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ēnei rawa i riro ai hoki ngā mātauranga me ngā tikanga e pā ana ki aua āhuatanga, tae noa ki te mātauranga mō te mahi rongoa me ngā haratau.

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

Te Whakamarumarutanga o ngā Taonga Tuku Iho a Ngāti Kahungunu

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

Ngāti Kahungunu me te Wawaotanga o Niu Tireni

2.277 Kua whakaaturia te ngākau nui o Ngāti Kahungunu ki tō rātou hononga ki te Karauna, i hua tuatahi ake ai ki Tūranganui i te tau 1853, nā te roa me te rangatira o ngā mahi i te wawaotanga o Niu Tireni. Ko tētahi rā me kōrero, ko te rangatira o Ngāti Kahungunu, ko Hoani Paraone Tūnuiarangi (ko Major Brown te ingoa i mōhiotia rā e te Pākehā) ko ia rā tētahi ngārahu i te Ope Tūao Māori i haere rā hei hoa mō te Pirimia, mō Seddon me tana rōpū nō Niu Tireni, ki ngā whakanui i te huritau ono tekau i noho ai a Kuīni Wikitōria ki te torōna, i tū rā ki Rānana i te tau 1897. Nāwai, ka tū ia hei ngārahu mō te Wairarapa Mounted Rifle Volunteers, ā, i te tau 1902, nāna i tāpae āna tāngata o Ngāti Kahungunu hei hōia ki te Pakanga ki Awherika ki te Tonga. I whakaae a Seddon, engari kāore te Kāwanatanga o Piritānia i whakaae kia whai wāhi atu ngā hōia ehara i te Pākehā.

2.278 He nui ngā uri o Ngāti Kahungunu i whakatūao i a rātou ki te Pakanga Tuatahi o te Ao e tū ai i te taha o ngā haumi o te pakanga, ā, ka kōhi pūtea hoki hei āwhina ki te tuku i ā rātou kaiaka ki tāwāhi, ka mutu, ko ētahi i hinga i reira. I tua atu i te hono ki ngā ope whānui, ka whai hoki kia tū i Te Hokowhitu a Tū. I kaha kē atu te ngākau nui o te iwi i te Pakanga Tuarua o te Ao, i te haerenga o ā rātou kaiaka hei hōia mō Ngohi D o te Ope Taua 28. He tokomaha ngā aituā o te Ope Taua 28. He nui te utu o tā rātou whai wāhitanga atu ki te pakanga, me te aha, kua kore ētahi kaiārahi o nāianeī, o āpōpō hoki mō ngā whānau, mō ngā hapū, mō te iwi, ka mutu, kua ngaro hoki te matatau ki te reo Māori me ngā tikanga a Ngāti Kahungunu. I te kāinga, he nui te wāhi o Ngāti Kahungunu ki te Whakahaerenga o ngā Mahi a te Māori mō te Pakanga.

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2.279 I muri i te Pakanga Tuarua o te Ao, ka whakatū te Karauna i ngā Poari Whakaauraki, nā tērā i whakaritea ai he pāmu mā tētahi tikanga matapōkere mō ngā ika a Whiro. Ko tā te kaupapa here a te Karauna he tuku kia wātea ngā ika a Whiro katoa i ea rā i a rātou te paearu whakauru ki ēnei tikanga matapōkere. I whai ngā komiti whakaauraki ki te whakanoho i ngā ika a Whiro Māori ki ngā kaupapa whakaauraki, ki ngā kaupapa whakawhanake whenua Māori rānei, ka mutu he torutoru noa iho ngā kaupapa pērā i whakatūria ki Wairarapa me Tāmaki-nui-a-Rua. Tae rawa ake ki te tau 1950, e ono noa iho ngā ika a Whiro Māori kua noho ki ngā pāmu i te Rohe Whenua Māori o Ikaroa, i reira rā a Tāmaki-nui-a-Rua, a Wairarapa me Te Waipounamu.

Te Waitautanga ā-Pāpori, ā-Ōhanga hoki

Tā te Karauna Whakarite i ngā Ratonga Mātauranga ki te Māori

2.280 Mai i te tau 1867, ka whai te Karauna ki te whakatū, ki te whakapaipai hoki i ngā kura motuhake mō te Māori, kia whakaako ki te reo Pākehā. E ai ki te Karauna ko ēnei kura tētahi wāhanga o te kaupapa whakawhenumi i te Māori ki te ahurea Pākehā. Nā te Native Schools Act o te tau 1867 i here ngā hāpori ki te tuku pūtea, ki te tuku whenua rānei ki te Karauna hei tautoko i tētahi Kura mō ngā Māori o tērā hāpori. Tae rawa ake ki te tau 1878, kāore anō tētahi Kura mō ngā Māori i whakatūria ki Wairarapa me Tāmaki-nui-a-Rua. I te taenga o te Pirīmia, o Kerei, ki Pāpāwai i taua tau, ka pātai a Ngāti Kahungunu ki a ia e pā ana ki tētahi kura mō ā rātou tamariki, me te aha, ka whakaatu ia i tōna pōuri i te korenga o tētahi kura mō ngā Māori i reira, ā, ka mea ia ka whakatūria tētahi ki reira inangeto.

2.281 I te tau 1882, i muri i tētahi petihana me ngā tono ā-tuhi a te Māori, ka tukuna e te Karauna ētahi pūtea āwhina e tū ai te tuatahi o ngā Kura mō ngā Māori ki Wairarapa me Tāmaki-nui-a-Rua, ki Pāpāwai. I te tau 1886, ka whakatū te Karauna i ētahi whare hou hei whare anō mō te wharenuī e opurua ana, koia rā hoki te whare tuatahi o te kura. He Māori, he Pākehā hoki ngā ākongā i kuraina ki te kura nei. Nō te taenga ki te tau 1905, i te korenga i pai ki te taumata o te mātauranga i te kura, ka angitu tā ngā mātua Māori me ngā mātua Pākehā tāpae i te petihana ki te Karauna kia tangohia te tapanga "Native", ā, kia whakawhitingia te kura ki te Poari Mātauranga o Te Whanganui a Tara. Ahakoa i tūmanakotia mā konei e piki ake ai ngā rauemi me ngā putanga, ka heke te tokomaha o ngā ākongā o Te Kura o Pāpāwai, ā, tae rawa ake ki te tau 1919, kua noho kē ia hei kura-āpiti mō te Kura Tuarua ā-Rohe o Kuratawhiti.

2.282 I te tau 1881, ka whakatū ngā Māori i tō rātou ake kura ki Te Ore Ore. I te tau 1882, ka tīmata tā te Karauna tuku pūtea hei āwhina ki te utu i te kaiako, ā, i te tau 1886, ka tōia a Te Kura o Te Ore Ore ki te pūnaha o ngā Kura mō ngā Māori. Heoi anō, i te tau 1889, ka whakahē te Matawai o ngā Kura mō ngā Māori i ngā rawa o te kura i tana kī "kei te taumata kē o te kino mō tētahi kura; he hahaka, he pōuri, he paruparu hoki, ka mutu he iti rawa". E hia nei ngā whakaaro i puea ake kia whakatūngia he whare anō, engari kāore tēnei i whāia. Ka kati te kura i te tau 1889.

2.283 Mai i te tau 1890 ki te tau 1898, ka whakahaere ngā Māori o te rohe i tētahi kura ki Tahoraiti i Tāmaki-nui-a-Rua, ā, nā rātou i tuku tētahi whare me tētahi kaiako i runga i te tūmanako ka whakatū te Karauna i tētahi Kura mō ngā Māori ki reira, engari kāore ia i pērā. I te tau 1901, ka tuku pūtea āwhina te Karauna ki tētahi kura mō ngā Māori mō te

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hapori iti ki Tūranganui. E ono tau noa iho te kura e tū ana, ā, ka kati i te tau 1907, ko te kino o ngā rawa tētahi take i kīia rā e te Matawai i ngā Kura mō ngā Māori kāore te kura "i te paku tata kia kīia ia he whare."

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

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2.288 Ko te pōhara, ko te uaua o te tae atu nā te tawhiti, ko ngā rori marahea hoki ngā whakakōroiroitanga i te kaha o Ngāti Kahungunu ki te takahi i ngā huarahi o te mātauranga i ngā kura mō ngā Māori me ngā kura tūmatanui. Mō ērā o Ngāti Kahungunu i kuraina ki ēnei kura, he iti tonu ngā huarahi ki te mātauranga tiketike ake. I te nuinga o te wā, he whāiti te titiro a ngā āpiha Pākehā ki te pito mata o te Māori tēnā i tana titiro ki tō te Pākehā, ka mutu, i te nuinga o te wā, kāore rātou i whakatenatenahia kia whai i te mātauranga tiketike ake. I te tau 1948, kua tata ki te rima tekau ōrau o ngā ākonga katoa i wehe i te kura tuatahi ka puta ō rātou nei ihu i te pae tuarima, i te pae tuaono rānei. Heoi anō, kāore he Māori kotahi i Wairarapa me Tāmaki-nui-a-Rua i tae ki ngā taumata o runga i te pae tuawhā i te tau 1948.

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

2.289 I te tau 1900, nā te mahi tahi a te Karauna me te Pāremata Māori i mana ai te Māori Councils Act o te tau 1900 nā reira i mana ai ngā kaunihera ā-iwī Māori ki te āki i ngā ture patu iroriki i waenga i ō rātou hapori, hei whakapai ake i te awakeri, i te rerenga o te wai me ngā whare. Nā ngā rangatira i whai rā i te kaupapa o te Kotahitanga, nā Tamahau Mahupuku rāua ko Hēnare Parata, i kōkiri ēnei tikanga hou mō te hauora mā ngā kaupapa pēnei i te komiti patu iroriki i whakaritea ai mā te Pāremata o Pāpāwai, me te mahi manakore a Hēnare Parata hei matawai Māori mō te patu iroriki o Wairarapa. He mea kopou e te Minita mō ngā Take Māori, e Timi Kara ngā tāne tokorua nei ki ngā tūranga whakahōnora hei Komihana Māori mō te Patu Iroriki kia haere ai rāua hei hoa mōna ki ngā hapori Māori maha ki reira whakatairangatia ai ngā tikanga hou nei. I tirohia paitia e Ngāti Kahungunu te Ture o te tau 1900 e punua whakaū ai rātou i tō rātou mana motuhake me te kuhu i a rātou anō, ā, ka tere te whakatūnga o te Kaunihera Māori o Rongokako, i kapi rā i a ia te katoa o Wairarapa me Tāmaki-nui-a-Rua. I taua wā anō ka whakatūria i raro i te Public Health Act o te tau 1900 te Tari Hauora Tūmatanui e titiro whānui ana kia pai ake te patu irorikitanga me te ārai māuiuitanga.

2.290 I a Pipiri o te tau 1899, i mua i te whakamanatanga o te Māori Councils Act, ka tuhi te Komiti o Takapau (i roto rā a Ngāi Tahu me ētahi atu hapū o Ngāti Kahungunu) i te tono kia whakawhānuihia ake te "rohe pōtae", ka whakatūria i raro i taua ture e kainamu ana, e whai wāhi ai hoki ko rātou. I taua wā anō nā te Komiti o Hāmua, i aratakina ai e Nireaha Tāmaki, i tautuhi ngā paenga o te "Rohe Pōtae o Wairarapa" i raro i ngā whakaritenga o "Te Pooti Ririkore" i whakamāramatia rā i ngā Pakanga o Niu Tirenī. I tono hoki a Nireaha Tāmaki kia whakawehea e te Karauna ētahi whenua o te Karauna "hei wāhi e ākona ai ngā taiohi o Wairarapa ki ngā mahi pāmu." He tokomaha ngā māngai i whāia rā e ngā Māori o Wairarapa, ā, e 63 ngā ingoa i tautapangia hei kaunihera mō ngā rohe iti e whitu i roto i ngā paenga e marohitia ana. I mahara rātou ka tū "tētahi kawenata i waenga i a mātou, i ngā rangatira, me ō mātou hapū me te Kāwanatanga o Niu Tirenī, e whai ana i ngā take nui me ngā take whai mana e tika ana kia whāia, hei whakatinanatanga mā mātou me ō mātou hapū me ā mātou whakahekenga ka whai mai ā muri."

2.291 I a Haratua o te tau 1901, ka haere a Timi Kara ki Pāpāwai ki tana hui tuatahi me ngā mema 12 o te Kaunihera Māori o Rongokako. Ko Aporo Kumeroa i pōtingia hei kaihautū, ā, nāna te kōrero kua tohua e te Kaunihera "tētahi ao hou i roto i ngā take Māori", ahakoa tana mōhio ki ngā "mana more" kua tukuna ki a rātou "hei takahanga tuatahi." I mihia e ngā kaimātakitaki ngā mahi i oti kē i te Matawai Māori mō te Patu Iroriki, i a

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

Ko Ngāti Kahungunu i te Rautau rua tekau

- 2.295 I waho kē ngā hapori o Ngāti Kahungunu o ngā paenga o te whakawhanake ōhanga mō te roanga tonu o te rautau rua tekau. Nā te rirohanga tāpua o te whenua, nā te poronga o ngā whenua e toe ana, ā, nā te korenga o ngā rawa i wātea ki a rātou mō te

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whakawhanaketanga, ka uaua rawa atu ki a Ngāti Kahungunu te tautoko i te whānuitanga o ngā whānau me te hapori.

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

2 HISTORICAL ACCOUNT

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

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

Early Contact Between the Crown and Ngāti Kahungunu

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

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embraced other benefits brought by Pākehā, such as literacy, new technology, and new crops.

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

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

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

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

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

Wairarapa Pastoral Economy, 1844-1852

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

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

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

The Castlepoint Deed, 1851–1853

2.22 In the early 1850s, the Crown used early purchases in the Hawke's Bay to entice further sales in Wairarapa and Tāmaki nui-a-Rua through the kinship ties of leading rangatira. In one instance, a Crown official persuaded vendors at Hawke's Bay to share £100 of the proceeds of the Waipukarau purchase with Wiremu Te Pōtangaoroa and Te Wereta of Wairarapa. In 1851, with the completion of purchases to the north, McLean met and exchanged correspondence with Ngāti Kahungunu rangatira, including with those who were present at the 1851 Hawke's Bay purchase negotiations. Later in 1851, McLean journeyed through Wairarapa and Tāmaki nui-a-Rua en route to Hawke's Bay with £3,000 in gold sovereigns for land purchases there. The money was displayed to Ngāti Kahungunu in an effort to demonstrate the wealth awaiting those who agreed to Crown purchase deeds.

2.23 By 1852, the Crown had open negotiations to purchase Castlepoint. During negotiations McLean laid out the social and economic benefits that he said would result from Māori agreeing to sell their land. A preliminary survey of several hundred thousand acres around Castlepoint was underway by the end of March 1852 and there was continued correspondence and discussion with local rangatira about the proposed transaction.

2.24 In March 1853, Governor Grey, accompanied by the Anglican Bishop of New Zealand, visited Wairarapa and Tāmaki nui-a-Rua and met with local rangatira to secure land to endow schools in the region. During this time Grey discussed the ongoing Castlepoint negotiations and likely promoted to Ngāti Kahungunu the collateral benefits of organised settlement resulting from transacting Castlepoint and other land with the Crown. He also undertook to lay out a "native township" at Pāpāwai where land was given to endow a school.

2.25 On 22 June 1853, the Crown and 301 men, women and children, the "chiefs and people of Ngatikahungunu", signed the Castlepoint deed. The Crown agreed to pay £2,500 for the land between the Waimata River and Whareama. McLean later remarked on the "cheap rate" at which the Castlepoint Block was acquired." Crown surveyors initially estimated that the land comprised 275,000 acres but it is now known to comprise nearer to 485,000 acres. The Crown agreed to set aside ten reserves comprising about 28,000 acres for Māori from Wairarapa and Tāmaki nui-a-Rua. Five of which had been surveyed and were shown on the plan attached to the deed.

2.26 For Ngāti Kahungunu, a key objective in signing the deed was to establish an enduring relationship with the Crown, on the bases promoted by Grey and McLean, and underpinned by broader concepts of reciprocity and mutual obligation. Te Pōtangaoroa

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

The Komiti Nui, 1853

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

Crown Land Purchasing, 1853–1865

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

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

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

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

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£1,250 which had already been paid. Both parties hoped to refer the matter to Governor Grey during an anticipated visit to Wairarapa but the visit did not occur. Native Minister Fox instructed that no further offer be made beyond the £500 proffered by McLean.

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

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

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

Reserves

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

Castlepoint Deed Reserves, 1853

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

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

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

Reserves in Deeds After the Komiti Nui, 1853–1865

Reserves purchased prior to granting

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

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

Issues with surveying and granting reserves

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

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these lands were purchased out of Māori ownership before 1900 and today portions of only three of them are Māori land.

- 2.59 The 1855 Whakataki deed provided for Māori to repurchase the 6,600 acres that they had sold by 1857. This provision was intended to "put an end to our native customs relative to that piece of land." By 1858 some resident Māori had paid more than £100 to repurchase 249 acres (approximately 14 times the rate paid by the Crown), although they wished to acquire more. The Crown did not grant title to this land until 1881.
- 2.60 In 1862, McLean advised the Crown that, regarding the return of Whakataki, "it would be no more than justice to secure it upon them." In 1864, the Crown agreed with Hori Karaka and others to return the remainder of the land. By 1872, the Crown had still not granted the land, despite several petitions by Māori. During this period the Crown sold 85 acres of Whakataki to a settler.
- 2.61 In 1874, the Crown promoted legislation to carry out the agreement made in 1864 as well as older agreements dating back to 1853. The Whakataki Grants Act 1874 provided for grants of more than 6,600 acres to individuals in the Whakataki reserve. The largest portion of the block was guaranteed for the "support and maintenance" of 20 of the original owners. However it was not until 1881 that the Crown finally issued grants for the Whakataki titles, 28 years after the original Castlepoint transaction had reserved the land, and seven years after legislation provided for the grants.
- 2.62 In January 1856, about 400 acres of land was purchased for £60 from Matiaha Mōkai and two others as the Aranga Te Kura deed, under the terms of which Matiaha was to buy back 200 acres of the block at a cost of £100. He paid the £100 but did not get the land paid for. The failure to provide the land was one of the topics raised in a petition submitted by 51 Ngāti Kahungunu in 1867. The Parliamentary committee inquiring into the petition found this unsatisfactory and recommended the grant be made but it does not appear this was ever done.

Crown attempts to remedy issues of reserves

- 2.63 In some instances, where the Crown sold unsurveyed reserves to settlers it offered replacement land to Māori rather than move settlers off land the Crown had agreed to reserve for Māori. In 1854, the Crown sold the Motupiri reserve of 100 acres, provided for in the 1853 Ōwāhanga deed, to a settler. The intended owner, Rāwiri Piharau then agreed to select a reserve from Crown land at Ruamārie by the Tauwharenīkau River, but in 1857 the Crown sold this land to a settler despite McLean warning beforehand that the land was reserved for Piharau. Piharau was offered 150 acres of other Crown land as a reserve, along with £30. The Crown did not pay the £30 but Piharau did select his land at Tirohanga and began cultivating. The Crown again failed to reserve the land and instead sold some of it to settlers. Piharau refused to move off the land as it was near Wairarapa Moana and his pa tuna (eel weirs). He was referred to by a land purchase official as "obstinate" and the Crown advised the local Resident Magistrate to summons him to court. In 1860, Piharau agreed with Native Minister, Frederick Weld, to accept £300 plus a ton of flour and half a ton of sugar in payment for his reserve. Weld also allocated him 150 acres at Pouawatea but it was continually flooded, and part of it was claimed by a settler. The Crown bought it from Piharau and two others in 1864 for £150.

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Piharau continued to seek a reserve, which an 1882 inquiry into Wairarapa reserves noted as an “unsettled” claim, and his descendants pursued it until 1914, without success.

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

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

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

Other issues with reserves

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

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acting in their private capacity, for £140. At the same time the official leased the remaining 1,000 acres of Ngātāhuna 1 with an option to purchase for £250. In 1873, the official paid £200 for the remainder of the reserve. This purchase landlocked Ngātāhuna 2 which the owners now considered “of no benefit to us”. In 1880, the owners asked for the restrictions to be removed to enable the sale of the land, and this was done in 1881.

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

The Koha Fund, Education and Health Provision

Koha Clauses and the Five Percents Fund

- 2.77 A key feature of Crown purchasing in Wairarapa and Tāmaki nui-a-Rua, following the Komiti Nui was the establishment of a koha fund into which five percent of the Crown’s

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

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

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land, even at the lowest prices for Crown land required by legislation. This was the only instance of the extinguishment of the koha clause through a one-off payment.

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

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was unable to provide these accounts. Instead an official provided rough estimates for what was owed on each block. After four days of debate, the payment and its distribution by block was agreed to by those at the hui, despite their strong dissatisfaction with the way in which their koha had been calculated and the way in which so much of it had been expended without their consent.

- 2.85 Those at the hui urged the Crown to cease making payments to individuals. The Crown proposed to make regular payments every three to five years from the accumulated fund. However, in 1872, the Crown paid £100 from the Pāhāoa block fund to a non-resident individual, leaving only £39 for the numerous other beneficiaries of the funds accumulated from the block concerned. The beneficiaries later objected to the payment.
- 2.86 In December 1873, the Crown called a further hui at which Ngāti Kahungunu again criticised earlier deductions from the fund for medical attendance, schools, and mills. The Crown distributed £596, which was half of the remaining fund. Ngāti Kahungunu found the sum disappointing in light of rising land values. An official explained to Ngāti Kahungunu that the income for the koha fund was decreasing because the area of Crown land remaining for sale reduced over time and that the high land prices they were observing “were on private – not Government – land sales”. The official reported that the koha clause had not been adequately explained to Ngāti Kahungunu at the time the deeds were signed. Nevertheless the same official advised the Crown that “considerable sums” might still accrue from unsold Crown land in the upper valley and on the east coast.
- 2.87 Despite not including koha clauses in deeds since January 1854, during the 1870s the Crown agreed to apply the koha clause to five blocks. In 1873, the Crown and Wairarapa Māori signed a deed for 5,000 acre Moroa block, formalising its 1853 gifting to the Crown by Ngāti Kahungunu. The deed stated that, as agreed in 1853, five percent would be returned from on sales as “koha”. In December 1873, the Crown completed deeds for the Arikirau, Kuramahinono, and Maungaraki blocks, comprising approximately 3,000 acres. The Crown paid about two shillings per acre to Māori but on sold the land for between £1 and £3 12 shillings per acre. Māori were unhappy with this difference and in 1878 the Crown agreed to pay the five percents on these three blocks. In 1872, the Crown’s purchase of the Whangaehu No. 2 block (2,077 acres) was agreed and when the purchase was completed in 1881 it was confirmed that this was on the basis that the five percents be paid as provided in earlier deeds.
- 2.88 In March 1881, a report on previous distributions of the five percents fund found that “Although the mode of proceeding was irregular I do not think that any injustice befell the natives.” The Native Minister queried the administration of the fund and observed “The whole matter seems to require revision.” However, following frequent inquiries from Māori the Crown called another meeting a month later to distribute the ever-dwindling five percents fund. At the meeting Māori objected to the Crown deducting 60 percent from the £557 then accumulated in the fund to cover half of the cost of a doctor between September 1873 and June 1880. Since 1859 the doctor had been fully funded by the Crown as part of its network of salaried Native Medical Officers. In 1883, a Crown official noted that if the five percents fund continued to be drawn on to subsidise the doctor’s salary, “an injustice will be committed.”

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2.89 Money continued to come into the five percents fund after the 1881 distribution as the Crown continued to sell the remaining lands it had acquired through the purchase deeds which contained koha clauses. However, the Crown did not agree to Māori requests for further distributions from the accumulated fund. One such request advised the Crown that the koha fund had been arranged in Governor Grey's time, "continued in Sir Donald McLean's time, and it was to continue to my children and grand-children." Another writer, Te Waaka Kahukura, recalled his understanding of McLean's "abiding" words about the fund: "Interest [koha] upon your lands will be paid continually to you for ever and ever," but that the koha was "no longer paid to us." The Crown responded to two 1886 requests by advising that it would soon arrange a distribution of any five percent funds that had accrued since 1881. An official responded that in 1885 there had been £192 in the Five Per Cent Fund and that "No doubt there will be more than this amount which can be accounted for by the Crown Lands Office." In 1891 Māori reminded the Crown of the koha and other promises made in 1853, and a commission of inquiry observed that, "it was made a subject of grave complaint that the contracts of the Government with the Natives, by which large blocks were ceded to the Crown, had been broken in many ways."

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

The Crown's Provision of Health Services

2.91 At the Komiti Nui Grey likely spoke about the provision of medical services for Māori to follow from land sales and European settlement. Early deeds with koha clauses described the "construction of hospitals and for medical attendance for us", to be provided out of the five percents fund. Grey's kōrero on health services was long remembered by Ngāti Kahungunu. However, the delivery of these benefits was not what many Ngāti Kahungunu had envisioned.

2.92 Starting in 1859, the Crown paid annual subsidies to native medical officers to provide services to Māori they considered unable to pay for medical help. From 1859 to 1883 the Crown subsidised a native medical officer at Greytown. Most of the small number of patients he saw were from nearby Pāpāwai and Waiohine and he rarely visited coastal kāinga or more remote areas. A second doctor received minimal subsidies from 1864 to 1866 for his work with Māori on the east coast of the district.

2.93 In 1869, some Māori protested to the Government about what they perceived as the "unsatisfactory treatment" being provided by the native medical officer at Greytown, and called for his replacement. However others signed a petition in support of the doctor. The Crown decided to retain the medical officer but Māori continued to express dissatisfaction with his services. In 1873, the Crown dropped a proposal to fund the officer out of the koha fund, following Māori objections to both this use of the koha fund and the quality of the services being provided. However, in 1880 the Crown decided, despite continued objections from Māori, that it would fund the doctor from the koha fund

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and backdated this subsidy to 1873. In 1883 the Crown ended the subsidy for the Wairarapa Native Medical Officer and his services were dispensed with.

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

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2.99 In 1908, nine years after the remainder of the five percents fund had been transferred to the public trustee, Māori petitioned the Government for a doctor. A Crown official recommended one be appointed as “in the terms of the Deed of sale of the Wairarapa Māori lands to the Government provisions were made for the free medical attendance of the natives of that district.” The Minister of Public Health declined the request for a doctor writing “We must not undertake any responsibility arising out of the sale of land.” Instead the Crown provided a £25 per annum subsidy for the treatment of “indigent natives” living within three kilometres of the doctor's surgery in Masterton. This subsidy was ended around 1911.

The Crown's Provision of Education

2.100 Education in Pākehā ways was important to Ngāti Kahungunu, particularly as they looked to provide for their children's future, but not at the expense of their mātauranga Maori (traditional knowledge). For this reason Ngāti Kahungunu placed significant weight on Governor Grey's discussion, at the 1853 Komiti Nui, of schools which would follow European settlement as well as the wording of some early Koha deeds which called for the koha fund to provide for “the forming of schools to teach our children”.

2.101 Despite being a central tenet of early koha deeds, evidence suggests that only one payment was ever made from the five per cent fund for educational purposes. In 1860, McLean directed that a £260 payment be made to the Bishop of Wellington for an Anglican school at Pāpāwai. Despite the Crown having agreed that the koha fund would be jointly administered with Māori it was only in 1861 that the Crown sought Māori consent to this payment. In 1863, when Māori were informed of the payment, they objected to it as the school was a separate project from the educational services to be provided by the koha fund. In 1869 the Native Minister requested an investigation into the viability of a secular school in Wairarapa funded from the five percents fund, however nothing came of this.

Gifted Lands at Pāpāwai and Kaikōkikiriri

2.102 In March 1853, Ngāti Kahungunu were encouraged by the Bishop of New Zealand and Governor Grey to gift land to the Anglican Church for schools for their children, although the original terms of these gifts has not survived. The two gifts comprised 400 acres at Pāpāwai and 190 acres at Kaikōkikiriri (near Masterton). However, just as the Crown did not allow Māori to lease land to settlers, the Crown did not permit a gift of customary land to the Anglican Church. Instead the land passed through the Crown, extinguishing native title, before it was gifted by the Crown to the Church. While Māori viewed the gift in the context of *tuku whenua* (gift exchange of land) by which land not used for the stated purpose could be resumed by the giftors, the Crown's gift of the land to the Anglican Church removed intended obligations and stated the purpose of the land as “for the education of children of our subjects of all races, and of children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean.”

2.103 In December 1860, the Church established St Thomas's College, a boarding school for boys, on the gifted lands after receiving an initial payment from the koha fund and an ongoing subsidy of £10 per annum per student. Ngāti Kahungunu had previously donated significant sums to the church for the school and supplied the timber for it.

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However, the boarding school operated for only four years before the Church closed it down.

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

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Māori representation on the Trust Board detailed in the Act, and a 1946 amendment to the Act provided for four Māori to be appointed by Ngāti Kahungunu to the ten-member Board, and for one of the five church appointees to be Māori. One other member was appointed by the Minister of Education. When the 1946 legislation was introduced a Legislative Councillor said "it is felt that it will heal a long-standing breach." Although there have been further legislative amendments the Pāpāwai and Kaikōkikiriri Trust continues to distribute funds for educational purposes to this day.

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

- 2.109 Ngāti Kahungunu concern about the pace and extent of land loss and the Crown's conduct of purchases in the 1850s led to growing dissatisfaction with the Crown. In 1856 some Ngāti Kahungunu attended a hui with many other iwi at Pūkawa, which discussed the selection of a Māori King. The Kīngitanga movement was concerned about the rapid alienation of Māori land as a result of Crown purchasing. Through uniting iwi, Kīngitanga desired to ensure that Māori could exercise mana and tino rangatiratanga over their communities.
- 2.110 In April 1859, some Ngāti Kahungunu travelled to Pā Whakairo (Hawke's Bay) to meet the Māori king, Pōtatau Te Wherowhero, who had been appointed in 1858. In September 1859, Ngairo Takatakapūtea and Matiaha Mōkai of Ngāti Kahungunu hosted a hui for several hundred Māori to discuss Kīngitanga in a new whareniui (meeting house), named Aotea at a new marae called Te Rongotaketake, at Te Waihinga in Wairarapa. The name of the marae evoked a Ngāti Kahungunu peace-making tradition. The kaupapa of this significant hui was remembered as
- The commitment from the people of Wairarapa is to entrust to the spirit of the Atua... to hold fast to harmony, peace, love and this spiritual commitment is all encompassing.
- 2.111 The gathered Māori were joined at a dinner by 100 local settlers and the hui was reported to have been conducted in a very cordial manner. At the conclusion of the three-day hui it was reported that with respect to Kīngitanga opinion was divided and a "large party professed themselves neutral."
- 2.112 In the months following this hui a strong opposition among Ngāti Kahungunu to any further alienation of land to the Crown led to growing support for Kīngitanga. A rangatira visiting from the Ōtaki district reported that the movement's Wairarapa supporters "are those who are displeased with the Government District [Land Purchase] Commissioners."
- 2.113 In April 1860, after the Taranaki War had begun, some settlers petitioned the Crown to establish a militia in Wairarapa for their protection. Later that month several hundred Māori met at Pāpāwai and agreed to remain neutral. They emphasised that even though some in Wairarapa supported the Crown and some supported Kīngitanga, "because trust, harmony, and maungarongo [peace] was maintained, all would go well." However, when they heard of the petition it caused alarm and a force of Māori fighting men paraded through Greytown to Pāpāwai where Te Manihera Rangitakaiwaho, a leading

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opponent of Kīngitanga, assured the settlers of the “shield of his protection,” provided that no Crown troops were sent to Wairarapa and no local militia was called out. The Crown had also received a counter petition from settlers who opposed the calling out of militia and decided not to take this step. Governor Gore Browne assured Māori in the wider region of the Crown’s friendly intentions.

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

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

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

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

- 2.116 The Kohimarama conference canvassed Māori participation in Government, in which Māori had little or no role, and other topics including the determination of land titles. Wiremu Waaka welcomed the opportunity to be consulted by the Governor: “See! I stretch forth my hand... I am endeavouring to find out some new rule for my guidance. Let me have it that I may judge whether it be good or bad.” Governor Gore Browne described the conference as “the first steps towards that self-government which they will comprehend and enjoy.”

- 2.117 Governor Gore Browne said there would be a similar conference in 1861. However, his successor, Governor Grey declined to hold another such conference, reporting his reluctance to “call a number of semi-barbarous Natives together to frame a constitution.”

- 2.118 In 1861, the Crown began promoting the “new institutions”, a system of local Māori government to be effected through official rūnanga (Māori councils) and salaried Māori judicial officers including policemen and whakawā (assessors). The Crown said these would work with local Pākehā resident magistrates to frame and enforce local bylaws. It was envisaged they would also determine land titles and manage land alienation direct to settlers, rather than to the Crown. The “new institutions” were intended to restore

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Māori confidence in the Crown while restricting the appeal and therefore influence of the Kīngitanga.

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

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fighters from Taranaki, disquieted Wairarapa settlers, prompting Hikawera Mahupukpu and other Pai Mārire adherents to visit the Resident Magistrate and ask that he “not allow blood to be shed here.” Ngatuere assured Governor Grey that “the Wairarapa will not be stained by Pakeha blood,” referring to Wairarapa and Tāmaki nui-a-Rua as “Te Pooti-Riri-Kore” (a land without war). Ngāti Kahungunu later observed that “from that time onward...our Pakeha brethren still share with others that Wairarapa is a place where blood has not been shed, where Māori and Pākehā treated each other as brethren, where they moved in unison, and was recognised as a good place.” No armed conflict has ever taken place between the Crown and Māori in Wairarapa and Tāmaki nui-a-Rua.

The Native Land Court

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

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The 10 Owner Rule

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

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- 2.133 The individual interests awarded under the 1873 Act could be sold (or partitioned and sold) when all owners agreed to this. Crown and private purchasers could negotiate for the purchase of Ngāti Kahungunu land with individual owners rather than with the collective body of owners in a block. The Native Land Act Amendment Act 1877 granted the Crown the right to ask the Court to partition the sellers' interests from those of the remaining owners of the block. The Native Land Act Amendment Act 1878 extended this right to any purchaser.
- 2.134 Although no further titles were awarded under the 10 owner rule after the 1873 Act, its effects were still being felt in titles issued earlier. The Native Equitable Owners Act 1886 (and a related provision in the Native Land Court Act 1894) enabled other owners to be added to the title but only if none of the interests in the title had been alienated. This restriction prevented the 1886 Act being applied to any of the Wairarapa blocks issued under the 10 owner rule, and only three of the eight applications under the Act for Tāmaki nui-a-Rua blocks succeeded.
- 2.135 In 1891, an application was made under the 1886 Act to include other owners in the title to the Piripiri block (18,014 acres), originally granted to eight owners. The application was initially barred by the two-year time limit for applications to be made and was referred to the Supreme Court, which found in 1892 that the Native Land Court could hear the case. The Supreme Court held there could be no presumption that the Native Land Court hearing a case after the 1867 legislation had in fact performed its duty to ascertain all beneficial owners. The Native Land Court subsequently added 124 owners to the title.
- 2.136 In 1891, a group of Ngāti Rangiwahakaewa made an application under the same Act. They sought admission to the Oringi Waiaruhe block. However, the case could not be heard as by then the interest of a single owner had been sold by lawyers acting for the estate of a deceased absentee owner, and it was thus excluded from the Act's provisions.
- 2.137 In 1896, the Tāmaki block (34,098 acres), originally granted to 3 owners in 1870, was subject to a similar review under the 1894 Act. During preliminary inquiries the Judge sitting in the Native Land Court observed that this was "a clear case" in which section 17 of the 1867 Act should have been applied and that in 1870 the Native Land Court had "acted without jurisdiction" and "entirely misunderstood its duty in the matter." Accordingly, the 1896 court admitted 99 owners to the title. Similarly, in the case of Tahoraiti 2 (5,924 acres), originally awarded to 10 owners, the Court admitted 74 owners to the title. The Judge suggested it was "notorious" that courts in the period 1867 to 1873 treated section 17 as "a dead letter." In contrast, the many right-holders who sought to be included in the title to the Tautāne reserve (1,052 acres, including a large urupā) under equitable owner provisions of the 1894 Act failed in their application, the Court finding that no trust for the wider hapū was intended when title had earlier been awarded to two owners.

The Costs of Title

- 2.138 A registered survey of the land investigated by the court was required before title could be issued. The costs to survey land were sometimes significant and placed a burden on

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Ngāti Kahungunu. In some cases, such as at Akura, Taumatararaia, Ngutukoko, and Kai o te Atua, land was sold to pay for surveys. At Okurupatu the survey costs equalled two shillings per acre. At Hūpēnui the survey costs were paid through the land being leased out, repayments requiring all of the rent for the first seven years of the 21-year lease. In one instance, Māori were loaned money by a settler to pay for survey costs and were later required to mortgage other lands to settle the loan. The survey costs for a group of blocks near Mātakitaki-a-Kupe (Cape Palliser) comprising 26,810 acres amounted to £740, equal to more than six pence per acre or about one-eighth of the land's market value, and the land was leased out to discharge this debt. In 1873, the Crown purchased the Tararua block for £2,792, while the cost to survey the block was £1,431.

- 2.139 The Crown played a role in regulating and monitoring surveying processes. In 1866 the Native Land Court found that Ngāti Kahungunu had "just ground of complaint" about the poor surveying of some of their lands by a Crown surveyor, who acknowledged he was in a "very anomalous position" as he was also acting for the Crown in the Court as well as being Commissioner of Native Reserves. The first survey of the large Mataikonā reserve was described as a "sham," requiring a costly re-survey for which the owners took out a mortgage.
- 2.140 The Native Land Court process also involved other costs for Ngāti Kahungunu, including court costs, lawyer's fees, and food and accommodation associated with attending often protracted land court hearings away from their settlements. Long hearings also meant lost working time and income. Niniwa-i-te-rangi, a Ngāti Kahungunu woman of mana, described in 1894 how attending court for a single week cost her £10 in accommodation and food, a price unlikely to be covered by the value of the land being awarded. Some owners had to sell parts of land blocks or further subdivide their land to pay survey and court-related costs. In 1895 the leading rangatira Hamuera Tamahau Mahupuku was faced with bankruptcy before he obtained the Crown's permission to mortgage about 11,500 acres of his Ngāwaka-a-Kupe lands for £18,000. The bulk of his debts were incurred in obtaining titles for the lands in the Native Land Court.
- 2.141 During some Court sittings, Ngāti Kahungunu whānau were crowded into temporary camping grounds that, becoming unsanitary, contributed to outbreaks of serious illnesses amongst those Māori attending. Those attending Court often took their children with them, resulting in lengthy absences from school.

Fragmentation and Alienation of Titles

- 2.142 The rules of succession provided by the Native Land Court required that land be divided equally amongst the owners' successors. With each succeeding generation individual shares became smaller and less economic, and this fragmentation made management and economic use of Māori-owned land extremely challenging and the land effectively unusable. Over time, ownership of individual legal interests led to the partition, fragmentation and sale of communal or tribal interests.
- 2.143 These title processes sometimes created small, awkwardly-shaped, and unwieldy titles that were difficult to manage, could become shut off from legal access, and were vulnerable to alienation. For example, Te Ore Ore (967 acres) was awarded as five titles in 1868 and 1869, including Te Ore Ore No. 3 (460 acres). As a result of the private

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purchase of individual interests Te Ore Ore No. 3 was repeatedly partitioned, becoming increasingly fragmented. By 1900 only 48 acres remained in Māori ownership and today its subdivisions range from 20 acres down to 0.1 acre. Akura No. 1 block (814 acres) was partitioned into 18 titles after a subdivision case extending over seven years at Courts in Masterton, Palmerston North, and Otaki. By 1900 about 490 acres had been acquired through private purchases and the remainder was further fragmented into 40 titles, some as small as one acre.

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

Crown Purchasing in Tāmaki nui-a-Rua

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

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

- 2.148 On 14 January 1867, a group of five blocks in Tāmaki nui-a-Rua were brought before the Native Land Court sitting at Waipawa on the applications of Ngāti Rangiwahakaewa, who lived on the lands. The five blocks (Otawhao, Oringi Waiaruhe, Tahoraiti, Kaitoki, and Mangatoro) in the Dannevirke area had a combined area of 65,555 acres and as the claims were not disputed the titles were each awarded to 10 or fewer of the claimants. On 4 September 1868, title to the Mangapuaka block (906 acres) was investigated by the Native Land Court at Waipawa and was awarded to a rangatira of Ngāti Rangiwahakaewa and four others claiming with him.
- 2.149 The limit of 10 owners permitted on Native Land Court titles at this time meant that some owners were excluded from the titles. In 1870, some of those excluded from the Oringi Waiaruhe title sought a rehearing, which was not granted, and protested that as a result, “we are being driven off that land” and that they were “very sorrowful about our land. We have been made to suffer by this work.” The excluded owners wrote that this threat to their occupation of the land was a result of it being leased. A senior Crown official, acting in his private capacity was one of the lessees.

Crown Dealings, 1868-1870

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

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Investigation of the Northern Bush, 1870

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

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

Crown Purchasing in Northern Bush, 1871-1882

- 2.162 Once the court awarded titles in September 1870 the Crown set about finalising its purchases of the northern Bush titles. Karaitiana Takamoana of Ngāti Kahungunu was a leading figure in the purchase negotiations and had been included by resident Māori (to whom he was related) in the titles for his expertise in negotiating with the Crown. Negotiations stalled for a time over the purchase price. At a hui at Waipukurau in April 1871 Karaitiana (elected in February as the Member for Eastern Maori) brokered a solution to the impasse, joining 23 other owners in acknowledging receipt of the £1,300 in pre-title advances paid on the titles. The final purchase price had yet to be agreed. On 1 June 1871, Karaitiana and 11 other leading title holders signed an agreement to sell 12 of the 17 blocks for £16,000. During August 1871 the Crown secured the signatures of a further 69 title holders and paid out £12,000 of the purchase price. Those of Ngāti Kahungunu who participated in the purchase intended to donate some of their share of the purchase proceeds to endow the Pākōwhai and Ōmāhu Native schools at Hastings.

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The area purchased was estimated to be 250,000 acres but on survey this increased to 265,000 acres. Five reserves comprising just under 20,000 acres were excluded.

- 2.163 Ngāti Rangiwahakaewa opposed the purchasing of lands in which they had interests. In July 1871, Ihakara Whaitiri and Nopera Kuikainga complained to the Native Land Court Chief Judge that their requests to exclude their interests from the purchases and to have them defined by survey had been ignored. In August Nopera Kuikainga wrote again to complain about the purchasing, telling the Chief Judge: "The Maoris are in trouble about their lands within the whole lands of Tamaki." Hēnare Matua also wrote on behalf of the runanga that had managed the Tāmaki nui-a-Rua titles to urge the suspension of purchase, "as the arrangements for that land Tamaki are in a very bad state." Hēnare Matua and Ngāti Rangiwahakaewa followed these complaints up with two numerous-signed petitions to Parliament's Legislative Council opposing the purchasing. The purchasing continued.
- 2.164 When the purchase deed was signed in August 1871 the £4,000 balance of the purchase price was retained until the reserves were surveyed and the purchase completed. The Crown intended to use this balance of the payment to induce "dissentients" to the purchase to accept it and to encourage the sellers to put pressure on them. Reports suggest the main dissentients were "the Porangahau people," being Ngāti Kahungunu associated with Hēnare Matua, who had earlier opposed the purchase. In December 1873, the Crown paid the final instalment of £4,000 to 64 signatories. Even so, not all the title holders had then signed the deed. In addition, the interests of two Ngāti Kahungunu rangatira who had not been included in the title were recognised by the Crown in November 1874 when it agreed to pay them £500 for their interests.
- 2.165 The five titles comprising 65,555 acres awarded in 1867 to Ngāti Rangiwahakaewa were not included in the 1871 purchase. Of the titles heard in 1870, the Tāmaki, Piripiri, Tiratu, Tipapakuku, Otanga, and Wharawhara blocks comprising 69,827 acres were retained in the ownership of Tāmaki nui-ā-Rua Māori.
- 2.166 Not all of the title holders signed the 1871 purchase deed and it took until 1882 for all of the signatures to be obtained, or for the interests of those who refused to sell to be defined by the Native Land Court and cut out of the purchased blocks. In 1882 Hori Ropiha and others petitioned Parliament about their refusal to sell their interests in Rakaiatai and Te Ohu and complained that timber on their land was being logged without their authority. The Crown requested Hēnare Matua and another Ngāti Kahungunu rangatira to lobby the remaining owners to sell, but they refused to assist in the completion of the purchase. In 1882, the interests of Hori Ropiha and three other owners of Rakaiatai who had not sold were partitioned out by the Native Land Court as Manawatū 7A of 3,000 acres, with the Crown awarded the balance of 4,350 acres.
- 2.167 In 1881, the Crown sought the assistance of the Ngāti Kahungunu rangatira Hēnare Matua to persuade Maata Te Opekahu, the owner of one of the two unsold interests in Te Ohu and Umutaoroa to sell. Hēnare Matua declined to convince her to sell but in 1882 the owner agreed to sell her share for £400, prompting her son Hori Herehere to urge his mother not to sign the deed. The Crown warned her that if the deed was not completed it would apply to the Native Land Court to define her interest, and would then seek to charge it with £130 already advanced against her interest and paid to another

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owner, plus interest, and travel and other expenses claimed by the Crown's purchase agent. In 1882 the two remaining unsold interests in Te Ohu and Umutaoroa were acquired, completing the Crown's purchases.

Investigation of the Southern Bush, 1871

- 2.168 In 1870, the Crown's land purchase operations gained fresh impetus from a new economic development policy. The Crown intended to acquire large areas of land for new settlers and to use the profits from on-selling land to settlers to fund large-scale public works and promote immigration.
- 2.169 In 1870, at a hui in Waipawa in southern Hawke's Bay regarding Seventy Mile Bush, the Crown emphasised to Māori the necessity for them to retain an adequate land base on which they could reap the benefits to come from the settlement and development of their district under Crown auspices. A Crown purchase official told them: "Let us work hard to improve our settlement and achieve Pakeha standards...give up some of your areas of land to me and hold on to others for you and your children." Despite this, the Crown conducted extensive purchasing in Wairarapa and Tāmaki nui-a-Rua throughout the remainder of the nineteenth century.
- 2.170 In 1870, senior Crown officials began to discuss purchasing the southern Bush lands which Māori refused to have heard at Native Land Court hearings in Waipawa, due to the absence of some "principal claimants who reside near Wairarapa." The Provincial Superintendent of Hawke's Bay was concerned that purchasing land in the southern Bush might be delayed by claimants from Wairarapa, with interests in the southern Bush area, saying that they "may give trouble". Nevertheless by September 1870 an application had been lodged by those who had led the claims to the northern Bush for Native Land Court hearings in Wairarapa to investigate the southern Bush lands.
- 2.171 To facilitate purchase the Crown assisted the applicants with the preparation of sketch plans and the division of the land for title investigation and purchase. In July the Provincial Superintendent of Hawke's Bay reported that those he identified as the "principal owners" of the southern Bush were willing to sell, subject to "satisfactory arrangements".
- 2.172 On 31 August 1871, at Masterton, the Native Land Court opened to hear the southern Bush blocks. However, no claimants came forward and the Court adjourned. At the Crown's request the southern Bush blocks were adjourned, first to 4 September and then to 6 September. The Judge wrote to the Native Minister warning that "some league is getting up to withdraw claims from this Court." A Crown official had earlier observed that a "deep seated scheme... for making the Maori more united in their actions against the encroachment of the Europeans" was gaining traction in the district.
- 2.173 On 6 September, the Court advised Māori present that if anyone who had claims to the land near Masterton wished to have them heard, "they might come forward and have them investigated or if they wished to withdraw them they were at liberty to do so." A number of claims were then withdrawn. The next day, when the Court began hearing claims to the southern Bush, "the Natives of Wairarapa" asked that all the claims advertised be withdrawn. The Court responded that it "would hear the claims if the

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applicants wished it". The Court added that if Wairarapa Māori had any interests in those lands, "they would have an opportunity of stating their claims, at the same time they must not say they had nothing to do with the investigation after the Court had come to a decision."

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

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2.179 The Judge who heard the claims for the southern Bush blocks wrote to the Parliamentary committee in November 1871 and stated that "there was a good attendance of Natives from all Wairarapa and other places" who had "every opportunity" to prefer their claims. He also noted that:

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

No rehearings were authorised.

2.180 Soon after the 1871 title investigations concluded in Masterton many of those awarded title travelled to Wellington to conclude purchase negotiations. On 5 October 1871, they agreed to sell 10 of the 11 blocks comprising about 125,000 acres for £10,000. Eight reserves comprising 4,369 acres were excluded from the purchase. A purchase deed was signed on 10 October 1871.

2.181 The blocks sold included Wairarapa-Manawatū 2A and Ngatapu 2. Among the eight reserves made was a reserve of 500 acres in Ngatapu 2. In November 1872, this reserve was purchased by the Crown for £60. From 1871 to 1882 the Crown acquired about 390,000 acres of Tāmaki nui-a-Rua lands for a total of about £28,000, or about one shilling five pence per acre. This was considerably less than the owners had sought for land which the Crown on-sold to settlers at prices ranging from 6 to 25 times what it paid to Māori.

Crown Purchasing in Wairarapa, 1873-1900

2.182 In Wairarapa, where two thirds of the land had been alienated by the Crown before 1865, the Crown continued to purchase Māori land after the introduction of the Native Land Court. Between 1866 and 1900 the Crown acquired approximately 673,000 acres of Māori land in Wairarapa and Tāmaki nui-a-Rua.

2.183 In 1872, the Crown began negotiating for the sale of the Tararua block, the largest block in Wairarapa to go through the Native Land Court. The Crown paid advances in cash and food supplies to various claimants, including those outside of Wairarapa. Title to the Tararua block was yet to be determined. In November 1873, the Crown entered into a pre-title purchase deed with Ngāti Kahungunu and other iwi for the block. It was estimated to comprise 103,000 acres, for which the Crown agreed to pay £2,792, beyond the pre-title advances, or about six pence per acre. The final surveyed area was 114,500 acres. The survey of the land cost £1,431. Title was determined by the Native Land Court in 1881 at which point the purchase was completed.

2.184 Two reserves of 1,000 acres each, Mangatarera-o-Te-Whakatūrākau and Hāpuakōrari, were excluded from the Tararua block in 1873 but were not reserved. In 1879 the Chief Surveyor twice requested the Land Purchase Department to point out the boundaries of the reserves when Tararua was surveyed, concluding "It would save great trouble and

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expense if these reserves were purchased by the government." However, before the Mangatarera-o-Te-Whakatūrākau reserve was properly identified, and before the Tararua title was heard, the reserve was mistakenly sold by the Crown to settlers for £500. The Crown did not inform the Māori owners of this error but offered to purchase the reserve from them for £200 during the 1881 title investigation. The owners accepted this offer, likely to ensure the block passed through the Court as quickly and as easily as possible.

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

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then sent the Premier applications that had been received from landless Ngāti Kahungunu for assistance, adding "we have seen that they have no land and that they are in great indigence." No land was set aside in Wairarapa for landless Māori.

Private Land Purchasing in Wairarapa, 1865-1900

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

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Ngāti Kahungunu's Political Responses: Repudiation and Kotahitanga

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

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

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

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

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

Wairarapa Moana and Pouākani

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

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

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

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

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

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

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

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

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

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

Takapūtao: the Last 200 Acres at Wairarapa Moana

2.236 In 1927, the South Wairarapa River Board applied to the Crown to acquire 200 acres of land at the confluence of the Tūranganui and Ruamāhanga rivers for the purpose of flood protection works. In 1883, when the Native Land Court awarded title to Wairarapa Moana, the Court endorsed a title plan showing a boundary excluding Takapūtao which was marked as "NR", meaning native reserve. However, the title plan is the only reference to a reserve at the time. The land was known by Ngāti Kahungunu as Takapūtao and contained a papakāinga, urupā, cultivations and an eel-fishing place. Some Ngāti Kahungunu petitioned the Crown that they had never alienated the land, wished to retain it, and asked that the Native Land Court be allowed to investigate title to the land.

2.237 In 1927, the Wellington District Commissioner of Crown Lands reported to the Under-Secretary for Lands that if the land had not been transferred to the Crown then the Crown had no power to vest the land in the river board. Such a transfer could only have occurred through the tuku rangatira of Wairarapa Moana or the 1853 Tūranganui purchase. The Under-Secretary of the Native Department, who was also the Chief Judge of the Native Land Court, responded that there "appears to be no authority" for designating the land as a Native Reserve, and asserted that the land had been incorrectly omitted from the 1883 survey of the Wairarapa Moana title and from the 1896 tuku.

2.238 In 1928, the Under-Secretary of the Native Department advised against introducing legislation to clarify the status of the land as it "would be an admission that there is some doubt in the matter," which might encourage a further Māori petition. The Under-Secretary suggested that the Crown make an application to the Native Land Court to amend the title and survey plan so as to include the 200 acres within the boundary of the Wairarapa Moana block.

2.239 In January 1929, the Crown supplied an amended plan of the Wairarapa Moana title to the Chief Judge of the Native Land Court. The Chief Judge advised that the Crown refrain from pursuing the amendment as the Court was still dealing with an application for the investigation of title to the land and "the Natives might be suspicious that undue advantage was taken of them." In September 1930, the applicants' case was dismissed

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by the Native Land Court “for want of prosecution”. The Chief Judge advised that the issue of amending the plan was being left until the end of the Parliamentary term, “in case the Natives should lodge a further petition in the matter.”

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

Wairarapa Moana Reserves and Pouākani

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

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

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the terms of an agreement reached in 1959 this debt was to be repaid from the owners' share of the rental income from the town sections when the Crown's existing leases expired in the 1960s. The owners offered to lease the sites of schools, the hospital, and other public buildings and reserves to the Crown at a peppercorn rental but the Crown insisted on the freehold being given to it. In separate negotiations the owners incorporation agreed with the Taupo County Council to transfer to it freehold land worth £7,600 in exchange for the Council taking over services such as water supply and waste water disposal and for allowing subdivisions to enable Crown sales of surplus properties.

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

Pouākani Land Development

- 2.250 In 1947, Prime Minister and Native Affairs Minister Peter Fraser visited Pouākani to assess the suitability of the land not taken for the power scheme for a Māori farm development scheme. Crown lands near Pouākani were then being developed for returned soldiers. Fraser went on to meet the land's owners in Greytown where he assured them that they would not be "overburdened with an impossible debt" resulting from the development of their land. The owners endorsed a Crown scheme to develop Pouākani and provide training to settle some of the Wairarapa owners on it. Beginning in 1948 some whānau from Wairarapa and Tāmaki nui-a-Rua relocated to Pouākani causing cultural as well as physical dislocation and isolation of Ngāti Kahungunu from their home lands and their whanaunga (kin). Ngāti Kahungunu settling at Pouākani found being located within the rohe (territory) of other iwi was deeply unsettling.
- 2.251 Development of these lands began in 1948, though costs were very high and Government supervisors initially found it difficult to develop the land successfully. The scheme struggled during the 1950s and 1960s, as the Ngāti Kahungunu farmers suffered from insufficient training and supervision, working land that was not ideally suited for farming. Numerous farmers could not make a living from their leasehold farms and walked off the land. The 60 farms envisaged when the scheme began were later reduced to 28 dairy and 2 sheep farms. Like many development schemes in other parts of the country, the farms built up substantial debt. By 1970, with total debt at \$1 million, 18 dairy farms were in operation, the other farms having been abandoned. Ten of these

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farms were leased to Pākehā as no owner nominees could be found. With the farms still failing to produce profit, the Ngāti Kahungunu owners' only real income came from milling timber during the clearing of land. Very few young people had been trained to become farmers on the land. In 1971 the Crown agreed to restructure the scheme but the owners remained concerned about its administration. In 1974, the Crown admitted that, given the deterioration of the farms, its supervision of the scheme had been "lax".

2.252 From 1977, the owners, who were critical of the Crown's management, sought to have control of the land returned to them. In 1983 the 4,883 hectares of the Pouākani scheme was vested in the owners' incorporation, by which time the farm assets were valued at \$12 million and the development debt had been reduced to \$312,000. The scheme was, however, in need of further investment as a result of deferred maintenance. Other debts accrued when farm leases were surrendered and the owners had to pay \$600,000 in compensation for improvements, even when these were of little value to them. The owners sought compensation from the Crown for these costs and for allowing large rent arrears to accrue on leased farms, including about \$87,000 owing on one farm and which was never collected. The Crown declined compensation. The Deputy Secretary for Maori Affairs stated that strict enforcement of leases would have pushed people off the land, before being given a chance to prove themselves, which in turn would have undermined the overall objective of providing farming employment for Wairarapa Māori. Therefore he stated that the priority had been to ensure that those on the land were secure on their farms and obtaining a living, "even if it was at the expense of fertiliser and maintenance".

2.253 From 1989 the owners applied to have some of its remaining debts of about \$1 million written off, focusing on the development debt of \$400,000 owed to the Crown, but the Crown initially declined to do so and the debt continued to grow. Disagreements between Ngāti Kahungunu and the Crown continued into the 1990s.

Wairarapa Moana Fisheries

2.254 When accepting the tuku of Wairarapa Moana in 1896 Premier Seddon assured Ngāti Kahungunu that they "shall not be impeded in fishing and obtaining from the lake the food they are entitled to by the Treaty of Waitangi and which they are entitled to by special treaty rights through the dispute which has occurred." He stated that acclimatisation societies would not be allowed to put trout in the lakes. However, trout had already been introduced to the district and were present in Wairarapa Moana. The Crown did not act to support the words of the Premier about trout. Ngāti Kahungunu made frequent protests as their fishing rights and customary fisheries were seriously diminished by various actions and developments, including the introduction of exotic species, opening of the outlet at Ōnoke at the peak of tuna migration, drainage of wetlands around Wairarapa Moana, stopbank construction, and large-scale commercial fishing of tuna, inanga (whitebait), and koura (fresh water crayfish).

20th Century Land Issues

2.255 At 1900 Ngāti Kahungunu retained less than 10 percent, or about 240,000 acres, of their land in Wairarapa and Tāmaki nui--Rua. This land was fragmented across more than 600 titles. Crown and especially private land purchasing continued for another century.

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The lands remaining to Ngāti Kahungunu were difficult to manage and develop due to Native Land Court processes of partition and succession that led to many small, fragmented, and uneconomic titles, large and growing numbers of owners holding increasingly tiny shares, poor or non-existent road access, and lack of development finance. Today Ngāti Kahungunu retain about 1.5 percent, or 35,000 acres, of the land they owned in 1840. Half of this land is contained in the large, rugged Mataikonā block reserved from the Castlepoint deed in 1853. The rest of this land is divided into more than 400 titles.

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

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Wairarapa and Tāmaki nui-a-Rua remaining that was suitable for these schemes and little development occurred.

- 2.259 In 1937, the Crown established a development scheme for 806 acres at Mākirikiri intending to develop six dairy farms there. By 1941 four farms had been established on 400 acres of developed land but by 1944 the scheme was in “very poor” condition and still required significant development investment. In the late 1950s one Māori and several Pākehā farmers were allocated leases of farms in the scheme. In 1992 the scheme was still under Crown control.
- 2.260 The more substantial Homewood scheme began in 1940 and consisted of 2,500 acres across 26 titles to be developed and managed as a single farm. In 1953, “in the face of marginal prospects and rising debt”, the Crown and owners agreed to end the scheme and the land was leased out to a neighbouring Pākehā. The Crown also brought individual farms within the provisions of development schemes. From 1938 the Crown supported a Māori farmer to develop land at Tahoraite but the land later reverted to scrub before being developed by its owners without Crown assistance. The Crown also operated a development scheme for a farm at Pirinoa from 1940. In 1952 the land was leased to a neighbouring Pākehā to discharge the development debt.
- 2.261 About 20 percent of the titles retained by Ngāti Kahungunu are “land-locked”, surrounded by land in private or Crown ownership, without access, such as frontage to a road. The Crown’s acts or omissions contributed to a number of these titles becoming landlocked. In 1853 the Crown agreed to a reserve at Te Awaiti but did not issue title until more than thirty years later. During this period the land became landlocked. In some instances during the twentieth century landlocked blocks were leased to neighbouring farms or even sold as they lacked access. A subdivision of Te Awaiti was sold in 1980 to create some return from the landlocked land. This followed the construction of a bridge and road in the 1960s that provided access to adjoining general land but which stopped 20 metres away from the boundary of Te Awaiti. This reserve, as well as Huariki and Pūkaroro reserves further north, which are connected to Te Awaiti by a paper road, remained landlocked.
- 2.262 The Crown has promoted provisions to legislation since 1886 relating to access to Maori land. Prior to 1912, this legislation provided for access to be made for blocks with new titles awarded by the Native Land Court, including new subdivisions. Such access was not dependent on the consent of neighbouring landowners through whose property access would be provided. However, this legislation did not apply to Ngāti Kahungunu blocks with legal titles which predated the legislation unless new subdivisions were created. In 1912, Parliament enacted new legislation which provided for access to be created to any landlocked Māori land. However, the legislation provided that access could only be made through neighbouring European owned land with the consent of the owners. If access came through neighbouring Māori land then legislation required consultation rather than consent. New legislation enacted in 1922 removed the requirement for the consent of European landowners, but only in relation to European owned land that had ceased to be Māori land after 1913. This was of little benefit to Ngāti Kahungunu as almost all the land in the Ngāti Kahungunu rohe had ceased to be Māori land prior to 1913.

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Public Works Takings

- 2.263 From 1975 access could be granted to landlocked Māori land without the consent of adjoining land owners. However, this provision has not been used as it requires Māori to initiate High Court litigation which Ngāti Kahungunu consider prohibitively expensive and of uncertain outcome. Today the 80 landlocked titles, comprising 3,525 acres in Wairarapa and Tāmaki nui-a-Rua, represent a significant proportion of the lands remaining to Ngāti Kahungunu. Lack of access has made it difficult for owners to develop economic opportunities, exercise their rights of ownership or their cultural obligations as kaitiakitanga of the land.
- 2.264 Native Land Act 1878 allowed the Crown to take up to five percent of land held under a Native Land Court title for public works without compensation for a period of up to 15 years from the date of title. This was three times longer than under a similar rule applying to general land. This “five percent rule” was not removed from Māori land titles until 1927. It resulted in the loss of significant areas of Ngāti Kahungunu land for public works. In some cases where this rule had expired there is no evidence that the Crown paid compensation for land taken from Ngāti Kahungunu for roads, such as the Mātakitaki No. 3 reserve and two areas taken from the urupā at Te Kopi.
- 2.265 In 1887 and 1888, sixteen acres were taken for road and railway purposes from the Kōpuaranga block, a reserve from the 1853 Manawatū-Wairarapa deed. The Public Works Act provided for the Crown to implement a Native Land Court title investigation on the entire block in order to determine who it should pay £82 in compensation for the land taken. Half that sum was consumed by survey and court costs for the case brought by the Crown, not by the land's customary owners.
- 2.266 Prior to the middle of the twentieth century, it was uncommon for the Crown to consult Ngāti Kahungunu owners before compulsorily acquiring their land for public works. There is no evidence of Crown consultation with owners prior to roads being constructed through the Whakataki reserve in the Castlepoint block in the 1870s and 1880s. Nor is there evidence of the Crown notifying or consulting the owners of Tautāne reserve before part of their land was taken for a new road, requested by a neighbouring land owner to provide better access to his property. This lack of consultation led to protracted disputes and protests over some public works. The Crown declined alternative methods of securing land it needed for public purposes, such as the leases offered by Ngāti Kahungunu in some cases.
- 2.267 During the twentieth century the Crown acquired nearly 400 acres from Tahoraiti titles at Dannevirke for a wide range of public purposes, including a sewage plant, rubbish dump, gravel pit, rifle range, aerodrome, scenic reserve, and railways. These takings and subsequent public works were effected despite the negative impacts of facilities such as a rubbish dump and sewage treatment plant on the adjacent Mākirikiri marae and papakāinga.
- 2.268 In 1911, the Crown took 38 acres at Mākirikiri for scenery preservation and vested the reserve in the local council in 1913. The council had sought the land for a recreation reserve, but the land remained a scenic reserve despite the scenic value of the land being degraded by logging, fire, and stock damage. The land was later subdivided and

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leased and in 1950 the scenic status was revoked over a small portion, which was added to the adjoining rubbish dump in 1951. In 1983 half of the scenic reserve was reclassified as a recreation reserve.

- 2.269 In 1978, the Dannevirke Borough Council sought 14 acres of the Tahoraiti block for a new rubbish dump. When the owners declined to sell the council took steps to have the land taken under the Public Works Act. The Crown was concerned at Māori protests over a such a taking and did not endorse this taking of land for public works. However, the Public Works Act 1928 had not been amended to reflect these policy positions and the Crown was legally obliged to proclaim the taking of the land, which it did in 1981.
- 2.270 In the 1950s, the Wairarapa South County Council sought six acres of land at Hurunui-o-Rangi pā for a road deviation and eight acres for a gravel pit. These lands were taken under the Public Works Act 1928 despite the written objections and public protests of the Ngāti Kahungunu owners and occupiers of Hurunui-o-Rangi pā. Their protests included attempts to block the new road, which separated Hurunui-o-Rangi marae from its two urupā.
- 2.271 In some areas where land taken was later surplus to requirements, the Crown and local bodies did not offer the land back to the former Māori owners. Land no longer required for the gravel pit and aerodrome at Dannevirke was sold to local farmers without being offered to the former Māori owners. Land taken for a gravel pit from Hurunui-o-Rangi pā was not offered back to Māori when the pit was exhausted. Instead, the land was sold to a third party who built an abattoir beside the Hurunui-o-Rangi urupā.

Te Taiao: Environmental Issues

- 2.272 The settlement of Wairarapa and Tāmaki nui-a-Rua resulted in significant transformation of the environment over time. From the 1860s, legislation provided for the Crown to exercise control over much of the natural resources in Wairarapa and Tāmaki nui-a-Rua, which the Crown then often transferred to various local authorities. The Crown prioritised economic development over environmental protections. This limited opportunities for Ngāti Kahungunu to exercise their kaitiakitanga over the natural environment and the taonga it contains or to develop and use these resources themselves, conserve areas at risk of being damaged by agricultural development, and diminished their access to highly valued resources.
- 2.273 The environmental health of the region, in particular at Te Tapere nui-a-Whatonga in the north and Wairarapa Moana in the south, has since been degraded as a result of deforestation, erosion, drainage, river control works, and pollution of waterways. Extensive drainage of wetlands associated with Wairarapa Moana has been particularly devastating to the health of waterways and to customary fisheries. As recently as 1974 the Ruamāhanga diversion scheme reduced the catchment area of Lake Wairarapa by 80 percent. By redirecting water flow the diversion scheme also had a negative impact on the water quality of the lakes and their environment and interrupted migrational pathways of tuna and native fish. All of these changes have seriously affected the mauri (life force) of Wairarapa Moana.

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- 2.274 The numbers of birds and fish, important to Ngāti Kahungunu, have declined as a result of the introduction of new species, habitat modification, and new methods of hunting and fishing. Most notably the huia, depleted by loss of habitat and introduced pests, was hunted to extinction by about 1900, despite the efforts of some Wairarapa Māori to place rāhui over its habitat in the Tararua Ranges as early as the 1870s. The mahinga kai (food cultivations) and rongoā (medicinal) gathering places, still held by Ngāti Kahungunu, have been polluted or lost due to environmental change. The loss of these resources also contributed to the loss of associated knowledge and ritual, including knowledge pertaining to rongoā and crafts.
- 2.275 Traditional customary fisheries enjoyed for centuries by Ngāti Kahungunu and other Māori were depleted over decades of large scale commercial fishing. From 1894, the Native Land Court began awarding titles to Wairarapa Māori along the coast for fishing reserves or fishing grounds. However, these reserves related only to coastal land down to the high tide mark, and not to the fishing grounds themselves. The Maori Social and Economic Advancement Act 1945 provided for fishing grounds to be reserved for iwi but the Crown declined to apply this provision when Ngāti Kahungunu sought to reserve and protect traditional fishing grounds and fishing rights from commercial fishing in the area from Palliser Bay to Aohanga from 1949.

Protection of Ngāti Kahungunu Heritage

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

Ngāti Kahungunu and the Defence of New Zealand

- 2.277 The commitment of Ngāti Kahungunu to their relationship with the Crown, established at Turanganui in 1853 has been demonstrated through a long and proud record of service in New Zealand's defence. Notably, Ngāti Kahungunu rangatira Hoani Paraone Tūnuirangi (or Major Brown as he was known to Pākehā) was a commander in the Native Volunteer Force that accompanied Premier Seddon's New Zealand delegation to Queen Victoria's Diamond Jubilee in London in 1897. He later took command of the Wairarapa Mounted Rifle Volunteers and in 1902 offered to the Crown the services of his Ngāti Kahungunu men for the South African War. Seddon approved but the British Government declined to involve non-European troops.
- 2.278 Many Ngāti Kahungunu volunteered to serve in World War I as part of the allied war effort and raised funds to help send their young men overseas, some of whom lost their lives. In addition to joining the regular forces, they also enlisted in the Māori Pioneer Battalion, known as Te Hokowhitu a Tū. An even larger commitment was made by the iwi during World War II, when many of their young men served in the 28th (Māori) Battalion's D Company. The 28th (Māori) Battalion suffered a high casualty rate. The cost of their participation in war has been high, resulting in a loss of present and future

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leadership from whānau, hapū, and the iwi, as well as a loss of expertise in te reo Māori and Ngāti Kahungunu tikanga. On the home front Ngāti Kahungunu made important contributions to the Māori War Effort Organisation.

- 2.279 After the Second World War the Crown established Rehabilitation Boards, which provided farms through a ballot to returned servicemen. The Crown's policy was to allow any returned servicemen who met the eligibility criteria to enter these ballots. Māori rehabilitation committees tried to settle Māori returned servicemen on rehabilitation schemes or Māori land development schemes, few of which were established in Wairarapa and Tāmaki nui-a-Rua. As of 1950, only six Māori ex-servicemen had been settled on farms in the Ikaroa Maori Land District, which included Tāmaki Nui-a-Rua, Wairarapa, and the South Island.

Social and Economic Under Development

The Crown's Provision of Educational Services to Māori

- 2.280 From 1867, the Crown undertook the establishment and maintenance of schools specifically for Māori, to provide instruction in English. The Crown saw these schools in part as a means of assimilating Māori into European culture. The Native Schools Act 1867 required Māori communities to provide funds or donate land for the Crown to support a Native School for that community. By 1878 there were not yet any Native Schools in Wairarapa or Tāmaki nui-a-Rua. When Premier Grey visited Pāpāwai that year Ngāti Kahungunu asked him about a school for their children to which he expressed his sadness at the lack of a native school there and said that one would be built very soon.
- 2.281 In 1882, after a petition and written requests by Māori, the Crown subsidised its first Native School in Wairarapa and Tāmaki nui-a-Rua, at Pāpāwai. In 1886 the Crown built new buildings to replace the overcrowded whareniui (meeting house) which had been the original school house. The school was attended by Māori and Pākehā pupils. By 1905, dissatisfied with the standard of education at the school, Māori and Pākehā parents successfully petitioned the Crown to remove "Native" status and transfer the school to the Wellington Education Board. Although it was hoped this would raise resources and outcomes, the roll of Pāpāwai School declined and by 1919 it had become a side-school of Greytown District High School.
- 2.282 In 1881, Māori established their own school at Te Ore Ore. In 1882, the Crown began subsidising the teacher's salary and in 1886 brought Te Ore Ore School into the Native Schools system. However, in 1889 the Native Schools Inspector condemned school facilities as "about as unsuitable for school purposes as it could possibly be; it is low, dark, and dirty as well as far too small". Several suggestions were made to replace the building but this was not done. The school closed in 1889.
- 2.283 From 1890 to 1898 local Māori operated a school at Tahoraiti in Tāmaki nui-a-Rua, providing a building and a teacher in the hope the Crown would establish a Native School there, but it did not do so. In 1901 the Crown subsidised a Native school for the small community at Tūrangānuī. The school lasted only six years and closed in 1907 due

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in part to poor facilities that the Native Schools Inspector observed did not even “come within the category of buildings.”

- 2.284 In 1902, Māori at Mataikonā requested a Native School, which the Crown declined. In 1906, the Rongokakao Maori Council sought a Native School to the north, at Aohanga, and later that year an official reported that a school was “very much needed” there. As the children were “totally without education” their parents saw the matter as “one of urgency.” In 1908 the Crown declined to establish a school there. A further request was made by Aohanga Māori for a Native School in 1938 which the Crown approved, and in 1942 a Native School was established at Aohanga but it closed in 1947.
- 2.285 In 1903, Māori at Hurunui-o-Rangi sought a Native School due to concerns for their children’s safety attending the nearby public School. One Crown official described how the children’s daily trip to school involved the “fording of a dangerous river” and that at school the children were “harassed” by Pākehā. However, the Crown did not establish a Native School at Hurunui-o-Rangi. The same Crown official wrote to his superiors, regarding the request, that although Native Schools were effective at promoting European values in Māori districts, Board Schools were more effective at assimilating Māori in “half-Europeanised districts”, such as Hurunui-o-Rangi. Māori continued to seek a Native School there and in 1931 unsuccessfully petitioned again for a Native School, supported by a Member of Parliament.
- 2.286 The most successful Native School was established by the Crown at Ōkautete in 1906 on land gifted by local Māori in 1903. For some years pupils at Ōkautete suffered corporal punishment and other forms of discipline for speaking te reo Māori at school. Ngāti Kahungunu wanted their children to learn English and be proficient in te ao Pākehā (the European world) but not at the cost of their own Māoritanga (language and culture). Ōkautete Native School also suffered from significant problems with the staff and resources provided but became a valued community institution. The School operated until 1962, when the Crown transferred it to Education Board control under which it operated until it closed in 2001.
- 2.287 In the 1860s, the Wellington Provincial Government was funding numerous schools to cater for the needs of Pākehā children. In 1881, a Crown official reported that the inability of some teachers to speak Māori and racial discrimination on the part of some settler parents discouraged attendance by Māori children. The antipathy of some European parents to racial mixing at their local school was of such concern that a visiting Crown official suggested that “if their attendance is objectionable to parents as hitherto, a small ward might be set apart for their accommodation.” No extra provision was made for Māori students at this school. Nevertheless the Crown’s limited provision of Native Schools in Wairarapa and Tāmaki nui-a-Rua meant that most Māori children were dependent on Public schools for education to prepare them for the modern world.
- 2.288 The ability of Ngāti Kahungunu to take advantage of educational opportunities in native schools or public schools was hindered by poverty, poor health, and by difficulties of access due to distance and poor roads. For those Ngāti Kahungunu who did attend school, higher education opportunities remained limited. Education officials generally had a very limited view of Māori potential in comparison to Pākehā and they were generally not encouraged to pursue higher learning. In 1948, almost fifty percent of all students

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leaving post-primary education (years 9-12) achieved fifth or sixth form. However, no Māori in Wairarapa or Tāmaki nui-a-Rua achieved higher than fourth form (year 10) in 1948.

Crown's Provision of Health Services after 1900

- 2.289 In 1900, collaboration between the Crown and Pāremata Māori led to the enactment of the Māori Councils Act 1900 which empowered local Māori tribal councils to enforce sanitary regulations amongst their communities and improve drainage, water supplies, and housing. Tamahau Mahupuku and Hēnare Parata, rangatira active in the Kotahitanga movement, set in motion these health reforms through initiatives such as the sanitary committees set up for the Pāpāwai Pāremata and Hēnare Parata's unofficial work as a sanitary inspector for Wairarapa Māori. Native Minister James Carroll appointed both men as honorary Native Sanitary Commissioners to accompany him to numerous Māori communities where these reforms were promoted. Ngāti Kahungunu enthusiastically welcomed the 1900 Act as a measure of self-government and self-help and quickly established the Rongokako Māori Council, which covered all of Wairarapa and Tāmaki nui-a-Rua. At the same time the Public Health Act 1900 established the Department of Public Health with a broad focus on improving sanitation and preventing disease.
- 2.290 In June 1899, before the Maori Council's Act was passed, the Takapau Komiti (comprising Ngāi Tahu and other Ngāti Kahungunu hapū) wrote to ask for the Wairarapa district, or "rohe potae", to be established under the pending legislation to be extended to include them. At the same time the Hāmua Komiti headed by Nireaha Tāmaki defined the boundaries of the "Wairarapa Rohe Potae" in terms of "Te Pooti Ririkore" (the land without war), as defined during the New Zealand Wars. Nireaha Tāmaki also asked for the Crown to set aside some Crown land "as a place where the young people of Wairarapa may be taught farming." Wairarapa Māori sought extensive representation, naming 63 proposed councillors for the seven sub-districts within the proposed boundaries. They envisaged "a covenant between us the chives and our hapū with the Government of New Zealand, embracing the measures of importance and authority to be observed, to be given effect to by us and our hapū and our descendants after us."
- 2.291 In May 1901, James Carroll went to Pāpāwai to attend the first meeting of the 12-member Rongokako Maori Council. Aporo Kumeroa was elected as chair and said the Council marked "a new era in native affairs," even though he saw the "very moderate powers" given to them as "a preliminary step." The work already done by Native Sanitary Inspector Hēnare Parata in improving Pāpāwai was noted by observers. He had also been active in promoting hygiene improvements at other Wairarapa papakāinga and continued this work in 1902. In 1903, he assisted a doctor and nurse from the Department of Health in treating an outbreak of illness at Pāpāwai caused by pollution of the Pāpāwai Stream at Greytown. In 1905 Taiawhio Te Tau was appointed as Native Sanitary Inspector for the Rongokako Council district, reporting to the Government on the state of housing and health in Wairarapa. He joined other Maori Councils in promoting to the Crown a network of cottage hospitals for Māori, an initiative that Māori supported but which was not endorsed by the Crown.

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- 2.292 However the Crown provided little funding to the councils and they had limited powers for raising revenue. In 1906, the respected Maori Councils Superintendent tendered his resignation due to the lack of resources, adding that “it redounds to the credit of the natives themselves that so much good has been accomplished without any assistance worthy of the name.” The councils soon fell into a general decline, and this was made worse after 1912 when the Crown stopped funding Māori sanitary inspectors. However, the Rongokako Māori Council continued to exist, albeit as “a poor council” that was unable to do a great deal to remedy the widespread poor living conditions of Wairarapa Māori.
- 2.293 In the early 1920s, following the First World War and Influenza Pandemic, Ngāti Kahungunu sought to reinvigorate the Rongokako Māori Council and its role in health and hygiene improvements. By 1928, new councillors had been elected but had to wait some time for the Health Department to proclaim the new council and provide the administrative “machinery.” The council struggled to meet and had little authority to improve hygiene or limit liquor supply. The Council inherited limited revenue-raising powers, so it was able to achieve little before falling into decline in the early 1930s. In 1932, the Health Department wrote of the Rongokako Council that “the difficulty, as always, is one of finance.” In 1934, the Department reported that the Council had been “hibernating” for several years and “the lack of financial resources and the difficulty of holding regular meetings would seem to make any striking progress unlikely.”
- 2.294 The rapid expansion of public health services as part of the establishment of the social welfare system in the late 1930s led to significant improvements in health outcomes for many New Zealanders. Even as the health of the general community in Wairarapa and Tāmaki nui-a-Rua improved, that of Ngāti Kahungunu continued to lag far behind, due largely to their much higher levels of poverty and poor living conditions.

Ngāti Kahungunu in the twentieth Century

- 2.295 Ngāti Kahungunu communities were on the margins of economic development through much of the twentieth century. The significant land loss, and fragmentation of remaining land, along with the lack of access to capital for development, made it increasingly difficult for Ngāti Kahungunu to support whānau and the community as a whole.
- 2.296 With limited education and lacking skills and training, many Ngāti Kahungunu relied on low-paid seasonal agricultural work, supplementing low incomes by growing their own food or fishing. Customary food resources were further threatened as Wairarapa Moana and customary waterways suffered environmental damage. Many Ngāti Kahungunu who remained in rural areas suffered extreme poverty. Substandard housing also resulted in a high incidence of diseases such as typhoid and tuberculosis.
- 2.297 Those who could not subsist on seasonal work were forced to move to urban centres in Wairarapa and Tāmaki nui-a-Rua and outside of the district in search of work and access to social services and better housing. A few whānau moved to the distant Pouākani “reserve land” at Mangakino in the late 1940s when it began to be developed. As a result of these demographic movements, three-quarters of Ngāti Kahungunu now live outside their rohe. The exodus of many Ngāti Kahungunu from Wairarapa and Tāmaki nui-a-Rua also put social strain on the whānau and communities that remained. Prior to the

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expansion of the welfare state in the late 1930s, nearly all kaumātua and kuia were denied the old age pension and the few who did receive it were paid a lower rate than Pākehā pensioners.

- 2.298 Many of those leaving their ancestral lands left behind not only the problems in Wairarapa and Tāmaki nui-a-Rua but also their whānau, community, and language. The proportion of Wairarapa Māori able to speak te reo Māori is lower than the national average for Māori and continues to decline with no native speakers of Māori remaining.
- 2.299 Ngāti Kahungunu were heavily affected by the Crown restructuring the economy in the 1980s, which led to many Ngāti Kahungunu who worked in manual labour industries such as farming, meat processing, forestry, railways, and public works becoming unemployed. The income, employment, housing, health, educational, and crime outcomes for Ngāti Kahungunu are worse than for other Māori and considerably worse than for Pākehā in Wairarapa and Tāmaki nui-a-Rua.
- 2.300 Through their experience of colonisation many Ngāti Kahungunu have been alienated from their lands, culture and language, with the rich fabric of hapū and iwi life having been severely damaged. As the settler population expanded Ngāti Kahungunu became marginalised from a Pākehā-dominated society, and lacking the means to advance their own position, they continued to co-operate in Crown initiatives and with Crown authorities. Ngāti Kahungunu believe that the Crown has continually failed to honour the reciprocal obligations established through the Treaty of Waitangi and the compact of the 1853 Komiti nui. Ngāti Kahungunu steadfastly continue to hold to the principles that have always underpinned their relationship with the Crown.

3 NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

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

Te Rirohanga atu o Maungaroa nā te Whakahau

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

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

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

- 3.5 E whakaae ana te Karauna i whakatumatuma ia ki te aukati i ngā mahi whakatū kāinga Pākehā ki Wairarapa me Tāmaki-nui-a-Rua ki te kore a Ngāti Kahungunu e hoko atu i ō rātou whenua ki te Karauna, ki te kore hoki rātou e tuku i ngā whenua rīhi whakataka i whakawhiwhia ai a Ngāti Kahungunu ki ngā moni me ngā hua tauhoko i te tekau tau 1840 me te upoko o te tekau tau 1850. Nā runga i tērā, kāore i taea e Ngāti Kahungunu te whai wāhi atu ki te ōhanga hou o ngā tauīwi whakatū kāinga, i runga tonu i ā rātou ake whakaritenga, ā, koinei te pūtaka o ētahi o ngā nawe nui o Ngāti Kahungunu.
- 3.6 E whakaae ana te Karauna:
- 3.6.1 i te Komiti Nui (te huihuinga nui) o te tau 1853, nā Kāwana Hōri Kerei i mahara ai a Ngāti Kahungunu ka riro i a rātou he painga nui ā-mātauranga mai, ā-hauora mai, ā-ōhanga mai anō hoki mā te hoko atu i ētahi wāhi nui o ō rātou whenua ki te Karauna mō ngā utu iti;
- 3.6.2 whai muri i te Komiti Nui me tā te Karauna hoko atu i ētahi wāhi whenua nui ki ngā tauīwi whakatū kāinga, kāore a Ngāti Kahungunu i whiwhi ki te nui o ngā painga nā te Karauna i mahara ai rātou ka riro atu ki a rātou, ā, koinei te pūtaka o ētahi o ngā nawe ukiuki o Ngāti Kahungunu, ā mohoa noa nei; ka mutu
- 3.6.3 kāore i ea i a ia ana here i raro i ngā āpitianga mō te koha, he mea whakauru atu ki ētahi whakaaetanga hoko ā-pukapuka whai muri i te Komiti Nui o te tau 1853, i whakawehea ai e te Karauna ētahi pūtea i hua ake i te hokotanga atu o ngā whenua hei painga mō Ngāti Kahungunu. Otirā, kāore i tika tā te Karauna kōrero ki a Ngāti Kahungunu e pā ana ki te whakahaeretanga o te pūtea, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.7 E whakaae ana te Karauna kāore ia i mahi i runga i te ngākau pai i ngā wā katoa i te tere me te whānui o āna mahi hoko whenua puta noa i Wairarapa me Tāmaki-nui-a-Rua i te tekau tau 1850, otirā, i te korenga ōna i aro ki ngā kaupuri mana matua, tae atu hoki ki ngā hunga i noho ki ngā whenua, i takahi ēnei mahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.8 E whakaae ana te Karauna he rite tonu te korenga ōna i rūri, i whakawehe, i tiaki rānei i ngā whenua ko tōna tikanga ka rāhuitia mō Ngāti Kahungunu i ētahi hokotanga kia kore ai e hokona atu ki ngā tauīwi whakatū kāinga, ka mutu, i ētahi wā i whakaupatia take-koretia e ia te tukuhanga atu o ngā rāhui i oatitia ai. I takahi ēnei mahi a te Karauna me ēnei hapa hoki ōna i te Tiriti o Waitangi me ōna mātāpono.
- 3.9 E whakaae ana anō te Karauna kāore ia i mātua whakarite kia tiakina he rāhui rawaka hei pupuri mā Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, otirā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.10 E mihi ana te Karauna ki te pūkeke o Ngāti Kahungunu kia mana tonu ai te karangatia o Wairarapa me Tāmaki-nui-a-Rua ko 'Te Pooti-Riri-Kore' (he whenua riri kore). Ka mihi pū anō te Karauna ki te niwha o Ngāti Kahungunu kia mau ai te rongomau puta noa i ngā Pakanga o Niu Tireni, ahakoa tino kore nei rātou i whakaponu ki te Karauna, hāunga anō

DEED OF SETTLEMENT

3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

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

Ngā Ture Whenua Māori

3.11 E whakaae ana te Karauna:

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

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

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

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

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

Ngā Urupare ā-Tōrangapū a Ngāti Kahungunu

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

Wairarapa Moana

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

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

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

3.18.3 i kōkiri ia i tētahi ture i te tau 1889 i riro ai i te poari awa ā-rohe te mana kia whakawāteahia tonutia te whenua koure, kia whakatau hoki i ngā taumata wai o Wairarapa Moana, engari kāore hoki i whai kia tiakina ngā mana taonga o te Māori ki te whenua koure me ngā roto;

3.18.4 nā te tukunga o te wai i Wairarapa Moana me ana wairepo i kāwetoweto ai ngā huarahi e toro atu ai a Ngāti Kahungunu ki ngā rawa me ngā wāhi kōhi kai; otirā,

3.18.5 nā te whakatōpūtanga o ēnei mahi a te Karauna, o ēnei hapa anō hoki ōna e pā ana ki te whenua koure i Ōnoke Moana me te taumata o te wai i Wairarapa Moana i takahi te Tiriti o Waitangi me ōna mātāpono, otirā, koinei tētahi pūtake o te auhitanga me ngā nawe e rongō nei a Ngāti Kahungunu.

3.19 E whakaae ana te Karauna:

3.19.1 i whakaae ia ki tōna whakawhiwhinga ki Wairarapa Moana i tētahi tuku rangatira nā ngā Māori o Wairarapa, nā konei i rangatira ai te āhua whakaea i ngā tohe ki ō rātou mana pupuri;

3.19.2 i whai painga tonu hoki te Karauna i te tuku rangatira, i tōna whakawhiwhinga ki tētahi taitara motuhake ki Wairarapa Moana, i taea ai e ia te aro ki ngā āwangawanga o ngā tauwiwhi whakatū kāinga e pā ana ki te waipuketanga o ngā whenua e takoto pātata ana ki ngā roto;

3.19.3 kāore i ea i a ia tōna here i raro i te tuku rangatira kia rāhuitia he whenua e rawaka ana i te takiwā o ngā roto, engari kē i rāhuitia he whenua tūhāhā me uaua ka tae atu te tangata, i te taha whakateraki atu i Taupō-nui-a-Tia, i Pouākani, e rua tekau tau i muri mai;

3.19.4 nā te whakaritenga o ētahi whenua i Pouākani e takoto tawhiti ana i te rohe o iwi kē, i kounutia ai ētahi o ngā whānau o Ngāti Kahungunu i ō rātou hapū, i ō rātou kāinga tuku iho hoki, ā, nā reira hoki i tino raruraru ai ngā hononga o Ngāti Kahungunu ki iwi kē;

3.19.5 he nui ngā whenua o Pouākani me whai haumitanga nui e whai hua ā-ōhanga ai;

3.19.6 nā te korenga ōna i whakarite i ētahi whenua rāhui e pātata ana ki Wairarapa Moana, nā te korenga hoki ōna i tiaki i ngā mahinga ika tuku iho o ngā roto i ngā momo hou i whakauruhia i panaia ai a Ngāti Kahungunu ki waho o ngā mahi ohaoha, waihoki, i heke tōna mana me tōna tūranga ki tōna anō rohe, ā, koinei tētahi o ngā nawe nui o te iwi; otirā,

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

3.19.7 ko te whakatōpūtanga o ēnei mahi āna, o ēnei hapa hoki ōna e pā ana ki te whakaaetanga mō ngā roto tētahi takahitanga o te Tiriti o Waitangi me ōna mātāpono.

3.20 E whakaae ana te Karauna:

3.20.1 ko Takapūtao, i te pūtahitanga o Ōnoke Moana me ngā awa o Ruamāhanga me Tūranganui, tētahi wāhi tāpua ā-ahurea ki a Ngāti Kahungunu;

3.20.2 i muri i tā te Karauna hoko i te poraka o Tūranganui, ka hua ake he rangiruatanga mō te whai wāhi atu o Takapūtao ki te hokotanga;

3.20.3 i āta whai a Ngāti Kahungunu ki te tiaki i ō rātou pānga ki Takapūtao mā te tāpae petihana ki te Kāwanatanga me ngā whakawākanga i te Kōti Whenua Taketake;

3.20.4 i kōkirihia e te Karauna tētahi whakatewhatewhatanga takarepa mō te taitara ki Takapūtao;

3.20.5 i whakakorengia ngā pānga tuku iho o Ngāti Kahungunu i te kīia o Takapūtao he whenua Karauna i raro i tētahi tono a te Karauna ki te Kōti Whenua Taketake i tētahi whakawākanga i tū ki rohe kē atu, he kaupapa kāore i whakamōhiohia atu ki a Ngāti Kahungunu, me te aha, kāore rātou i tae atu; otirā,

3.20.6 kāore te Karauna i āta whai ki te tiaki i ngā pānga o Ngāti Kahungunu ki ngā whenua i hiahia ai rātou kia puritia tonutia, otirā, he takahitanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

Ngā Tangohanga mō ngā Mahi Tūmatanui

3.21 E whakaae ana te Karauna, ahakoa ngā whakaritenga kia whakahaerehia te kaupapa hiko ā-awa i ngā whenua o Pouākani mai i te tau 1920 rā anō, me te pupuri whenua tonu kia kore ai e whakawhitihia, e taea ai te pērā, kāore ia i whakamōhio i ngā kaupapuri taitara o Ngāti Kahungunu, kāore hoki ia i whakawhiti kōrero e pā ana ki te whakaaro kia tangohia atu he whenua i Pouākani mō te kaupapa hiko o Mangakino i mua i tā te Karauna kuhu atu ki aua whenua i te tau 1940, ka mutu, nō te tau 1946 rawa a Ngāti Kahungunu i whakamōhiohia ai, otirā, kua whakatūria kētia ētahi hanganga i taua wā. Nā tēnei korenga o te whakamōhio i a Ngāti Kahungunu i takahia ai te Tiriti o Waitangi me ōna mātāpono.

3.22 E whakaae ana hoki te Karauna, ka kino kē atu te whakatoiharatia o Ngāti Kahungunu i hua ake rā nā tēnei takahitanga i te korenga o te Karauna i utu i taua tangohanga tae noa ki te tau 1956, ki te tau tekau mā ono tau i muri i te kuhunga tuatahitanga o aua whenua e te Karauna. Waihoki, ko tētahi haurua o te utu he mea whakaea mā roto i te "painga" o te whenua, mā te pikinga o tōna uara i ngā whakawhanaketanga o te kaupapa me tētahi tāone ki Mangakino, engari kīhai a Ngāti Kahungunu i whiwhi i ngā hua ōhanga o te tāone i tāria rā e rātou nā runga i ngā kōrero ki a rātou.

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

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

Te Whenua-koretanga

- 3.25 E whakaae ana te Karauna, nā te whakatōpūngia o ngā hokotanga a te Karauna, o te whakahaerenga me ngā pānga o ngā ture whenua Māori, o ngā tangohanga mō ngā mahi tūmatanui hoki i tata whenua-kore tonu ai a Ngāti Kahungunu i te tau 1900. E whakaae ana anō te Karauna, i te roanga o te rautau rua tekau i haere tonu tāna hoko me tāna tango i ētahi pito o ngā whenua iti noa i mau tonu rā i a Ngāti Kahungunu, mō ngā mahi tūmatanui. Nā ēnei mahi i ngaukinotia ai a Ngāti Kahungunu e te whakatoihara mauroa, i raru ai tō rātou whakawhanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki. Ko te korenga o tā te Karauna whakarite kia mau tonu ai i a Ngāti Kahungunu he whenua e rahi ana kia ea ai ō rātou matenui o te wā, o anamata hoki i takahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.26 E whakaae ana anō te Karauna, he nui ngā whenua, e mau tonu nei i a Ngāti Kahungunu, he whenua rori-kore. Nā konei i uaua ai tā ngā kaipupuri taitara whakatinana i ō rātou mana pupuri, i uaua ai rānei tā rātou whakatutuki i ō rātou here ā-ahurea hei kaitiaki, ka mutu, e noho tonu nei tēnei hei pūtake mō te auhitanga me ngā taumahatanga e rongō nei a Ngāti Kahungunu i ēnei rā nei.
- 3.27 E whakaae ana te Karauna, mai i te tau 1912, kāore i taurite te āhua o ngā herenga ā-ture ki ngā whenua i a Tauīwi me ō te Māori mō ngā whenua rori rā. Mai i te tau 1922, i unuhia te nuinga o aua herenga whakaae rā, hāunga ia ngā whenua kāore i ngā Māori e puritia ana i mua i te tau 1913. Nā te mea i whakawhitihia atu te nuinga o ngā whenua o Wairarapa me Tāmaki-nui-a-Rua i mua i te tau 1913, i tino pāngia a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua e taua unuhanga. Tae noa atu ki te tau 1975, kāore i wātea mai tētahi rongō ā-ture kotahi hei whakamāmā ake i ngā uaua o te toro ki ngā whenua i mau i a rātou, hāunga i te whakaaetanga a ō rātou kiritata. Ko te hua o ēnei herenga, ko te korenga i taurite o te arohia o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ko te whakatoihara autakihia hoki o rātou mai i te tau 1912 ki te tau 1975, ka mutu, nā reira te aro a te Karauna ki ngā Māori e pupuri taitara ana i kore ai e taurite, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

Ngā Whenua Tuku i Pāpāwai me Kaikōkirikiri

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

Te Whakakinotanga ā-Taiao

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

Te Rironga o ngā Taonga me ngā Wāhi Tapu

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

Te Koha ki a Niu Tireni

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

Te Waitautanga ā-Ōhanga me ngā Pānga ā-Ahurea

- 3.35 E whakaae ana te Karauna ki ngā hua tūkinō o tētahi pūnaha mātauranga ā-kāwanatanga i roa rawa e arokore ana ki te uara o ngā māramatanga ā-ahurea Māori, i

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iti noa hoki ngā tūmanako mō te angitu o te Māori i te mātauranga, me te aha, ko te kikokore o ngā hua mātauranga i puta kua pā kino ki ngā whakareanga tamariki o Ngāti Kahungunu, ki ō rātou whānau me ō rātou hapū anō.

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

HE WHAKAPĀHA

- 3.39 E whai whakaaro nui ana te Karauna ki ngā uauatanga i pā ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ki ō koutou tīpuna hoki i whai rā i te ture hei āki i ngā hē o te Karauna, otirā ki ērā kāore tonu i te ao tūroa nei ki te kite i te whakatutukitanga o tēnei whakataunga. Ki a koutou, e te iwi o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ki ō koutou tīpuna me ā koutou mokopuna, e whakatakoto ana te Karauna i tēnei whakapāha.
- 3.40 Kāore he here o te whakapāha a te Karauna mō tana korenga i whakatutuki i ana herenga ki te whakaaro nui ki te tino rangatiratanga o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua nā te auau o tana takahi i te Tiriti o Waitangi me ōna mātāpono. E kaha rawa atu ana te whakapāha a te Karauna mō ngā tūkinotanga me ngā mamaetanga kua pā ki ngā hapū me ngā whānau o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i ēnei takahitanga.
- 3.41 Hōhonu ana te puna o te whakapāha a te Karauna i tīmata rā tana whai hononga ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, i te tau 1845, ki te whakatau wawe i hē rātou i tētahi tautohenga ki ngā tauīwi whakatū kāinga, ā, e hia nei ngā tekau mano eka ka tangohia i a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua mā te āki i a rātou kia tukuna taua whenua, i runga i te whakatumatuma ka pāngia rātou e ngā rākau o te riri.
- 3.42 E kaha rawa atu ana te whakapāha a te Karauna i tana whakatumatuma māna e mutu ai tā ngā Pākehā whakatū kāinga ki Wairarapa me Tāmaki-nui-a-Rua mehemea kāore ō koutou tīpuna i hoko i ō rātou whenua ki te Karauna, arā, kia riro atu ngā rīhi whenua whakataka i whakaritea ai me ngā Pākehā nā reira a Ngāti Kahungunu ki Wairarapa me

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

Tāmaki-nui-a-Rua i whai moni ai, i whai painga tauhokohoko ai hoki me te pupuri tonu ki te whenua, me te aha, nā tana mahi i tukituki atu te āhua o tā koutou pāhekoheko ki ngā mahi whakatū kāinga i runga i tā koutou i pai ai mō ngā tau e hia nei.

- 3.43 Hōhonu ana te puna o te whakapāha a te Karauna he rite tonu nō tana kore i whakawhiti kōrero i runga i te pono, he rite tonu hoki nō tana kore i āta tiaki i ō koutou pānga ka hokona ana he whenua i Wairarapa me Tāmaki-nui-a-Rua. Tata tonu tā koutou noho whenua kore i tō koutou ake rohe, ka mutu ko te nuinga o ngā whenua i mau tonu i a koutou he whenua kāore nei ōna hua ā-moni, he whenua rori-kore hoki, tē riro kē ai i a koutou ngā painga ā-pāpori, ā-ōhanga, ā-rawa anō hoki i mahara ai koutou o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ka whakawhiwhia ki a koutou i ngā whakaaetanga me te Karauna. E whakapāha ana te Karauna i te mea kua kino kē atu tēnei whakatoiharatanga nā te maha o āna tangohanga mō ngā mahi tūmatanui me te kore i kōrero atu ki a Ngāti Kahungunu, me te kore hoki i whakaaro ki te oranga o ngā hapori o Ngāti Kahungunu. E whakapāha ana te Karauna i ēnei hē i whai wāhi atu rā ki tō koutou whakatānoatanga ā-ahurea, ā-pāpori, ā-ōhanga hoki.
- 3.44 E kaha rawa atu ana hoki te āwhiti a te Karauna i tana whakapā mamae ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i hua ake ai i tana korenga i tiaki i ō koutou anga ā-iwi i muri i tā te ture whenua taketake whakatakitahi i ngā mana whenua i noho rā hei mana whenua ā-iwi i mua.
- 3.45 Herekore ana te whakapāha a te Karauna i tana kore i hāpai i te wairua o tō tuku rangatira i a Wairarapa Moana i te tau 1896. Nā koutou tēnei taonga nui whakaharahara i tuku ki te Karauna e mutu ai ngā raruraru, e pūmau ai hoki te tiakanga ōna, engari kāore te Karauna i ū ki ana kī taurangi, ki tā koutou rānei i hiahia ai. Engari ia, ka whakaheke te kounga o ō koutou moana matahīapo, ka hokona ki ētahi kē ērā whenua i oatingia ai hei whenua rāhui mō koutou, ka whakanōhia ō koutou uri ki whenua kē, i rohe kē, nō iwi kē, e hia rau kiromita atu i ō rātou whanaunga, ka mutu, ka whakaitihia aua whenua rā nā runga i ngā tangohanga mō ngā mahi tūmatanui.
- 3.46 Inā te kaha o te noho whakaiti a te Karauna nā te mea, i te roanga o te hononga ki te Karauna, kua rangatira te tū a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ahakoa te nui o te tūkinu. Nā ngā mahi a ō koutou rangatira i mau ai te rongo taketake i roto o Wairarapa me Tāmaki-nui-a-Rua. E mihi ana te Karauna ki tō koutou tūranga matua i roto i te Kotahitanga, me te rangatira o tā koutou pāhekoheko me te Karauna kāore nei i pērā te whakautua e ia i ngā wā katoa.
- 3.47 Kua kite koutou i te hekenga o te kounga o ō koutou whenua me ngā taonga, mai i Te Tapere-nui-a-Whātonga i te raki ki Wairarapa Moana i te tonga, hei āwhina i te whakawhanaketanga ā-ōhanga, ka mutu, kāore te āhua o tā koutou rongo i ngā painga o aua hua i rite ki te rongo a ētahi atu i ngā painga. Nā konei te Karauna ka tino whakapāha rawa atu.
- 3.48 E whai ana te Karauna mā tēnei whakapāha me te whakataunga e mauru ake ai ngā hē nei, e tīmata ai hoki te huarahi ki te ora, e mau anō ai hoki tōna mana kua tāharahara. E anga whakamua ana te Karauna ki te whakatō kākano hou e pūmau ai te hononga ki ngā tāngata o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ko ōna nei pakiaka

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

ko te pono atu me te pono mai, ko te mahi ngātahi, ko te whakaaro nui hoki ki te Tiriti o Waitangi me ōna nei mātāpono.

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

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