms provided by section 87 of the draft settlement bill, provide that
  - 5.7.1 the fee simple estate in the vesting and gifting back site vests in the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on the first 16 March that falls after the settlement date; and
  - 5.7.2 on the seventh day after the vesting of the vesting and gifting back site in the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust, the fee simple estate in the vesting and gifting back site vests in the Crown as a gifting back to the Crown by the trustees on behalf Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua for the people of New Zealand; and
  - 5.7.3 despite the vesting under clauses 5.7.1 and 5.7.2 –

### 5: CULTURAL REDRESS

- (a) the vesting and gifting back site remains a reserve under the Reserves Act 1977 and that Act continues to apply to the vesting and gifting back site as if the vesting had not occurred; and
- (b) any enactment, instrument or interest that applied to the vesting and gifting back site immediately before the vesting date continues to apply to it as if the vesting had not occurred; and
- (c) to the extent that an overlay classification applies to the vesting and gifting back site immediately before the vesting date, it continues to apply to it as if the vesting had not occurred; and
- (d) the Crown retains all liability for the vesting and gifting back site as if the vesting had not occurred; and
- 5.7.4 the vesting under clauses 5.7.1 and 5.7.2 is not affected by Part 4A of the Conservation Act 1987, section 11 or Part 10 of the Resource Management Act 1991, sections 10 or 11 of the Crown Minerals Act 1991, or any other enactment that relates to the land.

## **TAKAPŪTAO**

## **Background**

- Takapūtao is a culturally significant place for Ngāti Kahungunu ki Wairarapa Tāmaki nuia-Rua at the confluence of Lake Onoke and the Ruamāhanga and Turanganui rivers. It contains a papakainga, urupa, cultivations and an eel-fishing place.
- 5.9 In 1883, when title to Wairarapa Moana was awarded, the title plan excluded Takapūtao which was marked as a native reserve. The Crown later assumed it had acquired the land, either as part of the tuku rangatira of the Wairarapa Moana title or through the 1853 Turanganui purchase but in 1927 a senior Crown official raised doubts about this assumption. The Crown responded with proceedings to affirm what it saw as its ownership of Takapūtao. Ngāti Kahungunu actively sought to defend their interests in Takapūtao through petitions to the Government and applications to the Native Land Court.
- 5.10 In 1931 Ngāti Kahungunu customary interests were extinguished after Takapūtao was declared Crown land under an application by the Crown to the Native Land Court in a sitting in another district which Ngāti Kahungunu were not notified of and did not attend. In 1933 Takapūtao was permanently reserved for the purposes of river protection and improvement and vested in trust in the South Wairarapa River Board (now Wellington Regional Council) for those purposes.
- 5.11 Ngāti Kahungunu have continued to seek title to the 200 acres at Takapūtao including through protests and petitions following the vesting of the land in the South Wairarapa River Board and through the settlement negotiations.
- 5.12 The Crown has acknowledged that it failed to actively protect Ngāti Kahungunu interests in land they wished to retain, and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

## 5: CULTURAL REDRESS

# **Relationship Agreement**

5.13 The Wellington Regional Council and the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust will work in partnership to develop a relationship agreement in relation to the Takapūtao Reserve.

# Right of first refusal

5.14 To recognise the cultural significance of the Takaputao Reserve to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, the Crown has included the Takaputao Reserve as RFR land in part 6 of the attachments. This means that the Takaputao Reserve is captured under the right of first refusal that is to be on the terms provided by sections 107 to 136 of the draft settlement bill.

## **OFFICIAL GEOGRAPHIC NAMES**

5.15 The settlement legislation will, on the settlement date, provide for each of the names listed in the second column to be the official geographic name for the features set out in columns 3 and 4.

Existing Name	Official geographic name	Location (NZTopo50 sheet and grid references)	Geographic feature type
Atiwhakatu Stream	Te Whakatūrākau Stream	BP34 040759 - BP34 132699	Stream
Bull Hill	Aorangi Maunga	BQ33 958199	Maunga
Cape Palliser or Matakitakiakupe	Cape Palliser / Mātakitaki-a- Kupe	BR33 894908	Point
Castlepoint Stream	Wairunga / Castlepoint Stream	BP36 668700 - BP36 713675	Stream
Kaiwhata River	Kaihoata River	BP35 467469 - BQ35 509350	River
Kupe's Sail	Ngā Rā-a-Kupe	BR33 888916 and BR33 887919	Cliffs
Lake Onoke	Lake Ōnoke	BQ32 780168	Lake
Lake Wairarapa	Lake Wairarapa	BQ33 874346	Lake
Little Kaiwhata Stream	Kaihoata Iti Stream	BQ35 417338 - BQ35 436366	Stream
Mataopera	Mataoperu Stream	BR33 948940 - BR33 957929	Stream

# **5: CULTURAL REDRESS**

Existing Name	Official geographic name	Location (NZTopo50 sheet and grid references)	Geographic feature type
Motuwaireka Stream	Motu Wairaka Stream	BP35 507506 - BP36 585472	Stream
Mount Barton	Tuhirangi	BR33 952968	Maunga
Mount Percy	Taraoneone	BP36 737775	Maunga
Mount Ross	Hikapu / Mount Ross	BQ33 962076	Maunga
Owahanga	Aohanga	BN37 817913	Locality
Owahanga Hill	Aohanga Hill	BN37 844932	Maunga
Owahanga River	Aohanga River	BN36 653968 - BN37 835913	River
Tauherenikau	Tauwharenīkau Hill	BP33 957542	Hill
Tauherenikau	Tauwharenīkau	BP33 997453	Locality
Tauherenikau River	Tauwharenīkau River	BP33 922640 - BQ33 943388	River
Te Kaukau Point	Te Kakau Point	BR33 027948	Point
Те Маіра	Te Māipi	BP35 435468	Maunga
Te Una Una	Te Unuunu Stream	BQ35 440341 - BQ35 477297	Stream
Te Unu Unu	Te Unuunu	BQ35 438325	Hill
unnamed	Te Rerenga o Te Aohuruhuru	BP36 749770	Rock
Unnamed	Wairarapa Moana	BQ33 827267	Moana
Unnamed	Te Wai o Tūranga	BP36 731720	Spring
Waimimi	Waimīmiha	BP36 621586	Hill
Waimimi Stream	Waimīmiha Stream	BP36 618586 - BP36 629565	Stream
Waitetuna Stream	Waitutuma Stream	BR33 946973 - BR33 940916	Stream

- 5.16 The settlement legislation will provide for the official geographic names on the terms provided by sections 41 to 44 of the draft settlement bill.
- 5.17 By or on the settlement date, the Minister for Treaty of Waitangi Negotiations must write a letter to the New Zealand Geographic Board Nga Pou Taunaha o Aotearoa requesting the Board, in respect of the following geographic name, to list the Maori name set out opposite it in the Gazetteer as an original Maori name:

## 5: CULTURAL REDRESS

Official geographic name	Unofficial original Māori name	Location (NZTopo50 and grid references)	Geographic feature type
Te Whakatūrākau	Mangatārera o Te	BP34 040759 -	Stream
Stream	Whakatūrākau	BP34 132699	

### STATUTORY ACKNOWLEDGEMENT

- 5.18 The settlement legislation will, on the terms provided by sections 27 to 35 of the draft settlement bill,
  - 5.18.1 provide the Crown's acknowledgement of the statements by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of their particular cultural, spiritual, historical, and traditional association with the following areas:
    - (a) Arete (hill) and Mount Hector (peak) (as shown on deed plans OTS-203-03 and OTS-203-06):
    - (b) Carter Scenic Reserve (as shown on deed plan OTS-203-04):
    - (c) Coastal Marine Area within the Area of Interest (as shown on deed plan OTS-203-02):
    - (d) Lowes Bush Scenic Reserve (as shown on deed plan OTS-203-05):
    - (e) Oumakura Scenic Reserve (as shown on deed plan OTS-203-07):
    - (f) Pahaoa Scientific Reserve (as shown on deed plan OTS-203-08):
    - (g) Rewa Bush Conservation Area (as shown on deed plan OTS-203-09):
    - (h) Remutaka Forest Park within the area of interest (as shown on deed plan OTS-203-10):
    - (i) Rocky Hills Sanctuary Area (as shown on deed plan OTS-203-11):
    - (j) Turakirae Head Scientific Reserve (as shown on deed plan OTS-203-12); and
  - 5.18.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
  - 5.18.3 require relevant consent authorities to forward to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust
    - (a) summaries of resource consent applications for an activity within, adjacent to or directly affecting a statutory area; and

## 5: CULTURAL REDRESS

- (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- 5.18.4 enable the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust, and any member of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, to cite the statutory acknowledgement as evidence of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua's association with an area.
- 5.19 The statements of association are in part 2 of the documents schedule.

# **DEEDS OF RECOGNITION**

- 5.20 The Crown must, by or on the settlement date, provide the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust with a copy of a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
  - 5.20.1 Arete (hill) and Mount Hector (peak) (as shown on deed plans OTS-203-03 and OTS-203-06):
  - 5.20.2 Carter Scenic Reserve (as shown on deed plan OTS-203-04):
  - 5.20.3 Lowes Bush Scenic Reserve (as shown on deed plan OTS-203-05):
  - 5.20.4 Oumakura Scenic Reserve (as shown on deed plan OTS-203-07):
  - 5.20.5 Pahaoa Scientific Reserve (as shown on deed plan OTS-203-08):
  - 5.20.6 Rewa Bush Conservation Area (as shown on deed plan OTS-203-09):
  - 5.20.7 Remutaka Forest Park within the area of interest (as shown on deed plan OTS-203-10):
  - 5.20.8 Rocky Hills Sanctuary Area (as shown on deed plan OTS-203-11):
  - 5.20.9 Turakirae Head Scientific Reserve (as shown on deed plan OTS-203-12).
- 5.21 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.22 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within an area that the deed relates to, –

#### 5: CULTURAL REDRESS

- 5.22.1 consult the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust; and
- 5.22.2 have regard to its views concerning Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua's association with the area as described in the statement of association.

## HE KAWENATA HOU ('A NEW COVENANT')

#### Karakia waerea

Whitiwhitia i te ora! Whitiwhitia i te ora! Ka ea ki runga Ka ea ki raro He tipua, he tawhito He ioio nui, he ioio roa He ioio atua Tāne-te-wānanga Houhia te uru ora He ueue tawhito, he ueue tipua He ueue atua Rongomai atua E hua tō tino E hua tō aro E hua tō ariki e Kia tapatapatū Kia tapatapa rangi Ki ngā rangi nao ariki Ki ngā rangi tātara Kia eke tiritiri o ngā rangi Tūturu o whiti whakamaua kia tina, tina!

This karakia waerea was recited by Te Mātorohanga at Te Hautawa when preparing a space for the whare wānanga. This type of karakia is used for spiritual cleansing and its purpose in this context is to set forth a new pathway.

Haumi e, hui e, tāiki e!

# **Background**

- 5.23 Ngāti Kahungunu's aspirations for He Kawenata Hou are based on an arrangement between Governor Grey and Ngāti Kahungunu in 1853, which Ngāti Kahungunu describe as a 'kawenata' or 'covenant'. Under this arrangement, the Crown led Ngāti Kahungunu to expect much in social and economic benefits from the Crown and Pākehā settlement following sale to the Crown of Ngāti Kahungunu land.
- 5.24 Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua leaders resisted selling land to the Crown through the mid-1840s and early 1850s, preferring instead the sizable 'leasehold economy' which earned them substantial rents and other income from the trade in goods.

#### 5: CULTURAL REDRESS

- 5.25 In 1853, Governor Grey and Donald McLean embarked on a new attempt to purchase land in the Wairarapa and to bring an end to the leasehold economy which the Crown opposed. In August 1853, they convened a 'komiti nui' (large assembly) in southern Wairarapa. Grey reiterated the benefits which could be expected from sale to the Crown, including ample reserves for Māori, schools, medical services, and assistance in acquiring capital items such as flour mills. Many of these items were mentioned in the terms of the 'koha' or 'five percents' clauses included in a number of Wairarapa purchase deeds.
- 5.26 Within a year of the komiti nui (and including the large Castlepoint purchase just prior to the komiti nui), Wairarapa and Tāmaki Nui-ā-Rua Māori had sold to the Crown about 1,500,000 acres, representing around three-fifths of Wairarapa and Tāmaki-nui-a-Rua.
- 5.27 Also in 1853, Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua tīpuna (ancestors) were involved in the gifting of Pāpāwai and Kaikōkirikiri lands to the Anglican Church for educational purposes. These gifts were facilitated by Governor Grey and the land was granted to the Church by the Crown on conditions determined by it not by Ngāti Kahungunu. Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua expectations about the use of this land or the funds derived from it were not fulfilled.
- 5.28 In the 1890s, Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua tīpuna (ancestors) took a leading role in the Kotahitanga movement, a national movement grounded in te Tiriti o Waitangi/the Treaty of Waitangi that sought a measure of autonomy from the Crown in making important decisions about Māori land and communities. As part of Ngāti Kahungunu's commitment to a relationship with the Crown, they in 1896 sought to resolve their longstanding grievances over the ownership and management of Wairarapa Moana through gifting the Lakes to the Crown in a tuku rangatira ('chiefly gift exchange'). The Crown promised to create reserves for Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua near the lakes but eventually provided substitute property in faraway King Country (at Pouākani).
- 5.29 In 1897, a Kotahitanga petition sent to England with a Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua rangatira sought an end to the alienation of the remnants of Māori land. In the period immediately following this petition, Premier Richard Seddon worked with Kotahitanga, in particular at Pāpāwai marae near Greytown in 1898, to develop proposals for greater Māori decision-making over Māori land and affairs. Eventually legislation of 1900 established Māori Councils and went some way to fulfilling Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and Kotahitanga aspirations. However these innovations were soon undermined by a lack of funding, reductions in Maori representation on Māori Land Boards, and the purchase of Māori land being resumed.
- 5.30 The expectations of benefit that the Crown led Ngāti Kahungunu ki Wairarapa Tāmaki nuiā-Rua to anticipate from the kawenata of 1853, and which were to some extent renewed through the 1890s Kotahitanga movement, were disappointed or not fulfilled. The parties – Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the Crown – now wish to reflect this historical arrangement in a new kawenata (He Kawenata Hou).

#### 5: CULTURAL REDRESS

## **Objectives of He Kawenata Hou**

- 5.31 Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the Crown will work in partnership to develop and implement a social and economic revitalisation strategy, the objectives of which will be to
  - 5.31.1 provide a framework for the Crown to partner with Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua to identify and fulfil opportunities to promote the economic and social well-being of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the wider Wairarapa Tamaki nui-ā-Rua region; and
  - 5.31.2 enable Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua to support and contribute to the social and economic development of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the wider Wairarapa Tamaki nui-ā-Rua region; and
  - 5.31.3 develop and implement more effective delivery of social and economic services and programmes of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the wider Wairarapa Tamaki nui-ā-Rua region; and
  - 5.31.4 develop and implement a plan for the transformation of the social and economic circumstances of Ngāti Kahungunu.

## Implementation of He Kawenata Hou

- 5.32 Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the Crown will develop the strategy through the following phases:
  - 5.32.1 scoping phase: within 12 months of the date of this deed, the Crown agencies set out in clause 5.36 and Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua will meet and exchange information to identify the opportunities for co-operation in the delivery of social and economic services and allocate responsibilities for the preparation of the strategy; and
  - 5.32.2 **preparation of the strategy**: the Crown agencies listed in clause 5.36 and Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua will prepare a strategy to achieve the objectives outlined in clause 5.31; and
  - 5.32.3 **implementation of the strategy**: the Crown agencies listed in clause 5.36 and Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua will carry out their respective responsibilities under the strategy. This phase will also include evaluation checks.
- 5.33 The process set out above will also be followed in relation to the Crown agencies set out in clauses 5.36 at a time to be agreed between the parties.

#### 5: CULTURAL REDRESS

- 5.34 The strategy will reflect the overarching objectives of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua referred to at clause 5.31.
- 5.35 The strategy will contain
  - 5.35.1 the agreed social and economic goals of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the Crown; and
  - 5.35.2 commitments from Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and Crown agencies to combine action and sharing of resources where that is in the mutual interests of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and the Crown agencies; and
  - 5.35.3 a decision-making process including mechanisms for the resolution of disputes; and
  - 5.35.4 a monitoring and evaluation framework for the strategy.
- 5.36 The following Crown agencies will be involved in the development of the social and economic revitalisation strategy:
  - 5.36.1 Department of Corrections; and
  - 5.36.2 Mid Central District Health Board; and
  - 5.36.3 Ministry of Business, Innovation and Employment; and
  - 5.36.4 Ministry of Education; and
  - 5.36.5 Ministry of Justice; and
  - 5.36.6 Ministry of Social Development; and
  - 5.36.7 Oranga Tamariki, Ministry for Vulnerable Children; and
  - 5.36.8 New Zealand Police; and
  - 5.36.9 Te Puni Kōkiri; and
  - 5.36.10 Wairarapa District Health Board.
- 5.37 If other Crown agencies agree, they may be added to the list in clause 5.36.
- 5.38 The strategy will be developed with Crown agencies and implemented to the extent agency resourcing will allow.
- 5.39 The strategy will not override the Crown's ability to make decisions relating to Crown policy setting, funding and responsibilities, or to provide services in the Wairarapa

#### 5: CULTURAL REDRESS

Tamaki nui-ā-Rua region. Nor will the strategy derogate from the Crown's responsibilities in the Wairarapa Tamaki nui-ā-Rua region.

#### RELATIONSHIP AGREEMENTS

## Relationship agreement with Department of Conservation

- 5.40 The Department of Conservation and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, by or on the settlement date, sign a relationship agreement.
- 5.41 The relationship agreement sets out how the Department of Conservation will interact with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust with regard to the matters specified in it.
- 5.42 The relationship agreement will be in the form in part 7 of the documents schedule.
- 5.43 The parties acknowledge that the Department of Conservation and Ngāti Kahungunu will work together to maintain a positive, collaborative and enduring relationship into the future.
- 5.44 A failure by the Crown to comply with the relationship agreement referred to in clause 5.40 is not a breach of this deed.

# Relationship agreement with Heritage New Zealand Pouhere Taonga

- 5.45 Heritage New Zealand Pouhere Taonga and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, by or on the settlement date, sign a relationship agreement.
- 5.46 The relationship agreement sets out how Heritage New Zealand Pouhere Taonga will interact with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust with regard to the matters specified in it.
- 5.47 The relationship agreement will be in the form in part 8 of the documents schedule.
- 5.48 The parties acknowledge that Heritage New Zealand Pouhere Taonga and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust will work together to identify and discuss potential opportunities for collaboration with Department of Internal Affairs Te Tari Taiwhenua, the Museum of New Zealand Te Papa Tongarewa and the Ministry of Culture and Heritage.
- 5.49 A failure by Heritage New Zealand Pouhere Taonga to comply with the relationship agreement referred to in clause 5.45 is not a breach of this deed.

#### 5: CULTURAL REDRESS

## Relationship agreement with Ministry for the Environment

- 5.50 The Ministry for the Environment and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, by or on the settlement date, sign a relationship agreement.
- 5.51 The relationship agreement sets out how the Ministry for the Environment will interact with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust with regard to the matters specified in it.
- 5.52 The relationship agreement will be in the form in part 9 of the documents schedule.
- 5.53 A failure by the Crown to comply with the relationship agreement referred to in clause 5.50 is not a breach of this deed.

#### **FISHERIES REDRESS**

- 5.54 The Crown recognises Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua
  - 5.54.1 are entitled to have input into, and participate in, fisheries management processes that affect fish stocks in their area of interest and that are managed by the Ministry for Primary Industries under fisheries legislation; and
  - 5.54.2 have a special relationship within their area of interest with all species of fish, aquatic life and seaweed and all such species being taonga of Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua and an interest in the sustainable utilisation of all species of fish, aquatic life and seaweed.

# Ngāti Kahungunu fisheries relationship agreement

- 5.55 The Ministry for Primary Industries will explore with the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust and Ngāti Kahungunu lwi Incorporated the development of a fisheries relationship agreement, with the intention that the agreement will
  - 5.55.1 detail how the Ministry for Primary Industries will exercise its powers and functions under fisheries legislation in relation to Ngāti Kahungunu and the mandated representatives of Ngāti Kahungunu (including the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust);
  - 5.55.2 recognise that the mandated representatives of Ngāti Kahungunu (including Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua) continue to have rights as tangata whenua:
    - (a) to be consulted under the Fisheries Act 1996;
    - (b) to exercise their customary non-commercial fisheries interests under the Fisheries Act 1996 and related regulations; and

## 5: CULTURAL REDRESS

- 5.55.3 for the purposes of this clause, the following entities are the mandated representatives of Ngāti Kahungunu (including Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua):
  - (a) Tātau Tātau o Te Wairoa Trust:
  - (b) Mana Ahuriri Trust:
  - (c) Heretaunga Tamatea Settlement Trust:
  - (d) Ngati Pāhauwera Tiaki Trust:
  - (e) Maungaharuru-Tangitū Trust:
  - (f) Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust.

# Letter of recognition

5.56 The Director-General for Primary Industries must, by or on the settlement date, write a letter to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust in the form set out in part 12 of the documents schedule outlining how Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua will have input into sustainability processes and decisions covering fisheries resources, and how Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua will be consulted on policy led, and work undertaken, by the Ministry for Primary Industries, as these directly affect the area of interest.

#### Appointment as an advisory committee

- 5.57 The Minister for Primary Industries must appoint the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as an advisory committee under section 21 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 in relation to areas of significance to Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua for the purpose of advising the Minister on changes in the fisheries management regime for the areas of significance.
- 5.58 The appointment of the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust as an advisory committee will occur as soon as reasonably practicable after the settlement date provided that the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust have reached agreement with the Ministry for Primary Industries on the areas of significance to Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua. If agreement has not been reached prior to settlement date, the appointment will occur as soon as possible after agreement has been reached.

#### MANAWATU RIVER ADVISORY BOARD

5.59 The Rangitāne o Manawatu Claims Settlement Act 2016 established a statutory board known as the Manawatū River Advisory Board.

#### 5: CULTURAL REDRESS

5.60 The settlement legislation will, on the terms provided by section 40 of the draft settlement bill, provide that the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust may appoint a member to the Manawatū River Advisory Board.

#### TE UPOKO TAIAO - NATURAL RESOURCE MANAGEMENT COMMITTEE

- 5.61 The settlement legislation will, on the terms provided by sections 88 to 90 of the draft settlement bill, provide that
  - 5.61.1 Te Upoko Taiao Natural Resources Plan Committee is a permanent committee of the Wellington Regional Council deemed to be appointed under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002; and
  - 5.61.2 the terms of reference may only be changed by the Wellington Regional Council on the recommendation of the committee; and
  - 5.61.3 the committee may only be disestablished by the Wellington Regional Council on the recommendation of the committee.

#### HORIZONS REGIONAL COUNCIL

- 5.62 Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua have been working with Horizons Regional Council to formalise their existing relationship. Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua aspirations are for a co-governance and co-management arrangement between Horizons Regional Council and Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, including:
  - 5.62.1 a joint management agreement in relation to the rivers in the eastern Tāmaki nui-a-Rua region; and
  - 5.62.2 a joint management agreement in relation to the Manawatu River and its tributaries.
- 5.62A Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Horizons Regional Council acknowledge that future discussions about joint management agreements will need to include all iwi with interests in these rivers. Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Horizons Regional Council will continue to collaborate to define how best to develop an enduring relationship together.

# LETTER OF COMMITMENT WITH DEPARTMENT OF INTERNAL AFFAIRS AND MUSEUM OF NEW ZEALAND TE PAPA TONGAREWA

- 5.63 The Department of Internal Affairs, the Museum of New Zealand Te Papa Tongarewa and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, by or on the settlement date, sign a letter of commitment.
- 5.64 The letter of commitment will be in the form in part 11 of the documents schedule.

#### 5: CULTURAL REDRESS

5.65 The parties acknowledge that the Department of Internal Affairs, the Museum of New Zealand Te Papa Tongarewa and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust will collaborate to define how the parties will develop an enduring relationship together.

#### LETTER OF RELATIONSHIP WITH LAND INFORMATION NEW ZEALAND

- 5.66 Land Information New Zealand and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must, by or on the settlement date, sign a letter of relationship.
- 5.67 The letter of relationship will be in the form in part 10 of the documents schedule.
- 5.68 The parties acknowledge that Land Information New Zealand and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust will collaborate to define how the parties will develop an enduring relationship together.

#### LETTERS OF INTRODUCTION

- 5.69 By or on the settlement date, the Director of the Office of Treaty Settlements will write a letter of introduction to each of the following entities, agencies and local authorities, to introduce the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust, and encourage each entity, agency and local authority to enhance their relationship with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust:
  - 5.69.1 Auckland City Libraries:
  - 5.69.2 Auckland War Memorial Museum:
  - 5.69.3 Audio Visual Museum of New Zealand Inc:
  - 5.69.4 Canterbury Museum:
  - 5.69.5 Cobblestones Regional Early Settlers Museum:
  - 5.69.6 Dannevirke Gallery of History:
  - 5.69.7 Eketahuna & Districts Early Settlers Museum:
  - 5.69.8 Featherston Heritage Complex:
  - 5.69.9 Hawke's Bay Museum & Art Gallery:
  - 5.69.10 Hocken Collections (University of Otago):
  - 5.69.11 Martinborough Colonial Museum:
  - 5.69.12 Museum of Transport and Technology:

# 5: CULTURAL REDRESS

5.69.13 Museum of Wellington City & Sea:

	5.69.14	New Zealand Film Archive:
	5.69.15	Otago Museum / Otago Settlers Museum:
	5.69.16	Pahiatua & Districts Museum Society Inc:
	5.69.17	Puke Ariki (New Plymouth Museum):
	5.69.18	Sound Archives/Nga Taonga Korero (Radio New Zealand):
	5.69.19	Tairawhiti Museum (Gisborne):
	5.69.20	Te Manawa (Palmerston North):
	5.69.21	The University of Auckland:
	5.69.22	Voyager New Zealand Maritime Museum:
	5.69.23	Waikato Museum:
	5.69.24	Woodville Pioneer Museum Society Inc.
5.70	letter to for bette	the settlement date the Minister for Treaty of Waitangi Negotiations will write a each of the following ministries, departments, and agencies to provide a platform r engagement with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki ua Settlement Trust:
	5.70.1	AgResearch Limited:
	5.70.2	Callaghan Innovation:
	5.70.3	Creative NZ (Arts Council of New Zealand):
	5.70.4	Education Review Office:
	5.70.5	Environmental Protection Agency:
	5.70.6	Health and Disability Commissioner:
	5.70.7	Human Rights Commission:
	5.70.8	Institute of Environmental Science and Research Limited:
	5.70.9	Landcare Research New Zealand Limited:
	5.70.10	Maori Broadcasting Funding Agency (Te Mangai Paho):

## 5: CULTURAL REDRESS

- 5.70.11 Ministry of Foreign Affairs and Trade:
- 5.70.12 Ministry for Primary Industries:
- 5.70.13 National Institute of Water & Atmospheric Research Limited:
- 5.70.14 New Zealand Trade and Enterprise:
- 5.70.15 Office of the Children's Commissioner:
- 5.70.16 Radio New Zealand:
- 5.70.17 SCION (New Zealand Forest Research Institute Limited):
- 5.70.18 Te Matawai:
- 5.70.19 Te Taura Whiri i Te Reo Maori (Maori Language Commission):
- 5.70.20 Television New Zealand:
- 5.70.21 Tertiary Education Commission.

#### **CULTURAL REVITALISATION**

5.71 The Crown will pay \$375,000 to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on the settlement date for cultural revitalisation purposes.

#### SPECIFIED EXCLUSIVE CULTURAL REDRESS

- 5.72 Subject to clause 5.73, the Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.
- 5.73 However, the Crown must not enter into another settlement that provides for the same or similar redress as set out in clauses 5.1, 5.2 and 5.14.

#### **PROTOCOLS**

- 5.74 Each of the following protocols must, by or on the settlement date, be signed and issued to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust by the responsible Minister:
  - 5.74.1 the Crown minerals protocol:
  - 5.74.2 the taonga tūturu protocol.

#### 5: CULTURAL REDRESS

5.75 A protocol sets out how the Crown will interact with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust with regard to the matters specified in it.

# FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS

- 5.76 Each deed of recognition will be -
  - 5.76.1 in the form in the documents schedule; and
  - 5.76.2 issued under, and subject to, the terms provided by sections 36 to 39 of the draft settlement bill.
- 5.77 Each protocol will be -
  - 5.77.1 in the form in the documents schedule; and
  - 5.77.2 issued under, and subject to, the terms provided by sections 21 to 26 of the draft settlement bill.
- 5.78 A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.

# 6 FINANCIAL AND COMMERCIAL REDRESS

#### **FINANCIAL REDRESS**

- 6.1 The Crown must pay the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on the settlement date \$13,162,000, being the financial and commercial redress amount of \$93,000,000 less
  - 6.1.1 \$18,600,000, being the on-account payment that was paid on 22 August 2017 to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on account of the settlement; and
  - 6.1.2 \$51,150,000, being the on-account payment to be made under clause 6.1A; and
  - \$10,088,000, being the total transfer values of the commercial redress properties.

#### **ON-ACCOUNT PAYMENT**

6.1A Within 10 business days of the date of the deed the Crown must pay \$51,150,000 to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on account of the settlement.

#### **COMMERCIAL REDRESS PROPERTIES**

- 6.2 Each commercial redress property is to be
  - 6.2.1 transferred by the Crown to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on the settlement date
    - (a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust or any other person; and
    - (b) on the terms of transfer in part 6 of the property redress schedule; and
  - 6.2.2 as described, and is to have the transfer value provided, in part 3 of the property redress schedule.
- 6.3 The transfer of each commercial redress property will be subject to, and where applicable with the benefit of, the encumbrances provided in part 3 of the property redress schedule in relation to that property.

#### **6: FINANCIAL AND COMMERCIAL REDRESS**

#### **LICENSED LAND**

- 6.4 The settlement legislation will, on the terms provided by sections 91 to 106 of the draft settlement bill, provide for the following in relation to the commercial redress property that is licensed land:
  - 6.4.1 its transfer by the Crown to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust:
  - 6.4.2 it to cease to be Crown forest land upon registration of the transfer:
  - 6.4.3 the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust to be, from the settlement date, in relation to the licensed land.
    - (a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
    - (b) entitled to the rental proceeds since the commencement of the Crown forestry licence:
  - 6.4.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets
    Act 1989 terminating the Crown forestry licence, in so far as it relates to the
    licensed land, at the expiry of the period determined under that section, as if
    - (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
    - (b) the Waitangi Tribunal's recommendation became final on settlement date:
  - 6.4.5 the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust to be the licensor under the Crown forestry licence, as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying:
  - 6.4.6 for rights of access to areas that are wāhi tapu.

#### **DEFERRED SELECTION PROPERTIES**

6.5 The trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust may during the deferred selection period for each deferred selection property, give the Crown a written notice of interest in accordance with paragraph 5.1 of the property redress schedule.

#### **6: FINANCIAL AND COMMERCIAL REDRESS**

- 6.6 Part 5 of the property redress schedule provides for the effect of the notice and sets out a process where the property is valued and may be acquired by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust.
- 6.7 Each of the following deferred selection properties is to be leased back to the Crown, immediately after its purchase by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust, on the terms and conditions provided by the lease for that property in part 6 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase):
  - 6.7.1 Martinborough School site (land only):
  - 6.7.2 Lakeview School site (land only):
  - 6.7.3 Greytown School site (land only):
  - 6.7.4 Carterton School site (land only):
  - 6.7.5 Huia Range School site (land only).
- In the event that any school site becomes surplus to the land holding agency's requirements, then the Crown may, at any time before the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust has given a notice of interest in respect of the school site, give written notice to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust advising it that school site is no longer available for selection by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust in accordance with clause 6.5. The right under clause 6.5 ceases in respect of the school site on the date of receipt of the notice by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust under this clause. To avoid doubt, the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust will continue to have a right of first refusal in relation to the school site in accordance with clause 6.10.

# **SETTLEMENT LEGISLATION**

6.9 The settlement legislation will, on the terms provided by sections 91 to 106 of the draft settlement bill, enable the transfer of the commercial redress properties and the deferred selection properties.

#### RFR FROM THE CROWN

- 6.10 The trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust is to have a right of first refusal in relation to a disposal of RFR land, being land listed in the attachments as RFR land that, on the settlement date
  - 6.10.1 is vested in the Crown; or
  - 6.10.2 the fee simple for which is held by the Crown; or

#### **6: FINANCIAL AND COMMERCIAL REDRESS**

- 6.10.3 the fee simple for which is held by AgResearch Limited; or
- 6.10.4 is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown.
- 6.11 The right of first refusal is -
  - 6.11.1 to be on the terms provided by sections 107 to 136 of the draft settlement bill;
  - 6.11.2 in particular, to apply -
    - (a) for a term of 178 years from the settlement date; but
    - (b) only if the RFR land is not being disposed of in the circumstances provided by sections 115 to 125 of the draft settlement bill.

#### LANDCORP FARMS

- 6.12 Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua aspires to recover their traditional lands of high cultural significance including the farms owned by Landcorp Farming Limited in the Wairarapa, in particular, Wairio Station which is of immense cultural and historical significance to Ngati Kahungunu ki Wairarapa Tāmaki nui-a-Rua.
- 6.13 As a result of negotiations, the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and Landcorp Farming Limited entered into agreements for sale and purchase of Wairio Station and Rangedale Farm. Those agreements are conditional upon the ratification and signing of this deed. Under those agreements, Wairio Station and Rangedale Farm will transfer to the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust on 30 June 2019.

# 7 JOINT REDRESS

#### **BACKGROUND AND JOINT REDRESS LEGISLATION**

- 7.1 The Crown, the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Trust and the trustees of the Rangitāne Tū Mai Rā Trust agreed redress that is to be provided to the joint redress entities if
  - 7.1.1 this deed contains provisions to give effect to it; and
  - 7.1.2 the joint redress legislation is agreed by the joint redress entities; and
  - 7.1.3 the joint redress legislation is enacted.
- 7.1A The joint redress was agreed by the Crown, the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Trust and the trustees of the Rangitāne Tū Mai Rā Trust as set out in the agreement in principle referred to in clause 1.18.2 and the Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua deed of settlement.
- 7.1B In 2017 the Crown, the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and the trustees of the Rangitāne Tū Mai Rā Trust agreed the final joint redress package, as set out in this part.
- 7.2 The Rangitāne o Wairarapa and Rangitāne o Tāmaki nui-ā-Rua deed of settlement also refers to the joint redress set out in this part.
- 7.3 The parties record that the joint redress and the draft Te Rohe o Rongokako Joint Redress Bill have been agreed and are set out, respectively, in this part and part 8 of the attachments.
- 7.4 The Crown must propose the draft Te Rohe o Rongokako Joint Redress Bill for introduction to the House of Representatives.
- 7.5 The Crown is not in breach of this deed if, having complied with clause 7.4, the joint redress legislation is not enacted, or enacted in a different form to that contemplated by this deed.
- 7.6 The joint redress legislation is to provide that the date on which the joint redress is vested or becomes effective is the settlement date.

# **OVERLAY CLASSIFICATION**

- 7.7 The joint redress legislation will, on the terms provided by subpart 1 of part 2 of the draft Te Rohe o Rongokako Joint Redress Bill
  - 7.7.1 declare the Castlepoint Scenic Reserve (as shown on deed plan OTS-203-13) to be an overlay area subject to an overlay classification; and

#### 7: JOINT REDRESS

- 7.7.2 provide the Crown's acknowledgement of the respective statements of value in relation to Castlepoint Scenic Reserve for:
  - (a) Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
  - (b) Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and
- 7.7.3 require the New Zealand Conservation Authority, or a relevant conservation board,
  - (a) when considering a conservation management strategy, conservation management plan or national park management plan, in relation to an area, to have particular regard to the statement of Ngāti Kahungunu ki Wairarapa Tāmaki nui- a-Rua values and the statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values, and the protection principles, for the area; and
  - (b) before approving a conservation management strategy, conservation management plan or national park management plan, in relation to the area, to –
    - (i) consult with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and the trustees of the Rangitāne Tū Mai Rā Trust; and
    - (ii) have particular regard to their views as to the effect of the document on the statement of Ngāti Kahungunu ki Wairarapa Tāmaki nui- a-Rua values and the statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values, and the protection principles, for the area; and
- 7.7.4 require the Director-General of Conservation to take action in relation to the protection principles; and
- 7.7.5 enable the making of regulations and bylaws in relation to the area.
- 7.8 The statement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua values, the protection principles, and the Director-General's actions are in part 1 of the documents schedule.
- 7.9 The statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values, the protection principles, and the Director-General's actions are also in part 1 of the documents schedule of the Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua deed of settlement.

#### 7: JOINT REDRESS

#### **JOINTLY VESTED PROPERTIES AND PROPERTY VESTED IN TIPUNA**

# Mataikona property

- 7.10 The joint redress legislation will, on the terms provided by sections 27, 28 and 31 to 38 of the draft Te Rohe o Rongokako Joint Redress Bill,
  - 7.10.1 vest the fee simple estate in Mataikona property (as shown on deed plan OTS-203-26) in the joint redress entities as tenants in common in equal undivided shares on the settlement date; and
  - 7.10.2 provide for a computer freehold register to be created for each undivided share in the property.

# Wairarapa Moana property

- 7.11 The joint redress legislation will, on the terms provided by sections 27, 29 and 31 to 38 of the draft Te Rohe o Rongokako Joint Redress Bill,
  - 7.11.1 vest the Wairarapa Moana property as shown on OTS-203-23 in fee simple in the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and the trustees of the Rangitāne Tū Mai Rā Trust as tenants in common in unequal shares of 90 percent in the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and 10 percent in the trustees of the Rangitāne Tū Mai Rā Trust on the settlement date;
  - 7.11.2 provide that the vesting will be subject to local purpose reserve status;
  - 7.11.3 provide that the Wairarapa Moana Statutory Board will be the administering body of the reserve; and
  - 7.11.4 provide that the reserve will be inalienable other than to a new trustee of either the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust or the trustees of the Rangitāne Tū Mai Rā Trust or to a custodian trustee of either of those trusts.

# Mākirikiri property (Property vested in Tipuna)

- 7.12 The joint redress legislation will, on the terms provided by sections 27 and 30 to 45 of the draft Te Rohe o Rongokako Joint Redress Bill,
  - 7.12.1 vest the Mākirikiri property (as shown on deed plan OTS-203-24, and being the Makirikiri Recreation Reserve and the Makirikiri Scenic Reserve), in the tipuna (ancestor) Te Rangiwhakaewa as a recreation reserve subject to section 17 of the Reserves Act 1977 on the settlement date; and
  - 7.12.2 provide that the recreation reserve will be named the Mākirikiri Reserve; and

#### 7: JOINT REDRESS

7.12.3 establish a joint management board, comprising 2 appointees of each joint redress entity, to be the administering body of the reserve and the Reserves Act 1977 applies to the reserve as if it were vested in the board under section 26 of that Act; and

# 7.12.4 provide that -

- (a) the quorum at meetings of the joint management board will be 2 members, being 1 appointee from each joint redress entity; and
- (b) the first chair of the joint management board will be appointed by the trustees of the Rangitāne Tū Mai Rā Trust, and that each subsequent chair will be appointed alternately starting with the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust and then the trustees of the Rangitāne Tū Mai Rā Trust; and
- (c) the first deputy chair of the joint management board will be appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust, and that each subsequent chair will be appointed alternately starting with the trustees of the Rangitāne Tū Mai Rā Trust and then the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust: and
- 7.12.5 provide that the joint management board has all the rights and obligations of the owner of the Mākirikiri property, despite its vesting in the tipuna (ancestor) Te Rangiwhakaewa; and
- 7.12.6 provide for the creation of a computer freehold register in the name of "Te Rangiwhakaewa"; and
- 7.12.7 provide that the Mākirikiri property cannot be subsequently transferred.

#### Mākirikiri Gravel Reserve

7.12A In lieu of vesting the Mākirikiri Gravel Reserve in the joint redress iwi, as offered in the agreement in principle on the settlement date, the Crown will pay \$31,000 to each of the joint redress entities.

# **APPLICATION OF SCHEDULES**

- 7.13 Part 1 and part 2 of the property redress schedule apply to the jointly vested properties and the Mākirikiri property as if
  - 7.13.1 they were each a redress property; and
  - 7.13.2 in the case of the part of the Mākirikiri property that is currently the Makirikiri Recreation Reserve, it were a council-administered cultural redress property.

#### 7: JOINT REDRESS

#### **WAIRARAPA MOANA FRAMEWORK**

# **Background**

- 7.14 Wairarapa Moana has been a culturally rich and spiritually significant taonga of Ngāti Kahungunu, Rangitāne and their tīpuna for nearly a thousand years, treasured for its tuna, other fisheries, birdlife, and many other resources. Wairarapa Moana today comprises Lakes Wairarapa and Ōnoke whose water levels are artificially maintained and cover nearly 10,000 hectares (about 24,000 acres). Until the 1880s, the lakes and the extensive wetlands around them would fill on a seasonal basis to cover over 21,000 hectares (52,500 acres), when the outlet to the sea at Lake Ōnoke was blocked by sand and shingle.
- 7.15 The seasonal fullness of Wairarapa Moana was known as the hinurangi, when up to 30 tonnes of tuna was caught during the annual migration from Lake Ōnoke to the ocean. Tuna were an important food source not only for hapū with mana whenua around the lake but for the entire iwi, who joined in this seasonal bounty. Rangatiratanga over Wairarapa Moana enabled hapū and iwi to exercise kaitiakitanga and sustainably manage its tuna and other resources. Tuna were preserved and shared further afield as koha (gift) or traded with other, often related iwi, who lacked access to this prized delicacy, affirming their manaakitanga, strengthening whanaungatanga and enhancing the mana of the Wairarapa Moana iwi.
- 7.16 Following the Komiti Nui in 1853 Wairarapa Moana iwi and the Crown arranged purchase deeds which included land around Wairarapa Moana but excluded the lakes and the outlet at Ōnoke which the Crown promised would be opened only with Maori consent. The deeds gave the margin of the lakes as a boundary, but did not clarify if this was the edge of the lake during the hinurangi or when the lakes were low. Wairarapa Moana iwi pointed to the line of the hinurangi as the boundary they intended. The Crown subsequently sold land to settlers that was exposed when the waters of the lake were low, despite evidence that McLean said he had not purchased this land. Many settlers saw the hinurangi as a 'flood' and from the 1860s lobbied the Crown to take control of the outlet at Ōnoke to keep the level of the lake unnaturally and permanently low.
- 7.17 In the 1870s and 1880s Wairarapa Moana iwi offered a compromise that would keep the outlet open for 10 months a year, leaving just February and March to catch tuna. The catch would be reduced as would the effects of the hinurangi on farms beside the lakes. A small number of settlers were not satisfied and the Crown enabled them to form the South Wairarapa River Board in 1886 on which iwi were not represented. The authority delegated by the Crown to the Board enabled it to declare this taonga to be a 'public drain' under its jurisdiction, enabling it to open the outlet whenever it wished. It was supported by the Crown in 1888 when it first opened the outlet, and 1889 legislation strengthened the Board's hand.
- 7.18 A Royal Commission in 1891 upheld the rights of the iwi to Wairarapa Moana, found the Board's actions were not legal, and recommended a compromise similar to that already proposed by the iwi. The Crown did nothing. In 1893 rangatira Piripi Te Maari

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took a trespass case against the Board to the Court of Appeal but was unsuccessful. He died in 1895 before his case could be heard by the Privy Council. That year a Parliamentary select committee found the iwi "have been wronged" and should be compensated.

- 7.19 After the Crown again failed to right these wrongs, Wairarapa Moana iwi invited it in 1896 to join them in a tuku rangatira to resolve the impasse. Under what was known as "the Treaty of Lake Wairarapa" it was agreed that in exchange for the iwi's gift of Wairarapa Moana to the Crown, it would grant them ample reserves around the lakes and reimburse them for their heavy legal expenses in the long struggle to protect Wairarapa Moana.
- 7.20 The reimbursement agreed under the 1896 tuku rangatira of Wairarapa Moana was paid but the promised lakeside reserves were never made. Instead, in 1916, a large area of very poor land 600 kilometres away at Pouākani (near Mangakino) was vested in more than 200 iwi members. Under the 1896 tuku rangatira the Crown promised the iwi that their customary fisheries in Wairarapa Moana "shall not be impeded" and introduced predatory fish, such as trout and perch, would not be put in the lakes. These promises were not kept and the tuna and other fisheries have been severely depleted by introduced species, pollution, drainage of wetlands, and large-scale commercial fishing.
- 7.21 The iwi have a vision of a return to health and wellbeing for Wairarapa Moana and the Ruamāhanga catchment and a future in which the resources of these waterways are once again abundant. This redress is an opportunity for the Wairarapa Moana iwi, the Crown and local authorities to work together in partnership towards that vision.

# **Summary of Framework**

- 7.22 The Wairarapa Moana framework consists of the following elements:
  - Part A Wairarapa Moana Statutory Board:
  - Part B Wairarapa Moana Document:
  - Part C Wairarapa Moana reserves.

#### PART A – Wairarapa Moana Statutory Board

# Establishment and purpose of the Wairarapa Moana Statutory Board

7.23 The joint redress legislation will, on the terms provided by subpart 1 of part 3 of the draft Te Rohe o Rongokako Joint Redress Bill establish a board, called the Wairarapa Moana Statutory Board, and provide for its functions, membership, procedures, committees and for other related matters.

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- 7.24 Clauses 7.25 to 7.56 summarise the key elements of those matters and, at clause 7.55, provide for the funding and administrative support for the Wairarapa Moana Statutory Board.
- 7.25 The joint redress legislation will, on the terms provided by subpart 1 of part 3 of the draft Te Rohe o Rongokako Joint Redress Bill, establish the Wairarapa Moana Statutory Board, whose purpose will be to act as a guardian of Wairarapa Moana and the Ruamahanga River catchment, for the benefit of present and future generations by
  - 7.25.1 being the administering body of the Wairarapa Moana reserves under the Reserves Act 1977 and the joint redress legislation, and to protect and enhance their cultural, spiritual and ecological values; and
  - 7.25.2 being the manager of the Wairarapa Moana marginal strips as if it were appointed under section 24H of the Conservation Act 1987; and
  - 7.25.3 providing leadership on the sustainable management of Wairarapa Moana and the Ruamahanga River catchment; and
  - 7.25.4 promoting the restoration, protection and enhancement of the social, economic, cultural, environmental and spiritual health and well-being of Wairarapa Moana and the Ruamahanga River catchment as they relate to natural resources.

# **Functions of the Wairarapa Moana Statutory Board**

- 7.26 The principal function of the Wairarapa Moana Statutory Board is to achieve its purpose.
- 7.27 The other functions of the Wairarapa Moana Statutory Board are
  - 7.27.1 to do the following in relation to the 3 parts of the Wairarapa Moana document:
    - (a) to prepare and approve the overarching vision and desired outcomes document:
    - (b) to be consulted on the preparation of the reserves management plan and submit it for approval:
    - (c) to approve the natural resources document; and
  - 7.27.2 to determine the Wairarapa Moana Statutory Board's annual and multi-year priorities; and
  - 7.27.3 to agree with the Wairarapa Moana Statutory Board appointers an annual operational management programme for the Wairarapa Moana reserves, including projects planned for the reserves; and

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- 7.27.4 to provide advice to the Minister of Conservation and Director-General on conservation matters relating to Wairarapa Moana reserves; and
- 7.27.5 to provide recommendations to the Minister of Conservation about authorisations (and conditions) for the taking and killing for commercial purposes of any fish within any Wairarapa Moana reserve; and
- 7.27.6 to decide on authorisations for the taking and killing of any fish within any Wairarapa Moana reserve in cases other than those referred to in clause 7.27.5; and
- 7.27.7 to engage with, seek advice from, and provide advice to local authorities and other relevant agencies regarding the sustainable integrated management of Wairarapa Moana and the Ruamahanga River catchment; and
- 7.27.8 to monitor and report to the Wairarapa Moana Statutory Board appointers annually on the implementation of the Wairarapa Moana document and the annual operational management programme agreed under clause 7.94; and
- 7.27.9 to engage with third parties and interest groups, including producing and disseminating information, and awareness of, Wairarapa Moana and the Ruamahanga River catchment; and
- 7.27.10 any other function required to achieve the Wairarapa Moana Statutory Board's purpose.

#### Appointment of members for the Wairarapa Moana Statutory Board

- 7.28 The Crown and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust have agreed, together with the trustees of the Rangitāne Tū Mai Rā Trust, Wellington Regional Council and South Wairarapa District Council, to be part of the Wairarapa Moana Statutory Board comprising members appointed by the following:
  - 7.28.1 the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust:
  - 7.28.2 the trustees of the Rangitane Tū Mai Rā Trust:
  - 7.28.3 the Minister of Conservation:
  - 7.28.4 the Wellington Regional Council:
  - 7.28.5 the South Wairarapa District Council.
- 7.29 The Wairarapa Moana Statutory Board will comprise –

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- 7.29.1 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust, including 1 member representing the hapū of Papawai Marae and 1 member representing the hapū of Kohunui Marae; and
- 7.29.2 1 member appointed by the trustees of the Rangitane Tū Mai Rā Trust; and
- 7.29.3 2 members appointed by the Minister of Conservation; and
- 7.29.4 2 members appointed by the Wellington Regional Council; and
- 7.29.5 1 member appointed by the South Wairarapa District Council.
- 7.30 The Chair of the Wairarapa Moana Statutory Board will be elected by the Wairarapa Moana Statutory Board members from amongst the 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust.
- 7.31 Members of the Wairarapa Moana Statutory Board
  - 7.31.1 are appointed for a term of 3 years, unless the member resigns or is discharged during that term; and
  - 7.31.2 may be appointed, reappointed, or discharged by and at the discretion of the relevant Wairarapa Moana Statutory Board appointer.
- 7.32 In appointing members to the Wairarapa Moana Statutory Board, Wairarapa Moana Statutory Board appointers
  - 7.32.1 must be satisfied that the person has the skills, knowledge and experience to
    - (a) participate effectively in the Wairarapa Moana Statutory Board; and
    - (b) contribute to the achievement of the purposes of the Wairarapa Moana Statutory Board; and
  - 7.32.2 must have regard to any members already appointed to the Wairarapa Moana Statutory Board to ensure that collectively the membership reflects a balanced mix of skills, knowledge and experience in relation to Wairarapa Moana.

# Quorum and decision-making of the Wairarapa Moana Statutory Board

- 7.33 A quorum for a meeting of the Wairarapa Moana Statutory Board is 6 members comprising
  - 7.33.1 the chairperson or a member who is acting as the chairperson (who must be a member appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust); and

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- 7.33.2 at least 1 member appointed by each joint redress entity; and
- 7.33.3 at least 3 members each of whom is appointed by an appointer other than joint redress entities.
- 7.34 A matter to be decided by the Wairarapa Moana Statutory Board must be decided at a meeting of the Wairarapa Moana Statutory Board.
- 7.35 The Wairarapa Moana Statutory Board must seek unanimous agreement to a matter but, if it cannot, the matter must be decided by a majority of 75% or more of the votes cast by members who are present and voting.
- 7.36 The chairperson, or the member who is acting as the chairperson, has a deliberative but no casting vote if the required majority is not achieved.

## **Procedures and meetings of Wairarapa Moana Statutory Board**

- 7.37 At its first meeting, the Wairarapa Moana Statutory Board must
  - 7.37.1 adopt rules of procedures; and
  - 7.37.2 agree on a schedule of meetings.
- 7.38 The rules of procedure must include rules for how the Wairarapa Moana Statutory Board and the Wairarapa Moana Statutory Board's appointers are to agree to the annual operational management programme under clause 7.94.
- 7.39 Otherwise, the Wairarapa Moana Statutory Board may adopt any rule of procedure that is consistent with the rest of the draft Te Rohe o Rongokako Joint Redress Bill and may at any time amend its rules of procedure.

#### **Committees**

- 7.40 In performing its functions, the Wairarapa Moana Statutory Board may establish committees of its members which may invite advisors and observers to attend their committee meetings.
- 7.41 Members of a committee -
  - 7.41.1 are appointed for a term of 3 years, unless the member resigns or is discharged during that term; and
  - 7.41.2 may be appointed, reappointed, or discharged at the discretion of the Wairarapa Moana Statutory Board.
- 7.42 The committee for natural resources comprises the members referred to in clause 7.50 who need not be members of the Wairarapa Moana Statutory Board.

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# Procedures and meetings of committee

- 7.43 At its first meeting, a committee must
  - 7.43.1 adopt rules of procedure; and
  - 7.43.2 agree on a schedule of meetings.
- 7.44 The committee
  - 7.44.1 must adopt the rules of procedure (if any) required by the Wairarapa Moana Statutory Board; and
  - 7.44.2 may adopt any other rules of procedure that are consistent with the rest of the joint redress legislation.
- 7.45 The rules of procedure must include rules for
  - 7.45.1 the committee to elect a chairperson; and
  - 7.45.2 the members present at a meeting to elect a member to act as the chairperson for the meeting if the chairperson is not present.
- 7.46 The committee may at any time amend the rules of procedure it adopts under clause 7.44.2.
- 7.47 In appointing a member of a committee, the Wairarapa Moana Statutory Board
  - 7.47.1 must be satisfied that the member has the skills, knowledge, and experience
    - (a) to participate effectively in the committee; and
    - (b) to contribute to achieving the purpose of the committee; and
  - 7.47.2 must have regard to any other members of the committee to ensure that collectively the membership reflects a balanced mix of skills, knowledge, and experience in relation to
    - (a) Wairarapa Moana and the Ruamahanga River catchment, for the committee for natural resources; or
    - (b) the matters that relate to the committee's purpose, for any other committee.

# **Committee for Natural Resources**

7.48 The Crown and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust have agreed, together with the trustees of the Rangitāne Tū Mai Rā

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Trust and the councils listed in clause 7.50, to be part of the committee for natural resources.

- 7.49 A committee of the Wairarapa Moana Statutory Board will be established to prepare and recommend a natural resources document to the Wairarapa Moana Statutory Board for approval.
- 7.50 The committee for natural resources will comprise the following members:
  - 7.50.1 2 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust:
  - 7.50.2 2 members appointed by the trustees of the Rangitane Tū Mai Ra Trust:
  - 7.50.3 1 member appointed by the Wellington Regional Council:
  - 7.50.4 1 member appointed by the South Wairarapa District Council:
  - 7.50.5 1 member appointed by the Masterton District Council:
  - 7.50.6 1 member appointed by the Carterton District Council.

## Quorum and decision-making of committee for natural resources

- 7.51 A quorum for a meeting of the committee for natural resources is 6 members comprising
  - 7.51.1 at least 3 members appointed by the joint redress entities; and
  - 7.51.2 at least 3 members appointed by an appointer other than the joint redress entities.
- 7.52 The decisions of the committee for natural resources must be made at a meeting of the committee.
- 7.53 The committee for natural resources must seek unanimous agreement but, where that is not possible, decisions will be made by vote at a meeting by at least a 75% majority of those members present and voting.
- 7.54 The chairperson, or the member who is acting as the chairperson, has a deliberative vote but no casting vote if the required majority is not achieved.

#### Funding and administrative support

7.55 The parties agree the following in relation to funding and administration support for the Wairarapa Moana Statutory Board:

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- 7.55.1 each Wairarapa Moana Statutory Board appointer or committee for natural resources appointer is responsible for meeting the expenses of its appointees:
- 7.55.2 Wellington Regional Council will provide secretariat services for the Wairarapa Moana Statutory Board:
- 7.55.3 at the annual business planning meeting for the Wairarapa Moana Statutory Board, the Wairarapa Moana Statutory Board appointers will discuss and agree what administrative and technical support they can provide to the Wairarapa Moana Statutory Board:
- 7.55.4 the Wairarapa Moana Statutory Board may seek sponsorship and funds from other sources for its activities:
- 7.55.5 on the settlement date, the Crown will provide \$500,000 to Wellington Regional Council as a one-off contribution to the costs of the preparation and public notification of the natural resource document:
- 7.55.6 Wellington Regional Council will hold the fund of \$500,000 on behalf of the Wairarapa Moana Statutory Board as a separate and identifiable ledger item and spend those funds as directed by the Wairarapa Moana Statutory Board in accordance with the purposes set out at clause 7.55.5.

# **Process for resolution of disputes**

- 7.56 The joint redress legislation will, on the terms provided by subpart 1 of part 3 of the draft Te Rohe o Rongokako Joint Redress Bill,
  - 7.56.1 provide for a dispute resolution process; and
  - 7.56.2 define **dispute** as a dispute that
    - (a) is about anything to which this part applies, -
      - (i) including a dispute about the process by which a decision of the Wairarapa Moana Statutory Board, or a committee of the Wairarapa Moana Statutory Board, was made; but
      - (ii) excluding a dispute that is merely an objection to the substance of such a decision or that is about an administrative matter; and
    - (b) has 2 or more of the following (and no third parties) as parties to the dispute:
      - (i) the Wairarapa Moana Statutory Board:
      - (ii) a committee of the Wairarapa Moana Statutory Board:

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- (iii) a Wairarapa Moana Statutory Board appointer:
- (iv) an appointer of any member of the committee for natural resources.

# **PART B - Wairarapa Moana Document**

# Wairarapa Moana document

- 7.57 The joint redress legislation will, on the terms provided by subpart 2 of part 3 of the draft Te Rohe o Rongokako Joint Redress Bill provide for the preparation and approval of the Wairarapa Moana document.
- 7.58 Clauses 7.59 to 7.86 summarise the key elements relating to the preparation and approval of that document.
- 7.59 The Wairarapa Moana document will consist of the following three parts:
  - 7.59.1 an overarching vision, and statement of desired outcomes, for Wairarapa Moana (the **overarching vision and desired outcomes document**):
  - 7.59.2 a reserves management plan for the Wairarapa Moana reserves (the **reserves** management plan):
  - 7.59.3 a natural resources document for the Ruamahanga River catchment (the **natural resources document**) that -
    - (a) identifies the Wairarapa Moana Statutory Board's issues, values, vision, objectives and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, to the extent that they apply to the health and well-being of Wairarapa Moana or the Ruamahanga River catchment; and
    - (b) is consistent with the Wairarapa Moana Statutory Board's overarching vision and desired outcomes.
- 7.60 In particular the Wairarapa Moana document will -
  - 7.60.1 recognise and give expression to the relationship of Ngāti Kahungunu and Rangitāne and their culture and traditions with their ancestral lands, water, wāhi tapu sites and other taonga in Wairarapa Moana (being the area shown in the map in part 5 of the attachments) and the Ruamahanga River catchment; and
  - 7.60.2 respect Ngāti Kahungunu and Rangitāne tikanga and values in the management of Wairarapa Moana and the Ruamahanga River catchment.
- 7.61 The 3 parts of the Wairarapa Moana document are to be prepared and approved through a public notification and submissions process which, at the discretion of the

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Wairarapa Moana Statutory Board, may be separate processes for each of them or a combined process.

# Preparation and approval of vision and statement of desired outcomes

- 7.62 The Wairarapa Moana Statutory Board must
  - 7.62.1 prepare an overarching vision and desired outcomes document which recognises and provides for the cultural, spiritual and ecological values of Wairarapa Moana; and
  - 7.62.2 in preparing the draft document, facilitate an inclusive approach that encourages the participation of
    - (a) the hapū of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and
    - (b) any other persons and organisations as the Wairarapa Moana Statutory Board considers appropriate.
- 7.63 The Wairarapa Moana Statutory Board may amend and review the document for final approval, after a public notification, submissions and hearing process.
- 7.64 The Wairarapa Moana Statutory Board must review the document no later than 10 years after it was first approved, then at 10 yearly intervals.
- 7.65 The Wairarapa Moana Statutory Board may delegate its functions and powers in relation to drafting, amending and reviewing, but not approving, the document.

# Reserves management plan

- 7.66 The reserves management plan must be consistent with
  - 7.66.1 the overarching vision and desired outcomes document; and
  - 7.66.2 the conservation legislation and the draft Te Rohe o Rongokako Joint Redress Bill.
- 7.67 The reserves management plan must be prepared and approved, and then reviewed, in accordance with section 41 of the Reserves Act 1977, with necessary modifications.
- 7.68 The reserves management plan must apply to all of the Wairarapa Moana reserves, despite anything in section 41 of the Reserves Act 1977.
- 7.69 The draft reserves management plan must be prepared
  - 7.69.1 by the Director-General and the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust; and

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- 7.69.2 in consultation with the Wairarapa Moana Statutory Board.
- 7.70 The Department of Conservation will be responsible for organising and funding processes required under section 41 of the Reserves Act 1977.
- 7.71 The Wairarapa Moana Statutory Board (as the administering body of the Wairarapa Moana reserves) is to review the reserves management plan, including any review that is treated by Section 41 of the Reserves Act 1977 as the preparation of a management plan, and may delegate the review to a committee of the Wairarapa Moana Statutory Board.
- 7.72 The Wairarapa Moana Statutory Board must submit the draft plan to the Minister of Conservation for approval.

#### **Natural resources document**

- 7.73 The natural resources document must identify the Wairarapa Moana Statutory Board's issues, values, vision, objectives, and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, to the extent that they relate to the health and well-being of Wairarapa Moana or the Ruamahanga River catchment.
- 7.74 The committee for natural resources must prepare a draft natural resources document and provide to the Wairarapa Moana Statutory Board for approval.
- 7.75 The document must identify those matters in order to provide leadership on the sustainable management of the Ruamahanga River catchment in a way
  - 7.75.1 that promotes the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and well-being of Wairarapa Moana and the Ruamahanga River catchment; and
  - 7.75.2 that is consistent with the overarching vision and desired outcomes document; and
  - 7.75.3 that satisfies clause 7.60.
- 7.76 The natural resources document must not contain rules or regulatory methods.
- 7.77 The committee for natural resources must review the natural resources document at the request of the Wairarapa Moana Statutory Board.
- 7.78 A review of the natural resources document must start no later than 10 years after it was approved as the final document.

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# **Effect of Wairarapa Moana document on certain statutes**

Effect of the natural resources document

- 7.79 In preparing or changing a regional policy statement, regional plan or district plan under the Resource Management Act 1991, the relevant local authority must recognise and provide for the content of the natural resources document to the extent that it is relevant to matters covered by those plans.
- 7.80 The relevant local authority must have particular regard to the content of the natural resources document in preparing or approving long-term and annual plans under the Local Government Act 2002 to the extent that the content of the document is relevant to matters covered by those plans.
- 7.81 For the purposes of clauses 7.79 and 7.80, "**content**" means the Wairarapa Moana Statutory Board's issues, values, vision, objectives and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment.
- 7.82 To avoid doubt, the committee for natural resources is not a committee or joint committee of a local authority for the purposes of the Local Government Act 2002 or any other Act.

Effect of the overarching vision and statements of desired outcomes

- 7.83 In preparing a conservation management strategy, the Director-General of Conservation must have particular regard to the content of the overarching vision and statement of desired outcomes in the Wairarapa Moana document and the reserves management plan to the extent that it is relevant to matters covered by that strategy.
- 7.84 In preparing any other conservation statutory plans, the Director-General of Conservation must have particular regard to
  - 7.84.1 the content of the overarching vision and statement of desired outcomes to the extent that it is relevant to matters covered by that plan; and
  - 7.84.2 to any relevant advice provided by the Wairarapa Moana Statutory Board to the Minister of Conservation or the Director-General of Conservation that relates to the Wairarapa Moana reserves.

Advice to Minister of Conservation

- 7.85 The Minister of Conservation must have particular regard to relevant advice from the Wairarapa Moana Statutory Board in recommending the making of any regulations about recreational or commercial fishing to apply to Wairarapa Moana reserves.
- 7.86 For the avoidance of doubt -

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- 7.86.1 the contents of the Wairarapa Moana document do not predetermine or constrain the identification of freshwater values or setting freshwater objectives by local authorities and their communities under the National Policy Statement for Freshwater Management 2014; and
- 7.86.2 when complying with the obligation in clause 7.79 to 7.81 to recognise and provide for the content of the natural resources documents in preparing or changing a regional policy statement, regional plan or district plan, the local authority must do so in a manner that is consistent with the Resource Management Act 1991.

# PART C - Wairarapa Moana reserves

- 7.87 The joint redress legislation will, on the terms provided by subpart 3 of part 3 of the draft Te Rohe o Rongokako Joint Redress Bill, provide for the following in relation to the Wairarapa Moana reserves:
  - 7.87.1 the powers of the Wairarapa Moana Statutory Board:
  - 7.87.2 operational management:
  - 7.87.3 existing interests and improvements, including the Lower Wairarapa Valley Development Scheme:
  - 7.87.4 liabilities:
  - 7.87.5 reclassification of conservation areas and reserves as local purpose reserves:
  - 7.87.6 the addition and removal of Wairarapa Moana reserves.
- 7.88 Clauses 7.89 to 7.116 and 7.122 to 7.126 summarise the key elements of these provisions.

## **Powers of the Wairarapa Moana Statutory Board**

- 7.89 The Wairarapa Moana Statutory Board is provided with
  - 7.89.1 in respect of each Wairarapa Moana reserve, no part of which is vested in the Crown,
    - (a) the power to grant authorisations as if the reserve were vested in the Wairarapa Moana Statutory Board under section 26 of the Reserves Act 1977; and
    - (b) otherwise all other powers under that Act relating to an administering body as if the Wairarapa Moana Statutory Board were an administering body that is not appointed to control and manage the reserve, nor has the reserve vested in it; and

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- (c) the same legislative role and delegations as a local authority under the Reserves Act 1977; and
- 7.89.2 in respect of each Wairarapa Moana reserve wholly or partly vested in the Crown,
  - (a) the powers under the Reserves Act 1977 as if the Wairarapa Moana Statutory Board were appointed to control and manage the reserve under section 30(1) of that Act; and
  - (b) the power to grant authorisations under section 59A of that Act as if the Wairarapa Moana Statutory Board were the Minister of Conservation.
- 7.90 The Department of Conservation is to process applications for concessions and authorisations over Wairarapa Moana reserves on behalf of the Wairarapa Moana Statutory Board, until the Wairarapa Moana Statutory Board confirms its approach to processing of concessions and authorisations.
- 7.91 Any funds generated by the Wairarapa Moana reserves through concessions and authorisations are payable to the Wairarapa Moana Statutory Board, which must spend them on achieving the Wairarapa Moana Statutory Board's overarching vision and statement of desired outcomes.

# Operational management of Wairarapa Moana reserves and marginal strips

- 7.92 The Wairarapa Moana Statutory Board appointers will have primary responsibility for delivery of operational management of the Wairarapa Moana reserves and marginal strips.
- 7.93 The Wairarapa Moana Statutory Board must hold an annual planning meeting, at which the Wairarapa Moana Statutory Board will determine its annual and multi-year priorities.
- 7.94 At the annual planning meeting, the Wairarapa Moana Statutory Board and the Wairarapa Moana Statutory Board appointers must agree to an annual operational management programme for the operational management of the Wairarapa Moana reserves and marginal strips for the following year (annual operational management programme).
- 7.95 The annual operational management programme must
  - 7.95.1 reflect the purpose of the Wairarapa Moana Statutory Board; and
  - 7.95.2 as far as practicable, implement the reserves management plan; and
  - 7.95.3 as far as practicable, implement the Wairarapa Moana Statutory Board's priorities for the relevant year; and
  - 7.95.4 identify the funding for the management of the Wairarapa Moana reserves and marginal strips for the relevant year that is available from –

#### 7: JOINT REDRESS

- (a) the Wairarapa Moana Statutory Board; and
- (b) the Wairarapa Moana Statutory Board appointers; and
- (c) any other source; and
- 7.95.5 describe the management activities that are planned for the Wairarapa Moana reserves and marginal strips; and
- 7.95.6 identify the responsibility of the Wairarapa Moana Statutory Board and the Wairarapa Moana Statutory Board appointers for particular management activities; and
- 7.95.7 include any other information relevant to the operational management of the Wairarapa Moana reserves and marginal strips.
- 7.96 The annual operational management programme may refer to funding that extends over more than one year.
- 7.97 The nature and extent of funding referred to in clause 7.95.4 is entirely at the discretion of the body or person providing that funding.
- 7.98 Implementation of the matters identified under clause 7.95.5 is required only to the extent that funding and other resources make it practicable.
- 7.99 The Wairarapa Moana Statutory Board may directly fund special projects from a variety of funding sources (including through a contestable process) and engage third parties to undertake the work in accordance with the annual operational management programme.

# Liability in respect of Wairarapa Moana reserves

Liability of Crown

- 7.100 The Crown retains existing liabilities in relation to
  - 7.100.1 land in a Wairarapa Moana reserve that remains vested in the Crown; and
  - 7.100.2 land in a Wairarapa Moana reserve that was vested in either joint redress entity by the joint redress legislation or another Act.
- 7.101 The existing liabilities are any liabilities that the Crown has immediately before the settlement date arising from
  - 7.101.1 any contamination of the land that happened while the Crown owned the land before the settlement date, whether or not the contamination has been discovered by the settlement date; or

#### 7: JOINT REDRESS

- 7.101.2 an existing improvement in or on the land; or
- 7.101.3 plants attached to the land, if it is the bed of a body of water, including in respect of biosecurity matters.
- Liability of Wairarapa Moana Statutory Board and joint redress entities
- 7.102 The Wairarapa Moana Statutory Board, or a joint redress entity, is liable for -
  - 7.102.1 any damage or contamination that arises in relation to a Wairarapa Moana reserve from its intentional, reckless, or negligent act or failure to act; and
  - 7.102.2 remediating any further damage to, or contamination of, a Wairarapa Moana reserve that arises because its act or failure to act worsens any damage or contamination that existed immediately before the settlement date.
- 7.103 The Wairarapa Moana Statutory Board is not liable for
  - 7.103.1 an existing improvement for which it would, apart from this clause, be liable because it is the administering body of a Wairarapa Moana reserve; or
  - 7.103.2 the waters or aquatic life of, or the plants attached to the bed of a body of water in, a Wairarapa Moana reserve.
- 7.104 In all other respects, the Wairarapa Moana Statutory Board is liable for all Wairarapa Moana reserves as if it were the owner of each reserve.
- 7.105 The joint redress entity which is an owner of any land in a Wairarapa Moana reserve is not liable for
  - 7.105.1 an existing improvement for which it would, apart from this section, be liable because it owns the land; or
  - 7.105.2 the waters or aquatic life, or the plants attached to the bed of a body of water in the land.
- 7.106 Clause 7.102 overrides clauses 7.103 and 7.105.

#### **Existing improvements**

- 7.107 Existing improvements in or on the Wairarapa Moana reserves do not vest, despite the vestings referred to under clauses 5.1 and 7.11.
- 7.108 During the period of 5 years commencing on the settlement date, existing improvements may
  - 7.108.1 remain in or on the Wairarapa Moana reserves, even if there is no concession or authorisation for it under the Reserves Act 1977; and

#### 7: JOINT REDRESS

7.108.2 be used only in accordance with the Reserves Act 1977 and the Conservation Act 1987, including any requirement for a concession or authorisation.

#### **Lower Wairarapa Development Scheme**

- 7.109 Wellington Regional Council operates a Lower Wairarapa Valley Development Scheme on the land in the Wairarapa, including over the Wairarapa Moana reserves and Wairarapa marginal strips.
- 7.110 The scheme will continue to operate and will not in any way be affected or limited by the redress being provided in relation to those areas, and will be independent from the Wairarapa Moana framework.
- 7.111 The joint redress legislation will, on the terms provided by subpart 3 of part 3 of the draft Te Rohe o Rongokako Joint Redress Bill, provide that the Wellington Regional Council may retain and operate the existing Development Scheme (as defined in section 114 of the draft Te Rohe o Rongokako Joint Redress Bill).

#### Fishing in Wairarapa Moana reserves

- 7.112 The Minister of Conservation (and no one else) may authorise the taking and killing for commercial purposes of any fish within a Wairarapa Moana reserve.
- 7.113 The Minister may grant authorisations
  - 7.113.1 only on the recommendation of the Wairarapa Moana Statutory Board; and
  - 7.113.2 subject to any conditions, but must consider any recommendations for conditions from the Wairarapa Moana Statutory Board.
- 7.114 The Wairarapa Moana Statutory Board (and no one else) may authorise the taking and killing of any fish within a Wairarapa Moana reserve in cases other than those referred to in clause 7.112.
- 7.115 The Wairarapa Moana Statutory Board may grant authorisation subject to any conditions, and must impose conditions (if any) that the Wairarapa Moana Statutory Board considers necessary to achieve the purpose of the Wairarapa Moana Statutory Board.
- 7.116 The matters provided for under clause 7.112 to clause 7.115 override section 50 of the Reserves Act 1977, but only as that section relates to the taking and killing of fish authorised by that section.

# **CUSTOMARY FISHING REGULATIONS**

7.117 After the settlement date, a collaborative process will be established to explore the need for and, where appropriate, develop regulatory mechanisms under the Fisheries Act 1996 to provide for the management of customary food gathering and management

#### 7: JOINT REDRESS

of customary fishing grounds by Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, to apply to Wairarapa Moana and the Ruamahanga River catchment.

- 7.118 The participants in that collaborative process will be the following:
  - 7.118.1 the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust:
  - 7.118.2 the trustees of the Rangitane Tū Mai Rā Trust:
  - 7.118.3 the Ministry for Primary Industries.
- 7.118AThe joint redress legislation will, on the terms provided by subpart 2 of part 2, provide for the matters set out in clauses 7.119 to 7.121.
- 7.119 The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations under the Fisheries Act 1996 to provide for
  - 7.119.1 the management of customary food gathering in Wairarapa Moana and the Ruamahanga River catchment by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and
  - 7.119.2 the issuing of customary authorisations as part of that management; and
  - 7.119.3 the management of customary fishing grounds in Wairarapa Moana and the Ruamahanga River catchment that are of special significance to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.
- 7.120 The Minister must recommend the making of regulations under this section to give effect to any written notice received from both joint redress entities and the chief executive –
  - 7.120.1 stating that they agree that the regulations are required; and
  - 7.120.2 specifying the content required in the regulations.
- 7.121 In clauses 7.119 and 7.120, **Minister** and **chief executive** have the meanings given by section 2(1) of the Fisheries Act 1996.

#### **RECLASSIFICATIONS**

7.122 Each conservation area described in the following table is, on the terms provided by section 103 of the draft Te Rohe o Rongokako Joint Redress Bill, declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and

#### 7: JOINT REDRESS

wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977:

Name of conservation area	Description
Lake Ōnoke (Part Lake Wairarapa Wetland Conservation Area)	735.0 hectares, approximately, being Part Wairarapa Moana. Subject to survey.
Parera Conservation Area	0.7151 hectares, more or less, being Section 1 SO 31220 and stopped road SO 26249.
Diversion Conservation Area	0.7082 hectares, more or less, being Section 594 Featherston Suburban.

7.123 The classification of the reserve described in the following table is, on the terms provided by section 104 of the draft Te Rohe o Rongokako Joint Redress Bill, changed to a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977:

Name of reserve	Description
Part Matthews and Boggy Pond Wildlife Reserve	385.0 hectares, approximately, being Part Section 49 and Section 54 Kahutara District. Subject to survey.

# ADDITION AND REMOVAL OF WAIRARAPA MOANA RESERVES

- 7.124 The Wairarapa Moana Statutory Board may, on the terms provided by section 123 of the draft Te Rohe o Rongokako Joint Redress Bill, consent to being appointed as the administering body of a reserve –
  - 7.124.1 that is owned by or vested in the Wellington Regional Council, or the territorial authority, for the area that includes Wairarapa Moana (the **relevant Council**); and
  - 7.124.2 to which Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua have a historical and cultural relationship similar to the one that they have to the Wairarapa Moana reserves; and
  - 7.124.3 in respect of which the relevant Council has determined that the Wairarapa Moana Statutory Board is best suited to manage the land.

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- 7.125 An appointment takes effect by notice in the *Gazette* and a reserve for which the Wairarapa Moana Statutory Board has been appointed becomes a Wairarapa Moana reserve under this Act.
- 7.126 If after consultation with the Wairarapa Moana Statutory Board, the relevant Council notifies the Minister of Conservation that it no longer wants the Wairarapa Moana Statutory Board to administer a reserve that became a Wairarapa Moana reserve under clause 7.124, the Minister of Conservation must, by notice in the *Gazette*, revoke the appointment, and on revocation the reserve ceases to be a Wairarapa Moana reserve.

# 8 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

#### SETTLEMENT LEGISLATION

- 8.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 8.2 The settlement legislation will provide for all matters for which legislation is required to give effect to this deed of settlement.
- 8.3 The draft settlement bill proposed for introduction to the House of Representatives
  - 8.3.1 must comply with the drafting standards and conventions of the Parliamentary Counsel Office for Government Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and
  - 8.3.2 must be in a form that is satisfactory to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown.
- The trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust must support the passage of the draft settlement bill through Parliament.

#### SETTLEMENT CONDITIONAL

- 8.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 8.6 However, the following provisions of this deed are binding on its signing:
  - 8.6.1 clauses 6.1A and 8.4 to 8.10:
  - 8.6.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

#### **EFFECT OF THIS DEED**

- 8.7 Until this deed becomes unconditional, it
  - 8.7.1 is "without prejudice"; and
  - 8.7.2 may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 8.8 Clause 8.7.2 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

# 8: SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

# **TERMINATION**

- 8.9 The Crown or the trustees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust may terminate this deed, by notice to the other, if
  - 8.9.1 the settlement legislation has not come into force within 30 months after the date of this deed; and
  - 8.9.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 8.10 If this deed is terminated in accordance with its provisions -
  - 8.10.1 this deed (and the settlement) are at an end; and
  - 8.10.2 subject to this clause, this deed does not give rise to any rights or obligations; and
  - 8.10.3 this deed remains "without prejudice"; but
  - 8.10.4 the parties intend that the first on-account payment and the second on-account payment are taken into account in any future settlement of the historical claims.

# 9 GENERAL, DEFINITIONS, AND INTERPRETATION

#### **GENERAL**

- 9.1 The general matters schedule includes provisions in relation to
  - 9.1.1 the implementation of the settlement; and
  - 9 1 2 the Crown's -
    - (a) payment of interest in relation to the settlement; and
    - (b) tax indemnities in relation to redress; and
  - 9.1.3 giving notice under this deed or a settlement document; and
  - 9.1.4 amending this deed.

#### HISTORICAL CLAIMS

- 9.2 In this deed, historical claims -
  - 9.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that
    - (a) is, or is founded on, a right arising -
      - (i) from te Tiriti o Waitangi/the Treaty of Waitangi or its principles; or
      - (ii) under legislation; or
      - (iii) at common law, including aboriginal title or customary law; or
      - (iv) from fiduciary duty; or
      - (v) otherwise; and
    - (b) arises from, or relates to, acts or omissions before 21 September 1992
      - (i) by, or on behalf of, the Crown; or
      - (ii) by or under legislation; and
  - 9.2.2 includes every claim to the Waitangi Tribunal to which clause 9.2.1 applies that relates exclusively to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity, including the following claims:

# 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (a) Wai 85 Mangakino Lands and Waikato River claim:
- (b) Wai 429 Ngāi Tumapūhia-a-Rangi claim:
- (c) Wai 743 Nga Tihanga o Kahungunu claim:
- (d) Wai 744 Wairarapa 5 Percents claim:
- (e) Wai 818 Wairarapa Intellectual Property and Whakapapa claim:
- (f) Wai 886 Ngai Tumapuhia a Rangi Lands and Resources (Wairarapa) claim:
- (g) Wai 897 Okautete School Lands (Wairarapa) claim:
- (h) Wai 939 Te Hika-o-Pāpāuma o Wairarapa ki Kahungunu claim:
- (i) Wai 944 Hurunui-o-Rangi Marae claim:
- (j) Wai 959 Ngāti Hinewaka claim:
- (k) Wai 962 Jury whānau land claim:
- (I) Wai 1019 The Wairarapa Rohe Crown Consultation claim:
- (m) Wai 1022 Pāpāwai Marae Committee claim:
- (n) Wai 1023 The Pouākani Wairarapa Exchange claim:
- (o) Wai 1049 Descendants of Taueru claim:
- (p) Wai 1050 Ngā Aikiha claim:
- (q) Wai 1056 Part Papawai A42 Block claim:
- (r) Wai 1057 Akura Marae, Ngāti Hāmua, Ngāti Ahuahu claim:
- (s) Wai 1569 Native Land Court and succession laws claim:
- (t) Wai 2215 Ngāti Kahungunu Mana Wahine claim; and
- 9.2.3 includes every other claim to the Waitangi Tribunal to which clause 9.2.1 applies, so far as it relates to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity, including the following claims:
  - (a) Wai 97 Wairarapa Moana Trust claim:
  - (b) Wai 161 Waipukurau Block claim:
  - (c) Wai 420 Mataikona A2 claim:
  - (d) Wai 652 Ngāti Kahungunu ki Tāmaki-Nui-ā Rua claim:
  - (e) Wai 657 Aorangi Settlement claim:

# 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (f) Wai 687 Kahungunu-Rongomaiwahine claim:
- (g) Wai 692 Napier Hospital Services claim:
- (h) Wai 741 Wairarapa Local Government and Resource Management claim:
- (i) Wai 770 Wairarapa Lands and Fisheries claim:
- (j) Wai 799 Karanema Reserve-Te Mata Peak claim:
- (k) Wai 852 Kahungunu Petroleum claim:
- (I) Wai 1021 Ngāti Whātuiāpiti land reserves claim:
- (m) Wai 1232 Ngati Kere Heretaunga and Tamatea Lands and Resources claim:
- (n) Wai 1233 Ngai Te Kikiri o Te Rangi Heretaunga and Tamatea Lands and Resources claim:
- (o) Wai 1234 Rongo a Tahu Heretaunga and Tamatea Lands and Resources claim:
- (p) Wai 1235 Ngati Poporo Heretaunga and Tamatea Lands and Resources claim:
- (q) Wai 1236 Ngai Te Rangikoianake Heretaunga and Tamatea Lands and Resources claim:
- (r) Wai 1237 Hapu of Houngarea Marae Heretaunga and Tamatea Lands and Resources claim:
- (s) Wai 1238 Hapu of Mangaroa Marae Heretaunga and Tamatea Lands and Resources claim:
- (t) Wai 1239 Hapu of Matahiwi Marae Heretaunga and Tamatea Lands and Resources claim:
- (u) Wai 1240 Ngati Mihiroa Heretaunga and Tamatea Lands and Resources claim:
- (v) Wai 1241 Hapu of Omahu Marae Heretaunga and Tamatea Lands and Resources claim:
- (w) Wai 1242 Hapu of Ruahapia Marae Heretaunga and Tamatea Lands and Resources claim:
- (x) Wai 1243 Hapu of Te Awhina Marae Heretaunga and Tamatea Lands and Resources claim:
- (y) Wai 1244 Hapu of Waipatu Marae Heretaunga and Tamatea Lands and Resources claim:

# 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (z) Wai 1245 Hapu of Waimarama Marae Heretaunga and Tamatea Lands and Resources claim:
- (aa) Wai 1246 Ngai Te Whatuiapiti Heretaunga and Tamatea Lands and Resources claim:
- (bb) Wai 1947 Descendants of Paul Ropiha and Te Wai Ropiha Bell Lands Claim:
- (cc) Wai 2028 Ngāti Kahungunu Vietnam Veterans claim:
- (dd) Wai 2211 Wairarapa Moana and land issues claim:
- (ee) Wai 2213 Coastal resources claim:
- (ff) Wai 2225 Heritage Management, Crown Purchases and Native Land Court claim:
- (gg) Wai 2241 Nga Uri o Te Hau claim:
- (hh) Wai 2269 Te Whiti North Block claim.
- 9.3 However, **historical claims** does not include the following claims:
  - 9.3.1 a claim that a member of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, or a whānau, hapū, or group referred to in clause 9.6.2, may have that is, or is founded on, a right arising as a result of being descended from a tipuna (ancestor) who is not referred to in clause 9.6.1;
  - 9.3.2 a claim based on descent from the tipuna (ancestor) Rangitāne; and
  - 9.3.3 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 9.3.1 or 9.3.2.
- 9.4 To avoid doubt, clause 9.2.1 is not limited by clauses 9.2.2 or 9.2.3.
- 9.5 To avoid doubt, nothing in this deed or the settlement legislation will
  - 9.5.1 extinguish or limit any aboriginal title or customary right that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua may have; or
  - 9.5.2 constitute or imply an acknowledgement by the Crown that any aboriginal title or customary rights exist; and
  - 9.5.3 except as provided in this deed or settlement legislation
    - (a) affect a right that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua may have, including a right arising
      - (i) from Te Tiriti o Waitangi or its principles; or

# 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (ii) under legislation (including the Marine and Coastal Area (Takutai Moana) Act 2011; or
- (iii) at common law (including in relation to aboriginal title or customary law); or
- (iv) from a fiduciary duty; or
- (v) otherwise; or
- (b) be intended to affect any action or decision under the deed of settlement between Māori and the Crown dated 23 September 1992 in relation to Māori fishing claims; or
- (c) affect any action or decision under any legislation and, in particular, under the following legislation giving effect to the deed of settlement referred to in clause 9.5.3(b) –
  - (i) Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:
  - (ii) Fisheries Act 1996:
  - (iii) Māori Fisheries Act 2004:
  - (iv) Māori Commercial Aquaculture Claims Settlement Act 2004.

#### NGĀTI KAHUNGUNU KI WAIRARAPA TAMAKI NUI-Ā-RUA

- 9.6 In this deed, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua means
  - 9.6.1 the collective group composed of individuals who descend from one or more of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua's tīpuna (ancestors);
  - 9.6.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 9.6.1, including the following hapū:

Ngāti Hakeke:

Ngāti Hāmua:

Ngāi Hangarākau/Ngāti/Ngāi Te Hangarākau:

Ngāti Hikarahui:

Ngāti Hikarara:

Ngāti Hikawera:

Ngāti Hinekōrako:

Ngāti Hinemau:

Ngāti Hinepare:

Ngati Hineraumoa:

Ngāti Hinetauira:

Ngāti Hinetearorangi:

Ngāti Hinewaka:

Ngāti Hōpara:

# 9: GENERAL, DEFINITIONS, AND INTERPRETATION

Ngāti	Kaiparuparu:
Ngāti	Kakawa:
Ngāti	Kauihi:
Ngāti	Kaumoana:
Ngāti	Kere:
Ngāti	Kirikōhatu:
Ngāti	Kōura:
Ngāti	Maahu:
Ngāti	Mariunga:
Ngāti	Maru:
Ngāti	Mātangiuru:
Ngāti	Matehau:
Mere	Te Huinga:
Ngāti	Meroiti:
Ngāti	Moe:
Ngāti	Muretū:
Ngāti	Mutuahi:
Ngāti	Ngāpuoterangi:
Ngāti	Pakapaka:
Ngāti	Pakuahi:
Ngāti	Pākuia:
Ngāti	Parakiore:
Ngāti	Pārera:
Ngāti	Pāteika:
Ngāti	Pōhatu:
Ngāti	Pōhoi:
Ngāti	Puha:
Ngāti	Punarewa:
Ngāti	Rakāipaaka:
Ngāti	Rākairangi:
Ngāti	'Ngāi Rākaiwhakairi:
•	Rangaranga:
Ngāti	Rangitātāia:
Ngāti	Rangitehewa:
•	Rangiwhakaewa:
Ngāti	Rongomaiaia:
Ngāti	Rua:
Ngāti	Ruawahine:
Ngāti	Tahitokuru:

Ngāti Ihaka Rautahi:

Ngāti Kahukuranui: Ngāti Kaihuitū: Ngāti Kaingaahi:

Ngāti Kahukura-a-whitia:

Ngāti Ira:

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nyali rangalak	au.
Ngāti Tāpatu:	
Ngāti Tauiao:	
Ngāti Te Ahuah	nu:
Ngāi Te Ao:	
Ngāti Te Aokin	0:
Ngāti Te Aoma	tarahi:
Ngāi/Ngāti Te A	Aomataura:
Ngāti Te Atawh	ıā:
Ngāti Te Hau:	
Te Hika o Pāpā	iuma:
Ngāti Te Hina/∃	Ге Hina Ariki:
Ngāti Te Kai:	
Ngāti Te Kawel	kairangi:
Ngāti Te Koro d	Ngā Whenua:
Ngāti Te Korou	:
Ngāti Te Noti:	
Ngāti Te Opeka	ai:
Ngāti Te Raete	a:
Ngāti Te Rangi	-koia-anake:
Ngāi / Ngāti Te	Rangitāwhanga
Ngāti Te Rangi	totohu:
Ngāi Te Rautar	ngata:
Ngāi Te Rehun	ga:
Ngāti Te Tohin	ga:
Ngāti Te Tomo	:
Ngāti Te Whātu	ıi:
Ngāti Te Whiur	ıga:
Ngāti Tū:	
Ngāti Tūhakeke	e:
Ngāi Tūkaihara	:
Ngāti Tūkōkō:	
Tūmaiteuru:	
Ngāti Tūmanav	va:
Ngāi Tūmapuhi	a-a-Rangi:
Ngāi Tuohungia	a:
Ngāti Tūranga:	
Ngāti Tūtawake	<b>)</b> :
Ngāi Tūtemiha:	
Ngāti Tūtoheng	arangi:
Ngāti Ūpokoiri:	

Ngāi Tahu/Tahu Makakanui:

Ngāi Tāneroa/Taneroroa:

Ngāti Tamahau: Ngāti Tāmanuhiri:

Ngāti Tangatakau:

# 9: GENERAL, DEFINITIONS, AND INTERPRETATION

Ngāti Waipūhoro:

Ngāti Whai-tongarerewa:

Ngāti Whaiwhati:

Ngāti Whakamana:

Ngāti Whatuiāpiti:

Ngāti Wheke; and

- 9.6.3 every individual referred to in clause 9.6.1.
- 9.7 For the purposes of clause 9.6.1
  - 9.7.1 a person is **descended** from another person if the first person is descended from the other by
    - (a) birth; or
    - (b) legal adoption; or
    - Māori customary adoption in accordance with Ngāti Kahungunu ki
       Wairarapa Tāmaki nui-a-Rua tīkanga (customary values and practices);
       and
  - 9.7.2 a Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tipuna (ancestor) means an individual who:
    - (a) exercised the customary rights by virtue of being descended from:
      - (i) the tipuna (ancestor) Kahungunu; or
      - (ii) a recognised tipuna (ancestor) of any of the groups listed in clause 9.6.2; and
    - (b) exercised the customary rights in 9.7.2(a) predominantly in relation to the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua area of interest after 6 February 1840; and
  - 9.7.3 **customary rights** means rights according to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tīkanga (customary values and practices), including
    - (a) rights to occupy land; and
    - (b) rights in relation to the use of land or other natural or physical resources.

# **ADDITIONAL DEFINITIONS**

9.8 The definitions in part 6 of the general matters schedule apply to this deed.

#### **INTERPRETATION**

9.9 Part 7 of the general matters schedule applies to the interpretation of this deed.

SIGNED as a deed on [date]	
SIGNED for and on behalf of NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA by THE TRUSTEES OF THE NGĀTI	[name]
KAHUNGUNU KI WAIRARAPA TAMAKI NUI-Ā-RUA SETTLEMENT TRUST in the presence of –	[name]
WITNESS	
Name:	
Occupation:	
Address:	
SIGNED by THE TRUSTEES OF THE NGĀTI KAHUNGUNU KI WAIRARAPA	
TAMAKI NUI-Ā-RUA SETTLEMENT TRUST in the presence of –	[name]
	[name]
WITNESS	
Name:	
Occupation:	
Address:	

SIGNED for and on behalf of THE CROWN by –		
The Minister for Treaty of Waitangi Negotiations in the presence of –	Hon Andrew James Little	
WITNESS		
Name:		
Occupation:		
Address:		
The Minister of Finance (only in relation to the tax indemnities) in the presence of –	Hon Grant Murray Robertson	
WITNESS		
Name:		
Occupation:		
Address:		

People of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua signed below to indicate their support for the settlement