

'A'

PAIKEA

UIA MAI KO IA
WHAKAHUATIA AKE
KO WAI TE WHARE NEI E "Kahutia-te-rangi" KO TE RANGI
KO WAI TE TEKOTEKO KEI RUNGA
KO PAIKEA KO PAIKEA
WHAKAKAU PAIKEA (HEI)
WHAKAKAU HE TIPUA (HEI)
KA U PAIKEA KI AHUAHU LAWHAKAKAU HE TANINHA
PAIKEA PAIKEA
KEI TE WHITI A KOE
KO KAHUTIA-TE-RANGI
E AI TO URE
KI TE TAMAHINE
A TE WHIRONUI
NANA I NOHO I TE ROTO A TAHE
AUE! AUE!
HE KORURU KOE E KORO E

"A"

This is the exhibit marked "A" referred to in the affidavit of Awhina Evelyn Waaka affirmed at

NAPIER this 27 day of
NOVEMBER 2013 before me

E. Waaka
Signature:



A Solicitor of the High Court of New Zealand /Justice
of the Peace

Top award a family trait

"B"

2:56 PM Monday Dec 31, 2007

LAWRENCE GULLERY

WHEN Awhina Waaka was made a Member of the New Zealand Order of Merit 18 months ago husband Ted couldn't resist a joke with his mates at the Taradale RSA.

He told them it was a bit of a mistake - and it was really he who should have received the MNZM.

It was, however, inevitable that the name of Edward Kereminita Waaka, JP, would soon also be added to the list, and recognition has come in the 2008 New Year list announced today, where Mr Waaka receives the MNZM for services to Maori, education and the community.

Acclaim does not rest easy with him, just as it doesn't with his wife, whom he accompanied to Government House in September 2006 for her investiture with an MNZM awarded in the Queen's Birthday Honours.

She candidly says she's not a "jewellery person" and the medal she received is in a drawer with other trinkets received over the years, though with two now in the household that could change.

The couple, who both grew up in the Raupunga area, have each been involved in education all their working lives. At their home in Willowbank Road, each now aged in their 80s, they ponder what they will do "when" they retire.

Mr Waaka, born in Napier and educated at Wellington College, Wellington Teachers College and Victoria University, keeps his hand in looking after scholarships for beneficiaries of the Hereheretau Trust, which administers land north of Wairo.

He also heads the 29 Maori Battalion D Coy Research Committee. He tries not to act as secretary for his wife as she maintains numerous roles, including consultancy with the Education Review Office.

A World War 2 veteran, he initiated remembrance tours for veterans retracing the company's steps through Europe and Northern Africa, and is a life member of the Battalion association.

He is best known, however, for more than 40 years in teaching, 25 of them as principal of Taradale Primary.

Before Taradale, he had been principal at Waipiro Bay, Pakipaki and Tawhiuau in Murupara.

Proudly Ngati Kahungunu, Ngati Pahauwera and Rakaipaaka in his iwi heritage, one great legacy of his career is the Primary Schools' Maori Cultural festival, still going strong after 32 years.

GrabOne
Escapes New Zealand

He was organising chairman for 17 years.

He was a member of the National Council of Maori Education, and a member of the Hawke's Bay Education Board. He has been a member of the Parole Board in Hawke's Bay, and is a member of the Taradale Rotary Club.



Premium holidays
at fantastic prices

[View All Deals →](#)

- HAWKES BAY TODAY

View more



Retailers backing new night market



Methanol spill closes road



Editorial: 'Roast' filth open door for parents



Double drowning tr

ll for warning signs

Hawkes Bay Today headlines

Man charged with assault keeps name suppression

Two babies die . . . another in critical condition

Punters splurge on Powerball

Paul Henry joins push for new Marineland

Forestry worker, 43, airlifted

This is the exhibit marked "B" referred to in the affidavit of Awhina Evelyn Waaka affirmed at

NAPIER this 27 day of

NOVEMBER 2013 before me

E. A. Waaka

Signature:

A Solicitor of the High Court of New Zealand /Justice of the Peace

H. T. Too, JP
Chartered Accountant
Napier

Kapa Haka festival swings into action in Hastings "C"

10:49 AM Tuesday Nov 27, 2012

More than 1000 Hawke's Bay schoolchildren will be taking part in the Ngati Kahungunu Primary Schools Kapa Haka festival which will be held at the Regional Sports Park on the outskirts of Hastings during the next four days.

Now closing in on 40 years since it was first staged as a Maori Cultural Festival, it will, as it has for several years, also feature other Pacific culture items.

Hosted this year by Mangateretere School, the festival opens with a welcome at 9.30am today, and 14 groups from 10 schools are scheduled to perform during the day.

Performances are scheduled from 9.30am to about 2.30pm on each of the remaining three days before the festival ends on Friday.

- HAWKE'S BAY TODAY

[View more](#)



[Red Cross medal a surprise](#)



[Retailers backing new night market](#)



[Methanol spill closes road](#)



[Double drowning tragedy sparks call for warning signs](#)

Hawkes Bay Today headlines

[Man charged with assault keeps name suppression](#)

[Two babies die . . . another in critical condition](#)

[Punters splurge on Powerball](#)

[Paul Henry joins push for new Marineland](#)

[Forestry worker, 43, airlifted](#)

[TAG Oil hails production first](#)

[Tonnes of spuds to feed Bay strugglers](#)

[U-Turn Trust f Is the faith](#)

[Waimarama rates soar](#)

[Editorial: Forestry industry in shock](#)

[Soccer: Fergus Neil has broken jaw.](#)

[Cricket: Cornwall come off shy yet again](#)

[Cricket: Bracewell made poor decision, say Stags](#)

[Baby deaths investigated](#)

[Govt firmly backing dam as inquiry opens](#)

[Dam inquiry begins](#)

[Motorcyclist in critical condition](#)

[Healthy focus as Flaxmere stages Duathlon](#)

[Record Christmas cash payout on way](#)

[100kg dropped in 15 months](#)

+ Expand

[Discover more](#)



[Man charged with assault keeps name suppression](#)

This is the exhibit marked "C" referred to in the affidavit of Awhina Evelyn Waaka affirmed at

NAPIER this 27 day of
NOVEMBER 2013 before me

E.A. Waaka

Signature: _____
A Solicitor of the High Court of New Zealand /
Justice of the Peace

H. T. Too, JP
Chartered Accountant
Napier

Hawke's Bay Today

By DOUG LAING

7:45 AM Monday Nov 28, 2011

Hawke's Bay's biggest annual schools event ended in traditional acclaim yesterday, as it has for at least 38 years since it was first held.

The Ngati Kahungunu Primary Schools Kapa Haka Festival, known for many years as the Primary Schools Maori Culture Festival, was held over four days at Maraenui Bi-Lingual School in Napier, attracting an estimated 5000 people.

Host school principal Jim Pearcey said over 2000 children had been in the 50 groups which had performed in the huge, six-pole marquee erected in the school grounds. Many of the schools had more than one group.

More than 2000 family members, supporters and other spectators were also estimated to have watched.

Many parents and even some grandparents were able to recall their own performances in the festival in the days when it was held mid-year at the Hastings Municipal Theatre (now the Hawke's Bay Opera House).

For most of the time it was hosted and organised by a different school each year but Maraenui, which about a decade ago was the first to stage it outdoors and in the fourth term, has been host for the past three years.

It cost about \$11,000 to stage, with support from Ngati Kahungunu iwi, Napier City Council, Te Puni Kokiri, and the Endeavour Community Trust. Stalls and gate takings also helped.

"D"

This is the exhibit marked "D" referred to in the affidavit of Awhina Evelyn Waaka affirmed at

NAPIER this 27 day of

NOVEMBER

2013 before me

E. A. Waaka
Signature:

A Solicitor of the High Court of New Zealand /
Justice of the Peace

H. T. Too, JP
Chartered Accountant
Napier

- HAWKES BAY TODAY

By DOUG LAING

View more



[Methanol spill closes road](#)



[Retailers backing new night market](#)



[Double drowning tr](#)

ll for warning signs



[Red Cross medal a surprise](#)

Hawkes Bay Today headlines

[Man charged with assault keeps name suppression](#)

[Two babies die . . . another in critical condition](#)

[Punters splurge on Powerball](#)

[Paul Henry joins push for new Marineland](#)

[Forestry worker, 43, airlifted](#)

[TAG Oil hails production first](#)

[Tonnes of spuds to feed Bay strugglers](#)

[U-Turn Trust feels the faith](#)

[Waimarama rates soar](#)

[Editorial: Forestry industry in shock](#)

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER

The Marine and Coastal Area (Takutai Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA DEVELOPMENT TRUST for Customary Marine Title and Protected Customary Rights

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA (as originally filed by WAYNE TAYLOR, KUKI GREEN AND RUKUMOANA WAINOHU) for Protected Customary Rights

AFFIDAVIT OF TORO EDWARD WAAKA

AFFIRMED *January 17* 2014

NGĀTI PĀHAUWERA DEVELOPMENT TRUST
74 Queen Street, Wairoa
Phone: (06) 838 6869
Fax: (06) 838 6870
Email: npdtt@xtra.co.nz

I, TORO EDWARD WAAKA, Consultant, of Napier solemnly and sincerely affirm:

1. My name is Toro Waaka. I am a Trustee and the chairperson of the Ngāti Pāhauwera Development Trust ("the Trust") and the Ngāti Pāhauwera Tiaki Trust ("the Tiaki Trust"). Together, the Trust and the Tiaki Trust are the governance entity for Ngāti Pāhauwera. The Trust and the Tiaki Trust received the redress on behalf of Ngāti Pāhauwera in settlement of the historical claims of Ngāti Pāhauwera against the Crown for breaches of the Treaty of Waitangi.¹
2. The Trust and the Tiaki Trust were established in 2008, taking over responsibility from the Section 30 representatives for Ngāti Pāhauwera. These were eight people appointed in 1994 by the Māori Land Court under section 30 of Te Ture Whenua Māori Act 1993 to represent Ngāti Pāhauwera in respect of our claims under the Treaty of Waitangi. I was one of the Section 30 representatives and one of the three representatives that remained active until 2008.
3. I currently operate a Tourism and Consultancy business but have worked for Local and Central Government in the past, including for the Department of Conservation and the Maori Fisheries Commission.

Ngāti Pāhauwera

4. Both my parents are Ngāti Pāhauwera. I spent my early years in the lower Mohaka area living with my parents, and wider whanau. We lived sometimes at Raupunga and sometimes at Mohaka where my grandmother Ketia Paratene lived. My father ran the family dairy unit at Mangaturanga. Both my parents also worked as teachers at Mohaka and Raupunga. Our cultural heritage was a subject taught to us by my parents and I was brought up in an environment that encouraged learning.
5. This provided me with the ability to pursue my interest in the culture and history of Ngāti Pāhauwera. I have also had the privilege to study my heritage on the marae of Ngāti Pāhauwera and in Te Whare Waanaga sessions with

¹ Refer to section 11 Ngāti Pāhauwera Treaty Claims Settlement Act 2012 definitions of Ngāti Pāhauwera Development Trust, Ngāti Pāhauwera Development Trust deed, Ngāti Pāhauwera Tiaki Trust, Ngāti Pāhauwera Tiaki Trust deed and historical claims.

5.3 17/01/14

LJ 17/01/14
Page 445 of 696

kaumatua. I have been privileged in my life to have an involvement in tribal affairs with many of the Ngāti Pāhauwera elders who have now passed on. Ngāti Pāhauwera attended hui all over the country. As I have said before, they talked, I listened and learned.

Customary Rights Order Application

6. In 2005 Wayne T Taylor, Rukumoana Wainohu and Kuki Green filed an application for a Customary Rights Order under the Foreshore and Seabed Act 2004 ("the 2004 Act") on behalf of Ngāti Pāhauwera. The corporate entity incorporated by the Section 30 Representatives, the Ngāti Pāhauwera Section 30 Representatives Cooperative Society Limited was proposed as the legal entity to hold a customary rights order on behalf of Ngāti Pāhauwera.
7. Having been named in the application, the Section 30 Representatives took responsibility for the application, co-ordinating hui to involve all of Ngāti Pāhauwera and seek witnesses to give evidence. This process culminated in the hearing at Mohaka in February 2008 which was widely supported by Ngāti Pāhauwera, with 22 Ngāti Pāhauwera witnesses, including myself, giving evidence in support.

My earlier evidence

8. I provided a brief of evidence dated 31 August 2007 in support of the application, which I presented at the hearing ("my previous brief of evidence").² The focus of my evidence was to provide an overview of the Ngāti Pāhauwera identity, iwi rohe and the customary use practices of a part of our traditional iwi coastal area north of the Waikari river mouth to Poututu. I also recorded our interests South of the Waikari to the Esk river, although I did not discuss that area further as our application did not include that area.
9. I confirm the contents of my previous brief of evidence which is annexed and marked "A". The purpose of this affidavit is to provide more detail in relation to a few aspects of my previous evidence. I do not talk about everything because I am aware that there are other witnesses who are also giving evidence.

² A further copy of which is annexed and marked "A"

The application area belongs to Ngāti Pāhauwera

10. In the conclusion of my previous brief of evidence I said “*Ngāti Pāhauwera are a coastal people. The sea, the seabed and foreshore and all the resources within them are part of who we are.*” I wish to repeat that here. I would also like to be completely explicit because in the past I have encountered confusion from the Crown in response to statements such as these which I consider to be very clear.
11. When I say that the moana and everything in it is part of who we are, I mean that Ngāti Pāhauwera members are through whakapapa part of the interrelated family descended from Papatuanuku. The children of Papatuanuku are the atua of all that live on or in the waters or earth. Through this interrelated whakapapa and a thousand plus years of occupation in our rohe we have asserted our rights of exclusive ownership and responsibilities to the moana. The moana is ours and no one else's. Ngāti Pāhauwera have not entered into any arrangements of alienation with the Crown. Nor can we, as we must exercise Tino Rangatiratanga in order to be effective kaitiaki over our moana. This is a responsibility we take seriously as it was handed down to us from our ancestors.
12. I was at the 2008 Customary Rights Order hearing. Every Ngāti Pāhauwera witness said, in one form or another, the same thing that I have just said: Our moana is ours. I believe this was very clear and in June 2012 the Trustees wrote to Chris Finlayson, the Minister responsible for administering the Marine and Coastal Area (Takutai Moana) Act (“the Takutai Moana Act”) again setting this out (letter annexed and marked “B”),:

“In the Ngāti Pāhauwera Customary Rights Order hearing at Mohaka in 2008 over twenty witnesses gave evidence that Ngāti Pāhauwera have always used and occupied this area, including by exercising customary fishing rights uninterrupted and limited by (and only by) tikanga. We accordingly meet the criteria in the new Act for recognition of our Customary Marine Title.

We will therefore also be seeking your confirmation that when the negotiations resume it will be on the basis that in the rohe moana abutting the core area of interest, Ngāti Pāhauwera have rights entitled to recognition by way of both Protected Customary Rights and Customary Marine Title. The negotiations can then focus on the details of the Protected Customary Rights agreement, the

redress that should flow from Customary Marine Title and identification of wahi tapu for protection.”³

13. I also considered that it was clear from the hearing that we were saying that the whole application area is ours. The application area is simply the moana adjacent to our core land area, and our control goes well beyond this. However, I understand that the Crown needs more explanation in relation to certain parts of the application area which is why I have prepared this affidavit.
14. The influence of Ngāti Pāhauwera extends far beyond this application area in all directions. This can be seen in my report for the Mohaka Forest WAI 119 application, annexed and marked “C”. In the report I quoted the korero of Wepiha Wainohu from 1879 which outlines the boundary set down by my ancestor Te Kahu o Te Rangi⁴. This korero confirms that our rohe includes the moana. In fact the words “*Takutaa Moana*” are even used.⁵
15. This sets out that the coastline is from Pukekaraka in the north to Te Wai o Hingaanga in the South. Pukekaraka is a hill located on the coast near the Mangaapukatea stream outlet on the Poututu Block south of Wairoa. Te Wai o Hingaanga is the Esk River just north of Napier.
16. The korero also explicitly confirms that the area of Te Kahu o Te Rangi includes the moana, because it points out two mahinga kai in the area, Maungaharuru inland, and Tangitu in the sea. The translation is:

“Out in the sea is a rock, its name is Tangitu, it is a fishing ground. From there he looked shoreward to Maungaharuru a mountain which abounds with pigeon.”
17. Obviously the application area is much smaller than the area set down by Te Kahu o Te Rangi. We chose to limit our application area to this smaller area because it is not contested by our hapu neighbours. Therefore, the application area goes from the Poututu Stream to the Waikare River and 12 miles out to sea and includes the mouths of the rivers in this area. However we intend to pursue our rights outside the application area separately.

³ Letter annexed and marked “B”

⁴ Page 7 of Report No 1 for the Mohaka Forest Claim, WAI 119/201 Evidence of Toro Waaka, annexed and marked “C”

⁵ ibid

18. In my report I also stressed "*The land, sea and resources were taonga whakarere iho mo o matou tipuna.*"⁶ As I explained, this means that the land, sea and resources are treasures passed down to us by our ancestors. Ngāti Pāhauwera have always known this. Our ancestors have continuously occupied this land for over a thousand years. Even when the land was invaded by other Iwi, if the majority of the people left for safety reasons some kaitiaki were left on the land in hidden places to maintain the ahi kaa roa for the people. In the last big invasion of our wider region by other tribes the majority of the Ngati Pahuwera hapu left for the safety of numbers at Nukutaurua at Mahia in the 1820s. Ngati Purua (the descendants of Popoia) in particular stayed on the land moving to different parts of the Ngāti Pāhauwera rohe when any enemy presence was detected. They remained to welcome whanau and hapu as they returned in the 1840s. It was not an unusual practice in former times as if everyone who left was killed there would still be survivors and protectors of our taonga.
19. Our obligation to protect these taonga has been our motivation for the applications we have made to various Courts and Tribunals over the years and it was our motivation for entering into Treaty Settlement negotiations with the Crown in 2008. I would prefer not to have to claim title or rights because I know that our moana is ours and frankly it is insulting to have to try to prove this. However I will do whatever I can to protect our moana.

Examples in the outer limit of the application area

20. I would not draw a line to show how far out from our shore is controlled by us, but we control well beyond 12 miles. We do not recognise a 12 mile line. It is not real. The Crown's assumption of an imaginary line does not mean we have to change our views about the ocean and the people in the Pacific Islands. The Crown's focus in drawing a line is creating material gain. Our relationship to our moana is not just an earthly thing, it is spiritual. Our focus is to continue a spiritual connection that is much older than us.
21. Ngāti Pāhauwera are a water people. Our primeval origins were conceived in water. I was taught in the Whare Waananga o Ruawharo the following in regards to this point:

⁶ Page 7 of Report No 1 for the Mohaka Forest Claim, WAI 119/201 Evidence of Toro Waaka, annexed and marked "C"

Ka noho a lo i roto i te aha o te ao	Io the creator resided originally in a world of darkness and water
He pouri kau, he wai katoa.	There was no world
Kaore he ao	There was no light
Kaore he marama	There was no understanding
Kaore he maramatanga	

22. This time was called Te Kore and also refers to the world beyond the realms of what we can see or understand.

23. After long periods of thought Io created Papatuanuku who procreated and produced 70 children. These children lived in a world of darkness until Tane Mahuta and Paia separated their parents, letting in light. The trauma and grief of being separated produced a long period of tears from both partners forming the lakes the rivers and the oceans. These tears also provided the mauri or life force for living things in the heavens and earth. We acknowledge this on the marae with the following tauparapara which gives recognition to the significance of healthy water to all living things whilst acknowledging the role of both the heavens and earth in maintaining the health of living thing]:

Te wai ra tahi mauri ora ki te rangi
Te wai ra tahi mauri ora ki te whenua.

24. The oceans became the abode of Tangaroa. Tangaroa is one of our ancestors. Tangaroa had dominion over all of the sea which is a greater dominion than that of the Crown from our perspective. Our rights originate from descent from Tangaroa as opposed to the Crown's rights which have no basis other than what we share with the other inhabitants of this land in terms of our obligations to manaaki.

25. Our relationship with the sea through Tangaroa extends throughout the breadth of the waters to our relations on other Pacific Islands back to our ancestral homeland of Hawaiki. Prior to Europeans arriving, there was a continued exchange between our people and the people of Hawaiki. Through those means we kept our links and rights across the sea. Even over the past hundred years the Ngāti Pāhauwera people have married into people from Rarotonga and Samoa who have come to our area because of our genealogical ties associated with the waka Takitimu captained by Tamatea Ariki nui.

JB 17/01/14
17/01/14
Page 450 of 696

26. Maraea Aranui of Ngāti Pāhauwera belongs to the whanau that owns the land in Rarotonga where the Takitimu waka once rested. Her mother and two other young Rarotongan girls of ariki whanau were sent here during the war for safety from the impending Japanese advances. They were sent to the rohe of their Takitimu relatives to whom they were soon married. This is not unique to Ngāti Pāhauwera as numerous Maori communities have had arrangements to support settlement of their pacific whanaunga. Maraea told me of a big gathering she attended at Tokomaru Bay a long time ago where hundreds of Rarotongan people gathered to celebrate their whakapapa and intermarriage with Maori. In Tainui the late Maori Queen Te Atairangikaahu took into their home a Rarotongan whangai Robert Mahuta. In Raupunga we also have Samoan men who are married into Ngāti Pāhauwera. I consider our links across the Pacific to be important and I describe them here to help explain why a 12 mile limit is not real.

Relationship with the creatures of our moana

27. Our people had relationships with our relatives in the sea like the whales. Just as the people in India had a relationship with elephants and rode them some of our tipuna developed relationships with whales and rode them. One such Tipuna was Tunui who resided at Heipipi north of Napier. He would ride his whale to travel from one area to another. On one occasion he went to Waimarama where he located a large piece of Pounamu that he turned into taonga, many of which were given to the guardianship of Ngāti Pāhauwera rangatira.

28. One of our tipuna Paikea came from Hawaiki on the back of a whale. Today Paikea resides at the mouth of the Mohaka River as the protective taniwha for those who engage in activities in the sea from swimming to fishing.

Maui

29. Maori knowledge was transferred in a number of ways: stories that children would remember, whakatauki, waiata and more detailed information in Whare Waanaga. For the purposes of children Maui was portrayed as a superhero who could overcome most challenges apart from his last challenge where he failed to conquer death.

JB 17/01/14
Z 17/01/14
Page 451 of 696

30. Maui in reality was an explorer who came to the Pacific at the behest of his ariki Ama Tai Atea. The story that Maui fished up the North Island is an allegory for discovery. Maui is known throughout the Pacific and he is noted as the discoverer of lands and conqueror of numerous challenges. The mouth of the Mohaka river is called *Te Waha o Te Ika a Maui* or *The Mouth of the Fish of Maui*. That is where the hook of Maui went in and it came out of Cape Kidnappers. That is another allegorical description, a learning method for children to know different geographical points around the country.
31. Just above the bridge near the Mohaka river mouth is a piece of land called arero or the tongue of the fish. There was a kainga there occupied by Hamuera Maioro, and his Tamariki, that included my tipuna Tiopira Konihiwhero. The Kainga was called Kuiteketekē near a spring called Wairerehua. My late uncle Dennis owned some of this land. This land is bordered by the river and was an important whitebait recruitment area that has been compromised by long term gravel extraction.
32. These stories reinforce the link between the land and our moana. They also reinforce our relationship with the Pacific peoples. Those of us who have visited Hawaii and Rarotonga know that they have some similar stories as well as their unique ones. Earlier this year at Charlie King's⁷ tangi there was debate across the Marae when an explanation of the term *Te Waha o te Ika* was asked for by the speakers from the Wairoa Kura Kaupapa who were paying their respects to him.
33. I was taught whakapapa from Io nui down to Maui and down to ourselves from my late uncles Ramon Joe, Les Te Tau and Wi Te Tau Huata.:

Maui Tikitiki a Taranga
Papatirau maewa
Tiwakawaka
Taranui
Tararoa
Ngaiwharekiki
Ngaiwharekaka
Ngai roki
Ngai Peha

⁷

Charlie King was a renowned Ngāti Pahāwera Kaumatua

Ngai taketake
Ngai Te Hurumanu
Toi kai rakau
Rauru
Whatonga
Tahatiti Uenuku
Paikea
Pouheni
Tarawhakatu married Mahana
Tarapunga
Tarapaea
Takapari
Tamahenga.
Aotemania
Tamahengamatata

The twin daughters of Tamahengamatata, Mawete and Turipo married Kaukohea the eldest son of Rakaipaaka. Kaukohea had Tutekanao, Mamangu and Kurahikakawa to Mawete and Tupokonui and another from her sister Turipo.

From their offspring come the more influential whakapapa lines that make up the numerous hapu of Ngāti Pāhauwera.

Kurahikakawa married a grandson of Tamahenga, Te Ranginui a Tamaku. His father Parakiwai in whom much of the land on the northern side of the Mohaka was vested saw benefits in an alliance with the descendants of Kaukohea. Parakiwai offered them lands as a dowry type arrangement called Paakuha. Lands to live on in exchange for the Bride.

34. Uenuku had another son Ruatapu who had caused the death by drowning of all of his brothers except Paikea whose previous name was Kahutia o te Rangi. Paikea was able to summon up a whale to rescue him. The descendants of Ruatapu go down to the wife of Tamatea Ariki nui of the waka Takitimu.

Ruatapu
Rakaiora (son) Mahana (daughter)
Tama ki te hau

JB 17/01/14

JL 17/01/14
Page 458 of 696

Tama ki te matangi
Tamaki reira mai hawaiki
Pito
Rere
Tangi
Maika
Toto

Toto married Tamatea Arikinui o te waka Takitimu

This line descends further down to Kaukohea who married the twin daughters of Tamahenga in the previous genealogy.

Mahana a granddaughter of Uenuku by Ruatapu is also an important ancestor of Ngati Pahuwera.

35. The principal tohunga on the waka Takitimu were two brothers Ruawharo and Tupai who were exponents in a range of esoteric knowledge. Amongst other skills Ruawharo was a known adept in karakia associated with enhancing the mauri of the sea whilst his brother Tupai had expertise associated with the mauri of birdlife and living things on the land. When the Takitimu sailed through what is known today as Hawke Bay Ruawharo placed some of his children and a grandchild at different locations on the coast as kaitiaki of different foods in the ocean.
36. The whakatauaki in regards to where the children (Matiu, Makoro, Mokotuararo and Rangatira) were placed taught to us by Canon Wi Te Tau Huata was:

*Matiu ki Waikokopu(Mahia area)
Makoro ki Arapaoanui
Mokotuararo ki Ngaruroro
Rangatira ki Ahuriri*

37. Just as our ancestor Ruawharo placed his children along the coast so too do we have our tangata kaitiaki who do what they can to keep an eye on our coastal resources and protect them. One of our kaumātua George Hawkins drives from Raupunga to Mohaka nearly every day to check on the river mouth and coast. We also have a gravel monitor Tuki King who checks the gravel extractor operations to ensure they are operating in an environmentally

sustainable manner but also keeps an eye on what is happening along the beach. We also have other tangata Kaitiaki who issue permits for kaimoana for hui.

Early European Coastal Travel

38. In a report I did in 2007 annexed and marked "D" I explain who we are as Ngāti Pāhauwera and our tribal boundaries at section 2.0⁸. In 3.0⁹ I summarise the Ngāti Pāhauwera cultural perspective and in section 4.0 I summarise the traditional resources used by the Iwi. The purpose of the report was to show the cultural impact to the Iwi of putting a dam in the Mohaka River. In keeping with Maori thinking, the river cannot be separated from the ocean. In each of these sections, the moana has prominence.
39. At page 5 of the same report I included a map of the Mohaka Block from 1852. The Mohaka Block was between the Mohaka and Waikari Rivers. The map in my report did not include the name of the person who prepared the tracing, Paul Bounfield, so I have annexed a copy which includes this at "E".¹⁰ A copy of this map is on page 26 of the Mohaka River Waitangi Tribunal Report. It is not a Ngāti Pāhauwera map. It is a European map that notes the coastal area south of the Mohaka as being dangerous because of the cliffs. Given this stretch of coast was dangerous, I consider it would have been the tangata whenua, familiar with the area, who primarily used it. My other research suggests this is correct.
40. For example Matthew Wright's Report '*Farming in the Mohaka State Forest 1860-1950*', extract annexed and marked "F", discusses the importance of inland pack tracks for farms in our rohe. He states "*[f]rom quite early in the period, the farms in the Mohaka region were linked by a network of pack-tracks which gave access to both the Napier-Wairoa and Napier-Taupo roads. These tracks were of vital importance to the region, in that they allowed station supplies to be readily brought in, and the wool clip to be readily brought out. This role did not decline in some parts of the region until nearly the middle of the twentieth century, with some farms such as that of*

⁸ Cultural Impact Report, Toro Waaka, 2007 annexed and marked "D", Section 2.0, pages 7 – 15

⁹ Cultural Impact Report, Toro Waaka, 2007 annexed and marked "D", Section 3.0, pages 15-17

¹⁰ Section of Map of Hawkes Bay purchases. '1852 Bousfield map' Source DOSLI Napier.

*John Haliburton at the Mohaka-Te Hoe river junctions remaining unconnected to any major road until the early 1950s*¹¹ As I have already said, Ngāti Pāhauwera have always been familiar with the coast as a route for travel. Wright talks about the farmers, like John Haliburton, who were European. He mentions a track along the coast being known as the Wairoa road, which I am not sure whether this was actually on the beach, or just next to it.¹² However Wright stresses the importance of the inland tracks, for travel, not the coast for these European farmers. I think that this shows that Europeans at this time used the pack tracks as the main route to travel, rather than the coast because it was dangerous for those without local knowledge.¹³

41. Maori from other parts of the country were similarly deterred from using the coast between Waikari and Mohaka. A Tuwharetoa war party under Tamamutu were able to be fooled into abandoning their attempt to travel along the coast to attack Te Kahu o Te Rangi because they were not familiar with the coast which they knew to be impassable other than at low tide.¹⁴ A page from a book called *Tuwharetoa* describing this incident is annexed and marked "G".
42. The coastal area between Waihau and Wairoa was equally dangerous with some fatalities for early settlers. For example, a 1970 book, 'Early stations of Hawke's Bay' records that on the 27th of July 1870 the regular mailman became ill at Waikari and a resident there John Tait volunteered to take the mail to Wairoa. He was caught in high seas at Poututu, swept from his horse and drowned.¹⁵ It also records that a few years later Adam Hassell, a Waihau farmer, fell victim to the Waihau coastal cliffs attempting to rescue stock.¹⁶ The pages that refer to these two events are annexed and marked "H".

Coastal fishing resources, Navigation and Fishing Land marks

43. In my previous brief of evidence I made reference to whakatauaki of Ngāti Pāhauwera relating to our fisheries resources. One was in regards to our ancestor Tureia which talked about "*He Mano kahawai ki te moana*" or "One

¹¹ Matthew Wright. NZ Forest Service. 1985. p12-13

¹² Matthew Wright. NZ Forest Service. 1985. p12-13

¹³ Matthew Wright. NZ Forest Service. 1985. p12,13 and 16.

¹⁴ J, T H, Grace, *Tuwharetoa*, 1959, p173

¹⁵ Macgregor, Miriam (1970). Early stations of Hawke's Bay. Wellington: Reed. p

257

¹⁶ ibid. p 255

thousand kahawai in the sea". I explained that the late Ramon Pokia Joe (Tiopira) had said that this whakatauaki serves a dual purpose, making a statement about what is important to Ngāti Pāhauwera and showing our genealogical ties to the environment as well as to the people.¹⁷ The other whakatauaki I referred to was in regards to Tukapuarangi, describing the bounteous food resource at Waikari and Moeangiangi, expressed through the sound of waves "Patoto ki te ata, Patoto ki the po".¹⁸

44. My uncle Ramon gave me a map of our whanau fishing grounds marking places for pipi and mussels that I gave to our fishing Kaitiaki Harry Tuapawa who has since passed on. The places marked on the map are retained by the whanau of Ngāti Pāhauwera. We are not prepared to risk having these areas overexploited by making the locations common knowledge. This is a real risk. When I was on the Maori Fisheries Commission the need for protective measures to keep fishing grounds secret was common knowledge. For example, I was aware that one big fishing boat even kept their fax and log books in a safe on board as the information was worth big money to competitors.
45. When Ngāti Pāhauwera travel out to sea, we know how to navigate using landmarks on our rohe. When you go out at day you can line up hills to get your bearing. Ngāti Pāhauwera use a range of landmarks to identify good fishing spots. Some were commonly known, other areas were only known to a few and kept their knowledge of them to a limited few. George Hawkins in his evidence refers to using the top of the maunga Whakapuanaki as a mark out at sea to find good snapper grounds. I was taught if you are out at sea south of the Mohaka River our people used a maunga called Kotoko to identify another deep sea fishing ground. Other markers were trees.
46. One of the Kaumatua, the late Joe Reti, told me of how he used to go at night with his elders. They went well out of sight of land using only the stars to navigate to the desired fishing grounds. You went to different spots at different times of the year. Now you don't need to use the stars as you can use GPS aids.

¹⁷ Brief of Evidence of Toro Waaka dated 31 August 2007 annexed and marked "A", at paragraph 34

¹⁸ Brief of Evidence of Toro Waaka dated 31 August 2007 annexed and marked "A", at paragraph 30

47. I have a 34 foot recreational fishing boat berthed in Napier and I still use landmarks to identify where I have set my nets. Most people today now use GPS aids to identify their fishing spots. I have fished offshore between Napier and Mahia including in the application area over a long period just as I have fished off the shore in most places along the Hawkes Bay coast.

48. Ngāti Pāhauwera fishermen still retain knowledge of how to navigate from shore far out past land, but we also travel parallel to shore across the outer limits of the application area. For example when people travelled from Mahia to Hawke's Bay they lined up with the big hill Kahuraanake at Hastings. This name means "*sometimes obscured*" because of its importance as a landmark and the fact that if weather was bad, it might be obscured by weather. Going in the opposite direction the landmark maunga was Whakapuanake at Wairoa. The meaning relates to the fact that the maunga can be seen from a distance towering above other landmarks. There are a number of Maunga inland that stick up above the horizon when you are at sea. I was on a boat with Tama Houkamau that towed the Waka Tamatea Ariki nui from Napier to Mahia in the early 1990s for a festival at Kaiuku. We went right out of sight of land for a while as the waves were high nearer the coast and the sea was calmer away from the land. We saw Whakapuanake most of the time. The use of these maunga as landmarks are not unique to Ngāti Pāhauwera, and other iwi would travel across our waters with our consent provided their intent was not threatening.

49. One of our whakatauaki we learnt at the whare waananga was "Te Ahimanawa ki Maungatea, Te Aramoana ki Mohaka". This statement describes the silver reflection on the sea off the coast of Mohaka that marks the seaward course from Mahia to Mohaka (Matohi o te wai). Our Tipuna found this was a good route for travel and to catch fish.

Trade

50. Ngāti Pāhauwera utilised this area extensively and knew our waters intimately. The sea was a key highway for the purpose of trade as well, even with the arrival of Europeans and further trade opportunities. This has been recorded in historical documents. For example James Grindell in a letter to the Hawkes Bay Herald 1864, annexed and marked "I", describes leaving Mohaka with Donald Mclean and his party aboard the Sailors Bride, which he

described as "a small decked boat belonging to one of the Natives".¹⁹ Robert Parks the surveyor of the 1851 block purchase stated "There is a regular traffic between Mohaka and Ahuriri carried on by the natives when they have produce for sale."²⁰ I also note that Parks pointed out the dangers of the coast, noting that the coast from Mohaka to Waikari is "*all cliff; the beach at the base is passable in the summer time, but it is rather dangerous from the cliffs constantly falling*". A copy of Parks' report to the Commissioner is annexed and marked "J".

51. One of the earlier European settlers was Adolphus Henrici of German ancestry. He married my tipuna Ropine Hinemare who had ties to Ngāti Pāhauwera and some Ahuriri hapu. He was a boat builder and had his own schooner that traded between Wairoa, Mohaka and Napier.
52. Another earlier settler was Hairo. He was a Tasmanian aboriginal who owned a whaling ship. He was married to Para Turi the sister of my tipuna Tiopira Konohiwhero. Lots of the Ngāti Pāhauwera men worked with Hairo catching whales from Mohaka right out to Wharekauri (Chatham Islands).
53. Prior to the arrival of Europeans there was no need to hunt whales as they were abundant and would often be stranded on the shore. Word would get out and the people would go there and camp up next to the stranding and eat what was needed. I was told that our ancestors would even milk the female whales. In other cases they would assist those whales they did not need to return to the sea. Tohunga often knew of an impending stranding and would do karakia to communicate with whales to deter them from areas of risk. In the case of land I have shares in land at Tangoio called Panepaoa where the Tohunga implanted Karakia in the puke or hillock to deter whales from coming to land and stranding.

Manaakitanga

54. Other witnesses have talked about tikanga. I want to talk more about one aspect of our tikanga, being Manaakitanga which I touched on in my brief.

¹⁹ Thompson,G. 1992. The Crown and Ngāti Pāhauwera from 1864. Report for Wai 119/201

²⁰ AJHR,1862,c.1,p.313-4 (Appendix to the Journals of the House of Representatives, 1862 Session I)

Ngāti Pāhauwera have obligations of Manaakitanga, but I want to stress that this obligation pervades everything we do.

55. One manifestation of manaakitanga is through exchange and barter for survival. This has always been part of everyday life for the locals.

56. Yet another manifestation is the way we maintain links with other iwi. For example I have taken hangi stones to our whanaunga John Taumanu for the Whangara marae. That is how we keep alive our whanaungatanga with the people of Ngati Porou through the ancestor Paikea and Te Kupenga o Te Huki or the net of Te Huki. The "net" of Te Huki is an allegorical reference to the union of our people through that ancestor. The people at Tokomaru Bay and Whangara are the descendants of our common ancestor Te Huki from his wife Rewanga of that area. Also, for Parekura Horomia's tangi at Tolaga Bay, Kuki Green and I took 62 Hangi stones, one for each year of his life. In the 1960's my uncle Ramon Joe took hangi stones up to Kiekie near Waapiro Bay because the stones they used were exploding. We have exchanged Kahawai with Trout from iwi in Taupo. All of this was done through Tikanga. These are only a few examples, to highlight our obligations of Manaakitanga to other iwi.

57. A key way that we exercise Manaakitanga is by allowing others to use our moana and the resources within it. We will always do this but it does not mean we lose our rights, in fact it is how we exercise our Tino Rangatiratanga. We require that others that we allow to use the application area respect it and our tikanga, and there are many members of Ngāti Pāhauwera living locally who can enforce this on a day to day basis if necessary.

Wahi Tapu

58. In my 2007 report I said:

"Waahi tapu are places that are respected by Ngāti Pāhauwera and treated as places that should be left alone for different reasons and for differing periods of time. In the broadest sense of definition a waahi tapu includes all those natural resources that sustain life and that are culturally and historically important to....the tribe to which they belong. This definition could equally apply to sites of significance. In the narrower sense waahi tapu means a

place sacred to Maori in the traditional, religious or mythological sense.”²¹

59. I took these three definitions of waahi tapu from my own personal observation, a comment by Rikihia Tau of Ngai Tahu, and the Historic Places Act 1993 respectively. I note that the Historic Places Act definition also includes places sacred to Maori in the spiritual and ritual sense. Tapu is not just superstition. It is handed down by our tipuna to us, but it is also part of a very practical system of resource management, environmental protection and risk management. For example, looking from where I stand in the 21st century it is obvious that our rivers, on which we rely for fish, whitebait and sometimes even drinking water, should not be polluted by using them as toilets or rubbish bins for gutting fish or leaving litter. The fact that for example there is a taniwha called Paikea in the mouth of the Mohaka River who needs to be respected is totally consistent with this. Other witnesses have talked about the importance of not polluting our waters. I am particularly concerned that campers from out of the area use our coastal streams and rivers as toilets when locals draw water from the rivers and eat fish from the same rivers. Obviously, if we catch people polluting our waters we will stop them. The motivation of Ngāti Pāhauwera in asserting our rights has always been the protection of our taonga, like our rivers. Ngāti Pāhauwera have said this many times over the years.

60. There are waahi tapu throughout the application area. Many are talked about by other witnesses. However, as well as the specific places where access needs to be restricted, like rivers mouths, there are other waahi tapu in the application area that we cannot identify today. I explain this further below.

61. We have been passed on korero about our tupuna being buried in caves along the coast. We have also been told that tupuna were buried in sand dunes which once existed at the beach but have eroded into the sea over time. This was a common practice along the whole east coast that I observed in my role with the Department of Conservation as I was often consulted on what to do when bones were exposed. Maori did not have steel spades and shovels so opted for burial in softer ground and caves. Annexed and marked “K” is a sketch of the southern side of the Mohaka area from 1869 that shows an area of sand hills along the coast. At page 26 of my 2007 report I

²¹ Cultural Impact Report, Toro Waaka, 2007 annexed and marked “D”, Section 5.0, page 26

also noted my Uncle Ramon Joe's evidence that urupa would have been established near commonly travelled routes at strategic places. As the coast was a commonly travelled route for Ngāti Pāhauwera, there would have been burial along the coast.

62. I add that the coast area was also where invading armies were met by the tangata whenua as the coast was their byway. Blood was spilt on the beach and river mouths in many a battle, and koiwi from those battles most likely would have been buried nearby. Some examples of battles we know of along our coast include:

Waikari

- 62.1. The Battle of Wharekiri was at a coastal pa just south of the Waikari River mouth. The inhabitants were decimated by a contingent under Tamamutu from Tuwharetoa. This is referred to at page 173 of "Tuwharetoa" by J Te H Grace, annexed and marked "G";

Mohaka south

- 62.2. The battle of Otia was on the southern side of the Mohaka river mouth where people were killed and a chief named Kupe was wounded;
- 62.3. The battle between Tureia and Ngai Tahu was on the southern side of the Mohaka river mouth and along the coast to Te Umu toto o Hoeata (The blood filled oven of Hoeata). There were also people killed in the same battles as the Ngai Tahu waka Te Riu o te whenua landed at the mouth of the Ruakituri or Coquet stream just above the Mohaka Bridge.

Waihua

- 62.4. The battle with the sons of Rakaihikuroa and the killing of Ngai Tahu rangatira Tawhirirangi and his sister and their people occurred on the northern side of the Mohaka river. There are still

- bones that are exposed on the side of Te Awaawa stream from this battle but most have been eroded into the sea;
- 62.5. Towards Waihua there are a number of coastal pa sites that sustained many an attack over time. Te Huki had a pa just south of Te Awaawa. A few kilometres on was the pa of Mamangu that overlooks the Takapau beach; and
- 62.6. At Waihua itself there was a coastal pa on the area known today as the Island, at the mouth of the River.
63. Given erosion over time many of the coastal sites of battles and burial grounds have washed into our moana. With the alienation of much of our traditional lands and the dislocation of people the ancient sites of urupa are often unknown.²²
64. I have heard talk of burial sea caves but I don't know where they are nor do we know where the koiwi from past burial in sand dunes has gone other than that they disappeared with the encroaching sea. They could be anywhere in the application area. We only know it is an area to be respected.
65. Unfortunately the area where the sand dunes were south of the Mohaka river mouth is now a popular camping area. We do not want to stop people from accessing this area or camping but we do want the ability to establish a designated area for camping, toilets and rubbish collection. We also expect support in legislation to prohibit access in some areas where koiwi are known or uncovered. This would assist us in our role as kaitiaki.
66. Likewise, if a person drowns in our moana, the area becomes tapu and a rahui is required. Other witnesses have given evidence about this. Ngāti Pāhauwera have always imposed rahui when there has been a death in our moana, and will continue to do this, but again the support of the law through a legally binding prohibition would assist us in our role as kaitiaki.

²²

Cultural Impact Report, Toro Waaka, 2007 annexed and marked "D", Section 5.0, page 26 under the heading **Urupa**

Ongoing commitment of Trustees to our moana and awa

67. The Trust and the Tiaki Trust are negotiating on behalf of Ngāti Pāhauwera under the Takutai Moana Act. Ngāti Pāhauwera are passionate about our moana and we take responsibility for it.
68. Ngāti Pāhauwera make it clear to us the Trustees that our moana needs to be a priority. For this reason our moana features heavily on the agenda for our hui and our Trust documents. Ngāti Pāhauwera have followed the Foreshore and Seabed and now Takutai Moana claim with interest. We hold regular hui and information sharing wananga to inform Ngāti Pāhauwera about progress and the strong message is always that we need to fight for our moana.
69. We find that members of Ngāti Pāhauwera will come a long distance to these hui. For example at one of our recent wananga, a kaumatua living in the South Island came specifically for that event. We don't find this strange because we are used to travelling long distances. Those who live elsewhere to find work maintain a spiritual connection by returning for whanau or iwi events. A waiata sums up this feeling, its name is Tu Mokemoke Ai and can be found in our Mohaka Marae Centenary book.²³ It is a song sung often by Kaumatua Ranginui Keefe on Ngāti Pāhauwera marae and it speaks of the loneliness and emotional ties felt by those who live away from the rohe.
70. My father told me of when the Mohaka community worked together to dig a channel out from river to ocean. The mouth of the Mohaka River often becomes blocked creating a lagoon on the beach where the outlet to sea moves a lot in both directions along the beach. When this happens our people have to walk a long way to cross the outlet, with the sea on one side and a lagoon full of water on the other. This can be dangerous because the lagoon can open up at any time and sweep them into the sea. This is something that still concerns our people in relation to safety and fishing and is often a matter for discussion.
71. Another example of this is that since the Department of Conservation has stopped keeping a register of whale sightings because of budget cuts. Our people will notify the Department of Conservation if there is a stranding. We

²³

Page 3, Mohaka Marae Centenary Booklet, 1986 (A copy of which is annexed as exhibit C to the affidavit of Marie Moses affirmed 19 December 2013)

call the Ministry of Fisheries (and its various forms in the past) when trawlers come too close to shore and when whales are beached. Things like this are topics for conversation when we meet at marae. The trawlers especially are a big concern. Although we have continually refuted and continue to refute any incorrect assumption on the part of the Crown that it has a right to try to control our rivers and moana, our primary interest is to protect our taonga. The fact is that the Crown sometimes has more resources than us to deal with certain issues, and if we need to access those resources to protect our taonga, we will do that. As I have already said, I disagree with the fact that I have to prepare this affidavit, but I will do it to protect our taonga. Likewise I will do whatever is required to protect our rohe from trawlers.

Ngāti Pāhauwera have never lost our moana

72. On this point I reiterate that despite the Crown's assumptions, Ngāti Pāhauwera has had no discussions or given any consent to the Crown regarding alienation of our Takutaimoana. We have consistently opposed attempts by others to control our rohe and taonga. For example Paora Rerepu and 226 others in 1889 were recorded as petitioning the Crown, "*praying that a number of acts which they enumerate, may not be bought into force in their district*". This record of Paora Rerepu's petition in the Appendix to the Journals of the House of Representatives is annexed and marked "L".
73. Nor have we been defeated in any battles with Crown and surrendered our taonga. Since the beginning Ngāti Pāhauwera have proactively welcomed the Crown and settlers to our rohe. This was thoroughly canvassed in the Waitangi Tribunal's Mohaka ki Ahuriri Inquiry. The only battles Ngāti Pāhauwera were involved in were supporting the Crown who in the 1860s had no chance of independently defeating other parties who wanted the settlers driven into the sea. We were punished severely with heavy losses by Te Kooti for assisting the Crown.
74. Since that time, my Grandfather and other members of Ngāti Pāhauwera fought in the Pioneer Division in the First World War. My father served in the Second World War period in the RNZAF, The Maori Battalion, Divisional Cavalry and JForce. Ngāti Pāhauwera had the highest losses per head of population in New Zealand during that war. My Cousin Billy Waaka, alias Billy Broughton served in Malaya and Vietnam. I have a brother in the Navy.

TS 11/04/14
W 11/04/14
Page 465 of 696

At no time were my family told the fight for freedom was only to protect the right of the Government to continually diminish the property rights of tangata whenua using the lie of the national interest. We appear to have divergent views of what is in the national interest.

75. Today less than 5% of Ngāti Pāhauwera people live on our traditional lands. Over a quarter of our people live in Australia where they are treated better than they are in their own land. More generally, today 25% of Maori children live below the poverty line. The price we have paid in the relationship calls us to question if Ngāti Pāhauwera should tolerate the callous disregard for our basic needs, our identity and environmental taonga. There is a limit to the acts of aggression people should have to endure. To be frank, attempting to deprive Ngāti Pāhauwera of more of our limited traditional resources to me would be akin to attempted extermination or racial genocide. For this reason, I consider an interpretation of the Takutai Moana Act that best gives effect to our Tino Rangatiratanga as expressed in this affidavit and the evidence of my Ngāti Pāhauwera whanau is a moral requirement.
76. In addition, I believe the Crown has obligations under the Treaty of Waitangi to interpret the Takutai Moana Act consistently with our Tino Rangatiratanga. The Treaty's guarantee of full and exclusive possession confirms that the natural resources of Ngāti Pāhauwera are our sovereign property. The obligation on the Crown to give effect to this must override any desire that it may have to exploit or allow for the exploitation of our taonga.

Conclusion

77. Our moana was, is and always will be a taonga over which Ngāti Pāhauwera has full and exclusive possession. That is how we wish it to remain. That we have chosen to share the application area with others does not mean our rights have been diminished. Any application of the Takutai Moana Act intended to diminish the Tino Rangatiranga of Ngāti Pāhauwera over the moana will never be accepted and this will put pressure on us to review the nature of our relationship with the Crown.

Affirmed at Nopier this)
17th day of January 2014)
before me: Julie Ball)
Julie Ball
Justice of the Peace
A Solicitor of the High Court of New Zealand/Justice of the Peace

"A"

APPLICATION FOR CUSTOMARY RIGHTS ORDER FORESHORE AND SEABED ACT 2004 SECTION 48(1)

IN THE MAORI LAND COURT
OF NEW ZEALAND
TAKITIMU DISTRICT

A20050006643

IN THE MATTER of an application by Wayne Taylor, Rukumoana Wainohu and Kuki Green pursuant to section 48 of the Foreshore and Seabed Act 2004 for a Customary Rights Order over the area of foreshore and seabed from Poututu Stream to the Waikare River

BRIEF OF EVIDENCE OF TORO WAAKA DATED 31 AUGUST 2007

This is the exhibit marked "A" referred to in the affidavit of Toro Edward Waaka affirmed at

Napier this 17th
day of January 2014 before me
Signature: Julie Ball
A Solicitor of the High Court of New Zealand /Justice of the Peace

POWELL WEBBER and ASSOCIATES
PO Box 37 661, Parnell
DX CP27025
AUCKLAND
Telephone: (09) 377 7774
Facsimile: (09) 307 4301
Solicitor: LG Powell/RN Smail

I, TORO WAAKA, Consultant, of Napier say as follows:

1. My name is Toro Waaka. I currently operate a Tourism and Consultancy business but have worked for Local and Central Government in the past. These roles tended to be Maori advisory or Community development roles. I also spent a decade in leadership roles within Ngati Kahungunu iwi including a period as CEO and Deputy Chair of that tribe. I represented Ngati Kahungunu for a period on Fisheries matters that included seabed and foreshore matters.
2. More recently I was a Commissioner on the Maori Fisheries Commission. A collective of coastal iwi called Treaty Tribes nominated me to this role. The Minister of Maori Development and the Governor General endorsed this nomination. One of my responsibilities in that role was to represent the Commission in a support role to the Te Tau Ihu people who spearheaded the fight against the Foreshore and Seabed legislation.
3. Both my parents are of Ngati Pahauwera. I spent my early years in the lower Mohaka area living with my parents, and wider whanau. We lived sometimes at Raupunga and sometimes at Mohaka where my grandmother Ketia Paratene lived near the site of the house now occupied by my cousin Eugene Joe (Joe being a transliteration of the original name Tiopira). My father ran the family dairy unit at Mangaturanga. Both my parents also worked as teachers at Mohaka and Raupunga. Our cultural heritage was a subject taught to us by my parents and I was brought up in an environment that encouraged learning.
4. This provided me with the ability to pursue my interest in the culture and history of Ngati Pahauwera. I have also had the privilege to study my heritage on the marae of Ngati Pahauwera and in Te Whare Waanaga sessions with Kaumatua. I have been privileged in my life to have an involvement in tribal affairs with many of the Ngati Pahauwera elders who have now passed on. Ngati Pahauwera attended hui all over the country. They talked. I listened and learned.

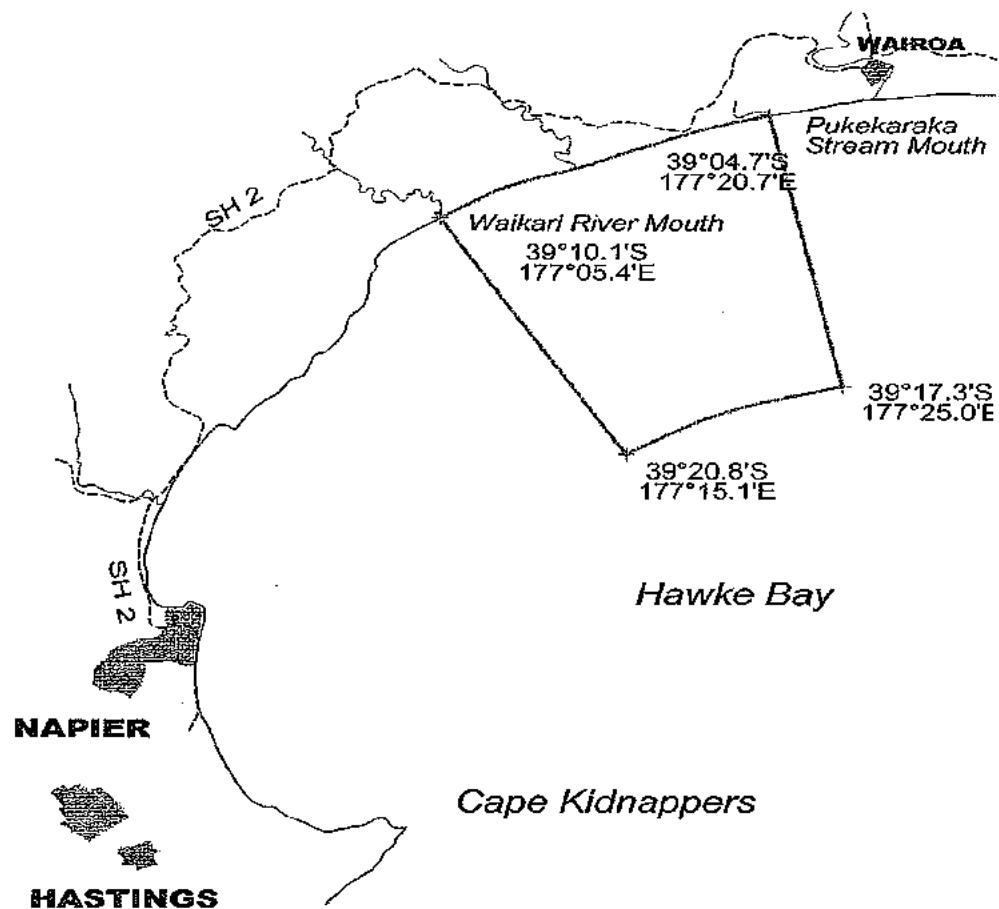
Section 30

5. I am one of the Section 30 representatives for Ngati Pahauwera. In 1994, eight people were appointed by the Maori Land Court under section 30 of Te Ture Whenua Maori Act 1993 to represent Ngati Pahauwera in respect of our claims under the Treaty of Waitangi. A copy of the Court order is annexed and marked "A". Some of the representatives have since passed away, and some are no longer active.
6. In the amended application, the corporate entity incorporated by the Section 30 committee, the Ngati Pahauwera Section 30 Representatives Cooperative Society Limited was proposed as the legal entity to hold a customary rights order on behalf of Ngati Pahauwera. Since the amended application was filed, the Section 30 have commenced consultation on a new comprehensive governance entity to represent Ngati Pahauwera, and it is anticipated that this will be well developed by the time of the hearing. I will update the Court further at the hearing on the development of this new entity.

Summary of brief

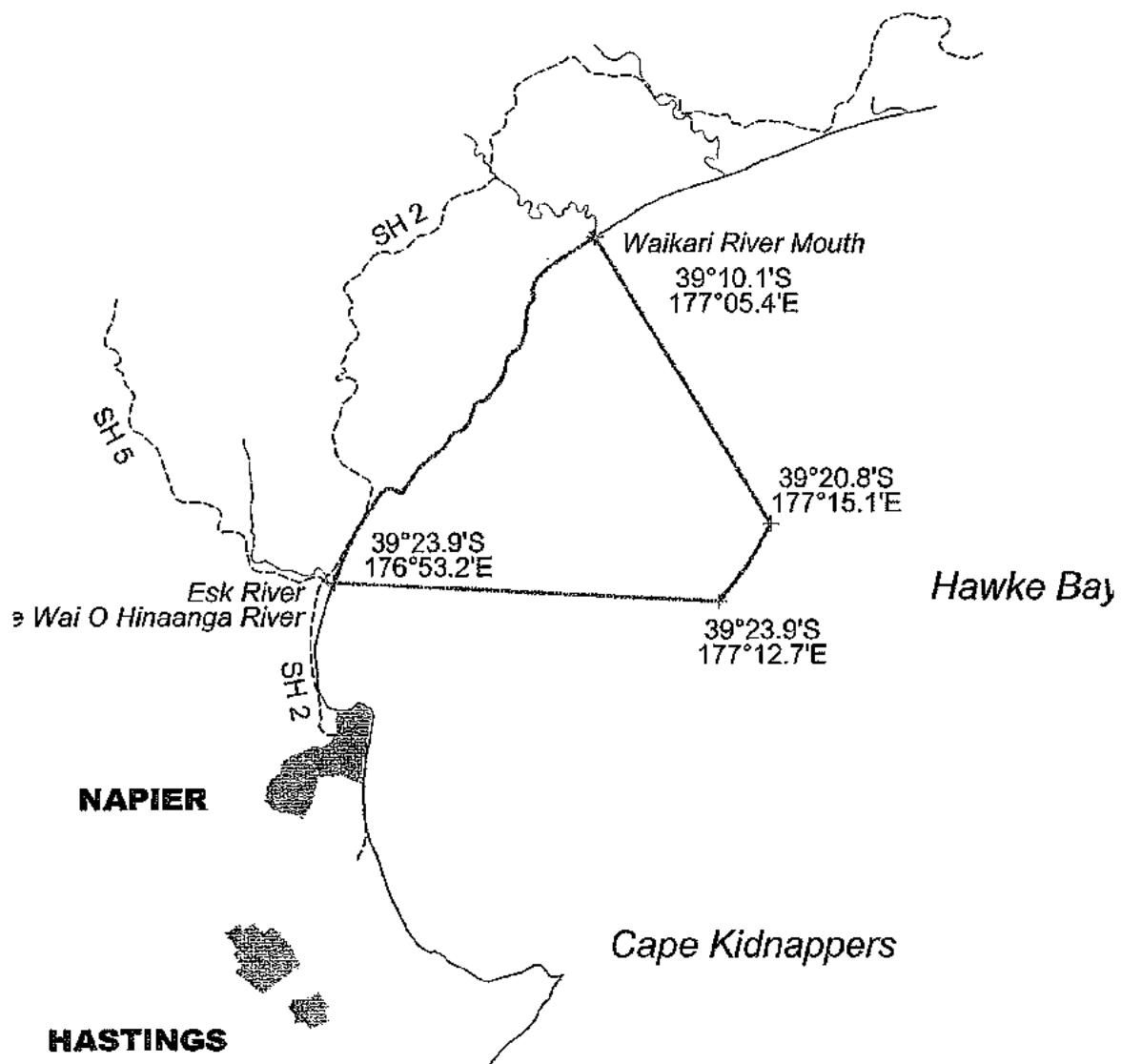
7. The focus of my evidence is to assist the Court provide an over view of the Ngati Pahauwera identity, iwi rohe and the customary use practices of a part of our traditional iwi coastal area north of the Waikare river mouth to Poututu (refer to map 1, below).

Map 1. The Immediate Ngati Pahauwera seabed foreshore area under discussion:



8. Mention is on occasion made of the Ngati Pahauwera collective traditional interests towards the south of Waikari river as part of the historical and geographic context (refer to map 2, below). As a disclaimer the brief overview is not in recognition of interests of some of the hapu to the south of the Waikare who since the arrival of western law and order no longer need to fear the retribution of Ngati Pahauwera for their independent claims.

The remaining area of Ngati Pahauwera interest referred to South of the Waikare to the Esk river mouth for Historical and Geographical context only:



Ngati Pahauwera Identity

9. The iwi definition of Ngati Pahauwera is complex. Traditionally hapu groups had the right to adopt the iwi name of the ancestor that best suited their situation. In earlier times Ngati Pahauwera was known as Te Tini o Tureia. This was the collective of hapu who joined under the leadership of Tureia for protection, not because they were descended from him. Pahauwera in the Maori Land Court was a name

sometimes used exclusively to identify rights land rights for some descendants of Kahu o Te Rangi and on other occasions referred to the collective hapu in the locality who rallied together for mutual reasons like defence. Ngati Pahauwera has a large number of traditional hapu and ancestors who had customary use rights and long occupation (take whenua/noho tuturu/ahi ka roa) of the area within the traditional iwi boundaries established prior to the signing of the Treaty of Waitangi.

10. A set of criteria to guide this definition is taken from the Te Kuta books and evidence of Itereama Kupa¹ He identified:
 - 10.1 Rohe tawhito / Traditional area of occupation and use.
 - 10.2 Nga Whakapapa / Genealogy to tipuna of the area,
 - 10.3 Urupa / Places of internment of whanau and tipuna.
 - 10.4 Mahinga kai / Food gathering, cultivation, hunting or fishing areas
 - 10.5 Kainga / Places of residence
 - 10.6 Pakanga / Battles and disputes over land and resources of the rohe.
 - 10.7 Ringakaha / Accounts of defending the land.
11. As a starting point, to progress the iwi definition, I will use points one and two above, Rohe Tawhito and Whakapapa. To have held Rohe Tawhito you would need to have also had the remaining six criteria.

¹ Committee Takiwa Kuta poraka, 2.7.1891.

Rohe Tawhito

12. Arapata Hapuku stated Purua and Te Kahu o Te Rangi lived permanently on this land. Te Kahu O Te Rangi laid down a boundary from Mangapukatea. At Ohinepaaka was the Pou a waho, thence to Te Huiarau, thence south to Tatarakina, Titi o Kura, to Waiohingaana, Ngetengete Te Rau, where the post Mataitai was set up. The boundary was to fix the people under his mana.²
13. Ngati Pahauwera iwi comprises of members who can establish their whakapapa link to the following hapu that had ahi ka roa in within the rohe tawhito or boundaries set by Te Kahu o te rangi prior to the Treaty Of Waitangi.

Whakapapa

Hapu of Ngati Pahauwera

14. In early reports of the proceedings of the Native Affairs of the North Island it was noted that in the Mohaka Block Transaction 20, Waikare Hapu were handed in by Pohipi and 197 hapu of Mohaka by Paora Rerepu. Today we accept that with the land alienation the loss of Turangawaewae meant many hapu ceased to have the basic necessity for a separate identity and therefore had to merge into those hapu that were allocated whenua in the remaining lands. Many of these hapu have been lost to the memory of Ngati Pahauwera as the dispossessed whanau merged, left the area, perished from the impact of dislocation from their traditional lands, or died from disease or the musket wars.

² Maori Land Court Napier minute Book, 40, page 59

Tentative list of Hapu of Ngati Pahauwera

15. The following list of hapu needs further work and is only a tentative list:³

- 15.1 Ngai Te Ngau Patea⁴
- 15.2 Ngai Tahu
- 15.3 Ngati Ira
- 15.4 Ngati Ruakohatu
- 15.5 Ngati Kura
- 15.6 Ngati Kapukapu
- 15.7 Ngai Taumau
- 15.8 Ngati Honomokai
- 15.9 Ngaitahuao/Ngaitahiao
- 15.10 Ngai Te Huki
- 15.11 Ngati Rahui
- 15.12 Ngati Poporo
- 15.13 Ngati Irirangi
- 15.14 Ngati Rangi Haere Kau
- 15.15 Ngati Hinekino
- 15.16 Ngati Hine Kete⁵
- 15.17 Ngati Matengahuru
- 15.18 Ngati Paikea
- 15.19 Ngati Wera
- 15.20 Ngarangiaitu⁶
- 15.21 Ngati Hine Te Rangi/Hine Paia
- 15.22 Ngati Tuhemata
- 15.23 Ngati Purua
- 15.24 Ngati Mouru
- 15.25 Ngai Tangopu
- 15.26 Ngati Mawete
- 15.27 Ngati Kapekape
- 15.28 Ngai Te Rau

³ Maori Land Court Wairoa minute book, 1, 19 Sept 1868, Waihua, 1 & 2

⁴ (Apikaira Hikopa) They were allies of Tahu

⁵ Maori Land Court Wairoa minute book, 17 Sept 1896, Mohaka, Number 1

⁶ Maori Land Court Wairoa minute book, 18th Sept 1896

-
- 15.29 Ngati Paroa⁷
 15.30 Heouri
 15.31 Ngati Katihe
 15.32 Ngati Poupou, Ngai Te Awha
 15.33 Ngati Hine Ku⁸
 15.34 Ngati Tatua⁹
 15.35 Hineiro¹⁰
 15.36 Ngati Kukura¹¹
 15.37 Ngati Ririwehi¹²
 15.38 Ngati Heki¹³
 15.39 Ngati Kaihaere¹⁴
 15.40 Ngai Te Ao Kapiti¹⁵
 15.41 Ngati Hikapi¹⁶
 15.42 Ngai Tauhere¹⁷
 15.43 Ngai Tataku¹⁸
 15.44 Ngaitaraparoa
 15.45 Ngai Te Rauiri
 15.46 Ngai Te Paanga
 15.47 Ngai Te Maaha
 15.48 Ngai Te Ruatai
 15.49 Ngai Te Rangi Takuao
 15.50 Ngati Peke
 15.51 Ngai Te Rongo¹⁹
 15.52 Ngati Ao Kino
 15.53 Ngai Kautata, formerly Ngati Whakarewa²⁰
 15.54 Ngati Patupaku
-

⁷ Maori Land Court Wairoa minute book, 24 Sept 1896

⁸ Maori Land Court Wairoa minute book, 27 May 1896

⁹ Maori Land Court Wairoa minute book, 2.10.96 and the evidence of Mere Peka Tumataroa 19 Sept 1899

¹⁰ Maori Land Court Wairoa minute book, 2.10.96 and the evidence of Mere Peka Tumataroa 19 Sept 1899

¹¹ Maori Land Court Wairoa minute book, 10. 2. 03

¹² Maori Land Courts Wairoa minute book, 16.2 03

¹³ Maori Land Courts Wairoa minute book, 24. 2. 03

¹⁴ Maori Land Courts Wairoa minute book, 28. 2. 03

¹⁵ (Te Ao Kapiti Married Parehua A Daughter Of Parakiwai)

¹⁶ Te Kuta Book 2, pages 92-93

¹⁷ Te Kuta Book 2, pages 116-7

¹⁸ Te Kuta Book 5, page 53

¹⁹ Te Kuta Book 2, page 31

²⁰ Te Kuta Book 2, page 84

- 15.55 Ngati Pehi²¹
- 15.56 Ngati Kawe
- 15.57 Ngai Taraparoa
- 15.58 Ngati Hine Mura
- 15.59 Ngati Hine Tunge
- 15.60 Hine Rakai
- 15.61 Moe
- 15.62 Ruruku
- 15.63 Ngati Iriwhata (Whareraurakau)
- 15.64 Ngati Kotihe
- 15.65 Ngati Poupou
- 15.66 Ngati Pouanga
- 15.67 Ngati Tahiroa
- 15.68 Ngati Hinemokai
- 15.69 Ngati Taumau
- 15.70 Ngati Irirangi
- 15.71 Ngati Hine Ku
- 15.72 Ngati Taponga/Tapunga²²
- 15.73 Ngati Matewai
- 15.74 Ngati Pari
- 15.75 Ngati Puraro
- 15.76 Ngati Paeahi
- 15.77 Ngai Te Aonui
- 15.78 Ngati Rangitohumare.
- 15.79 Ngai Tatara.
- 15.80 Ngai Taane
- 15.81 Ngai Tapui

16. Annexed and marked "B" is further information on the hapu of Ngati Pahauwera.

²¹ Peehi Was the Grandfather of Haromi Hinerari
²² Pihanui N1

Ngati Pahauwera today

17. My learning about Ngati Pahauwera has continued throughout my adult life by my association with Kuia and Kaumatua as I attended hui, hearings and court sessions in our ongoing quest for justice against aggressive legislation that has slowly stripped Ngati Pahauwera of those things we need to maintain our livelihood, our identity, our dignity and our faith in the institutions of New Zealand. Unfortunately we have had no successes with these institutions other than unfulfilled recommendations of Tribunals and a bitter lesson that the weighting of justice is stacked on the side of the state that covets our resources, acquires and exploits them with little regard for the social casualties.
18. Ngati Pahauwera have already been stripped of the bulk of our lands, resources and the means to provide for the livelihood of the people. The majority of our people have been forced to migrate to cities outside our tribal district or overseas. Less than 5% of our iwi today reside in the traditional rohe of Ngati Pahauwera. The local community has been stripped of the social infrastructure and employment opportunities normally associated with a healthy community. Further constraints on Ngati Pahauwera would add to the existing pressures of a severely disadvantaged iwi and community.
19. My late uncle Ramon Pokia Joe (Tiopira) was a teacher, Kaumatua and leader of Ngati Pahauwera. He was a teacher, coach and mentor to me and he left me some of his writings. In the late 1980s he wrote:

"The history of the Mohaka river valley and its people is very diverse. It has been punctuated with a few pleasant events, but in the main, the past one hundred and fifty years has built a lot of stress in the communities. Some of the stress were caused by an imbalance in power, the continual battle by Maori to hold on to what was rightfully theirs in the first place, the banning of the speaking of their mother tongue, the non addressing of equity issues..... All this made the tangata whenua a second-class citizen in their own land and still processes of manipulation are in progress even today at this very moment to pluck more feathers from their robe of tino rangatiratanga."

20. Despite his insights into what he saw as devious and questionable acts by the Crown he maintained his sense of humor.

*Sometime ago I had to sing "God save the Queen"
Yesterday I had to sing "God Defend New Zealand"
Today I sing for you "Don't fence me in"*

21. My uncle was not wrong. Two decades later Ngati Pahauwera contest the latest feather to be plucked from the Korowai of our Rangatiratanga. That is the attempt by the Crown to limit rights in regards to our use of the Seabed and Foreshore.

The problem with this application

22. The Crown assumes Maori will tolerate and come to accept this latest Raupatu of Maori Taonga. The Crown merely provides a new injustice and further erodes the decaying fabric of this already fragile nation. A similar arrogance in South Africa, Rhodesia, India and Rome blinded the oppressor before the fall. Maori are now the most incarcerated ethnic grouping the world. It signals to me many Maori have lost faith in our system of resource allocation let alone justice. One could assume many are currently past caring about society or the consequences of breaking the law in expression of rebellion.
23. The Crown's intent in its Foreshore and Seabed Act is to provide hurdles and obstacles to any attempt by Maori to retain our full and exclusive rights to the seabed and foreshore to the extent that these rights are framed as customary rights. This approach prejudicially affects our development rights as resource use and technology advance with time. This legislation also disregards the Maori and Ngati Pahauwera view of an interconnected universe by separating the natural elements that are connected by whakapapa and wairua:

*Kotahi te wairua i roto i nga mea katoa.
There is but one spirit in all things*

24. Wairua pervades every aspect of our thinking. All bodies have wairua including the clouds, the morning dew drops, rocks, sand, driftwood, plants, insects to name a few.
25. Our word for land above or below the sea or lake is whenua. Whenua is the maori word for placenta and land. Both sustain life. Hence the saying of our tipuna

<i>Taku ukaipo te whenua</i>	<i>My life's sustenance comes from the whenua</i>
<i>Taku whenua te ukaipo</i>	<i>My whenua provides me with life giving sustenance.</i>

26. The plants of the dry land are not disconnected from their relatives in the sea. Some plants in Maori are termed ika whenua or fish on the land.
27. The value of whakapapa, the spiritual element and the material use of the resources that contribute to our identity, culture and well-being is considered irrelevant and secondary to the Crown's obsession to control, use and profit from the material resources of the seabed and foreshore.
28. The culture and rights of Ngati Pahauwera are continually marginalised because government departments operate from the value of what is expedient for their purposes. A ruthlessly simplistic model is engaged to achieve the Crown's ends rather than use a model that accommodates the richness and complexities of the cultural, social and economic needs of Ngati Pahauwera. I intend to ignore the Crowns approach, as it is an attack on the holistic cultural context that Ngati Pahauwera views to be our gifts from our gods and ancestors - taonga tuku whakarere iho. Ngati Pahauwera will not be confined to a framework for discussion that prejudicially affects our tinorangatiratanga.
29. Only in the context of political manipulation is the discussion of seabed or foreshore so circumscribed to remove so many of the resources that are part of Ngati Pahauwera.

Ngati Pahauwera connection to the foreshore and seabed

30. Ngati Pahauwera has the following whakatauaki or Iwi statement:

*He mano whetu ki te rangi
He mano kahawai ki te moana
He mano Tangata o Tureia hei tiaki kai mau
Ko Maungaharuru ki uta
Ko Tangitu ki te moana
Ko Tawhirirangi te maunga
Ko Mohaka te awa
Ko Ngati Pahauwera te Iwi*

*One thousand Kahawai in the sea
One thousand stars in the sky
One thousand men of Tureia to look after you
Mangaharuru inland refers to the multitude of birds inland
whose fluttering feathers make our mountain rumble identifying
a prolific food source.
Tangitu is our the coastal shelf and seabed from which we take
our Kaimoana and other seabed resources.
Tawhirirangi is our Maunga tapu. Mohaka is our renown River.
Ngati Pahauwera is our Tribe*

31. The above explanation of these whakatauaki given by the late Ramon Pokia Joe (Tiopira) is that they serve a dual purpose in so far as they make a statement as to what is important to Ngati Pahauwera and their genealogical ties to the environment as well as to the people
32. It was our Tipuna Maui who wrestled up the fish from the depths of the seabed that now makes up the North Island. The Mohaka river mouth is called Te Waha o Te Ika or the mouth of the fish. The hook that now protrudes as far as Te Matau a Maui is known today as Cape Kidnappers. The brothers of Maui argued over portions of land and in his absence they carved up the fish. Man has fought and argued over portions of the fish ever since. Maui is our take or claim to the land and the foreshore. Canon Wi te tau Huata taught us the whakapapa of Maui down to our Tipuna Te Huki in the Waanaga sessions he called Te Wharewaanaga o Ruawharo. This whakapapa and ahi kaa roa provided us with tino rangatiratanga over our resources and allowed our people to use resources guided by our tikanga.

33. Ruawharo and his brothers were a tohunga on the Takitimu canoe. Rocks and stones from the seashore were used in waka for ballast and wet sand was used to keep shellfish alive and fish fresh during journeys inland or expeditions along the coast. As the Waka Takitimu passed through Hawkes Bay, Ruawharo named the bay Te Whanga o Ruawharo. He imbued the sea with mauri to make the sea prolific in shellfish and fish and he left a son at Arapaoanui and Ahuriri as Kaitiaki of these foods.
34. The younger brother of Ruawharo was Tupai. He cast inland the mauri to make the bird life on Maungaharuru prolific and cast a inland spiritual anchor for the Takitimu people at Rukumoana. Two of our local settlements Waihua and Waikari were named by Ruawharo in memory of the antics of his dog on the shore on one of his journeys along the coast. In Waihua his dog came across the roe or hua of a fish on the shore. In Waikari his dog started digging (kari) in the sand and proceeded to drink the fresh water(wai) that flowed out. There is a whakatauaki about the bounty of food in Waikare that is expressed in the sound of resounding waves: "*Patoto ki te ata. Patoto ki te po.*"
35. Our other claim to the Seabed and foreshore are our Taniwha. Ngati Pahauwera have Taniwha in the sea and on the beach to care for us in our activities and provide warnings of danger. They are tipuna that manifest themselves in forms other than human. Paikea is our Taniwha at the Mohaka river mouth. Paikea came to Aotearoa on the back of a whale. He controls the sand and shingle and the movement of the river mouth and attracts the fish for our people. Another Taniwha, Hinemako, appears on the beach as a large eel and is a sign of trouble. Another Taniwha appears as a large log in the river mouth area and there are other Taniwha up river within the area of tidal influence and beyond. Hence the saying, "*Mohaka te awa. He piko he taniwha. He piko he Taniwha. On every bend a Taniwha.*"
36. Takauere is said to be the taniwha that came from the sea at night to cohabit with a puhi or high born woman, our tipuna Matakainga i te

tahi. Many of the offspring of their union became taniwha in the river. Being of high birth she had children by four different rangatira. One of her husbands was Purua Aute the father of Te Kahu o te rangi. Te Kahu o te rangi is the tipuna from whom we get the name Pahauwera. Moremore is one of those Taniwha in the sea known from Waihua to Ahuriri. This was the extent of the tribal coastal area under the ringa kaha of Ngati Pahauwera prior to the signing of the Treaty of Waitangi. Moremore warns us of danger at sea.

37. Charlie spoke of the toki (greenstone adze) Moremore in the WAI 55 hearing as a tohu of mana for the tangata kaitiaki for the moana, the seabed and the foreshore along this coast. Paul Lemuel was the last Ngati Pahauwera Kaitiaki of the toki Moremore and it was passed from him to Charlie Mohi whose whanau are descendants of one of the pou or tipuna in Te Kupenga o te Huki. Te Kupenga o te Huki was a net of whakapapa links of the descendants of the marriages of Te Huki. The net extended from Whangara in the north to Poroporo in the south.
38. My great Grandfather was given the name Rewi Poukupenga. He was the pole of the whakapapa net at Walkare in his time. He is buried on the southern side of the river near the river mouth on the Te Kuta block. His grandfathers brother was Poututu (vigorous post) also named in relation to Te Kupenga o te Huki. Poututu is also the name of the block of land where Pou a waho marks the northern boundary of the Ngati Pahauwera coastline.

My early association with the Ngati Pahauwera seabed and foreshore

39. One of my earliest memories regarding the seashore and seabed include riding on a sledge behind my uncles Clydesdales with my cousins down to the beach to gather firewood, haangi stones, play, swim and fish. We would sometimes collect interesting driftwood for art pieces, and walking sticks. Sometimes a good totara log would be washed up and taken for carving or timber for furniture. The floods also bought down lots of usable items like fence posts that were then

washed up on the beach. High seas also unearthed old whalebones useful for decorations in the garden or for carving.

40. On one occasion one of my cousins had hakihaki (a form of skin disease) so my grandmother would take us all down to the beach where we would lie in the tidal area above the area where the waves broke to benefit from the beneficial healing qualities of salt water for skin problems.
41. During summer we would camp up at Arapaoanui along the coast where we lived. As children our tasks were to get salt water from the sea for cooking meat and vegetables as well as collect driftwood for the fire. Like all children we would build shapes in the sand and bury our bodies in the damp sand to cool ourselves from the sun. The early lessons associated with safety at the beach or the seabed and foreshore were provided to us by my mother and grandmother. As we grew older my father taught us to fish and dive and in our youth we enjoyed that activity in many areas within our traditional area of customary use. We were instructed to return rocks as we found them, not to eat on the foreshore or in the water and only to take what we needed. Sometimes we found old plates from shipwrecks and lost items from other divers and fisherman.
42. Growing up we heard stories and concerns from our relatives about the use of seabed and foreshore areas. Some of these stories have been recorded in whanau writings or iwi research documents, and I have set out some of these below:
 - 42.1 Parakiwai had been having trouble with Ngai Tahu who were living on the southern bank of the Mohaka river. On one occasion Parakiwai and his family went fishing south of the river mouth at Te Umu Toto a Hoeata. Tahu refused them permission to fish there. A fight took place at Whakaparera, Parakiwai being the victor, and the last man killed of Tahu

being Waewatu.²³ Te Umu toto a Hoeata and Whakaparera are examples of wahi tapu in the area of the seabed and foreshore.

- 42.2 Whanau used the coastal route to travel to visit relatives to the north and south, for fishing and kaimoana purposes and for warfare.
 - 42.3 Awhi Winiata told the story about how we travelled by horse along the beach or by horse track to do shearing at Tutira station. It was common to see a group of 10-15 horseman and women riding to work.²⁴
 - 42.4 The late August Keefe talked of sending the horses back along the coast with packs of kaimoana or other resources unaccompanied, as they knew their way home.
 - 42.5 Pierce Robinson and Hori Ropitini told the story that each family had their own favourite fishing areas along the coast from Poututu to Arapaoanui.²⁵
 - 42.6 Dolly Aranui talked of how musicians would get together on the beach with their saxophones and provide entertainment to the families camped up on the beach after a long day of fishing. They would have parties and dancing on the foreshore.
43. In addition, there are many sacred places in the seabed and foreshore area that we do not wish to put in the hands of others. The desecration of many of our wahi tapu on land by central government and local government does not give us confidence.

²³ Lambert,T The Story of Old Wairoa p343 .See Maori Land Court Napier Minute Book 11, page 347

²⁴ From evidence of R. P. Joe prepared for Wai 119/201, which he gave to me before he passed away

²⁵ From evidence of R. P. Joe prepared for Wai 119/201, , which he gave to me before he passed away

Conclusion

44. Ngati Pahauwera are a coastal people. The sea, the seabed and foreshore and all the resources within them are part of who we are.

COPY
ORDER APPOINTING REPRESENTATIVES

"A"

Te Ture Whenua Maori Act 1993, Section 30

In the Maori Land Court
of New Zealand
Tairawhiti District

92 Wairoa MB 66-102

IN THE MATTER of :-

NGATI PAHAUWERA

AT a sitting of the Court held at Mohaka on the 13th day of June 1994 before Heta Kenneth Hingston, Esquire, Judge, Hare Waka Karaka Puke and John Te Ahikaiata Joseph Turei, as Additional Members of the Court.

WHEREAS the Chief Judge of the Maori Land Court did pursuant to Section 30(1)(a) and (b) Te Ture Whenua Maori Act 1993 request the Maori Land Court to determine the most appropriate representatives for Ngati Pahauwera for the following purposes:-

1. To conduct discussions with the Crown and to seek and conclude such agreements as may be necessary pursuant to the recommendations at paragraph 6.4 of the report of the Waitangi Tribunal of 5 November 1992 on the Mohaka River claim and to give a receipt for Ngati Pahauwera for any compensation; and without limiting the right of any other persons to be heard, to assume responsibility for the continuance of that claim before the Waitangi Tribunal should that be necessary, to seek more detailed recommendations, and to receive funding or other assistance for that purpose from the Waitangi Tribunal, the Crown Forestry Rental Trust, any legal aid board or the like.
2. Without limiting the right of any other persons to be heard, to represent Ngati Pahauwera as a group on any other existing or future claim before the Waitangi Tribunal in which Ngati Pahauwera may have an interest, or to file such further claim to the Waitangi Tribunal, on behalf of Ngati Pahauwera, as may be necessary, and to receive funding or other assistance from the Waitangi Tribunal, Crown Forestry Rental Trust, Legal Aid Board or the like, or to negotiate the settlement of any such claim with the Crown and give a receipt for Ngati Pahauwera for any compensation.
3. To liaise with Regional and District Councils in the context of resource management issues and management of the Mohaka River.

[Signature] To treat with and receive benefits from the Treaty of Waitangi Fisheries Commission. Page 487 of 696

AND WHEREAS the Chief Judge pursuant to Section 33 Te Ture Whenua Maori Act 1993 did appoint Hare Waka Karaka Puke of Tainui and John Te Ahikaiata Joseph Turei of Te Arawa, additional members of the Court to hear this request

UPON reading the said application and other material filed in support thereof AND upon hearing from Ms Ertel, Counsel and members of Ngati Pahauwera hapu

NOW THEREFORE the Court being satisfied upon all matters and things upon which it is required to be satisfied, hereby orders that the representatives for Ngati Pahauwera be:-

Tom Gemmell	84 Park Road, Carterton
Kuki Green	Private Box 156, Wairoa
Guy Taylor	State Highway 2, Raupunga
Ruku Wainohu	Raupunga
Charlie Hirini	202 Park Road South, Hastings
George Hawkins	46 Weld Street, Martinborough
Toro Waaka	92 Nelson Crescent, Napier
Reay Paku	Huramua, R D 3, Wairoa

AND WHEREAS leave is reserved for any member of the representatives to apply to the Court for directions or further orders.

AS WITNESS the hand of a Judge and the Seal of the Court.



“B”

Further information on Ngati Pahauwera hapu

1. The following is further information for some of the hapu on the list above:

Ngai Tahu

2. Ngai Tahu appears to be limited to some of the descendants of Tahutoria

TAHUMATUA	
TAHUTORIA	
TIKOMOKIHI	
TONGIA	
<i>TE WHEORO = PARAKIWAI</i>	
TAHUMATUA	
TAHU TORIA	
TAMAKANOHI	
<i>TE O TAHA TAMA TE AHI RAU ====== TUTEKANAO</i>	
HINE RONGO	TUREIA
<i>TE KEU O TE RANGI</i>	<i>TE HUKI</i>
<i>TUKAPUA I TE RANGI</i>	<i>PURUA AUTE</i>
	<i>TE KAHU O TE RANGI</i>

3. "Toenga and Whuinga, the children of Te Keu o te rangi, applies to this side of Waikari, into Anaura, turning into Mohaka and on to Puore. Hinekaraka was placed on this side of Waikari to Huahua and arriving here at Mohaka."¹
4. Dave Kinita in the Mohaka river hearings identified one of his hapu as Ngai Tahu.

¹ Evidence of Kerehana, Te Kuta Book, 4 page 26

Ngai Te Whenua

5. Ngai Te Whenua were initially the descendants of Parakiwai. His descendants formed new hapu:

*MURIRANGAWHENUA
TAMATEA POKAI WHENUA
WHAENE
WEKANUI
PARAKIWAI*

Ngati Mawete

6. Ngati Mawete are the descendants of Tama te Kai ure. The whakapapa is as follows:

*MAWETE
TUTEKANAO
KURAHIKAKAWA
TAMATEKAIURE*

7. The descendants of Tama te kai ure took on Mawete's name.

8. A pepeha of Ngati Mawete is as follows:

*"Mawete ihu mataotao, Mawete ai kino"
Mawete of the cold nose, Mawete habitually bad*

9. In the Waitangi Tribunal hearings Awhi Winiata said her hapu was Ngati Mawete and her iwi was Ngati Pahauwera, and Itereama Kupa stated: *"Tahumatua is my tipuna. Ngati Mawete is my hapu."*

Te Tini o Tureia

10. The name Te Tini o Tureia is now discontinued. Some of the descendants of Tureia have taken the following names: Ngai Te Huki, Ngati Purua, Ngai te Ruruku and Ngati Kahu o te Rangi

Ngai te Huki

11. The name Ngai te Huki applies to only some of the descendants of Te Huki. The whakapapa is as follows:

KAUKOHEA
TUTEKANAO
TUREIA
TE HUKI
HINERERA POHE

12. Although this hapu name is rarely used today it is the name used by the descendants of Hinerera and Pohe to claim lands on the Rotokakarunga Block². In the next grouping is a son, grandson, and great grandson of Te Huki who in turn had hapu named after them.

TAMA TEAHI RAU
TUREIA
TE HUKI
PURUA AUTE
KAPUAMATOTORU TE KAHU O TE RANGI POPOIA
TE RURUKU

13. The descendants of Popoia alone retain the name Ngati Purua today.
14. Kahu O Te Rangi did not wish to be known by his father's name so started his own hapu Ngati Kahu o te Rangi (referred to as Ngati Pahauwera in some Maori Land Court hearings). "The marks and food resources of Tahu were left to Tamateahirau and the mana down to Te Kahu."³

Ngai Te Ruruku

15. "Te Kahu gave one of his children, that is his nephew, Te Ruruku to be chief of that whole area"⁴ south of the Waikare river. This went down to Meke who was Te Ruruku's mokopuna. Wepiha Wainohu

² Maori Land Court Wairoa minute book 3, page 6

³ Evidence of Itereama Kupa, Te Kuta Books, page 15, 26.6.1891

⁴ Te Kuta Book 2, page 116

stated: "Meke was Takirau's nephew. If they went under anyone else's leadership, Ngati Pahauwera would have pursued and killed them."⁵

Ngati Paikea

16. The whakapapa for Ngati Paikea is as follows:

*TE HUKI=RANGITOHUMARE
KAIHARA
PAIKEA*

17. Ngati Paikea includes the Spooner whanau.

Ngati Hikapi

18. The whakapapa for Ngati Hikapi is as follows:

*TAIHARA
KOPURA
HIKAPI
UPOKOWHAIKORERO*

19. Hemi Huata claimed under this hapu in the Mohaka /Waikare block.
Ngati Hikapi includes the Keefe whanau.

Ngati Rauiri/Ngai Te Rau

20. Itereama in the Te Kuta minutes p117 stated "Ngati Rauiri has phased out". The descendants Rauwhare the son of Rauiri adopted the name Ngai te Rau.

⁵ Te Kuta Book 2b, pages 39-40

21. Ngati Rau was one of the hapu on the birth certificate of my grandfather Pokia Tiopira. The whakapapa for Ngai te Rau is as follows:

*KAHUKURANUI
HINEMANUHIRI
PAREORA
RAUIRI
RAUWHARE*

Ngai Paroa

22. The whakapapa for Ngai Paroa is as follows:

*MAMANGU
NGARUE
PAROA*

Ngati Tatua

23. The whakapapa for Ngati Tatua is as follows:

*TATUA = HINE TE WAI
HIKUPORO = KOHOKOHO
TAMAPOU*

Ngati Kukura

24. The Ngati Kukura line comes down from Rakaihikuroa, as follows:

*POUWHI
TE RANGITAU
TERA NGAMANEHUA
KUKURA*

25. Ngati Kukura includes the Waihape, Wainohu and Eriha whanau.

Ngai Te Awha

26. The whakapapa for Ngai te Awha is as follows:

*TERA NGAMANEHUA
KUKURA
TAIURU
TE AWHA*

27. Ngai te Awha also includes the Waihape, Wainohu and Eriha whanau.

Ngati Kurahikakawa

28. The whakapapa for Ngati Kurahikakawa is as follows:

*RONGOTIPARE
TURIPO = KAUKOHEA
KURAHIKAKAWA*

Ngati Tangopu or Ngati Mouru

29. The whakapapa for Ngati Tangopu or Ngati Mouru is as follows:

*TUHEMATA
KAUIKA
WAHAHAUNGA
TANGOPU
KATO*

Ngai Tauhere

30. Ngai Tauhere is a hapu in the Te Kuta block referred to in the Te Kuta books.

Nga Uri o Mamangu

31. The whakapapa for Nga Uri o Mamangu is as follows:

*KAHUNGUNU
RAKAIPAAKA
KAUKOHEA
MAMANGU*

Ngati Tuhemata or Ngati Matengahuru

32. The whakapapa for Ngati Tuhemata or Ngati Matengahuru is as follows:

*KAUKOHEA
TUTEKANAO
KAHUTAPOA
TUHEMATA*

33. The name Ngati Matengahuru derived from a incident associated with the death of Waikopiro. They were called Tuhemata before that.⁶

Ngati Kapukapu

34. The whakapapa for Ngati Kapukapu is as follows:

*TE PARETAI=TE AOMAKI
KAPUKAPU
HINEHAU*

Ngati Kaihaere

35. The whakapapa for Ngati Kaihaere is as follows:

*KAUNOHANGA
KAHUTAPOA
TUHEMATA
KAIHAERE*

Ngati Hine Te Rangi

36. The whakapapa for Ngati Hine Te Rangi is as follows:

*KOUAPARI
TOTARA
TINEA ===== TUTAWHIRIRANGI
TE RI O TE RANGI
TE AOWHEURURANGI*

⁶ Evidence of Matenga Te Aohia, Maori Land Court Wairoa minute book, 12.3.03

*RUAKETE
HINE TE RANGI
PAAKA TE AHU*

Ngai te Ao Kapiti

37. The whakapapa for Ngai te Ao Kapiti is as follows:

*KAHUTAPERE II == HINETERANGI
TE RANGIPUNANANGA
TE RAU TANGATA
TE AOKAPITI*

38. This was a hapu that was not allocated any lands by the Courts in the Waipapa block as part of the Maori Land Court process of limiting numbers of hapu per block.

Ngati Kapekape

39. The whakapapa for Ngati Kapekape is as follows:

*HINE TE RANGI
TE RANGIPUNANANGA
PUKUTATAU
PUKU WHANOKE
KAPEKAPE*

Ngati Puraro

40. The whakapapa for Ngati Puraro is as follows:

*HINE RUI
TU TE PUIA
TU TE AO MAHUTA
TE O TAPU
PURARO*

Ngarangiaitu

41. The whakapapa for Ngarangiaitu is as follows:

*KAROTAHANGA=KOTU
TE RAKIATO
NGARANGIAITU*

42. Ngarangiaitu includes the Hunga hunga whanau

Ngati Hineiro

43. The whakapapa for Ngati Hineiro is as follows:

*TE NGARU
TOHI
KAIKORAU
RANGIAHUA
HINEIRO
TE WAIAU*

Ngati Moe/Ngati Peehi

44. The whakapapa for Ngati Moe and Ngati Peehi is as follows:

*TAMATE RANGI
PUPU ONUKU
MANUHIRI
PUTANAOIA
TUHOROPUNGA
NGUTUAU
MOE
1) RAPA 2) TE MOHO 3) TE PEEHI*

Ngati Wera

45. The whakapapa for Ngati Wera is as follows:

*WERA
KIRIPAKA
TE RANGAMARO=KAIKOWHAI*

Ngati Taraparoa

46. The whakapapa for Ngati Taraparoa is as follows:

*HINEMANUHIRI
PAREORA
KAEKE
TE RANGI HAENGA
MOKAI
TE WAKA
MOKAI TE HEU
TARAPAROA*

*Ngati Kawe*⁷

47. The whakapapa for Ngati Kawe is as follows:

*RAKAIPAAKA
MAHAKIPARE
TAMATURANGA
HINETAIKURA
TAMAHANGATAI
HINEWAIMAKO
KOTIHE
HINEKAI
PAONGA
KAWE*

Ngati Rongo

48. Ngati Rongo is a hapu in the Te Kuta Block referred to in the Te Kuta Books.⁸

*Ngati Pari*⁹

49. Ngati Pari came from Mahkipari and the whakapapa for Ngati Pari is as follows:

*RAKAIPAAKA
MAHAKIPARI*

⁷ Putere Block, Maori Land Court Wairoa minute book 1, page162

⁸ Te Kuta Books

⁹ Maungataniwha, Maori Land Court Wairoa minute book 1, page 161

TAMATURANGA
HINE TIKURA
TAMAHANGATAI
HINEWAIMAKO
KOTIHE
HINEKAI
TEPAORANGI
MANAHA
HINEKAI (2)
HUHANA

Ngati Hineku

50. Ngati Hineku is a hapu referred to in the Maori Land Court Wairoa Minute Book.¹⁰

Ngati Ruakohatu

51. Ngati Ruakohatu is a hapu referred to in the Maori Land Court Wairoa Minute Book.¹¹

Ngati Iriwhata

52. Ngati Iriwhata is a hapu referred to in the Maori Land Court Wairoa Minute Book.¹²

Ngati Pangā

53. Ngati Pangā is a hapu in the Te Kuta Block referred to in the Te Kuta Books.¹³

Ngati Rangitakauo

54. Ngati Rangitakauo is a hapu in the Te Kuta Block referred to in the Te Kuta Books.¹⁴

¹⁰ Maori Land Court Wairoa Minute Book 1, page 51,57

¹¹ Maori Land Court Wairoa Minute Book 12, page 133

¹² Maori Land Court Wairoa Minute Book 1, pages 51,57

¹³ Te Kuta Books

¹⁴ Te Kuta Books

Ngai Tataku

65. Ngai Tataku is a hapu in the Te Kuta Block referred to in the Te Kuta Books.¹⁵

Ngati Ruatai

56. Ngati Ruatai is a hapu in the Te Kuta Block referred to in the Te Kuta Books.¹⁶

Ngai Taane

57. C. Huata gave evidence in relation to the hapu of Ngai Taane in the Mohaka River Claim before the Waitangi Tribunal.¹⁷

Ngai Tapui

58. The whakapapa for Ngai Tapui is as follows:

<i>Apa</i>	
<i>Tamaapa</i>	
<i>Tamaiaia</i>	
<i>Tamaariki</i>	
<i>Tamatitonga</i>	
<i>Tuahataua</i>	
<i>Takapumanuka</i>	
<i>Tapairuoteao</i>	
<i>Tumanawapohatu</i>	
<i>Te Whatupe</i>	<i>Purua Aute</i>
<i>Te rahui</i>	<u><i>Te Pana iwaho</i></u>
<i>Haukiwaho</i>	<i>Tamakere</i>
<i>Tapui</i> =====	<i>Haerepo</i>

¹⁵ Te Kuta Books, Waikare

¹⁶ Te Kuta Books

¹⁷ C. Huata evidence, Mohaka River Claim, WAI 119

"B"



NGATI PAHAUWERA DEVELOPMENT TRUST & TIAKI TRUST
P O Box 374, Wairoa 4160, Hawke's Bay

6th June 2012

Minister for Treaty of Waitangi Negotiations
Parliament Buildings
WELLINGTON

Email: c.finlayson@ministers.govt.nz

Tena koe e te Minita

This is the exhibit marked "B" referred to in the affidavit of Toro Edward Waaka affirmed at

Napier this 17th

day of January 2014 before me

Signature: Julie Ball

A Solicitor of the High Court of New Zealand /Justice of the Peace

NGĀTI PĀHAUWERA TAKUTAI MOANA NEGOTIATIONS

We refer to our meeting with you on 23 April 2012 and with officials on 21 May 2012.

INTRODUCTION

Following our meeting with you, we have reviewed the pleadings and transcript from the Ngāti Pāhauwera application to the Māori Land Court ("MLC") for a Customary Rights Order ("CRO") under the Foreshore and Seabed Act 2004 ("FSSBA").

As a result, and as discussed with officials, we seek a response from you on our position regarding the starting point for our negotiations under the Marine and Coastal Area (Takutai Moana) Act 2011 ("TMA") in terms of both Customary Marine Title ("CMT") and Protected Customary Rights ("PCRs").

CUSTOMARY MARINE TITLE

On review of the evidence presented in the CRO application we remain of the view that it evidences, sufficiently for you to accept that in the area covered by the CRO application ("our rohe moana") we meet the test for CMT. We request that you direct officials to amend the Terms of Engagement to reflect this starting point. Our request is based not on moral considerations but application of the legal test for CMT to the evidence from the hearing, as explained below.

CRO application

While our CRO application was ostensibly about customary use of resources, it was impossible to separate resource use from the fact that we are the owners and caretakers of our rohe moana. This was reflected in the evidence. In fact if it were not for the unbroken contiguous title requirement, we consider Ngāti Pāhauwera would have met the test for Territorial Customary Rights ("TCRs"), the FSSBA equivalent of CMT. As this arbitrary requirement was removed from the TMA, the evidence from the CRO hearing is once again relevant.

CMT test

For us to establish CMT, it must be shown that that our rohe moana is common marine and coastal area, held by Ngāti Pāhauwera in accordance with tikanga, and exclusively used and occupied by Ngāti Pāhauwera from 1840 without substantial interruption. CMT also must not have been extinguished as a matter of law. Each part of the test is dealt with below.

Common marine and coastal area

It was not contested at the CRO hearing that our rohe moana was "public foreshore and seabed" under the FSSBA. The definition of common marine and coastal area in the TMA is nearly identical to "public foreshore and seabed" apart from four new exceptions which do not apply in this case (we have provided information to officials confirming this).

Held in accordance with tikanga

Since there are no legal precedents for the CMT test there is little guidance available on what "held in accordance with tikanga" means. The similarly worded test in Te Ture Whenua Māori Act 1993 discussed in the *Ngati Apa* case was never finally applied because of the enactment of the FSSBA. However, we can see no way to interpret the evidence presented in the CRO application except as showing that we hold our rohe moana in accordance with tikanga. Witnesses were explicit that our rohe moana belongs to us:

"We have always had the foreshore and seabed there and we will always use it. It has always been in us and will always be ours. Who else does it belong to? The river and sea have always been there, they are sitting there, and we have always used them. It would be stupid if we didn't." - Hazel Kinita

"We never thought about our rights to the foreshore and seabed and I still do not think of it that way. It was just always ours." - Charles Lambert

"I do not agree to this application, that I need to prove my connection to the Ngāti Pāhauwera foreshore and seabed, because it is my life and a part of me and it always has been. How can you take away your life?" - Harry Tuapawa

"I have always known that the Ngati Pahauwera foreshore and seabed is ours, and I never feared this being taken away from us." - Olga Rameka

We have highlighted to officials further extracts from the twenty two Ngāti Pāhauwera witnesses which repeat these ownership statements and others that provide detail about why and how Ngāti Pāhauwera are the customary owners, through explanation of whakapapa, tikanga and examples of how we have used and taken care of our rohe moana.

Exclusive use and occupation from 1840 without substantial interruption

The evidence also confirmed exclusive use and occupation of our rohe moana from 1840 without substantial interruption. Ngāti Pāhauwera evidence was that Ngāti Pāhauwera ownership described above stretched well past the date of the Treaty. This evidence was not challenged in cross examination. At the hearing it was evident that our rohe moana is so remote and rugged that almost no one else ever goes there. This was reflected in the general lack of interest in the application. None of the four non-Ngāti Pāhauwera submitters appeared in opposition at the hearing and the Hawkes Bay Regional Council and Crown evidence and submissions were largely technical. The position of visitors to our rohe moana was dealt with in Ngāti Pāhauwera evidence that local Pakeha who visited in the past were accepted into Ngāti Pāhauwera, so their use was considered part of the Ngāti Pāhauwera exercise of control. This is consistent with what you will know from your own experience - the Ngāti Pāhauwera interpretation of tikanga is inclusive and demands that we manaaki visitors and protect manuhiri. All visitors are therefore at the pleasure of Ngāti Pāhauwera. Even if this were not the case, nothing in the TMA prevents any member of the public accessing or navigating or fishing within the common marine and coastal area, therefore we consider these same actions by third parties cannot prevent the recognition of CMT.

Extinguishment

The only issue on which the Crown presented evidence in the CRO application was the possible extinguishment of customary rights in the river mouths which are part of our rohe moana because of possible Crown or private title. However neither issue is relevant. CMT is not defeated by Crown title. In regards to possible private title, the Courts and the Waitangi Tribunal have said that the common law presumption of ad medium filum aquae, on which the Crown was attempting to rely to establish private title, has no place in New Zealand law. In any event we have never conceded title to our rivers to anyone else – by signing the the Treaty of Waitangi or otherwise.

Conclusion on CMT

We understand you are in a difficult position as you need to be able to justify any decision to recognise that a group meets the CMT test. Officials have advised us that they consider your decision would be judicially reviewable. However, Ngāti Pāhauwera are unique in the country in that we have already had a full public hearing which addressed all parts of the CMT test. For Ngāti Pāhauwera the hearing the CRO hearing at Mohaka was an emotional and intense experience at the end of almost three years of preparation. The hearing was for Ngāti Pāhauwera not just about use of resources but an expression of our ownership of our rohe moana. We consider that there is substantial evidence available to you from the CRO hearing to allow you to make a legally defensible decision recognising CMT now, meaning we will not be subjected to another process addressing the same issue. We therefore request that you accept that we meet the CMT test and direct officials to amend the Terms of Engagement to reflect this starting point.

Partial recognition

If you still consider you are not able to recognise CMT from the outset, it is important that there is some recognition that the CRO hearing at least went some of the way to showing you that Ngāti Pāhauwera meet the CMT test. Any parts of the CMT test that can be recorded in the

Terms of Engagement as having been met by us would relieve some of the burden of the further process. Alongside this partial recognition, identification now of any particular areas where you consider the Ngāti Pāhauwera evidence is lacking would also be appreciated.

PROTECTED CUSTOMARY RIGHTS

Officials confirmed your intention to honour the commitments made in the Agreement in Principle ("AIP") regarding protected customary activities, which under the TMA are now PCRs. This is positive.

However, consistent with the position that the Crown took at the CRO hearing, officials advised that their view is that further evidence is required as to the scale, extent and frequency of the PCRs. The evidence of Ngāti Pāhauwera at the hearing was that we use what we want, when we want from our rohe moana, limited only by tikanga, because it is ours and always has been. This means that customary activities can vary widely from year to year and between individuals. We expect further evidence will only confirm this and will therefore not assist. It appears that Ngāti Pāhauwera and the Crown have fundamentally different views of the PCRs, so rather than delay for evidence which will simply confirm this, we suggest that both parties would be better to recognise that some negotiation will be required. You have sufficient evidence from the CRO hearing to recognise PCRs at the highest level described earlier in this paragraph. We therefore request that the Terms of Engagement record that sufficient evidence was provided in the CRO hearing and the parties will proceed directly to discussing the detailed drafting of the PCRs. We can then commence open and frank discussions about what the Crown is prepared to concede and what Ngāti Pāhauwera is prepared to accept in terms of PCRs, without delay.

Thank you in advance for your consideration of these important issues and we look forward to hearing from you. Our next meeting with officials is scheduled for 18th June.

Naku noa na


Bryan King
Transition Manager

For the Trustees
NGATI PAHAUWERA DEVELOPMENT TRUST

cc OTS

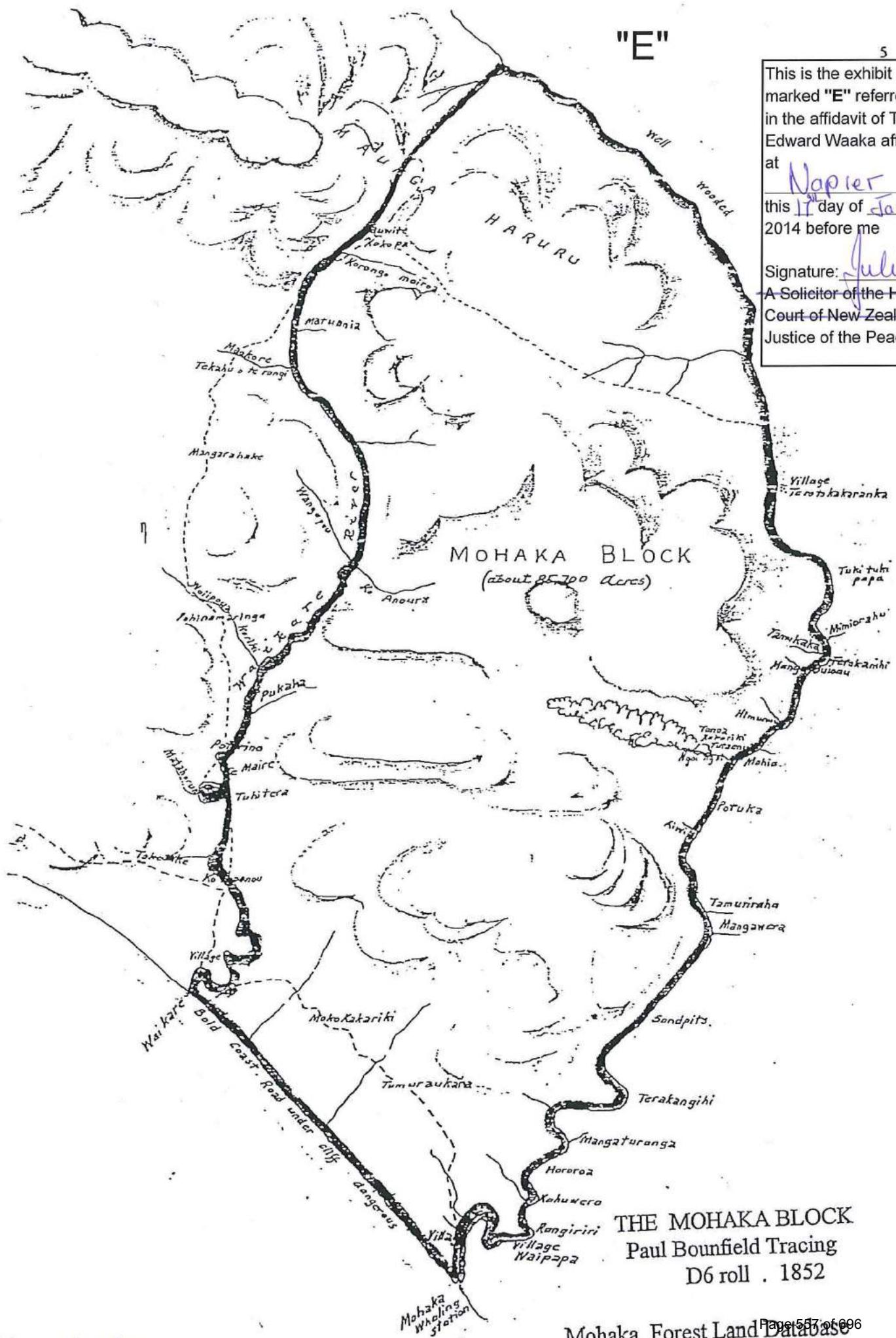
Rosalie.Terris@justice.govt.nz
james.keating@justice.govt.nz
tom.white@justice.govt.nz

"E"

This is the exhibit
marked "E" referred to
in the affidavit of Toro
Edward Waaka affirmed
at

Napier
this 17th day of January
2014 before me

Signature: *Julie Ball*
A Solicitor of the High
Court of New Zealand /
Justice of the Peace



W 17/04/14

resulting compounds both cheaply and in bulk. As a result it was not until well into the twentieth century that dangers to the farmers posed by some of the sheep diseases began to recede.

The conditions under which run-holders operated in the nineteenth century can thus be seen to be considerably different to those of today. Insufficient finance, labour and technology made the lifestyle one that was characterised by long hours, hard work, and little time for leisure. There were few luxuries for the early runholders and it was many years before the lifestyle of a farmer was anything but harsh.

NOTES

1. M.D.N. Campbell 'The Evolution of Hawkes Bay Landed Society', PhD thesis, 2 vols, Vol 1 p 106
2. *Ibid*, I p 102
3. *Ibid*, I p 103
4. *Ibid*, I p 104
5. H. Skinner, pers. comm.
6. Campbell, I p 106
7. *Ibid*, I p 109
8. *Ibid*, I p 123
9. *Ibid*, I p 128
10. *Ibid*, I p 128-29
11. H. Skinner, pers. comm.
12. Campbell, I p 159
13. *Ibid*, I p 166
14. *Ibid*
15. J. G. Wilson *History of Hawkes Bay* p 235
16. Campbell, I p 141-42
17. *Ibid*, I p 142
18. *Ibid*, I p 147-48

This is the exhibit marked "F" referred to in the affidavit of Toro Edward Waaka affirmed at

Napier this 17th

day of January 2014 before me

Signature: Julee Ball
A Solicitor of the High Court of New Zealand / Justice of
the Peace

Farming in the Mohaka
state forest 1860 - 1950

Mather Wright NZ Forest Service
1985

PACK TRACKS

From quite early in the period, the farms in the Mohaka region

✓ 17/10/14

M. G. L.
W. H. L.

-13-

were linked by a network of pack-tracks which gave access to both the Napier-Wairoa and Napier-Taupo roads. These tracks were of vital importance to the region, in that they allowed station supplies to be readily brought in, and the wool clip to be readily brought out. This role did not decline in some parts of the region until nearly the middle of the twentieth century, with some farms such as that of John Haliburton at the Mohaka-Te Hoe river junctions remaining unconnected to any major road until the early 1950's.

Direct information regarding the routes taken by these pack-tracks is scanty. Due to regrowth, it is no longer possible to trace the paths by means of observation. A. N. Gilmore of the Forest Service recalled following one for a short distance before it was lost amid thick kanuka which, by its size, was clearly twenty or more years old.²

Early maps provide some clues as to the routes taken by the pack tracks. There are however certain factors which must be borne in mind when utilising such maps. Firstly, nineteenth century survey methods were by no means as accurate as those of today. The differences between early and modern maps are not of any great significance, but must be borne in mind if accurate scale comparisons are being made. A clear example of the kind of error inherent in the early maps is reproduced on page 17, where there is a substantial difference between the angle of the coastline as shown, and the angle as it appears on modern maps of the same scale.

Secondly, the early map-makers did not differentiate between pack-tracks, little-used trails, and public roads. Until the early twentieth century, of course, such differences as existed were largely academic, the Wairoa 'road' being, for instance, simply a track along the coast for many years. But there was also a certain degree of national pride involved, since an individual unfamiliar with an area might, through perusal of the maps, be led to consider that public works schemes were more advanced than was actually the case.

The 1883 survey map reproduced over the next two pages shows in some detail the routes followed by pack-tracks in the area. Several features are worth noting. Firstly, these pack tracks tend to follow the run borders, which in turn tend to

*Mohaka Wairoa
Forest*

-16-

follow ridges. Secondly, comparison with a modern map indicates that the routes taken by some of the pack tracks are today taken by roads in the area, particularly the main road into Willow Flat and some of the Forest Service roads within the Mohaka State Forest.

The manner in which these pack-tracks linked up with the other roads and tracks in the area is shown on the map over the page, taken from an unidentified road map located by the author during the course of research. It should be noted that there are substantial differences between this map and modern maps of the area, but approximate locations can nonetheless be determined.

According to oral evidence, the most important of the pack-tracks in the area was that labelled the 'Maungaharuru Road', which followed the Maungaharuru range for many miles and then passed through most of the major runs in the Mohaka area. This track acted as a focal point for the others and goods were being taken to and from the Taupo Road as late as the 1940's.³

A number of minor tracks also existed which are not shown on the maps. These were those taken by the individual run-holders from their properties to the major access routes. One major track, established somewhat later, however, was that which led from the Maungaharuru track due north to the Mohaka-Te Hoe junction. This served several farms in the area and there was initially good access over a bridge that had been built for the purpose. This was destroyed by the 1938 flood and access thereafter, until the road was put through from Willow Flat in the 1950's, relied upon a cable slung over the Mohaka, along which a gondola could be winched.⁴

The demise of the pack tracks came with the advent of improved roading in the area, principally after the Second World War. Prior to this time, a road had been pushed through to Willow Flat, and after the war this was extended as far as the Mohaka-Te Hoe junction. Although remaining unsealed it gave easy vehicle access to the farms, and the need to drive sheep down the pack tracks receded. Subsequent improvements to the Wairoa Road, which was sealed in the

"G"

The Kahukura of Tamamutu

173

chiftainess,
ip in his pa
mutu would
anticipated,
old, but were
ch was soon

2. Werewere
direction of
oruru, near
essful in his
onger force.
o and then
a war party
under the
o. When it
ction, under
upo; and the
outh where
ipu, situated
jita.

rewaka and
I round the
Te Karaka,
called Kari
y prisoners
nd Urututu.
en he heard
rewaka, he
turn. When
ne down to
1. Te Teko,
s to comply
to return
his chiefs.
usband. In

'uruki went
as he had

Awe's Bay.
night and

Urututu's master asked her to gather stones, wood and mauku (fern). She, knowing that the stones and wood were for an oven for her, fled and jumped into the river and was drowned. A search was made for her body but it was never found. The next day the party continued their journey and Werewere returned to Moturoruru where he died many years later.

* * *

During Tamamutu's overlordship, many expeditions were led into the districts bordering the domains of Ngati Tuwharetoa. On one occasion, a few years after the departure of Werewere and his war party, Tamamutu and his chiefs journeyed to the mouth of the Mohaka River. He had a young cousin called Ngaparetaua who had married a chief from Ngati Kurumokihī, a sub-tribe of Ngati Kahungunu, and she and her husband lived at Tangoio, a small village about twelve miles from Napier on the Napier-Wairoa road. One day a chief of Ngati Pahauwera, Te Kahuoterangi, who lived at the mouth of the Mohaka River, gathered his warriors together and marched against the people of Tangoio. They killed nearly all the inhabitants including Ngaparetaua. In the course of time news of the tragedy reached Taupo.

One of Ngaparetaua's cousins, Te Hikooterangi, was very grieved at her death as he was very fond of her. Tamamutu, realising what Ngaparetaua meant to the young man, called his tribe together to consider the matter of seeking revenge. The chiefs were unanimous that something should be done and the following summer a strong force journeyed to the country of Te Kahuoterangi. The force arrived at Tangoio and, after obtaining reinforcements from those parts, continued their march. When they arrived at Waikare they prepared to attack a pa called Wharekiri, but on being informed that Te Kahuoterangi was not there, journeyed on to the mouth of the Mohaka River.

Some of the people who joined Tamamutu and Te Hikooterangi at Tangoio were related to the chief they sought and were not anxious to see him killed. The force arrived at the sea coast and decided to camp for the evening. The next day Tamamutu suggested that one or two men should climb down the cliffs to examine the shore as the track along the beach was passable only at low tide. Two of the Tangoio men volunteered and went down. While there they agreed to deceive Tamamutu and tell him that the tide was unsuitable. Being so advised, Tamamutu conferred with Te Hikooterangi and decided to abandon the expedition. He retraced his steps to Waikare and attacked Wharekiri in satisfaction of Ngaparetaua's death. The pa was taken and all the

This is the exhibit marked "G" referred to in the affidavit of Toro Edward Waaka affirmed at

Napier this 17th
day of January 2014 before me

Signature: *Juli Ball*
A Solicitor of the High Court of New Zealand /Justice of the Peace

in 1923, grazed 4,377 sheep on the property. He purchased the land in 1927, and later sold to Charles Wellwood Reeves, who lived on his Glenbrook (26) station, Putorino.

The Wai station was managed for Reeves for twenty-nine years by Alexander Kenneth MacKay, who took over in 1938. Charles Wellwood Reeves died in 1964 and the property is now managed for the trustees of his estate. At present it consists of 2,060 acres freehold, and carries 6,000 sheep and 600 head of Aberdeen Angus cattle. The present manager is Rex Saunders, while A. K. MacKay still acts as overseer.

108

Waihua

LOCATED ON THE coast about twelve miles west of Wairoa, this property was a block of approximately 16,000 acres of undulating and hilly land taken up by Henderson James Twigg during the 1860s. There were sheltered valleys, fern-covered slopes and light bush in the gullies. The name means muddy water.

H. J. Twigg arrived in New Zealand in 1862. He later owned Petane Grange (73) and Ridgemount, and was connected with numerous local body works in Hawke's Bay. He married Elizabeth Mary Torr from Petane Grange.

The East Coast pack-track passed through the Waihua property and travellers found it necessary to cross the Waihua river by ferry. This was worked by James and Mary Hamshar, who had left the outskirts of Napier because of Hauhau troubles. Mary Hamshar had been lame since infancy and always used a crutch. A letter written to her family must reflect the thoughts and fears of every woman in the district:

Waihua, July 24th, 1869.

Dear Mother and all of you,

I scarcely know how to write calmly. I little thought I should be in any more war. Nothing would ever have made me leave Napier if I had not thought it was all over. Dear Mother, you will have heard that the natives have landed on the coast again, and are now, this very night, only fifteen miles from Clyde, only three hours' ride. They have forced their way from where they landed first, and that was only three days' journey from us, and now so near. Some say they will go inland, or clear the coast before them.

10

17/01/19

This is the exhibit marked "H" referred to in the affidavit of Toro Edward Waaka affirmed at Napier this 1st day of January 2014
before me
Signature: Jules Hall
A Solicitor of the High Court of New Zealand/Justice of the Peace

for more men. One I put over the river yesterday as Janies had gone to town for flour. I knew by his headlong speed down a steep cutting near our house that he was a messenger. I begged and prayed him to tell me if anything was up. I thought they were in the town killing all the people and James with them. He said he was sent to get more men overland to meet them on this side, or by water, to land at Clyde. Oh! What are the men doing? We were expecting to see troop after troop come by. Mr Richardson is the only one with a few men, Charlie Villers among them, and a few sawyers from Mohaka. What madness to send men in the steamers. They have gone to the wrong place. If some had come overland to Wairoa they would have done some good by meeting and preventing the natives either turning in the bush to join the rebels, or coming along the coast. Most of the men have left town to fight. The greatest indignation is felt by all that those men were sent to a place where the wretches never have been, nor likely to be, for they are now on the outskirts of the town. The mailman is not back yet, and it is nine o'clock. He will not be here tonight. A man has just come from town and says that before he left a messenger arrived in town with the news that the natives had beat a party of our men and two were killed. We shall know if this is true tomorrow by the mailman. Dear friends, you can think we are not very pleasantly situated. We are all well in health. I was so glad to see so many who had seen you on the West-shore Spit. It is now late. I can't say any more. My love to all. I trust God will guard us and the poor men who are now trying to protect us. Goodnight. M. Hamshar.

A short time later, hampered by her lameness and the crutch, Mary Hamshar was forced to hide for two days in the bush with her young child.

By 1872 H. J. Twigg had 3,500 sheep at Waihua, and the following year he had 6,860 sheep between his Petane Grange and Waihua properties. He sold Waihua to Adam Hassell in 1873.

Hassell had 5,054 sheep on the property during 1874, but the figure dropped back during the next two years to 4,540. Wool was taken to Napier by sea, and at Waihua it was the practice to cart the bales to the edge of the high cliffs overlooking the beach, from where they were dropped to the sand below, where a barricade prevented them from rolling into the surf. Sheep were also inclined to fall over these seaward cliffs, and Hassell met his death when attempting to rescue an animal. He was buried on the property, opposite the shed near the river.

Robert Rhodes then took up some of the Waihua land and in 1885 he sold a block of 2,592 acres freehold to S. Graham for £7,452.



Timber mill at Anaroa
(Station 2)

The original drains being dug at Whakaki.
John Hunter Brown on right (Station 112)



Whakaki woolshed (Station 112)



blacks, and wild tales were told of their terrible deeds. Maori maidens were often exchanged to these men for a cask of rum. The 1,200-ft hill Te Whanui was the lookout for the whalers, and for years the remains of their trypots were visible along the beach.

As early as 1847 a trading station was established at Waikari by Alexander Alexander. He left W. Thompson in charge, but during the first few months his house caught fire and his wife and young children were burnt to death.

During the 1850s the land became part of the large block of leasehold applied for by James Anderson, and by the early 1860s the coastal strip between the Waikari and Mohaka Rivers was held by the Pearce brothers. Some of the land appears to have been bought by the Harding brothers, the Wilkie family, and some which was purchased by Messrs Brandon and Bruce, was later known as Putorino (79).

In 1866 James Tait came up the coast with his wife and young family and purchased the portion that became Waikari station. Born in 1830 in the Scottish Hebridean Islands, he came to New Zealand with two brothers. He was overseer on a run in the Te Aute district and while there he married Elizabeth Sutherland, of Mataikona, near Castlepoint. Her parents had arrived at Port Nicholson in the *Oriental*, in 1840, and in June of that year she was one of the first white babies born in the colony.

The Taits spent the next four years in the Te Aute district where their only daughter, Mary, was born in 1862, and John, in 1864.

The portion of Waikari purchased by James Tait lay on the north side of the river and stretched along the coast. Their first homestead was built on a flat overlooking the last bend of the river before it sweeps down to the sea. Their next two children, William and James, were born here. Like the next three homesteads it was within sight and sound of the river and the sea, while across the river was the Maori settlement, Te Kuta.

Waikari's position on the main pack track made it a stopping-place for many travellers. Hospitality was continually extended, and many people ferried across the river.

On 27 July 1870 the regular mailman became ill at Waikari, and James Tait continued for him with the mail which included Government dispatches concerning Hauhau movements. He was caught in high seas at Potutu, near Wairoa, swept from his horse and drowned. His horse was found alive at the mouth of the Waibua River. James Tait lost his life at the age of forty, and had spent only four years at Waikari.

At this time Elizabeth Tait, fearing the Hauhaus, took her family into a bush-covered gully and lived there for several days. The eldest child was six years, and the baby only a few weeks old. A time of hardship and loneliness then followed as she struggled to run the property on her

Provincial Government Gazette.

Superintendent's Office,
Napier, Nov. 7, 1864.

THE following TENDERS are published for general information.

DONALD MCLEAN,
Superintendent.

Tender Accepted.

Forming and Metalling 58½ chains Middle Road—Mr. C. Muller, at the following rates:—

15 chains, at £7 9s. 6d. per chain
35 ditto, at £2 13s. 6d. ditto
7 ditto at £1 10s. ditto.

Tenders Rejected.

Forming and Metalling 58½ chains Middle Road—

Mr. J. Moulson, at the rate of £5 2s. 6d. per chain

Mr. J. McNaughton, at the rate of £5 17s. 6d. ditto

Paramena, at the rate of £8 5s. ditto

Superintendent's Office,
Napier, Nov. 8, 1864.

ALL Persons indebted to the Provincial Government of Hawke's Bay on account of Assisted Passages from London to Napier, will in future pay the amount of their passage money at the Provincial Treasury Napier, on receiving an order from the Immigration Clerk to do so.

DONALD MCLEAN,
Superintendent.

Harbour Master's Office,
Napier, Nov. 16, 1864.

SIR,—I have the honor to submit the following Report on the Buoys and Moorings in Hawke's Bay.

The mooring posts are placed in the Roadstead ar-

This is the exhibit marked "I" referred to in the affidavit of Toro Edward Waaka affirmed at

Napier this 17th

day of January 2014 before me

Signature: Julie Ball
A Solicitor of the High Court of New Zealand / Justice of the Peace

pose for which sufficiently strong tons thousand tons the South-West best holding g from shore, th by East.

The swell set into the Bay broken by the Bank and the centre of ship secured comparatively vided with or fect safety.

This anchorage is open to the North-East gales which generally occur twice annually. As the gales invariably set in with rain and seldom reach the anchorage with any great force, and as their duration does not exceed twenty-four hours, shifting suddenly to the North-West, which has the effect of counteracting and reducing the swell occasioned by these gales, a vessel at this anchorage is therefore not in any danger from their effects.

The "Pania Reef," running North-East and South-West, is fifty fathoms in length and twenty in breadth, having a mean depth of water of twelve feet; there are, however, some ledges of rock on this Reef with only seven and eight feet of water on them, which deepen suddenly East and West of the Reef to nine and ten fathoms. A Buoy, painted white, is placed South by West one hundred fathoms from the Southern end of the Reef, and bears from the Bluff North-North-East, distant nearly two miles.

The "Auckland Rock," on which the sea only breaks in very rough weather, bears from the Bluff North by West nearly half a mile, with a depth of twelve feet of water at low tide. A Buoy is placed twenty feet North of this rock. There is a rocky shoal in its vicinity with four fathoms of water on it.

I have not made any report in reference to entering the Harbour, as the shifting of the sands off the mouth precludes my giving permanent directions.

The Pilot, who is aware of the approach of all vessels entering the Bay, if possible always goes off on the usual signal for that purpose being made.

I have the honor to be,

Sir,

Your most obedient servant,

THOS. MURRAY,

Harbour Master.

His Honor the Superintendent,
Napier.

Open Column.

The editor is desirous of affording every reasonable facility for the discussion of public subjects, and the criticism of the acts of public men; but it must be understood that he is in no way responsible for the opinions expressed by correspondents.

To the Editor of the Hawke's Bay Herald.

SIR.—The exceedingly lengthy article from the *Press* of last November, with which you favored us in your publication of the 8th inst., is well worth perusal. From the varying sentiments expressed—the self-contradictions contained in it, the absolute nonsense in some portions with the gleams of common sense in others—it is not difficult to suppose that the editor, having received articles from two or more gentlemen slightly differing from each other in their views of the present crisis and of different qualities of intellect, has for reasons best known to himself mixed them indiscriminately together and produced this extraordinary result.

No one will deny that the following extract is good common sense:—

The present state of affairs, with a populous state, with a rapidly increasing population in progress, with all the expense of war going on, and none of the objects attainable by war in prospect—this we believe to be intolerable. *"Let us go on with the war and do what it may be thought necessary to do at once, or let us make peace."*

But compare it with the following:—

The majority will require from Ministers a distinct announcement that the war is ended, and that the war expenditure is to be immediately reduced, and that measures are to be adopted to protect the European population against assault. This is to be done another matter.

How came two such sentences in the same article? "A plague of such opinion"; a man may wear it on both sides like a leather jerkin."

The common sense gentleman writes again:—

A condition of "armed neutrality" is the most ridiculous of all, for in all the acts and habits of peace are still in progress whilst all the cost and anxiety of war are in full activity.

With his co-contributor observes:—

But what the *Hawke's Bay* will undoubtedly demand that active operations and military expeditions shall cease *"it will not, we imagine, dictate to a Ministry the precise steps to be taken instead."*

This is only a reiteration of his previous remark, and very querly they both read. To end the war without providing specially for the "security of the European population from assault" to insist that military operations shall cease "without pointing out the precise steps to be taken instead," is sufficiently cool and comprehensible, only it happens to be absurd and impossible.

I must pass over the fable about the sun and the wind, as my space is limited; but surely it is tried to obtain to cut his ministry

VISIT OF MR. MCLEAN AND PARTY TO THE NORTH.

LETTER NO. III.

To the Editor of the Hawke's Bay Herald.

SIR.—In my last letter I brought up the account of our expedition, to the native meeting at Waitomo on the 27th October last. The block of land offered on that day included but a small portion of river frontage, from the mouth of the river upwards. All the deep water frontage and the choicest part of the land, laying along the south bank of the river, was excluded from the block—the "king" natives, or the Kahu tribe, who have important claims to all the lower part of the river, being absent. The men who killed old Porohiwi belong to this tribe. Ignorant of what steps the government might take in the matter, the whole tribe, who considered themselves all implicated, absented themselves from the river and took up a position on the hills, from whence they breathed out defiance and threats of vengeance against any who might attempt to molest them. Considering the present precarious state of the country and the unsettled state of the native mind everywhere, I am certain that any attempt to apprehend the murderers would have been most unwise, and would have resulted in bloodshed and strife. The connexions of these people are numerous; the Ureweras, of Orakau celebrity, would doubtless have joined them from the upper part of the river; the standard of rebellion would have been raised; and every discontented and disaffected native in the district (and there are some such spirits) would have rushed to the general rendezvous, rejoicing in the opportunity of plunder and freedom from restraint. Moreover, amongst the peaceable and loyal disposed natives throughout the whole province the feeling appears to be general that the unfortunate old man was justly sacrificed—it was looked upon as an act of retrospective justice. He was known to be (they said) a dangerous and vicious magician; and several persons, it is believed, died victims of his spells. He himself, too, had lately indulged in vague hints and threats against the persons of the men who subsequently shot him—in self defence, as the natives say. And really it is not to be wondered at that such things should occur amongst a people scarcely half civilised. In Christian England, where the light of the gospel has shone for so many ages, no very long period of time has elapsed since the burning of any poor old woman, who was as unfortunate as to fall under the stigma of being a witch, was held to be a very creditable business. And "shooting a magician" I take to be a somewhat less barbarous procedure than "burning a witch." I have no doubt, had these men been considered by the natives generally to have committed an unjust act, they would have been secured and either summarily dealt with or handed over to be tried in an English Court of law, as was done by the Waikato natives in the case of Netana to Huiki who was tried in the Supreme Court at Napier on a charge of murdering his wife. I would not have it understood that in the abstract I seek to defend the conduct of these men. I merely wish to point out that the feeling in the native mind was that no murder had been committed—merely an act of retribution; and that, this being the case, any decided interference on the part of the authorities would have been unwise, and, most probably, would have kindled the flame of war in a district hitherto quiet and amongst people, for the most part, loyal disposed.

I fancy it will be seen that, under such circumstances, the negotiation with these people for the purchase of a block of land for an European township—with all its concomitants in the native mind of police, soldiers, and what not—was a very delicate matter. They were perfectly aware that, with the introduction of Europeans, European law would also be introduced; and that they had outraged this law and rendered themselves liable to punishment. But, fortunately for the province, the negotiations were in the hands of one who was no mere novice in native matters—of one thoroughly conversant with the native mind, with native fears, native aspirations, and native customs and habits. And to this, and this alone, must be ascribed the acquisition of a district which must eventually prove of incalculable value to the province of Hawke's Bay.

Acceding to the wishes of the natives Mr. McLean agreed to meet this tribe ("Kahu"), as the purchase of the lower part of the river could not be effected without their acquiescence. A messenger was accordingly despatched to their retreat, to invite them over. On the morning of the 28th we observed, on the summit of a neighbouring hill, the flag of "His Majesty the King" waving in the breeze from the top of a lofty flagstaff, whilst through the valley beneath reverberated the reports of the volleys fired by his supporters assembled around its base. Upon looking at them through a telescope they appeared to be going through certain evolutions; and we could distinctly see them formed in ranks, and the bright barrels of their firelocks glittering ominously in the sunbeams. After a while the King's flag was hauled down and the party descended to the valley. As they approached the settlement of the Ngatikurupakians—a people strongly in favour of selling land to the Government, and nearly related to themselves—they fired repeated volleys, as a sort of sham demonstration in support of the honor, or "manu," of the monarch whose policy they were about to ignore by selling land to the pakeha. Thus much they considered necessary to assert their independence and freedom from coercion, in the step they were about to take, and also as a lament over the land of their ancestors about to depart from them for ever. During the remaining part of the day they were engaged amongst themselves in establishing their individual claims, and in arranging preliminaries to the sale of the block intended to be offered.

The next morning (29th) a messenger arrived at Mr. Lockwood's house, where we were still staying, and informed us that the natives were ready to meet Mr. McLean. In the meantime, however, another party had started up in opposition, insignificant in themselves but possessing sufficient claims upon the land in question to render its acquirement a matter of much greater difficulty. This was a small family, or "hapu," of some six or eight persons, residing just above Mr. Lockwood's house, and owners of the land occupied by him. So it is in all land negotiations

with natives. When everything appears to be satisfactorily arranged, some apparently insignificant claimants step in and unfrequently damage the whole business—some decrepit old man, or clamorous old woman. In this instance the head of the family (hapu of Ngatimowhero) named Putoko, a bare-legged old fellow stooping under the weight of years, made his appearance in front of the house, just as we were about to start, and stalked to and fro with a ludicrous air of importance, declaiming against the sale of the land. He seemed to delight in so unusual an opportunity of making his power felt; albeit, from the humorous expression of his countenance, it was difficult to believe that the old fellow was in earnest. He flourished a long spear in his hand, with which, he gravely assured Mr. McLean, he intended to transfix Talepa—a young chief of the Ngatitikawai tribe who had been active in bringing about the sale of land in the river, and the block of land then about to be offered in particular. Mr. McLean, entering at once into the spirit of the old gentleman, remarked that so formidable a warrior and distinguished a chieftain should be properly clothed on an occasion so important as the present, and forthwith ordered Mr. Lockwood to supply him with a pair of moleskins trousers from his store. The effect was instantaneous. The hard-strung muscles of his countenance gradually relaxed and expanded into a broad grin as he sat down, in the midst of his declamation, to insert his spindle shanks into the capacious proportions of his newly acquired garment.

Our friend Putoko, having finished his speech and demonstrated beyond a doubt that he was a man of importance, (belting himself up like a chivalric knight of yore) informed us that he was prepared to accompany us to the ground of action and to do battle against the redoubtable Taepa. Descending the river in the cutter's boat to Kai Ikaau we found there assembled the King natives (friends of the murderers) together with the natives of the lower part of the river—perhaps some 200 in all. If the kind welcome and hospitality afforded us by these natives may be looked upon as an indication of good feeling towards the government, they cannot certainly be said to be hostile to the "pakeha." A large canvas awning was erected, under which stood a table covered with a clean white cloth and loaded with all the good things of the season. Stuffed fowls nicely baked, roast pork, potatoes and kumeras, and most excellent home made bread, were amongst the least of the delicacies provided for the occasion. Nor were the minor accompaniments of salt, pepper, mustard, vinegar, &c., omitted. Decanters of brandy and whiskey (no less) were there for the use of those who might be inclined to stimulate the inner man. Chairs for our use were borrowed from the European settlers, at the back of which stood two or three respectable looking dames, who sedulously attended to our wants; whilst above all, from a lofty flagstaff waved

The flag that braved a thousand years

The battle and the breeze
—even the British ensign. What would King Matataera have thought could he have witnessed this exhibition?

Time will not allow me to give a report of all the speeches delivered at the meeting. The natives were anxious to know whether it were the intention of the Government to take any action in the affair of Porohiwi. They strongly deprecated any Government interference, saying that the matter concerned themselves only, and that, after giving it every consideration, they were convinced the old man deserved his fate. They further intimated that if any danger were likely to result to them from this cause, they should not be disposed to sell the land. In any case, they said, the price of the land must be large. It was the very heart of their country; a choice spot, endowed to them from its association with past events—the price must therefore be large. Here they made the modest demand of £30,000. Mr. McLean said that, with regard to the interference of the Government in the matter of Porohiwi, he was not prepared to say what might be the Governor's intention; the Governor was supreme in these matters, and it depended upon him whether anything were to be done or not. So far as he himself (Mr. McLean) was concerned, he should say nothing to them on the subject, further than to assure them that the law could not be trampled upon with impunity, and that a man's life must not be taken away on so ridiculous a charge as that of sorcery; if so, no man would be safe from the malice of his enemies. The law in all cases, he told them, must be administered by proper officers, and no man could be allowed to redress his own injuries. If these were allowed murder and bloodshed would be of common occurrence, and peace and plenty would be unknown. With respect to the price asked by them, he could not believe them to be in earnest. Although he was ready to admit that the block in question possessed many advantages, such as river frontage, yet it was small, containing probably not more than 800 or 1000 acres. Nevertheless, in consideration of its adaptability for the formation of a township, he would offer them a good price for it, namely £800. They laughed at the idea of so small a price being offered for the "gem" of the Waikato, as they said, and adhered to their original demand. A tedious discussion then ensued amongst themselves, which lasted nearly the whole day; some advocating that the money offered be received, others demanding £20,000, and others opposing the sale altogether. Amongst these latter were the people of our warlike friend Putoko. He himself, however, wonderful to relate, came out strongly on the other side of the question, declaring that the land should "Go to sea," should be "lost in the ocean"—that is to say, should be made over to the Europeans. His warlike ardour against Taepa appeared to have entirely evaporated for the nonce, or to be otherwise restrained—possibly by some extraordinary power in the new Government "breaks" in which his master was encased.

Finding that there was not the most remote chance of obtaining the river frontage for the amount offered, Mr. McLean finally agreed to give the sum of £1200. A deed was subsequently drawn up and signed, and the sale carried through, the remaining £800 to be paid at Napier. Had this block not been acquired, the land purchased at the back would have been, comparatively speaking, useless for all purposes of immediate

settlement. The land, however, upon which Mr. Lockwood's house stands, was much to his annoyance, withheld by to Matua, old Putoko's people. It was found impossible to obtain this portion, as the claims of these people were admitted by all to be correct. It was, however, understood that the piece in dispute (containing perhaps 200 acres) should be considered to be in the keeping of Paora te Apau with a view to the disposal of it to the Government at some future period. The business was not thus concluded without angry words and, at one time, serious danger of a collision between the natives. Amanu, a young man of the Ngatiwhare people, seized a stake of the fence and rushing with the greatest fury at Matua Ealmone, challenged him to mortal combat. Old Matua in turn armed himself with a formidable looking girdle, and prepared to do battle in earnest against this precocious condemner of all established ideas of Maori "rangatiranga," (chiefship). Matua, however, and his girdle were forcibly dragged off by those around, whilst his infuriated assailant was, with some difficulty, pacified by the surrounding bystanders. This Matua is a man of much importance amongst the Ngatikurupakias (who have extensive claims to all the lower part of the river) and the Waioea on the coast line—comprising altogether about 80,000 acres, or more.

Leaving Waihina we came on to Mahaka and slept at Mr. Sia's house that night. Our host spoke in the highest terms of the general good conduct of the natives in that district and reciprocity of feeling existing between them and the white settlers. During the threatened horde of the Drovers, some time past, they prepared to protect their European friends by every means in their power, and took every precaution for their safety. Scouts were sent out, night-watches were kept, and every one who possessed firearms kept them in constant readiness.

On the morning of the 4th of November, the surf on the coast having in some degree abated, we took our passage for Napier in the "Sailor's Bride"—a small decked boat belonging to the natives. On approaching the bar the surf appeared to be somewhat heavier than we had anticipated; but we were carried irresistibly forward by the current which at six tide rushes out at the rate of probably eight or ten knots an hour. The first wave we mounted gaily over; but not so with the succeeding one. Breaking right over the little vessel, it rushed with irresistible force from stem to stern, drenching every one on board to the skin; and it was only by seizing hold of the rigging and masts that we were enabled to save ourselves from being washed overboard. Gaining at last the open sea we bowed along with a free breeze for Napier, where we arrived this same evening.

Having concluded my sketch of our trip, I have only to express a hope that many of your readers may be as much benefited by the future formation of settlements in the localities described as I have been gratified in having had it in my power to give them some information which I trust will not be uninteresting.

I am, Sir,
Yours &c.,
JAMES GRINDELL.

Napier, Nov. 24, 1864.

ANOTHER NEW ZEALAND RAILWAY OPENED.—The Oreti railway line was opened at Invercargill on the 18th inst. All the arrangements appear to have passed off in a highly satisfactory manner. The *Daily News* of the 19th says—

"Noon was the time appointed for the starting of the first train, and by that hour the platform was filled with visitors, while outside the station and along the road for some distance groups of people were assembled to witness the departure of the train. The covered carriages were not apart for the ladies; the gentlemen taking their seats in the open carriages. All things being in readiness the shrill whistle of the locomotive broke on the still air, and the train moved rapidly off to its destination. Just before its departure a photograph of the scene was taken by Mr. Ross. Rapidly the train sped on its way, and reached the Makarora station in sixteen minutes after leaving the station in Esk-street. The motion was very easy, and entirely free from oscillation. About half-way through the Makarora river was spanned by arches of bright green foliage, and was gay with flags, which waved merrily in the breeze. Amongst the passengers were His Honor the Superintendent, Dr. Menzies and His Honor Mr. Justice Chapman. The clergy, the legal profession, the bankers, the merchants, and the trading interests, were well represented, and several ladies graced the scene with their presence."

DEATH OF THE CELEBRATED PREACHER AND FROTHORPEN, JOHN WOOD.—This long-expended event took place at Melbourne, in the Victoria district of Australia, in Collingwood, on the 5th February, 1863. John Wood was eighty-one years of age, and had the world-wide fame of being the founder of the celebrated although extraordinary sect denominated "Jerusalemites." He had followed the way of the prophet and preacher to this society for upwards of forty years. This society now numbers adherents in all parts of the world, and holds, as a cardinal article of faith, the Divine inspiration and absolute authority of its founder. One of the most extraordinary of the leading principles of the sect is, the immorality of the body. Certain rules were laid down for the guidance of the members respecting diet, clothing, the wearing of the hair and beard uncut, and a prohibition of the use of medicine. The faith that the body must never die depended on a strict adherence with these rules—once broken, the body became mortal.

A novel and curious instrument has been invented by M. Bryols. It is for the purpose of taking short-hand notes with more than usual rapidity. It consists of a series of leaves worked like keys on a piano, and acting on a set of types which impress themselves on a strip of paper that is gradually enrolled. Working only with one finger as an ordinary reporter can work as quickly as the best short-hand reporter, but by using two hands the rapidity is increased immensely.

A sensible woman has been found in Chicago in a street car. Handing four dollars to the conductor, she answered his puzzled look by quietly remarking, with a glance at her voluminous crinoline, "I occupy four seats, sir."

As the bar was impenetrable for the cutter (iris)

NEW ZEALAND AND ITS WARS.

(From the *New Zealand Examiner*, July 23.)

We are in the midst of our third war with the Maoris or savages of New Zealand, and although we may now and then sustain such a check as we have recently undergone, the end is near to be what it has ever been when the savage has come into collision with the civilized man,—the submission or extirpation of the savage. The process towards this catastrophe is painful; but the catastrophe itself is certainly inevitable. The Maoris differ in no respect from the other savages that we have been dealing with for the last 250 years, except in the possession of an unexpected share of personal courage, greater capacity for improvement, and superior powers of combination. When we first saw them they were the most absolute cannibals on record. Their first step in civilization took place nearly 100 years ago, when Captain Cook gave them a few bags of potatoes, teaching them to plant them, and bestowed upon them a few pigs, teaching them how to multiply them. We have since taught them to rear oxen, sheep, and horses, and to raise cereal crops. We have done more; we have taught them the use of fire-arms, and even furnished them with the weapons and the ammunition. When first seen, their arms consisted only of clubs for they had not even the bow and arrow, and might far more easily have been disposed of than the same number of wolves or tigers, but now, at the instigation of some very well-intentioned and very pious, but very unwise advisers, they spring at our throats, and to put them down requires the sacrifice of many precious lives and some millions of gold.

Some Parliamentary orators and some public writers would have us to understand that our wars with the Maoris have entirely originated in the rapacity of the colonists, and their desire to seize and appropriate the native lands. This is a wholesale charge, resting, we think, on very slight foundation. There are faults on many sides, and, however the case may stand, the first mischief was made unwittingly by missionary districts of the inciting colonists, who were disposed to friendly dealing with the Maoris. Among these men there was a preponderance of right-feeling that would have served and protected a friendly native race, had mutual confidence been preserved at the outset, against the frauds of the dishonest. No doubt the colonists of New Zealand are anxious to possess virgin land, the main element of the prosperity of all new colonies, but only on payment of a fair and reasonable price for them. If they were not, they would be bad colonists, and unworthy Englishmen. Now the wild lands of all new countries are the property of the State, and to no new country can this rule be more applicable than New Zealand, which does not at present contain two inhabitants to every square mile, brown and white included. Yet this land is of the full extent of Britain, has a somewhat milder climate, and nearly as many advantages of physical geography. In population it is at present 150,000, and without crowding, it would accommodate, in vigour and comfort, twenty millions—a population which the grand-children of the rising generation will be all probability put it possessing.

The colonists amount at present to 100,000, and they are rapidly increasing, while the aborigines are reckoned one half of that number, and they are rapidly decreasing. Now the sovereignty of the islands of New Zealand belongs of law and of necessity to the crown and people of England, and assuredly any encroachment on it by a foreign power would be resisted, just as would be resisted an encroachment on any outlying islet of these kingdoms. It results from this, that the Maori and the settler are equally British subjects, and equally subject to be ruled by English laws and English principles of administration. That is not by any means the view taken of their position by the Maoris. They conspire against the Queen's Government,—set up a savage King—declare their independence, and, as a measure towards the expansion of what they call European intruders, men who, "whatever their faults, have rescued them from Capitalism, and made them Christians, link it upon them to obstruct the sale to them of the wild lands of the country, which are not theirs to give, and if they were, which they have not population or capacity to use. This is sheer rebellion, and must be put down, else a minority of savages recently returned from cannibalism are to rule a majority of long civilised men."

Some public writers and parliamentary orators are of opinion that the whole burden of maintaining the war in New Zealand ought to be borne by the colonists. That is not our opinion, nor has it been the opinion on which this country has acted for the long period of 250 years, during which we have planted colonies, the population of which now equals that of the mother country.

If colonies be worth planting at all, their first cost must be at the expense of the State, for without it they could not be planted at all. By the help of the State, too, they must be maintained, until they have reached maturity, when they ought to be thrown wholly on their own resources, except so far that the States, so long as they are even nominally dependent, should protect themselves and their commerce from foreign aggression. Some of our colonies have assuredly reached that maturity: such as our North American and Australian possessions, and to their maintenance not a farthing ought to be contributed by the mother country. Not so New Zealand, which has been planted only a short quarter of a century, and which all this time has had to contend against by far the most warlike aboriginal population which a British colony ever encountered. The mother country is bound in duty to assist them until they attain such maturity as other colonies have reached, and then let them, by all means, be cast on their own resources. Although not bound to bear in the meanwhile the whole burthen of their own support, they are bound to contribute to the utmost extent in their power, and really it seems to us that they do so.

Every soldier, from the age of eighteen to fifty-five, is in arms for his own protection and to assist the Queen's forces, and the cost of this militia is defrayed from the colonial revenue. That revenue amounts to the very respectable sum of 2700,000, or at the rate of 27 a head for every colonist.

Besides this, to meet the extraordinary expenses

incurred by the war, they have borrowed a million and a half, and propose to borrow—two millions more; and, very unlike the Federal Americans, they tax themselves to pay the interest, which will probably absorb £120,000, out of their present income of £200,000. Assuredly no British colony so much.

But what manner of men are these colonists, who are alleged to make war in order to seize and appropriate native lands, and to batter our military contracts? Upon the whole, they are a class the most unexceptionable that Britain ever planted in a new country. New Zealand, unlike Australia and even our early American plantations, has never been polluted by the presence of an imported convict, or a negro or any other slave, and it is an acknowledged fact that the emigrants have consisted of a larger proportion of educated persons than those to any other country, the very distance and consequent expense of the voyage having contributed to this result.

But what injury have the colonists done to the supposed aggressors of Maoris? They did not deprive them of their hunting-grounds, as the colonists of America or even of Australia did the aborigines of those countries, and this for the very sufficient reason that they had no hunting-grounds, the wild animals of New Zealand—or the fauna, as the naturalists have it—consisting of one small rat, and he a very small one! The only hunting which the colonists discouraged was the hunting by the Maoris of each other for their flesh, for in this restricted sense they were mighty hunters, "and that prey was man." It then, as to land, the colonists did the Maori no harm, they certainly did them some service. The land before colonisation was of little more value to the Maori than the clouds over their own heads. The colonists, for the first time, gave it a marketable value. They taught them to plough and to sow and to rear cattle, to live on wheaten bread in lieu of taro and fern-roots, and to eat beef and mutton instead of eating one another.

Although but in its infancy, and although punished by a war of races, New Zealand has yet prospered, and we judge this from the extent of our own trade with it, for in 1862 its value was £5,100,000, exclusive of at least as much in gold. As to the conduct of the Government to the colony of New Zealand, we cannot see that either the Maoris or the colonists have any fair ground of complaint. It went out of its way to furnish the former with the most popular Governor they ever had, the man who could have induced them to keep the peace had that been humanly possible, while to the colonists they gave, as Commander of the Forces, according to the judgment of Lord Clyde, the most accomplished soldier of his age and standing in the British army. Let us just be in the impatience, of which we certainly confess to our own share, and, whatever fuel there be to condemn, remember also, in justice to distant countymen, that the question has also its better side.

TENNYSON'S NEW VOLUME.—The new volume of poetry, from the pen of the Poet Laureate, has been announced as bearing the title of "The Lay of the Heart." The use of this title has been denied, the ground that the term "Idylls," in connection with the poet, has become so familiar to most readers by its association with his last work, the Idylls of the famous King Arthur, that it has been supposed the volume will bear the name of the principal poem—"Enoch Arden." This would accord with the title given to it some months ago—"Enoch the Fisherman," and would guard against any confusion with previous publications, and thus prevent misconception. Still it may be called "Idylls" after all. Enoch Arden tells the story in a very touching manner, of the return of a master long supposed to have been lost at sea. He comes back unbroken and alone, and, looking by night into his cottage window, finds that his old love has been married to another husband, and observes that she is evidently happy in her new attachment and wifely duties. Thereupon he determines not to break up this happy home, where there is no place for him, where his intrusion might occasion distress, and goes away without revealing himself. There is scope here for a representation of the different phases of the true hearted love, and for a delineation of tenderness and pity, quite in accordance with Tennyson's taste and aptitude. There is another story, descriptive of rustic Lincolnshire life, with which the poet is familiar, being a native of the county. The scenery and personages are described from life, and the native dialect is preserved. There are also the beautiful poems of "The Grandmother," reprinted from "Once a Week"; the "Sea Story," from "Macmillan"; the "Tubonic" from "Cuthill," &c.—forming a volume about the size of "In Memoriam."—Correspondent of *Nelson Examiner*.

NEGRETTI FIBRESE.—The *Grenville Advertiser* mentions that on Mr. M. H. Baird's station on Mount Bute, Linton, 6 lbs 2 ozs. of fibres were taken from a lamb the produce of a Negretti ram. There are now about 700 lambs of the same breed on the station. The above fact is very important, as showing what may be done by a little judicious enterprise. It is calculated that Mr. Baird will derive from this and the adjoining station an income of £14,000 per annum.

FLAX IN SYDNEY.—The *Sydney Illustrated News* states that "wild flax of superior description to that of New Zealand has been discovered in the inland plains."

A government office: a bundle of sticks bound together by red tape!

Homoeopathy: like cures like. Sulphur comes from Vesuvius, therefore it is good for eruptions.

An American editor thus distinguished between different sorts of patriotism:—"Some esteem it sweet to die for one's country; others regard it sweeter to live for one's country; but most of our patriots hold it sweeter to live upon one's country."

A top was riding a very fine horse down the Camden-road, a young and pretty lady was very admiringly admiring the animal, when he stopped and impudently asked, "Are you admiring me?" "Yes," was the ready reply; "I was admiring the horse, not the top."

Why is it easy to break in an old man's horse? Because his *gait* (gate) is broken and his *kicks* are few.

This is the exhibit marked "J" referred to in the affidavit of Toro Edward Waaka affirmed at Napier this 17th day of January 2014 before me Signature: Julee Ball
A Solicitor of the High Court of New Zealand/Justice of the Peace

"J"

RELATIVE TO LAND PURCHASES.

313

C—No. 1

may be properly settled for, in the terms we all agreed to at our meeting at te Waipukurau and Te Aute, that is, the gathering of all the people and the Chiefs who agree that the land should go to Mr. McLean.

Friend, the foregoing conversation took place at our meeting at Te Aute on the 17th April.

This is a further word of Mr. McLean, that I am holding or thinking of. If you consent that the payment should be over four years, let the first year be £1800, that the people who own the land may be satisfied.

These are Mr. McLean's words, that he cannot make large or increase the payment for these lands, as the matter rests entirely with the Governor; to these words I full consent, as he, Mr. McLean is situated like myself, the land is not entirely mine, it is the property of this man and that man, mine is merely handing it over to Mr. McLean.

Do not consider the payment should be the same for this land, as for these other lands, as these lands of yours have been enslaved by Waikato and the Rauparaha but this land has never been enslaved; now for the first time it has, by turning it over to Mr. McLean, therefore the people all agree that the land is wholly in Mr. McLean's hands, that is Heretaonga.

This is all our word to you; this letter is from

Hineipaketia,
Hori Nia Nia,
Karanime te Nahu,
Paora te Ropitia,
Tuhua and Seventy others.

This is from your loving friend, who has agreed to give Mr. McLean the land for you, that you, the Governor, may have the land and send me Europeans for my land, as soon as possible, at the same time with the payment, that we may soon have respectable European gentlemen. I am annoyed with the low Europeans of this place; let the people for this place come direct from England, new Europeans, to live on our lands at "Tawitikuri;" let it be a large, large, large, very large town for me.

Friend the Governor, listen to the years for the payments; I say let it be in four years, and the first payment be £1800; the 2nd. year, £1000; 3rd. year, £1000; 4th. year, £1000: then it will be what I wish.

From me, from the fish of the sea,

TE HAPUKU.

Of Heretaonga te Kuriperehi, or good place.

To Governor Grey,
Auckland.

Enclosure No 2 in No. 6.

ROBERT PARK, ESQ., SURVEYOR, TO THE CHIEF COMMISSIONER.

Ahuiriri, 7th June, 1851.

SIR,—

According to your request I send you a brief report upon the three blocks of land lately agreed to be purchased by you from the Natives of Ahuiriri and others.

The first lying nearest Wellington and called Hapuku's Block, contains nearly 300,000 acres, and is bounded as follows. On the East by the sea, along which it extends from Matahui the Northernmost Point, to Parimahu the Southernmost Point, a distance estimated at 17 miles in a straight line partly cliff and sandy beach.

There is no harbour but there is a sufficient shelter at Tuingara for vessels; several small ones having anchored there and landed and received goods, as also wool from a Station belonging to Messrs. Northwood and Tiffen close by, on the South from Parimahu to a Stream called in the Ruataniwha plain; the boundary runs in nearly a straight line, a distance of about 23 miles following the line passing over low hills covered principally with fern; on the west, along the said stream called flowing Northwards to the Tukituki river across to the Waipawa River and from thence up a small stream called to the Northern boundary, the whole distance being about 21 miles, and in nearly a straight line—the Streams well defined. This boundary passes through rich grass land and embraces a small portion of the Ruataniwha plain (some 40 miles long by 10 miles wide), a plain which for beauty of position, fertility of soil, mildness of climate and abundance of wood and water, stands unrivalled in New Zealand; and on the North and North-East partly by the edge of a swamp and stream as far as Pa Tangata on the Tukituki River, and partly by that river; from thence, upwards, along the Ngakoutawa Stream to a range of hills, along said range for a short distance, and then Eastwards to the sea at Matahui; the whole distance being from 36 to 38 miles.

This block is nearly square and is a most valuable one; beautifully diversified by hill and plain; the soil is generally very rich and is nearly all covered with excellent grass. The Tukituki River (which is navigable for canoes in the winter time as far as the Western boundary) runs through the richest parts, and there are minor streams; the road from Port Nicholson via Wairarapa will likewise pass through it, and every where roads can be made at a moderate expense; there is abundance of good timber (Matai, Kahikatea, Totara, &c), and although the largest portion is included in the Native reserves, this will be no detriment, as the Natives are willing to sell the wood at a moderate rate. There is also a fine site for a town near Waipukurau, and close to a range of low hills, composed of a shelly limestone adapted for building purposes.

Reporting on three blocks
of land, Hapuku's, Ahu-
riki, and Mohaka.

17/01/14

The next, the "Ahuriri Block", is distant from the last about 20 miles, and contains also about 900,000 acres. It is bounded on the East partly by the Waiwhingsaga Stream, and partly by the coast, a low shingly spit dividing the harbour from the sea and runs from Petane on the Waiwhinganga to Motuwhahou at the entrance of Ahuriri harbour, a distance of about 7 miles. Embracing the harbour, the Southern boundary runs across to the Tutakuri River and continues along it to Owhakou, where it leaves the river to run in nearly a straight line to Waiharakeke at the base of a high mountain range, Kaweka, the whole distance about 35 miles; on the West by Haweka some 16 miles to Mangatutu on the Mohaka River; and on the North and North-East partly by the Mohaka River, partly by the Native road to Taupo, and partly by the aforesaid Waiwhinganga to Petane, a distance in all of about 32 miles.

This block is very much broken by hills and streams; and is principally covered with fern, but wherever the fern has been burned off, or along the footpaths, the grass springs up abundantly, and it only requires sheep and cattle to make it a rich pastoral country; there is little or no wood towards the sea, but inland there are some fine groves of excellent timber.

The most valuable part however of this block is the Harbour, consisting of a large sheet of water or lagoon, about five miles long by two wide, indented on the Western shore by beautiful little bays fit for residences, and should be parcelled off in 10 or 50 acre lots; and on the coast, defended from the sea by a shingly spit; the depth of water nowhere exceeding 9 feet. At the mouth of the lagoon is the harbour proper, being several channels cut into the sea with a depth of from 2 to 2½ fathoms at low water; there is no bar, and it is perfectly safe and easy of access at present for vessels of from 40 to 100 tons; on the North Spit there is room for a small town where the present European houses are.

But supposing a settlement should be formed here, the harbour might be made available for vessels of much larger tonnage. By reclaiming about 18 acres (see sketch), at the base of Moturoshou (or the island as it is called), the body of water would have a clean sweep out, deepening and widening the Channel, and on this reclaimed land might be built the lower town, on the Island the higher; forming a depot for the produce of the country for 100 miles round; great portions of the lagoon might also be reclaimed; as you are likely to purchase the whole of the land from East Cape to Port Nicholson, I cannot imagine a finer site for a settlement than the district altogether would form. The unoccupied land lying between the two blocks and generally known as the Ahuriri plain, is as you are aware, covered with large swamps, but all of them drainable; the lower part being a dead flat, the drains might form (Channels) canals intersecting the plain in every direction, making an easy and cheap mode of transport, the distance from Wellington by the Wairarapa is somewhere about 150 miles, and the road from what I have seen of the country, would not be an expensive one to make, the greatest obstacle being a bush of about 40 miles long between the Rauhīwā and the Wairarapa.

The Mohaka block is distant about 21 miles from the Ahuriri block, and contains from 80,000 to 90,000 acres. On the South-east it is bounded by the sea, the distance from Mohaka southwards to Waikari being above 7 miles, all cliff; the beach at the base is passable in the summer time, but is rather dangerous from the cliffs constantly falling.

The Southern boundary is formed by the Waikari river, along which it runs to its source about 16 miles to a place called Patuwahine on the Mangaruru range, from thence down to the Mohaka 3 miles further. On the West and North by the Mohaka river; following it until it joins the sea, the whole distance may be 30 miles. This is a fine river and navigable for canoes as far as the Ahuriri block, but much impeded with rapids and large blocks of stone; there is a whaling station at the mouth, the boats belonging to it passing in and out at almost all weathers. There is a regular traffic between Mohaka and Ahuriri carried on by the Natives when they have produce for sale.

The soil is very good: there is sufficient timber for all purposes, and the land not too much broken, as in the Ahuriri block, and a little more grass, than on the Mohaka, some table plains above the river, and pleasant spots at the bends below. Altogether it is a very pretty little purchase, and would make three or four good runs, the great drawback being the badness of the road, which is, as it at present runs, execrable. It appeared to me, however, that one might be got further inland, and which accords with the Native opinion; but I had not time to examine it. There is some good building stone inland: on the Mohaka and Waikari rivers, sand and limestone. The former would make excellent grindstones, the Natives using it for that purpose. I have only to add that the climate is magnificent, nothing can be finer. I have only lost three days in as many months from wet weather, as it generally rains at night, or early in the morning; the wind steady and bracing, and not too strong: in fact, quite a summer in the depth of winter.

Accompanying I send two sketch maps, one of the district generally, and one of the entrance of the harbour,

And have, &c.,

ROBERT PARK,

Surveyor.

No. 7.

THE CHIEF COMMISSIONER TO THE HONORABLE THE COLONIAL SECRETARY, WELLINGTON,

Ahuriri, 19th November, 1861.

Sir,—

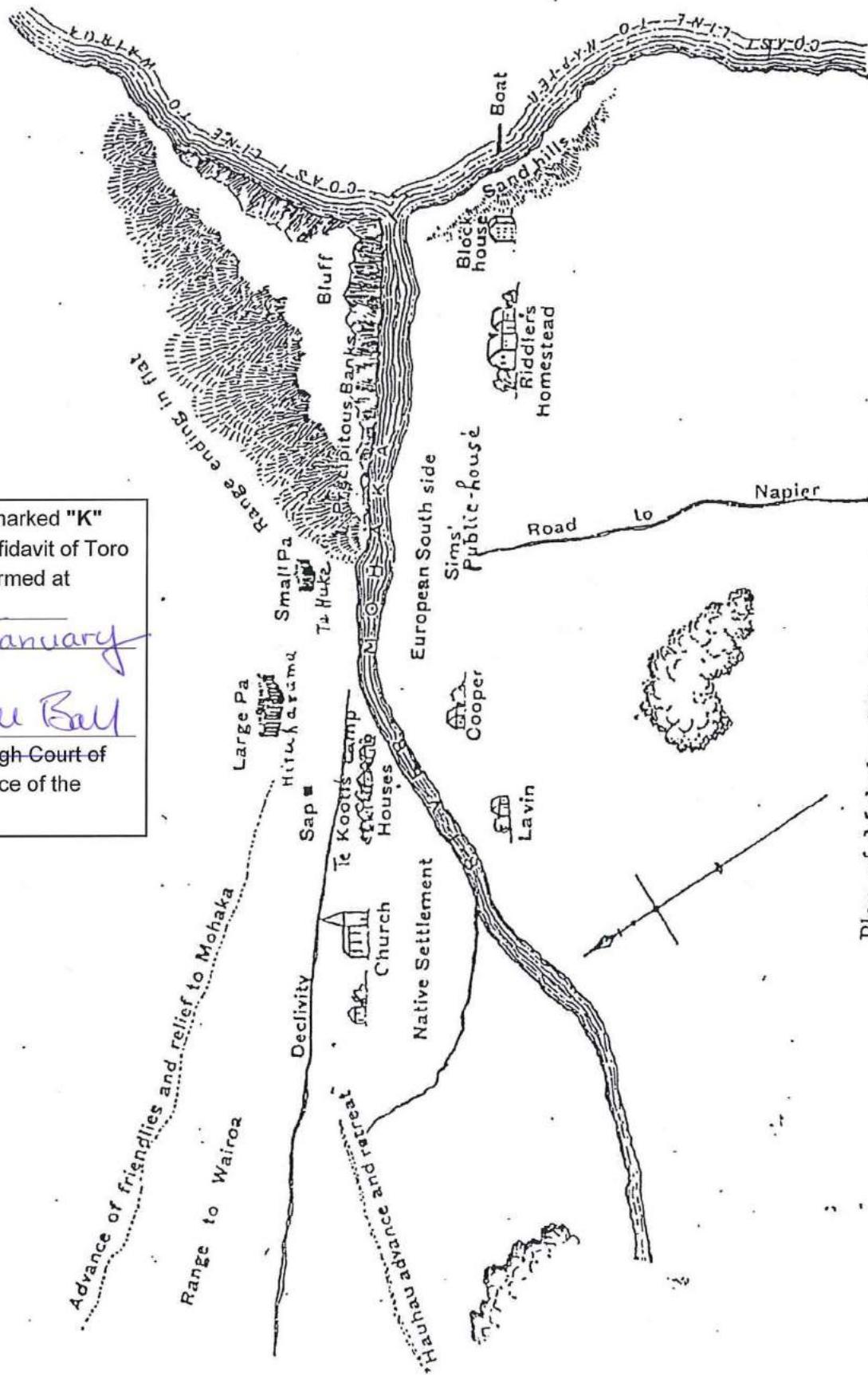
I have the honor to report to you, for the information of His Excellency the Governor-in-Chief, that the first instalment of purchase money for te Hapuku's district was paid to the Natives at

Reporting payment of
first instalment for te
Hapuku's block.

"K"

326

New Zealand Wars



Plan of Mohaka (Hawke's Bay), 1869

THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER

The Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
DEVELOPMENT TRUST for Customary
Marine Title and Protected Customary
Rights

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
(as originally filed by WAYNE TAYLOR,
KUKI GREEN AND RUKUMOANA
WAINOHU) for protected customary
rights

SUPPLEMENTARY AFFIDAVIT TO AFFIDAVIT OF
TORO EDWARD REGINALD WAAKA DATED 17 JANUARY 2014

AFFIRMED

12/12 2014

NGĀTI PĀHAUWERA DEVELOPMENT TRUST

74 Queen Street, Wairoa

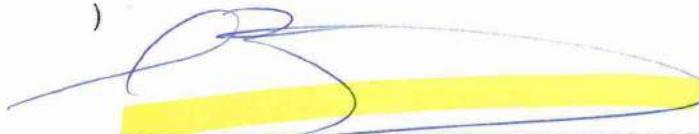
Phone: (06) 838 6869

Fax: (06) 838 6870

Email: npdtt@xtra.co.nz

I, TORO EDWARD WAAKA, Chairperson and Business owner, of Napier solemnly and sincerely affirm:

1. My name is Toro Edward Waaka. I am a Trustee and the Chairperson of the Ngāti Pāhauwera Development Trust and the Ngāti Pāhauwera Tiaki Trust.
2. On 17 January 2014 I affirmed my personal affidavit. Annexed to my personal affidavit as exhibit C was, "Report No 1 for the Mohaka Forest Claim WAI 119/201 Traditional Resources of Ngati Pahauwera before 1851".
3. In error, this report was not included in its entirety therefore it is annexed to this supplementary affidavit and marked "A".

Affirmed at Napier this)
12th day of December 2014) 
before me:) 
CARA DIANA BENNETT)
SOLICITOR)
NAPIER)
A Solicitor of the High Court of New Zealand/Justice of the Peace

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER

The Marine and Coastal Area (Takutai Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
DEVELOPMENT TRUST for Customary
Marine Title and Protected Customary
Rights

IN THE MATTER OF

An application by NGĀTI PĀHAWERA
(as originally filed by WAYNE TAYLOR,
KUKI GREEN AND RUKUMOANA
WAINOHU) for Protected Customary
Rights

AFFIDAVIT OF HENARE WAINOHU

AFFIRMED *6th March* 2014

NGĀTI PĀHAWERA DEVELOPMENT TRUST
74 Queen Street, Wairoa
Phone: (06) 838 6869
Fax: (06) 838 6870
Email: npdtt@xtra.co.nz

I, HENARE WAINOHU, beneficiary, of Flaxmere, solemnly and sincerely affirm:

1. My name is Henare Wainohu and I am 67 years old. I am a member of Ngāti Pāhauwera and live in Flaxmere. I support the Takutai Moana negotiations. Living in Flaxmere now I have heard some things. People have been saying that they want to cut the Pahauwera fishing boundary and stop it at the Waikare river. That is not true. We have always known the boundary was always Napier. My father taught me that.
2. My grandmother was Girlie Wainohu and my grandfather was Henare Wainohu. They lived in Mohaka, up the road from the Marae and we would walk down to the beach. My grandmother and my Dad taught me how to fish. My grandfather was in a wheelchair, so he didn't come down. It was mainly Pahauwera down there. You might get one or two tourists, they would fish with rods but it wouldn't take, you'd be lucky to get one fish if you used a rod. In Mohaka we have this thing called a reti board, if you used that, you would get heaps. It is the shape of a fish and you have a line and hooks, people back home make lures out of paua shells or cigarette boxes and that attracts the kahawai. You go to the mouth of the Mohaka river and let the currents take the board out – sometimes 25 to 50 metres. You can feel the fish taking the lure. When you get one fish, you will pull the line in and sometimes more fish will grab the other lines. I remember that if your reti board line got caught up with someone else's, they would cut your line.
3. Fishing was the main thing to do in Mohaka, it was sport, it was food, it was the main interest. They had fishing competitions but I never went in them. When they lived down this way, my Dad and my uncles would come back from Napier to go to Mohaka to fish in the competitions.
4. Us kids would swim or have our own lines and sinkers, we would fish for herrings while the older people used the reti boards. Those herrings were easy to catch, put the line in, pull it out, put it back in, and quickly bring it back. We would eat the herrings but they are pretty bony. My grandmother would preserve fish and meat in those old fruit

tins, full of oil – they called it tunutunu. You would eat it and whatever was left over you would leave in the tin and put it in the safe outside the house- they never had fridges in those days.

5. Sometimes I would walk down there by myself and spend the day swimming. I knew where the safe places were because my grandmother told me. Once I almost drowned in the Mohaka Lagoon when I was a kid, about 12 or so. I tried to swim across but I couldn't make it. My aunty and my school friend jumped in and pulled me out. I remember one person who drowned out there. He was fishing with his reti board, he walked out on to the bar and he never came back. It was dangerous there, they never found his body. You have to be careful when you are crossing the river or the bar, if you get swept out to sea that is it.
6. In my older days I didn't go back so much because I was working as a shearer, and then I moved to Wanganui. When I lived in Wanganui, whenever there was a tangi or important hui I would go back.
7. Aropaoanui is where Pahauwera have always gone for kaimoana. I remember my mum would have a hankering for some kaimoana and Dad would say, 'OK, come on lets go'. My brother Hunter and I would get the horses ready and the three of us would go all along the beach from Mohaka to Aropaoanui. That was normal for us, I remember when someone was sick my grandmother would walk all the way to Wairoa on the beach, just to go and see them.
8. On one of our trips to Aropaoanui we had to camp between the cliff and the sea because the tide was too far in. The next morning when the tide was down, we would get to Aropaoanui and get kina, paua, crayfish, whatever and load up the pack horse and then come back to Mohaka. We didn't have to camp on the way back because Dad would make sure we left on time. The good thing about horses was that there were lots of short cuts. We would cross the river and it would be faster than the road. When we got a truck my Dad would drive us down to Aropaoanui and we would ask the farmer if we could go through and

he would let us. That was the only way to get through. Sometimes we would drop him a couple of crayfish or paua on the way back through.

Affirmed at Hastings this 6th)
day of March 2014) S/ W L
before me:)

AM Thomson JP
A Solicitor of the High Court of New Zealand/Justice of the Peace

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV 2011-485-821

UNDER

The Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
DEVELOPMENT TRUST for Customary
Marine Title and Protected Customary
Rights

AND IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
(as originally filed by WAYNE TAYLOR,
KUKI GREEN AND RUKUMOANA
WAINOHU) for Protected Customary
Rights

AFFIDAVIT OF FRANCES EMILY WHALE

AFFIRMED

2013

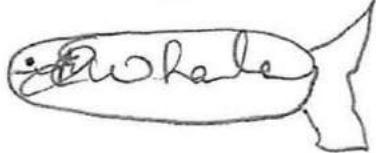
NGĀTI PĀHAUWERA DEVELOPMENT TRUST
74 Queen Street, Wairoa
Phone: (06) 838 6869
Fax: (06) 838 6870
Email: npdtt@xtra.co.nz

I, Frances Emily Whale, Retired/Kaumatua, of Mohaka, solemnly and sincerely affirm:

1. I was born in Palmerston North and grew up in Clive. I live on Old Coach Road Mohaka. My connection to Ngāti Pāhauwera comes through my Great-grandmother. My Grandmother's name was Mate Renata. I am Ngāti Pāhauwera. I do support the Trusts negotiations for this Takutai Moana Claim for Protected Customary Rights.
2. I am fully conversant with Tikanga, can Karanga, I have learned the reo and Ngāti Pāhauwera protocol. I still study though, I still study Te Reo, Tikanga, computers and weaving. I teach embroidery and I am involved with various things in the community. I am a new Trustee of the Ngāti Pāhauwera Kaumatua Charitable Trust. I feel that our Kuia and Koroua are very important people. I give them extra apricots or avocados or whatever extra I have in the garden. Living in a rural community we need to look after them and do these things.
3. I fish whenever I have time and whenever I feel the need. I still fish with a reti board. It was my Nanny's (Mate Renata). When we had a wananga in the last couple of years the kaiako asked 'whose is that reti board over there', because it was floating the best of all of them, floating really nice, and I said 'that's mine, it was my Nanny's and its over 70 years old'. I only take what I need. I whitebait during the season and only take as much that will make a few of fritters out of. I am a clean fisherwoman, I fish until I have two fish and then I go home. I bring the fish home and put them on a board, bang the heads off and then bury the offal, as we should. I fish, but when I fish I only take a couple. We need to think of the years to come, if you over fish, then you lose it. It's very important.
4. I think that there should be a mussel farm at Mohaka. I think Ngāti Pāhauwera should put a mussel farm up here. That would give a lot of the local tane who are into fishing, employment.
5. I live right by the shingle pit and see all of the Ngāti Pāhauwera locals coming by, they have to come past my place to get to the beach. They

come by every day. You wouldn't believe what they come in – tractors, buggies, trucks, cars, scooters, you name it. Then the tractor's got a trailer with a whitebait net or whatever on it. For sure they are Ngāti Pāhauwera, the locals .

6. I support Ngāti Pāhauwera Development Trust in their application for this Takutai Moana claim.



Affirmed at Napier this 2nd
day of November 2013
before me: John Purcell

~~John Purcell~~
A Solicitor of the High Court of New Zealand/Justice of the Peace
John Purcell
Bay View, Napier
Justice of the Peace