

**RANGITĀNE O WAIRARAPA AND RANGITĀNE O TAMAKI  
NUI-Ā-RUA**

**and**

**THE TRUSTEES OF THE RANGITĀNE TŪ MAI RĀ TRUST**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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**6 August 2016**

## DEED OF SETTLEMENT

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### PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and breached the Treaty of Waitangi and its principles; and
- provides an acknowledgement by the Crown of the Treaty breaches and an apology; and
- settles the historical claims of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; 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 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua to receive the redress; and
- includes definitions of –
  - the historical claims; and
  - Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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## DEED OF SETTLEMENT

**THIS DEED** is made between

**RANGITĀNE O WAIRARAPA AND RANGITĀNE O TAMAKI NUI-Ā-RUA**

and

**THE TRUSTEES OF THE RANGITĀNE TŪ MAI RĀ TRUST**

and

**THE CROWN**

## 1 BACKGROUND

- 1.1 The text in clauses 1.1 to 1.54 of this background section is provided by Rangitāne o Wairarapa and Rangitāne Tamaki nui-ā-Rua and describes their view of iwi and hapū identity within their area of interest. It does not represent the totality of Rangitāne whakapapa and tikanga with regard to their identity and relationship to the Wairarapa and Tamaki nui-ā-Rua regions.

### **Rangitāne o Tamaki nui-ā-Rua**

*Ko Ruahine te maunga*

*Ko Manawatū te awa*

*Ko Kurahaupō te waka*

*Ko Rangitāne te iwi*

*Ko Ngāti Te Rangiwihaka-ewa te hapū matua*

*Ko Mākirikiri te marae*

### **Rangitāne o Wairarapa**

*Ko Rangitūmau te maunga*

*Ko Ruamahanga te awa*

*Ko Kurahaupō te waka*

*Ko Rangitāne te iwi*

*Ko Ngāti Hāmua te hapū matua*

*Ko Te Oreore te marae*

*Tū mai rā*

*Tū mai rā*

*Ngā uri o Rangitāne*

*Whakamau ki tō tupuna*

*Tō whakapapa rangatira*

*Me mau tonu ki ngā hononga*

*O ngā karanga maha o roto rā*

*Nā reira*

*Rangitāne mā*

*Tū mai rā*

*Tū mai rā.*

Stand forth

Stand fast

The descendants of Rangitāne

Hold fast to your ancestor

Your noble pedigree

Maintain the connections

To your many relations

Therefore

Rangitāne people

Stand forth

Stand fast

(*Tū Māi Rā*, a popular Rangitāne call to arms)

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## 1: BACKGROUND

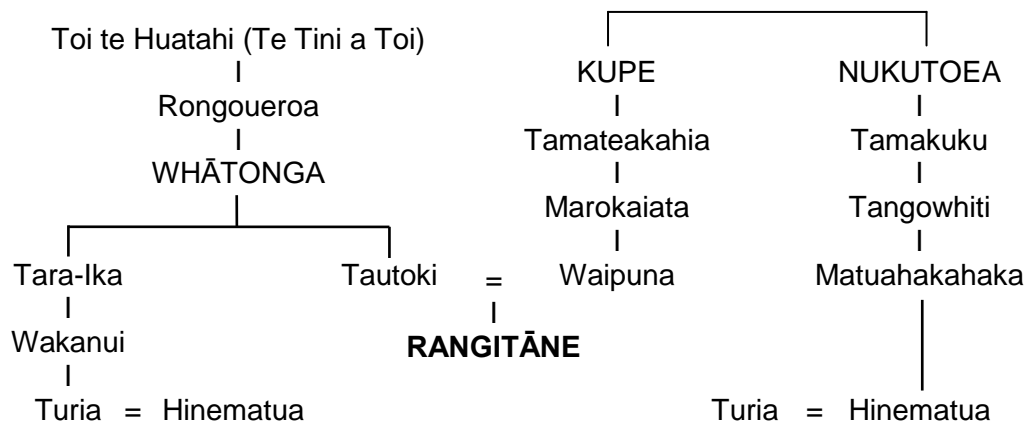
### 'KO RANGITĀNE TĒNEI': RANGITĀNE IN WAIRARAPA AND TĀMAKI NUI-Ā-RUA, TO 1840

*Ko Whātonga te rangatira, ko Kurahaupō te waka mai o Hawaiki, ko Rangitāne, ko Hāmua ... ngā iwi tūturu i mau ai tēnei ingoa o Rangitāne i puta mai nei i a Whātonga.*

Whātonga is the rangatira, Kurahaupō is the waka from Hawaiki. Rangitāne and Hāmua are the rightful iwi who carry this name of Rangitāne which came forth from Whātonga.

(He Poroporoaki ki a Meiha Keepa i Te Tiupiri, 26 Aperira 1898:4)

#### Whakapapa 1. Kupe, Nukutoea, Whātonga and Rangitāne



- 1.2 Rangitāne trace their descent from the explorer Kupe, his brother Nukutoea, Toi and Whātonga, the rangatira of the Kurahaupō waka.
- 1.3 Rangitāne traditions record that Kupe made landfall at several places along the Wairarapa coast and Te Whanga-nui-a-Tara (Wellington Harbour). He left members of his travelling party at various locations, including his brother Nukutoea, and these people established small communities and became important ancestors within Rangitāne whakapapa.
- 1.4 Whātonga was the rangatira of the Kurahaupō waka, which made its final landfall at Nukutaurua on the Māhia Peninsula. Whātonga established his people at Heretaunga (Hawke's Bay) and had two sons, Tara-Ika (the ancestor of the Ngāi Tara people) and Tautoki, the father of Rangitāne. There was an enduring relationship between the descendants of Tara-Ika and Rangitāne, and Ngāi Tara in Wairarapa were eventually absorbed into Rangitāne.
- 1.5 Whātonga and Haunui-ā-Nanaia, another rangatira of the Kurahaupō waka, travelled widely throughout the lower North Island naming many places as they went. Haunui-ā-Nanaia named the Manawatū River, the Remutaka Ranges, Wairarapa Moana, the Ruamahanga River and Mt Rangitūmau. He gave rise to the whakataukī:

*Ka rarapa ngā kanohi, ko Wairarapa.*  
His eyes glanced, and it was Wairarapa.



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### 1: BACKGROUND

(Williams *A Dictionary of the Māori Language* 1971: 225)

- 1.6 Whātonga encountered a vast forest in his travels, covering an area from Takapau in the north to Pukaha and Opaki in the south, and named it Te Tapere-nui-o-Whātonga ('the great district of Whātonga'). In the nineteenth century, this area became known to Pākehā as the Seventy Mile Bush. Te Tapere-nui-o-Whātonga was a defining feature of Rangitāne's customary takiwā and tribal identity as it connected and provided sustenance and shelter for the Rangitāne people of Wairarapa and Tamaki nui-ā-Rua. Whātonga eventually settled in Hawke's Bay. He named his house Heretaunga, which became the accepted name for the wider region.
- 1.7 Rangitāne was born, raised and buried in Heretaunga (Hawke's Bay). During his lifetime he travelled throughout the Tāmaki nui-ā-Rua, Wairarapa and Manawatū districts. Within a few generations his descendants settled in these regions. They often encountered and intermarried with the descendants of Kupe and the Ngāi Tara people. Ngāi Tara eventually became identified with the Te Whanganui a Tara (Wellington) region, while Rangitāne became identified with Wairarapa, Tamaki nui-ā-Rua, and Manawatū.
- 1.8 The region of Tamaki nui-ā-Rua comprises the eastern side of the Tararua and Ruahine Ranges, the old Seventy Mile Bush and the eastern or coastal area from Poroporo to Mataikona. Rangitāne customary interests also exist in areas north and west of the traditional Tamaki nui-ā-Rua district, but within the Rangitāne area of interest. Rangitāne acknowledge the strong whakapapa relationships with their whanaunga who continue to exercise ahi kā roa in the areas just north and east of Tamaki nui-ā-Rua.
- 1.9 The Wairarapa region comprises the eastern side of the Remutaka and Tararua Ranges and the area south of Tamaki nui-ā-Rua to the southern coast at Palliser Bay and Cape Palliser.
- 1.10 Together, these regions comprise approximately 2.5 million acres.
- 1.11 Rangitāne claim interests throughout this area by virtue of whakapapa, take tupuna (inherited rights) and ahi kā roa (long occupation). Rangitāne tikanga does not recognise that "affiliations over time" provide any basis for confirming the customary interests of Rangitāne. Rangitāne acknowledge that Rangitāne individuals have whakapapa connections to many non-Rangitāne tūpuna throughout Aotearoa, but that these connections do not give those individuals their customary rights and interests as Rangitāne in the area of interest described above. Rangitāne claim that their rights within their area of interest are derived from their Rangitāne whakapapa.
- 1.12 In its report on the Wairarapa and Tararua districts, the Waitangi Tribunal emphasised that names are potent. It further stated that:

*Equally disrespectful is mispronunciation of Māori – sometimes to the extent where the Māori word and its Māori origin is indiscernible.*

*Proper pronunciation and accurate spelling of Māori place names is arguably all the more important where – as is usually the case in Wairarapa ki Tararua – tangata whenua no longer own the land. The names, and the tūpuna (ancestors) and stories associated with them, are often their only abiding connection with places their forebears occupied and traversed mai rāno (from time immemorial).*

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### 1: BACKGROUND

(Waitangi Tribunal, 2010:xlix).

- 1.13 These statements are repeated here to highlight the importance Rangitāne place on pronouncing Māori words and names relevant to their origins, history and tikanga.
- 1.14 One of those important names is Te Rangiwaka-ewa, a tupuna of direct Rangitāne descent with mana in the Tamaki nui-ā-Rua region. For some time Rangitāne have spelt the tupuna and hapū name with a hyphen - “Te Rangiwaka-ewa” - as an attempt to ensure that the correct pronunciation was adhered to. The emphasis being on the separate “ewa” sound, rather than a “*whakae wa*” sound. This approach is consistent linguistically with the pronunciation of verbs starting with 'e' when they take the causative prefix 'whaka'; for example, whakaea, whakaeke, whakaemi.
- 1.15 This pronunciation is important as it relates to the actual meaning of the name from Rangitāne's perspective. Rangitāne oral kōrero records that the name Te Rangiwaka-ewa comes from the original name Whaka ewa i te Rangī, who was the ancestress of Te Rangiwaka-ewa. The name itself refers to a certain type of cloud formation that dangles or hangs down from the other clouds. This cloud formation was present at the birth of Whaka ewa i te Rangī to which her name was attributed.
- 1.16 For the purposes of the Mākirikiri Reserve shared redress Rangitāne has agreed to record their tupuna/hapū as “Te Rangiwakaewa” but maintain the view that the correct pronunciation is, “Te Rangiwaka-ewa”. Rangitāne will continue to use that spelling, including for the purposes of this deed of settlement.

#### THE HAPŪ OF RANGITĀNE

- 1.17 In time, various Rangitāne hapū emerged within the Tamaki nui-ā-Rua and Wairarapa districts. Prominent among these was Ngāti Hāmua.

# DEED OF SETTLEMENT

## 1: BACKGROUND

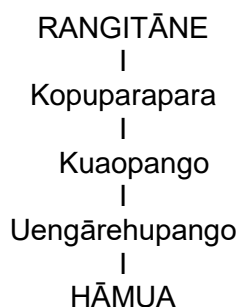
### **Ngāti Hāmua**

*Ko Hāmua te ingoa nui o tēnei wāhanga o te iwi o Rangitāne.*

Hāmua is the principal name of this branch of the Rangitāne tribe.

(H.P Tamihana and Te A. Maaka of Te Oreore, 1922:6)

### **Whakapapa 2. Rangitāne and Hāmua**



- 1.18 Ngāti Hāmua is the matua hapū (or ‘parent’ hapū) for Rangitāne. Rangitāne assert that Ngāti Hāmua is an exclusively Rangitāne hapū, Rangitāne assert that this exclusivity is supported by credible oral and written evidence that is widely available. This has also been acknowledged by tikanga experts from neighbouring iwi.
- 1.19 The basis of the above assertions is the direct whakapapa from Rangitāne, the tupuna, to Hāmua, the tupuna, together with the maintenance of take tūpuna (inherited rights) and ahi kā roa (long occupation) by the descendants of these two tūpuna as the basis of customary rights and interests within the Rangitāne area of interest.
- 1.20 Rangitāne assert that Ngāti Hāmua tūpuna in the nineteenth century often claimed their customary interests in land before the Native Land Court through their Rangitāne whakapapa and continued occupation. The eminent historian, Dr Angela Ballara, has undertaken a detailed analysis of Native Land Court records for this region. This analysis has identified: “every time that Hāmua’s genealogy was traced in the Land Court, it was given from Rangitāne. In no cases was it traced from ... any other ancestral line” (Ballara, PhD Thesis, 1991, p 160).
- 1.21 Ngāti Hāmua was a large grouping with kāinga, mahinga kai and other interests throughout Wairarapa and Tamaki nui-ā-Rua, and reaching west of the Tararua and Ruahine Ranges. In the nineteenth and twentieth centuries, Ngāti Hāmua people recorded their enduring affiliation with Rangitāne:
- ... the descendants of Hāmua are all Rangitāne  
(Nireaha Tamaki in AJHR, 1898: G-2a:68)
- ... the tangata whenua [of Te Ore Ore marae] are Rangitāne and Ngāti Hāmua.  
(*Ngā Tau e Waru Centennial Booklet* 1981)
- 1.22 In its discussion of issues related to Rangitāne identity, the Waitangi Tribunal noted that “Ngāti Hāmua was the principal Rangitāne hapū”. It also noted that “Ngāti Hāmua had its strongest presence south of the Manawatū Gorge from Te Hāwera south to the Te Oreore area near present-day Masterton” (Waitangi Tribunal, 2010:4).

# DEED OF SETTLEMENT

## 1: BACKGROUND

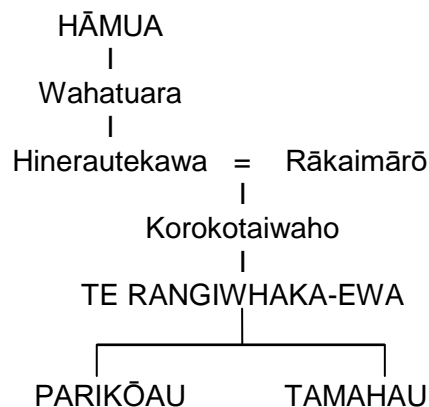
### ***Ngāti Te Rangiwihaka-ewa me ōna hapū***

*Mā whea mai tō rākau i te ngaru tai moana nui e whakapae nei!*  
What good is your weapon against the great ocean wave lying there!

(Te Umuroa, cited in McEwen, 1986:67).

- 1.23 Ngāti Te Rangiwihaka-ewa is the matua hapū (or 'parent' hapū) for those Rangitāne iwi members from the Tamaki nui-ā-Rua region. Based on the same rationale as for Ngāti Hāmua - direct whakapapa, take tupuna (inherited rights) and ahi kā roa (long occupation)- Rangitāne say that Ngāti Te Rangiwihaka-ewa is an exclusively Rangitāne hapū.
- 1.24 As with Ngāti Hāmua, Rangitāne assert that Ngāti Te Rangiwihaka-ewa tūpuna in the nineteenth century often claimed their customary interests in land before the Native Land Court through their Rangitāne whakapapa and continued occupation. The rangatira Nireaha Tamaki stated in 1898: "The descendants of [Te] Rangiwihakaewa are always spoken of in Court as Rangitāne. Outside the Court they are called Hāmua sometimes" (Ballara, PhD Thesis, 1991, p 218)
- 1.25 Three hapū that are closely linked to Ngāti Te Rangiwihaka-ewa are Ngāti Parakiore, Ngāti Mutuahi and Ngāti Pakapaka. Rangitāne assert that these are exclusively Rangitāne hapū. Rangitāne maintain that this is supported by credible oral and written evidence (Ballara, PhD Thesis, 1991 pp 595-598).
- 1.26 Hāmua's descendent Te Rangiwihaka-ewa produced two children, Parikōau and Tamahau.

### **Whakapapa 3. Hāmua, Te Rangiwihaka-ewa, Parikoau and Tamahau**



- 1.27 Hapū of Te Rangiwihaka-ewa descending from Parikōau lived primarily in the Tamaki nui-ā-Rua area. Rangitāne hapū in this area today recognise Te Rangiwihaka-ewa as their principal tupuna. The Waitangi Tribunal has noted that these hapū had rights throughout the Seventy-Mile Bush, north to Takapau and into the Tautāne block, and from the Manawatū Gorge up the eastern side of the Ruahine Ranges.
- 1.28 Te Rangiwihaka-ewa had various kāinga (or villages) in the Tamaki nui-ā-Rua takiwā (or district). His main kāinga during his period of prominence was situated in a large natural clearing known as Tawakeroa, which is part of the Tahoraiti Block, and was known as Titihuia. The whare of Te Rangiwihaka-ewa that was situated there was known as

## DEED OF SETTLEMENT

### 1: BACKGROUND

Aotea, which is the first of three Aotea whare tupuna in Tamaki nui-ā-Rua. The main marae of the Ngāti Te Rangiwihaka-ewa people today is Mākirikiri.

- 1.29 Parikōau's great granddaughter was Te Ruatōtara. She was the mother of four children – Te Rangitōtohu, Matetapu, Whakawehi, and Te Koro-o-Ngā-Whenua - who became recognised as famous warriors, guardians of various entrances into Te Tapere-nui-o-Whātonga and ancestors of Rangitāne hapū.

#### Whakapapa 4. Parikoau mā



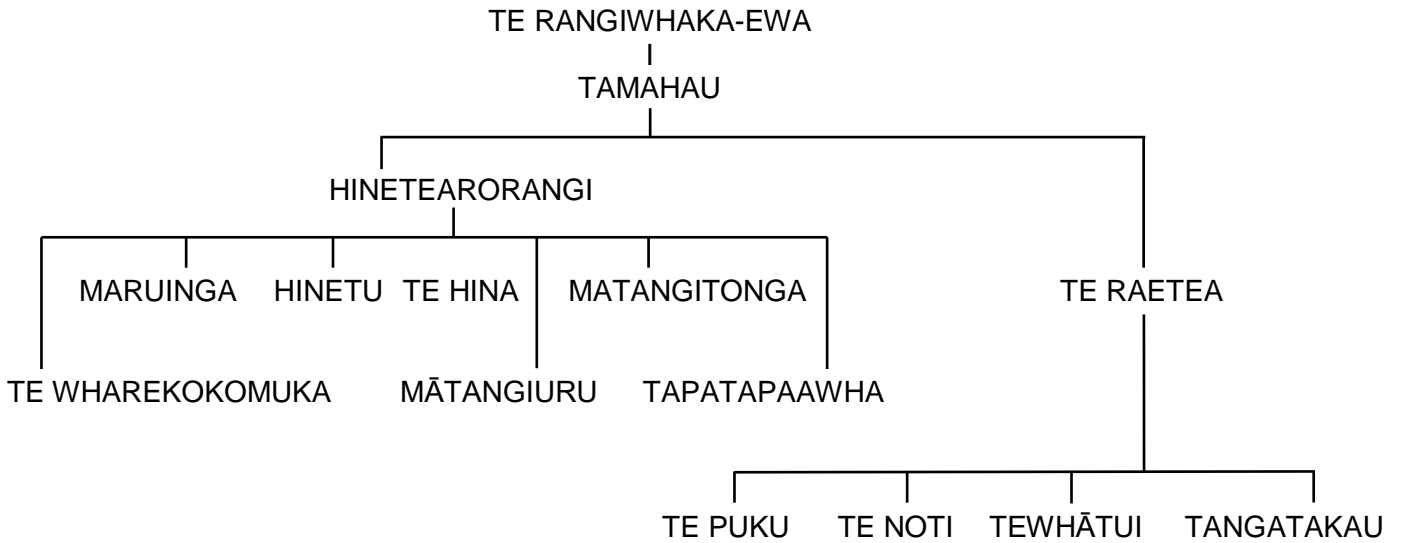
#### *Ngāi Tamahau me ōna hapū*

- 1.30 Hapū descending from Te Rangiwihaka-ewa's son Tamahau lived primarily in Wairarapa. Tamahau had a daughter and a son, Hinetearangi and Te Raetea. Their children established several small hapū around modern-day Masterton. Today, the Rangitāne people of Wairarapa mostly identify as Ngāti Hāmua.

# DEED OF SETTLEMENT

## 1: BACKGROUND

### Whakapapa 5. Tamahau mā



### *Te Hika o Pāpāuma*

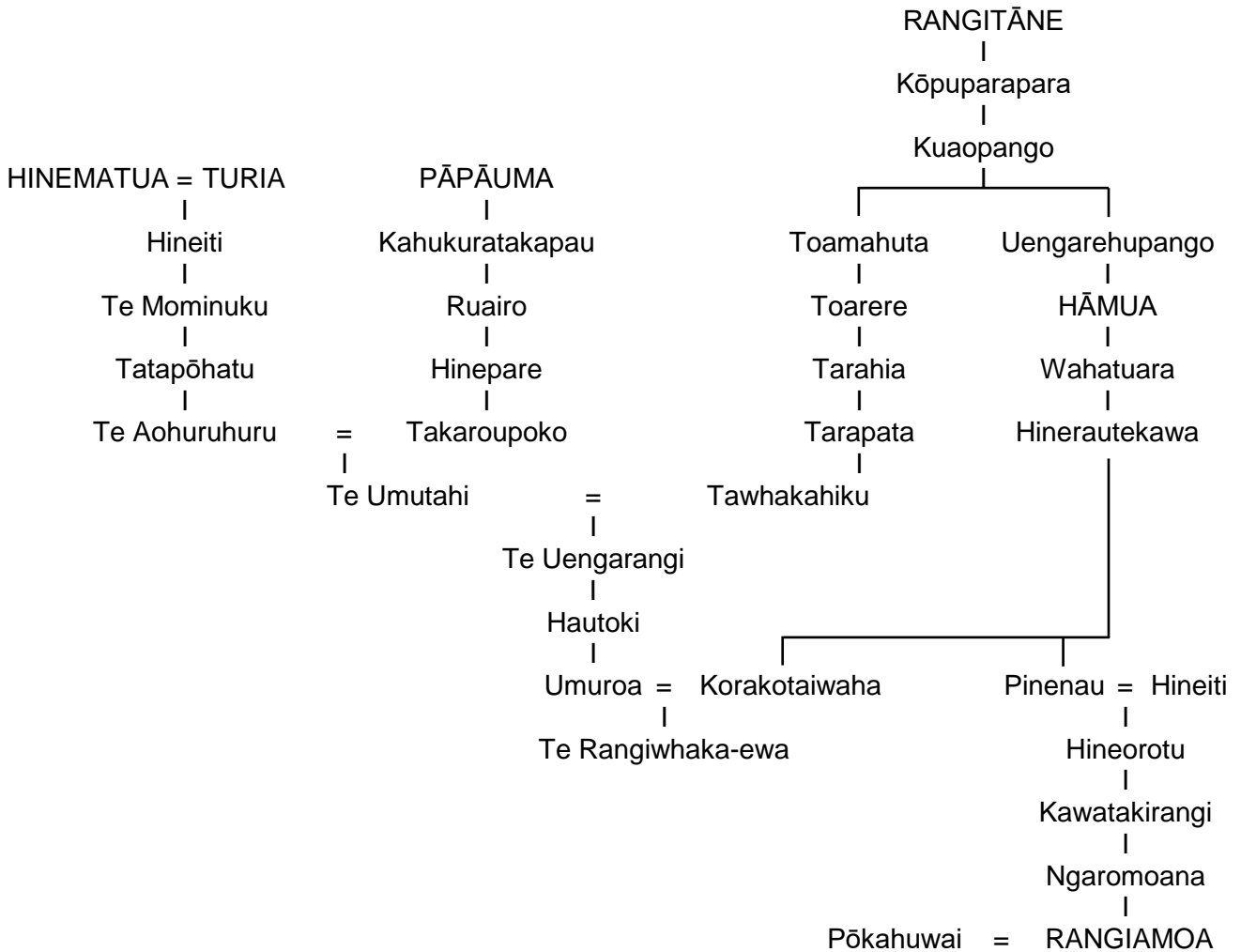
- 1.31 There are also a number of Wairarapa hapū that trace their descent from other Rangitāne ancestors, in particular Turia and Hinematua.
- 1.32 In coastal areas, Rangitāne's descendants encountered other groups descending from Kupe. Prominent among these were the ancestors of the hapū now known as Te Hika o Pāpāuma, associated mainly with the area from Akitio to Rangiwakaoma (Castlepoint). The ancestors of Te Hika o Pāpāuma and Ngāti Hāmua groups intermarried extensively. The two hapū groupings often shared resources at Puketoi and on the coast.

# DEED OF SETTLEMENT

## 1: BACKGROUND

### Whakapapa 6. Hinematua, Papauma and Rangiamoa

[see Whakapapa 1 above]



- 1.33 Rangiamoa made a tuku whenua at Mataikona to another iwi because of its close whakapapa ties to Rangitāne. This tuku whenua was followed immediately by intermarriage between the migrants and the local Rangitāne people who remained in residence following the tuku. The descendants of this union adopted the hapū name of Te Hika o Pāpāuma at this time (that is, within two generations of the tuku by Te Rangiamoa), reflecting that Pāpāuma was their common ancestor.
- 1.34 Rangitāne fought, intermarried and engaged in a number of gift exchanges over land with other related iwi who migrated into the region over centuries, typically because of their whakapapa relationships with Rangitāne. Rāngitane narratives say that these other groups acquired a range of interests in Tamaki nui-ā-Rua and Wairarapa. Rangitāne narratives are also clear that Rangitāne retained its distinct presence and enhanced its rangatiratanga in this area following these events.

*Engari, e tama, nō mua tāua i tau ai ki tēnei whenua ... nā tāua i hoatu ki Pōuri, tipuna o Karauria nei, nā tō tipuna, nā Te Whakamana.*

## DEED OF SETTLEMENT

### 1: BACKGROUND

However, my son, we are from an earlier era of settlement on this land ... we gave it to Pōuri, the ancestor of Karauria here, [that is] it was your ancestor, Te Whakamana.

(Paratene Te Okawhare cited in McEwen, 1986:183)

...

*E tika tonu ana ngā rohe me taua tuku o Te Angatu ki a Mahanga, engari i mau tonu te nuinga o ngā whenua i roto i taua rohe ki a Rangitāne. Heoi ngā wāhi i roto ki a Mahanga, ko ngā wāhi i nohoia e āna uri.*

The boundaries and the tuku by Te Angatu to Mahanga are correct, but the majority of the land within that district was retained by Rangitāne. The areas that were attained by Mahanga were those that were occupied by his descendants.

(He Wakataunga mo Ngawakaakupe me era atu poraka, 1891:51).

- 1.35 The Rangitāne tikanga of tuku whenua was one that was widely practised during pre-contact times, but is also one that remains part and parcel of the Rangitāne tikanga today. It can be seen in the Rangitāne interactions with other iwi and with the Crown (including through these settlement negotiations). According to Rangitāne tikanga and traditions, Rangitāne consider that Rangitāne rights and interests in the coastal area remain to this day.
- 1.36 'Aho rua' groups, or hapū with dual descent lines from Rangitāne and other iwi, became a feature of the south Wairarapa region particularly. Rangitāne say they maintained a stronger presence in northern Wairarapa and in Tamaki nui-ā-Rua, particularly in the Seventy Mile Bush.
- 1.37 During the incursions into the region by outside iwi during the 1820s and 1830s, some Rangitāne people in Wairarapa and Tamaki nui-ā-Rua remained in occupation and fought a guerrilla campaign against the invaders. According to Rangitāne traditions, those that remained were protected by a ringa kaha (defensive network) established by Rangitāne hapū from Rakautatahi near Takapau, to Te Ahu a Tūranga near the Manawatū Gorge. Others took refuge with their kin in Manawatū, while many groups in Wairarapa and coastal regions retreated to Nukutaurua (Māhia Peninsula, Hawke's Bay). After Wairarapa leaders negotiated the peaceful return of Wairarapa to Wairarapa iwi in early 1840 at Pito-one (Petone), Rangitāne hapū re-established communities in Wairarapa and Tamaki nui-ā-Rua. Rangitāne traditions say that Rangitāne people returned home to their own people who had remained in the Wairarapa and Tamaki nui-ā-Rua takiwā and protected their lands from outside iwi, maintaining their unbroken ahi kaa.

#### **Other Hapū Affiliated with Rangitāne**

- 1.38 The hapū listed below have limited contemporary presence in Wairarapa and Tamaki nui-ā-Rua and are thus considered by Rangitāne to be historical hapū with affiliations to hapū of Rangitāne and other iwi.
- 1.39 The following hapū are affiliated with Te Hika o Pāpāuma (that is, they are 'sub-hapū' of Te Hika o Pāpāuma) by virtue of their descent from either Te Matau (that is, from his children and their Rangitāne spouses) or Hinepare:

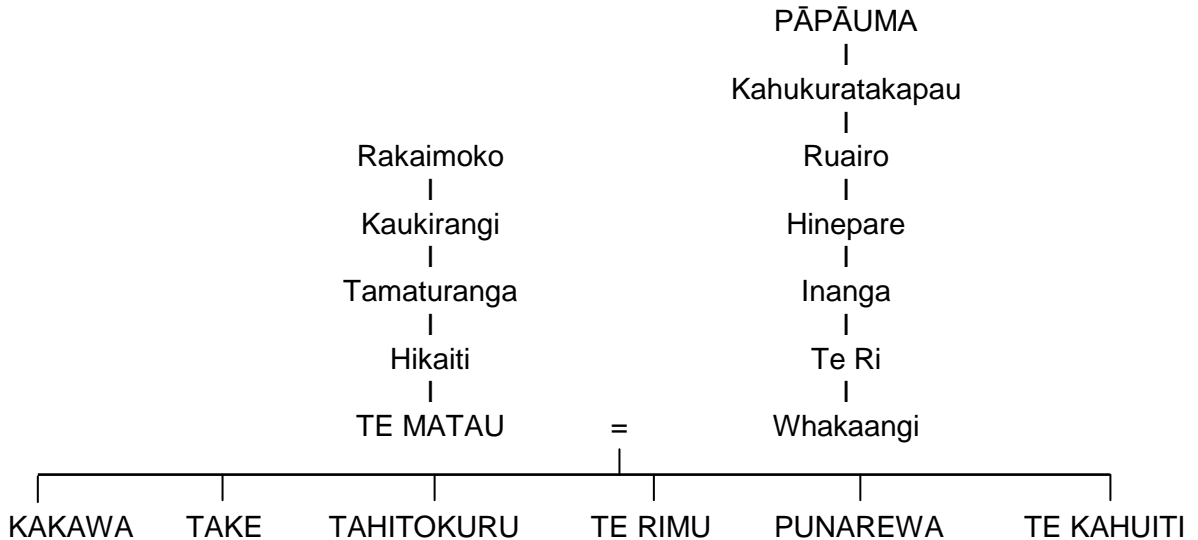


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### 1: BACKGROUND

- 1.39.1 Ngāti Pohoi;
- 1.39.2 Ngāti Punarewa;
- 1.39.3 Ngāti Te Rautangata;
- 1.39.4 Ngāti Kakawa;
- 1.39.5 Ngāti Tahitokuru;
- 1.39.6 Ngāti Turanga;
- 1.39.7 Ngāti Pakuia; and
- 1.39.8 Ngāti Hinepare.

#### Whakapapa 7. Te Matau



The following small hapū were located in the Gladstone region, following the Ngāi Tahu migration from Takapau during the lifetimes of Matangiuru and Te Hina, and are thus considered by Rangitāne to be affiliated with Ngāi Tahu (that is, they are 'sub-hapū' of Ngāi Tahu):

- 1.39.9 Ngāti Kaiparuparu;
- 1.39.10 Ngāti Rangitataia;
- 1.39.11 Ngāti Kaumoana;
- 1.39.12 Ngāti Kirikohatu; and
- 1.39.13 Ngāti Hikarahui.

## DEED OF SETTLEMENT

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### 1: BACKGROUND

- 1.40 The following small hapū were descended from or associated with the famous Rangitāne tohunga Te Raekaumoana. They were located around Hurunuiorangi and Te Whiti, near Gladstone, and are considered by Rangitāne to be affiliated with Ngāti Rongomaipare (that is, they are ‘sub-hapū’ of Ngāti Rongomaipare). Rongomaipare was the child of Te Raekaumoana’s sister, Manawa:
- 1.40.1 Ngāti Te Atawhā;
  - 1.40.2 Ngāi Tāneroroa;
  - 1.40.3 Ngāi Tutawake; and
  - 1.40.4 Ngāti Waipuhoro.
- 1.41 Ngāti Te Aomataura is considered by Rangitāne to be affiliated with Ngāti Hāmua (that is, they are a ‘sub-hapū’ of Ngāti Hāmua).
- 1.42 Ngāti Māhu was closely associated with the Rangitāne hapū of Ngāti Meroiti (descended from Ngāti Hāmua and Te Hika o Pāpāuma) who were located on the Wairarapa Coast.

### THE RANGITĀNE JOURNEY TO SETTLEMENT

#### *Historic Claims*

- 1.43 On 9 October 1990, the first claim filed with the Waitangi Tribunal for Rangitāne o Tamaki nui-ā-Rua was registered and on 19 April 1993, the Amended Statement of Claim was filed. This claim was given the number Wai 166 and became the overarching Rangitāne o Tamaki nui-ā-Rua claim. The Statement of Claim included the signatures of nine claimants and alleged, among other things, breaches of the Treaty of Waitangi with respect to the Manawatū blocks, the Tautāne block and the Mangatoro block.
- 1.44 Just under a month later on 8 November 1990, the Waitangi Tribunal received a claim on behalf of Rangitāne o Wairarapa. This claim was given the number Wai 175 and became the overarching Rangitāne o Wairarapa claim. The First Amended Statement of Claim was registered on 11 July 1997, and was followed by a Second Amended Statement of Claim on 27 August 1998. The Statement of Claim was signed by 13 claimants and alleged the Crown breached the Treaty of Waitangi with respect to land covering the area from the Hutt Valley River to the Mangahao River, across to Akitio, down to Cape Palliser to Orongorongo (Barring Heads) returning back to the Hutt Valley River.
- 1.45 The final Amended Statements of Claim for both Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa were filed with the Waitangi Tribunal in 2003.
- 1.46 Several claims were progressed as a cluster during the Tribunal hearings under the umbrella of Rangitāne o Tamaki nui-ā-Rua.

#### *The Waitangi Tribunal Inquiry*

- 1.47 The Waitangi Tribunal Inquiry into Wairarapa ki Tararua took place between March 2004 and March 2005, where the Tribunal heard evidence and submissions on a total of 28

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claims, including those of both Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, as well as a number of whānau and single issue claims on behalf of Rangitāne.

- 1.48 Among other matters, Rangitāne claimed that:
- 1.48.1 tribal identity and tangata whenua status underpin the very essence of Māori identity and are taonga to be protected under article 2 of the Treaty;
  - 1.48.2 the Crown's duty of active protection extends to the protection of Māori language, culture, and knowledge, and therefore the Crown has a duty to actively protect the tribal identity and tangata whenua status of iwi; and
  - 1.48.3 for the reasons of bureaucratic convenience, the Crown actively subsumed the identity of Rangitāne under the general banner of another iwi identity in the region and thus failed to protect the identity of Rangitāne in Wairarapa ki Tararua.
- 1.49 The Wairarapa ki Tararua Report was released in 2010. In the Letter to the Minister at the beginning of the Report, the Presiding Officer, Judge Wainwright, noted a few key points that struck a chord with the Tribunal members, including:
- 1.49.1 the historically complex and difficult relationship between Rangitāne and another iwi identity in the region;
  - 1.49.2 the severe loss of Te Reo Māori in the district;
  - 1.49.3 the vulnerability of the many important heritage sites;
  - 1.49.4 the importance of recognising Māori rights in and around Wairarapa Moana;
  - 1.49.5 the rapid pace at which the Crown purchased significant tracts of Māori land, leaving the claimants virtually landless; and
  - 1.49.6 the ongoing struggles the claimants have in terms of being able to meaningfully engage and have any influence on what goes on in their district.
- 1.50 Despite the losses suffered by the claimants in the Wairarapa ki Tararua Inquiry district, the Tribunal also made special mention of how the traditions of manaakitanga have remained strong.
- 1.51 The Tribunal accepted evidence of Tipene Chrisp and others that Rangitāne exists, and has always existed, as an iwi of Wairarapa ki Tararua with its own unique whakapapa and identity.
- 1.52 The Tribunal also accepted that Rangitāne's own tribal identity and tangata whenua status were not widely recognised or understood outside well-informed Māori circles for about 100 years from the late nineteenth century until the 1990s.
- 1.53 The Tribunal also thought that the work of Chrisp and Dr Angela Ballara established that, up until the end of the nineteenth century, certain hapū in Wairarapa ki Tararua identified

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primarily or exclusively with Rangitāne. Typically, chiefs would not use the term 'Rangitāne' to identify themselves but would give their hapū name instead. Ngāti Hāmua was the principal Rangitāne hapū, and that identification was often used. The name 'Rangitāne' is not seen in Crown records like purchase deeds and censuses.

1.54 In discussing descent and occupation, the Tribunal noted that:

1.54.1 for Rangitāne hapū, Te Rangiwaka-ewa, from Ngāti Hāmua, was recognised as the principal tupuna in the Tamaki nui-ā-Rua area, especially for hapū from the Manawatū Gorge up the eastern side of the Ruahine Range to the area around Takapau;

1.54.2 Te Rangiwaka-ewa descended from Hāmua, Rangitāne, and Whātonga through a number of ancestral lines and also traced descent to Tara and to Kupe;

1.54.3 Ngāti Rangiwaka-ewa hapū in Tamaki nui-ā-Rua were all descended from Te Rangiwaka-ewa's son Parikōau;

1.54.4 hapū of Ngāti Rangiwaka-ewa lived or had resource rights in the Seventy Mile Bush area;

1.54.5 the area in question included the Manawatū Gorge, extending north from the gorge to the area around Takapau and east into the Tautāne block;

1.54.6 , ... rights to most of the land in the Tamaki nui-ā-Rua area north of the Manawatū Gorge and west of the Tautāne block were claimed through Rangitāne;

1.54.7 the Rangitāne hapū Te Kapuārangi also lived and had resource rights in the Tamaki nui-ā-Rua area between Te Hāwera (Hāmua township) and Paneatua;

1.54.8 Te Rangiwaka-ewa's son Tamahau was the ancestor of the Ngāti Hāmua people of Wairarapa, specifically those in central and southern Wairarapa; and

1.54.9 Ngāti Hāmua had its strongest presence south of the Manawatū Gorge from Te Hāwera south to the Te Oreore area near present-day Masterton.

### NEGOTIATIONS

1.55 In 2010, following a series of consultations and meetings amongst claimant groups, Rangitāne chose to establish a new, single purpose entity to hold the mandate on behalf of Rangitāne.

1.56 Rangitāne o Wairarapa Incorporated and Rangitāne o Tamaki nui-ā-Rua Incorporated, who collectively represent both iwi on iwi matters, agreed to the establishment of the Rangitāne Settlement Negotiations Trust for the specific purpose of negotiating the settlement of Rangitāne historical claims.

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- 1.57 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua gave the trustees of the Rangitāne Settlement Negotiations Trust a mandate to negotiate a deed of settlement with the Crown by mandate hui in January and February 2011.
- 1.58 The Rangitāne Settlement Negotiations Trust's Deed of Mandate was recognised by the Crown on 11 October 2011.
- 1.59 Principally, in order to reach a final settlement quicker and to minimise overlapping claim issues the mandated body with the support of Rangitāne o Wairarapa Incorporated, Rangitāne o Tamaki nui-ā-Rua Incorporated and the iwi leadership, agreed to adopt a streamlined approach to their comprehensive settlement. This meant that the mandated body agreed to negotiate a fewer number of cultural and commercial redress properties as part of this settlement, than would have been available if a standard approach was adopted. Rangitāne state that this decision made by Rangitāne is in no way reflective of the nature and extent of customary interests claimed by Rangitāne in the Wairarapa and Tamaki nui-ā-Rua regions.
- 1.60 Throughout the negotiations Rangitāne engaged with a number of whānau, hapū, iwi members and leaders on a range of issues and the mandated body wishes to acknowledge that support, including from those individuals who provided evidence to help explain the nature and extent of customary interests claimed by Rangitāne, for the purposes of settlement negotiations.
- 1.61 The mandated body and the Crown:
- 1.61.1 by Terms of Negotiation dated 29 August 2012, agreed the scope, objectives and general procedures for the negotiations; and
  - 1.61.2 by agreement dated 28 March 2014, agreed, in principle, that Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
  - 1.61.3 since the agreement in principle have:
    - (a) in good faith, conducted extensive negotiations; and
    - (b) negotiated and initialled a deed of settlement.

### RATIFICATION AND APPROVALS

- 1.62 Rangitāne, between 8 November 2013 and 6 December 2013, ratified by a majority of 97.8 percent, the governance entity receiving the redress and on 13 December 2013, the Crown recognised that the ratification results of the governance entity demonstrated sufficient support from Rangitāne for the governance entity.
- 1.63 The governance entity was established, including for the purpose of entering into and receiving redress under this deed of settlement, by deed of trust dated 28 March 2014.
- 1.64 Rangitāne have, since the initialling of the deed of settlement, by a majority of 78 per cent, ratified this deed and approved its signing on their behalf by the mandated body.

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- 1.65 Each majority referred to in clause 1.62 and 1.64 is of valid votes cast in a ballot by eligible members of Rangitāne.
- 1.66 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 2 August 2016.
- 1.67 The Crown is satisfied:
- 1.67.1 with the ratification and approvals of the governance entity referred to in clause 1.62 and clause 1.64; and
- 1.67.2 with the establishment and purpose of the governance entity referred to in clause 1.63; and
- 1.67.3 with the governance entity being appropriate to receive the redress.

### AGREEMENT

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

### HE WAIATA

- 1.69 The following waiata is an adaptation of the oriori mō Whakaewa-i-te-rangi:

<i>Uiui noa au e hine mā, e tama mā</i>	I asked the young women and the young men
<i>Ko wai te ingoa o tō iwi</i>	What is the name of your iwi
<i>I kawea ai e ō mātua ki te marae tū ai.</i>	Carried by your parents to the marae
<i>Māku e tapa atu i te ingoa o tō tipuna</i>	I declare the name of your ancestor
<i>Ko Rangitāne-nui-a-rangi, e hine!</i>	Rangitāne-nui-a-rangi, my daughter.
<i>Noho mai e tama i roto i te whare o Hāmua</i>	Stay, my son, in the house of Hāmua
<i>Ko Te Rangiwihaka-ewa hei tekoteko ē.</i>	Where Te Rangiwihaka-ewa is the tekoteko.
<i>Nekeneke e hine ki te aroaro o ō tīpuna,</i>	Move, daughter, stand before your ancestors,
<i>Ko Hinematua, ko Pāpāuma, ko Te Rangiamoa ē.</i>	Hinematua, Pāpāuma and Te Rangiamoa.
<i>Whakarongo ake ai e tama ki te mātauranga</i>	Listen, son, to the wisdom of these matrons
<i>A ngā hākui nei</i>	
<i>Kia mau ki tō tipuna</i>	Hold fast to your ancestor
<i>Kia tū mai rā, ko Rangitāne ē!</i>	Stand forth as Rangitāne.

## 2 HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgement and apology to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in part 3 are based on this historical account.

### **Rangitāne o Wairarapa, Rangitāne o Tamaki nui-ā-Rua**

- 2.2 Rangitāne trace their descent from the explorers Kupe and Whātonga. Whātonga was a rangatira (chief) of the Kurahaupō waka and the grandfather of the eponymous ancestor Rangitāne. The traditional area of interest of Rangitāne spans the regions of both Wairarapa and Tamaki nui-ā-Rua.
- 2.3 Tamaki nui-ā-Rua comprises the old Seventy Mile Bush and the eastern or coastal area from Cape Turnagain to Mataikona (Castlepoint). The Wairarapa region comprises the area east of the Tararua Ranges and south of Tamaki nui-ā-Rua, to the southern coast at Palliser Bay and Cape Palliser. Together these regions comprise approximately 2.5 million acres.

### **'NGĀ PĀKEHĀ RĪHI WHENUA ME TE KĀWANA': THE LEASEHOLD ECONOMY AND CROWN PURCHASING PRE-1865**

- 2.4 In the early to mid-1840s, Wairarapa Māori experienced the Crown's authority mostly sporadically and indirectly. In May 1845, a group of Wairarapa Māori appeared in the Hutt Valley in support of other Māori groups who were in dispute with the Crown over land issues. Governor Grey's 1846 declaration of martial law in response to these Hutt Valley tensions applied south of a line between Wainui and Castlepoint. The reverberations of this conflict were felt in Wairarapa. When Māori groups in conflict with the Crown appeared in Wairarapa they were opposed by Wairarapa Māori, while some settlers were said to have taken refuge in Māori communities.

### **The early leasehold economy**

- 2.5 Wairarapa Māori welcomed Pākehā settlers to the region from the mid-1840s, leasing them large 'runs' to graze stock in return for annual rentals. Important relationships developed between Pākehā runholders and rangatira including Te Korou at Kaikōkirikiri (Masterton) and Te Pōtangaroa at Mataikona (north of Castlepoint).
- 2.6 The Crown opposed this emerging leasehold economy, insisting on its pre-emptive right of purchase under the Treaty. It intended to purchase Māori land at low prices, for on-sale to settlers at a profit, with proceeds from sale ('the Land Fund') being used to help pay for government administration, economic infrastructure, and immigration. It is not clear that Wairarapa Māori understood Crown pre-emption as disallowing all direct Māori-settler land transactions, such as leases.
- 2.7 The Native Land Purchase Ordinance 1846 reaffirmed the Crown's view of pre-emption. The Ordinance stipulated that all direct land dealings between Māori and settler were illegal, including leases, except where a license from the Government was obtained. The Ordinance authorised the prosecution of settlers who contravened its provisions. Notwithstanding this, the number of lease arrangements in the Wairarapa continued to grow through the second half of the 1840s.

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### 2: HISTORICAL ACCOUNT

- 2.8 In 1847, Governor Grey wrote to Wairarapa rangatira stating that the Crown wished them to sell their land, promising 'ample reserves' if they did so. Grey warned that if they did not sell the Crown would intervene to end leasing and cause the Pākehā leaseholders to leave the Wairarapa district.
- 2.9 With the Crown's support, the New Zealand Company made several purchase attempts in the period 1847 to 1849. Purchase agents recorded how they maintained 'constant pressure' on chiefs to induce them to sell, including emphasising the benefits of organised settlement and the government's power to remove the squatters and deprive Māori of their rents. Government gazettes issued in October 1847 and October 1848 formally reiterated the threat of prosecution of settlers – the latter with specific reference to the Wairarapa purchase negotiations.
- 2.10 Wairarapa Māori were divided on whether to sell. Some sought to retain their lands and maintain the leasehold arrangements while others were prepared to sell. In November 1848, a New Zealand Company official noted that at a meeting at Otaraia the view was expressed strongly that 'they had held the land; and would do so still. It had belonged to their forefathers, and was theirs now: the land was in fact their great parent, to surrender whom would be death to themselves and their children ... [they said] the white man could occupy land as the squatters were now doing, without buying it'. In 1849, Rangitāne at Kaikōirikiri (Masterton area) protested against the Government's clampdown on leasing. These 1840s purchase attempts were ultimately unsuccessful.
- 2.11 In the early 1850s, the Crown's land purchase agent in Wairarapa and Tamaki nui-ā-Rua, Donald McLean took steps to prevent the spread of leasing by threatening the use of the Ordinance in a few instances where Pākehā were in the process of taking up new runs. He directed a recent arrival in the Castlepoint area to abandon the land and may have encouraged rents to be withheld from Māori in another case.
- 2.12 Generally, however, the Crown did not intend to move existing runholders off their leased land, but instead sought their support for Crown purchase plans. The Crown assured settlers that they would be able to obtain secure possession of their runs once the Crown had purchased the land from Māori. At the same time Wairarapa Māori were told that they must sell as the leasehold system was coming to an end. In doing so the Crown limited Māori ability to choose the terms of their own economic development. Governor Grey at one time considered the formal regulation of leasing but eventually decided, in part based on instructions from England, to pursue a Crown purchase policy of acquiring large areas at low prices and reserving areas for Māori.
- 2.13 Many Wairarapa Māori leaders, however, wished to retain the leasehold system as it enabled them to earn a regular income from rentals and trade and still remain owners of the land. By the early 1850s, Wairarapa Māori were receiving approximately £1,200 in total rentals per annum for an area estimated at between 300,000 and 400,000 acres. The Crown's purchase agent estimated that Māori trade with the settlers 'must be very considerable, if not quite equal to the rents they are receiving'. Rangitāne had also made lease commitments to settlers that they felt honour-bound to uphold.
- 2.14 In 1851, McLean rode through Wairarapa with satchels full of Crown sovereigns, on his way to negotiate purchases in Hawke's Bay province. He met with Wairarapa leaders and it was later said that he showed the coins to those interested. Crown representatives, including McLean, considered that by purchasing in Hawke's Bay the



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### 2: HISTORICAL ACCOUNT

Government might encourage Wairarapa runholders to move there, leaving the Wairarapa squatter-free and Māori more inclined to sell.

- 2.15 McLean also used the Hawke's Bay purchases, especially Waipukurau, to cultivate relationships with a leading rangatira of another iwi who he hoped would assist the Crown's efforts to purchase Wairarapa land. McLean proposed to this rangatira that Wairarapa chiefs, including Te Pōtangoa, should receive some of the purchase price for the Waipukurau block. The rangatira agreed, paying them £100, 'in satisfaction of all their claims to this block', McLean recorded. He wrote further that this 'pleased the two chiefs very much, and I have no doubt that it will have a favourable effect in reference to the sale of their land. They are both sensible men.' Neither of the Wairarapa chiefs signed the Waipukurau sale deed.

#### **Castlepoint and the komiti nui**

- 2.16 In 1852, Te Pōtangoa and others corresponded with the Crown about sales of Castlepoint and other Wairarapa land. In March 1853, Governor Grey discussed a Castlepoint or Whakataki purchase with Wairarapa Māori while travelling through the Wairarapa.
- 2.17 In June 1853, McLean concluded the Castlepoint purchase with Wairarapa and Tamaki nui-ā-Rua rangatira during a large public hui. Three-hundred people signed the deed, including a significant number of woman and some children. Before the hui, a sketch plan of the block was prepared and boundaries were described. The Crown paid £2,500 for a block estimated at the time to be 275,000 acres but later found to be closer to 485,000 acres.
- 2.18 The Crown and rangatira agreed to reserve a number of areas for Māori in the Castlepoint block. The reserves, 10 in number, ranged from 5 acres to over 17,500 acres in size, covering a total area of approximately 28,000 acres, or approximately 10 percent of the estimated purchase area. The extent of reserves made in Castlepoint was large in comparison with reserves agreed in later purchases.
- 2.19 In August 1853, Governor Grey and Donald McLean convened a large assembly or 'komiti nui' of Wairarapa rangatira, at Tūranganui in southern Wairarapa, in a further effort to persuade Wairarapa Māori to sell their lands to the Crown. Evidence suggests that Grey personally emphasised the benefits flowing from sale to the Crown, including Pākehā settlement and trade, and repeated his longstanding promise of ample reserves for Māori, these associated benefits being 'the real payment' for land sales. Grey's status probably meant that Rangitāne and other Wairarapa Māori had very high levels of faith in Grey's promises and expected the Crown to act honourably to meet these commitments. Clauses in a number of purchase deeds of southern Wairarapa land immediately following the komiti nui made financial provision for schools, medical services, annuities for chiefs, and other kinds of ongoing benefits. These 'five percent' or 'koha' clauses were most likely held out by Grey at the komiti nui as additional inducements to sell land.
- 2.20 Grey reported following the meeting that the Wairarapa rangatira 'eventually' consented, indicating the persuasion required to obtain their agreement to Crown purchase.

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- 2.21 Within six months of the komiti nui, McLean and other Crown agents acquired a further 1 million acres through around 40 individual purchases. Together with Castlepoint, the Crown's purchases comprised an estimated three-fifths of Wairarapa and Tamaki nui-ā-Rua, approximately 1,500,000 acres, acquired within the space of 8 months.
- 2.22 While some rangatira were willing to negotiate with McLean, Ngātuere was reported to be fighting hard to persuade others not to sell their land and McLean noted that it was only 'after a very obstinate persistence on the part of Ngātuere and his followers' that he 'at last succeeded in getting a very fair block of land'.
- 2.23 The Crown paid a total of £23,500 for these purchases. This may have been equivalent to about 10-15 years income from leases and trade under the leasehold economy. Rangitāne had been reluctant to sell because of these benefits.

#### **Crown purchase process**

- 2.24 In the 1853-54 purchases following the komiti nui, the Crown negotiated purchases quickly and often relied on descriptions of boundaries and sketch plans without the boundaries of the block having been walked and marked out. In some cases, the Crown began surveying the new Wairarapa towns for Pākehā settlement before any surveying of the surrounding purchases from Māori. Only in 1871 did the Wellington Chief Surveyor compile all the 1853-54 Crown purchases in map form. At the time the purchases were conducted, the lack of surveys or clear visual representations of the blocks sold made it difficult for Rangitāne and other Wairarapa Māori to grasp easily the total picture of lands sold and retained.
- 2.25 Following the Castlepoint purchase and the komiti nui, the Crown generally conducted purchases with smaller groups of vendors. A number of rangatira appeared in multiple deeds. The Crown in some instances appears to have granted reserves to individual rangatira to secure their agreement to Crown purchase. A number of 'deed receipts' were signed alongside or instead of actual purchase deeds. In the case of the Manawatū block purchase in 1853, McLean first paid a number of people, including Rangitāne chief Wī Waaka, under a receipt in October 1853, and then entered into a purchase deed a couple of months later with a largely different group of people. As part of this second transaction in December 1853, Wī Waaka managed to secure a 1,000 acre reserve.
- 2.26 In January 1854, at Wellington, the Crown negotiated a purchase deed for the Tautāne block of approximately 92,000 acres, located north of Castlepoint and south of Porangahau. Thirty-two Māori signed the deed. A number of owners were not present at the negotiations, including the rangatira Hēnare Matua from the Tautāne area. On learning of the transaction, Matua and some resident owners opposed it vigorously. The rangatira Te Rōpiha threatened to 'cut off the noses' of the selling chiefs.
- 2.27 Hēnare Matua and other non-sellers came under pressure to accept the purchase as the Crown viewed the initial purchase deed as binding, despite the deed negotiations not including rights holders such as Matua. In March 1858, four years after the first Tautāne transaction, the Crown secured the signature of Matua and 89 others to a second deed of sale for the block. The deed provided for two reserves comprising a total of 1,050 acres. In 1867 Hēnare Matua and Hoera Rautu received a Crown grant for these reserves.

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- 2.28 On 22 April 1858, the Crown paid £100 to Rangitāne chiefs for the Ngaawapurua block estimated at 100,000 acres, located approximately east and south of the Manawatū Gorge, in the southern part of Seventy Mile Bush. Te Hirawanu Kaimokopuna, a Rangitāne rangatira prominent on both the eastern and western sides of the Manawatū Gorge, and other Rangitāne people resident at Pahiatua, opposed the sale of the Ngaawapurua land. Te Hirawanu protested that a leading western Rangitāne chief had sold Ngaawapurua despite the opposition of residents. Te Hirawanu did not object to sale at a future point and expressed interest in selling his interests in land west of the Ruahine ranges (or west of the Manawatū Gorge), land that was later included in the 1864 Te Ahuaturanga purchase.
- 2.29 In 1858 the Crown made a further payment of £25 towards purchase of the Ngaawapurua block, but acknowledged that, because of the numerous claims to the block, it would take some time to finalise the purchase. Negotiations for the Ngaawapurua area did not resume until the late 1860s, when the Crown renewed efforts to purchase the Seventy Mile Bush.
- 2.30 In October 1859, at Mataikona (Castlepoint), Donald McLean arranged a deed of sale for the Makuri block after what he described as a large meeting. The Makuri land sat on the opposite side of the Puketoi range, and some 30 kilometres, from the signing location at Mataikona.
- 2.31 Leading rangatira of coastal Wairarapa and Tamaki nui-ā-Rua signed the October 1859 deed at Mataikona, including Te Pōtangaroa, Hēnare Matua and Hoera Rautu. Te Hirawanu Kaimokopuna was apparently not present and did not sign. The map on the sale deed had Te Hirawanu's name shown to the west of the Makuri block.
- 2.32 In 1871, the Crown included the Makuri block nominally in its wider purchase of the Tamaki blocks, renaming the Makuri block Puketoi numbers 4 and 5. In 1874, the Crown made a final payment to settle an old claim to Puketoi numbers 4 and 5. Apart from this payment, it did not pay any further sums for the Makuri area.
- 2.33 Rangitāne complained on various occasions about the purchase prices they were paid for their lands by the Crown. One official commented in 1861 that Wairarapa Māori considered 'they must take the price offered by Government or they cannot sell'. In 1870, it was complained that in the early Crown purchases Mr McLean 'invariably fixed the price for each block and not the sellers'. Rangitāne were also aware that their lands were on-sold by the Crown at a significant 'mark-up'. The Crown used the profits from on-sale (the Land Fund) to finance infrastructure and settlement. In 1853, Donald McLean commented that he had acquired a block from Wairarapa Māori 'at a wonderfully cheap rate'. McLean paid £100, and then expected to sell the land to the existing Pākehā runholder at the standard rate of 10 shillings per acre, leaving the Crown with a £300 profit.

#### **The koha or five percents**

- 2.34 The Crown agreed to 'koha' or five percent clauses in a number of purchase deeds it negotiated with Rangitāne rangatira between August 1853 and January 1854. The first Wairarapa deed to contain a five percent clause (for Turakirae, or the west side of Lake Wairarapa) provided that the Crown was to collect five percent of the proceeds from on-selling the land, which it would then 'pay' to the Māori vendors 'for the forming of schools to teach our children, for construction of flour mills for us, for the construction of

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Hospitals and for Medical attendance for us, and also for certain annuities to be paid to us for certain of our Chiefs...’.

- 2.35 The Turakirae deed stipulated further that all expenditure on schools, hospitals, and mills was to be discussed by Māori and Crown representatives in committee, while the Governor alone was to determine payments to individual chiefs. The Māori text of the koha clause in some deeds simply provided that the koha of the block would be paid to or arranged for the Māori vendors.
- 2.36 The Crown did not set up a committee to consult Māori about expenditure or to jointly manage the fund with them. Crown officials faced difficulties administering the fund. One official noted, for example, that payments were often made without being tagged to a particular block. The fund diminished over time as sales slowed and fund monies were paid out.
- 2.37 In 1870, 1873, and 1881, the Crown conducted public hui as a means to make distributions of the accumulated funds. Māori sometimes requested full accounts detailing the land sold, monies received by the Crown, and sums advanced from the fund. Some accounts were eventually provided but may not have satisfied the beneficiaries’ requests. Specific infrastructure projects including a school at Pāpāwai and the operation of Crown-provided mills did not yield great benefit for Wairarapa Māori.
- 2.38 At various times, Rangitāne questioned the extent or lack of benefits received from the koha fund. Following the February 1881 distribution hui, Erihapeti Whakamairū (the sister of Rangitāne leader Karaitiana Te Korou) wrote to Native Minister Rolleston about the five percents on her lands at Mākōura (near Masterton). She complained about unsatisfactory services provided by the Government’s medical doctor and spoke of ‘discontent’ due to the promised schools, churches, hospitals and flour mills not being established.
- 2.39 Other evidence suggests some Rangitāne understood the koha fund as perpetual. In 1886, Rangitāne rangatira Wī Waaka Kahukura and others wrote from Te Oreore (Masterton) inquiring why koha on their land had only been paid twice even though Donald McLean had said that koha ‘will be continually paid to you for ever and ever’. Rangitāne leaders, Huru Te Hiaro, Nireaha Tamaki and Marakaia Tawaroa, also wrote in 1886 requesting further koha payments.
- 2.40 However after 1881 the fund received minimal amounts from Crown land sales. By 1899, the approximately £250 remaining in the koha fund was paid out.

#### **Reserves from pre-1865 Crown purchases**

##### ***Adequacy of pre-1865 reserves***

- 2.41 Following the 1853 komiti nui, it is probable that Rangitāne expected ‘ample reserves’ to be set aside out of the Crown’s early purchases. Providing sufficient reserves for the present and future needs of Māori was an important part of the Crown’s policy, shaped by Governor Grey, to purchase large areas of Māori land at nominal prices. Crown representatives realised that if Māori land was to subsidise the Crown’s Land Fund and

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organised Pākehā settlement, it was reasonable for Māori to obtain 'advantages fully equal' to those they had lost in relinquishing ownership of large areas of land.

- 2.42 Approximately 100 reserves were associated with pre-1865 Crown purchases. These reserves comprised approximately 62,500 acres, being about 4 percent of the total pre-1865 Crown purchases of 1,500,000 acres. McLean sought to limit the extent of reserves. In his 1853 instructions to a surveyor, McLean stated that he believed local Māori would demand 'extravagant reserves at Ōpaki, Mākoura, Kō[h]angawareware and other plains within the valley', near Masterton. He instructed that it was 'necessary to confer with me before acceding to any beyond what you may consider essential for their welfare'.
- 2.43 Rangitāne do not consider that these reserve arrangements adequately reflected the promise of 'ample reserves' especially as the Crown pursued an ongoing policy of actively seeking to purchase remaining Rangitāne lands after 1865. In 1870, the total estimated Wairarapa Māori population was 850 men, women and children, while the estimated Tamaki nui-ā-Rua population was several hundred. Regardless of the population size at this period, Rangitāne consider that reserves comprising only 4 percent of the overall pre-1865 Crown purchases were unlikely to be sufficient for the present and future needs of Rangitāne communities.

#### ***Delays in Surveying and Crown grants of reserves***

- 2.44 Of the approximately 100 reserves associated with the Crown's pre-1865 purchases, of which about 90 were referred to directly in deeds of purchase, the Crown purchased approximately 14 reserves before they had been surveyed and granted. Most of these purchases were made within a few years of the original Crown purchase. By 1855, for example, McLean had purchased four of the Castlepoint reserves, Porotāwhao, Puketewai, Taurangawaiō (near Akitio) and Whakataki (with the last including a right of repurchase).
- 2.45 By 1858, disputes had arisen over boundaries of purchase blocks and reserves which had not been surveyed on the ground at purchase. A thorough surveying process for the early purchases of 1853-54 only began in 1859.
- 2.46 In 1860, during the Kohimarama conference in Auckland, the prominent rangatira Ngātuere wrote to the Governor requesting that McLean settle grievances over reserves. Leading Rangitāne rangatira, Karaitiana Te Korou and Wīremu Waaka, also wrote to the Governor and complained that Crown Grants had not been issued for their reserves. Additionally, in many instances the Crown did not prioritise the survey of areas reserved in purchase deeds. This had resulted in the Crown selling some areas to settlers before they were created or defined on the ground for Māori.
- 2.47 The complaints of Te Korou and Wī Waaka reflect an expectation on the part of many leading Wairarapa chiefs that reserves would be formalised or protected by survey and Crown Grant. It is probable that this expectation was based on discussions had with Grey and McLean during the komiti nui and purchase negotiations. A number of rangatira negotiated individual reserves that were recorded in purchase deeds. In fact, out of a total of approximately 100 reserves from pre-1865 Crown purchases, the Crown made about 24 grants under the Crown Grants Act 1862, mostly to individual rangatira. Most of these grants were not made until 1863 and 1864, some 10 years after the original Crown purchase in many cases.

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- 2.48 Other evidence suggests a more widespread concern among Wairarapa Māori about obtaining Crown granted titles to portions of land they had previously sold. In at least 17 instances, Wairarapa Māori individuals purchased back portions of the wider Crown purchase block. In these cases, Māori usually purchased back the land at the going rate for purchase of Crown land, a price many times greater than the Crown had paid them for the wider block (a difference that reflected the Crown's Land Fund policy). Many of these 17 sections had been sold on the open market to Pākehā settlers by 1900.
- 2.49 In 1855, the Crown purchased the Whakataki reserve, one of 10 reserves provided for in the Castlepoint purchase. The 1855 purchase deed included an express clause allowing Māori to repurchase the land within a two year period. The deed recorded that the sale and right of re-purchase was intended, 'kia whakamutua nga ritenga maori mo runga i taua whenua', translated as, 'to put an end to our native customs relative to that piece of land'. In about 1858, some resident hapū members did re-purchase a small section of Whakataki.
- 2.50 In 1874, the Crown introduced legislation – the Whakataki Grants Act 1874 – to confirm grants totalling 6,620 acres more or less to various individuals and hapū in the Whakataki reserves. In the meantime, the Crown sold a desirable portion (85 acres) of the reserve adjoining the Whakataki river to a settler. In 1874 the Crown paid an additional sum to settle a boundary dispute concerning the Whakataki block (possibly relating to the area sold to the settler). Under the 1874 legislation, the Crown gifted back the largest of the reserve blocks, no. 10, of 6,298 acres on the basis of a promise made by the Wellington provincial superintendent that the reserve be given back 'for the support and maintenance' of the original owners. In 1881, the Crown finally issued grants for 6,620 acres of reserves, 28 years after the original Castlepoint transaction had reserved the land.
- 2.51 When the Native Reserves Commissioner visited the Wairarapa in 1879, a number of Māori complained about 'lost' reserves. In 1881, a Royal Commission held meetings in Masterton over a two-to-three week period to investigate Wairarapa native reserves. The Commission listed about 90 reserves made out of pre-1865 Crown purchases. It tallied 10 of these reserves as sold to the Crown, eight as missing (or possibly set aside elsewhere), and three fishing reserves as remaining undefined.
- 2.52 The Crown, in response to reserve issues in Wairarapa and other regions, introduced legislation that became the Native Reserves' Titles Grant Empowering Act 1886, enacted primarily to complete the granting of legal title to Māori for a number of Crown purchase reserves from the pre-1865 period. The Act empowered the Governor to execute warrants for the issuing of titles and to impose restrictions on alienation. Approximately 30 reserves in Wairarapa and Tamaki nui-ā-Rua, about a third of all pre-1865 purchase reserves in the region, were awarded title under the Act.
- 2.53 In the three decades between the reserves being made in Crown purchase deeds and titles being granted under the 1886 Act, reserves had been left unprotected and some had been sold to settlers. The 1881-82 Royal Commission found that the Takapūai reserve had never been surveyed and that Pākehā settlers had occupied the area where it should have been. In the 1890s various Māori applied for succession orders in the Native Land Court, but there was no reserve to succeed to. Eventually the Crown provided substitute land on the Waihoki stream (Aohanga blk 5, sec 7), as opposed to the original location on the Mataikona river. Title for 150 acres was finally issued in 1910 to the individuals identified by the 1882 Royal Commission.

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- 2.54 The commission also reported that the fishing reserve at Waimīmiha, a reserve in the 1853 Castlepoint transaction, had never been surveyed. Although descendants of the Māori owners petitioned several times in the early 1900s for a larger area, various parliamentary and Crown departmental investigations concluded that only a small fishing place was intended. This was eventually surveyed in 1907 at less than an acre. Another Castlepoint reserve, Waitutu, was never surveyed and was probably included in land on-sold to settlers.
- 2.55 The Crown did not survey or define on the ground a reserve known as Whatakai, reserved in the 1853 Whareama south (no. 2) purchase. The Crown sold this piece of land to a settler around 1861. In 1875, the Crown paid the Māori owners £150 in compensation for this lost reserve. Cultivations reserved at Mangapiu in the Whareamu south purchase were eventually awarded under the 1886 Act and provided for in the adjoining Waikaraka block reserve also known as Mangapiu. Another reserve in the Whareama south purchase, Te Ruru, does not appear to have ever been surveyed.
- 2.56 About 28 reserves remained as Māori customary land until Wairarapa and Tamaki nui-ā-Rua Māori obtained title to these areas under general native land legislation after 1865. Some of these were granted in the 1860s, while others received legal title in the 1880s and some as late as the early twentieth century. These titles were mostly awarded under the ten-owner system or to a few individual owners.

#### ***Alienation of pre-1865 reserves***

- 2.57 By 1930, 29 percent of the large Whakataki no. 10 block reserve at Castlepoint remained in Māori ownership. Today, only 4.5 acres is recorded as Māori land. Of all the Whakataki reserve blocks totalling some 6,620 acres in 1874, only about 92 acres (1.3 percent) remains today.
- 2.58 Of the other nine Castlepoint reserves, four were permanently alienated by 1900, three of those in 1855 and the Ngātāhuna reserve of 1,552 acres by 1881. Of the remaining five, two were very small (less than 10 acres). Only Mataikona, comprising 17,768 acres, remained almost entirely intact and is now incorporated as the Aohanga Incorporation.
- 2.59 By 1900, about a third of the pre-1865 purchase reserves had been sold, leaving just 3 percent of the entire Crown purchase area reserved for Māori, about 44,000 acres. Today, approximately 22,000 acres are retained, about 1.5 percent of the total Crown purchase area. The bulk of this area is concentrated at Aohanga (17,684 acres) and the other 4,500 acres scattered over the wider region.

#### **'TE TAPERE-NUI-O-WHĀTONGA': NATIVE LAND COURT AND 70 MILE BUSH TRANSACTIONS**

##### **The Court and the native land laws**

- 2.60 In 1862 and 1865 the Crown promoted legislation that established the Native Land Court. The Court was to determine the owners of Māori land, effectively converting customary ownership of land into individualised legal titles derived from the Crown. The Crown's pre-emptive right of land purchase was also set aside, enabling Māori to lease and sell their lands to private parties.

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- 2.61 The Native Lands Acts introduced a significant change to the native land tenure system at a time when there was no direct Māori representation in parliament. In particular, land rights under customary tenure were generally communal but the legislation gave ownership rights to individuals, including the legal right to sell without reference to the community.
- 2.62 In addition, the Native Lands Act 1865 provided that a certificate of title could be ordered to no more than 10 persons. This became known as the 'ten-owner rule'. It also provided that a tribal title could be awarded in blocks of over 5,000 acres, however in practice the Court awarded title to ten or fewer owners regardless of the size of the block. One effect of the ten-owner rule, therefore, was to exclude many customary owners from legal title to blocks. It was expected in many cases that the named owners would act as representatives for the wider community, however they were under no legal obligation to do so.
- 2.63 An 1867 amendment to the land laws enabled the Court to register all interested parties on certificates of title, however in practice this provision was little utilized. There was no effective collective title option for Māori until the 1894 Native Land Court Act, which provided for the incorporation of owners.
- 2.64 The Otawhake or Kopuaranga reserve of 259 acres at Opaki was created out of the December 1853 Manawatū block purchase. The reserve contained cultivations and urupā of the Hāmua hapū, and 20-30 people resided on the land. In 1873 it was sold by the sole owner named in the Crown Grant. The Trust Commissioner operating under the Native Lands Frauds Prevention Act 1870, Charles Heaphy, on discovering that the reserve was intended for the hapū initially refused to endorse the sale. Heaphy had some doubts about his authority to do this but said that 'I felt that even if I exceeded my legal power, it was necessary to arrest, decisively, the consummation of an act of improvidence and injustice.' However, since there was only one name on the title document, that owner had the legal right to sell. Heaphy was obliged to endorse the sale to the private buyer, which he did in September 1874.
- 2.65 Wairarapa and Tamaki nui-ā-Rua Māori sent several petitions to Parliament in the 1870s. The petitions called for abolition of the Court or major reform of the land laws, and sought more authority for Māori communities to decide their own land questions. They canvassed other pressing issues, including the costs of survey, court fees, grant fees, and lawyers and interpreters' fees; and the lack of attention to creating proper reserves for the ongoing occupation and livelihood of Māori owners.
- 2.66 Survey and court charges involved in securing title through the Native Land Court could be considerable. Some owners may have been left with little option but to sell land to repay these costs. In addition to these direct costs were the indirect costs of attending court sittings sometimes over extended periods, costs which could include accommodation and food costs and loss of income while attending court. In addition, once an application was made to the Court, non-applicant parties with interests in land blocks could feel compelled to attend court to protect their interests even though they were opposed to the application being made in the first place.
- 2.67 In the case of the Okurupatu block, adjacent to the Te Oreore block north of Masterton, various Ngāti Hāmua hapū contested the block's ownership in the Court. Court costs were incurred over several rounds of protracted hearings, rehearings and appeals. Survey charges were significant, at least £490 over the period 1881 to 1895.



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Accommodation and food costs increased with the repeated hearings. Additional expenses were incurred from travel to Wellington to petition authorities. Rangitāne customary owners also incurred considerable costs in the title process for the Ākura and Kopuāranga blocks. Owners sometimes used their interests as security for debts – mostly survey costs – and this could lead to sale of portions of blocks (as in the case of the Ākura block). In other instances, settlers advanced money to cover survey and court costs on the understanding that they would receive formal leases once titles had been obtained.

- 2.68 The succession rules for native land (applying on the death of an owner) resulted in blocks with an ever-increasing number of owners. Over time, larger blocks were also partitioned to facilitate sales. At the same time, blocks in multiple ownership often made it difficult for owners to access capital or loans for land development.
- 2.69 Te Oreore block (Masterton) illustrates the problem of title fragmentation. Originally subdivided into four blocks during an 1869 title investigation, the largest of the subdivisions, Te Oreore no. 3 of 460 acres, was awarded to ten owners of Hāmua descent, including Karaitiana Te Korou, without restrictions on alienation. Over the next 30 years, individual interests were partitioned out of the no. 3 block and sold. By 1900 only a tenth of the original block remained in Rangitāne ownership. The land remaining in Te Oreore no. 3 today consists of small blocks of marae reserves and urupā, and long thin ‘bowstring’ blocks. The largest block is just under 20 acres and the smallest 0.1 acres. The effect of many partitions and subdivisions over time is evident from blocks such as Te Oreore 2C Sec 3 (48.87 acres, 35 owners), and Te Oreore 1E1B No 2 (10.43 acres, 48 owners).

#### **Purchasing ‘Tamaki’ or the northern Bush**

- 2.70 In mid-1868, the Crown renewed efforts to acquire the Seventy Mile Bush, conducting a large hui at Waipawa in southern Hawke’s Bay. At the hui, it was agreed to sell an area of land between ‘Te Ruataniwha and Wairarapa’ and a survey of the land commenced but was not completed.
- 2.71 Between 1868 and 1871, the Crown made small advance payments to various rangatira it considered had interests in the Bush. The Crown conducted negotiations at Napier, Waipawa and Waipukurau, some distance north of the Bush. The advances it paid facilitated initial surveys, in anticipation of the Native Land Court determining the title.
- 2.72 By April 1870, the Crown secured agreements to purchase three large areas described as Te Ahuaturanga, Maharahara and Puketoi, comprising the bulk of the northern Bush. Rangitāne rangatira Hohepa Paewai, Manahi Paewai, Huru Te Hiaro, Nireaha Matiu (Tamaki), and Wirihana Kaimokopuna were among the signatories to these agreements. They agreed to apply to the Native Land Court for title to this land and to afterwards sign a deed conveying the land to the Crown.
- 2.73 In April 1870, the Crown purchase agent reported to Donald McLean that local Māori had applied to the Court for the ‘whole of the Manawatū bush from Ruataniwha to Wairarapa’.
- 2.74 Some Tamaki nui-ā-Rua rangatira opposed the Crown’s purchasing activity. In August 1870, a Crown purchase agent reported that ‘Hēnare [Matua], Nopera, Paora, Hakara,

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old Āperahama [Rautahi] and others are the staunch opponents. The Rangitāne, Huru [Te Hiaro], Hōhepa [Paewai] and others are as firm for the sale as ever and it is admitted they are the principal owners'. The Crown agent also commented on the emergence of 'a deep seated scheme... for making the Māori more united in their actions against the encroachment of the Europeans'. In this regard he thought 'Hēnare Matua is ambitious of being chosen as leader', adding 'Hēnare admits he has no claims [in the Seventy Mile Bush] but shall oppose all he can'. Despite this statement, Matua had been awarded an interest in the Mangatoro block – in the north-east part of the Bush – in an 1867 land court hearing. A meeting at Waipukurau also revealed that all the Porangahau Māori present opposed the sale of the Bush.

- 2.75 In early September 1870, the Crown convened another large hui at Waipawa to discuss the ownership and sale of the Tamaki area. The Crown purchase agent told those at the hui that the Crown wanted to open up the land for settlement, but that Māori should also hold on to large areas for themselves and their children for the future. Disagreements between Māori parties at the hui appear to have been mostly over who had rights to the land.
- 2.76 The Native Land Court began hearing the Seventy Mile Bush applications on 8 September 1870, at Waipawa. The Crown purchase agent produced for the Court a map of what he called 'the Manawatū Ngāherehere' application, apparently for the whole of Seventy Mile Bush. He informed the Court that 'on behalf of the applicants the whole of the portion surveyed was conducted under my direction'. The Crown surveyor gave evidence that he had met with some 'small' opposition to the survey from Āperahama Rautahi. He also stated that he 'did not complete the survey' but that a 'Crown Grant could be made from this plan, it would not require to go on the ground to separate the plans'.
- 2.77 On 10 and 11 September 1870, the Native Land Court awarded 17 northern Bush blocks to ten or fewer people under the Native Land Act 1865. Many other interested persons were referred to in evidence. Restrictions on alienation applied to two of the 17 blocks, Tamaki and Piripiri. Most of the awards were made to claimants affiliating as Rangitāne, including leading rangatira Huru Te Hiaro, Hōhepa Paewai, Te Wirihana Kaimokopuna (a nephew of Te Hirawanu Kaimokopuna), Nireaha Matiu (or Tamaki), and Karaitiana Te Korou.
- 2.78 The Crown set about finalising the purchase after the Court awarded title. The purchase price had been left unsettled until after the Court process had concluded. When negotiations recommenced, a group led by Hōhepa Paewai opposed sale for under £30,000. In April 1871, a receipt for £1300 of advances against sale of the northern Bush blocks and for survey, court and other expenses was signed by Karaitiana Takamoana and 23 other owners. An agreement to sell the northern Bush was signed on 1 June 1871 by 12 leading chiefs, including Takamoana, Hōhepa Paewai and Wirihana Kaimokopuna. The sale price was £16,000.
- 2.79 In August 1871, the Crown convened a public hui regarding sale of the northern Bush. On 16 August, the Crown secured signatures to a purchase deed for the 'Tamaki'. Thirty-nine signatures of named owners were obtained on 16 August, with others collected over the following weeks, and a few final signatures not obtained until 1881-1882. For a total price of £16,000, approximately 250,000 acres were conveyed, comprising 12 blocks whose ownership had been determined by the Native Land Court in 1870, namely: Puketoi no. 1 (37,000a), Puketoi no. 2 (28,500a), Puketoi no. 3

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(33,400a), Puketoi no. 4 (31,000a), Puketoi no. 5 (15,500a), Te Ahuaturanga (21,000a), Māharahara (13,000a), Manawatū no. 1 or Umutaoroa (17,000a), Manawatū no. 3 or Te Ohu (20,600a), Manawatū no. 5 or Ngamoko (15,000a), Manawatū no. 6 or Tuatua (9,600a), and Manawatū no. 7 or Rakaiatai (8,200a).

- 2.80 A total of approximately 19,870 acres, were 'for ever' reserved from the northern Bush purchase area. These reserves were portions of Umutaoroa (4000a), Te Ohu (13,000a), Manawatū no. 6 (1370a), a 1000 acre reserve near Ngaawapurua in the Ahuaturanga block, and a 500 acre reserve ('Te Rotoahiri'), also in the Ahuaturanga block.
- 2.81 Several large blocks were not included in the 1871 Tamaki purchase, including five blocks, Tahoraiti, Kaitoki, Mangatoro, Otawhao and Oringi Waiaruhe, estimated 65,555 acres total area, that had ownership determined between 1867 and 1869. The Tamaki and Piripiri blocks, and the Manawatū number 4 and 8 blocks, whose ownership was determined by the 1870 Waipawa court, were also retained by Tamaki nui-ā-Rua Māori.
- 2.82 The northern Bush deed noted that £12,000 of the purchase money had been paid on the signing day, with 'the balance to be paid when the reserves are marked out and the purchase finally completed'. The Crown intended to use the remaining £4000 to induce a few 'dissentients' to accept the sale and encourage the sellers to put pressure on them. Reports a few days before the deed was signed suggested the main dissentients were from 'the Porangahau people', those connected with Hēnare Matua, who had earlier opposed sale. The Crown paid the final instalment of £4000 in December 1873.
- 2.83 In November 1874, Donald McLean paid £500 to rangatira of another iwi to extinguish their claims on the Tamaki block.

#### ***Persuading the 'non-sellers'***

- 2.84 In 1870 and 1871, some Tamaki Māori of Rangitāne descent protested about the Court and sale process regarding the northern Bush, concerned that detailed surveys were not carried out on the ground, that some owners did not consent to sale, and that proper restrictions on alienation were not imposed on reserved blocks. A few complainants wanted a second investigation by the Native Land Court.
- 2.85 Some owners in the northern Bush blocks resisted putting their names to the 1871 sale deed. In 1877, four blocks awaited signatures: one signature for Maharahara, one for Te Ohu (Manawatū no. 3), four signatures at Rakaiatai (Manawatū no. 7), and one signature at Umutaoroa (Manawatū no. 1). In the 1880s, the Crown instructed agents to acquire final signatures, initially paying them £1 per day and £10 per signature, and later, £20 per signature.
- 2.86 In 1881, the Crown obtained the final signature in Maharahara. In 1882, the interests of Hōri Ropiha and the three other owners at Rakaiatai were partitioned out to enable the Crown to obtain title to the rest of the block. In 1882, Paora Ropiha, who had protested the title awards and the Crown's purchase in 1870, finally accepted £200 for his share in Te Ohu, while Maata Te Aopukahu finally accepted £400 as her share in Umutaoroa.
- 2.87 Crown agents applied considerable pressure to obtain these final signatures. One reported that he had told the owners that Crown grants for reserve areas would not issue until the Crown obtained their final signatures for the wider block. Maata was also

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threatened that if she did not sign, the Crown would apply to cut out her portion of the land, which would be indebted with an advance already paid to another rangatira for her share, together with interest on that advance and the cost of the agent's trips. The agent reported that Maata 'finally consented and signed the deed'. The Crown paid additional amounts above the original purchase price in the 1871 deed to complete the purchases of these blocks.

#### **Purchasing the southern Bush**

- 2.88 In 1870, the Crown proposed a new economic development policy. The main elements of this policy were a scheme to bring thousands of assisted immigrants to New Zealand and a programme of large-scale public works. The Crown financed this programme by large-scale borrowing and the purchase and on-sale of Māori land. The Immigration and Public Works Act 1870 authorised expenditure on large-scale railways and roading projects, and assisted immigration schemes.
- 2.89 In May 1871, the Wellington provincial superintendent wrote to the Colonial Secretary requesting that the government purchase the Wellington end of Seventy Mile Bush (that is, the southern Bush, below Manawatū Gorge), under section 34 of the Immigration and Public Works Act 1870. The Colonial Secretary requested the Wellington and Hawke's Bay provincial superintendents to work together, under the direction of the general government, in negotiating such purchase.
- 2.90 In July 1871, the Hawke's Bay provincial superintendent reported that principal owners of the southern Bush had made offers to sell. He expressed the hope that 'satisfactory arrangements' would be concluded.
- 2.91 Rangitāne rangatira applied to the Native Land Court for an investigation of title to the southern Bush. The Crown assisted with the preparation of initial survey plans for the Court process and the division into a number of blocks. Survey plans or tracings for Court appear to have been prepared in part from blocks already purchased in the southern portion of the Bush, including the Manawatū and Ihuraua blocks, and the southern Puketoi area, comprised in the earlier Makuri purchase.
- 2.92 In September 1871, the Court heard the claims. Some at the hearings asked that the blocks be withdrawn, but the Court carried on, being obliged by legislation to make a determination. It awarded the land in ten of the eleven blocks to ten or fewer owners per block, whose names were provided by Rangitāne. The owners represented a range of Rangitāne rangatira, some of whom had interests both east and west of the Manawatū Gorge. The eleventh block, Manawatū-Wairarapa no. 3 (also known as 'Mangatainoka'), was awarded to 56 named owners and any other 'natives who may be found to be members of the Rangitane tribe'. The Court added that 'the land be considered a tribal estate of the Rangitāne tribe', apparently utilising s 17 of the Native Lands Act 1867 that allowed for all tribal owners to be listed.
- 2.93 Nireaha Tamaki, a leading Rangitāne rangatira of the southern Bush, was absent from the Court sitting. Bad weather delayed the beginning of the hearing. After the hearing, Tamaki petitioned Parliament. In October 1871, Tamaki told the Native Affairs Committee that flooding prevented him attending the hearing. Crown witnesses queried this evidence. Tamaki objected to his land being awarded to 'strangers', while admitting the 'right of some' to be on the titles. A couple of the Committee members advised Tamaki to apply for a rehearing. Applications for a rehearing were declined.

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- 2.94 On 10 October 1871, the Crown obtained Rangitāne signatures to a deed of sale for 10 of the southern Bush blocks, an area of 125,000 acres. Reserves totalled 4,069 acres and the purchase price was £10,000. The reserves were clearly marked on the plan in the deed of purchase. The large 'Mangatainoka' block estimated at 62,000 acres was not included in the purchase.
- 2.95 Leading Rangitāne rangatira signed the southern Bush deed, including Huru te Hiaro, Karaitiana Te Korou, Wī Waaka Kahukura, Mikaera te Rangiputara, and Wirihana Kaimokopuna. Approximately 60 individuals signed the deed up to August 1872.

#### **The Mangatainoka block**

- 2.96 In November 1871, the Crown promoted the enactment of the Railways Act 1871, which provided that the costs of railway construction in Wairarapa and Hawke's Bay be charged against Crown sales of recently acquired land in Seventy Mile Bush. In all, the legislation set aside 296,000 acres of the southern Bush and 147,800 acres of the northern Bush for the railway.
- 2.97 The legislation specifically included within the area set aside in the southern Bush, the 62,000 acre Manawatū-Wairarapa no. 3 (or Mangatainoka) block and the 7000 acre Mangahao no. 3 block, both referred to as subject to purchase negotiations. This was despite Rangitāne withholding the Mangatainoka block from sale only a month before the Railways Act was passed.
- 2.98 By 30 June 1871, the Government had spent over £1,300 on preliminary surveys for the Wellington to Seventy Mile Bush to Napier railway. This survey work predated the conclusion of the Seventy Mile Bush purchases. The Government had for some time intended to apply proceeds from resale of the Bush towards the costs of railway construction.
- 2.99 By mid-1872, a Crown agent believed that Rangitāne rangatira, Hoani Meihana, was reaching the view that sale would enhance the value of their reserves as it would lead to roading and Pākehā settlement. In March 1873, Meihana, Huru te Hiaro, Nireaha Tamaki, and Manahi Paewai, and about 15 other Rangitāne individuals, signed deeds of lien accepting loans secured against the Mangatainoka block, to be repaid as directed by the chiefs on a future purchase being negotiated. Although the lien wording anticipated a sale, there was no agreement to sell the block.
- 2.100 In February 1875, the Mangatainoka block was partitioned into six parts. Titles were ordered under section 17 of the Native Lands Act 1867, which provided for the names of all the interested parties to be determined. Approximately 165 individuals were granted interests in one or more of the six titles. One of the main objects of the 1867 Act was to ensure that all of the owners were protected, the main safeguard being that no sales of undivided land could occur and no partitioning could occur unless a majority of the owners first agreed.
- 2.101 Nireaha Tamaki (or Matiu) was awarded interests in four of the Mangatainoka partitions. Nireaha protested in *Te Wananga*, newspaper of the Repudiation movement, that his resident hapū were not awarded land whereas those without proper claims on the land had been admitted. Tamaki vigorously opposed sale. He wrote to Donald McLean

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demanding a rehearing, and threatened to resort to arms if his concerns were not addressed. McLean then met with Tamaki, which appears to have resolved matters.

- 2.102 Between the March 1873 deeds of lien and 1877, the Crown made a number of payments to a few Mangatainoka block grantees, only about four of whom were not parties to the 1873 deeds. The payment receipts were variously expressed as 'on account of purchase' or 'ngā moni utu', 'to be deducted from purchase money', and 'advance on the purchase of Mangatainoka block'. The receipts did not record any agreement on the amount of the block to be sold or the purchase price. Only a small minority – perhaps 24 – of the 165 owners received payments (including the 1873 lien payments).
- 2.103 In May 1877, Crown officials reported a meeting with Rangitāne in which leading rangatira conveyed the owners' decision to sell 37,000 acres, or about half, of the Mangatainoka block. Officials then 'demanded fulfilment of [the] written agreement', apparently a reference to the 1873 deeds of lien. In response to this demand, Rangitāne stated they would refuse to sell any portion of the block. Leading rangatira alleged they were misled by the translator of the 1873 deeds, 'and that they make themselves personally responsible for money advanced', implying they would personally repay the money, releasing the land from any liability. Officials tried to convince the meeting that the lien agreements meant Rangitāne had agreed to sell the block. The meeting broke up without a resolution.
- 2.104 Crown Minister, J D Ormond, wired the officials, referring to his disappointment at the stance of rangatira and instructing officials to communicate that the Crown would not allow the Mangatainoka owners 'to breach the agreement' with the Government. He denied there had been any misleading conduct on the part of the Crown's interpreter when the lien deeds were entered into. He refused to accept the offer by rangatira Huru te Hiaro and Peeti te Aweawe to assume personal liability for the lien payments. He threatened that the rangatira had better reconsider, in which case the 'Government will deal liberally with them', but if not, 'the land shall be tied up and reserved from sale or lease, and made liable for the advances'.
- 2.105 The Crown did not achieve an agreement to purchase Mangatainoka land through the remainder of 1877. In February 1878, the Crown proclaimed a monopoly over the Mangatainoka block, prohibiting all private alienation, including by sale, lease or otherwise. Although the 1875 partition had created six individual Mangatainoka titles, each with their list of grantees, the proclamation designated only the original block of Manawatū-Wairarapa no. 3 (or Mangatainoka). Of the approximately 24 individuals who had accepted lien debts or payments, none of them was an owner of the Mangatainoka 2B block of 3,170 acres. The proclamation therefore stated incorrectly that money had been paid or negotiations had commenced in respect of this block.
- 2.106 Between 1882 and 1884 the Crown purchased Mangatainoka interests, mostly by dealing with individuals rather than by convening hui of groups of owners or otherwise dealing with recognised leaders of Rangitāne. By 1884 the Crown had expended around £12,000 on acquiring interests in the Mangatainoka block. Incidental expenses amounted to just over £731.
- 2.107 By February 1885 the Crown had applied to the Native Land Court to have its interests in the Mangatainoka block defined, but Hoani Meihana asked the Government to withdraw its application. He sought instead a meeting with the Minister to discuss the

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matter. Meihana listed the chiefs who were 'ngā rangatira tiaki' or chiefs of the land on behalf of the tribe of 'Tanenuiarangi' (another name for Rangitāne), including Nireaha Tamaki, Huru Te Hiaro, and Wirihana Kaimokopuna. The Native Minister minuted the file that Meihana should be told that the Government had bought shares in Mangatainoka and would ask the Court to cut out its portion.

- 2.108 On 21 April 1885, the Crown's application regarding its interests in the Mangatainoka block was heard in the Native Land Court at Palmerston North. The Crown relied on the Native Land Amendment Act 1877, legislation that empowered the Court to award to the Crown the interests it had acquired in any block. Huru Te Hiaro stated to the Court that 'no satisfactory arrangement' had been reached with the Government over the land, 'although it has been under negotiation since the time of Sir Donald McLean.'
- 2.109 On 22 April 1885, Hoani Meihana testified in Court that Rangitāne held the block tribally and that a Rangitāne committee had decided which areas to cut out for the Crown and which to hold for Rangitāne. He said that the Government rejected this proposal because, in Meihana's view, it wanted to buy the whole block. Meihana complained that Native Minister Sheehan had not turned up at a meeting of 'all Rangitāne' in January 1879, although he had 'promised' to come. He stated that in 1882 Native Minister Bryce failed to attend another meeting requested by Rangitāne. Meihana gave evidence that Crown agents targeted individual owners in public houses to secure their signatures. He stated: 'I thought this could not be the work of the Government, but of a Company'.
- 2.110 When Meihana stated that Rangitāne held the land tribally the Court responded that the title was 'to individuals, not to a tribe'.
- 2.111 Hoani Meihana requested an adjournment of five months. He stated 'this is the last of our land. We have no more. We want five months to make private and tribal arrangements about its disposal or of as much as remains to us'. The Crown opposed such a long adjournment. Native Minister, John Ballance, telegraphed the Crown agent in Court the same day, instructing him to 'object to postponement'. The Court adjourned to the following day, while some Rangitāne, including Huru Te Hiaro and Nireaha Tamaki, left the Court to return to dying relatives.
- 2.112 When the Court reopened the day following, on 23 April, the Crown submitted to the Court that the case could proceed without hearing from all the Rangitāne owners. It submitted that it was not necessary for Nireaha Tamaki and others to be present on the partition matters as they had already been paid for their interests.
- 2.113 The Crown called Hoani Meihana to give evidence, but Meihana 'asked for time to think'. The case adjourned to the afternoon. When Hoani Meihana did not reappear, the Crown issued a subpoena to cause him to appear to give evidence. The Crown had earlier that day indicated its willingness to use subpoenas to obtain 'the evidence of some who are wilfully absenting themselves'. The Crown agent telegraphed Native Minister Ballance seeking instructions whether to serve the subpoena on Meihana. Ballance replied: 'If any probability [of] success push matters[,] Meihana has no right to refuse [to] give evidence after asking for adjournment of L[and] Court[.] If we have the Law with us [we] should not be trifled with'.
- 2.114 When the case resumed on 24 April, the Crown's agent had altered his position, stating that he had reflected on Meihana's words and that the deaths of 'two influential relatives' made it 'expedient' for him to delay the Crown's application.

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- 2.115 The Court next heard the Crown's partition application in late June 1885. The Court's minutes show that the various orders were made without objection, usually an indication that the Crown agent and the non-sellers had reached agreement outside the Court as to how the partitioning would proceed.
- 2.116 The areas awarded to the Crown in 1885 were calculated by a Crown agent as 42,424 acres out of a total area of 66,395 acres (area revised from the original 1871 estimate of 62,000 acres). Over the following two years, the Crown purchased an additional 14,305 acres. The Crown acquired approximately 90 acres under public works legislation for the Ngaawapurua bridge. Other purchases followed. By 1890, the Crown had acquired some 58,000 acres, approximately 87 percent of the block. Rangitāne rangatira Huru te Hiaro, Nireaha Tamaki (or Matiu), Wirihihana Kaimokopuna, and Peeti Te Aweawe, figured prominently in the list of remaining owners.
- 2.117 In 1877, Nireaha Tamaki and Huru Te Hiaro reached an agreement with the Crown allowing construction of a bridge across the Manawatū river, at the northern end of the Mangatainoka block. In return, the Crown agreed to pay them a subsidy of £25 per annum for continuing to operate a ferry service across the Manawatū river. In 1881, Nireaha and Huru entered into a new agreement with the Crown, relinquishing their rights to conduct the ferry crossing for a payment of £100. The Crown did not intervene later to enable free passage for Nireaha and Huru on the ferry service now run by the local council, contrary to the chiefs' expectations and protests. The Crown completed the Ngaawapurua bridge in 1885. Delays in compensating the owners of the land taken for the bridge were encountered while the relevant land was partitioned by the Native Land Court.
- 2.118 After 1890, most sales in Mangatainoka block were to private purchasers. Today, approximately 460 acres remain, representing less than one percent of the 66,000 acres in the original block.

### 'NGĀ TOHU O TE HAKI': EARLY LANDLESSNESS AND PROTEST MOVEMENTS

#### Crown-Rangitāne political engagement in 1860s

- 2.119 During the New Zealand Wars of the 1860s, many Rangitāne in Wairarapa and Tamaki nui-ā-Rua became adherents of the Kīngitanga (or King movement) in Waikato. In August 1861, a Crown official listed Rangitāne rangatira Wī Waaka, Retimana te Korou and Ihaia Whakamairu at Masterton/Opaki as among those sympathetic with the Kīngitanga. In 1868, official comments suggested that only a minority of Wairarapa Māori remained neutral or 'loyal' during the period of the 1863-66 conflicts in Waikato and Taranaki. The Pai Mārire ('good and peaceful') faith arrived in the Wairarapa in 1865 and many of the Kīngitanga adherents adopted this new movement that promised the achievement of Māori autonomy. Karaitiana Te Korou became a scribe of the Pai Mārire scriptures, the *Ua Rongopai*, while Wī Waaka and others fought with Pai Mārire inspired groups in Taranaki in the 1865-66 period, several dying in the conflicts. Some Wairarapa Māori expressed solidarity with Pai Mārire by adopting ancestral names. Wī Waaka, for example, adopted the name 'Rangiwhakaewa'. But despite several alarms throughout the decade – mostly local responses to conflicts in other regions – the Wairarapa and Tamaki nui-ā-Rua regions experienced no armed conflict.



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#### **Pāora Pōtangoa**

- 2.120 Pāora Pōtangoa was a prophetic leader of Rangitāne descent affiliating to Te Hika a Pāpāuma and Ngāti Hāmua. In 1877, Pāora and others wrote from Āohanga on behalf of Te Hika a Pāpāuma referring to ‘the teeth of these [native land] laws which are voracious in consuming people and land. It is because we the Māori people have seen the fault of decision making of this entity, the court, a stranger who owns the land, deciding in favour of the person who speaks falsehoods... We are not agreeable to these laws’.
- 2.121 In March 1881, Pōtangoa hosted an important hui at Te Oreore (Masterton) at which he presented a flag divided into sections with stars in each, and with several other symbols including a korowai and an army tunic. He challenged the hui to interpret their meaning, but no-one could do so. Some weeks later Pāora eventually revealed his matakite (vision) to the people, declaring that Rangitāne and other Wairarapa Māori should not sell or lease their lands, and should not pay debts. It became apparent that the sections of the flag were the large blocks sold, while the stars were small reserves remaining in Māori possession. These were ‘ngā tohu o te haki’, the symbols of the flag of Pāora Pōtangoa. Later it was reported that Pōtangoa had declared at the hui that the island (New Zealand) was in mourning because the land and authority had been taken from Māori by the Pākehā (or Crown). He said the army tunic represented the authority by which the Kāwanatanga (Government or Crown) was devouring the land.
- 2.122 Pāora also held out hope for his people. He told them that, when their faith was strong, he would swim the ocean in a soldier’s uniform to take the Treaty of Waitangi to Queen Victoria to ask her to honour it. Many people considered this prophecy to be fulfilled by the members of the Wairarapa Native Mounted Rifles who travelled to London in 1897 to attend Queen Victoria’s Diamond Jubilee celebrations. Rangitāne communities, including hapū from Seventy Mile Bush attended the hui in 1881, indicating region-wide concern for the issues highlighted by Pōtangoa.
- 2.123 Pōtangoa took a leading role in establishing the whare rūnanga (meeting house) named Ngā Tau e Waru at Te Oreore marae. Rangitāne and other Wairarapa Māori continued to meet regularly, including at Te Oreore, to commemorate Pōtangoa’s prophecies. Today, Ngā Tau e Waru remains a focal point for Ngāti Hāmua and other Rangitāne people.

#### **Problems with applying Equitable Owners legislation**

- 2.124 In 1886, the Crown introduced legislation that became the Native Equitable Owners Act 1886. The Act was designed to remedy prejudice arising from ten-owner titles awarded under the 1865 native lands legislation, which had led to some grantees selling, leasing or mortgaging land without consulting the wider community of Māori with customary interests in the land. The 1886 Act empowered the Native Land Court to introduce new named beneficial owners to the titles of blocks that had previously been awarded to only ten grantees.
- 2.125 The Act did not resolve many of Rangitāne’s grievances arising out of the ten-owner rule. On several occasions over the period 1890 to 1910, claimants to various reserve blocks in Seventy Mile Bush applied under the equitable owners legislation for their names to be introduced to the title. In the case of the Ahuatūranga, Umutaoroa (Manawatū no. 1) and Tuatua (Whiti-a-Tara) reserves, various courts ruled that they

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were unable to apply the 1886 Act or its successor legislation as the titles to these blocks had not been awarded under the Native Land Act 1865. Although in 1870 the Court determined who should be the owners of the parent blocks, it did not formally issue certificates of title under the 1865 Act before the Crown completed the purchase of the parent blocks in the 1871 northern Bush transaction. The Crown subsequently granted title to the reserves agreed in the 1871 sale under the Volunteers and Others Lands Act 1877 to the ten or fewer owners named in the 1870 Court decision. A judgment of the Supreme Court (as the High Court was then called) of 1906 confirmed that the Native Land Court had no jurisdiction to consider equitable owners claims as the Crown grant had been issued under the 1877 Act without reference to any title issued under the native land legislation.

- 2.126 Rangitāne claimants protested about this situation, including taking petitions to both Parliament and Ministers. Although the Crown made various attempts to address the situation, claimants were left without a legal remedy.
- 2.127 Applications under the Equitable Owners legislation for the Kaitoki, Mangatoro, and Oringiwaiaaruhe blocks, awarded title in 1867, were unsuccessful because the legislation did not apply to blocks where land had already been sold. There was no legal remedy available to these claimants whereby their claims to the remaining portions of the blocks could be determined.
- 2.128 In some instances, applications under the Equitable Owners legislation did succeed. In 1892, the Native Land Court investigated the Piripiri block, awarded titled in 1870 under the Native Land Act 1865, and found that the original grantees held the land on trust in 1870 and 'owners have manifestly been omitted from the block'. From an original number of ten owners, the Court re-awarded title to 124 owners. In 1897, the Native Land Court re-awarded title to 74 owners in Tahoraiti no. 2 block. Additional names were also added to the Tahoraiti no. 1 block. The Tahoraiti block was originally awarded title in 1869.

#### **Sale of reserves in Seventy Mile Bush**

- 2.129 Following the Tamaki (or northern Bush) purchase of August 1871, five reserves were set aside at Umutaoroa, Te Ohu, Te Whiti-a-Tara (or Tuatua) and Ahuaturanga (two reserves) comprising an estimated 20,000 acres out of a total purchase area of 250,000 acres. The October 1871 purchase deed for the southern Bush referred to eight reserves comprising 4,369 acres out of a total area of 125,000 acres. Between 1872 and 1883, the Crown purchased six of these southern Bush reserves.
- 2.130 In August 1892, Rangitāne rangatira including Nireaha Tamaki and Huru Te Hiaro wrote to the Native Minister complaining of 'the evils under which Rangitāne are suffering', including ten-owner titles and 'the Reserves made in the blocks of land sold to the Gov[ernmen]t. It was thought by the Tribe that these Reserves were made for the occupation and maintenance of the Tribe, now it is seen that these Reserves are being sold'. They continued, saying '[h]ence the Tribe of Rangitāne are grieved as it appears that before long there will be no land at all for them to live on (except the sets of 10 persons who have got the land)'. The Crown filed this complaint 'until the matter crops up again'.
- 2.131 The remaining Seventy Mile Bush reserves were entirely alienated within two decades of the writing of this letter. Equitable owners legislation and other alienation restrictions did

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not ultimately preserve the reserves in Rangitāne ownership. By 1900, the Umutaoroa and Te Ohu reserves in the northern Bush were completely sold. The Te Whiti-a-Tara and Ahuaturanga reserves were both completely alienated by 1913 after owners offered to sell or applied to lift alienation restrictions, and after dismissals of the equitable owners claims made by parties outside the titles. In the southern Bush in 1908 and 1909, the Crown removed all remaining restrictions on alienation from the titles of the remaining Eketahuna and Pahiatua reserves and both the Crown and private parties acquired the reserves.

- 2.132 By 1913, therefore, all the reserves set aside in the two large Seventy Mile Bush Crown purchases of 1871 had been completely alienated. Rangitāne communities between Norsewood and south of Eketahuna were left with the remaining portions of the Mangatainoka block, a 20 acre reserve at Kauhanga (near the Manawatū Gorge), and with scattered and largely small areas in the northern Bush.

#### **Nireaha Tamaki's Privy Council Appeal**

- 2.133 In 1892, Huru te Hiaro and two others petitioned Parliament seeking compensation for a surveying error which they said deprived them of more than 5,000 acres between the Kaihinu and Mangatainoka blocks. In July 1893, the Crown offered for sale land that included the the area claimed by Huru te Hiaro.
- 2.134 In 1894, Nireaha Tamaki applied to the Supreme Court (as the High Court was then called) for a ruling that the disputed land was improperly offered for sale. He alleged that the land formed part of the Mangatainoka block retained by southern Bush Māori or, alternatively, was still customary land. On the questions of law being removed into the Court of Appeal, that Court found, in *Nireaha Tamaki v Baker* (1894), that it had no jurisdiction to consider the legality of Crown dealings with Māori land. This ruling was based on an earlier decision, *Wi Parata v the Bishop of Wellington* (1877), which saw these as unreviewable state actions.
- 2.135 Nireaha appealed to the Privy Council and succeeded, in *Nireaha Tamaki v Baker* (1901), on the legal point that the courts could review whether Crown dealings over Māori land were in accordance with statutory provisions that authorised Crown action. The Council also found that New Zealand legislation recognised the existence of native custom. It observed that a lack of survey was seemingly an important issue in the case. This decision allowed Nireaha to ask the courts in New Zealand to again try the question of whether the disputed 5,184 acres were in fact still owned by southern Bush Māori.
- 2.136 In response to the Privy Council's decision, the Crown negotiated a settlement with Nireaha Tamaki and promoted the Native Land Claims Adjustment and Laws Amendment Act 1901 to implement this and other settlements. The Crown agreed to pay £4566 to the former owners, to extinguish their claims to the land. The Native Land Court was to determine who these owners were. In 1904, after the various parties had reached agreement, further legislation was passed confirming that all legal actions relating to the matter were discontinued. The Crown also successfully managed through Parliament the Land Titles Protection Act 1902 to prohibit Māori from litigating land titles awarded more than ten years before the passing of the legislation.

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#### **Kotahitanga**

- 2.137 In the 1890s, Rangitāne hapū and communities supported the Kotahitanga (tribal unity) movement, which in Wairarapa was centred on the paremata (parliaments) at Pāpāwai. Nireaha Tamaki and other Rangitāne rangatira played important roles in the Pāpāwai paremata. The Kotahitanga paremata, hosted around the North Island in the 1890s, garnered support from many iwi and sought official Crown recognition of their status as a decision making body for Māori.
- 2.138 In 1897, a Māori military unit that included some Wairarapa members aligned to Kotahitanga, the New Zealand Mounted Rifles, travelled with a New Zealand party to England to participate in Queen Victoria's Diamond Jubilee as a guard of honour. Captain Rīmene, of Rangitāne whakapapa, was a member of this party. The Kotahitanga contingent presented a petition to the British Parliament, seeking to retain the remaining 5,000,000 acres of Māori land nationally in iwi ownership. Kotahitanga Māori in Wairarapa saw this petition as fulfilling a specific prophecy of Pōtangoa in 1881, in which Pōtangoa would swim the ocean in a soldier's uniform to seek a remedy from the Queen for the ills of the land.
- 2.139 The petition was embarrassing for the Seddon Government. On his return from England, Seddon brought a Bill proposing reforms to the Native land laws to Kotahitanga hui at Pāpāwai. In 1900 the Māori Lands Administration Act 1900 and the Māori Councils Act 1900 were enacted. This legislation conferred a degree of control over land and other matters on local councils, although Māori opinion on its merits was divided. Māori involvement in the management of land, however, was curtailed by the Māori Land Settlement Act 1905. Section 5 of this legislation provided for three-member Māori Land Boards, of whom only one member needed to be Māori. Legislation in 1913 removed direct Māori involvement in land vested in Boards.

#### **Wairarapa Moana**

- 2.140 Wairarapa Moana, comprising Lake Wairarapa and Lake Ōnoke and their associated waterways and wetlands, supplied abundant kai and other resources for Rangitāne communities over many centuries, including the hapū Ngāti Hāmua and the aho-rua or shared hapū, Ngāi Tūkoko, Ngāti Hinetauira, and Ngāti Te Whakamana. The lakes were plentiful in tuna (eel), flounder, whitebait, kokopu, ducks, fern root and korau. Rangitāne tradition relates how Wairarapa Moana was named by a tōhunga (tribal expert) aboard the Kurahaupō waka, Haunui-ā-Nanaia. After the sun reflected off the lake making his eyes water, he named the lake 'Wairarapa', meaning flashing or glistening waters. The whakataukī 'Ka rarapa ngā kanohi ko Wairarapa' is said to record this event.
- 2.141 In the early and extensive Crown purchases of 1853-1854, the Crown acquired four blocks surrounding the lakes, Turakirae, Tūranganui, Tauherenikau, and Kahutara. The Crown on-sold much of this land to Pākehā settlers. Tension arose between settlers and Māori over the opening of the spit at Lake Ōnoke. The natural action of the ocean at Palliser Bay against the spit caused the spit to be completely closed for several months of the year. The closed spit allowed Wairarapa Māori to catch many tons of kai over the summer months. Tuna (eel) in particular would pool in huge numbers in the lower lake. The closed spit also led to flooding of low-lying land surrounding Wairarapa Moana. Settlers occupying and farming this land wished to open the Ōnoke spit to drain the Lakes system and reduce flooding.

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- 2.142 Settlers and Māori asked the government for a solution. In 1876, the Crown attempted to purchase the lakes. However only some rights-holders were dealt with, and leading rangatira protested about this transaction. In November 1883, the Native Land Court awarded ownership of the Lakes to 139 Māori owners, and did not refer to its previous 1882 finding that the Crown had acquired 17 undivided interests (via the 1876 transaction). In 1890, the Crown established a Royal Commission in response to a petition by Wairarapa Māori about the lakes issues. In 1891, the Commission concluded that Donald McLean had promised Wairarapa Māori in 1853 that Wairarapa Moana would not be opened at Ōnoke. It found that Māori retained ownership of the lakes and the spit, and that they retained their fishing rights but were not justified in allowing the lakes to flood the land sold to the Crown. It recommended compensation for Māori over some land adjacent to the lakes that it found the Crown had not purchased in 1853-54. It also recommended solutions to the flooding problem.
- 2.143 The Crown did not adopt the Commission's recommendations. Instead, in 1896, the Crown and Wairarapa rangatira entered into an agreement in which Māori gifted or transferred the lakes in return for 'ample reserves' surrounding the lakes. The Crown paid compensation of £2000, apparently in lieu of court and other costs Māori had expended in the lake struggles. The Crown did not provide reserves in the vicinity of the lakes as the parties had agreed in 1896. After a convoluted bureaucratic process lasting some two decades, the Crown finally provided land north of Lake Taupō in substitution for reserve land near the lakes. Some Wairarapa Māori whānau eventually relocated to this southern King Country land, known as the Pouākani block. The Crown only provided formed road access to this remote area in the late 1940s.

### 'NGĀ TAU O TE KOREKORE': THE TWENTIETH CENTURY

#### Nineteenth century land loss and twentieth century landlessness

- 2.144 In 1886, a government return of Māori land for Wairarapa and Tamaki nui-ā-Rua showed that approximately 215,500 acres was reserved or made inalienable for Māori. In addition, there was customary land that had not passed through the Court, being a total of 95,442 acres for 'Wairarapa West' and a portion of northern Tamaki nui-ā-Rua, perhaps around 140,000 acres. Perhaps 450,000 acres or 18 percent, then, out of a total land area of approximately 2,500,000 acres, was still in Māori possession by the mid-1880s.
- 2.145 By the time of the Stout-Ngata Commission reports of 1908-1909, around 129,000 acres remained in Māori ownership in Wairarapa and the southern Bush, while approximately 124,000 acres remained in the northern Bush and coastal Tamaki nui-ā-Rua. In total, therefore, about 253,000 acres remained in Māori ownership by 1908, representing approximately 10 percent of the total region. Commission figures did not record any remaining customary land in the region.
- 2.146 In 1908, the Commission described Māori society and economy, observing that '[t]here appears to be very little actual farming among the Māoris [sic] in this district. Most of the younger people are working for Europeans, and the older ones are depending largely on rents for their livelihood'. They noted the desire of many Wairarapa Māori 'to begin farming on a proper basis' and underlined that 'the small remnant' of unalienated lands should be reserved for Māori occupation.

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- 2.147 In its final report on native land generally, the Commission commented that many of the economic problems arising from under-utilised Māori land could have been solved long ago 'if the Legislature had in the past devoted more attention to making the Māori an efficient farmer and settler'.
- 2.148 Despite Rangitāne and other Māori in the region retaining only ten percent of their original land holdings by 1909, and despite the warnings of the Stout-Ngata Commission, the Native Land Act of 1909 removed many restrictions on alienation. In the years 1910-1919 alone, about another 13,000 acres was alienated within the Tamaki nui-ā-Rua takiwā. With such widespread alienation by the early twentieth century, Rangitāne communities increasingly eked out a precarious existence based on subsistence agriculture and labouring work for Pākehā-owned farms and businesses.
- 2.149 By 1939, approximately 3.5 percent of the Wairarapa and Tamaki nui-ā-Rua region remained in Māori land titles. The effect of almost total alienation by mid-century left Rangitāne communities impoverished and unable to engage in a meaningful way with a New Zealand economy based on the ownership of land and other forms of capital. This poverty contributed to human suffering and social ills, including educational underachievement, family violence and youth suicide.
- 2.150 Today, approximately only 2 percent of the region is owned under a Māori land title.

#### Public Works Takings

- 2.151 From the 1870s the Crown and local authorities used legislative powers to compulsorily take Rangitāne land for public purposes. There was limited, if any, consultation with Rangitāne or with Māori generally about the policy and enactment of public works legislation before the middle of the twentieth century. About 1,700 acres in total were taken from Rangitāne and other Māori over the whole region up until the year 1981. Direct consultation with all owners was uncommon until the second half of the twentieth century. In most cases it appears compensation was paid when it was due, though occasionally after significant delays.
- 2.152 In the 1870s and 1880s, there is no evidence of consultation with Māori owners prior to roads being constructed through the Whakataki reserve in the Castlepoint block.
- 2.153 The Crown compulsorily took approximately 587 acres from Rangitāne owners for railway purposes in the Seventy Mile Bush during the 1880s-90s period. Mangatainoka block railway takings alone totalled around 160 acres.
- 2.154 In 1888, the Crown took 16 acres of reserved land at Eketahuna for railway purposes. The Eketahuna reserve was one of the few reserves in the southern Seventy Mile Bush purchases. Compensation of £78 was paid in 1892.
- 2.155 In 1905, the local road board obtained a proclamation taking Māori reserve land in the Tautāne block for a road. The road was taken at the request of a neighbouring landowner, apparently to enable better access to his property from the main road (that also ran through the reserve). It appears the board did not notify or consult the Māori owners prior to the taking and did not advise the Crown's central roads department of its intentions. However it followed the statutory process set out in the public works

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legislation, meaning Crown officials were unable to intervene to prevent the taking. Compensation was finally paid some four years later.

#### *Dannevirke takings*

- 2.156 There were a number of public works takings of Māori land by both the Crown and local council in the vicinity of Dannevirke. These takings occurred mostly in the first half of the twentieth century and amounted to over 300 acres.
- 2.157 In 1900, the council took 3 acres for the Dannevirke gravel pit from Tahoraiti no. 2 block. Local Māori protested against the taking. Twelve years later compensation was paid to the Māori land owners. The land was not returned to Māori once the gravel pit was exhausted, and was disposed of to a private party in 1955. There is no evidence the original owners were ever approached about the return of the land, although the council was under no legal obligation to do so.
- 2.158 In 1904, the Crown took 10 acres of Māori land for a rifle range. There is no evidence that the Public Works Department notified the Māori landowners of its intention to take the land. The land was sold to a descendant of a former owner after 1956 when no longer required for defence purposes, even though the public works legislation of the time did not require the land to be offered back to the descendants of the original owners.
- 2.159 In 1911, the Crown took 38 acres at Mākirikiri for scenery preservation. Compensation was determined in 1912. In 1913, the Crown vested the reserve in the local council. Later some of the land was subdivided and leased by the council, and a small portion became a rubbish dump in 1951. Since reclassification in 1983, the land has been part scenic and part recreation reserve administered by the council.
- 2.160 Between 1933 and 1956, a Māori landowner, Eriata Nopera, leased 100 acres to the Dannevirke Airport Association for an aerodrome. During this period, central government agencies spent more than £13,000 developing the aerodrome. Towards the end of the lease, the council attempted to negotiate a purchase of the land, but the parties could not agree on price. The council moved to compulsorily acquire the land. The beneficial owner at that time, Muri Paewai, objected to the taking. She wanted to keep the land to farm for herself and her family. She protested that locals using the aerodrome for aerial top-dressing would benefit from the taking, rather than the public generally. The council took the land in 1956. Compensation of £10,000 was awarded. In the 1970s and 1980s, the council expanded the aerodrome, in two cases exercising a statutory power to exchange land with neighbouring property owners without first offering these portions back to the Paewai family. These events created significant grievance for the Paewai family and the wider Rangitāne community in the Dannevirke area.

#### **‘TE TAI AO ME TE TAONGA’: IMPACTS ON ENVIRONMENT AND TAONGA**

- 2.161 The settlement of Wairarapa and Tamaki nui-ā-Rua resulted over time in significant transformation of the environment.
- 2.162 Following the Crown’s extensive purchasing in the Seventy Mile Bush in the later nineteenth century, much of the Seventy Mile Bush was cut down to make way for agricultural uses, roading and railways along with the new towns of Norsewood,

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Dannevirke, Pahiatua, and Eketahuna. The Crown provided for the settlement of immigrant communities in these new towns, many from Scandinavia.

- 2.163 At the same time, Rangitāne kāinga (villages), and food and medicinal sources, were detrimentally affected by this loss of Te Tapere-nui-o-Whātonga. The huia bird, highly-prized by Rangitāne, succumbed to this loss of habitat and died out. Other bird species declined in numbers. Rangitāne say their people suffered not just physically but also psychologically and spiritually from the loss of the forest and its taonga. The wildlife reserve at Pūkaha/Mt Bruce contains some of the last remnants of Te Tapere-nui-o-Whātonga.
- 2.164 The felling of forests and the draining of wetlands for settlement and agriculture also led over time to the degradation of rivers and lakes, and the loss or diminution of indigenous fish species, including eel. The large-scale forest clearance was followed by the introduction of exotic grasses, crops and animals. These changes affected adversely the traditional ways of life of Rangitāne communities, including traditional food-gathering and fishing, and contributed to the loss of ancestral knowledge and tikanga (custom).
- 2.165 The modification of the course of the Ruamahanga river and the opening of Wairarapa Moana outlet at Lake Ōnoke, coupled with the introduction of exotic fish species, impacted adversely, over time, on seasonal fishing resources. These changes also affected detrimentally the relationship of Rangitāne communities to many of their sacred sites, including urupā (burial places).
- 2.166 Changes to the environment occurred under management regimes set up by the Crown which did not, until the late 1980s, provide for the recognition of Māori cultural values and practices. In particular, Crown policy until the late 1980s did not require Māori needs and values to be taken into account in the management of rivers. Crown policy in general limited the ability of Rangitāne to exercise their kaitiakitanga over their natural environment and taonga.

#### **'TŪ MAI RĀ, RANGITĀNE': RANGITĀNE IDENTITY AND RESURGENCE**

- 2.167 The early Crown purchase deeds of 1853 to 1865 did not include references to the tribal identity of Rangitāne in Wairarapa and Tamaki nui-ā-Rua. Many deeds did make reference to another tribal identity.
- 2.168 In the 1870s and 1880s, the Crown compiled 'censuses' of the Māori population that reported on aspects of iwi affiliation. In these censuses there were few references to the tribal identity of Rangitāne in the Wairarapa and Tamaki nui-ā-Rua regions. Nevertheless many leading claimants to the Native Land Court from the 1860s to the 1910s identified as Rangitāne or made claims on the basis of their Rangitāne whakapapa. Rangitāne people continued to identify as Rangitāne in their own narratives and engagements with each other, as recorded in their own whakapapa records and Māori language newspapers.
- 2.169 Rangitāne identity remained visible in other ways throughout the nineteenth century in Wairarapa and Tamaki nui-ā-Rua. The *Nireaha Tamaki v Baker* litigation of the 1890s gave prominence to Nireaha Tamaki and Rangitāne throughout the country, the case being framed in part on the Native Land Court's 1871 award of title for the Mangatainoka block to 'the Rangitāne tribe'. Nireaha played an important role at the Pāpāwai



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parliaments of Kotahitanga and became an advisory counsellor of the Rongokako Māori Council.

- 2.170 As the Rangitāne land base dwindled by the early twentieth century, Rangitāne struggled to maintain their relationships with their whenua and their traditional ways of life. After World War Two, tribal populations moved to towns and cities seeking work and this posed additional challenges to maintaining traditional knowledge, ways of life, and Rangitāne identity. Urbanisation also resulted in pressures towards assimilation into the surrounding Pākehā culture.
- 2.171 Crown-run schools, for much of the twentieth century, made little allowance for te reo Māori (Māori language) or cultural expressions, leading to further Māori alienation from their culture. In some cases, Crown schooling inflicted significant cultural and psychological harm by discouraging the speaking of te reo Māori in the school environment.
- 2.172 The Pāpāwai and Kaikōkirikiri Trusts Act 1943 established a new board to manage properties granted to the Anglican Church by the Crown in 1853 for educational purposes. The Act made no reference to Rangitāne, despite Rangitāne tūpuna being among those who gifted the land for these purposes. This gift and the 1943 legislation were in part facilitated by the Crown. Rangitāne consider that scholarship applicants to the trust who referred to their Rangitāne whakapapa and affiliation were disadvantaged. Governmental and parliamentary inquiries over a number of decades identified inadequacies in administration of the gifted lands.
- 2.173 Rangitāne considers that up until the early twentieth century, Rangitānetanga (Rangitāne traditions and culture) remained strong, a reflection of the ongoing importance of te reo Māori and tikanga Māori (Māori custom) within Rangitāne communities. However the combined effects of rapid land loss, the destruction of Te Tapere-nui-o-Whātonga (Seventy Mile Bush), the decline in te reo Māori, urbanisation and other socio-economic circumstances probably contributed to the weakening of traditional knowledge among Rangitāne people. Rangitāne considers that this weakening of Rangitānetanga, particularly through the middle and later parts of the twentieth century, and the comparatively few references to Rangitāne identity in government records, are reasons why Rangitāne people emphasized other tribal affiliations in their dealings with the Crown.
- 2.174 The Māori cultural revival of the 1970s and 1980s led to Rangitāne people reasserting their identity as Rangitāne, creating intense debate within the region. Rangitāne people and marae worked to reassert their Rangitānetanga in social, cultural, political and government domains. Rangitāne consider that, during this period, some of their people felt excluded from some employment opportunities within government agencies, from access to marae and other Māori development funding, and from education scholarships and other opportunities because they identified as Rangitāne.
- 2.175 Despite these challenges, Rangitāne people, marae and other organisations have successfully re-established working relationships with government agencies, local government and other parties. Recent census figures indicate a resurgence of Rangitāne identity in the region.

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#### NGĀ KŌRERO TUKU IHO MŌ RANGITĀNE O WAIRARAPA, MŌ RANGITĀNE O TAMAKI NUI-Ā-RUA

- 2.1 Ko ēnei kōrero tuku iho e whai ake nei ka noho hei tūāpapa mō ngā mihi me ngā whakapāha a te Karauna.

#### Ko Rangitāne o Wairarapa, ko Rangitāne o Tamaki nui-ā-Rua

- 2.2 Heke mai ana te iwi o Rangitāne i a Kupe, i a Whātonga hoki. Ko Whātonga te rangatira o te waka o Kurahaupō, ā, ko ia te koroua o Rangitāne – tipuna nei. Ko te rohe mana whenua o Rangitāne, ka tīmata i te Wairarapa, ka rere atu ki roto o Tamaki nui-ā-Rua.
- 2.3 Ko Tamaki nui-ā-Rua, koia ko Te Tapere-nui-o-Whātonga, rere atu ki te moana, ki Poroporo, piki atu ana ki Mataikona. Ko Wairarapa, koia ko ngā whenua kei te taha rāwhiti o te pae maunga nei o Tararua, ko Te Tapere-nui-o-Whātonga kei raro, ko Wairarapa Moana ko Turakirae kei runga. Hui katoa, kei te āhua 2.5 miriona eka te rahi o tēnei takiwā.

#### NGĀ PĀKEHĀ RĪHI WHENUA ME TE KĀWANA

- 2.4 I ngā tau tōmua ki ngā tau waenga o te tekau tau 1840, kāore i tino rangona te mana o te Karauna e ngā iwi kāinga o Wairarapa. I te Mei o 1845, ka tae atu tētahi ope nō te Wairarapa ki Te Awakairangi ki te tautoko i ētahi atu iwi e tohe ana ki te Karauna mō te whenua te take. I te tau 1846, ka puta te kupu a Kāwana Kerei i kī ai kei te ope hōia te mana whakahaere ki ngā whenua o runga ake i Wainui ki te taihauāuru, i Rangiwahakaoma ki te tairāwhiti mō ngā raruraru nei o roto i te Awakairangi. Ka rangona ngā āhuatanga o ēnei raruraru ki roto i te Wairarapa. Ina tae mai he ope Māori e whawhai ana ki te Karauna ki te Wairarapa, ka whakahētia e ngā iwi kāinga, ā, tērā anō ngā Pākehā i taki noho ki ngā iwi kāinga ki te rapu whakaruruhau mō rātau.

#### Te Ōhanga Rīhi Whenua o Mua

- 2.5 Ka karanga atu, ka whakanoho mai ngā iwi kāinga o te Wairarapa i ētahi Pākehā ki waenga i a rātau i ngā tau waenga o ngā 1840, arā, ka rīhitia ētahi whenua ki a rātau ki te whakatipu kararehe mō te utu rēti ā-tau nei. Ka whakahoahoa ngā kairīhi Pākehā me ngā rangatira o Rangitāne, pēnei i a Te Korou ki Kaikōkirikiri me Te Pōtangoaroa ki Mataikona.
- 2.6 Kāore te Karauna i rata atu ki te ōhanga rīhi nei, engari i mea kē me hoko whenua ki a ia anake ki raro i te tikanga hoko whenua i Te Tiriti o Wairangi. Hei tā te Karauna, māna anake e hoko whenua i ngā Māori mō te utu iti, ka hoko atu ai ki ngā Pākehā mō te utu rahi ake, kātahi ia ka whakamahi i te hua ka riro i a ia (te 'Pūtea Whenua') ki te whakahaere i te kāwanatanga, ki te hanga kaupapa ōhanga, ki te kawē mai i ētahi anō Pākehā ki Niu Tīreni. Kāore e mārāma ana mehemea i mōhio ngā iwi kāinga o te Wairarapa ki te tikanga hoko whenua i te Tiriti o Waitangi, arā, kāore i whakaaetia te hoko whenua, te rīhi whenua rānei ki ngā kainoho Pākehā.
- 2.7 Ko te Ture Hoko Whenua Māori o 1846 i kī ai kei te ū te Karauna ki tāna kaupapa, arā, māna anake e hoko whenua Māori. I kī hoki tēnei ture kāore i whakaaetia te mahi whenua ki waenga i a Ngāi Māori me ngā kainoho Pākehā, tae atu ki ngā rīhi, hāunga ngā rīhi kua whakamanatia ki te raihana a te Kāwanatanga. Mā tēnei ture e mana ai te

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whiu i ngā kainoho Pākehā ka takahi nei i āna tikanga. Ahakoa tēnei, ka piki haere tonu te nui o ngā rīhi i te Wairarapa i te haurua tuarua o te tekau tau 1840.

- 2.8 I te tau 1847, ka tuhi a Kāwana Kerei ki ngā rangatira o ngā iwi kāinga o te Wairarapa, ka kī atu ko te hiahia o te Karauna kia hoko atu rātau i ō rātau whenua, ā, ki te pēnei, ka rāhuihia ki a rātau he 'rāhui rahi tonu'. I kī anō ia, ki te kore e hokona te whenua, ka whakamutua e te Karauna ngā rīhi, ka panaia ngā Pākehā rīhi whenua ki waho atu o te Wairarapa.
- 2.9 Ko te Kamupene o Niu Tīreni tērā, me te tautoko mai a te Karauna, i whakamātau ki te hoko whenua i te Wairarapa i ngā tau 1847 ki te 1849. He 'rite tonu te akiaki' a ngā kaihoko a te Kamupene i ngā rangatira kia hokona ngā whenua, ka mutu, ka kōrero rātau ki ngā rangatira mō ngā painga o te āta noho mai a te Pākehā ki waenga i a rātau, mō te āhei hoki o te Kāwanatanga ki te pana i ngā kairīhi poka noa nei me te whakakore i ngā rēti. I whakaputahia he kāhiti Kāwanatanga i te Oketopa o te tau 1847, o te tau 1848 hoki ki te āta whakaatu tērā ka whiua te hunga ka takahi i te Ture Hoko Whenua Māori - ko tō muri mai i āta hāngai ki ngā mahi hoko whenua a te Kamupene o Niu Tīreni ki te Wairarapa.
- 2.10 I noho wehewehe ngā iwi kāinga o te Wairarapa mō te hoko whenua. Tērāētahi i mahara ki te pupuri i ō rātau whenua me te mau tonu ki te tikanga rīhi whenua, ā, tērā anō ētahi i mahara ki te hoko whenua. Ka mea tētahi āpiha Karauna i te Noema o te tau 1848, mō te hui ki Otarua o te hunga pupuri whenua, kei te ū rātau ki tō rātau whakaponu, arā, 'kua pupuri rātau i te whenua, ā, ka puritia tonutia ā haere ake nei. Nō ō rātau mātua tīpuna te whenua, ā, nō rātau i tēnei wā: ko te whenua tonu tō rātau tino matua, ā, ki te tukuna e rātau, ka mate rātau me ā rātau tamariki ... [ka kī rātau] tukuna mai te Pākehā kia haere mai hei kairīhi, engari kaua mō te hoko'. I te tau 1849, ka amuamu a Rangitāne e noho ana ki Kaikōkirikiri mō te kaupapa whakakore rīhi a te Kāwanatanga. I te mutunga iho, kāore i tutuki ngā whakamātautau hoko a te Kamupene o Niu Tīreni i te tekau tau 1840.
- 2.11 I ngā tau tōmua o te tekau tau 1850, ka tahuri te kaihoko whenua a te Karauna i te Wairarapa me Tamaki nui-ā-Rua, a Donald McLean, ki te āta whakamutu i ngā rīhi hou mā te whakaatu i te mana o te Ture Hoko Whenua Māori, inā hoki, i te mea tonu ētahi Pākehā ki te rapu rīhi hou mō te whenua. I tonu a McLean i tētahi Pākehā kātahi anō i tae ki Rangiwahakaoma ki te wehe atu, ā, nāna pea i akiaki kia kore e utua ngā rēti o tētahi atu rīhi.
- 2.12 Heoi anō, kāore te Karauna i hiahia ki te pana i ngā kairīhi e noho kē ana ki reira i ngā whenua i rīhi ai rātau engari i whai kē ki te rapu tautoko i a rātau mō tāna kaupapa hoko. Ka kī atu te Karauna ki ngā kairīhi ka taea e rātau ō rātau whenua rīhi te hoko kia oti te hoko a te Karauna i ngā whenua Māori. I taua wā tonu, ka tohutohua ngā iwi kāinga o te Wairarapa me hoko rātau i ō rātau whenua nō te mea i te whakamutua te tikanga rīhi. Nā konei, ka whakakōpipiri te Karauna i te āhei o ngā iwi kāinga ki te whakahaere i tō rātau ohanga i runga i tā rātau i mahara ai. I tētahi wā, i mahara a Kāwana Kerei ki te whakarite mai i tētahi tikanga whakaraihana rīhi, engari ia i te mutunga iho, i runga i ngā tohutohu ki a ia nō Ingarangi, i whakatau ia me hoko te Karauna i te whenua rahi mō te utu iti me te rāhui whenua mō te Māori.
- 2.13 He tokomaha tonu ngā rangatira o ngā iwi kāinga o te Wairarapa i hiahia kē ki te tikanga rīhi nō te mea ka riro i a rātau he moni rēti, he hua hokohoko hoki, ā, ka mau tonu rātau ki te whenua. I ngā tau tōmua o te tekau tau 1850, i te āhua £1,200 te hua rīhi i riro i ngā

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iwi kāinga o te Wairarapa i ia tau mō ngā rīhi whenua ki waenga i te 300,000 me te 400,000 eka te rahi. I mahara te kaihoko whenua a te Karauna, ko ngā mahi hokohoko ki waenga i ngā iwi kāinga me ngā kainoho Pākehā 'he hanga rahi tonu, kāore e tawhiti i ngā rīhi e whiwhi nei rātau'. Kua oti hoki i a Rangitāne iwi ētahi oati ki ngā kairīhi, ka mutu, e mau tonu ai tō rātau mana, me ū rātau ki tā rātau i oati ai.

- 2.14 I te tau 1851, ka haere a McLean mā te Wairarapa, me ētahi pēke e kī ana i te moni koura, i tana haere ki Te Matau a Māui ki te hoko whenua i reira. Ka taki huihui ia ki ngā rangatira o te Wairarapa, ā, nō muri mai i kīia ai nāna i whakaatu te moni koura ki te hunga i hiahia tirotiro. Ko te tūmanako o te Karauna, me McLean tonu, me i hokona he whenua i Te Matau a Māui, ka taea e te Kāwanatanga te akiaki ngā kairīhi o te Wairarapa kia neke atu rātau ki reira, kia noho māraakerake ai te Wairarapa, kia tipu ai hoki te hiahia o ngā iwi kāinga ki te hoko i ō rātau whenua.
- 2.15 I a McLean e hoko whenua ana ki Te Matau a Māui, me Waipukurau tonu, ka whakahoahoa atu ia ki tētahi rangatira nō iwi kē i runga i te whakaaro mā taua rangatira e āwhina ngā mahi hoko whenua ki Wairarapa. Ka kī atu a McLean ki taua rangatira me hoatu ko tētahi wāhi o te utu mō Waipukurau ki ngā rangatira o te Wairarapa, pēnei i a Te Pōtangoaroa. Ka whakaae taua rangatira, ā, ka hoatu he £100 'e ea ai ō rātau pānga ki tēnei poraka' hei tā McLean. Ka tuhi anō ia, i 'tino hākoako nga rangatira e rua nei i tēnei āhuratanga, ā, kāore e kore ka riro mā tēnei e rata mai ai rāua ki te hoko i ō rāua whenua. He tangata mātau hoki ēnei.' Kāore ngā rangatira e rua nei nō te Wairarapa i haina i te pukapuka hoko o Waipukurau.

#### **Ko Rangiwahakaoma me te Komiti Nui**

- 2.16 I te tau 1852, ko Te Pōtangoaroa tērā me ētahi atu i tuhi atu ki te Karauna mō te hoko whenua ki Rangiwahakaoma me ētahi atu wāhi o te Wairarapa. I te Maehe o te tau 1853, i a Kāwana Kerei e haere ana mā te Wairarapa, ka kōrero ia ki ngā iwi kāinga o reira mō te hoko whenua ki Rangiwahakaoma, ki Whakataki rānei.
- 2.17 I te Hune o te tau 1853, i tētahi hui nui, ka oti i a McLean me ētahi rangatira o Wairarapa me Tamaki nui-ā-Rua te hoko whenua ki Rangiwahakaoma. E toru rau ngā tāngata i haina i te pukapuka hoko, ā, he tokomaha tonu ngā wāhine, he tamariki hoki i haina. I mua i te hui, i whakaritea mai he mahere tuhiringa o te poraka, ā, ka whakamāramatia ōna roherohenga. E £2,500 te utu i utua ai e te Karauna mō tēnei poraka i kīia ai tōna rahi he āhua 275,000 eka, engari nō muri mai ka kitea he tata ki te 485,000 eka kē tōna rahi.
- 2.18 I rāhuitia e te Karauna me ngā rangatira ētahi whenua ki roto i te poraka o Rangiwahakaoma mō ngā iwi kāinga. Tekau ngā rāhui nei, e 5 eka te itinga, e 17,500 eka te rahinga, hui katoa te rahi o ngā rāhui nei e 28,000 eka, arā, he āhua 10% o te whenua i hokona ai, hei tā ngā whakatau tata o taua wā. He hanga rahi tonu ngā rāhui i Rangiwahakaoma i ērā ka rāhuitia i ngā hoko o muri mai.
- 2.19 I te Ākuhata o te tau 1853, ka whakahuihuitia e Kāwana Kerei rāua ko Donald McLean tētahi 'komiti nui' o ngā rangatira o Wairarapa ki Tūranganui – wāhi o Wairarapa Moana, ki te akiaki anō i ngā iwi kāinga ki te hoko i ō rātau whenua ki te Karauna. E mea ana ngā pūranga, ka whakatairangatia e Kerei ngā painga o te hoko whenua ki te Karauna, pēnei i te noho mai a ngā kainoho Pākehā me te ōhanga hokohoko ka hua ake, ā, ka tuaruatia e ia āna oati o mua mō ngā whenua rahi tonu ka rāhuitia mō ngā iwi kāinga, me te kī atu ko ngā hua nei te 'tino utu' o ngā hokonga whenua. Tērā pea nā runga i te

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mana o te tūranga, i whakapono mārika ā Rangitāne me Wairarapa ki ngā oati a Kerei, ā, ka mahara tērā ka ū te Karauna ki tāna i kī ai kia tutuki ai ēnei kawenga. Tērā ngā rerenga kōrero i ngā pukapuka hoko whenua o muri tata mai i te komiti nui i kī ai ka whakaritea mai he moni mō te whakahaere kura, mō ngā ratonga hauora, mō te utu ā-tau i ngā rangatira me ētahi atu hua. Ākuanei pea, i te wā i hui ai te komiti nui, i whakaaturia e Kāwana Kerei ngā rerenga 'rima paiheneti (koha)' nei hei poapoatanga e hokona ai te whenua.

- 2.20 Nō muri mai i te hui, ka tuku ripoata a Kāwana Kerei me tana kī, ka roa, ā, nāwai, nāwai ka whakaae ngā rangatira o te Wairarapa ki te hoko, ka mutu, kitea ana, he nui te akiaki e whakaaetia ai te hoko ki te Karauna.
- 2.21 Ka huri te ono marama i te komiti nui, ka hokona e McLean me ētahi atu āpiha Karauna he kotahi mirona eka i ngā hoko e 40. Kia tāpiritia atu te hokonga o Rangiwahakaoma, ka eke ngā hoko nei a te Karauna ki tōna toru haurima (60%) o ngā whenua katoa o Wairarapa me Tamaki nui-ā-Rua, arā, he āhua 1,500,000 eka, i hokona ai i roto i te waru marama.
- 2.22 Tērā ētahi rangatira i pai ai ki te whiriwhiri kōrero ki a McLean mō te hoko whenua, engari e kīia rā ko Ngātūere tērā i te kaha akiaki i ētahi atu kia kua rātau e hoko i ō rātau whenu, ā, nā McLean i kī, 'nō muri kē mai i te noho ūpoko mārō o Ngātūere me ōna iwi mō te wā roa', 'kātahi ka oti i a ia te hoko mai tētahi poraka whenua e tino pai nei te hanga'.
- 2.23 Hui katoa ngā utu a te Karauna mō ngā hoko whenua nei, he £23,500. He āhua rite tēnei ki ngā moni ka hua i roto i ngā tau 10 ki te 15 i ngā rīhi me ngā mahi hokohoko. Kāore a Rangitāne i hiahia ki te hoko i ō rātau whenua nā runga i ēnei hua e puta ana ki a rātau.

#### **Te Tikanga Hoko Whenua a te Karauna**

- 2.24 I ngā hoko o te tau 1853 ki te tau 1854 i muri mai i te komiti nui, i tere tonu ngā whiriwhiringa hoko a te Karauna, ā, he rite tonu te whakamahinga o te kupu kōrero me ngā tuhiringa hei whakaatu i ngā roherohenga, arā, kāore i āta takahia te whenua, i poua rānei ngā roherohenga. I ētahi wā, ka tīmata te Karauna ki te rūri i ngā tāone hou o te Wairarapa hei wāhi noho mō te Pākehā i mua i te rūritanga o aua whenua kua hokona kētia e te Māori. Nō te tau 1871 rawa i oti ai i te Kairūri Matua o Pōneke ngā hoko o te tau 1853 ki te tau 1854 te whakatakoto ki te mahere. I te wā o ngā hoko, i te ruarua o ngā rūritanga o ngā poraka kua hokona, ka uaua ki a Rangitāne me ērā atu iwi kāinga o te Wairarapa te kite atu i te katoa o ō rātau whenua e hokona ana, e pupuritia ana hoki.
- 2.25 Nō muri mai i te hoko whenua ki Rangiwahakaoma me te komiti nui, i hokohoko whenua te Karauna i te tokoiti. Tērā ngā ingoa o ētahi rangatira i kitea i ngā pukapuka hoko maha tonu. Te āhua nei, i ētahi wā ka tukuna e te Karauna he rāhui ki ētahi rangatira takitahi nei e whakaae mai ai rātau ki ngā hoko a te Karauna. He maha ngā rīhiti hoko i hainatia ki te taha tonu o ngā pukapuka hoko, hei whakakapinga rānei mō te pukapuka hoko. I te hokotanga o te poraka o Manawatū i te tau 1853, ka utua ma te rihīti tētahi hunga, tae atu ki tētahi rangatira o Rangitāne, ki a Wī Waaka, i te Oketopa o 1853, ā, nō ētahi marama i muri mai, ka oti tētahi pukapuka hoko te whakarite me tētahi atu hunga nui tonu. Nō te hoko tuarua i te Tīhema o te tau 1853, ka oti i a Wī Waaka te whakarite mai he rāhui, 1,000 eka te rahi.

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- 2.26 I te Hanuere o te tau 1854, i Pōneke, ka oti i te Karauna tētahi pukapuka hoko te whakarite mai mō te poraka o Tautāne, kei waenga o Rangiwihakaoma me Pōrangahau, kei tōna 92,000 eka te rahi. E toru tekau mā rua ngā tāngata i haina i te pukapuka hoko nei. Heoi anō rā, he tokomaha tonu te hunga nō rātau tērā whenua, tae atu ki te rangatira nei, ki a Hēnare Matua o Tautāne tonu, kāore i whai wāhi ki ngā whakaritenga hoko. Nō te rongo kōrero a Matua mā ki tēnei hokotanga, ka āta whakahēngia e rātau. I kī nei te rangatira rā, a Te Rōpiha, ka 'kotia e ia ngā ihu' o ngā rangatira nā rātau taua whenua i hoko.
- 2.27 He mea āki a Hēnare Matua me te hunga kāore nei i whai wāhi ki te hoko kia whakaae rātau ki te hoko nā runga i te whakaaro o te Karauna e kī nei kua mana te pukapuka hoko ahakoa kāore ētahi tāngata nō rātau hoki te mana whenua, pēnei i a Matua mā, i whai wāhi ki ngā whakaritenga. I te Maehe o te tau 1858, e whā tau i muri mai i te hoko tuatahi o Tautāne, ka oti i te Karauna tētahi pukapuka hoko tuarua i hainatia ai e Matua me tētahi atu hunga e 89 te tokomaha. E rua ngā wāhi ka rāhuitia i te hoko, 1,050 eka te rahi. I te tau 1867, ka whakawhiwhia e te Karauna a Hēnare Matua rāua ko Hoera Rautu ki tētahi Karauna Karaati mō ngā rāhui nei.
- 2.28 I te 22 o Āperira, i te tau 1858, ka utua e te Karauna he £100 ki ngā rangatira o Rangitāne mō te poraka o Ngāawapūrua, kei te āhua 100,000 eka te rahi, kei te taha paeroa o te Āpiti ki Manawatū, kei te taha whakatetonga o Te Tapere-nui-o-Whātonga. Ka whakahētia te hoko o Ngāawapūrua e Te Hirawanu Kaimokopuna, e te rangatira nō Rangitāne i whai mana ai ki ngā taha e rua o te Āpiti ki Manawatū, me ōna iwi o Rangitāne i noho atu ki te takiwā o Pahiatua. Ka tohe atu a Te Hirawanu me tana kī he mea hoko te whenua o Ngāawapūrua e tētahi rangatira nō Rangitāne ki Manawatū ahakoa ngā whakahē a te iwi e noho ana ki taua takiwā. Kāore a Te Hirawanu i whakahē i te whakaaro o te mahi hoko i muri mai, ā, i mahara kē ia ki te hoko i ōna pānga whenua i te taha hauāuru o te Ruahine, o te Āpiti ki Manawatū, he whenua i kuhuna atu ai ki te hoko o Te Ahuaturanga i te tau 1864.
- 2.29 I te tau 1858, ka utua e te Karauna he £25 anō hei hoko i te poraka o Ngāawapūrua, engari i kī atu hoki ia, nā te nui o te hunga whai pānga, ka roa tonu te wā e tutuki katoa ai te hoko. Nō ngā tau whakamutunga o te tekau tau 1860 rawa i rere anō ai ngā whiriwhiringa kōrero mō te hoko whenua ki Ngāawapūrua, nō te wā i tahuri anō ai te Karauna ki te hoko i Te Tapere-nui-o-Whātonga.
- 2.30 I te Oketopa o te tau 1859, i Mataikona, ka whakarite a Donald McLean kia hokona te poraka o Mākurī i muri mai, hei tāna, i tētahi hui nui. Ko ngā whenua nei o Mākurī e anganui atu ana ki Puketoi, arā, he āhua 30 kiromita te tawhiti i Mataikona, i te wāhi i hainatia ai te pukapuka hoko.
- 2.31 Ko te hunga nāna nei i haina taua pukapuka hoko i te Oketopa o te tau 1859 ki Mataikona, ko ngā rangatira o te takutai moana o Wairarapa me Tamaki nui-ā-Rua, tae atu ki a Te Pōtangaroa, ki a Hēnare Matua, ki a Hoera Rautu hoki. I te āhua nei, kāore a Te Hirawanu Kaimokopuna i reira, ā, kāore hoki ia i haina i te pukapuka hoko. Ko te mahere o te pukapuka hoko e whakaatu nei i te ingoa o Te Hirawanu kua tuhia ki te taha hauāuru o te poraka o Mākurī.
- 2.32 I te tau 1871, ka raua atu e te Karauna te poraka o Mākurī ki roto i āna mahi hoko i ngā poraka o Tāmaki, ā, ka hurihia te ingoa o te poraka nei, o Mākurī, ki a Puketoi nama 4, nama 5 hoki. I te tau 1874, ka utua e te Karauna te utu whakamutunga mō tētahi take

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kua koroua nei e pā ana ki ngā poraka o Puketoi 4 me te 5. Atu i tēnei, kāore he moni anō i utua e ia mō te takiwā ki Mākurī.

2.33 E hia nei ngā wā ka taki amuamu a Rangitāne mō ngā utu i utua ai e te Karauna ki a rātau mō ō rātau whenua. I kī tētahi āpiha Karauna i te tau 1861, e mahara ana ngā iwi kāinga tērā 'kua mate rātau ki te whakaae atu ki te utu ka whakaritea e te Kāwanatanga, kei kore e āhei te hoko atu'. I te tau 1870, he amuamu i puta mō ngā hoko tōmua a te Karauna, e mea ana nā McLean tonu 'i whakarite ngā utu mō ngā poraka katoa, ehara i ngā kaihoko'. I mōhio hoki rātau e hokona atu ana e te Karauna ō rātau whenua ki ngā kainoho Pākehā mō te utu rahi ake. Ko ngā hua moni i riro i te Karauna i tēnei āhuatanga ka whakamahia hei utu i te hanga ōhanga me te whakanōhanga mai o ngā kainoho hou. I te tau 1853 ka kōrero a Donald McLean mō te 'tino iti o te utu i utu nei' ia mō te whenua Māori i hokona ai e ia. Ka hokona e McLean tētahi poraka whenua mō te £100, ka mutu, ka mahara ia ki te hoko atu i taua whenua ki te Pākehā rīhi whenua mō te tekau herengi mō ia eka, ā, ka riro i te Karauana he hua e £300 te rahi.

#### Ko Ngā Koha

2.34 I whakaae te Karauna, tērā me whakauru atu he wāhanga 'koha' ki roto i ētahi o ngā pukapuka hoko i whakaritea ai ki ngā rangatira o Rangitāne, i waenga i te Ākuhata o te tau 1853 me te Hanuere o te tau 1854. I te pukapuka hoko i kitea tuatahia ai ngā koha nei (e pā ana ki Turakirae, ki te taha whakateuru o Wairarapa Moana), ka kīia e rima paiheneti o ngā moni katoa ka riro i a ia i te hokonga atu o ngā whenua ki ngā kainoho Pākehā ka purihia e ia, kātahi ka utua atu te rima paiheneti ki ngā kaihoko Māori 'hei whakarite kura e akona ai ā mātau tamariki, hei hanga mīra paraoa mā mātau, hei hanga hohipera, hei utu rata mō matau, ā, hei utu hoki i a mātau, arā, i ētahi o ō mātau rangatira...'.

2.35 Ka kīia ki roto i te pukapuka hoko o Turakirae, ko ngā utu katoa mō ngā kura, mō ngā hohipera, mō ngā mīra mā te iwi kāinga me ngā āpiha Karauna e whakarite ngātahi ki rō komiti, engari mā te Kāwana me tōna kotahi e whakarite ngā utu ki ngā rangatira. Ko ngā tuhinga reo Māori mō te wāhanga koha kua tuhia ki roto i ētahi o ngā pukapuka hoko, e mea ana ka utua ngā koha mō te poraka ki ngā kaihoko Māori, ka whakaritea rānei mā rātau.

2.36 Kāore te Karauna i whakatū mai i tētahi komiti māna e whiriwhiri kōrero ki ngā iwi kāinga mō te utu, mō te whakahaere rānei i ngā koha. Ka uaua ki ngā āpiha Karauna te whakahaere i ngā koha. Hei tauira, i kī tētahi āpiha, he rite tonu te utua o ngā koha ahakoa kāore i herea ki tētahi poraka. Ka heke haere te pūtea o ngā koha i te pōturi haeretanga o ngā hokonga whenua, i te taki utunga i ngā koha.

2.37 I te tau 1870, i te tau 1873, i te tau 1881 hoki, ka whakatūria mai e te Karauna he hui mō te tohatoha i ngā koha te take. I ētahi wā, ka tonu ngā iwi kāinga i ngā kaute katoa mō ngā whenua i hokona ai, mō ngā moni i riro ai i te Karauana, me ngā koha hoki i utua ai. Ka roa, ka whakaputahia ētahi kaute, engari kāore pea i ea ngā pātai me ngā māharahara o te iwi kāinga. Tērā ētahi kaupapa hanga ōhanga, tae atu ki te kura ki Pāpāwai me te whakahaerenga o ētahi mīra i whakawhiwhia e te Karauna, engari kāore i tino nui te hua ki ngā iwi kāinga o Wairarapa.

2.38 Tērā ētahi wā ka wero a Rangitāne i te Karauna mō te whānui, mō te whāiti rānei o ngā hua e hua ake ana i ngā koha nei. Nō muri mai i te hui tohatoha o Pepuere, i te tau 1881, ka tuhi atu a Erihapeti Whakamairū (te tuahine o te rangatira o Rangitāne, o

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Karaitiana Te Korou) ki te Minita Māori o te wā, ki a Rolleston, mō ngā koha e pā ana ki ōna whenua ki Mākōura (e tata ana ki Mahitāone). Ka amuamu ia mō te koretake o ngā ratonga a te takuta a te kāwanatanga, ka kōrero hoki mō tōna hōha ki te korenga o ngā kura, o ngā whare karakia, o ngā hohipera me ngā mīra i oaititia ai ki te iwi kāinga.

- 2.39 Tērā ētahi pūranga kōrero e tohu ana, ko ētahi o Rangitāne i mahara ka auau tonu te utua o ngā koha i roto i ngā tau. I te tau 1886, ka tuhi atu te rangatira nei o Rangitāne, a Wi Waaka Kahukura, me ētahi atu nō Te Oreore (e tata ana ki Mahitāone) ki te pātai he aha i rua noa iho ai ngā utu i ngā koha mō ō rātau whenua ahakoa te kī a Donald McLean ki a rātau e mea ana 'ka utua ngā koha ki a koutou ake, ake, ake'. Nō taua tau tonu rā, nō te tau 1886, ka tuhi atu ngā rangatira o Rangitāne, a Huru Te Hiaro, rātau ko Nireaha Tāmaki, ko Marakaia Tawaroa, ki te tonu koha anō.
- 2.40 Heoi anō, kia eke rawa ki te tau 1881, he iti noa nei ngā moni e hua ana mō ngā koha i ngā hokonga whenua a te Karauna. Tae rawa ake ki te tau 1899, kua utua kia pau tōna £250 e toe ana ki ngā koha.

#### **He Whenua Rāhui i Ngā Hoko a te Karauna i Mua i te Tau 1865**

##### ***Ko te Nui o Ngā Wāhi Rāhui o Mua i te tau 1865***

- 2.41 Nō muri i te komiti nui o te tau 1853, māna te kore kua mahara a Rangitāne tērā ka 'rahi tonu ngā whenua rāhui' ka rāhuitia ki a rātau i ngā hoko tōmua a te Karauna. Ko te whakarite rāhui e rawaka ana kia ea ai ngā hiahia matua o te Māori o te wā, o āpōpō hoki, tētahi wāhanga nui o te kaupapa here a te Karauna, i whakahaeretia ai e Kāwana Kerei, kia hokona ai ngā wāhi nui tonu o te whenua Māori mō te utu iti. Kitea ana e ngā āpiha Karauana o taua wā, me i whakamahia ngā whenua Māori hei kaupapa e heke ai te utu o te tikanga whakahaere whenua a te Karauna me te noho mai a ngā kainoho Pākehā, he tika tonu kia whai te iwi kāinga i ētahi hua e rite tonu ana ki ngā hua i riro atu rā i tō rātau whakaaetanga kia hokona te whenua ki te Karauna.
- 2.42 Kei te āhua 100 ngā wāhi i rāhuitia rā i ngā hoko o mua i te tau 1865. Hui katoa ngā rāhui nei, he 62,500 eka te rahi, arā, kei tōna 4% o te 1,500,000 eka te rahi o ngā hokonga whenua a te Karauna i mua i te tau 1865. I mahara a McLean ki te whakaiti i te nui o ngā rāhui. I āna tohutohu ki tētahi kairūri i te tau 1853, ka kī atu ia e mahara ana tērā 'ka tonu ngā Māori ki ētahi rāhui tino rahi nei ki Ōpaki, ki Mākōura, ki Kō[h]angawareware me ētahi atu mania ki roto i te whārua' e tata ana ki Mahitāone. Ka mea ia 'me kōrero mai ki a au i mua i te whakaaetanga ki ētahi [rāhui] i tua atu i ērā e whai ora nei rātau'.
- 2.43 Hei tā Rangitāne, kāore tēnei āhuetanga i te rite ki te oati ka rāhuitia ki a rātau he wāhi 'e rahi tonu ana', inā hoki, ka haere tonu tā te Karauna mahi hoko i ngā whenua o Rangitāne i muri mai o te tau 1865. I te tau 1870, e 850 te tokomaha o ngā iwi kāinga o Wairarapa, tāne mai, wāhine mai, tamariki mai, ā, he rau tonu te tokomaha o ngā iwi kāinga i Tāmaki-Nui-ā-Rua. Ahakoa anō te tokoiti o te iwi i tērā wā, e ai ki a Rangitāne, e kore pea e ea ngā hiahia matua o ō rātau hapori i taua wā, i muri mai rānei, i ngā rāhui e 4% noa iho nei te rahi o ngā whenua katoa i hokona ai e te Karauna i mua i te tau 1865.



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**2: HISTORICAL ACCOUNT**

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***Te takaroatanga o te Rūri me te Tuku Karaati mō ngā Wāhi Rāhui***

- 2.44 O tōna 100 wāhi i rāhuitia ai i ngā hoko o mua o te tau 1865, ka mutu, e 90 i kōrerotia i ngā pukapuka hoko, i hokona e te Karauna ko tōna 14 rāhui i mua i te rūritanga me te tuku karaati. Ko te nuinga o ngā hoko rāhui nei, nō muri paku nei i ngā hokonga matua a te Karauna. Tae rawa ake ki te tau 1855, e whā kē ngā rāhui i Rangiwahakaoma ka hokona e McLean, arā, ko Poroutāwhao, ko Puketewai, ko Taurangawaiō (e tata ana ki Akitio), ko Whakataki hoki (he tikanga hoko atu, hoko mai anō i te mea whakamutunga o aua hokotanga rā).
- 2.45 Nō te taenga ki te tau 1858, kua putaputa mai he nawe mō ngā roherohenga o ngā poraka i hokona ai me ngā rāhui kāore anō i rūritia i te wā o te hoko. Nō te tau 1859 rawa i tīmata ai te āta rūritanga o ngā poraka i hokona ai i te tau 1853 ki te tau 1854.
- 2.46 I te tau 1860, i te hui ki Kohimarama, ka tuhi atu te rangatira nei a Ngātuere ki te Kāwana me te tono kia haere mai a McLean ki te whakatau i ngā raruraru mō ngā rāhui. Nā ngā rangatira tokorua o Rangitāne, nā Karaitiana Te Korou rāua ko Wiremu Waaka i tuhi atu ki te Kāwana me te amuamu mō te korenga o ngā Karauna Karaati mō ō rātau rāhui. Hei āpiti atu, he wā anō kāore te Karauna i tere whakarite mai i te rūringa o nga rāhui i tohua ai ki ngā pukapuka hoko. Nā reira, i hokona atu e te Karauna ētahi rāhui ki ngā kainoho Pākehā i mua i te whakamōhio i ngā Māori ki ngā whakaritenga me te rūritanga o aua rāhui.
- 2.47 Ko ngā amuamu nei a Te Korou rāua ko Wi Waaka e whakaata ana i ngā māharahara nui o te tokomaha o ngā rangatira o Wairarapa ki te tikanga e mea ana ka āta whakaritea ngā rāhui nei, ka noho rānei i raro i te maru o te rūri, o te Karauna Karaati hoki. Māna te kore, kua hua ake tēnei mahara i ngā oati a Kāwana Kerei me McLean ki te komiti nui me ngā whiriwhiringa hoko. Tērā ētahi rangatira i whakarite mai i ētahi rāhui mō rātau, ā, ka tuhia atu ki ngā pukapuka hoko. Otirā, o ngā wāhi kei tōna 100 i rāhuitia rā i ngā hoko o mua i te tau 1865, e 24 ngā karaati i tukuna i raro i te Ture Karauna Karaati 1862 (Crown Grants Act 1862), ā, ko te nuinga i tukuna takitahitia ki ngā rangatira. Nō te tau 1863 me te tau 1864 rawa te nuinga o ngā karaati nei i tukuna ai, arā, he 10 tau i muri mai i ngā hoko tuatahi a te Karauna.
- 2.48 Tērā anō ētahi atu pūranga kōrero e tohu ana i te hōrapa o te māharahara o ngā iwi kāinga ki te whai Karauna Karaati mō ngā wāhanga whenua ka hokona mai e rātau nō roto i ngā poraka matua kua oti kē i a rātau te hoko atu. Kāore i iti i te 17 ngā tāima i hoko mai anō ngā iwi kāinga o Wairarapa i ētahi wāhanga o te whānuitanga o ngā whenua kua hokona kētia atu e rātau ki te Karauna. I aua wā rā, i hoko mai ngā iwi kāinga nei i ngā whenua mō te utu whenua Karauna o taua wā, arā, he utu rahi noa atu i tā te Karauna i utu ai ki a rātau mō te poraka whānui (kitea ana te rerenga kētanga i tā te Karauna kaupapa mō ngā Pūtea o ngā Whenua o te Karauna). Tae rawa ake ki te tau 1900, he maha ngā whenua i ngā wāhanga (tekihana) 17 nei i hokona ki ngā kainoho Pākehā i te mākete whānui.
- 2.49 I te tau 1855, ka hokona e te Karauna te rāhui ki Whakataki, ko tētahi o ngā wāhi 10 i rāhuitia i te poraka o Rangiwahakaoma. Kei te pukapuka hoko o te tau 1855 tētahi wāhanga e āta kī ana e whakaaetia ana tā ngā iwi kāinga hoko mai anō i te whenua nei i mua i te paunga o te rua tau. Ko te kōrero i tuhia rā ki te pukapuka hoko nei e mea ana ko te hokonga atu me te mana o te hoko mai anō he tikanga 'kia whakamutua nga ritenga Māori mo runga i taua whenua'. I te āhua 1858 o ngā tau, ka hokona mai anō e ētahi o ngā iwi kāinga tētahi wāhanga iti o Whakataki.

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- 2.50 I te tau 1874, ka whakaturetia mai e te Karauna ko tētahi ture – ko te Ture Karaati o Whakataki 1874 (Whakataki Grants Act 1874) – ki te whakaū i ngā karaati i eke ki tōna 6620 eka te rahi ki ōna tāngata matahuhua ki ōna hapū hoki o roto i ngā rāhui o Whakataki. I taua wā tonu, i hokona e te Karauna he wāhanga papai nō te rāhui e pātata ana ki te awa o Whakataki (e 85 eka te rahi) ki tētahi kainoho Pākehā. I te tau 1874 ka utua e te Karauna he moni anō ki te whakatau i tētahi nawe roherohenga e pā ana ki te poraka nei o Whakataki (e pā ana pea ki te wāhi i hokona rā ki te kainoho). Nā runga i te ture o te tau 1874, ka tukuna mai e te Karauna te wāhi nui katoa o ngā poraka rāhui nei, arā, te nama 10, e 6298 eka te rahi, nā te oati a te Kaiwhakahaere o te Rohe Whānui o Pōneke i kī rā ka whakahokia te rāhui 'hei tautoko, hei whāngai tonu' i te hunga nō rātau taketake te whenua. Nō te tau 1881 rawa, kātahi anō te Karauna ka tuku karaati mō aua wāhi rāhui e 6620 eka te rahi, e 28 tau i muri i te wā i rāhuitia ai ngā wāhi nei i te hokonga o Rangiwahakaoma.
- 2.51 I te taenga o te Kaikomihana Rāhui Māori ki te Wairarapa i te tau 1879, he tokomaha tonu te iwi kāinga e amuamu ana mō ngā rāhui 'kua ngaro'. I te tau 1881, ka tū tētahi Kōmihana Roera ki Mahitāone mō te rua ki te toru wiki ki te tiro tiro i ngā wāhi rāhui ki Wairarapa. E ai ki tā te Komihana i whakarārangi ai, i eke ki tōna 90 te maha o ngā wāhi i rāhuitia rā i ngā hokonga o mua i te tau 1865. E ai ki ana tataunga, 10 o aua rāhui i hokona ki te Karauna, e waru kua ngaro (kua whakaritea pea rānei ki wāhi kē), ā, e toru ngā rāhui hī ika kāore anō i rūritia.
- 2.52 Hei urupare ki ngā raruraru nei mō ngā rāhui ki Wairarapa, ki rohe kē hoki, ka whakatakotoria e te Karauna he pire ka whakaturetia ko Te Ture Whakamana Taitara mō ngā Rāhui Māori 1886 (Native Reserves' Titles Grant Empowering Act 1886) e āhei ai tā te Karauna whakawhiwhi taitara tōtika mō ngā wāhi i rāhuitia ai i ngā hoko o mua i te tau 1865. Ka whakamanatia te Kāwana ki te tuku pukamana mō te tuku taitara me te whakarite here i ngā mahi hoko whenua. Ko tōna 30 rāhui i Wairarapa me Tamaki nui-ā-Rua, arā, ko tētahi hautoru o ngā rāhui katoa i ngā hoko o mua i te tau 1865, i whakawhiwhia ki te taitara i raro i tēnei ture.
- 2.53 I te toru tekau tau i waenga i te rāhuitanga o ngā whenua i tuhia rā ki ngā pukapuka hoko me te tuku taitara i raro i te Ture o te tau 1886, i noho haumarua kore ngā rāhui, ā, i hokona ētahi ki ngā kainoho Pākehā. Ko te whakatau a te Kōmihana Roera o te tau 1881 ki te tau 1882, kāore i paku rūritia te rāhui ki Takapūai, ā, kua nōhia kētia e ngā kainoho Pākehā. I te tekau tau 1890, tērā ētahi o te iwi kāinga i tonu ota rīwhi (taitara whakaheke) mō rātau i te Kooti Whenua Māori, engari kāore kau he whenua hei whakaheke ki a rātau. Nāwai, nāwai, ka tukuna e te Karauna he whenua kē atu anō e takoto ana i te awa o Waihoki (ko Aohanga poraka 5, wāhanga 7), kua ko te whenua taketake kei te taha o te awa o Mataikona. Nō te tau 1910 rawa, ka tukuna tētahi taitara mō te 150 eka ki te hunga i tohua ki roto i te Kōmihana Roera o te tau 1882.
- 2.54 I kī hoki te Kōmihana tērā tētahi rāhui mō te hī ika ki Waimīmiha, he mea rāhui i te hoko o Rangiwahakaoma i te tau 1853, kāore anō i rūritia. Ahakoa ngā petihana e hia nei a ngā uri o te hunga nō rātau te rāhui kia whakarahia ake te wāhi, arā ngā whakatau mai i ngā tiro tiro a te Pāremata, a te tari Karauna hoki i mea ai ko tōna tikanga he iti noa iho te wāhi hī ika. Nāwai, nō te tau 1907 rā anō. ka rūritia tētahi wāhanga iti iho i te kotahi eka. Tērā rā tētahi atu rāhui i Rangiwahakaoma, ko Waitutu tōna ingoa, kāore i rūritia, ā, māna te kore, i kuhuna tēnei wāhi ki ngā whenua i hokona ai ki ngā kainoho Pākehā.
- 2.55 Kāore te Karauna i rūri i te rāhui i kīia ai ko Whatakai, he mea rāhui i te hoko o Whareama (nama 2) i te tau 1853. I hokona e te Karauna tēnei whenua ki tētahi kainoho

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Pākehā i te āhua 1861 o ngā tau. I te tau 1875, £150 i hoatu e te Karauna ki ngā iwi kāinga nō rātau tēnei whenua hei utu (kamupeneheihana) mō tēnei rāhui. I tukuna te taitara o ētahi mahinga kai i Mangapiu i te hoko o Whareama ki te tonga i raro i te Ture o te tau 1886, ā, ka whakanōhia atu ki tētahi anō rāhui e tata ana, ko Mangapiu hoki te ingoa. Ko Te Ruru tētahi anō rāhui i te hoko o Whareama ki te tonga, kāore anō kia rūritia.

- 2.56 Kei tōna 28 anō ngā rāhui i noho hei whenua papatupu Māori tae noa ki te wā ka whai taitara ngā iwi kāinga o Wairarapa, o Tamaki nui-ā-Rua i muri mai i te tau 1865, i raro i ngā ture whenua Māori whānui. Ko ētahi i karaatitia i te tekau tau 1860, ko ētahi atu i whai taitara ā-ture i te tekau tau 1880, ā, nō tae rawa mai ki ngā tau tōmua o te rautau rua tekau i whai taitara ai ētahi atu anō. I whakawhiwhia te nuinga o ngā taitara i raro i te tikanga kia tekau anake te hunga whai taitara, ki te hunga takitahi rānei.

#### ***Te Hoko i ngā Wāhi Rāhui o Mua o te tau 1865***

- 2.57 Eke rawa mai ki te tau 1930, i te mau tonu i ngā iwi kāinga tōna 29 paiheneti o te poraka nama 10 o Whakataki i Rangiwihakaoma. I tēnei rā, e 4.5 eka noa iho te rahi o te whenua e kīia nei he whenua Māori. O ngā poraka rāhui katoa o Whakataki, i eke rā ki te 6620 eka te rahi i te tau 1874, e 92 eka (1.3%) noa iho e noho tonu ana hei whenua Māori i tēnei rā.
- 2.58 O ērā atu rāhui e iwa i Rangiwihakaoma, e whā i hokona pūmautia i mua i te tau 1900, e toru o ēnei i hokona i te tau 1855, ā, ko Ngātāhuna, e 1552 eka te rahi, i hokona i te tau 1881. O ērā atu rāhui e rima i toe mai, e rua he tino pakupaku nei (he iti iho i te 10 eka). Ko Mataikona anake, me tōna 17,768 eka, i puritia kia mau, ā, kua whakakaporeihanatia ināianei, i raro i te Kaporeihana o Aohanga.
- 2.59 Eke rawa mai ki te tau 1900, ko tōna hautoru o ngā wāhi i rāhuitia rā i mua i te tau 1865 kua hokona atu, ā, mahue mai ana ko te 3% noa iho o te wāhi i rāhuitia rā mō ngā iwi kāinga i ngā whenua i hokona ai e te Karauna, ko tōna 44,000 eka te rahi. I tēnei rā, ko tōna 22,000 eka kei ngā iwi kāinga e mau tonu ana, arā, ko tōna 1.5% o ngā whenua katoa i hokona ai e te Karauna. Ko te nuinga kei Aohanga (e 17,684 eka), ā, noho marara ana ērā atu eka e 4,500 puta noa i te rohe.

#### **NGĀ TAKE MŌ TE TAPERE-NUI-O-WHĀTONGA ME TE KOOTI WHENUA MĀORI**

##### **Ko te Kooti me ngā Ture Whenua Māori**

- 2.60 I te tau 1862 me te tau 1865 ka pāhitia e te Karauna he ture hei whakatū mai i te Kooti Whenua Māori. Ko te mahi a tēnei kooti, he whakatau ko wai te hunga nō rātau te whenua, ā, mā konei ka hurihia te mana whenua Māori hei taitara whenua ā-takitahi i raro i te mana o te Karauna. Ka whakatahatia hoki te tikanga e kī nei mā te Karauna anake e hoko whenua Māori, e ahei ai tā te iwi kāinga rīhi, tā te iwi kāinga hoko hoki i ō rātau whenua ki te hunga tūmataiti.
- 2.61 Ka whakaturetia ki roto i ngā Ture Whenua Māori (Native Lands Acts) nei he huringa nui ki ngā tikanga whakahaere whenua Māori i te wa kāhore nei he māngai Māori i roto i te Whare Pāremata. Otirā, ko te mana whenua i noho i ngā ringa o te iwi whānui tonu i te nuinga o te wā, i riro ki te tangata takitahi nā tēnei ture, ā, tuia ki tērā, i taua tangata rā te mana ā-ture hei hoko whenua me te kore e aro ki te iwi whānui.

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### 2: HISTORICAL ACCOUNT

- 2.62 Hei āpiti atu, i te Ture Whenua Māori 1865 (Native Lands Act 1865) te mana ki te whakawhiwhi taitara ki ngā tāngata 10, ki te tokoiti rānei i tērā. Ka kīia tēnei ko te 'tikanga kia tekau ngā kaipupuri (kaiwhiwhi taitara)'. I whakaturetia hoki tā te Kooti tuku taitara ki te iwi tonu mō ngā poraka nui ake i te 5000 eka, engari i mau kē te Kooti ki te tikanga kia tekau, kia tokoiti iho rānei ngā kaipupuri (kaiwhiwhi taitara) ahakoa he pēhea te rahi o te poraka. Ko tētahi āhuatanga i hua ake rā i te tikanga kia tekau ngā kaipupuri (kaiwhiwhi taitara), he whakarāwaho i te tokomaha o te hunga nō rātau te mana whenua ki waho i ngā taitara ā-ture ki ngā poraka. Ko tōna tikanga, me noho te tangata takitahi e whai taitara ana hei kaitiaki mō te iwi whānui, engari ehara i te mea i herea taua tangata rā e te ture kia pērā.
- 2.63 I te tau 1867, nā tētahi whakarerekētanga o ngā ture whenua i whakaaetia ai tā te Kooti rēhita i ngā tāngata katoa e whai wāhi ana ki tētahi poraka ki te taitara, engari kāore tēnei wāhanga o te ture i tino whakamahia e ngā Kooti. Kāore i raua atu ki ngā ture whenua nei he tikanga e mau ai te iwi ki te whenua kia tae rawa ki te Ture Kooti Whenua Māori o 1894 (Native Land Court Act 1894), ā, kātahi ka whakaaetia te hunga nō rātau te whenua te whakakaporeihana.
- 2.64 Tērā tētahi rāhui i Ōpaki i rāhuitia rā i te hoko o te poraka o Manawatū i te Tihema o te tau 1853, ko Ōtawhake, ko Kopuaranga rānei te ingoa, e 259 eka tōna rahi. He mahinga kai, he urupā hoki i tēnei rāhui o Ngāti Hāmua, ā, ko tōna 20-30 tāngata i noho ki tēnei whenua. I te tau 1873, i hokona tēnei rāhui e te tangata takitahi nōna anake te mana whenua e ai ki te Karauna Karaati. I te tīmatanga, i whakahēngia te hokonga e Charles Heaphy, e te kaikōmihana whenua e mahi ana ia i raro i ngā tikanga o te Ture Aukati Tinihanga Whenua Māori 1870 (Native Lands Frauds Prevention Act 1870) i tōna mōhio, ko te tikanga ia ka noho taua rāhui mō te hapū. I te māharahara a Heaphy mena i a ia te mana ki te pēnei, engari, hei tāna, 'ahakoa pea taku taka ki tua atu o tōku mana ā-ture nei, me pēnei ka tika e kātia ai tētahi hokonga whakaaro kore, tikanga kore hoki.' Heoi anō, nā te mea kotahi tonu te ingoa i te taitara, i tērā tangata anake te mana ā-ture ki te hoko. I mate a Heaphy ki te whakamana i te hoko, ā, ka oti i a ia i te Hepetema o te tau 1874.
- 2.65 He nui ngā petihana i tukuna ai e ngā iwi kāinga o Wairarapa me Tamaki nui ā Rua ki te Pāremata i te tekau tau 1870. Ko te aro o ngā petihana nei, ko te whakakore i te Kooti Whenua Māori, ko te huri rānei i ngā ture whenua kia tino rerekē ai, ko te tuku mana hoki ki ngā iwi kāinga mā rātau ā rātau take whenua e whakatau. I arohia hoki ko ētahi atu take matua o te wā, tae atu hoki ki ngā utu rūri, ki ngā utu kooti, ki ngā utu karaati, ki ngā utu rōia me ngā utu kaiwhakamāori hoki; me te hapa o te aro ki te whakarite rāhui tōtika hei nohoanga pūmau ngā kaipupuri Māori o aua whenua, e whai oranga ai rātau.
- 2.66 He nui ngā utu rūri me ngā utu kooti e whakawhiwhia ai te taitara e te Kooti Whenua Māori. Ākuanei pea ka mate te hunga nō rātau te whenua ki te hoko atu i ētahi o ō rātau whenua ki te utu i ngā nama nei. Hei āpiti atu ki aua utu i takea mai rā i te Kooti tonu, tērā anō ngā utu mō te whai wāhi ki ngā whakawā a te Kooti, pēnei i te utu whare noho, i te utu kai, i te korenga e whiwhi moni i te mahi i a rātau i te Kooti. Hei āpiti atu anō, me i tukuna tētahi tono ki te Kooti e tētahi, kua mate anō pea te hunga e whai pānga ana ki te whenua ki te kuhu atu ki ngā whakahaere ki te tiaki i ō rātau pānga ahakoa kāore pea rātau i hiahia tuku i te tono ki te kooti.
- 2.67 Tērā ngā hapū o Ngāti Hāmua i tohe i te Kooti mō ō rātau pānga ki te poraka o Ōkurupatu, e takoto pātata ana ki te poraka o Te Oreore, kei te taha whakateraki o Mahitāone. He nui ngā utu kooti i hua ake i te maha o ngā whakawākanga, o ngā

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whakawākanga i whai i muri mai, o ngā pīra anō hoki. He nui tonu ngā utu rūri i eke rā ki te £490 i waenga i te tau 1881 me te tau 1895. I piki haere hoki ngā utu mō te noho whare, me te kai i te maha o ngā whakawā a te Kooti. He utu anō i hua i ngā haerenga ki Pōneke ki te tuku petihana ki te hunga whai mana. Ka nui hoki ngā nama i hua ai ki ngā tāngata o Rangitāne i a rātau e whai taitara ana ki ngā whenua i Ākura me Kopuaranga. Tērā ngā wā ka whakamahia ngā take whenua hei punga mō ngā nama a ētahi kaipupuri (kaiwhiwhi taitara) – he utu rūri i te nuinga o te wā – ā, he huarahi tēnei ki te hokotanga o ētahi wāhanga o te whenua (pēnei i te poraka o Ākura). I ētahi atu wā, ka tuku moni ngā kainoho Pākehā mō ngā utu rūri me ngā utu kooti i runga i te mōhio ka whakawhiwhia rātau ki te rīhi ā-ture i te wā ka riro i te iwi kāinga te taitara ki te whenua.

- 2.68 Nā ngā ture mō te tuku iho i te whenua (ina mate te kaiwhiwhi taitara whenua), ka tokomaha haere te nui o te hunga e pupuri ana ki ētahi poraka. Nāwai rā, ka wehewehetia ētahi poraka nui e māmā ai te hokona atu. I uua te rapu pūtea i ngā pēke mō te whakapai me te whakamahi i te whenua i te tokomaha o ngā kaiwhiwhi taitara whenua.
- 2.69 Kitea ana i te poraka o Te Oreore (wāhi o Mahitāone) ngā momo raruraru o ngā mahi whakawehewehe nei. I whakawehea tuatahitia tēnei poraka i te tau 1869 i te Kooti Whenua ki ngā poraka e whā, ā, ko te wāhanga nui ko Te Oreore Nama 3, e 460 eka te rahi, i tukuna ki te tekau tāngata nō Ngāti Hāmua, ko Karaitiana Te Korou tētahi, me te kore o te hokonga i whai here. Tae rawa ake ki te paunga o te 30 tau, kua whakawehea atu ngā pānga takitahi ki waho o Te Oreore Nama 3 nei, ā, kua hokona. Eke rawa mai ki te tau 1900, kua heke ki te 10 paiheneti noa iho nei o te poraka matua i ngā ringaringa tonu o Rangitāne. Kei ngā whenua o Te Oreore Nama 3 i tēnei rā, ko ētahi rāhui marae, urupā hoki, me ētahi poraka roa e tino whāiti ana me he 'aho-kōpere'. Ko te mea nui katoa, kei te 20 eka te rahi, ā, ko te mea iti katoa, kei te 0.1 eka tōna iti. Kei te kitea te hua o ngā wehewehenga me ngā wāwāhitanga poraka whenua i roto i ngā tau, i pā nei ki ngā poraka pēnei i Te Oreore 2C Sec 3 (e 48.87 eka, e 35 ōna kaiwhiwhi taitara), me Te Oreore 1E1B No 2 (10.43 eka, 48 ngā kaiwhiwhi taitara).

#### **Ko Ngā Hoko i Tāmaki arā Te Taha Whakateraki o Te Tapere-nui-o-Whātonga**

- 2.70 I te tau 1868, ka hoki anō te Karauna ki tāna kaupapa e riro ai i a ia Te Tapere-nui-o-Whātonga, mā te whakatū i tētahi hui nui ki Waipawa i Te Matau a Māui ki te tonga. I tēnei hui, ka whakaaetia te hokonga o tētahi whenua i waenga i 'Te Ruataniwha me Wairarapa' ā, ka tīmata te rūri, engari kāore i oti.
- 2.71 I waenga i te tau 1868 me te tau 1871, ka tukuna e te Karauna he utu timotimo nei ki ngā rangatira i maharatia ai ko rātau tērā i whai pānga ki Te Tapere. Ka whakahaeretia e te Karauna ngā whiriwhiringa kōrero mō tēnei take ki Ahuriri, ki Waipawa ki Waipukurau hoki, arā, ki waho noa atu o Te Tapere. Nā ngā utu tōmua i utua ai e ia i whakamahia hei utu i ngā rūrītanga tuatahi, me te mahara ka whakatauria te taitara e te Kooti Whenua Māori.
- 2.72 I te Āperira o te tau 1870, ka riro i te Karauna te whakaaetanga kia hokona ngā whenua rahi e toru, i mōhioia rā ko Te Ahuaturanga, ko Māharahara ko Puketoi, arā, ko te nuinga o te taha whakateraki o Te Tapere-nui-o-Whātonga. Ko ngā rangatira o Rangitāne, arā, ko Hōhepa Paewai rātau ko Manahi Paewai, ko Huru Te Hiaro, ko Nireaha Matiu (Tāmaki), ko Wirihana Kaimokopuna ētahi o te hunga i haina ai i ngā pukapuka hoko. I tono atu rātau ki te Kooti Whenua Māori mō te taitara ki ngā whenua

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- nei, ā, nō muri mai i hainatia tētahi pukapuka hoko mō te tuku i ngā whenua nei ki te Karauna.
- 2.73 I te Āperira o te tau 1870, nā te kaihoko whenua a te Karauna ki a Donald McLean i whakamōhio kua tonu ngā iwi kāinga ki te Kooti 'mō te katoa o te ngahere ki Manawatū, i Ruataniwha ki Wairarapa'.
- 2.74 Ka whakahē ētahi o ngā rangatira o Tamaki nui-ā-Rua i ngā mahi hoko whenua a te Karauna. I te Ākuhata o te tau 1870, ka mea tētahi Kaihoko Whenua Karauna 'ko Hēnare [Matua], ko Nōpera, ko Pāora, ko Hakara, ko Āperahama koroua [Rautahi] me ētahi atu kei te tino whakahē. Ko Rangitāne tērā, arā ko Huru [Te Hiaro], ko Hōhepa [Paewai] me ētahi atu kei te ū ki te taha hoko, ā, kei te whakaaetia ko rātau te tino hunga nō rātau ēnei whenua'. Ka kōrero hoki taua āpiha Karauna mō te putanga mai o 'tētahi kaupapa hohonu nei ... mō te whakakotahi i ngā Māori hei aukati atu i te Pākehā'. Nā reira, i mahara ia 'ko Hēnare Matua tērā kei te whai kia tohua ia hei upoko', me te kī atu hoki 'e whakaae ana a Hēnare kāore ōna take [ki Te Tapere-nui-o-Whātonga] engari ka whakapau ia i tōna kaha ki te whakahē'. Ahakoa tēnei kōrero, i whakawhiwhia tonutia a Matua ki tētahi pānga ki roto i te poraka o Mangatoro – i te taha whakateraki o te ngahere - nā te whakawā a tētahi Kooti Whenua, i te tau 1867. Kitea ana i tētahi hui ki Waipukurau, katoa te iwi kāinga o Pōrangahau i whakahē i te hokonga o Te Tapere-nui-o-Whātonga.
- 2.75 I ngā rā tōmua o Hepetema, i te tau 1870, ka whakatūria e te Karauna he hui nui ki Waipawa ki te whiriwhiri kōrero mō ngā take whenua me te hoko o te rohe o Tāmaki. Ka mea te kaihoko whenua a te Karauna e hiahia ana te Karauna ki te hoko i ngā whenua nei ka tuku atu ai ki ngā kainoho, engari me pupuri e ngā iwi kāinga he whenua rahi tonu mō rātau me ā rātau tamariki mō ānamata. Ko te nuinga o ngā tohetohe a te iwi kāinga i te hui nei i aro nui ki te mana o ngā pānga ki ngā whenua nei.
- 2.76 Ka tīmata te Kooti Whenua Māori ki te whiriwhiri i ngā tonu mō Te Tapere-nui-o-Whātonga i te 8 o Hepetema, i te tau 1870, ki Waipawa. Ka whakaputahia e te kaihoko whenua a te Karauna he mahere i kīia rā e ia ko 'Manawatū Ngāherehere', i te āhua nei, mō te katoa o Te Tapere-nui-o-Whātonga. Nāna te Kooti i whakamōhio 'ko au te kaitohutohu i te rūritanga o te katoa o te whenua mā ngā kaitono'. Ka kī atu te kairūri a te Karauna i tupono ia ki a Aperahama Rautahi e whakahē ana, engari he iti tēnei whakahē. Ka kī hoki ia, 'kāore i oti te rūritanga' engari ka taea te whakarite mai he Karauna Karaati i tēnei mahere, ā, ehara i te mea me huri i te whenua e whakawehewehea ai ngā mahere.
- 2.77 I te 10 me te 11 o Hepetema, i te tau 1870, ka tukuna e te Kooti Whenua Māori he taitara mō ngā poraka 17 ki te taha whakateraki o Te Tapere-nui-o-Whātonga ki te tekau tāngata, ki te tokoiti iho rānei i tērā, i raro i te Ture Whenua Māori 1865 (Native Lands Act 1865). He tokomaha kē atu ngā tāngata whai pānga i kōrerotia rā i ngā tāpaetanga kōrero ki te Kooti. Ka herea te hokonga o ngā poraka e rua, arā, o Tāmaki me Piripiri. Ko te nuinga o ngā taitara mō ngā whenua nei i tukuna ki ngā kaitono i kī ai nō Rangitāne rātau, pēnei i a Huru Te Hiaro, i a Hōhepa Paewai, i a Te Wirihana Kaimokopuna (he iramutu nā Te Hirawanu Kaimokopuna), i a Nireaha Matiu (Tāmaki), i a Karaitiana Te Korou hoki.
- 2.78 Kātahi te Karauna ka huri ki te hoko i muri tonu mai i te tukuna o ngā taitara e te Kooti. I noho tārewa ngā whiriwhiringa mō te utu kia oti rā anō ngā mahi a te Kooti. I te hokitanga atu ki ngā whiriwhiringa nei, ko tētahi rōpū i raro i a Hōhepa Paewai i kī kia

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kaua e iti iho i te £30,000 e hokona ai te whenua. I te Āperira o te tau 1871, i hainatia tētahi rīhiti mō te £1300, arā mō ngā utu timotimo o mua, mō ngā utu rūri, mō ngā utu kooti me ētahi atu nama, e Karaitiana Takamoana me ētahi atu kaipupuri (kaiwhiwhi taitara) e 23 te tokomaha. I hainatia tētahi whakaaetanga hoko mō te taha whakateraki o Te Tapere-nui-o-Whātonga i te 1 o Hune, i te tau 1871 e ētahi rangatira 12 nei, tae atu ki a Takamoana rātau ko Hōhepa Paewai, ko Wirihana Kaimokopuna. Ko te £16,000 te utu hoko.

- 2.79 I te Ākuhata o te tau 1871, ka whakatūria e te Karauna he hui mō te hoko i te taha whakateraki o Te Tapere-nui-o-Whātonga. I te 16 o Ākuhata, ka riro i te Karauna te hainatanga o ngā ingoa ki tētahi pukapuka hoko mō 'Tamaki'. E toru tekau mā iwa ngā hainatanga ingoa o te hunga i whakaingoatia ki ngā taitara i mau i te Karauna i te 16 o Ākuhata, ko ētahi atu i mau i ngā wiki o muri mai, ā, nō te tau 1881 ki te tau 1882 rawa i mau ai ngā hainatanga whakamutunga o tētahi tokoiti. Mō te £16,000, ka tukuna tōna 250,000 eka, 12 nei ōna poraka, ā, kua oti kē i te Kooti Whenua Māori te whakatau nō wai aua poraka rā i te tau 1870, arā: ko Puketoi Nama 1 (e 37,000 eka), ko Puketoi Nama 2 (e 28,500 eka), ko Puketoi Nama 3 (e 33,400 eka), ko Puketoi Nama 4 (e 31,000 eka), ko Puketoi Nama 5 (e 15,500 eka), ko Te Ahuaturanga (e 21,000 eka), ko Māharahara (e 13,000 eka), ko Manawatū Nama 1 ko Umutaoroa rānei te ingoa (e 17,000 eka), ko Manawatū Nama 3 ko Te Ohu rānei te ingoa (e 20,600 eka), ko Manawatū Nama 5 ko Ngamoko rānei te ingoa (e 15,000 eka), ko Manawatū Nama 6 ko Tuatua rānei te ingoa (e 9,600 eka), ko Manawatū Nama 7 ko Rākaiaitai rānei te ingoa (e 8,200 eka).
- 2.80 Ka rāhuitia tōna 19,870 eka 'mō ake tonu atu' i ngā whenua hoko i te taha whakateraki o Te Tapere-nui-o-Whātonga. Ko ngā rāhui nei, he wāhanga nō Umutaoroa (e 4000 eka), nō Te Ohu (e 13,000 eka), nō Manawatū Nama 6 (e 1370 eka), he rāhui 1000 eka te rahi e tata ana ki Ngāawapūrua i te poraka o Te Ahuaturanga, me tētahi rāhui e 500 eka te rahi ki 'Te Rotoahiri', kei roto hoki i te poraka o Te Ahuaturanga.
- 2.81 Tērā ētahi poraka rahi tonu kāore i whakaurua ki roto i te hoko o Tāmaki i te tau 1870. E rima ngā poraka nei, ko Tahoraiti, ko Kaitoki, ko Mangatoro, ko Ōtawhao ko Ōringi Waiaruhe, kei te āhua 65,555 eka te rahi, ā, i waenga i te tau 1867 me te tau 1869 ka oti i te kooti te whakatau nō wai ēnei whenua. I purihia hoki e te iwi kāinga o Tamaki nui-ā-Rua ngā poraka o Tāmaki, o Piripiri, o Manawatū Nama 4 me Manawatū Nama 8 hoki, ka mutu, i te tau 1870 ka oti i te Kooti ki Waipawa te whakatau nō wai aua poraka.
- 2.82 I tuhia ki te pukapuka hoko i te taha whakateraki o Te Tapere-nui-o-Whātonga ka utua te £12,000 i te rā hainatanga, ā, ka 'utua te toenga ā te wā e rūritia ai ngā rāhui, ā, kia oti katoa te hoko'. I mahara te Karauna ki te whakamahi i te £4000 e toe ana ki te poa i te 'hunga whakahē' kāore i haina kia whakaae mai, ki te akiaki hoki i te hunga i haina kia whakapoa i te hunga kāore i haina. Tērā ētahi pūrongo nō mua tonu i te rā haina i kī ai ko te nuinga o te hunga whakahē nei ko 'ngā iwi o Pōrangahau', me rātau i piri atu ki a Hēnare Matua, i whakahē nei i te hoko i mua. I utua te wāhanga whakamutunga nei, e £4000 te wāriu, e te Karauna i te Tīhema o te tau 1873.
- 2.83 I te Noema o te tau 1874, e £500 ka utua e Donald McLean ki ētahi rangatira nō iwi kē hei whakamutu i ō rātau pānga ki Tāmaki.

#### ***Te Akiaki i te 'Hunga Kāore i Pīrangī ki te Hoko'***

- 2.84 I te tau 1870 me te tau 1871, ka amuamu ētahi o Rangitāne nō Tāmaki mō te Kooti me te tikanga hoko i te taha whakateraki o Te Tapere-nui-o-Whātonga, me te mahara kāore

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i āta rūritia te whenua, kāore ētahi o te hunga nō rātau te whenua i whakaae, ā, kāore hoki ngā here hoko tōtika mō ngā rāhui i whakamaua. Tērā ētahi o ngā kaiamuamu nei i tono kia tirohia tuaruatia ngā take nei e te Kooti Whenua Māori.

- 2.85 Ko ētahi o te hunga nō rātau ngā whenua nei kāore nei i whakaae ki te haina i te pukapuka hoko o te tau 1871. I te tau 1877, e whā ngā poraka kāore anō i whai hainatanga: ko tētahi hainatanga mō Māharahara, ko tētahi mō Te Ohu (Manawatū Nama 3), e whā mō Rākaiatai (Manawatū Nama 7), ā, ko tētahi mō Umutaoroa (Manawatū Nama 1). I te tekau tau 1880, ka tonoa ētahi āpiha e te Karauna ki te kohikohi i ngā hainatanga whakamutunga, i utua nei rāta ki te £1 mō te rā, ki te £10 mō ia hainatanga, ā, nō muri ka eke tēnei utu ki te £20 mō ia hainatanga.
- 2.86 I te tau 1881, ka riro i te Karauna te hainatanga whakamutunga mō Maharahara. I te tau 1882, ka whakawehea ngā pānga o Hōri Ropiha me ētahi tokotoru ki Rākaiatai e riro ai i te Karauna te taitara mō te nuinga ake o taua poraka. I te tau 1882, ka whakaae a Pāora Ropiha, i kaha nei te whakahē i ngā taitara me te hoko a te Karauna i te tau 1870, ki te £200, mō tōna hea ki Te Ohu, ā, ka whakaae hoki a Maata Te Aopukahu ki te £400 mō tōna hea ki Umutaoroa.
- 2.87 I tino kaha nei te akiaki a ngā āpiha Karauna e mau ai i a rātau ngā hainatanga whakamutunga nei. Nā tētahi te kī, e kore e tukuna ngā Karauna Karaati mō ngā rāhui kia riro rā anō i a ia ngā hainatanga whakamutunga mō te poraka whānui. I whakatumatumahia a Maata ki te kōrero e mea ana, mehemea kāore ia e haina, ka tono te Karauna kia whakawehea ōna hea hei poraka motuhake e noho nama nei i te utu tōmua i utua kētia ai ki tētahi atu rangatira, ka mutu, ka whai utu huamoni (inatereti) taua utu tōmua rā, ā, he nama atu anō hoki ka tāpirihia hei utu i ngā haere a te āpiha. Ka kī taua āpiha, nāwai, nāwai ka whakaae a Maata, ā, ka haina ia i te pukapuka hoko. He utu i tua atu i te utu hoko taketake i utua rā e te Karauna i kīia ai ki te pukapuka hoko o te tau 1871, ki te whakatutuki i te hokotanga o ngā poraka nei.

#### **Ko te Hoko i te Wāhanga Whakatetonga o Te Tapere-nui-o-Whātonga**

- 2.88 I te tau 1870, ka whakaritea mai e te Karauna he kaupapa here ōhanga hou. Ko ngā āhuatanga matua o tēnei kaupapa, ko te āwhina i te haere mai a ngā manene manomano i whai moni āwhina ki Aotearoa, ko te whakarite mai hoki i tētahi hotaka hanga kaupapa ōhanga. Ka utu te Karauna i ngā mahi nei mā te tono pūtea tārewa nui me te hokonga atu o te whenua Māori i hokona mai ai e ia. Ko Te Ture Manene me te Hanga Kaupapa Ōhanga 1870 (Public Works Act 1870) tērā i whakamana i ngā utu mō te hanga i te maha o ngā ara tereina, o ngā rori, me te āwhina i te haere mai a ngā manene.
- 2.89 I te Mei o te tau 1871, ka tuhi atu te Kaiwhakahaere ā-rohe o Pōneke ki te Hekeretari o te Whenua Maru (Koroni) ki te tono mā te kāwanatanga e hoko te wāhanga whakatetonga o Te Tapere-nui-o-Whātonga (arā, kei runga mai o te Āpiti ki Manawatū), i raro i te wāhanga 34 o te Ture Manene me te Hanga Kaupapa Ōhanga 1870 (Public Works Act 1870). Ka tono te Hekeretari o te Whenua Maru (Koroni) kia mahi tahi ngā kaiwhakahaere ā-rohe o Pōneke me Te Matau a Māui, i raro i te whakahaere a te Kāwanatanga ā-motu, i ngā whakawhitinga kōrero mō te hoko.
- 2.90 I te Hūrae o te tau 1871, ka kī atu te Kaiwhakahaere ā-rohe o Te Matau a Māui kua whakaae ngā rangatira o te wāhanga whakatetonga o Te Tapere-nui-o-Whātonga ki te



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hoko atu i ngā whenua nei. I whakapuaki hoki ia i tōna tumanako, tērā ka oti ētahi 'ritenga pai'.

- 2.91 Ka tono ngā rangatira o Rangitāne ki te Kooti Whenua Māori kia tiroirohia te taitara o ngā whenua o te wāhanga whakatetonga o Te Tapere-nui-o-Whātonga. Ka āwhina te Karauna i ngā mahi nei mā te whakarite mai i ētahi mahere tōmua mā te Kooti me te whakawehewehe i te whenua ki ētahi poraka. Te āhua nei, i whakaritea mai ngā mahere mā te Kooti i runga i te āhua o ngā whenua i hokona ai i mua, tae atu i ngā poraka o Manawatū me Ihuraua, me Puketoi ki te tonga i roto kē rā i te hokonga o mua e pā ana ki Mākurī.
- 2.92 I te Hepetema o te tau 1871, ka rangona ngā kēhi nei e te Kooti. Tērā ētahi i tono i te wā o ngā whakawā kia tangohia ngā poraka nei i ngā whakahaere a te Kooti, engari i kōkiri tonu te Kooti i āna mahi i runga i te ture e kī ana me whakaputa he whakatau. Ka tukuna e te Kooti he taitara ki ia poraka o ngā poraka tekau o te tekau mā tahi ki te tekau tāngata, ki te tokoiti iho rānei, ā, nā Rangitane ngā ingoa i tāpae ki te Kooti. Ko ngā kaupupuri (kaiwhiwhi taitara) nei, he rangatira nō Rangitāne, ā, i whai pānga ētahi ki te taha rāwhiti me te taha uru o te Āpiti ki Manawatū. Ko te poraka tekau mā tahi, arā, ko Manawatū-Wairarapa Nama 3 (e mōhiotia nei ko 'Mangatainoka') i whakawhiwhia atu ki te 56 o ngā kaiwhiwhi taitara 'me ētahi atu ka tupono heke mai i te iwi o Rangitāne'. Ka mea hoki te Kooti, 'me noho tēnei whenua hei whenua papatupu tonu mō te iwi o Rangitāne', ka mutu, i whakamahi te Kooti i te wāhanga (tekihana) 17 o te Ture Whenua Māori 1867 (Native Lands Act 1867) e whai wāhi ai ngā tāngata katoa o te iwi ki te taitara.
- 2.93 Kāore a Nireaha Tāmaki, te rangatira nui o Rangitāne ki te wāhanga whakatetonga o Te Tapere-nui-o-Whātonga i tae atu ki tēnei whakawānga a te Kooti. Ka takaroa ngā mahi a te Kooti i te kaha marangai. Ka mutu te whakawā a te Kooti, ka tuku petihana a Tāmaki ki te Pāremata. I te Oketopa o te tau 1871, ka kī atu a Tāmaki ki te Komiti Whiriwhiri Take Māori, nā te waipuke ia i kore ai i tae atu ki te Kooti. Ka werohia tēnei kōrero e ngā pononga kōrero a te Karauna. Kāore a Tāmaki i whakaae kia tukuna ōna whenua ki te 'tauhou', engari i whakaae ia he 'pānga ō ētahi' ki ngā whenua nei. Tērā ētahi mema ruarua o te Komiti i kī atu ai ki a Tāmaki me tono ki te Kooti kia whakawā anō. Ka whakahētia ngā tono kia whakawāngia anō.
- 2.94 I te 10 o Oketopa, i te tau 1871, ka riro i te Karauna ngā hainatanga a Rangitāne ki te pukapuka hoko mō ngā poraka tekau ki te wāhanga whakatetonga o Te Tapere-nui-o-Whātonga, 125,000 eka tōna rahi. I rāhuitia mai ko te 4069 eka, ā, £10,000 te utu hoko. I āta tohua ngā rāhui nei ki te mahere i tāpiritia atu ki te pukapuka hoko. Kāore i raua atu te poraka nui nei o Mangatainoka, e 62,000 eka te rahi, ki tēnei hoko.
- 2.95 Ko ngā rangatira o Rangitāne i haina rā i te pukapuka hoko mō te wāhanga whakatetonga o Te Tapere-nui-o-Whātonga ko Huru te Hiaro, ko Karaitiana Te Korou, ko Wi Waaka Kahukura, ko Mikaera te Rangiputara, ko Wirihana Kaimokopuna hoki. Hui katoa, ko tōna 60 tāngata i haina rā i te pukapuka hoko tae atu ki te Ākuhata o te tau 1872.

#### **Ko te poraka o Mangatainoka**

- 2.96 I te Noema o te tau 1871, ka mana te Ture Ara Tereina o 1871 (Railways Act 1871), i mea rā ko ngā utu katoa mō te hanga ara tereina i Wairarapa me Te Matau a Māui ka utua mā ngā hua o te hokonga atu o te whenua kātahi anō ka hokona mai e te Karauna

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ki roto i Te Tapere-nui-o-Whātonga. Hui katoa, e 296,000 eka i te wāhanga whakatetonga, 147,800 eka i te wāhanga whakateraki o Te Tapere-nui-o-Whātonga i whakaritea rā mō te ara tereina.

- 2.97 Ka āta kīia ki roto i te ture nei ko Manawatū-Wairarapa Nama 3 (arā, ko Mangatainoka) e 62,000 eka te rahi me Mangahao Nama 3, e 7,000 eka te rahi hei papa mō ngā mahi ara tereina nei ki roto i Te Tapere-nui-o-Whātonga, me te kī atu e whiriwhiri tonutia ana ngā kōrero mō te hokonga o ēnei poraka e rua. I pēneitia ngā whenua e rua nei ahakoa i te marama kotahi i mua tonu i te whakamanatanga o te Ture Ara Tereina kaore a Rangitāne i hoko i te poraka o Mangatainoka.
- 2.98 Nō te eketanga ki te 30 o Hune, i te tau 1871, kua neke atu i te £1,300 kua whakapaua e te Kāwanatanga mō ētahi rūritanga whakataki i ngā ara tereina i Pōneke ki Te Tapere-nui-o-Whātonga, ā, i reira ki Ahuriri. I mahia ngā rūritanga nei i mua tonu i te hokonga o Te Tapere-nui-o-Whātonga. Kua āhua roa te Kāwanatanga e mea ana ki te whakapau hua mai i te hokonga atu o ngā whenua nei ki te hanganga o ngā ara tereina.
- 2.99 Nō te waenganui o te tau 1872, ka mahara tētahi āpiha Karauna i te tipu te whakaaro i roto i a Hoani Meihana, i te rangatira o Rangitāne, e mea ana mā te hoko whenua ka piki te wāriu o ngā rāhui, nā te mea mā tērā ka whakaritea mai he huarahi, he kāinga noho hoki mō te Pākehā. I te Maehe o te tau 1873, ka hainatia he pukapuka utu tārewa mō runga i a Mangatainoka e Meihana, e Huru te Hiaro, e Nireaha Tāmaki, e Manahi Paewai hoki, me ētahi atu tāngata 15 nō Rangitāne, i runga i te whakaaro ka whakahokia tērā utu e ngā rangatira kia oti tētahi hokonga e whiriwhiria ana. Ahakoa ngā kupu o te pukapuka utu tārewa nei e tohu ana, tērā ka hokona te whenua, kāore he whakaaetanga i takoto i taua wā mō te hokonga o tēnei poraka.
- 2.100 I te Pepuere o te tau 1875, ka whakawehewehetia te poraka o Mangatainoka ki ngā wāhanga e ono. Ka tukuna ngā taitara i raro i te wāhanga (tekihana) 17 o te Ture Whenua Māori 1867 (Native Lands Act 1867), i taea ai ngā ingoa o ngā tāngata katoa e whai pānga ana te whakataua. Ko tōna 165 tāngata i whakawhiwhia ki te pānga (hea) i tētahi, i ētahi rānei o ngā taitara e ono nei. Ko tētahi o ngā tino kaupapa o te Ture o te tau 1867 ko te whakarite kia whakahaumarutia ngā kaupupuri katoa, ka mutu, ko te tino pou o tēnei āhuatanga, ko te tikanga e kī nei kāore e whakaaetia te hoko whenua kāore anō i whai taitara takitahi, ā, kāore hoki e whakaaetia tētahi whenua te whakawehewehe kia whakaae rā anō te tokomaha o ngā kaupupuri (kaiwhiwhi taitara).
- 2.101 I whakawhiwhia a Nireaha Tāmaki (Matiu) ki ētahi pānga i roto i ngā wāhanga e whā o Mangatainoka. Ka puta te nawe o Nireaha ki Te Wananga, ki te nūpepa nā te kaupapa Whakahētanga Hoko Whenua, i tāna kī e mea ana kāore ōna hapū e noho ana ki reira i whakawhiwhia ki te whenua, engari ia ka whakanōhia kētia mai ko ētahi kāore ō rātau pānga ki te whenua. I kaha te whakahē a Tāmaki i ngā hoko. Ka tuhi atu ia ki a Donald McLean ki te whakahau kia whakawā anō te Kooti, me te kī atu, ka hikina te pū ki te kore ana nawe e arohia. Ka hui a McLean ki a Tāmaki, me te aha, nā konā pea i tau ai ēnei take.
- 2.102 Mai i te wā i hainatia ai te pukapuka utu tārewa o Maehe, i te tau 1873, ki te tau 1877, ka utua e te Karauna ētahi utu ki ngā tāngata ruarua e whai pānga ana ki ngā poraka o Mangatainoka, ka mutu, ko tōna tokowhā anake kāore i whai wāhi ki te pukapuka utu tārewa o te tau 1873. I tuhia i ētahi o ngā rīhiti mō ngā utu nei, he 'moni utu' ka tangohia mai i te utu mō te hoko, he utu tōmua rānei mō te hoko i Mangatainoka poraka'. Kāore he kōrero i ngā rīhiti nei mō te nui o te poraka ka hokona, mō tōna utu rānei. Ko te tokoiti

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anake o ngā kaupupuri (kaiwhiwhi taitara) i whakawhiwhia ki tētahi utu (tae atu ki ngā utu tārewa o te tau 1873) – arā, ko tōna 24 pea o roto mai i te 165 tāngata.

- 2.103 I te Mei o te tau 1877, ka tuku kōrero ētahi āpiha Karauna mō tā rātau hui ki ētahi rangatira o Rangitāne i kōrero rā i tā rātau whakatau kia hokona ngā eka e 37,000, arā, tētahi haurua o te poraka nei o Mangatainoka. Kātahi ngā āpiha nei ka mea, ‘me whakatutuki rawa ngā āhuatanga o te whakaaetanga ā-tuhituhi’ i kīia rā i te pukapuka utu tārewa o te tau 1873. Ko te whakautu a Rangitāne i kī ai e kore rātau e hoko i tētahi wāhanga o te poraka. Ka kī atu ngā rangatira, i tinihangatia rātau e te kaiwhakamāori nāna nei i whakamāori te pukapuka utu tārewa o te tau 1873, ā, ‘mā rātau tonu e pīkau te nama mō te moni i tukuna ai i mua’ me te mea nei mā rātau e whakahoki ngā moni a te Karauna, e wetekina ai ngā here katoa i te whenua. Ka mea ngā āpiha Karauna ki te hui, nā ngā pukapuka utu tārewa kua whakaae kē a Rangitāne ki te hoko i te whenua. Ka hiki te hui me te kore i tau o tēnei āhuatanga.
- 2.104 Ka tuku waea te Minita Karauna, a J D Ormond, ki ngā āpiha ki te whāki i tana hōhā ki te tū o ngā rangatira mō tēnei take, ā, ka tohutohu ia i ngā āpiha ki te kī atu, kāore te Karauna e whakaae 'kia takahia te whakaaetanga' ki te Kāwanatanga e ngā kaupupuri (kaiwhiwhi taitara) o Mangatainoka. Ka whakahē ia i te kōrero i kī ai he mahi tinihanga te mahi a te kaiwhakamāori a te Karauna i te wā i hainatia ai ngā pukapuka utu tārewa. Kāore ia i whakaae ki te whakaaro o Huru te Hiaro rāua ko Peeti Te Aweawe kia riro mā rāua e pīkau ngā nama mō ngā utu tārewa. Ka whakahau hoki ia me whakaaro anō ngā rangatira, ā, ina pērā, ‘ka ngāwari ngā whakaritenga a te Kāwanatanga ki a rātau’ engari ki te kore, ‘ka herea te whenua, kia kore ai e whakaaetia te hoko, te rīhi rānei, ā, ka whakanamatia mō ngā utu tōmua’.
- 2.105 Kāore i oti i te Karauna tētehi whakaaetanga mō te hoko i te whenua o Mangatainoka, ā mutu noa te tau 1877. I te Pepuere o te tau 1878, ka pānui atu te Karauna kei a ia anake te mana hoko whenua ki Mangatainoka, ā, ka aukatia ngā hoko tūmataiti, ahakoa mā te rīhi, mā te aha kē atu rānei. Ahakoa te whakawehewehenga o te whenua i te tau 1875 ki ngā wāhanga e ono, me tōna rārangi motuhake o ngā kaupupuri (kaiwhiwhi taitara) i ia wāhanga, ko te poraka matua anake, arā ko Manawatū-Wairarapa Nama 3 anake (ko Mangatainoka rānei tōna ingoa) i tohua. O ngā tāngata 24 i whakaae ki te pīkau utu tārewa, i whakaae rānei ki te utu tōmua, kāore tētahi o rātau i whai pānga ki te poraka o Mangatainoka 2B, e 3,170 eka nei tōna rahi. Nā konei i hē ai te kupu i te pānui i kī ai kua utua tētahi moni, kua tīmata rānei ngā whiriwhiringa hoko mō tēnei poraka.
- 2.106 I waenga i te tau 1882 me te tau 1884, ka hoko pānga whenua te Karauna i Mangatainoka mā te hokohoko haere i te tangata takitahi, kua mā te whakatū hui, kua hoki mā te whiriwhiri kōrero ki ngā rangatira o Rangitāne. Eke rawa ki te tau 1884, ko tōna £12,000 kua whakapaua e te Karauna i tana hoko pānga i te poraka o Mangatainoka. I eke ngā utu tāpiri ki paku kō atu i te £731.
- 2.107 Nō te ekenga ki te marama o Pepuere o te tau 1885, kua tonu te Karauna ki te Kooti Whenua Māori kia roherohea ōna pānga ki roto o Mangatainoka, engari ka tonu a Hoani Meihana kia unu te Kāwanatanga i tana tonu. I tonu kē ia kia hui rāua ko te Minita mō tēnei take. Ka whakarārangitia e Meihana te hunga i kīia ai ko ‘ngā rangatira tiaki’ o te iwi o ‘Tanenuiarangi’ (he ingoa anō tēnei mō Rangitāne), pēnei i a Nireaha Tāmaki, i a Huru Te Hiaro, i a Wirihana Kaimokopuna hoki. Ka tuhi kōrero te Minita Māori ki te konae, ka mea me kī atu ki a Meihana kua hoko hea te Kāwanatanga i Mangatainoka, ā, ka tonu ia ki te Kooti kia kotia mai tō te Kāwanatanga wāhanga.

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### 2: HISTORICAL ACCOUNT

- 2.108 I te 21 o Āperira, i te tau 1885, ka rangona e te Kooti Whenua Māori ki Te Papaioea te tono a te Karauna mō ōna pānga ki Mangatainoka. Ka whakawhirinaki atu te Karauna ki te Ture Menemana Whenua Māori o 1877 (Native Land Amendment Act 1877), he ture e whakamana ana i te Kooti kia tukuna ki te Karauna ngā pānga ki tētahi poraka kua oti te hoko. Ka kī atu a Huru Te Hiaro 'kāore anō i oti he whakaritenga tōtika' ki te Kāwanatanga mō tēnei whenua, 'ahakoa kua roa e whiriwhirihia ana, mai i te wā i a Tā Donald McLean.'
- 2.109 I te 22 o Āperira, i te tau 1885, ka kī atu a Hoani Meihana ki te Kooti i te iwi o Rangitāne tēnei whenua e puritia ana, ā, kua oti i tētahi komiti o Rangitāne te whakarite ko whea ngā wāhi me tuku ki te Karauna, ā, ko whea hoki ngā wāhi me pupuri e Rangitāne. Ka kī atu ia, kāore te Kāwanatanga i whakaae ki tēnei kaupapa nō te mea, hei tāna, i pīrangi kē te Kāwanatanga ki te hoko i te katoa o te whenua. Ka amuamu a Meihana i te korenga o te Minita Māori, o Sheehan, i tae atu ki tētahi hui ki a 'Rangitāne katoa' i te Hanuere o te tau 1879, ahakoa tāna 'oati' ka tae atu ia. Ka kī ia kāore te Minita Māori, a Bryce, i tae atu ki tētahi atu hui i tonoa rā e Rangitāne i te tau 1882. I tuku kōrero a Meihana ki te Kooti mō ngā mahi a ngā āpiha Karauna i whai rā i ngā hainatanga i ngā tāngata takitahi i roto i ngā paparakautā. Hei tāna: 'i mahara au ehara tēnei i te mahi a te Kāwanatanga, engari nā tētahi kamupene'.
- 2.110 Nō te kīngā atu a Meihana nō te iwi o Rangitāne tēnei whenua, ka mea te Kooti i tukuna te taitara 'ki ngā tāngata takitahi kē, kua ki te iwi'.
- 2.111 Ka tono a Hoani Meihana kia hikina te Kooti mō te rima marama. Ka kī atu ia 'ko tēnei te pito whakamutunga o ō mātau whenua. Kāore i kō atu. Kei te pīrangi mātau ki te rima marama kia oti ai ā mātau whakariterite takitahi nei, ā-iwi nei hoki, mō te tuku atu i ngā whenua, otirā, i te wāhanga e toe ana ki a mātau'. Kāore te Karauna i whakaae kia pēnei rawa te roa. Ka tuku waea te Minita Māori, a John Ballance, ki te āpiha Karauna i te Kooti i taua rā tonu, ka kī atu ai kia 'whakahētia te hikitanga'. Ka hiki te Kooti mō te kotahi rā, i wehe ētahi i te Kooti, pēnei i a Huru Te Hiaro rāua ko Nireaha Tāmaki, ki te tiaki i ō rātau whanaunga e whakahemohemo ana.
- 2.112 Nō te whakatuwheratanga o te Kooti i te rā o muri mai, i te 23 o Āperira, ka mea te Karauna ki te Kooti me haere tonu te whakawākanga ahakoa te korenga ōna i rongo kōrero i ngā kaupuri katoa o Rangitāne. Ka kī te Karauna, ehara hoki i te mea me noho tonu a Nireaha Tāmaki me ētahi atu mō ngā take whakawehewehe whenua nō te mea kua utua kētia rātau mō ō rātau pānga.
- 2.113 Ka tono te Karauna mā Hoani Meihana e tuku kōrero, engari i tonu kē a Meihana 'kia whai tāima ia ki te whakaaro'. Ka hiki te whakawākanga mō te ahiahi. I te korenga o Hoani Meihana i hoki atu ki te Kooti, ka tuku te Karauna i tētahi pukahere e puta ai a Meihana ki te tuku kōrero. Nō mua, arā, i te ata o taua rā, ka whakaatu te Karauna i tana hiahia ki te whakamahi 'pukahere ki te rapu kōrero i te hunga ka whakangaro i a rātau anō'. Ka tuku waea te āpiha a te Karauna ki te Minita Māori, ki a Ballance, ki te rapu tohutohu mō te tuku pukahere ki a Meihana. Ko te whakautu a Ballance: 'mehemea ka taea te whakatutuki, karawhiua. Kāore ō Meihana mana ki te whakahē me te kore e tuku kōrero i muri i tāna tono kia hikina te Kooti Whenua. Mehemea kei a tāua te ture, kua e tukuna kia whakakōpekapeka noatia tāua'.
- 2.114 Nō te hokinga ki te Kooti i te 24 o Āperira, kua huri ngā whakaaro o te āpiha a te Karauna, me tana kī kua whai whakaaro ia ki ngā kupu a Meihana, ā, nō te mea kua mate ngā 'whanaunga rangatira e rua' he 'tika tonu' kia hikina te tono a te Karauna.

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### 2: HISTORICAL ACCOUNT

- 2.115 Nō te Hune o te tau 1885 i rongō anō te Kooti i te tonu a te Karauna kia whakawehea mai ōna pānga. Kitea ana i ngā pūranga kōrero a te Kooti, he nui ngā whakatau (ōta) ka oti me te kore i whakahētia, ā, i te nuinga o te wā, he tohu tēnei kua oti tētahi whakaaetanga ki waenga i te āpiha Karauna me te hunga kāore i pīrangi ki te hoko ki waho atu i te Kooti mō te āhua o te whakawehewehetanga.
- 2.116 Ko te nui o te whenua i tukuna ki te Karauna i te tau 1885, hei tā ngā tauranga o te āpiha Karauna, he 42,424 eka nō roto mai i te 66,395 eka (kua rerekē te nui i te 62,000 eka i whakatau tatangia ai i te tau 1871). I ngā tau e rua o muri mai, 14,305 eka anō ka hokona e te Karauna. Ko tōna 90 eka atu anō i hokona e te Karauna i raro i ngā ture hanga ōhanga mō te piriti ki Ngaawapurua. He hokonga anō i whai i muri mai. Eke rawa ki te tau 1890, e 58,000 eka, arā, ko tōna 87 paiheneti o te poraka kua riro i te Karauna. He rite tonu te kitea o ngā ingoa o ngā rangatira o Rangitāne, o Huru te Hiaro, o Nireaha Tāmaki (Matiu), o Wirihana Kaimokopuna, o Peeti Te Aweawe hoki i te rārangi o ngā kaupupuri e toe tonu ana.
- 2.117 I te tau 1877, ka whakaae a Nireaha Tāmaki rāua ko Huru Te Hiaro me te Karauna kia hangaia tētahi piriti i te awa o Manawatū, i te pito whakateraki o te poraka o Mangatainoka. Ka whakaae hoki te Karauna ki te utu i a rāua ki te £25 i ia tau mō te whakahaere waka hāhāri tāngata ki runga o Manawatū. I te tau 1881, ka oti i a Nireaha rāua ko Huru me te Karauna tētahi whakaaetanga hou te whakarite, ā, ka whakamutua e rāua te kirimana hāhāri tāngata mā te waka mō te £100. Nō muri mai, kāore te Karauna i huri ki te āwhina i a rāua e eke ai rāua me te kore utu ki te waka hāhāri tāngata o te kaunihara ā-rohe, ahakoa ngā whāinga me ngā amuamu a ngā rangatira. Ka whakaotia e te Karauna te piriti ki Ngaawapurua i te tau 1885. Ka takaroa te tuku utu ki te hunga nō rātau te whenua i te whakawehewehetanga o te poraka matua e te Kooti Whenua Māori.
- 2.118 Nō muri i te tau 1890, ko te nuinga o ngā hoko i Mangatainoka i hokona ki ngā kaihoko tūmataiti. I tēnei rā, e toe ana ko tōna 460 eka, he iti iho i te kotahi paiheneti o te 66,000 eka i te poraka matua.

#### **'NGĀ TOHU O TE HAKI': TE TŌMUA O TE KORENGA O TE WHENUA ME NGĀ KAUPAPA POROTĒHI**

#### **Ngā Whiriwhiringa Tōrangapu ki waenga i te Karauna me Rangitāne i te tekau tau 1860**

- 2.119 I ngā Pakanga o Aotearoa i te tekau tau 1860, he tokomaha tonu ngā tāngata o Rangitāne ki Wairarapa me Tamaki nui-ā-Rua i whai i te Kīngitanga o Waikato. I te Ākuhata o te tau 1861, ka kīia e te āpiha Karauna, ko ngā rangatira o Rangitāne, arā, ko Wī Waaka rātau ko Retimana te Korou, ko Ihaia Whakamairu hoki o Mahitāone me Ōpaki, ētahi o te hunga e ngākaunui ana ki te Kīngitanga. I te tau 1868, ka mea ngā kōrero a ngā āpiha Karauna, ko te tokoiti anake o ngā iwi kāinga i noho whakaraupapa rānei, i 'piri' rānei ki te Kuini, i ngā pakanga i tū rā ki Taranaki me Waikato i te tau 1863 ki te tau 1866. Ka tae atu te Pai Mārire ki te Wairarapa i te tau 1865, ā, he tokomaha te iwi kāinga i piri rā ki te Kīngitanga i hāpai rā i te whakapono hou nei me ōna tumanako ki te mana motuhake. Ko Karaitiana Te Korou tērā i tuhituhi i te rongopai o te Pai Marire, arā, i te *Ua Rongopai*, ā, ka huri a Wī Waaka mā ki te whawhai ki Taranaki i te tau 1865 ki te tau 1866 i te taha o ērā o reira e whai ana i te Pai Mārire, ka mutu, he tokomaha tonu i mate atu ki reira. Ko ētahi o te iwi kāinga i hāpai i te ingoa tipuna hei tohu i tā rātau piri atu ki te Pai Marire. Ka tapaina a Wī Waaka ki te ingoa o Te 'Rangiwhakaewa'. Hāunga anō ngā take ohore o te wā taua tekau tau rā – ko te nuinga, he whakautu nā ngā iwi o

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te rohe ki ngā whawhai o wāhi kē – kāore i pakaru mai te whawhai ki te Wairarapa me Tamaki nui-ā-Rua.

#### **Ko Pāora Pōtangaroa**

- 2.120 He poropiti a Pāora Pōtangaroa i heke mai i a Rangitāne, arā, i a Te Hika a Pāpāuma me Ngāti Hāmua. I te tau 1877, ka tuhi atu a Paora me ētahi atu o Te Hika o Papauma i Aohanga mō 'ngā niho o ngā ture [whenua Māori] e kaha nei te kai i te tāngata me te whenua. Kua kite mātau, te iwi Māori nei, i te hē o ngā whakatau o tēnei hanga, o te Kooti, e kī nei nō te tauhou te whenua, e whakatau nei i ngā whenua ki te tangata kōrero teka ...kāore mātau e pai ki ēnei ture'.
- 2.121 I te Maehe o te tau 1881, ka karangatia e Te Pōtangaroa he hui nui ki Te Oreore (wāhi o Māhitāone), ā, ka whakairia e ia he haki e mau nei i ngā tohu poropiti, arā he whetū, he korowai, he koti hōia, he tohu anō. Ka wero ia i te hui mā rātau e whakamāori ngā tohu o te haki, enagri kāore i taea e tētahi. Nō muri mai, ka whakaatu a Pāora i tāna matakite ki te iwi e mea ana me kua a Rangitāne me ētahi atu iwi o Wairarapa e hoko whenua, e rīhi whenua, e utu nama rānei. Nāwai, ka kitea ko te tikanga o ngā wāhanga o te haki, ko ngā poraka nui kua hokona, ā, ko ngā whetū ngā rāhui iti e toe ana ki te iwi kāinga. Koinei 'ngā tohu o te haki', ngā tohu o te haki a Pāora Pōtangaroa. Ka mea ia, kei te raruraru te motu [a Aotearoa] nō te mea kua riro te whenua me te mana motuhake i te Māori ki te Pākehā (otirā, ki te Karauna). Ka mea ia ko te koti hōia te tohu mō te mana o te Karauna e kai nei i ngā whenua.
- 2.122 Heoi anō rā, he oranga hoki i ngā kōrero a Pāora mō ōna iwi. I kī atu ia ki a rātau, kia kaha tō rātau whakapono, ka kauria e ia te moana i te kākahu hōia ka hari ai i te Tiriti o Waitangi ki a Kuini Wikitōria māna e whakamana. He tokomaha tonu te iwi i whakapono, tērā kua tutuki tēnei matakite i te haerenga o te Ope Hōia Māori Eke Hōiho o Wairarapa (Wairarapa Native Mounted Rifles) ki Rānana i te tau 1899 ki ngā whakanui i te ono tekau tau o Kuini Wikitōria e kuini ana. Ka tae katoa atu ngā hapori o Rangitāne, tae atu ki ngā hāpu nō Te Tapere-nui-o-Whātonga, ki taua hui i te tau 1881 i noho rā hei tohu i te whānui o ngā māharahara ki ngā take i kōrerotia rā e Pōtangaroa.
- 2.123 Ko Pōtangaroa tē kaiārahi i tū ai te whare rūnanga i tapaina nei ko Ngā Tau e Waru ki te marae o Te Oreore. He rite tonu te hui a Rangitāne me ērā atu iwi o Wairarapa, ki Te Oreore tonu, ki te whakamaumahara ki ngā poropiti a Potangaroa. I tēnei rā, kei te tū a Ngā Tau e Waru hei pou matua mō Ngāti Hāmua me Rangitāne whānui.

#### **Ngā Raruraru mō te Ture Whakariterite Pānga Whenua**

- 2.124 I te tau 1886, ka whakaturetia he ture i kīia ai ko te Ture Whakariterite Pānga Whenua Māori 1886 (Native Equitable Owners Act 1886). I whakaritea tēnei ture hei whakatikatika i ngā whakatoihara i hua ake i ngā taitara i tukuna ki raro i te tikanga kia tekau ngā kaupupuri (kaiwhiwhi taitara) o te Ture Whenua Māori 1865, nā reira i hokona ai, i rīhingia ai, i mōketengia ai rānei te whenua nā te tokoiti me te kore i whai whakaaro ki te whānuitanga o te hunga me ō rātau pānga ki te whenua. Nā te ture nei o te tau 1886 i mana ai tā te Kooti Whenua Māori whakaingoa tāngata hou ki ngā taitara whenua i tukuna i mua ki te tekau tāngata anake.
- 2.125 Kāore i nui ngā nawe o Rangitāne mō te tikanga kia tekau ngā kaupupuri (kaiwhiwhi taitara) i whakatauria e tēnei ture. He nui ngā wā, i te roanga o te wā i waenga i te tau

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1890 ki te tau 1910, i tukuna ai e ētahi tāngata he tono mō ngā rāhui i Te Tapere-nui-o-Whātonga i raro i te Ture Whakariterite Pānga Whenua Māori, kia tāpirihia atu hoki ō rātau ingoa ki ngā taitara. I ngā whakataunga mō ngā rāhui i te Ahuaturanga, i te Umutaoroa (ko Manawatū Nama 1) me Tuatua (Whiti-a-Tara), ka kīia e ngā Kooti kāore ō rātau mana ki te whakamahi i te Ture o te tau 1886, i ētahi atu ture rānei ka whai mai, nō te mea kāore ngā taitara o ēnei poraka i tukuna i raro i te Ture Whenua Māori o te tau 1865. Ahakoa, i te tau 1870, ka whakatauria e te Kooti i 1870 ko wai mā te hunga me whai wāhi ki ngā taitara o ngā poraka matua, kāore i tukuna he tiwhikete taitara i raro i te Ture o te tau 1865 i mua i tā te Karauna hoko i ngā poraka matua i te hokonga o Tāmaki o te tau 1871. Nō muri mai, ka tukuna e te Karauna te taitara o ngā rāhui i raro i ngā tikanga o te Ture Whenua Tūao me Ētahi Atu 1877 (Volunteers and Others Lands Act 1877) ki te tekau kaupupuri (kaiwhiwhi taitara), ki te tokoiti iho rānei i huaina rā i te whakatau a te Kooti i te tau 1870. Ka puta te whakatau a te Hūpirimi Kooti (te Kooti Matua) i te tau 1906 i kī ai kāore he mana o te Kooti Whenua Māori ki te tiroiro i ngā take a te tokomaha nō te mea i tukuna ngā Karauna Karaati ki raro i te Ture o te tau 1877, arā, kāore i tukuna te taitara i raro i tētahi Ture Whenua Māori.

- 2.126 Ka porotēhi a Rangitāne tāngata mō tēnei āhuatanga, ā, ka tuku petihana ki te Pāremata me ngā Minita. Ahakoa ngā whakamātau a te Karauna ki te kimi rongoā, kāore i kitea mai he rongoā ā-ture mō ngā kaitono.
- 2.127 I hinga ngā tono ki raro i te Ture Whakariterite Pānga mō ngā poraka o Kaitoki, o Mangatoro, me Ōringi Waiaruhe i whai taitara ai i te tau 1867, nō te mea kāore he pānga o te ture ki te whenua kua oti kē te hoko. Kāore he rongoā ā-ture nei mō ngā kaitono nei e tirohia ai ō rātau pānga ki ngā wāhanga e toe tonu ana i ngā poraka nei.
- 2.128 I ētahi wā, ka angitu ngā tono i raro i te Ture Whakariterite Pānga nei. I te tau 1892, ka tirohia e te Kooti Whenua Māori te poraka o Piripiri, ka whakawhiwhia nei te taitara i te tau 1870 i raro i te Ture Whenua Māori o te tau 1865, ā, ka whakatau ko te hunga i whakawhiwhia ki te taitara i te tau 1870 he kaitiaki kē, ka mutu, 'kua āta whakarāwahotia te hunga nō rātau te poraka'. Nāwai i tekau anake ngā kaiwhiwhi taitara, ka tukuna anō te taitara ki ngā kaiwhiwhi taitara 124. I te tau 1897, ka tukuna anō e te Kooti Whenua Māori te taitara o Tahoraiti Nama 2 ki ngā kaiwhiwhi taitara e 74. Ka tāpirihia atu hoki he ingoa anō ki te taitara o Tahoraiti Nama 1. I tukuna tuatahitia te taitara o Tahoraiti i te tau 1869.

#### **Ko te Hoko i Ngā Rāhui i Te Tapere-nui-o-Whātonga**

- 2.129 Nō muri mai i te hokonga o Tāmaki i te Ākuhata o te tau 1871, e rima ngā wāhi i rāhuitia ai i Umutaoroa, i Te Ohu, i Te Whiti-a-Tara (ko Tuatua rānei) me te Ahuaturanga (e rua ngā rāhui), e 20,000 eka te rahi o roto mai i te 250,000 eka i hokona ai. E ai ki te pukapuka hoko mō te taha whakatetonga o Te Tapere-nui-o-Whātonga i hainatia ai i te Oketopa o te tau 1871, e waru ngā wāhi irāhuitia, e 4,369 eka te rahi o roto mai i te 125,000 eka. I waenga i te tau 1872 me te tau 1883, ka hokona e te Karauna ngā rāhui e ono o te taha whakatetonga o Te Tapere-nui-o-Whātonga.
- 2.130 I te Ākuhata o te tau 1892, ka tuhi atu ngā rangatira o Rangitāne, tae atu ki a Nireaha Tāmaki rāua ko Huru Te Hiaro, ki te Minita Māori ki te amuamu mō 'ngā kino e pēhi ana i a Rangitāne', tae atu ki ngā tikanga kia tekau ngā kaiwhiwhi taitara, ki 'ngā wāhi i rāhuitia ai i ngā poraka i hokona ai ki te Kāwanatanga. I mahara te iwi kua rāhuitia ngā wāhi nei hei nohoanga, hei oranga mō te iwi, engari kei te hokohokona'. Hei tā rātau anō, 'kei te pōuri te iwi o Rangitāne nō te mea hoki kāore e roa kua kore noa iho nei he

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### 2: HISTORICAL ACCOUNT

whenua hei nohoanga mō rātau (hāunga anō ngā tāngata 10 i whakawhiwhia ki te whenua). Ka waiho e te Karauna tēnei amuamu ki te konae 'kia puta ake anō tēnei take'.

- 2.131 Nō roto mai i te rua tekau tau, i te tuhinga o tēnei reta, ka hokona katoatia ngā rāhui i Te Tapere-nui-o-Whātonga. Ahakoa te Ture Whakariterite Pānga, me ētahi atu here hoko, kāore ngā rāhui nei i noho ki ngā ringaringa o Rangitāne. Eke rawa mai ki te tau 1900, kua hokona katoatia ngā rāhui i Te Umutaoroa me Te Ohu i te taha whakateraki o Te Tapere-nui-o-Whātonga. Ko ngā rāhui i Te Whiti-a-Tara me Te Ahuaturanga ērā i hokona katoatia i te tau 1913, nō muri mai i ngā tono a te hunga nō rātau te whenua kia hokona atu, kia wetekina rānei nga here, ā, nō muri hoki i te whakahēnga o ngā tono whakariterite pānga a te hunga i whakarāwahotia i ngā taitara. I te tau 1908 me te tau 1909, i te taha whakatetonga, ka wetekina katoatia e te Karauna ngā here hoko mō ngā rāhui i Eketahuna me Pahiatua, ā, nā te Karauna, nā te hunga tūmataiti hoki ngā rāhui i hokohoko.
- 2.132 Nō reira, i te tau 1913, kua hokona katoatia ngā rāhui katoa o Te Tapere-nui-o-Whātonga i whakaritea ai e te Karauna i ngā hokonga nui e rua i te tau 1871. I toe ki a Rangitāne i waenga o Takapau me ngā whenua o runga ake o Eketahuna ngā wāhanga whenua o te poraka o Mangatainoka, ko tētahi rāhui e 20 eka te rahi ki Kauhanga (e tata ana ki te Apiti ki Manawatū), me ētahi whenua iti i noho mārara nei ki roto i te taha whakateraki o Te Tapere-nui-o-Whātonga.

#### **Ko te tono a Nireaha Tāmaki ki te Kaunihera a te Karauna (te Piriwi Kaunihera)**

- 2.133 I te tau 1892, ka tuku a Huru te Hiaro me tētahi tokorua i tā rātau petihana ki te Pāremata ki te rapu utu (kamupeneheihana) mō tētahi hapa rūri i kī nei rātau nā reira i riro atu ai te 5000 eka o ngā whenua i waenga i Kaihinu me Mangatainoka. I te Hūrae o te tau 1893, ka tukuna e te Karauna ngā whenua e tonoa nei e Huru te Hiaro hei hokotanga atu.
- 2.134 I te tau 1894, ka tono a Nireaha Tāmaki ki te Hūpirimi Kooti (koira te ingoa o te Kooti Matua i tērā wā) mō te whenua e tohea nei, arā, kia kīia e te Kooti kua hē te tuku kia hokona atu. Hei tāna, he wāhanga tēnei nō te poraka o Mangatainoka i puritia rā e te iwi kāinga, he whenua papatupu rānei. I te kawenga o tēnei take ki te Kooti Pīra, ka kī taua Kooti, mō te take i waenga i a Nireaha Tāmaki me Baker (1894), kāore ōna mana ki te tiroiro i te tika o ngā mahi hoko whenua Māori a te Karauna. Ko te pūtake o tēnei whakataunga, ko tētahi whakataunga o mua i waenga i a Wi Parata me te Pihopa o Pōneke (1877), i kī ai ko ēnei mahi a te Kāwanatanga e kore e tirohia anō.
- 2.135 Ka tono pīra a Nireaha ki te Kaunihera a te Karauna, me te aha, ka toa i te take i waenga i a Nireaha Tāmaki me Baker (i te tau 1901) mō te take ture arā mehemea ka taea e ngā kooti te tiroiro ngā mahi a te Karauna mō te hoko i te whenua Māori i runga i ngā tikanga o te ture e whakamana nei i ngā mahi a te Karauna. Kitea ana e te Kaunihera a te Karauna, ka whai wāhi te tikanga Māori ki roto i ngā ture o Aotearoa. Ka kīia e ia he mea nui te korenga o tētahi rūri ki roto i tēnei kēhi. Nā tēnei whakatau i āhei ai tā Nireaha tonu ki ngā kooti i Aotearoa kia tirohia anō te take e pātai ana mehemea he whenua Māori tonu te 5,184 eka e tohea nei nō ngā iwi kāinga o te taha whakatetonga o Te Tapere-nui-o-Whātonga.
- 2.136 Hei urupare ki te whakatau nei a te Kaunihera a te Karauna, ka oti i te Karauna te whakarite atu ki a Nireaha Tāmaki he whakataunga, ka whakamana hoki i te Ture



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### 2: HISTORICAL ACCOUNT

Whakatikatika Ture Whenua Māori 1901 (Native Land Claims Adjustment and Laws Amendment Act 1901) ki te whakatutuki i tēnei me ētahi atu whakataunga. Ka whakaae te Karauna ki te utu i te £4566 ki te hunga nō rātau te whenua i mua, kia unuhia ai ō rātau pānga ki te whenua. Ka riro mā te Kooti Whenua Māori e whakatau ko wai mā tēnei hunga. I te tau 1904, ka oti nei tētahi whakaaetanga ki waenga i ngā rōpū katoa, ka whakamanatia tētahi ture kia mutu ai ngā kēhi katoa mō tēnei āhuetanga. Ka whakamanatia te Ture Tohu Taitara Whenua 1902 (Land Titles Protection Act 1902) ki te whakakore i tā te Māori āhei ki te tohe mā te kooti ngā taitara i tukuna ai i te tekau tau i mua, i mua noa atu rānei i te whakamanatanga o te ture.

#### Te Kotahitanga

- 2.137 I te tekau tau 1890, i tautoko ngā hapū me ngā hapori o Rangitāne i te Kotahitanga, i tū nei ōna hui ki Pāpāwai ki roto i te Wairarapa. Ko Nireaha Tāmaki tērā, ko ētahi atu o ngā rangatira o Rangitāne hoki i whai tūranga nui ki roto i ngā pāremata i tū ki Pāpāwai. He nui tonu ngā iwi i whakawhirinaki atu ki ngā pāremata nei o te Kotahitanga, i tū nei ki ngā takiwā o Te Ika a Māui i te tekau tau 1890, i whai nei hoki i te tautoko a te Karauna kia tū ai rātau hei rōpū whakatau take mō ngā iwi Māori.
- 2.138 I te tau 1897, ka haere tētahi rōpū hōia Māori, i roto rā hoki ētahi tāngata o Wairarapa e hono ana ki te Kotahitanga, e kīia nei ko te Ope Eke Hōiho Mau Raiwhara o Niu Tīreni ki Ingarangi ki te whakanui i te ono tekau tau o Kuini Wikitōria e kuini ana. Ko Kāpene Rīmene tērā, nō Rangitāne, i uru atu ki tēnei rōpū. Ka tukuna e te hunga Kotahitanga nei tētahi petihana ki te Pāremata o Ingarangi kia mau tonu ngā iwi ki ngā whenua Māori, e 5,000,000 eka te rahi, e toe tonu ana. Ka kīia tēnei āhuetanga e te Kotahitanga ko te whakatutukitanga o te kupu poropiti a Pōtangoaroa i te tau 1881 i kīia rā ka kauria e ia te moana ki Ingarangi i te kahu hōia ki te kimi rongoā i te Kuini mō ngā mate o te whenua.
- 2.139 Ka whakamā te Kāwanatanga o Te Hētana i tēnei petihana. Nō tōna hokinga mai i Ingarangi, ka kawea e Te Hētana he Pire hei whakahou i ngā ture whenua Māori ki te hui a te Kotahitanga i tū ki Pāpāwai. I te tau 1900, ka whakaturetia te Ture Poari Whenua Māori 1900 (Māori Lands Administration Act 1900) me te Ture Kaunihera Māori 1900 (Māori Councils Act 1900). Ka tukuna he momo mana whakahaere i ngā whenua Māori, i ētahi atu take Māori hoki, ki ngā kaunihera ā-iwi i raro i ēnei ture, engari i noho wehe ngā whakaaro o te iwi Māori mō ōna painga. Heoi anō, ka haukotia te wāhi ki te Māori i ngā mahi whakahaere whenua i te Ture Whakatau Whenua Māori 1905 (Māori Land Settlement Act 1905). Ka meatia ki te Wāhanga 5 o tēnei ture me toru ngā mema o te Poari Whenua Māori, ā, me Māori tētahi anake o rātau. Nā tētahi ture o te tau 1913 i mutu ai tā te Māori whai wāhi ki ngā whenua e whakahaeretia ana e ngā poari nei.

#### Ko Wairarapa Moana

- 2.140 He puna kai a Wairarapa Moana mō Rangitāne ki roto i ngā rau tau, arā, ko Wairarapa Moana tonu, ko Ōnoke, ko ōna awa, ko ōna repo, ko ōna hōpua hoki. Ko Ngāti Hāmua tērā i whai take ki te moana, ko ngā hapū aho-rua hoki, ko Ngāi Tūkoko, ko Ngāti Hinetauirā, ko Ngāti Te Whakamana hoki (nō Rangitāne tētahi aho whakapapa, nō iwi kē tētahi). He nui ngā kai i ngā moana nei, he tuna, he pātiki, he inanga, he kokopu, he pārerā, he aruhe, he korau. Kīia ana i ngā kōrero tuku iho a Rangitāne, i tapaina a Wairarapa Moana e Haunui-a-Nanaia, he tohunga nō runga o te waka o Kurahaupō. Nō te whitinga o te rā ki runga i te moana, ka rarapa ōna kamo, ka tapaina atu ko 'Wairarapa'. Koinei te pūtake o te whakatauaikī nei 'ka rarapa ngā kanohi ko Wairarapa'.

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### 2: HISTORICAL ACCOUNT

- 2.141 I ngā hokonga whenua tōmua a te Karauna i te tau 1853 ki te tau 1854, e whā ngā poraka ka hokona ki te taha tonu o ngā moana, arā, ko Turakirae, ko Tūranganui, ko Tauherenikau, ko Kahutara hoki. He nui ngā whenua nei i hokona ai e te Karauna ki ngā kainoho Pākehā. Ka tipu te riri ki waenga i tēnei hunga me ngā iwi kāinga mō te āputa ki te papa kirikiri ki Ōnoke. Nā ngā tai o te moana ka kapi tēnei āputa mō ētahi marama i ia tau. I te kapinga, ka āhei tā ngā iwi kāinga hopu tuna i ngā marama o te raumati. He manomano tonu te tuna ka ranga atu ki roto o Ōnoke. I te kapinga o te papa kirikiri, ka waipuke hoki ngā whenua pāmu i te taha o Wairarapa Moana e nōhia nei e ngā kainoho Pākehā. Nā konei, ka hiahia ngā kainoho Pākehā nei kia tuwhera te āputa o te papa kirikiri ki Ōnoke i ngā wā katoa e rere ai ngā wai o ngā Moana, e heke iho ai hoki te waipuke.
- 2.142 Ka tonu rongoā ngā kainoho Pākehā me ngā iwi kāinga i te Kāwantanga. I te tau 1876, ka whakamātau te Karauna ki te hoko i ngā moana. Heoi anō rā, he ruarua noa iho te hunga ka whai wāhi ki ngā mahi nei, ā, ka whakahētia tēnei hoko e ngā rangatira o ngā moana. I tētahi whakataunga i te marama o Noema, i te tau 1883, ka mea te Kooti Whenua Māori 139 ngā kaipupuri o ngā moana, ā, kāore i kōrero mō tāna whakatau o mua i puta ai i te tau 1882, e mea ana, 17 ngā pānga kāore nei i whakawehea kua riro i te Karauna (nā te hokonga o te tau 1876). I te tau 1890, ka whakatūria mai tētahi Kōmihana a te Karauna i muri mai i tētahi petihana nā ngā iwi kāinga mō ngā moana. I te tau 1891, ko te whakatau a te Kōmihana nei e mea ana, i kī taurangi a Donald McLean ki ngā iwi kāinga kāore e whakatuwheratia a Wairarapa Moana ki te papa kirikiri ki Ōnoke. Ko te whakatau hoki e mea ana, kei te iwi kāinga te mana ki ngā moana me te papa kirikiri, kei a rātau anō te mana ki te hī ika engari kāore i whai tikanga te tuku mā ngā moana e waipuke ngā whenua i hokona atu ai ki te Karauna. Ka mea kia tukuna he utu ki ngā iwi kāinga mō ētahi whenua i te taha tonu o ngā moana kāore nei i hokona ki te Karauna i te tau 1853 ki te tau 1854. Ka tohua hoki e te Kōmihana he rongoā mō te waipuketanga o te whenua.
- 2.143 Kāore te Karauna i aro ki ngā tūtohunga a te Kōmihana. I te tau 1896, ka oti kē tētahi whakaaetanga ki waenga i te Karauna me ngā rangatira o ngā iwi kāinga e tukuna ai ngā moana ki te Karauna, ā, kia whakawhiwhia te iwi kāinga ki ētahi 'rāhui e rahi tonu ana' i ngā tahataha o ngā moana. I hoatu e te Karauna te £2000 hei utu, arā, mō ngā moni i whakapaua rā e te iwi kāinga ki te Kooti, ki ētahi atu take e hāngai ana ki ngā tohe mō ngā moana. Kāore te Karauna i tuku i ngā rāhui i oatitia ai ki te iwi kāinga i te tau 1896. Nō te huringa o te rua tekau tau rā anō, me ngā tikanga whakauaua a te kāwanatanga, kātahi anō te Karauna ka tuku i ētahi whenua kē i te taha whakateraki o Taupō Moana hei whakakapi i ngā rāhui i ngā tahataha tonu o ngā moana. Nāwai, ā, ka neke ētahi o te iwi kāinga ki te whenua nei i te taha whakatetonga o te Rohe Pōtae, e kīia nei ko Pouākani. Nō te tekau tau 1940 rawa ka oti i te Karauna te whakarite te huarahi ki tēnei whenua mamao.

#### **'NGĀ TAU O TE KOREKORE': TE RAUTAU RUA TEKAU**

##### **Ka Ngaro te Whenua, Ka Noho Whenua Kore te Iwi**

- 2.144 I te tau 1886, ka kitea i tētahi pūrongo kāwanatanga mō ngā whenua Māori ki Wairarapa me Tamaki nui-ā-Rua, tērā ko tōna 215,500 eka i rāhuitia ki te iwi kāinga, i kīia rānei kāore e hokona. Waihoki, tērā ētahi whenua papatupu kāore anō i whakawākia e te kooti, i eke rā ki te 95,442 eka te rahi ki roto o 'Te Taha Hauāuru o Wairarapa' me ētahi anō ki roto i te taha whakateraki o Tamaki nui-ā-Rua, me tōna 140,000 eka. Ko tōna 450,000 eka, arā, ko te 18 paiheneti o roto mai i te 2,500,000 eka, te nui o ngā whenua i ngā ringaringa tonu o te iwi kāinga i ngā tau o waenga i te tekau tau 1880.

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.145 Ka eke ki te wā o ngā pūrongo a te Kōmihana Stout-Ngata i te tau 1908 ki te tau 1909, ko tōna 129,000 eka i ngā ringaringa tonu o te iwi kāinga i Wairarapa me te taha whakatetonga o Te Tapere-nui-o-Whātonga, ā, i a rātau hoki ko tōna 124,000 eka i te taha whakateraki me te takutai moana o Tamaki nui-ā-Rua. Nō te taenga ki te tau 1908, ko tōna 253,000 eka i ngā ringaringa tonu o te iwi kāinga, arā, ko tōna 10 paiheneti tērā o te rohe whānui. Kāore he kōrero a te Kōmihana mō te whenua papatupu i tēnei rohe.
- 2.146 I te tau 1908, ka whakaaturia e te Kōmihana te āhua o te papori Māori me tōna ōhanga ki tēnei takiwā, me te kī atu 'i te āhua nei, he tokoiti noa iho ngā Māori o tēnei takiwā e tahuri ana ki te mahi pāmu mā rātau. Kei te mahi te tokomaha o ngā taitamariki mā te Pākehā, ā, ko ngā kaumātua kei te whai oranga i ngā rēti'. Ka kōrerotia e te Kōmihana te hiahia o te tokomaha o te iwi kāinga 'ki te whakahaere pāmu i runga i te tika', ā, kia rāhuiatia ngā 'mōrehu whenua' hei nohoanga mō te Māori'.
- 2.147 I tāna pūrongo whakamutunga mō te whenua Māori whānui nei, ka kī atu te Kōmihana kua taea te whakatika te nuinga o ngā take ōhanga e hua mai ana i te kore whakamahinga o te whenua Māori 'mehemea rā i aro ngā Pāremata o mua ki ngā mahi e hurihia ai te Māori hei kaupāmu, hei kainoho whaihua'.
- 2.148 Ahakoa kua heke ki te tekau paiheneti noa iho o ō rātau pānga whenua o mua i toe tonu ki a Rangitāne me ērā atu o te iwi kāinga i te tau 1909, ā, ahakoa anō ngā whakatūpato a te Kōmihana Stout-Ngata, ka unuhia atu e te Ture Whenua Māori 1909 (Native Land Act 1909) ētahi o ngā here hoko. I te tau 1910 ki te tau 1919, ka hokona atu ko tōna 13,000 eka i roto o Tamaki nui-ā-Rua. Nā te whānui o te hoko, ka whai oranga paku haere nei ngā hapori o Rangitāne i ngā mahi whakatipu kai me te mahi ki ngā pāmu me ngā pakihī Pākehā.
- 2.149 Tae rawa ake ki te tau 1939, ko te āhua 3.5 paiheneti o ngā whenua o Wairarapa me Tamaki nui-ā-Rua i toe, i roto tonu i ngā ringaringa o te iwi kāinga. Nā runga i tēnei āhuatanga, ka noho pōhara ngā hapori o Rangitāne, kāore hoki i whai wāhi ki te ōhanga o Aotearoa i runga i te whai whenua, i te whai rawa kē rānei. Ka noho te pōhara nei hei pūtake mō ngā taimahatanga i pēhi ai i te iwi, pēnei i te kore eke ki roto i te rāngai mātauranga, i te tūkinotanga whānau me te whakamomori ki waenga i te hunga rangatahi.
- 2.150 I tēnei rā, kei te āhua 2 paiheneti noa iho te rahi o te whenua Māori o te rohe kei ngā ringaringa tonu o te iwi kāinga.

#### **He Tango Whenua mō ngā Mahi Hanga Ōhanga Tūmatanui**

- 2.151 Mai i te tekau tau 1870, ka whakamahia e te Karauna me ngā kaunihera ā-rohe he mana ture ki te tango i ngā whenua o Rangitāne mō ngā mahi hanga ōhanga tūmatanui. He iti, he kore rānei, ngā whiriwhiringa kōrero a te Karauna ki a Rangitāne, ki te iwi Māori whānui, mō te kaupapa here me te whakatinanatanga mai o ngā ture hanga ōhanga tūmatanui i mua i ngā tau waenga o te rautau rua tekau. Ko tōna 1700 eka i tangohia i a Rangitāne me ērā atu o te iwi kāinga, puta noa i te Wairarapa me Tāmaki-nui-ā-Rua, tae noa ki te tau 1981. He ruarua noa iho ngā wā i whiriwhiritia he kōrero mō ngā tangohanga nei ki te hunga nō rātau te whenua, tae noa mai ki te wāhanga tuarua o te rautau rua tekau. Ko te āhua nei, i te nuinga o te wā i utua te utu (kamupeneheihana) i whakaritea ai, engari, tērā ētahi wā i takaroa ai te utu.

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.152 I te tekau tau 1870 me te tekau tau 1880, kāore he pūranga mō te whiriwhiri kōrero ki te hunga nō rātau te whenua i mua i te tangohanga o te whenua mō ngā rori ki te rāhui o Whakataki ki roto o Rangiwahakaoma.
- 2.153 E 587 eka ka tangohia e te Karauna i ngā kaipupuri whenua o Rangitāne mō ngā mahi ara tereina ki roto o Te Tapere-nui-o-Whātonga i te tekau tau 1880 ki te tekau tau 1890. Tata tonu ki te 160 eka o te poraka o Mangatainoka i tangohia mō te hanganga ara tereina.
- 2.154 I te tau 1888, ka tangohia e te Karauna te 16 eka i te rāhui i Eketahuna mō te ara tereina te take. Ko te rāhui nei o Eketahuna tētahi o ngā rāhui ruarua noa nei o te taha whakatetonga o Te Tapere-nui-o-Whātonga i hokona. E £78 i tukuna hei utu (kamupeneheihana) i te tau 1892.
- 2.155 I te tau 1905, ka riro i te poari rori ā-rohe he pānui whakamana mō te tango whenua rāhui i Tautāne mō te rori te take. Ka tangohia te whenua nei i runga i te tonu a te tangata noho tata e pai ake ai tana kuhu atu ki tōna whenua mā te huarahi matua (i takoto anō te huarahi matua nei i roto tonu i te rāhui). Ko te āhua nei, kāore te poari rori i whakamōhio atu, i whiriwhiri kōrero rānei ki te hunga nō rātau te whenua, kāore hoki i whakamōhio atu i te Tari Mahi Rori o te Kāwanatanga. Heoi anō, i whai te poari rori i ngā tikanga o ngā ture hanga ōhanga o te wā, ā, nā konei, kāore i āhei tā ngā āpiha Karauna aukati atu i te tangohanga nei. I utua te utu (kamupeneheihana) i te whā tau rawa i muri mai.

#### ***He Tango Whenua ki Tamaki nui-ā-Rua***

- 2.156 He nui tonu ngā tangohanga whenua mō ngā mahi hanga ōhanga tūmatanui ki te takiwā o Tamaki nui-ā-Rua ka tangohia nei e te Karauna me te kaunihera ā-rohe. Ko te nuinga o ngā tangohanga whenua nei i hua ake i te wāhanga tuatahi o te rautau rua tekau, ka eke rā ki tua o te āhua 300 eka.
- 2.157 I te tau 1900, e 3 eka ka tangohia e te kaunihera mō te rua kirikiri i Tamaki nui-ā-Rua i Tahoraiti Nama 2. Ka porotēhi te iwi kāinga mō tēnei tangohanga. Tekau mā rua tau i muri mai, ka tukuna tētahi utu (kamupeneheihana) ki te hunga nō rātau te whenua. Kāore i whakahokia atu tēnei whenua ki taua hunga i te paunga o te kirikiri, engari i hokona kētia ki tētahi kaihoko tūmataiti i te tau 1955. Kāore he pūranga hei whakaatu mehemea rānei i whakapā atu te kaunihera ki te hunga nō rātau te whenua i mua e pā ana ki te whakahokinga o te whenua ki a rātau ahakoa kāore he here i runga i te Kaunihera kia pēnei.
- 2.158 I te tau 1904, 10 eka whenua Māori ka tangohia e te Karauna hei papa pupuhi raiwhara. Kāore he pūranga hei whakaatu mehemea rānei i whakamōhio atu te Tari Hanga Ōhanga Tūmatanui i te hunga nō rātau te whenua ki ōna hiahia ki te tango i te whenua. Ka hokona te whenua nei ki tētahi o ngā uri o te hunga nō rātau te whenua i muri mai i te tau 1956 nō te mea kāore i hiahiatia mō ngā take hōia, ahakoa kāore ngā ture hanga ōhanga tūmatanui o taua wā i mea me whakahoki te whenua ki ngā uri o te hunga nō rātau te whenua i mua.
- 2.159 I te tau 1911, e 38 eka ki Mākirikiri ka tangohia e te Karauna hei whenua tiaki i te ngāherehere. I whakatauria te utu i te tau 1912. I te tau 1913, ka tukuna e te Karauna te whenua nei ki te kaunihera ā-rohe. Nō muri mai, ka whakawehewehea, ka rīhitia e te

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### 2: HISTORICAL ACCOUNT

kaunihera, ā, ko tētahi wāhanga i hurihia hei haupū rapihī i te tau 1951. I te tau 1983, ka whakaritea houtia te āhua o te whenua, ko tētahi wāhanga he whenua ngāherehere, ko tētahi wāhanga he whenua tākaro e whakahaeretia nei e te kaunihera.

2.160 I waenga i te tau 1933 ki te tau 1956, ka rīhitia te 100 eka e Eriata Nopera ki te Rōpū Papa Rererangi o Tamaki Nui ā Rua hei whenua mō te papa rererangi te take. I aua tau, ka utua e ngā tari o te kāwanatanga te £13,000, neke atu, mō te whakapaipai i te papa rererangi. Nō te eke haeretanga o te rīhi ki tōna mutunga, ka whakamātau te kaunihera ki te hoko i te whenua, engari kāore ngā taha e rua i whakaae ki te utu. Nā konei, ka huri te kaunihera ki te tango i te whenua i raro i nga ture hanga ōhanga tūmatanui. Ka whakahē a Muri Paewai, te wahine nōna nei te whenua i taua wā. I pīrangi kē ia ki te pupuri ki te whenua hei pāmu mā tōna whānau. Ka tohe ia, tērā ka riro te painga ki te hunga e whakamahi ana i te papa rererangi mō te ruirui paitini mā te rererangi, kua ki te hunga tūmatanui whānui nei. Heoi anō rā, ka tangohia te whenua e te kaunihera i te tau 1956. Ka utua te utu o te £10,000. I te tekau tau 1970 me te tekau tau 1980, ka whakarahia ake e te kaunihera te papa rererangi, e rua ngā wā ka whakamahia e ia he mana ture ki te tuku whenua ki te hunga noho tata (ā, ka tukuna e taua hunga he whenua kē mō te papa rererangi) engari kāore te kaunihera i mahara ki te whakahoki i te whenua ki te whānau Paewai i te tuatahi. Ka mau nei tēnei nawe ki te whānau Paewai me te iwi whāui tonu o Rangitāne ki Tamaki nui-ā-Rua.

#### ‘TE TAI AO ME TE TAONGA’

- 2.161 Ka takahuritā katoatia te tai ao o Wairarapa me Tamaki nui ā Rua i te noho mai a ngā kainoho Pākehā i roto i ngā tau.
- 2.162 Nō te hokotanga whānuitanga o Te Tapere-nui-o-Whātonga e te Karauna i te wāhanga tuarua o te rautau tekau mā iwa, ka tuaina te ngāherehere o reira, ka whakamahia ai te whenua hei pāmu, hei rori, hei ara tereina, ka hangā hoki ngā tāone hou nei o Tamaki nui-ā-Rua, o Pahiatua, o Eketahuna anō hoki. Ka āwhina te Karauna i te taki noho mai a ngā manene ki ngā tāone hou nei, ko te tokomaha o rātau nō Kanatenāwīa.
- 2.163 I taua wā tonu, ka pāngia kinotia ngā kāinga o Rangitāne, me te aha, ka ngaro haere ngā mahinga kai me ngā mahinga rongoā i te ngarotanga o Te Tapere-nui-o-Whātonga. Ko te manu huia tērā, he taonga nā Rangitāne, i korehāhātia i te korenga o ō rātau wāhi taunga. Ka heke haere te nui o ētahi atu momo manu. E kī ana a Rangitāne ka pāmamae te iwi, ā-tinana nei, ā-hinengaro nei, ā-wairua nei hoki i te ngarotanga o te ngahere me āna taonga. Ko Pukaha te mōrehu ngahere o Te Tapere-nui-o-Whātonga.
- 2.164 Nō te tuatanga o ngā ngahere, nō te whakamaroketanga hoki o ngā repo e hurihia ai hei wāhi noho, hei pāmu hoki i hē ai te āhua o ngā awa me ngā moana, i mate haere ai hoki ngā ika wai Māori, pēnei i te tuna. Nō muri mai i te tuatanga o tētahi wāhanga nui o te ngahere, ka whakatipuria mai he rākau, he otaota, he kararehe hoki nō tāwāhi. Ka pāngia kinotia ngā tikanga a Rangitāne, arā, te mahingā kai a te Māori me te hī ika, ka ngaro haere hoki ko te mātauranga Māori e pā ana ki ēnei tikanga.
- 2.165 Ka takahurihia te awa o Ruamahanga, arā kia rere kē ia ki roto o Ōnoke kua ki roto o Wairarapa Moana. Ka whakatuwheretia te āputa o te papa kirikiri ki Ōnoke, tae atu hoki ki te whakurunga mai o te ika nō tāwāhi ka iti haere ngā ika Māori, ka raruraru te whai wāhi a Rangitāne ki ōna wāhi tapu me ōna urupā tonu.

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### 2: HISTORICAL ACCOUNT

2.166 Ka takahurita te taiiao nā ngā tikanga whakahaere a te Karauna kāore nei i aro ki ngā uara me ngā mahinga a te Māori, kia tae rā anō ki ngā tau i muri o te tekau tau 1980. Otirā, nō te taenga ki ngā tau whakamutunga o te tekau tau 1980 rā anō, kātahi anō ngā kaupapa here a te Karauna ka aro ki ngā hiahia me ngā uara o te Māori mō te whakahaere i ngā awa. Ka herea e ngā kaupapa here a te Karauna tā Rangitāne whakatinana i tōna mana kaitiaki i te taiiao me ōna taonga.

#### 'TŪ MAI RĀ, RANGITĀNE'

2.167 Kāore i raua atu te ingoa o Rangitāne o Wairarapa me Tamaki nui-ā-Rua ki ngā pukapuka hoko whenua tōmua a te Karauna i waenga i te tau 1853 ki te tau 1865. He nui ngā pukapuka hoko nei i kōrero kē mō tētahi atu iwi.

2.168 I te tekau tau 1870 me te tekau tau 1880, ka kohikohia e te Karauna he momo 'tatauranga' mō te pāpori Māori e kōrero ana mō ngā hononga ki ngā iwi. I ngā tatauranga nei, he ruarua noa iho nei ngā kōrero mō Rangitāne ki roto o Wairarapa me Tamaki nui-ā-Rua. Hei ahakoa, he tokomaha ngā kaikerēme i te Kooti Whenua Māori ki waenga i te tekau tau 1860 ki te tekau tau 1910 i kī ai nō Rangitāne rātau, i takea mai ā rātau take i ō rātau whakapapa ki a Rangitāne. Ka mau tonu ngā tāngata o Rangitāne ki tō rātau Rangitānetanga i roto i ā rātau ake kōrero ki a rātau anō, mō rātau hoki, arā, kei ā rātau pukapuka whakapapa me ngā niupepa reo Māori.

2.169 Kitea ana te Rangitānetanga o te iwi ki roto i te Wairarapa me Tamaki nui a Rua i te roanga mai o te rau tau tekau mā iwa. Ko te kēhi tērā o Nireaha Tamaki me Baker i te tekau tau 1890 i hau ai te rongō o Nireaha me Rangitāne ki te motu, ā, he mea hanga tētahi wāhanga o te kēhi nei ki runga i te taitara ki Mangatainoka poraka i tukuna ai e te Kooti Whenua Māori ki 'te iwi o Rangitāne' i te tau 1871. He nui te wāhi ki a Nireaha i roto i ngā Pāremata o te Kotahitanga i tū ai ki Pāpāwai, ā, ka noho hoki ia hei kaitohutohu i te Kaunihera Māori o Rongokako.

2.170 Nō te iti haeretanga o ngā whenua o Rangitāne, i te ekenga ki te rau tau rua tekau, ka uaua ki a Rangitāne te pupuri ki ō rātau hononga ki te whenua me ā rātau tikanga tuku iho. Nō muri mai i te Pakanga Tuarua, ka neke ngā iwi ki ngā tāone noho ai, mahi ai, ā, ka puta mai he uauatanga anō mō te pupuri ki ngā mātauranga tuku iho, ki ngā tikanga tuku iho me te Rangitānetanga. Ka ākina hoki ngā iwi kia kuhu rātau i a rātau anō ki te ao Pākehā.

2.171 Kāore ngā kura tūmatanui, nā te Karauna i whakahaere, i paku aro ki te reo Māori me ngā tikanga Māori mō te roanga mai o te rau tau rua tekau, ā, nā wai rā, ka kaha kē atu te tauwehe a ngā iwi Māori i te ao Māori. I ētahi wā, ka karawhiua ngā tamariki Māori, ā-ahurea nei, ā-wairua hoki, nā te kore i whakaae kia kōrerotia te reo Māori ki te kura.

2.172 Nā te Ture Tarahiti mō Pāpāwai me Kaikōkirikiri 1943 (Pāpāwai and Kaikōkirikiri Trusts Act 1943), ka whakatūria mai he poari hou māna e whakahaere ngā whenua i tukuna ai ki te Hāhi Mihingare e te Karauna i te tau 1853 mō ngā take mātauranga. Kāore he kōrero i tēnei ture mō Rangitāne, ahakoa nō Rangitāne ngā tīpuna nā rātau i tuku tētahi wāhanga o ngā whenua nei mō ēnei take. Nā te Karauna tonu i whakariterite tēnei tuku me te ture hoki o te tau 1943. E mahara ana a Rangitāne, ka raruraru ngā kaitono karahipi me i kōrerotia ō rātau whakapapa ki a Rangitāne. Nā ngā uiuinga ā-kāwanatanga nei, ā-Pāremata nei, i kawea rā i ngā tau, ka kitea ngā ngoikoretanga mō te whakahaere i ngā whenua tuku nei.

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### 2: HISTORICAL ACCOUNT

- 2.173 E mahara ana a Rangitāne, eke rawa mai ki ngā tau tōmua o te rau tau rua tekau, i te kaha tonu te mau o te Rangitānetanga i roto i te iwi, nā runga i te ora o te reo Māori me ngā tikanga Māori i ō rātau hapori. Heoi anō, nā te kaha tere o te ngarohanga o te whenua, nā te whakakorenga o Te Tapere-nui-o-Whātonga, nā te hekenga o te reo Māori, nā te noho tāone me ētahi atu āhuatanga pāpori-ōhanga o te wā, ka ngoikore haere ngā mātauranga tuku iho ki waenga i ngā uri o Rangitāne. E mahara ana a Rangitāne, nā te ngoikore haere o te Rangitānetanga, i ngā tau o waenga, o muri mai hoki o te rau tau rua tekau, me te iti o ngā kōrero mō Rangitāne i ngā whakahaere a te Kāwanatanga i huri ai ngā uri o Rangitāne ki te whakanui i ngā hononga ki iwi kē ki roto i ā rātau whiringa kōrero ki te Karauna.
- 2.174 Nō te whakaaranga mai o te ahurea Māori i te tekau tau 1970 me te tekau tau 1980, ka tahuri mai ngā uri o Rangitāne ki te whakatairanga i tō rātau Rangitānetanga, kātahi ka pakaru mai he tautohetohe i tenei rohe. Ka whakapau kaha a Rangitāne tāngata, a Rangitāne marae hoki ki te whakatairanga i tō rātau Rangitānetanga i ngā rāngai pāpori, ahurea, tōrangapu, kāwanatanga hoki. E mahara ana a Rangitāne, i ēnei tau nei, tērā ētahi o te iwi i kore nei i whaitūranga mahi i ngā tari kāwanatanga, i whai pūtea mō ngā marae me ngā kaupapa whakawhanake Māori, i ngā karahipi mātauranga, i ētahi atu huarahi hoki nā runga i ō rātau hononga atu ki a Rangitāne.
- 2.175 Ahakoa tonu ēnei wero, kua pai anō tā Rangitāne tāngata, tā Rangitāne marae, tā Rangitāne whakahaere whakamārō i ngā hononga mahi tahi ki ngā tari kāwanatanga, ki ngā whakahaere ā-rohe me ētahi atu. Kei te kitea i ngā tatauranga o nā tata nei, tērā kua kaha piki te Rangitānetanga i te rohe.

### 3 ACKNOWLEDGEMENT AND APOLOGY

#### ACKNOWLEDGEMENT

- 3.1 The Crown acknowledges that it has failed to deal with the longstanding grievances of Rangitāne in an appropriate way and that recognition of these grievances is long overdue.

#### **Crown Purchasing pre-1865**

- 3.2 The Crown acknowledges that:
- 3.2.1 it threatened to end Pākehā settlement in Wairarapa unless Rangitāne sold land to the Crown and gave up the pastoral leases to settlers, which were providing Rangitāne with income and trade benefits in the 1840s and early 1850s;
  - 3.2.2 it carried out an extensive series of purchases in the period 1853-1865 in Wairarapa and Tamaki nui-ā-Rua, and that in respect of these purchases it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by:
    - (a) failing to obtain the consent of key rights holders in the Tautāne block purchase, including Hēnare Matua, rangatira at Tautāne, who wished to retain the land;
    - (b) failing to adequately discharge its obligations under the 'koha' or 'five percent' clauses that were incorporated into certain purchase deeds, under which the Crown set aside funds for Māori benefit derived from on-selling the land; and
    - (c) failing to properly survey, set aside or protect from being taken up by settlers, lands intended to be reserved from some purchases, or unreasonably delaying issuing grants of reserves where these were promised;
  - 3.2.3 following the sale of their land to the Crown at low prices, Rangitāne did not receive all the educational, health, and economic benefits that the Crown had led them to expect from selling their land to the Crown and from the 'koha' fund.

#### **The Native Land Laws**

- 3.3 The Crown acknowledges that:
- 3.3.1 it did not consult Rangitāne before introducing native land laws that provided for the individualisation of Māori land holdings, which had previously been held in tribal tenure;



## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENT AND APOLOGY

- 3.3.2 the Native Land Court title determination process carried significant costs, including survey and court costs, which at times contributed to the sale of Rangitāne land;
- 3.3.3 the operation and impact of the native land laws in the Seventy Mile Bush or Tamaki nui-ā-Rua region, and in Wairarapa, from 1865, in particular the awarding of land to individuals and the enabling of individuals to deal with that land without reference to the iwi and hapū, made the lands of Rangitāne and its constituent hapū more susceptible to partition, fragmentation and alienation. This contributed to the erosion of the customary tribal structures of Rangitāne and its constituent hapū, which were based on collective ownership or trusteeship of land; and
- 3.3.4 it failed to take steps to adequately protect the traditional tribal structures of Rangitāne and its constituent hapū and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.4 The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by failing to provide a legal means for the collective administration of Rangitāne land until 1894, by which time the bulk of Rangitāne land had been alienated.

#### **Te Tapere-nui-o-Whātonga (Seventy Mile Bush) post-1865**

- 3.5 The Crown acknowledges that in some cases it applied unreasonable pressure to obtain signatures in favour of sale of certain northern Seventy Mile Bush blocks, actions that were in breach of te Tiriti o Waitangi/ the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that it pressured Rangitāne rangatira and hapū to sell their interests in Mangatainoka block in the southern Seventy Mile Bush by misrepresenting loan agreements as agreements to sell the block, and unreasonably imposing monopoly powers over the whole of Mangatainoka after rejecting a Rangitāne offer to sell more than enough Mangatainoka land to repay the Crown's advances. The Crown acknowledges that it did not negotiate in good faith, and failed to actively protect Rangitāne interests, and that its conduct of negotiations for Mangatainoka breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.7 The Crown acknowledges that:
- 3.7.1 under the native land laws, most titles in Seventy Mile Bush were granted to ten or fewer owners;
- 3.7.2 Rangitāne hapū understood that, in most cases, these named owners were to act as trustees for the wider community, but the native land laws allowed the owners to sell the land granted to them without the consent of the wider community of customary owners and without their participation in the benefits of the sale;
- 3.7.3 although it introduced the equitable owners legislation in 1886 to remedy this situation by providing for the addition of other customary owners on legal titles, the Crown failed to ensure that this remedy could be applied to a

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENT AND APOLOGY

number of blocks, including reserve blocks, in Seventy Mile Bush. These Crown actions and omissions caused prejudice to Rangitāne and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

#### Political Movements

3.8 The Crown acknowledges that:

3.8.1 Rangitāne rangatira and communities were involved in collective efforts to resist land sales and the loss of iwi and hapū integrity. These movements included the Repudiation movement, Pōtangaroa's prophetic movement, the Kotahitanga parliaments, and the efforts of Nireaha Tamaki to bring Crown dealings with customary title under court scrutiny; and

3.8.2 it did not always recognise these movements nor address the grievances they raised.

#### Wairarapa Moana

3.9 The Crown acknowledges that:

3.9.1 for Rangitāne hapū, the Wairarapa Lakes and their associated waterways and wetlands were a taonga and an abundant source of food and other customary resources;

3.9.2 in 1896 the Crown addressed settlers' concerns about the flooding of agricultural land by securing a transfer of the Wairarapa Lakes from Rangitāne and other Wairarapa Māori;

3.9.3 it failed to meet its obligations under the Lakes agreement to provide ample reserves in the vicinity of the Lakes and provided instead remote and inaccessible land north of Lake Taupō, at Pouākani, after a delay of two decades; and

3.9.4 its accumulated acts and omissions in relation to the Lakes agreement breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

#### Public Works Takings

3.10 The Crown acknowledges that:

3.10.1 there was limited, if any, consultation with Rangitāne or with Māori generally about the policy and enactment of public works legislation before the middle of the twentieth century;

3.10.2 consultation with Rangitāne communities prior to some takings was negligible or absent;

3.10.3 land taken for public works was in some cases disposed of to a third party rather than offered back to the original Rangitāne owners; and

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENT AND APOLOGY

- 3.10.4 Rangitāne communities have suffered land loss through public works takings and these losses have in many instances created a sense of grievance within Rangitāne communities that is still held today.

#### **Landlessness and Socio-economic Impacts**

- 3.11 The Crown acknowledges that:

3.11.1 the cumulative effect of Crown purchasing, the native land laws, public works takings, and other forms of alienation, left Rangitāne with insufficient land by 1900 to engage meaningfully with the colonial economy or to provide for their future needs in the twentieth century;

3.11.2 Rangitāne communities are virtually landless today; and

3.11.3 its failure to ensure Rangitāne retained sufficient land for their socio-economic needs caused real and lasting prejudice to Rangitāne communities and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- 3.12 The Crown further acknowledges that Rangitāne communities have suffered from social deprivation and disadvantage for too long.

#### **Loss of Environment or Taonga**

- 3.13 The Crown acknowledges that:

3.13.1 Rangitāne consider their lands, mountains, rivers, wetlands and lakes as taonga, as part of their identity, as significant sources of food and other resources, and as integral to their spiritual and material well-being;

3.13.2 this Rangitāne environment has been degraded over time through deforestation, introduction of exotic species and pests, agricultural and industrial waste, road works and drainage works, and these changes have detrimentally affected the relationship of Rangitāne communities to many of their urupā (burial places) and sacred sites and have been a source of distress and grievance for Rangitāne; and

3.13.3 historic environmental legislation before the late 1980s did not provide for the recognition of Māori cultural values and practices and limited the ability of Rangitāne to exercise kaitiakitanga (or stewardship) over their natural environment or taonga.

#### **Te Tapere-nui-o-Whātonga (or Seventy Mile Bush)**

- 3.14 The Crown acknowledges that:

3.14.1 the ancient forest formerly covering the western part of the Tamaki nui-ā-Rua region and the north-western part of the Wairarapa region, and known as 'Te Tapere-nui-o-Whātonga', was a taonga of great significance to Rangitāne

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### 3: ACKNOWLEDGEMENT AND APOLOGY

communities and was a key source of Rangitāne's spiritual and material well-being;

- 3.14.2 large-scale Crown purchasing and settlement in this area resulted in primarily agricultural land uses and the almost total loss of this forest taonga and resource, along with many indigenous species, among these the highly-prized huia bird; and
- 3.14.3 the loss of these taonga deprived Rangitāne of an important link to the tikanga and way of life of their ancestors, and has been a source of distress and grievance for Rangitāne.

#### Impacts on Culture and Identity

- 3.15 The Crown acknowledges that the Rangitāne experience of large-scale land loss in the nineteenth century, urbanisation in the twentieth century, and the state education system that discouraged the use of te reo Māori, contributed significantly to Rangitāne struggling to maintain their traditional marae communities and becoming alienated from their own cultural traditions and language.
- 3.16 The Crown acknowledges that:
  - 3.16.1 it has been a source of distress and grievance for Rangitāne that they were not named in the 1943 legislation that governs the administration of land at Pāpāwai and Kaikōkirikiri that was gifted by Rangitāne and other Wairarapa rangatira to the Anglican Church for the purpose of schools; and
  - 3.16.2 inadequacies in the administration of the gifted lands identified by various governmental and parliamentary inquiries were not remedied by legislative or other means for many decades, and these inadequacies and delays were an ongoing source of grievance in Rangitāne communities.
- 3.17 The Crown acknowledges Rangitāne as an iwi of Wairarapa and Tamaki nui-ā-Rua regions. The Crown acknowledges that its former limited recognition of Rangitāne contributed to the challenges experienced by Rangitāne in maintaining a distinct iwi presence from 1840 to the present. The Crown further acknowledges the efforts of Rangitāne, especially from the 1980s, to re-establish its identity in the region, including with Crown agencies and local authorities.

#### APOLOGY

- 3.18 The Crown recognises the efforts of the ancestors of Rangitāne in pursuit of redress and justice for the Crown's wrongs, and offers this apology to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, to their ancestors and to their descendants.
- 3.19 The Crown is deeply sorry for its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and for the effect that these breaches have caused to generations of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.

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### 3: ACKNOWLEDGEMENT AND APOLOGY

- 3.20 The Crown sincerely regrets that on a number of occasions it failed to negotiate in good faith and actively protect Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua interests when purchasing land in their takiwā.
- 3.21 The Crown profoundly regrets that it failed to actively protect the tribal structures of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua after it promoted native land legislation which individualised their previously tribal land tenure.
- 3.22 The Crown deeply regrets that Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua did not experience the prosperity the Crown led them to expect when it pressured them to sell large areas of land before 1865. The Crown sincerely apologises that it failed in its Treaty duty to protect them from being left virtually landless, and they have for too long experienced socio-economic deprivation and disadvantage.
- 3.23 The Crown deeply regrets the prejudice Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua have suffered from the degradation of lakes and rivers, the felling of Te Tapere-nui-o-Whātonga (the Seventy Mile Bush), and the loss of taonga such as the huia.
- 3.24 The Crown regrets that its former limited recognition of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua contributed to the challenges experienced by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in maintaining a distinct iwi presence from 1840 to the present.
- 3.25 The Crown unreservedly apologises for not respecting the rangatiratanga of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and for not having honoured its obligations to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua under te Tiriti o Waitangi/the Treaty of Waitangi.
- 3.26 Through this settlement and this apology, the Crown seeks to restore its honour and atone for its wrongs to the whānau and hapū of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua by easing the burden of grievance that has been carried for generations. The Crown looks forward to developing a new relationship with Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua that has mutual trust and respect for te Tiriti/the Treaty and its principles as its foundation.

### NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

#### HE WHAKAAETANGA

- 3.1 E whakaae ana te Karauna kāore ia i aro tōtika ki ngā nawe o Rangitāne kua roa e pīkautia ana, ā, e tino takaroa nei te aro ki ērā nawe.

#### Ngā Mahi Hoko Whenua a te Karauna i mua i te tau 1865

- 3.2 E whakaae ana te Karauna:
- 3.2.1 nāna i whakaweti, tērā ka whakamutua te noho a te Pākehā ki te Wairarapa ki te kore a Rangitāne e hoko whenua ki te Karauna, e whakarere hoki i ngā rīhi

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whenua i whai moni ai a Rangitāne, i whai hua tauhokohoko ai hoki i te tekau tau 1840 me ngā tau tōmua o te tekau tau 1850;

- 3.2.2 nāna i kōkiri ētahi hokonga whenua maha tonu i ngā tau 1853-1865 i Wairarapa me Tamaki nui-ā-Rua, ā, i aua hokonga rā, nāna i takahi te Tiriti o Waitangi me ōna mātāpono i runga:
- (a) i te korenga ōna i whiwhi i te whakaaetanga o ngā tino tāngata e whai take ana i te hokonga o te poraka o Tautāne, tae atu ki a Hēnare Matua, ki te rangatira i Tautāne, i pīrangi nei ki te pupuri i te whenua;
  - (b) i te korenga ōna i kawē tōtika i āna here mō te whakahaere i ngā tikanga e pā ana ki ngā 'koha', arā, ki ngā 'rima paiheneti' i raua atu rā ki ētahi o ngā pukapuka hoko whenua, i mea ai ka whakataha te Karauna i ētahi pūtea hei painga mō ngā iwi kāinga inā hokona atu ai te whenua e te Karauna; ā
  - (c) i te korenga ōna i āta rūri, i rāhui, i tiaki rānei kia kaua ai e riro atu ki te Pākeha ngā whenua i meatia rā hei rāhui i ētahi o ngā hokonga whenua, me te takaroa koretake nei ki te tuku i ngā karāti mō ngā rāhui ahakoa te oatitanga atu ka pērātia;
- 3.2.3 nō muri i te hokonga o ō rātau whenua ki te Karauna mō te utu iti, kāore i riro i a Rangitāne ngā painga ā-mātauranga, ā-hauora, ā-oaha hoki i kōrerotia rā ki a rātau e te Karauna tērā ka hua i te hoko whenua ki te Karauna, i ngā 'koha' hoki.

#### Ngā Ture Whenua Māori

3.3 E whakaae ana te Karauna:

- 3.3.1 kāore ia i matapaki ki a Rangitāne i mua i te whakaturetanga o ētahi ture whenua Māori e mea ana ki te whakatakitahi i ngā take whenua Māori i puritia ā-iwi nei i mua;
- 3.3.2 he nui ngā nama ka hua ake i ngā mahi a te Kooti Whenua Māori ki te whakariterite taitara, tae atu ki ngā utu rūri me ngā utu kooti, ā, tērā ētahi wā ka hoko whenua a Rangitāne ki te utu i ngā nama a te Kooti;
- 3.3.3 ka whakamāmātia te whakawehewehenga me te hokonga o ngā whenua o Rangitāne me ōna hapū nā runga i ngā mahi ka hua i ngā ture whenua Māori ki roto o Te Tapere-nui-o-Whātonga, arā, ki Tamaki nui-ā-Rua, me te Wairarapa, mai i 1865, arā rā, ko te whakawhiwhi whenua ki te tangata takitahi me te whakaāhei i te tangata takitahi ki te hoko whenua me te kore aro ki te iwi, ki te hapū rānei. Nā konei, ka whakatanukutia ngā tikanga a Rangitāne me ōna hapū, he mea hanga i runga i te whakaaro nō te takitini te whenua, te mana kaitiaki rānei i ngā take whenua; ā
- 3.3.4 kāore ia i whai kia tika tana tiaki i ngā tikanga a Rangitāne me ōna hapū, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

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- 3.4 E whakaae ana hoki te Karauna nāna i takahi te Tiriti o Waitangi me ōna mātāpono i runga i te korenga ōna i whakarite tikanga ā-ture nei mō te whakahaere ngātahitanga o ngā whenua o Rangitāne kia tae rā anō ki te tau 1894, otirā, kua riro kē te nuinga o ngā whenua o Rangitāne i tērā wā.

#### **Te Tapere-nui-o-Whātonga i muri i te tau 1865**

- 3.5 E whakaae ana te Karauna, tērā ētahi wā ka kino kē te kaha o tāna akiaki kia hainatia ngā pukapuka hoko i ētahi whenua ki te raki o Te Tapere-nui-o-Whātonga, he mahi ēnei ka takahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.6 E whakaae ana te Karauna nāna i akiaki ngā rangatira me ngā hapū o Rangitāne ki te hoko i ō rātau hea o roto o te poraka o Mangatainoka ki te tonga o Te Tapere-nui-o-Whātonga, nā runga i te kupu tinihanga i kī ai ko te whakaaetanga utu tārewa he whakaaetanga hoko kē, nā runga hoki i te whakatakotoranga take kore o te tikanga i kī ai me hoko ki te Karauna anake te katoa o Mangatainoka i muri i te whakahētanga a te Karauna i te tonono a Rangitāne kia hokona tētahi wāhi o Mangatainoka e ea ai ngā nama a te Karauna. E whakaae ana te Karauna kāore ia i whiriwhiri kōrero mō tēnei hoko i runga i te pono, ā, kāore hoki ia i āta tiaki i ngā tika o Rangitāne, ā, ka takahia te Tiriti o Waitangi me ōna mātāpono e ia i roto i tāna whakahaere i ngā whiriwhiringa kōrero mō Mangatainoka.
- 3.7 E whakaae ana te Karauna:
- 3.7.1 i raro i ngā ture whenua Māori, i tukuna te nuinga o ngā taitara ki ngā poraka o Te Tapere-nui-o-Whātonga ki te tekau tāngata, ki te tokoiti iho rānei;
- 3.7.2 i mahara ngā hapū o Rangitāne, i te nuinga o te wā, ko ngā tāngata i whakaingoatia ki ngā taitara nei he kaitiaki mā te iwi whānui, engari nā ngā ture whenua Māori i āhei ai tā ngā tāngata whai taitara ki ngā whenua nei hoko me te korenga i whai whakaaetanga i te iwi whānui nō rātau te whenua, me te korenga hoki o tā rātau whai wāhi ki ngā painga i ngā hoko;
- 3.7.3 ahakoa ka whakaturetia mai he ture whakariterite taitara i te tau 1886 hei rongoā mō tēnei āhuetanga mā te whakauruuru tāngata atu anō mai i te iwi whānui nō rātau te whenua ki te taitara, kāore te Karauna i whakarite kia taea ai tēnei rongoā te whakamahi ki roto i ētahi o ngā poraka i Te Tapere-nui-o-Whātonga, tae atu ki ngā whenua rāhui. Ko ngā mahi nei a te Karauna, me ōna hapanga hoki, ka whakararu i a Rangitāne, ka takahi hoki i te Tiriti o Waitangi me ōna mātāpono.

#### **Ngā Kaupapa Tōrangapū**

- 3.8 E whakaae ana te Karauna:
- 3.8.1 i whai wāhi ngā rangatira me ngā hapori o Rangitāne ki ngā kaupapa hei aukati i te hoko whenua, hei pupuri hoki i te mana whakahaere o te iwi me ōna hapū. Ko ētahi o ngā kaupapa nei, ko te Kaupapa Whakahē Hoko, ko ngā mahi poropiti a Pāora Pōtangaroa, ko te Kotahitanga, ko ngā mahi hoki a Nireaha Tāmaki e tirohia ai e ngā kooti ngā mahi a te Karauna e pā ana ki ngā taitara whenua o te iwi whānui; ā

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3.8.2 kāore ia i whai whakaaro ki ngā kaupapa nei i ngā wā katoa, i aro rānei ki ngā nawe e whakaarahia ana.

#### **Ko Wairarapa Moana**

3.9 E whakaae ana te Karauna:

3.9.1 he taonga a Wairarapa Moana me ōna awaawa me ōna repo ki ngā hapū o Rangitāne, ā, he pataka kai e kī ana i te kai me ngā rawa e ora ai te iwi;

3.9.2 i te tau 1896 ka whakatau te Karauna i ngā māharahara o ngā kaipāmu Pākehā mō te waipuketanga o ngā whenua pāmu mā te whakarite i te tukunga o Wairarapa Moana mai i ngā iwi o Wairarapa me Rangitāne tonu;

3.9.3 kāore ia i whakatutuki i ōna kawenga ki roto i te whakaaetanga mō te moana nei kia whakawhiwhia ngā iwi kāinga ki ētahi rāhui rahi tonu kei te takiwā o te moana, engari ka whakawhiwhia kētia ngā iwi o te Wairarapa ki ētahi whenua tūhāhā, kāore nei he ara ki reira, i Pouākani, i te raki o Taupō Moana, e rua tekau tau te takaroa mai i te whakaaetanga; ā

3.9.4 hui katoa āna mahi me ōna hapanga e pā ana ki te whakaaetanga mō te moana, kua takahia te Tiriti o Waitangi me ōna mātāpono.

#### **Te Tango Whenua mō ngā Mahi Tūmatanui**

3.10 E whakaae ana te Karauna:

3.10.1 mēnā rā he matapakitanga i puta, he iti te matapakitanga ki a Rangitāne, otirā, ki te iwi Māori whānui, mō te kaupapa here me te whakatinanatanga o ngā ture mahi tūmatanui i mua i ngā tau waenga o te rautau rua tekau;

3.10.2 he kore, he iti noa iho rānei, te matapakitanga ki a Rangitāne mō ētahi o ngā tangohanga whenua;

3.10.3 ko ētahi whenua i tangohia ai mō ngā mahi tūmatanui nei, ka hokona kētia ki tāngata kē, tē whakahokia ki ngā tāngata o Rangitāne nō rātau whenua i mua; ā

3.10.4 kua riro te whenua i ngā hapori o Rangitāne nā ngā tangohanga mahi tūmatanui, ā, nā aua ngarohanga kua tipu mai ki roto i ngā hapori o Rangitāne he nawe e mau tonu nei i tēnei rā.

#### **He Kore Whenua, He Pānga Papori Ohaoha hoki**

3.11 E whakaae ana te Karauna:

3.11.1 tae rawa ake ki te tau 1900, nā te hoko whenua a te Karauna, nā ngā ture whenua Māori, nā ngā tangohanga mahi tūmatanui, hui atu ki ētahi atu momo tango whenua, he iti noa iho nei ngā whenua i toe ki a Rangitāne i kore ai e



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taea te whai wāhi atu ki te ōhanga o te motu, te whakarite huarahi rānei e ea ai ō rātau hiahia mō te roanga mai o te rautau rua tekau;

3.11.2 kua tata kore ngā whenua o ngā hapori o Rangitāne i ēnei rā; ā

3.11.3 nā tōna kore i whai whakaaro kia nui tonu ngā whenua o Rangitāne e tutuki ai ō rātau hiahia e pā ana ki te ōhanga ā-pāpori, i houtupu ai, i roa ai hoki te taunga o te taumahatanga ki ngā hapori o Rangitāne, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

3.12 E whakaae ana hoki te Karauna kua roa rawa ngā hapori o Rangitāne e pēhia ana e ngā huhurutanga me ngā pōharatanga ā-pāpori.

#### **Te Rironga o te Taiao, otirā, o ngā Taonga**

3.13 E whakaae ana te Karauna:

3.13.1 he taonga ki a Rangitāne ō rātau whenua, ō rātau maunga, ō rātau awa, ō rātau repo, ō rātau moana hoki, he wāhanga nui i te tuakiri o te iwi, he tino mahinga kai, mahinga rawa hoki, ā, he mea me mātua whai mō te oranga wairua me te oranga tinana o te iwi;

3.13.2 kua heke te ora o te taiao o Rangitāne i roto i ngā tau nā te tapahanga ngahere, nā te whakanōhanga mai o ngā momo karerehe me ngā kīrearea nō tāwāhi, nā te tuku para ā-ahuwhenua, ā-ahumahi hoki, nā te hanga rori me te hanga ara tereina, ā, kua pāngia kinotia e ēnei panonitanga te hononga o ngā hapori o Rangitāne ki ō rātau urupā, ki ō rātau wāhi tapu hoki, ā, kua noho tēnei hei pūtake i tipu ai te mamae me te nawe o Rangitāne; ā

3.13.3 ko ngā ture o mua mō te taiao, i puta rā i mua i ngā tau whakamutunga o te tekau tau 1980, kāore i whai whakaaro ki ngā tikanga me ngā āhuatanga Māori, ā, i pēhia te kaha o Rangitāne ki te noho hei kaitiaki mō tō rātau taiao, otirā, mō ā rātau taonga.

#### **Ko Te Tapere-nui-o-Whātonga**

3.14 E whakaae ana te Karauna:

3.14.1 ko te ngahere onamata i te taha hauāuru o Tamaki nui-ā-Rua, i te taha hauāuru mā raki hoki o te Wairarapa, i mōhiotia nei ko 'Te Tapere-nui-o-Whātonga', he tino taonga ki a Rangitāne me ōna hapori, ka mutu, he tino wāhi hei whakaora i ngā wairua me ngā tinana o ngā uri o Rangitāne;

3.14.2 ka hokohokona ngā whenua nei e te Karauna, ka whakanōhia ki reira he tāngata nō tāwāhi, ka hurihia tēnei takiwā hei whenua mahi pāmu, ā, ka tata ngaro katoa tēnei ngahere me ōna taonga me ōna rawa, me ngā momo karerehe Māori pēnei i te manu kāmehameha, i te huia; ā

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3.14.3 nā te ngaronga o ngā taonga nei, ka memeha hoki tētahi hononga matua o Rangitāne ki ngā tikanga tuku iho, ki te āhua hoki o te noho a ō rātau tīpuna, ā, kua noho tēnei hei take i pāmamae ai, i mau nawe ai hoki a Rangitāne.

#### **Ngā Pānga Kino ki te Ahurea me te Tuakiri**

3.15 E whakaae ana te Karauna, nā te tere me te nui o te rironga whenua i a Rangitāne i te rautau tekau ma iwa, nā te whakanukutanga ki te tāone i te rautau rua tekau, nā te pūnaha mātauranga ā-motu i whakapāhunu nei i te reo Māori, ka raruraru nui a Rangitāne ki te pupuri i ōna marae me ōna hapori, ā, ka whakarāwahotia rātau i ā rātau ake tikanga me tō rātau reo.

3.16 E whakaae ana te Karauna:

3.16.1 he pānga mamae, he nawe ki a Rangitāne te korenga ōna i whakaingoatia ki te ture o te tau 1943 mō te whakahaere i ngā whenua ki Pāpāwai me Kaikōkirikiri i kohaina rā e Rangitāne me ētahi atu rangatira o te Wairarapa ki te Hāhi Mihingare mō te mātauranga te take; ā

3.16.2 kāore ngā hapa mō te whakahaere i ngā whenua koha nei i kitea ai i ngā rangahau a ngā tari o te Kāwanatanga, o te Pāremata hoki i whakatikahia i te ture, i wāhi kē rānei, mō te hia nei tekau tau, ā, ka noho ngā hapa nei hei nawe mau tonu mō ngā hapori o Rangitāne.

3.17 E whakaae ana te Karauna he iwi a Rangitāne nō te Wairarapa me Tamaki nui-ā-Rua. E whakaae ana te Karauna nā te iti o tōna whai whakaaro ki te mana o Rangitāne i ngā wā o mua ka uaua ake ngā wero i rangona rā e Rangitāne kia mau ai tōna tū hei iwi motuhake mai i te tau 1840 ki nāianei. E whakamihī ana hoki te Karauna ki ngā mahi a Rangitāne, mai i te tekau tau 1980, ki te whakaū i tōna tuakiri i tōna rohe, tae atu ki tana whakamōhio i a ia anō ki ngā tari Kāwanatanga me ngā kaunihera hoki.

#### **TE WHAKAPĀHA**

3.18 E whakamihī ana te Karauna ki ngā mahi a ngā tīpuna o Rangitāne ki te rapu utu, ki te rapu tika mō ngā hē o te Karauna, ā, ka tuku i tēnei whakapāha ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua, ki ō rātau tīpuna, ki ō rātau uri hoki.

3.19 E tino whakapāha ana te Karauna mō āna takahanga maha i te Tiriti o Waitangi me ōna mātāpono, me te pānga atu o ngā takahanga nei ki ngā whakatipuranga o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua.

3.20 E pono ana te kōrehu o te Karauna kāore nei ia, i ētahi wā, i whiriwhiri kōrero i runga i te pono, i āta tiaki hoki i ngā tika o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i āna mahi hoko whenua i tō rātau takiwā.

3.21 E nui ana te kōrehu o te Karauna kāore nei ia i āta tiaki i ngā tikanga-ā-iwi o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i muri i te whakaturetanga o ngā ture whenua Māori nā reira i huri rā ngā tikanga pupuri whenua o mua mai i te tikanga ā-iwi ki te tikanga tangata takitahi.

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENT AND APOLOGY

- 3.22 E hōhonu ana te kōrehu o te Karauna kāore nei a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i whai rawa i runga i tā te Karauna i kī ai i āna akiakinga kia hoko rātau i te nui o te whenua i mua i te tau 1865. Ka pono te whakapāha nei a te Karauna i te korenga ōna i hapai i tāna kawenga ā-Tiriti ki te tiaki i a Rangitāne kia kua ai e riro te nuinga o ngā whenua, ā, kua roa rawa rātau e noho pōhara ana, e huhunutia ana i raro i ngā pēhinga ōhanga ā-pāpori hoki.
- 3.23 E hōhonu ana te kōrehu o te Karauna mō ngā kino kua pā nei ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i runga i te heke haere o te ora o ngā roto me ngā awa, te topenga o Te Tapere-nui-o-Whātonga, me te ngaronga o ngā taonga pēnei i te huia.
- 3.24 E whakapāha ana te Karauna nā te iti o tōna whai whakaaro ki te mana o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i ngā wā o mua, i rongo ai a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i ngā uauatanga o te mau tonu ki tōna tū hei iwi motuhake mai i te tau 1840 ki nāianei.
- 3.25 Kāore he horokukūtanga o te whakapāha a te Karauna mō te korenga ōna i whai whakaaro ki te rangatiratanga o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua, mō te korenga hoki ōna i whakatutuki i āna kawenga ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i raro i te Tiriti o Waitangi.
- 3.26 Mā tēnei whakataunga me tēnei whakapāha, e whai ana te Karauna ki te whakahoki i tōna mana, ki te whakaea hoki i ōna hara ki ngā whānau me ngā hapū o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua mā te whakamāmā i ngā nawe kua pīkautia e ngā whakatipuranga. E hīkaka ana te Karauna ki te whiri i tētahi hononga hou ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i runga i te pono me te whakaaro nui o tētahi ki tētahi, ki te Tiriti o Waitangi hoki me ōna mātāpono.

## **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 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua is not possible; and
  - 4.1.3 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua 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 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

### **SETTLEMENT**

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

### **REDRESS**

- 4.5 The redress, to be provided in settlement of the historical claims, –
- 4.5.1 is intended to benefit Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua collectively; but
  - 4.5.2 may benefit particular members, or particular groups of members, of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua if the governance entity so determines in accordance with the governance entity’s procedures.

## DEED OF SETTLEMENT

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### 4: SETTLEMENT

#### IMPLEMENTATION

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

## 5 CULTURAL REDRESS

### OVERLAY CLASSIFICATION

- 5.1 The settlement legislation will, on the terms provided by sections 42 to 56 of the draft settlement bill, –
- 5.1.1 declare each of the following areas to be overlay areas subject to an overlay classification:
    - (a) Haukōpuapua Scenic Reserve (as shown on deed plan OTS-204-13):
    - (b) Pukaha / Mount Bruce National Wildlife Centre Reserve (as shown on deed plan OTS-204-14):
    - (c) Pukaha / Mount Bruce Scenic Reserve (as shown on deed plan OTS-204-14); and
  - 5.1.2 provide the Crown's acknowledgement of the statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values in relation to each of the areas; and
  - 5.1.3 require the New Zealand Conservation Authority, or a relevant conservation board, –
    - (a) when considering a conservation management strategy, conservation management plan or national park management plan, in relation to an area, to have particular regard to the statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values, and the protection principles, for the area; and
    - (b) before approving a conservation management strategy, conservation management plan or national park management plan, in relation to an area, to –
      - (i) consult with the governance entity; and
      - (ii) have particular regard to its views as to the effect of the document on the statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values, and the protection principles, for the area; and
  - 5.1.4 require the Director-General of Conservation to take action in relation to the protection principles; and
  - 5.1.5 enable the making of regulations and bylaws in relation to the areas.

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- 5.2 The statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values, the protection principles, and the Director-General's actions are in part 1 of the documents schedule.

#### STATUTORY ACKNOWLEDGEMENT

- 5.3 The settlement legislation will, on the terms provided by sections 27 to 35 and 37 to 39 of the draft settlement bill, –

- 5.3.1 provide the Crown's acknowledgement of the statements by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua of their particular cultural, spiritual, historical, and traditional association with the following areas:

- (a) Akitio River and its tributaries (as shown on deed plan OTS-204-02):
- (b) Coastal Marine Area (as shown on deed plan OTS-204-03):
- (c) Lowes Bush Scenic Reserve (as shown on deed plan OTS-204-07):
- (d) Manawatū River (with recorded name Manawatu River) and its tributaries within the Area of Interest (as shown on deed plan OTS-204-04):
- (e) Oumakura Scenic Reserve (as shown on deed plan OTS-204-08):
- (f) Pukeahurangi / Jumbo (as shown on deed plan OTS-204-09):
- (g) Pukeamoamo / Mitre (as shown on deed plan OTS-204-10):
- (h) Rewa Bush Conservation Area (as shown on deed plan OTS-204-11):
- (i) Ruamahanga River and its tributaries (as shown on deed plan OTS-204-05):
- (j) Wainui River and its tributaries (as shown on deed plan OTS-204-06);  
and

- 5.3.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and

- 5.3.3 require relevant consent authorities to forward to the governance entity:

- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and
- (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- 5.3.4 enable the governance entity, and any member of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, to cite the statutory acknowledgement as evidence of the Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua association with an area.
- 5.4 The statements of association are in part 2 of the documents schedule.

#### DEEDS OF RECOGNITION

- 5.5 The Crown must, by or on the settlement date, provide the governance entity with a copy of a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
- 5.5.1 Lowes Bush Scenic Reserve (as shown on deed plan OTS-204-07):
- 5.5.2 Oumakura Scenic Reserve (as shown on deed plan OTS-204-08):
- 5.5.3 Pukeahurangi / Jumbo (as shown on deed plan OTS-204-09):
- 5.5.4 Pukeamoamo / Mitre (as shown on deed plan OTS-204-10):
- 5.5.5 Rewa Bush Conservation Area (as shown on deed plan OTS-204-11).
- 5.6 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.7 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within an area that the deed relates to, –
- 5.7.1 consult the governance entity; and
- 5.7.2 have regard to its views concerning the Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua association with the area as described in a statement of association.

#### PROTOCOLS

- 5.8 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:
- 5.8.1 the taonga tūturu protocol:
- 5.8.2 the Crown minerals protocol.
- 5.9 A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.



## **DEED OF SETTLEMENT**

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### **5: CULTURAL REDRESS**

#### **FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS**

- 5.10 Each deed of recognition and protocol will be –
- 5.10.1 in the form in parts 3 and 4 of the documents schedule respectively; and
  - 5.10.2 issued under, and subject to, the terms provided by sections 21 to 27 and 36 to 39 of the draft settlement bill.
- 5.11 A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.

#### **RELATIONSHIP AGREEMENT WITH THE DEPARTMENT OF CONSERVATION**

- 5.12 The Department of Conservation and the governance entity must, by or on the settlement date, sign a relationship agreement.
- 5.13 The relationship agreement sets out how the Department of Conservation will interact with the governance entity with regard to the matters specified in it.
- 5.14 The relationship agreement will be in the form in part 5 of the documents schedule.

#### **RELATIONSHIP AGREEMENT WITH THE MINISTRY FOR THE ENVIRONMENT**

- 5.15 The Ministry for the Environment and the governance entity must by, or on the settlement date, sign a relationship agreement.
- 5.16 The relationship agreement sets out how the Ministry for the Environment will interact with the governance entity with regard to the matters specified in it.
- 5.17 The relationship agreement will be in the form in part 6 of the documents schedule.

#### **MINISTRY FOR PRIMARY INDUSTRIES LETTER OF RECOGNITION**

- 5.18 The Director-General for Primary Industries must, by or on the settlement date, write a letter to the governance entity in the form set out in part 7 of the documents schedule outlining how Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua will have input into sustainability processes and decisions covering fisheries resources, and how Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua will be consulted on policy development led, and work undertaken, by the Ministry for Primary Industries, as these directly affect the area of interest.

#### **LETTERS OF INTRODUCTION**

- 5.19 By or on the settlement date the Minister for Treaty of Waitangi Negotiations will write a letter to each of the following ministries and departments, to provide a platform for better engagement between the governance entity and each Crown agency:

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

5.19.1 Ministry of Education:

5.19.2 Ministry of Social Development.

5.20 By or on the settlement date, the Director of the Office of Treaty Settlements will write a letter of introduction to each of the following entities, agencies and local authorities, to introduce the governance entity, and encourage each entity, agency and local authority to enhance their relationship with the governance entity:

5.20.1 Carterton District Council:

5.20.2 Central Hawke's Bay District Council:

5.20.3 Hawke's Bay Regional Council:

5.20.4 Horizons Regional Council:

5.20.5 Hutt Valley District Health Board:

5.20.6 Masterton District Council:

5.20.7 Mid Central District Health Board:

5.20.8 South Wairarapa District Council:

5.20.9 Tararua District Council:

5.20.10 Wairarapa District Health Board:

5.20.11 Wellington Regional Council.

#### CULTURAL REDRESS PROPERTIES

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

##### ***In fee simple***

5.21.1 the fee simple estate in each of the following sites:

(a) Te Taumata property:

(b) Wi Waka property; and

##### ***In fee simple together with an easement***

5.21.2 the fee simple estate in Kumeti Road property, together with the Minister of Conservation, by or on the settlement date, providing the governance entity

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

with a registrable right of way easement in relation to that site in the form set out in part 8.2 of the documents schedule; and

#### ***In fee simple subject to an easement***

5.21.3 the fee simple estate in each of the following sites:

- (a) Rongokaha property, subject to the Minister of Conservation by or on the settlement date, providing the Wellington Regional Council with a registrable easement in gross for a right to install, access and operate an environmental monitoring station in relation to that site in the form set out in part 8.3 of the documents schedule; and
- (b) Hāmua property, subject to the governance entity granting a registrable easement in gross for a right to access and maintain a monument in favour of the Tararua District Council in relation to that site in the form set out in part 8.1 of the documents schedule; and

#### ***As a recreation reserve together with an easement***

5.21.4 the fee simple estate in Te Punanga property as a recreation reserve, together with the Minister of Conservation, by or on the settlement date, providing the governance entity with a registrable right of way easement in relation to that site in the form in part 8.4 of the documents schedule; and

#### ***As a scenic reserve subject to an easement***

5.21.5 the fee simple estate in each of the following sites as a scenic reserve, subject to the governance entity providing a registrable easement in gross for a right of way in relation to that site in the form in part 8.5 of the documents schedule:

- (a) Māharahara Peak property:
- (b) Matanginui Peak property.

5.22 Each cultural redress property is to be –

5.22.1 as described in schedule 3 of the draft settlement bill; and

5.22.2 vested on the terms provided by –

- (a) sections 61 to 83 of the draft settlement bill; and
- (b) part 2 of the property redress schedule; and

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

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (a) required by clause 5.21 to be provided by the governance entity; or
- (b) required by the settlement legislation; and
- (c) in particular, referred to by schedule 3 of the draft settlement bill.

5.23 The governance entity acknowledges the memorial oak and rhododendron trees on the Hāmua property are of significance to the local Hāmua Community. The governance entity will take reasonable steps to protect the health of the memorial trees. This commitment does not oblige the governance entity to actively preserve the memorial trees and does not prevent it from undertaking any activity a legal owner is entitled to undertake on the property.

#### VESTING AND GIFT BACK

5.24 In clause 5.25, **vesting and gift back site** means each of Pukaha / Mount Bruce National Wildlife Centre Reserve and Pukaha / Mount Bruce Scenic Reserve (both shown on OTS-204-26).

5.25 The settlement legislation will, on the terms provided by sections 84 and 85 of the draft settlement bill, provide that –

5.25.1 the fee simple estate in each vesting and gift back site vests in the governance entity on the first 1 May that falls after the settlement date; and

5.25.2 on the seventh day after the vesting of each vesting and gift back site in the governance entity, the fee simple estate in each vesting and gift back site vests in the Crown as a gifting back to the Crown by the governance entity for the people of New Zealand; and

5.25.3 despite the vestings under clauses 5.25.1 and 5.25.2 –

- (a) each vesting and gift back site remains a reserve under the Reserves Act 1977 and that Act continues to apply to the vesting and gift back sites as if the vestings had not occurred; and
- (b) any enactment, instrument or interest that applied to a vesting and gift back site immediately before the vesting date continues to apply to it as if the vestings had not occurred; and
- (c) to the extent that an overlay classification applies to a vesting and gift back site immediately before the vesting date, it continues to apply to it as if the vestings had not occurred; and
- (d) the Crown retains all liability for the vesting and gift back sites as if the vestings had not occurred; and
- (e) the role of Pukaha Mount Bruce Board Incorporated in relation to the vesting and gift back sites is not changed; and

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

5.25.4 the vestings under clauses 5.25.1 and 5.25.2 are not affected by Part 4A of the Conservation Act 1987, section 11 or Part 10 of the Resource Management Act 1991, sections 10 or 11 of the Crown Minerals Act 1991, or any other enactment that relates to the land.

#### MANAWATŪ RIVER ADVISORY BOARD

5.26 The parties record that the Rangitāne o Manawatu draft settlement bill –

5.26.1 if enacted, will establish a statutory board known as the Manawatū River advisory board; and

5.26.2 has been introduced to the House of Representatives.

5.27 The settlement legislation will, on the terms provided by section 41 of the draft settlement bill, provide that –

5.27.1 the governance entity may appoint a member to the Manawatū River advisory board; and

5.27.2 clause 5.27.1 comes into effect if the Rangitāne o Manawatu draft settlement bill is enacted and establishes the Manawatū River advisory board.

5.28 The Crown is not in breach of this deed if the Manawatū River advisory board is not established including because the Rangitāne o Manawatu draft settlement bill is not enacted.

#### OFFICIAL GEOGRAPHIC NAMES

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

Existing name	Official Geographic name	NZTopo50 sheet and grid references	Geographic feature type
Rimutaka Range	Remutaka Range	BQ32 605124 - BP33 872456	Range
Rimutaka Stream	Remutaka Stream	BP33 864465 - BP33 852504	Stream
Rimutaka	Remutaka	BP33 872456	Hill
Otahoua	Ōtahua	BP35 318603	Hill
Mitre	Pukeamoamo / Mitre	BN34 073807	Hill
Jumbo	Pukeahurangi / Jumbo	BP34 048747	Hill
Bruces Hill (informally known as Mt Bruce No 2)	Pukaha / Mount Bruce	BN34 229862	Hill

## **DEED OF SETTLEMENT**

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### **5: CULTURAL REDRESS**

- 5.30 The settlement legislation will provide for the official geographic names on the terms provided by sections 57 to 60 of the draft settlement bill.

#### **CHANGE OF NAMES OF SITES WITHIN CONSERVATION LAND**

- 5.31 The settlement legislation will, on the terms provided by section 58 of the draft settlement bill, provide a new name to each of the following Crown protected areas:

- 5.31.1 Haukopua Scenic Reserve is changed to Haukōpuapua Scenic Reserve;
- 5.31.2 Mount Bruce National Wildlife Centre Reserve is changed to Pukaha / Mount Bruce National Wildlife Centre Reserve;
- 5.31.3 Mount Bruce Scenic Reserve is changed to Pukaha / Mount Bruce Scenic Reserve; and
- 5.31.4 Rimutaka Forest Park is changed to Remutaka Forest Park.

#### **CULTURAL REDRESS GENERALLY NON-EXCLUSIVE**

- 5.32 Where cultural redress is non-exclusive, the Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.
- 5.33 However, the Crown must not enter into another settlement that provides for the same redress as in clauses 5.21 and 5.25.

## **6 FINANCIAL AND COMMERCIAL REDRESS**

### **FINANCIAL REDRESS**

- 6.1 The Crown must pay the governance entity on the settlement date \$16,982,000, being the financial and commercial redress amount of \$32,500,000 less –
- 6.1.1 \$4,062,500 being the value of the nominated shares in Genesis Energy Limited transferred to the trustees of the Rangitāne Tū Mai Rā Trust on 16 April 2014 in accordance with the Genesis deed recording on account arrangements; and
  - 6.1.2 \$6,500,000 being the on-account payment that was paid on 7 May 2014 to the trustees of the Rangitāne Tū Mai Rā Trust on account of the settlement; and
  - 6.1.3 \$4,955,500 being the total transfer values of the commercial redress properties.

### **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 subject to, and where applicable with the benefit of, the encumbrances provided in the property redress schedule in relation to that property.

### **LICENSED LAND**

- 6.4 The settlement legislation will, on the terms provided by sections 86, 89, 90 and 92 to 97 of the draft settlement bill, provide for the following in relation to a commercial redress property that is licensed land:
- 6.4.1 its transfer by the Crown to the governance entity;
  - 6.4.2 it to cease to be Crown forest land upon registration of the transfer:

## DEED OF SETTLEMENT

### 6: FINANCIAL AND COMMERCIAL REDRESS

- 6.4.3 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:
- 6.4.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if –
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
  - (b) the Waitangi Tribunal's recommendation became final on the settlement date:
- 6.4.5 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:
- 6.4.6 for rights of access to areas that are wāhi tapu.

### IWI STATEMENT OF AGREEMENT REGARDING ACCESS TO WĀHI TAPU

- 6.5 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua acknowledge that they and Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua have traditions and customs associated with wāhi tapu (known and unknown) across Ngāumu Forest. Rangitāne o Wairarapa, Rangitāne o Tamaki nui-ā-Rua and Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua have agreed that they will enter into a rangatira to rangatira, kanohi to kanohi agreement setting out how each iwi will exercise their statutory rights of access to wāhi tapu within the area of Ngāumu Forest that is to be transferred to the other in order to ensure that both iwi will continue to be able to give effect to their tikanga obligations.

### DEFERRED SELECTION PROPERTIES

- 6.6 The governance entity may during the deferred selection period for each deferred selection property, give the Crown a written notice of interest in accordance with part 5 of the property redress schedule.

### SETTLEMENT LEGISLATION

- 6.7 The settlement legislation will, on the terms provided by sections 86 to 97 of the draft settlement bill, enable the transfer of the commercial redress properties and the deferred selection properties.



## DEED OF SETTLEMENT

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### 6: FINANCIAL AND COMMERCIAL REDRESS

#### RFR FROM THE CROWN

- 6.8 The governance entity is to have a right of first refusal in relation to a disposal of RFR land, being land listed in the attachments as RFR land that, on the settlement date, –
- 6.8.1 is vested in the Crown; or
  - 6.8.2 the fee simple for which is held by the Crown.
- 6.9 The right of first refusal is –
- 6.9.1 to be on the terms provided by sections 98 to 126 of the draft settlement bill; and
  - 6.9.2 in particular, to apply –
    - (a) for a term of 174 years from the settlement date; but
    - (b) only if the RFR land is not being disposed of in the circumstances provided by sections 106 to 115 or under a matter referred to in section 116(1) of the draft settlement bill.

## 7 SHARED REDRESS

### BACKGROUND AND SHARED REDRESS LEGISLATION

- 7.1 The Crown, the governance entity and mandated representatives of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua have agreed redress that is to be provided to the shared redress entities if –
- 7.1.1 the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement is entered into containing provisions to give effect to this part; and
  - 7.1.2 the shared redress legislation is agreed by the shared redress parties; and
  - 7.1.3 the shared redress legislation is enacted.
- 7.2 The Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua agreement in principle also refers to the agreed shared redress set out in Part 7.
- 7.3 The Crown must propose the shared redress legislation for introduction to the House of Representatives after the later of –
- 7.3.1 the date it has been agreed by the shared redress parties; and
  - 7.3.2 the date of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement.
- 7.4 The parties record that the following components of the shared redress have been agreed and that they are ready for inclusion in the shared redress legislation subject to modification to comply with Parliamentary drafting style and conventions:
- 7.4.1 the overlay classification, set out in clause 7.10:
  - 7.4.2 the vesting of the jointly vested properties and the Mākirikiri property, set out in clauses 7.11 to 7.15:
  - 7.4.3 the process for exploring customary fishing regulations, set out in clause 7.63 to 7.67 to the extent they require legislation to give effect to them.
- 7.5 The parties record that mandated representatives of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, the Rangitāne Tū Mai Rā Trust and the Crown have worked together to agree the key components relating to the establishment of the Wairarapa Moana statutory board, and relating to the vesting of the bed of Lake Wairarapa (the Crown owned part), set out in clauses 7.16 to 7.62.
- 7.6 The Crown will continue to negotiate in good faith with the governance entity and mandated representatives of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua to agree, to the satisfaction of those parties, –

## DEED OF SETTLEMENT

### 7: SHARED REDRESS

- 7.6.1 the components of the shared redress set out in clauses 7.16 to 7.62 so that the shared redress is set out in full in the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement; and
- 7.6.2 the shared redress legislation.
- 7.7 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and the governance entity acknowledge that the Crown is not in breach of this deed if –
- 7.7.1 the shared redress has not been provided by a particular date if, on that date, the Crown is willing to negotiate in good faith under clause 7.6; or
- 7.7.2 having complied with clause 7.3, the shared redress legislation is not enacted, or enacted in a different form to that agreed by the shared redress parties.
- 7.8 Even though the historical claims are settled by this deed and the settlement legislation, the parties record that this deed does not provide for shared redress in relation to Wairarapa Moana and the Ruamahanga River catchment and, accordingly, Rangitāne o Wairarapa and Rangitāne Tamaki nui-ā-Rua are not precluded from making a claim to any court, tribunal or other judicial body in respect of the process referred to in clauses 7.5 to 7.7.
- 7.9 The shared redress legislation is –
- 7.9.1 required to give effect to all the shared redress other than redress set out in clause 7.56; and
- 7.9.2 to provide that the date on which the redress is vested or becomes effective must be on or later than the last to occur of –
- (a) the settlement date; and
- (b) the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua settlement date.

### OVERLAY CLASSIFICATION

- 7.10 The shared redress legislation will declare the Castlepoint Scenic Reserve (as shown on deed plan OTS-204-12) to be an overlay area on the terms provided for in part 2, subpart 4 of the settlement legislation, varied to provide that the overlay classification applies to an agreed set of protection principles and specified actions, and the respective statements of values for Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, and Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua.

### JOINTLY VESTED PROPERTIES AND PROPERTY VESTED IN TUPUNA

#### Mākirikiri Gravel Reserve

- 7.11 The shared redress legislation will –

## DEED OF SETTLEMENT

### 7: SHARED REDRESS

- 7.11.1 vest the fee simple estate in the Mākirikiri Gravel Reserve property (as shown on deed plan OTS-204-24) in the shared redress entities as tenants in common in equal undivided shares on a date specified in the shared redress legislation; and
- 7.11.2 provide for a computer freehold register to be created for each undivided share in the property.

#### **Mataikona property**

7.12 The shared redress legislation will –

- 7.12.1 vest the fee simple estate in Mataikona property (as shown on deed plan OTS-204-25) in the shared redress entities as tenants in common in equal undivided shares on a date specified in the shared redress legislation; and
- 7.12.2 provide for a computer freehold register to be created for each undivided share in the property.

#### **Mākirikiri property (Property vested in Tupuna)**

7.13 The shared redress legislation will –

- 7.13.1 vest the Mākirikiri property (as shown on deed plan OTS-204-21, and being the Makirikiri Recreation Reserve and the Makirikiri Scenic Reserve), in the ancestor Te Rangiwaka-ewa as a recreation reserve subject to section 17 of the Reserves Act 1977; and
- 7.13.2 provide that the recreation reserve will be named the Mākirikiri Reserve; and
- 7.13.3 establish a joint management board, comprising 2 appointees of each shared redress entity, to control and manage the property as if under section 30 of the Reserves Act 1977; and
- 7.13.4 provide that –
  - (a) the quorum at meetings of the board will be 2 members, being 1 appointee from each shared redress entity; and
  - (b) the first chair of the board will be appointed by the governance entity, and that each subsequent chair will be appointed alternately by, first, the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity and then the governance entity; and
  - (c) the first deputy chair of the board will be appointed by the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity, and that each subsequent chair will be appointed alternately by, first, the governance entity and then the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity; and

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- 7.13.5 provide that the joint management body has all the rights and obligations of the owner of the Mākirikiri property, despite its vesting in the ancestor Te Rangiwhaka-ewa; and
- 7.13.6 provide for the creation of a computer freehold register in the name of “Te Rangiwhakaewa”; and
- 7.13.7 provide that the Mākirikiri property cannot be subsequently transferred.

#### Standard clauses

- 7.14 The standard clauses listed in clause 7.15 will be included in the shared redress legislation to give effect to the vesting of the jointly vested properties and the Mākirikiri property, with all variations and additions necessary to give effect to clauses 7.10 to 7.13, including –
  - 7.14.1 that all references to a “cultural redress property” will be to a “jointly vested property”; and
  - 7.14.2 the Mākirikiri property is a reserve property.
- 7.15 The standard clauses for the purposes of clause 7.14 are:
  - 7.15.1 78 and 80:
  - 7.15.2 83, but not subclause 83(3) or 83(4):
  - 7.15.3 84, but not subclauses 84(1)(b) to (f):
  - 7.15.4 85 and 87:
  - 7.15.5 88, but not subclauses 88(1):
  - 7.15.6 89:
  - 7.15.7 93 and 94.

#### WAIRARAPA MOANA STATUTORY BOARD

- 7.16 The parties have agreed, together with Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, to be part of a statutory board comprising members appointed by the following –
  - 7.16.1 the governance entity:
  - 7.16.2 the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity:
  - 7.16.3 the Minister of Conservation:

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7.16.4 the Wellington Regional Council:

7.16.5 the South Wairarapa District Council.

#### 7.17 [NOT USED]

#### **Establishment and purpose of the Wairarapa Moana statutory board**

7.18 The shared redress legislation will establish a statutory board, called the Wairarapa Moana statutory board, whose purpose will be to act as a guardian of Wairarapa Moana and the Ruamahanga River catchment, for the benefit of present and future generations by –

7.18.1 being the administering body of Wairarapa Moana reserves as if it were appointed to control and manage the reserves under section 30(1) of the Reserves Act 1977 and the shared redress legislation, including to protect and enhance their cultural, spiritual and ecological values; and

7.18.2 being the manager of the Wairarapa Moana marginal strips as if under section 24H of the Conservation Act 1987; and

7.18.3 providing leadership on the sustainable management of Wairarapa Moana and the Ruamahanga River catchment; and

7.18.4 promoting the restoration, protection and enhancement of the social, economic, cultural, environmental and spiritual health and well being of Wairarapa Moana and the Ruamahanga River catchment as they relate to natural resources.

7.19 The Wairarapa Moana statutory board will comprise –

7.19.1 1 member appointed by the governance entity:

7.19.2 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity, including 2 hapū members representing Papawai and Kohunui Marae:

7.19.3 2 members appointed by the Minister of Conservation:

7.19.4 2 members appointed by the Wellington Regional Council:

7.19.5 1 member appointed by the South Wairarapa District Council.

7.20 The Chair of the Wairarapa Moana statutory board will be elected by the board members from amongst the 4 members appointed by the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity.

7.21 The Wairarapa Moana statutory board will be the administering body of Wairarapa Moana reserves as if it were appointed to control and manage the reserves under section 30(1) of the Reserves Act 1977 for the purposes set out in the Reserves Act

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1977 and the shared redress legislation and the manager of Wairarapa Moana marginal strips as if under section 24H of the Conservation Act 1987.

#### **Functions of the Wairarapa Moana statutory board**

- 7.22 The principal function of the statutory board is to achieve its purpose.
- 7.23 The other functions of the statutory board are –
- 7.23.1 to prepare and approve a publicly notified Wairarapa Moana Board document as set out in clauses 7.25 to 7.29; and
  - 7.23.2 to prepare and approve the statutory board's annual and multi-year priorities; and
  - 7.23.3 to jointly agree with the appointers an annual operational management programme; and
  - 7.23.4 to approve conservation projects and any other projects to be undertaken by the Board or one or more appointers as agreed by the appointers from time to time; and
  - 7.23.5 to provide advice to the Minister of Conservation and Department of Conservation on conservation matters relating to Wairarapa Moana reserves, including advice on rules for commercial and recreational fishing within Wairarapa Moana reserves; and
  - 7.23.6 to engage with, seek advice from, and provide advice to local authorities and other relevant agencies regarding the sustainable integrated management of Wairarapa Moana and the Ruamahanga River catchment; and
  - 7.23.7 to seek approval from the Minister of Conservation for the commercial take of indigenous species within Wairarapa Moana reserves; and
  - 7.23.8 to monitor and report to the appointers and sub-committee appointers annually on the implementation and achievement of the Wairarapa Moana Board document and the operational management programme agreed under clause 7.34; and
  - 7.23.9 to engage with third parties and interest groups, including producing and disseminating information and awareness of Wairarapa Moana and the Ruamahanga River catchment; and
  - 7.23.10 to undertake any other function required to achieve the statutory board's purpose.
- 7.24 In addition to the sub-committee referred to in clause 7.31, in carrying out its functions, the statutory board may establish sub-committees of its members which may invite advisors and observers to attend their sub-committee meetings.

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#### Wairarapa Moana Board Document

- 7.25 The Wairarapa Moana statutory board must prepare and approve the Wairarapa Moana Board Document in accordance with procedures and timeframes set out in the shared redress legislation.
- 7.26 The Wairarapa Moana Board Document will consist of the following three parts:
- 7.26.1 an overarching vision and statement of desired outcomes for Wairarapa Moana which recognises and provides for the cultural and spiritual values of Wairarapa Moana:
  - 7.26.2 a reserves management plan for all Wairarapa Moana reserves that reflects the statutory board's overarching vision and desired outcomes and is consistent with conservation and shared redress legislation:
  - 7.26.3 a natural resources document that identifies the statutory board's issues, values, vision, objectives and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, to the extent that they apply to the health and well being of Wairarapa Moana and/or the Ruamahanga River catchment.
- 7.27 in particular the Wairarapa Moana Board Document will –
- 7.27.1 recognise and give expression to the relationship of Rangitāne and Ngāti Kahungunu and their culture and traditions with their ancestral lands, water, wāhi tapu sites and other taonga in Wairarapa Moana and/or the Ruamahanga River catchment; and
  - 7.27.2 respect Rangitāne and Ngāti Kahungunu tikanga and values in the management of Wairarapa Moana and/or the Ruamahanga River catchment.
- 7.28 The shared redress legislation will set out in full a public notification and submission process for the Wairarapa Moana Board Document including for –
- 7.28.1 the reserves management plan in accordance with section 41 of the Reserves Act 1977; and
  - 7.28.2 the natural resources document which will include –
    - (a) a public notification of the draft natural resources document process;
    - (b) the availability of the draft natural resources document for public inspection at specified places;
    - (c) the ability of interested persons or organisations to lodge submissions on the draft natural resources document for at least 20 business days after the date of the publication of the notice;



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- (d) the consideration of any written submissions that are consistent with the purpose of the natural resources document by the Wairarapa Moana statutory board;
- (e) a hearing process at the discretion of the Wairarapa Moana Board;
- (f) a process for approving the natural resources document; and
- (g) the notification of the approved natural resources document.

7.29 At the discretion of the Wairarapa Moana Board the public notification and submission process for the Wairarapa Moana Board Document may either comprise separate processes for the reserves management plan and the natural resources document or a combined process.

#### **Preparation of reserves management plan**

7.30 The shared redress legislation will provide that –

7.30.1 the Department of Conservation and the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity prepare, in consultation with the statutory board, a draft reserves management plan; and

7.30.2 in accordance with the process set out in the Reserves Act 1977, the statutory board will recommend the draft reserves management plan to the Minister of Conservation for approval; and

7.30.3 the Department of Conservation will be responsible for organising and funding processes required under section 41 of the Reserves Act 1977.

#### **Preparation of natural resources document**

7.31 The shared redress legislation will provide that –

7.31.1 a sub-committee of the statutory board will be established to prepare and recommend a natural resources document to the statutory board for approval:

7.31.2 the sub-committee will comprise the following members:

- (a) 2 members appointed by the Rangitāne Tū Mai Ra Trust;
- (b) 2 members appointed by the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity;
- (c) 1 member appointed by the Wellington Regional Council;
- (d) 1 member appointed by the South Wairarapa District Council;
- (e) 1 member appointed by the Masterton District Council;

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(f) 1 member appointed by the Carterton District Council:

7.31.3 the statutory board will consider and approve the natural resources document or refer it back to the sub-committee for reconsideration if there is any recommendation made by the sub-committee that the board considers is not consistent with its purposes, or the board's overarching vision and statement of desired outcomes, in order for the sub-committee to provide further recommendations to the board:

7.31.4 the purpose of the natural resources document is to identify issues, values, vision, objectives and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, in order to –

(a) provide leadership on the sustainable management of the Ruamahanga River Catchment in a way that promotes the restoration, protection and enhancement of the social, economic, cultural, environmental and spiritual health and well being of Wairarapa Moana and/or the Ruamahanga River catchment; and

(b) recognise and give expression to the relationship of Rangitāne and Ngāti Kahungunu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga in Wairarapa Moana and/or the Ruamahanga River catchment; and

(c) respect Rangitāne and Ngāti Kahungunu tikanga and values in the management of Wairarapa Moana and/or the Ruamahanga River catchment:

7.31.5 the natural resource document must not contain rules or regulatory methods.

#### **Operational management of Wairarapa Moana reserves**

7.32 The shared redress legislation will provide that the appointers will have primary responsibility for delivery of operational management.

7.33 The statutory board must hold an annual planning meeting, at which the statutory board will determine its annual and multi-year priorities.

7.34 The statutory board and appointers will agree a collaborative operational management programme.

7.35 The annual operational management programme must –

7.35.1 be consistent with relevant legislation and the Wairarapa Moana Board Document; and

7.35.2 not be inconsistent with the statutory board's annual and multi-year priorities; and

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- 7.35.3 be commensurate with the level of funding contributed by the statutory board and appointers at their discretion for the year in question.
- 7.36 The appointers may contribute to operational management across all or some areas of Wairarapa Moana reserves irrespective of ownership.
- 7.37 The appointers will pay directly from their own funds for the operational management costs to which they have committed to contribute through the operational management programme.
- 7.38 The statutory board may directly fund special projects from a variety of funding sources (including through a contestable process) and engage third parties to undertake the work in accordance with the annual operational management programme.
- 7.39 The appointers will report annually to the statutory board and the other appointers and sub-committee appointers on delivery of the operational management programme for the previous year at the annual planning meeting.

#### **Statutory effect of natural resource document**

- 7.40 The shared redress legislation will provide that –
- 7.40.1 in preparing or changing a regional policy statement, regional plan or district plan under the Resource Management Act 1991, the relevant local authority must recognise and provide for the content of the natural resources document to the extent that it is relevant to matters covered by those plans; and
- 7.40.2 the relevant local authority must have particular regard to the content of the natural resources document in preparing or approving long-term and annual plans under the Local Government Act 2002 to the extent that the content of the document is relevant to matters covered by those plans; and
- 7.40.3 for the purposes of clauses 7.40.1 and 7.40.2 “**content**” means issues, values, vision, objectives and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment; and
- 7.40.4 in preparing a conservation management strategy, the Director-General of Conservation must have particular regard to the overarching vision and statement of desired outcomes in the Wairarapa Moana Board Document to the extent that the content of the document is relevant to matters covered by that strategy, and to the approved reserves management plan for Wairarapa Moana reserves; and
- 7.40.5 in preparing any other conservation statutory plans, the Director-General of Conservation must have particular regard to the overarching vision and statement of desired outcomes in the Wairarapa Moana Board Document to the extent that the content of the document is relevant to matters covered by that plan, and to any advice provided to the Minister of Conservation by the Wairarapa Moana statutory board; and

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- 7.40.6 the Minister of Conservation must have particular regard to advice from the statutory board on rules for recreational and commercial fishing to apply to Wairarapa Moana reserves; and
- 7.40.7 the contents of the Wairarapa Moana Board Document do not predetermine or constrain the identification of freshwater values or setting freshwater objectives by local authorities and their communities under the National Policy Statement for Freshwater Management 2014.

#### **Other matters relating to Wairarapa Moana statutory board**

- 7.41 The shared redress legislation will provide –
- 7.41.1 for the matters set out in clauses 7.42 to 7.52 relating to the Wairarapa Moana statutory board and its members to be set out in a schedule to the legislation, but
- 7.41.2 that otherwise the statutory board and its members may regulate their own procedures.

#### **Appointment**

- 7.42 A member of the statutory board may be appointed, reappointed or discharged at the discretion of the appointer by the appointer giving written notice to the member and the other appointers.
- 7.43 Where there is a vacancy on the statutory board, the relevant appointer will fill that vacancy as soon as is reasonably practicable.
- 7.44 A member of the sub-committee referred to under clause 7.31.1 may be appointed, reappointed or discharged at the discretion of the appointer of the sub-committee by giving written notice to the member and the other sub-committee appointers.
- 7.45 Where there is a vacancy on the subcommittee referred to under clause 7.31.1 the relevant sub-committee appointer will fill that vacancy as soon as is reasonably practicable.

#### **Procedures and meetings of the board**

- 7.46 Sections 32 to 34 of the Reserves Act 1977 apply, with any necessary modifications and to the extent consistent with the shared redress legislation, to the Wairarapa Moana statutory board as if it were a board for the purposes of that Act.
- 7.47 The first meeting of the Wairarapa Moana statutory board must be held no later than six months after the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua settlement date or earlier if there is a statutory responsibility that requires the board's decision-making at an earlier date.
- 7.48 At its first meeting, the Wairarapa Moana statutory board must –
- 7.48.1 adopt standing orders for the initial procedure of the statutory board; and

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7.48.2 agree on a schedule of meetings.

#### **Quorum and decision-making of the board**

- 7.49 The quorum for a meeting of the Wairarapa Moana statutory board will be 6 members, of which at least 3 of the attendees must be members appointed by the governance entity and the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity, and at least 3 must be members appointed by other appointers.
- 7.50 The decisions of the Wairarapa Moana statutory board will be made by vote at a meeting. The statutory board will seek to achieve consensus but, where that is not possible, decisions will be made by vote at a meeting by a 75 percent majority of those members present. The Chair has a deliberative but not a casting vote.
- 7.51 The statutory board may adopt its own procedures, subject to compliance with the Reserves Act 1977 with any necessary modifications and to the extent consistent with the shared redress legislation.
- 7.52 To avoid doubt, the statutory board is not a committee or joint committee of a local authority for the purposes of the Local Government Act 2002 or any other Act.

#### **Funding and administrative support**

- 7.53 Each appointer or sub-committee appointer is responsible for meeting the expenses of its appointees.
- 7.54 Wellington Regional Council will provide secretariat services for the statutory board and the sub-committees of the board.
- 7.55 The Wairarapa Moana statutory board may seek sponsorship and funds from other sources for its activities.
- 7.56 On the settlement date, the Crown will provide \$500,000 to Wellington Regional Council as a one-off contribution to the costs of the preparation and public notification of the natural resource document.
- 7.57 Wellington Regional Council will hold the fund on behalf of the statutory board as a separate and identifiable ledger item and spend those funds as directed by the statutory board in accordance with the purposes set out at clause 7.56.

#### **Outstanding matters to be negotiated further**

- 7.58 The Rangitāne Tū Mai Rā Trust, representatives of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua and the Crown intend that the matters to be further negotiated and agreed include, but are not limited to, the following:
- 7.58.1 how authorisations in relation to Wairarapa Moana reserves are to be issued, and by whom:

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- 7.58.2 timeframes for completing operational management programmes and for authorisations:
- 7.58.3 a dispute resolution process of the statutory board and sub-committees:
- 7.58.4 liabilities and indemnities for the statutory board, sub-committees and the appointers:
- 7.58.5 the name of the Wairarapa Moana Statutory Board and the Wairarapa Moana board document.
- 7.59 Details around appointment and eligibility for membership of the statutory board will be developed and agreed for inclusion in the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement where appropriate.
- 7.60 The Rangitāne Tū Mai Rā Trust, representatives of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua and the Crown will explore between the date of this deed of settlement and the signing of the Ngāti Kahungunu deed of settlement, the inclusion of additional reserves to be administered by the statutory board, with the schedule of Wairarapa Moana reserves to be administered by the board to be confirmed in the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement.

#### VESTING OF BED OF LAKE WAIRARAPA

- 7.61 The parties intend that –
- 7.61.1 the bed of Lake Wairarapa owned by the Crown as shown on OTS-204-28 will be vested in fee simple in the governance entity and the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity as tenants in common in unequal shares of 10 percent in the governance entity and 90 percent in the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity; and
- 7.61.2 the terms of vesting will be included in the shared redress legislation, including that –
- (a) the vesting will be subject to reserve status;
  - (b) the Wairarapa Moana statutory board will be the administering body of the reserve; and
  - (c) the reserve will be inalienable.

#### COMMERCIAL FISHING

- 7.62 The shared redress legislation will provide that notwithstanding Section 50 of the Reserves Act 1977, the Minister of Conservation may approve commercial fishing on Wairarapa Moana Reserves on the recommendation of the statutory board.

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#### CUSTOMARY FISHING REGULATIONS

- 7.63 After the later of the settlement date and the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua settlement date, a collaborative process will be established to explore the need for and, where appropriate, develop regulatory mechanisms under the Fisheries Act 1996 to provide for the management of customary food gathering and management of customary fishing grounds by Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, to apply to Wairarapa Moana and the Ruamahanga River catchment.
- 7.64 The participants in that collaborative process will be the following:
- 7.64.1 the governance entity:
  - 7.64.2 the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity:
  - 7.64.3 the Ministry for Primary Industries.
- 7.65 The Crown, Rangitāne Tū Mai Rā Trust, and the Mandated Representatives of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua intend that the shared redress legislation will provide –
- 7.65.1 authority for the making of regulations to apply to Wairarapa Moana and the Ruamahanga River catchment under the Fisheries Act 1996 in relation to –
    - (a) the management of customary food gathering by Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and
    - (b) applications for the management of customary fishing grounds of special significance to Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, or Rangitāne o Wairarapa or Rangitāne o Tamaki nui-ā-Rua; and
  - 7.65.2 that the process for considering and deciding on applications to manage fishing grounds of special significance to Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua or Rangitāne o Wairarapa or Rangitāne o Tamaki nui-ā-Rua will be consistent with the relevant provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998; and
  - 7.65.3 if, after consultation between the post-settlement governance entities for Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and their constituent hapū, the participants in the collaborative process referred to in (clause 7.64) agree that regulations in relation to the management of customary food gathering and the management of customary fishing grounds are required, those participants will –
    - (a) provide advice to the Minister for Primary Industries on the required regulations and the content of them; and

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- (b) the Minister will recommend the making of regulations to give effect to the advice provided in clause 7.65.3 (a).

- 7.66 The Crown is not in breach of clause 7.65 if the shared redress legislation is not enacted, or does not give effect to clause 7.65.
- 7.67 For the purposes of this clause “customary food gathering” has the meaning given to it in section 186 of the Fisheries Act 1996.

#### APPLICATION OF THIS DEED TO SHARED REDRESS

- 7.68 Clauses 7.69 to 7.71 apply if the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement is entered into containing provisions to give effect to this part.
- 7.69 For the purposes of the shared redress legislation the following are in part 1 of the documents schedule:
- 7.69.1 the statement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua values in relation to the overlay area:
  - 7.69.2 the agreed set of protection principles:
  - 7.69.3 the Director-General’s actions.
- 7.70 The shared redress is Crown redress as if vested by the settlement legislation for the purposes of part 2 of the general matters schedule.
- 7.71 Part 1 of the property redress schedule applies to the jointly vested properties as if –
- 7.71.1 they were each a redress property; and
  - 7.71.2 in the case of the Mākirikiri Gravel Reserve property and the part of the Mākirikiri property that is currently the Makirikiri Recreation Reserve, a council-administered cultural redress property.

#### TE UPOKO TAI AO – NATURAL RESOURCE MANAGEMENT COMMITTEE

- 7.72 Rangitāne note that the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua agreement in principle proposes that:
- 7.72.1 the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement is to provide that the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua settlement legislation will provide that the committee is a permanent committee of the Wellington Regional Council deemed to be appointed under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002;
  - 7.72.2 the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement is to provide that the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua settlement legislation will provide that the terms of reference may only be changed by Wellington Regional Council on the recommendation of the committee;



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- 7.72.3 the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement is to provide that the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua settlement legislation will provide that the committee may only be disestablished by Wellington Regional Council on the recommendation of the committee.

## **8 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION**

### **SETTLEMENT LEGISLATION**

- 8.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives as soon as practicable after the signing of this deed of settlement.
- 8.2 The settlement legislation must provide for all matters for which legislation is required to give effect to this deed of settlement.
- 8.3 The draft settlement bill proposed for introduction to the House of Representatives must –
- 8.3.1 comply with the drafting standards and conventions of the Parliamentary Counsel Office for Governments Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and
  - 8.3.2 be in a form that is satisfactory to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and the Crown.
- 8.4 Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and the governance entity must support the passage of the draft settlement bill through Parliament.

### **SETTLEMENT CONDITIONAL**

- 8.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 8.6 However, the following provisions of this deed are binding on its signing:
- 8.6.1 clauses 8.3 to 8.9:
  - 8.6.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

### **EFFECT OF THIS DEED**

- 8.7 This deed –
- 8.7.1 is “without prejudice” until it becomes unconditional; and
  - 8.7.2 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.
- 8.8 Clause 8.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

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### 8: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

#### TERMINATION

- 8.9 The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 8.9.1 the settlement legislation has not come into force within 36 months after the date of this deed; and
  - 8.9.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 8.10 If this deed is terminated in accordance with its provisions –
- 8.10.1 this deed (and the settlement) are at an end; and
  - 8.10.2 subject to this clause, this deed does not give rise to any rights or obligations; and
  - 8.10.3 this deed remains “without prejudice”, but
  - 8.10.4 the parties intend that the on-account payment is taken into account in any future settlement of the historical claims.

## 9 GENERAL, DEFINITIONS, AND INTERPRETATION

### GENERAL

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

### HISTORICAL CLAIMS

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

## DEED OF SETTLEMENT

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### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

9.2.2 includes every claim to the Waitangi Tribunal to which clause 9.2.1 applies that relates exclusively to the settling group or a representative entity, including the following claims:

- (a) Wai 166 – Southern Hawkes Bay Lands and Fisheries Claim;
- (b) Wai 171 – Ruataniwha and Other Blocks Claim;
- (c) Wai 175 – Hutt Valley and Cape Palliser Lands Claim;
- (d) Wai 943 – Ngāti Te Hore Ancestral Land Confiscation Claim;
- (e) Wai 1008 – Succession to Māori Land Legislation Claim;
- (f) Wai 1634 – Te Ahu a Turanga Block & Parihaka Island Claim;
- (g) Wai 1950 – Ehetere Kawemata Rautahi Whānau Claim; and

9.2.3 includes every other claim to the Waitangi Tribunal to which clause 9.2.1 applies, so far as it relates to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua or a representative entity, including the following claims:

- (a) Wai 97 – Wairarapa Lands and Fisheries Claim;
- (b) Wai 161 – Waipukurau Block Claim;
- (c) Wai 420 – Mataikona A2 Claim;
- (d) Wai 657 – Aorangi Settlement Claim;
- (e) Wai 741 – Local Government and Resource Management Claim;
- (f) Wai 770 – Land and Fisheries (Karaitiana) Claim;
- (g) Wai 1568 – Southern Hawkes Bay Lands (Paewai and Nepe-Apatu) Claim;
- (h) Wai 1928 – Descendants of Te Hirawanu (Karaitiana) Claim;
- (i) Wai 2211 – Descendants of Te Hiko (Thompson & Bradbrook) Claim;
- (j) Wai 2213 – Coastal Hapū Collective Ocean Resources (Mauger and Hutcheson) Claim;
- (k) Wai 2225 – Ngāi Tahumakakanui Lands Claim;
- (l) Wai 2241 – Descendants of Te Hau and Akura (Oneroa, Smith and Te Whata) Claim;

## DEED OF SETTLEMENT

### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

(m) Wai 2269 – Te Whiti North Block (Hemi) Claim.

9.3 However, **historical claims** does not include the following claims –

9.3.1 a claim that a member of **Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua**, or a whānau, hapū, or group referred to in clause 9.6.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 9.6.1:

9.3.2 a claim based on descent from the tupuna Kahungunu;

9.3.3 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 9.3.1 or 9.3.2.

9.4 To avoid doubt, clause 9.2.1 is not limited by clauses 9.2.2 or 9.2.3.

9.5 To avoid doubt, this settlement does not affect the right of any group to apply for recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.

#### **RANGITĀNE O WAIRARAPA AND RANGITĀNE O TAMAKI NUI-Ā-RUA**

9.6 In this deed, **Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua** means –

9.6.1 the collective group composed of persons who descend from a **Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua tupuna**; and

9.6.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 9.6.1, including the following groups:

(a) Ngāti Hāmua;

(b) Ngāti Te Rangiwhaka-ewa;

(c) Ngāti Mutuahī;

(d) Ngāti Pakapaka;

(e) Ngāti Parakiore;

(f) Ngāi Tamahau;

(g) Ngāti Te Raetea;

(h) Hineteaorangī;

(i) Ngāti Te Noti;

## DEED OF SETTLEMENT

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### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (j) Ngāti Te Whātui;
- (k) Ngāti Tangatakau;
- (l) Ngāti Mātangiuru;
- (m) Ngāti Te Hina (or Ngāti Te Hina Ariki);
- (n) Ngāti Te Koro o Ngā Whenua;
- (o) Ngāti Te Rangitōtohu;
- (p) Ngāti Ruatōtara;
- (q) Te Kapuārangi;
- (r) Ngāti Matetapu;
- (s) Ngāti Whakawehi;
- (t) Ngāti Taimahu;
- (u) Ngāti Tūkoko;
- (v) Ngāti Te Atawhā;
- (w) Ngāti Te Whakamana;
- (x) Ngāti Meroiti;
- (y) Ngāti Hinetauirā;
- (z) Ngāti Tauiao;
- (aa) Ngāti Moe;
- (bb) Ngāi Tahu (or Ngāi Tahu Makaka-nui);
- (cc) Te Hika o Pāpāuma as defined at paragraph 9.7.4; and

9.6.3 every individual referred to in clause 9.6.1.

9.7 For the purposes of clause 9.6.1 –

9.7.1 a person is **descended** from another person if the first person is descended from the other by –

- (a) birth; or

## DEED OF SETTLEMENT

### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (b) legal adoption; or
- (c) Māori customary adoption in accordance with Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua tikanga (Māori customary values and practices); and

9.7.2 **Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua tupuna** means an individual who –

- (a) exercised customary rights by virtue of being descended from:
  - (i) the tupuna Rangitāne; or
  - (ii) a recognised ancestor of any of the groups referred to in clause 9.6.2; and
- (b) exercised the customary rights in clause 9.7.2(a) predominantly in relation to the Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua area of interest after 6 February 1840; and

9.7.3 **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; and

9.7.4 **Te Hika o Pāpāuma** means:

- (a) the collective group comprised of individuals who descend from the ancestor Pāpāuma, who is the eponymous ancestor of Te Hika o Pāpāuma; and
- (b) every whānau or group to the extent that it is composed to persons referred to in paragraph 9.7.4(a); and
- (c) every individual referred to in paragraph 9.7.4(b).

For the purposes of clarity, there are strong whakapapa connections between Rangitāne and Te Hika o Pāpāuma and, together with intermarriage and geographic proximity to each other, a special relationship has developed that remains in place today.

#### MANDATED BODY

9.8 In this deed, **mandated body** means the trustees of the Rangitāne Settlement Negotiations Trust .



## **DEED OF SETTLEMENT**

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### **9: GENERAL, DEFINITIONS, AND INTERPRETATION**

#### **ADDITIONAL DEFINITIONS**

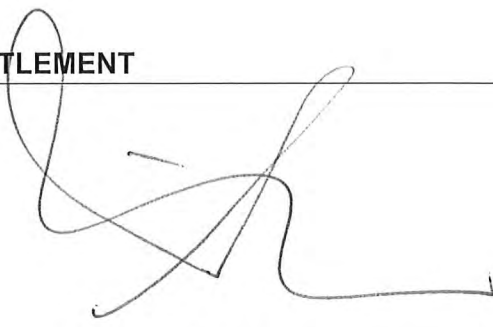
9.9 The definitions in part 6 of the general matters schedule apply to this deed.

#### **INTERPRETATION**

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

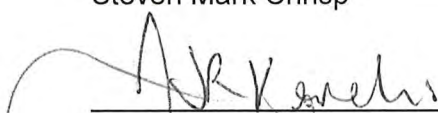
DEED OF SETTLEMENT

SIGNED as a deed on 6 August 2016

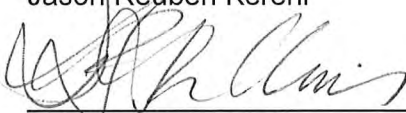


Steven Mark Chrisp

SIGNED for and on behalf  
of RANGITĀNE O WAIRARAPA AND  
RANGITĀNE O TAMAKI NUI-Ā-RUA by  
the mandated body  
in the presence of –



Jason Reuben Kerehi



Mavis Raylene Mullins



Richard Te Hurinui Jones

WITNESS



Name: Aidan Warren  
Occupation: Solicitor  
Address: Hamilton

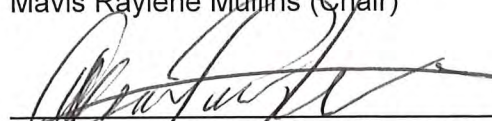


DEED OF SETTLEMENT

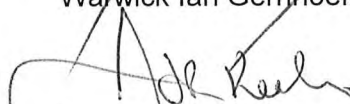
SIGNED by the trustees of the  
RANGITĀNE TŪ MAI RĀ TRUST  
in the presence of –



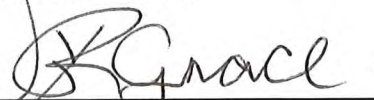
Mavis Raylene Mullins (Chair)



Warwick Ian Gernhoefer (Deputy Chair)



Jason Reuben Kerehi



Yvette Rewa Grace



Edward Joseph Pearse

WITNESS



Name: Mike Kawana

Occupation: Cultural Advisor

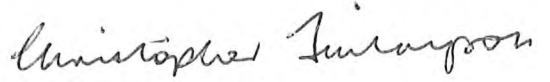
Address: 12 William Kemp Place  
Masterton.



DEED OF SETTLEMENT

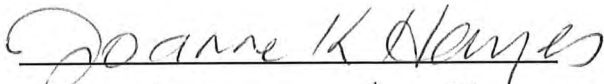
SIGNED for and on behalf of THE CROWN by –

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




Hon Christopher Finlayson

WITNESS

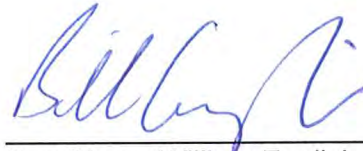


Name: Joanne K Hayes  
Occupation: member of Parliament  
Address: Wellington



ANASTAIR SCOTT  
member of Parliament  
Wellington

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



Hon Simon William English

WITNESS



Name: David Kidson  
Occupation: Policy Analyst  
Address: Wellington



DEED OF SETTLEMENT

People of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua signed below to indicate their support for the settlement

Hirōia Te Tani

Hinehau Pūmārie

Jonoteti Rimene

Josephine Takarangi-Tera

M L L.

Rit Hope

Airini Chase

~~Josephine Takarangi-Tera~~

Kei-tea

Bonne te Tan Karuira

Haranu te tan Mita

W. P. K.

L. P. K.

B. K.

P. K.

M. K.


M. K.

M. K.

M. K.


M. K.

DEED OF SETTLEMENT

 - Ngai Te Rangitohu

Raewyn Paewai Ngati Mutuaki

Winiwini Ewa Manger Ngati Hamua

 Ngai Te Rangitohu

Jack Jente TK


Jenny Winiwini Manger Hamua

Peter W H Teian o wai parapa

Warren Workbank (Teaweawe) HAMUA.

Wiremu Kingi Te Awe Awe

Kuraingangi Kingi Pieterse - Tamaki Nui-a-Rua.

 - TAMAKI NUI-A-RUA

Jyn Pattersan Mayor of Masterton.

Roland Ellis Mayor of Taraki Nui a Rua.

Peter John Tarawa District Councillor

 SHIRLEY HUN. TARARUA DISTRICT COUNCILOR.

Wiremu Rupaper e

Lena Matiaha whakaoriori

Rangi Moana Pouty

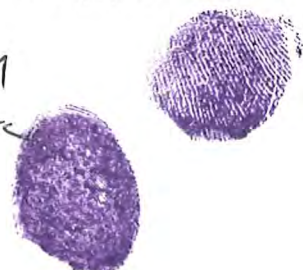
Te Amohare Koperu

Ngati Kahungunu

Rangitane Ngati Kahungunu

Rangitane Tamamaki

Nui a Rua





DEED OF SETTLEMENT

Maraea Patricia Nikora  
Shayola Wirihana  
Luana Wirihana

GABBY SUTAR In Seal

Fern Pitau Whakaoriori Rangitane me -  
Nia Te Tau Lele Pitau Kahukunu

~~BB~~ Hancock  
HHC

Tracey Helen Collis

Tena Koutou on behalf of  
Te Karera Whanau o Kadoka Mum  
Karera

KOH

Granddaughter  
of Jo Kara

Hine Purotuhaviti  
(Great granddaughter of)  
Noa Nicholson

Mahalia Paerani  
Mokopuna of  
Wirihana  
Paerani

daughter  
of  
Noa Nicholson

ROMEO CHERPT

Handwritten initials

TE MAI Q

AKMANI

STANSON

HAWKA MANAHI KINGI

PUAKITEAO MARAMA HARONGA

ANSHA RIPLEKA KINGI

BRYHAM TERMA - REIKINGI

GEORGE WAKA HARONGA

ORINA MICHELLE HOKUKA PEIWI

HINOKUA REA

HINOKUA

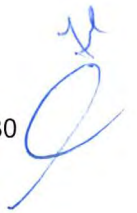
JOHN HOKULANI KEELU KEIWI

CORREE JANE TEDD

TE KOHU, HILTON, ZANDAR, KAHUI SWEETMAN

AMY JOAN TEDD

TE AHA, HINO KAIAI, KAYLE OAKLEY






 Zuzaki Anawese

 Daniel Martin Kawana

 Manasa Arapera Palmsai

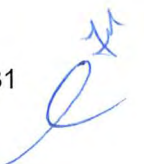
 paardpeit

 Jen.

 Hinekaratu Dorset

 K Todd.

 Hinekaia



DEED OF SETTLEMENT



John [unclear]



Allen



Danson



Malcolm



[unclear]

Jamie - Zenna Gatorogi  
Ngannita & Hamua  
Gatorogi Hepi Paekari



Malcolm



Natarsha Nikora



Bailey



[unclear]



Tut [unclear]



[unclear]



TAMA



J. Rint



[unclear]

Danielle Harris

Whangitūia o Manawatu.

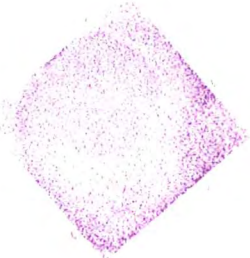
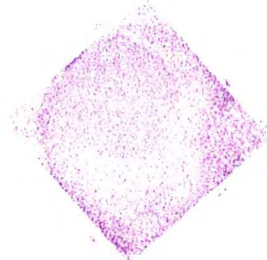
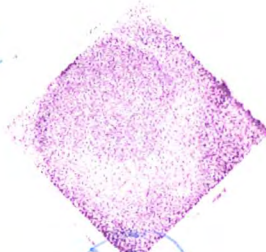
Earl Gage Karaitiana.



Shavitay  
Rangitane o Nairarapa



Anani Paewai



J. Paewai

Amokura Paewai



Rongomaitawhiti Paewai



Korohi Te aroha

Paewai o  
Rahiri

DEED OF SETTLEMENT

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Te whānau Whaiapu  
Chris, Lisa, Keepa, Oho

