

NGĀTI MANUHIRI

and

THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

21 May 2011

DEED OF SETTLEMENT

PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngāti Manuhiri and breached the Treaty of Waitangi and its principles; and
- provides an acknowledgment by the Crown of the Treaty breaches and an apology; and
- settles the historical claims of Ngāti Manuhiri; and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the governance entity that has been approved by Ngāti Manuhiri to receive the redress; and
- includes definitions of –
 - the historical claims; and
 - Ngāti Manuhiri; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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THIS DEED is made between

NGĀTI MANUHIRI

and

THE CROWN

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1: BACKGROUND

1 BACKGROUND

Ngāti Manuhiri community

- 1.1 Ngāti Manuhiri are the descendants of the tupuna Manuhiri, the eldest son of Maki, and as such are affiliated to the broader Te Kawerau confederation. Ngāti Manuhiri also has close whakapapa connections with Ngāti Wai. It is through these connections that Ngāti Manuhiri have been represented on the Ngāti Wai Trust Board for the last seventy years. Today the Ngāti Manuhiri community affiliates to Ōmaha Marae at Pākiri.

Treaty claims of Ngāti Manuhiri

- 1.2 The first Ngāti Manuhiri claim to the Waitangi Tribunal, Wai 122, was lodged by Laly Paraone Haddon and Hawe Brown on 24 October 1989. It was subsequently withdrawn. Four further claims (Wai 244, Wai 532, Wai 1539 and Wai 1811) were lodged by members of Ngāti Manuhiri regarding historical grievances relating to Ngāti Manuhiri generally. Three additional claims (Wai 280, Wai 487 and Wai 567) were lodged that relate specifically to the alienation of Te Hauturu-o-Toi / Little Barrier Island.

Waitangi Tribunal

- 1.3 No Waitangi Tribunal inquiry has been conducted for the Mahurangi and Gulf Islands district or for the claims of Ngāti Manuhiri specifically. However, Ngāti Manuhiri claims relating to the Mangawhai block were heard during the Waitangi Tribunal's Kaipara inquiry in 2001, and reported on in 2006. Individuals of Ngāti Manuhiri descent have also participated in the Waitangi Tribunal's Paparahi o Te Raki inquiry in 2010 and 2011.

Negotiations

- 1.4 On 24 June 2009, Sir Douglas Graham delivered a proposal to the iwi/hapū of the Kaipara, Mahurangi, Tāmaki Makaurau and Hauraki regions. This proposed that Ngāti Manuhiri enter direct negotiations with the Crown for the settlement of their historical Treaty claims.
- 1.5 At a hui-a-iwi in July 2009, Ngāti Manuhiri gave the MOKO Trust an interim mandate to negotiate a deed of settlement with the Crown. Negotiations between the Crown and Ngāti Manuhiri then progressed in parallel with a formal mandating process. At a series of hui-a-iwi in late 2009, Ngāti Manuhiri gave the MOKO Trust a mandate to negotiate the settlement of all Ngāti Manuhiri historical Treaty claims. On 16 December 2009, the Minister of Māori Affairs and Minister for Treaty of Waitangi Negotiations recognised this mandate.
- 1.6 On 22 December 2009, the Minister for Treaty of Waitangi Negotiations on behalf of the Crown delivered a formal Crown offer to the MOKO Trust for the Ngāti Manuhiri Treaty settlement. The MOKO Trust counter-signed this offer, at which point it comprised an agreement in principle.

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1: BACKGROUND

1.7 Since the agreement in principle the MOKO Trust and the Crown have –

1.7.1 held extensive negotiations in good faith; and

1.7.2 negotiated and initialled a deed of settlement.

RATIFICATION AND APPROVALS

1.8 Ngāti Manuhiri has, since the initialling of the deed of settlement, by a majority of –

1.8.1 99.44%, ratified this deed and approved its signing on their behalf by the mandated negotiators; and

1.8.2 97.22%, approved the governance entity receiving the redress.

1.9 Each majority referred to in clause 1.8 is of valid votes cast in a ballot by eligible members of Ngāti Manuhiri.

1.10 The Crown is satisfied –

1.10.1 with the ratification and approvals of Ngāti Manuhiri referred to in clause 1.8; and

1.10.2 the governance entity is appropriate to receive the redress.

AGREEMENT

1.11 Therefore, the parties –

1.11.1 in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and

1.11.2 agree and acknowledge as provided in this deed.

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2: KŌRERO NŌ ONAMATA

TOHUŌKAWA WHAKATAUNGA

2 KŌRERO NŌ ONAMATA

KUPU WHAKATAKI

Mā tēnei kōrero nō onamata e whakaatu te hononga ki waenganui i te Karauna me Ngāti Manuhiri mai i te tau 1840 ā, ka whakamārama hoki i ngā mahi me ngā hapa a te Karauna, ko ērā kua pā kino mai ki a Ngāti Manuhiri nō mai rā anō ā, ka noho tonu hei pūtaka mō ō rātou kerēme. Kei konei anō te horopaki mō ngā whakaaetanga a te Karauna mō ōna takahitanga ā-Tiriti nō onamata rā anō ki a Ngāti Manuhiri, tae atu ki te tuku whakapāhatanga a te Karauna ki a Ngāti Manuhiri.

NGĀTI MANUHIRI

He uri a Ngāti Manuhiri nā Manuhiri, mātāmua a Maki, rangatira toa nō Ngāti Awa ki Taranaki rāua ko tana wahine a Rotu. I whānau mai a Manuhiri i Kāwhia i ngā tau pokapū o te rautau tekau mā whitu. Ka pakeke ake, ka wehe atu rātou ko ōna mātua, tungāne, tuāhine hoki me tētahi rōpū tautoko, āhua rahi tonu, ki te kimi kāinga hou mō rātou ki waenganui i ngā whananaunga nō Tainui i te raki. Nō muri mai i te noho poto ki Tāmaki, me te tohetohe ki ngā whanaunga nō Ngāoho (Tainui), ka noho pūmau ai a Maki rātou ko tōna iwi ki ngā takiwā o Kaipara ki te tonga, o Waitākere, o Whenuaroa o Kahu (North Shore) me Mahurangi. Nā tētahi raru i tupu ake i Kaipara ki te tonga, ka mōhiotia whānuitia a Maki rātou ko tōnu iwi, hei ingoa whakakotahi, ko 'Te Kawerau'.

Hei tā ngā tikanga o Ngāti Manuhiri, ka hangaia e Manuhiri rātou ko ōna apa tētahi pā, ka tapaina ki te ingoa o Koritotī, e tata ana ki Arapārerā, ki te raki o Helensville ā, ka nohioa te takutai ki te rāwhiti o te Whanga o Kaipara, ahū atu ana ki te raki o te Awa o Hōteu. Ki reira tonu a Ngāti Manuhiri e tupu ake ana i tōna ake mana motuhake hei iwi. Patua atu ai te iwi ake o Whakarewatoto (Long Bay), o Karepiro (Ōkura) me Huruhuruwaea (Tāwharanui) e Manuhiri rātou ko ōna tungāne a Ngāwhetū rāua ko Maraeāriki. Tae rawa mai ki te mutunga o te rautau tekau mā whitu me ngā tau tōmua o te rautau tekau mā waru, ka nohoia e Ngāti Manuhiri me ō rātou whanaunga nō Te Kawerau te takutai ki te rāwhiti mai i Takapuna tae atu ki Te Ārai Point. Ka pakangahia, ka nohoia rurua e Maki rāua ko tana tungāne a Mataahu me ō rāua tama Te Hauturu-o-Toi / Little Barrier Island me Aotea (Great Barrier Island).

Hei rautaki whakamau i te rongopai me te whakatōpū anō i tō rātou noho ki te whenua, ka moemoe haere a Ngāti Manuhiri ki roto i ērā atu iwi tawhito o Ngāi Tāhuhu e noho atu rā ki te raki-mā-uru me te raki tonu, tae atu ki a Ngāti Manaia (Ngāti Wai). I noho atu rā ki te takutai ki te rāwhiti i te raki o Whāngarei me te nui hoki o ngā motu ki tai. Nā ēnei moemoenga rautaki ka riro hononga tawhito ai a Ngāti Manuhiri ki te whenua, ki te moana me ngā motu rā i te takutai ki te rāwhiti mai i Paepae o Tū (Bream Tail) ki Takapuna, tae atu ki te taha rāwhiti o Kaipara.

Ka noho tonu a Ngāti Manuhiri ki raro i te maru o te whakakotahitanga o Te Kawerau ā, ko te whakapapa mai i a Maki rāua ko tana tama a Manuhiri, te tikanga o tō rātou mana whenua ki tuawhenua. Nā tō rātou whakapapa ki a Ngāi Tāhuhu ka tupu ake ngā hononga tāpua ki te iwi kiritata o Te Uri o Hau ki te taha raki-mā-uru o te rohe ā, ka

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whiwhi mana whenua i reira. Nā ngā moemoenga rautaki o te wā, tae rawa ake ki ngā tau tōmua o te rautau tekau mā waru, ka whai wāhi tūturu ai a Ngāti Manuhiri ki a Ngāti Wai i nohoia ngātahitia ai a Pokohinu (Mokohīnau Islands), Te Hauturu-o-Toi me Aotea. Koinā te take ka whai māngai tonu a Ngāti Manuhiri ki runga i te Poari o Ngāti Wai mō ngā tau whitu tekau.

Nā te kaitiakitanga tōpū ā-iwi i pupuri ai a Ngāti Manuhiri ō rātou whenua, rawa anō hoki. I ngā rangatira te mana whakatau i te āhua o te oranga ā-hapori, ā-tōrangapū hoki o te iwi me ngā hapū ā, nō rātou te mana whakahaere i tō rātou rohe. E ai ki a Ngāti Manuhiri, ka ahū atu ō rātou pānga tuku iho ki te takutai ki te rāwhiti mai i Whangaparāoa ki te tonga tae atu ki Paepae o Tū ki te raki. Ki te taha hauāuru, ka whai pānga anō a Ngāti Manuhiri ki te pae maunga ā-takutai mai i Kōritotī me Ōtakamaitū e tata ana ki Arapārerā, ki te Awa o Hōteō, tae rawa ake ki Kīkītangiao me Hauhanganui (Wellsford). Ka ahū whaka-te-uru-mā-rāwhiti tonu mai i Patumakariri, e tata ana ki Wellsford tae rawa atu ki te takutai ki te rāwhiti ki Te Ārai o Tāhuhu (Te Ārai Point) me Paepae o Tū.

Matomato ana ngā rawa ā-tai, ā-uta i tēnei rohe whānui rā, tae atu ki tō rātou tata ki ngā tauranga mango e tino hiahia ana i waho atu i te takutai o Mahurangi. Nā te pai o te āhuarangi o te rohe nui rawa rā, whakaturia ai te kūmara ā, nā ngā ngahere kauri nunui i whakarato rākau hei hanga waka, me te huhua anō o ngā rawa o te ngahere.

Nō te taenga mai o Tauīwi i te mutunga o te rautau tekau mā waru me ngā tau tōmua o te rautau tekau mā iwa, ka haria mai ai te rewharewha ā, kaha rawa atu te papānga ki ngā taupori o te iwi o te takiwā. I ngā tau tōmua o ngā 1800, nā te pū anō i whakararu ngā hononga ki waenganui i ngā iwi me ngā hapū, huri noa i Aotearoa. Ka uru atu a Ngāti Manuhiri ki ēnei pakanga ā, he nui te matemate i pā i te pakanga o Te Ika a Ranganui i tū rā i te mutunga o te tau 1825. Ka whai punanga a Ngāti Manuhiri me te katoa o ngā iwi me ngā hapū nō ngā takiwā o Kaipara ki te tonga me Mahurangi, ki roto o Te Taitokerau me Waikato. Ka noho atu tētahi rōpū tāne ki runga i te whenua, mā reira e mau tonu ai te ahi kā. E ai ki ngā tikanga a Ngāti Manuhiri i hoki mai rātou ko ētahi atu iwi, hapū hoki i tō rātou noho manene i ngā tau tōmuri o ngā tau 1830. Ahakoa tō rātou tokoiti, ka nohoia anōtia e Ngāti Manuhiri ngā wāhanga katoa o tō rātou rohe. Ka tīmata ake te taetae mai o ngā mihinare Wēteriana me ō rātou ake whakaponō. Haramai ai hoki me te kore tonu, ngā kaitope rākau ā, ka nohonoho ki waenga i a rātou.

Kāhore i haria te Tiriti o Waitangi ki Kaipara ki te tonga, ki Mahurangi rānei kia hainatia. Heoi anō, moata tonu te manaakitanga a ngā rangatira o Ngāti Manuhiri ki ētahi āpiha a te Karauna pērā i a James Clendon rāua ko William Symonds i taetae atu ai mai i te tau 1840. Ka whakaaetia e ngā rangatira o Ngāti Manuhiri te mana o te Tiriti ā, ka whakawhanakehia he hononga mahitahi me te Karauna. E ai anō ki ngā tikanga o Ngāti Manuhiri, i mana ai tēnei hononga nā te tukunga o tētahi hoari e Sir George Grey ki tō rātou rangatira, ki a Te Kiri Kaiparāoa, tērā pea i te tau 1864.

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WHAKARITENGA WHENUA MOATA

I mua i te tau 1840 ka uru mai a Taiuiwi me te Māori ki ētahi whakaritenga e pā ana ki ngā whenua ki te raki o Tāmaki-Makaurau, tae atu ki ētahi motu ki tai. Hiahia kētia ana ngā Taiuiwi ki ngā ngahere o te takiwā o Mahurangi, he mea ngāwari te taenga atu mā ngā whanga whakamarumaruru me ngā kuititanga awawa. Ka whakaratoa e ngā ngahere rā te kauri mō te mahi pou, kani rākau e nui ana te tupu ake hei whakatutuki i ngā hiahia o te British Royal Navy i ngā tau 1830 ā, nō muri kē mai, hei whakarato i ngā hiahia mō te rākau o te tokomaha o ngā tāngata noho ki taua rohe.

E ono ngā whakaritenga whenua, mai i Mangawhai ki te raki me te Awa o Mahurangi ki te tonga, i pā hāngai atu ki a Ngāti Manuhiri. Ka whai wāhi atu ētahi rohe, nui whakahirahira te rautaki, nā te kaponga mai o tētahi wāhanga nui o te whenua e karapoti ana i ngā whanga, i ngā wahapū me ngā kuititanga awawa. Ka whiriwhiria, ka haintia katoatia ngā tohuōkawa e ngā Taiuiwi me ērā iwi kāhore i noho pūmau ai ki te takiwā. Kāhore a Ngāti Manuhiri i whai wāhi ki aua whiriwhiringa.

Kapi ai te tohuōkawa a Webster rāua ko Dacre nō te tau 1839 i te āhua o te 10,000 eka, tae atu ki te raenga kuiti o Tāwharanui, ki te whanga o Whāngateau me ōna ngahere mō te 421 pauna. Ka kapia anōtia ngā wāhi noho (he pā, he kāinga hoki) tae atu ki ngā wā kāinga mai i Ōmaha (Leigh) ki Kohuroa (Matheson Bay) me Matakana, tae atu ki te nui o ngā wāhi whai mana o Ngāti Manuhiri. Arā, ko te maunga tapu a Tamahunga tērā me ētahi atu wāhi whakahirahira tuku iho. Kāhore a Ngāti Manuhiri i whai māramatanga ki taua whakaritenga.

Ka kapia e te tohuōkawa a Millon rāua ko Skelton nō te tau 1839 te 5,000 eka, nui atu, ki te taha raki o te whanga o Matakana tae atu ki te pā o Matakana, ki ētahi atu wā kāinga, pērā i a Pākaraka me ētahi ngahere kauri nunui rā. Ka whakahīhi tonu a Ngāti Manuhiri me ētahi atu iwi ki a Matakana mō tōna wāteatanga atu ki ngā tauranga mango. He huarahi tāpua ki uta hoki te Awa o Matakana, hei tawhā whenua tuku iho anō mō te iwi.

Ka whai pānga tuku iho a Ngāti Manuhiri me ētahi atu iwi ki Te Kawau Tūmārō o Toi (Kawau Island). He motu nui te mana tuku iho ki a Ngāti Manuhiri. Ka horahia e tōna taiao te nui o ngā rawa a Tāne i whakamahia ai e Ngāti Manuhiri i ngā wāhanga o te tau i a rātou e noho rā ki te motu me ngā kāinga o tuawhenua. Ka meatia e Taylor rāua ko Beattie, nā rāua tonu i hoko te motu i te tau 1840 mō te 119 pauna. Kāhore a Ngāti Manuhiri i whai wāhi atu ki taua whakaritenga ā, nō muri mai ka whakahēngia tōna pono.

Kāhore te Karuana, i te tau 1840, i whakaae ki ēnei, me ētahi atu whakaritenga ki runga i ngā whenua o Ngāti Manuhiri, hei whakataunga taitara ā-ture. Heoi anō, nā ēnei whakaritenga i tohu te tīmatatanga o tētahi tikanga hoko, ko tōna whakamutunga, ko te rironga atu o te nuinga o ngā whenua o Ngāti Manuhiri me ētahi o ō rātou taonga whai mana rawa atu.

TE HOKONGA O “MAHURANGI ME ŌMAHA” I TE TAU 1841

I te marama o Hune, 1840 ka tautuhia e tētahi āpiha a te Karauna, he wāhi pai te whanga whakamarumaruru o Mahurangi me te rahi anō o ngā ngahere kauri e karapoti ana hei wāhi whakatū tāone. Nō te whakatau a te Karauna kia tū a Tāmaki-Makaurau hei tāone matua mō te whenua maru hou, ka whakaarohia hoki he hokonga

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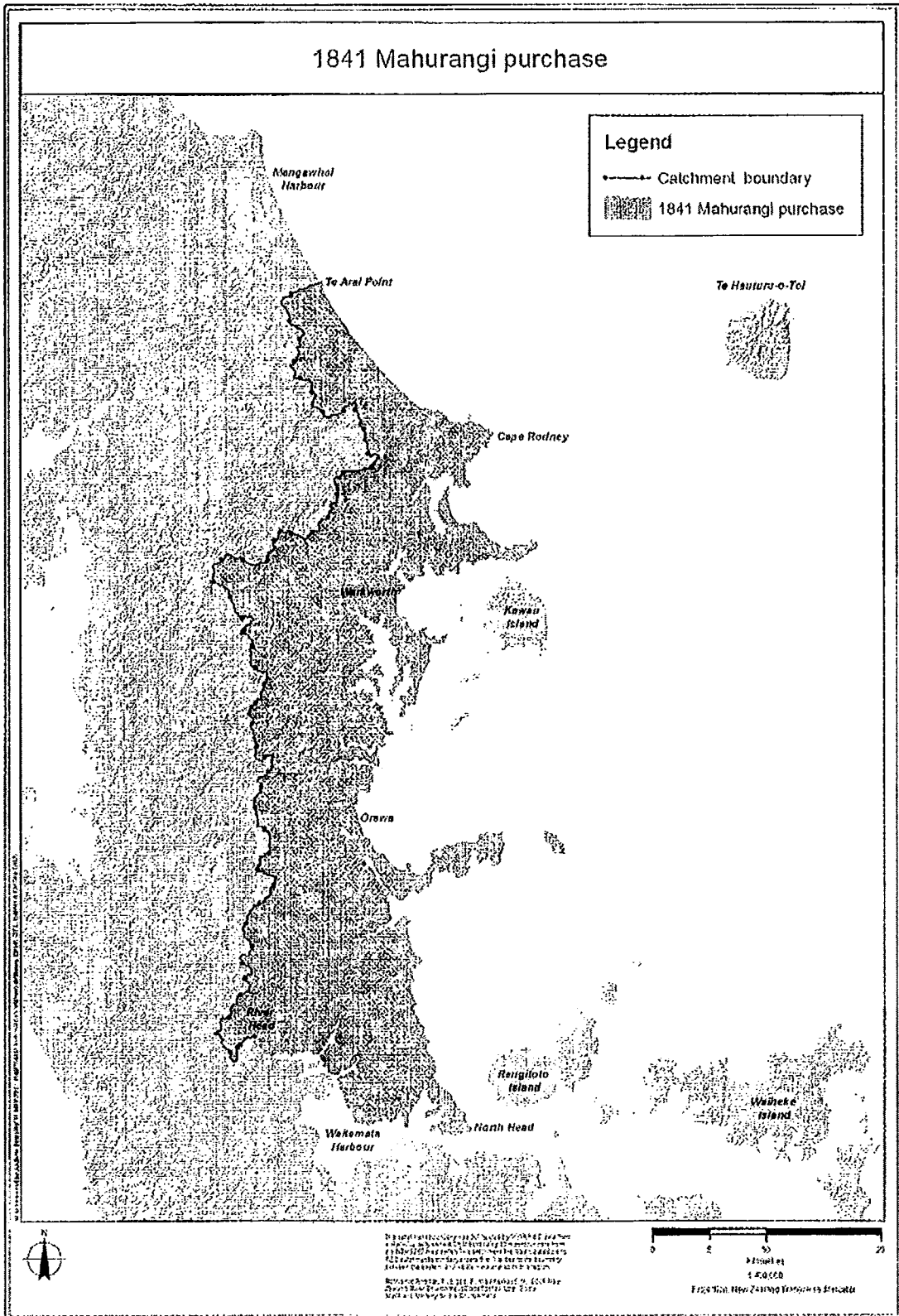
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whakahirahira te whenua e ahu whaka-te-raki ana i te Whanga o Waitematā tae atu ki te rohe o Mahurangi, hei whakatutuki i ngā hiahia o te tāone matua hou.

Nō te 13 o Aperira, 1840 ka whiriwhiria e te Karauna tētahi tohuōkawa hoko mō tētahi rohe, āhua 110,000 eka te rahi, e kīia ana ko "Mahurangi me Ōmaha" e ahu atu ana i Maungauika (North Head) i te Whanga o Waitematā, ka whaka-te-raki atu i te tai rāwhiti ki Te Ārai o Tāhuhu (Te Ārai Point).

Ka uru te Karauna ki tēnei whakaritenga me te kore aronga atu ki ngā mana tuku iho o te rohe. Ka pono kē atu te Karauna ki ngā kōrero mai i ngā kaihoko, ehara nō Ngāti Manuhiri, me tōna mōhiotanga pakupaku nō mua ki te takiwā.

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2: KŌRERO NŌ ONAMATA

Kāhore te Karauna i āta mārama ki te whānuitanga ā-taiao o tōna hokonga. Kotahi rā, e rua rā rānei nō muri mai i te tuku kia hokonga atu, ka hainatia ai te tohuōkawa. Kāhore i whai wā ki te rūri, ki te whakarite mahere rānei hei tāpiritanga ki te tohuōkawa. Ka inakitia katoatia e te whakaritenga o te tau 1841 ngā whakaritenga whenua o mua kāhore anō kia rūrihia.

Kāhore te Karauna i āta ruri i te whenua ake o te tohuōkawa o te tau 1841. I te marama o Mei, 1841 ka tonoa ētahi āpiha tokorua a te Karauna, me ētahi Māori tokowhā hei māngai mō ngā kaihoko kia whakatauria te tawhā ki te raki. Ka whakatauria ko Te Ārai Point hei tohu tawhā. Nō te Karauna te whakatau kia tū tētahi pae maunga hei tawhā ki te hauāuru, ki roto rānei o te hokonga, ahakoa kāhore i takahia e rātou te tawhā. Kāhore anō he take ki a rātou kia rūrihia tēnei tawhā o roto, kia whakaritea rānei te tawhā ki te tonga. Manohi rā, ko te mahi tuatahi a te Karauna, ko te tautuhi, ko te rūri hoki i ngā whenua i roto i te hokonga hei whenua e tika ana mō te nohonoho a Tauīwi.

I ngā marama o Hune me Tīhema, 1840 ka tuku moni te Karauna ki tētahi iwi kiritata mō te hokonga o tētahi rohe, āhua 6,000 eka te rahi, hei whakatau i te tawhā ki te tonga o te poraka. I te marama o Mei, 1842 ka riro i tētahi rangatira nō Te Pēwhairangi tētahi utu mō ōna pānga ki Mahurangi. Nā reira anō te Karauna i tīmata ai ki tētahi tikanga hei whakaweto i ngā pānga tuku iho ki te poraka. Kāhore a Ngāti Manuhiri i utua i taua wā.

Kāhore a Ngāti Manuhiri i whai wāhi atu ki tētahi o ēnei whakaritenga. Nā te hokonga i te tau 1840 a te Karauna, i tīmata ai te tikanga tango whenua ka haere tonu rā mō ngā tau e 30. Koia tonu te tauria tāpua rawa atu mō te whakawehewehenga o Ngāti Manuhiri atu i ō rātou whenua me ō rātou rawa.

TE KŌMIHANA KERĒME WHENUA, 1843

Ka whakaritea e te Karauna kia āta uiuitia te katoa o ngā whakaritenga whenua (arā, ko ngā kerēme whenua tawhito) i tū i mua i te hainatanga o te Tiriti o Waitangi, kia whakatauria anōtia ko ēhea o ngā whakaritenga i whai tikanga kia tukuna he takuhe a te Karauna ki te kainoho whenua. Ka kopoua e te Karauna tana Kōmihana Kerēme Whenua i te tau 1840 ā, nō te tau 1843 tū ai ngā hui whakawā. Ka whakawhāititia ngā tikanga whakahaere a te Kōmihana ki te uiui mēhemea i tū te whakaritenga, āe rānei, kāhore rānei, i mua i te pokapū o te marama o Hānuere, 1840 tae atu ki te nui o te utu. I te nuinga o te wā, ka whakaaetia ngā kerēme mēnā i tautokona te whakaritenga e te Māori. Engari, kāhore i uiuitia ngā mana tuku iho o te hunga i whai wāhi ai ki ngā whakaritenga me te hōhonu o tō rātou māramatanga ki ā rātou mahi. I tua atu, kāhore te Karauna i whakatū tikanga ōkawa e taea ai e te Māori te pīra whakataunga mēnā ka pono rātou, kāhore i whakaaetia ō rātou pānga.

Ahakoa te pono o te Karauna, nāna tonu te poraka o 'Mahurangi me Ōmaha' i hoko i te tau 1841, ka uiuitia tonutia ngā kerēme whenua a ngā kainoho whenua o te rohe. Kāhore a Ngāti Manuhiri i whai wāhi ki tētahi o ngā whakaritenga tuatahi ā, he pērā anō rātou i te wā o ngā uiuitanga.

DEED OF SETTLEMENT

2: KÖRERO NŌ ONAMATA

Whāngateau

I te whakawātanga mō te tohuōkawa o Whāngateau, mō te kerēme rānei a Dacre, kāhore te Kōmihana i rongu kōrero mai i a Ngāti Manuhiri, ka mutu, nā te kore whakahē o ngā kaihaina ki te hokonga, ka tika te whakaritenga e ai ki te ture. Ka tukuna tētahi rohe, 1,944 eka te rahi, ki te kaikerēme, nāna tonu i hoko ōna pānga ki tētahi atu kaipakihi rākau.

Kāhore te hapori o Ngāti Manuhiri, i noho rā ki Whāngateau, i whakaae kia riro katoa ai i te kaipakihi rākau tāna i hoko ai. Ka nohoia e rātou te whenua, ka whakahētia e rātou te whakangarongaro whenua, engari, auare ake. Ki tā tētahi o ngā kaiwhakawā o te Kōti Whenua Māori i ngā tau 1870, ' kāhore a Whāngateau i hokona mai i ngā tāngata nō rātou ake te whenua'. Tē whakatikatikangia. Mai i taua wā hoki, ka nui te tono ki te Karauna kia whakatūwherahia ēnei whenua hei wāhi nohonoho. I te tau 1888, ka whakatauria e te Karauna ki te whakawhanake i te nohonga motuhake o Ōmaha. Nā te hokonga atu o ngā tohatohanga whenua, ka whakawāteahia e ngā Māori o reira te whenua.

Hāunga anō ēnei whakawhanaketanga, tae atu ki ngā tau tuatahi o 1900, he mana tonu tō Ngāti Manuhiri me ōna whananaunga ki te rohe tae atu ki ngā tau moata o ngā 1900. Ka tāpaetia e Ngāti Manuhiri tētahi petihana i te tau 1922 e inoi atu ana ki te Pāremata kia tū he uiuitanga ā-whenua. Nā te Kōmihana o Sim, he mea kopou e te Karauna, te petihana i tātari i te tau 1928. Ka rongu kōrero te Kōmihana, he mea hoko e te Karauna te whenua. Nā reira, kāhore i uiuitia e te Kōmihana te hononga ki te kerēme whenua o mua ā, kāhore i mārama atu ki ngā nawe nō mai rā anō. Kāhore i whiwhi utu a Ngāti Manuhiri. Ka whakapauhia e Ngāti Manuhiri te tāima, te pūngao me te moni ā, tae rawa ake ki tēnei wā, ka noho tonu te mamae mō te kerēme a Dacre.

Matakana

Ka uiuitia e te Kōmihana ētahi kerēme e tata ana ki te 5,000 eka te rahi i Matakana. Ka whakaaetia ētahi tonu e rua, e tata ana ki te 2,580 eka te rahi, ki ngā kaikerēme, he kaikari rākau Tauwiwi rāua tahi. He rite anō te kore whai wāhitanga atu o Ngāti Manuhiri ki te whakaritenga tuatahi, ki te uiuitanga anō hoki i tū i muri mai ai. I te tau 1845, nā Parihoru, rangatira nō Ngāti Manuhiri rātou ko ōna whananunga nō te rohe o Whāngarei, i muru tētahi teihana kani rākau i Matakana me ngā taputapu o ētahi Tauwiwi e noho ana ki reira. Te mutunga ake, tokomaha tonu ngā Tauwiwi i wehe atu i te rohe.

He takahi ture tēnei ki tā te karauna titiro. Heoi, kāhore i uiuitia te take mō te muru. Ka tonoa e te Karauna kia tukuna mai e Parihoru me ōna whanaunga te āhua o te 1,000 eka i te putanga ki te tonga o te Whanga o Whāngarei. Kāhore tēnei whenua i utua e te Karauna.

Te Motu o Kawau

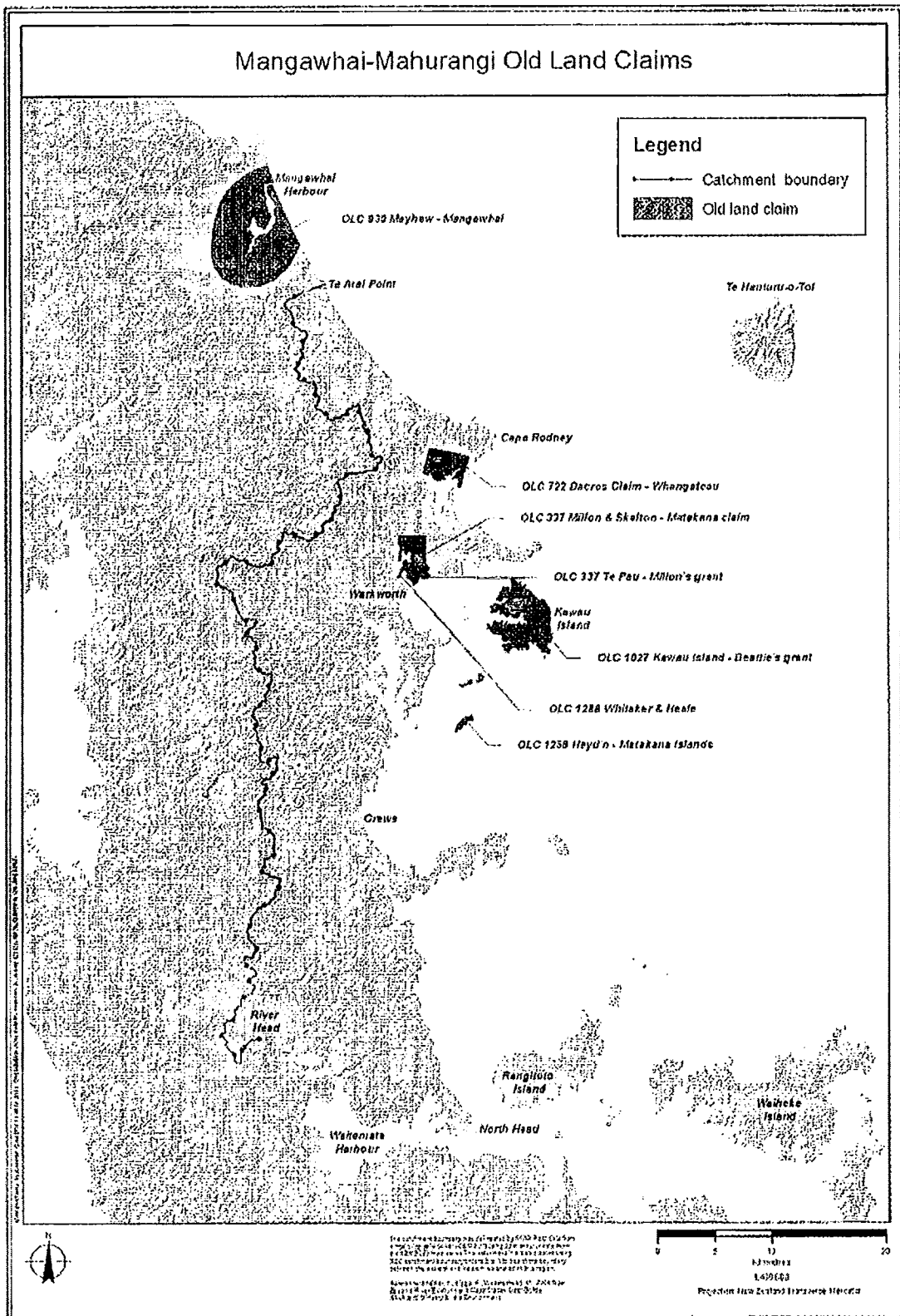
Kua kitea kētia, nō Ngāti Manuhiri te mana tuku iho ki te Motu o Kawau; heoi anō, kāhore ēnei pānga i uiuitia e te Kōmihana Whenua. Ka taunakitia e te Kōmihana kia kaua e whakaaetia te kerēme ā-kainoho ki te motu, nā te mea, i hainatia ai i muri i te Tiriti o Waitangi; nā taua Tiriti tonu i whakaae te mana kotahi ki te whakarite hokonga whenua me te Māori, ki te Karauna.

DEED OF SETTLEMENT

2: KŌRERO NŌ ONAMATA

Kāhore a Kāwana Fitzroy i whakaae ki te taunakitanga a te Kōmihana ā, nō muri mai ka tukuna e ia te takuhe mō ētahi whenua, e 2,560 eka pea te rahi i te Motu o Kawau. I te marama o Hūrae 1849, ka whakataungia e te Kōti Matua he mahi tika tērā. I tua atu, ka whakataungia hoki, he takuhe tērā mō te katoa o te motu, mō te 4,630 eka katoa. Ka nui te papānga ki runga i a Ngāti Manuhiri mō te ngarohanga atu o ō rātou pānga ki runga i te Motu o Kawau. I taua wā hoki, e nohonoho ana rātou ki te tuawhenua i te Whanga o Waikauri, i Mangatāwhiri me Tāwharanui. Ko te tikanga mai rā anō, he taonga rautaki te Motu o Kawau ā, he tohu tonu nō te mana o Ngāti Manuhiri.

DEED OF SETTLEMENT
2: KÖRERO NŌ ONAMATA



DEED OF SETTLEMENT

2: KÖRERO NŌ ONAMATA

NGĀ KERĒME TUKU I TE MANA HOKO

Ka whakatūria ānotia e te Karauna he tikanga whakahaere hei uiui i ngā whakaritenga whenua ki waenganui i te Māori me ngā tāngata tūmataiti i oti ai i waenganui i ngā tau 1844 me 1846. Nā te Kāwana o taua wā hoki i tuku iho te mana hoko motuhake a te Karauna, kia taea e ngā tāngata tūmataiti te whakawhitiwhiti kōrero atu ki te Māori mō te whenua.

I te tau 1845, nō muri i āna whakaaetanga e rua me ētahi Māori ka kerēmehia e tētahi kaikani rākau ētahi motu e toru ki waho o "Matakana": ko Motuketekete tērā, ko Moturekareka tērā, ko Te Mau Tohorā a Manaiāi (ko Motuora) anō hoki. Ka whakaūngia e ngā āpiha, kāhore i uru ēnei motu e toru ki te tohuōkawa o Mahurangi a te Karauna i te tau 1841 ā, ka taunakitia e te Karauna kia tukuna he whakaaetanga. Kāhore i whai wāhi hāngai atu a Ngāti Manuhiri ki te whakaritenga o mua, me te uiuitanga i muri mai. Koinā i ngaro atu ai ēnei tohu wāhi whakahirahira. Nā wai rā, ka whakawhitia atu te mana whakahaere o ngā motu rā ki te Karauna ā, nō muri mai ka kamupeniheihenatia te kaikerēme.

I te tau 1845, ka whākina e te Kaitiaki i ngā Māori, e George Clarke, te kūaretanga o te karauna me āna āpiha ki te whakatau ko wai rā ngā tāngata whenua o ngā whenua Māori. Ā, nō muri mai, ka wānangahia te tika o ngā hokonga i whakaūngia ai e ngā Kaikōmihana Whenua, e kīia ana "I te nuinga o te wā, he nui te āwangawanga" tae atu ki ngā whakaritenga i mua o te Tiriti o Waitangi.

Ko te hua nui i puta mai i te katoa o ngā kerēme nō mua i te Tiriti me ngā kerēme tuku i te mana hoko i te rohe o Mahurangi, ko te whakaae whenua atu ki ētahi kaikerēme (ā, he iti rawa ake te rahi o ngā eka i ērā i kerēmehia ai), te whakakore i ētahi kerēme, te whakarere atu i ētahi anō, tae atu ki te whakahoki whenua atu ki ngā Māori i ētahi wā torutoru nei. Heoi anō, ka noho tonu ērā whenua, kāhore i whakaaetia e tēnei tikanga, ki roto i ngā tawhā mōnehunehu o te whakaritenga o "Mahurangi me Ōmaha" a te Karauna i te tau 1841. Hāunga anō te whakaaetanga nō muri mai a te Karauna ki ngā pānga tuku iho a te Māori ki Mahurangi, ko ērā kāhore i whakawetongia e te hokonga o te tau 1841, pōhēhētia ana e te Karauna, nōna ake te whenua. Mō Ngāti Manuhiri, ko te mea nui kē, ko tō rātou kore whai reo atu ki ngā whakaritenga tuatahi tae atu ki ngā uiuitanga nō muri mai. Nohoia tonuhia ana e rātou te nuinga o te whenua, he whenua kua kore anō kia tukuna ōkawatia hei rāhui mō rātou i taua wā. Ā, ka piki haere tonu te tini o Tauīwi ki te rohe noho ai.

TE RAIHANA TOPE RĀKAU I TE TAKIWĀ O MAHURANGI

Ko tētahi o ngā papānga i puta mai i te whakaritenga whenua o te tau 1840, ko te whakahihī o te Karauna ki te whakatū tikanga whakahaere mō te mahi tope rākau i te takiwā o Mahurangi. Kāhore i tukuna te Māori i raro i te ture ki te whakatū rīhi pērā, ahakoa i whakaaetia ētahi whakaritenga ōpaki i ētahi wā. Ka ākina e te Karauna, mā te Pānuitanga Kauri i te tau 1841, ki te tiaki i te matomato o te kauri i runga i ngā whenua o te Karauna, i ngā whenua anō hoki i tohetohea ai e ngā kerēme nō mua i te hainatanga o te Tiriti. Heoi anō, kāhore i tutuki pai ai. Ka rite tonu te tope kauri me ērā atu momo rākau a ngā kaipakihi tūmataiti kia ea ai ngā hiahia o te whenua maru e tere tupu ake ana, tae atu anō hoki ki te hanga i te tāone matua hou ki Tāmaki-Makaurau.

DEED OF SETTLEMENT

2: KÖRERO NŌ ONAMATA

Nō te tau 1846, tukuna atu ai e te Karauna āna raihana tope rākau tuatahi i Mahurangi. Tae rawa ki te tau 1847, tekau mā rua ngā kaikani rākau i whakawhiwhia ki te raihana ā, ka tīmata te whiwhi pūtea anō mai i te hauhake rākau. Ka tukuna atu ēnei raihana mō ngā whenua, kāhore i whakaaetia te whakawehewehe atu, e ai rānei ki ngā tikanga o Ngāti Manuhiri. Ka nui hoki te auētanga o Ngāti Manuhiri mō te tuku raihana i te rohe whānui rawa o Mahurangi-Matakana.

Mai i ngā tau pokapū o ngā 1840, ka tīmata te tohetohe o Ngāti Manuhiri me ētahi atu Māori mō te nui o ēnei raihana ā, ka whakapaetia te Karauna mō ngā Tauwi e tope rākau ana ki ngā whenua, e ai ki a rātou, kāhore rawa i hokona atu ki te Kāwanatanga. I taua wā tonu, ko Mahurangi te pūtake nui rawa atu o ngā rākau kani mō te mākete i Tāmaki-Makaurau. Ka uru mai anō ētahi ātu Māori nō waho kē o te rohe ki te pakihiki kani rākau ā, pūpū ake ana te tohetohe.

TE WHAKAOTINGA O TE HOKONGA O “MAHURANGI ME ŌMAHA”

Ahako te tūnga o te Karauna i muri mai i te tau 1841, nō te Kāwanatanga kē te poraka o “Mahurangi me Ōmaha”, i ngā tau tuatahi o ngā tau 1850 ka tīmatahia te uiui i ngā mana tuku iho ki te rohe. I te tau 1854, ka meatia e tētahi āpiha a te Karauna, kāhore i whai wāhi atu “ngā uri o Te Kawerau me Ngāitahu”, tae atu ki a Ngāti Manuhiri, ki te hokonga tuatahi. I tua atu, ka kīia mō te mana o tētahi wāhanga o Mahurangi, i whakawetohia e te hokonga a te Kāwanatanga i te tau 1841, ngā mana o ngā kaihoko anake.

I te tau 1853, ka hainatia e Parihoru, rangatira nō Ngāti Manuhiri rātou ko ētahi atu rangatira tokowhā nō Kawerau, tētahi tohuōkawa, e whakaweto ana i ō rātou pānga ki Matakana. Ka whakaaetia e ngā āpiha, he pānga tūturu tō Parihoru ā, he ‘pai ake’ te whakaweto i ōna pānga mā te utu moni ki a ia, me te whakatū whenua rāhui mōna ake. Ka whakawhiwhia ki a ia te 150 pauna.

E whakaatu ana te mahere e tāpirihia ana ki te “Tohuōkawa a Parihoru” i te tau 1853, i tētahi rohe ki te taha raki o Mahurangi, e 25,000 eka neke atu te rahi, e kīia ana, ko te wāhanga tērā nō Parihoru ake ā, nāna tonu i whakawhitia atu rā. E whakaatu ana tētahi mahere i tētahi rohe iti rawa ake, 1,000 eka noa iho te rahi i Tawharanui, i roto anō i te “Kerēme a Parihoru”. Koia anake te whenua i rāhuitia i roto i te rohe o Matakana mō Ngāti Manuhiri. Hāunga anō tērā, ka nohoia tonutia e Ngāti Manuhiri te whenua rāhui rā me ngā whenua hoki e karapotia ana, he whenua i whakaarohia ai, he mea hoko e te Karauna.

I taua wā anō hoki, ka utua anōtia e te Karauna ngā kaihoko tuatahi rātou ko ngā iwi kiritata mō ā rātou kerēme nō mai rā anō ki Mahurangi, kua roa e noho tārewa ana. Tae rawa ake ki te marama o Hānuere i te tau 1854, ka whakatauria e te Karauna, kua ea i a ia ngā kerēme katoa, nā te utu ā-moni anake, nā te utu ā-moni me te whakatū wāhi rāhui hoki.

Ahako te whai wāhitanga o Ngāti Manuhiri ki te whakaritenga whenua i te tau 1853. tē taea te karo atu. Kāhore a Ngāti Manuhiri i whakaingoatia hei kaupuri mana whenua i mua i te whakaritenga o te tau 1841 ā, nō reira, kāhore te Karauna i kimi i ō rātou whakaaro kia hokona rānei a Mahurangi, ko ēhea wāhanga rānei e hokona ai, tae atu ki ngā whakaritenga e pā atu ana. Ahako te whakaaetanga o te Karauna i te tau 1853, kāhore i whiriwhiri kōrero atu ki te katoa o ngā kaupuri mana whenua, kua tīmata kētia te nohonoho haere o Tauwi ki ēnei whenua ā, me whakaaetia e Ngāti Manuhiri te tūnga

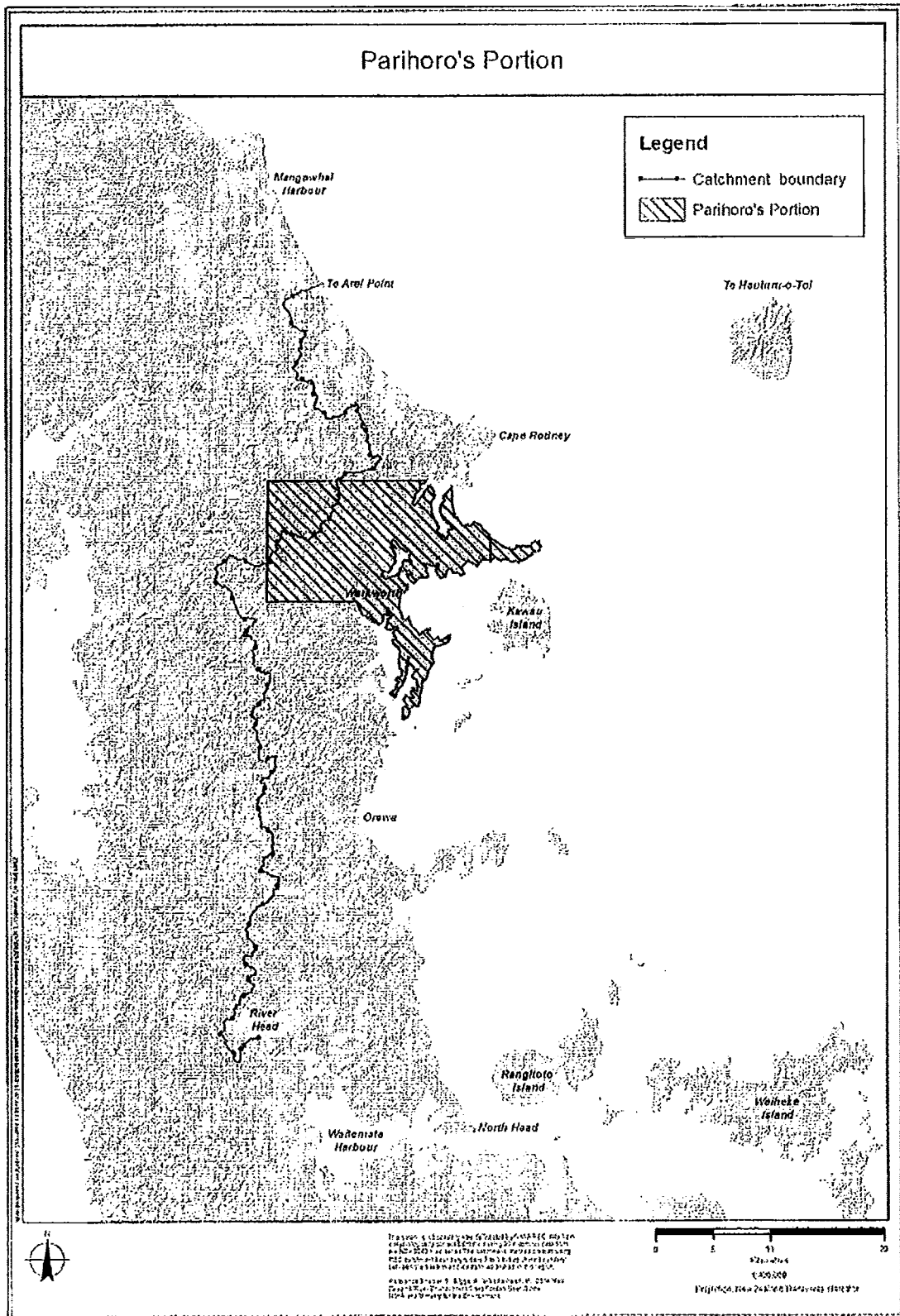
DEED OF SETTLEMENT

2: KŌRERO NŌ ONAMATA

o te Karauna e mea ana, kāhore e uiuitia anōtia te hokonga. Ko te huarahi anake e wātea ana ki a Ngāti Manuhiri ko te whakaaetanga ki tētahi utu moni, māna anō e rapu huarahi kia whakawhiwhia ki ngā whenua rāhui mō rātou.

Nā konā i whakapūmau ai te ngoikoretanga mai i te whakaritenga whenua i te tau 1841. Ka riro atu ngā rawa tuku iho o Ngāti Manuhiri, ō rātou tohu whenua, wāhi tapu, te whānui hoki o ngā pānga whenua nunui i te takutai ki te rāwhiti o te takiwā, ngā ūnga waka whakahirahira, ngā whanga me ngā kuititanga awawa, kua roa rawa e tautoko ana i tō rātou orange tuku iho ā, nā wai rā, ka ngaro atu tō rātou mana Māori anō hoki. Ko te otinga o tēnei whakaritenga, ko te kaha pupū ake o te tohetohe ki waenganui i a Ngāti Manuhiri me ētahi atu iwi, kainoho Tauīwi anō hoki ā, haere tonu ana ēnei raruraru ki tēnei rā tonu.

DEED OF SETTLEMENT
2: KŌRERO NŌ ONAMATA



DEED OF SETTLEMENT

2: KÖRERO NÖ ONAMATA

NGÄ HOKONGA A TE KARAUNA, 1854-1865

I te tau 1854 ka whakatūria e te Karauna tētahi hōtaka mārō hei hoko whenua i te raki o Tāmaki-Makaurau. Ko te whakatinanatanga tēnei o te kaupapahere a te Karauna ki te hoko whenua hei wāhi nohonoho ā, ki te hono, ki te whakatōpu hoki i te pānga ā-taonga o te Karauna mā te hokohoko whenua Māori i ngā taha. I te tau 1854 ka tohua e te Karauna āna āpiha hoko whenua kia kaua e hoko whenua i pā nui ai ki te oranga o te Māori ā, i te tau 1857, kia whakaūngia te nui o ngā whenua rāhui mō te Māori e tika ana.

Nā te whakatau a te Karauna kia tīmata anō te hokohoko whenua i tēnei rohe i whakaatu anō ai te hiahia ōna ki te whakarite i te rohe ki te uru, ki roto hoki o te whakaritenga o “Mahurangi me Ōmaha” o te tau 1841. Ka rūrihia tuatahitia e te Kāwanatanga ētahi rohe rerekē, whatiwhati hoki, mai i te raki ki te tonga ki waenganui i te takutai o Mahurangi me ngā whenua o tuawhenua i ngā tau pokapū o ngā 1840. Heoi, ka tohetoha te tūnga o te whenua whānui ka tahi, me ngā rawa kauri ka rua, ki te uru tonu o ēnei tawhā.

I te tau 1854 ka whakatau te Karauna ki te whakarite i te āwangawanga e pā ana ki ngā tawhā ā, ka hokona anōtia, i taua wā tonu, ngā whenua e inaki ana, e noho tata ana rānei, ki te tawhā o roto nō te tau 1841. Ka pupuri pānga tuku iho a Ngāti Manuhiri ki ēnei whenua i inakitia i ētahi wāhanga ki ngā pānga tuku iho o ētahi atu iwi. Ko ngā poraka whenua o Mangawhai, o Wainui me Ahuroa/Kourawhero ētahi o ēnei hokonga. I te tau 1858, ka hokona e te Karauna te poraka o Pākiri ki te tonga ā, ka whāia anōtia i te tau 1859 e te hokonga o te poraka o Waikeriāwera. Nō te tau 1862, hokona ai e te Karauna a Kō Mōkoriki 1 me te 2.

Na te takoto o te nuinga o ēnei whenua ki roto i ngā rohe o te whakaritenga o “Mahurangi me Ōmaha” o te tau 1841, he mahi hoko anō tēnei e te Karauna. Hāunga anō te hokonga o te tau 1841, ka ngana te Karauna ki te āta mōhio ki ngā tikanga o ngā mana whenua Māori tuku iho i te takiwā, ka hoko whenua ana i muri i te tau 1854.

He rerekē ngā moni i utungia e te Karauna mō ngā whenua huri noa i Aotearoa i taua wā, heoi anō, e kīia ana, he iti noa. Ki tā te Karauna whakaaro, e tika ana te iti o te moni nā te nui o ngā hua ka riro i te Māori mai i te whakawhanaketanga ā-anga o roto, ā-ōhanga hoki whai muri mai i ngā hokonga whenua. Te tikanga kē, ka haere ēnei whakawhanaketanga mehemea ka pupuri tonu te Māori ki te rahi o ngā whenua e taea ai te whiwhi hua mai.

Ka haina a Ngāti Manuhiri i te tohuōkawa hoko mō te poraka o Mangawhai. Ka whakaritea e te tohuōkawa nei ‘kia whakapauhia te 10 ōrau o ngā moni whiwhi mai i te hokonga a te Kuini i tēnei poraka whenua, hei tautoko i te oranga o te Māori’ Ā, kia whakawhiwhia ngā kaihoko Māori ki ngā painga pērā i ngā kura me ngā hōhipera. Manohi rā, kāhore i whakatūria he tikanga whakahaere hei tohatoha haere i ngā whiwhinga moni. I te tau 1874, ka tohaina e tētahi āpiha a te Karauna te tōpūtanga o te moni i riro i te hokonga o Mangawhai, ka tahi ki ngā whakahaere, ka rua ki ngā kaihoko takitahi, ki ā rātou uri rānei. Kāhore he moni i utua anōtia i muri mai i te tau 1874, te otinga kē, kāhore ngā kaihoko o Ngāti Manuhiri i whiwhi painga mārō anō mai i ngā whakaritenga mō te 10 ōrau i roto i te tohuōkawa. Kāhore hoki a Ngāti Manuhiri i whakamōhio ai mō tēnei whakarerekētanga.

DEED OF SETTLEMENT

2: KÖRERO NŌ ONAMATA

I te tau 1927 ka uiuitia tēnei take e te Kōmihana Sim. Ko te tikanga kē o te whakaritenga mō te 10 ōrau i te tohuōkawa o Mangawhai, e ai ki te Kōmihana, hei painga mō ngā Māori huri noa, kua mō ngā kaihoko o Mangawhai anake. I tua atu, ka whakatauria, kua ea ngā here nō muri rā anō i puta ai i te te whakaritenga mō te 10 ōrau, i te whakapaunga moni whānui ki ngā ratonga ā-hapori, ā-mātauranga a te Karauna. Hāunga anō tērā, kāhore a Ngāti Manuhiri i āhei atu ki te kura, ki ngā ratonga hauora mātanga tonu i te rohe, tae noa mai ki te mutunga o te rautau 19.

Tae rawa ake ki ngā tau pokapū o ngā tau 1860, 115,000 eka te rahi o ngā whenua i riro atu i te Karauna, i ngā kainoho Tauīwi rānei. E 30,000 eka anake i Pākiri ki te Raki i te kokonga o te rohe tuku iho o Ngāti Manuhiri, ngā whenua tūpuna, e toe ana ki a Ngāti Manuhiri. Ka whai pānga hoki a Ngāti Manuhiri ki ngā poraka o Hōteō, o Tāwharanui me Mangatāwhiri, ki Hauturu (Little Barrier Island) tae atu ki te whenua rāhui, āhua iti nei i Ōmaha.

NGĀ HOKONGA A TE KŌTI WHENUA MĀORI ME TE KARAUNA, 1865-1890

Ka whakatūria Te Kōti Whenua Māori i te tau 1862 hei whakarite i te mana whenua o ngā whenua Māori, hei whakawhitiwhiti hoki i te taitara tuku iho ki te taitara a te Karauna. I muri atu i te tau 1862 he herenga tō te pupuri taitara mai i te Kōti Whenua Māori, i mua i te whakaturetanga o te hokonga, rāhitanga rānei. Mai i te tau 1866, rangona ai e te Kōti Whenua Māori ngā tono kia uiuitia ngā taitara whenua i ētahi wāhanga o Mahurangi. Ka pakangatia ngā taitara o ētahi poraka whenua ruarua nei, engari ka whakaaetia noatia te nuinga e te Kōti, i te wā iti rawa nei.

Ka whai taitara a Ngāti Manuhiri ki Pākiri ki te Raki, ki tētahi wāhanga o Tāwharanui, ki Mangatāwhiri Nama 3, ki Ōmaha me Wakatūwhenua. Ka whakawākia ētahi poraka pērā i a Tāwharanui me Hōteō ki mua i te aroaro o te Kōti nā tētahi whakaaetanga o mua kia hokona te whenua. Nō te tau 1912, e whā tekau tau ki muri mai, hokona atu ai a Mangatāwhiri Nama 3.

Mō te poraka o Hōteō, he mea hoko e te Karauna i waenganui i te tau 1862 me te tau 1868, Ka tū tētahi hui a te Kōti Whenua Māori i te tau 1887 ki te whakatau kaupupuri mana whenua, ki te whakarite hoki i te wāhi ki ngā whenua rāhui. Ka tukuna te poraka o Hōteō ki ētahi rōpū e whai pānga tata ana ki a Ngāti Manuhiri. Ko ngā whenua rāhui anake i kerēmehia e Ngāti Manuhiri, ko Mataia, i tere hokona atu ai ki tētahi kainoho whenua, me Mangakura, he mea hoko anō i te tau 1880.

He utu tonu tō te whakarite taitara mā ngā whakahaere a te Kōti Whenua Māori, tae atu ki te utu rūritanga, utu ā-kōti ā, i ētahi wā, he utu mō te rōia tae atu ki te wā i whakapauhia me ngā rawa e tika ana kia tae atu rātou ki ngā hui a te Kōti. Kia tae atu a Ngāti Manuhiri ki ngā hui a te Kōti Whenua Māori, me haere mā runga i ngā rori kino, mai i te 140 ki te 200 kiromita ki Te Awaroa (Helensville), mā runga poti rānei ki Tāmaki-Makaurau. Me utu anō rātou mō te noho whare me te kai i te wā o te Kōti e noho atu ana.

Te Poraka o Pākiri ki te Raki

Nō muri mai i te hokonga o te poraka o Waikeriāwera i te tau 1859, ko te 30,000 eka o te poraka o Pākiri ki te Raki, te whenua rahi anake e toe ana ki te Māori i te takutai rāwhiti ki waenganui i Tāmaki-Makaurau me Whāngarei. E ai ki ngā tikanga o Ngāti Manuhiri, nā

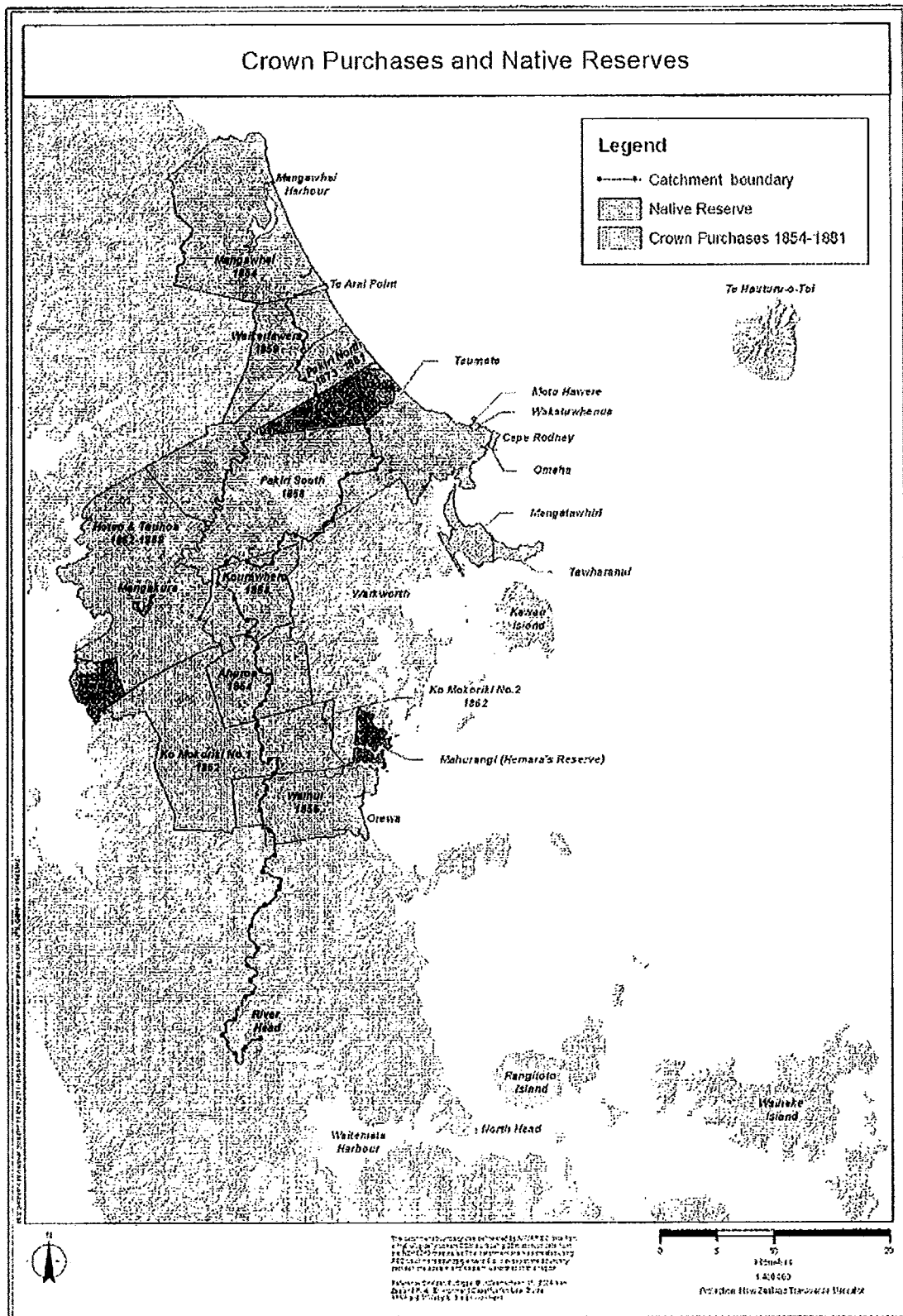
DEED OF SETTLEMENT

2: KÖRERO NÖ ONAMATA

ētahi rangatira tokotoru hei māngai mō Ngāti Manuhiri me ētahi atu iwi whanaunga, i akiaki ki te aukati i te rironga atu o tēnei whenua ā, ka whakaaetia kia wehewehea kia toru ai ngā wāhanga o te poraka, tētahi ki tētahi. Ko te whakatao o Ngāti Manuhiri kia pupuritia tō rātou ake wāhanga o te poraka.

Heoi anō, nā te Kōti i tuku taitara i te tau 1869 ki te tamāhine a Te Kiri Kaiparāoa, ki a Rāhui Te Kiri me ētahi atu tāngata tokorua, he tamariki tonu tētahi. Ko John Sheehan, he rōia, tētahi o ngā kaitarahiti tokorua i whakaingoatia mō te tamaiti rā. I raro i te ture, kāhore e taea ngā pānga o te tamariki te riro atu. Auare atu, ka ngana ngā kaitarahiti ki te whakahaere hokonga.

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Nō te tono ki te Kōti i te tau 1873 kia wehewehea te whenua, i a Rāhui Te Kiri anake te mana ā-ture hei tangata whenua ā, ka whakahēngia e ia te hokonga, te whakawehewehe rānei i a Pākiri. Ka uiuitia te whakaaetanga kia hokona atu e te Kōmihana Tarahiti i te tau 1876 ā, ko te whakatau, he takahi ture tērā.

Ka kopoua a Sheehan hei Minita mō ngā Māori ā, i te tau 1877 nāna i whakarite kia whakarerekētia te ture. Ka whakaturea i te tau 1877 ētahi hanganga ture kia whai mana ai ngā kaitarahiti ki te hoko i te whenua nō te tamariki ā, ki te whakaae anō i te whakawehewehe whenua. Ka whakaaetia anōtia ngā kirimana o mua i whakaritea ai e ngā kaitarahiti me te Karauna.

Nō muri mai, ka tautokona e te Karauna te mana o Sheehan me ērā atu o ngā kaitarahiti o Pākiri ki te whakawehewehe, ki te hoko anō hoki i te whenua o Pākiri. He rite tonu te whakahē o Rāhui Te Kiri i te whakawehewehenga me te hokonga atu o Pākiri, auare ake. Ka whakawehea a Pākiri ki ētahi wāhanga ōrite e toru i te tau 1880. I te tau 1881, ka riro i te Karauna ētahi tautorutanga e rua o te whenua. Ka tukuna tētahi tautorutanga o te poraka ki a Rāhui i te tau 1880 ā, kāhore ētahi whenua o tēnei wāhanga o Pākiri i hokona tae rawa mai ki te rautau 20. E ai ki a Ngāti Manuhiri nā tēnei wehenga whenua i puta he wehenga whenua, he wehenga pānga hoki. Ko te mutunga kē, he whakararu tēnei i ngā hononga ki waenganui i ētahi wāhanga o te iwi.

Whenua Rāhui

Kāhore ngā tohuōkawa i hainatia i mua i te tau 1865 i whakarite whenua rāhui ahakoa te mōhio o te Karauna, he kainoho Māori kei te whenua e hokona ana. Hei taura, i te poraka o Pākiri ki te Tonga, kāhore i whakaritea tuatahitia he whenua rāhui ahakoa e mōhio ana he kaihaina e noho ana ki ngā wāhi pērā i a Ōmaha, he wāhi i te takutai kei roto tonu i ngā tawhā o te hokonga. Kāhore he hua i puta nō muri i ngā porotehe kaha a Te Kiri Kaiparāoa. I te tau 1861, ka whakaae a Te Kiri Kaiparāoa ki tētahi whenua rāhui, 163 eka te rahi, i Ōmaha. Nā wai rā, ka tukuna te taitara o tēnei whenua rāhui ki a Rāhui Te Kiri i te tau 1897. Ka whakaae anō a Te Kiri Kaiparāoa ki te 10 eka whenua takutai i Waitūwhenua (Cape Rodney) me te Whenua Rāhui o Taumata e 60 eka te rahi i te taha tonga o te waha o te Awa o Pākiri. E meatia ana, nāna i hoko whenua anō i te tonga whaka-te-rāwhiti o te Awa o Pākiri.

Ka maumahara tonu a Ngāti Manuhiri ki te whakaū whaiaro o Te Kiri Kaiparāoa kia noho whakamarumarū ngā wāhi tapu nui te whakarahara huri noa i tō rātou rohe tuku iho. Hei whakapūmau i tētahi wāhi tapu i te poraka o Ahuroa/Kourawhero i te tau 1862, me hoko whenua anō ia mai i te Karauna. E ai ki ngā tikanga o te tohuōkawa, me whakahoki a Te Kiri i te 20 pauna o te utu hoko ā, ka whakawhitia atu ki a ia tētahi rohe e 40 eka te rahi, e kīia ana " he wāhi tapu e noho ana ki waho o tēnei hokonga whenua". Nā te Karauna i hoko te 40 eka mai i a Ngāti Manuhiri mō te 1/7d mō ia eka ā, mutu rawa ake, ka whakahokia atu ki a Te Kiri mō te 10 herengi mō ia eka. Kāhore i noho hoko kore te whenua rāhui rā. Kāhore i tuku taitara ki te poraka kia tae rawa mai ki te tau 1914 hei wāhanga nō tētahi tikanga hoko.

Kāhore e mārāma ana te pūrongo ōkawa mō te whānuitanga o te whakamarumarū i ngā wāhi i whakaritea ai e ngā āpiha a te Karauna i mua i te hainatanga o te tohuōkawa hoko. I ētahi wā i muri mai, ka tono a Ngāti Manuhiri ki te Kōti Whenua Māori mō ngā

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wāhi rāhui i whakaarohia e rātou he whenua ērā i waho atu o te hokonga ā, kia noho whakamarumarū anō ō rātou wāhi tapu. Kāhore he hua i puta mai.

Ka noho pukuriri tonu a Ngāti Manuhiri i te whakahētanga a te Karauna ki ō rātou kerēme e pā ana ki ētahi o ō rātou whenua tuku iho. Ka whakakorea ngā tono a te rangatira nō Ngāti Manuhiri, a Tenetahi Te Riringa, kia uiuitia a Whāngateau, a Wakatūwhenua, a Ōmaha me tētahi wāhanga o Pākiri, me te kore uiuitanga, nā te whakataunga nō te Karauna kē te whenua. Ka tipu ake ēnei tono nā te kaha āwangawanga mō ngā tawhā o te poraka o Pākiri ki te Tonga, nā te whakataunga i te kerēme a Dacre, tae atu ki ngā rohe whenua i hiahia ai e Te Kiri kia rāhuitia i Ōmaha, i Wakatūwhenua, i Pākiri anō hoki.

He mahi maminga noa te hokonga a te Karauna i a Motukino (tētahi wāhanga o ngā motu o Mokohīnau) ā, kāore i mōhiotia e Ngāti Manuhiri me ēra atu iwi kua roa nei e noho tangata whenua ana ki tērā motu. Kāhore tēnei whakaritenga i whakararu i ngā whakamahinga tuku iho i te rautau 19 ā, ka aukatia te uiui taitara a te Kōti Whenua Māori. I te tau 1928 ka uiuitia e te Kōti Whenua Māori tētahi petihana i tāpaetia e tētahi whanaunga tata ki a Ngāti Manuhiri, e tonoa ana kia whakahokia a Motukino. Nō muri mai i te uiuitanga, ka whakatauria e te Kōti, he mana tuku iho tō ngā kaitāpae ki te motu ā, nō rātou te mana whakamahi tuku iho ki te motu ā, kia haere tonu ēnei mahinga pēnei i te hī ika me te tāhere manu. Heoi anō, kāhore te Karauna i whakaae kia uiuitia anōtia te taitara ki te motu ā, ka noho tonu ki raro i te whakahaere a te Karauna.

Kāhore te Karauna i whakaae ki ngā pānga o Ngāti Manuhiri ki te poraka o Arapārera i te tau 1903, nō muri mai i te pīra o Ngāti Manuhiri ki te whakatau taitara a te Kōti me te whakawehewehe whenua i te tau 1901. He takahi tēnei i te whakaaetanga ki ngā pānga o Ngāti Manuhiri, i te uiuitanga o te poraka o Hōteu i te marama o Hānuere, 1867.

Nā wai rā, kāhore i ea i ngā whenua rāhui i whakaaetia ki a Ngāti Manuhiri ō rātou hiahia ā-ōhanga, ā-tikanga hoki, tae atu ki te whakapūmau wāhi tapu, wāhi whai mana, wāhi nohonoho, wāhi kōhi kai hoki. Nā te paku o ngā whenua rāhui hei oranga mō rātou, kāhore a Ngāti Manuhiri i whiwhi hua mai i te māketē ā-whenua e piki ake rā ā, i tua atu, kāhore rātou i whai reo ki te ōhanga Tauīwi e kaha tipu aka ana.

Te Noho Whenua Kore

Me whai a Ngāti Manuhiri i ngā tikanga whakahaere a te Kōti kia whai mana ai rātou ki ngā poraka torutoru nei i pupuritia tonutia e rātou. Te tikanga kē, me whai mana ngā uri hāngai ki tētahi tangata whenua ki ō rātou pānga ki tētahi poraka. Te mutunga ake, he wehewehenga hea te raru. I tua atu, kāhore ngā tikanga whenua Māori i whakaritea i te wā i meatia ai, he tikanga hei whakahaere i ngā whenua o te tini tangata whenua. Nā te itiiti o ngā whenua rāhui mai i ngā whakaritenga whenua o mua, me te kore āheinga ki te rīhi i ngā mana tope rākau, kāhore he huarahi e toe ana ki a Ngāti Manuhiri ki te whakawhanake whiwhinga pūtea. Ka tautokona te hoko whenua e te nui o ngā nama a te tangata takitahi. Hāunga anō te poraka o Pākiri ki te Raki, ka noho wehewehe ngā toenga whenua o Ngāti Manuhiri hei hea ōhanga kore.

I te tīmatanga o ngā tau 1880, kua riro atu te 20,000 eka, neke atu, o Pākiri ki te Raki. Nā tēnei mahi, e tata ana ki te 90 ōrau o te pānga whenua o Ngāti Manuhiri i riro atu. Kāhore te Karauna i aroturuki i te papānga o te whakawehewehe whenua ki runga i a Ngāti Manuhiri. Kāhore hoki ia i whakaū kia te pupuri rātou i ngā whenua e taea ai te whai oranga. Kāhore ia i tautuhi, i whakamarumarū rānei i ngā wāhi whai mana hoki. Nō

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te kopounga o te Karauna i tētahi Kōmihana Roera (te Kōmihana Stout-Ngāta i te tau 1907), hei uiui i te whānuitanga o ngā pānga Māori, e meatia ana, he iwi whenua kore a Ngāti Manuhiri. Ka taunaki te Kōmihana, kia rāhuitia te 6,611 eka i Pākiri ki te Raki me te 285 eka ki waenganui i te Awa o Pākiri me te Whanga o Leigh hei wāhi nohonoho mō Ngāti Manuhiri.

KO HAUTURU (LITTLE BARRIER ISLAND)

He wāhi nui te mana ki a Ngāti Manuhiri, me ērā whanaunga e whai pānga atu ana, a Hauturu. Tae atu ki te tau 1896, he kāinga pūmau a Hauturu mō Ngāti Manuhiri, he punanga ā, he urupā whakahirahira mō ngā rangatira o Ngāti Manuhiri. Nā ngā māra kai me ngā rawa a Tangaroa i whai oranga ai te nui o ngā whakatupuranga o Ngāti Manuhiri.

Mai i ngā tau tōmua o ngā 1840 ka kitea te hiahia o te Karauna ki a Hauturu ā, ka tīmata ngā whiriwhiringa kōrero me tētahi rangatira nō te Taitokerau ki te hoko i te motu nei. Ka whakahēngia e ngā iwi noho kāinga te hokonga ā, ka mutu ngā whiriwhiringa. I ngā tau 1850 ka whai āheinga ngā Tauwiwi ki ngā rākau me ērā atu rawa o te motu ā, ka tīmata ā rātou whiriwhiringa ōpaki me Te Kiri Kaiparāoa. I te tau 1862 me te tau 1871 ka whakaarohia e Te Kiri rāua ko Arama Karaka ki te hoko i te motu ki te Karauna engari, kāhore tēnei whakaritenga i whai hua.

Me whiwhi taitara rawa ngā tāngata whenua kia āhei ai te rīhi i ngā mana tope rākau, kia whiwhi moni anō ai mai i ngā kauri nunui o runga i te motu. Ka uiuitia e te Kōti Whenua Māori te taitara ā, ka uiuitia anōtia te taitara ki a Hauturu i ngā tau tōmuri o ngā 1870 tae rawa ake ki ngā tau pokapū o ngā 1880 ā, hurihia ai e te Kōti te whakatau a te Kōti o mua. Nā te whakahau a te Karauna ka utaina ētahi aukatinga ki te motu i te tau 1881. Nā reira i whakawhāiti mai ai ngā huarahi e wātea ana ki ngā tāngata whenua me te tuku ki te Karauna anake i te mana hoko. Poto te wā i muri mai, ka whakaaturia ōkawatia e te Karauna tōna hiahia ki te hoko i a Hauturu. I taua wā, ka whakaarohia e te Karauna, hei wāhi rautaki a Hauturu mēnā ka urutomokia e Rūhia.

Ka whakahēngia ngā whakatau a te Karauna i te tau 1880 me 1881 e ngā pīra me tētahi petihana ki te Whare Pāremata. Nō te tau 1886 te whakawā whakamutunga. Nui rawa atu te utu hei whakarite i te taitara ki a Hauturu ā, ka nui anō rā te nama ka tau ki ngā tāngata katoa i whai wāhi atu.

Nā te āhua pakanga o ngā tikanga whakahaere a te Kōti Whenua Māori, ka nui ake ngā tohetohenga tuku iho mō rātou i whai pānga atu ki a Hauturu ā, he nui anō ngā petihana ki te Pāremata i ngā tau whai muri mai. Nā ngā whakawā ā-Kōti i takahi ngā hononga ki waenganui, ki roto anō hoki i a Ngāti Manuhiri me ngā iwi whanaunga. Ka noho tonu te mamae ā-ngākau. Ka tautuhia e ngā rōpū matua i tatū ki mua i te aroaro o te Kōti hei uri rātou nō tētahi o ngā tino iwi whakahaere e rua. Ko Rāhui Te Kiri te tangata matua nō Ngāti Manuhiri i whai reo i ngā whakawātanga ā, nō ngā rōpū e rua a ia.

Kāhore te Karauna i whakaoti i te hokonga o Hauturu kia whakatau rawa mai te taitara. Heoi anō, i roto i taua wā tonu, ka haere te hokonga ōpaki me te mahi kani rākau. I te mutunga o te tau 1886, ka whakaarohia e te Karauna tētahi tāpae nā Rāhui Te Kiri rāua ko tana tāne a Tenetahi Te Riringa, ētahi o ngā tāngata whenua matua tokorua, mō te 4000 pauna kia pupuritia tonutia ki a rāua te 100 eka me ō rāua kāinga ki runga i te motu. Ka whakatōroahia ngā whiriwhiringa kōrero nō muri mai. Heoi, i te tau 1890 ka whakaae ngā tāngata whenua matua ki te moni e 3000 pauna a te Karauna, kia

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whakaae rā anō ngā tāngata whenua katoa. Kāhore i tutuki tēnei whakaritenga ā, kāhore anō i tutuki te hokonga. Ka tīmata a Tenetahi ki te topetope rākau i runga i te motu rā hei whakaea i te nui o ōna ake nama whaiaro, e meatia ana e 2496 pauna te rahi, nō muri mai i ngā whakawā ā-Kōti me ngā tautohetohenga ā-ture. Ka tukuna e te Kōti ētahi aukatinga kia whakamutua ai ngā mahi kani rākau ā, ko te otinga atu, he aukati i ngā tāngata whenua ki te whiwhi hāngai i ngā hua ā-ōhanga mai i ō rātou ake whenua. Nā te pānuitanga i aukati anō

I te marama o Hānuere 1892, ka tangohia atu e ngā tāngata whenua Māori te motu hei mea hoko nā tō rātou whakahē i te Karauna mō tana kore aronga atu ki te uaratanga katoa o ngā rākau e tūtū ana. I taua wā anō, e hiahia ana te Karauna ki te hoko i a Hauturu hei wāhi tiaki i ngā otaota me ngā kararehe pērā i ngā manu taketake. Ki tā te Karauna tikanga, kia tutuki rā anō te whakamarumarutanga o te motu rā, kia kua e noho pūmau te tangata ki runga, kia kua anō e haereere haere rānei te iwi.

I te marama o Mei, 1892 ka whakatauhia e te Kōti ngā pānga o te tangata whenua o Hauturu. Nā konā i taea ai e te Karauna te tīmata whiriwhinga anō me ngā kaipupuri hea takitahi, tēnā i te tangata whenua hei rōpū tōpū. Nā wai rā, ka riro i te Karauna ētahi hea ā, ka whakatūria he āpiha ki runga i te motu. Nā te kore whakaae tonu o Tenetahi me tōna whānau ki te hoko i ō rātou pānga, me te matakū o te Karauna kei tūkinohia te taiao o te motu, ka akiaki te Karauna ki te whakatairanga i te whakatinanatanga o ētahi mahinga whakature kia riro ai i a ia ngā hea o ērā atu tāngata whenua

Ka whakamahia te Little Barrier Island Purchase Act atu i te tau 1894 kia riro atu ai a Hauturu ki te Karauna. He rite ngā whakaritenga whakature o te Ture ki ērā o ngā hanganga ture mahinga tūmatanui. I te tau 1895, ka meatia a Hauturu hei Whenua Rāhui Taiao. Kāhore tonu a Rāhui Te Kiri rātou ko tōna whānau, whanaunga hoki, rātou kua kore i hoko atu i taua wā, i whakaae kia whiwhi moni mō ō rātou hea kia ea rā anō ō rātou ake utunga. Kāhore hoki rātou i whakaae kia nuku atu i Hauturu. Ka meatia rātou e te Karauna hei kaitakahi rāhui ā, ka kaha tō rātou peitanga me ērā atu o ngā tāngata whenua i te marama o Hānuere, 1896.

I te tau 1912, he uaua te whakaaetanga atu o Tenetahi rātou ko Rāhui Te Kiri me tā rāua tamāhine a Ngāpeka ki te whiwhi utu mō ō rātou pānga ki a Hauturu, e 551 pauna te nui.

Nā te rironga atu o ō rātou pānga ki a Hauturu me tō rātou whai wāhitanga ki te motu, he patu manawa tērā mō Ngāti Manuhiri ā, ka noho tonu hei pūtaka mō te aureretanga e haere tonu nei.

NGĀ TAKE NŌ TE RAUTAU 20

Te Whakahaere Whenua Māori

I te tīmatanga o te rautau 20 ka kūtia ngā pānga whenua o Ngāti Manuhiri ki ētahi wāhanga o te whenua rāhui Māori o Taumata, e tata ana ki te waha o te Awa o Pākiri, ki te poraka o Pākiri Nama 1 me te papakāinga, whenua rāhui hoki o Ōmaha.

Mai i te tau 1905 ka whakatūria e te Karauna he tikanga hou mō te whakahaere whenua Māori mā ngā Poari Whenua. Ahakoa te whakaaro kia whakatikatikaia te nui o ngā raruraru e pā ana ki ngā taitara whenua Māori, nā tēnei tikanga ā-Poari i tango ake ai te mana whakahaere o te Māori i ō rātou whenua. Ka tātaria e ngā poari ngā whakataunga

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a te tangata whenua e pā ana ki ngā take rīhi me ngā hokohokonga. Ka whai mana anō ngā poari kia kaua e noho "whenua kore" te tangata whenua nā te rironga whenua atu, heoi anō, kāhore i āta whakaūngia. Ahakoa te taunakitanga a te Kōmihana Stout-Ngata kia pupuritia tonutia ngā whenua e toe ana i te tau 1907, ka haere tonu te hoko pānga a te Karauna i te poraka o Pākiri Nama 1 ā, nā tēnei mahi āna ka katia te rironga atu ki ngā rōpū tūmataiti, mā reira e tiakina ai ōna ake pānga.

Mai i ngā tau tōmua o ngā 1930, nā ngā poari i whakahaere te whakapaunga moni ā, ka tautokona ngā pūtea taurewa mō ngā whenua kei roto i te "mahinga whakawhanake". Ka tohatohaina ngā whiwhinga moni ki ngā tāngata whenua ki te whakaaro pērā te poari. E ai ki a Ngāti Manuhiri nā tēnei tikanga, ka noho rātou hei kaiwhiwhi penihana noa iho. Ki tā Ngāti Manuhiri whakaaro, he tikanga āwhina kore tonu ka hiahia ana te tangata whenua ki te whakamahi i te tikanga whakahaere ā-poari kia riro whenua atu. I tētahi wā, e whā tau tētahi tangata whenua e tatari ana kia whiwhi rā anō te moni tāpui mō tētahi hokonga whenua ā, kia whakawhiwhia rawatia, ka harangotengote te tuku moni a te poari ki a ia.

Mai i te tau 1929 ka tīmatahia e te Karauna he kaupapahere mō te whakawhanake whenua hei whakatikatika i ngā raruraru e pā ana ki te whakawhanaketanga o ngā whenua Māori e puritia ana e ngā tini tāngata. Ka ngana tonu ngā kaupapa whakawhanake ki te whakangāwari i te papānga o ngā hokonga whenua me ngā raruraru ā-taitara, ki te tuku āwhina whiwhi mahi ki ngā hāpori o tuawhenua i te wā o te hekenga ōhanga i ngā tau 1930, ki te tō mai anō hoki i ngā Māori kei tuawhenua e noho ana ki te ōhanga ahuwahenua e tipu ake ana. Heoi anō, i ngā tau 1930 kua whakawhāitihia ngā pānga whenua o Ngāti Manuhiri ā, ka mōrearea ngā huarahi ōhanga e wātea ana mō ō rātou whenua e toe tonu ana. Ko tētahi nawe nui ki a Ngāti Manuhiri, ko te kore āheinga o ngā tāngata whenua, kua uru kē ki tētahi kaupapa whakawhanake, ki te whakamahi i ō rātou mana whenua, kei whakararu i te whakawhanaketanga e hiahiatia ana.

Ka herea ngā whenua o Ngāti Manuhiri i Pākiri me Ōmaha kia whakatōpūtia. Nō te whakatōpūtanga o ngā pānga o ngā tāngata whenua o te Poraka o Ōmaha ki tētahi kaupapa whakawhanake, ko te huarahi e wātea ana ki a rātou ko te mahi pāmu hei poraka kotahi, ko te tapatapahi haere rānei ki ētahi pāmu pakupaku ake. Ka whakataungia kia whakawehewehea hei pāmu iti engari, pau ana te 15 tau kua tōtōā ā, mutu rawa ake ka hokona atu. Mai i ngā tau 1950 tae atu ki ngā tau 1970 ka hokona anōtia ngā pāmu tōtōā i te poraka o Pākiri Nama 1. I tua atu i tērā, ka mahue atu ngā tāngata kāhore i whakaingoatia ki roto i te kāhui 15 tāngata neke atu, I kīia ai "he kainoho i kopoua" o ngā pāmu me te kore kāinga mō rātou. He maha tonu ngā uri o Ngāti Manuhiri i hoko i ō rātou pānga e toe ana hei utu i te hunuku ki waho o te takiwā.

I te tau 1932, ka tīmata te whakatāuteute o ngā kaipāmu o te rohe mō te mānu haere o te oneone mai i te one o Ngāone Haea ki runga i ō rātou pāmu ā, ka tuku tāpae atu ki te Tari Mahinga Tūmatanui. Ko te hua o ā rātou tāpaetanga, ko te whakaaetanga ake o Ngāti Manuhiri kia tuku i ngā whenua o te takutai moana ki te Karauna mā reira e taea ai te whakatupu ngahere, 'karaehe marram' hoki hei whakamatua i te oneone. Kāhore he raru ki a Ngāti Manuhiri te tiaki i ngā wāhi tapu i a rātou e pupuri tonu ana i te whenua engari, nā te āheinga whānui ki te tahuna, tērā te āwangawanga, ka whakararururuhia ngā wāhi tapu ā, ka pērā tonu. Ahakoa te whakahokinga o te mana whakahaere o te whenua ki te taha o te takutai, kāhore e taea e Ngāti Manuhiri, i tēnei wā, te nohonoho, te whakamahi rānei i te poraka o Pākiri G, 164 heketea te rahi, nā ngā aukatinga e pā ana ki te māherehere takutai.

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I ngā tau 1940, ka tuku whakapae ngā Māori o Pākiri ki te Karauna mō ngā tāngata e tango oneone ana mai i te tahuna o Pākiri me tō rātou whakawhiti whenua Māori e taea ai te tango atu. He nui te rapuhia o ngā oneone nō Pākiri nā tōna kounga, tae atu ki te nui o ngā hiahia o Tāmaki-Makaurau. Ka noho tonu te tango oneone hei take whakapōrearea mō Ngāti Manuhiri tae atu ki ngā tau 1990, hāunga anō te nui o te utu hei kawae i ngā whawhai ki te Kōti ā, mutu rawa ake, he mahi hēmanawa, he tūkinō anō i ngā hononga o Ngāti Manuhiri ki ō rātou kiritata i mua i te whakataunga.

Ko te mana whakahaere o te whaiawa o Pākiri e huri haere ana, te take matua o tētahi kerēme i tāpaetia e Ngāti Manuhiri ki te Taraipiunara o Waitangi i te tau 1989. Nā te huringa kē o te Awa o Pākiri hei ara hou ki te moana, ka whakaaarohia e te Karauna, nōna te whaiawa o mua, ahakoa tōna rerenga mā ngā whenua o Ngāti Manuhiri. Ka tīmata ngā tāngata o te rohe me ngā kaiwhakamahi o te kāinga taupua e tata ana, ki te whaiwhai i te whaiawa o mua hei huarahi atu ki te moana. I taua wā anō ka riro i te Karauna te mana whakahaere o te whaiawa hou. Nā konā i nui ake ai te ngaronga whenua o Ngāti Manuhiri i Pākiri.

Take Mana ā-Rohe

Whai muri mai i te whakawehewehenga o te poraka o Pākiri Nama 1 hei pāmu iti, kāhore he hua ōhanga i puta mai i te whenua ā, kāhore i taea e Ngāti Manuhiri ā rātou rēti te utu. Ko te kore rori me te kore piriti tētahi pūtaka mō tēnei āhuratanga. Hei tiki i ngā rēti kāhore i utua, ka kawea e te mana ā-rohe tēnei kaupapa ki te Kōti Whenua Māori i ngā tau 1939-1942. Nā te Kōti i whakaōkawa tētahi whakaritenga kia tangohia ngā rēti mai i ngā whiwhinga moni a te Māori (he haki kirīmi) i mua i te whakahokinga atu o ngā pūtea ki ngā tāngata nō rātou tonu te whenua.

Mai i ngā tau 1960 ka riterite te puta o ngā tono rēti ki a Ngāti Manuhiri ki runga i ngā whenua e noho mōrearea ana mō ngā mahi ahuwahua, ahakoa te tūponotanga hei whakawhanaketanga tāpua. He take nui tēnei ki a Ngāti Manuhiri nā te mea, ka rētihia ngā whenua e toe ana, e ai ki tō rātou tata ki ngā whenua i te takutai, he mea i hokona tūmataitihia, nui rawa hoki te uaratanga.

Tae atu ki te mutunga o te rautau 20, kāhore ngā take Māori i āta whakaaetia, i whai wāhitia rānei ki ngā whakaritenga māherehere whai hua. Ka taumaha te māherehere haere i te rohe ki te raki o Tāmaki-Makaurau i muri mai i te hanganga o te piriti ki runga i te Whanga o Tāmaki-Makaurau. Nā te hanga o ngā wehewehenga hou me ō rātou ake whakaritenga māherehere i te taha, ka nui te pōnānā ki a Ngāti Manuhiri ki te whakaputa kōrero. Heoi anō, kua mahue mai a Ngāti Manuhiri me ōna whanaunga me te kore hononga ki ō rātou whenua tuku iho ā, kāhore ō rātou rawa, rauemi hoki e taea ai te kaha whai wāhi atu ki ngā huarahi i whakawāteahia ki a rātou i taua wā. Nā ngā tikanga māherehere hoki i piki ake ai te manawapā ki waenganui i ngā iwi ā, te mutunga ake, ka whakataetae tētahi ki tētahi.

Papānga ā-hapori, ā-ōhanga

I te tau 1840 ka whai pānga tuku iho a Ngāti Manuhiri ki tētahi rohe pōtae e tata ana ki te 250,000 eka te rahi, tae atu ki ngā ngahere nunui, ngā wai me te huhua o ngā wāhi whai tāpua ā-tikanga, ā-wairua, ā-hītori, ā-ōhanga anō hoki. I tēnei wā, ka Kīia he iwi whenua kore a Ngāti Manuhiri. Ka pupuri taitara rātou ki te 1,300 eka i ngā poraka iti me te maha rawa o ngā kaipupuri pānga. Huia katoatia, ko te 1,300 eka tērā i Pākiri, e 5 eka tērā i te poraka o Ōmaha, e 356 eka whenua hoki i te takutai (he maha rawa ngā kaipupuri hea ā,

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nā ngā aukatinga māherehere, itiiti noa iho ngā huarahi e wātea ana mō te whakawhanaketanga), tae atu ki te 50 eka i Taumata A me Taumata B. Kei runga tō rātou marae i te 5 eka whenua anake e toe ana ki a rātou, he mea karapoti katoa e ngā whenua tūmataiti, hāunga anō te kino o ngā rori me te kore wāteatanga atu mā te takutai.

Tino kino te papānga o ngā mate hou me ngā urutā a Tauwiwi ki a Ngāti Manuhiri me ngā hapori Māori huri noa i te rautau 19. Ko te rironga atu o te nuinga o ō rātou whenua, te nui o ngā nama me te korenga o ngā huarahi e wātea ana ki te whakataetae ki roto i te ōhanga hou, ētahi o ngā āhuatanga i tautoko i te rawa koretanga o te tini o Ngāti Manuhiri tae atu ki tō rātou marara haere ki wāhi kē i ngā tau mutunga o te rautau 19. Tokomaha tonu ngā uri o Ngāti Manuhiri i whiwhi mahi mira rākau ā, ka hunuku atu ki ngā wāhi e wātea ana ngā huarahi whiwhi mahi.

Uua rawa te wheako o ērā o Ngāti Manuhiri i noho tonu ki roto i tō rātou rohe ki te whakamahi i ō rātou whenua. Ka herea te nuinga o ō rātou whenua hei poraka marara me te tokomaha o ngā kaipupuri hea, tae atu ki te tini o ngā tāngata i mau pānga iti ai. Nā te kore āheinga atu ki ngā wāhanga whenua i aukati anō ai te āheingā o ngā tāngata whenua ki te whakamahi i ō rātou whenua e nui ana ngā hua. I tua atu i ngā rēti teitei ki runga i ngā whenua, nui te uaratanga, i te takutai, he maha ngā tāngata whenua i ngākau kino atu ki ngā aukatinga ā-Kaunihera e pā ana ki te whakamahi whenua me te tango huarahi e riro ai i a rātou ngā hua ōhanga e tika ana mai i ō rātou pānga whenua.

Nā ērā āhuatanga katoa i waimameha ai ngā tikanga ā-iwi tuku iho tae atu ki te mātauranga me ngā kawa o Ngāti Manuhiri. He tokomaha ngā uri o Ngāti Manuhiri e noho manene ana i ō rātou tikanga Māori me tō rātou mana Māori hei Ngāti Manuhiri. Ka taea e rātou te tautuhi te ngaronga o te āta whakamahinga o ō rātou kawa, tikanga anō hoki, ki te whakatupuranga i mate rā i ngā tau tōmua o te rautau 20.

E ai ki a Ngāti Manuhiri i tēnei wā, ko te papānga o tō rātou noho whenua kore, ko te whakawehewehenga ā-hapori, ā-tikanga, te rawa koretanga, tae atu ki te mate heahea, ngā raruraru hauora hoki e pā kaha ana ki ō rātou hapori. E ai anō ki a Ngāti Manuhiri nā ngā āhuatanga e whakaatuhia ana i roto i tēnei kōrero i raru ai tō rātou ahurea, huri i te wā, me te whakawhāititanga o ō rātou putanga mātauranga, hauora hoki, tae atu ki tō rātou mana ā-hapori, ā-ōhanga hoki. Ki a rātou anō, nā ēnei āhuatanga i kaha pā mai ai te ngaukino ki a Ngāti Manuhiri ā, kua noho manene anō rātou hei tangata whenua nō Aotearoa.

2 HISTORICAL ACCOUNT

INTRODUCTION

This historical account describes the relationship between the Crown and Ngāti Manuhiri since 1840 and identifies Crown actions and omissions which have impacted negatively on Ngāti Manuhiri over the generations and are at the heart of their claims. It provides the context for the Crown's acknowledgments of its historical Treaty breaches against Ngāti Manuhiri and for the Crown's offer of an apology to Ngāti Manuhiri.

NGĀTI MANUHIRI

Ngāti Manuhiri are the descendants of the eponymous ancestor Manuhiri, the eldest son of the Ngāti Awa ki Taranaki warrior chieftain Maki and his wife Rotu. Manuhiri was born at Kāwhia in the mid seventeenth century. In adulthood he left Kāwhia with his parents, siblings, and a large group of Ngāti Awa followers, to look for a new home amongst Tainui relatives to the north. After staying briefly at Tāmaki, and becoming involved in disputes among their Ngāoho (Tainui) relatives, Maki and his people settled permanently in the southern Kaipara, Waitākere, Whenua roa o Kahu (North Shore) and Mahurangi districts. Because of an incident that took place in south Kaipara, Maki and his people became more generally known collectively as 'Te Kawerau'.

According to Ngāti Manuhiri tradition, Manuhiri and his followers built a pā named Koritotī, near Arapārera north of Helensville, and came to occupy the eastern coastline of the Kaipara Harbour extending north to the Hōteo River. It was in this area that Ngāti Manuhiri developed its own distinct identity as a tribal grouping. Manuhiri and his brothers Ngāwhetū and Maraeariki defeated the original occupants of Whakarewatoto (Long Bay), Karepiro (Ōkura) and Huhuruhuruwaea (Tāwharanui). As a result, by the late seventeenth and early eighteenth centuries, Ngāti Manuhiri and their Te Kawerau relatives came to occupy the eastern coastline from Takapuna to Te Ārai Point. Maki and his brother Mataahu and their sons later fought for and occupied both Te Hauturu-o-Toi / Little Barrier Island and Aotea (Great Barrier Island).

To secure peace and to consolidate their occupation of the district, Ngāti Manuhiri made strategic marriages with the older tribal groupings of Ngāi Tāhuhu, who adjoined them to the north-west and north, and Ngāti Manaia (Ngāti Wai) who occupied the eastern coastline north of Whāngarei and many of the offshore islands. Through these marriages Ngāti Manuhiri gained ancient links with the land, sea, and islands on the eastern coastline from Paepae o Tū (Bream Tail) to Takapuna, and with eastern Kaipara.

Ngāti Manuhiri remained part of the Te Kawerau confederation, and descent from Maki and his son Manuhiri remained the basis of their mana whenua on the mainland. Through Ngāi Tāhuhu descent Ngāti Manuhiri developed intimate ties with the neighbouring iwi of Te Uri o Hau in the north west of the district and shared rights to land there. Importantly, through ongoing strategic marriages, Ngāti Manuhiri had by the early eighteenth century become an integral part of Ngāti Wai, with whom they occupied Pokohinu (Mokohinau Islands), Te Hauturu-o-Toi / Little Barrier Island and Aotea. It is for this reason that Ngāti Manuhiri have now been represented on the Ngāti Wai Trust Board for seventy years.

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Ngāti Manuhiri held their land and resources under collective tribal custodianship. Rangatira, or chiefs, had the role of safeguarding the social and political wellbeing of iwi and hapū, and held authority over their rohe or tribal domain. Ngāti Manuhiri describe their ancestral interests as extending along the eastern seaboard from Whangaparāoa in the south to Paepae ō Tū in the north. In the west these interests extend to the coastal range from Kōritofī and Ōtakamaitū near Arapāraera, to the Hōteoro River, and on to Kīkītangiao and Hauhanganui (Wellsford). They then run north east from Patumakariri near Wellsford to the east coast at Te Ārai ō Tāhuhu (Te Ārai Point) and Paepae ō Tū.

This extensive area contained bountiful sea and land resources, including access to the sought-after shark fisheries off the Mahurangi coast. The climate of the wider region was temperate, allowing for the cultivation of kūmara, while extensive kauri forests provided timber for waka and other forest resources.

European contact in the late eighteenth and early nineteenth centuries brought 'rewharewha' or epidemic disease, which had a major impact on the populations of the iwi of the district. In the early 1800s the introduction of muskets disrupted relationships between iwi and hapū across New Zealand. Ngāti Manuhiri were drawn into these conflicts and suffered significant losses in the battle of Te Ika ā Ranganui fought in late 1825. Ngāti Manuhiri, along with all of the other iwi and hapū of the south Kaipara and Mahurangi districts, sought refuge for a time both in Northland and the Waikato. A small group of men remained on the land to maintain ahi kā (occupation rights). According to Ngāti Manuhiri tradition, they, along with other iwi and hapū, returned from exile in the late 1830s. Although significantly reduced in numbers, Ngāti Manuhiri re-occupied all parts of their tribal domain. They now had regular visits from Wesleyan missionaries who brought new belief systems. European timber millers arrived uninvited and lived amongst them.

The Treaty of Waitangi was not brought to southern Kaipara or Mahurangi to be signed. Ngāti Manuhiri rangatira, however, undertook early cordial engagement with Crown officials such as James Clendon and William Symonds, who visited the district from 1840. Ngāti Manuhiri rangatira also recognised the mana of the Treaty and developed a generally co-operative relationship with the Crown. According to Ngāti Manuhiri tradition, this was acknowledged when Sir George Grey presented a sword to their rangatira, Te Kiri Kaiparaoa, at around 1864.

EARLY LAND TRANSACTIONS

Prior to 1840, Europeans and Māori entered into a number of transactions over lands north of Auckland, including offshore islands. The Europeans were mainly interested in the forests of the Mahurangi district, which were easily accessible by sheltered harbours and estuaries. These forests provided kauri for the lucrative spar and sawn timber trade to service the needs of the British Royal Navy in the 1830s, and later to supply the timber needs of growing numbers of settlers.

Six transactions, located between Mangawhai in the north and the Mahurangi River in the south, impacted directly on Ngāti Manuhiri. They included areas of strategic importance because they took in a significant proportion of the land surrounding harbours, river mouths and estuaries. The deeds were all negotiated and signed by Europeans and iwi who were not permanently resident in the area. None of them involved Ngāti Manuhiri.

The 1839 Webster and Dacre deed covered approximately 10,000 acres, including the Tāwharanui peninsula, the Whāngateau harbour and its forested catchments, for the

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sum of £421. It encompassed places of occupation (pā and kāinga) and settlements extending from Ōmaha (Leigh) to Kohuroa (Matheson Bay) and Matakana, and included many sites of special significance to Ngāti Manuhiri. Foremost amongst these was the maungatapu Tamahunga and numerous places of ancestral significance. Ngāti Manuhiri had no knowledge of the transaction.

The 1839 Millon and Skelton deed over 5,000 acres of land on the northern side of the Matakana harbour included Matakana pā, several kāinga, such as Pakaraka, and extensive kauri forests. Ngāti Manuhiri and other iwi relied on Matakana for seasonal access to the shark fishing grounds. The Matakana River provided an important inland route and acted as a traditional boundary marker.

Ngāti Manuhiri and other iwi held customary interests on Te Kawau Tūmārō ō Toi (Kawau Island). The island was of major symbolic and ancestral significance to Ngāti Manuhiri. Its environment provided a vast array of natural resources which Ngāti Manuhiri made seasonal use of while occupying the island and kāinga on the adjoining mainland. Taylor and Beattie purported to purchase the island in 1840 for £119. Ngāti Manuhiri had no part in this transaction and later denied its validity.

The Crown did not, in 1840, recognise these and other transactions over Ngāti Manuhiri lands as conferring legal title. Nonetheless, the transactions marked the first stage in a process that eventually led to the alienation of most Ngāti Manuhiri landholdings and some of their most prized possessions.

THE 1841 “MAHURANGI AND ŌMAHA” PURCHASE

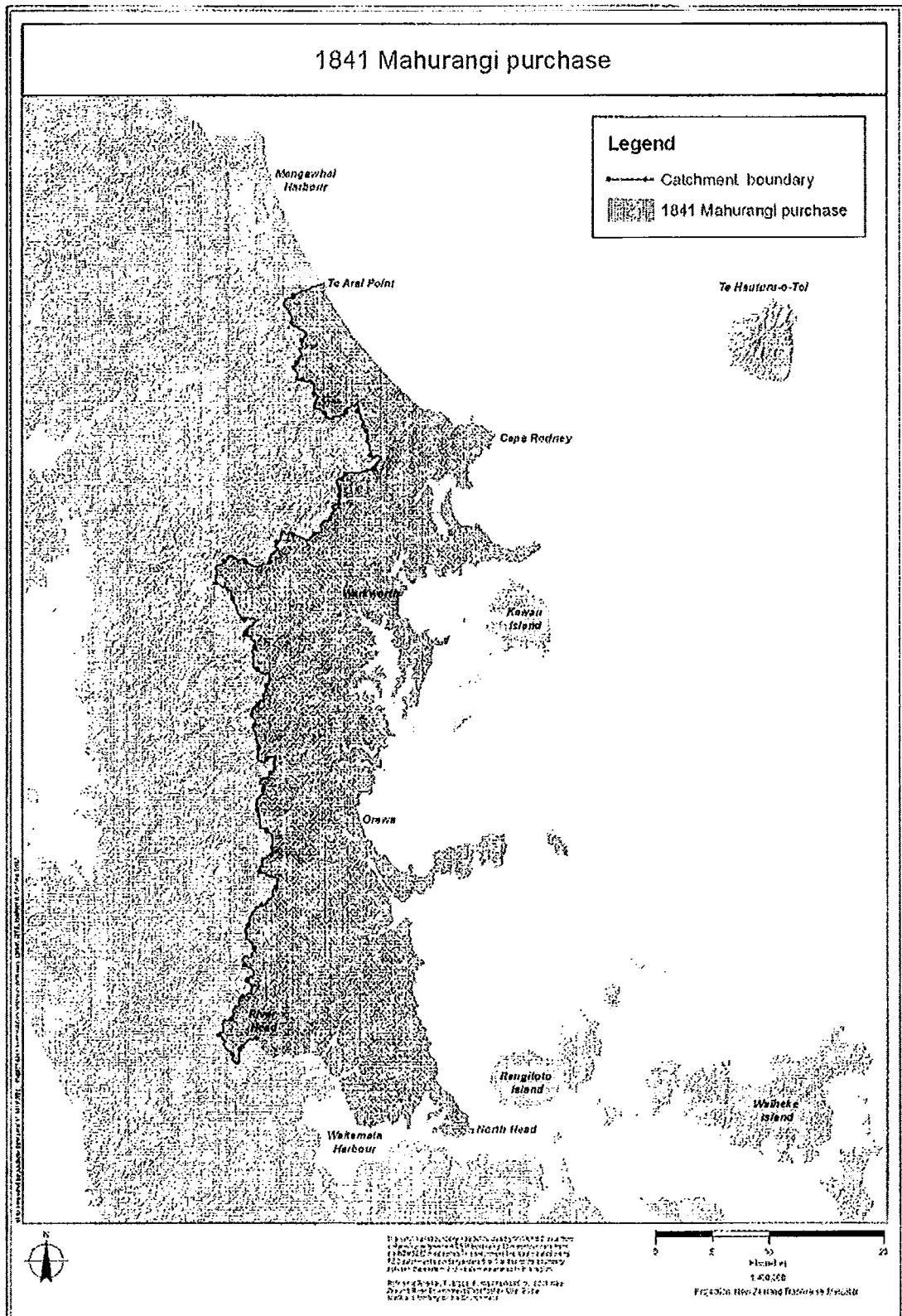
In June 1840 a Crown official identified the sheltered Mahurangi Harbour and the rich kauri forests surrounding it as a good site for a town. When the Crown decided to establish Auckland as the capital of the new colony, the large tract of land extending north from the Waitematā Harbour to the Mahurangi district was considered an important acquisition for the needs of the new capital.

On 13 April 1841, the Crown entered into a purchase deed over an approximately 110,000 acre area called “Mahurangi and Ōmaha”, which extended from Maungauika (North Head) on the Waitematā Harbour northwards along the east coast to Te Ārai ō Tāhuhu (Te Ārai Point).

The Crown entered into this transaction without an adequate investigation of customary rights in the district. The Crown relied on information from the vendors, who were not Ngāti Manuhiri, and on whatever prior knowledge it possessed of the district.

The Crown did not fully understand the geographical extent of its purchase. The deed was signed within a day or two of the offer to sell. No time was taken to map or prepare a plan to accompany the deed. The 1841 transaction completely overlapped all the early land transactions which remained unsurveyed.

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2: HISTORICAL ACCOUNT



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2: HISTORICAL ACCOUNT

The Crown failed to properly survey the land subject to the 1841 deed. In May 1841, two officials, accompanied by four Māori representing the vendors, were sent to determine the northern boundary. They found that Te Ārai point was sufficiently distinct to serve as the northern boundary marker. The Crown decided that a range of hills would serve as the western or interior boundary of the purchase, although the opportunity was not taken to walk this boundary. Nor was any urgency attached to surveying this interior line or to determining the southern boundary. Instead, the Crown's priority was to identify and survey areas within the purchase suitable for European settlement.

In June and December 1841, the Crown made payments to a neighbouring iwi for an area of about 6,000 acres to settle the southern boundary of the block. In May 1842, a Bay of Islands chief received payment for his interests in Mahurangi. In this way the Crown began a process of extinguishing customary interests in the block. No payment was made at this time to Ngāti Manuhiri.

Ngāti Manuhiri were not involved in any of these transactions. The 1841 Crown purchase set in train a process of land alienation that continued for a period of 30 years. It therefore represented the most significant step in the eventual alienation of Ngāti Manuhiri from their lands and resources.

THE 1843 LAND CLAIMS COMMISSION

The Crown undertook to investigate all land transactions (or "Old land claims") that had taken place prior to the signing of the Treaty of Waitangi, and to determine which transactions merited the award of a Crown grant of land to a settler. The Crown appointed its Land Claims Commission in 1840 and hearings were held in 1843. The Commission's terms of reference were limited to inquiring whether a transaction occurred or not before mid January 1840 and the price paid. It generally validated claims where Māori supported the transaction. But it did not inquire into the customary rights of Māori who entered into transactions, or what they understood when they did so. Nor did the Crown provide a formal mechanism for Māori to appeal decisions if they believed their interests had not been recognised.

While the Crown believed it had purchased the "Mahurangi and Ōmaha" block in 1841, the Commission nonetheless investigated settler land claims in the area. Ngāti Manuhiri, who had not been party to any of the original transactions, were not party to the investigations either.

Whāngateau

In the case of the Whāngateau deed, or Dacre's claim, the Commission did not hear evidence from Ngāti Manuhiri and concluded that since the signatories did not dispute the sale the transaction complied with the law. An area of 1,944 acres was granted to the claimant, who on-sold his interests to another timber merchant.

The Ngāti Manuhiri community, who often resided at Whāngateau, refused to allow the timber merchant to take full possession. They remained in occupation and continued to object to the alienation, albeit without success. A judge of the Native Land Court in the 1870s noted that Whāngateau was "[n]ot purchased from [the] right owners". Despite this no action was taken. From this time the Crown was under pressure to open these lands for settlement. In 1888 the Crown decided to develop the Ōmaha village homestead special settlement. As allotments were sold the resident Māori vacated the land.

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Despite these developments, Ngāti Manuhiri and their kin retained a presence in this area until the early 1900s. A Ngāti Manuhiri petition, lodged in 1922, asked Parliament for an inquiry into the land. The Crown-appointed Sim Commission examined the petition in 1928. The Commission was told that the Crown had purchased the land. Consequently it did not investigate the link with the old land claim and thus failed to understand the underlying grievance. Ngāti Manuhiri received no redress. This process cost Ngāti Manuhiri time, energy and money, and a sense of grievance over Dacre's claim remains to the present day.

Matakana

The Commission investigated claims to around 5,000 acres at Matakana. Two grants totalling 2,560 acres were awarded to the claimants, who were European sawyers. As with the other cases, Ngāti Manuhiri were not party to either the original transaction or the subsequent investigation. In 1845 the Ngāti Manuhiri rangatira, Parihoro, and other relatives of his from the Whāngarei district, carried out a "muru" (ritualised plunder for compensation) of a sawing station at Matakana and the property of some European settlers there. As a result many European settlers left the area.

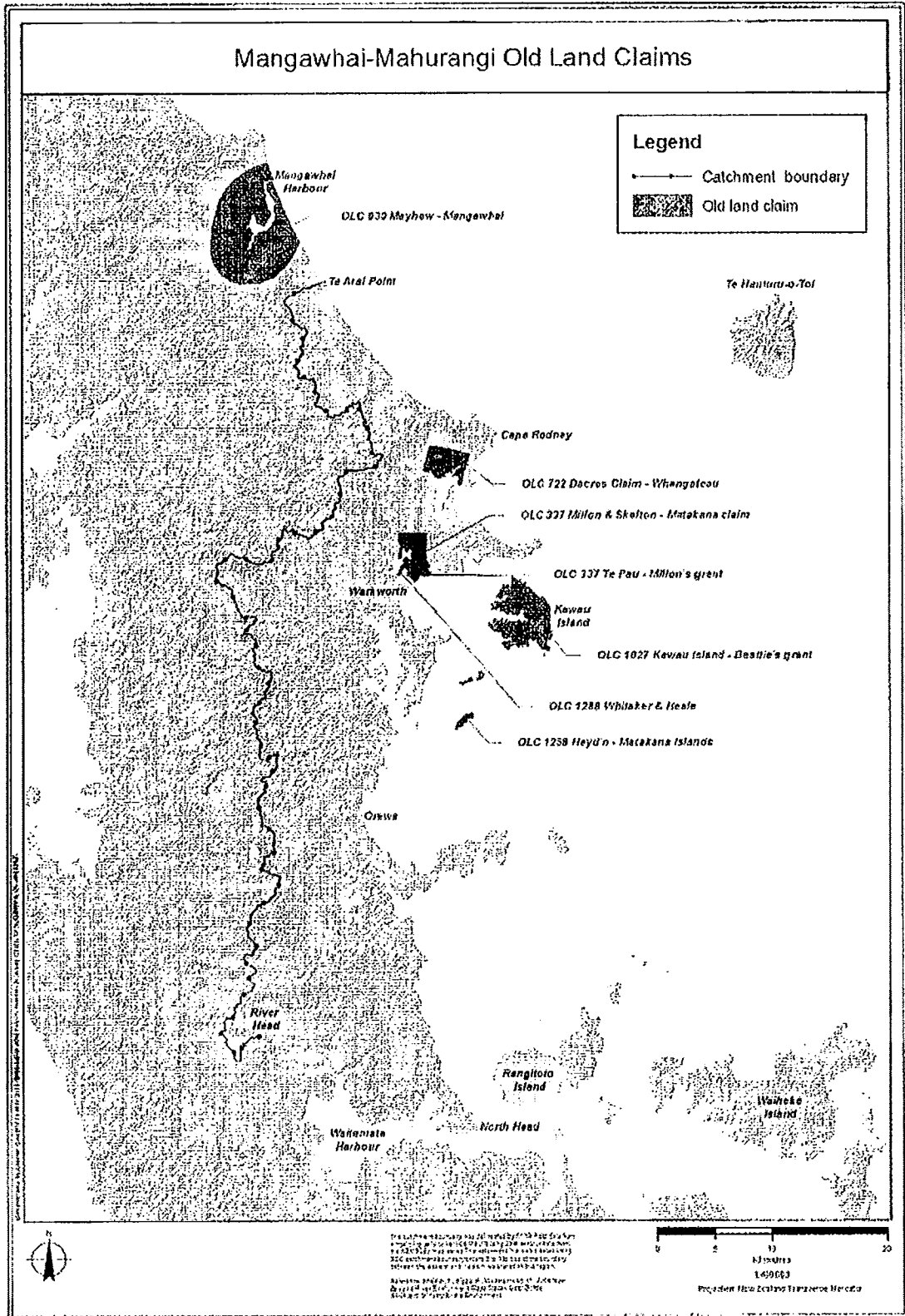
The Crown regarded this as a criminal matter but does not appear to have inquired into the reasons for the muru. The Crown required Parihoro and his relatives to cede around 1,000 acres of land at the southern entrance of the Whāngarei Harbour. The Crown made no payment for this land.

Kawau Island

Ngāti Manuhiri held customary interests on Kawau Island, as noted earlier, but these interests were not inquired into by the Land Commission. The Commission recommended the settler claim to the island be disallowed because it was finalised after the Treaty of Waitangi, which had provided the Crown with the sole right to transact land with Māori.

Governor Fitzroy did not accept the Commission's recommendation and subsequently issued a grant of approximately 2,560 acres on Kawau Island. In July 1849, the Supreme Court found this was a valid grant. It also ruled that the grant was for the entire island of 4,630 acres. The loss of their interests on Kawau Island had a significant impact on Ngāti Manuhiri. At that time they were in occupation of the adjoining mainland at Waikauri Bay, Mangatāwhiri and Tāwharanui. Kawau Island was both a strategic asset and a part of Ngāti Manuhiri identity.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

PRE-EMPTION WAIVER CLAIMS

The Crown also established a process to investigate any land transactions between Māori and private individuals that occurred between 1844 and 1846. The Governor at that time had set aside the Crown's right of pre-emption, allowing private individuals to negotiate with Māori for land.

In 1845 a sawyer, after entering into two agreements with Māori, claimed three off-shore "Matakana" islands: Motuketekete, Moturekareka and Te Mau Tōhorā ā Manaia (Motuora). Officials confirmed that these three islands had not been included in the Crown's 1841 Mahurangi deed and the Land Commission recommended that a grant be issued. Ngāti Manuhiri were not directly privy to the early transaction, nor the subsequent investigation, and lost these important tribal landmarks. The islands soon passed into Crown ownership and compensation was later granted to the claimant.

In 1845 the Protector of Aborigines, George Clarke, conceded that the Crown and its officials lacked the understanding needed to determine who the rightful owners of Māori land were. Consequently the validity of the purchases confirmed by the Land Commissioners, including the pre-Treaty transactions, remained "in the majority of cases quite a matter of doubt".

The net result of all pre-Treaty and pre-emption waiver claims in the Mahurangi area was the granting of land to some claimants (generally far fewer acres than claimed), the disallowance of some claims, the abandonment of others, and the reversion of land to Māori in limited cases. However, any areas not granted through this process lay within the vague boundaries of the Crown's 1841 "Mahurangi and Ōmaha" transaction. Despite the Crown's subsequent acknowledgement of customary interests in Mahurangi that had not been extinguished by the 1841 sale, for all intents and purposes the district was considered by the Crown as its property. For Ngāti Manuhiri, the key issue was that they had not been party to the original transactions or their investigations. They continued to occupy much of the land, none of which had been formally reserved to them at this time. At the same time settlers were increasingly moving into the area.

TIMBER LICENSING IN THE MAHURANGI DISTRICT

One consequence of the 1841 transaction was that the Crown assumed the right to regulate the timber trade within the Mahurangi district. Māori were not able under the law to make such leases, although informal arrangements were sometimes reached. The Crown attempted through the 1841 Kauri Proclamation to protect valuable kauri on Crown lands or lands subject to pre-Treaty claims, but failed to implement it successfully. Private enterprise continued to cut out kauri and other timber to feed the needs of a fast-growing colony, including for the construction of the new capital in Auckland.

In 1846 the Crown issued its first timber cutting licences in Mahurangi. By 1847 the Crown had licensed twelve sawyers and began receiving revenue from the timber harvest. These licences were issued over lands that had not been alienated with the consent or to the satisfaction of Ngāti Manuhiri. Ngāti Manuhiri were particularly concerned about licences in the wider Mahurangi-Matakana area.

From the mid-1840s, Ngāti Manuhiri and other Māori began to dispute a number of these licences and complain to the Crown about Europeans cutting timber on land they said had never been sold to the Government. At that time Mahurangi was the most important source of sawn timber for the Auckland market. Some Māori from outside the rohe entered the timber business and this too caused conflict.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

COMPLETING THE “MAHURANGI AND ŌMAHA” PURCHASE

Although the Crown took the position after 1841 that the “Mahurangi and Ōmaha” block was Government land, in the early 1850s it nonetheless began to investigate customary rights in the district. In 1854 a Crown official concluded that the “descendants of the Kawerau and Ngāitahu”, who included Ngāti Manuhiri, had been omitted from the original sale. He also concluded that in respect of rights in one part of Mahurangi, the Government’s purchase in 1841 had only extinguished the rights of the vendors.

In 1853, the Ngāti Manuhiri chief Parihoro and four other Kawerau chiefs signed a deed extinguishing their interests at Matakana. Officials agreed that Parihoro had a legitimate interest, and that it would be “judicious” to extinguish his interests by a cash payment and setting aside a reserve for his use. He received £150.

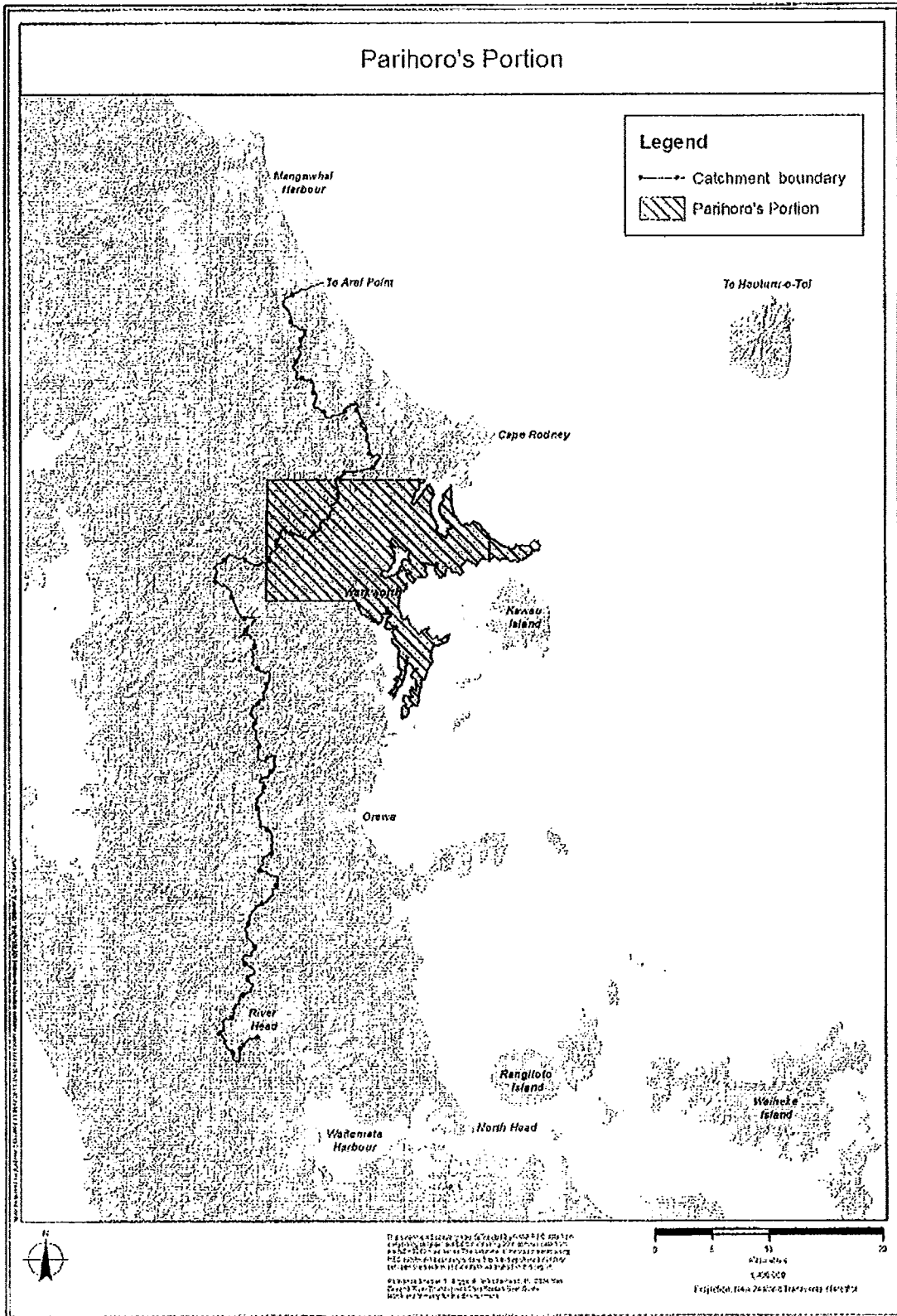
The plan attached to the 1853 “Parihoro deed” shows an area in the northern part of Mahurangi, possibly as much as 25,000 acres, described as the portion owned and transferred by Parihoro. One map also shows a smaller area of possibly 1,000 acres at Tawharanui, inside “Parihoro’s claim”. This was the only land set aside in the Matakana area for Ngāti Manuhiri. Despite this, Ngāti Manuhiri continued to occupy the reserve and the surrounding land supposedly purchased by the Crown.

At around the same time, the Crown made additional payments to the original vendors and other neighbouring iwi for their outstanding claims to Mahurangi. By January 1854 the Crown considered it had satisfied all claims, either by cash payments or by a cash payment and the setting aside of reserves.

While Ngāti Manuhiri participated in the 1853 transaction they had little option but to do so. Because Ngāti Manuhiri were not identified as rights holders prior to the 1841 transaction the Crown never canvassed their views about whether Mahurangi should be sold, or what parts of it would be sold, and under what conditions. Although the Crown accepted by 1853 that it had not transacted with all of the proper rights holders, European settlement of these lands had begun and Ngāti Manuhiri were obliged to accept the Crown’s position that the sale would not be revisited in any substantial way. All that was left to them in 1853 was to choose to accept a payment and attempt to have reserves set aside.

In this way, the disadvantage created by the 1841 transaction was permanently locked into place. Ngāti Manuhiri lost treasured resources, landmarks and wāhi tapu, substantial interests in land on the eastern coastline of the district, valuable landing places, harbours and estuaries that had supported their traditional way of life and, over time, their identity. The long term effect of this transaction was to increase tension between Ngāti Manuhiri, other tribal groups and settlers, with consequences that continue to be felt today.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

CROWN PURCHASES, 1854 TO 1865

In 1854 the Crown began a systematic programme of land purchasing north of Auckland. These purchases reflected general Crown policy to acquire land for settlement and to connect and consolidate the Crown estate by purchasing any adjacent Māori land. In 1854 the Crown instructed its land purchase officers not to buy land that was essential to the welfare of Māori and, in 1857, to ensure that adequate reserves for Māori were made.

The decision to resume purchasing in this area also reflected the Crown's intention to resolve the location of the western or interior boundary of the 1841 "Mahurangi and Ōmaha" transaction. The Government first surveyed two separate and discontinuous north to south lines between the Mahurangi coastline and the high land in the interior in the mid-1840s, but this created confusion about the status of land generally and the kauri resources in particular, immediately to the west of these lines.

In 1854 the Crown decided to settle the boundary question and at the same time acquire land for settlement by purchasing land that overlapped or lay close to the original 1841 interior boundary. Ngāti Manuhiri held customary interests in these lands, which overlapped in parts with customary interests of other tribal groups. Purchases included the Mangawhai, Wainui and Ahuroa/Kourawhero blocks. In 1858 the Crown purchased the Pākiri South block, followed in 1859 by the Waikeriāwera block. The Crown purchased Kō Mokokiri 1 and 2 in 1862.

Because these blocks lay for the most part within the boundaries of the 1841 "Mahurangi and Ōmaha" transaction, they represent a re-purchasing effort on the part of the Crown. Unlike the 1841 purchase, the Crown made earnest attempts to understand the basis of Māori customary rights in the district when it purchased land after 1854.

The prices paid by the Crown for land in New Zealand at this time varied but were generally low. The Crown justified the low price on the basis that Māori were expected to benefit from the associated infrastructure and economic development that would follow on from land sales. This relied on those developments occurring while Māori retained enough land to benefit from them.

Ngāti Manuhiri were signatories to the Mangawhai block deed of sale. The deed included a provision that "ten per cent of the proceeds of the sale of this block of Land by the Queen is to be expended for the benefit of the Natives". Such benefits for the vendors were to include schools and hospitals. However, no mechanism was provided to distribute the proceeds. In 1874, a Crown official distributed the accumulated fund from the Mangawhai sale, partly to institutions and partly to individual vendors or their heirs. No further payments were made after 1874 and thus the Ngāti Manuhiri vendors received no further identifiable benefit from the ten per cent provisions in the deed. Nor were Ngāti Manuhiri consulted about this change.

The Sim Commission investigated the situation in 1927. It decided that the 10 percent clause in the Mangawhai deed was intended to benefit Māori in general, rather than the Mangawhai owners in particular, and that general expenditure on social and educational services by the Crown had satisfied the historical obligations created by the 10 percent clause. Ngāti Manuhiri, though, did not have ready access to schooling or professional health services locally until the end of the nineteenth century.

By the mid 1860s, over 115,000 acres had been acquired by the Crown or settlers. The only significant areas of Ngāti Manuhiri land remaining were the 30,000 acres at Pākiri

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

North in the north-eastern corner of the traditional Ngāti Manuhiri rohe. Ngāti Manuhiri also held interests in the Hōteu, Tāwharanui and Mangatāwhiri blocks, Te Hauturu-o-Toi / Little Barrier Island, and the relatively small reserve at Ōmaha.

NATIVE LAND COURT AND CROWN PURCHASING, 1865 TO 1890

In 1862 the Native Land Court was established to ascertain the ownership of Māori land and to convert customary title into title derived from the Crown. After 1862 the existence of a Native Land Court title was a necessary prerequisite before any sale or lease became legal. The Native Land Court began to hear applications for the investigation of title to land in various parts of Mahurangi from 1866. While a few land blocks were hotly contested, most passed the Court with little opposition, in the minimum time.

Ngāti Manuhiri gained title to Pākiri North, part Tāwharanui, Mangatāwhiri No. 3, Ōmaha and Wakatūwhenua. Some of the blocks, for example Tāwharanui and Hōteu, were before the Court because of a prior agreement to sell the land. Mangatāwhiri No. 3 was sold in 1912, some 40 years later.

In the case of the Hōteu block, purchased by the Crown between 1862 and 1868, the Native Land Court convened a hearing in 1867 to determine ownership and provision of reserves. The Hōteu block was granted to several groups closely associated with Ngāti Manuhiri. The only reserves where Ngāti Manuhiri claimed interests were Mataia, which was immediately sold to a settler, and Mangakura, which was sold in 1880.

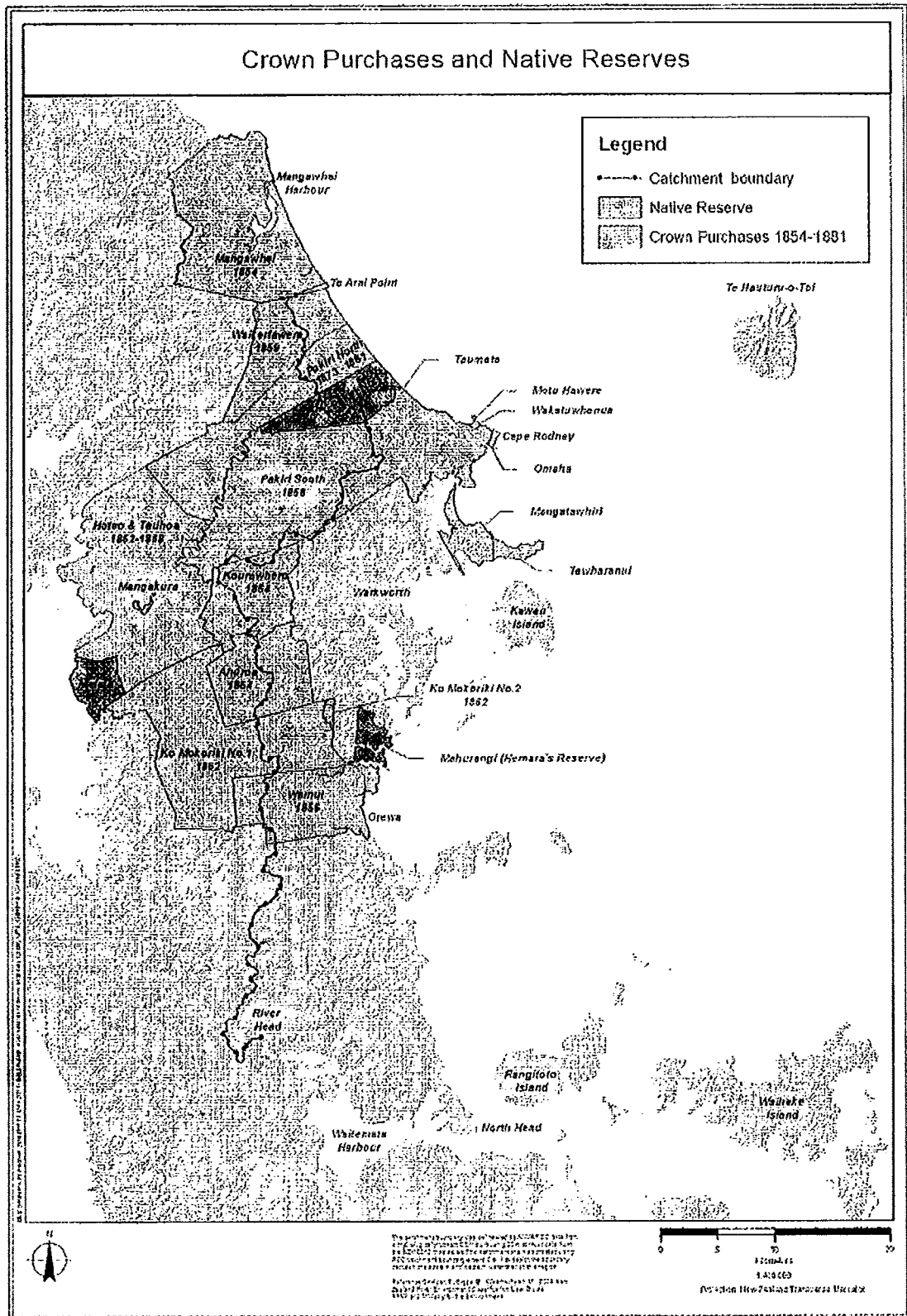
Securing title through the Native Land Court carried costs, including the cost of survey, court fees, sometimes lawyer's fees, and the time and resources to attend hearings. For Ngāti Manuhiri, attendance at Native Land Court hearings involved an overland trip over rough roads of anywhere between 140 to 200 kilometres to Te Awaroa (Helensville), or a boat trip to Auckland. They also needed to pay for accommodation and food while the Court was sitting.

Pākiri North block

After the purchase of the Waikeriāwera block in 1859, the 30,000 acre Pākiri North block was the only large area of land remaining in Māori ownership on the east coast between Auckland and Whāngarei. According to Ngāti Manuhiri tradition, three rangatira acting for Ngāti Manuhiri and related iwi sought to control the alienation of this land and agreed that each should have a third share of the block. Ngāti Manuhiri intended to retain their portion of the block.

However, the Court awarded title in 1869 to Te Kiri Kaiparaoa's daughter Rahui Te Kiri and two others, including one minor. John Sheehan, a lawyer, was one of two trustees appointed for the minor. By law the interests of minors could not be alienated. Despite this the trustees attempted to organise a sale.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

When a partition application was made to the Court in 1873, the only person with any legal standing as an owner, Rahui Te Kiri, refused to countenance a sale or subdivision of Pākiri. The proposed sale agreement was investigated by the Trust Commissioner in 1876 and found to be contrary to law.

Sheehan became Native Minister and in 1877 was instrumental in effecting a law change. In 1877 legislation was enacted to empower trustees to sell the land of minors and agree to a partition. The law also validated any previous contracts entered into between trustees and the Crown.

Subsequently, the Court upheld the right of Sheehan and the other Pākiri trustees to partition and sell Pākiri. Rahui Te Kiri continued to oppose the partition and sale to no avail. Pākiri was divided into three equal parts in 1880. Two thirds of the block became Crown land in 1881. Rahui was awarded one third of the block in 1880, and no sales of this part of Pākiri occurred until well into the twentieth century. Ngāti Manuhiri consider that this subdivision created a geographic division and separation of interests, which ultimately damaged relationships between various parts of the tribe.

Reserves

Purchase deeds signed before 1865 did not provide reserves, even when the Crown was aware that Māori were resident on the land being sold. In the Pākiri South block, for example, no reserve was initially set aside despite the fact that some of the signatories lived at places such as Ōmaha, a coastal location within the purchase boundaries, and despite the strong protestations of Te Kiri Kaiparaoa. In 1861 Te Kiri Kaiparaoa accepted a 163 acre reserve at Ōmaha. The title to this reserve was eventually granted to Rahui Te Kiri in 1897. Te Kiri Kaiparaoa also accepted 10 acres of coastal land at Wakatūwhenua (Cape Rodney) and the 60 acre Taumata Reserve on the southern side of the Pākiri River mouth. He is understood to have repurchased land to the south east of Pākiri River.

Ngāti Manuhiri remember the personal commitment of Te Kiri Kaiparaoa to protecting significant wāhi tapu throughout their ancestral rohe. To secure a wāhi tapu in the Ahuroa/Kourawhero block in 1862, he had no option but to buy back land from the Crown. The deed provided for Te Kiri to return £20 of the purchase price in exchange for an area of forty acres, "a sacred place which is not included in this sale of land". The Crown had purchased the forty acres from Ngāti Manuhiri for approximately 1/7d an acre, and effectively returned it to Te Kiri for 10s an acre. The reserve was not made inalienable. Title was only issued to the block in 1914 as part of a process of sale.

The official record sheds little additional light on the extent to which the protection of sites was negotiated with Crown officials before the signing of a purchase deed. On a number of occasions Ngāti Manuhiri later approached the Native Land Court asking for reserves they believed had been set aside from sale and for the protection of their wāhi tapu, but without success.

Ngāti Manuhiri remain aggrieved about the Court's treatment of their requests in relation to certain ancestral lands. The applications of the Ngāti Manuhiri rangatira, Tenetahi Te Riringa, to hear Whāngateau, Wakatūwhenua, Ōmaha and part of Pākiri were dismissed without a hearing as the areas were deemed to be Crown land. These applications arose from ongoing confusion over the boundaries of the Pākiri South block, the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

resolution of Dacre's claim, and the boundaries of land that Te Kiri had wished reserved at Ōmaha, Wakatūwhenua and Pākiri.

The Crown's acquisition of Motukino (part of the Mokohinau Islands) occurred without being noticed by Ngāti Manuhiri or other groups who enjoyed customary usage of the island. Although the transaction did not disturb customary usage in the nineteenth century it did preclude any title investigation by the Native Land Court. In 1928 the Māori Land Court investigated a petition filed by a close relative of Ngāti Manuhiri seeking the return of Motukino. After investigation, the Court found the petitioners, who had customary use of the island, could continue to use it for fishing and bird snaring purposes. However, the Court did not think that title to the island should be revisited, and it remained in Crown ownership.

The Court did not recognise Ngāti Manuhiri interests in the Arapārerā block in 1903 when Ngāti Manuhiri appealed against a 1901 Court title determination and subdivision decision. This was in spite of Ngāti Manuhiri interests being recognised in the same general area in the Hōteō block investigation in January 1867.

In the long term, the reserves granted to Ngāti Manuhiri were insufficient for their economic and cultural needs, and for protecting wāhi tapu, other special sites, lifestyle and food gathering places. Without sufficient reserves, Ngāti Manuhiri were unable to benefit from the rising market in land and were unable to participate fully in the growing colonial economy.

Landlessness

Ngāti Manuhiri were obliged to engage in Court processes for succession to the few remaining blocks. The immediate descendants of an owner would typically succeed to their interests in a block. Over time this could lead to a fragmentation of shares. Nor did the Māori land laws provide in a timely manner a mechanism for the management of lands by groups of owners. Without adequate reserves from previous land transactions, and with no ability to lease out timber cutting rights, Ngāti Manuhiri were left with few options to generate income. Growing levels of individual debt also encouraged land sales. With the exception of the Pākiri North block the few remaining lands of Ngāti Manuhiri were held as fragmented and largely uneconomic shares.

By the beginning of the 1880s, around 20,000 acres of Pākiri North had been alienated. With this loss, approximately 90 percent of the land base of Mahurangi Māori had been alienated. The Crown did not monitor the impact of land alienation on Ngāti Manuhiri to ensure that they retained sufficient land for their foreseeable needs and to identify and protect important sites. By the time the Crown appointed a Royal Commission (the 1907 Stout-Ngata Commission) to investigate the extent of Māori landholdings, Ngāti Manuhiri were virtually landless. The Commission recommended that 6,611 acres at Pākiri North and 285 acres between the Pākiri River and Leigh Harbour be reserved for Māori occupation.

TE HAUTURU-O-TOI / LITTLE BARRIER ISLAND

Te Hauturu-o-Toi / Little Barrier Island is a place of iconic importance for Ngāti Manuhiri and those other iwi who shared title to it with them. Until 1896 Te Hauturu-o-Toi / Little Barrier Island was a permanent home for Ngāti Manuhiri, a refuge and an important burial place for Ngāti Manuhiri rangatira. Gardens on Te Hauturu-o-Toi / Little Barrier Island and the resources from the surrounding sea sustained many generations of Ngāti Manuhiri.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

The Crown expressed interest in Te Hauturu-o-Toi / Little Barrier Island from the early 1840s and entered into negotiations with a northern chief to buy the island. Resident iwi opposed this sale and negotiations ceased. In the 1850s Europeans sought access to the timber and other resources on the island and made informal arrangements for this with Te Kiri Kaiparaoa. In 1862 and 1871 Te Kiri and Arama Karaka expressed interest in selling Te Hauturu-o-Toi / Little Barrier Island to the Crown but this transaction did not proceed.

Title was required for the owners to lease cutting rights and profit from the valuable kauri timber on the island. The Native Land Court investigated and re-investigated title to Te Hauturu-o-Toi / Little Barrier Island several times in the late 1870s and into the mid-1880s, each Court reversing the decision of the previous Court. At the Crown's request the Court imposed alienation restrictions in 1881 on the island which limited the alternatives open to the owners while allowing the Crown the sole right of purchase. Shortly after the Crown formally notified its intention to acquire Te Hauturu-o-Toi / Little Barrier Island. At this time the Crown regarded Te Hauturu-o-Toi / Little Barrier Island as an important military asset in light of a feared Russian invasion.

The Court's 1880 and 1881 decisions were challenged by appeals and a petition to Parliament. The last hearing was in 1886. The cost of title determination of Te Hauturu-o-Toi / Little Barrier Island was expensive and created a substantial debt for all those involved.

The adversarial Native Land Court process exacerbated traditional rivalries associated with Te Hauturu-o-Toi / Little Barrier Island and led to years of petitioning Parliament. Court hearings were particularly damaging to relationships between and within Ngāti Manuhiri and related iwi, which remain unhealed. The main parties appearing before the Court identified themselves as belonging to one of two closely related descent groups. The principal Ngāti Manuhiri figure through the hearings, Rahui Te Kiri, belonged to both.

The Crown refrained from completing the purchase of Te Hauturu-o-Toi / Little Barrier Island until title was finally resolved. During his time, however, the informal sale and milling of timber continued. In late 1886 the Crown considered an offer from Rahui Te Kiri and her husband Tenetahi Te Riringa, two of the main owners, for £4000 subject to their retaining 100 acres and their dwellings on the island. Subsequent negotiations were drawn out. However, in 1890, the principal owners agreed to accept a Government offer of £3000, conditional on all of the owners agreeing. This condition was not satisfied and no purchase was made. Tenetahi began to cut the trees on the island to recover the significant personal costs, calculated at £2496, he had acquired as a result of the Court hearings and associated litigation. The Crown issued injunctions on several occasions to prevent timber milling, effectively preventing the owners from gaining direct economic benefit from their land. It also prohibited by proclamation any private purchasing.

In January 1892 the Māori owners withdrew the island from sale because of dissatisfaction that the Crown offer did not account for the full value of the standing timber. By this time, the Crown wanted to acquire Te Hauturu-o-Toi / Little Barrier Island as a sanctuary for flora and fauna, particularly native birds. For such protection to be effective the Crown wished to ensure that no permanent human occupation and traffic could take place on the island.

In May 1892 the Court determined the relative interests of the Te Hauturu-o-Toi / Little Barrier Island owners. This enabled the Crown to recommence negotiations with individual share holders, rather than the owners as a collective. Eventually, the Crown secured some shares and installed a ranger on the island. The ongoing refusal of

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Tenetahi and his family to sell their interests, and the Crown's fear they would damage the island habitat, led the Crown to promote the enactment of compulsory measures to acquire the remaining owners' shares.

The Little Barrier Island Purchase Act came into operation in October 1894, making Te Hauturu-o-Toi / Little Barrier Island Crown land. Compulsory acquisition measures in the Act were similar to those contained in public works legislation. In 1895, Te Hauturu-o-Toi / Little Barrier Island was made a Nature Reserve. Rahui Te Kiri and her family and relatives, who had not sold by that date, continued to refuse to accept payment for their shares until their costs had been covered. They also refused to leave Te Hauturu-o-Toi / Little Barrier Island. The Crown deemed them to be trespassers and, along with other remaining residents, forcibly evicted them in January 1896.

In 1912, Tenetahi, Rahui Te Kiri and their daughter Ngapeka, reluctantly agreed to accept payment for their interests in Te Hauturu-o-Toi / Little Barrier Island at an amount of £551.

The consequences of losing their interests in Te Hauturu-o-Toi / Little Barrier Island and their access to the island were devastating for Ngāti Manuhiri and have remained a source of ongoing grievance.

TWENTIETH CENTURY ISSUES

Māori land management

At the beginning of the twentieth century Ngāti Manuhiri landholdings were restricted to parts of the Taumata Māori reserve near the mouth of the Pākiri River, the Pākiri No. 1 block, and the Ōmaha papakāinga and reserve.

From 1905 the Crown instituted a new system of Māori land management through Māori Land Boards. Although intended to rectify many of the problems associated with Māori land titles, the board system had the effect of distancing Māori from the management of their lands. The boards vetted decisions made by Māori owners about leasing and sales. The boards were also to check that no alienation had the effect of rendering an owner "landless", but checks were often perfunctory. Although the Stout-Ngata Commission had recommended the retention of the remaining lands in 1907, the Crown continued to purchase interests in Pākiri No. 1 block and, when doing so, prohibited alienation to private parties to protect its interests.

From the early 1930s, boards controlled expenditure on and raised loans for any land held in a "development scheme". Income was then distributed to the owners at the discretion of the board. Ngāti Manuhiri consider that this system reduced them to the status of beneficiaries. In their experience the system was unresponsive, even when the owners chose to use the board process for alienating lands. In one instance a land owner waited four years to receive the deposit on a land sale and, when it was finally obtained, the board drip-fed the money to the owner in instalments.

The Crown commenced a policy of land development from 1929 to address problems associated with the development of Māori land held in multiple ownership. The development schemes also attempted to ameliorate the impact of land sales and title problems, provide some employment relief to rural communities during the depression of the 1930s, and bring rural Māori into the prevailing agriculturally based economy. However, by the 1930s Ngāti Manuhiri landholdings had diminished and the economic viability of their remaining lands had become marginal. A particular grievance for Ngāti

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Manuhiri is that owners, once engaged in a development scheme, could not exercise their ownership rights in any way that interfered with the intended development.

Ngāti Manuhiri lands at Pākiri and Ōmaha were subject to consolidation. When the interests of various owners of the Ōmaha block were consolidated and put into a development scheme, the owners had the option of farming it as a single block or cutting it into a number of smaller farm units. They chose to have it subdivided into farm lots, but within 15 years these had become uneconomic and were gradually sold. Uneconomic farms in the Pākiri No.1 block were also sold from the 1950s through to the 1970s. In addition, owners who were not among the fifteen or so "designated occupiers" of the farms had no place else to reside. Many Ngāti Manuhiri sold their remaining interests to support a move out of the district.

In 1932 local farmers became concerned about sand drift from Pākiri beach onto their properties and raised the issue with the Public Works Department. As a result Ngāti Manuhiri agreed to vest coastal lands in the Crown to enable the planting of forest and marram grass for sand stabilisation purposes. Protection of wāhi tapu on this site was not an issue for Ngāti Manuhiri while the land remained in Ngāti Manuhiri ownership, but general access rights to the beach meant that wāhi tapu could be, and were, disturbed. Although the ownership of the coastal fringe has been returned, Ngāti Manuhiri are presently unable to occupy or utilise the 164 hectare Pākiri G block because of coastal planning restrictions.

In the 1940s, Pākiri Māori complained to the Crown about people taking sand from the Pākiri beach and gaining access to do so across Māori-owned lands. The Pākiri sands were sought after because of their quality and the growing demands of Auckland. Sand extraction remained an issue of concern for Ngāti Manuhiri to the 1990s and led to litigation that was costly, stressful and damaging to Ngāti Manuhiri relationships with their neighbours before it was finally resolved.

The issue of ownership of the changing Pākiri river bed was the focal point of a claim lodged with the Waitangi Tribunal by Ngāti Manuhiri in 1989. After the Pākiri River changed its course and cut a new path to the sea, the Crown took the view that the former riverbed, which ran through Ngāti Manuhiri land, was Crown owned. Locals, including the users of the nearby motor camp, began to use the former river bed as an access way to the beach. In the meantime, the Crown also assumed ownership of the new riverbed. In this way Ngāti Manuhiri lost more of their Pākiri lands.

Local authority issues

After the Pākiri No.1 block was divided into small farming units the land became uneconomic and Ngāti Manuhiri owners often could not afford to pay their rates. The lack of roads and bridges onto these farming lots was a contributing factor. In order to recover unpaid rates the local authority took the matter to the Native Land Court in the period of 1939-1942. The Court formalised an arrangement that rates would be deducted from the owners' income (cream cheques) before the proceeds were returned to the owners.

Since the 1960s Ngāti Manuhiri have been faced with increasing rates demands on lands that are marginal for pastoral farming but have significant development potential. This has been a particular issue of concern for Ngāti Manuhiri because their remaining lands are rated on the basis of proximity to high value, privately owned coastal properties.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Until the end of the twentieth century Māori issues were generally not well recognised or provided for under operative planning regimes. Planning pressure on the north Auckland area increased rapidly after the construction of the Auckland harbour bridge. The construction of new subdivisions and their associated planning requirements put pressure on Ngāti Manuhiri to respond. However, Ngāti Manuhiri and related groups had been left without a clear association with their former lands and they lacked the resources to participate effectively in the few opportunities provided at that time. Planning processes also increased tensions between iwi, who found themselves competing with each other.

Socio-economic consequences

At around 1840 Ngāti Manuhiri held customary interests through a tribal estate of approximately 250,000 acres that included vast forests, waterways, and countless sites of cultural, spiritual, historical and economic significance. Today, Ngāti Manuhiri are effectively landless. They hold title to just 1,300 acres in small and multiply owned blocks. These include under 1,000 acres at Pākiri, 5 acres in the Ōmaha block, 356 acres of coastal land (which is multiply owned and has very limited development potential because of planning restrictions), and 50 acres of Taumata A and B. Their last remaining marae sits on just 5 acres of land, surrounded entirely by private land with poor road access and no practical coastal access.

Ngāti Manuhiri, like Māori communities elsewhere, suffered severely from newly-introduced European diseases and epidemics in the nineteenth century. The loss of most of their lands, high levels of debt and a lack of opportunity to compete in the new economy contributed to the impoverishment of many Ngāti Manuhiri and their dispersal to other districts from the late nineteenth century. Many Ngāti Manuhiri were involved in timber milling and moved where the industry provided employment opportunities.

Those Ngāti Manuhiri who stayed within their rohe experienced difficulties in using their lands. Most lands were held as scattered parcels in multiple ownership, with large numbers of people with small interests. Lack of access to land-locked sections also restricted the ability of landowners to utilise their productive lands. As well as high rates on valuable coastal properties, many landowners found that Council-imposed restrictions on the use of land deprived them of the opportunity to derive full benefit from their holdings.

All of this has eroded the traditional tribal structures and customary knowledge and practices of Ngāti Manuhiri. Many Ngāti Manuhiri have become disconnected from their culture and their identity as Ngāti Manuhiri. They trace the loss of active practice of their kawa and tikanga to the generation who passed away in the early twentieth century.

Ngāti Manuhiri today consider that the consequences of their landlessness include social and cultural dislocation, impoverishment, and a particular prevalence of bipolar disorder and other health problems in their community. Ngāti Manuhiri also consider that the events outlined in this account have destabilised their culture over time and undermined their educational outcomes, health and socio-economic status. They feel that these events have caused trauma for Ngāti Manuhiri and marginalised them as an indigenous people of New Zealand.

3: TE WHAKAAETANGA ME TE WHAKAPĀHA

3 TE WHAKAAETANGA ME TE WHAKAPĀHA

WHAKAAETANGA

- 3.1 Ka whakaaetia e te Karauna i hē te whakatutuki i ngā aureretanga o Ngāti Manuhiri nō mai rā anō i runga i te tika me te pono ā, kua roa rawa te whakaaetanga me te whakatutukitanga o ēnei nawe.
- 3.2 Ka whakaaetia e te Karauna, nā te hokonga o te rohe whānui rawa e kīia ana "ko Mahurangi me Ōmaha" i te tau 1841, i takahi ai te Tiriti o Waitangi me ōna mātāpono:
- 3.2.1 nā te kore whakahaere uiuitanga i ngā mana tuku iho i te wā i hokona ai ēnei whenua;
- 3.2.2 nā te hokonga o ēnei whenua me te kore aronga atu me te whakaaetanga kore o Ngāti Manuhiri; ā
- 3.2.3 nā te kore tuku kamupeniheihana e tika ana me te kore whakarato whenua rāhui hei whakamahinga, hei oranga anō mō Ngāti Manuhiri ā muri ake, ka mārama ana ki ō rātou pānga ki te rohe i hokona ai.
- 3.3 Ka whakaaetia anōtia e te Karauna:
- 3.3.1 Kikī ana ngā whenua o "Mahurangi me Ōmaha" i ngā rawa rākau nui te uaratanga, tae atu ki ngā ngahere kauri me te āheinga ngāwari ki te takutai;
- 3.3.2 Nā ngā tikanga whakahaere i tuku whenua atu ai te Karauna ki ngā kainoho whenua ki roto i te rohe hoko, tae atu ki ngā "kerēme whenua o mua" i nui ake ai te whakawā wawe i puta mai i te whakaritenga o 1841;
- 3.3.3 Nōna te hapa mō te kore i āta rurihia, i āta tautihia rānei te hokonga o "Mahurangi me Ōmaha" ā, nā tēnei aronga kore me te tikanga raihana rākau a te Karauna i muri mai, ka pā te āwangawanga me te manawa pōuri ki a Ngāti Manuhiri;
- 3.3.4 I te wā i whakaaetia ai e te Karauna ngā pānga o Ngāti Manuhiri ki ēnei whenua, kua nuku kē ngā kainoho whenua ki roto i te rohe ā, ko te mutunga kē, kāhore he huarahi e wātea ana ki a Ngāti Manuhiri i tua atu i te whakaaetanga ki te kamupeniheihana me ngā whenua rāhui itiiti nei; ā
- 3.3.5 Ka whakaritea hokonga anō mai i te tau 1853 i inaki atu ai ki ngā whenua o "Mahurangi me Ōmaha" ā, he paku noa iho te moni i utua mō aua whenua.
- 3.4 Ka whakaaetia e te Karauna te whakaritenga i roto i te tohuōkawa o Mangawhai i te tau 1854 kia "whakapauhia te 10 ōrau o ngā moni mai i te hokonga o tēnei porakahei oranga mō ngā Māori" ā, ka tukuna he utu moni ki ngā kaihoko i te tau 1874. Nō te Karauna anō te hapa mō tana kūaretanga ki te pupuri kōrero hāngai i muri i te tau 1874

DEED OF SETTLEMENT

3: TE WHAKAAETANGA ME TE WHAKAPĀHA

ā, kāhore ngā kaihoko i whiwhi painga tūturu e ai ki te whakaritenga "10 ōrau" atu i tēnei tau.

- 3.5 Ka whakaaetia e te Karauna nāna i whiu tētahi rangatira nō Ngāti Manuhiri mō tana muru i ngā kainoho whenua i Matakana nā te akiaki i a ia ki te tuku i ōna pānga ki ētahi whenua ki wāhi kē, ahakoa tōna hiahia kia puritia tonutia e ia ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.6 Ka whakaaetia e te Karauna, nā te whakahaere me te papānga o ngā ture whenua Māori, tae atu ki te tuku taitara ki ngā tāngata takitahi nō Ngāti Manuhiri, tēnā ki te iwi, ki te hapū rānei, i mōrearea ai te tapahi, te whakawehewehe me te rironga atu o ēnei whenua ā, taro rawa ake ka kino anō te papānga ki a Ngāti Manuhiri. Nā tēnei mahi āna, ka waimehatia anōtia ngā tikanga ā-iwi tuku iho o Ngāti Manuhiri. Nō te Karauna anō te hapa mō te kore whakarato ōna i ngā kaupapa e noho haumarua ai ēnei tikanga ā, he takahi anō tērā i te Tiriti o Waitangi me ōna mātāpono.
- 3.7 Ka whakaaetia anōtia e te Karauna ngā utu teitei o roto i te tikanga tautuhi taitara a te Kōti Whenua Māori, tae atu ki ngā utu ā-rūri, ā-whakawā hoki, i riro whenua atu anō ai nō Ngāti Manuhiri.
- 3.8 Ka whakaaetia e te Karauna te ngaronga atu o ngā wāhi tapu, tae atu ki ērā i hiahiatia ai e ngā rangatira o Ngāti Manuhiri te pupuri tonu ā, he kino tēnei mō te oranga ā-tikanga, ā-wairua o Ngāti Manuhiri.
- 3.9 Ka whakaaetia e te Karauna nā tana hokonga o Hauturu:
- 3.9.1 Ka whakamahia ōna mana whakatopatopa ki te aukati atu i ngā kaihoko tūmataiti ā, tē taea e ngā tāngata whenua te whakatupu whiwhinga moni mai i ngā rawa rākau o te motu;
- 3.9.2 Ka whiriwhiri kōrero ia me ngā kaupupuri hea takitahi tēnā me ngā tāngata whenua hei rōpū tōpū;
- 3.9.3 Ka whakatairangatia he hanganga ā-ture, te Little Barrier Island Purchase Act 1894 ā, ka whakamahia e ia kia hokona heretia ngā hea o aua tāngata takitahi i whakahē ai ki te hoko; ā
- 3.9.4 Ka tūkinotia te mana o ngā uri nō Ngāti Manuhiri i te motu e noho ana, tae atu ki ngā tāngata i whakahē atu ki te kamupeniheihana mō ō rātou hea i tangohia ai i raro i te Ture me tō rātou peitanga atu i te tau 1869.

Ka whakaaetia e te Karauna, kāhore i tika ngā āhuatanga i riro atu ai ki a ia te mana whakahaere o Hauturu ā, nā konā i takahi ai te Tiriti o Waitangi me ōna mātāpono.

- 3.10 Ka whakaaetia anōtia e te Karauna:

- 3.10.1 Nā te tikanga uiuitanga mō Hauturu i kino ai ngā whanaungatanga ki roto tonu i a Ngāti Manuhiri, ki waenganui rānei i a rātou me ō rātou kiritata ā-iwi; ā

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3: TE WHAKAAETANGA ME TE WHAKAPĀHA

- 3.10.2 Nā te rironga atu o te mana tangata whenua, me te āheinga atu, ki Hauturu, he nawe tonu, he mamae nui anō ki a Ngāti Manuhiri.
- 3.11 Ka whakaaetia e te Karauna te ngākaunui o Ngāti Manuhiri ki te whakaaetanga o te Karauna kia whakawhitia anōtia a Hauturu, mā tēnei whakaritenga, ki a Ngāti Manuhiri me te takoha atu o Ngāti Manuhiri i te motu ki te Karauna kia whakapūmautia ai a Hauturu hei Rāhui Tāiao mō te painga o ngā iwi o Aotearoa.
- 3.12 Ka whakaaetia e te Karauna i haere tonu tōna hokonga o ngā whenua i whakawākia i te Kōti Whenua Māori, ko ērā i pupuri pānga ai a Ngāti Manuhiri tae atu ki ngā hokonga mai i te tamariki. Ka whakaaetia anōtia e te Karauna tōna hapa ki te aroturuki i te papānga o ōna hokonga ki runga i ngā pānga whenua o Ngāti Manuhiri ā, hāunga anō ngā whakaritenga mārama o ngā whakakitenga o te Kōmihana Stout-Ngata i te tau 1907, ka haere tonu tōna hokohoko whenua tae atu ki te poraka whakamutunga e toe ana ki a rātou, arā, ko Pākiri Nama 1 tērā.
- 3.13 Ka whakaaetia e te Karauna, neke atu i te 1900 ngā uri o Ngāti Manuhiri i mahue mai hei tangata whenua kore ā, nō te Karauna anō te hē ki te whakaū whenua e tika ana ki a Ngāti Manuhiri mō ō rātou hiahia o nāianeī, ā ngā tau e heke mai ana ā, he takahi tērā i te Tiriti o Waitangi me ōna mātāpono. Nā konā i raru ai te whakawhanaketanga ā-hapori, ā-ōhanga, ā-tikanga anō hoki o Ngāti Manuhiri hei iwi, i waimeha ai te āheinga o Ngāti Manuhiri ki te whakamarumarū, ki te whakahaere hoki i ō rātou taonga tae atu ki te reo Māori, ki ō rātou wāhi tapu, ki te mau tonu i a rātou ō rātou hononga ki ō rātou whenua tuku iho. I tua atu, ka whakaaetia e te Karauna nā ēnei mahi āna ka kino rawa te papānga ki te oranga tonutanga o Ngāti Manuhiri i tēnei wā.
- 3.14 Ka whakaaetia e te Karauna, nā runga i ngā kaupapa whakawhanake whenua, i ngaro atu ai ngā huarahi e taea ai te noho ki runga me te whakamahi i ō rātou whenua ā, nā te whakawehewehenga o aua whenua ka puta he āhuatanga ōhanga kore ā, ka tautokona anōtia te rironga whenua atu anō.
- 3.15 Ka whakaaetia e te Karauna ngā taumahatanga haere tonu o Ngāti Manuhiri ki te whakahaere i ngā whenua ruarua e toe tonu ana, tae atu ki te tokomaha o ngā kaupuri pānga, ngā raruraru āheinga me ngā uaratanga teitei ki runga i ō rātou whenua i te takutai, hāunga anō ngā aukatinga mō te whakawhanaketanga.

WHAKAPĀHATANGA.

- 3.16 Ka whakaaetia e te Karauna te kaha me ngā pakanga o ngā tūpuna o Ngāti Manuhiri ki te whai i ō rātou kerēme mō te whakatikatika me te whakataū pono ā, ka tuku tēnei whakapāhatanga atu ki a Ngāti Manuhiri, ki ō rātou tūpuna me ō rātou uri.
- 3.17 Ka nui te pōuritanga o te Karauna mō ōna takahitanga i te Tiriti o Waitangi me ōna mātāpono i ruarua ai ngā whenua o Ngāti Manuhiri tae rawa ake ki te tau 1865. Ka pōuri anō te Karauna mō tana whakamarumarū kore i ngā whenua e toe tonu ana ki a Ngāti Manuhiri, mō taua ngaronga i kino rawa ai ngā papānga mō te oranga tonutanga ā-tikanga, ā-ōhanga, ā-tinana o Ngāti Manuhiri e pā kaha ana i ēnei wā tonu.
- 3.18 He herenga kore te whakapāhatanga a te Karauna mō tōna kore aronga ki ōna herenga ki a Ngāti Manuhiri i raro i te Tiriti o Waitangi. Mā tēnei whakataunga e hiahia ana te Karauna kia ripenetā mō ōna hapa, kia tīmatahia hoki tētahi tikanga whakatikatika. Ko te

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3: TE WHAKAAETANGA ME TE WHAKAPĀHA

kōingo o te Karauna, ki te hanga hononga hou ki a Ngāti Manuhiri e ai ki te Tiriti o Waitangi me ōna mātāpono, kia mahitahi ai a Ngāti Manuhiri me te Karauna, ko te otinga iho, ko te whakaoranga anō o Ngāti Manuhiri.

3: ACKNOWLEDGEMENT AND APOLOGY

3 ACKNOWLEDGEMENT AND APOLOGY

ACKNOWLEDGEMENT

- 3.1 The Crown acknowledges that it has failed to deal with the long standing grievances of Ngāti Manuhiri in an appropriate way and that recognition, and provision of redress for these grievances is long overdue.
- 3.2 The Crown acknowledges that in purchasing the extensive area called “Mahurangi and Ōmaha” in 1841 it breached the Treaty of Waitangi and its principles by:
- (3.2.1 failing to conduct any investigation of customary rights when it purchased these lands;
- 3.2.2 acquiring these lands without the knowledge and consent of Ngāti Manuhiri; and
- 3.2.3 failing to provide adequate compensation and reserves for the future use and benefit of Ngāti Manuhiri when it later learned of their interests in the purchase area.
- 3.3 The Crown further acknowledges that:
- 3.3.1 the “Mahurangi and Ōmaha” lands contained rich timber resources including kauri forests and easy coastal access;
- 3.3.2 the process whereby the Crown granted land to settlers within the purchase area, including “old land claims”, compounded the prejudice arising from the 1841 transaction;
- 3.3.3 it failed to properly survey and define the “Mahurangi and Ōmaha” purchase and that this, together with the Crown’s subsequent timber licensing regime, caused confusion and uncertainty for Ngāti Manuhiri;
- 3.3.4 by the time the Crown recognised Ngāti Manuhiri interests in these lands settlers had begun to move into the area and Ngāti Manuhiri were left with no option other than to accept compensation and inadequate reserves; and
- 3.3.5 it carried out further purchases from 1853 that overlapped with the “Mahurangi and Ōmaha” lands, and paid generally low prices for those lands.
- 3.4 The Crown acknowledges that the 1854 Mangawhai deed contained provision that “ten per cent of the proceeds of the sale of this block ... is to be expended for the benefit of the Natives”, and that a payment was made to the vendors in 1874. The Crown failed to keep adequate records after 1874 and the vendors received no identifiable benefit under the “ten per cent” provision from that date.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.5 The Crown acknowledges that it punished a Ngāti Manuhiri chief for his role in a muru (ritualised plunder for compensation) of settlers at Matakana by pressuring him to cede his ancestral interests in land elsewhere that he wished to retain, and this was in breach of the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that the operation and impact of the native land laws, in particular the awarding of land title to individual Ngāti Manuhiri rather than to the iwi or hapū, made those lands more susceptible to partition, fragmentation and alienation, and that this had a detrimental effect on Ngāti Manuhiri. This further contributed to the erosion of the traditional tribal structures of Ngāti Manuhiri. The Crown failed to take adequate steps to protect those structures and this was in breach of the Treaty of Waitangi and its principles.
- 3.7 The Crown further acknowledges that the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times led to further alienations of Ngāti Manuhiri land.
- 3.8 The Crown acknowledges the loss of Ngāti Manuhiri wāhi tapu, including those that Ngāti Manuhiri rangatira wished to retain, and that this loss was prejudicial to Ngāti Manuhiri cultural and spiritual well-being.
- 3.9 The Crown acknowledges that in acquiring Te Hauturu-o-Toi / Little Barrier Island it:
- 3.9.1 used monopoly powers to exclude private purchasers and prevent owners from generating revenue from the timber resources of the island;
 - 3.9.2 negotiated with individual share-holders rather than with the owners as a whole;
 - 3.9.3 promoted special legislation, the Little Barrier Island Purchase Act 1894, and used it to compulsorily acquire the shares of those individuals who refused to sell; and
 - 3.9.4 showed blatant disregard for those Ngāti Manuhiri resident on the island, including persons who had refused to accept compensation for their shares taken under the Act, by forcibly evicting them in 1896.

The Crown acknowledges that it acted in an unreasonable and unfair manner to secure the ownership of Te Hauturu-o-Toi / Little Barrier Island and this conduct was in breach of the Treaty of Waitangi and its principles.

- 3.10 The Crown also acknowledges:
- 3.10.1 the title investigation process for Te Hauturu-o-Toi / Little Barrier Island damaged relationships within Ngāti Manuhiri and between them and their tribal neighbours; and
 - 3.10.2 the loss of ownership of, and access to, Te Hauturu-o-Toi / Little Barrier Island has remained a source of ongoing grievance and sorrow for Ngāti Manuhiri.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.11 The Crown acknowledges the generosity of spirit shown by Ngāti Manuhiri in agreeing that the Crown transfer Te Hauturu-o-Toi / Little Barrier Island, through this settlement, to Ngāti Manuhiri and that Ngāti Manuhiri gift it back to the Crown to ensure that Te Hauturu-o-Toi / Little Barrier Island remains a Nature Reserve for the benefit of the people of New Zealand.
- 3.12 The Crown acknowledges that it continued to purchase lands that had passed through the Native Land Court in which Ngāti Manuhiri held interests, including purchases from minors. The Crown also acknowledges that it failed to monitor the impact of its purchases on Ngāti Manuhiri landholdings and, despite the clear implications of the Stout-Ngata Royal Commission's findings in 1907, continued to acquire land including within their last remaining block, Pākiri No. 1.
- 3.13 The Crown acknowledges that by around 1900 Ngāti Manuhiri were left virtually landless and that the Crown's failure to ensure that Ngāti Manuhiri retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This hindered the social, economic and cultural development of Ngāti Manuhiri as a tribe, undermined the ability of Ngāti Manuhiri to protect and manage their taonga, including te reo Māori, and their wāhi tapu, and to maintain spiritual connections to their ancestral lands. The Crown further acknowledges that this has severely impacted on the well-being of Ngāti Manuhiri today.
- 3.14 The Crown acknowledges that, under land development schemes, many Ngāti Manuhiri owners effectively lost the opportunity to live on and use their land and that partitioning of these lands created uneconomic units and contributed to further land alienation.
- 3.15 The Crown acknowledges the ongoing difficulties Ngāti Manuhiri have experienced managing their few residual lands, including high levels of multiple ownership, problems of access, and the high valuations placed on their coastal lands despite restrictions on their development.

APOLOGY

- 3.16 The Crown recognises the efforts and struggles of the ancestors of Ngāti Manuhiri in pursuit of their claims for redress and justice and makes this apology to Ngāti Manuhiri, to their ancestors and to their descendants.
- 3.17 The Crown profoundly regrets its breaches of the Treaty of Waitangi and its principles which left Ngāti Manuhiri with few landholdings by 1865. The Crown is deeply sorry for its failure to protect the remaining lands of Ngāti Manuhiri, the loss of which had devastating consequences for the cultural, spiritual, economic and physical well-being of Ngāti Manuhiri that continue to be felt today.
- 3.18 The Crown unreservedly apologises for not having honoured its obligations to Ngāti Manuhiri under the Treaty of Waitangi. Through this settlement the Crown seeks to atone for its wrongs and to begin the process of healing. It is the desire of the Crown to build a new relationship with Ngāti Manuhiri based on the Treaty of Waitangi and its principles, so that Ngāti Manuhiri and the Crown can work together to revitalise Ngāti Manuhiri.

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4: SETTLEMENT

4 SETTLEMENT

ACKNOWLEDGEMENTS

- 4.1 Each party acknowledges that –
- 4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
 - 4.1.2 full compensation of Ngāti Manuhiri is not possible; and
 - 4.1.3 Ngāti Manuhiri intend their foregoing of full compensation to contribute to New Zealand's development; and
 - 4.1.4 the settlement is intended to enhance the ongoing relationship between Ngāti Manuhiri and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngāti Manuhiri acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

SETTLEMENT

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

REDRESS

- 4.5 The redress, to be provided in settlement of the historical claims, –
- 4.5.1 is intended to benefit Ngāti Manuhiri collectively; but
 - 4.5.2 may benefit particular members, or particular groups of members, of Ngāti Manuhiri if the governance entity so determines in accordance with the governance entity's procedures.

DEED OF SETTLEMENT

4: SETTLEMENT

IMPLEMENTATION

- 4.6 The settlement legislation will, on the terms provided for by, –
- 4.6.1 part 3 of the legislative matters schedule, settle the historical claims; and
- 4.6.2 part 4 of the legislative matters schedule, –
- (a) exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
 - (b) provide that the Māori land claims protection legislation does not apply –
 - (i) to a redress property or any RFR land; or
 - (ii) for the benefit of Ngāti Manuhiri or a representative entity; and
 - (c) require any resumptive memorial to be removed from a certificate of title to, or a computer register for, a redress property or any RFR land.
- 4.7 The settlement legislation will, on the terms provided for by part 16 of the legislative matters schedule, –
- 4.7.1 provide that the rule against perpetuities and the Perpetuities Act 1964 does not –
- (a) apply to a settlement document; or
 - (b) prescribe or restrict the period during which –
 - (i) the trustees of the settlement trust, being the governance entity, may hold or deal with property; and
 - (ii) the settlement trust may exist; and
- 4.7.2 require the Secretary for Justice to make copies of this deed publicly available.
- 4.8 Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 CULTURAL REDRESS

TE HAUTURU-O-TOI / LITTLE BARRIER ISLAND

Background

- 5.1 The Crown acknowledges Ngāti Manuhiri's long association with Te Hauturu-o-Toi / Little Barrier Island and the importance of Te Hauturu-o-Toi / Little Barrier Island to Ngāti Manuhiri.
- 5.2 The Crown acknowledges the support from Ngāti Manuhiri for the removal of kiore from the island in 2004 in order to create a pest-free nature reserve.
- 5.3 Ngāti Manuhiri acknowledge the values of Te Hauturu-o-Toi / Little Barrier Island as a nature reserve of importance to the public of New Zealand.
- 5.4 Ngāti Manuhiri as kaitiaki of Te Hauturu-o-Toi / Little Barrier Island acknowledge-
- 5.4.1 the tupuna that were recorded as the tangata whenua; and
- 5.4.2 the other former owners of Te Hauturu-o-Toi / Little Barrier Island, being of Ngāti Rehua and Ngati Wai descent.

Gift back

- 5.5 The settlement legislation will, on terms provided for by part 5 of the legislative matters schedule, –
- 5.5.1 vest in the governance entity on the settlement date the fee simple estate in Te Hauturu-o-Toi / Little Barrier Island Gift Area (shown as Area A on deed plan OTS-125-02);
- 5.5.2 on the day that is seven days after the settlement date, deem the trustees of the Ngāti Manuhiri Trust to have gifted back Te Hauturu-o-Toi / Little Barrier Island Gift Area, on behalf of Ngāti Manuhiri and in acknowledgement of the other former owners of Ngāti Rehua and Ngati Wai descent, to the people of New Zealand for its continuance as a nature reserve, and the fee simple estate in that area will vest in the Crown accordingly; and
- 5.5.3 protect the values of Te Hauturu-o-Toi / Little Barrier Island Gift Area by maintaining its status as a nature reserve under the Reserves Act 1977 through the vesting and gifting back process.

Vesting of balance of Te Hauturu-o-Toi / Little Barrier Island

- 5.6 The settlement legislation will, on terms provided for by part 10 of the legislative matters schedule, vest in the name of Rahui Te Kiri on the settlement date the fee

DEED OF SETTLEMENT

5: CULTURAL REDRESS

simple estate in Te Maraeroa (shown as Area B on the deed plan OTS-125-02), subject to the governance entity providing a registrable covenant and registrable easements in relation to the site, in the form in parts 5 and 6 respectively of the documents schedule.

- 5.7 For the avoidance of doubt, access across Te Hauturu-o-Toi / Little Barrier Island Gift Area to Te Maraeroa is regulated under the Reserves Act 1977, including the requirement to obtain a permit under section 57 of that Act. No fee will be charged when an access permit is issued to a member of Ngāti Manuhiri who is an accredited person under section 103(7) of the Biosecurity Act 1993.

Co-governance of Te Hauturu-o-Toi / Little Barrier Island

- 5.8 The settlement legislation will, on the terms provided for by part 6 of the legislative matters schedule, provide for the preparation, coming into effect, and review and amendment of a conservation management plan for Te Hauturu-o-Toi / Little Barrier Island Gift Area ("Hauturu Plan") which will have effect as a conservation management plan prepared and approved under section 40B of the Reserves Act 1977.

Removal of stones for cultural purposes

- 5.9 The settlement legislation will, on terms provided for by part 6A of the legislative matters schedule, provide for members of Ngāti Manuhiri to be authorised, by the governance entity and the Commissioner (as defined in part 6A of the legislative matters schedule) jointly, to collect stones from Te Hauturu-o-Toi / Little Barrier Island Gift Area for cultural purposes.

Whenua rahui

- 5.10 The settlement legislation will, on the terms provided for by part 7 of the legislative matters schedule –
- 5.10.1 declare Te Hauturu-o-Toi / Little Barrier Island Gift Area (as shown on deed plan OTS-125-10) to be subject to a whenua rahui; and
 - 5.10.2 provide the Crown's acknowledgement of the statement of Ngāti Manuhiri values in relation to Te Hauturu-o-Toi / Little Barrier Island Gift Area; and
 - 5.10.3 require the New Zealand Conservation Authority, and the Auckland Conservation Board, –
 - (a) when considering general policy, or a conservation document, in relation to Te Hauturu-o-Toi / Little Barrier Island Gift Area, to have particular regard to the statement of Ngāti Manuhiri values, and the protection principles, for the site; and
 - (b) before approving general policy, or a conservation document, in relation to Te Hauturu-o-Toi / Little Barrier Island Gift Area, to –
 - (i) consult with the governance entity; and

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (ii) have particular regard to its views as to the effect of the policy or the document on the Ngāti Manuhiri values, and the protection principles, for Te Hauturu-o-Toi / Little Barrier Island Gift Area; and
- 5.10.4 require the New Zealand Conservation Authority to give the governance entity an opportunity to make submissions to it, if the governance entity has significant concerns about a draft conservation management strategy in relation to Te Hauturu-o-Toi / Little Barrier Island Gift Area; and
- 5.10.5 require the Director-General of Conservation to take action in relation to the protection principles (including the actions set out in part 1 of the documents schedule); and
- 5.10.6 enable the making of regulations and bylaws in relation to the sites; and
- 5.10.7 otherwise include provisions relating to whenua rahui.
- 5.11 The statement of Ngāti Manuhiri values, and the protection principles, are in part 1 of the documents schedule.

WHENUA RAHUI (WAKATŪWHENUA)

- 5.12 The settlement legislation will, on the terms provided for by part 7 of the legislative matters schedule:
 - 5.12.1 declare the following site to be subject to a whenua rahui: Wakatūwhenua, comprising the following (as shown on deed plan OTS-125-13):
 - (a) the remainder of Leigh Recreation Reserve following the vesting of the Leigh Recreation Reserve site; and
 - (b) Goat Island Scientific Reserve; and
 - (c) Cape Rodney-Okakari Marine Reserve; and
 - 5.12.2 provide the Crown's acknowledgement of the statement of Ngāti Manuhiri values in relation to the site; and
 - 5.12.3 require the New Zealand Conservation Authority, and the Auckland Conservation Board, –
 - (a) when considering general policy, or a conservation document, in relation to the site, to have particular regard to the statement of Ngāti Manuhiri values, and the protection principles, for the site; and
 - (b) before approving general policy, or a conservation document, in relation to the site, to –

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (i) consult with the governance entity; and
 - (ii) have particular regard to its views as to the effect of the policy or the document on the Ngāti Manuhiri values, and the protection principles, for the site; and
 - 5.12.4 require the New Zealand Conservation Authority to give the governance entity an opportunity to make submissions to it, if the governance entity has significant concerns about a draft conservation management strategy in relation to the site; and
 - 5.12.5 require the Director-General of Conservation to take action in relation to the protection principles (including the actions set out in part 1 of the documents schedule); and
 - 5.12.6 enable the making of regulations and bylaws in relation to the site; and
 - 5.12.7 otherwise include provisions relating to the site.
- 5.13 The statement of Ngāti Manuhiri values, and the protection principles, are in part 1 of the documents schedule.

STATUTORY ACKNOWLEDGEMENT

- 5.14 The settlement legislation will, on the terms provided for by part 8 of the legislative matters schedule, –
- 5.14.1 provide the Crown's acknowledgement of the statements by Ngāti Manuhiri of their particular cultural, spiritual, historical, and traditional association with the following areas:

General

- (a) the remainder of Mount Tamahunga being within the Omaha Ecological Area (as shown on deed plan OTS-125-11) following the vesting of the Mount Tamahunga summit site;
- (b) Motu Hāwere, comprising the following (as shown on deed plan OTS-125-12);
 - (i) the remainder of the Leigh Recreation Reserve following the vesting of the Leigh Recreation Reserve site;
 - (ii) Goat Island Scientific Reserve;
- (c) Ngāroto Lakes (as shown on deed plan OTS-125-19);
- (d) Tohitohi o Reipae (as shown on deed plan OTS-125-20);

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (e) Pohuehue Scenic Reserve (as shown on deed Plan OTS-125-22);
- (f) Kawau Island Historic Reserve (as shown on deed plan OTS-125-23);
and

Coastal

- (g) coastal statutory acknowledgement area (as shown on deed plan OTS-125-06); and

Rivers

- (h) Hōteo River (as shown on deed plan OTS-125-15);
- (i) Pūhoi River (as shown on deed plan OTS-125-14);
- (j) Pākiri River (as shown on deed plan OTS-125-16);
- (k) Poutawa Stream (as shown on deed plan OTS-125-17);
- (l) Matakana River (as shown on deed plan OTS-125-18); and
- (m) Waiwerawera (as shown on deed plan OTS-125-21); and

5.14.2 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement; and

5.14.3 require relevant consent authorities to forward to the governance entity summaries and copies of resource consent applications affecting an area; and

5.14.4 in relation to an area the subject of a statutory acknowledgement, enable the governance entity, and any member of Ngāti Manuhiri, to cite the statutory acknowledgement as evidence of Ngāti Manuhiri's association with that area.

5.15 The statements of association are in part 2 of the documents schedule.

DEED OF RECOGNITION

5.16 The Crown must, by or on the settlement date, provide the governance entity with the deed of recognition signed by the Minister of Conservation and the Director-General of Conservation in relation to the remainder of Mount Tamahunga being within the Omaha Ecological Area (as shown on deed plan OTS-125-11) following the vesting of the Mount Tamahunga summit site.

5.17 The area that the deed of recognition relates to includes only those parts of the area owned and managed by the Crown.

DEED OF SETTLEMENT

5: CULTURAL REDRESS

5.18 The deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within an area that the deed relates to, –

5.18.1 consult the governance entity; and

5.18.2 have regard to the governance entity's views concerning Ngāti Manuhiri's association with the area described in a statement of association.

PROTOCOLS

5.19 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:

5.19.1 the Conservation protocol; and

5.19.2 the Taonga Tūturu protocol; and

5.19.3 the Crown Minerals protocol.

5.20 A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS

5.21 Each deed of recognition and protocol will be –

5.21.1 in the form in parts 3 and 4 respectively of the documents schedule; and

5.21.2 issued under, and subject to, the terms of the settlement legislation provided for by parts 8 and 9 of the legislative matters schedule.

5.22 A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.

FISHERIES REDRESS

5.23 By or on the settlement date, the chief executive of the Ministry of Fisheries will write to the governance entity outlining, –

5.23.1 that the Ministry recognises Ngāti Manuhiri as tangata whenua within their area of interest; and

5.23.2 how Ngāti Manuhiri can have input and participation into the Ministry's fisheries planning processes; and

5.23.3 how Ngāti Manuhiri can implement the Fisheries (Kaimoana Customary Fishing) Regulations 1998 within their area of interest.

DEED OF SETTLEMENT

5: CULTURAL REDRESS

LETTERS PROMOTING RELATIONSHIPS WITH NGĀTI MANUHIRI

- 5.24 By or on the settlement date, the Minister of Treaty of Waitangi Negotiations must write a letter –
- 5.24.1 to the Minister of Māori Affairs regarding progress on issues relating to the rating of Māori land and Resource Management Act restrictions on housing development in coastal areas; and
 - 5.24.2 to the Minister and Associate Minister of Health informing Ministers of the health research aspirations of Ngāti Manuhiri; and
 - 5.24.3 to the following organisations, encouraging each of them to engage and support Ngāti Manuhiri in developing a programme to address health concerns amongst their people:
 - (a) The Health Council of New Zealand; and
 - (b) The National Centre of Mental Health/Te Pou a Te Whakaaro Nui.

MEMORANDUM OF UNDERSTANDING WITH AUCKLAND COUNCIL

- 5.25 By or on the settlement date, the Minister for Treaty of Waitangi Negotiations will write to the Auckland Council encouraging it to enter into a memorandum of understanding (or a similar document) with the governance entity in relation to the interaction between the Council and the governance entity on matters of common interest, within the area of interest.

RELATIONSHIP WITH DOMESTIC MUSEUMS

- 5.26 Within 6 months of the date of this deed, the Minister for Treaty of Waitangi Negotiations will write to the following museums:
- 5.26.1 Auckland War Memorial Museum;
 - 5.26.2 Museum of New Zealand Te Papa Tongarewa; and
 - 5.26.3 Whāngarei Museum.

CULTURAL REDRESS PROPERTIES

- 5.27 The settlement legislation will vest in the governance entity on the settlement date –

As a reserve

- 5.27.1 the fee simple estate in each of the following sites as a reserve with the governance entity as the administering body:
 - (a) Mount Tamahunga summit site – scientific reserve:

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (b) Leigh Recreation Reserve site – recreation reserve:
- (c) Pākiri Domain Recreation Reserve site – recreation reserve; and

In fee simple subject to a conservation covenant

5.27.2 the fee simple estate in each of the following sites, subject to the governance entity providing a registrable conservation covenant in relation to each site in the form in part 5 of the documents schedule:

- (a) the Pākiri Block Conservation Area; and
- (b) the Pākiri Riverbed site.

5.28 Each cultural redress property, including Te Maraeroa, is to be –

5.28.1 as described in the appendix to the legislative matters schedule; and

5.28.2 vested on the terms –

- (a) of the settlement legislation, provided for by parts 10 to 12 of the legislative matters schedule; and
- (b) provided by part 2 of the property redress schedule; and

5.28.3 subject to any encumbrances, or other documentation, in relation to that property –

- (a) required by clause 5.26.2 to be provided by the governance entity; or
- (b) required by the settlement legislation; and
- (c) in particular, referred to by the appendix to the legislative matters schedule.

ASSIGNED AND ALTERED GEOGRAPHIC NAMES

5.29 The settlement legislation will, from the settlement date, –

5.29.1 assign the following geographic name to the location set opposite it:

Assigned geographic name	Location (NZTopo50 map and grid references)	Geographic feature type
Ngāroto	AY31 465958 – AY31 465948	Historic site

DEED OF SETTLEMENT

5: CULTURAL REDRESS

5.29.2 alter each of the following existing geographic names to the altered geographic name set opposite it:

Existing geographic name (gazetted, recorded or local)	Altered geographic name	Location (NZTopo50 map and grid references)	Geographic feature type
Hauturu / Little Barrier Island	Te Hauturu-o-Toi / Little Barrier Island	AY33 871916	Island
Bream Tail	Paepae-o-Tū / Bream Tail	AY31 431098	Head
Goat Island	Te Hāwere-a-Maki / Goat Island	AY32 615851	Island
Mathesons Bay	Te Kohuroa / Mathesons Bay	AZ32 614810	Bay

5.30 The settlement legislation will –

5.30.1 assign, or alter, the geographic names on the terms provided for by part 12A of the legislative matters schedule; and

5.30.2 in particular, provide that the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa may, with the consent of the governance entity, alter –

- (a) any assigned, or altered, geographic name; or
- (b) its location.

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

5.31 The Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.

6: FINANCIAL AND COMMERCIAL REDRESS

6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

6.1 The Crown must pay the governance entity on the settlement date \$2,498,400, being the financial and commercial redress amount of \$9,000,000 less \$6,501,600 being the total of the transfer values of the following commercial redress properties (being the properties described in part 3 of the property redress schedule):

6.1.1 South Mangawhai Forest:

6.1.2 Warkworth District Court:

6.1.3 Pākiri School.

COMMERCIAL REDRESS PROPERTIES

6.2 Each commercial redress property is to be –

6.2.1 transferred by the Crown to the governance entity on the settlement date –

(a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the governance entity or any other person; and

(b) on the terms of transfer in part 4 of the property redress schedule; and

6.2.2 as described, and is to have the transfer value provided, in part 3 of the property redress schedule.

6.3 The transfer of each commercial redress property will be –

6.3.1 subject to, and where applicable with the benefit of, the encumbrances provided in the property redress schedule; and

6.3.2 in the case of Warkworth District Court and Pākiri School, subject to the governance entity providing to the Crown by or on the settlement date a registrable ground lease of the property in the form set out in part 7 of the documents schedule. (As the lease is a registrable ground lease of the property, the governance entity will be purchasing only the bare land, all improvements remaining under the ownership of the Crown or other third party as applicable).

6.4 Each of the commercial redress properties referred to in clause 6.3.2 is to be leased back to the Crown, immediately after its transfer to the governance entity, on the terms and conditions provided by the lease for that property in part 7 of the documents schedule.

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

- 6.5 The settlement legislation will, on the terms provided for by part 14 of the legislative matters schedule, provide for the following in relation to a commercial redress property that is licensed land:
- 6.5.1 its transfer by the Crown to the governance entity;
 - 6.5.2 it to cease to be Crown forest land upon registration of the transfer;
 - 6.5.3 the governance entity to be, from the settlement date, in relation to the licensed land, –
 - (a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
 - (b) entitled to the rental proceeds since the commencement of the Crown forestry licence;
 - 6.5.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if –
 - (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
 - (b) the Waitangi Tribunal's recommendation became final on settlement date;
 - 6.5.5 the governance entity to be the licensor under the Crown forestry licence as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying; and
 - 6.5.6 for rights of access to areas that are wāhi tapu.

SETTLEMENT LEGISLATION

- 6.6 The settlement legislation will, on the terms provided for by part 13 of the legislative matters schedule, enable the transfer of the commercial redress properties.

RFR FROM THE CROWN

- 6.7 The governance entity is to have a right of first refusal in relation to a disposal by the Crown or a Crown body of RFR land, being the land in the area shown on the RFR map in the attachments that, on the settlement date, –
- 6.7.1 is vested in the Crown; or
 - 6.7.2 the fee simple for which is held by the Crown.

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

6.8 The right of first refusal is –

6.8.1 to be on the terms of the settlement legislation provided for by part 15 of the legislative matters schedule; and

6.8.2 in particular, -

- (a) to apply for a term of 169 years from the settlement date; but
- (b) to apply only if the RFR land is not being disposed of in circumstances specified by the settlement legislation provided for by paragraphs 15.10 and 15.11 of the legislative matters schedule; and
- (c) not to apply to the specified properties in the circumstances provided for in paragraph 15.4A to 15.4C of the legislative matters schedule.

DEED OF SETTLEMENT

7: SETTLEMENT LEGISLATION, GOVERNANCE ENTITY, CONDITIONS, AND TERMINATION

7 SETTLEMENT LEGISLATION, GOVERNANCE ENTITY, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

- 7.1 Within 12 months after the date of this deed, the Crown must propose settlement legislation for introduction to the House of Representatives.
- 7.2 The settlement legislation proposed for introduction must include all matters required by –
- 7.2.1 this deed; and
 - 7.2.2 in particular, the legislative matters schedule; and
 - 7.2.3 be in a form that the governance entity has notified the Crown is satisfactory to the governance entity.
- 7.3 However, the settlement legislation, and in particular the settlement legislation proposed for introduction to the House of Representatives, may include changes to the requirements of this deed agreed in writing by the governance entity and the Crown.
- 7.4 Ngāti Manuhiri and the governance entity acknowledge that –
- 7.4.1 the settlement legislation may be proposed for introduction in an omnibus form with a purpose to giving effect to the settlements of other groups; and
 - 7.4.2 the governance entity may not withhold notification under clause 7.2.3 on the grounds that the settlement legislation is to be proposed for introduction in that form.
- 7.5 Ngāti Manuhiri and the governance entity must support the enactment of the settlement legislation.

GOVERNANCE ENTITY

- 7.6 Ngāti Manuhiri must:
- 7.6.1 establish the **Ngāti Manuhiri Settlement Trust** by properly executing the deed of trust in that name in the form previously approved by the Crown; and
 - 7.6.2 ensure the trustees execute, and deliver to the Crown, the deed of covenant in the form set out in part 8 of the documents schedule.

DEED OF SETTLEMENT

7: SETTLEMENT LEGISLATION, GOVERNANCE ENTITY, CONDITIONS, AND TERMINATION

SETTLEMENT CONDITIONAL

- 7.7 This deed, and the settlement, are conditional on:
- 7.7.1 the settlement legislation coming into force; and
 - 7.7.2 the governance entity being established, and executing and delivering the deed of covenant, under clause 7.6.
- 7.8 However, the following provisions of this deed are binding on its signing:
- 7.8.1 clauses 7.1 to 7.5 and 7.9 to 7.13; and
 - 7.8.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

EFFECT OF THIS DEED

- 7.9 This deed –
- 7.9.1 is “without prejudice” until it becomes unconditional; and
 - 7.9.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.10 Clause 7.9 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

TERMINATION

- 7.11 The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 7.11.1 the settlement legislation has not come into force within 30 months after the date of this deed; or
 - 7.11.2 the terminating party has given the other party at least 20 business days’ notice of an intention to terminate.
- 7.12 The Crown may terminate this deed, by notice to Ngāti Manuhiri, if the condition in clause 7.7.2 has not been satisfied within 4 months of the date of this deed.
- 7.13 If this deed is terminated in accordance with its provisions, it –
- 7.13.1 (and the settlement) are at an end; and
 - 7.13.2 does not give rise to any rights or obligations; and

DEED OF SETTLEMENT

**7: SETTLEMENT LEGISLATION, GOVERNANCE ENTITY, CONDITIONS, AND
TERMINATION**

7.13.3 remains "without prejudice".

8: GENERAL, DEFINITIONS, AND INTERPRETATION

8 GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

- 8.1 The general matters schedule includes provisions in relation to –
- 8.1.1 the implementation of the settlement; and
 - 8.1.2 the Crown’s –
 - (a) payment of interest in relation to the settlement; and
 - (b) tax indemnities in relation to redress; and
 - 8.1.3 giving notice under this deed or a settlement document; and
 - 8.1.4 amending this deed; and
 - 8.1.5 appointment of mandated negotiators to take action under the deed until the governance entity is established; and
 - 8.1.6 the use of defined terms for official geographic names.

HISTORICAL CLAIMS

- 8.2 In this deed, **historical claims** –
- 8.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngāti Manuhiri, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
 - (a) is, or is founded on, a right arising –
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law, including aboriginal title or customary law; or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- (b) arises from, or relates to, acts or omissions before 21 September 1992 –
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation; and

8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Ngāti Manuhiri or a representative entity, including the following claims:

- (a) Wai 280 – Little Barrier Island claim:
- (b) Wai 487 – Hauturu (Little Barrier Island) claim:
- (c) Wai 532 – Mangawhai Lands and Hauraki Gulf claim:
- (d) Wai 567 – Hauturu (Little Barrier Island) – Wi Taiawa Family claim:
- (e) Wai 1811 – Māori Representation in Government claim; and

8.2.3 includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Ngāti Manuhiri or a representative entity, including the following claims:

- (a) Wai 244 – Ngāti Wai claim; and
- (b) Wai 2181 – Nga Uri o Maki lands and resources claims.

8.3 However, **historical claims** does not include the following claims:

8.3.1 a claim that a member of Ngāti Manuhiri, or a whānau, hapū, or group referred to in clause 8.5.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 8.5.1:

8.3.2 a claim that a representative entity may have to the extent the claim is, or is founded on, a claim referred to in clause 8.3.1.

8.4 To avoid doubt, clause 8.2.1 is not limited by clauses 8.2.2 or 8.2.3.

NGĀTI MANUHIRI

8.5 In this deed, **Ngāti Manuhiri** means –

8.5.1 the collective group composed of individuals who descend from one or more Ngāti Manuhiri ancestor; and

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- 8.5.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.5.1; and
- 8.5.3 every individual referred to in clause 8.5.1.
- 8.6 For the purposes of clause 8.5.1 –
- 8.6.1 **Ngāti Manuhiri ancestor** means an individual who –
- (a) exercised customary rights by virtue of being descended from Manuhiri; and
 - (b) exercised the customary rights within the area of interest at any time after 6 February 1840; and
- 8.6.2 **customary rights** means rights according to tikanga Māori (Māori customary values and practices) including –
- (a) rights to occupy land; and
 - (b) rights in relation to the use of land or other natural or physical resources.

MANDATED NEGOTIATORS AND SIGNATORIES

- 8.7 In this deed, **mandated negotiators** means the following individuals:
- 8.7.1 Laly Paraone Haddon QSM, Pākiri, rangatira and chief negotiator:
- 8.7.2 Terrence (Mook) Hohneck, Leigh, lead negotiator and claims manager; and
- 8.7.3 Perry Watts, Leigh, kaumātua and negotiator.

ADDITIONAL DEFINITIONS

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

INTERPRETATION

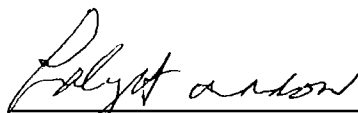
- 8.9 Part 7 of the general matters schedule applies to the interpretation of this deed.

DEED OF SETTLEMENT

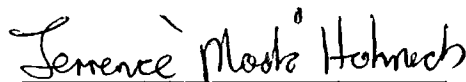
SIGNED as a deed on 21 May 2011

SIGNED for and on behalf
of NGĀTI MANUHIRI by
the mandated negotiators in the
presence of -





Laly Raraone Haddon,
Rangatira and Chief Negotiator



Terrence (Mook) Hohneck,
Lead Negotiator and Claims Manager



Perry Watts,
Kaumātua and Negotiator

WITNESS




Name: Ben White

Occupation: Policy manager

Address: 2364 The Esplanade
Island Bay

SIGNED for and on behalf of THE CROWN by -

The Minister for Treaty of Waitangi
Negotiations in the presence of -



Hon Christopher Finlayson

WITNESS



Name: Tariana Tuia.

Occupation: Member of Parliament.

Address: 19 Westbourne Tce
Whangarei.

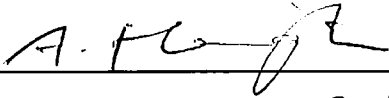
DEED OF SETTLEMENT

The Minister of Finance
(only in relation to the tax indemnities)
in the presence of –



Hon Simon William English

WITNESS



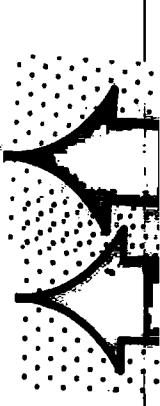
Name: ALEX HARRINGTON

Occupation: ECONOMIC ADVISOR

Address: LOWER HUTT

DEED OF SETTLEMENT

Ngāti Manuhiri Witnesses



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DEED OF SETTLEMENT

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