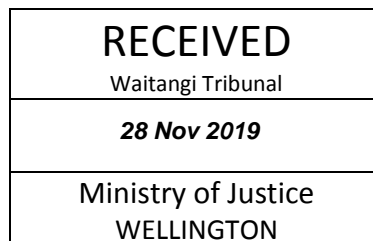


**Customary interests in the Kāweka and Gwavas CFL lands**



Te Maire Tau & Martin Fisher

27 November 2019

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## Introduction

The Kāweka and Gwavas Crown Forest Licensed (CFL) lands in the Kāweka, Ruahine and Whakarara ranges are located in mountainous and largely land-locked areas. The three major claimant groups that claim customary interests in the CFL lands are the Heretaunga-Tamatea Settlement Trust, Mana Ahuriri Settlement Trust and Ngāti Hinemanu Ngāti Paki Tribal Heritage Trust. The customary interests of Heretaunga-Tamatea and Mana Ahuriri in the forests are recognised by all parties, it is largely the Ngāti Hinemanu Ngāti Paki Tribal Heritage Trust who have been left out of previous assessments of customary interests. The key question facing us and the Tribunal is whether Ngāti Hinemanu me Ngāti Paki derive their interests from a different tupuna, Punakiao, than Ngāti Hinemanu ki Heretaunga, who derive their interest from Punakiao's husband Taraia II, who are part of the Heretaunga-Tamatea Settlement Trust mandate. The shared whakapapa is undeniable, but the derivation of the interests from a specific tupuna is one that is certainly open to debate. Ngāti Hinemanu me Ngāti Paki stress that a key difference is their focus on descent flowing from a female tupuna on a different ancestral line than that of Ngāti Hinemanu ki Heretaunga. The Kāweka and Gwavas CFL lands, unfortunately like many CFL lands across the country, are located in mountainous areas that lay on the borders of interests between different hapu and different sections of the same hapu.

The Kāweka and Gwavas CFL lands contain eight original Māori land blocks, five of which were early Crown purchases and three of which were Native Land Court (NLC) title investigations. The Kāweka CFL lands consist of the southwestern corner of the 1851 Ahuriri Crown purchase, nearly all of the Kohurau block investigated by the NLC in 1875, most of the northern section of the Omahaki block investigated by the NLC in 1886 and 1896, and a small section of the northwestern end of the Otamauri block investigated by the NLC in 1866. All of the Gwavas CFL lands were originally acquired through early Crown purchases. They consist of the southern section of the Otaranga block purchased from 1856-1857, the northern section of the Manga-a-Rangipeke block purchased in 1857, the western corner of the Aorangi block from 1856-1859, and most of the eastern section of the Ruataniwha North blocked purchased in the second half of the 1850s, all were purchased in a series of payments and deeds.

Customary issues which had been accentuated by the introduction of European weapons such as guns, crops and potatoes were never resolved through tikanga. Instead the

advent of Christianity interrupted traditional methods of warfare and peace-making and eventually the Treaty/te Tiriti introduced new ways to establish customary interests. These new methods of customary rights classification had little in common with tikanga, but were instead geared towards the rapid alienation of Māori land. Essentially anyone willing to sell land was courted and as a result willing sellers rather than all or even most customary owners had their customary rights to the land recognised. This was especially egregious during the early Crown purchasing period from 1840-early 1860s, but it remained little better during the early Native Land Court process. By the time of the late nineteenth century NLC investigations became more thorough and evidence more voluminous so that a more accurate picture could be formed of customary interests but there were still significant limitations. Contradictory evidence supplied by identical witnesses in different hearings was only the beginning. Despite the best efforts of clerks, the evidence was often presented without context or explanation and could not have been accurately transcribed even with the best intentions.

The location of the Kāweka and Gwavas CFL lands in the Ruahine, Whakarara and Kāweka ranges presents a challenge regarding the complexity of customary interests. This was represented firstly because of the lack of permanent occupation directly in most of the areas that the forests are currently located, but secondly because of the central location in the lower north island. This led to significant influences from north, east, south and west of the area and especially in the Taihape District Inquiry. The CFL lands are located in the southern part of the Mohaka ki Ahuriri District Inquiry and the Southern Hawke's Bay District which was never inquired into. Angela Ballara and Gary Scott note that "blocks being sold to the Crown and later disputed in the land court were in all cases portions of larger territories, and the interweaving claims of the various hapu extended beyond their borders. Claims in [one block] are relevant to [another nearby]."<sup>1</sup> As a result, this report will attempt to contextualise the history and customary interests of the areas directly surrounding the blocks to provide a clearer picture of how the area where the Kāweka and Gwavas CFL lands were occupied prior to 1840.

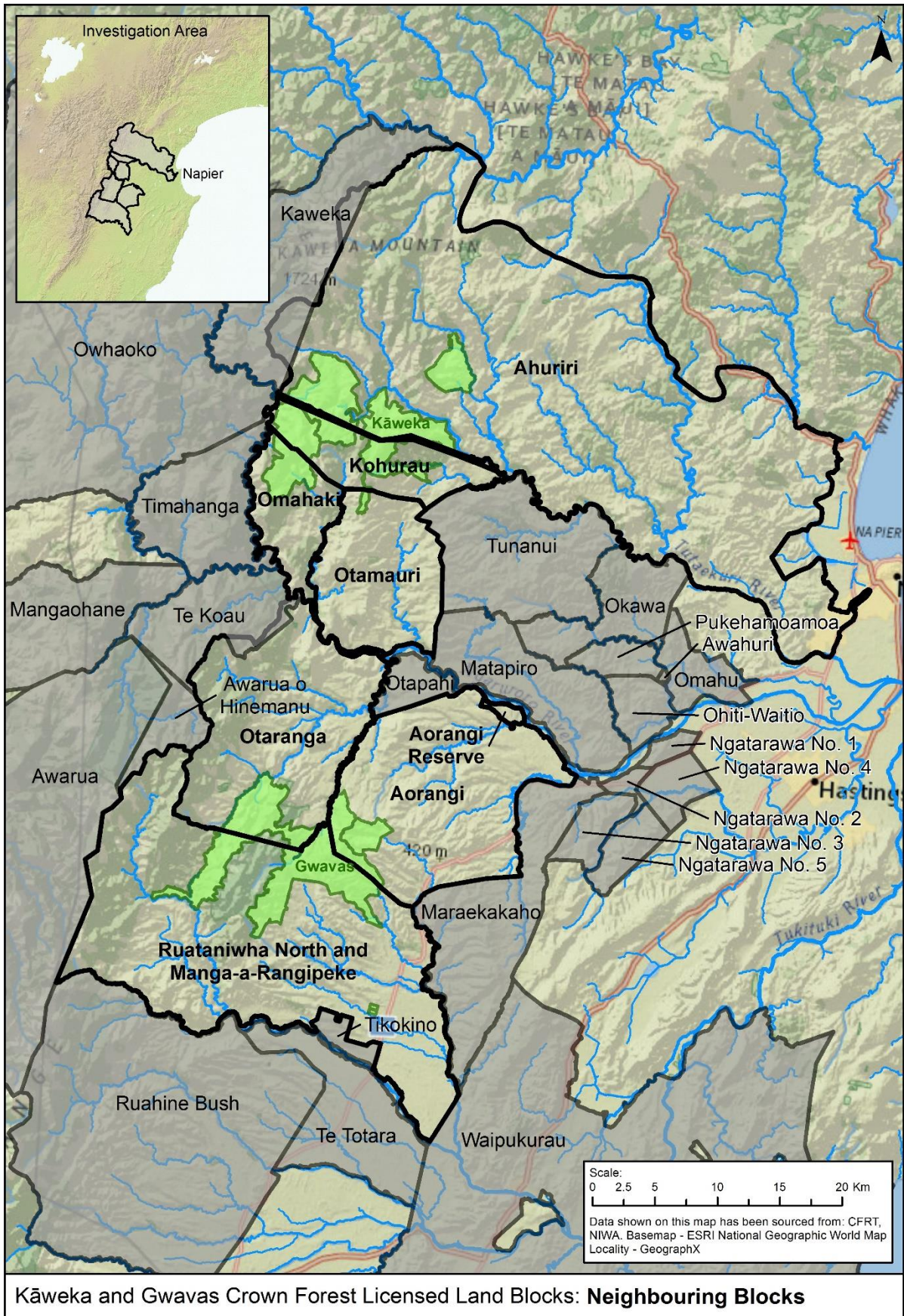
From the material that is available, it was difficult to find direct evidence of a specifically Punakiao-derived Ngāti Hinemanu right or a separate Ngāti Paki occupation of

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<sup>1</sup> Angela Ballara and Gary Scott, 'Aorangi' report in 'Crown purchases of Maori land in Early Provincial Hawke's Bay', Wai 863 A63, January 1994, 3.

the area that is now known as the Kāweka and Gwavas CFL lands. One of the major questions in this report lies in an understanding of whether the Ruahine range, the western boundary of the Otaranga and Ruataniwha North blocks was the boundary between Heretaunga and Patea interests. Most evidence points to the Ruahine as the boundary, but there was still some evidence that emerged that could challenge this position. Ngāti Hinemanu me Ngāti Paki claims to the area are strongest through their Ngāti Pouwharekura whakapapa, which is not covered in the list of hapu in the Heretaunga-Tamatea Deed of Settlement.

The report is split into three sections. The first section deals with a definition of customary interests and is the shortest. The second section will attempt to summarise some of the traditional history of Ngāti Hinemanu me Ngāti Paki and their interactions with other hapu and iwi with interests in the CFL lands. The third section focuses on the land blocks themselves as well as a number of surrounding blocks to the west including the Owhaoko, Mangaohane, Awarua, Timahanga, Te Koau and Awarua o Hinemanu blocks. Blocks to the north, east and south of the CFL lands in Heretaunga are addressed in the report but as interests are not contested from those regions they have not been dealt with in any detail.



Map 1: Neighbouring Blocks



## Section 1: Definition of customary rights

At the heart of this report is ‘take-whenua’ (customary rights) and the interplay between the different claimant groups, the different ‘take-whenua’ (claims and rights) and the land which we interpret in its total sense of everything above and in it whether it be the rivers, waters, forests, fisheries and tupuna.

From the outset we need to state that the notion of ‘take-whenua’ can quickly become an abstract theoretical debate among historians and the wider academic community. Literature on Māori custom starts as early as Cook’s visit through to the observations of early whalers, sealers and explorers and onwards to Official Reports to the Colonial Office. Customary rights take on a degree of formality in 1840 with the signing of the Treaty of Waitangi and the Crown’s recognition of Māori title to New Zealand is evident when we read Lord Normanby’s instructions to Hobson, which refers to the “. . . numerous and inoffensive people whose title to the soil and to the sovereignty of New Zealand is indisputable”. As Peter Adams outlines in *Fatal Necessity: British Intervention in New Zealand 1830-47*, the difference between European theories of land tenure and actual Māori practice led to a protracted and long debate in New Zealand and Britain. As Adams wrote, “There is no doubt that whatever Stephens and Normanby intended Hobson to guarantee to the Māori chiefs, Normanby’s instructions implied that they had territorial or proprietary rights to the land in New Zealand without qualification.”<sup>2</sup> Yet, despite Normanby’s instructions to Hobson, Normanby was replaced in September 1838 by Lord John Russell who had an entirely different view and by late 1840 the Royal Charter stated that Māori land tenure was limited to lands, “now actually occupied or enjoyed by such natives”.<sup>3</sup> Russell’s approach was to underpin how Crown agents would frame their Deeds of Purchase with Māori for much of the land transactions that followed – that is, Māori customary land tenure was to be reduced to the lands they actually occupied.

Between Normanby and Russell stood the Governors and from Hobson and Fitzroy to Grey we have an emerging body of reports and accounts of customary land tenure from officials and Judges such as Edward Shortland, George Clarke and Sir William Martin. Reports, accounts, opinions and evidence of customary land tenure multiplies from the first

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<sup>2</sup> Peter Adams, *Fatal Necessity: British Intervention in New Zealand, 1830-1847*, Auckland, 1977, 140.

<sup>3</sup> *British Parliamentary Papers*, 1840, Vol. 3, 154.

hearings of the Native Land Court and we now have a substantial body of material from both Māori and Pakeha.

One of the more modern and significant works on Māori land tenure was Norman Smith's *Native Custom and Law Affecting Native Land*.<sup>4</sup> Smith published *Native Custom* in 1942 and it remained a core text through to the later part of the twentieth century. Smith argued that there were four main 'take' to customary Māori land. Those take were:

- 'take-taunaha' or the right of discovery (such as when the first canoes arrived);
- 'take tupuna' or the right by ancestral descent
- 'take raupatu' – the right of conquest, and
- 'take-tuku', the right of gifting.

Smith argued that rights were held by a series of 'take' or principles of which occupation and possession was the primary ingredient of all four take. A good deal of criticism has followed Smith by scholars such as Riseborough and Ballara.<sup>5</sup> For the purposes of this report, much of the criticism of Smith's 'Anglo-centric' approach is accepted, however that does not mean the four 'take-whenua' he outlined do not have weight. From a simple scan of Māori literature, these four 'take-whenua' appear often regardless of iwi. Nonetheless, the four 'take-whenua' are a minimalist approach and iwi and hapu certainly have a variety of 'take-whenua' not cited by Smith. Ngāi Tahu often refer to 'take-utu' in their manuscripts where rivers and lands are traded for waka and pounamu. On a larger scale the Ngāti Porou rangatira Ropata Wahawaha listed 28 'take-whenua' which on the face of it differs from the list provided by Smith, yet if we look close at the 'take-whenua' listed by Wahawaha, at least six 'take' can be condensed into Smith's broad category of 'take-raupatu'. Likewise the take-whenua in lists 20-24 are variants of occupation and possession, and other 'take' could be relocated to take-tuku. Possibly two or three other categories could be created such as 'take-utu (hoko)' and 'take-aroha' but there is a general consistency with Smith's four principles:

1. Take tupuna papatipu
2. Take raupatu tangata mate
3. Take raupatu kuri mate

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<sup>4</sup> Norman Smith, *Native Custom and Law Affecting Māori Land*, Wellington, 1942.

<sup>5</sup> Hazel Riseborough and John Hutton, *The Crown's engagement with customary tenure in the nineteenth century*, Wellington, 1997; Angela Ballara, *Iwi: The dynamics of Māori tribal organisation from c.1769 to c.1945*, Wellington, 1998.

4. Take raupatu wahine tangohia
5. Take raupatu whanako taonga
6. Take [kanga] upoko tangata
7. Take raupatu [hakere] kai
8. Take pare whenua
9. Take inoi whenua
10. Take kakahu
11. Take taha wai
12. Take pakuku
13. Take tautau motoi
14. Take rakau patu
15. Take waka
16. Take aroha
17. Take whare
18. Take hoko
19. Take ta moko
20. Take ahi ka roa
21. Take ahi ka roa II
22. Take ahi ka roa III
23. Take ahi ka roa (General)
24. Take tango whenua
25. Take muru kai
26. Take mahi kai
27. Take tupapaku mate
28. Take tupapaku [huakina]<sup>6</sup>

What the criticism of Smith reveals is that very little attention has been paid to the literature produced by Māori on ‘take-whenua’ during the nineteenth century which is a surprising state of affairs when we take into account the actual material produced by iwi over this period. The debate among Māori on the categories of ‘take-whenua’ is not insignificant, particularly when we take into account the whakapapa and pūrākau that emerged from tribal wananga as early as the late 1840s. In fact it would be difficult to find iwi accounts of tribal

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<sup>6</sup> Ropata Wahawaha, “Mana and Take Whenua,” MS-Papers-0072-39E, Alexander Turnbull Library.

migrations and whakapapa not concerned with ‘take-whenua’. It is not uncommon for hapu and iwi manuscript accounts to start off with an immediate declaration of the ‘take’ to the lands being discussed. Judith Binney and Sir Tipene O’Regan have written about the importance of the context within which oral narratives and traditions develop. Binney has commented that “the purposes of the oral narrative tradition are to establish meaning for events and to give a validation for the family’s and the group’s particular claims to mana and knowledge”.<sup>7</sup> O’Regan has written that “one has to recognize, as with any history, that a document or a recorded tradition has been recorded in a particular frame for a particular purpose”.<sup>8</sup>

Certainly the traditions of Tamatea Pokai-whenua, the journey of the Takitimu and the location of his ‘mokai’ along the way are simply narratives or pūrakau of ‘take-whenua’ and more specifically ‘take-tupuna’. Likewise, mōteatea are more often than not linked to landscape and logically from the world of Māori, they are also linked to tupuna and atua.

We should not forget that iwi were also compiling their own maps for land and resources they saw as theirs. These maps often followed their own land taxonomy citing the hapu and whanau divisions, food trails, campsites and mahinga kai. One of the most fascinating examples we have of this are the 1880 Mahinga kai lists compiled by Ngāi Tahu from elders recollecting the extent of their mahinga kai in 1848, the year the Crown engaged with Ngāi Tahu to purchase land from Canterbury to central Otago. Approximately 114 resources are listed for close to 1700 locations and the nature of the information ranges from broad references to what rights were held by hapu to specific claims to fowling trees and pa-tuna (eel weirs).

Our wananga with Ngāti Hinemanu revealed a thorough knowledge of mahinga kai traditions (including stories of campsites and old pa) in the Ruahine range and on the eastern side of the range which are noted within the report. The isolation of those traditions either as derived through Taraia II or Punakiao is an incredibly difficult exercise. The point being made here is that when considering evidence of ‘take-whenua’, isolated accounts of information whether it be mōteatea, whakapapa, pou-whenua or pepeha need to be taken with caution because claims by whakapapa are always consolidated with other oral traditions

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<sup>7</sup> Judith Binney, “Māori Oral Narratives, Pakeha Written Texts: Two forms of telling history,” *New Zealand Journal of History*, Vol.21, p27.

<sup>8</sup> Tipene O’Regan, “Old Myths and New Politics: Some contemporary uses of traditional history,” *New Zealand Journal of History*, Vol. 26, p24.

whether it be mōteatea, articles to the Māori Newspapers, pūrākau of iwi migrations composed by tohunga and kaumatua or precise and clear maps of camp-sites, pa or kainga nohoanga.

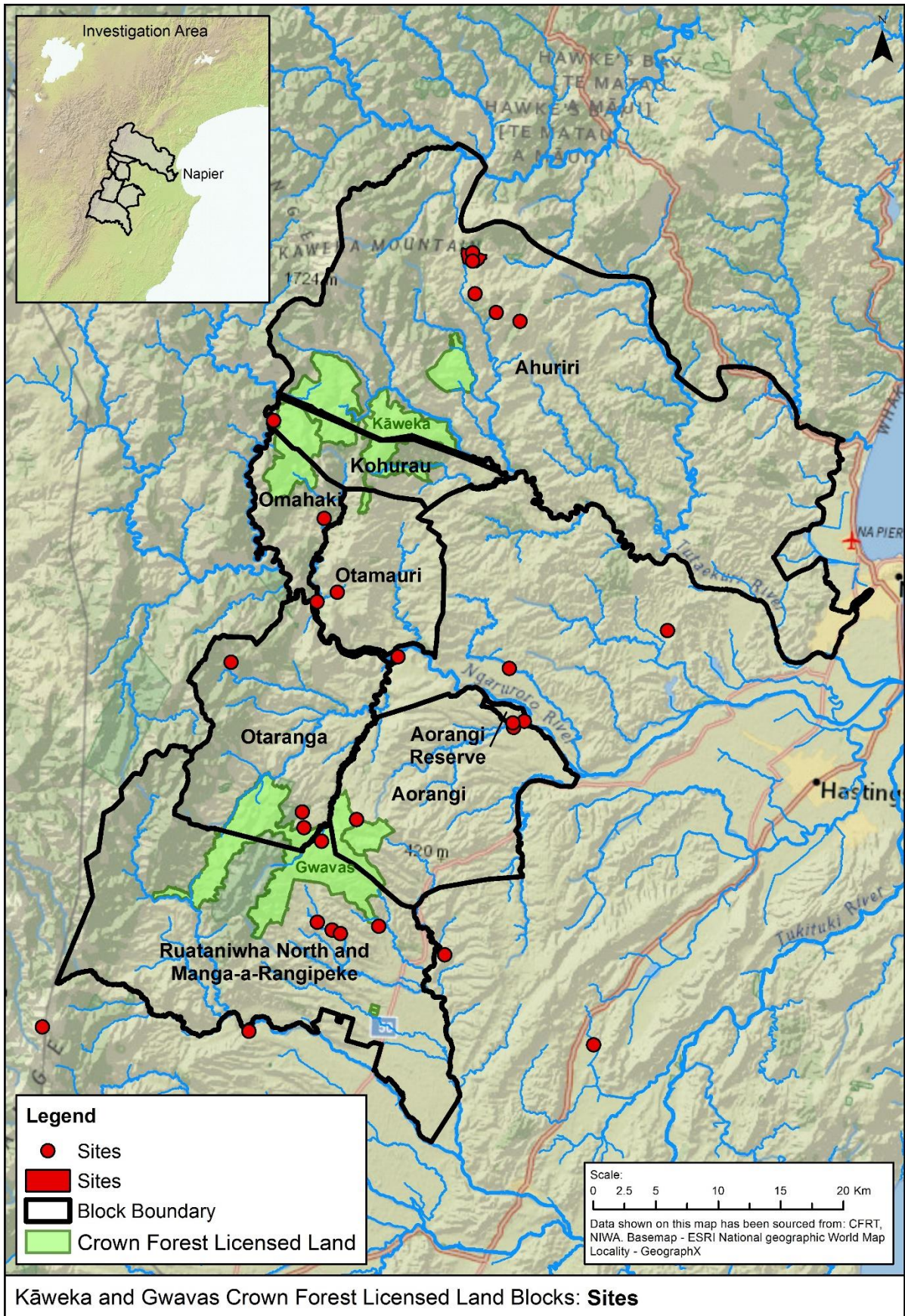
Take-whenua need to be considered within a matrix of oral traditions that self-reinforces and that matrix needs to consist of:

- Whakapapa
- Manuscript accounts composed in the nineteenth century
- A range of mōteatea, pepeha, karakia and pepeha
- Early nineteenth century published material from tribal elders
- Maps and lists of mahinga kai sites to the specific area

In this report we have attempted to take the oral traditions presented whether they be pūrākau or whakapapa and cross reference into some type of matrix where one component of evidence is supported by other parts of the matrix. On a more general level the scrutiny of oral traditions is a practice that is widespread within Māori communities. Tipene O'Regan has referred to this criticism as the “business of applying scholarly standards to Māori tradition and history”. He continues that this critique is necessary because “it is, at root, the only weapon we have to defend the integrity of the Māori memory”.<sup>9</sup>

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<sup>9</sup> O'Regan, 24.



Map 2: Sites of significance

## Section 2: Historical background and whakapapa

The history of the region surrounding the CFL lands is rich and varied with influences from multiple iwi, hapu, whanau and descent lines. Section 2 will contextualise the story of those histories with a focus particularly on the descendants of Punakiao and Taraia II. That marriage brought together two ariki descent lines which produced a series of whanau, hapu and iwi spread from Patea to Heretaunga. The whakapapa and traditions of Ngāti Hinemanu and Ngāti Paki will be the focus of this chapter, but other important relations will also be considered such as Ngāi Te Upokoiri, Ngāti Honomokai and Ngāti Mahuika. Following a discussion of the whakapapa, the series of battles and migrations that marked the start of the nineteenth century in the region will be analysed to provide a clearer understanding of the complicated situation as it existed prior to 1840.

## Ngāti Whatumamoa/Hotu conquests

The first people known to occupy the area around the CFL lands were Ngāti Hotu or Ngāti Hotuwaipara, named after one of the wives of Whatonga of the *Kurahaupo* waka according to Raniera Te Ahiko of Ngāi Te Upokoiri and Ngāti Mahuika.<sup>10</sup> Ngāti Hotu appear in the traditions of a number of different hapu and iwi stretching across the central north island. Some had considered them to be descended from Hoturoa and/or Hotunui of the *Tainui* waka, but this was rejected by a number of Mokai Patea iwi and hapu such as Ngāti Hinemanu and Ngāti Paki who favoured the view that they were descended from Te Tini-o-Te Ha people. There is no scholarly agreement amongst either Pakeha or Māori scholars regarding the origins and specific descent lines of Ngāti Hotu. It is accepted by some that they occupied the area and were associated in the Heretaunga and Patea region with Te Orotu and Whatumamoa, descendants of atua—Mahu Tapoanui and Tangaroa o te Kore. They were also described in NLC hearings as Ngāti Awa, Ngāti Whatumamoa, Te Tini o Te Ha and Te Tini o Taiwiri.<sup>11</sup>

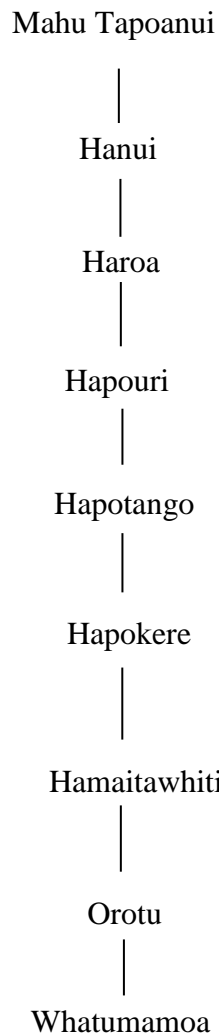
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<sup>10</sup> Awarua hearing 1886, Wanganui MB 11: 216-217.

<sup>11</sup> Peter McBurney, 'Ngāti Hinemanu and Ngāti Paki Oral and Traditional History Report', Wai 2180 A52, CFRT, 2015, 43-52; Tony Walzl, 'Taihape hearing District: Tribal Landscape Overview', Wai 2180 A12, CFRT, 2013, 40-43, 78-81.



Figure 1: Descent line from Mahu Tapoanui to Whatumamoa<sup>12</sup>



According to a number of witnesses in different NLC investigations Ngāti Whatumamoa inhabited Heipipi pa at Ahuriri (Te Whanganui o Orotu).<sup>13</sup> The early tupuna of Ngāti Hinemanu and Ngāti Paki connect to both Whatumamoa and Kahungunu lines of descent. Drawing from both whakapapa is the ancestor of Ngāti Paki according to the Ngāti Hinemanu me Ngāti Paki Trust, Te Ao Pakiaka. He was the paternal grandfather of the important tupuna Te Ohuake, and a great great great-grandparent to Hinemanu, Honomokai and Mahuika. These shared lines of descent only occurred after the battles between Kahungunu descendants and those of Whatumamoa. It is unclear exactly when each attack

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<sup>12</sup> Wai 2180 A12, 42.

<sup>13</sup> Owhaoko rehearing 1888, Napier MB 16: 236; Omaha hearing 1890, Napier MB 19: 149.

occurred but the arrival of Tuwhakaperei and later Taraia I and his grandson Taraia II left indelible changes in the customary interests in the lands of Heretaunga and Patea.<sup>14</sup>

Some of the first attacks against Ngāti Hotu in the Patea region to the west of the CFL lands were conducted under Tamatea-pokai-whenua when he visited the region with at least his son Kahungunu but also perhaps another son, Tamakopiri. Tamatea travelled through Patea leaving indelible marks on the landscape. When Tamatea travelled through the region he met with the Ngāti Hotu rangatira Tarinuku on the Rangitikei river west of Aorangi maunga. Tarinuku was, according to one account, killed after offering Tamatea a calabash of birds but none to his son Kahungunu. Most accounts though stated that Tarinuku's snub of Kahungunu only resulted in him leaving the region back to Heretaunga, and not killing him. The traditions associated with the tupuna and name-sake of Ngāti Tama, Tamakopiri, describe how he subdued Ngāti Hotu. According to Ngāti Tama witness Heperi Pikirangi "Kuripapango got its name from the fact that N' Tama had on black dog-skins and looked like a lot of black dogs". Tamakopiri and his forces found Ngāti Hotu at their pa at Pakaru and killed their leader Kaihau. During this subjugation of Ngāti Hotu, Tamakopiri's son Tuwhakaperei cooked the hearts of Ngāti Hotu and it was referred to by witnesses in the NLC as "Te Ahi-manawa o Tuwhakaperei". Tamakopiri then proceeded to live together with Ngāti Hotu at Pakaru and elsewhere in the Patea region until seven generations later Tamakopiri's descendants Tukapanga and his son Tumakaurangi completed a more substantial defeat of Ngāti Hotu. They were joined in one attack by the brother of Taraia I and maternal great-grandfather of Taraia II, Tupurupuru.<sup>15</sup>

What is referred to as the third and final defeat of Ngāti Hotu in Patea involved warriors who were the ancestors of Ngāti Hinemanu, Ngāti Paki, Ngāti Whiti, Ngāti Whatumamoā and Ngāti Hauti. In this fight Ngāti Tamakopiri was supported by Whitikaupeka who came from Nukutaurua. This battle is described as not only the final defeat of Ngāti Hotu in the region but also the point at which Ngāti Whiti and Ngāti Tama began to formally unite. Witnesses in the NLC described both Tuwhakaperei II and Mokotuaiwaho (also known as Mokotuaiwa) as being responsible for these final conquests, both were also depicted as atua. The father-in-law of Whitikaupeka and the maternal grandfather of Hinemanu, Tutemohuta, was also involved in the battles against Ngāti Hotu. In

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<sup>14</sup> Wai 2180 A52, 68-73.

<sup>15</sup> Omaha hearing 1890, Napier MB 19: 78, 82-85; Wai 2180 A12, 73-76; Wai 2180 A52, 74-76.

addition Tutemohuta's brother, Rangiwahakamatuku (a key Ngāti Paki tupuna), their father Te Ohuake and Whitikaupeka's brother Tuwhakapuru also lent their support as well as a number of Ngāti Whatumamoā rangatira. The involvement of Ngāti Hotu related groups such as Ngāti Whatumamoā showed the complexity of these changing customary interests in the land. It was following these campaigns that Whitikaupeka married Haumoetahanga, the daughter of Tutemohuta.<sup>16</sup> Significant children were the products of these intermarriages that would become important tupuna. One example was the child of Nukuteaio (Ngāti Whatumamoā) and Te Ohuake (Te Hika-a-Rongomaitara), Tutemohuta, who could trace his descent to both lines. Tutemohuta was the parent of important tupuna such as Haumoetahanga (as noted above) but also Punakiao.<sup>17</sup> It is important to note that there were multiple Whatumamoā lines of descent as shown in the figure below. Only the Nukuteaio line was Patea based while the lines containing Turauwha and Tuanewa (who will be discussed further below) were largely Heretaunga based. Some claimants in the NLC argued that Taraia II had conquered Whatumamoā people in both Heretaunga and Patea, when it was only in Heretaunga.<sup>18</sup>

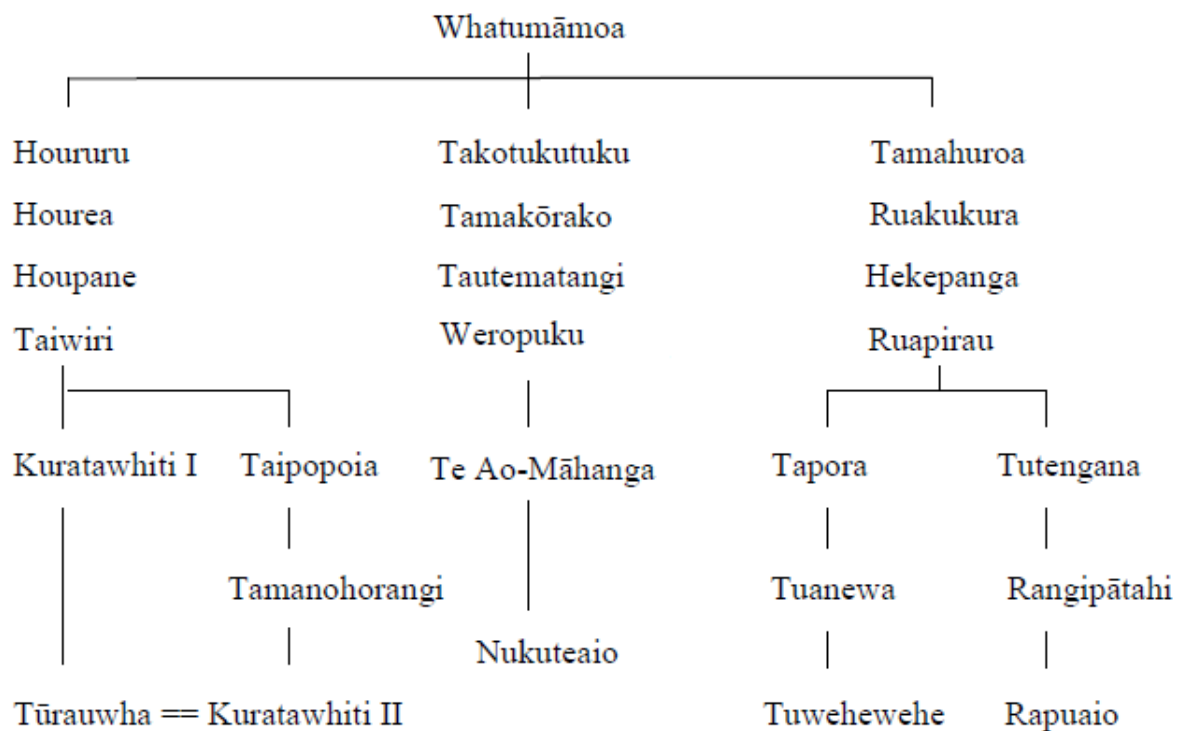
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<sup>16</sup> Wai 2180 A12, 93-94; Wai 2180 A52, 76-81.

<sup>17</sup> 'Index to the Document Bank Statement of Evidence of Richard Steedman', [excerpts from Blake whakapapa series, Alexander Turnbull Library] Wai 2180 E1(a), 18; Wai 2180 A12, 503-504.

<sup>18</sup> Timahanga hearing 1894, Napier MB 37: 137-149.

Figure 2: Different descent lines from Whatumamoa<sup>19</sup>



The first attack on Whatumamoa within Heretaunga occurred when Taraia I who resided at Turanga came south with his people and attacked Te Koaupari described in different places as Ngāti Awa, Ngāti Hotu and/or Ngāti Whatumamoa at Heipipi pa in the inner harbour of Ahuriri. Most witnesses in the Omaha case agreed that Taraia I made a limited conquest of the people of Otatara pa near the coast, but not of Heipipi pa. Arriving at Heipipi pa near Petane first, Ngāti Mahu witnesses claimed that Taraia I made peace with the Ngāti Whatumamoa led by Tunui there. During the Omaha investigation the people within Otatara pa were variously described as Ngāti Ruapirau, Ngāti Whatumamoa, Rangitane and Ngāti Awa. They were led by Turauwha who in Ngāi Te Upokoiri, Ngāti Hinemanu and Ngāti Kurukuru accounts is said to have escaped towards the Ruahine range following the taking of his pa. Seeing the poverty of Turauwha's people, Taraia I is said to have taken pity on Turauwha and instructed him to come live with his people together and raise his son Rangitaumaha, who would eventually marry Turauwha's granddaughter Hineiao.<sup>20</sup> In accounts by Ngāti Mahu witnesses who claimed through Turauwha, rather than having been attacked by Taraia I, Turauwha was an ally of Taraia I and helped defeat Ngāti Awa led by

<sup>19</sup> Wai 2180 A52, 52. Names incorrectly spelled from Wai 2180 A12 have been corrected.

<sup>20</sup> Omaha hearing 1890, Napier MB 19: 409; Napier MB 20: 97.

their rangatira Te Koaupari at Otatara pa. Another key difference was the alliances between Taraia I and Turauwha. In the Ngāti Mahu accounts Taraia I's son Rangitaumaha married Turauwha's granddaughter Hineiao before Taraia I's arrival into Heretaunga laying the groundwork for the alliance. In most other accounts the marriage occurs after the battles as a part of the peace-making. Both groups of witnesses agreed that following the battles at Otatara and Heipipi pa, the people of Taraia I and Turauwha lived together. The argument for an alliance prior to Taraia's arrival is generally strengthened by the prior marriage of Taraia's nephew, Rangituehu, and Turauwha's daughter, Rakaitekura. It was their daughter Hineiao who would later marry Rangitaumaha.<sup>21</sup>

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<sup>21</sup> Omaha hearing 1890, Napier MB 18: 292-293; Napier MB 19: 430-431; Napier MB 20: 78. Ballara and Scott, 'Ahuriri' report in 'Crown purchases of Maori land in Early Provincial Hawke's Bay', Wai 863 A63, January 1994, 6; Wai 2180 A12, 794-797.

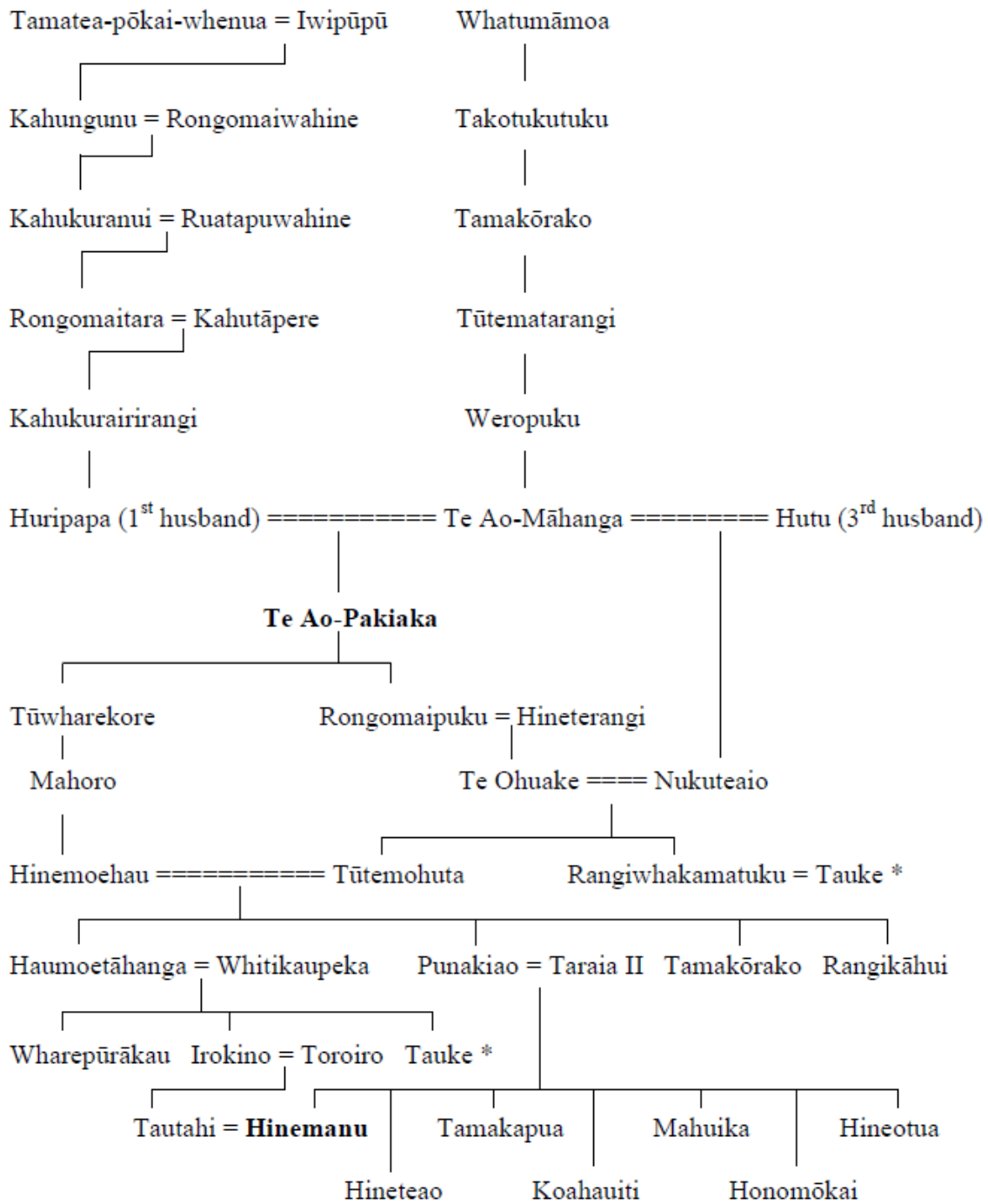
## Whakapapa and traditions of Ngāti Hinemanu me Ngāti Paki

Ngāti Hinemanu and Ngāti Paki can trace their whakapapa through what they refer to as papatipu ancestors as well as waka ancestors related through those onboard different waka but especially the *Takitimu*. Nonetheless they emphasise that the overarching take through which they claim ownership of the land is through their papatipu ancestors on what they describe as their Ngāti Whatumamoa whakapapa. As shown in the whakapapa below the connections between the Kahungunu and Whatumamoa lines were marked throughout the years. According to the Ngāti Hinemanu me Ngāti Paki Trust the eponymous ancestor of Ngāti Paki was Te Aopakiaka.<sup>22</sup> As noted previously he was the paternal grandfather of Te Ohuake and great great great grandfather of Hinemanu, Honomokai and Mahuika.

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<sup>22</sup> Wai 2180 A52, 87; Wai 2180 A12, 700-701.

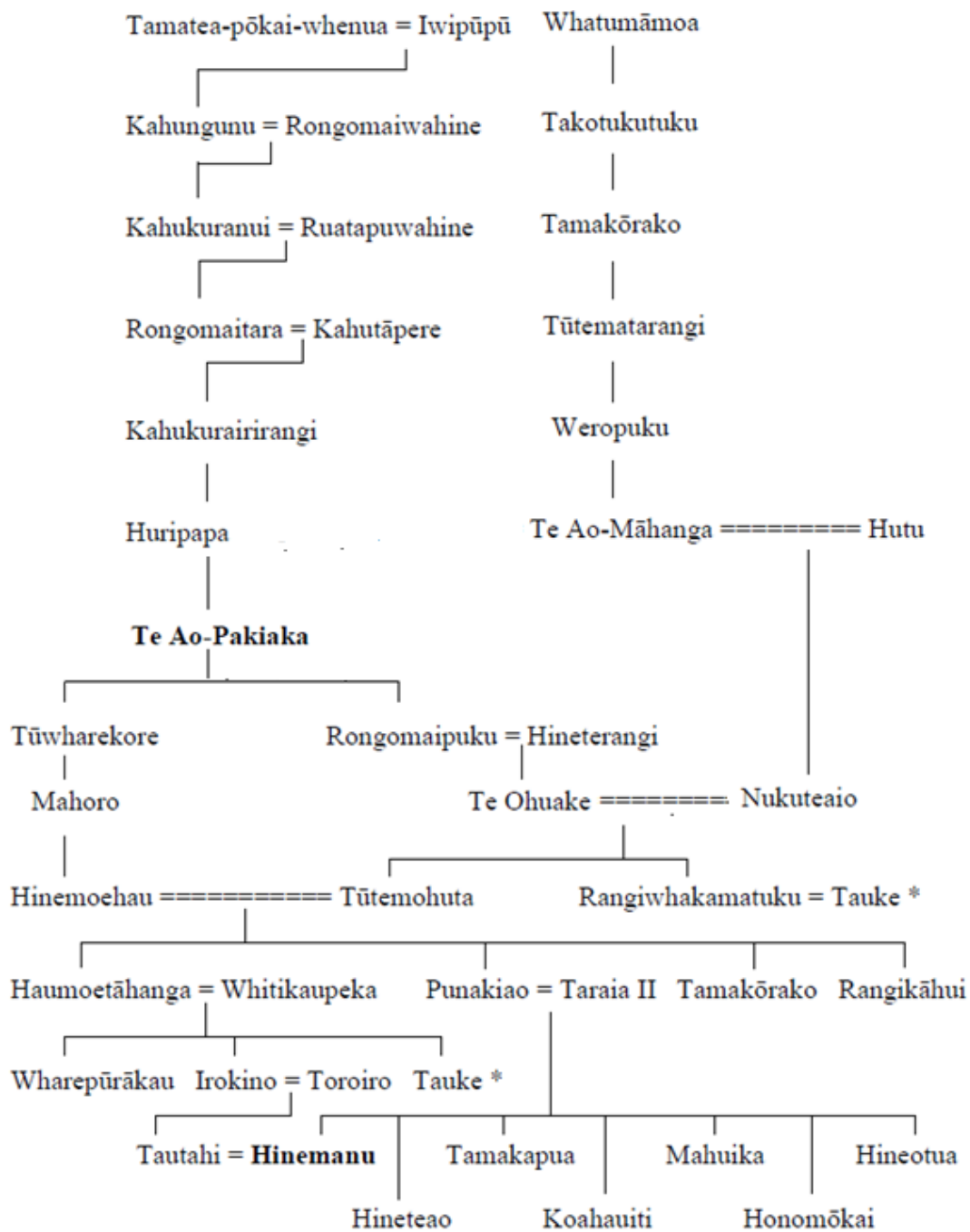
Figure 3: Ngāti Hinemanu me Ngāti Paki's view of descent lines through Te Ao-Pakiaka<sup>23</sup>



Ngāti Hinemanu me Ngāti Paki claim that Te Ao Mahanga married the siblings Hutu and Huripapa while Mokai Patea contend that Te Ao Mahanga only married Hutu. Both agree that Huripapa's son was Te Ao Pakiaka.

<sup>23</sup> Wai 2180 A52, p50.

Figure 4: Mokai Patea’s view of descent lines through Te Ao-Pakiaka<sup>24</sup>



The tupuna Hinemoehau was Te Aopakiaka’s great granddaughter. Hinemoehau and Tutemohuta had at least four children: Haumoetahanga, Punakiao, Rangikahui and Anutonga<sup>25</sup>. Their eldest child Haumoetahanga married Whitikaupeka, while her younger

<sup>24</sup> Wai 2180 A52, p88. Some adjustments have been made to Wai 2180 A52’s whakapapa as evidence in the Blake whakapapa series shows that Hutu and Huripapa were siblings married to separate people rather than the two husbands of Te Aomahanga. In the above whakapapa the connections between the two lines occur but a couple of generations later most notably in the marriages between Nukuteaio and Ohuake: Wai 2180 E1(a), 1, 22, 65, 75.

<sup>25</sup> Awarua partition hearing 1890, Wanganui MB 18: 348.



sister Punakiao married twice. She was originally married to Aramoana of Whanganui, but when he left the area briefly to acquire some kai moana, Taraia II swooped in and brought her to Heretaunga. The different narratives regarding Taraia II and Punakiao will be discussed in the block case studies below. Although Taraia II is known as a major tupuna of the Kahungunu line, he also had Heretaunga-based Whatumamoa descent through his maternal grandfather Rakaitekura. According to one witness in the Omaha NLC investigation, Punakiao was already pregnant with Hinemanu when she eloped with Taraia II.<sup>26</sup> Most others agree that Taraia II and Punakiao had seven children, of which Hinemanu was the eldest and Honomokai and Mahuika were the other two notable children. While she was born at Heretaunga, Hinemanu returned to live at Patea and married Tautahi, the grandson of Haumoetahanga and Whitikaupeka another mix of papatipu and waka descent lines. Hinemanu was happy to leave the region to escape the unwanted advances of her uncle, Te Whatuiapiti.<sup>27</sup> It was claimed in the NLC that after the death of Punakiao, Taraia II married her younger sister Rangikahui.<sup>28</sup>

Ngāti Hinemanu are spread across a large area from Heretaunga to Patea. Previously it has been accepted that a key difference between the two regions is in Patea the descent flows from Punakiao (as a descendant of Nukuteaio and Tutemohuta), Hinemanu's mother and the female tupuna on a different ancestral line, while their rights in Heretaunga come from Hinemanu's father, Taraia II. This view has generally been embedded by evidence presented and decisions made in the NLC in the late nineteenth century. Ngāti Hinemanu me Ngāti Paki currently emphasise that the marriage of Punakiao and Taraia II signified a merging of interests rather than their separation symbolised by the Ruahine range. As Jordan Haines-Winiata has stated: "Did Punakiao not marry Taraia [II] and is Taraia [II] not a part of Punakiao's whakapapa and vice versa?"<sup>29</sup> Ngāti Hinemanu ki Heretaunga trace their descent through Tarahē, the youngest son of Hinemanu, who was sent back to keep the family's ancestral fires burning in Heretaunga. The Kāweka and Gwavas CFL lands, unfortunately like many CFL lands across the country, are located in mountainous areas that lay on the borders of interests between different hapu as well as different sections of the same hapu using different tribal affiliations. A more complicating factor was that Hinemanu and her siblings, including most prominently her brothers Honomokai and much less so Mahuika,

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<sup>26</sup> Omaha hearing 1890, Napier MB 19: 291-292.

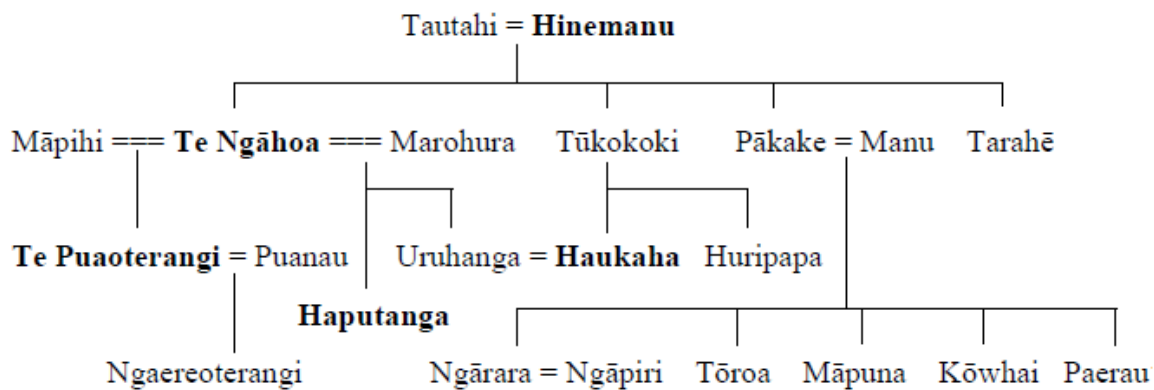
<sup>27</sup> Omaha hearing 1890, Napier MB 19: 481-485; Wai 2180 A52, 89-92; Wai 2180 A12, 702-703.

<sup>28</sup> Awarua partition hearing 1890, Wanganui MB 18: 224; Wanganui MB 19: 589.

<sup>29</sup> Interview with Jordan Haines-Winiata, 31 March 2019.

travelled across the Ruahine ranges regularly and their customary interests were thus spread over a large area.

Figure 5: Descent lines from Hinemanu<sup>30</sup>



Tautahi and Hinemanu had four children: Te Ngāhoa, Tukokoki, Pākake and Tarahē. It has already been noted that Tarahē was sent back to Heretaunga, while the other three children remained generally on the Patea side. Te Ngāhoa and his son Te Puaoterangi as well as Tukokoki’s son Haukaha were to become important tupuna within Ngāti Hinemanu. Te Ngāhoa’s descendants were particularly spread across the two sides of the Ruahine range. As one witness in the Native Land Court noted, Hinemanu and Tautahi’s children “went backwards and forwards” over the ranges between Heretaunga and Patea and that “Awarua at one side and Kihiao at the other side of Ruahine” were “places of residence common to all of us”.<sup>31</sup> Another noted that the descendants of Te Ngāhoa used to travel to the Ruahine range to hunt huia and kiwi.<sup>32</sup> Noa Huke (Ngāti Hinemanu and Ngāi Te Upokoiri) noted in evidence at the NLC regarding the variety of rights to lands that existed across Heretaunga and Patea: “I know Kihiao, Hakiuru, Te pa-o-tamahika, Ponapona, Te Rai o temaro, Te Tohu o te Ngāhoa they were pas on east side of Ruahine occupied by N’ Upokoiri and N’ Hinemanu and only N’ Hinemanu and N’ Ruaiti used to pay periodical visits to Te Awarua from these pas. The rights of N’ Hinemanu would not be extinguished by their residing away from the...block for certain periods.”<sup>33</sup> Noa Huke (also known as Noa Te Hianga) was a major political figure in Patea and Heretaunga in the second half of the twentieth century. He

<sup>30</sup> Wai 2180 A52, 90.

<sup>31</sup> Omaha hearing 1890, Napier MB 20: 69; Mangaohane relative interests hearing 1892, Scannell MB 30: 90.

<sup>32</sup> Awarua partition hearing 1890, Wanganui MB 18: 287.

<sup>33</sup> Awarua partition hearing 1890, Wanganui MB 19: 7-8.

was born at Tara o Hinemanu on the eastern side of the Ruahine range, “another kainga of Te Ngāhoa”.<sup>34</sup>

Ngāti Hinemanu me Ngāti Paki claimants have made submissions to the Tribunal as well as during our hui with them regarding their connections to the Kāweka and Gwavas CFL lands area. Terry Steedman in his submission to the Tribunal noted some of their ongoing customary interests “in the vicinity of Kuripapango...Owhaoko, Timahanga, Komata, Omahaki and Kohurau” where he visited during the early years of his life with his brothers David and Herbert Steedman on tramping, hunting, fishing and camping adventures:

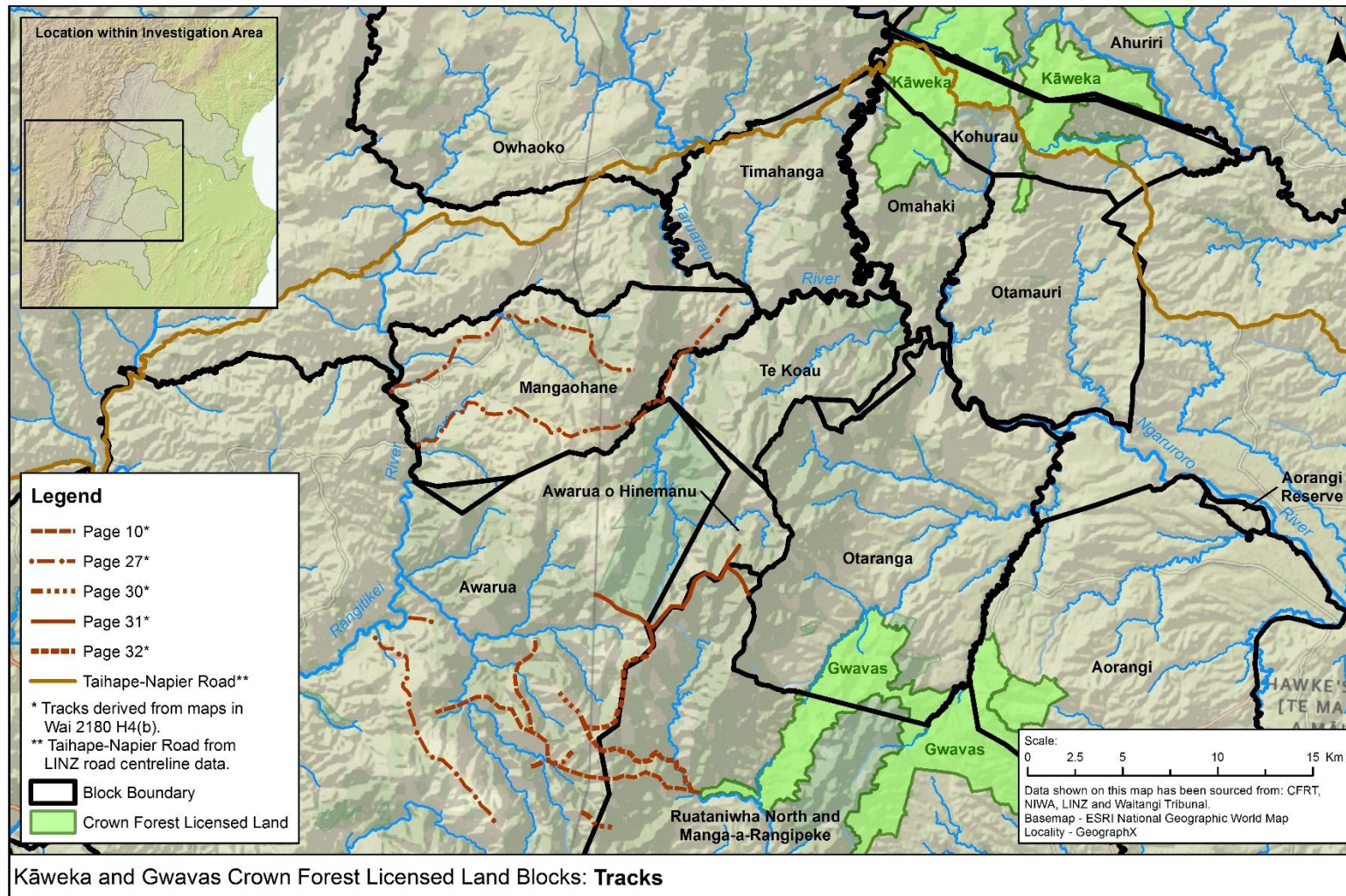
Over the years during the pig hunting and deer stalking adventures, our area of camping took us further over the Ruahine Range boundaries. It took us more into neighbouring places. We would venture to different places of interest over these early times and walk the lands of our tupuna...Our main access to these eastern lands were mostly from Mangaohane, Te Koau and what was then customary lands (now called the Awarua o Hinemanu lands) Timahanga, Komata, Awarua, which would take us into the Otaranga and Ruataniwha North blocks.

Steedman discussed and included maps in his submissions which showed the tracks used by their tupuna to travel “to Heretaunga over the Ruahine Ranges” which he had used over the years as well. He noted that between 1993 and 1997 he had crossed the Ruahine range with his sons and cousin on three different occasions: “starting from the southern end of Whakarara and reaching the Maropea top; the Te Atua o Mahuru next; and then descending down into the Mangatera River of Ki Roto o Kokopunui (Lake Colenso).” Steedman stated that “Te Whaaro traversed these lands from a young age, listening to the guidance of his Matua who showed him many different tracks to Heretaunga.” The following map of tracks has been produced using Terry Steedman’s submission.<sup>35</sup>

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<sup>34</sup> Awarua hearing 1886, Wanganui MB 11: 297; Awarua partition hearing 1890, Wanganui MB 18: 352. It is unclear exactly where Tara o Hinemanu is located. Wiari Turoa claimed that “Tara o Hinemanu was place where the descendants of Tukokoki and Hauiti took birds of this land to as present to Rangi te Kahutia of N’ Kahungunu, it was in exchange for other food. Te Ngahoa was angry at this food being given to Rangi-te-Kahutia and while Rangitekahutia was dividing this food Te Ngahoa hit at this with his taiaha but the blow was warded off and then challenged Te Ngahoa to combat and wounded him, the name of the weapon used by Rangi te Kahutia on that occasion was Te Komatamua.” Awarua partition hearing 1890, Wanganui MB 19: 68-69.

<sup>35</sup> ‘Brief of Evidence of Terence Steedman’, Wai 2180 H4, 2017, 2-4, 6.



Map 3: Tracks over the ranges

## The Ngāti Paki descent lines of Winiata Te Whaaro

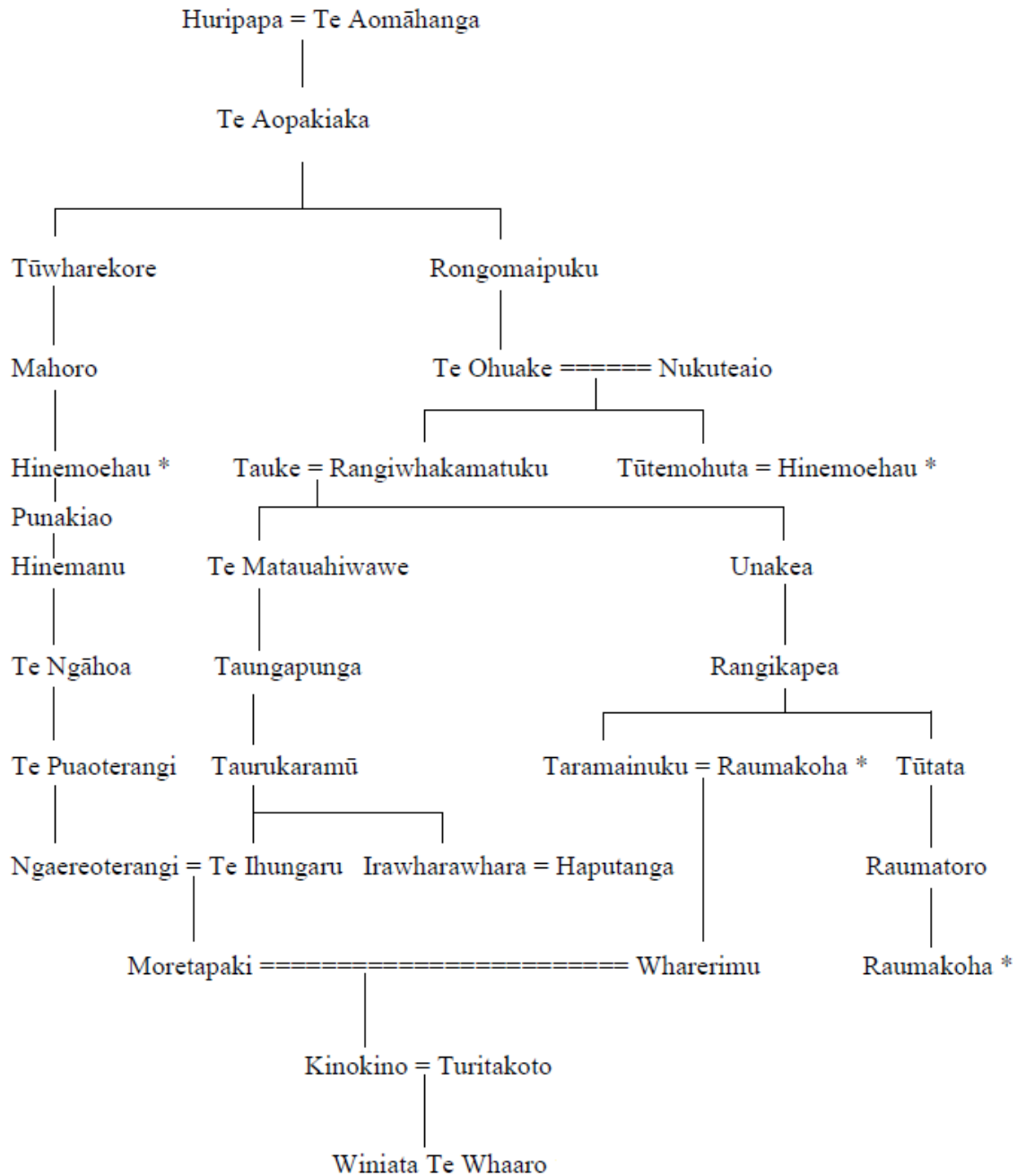
The Ngāti Paki descent lines emphasised by Ngāti Hinemanu in Patea provide their most significant point of difference from their kin in Heretaunga. While the whakapapa shares certain key aspects with Hinemanu across the rohe, it is the Ngāti Paki line which is the most unique. The Ngāti Paki line was embodied most during the late nineteenth century NLC investigations in Winiata Te Whaaro and his whanau. Te Whaaro was born at Te Awarua Tuturu. Ngāti Hinemanu me Ngāti Paki claimant Terry Steedman has noted that Te Whaaro was born “directly below one of the high points of the Ruahine Range, Te Atua o Mahuru, which was used as a main crossing track to the Whakarara and Ruataniwha Pa site areas”.<sup>36</sup> Te Whaaro’s mother was Kinokino, a descendant of Ngāhoa and Hinemanu as well as Te Ihungaru and Taurukaramu of Ngāti Paki. As a descendant of Hinemanu, he was also a descendant of Whitikaupeka as Hinemanu’s husband Tautahi was Whitikaupeka’s son. Te Whaaro’s father was Wiremu Turitakoto of Ngāti Pouwharekura and Ngāti Marau. During the Awarua rehearing/partition in 1890-1891 Winiata Te Whaaro presented a korero which was only accepted by Utiku Potaka and his aunt Raita Tuterangi but none of the other Ngāti Whiti, Ngāti Hinemanu ki Heretaunga or Ngāi Te Upokoiri witnesses. In his view Tauke, the wife of Rangihakamatuku, was the sister of Wharepurakau and the daughter of Haumoetahanga and Whitikaupeka. She provided a key pathway to the papatipu ancestors of Patea but it was generally ignored by fellow claimants and as a result rejected by the NLC which accused Te Whaaro of fabricating his evidence.<sup>37</sup>

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<sup>36</sup> Wai 2180 H4, 4.

<sup>37</sup> Wai 2180 A52, 97.

Figure 6: Ngāti Hinemanu me Ngāti Paki’s view of descent lines to Winiata Te Whaaro<sup>38</sup>



Even more contentious than Tauke is the origin of the hapu name “Ngāti Paki”. Ngāti Hinemanu me Ngāti Paki Trust contend that the origin of the “Ngāti Paki” hapu name was the tupuna Te Aopakiika.<sup>39</sup> As noted previously, Te Aopakiika was an important tupuna who was the grandfather of Te Ohuake. In his “Tribal Landscape Overview report” Tony Walzl noted that according to Ngāti Hinemanu me Ngāti Paki “Ngāti Paki principal ancestral links

<sup>38</sup> Wai 2180 A52, 98.

<sup>39</sup> Wai 2180 A52, 87-88.



Wheko then specifically noted the origin of the name Ngāti Paki: “Rangi te Pakia was Taurukaramu’s father and it was he who gave rise to the hapu name of N’ Paki on this land. I don’t know the name of Rangi te Pakia’s wife but she was a descendant of Rangiwahakamatuku.”<sup>44</sup> She was Taungapuna, the grand-daughter of Rangiwahakamatuku. The issue was brought up again at the Awarua No. 1 rehearing in 1892 where Wheko was once again asked to confirm the origin of the “Ngāti Paki” hapu name. Wheko stated at the rehearing that the name Rangitepakia “originated with Karaka who married descendants of Rangiwahakamatuku... He was descended from Karaka of Heretaunga and Rangiwahakamatuku of Patea”. Under cross-examination, Wheko was presented with the quote noted above that “Rangitepakia was Tauru Karamu’s father”. He stated that he believed it may have been Te Whaaro’s evidence but in fact it was his own. Wheko did confirm that it was Rangitepakia who gave rise to the name of Ngāti Paki.<sup>45</sup> According to Mokai Patea claimants based on the evidence of Wi Wheko, Rangitepakia was a child of Karaka from Ngāti Hinemoa, a hapu of Ngāti Kahungunu, who they allege married into Ngāi Te Ohuake and his name became the name of the hapu. Ballara notes that Hinemoa was the daughter of Tupurupuru, the brother of Taraia I, and married her uncle Tuwhakawhiurangi, Taraia I’s half-brother.<sup>46</sup> This can be contrasted with the evidence of Matenga Pekapeka during the Omaha NLC hearing in 1890 where he provided a whakapapa in which rather than marrying Tuwhakawhiurangi, Hinemoa married Taraia I and Karaka was their son and Rangitepakia was their grandson. Matenga Pekapeka held that Rangitepakia was a younger cousin of the noted Ngāti Kahungunu rangatira Rangikamungu. According to Raniera Te Ahiko’s evidence at the same hearing, Rangitepakia’s “proper place” was at Tanenuiarangi near present day Clive.<sup>47</sup> The Mokai Patea claimants believe that it would be difficult for Te Aopakiaka to be the eponymous ancestor of Ngāti Paki because she is also an ancestor of Ngāti Hinemanu and many other hapu and iwi because she is generationally quite close to the arrival of the Takitimu waka. They also allege that there is no record of Te Aopakiaka ever visiting Patea. In his “Tribal Landscape Overview report” Tony Walzl does not mention Te Rangitepakia.

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<sup>44</sup> Awarua partition hearing 1890, Wanganui MB 18: 326.

<sup>45</sup> Awarua No1 rehearing 1892, 415-416: Wheko claimed that Tauru Karama had married “Makuru a captive from N’ Apa hapu”.

<sup>46</sup> Angela Ballara, ‘The Origins of Ngāti Kahungunu’, PhD, Victoria University of Wellington, 1991, 190.

<sup>47</sup> Omaha hearing 1890, Napier MB: 206-207, 209-210. Te Ahiko claimed that “Tutukioipaki was named after Te Rangi Te Pakia who struck his foot against something on one of his journeys.”



During the 1890 Awarua partition rehearing Te Whaaro noted that “Paki was ancestor of mine but he belonged to Heretaunga”.<sup>48</sup> Te Whaaro stated further that “N’ Paki are partly descendants of Tautahi and partly of Rangiwahakamatuku” but that “Paki was not a child of Tautahi”.<sup>49</sup> Then during the 1892 Awarua No.1 rehearing when he was asked under cross-examination: “Was not Paki the ancestor of N’ Paki a Heretaunga man?” Te Whaaro replied: “I don’t know the name may have originated with Paki a Heretaunga man that is different from N’ Paki.”<sup>50</sup> It is difficult to reconcile both statements although Te Whaaro may have stated differently in 1892 to re-emphasise his valid rights in Awarua. At the 1890 Awarua partition Te Whaaro discussed how he had spent time in Heretaunga when he was younger and did not have rights to land in Heretaunga. He stated that he went to Manawatu when he was an adult to take Ngāi Te Upokoiri and Ngāti Hinemanu back to Heretaunga.

We all went there through the marriage of my sister [his cousin] Horiana to Anaru, and we remained there some time and went to Heretaunga to take N’ Te Upokoiri and N’ Hinemanu there. We were invited to go and see them off from Manawatu by Wirihana Toatoa, Hohaia and others. They saw fit to invite us. We remained at Heretaunga a long time, and during that time I lived and worked with the N’ Hinemanu and N’ Upokoiri. I was the expert fencer there.<sup>51</sup> I do not lay claim to any lands in Heretaunga. Not even the portion they gave me to dig on.

He noted that he and Utiku Potaka spent some time at Te Aute felling trees around this time in the early 1860s. When he was challenged on his claims to Heretaunga discussed in the Mangaohane partition case earlier that year he pointed specifically to the Omahu and Ohiti blocks, but noted he only had a claim “through ancestry I have no occupation”.<sup>52</sup> (Te Whaaro had merely noted at the Mangaohane partition case that he was living at Omahu and Ohiti at the time of the Turangarere land sales hui.<sup>53</sup>) As noted previously Te Whaaro’s father was Wiremu Turitakoto of Ngāti Pouwharekura and Ngāti Marau from Heretaunga. He had fled Heretaunga sometime in the late 1820s/early 1830s after Mangatoetoe with his brother Moepuku Whaaro and they married local Ngāti Hinemanu women—Kinokino and Te Anuheia, both descended from Te Ngāhoa.<sup>54</sup> Ngāti Pouwharekura is a hapu based around the Ruataniwha and Whakarara area but the Ngāti Hinemanu me Ngāti Paki Trust view Ngāti

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<sup>48</sup> Awarua partition hearing 1890, Wanganui MB 20: 265.

<sup>49</sup> Awarua partition hearing 1890, Wanganui MB 20: 443.

<sup>50</sup> Awarua No1 rehearing 1892, Scannell MB 27: 359.

<sup>51</sup> Te Whaaro and his brother Iramina Te Ngahoa appear in the Omahu investigation repeatedly but only related to fencing, especially the fence that separated the block: Omahu hearing 1890, Napier MB 19: 379, 397, 446; Napier MB 20: 52.

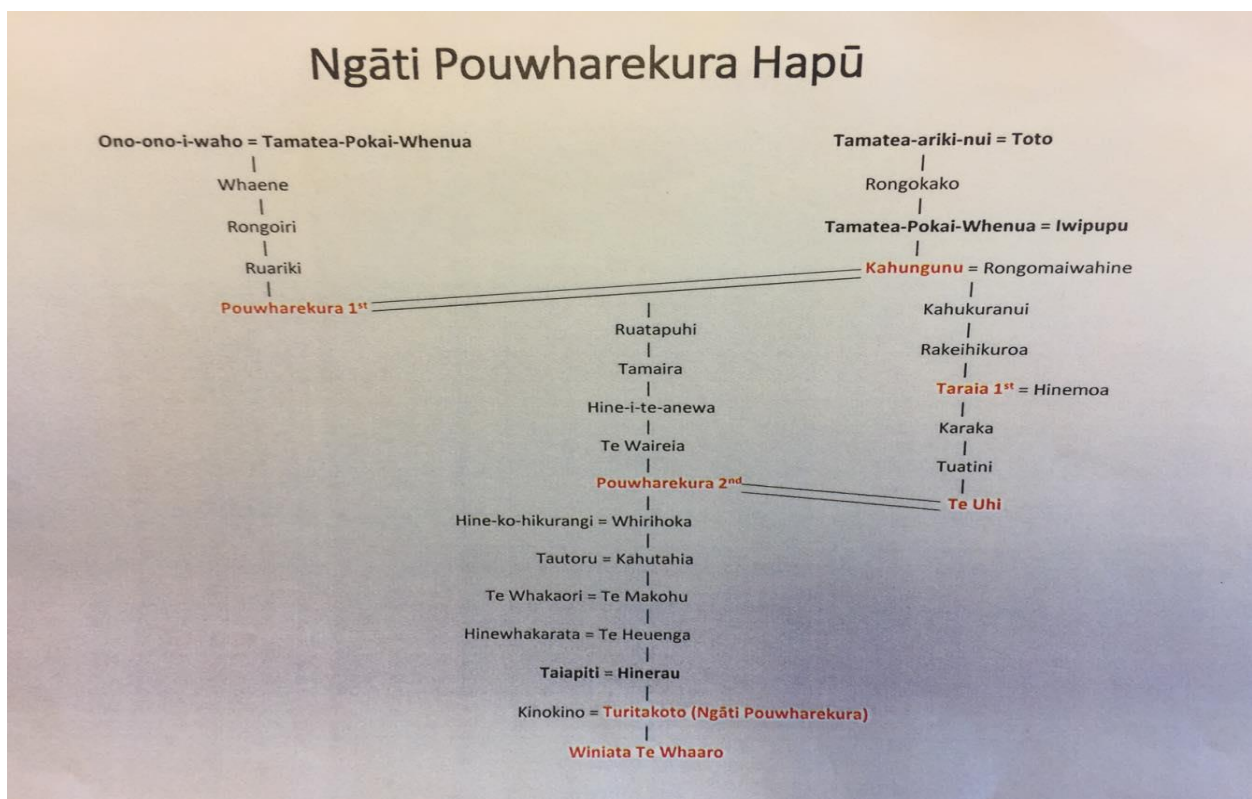
<sup>52</sup> Awarua partition hearing 1890, Wanganui MB 18: 290-291.

<sup>53</sup> Mangaohane partition hearing 1890, Napier MB 20: 377.

<sup>54</sup> Awarua Partition 1890, Wanganui MB 18: 281; Awarua No1 rehearing 1892, Scannell MB 27: 359.

Pouwharekura as overlapping with Ngāti Paki as a result of the marriage of Te Whaaro’s parents—Kinokino and Turitakoto. As Jordan Haines-Winiata has stated “the Pouwharekura whakapapa runs into the Te Uamairangi whakapapa and then it comes back into Hinemanu Upokoiri whakapapa, and it comes into a Ngāti Paki whakapapa.”<sup>55</sup> Ngāti Pouwharekura is not one of the hapu mentioned in the list of hapu in the Heretaunga-Tamatea Deed of Settlement but the hapu is mentioned in the Heretaunga-Tamatea Documents appended to the Deed as a hapu for an Overlay Classification for the Gwavas Conservation Area and in the Agreement in Principle in relation to the A’Deanes Bush Scenic Reserve.<sup>56</sup>

Figure 8: Ngāti Pouwharekura whakapapa<sup>57</sup>



Te Whaaro like many other claimants claimed through a number of different hapu throughout his experiences in the NLC with Te Ohuake as a fairly consistent ancestral base. In the 1884-85 Mangaohane investigation Te Whaaro claimed through Ngāti Paki and Ngāti Te Ngāhoa.<sup>58</sup> This shifted a few years later in 1887 for the first Owhaoko rehearing where he

<sup>55</sup> Interview with Jordan Haines-Winiata, 30 March 2019.

<sup>56</sup> *Heretaunga Tamatea Agreement in Principle*, 2014, 62; *Heretaunga Tamatea Deed of Settlement Schedule Documents*, 2015, 13.

<sup>57</sup> Handout from Ngāti Hinemanu me Ngāti Paki Trust, 31 March 2019.

<sup>58</sup> Mangaohane hearing 1884, Napier MB 41: 9.

claimed through Ngāti Whiti, Ngāti Hauiti, Ngāti Hinemanu and Ngāi Te Ohuake.<sup>59</sup> By the 1890 Awarua Commission hearings regarding the Otaranga and Ruataniwha North boundaries, he was still claiming through identical iwi and hapu.<sup>60</sup> A few months later during the Awarua partition case Te Whaaro gave the most comprehensive recorded list of his descent lines: “N’ Te Ohuake, N’ Whiti, N’ Hauiti, N’ Hinemanu, N’ Paki, N’ Te Ngāhoa, N’ Kautere, N’ Te Ngaruru, N’ Rangi.”<sup>61</sup> These descent lines underwent some changes about six months later when Te Whaaro again presented evidence at the Awarua partition. He once again delineated between the iwi based descent groups and those of hapu: “The Hawke’s Bay portion of this block – 23000 acres—belongs to me and my hapus N’ Paki, Ngāi Te Ngaruru, N’ Whiti, N’ Hau, Ngāi Te Ngāhoa.” He noted Ohuake, Hauiti and Whiti as their iwi, and placed Whiti under both the hapu and iwi list. Te Whaaro also stated that the Ngāi Te Ngāhoa and Ngāti Haukaha were both under Hinemanu, as they descended from Hinemanu.<sup>62</sup> In the Mangaohane partial rehearing of 1892-1893 he still referred to his connections with Ngāti Whiti and Ngāi Te Ohuake. When Te Whaaro was questioned about his hapu he agreed to a similar list of major and minor hapu as he had earlier in the Mangaohane rehearing and the Awarua partition: “Ngāti Whiti Ngāti Hauiti – these are the Tribal names of all the people in Patea. Ngāti Hinemanu is a hapu name of that tribe. Ngāti Hinemanu Ngāti Paki Ngāi Te Ngāhoa Ngāti Hau are all under the names of Ngāti Whiti and Ngāti Hauiti.” He agreed that Ngāti Paki was once again one of his minor hapu along with Ngāti Hinemanu, Ngāi Te Ngāhoa, Ngāti Kautere, Ngāi Te Rangi and Ngāi Te Ngaruru. In addition to Ngāti Whiti he once again added Ngāi Te Ohuake. Te Whaaro stated that Ngāti Paki, Ngāti Hau and Ngāi Te Ngaruru did not descend from Hinemanu, although their descendants did eventually intermarry with them. In the 1900 Te Koau investigation Te Whaaro claimed primarily through Te Ohuake showing his own descent lines through both Tutemohuta (and Haumoetahanga) and Te Rangiwhakamatuku.<sup>63</sup> What appears most consistent in his claimed descent lines in the NLC are his claims through the tupuna Ohuake.

As is apparent from our discussion of Te Whaaro’s descent lines, the connections across a number of different hapu and iwi were diverse. We know turn from the whakapapa

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<sup>59</sup> Owhaoko rehearing 1887, Napier MB 60: 13.

<sup>60</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 35-36 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 38-39.

<sup>61</sup> Awarua partition hearing 1890, Wanganui MB 20: 224.

<sup>62</sup> Awarua partition hearing 1890, Wanganui MB 20: 442.

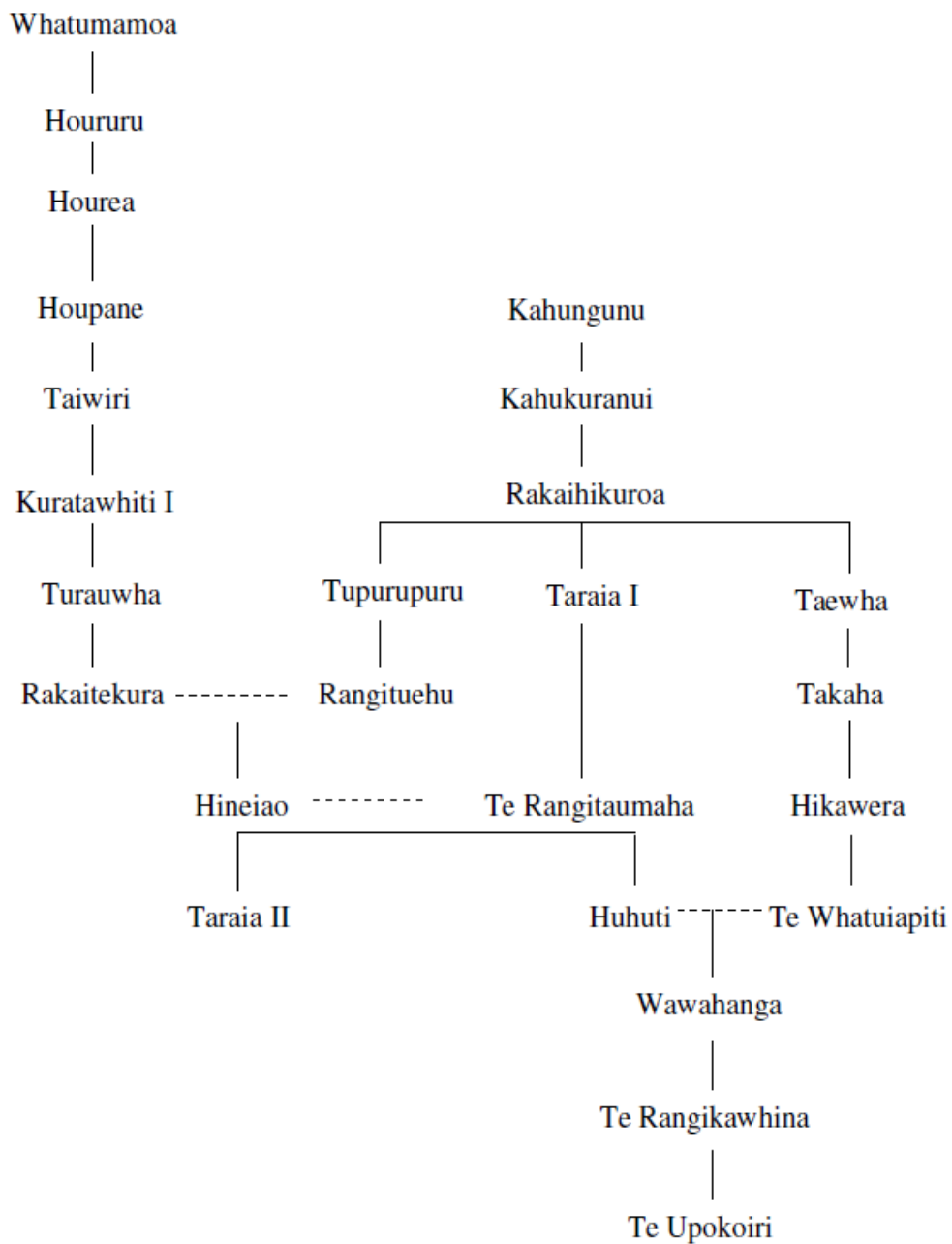
<sup>63</sup> Mangaohane partial rehearing 1892-1893, Napier MB 29: 378; Scannell MB 30: 127-128; Te Koau hearing 1900, Napier MB 53: 103.

to the incidents, battles and migrations that enveloped the CFL lands and the wider region from the late eighteenth century onwards. The connections between the Ngāti Hinemanu lines of descent on both sides of the range were exemplified in an incident that occurred in Patea which led to conflict, the Pikarikaimoko episode. Some contextualisation is necessary with a discussion of a major rangatira in the Ruahine region, Te Uamairangi.

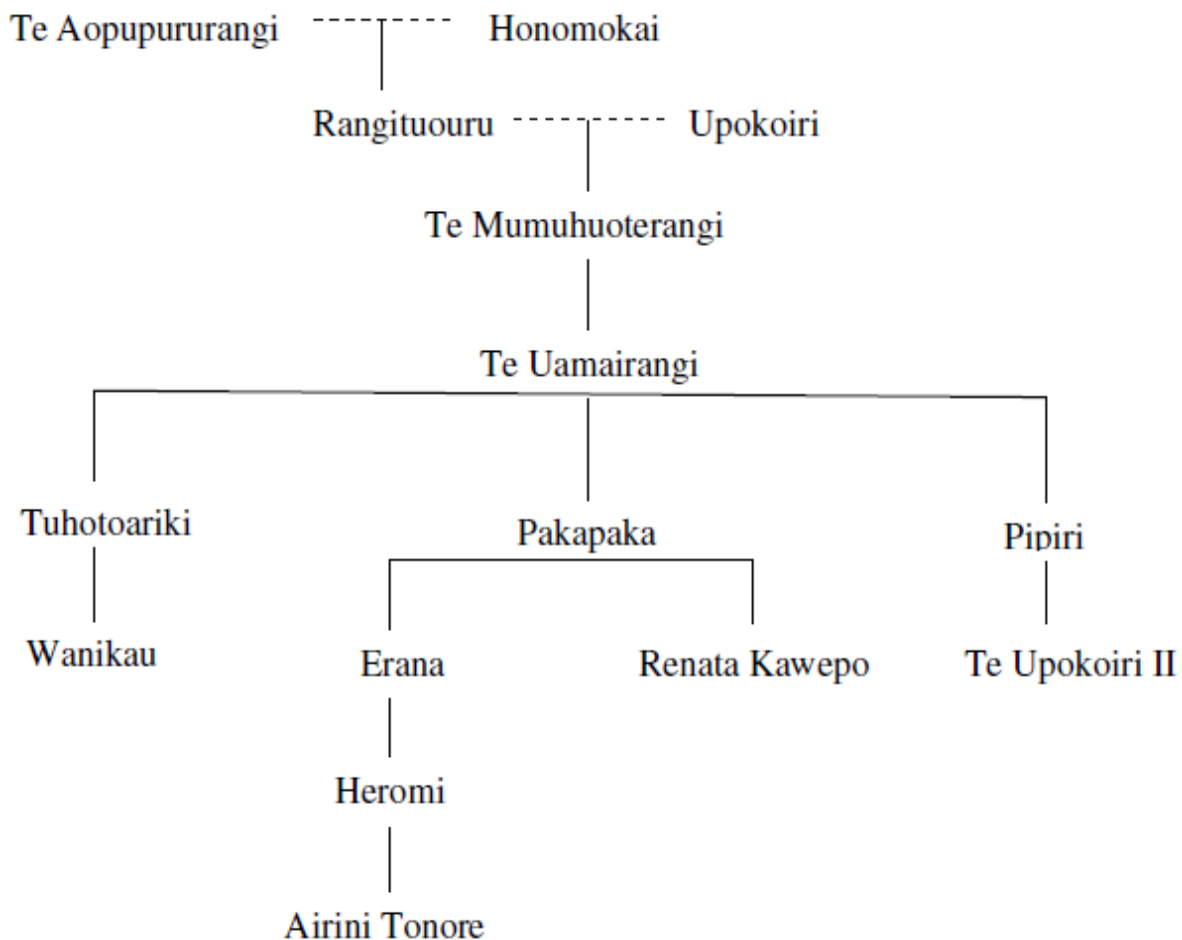
Ngāti Hinemanu relations on both sides of the Ruahine range

From about the 1750s to 1808 Ngāti Te Upokoiri was led by Te Uamairangi. The whakapapa below reflects the key descent lines of Ngāti Te Upokoiri and Ngāti Honomokai.

Figure 9: Descent lines of Te Upokoiri<sup>64</sup>



<sup>64</sup> Wai 2180 A12, 143, 764.



Ngāi Te Upokoiri lived primarily alongside their kin, the descendants of Tarahē (Ngāti Hinemanu ki Heretaunga), in their various pa in and around the Gwavas CFL lands— Taumataohe, Motuopuku, Whanawhana, Poutaki, Hakiuru, Ponapona, Te Pa o Tamahika, Kihiao<sup>65</sup> and others.<sup>66</sup> Some also lived in the Patea region amongst their kin through the Te Ohuake and Whitikaupeka links through the marriage of Te Aopupururangi (Ngāi Te Ohuake/Ngāti Haumoetahanga/Ngāti Whiti) and Honomokai (Ngāi Te Upokoiri). As Ngāi Te Upokoiri and Ngāti Te Whatuiapiti fought over Heretaunga from the late eighteenth century a series of battles took place. Meihana Takihi<sup>67</sup> provided an extended account of a particular quarrel between the descendants of Upokoiri and Manawakawa (a hapu of Ngāti Te Whatuiapiti) which set off a series of fights and battles. Ngamoā of Manawakawa was a younger brother of Te Rehunga who came to live with Ngāi Te Upokoiri. He asked them many favours, including giving him a particular pa at Paritua and the timber within the pa and to transport it to Waimarama. They helped him erect the pa known as Pukeake at Waimarama

<sup>65</sup> Kahukuranui was the name of a whare at Kihiao: Omaha hearing 1890, Napier MB 18: 301.

<sup>66</sup> Omaha hearing 1890, Napier MB 18: 296, 336, 442.

<sup>67</sup> Ngāti Hawea.

and he then asked them to build him a house. They left it unfinished as Ngamoa had no food to provide them so they returned home. When they returned home Takihi alleged that Ngāi Te Upokoiri bewitched Ngamoa for the insult of not feeding them, following which he died. His people then attacked Ngāi Te Upokoiri at Opunua on the Ngatarawa block on the Popo range in which some were killed, and the bewitching continued from Ngāi Te Upokoiri. Further attacks were made on Opunua by Te Rehunga's people following which Ngāi Te Upokoiri attacked Weka's pa at Pareowaiehu. All except for Weka were killed following which he mustered people to respond. In the counter-attack Amiowhenua, the brother of Te Umairangi, was killed. The Upokoiri rangatira Te Taha then fought against Weka, and killed all of his party except the chief.<sup>68</sup> Ballara and Scott posit that Te Amiowhenua was killed by supporters of Hawea who sought revenge for his wounding by Ngāi Te Upokoiri. Witnesses in the NLC such as Noa Huke certainly said as much.<sup>69</sup> In either case Te Umairangi ruled over the district for his entire adult life except for a brief period when he moved to Whakatane after the killing of Amiowhenua. During this time away Te Umairangi gave responsibility over his lands around the Ngaruroro river to his younger brother Tauwhitu, according to some witnesses against the wishes of his people and allies. As Tauwhitu had no heir he named Rewharewha of Ngāti Rangikoianake as his successor. After a short time Te Umairangi returned to Heretaunga with his son, Tuhotoariki.<sup>70</sup> Te Umairangi lived such a long life that he lived to see his son die. As a result the rangatiratanga skipped a generation and Te Umairangi's grandson, Te Wanikau, succeeded his father Tuhotoariki as principal rangatira of Ngāi Te Upokoiri.<sup>71</sup>

Te Umairangi's younger brother Tauwhitu became involved in the Pikarikaimoko episode. This incident between Ngāti Hinemanu ki Patea/ Ngāti Whiti and Hinemanu ki Heretaunga/ Ngāi Te Upokoiri regarding an insult misinterpreted showed the complexity and interconnectedness of the different Hinemanu hapu. Sometime in the later eighteenth century, a Ngāti Whiti/ Ngāti Hinemanu rangatira named Te Ngarara married a Heretaunga woman named Ngapiri. While visiting Patea some children from the manuhiri refused to share their berries with an old rangatira from the area, Rangitauhiri. He angrily rebuked them as pikarikaimoko or 'unfledged chickens'. The younger brother of Te Umairangi, Tauwhitu, was told that the insult was aimed at him and that the brother of Pokaitara, Rangikatuahiwi,

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<sup>68</sup> Omaha hearing 1890, Napier MB 19: 104-105.

<sup>69</sup> Omaha hearing 1890, Napier MB 19: 466; Ballara and Scott, Aorangi, 3.

<sup>70</sup> Tuhotoariki's wives were Rangaranga and Wharetawai: Omaha hearing 1890, Napier MB 19: 293.

<sup>71</sup> Wai 2180 A52, 135-136; Wai 2180 A12 274.

was responsible. Pokaitara was a notable Ngāti Whiti rangatira. Instead of asking his brother Te Umairangi for help he turned to Tuterangi, another grandchild of Hinemanu and Tautahi, who accompanied him back to Patea where he killed Rangikatuahiwi and nearly also Pokaitara. The incident had been escalated by Ngarara and his wife Ngapiri who had spread the false rumour that the insult was aimed directly at Tauwhitu. In retribution Pokaitara chased Tauwhitu and his force and caught up to them on the Ruahine range and killed a woman named Te Utumai-te-Rangi and Ngarara. Pokaitara spared Ngapiri by allowing her to be a servant for his family for a short while until he returned her to Heretaunga.<sup>72</sup> Ngapiri was the great grandmother of Anaru Te Wanikau, a notable figure in inland Heretaunga and Patea. Anaru Te Wanikau (Ngāti Haumoetahanga/Ngāti Honomokai) was the son of Rihi Puku and Te Wharemauri and was also married to Horiana, a cousin of Te Whaaro and the daughter of Te Whaaro's maternal uncle Waaka Te Raro.<sup>73</sup> Anaru Te Wanikau was born at Waitutu between the Waitutaki and Koau rivers high up in the Ruahine range, almost certainly during a period of transit for his parents.<sup>74</sup> Anaru Te Wanikau lived with Te Whaaro and his brother Irimana Te Ngāhoa in Heretaunga.<sup>75</sup> The incident reflected the interconnectedness between not only the different hapu associated with Ngāti Hinemanu on both sides of the ranges but also between Ngāti Whiti and Ngāti Honomokai through the marriage of Honomokai and Te Aopupururangi.<sup>76</sup> As Utiku Potaka noted during the 1884 Mangaohane investigation, the "fighting that took place was amongst the descendants of Ohuake themselves". Winiata Te Whaaro also noted the Pikarikaimoko incident as an explanation for why Honomokai should not be recognised in Patea.<sup>77</sup>

As noted previously, the youngest child of Tautahi and Hinemanu, Tarahē, was sent back to Heretaunga to keep the fires of their occupation burning. They are currently known as Ngāti Hinemanu ki Heretaunga, many married into other hapu in the rohe such as Ngāi Te Upokoiri and Ngāti Honomokai. Many witnesses in the NLC stated that the descendants of

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<sup>72</sup> Wai 2180 A52, 105-108, 278; Wai 2180 A12, 261-262, 524-525; 594-595; 769-771.

<sup>73</sup> Awarua hearing 1886, Wanganui MB 11: 315; Awarua partition hearing 1890, Wanganui MB 19: 275-276. The daughter of Te Ngarara and Ngapiri was Te Hamu who later married Tauranga and they were the maternal grand-parents of Anaru Te Wanikau. His grandfather Tauranga was not the son of Mataora but was contemporaneous with him. Anaru Te Wanikau's grandfather Tauranga was killed by Ngāti Apa at MahaNgāiti along with Tamakahurirangi and Tiaki of Ngāti Honomokai: Awarua partition hearing 1890, Wanganui MB 19: 211, 217, 222.

<sup>74</sup> Awarua partition hearing 1890, Wanganui MB 20: 445-448.

<sup>75</sup> Awarua hearing 1886, Wanganui MB 11: 172.

<sup>76</sup> Awarua partition hearing 1890, Wanganui MB 20: 122.

<sup>77</sup> Wai 2180 A12, 262; Mangaohane hearing 1884-1885, Napier MB 9: 81; Mangaohane partition 1890, Napier MB 20: 384-385.



Tarahē had lost their rights in Mokai Patea because they had returned to live in Heretaunga. In fact some of Tarahē's children returned to live as adults in Mokai Patea and intermarriages flourished between Hinemanu descendants on both sides of the ranges after Tarahē's generation. Wi Wheko described at the Awarua partition hearing how two of Tarahē's children, Te Kea and Mataora, returned to their grandparents' region to live.<sup>78</sup> Mataora's children all were born and remained in Patea.<sup>79</sup> Her son Tauranga particularly would make a significant name for himself and will be discussed further below. Tauranga's sister, Hara Te Ruaiti, married Te Urukahika, a descendant of Te Ngāhoa, a significant Ngāti Hinemanu and Ngāti Paki ancestor. Te Urukahika later died at the infamous incident at Paratuna regarding eelweirs at Lake Oingo. Travelling with Tareahi and others to their end of the lake, Te Umairangi instructed them not to cross over to the other side but they chose to raid the eelweirs of Hauwaho and Ngāti Parau. In addition to Urukahika, Te Ware and Te Ngaruwhakahotu also were killed in the ensuing attack.<sup>80</sup> The marriages between the descendants of Punakiao and Taraia II that cemented their connections continued into the post-Treaty era. These included the marriage in 1853-1854 of Te Whaaro's uncle on his mother's side, Noa Roperope, to Raita Tuterangi, who was descended from Tarahē and Pākake.<sup>81</sup> A hakari was held to commemorate their marriage and was emphasised by a number of witnesses in the NLC who noted the extensive food gathering that occurred prior to the wedding.<sup>82</sup> Te Whaaro's brother Irimana Te Ngāhoa married Hana Hinemanu who was descended from Te Ngāhoa and Mahuika.<sup>83</sup> Hemo, a descendant of Rangihakamatuku and Ngāhoa, married Te Ora, the brother of Te Tuhaoterangi and son of Ruaiti.<sup>84</sup>

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<sup>78</sup> Nonetheless Wiari Turoa claimed that Te Kea was buried at Kihiao pa: Awarua partition hearing 1890, Wanganui MB 19: 81.

<sup>79</sup> Awarua hearing 1886, Wanganui MB 11: 294; Awarua partition hearing 1890, Wanganui MB 19: 250.

<sup>80</sup> Omaha hearing 1890, Napier MB 19: 300, 430.

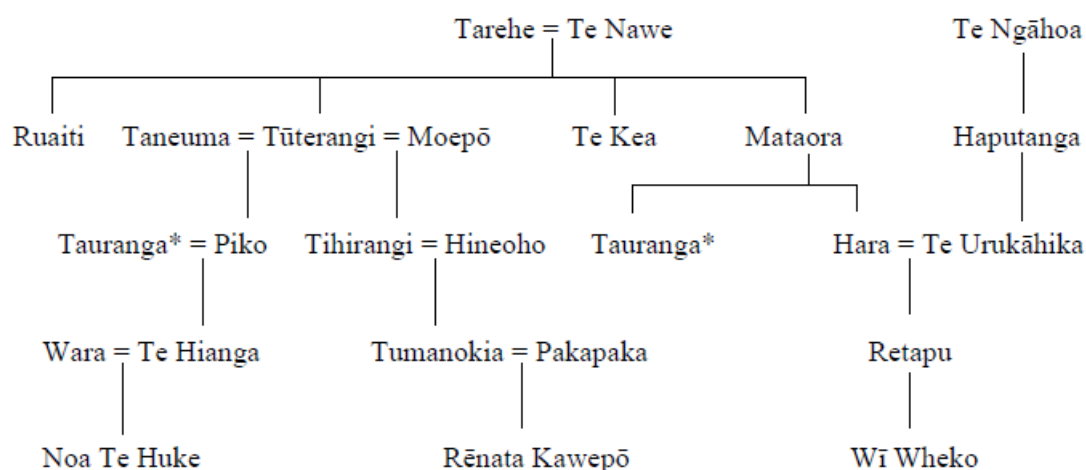
<sup>81</sup> Wai 2180 E1(a), 3; Awarua partition hearing 1890, Wanganui MB 18: 366; Mangaohane partition hearing 1890, Napier MB 21: 293.

<sup>82</sup> Awarua hearing 1886, Wanganui MB 11: 241

<sup>83</sup> She was married first to Moroati: Awarua partition hearing 1890, Wanganui MB 19: 99.

<sup>84</sup> Awarua partition hearing 1890, Wanganui MB 19: 30-31.

Figure 10: Descendants of Tarahē<sup>85</sup>



Tauranga became involved in important events in Patea. To the west of the CFL lands, Ngāti Whiti of Patea fought Ngāti Rangī from Whanganui that resulted in the death of a man named Miko from Ngāti Rangī. In due course a Whanganui taua returned to Mokai Patea to avenge that death which resulted in the death of Tamakahurirangi, the grand-nephew of Kotuku. Both Ngāti Apa and Ngāti Rangī were blamed for his death in accounts in the NLC. Ngāi Te Upokoiri and Ngāti Hinemanu in Heretaunga agreed to help their Patea kin with obtaining some retribution for the death of Tamakahurirangi. Due to disagreements, Ngāi Te Upokoiri returned home but Ngāti Hinemanu remained. The taua attacked Ngawairiki in Turakina in the Manawatu killing Taoarohaki and Whakarua, obtaining some utu. The battle became known as Te Whataraparapa (Whakaraparapa) and as Te Pou o Toroa. Tauranga, the son of Mataora noted before, was one of the leaders of the combined force along with Pokaitara of Ngāti Whiti and Rangitapuihi of Ngāti Tama. In recognition of his contribution he was gifted land to use as a resource, but not outright, at Ngatarua between the Rangitikei and Moawhango rivers. It was not transferred to him in a European sense akin to fee simple title, but it gave him usage rights. This rationale for the gifting of Ngatarua is at odds with the current understanding of Ngāti Hinemanu me Ngāti Paki. The reason for the gift has usually been considered the result of Tauranga's help at the battle of Potaka pa which followed.<sup>86</sup>

After the defeat at Te Whataraparapa, Whanganui hapu returned and attacked Patea groups on both sides of the Rangitikei attacking Ngāti Whiti and Ngāti Tama on the west side

<sup>85</sup> Wai 2180 A12, 109.

<sup>86</sup> Wai 2180 A52, 110-114; Wai 2180 A12, 133-136, 203-204, 714-716.

and Ngāti Hinemanu and Ngāti Hauiti on the east side towards Heretaunga. The hapu of Ngāti Hinemanu such as Ngāti Haukaha and Ngāti Te Ngāhoa, and Ngāti Paki, with their Ngāti Hauiti relations had been building and preparing Potaka pa in case of a counter-attack. A tohunga of Ngāti Paki, Te Ihungaru, had predicted that the attack would occur and preparations began before the taua arrived. Te Ihungaru is noted in the whakapapa in figure 6. He connects to the Tauke and Rangihakamatuku line that was discredited by the NLC and down to Winiata Te Whaaro. Although the groundwork had begun for defending the pa, there were limited numbers available to contribute to the actual physical defence. Ngāti Tama were busy with their own defence against the other section of the Whanganui forces and another section of Ngāti Tama were living at Rotoaira. Their allies in Ngāti Whiti led by Pokaitara were visiting Heretaunga at the time, according to Wi Wheko at “Te Kohurau” with Te Umairangi although Ihakara Te Raro claimed that it was Te Ahunga rather than Pokaitara.<sup>87</sup> While they had few numbers Potaka pa was sturdy and strong and the attacking force set themselves in for a long siege. Early in the battle a man from within the pa, Te Kata, managed to escape the pa undetected and travelled quickly to Heretaunga for help. Once again their whanaunga Tauranga arrived with a force. The defenders of the pa threw down ropes to Tauranga and his people provided the reinforcements that were so necessary. When Ngāti Apa realised they no longer had an advantage they called off the siege and a peace was made. Despite this narrow truce, the repercussions of the fight at Potaka pa would reverberate further into the future especially in the battle of Mangatoetoe.<sup>88</sup>

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<sup>87</sup> Awarua partition hearing 1890, Wanganui MB 18: 297; Awarua partition hearing 1890, Wanganui MB 19: 304.

<sup>88</sup> Wai 2180 A12, 265-266, 521-524; Wai 2180 A52, 114-118.

## The battles of the 1810s-1830s

The battle of Mangatoetoe occurred east of the Gwavas historical homestead on State Highway 50, north of Tikokino. It occurred not long after the battle of Potaka pa, although the battle of Mangatoetoe was not a direct result of it. The Ngāti Rangikoianake hapu of Ngāti Whatuiapiti led by Te Ringanohu sought utu for the death of their rangatira, Kaiwaru. Kaiwaru was killed in a fight called Tapuaerau by Ngāi Te Upokoiri. He had been killed for the wounding of Hawea at Rotohenga. His body was divided in two with one side given to the son of Hawea, Tama ki te Hau, at Wheao pa with Ngāti Rangikamangunu and their rangatira Papahemo and others, and the other half to Ngāti Hinemanu along with Whakato at Te Awanga.<sup>89</sup> First the taua led by Te Ringanohu headed for Mangatoetoe and attacked individuals outside of Ngāi Te Upokoiri pa along the Ruahine: Kihiao, Hakiuru, Ponapona, Te Rae o te Maro and Te Pa o Tamahika.<sup>90</sup> When Ngāi Te Upokoiri, Ngāti Hinemanu and their allies including Ngāti Pouwharekura heard that the taua was advancing they retreated to Mangatoetoe from those pa, with Kihiao receiving particular mention for Ngāti Hinemanu.<sup>91</sup> Ngāti Rangikoianake then attacked and were defeated by Ngāi Te Upokoiri and their allies. A number of senior Ngāti Rangikoianake rangatira were killed in the attack including Te Ringanohu, Rewharewha, Kopiri, Whakahemo, Tamanohorakau and Karahui.<sup>92</sup>

These were battles between closely related hapu rather than outsiders coming to attack a people from afar. Rewharewha had been anointed as the heir to Tauwhitu while Te Umairangi was away but once he returned things began to change. Meihana Takihi of Ngāti Hawea noted at the 1889 Omaha NLC investigation that Tuhotoariki continually quarrelled with Tauwhitu and Rewharewha.<sup>93</sup> Ostensibly Rewharewha was the successor to Te Umairangi, yet the battle of Mangatoetoe is often described as one of Ngāti Whatuiapiti against Ngāi Te Upokoiri. The reality was far more complicated and complex. The leader of Ngāi Te Upokoiri, Te Wanikau, refused to participate in the battle at Mangatoetoe due to his close kinship connections with both sides. Raniera Te Ahiko noted at the Owahaoko hearing that Te Wanikau was in the Waipokohu pa in Heretaunga (probably in the Kohurau block) at

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<sup>89</sup> Omaha hearing 1890, Napier MB 19: 470.

<sup>90</sup> Omaha hearing 1890, Napier MB 19: 117; Mangaohane partition hearing 1890, Napier MB 20: 419.

<sup>91</sup> Awarua partition hearing 1890, Wanganui MB 18: 217; Awarua partition hearing 1890, Wanganui MB 19: 7-8; Mangaohane partition hearing 1890, Napier MB 21: 267.

<sup>92</sup> Angela Ballara. 'Te Pareihe', Dictionary of New Zealand Biography, first published in 1990, updated September, 2011. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t54/te-pareihe> (accessed 15 April 2019)

<sup>93</sup> Omaha hearing 1890, Napier MB 19: 106.

the time of the battle and his immediate relatives Rewharewha and Whakahemo were on the Ngāti Whatuiapiti side.<sup>94</sup> Both died during the battle. Te Wanikau and his mother were intensely hurt at the loss of their relatives. In the aftermath of the battle in an attempt to heal the rift Te Wanikau's sister, Ihukino, was married to Te Nahu, the son of Whakahemo.<sup>95</sup>

According to Te Whaaro's evidence in the Awarua partition hearing in 1890, people from both sides of the ranges were involved at Mangatoetoe. When Tauranga and Te Hianga were returning to Heretaunga after helping their kin at Potaka pa, they sent back to ask Urukahika for assistance. Ngāti Hinemanu and Ngāti Paki hapu such as Ngāi Te Ngāhoa, Ngāti Haukaha, and Ngāti Tukokoki were involved and went to fight at Mangatoetoe. Wi Wheko claimed that even those who had attacked them at Potaka including Ngawairiki, then accompanied Ngāti Hinemanu to Mangatoetoe via Kihiao pa.<sup>96</sup> Although Ngāi Te Upokoiri emerged victorious at Mangatoetoe, they were aware that retribution was inevitable and sought refuge in Patea at places along the Ikawatea River. Te Whaaro stated that Te Hoeroa with Ngāti Matahe and Ngāti Ruaiti hapu were amongst the first to arrive from Heretaunga. Te Umairangi's grandson and successor Te Wanikau, Te Wanikau's brother Hori Te Kaharoa, his cousin Rawenata, Whiuwhiu, Wiremu Te Ota and Aperahama Kaipipi amongst others went to Patea for the first time following Mangatoetoe. They nonetheless often returned to the east side of Ruahine to catch rats.<sup>97</sup> Renata Kawepo's father Tumonokia fought at Mangatoetoe but did not travel to Patea, instead joining Whakato on the coast where he was killed. Kawepo then lived with his relative Whiuwhiu and went to Patea with him. Noa Huke claimed that while many of the descendants of Te Kea and Mataora returned to Patea after the fight, some remained at "Ponapona and Te Raeotamaro at Ruahine east and Te pa o ta mahika".<sup>98</sup>

Te Whaaro related at the Awarua partition hearing how there were a smaller group of Ngāti Hinemanu ki Heretaunga who had arrived before the battle of Mangatoetoe such as Hara Te Ruaiti, Tauranga, Te Hianga and Te Koru. Te Urukahika and his wife Hara had brought Te Koru to Patea after he lost a competition for the affection of a woman to his brother Te Kaipō. He remained in Patea and married Te Au, the daughter of Hemo and Te Ora. It would be those connections between Ngāi Te Upokoiri and Ngāti Hinemanu which

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<sup>94</sup> Owhaoko rehearing 1888, Napier MB 16: 246.

<sup>95</sup> Awarua hearing 1886, Napier MB 11: 306; Wai 2180 A12, 274.

<sup>96</sup> Awarua partition hearing 1890, Wanganui MB 18: 327.

<sup>97</sup> Wai 2180 A52, 136-139.

<sup>98</sup> Awarua partition hearing 1890, Wanganui MB 18: 357-358.

would allow the victors at Mangatoetoe to seek refuge safely in Patea. As Ngahape Lomax noted in the “Ngāti Hinemanu me Ngāti Paki Oral and Traditional History” the identity of those coming over the range to seek refuge were Ngāi Te Upokoiri when they were on the other side of the range, but as soon as they arrived on to the Patea side of the range they were Ngāti Hinemanu.<sup>99</sup> This reflected the intermarriages between Hinemanu and Upokoiri descendants in Heretaunga. In Patea the links were not only between Hinemanu and Upokoiri descendants but also Upokoiri links with Whiti and Ohuake through the marriage of Te Aopupururangi and Rangituouru which produced Honomokai.

After the defeat of Ngāti Te Whatuiapiti at Mangatoetoe, elements within the defeated party sought the assistance of others outside of the district, Te Peehi Turoa of Whanganui, “Manerua” of Ngāti Maniapoto and Tangiteruru of Ngāti Maru ki Hauraki. It is unclear precisely who sought their assistance. Te Hau Paimaririe noted at the Owahaoko rehearing in 1887 that Te Wanikau’s brother, Hori Te Kaharoa, had recruited others to help but this would not make sense as Te Wanikau and his brother were both strongly associated with Ngāi Te Upokoiri who suffered from the subsequent attacks.<sup>100</sup> Apparently Te Wanikau opposed any action being taken.<sup>101</sup> As Peter McBurney and Patrick Parsons have pointed out, this recruitment of outside help to settle debts of utu had the potential to destabilise multiple regions by manufacturing new take for utu. The attacks led by Turoa resulted in the deaths of two significant rangatira—Pokaitara of Ngāti Whiti and Te Tuhaoterangi of Ngāti Hinemanu ki Heretaunga and Ngāi Te Upokoiri, the grandson of Tarahē. Pokaitara was killed while snaring birds on the Awarua block. Most of Ngāti Whiti and Ngāti Tama were warned about the impending raid and had fled into the bush. The taua proceeded over the Ruahine range to Heretaunga where Te Tuhaoterangi and a child of Te Kea, Maka<sup>102</sup>, were killed at Ponaponapa near the Makaroro river close to the boundary of the Otaranga and Ruataniwha North/Manga-a-Rangipeke blocks. Finding successive Ngāi Te Upokoiri pa empty near the Ruahine range, they travelled deep into the heart of the Heretaunga rohe. After killing Te Tuhaoterangi, Turoa took one of his women, Te Uru, prisoner. After Turoa returned to Whanganui he took her as a wife to build the bonds of peace after the fracture of their war. According to Anaru Te Wanikau, the Ngāi Te Upokoiri survivors led by Whiuwhiu fled across the Waipawa where they rallied and defeated some of the invaders including Rangimoanariki

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<sup>99</sup> Wai 2180 A52, 139-141.

<sup>100</sup> Owahaoko rehearing 1887, Napier MB 12: 372.

<sup>101</sup> Awarua partition hearing 1890, Wanganui MB 18: 207.

<sup>102</sup> Awarua partition hearing 1890, Wanganui MB 19: 84.

a rangatira in Tangiteruru's party.<sup>103</sup> One of the last pa that Turoa attacked was Te Roto-a-Tara, after which he and his party departed the region. Tangiteruru sacked more pa along the coast before departing shortly thereafter himself.<sup>104</sup>

Te Roto-a-Tara pa was located on a largely impenetrable island in the middle of a now drained lake near where Te Aute College is situated. The pa was occupied by a number of different people and overseen by different leaders over the centuries but in the 1810s it was occupied by the Ngāti Whatuiapiti rangatira Te Pareihe. The pa was a continuing target for invading armies because it was where locals gathered whenever they were under attack, relying on the impenetrability of its location on an island. References to battles at Roto-a-Tara appeared in a number of different NLC cases. It was attacked repeatedly during the early nineteenth century, but there were two main battles that are referred to as "Roto-a-Tara I" and "Roto-a-Tara II". Roto-a-Tara I denotes the lengthy months long siege by Ngāti Tuwharetoa's Te Heuheu with the help of a number of Waikato hapu, known as the battle of the causeway. Roto-a-Tara II refers to the battle in which Te Pareihe was joined by other Ngāti Kahungunu related hapu and Ngapuhi led by Te Wera Hauraki against Ngāi Te Upokoiri and Ngāti Raukawa. It was at this second battle that the Ngāti Raukawa rangatira Te Momo was killed and Renata Kawepo was taken prisoner north to Tai Tokerau.

In the aftermath of Mangatoetoe and in the lead up to Roto-a-Tara I many Ngāi Te Upokoiri had returned to Heretaunga from Patea following the marriage of Te Nahu and Ihukino. When Te Nahu died, his brother-in-law Te Wanikau, established a rahui at Poukawa lake in preparation for the tangi. Te Nahu himself was Ngāti Rangikoianake and so were the main owners of Poukawa, but they felt that access to their own lake was being restricted by an outsider, Te Wanikau. A man named Mautaki destroyed the posts and in addition noted that the posts represented the bones of Wanikau. In response Te Wanikau travelled to Taupo and organised a taua consisting of Ngāti Tuwharetoa, Ngāti Pehi and Te Wanikau's Ngāi Te Upokoiri people under the command of Te Heuheu.<sup>105</sup>

While the taua set up for a siege on the shore they were unable to get across the lake to attack the pa. Frustrated at their inability to even approach the pa, a section of the taua was sent to attack another Ngāti Whatuiapiti stronghold at Te Arapiti pa at Waimarama on the

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<sup>103</sup> Awarua hearing 1886, Wanganui MB 11: 228; Awarua partition hearing 1890, Wanganui MB 18: 207.

<sup>104</sup> Patrick Parsons, "Māori Occupation", in *West to the Annie: Renata Kawepo's Hawke's Bay legacy*, Hastings, 2002, 47; Wai 2180 A12, 275-276; Wai 2180 A52, 141-144.

<sup>105</sup> Omahu hearing 1890, Napier MB 19: 119-121, 126; Wai 2180 A52, 145-146.

coast. The attack was unsuccessful and a number of significant warriors were killed from Te Heuheu's side including his brother, Manuhiri, Tawake a rangatira from Taupo and Rangimarama the younger brother of the previously mentioned Te Pehi Turoa. Te Heuheu then turned the attention of the entire taua to Te Arapiti and sacked the pa. He then returned home to gather an even larger force to attack Te Pareihe. According to S. Percy Smith he returned in late 1822 and resolved to construct a causeway from the shore to the island from the nearby Te Aute forest.<sup>106</sup> In response, Te Pareihe ordered the construction of a tower to rain down objects on the builders of the bridge. In the resulting attack, a Ngāti Maniapoto rangatira, Te Arawai (the son of Peehi Tukorehu), was killed. Once the causeway reached the pa, Ngāti Whatuiapiti were largely able to defend themselves. Nonetheless realising that their defence couldn't last, they abandoned the pa during the night. Te Heuheu returned a third time with another taua, this time including his daughter, Te Rohu. This third attack was confounded by the same strategic challenges that had marked the previous two. Te Heuheu's daughter, Te Rohu, helped negotiate a peace agreement that was acceptable to both sides. She called out to Te Pareihe who fetched a canoe for her and welcomed her with much ceremony. He gave her fine new cloaks and possibly also presented her with a pounamu mere, Te Kiri-o-tauaroa. Te Rohu addressed Ngāti Whatuiapiti and reminded them of their mutual bonds of descent with Ngāti Tuwharetoa. She promised that her father's forces would leave the area and return to Taupo the following day. He subsequently withdrew but it would not be long before Ngāti Tuwharetoa returned to the rohe again.<sup>107</sup>

A key ally of Ngāti Tuwharetoa, Raukawa led by Whatanui, were the next external threat to the Heretaunga region. Raukawa and Whatanui had received an invitation from Te Kaihou, the widow of Te Ringanohu to help her people against Ngāi Te Upokoiri. At the same time, Te Heuheu had rendered his own assistance to Te Wanikau of Ngāi Te Upokoiri. It appears that on one of his three taua to Roto-a-Tara, Te Heuheu was accompanied by Raukawa and Whatanui. It is not clear how they reconciled the fact that they were backing opposing sides in the confrontation. Initially Raukawa were welcomed by their Ngāti Kahungunu and Ngāti Whatuiapiti hosts, but after Kahungunu came under attack by Ngāi Te Rangi hapu of Ngāti Apa, Te Whatanui decided to join with the invaders who were subsequently defeated. Raukawa then attacked Ngāti Hinepare pa on the Tutaekuri River but

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<sup>106</sup> S Percy Smith, *Māori Wars of the Nineteenth Century*, Whitcombe and Tombs Ltd, 1910, 295-298.

<sup>107</sup> Angela Ballara. 'Te Rohu', *Dictionary of New Zealand Biography*, first published in 1990, updated September, 2011. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t77/te-rohu> (accessed 5 April 2019); Wai 2180 A52, 145-147.



were defeated by the combination of Ngāti Kahungunu and Ngāti Whatuiapiti taua. Whatanui again retreated to Taupo. Ngāti Raukawa again returned to Heretaunga to seek some retribution for their losses, once more backed heavily by Waikato and Ngāti Tuwharetoa forces. They attacked Te Pākake pa successfully routing its defenders. Te Heuheu then led the Ngāti Tuwharetoa contingent to Te Awa Tamateanui where the father and uncle of Raniera Te Ahiko were killed in retaliation for the Ngāti Raukawa defeat at Puketapu.<sup>108</sup>

After the defeats at Mangatoetoe and Roto-a-Tara, Ngāi Te Upokoiri and Ngāti Hinemanu ki Heretaunga had once again sought refuge in the Patea region at Otutekohu, Motukawa and Kai Inanga. They quickly became enveloped in conflicts with Ngāti Raukawa as their neighbours had in Heretaunga. Earlier it was noted that after Peehi Turoa of Whanganui had led taua into Patea and Heretaunga he took a local woman prisoner to become his wife. When he returned to the region with his wife to disinter his child's remains, he brought the body of a close relative of Whatanui, Te Ruamaioro, who had just been killed in battle in the Upper Whanganui, to share with his wife's people living at Otaparoto. This attracted the ire of Whatanui who attacked and defeated the refugee Ngāi Te Upokoiri and Ngāti Hinemanu who had escaped Heretaunga at Otaparoto and hosted Turoa.

Neither Ngāti Whiti nor Ngāti Tama nor even distant but powerful Ngāti Tuwharetoa were involved, solely Ngāi Te Upokoiri and Ngāti Hinemanu. A Ngāti Tama witness at the Owhaoko rehearing of 1887 recounted how Whatanui even “gave some of the slain to N’ Tama to eat with their fern-root”.<sup>109</sup> Hianga, the father of Noa Huke, and Hoeroa, were the Ngāi Te Upokoiri/Ngāti Hinemanu rangatira within Otaparoto. Te Wanikau was located nearby at his pa at Otutekohu. It was said that Whatanui had ordered his men to leave Te Wanikau's pa as he was a man of great mana. Nonetheless when Te Wanikau heard of the Ngāi Raukawa taua approaching he joined his relations at Otaparoto. In the end Hianga and Hoeroa were killed at Otaparoto, while Te Wanikau managed to escape. His daughter was nonetheless taken prisoner, and later returned to her family in Taupo where Te Wanikau and his people sought shelter after their defeat.<sup>110</sup> Following the defeat at Otaparoto, Te Whiuwhiu, another rangatira of Ngāi Te Upokoiri, returned to Heretaunga while Te Wanikau went to Taupo. Anaru Te Wanikau stated that following Otaparoto his mother, Rihi, was taken prisoner while others “went to Heretaunga and lived there in their kaingas at base of

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<sup>108</sup> Wai 2180 A12, 279; Wai 2180 A52, 147-149.

<sup>109</sup> Owhaoko rehearing 1887, Napier MB 12: 373-374.

<sup>110</sup> Omahu hearing 1890, Napier MB 19: 122-123.

Ruahine range on east side of those ranges”.<sup>111</sup> When Hoeroa, the uncle of Renata Kawepo, was killed at Otaparoto part of his body was carried during the night to Taupo for burial on Tongariro. Originally named Tama-ki-Hikurangi, this was where he gained the name Kawepo—which means to be ‘carried by night’.<sup>112</sup>

After the battle at Otaparoto, another significant battle in the Taihape region was the Kai Inanga battle. Although this occurred in the rohe of Ngāti Hinemanu and Ngāti Paki and Ngāti Hauti, they were not directly involved. Rather it was marked by clashes between related Ngāti Hauti and Ngāti Apa aided by Ngāti Tuwharetoa and Ngāti Raukawa. The larger impact on Ngāti Hinemanu and Ngāti Paki was the fact that they had to briefly leave the areas around the Rangitikei river at which the fights took places.<sup>113</sup>

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<sup>111</sup> Awarua partition hearing 1890, Wanganui MB 18: 206-207.

<sup>112</sup> Wai 2180 A12, 277-278; Wai 2180 A52, 149-151.

<sup>113</sup> Wai 2180 A12, 292-295; Wai 2180 A52, 151-153.

## The Alliance between Te Pareihe and Te Wera Hauraki

Following the battles involving outside iwi and hapu such as those from Ngāti Tuwharetoa and Ngāti Raukawa, it became clear to one rangatira who repeatedly occupied Te Roto-a-Tara, Te Pareihe of Ngāti Whatuiapiti, that it would be necessary to form further alliances to protect their people. Before he could enlist any help though, he was under attack from some of the same forces he sought to attract to his own cause. Te Wera Hauraki of Ngapuhi had established himself at Nukutaurua in the company of Te Whareumu a local rangatira who he had captured in a previous raid. Te Wera had married Te Whareumu's sister, establishing his right to live over an extended period at Nukutaurua more strongly in line with tikanga. Supported by a number of his own warriors as well as firearms and ammunition many rangatira sought his help to settle utu debts and advance their own causes. One rangatira of Ngāti Parau and Ngāti Kahungunu, Hauwaho, enlisted Te Wera's help to avenge the death of his brother, Hungahunga, at the hands of Ngāi Te Upokoiri. Hungahunga was killed after Hauwaho, who following Hoeroa's death at Otaparoto, acquired some of his bones and fashioned them into fish-hooks.<sup>114</sup> Te Wera agreed to help Hauwaho.<sup>115</sup>

First they arrived at Ahuriri and killed some women of Ngāi Te Upokoiri. They then moved down the coast and attacked the people of Kurupo Te Moananui even though he was not in any way related to Ngāi Te Upokoiri or Ngāti Hinemanu. Others in the taua wanted to attack Te Pareihe of Ngāti Te Whatuiapiti but were opposed by his relations that were involved in the wider expedition including Ngāti Kahungunu ki Wairoa. The taua then camped at Tanenuiarangi pa on the south side of the Ngaruroro river. Te Pareihe along with his ally Tiakitai of Ngāti Kurukuru at Waimarama then approached the pa but were quickly surrounded by Te Wera and his allies. Somehow a peace was arranged and the parties came together to form an even larger taua.<sup>116</sup>

Te Wera and his allies soon saw another taua pass nearby heading in the direction of Patea on their way to Taupo. Although the taua has been identified as Ngāti Raukawa, it was a diverse group led by Te Wanikau and Te Huiatahi consisting of Ngāti Tuwharetoa, Ngāi Te

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<sup>114</sup> Omahu hearing 1890, Napier MB 19: 300.

<sup>115</sup> Angela Ballara. 'Te Wera Hauraki', Dictionary of New Zealand Biography, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t83/te-wera-hauraki> (accessed 2 March 2019)

<sup>116</sup> Wai 2180 A52, 153-154.

Upokoiri, Ngāti Hinemanu, Ngāti Whiti, Ngāti Tama<sup>117</sup> and Ngāti Toi. During the first discussions between the taua it became clear that one of the Te Wera-led taua, Te Hihiko, was a younger relation of Te Huiatahi. The latter proposed to combine their forces and head towards the sea. It was said that as soon as Te Hihiko reached the leadership of his taua to consider the proposal to unite, Te Huiatahi and his men opened fire on the Nga Puhi led raiding party. Te Wera's taua faked a retreat only to draw out their attackers into the open following which they died in large numbers.<sup>118</sup> Over fifty were killed at the fight, known as Te Whiti-o-Tū, but Wanikau, Te Huiatahi and Raniera Te Ahiko escaped into the Ruahine range. They had just travelled from Kihiao pa.<sup>119</sup> Giving evidence to the Omaha investigation Te Ahiko claimed that the defeated at Te Whiti-o-Tū included "N' Pouwharekura" and noted the Te Whaaro name connecting it to Ngāti Pouwharekura.<sup>120</sup> Utiku Potaka's father Potaka was also present at the battle of Te Whiti-o-Tū.<sup>121</sup> A number of rangatira including Toatoa of Ngāti Hinemanu ki Heretaunga and Te Whakaheke of Ngāti Tama<sup>122</sup> were killed. Te Kaipo was wounded at Whiti-o-Tū. He was Ngāi Te Upokoiri, Ngāi Takaha and Ngāti Hinemanu and had travelled with Whiuwhiu and others to Patea and married Wiki Takinga of Ngāti Whiti who accompanied him back to Heretaunga.<sup>123</sup> Te Wera's taua including his Ngāti Kahungunu and Ngāti Whatuapiti allies returned with him to the safety of Nukutaurua. The Ngāi Te Upokoiri, Ngāti Hinemanu, Ngāti Honomokai, Ngāti Mahuika, Ngāti Pouwharekura and other allied survivors fled back to Taupo to seek shelter including Te Wanikau, Noa Huke and Winiata Te Whaaro's father, Wiremu Turitakoto.<sup>124</sup> Kaipo, Whiuwhiu and others of Ngāi Te Upokoiri and Ngāti Hinemanu returned to Patea.<sup>125</sup> Heretaunga was almost entirely abandoned.

Hauwaho and others gifted land at Otupaopao in the Omaha block to Ngapuhi for helping avenge the death of Hungahunga. Ngapuhi only stayed for a short while then returned it to Hauwaho's people.<sup>126</sup> Te Pareihe advised all those in Heretaunga to leave the area, he

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<sup>117</sup> Heperi Pikirangi claimed that his father Pikirangi only travelled halfway to Whiti-o-Tu before travelling back to Patea: Awarua partition hearing 1890, Wanganui MB 19: 136.

<sup>118</sup> Wai 2180 A12, 282-283.

<sup>119</sup> Awarua hearing 1886, Wanganui MB 11: 368.

<sup>120</sup> Omaha hearing 1890, Napier MB 18: 444; Napier MB 19: 199.

<sup>121</sup> Awarua hearing 1886, Wanganui MB 11: 360; Awarua partition hearing 1890, Wanganui MB 20: 350, 360.

<sup>122</sup> Awarua partition hearing 1890, Wanganui MB 19: 113.

<sup>123</sup> Mangaohane hearing 1884-1885, Napier MB 9: 153; Awarua hearing 1886, Wanganui MB 11: 331, 338; Awarua partition hearing 1890, Wanganui MB 18: 209; Wai 2180 E1(a), 11.

<sup>124</sup> Wai 2180 A52, 156-157.

<sup>125</sup> Awarua hearing 1886, Wanganui MB 11: 338.

<sup>126</sup> Omaha hearing 1890, Napier MB 19: 274.

told them that they would be the fuel for the fires lit at Te Whiti-o-Tū. Not only Ngāi Te Upokoiri were defeated at Te Whiti-o-Tū but also Waikato and Ngāti Tuwharetoa forces. Hauwaho went with them as far as Pākake pa, an island pa in Ahuriri harbour. Te Pareihe advised him to join him at Nukutaurua with Te Wera but Hauwaho refused. He, Whakato and some of Ngāti Kurukuru, Ngāti Horo, Ngāti Parau, Ngāti Hinepare and Ngāti Hawea including young men such as Te Hapuku, Tiakitai and Te Moananui remained at Pākake to be “payment for Whitiotu” as they stated that they would rather die on their own lands than be supplicants to an inferior.<sup>127</sup>

Waikato, Ngāti Raukawa, Ngāti Maniapoto and Ngāti Tuwharetoa forces led by Te Heuheu then returned to avenge the death of Te Arawai who had died at a previous Rotoatara fight. The attackers were armed with hundreds of muskets that nearly guaranteed their victory. Whakato and Hauwaho were both killed at Pākake and many were taken prisoner including Te Hapuku, Moananui and Airini Donnelly’s grandfather Whakapiripiri/Hukimate. Another of Airini’s grandfathers, Tiakitai, was not taken prisoner at first but he was instructed to follow later. About eighteen months after the battle the Waikato rangatira Te Wherowhero invited Tiakitai to the Waikato to formalise peace arrangements and return to Heretaunga with the captives. Going through Taupo, Tiakitai saw Ngāi Te Upokoiri still there after Whiti-o-Tū and asked them to return to Ruahine but they refused.<sup>128</sup> Erena Mekemeke and her brother Tama-ki-Hikurangi/Renata Kawepo of Ngāi Te Upokoiri returned and so did their uncle Whiuwhiu to Ohinepaku pa in the Ohiti block. Tiakitai then continued on to Waikato and returned with all the prisoners. He competed with Moananui for Erena’s hand in marriage but it was decided that she should marry Tiakitai.<sup>129</sup> (Tiakitai and Erena had a daughter, Haromi Te Ata. Haromi married a man named Karauria who were the parents of Airini Donnelly)

With Heretaunga largely depopulated Ngāti Raukawa once again attempted to take advantage of the unique demographic opportunities provided to them. Although two previous expeditions led by Te Whatanui had not been successful when they were defeated by Te Pareihe and Te Wera, a third foray led by Te Momo-ira-warū hoped to succeed where the others had failed. Ngāi Te Upokoiri led by Te Wanikau then returned with Ngāti Te Kohera of Ngāti Raukawa led by Te Momo to fortify Roto-a-Tara. This was the battle known as

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<sup>127</sup> Patrick Parsons, ‘Maori Customary Rights in the Ahuriri block’, Wai 201 R8, 89-94.

<sup>128</sup> Omaha hearing 1890, Napier MB 19: 2, 275.

<sup>129</sup> Wai 2180 A52, 157.

“Roto-a-Tara II”. They did so without the support of their previous benefactor that had provided Ngāi Te Upokoiri with shelter at Taupo, Te Heuheu. He warned Te Momo against antagonising Te Pareihe and when he did not listen he sent messengers to Te Pareihe and Te Wera warning of Te Momo’s arrival. Te Momo occupied Kahotea pa near Te Roto-a-Tara but he was killed prior to the main attack from Te Pareihe and Te Wera. Others in the Ngāti Raukawa expedition had established themselves at Lake Poukawa and they were joined by the survivors of the attack on Kahotea pa. In concert with their Ngāi Te Upokoiri allies they attacked Kahungunu and Whatuiapiti settlements at Ahuriri and killed a few men and women.<sup>130</sup>

Te Wanikau had recently returned with guns and ammunition from Te Rauparaha at Kapiti. Joined by Whiuwhiu, Ngāi Te Upokoiri along with the Ngāti Raukawa survivors occupied Rotoatara while Tiakitai, Moananui, Tareha, Karaitiana went to Nukutaurua to fetch Pareihe and Te Wera of Ngāpuhi. Once Pareihe was able to settle in to the shores around Roto-a-Tara for the long siege, Ngāi Te Whatuiapiti got the distinctive advantage. After a couple of months food supplies ran low and eventually the palisades were climbed and the leaders were either killed or taken prisoner. After this battle of Roto-a-Tara Ngāi Te Upokoiri went to Manawatu and Kapiti and Kawepo was taken prisoner by Ngāpuhi. Although he was a prisoner, his status as a young leader was still respected and he was permitted to wear the tā moko. He became a key part of Te Wera’s entourage and once he was taken he converted to Christianity and was baptised with the named Leonard or Renata. Harawira Te Tatere (a half brother of Tiakitai) saved a young Kawepo “from the fire on which the enemy had put him”. Te Wanikau remained at Patea during this Roto-a-Tara battle. Although he went with Kawepo and Whiuwhiu to Roto-a-Tara, according to one account he left before the battle occurred.<sup>131</sup>

Following the last Rotoatara battle a retaliatory raid was conducted by Ngāi Te Upokoiri that killed Paeroa, the wife of Whakato and the mother of Moananui and Karawa, and Airini’s tupuna, Kutia. This was followed by a return raid by Ngāti Kahungunu, named Te Ruru, in which the rangatira of Ngāti Mutuahi, Kaimokopuna, and children of the whanau were killed. Another of their rangatira, Whakarongo, was taken prisoner and Hapuku married her.<sup>132</sup> While these retaliatory raids helped to satiate some of the anger of the defeat at Roto-

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<sup>130</sup> Omahu hearing 1890, Napier MB 19: 2; Wai 2180 A52, 158-159.

<sup>131</sup> Omahu hearing 1890, Napier MB 19: 276; Wai 2180 A12, 285-287.

<sup>132</sup> Omahu hearing 1890, Napier MB 19: 42, 277.

a-Tara, most of Ngāi Te Upokoiri left the rohe into exile in the Manawatu living with the Rangitane rangatira Tiweka and Takore at Kuripaka. Te Wanikau died in exile around 1840 in the Manawatu. Many affiliating to Ngāti Hinemanu ki Heretaunga were also related to Ngāi Te Upokoiri and were a part of the exiled group. Most notable was the family of Raniera Te Ahiko, a claimant in the NLC in the late nineteenth century, and a brother-in-law of Te Wanikau. After 1840, with the departure of Te Wera, there gradually developed a desire to repopulate Heretaunga. Ngāti Kahungunu and Ngāti Te Whatuiapiti iwi and hapu gradually returned from their own exiles in Nukutaurua and elsewhere and eventually so did Ngāi Te Upokoiri. Renata Kawepo was one of the first to return of Ngāi Te Upokoiri, when he visited Heretaunga with the missionary William Colenso from Ngāpuhi territory where he had been taken as a prisoner in the 1830s via Nukutaurua. Moananui of Ngāti Hawea, who himself had been a prisoner in the Waikato, worked together with Kawepo to bring exiled Ngāi Te Upokoiri from Manawatu and Patea back to their territories. Discussions of this return migration were prevalent in a number of NLC investigations including especially Omahu and Ohiti-Waitio.<sup>133</sup> By the early 1850s some Ngāi Te Upokoiri and Ngāti Hinemanu had returned and gradually over that decade more and more continued to make the journey back home from the Manawatu. They arrived just in time to defend their customary interests in blocks of land that were under threat of Crown purchase.

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<sup>133</sup> Parsons, 2013, 10. Omahu hearing 1890, Napier MBs 18-20; Ohiti-Waitio hearing 1897-1898, Napier MBs 42-43.

## Conclusion

The situation in the CFL lands region in the decades leading up to 1840 was incredibly fluid and marked by migrations and battles that influenced whanau, hapu and iwi across Heretaunga and Patea. Of particular importance were the battles at Potaka, Mangatoetoe, Otaparoto, Whiti-o-Tū and Roto-a-Tara I and II that included figures from both sides of the Ruahine range, and which were followed by significant migrations. These were reflected in the experiences of Winiata Te Whaaro, his tupuna and wider whanau. The migrations between Heretaunga and Patea by Ngāti Hinemanu and Ngāi Te Upokoiri during those turbulent years produced a range of new interests that were fought out in the NLC during the late nineteenth and very early twentieth century. Ngāti Hinemanu me Ngāti Paki emphasise today that their descendants are spread across Patea and Heretaunga due to their Ngāti Pouwharekura whakapapa through Te Whaaro's father Wi Turitakoto and his Ngāti Hinemanu and Ngāti Paki whakapapa through his mother Kinokino. Te Whaaro's father only migrated to Patea as a result of the battle at Mangatoetoe and in some ways Te Whaaro is one of the products of those turbulent decades prior to 1840. Te Whaaro's descent lines are contested in relation to the source of the name of Ngāti Paki, through either Te Aopakiaka or Rangitepakia, but not fundamentally in the tupuna claimed with both sides agreeing on the primacy of Rangiwahakamatuku. By the signing of the Treaty/te Tiriti the descendants of Punakiao and Taraia II had established themselves over a very large area through not only conquest but significant intermarriage. Their land tenure would be significantly challenged by the introduction of British sovereignty and the settler and Crown thirst for their lands.

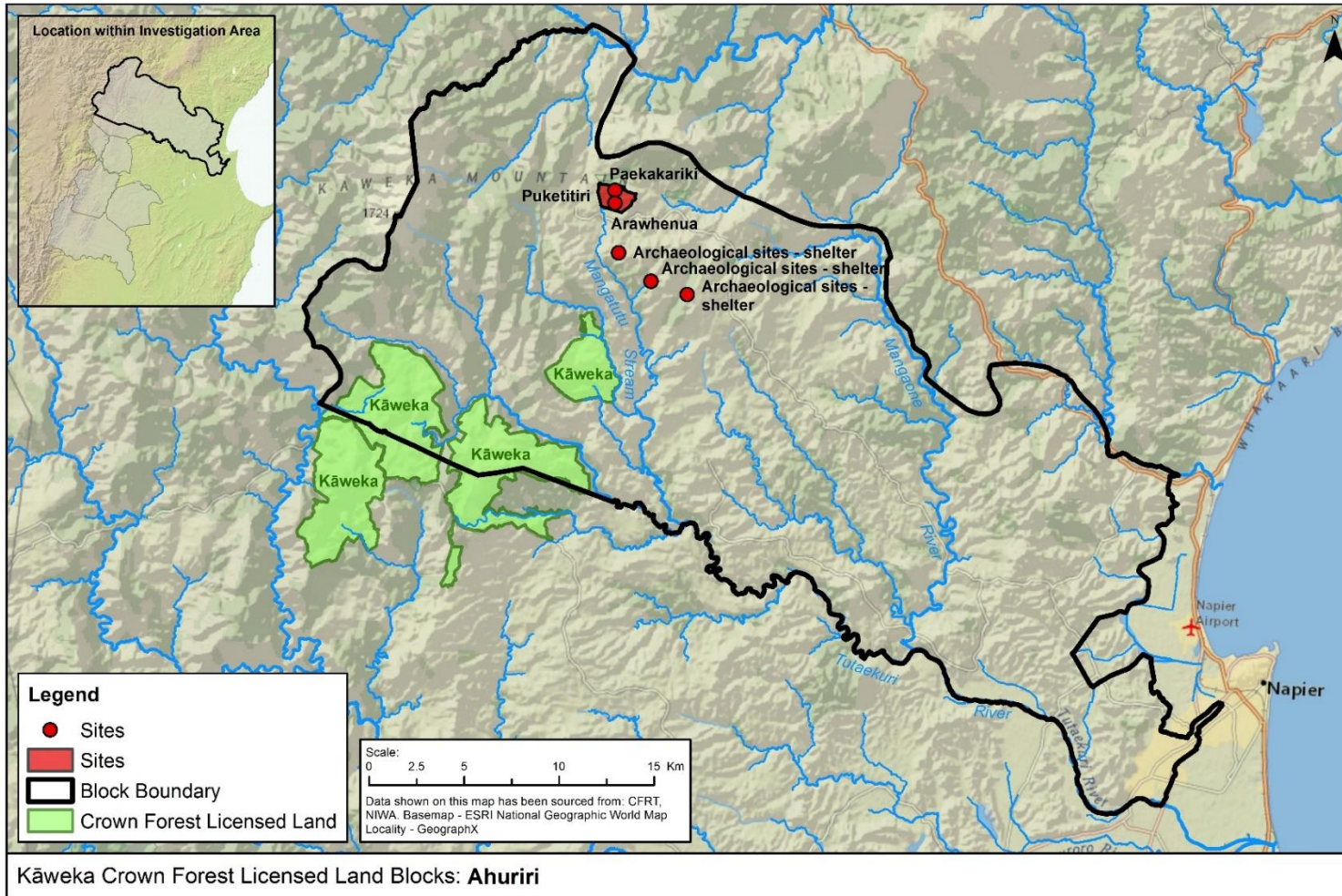


### Section 3: Block studies

The history of the migrations and battles in section 2 provide context to the block studies which are the focus of section 3. This section will analyse the eight blocks that form the CFL lands as well as the bordering blocks to the west. Five of the eight blocks in the CFL lands (Ahuriri, Aorangi, Otaranga, Ruataniwha North and Manga-a-Rangipeke) were early Crown purchases and were fairly limited in terms of any discussion of customary interests. Two of the three blocks that were alienated through the NLC process, Otamauri and Kohurau, were taken through the Court early in its history and also had fairly limited customary evidence presented although the Omahaki block did have some more substantial evidence. As a result information from surrounding blocks such as the Omahu, Awarua, Owhaoko, Timahanga, Te Koau and Mangaohane investigations as well as the Otaranga and Ruataniwha North Commission were used to provide more context. There was limited direct evidence of specifically Punakiao-derived descent claimed in any of the CFL lands, but the rights of Ngāti Pouwharekura were undeniable in the Ruataniwha North block. Ngāi Te Upokoiri and Ngāti Honomokai derived descent groups featured in the CFL lands taken through the NLC such as Kohurau, Omahaki and Otamauri. The neighbouring lands directly to the west in the Taihape inquiry such as Mangaohane, Awarua No.1, eastern Owhaoko, Te Koau, Timahanga and Awarua o Hinemanu all had a significant Ngāti Hinemanu me Ngāti Paki presence. To Ngāti Hinemanu me Ngāti Paki the significant presence of Taraia II in the descent groups claimed in the CFL lands could just as easily apply to his wife, Punakiao.

The details of the Crown purchases in Heretaunga along the Ruahine and Kāweka ranges are not the primary concern of this report as its focus is on customary interests. Nonetheless those who arranged the purchases, and perhaps more importantly, those that were left out of the purchases can provide a clearer picture as to the extent of customary interests in those land blocks. One of the most directly relevant to the Kāweka & Gwavas CFL lands is the Ahuriri purchase, the western edge of which takes up a sizeable portion of the Kāweka CFL lands.

Ahuriri



Map 4: Ahuriri block

The Ahuriri purchase was completed in 1851. In comparison to the secret purchases conducted later in the 1850s there was more discussion regarding the boundaries and the rights holders but there were still some issues with the purchase. The block was massive at over 265,000 acres and stretched from Te Whanganui a Orutu (Napier Harbour) all the way to the Kāweka Range.<sup>134</sup> It was bounded on the south by the Tutaekuri river and to the north by the Te Waiohonga stream and further inland the Mohaka river. There were three areas of land reserved to the sellers, two of which were in the harbour region—Wharerangi and the island of Te Roto o Kuri. The third was the Puketitiri bush of 500 acres inland lying roughly equally between the Mohaka and Tutaekuri rivers and closest to the CFL lands out of all three reserves. Puketitiri was not awarded to the customary owners until over 70 years later in 1922. Claimants at the Puketitiri investigation argued over whether all those who descended from the signatories of the 1851 Ahuriri purchase should be included in the title. Lawyers for those claiming through Turauwha and Taraia II stated that membership in the Wharerangi reserve at Ahuriri harbour should be a pre-condition for inclusion in the Puketitiri title. Others claimed through Ngāti Hineuru and their rights in the northwestern corner of the block as opposed to those with rights all the way at the coastline. The Native Land Court awarded 127 individuals shares in the Puketitiri reserve.<sup>135</sup> Negotiations for the Ahuriri purchase were led by two of the major leaders of this area, Tareha and Moananui. The people of the Tangoio area to the north, led by their leader Te Hokomo, were also involved in the purchase although the area of their interest lies outside of the Kāweka CFL lands. The deed was signed by Tareha, Moananui, Te Hokomo and 297 others with the deed's preamble stating that it contained "the full consent of us the chiefs and all the people of Ngātikahungunu at this meeting assembled whose names are hereunto subscribed on behalf of ourselves our relations and all our descendants who shall be born after us."<sup>136</sup>

While complaints were made by local Māori soon after the purchase was finalised and in the decades to come about the minimal reserves and small purchase price, the focus of this report is concerned with the customary interests in the block. Those who sold the Ahuriri block were generally described as "Ngāti Kahungunu" but this simplified a much more complicated picture. Some of the interests claimed in the block were Ngāi Tawhao, Ngāti

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<sup>134</sup> During our visit with claimants, Wero Karena alleged that the western boundary of the Ahuriri purchase was not the Kaweka range but Blackbirch range further east. He claimed to have seen an original map which showed the boundary as Blackbirch range but that it had been changed later. 31 March 2019 Omahu hui.

<sup>135</sup> Puketitiri hearing 1922, Napier MB 70: 135-136, 168-169, 177-199, 209-211, 224-267, 272-335 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 254-407.

<sup>136</sup> Waitangi Tribunal, *The Mohaka ki Ahuriri Report* (Wellington: Legislation Direct, 2004), 87-92, 95-103.

Hinepare<sup>137</sup>, Ngāti Mahu, Ngāti Parau, Ngāti Tu, Ngāti Matepu and Ngāti Hineuru. The last named iwi made significant protests about their exclusion for the purchase of land. While the first three could be described as hapu related to Ngāti Kahungunu, Ngāti Hineuru did not share the same relations. Their claim to the land was raised in the mid-1850s by their leader Te Rangihiroa and was eventually recognised with further payments from Donald McLean in 1859. Later that year McLean would also purchase the neighbouring Kāweka block over top of the Range from a variety of Ngāti Kahungunu and Ngāti Hineuru owners. Ngāti Hineuru's interests lay to the west of the Maungaharuru and Te Waka Ranges and are not considered in the remainder of the report.<sup>138</sup>

While there were clearly a number of valid rights holders involved in the Ahuriri sale, as Hape Nikora pointed out at the Puketitiri investigation in 1922 “at the Ahuriri sale no ancestral right was set up.” “There are no records of the rights of the 300 persons named in the Deed of 1851. We have no record of the tupunas then held to be entitled. The evidence given in Native Land Courts since cannot [pretend] to throw any light on the matter as stories are often concocted to suit circumstances.” The judgement put the issue in a more favourable light: “Probably some of the 300 persons who signed the Ahuriri Deed of Sale in 1851 would not according to our present day principles of investigation be deemed to be rightful owners, but it seems they were recognised both by the Government land purchase officers and the native elders then living and present as having some right or colour of right to participate in the deliberations and to append their names to the document.” Various witnesses at the 1922 investigation described food gathering in the Puketitiri bush for birds for example at Paekakariki. After 1840 the descendants of various claimants even lived seasonally in the bush with the permission of Renata Kawepo and Paora Kaiwhata who they considered the main authorities for the reserve. Paora Rokina and Parekani Kataraina both lived at Puketitiri after the 1851 Ahuriri purchase. Rokina lived there from 1851-1874 and Kataraina from 1869-1874. They noted that Arawhenua was another kainga in the bush. The son of Henare Tomoana, Paraire Henare Tomoana, claimed there were connections between the owners of Kohurau and Puketitiri but he incorrectly claimed that Airini Donnelly was an owner in the Kohurau block.<sup>139</sup> The NLC in its Puketitiri judgment neglected to exclude any of the nine

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<sup>137</sup> As Meihana Takihī noted at the Omaha investigation in 1889, “Puketitiri and Kaweka were the retreat of N’ Hinepare”: Omaha hearing 1890, Napier MB 19: 100.

<sup>138</sup> *The Mohaka ki Ahuriri Report*, 104-105.

<sup>139</sup> Puketitiri hearing 1922, Napier MB 70: 198, 235, 239, 263-264, 345 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 280, 296, 300, 324-325, 398.

claimants involved in the investigation. Claims were made through Tawhao and Ruatekuri, Hikateko and Huakirangi, Hineuru as well as Taraia and Turauwha<sup>140</sup>. The Court recognised that there were no permanent settlements on the block and that it was generally used as a food gathering site. The largest interests were provided to the main claimants who claimed through Ngāti Hinepare and Ngāti Mahu via the tupuna Hikateko and Huakirangi acquiring 200 out of 500 interests. The claim of Paora Kaiwhata's descendants also claimed through Hikateko and Taraia and Turauwha and received 100 interests. The remaining interests were split mainly amongst the Tawhao claimants and a very small 2 interests for Hineuru claimants.<sup>141</sup>

A similar group of sellers, other than the additional Ngāti Hineuru owners, were those paid by the Crown for the Kāweka and Ranga a Tawhao blocks to the northwest of the Kāweka CFL lands. The Kāweka deed was sold by Te Moananui, Tareha and others nearly all were also included in the Ahuriri purchase. They were noted in the deed receipt since no deed survives, that it was their "lands between Mohaka and the Ngaruroro...the whole of the Kāweka, from the eastern to the Western side." The Ranga-a-Tawhao block was sold by a similar set of people: Te Waaka Kawatini, Paora Torotoro, Karaitiana Takamoana, Tareha, Ngatuna and Tamehana Pekapeka all noted in the deed as Ngāti Kahungunu. This was a much smaller group than that noted in the 1851 Ahuriri purchase and even the Kāweka deed. Moananui is a notable absence from the Ranga-a-Tawhao deed. It was clear after the purchase was completed from the Crown's point of view, that a number of customary owners were not consulted in the sale. This was most evident in the opposition to surveying which took place in the early 1860s. While McLean's land purchasing official, Samuel Cooper, painted the opposition to surveying as due to the sole influence of the Kingitanga (King Movement), there were clearly more local interests in the land that were delaying matters.<sup>142</sup> The inland hapu which the Crown had ignored in their discussions over the Ahuriri deed were

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<sup>140</sup> After Turauwha escaped from Taraia I near to the coast, he was known to have lived at Puketitiri and the "Kaweka snowy ranges" with his people: Pirau hearing 1888, Napier MB 17: 201-202.

<sup>141</sup> Puketitiri hearing 1922, Napier MB 70: 342-351 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 395-404. "The case presented many difficulties. It is a canon of Maori custom and Native Land Court procedure that in addition to right by ancestry, conquest or gift evidence of occupation is necessary to constitute a 'take' to the land. As the Ahuriri sale took place long before the institution of the NLC there is no record of folklore or tradition regarding the ancestors or elders who owned or occupied the land in this District – the only sidelights thrown on the subject come from the evidence of elders given in the Wharerangi case in connection with the investigation of blocks south of the Tutaekuri River and far away from Puketitiri. The traditions of the movements and activities of the ancestors are mostly confined to places near the coast but the historical knowledge of Paora Kaiwhata and Wiramina Ngahuka and of lesser lights who gave evidence in previous Courts helped to evoke some order out of the chaos and to throw some light on the mist and darkness that hang over the story of these interior recesses wither men went only now and again for refuge and safety or in quest of game."

<sup>142</sup> Wai 2180 A6, 7-19.

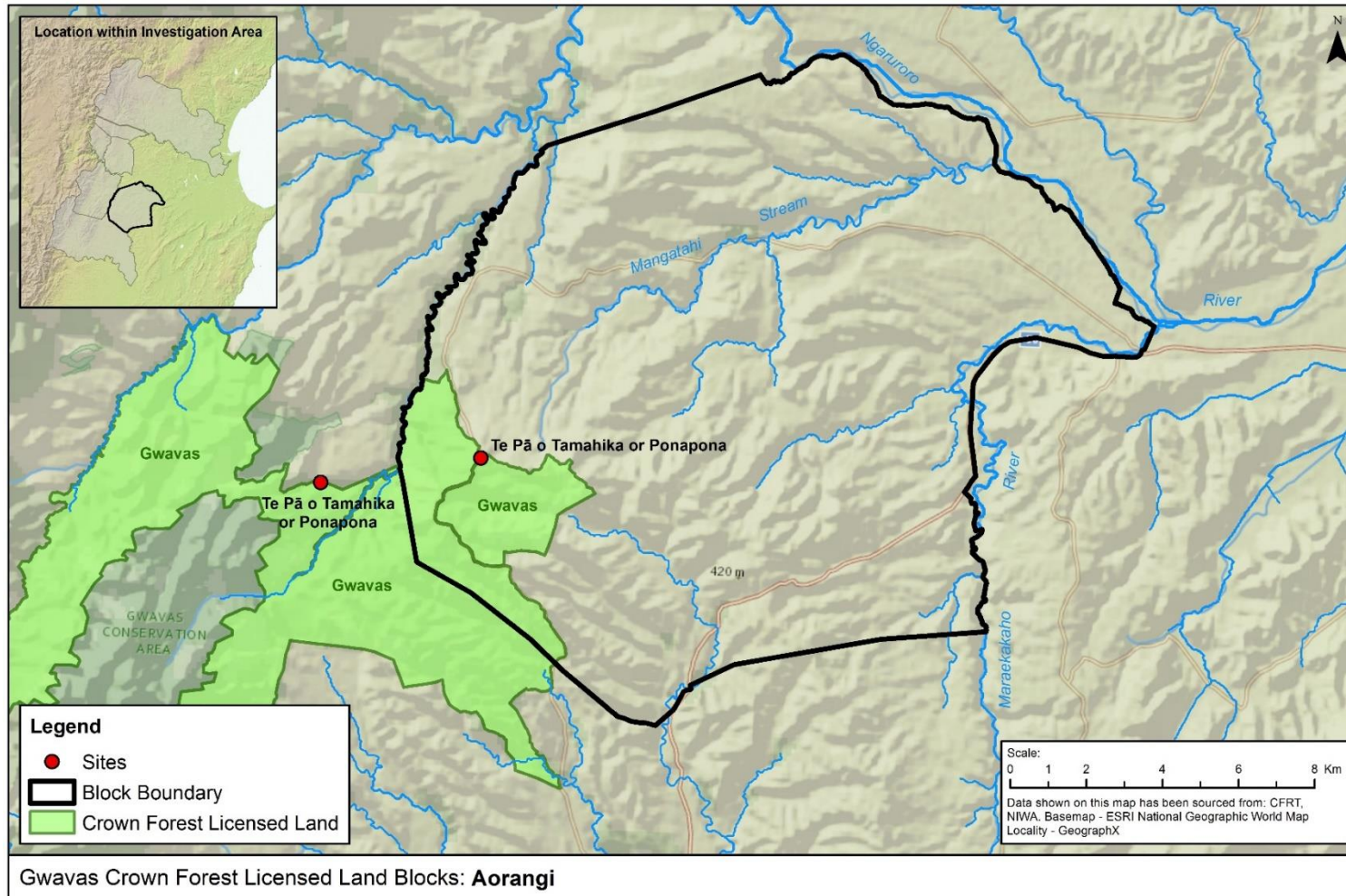
making their interests known in no uncertain terms. The opposition was so great there is no evidence that the Kāweka or Ranga-a-Tawhao purchases were ever completed. The Crown later made payments to Ngāti Tuwharetoa and Ngāti Kahungunu to settlement the matter, but completed ignored the hapu of Patea, including Ngāti Paki and any rights they may have had in these lands near the Kāweka range. According to Ngāti Hinemanu me Ngāti Paki, Winiata Te Whaaro travelled with his whanaunga into the Kāwekas to gather food and hunt for those attending the Kokako hui in 1860 in the Te Huru bush.<sup>143</sup> During the 1922 Puketitiri investigation Mohi Te Ataihikoia noted Ngāti Hinemanu rights in Kāweka when he related the story of Whatuiapiti's wife Huhuti asking her servants to gather titi "from Kāweka near Puketitiri". They were caught and killed and their deaths were not avenged "until the time of Te Rangikoianake when the Ng. Hinemanu were defeated".<sup>144</sup>

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<sup>143</sup> Jordan Haines-Winiata, 30 March 2019 Winiata to Omahu haerenga.

<sup>144</sup> Puketitiri hearing 1922, Napier MB 70: 258 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 319.

Aorangi



Map 5: Aorangi block

After the Ahuriri purchase of 1851 which forms part of the Kāweka CFL lands, the Aorangi block was the next section of land alienated which forms part of the Gwavas CFL lands having been partly sold in 1856. Like the later initial purchases of the Otaranga and Ruataniwha North blocks, Ngāti Te Whatuiapiti had a major claim to the block but so did Ngāi Te Upokoiri and Ngāti Kahungunu hapu like Ngāti Hawea. The block of about 38,000 acres was on the south bank of the Ngaruroro river. To the west were the Otaranga and Otapahi blocks, to the south the Ruataniwha North and Manga-a-Rangipeke blocks and to the east the Maraekakaho block. By the 1850s Ngāti Te Whatuiapiti was led by Te Hapuku, a nephew of Te Pareihe, who had been christened the paramount leader of Hawke's Bay by Donald McLean to facilitate the alienation of Māori land. Ballara and Scott posit that Ngāti Te Whatuiapiti with its number of hapu was the dominant iwi between the Ngaruroro and Waipawa rivers. They also discuss the wars between Te Whatuiapiti the rangatira and Ngāti Kahungunu for rights to the region many generations before Te Hapuku. Te Whatuiapiti was defeated at Kauhanga by Ngāti Kahungunu who failed to press their claims for the land after Te Whatuiapiti fought back during battles at Takutai-o-te-rangi, Aroaro-tahurihuri and Roropipi.<sup>145</sup>

According to Ballara and Scott, peace was established following Te Whatuiapiti's marriage to Te Huhuti, the daughter of a key Ngāti Kahungunu rangatira, Rangitaumaha, the son of Taraia I.<sup>146</sup> In the 1889-1890 Omahu investigation a variety of witnesses provided different narratives on the nature of the marriage and what followed it. Meihana Takihi (of Ngāti Hawea and others) claimed that their marriage was not arranged but a product of love. Te Teira Tiakitai and others believed that it was solely for diplomatic purposes. While all witnesses agreed that Whatuiapiti and Te Huhuti had a son, witnesses disagreed on the nature of the gifts provided by Rangitaumaha to commemorate his grandson's birth. Some witnesses argued that he provided lands and some of his subject hapu to his daughter and son-in-law because he was unable to procure suitable food to bring as a gift. Others merely noted that lands and people were gifted, while some claimed that the gifted lands were solely for Huhuti and her son. One witness even claimed that Rangitaumaha himself was gifted as a slave for Whatuiapiti and Huhuti but this was denied by many.<sup>147</sup>

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<sup>145</sup> Ballara and Scott, Aorangi, 2.

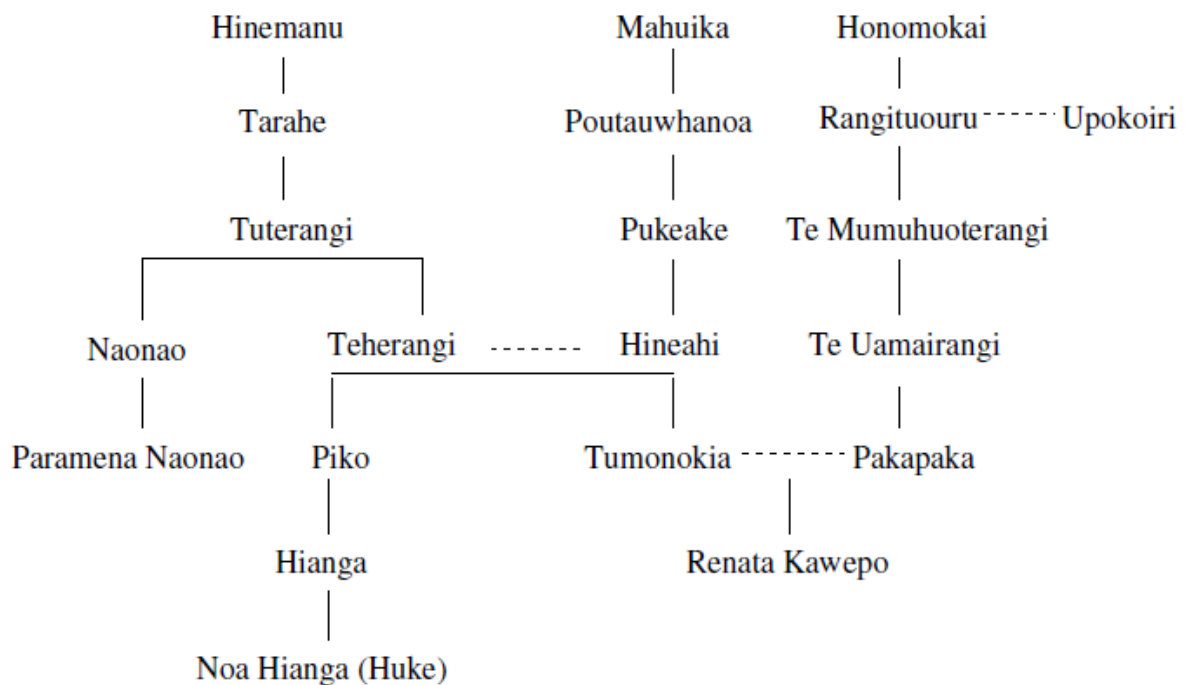
<sup>146</sup> Ballara and Scott, Aorangi, 2.

<sup>147</sup> Omahu hearing 1890, Napier MB 18: 435; Napier MB 19: 9-10, 36, 150, 307, 319.



In addition to Ngāti Kahungunu and Ngāti Te Whatuiapiti iwi and hapu, Ngāi Te Upokoiri, Ngāti Honomokai and Ngāti Hinemanu also had interests in the Aorangi block region.<sup>148</sup> During the 1889 Omaha investigation Wiramina Ngahuka<sup>149</sup> stated that Honomokai’s rights were on the south of the Ngaruroro river including the Aorangi block. At the same investigation Hamana Tiakiwai<sup>150</sup> stated that Aorangi was one of the blocks returned to Ngāi Te Upokoiri after their return from Manawatu.<sup>151</sup> Anaru Te Wanikau made a case for Ngāti Hinemanu and Ngāi Te Upokoiri connections at Aorangi stating that Hoeroa’s people (as descendants of Tarahē) had a right to Aorangi during the Owhaoko C partition hearing.<sup>152</sup>

Figure 11: Descent lines of Hinemanu, Mahuika, Upokoiri and Honomokai<sup>153</sup>



At the same hearing, Maraea Puri spoke of tupuna with lands in the Gwavas CFL lands—Tuarawhati and Moepo, “of Ngāitakaha hapu”, who had lands in the Aorangi block (and Maraekakaho).<sup>154</sup> Ngāi Takaha were noted as having rights to the south in the Manga-a-

<sup>148</sup> Raniera Te Ahiko noted that “Hawea had no right to Aorangi...or Whanawhana.” Omaha hearing 1890, Napier MB 19: 299.

<sup>149</sup> of Ngāti Mahu, Ngāti Hinepare, Ngāti Kahungunu and others.

<sup>150</sup> Ngāti Parau, Ngāi Tuku o te Rangi hapu and Ngāti Kahungunu and Ngāti Te Whatuiapiti iwi: Omaha hearing 1890, Napier MB 19: 3.

<sup>151</sup> Omaha hearing 1890, Napier MB 18: 292; Napier MB 19: 3, 20.

<sup>152</sup> Owhaoko C partition hearing 1894, Napier MB 34: 283.

<sup>153</sup> Wai 2180 A12, 701.

<sup>154</sup> Owhaoko C partition hearing 1894, Napier MB 34: 194-196.

Rangipeke block (which will be discussed shortly), and were said to have lived under the mana of Ngāi Te Upokoiri. At the Te Koau investigation Tairiri Papaka claimed that Aorangi was the “permanent place of residence of Te Apunga and his descendants.”<sup>155</sup> According to Patrick Parsons, Te Apunga was the son of Takaha.<sup>156</sup> During the same investigation, Pene Te Umairangi claimed from Honomokai through Te Atakore, and stated it was the “same whakapapa as Aorangi.”<sup>157</sup>

The neighbouring Ngatarawa block to the northeast, and the Matapiro block to the north were both claimed by the same people as the Otamauri block which will be discussed shortly. Renata Kawepo and Noa Huke on behalf of Ngāi Te Upokoiri and Ngāti Hinemanu claimed the Ngatarawa block in the 1866 NLC investigation but it was also contested by Karaitiana Takamoana and Harawira Takua of Ngāti Te Whatuiapiti “or as they are now called the Ngāti Poporo”.<sup>158</sup> Kawepo also claimed the Matapiro block in another 1866 NLC investigation through Ngāi Te Upokoiri and Ngāti Honomokai. Harawira Takua claimed at the Ngatarawa investigation that all of the land in Ngatarawa had belonged to Te Whatuiapiti, who divided it amongst his children. Ballara and Scott then noted that Te Upokoiri, the eponymous ancestor of Ngāi Te Upokoiri, was a descendant of Te Whatuiapiti being the daughter of his grandson Te Rangikawhiua perhaps attempting to indicate that the Ngāi Te Upokoiri right was related to Ngāti Te Whatuiapiti. Wi Te Roikuku had noted in his evidence at the Owhaoko C hearing that “Rangikatuawira” [Te Rangikawhiua?] had lands at Aorangi.<sup>159</sup> At the Ngatarawa investigation, Te Hapuku attempted to explain to the Court that one of Te Whatuiapiti’s children, Nukunua, had gifted Ngatarawa to the Ngāti Kahungunu rangatira Hawea and his brother Tamaiawhitia. Te Hapuku then claimed that it had been gifted back to himself as a representative of Ngāti Te Whatuiapiti, oddly by a rangatira of Ngāti Hinemanu, Paora Norioi’s father, even though Hawea was absolutely not Ngāi Te Upokoiri or Ngāti Hinemanu. Paora Norioi explained in Court that he believed the land belonged to Hawea.<sup>160</sup>

As Ballara and Scott point out “the complex pattern of wars, peace-makings, gifts and counter gifts of the land bordering the Ngaruroro river” provided ripe conditions for

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<sup>155</sup> Te Koau hearing 1900, Napier MB 53: 61.

<sup>156</sup> Simon Bickler, Rod Clough and Patrick Parsons, ‘Ruataniwha Water Storage Scheme: Archaeological Assessment’, 2013, 9.

<sup>157</sup> Te Koau hearing 1900, Napier MB 53: 73.

<sup>158</sup> Ngatarawa hearing 1866, Napier MB 1: 185-186, 212-216.

<sup>159</sup> Owhaoko C partition hearing 1894, Napier MB 34: 202.

<sup>160</sup> Ballara and Scott, Aorangi, 3.

disagreements once Crown purchasing began in the 1850s. As at the Ngatarawa NLC investigation, it was clear that Ngāi Te Upokoiri and Ngāti Hawea and other Ngāti Kahungunu hapu “probably had legitimate grounds to make claims” to the Aorangi block. An agreement with Ngāti Te Whatuiapiti was reached in November 1856 that Te Hapuku would have control of lands south of the Ngaruroro river, but soon thereafter he began to sell interests in lands to the north of the river.

The conflict between Te Hapuku and the other rangatira of Heretaunga including Kawepo, Te Moananui and Karaitiana Takamoana boiled over in 1857 following the Aorangi and Otaranga purchases. Despite clear warnings that the sale of these blocks would lead to conflict, the Crown proceeded with the purchases from Te Hapuku. In 1857 the Pakiaka war was fought against Te Hapuku who was defeated and forced to retreat inland after being abandoned by his closest allies. Like the Otaranga sale, further payments were made following the purchase from Te Hapuku to the rival factions of Ngāi Te Upokoiri, Ngāti Hawea and other Ngāti Kahungunu hapu but much of the damage had already been done.

The first purchase of the Aorangi block was completed on 22 March 1856 for £2000, with £1000 paid on that day and £1000 paid just over a year later on 15 April 1857. The deed was signed by Te Hapuku, Ropata, Tawhara, Tupurupuru, Kuini Hinepaketia and 83 others. The second payment of £1000 was paid to Te Hapuku, Tupurupuru, Te Haurangi, Hinepaketia, Kerei Tanguru, Tawhara and 21 others.<sup>161</sup> District Native Land Commissioner GS Cooper discussed the potential for trouble with his superiors but made no active attempt to stop the damage. Payments made to Te Hapuku and his opposition in the form of Kawepo, Moananui and Karaitiana Takamoana reflected the Crown’s purchasing policy—buy from willing sellers until the interests are finally all secured no matter what the consequences.

After the Pakiaka war, the Crown recognised the need to purchase the interests of the victorious Ngāti Kahungunu and Ngāi Te Upokoiri faction. £1300 was paid on 4 July 1857 to address the claims of Ngāti Kahungunu and Ngāi Te Upokoiri claims to the Otaranga, Maraekakaho, Otukao and Aorangi blocks. The signatories to the second deed which covered the four blocks were from diverse descent lines: Moananui, Noa Huke, Wiremu Te Rewarewa, Karaitiana, Renata Kawepo, Tareha, Te Hira Te Ota, Ihaia Te Ngira, Ani Kanara Rawenata, Arepera Rangitiaki, Haromi Te Ata, Karauria Tamaiwhakakitea, Terangi, Paora

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<sup>161</sup> H. Hanson Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand: Volume Two*, George Didsbury, 1878, 507-509, 584-585. Te Hapuku apparently signs the deed twice.

Kaiwhata, Porokoru Mapu, Airini Karauria and Roera Tareka.<sup>162</sup> Each purchase did not necessarily reflect one set of related iwi and hapu. Instead there were a number of individuals that affiliated to a diverse set of iwi and hapu. This diffusion of tribal members across both groups reflects the realpolitik with which these groups of vendors approached possible inclusion in a sale rather than any strict tribal affiliation.

Figure 12: Second Aorangi (and other blocks) deed, 4 July 1857

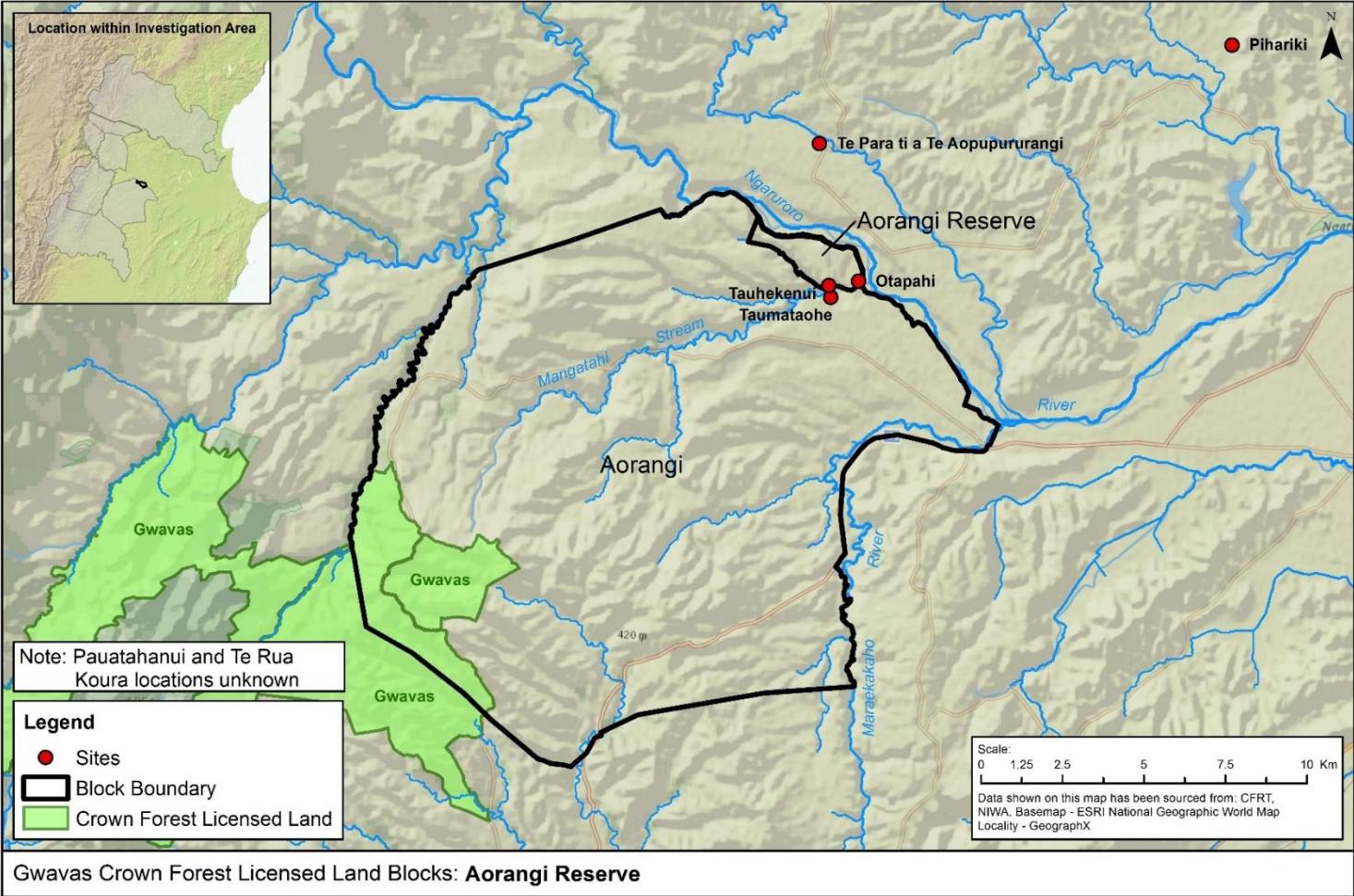
<b>Name</b>	<b>Tribal affiliation</b>
Te Moananui	Ngāti Kahungunu, Ngāti Hawea (but descended from Whatuiapiti)
Noa Huke	Ngāi Te Upokoiri, Ngāti Hinemanu
Wiremu Te Rewarewa	
Karaitiana	Ngāti Kahungunu, Ngāti Rangihakaaewa, Ngāti Te Whatuiapiti
Renata Kawepo	Ngāi Te Upokoiri, Ngāti Hinemanu
Tareha	Ngāti Kahungunu
Te Hira Te Ota <sup>163</sup>	Ngāi Te Upokoiri
Ihaia Te Ngira	
Ani Kanara Rawenata	
Arepera Rangitiaki	
Haromi Te Ata	Ngāi Te Upokoiri, Ngāti Hinemanu
Kauria Tamaiwhakakitea	
Terangi	
Paora Kaiwhata <sup>164</sup>	Ngāti Hinepare, Ngāti Mahu
Porokoru Mapu	
Airini Karauria	Ngāti Kahungunu, Ngāi Te Upokoiri
Roera Tareka	

<sup>162</sup> Turton, *Maori Deeds Volume Two*, 518.

<sup>163</sup> Omahu hearing 1890, Napier MB 19: 75.

<sup>164</sup> Omahu hearing 1890, Napier MB 18: 278.

Aorangi Reserve



Map 6: Aorangi Reserve block

Although initially there was no reserve set out in the Aorangi purchase, Land Purchase Commissioner Cooper's report to Donald McLean did mention a reserve.<sup>165</sup> In 1899 proceedings began in the NLC continuing into 1900 and in 1905. There were disagreements over the purpose of the reserve. Some claimed it was reserved by Hapuku and others by Kawepo. All discussed opposition to the purchase. What was clear was that Kawepo received the rents from the lease on the land for many years and effectively controlled it. As a result, it should not be surprising if the purpose of the reserve was to placate Kawepo. An 830-acre reserve in the block was vested in the Native Reserves Commissioner. Initially the Aorangi Reserve was vested for "the benefit of Natives generally" but it was for all intents and purposes controlled by Kawepo.<sup>166</sup>

The Aorangi Reserve's title was only investigated by the NLC in May 1899 when a number of different claimants were heard by the Court. The majority of the take were focused on Ngāi Te Upokoiri lines of descent, with Honomokai appearing in 8 out of 12 claims, Rangituouru in 3 of those claims and Mahuika in 2 of the 12 claims. Te Whatuiapiti was used in 5 claims although only once strictly through Te Whatuiapiti rather than in any combination with Ngāi Te Upokoiri. Those making claims were similar to the claimants in the Te Koau and Timahanga investigations: Airini Donnelly, Wi Broughton, Keita Ruta, Henare Tomoana, Arihi Te Nahu, Hera Te Upokoiri, Wiki Te Uamairangi, Matenga Pekapeka, Hoana Pakapaka, Nepe Te Apatu and Anaru Te Wanikau.

Nearly all witnesses made a claim to Taumataohe pa, discussed in many cases in this report, which was located on the Aorangi reserve. Hoana Pakapaka of Ngāi Te Upokoiri claimed that Taumataohe stood in the time of Taraia II and Tuanewa.<sup>167</sup> After Tuanewa was defeated his brother Rangitapahi was said to have escaped to Taumataohe.<sup>168</sup> Te Uamairangi was buried at the pa and all witnesses described it as his pa but it was not built by him. As discussed previously, when Te Uamairangi's younger brother Amiowhenua was killed, he departed the region to Whakatane and left his brother Tauwhitu in charge. Tauwhitu had no heir and anointed Rewharewha of Ngāti Rangikoianake and Ngāti Te Whatuiapiti as his

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<sup>165</sup> Heather Bassett and Richard Kay, 'Maori Reserves in the Heretaunga-Tamatea Inquiry District Crown Purchases, c. 1865-2011', CFRT, 2011, 207.

<sup>166</sup> "Report on Native Reserves in the Province of Hawke's Bay," *AJHR* 1871, F-4, 62.

<sup>167</sup> In the Buchanan papers it is noted via an unreferenced personal communication that Taumataohe originally belonged to "Ngāti Waitaha and later to Ngāti Mamoe" and that "Waitaha a descendant of Tiatia was one of the owners of the 4 original whare wananga brought from Hawaiki". Buchanan Papers – Letters Received by JDH Buchanan, "Ngāti Waitaha", Hawke's Bay Museum archives.

<sup>168</sup> Omahu hearing 1890, Napier MB 20: 47, 55.

successor. Once Te Umairangi returned to the region he quickly supplanted Rewharewha as the authority in the area. There were different accounts in the NLC regarding the way in which Te Umairangi acquired Taumataohe pa. Paora Kaiwhata<sup>169</sup> claimed that when Tauwhitu and Rewharewha were left in charge they lived there with a variety of interrelated hapu: Ngāti Mate, Ngāti Uranga and Ngāi Takaha. Kaiwhata claimed that Taumataohe pa had been retaken by stealth: “When Te Umairangi and his son returned from Whakatane they went to their pa ‘Whanawhana’. People from our pa Taumataohe went to dig fern root. When we were found to be away they stole into our pa”.<sup>170</sup>

Other major events at Taumataohe were also discussed by witnesses in the NLC. Meihana Takihi noted at the 1889 Omaha NLC investigation that Hauwaho’s son, Te Kauru o te Rangi, was living at Ruahine and was married to Wanikau’s sister, Te Ihukino. This may have occurred prior to or after Ihukino’s marriage to Te Nahu following Mangatoetoe. In any case, some of Hauwaho’s slaves stole Rewharewha’s kumara. In retaliation for an insult uttered by Te Kauru, Hauwaho brought a war party from Wairoa to attack Ngāi Te Upokoiri. They attacked Taumataohe pa and killed Kipatu, one of the Ngāi Te Upokoiri rangatira. Another war-party returned again from Wairoa and sought to burn the pa down. As it was burning they were about to rush it when someone said to Hauwaho “that’s enough” and peace was made.<sup>171</sup> Another incident involved Ngāti Hineiao. When one of their members, Pihere, killed near the coast a member of Hawea’s people, Rakautaura, they fled to Te Umairangi at Taumataohe.<sup>172</sup> Hawea instructed one of his warriros, Pihere, to go kill those Ngāti Hineiao responsible but he was stopped by Te Umairangi who said he would take them under his own protection.<sup>173</sup> Raniera Te Ahiko claimed that although “Taumataohe was a settlement of Tuhotoariki, Te Umairangi and Renata and Erena, but it really belonged us – N’ Uranga, N’

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<sup>169</sup> Omaha hearing 1890, Napier MB 19: 213, 538: Kaiwhata identified as Ngāti Hinepare but his grandfather Te Waitaringa was Ngāi Te Upokoiri and his grandmother Huripatu was Ngāti Kahungunu. He was born at Poutaki pa close to the Ruahine range. During the Pirau investigation Wiramina Ngahuka charged that Paora Kaiwhata’s father, Rawiri, “did commit evil deeds”, specifically that he stole Pakapaka’s wife. “He eloped with her to Ruahine – Te Umairangi and his family were living there.” They were protected by Te Umairangi but eventually after Pakapaka’s anger subsided they all returned. Paora Kaiwhata was born at Ruahine at this time, but he also joined his family back nearer to the coast. Later when Pakeke was attacked by Waikato forces, Paora, his father and their family were taken prisoner: Pirau hearing 1888, Napier MB 17: 171.

<sup>170</sup> Omaha hearing 1890, Napier MB 19: 443.

<sup>171</sup> Omaha hearing 1890, Napier MB 19: 108, 423.

<sup>172</sup> Omaha hearing 1890, Napier MB 18: 402.

<sup>173</sup> Omaha hearing 1890, Napier MB 19: 101, 266.

Mate of whom Rew[h]arew[h]a was chief'. He noted that Kawepo and his sister Erena were born at Taumataohe.<sup>174</sup>

Donnelly's case was conducted by TW Lewis who claimed the land through Honomokai but specifically descendants of Te Umairangi. Donnelly also accepted descendants of Honomokai who could prove their occupation on the block. She claimed that Kawepo had reserved the block only for the descendants of Te Umairangi (rather than all of Ngāti Honomokai) because of the importance of Taumataohe, otherwise it would have been much larger. Donnelly stated that Te Umairangi and Tuhotoariki were both buried in the pa. In addition to Taumataohe she also noted a swamp called Pihariki and mahinga kai and a kainga at Tamako called Otapahi. She stated that Aorangi had been sold initially by those with no rights to the land.<sup>175</sup>

Nepe Te Apatu, Henare Tomoana, Arihi Te Nahu and Hera Te Upokoiri all made separate cases and claims through Honomokai and Rangituouru. Te Apatu noted that his elders Ropata Te Hoakakari and Kerei Tanguru had signed the initial deed in 1856. Tomoana also claimed the land through Rangituouru's grandson, Te Kurupo, who he said had also died at Taumataohe. He stated that his elders had opposed the sale. Te Nahu claimed the land through Whatuiapiti (and generally claimed in other blocks through Ngāti Te Whatuiapiti) and another of Rangituouru's grandsons, Arawhita. She believed that Aorangi was only cultivated after the signing of the Treaty. Te Nahu, the granddaughter of Te Hapuku, explained her claim through Whatuiapiti by the alleged gift of land by Tauwhitu and Te Umairangi to Rewharewha. This conveniently ignored the subsequent taking back of the pa from Rewharewha and his death at the hands of Te Umairangi. Hera Te Upokoiri claimed that only those descendants of Whatuiapiti that had intermarried with Honomokai and Upokoiri had a right to the block.<sup>176</sup>

Hoana Pakapaka presented her own evidence for her claim from Honomokai and Takuao and Atukaimahu, descendants of Mahuika. Pakapaka noted a number of sites of significance and mahinga kai in the reserve. There were kainga at the mouth of the Mangatahi stream, near where the Makahikatoa stream met the Ngaruroro river called Otapahi and another near that location called Tauhekenui. There were pa tuna named Pihariki and another

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<sup>174</sup> Mangaohane partition hearing 1890, Napier MB 20: 420.

<sup>175</sup> Aorangi reserve investigation 1899, Napier MB 46: 111-112, 184, 188, 190; Bassett & Kay, 210-213.

<sup>176</sup> Aorangi reserve investigation 1899, Napier MB 46: 115-147; Bassett & Kay, 211-212.



just above a waterfall on the Awangarara stream. Fern root was dug at Pauatahanui and kouka collected at Te Para ti a Te Aopupururangi. She claimed that Honomokai and Te Uamairangi were buried at Tauhekenui [rather than Taumataohe or within its area?], in a cave called Te Rua Koura. Pakapaka claimed that the proper name of the reserve was Otakua. She also explained more fully the limits of the gift to Rewharewha.<sup>177</sup>

During closing submissions it was argued that claims through Whatuiapiti could not stand because Honomokai and Whatuiapiti had never been awarded lands together.<sup>178</sup> One of the lawyers, JM Fraser, stated that Ngāi Te Upokoiri had fought against Ngāti Te Whatuiapiti at Rotoatara—they were not allies. Nonetheless the lawyer for Ngāti Te Whatuiapiti, Mr Ellison, maintained that Taumataohe belonged to Rewharewha. TW Lewis for Donnelly remained adamant that the land should be awarded to Honomokai, only Te Uamairangi and Ngāti Haumoetahanga having rights. The Court reserved its judgment for nearly a year to determine the historical background to the creation of the reserve but found little information. It did accept that the land was papatipu land and the NLC did have jurisdiction. The Court found in favour of the descendants of Te Uamairangi and the hapu closely associated in the occupation of Honomokai lands. This included the cases of Donnelly, Hera Te Upokoiri, Hoana Pakapaka and Anaru Te Wanikau. The Whatuiapiti related cases of Arihi Te Nahu, Nepe Te Apatu and Wiki Te Uamairangi were rejected along with Henare Tomoana's claim from Honomokai through Atakore because of his lack of evidence regarding occupation of the block. Lawyers argued over the basis of ownership and whether descent directly from Te Uamairangi entitled them to a greater share.<sup>179</sup> The Aorangi reserve was awarded to 54 owners including Airini Donnelly, Wi Broughton, Anaru Te Wanikau, Hoana Pakapaka, Waata Rakaiwerohia, Karena Te Ruataniwha, Ani Kanara, Keita Ruta and others.<sup>180</sup>

After a number of appeals were lodged against the decision, they were heard in May 1905. The appeals ranged from Donnelly attempting to restrict ownership strictly to the descendants of Te Uamairangi, Keita Ruta attempting to have Donnelly's shareholding decreased, and members of Ngāti Te Whatuiapiti arguing the reserve was made for Hapuku

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<sup>177</sup> Aorangi reserve hearing 1899, Napier MB 46: 157-166; Bassett & Kay, 212-213.

<sup>178</sup> Aorangi reserve hearing 1899, Napier MB 53: 1; Bassett & Kay 214.

<sup>179</sup> Aorangi reserve hearing 1899, Napier MB 46: 121-125; Bassett & Kay 216-218.

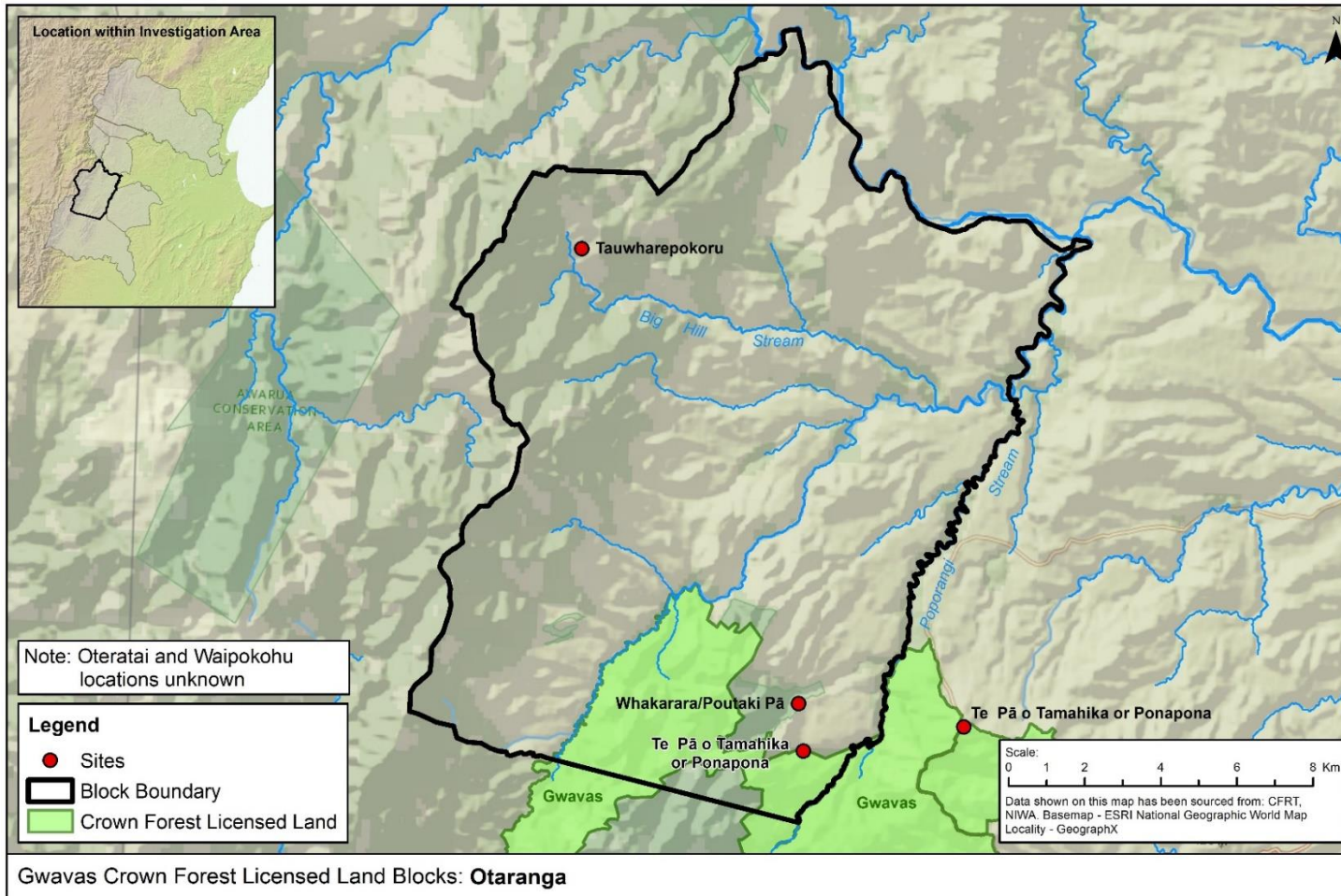
<sup>180</sup> Aorangi reserve hearing 1899, Napier MB 53: 188-190.

and should never have had its title investigated. The NLC found against all the appeals and backed the 1900 decision.<sup>181</sup>

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<sup>181</sup> Aorangi reserve appeal hearing 1905, Napier MB 56: 245-246, 252, 272-274, 286-287; Bassett & Kay 219-220.

Otaranga



Map 7: Otaranga block

Following the first purchases made for the Aorangi block, the Otaranga block directly to the west was offered for sale by Te Hapuku shortly thereafter. To the west of the Otaranga block were the Awarua o Hinemanu and Te Koau blocks, to the north were the Omahaki and Otamauri blocks, and to the south the Whakarara range sprawls across the southern boundary with the Ruataniwha North block. According to Ballara and Scott, the Otaranga block “had been dominated by Te Whatuiapiti in his lifetime” and he then subdivided the area among his direct descendants. The immediate vicinity was occupied by the descendants of Te Upokoiri and associated hapu in the eighteenth century with Ngāi Te Whatuiapiti sharing interests in the southern end of the block.<sup>182</sup> On the map accompanying the first Otaranga purchase the Whakarara ranges are labelled as Te Reureu o Whiuwhiu.<sup>183</sup> Whiuwhiu was one of the leaders of Ngāi Te Upokoiri at Whiti-o-Tū and the Rota-a-Tara battles and died at Roto-a-Tara II.<sup>184</sup> Two recorded pa sites are located in the south of the block, one directly in the Gwavas CFL lands and the other just to the north and west of the forest. It can be difficult to determine the specific location of specific sites and the pa located in the Gwavas CFL lands could either be Te Pa o Tamahika or Ponapona, both noted as Ngāi Te Upokoiri/Hinemanu pa.<sup>185</sup> The pa just outside of the CFL lands in the Otaranga block is Poutaki pa or Whakarara pa as Ngāti Hinemanu me Ngāti Paki have named it.<sup>186</sup>

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<sup>182</sup> Ballara and Scott, Otaranga.

<sup>183</sup> Otaranga Deed of Purchase, 15 April 1857, ABWN W5279 8102 Box 358 HWB 16, Archives NZ.

<sup>184</sup> Omahu hearing 1890, Napier MB 18: 336 & Napier MB 19: 2, 126.

<sup>185</sup> Omahu hearing 1890, Napier MB 19: 117; Ballara and Scott, Ruataniwha, 2-4.

<sup>186</sup> New Zealand Archaeological Association, “Site Record Form U21/4” in Kāweka and Gwavas CFL lands customary interests report document bank (a), 79-86; New Zealand Archaeological Association, “Site Record Form U21/5” in Kāweka and Gwavas CFL lands customary interests report document bank (a), 87-95; Wai 2180, H4, 5-6; ‘Index and Appendices to affidavit of Lewis Winiata’, 2015, Wai 2542, A2(a), 109.



associated with either Ngāi Te Whatuiapiti, Ngāi Te Upokoiri, Ngāti Pouwharekura and Ngāti Marau as noted in the Heretaunga-Tamatea Deed of Settlement. An overlay classification produced for the Gwavas Conservation area notes that:

The Heretaunga Tamatea hapu directly related to this area are Ngāti Pouwharekura, Ngāti Honomokai, Ngāti Marau, Ngāi Te Rangitekahutia, Ngāi Te Ao, Ngāi Te Upokoiri and Ngāi Te Whatuiapiti. They were all involved in residence and migration as they moved through the foothills of the Ruahine Ranges. Over these years the hapu became intermarried in order to consolidate these movements without quarrel. Particular sites of significance in the northern part of Gwavas Conservation Area are Ngāi Te Upokoiri pa namely Kihiao and Hakiuru. In the southern area is where two very large battles took place in the early 1800s. The first was called Mangatoetoe where the Ngāi Te Whatuiapiti fought against Ngāi Te Rangitekahutia. Rangikoianake, Te Ringanohu and Paku were killed here. The second was the hugely significant Te Whiti-o-Tū battle which, led by Te Pareihe, was a reprisal for the Te Roto-a-Tara battle in the 1820s.

Just as Judge Hingston noted in the Awarua o Hinemanu hearing, it was not the existence of the pa that was most important when determining customary interests but the ownership. This is certainly not clear from any of the archaeological evidence. Nonetheless some background of the modern discovery of the archaeological sites merits some consideration.

Gwavas pa sites U21/4 and U21/5 (Whakarara/Poutaki pa and either Te Pa o Tamahika or Ponapona) were first explored by archaeologists in 1979 when a pair of reports were produced by the New Zealand Archaeological Association. The Forest Service had come across some ancient pou and some evidence of a pa site which is how it first came to the attention of archaeologists. Four pou were alleged to have been found at the sites, two were sent to the Napier Museum and two were sent to the National Museum in Wellington. One still held with the Napier Museum is in fairly decent condition and the other was rotting when found and is in much worse condition. The pa site U21/4, Whakarara/Poutaki pa consisted of a number of defensive scarps protecting two ridge knolls, with a steep bluff on the western side. Three raised rim pits, terraces, platforms, a possible ditch and at least three pou were found at the site.<sup>188</sup>

Gwavas site U21/5, possibly Te Pa o Tamahika or Ponapona, was located on a flat island of old river terrace, cut off by the Whakawhaka stream on the south and a gully on the north. The area was defended by a 17-metre long ditch, and several carved and palisade pou

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<sup>188</sup> New Zealand Archaeological Association, "Site Record Form U21/4" in Kāweka and Gwavas CFL lands customary interests report document bank (a), 79-86.

were found at the site. The archaeological report referenced excerpts from local Hawke's Bay histories to attempt to address the provenance of the pa and pou: "According to Miriam McGregor, [in] *Early Stations of Hawkes Bay*: 'At one time there was a Māori pa at Whakarara...and it is said that the chief Hapuku was born there (about 1797-1878). A pole erected in front of his lookout still stands and the remains of his stronghold are still evident on the property.'"<sup>189</sup> As previously noted Paora Kaiwhata was born at Poutaki pa.<sup>190</sup> The pa was quite near to U21/4 (possibly Whakarara/Poutaki pa) and it is unclear if the two pa were related. The report for U21/5 noted that the "positions of the poles suggest they were not part of a palisade fence but may have been warning posts or intended as a threat". This is something that could have been no more than conjecture. The report also noted that "other artifacts are known to have been removed from this site over the years".<sup>191</sup>

Members of the Winiata whanau visited U21/4 and/or U21/5 (Whakarara/Poutaki pa and Te Pa o Tamahika or Ponapona) sometime in the 1980s prior to 1986. Aunty Hineaka Winiata and Richard Steedman visited the site along with others. They were given copies of the archaeological reports but not the original report or photos taken. The whanau was first notified of the discovery by John Tangiora via their Uncle Ru Kotua of Rakautatahi Marae in Takapau. He was the husband of Aunty Lena Kotua (nee Winiata) who was a first cousin to Richard Steedman's grandmother, Kararina Steedman (nee Winiata). According to Aunty Awhi Winiata (the wife of Taranaki Winiata – brother of Lena Kotua) and as recorded in the Awarua o Hinemanu NLC investigation, John Tangiora first contacted Taranaki Winiata in Wairoa and the message was sent to his brother-in-law Ru Kotua.<sup>192</sup> Ngāti Hinemanu me Ngāti Paki claimant Terry Steedman discusses the visit to the pa in his submission to the Tribunal. He stated that Aunty Awhi Winiata had been told that the pa "had belonged to Winiata Te Whaaro's people from Te Awarua Pa across the western side of the Ruahine Range". He stated further that at the time of the visit "it was declared to those present that these pa sites were not of our people but to those people of Patea across the Ruahine Ranges". Terry Steedman then related his own visit in 1992 noting a number of pou leaning of fences

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<sup>189</sup> Miriam McGregor, *Early Stations of Hawkes Bay*, Reed, 1970.

<sup>190</sup> Omaha hearing 1890, Napier MB 19: 213.

<sup>191</sup> New Zealand Archaeological Association, "Site Record Form U21/5" in Kāweka and Gwavas CFL lands customary interests report document bank (a), 87-95.

<sup>192</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 29-30.

and what he thought were two separate areas of the pa. He stated that their arrival was met by rain and lightning, but following karakia and a mihi the rain stopped and the sun came out.<sup>193</sup>

Aunty Hineaka Winiata was also there and she related to us her memory of the visit. She remembered those Ngāti Kahungunu with her during the visit that they felt the pa was not theirs.

When we came over here and we stopped at Ru & Lena Kotua's place it was teeming with rain, just pelting down. They asked us 'you goin down this road?' But you know when we arrived that rain just stopped like that and the sun shined out and when we were walking down to the path down to the fence the Maori boys they said 'this is as far as I'm going I don't like that place'...so we all had a karakia and everything before we hopped over the fence. We had to go right down to the bottom there...there was a trench like this then you walked a little bit and then you go into the pa site. It was just absolutely a sheer cliff on the other side of it. The rain only just trickled down on us and then it was unbelievable and that's no lie. After that heavy heavy rain we had, you wouldn't believe it, such a sensation.<sup>194</sup>

Ngāti Hinemanu me Ngāti Paki Trust claim that Whakarara/Poutaki pa, was built by Winiata Te Whaaro and Utiku Potaka. During our hui, Jordan Haines-Winiata claimed that some of those that had been present during the visit to the pa in the 1980s saw "WT" and "UP" carved into the pou, representing Winiata Te Whaaro and Utiku Potaka. He admitted that the pou housed at the Hawkes Bay Museum did not have those initials carved into it, but he stated that there were many pou more than than the 3 currently housed at the museum.<sup>195</sup>

The Otaranga purchase has been described as an example of one "of the most irresponsible practices of Crown officials purchasing Māori land in the pre-Land Court era".<sup>196</sup> It led directly to the Pakiaka war in 1857 between Te Hapuku of Ngāti Whatuiapiti and the combined might of Te Moananui of Ngāti Kahungunu and Renata Kawepo of Ngāi Te Upokoiri/Ngāti Hinemanu as noted in the Aorangi purchase section. For years Crown officials knew the potential for hostilities as a result of continued Crown purchasing yet they insisted on proceeding with the alienations.<sup>197</sup> There were two deeds related to the Otaranga purchase—the first from Te Hapuku which led to war. Then, following the Pakiaka war the Crown paid Ngāti Kahungunu, Ngāi Te Upokoiri and others for their claims to Otaranga, Maraekakaho and the Aorangi block.

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<sup>193</sup> Wai 2180, H4, 4-6.

<sup>194</sup> Interview with Aunty Hineaka Winiata, 3 April 2019

<sup>195</sup> Interview with Jordan Haines-Winiata, 31 March 2019.

<sup>196</sup> Ballara and Scott, Otaranga, 6.

<sup>197</sup> David Armstrong, 'Heretaunga Land and Politics 1840-1865', CFRT, 297-327.



The Crown made its first purchase of the Otaranga block on 15 April 1857 for £1000, the signatories were: Tawhara, Erena Mekemeke, Tupurupuru, Horopapera Haruru, Komene Ngamotu, Panapa Ngarengare, Tamihana te Whareraupo, Hinepaketia, Whaitiri, Ngapera Hineirangiia, Kerei Tanguru, Ihekiera Te Rauparaha, Te Watene Haehae, Paneke, Roka Ringawhati, Pirihiira Puau, Rimarata Te Rauparaha, Haora Tupurupuru, Ihaka Tupurupuru, Harata Tupurupuru, Te Haurangi Tupurupuru, Hapuku, Renata Te Pahou, Ropata Te Waiariki, Te Haurangi Te Waihiku, Te Aomahuta and Te Wao.<sup>198</sup> As noted in the section on Aorangi, £1300 was paid on 4 July 1857 to address the claims of Ngāti Kahungunu and Ngāi Te Upokoiri claims to the Otaranga, Maraekakaho, Otukao and Aorangi blocks. The signatories to the second deed which covered the four blocks were Moananui, Noa Huke, Wiremu Te Rewarewa, Karaitiana, Renata Kawepo, Tareha, Te Hira Te Ota, Ihaia Te Ngira, Ani Kanara Rawenata, Arepera Rangitiaki, Haromi Te Ata, Karauria Tamaiwhakakitea, Terangi, Paora Kaiwhata, Porokoru Mapu, Airini Karauria and Roera Tareka.<sup>199</sup>

Information regarding the signatories to the first purchase in 1857 was presented by Raniera Te Ahiko in his evidence to the 1890 Awarua Commission. The names of 22 signatories and their tribal affiliations were provided by Te Ahiko across the Minute Book and transcribed versions of the Commission's proceedings. As in the Aorangi purchase deeds, each purchase did not necessarily reflect one set of related iwi and hapu. Instead there were a number of individuals that affiliated to a diverse set of iwi and hapu. For example under Te Hapuku's sale of Otaranga, there are a number of individuals who affiliate primarily with Ngāi Te Upokoiri which has been associated with the second purchase. In addition to notable figures from Ngāi Te Upokoiri such as Tawhara and Kerei Tanguru, others included the younger brother (Komene Ngamotu) and older sister (Erena Mekemeke) of Renata Kawepo. This diffusion of tribal members across both groups reflects the realpolitik with which these groups of vendors approached possible inclusion in a sale rather than any strict tribal affiliation.

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<sup>198</sup> Ballara and Scott, Otaranga, 3-5; Turton, *Maori Deeds Volume Two*, 515-516.

<sup>199</sup> Turton, *Maori Deeds Volume Two*, 518.

Figure 14: First Otaranga deed, 15 April 1857

Name	Tribal affiliation <sup>200</sup>
Tawhara	Ngāi Te Upokoiri
Erena Mekemeke	Ngāi Te Upokoiri (older sister of Kawepo)
Tupurupuru	Ngāi Te Rangikoianake
Horopapera Haruru	Ngāti Tama, 'N' Te Umairangi'
Komene Ngamotu	Ngāi Te Upokoiri (younger brother of Kawepo)
Panapa Ngarengare	Ngāti Te Honomokai
Tamihana te Whareraupo	Ngāi Te Upokoiri
Hinepaketia	Ngāi Te Rangikoianake
Whaitiri	Ngāi Te Upokoiri (Urupene's mother)
Ngapera Hinerangi	Ngāi Te Rangikoianake
Kerei Tanguru	Ngāi Te Upokoiri
Tikiera Te Rauparaha	Ngāi Te Upokoiri
Te Watene Haehae	Ngāi Te Upokoiri
Paneke	'N' Hineiao', Ngāi Te Upokoiri
Roka Ringawhati	'N' Uranga', Ngāi Te Upokoiri
Pirihira Puau	Ngāti Kuha
Rimarata Te Rauparaha	Ngāi Te Upokoiri
Haora Tupurupuru	Ngāi Te Rangikoianake
Ihaka Tupurupuru	Ngāi Te Rangikoianake
Harata Tupurupuru	Ngāi Te Rangikoianake
Te Haurangi Tupurupuru	Ngāi Te Rangikoianake
Hapuku	Ngāti Te Whatuiapiti, Ngāi Te Rangikoianake
Renata Te Pahou	
Ropata Te Waiariki	
Te Haurangi Te Waihiku	
Te Aomahuta	
Te Wao	

<sup>200</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 23 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 26; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

Figure 15: Second Otaranga (and other blocks) deed, 4 July 1857

Name	Tribal affiliation
Te Moananui	Ngāti Kahungunu, Ngāti Hawea (but descended from Whatuiapiti)
Noa Huke	Ngāi Te Upokoiri, Ngāti Hinemanu
Wiremu Te Rewarewa	
Karaitiana	Ngāti Kahungunu, Ngāti Rangihakaaewa, Ngāti Te Whatuiapiti
Renata Kawepo	Ngāi Te Upokoiri, Ngāti Hinemanu
Tareha	Ngāti Kahungunu
Te Hira Te Ota <sup>201</sup>	Ngāi Te Upokoiri
Ihaia Te Ngira	
Ani Kanara Rawenata	
Arepera Rangitiaki	
Haromi Te Ata	Ngāi Te Upokoiri, Ngāti Hinemanu
Karauria Tamaiwhakakitea	
Terangi	
Paora Kaiwhata <sup>202</sup>	Ngāti Hinepare, Ngāti Mahu
Porokoru Mapu	
Airini Karauria	Ngāti Kahungunu, Ngāi Te Upokoiri
Roera Tareka	

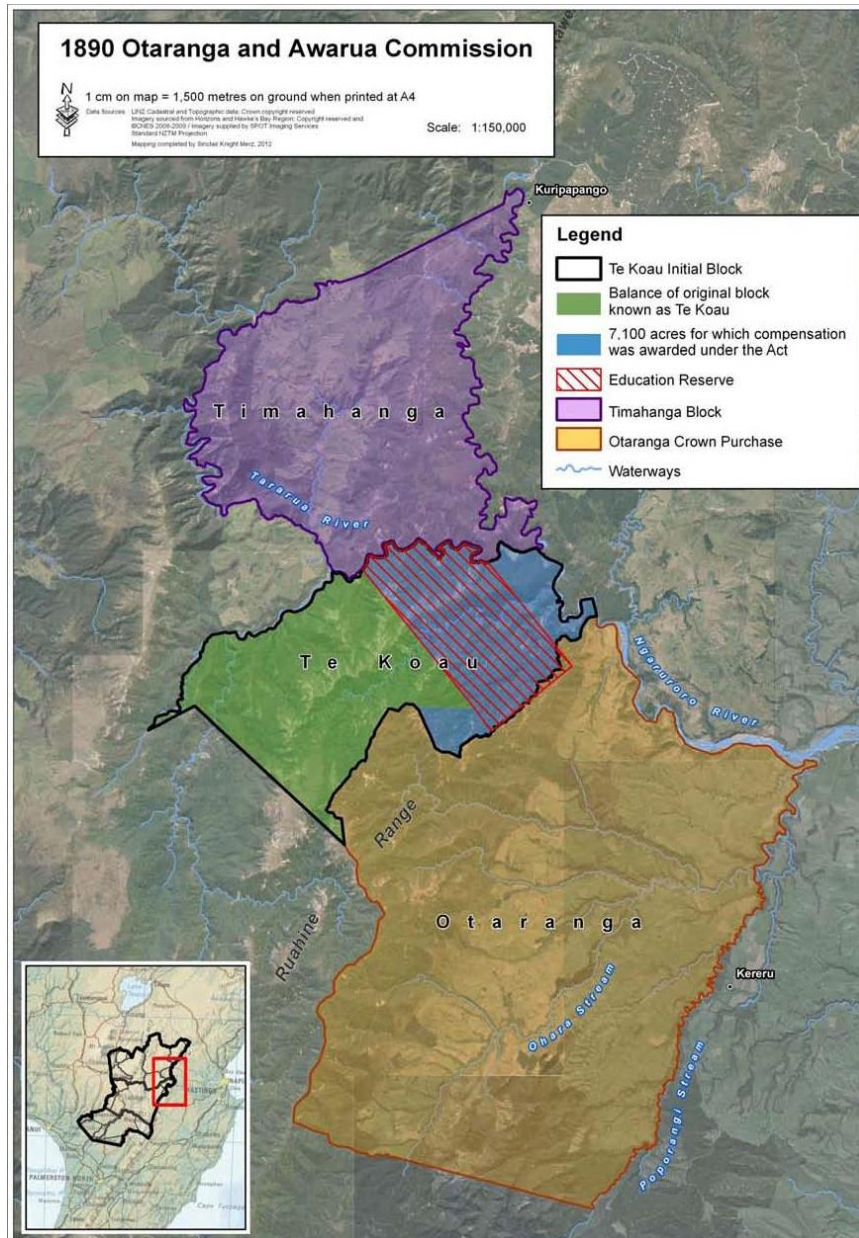
Ngāti Hinemanu and Ngāti Paki interests in the early Crown purchases of the 1850s along the Ruahine and Kāweka ranges were not recognised during these purchases. The secret deals conducted in Wellington were arranged far away from Patea. As Ngāti Hinemanu and Ngāti Paki claimant Maurini Haines-Winiata has noted: “as far as the early sales on the Eastern Boundary here, I don’t believe that Ngāti Hinemanu and Ngāti Paki even knew of those land deals at the time until maybe well after. To my knowledge I have never read anything or heard anything where they knew about it or were even consulted about it, or even a part of it...What happened is it interfered with the boundaries on a lot of the blocks in this area, like the Awarua Block, the Mangaohane block, the Timahanga block”.<sup>203</sup> This does not mean that Ngāti Hinemanu and Ngāti Paki made claims to exclusive interests in those blocks

<sup>201</sup> Omaha hearing 1890, Napier MB 19: 75.

<sup>202</sup> Omaha hearing 1890, Napier MB 18: 278.

<sup>203</sup> Wai 2180 A52, 185.

along the range, they recognised the other hapu of Patea also had interests because the path over the Ruahine and Kāweka ranges were shared with all local hapu on both sides of the mountain. There were also the distinct whakapapa connections across the ranges. Boundary issues are what eventually led to a commission of inquiry to determine the western boundary of the secret deals conducted in the 1850s, the Otaranga and Ruataniwha North Commission of Inquiry or Awarua Commission as it became known. Winiata Te Whaaro was a key witness for the Commission of Inquiry along with his whanaunga Noa Huke. Material from the Inquiry is used throughout the report and will be looked at in more detail. Their testimony led to the Crown admitting that it had not acquired the title to the blocks and the result was hearings for three new blocks: Timahanga, Te Koau and eventually a century later, Awarua o Hinemanu (the last is not shown in the map below). Both the Timahanga and Te Koau blocks are directly adjacent to the Otaranga and Omahaki blocks respectively. The Crown's claim that the Ruataniwha North and Otaranga purchases extended inland as far as the Otupae range were dismissed by the Commission's findings. In fact, both purchases only extended as far as the Ruahine range.



Map 8: New blocks from the Otaranga and Ruataniwha North Commission of Inquiry<sup>204</sup>

Witnesses at the Awarua Commission inquiry presented evidence regarding the Otaranga purchase, including those who were excluded such as Raniera Te Ahiko.<sup>205</sup> He stated that he was born at Taumataohe and claimed to belong to Ngāti Uranga, a small hapu of Ngāi Te Upokoiri. He claimed that he had lived on both sides of the Ruahine range. He remembered the sale of the Otaranga block and claimed that it was sold “deceptively”. He

<sup>204</sup> Wai 2180, A6, 29. Awarua o Hinemanu is not shown.

<sup>205</sup> Previously only a limited transcription of the Commission’s proceedings that was missing a number of the days’ sittings in the inquiry has been available through a file related to the production of ownership lists for the Te Koau block in 1906. A Minute Book of the Commission’s proceedings has been found during the course of this research and it provides a more complete picture of the evidence.

was not present at the sale, living at Omahu at the time. His “brother” (cousin) Te Wanikau had interests in the block. He began to list the boundaries of the block stating it commenced at “Poporenga” [Poporangi] which empties into the Ngaruroro. Then he claimed there was a pa which belonged to Te Uamairangi. He then continued to list the boundaries of the block noting that “Potaka pa” [Poutaki/Whakarara pa] was in the Kauhangaapiro creek above Otamaroro where he also had a potato cultivation. Te Ahiko also noted Oteratai as a lake which was used for catching eels. He had never been atop Pohatuhaha but saw from his cultivation below at Omarupakauwera Te Anaroa. “I have been on the top of the range on the western side near Pohatuhaha catching mutton birds”. Describing further the boundary he noted that from Pohatuhaha to Ohawai it went along to Mangamutu where there was a pa belonging to Te Wanikau called Waipokohu. Te Ahiko noted a number of other natural features of the landscape including Te Tamahine a te Urungatapu (“a rock like Pohatuhaha but small”), streams such as Makuri and Matawhero (“a patch of sand made bare by the wind”), Tatekokako (“a bush”), Waitarere (“a waterfall”), Tikorangi (“the summit of a hill at the end of Ruahine”), and the Waitutaki stream where they used to catch upokororo. He then finished listing the boundary ending back at the Poporangi stream. Te Ahiko stated that he had been to all these places himself and had not learned the information through “books”. He stated that he was “afraid to go to Pohatuhaha, no natives even of former generations could even go on to Pohatuhaha”.<sup>206</sup>

Te Ahiko noted that Kawepo had opposed the sale of Timahanga by Kerei Tanguru and had instead given another block called Whakarapurapu to the Crown.

The same hapu that own Otupae own the Ruahine and the lands on this side. My own hapu they claim to the Rangitikei River. Not all the native owners of Otaranga signed the Deed. Renata did not sign and I did not sign. Renata did not sign because he was at variance with Tawhara his cousin – this that same ill feeling I did not sign. Renata nor I ever received any of the purchase money of Otaranga. The result of it was the fight at Te Pakiaka between Renata and his people and Te Hapuku and his people. Renata asked the government that they should recognise him and give him some money on account of this sale. The government paid him £400 on account of the Otakua block which is on the northern side of Poporenga and this (east) side....

In the transcribed version it stated that Kawepo had left Te Ahiko out of the purchase but in the Minute Book it does not identify Kawepo instead just stating that “they left me out”. The Minute Book reads: “it was customary for all the chiefs of a tribe to sign the purchase. I did

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<sup>206</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 19-21 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 22-24; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

not sign they left me out. It was a theft of these high chiefs. They always trampled upon me”. This can be contrasted with the version in the transcript that has more details: “The custom regarding purchases or sales by Natives was in the hands of the principals and they collected together before placing the sale in the hands of the chiefs. That was a proper sale when the people all collected to discuss the sale and not a fraudulent sale. Renata Kawepo treated me in a fraudulent way by not recognising me as a chief”.<sup>207</sup>

Te Whaaro presented extensive evidence at the Commission’s inquiry accurately describing and noting on a map the many different peaks along the Ruahine range as well as food gathering sites:

I have been on that range myself many times. I went there when I was a child with my parents first. I then went to collect muttonbirds. My parents told me the names of points on the mountain then. They also referred to names of points on subsequent visits. I have crossed over from Patea and Heretaunga by a track known as Te Atua a Mahuru – I mark this track on the plan by a dotted pencil line. This is an ancestral track. I went over the mountain by this track in my childhood.

Te Whaaro was the main guide for surveyors during the Awarua survey as noted by a number of surveyors during the Commission’s inquiry. When Te Whaaro, Noa Huke and Paramena Te Naonao disagreed about the eastern boundary of the Awarua block atop the Ruahine range at the conclusion of the 1890 partition hearing, Hiraka Te Rango noted that “Winiata is the only one who knows about that part”.<sup>208</sup> Te Whaaro strove to prove that the Ruahine range was the boundary of the Otaranga purchase but he also emphasised that Ngāti Hinemanu lived on both sides of the range: “Ruahine as I have described it is the boundary is the western side of the Otaranga block that is the block sold to the government. I was not present at the sale of the Otaranga block. I lived then at Rangitikei. The Ruahine range shown on the plan no22 that is the eastern branch is the Ruahine. Mountains always recognised by our ancestors.” During the Awarua partition hearing Te Whaaro stated that the “Otaranga and Ruataniwha North blocks...[had been] sold by Honomokai and Haumoetahanga’s descendants. I can show the deed with names attached. All to west of red line (Ruahine range) and belongs to the Patea people. All these lands belong to us: N’ Whiti, N’ Ohuake and N’ Hauti.” He rather confusingly then noted that “Some of these went to Heretaunga and Honomokai with them” but it was unclear if he was referring to the lands or the iwi. He noted

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<sup>207</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 21-24 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 24-27; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ. To which one of the Commissioners, Connell, replied: “I supposed that really goes to show you are not much of a chief.”

<sup>208</sup> Awarua partition hearing 1890, Wanganui MB 20: 451.

that between the trig points atop the Ruahine range from Rangiwahakamatuku to Pohatuhaha he claimed “along red range line”:

That is part of land sold by N’ Honomokai to govt (6220 acres) Makirikiri is not boundary of land to north belonging to N’ Honomokai, it is my land. Land to south of that was sold. To east of Ruahine was sold by N’ Honomokai. Ruahine was limit of land sold to govt. N’ Kahungunu sold it. N’ Honomokai was a section of it. All to east of Ruahine was so sold. N’ Honomokai rights to west of Ruahine I don’t know. Ruahine was ancestral boundary of Whiti and Ohuake and not for convenience of sale. N’ Kahungunu had to east of it. N’ Whiti and descendants of Ohuake occupied west of it.

Some of his testimony at the Awarua Commission such as the following section provided Te Whaaro the opportunity to make claims to the Otaranga block but he neglected to do so:

I heard of the sale of Otaranga Block at the time it was made. I do not know whether the Natives on this side satisfied themselves when the boundary of the land which had been sold to the Crown. I heard that the land had been sold up to Pohatuhaha, Rakautonga and Waitutaki. I recognised that these boundaries were as I have pointed out and that the vendors had a right to those boundaries. If I had been told that Hapuku’s people and the others had sold land to the Crown up to the Otupae ridge I and all the Patea people would have objected... Waitutaki is a recognised boundary between the Heretaunga people and the Patea people. The Heretaunga people have never claimed beyond that stream.<sup>209</sup>

In contrast to that evidence when Te Whaaro was asked at the Te Koau investigation whether he had heard of the Otaranga sale, Te Whaaro confirmed that he had but that “none of my elders signed the deed”. This seemed to allude to the fact that his elders had rights in the land but that they had neglected to sign the deed. During the Te Koau and Awarua partition NLC investigations both he and Utiku Potaka noted a kainga used to gather titi and fernroot—Tauwharepokoru. They thought it was in the Te Koau block when it was actually in the northwestern corner of the Otaranga block. Te Whaaro claimed that the kainga “belonged to the descendants of Tutemohuta [Punakiao’s father] and Rangiwahakamatuku”.<sup>210</sup>

Nepe Apatu, who described himself as Ngāti Marau of Ngāti Kahungunu and Ngāi Te Upokoiri, also presented evidence on the Otaranga and Ruataniwha North purchases:

I had nothing to do with the sale of the Otaranga block. I am not aware that my parents had anything to do with it. I am a relative of Hapuku. Kerei Tanguru was my uncle also Ihera Te Raupahara [raha?]. I know the Ruataniwha North block and the

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<sup>209</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 36-43 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 39-46.

<sup>210</sup> Awarua partition hearing 1890, Wanganui MB 20: 441-442; Te Koau hearing 1900, Napier MB 53: 104-105, 114, 144-145; Wai 2180 A12, 519.



natives to whom belonged the Ngātimarau and the Ngāti te matetuorangi were also interested and the Ngāti Pouwharekura. Tawhara one of the parties who signed the deed of sale of Ruataniwha North and Ruahine was an aunt of mine. I know the Ruahine Range. I have travelled along the foot of it. I have lived in Heretaunga for all my life.<sup>211</sup>

He, like many others, considered that the Ruahine range was a tribal boundary.

Noa Huke, one of the signatories to the second deed for interests in Otaranga, Aorangi and others blocks, also presented evidence on the Otaranga and Ruataniwha purchases at the Commission inquiry. In that setting he described himself firstly as Ngāti Hinemanu but also Ngāti Hauiti, Ngāti Kahungunu, Ngāi Te Upokoiri and Ngāti Whiti. In many related NLC investigations around the CFL lands he claimed as Ngāti Hinemanu or Ngāi Te Upokoiri. Huke stated that he was born at Tara o Hinemanu in Patea but from the time of the fight at Rotoatara (1834 or 1835) he lived at Hastings. He and Moananui did not fight because they were “members of both the tribes engaged at that fight”. As noted previously his father, Te Hianga, died at the Otaparoto fight at the hands of Ngāti Raukawa led by Te Whatanui. Huke frequently crossed over and back between Heretaunga and Patea since 1843. At the same time, he stated that he was well acquainted with the boundary between Heretaunga and Patea Māori—the Ruahine range. Huke claimed that Renata te Pahou, “the real owner or one of the real owners of the land to the North end of Ruahine”, pointed out the top points of the range including Pohatuhaha and Rakautauonga during the walk around the block’s boundaries by the sellers and the Crown.<sup>212</sup> His description of Te Pahou as a “real owner” provides some merit to the first Otaranga deed headed by Te Hapuku that caused so much controversy. Huke stated that he knew the different points beginning at Pohatuhaha and following south were Maroparea, Taumata a Meikura and Te Ranga a te Atua. He knew of Te Atua o Mahuru which lay between Maroparea and Taumata a Meikura, as well as Rangihakamatuku which was between Pohatuhaha and Te Atua o Mahuru. He then recounted how he and Te Whaaro’s parents and grandparents used to hunt birds at all the previously mentioned places:

My parents and grand-parents, mine and Winiata’s, were in the habit of hunting for weka, and kiwi and parure there and they pointed out these places and told me these were the names which I have given to you. The parure does not fly but I have never

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<sup>211</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 44-45 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 47-48; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

<sup>212</sup> In the Minute Book: “He was one of the real owners of this Otaranga block viz the land at the North end of the Ruahine”: Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 45-46 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 48-49; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

seen one. It is I believe a larger bird than the kiwi. These points I have named belong to me specially they are boundaries of my land. They can all be seen from Maraekakaho. They cannot be seen from the Patea side.<sup>213</sup>

Huke provided evidence about Te Whaaro's grandparents having interests on the range. This may have been a part of the rationale for Te Whaaro's petition many years later.

Huke had heard of the Waitutaki stream but had never seen it himself. He knew it fell into the Ngaruroro and claimed that he had heard that "was the boundary of some purchased land". The Minute Book version differed and provided much more detail in comparison: "The land on the western side belonged to the Ngāti Upokoiri that is the Honomokai hapu and other hapus. The Heretaunga natives did not own the land on the Western side of the Waitutaki. The Ngāti Kahungunu were not on the west side of that stream." This can be contrasted with the transcription which omits "and other hapu." As a successful claimant to lands on both sides of the Ruahine range he was adamant that Ngāti Kahungunu did not have interests on the west side of the range. He then related his knowledge of the Otaranga purchase. Although he was not present when the sale was made or boundaries noted he did state that he received £100 of the £1200 received by Kawepo. He presented a different understanding of the second Otaranga deed of which he was a signatory. The deed was variously listed as extinguishing claims in the Aorangi, Maraekakaho and Otaranga deeds as well as in addition to those blocks also in the Otakuao block. According to Huke it not only represented the sale of Aorangi, Maraekakaho, Otakuao and Otaranga but also Matakiti, Ongaru, Maraekakaho, Parikirengarenga, Whakapirau, Te Umu o Mokai, Popotaringa, Pukati, and Tapuhaeharuru. He stated that the purchase did not extend to Raukawa forest but went up as far as Mangaonuku.<sup>214</sup>

Some of Huke's testimony revealed the overwhelming control and power which Kawepo wielded over tribal affairs. When Huke was asked whether the "Native owners of that land west of Waitutaki live near there?" Noa responded:

The Ngātitupuhuni [Ngāti Te Upokoiri], the Ngātihonomokai and the Ngātihaumoetahanga live at Omahu but Anaru lives at Te Mahanga [Timahanga]. No one lived on the land immediately to the west of the Waitutaki because Renata told them not to live upon it as the disposal of that land was in his hands and he was the

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<sup>213</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 47-48 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 50-51; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

<sup>214</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 49-50 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 52-53; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

person to deal with it. Renata told the people this a long time ago. But it is since Renata and his people got the £1200. The way with him was that he was the whole tribe himself. He managed everything. I never had any conversation with Renata about that land, he told the people not to live on it, it was not because it belonged to the Crown but he himself held the [unclear] of it as Native Land belongs to the tribe.<sup>215</sup>

A similar comment was made by other of Kawepo's contemporaries such as Anaru Te Wanikau, who after Kawepo's death admitted that Kawepo had consistently forced Te Wanikau to stretch the truth in NLC proceedings.<sup>216</sup> While there was no doubting the force of Kawepo's dominance, in this case the land immediately to the west of the Waitutaki was very remote and it would have been doubtful that many could have lived on those lands.

During the first Te Koau NLC investigation in 1900 some information regarding the neighbouring Otaranga block to the east emerged in witness evidence. A number of different witnesses discussed the Otaranga purchase. The first discussion of the Otaranga purchase by Arihi Te Nahu, who claimed through Te Hapuku and Ngāti Te Whatuiapiti, incorrectly tried to use information from the Otaranga block and even further afield to prove interests in Te Koau. She initially stated that Te Whiti-o-Tū was in the Koau block before later admitting that it was four hours journey by foot. It is located at the southern end of the Ruataniwha North block. Later Te Nahu also erroneously claimed that Te Hapuku had reserved Te Koau "from the sale of Otaranga to the Crown and called it Hineipaketia's reserve" when the land was reserved from the Aorangi purchase further east. She also questionably claimed that the tupuna Whatuiapiti and Te Rangitekahutia were the "proper ancestors for Patea". The next witness for the Te Hapuku claim, Peti Ropata, stated that he was present at the surveys of Otaranga and Ruataniwha North but did not take part in the sale. Urupene Puhara claimed the land through Ngāti Honomokai, he felt that Otaranga was "Kereru land," referring to the town of Kereru in the Aorangi block just to the east of Otaranga rather than the Kereru bush just south of Otaranga in the northern end of the Ruataniwha North block. Puhara stated that he had not partaken in the Otaranga sale nor had he pointed out the boundaries to surveyors. Tairiri Papaka, claiming through Tareahi, discussed the ownership of the surrounding region. "Po[u]taka [Poutaki] was the pa of the land called Kereru. I mean the Kereru known to the Europeans." Papaka stated that Ngāi Te Upokoiri, Ngāti Hinemanu and Ngāti Hinepare, the

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<sup>215</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 50 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 53; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

<sup>216</sup> Owhaoko C partition hearing 1894, Napier MB 34: 297-298.

descendants of Tareahi, occupied Poutaki and went to Koau to collect food. In fact Poutaki/Whakarara pa was located in the Otaranga block further south than the town of Kereru which was in the Aorangi block. Puhara believed that Tareahi, while living at Waitutaki, built a waka on Te Koau which still remained there. Papaka stated that “Tareahi’s people all joined in the sale of [Otaranga], they objected to the sale at first”. Papaka was living in Heretaunga when Otaranga was sold but he was on the side of Kawepo and Kaiwhata. Hera Te Upokoiri denied the rights of even Whatuiapiti descendants to the Otaranga block, she believed it belonged to Ngāi Te Upokoiri and Ngāti Hinemanu.<sup>217</sup>

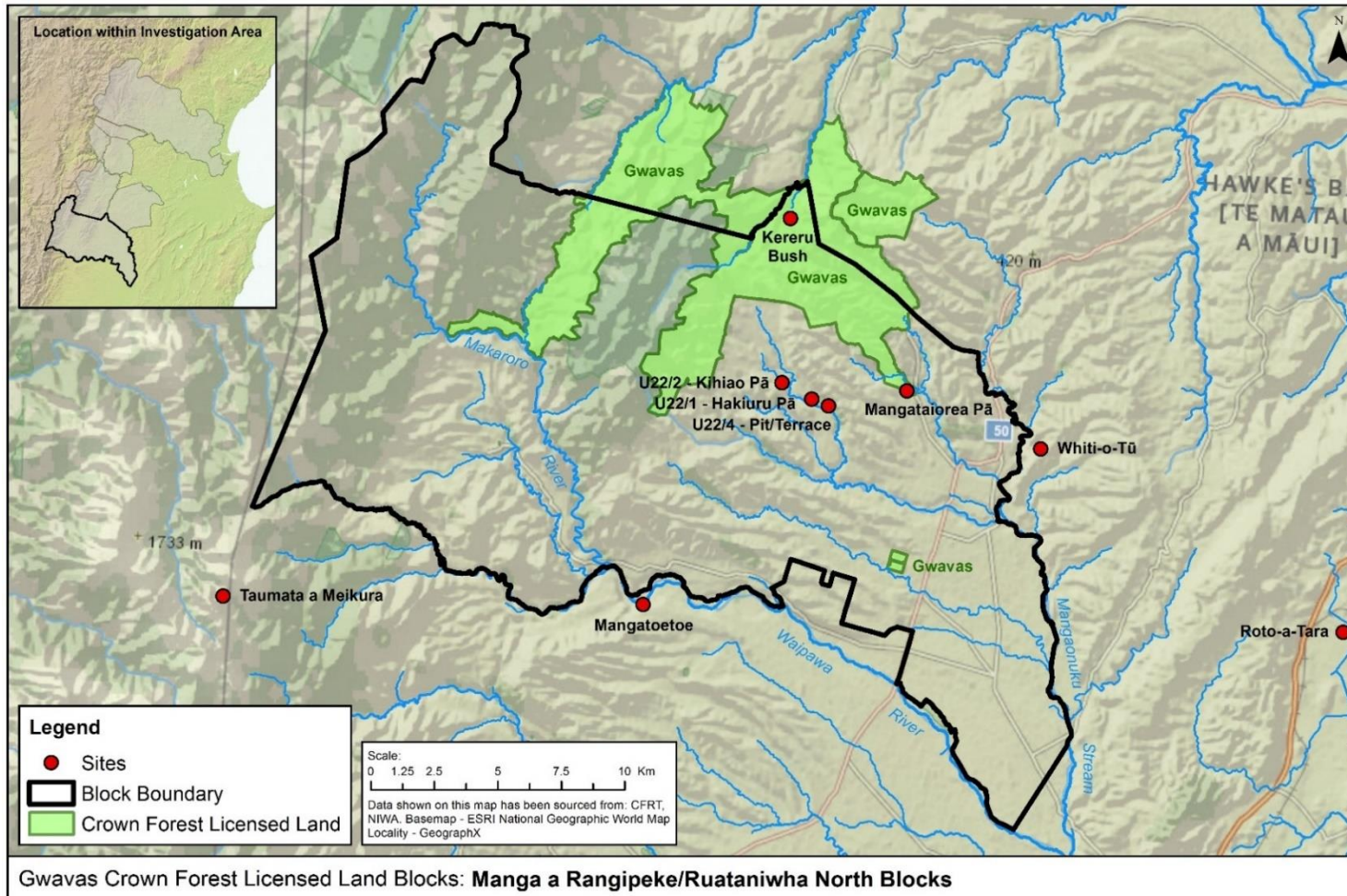
The lawyer for Ngāti Hinepare, Mr Dinwiddie, lamented that his Ngāti Hinepare clients could not use evidence from blocks to the east as they had been purchased before the NLC process began: “If Otaranga had been brought before Court there would have been evidence to guide this Court in deciding ownership of Koau.” He also made a radical accusation against the main Ngāti Whiti claimant Ihakara Te Raro. Dinwiddie alleged that Ihakara Te Raro received £100 out of the purchase money for the Otaranga block. If this is true it provides a whole new angle to the idea of Patea rights in Heretaunga.<sup>218</sup> No evidence exists to justify that accusation.

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<sup>217</sup> Te Koau hearing 1900, Napier MB 53: 41-45, 50, 53, 55-57, 59-60, 68.

<sup>218</sup> Te Koau hearing 1900, Napier MB 53: 105, 144-145.

Ruataniwha North



Map 9: Ruataniwha North and Manga-a-Rangipeke blocks (shown together due to a lack of accurate boundary information)

To the south of the Otaranga and Aorangi blocks lay the Ruataniwha North block, one of the more convoluted early Crown purchases in the region. To the east of the block was the Manga-a-Rangipeke, Waipukurau and Maraekakaho blocks, to the west the Awarua block and to the south the Ruahine and Te Totara blocks. According to Raniera Te Ahiko the name Ruataniwha stems from an incident in which Houmeataumata set out in pursuit of Ngāti Hotu to avenge a murder with a taniwha. Houmeataumata's party encountered another taniwha on the plain, and they engaged in a battle in which either one or both taniwha were vanquished. This was one telling of the origin of the name Ruataniwha.<sup>219</sup> The Ruataniwha North block sat amongst a number of different but related iwi and hapu. Previously around the time of the arrival of Taraia I into Heretaunga, Ngāti Ruapirau (direct descendants of Whatumamoa), occupied the area but they were gradually pushed out. Ballara and Scott stated that Ngāi Te Upokoiri also had interests in Heretaunga on the flats but whenever they lost a battle, they took refuge in their pa along the Ruahine range such as Hakiuru, Kihiao, Ponapona and Taumataohe. All of these pa were located in or very near to the Gwavas CFL lands in the Aorangi, Otaranga and Manga-a-Rangipeke blocks. Ngāi Te Upokoiri and related hapu such as Ngāti Haumoetahanga, Ngāti Marau, Ngāi Te Ao and Ngāti Honomokai who lived under the mana of Te Uamairangi and his descendants including Te Wanikau used the Ruahine range as a food resource. Others with interests in the area included Ngāti Pouwharekura, the hapu of Te Whaaro's father. In addition to the Ngāi Te Upokoiri interests on the Ruahine were Ngāti Te Whatuiapiti, who's interests ranged further to the south of the block and hence the reason for the Pakiaka war in which those felt that Te Hapuku did not have as strong interests further north as discussed in the Otaranga and Aorangi sections.<sup>220</sup>

The Ruataniwha North block, like many early Crown purchases, was bought piecemeal by the Crown in a number of different purchases from a number of different interest groups.<sup>221</sup> The acquisition of the block was tied up with an unrelated to our investigation block to the south, Ruahine, and the relevant Manga-a-Rangipeke purchase to the east. Ballara and Scott stated that "the area was entangled by the claims of various hapu, principally Ngāti Te Whatuiapiti". For this reason it was possibly the most complicated of all purchases in the Heretaunga. The first purchases of Ruataniwha land were made in 1855 but they represent land to the south of the Ruataniwha North block. This first purchase was made

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<sup>219</sup> Mangaohane hearing 1884, Napier MB 9: 131.

<sup>220</sup> Ballara and Scott, Ruataniwha, 2-4.

<sup>221</sup> Armstrong, 291-292, 346.

with Te Hapuku and Harawira Takou. The following year Te Hapuku and his family were set to receive further payments for his interests in the Ruahine but these as well were further south than the CFL lands and the purchase in any case was not completed due to the increased hostility in the region. After the Pakiaka war which followed the Otaranga purchase, the Crown began to involve members of the opposition in purchases including Kawepo, Kurupo Te Moananui and Tareha. In a letter from District Land Purchase Commissioner George Sisson Cooper to Donald McLean, he noted that the land on the southern border of the current Gwavas CFL lands was “claimed by a great number of people under Te Hapuku, Moananui, Puhara and others”.<sup>222</sup> These represented the rangatira of Ngāti Whatuiapiti and Ngāti Kahungunu. Cooper warned McLean in 1855 of the difficulty of purchasing the land as it was “so much subdivided by the intersecting claims of the opposing parties”. He alluded especially to the division between Te Hapuku and Te Moananui.

After the Pakiaka war piecemeal purchasing continued. On 9 June 1859 Wiremu Te Ota (the father of noted claimant Wi Wheko) was paid £50 for “Mangamate”, land located between the Mangamate stream and the Whakarara range just south of the Gwavas CFL lands.<sup>223</sup> On 27 June 1859 McLean purchased what he believed to be about 95,000 acres in the “North Ruataniwha District” for £3700 to what McLean described as “Te Moananui and his tribe”.<sup>224</sup> McLean’s characterisation of this group as “Te Moananui and his tribe” oversimplified a much more complicated set of customary interests. Similarly Ballara and Scott refer to those selling the land as the “victorious ‘Ngāti Kahungunu’ party” in the Pakiaka war, but describing Noa Huke and Renata Kawepo as ‘Ngāti Kahungunu’ oversimplifies the diverse set of customary interests represented in the purchase including those of Ngāti Kahungunu, Ngāi Te Upokoiri and Ngāti Hinemanu. The deed was signed by Huke, Tareha Ngatuna, Urupene Puhara, Paora Kaiwhata, Karauria Pupu, Renata Kawepo, Te Moananui, Tawhare Watene, Tuakaua, Here Kameka, Ihaia Te Ngira, Hakaraia Pohawaiki, Te Harawira Takuao, Te Waka Kawatini, Parakete Paurini, Ani Kanara, Tiakitai, Hataretā Hakiwai, Henare Tomoana and Pirimona Te Urukahika.<sup>225</sup> On 12 July 1859 £200 was paid to Te Paratene Te Akonga, Te Paraone Hakihaki, Te Moananui Hawea, Wiremu

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<sup>222</sup> Ballara and Scott, Ruataniwha, 12-13; *AJHR*, C-1, No13, Cooper to McLean, 4 July 1855.

<sup>223</sup> Turton, *Maori Deeds Volume Two*, 589-590; Ballara and Scott, Ruataniwha, 20.

<sup>224</sup> Ballara and Scott, Ruataniwha, 14; *AJHR*, 1862, C-1, No56, McLean to TH Smith, 29 June 1859.

<sup>225</sup> Ballara and Scott, Ruataniwha, 20-21; Turton, *Maori Deeds Volume Two*, 590.

Rohu, Peni Te Puna, Penetiki, Rikera and Rota Houganga for their interests in the Waototara block, another name for the Ruataniwha North area.<sup>226</sup>

Te Hapuku's interests and those of his relations were purchased shortly thereafter which would form part of the Ruataniwha North and Manga-a-Rangipeke block. On 11 August 1859 the claims of Te Hapuku and others to Ruahine were purchased for £3340 from Te Hapuku, his son Te Hapuku Karanema, his brother Te Haurangi Waihiku, his cousin Hineipaketia, her cousin Hori Niania, Ropata Tiakitai, Pareihe, Miriama Hineinukua, Maata, Pete Ropata, Riwai Tawa, Ropata Te Nahu, Miriama Tangihana, Hamuera Ki, Hupata Piko, Karaitiana Kahuirangi, Ani Mauruuru, Harata Moe, Te Kuru, Tuhawinerangi, Ngawiki, Hamiora, Wi Whiuwhiu, Rapana, Hoera, Te Hapuku, Hupata Wheao, Hoani Waikato, Te Whakatomo, Nepia Makutu, Arihi Karanema, Ropata Te Waiariki, Te Watene Hawea, Te Mautahi, Eria Te Wairenga, Raharuhi Takapare, Waihi, Paora Kopakau, Rangi Puhara, and Manuera. A 300-acre reserve was meant to be set aside for Ropata Waiariki at Tikokino.<sup>227</sup> The northern extent of these lands resided just to the south of the Gwavas CFL lands. On the same day another deed related to the Ruataniwha North block that was meant to extinguish the Ngāti Pouwharekura and Ngāti Marau claims to the block was signed by Ropata Te Waiariki, Pete Ropata, Te Hapuku, Te Matenga Kurukore, Tamehana Te Whareraupo, Oriwia Te Hori, Nirai Hamua, Ngāihi, Hoani Te Oke, Aporo Manihi, Hekiera Te Raparaha and Ratima Te Uira for £400.<sup>228</sup> Te Hapuku, Tupurupuru Ngāiro Perehi, Hineipaketia, Te Whakatomo, Ponatahuri, Raharuhi Takapare, Eria Te Wairenga, Manuera, Waione, Arihi Karanema and Hawena sold "about 5000 acres, consisting of a wood called Kereru and a plain adjacent thereto...is of an irregular triangular shape, and lies between the Aorangi, Otaranga and North Ruataniwha blocks."<sup>229</sup> Its shape can clearly be seen on a map of the blocks.

The purchases in this paragraph were all outside of Gwavas CFL lands in the Ruataniwha North block. On 15 August 1859 three further purchases were made all involving Te Hapuku. £20 was paid for "Arapata's claims" to Ruataniwha North which included Mangatahi, Hinepera, Hoeta and Hoera. That deed was witnessed by Te Hapuku. McLean also paid £280 to Renata Hapuku, Te Waka Rewharewha, Te Watene Te WaNgāi, Uriana Te

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<sup>226</sup> Ballara and Scott, Ruataniwha, 21-22 Turton, *Maori Deeds Volume Two*, 593.

<sup>227</sup> Ballara and Scott, Ruataniwha, 22; Turton, *Maori Deeds Volume Two*, 595.

<sup>228</sup> Ballara and Scott, Ruataniwha, 22; Turton, *Maori Deeds Volume Two*, 537-538; Bassett & Kay, 243-244.

<sup>229</sup> Ballara and Scott, Ruataniwha, 16, 22-23; *AJHR* 1862, C1, no59, McLean to TH Smith, 6 September 1859.



Whiri, Ani Te Whanga, Rota Porehua and Piripi Mawheta as well as £20 for Maruuru, the sister of Noa Taikiwa. Finally, on 24-25 August 1859 three further deeds were signed to extinguish the claims of “Wiremu Rohu” (although Te Hapuku was another signatory), “Waihi and others” (including a “Winiata”), Hupata Whaeo and “Haurangi and others”.<sup>230</sup>

Crown grants were issued for reserves in the Ruataniwha North block purchased from Moananui, Kawepo and others which became known as the Tikokino reserves. 100 acre reserves were issued long after the land was purchased to Moananui, Tareha, Karaitiana Takamoana, Renata Kawepo, Paora Torotoro, Paora Kaiwhata, Wiremu Te Ota, Noa Huke, Karauria Pupu, Urupene Puhara and Ihaia Te Ngira. 50 acre reserves were issued to Ani Kanara and Tiakitai. Reserves between 169 and 257 acres were issued in the region on the same day to Te Hira Te Oke and others, Ropata Hoakakari, Mita Karaka and many others.<sup>231</sup>

Despite purchasing from two opposing groups, it did little to calm the disaffection of others with interests who were not recognised in any purchases. This disaffection manifested itself in direct action when opponents of the purchases stopped the work of surveyors in the Ruataniwha North block. This could just as easily have been influenced by the work of Kingitanga emissaries in the region, but the support for the Kingitanga and the disaffection with incorrect purchases from the wrong people were strongly intertwined.<sup>232</sup>

During the Awarua Commission in 1890 evidence was presented regarding the Ruataniwha North purchase. One of the signatories to the 27 June 1859 deed, Urupene Puhara, stated that the Ruataniwha North purchase deed was described as having been purchased from the “Ngātikahungunu tribe”. He testified at the inquiry that he was somewhere between 50 and 60 years old so that although he was unsure exactly how old he was in 1857 he was for all intents and purposes a “grown up man”. He noted that the “Ruahine Range was the western boundary of that block” and that “it was pointed to as the top of the range”. Puhara continued discussing the range: “It was pointed out to me by Tupurupuru, one of the men [who] signed the Otaranga deed who pointed it out to all of us. I was present when the names of the places in the boundaries of the Ruataniwha block were taken down and Porohatuhaha<sup>233</sup> was one of them.” He stated that a number of the signatories to the Otaranga deed were also there at the time he had seen Pohatuhaha pointed out. He

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<sup>230</sup> Ballara and Scott, Ruataniwha, 23-24

<sup>231</sup> Ballara and Scott, Ruataniwha, 27-28.

<sup>232</sup> Ballara and Scott, Ruataniwha, 17-20.

<sup>233</sup> Refers to Pohatuhaha but misspelled.

stated that all were deceased except for Hinepaketia. Puhara noted some details about those that had signed the Otaranga deed including the previously mentioned Hinepaketia (one of his father's wives and still living in 1890), Whaitiri (his mother), Ngapeahineirangiia (his sister), and Kerei Tanguru (his cousin). Puhara stated that Hinepaketia "went about with us in all those travelling expeditions". The knowledge of Māori informants was vital to the process of determining boundaries as the surveyor Horace Baker pointed out during his evidence at the Commission inquiry: "No European can say [if the location is correct] unless he has a Native guide who knew the boundaries of the land sold."<sup>234</sup>

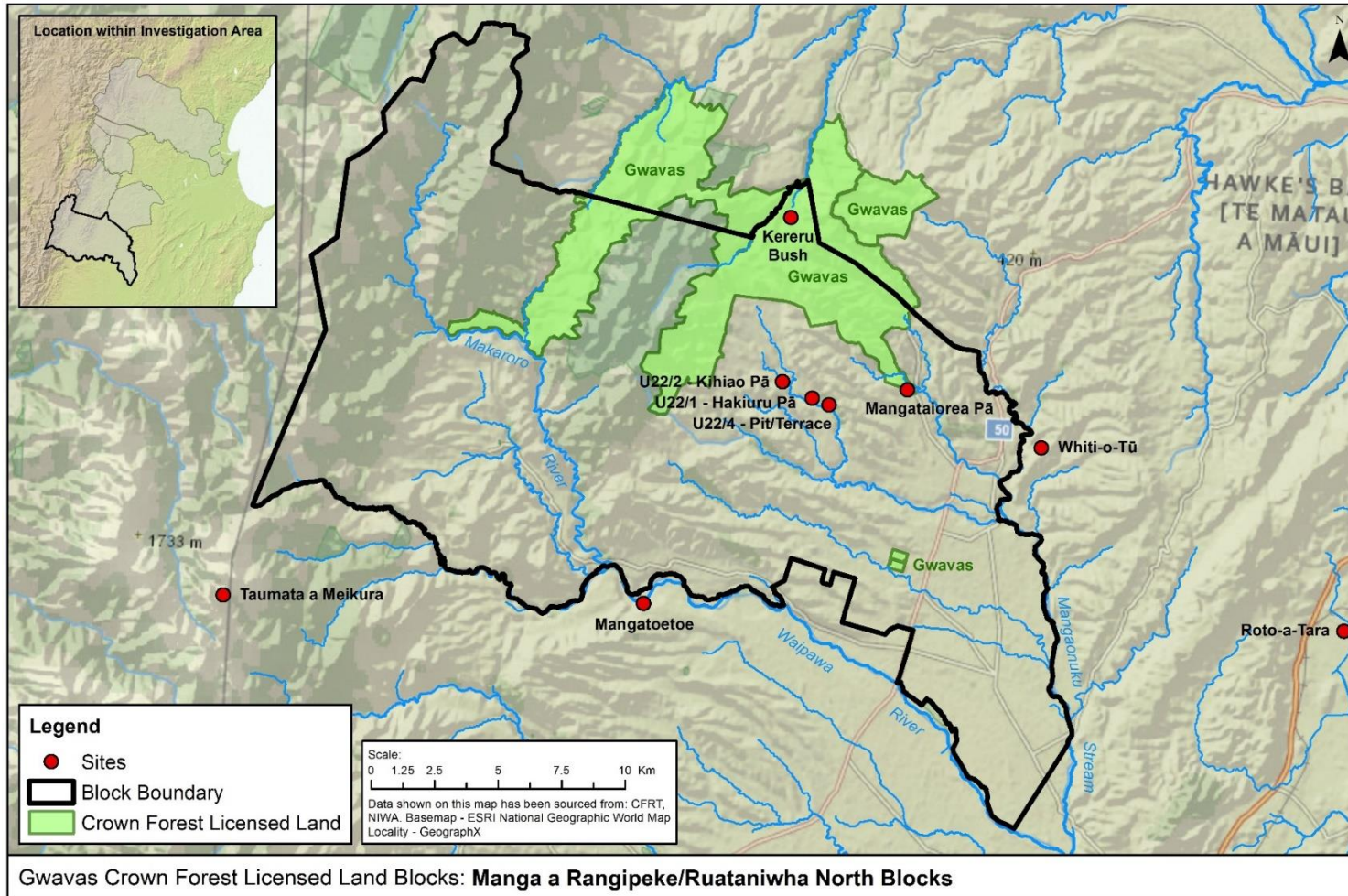
Many years later in 1909 Winiata Te Whaaro submitted a petition to Parliament regarding the "Ruataniwha-Ruahine block". He claimed that the land was "absolutely the land of our ancestors and was held by them according to the rights of Māori custom". The petition was not clear on which specific lands were claimed but it seemed to point to some part of the Ruataniwha North block that had been alienated without the permission of Te Whaaro and his family. The petition stated that the land "was not taken by or cede to other tribes, private Europeans or the Queen" and also "this is a balance of the lands which were honourably ceded by our ancestors to Her Majesty the Queen". He did not indicate under which descent lines he claimed the land but it may have been through his Ngāti Pouwharekura line from his father as noted earlier. Te Whaaro's father, Turitakoto, had strong links with Ngāti Pouwharekura and Ngāti Marau both of which had strong claims to the Ruataniwha North block. It is not clear if he was claiming through his father's whakapapa because of the lack of detail in the petition but it is certainly the most likely.<sup>235</sup>

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<sup>234</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 6-8, 15 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 9-11, 18.

<sup>235</sup> Winiata Te Whaaro petition to Parliament, 23 October 1909, MA1 989 1909/584, Archives NZ; Ballara and Scott, Ruataniwha, 37.

# Manga-a-Rangipeke



Map 10: Manga-a-Rangipeke and Ruataniwha North blocks (shown together due to a lack of accurate boundary information)

To the east of the Ruataniwha block was the Manga-a-Rangipeke block, the last of the early Crown purchases involving the Kāweka and Gwavas CFL lands. To the north of the block was the Aorangi block, to the east the Maraekakaho and Waipukurau blocks and to the south the Te Totara block. Like 3 of the 4 blocks previously discussed, it was sold in a relatively clandestine fashion to Te Hapuku and his family first, with payments later made to others to mop up their interests. Some of these payments were made to rangatira with no great claims to the direct area but more in recognition of their general status in Heretaunga. Te Hapuku and his family in some ways had just as many rights to it as those compensated in the second payment such as Te Moananui, Renata Kawepo and Paora Kaiwhata. Neither had as strong of a claim to the land as Ngāi Takaha, a hapu descended from Takaha of Te Hika-a-Papauma, “probably the grandfather of Te Whatuiapiti” according to Ballara and Scott. They state that “while by the early 19<sup>th</sup> century they were probably heavily intermarried with Ngāti Te Whatuiapiti and its many hapu, they were still regarded as Ngāti Kahungunu” and “they seem to have been associated most closely with Ngāti Hinepare and Ngāti Mahu”.<sup>236</sup> This was apparent from Paora Kaiwhata claiming through Takaha and presenting his whakapapa from that tupuna at the Omahu NLC investigation in 1890.<sup>237</sup> Although Kaiwhata often claimed as Ngāti Mahu and Ngāti Hinepare the whakapapa he provided differed from the tupuna Takaha noted by Ballara and Scott as “probably the grand-father of Te Whatuiapiti” (and corroborated in the whakapapa by Walzl). The whakapapa provided by Kaiwhata at the Omahu investigation below was most certainly missing a number of generations although Apunga was noted in Parsons<sup>238</sup> as a son of Takaha:

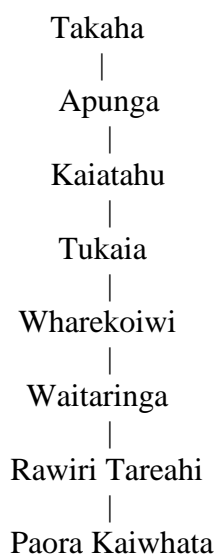
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<sup>236</sup> Ballara and Scott, *Manga-a-Rangipeke*, 2-3.

<sup>237</sup> Omahu hearing 1890, Napier MB 19: 456.

<sup>238</sup> Bickler, Clough and Parsons, ‘Ruataniwha Water Storage Scheme: Archaeological Assessment’, 9.

Figure 16: Descent line from Takaha to Paora Kaiwhata<sup>239</sup>



Patrick Parsons stated in his short biography of Kaiwhata’s father, Rawiri Tareahi, that “Ngāi Takaha lived under the mana of Ngāi Te Upokoiri on the Upper Ngaruroro River”.<sup>240</sup> One example of the connections between Ngāi Te Upokoiri and Ngāi Takaha was the rangatira Kaipo who travelled with Te Wanikau and Whiuwhiu to Patea after Mangatoetoe.<sup>241</sup> Ngāi Te Upokoiri’s interests in the Manga-a-Rangipeke block are confirmed by a number of pa associated with Te Umairangi and Ngāi Te Upokoiri and Ngāti Hinemanu generally.<sup>242</sup> Located just outside the Gwavas CFL lands are Kihiao and Hakiuru pa, noted throughout section 2, while on the southeastern edge of the forest is Mangataiorepa pa.<sup>243</sup> During the Mangaohane hearing Raniera Te Ahiko noted that Mangataiorepa pa belonged to Te Umairangi.<sup>244</sup> Whiuwhiu and Waata Rakaiwerohia both are noted as having travelled from Hakiuru to Patea.<sup>245</sup>

Te Hapuku, his brother Te Haurangi (Te Waihiku) and his son, Te Watene Haehae, sold the Manga-a-Rangipeke block for £150 by a deed signed on 3 January 1857 in Auckland

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<sup>239</sup> Omahu hearing 1890, Napier MB 19: 456.

<sup>240</sup> Patrick Parsons. 'Tareahi, Rawiri', Dictionary of New Zealand Biography, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t16/tareahi-rawiri> (accessed 20 June 2019)

<sup>241</sup> Awarua partion hearing 1890, Wanganui MB 18: 209.

<sup>242</sup> Mangaohane hearing 1884-1885, Napier MB 9: 213-214; Omahu hearing 1890, Napier MB 19: 102, 117, 469; Parsons, “Māori Occupation,” 43.

<sup>243</sup> Bickler, Clough and Parsons, ‘Ruataniwha Water Storage Scheme: Archaeological Assessment’, 11.

<sup>244</sup> Mangaohane hearing 1884-1885, Napier MB 9: 138.

<sup>245</sup> Awarua hearing 1886, Wanganui MB 11: 222.

far from the block.<sup>246</sup> District Land Purchase Commissioner Cooper knew of the conflicting claims to the land but proceeded with the purchase as he had in all the previous purchases. In the lead up to the Pakiaka conflict with the Otaranga and Aorangi purchases also stoking the fires of anger between Te Hapuku and all other leaders in Heretaunga, a second deed dated 29 June 1857 was signed just as was the case for the Otaranga, Aorangi and Ruataniwha North purchases. A similarly diverse group as those in the other mop-of interests of Ngāti Hawea, Ngāi Te Upokoiri, and general Ngāti Kahungunu were compensated £500 including Te Moananui, Paora Kaiwhata, Renata Kawepo, Karaitiana Takamoana, Noa Huke, Ani Kanara, Porokoru, Te Mango, Rere Morehu, Pohatu, Haukore, Arapera, Haromi, Wiremu Te Ota, Raniera Te Ahiko, Te Tutere, Aperahama Kaipipi, Ihaia Te Ngira and Raniera Te Waha.<sup>247</sup>

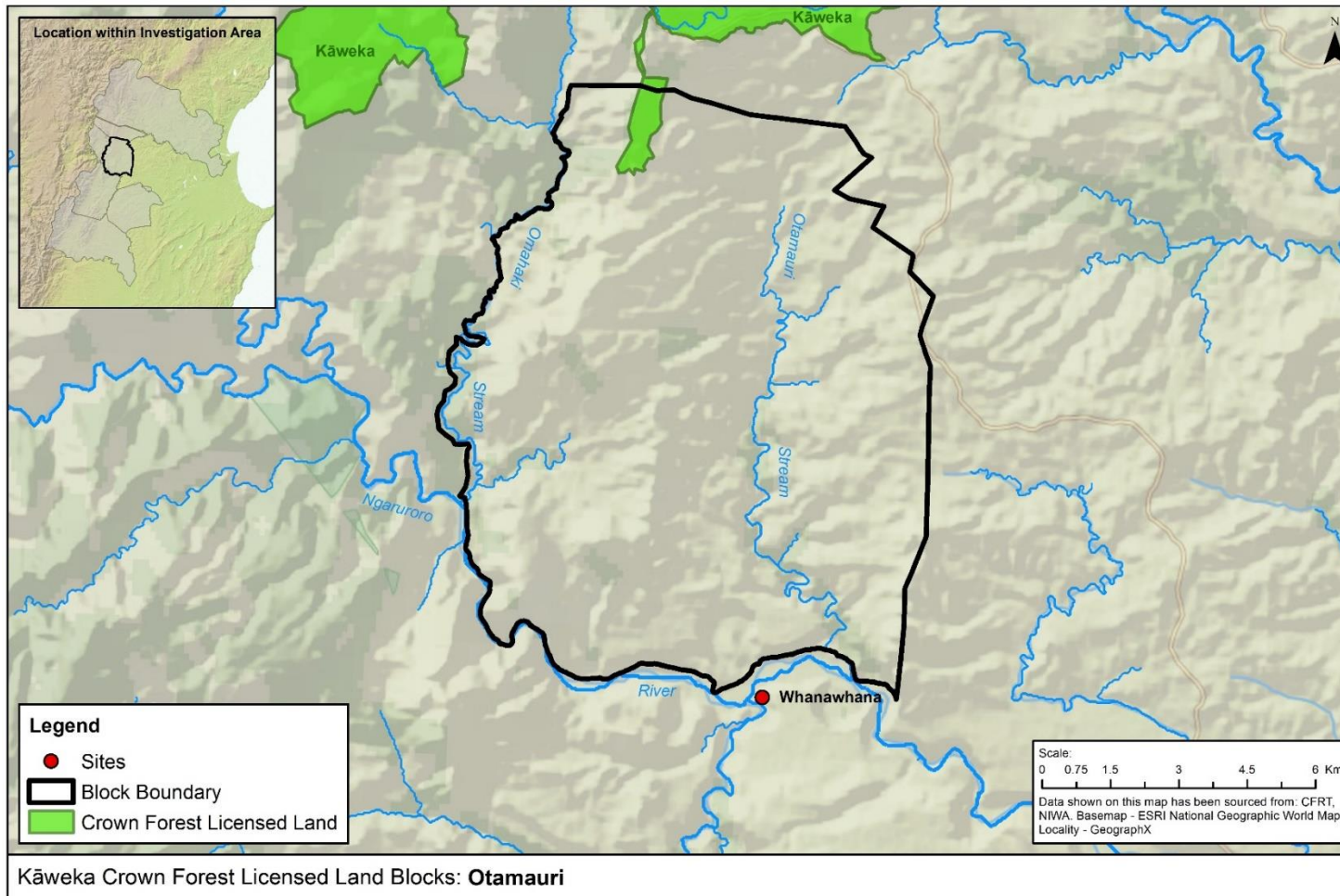
It should be clear that the Crown's purchasing policy under Crown-emption was disastrous for those unfortunate enough to be engaged in the process. It led to the short Pakiaka war in 1857 in Heretaunga, but it significantly intensified in 1860 starting at Taranaki until war spread around the central north island. The Crown finally abandoned its monopoly right to purchase Māori lands but implemented a system equally destructive to facilitate private purchasing in addition to Crown purchasing through the establishment of the Native Land Court. Only much later in the process towards the end of the century did customary interests begin to be recognised in a complete manner but even then, many judgments were faulty, if not completely wrong.

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<sup>246</sup> Turton, *Maori Deeds Volume Two*, 514-515; Te Hapuku to McLean, 31 December 1856, ABWN W5279 8102 Box 359 HWB 66, Archives NZ.

<sup>247</sup> Turton, *Maori Deeds Volume Two*, 516-517.

Otamauri



Map 11: Otamauri block

The Otamauri block was investigated very early in the establishment of the NLC process in December 1866. Like most investigations at this time there was limited evidence presented. Kawepo submitted the claim but did not appear when called by the Court as he was sick. He deputed Temuera Te Mateaitu, who claimed to be “one of the owners of the land”, to appear on his behalf. Te Mateaitu claimed the land, on behalf of Te Mumuhu, through “Ngātitemumuhu”, affirming that Te Mumuhu “was the ancestor of this tribe who owned the land”. He stated further that “Ngātiteupokoiri is the large name of the tribe”. More specifically than the hapu claim, Mateaitu also claimed the land through the tupuna Taraia, presumably Taraia I as Mateaitu stated that “Taraia came originally from Turanga to this land”. He then traced his own whakapapa along with his co-claimants: Kawepo, Ani Kanara, Ria Tawhara and Harongi [Haromi] Te Ata. Unfortunately the whakapapa is not recorded in the minute book. Mateaitu claimed that “the original owner was Tuanewa” as Taraia “came as a guest and remained, and his descendants have been in possession ever since along with Tuanewa’s descendants, both claim now conjointly”. Mateaitu then traced his own descent from Tuanewa which, like the previous whakapapa showing descent from Taraia, was not recorded. Whakapapa produced by Walzl and Parsons shows the connection between Taraia and Tuanewa and the eventual grantees in the block is shown below.

Witnesses at the Omaha hearing also presented evidence regarding Tuanewa. Hoana Pakapaka, Raniera Te Ahiko, Wiramina Ngahuka and Noa Huke all presented evidence regarding the conquest of Tuanewa by Taraia II. Pakapaka recounted the famous incident which gave the Okawa block its name. When Taraia II left his wife Punakiao in the area while he was away to acquire kai moana, his Ngāti Ruapirau subjects refused to provide any garnish for the relatively stale food available in Heretaunga. Taking this as a grave insult Taraia II demanded land from Ngāti Ruapirau as payment for the insult. According to Pakapaka, when they refused a number of rangatira were killed but Tuanewa, a cousin of Taraia II related through Whatumamoā, was spared and his brother Rangipatahi escaped. Te Ahiko and Huke both stated that Tuanewa was killed.<sup>248</sup> According to Maurini Haines-Winiata and other Ngāti Hinemanu me Ngāti Paki claimants the importance of Punakiao in Heretaunga is exemplified in this famous story of Taraia II’s anger at Ngāti Ruapirau for not providing her with relish. Her power is apparent in the lengths Taraia II goes following this

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<sup>248</sup> Omaha hearing 1890, Napier MB 19: 484; Napier MB 20: 41-42; Wai 2180 A12 notes that there had to have been a three-generation difference between Taraia II and Tuanewa.



incident.<sup>249</sup> In the 1887 Owahaoko rehearing, Ngahuka provided an alternative tradition for the rationale of Taraia II's conquest of Ngāti Ruapirau. For Ngahuka the conflict was over eels caught at Kawera after which Taraia II ordered Ngāti Ruapirau off the land. Their refusal to depart led to the death of Tuanewa and others. Te Ahiko stated that Taraia I's grandson, Taraia II, had killed Tuanewa to extinguish Ngāti Ruapirau's right to Matapiro as Tuanewa was Ruapirau's grandson. Te Ahiko alleged that Tuanewa was killed because Ngāti Ruapirau had refused to give a portion of land that Taraia II demanded at Aorangi, Matapiro and Tiwhakairo. He believed Taraia II's conquest extended on to the Tunanui block and up to the source of the Otamauri river. When peace was made Taraia II's son Mahuika married the niece of Tuanewa, Rapuiao. Hoana Pakapaka claimed that Honomokai's marriage to a Patea woman of chiefly rank, Te Aopupururangi, could be contrasted with Mahuika's marriage to Rapuiao, in Pakapaka's view a woman of inferior rank.<sup>250</sup> This was a significant period in Ngāti Hinemanu/Ngāti Upokoiri history as Te Ahiko claimed that it was these lands that Taraia II split amongst his children, notably Hinemanu, Honomokai and Mahuika.<sup>251</sup>

In addition to the ancestral history, Mateaitu also explained the more recent history of their occupation prior to and after the signing of the Treaty focusing on the exodus from the region in the 1820s and 1830s and then the return from the late 1840s onwards. This history is dealt with at length in the Omahu and Ohiti-Waitio investigations as well as a number of NLC investigations on both sides of the Ruahine range. Mateaitu noted:

We remained in possession of this land until we were driven out by Te Hapuku, Te Moananui and the Ngāti Kahungunu and other tribes. We fled to Kapiti but subsequently came back and reoccupied our land. We have remained in quiet possession ever since. The conquerors gave us back our land, and now do not dispute our title to it. Many of them are here present [at the hearing?].

From the evidence available it certainly does not seem as if "the conquerors" had disputed the land as it was well known that their former enemies, we can generally call them Ngāti Kahungunu here, did ask Ngāti Te Upokoiri/Ngāti Hinemanu to return from their exodus in the years after the signing of the Treaty. Mateaitu proposed the following as grantees for the block who were all approved by the Court: Renata Kawepo, Ani Kanara, Ria Tawhara,

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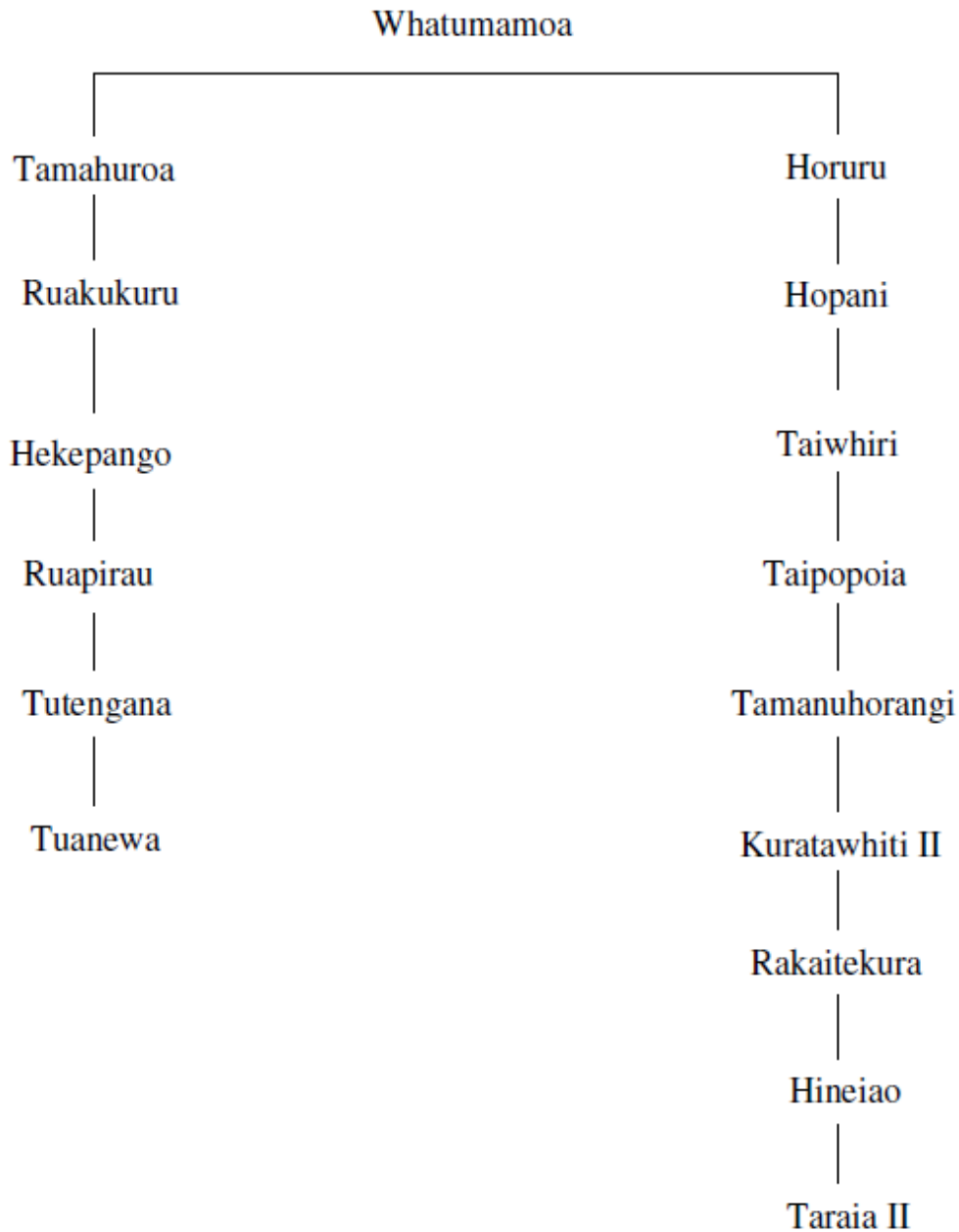
<sup>249</sup> Interview with Maurini Haines-Winiata, 31 March 2019.

<sup>250</sup> Omahu hearing 1890, Napier MB 20: 44-45.

<sup>251</sup> Omahu hearing 1890, Napier MB 19: 229-230; Wai 2180 A12, 757, 791, 805.

Harongi [Haromi] Te Ata, Kerei Tanguru<sup>252</sup> and Temuera Te Mateaitu.<sup>253</sup> Tawhara was the sister of Te Wanikau and the daughter of Tuhotoariki.<sup>254</sup> The descent lines of Tuanewa and Taraia II from Whatumamoa in Heretaunga is shown below from Walzl.

Figure 17: Descent from Whatumamoa to Taraia II and Tuanewa<sup>255</sup>



<sup>252</sup> At the Owhaoko C sub-division investigation in 1894 Wi Te Roikuku stated that he was admitted into the Otamauri block as a successor to this brother Kerei Tanguru as Ngāi Te Upokoiri: Owhaoko C partition hearing 1894, Napier MB 34: 200.

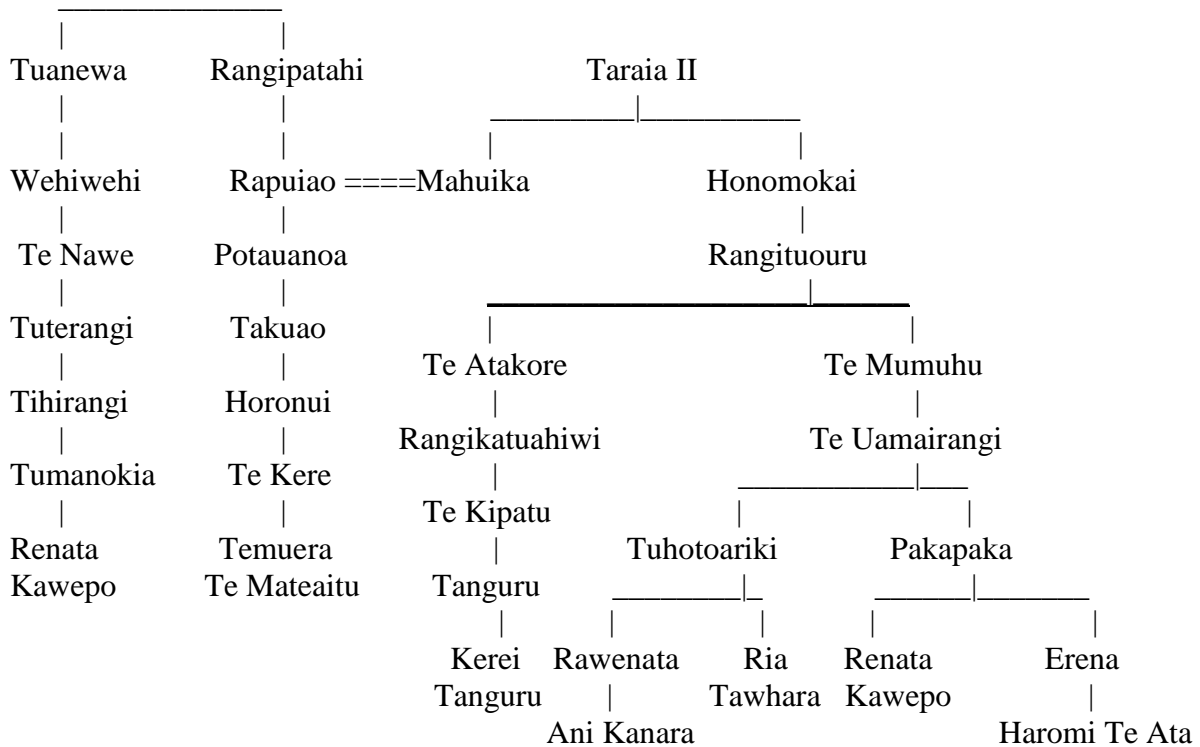
<sup>253</sup> Otamauri hearing 1866, Napier MB 1: 194-195 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 252-253.

<sup>254</sup> Omahu hearing 1890, Napier MB 19: 277.

<sup>255</sup> Wai 2180 A12, 754.

Parsons has also traced from Taraia II and Tuanewa to the six grantees:

Figure 18: Descent lines to Otamauri grantees<sup>256</sup>



Although Raniera Te Ahiko claimed at the Mangaohane partition in 1890 that “Renata did not put his people in that block” (referring to Otamauri), the grantees were all related to him in some way.<sup>257</sup> The six grantees all have links to tupuna on both sides of the ranges. Te Nawe of Ngāti Te Whatuiapiti married Hinemanu’s son Tarahē, Rangituouru married Te Upokoiri II who was descended from Te Aopupururangi and Taraia II married Punakiao. Perhaps if this whakapapa was used for a block on the western side of the range one would expect Punakiao instead of Taraia II. It must be noted that this whakapapa was produced for a specific purpose—potential redress for a Treaty settlement in the early 1990s. Nonetheless in an 1878 application for succession to the interests of Kawepo’s cousin Ria Tawhara, one of the applicants stated that “the original owner of the land was Taraia” and provided a whakapapa from Taraia II through Honomokai, Rangituouru and Te Mumuhu as Parsons has noted above.<sup>258</sup>

<sup>256</sup> Patrick Parsons, “Report on the Kaweka Forest,” 21 July 1992 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 100.

<sup>257</sup> Mangaohane partition hearing 1890, Napier MB 21: 11.

<sup>258</sup> Otamauri succession of interests hearing 1879, Napier MB 5: 50-51 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 244-245.

Samuel Locke surveyed the block and was the only other witness at the hearing. He mainly commented on whether the land should be rendered inalienable, but he did state that there was “no interruption to the survey” perhaps attempting to indicate that others did not dispute the sale.<sup>259</sup>

Te Mumuhu was the grandson of Honomokai and Te Aopupururangi, the son of Te Upokoiri and Rangituouru, the father of Te Uamairangi and the great-grandfather of Renata Kawepo.<sup>260</sup> Although he was an important figure in Ngāi Te Upokoiri, the details of his life are not well known.<sup>261</sup> During the first Mangaohane hearing in 1884-1885, Teira Te Atahi stated that Te Mumuhu had married Hinenui of Ngāti Awa. In contrast, Parsons has written that Hinenui was Ngāti Tuwharetoa and Raukawa, which proved helpful in later generations when fighting forces were required for Ngāi Te Upokoiri as noted in Section 2 of the report. During the NLC’s Timahanga investigation, Urupene Puhara claimed that Te Mumuhu and Hinenui had lived on the Timahanga block.<sup>262</sup> Witnesses at the 1884-1885 Mangaohane investigation in addition to Te Atahi that discussed Te Mumuhu were Paramena Te Naonao and Raniera Te Ahiko—all Ngāi Te Upokoiri/Ngāti Honomokai witnesses. They claimed he was the only descendant of Rangituouru with interests in the Patea region, although the Ngāi Te Upokoiri claim was generally understood to have been overemphasised in the NLC’s decision to award so overwhelmingly to Ngāi Te Upokoiri in eastern Patea as will be discussed in more detail shortly.<sup>263</sup> The most glaring example of this unproven claim was the failure to find “Rangituouru’s pa” which was admitted during the Mangaohane hearing but did not affect the judgement of the Court.<sup>264</sup> In relation to Mumuhu’s rights on the Heretaunga side of the Ruahine range, Raniera Te Ahiko noted in other investigations that Te Mumuhu lived with Hopaka and his brother in Heretaunga, at Taumataohe (in the Aorangi blocks) and at Maungarakau (in the Omahaki block).<sup>265</sup> His wife Hinenui was said to have died at Pukehomoamo, which might indicate that Te Mumuhu had a kainga and lived there.<sup>266</sup>

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<sup>259</sup> Otamauri hearing 1866, Napier MB 1: 195 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 253.

<sup>260</sup> Ballara, ‘The Origins of Ngāti Kahungunu’, 203, 275.

<sup>261</sup> Parsons, ‘Maori Occupation’, 41.

<sup>262</sup> Timahanga hearing 1894, Napier MB 36: 197.

<sup>263</sup> Awarua hearing 1886, Wanganui MB 10: 375; Mangaohane hearing 1884-1885, Napier MB 9: 141, 159.

<sup>264</sup> Martin Fisher and Bruce Stirling, ‘Sub-District Block Study – Northern Aspect’, Wai 2180 A6, 2012, 52.

<sup>265</sup> Mangaohane hearing 1884-1885, Napier MB 9: 265; Owhaoko rehearing 1888, Napier MB 16: 267, 269.

<sup>266</sup> Mangaohane hearing 1884-1885, Napier MB 9: 189.

Whanawhana pa is located in the northern section of the Otapahi block just outside of the southern limit of the Otamauri block.<sup>267</sup> Discussions of any pa were completely missing from the perfunctory NLC investigation for the Otamauri block. Whanawhana does appear in evidence from a range of witnesses in the NLC as the primary pa of Te Umairangi.<sup>268</sup> Pou were placed to protest land sales at Whanawhana in the 1850s to prevent any further alienations to the west of the pa. Winiata Te Whaaro stated at the Mangaohane partition hearing in 1890 that the pou at Kuripapango and Whanawhana were set up so “that no sale of land should take place on the Patea side of the posts”.<sup>269</sup> Whanawhana though was quite to the east of the Ruaine range. Rangatira based on both sides of the Ruahine range helped erect the pou. These were discussed in a number of different NLC investigations.<sup>270</sup> During a hui with claimants at Omahu mahinga kai practices at Whanawhana were discussed with researchers. Claimants stated that they had camped in the caves opposite Whanawhana pa on the Ngaruroro riverbed to gather kararo or baby seagulls along the cliffs and riverbanks, both the small chicks as well as eggs. The kararo would be gathered in summer while inanga/whitebait was fished in the spring near the Whanawhana pa site. Claimants also noted that kereru were hunted on the other side of the Whanawhana, possibly in the Aorangi block. The birds would be baked in mud and then the feathers could be easily peeled off.<sup>271</sup>

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<sup>267</sup> Otamauri Certificate of Title, ABWN W5278 8910 Box 36 5088, Archives NZ.

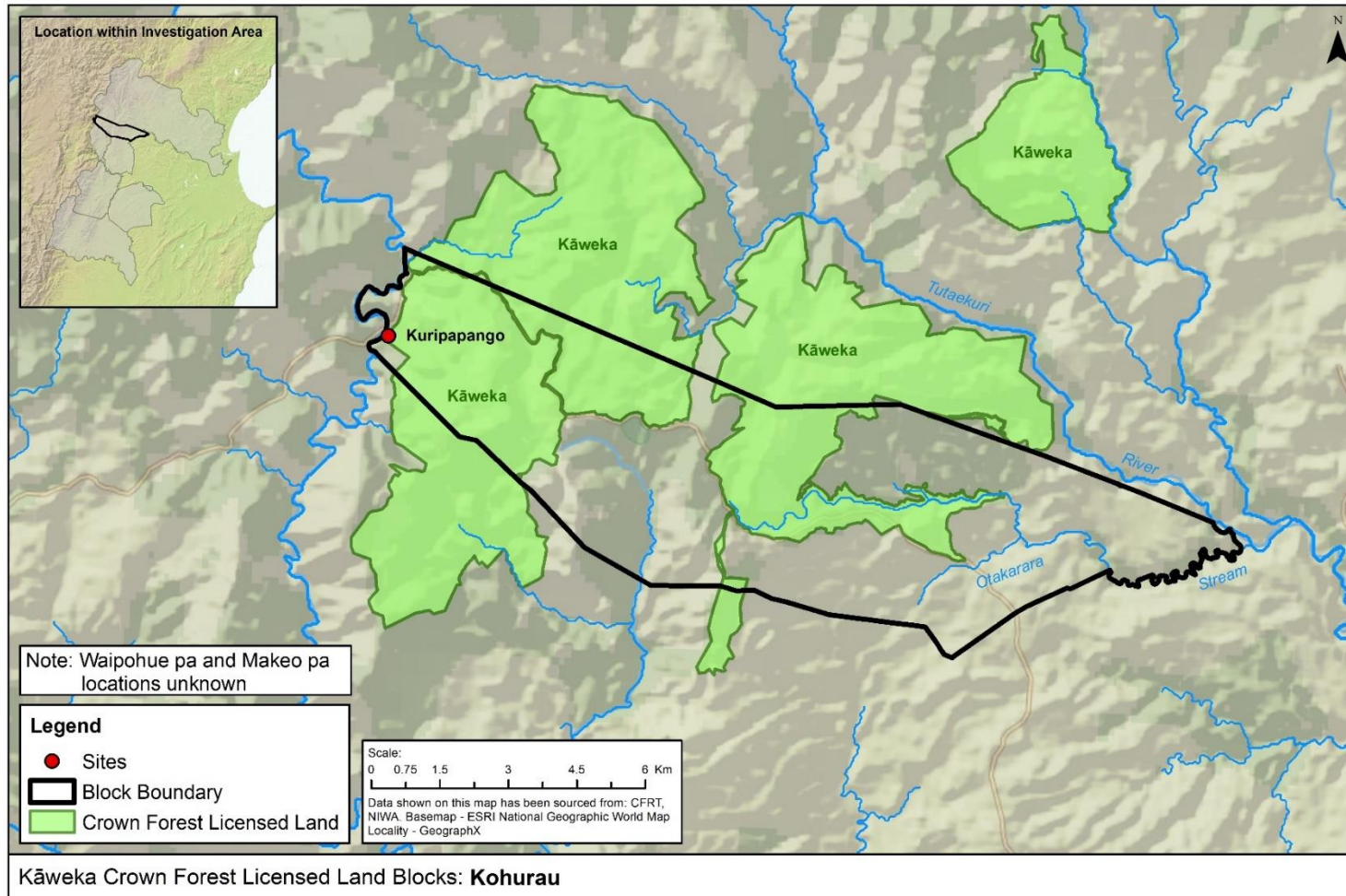
<sup>268</sup> Awarua hearing 1886, Wanganui MB 11: 215; Omahu hearing 1890, Napier MB 18: 301, 443; Owhaoko C partition hearing 1894, Napier MB 34: 208, 276; Omahaki hearing 1896, Napier MB 49: 29; Napier MB 50: 158-160 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 172, 193-195.

<sup>269</sup> Mangaohane partition hearing 1890, Napier MB 20: 377.

<sup>270</sup> Awarua hearing 1886, Wanganui MB: 342; Wai 2180 A6, 53, 58, 180.

<sup>271</sup> Hui with claimants at Omahu, 31 March 2019.

Kohurau

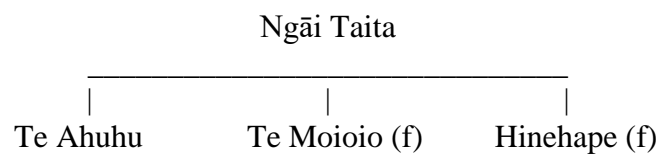


Map 12: Kohurau block

The 17,775 acre Kohurau block was investigated by the NLC in September 1870, relatively early in the NLC process. The evidence presented was marginally more detailed than the Otamauri investigation. The Kohurau block was bounded by the Ahuriri block to the north, to the southeast was the Tunanui block, to the south was the Omahaki and Otamauri blocks, to the west was the Owhaoko C block (and Kuripapango) and to the southwest the Timahanga block. Kohurau was awarded to the descendants of Ngāi Taita and Ngāti Mahu, and later evidence presented in other NLC investigations generally agreed with that contention.

Paora Kaiwhata<sup>272</sup> claimed that he belonged to Ngāi Taita and knew the piece of land before the Court. He stated that “Te Kohurau...belongs to Ngāitaita” and claimed the land together with others. He provided a more extensive whakapapa but only the first two lines from Ngāitaita were recorded.<sup>273</sup>

Figure 19: Limited descent line from Ngāi Taita



Using whakapapa from the Owhaoko, Timahanga and Te Koau NLC investigations Walzl has produced a whakapapa which shows the descent lines to Paora Kaiwhata, and another Ngāi Taita related claimant, Wiramina Ngahuka.<sup>274</sup>

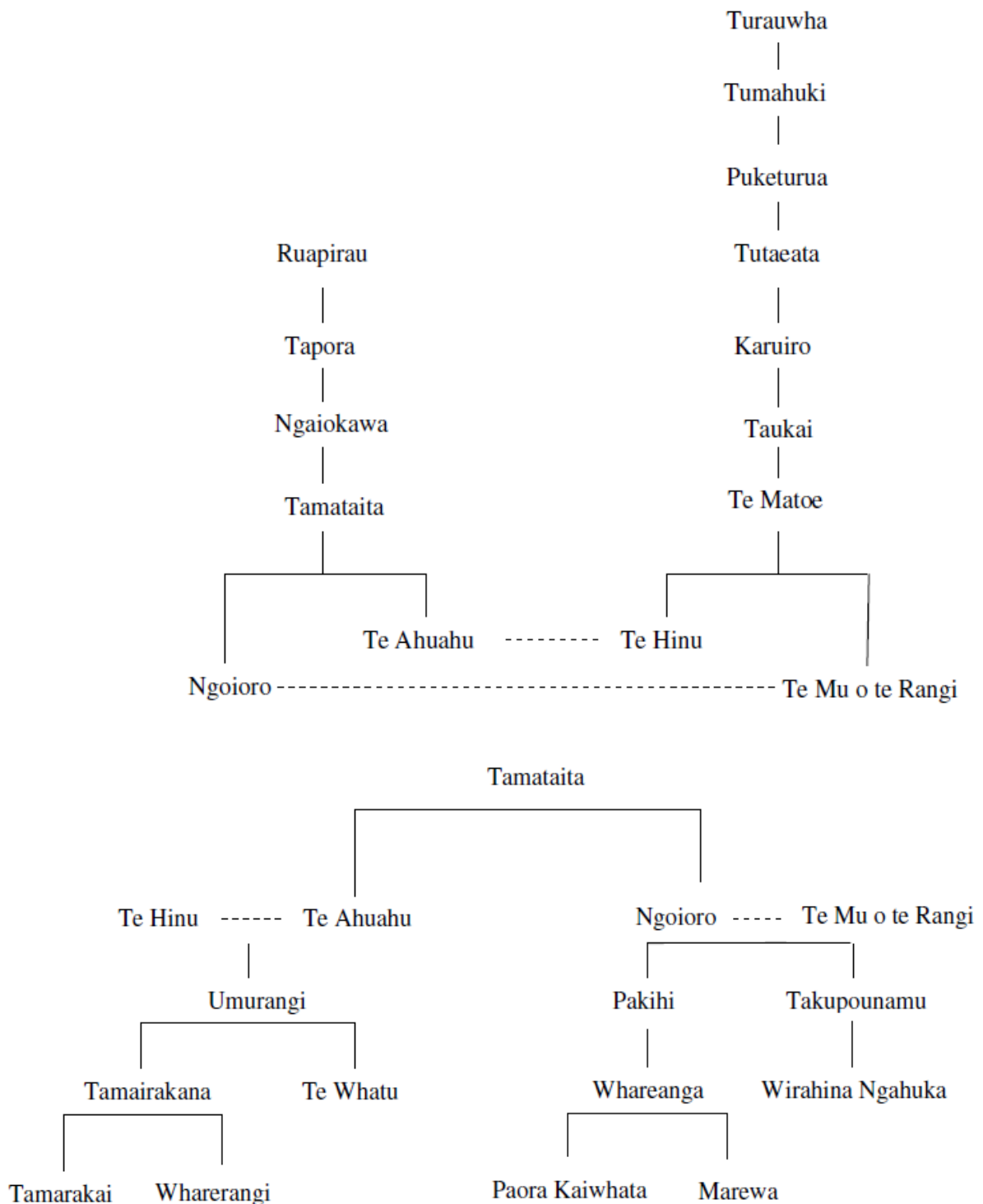
<sup>272</sup> Kaiwhata identified as Ngāti Hinepare but his grandfather Te Waitaringa was Ngāi Te Upokoiri and his grandmother Huripatu was Ngāti Kahungunu. He was born at Poutaki pa close to the Ruahine range: Omahu hearing 1890, Napier MB 19: 213, 538.

<sup>273</sup> Kohurau hearing 1870, Napier MB 2: 204 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 408.

<sup>274</sup> Wai 2180 A12, 806-807.

Figure 20: Descent lines from Turauwha and Ruapirau to Paora Kaiwhata

and Wiramina Ngahuka<sup>275</sup>



<sup>275</sup> Wai 2180 A12, 806-807.



At the 1889 Omahu investigation Kaiwhata stated that “my father had no right from Taita, but the mana not was my father’s. I did not set up his mana for Kohurau because he had no right Taita the ancestor of my mother, from whom I claimed that land. Hikateko’s descendants had the mana of the land extending to Kohurau”. He later also noted that in addition to Taita, “Tarewai had mana on Tuhirangi, Tunanui and Kohurau over the land and people”. Tarewai was the ancestor of his father and had led the battle against the tupuna Rangikamangungu and was married to Waiwanga and Manahau.<sup>276</sup> At the 1922 Puketitiri investigation Paraire Henare Tomoana claimed that “Paora Kaiwhata and others made an arrangement as to who should go in [Kohurau]”.<sup>277</sup>

Both Ballara and Walzl identify the connections between Ngāi Taita, Ngāti Ruapirau and Ngāti Mahu. As the whakapapa above shows the tupuna Tama Taita was descended from the Mahu and further Whatumamoa line through Ruapirau and Turauwha. Although Ngāti Ruapirau had been expelled from areas of Heretaunga closer to the coast by Taraia II, according to Ngahuka, Raniera Te Ahiko and Paora Kaiwhata they still retained their rights to land near the Ruahine range. At the Owhaoko 1887 rehearing Te Ahiko commented that Ruapirau’s mana descended to Tamataita, his great grandchild. At the Owhaoko rehearing in 1888 Ngahuka claimed that Ngāti Ruapirau had lands in the Kohurau block. At the Omahu hearing in 1889 Hoana Pakapaka claimed that after the conquest of Taraia II Ngāti Ruapirau became known as Ngāti Mahu.<sup>278</sup> Ngāti Mahu claims under the tupuna Tamataita were made in both rehearsings of Owhaoko as well as the investigations of the Timahanga and Te Koau blocks. At the Timahanga investigation Tairiri Papaka noted that “Tamataita lived outside the block [Timahanga] at Te Kohurau on the banks of the river Ngarururo east of this block”. At the same hearing Ngahuka claimed the block under conquest by Tamataita, which was supported by Manahi Pukerua who stated that “Ngāti Hinepare and Ngāti Mahu conquered the land in the time of Pakapaka and Tamataita”.<sup>279</sup> Ngāti Whiti’s Ihakara Te Raro, who unlike the two previously noted witnesses was not descended from Ngāti Mahu or Ngāti Hinepare, stated at the Timahanga hearing that the lands of “Tairiri and Wirimina (‘Mahu’)...are at Te Kohurau. I have seen their elders living there”. He also stated that the Ngāti Mahu pa were close to Ngaruroro, “on the Omahaki side”.<sup>280</sup> Raniera Te Ahiko of Ngāi

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<sup>276</sup> Omahu hearing 1890, Napier MB 19: 489, 538-539.

<sup>277</sup> Puketitiri hearing 1922, Napier MB 70: 264.

<sup>278</sup> Owhaoko hearing 1888, Napier MB 14: 339; Omahu hearing 1890, Napier MB 19: 43;

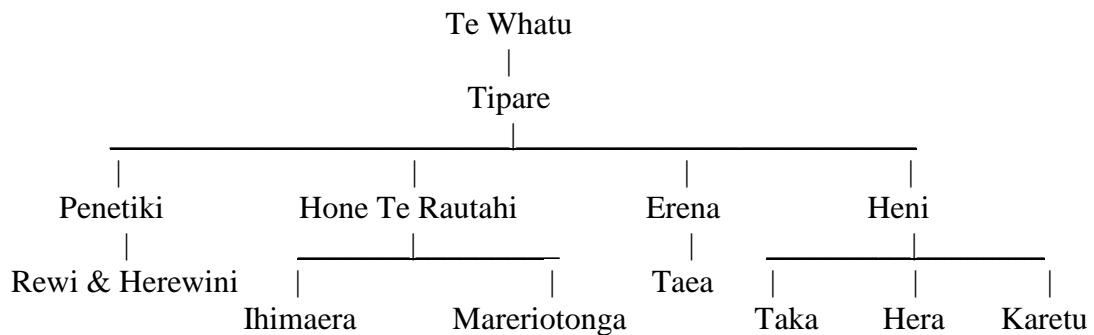
<sup>279</sup> Timahanga hearing 1894, Napier MB 36: 79-86.

<sup>280</sup> Timahanga hearing 1894, Napier MB 36: 144.

Te Upokoiri and Ngāti Mahuika claimed during the Mangaohane investigation in 1884 that his ancestors lived at “Kohurau, on the eastern side of the Ngaruroro”.<sup>281</sup>

After Kaiwhata, Horopapera provided evidence in support and backed Kaiwhata’s whakapapa with an addition of his own. He claimed that “Te Whatu is a son of Umurangi and brother to Karameho” and provided a more extensive whakapapa to a number of claimants that were eventually awarded interests in Kohurau 2.

Figure 21: Descent lines from Te Whatu to Kohurau grantees<sup>282</sup>



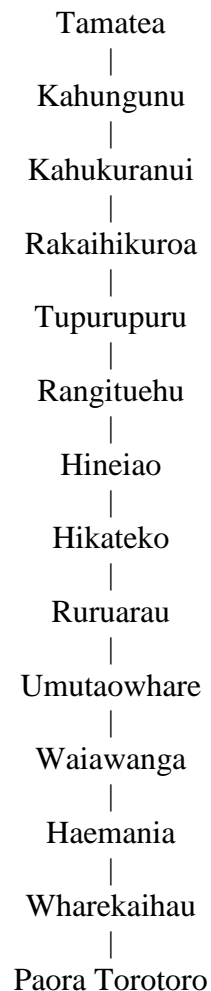
The claim of Kaiwhata and Horopapera was countered by Tamehana Pekapeka and Paora Torotoro. Pekapeka was very vague and stated that “he knew that a forefather owned this land called Kohurau” but did not know where it was except that he had heard that some of his ancestors had lived there. Torotoro stated that he knew the land and claimed it together with “Marara, Hare, Arihia and Pititi”. He noted that he had not been on the land since it was surveyed but that if Whakakopu was within the boundaries of the block he had cultivated there. Kaiwhata challenged Torotoro to point out Whakakopu on a map which he was unable to do. Torotoro made a claim to the land through the tupuna Tarewai, curiously as Kaiwhata would later claim in the Omahu investigation: “Tarewai had mana on Tuhirangi, Tunanui and Kohurau over the land and people”.<sup>283</sup> Torotoro stated that he also had a claim at Waiharakeke and provided his whakapapa from Tamatea through Kahungunu and Hineiao to himself:

<sup>281</sup> Mangaohane hearing 1884-1885, Napier MB 9: 133.

<sup>282</sup> Kohurau hearing 1870, Napier MB 2: 204 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 408.

<sup>283</sup> Omahu hearing 1890, Napier MB 19: 538.

Figure 22: Descent lines from Tamatea to Paora Torotoro<sup>284</sup>



Kaiwhata stated that he knew where Whakakopu was located and that it had been sold to the government, as with so much land that Torotoro had sold in the region. It seemed that Torotoro had a valid claim to the land but he was rejected because of the number of land sales he had conducted without the support of the other owners. In contrast Kaiwhata was happy to admit Pera Ngarangione’s claim despite his admitted lack of a right because in Kaiwhata’s words he was “of high rank and a chief of mine. I give him a claim”. The Court then awarded the block to Kaiwhata “and the other named by him” and rejected the claims of Torotoro and Pekapeka.<sup>285</sup>

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<sup>284</sup> Kohurau hearing 1870, Napier MB 2: 204-205 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 408-409.

<sup>285</sup> Kohurau hearing 1870, Napier MB 2: 204-205 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 408-409.

None of the witnesses provided any evidence of pa or mahinga kai sites. This may have been because generally Kohurau, like Omahaki, was used as a vital part of the pre-European transport network between Heretaunga and Patea. During the Omahu hearing in 1889 Wiramina Ngahuka stated that Ngāi Te Upokoiri travelled from Patea to avenge the death of one “Nuku of N’ Te Upokoiri...they came via Kohurau.”<sup>286</sup> Only during the Owahaoko C subdivision did any evidence regarding a pa in the block appear: Wiramina Ngahuka stated that Te Waipohue pa was located on Kohurau, “it belonged to Ngāitaita and N’ Mahu”.<sup>287</sup> According to Norm Elder, another pa in the Kohurau block was Makeo.<sup>288</sup> There is some supporting evidence in the Omahu investigation that also notes Makeo in the Kohurau block.<sup>289</sup> The exact locations of Te Waipohue and Makeo are not known. The famous Kuripapango site was located in the western end of the Kohurau block boundary. When Colenso crossed over the range in 1852 he recorded that weka were hunted by his Māori guides.<sup>290</sup> During our hui with claimants in addition to weka, it was claimed that kiore/rats and kunekune/pigs were also hunted.<sup>291</sup>

At the 1922 Puketitiri investigation Paraire Henare Tomoana stated that his father Tomoana “and Karaitiana” had relatives with “pa on Kohurau”. During the same investigation Tutawake discussed further the connections between the Kohurau and Puketitiri lands. He contended that he knew “Kohurau and occupied there for years and I know those who were included”. Tutawake continued that: “[t]hey used to live there at Makeo and Kohurau (proper). Makeo is about 10 miles from Puketitiri. There were tracks between these places and they seemed to have been used as a short route. So I was told by my elders. Paora Kaiwhata sent me to Puketitiri to get birds. My father was also sent.”<sup>292</sup>

The ownership lists were not submitted for five years and in 1875 the NLC accepted Kaiwhata’s list. Included at the top of both ownership lists was Renata Kawepo, who has never made a claim through either Ngāti Mahu or Ngāi Taita. The list of owners for Kohurau 1 (10,400 acres) were: Renata Kawepo, Paora Kaiwhata, Nopera Konohi, Horopapera Haruru, Te Waka Takahari, Para Marewa, Hiha Ngarangione [the grandson of Pera noted

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<sup>286</sup> Omahu hearing 1890, Napier MB 18: 296.

<sup>287</sup> Owahaoko C hearing 1894, Napier MB 34: 208. During the Awarua partition hearing in 1890 Wi Wheko only noted that Waipohue was in Heretaunga: Awarua partition hearing 1890, Wanganui MB 18: 341.

<sup>288</sup> Norm Elder, “How Kuripapango got its name,” Hawke’s Bay Museum archives in Kāweka and Gwavas CFL lands customary interests report document bank (b), 90.

<sup>289</sup> Omahu hearing 1890, Napier MB 18: 296.

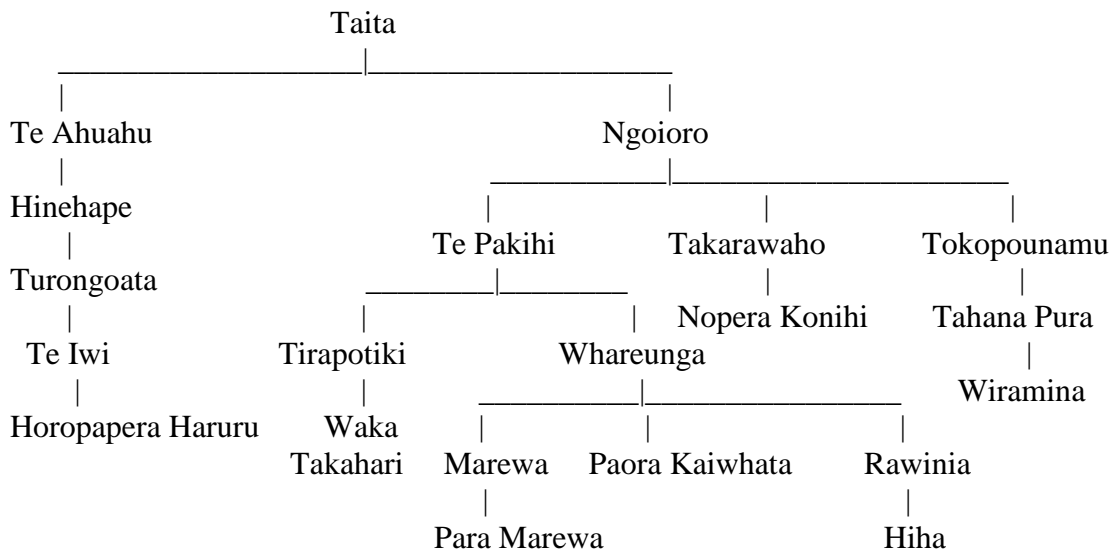
<sup>290</sup> Patrick Parsons, “Māori Occupation,” 38.

<sup>291</sup> Hui with claimants at Omahu, 31 March 2019.

<sup>292</sup> Puketitiri hearing 1922, Napier MB 70: 264. 266.

above who had died between the title investigation and the issuing of title], Wiramina Ngahuka, Te Katene Te Kori and Te Awapuni.<sup>293</sup> The whakapapa of seven of the ten owners can be traced from Taita using Walzl’s whakapapa noted above along with an early report by Parsons on the Kāweka CFL lands. Kawepo was descended from Honomokai, Upokoiri and Hinemanu while Te Katene Te Kori and Hemi Te Awapuni were both Ngāti Hinepare:

Figure 23: Descent lines from Taita to Kohurau 1 grantees<sup>294</sup>



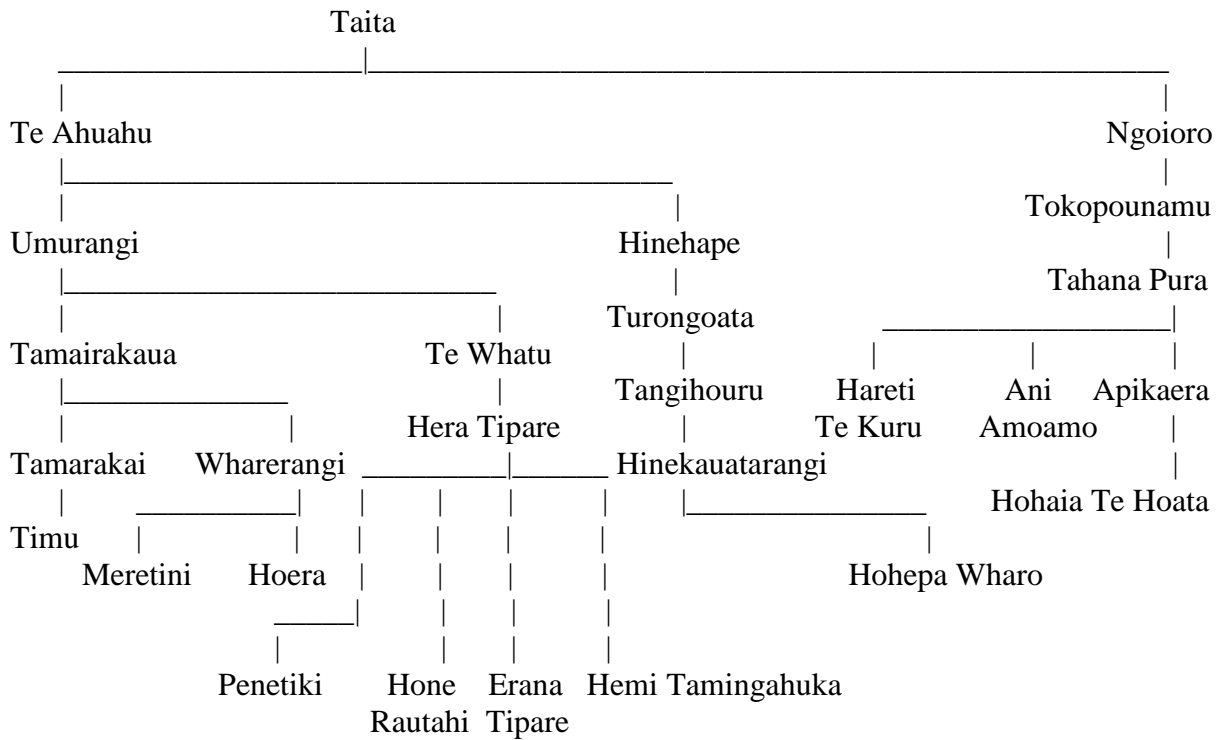
The list of owners for Kohurau 2 (7,562 acres) were: Renata Kawepo, Meretini Tupuna, Hoera Wharerangi, Hone Rautahi, Erana Tipare, Rewi Penetiki, Hemi Tamangahuka, Hareti Kuru, Hohaia Te Hoata, Hohepa Wharo, Ani Amoamo and Tunui Tamarakai<sup>295</sup>:

<sup>293</sup> “Memorial of Ownership – Kohurau No 1,” 21 September 1875, ABWN W5278 8910 Box 34 record 4540, Archives NZ.

<sup>294</sup> Patrick Parsons, “Report on the Kaweka Forest,” 21 July 1992 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 97-98.

<sup>295</sup> “Memorial of Ownership – Kohurau No 2,” 21 September 1875, ABWN W5278 8910 Box 34 record 4542, Archives NZ; Patrick Parsons, “Report on the Kaweka Forest,” 21 July 1992 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 97-98.

Figure 24: Descent lines from Taita to Kohurau 2 grantees<sup>296</sup>



Only Kawepo was not descended from Taita.

Once the Kohurau land titles were issued in 1875, seven of the eight blocks had their customary interests defined through the Crown’s institutional land alienation process of early Crown purchasing and the Native Land Court. Only the Omahaki block remained to be taken through the NLC process. While Heretaunga land was quickly taken through NLC investigations, Patea proceeded much slower and had very little early Crown purchasing. The NLC process began relatively late, and a series of important investigations of customary interests occurred in the 1880s and 1890s related to CFL lands and Ngāti Hinemanu me Ngāti Paki. One of the most important, and devastating for the whanau of Winiata Te Whaaro, was the Mangaohane block.

<sup>296</sup> Patrick Parsons, “Report on the Kaweka Forest,” 21 July 1992 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 97-98.

## Mangaohane

The investigation of the Mangaohane block was easily the most long-running and costly of the cases in which Ngāti Hinemanu and Ngāti Paki became involved in the Native Land Court. It was located to the west of the Timahanga and Te Koau blocks. The determination of customary interests in Mangaohane would have an incredibly important influence on the family of Winiata Te Whaaro, his kainga and his thousands of sheep which were located on the southern section of the Mangaohane block or Mangaohane 2. Before the investigation of the block it was subject to competing efforts to survey the block. Initially Winiata Te Whaaro had been in an alliance with his whanaunga Renata Kawepo, from whom he purchased thousands of sheep in the 1870s and early 1880s to establish his sheep station at Pokopoko. Kawepo then hired an Irish station manager, George Donnelly, and Te Whaaro and Kawepo had a falling out. But the alliances continued to shift in the region, as Donnelly married Kawepo's grand-niece, Airini Karauria to the dismay and against the wishes of Kawepo.<sup>297</sup>

In 1884 Kawepo submitted a claim to the Mangaohane block for investigation by the Native Land Court. Te Whaaro was surprised that his former mentor, Kawepo, had not included him in the application and that Kawepo claimed through Honomokai. Kawepo was in a state of severe indebtedness, much of it to the Crown, relating to his time fighting with the Crown chasing Te Kooti around the central north island. He had fought for the Crown but he had to pay for himself and his men, all of their ammunition, clothing and food and water for each military campaign. Despite the fact that Te Whaaro had fought with Kawepo, he was eventually abandoned when the financial pressure became too much. In previous Native Land Court decisions involving Kawepo, his financial pressure and status as a rangatira was deemed to be more important than customary interests in the block. The most notable decision was the Pukehomoamoā precedent of 1880 for a block in southern Heretaunga in between the Kāweka and Gwavas CFL lands to the east. In the Pukehomoamoā decision the generally accepted 1840 rule under which customary interests at 1840 were the baseline for claims in the Native Land Court were cast aside for what the Crown believed was a unique case which merited different treatment. Rather than focus on the rights of Kawepo, the Court led by NLC Chief Justice Francis Dart Fenton instead pointed to his role as a Ngāi Te Upokoiri leader in defending the rights of his people to their lands in Heretaunga and in his

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<sup>297</sup> Wai 2180 A6, 175-177.

mind, Patea. Even more important to him was his role in convincing his people to return from their exile to the Manawatu. The rationale for the judgement exceeded any previous attempt at exceptions to the 1840 rule. In the Pukehomoamoā case, Kawepo's customary rights to the land were far stronger than his connection to blocks in Patea such as Mangaohane or Owahaoko.<sup>298</sup>

It was within that context that Te Whaaro found that he could no longer rely on his mentor, Kawepo, to look after his interests. Te Whaaro set up a counter claim based on continuous occupation through his tupuna Te Ohuake, rather than Honomokai. His claim was made on behalf of Ngāti Paki, Ngāi Te Ngāhoa and Ngāi Te Ngaruru. Others also opposed Kawepo including his by then estranged grand-niece, Airini Donnelly, who like Kawepo claimed through Honomokai and Mahuika, as well as Ngāti Whiti and Ngāti Tama led by Ihakara Te Raro and Heperi Pikirangi. The claims through Honomokai and Mahuika by Donnelly and Kawepo were not based on occupation, but a distant ancestral right. Ngāti Whiti and Ngāti Tama were residents of Patea, their claims at least had substance.<sup>299</sup>

Te Whaaro did not claim through Hinemanu specifically to make sure that those based in Heretaunga, such as Airini and Kawepo, would not be able to have themselves included in the block. This seemingly could be seen as quite a limit on the claims of Ngāti Hinemanu and Ngāti Paki today who confidently assert Ngāti Hinemanu interests in Mangaohane and blocks to the east. His focus on Te Ohuake connected with his relations in Ngāti Hauti who also often claimed through the important tupuna Te Ohuake. Te Whaaro's emphasis on Te Ohuake and then the Rangiwahakamatuku line tried to limit the influence of Heretaunga claimants. He claimed in these blocks as Ngāti Paki to show the specific lines of interest that differed from his cousins in Ngāti Hinemanu in Heretaunga but also Patea. At this time the focus on the whakapapa from Te Ohuake sought to exclude Punakiao, the wife of Taraia II, who had left Patea to live with her new husband in Heretaunga. Instead the whakapapa connection for the land flowed through Tutemohuta down through Haumoetahanga rather than her sister Punakiao. It then continued through Irokino, her son Tautahi, the husband of Hinemanu, and then their son Te Ngāhoa. Ngāi Te Ngāhoa take their name from this eponymous ancestor, which five generations later produced Te Whaaro. From Te Ngāhoa to Pua-o-te-rangi to Ngaere-o-te-rangi to Moretapaki to Kinokino the mother of

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<sup>298</sup> Wai 2180 A52, 274-278.

<sup>299</sup> Wai 2180 A6, 178-193.



Te Whaaro. For the strictly Ngāti Paki side of the whakapapa it flowed down from Te Ohuake through to Rangiwahakamatuku and then to Te Matau-a-hiwawe, Taungapuna, Taurukaramu and Iriwharawhara.<sup>300</sup> This whakapapa most importantly creates a line that does not include Hinemanu, and focuses solely on the shorter Ngāti Paki line. Te Whaaro's emphasis on the Ngāti Paki line so early in his involvement in the NLC speaks to the importance of that side of the whakapapa.<sup>301</sup>

Donnelly and Kawepo both claimed through Ngāi Te Upokoiri and with Tuterangi and Honomokai as the main ancestors, with references also made to Te Aopupururangi (Honomokai's wife and descended from Haumoetahanga and Whitikaupeka), Rangituouru (their son) and Te Umairangi (Rangituouru's grandson and Kawepo's grandfather). The evidence of occupation was almost non-existent, references to a pa called Rangituouru turned out to be completely unfounded. There were numerous contradictions in the evidence of Kawepo relating to his role in limiting the influence of Te Heuheu in Patea, and his central role in the Pakiaka fight influencing his customary rights in the Mangaohane block. Despite claiming through the same tupuna Donnelly and her main witness, Raniera Te Ahiko, gave contradictory evidence about the conquest of Ngāti Hotu with Donnelly claiming they were mythical and Te Ahiko stating they were a group that had been previously defeated. Te Ahiko's claim to the land was at least unique. He made no pretensions about his own connection: "my occupation is comprised by my being the historian of the block: that is the occupation I claim". Most significantly he claimed a pou that had clearly been placed in the late 1840s/1850s to counter the land sales in Heretaunga, was actually related to an incident that occurred in the time of Te Umairangi. This ran counter to all of the evidence given in multiple cases about the purpose and significance of that pou. Donnelly argued that Taraia II conquered Patea but the overwhelming weight of evidence was that instead of conquering the area he eloped with Punakiao and later even helped his father-in-law, Tutemohuta, to repel Ngāti Kahungunu allied hapu from the eastern side of the ranges. Finally Ngāti Whiti and Ngāti Tama presented their case and claimed through the tupuna Tamakopiri. The Ngāti Tama claimant, Heperi Pikirangi, noted the prominent role that Ngāti Paki had played along with Ngāti Whiti and Ngāti Tama in establishing the pou around the edges of Patea in the late 1850s/early 1860s to oppose Crown purchases.<sup>302</sup>

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<sup>300</sup> Wai 2180 A12, 717.

<sup>301</sup> Wai 2180 A52, 264-271.

<sup>302</sup> Wai 2180 A6, 178-181, 183-186.

Despite the limited evidence provided by Kawepo and Airini it was their rights to the land that were recognised over and above those of Ngāti Paki. Although the Te Whaaro family showed direct occupation of the land, the Court leaned on its decision in the Pukehamoamo case and found in favour of Kawepo, Donnelly, Ngāti Whiti and Ngāti Tama. The Court completely excluded Ngāti Hinemanu and Ngāti Paki from the decision, emphasising the importance of the tupuna Haumoetahanga, her husband Whitikaupeka, their son, Te Wharepurakau, and the son of Taraia II and Punakiao, Honomokai. The Mangaohane block was split nearly in half along the Mangaohane stream from the western edge of the block with the northern half being awarded to Ngāti Whiti, Ngāti Tama, and Kawepo and Donnelly, while the southern half was solely awarded to Kawepo, Donnelly and those on their lists. Kawepo's contributions to the government and to his own people strongly influenced the Court's decision in Mangaohane in 1885 just as they had for the Pukehamoamo block.<sup>303</sup>

Appeals followed from Donnelly (as she opposed the inclusion of her great-uncle Kawepo), Ngāti Tama, Noa Huke, Te Rina Mete Kingi, lawyers on behalf of Karaitiana Tokomoana and most importantly for our current purposes, Ngāti Hinemanu and Ngāti Paki through Te Whaaro. Ngāti Hinemanu me Ngāti Paki cited a number of different grounds for the rehearing but the most pressing issue was the lack of a surveyed map which caused confusion about the boundaries of the block, and the interpretation of the evidence by the Court and its resulting judgement. A rehearing was never granted for the block and in the determination of interests in the block which followed, which often included Te Whaaro presenting extensive evidence, the Judges refused to include Te Whaaro. Eventually after extinguishing all other options through the legal and political systems of the state, Te Whaaro directly occupied his Pokopoko farm. He was eventually forcibly removed from his home, arrested and jailed in Wellington. This process took up most of the 1890s and must be taken into consideration when determining why Te Whaaro did not contest further blocks in the region.<sup>304</sup>

At later hearings Kawepo's main witness, Anaru Te Wanikau, admitted that he had provided false testimony on behalf of Kawepo. Te Wanikau defended more recent truthful testimony in which he said that Ngāi Te Upokoiri of Heretaunga had no right to Owahaoko

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<sup>303</sup> Wai 2180 A6, 186-191; Wai 2180 A52, 271-278.

<sup>304</sup> Wai 2180 A6, 191-193, 197-221; Wai 2180 A52, 271-278; Jane Luiten, 'The Arrest of Winiata Te Whaaro and the Eviction of the Pokopoko Community report', Wai 2180 A56, 2017.

because he had previously been under the influence of Kawepo: “I was merely repeating Renata’s words when I gave it. It is not my own. I was only a mouth piece of Renatas and my evidence was as he wished...I understand the meaning of taking the oath”. He stated that Te Naonao had forced him to provide that evidence even though he knew it was untrue.

“Paramena said to me let us carry out Renata’s ideas as expressed by him in the Mangaohane case. I objected but Paramena insisted and I gave way knowing that it was wrong to do so”. He was afraid of Kawepo above all. “Now Renata is dead I am free to tell the truth. All the evidence I gave in Owhaoko and Mangaohane I was put up by Renata to give – I knew it was false when I was giving it, but I was saying what my chief told me to say. Now that I am at liberty I deny the rights of those who have not occupied”.<sup>305</sup> He even admitted that his testimony regarding the validity of occupation rights from the previous day was also untrue because he was afraid that he would be charged with perjury. Without Te Wanikau’s expert testimony Kawepo possibly would have struggled to acquire the interests that he had.

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<sup>305</sup> Owhaoko C partition hearing 1894, Napier MB 34: 297-298.

## Owhaoko

To the north of the Mangaohane block was the very large Owhaoko block. It lies just to the west of the Kāweka CFL lands, directly abutting the most western portion of the forest located in the Kohurau block. While Mangaohane was at a much lower elevation where it did not snow over the winter, the Owhaoko block was more rugged and mountainous. The investigation of the block took place over many years, with an initial very brief and poorly advertised hearing in 1875, completely excluding the many varied groups with interests in the block including Ngāti Hinemanu, Ngāti Whiti, Ngāti Tama, Ngāti Tuwharetoa, Ngāti Mahu and Ngāti Rangikahutea. Kawepo, Noa Huke and Te Hira Oke applied for the title investigation and received the interests in the land along with Ihakara Te Raro and Karaitiana and Retimana Te Rango. Despite repeated appeals and petitions for a re-hearing the Court moved on with the initial title award and a partition hearing was held in 1885. Although it could not re-examine the original decision, the five trustees split along some general tribal lines: Kawepo and Oke representing Ngāi Te Upokoiri interests through Honomokai, Te Raro and the Te Rangos brought their case together as Ngāti Whiti and Ngāti Tama claiming through Tumakaurangi and Noa Huke represented Ngāti Hinemanu interests claiming through Whitikaupeka. Huke's case was conducted by Pene Te Uamairangi, who generally conducted Te Whaaro's cases, and the main witnesses were Te Whaaro's whanaunga Wi Wheko and his brother, Irimana Te Ngāhoa.<sup>306</sup>

The Court, following its own precedents in Pukehamoamo and Mangaohane, awarded the largest interests to Kawepo. It largely dismissed the evidence of Ngāti Whiti and Ngāti Tama which it claimed was particularly confusing, and denied the existence of Ngāti Hotu describing their conquest as merely mythical. The Court did find that Ngāti Whiti and Ngāti Tama had some rights to the land as they were descendants of Wharepurakau. Noa Huke's claim on behalf of Ngāti Hinemanu was largely ignored, but his entitlement to some share was recognised by his descent from Tuterangi. Overall the Court found that Honomokai was the principal ancestor for the block. Kawepo claimed that his grandfather Te Uamairangi had a permanent whare on the land called Moatapuwaekura, which would have been very challenging due to the high altitude of the area. Ngāti Whiti and Ngāti Tama openly stated that they only used the land seasonally, but their honesty was not rewarded by this Court.

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<sup>306</sup> Wai 2180 A6, 35-40.

Over half of the block was awarded to Kawepo, just over a quarter to Ngāti Whiti and Ngāti Tama, and just under a quarter to Noa Huke and Ngāti Hinemanu.<sup>307</sup>

The reaction to the Court's decision in Owhaoko was swift and a number of different petitions were made to the NLC Chief Judge and Parliament for a rehearing. The cause of the petitioners was taken up by Premier Robert Stout who formed a Parliamentary Committee to investigate the determination of the Owhaoko and Oruamatua-Kaimanawa blocks. Calls for the Mangaohane block to be included in the rehearing were ignored. The Committee's investigation into the blocks became somewhat of an investigation into the NLC process as a whole. Former Chief Judge Fenton underwent a blistering cross-examination that revealed the inadequacies and limitations of the NLC process. Fenton was accused of collusion with the main Pakeha runholder interested in the blocks (as well as Mangaohane), John Studholme Snr, as well as Studholme's primary lawyer at the time, WL Buller. Ultimately the Committee generally exonerated Fenton from serious sanction, but his reputation in the public eye following the hearings was certainly diminished. The result most positively for the petitioners was that that the Committee recommended a rehearing of both the Owhaoko and Oruamatua-Kaimanawa blocks. The first Owhaoko rehearing was held in 1887 but the rehearing of Oruamatua-Kaimanawa would not occur until 1894. It is far to the west of the CFL lands and will not be explored in any detail.<sup>308</sup>

The Owhaoko rehearing of 1887 was the first substantive investigation of the customary interests in the block because of the short and limited inquiries previously held in 1875 at the first title investigation and then in 1885 at the partition hearing. As a result of the rehearing there were new cases presented as well as those from the previous hearing. Ngāti Whiti, Ngāti Tama and Ngāi Te Upokoiri under Kawepo were joined by Ngāti Hinemanu, Ngāti Tuwharetoa, Ngāi Te Upokoiri under Airini Donnelly and Ngāti Kahungunu who now also contested the block. Ngāti Hinemanu and Ngāti Paki's cause was subsumed within the Ngāti Whiti case as Ngāti Whiti's main claimant Hiraka Te Rango claimed through Tumakaurangi and Whitikaupeka. Te Whaaro had initially set up his own claim but this was after Ngāti Whiti had opened their case. Te Whaaro had claimed through Puanau, his great-great-grandmother. She had left her people Ngāti Whiti to live with her Ngāti Hinemanu husband. Because of what the Court perceived as similarities between their cases, the Court

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<sup>307</sup> Wai 2180 A6, 40-41; Wai 2180 A52, 234-239.

<sup>308</sup> Wai 2180 A6, 42-48; Wai 2180 A52, 240-258.

forced him to combine his case with Ngāti Whiti. Te Whaaro contributed funding to Ngāti Whiti's (and Ngāti Tama's) conductor, Joshua Cuff, and he was one of the three witnesses called for Ngāti Whiti. Losing the independence of his own claim would not serve Te Whaaro well. Ngāti Tama originally had their case joined with Ngāti Whiti but split the two at the start of the hearing. They claimed through Tumakaurangi as Ngāti Whiti did but also through their eponymous tupuna Tamakopoiri. Noa Huke did not present any evidence at the hearing for Ngāi Te Upokoiri. He had fallen out with Kawepo in the late 1880s and it may have been during the time of this 1887 investigation into the Owhaoko block. Kawepo's witnesses claimed the land from a variety of different lines of descent as Ngāti Whiti, Ngāti Hinemanu, Ngāi Te Upokoiri and Ngāti Mahu but through the tupuna Ohuake. Kawepo's case opposed Ngāti Tuwharetoa, which only claimed the most northwestern portion of the block closest to their core lands around Turangi and Taupo. Ngāti Tuwharetoa formed an alliance with the other closely related to Kawepo group led by Airini Donnelly. Although the presiding Judge Wilson thought there was no major difference between the Kawepo and Donnelly's cases, they did use different lines of descent. Rather than Ohuake Donnelly's case claimed through Kahungunu and Whatumamoa, as well as Honomokai which was used to such great effect in Mangaohane.<sup>309</sup>

Judge Wilson's ruling drastically altered the original 1875 investigation as well as the 1885 partition. Whereas Kawepo was awarded the largest share in 1885 he was now completely left out of the title. Ngāti Whiti and Ngāti Tuwharetoa were the biggest beneficiaries with Ngāti Whiti receiving over half and Ngāti Tuwharetoa just under a fifth of the massive block. Ngāti Tama received the remaining approximately quarter of the block. Even though Te Whaaro appeared as a witness in the Ngāti Whiti case, the Court refused to include him on both ancestral and occupation grounds. Ngāti Whiti objected to claims through Puanau and as a result Te Whaaro's claim was rejected. This approach also resulted in Horima Paerau, a leading Ngāti Whiti man with a similar connection through Puanau but who also appeared in Heretaunga ownership lists such as in Omahu, being left out of the title even though his nephews and nieces were included. Just as the Court would do in other cases involving Te Whaaro, they also questioned his diverse use of tupuna in different cases. Te Whaaro was adamant that he had customary rights to the eastern section of the Owhaoko block. The Court agreed to allow Ngāti Whiti to include Te Whaaro on their ownership list through "aroha" but he maintained the validity of his take through tupuna and seasonal

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<sup>309</sup> Wai 2180 A6, 48-53.

occupation. The Court declared that Ngāti Whiti should either include Paerau, Te Whaaro and Paramena Naonao (a frequent witness for Kawepo) through aroha or include none of them. Despite the massive size of their share of the block, they included none of them. Te Whaaro felt that he had been betrayed by those he had formerly thought of as friends and allies in the Court, but perhaps more importantly were his extended whanau.<sup>310</sup>

While Ngāti Whiti and Ngāti Tuwharetoa petitioned Parliament to pass a special Bill validating the Owhaoko decision of 1887, Te Whaaro and others including both Kawepo and Donnelly as well as Henare Tomoana of Ngāti Kahungunu applied for a rehearing because they had been left out of the title. Despite the opposition of the presiding Judge Wilson from the 1887 decision, the Chief Judge perhaps cognisant of the national attention focused on the Owhaoko block due to the Parliamentary Committee's activities and Premier Stout's involvement, allowed the appeal and another rehearing of Owhaoko was heard in 1888. Many of the same claimants took part with the addition of some more claimants that splintered off from other cases and one brand new claim. The newest claim was by Ngāti Mahu, a Heretaunga-based group with interests in land directly to the east of the Owhaoko block that has appeared in discussions of blocks in the CFL lands. They claimed through an ancient tupuna associated with Heretaunga prior to the conquests of Taraia I and II, Ruapirau who they claimed had defeated Whitikaupeka. In addition to Ngāti Mahu they claimed the land through Ngāti Taita (from the Kohurau block), Ngāi Turauwha and Ngāti Hinepare—all Heretaunga based hapu. A Ngāti Rangikahutea case was developed with claimants formerly allied with Kawepo, including Heta Tanguru. They claimed through Te Kanawa, Whitikaupeka and Rangitekahutea. Noa Huke, who had not participated in the previous rehearing and often claimed through Ngāti Hinemanu, set up his own claim for the land through Tamatea, Whatumamoa and Tuterangi.<sup>311</sup>

Kawepo appealed the case but died before the rehearing took place. His former case was taken up by his chosen successor, Wi Broughton. They claimed the land through the same tupuna—Whitikaupeka and Ohuake. After Ngāti Whiti had abandoned Te Whaaro, his cause was taken up by these claimants who supported the right of Te Whaaro and his people to a share in Owhaoko in the most eastern section of the block. The main witness, Paramena Naonao, who had worked so hard to deny Te Whaaro's right in Mangaohane while Kawepo

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<sup>310</sup> Wai 2180 A6, 54-55.

<sup>311</sup> Wai 2180 A6, 55-57.

was still alive, now stated emphatically at the beginning of his testimony that Te Whaaro and his 11 children also had rights to the land. Naonao claimed as Ngāti Whiti, Ngāti Hinemanu and Ngāi Te Upokoiri, while the other witness Anaru Te Wanikau claimed as Ngāti Honomokai and Ngāti Haumoetahanga. The cases for Ngāti Whiti, Ngāti Tama, Ngāti Tuwharetoa and Airini's group were unchanged from the 1887 hearing.<sup>312</sup>

Although the 1888 rehearing's determination was not as drastic as the 1887 rehearing there were still some major changes. Ngāti Tuwharetoa's portion shrank to about an eighth of the block while Ngāti Tama's strict share shrank from about 45,251 acres to just over 7,224 acres. Ngāti Tama claimants who also shared descent with Ngāti Whiti could also claim under the vastly increased Ngāti Whiti and "Ngāti Whititama" share which was now about 65% of the block at 101,150 acres. The biggest beneficiary was Ngāi Te Upokoiri and Ngāti Hinemanu who had their share increased from nothing to nearly a quarter of the block, 36,125 acres. This group included both Kawepo's former case under Broughton and Airini's list of people. Te Whaaro again joined forces with Ngāti Whiti and his list of names was accepted by Ngāti Whiti at the outset of the hearing. By the time their case was closing Ngāti Whiti once again abandoned Te Whaaro rejecting his list of names and instead offering him and his group, once again, 1,000 acres out of "aroha". Te Whaaro refused to accept their offer and maintained at the 1893 partition hearing for the Ngāti Whiti and Ngāti Whititama block, Owhaoko D, that he and his group were entitled to a much larger portion. He stated that the name of Ngāti Whiti was not used exclusively by the descendants of Wharepurakau, but also through his own tupuna, Irokino. Te Whaaro stated that the descendants of Irokino had fished and hunted on the Owhaoko block for as long as the descendants of Wharepurakau had, and had played a significant part in the defeat of Ngāti Apa at the battle of Potaka pa. Out of the total new award of over 100,000 acres for Owhaoko D, Te Whaaro and his whanau were offered only 780 acres while they sought around 30,000 acres. As the Court had done at the 1887 rehearing, it rejected Te Whaaro's arguments and claimed that 1,000 acres was more than ample.<sup>313</sup>

The partition hearing for Owhaoko C, the Ngāi Te Upokoiri and Ngāti Hinemanu ki Heretaunga section, took place at Hastings in 1894. Its easternmost section abutted the Kāweka CFL lands. The block was contested by a number of different Ngāi Te Upokoiri

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<sup>312</sup> Wai 2180 A6, 58-62.

<sup>313</sup> Wai 2180 A6, 62-69.



aligned claimants including Hera Te Upokoiri, Wi Te Roikuku, Anaru Te Wanikau, Raniera Te Ahiko, Hoana Pakapaka, Matenga Pakapaka, Urupene Puhara, Rawiri Karaha, Horiana Taituha, Wiari Turoa, Pirihita Pura, Henare Tomoana, Wiramina Ngahuka and Maraea Puri. The hearing's main task was the potential inclusion of a group of 28 individuals on the ownership list. That debate centered on the question of historical occupation of the block by those individuals' tupuna. This occupation consisted of food gathering on the block as there were no permanent kainga in the block as the land was very rugged and at a high altitude. Of greater interest to this report was the debates over whether the Owhaoko block was in Patea or Heretaunga. Anaru Te Wanikau asserted Owhaoko was a part of Patea while Maraea Puri countered that it was a part of Heretaunga.<sup>314</sup>

As in many other blocks contested by Ngāi Te Upokoiri claimants, a number of pa were noted on the Ruahine range's Heretaunga side. Hera Te Upokoiri noted that the Ngāi Te Upokoiri tupuna Rangituouru had pa at Kihiao, Hakiuru and Ponapona.<sup>315</sup> Maraea Puri noted the same pa and stated that she, her mother and her tupuna Paoa i te Rangi lived nearby the pa in the Whakarara ranges. Before the exodus to Patea and Manawatu in the 1830s Puri claimed that Kihiao and Hakiuru were her mother's permanent kainga. Wiramina Ngahuka stated that Taumataohe, Whanawhana, Kihiao and Hakiuru were Ngāi Te Upokoiri and Ngāti Honomokai kainga.<sup>316</sup> Another witness, Horiana Taituha, stated that his father and grandfather lived at Taumataohe and Whanawhana.<sup>317</sup> Henare Tomoana discussed how his tupuna, Te Kurupo, had eloped with the wife of Hawea and escaped inland to Taumataohe and Kihiao.<sup>318</sup> The long-running battle over the Owhaoko block was mirrored in some ways by the largest NLC block in Patea, the Awarua block which also went through a number of rehearings.

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<sup>314</sup> Owhaoko C partition hearing 1894, Napier MB 34: 191, 283.

<sup>315</sup> Owhaoko C partition hearing 1894, Napier MB 34: 166.

<sup>316</sup> Owhaoko C partition hearing 1894, Napier MB 34: 208.

<sup>317</sup> Owhaoko C partition hearing 1894, Napier MB 34: 210.

<sup>318</sup> Owhaoko C partition hearing 1894, Napier MB 34: 234.

## Awarua

Directly to the west of the Ruataniwha block which contains about a quarter of the Gwavas CFL lands is the Awarua No. 1 block. The Awarua block was first investigated under the *Native Land Act* 1880 at Marton in 1886. There were three main groups that contested the block. The claimants were led by Utiki Potaka and this broadly included Ngāti Hauti, Ngāti Whiti, Ngāti Hinemanu, Ngāti Ohuake and Ngāti Tama hapu. Ngāi Te Upokoiri along with some identifying as Ngāti Whiti and Ngāti Hinemanu, were the objectors to the prima facie case most prominently objecting to the inclusion of Tamakopiri and as a result Ngāti Tama as a claimant. The counter-claim and third group was led by Airini Donnelly who in this case claimed as Ngāti Haumoetahanga, the wife of Whitikaupeka. After lengthy hearings the Court found in favour of a wide swathe of claims by the descendants of Ohuake, Hinemanu, Hauti, Whitikaupeka, Tamakopiri and even small interests for Upokoiri. The block was the largest in the Taihape region at over 250,000 acres. It was the heartland of the Patea region and most of the major kainga of the various hapu were in the block. Another hearing was clearly going to be necessary to determine the partition of the block. Although Winiata Te Whaaro's key ally in a number of different investigations, Utiku Potaka, was the main claimant and Ngāti Hinemanu were claimed by two different claimant groups, Ngāti Paki per se did not participate in this first investigation. The only appearance which Te Whaaro makes in the minutebooks for this first investigation is at the start of the hearing when Airini Donnelly sought a third adjournment of the case until the Waipawa Court had completed its work in Heretaunga and many Heretaunga based claimants pushed for the case to be heard at Hastings. Te Whaaro agreed with Potaka and Noa Huke that the case should proceed without any further delay. He was also noted in the short list of claimants that were with Utiku Potaka as the case was beginning along with Ihakara Te Raro, Heperi Pikirangi, Te Oti Pohe and Te Rina and Potaka himself.<sup>319</sup> It was only until the partition hearings and rehearings began in 1890 that the Te Whaaro whanau began to take an earnest part in the proceedings.<sup>320</sup>

The partition hearings which began in May 1890 once again at Marton despite requests to hold the hearing at Moawhango, were now contested by thirteen different

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<sup>319</sup> Awarua hearing 1886. Wanganui MB 10: 44, 126.

<sup>320</sup> Evald Subasic and Bruce Stirling, 'The Sub-district Block Study – Central Aspect', 2012, Wai 2180 A8, 69-72.

claimant groups rather than the three that had been at the initial investigation. A number of claimants made claims through Ngāti Hinemanu including Anaru Te Wanikau, Noa Huke, Wiari Turoa, Te Rina Mete Kingi, Paramena Te Naonao and Winiata Te Whaaro. Only Te Whaaro included Ngāti Paki in their hapu/iwi claims. He did not claim through the tupuna Hinemanu, instead he did so through Te Ohuake, Whitikaupeka and Hauti for the entire block.<sup>321</sup> Te Whaaro had established Tauke, the wife of Rangihakamatuku and daughter of Whitikaupeka and Haumoetahanga, as his *take* at the Owahaoko rehearing but this was rejected by that Court. He had been told by Horima Paerau, an ally at the time of the Owahaoko rehearing, to drop Ohuake as a tupuna because it was seen as too far back in the distant past. As Paerau and others abandoned their support of Te Whaaro he maintained Ohuake as a tupuna and that Tauke and the later Puanau were not invented for advancing his *take* in Court. As McBurney notes in his report, “given that Tauke was the daughter of Whitikaupeka and Haumoetahanga, Ngāti Hinemanu and Ngāti Paki understand Winiata’s strategy as focusing on the female descent lines from...the original tangata whenua of the district (Tauke – Haumoetahanga – Tutemohuta (m) – Nukuteaio – Te Ao-Mahanga, and from there back to Whatumamoā, the son of Te Orotu)”.<sup>322</sup> This was not to prove successful at the Awarua Partition Court just as it had been rejected in the Mangaohane and Owahaoko investigations.

Having endured lengthy cross-examinations from a number of lawyers and Judge O’Brien (another Winiata skeptic from the Mangaohane investigations), it would perhaps not have been surprising that the Court awarded Te Whaaro and his whanau with less than they had sought in the Awarua block despite his extensive knowledge and testimony about the block. The Court specifically noted a number of iwi/hapu as inhabitants in the block including Ngāti Tamakopiri, Ngāti Hauti, Ngāti Whitikaupeka, Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Haukaha, Ngāi Te Ngāhoa, Ngāi Tukokoki and many other hapu. All but the first two listed derived their interests through Te Ohuake. Ngāti Paki may have been included amongst the other hapu but it was not specified. The area of the Awarua block which shared a boundary with the Ruataniwha North and Otaraunga block was the section furthest to the east of the block and it was initially partitioned as Awarua 1. Te Whaaro was one of the four lists awarded interests in Awarua 1—150 shares out of a total of 800. His whanaunga from Awarua who were living in Heretaunga, Noa Huke and Wi Wheko who were one of the many

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<sup>321</sup> Wai 2180 A8, 81-83.

<sup>322</sup> Wai 2180 A52, 285.

claimants identifying as Ngāti Hinemanu, were awarded the largest part of Awarua 1 with 600 shares. Although the partition judgment largely discounted the interests of Ngāi Te Upokoiri in the block as mere sojourners, because they were included in the original award the now deceased Renata Kawepo and his successors received 25 shares and so did Ihaka Te Konga representing Ngāti Tamakorako.<sup>323</sup> When a rehearing of the partition interests in Awarua 1 was heard in 1892, the Ngāi Te Upokoiri and Ngāti Tamakorako interests were increased at the expense of Ngāti Hinemanu and Ngāti Paki. The Te Whaaro whanau was deducted the most interests despite others such as Noa Hianga and Wi Wheko having a far larger base of interests to draw on.<sup>324</sup> As a result of the confusion regarding the Awarua block's eastern boundary, a Commission of Inquiry was established to determine its location in 1890 before the Awarua Partion hearings got underway.

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<sup>323</sup> Wai 2180 A52, 294-296.

<sup>324</sup> Awarua 1 partition rehearing, Judge Scannell MB 27: 517-526.

## Otaranga and Ruataniwha North Commission (Awarua Commission)

The Otaranga and Ruataniwha North Commission of Inquiry or Awarua Commission as it became known, took oral testimony from a number of different tupuna regarding the boundary between Patea and Heretaunga. As previously mentioned, Te Whaaro and Huke presented extensive evidence, but so did many other tupuna including Raniera Te Ahiko, Urupune Puhara (a signatory of the Ruataniwha North purchase), Hinepaketia (a signatory of the Otaranga purchase), Nepe Te Apatu, Ihakara Te Raro, Hori Te Niania Aroatua, Waata Rakaiwerohia and Anaru Te Wanikau. In addition one clerk and receiver of revenue (William Parker), two sheepfarmers (John James Boyd and George Donnelly), one at that time current Judge (Loughlin O'Brien) and a number of surveyors, also presented evidence including EW Williams, Horace Baker, Samuel Williams, Henry Stokes Tiffen, Charles William Reardon, Charles Kennedy, August Kock, Henry Mitchell, Charles Clayton and Alfred Clayton. Previously only a limited transcription of the Commission's proceedings that was missing a number of the days' sittings in the inquiry has been available through a file related to the production of ownership lists for the Te Koau block in 1906. A Minute Book of the Commission's proceedings has been found during the course of this research and it provides a more complete picture of the evidence. The final day of evidence is still missing from this Minute Book but it's unclear if that was because the Commission did not sit for the final day or that it was not recorded. There are a number of differences between the Minute Book and transcribed versions, but they are mainly minor. The following table shows the date, location, names of witnesses and reference for the Commission:

Figure 25: Awarua Commission information

<b>Date of hearing</b>	<b>Location</b>	<b>Witnesses</b>	<b>Reference (Transcribed or MB)</b>
29 July 1890	Old Provincial Council Chambers, Napier	None	Neither
1 August 1890	“	Appearances for parties, Urupene Puhara	MB
2 August 1890	“	EW Williams, Horace Baker	MB
4 August 1890	“	EW Williams, Horace Baker, Samuel Williams, Henry Stokes, Tiffen, William Parker, Raniera Te Ahiko	Both but transcribed only partially
5 August 1890	“	Charles William Reardon, Charles Kennedy, Hinepaketia,	Both but transcribed only partially
7 August 1890	Temperance Hall, Marton	August Kock, Winiata Te Whaaro	Both but transcribed only partially
8 August 1890	“	Nepe Te Apatu, Noa Huke, Ihakara Te Raro, Henry Mitchell	Both but transcribed only partially
9 August 1890	“	Loughlin O’Brien, Henry Mitchell, Noa Huke, Hori Te Niania Aroatua	Both but transcribed only partially
11 August 1890	“	Charles Clayton, Alfred Clayton, Winiata Te Whaaro,	MB
15 August 1890	Kuripapango	John James Boyd	MB
19 August 1890	Omahu (House of Raniera Te Ahiko at Ngahape)	Raniera Te Ahiko, George Prior Donnelly, Waata Rakaiwerohia, Anaru Te Wanikau	MB
20 August 1890	Supreme Court Building, Napier	Possibly Anaru Te Wanikau?	Neither
23 August 1890		Report delivered	Transcribed

Although there was some small variation in witness testimony, it was clear from the Commission’s report and the subsequent title investigations that ensued for Timahanga and Te Koau that the boundary of the Crown’s Otaranga and Ruataniwha North purchases should have been the Ruahine range. This report will not discuss that issue in detail as it is a settled matter. Of more interest to our present purposes is the evidence provided by witnesses related

to customary interests and this was for the large majority from Māori witnesses. The key question to be answered is whether the Ruahine range was and is the boundary between Patea and Heretaunga? The question was asked repeatedly from witnesses at the Commission of Inquiry as well as in the neighbouring blocks such as Timahanga, Te Koau, Owahaoko, and Awarua. The following section will explore witness testimony regarding boundaries from a series of sources, not just the Awarua Commission. The answers provided must be taken as genuine but they must also be interpreted within the context of the inquiry. Claimants from the western side of the range sought to prove that Patea interests extended to the Ruahine range while claimants from the eastern side of the range, even those without any Patea whakapapa, sought to prove that their interests extended over the ranges. There was not much evidence needed to show that Patea interests extended over the eastern side of the range as the Ngāti Hinemanu me Ngāti Paki Trust claimants currently desire. But there was even some evidence of that.

A wide range of witnesses claimed that the Ruahine range was the boundary between Heretaunga and Patea Māori. Witnesses that also mentioned the Waitutaki stream as the boundary can be taken as indicating the Ruahine range as the Waitutaki stream was high up in the range. Te Whaaro stated during the Awarua Commission that the Waitutaki was the recognised boundary between the Heretaunga and the Patea people. As noted in the Otaranga section, Te Whaaro strove to prove that the Ruahine range was the boundary of the Otaranga purchase but he also emphasised that Ngāti Hinemanu lived on both sides of the range. At the Te Koau investigation Te Whaaro stated that the boundary between the people of Heretaunga and Patea was the Ruahine range and that “all the land south of Ngaruroro and west of Ruahine are in Patea”. Later in his testimony he stated that the Ruahine range separated Patea from Heretaunga people but that “Te Rangiwhakamatuku and Te Ohuake made [the] Ruahine range a boundary between N’ Kahungunu on the east and the members of the same tribe residing on the west side of the range”. This statement is difficult to reconcile as Rangiwhakamatuku and Ohuake were not descended from Kahungunu. He had not heard “that the people living east of the range took part in fixing the boundary”. Utiku Potaka made similar comments at the Te Koau investigation. Although during the Awarua rehearing Utiku Potaka also stated “I consider the Ruahine range the division between Heretaunga and Patea.”

This must be understood in the context of his claim which sought to exclude Ngāi Te Upokoiri and Ngāti Hinemanu ki Heretaunga.<sup>325</sup>

Ropoama Puarere of Ngāti Te Whatuiapiti claimed during the Koau investigation that the Ruahine range was a boundary “but the people from each side crossed over to the other side and had a right to do so”. He claimed that Ngāi Te Upokoiri and Ngāti Hinemanu “had rights on both sides of the range” but so did Ngāti Te Whatuiapiti which was questionable. Puarere believed that Te Whatuiapiti had “rights as far as Rangitikei” and that “Te Hapuku had rights west of Ruahine”. Those rights were not recognised by the NLC nor have they been recognised by most claimants. Urupene Puhara had similar beliefs as he recognised that the Ruahine range was the boundary but also that Ngāi Te Upokoiri, Ngāti Hinemanu and Ngāti Mahuika all had rights on both sides of the Ruahine.<sup>326</sup>

Ihakara Te Raro stated like almost all others at the Commission of Inquiry that the Ruahine was the boundary between Patea and Heretaunga and so did his son Hiraka Te Rango at the Te Koau investigation. Te Rango stated under cross examination from Pene Te Umairangi that he did not know who made the Ruahine the boundary between Patea and Heretaunga but everyone knew that it was the boundary. Hori Te Niania, although he did not have interests in the region, was a cousin of Te Hapuku and was involved in the Ruataniwha South purchase. He also noted that the Ruahine was the boundary of Heretaunga Māori. So did Nepe Te Apatu, Noa Huke, Arihi Te Nahu, Peti Ropoata (“never heard of any other”), Hera Te Upokoiri (“I heard this from my elders”), and Pene Te Umairangi.<sup>327</sup>

The range of witnesses which denied that the Ruahine range or Waitutaki stream was the boundary were mainly Ngāti Kahungunu and Ngāti Te Whatuiapiti claimants attempting to expand their interests west during the Te Koau investigation. The Ngāti Hinere and Ngāti Whatuiapiti claimants maintained that Koau was a part of the Otaranga block and that the Waitutaki was not a boundary. Tairiri Papaka did not deny the boundary but stated that he

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<sup>325</sup> Awarua hearing 1886, Wanganui MB 10: 366; Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 36-43 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 39-46; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ; Te Koau hearing 1900, Napier MB 53: 106, 115.

<sup>326</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 36-43 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 39-46; Te Koau hearing 1900, Napier MB 53: 47-49, 54, 106, 110, 113, 115-116.

<sup>327</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 44-45, 47-48 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 47-48, 50-51; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ; Te Koau hearing 1900, Napier MB 53: 43, 45, 66, 82.



did not know of a boundary between Patea and Heretaunga. Mr White, the lawyer for Ngāti Whiti at the Te Koau investigation, challenged the notion that the Ruahine range was the boundary “between Heretaunga and Patea natives” as so many witnesses had been prompted to say. He contended that the finding of the Awarua Commission to lay down the boundary was not something that had to be inherently followed. While he challenged the central aspect of the Awarua’s Commission’s decision he also used it to back his criticism: “Significant that Commissioners say in report that natives describe boundaries of blocks as north as Ohawai as Ruahine Range, but from there...the most SE point of Koau as far as Rakautanga, they describe the boundaries by names from point to point, not as the Ruahine range at all.” Dinwiddie, the lawyer for Ngāti Hinepare at the Te Koau investigation, agreed with White that the Awarua Commission was not formed to show the boundary between Heretaunga and Patea but to show the boundary of the Otaranga block. Dinwiddie pointed to Te Whaaro, Huke and Ihakara Te Raro’s evidence at the Commission which he felt did not show that the Ruahine was the boundary although it is unclear what specific evidence he referred to. As noted in the Otaranga purchase section, Dinwiddie alleged that Ihakara Te Raro received £100 out of the purchase money for the Otaranga block. If this is true it provides a whole new angle to the idea of Patea rights in Heretaunga. There is no direct evidence that Te Raro received any of the Otaranga purchase funds from either payment. Dinwiddie felt that the “Waitutaki not the boundary between Heretaunga and Patea, simply a boundary of sale”. This was meant to expand Heretaunga and specifically Ngāti Hinepare customary rights west.<sup>328</sup>

Witnesses across a number of hearings consistently stated that the Ruahine was the ancestral boundary between Heretaunga and Patea people but there were some variations of that position. The surveyor Henry Mitchell, who spoke very highly of Te Whaaro’s knowledge of the Ruahine range, mentioned during his testimony at the Awarua Commission that some Māori had contended that the boundary was to the east of the range rather than atop or to the west. This could have been Te Whaaro who had spent so much time with Mitchell not only accompanying him on surveys but also to and back from Wellington to speak to the Native Minister about the Awarua block boundary issue. Mitchell stated in his testimony: “The Natives had said to me that the boundary of the Crown lands was considerably to the east of the summit of the Ruahine but that I had replied to them that as I myself had always understood that the summit of the Ruahine range was the boundary of the Heretaunga purchases by the Crown I could not take the lines beyond the summit.” He repeated in

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<sup>328</sup> Te Koau hearing 1900, Napier MB 53: 105, 140-142, 144-145.

testimony the following day that the “natives” had stated that the Heretaunga purchases boundaries were not at the Ruahine summit but much lower down the eastern side at the Whanganui Court hearing for the Awarua block in 1886 although this evidence has not been located in the official Minute Books. He maintained that the deeds went to the summit so Te Whaaro and others abandoned that aspect of their claim but Te Whaaro still applied to the Chief Surveyor for authority to survey Te Koau.<sup>329</sup> This may have reflected the confusion at the 1886 Awarua hearing regarding the eastern boundary that was only resolved following the Commission’s hearings in 1890.

The other major boundary discussed during the hearings was the division between Ngāti Hinemanu and Ngāti Honomokai. At the 1884 Mangaohane investigation Pirimona Te Urukahika (of Ngāti Hinemanu) had stated that the Ikawetea was the boundary between Ngāti Hinemanu and Ngāti Honomokai. In subsequent NLC investigations this point had been raised repeatedly to counter any Ngāti Hinemanu claims to the east of the Ikawetea by Ngāti Hinepare and Ngāti Te Whatuiapiti claimants. This was denied by a series of witnesses including Hera Te Upokoiri and Anaru Te Wanikau.<sup>330</sup>

Evidence presented at the Commission of inquiry reflected well on Te Whaaro in terms of his knowledge of the area. Mitchell’s evidence ended with his recollection of being present at a meeting with Te Whaaro, the Surveyor-General and the Native Minister. Te Whaaro asked the Surveyor General to point out Pohatuhaha and Rakautonga, two keys points on the Ruahine range, which he could not do. Another incident related by Mitchell was that after completing the survey of the boundary between Hawke’s Bay and Wellington Provinces, the surveyor Charles Kennedy instructed his deputy surveyor Alfred Clayton to survey the Te Koau block in anticipation of permission from the Crown. Clayton made a mistake and surveyed the Koau stream rather than the Waitutaki stream as the boundary but the error was pointed out by Te Whaaro before the survey was completed. This reflected the depth of knowledge Te Whaaro possessed of this region.<sup>331</sup> Alfred and his brother Charles Clayton noted in their own testimony the central role of Te Whaaro in helping them complete

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<sup>329</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 55, 61 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 58, 64.

<sup>330</sup> Te Koau hearing 1900, Napier MB 53: 70, 79,

<sup>331</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 62-63 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 65-66; Royal Commission minutes transcribed, MA-MLP 1/1906/91, Archives NZ.

their survey. This was reflected in Te Whaaro later returning to correct incorrect designations on the Commission's maps.<sup>332</sup>

## Timahanga

Following the Awarua Commission's findings, the Timahanga block was the first block heard by the NLC in 1894. It included a number of claimant groups from both sides of the Ruahine range. Ngāti Mahu had similar witnesses as those claiming as Ngāti Mahu in Owahaoko and Omahaki—Wiramina Ngahuka, Tairiri Papaka and Manahi Pukerua. These claims were similar to the successful application in the Kohurau block through Paora Kaiwhata and the tupuna Tamataita. A Ngāti Hinemanu ki Heretaunga claim was brought by Hiraka Rameka and Pirika Toatoa who claimed the land through Hinemanu and Mahuika using their Ohuake and Punakiao whakapapa. There were a series of claims that revolved around Upokoiri, Honomokai and Mahuika with significant overlap. Wi Te Roikuku and Henare Tomoana claimed through Rangitekahutea, Honomokai and Upokoiri. Hera Te Upokoiri claimed through Upokoiri, Hinemanu and Honomokai. Donnelly claimed through Mahuika and Honomokai while her nemesis Wi Broughton claimed strictly through Upokoiri. Anaru Te Wanikau claimed solely through Honomokai. Horiaana Taituha, Katerina Hira and Maraea Puri set up their own claim through Haumoetahanga, Whitikaupeka and Honomokai. Lastly there was the Ngāti Whiti claim led by Ihakara Te Raro.<sup>333</sup> Witnesses mainly provided evidence of hunting and fishing on the block. During our hui with claimants at Omahu, Ngahape Lomax noted the komata/cabbage trees were harvested for their sugars in the Timahanga block. Lomax described a process where the shoots would be removed from the tree and eaten. He claimed that because of their abundance there must have been seasonal kainga in the region.<sup>334</sup>

A major question that permeated the evidence of most witnesses was the question of whether the Timahanga block was in Heretaunga or Patea? The Court ultimately decided that it was neither but settled on a majority of Honomokai interests as it had in Mangaohane, along with a small part of the land awarded to specific descendants of Ngāti Whiti. Ngāti Hinemanu ki Heretaunga and Ngāti Mahu's claims were rejected as they were seen to be

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<sup>332</sup> Otaranga and Ruataniwha North Commission Minute Book, 1890, LS67/1, Archives NZ, 72 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 75.

<sup>333</sup> Wai2180 A6, 238-244.

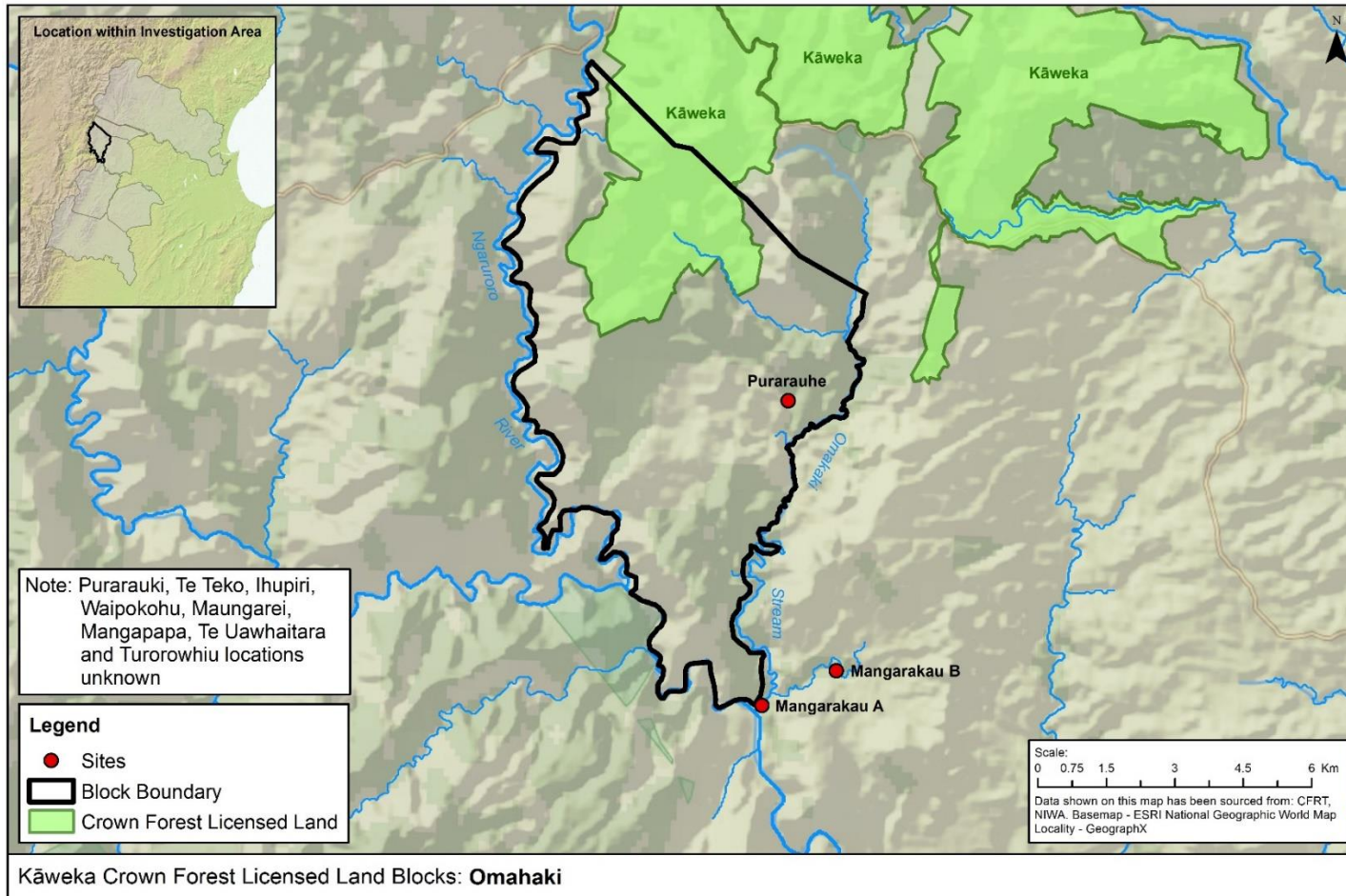
<sup>334</sup> Hui with claimants at Omahu, 31 March 2019.

based in Heretaunga but so were the Honomokai interests that were awarded the large majority of the title. Honomokai claimants had whakapapa interests in the land but so did some Ngāti Hinemanu ki Heretaunga that were rejected. Anaru Te Wanikau was accused by the Court of misleading statements, but because he had sheep on the block his interests were recognised to such an extent that he received the largest portion of the award—an entire quarter of the block. The Court rejected claims to the land through Honomokai by the conquests of Taraia I and II, stating that they did not extend as far west over the Ruahine range. Instead the Court believed that the land was used as hunting grounds from the Honomokai pa on the east side of the Ruahine range. In addition they found that those descendants of Mahuika living with Honomokai were essentially serfs, and as a result were provided with smaller shares. Those descendants who could trace back to Te Uamairangi and his family including his brother Piripi were awarded with greater shares.<sup>335</sup> This would have an important precedent on the Omahaki investigation that would follow.

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<sup>335</sup> Wai2180 A6, 244-246; Wai 2180 A52, 312-314.

Omahaki



Map 13: Omahaki block

The Omahaki block is the only area within the Kāweka and Gwavas CFL lands that had an extensive discussion of customary lands as its NLC investigation occurred relatively late in 1896, after a first perfunctory investigation in 1886 and a preliminary appeal of the 1886 decision in 1895. As a result, a number of witnesses presented evidence on the customary history of the block. Anthony Patete’s two reports on customary interests in the CFL lands for OTS summarised the Omahaki investigation, but the location and importance of the block merits a more detailed investigation. Unfortunately, the precise locations of many important sites are still not known. The Court awarded interests in the block to those claiming from Ngāti Honomokai with particular emphasis on the descendants of Te Umairangi. While Te Whaaro did not participate in the investigation, his sister-in-law, Hana Hinemanu, was the only witness for the opposing claimants.<sup>336</sup>

### *1886 Investigation*

The first investigation of the Omahaki block was instigated by Airini Donnelly in 1886. Conducting her own case she stated that she lived at Omahu and belonged to Ngāi Te Upokoiri and her hapu were Ngāti Kahungunu and Ngāti Honomokai. She claimed it through ancestry, conquest and occupation. In addition she claimed mana over the people as well as the land. Turning to specific tupuna she claimed through Honomokai and Mahuika. She stated that “cultivation has been the nature of our occupation since the time of Honomokai”, and mentioned berries and rats. Witnesses in other NLC investigations had noted Honomokai’s interests in the Omahaki block.<sup>337</sup> She claimed that they had pa in the Otamauri block and settlements on the Omahaki block (although she neglected to name any) and that their occupation had never been disturbed. The general consensus is that both blocks were used more for food gathering than permanent occupation. Nonetheless, she noted “My ancestors killed any that disturbed us”. She stated that they had not conquered the original owners as a distinct people, they were another portion of her own people from a common ancestor, but they currently occupied the land. The Court then opened her claim to challenge but none spoke up. The judgement was made in favour of Donnelly, who stated she would submit a list of owners after consulting with her grand-uncle Renata Kawepo. It was then that

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<sup>336</sup> In the 1905 Te Koau appeal Winiata Te Whaaro is quoted in Napier MB 3 (p154, which is definitely wrong), that the “occupation of Awarua also to Koau, Omahaki is on the Heretaunga end of the Ruahine.” It is not clear whether Te Whaaro was claiming the Awarua No1 and Te Koau Ngāti Hinemanu me Ngāti Paki interest extended to Omahaki. Te Koau appeal 1905, Napier MB 56: 298.

<sup>337</sup> Omahu hearing 1890, Napier MB 19: 208; Napier MB 20: 16.

Wi Broughton came forward to say that Kawepo had a claim to the land but nothing else eventuated. This took place in July and by September 1886 the Omahaki blocks appeared in a list of new claims adjourned to the next sitting in Hastings but it was not heard again in that decade.<sup>338</sup>

### *1895 and 1896 Appeals processes*

It was not until late January 1895 that the block was considered again by the Court. TW Lewis, representing Donnelly, believed that judgement had already been rendered in 1886 after Donnelly's application and all that remained for the Court to do was the submission of lists. JM Fraser represented Kawepo's interests. He countered that it was not just for Donnelly to submit names, but to consult with Renata Kawepo (by then deceased), in the form of his chosen successor Wi Broughton. Lewis agreed generally but felt it was for Donnelly now to complete the process since Kawepo was dead. Atareta Hetariki then spoke and said that many interested groups did not know that the 1886 hearing even took place. Matenga Pekapeka also did not know the 1886 hearing occurred. Rawiri Karaka "said his people did not know of this case being heard [and] he wished the case to be taken tomorrow, when Tairiri [Papaka] would be present." JM Fraser said that at the 1886 hearing an arrangement was reached where the case would not be considered without the involvement of Walter Buller, Renata Kawepo's agent. The Court consulted the minutes which stated that Donnelly claiming through Honomokai and Mahuika had been awarded the land without any evidence being presented. At the last second Broughton had appeared on behalf of Kawepo. The Court now believed it would be best to finish the formal order in favour of Donnelly so that an appeal could then be made by opposing parties and everybody could be heard together.<sup>339</sup>

A few days later in early February 1895, the lawyer Josiah Cuff appeared for Tairiri Papaka who represented the "Omahu tribe", and claimed that the case had never been properly heard. He agreed with the Court's suggestion of an issuing of title followed by the appeal. Aperahama Te Kume appeared for Wirimina Ngahuka and others of "Mahu and 'Hinepare'" who asked for the case to be heard afresh. Another lawyer, Mr Loughnan,

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<sup>338</sup> Omahaki hearing 1886, Napier MB 12: 69, 101 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 91-93.

<sup>339</sup> Omahaki hearing 1895, Napier MB 38: 114-116 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 94-96.

contended that it would help the determination of the list in the block to consider the judgment in Timahanga. The Court and Lewis then debated how to proceed with the case. Te Kume stated that for many of the interested parties it was only the day before that they learned the case had already been heard. ALD Fraser, representing the interests of Anaru Te Wanikau, stated that the Court could not ignore the 1886 hearing, but at the same time he said “‘Mahu did not send in any claim until 1890, the proceedings had been kept alive by the Acts of 1886 and 1894.’” The Court decided to make an order completing the proceedings of 1886.<sup>340</sup>

The following day debate opened regarding the ownership lists for the title to the block. ALD Fraser agreed with Lewis’s (Donnelly) list but believed that those descending through Mahuika should be given smaller shares. Lewis only agreed with 5 in JM Fraser’s list on behalf of Wi Broughton. Kume’s list representing Ngāti Mahu and Ngāti Hinepare was objected to by both opposing parties. Lewis also opposed everyone in Loughnan (representing Ngāti Mahuika and Ngāti Hinemanu), Inia Maru and Captain Blake’s lists. Lewis said he only proposed to call evidence from the Timahanga hearing. ALD Fraser opposed all the other non-Donnelly lists except his brother JM Fraser’s. His strongest objection was to Urupene Puhara (Ngāi Te Upokoiri and Ngāti Kahungunu) and others. Loughnan admitted the Frasers and Lewis’ lists. He contended that occupation by Honomokai and Mahuika was joint despite the Timahanga decision. Loughnan felt that the decision of 1886 was quite general and in favour of both groups. He would not call evidence because he did not want “‘to go into the matter now as the case will no doubt...before the appeal Court’”. The Court decided to only admit Donnelly’s list.<sup>341</sup>

At the last second JM Fraser informed the Court that he now represented Ihaia Te Ngira claiming that Te Ngira was one of the claimants in 1886. JM Fraser asked whether the Court would call on the people objected to prove their right but the Court declined to receive any evidence. The Court favoured the case being taken directly to the Appellate Court and so made the order. Nonetheless in its decision it seemed to criticise the 1886 Court, and perhaps one could say the standard of many earlier unopposed NLC cases of the 1880s: “‘the judgment does not set out any reasons, nor provide any standard by which we could estimate the rights

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<sup>340</sup> Omahaki hearing 1895, Napier MB 38: 122-123 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 97-98.

<sup>341</sup> Omahaki hearing 1895, Napier MB 38: 126-128 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 100-102.



under that judgment.” The Court did not want to provide for a situation where any person descended from Honomokai or Mahuika could submit a claim without showing proof of occupation.<sup>342</sup>

### *May 1896 Investigation*

Following the appeal of the Court’s decision the Native Appellate Court made a fresh investigation of the Omahaki block in May 1896. Lewis appeared again for Donnelly as the claimants and so did JM Fraser for Wi Broughton. ALD Fraser still represented the interests of Anaru Te Wanikau. Te Wanikau never presented evidence nor did his lawyer call any witnesses relying solely on judgments and evidence from previous hearings. Nonetheless at the Owahaoko C hearing Anaru Te Wanikau stated that his whanau had rights in Omahaki: “My ancestors and parents resided at Matapiro and Whanawhana where there was a settlement which belonged to Te Wanikau and his descendants. There is also a settlement at Omahaki which belonged to Te Wanikau and his descendants.”<sup>343</sup> The Fraser brothers and TW Lewis represented Ngāi Te Upokoiri or generally “Honomokai” interests. Tamati Tautahi initially appeared for Pirika Toatoa, Wiki Te Uamairangi<sup>344</sup>, Porokoro Kāweka, Otene Wirihana, Arona Raurimu and Hori Taonga claiming as Ngāti Hinemanu and Ngāti Mahuika. Tautahi was soon thereafter dropped as conductor and replaced by Mr Williams who was aided by another lawyer, Mr Loughnan. Aperahama Te Kume stated that he made an appeal immediately after the decision of the Court in 1895 which did not appear to have been registered. He claimed that he had sent it to the Chief Judge of the NLC but had heard nothing of it since. He wrote in December 1895 but received no reply. He drew up the applications and gave it to a Court official who claimed to have seen it. No notice of the appeal appeared on file and as a result the Court advised him to await a decision. Te Kume was not allowed to proceed with his case on behalf of Ngāti Mahu because an application in writing was never received. The same applied for Inia Maru and Keita Ruta who’s request for standing in Court was rejected. In the middle of the hearing Hera Te Upokoiri and Rangipo

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<sup>342</sup> Omahaki hearing 1895, Napier MB 38: 128-130 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 102-104.

<sup>343</sup> Owahaoko C partition hearing 1894, Napier MB 34: 276.

<sup>344</sup> At the 1900 Te Koau investigation Pene Te Uamairangi claimed he was “too lazy to set up claims to Timahanga and Omahaki which are Honomokai’s lands”: Te Koau hearing, Napier MB 53: 75.

Mete Kingi tried to attach themselves to Wi Broughton's case but they were rejected by the Court.<sup>345</sup>

*JM Fraser on behalf of Wi Broughton*

Before witnesses were called to testify, Broughton's lawyer JM Fraser set out his case in extended detail. He contended that the title to Timahanga was identical to Omahaki and that topographically they were very similar as well. In his words both were "rough and very unsuitable for native residence, both [were] used by the [the] same people from pas adjoining [the] blocks for food collecting purposes. There were no settlements or permanent kaingas on this land." He believed it was unnecessary to go back to the grounds of the claim as the previous judgement had awarded the block to Honomokai. The claim of his clients was a conquest by Taraia II, "the father of Honomokai", and that the land formed part of Honomokai's wider estate.<sup>346</sup> He believed his clients were entitled to ownership in every acre of the block deriving through Honomokai. Fraser reminded the Court that his clients had been admitted in all lands and put through under Honomokai since the 1873 *Native Lands Act* in "any block requested notably in Owahaoko, Timahanga" and others which derive from Honomokai. He noted the pa which they relied on for their claim to occupation were not on the block but were in the district. Some were closer and some were further away from the Omahaki block but it was from the following pa that the descendants of Honomokai journeyed to collect food:

1. Te Teko<sup>347</sup> on the the banks of the Ngaruroro river
2. Komahakau (?) on the banks of the Omahaki stream
3. Komangarakau at the mouth of the Omahaki stream, on the east of the Ngaruroro [If it is located at the mouth of the Omahaki stream, it is located in the block<sup>348</sup>]
4. Purarauki (?) on the east side of the Ngaruroro
5. Whanawhana
6. Taumataohe
7. Waikokohu [Waipokohu?] was situated on the Ruahine
8. Turorowhiu at Kereru

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<sup>345</sup> Omahaki hearing 1896, Napier MB 49: 21-22; Napier MB 50: 4-5, 27-28, 110-111, 156 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 121-122, 139-142, 153-154, 191.

<sup>346</sup> Taraia II's conquest of Ngāti Ruapirau led to the acquisition of the Omahaki block: Wai 2180 A12, 805.

<sup>347</sup> During the Awarua hearing Hoana Pakapaka noted that some of those who helped the defenders of Potaka pa such as "Hurihuri's elders came from Teteko pa on Ruahine": Awarua hearing 1886, Wanganui MB 11: 226.

<sup>348</sup> The Omahaki map above shows two sites for Mangarakau, A and B. A is located at the mouth of the Omahaki stream as indicated in the evidence from the Minute Book. B is located at the archaeological site that is thought to be Mangarakau: New Zealand Archaeological Association, "Site Record Form U21/3" in Kāweka and Gwavas CFL lands customary interests report document bank (a), 72-78.

Fraser contended that the remains of Komangarakau and Purarauki were still both visible.<sup>349</sup>

Fraser's clients claimed that Honomokai and his children Rangituoru, Hauete, Kahurangi and Rangipawhaitiri occupied these pa and exercised rights of ownership on the Omahaki block. He claimed that the evidence of the ownership of these pa and occupation of Timahanga was fully given by Hoana Pakapaka in the Timahanga case. Although, unlike many of the witnesses in the Timahanga investigation, she did provide a number of different resource uses and some pa in her testimony none of the sites noted by Fraser were discussed by Pakapaka at that investigation.<sup>350</sup> Fraser held that his clients claimed further that the ownership of these pa and the use of the block as a food source continued during the exodus of many to the Manawatu. Although one of the owners of the block, Anaru Te Wanikau, left to the Manawatu about 1838, the grandfather of one of his clients, Hoera Te Oiroa, remained. Fraser then read out the evidence from the Mangaohane Partition hearing in 1890 by Anaru Te Wanikau on behalf of the same claimant, Wi Broughton. These mentioned a number of different mahinga kai in the Mangaohane block which Fraser described as part of the Honomokai estate. He then quoted further from the Mangaohane partition hearing to the effect that Hohoia Ahirara, from Whanganui but descended from Honomokai, occupied the Mangaohane block when the others fled to Manawatu. Ahirara claimed that he lived on the land as Ngāti Honomokai.<sup>351</sup> The connection that Fraser was making between the Mangaohane block and the Omahaki block was meant to show the common Honomokai interest. If Te Wanikau's testimony in the Owhaoko C hearing is accepted that he provided false evidence throughout both the Owhaoko and Mangaohane investigations, the tenuous nature of the Upokoiri/Honomokai award in Mangaohane becomes even more tenuous. Ngāti Hinemanu and Ngāti Paki assert their interests in the Mangaohane block were not recognised.

Fraser then pointed out that Waihu and others on his list had been awarded interests in neighbouring "Honomokai" blocks like Mangaohane, Owhaoko and Timahanga. Using the evidence of Paramena Oneone he attempted to prove that Hohepa had lived on Owhaoko and planted on Tikitiki. Fraser strove to show that his clients<sup>352</sup> had the same basis for their claim as Anaru Te Wanikau in the Owhaoko block where he claimed through Honomokai. He

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<sup>349</sup> Omahaki hearing 1896, Napier MB 50: 115 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 158.

<sup>350</sup> Wai 2180, A6, 242; Timahanga hearing 1894, Napier MB 36: 221-222, 225.

<sup>351</sup> Mangaohane partition hearing 1890, Napier MB 20: 439, 443-444; Omahaki hearing 1896, Napier MB 50: 116 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 159.

<sup>352</sup> Keita Ruta, Pueaha Mokiri, Aperana Mokiri, Tuihapa Te Awhi and others.

stated that they are “of Te Upokoiri and have a right to this land. Te Upokoiri is the large name of Honomokai”. Describing the Timahanga investigation Fraser noted that the main claim was made through Honomokai and Mahuika. These were the same ancestors Airini Donnelly set up in 1886 for the Omahaki block. Fraser’s main client, Broughton, admitted certain Mahuika descendants as entitled to ownership in Timahanga, but only those descendants who had been subject to Ngāti Honomokai. This was proven according to Fraser, in the evidence called by Lewis in Timahanga where it allegedly showed that those Mahuika descendants were “really serfs”. According to a claim by Temuera, Mahuika “had no right of their own only as workmen of Honomokai” was then corroborated later by the evidence of Hoana Pakapaka.<sup>353</sup>

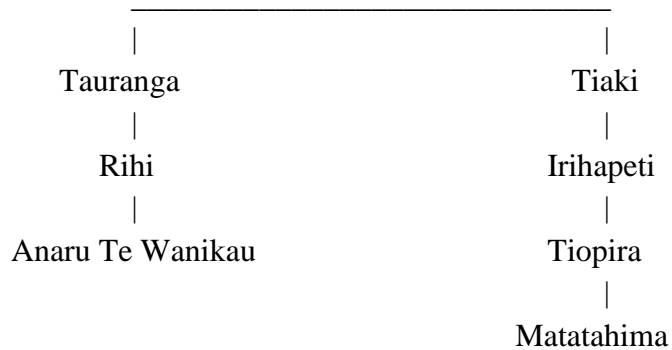
Fraser referred to the evidence of Noa Huke at the Owhaoko hearing: “I said Honomokai’s territory began at Otupae and came out to the sea coast, they have no right to this block Owhaoko as I haven’t heard of them being on it. Kuripapango belonged to Te Umairangi who belonged to Honomokai.” Trying to clarify what seemed like a contrary point to his clients’ position, Fraser quickly stated that: “when Noa said Honomokai had no right to Owhaoko he meant that part of Owhaoko west of Taruarau stream. That part of Owhaoko laying east of Taruarau was called Tahunui was admitted by Noa to belong to Honomokai”. Pointing out that his clients and those on Donnelly’s list were both admitted as owners of Owhaoko C, he felt an injustice was being done to his clients. Fraser pointed to the common connections between Donnelly and Broughton’s lists, especially through the brothers Tauranga and Tiaki who were descended from Honomokai and provided the following whakapapa:<sup>354</sup>

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<sup>353</sup> Timahanga hearing 1894, Napier MB 36: 237; Omahaki hearing 1896, Napier MB 50: 117 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 160.

<sup>354</sup> Owhaoko partition hearing 1885, Napier MB 11: 5; Omahaki hearing 1896, Napier MB 50: 119-120 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 162-163.

Figure 26: Tauranga and Tiaki's descendants<sup>355</sup>



In the Blake whakapapa series Tiaki is not shown as a brother of Tauranga, only Whiuwhiu. Tiaki was a descendant of Upokoiri, Hinemanu through Tarahē and Haumoetahanga. Anaru Te Wanikau's grandfather Tauranga was a descendant of Honomokai and Haumoetahanga.<sup>356</sup>

*Williams on behalf of Arona Raurimu*

After Fraser's long address Williams appeared for Arona Raurimu. He asked the Court that all his other clients who could prove an ancestral line from Honomokai and Mahuika and occupation should be admitted. He submitted that Judge Edgar [at the 1886 or 1895 hearing?] was wrong in refusing to admit any except those nominated by Donnelly. ALD Fraser countered that Williams should confine himself to those in his appeal. Williams submitted that if the Court held his client had rights they should allow his list of names. If that was the case then the previous judgement could not stand. He presumed that the ancestral line would be confined to Honomokai and Mahuika. Fraser believed that only those of Williams' clients who were appealing would be allowed in, even though the Court had the power under rule 8 to say who could be regarded as appellants. Williams then believed it was best if the point was decided then and there. He listed the claimants he wanted admitted: Arona Raurimu, Pirika Toatoa, Hiraka Rameka, Te Oteni Wirihana, Wiki Te Uamairangi, Kataraina Arona, Warihia Rota, Hana Hinemanu, Hori Taorangi, Meihana Taorangi and Matenga Pekapeka. Six of those named were not included in the notice of appeal but all were descendants of Mahuika as claimed in the notice of appeal. He pleaded to the Court that it would do no injustice by potentially including those who fit the criteria. Eventually they

<sup>355</sup> Omahaki hearing 1896, Napier MB 50: 119 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 162.

<sup>356</sup> Wai 2180, E1(a), 1.

could be included on the list of Arona in any case. ALD Fraser challenged the authority of Loughnan and Williams to appear for a class of people, rather than specific people. The Court then adjourned to consider the matter since “the question of who is to be recognised as coming legally before the Court is a very complicated one”.<sup>357</sup>

As the appellants strove to add more people to their group legally, the Court decided that it would only add those people who were “such close relations of the appellants” that no further inquiry would be necessary. The question then would be what did close relations actually mean? Williams asked again that all clients who can prove descent from the ancestor set up and occupation be entitled to join in the appeal even if their names do not appear in the written application. He also inquired whether other ancestors could be set up? Lewis maintained that the grounds of appeal set up by Loughnan was solely under Honomokai and Mahuika. The Court though ruled that “one of the grounds of appeal in Mr Loughnan’s application is that the appellants are descendants of Hinemanu and Mahuika and Court will allow these grounds to be urged”. Williams proposed to call witnesses who would prove descent from Hinemanu and Mahuika and show occupation visiting the block for food over many years.<sup>358</sup>

Once each conductor was asked to hand in their ownership lists, descendants of Honomokai were accepted by all sides but the inclusion of Mahuika and Hinemanu elicited opposition from Donnelly and Broughton’s lawyers. They objected to all 12 of Williams and Loughnan’s list as they were descendants of Hinemanu and that ancestor according to the Court had no right to Omahaki. Furthermore, even if Hinemanu had a right, the persons whose names were included had no occupation. Fraser further objected because some of the 12 were descendants of Mahuika and others were not, but even those who could prove descent from Mahuika, he alleged, could not prove occupation. Finally, some of those named were not so closely related to the actual appellants as set out in the Court’s direction: Otene Wirihana, Hana Hinemanu (the wife of Irimana Ngāhoa, who lived at Pokopoko), Hori Te Aorangi, Meihana Te Aorangi, Mere Paku and Matenga Pekapeka.<sup>359</sup>

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<sup>357</sup> Omahaki hearing 1896, Napier MB 50: 121 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 164.

<sup>358</sup> Omahaki hearing 1896, Napier MB 50: 131-133 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 166-168.

<sup>359</sup> Omahaki hearing 1896, Napier MB 50: 134-135 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 169-170.

The first witness, Hoana Pakapaka, was called by JM Fraser after the discussion of the lists for the Broughton case. Pakapaka lived at Omahu and was one of the owners of Omahaki at the time of the hearing. She was the sister of Ihaia Te Hira(?), who had been admitted to the block and was a co-claimant with Donnelly. Under friendly cross-examination from Fraser she established that although there were no pa on this block, there were some close by: Komangarakau (Mangarakau, on a bank of the Omahaki stream, where it runs into the Ngaruroro river and located within the block) which was owned by Ngāti Honomokai and occupied by Kororahui, Te Rere, Te Ora, Tarahē II, Hura Te Kaki, Whakarau and Hamuera Raromaipapa. Raniera Te Ahiko noted Mangarakau as a pa of Te Umairangi (along with Whanawhana).<sup>360</sup> These were direct Honomokai descendants while Retete, Pane and Taimona were the only descendants of Mahuika who allegedly “went under the N. Honomokai mana”. Another site of significance was Pukerarauhe, located above the Omahaki river [stream?] on the rising(?) grounds which was not far from Kororakau. She also noted Makeo but she did not know on which block it was located but that it was close to Omahaki and faced Paparauponga. Sources indicate the Makeo was located in the Kohurau block.<sup>361</sup> She claimed that the same Honomokai descendants owned Makeo. Facing questioning about other pa in the area she claimed to not know of any. Pakapaka claimed that Ngāti Honomokai worked lands in Owahaoko, Timahanga and Omahaki as well as other places. After being asked if she could name any descendants from the list who went to Omahaki to collect food she noted Tamaupaoa (?) and his descendants Te Mata, Waipu, Te Karena, Riria and Te Awepo. She provided the whakapapa but the start of which the clerk believed was wrong: “Te Mati Kihauwheti had Korokairahue and Tere (wrong).”<sup>362</sup>

Pakapaka continued her discussion of villages and food gathering sites in the Omahaki region. She stated that Korokairahui, Te Ora, Tarahē II, Aperahama Kaipipi, and Korii all gathered food on the block. Pakapaka claimed that Hohaia Te Ahirara, Te Poke, Wiremu Te Ota and Enoka Te Urukahika lived in pa away from the block but gathered food at the Waiharakeke stream (located in the Kohurau block), on the banks of which was one of

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<sup>360</sup> Mangaohane partition hearing 1890, Napier MB 20: 473.

<sup>361</sup> Norm Elder, “How Kuripapango got its name,” Hawke’s Bay Museum archives in Kāweka and Gwavas CFL lands customary interests report document bank (b), 90.

<sup>362</sup> Omahaki hearing 1896, Napier MB 49: 26; Napier MB 50: 136-137 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 124, 171-172.

their working kainga where eels, birds and rats were acquired. Birds and rats were also collected at Te Huru which was a bush and a taupahi (temporary kainga) near Te Apiti on the bank of the Ngaruroro river. Te Huru bush is where Ngāti Hinemanu me Ngāti Paki claim that Te Whaaro collected food for the Kokako hui in 1860.<sup>363</sup> Mutton birds were collected at Karetu(??) and Tataiahape(??). There were further questions about an aborted sale of Maunga Karetu(??) by Raniera [Te Waha or Te Ahiko?], his daughter Ani Kanara, and Arapera Te Ngāia and their ‘daughter’ Airini. Te Waata Kaiwerohia opposed the sale, was supported by Kawepo and the alienation did not proceed.<sup>364</sup>

Pakapaka stated that no one had lived on the land since the exodus to the Manawatu, and that when they had returned they found that Kawepo had leased the land. She felt that the land absolutely belonged to Ngāti Honomokai, no other hapu had any right to it except Retete Paue(??) and Taimona who, according to Pakapaka, came under the mana of Ngāti Honomokai as they were also descendants. Judge Scannell then asked if they lived as serfs under Honomokai? “The mana of the land was that of N. Honomokai, these people had no right of their own but coming with N. Honomokai a right was conferred on them.” Pakapaka stated that the occupation of the block was similar to Timahanga and that the only land that belonged to Mahuika in the area was at Owahaoko at Kaimoko, which she then corrected to Mangaohane. She claimed that “Raniera [Te Ahiko] abandoned the proper ancestor” in Mangaohane. JM Fraser showed that all those who were admitted into Owahaoko C had to show descent from Honomokai.<sup>365</sup>

Pakapaka presented whakapapa showing how the children of the tupuna Whiuwhiu, noted in section 2, had rights to the block. For Pakapaka it was an example of descendants of Mahuika who were subservient to the descendants of Honomokai. The whakapapa recorded in the Minute Book was missing a generation and had Mahuika instead of Potauanoa as the wife of Uranga.

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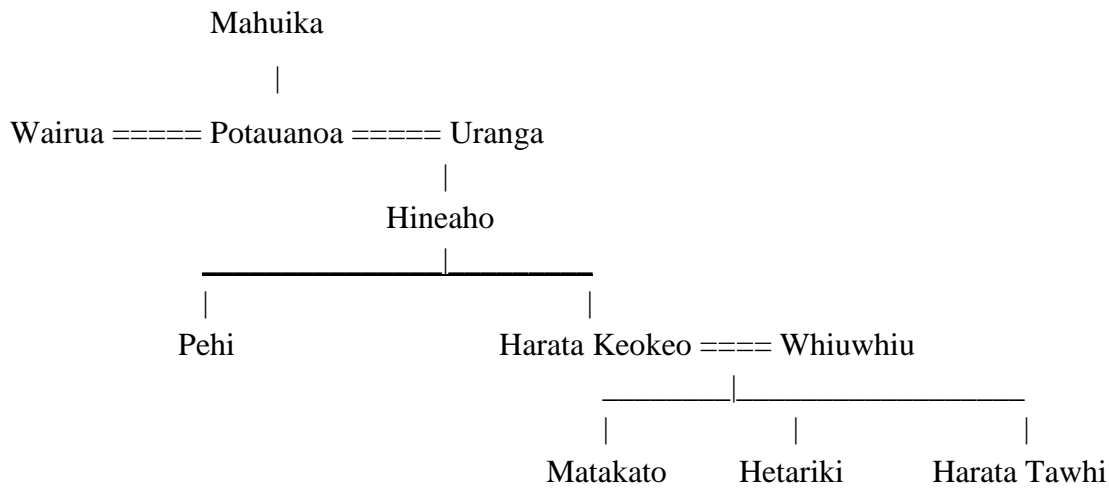
<sup>363</sup> Hui with claimants at Omahu, 31 March 2019.

<sup>364</sup> Omahaki hearing 1896, Napier MB 50: 138 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 173.

<sup>365</sup> Omahaki hearing 1896, Napier MB 49: 27; Napier MB 50: 139-141 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 124, 174-176.



Figure 27: Children of Whiuwhiu as descendants of Honomokai and Mahuika<sup>366</sup>



Whiuwhiu was the brother of Tiaki and descended from Tarahē as well as Honomokai.<sup>367</sup>

ALD Fraser then questioned Pakapaka on whether certain claimants were admitted into the Timahanga block with evidence of occupation relying on Honomokai as set up by Kawepo in Mangaohane. ALD Fraser wanted to ascertain whether those claiming to be admitted into the Omahaki block were also admitted into Mangaohane, to which Pakapaka replied that some were and some were not. ALD Fraser focused on the descent lines of Tauranga and his brother Tiaki. He sought to compare the occupation of Anaru Te Wanikau (a descendant of Honomokai and Hinemanu), with the descendants of Te Hoeroa (a descendant of Upokoiri and Hinemanu<sup>368</sup>). Pakapaka claimed that Te Hoeroa and his descendants occupied the block, while Anaru Te Wanikau had no occupation and no right to the block. She was asked if she had heard those on Mr Williams' list called Ngāti Mahuika. She replied that Ngāti Hinemanu were first called by the name Mahuika at the Timahanga hearing, but they were not admitted. JM Fraser asked if she knew if Pirika Toatoa, Ka Arona, Hori Taurangi, Meihana Tauranga and Mere Paku were all descendants of Mahuika? Although Pakapaka stated that she did not know their whakapapa, she nonetheless claimed

<sup>366</sup> Omahaki hearing 1896, Napier MB 50: 141 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 176.

<sup>367</sup> Wai 2180 E1(a), 20-21.

<sup>368</sup> Wai 2180 E1(a), 19.

that those on Williams' list, and their parents and grandparents and ancestors as a whole never occupied the block.<sup>369</sup>

ALD Fraser continued his cross-examination by clarifying that the ancestral and occupation rights to Timahanga and Omahaki were the same, which Pakapaka affirmed. The only people who got in to the Timahanga ownership list who did not have a right through Honomokai was Anaru Te Wanikau and, according to Pakapaka, it was only because Kawepo had sanctioned it although he had been dead for six years at the time of the Timahanga hearing. Fraser raised the issue of Pakapaka having initially admitted Te Wanikau's right to Timahanga during that hearing in her own evidence, she replied "I thought Anaru had a right, but when the judge said he had not, I believed he had not". She denied that Mahuika had any right to the Omahaki block. Responding to the question of where Mahuika's lands were situated, Pakapaka replied: "Who knows where his lands were, he had none." She then corrected herself: "I have the lands owned by Mahuika, [at] Owhiti and Waitio." In relation to Mahuika's interests in the Owhaoko block, she stated: "The descendants of Mahuika worked food there under Te Uamairangi. Those hapus went there according to Native custom, the elder and younger brothers are workmen for whoever is appointed chief." Previously she had said that Mangaohane was Mahuika's land, and she admitted it but said that Raniera Te Ahiko had not put forward Mahuika as the tupuna in that block. During the Timahanga hearing Pakapaka had said that Mahuika had no land at Mangaohane because his land stopped at Kaimoko in Owhaoko C.<sup>370</sup>

ALD Fraser set out how Pakapaka had been admitted as an owner in Awarua No 1, with substantial interest, having claimed permanent occupation and ancestry through her father Aperahama Kaipipi and his rights through Tarahē II. She claimed in Awarua No1 through Hinemanu. ALD Fraser asked: "Where else were Hinemanu's lands outside Eastern Rangitikei, were not her lands at Tikitiki S.W corner of Owhaoko?" He then asked if there was a Hinemanu claim to Pokopoko in Mangaohane [which Te Whaaro still occupied at this point], which she affirmed. Had Pakapaka also heard Noa Huke state that as Ngāti Hinemanu he had no right east of the Taruarau stream? She had heard him say this both inside and

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<sup>369</sup> Omahaki hearing 1896, Napier MB 50: 142-143 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 177-178.

<sup>370</sup> Timahanga hearing 1894, MB 36: 236; Omahaki hearing 1896, Napier MB 50: 144-145 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 179-180.

outside of Court. Did she as Hinemanu claim any lands east of Taruarau? Pakapaka clarified that she claimed not as Hinemanu but as Honomokai.<sup>371</sup>

Mr Williams was the next lawyer to cross-examine Pakapaka. She was asked if she knew that Noa Huke and Arona Raurimu were descendants of Mahuika? She stated that she was unsure. On repeated questioning from Williams regarding her knowledge of the block she admitted that she had “never been on this block”. Williams asked: “How do you know the names of places?” She replied: “my elders told me, that is how I received all of my information.” She was told by Raniera Te Ahiko, Wiremu Te Ota and Hohaia Te Ahirara that Hura, Te Kaki, Korokaurahui and Te Ora had been on the Omahaki block for “a long time”. Williams noted that Raniera Te Ahiko in the Omahu investigation said in providing whakapapa “Mahuika was the next child, Tiwhakairo, Owhti, etc, were his lands”.<sup>372</sup> Pakapaka replied that Te Ahiko had never set up Mahuika as the tupuna in the Owahaoko hearing, but that he could have. Williams asked: “Was Raniera correct when he said these lands [referring to Owahaoko] belonged to Mahuika?” To which Pakapaka replied: “Yes. I am a descendant of his and have a right to these. It is correct. These were his lands. It is correct that Mahuika owned lands from here [now referring to Omahaki] to Patea.” She confirmed that Mahuika lands stretched from Heretaunga to Patea. Pakapaka could not say where the western boundary of Mahuika’s lands lay but she claimed that he and Honomokai went together in the lands at Mangaohane.<sup>373</sup>

Williams proceeded to question whether the descendants of Honomokai and Mahuika had lived together since the days of those ancestors? Pakapaka replied that Honomokai and Mahuika lived together on the Ruahine side, but that Ngāti Hinemanu had no connection with them. There is no doubting the connection between the siblings, even Hinemanu, from their links through their parents. Williams then inquired whether Ngāti Honomokai and Ngāti Mahuika lived together on equal terms? Pakapaka believed they did but this did not correlate with her statement in Timahanga that some of Mahuika were subjects of Honomokai.<sup>374</sup> Inquiring as to why she excluded his clients who fit into that group, Pakapaka stated that it was because they never lived there. She still maintained that “the only people who went with

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<sup>371</sup> Omahaki hearing 1896, Napier MB 49: 27; Napier MB 50: 145-146 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 124, 180-181.

<sup>372</sup> Omahu hearing 1890, Napier MB 19: 209.

<sup>373</sup> Omahaki hearing 1896, Napier MB 50: 146-147 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 181-182.

<sup>374</sup> Timahanga hearing 1894, Napier MB 36: 289.

N Honomokai are those I have given, not the N Hinemanu they never had anything do with that land, never worked there”. Williams asked then why did Raniera Te Ahiko give evidence and mention nothing of Mahuika being subject? Pakapaka replied that it was Te Ahiko’s account and that her and Temuera’s accounts differed from his.<sup>375</sup>

Williams then brought up an oft quoted statement from Noa Huke, speaking as Ngāti Hinemanu (and Mahuika according to Pakapaka), in which he said that he had no land east of the Taruarau river. Yet he and his family lived and at that time continued to live at Owhiti in Heretaunga. Pakapaka countered that “Noa tried to get the better of my ancestor Te Pouatanoa, he got people to kill him, Te Wanikau and others”. She denied the occupation of Williams’ clients in the Omahaki block because according to her they had no right, “Noa himself said he had no right”. She knew that Arona and his other clients had not occupied the block because of information provided to her by Raniera Te Ahiko and Noa Huke. Williams asked: “You say they had no occupation because you never heard they had?” To which Pakapaka responded: “I have only one reply. Raniera & Noa themselves said they had no right.” Williams wanted to know “if my clients say they had occupied and collected food there what would you say?” Pakapaka was adamant that they were lying: “He korero parao, parao, parao.” Williams questioned her integrity: “Have you ever told a lie in Court?” Taken aback she replied: “Tell me when I did.” Pakapaka remained firm that only the Ngāti Mahuika associated with her had ever occupied the land, although she could not say for precisely how long although it was years. Williams reminded her that her agent, JM Fraser, said that the land had never been occupied permanently. She replied: “That is because the people went away. There was permanent occupation for a year or two any way, the pas surrounding this belonged to it. It is only since Europeans came that divisions were made – the pas were outside of it, there was permanent occupation because when this land in its native state it was all one.”<sup>376</sup>

Pakapaka’s cross-examination by Donnelly’s lawyer, TW Lewis, proceeded after Williams. Pakapaka believed that the hapu name of the people owning Omahaki was Ngāti Honomokai, although not all had a right only Ngāti Honomokai and Ngāi Te Upokoiri. “There was a division, Waata Rakaiwerohia had a right through the occupation of his

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<sup>375</sup> Omahaki hearing 1896, Napier MB 49: 28; Napier MB 50: 148 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 125, 183.

<sup>376</sup> Omahaki hearing 1896, Napier MB 50: 149-150 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 184-185.

ancestors. He is my husband but that was not his right, it was ancestral. His ancestors occupied the pas I mentioned. Tuakoirunga(?) was a descendant of Honomokai, he occupied. It was through his occupation and that of his descendants that Waata had a right.”<sup>377</sup> Lewis asked if this branch of Honomokai occupied the same lands as Hinepare? Pakapaka stated that it was true in the past but they separated. Lewis maintained that this branch of Honomokai was a part of Hinepare, while Pakapapa countered that while Honomokai lived with Hinepare it was in Hinepare territory but that was no longer the case. She stated that her husband went with Ngāi Te Upokoiri to Manawatu and they were the last to return, they had been married away from home. According to Lewis at the Pirau hearing she had stated that her husband returned when Ngāti Hinepare went to Manawatu with Paora Kaiwhata, but she denied saying it. She stated that she thought Waata had occupied Omahaki and had heard from her elders that Rangimanahanaha and her husband Matekitawhiti, the generation before Waata, had occupied the block.<sup>378</sup>

Pakapaka stated that there were other occupants of the pa Pakapaka had previously mentioned such as Te Popowai and Te Huia, they were all tupuna of his younger brother Te Matekitawhiti. All the brothers had the same right to the land. She noted that “were it not for modern surveys the lands would be one”.<sup>379</sup> Lewis repeated again that she had stated in Pirau that Te Waata had gone to live with Hinepare. Pakapaka responded: “I said he went back to Manawatu – I said they came here lived at Pirau and subsequently went back to Manawatu. Rangiteiriao was Huekahurangi’s child. I don’t know whether a man or woman. My elders told me Rangiteiriao lived on this land sometimes and sometimes on other lands of Honomokai.”<sup>380</sup>

Pakapaka set out her whakapapa to show the complexity of individual descent. The hapu of Pakapaka’s father, Aperahama Kaipipi, was Ngāti Honomokai and Ngāi Te Upokoiri, Ngāi Te Uranga through Mahuika, Ngāi Taraia, Ngāti Hinepare and Ngāti Hinemanu. Tarahē II belonged to Ngāti Hinemanu as he was a descendant of Te Umuwhakapono. She claimed that Te Ora, Te Umuwhakapono, Hohaia and Te Oiroa, ancestors of her allied claimant Wi Broughton, occupied Omahaki seasonally as “the character of the occupation was living for a

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<sup>377</sup> Whakapapa provided from Tuakoirunga who begat Te Matekitawhiti who begat Te Rereti (who married to Rerepari [Ngāti Hinepare]) and their son was Te Waata Rakaiwerohia.

<sup>378</sup> Omahaki hearing 1896, Napier MB 50: 151-152 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 186-187.

<sup>379</sup> When she’s saying survey she really means the NLC process.

<sup>380</sup> Omahaki hearing 1896, Napier MB 50: 153 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 188.

couple of years at one [place] then move to another”. Hohaia and Te Oiroa are noted in the Blake whakapapa series as Ngāi Te Upokoiri but also Ngāti Paki through the marriage of Hemo to Te Ora.<sup>381</sup> At the Owahaoko C subdivision hearing Hoana Pakapaka stated that the Ngāi Te Upokoiri tupuna Te Umuwhakapono lived at Omahaki (amongst other places). She also claimed that there “were no boundaries between Matapiro Omahaki and Owahaoko and on to Awarua Nos 1 and 2 so I have heard”.<sup>382</sup>

Lewis asked Pakapaka if they had no permanent kainga? “Everyone’s occupation was the same. Living at places for a time and then moving.” Lewis noted that the descendants of Te Ora and Hohaia, previously noted as listed by Blake as Ngāti Paki, were awarded a large interest in Awarua for their permanent occupation. Pakapaka commented that it “was the nature of their occupation there and they were awarded it as N. Hinemanu – they were Ngāti Hinemanu tuturu, they were not called N Honomokai and Ngāi Te Upokoiri. They were pure N Hinemanu – that is Te Ora and Hohaia. I mean that N. Hinemanu did not come under the name of N. Honomokai and Ngāi Te Upokoiri.” She noted that Tiaki, the brother of Tauranga, also had a right to the land. Before Pakapaka’s lengthy cross-examination ended, her lawyer JM Fraser sought to clarify with her regarding her final discussion regarding Te Ora and Hohaia. Were Te Ora and Hohaia so-called “pure N. Hinemanu and not called N. Honomokai and Ngāi Te Upokoiri?” She said it was a mistake, she thought Lewis had asked if Ngāti Hinemanu came with Ngāti Honomokai to Omahaki. She wanted to clarify that Umuwhakapono was Ngāti Hinemanu, but he was also Ngāi Te Upokoiri and Ngāti Honomokai. Fraser also wanted to know where Te Rere who married Rerepari lived, she replied “Omahaki pas belonged to Te Rere and his matuas, he lived at Komangarakau pa”.<sup>383</sup> In light of Pakapaka’s evidence she was followed by Tamata Tautahi who strove to add more claimants to the list of ownership for the block, specifically Rangipo Mete Kingi and Hera Te Upokoiri. Their mutual descent from Te Umuwhakapono with Wi Broughton was presented as evidence but the Court declined to admit Kingi and Hera Te Upokoiri:

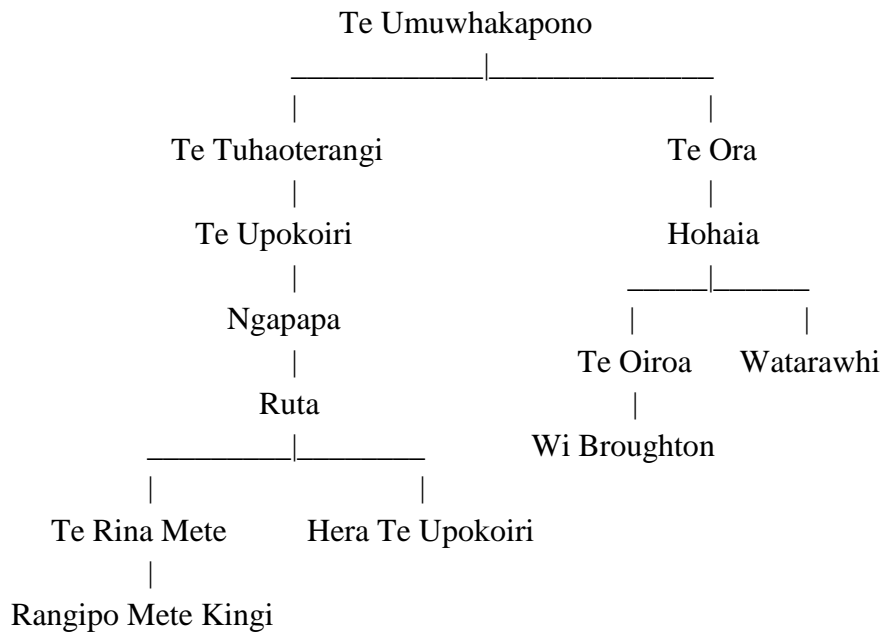
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<sup>381</sup> Wai 2180 E1(a), 49- 50, 74-75.

<sup>382</sup> Owahaoko C partition hearing 1894, Napier MB 34: 254, 270.

<sup>383</sup> Omahaki hearing 1896, Napier MB 50: 154-157 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 189-192.

Figure 28: Mutual descendants of Te Umuwhakapono<sup>384</sup>



Before closing his case Fraser made a number of references to similar Honomokai cases in the Mangaohane and Owahaoko blocks. The evidence was almost completely from Anaru Te Wanikau with one reference to the evidence of Rora Te Oi. The first reference was to Te Wanikau and Te Oi's evidence in the first Mangaohane investigation in 1885. Both references elaborated on the Ngāti Honomokai connection to the land, with Te Oi's specifically noting the whakapapa of Te Ora and Hohaia through to Wi Broughton as well as Rawiri Te Hoeroa, Matetahuna, herself and others. In this reference the connection of Ngāti Paki to Mangaohane by Te Oi, a witness for Kawepo, was also noted: "the hapus I have heard that were living on this land were N' Hinemanu, N' Honomokai and N' Paki".<sup>385</sup> Te Wanikau's evidence in the first rehearing of Owahaoko in 1887 provided extensive whakapapa from Te Ohuake through Honomokai to Te Wanikau but also a number of other Ngāi Te Upokoiri claimants such as Kawepo and Donnelly.<sup>386</sup> Fraser submitted Te Wanikau's evidence from the Mangaohane rehearing in 1890 which he claimed that Hohaia was the only person from Ngāti Honomokai/Ngāi Te Upokoiri that remained at Mangaohane when all others went into exile in the Manawatu. Te Naonao and Te Wanikau's evidence from the 1888 Owahaoko rehearing also sought to prove Hohaia's interests in the Mangaohane. Te Naonao's evidence noted that Hohaia and Wi Te Ota had returned to Heretaunga from Patea.

<sup>384</sup> Omahaki hearing 1896, Napier MB 50: 156 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 191.

<sup>385</sup> Mangaohane hearing 1884, Napier MB 9: 256-257.

<sup>386</sup> Owahaoko rehearing 1887, Napier MB 12: 286.

Te Wanikau's evidence at the 1888 rehearing sought to separate the Ngāi Te Upokoiri from Heretaunga and Ngāi Te Upokoiri in Patea but it is not clear that there was such a clear separation. Fraser finally closed his case after submitting the ownership lists for Owhaoko C and Honomokai in which all of his clients had interests. The Owhaoko C, Timahanga and Mangaohane blocks were all presented as part of the Honomokai estate. Curiously, in the 1884 Mangaohane investigation Raniera Te Ahiko provided boundaries for Honomokai that included Mangaohane, Owhaoko and Timahanga but excluded Te Koau as well as more of the core Heretaunga heartland of Omahaki, Matapiro, Otamauri and other Honomokai lands.<sup>387</sup>

*Hana Hinemanu's evidence and cross-examination*

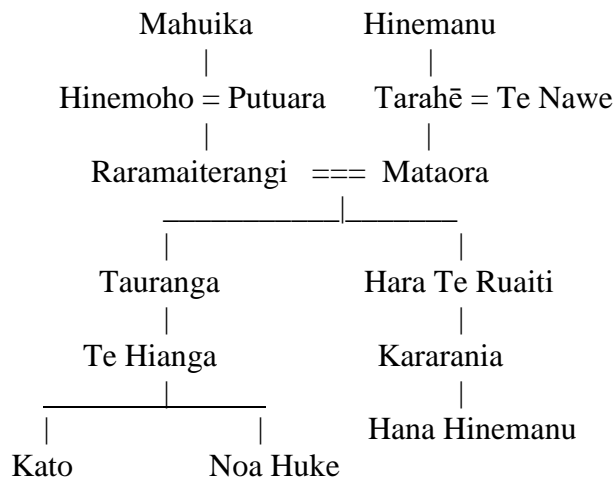
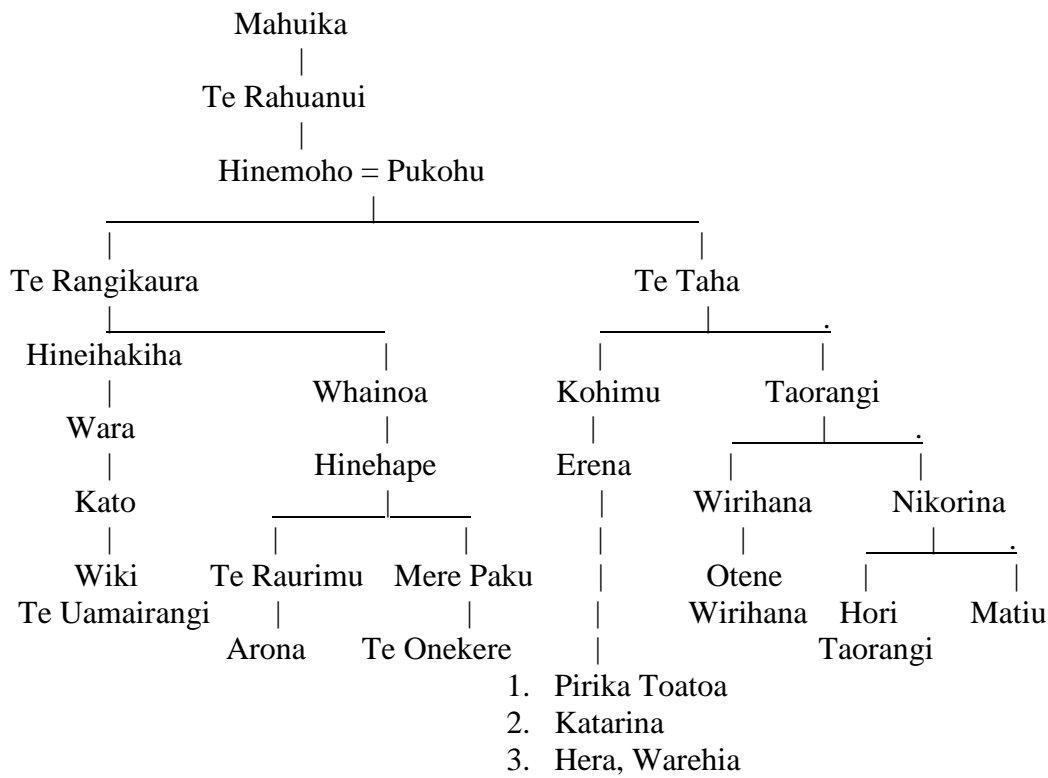
Williams then opened his case on behalf of the Ngāti Mahuika (and clearly Ngāti Hinemanu) interests and called Hana Hinemanu, the wife of Te Whaaro's brother Irimana Te Ngāhoa. She claimed through Ngāti Hinemanu and Ngāti Mahuika by occupation and ancestry. She claimed on behalf of other relations as well and showed all of their descent from Mahuika: Noa Huke, Te Kato, Te Wiki Te Umairangi, Arona Raurimu, Pirika Toatoa, Katarina Raurimu, Warihia Rota, Te Otene Wirihana, Hori Taorangi, Meihana Taorangi and Mere Paku.

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<sup>387</sup> Owhaoko rehearing 1888, Napier MB 16: 185, 223; Mangaohane partition 1890, Napier MB 20: 435, 437, 439, 443; Te Koau 1900, Napier MB 53: 136.



Figure 29: Descent lines of Ngāti Hinemanu and Ngāti Mahuika claimants in Omahaki<sup>388</sup>



She claimed that the lands of Mahuika were at Omahaki, Otamauri, Matapiro, Waitio, Owihiti and Timahanga. She then proceeded to explain the connections between the tupuna claimed in her whakapapa and the Omahaki block. Hana Hinemanu noted that the tupuna Te

<sup>388</sup> Omahaki hearing 1896, Napier MB 50: 158-160, 172 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 193-195, 207. Adjustments have been made to the whakapapa provided in the minutebook. Whainoa was presented as the sister of Rangikaura when Whainoa was his daughter. The generation of Raramaiterangi and Mataora were missing so they have been added along with Mataora's parents Tarahē and Te Nawe, and his grandmother, Hinemanu: Wai 2180 E1(a), 10-11.

Rangikaura, the great-great grandfather of Wiki Te Umairangi, lived at Manawataku, Tuawatea(?), near the mouth of the Omahaki stream where it emptied into the Ngaruroro. This was the same location as Komangarakau noted by Pakapaka. Wiki Te Umairangi's great grandfather Hineihakiha and grandfather Wara lived at Owhiti. Hineihakiha and Wara also lived at Matapiro, which she claimed belonged to the descendants of Mahuika. Whainoa, the great grandmother of Arona Raurimu, had a permanent kainga at Makeo according to Hana Hinemanu in what she termed as Otamauri. Other sources indicate Makeo pa was in the Kohurau block.<sup>389</sup> After a dispute with her sister about her husband, the tupuna Te Taha, the great grandmother of Pirika Toatoa, went to live at Tuawatea on the Omahaki block. They lived at Whanawhana (in the north of the Otapahi block) and Makeo and then gathered food at Omahaki before moving to Matapiro. Te Taha's son, Kohimu, lived at Owhiti and parts of Heretaunga like Kihiao inland at Ruahine in the Manga-Rangipeke block, then moved back to Owhiti. Taorangi, the grandparent of Otene Wirihana, lived on Omahaki but would often travel to visit friends and gather food at different unnamed kainga. She claimed that Te Wirihana, Otene's father, and his brother had not been on the block. Kohimu had been on the block more than once, especially when they escaped Heretaunga to Patea. He later died escaping from Otaparoto. Raramaiterangi, Hana Hinemanu's great grandparent, had kainga at Makeo, Tuawatea and Purarauhe, near the mouth of the Paparauponga stream on the eastern boundary of the Omahaki block facing the Otamauri block. Raramaiterangi and her husband Mataora are missing from the whakapapa provided in the Minute Book. They should be in the generation above Tauranga and Hara Te Ruaiti.<sup>390</sup>

There are some minor discrepancies with Hana Hinemanu's whakapapa if it is contrasted with the evidence of Wi Wheko at the Awarua partition hearing in 1890. According to Wheko, Mataora, a Ngāti Hinemanu ki Heretaunga tupuna born in Heretaunga but who lived for many years in Patea, had six children: Tauranga, Kaukino, Hara Te Ruaiti, Wehewehe, Taorangi and Kohimu.<sup>391</sup> Using that information Walzl assumed that all six were the children of Raramaiterangi and Mataora.<sup>392</sup> According to Hana Hinemanu, Te Taha also married Mataora. Te Taha has been credited with the response to the killing of Amiowhenua,

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<sup>389</sup> Norm Elder, "How Kuripapango got its name," Hawke's Bay Museum archives in Kāweka and Gwavas CFL lands customary interests report document bank (b), 90.

<sup>390</sup> Omahaki hearing 1896, Napier MB 49: 29; Napier MB 50: 158-160, 172 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 126, 193-195, 207; Wai 2180 A12, 134-135.

<sup>391</sup> Awarua partition hearing 1890, Wanganui MB 18: 250.

<sup>392</sup> Wai 2180 A12, 135.

killing many in Weka's party.<sup>393</sup> The children of Mataora and Te Taha were Kohimu and Taorangi.<sup>394</sup> Kohimu married Tangatahe, a child of Tuterangi, from Ngāti Hinemanu ki Heretaunga. Their child was Erena Ngatukuku, who was taken at Pākake in 1829 to Waikato as a prisoner. Ngatukuku occupied the land and was grown up when she was captured. Taorangi married Te Ao and Hakake, the latter was the mother of Wirihana and Te Kohina who belonged to Ngāti Whatuiapiti. Wirihana Toatoa married Erena Rangiotaina of Ngāti Raukawa. Although Hana Hinemanu stated that Taorangi had died at Owhiti, Wi Wheko claimed at the Awarua partition hearing in 1890 that he had died at the battle of Whiti-o-Tū.<sup>395</sup>

Hana Hinemanu then turned to discuss food gathering sites on the block. She claimed there were fern root grounds and kumara cultivations. At Tuawatea was Te Uawhaitara, a bird catching site near the water, but the name extended to the bush as well. Hana Te Ruaiti, Hana Hinemanu's grandmother, lived at Owhiti but when she went to Patea she stopped in Omahaki. Hinemanu's mother, Kararaina, and others including herself lived at Maungarei which was located in the Omahaki block. Hana Hinemanu lived there for a year, which she said was a considerable time and her eldest sister's children were born there. Her uncle [mother's brother], Pirimona Urukahika, set up the pou with Ihakara Te Raro, Hiraka Rameka, Te Kaipō, Wiari Turoa, Te Herewini and others at Whanawhana which she claimed was just outside the Omahaki block, when it was nearly at the southern edge of the next block to the east, the Otamauri block. The pou was raised in response to Hapuku's planned alienations of land in the area. She claimed that Tauranga and Hianga visited the block continually to gather food, and to travel through to Patea and to visit Makeo pa in the neighbouring Kohurau block. They gathered birds, eels and weka, as well as titi from Kohurau. She then noted some of the names of places on the Omahaki block: Mangapapa where there is 'uku' (slippery clay), Ihupiri ("which is so steep that when going up one's nose almost touches the ground, hence the name"), then the descent was to the Makaretu(?) stream, then on to the Paparauonga stream. The Purarauhe cultivation was located on the Paparauonga stream, which also had a fernroot gathering site and kumara cultivations. Above Paparauonga was Tuawatea where there were some cultivations. Tu Ua a Whaitara still further up was a bird snaring site (already stated). "The road then runs along the open till

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<sup>393</sup> Omahu hearing 1890, Napier MB 19: 104-105.

<sup>394</sup> Wai 2180 E1(a), 11.

<sup>395</sup> Awarua partition hearing 1890, Wanganui MB 18: 251; Omahaki hearing 1896, Napier MB 50: 171-172 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 206-207.

it reaches the Omahaki river, near the mouth of that is Manawarakau, no the name is Tauarakau. There is Mangarei just on the eastern side of the Omahaki river – that is where we lived.” When the heke returned from Manawatu they lived there long enough for Ani Paki’s child, Pukeiti, to be born there, and Maraea Karaitiana also had children born on the block. In addition they also lived regularly at Owhiti and also at Kuripapango. Williams asked why Ani Paki came to live on the block. Hana Hinemanu replied it was because she was Ngāti Mahu, “one of the proper owners but they are not mentioned as it was decided they could not appear” as they had not made a claim in writing. “The reason we all went there was that we all came from Manawatu and our mother Kararania said this was Mahuika land and she took us there.” She, Pirika Toatoa, Arona Raurimu and others hunted for pigs and shot pigeons regularly even after their return from Patea and their occupation had never been challenged.<sup>396</sup>

JM Fraser proceeded with his cross-examination of Hana Hinemanu following Williams’ leading of his witness. She began by plainly stating that the land belonged to Mahuika and Honomokai but her take was under Mahuika. Fraser wondered whether she could name any other block belonging jointly to both Mahuika and Honomokai? “Timahanga was one and the Court disallowed the N. Hinemanu case in Timahanga and they put in certain Mahuika who were said to be under Honomokai – we were thrown out – the appeal was withdrawn.” She had not heard from her elders that Timahanga and Owahaoko had jointly been owned by both. Fraser was very doubtful. She replied that she was only noting under which take Timahanga was claimed. The Court then asked her if she now claimed that Omahaki belonged to both Honomokai and Mahuika which she admitted. The Court inquired whether she had been told that information from her elders or from NLC evidence. She claimed she had heard it both in Court and from her elders although they did not specifically mention any others blocks jointly owned.<sup>397</sup>

Fraser remained sceptical about the rights of descendants of Mahuika to lands east of the Taruarau. Hana Hinemanu had heard in the the NLC and from her uncle Pirimona that Honomokai and Mahuika both had rights in Owahaoko and Timahanga. Fraser countered that she had testified in the Owahaoko C ownership determination of interests that Mahuika had no

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<sup>396</sup> Omahaki hearing 1896, Napier MB 50: 161-163, 172 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 196-198, 207.

<sup>397</sup> Omahaki hearing 1896, Napier MB 50: 164-165 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 199-200.

rights in Owhaoko.<sup>398</sup> She replied that was right at the time because she was claiming under another take in that block and so she then objected to the claim through Mahuika:

JM Fraser: “Notwithstanding your father told you had, do you consider it right in setting up claims to hide(?) from Court, claims antagonistic to yours?”

Hana Hinemanu: “I am speaking now of my right in Owhaoko.”

JM Fraser: “When you said Mahuika had no right to Owhaoko was your evidence true?”

Hana Hinemanu: “I did not say that descendants of Mahuika had no claim to Owhaoko. I hear that on Timahanga and along the banks of the Ngaruroro Mahuika descendants had a right. I did not set up Mahuika in Owhaoko which is on Ngaruroro as Ngāhoa was my right.”<sup>399</sup>

Hana Hinemanu tried to explain to Fraser the multiple lines of descent which nearly all claimants had to use in the convoluted NLC process. This was the same line of attack which Te Whaaro endured in the NLC investigations for Mangaohane, Motukawa, Awarua and other blocks.

Hana Hinemanu discussed the movements of her family during the migrations to and from the Manawatu. Her mother, Kararania Te Nawe, used to live at Awarua and Otamakapua but had recently moved to Owhiti. She also lived in the Manawatu and went through Patea as the rest of the heke did. Kararania returned after the fight at Pakiaka in 1857. Hana Hinemanu herself returned before 1847 and lived with Noa Huke at Te Pokongau(?) before all of Ngāi Te Upokoiri returned from Manawatu. She did not know what year she went to live on the Omahaki block. After being prompted by Fraser that she had told the Court that she had lived on the Omahaki block, she confirmed that she had with others on their way back from Manawatu to Heretaunga. Fraser questioned how special that was, because the main trail to Patea went through the Omahaki block. He questioned whether travelling through the block provided one with rights? Was the only knowledge she obtained about the land when she was travelling through? Hana Hinemanu replied that she had heard from her grandmother while they were coming along the road and her mother had also told her about their rights to the land.<sup>400</sup> Fraser charged that the places she had described were all well-known resting places, but she also had some very specific descriptions of the nature of the clay soil for example. She replied they were cultivations, and nobody else was cultivating

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<sup>398</sup> Owhaoko C partition hearing 1894, Napier MB 34: 306.

<sup>399</sup> Omahaki hearing 1896, Napier MB 50: 166-167 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 201-202.

<sup>400</sup> Omahaki hearing 1896, Napier MB 50: 168-169 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 203-204.

there except Hika Akatarewa who was tending to sheep. He was Ngāti Tama and thus had no right to the land, he was allowed by Kawepo and Huke.

Fraser then turned to her choice of Ngāti Mahuika as a descent line that was not as widely accepted. She stated that at Owhiti she had claimed as Ngāti Hinemanu but she was “from Mahuika – our particular section are called N. Mahuika”. Fraser challenged her saying that only people called Ngāti Mahuika are those who have no connection to Ngāti Hinemanu such as Raniera Te Ahiko, Temuera, Taumona, and Te Ora. She replied that it was only in Court to which he referred as she and her people had been called Mahuika before. She pointed out that Whainoa, the great grandmother of Arona Raurimu, and Hinehape were both women descended from Mahuika. Hinehape married Taukawheke, a descendant of Ngāhoa. She stated that they lived both at Omahaki and at Awarua. Her first cousin, Wi Wheko, had similar connections on both sides of the Ruahine range. Fraser asked if they were permanent residents of Awahaehae in the Awarua Block. Hana Hinemanu replied: “Taukawheke lived at Awarua, his children were born here before they went there. Their kainga was Owhiti, Raurimu was born at Awarua.”<sup>401</sup> Williams followed next and led his witness through a few more questions to counter Fraser’s cross-examination.

Williams and Hana Hinemanu had an important discussion about the nature of Ngāti Hinemanu interests that straddled both sides of the range:

Williams: “Mr Fraser has put it to you that several of the ancestors lived at Awarua, and at the other side (western) of the range – why did those people come to Omahaki?”

Hana Hinemanu: “Taukawheke and Te Urukahika were descendants of Taraia [II], father of Hinemanu. Mahuika our right by which we live at Patea, I can trace from Hinemanu to Mahuika.”

Williams: “I assume Hinemanu has no right this side of Taruarau, by what right did the descendants of Mahuika and Hinemanu come to the east of Taruarau?”

Hana Hinemanu: “Mahuika was our right in Patea and Hinemanu at Heretaunga. Some of the descendants of Mahuika objected to us. N. Hinemanu lost their case at Timahanga.”

Williams: “I am speaking of a time before Land Courts, did the N. Honomokai or N. Mahuika connected with them ever object to the descendants of Mahuika crossing over from Patea to this side of Ruahine?”

Hana Hinemanu: “No.”

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<sup>401</sup> Omahaki hearing 1896, Napier MB 50: 170 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 205.

Williams: “Did they cross more than once?”

Hana Hinemanu: “We all came back from Manawatu – N. Hinemanu and the grand descendants of Mahuika live at Omahu now.”

Hinemanu and Williams both attempted to convince the Court that their interests on both sides of the range did not prevent them exercising their rights in the Omahaki block. At this point even TW Lewis, Donnelly’s lawyer, admitted that they had for many generations occupied lands at Heretaunga and at Patea.<sup>402</sup>

#### *Court Decision in favour of Honomokai descendants*

Williams summed up his client’s case by noting that Arona Raurimu and others had ancestral rights while Hana Hinemanu had actually been on the land. They had shown proof of food gathering and continuous occupation. He charged that Honomokai recognised Mahuika. Williams presented evidence from the Owahaoko and Timahanga hearings which emphasised the joint ownership of land between Honomokai, Mahuika and Hinemanu. He questioned why it mattered if they had been based at Patea in Awarua, when they had lived at Owahi so long they were secure in their tenure. He asked the Court to find that Mahuika had rights to land “on this side” of the Taruarau river, meaning the east side. He contended that Mahuika and Honomokai were brothers who lived together “on perfect equality living now at Owahi and possessing Whanawhana”. Williams claimed that their rights to the Heretaunga side of the range had never been disputed, they continued to fish and hunt on the land and the fact they were not included in Timahanga did not preclude them from being included in Omahaki.<sup>403</sup>

TW Lewis then attempted to clarify the confusion regarding Mahuika. He believed that at that time there were two groups of Mahuika descendants, “those who are from junior branches who became subject to Honomokai and those intermarried with Hinemanu,” he believed the latter were those that Williams represented. He felt that Mahuika had a right but that the descendants of his intermarrying with Ngāti Hinemanu became incorporated into Hinemanu. In his estimation, Kuripapango belonged to Honomokai and Mahuika owned all the land “seaside.” Lewis maintained that Noa Huke “would not say that the [seaside] part

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<sup>402</sup> Omahaki hearing 1896, Napier MB 50: 173-174 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 208-209.

<sup>403</sup> Omahaki hearing 1896, Napier MB 50: 183-186 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 210-213.

was owned by Uamairangi”. He contended that when the heke returned from Manawatu, one section of Mahuika returned with Ngāti Honomokai and one with Ngāti Hinemanu, as Noa Huke had previously said. Lewis believed that Huke had never claimed any land east of the Taruarau river through Mahuika, and had not attempted to show any difference in title to Tahunui (east Owhaoko) or Timahanga, which he still believed was the same as Omahaki.<sup>404</sup>

Lewis considered the evidence of Raniera Te Ahiko more trustworthy than others because it was in his own interest to elevate Mahuika but he did not do so. But surely the real reason was because he could just as easily claim descent with Honomokai and that is what had worked in successive cases around the area? Lewis maintained that because Honomokai and Mahuika had never been found by the NLC to own lands together, they could not possibly have ever had any rights together. But were they not brothers? He also pointed to the changing nature of claims to descent from the same people: “In Awarua they claimed through the same as N. Hinemanu and disclaimed any right through Mahuika – they are precisely the same persons now claiming here as Mahuika. They got large interests in Awarua and claimed through the same line for three or four generations.” He challenged Hana Hinemanu’s knowledge of the block and charged that she admitted to living either in Awarua or Owhiti (all her kainga) and that Omahaki was between the two. They never permanently occupied Omahaki, but who did? He believed that her ancestors closely identified with Hinemanu and not Te Upokoiri. In relation to the birth of Ani Paki’s child he stated that being accidentally born somewhere does not give you any right. He then turned to the Timahanga case where they claimed through Mahuika and Hinemanu but relied primarily on Hinemanu. The same claimants had failed in Timahanga and withdrawn their appeal which showed, according to Lewis, that they lacked ownership rights. The Upokoiri/Honomokai lawyers focused strictly on the Timahanga investigation, and emphasised that it should be used as the basis for ownership in the Omahaki block.<sup>405</sup>

Although there is no copy of the decision available, the Court ruled in favour of Honomokai for Donnelly, Wi Broughton and Anaru Te Wanikau’s cases and against Williams’ clients claiming through Mahuika and Hinemanu stating that they did not show occupation. Lawyers for the winning cases made extended submissions on how the block

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<sup>404</sup> Omahaki hearing 1896, Napier MB 50: 186 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 213.

<sup>405</sup> Omahaki hearing 1896, Napier MB 50: 187 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 214.



should be split, with varying emphasis on either the Owhaoko C or Timahanga investigations. JM Fraser and Lewis came to an agreement where each of the owners on their list would have equal ownership. Their proposal was not accepted by ALD Fraser, Anaru Te Wanikau's lawyer, because he only had 5 owners so the area his clients were to receive would be smaller. Using the principle that Timahanga and Omahaki were customarily the same, ALD Fraser argued at length using the shares distribution of Timahanga that his clients should have far more than 5 shares especially considering their alleged importance in terms of the ownership of the block. JM Fraser questioned Anaru Te Wanikau's rights to Timahanga as he had no ancestral right through Honomokai but because he had sheep and structures on the land the Judge provided him a portion. This can be contrasted with the experience of Winiata Te Whaaro who was later expelled from Pokopoko. JM Fraser believed that Owhaoko C, Mangaohane and Timahanga formed part of the Honomokai estate and the distribution should reflect all three blocks.<sup>406</sup> Without providing any rationale the Court provided somewhat of a compromise between the successful parties. The descendants of Te Uamairangi would receive 2 shares, those of Honomokai but not of Te Uamairangi would receive 1 share, and descendants of Honomokai and Mahuika but not of Te Uamairangi would receive 1/3 of a share. For Lewis and Donnelly's group that equated to 18 shares, 27 shares for JM Fraser's group and 8 shares for ALD Fraser's group making a total of 53 shares. The group represented by Wi Broughton came out the best.

In the end the names on the Omahaki ownership lists were: Maata Kato, Temuera Rangitauma, Areta Taora, Te Hina Karaka, Anaru Te Wanikau, Meri Tawhara, Atauta Kaingakori, Wirihana Tipene, Hera Tipene, Wi Broughton, Keita Ruta, Waata Rakaiwerohia, Amopo te Mina, Waipu Te Moata, Riria Waipu, Karena Te Ruataniwha, Heta Hakiwai, Wi Hakiwai, Reingaatu Hakiwai, Rora Te Oiroa, Apirana Te Uruorangi, Watarini Hohaia, Hoana Pakapaka, Matetahuna Tiopira, Hoeroa Tiopira, Roka Huke, Hiraani Te Hei, Pineaha Mokihi, Apirana Te Umorangi, Tuihata Raurimu, Huriwai Raurimu, Retete Tahuri, Pane Te Uruorangi, Ihaia e Ngira, Heni Mokokino, Hanara Ihaka, Kereona Tawhitu and Taimona Te Arai. The appeals of the following were dismissed: Arona Raurimu, Wiki Te Uamairangi,

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<sup>406</sup> Omahaki hearing 1896, Napier MB 50: 376 in Kāweka and Gwavas CFL lands customary interests report document bank (b), 238.

Pirika Toatoa, Kataraina Raurimu, Warihia Rota, Te Otene Wirihana, Hana Hinemanu, Hori Taorangi, Meihana Taorangi and Mere Paku.<sup>407</sup>

## Te Koau

The title to Te Koau was investigated in 1900 six years after the Timahanga block that had also been a result of the 1890 Awarua Commission report. It is located high in the Ruahine range and lies to the northwest of the Otaranga block and southwest of the Omahaki block. At its peak a total of 19 parties claimed the block but over the course of the hearings some withdrew their claims or joined with others while some other parties split off to set up their own cases such as Winiata Te Whaaro. In the end there were 12 parties claiming the block. Those 12 cases could be split into about four groups with shared interests. The largest group were the five cases claiming through Ngāti Honomokai: Paea Teaho, Papi Nikora and others; Hera Te Upokoiri; Pene Te Ua and Nepe Te Apatu; Hoana Pakapaka and others; and lastly, Anaru Te Wanikau. Ngāti Hinemanu had three cases: Matenga Pekapeka and Hiraka Rameka, Wiki Te Uamairangi and others and Winiata Te Whaaro. The other three cases each had fairly distinct take: the Ngāti Te Whatuiapiti claim was made by Arihi Te Nahu on behalf of herself and others; the Ngāti Hinepare claim by Paora Kaiwhata; and the Ngāti Whiti case made by Hiraka Te Rango. The judgement of the Court issued to those claiming through Ngāti Hinemanu. This eventually came to include Winiata Te Whaaro who had previously only claimed through Ngāi Te Ohuake and Ngāti Paki in the area rather than Ngāti Hinemanu. Clearly by 1900 it was apparent that appeals to the Court to recognise Ngāti Paki would not succeed. An appeal made in 1905 to challenge the distribution of the ownership interests was not upheld.<sup>408</sup>

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<sup>407</sup> List of Grantees, Omahaki block, 30 June 1898, Hawke's Bay Museum archives in Kāweka and Gwavas CFL lands customary interests report document bank (b), 242-243.

<sup>408</sup> Wai 2180 A8, 11-14.

## Awarua o Hinemanu

The Awarua o Hinemanu hearing was one of the latest investigations of customary title to take place under the auspices of the Native/Māori Land Court. Located high in the Ruahine range, it is located to the west of the Otaranga block and north of the Ruataniwha North block. For decades members of the Ngāti Hinemanu communities on both sides of the ranges had complained that there were lands in the Ruahine range which had not been included in any investigations of customary Māori title and legally should not have been acquired by the Crown. The same situation that had led to the Timahanga and Te Koau investigations in 1894 and 1900 re-emerged again in the late 1980s/early 1990s. After the Māori Land Court and the Crown agreed that title had not been extinguished in this block of land high up in the Ruahine range, hearings were organised. The minutes of the proceedings have not been previously located by researchers in the Taihape Inquiry District and as a result they are dealt with in some detail here. It was decided that two hearings for the investigation of this at that time unnamed block would occur at Winiata Marae outside of Taihape and at Omahu Marae outside of Hastings. These two marae represented the core communities of Ngāti Hinemanu on either side of the range.

Initially Judge Hingston presided over the investigation but during the first phase of the proceedings it was discovered that his grandmother and great-grandmother were ancestral owners of adjoining blocks.<sup>409</sup> This emerged at the Omahu hearing and he opened up the hui to allow for any objections to his continued role in the investigation. Those few who spoke up decided that he could still remain objective and that he should continue as the Judge for the investigation of title. He pointedly noted that if there were objections that a Pakeha Māori Land Court Judge should be appointed to the role. This revealed the difficulty of determining customary title in an unbiased manner. As a result, Judge Hingston disqualified himself from the investigation and Judge GD Carter took over sitting at the Winiata hearing.<sup>410</sup>

### *Omahu hearing*

Judge Hingston opened the proceedings at Omahu Marae by providing some background to the reason for the investigations, much of it canvassed in our previous

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<sup>409</sup> Wai 2180 A8, 187-188.

<sup>410</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 33-35 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 32-34.

paragraph. He claimed that the hearings would take place over four days at the two Marae but from the minutes consulted it seems that only one day was provided at each Marae. Judge Hingston noted that the purpose of the investigation was “to get people that think they have claims to this land to give evidence as to why the Court should decide that these people or those people, or whoever are the proper owners of the land”.<sup>411</sup> The manner in which Judge Hingston allowed for the presentation of evidence was quite different from the procedure employed in the investigation of most Māori land blocks in the region (and the country) earlier in the twentieth century and certainly in the late nineteenth century. Anybody could stand and speak at the hearing and there were no conductors or lawyers present. The transcript read much differently than classic late nineteenth and early twentieth century investigations of title.

Judge Hingston spent some time at the beginning of the Omaha hearing noting the different take that could be established to make a successful claim for the land. Although it could be argued that he greatly oversimplified the nature of the different take, especially the great exceptions which were made during the course of the NLC’s existence and especially in blocks surrounding the CFL lands such as in Pukehomoamoā, Mangaohane and Awarua. The different take which he listed were:

- 1) Right of discovery
- 2) Take tupuna
- 3) Take raupatu
- 4) Take tuku

These reflected the rights defined by Norman Smith discussed in Section 1. He also noted that occupation or ahi ka was necessary in addition to ancestral rights to prove a claim. Judge Hingston alluded to the difficulty of determining interests in such a secluded area: “In the Ruahines we would probably be lucky if we found people that actually lived up there permanently.” In that sense he considerably lowered the bar for the investigation of the block:

If a hapu exercised hunting rights or went up there to get their plants for medicine and used that area as though it was their own that would show sufficient occupation tied in with one of the take, that is they discovered it and they had been there ever since, that they had been there so long that it is a matter of ancestry.... There has to be two things that the Court is looking for, one – history, genealogy to show the Court that that land belongs to this hapu whoever is claiming because of one of those take. Secondly that

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<sup>411</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 1 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 1.

they continue right up to the Treaty of Waitangi right up until the nineties to exercise those rights, to ease the land to hunt, fish or take whatever they needed from it.<sup>412</sup>

With that said, Judge Hingston essentially opened the floor for the production of evidence.

Dave Kamau was the first to ask the Judge about some of the challenges that would present themselves in determining the ownership of the block. While Judge Hingston rightly pointed out that it was “a piece of Māori Customary land, it has no owners”, Kamau also rightly noted that there were “already trustees set up to take care of these blocks”. Kamau wanted to know what part they had to play? The block under investigation had been known since its partition from the parent Awarua block as Awarua 1C and it had its own trustees. But since the claim had been made that the block had not been included in any determinations of title, it had been placed in the care of the Māori Trustee. Amidst the confusion Kamau asked plainly: “Can the Court at this stage then guide us as to what we should do.”<sup>413</sup>

The Judge then set out the task before the claimants: “If any group of people, person here believes they have right to the land well I want to hear from them as to why they or their people should be included in the title. As the Registrar said earlier it is not common and people might find it hard, these were all done 100 years ago these determinations. What we are looking for is evidence of your people’s tupuna who are in that area, used this land if they used it and how long they used it for.” With what can only be described as a hint of understatement Kamau responded to Judge Carter: “Your Honour I can see one hell of a job to try and trace my ancestors to that land.”<sup>414</sup>

Tom Tuhi spoke next requesting an adjournment and pointing out the difficulty of the investigation. He wondered what kind of evidence could be used to prove customary interests, pointing to whakapapa, waiata and poetry.<sup>415</sup> His call for an adjournment was opposed by another speaker, Makuini Haeata. She spoke on behalf of “Keepa Winiata Te Whaaro family and Ngāti Hinemanu” who stated that they had months to prepare evidence and were ready to proceed. Haeata stated that she was ready to substantiate the claim with

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<sup>412</sup> Ibid..

<sup>413</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 3 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 2.

<sup>414</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 3-4 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 2-3.

<sup>415</sup> He commented on a waiata he had found: “It has been brought to my attention but I couldn’t translate it and it concerns a little dog, literally not a dog and yet a dog, using a dog as a focal point but this was written in poetry form. This is too heavy for me, I couldn’t even translate it. The only part I could translate is kuri but it wasn’t referred to as a kuri, it was called something else.”

NLC evidence: “there is whakapapa compiled within Court records that substantiate the claim of tribes and the ninety people that I claim in 1889 [?] were those 90 who originally were granted lands within the area of Awarua, Timahanga, Te Koau Waitutaki.”<sup>416</sup>

Wero Karena of Ngāti Honomokai based at Omahu was the first to speak at length. He began by discussing some of the Crown motives for acquiring the block after the Awarua block was heard and partitioned in the late 1880/early 1890s, mainly regarding the construction of the main trunk rail line. He then turned to the issue of customary interests<sup>417</sup>:

To substantiate ownership to it and I am going to make reference to circumstances and situations that occurred prior to Europeans coming to New Zealand. There is a mountain in the locality called Aorangi. Everyone is familiar with that mountain. One of the significant things of that mountain is, that there is a burial place on top the mountain. The history that my Grandfather told me, if there was a paramount chief that died...the bones were put together and that is where were taken to, Aorangi. On the land Te Koau itself by way of settlement there is an old Māori pa, on Te Koau itself there used to be an old man, I don't know the man but I will mention his name. His name was Tutewake [Tutewake was a witness at the 1922 Pukeititiri investigation], Ms Te Rito's Grandfather. My Grandfather told me that that man used to go from Omahu and go up to that land and be there for two or three weeks and come back with his game catches and distribute it to the people in this locality. In fact there is an old building on Te Koau land which still is in existence where he lived.<sup>418</sup>

Karena noted that the blocks surrounding the block under investigation all had very similar owners:

[T]he familiarity with this land is that Awarua, Te Koau, Timahanga and Owahaoko are basically all the same lands and they are basically owned by the same people. There is no differentiation of who owns those lands...if you come into the Owahaoko C blocks all the owners in that land are Ngāti Hinemanu from the Hawkes Bay area. As you move a little bit south to the Te Mahanga lands, the same owners exist in there. You go further south again you come to Te Koau block...Next door to that you have the Awarua Blocks and to the extreme south of that you have the Aorangi Mountain.<sup>419</sup>

Karena was correct when he noted some of the shared ownership amongst these blocks, especially Ngāti Hinemanu on both sides of the ranges. But Ngāti Hinemanu from the

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<sup>416</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 5 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 4.

<sup>417</sup> During the Judge's opening statements that day he referred to their flight over the land and described it as “tiger country” to which Karena responded: “If I could say this, you may have flown over it Sir, I have walked over it. Since 1958 I have walked over those hills. Just a little correction it is not tiger country, it is leopard country.”

<sup>418</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 6 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 5.

<sup>419</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 6-7 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 5-6.

Taihape area were also owners in those blocks, so it was not just Ngāti Hinemanu from Heretaunga. The nature of the ownership lists in these Kāweka and Ruahine range straddling blocks reveals a number of Ngāti Hinemanu in a number of blocks from both sides of the ranges. This reality provides some counters for the claim that the ranges were the dividing lines between people in Patea and Heretaunga.

Next Karena elaborated further on the food gathering which occurred high on the range involving the previously noted Tutewake. He also discussed a hot spring high up in the mountain, and about twenty minutes' walk from the spring was "an old Māori pa site south of the bush I am talking about".<sup>420</sup> It's unclear exactly where this pa site is but it would be located outside of the CFL lands area. On a separate occasion Karena noted that the hot spring was known as Waipiropiro.<sup>421</sup> Karena then continued discussing some of the main rivers and other natural features such as the Ruahine range which made up the block and pointed to the valuable evidence provided to the 1890 Awarua Commission.<sup>422</sup>

Judge Hingston and some of the claimants present then engaged in discussion about the ways in which a potential list of owners could be made. Kamau spoke up again and expressed his doubts about the ways in which to arrive at a decision: "As far as I am concerned I don't think we can arrive at any set of rules as to how people can be found that are owners...somebody was talking about whakapapa and waiata, I don't think that is going to get us anywhere." Judge Hingston countered that the Court was prepared to accept any evidence placed before it and felt that whakapapa and waiata could be "very helpful if it relates to incidents or people that might be buried on these lands, for that in itself indicates occupation or the use of it." Henry Tiopira asked if the owners of Awarua<sup>423</sup> had "some footing to make a claim on that?" and Judge Hingston replied that "they may well have". The Judge did not want to be drawn in too far on committing to any specific group yet but he admitted that the owners of Awarua could have a right and that "anybody in the original adjoining blocks must have some chance of establishing a relationship with this land". Joe Broughton then spoke up and noted that the people in Awarua would be "Ngāti Hinemanu or

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<sup>420</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 7 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 6.

<sup>421</sup> Hui with claimants at Omahu, 30 March 2019.

<sup>422</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 7-8 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 6-7.

<sup>423</sup> July Whenuaroa, another owner in the Awarua block, noted that the owners of Awarua must have some kind of right in the block. Awarua o Hinemanu hearing 1991, Napier MB 132 A: 9 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 8.

could there be other tribes?” Broughton stated that Owahaoko for example had been split amongst a number of iwi with Ngāi Hinemanu in the east, Ngāti Whiti and Ngāti Tama in the majority of the block and Ngāti Tuwharetoa to the north. Broughton then also noted the difference with the title to the Ohiti block in Heretaunga which was given, in his words, “to the tribe as a whole rather than cutting it up”. The Judge maintained that he would be open to any number of tribes being represented.<sup>424</sup>

In line with Broughton’s thinking a number of people spoke up about keeping the land together and not splitting it up amongst the many that would be entitled. Waata Te Rakau Werohia Kupa or Wally Kupa particularly advocated for keeping the land in one title: “It does not matter whether your share is big or small, whether you are Hinemanu, Rangitane whatever the case may be. I don’t see why we should be big share holders in one corner and small down the other”. Kupa acknowledged the kuia Pepi Kahui Carroll who spoke next. She brought up a very important point that concerns this Tribunal as much as it did that title determination: “My submission to you is to clarify the name of our ancestor Hinemanu. Our descendants are special descendants. I am the servant making the submission on behalf of the descendants of Ngāti Hinemanu. I support the statements that this our ancestor had a lot of land. I am not in agreeance that this land should be gifted to my male ancestor.” Others at the hearing include George Henry Culshaw, the first grandson of Raurimu Huriwai and Huriana Anaru and great grandson of Arona Raurimu (who featured in the Omahaki investigation) and his wife Rangi Tawhaki. Culshaw did not present any evidence.<sup>425</sup>

Numia August spoke next, her father was Paraire Tomoana (who she said was “of this place” and was Henare Tomoana’s son and was featured in the 1922 Puketitiri investigation) and her maternal grandmother was Akenehi Patoka of Ngāti Rangikoianake. August claimed that her whanau were involved in Owahaoko but it was unclear in which specific sub-division although most likely Owahaoko C. She said that she was “one of those that own a blade of grass, just a blade of grass”. August emphasised the location of the block as being on the Heretaunga side noting that it was significant that the land was in the “Hawkes Bay land district...the Hastings District Council area.” She asserted that “nobody else has a right to this land but the people living in this area and the fact that it is customary

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<sup>424</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 8-9, 18 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 7-8, 17.

<sup>425</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 10-11 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 9-10.



land also tells me that whoever is in the adjoining blocks must automatically go into this area”. August noted that Ngāti Tuwharetoa had some ownership stake in the Owhaoko block, but otherwise she seemed to emphasise the Ngāti Kahungunu ownership of the block focused on Heretaunga.<sup>426</sup> She made no comment about the interests from the Patea side and was focused on keeping Ngāti Tuwharetoa out.

Marei Apatu provided some more specific evidence than most of the previous speakers except perhaps for Karena. He claimed the land through the “hapu of Mataora, Hinemanu and Tarahē”. Setting out the claim in the manner of a much more traditional NLC investigation he claimed on behalf of his hapu and whanau “by way of ancestry, gift, ringakaha, bravery, toa” specifically through the tupuna “Mataora, Tauranga, Te Hianga, Hinekatorangi, Wiki Te Uamairangi”. That was from his great-grandmother’s side. He noted that Hinekatorangi had married Hare Nepe Apatu and they could trace their whakapapa to the third wife of Tuterangi. Apatu began noting the gifts for the lands in the Awarua block such as the gift of Ngatarua from Pokaitara to Tauranga. He was interrupted by Judge Hingston who wanted to know why their ancestors had cut this section out and left it out of Awarua? He asked: “Do we have to go beyond Awarua... Why did they stop there, that is what I would like to know.” Apatu felt it was more a survey error than a specific desire by their ancestors having left it out of the Awarua block. Judge Hingston did not seem to accept the reason as a mere survey error, but he felt there was some reason for the exclusion of the block from the Awarua title.<sup>427</sup>

Hape Lomax of Ngāti Hinemanu me Ngāti Paki spoke next noting that he had “lived under the shadow of the most important part of this whole block and that is the mountain Aorangi”. He emphasised the Takitimu waka and Ngāti Kahungunu links to the area through the early explorer and traveller Tamatea Pokai Whenua. Lomax also spoke of the Pacific roots of the name Awarua, claiming it stemmed from “Rarotonga Awarua... we have got Aorangi a mountain which we all know that was used for guiding the Takitimu canoe out here, Aorangi and Hikurangi”.<sup>428</sup> He stated that he had walked the Ruahine ranges and noted his whanau’s connection to the area: “My koro Wirihana Winiata Te Whaaro, he was at

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<sup>426</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 11-12 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 10-11.

<sup>427</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 12-13 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 11-12.

<sup>428</sup> “When you look back over the stern of the canoe you line up the two mountains and you will find NZ, Aorangi and Hikurangi and during the night you will use another name that is only found over in our area and that is Te Riu o puanga. You use that star to guide you over the bow when you lose sight.”

Pokopoko and it got burnt down and they were chased off of it, they lived there. My Great Grandmother Utanga Potaka was Utiku Potaka's daughter." Lomax addressed the intractable issue of ownership and also the challenge of Ngāti Hinemanu links right across the ranges, where did interests really stop or begin? "I get worked up, why do we have to argue, I know whose it is, I know where I am from. I am from here," referring to his Heretaunga roots embodied at Omahu marae where the investigation was taking place. He continued, "I am from there too," referring to the Patea side. "They didn't say the Hays Line is where we have to stand back." This referred to the result of the 1890 Awarua Commission which set the Hays line back to the Ruahine range. While of course the purchases in Heretaunga should have been surveyed correctly in the first place, to Lomax the pushing back to the Hays line did not diminish their connection to the lands over the ranges. He finished by noting the Kahungunu connection to the land, "and if you have got a right next to it I say that you have got a right in there." This could well have applied to the current task before the Tribunal.<sup>429</sup>

Colin Nepe-Apatu, the cousin of Marei Apatu and son of Rahira and Rangitoto Nepe-Apatu, struggled to understand how their elders could have left out this block and believed it was a conscious effort by the Crown to prevent Māori access to their lands. He felt that the "owners in the surrounding areas should also take ownership" of the block. Nepe-Apatu pointed to "Aunty Babe, Aunty Ira, the Winiata [whanau], the Fowlers, the Hunters, the Huriwai, the MacGregors, the Hanara etc." Nepe-Apatu included his own great grandfather as one of the main potential ancestors for the block. He pointed to the connections between Ngāti Hinemanu on both sides of the range noting that his grandmother, Pai Winiata "who comes from over at Taihape," was buried at Omahu. He wanted "the tribes from both sides of the range should get it and we still carry on as previously". It was unclear exactly which tribes he was referring to but most likely Ngāti Hinemanu. Nepe-Apatu felt that the investigation was only confusing matters, why not continue on as before but with the title in the hands of the original owners rather than DoC. Judge Hingston thought it was "an interesting idea...that the surrounding blocks should be entitled".<sup>430</sup>

Broughton then spoke again and felt that the origin of people on both sides of the range was due to "the fight at Rotoatara and the Ngāti Kahungunu and Ngāti Te Upokoiri and

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<sup>429</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 13-14 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 12-13.

<sup>430</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 14-16 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 13-15.

Hinemanu fled from this area and went to Inland Patea.” Lomax responded: “I don’t think they speak from this area Ngāti Hinemanu, that is Turangawaewae and Ngāti Hinemanu is over there. That is Tautahi’s area. Ngāti Hinemanu never come about until she married Tautahi and become...”<sup>431</sup> At this point the manuscript stops abruptly and the line of discussion goes back to Nepe-Apatu. What Lomax seemed to be saying was that Ngāti Hinemanu had been over the range in Patea long before the early nineteenth century battles which caused Ngāi Te Upokoiri and Ngāti Hinemanu (as well as nearly every other soul) to vacate Heretaunga/Ahuriri. As this report has previously stated, the Ngāti Hinemanu links in Patea date back to Hinemanu’s mother, Punakiao, who married Taraia II. Hinemanu was born in Heretaunga but moved to Patea and married Tautahi. Their children were born in Patea, some remaining and others returning to Heretaunga, such as Tarahē, to keep their fires burning. Some of Tarahē’s children, such as Mataora and Te Kea, then returned to Patea.

The discussion then turned to which surrounding blocks’ owners should be considered for inclusion. The Judge noted that it was surrounded by the Otaraunga, Te Koau, Ruataniwha North and Awarua blocks, but he felt that the more specific subdivisions from the parent block might be more suitable. Richard Steedman (Ngāti Hinemanu and Ngāti Paki who described himself at the hearing as “he mokopuna ahau na Winiata Te Whaaro”) pointed out to the Judge that the owners of Te Koau were in fact the owners of Awarua 1 when the Court went through a similar process for that title investigation in 1900. Ranui Rahari Toatoa, (the great grandson of Pirika Toatoa a claimant in many NLC investigations, the grandson of Tame Pirika and the son of Mataora Toatoa) supported Nepe-Apatu’s suggestion to keep the block intact as one but it was unclear which blocks he supported for inclusion on the title. Nga Pu-o-te-rangi Hohepa Te Whaiti, a descendant of Ngāti Kahungunu and Rangitane, similarly supported the idea of keeping the block together.<sup>432</sup>

At this point Herewini Tiopira, who stated he related to both Ngāti Paki and Ngāti Hinemanu, asked bluntly if the Judge had arrived at a decision but there was plenty more water to flow under the bridge before that could be determined. Nepe-Apatu then spoke up emphasising the Kahungunu basis for the land. More so than arguing about those from Patea,

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<sup>431</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 15-16 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 14-15.

<sup>432</sup> Alluding to the circumstances which had led to the block only being discovered recently he stated, “maybe it was supposed to happen that way, that block was left there to bring us all back together. Kotahitanga.” Awarua o Hinemanu hearing 1991, Napier MB 132 A: 16-18 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 15-17.

he seemed to be arguing against any interest being claimed by Ngāti Tuwharetoa. He stated “as far as I am concerned you cannot pick up that block of land and put it on wheels and wheel it off somewhere else”. He felt that the collective endeavour he was advocating was being undermined by looking at the specifics of other surrounding blocks. Lomax, while firmly rejecting the notion that there were any Tuwharetoa or Rangitane interests in the block, stressed a kind of unity. Difficult decisions would have to be made at some point.<sup>433</sup> I Karaitiana spoke next and challenged the majority of speakers on their use of “Kahungunu” as a take tupuna. She emphasised the female descent lines for example his wife Rongomaiwahine or other more notable descendants such as Hinemanu. “Do your homework properly and understand that you are direct to these whenua through your kuia.”<sup>434</sup>

After much discussion around the logistics of surrounding blocks’ ownership list, a return to more customary evidence began when Lewis Haines of Ngāti Hinemanu me Ngāti Paki (“ko taku mama Waipa Te Ngāhoa Winiata, taku Tupuna Te Ngāhoa Te Whaaro the son of Winiata Te Whaaro who is the cousin of all your tupuna who have not got mouths at this”) made a submission to the Court. Haines referred to Tamatea Pokai Whenua’s exploration of the area from Heretaunga. He discussed the naming of Te Koau by Tamatea in relation to a shag Tamatea saw on a cliff high in the Ruahine. Haines related the story of Tamatea’s release of his pohokura (lizard) at the Ikawatea stream. This Pohokura is tapu (sacred) and of special significance as a kaitiaki to the people of Patea.<sup>435</sup> Haines corroborated some of Tom Tuhi’s submission in relation to the kuri atop the range noting his mother and grand aunties had told him of a similar story, and emphasised the Hinemanu and Upokoiri links to the land.<sup>436</sup>

Waipa Te Rito, a descendant of Tarahē<sup>437</sup>, echoed the stories related by Karena earlier in the hearing. She confirmed that her grandfather, Te Mana Tutewake Rameka, used to travel over the range to Taihape and hunt for birds on the Awarua block. Te Rito believed that they should claim the land “under a hapu perhaps Hinemanu and its associated Te Upokoiri and associated sub tribes”. She stated that she had recently been reading Captain

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<sup>433</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 19-20 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 18-19.

<sup>434</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 20-21 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 19-20.

<sup>435</sup> Wai 2180 A52, 632.

<sup>436</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 21-22 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 20-21.

<sup>437</sup> “My grandfather was Te Mana Tutewake Rameka. From the union of Te Mana Tutewake and Tauaramata Peka came my mother Te Rito.”

Robert Blake's notebooks and found that Renata Kawepo and her great grandfather Hiraka Rameka had travelled around the area. Certainly the issues with Kawepo's claims to Patea lands was well traversed in a number of reports for the Taihape inquiry.<sup>438</sup> Waipa's nephew, Joseph Te Rito, presented evidence from his grandmother, Murirangawhenua. Her korero, which he had recorded on tape when he was younger, recounted the story of Tamatea's mokai, Pohokura, (or "ngarara"/lizard in her telling) escaping its calabash and growing larger as it charged up the Ngaruroro river. Te Rito spoke of the naming of Owhiti lake and, more pertinent to this report, the naming of Whanawhana and Kereru:

Ka tae atu te koroua nei ki tetahi wahi ka moea i a ia moe ana na ka whanawhana ona waewae, his legs were twitching when he slept. Tapangia tou te wahi ra ko Whanawhana. Ka haere ano te koroua nei te whai haere i tana tuatara na, ka tae ki tetahi wahi i reira i tupu mai etahi rakau na ki katoa nga rakau i te kereru Tapangia tou te wahi ra na ko Kereru.

This same gentleman [Tamatea] arrived at this place where he went to sleep while he slept he twitched his legs and from that, this place was named Whanawhana. He then followed his lizard or reptile creature until they arrived at a place where some trees were growing. And on these trees were a lot of pigeon, this place became known as Kereru.<sup>439</sup>

W Hakiwai shared a similar story to follow up on Joseph Te Rito's which corroborated the evidence regarding the release of Pohokura by Tamatea. Hakiwai also mentioned research he had conducted about the pa of "Ngāti Te Upokoiri and Hinemanu":

Starting from down here at Omahu, Potaka we get to Maraekakaho, from there we get to Matapiro then we get the Whanawhana that is further on again at the foot hills of the ranges... Whatiuri, Ponopono, Te Pa o Tamaheka. I have got Aorangi here I think that was a pa at the place you just mentioned in the block of Ruataniwha.

Hakiwai referred to the information being contained "in the history books" but it was not clear precisely which book Hakiwai was referring to.<sup>440</sup>

Wally Kupa, like many other speakers, spoke in favour of unity when determining the ownership of the block. He was frustrated with the process taking place during the hui: "we are having trouble to decide what we want to call ourselves whether it be Kahungunu or Hinemanu or whatever the name should be." Kupa's emphasis was on what he termed "Te Kotahitanga" or unity. He preferred the block to be called Te Kotahitanga over any other

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<sup>438</sup> Wai 2180 A6, 174-236.

<sup>439</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 24-25 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 23-24.

<sup>440</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 26-27 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 25-26.

iwi/hapu name. C Mohi spoke after Kupa and echoed his thoughts, placing stress on the bond created by a common ancestor. He particularly focused on Upokoiri rather than Hinemanu, but also left it open to other connections that could be relevant. Specifically for himself, Mohi stated that he descended from Manawakawa, Mihiroa, RahuNgāiterangi and Upokoiri. He noted the complexity of the issue even through a common ancestor because, just like many who had left their heartlands, “when Te Upokoiri broke up with her relations, her brothers and sisters they came down here and she took off to Taihape marrying a man from Tuwharetoa”.<sup>441</sup>

Judge Hingston, who understandably was not that well acquainted with all the surrounding blocks, repeatedly asked if anybody had information about the Otaranga block but received no response. He then had a cursory look at the Awarua title and noting the Awarua 4 awards furthest west of the massive block to those from Whanganui he expressed some confusion. There were no awards made to Whanganui related iwi/hapu/individuals in Owahaoko furthest to the east and bordering the block as Mrs Haeata pointed out to him later in the hearing.<sup>442</sup> At times during the hearing Judge Hingston was asked about how he would determine the interests in the block and he came back repeatedly to the take of tupuna and ahi ka. He pointed to the importance of urupa on the block to substantiate any claims: “It would be very helpful if somebody could point out on the land itself whether there are any urupa because of having urupa or burial caves in the like that indicates a very real association with the land.” Later Karena proffered that it would be a good idea for the Judge to visit some of the land on foot to see urupa and pa. Judge Hingston responded: “Whose was that pa site? That is what I want to know, not only that it was there.” Karena honestly replied: “I don’t know Sir.” The Judge stated that determining the ownership of the pa was “probably more important than seeing it.”<sup>443</sup> The difficulty of determining ownership was and is extremely difficult, especially if there were competing claims from different iwi/hapu/whanau. The multiple and divergent claims to pa near the Gwavas CFL lands is certainly clear evidence of that difficulty.

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<sup>441</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 27-28 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 26-27.

<sup>442</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 19, 30 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 18, 29.

<sup>443</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 23-24 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 22-23.

Te Awhi Winiata provided evidence about the pa in the region (as well as the geologically active areas of Pohokura) and specifically about pa located close to the Gwavas CFL lands that are the subject of much contention. Te Awhi was not from the Winiatas proper, as she noted she had married into the family. Her submission was related to the process of notification about the pa:

They had a Pa near the ranges. One day my husband received a phone call about twenty years ago...It was concerning logs belonging to that Pa. He said bring those logs here to my place and I said, No and to take those things back, they are sacred things like our sacred ancestors. Take them to a Museum, from that day until now I do not know who made that phone call. And I do not know what happened to those logs from that Pa. [Some are held at the Hawke's Bay Museum]...I think this Pa was somewhere near the ranges, Ngawhakarara ranges is it?

To which a number of attendees responded: "Ae, Ngawhakarara."<sup>444</sup>

Lomax believed he knew the name of the pa and spoke up, it was known as Koau. He posited that as the area was named by Tamatea Pokai Whenua and it established the rights of his descendants "to that pa site back in history which has been lost to us". Lomax thought it would be difficult to "say which one of our tupuna exactly stayed there but we must at least have an element of trade in the fact that it would have been one of our tupuna". Karena stressed that it would help the Judge in his determination to visit the land. As far as urupa were concerned he contended that Aorangi was the only urupa in the area of the block, "there was an unspeaking ancient land where the bones of our tupuna who died in this locality, were taken to Aorangi Mountain".<sup>445</sup>

Judge Hingston asked if Mrs Haeata who spoke earlier representing the Winiata whanau wanted to present any NLC minutebook references. She stated that there was a list of 90 owners accepted as owners of the Te Koau block by the Court. She also emphasised the Hinemanu links along with the Upokoiri links noted by Mohi earlier. She submitted as evidence whakapapa compiled by Patrick Parsons from the notebooks of Captain Robert Blake. Mrs Haeata noted the five tupuna under which claims were accepted to the Awarua block, and other related blocks such as Awarua Aorangi and Te Koau. As has been previously stated the Awarua block's tupuna were recognised as Tamakopiri, Ohuake, Whitikaupeka, Hinemanu and Hauti with Hinemanu (and according to the Winiata whanau

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<sup>444</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 29-30 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 28-29.

<sup>445</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 24 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 23.

today Ngāti Paki) interests furthest to the east of the block abutting the Ruataniwha North block. She identified that anyone with claims through Hinemanu and her husband, Tautahi, and their children Ngāhoa, Tukokoki, Pākake and Tarahē had a claim but so did many from Hauti, Ohuake and Whitikaupeka but not Tamakopiri. She then read out the list of the 90 owners of the Te Koau block so people could identify themselves to it. Haeata related how Winiata Te Whaaro Jr (also known as Hokowai Winiata) had asked her years before the investigation to inquire into a block of land that yet to be determined because it had not previously been investigated by the NLC. Hokowai had called this block of land Koau Waitutaki. She felt strongly that those people that are in the surrounding areas are those with ahika: “they have the right not just one tribe but several, not just one person but all the people...Hinemanu”.<sup>446</sup> Haeata was the last witness at Omahu. The day’s proceedings had been many and varied with a wealth of information provided on not only customary interests in the blocks but the methodological challenges of conducting such a process in the late twentieth century. The hearing then shifted to Winiata Marae.

#### *Winiata hearing*

The Court took a day’s break to drive through the ranges to Winiata Marae and sat on Wednesday 25 September 1991. The Winiata hearing was much shorter than the day at Omahu Marae but Richard Steedman provided some extensive evidence on behalf of the Winiata whanau. As discussed in the introduction to this section, Judge Hingston had to excuse himself from the proceedings when it was discovered that his family had interests in the surrounding blocks. Judge GD Carter stepped in at short notice and opened the proceedings by explaining the reason why a new Judge sat before them. Hape Lomax spoke first. Referring to the Te Koau appeal of 1905 which held that Te Koau and Awarua No.1 were part of one block, Lomax advocated that the owners of the block under investigation should be the owners of Te Koau to the north and west, Awarua No. 1 to the south west and Otaranga to the north and east of the block.<sup>447</sup>

Richard Steedman presented an extended submission on behalf of the whanau of Winiata Te Whaaro. He recounted some of the political history which marked the lands

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<sup>446</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 30-33 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 29-32.

<sup>447</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 38-39 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 37-38.



around the block including the defeat of Ngāti Hotu by Te Ohuake, Whitikaupeka and Tamakopiri driving them west of the Rangitikei river. Steedman stated that Te Ohuake's granddaughter, Haumoetahanga, married Whitikaupeka and their grandson was Tautahi. He continued that Te Ohuake's other granddaughter (and Haumoetahanga's sister), Punakiao married Taraia II and their daughter was Hinemanu who was born at Pukehamoamo in Heretaunga. Hinemanu was sent back to Mokai Patea and she married Tautahi, beginning the line of Ngāti Hinemanu. Steedman stated that "all of Ngāti Hinemanu can show descent from this marriage from Hinemanu and Tautahi". He noted the lines of descent from Hinemanu and Tautahi's four children: Te Ngāhoa, Tukokoki, Pākake, Tarahē and their connection to his "family that were alive at the time of the original judgments in this area approximately 1890". He then showed his own Winiata family whakapapa from Te Ngāhoa. He then turned to a map which he presented to the Court indicating kainga, pa, urupa and food gathering sites including:

- Tauwharepokuru (a kainga where titi were caught)
- Tapaewai (a kainga where Irimana Te Ngāhoa lived on caught birds)
- Orurea (kainga)
- Nga Roto a Kahurakira (kainga)
- Kokopunui lake (kainga and urupa)
- Kuratahi pa (where Moretapaki and his family lived at the time of Mangatoetoe)
- Titapu (a hill where Te Ihungaru was buried)
- Parapara (track which connected Mokai Patea and Heretaunga, which "in those days those tracks were on the ridges")

Steedman then listed the iwi/hapu awarded interests in the Awarua block noting Ngāti Paki in Awarua 1, 3B and 4.<sup>448</sup> Steedman felt that as the block under investigation was historically part of the Awarua block "and the owners of this land should be the owners of Awarua 1 who are of the Ngāti Hinemanu Hapu with the same relative interests". He pointed out that the large majority of shares in Awarua 1 went to Ngāti Hinemanu owners with Ngāi Te Upokoiri and Ngāti Tamakorako receiving tiny shares to represent their interests in the very south of the block.<sup>449</sup>

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<sup>448</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 40-42 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 39-41.

<sup>449</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 43 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 42.

Steedman then turned to assess the confusion over the different maps produced for the Awarua investigation that had caused errors noting the boundaries differed from map to map. His main point though was that the Ruahine range was meant to be the boundary of the Awarua block and similarly also the Otaranga and Ruataniwha blocks. This had been established in the 1890 Awarua Commission from which Steedman provided references noting that tupuna from both sides of the range gave evidence:

Nepe Apatu...said...Ruahine, known by natives of Heretaunga is the range running north and south and not any other range beyond that which is visible from Heretaunga is the Ruahine Range. Ruahine Range was considered the tribal boundary. The second quote is from Noa Huke marked No 3. He gave his evidence on the same day and I quote I am well acquainted with the boundary between the east and west natives, Ruahine Range was that boundary. The third was Winiata Te Whaaro marked no 4 and I quote Waitutaki is a recognised boundary between Heretaunga and Patea natives...the fourth quote is by Ihakara Te Raro...the boundary between the Patea natives and Heretaunga is Ruahine and not Otupae...Hori Niania [said] Te Tinoruahine really commences at Pohatuhaha. That stone Pohatuhaha can be seen from Omahu and Hastings. From Pohatuhaha the Ruahine extends to Rakautonga. He goes on further to quote the western boundary of the Heretaunga Natives is the Ruahine as I have described it.<sup>450</sup>

As was noted earlier in the report, on the basis of the evidence from those tupuna and others, the Royal Commission found that the boundary of the Otaranga purchase was the Ruahine and not the Otupae range. Steedman stated that just as the Te Koau block was awarded to those Ngāti Hinemanu in Awarua 1, so also should this new block.<sup>451</sup> Subsequently the Aorangi Awarua block was vested in the same owners as the Te Koau block and it, unlike part of the Te Koau block, had never been alienated so all of the original owners remained on the title. Steedman believed that the owners of Aorangi Awarua should be the same owners placed on the new block's title. Wero Karena agreed with Steedman that the Te Koau and Aorangi Awarua ownership lists should form the basis of the new block's lists.<sup>452</sup>

He felt that the Awarua Commission's conclusions were still valid but he also recognised the complexity of Hinemanu whakapapa being spread across the range: “[T]hey set the boundary as given to them by our Tupuna and it has been accepted ever since. So what I am saying we cannot now come along and say ‘pull that bit out and say that should actually

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<sup>450</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 44 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 43.

<sup>451</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 45 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 44.

<sup>452</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 54-56 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 53-55.

be over this side.’ Now when I talk about inland Patea and Heretaunga natives like most of us, there was a very fine distinction any way and obviously we of Ngāti Hinemanu are both. We straddle that range...we are one people on both sides of the range.” In recognition of that he felt Te Herenga would be a suitable name and concluded his submission.<sup>453</sup>

Graham Gummer, who’s mother Oiroa Arani Batley was adopted by “local man” Erueti Arani, made a lengthy submission recounting some of his own personal history. He felt that “Hinemanu Hapu” were not the only group that had rights in the block, pointing to potential Rangitane rights to the land in the surrounding blocks. Gummer discussed some of the well-trodden stories about Tamatea Pokai Whenua such as his role naming landmarks through Awarua after travelling there from Heretaunga through Ruahine. He alluded to the nature of the Taihape area that overlapped many different boundaries with Ngāti Tuwharetoa (amongst others) to the north, Whanganui iwi/hapu (amongst others) in the west and Ngāti Kahungunu to the east (amongst others) but this simplified a very complex situation that was perhaps more localised than Gummer indicated. Gummer incorrectly stated that Whitikaupeka was from Ngāti Tuwharetoa, while it has been said that he is from Mohaka as well as other sources from Patea but never Ngāti Tuwharetoa.<sup>454</sup> Gummer expressed doubts that there were any kainga on the block. He described it as an area of transit rather than any previous permanent residence. But he provided no evidence of this fact other than his own modern experiences on the land.<sup>455</sup>

Waipa Te Rito spoke at further length at the Winiata hearing, providing information about her great-grandfather Te Hiraka Rameka<sup>456</sup>, a descendant of Tarahē, Hinemanu, Tautahi and Upokoiri. She provided whakapapa from Taraia I through to Te Upokoiri and Hinemanu through Tarahē. Te Rito spoke of the importance of the Omahu investigation because they indicated that “whoever was in Awarua, was also in Te Koau.” She noted how in the Omahu investigation many had to prove their rights to the land that had been severed by their early 1800s migrations out of the area during the turbulent pre-Treaty period of the Mangatoetoe, Whitiotu, Pākake and Rotoatara battles around Heretaunga. Te Rito spoke of

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<sup>453</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 46 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 45.

<sup>454</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 48 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 47; Wai 2180 A12, 91.

<sup>455</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 49 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 48.

<sup>456</sup> “From him came my grandfather Te Mana Tutewake Rameka, the only male child, from him came my mother Muri Ranga Whenua Rameka Te Rito.”

how her tupuna Hiraka Rameka supported the take of whanau attempting to re-establish their rights:

He and his sisters accompanied by their parents roamed the Ruahine and Awarua lands mainly hunting birds, the flesh they preserved and the feathers they used to adorn their clothes and some of their weapons. The birds they snared were the kiwi, the kereru and the huia. Bush rats and native medicinal plants were also in plentiful supply.

She also commented on a taonga, a particularly special piupiu “adorned at the waistline with of the kiwi feathers acquired from the Ruahine/Awarua region” that her grandmother, Pirihira, owned.<sup>457</sup> Te Rito pointed to specific evidence from the Omahu investigations including from Noa Huke indicating he was born in the Ruahine/Awarua area at a pa called “Te Tara o Hinemanu” and noted his many journeys over the Ruahine range.<sup>458</sup> The hearings at Winiata concluded with Te Rito’s evidence.

#### *Court Decision in favour of Ngāti Hinemanu*

The following year in June 1992 Judge Carter issued his decision finding in favour of Ngāti Hinemanu. In the decision the Judge noted that Te Whaaro’s role in the Awarua Commission’s definition of an official boundary may have reflected an instinct to adapt to the NLC’s preference for strict boundaries such as those between claimant groups. Although the decision noted that the summit of the Ruahine was the boundary between “east and west Māori”, this may have reflected the same insistence by the Court for hard boundaries rather than an understanding of the fluid nature of Ngāti Hinemanu customary rights across the range. The Court found that during the hearings held at Omahu and Winiata the claimants had generally agreed that the ownership should be based on the neighbouring Awarua 1A, Aorangi Awarua and Te Koau blocks. The Te Koau ownership lists were based on the Ngāti Hinemanu lists from Awarua No. 1 as the basis for the ownership of Te Koau A. The Court in Te Koau had determined that the eastern part of Awarua No. 1 belonged to Ngāti Hinemanu. The ownership lists for Aorangi Awarua were similarly based on the Ngāti Hinemanu lists in the Awarua No. 1 block and Te Koau A. Since Aorangi Awarua was still in Māori ownership, the Court decided to award the title to the same owners as Aorangi Awarua. In this case the

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<sup>457</sup> “It hung over the fireplace in her living room, at times this piupiu did unusual things, when the weather was fine the strands of the piupiu would curl around each other and the kiwi feathers and the huia feathers would stand upright, when the weather was going to be rough the flax strands and feathers would hang loosely.”

<sup>458</sup> Awarua o Hinemanu hearing 1991, Napier MB 132 A: 59-63 in Kāweka and Gwavas CFL lands customary interests report document bank (a), 58-62.

additional minor interests that were awarded for example to Ngāi Te Upokoiri claimants in Awarua No. 1 were not repeated in the awards of Te Koau A and Aorangi Awarua.<sup>459</sup>

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<sup>459</sup> Napier MB 133, pp.17-22; Wai 2180 A8, 188-192.

## Conclusion

The land blocks that make up the Kāweka and Gwavas CFL lands and those directly surrounding them to the west in the Taihape District Inquiry represent a wide variety of customary interests ranging across a number of different descent lines. Five of the eight land blocks in the Kāweka and CFL lands were alienated during the early Crown purchasing process and had limited discussions of customary interests. Using the neighbouring land blocks that include evidence from Ngāti Hinemanu me Ngāti Paki and other tupuna in Awarua, Mangaohane, Owhaoko, Te Koau, Timahanga and Awarua o Hinemanu some further evidence has been collected on the early Crown purchases: Ahuriri, Aorangi, Otaranga, Ruataniwha North and Manga-a-Rangipeke; as well as early NLC investigations: Otamauri and Kohurau. A very limited amount of additional information was located amongst these voluminous NLC investigations but what was found was included in this report. The interests in the Kāweka and CFL lands through the early Crown purchasing and NLC evidence were a variety of Ngāti Kahungunu (Ngāti Hawea), Ngāti Whatuiapiti, Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomokai, Ngāti Pouwharekura, Ngāti Marau, Ngāi Te Ao, Ngāi Takaha and others. Evidence of specific discussions of the name Punakiao were not present in the Kāweka and Gwavas CFL lands in terms of claims to the land, but her children and their descendants were a key part of most blocks involving Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomokai and Ngāti Mahuika particularly. Winiata Te Whaaro's knowledge of the Ruahine range area was evident in his evidence to the Awarua Commission, the Awarua NLC investigations and the Te Koau NLC investigation. The Ngāti Hinemanu, Ngāti Paki and Ngāti Hauiti bird-snaring site Tauwharepokoru was located in the northwestern corner of the Otaranga block. Almost a decade after his last participation in a NLC investigation at Te Koau, Te Whaaro submitted a petition laying claim to the Ruataniwha North block. Although he did not make outright claims to the Otaranga and Ruataniwha North blocks prior to his petition there was evidence from the Awarua Commission of he and his elders' claims to land on the range and certainly his father's rights to land in the Ruataniwha North block as Ngāti Pouwharekura. The evidence though was certainly not conclusive.

## Conclusion

The determination of customary interests is a haphazard process even with the most complete information, and in the case of the Kāweka and Gwavas CFL lands the limited information available is reflected in the uncertainty of our determination. Located over two Tribunal District Inquiries with a third bordering directly on its western flank, the iwi and hapu of the wider region represent an array of descent lines. The main concern of this report was an analysis of the eight blocks which are part of the Kāweka and Gwavas CFL lands, and whether interests in the block were derived from Punakiao rather than her husband Taraia II. If we rely solely on early Crown purchases related and NLC evidence then there is limited evidence of claims made in the CFL lands using Punakiao rather than Taraia II, although he does not feature in all blocks either. The evidence in the early Crown purchases was especially limited in terms of descent lines claimed, while there was at least some information in the NLC investigations.

The early Crown purchases mentioned certain iwi (“Ngāti Kahungunu” mainly) and hapu and that was the extent of the discussion of customary interests. The Ahuriri block was sold to “Ngāti Kahungunu” but Ngāi Tawhao, Ngāti Hinepare, Ngāti Mahu and Ngāti Hineuru feature prominently. Information regarding descent lines was at least available to us via the 1922 Puketitiri NLC investigation where Tawhao, Ruatekuri, Hikateko, Huakirangi, Hineuru, Taraia II and Turauwha were used. Ngāti Hinemanu me Ngāti Paki claim they were excluded from any discussion of their interests in the Kāweka ranges edge of the Ahuriri block. A diverse set of iwi and hapu had interests in the Aorangi block such as Ngāti Te Whatuiapiti, Ngāti Hawea, Ngāti Honomokai, Ngāi Te Upokoiri and Ngāti Hinemanu. These were reflected in the descent lines used in the 1899 Aorangi Reserve NLC investigation where claims were made through Whatuiapiti, Honomokai, Te Upokoiri, Mahuika and Rangituouru (Honomokai’s son).

The Otaranga and Ruataniwha North blocks’ western boundaries were a source of misunderstanding and in their original boundaries would have clearly taken in Ngāti Hinemanu me Ngāti Paki interests as they existed in the later Timahanga, Te Koau and Awarua o Hinemanu blocks. The shifting of those boundaries to the Ruahine range following the Otaranga and Ruataniwha North Commission’s recommendations eventually produced those three new land blocks. The evidence regarding the status of the Ruahine range as the

boundary between Heretaunga and Patea interests was generally in favour but there was some evidence that challenged this commonly held position. The iwi and hapu affiliations of many of the sellers of the Otaranga block was provided by Raniera Te Ahiko and reflects a diverse set of customary interests including Ngāi Te Upokoiri, Ngāti Rangikoianake, Ngāti Kahungunu, Ngāti Kuha, Ngāti Hinepare, Ngāti Mahu, Ngāti Hineiao and at least one from Ngāti Te Whatuiapiti (Hapuku). The location of Tauwharepokoru noted by Te Whaaro and his ally Utiku Potaka in NLC investigations and the Otaranga and Ruataniwha North Commission was on the range but located within the Otaranga block. Te Whaaro's extensive knowledge of the Ruahine range area, the interests of his and Noa Huke's grandparents atop the range, and his claim further down to the east of the Ruahine range noted by the surveyor Henry Mitchell at the Otaranga and Ruataniwha North Commission provide some evidence for the Ngāti Hinemanu me Ngāti Paki claim to interests in the Otaranga block. The Ruataniwha North block had a similarly diverse set of interests to the Otaranga block: Ngāti Te Upokoiri and related hapu such as Ngāti Haumoetahanga, Ngāti Marau, Ngāti Te Ao and Ngāti Honomokai as well as Ngāti Pouwharekura and Ngāti Te Whatuiapiti. The Ruataniwha North block was defined by a number of discrete purchases made across the second half of the 1850s. Te Whaaro's father, Wi Turitakoto, had escaped with his brother from the region following Mangatoetoe and neither he nor his family appear to have been involved in those purchases. The Manga-a-Rangipeke block is often considered together with the Ruataniwha North block and it had a variety of iwi and hapu members as part of its selling group as in the Ruataniwha North block but it was generally recognised that Ngāti Takaha had the strongest rights to the Manga-a-Rangipeke block.

There was some more specific information in terms of descent lines for the NLC investigations. The Otamauri block was claimed through Te Mumuhu, a descendant of Taraia II and Punakiao, although no whakapapa was recorded in the minutes to show through which tupuna they claimed. The Kohurau block was claimed through the tupuna Tama Taita through the Ruapirau and Heretaunga-based Whatumamoā line. The Omahaki block was the only NLC block that was contested through different (though closely interrelated) descent lines and various parties claimed through Honomokai, Mahuika and Hinemanu with the award going to the descendants of Honomokai and some Mahuika. All three major descent lines were of course the children of Taraia II and Punakiao. Punakiao did not feature in the NLC evidence provided in the Omahaki investigation.



The Ngāti Hinemanu me Ngāti Paki claim is epitomised in large part by Winiata Te Whaaro as the most ardent exponent of Ngāti Paki in the NLC process in the late nineteenth and early twentieth century. He participated solely in NLC investigations on the Patea side of the ranges but he had strong interests in the area up to and around the Ruahine range. In his evidence to the NLC in hearings in Awarua, Owahaoko, Mangaohane and Te Koau his whakapapa connections to his Heretaunga side were used against him (amongst many other tactics, some very successful) to try to restrict his interests and those of his whanau in those blocks. This was a common line of attack throughout the NLC process. This was most strongly evident in his cross-examination during the Awarua partition hearing in 1890 when he recognised his whakapapa rights in lands at Omahu and Ohiti where he lived in the 1860s and 1870s but denied any occupation, as he put it: “I do not lay claim to any lands in Heretaunga. Not even the portion they gave me to dig on.” This can be contrasted with his extensive knowledge of the Ruahine range area and his repeated crossings and migrations over and back between Patea and Heretaunga. He was vital to the work of the Otaranga and Ruataniwha North Commission and the survey of the eastern boundary of the Awarua block. Then, in 1909, he wrote a petition to Parliament claiming interests in the Ruataniwha North block. He provided little detail of the grounds of his claim but his whakapapa through his father, Wi Turitakoto of Ngāti Pouwharekura, was certainly the strongest aspect of his interests in the block. One of the many payments made for the Ruataniwha North block were to “Ngāti Pouwharekura and Ngāti Marau” interests but neither the Turitakoto nor Te Whaaro names appear. In terms of the on-going customary interests of Ngāti Hinemanu me Ngāti Paki in the CFL lands, Terry Steedman’s submissions and our haerenga with the community attest to their continued use of the lands around the Kāweka and Gwavas CFL lands.

Overall there was limited evidence to show a specifically Punakiao-derived claim to the blocks that make up the Kāweka and Gwavas CFL lands. Nonetheless Ngāti Hinemanu me Ngāti Paki maintain that a lack of early Crown purchasing or NLC evidence does not equate to a lack of interests. They highlight especially the Ngāti Pouwharekura line with Ngāti Hinemanu me Ngāti Paki which has undeniable interests in the Ruataniwha North block. In 1890 Winiata Te Whaaro denied any occupation rights in Heretaunga, but in 1909 he made a claim to the Ruataniwha North block. These kinds of contradictions feature throughout the evidence gathered for this report and reflect our uncertain conclusion.

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