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bush, Crown forces killed three of them before the remainder escaped across the lake in waka.

- 2.18 Following the conflict in January, rumours began circulating of a Pai Mārire gathering at Lake Waikaremoana. A further Crown expedition entered the area in March 1866. At the village of Mangarua, about five kilometres from the lake, they surprised a group of 200 occupants engaged in Pai Mārire karakia. The Crown forces fired upon the occupants as they fled, killing an elderly woman and four men, one of whom was 'a mere lad... a boy'. An 'old man who could not have done the slightest harm to anyone' was summarily executed, despite surrendering and having 'prayed hard to have his life spared'. Crown officials later described these actions as the 'murder of prisoners in cold blood'.
- 2.19 All the Pai Mārire in the Waikaremoana district surrendered over the following months. At the end of May, a Crown official reported that a total of 300 men had surrendered. It does not appear that Ngāti Ruapani were among the surrendered, they having fled across Lake Waikaremoana into Te Urewera. The Crown detained many of the prisoners without trial and in harsh conditions on the Chatham Islands until Te Kooti led them in an escape in 1868. Among the group was Ēria Raukura of Ngāti Ruapani who was captured in the defeat of Pai Mārire forces at Omarunui (near Napier) in October 1866.
- 2.20 In 1866, the Crown decided to confiscate land at Te Wairoa to punish those who had fought against it. The Crown had previously confiscated lands under the 1863 New Zealand Settlements Act. However, the British Government had urged the New Zealand government to obtain voluntary cessions, rather than sweep up loyalist interests in large confiscation districts under the New Zealand Settlements Act. In 1866 the Crown promoted the East Coast Land Titles Investigation Act which made a large district including Te Wairoa and lands south of Lake Waikaremoana, subject to a confiscatory process through the Native Land Court. This legislation provided for the Native Land Court to determine the ownership of land situated in the district which was brought before it, and for the interests of any owners the Crown showed had been in rebellion to be forfeited to the Crown.
- 2.21 Crown officials were wary that the 1866 Act might yield a patchwork of blocks unsuitable for settlement and instead sought the cession of a large contiguous block. In April 1867 the Crown persuaded Māori at a hui at Te Hātepe, to cede the Kauhouroa block of more than 42,000 acres to the Crown in return for £800 and reserves. No Ngāti Ruapani participated in this hui, even though the block included land within the Ngāti Ruapani area of interest. The Crown promised to relinquish any claims it had under the 1866 Act to land in the Wairoa-Waikaremoana district outside of Kauhouroa. The deed signed at Te Hātepe provided for the interests of Māori in this district deemed to be rebels to be forfeited to those deemed loyal. However, the deed did not include any provision describing how this would occur.

THE PURSUIT OF TE KOOTI AND SCORCHED EARTH, 1868–1872

Early Peace negotiations

- 2.22 Following the conflicts in Te Urewera, in November 1867 about 400 Urewera Māori met at Waikaremoana and sent Paerau Te Rangikaitupuake as a messenger to negotiate a

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peace settlement with the Crown. Those at the meeting wanted to prevent war spreading into the interior of Te Urewera and to ensure the Crown sent no more detainees to the Chatham Islands. The terms of peace offered by the Crown were for Urewera Māori to come in and take an oath of allegiance, give up some of their arms 'in token of submission', and hand in those wanted for specific killings. In return, the Crown would not punish those involved in previous hostilities or exile any more Te Urewera Māori. A hui of Te Urewera Māori at Ahikererū (near Te Whaiti) endorsed the agreement but it did not proceed any further.

Escape of Te Kooti and the Whakarau and the attack on Mōhaka

- 2.23 In July 1868 Te Kooti and te Whakarau (his followers) escaped from the Chatham Islands and landed at Whareongaonga on the coast south of Tūranganui-a-Kiwa. They sought to travel west to seek refuge at Taupō and were pursued by Crown forces. Te Kooti and te Whakarau defeated Crown forces in several engagements in July and August 1868 and then took shelter inland at Puketapu on the eastern boundary of Te Urewera. In October 1868, Te Kooti sought permission from Te Urewera rangatira to enter Te Urewera but was not allowed in.
- 2.24 In November Te Kooti and the Whakarau attacked the settlement of Matawhero near Tūranga, killing more than 50 men, women and children, both Māori and Pākehā. In December they retreated to Ngātapa Pā. After a large military force assembled by the Crown had besieged the pā for 5 days, Te Kooti and some of the Whakarau escaped into Te Urewera. A large number of the prisoners taken by the besieging force were summarily executed with the acquiescence of senior military and civilian officials. The Crown never investigated these killings despite newspaper reports describing a large number of executions after Ngātapa was captured.
- 2.25 In March 1869, following a pact made with Te Urewera rangatira, Te Kooti freely entered Te Urewera. Te Kooti then continued north towards Whakatāne where he liberated a number of Te Urewera rangatira, including Te Mākarini, who had been held there at the request of the Crown since 1867. In April 1869 Te Kooti led 200-300 followers, including members of Ngāti Ruapani, across Lake Waikaremoana on a raid on Mōhaka, which led to many deaths, including women and children. After the raid, Te Kooti's force retreated north, back to Waikaremoana. The Crown sent forces to Waikaremoana to kill or capture him.

The First Waikaremoana expedition

- 2.26 In May 1869, the Crown launched a three-pronged attack into Te Urewera to capture Te Kooti. The expedition also aimed to deprive Te Kooti of any infrastructure or support and punish the peoples of Te Urewera. One branch of the Crown's forces approached from Te Wairoa, arriving at Onepoto, near Lake Waikaremoana, on 24 May. Once there, the forces began to construct a redoubt at Te Ūpoko-o-te-Ao on the western side of Waikaremoana, as well as boats and rafts in which to cross the lake. They planned to cross and attack the pā at Tikitiki. However, by mid-June Crown forces at Waikaremoana learnt that Te Kooti was at Taupō and gave up on the expedition. The forces withdrew from Waikaremoana on 8 July and departed for Taupō.

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The Rongopai and scorched earth at Waikaremoana

- 2.27 In March 1870 the Crown launched a new three-pronged expedition into Te Urewera, hunting for Te Kooti (who had already left the region). One of these expeditions travelled to Waikaremoana but did not reach the lakeshore until May.
- 2.28 Later in March 1870, one rangatira representing almost all Te Urewera Māori negotiated a rongopai (peace agreement) with a Crown-allied Māori leader who led one of the other expeditions organised by the Crown. Notably, neither side had been able to consult with the chiefs of Waikaremoana, including Ngāti Ruapani, before making the agreement. The Crown-allied Māori leader had not consulted senior government leaders before making the rongopai. The terms of the rongopai included that the Crown would not 'occupy or take possession of land', nor send its forces into Te Urewera unless Te Kooti was present.
- 2.29 The leaders of the Crown's expedition, which conducted operations at Waikaremoana, were not aware that the rongopai had occurred. Instead, from late April the objective of the Crown expedition was to 'assist in disposing of the tribes' at Waikaremoana and 'clear out' kāinga at the lake. In early May, Crown forces entered the Waikaremoana district from the south and spent the rest of the month destroying cultivations and kāinga. On 2nd and 3rd of May, Crown forces attacked the villages of Whataroa and Ōhiwa, killing Hēmi (the son of Wī Tīpuna) and capturing the child of Wī Paretipua and Riwai. Other Ngāti Ruapani escaped, including Hēmi Tihi and Harawira. The leader of the expedition reported that "although the number killed was small it is considered a great achievement" as those killed were of high rank.
- 2.30 It was not until late May 1870 that the Native Minister and Defence Minister, Donald McLean, first publicly proposed terms on which the Crown would agree to peace. However, unlike the rongopai, these terms included the unconditional surrender of all Te Urewera leaders and the exile of all Urewera communities to small coastal reserves. From the end of May groups in other parts of Te Urewera began to reluctantly accept the Crown's terms but not rangatira from Waikaremoana.
- 2.31 On 7 June, Crown forces attacked the Ngāti Ruapani settlements on the northern shores of Lake Waikaremoana, including Matuahu Pā, which was found empty after its occupants escaped. Matuahu was the pā of the Ngāti Ruapani composer Mihi-ki-te-Kapua and she composed the waiata tangi "Engari te Titi" about these events. The Crown forces proceeded to destroy the various kāinga around the lake. The Crown instructed the leader of the expedition to feed his troops from the supplies of the "enemy" as much as possible.
- 2.32 Despite meeting almost no resistance, Crown forces again proceeded to implement scorched earth tactics and destroyed all pā, kāinga and food supplies in the lake region. In the end the Crown's destruction served no useful strategic purpose as it only delayed surrender of those living around the lake and was done without consideration for the non-combatants in the area. The leader of the Crown expedition recorded that the Crown had taken tons of potatoes from over 100 separate cultivations around the lake-edge. He estimated that the food destroyed by Crown forces would have fed 1,000 people for fifteen months.

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- 2.33 On three occasions in mid-June 1870 Te Mākarini Tamarau and other Ngāti Ruapani met with the leader of the Crown expedition. Te Mākarini opposed the unconditional surrender of Ngāti Ruapani sought by the Crown. He tried to convince the Crown to accept the rongopai and withdraw from Te Urewera. However, the leader of the Crown expedition refused to accept the rongopai, and insisted Te Mākarini surrender. Te Mākarini feared the consequences, lest he be made a 'Mokaikai' ('gaol-bird'). However, the Crown's destruction of all crops at Waikaremoana left Te Mākarini and 10 others, including Mokouiarangi and Hōri Wharerangi, with little choice, but to surrender.
- 2.34 In July 1870 the Crown withdrew its forces from Waikaremoana, but not before further destruction of food. A Crown official wrote that the expedition would 'render the Lake District useless to the Urewera as a place of resort during the present winter, and by destroying the food, make it out of the question that it should become so.'
- 2.35 Over the rest of the year further Te Urewera Māori, including some from Waikaremoana, came in and surrendered before being removed from Te Urewera. This included Te Whenuanui and Paerau who surrendered in September and October 1870. In December 1870 the Crown stopped insisting that those surrendering leave Te Urewera and instead concentrated them at specified locations within Te Urewera. However, in January 1871 a further group of 32 people from Waikaremoana came in and surrendered at Te Wairoa.
- 2.36 In April 1871 Te Kooti returned to Te Urewera but Te Urewera Māori sent him away from Waikaremoana. At the beginning of July 1871 Te Kooti again returned to the area. While at Te Mārau Pā on the shores of Lake Waikaremoana, he captured a number of Te Mākarini Tamarau's men. Te Mākarini wrote to inform the Armed Constabulary commander at Te Wairoa of Te Kooti's presence and ask the commander for assistance. A third Crown expedition launched in July 1871. By the end of July, a group of 50 Crown troops had established a redoubt at Onepoto, though Te Kooti had already departed the area.
- 2.37 At the end of August, a Crown force entered the district again. They crossed to the northern shores of Lake Waikaremoana and took Te Mārau Pā, capturing men, women and children who they considered had assisted Te Kooti. The forces "[ate] all the... food" and destroyed the kāinga there. Members of Ngāti Ruapani assisted Crown forces with the hunt for Te Kooti until early 1872 when Te Kooti left the area.
- 2.38 The Crown's acts of war caused great prejudice to Ngāti Ruapani who suffered loss of life and dislocation from their lands. The Crown's scorched earth tactics resulted in starvation and exposure that contributed to many deaths among Ngāti Ruapani. The Crown's acts of war at Waikaremoana caused Ngāti Ruapani social, economic and cultural harm across multiple generations.

TE WHITU TEKAU

- 2.39 During 1871, the Crown sought to repair its relationship with Te Urewera Māori and Te Whenuanui and Paerau Te Rangikaitupuake met with the Crown to discuss peace proposals. In November 1871, these discussions, and correspondence with Te Mākarini, Te Whenuanui, Paerau and other Te Urewera rangatira, resulted in a "peace compact" in which, the Native Minister and Defence Minister, Donald McLean agreed the Crown would

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withdraw its forces from Te Urewera and leave them to manage their own affairs in their districts. They agreed to hand over Te Kooti to the Crown if they captured him.

- 2.40 In June 1872, at Ruatāhuna, a hui of Te Urewera leaders formed Te Whitu Tekau (the Union of Seventy) to assert their mana motuhake in Te Urewera. Te Whenuanui, Paerau, Te Mākarini, Hetaraka Te Wakaunua, Te Ahikaiata, and other Te Urewera rangatira advised the Crown that Te Whitu Tekau would conduct their affairs and they defined the boundaries of their united district. Within these boundaries, Te Whitu Tekau objected to roads, surveys and land dealings, including taking land to the Native Land Court.
- 2.41 Te Whitu Tekau established pou rāhui (boundary markers) for their territory and adopted a flag. In October 1872, Te Whenuanui and Paerau wrote to the Crown about their decision to oppose the building of roads in their territory and stating their conviction that the Crown had recognised their authority: ‘... ‘ko te ture hei titiro i tatau korero inaianei’ (the law will look at our talk (decision) now). Hetaraka was amongst those from Te Whitu Tekau who communicated further resolutions and policies to the Crown through correspondence, during a Te Whitu Tekau hui in March 1874, or on other occasions through to the 1890s. Some of this communication related to the Crown asking Urewera Māori if it could build roads through their rohe. However, opposition of Te Whenuanui and other rangatira to the building of roads prevailed and Te Whitu Tekau policy opposing roads held firm.
- 2.42 In March 1874, the Resident Magistrate for Ōpōtiki met with Te Whitu Tekau. They told him they wished to maintain friendly relations with the Government. Te Ahikaiata announced that the agenda for the hui would include ‘The forbidding of roads, leases, Magistrates, and other bad things (mea kino)’. After the hui, the Resident Magistrate reported that Te Whitu Tekau were ‘almost unanimous’ in their wish to keep these Crown measures out of their rohe. The Resident Magistrate also noted that they were divided on the issue of leasing land.
- 2.43 Although the Crown avoided formally recognising Te Whitu Tekau, it initially respected the opposition of Te Whitu Tekau to roads within its territory. However, the Crown had little regard for its repeated opposition to surveys, the Native Land Court and land dealings. The Crown hoped that its strategic leasing and purchasing of land on the borders and immediately within Te Urewera would circumvent the opposition of Te Whitu Tekau to land dealings and the Native Land Court. The Crown had already appointed a land purchase agent who expected to negotiate purchases on the edge of Te Urewera which would lead to the setting aside of the boundary established by Te Whitu Tekau.

THE THREAT OF CONFISCATION: THE FOUR SOUTHERN BLOCKS

- 2.44 In August 1872 the Crown entered into a deed of agreement with Māori in Te Wairoa which provided for the creation of what came to be known as the four southern blocks. These blocks (Tukurangi, Ruakituri, Taramarama and Waiau), comprised about 178,000 acres, and were located in the south of Lake Waikaremoana where Ngāti Ruapani had interests. Crown officials incorrectly assumed this was the remainder of the land subject to the East Coast confiscation legislation that had not been included in the Kauhauroa block. The Crown promised to grant some of the land in the four blocks to ‘loyal’ rangatira at the time of the Te Hātepe deed in 1867.

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- 2.45 All but one of the 18 rangatira who signed the August 1872 deed were from one iwi. The only Ngāti Ruapani rangatira to sign was Te Mākarini, who later said that he had done so in order to ensure that the 'Urewera' were acknowledged as being owners. The deed provided that titles to the four southern blocks would be granted to 206 named individuals, and were inalienable in terms of sale and mortgage. A small number of those to be granted title were from Ngāti Ruapani. In September, the Ngāti Ruapani rangatira, Hetaraka Te Wakaunua, who had not been included, informed the Crown there was opposition to the deed saying, '... the Urewera are dissatisfied with Te Mākarini for his having parted with Waikaremoana'.
- 2.46 Included in the 1872 deed, was an agreement that the Crown would retain possession of two blocks within which Ngāti Ruapani had interests. These were: 250 acres at Onepoto, where the Crown maintained a redoubt and where two pā of historical importance (Te Pou o Tumatawhero and Te Tukutuku o Heihei) and an urupā were situated; and 50 acres on the Waikaretāheke River. The deed also provided the Crown with rights to fell timber on the land. The Crown had no legal title to this land.
- 2.47 The Crown did not immediately issue the titles that were provided for in the 1872 deed. Nevertheless, in 1873, the four southern blocks were leased to settlers by some of those involved in the 1872 agreement. This drew protest from Wī Hautaruke and Te Mākarini of Ngāti Ruapani, who objected to people from other groups leasing the Tukurangi and Taramarama blocks. They stated that a greater proportion of the Taramarama block was their land. Te Mākarini, who had signed the deed, withdrew his assent.
- 2.48 In November 1873 and March 1874, the Crown approached Māori with interests in the blocks to get agreement on the boundaries within them. No agreement could be reached, and in April 1874 Crown officials advised Māori to take their claims to the Native Land Court to settle the disputed title.
- 2.49 Hūrae Puketapu, of Ngāti Ruapani, later recalled a meeting held in 1874, between Ngāti Ruapani and other groups, where the boundaries of their interests in the four southern blocks were discussed. He said that at the meeting it was decided that Ngāti Ruapani and other groups with interests in the northern part of the blocks would establish a southern boundary line marking the area in which their interests fell, and would protect all land within the boundary from being surveyed or sold.
- 2.50 In May 1874 Ngāti Ruapani and other Māori lodged applications with the Court for an investigation of title for each of the four blocks. However, in November 1874, before the Native Land Court had considered the applications, the Crown decided to acquire the four blocks, despite having agreed in 1872 that the titles were inalienable. It started by buying out leasing arrangements from the settler lessees. The Crown also proceeded to make cash advances to Māori for the blocks. In June 1875, a Crown agent went to Waikaremoana to try to persuade Ngāti Ruapani to travel to Te Wairoa to discuss the proposed purchase. At a meeting with a Crown official in Napier in July 1875, Ngāti Ruapani criticised the Crown for dealing with other iwi over the four blocks without their presence and assent. The official responded aggressively, and reported to the Native Minister McLean that he had told Ngāti Ruapani and other Urewera rangatira 'they owed everything to your clemency.' As a result, they had 'given in' to the Crown's purchase.

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- 2.51 The Native Land Court's title investigation of the four blocks was advertised to commence on 28 October 1875. Two weeks in advance, a Crown agent reported that he had completed arrangements to purchase the block. Although the Court opened on 28 October, at Te Wairoa, the title investigation was immediately adjourned.
- 2.52 The Crown met with about 700 Māori, including Ngāti Ruapani, the following day to discuss the disputed claims to the four blocks. The Crown agent told the gathering that the land up to Lake Waikaremoana had been confiscated, because its principal owners had allied themselves with 'the enemy of the Government.' He added that the Crown had relinquished its hold on a large tract of this country in favour of 'loyal' Māori. Furthermore, the Crown now sought to purchase the lands but the question for the hui was who had the right to convey these lands to the Crown. Hōri Wharerangi responded by saying, 'When our dispute touches upon the four blocks, we tread upon confiscated land.' Regarding the Crown's purchase of the land he said, 'I am going to return the money the Government advanced on account of these blocks: that is to say, I will not part with the land'.
- 2.53 After nearly five hours of discussion, the Crown agent told those gathered that '... The Government were evincing no small consideration for the Urewera Natives in sanctioning at all the investigation of the claim put forth by them' given that they had been 'in rebellion when the land was confiscated and dealt with'. This drew a reaction from a Māori Member of Parliament present at the meeting, Karaitiana Takamoana, who said '... The Government should not intimidate the Maoris in this manner, by telling them that they hold the land, and inducing them to lease it, when really the Government has no power at all.' The Crown agent denied the Government was intimidating Māori. The meeting failed to progress the land transactions.
- 2.54 The Native Land Court's title investigations of the four blocks took place between 4 and 6 November 1875. On 4 November the Tukurangi block was the first of the four blocks to be investigated, followed by Ruakituri block on the same day and the Taramarama and Waiau blocks on 6 November. On the first day, the Judge questioned whether the land before the Court had ever been confiscated. There was some confusion, with the Crown agent initially responding that it had been, and that 'the Govt had retained a portion at the mouth of Waiaua [sic] at Kauhauroa, situated between the Wairoa and Waiau'. The agent continued that 'the remainder of land between Waiau and Ruakituri was abandoned by the Government to the original owners', despite having told the hui, immediately before the court hearings, that the land would be returned to loyal Māori.
- 2.55 On 6 November, the Crown agent received a telegram from the Native Minister. In the telegram he conveyed the opinion of the Solicitor General that the lands had not been confiscated and the Court had jurisdiction, under the East Coast Act 1868, to inquire into titles to the land and determine the rights of the parties claiming interests. The Act replaced the earlier East Coast Titles Investigation Act 1866, but still provided for the Crown to confiscate any interests the Native Land Court concluded were held by 'rebel' Māori. The information in the telegram was provided to the Court by 8 November.
- 2.56 On 6 November, the Judge also noted that the statements made by claimants and counter claimants were at variance with each other and difficult and contradictory. The Court decided to adjourn until the blocks had been surveyed.

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THE NATIVE LAND COURT AND CROWN LAND ACQUISITION

- 2.61 Beginning in 1862, the Crown promoted native land legislation to determine the owners of Māori land “according to native custom”. This new system converted customary title into title derived from the Crown and established a Native Land Court to hear evidence and determine who owned the land. The Crown did not consult with Ngāti Ruapani about the new Native Land Laws and Māori were not represented in Parliament when the first Acts were enacted.
- 2.62 The Crown intended that the Native Land Acts would facilitate the opening up of Māori customary lands to Pākehā settlement. Through the legislation, the Crown set aside its pre-emptive right of purchase, allowing Māori to sell and lease their lands directly to Pākehā settlers. Ngāti Ruapani had no alternative but to use the Native Land Court if they wanted a legally recognised title in order to sell, lease, or use their land as security to raise capital for development.
- 2.63 Customary tenure allowed for complex and fluid land uses and could generally accommodate multiple and overlapping interests to the same land. However, the new land laws required those rights to be defined and fixed, and did not necessarily accommodate all those with an interest in the land. The titles available under the Native land legislation were awarded to individuals and often resulted in fragmentation of communal interests. A long-term objective of the land laws was to help detribalise and assimilate Māori into Pākehā society.
- 2.64 The Court’s investigation of title for land could be initiated by an application from any individual Māori who claimed interests in the block to be investigated. There was no requirement to obtain consent from the wider group of customary owners, and once an application was accepted by the Court all those with customary interests were obliged to participate in the investigation of title or risk being excluded from the title. A registered survey of the land being investigated was required before it could pass through the Court.
- 2.65 Ngāti Ruapani, through Te Whitu Tekau, were opposed to the Native Land Court. Yet, from 1868 to 1890 they were unable to prevent just over 100,000 acres of land in which they asserted customary interests, sometimes alongside other groups, from being surveyed and put through the Native Land Court.
- 2.66 Attending and participating in often protracted Native Land Court hearings could be expensive for Māori. Survey charges and other costs involved in securing title through the Native Land Court were a burden to Ngāti Ruapani. The Crown took full control of regulating surveying processes and sometimes acquired land to discharge survey costs. Ngāti Ruapani had to travel large distances to attend hearings outside their takiwā. Ngāti Ruapani incurred expenses for food and accommodation, in addition to the opportunity costs of lost working time. In 1894, Ngāti Ruapani at Te Kūha complained to the Premier about the “terrible expense we are put to for surveys, and for Land Court expenses”. Their experience was “disastrous” and “the land has been swallowed up in expenses.”

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Early Native Land Court hearings

- 2.67 The Native Land Court first investigated titles to land in which Ngāti Ruapani asserted interests when it sat at Te Wairoa in September 1868. This sitting occurred amidst the threat of war in the district, which prompted the building of fortifications there.
- 2.68 The first business before the Court was the ratification of Te Hātepe agreement of 1867. The Crown's agent confirmed to the Court that 600 acres of land, which lay within the area covered by the Hātepe agreement, had been reserved for some of those Māori party to the agreement. When the Pākowhai block (600 acres) came before the Court five days later, some of those who had been party to the Hātepe agreement were present. They told the Court that when the Crown had taken land for a military settlement within the confiscation boundary, it had given the Pākowhai block back to them. The Crown had left it to them to decide who would be included in the title. Ngāti Ruapani were not included.
- 2.69 The second day of the Te Wairoa hearings related to the claim of other Māori to the Mangaaruhe block. The Court ultimately awarded the title in two divisions: Mangaaruhe East (3,878 acres) and Mangaaruhe West (2,267 acres), each of which was awarded to 10 owners. Ngāti Ruapani were not included in the titles. The Court was then operating under legislation which provided for the confiscation of "rebel" interests.
- 2.70 In November 1875, the Native Land Court at Te Wairoa investigated title to Te Pūtere (18,323 acres), another block in which Ngāti Ruapani assert interests. Legislation providing for the confiscation of "rebel" interests, was still in force. Ngāti Ruapani rangatira Hōri Wharerangi did not make a claim to the block but conducted the case for Ngai Tarapāroa, who are affiliated with Ngāti Ruapani mai Waikaremoana. The Court awarded title to 26 owners, most of whom were Ngai Tarapāroa, including some who lived at Waikaremoana. Much of the land in Te Pūtere was subsequently sold, though some land in Te Pūtere remains in Māori ownership today. This land includes the location of Te Pūtere marae.
- 2.71 Title to the Maungataniwha block (36,140 acres) was investigated by the Native Land Court at Te Wairoa on 28 June 1879. Paora Puketapu of Waikaremoana made a counter-claim for Ngai Tarapāroa, which was supported by Hōri Wharerangi but was not upheld by the Court. Mihaere Puketapu's application for a rehearing of this decision was lodged too late to be considered. Title was awarded to seven other Māori who leased it until in 1883, it was purchased by the lessee.

Waipaoa block

- 2.72 The Waipaoa block (39,000 acres) was located to the east of Lake Waikaremoana. The block included Lake Waikareiti, a place of historical and spiritual significance to Ngāti Ruapani. Ngāti Ruapani consider that the tipuna Ruapani and Lake Waikareiti are intricately connected through their whakapapa. Ruapani ancestors, Tūwai and Tahu, are referred to in the names of two islands in the lake: Te Kaha-a-Tūwai and Te One-a-Tahu. Additionally, two nearby wetlands and two small lakes proudly bear the names of Ruapani's grandchildren: Puna-hōkio, Puna-te-ao, and Hine-rere. Tūwai's sister, Hine-waho, is also honoured with a lake named after her.

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- 2.73 In 1879 the Crown began negotiating to purchase land to the north of Waipaoa. The Crown paid cash advances to two other groups, prompting many more to file rival applications for surveys and title investigations of the contested lands.
- 2.74 Other Māori feared that the neighbouring Waipaoa block would be caught up in these disputed claims. In 1882 they began making applications for the survey of Waipaoa. Ngāti Ruapani had no part in these applications. In 1888 other Māori applied to the Native Land Court for title and hearings took place in Te Wairoa the following year.
- 2.75 Some Ngāti Ruapani made an agreement with the applicants out-of-Court. As part of the agreement, they let the applicants conduct the Ngāti Ruapani case in Court and only two among them, Te Hapi Tūkahara and Wī Hautaruke (also known as Whakamoe) attended the hearings. In part, their absence may have been due to their commitment to Te Whitu Tekau, which opposed the Native Land Court, surveys, and land sales.
- 2.76 The Court awarded interests in the Waipaoa block to the applicants. Due to the out-of-court arrangement with the applicants before the judgement, Ngāti Ruapani individuals were also included in the award.
- 2.77 The Crown and two members of another group had made an agreement in 1882 that the costs of the survey would be paid in land at a rate of one acre for every two shillings of survey costs. A specific portion of the block next to the Ruakituri River and upstream of Erepeti kāinga, was identified in the agreement to be given up. Ngāti Ruapani played no part in these arrangements and the Crown did not consult them about the proposal but their land was alienated as a result. Ngāti Ruapani did not obstruct the survey when it took place but Wī Hautaruke testified in the 1889 Native Land Court hearing that he and Hōri Wharerangi had objected to it.
- 2.78 The Court awarded the Crown Waipaoa 1 (2,911 acres) and Waipaoa 2 (2,911 acres), the latter including the southern portion of the bed of Lake Waikareiti, in satisfaction of survey costs. This amounted to nearly 15% of the block. As a result, Ngāti Ruapani lost any interests in the southern section of Lake Waikareiti.
- 2.79 From 1898 the Crown began purchasing individual interests in the Waipaoa block from the owners at three shillings an acre. The Crown was interested in acquiring the land around Lake Waikareiti for scenery preservation and also saw Waipaoa as “the key” to “opening up” the adjoining Te Urewera district. The purchasing was a slow process conducted in some secrecy. Nationally, Crown purchasing was halted by the Native Land Laws Amendment Act 1899, but the Crown continued purchasing individual interests in Waipaoa while the Act was in effect.
- 2.80 In 1903, the Crown applied to the Court to cut out the interests it had acquired. The Crown asked the Court to abolish the existing subdivisions, which had recognised distinct hapū interests, and to instead consolidate the Crown’s interests into two complete blocks. One owner from another group consented to this subdivision, and as a result Ngāti Ruapani were allocated interests in Waipaoa 5 (19,490 acres), alongside other non-sellers. They did not live on this land or have strong customary interests in it. The Court allocated the Crown’s interests in Waipaoa 3 and 4 (13,990 acres in total). Waipaoa 4 contained Lake

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Waikareiti, meaning that Ngāti Ruapani lost all their interests in the Lake and the adjacent lands on which they lived, despite not having sold them. This was a heavy blow to them.

Waipaoa block and the Tairāwhiti Māori Land Board

- 2.81 In 1900, legislation provided for the establishment of the Tairāwhiti Māori Land Council, on which at least half of the council members would be Māori. In 1905, the Māori Land Settlement Act reconstituted the council as the Tairāwhiti Māori Land Board. Under the new legislation, the Crown appointed all three board members, only one of whom was required to be Māori. The principal business of the Land Boards before 1932 was to oversee the leasing and (from 1909) selling of Māori land. Under section 8 of the Māori Land Settlement Act 1905, land in the Tairāwhiti district which the Native Minister considered 'is not required or is not suitable for occupation by the Māori owners' could be compulsorily vested in the board to administer. The board was given powers to subdivide and lease, for up to 50 years, blocks vested in it.
- 2.82 In 1906 the Crown compulsorily vested Waipaoa 5 in the Tairāwhiti District Māori Land Board under the provisions of the Maori Land Settlement Act 1905. A rangatira from another group had agreed to this arrangement on the proviso that the Board reserve 8,000 acres for the Waipaoa 5 owners. The Board did eventually reserve 2,000 acres for the owners but this land was located in the east, far from where Ngāti Ruapani held customary interests. The Board acknowledged that this reserve did not provide for Ngāti Ruapani but it did not reserve any other land for them. Ngāti Ruapani owners in Waipaoa had no legal right to occupy their traditional land, and could not afford the cost to lease it from the Board. By 1910, the Board had not succeeded in leasing any of the Waipaoa 5 sections, meaning the land remained "idle and unproductive", and Ngāti Ruapani received no rental income.
- 2.83 In 1909 the law was amended to allow the Crown to purchase vested lands, such as Waipaoa 5, from the Board. The Native Land Act 1909 provided that land could only be sold with the consent of a majority of a meeting of the assembled owners. The quorum required for this meeting was only five people. In 1910 some owners in Waipaoa 5 asked the Native Minister to purchase their interests in the land. The Board agreed, subject to the Crown obtaining consent.
- 2.84 Waipaoa 5 had at least 342 owners, of whom 55 attended the meeting. All but two of those present agreed to sell the block and accept the government valuation of £1 per acre as the price. This bound the 84% of owners not in attendance to the purchase. The partitioning out of the interests of the two dissentients at the meeting of owners delayed completion of the purchase until 1913, when the Crown's interests were partitioned out as Waipaoa 5B (16,785 acres).
- 2.85 By 1913 the government valuation for the block had decreased and the Valuer General provided a new, significantly lower valuation (16,785 acres for £11,000 – a little over 13 shillings per acre). This new valuation was roughly one third less than the price previously agreed. The Crown gave the owners an ultimatum to accept the lower valuation, if they wished to receive payment for their land. The owners met to consider the matter. Due to their dire economic circumstances, which included a "trying winter" and large store debts, the owners reluctantly agreed.

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UREWERA DISTRICT NATIVE RESERVE

2.86 Between 1894 and 1896 a series of discussions took place between Premier Richard Seddon, Cabinet Minister James Carroll and Te Urewera leaders, including Ngāti Ruapani rangatira. Discussions in 1894 coincided with the Premier's tour of the North Island to hear the views of Māori on policy associated with opening up 'surplus' land for settlement. During the tour, Te Pukeiotu recalled to Seddon that, in the early 1870s, it had been agreed with McLean that the Te Whitu Tekau district 'should be kept inviolate'. He also recalled to Seddon that there had been a 'protectorate' in place to safeguard Te Urewera Māori from European advances into the area. At the end of the Premier's tour, Māori met with the Crown party at Te Kūha on the Te Kōpani Reserve near Lake Waikaremoana. Hōri Wharerangi, and Te Hapi Tūkahara reminded the Premier that the bulk of their land could not be used for agricultural production and they were living on small reserves with no 'surplus' lands.

Surveys and Protests

2.87 In January 1895, Te Urewera Māori told the Surveyor-General they did not want any surveying of Te Urewera, as they feared surveys would lead to land loss. Despite being aware of this, the Crown commenced surveying in April. In May and early June 1895, Te Urewera Māori obstructed surveyors working on road lines in Te Urewera. The Crown sent in armed forces, followed by Carroll to negotiate a peaceful resolution. According to Hūrae Puketapu, Carroll promised that Te Urewera Māori would be protected by special legislation reserving the lands for their owners. Te Urewera Māori who were present withdrew their resistance. However, Ngāti Ruapani at Waikaremoana, who were unaware that a resolution had been reached, obstructed surveyors. On 20 June 1895, Carroll arrived at Waikaremoana, where he spoke to a large hui, which endorsed the earlier arrangements he had negotiated, and the obstruction at Waikaremoana ended. In July 1895, surveyors started to lay out a road, from Te Whaiti towards Waikaremoana, protected by armed forces.

Compact and Legislation

2.88 In August 1895, a deputation of leaders from Te Urewera, including Hōri Wharerangi and Hūrae Puketapu, arrived in Wellington to negotiate a settlement of wide-ranging issues with the Crown related to the governance of Te Urewera. The delegation negotiated a 'solemn compact' between Te Urewera Māori and the Crown by which they renewed their acknowledgement of the authority of the Crown, and the Crown acknowledged and agreed to respect the mana motuhake of Te Urewera Māori.

2.89 The 1895 compact comprised seven core principles:

2.89.1 an inalienable reserve would be established to provide protection permanently for the peoples of Te Urewera, their lands; their forest, birds and taonga; and their customs and way of life;

2.89.2 the Native Land Court would be excluded from the reserve, and an alternative process would be developed to create Crown-derived land titles;

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- 2.89.3 the land titles would be awarded at hapū level, in a form that enabled hapū and tribal control;
- 2.89.4 the peoples of Te Urewera would be self-governed by hapū committees, which would manage their lands and tribal affairs, and a General Committee having powers of local government;
- 2.89.5 the peoples of Te Urewera acknowledged the Queen and the Government and would obey the law;
- 2.89.6 the Government would protect the people, promote their welfare in all matters, and would provide a social and economic assistance package; and
- 2.89.7 development should take place in the reserve, in a manner consistent with the primary nature of the reserve. Development included: roads, tourism, gold mining and farming.
- 2.90 The compact provided the basis for the Urewera District Native Reserves Bill 1895. In June 1896, a second Urewera delegation, including Te Mākarini, travelled to Wellington to be present during the passage of the revised Bill through Parliament, including the Native Affairs Committee. Changes were made to the Bill around this time including the insertion of requirements for the identification of relative shares of ownership listed at an individual level and the inclusion of a Crown right to lease or purchase land within the proposed reserve. Although power to alienate land was to reside with the proposed General Committee, and would therefore be under the control of Te Urewera Māori leadership, the delegation had not wanted the land to be sold at all.
- 2.91 During speeches, in 1896, Seddon acknowledged that McLean had pledged to allow Te Urewera Māori to administer their own lands, and this pledge had not been honoured. In October 1896, Parliament enacted the Urewera District Native Reserve Act to give effect to the compact. The legislation provided for a legal alternative to the Native Land Court to determine the ownership of Māori customary lands in the Urewera District, which would comprise a Native Reserve of 656,000 acres, but excluded Lake Waikaremoana.
- 2.92 The legislation also provided for the establishment of an Urewera commission. This commission was to consist of five Tūhoe and two Pākehā commissioners, and would divide the district into blocks based, as far as possible, on hapū boundaries. It would investigate the ownership of each block 'with due regard for Native customs and usages' and to justice and equity. The ownership of any block could be investigated and determined on a sketch plan, paid for by the Crown. Owners of the blocks could then elect the members of local committees to represent them, and local committee representatives would elect the membership of a General Committee which would have ultimate control of Te Urewera Māori lands within the reserve.

The First Urewera Commission

- 2.93 In 1896, local elections were held for Te Urewera Māori to choose their representatives as commissioners. Hūrae Puketapu was chosen as the commissioner for Waikaremoana. In 1898 the First Urewera Commission was established. The commission's regulations

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specified that the chair had to be one of the two Pākehā commissioners, and that four commissioners were required to constitute a quorum. Commissioners could make their own rules and procedures on how their inquiry should proceed.

- 2.94 In 1899, the First Urewera Commission began hearings to determine title of the blocks. This proved to be a difficult and drawn-out process. The 1896 Act required the division of the reserve into blocks based on hapū boundaries. However, the commissioners found this challenging in practice, due to the complexities of overlapping hapū rights in the district. Therefore, they adopted a simpler process of grouping a number of hapū together in separate blocks. As the commissioners also experienced difficulties with defining block boundaries, they decided to investigate the interests in the whole district before determining these boundaries. The Commission's investigation process did not ensure that land titles were awarded at hapū level, as envisaged in the 1895 compact. Instead, the commissioners awarded title to named family groups and individuals in relative shares, in accordance with the 1896 Act. This decision was criticised by a later Commission as not being in accordance with Te Urewera Māori custom.
- 2.95 Between 3 and 6 April 1899, the First Urewera Commission sat at Waimako, Waikaremoana, to investigate the title to land in that area. During the hui, Hōri Wharerangi, who was not acting in his capacity as a commissioner at the time, announced that Ngāti Ruapani wanted to withdraw the Waikaremoana lands from the Commission's jurisdiction. Wharerangi explained that '... after the investigation of title the Government will dig out the land interests. I am defying this [investigation] because of my fear of becoming landless'. Wharerangi further explained that Ngāti Ruapani wanted to withdraw the lands because they had 'suffered heavily' through the Crown's dealings in relation to the Waipaoa Block. The commissioners told those assembled that this request 'could not be allowed', although their rationale remains unclear. The following day, faced with the risk that the Waikaremoana block might be awarded to others, Wharerangi submitted his lists of owners for the Waikaremoana block.
- 2.96 By 1900, the Crown concluded that the Tūhoe commissioners often had personal interests in the blocks being investigated, due to the complex and overlapping rights in the district. Therefore, in 1900, the Urewera District Native Reserve Act was amended to specify that Tūhoe commissioners should not take part in decisions affecting land where they had personal interests. If all Tūhoe commissioners were found to have interests then the ownership should be decided by the votes of the Pākehā commissioners alone, and the quorum limitation would not apply. Furthermore, Pākehā commissioners could, with the approval of the Native Minister, appoint up to two Māori who were not Tūhoe to act as commissioners for the time being.
- 2.97 Due to the delay in settling titles, the commissioners were empowered under the amended legislation to take on all matters which the General Committee might deal with. This affected the local government control that had been envisaged for Te Urewera Māori in the compact and in the 1896 Act.
- 2.98 In April 1901, two years after the hearing at Waimako, the case for Waikaremoana opened in Te Whaiti. Changes were proposed to the lists submitted by Wharerangi, including adjustments to the relative interests of Ngāti Ruapani and other Te Urewera Māori groups in the block. The commissioners could not reach a decision on the proportion of relative

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interests, and the case was adjourned until the next scheduled meeting of the Commission the following year. On 20 February 1902, the commissioners considered a list of names with relative shares and signed an order declaring the 729 individuals listed to be the owners of the Waikaremoana block. A few months later a provisional local committee was appointed to the Waikaremoana block, pending the election of a permanent local committee. It included Hōri Te Mataa (otherwise known as Hōri Wharangi), Te Wao Ihimaera, Māhaki Tāpiki, Wī Mutu Matiaha, Rāwaho Winitana, Te Kaaho TeKaaho, and Mātaamua Whakamoe.

The Second Urewera Commission

- 2.99 The First Urewera Commission finished its title investigations in 1902. Between 1899 and 1906, there were 172 appeals made in relation to its title determinations of the main blocks in the district. In late 1906, the Native Minister appointed a Second Urewera Commission to hear the appeals, with hearings being held in 1906 and 1907. The solution that the First Urewera Commission had previously adopted, of grouping a number of hapū together in separate blocks, had resulted in many hapū appeals for partition. The appeals process was late to start, and was subsequently interrupted by the Crown's work on legislative amendments. The delay in addressing appeals, in turn, delayed the establishment of local governance committees for Te Urewera Māori.
- 2.100 The Second Urewera Commission received appeals against the First Urewera Commission's decisions on the Waikaremoana block. The Crown appointed two Pākehā commissioners and one Māori representative from an iwi outside Te Urewera to hear the appeals. Although, in 1907, the Second Urewera Commission upheld the decision of the former commission regarding the 729 individuals listed as owners in the block, it added a further 117 individuals from another group who had not put their claims to the first commission. The Second Urewera Commission appointed new provisional local committees. The new Waikaremoana provisional committee comprised Waipatu Winitana, Hūrae Puketapu, Wāhia Paraki, Tuahine Noa, Mei Erueti, Hape Te Wao, and Mātaamua Whakamoe.
- 2.101 Even after the Second Commission reached its findings, and more than a decade had passed since the enactment of the Urewera District Native Reserve Act 1895, no General Committee had been formally appointed. The Act's aim to provide for Te Urewera Māori self-governance through local committees and a General Committee had also not eventuated. Te Urewera Māori elected their own general committees in 1906 and 1908, however, the Crown did not recognise these committees. In 1908 Ngāti Ruapani members of the hapū of Ngāti Hinekura, Te Whānaupani, Pākitua, Ngāti Manunui, Ngāti Tāwhaki, Ngāti Koura, and Te Urewera were among the 392 Te Urewera Māori who wrote to the Premier and Native Minister. They told him these hapū 'remained fast to the law' (meaning the 1896 Act), in contrast to some in Te Urewera who proposed departing from the law by agreeing to land purchase offers from the Crown.
- 2.102 Opportunities for local self-government were further reduced, when the Urewera District Reserve Act 1896 was amended by the Māori Land Laws Amendment Act 1908, which stipulated that provisional local committees become permanent local committees. Under the provisions of the 1908 Act, the General Committee's membership was also substantially reduced from 33 to 20 members, who were to be appointed by the Governor

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rather than being elected. This undermined the authority of Te Urewera Māori to appoint their own representatives. By comparison, the membership of the 1906 Te Urewera Māori General Committee was more representative, with the committee having 94 members. Hōri Wharerangi was included on this committee.

- 2.103 In 1909 a new Act was passed amending the 1896 Act. This further limited opportunities for local self-government, by enabling the Governor to appoint replacement members for the General Committee who were not local committee members. Separate to these legislative provisions, the Crown informally added a further 14 members to the General Committee's membership who were from a group of Te Urewera Māori willing to sell land. The General Committee met during 1909 and 1910, after which meetings lapsed for four years until they met one final time in 1914. In 1922, the Urewera District Native Reserve Act and its amendments were repealed by the Urewera Lands Act 1921-22.

WAIKAREMOANA BLOCK AND THE UREWERA CONSOLIDATION SCHEME

- 2.104 From 1910 the Crown began purchasing undivided individual interests in Urewera District Native Reserve blocks north of Waikaremoana from Ngāti Ruapani whanaunga who held interests in other parts of Te Urewera.
- 2.105 In 1913, the Crown began trying to purchase individual interests in the Waikaremoana block (73,667 acres) to acquire land for scenery preservation and power generation. However Ngāti Ruapani and other block owners would not agree to sell. At this time it was illegal for the Crown to purchase individual interests in the Urewera District Native Reserve without the consent of the General Committee. In 1915, members of Ngāti Ruapani sent a petition asking the Crown to stop purchasing individual interests in the Urewera District Native Reserve.
- 2.106 In 1916, though, the Crown promoted legislation which empowered the Crown to legally purchase individual interests in the Urewera District Native Reserve without the consent of the General Committee. The Crown was now able to legally purchase land from Ngāti Ruapani individuals without the usual protective measures applying to the purchase of Māori land such as paying a price at least equal to the Government valuation. This legislation also retrospectively validated any previous Crown purchases of individual interests made in the Urewera District Native Reserve.
- 2.107 The Crown continued unsuccessful attempts to purchase in the Waikaremoana block. From 1918 to 1919 Ngāti Ruapani rangatira and other Te Urewera Māori petitioned the Crown to stop trying to purchase interests in Waikaremoana. They told the Crown they wanted to retain the land in the Waikaremoana block to live on and that they had sheep, cattle and other stock on the land, which they were able to farm 'for the benefit of the Dominion'. They also sought the re-appointment of the General Committee and provisional local committees to administer the Urewera District Reserves Act in connection with the Waikaremoana block and other lands.
- 2.108 The Crown did not support the request from Ngāti Ruapani to re-appoint the General Committee. The Crown still wanted to acquire land at Waikaremoana for scenery preservation and power generation, but was unable to acquire any interests in the Waikaremoana block before 1921.

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- 2.109 By 1920, the Crown was in discussion with Te Urewera Māori on a consolidation scheme for Te Urewera. This was seen as a means of addressing the fragmentation of land interests, which had been exacerbated by the Crown's purchase of multiple individual interests in a number of blocks in Te Urewera. Consolidation was based on valuation: the fragmented interests of whānau members across different blocks were valued, and then their interests were consolidated into contiguous blocks of land equal to the same value. The Crown also favoured a consolidation scheme as it considered this would give it more influence over where the interests it had purchased were located than a Native Land Court hearing.
- 2.110 In an August 1921 hui a Crown official informed representatives of Ngāti Ruapani and other Te Urewera Māori that the Crown intended to exclude the Waikaremoana block from the scheme. The Crown then threatened to compulsorily acquire land in the Waikaremoana block for scenic preservation purposes. The representatives of the owners responded by warning that they would not proceed with the Te Urewera Consolidation Scheme. They agreed to an alternative proposed by the Crown. This was, for those who were willing, to exchange their interests in the Waikaremoana block for Crown interests in other Te Urewera blocks at six shillings per acre. Another arrangement was to be made with those Ngāti Ruapani who did not wish to exchange their interests in this way.
- 2.111 In September 1921, Apirana Ngata, a prominent member of the House of Representatives, acted for both the Crown and Ngāti Ruapani in negotiations over the Waikaremoana block. Ngāti Ruapani sought to exchange their land in the block on an acre for acre basis but the Crown would not agree and insisted on an exchange based on a price per acre.
- 2.112 Ngata negotiated an arrangement with Ngāti Ruapani for the purchase of the remaining Ngāti Ruapani interests in the Waikaremoana block and the Whareama and Ngāputahi reserves. Ngata agreed with Ngāti Ruapani that the Crown would use some of the purchase money to purchase 883 acres of privately owned land at Kōkako on behalf of Ngāti Ruapani which was suitable for cultivation. Ngāti Ruapani agreed to receive payment in debentures (a type of savings bond) for the difference in value between what they agreed to give up and what they agreed to receive.
- 2.113 The Waikaremoana block was never independently valued. Although Crown officials had previously noted that the timber in the block would be of 'great value some day', the Crown had not accorded it any monetary value. After reluctantly agreeing to a value basis for their remaining interests in the block, Ngāti Ruapani eventually submitted a price of 20 shillings (or £1) per acre. However, after further debate Ngata persuaded Ngāti Ruapani to authorise him to accept a minimum price of 16 shillings per acre from the Crown. He emphasised in his report to the Crown that Pākehā landowners would have asked for a higher price than the Waikaremoana owners were seeking. Ngata reported that Ngāti Ruapani did not wish to part with their ancestral lands, but were persuaded that they must give way to the public interest.
- 2.114 After leaving the district Ngata negotiated the terms of the purchase with a Crown official. Ngata reported to the Crown that, without consulting Ngāti Ruapani, he had taken it upon himself to reduce the Ngāti Ruapani claim to just 15 shillings per acre. Ngata stated that he had done this due to what he considered to be "satisfactory arrangements made in respect of the reserves for the Ngati-Ruapani on the northern Lake foreshore".

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- 2.115 These “satisfactory arrangements” were, Ngata reported, that he and the Crown official “have agreed to divide” up the Waikaremoana block for purchase so as to leave 607 acres of lakefront land as reserves for Ngāti Ruapani. The Crown official recorded in his own report that of the 31,607 acres owned by Ngāti Ruapani, “the N’Ruapanis reserve the 607 acres for themselves”. However, the 607 acres had not been marked out on the ground and Ngata cautioned that the reserves might be found to be larger once they were surveyed. Ngāti Ruapani were not present when the acreage was discussed by Ngata and the Crown official and later pointed out much larger reserves. No written record of an agreement in which Ngāti Ruapani agreed to accept reserves of 607 acres has been found.
- 2.116 Ngata reported to the Crown that he and the Crown official had agreed a price of 20 shillings per acre for the Whareama and Ngāputahi reserves. Whareama had been valued at 20 shillings an acre in 1910, but, since that time, land values had risen appreciably. Ngāputahi had been valued in 1920 at approximately 40 shillings per acre, when it was leased to private interests. Māori had asked that the Crown also pay outstanding rates due on these reserves to the County Council.
- 2.117 At the end of October 1921, the arrangements were set out in the Crown’s Consolidation Scheme Report, along with a recommendation that they be finalised through legislation. Ngāti Ruapani protested that the report was printed in English only. Some block owners, including members of Ngāti Ruapani, were listed in the report as having agreed to exchange their Waikaremoana interests for Crown interests in land to the north on the basis of six shillings per acre. The report recorded that the remaining Waikaremoana interests would be purchased from owners at 15 shillings per acre in the form of debentures. The report specified that the debentures would pay interest at a rate of five per cent per annum. The report also proposed that 11 reserves would be included in the Waikaremoana block. It noted, though, that the location and area of the reserves were still to be defined by survey.
- 2.118 On 11 February 1922, the Urewera Lands Act 1921-22 was enacted to facilitate the completion of the arrangements. The Act empowered commissioners, appointed by the Crown, to award portions of land within the Waikaremoana block as they saw fit. The Urewera Lands Act 1921-22 repealed the Urewera District Native Reserve Act 1895 and its amendments. This officially disestablished the Urewera District Native Reserve and the General Committee.
- 2.119 On 17 February 1922, Mātaamua Whakamoe and others of Ngāti Ruapani met with the commissioners at Waimako, telling them they wanted to withdraw from the scheme and retain the Waikaremoana block as the original arrangements had been departed from. Ngāti Ruapani objected to the Crown unilaterally lowering the valuation of their interests in Waikaremoana to 15 shillings per acre and not consulting them on the suitability of the private land adjoining the Kōkako settlement, nor the price paid for it. The price of the private land was double a valuation that had been done and more than Ngāti Ruapani wished to pay.
- 2.120 The Commissioners then asked Ngāti Ruapani to provide them with guides to show them the boundaries of the reserves. Mātaamua Whakamoe replied that he had been deputised

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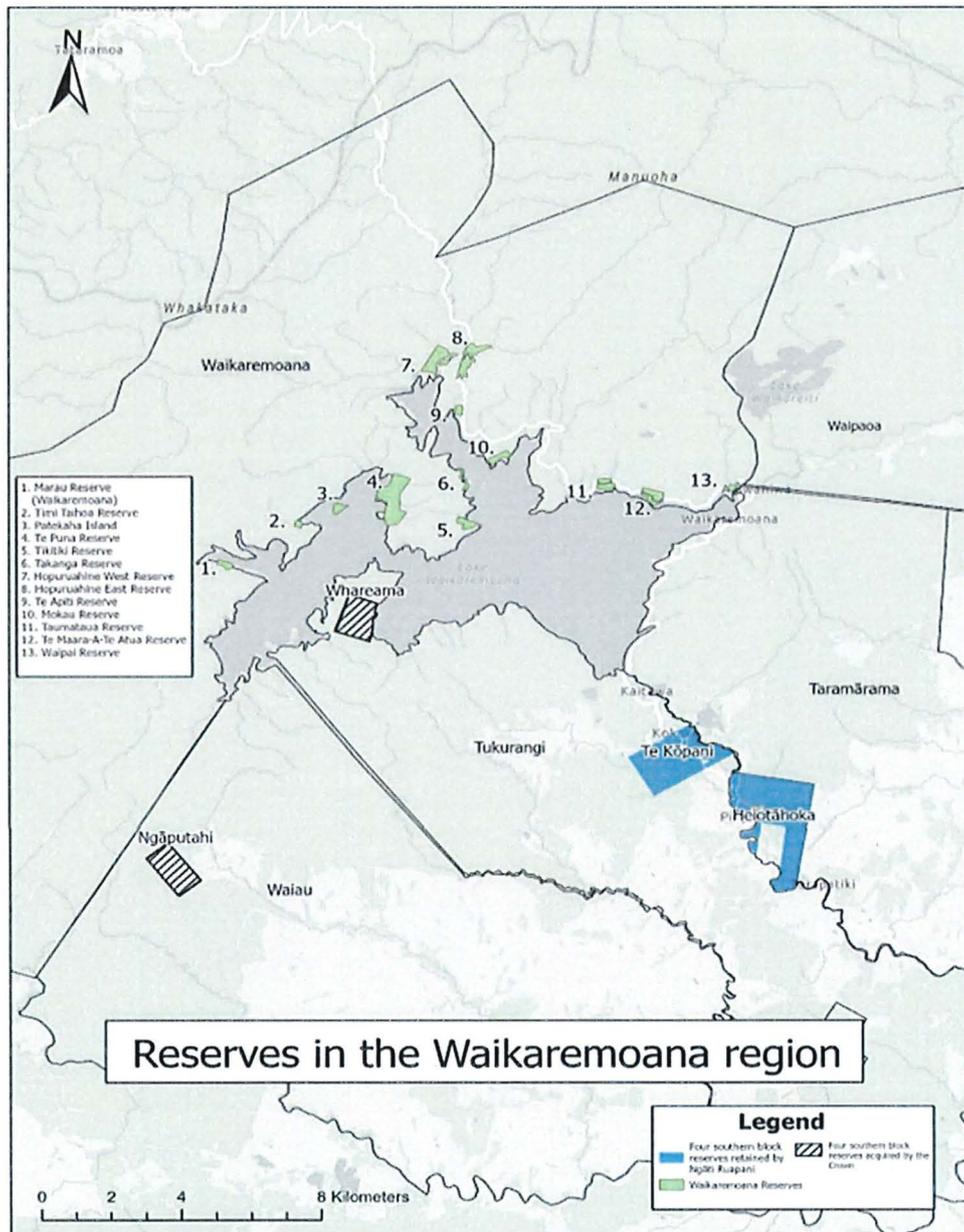
to state that, on reconsidering the matter, they decided to have nothing to do with the scheme and did not wish to proceed further with it.

- 2.121 The Commissioners reported that they spent the next day “on [the] lake”, fixing the boundaries of the Waikaremoana reserves. They were accompanied by two local settlers on whose advice the commissioners significantly reduced the size of Mārau Reserve. A surveyor who also attended, later reported to Ngata that Mātaamua Whakamoe and Pita Taoho came with them, “unofficially of course”. Mātaamua Whakamoe requested to exchange his interests between reserves. Pita Taoho requested land be reserved at Waipai and land at the mouth of the Aniwanuiwa River. The surveyor wrote to Ngata that whatever he fixed with Ngāti Ruapani regarding the areas of the reserves, “the smaller the better”. The Commissioners recorded that some areas being occupied by Ngāti Ruapani were to be excluded from the reserves and that Ngāti Ruapani would be compensated for these excluded lands.
- 2.122 Between 1922 and 1923, one of the commissioners on behalf the Crown purchased some interests from Ngāti Ruapani owners, who preferred to receive cash rather than debentures, at a rate of only 6 shillings per acre.
- 2.123 Around September 1922, Tikareti Te Iriwhiro and others wrote to Parliament expressing their opposition to the scheme and the inclusion of Whareama and Ngāputahi. Pomare (Pineeri Hori), who also had interests in Te Urewera blocks outside Waikaremoana, told the Commissioners of his opposition to the scheme and to the loss of his interests in Waikaremoana. He stated that ‘I won’t evacuate Waikaremoana.’
- 2.124 In March 1923, Ngāti Ruapani met with the Crown at Windy Point, Waikaremoana. After a lengthy debate, Ngāti Ruapani withdrew their opposition to the scheme in order to assist the hydro-electricity project the Crown planned at Lake Waikaremoana. Ngāti Ruapani agreed to accept 15 shillings per acre for their interests in the block. The Crown agreed to pay for the total area of the block and return to Ngāti Ruapani reserves at Waikaremoana, which would be surveyed free of charge and exempted from rates. It was agreed that the private land at Kōkako the Crown had purchased on behalf of Ngāti Ruapani would no longer be part of the arrangements. Ngāti Ruapani refused to accept it because of the high price the Crown had paid for it. It was also agreed to create two small additional reserves in the Waikaremoana block, one of which (Timi Taihoa) was for a member of another group. This increased the number of reserves to 13, 12 of which were for Ngāti Ruapani. Overall, this new arrangement was worth significantly less to Ngāti Ruapani than the original arrangement they had entered into. The removal of the private land from the package meant that Ngāti Ruapani were, once again, left with little useable land from which to generate an income.
- 2.125 In February 1925, the Commissioners reported that Ngāti Ruapani pointed out the reserves they sought beside Lake Waikaremoana to surveyors. Ngāti Ruapani told the Commissioners they wanted to reserve “pigeon trees”, areas on which meeting houses and urupā were situated, and areas for cultivation and grazing. The boundaries which Ngāti Ruapani pointed out included an area of 3,200 acres. The Commissioners told Ngāti Ruapani these boundaries were ‘unreasonable’, and insisted that they keep to what the Commissioners described as the “original agreement” for the Crown to pay for and return to Ngāti Ruapani 600 acres of reserves. However, no written record of the “original

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agreement” has been located. Nor is there any written record of Ngāti Ruapani themselves expressing their agreement to reserves of 600 acres. Nevertheless, the Commissioners fixed a total area of 600 acres for 13 small reserves set aside for Ngāti Ruapani in the Waikaremoana block (one of the initial 11 Ngāti Ruapani reserves having been divided into two).

2.126 In March, Ngāti Ruapani sought to ‘repudiate’ their agreement to sell Waikaremoana because the arrangements had ‘not been adhered to’. However, the Waikaremoana block was already included in the consolidation scheme.



2.127 As a consequence of the consolidation scheme, the Crown acquired almost all of the Waikaremoana block (approximately 73,000 acres) and the Whareama and Ngāputahi reserves (approximately 600 acres in total).

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2.128 The debentures were to have matured in 1932. However, due to the economic pressure of the Depression, which was at its height in 1932, the Crown unilaterally extended the term for the repayment of the debentures for a further 10 years. At times, Ngāti Ruapani debenture holders received no interest payments. In 1933, the Crown extended the repayment period indefinitely, in common with all government debt. The Crown also reduced interest rates payable on all money it owed internally, including the Waikaremoana debentures. These debentures were converted into Government stock paying four per cent, which was lower than the five per cent rate originally agreed. From 1933, the stock was paid out at the then prevailing rates, which were usually less than four per cent. From 1937, some of the interest became subject to income tax. The Crown's alteration of the terms of the debentures caused considerable hardship for Ngāti Ruapani debenture holders. Despite their repeated requests to be paid out earlier, they did not receive the capital payment on the debentures until 1957. In 1958 Ngāti Ruapani petitioned for compensation for the interest income they had lost when the interest rate was reduced from five percent, and raised the matter with the Prime Minister at a hui in Ruatāhuna in 1959, to no avail.

NGĀTI RUAPANI MAI WAIKAREMOANA RESERVES

2.129 Crown land acquisition over five decades from 1872 left Ngāti Ruapani virtually landless. By 1925, they retained 2,490 acres comprising 13 small reserves in the Waikaremoana block and two reserves south of the lake, Te Kōpani and Heiotāhoka. They also retained shared interests in land at Te Pūtere. This was a fraction of their previous landholdings. Over much of the twentieth century, the Crown imposed restrictions on Ngāti Ruapani's remaining lands, further diminishing their ability to sustain themselves.

Waikaremoana block reserves

2.130 For several decades after 1929, Crown actions for scenery and water preservation effectively prevented Ngāti Ruapani from deriving an income from the Waikaremoana block reserves. In 1929, the owners of the Hopuruahine East reserve attempted to lease their land. The Native Land Court registrar replied that "no alienation whatever of Waikaremoana Reserves is in the interests of the owners". Within two months, the Crown placed a temporary prohibition order on alienation of the Waikaremoana block reserves. At this time, legislation provided for the Crown to temporarily prevent the owners of Māori land from selling, leasing or mortgaging their interests to any party other than the Crown, or selling rights to a specific resource, such as timber. The Crown soon promoted a clause specific to the Waikaremoana lands in the Native Purposes Act 1931 so it could issue an order permanently prohibiting alienation of the reserves in December 1932.

2.131 For four decades, the Crown used the alienation order to prevent reserve owners formally leasing land. The Crown had built accommodation at the lake in 1903 and wanted to protect its revenue. In the 1930s, there was demand for fishing lodges and holiday homes at Lake Waikaremoana. Ngāti Ruapani entered informal arrangements with Pākehā for semi-permanent camps on the reserves for which they probably charged informal fees. The Crown wanted to prevent these arrangements, but a Native Land Court judge advised that Ngāti Ruapani should be able to charge fees, as they were in "distressingly poor circumstances and they should not be harassed in the ownership of their birth-right...We have gone far enough in prohibiting alienations and the matter should there rest". The

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Crown denied requests to lease land for buildings on Te Puna in 1951 and Whakaari in 1961 and 1969.

- 2.132 The Crown also used the alienation order to prevent reserve owners cutting timber on their land. In the mid-1930s, a Maori Land Board officer interviewed Wharetōtara Amai, who was cutting a small amount of posts for sale to support his family on the Hopuruahine West block. The officer warned him about the order restricting alienation and he said he would seek permission for this activity in the future. In 1945, Wiremu Mātaamua inquired about cutting timber on the Waikaremoana reserves. A Crown official replied that felling timber for sale was not permitted under the Native Land Act 1931 and doing so without the permission of all of the owners was punishable with a fine or prison time. In 1951, Robert Amai also enquired about cutting timber on the Hopuruahine West block. The local registrar replied the land could only be alienated to the Crown, so cutting the timber would interfere with the Crown's 'rights', although he did not specify what those rights were. After this correspondence, it appears he did not proceed with the request to fell timber.
- 2.133 In 1954, the Crown established the Urewera National Park, which almost completely surrounded the Waikaremoana block reserves. The Crown immediately tried to acquire the reserves and continued to apply pressure over the following two decades, which Ngāti Ruapani resisted. At the same time, the Crown was attempting to acquire the Waikaremoana lakebed. In August 1961, a deputation to the Minister of Māori Affairs stated that if the Crown took the reserves, the owners would be 'completely landless'.
- 2.134 In response to public lobbying for the preservation of Te Urewera forests, in 1961 the Crown further restricted use of the reserves through a notice under the Soil Conservation and Rivers Control Amendment Act 1959. This effectively prevented any milling in Te Urewera.
- 2.135 For most of the twentieth century, Ngāti Ruapani had to endure visitors to Lake Waikaremoana who desecrated urupā, damaged or destroyed whare and taonga. There were also thefts of taonga.
- 2.136 In 1964, the Wairoa County Council began rating the Waikaremoana block reserves. Previously, the reserves had been exempt from rates under the Urewera Lands Act 1921. The council took this step, despite the reserves receiving almost no services, with the majority not having road access and none having access to a water supply, sewage or power.
- 2.137 At the Crown's urging, the Wairoa County Council designated the Waikaremoana block reserves as proposed additions to the Urewera National Park in its draft District Plan in 1971. The designation prevented Ngāti Ruapani from building and living on their reserves.
- 2.138 In 1972, the Crown promoted legislation that removed many restrictions on alienation over Māori land. The Crown and reserve owners believed this legislation removed the restrictions imposed on the Waikaremoana reserves in 1931. However, the drafting of the Maori Purposes Act 1972 was such that restrictions on these reserves stayed in place.
- 2.139 In 1974, the Tūhoe-Waikaremoana Trust Board applied to have the Waikaremoana block reserves classified as Māori reserves to exempt them from rates. They were concerned

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the land would be taken for rates because they believed that the alienation order had been lifted. John Rangihau presented the case to the Maori Land Court, arguing that the owners could not earn any income from the reserves and should not have to pay rates. The Court classified the lands as Māori reservations, “for the purpose of a place of historical and scenic interest and of special emotional association” under the Maori Affairs Act 1953 and vested them in the Trust Board as the responsible trustee. The Board then needed to apply to have the reserves exempt from rating. It is unclear when or how this happened but these reserves are no longer rated.

Te Kōpani and Heiotāhoka reserves

- 2.140 In addition to their Waikaremoana reserves, Ngāti Ruapani retained two reserves, Te Kōpani and Heiotāhoka, following the purchase of the four southern blocks. The Crown placed restrictions on these reserves on alienation as well and took land for roads and hydroelectric power generation.
- 2.141 Te Kōpani and Heiotāhoka blocks were proclaimed as reserves in 1885. By this time, the Crown had already taken land from the blocks for roading, routing two roads through Te Kōpani (13 acres and three roods), and one through Heiotāhoka (five acres 5.4 perches). The Heiotāhoka road was never formed and later used by the Crown as compensation for public works takings.
- 2.142 In October 1917, Te Waaka Hatata and Pukaru Waiwai, part owners of Heiotāhoka reserve, attempted to lease the Heiotāhoka block. After several delays by the Crown, the owners agreed to the lease, but it was deferred as the Urewera Consolidated Scheme had begun. As part of the Scheme, the Crown prohibited alienations of Te Kōpani and Heiotāhoka until 1924.
- 2.143 On 21 February 1925, a meeting of owners asked the Native Land Court to partition Te Kōpani and Heiotāhoka as part of the consolidation scheme. The Native Land Court partitioned Te Kōpani into six subdivisions and Heiotāhoka into two.
- 2.144 In 1925, the Public Works Department quarried gravel without permission from one of the Te Kōpani blocks for roadworks. The Department repeatedly refused to provide compensation, reasoning that it was too difficult to distribute the monies due (£3.6.8) to many owners and then because too much time had passed.
- 2.145 In mid-1937, as part of the construction of the Piripaua power station, government surveyors entered Heiotāhoka 2 without the owners’ knowledge or permission. They began investigative surveys, including cutting and burning scrub. Some owners met with public works staff and gave written permission to access the land, while other owners declined. In January 1938, several Ngāti Ruapani owners, informed the Native Minister they would not sell but would agree to lease.
- 2.146 Around June 1938, the Crown began setting up an 18-acre public works camp on the western-most point of Heiotāhoka. The Crown later claimed there was a rental agreement with the owners for £8 a year. In July, Mokai Hine complained that public works employees were using her land, putting a road through her orchard and potato crop paddocks, erecting huts, and installing a pipeline. The workers claimed that they had full powers of

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entry under Public Works legislation to carry out works within the block and that it was “often impractical to advise individual owners of native lands” of their intentions. Only when legal advice confirmed that Crown employees were trespassing did the Crown take steps to ensure their access to the land was within the law.

- 2.147 In 1939, Crown employees removed gravel from Te Kōpani 1. When Wiremu Mātaamua and Samuel Rūrehe complained, the Crown said it would take the land for the Piripaua power station – the first indication Ngāti Ruapani had that the Crown would take this land.
- 2.148 In February 1941, the Crown notified its intent to take almost eight acres from Heiotāhoka 2 for a road under the Public Works Act. Heni Te Waaka and eleven others objected to the takings, but the Minister of Works, thinking the objections were based on whether Ngāti Ruapani would receive compensation rather than the loss of land, dismissed it on a technicality. In contrast, when the neighbouring Pākehā landowners objected to the taking of their river flats, the Crown reduced the amount of land to be taken. In June, the Crown announced it would take a further 31 acres from Heiotāhoka 2 and just under 1 acre from Te Kōpani 1 for the Piripaua power station.
- 2.149 The owners of Heiotāhoka requested £786 in compensation, including £100 for the land and the remainder for loss of timber and cultivations and damage to the land. On 25 February 1942, the Public Works Department met with the owners, their solicitors and valuers to discuss compensation. The Crown recorded the outcome as £275 for the Heiotāhoka 2 owners and £4 for Te Kōpani 1 owners. The owners of Heiotāhoka 2 also received five acres 5.4 perches of a paper road, which the Crown had taken in 1885, but not returned previously even though no road was ever formed. The Crown agreed to fence the Waikaretāheke River, when it was diverted as part of the works. It appears the compensation included the outstanding rent on the camp.
- 2.150 The Native Land Court also made an order on 25 February 1942 for the compensation to be paid to the Tairāwhiti District Māori Land Board. In August, the Court, having heard the wishes of the owners, ordered that the Board use the compensation money to provide water at Waimako and Kūha (subsidised by the Department of Health); pay a compromise settlement to Wairoa County Council for outstanding rates; and restore the whare tipuna Te Poho O Ruapani and Te Poho O Hinekura. Nearly three years after compensation was awarded, the Board paid the water supply monies and made a payment to Waimako Pā.
- 2.151 There was a delay of several months before the Crown fenced the Waikaretāheke River. In July 1943, Ngāti Ruapani were still asking for fencing as horses and cattle had damaged their cultivations.
- 2.152 The Crown continued using the public works camp until 1955, but did not pay rent after 1942. In 1955, the owners received the camp’s water supply in full settlement of all claims.
- 2.153 Some Ngāti Ruapani suffered further land loss through compulsory acquisition by the Māori Trustee. In 1953, continued concern about the fragmentation of Māori land led the Crown to promote legislation empowering the Māori Trustee to compulsorily acquire any shares in land that the legislation defined as ‘uneconomic’. The Māori Trustee would retain this power until 1974. On at least four occasions during this period, the Māori Trustee

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acquired the interests of a deceased Ngāti Ruapani owner in the Heiotāhoka and Te Kōpani blocks. As a result, their descendants lost interests in their ancestral land.

- 2.154 Throughout the twentieth century, rates were an ongoing issue for Te Kōpani and Heiotāhoka blocks. In 1925, the Native Land Court partitioned Te Kōpani 3 and 6 as urupā blocks and they were therefore exempt under the Native Land Rating Act 1924. The Native Land Court recommended the papakāinga blocks Te Kōpani 2 and 5 be declared native reserves and exempt from rates. However, while the Crown gazetted the blocks as native reserves, it did not declare the lands exempt from rates. The Wairoa County Council imposed rates on other Te Kōpani and Heiotāhoka blocks, despite providing no services and the land generating little to no income. In 1942, the Council agreed to a compromise payment of £10 for £74.9.6 rates owing on Heiotāhoka 2, but continued to charge rates, and refused any further compromise payments. Arrears in rates continued to be an issue through the 1960s and into the 1980s. Ngāti Ruapani campaigned to have the rates remitted and the Council finally did so in the 1980s. Despite this, rates were an issue during the following decades.

Kokako Native School in Te Kōpani block

- 2.155 In 1896 the Crown established Kokako Native School at Te Kōpani. The Crown usually required Māori landowners to gift the land required for a native school. However, in 1896 the Crown arranged to lease the land for the school from the owners of Te Kōpani for 21 years for a peppercorn rent. In 1920 the Crown realised it had no title to the land on which the school was located as its lease had expired 4 years earlier. It urgently took 4 acres under the Public Works Act in 1921 for the purposes of a Native School. The Crown did not consult Te Kōpani owners over the taking. The Crown also did not pay any compensation to the owners because at the time it mistakenly believed that the site had been Crown land since the four southern blocks purchase.
- 2.156 From 1943 the Crown and Ngāti Ruapani discussed finding a new site for Kōkako school. In March 1945 Crown officials met at Waimako with the owners of the proposed new school site in Te Kōpani 1 site. After the meeting, the Crown agreed to hold the matter over for six months due to objections from some owners. However, officials failed to cancel the instructions to take the land and in April almost 5 and a half acres was taken under the Public Works Act without any compensation paid to the owners. No school was ever built on the land taken and Kōkako school remained on the original site. It was not until 1967 that the Crown applied to the Māori Land Court for Te Kōpani 1 to be revested in the owners.

LAKE WAIKAREMOANA

- 2.157 Ngāti Ruapani tradition records that they have long been kaitiaki of the mauri or life force of Lake Waikaremoana, its waters, and species. They also have a solid spiritual connection to the waters, which is reflected in three Ngāti Ruapani whakatauaākī: “Te Waikaukau o ngā mātua tīpuna” (the bathing waters of the ancestors); “Te Waitukukiri o ngā mātua tīpuna” (the cleansing waters of the ancestors) and, as Hōri Wharerangi said of the lake as he left Waikaremoana for Maungapōhatu after losing the four Southern blocks “Waiho hei manaaki i te iti, i te pani, i te rawakore” (let it care for the few, the orphans, and those with no resources).

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- 2.158 The Crown excluded the Lake from the Urewera District Native Reserve when it was created in 1896. Over the subsequent years, began making the lake available for boating, tourism and fishing (especially of introduced species). In 1905 Hōri Wharerangi and Te Reneti Hāwira of Ngāti Ruapani sought to reassert control over the Lake and its fisheries and asked that the Native Minister stop tourists from fishing there. However, the Crown denied this request and in 1911 the Crown began to investigate the hydro-electric power potential of the Lake. In 1913 and 1916 local Māori unsuccessfully sought an inquiry into the boundary of the Urewera District Native Reserve at Waikaremoana, seeking to include the Lake in the Reserve. The Lake itself remained excluded from the Reserve.
- 2.159 As a result of applications to the Native Land Court in 1913 by those claiming interests in the lake, the Court investigated the title to the bed of Lake Waikaremoana between 1915 and 1918. In June 1918 the Court awarded 73 percent of the shares in the lakebed to 194 owners, many of whom had Ngāti Ruapani whakapapa. It awarded 27 percent of the shares to 160 owners from another group. The Crown did not participate in any of these hearings. The Crown immediately appealed the 1918 award on the basis that the bed of the Lake was not customary Māori land so the Native Land Court could not determine title to it. However, in 1912 the Court of Appeal had held that lakebeds were customary land, and that the Native Land Court could determine their title. Eleven other appeals against the decision were also filed by Ngāti Ruapani and other interested parties.
- 2.160 Procedural and other delays meant the Crown's appeal was not heard for 26 years. Obstacles included a lack of legal representation, the Great Depression, and, after the mid-1920s, Crown reluctance to prioritise the case. Throughout the 1930s Ngāti Ruapani petitioned the Crown to have the appeal heard. In 1932 Waipatu Winitana wrote to the Native Minister on behalf of Ngāti Ruapani asking "that you give us information in regard to our Waikaremoana lake case". In 1938, 104 signatories of Ngāti Ruapani sent a petition to the Prime Minister, seeking permanent title to the Lake. Despite many attempts by both the Lake's owners and the Native Appellate Court to bring the appeal to the Crown's attention, the Crown ignored or delayed all attempts. It was only in 1943, after a hui of 300 Lake owners at Waikaremoana urged that the appeal proceed, that the Crown agreed to this.
- 2.161 When the appeal was finally heard in 1944, the Crown continued to oppose the Native Land Court's award and the Solicitor General emphatically argued that the 1918 Court decision was either wrong or "a nullity". However, in its final decision the Native Appellate Court upheld the 1918 award.
- 2.162 In the aftermath of the 1944 judgment, the Crown considered appealing the case and Crown officials were instructed to withhold any plans or maps that might finalise title. In 1947 the Prime Minister said he thought the decision was wrong and 'would have to be dealt with and solved'. For various reasons, little happened for some years. By 1954, the Crown had decided not to further appeal the title to the Lake and lifted its ban on supplying plans to the Court to allow finalisation of title. In the same year, the Crown created the Urewera National Park, the boundaries of which almost completely surrounded the Waikaremoana lakebed. The Crown began using the Lake as part of the park without permission even though it was not technically part of the park.

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- 2.163 Throughout this period the Crown acted as if it owned the lakebed. While the lakebed case waited before the courts, the Crown constructed the Waikaremoana power scheme along outlets to the southeast of the Lake in three stages. The Tuai (Tūwai) and Piripaua power stations were completed in 1929 and 1943 respectively. Crown officials asked Ngāti Ruapani kaumātua to name the turbines at Tuai Powerhouse. When it opened, Ngāti Ruapani welcomed dignitaries with a pōhiri and gifted the Governor General with a “handsome native mat”. Ngāti Ruapani named the first two turbines after the tīpuna Pukehore and Ruapani. The third turbine installed ten years later was named Tūhoe Pōtiki.
- 2.164 The scheme resulted in many changes to the landscape in the Waikaretāheke valley, including the formation of an artificial lake, Lake Whakamarino. The works meant Ngāti Ruapani lost mahinga kai at the Kāhui Tangaroa River and surrounding streams. During the works on the scheme a landslip also buried the final resting place of the taniwha Haumapuhia. During construction of worker accommodation for the scheme, the kōiwi of the Ngāti Ruapani tipuna Tūwai were unearthed.
- 2.165 During the 1940s and 1950s the third stage of the scheme was implemented – the Kaitawa power station. This involved use and modification of the lakebed and lowering of the Lake level by over 5 metres, leading to erosion of exposed lakebed, destruction of shellfish, reduction in fish stocks and restriction of the migration of tuna (eels) to the Lake.
- 2.166 The Lake’s owners did not consent to the use or modification of the lakebed and raised concerns about a number of these impacts. Ngāti Ruapani in particular were alarmed at the transformation of Patekaha Island into a peninsula. Patekaha is home to a sacred urupā and is a wāhi tapu of significance to Ngāti Ruapani.
- 2.167 In 1959 the Crown commenced negotiating with the Lake’s owners over compensation sought for the Crown’s use and management of the Lake. Some years after 1959 the Crown sought to purchase the Lake, its islands and the reserves adjacent to it. The Lake’s owners declined to sell seeking instead an annual payment. The owners and the Crown ascribed widely divergent economic values to the Lake.
- 2.168 In 1967 the Crown agreed to have the lakebed formally valued. It was valued at \$143,000, excluding the value of improvements on the exposed lakebed (valued at \$4,000). The valuation did not include the value of the electricity generated by the Kaitawa Power Station, nor the value of other past uses made of the lakebed by the Crown. The Crown and the Lake’s owners accepted the valuation as the basis for the initial rental to be paid under a long-term lease of the Lake to the Crown, an agreement that was provided for by the Lake Waikaremoana Act 1971.
- 2.169 The agreement did not include any compensation for the Crown’s use of the Lake prior to 1967, compensation for the modification of the lakebed without the consent of the owners, or its use of the Lake for Hydroelectricity. The Crown had constructed roads, a motor camp, and motel units on the exposed lakebed. The Lake’s owners did not consent to these developments on their land.
- 2.170 For approximately 50 years, tourism developments around the Lake led to the pollution of its waters, which Ngāti Ruapani considered sacred, by human waste. Attempts at

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improved systems for the treatment and disposal of sewerage at the motor camp and motel units were introduced from 1979. It was not until the 1990s that improvements were made to toilet facilities at National Park campsites and huts around the Lake.

ENVIRONMENTAL ISSUES AND TE UREWERA NATIONAL PARK

- 2.171 During the 1895 negotiations that lead to the Urewera District Native Reserve Act 1896, Ngāti Ruapani wanted the forthcoming arrangements to address environmental issues. They wanted the Crown to protect their customary food sources and introduce new ones. Their leaders were part of a delegation which suggested that breeding facilities for imported fish and game birds be established at Waikaremoana and local Māori be taught how to manage them. Seddon agreed to this request.
- 2.172 In the compact, which was agreed between the delegation and the Crown in September 1895, the Crown undertook to protect the customs and way of life of the peoples of Te Urewera. A provision was added to 1895 legislation which provided for Te Urewera to be excluded from a proposed periodic ban on the hunting of kererū. Although the harvesting of birds in Te Urewera was a customary practice strictly controlled by tikanga, the Crown gradually imposed restrictions on the hunting of kererū and other native birds in Te Urewera. In 1898, the Crown established a game reserve in which the hunting of imported game was prohibited on Lake Waikaremoana and adjacent land, including a large portion of the Waikaremoana block. In 1903, the prohibition on hunting in the game reserve was extended to include the hunting of native game. In 1910, the Crown permitted Māori to harvest kererū within the boundaries of Te Urewera District Native Reserve, but from April 1911 the Crown no longer permitted harvesting of kererū in Te Urewera. In 1922, kererū and various other native game were provided with absolute protection under new legislation and their hunting was banned.
- 2.173 The Crown had prominent role in the introduction (acclimatisation) of non-native species in Te Urewera. In 1896, the Crown subsidised the first successful release of trout into Lake Waikaremoana. From 1897, the Crown actively participated in the release of deer and possums. By 1909, the Crown had taken over the administration of acclimatisation in Te Urewera from acclimatisation societies.
- 2.174 Introduced species have had a destructive effect on indigenous flora and fauna, which were important food sources for Ngāti Ruapani. From the 1890s, introduced animals, such as stoats, possums and European rats preyed on native birds in Te Urewera, and had already decimated tītī (muttonbirds) in the area. The European rat was also killing off kiore, which Māori ancestors had introduced earlier. Trout ate native fish, including maehe (koaro or mountain trout) and kōura (fresh-water crayfish) and competed for food with other native fish as well as whio (blue ducks). Deer damaged indigenous flora, and were well established in Te Urewera by 1920. By 1922, the Crown was aware that that deer were having a destructive effect on indigenous forest, however, took no action.
- 2.175 The Crown had subsidised the introduction of trout, to Lake Waikaremoana, partly with the intention of supplementing the food supplies of Te Urewera Māori. However, the lake was put under the same regulations and licencing regime as elsewhere in the country. Ngāti Ruapani disregarded the regulations and the licensing requirements and protested against them. In 1926, Māhaki Tāpiki facilitated the Crown's establishment of a trout hatchery at

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Waimako Pā. However, in 1929, when Ngāti Ruapani asked for rent or free fishing licences as payment for the use of the site, the Crown declined this request and relocated the hatchery to government-owned land.

- 2.176 Although the Crown introduced legislation to protect kererū, it did not similarly protect kawau (black shags). It referred to them as “pests” and attempted to eliminate them. The Crown encouraged the shooting of kawau at Waikaremoana, as it perceived that the kawau were preying on trout. From the 1920s, the Crown employed a culler at Waikaremoana and continued to cull kawau into the 1950s. However, Ngāti Ruapani regarded kawau as taonga and revered them as kaitiaki.
- 2.177 Prior to the 1940s, Lake Waikaremoana was an important source of fish for Ngāti Ruapani. However, the Crown’s construction of the Kaitawa power station in the 1940s cut off the lake from the sea, making it impossible for tuna to migrate. Ngāti Ruapani have recalled the loss of tuna as a food source as well as the spiritual and cultural loss they experienced, when the power scheme caused water sources to run dry. Ngāti Ruapani regarded tuna as taonga and upheld their tikanga when fishing for them. Over the long term, the lowering of Lake Waikaremoana caused the growth of new forms of shoreline vegetation around the edge of the lake, which created favourable habitat for introduced animals to prey on native birds, including kiwi.
- 2.178 In 1954, the Crown established the Urewera National Park without consulting Ngāti Ruapani. The park initially comprised of a core of 117,000 acres awarded to the Crown as part of the Urewera Consolidation Scheme in the 1920s. This included lands the Crown had previously acquired from Ngāti Ruapani as well as Lake Waikareiti. In 1957, the Crown expanded the park with the addition of approximately 334,000 acres of Crown land, without consulting Ngāti Ruapani. At that time the park almost completely surrounded the Waikaremoana lakebed and the remaining Ngāti Ruapani lands near the Lake. The Crown sought to acquire these lands, and Ngāti Ruapani’s other remaining lands for the park, but Ngāti Ruapani resisted pressure to sell. By the 1970s, the Crown had purchased other lands for the park from other groups and had included the Waikaremoana lakebed through a lease arrangement. By 1999, the park had grown to approximately 526,000 acres in size.
- 2.179 The legislation empowering the Crown to establish the park, the National Parks Act 1952, did not provide for any Māori representation on the park board. From 1961 to 1980, there were always one or two Te Urewera members appointed to the park’s management boards at the discretion of the Minister. In 1980, the Crown replaced the board with a regional body with a less direct role in the running of the park. The relevant board under this body included a Te Urewera representative. None of the Te Urewera appointments on these boards were statutorily guaranteed.
- 2.180 By the 1950s, some Te Urewera Māori were reliant on hunting wild pigs and deer as a source of food and income. From the 1950s, commercial and recreational hunting was encouraged in the park as a means of controlling these and other wild introduced animals, providing that hunters obtained permits. However, the national policy on pest control and the park’s pest eradication strategies did not take account of how important the hunting of introduced animals had become to local communities at Waikaremoana.

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- 2.181 Ngāti Ruapani's customary use of the park's resources was restricted under the National Parks Act 1952. It was illegal to shoot any animal, or take plants or trees in a national park, unless the park board gave permission. Therefore, despite the gathering of pikopiko, kiekie, puha, and rongoā species being traditional practices of Te Urewera Māori, it became an offence for them to undertake these practices in the Urewera National Park without the park board's permission.
- 2.182 In 1962, Wiremu Mātaamua and others from Ngāti Ruapani petitioned the Crown for the continuance of local traditions, including the harvesting of pikopiko. As a result of this petition, Te Urewera National Park Board decided that the best approach would be for rangers to make arrangements with local Māori for limited harvesting, but also persuade and "educate" them to abandon their harvesting traditions. In 1964, the board's policy permitted the taking of plants for scientific and educational purposes, but not for customary use.
- 2.183 By the 1970s, the park board adopted an informal policy allowing limited customary harvesting of pikopiko and other native plants, despite this still being prohibited under legislation. During the 1980s, national park policy allowed customary gathering of plants under certain circumstances. In 1985, rangers were stopping some people from gathering plants if they were not authorised. From 1986, there was an informal understanding between park staff and the Waikaremoana Maori Committee over the gathering of pikopiko and rongoā.
- 2.184 In 1987, Parliament enacted a new Conservation Act, which provided for environmental preservation, conservation and recreational use of the park. While the Act was to be 'so interpreted and administered as to give effect to the principles of the Treaty of Waitangi', the Act did not provide for the protection or promotion of Māori interests in their ancestral land. The Act contained formal provisions for Māori to be consulted about the development of park policy, but still did not provide for Māori to be actively involved in the governance, management and day to day running of the park.

THE UNDER-DEVELOPMENT OF NGĀTI RUAPANI MAI WAIKAREMOANA

- 2.185 Throughout the twentieth century Ngāti Ruapani suffered from the lack of an economic base. Over successive decades, the Crown had acquired so much of Ngāti Ruapani's lands that their land base was severely eroded and they were virtually landless as early as 1895. Their remaining lands were difficult to farm and they were living on the small amount of land they had retained. Their depleted land base limited Ngāti Ruapani's options to earn an income during the twentieth century.
- 2.186 The Crown restricted Ngāti Ruapani's ability to earn an income from their remaining lands. To protect its monopoly on tourism, the Crown prevented Ngāti Ruapani from selling timber from the Waikaremoana reserves or developing the cleared land for agriculture or tourism. The Crown also denied Ngāti Ruapani income they should have received from the Crown's use of Lake Waikaremoana, rent from a public works camp in the Heiotāhoka block, and the full benefit of the Waikaremoana block debentures.
- 2.187 Ngāti Ruapani's depleted land base and restricted earnings affected their health and wellbeing. In the 1880s and 1890s, there were food shortages across Te Urewera. The

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limited food supply resulted in malnutrition and made Ngāti Ruapani more susceptible to infectious diseases. In 1898, shortages escalated to a famine at Waikaremoana, after drought and unseasonal frosts destroyed crops. Police reported that 28 people had died at Te Kōpani in 16 months, predominately children. Most of the deaths were recorded as influenza or tuberculosis and five children from 'unknown causes of a declining nature', suggesting malnutrition and starvation. Reporting on the deaths later, a school inspector said 33 children died. In 1900, a government report stated it was difficult for the parents to find sustenance for their children. The Crown was slow to provide even a small amount of assistance in response to the officials' reports of famine and disease.

Employment and housing

- 2.188 With little land and no capital to develop it, Ngāti Ruapani were dependent on subsistence farming, fishing and hunting, and paid employment.
- 2.189 In the first half of the twentieth century, employment opportunities at Waikaremoana were limited and the work was seasonal, uncertain, temporary, and low paid. The Crown provided some employment in roading and tourism at Lake Waikaremoana, but it was small scale and occasional. Ngāti Ruapani also engaged in farm work, such as shearing, ditch digging and scrub cutting, and timber milling. During World War One, at least five Ngāti Ruapani men served in the New Zealand Māori Pioneer Battalion.
- 2.190 From the early 1920s to the 1950s, some Ngāti Ruapani worked on the Waikaremoana power scheme. It is likely that Māori labourers generally undertook manual labour, such as rock crushing and construction, while Pākehā had the skilled labouring and engineering jobs. The amount of work available fluctuated with the different phases of construction, including a substantial decrease during the Great Depression of the 1930s.
- 2.191 In the 1930s the Crown often used land development schemes on Māori land to provide employment for Māori, and Ngāti Ruapani applied for a land development scheme on their land. However, the Crown did not consider Ngāti Ruapani retained any land suitable for such a scheme and rejected their application.
- 2.192 The Great Depression worsened the dire economic circumstances in which Ngāti Ruapani lived. During the Depression, the Crown did not pay Ngāti Ruapani all the interest it owed on the Waikaremoana block debentures. Some Ngāti Ruapani beneficiaries complained that they had no 'rent' for Waikaremoana for more than two years. In 1932 the Crown paid some of the interest it owed but paid a lower interest rate, and its payments were subject to a recently imposed tax of 10% on interest income from government securities. There was little work for Ngāti Ruapani during the depression and, although some worked on an unemployment relief scheme, the Crown would not pay them for this work because the Ngāti Ruapani workers had not previously paid unemployment levies. By 1933, a local judge said the debenture beneficiaries were "facing Winter practically destitute".
- 2.193 In June 1934, the coroner attributed several deaths at Waikaremoana to semi-starvation. In response, the Crown provided unemployment contracts for drain digging and fencing, but this provided only temporary relief. In September, debenture beneficiaries asked the government to pay their interest immediately, as they could not buy flour and sugar. Even when New Zealand's economy started to recover from the Depression, economic

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conditions did not improve for Ngāti Ruapani. In 1938, the local registrar described the situation as an “appalling state of indigence” (extreme poverty).

- 2.194 In addition to their poor economic status, Ngāti Ruapani also suffered from extremely poor housing conditions. In the 1930s, the Crown was aware of the sub-standard housing and overcrowding in Waikaremoana, including a family living in a corn crib (generally used for crop storage). The Crown, however, provided little assistance for housing. Crown officials refused to grant loans for houses on collectively-owned or inalienable land or to people they perceived would be unable to pay back a loan. At least one official was reluctant to improve housing as it might encourage younger people to return to the district where there were few employment opportunities.

Education

- 2.195 One means by which Ngāti Ruapani tried to improve their economic circumstances was through education. In 1894, members of Ngāti Ruapani requested a school for their area and in 1895, a Ngāti Ruapani leader told the Premier “Education is the means of imparting knowledge to the people... and better their position”. In 1897, the Crown established the Kokako Native School on land that was initially leased from Ngāti Ruapani. The saying “Nā ngā kaumātua i homai te whenua hei mātauranga mō ngā tamariki mokopuna” (The old people gave the land for educating the children and grandchildren) illustrates the connection of land with education.
- 2.196 Following the 1898 famine and deaths at Te Kōpani, attendance at Kokako Native School declined and the Crown closed the school in 1900. It reopened in 1906, but attendance again declined, impacted by food shortages, disease and the influence of a local prophet. The school closed in 1907 and reopened in 1911, but food shortages continued until at least 1932 when three children died from “a lack of proper food”.
- 2.197 The Crown intended Native Schools to promote the assimilation of Māori children into European culture. From at least the 1920s, teachers at Kokako Native School used corporal punishment on students for speaking te reo Māori at school, including strapping students, hitting them with bamboo and forcing them to eat soap. The use of corporal punishment contributed to the decline of te reo Māori, as some children who were punished grew up unwilling to pass te reo Māori onto their children.
- 2.198 During the first half of the twentieth century, Kōkako school suffered from poorly maintained facilities and supporting infrastructure. For example, in 1919, the parents complained the school’s water supply and road access was inadequate. A Crown official also noted the school buildings required extensive repairs.
- 2.199 In April 1930, the Crown opened a new school in Tūwai in response to demand from hydroelectric workers. Kōkako school compared poorly to the new school. A report from 1930 described Tuai (Tūwai) school as ‘excellently built and finished’, with electric heating and a septic tank. In the same year, the teacher at Kōkako school advised the Education Department that the school’s fresh water supply was constantly blocked and they needed to urgently move the outhouses. Ngāti Ruapani children were discouraged or prevented from attending Tuai school by members of the pākehā community. By 1935, it appears no Māori students were enrolled at Tuai school.

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- 2.200 In 1941, Cabinet approved rebuilding Kōkako. During World War Two, however, the Crown expended funds that might have been used for the school on the war effort and further delayed the rebuild while it and Ngāti Ruapani considered moving the school to an alternative site. In February 1949, the school committee refused to send their children to school until the new buildings were started. Children returned to school a week later once construction commenced, but the new school building did not open until 1 February 1950 and still required further improvements.
- 2.201 The Crown's education system provided few options for Ngāti Ruapani families who wanted to send their children to secondary school due to distance and cost. From 1921, Wairoa District High School offered secondary education, but it was a 50km journey on a winding road. The bus service frequently broke down or arrived late at school. Tūwai had a small secondary school from 1944 to 1951; it had just 15 pupils in 1951 and only two of those students were Māori. Some parents sent their children to boarding schools but these were expensive and required children to be far from home for long periods.
- 2.202 Before World War Two, the schooling provided by the Crown in Te Urewera primarily focussed on preparing students for work in manual or agricultural jobs. After the war, this trend continued, but as population increased and put pressure on the few local jobs available, school leavers were channelled into unskilled jobs in industries further from home.

Post war urban migration and housing

- 2.203 During the 1930s some Ngāti Ruapani began migrating from their traditional lands due to such factors as limited education and employment opportunities, substandard housing, and obstacles to developing their remaining lands. In 1940, the registrar of the Gisborne Native Land Court advised that aside from power station construction, there was 'very little employment' in the area and the Crown should encourage Ngāti Ruapani to migrate away from their traditional lands.
- 2.204 At least twelve Ngāti Ruapani men served in the 28th Māori Battalion during World War Two. After World War Two, the Crown provided housing loans to returned servicemen. John Waiwai of Ngāti Ruapani successfully applied, but had to partition land from Te Kōpani block to build. A discrepancy between the loans offered to Māori and Pākehā returned servicemen in the Waiariki area meant John Waiwai was issued a 20-year loan instead of the 30-year loans offered to Pākehā servicemen, increasing the cost of repayments to more than he could afford.
- 2.205 In the years following the Second World War, the Crown encouraged migration to urban areas, where there was better housing and job opportunities. From 1956, the Crown offered housing and other assistance to people in Te Urewera who wanted to migrate and soon adopted this as an official policy. Kaumātua and parents also encouraged rangatahi to migrate for employment opportunities and better quality accommodation. The Māori population at Waikaremoana declined substantially in the decade after the war and continued in a downward trend until at least the 1970s. The migration away from Waikaremoana contributed to the loss of te reo and tikanga.

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- 2.206 For those that remained at Waikaremoana, available employment from the 1940s to the 1950s included farm labouring, shearing, roadworks, timber milling, and labouring for the power station. Ngāti Ruapani elders recall that the work at Tuai power station was generally divided between Pākehā having the skilled jobs and Māori undertaking manual labour, such as cleaning and maintenance at the station and gardening and maintenance at the village. From the early 1970s, Ngāti Ruapani kaumātua encouraged their young people to train for skilled jobs, such as line maintenance and machine operators.
- 2.207 Throughout the 1960s and 1970s, Ngāti Ruapani tried to develop housing near their marae of Te Kūha and Waimako but were prevented by the Department of Maori Affairs and local council. Crown and local officials preferred a site at Tūwai which was closer to existing roads and therefore considered more cost-effective. After five years of deliberation, the Crown said it would not lend money to build houses on Ngāti Ruapani's preferred site. The Crown would only provide assistance if Ngāti Ruapani secured individualised titles to the relevant sites and the county council rezoned the land as residential. The Crown advised that members of Ngāti Ruapani would have to relocate if they wanted financial assistance. Due to restrictions under the district scheme, from 1967 to 1975 the county council issued no building permits for Waimako or Te Kūha.
- 2.208 In 1977, the Wairoa County Council introduced a revised district scheme with special provision for papakāinga housing at Te Kūha and Waimako. Under this scheme, Ngāti Ruapani mai Waikaremoana could develop their community buildings in accordance with their needs. They amalgamated and repartitioned several of their land blocks via the Maori Land Court. The Court vested Te Kōpani 7 and 11 in the Māori Trustee, which then transferred the blocks to the Crown for kaumātua flats. At the same time, a group of young Ngāti Ruapani living in Wellington formed the Waikaremoana-ki-roto-Poneke Association and received financial assistance from the local Maori Land Board to build 18 kaumātua flats using primarily volunteer labour. Other land blocks were subdivided and Public Work Department houses relocated from Tūrangi for papakāinga housing.
- 2.209 In the mid-1980s, the Crown began privatising government services. The privatisation of the Ministry of Electricity, as well as the automation of the Waikaremoana power scheme, resulted in job losses at Waikaremoana. In February 1988 the Tūwai post office closed and Ngāti Ruapani lost access to banking facilities. After this date, Ngāti Ruapani had to travel to Te Wairoa to access in-person services. Ngāti Ruapani recalled that the general store in Tūwai also closed at this time.
- 2.210 In the aftermath of aggressive Crown military action and land acquisition in the nineteenth century, Ngāti Ruapani endured socio economic deprivation in the twentieth century. The Crown sought to assimilate Ngāti Ruapani into European culture and encouraged Ngāti Ruapani to migrate from their traditional lands following World War Two. Despite this deprivation and disconnection, Ngāti Ruapani have endured. They are resolute and tenacious in their connections to Waikaremoana.

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NGĀ MEA E WHAKAAE ANA TE KARAUNA MŌ NGĀTI RUAPANI

Te Tiriti o Waitangi

- 3.1 E whakaae ana te Karauna kāore i waitohua e Ngāti Ruapani mai Waikaremoana Te Tiriti o Waitangi i te tau 1840. Ko te mana o te Karauna ki Aotearoa i ahu mai i ngā here Tiriti o te Karauna, tae atu ki ngā whakataurangi whakamaru, i uru ai a Ngāti Ruapani mai Waikaremoana ki raro i ērā. E whakaae ana te Karauna kāore i eke i a ia te maha o ōna here Tiriti ki a Ngāti Ruapani mai Waikaremoana. Ahakoa ngā mahi o mua a Ngāti Ruapani mai Waikaremoana ki te whakamaumahara i te Karauna ki ōna here, kāore i tutuki i te Karauna te whakarite i ngā nawe mauroa, tōtika hoki a Ngāti Ruapani mai Waikaremoana mā tētahi tikanga whaitake, ka mutu he roa rawa te wā e tāria ana kia whakaaetia aua nawe. Kei te pā tonu mai te pōuri me te mamae nui ki a Ngāti Ruapani mai Waikaremoana me te pānga o ngā ngoikoretanga o te Karauna i tēnei rā.

Te Pakanga me te 'Whakahaukore'

- 3.2 E whakaae ana te Karauna ko ia te take i pakaru mai ai te riri i te rohe o Waikaremoana, ā, ko ētahi o āna mahi i te rohe o Waikaremoana i te tau 1866 ki te 1872 ko:
- 3.2.1 tōna ngoikore ki te āta tiro tiro me te whakahaere tika i ngā mahi a ana ope taua, ā, ko te hua o tērā ko te whakamate kino i ngā mauhere kore pū i Onepoto i te tau 1866;
- 3.2.2 te whakamātau a te Karauna ki te whakakore atu i a Ngāti Ruapani mai Waikaremoana mai i te roto o Waikaremoana mā te kaupapahere 'whakahaukore', ā, ko te mutunga atu ko te urupatu katoa i ngā pā kāinga, ngā māra, ngā pātaka kai, ngā kararehe, ngā wāhi tapu me ngā taonga, me
- 3.2.3 ngā whakaekenga i ngā kāinga, pērā i Te Kōpani i te tau 1866, i whawhai ai a Ngāti Ruapani mai Waikaremoana mō ō rātau whenua, tae atu ki a Whataroa me Ōhiwa i te tau 1870, i patua e ngā hōia a te Karauna tētahi tipuna o Ngāti Ruapani mai Waikaremoana me te hopu i tētahi tamaiti.
- 3.3 E whakaae ana te Karauna ko te utu o ēnei mahi ki a Ngāti Ruapani mai Waikaremoana ko te mate kai katoa o ngā tāngata me te nui o ngā tāngata i mate. He mauroa, he kino hoki te pānga o ngā mahi a te Karauna ki tō rātau mana, te hanganga pāpori, oranga hoki. E whakaae ana te Karauna kāore rawa atu ia i aro atu ki te ora me te oranga o Ngāti Ruapani mai Waikaremoana, i tino kino tana mahi haukore, ā, nā āna mahi i heke iho te whētuki me te korekore i roto i ngā reanga mai anō, he takahi tērā i te Tiriti o Waitangi me ōna mātāpono.

Te mauhere ki Wharekauri

- 3.4 E whakaae ana te Karauna i mauheretia tētahi tangata, neke atu rānei o Ngāti Ruapani mai Waikaremoana, ā, kāore hoki i whakawā tika i a rātau mō tētahi wā roa, ka mutu i

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noho rātau i roto i ngā āhuatanga weriweri i Wharekauri. I roto i tēnei mahi tūkinu kāore i tika te manaaki i a rātau, me te aha kāore i taea e te ture ēnei mahi kino te whakawā nā runga i ngā ture maha e tiaki ana i aua mahi. E mōhio ana te Karauna, nā runga i tērā, i takahia e ia Te Tiriti o Waitangi me ōna mātāpono.

I kīia he hoariri

- 3.5 I hē te whakatau a te Karauna he hoariri a Ngāti Ruapani mai Waikaremoana i tana whakauru hē mai i ngā whenua o Ngāti Ruapani mai Waikaremoana ki te whakataunga tango whenua o te tau 1867, ahakoa ehara rātau i te hoariri.

Te raupatu me te tango whenua i te tau 1867

- 3.6 E whakaae ana te Karauna i hē tana whakauru i ngā whenua o Ngāti Ruapani mai Waikaremoana ki ngā whakataunga tango whenua o te tau 1867 me te kore rapu i tō rātau whakaae, ā, kāore hoki i kōrerorero ki a rātau. I tino hē te raupatu i ngā whenua o Ngāti Ruapani mai Waikaremoana, ā, i takahi i Te Tiriti o Waitangi me ōna mātāpono. Nā tērā, kāore i paku aro atu te Karauna ki te mana o Ngāti Ruapani mai Waikaremoana, me te aha i kino kē atu te mamae me te tūkinu i pā ki a rātau.

Kāore i tuku kapeneheihana

- 3.7 E whakaae ana te Karauna he taumaha rawa tana kawē i te riri ki Waikaremoana, ā, i kino, i hohoro te pā o te mamae ki a Ngāti Ruapani mai Waikaremoana. I pēhia a Ngāti Ruapani mai Waikaremoana e ngā pānga mauroa o tēnei mamae mai anō i ngā reanga o mua, ā, kāore i whiwhi kapeneheihana mai i te Karauna.

Onepoto

- 3.8 E whakaae ana te Karauna i murua e ia ngā whenua o Ngāti Ruapani mai Waikaremoana i Onepoto me ētahi atu whenua i te awa o Waikaretāheke, tae atu ki ngā papa rākau i te tau 1872 me te tuku kapeneheihana, ā, i takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

Ngā Poroka e Whā i te Taha Tonga

- 3.9 E whakaae ana te Karauna i riro i a ia ngā whenua katoa o Ngāti Ruapani mai Waikaremoana i te tau 1875 mai i ngā poroka e whā i te taha tonga, he tata ki te 178,000 eka te nui, me Onepoto hoki, whai muri i te whakamataku i a rātau ka raupatuhia ō rātau pānga i roto i tēnei whenua. He mauroa, he tino kino ngā mahi tāmi me te uruhi o te tango i ngā whenua i tēnei rohe ki ngā pānga tuku iho, te mana me te oranga o Ngāti Ruapani mai Waikaremoana me te takahi i Te Tiriti o Waitangi me ōna mātāpono, i heke iho ai te mamae me te tūkinu nui i roto i ngā reanga.

Ngā Poroka e Whā i te Taha Tonga – Ngā Whenua Rāhui

- 3.10 E whakaae ana te Karauna:

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- 3.10.1 ko ngā taitara i whiwhi a Ngāti Ruapani mai Waikaremoana me tētahi atu iwi mō ngā whenua rāhui i Whareama, Te Kōpani, Te Heiotāhoka me Ngāputahi i tukuna kētia atu ki ngā tāngata 60 kua ki ngā rangatira whenua katoa;
- 3.10.2 nō te tau 1889 rā anō i whakawhiwhia te taitara o ngā whenua rāhui e whā, ka mutu kāore tonu he kuhunga ā-ture mō ngā whenua rāhui i Whareama me Ngāputahi; ā,
- 3.10.3 I whakaurua mai a Whareama me Ngāputahi i muri mai ki roto i te Whakamoanatanga o Te Urewera ahakoa ngā tohe a Ngāti Ruapani mai Waikaremoana, ā, i riro i te Karauna i te tau 1921.

Ngā Ture Whenua Māori

- 3.11 E whakaae ana te Karauna kāore ia i kōrerorero ki a Ngāti Ruapani mai Waikaremoana mō te whakaurunga mai o ngā ture whenua Māori.

Te Whitu Tekau

- 3.12 E whakaae ana te Karauna:
- 3.12.1 kāore i whakamanatia e ia Te Whitu Tekau hei kaupapa tōrangapū i muri i te whakatūtanga e ngā rangatira o Te Urewera i te tau 1872 hei kaunihera whakahaere pupuri i te mana motuhake o Tūhoe whai muri i te "tatau pounamu" o te tau 1871;
- 3.12.2 I whakahē Te Whitu Tekau ki ngā whakaritenga whenua, ngā rori, me te mahi a Te Kooti Whenua Māori i roto tō rātau rohe i whakatauhia e rātau; ā,
- 3.12.3 ahakoa ngā tikanga a Te Whitu Tekau, i tīmata ngā mahi pēhi a te Karauna ki te whakatuwhera i Te Urewera mō ngā rori, te rurī me ngā whakawātanga a Te Kooti Whenua Māori.

Te Kooti Whenua Māori me te Ariki Takitahi o te Taitara

- 3.13 E whakaae ana te Karauna nāna i whakauru mai i Te Kooti Whenua Māori ki ngā whenua o Ngāti Ruapani mai Waikaremoana ahakoa te whakahē a Te Whitu Tekau, ā, nā ngā whakahaere me te pānga o ngā ture whenua Māori, otirā te whakawhiwhi i ngā taitara ki te tangata takitahi kua ki te hapū, ki te iwi rānei, i noho tuwhera ai ngā whenua o Ngāti Ruapani Mai Waikaremoana kia wāwāhitia, kia wehewehetia, kia riro atu hoki. I tautoko hoki tēnei i te takahi i ngā hanganga ā-iwi, ā, i ahu mai tēnei mai i te mana o te iwi me ngā hapū. Kāore i whakamarutia e te Karauna ēnei hanganga, ā, i takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

Te Takiwā Rāhui Māori o Te Urewera (UDNR)

- 3.14 E whakaae ana te Karauna i te tau 1894, ki te 1895, i whakariterite a Ngāti Ruapani mai Waikaremoana i runga i te ngākau pono, i te taha o ētahi atu hunga, kia whakaae te Karauna ki tētahi whakaritenga pono, ā, i tūkinotia a Ngāti Ruapani mai Waikaremoana e

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te Karauna nā te āhua o tana whakatinana i te Ture Takiwā Rāhui Māori o Te Urewera 1896.

3.15 E whakaae ana te Karauna:

3.15.1 i tino tōmuri i a ia te whakatū i te whakamana whakahaere ā-rohe e ai ki te Ture Takiwā Rāhui Māori o Te Urewera. Kātahi ka tino hē kē atu nā ngā tōmuritanga korekiko o te whakatū i tētahi rōpū hei whakawā i ngā pīra ki ngā whakatau a te Kōmihana o Te Urewera;

3.15.2 kāore i tuku ara kia noho ai ko te tangata whenua o Te Urewera te nuinga o te Kōmihana o Te Urewera i ngā whakawātanga;

3.15.3 kāore i tukuna he wāhanga ki ngā tangata whenua o Te Urewera ki te rōpū pīra o te Kōmihana o Te Urewera;

3.15.4 kāore i tautokona e ia te whakaaetanga i roto i roto i te whakaritenga kia whakawhiwhia ngā taitara whenua i roto i te Takiwā Rāhui Māori o Te Urewera ki ngā hapū;

3.15.5 i whakararua te mātāpono matua o te Ture, te mana motuhake nā tana whakatau i te tau 1909 kia whakarerekēhia ngā mema o te Komiti Nui, i raro i te Ture ka pōtitia rātau; ā,

3.15.6 kāore i whakatūria e ia tētahi tikanga tōtika mō te whakahaere me te mana whakahaere o ngā whenua o te rohe, ā, i takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

3.16 E whakaae ana te Karauna i takahia e ia tana whakaritenga me Ngāti Ruapani mai Waikaremoana me ētahi atu hunga mā te whakatairanga i āna ake huringa ki te Ture 1896, ā, i takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

3.17 E whakaae ana hoki te Karauna:

3.17.1 nāna i whakatairanga ngā ture aukati i te Takiwā Rāhui Māori o Te Urewera mai i ngā wāhanga ā-ture kia kore ai e noho whenua kore me te whakarite ka whiwhi a Ngāti Ruapani mai Waikaremoana me ētahi atu hunga i te utu tino iti mō te wāriu a te Kāwanatanga mō ō rātau pānga whenua;

3.17.2 ko te Karauna anake te kaihoko, ā, i tohe a Ngāti Ruapani mai Waikaremoana he iti rawa ana utu hoko whenua i te Takiwā Rāhui Māori o Te Urewera; ā,

3.17.3 kāore i whakaurua e ia te wāriu o ngā rākau i tana whiriwhiri i ngā utu mō ngā whenua o te Takiwā Rāhui Māori o Te Urewera.

Te Poraka o Waipaoa 5

3.18 E whakaae ana te Karauna ko tana tuku i a Waipaoa 5 ki roto i te Poari Whenua Māori o Te Tairāwhiti i te tau 1906 i takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

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3.19 E whakaae ana te Karauna:

3.19.1 Nāna anō te whakatau ki te whakaheke i te utu i whakaaetia e ngā rangatira whenua o Waipaoa i tētahi hui o ngā rangatira whenua i te tau 1910, kāore he huringa atu mō ngā rangatira whenua pōhara i tua atu i te whakaae ki te utu i whakaheketia e te Karauna i te tau 1913; ā,

3.19.2 ko ngā mahi a te Karauna he takahi i Te Tiriti o Waitangi me ōna mātāpono.

Waikareiti

3.20 E whakaae ana hoki te Karauna he nawe nui tonu te rironga o te moana o Waikareiti, tae atu ki te wāwāhi me te rūri i te poraka o Waipaoa, mō Ngāti Ruapani mai Waikaremoana.

Te Poraka o Waikaremoana

3.21 E whakaae ana te Karauna:

3.21.1 i tāmia e ia a Ngāti Ruapani mai Waikaremoana kia whakaurua atu ōna pānga i roto i te poraka o Waikaremoana ki te Whakamoanatanga o Te Urewera mā te whakamataku i a rātau ka murua e ia te whenua i raro i te ture;

3.21.2 i riro mai i a ia ētahi o ngā pānga o Ngāti Ruapani mai Waikaremoana i roto i te poraka o Waikaremoana mā te utu i te ono hereni i te eka mō ētahi atu whenua, kātahi ka whakawhitia ērā mō ō rātau whenua i Waikaremoana;

3.21.3 i riro mai i a ia ētahi atu o ngā pānga o Ngāti Ruapani mai Waikaremoana i Waikaremoana mā te utu i te 15 hereni i te eka ahakoa i whakaae ngā rangatira whenua ki te 16 hereni te utu hoko;

3.21.4 i riro mai i a ia ētahi atu o ngā pānga o Ngāti Ruapani mai Waikaremoana i Waikaremoana mā te utu i te ono hereni i te eka ahakoa i whakaaetia kētia te utu o te 15 hereni i te eka;

3.21.5 he nui te rawakore i pā mai i tēnei ki ngā rangatira whenua o Ngāti Ruapani mai Waikaremoana nā te whakaae kia utua rātau mō ō rātau pānga i Waikaremoana mā ngā monimanamana, kāore te Karauna i whakarite ka utua rātau mō te itarete e nama ana ki a rātau mai i ā rātau monimanamana. Nō te 25 tau rā anō i muri mai o te tatūtanga kātahi anō ka ea i te Karauna te wāriu pūrawa o ngā monimanamana;

3.21.6 kāore ia i whakarite ka whai whenua a Ngāti Ruapani mai Waikaremoana mō ō rātau hiahia onāiane, o anamata hoki; ā,

3.21.7 nā ēnei mahi me ngā hapa, i takahia e ia Te Tiriti o Waitangi me ōna mātāpono.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

Ngā whenua rāhui o Waikaremoana

- 3.22 E whakaae ana te Karauna nāna i whakaiti i ngā whai wāhitanga ōhanga ki a Ngāti Ruapani mai Waikaremoana mā te aukati i te rīhi a ngā rangatira whenua o ngā whenua rāhui o Waikaremoana i ō rātau whenua me te aukati i te turaki a ngā rangatira whenua i ngā rākau i runga i ō rātau whenua. He takahi ēnei mahi i Te Tiriti o Waitangi me ōna mātāpono.
- 3.23 E whakaae ana te Karauna kāore he here utu reiti o ngā whenua rāhui o Waikaremoana i raro i te Ture Whenua o Te Urewera 1921-1922. Engari, i te tau 1964, i whakakorehia e te Karauna tēnei here kore utu reiti ahakoa kāore i taea e Ngāti Ruapani mai Waikaremoana te mahi moni mai i ngā whenua rāhui nā ngā here a te Karauna.
- 3.24 E whakaae ana te Karauna i te tau 1971, i tahuri ia ki te tautapa i ngā whenua rāhui o Waikaremoana hei āpitihanga ki te Rohe Pāka o Te Urewera i roto i te mahere takiwā, e aukati ana i te whakatū, te noho rānei a Ngāti Ruapani mai Waikaremoana ki runga i ngā whenua rāhui.

Te papamoana o Waikaremoana

- 3.25 E whakaae ana te Karauna, he maha ngā tau i muri i te whakatau a te Kooti Whenua Māori o te tau 1918, kāore i whakamanatia e te Karauna te mana o Ngāti Ruapani mai Waikaremoana ki te papamoana o Waikaremoana, ā, i nui te raruraru ki a Ngāti Ruapani mai Waikaremoana nā tana whakahaere i te papamoana ānō nei nā te Karauna ake. Otirā, e whakaae ana te Karauna:
- 3.25.1 ahakoa he mana tō Ngāti Ruapani mai Waikaremoana ki te papamoana kāore te Karauna i kōrerorero ki a Ngāti Ruapani mai Waikaremoana i mua i tana tīmata ki te hanga i te Teihana Hiko o Kaitawa, ā, nā tērā i maroke ai he wāhanga o te papamoana, ā, i mate hoki ngā ika;
- 3.25.2 i hangaia ngā rori me ngā hanganga nunui ki te papamoana maroke me te kore whakaae a ōna rangatira whenua;
- 3.25.3 nō te tau 1971 rā anō kātahi anō te Karauna ka utu rēti ki a Ngāti Ruapani mai Waikaremoana mō tēnei whenua, ā, kāore anō kia utua e ia a Ngāti Ruapani mai Waikaremoana mō tana whakamahi i te papamoana i mua o te tau 1967; ā,
- 3.25.4 i roto i tana whakahaere i te papamoana kāore i whakaaronuitia e te Karauna te rangatiratanga o Ngāti Ruapani mai Waikaremoana, ka mutu i takahia e ia te Tiriti o Waitangi me ōna mātāpono.

Whenua kore

- 3.26 Nā te ngoikore o te Karauna ki te whakarite ka mau tonu i a Ngāti Ruapani mai Waikaremoana he whenua rawaka mō ōna hiahia onāiane me ā muri ake he nui te tūkinu i pā mai ki a Ngāti Ruapani mai Waikaremoana, ā, i riro te nuinga o ngā whenua tuku iho o Ngāti Ruapani mai Waikaremoana me tō rātau kaha ki te tiaki i a rātau anō.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

Kāore i eke i te Karauna ōna here i raro i Te Tiriti o Waitangi me ōna mātāpono ki te āta tiaki i a Ngāti Ruapani kia kore ai rātau e noho whenua kore.

Te Rohe Pāka o Te Urewera

- 3.27 E whakaae ana te Karauna he hononga motuhake tō Ngāti Ruapani mai Waikaremoana ki Te Urewera, me ngā rawa, ngā wāhi tapu me ngā taonga i roto.
- 3.28 E whakaae ana te Karauna:
- 3.28.1 kāore ia i kōrerorero ki a Ngāti Ruapani mai Waikaremoana mō te whakatūtanga o Te Rohe Pāka o Te Urewera i te tau 1954, mō te whakawhanuitanga rānei i te tau 1957;
- 3.28.2 i tino whakaitia e te poari whakahaere o te pāka te kaha o Ngāti Ruapani mai Waikaremoana ki te whakamahi me te whakawhanake i ngā rawa o ō rātau whenua e pātata ana, e karapotia ana rānei e te Pāka;
- 3.28.3 i whakaurua ngā pānga o Ngāti Ruapani mai Waikaremoana i te moana o Waikaremoana ki roto i te Pāka i te tau 1954 me tā rātau kore whakaae; ā,
- 3.28.4 nā tōna ngoikore ki te tino tiaki i ngā pānga o Ngāti Ruapani mai Waikaremoana i te whakatūtanga me te poari whakahaere o te Rohe Pāka o Te Urewera i takahi ia i Te Tiriti o Waitangi me ōna mātāpono.

Te Kura Māori o Te Kōkako

- 3.29 E whakaae ana te Karauna:
- 3.29.1 i te tau 1896, i rīhitia e te Karauna he wāhi mō tētahi kura Māori i Te Kōkako mai i ngā rangatira whenua o Ngāti Ruapani mai Waikaremoana mō te 21 tau i te rēti tino iti rawa, engari kāore i whakahoutia te rīhi i tōna mutunga. Engari, i te tau 1921, i murua e te Karauna ngā eka e whā o te whenua i reira te kura e tū ana me te kore utu kapeneheihana ki ngā rangatira whenua, ka mutu i takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono; ā,
- 3.29.2 nō te tau 1945, ko tāna i whakatau ai i runga ngā māharahara hauora kāore i tika a Te Kōkako hei kura, kātahi ka murua e te Karauna he rima eka atu anō o tētahi whenua e pātata ana ki te pā o Te Waimako kia pai ai te neke i te kura ki reira. Ahakoa ko te whakatau a te Karauna, i te tau 1946 ka noho tonu te kura ki Te Kōkako, nō te tau 1967 rā anō i mana ai tana whakahoki i te whenua, ka mutu kāore ia i utu kapeneheihana ki a Ngāti Ruapani mai Waikaremoana mō te muru i te whenua.

Te Papariki

- 3.30 E whakaae ana te Karauna:

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.30.1 kāore ia i whakamōhio atu ki a Ngāti Ruapani mai Waikaremoana mō te whakatū i te Teihana Hiko o Piripāua me te tango i ētahi o ngā whenua i mua i tana uru atu ki ō rātau whenua mō ngā rūri tuatahi, me tō rātau kore mōhio, kore whakaae rānei, ā, kāore i aro atu ki tō rātau mana me tō rātau rangatiratanga;
- 3.30.2 i kuhu poka noa ia ki ngā whenua o Ngāti Ruapani mai Waikaremoana me te takahi i ō rātau mana, oranga hoki mā te tūkino i ngā māra me ngā uru huarākau me te kari poka noa i ngā kōhatu;
- 3.30.3 i whakahāweatia a Ngāti Ruapani mai Waikaremoana, ka mutu i whara kino rātau i te kaupare a te Karauna i ā rātau whakahē tika ki te muru a te Karauna i ō rātau whenua mō te papariki, me te whakaiti i te rironga o ngā whenua o ngā Pākehā nā runga i ā rātau tonu;
- 3.30.4 ko te tikanga me kōrerorero tika tonu ki a Ngāti Ruapani mai Waikaremoana e pā ana ki te tango whenua mō te Teihana Hiko o Piripāua engari kāore i tutuki tērā, kāore hoki i ōrite te manaaki i a rātau pērā i ētahi atu rangatira whenua; ā,
- 3.30.5 i takahia Te Tiriti o Waitangi me ōna mātāpono nā runga i te āhua o tana tango whenua mō te Teihana Hiko o Piripāua, i mauroa ai te mamae ki a Ngāti Ruapani mai Waikaremoana me tō rātau hononga ki ō rātau whenua.

Te Muru Whenua ā-Ture i Ngā Pānga Kore Hua Ohaoha

- 3.31 E whakaae ana te Karauna i waenga i te tau 1953 me te 1974, i whakamanatia e ia te Kaitiaki Māori ki te muru ā-ture i ngā whenua o Ngāti Ruapani mai Waikaremoana i runga i te whakaaro o te Karauna kāore i te puta he hua ohaoha i aua whenua, ā, he takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono me te momotu atu i te hono tika o Ngāti Ruapani mai Waikaremoana ki tō rātau tūrangawaewae.

Te Haere ki te Pakanga

- 3.32 E whakaae ana , e mihi atu hoki te Karauna ki a Ngāti Ruapani mai Waikaremoana mō tā rātau tautoko i ngā pakanga a Aotearoa o te rau tau rua tekau, tae atu ki te whawhai i ngā pakanga e rua o te ao.

Te Reo o Waikaremoana

- 3.33 E whakaae ana te Karauna kāore i āta tiakina e ia te reo o Waikaremoana me te whakatairanga kia whakamahia te reo i waenganui i a Ngāti Ruapani mai Waikaremoana . E whakaae anō hoki te Karauna nā tēnei ngoikoretanga i heke te matatau o Ngāti Ruapani mai Waikaremoana ki te reo o Waikaremoana, ā, i uaua ai te tuku haere i te mita o Waikaremoana ki ngā reanga hou. E whakaae ana te Karauna he takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

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3: ACKNOWLEDGEMENT AND APOLOGY

Te Noho Rawakore me te Wehenga Atu

- 3.34 E whakaae ana te Karauna kei waho te nuinga o ngā tāngata o Ngāti Ruapani e noho ana i ō rātau whenua tuku iho nā runga i ana kaupapahere, e noho momotu mai ai rātau mai i ā rātau tikanga, tō rātau tūrangawaewae me ō rātau whānau.
- 3.35 E whakaae ana te Karauna i noho rawakore te hunga i mahue mai ki runga i ngā whenua, me te kino o ngā pānga hauora, te koretake o te mātauranga me ngā whare noho, ka mutu he roa e noho pērā ana, ā, kāore i ōrite ō rātau whai wāhitanga kia pai ai te noho pērā i te maha atu o ngā tāngata o Aotearoa.

Aukatitanga

- 3.36 E whakaae ana te Karauna he mahi tino hē te whakawehenga me te aukatitanga i pā ki ngā ākonga Māori o Te Kura Māori o Te Kōkako i ngā tau o te 1920 me te 1930. E whakaae ana hoki te Karauna i pā mai ētahi atu momo aukatitanga ki a Ngāti Ruapani mai Waikaremoana i roto i te wā i runga hoki i ō rātau whenua, he takahi tērā i tō rātau mana tangata whenua. Kāore i tika ēnei mahi kaikiri, ā, i mauroa te mamae ki ngā reanga o Ngāti Ruapani mai Waikaremoana.

Ngā tauārai mātauranga

- 3.37 E whakaae ana te Karauna:
- 3.37.1 ko tētahi o ngā whāinga matua o te pūnaha mātauranga mō te maha o ngā mahi ko te whakapākehā i ngā tamariki o Ngāti Ruapani mai Waikaremoana ki raro i ngā tikanga Pākehā;
- 3.37.2 Kāore i uariatia ngā tirohanga a Ngāti Ruapani mai Waikaremoana e te pūnaha mātauranga;
- 3.37.3 He nui te whakamamae i pā ki ngā tamariki o Ngāti Ruapani mai Waikaremoana mai i ngā patunga me te whakaiti i a rātau mō te kōrero Māori i ngā kura a te Karauna. I tautoko tēnei i te pēhi a Ngāti Ruapani mai Waikaremoana i tōna tuakiri, reo, ahurea hoki;
- 3.37.4 I uaua ki ngā tamariki o Ngāti Ruapani mai Waikaremoana e noho ana i runga i ō rātau whenua tuku iho te whai mātauranga kura tuarua, ā, i te nuinga o te wā i mate rātau ki te puta atu ki waho o te takiwā ki te kura tuarua. Nā tēnei i tau mai ai ngā taumahatanga ki a rātau me ō rātau whānau i tautoko i a rātau;
- 3.37.5 he pāpaku noa ngā tūmanako o te pūnaha mātauranga mō ngā ākonga Māori, ā, kāore rawa atu i kātata ngā whakataenga mātauranga a ngā tamariki o Ngāti Ruapani mai Waikaremoana ki ētahi atu o Aotearoa; ā,
- 3.37.6 ko ngā whakataenga mātauranga pāpaku tētahi āhuetanga i noho rawakore ai a Ngāti Ruapani mai Waikaremoana mō ngā reanga maha.

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3: ACKNOWLEDGEMENT AND APOLOGY

Te Mana Tuku Iho, te Whakapākehātanga me te Tū Māia

3.38 E whakaae ana te Karauna:

3.38.1 I te tau 1840, i a Ngāti Ruapani mai Waikaremoana tonu te mana tuku iho o ō rātau whenua me ā rātau rawa me te torotoro hoki ki te ao hou;

3.38.2 i te rau tau tekau mā iwa, ā, tae atu noa ki te rau tau rua tekau, i whakatairanga te Karauna i ngā ture me te waihanga kaupapahere hei whakapākehā i te Māori kia noho Pākehā ai;

3.38.3 nā ngā ture me ōna tāhapatanga, i hāpai ai te Karauna i te haumatetanga o te rangatiratanga, ngā hanganga ā-iwi me te mātauranga o Ngāti Ruapani mai Waikaremoana me te mana tuku iho o ō rātau whenua, rawa hoki; ā,

3.38.4 ahakoa tēnei i tū māia tonu a Ngāti Ruapani mai Waikaremoana me te mau tonu ki tō rātau tuakiri me tō rātau mana tae noa ki tēnei rā.

ACKNOWLEDGEMENT

Te Tiriti o Waitangi/The Treaty of Waitangi

- 3.1 The Crown acknowledges that Ngāti Ruapani mai Waikaremoana did not sign te Tiriti o Waitangi/the Treaty of Waitangi in 1840. The Crown's authority over New Zealand rested in part on the Treaty and the Crown's Treaty obligations, including its protective guarantees, applied to Ngāti Ruapani mai Waikaremoana. The Crown acknowledges that it has failed to meet many of its Treaty obligations to Ngāti Ruapani mai Waikaremoana. Despite the previous efforts of Ngāti Ruapani mai Waikaremoana to remind the Crown of its obligations, the Crown has failed to deal with the long-standing and legitimately held grievances of Ngāti Ruapani mai Waikaremoana in an appropriate way, and recognition of those grievances is long overdue. The sense of grief and loss suffered by Ngāti Ruapani mai Waikaremoana and the impact of the Crown's failings endure today.

War and scorched earth

- 3.2 The Crown acknowledges that it was ultimately responsible for the outbreak of conflict in the Waikaremoana district and that its conduct during its attacks on the Waikaremoana district in 1866 and 1869 to 1872 included:
- 3.2.1 the failure to properly monitor and control the actions of the armed forces, resulting in the execution of unarmed prisoners at Onepoto in 1866; and
 - 3.2.2 the Crown's attempt to dispose of and clear out Ngāti Ruapani mai Waikaremoana from around Lake Waikaremoana by using a scorched earth policy, which resulted in the widespread destruction of kāinga, pā, cultivations, food stores, animals, wāhi tapu, and taonga; and
 - 3.2.3 attacks on kāinga, such as Te Kōpani in 1866, where Ngāti Ruapani mai Waikaremoana fought to defend their lands, and Whataroa and Ōhiwa in 1870, where Crown forces killed a tipuna of Ngāti Ruapani mai Waikaremoana and captured a child.
- 3.3 The Crown acknowledges that the impacts of these actions on Ngāti Ruapani mai Waikaremoana included widespread starvation and extensive loss of life. The Crown's actions had an enduring and devastating effect on the mana, social structure, and well-being of Ngāti Ruapani mai Waikaremoana. The Crown acknowledges that its conduct showed ruthless disregard for the survival and well-being of Ngāti Ruapani mai Waikaremoana, went far beyond what was necessary or appropriate in the circumstances, and left a legacy of intergenerational trauma and was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Detention on Chatham Islands

- 3.4 The Crown acknowledges that it detained at least 1 member of Ngāti Ruapani mai Waikaremoana without trial for an unreasonable length of time and in harsh conditions on the Chatham Islands. This injustice involved deprivation of basic human rights and

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3: ACKNOWLEDGEMENT AND APOLOGY

could not be legally challenged because of several indemnity acts. The Crown acknowledges that, in doing so, it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Labelling as rebels

- 3.5 The Crown unjustly treated Ngāti Ruapani mai Waikaremoana as rebels when it wrongfully included lands in which Ngāti Ruapani mai Waikaremoana held interests in the 1867 deed of cession, even though they had not been in rebellion.

Confiscation and deed of cession

- 3.6 The Crown acknowledges that it unjustly included Ngāti Ruapani mai Waikaremoana lands in the 1867 deed of cession without their consent and without any consultation. The effective confiscation of Ngāti Ruapani mai Waikaremoana interests was fundamentally wrongful and a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. In doing so, the Crown demonstrated a blatant disregard for the rights and mana of Ngāti Ruapani mai Waikaremoana, further compounding the harm and injustice inflicted upon them.

Failure to compensate

- 3.7 The Crown acknowledges that its military conduct at Waikaremoana was excessive and caused catastrophic and immediate prejudice to Ngāti Ruapani mai Waikaremoana. Ngāti Ruapani mai Waikaremoana have had to endure the lasting impacts of this prejudice for many generations without compensation from the Crown.

Onepoto

- 3.8 The Crown acknowledges that, in 1872, it took Ngāti Ruapani mai Waikaremoana land at Onepoto and other land beside the Waikaretāheke River, including its timber resources, without providing compensation and that this was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The four southern blocks

- 3.9 The Crown acknowledges that, in 1875, it acquired all of Ngāti Ruapani mai Waikaremoana interests in approximately 178,000 acres in the four southern blocks in southern Waikaremoana, including Onepoto, after threatening to confiscate their interests in this land. The aggressive and coercive measures undertaken to acquire land in this district had lasting and devastating effects on the customary interests, mana, and well-being of Ngāti Ruapani mai Waikaremoana and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles, causing intergenerational harm and profound injustice.

The four southern blocks: reserves

- 3.10 The Crown acknowledges that:

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3: ACKNOWLEDGEMENT AND APOLOGY

- 3.10.1 the titles Ngāti Ruapani mai Waikaremoana and another tribal grouping received for 4 reserves at Whareama, Te Kōpani, Te Heiotāhoka, and Ngāputahi were granted to 60 individuals rather than to all owners; and
- 3.10.2 the title to the 4 reserves was not awarded until 1889 and Whareama and Ngāputahi remained with no legal access; and
- 3.10.3 Whareama and Ngāputahi were subsequently included in the Urewera Consolidation Scheme, against the wishes of Ngāti Ruapani mai Waikaremoana, and were acquired by the Crown in 1921.

Native land laws

- 3.11 The Crown acknowledges that it did not consult Ngāti Ruapani mai Waikaremoana about the introduction of native land laws.

Te Whitu Tekau

- 3.12 The Crown acknowledges that:
 - 3.12.1 it did not formally recognise Te Whitu Tekau as a political institution after the leaders of Te Urewera established it in 1872 as a governing council to uphold mana motuhake in Te Urewera following the "peace compact" in 1871; and
 - 3.12.2 Te Whitu Tekau objected to land dealings, roads, surveys, and the Native Land Court operating within the boundaries it had established; and
 - 3.12.3 despite Te Whitu Tekau policies, the Crown eventually exerted pressure to open up Te Urewera to roads, surveying, and Native Land Court sittings.

The Native Land Court and individualisation of title

- 3.13 The Crown acknowledges that it introduced the Native Land Court to Ngāti Ruapani mai Waikaremoana lands despite the opposition of Te Whitu Tekau and that the operation and impact of the native land laws, in particular the awarding of titles to individuals rather than to hapū or iwi, made Ngāti Ruapani mai Waikaremoana lands more susceptible to partition, fragmentation, and alienation. This contributed to the undermining of their tribal structures, which were based on collective tribal and hapū custodianship. The Crown failed to protect these structures and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Urewera District Native Reserve

- 3.14 The Crown acknowledges that, in 1894 and 1895, Ngāti Ruapani mai Waikaremoana negotiated in good faith, alongside other groups, to secure Crown agreement to a solemn compact, and the Crown caused Ngāti Ruapani mai Waikaremoana severe prejudice by the manner in which it implemented the Urewera District Native Reserve Act 1896 (the **1896 Act**).

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3: ACKNOWLEDGEMENT AND APOLOGY

- 3.15 The Crown acknowledges that:
- 3.15.1 it caused significant delays in the establishment of the local government provided for under the 1896 Act. This was compounded by unreasonable delays in the establishment of a body to hear appeals from decisions of the Urewera Commission; and
 - 3.15.2 it failed to provide options to ensure majority Te Urewera Māori participation in the Urewera Commission when it sat; and
 - 3.15.3 it failed to provide any role for Te Urewera Māori on the Urewera Commission appellate body; and
 - 3.15.4 it failed to uphold the agreement in the compact that land titles in the Urewera District Native Reserve would be awarded to hapū; and
 - 3.15.5 it undermined the 1896 Act's core principle of self-government by intervening in 1909 to change the membership of the General Committee, which that Act had provided would be elected; and
 - 3.15.6 it ultimately failed to establish an effective system of local land administration and governance, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.16 The Crown acknowledges that it breached its compact with Ngāti Ruapani mai Waikaremoana and other groups by promoting unilateral changes to the 1896 Act and that this breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.17 The Crown also acknowledges that:
- 3.17.1 it promoted legislation that exempted the Urewera District Native Reserve from statutory provisions intended to prevent landlessness and ensure that Ngāti Ruapani mai Waikaremoana and other groups were paid a minimum of Government valuation for their land interests; and
 - 3.17.2 it was a monopoly purchaser and paid prices for Urewera District Native Reserve land that Ngāti Ruapani mai Waikaremoana protested were too low; and
 - 3.17.3 it excluded the value of timber when calculating prices for Urewera District Native Reserve lands.

Waipaoa 5 block

- 3.18 The Crown acknowledges that the compulsory vesting of Waipaoa 5 in the Tairāwhiti District Māori Land Board in 1906 was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.19 The Crown acknowledges that:

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3: ACKNOWLEDGEMENT AND APOLOGY

- 3.19.1 it unilaterally reduced the price that the owners of Waipaoa 5 had agreed to accept at a meeting of the assembled owners in 1910, and the impoverished owners had little choice but to accept the reduced price offered by the Crown in 1913; and
- 3.19.2 its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Lake Waikareiti

- 3.20 The Crown also acknowledges that the alienation of Lake Waikareiti, including through the partition and survey of the Waipaoa block, remains a major grievance for Ngāti Ruapani mai Waikaremoana.

Waikaremoana block

- 3.21 The Crown acknowledges that:
- 3.21.1 it pressured Ngāti Ruapani mai Waikaremoana into allowing their interests in the Waikaremoana block to be included in the Urewera Consolidation Scheme by threatening to compulsorily acquire the land; and
- 3.21.2 it acquired some Ngāti Ruapani mai Waikaremoana interests in the Waikaremoana block by paying 6 shillings an acre in the form of other land that was exchanged for their Waikaremoana land; and
- 3.21.3 it acquired some of the other Ngāti Ruapani mai Waikaremoana interests in Waikaremoana by paying 15 shillings an acre despite the owners having agreed to sell at a price of 16 shillings an acre; and
- 3.21.4 it acquired other Ngāti Ruapani mai Waikaremoana interests in Waikaremoana by paying 6 shillings an acre despite previously agreeing to pay 15 shillings an acre; and
- 3.21.5 it caused considerable hardship to Ngāti Ruapani mai Waikaremoana owners who accepted payment for their Waikaremoana interests in the form of debentures, by not ensuring that they were paid the interest due on their debentures. The Crown did not finally pay off the capital value of the debentures until 25 years after it first became due; and
- 3.21.6 it failed to ensure that Ngāti Ruapani mai Waikaremoana retained sufficient land for their present and future needs; and
- 3.21.7 by these acts and omissions, the Crown breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.