

BEFORE THE WAITANGI TRIBUNAL
TE ROOPU WHAKAMANA I TE TIRITI O V

Wai 785 #A25(b)
Wai 102 #A25 (b)
Wai 723 #D33

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of claims in Northern South Island (Te Tau Ihu) Region (Wai 785)

AND

IN THE MATTER of a claim to the Waitangi Tribunal on behalf of Ngati Tama Manawhenua Ki Te Tau Ihu (Wai 723)

HILARY AND JOHN MITCHELL

SUMMARY OF TE TAI TAPU REPORT (WAI 785, A25)

December 2002

WALTERS WILLIAMS & CO

Solicitors

PO Box 1654 DX SP22001

Telephone: (04) 495 9999

Facsimile: (04) 495 9990

Counsel: J P Ferguson

WELLINGTON

TE TAI TAPU: CHRONOLOGY OF SIGNIFICANT EVENTS			Mitchell Research References
Date	Events, Actions	Consequences, Impacts	
1828 - 1832	Ngati Rarua, Ngati Tama and Te Atiawa defeat Te Rato and his people at Te Tai Tapu before moving down the West Coast to subdue Ngai Tahu of Te Tai Poutini. A number of Tainui/Taranaki chiefs establish bases at or close to Te Tai Tapu: Niho Te Hamu (Ngati Rarua), near Paturau, Te Tai Tapu Riwai Turangapeke (Ngati Rarua) at Te Tai Tapu Takerei Te Whareaitu (Ngati Rarua/Ngati Tama) at Te Tai Tapu Wiremu Kingi Te Koihua (Te Atiawa) at Pakawau, Te Rae and West Whanganui Inlet Henare Tatana Te Keha (Te Atiawa) at Turamawivi (southern Te Tai Tapu). Hori Te Karamu/Herewini Te Roha (N. Tama) at Aorere and Tomatea Tanginui Pirika (N. Tama) at Aorere Tamati Pirimona Marino (Atiawa, Tama, Rarua) at Aorere and Taupata	Alliance of Taranaki (Te Atiawa and Ngati Tama) and Kawhia Tainui iwi (Ngati Rarua) secure Te Tai Tapu and Mohua; factions of the conquering parties establish pa and kainga, maintain ahi kaa and become nga tangata whenua hou.	13A, pp 3-18 14A, pp2-18
1836	Te Puoho ki Te Rangi (paramount chief of Ngati Tama) and his taua are escorted through Te Tai Tapu by resident chiefs, including Henare Tatana Te Keha and Wiremu Kingi Te Koihua of Atiawa, whose warriors ensured that the occupants of the local pa and kainga were protected from any skirmishes which might otherwise occur. Concurrently Niho Te Hamu hurried south to protect his own people and communities of Poutini Ngai Tahu at Mawhera and Hokitika where he built two fortified pa..	Local chiefs establish themselves as kaitiaki and protectors of their own people and of Ngai Tahu against possible ravages by relatives with warlike intentions.	13A, pp10-11 14A, pp11-14 (S P Smith said that Te Puoho had over 00 warriors and Niho over 200.)
Early 1830s	A child of Niho Te Hamu is abducted at Te Tai Tapu by a party of sealers, who are eventually caught and killed by a group of Niho's slaves at Toropuhi (just south of Kahurangi Point).		13A, p13
1839	Coal samples from Te Tai Tapu are shown to NZ Company officers at Queen Charlotte Sound by Tamati Ngarewa, Te Atiawa chief.	NZ Co becomes aware of one of the mineral resources of the Te Tai Tapu district.	13A, p12
1839	William Wakefield visits Kapiti and Queen Charlotte Sound to "purchase" tracts of land in central NZ. Te Tai Tapu identified by Te Rauparaha and Te Rangihacata as among the places that the chiefs were selling to the Company.	NZ Co claims ownership of 20 million acres on both sides of Cook Strait. Company's claims become the basis of ongoing disputes between Company officials, settlers and Maori	99-3, pp14-38
1840	Capt. F G Moore ships coal from West Whanganui to the Company's Wellington Settlement on the "Jewess". Riwai Turangapeke and warriors assist Moore in the mining and loading of coal. Riwai and his family assisted when a boat capsized.	Moore becomes partner of Te Paru, daughter of Riwai; they live together in Motueka for a period.	13A, p12

TE TAI TAPU: CHRONOLOGY OF SIGNIFICANT EVENTS			Mitchell Research References
Date	Events, Actions	Consequences, Impacts	
1844-1845	NZ Company's land holdings for the Nelson Settlement are confirmed by the Spain Commission as extending no further westwards than the Aorere River.	NZ Co and Crown have to face the fact that there are large tracts of unextinguished territory still retained as Original Native Title by tangata whenua iwi.	99-3, pp123-143 (re Spain)
1846	Thomas Brunner and Charles Heaphy set out from Nelson on NZ Co's first exploration of the western districts of the South Island. They are guided by Hone Mokekehu (Kehu) who is a Ngati Tumatakokiri slave of two Ngati Rarua chiefs of Motueka, Aperahama Panakenake and Te Kahuraupo Poria. At Pakawau Brunner and Heaphy realise that they require further assistance with their heavy loads and other demands of the arduous journey ahead; they recruit Tau, Poutini Ngai Tahu slave of the local Atiawa chiefs, Wiremu Kingi Te Koihua and his son Hemi Kuku Matarua.	Company regards the 151,000 acres awarded to it by Spain as inadequate and is desperate to locate suitable lands which it can add its limited holdings; Brunner and Heaphy's journey of "exploration" is one of many such attempts over the mid-1840s period.	13A, p13 14A, pp19-21
1846 1847	At West Whanganui, Niho tells Brunner and Heaphy that the whole of the West Coast to the south is his. On his next expedition to the West Coast, Brunner is told by his guides, Kehu and Pikiwati (both Ngati Tumatakokiri slaves), that Kawatiri (Buller) is the boundary between Niho's Te Tai Tapu, and Te Tai Poutini which they said was owned by Taiaroa, chief of Ngai Tahu.		14A, p30
1852	Matthew Richmond, Superintendent of Nelson, on behalf of the Crown, purchases several thousand acres of land between the Aorere River and the northern arm of West Whanganui Inlet and Cape Farewell. Richmond deliberately fails to disclose the value of minerals in the lands, for fear that such knowledge would escalate the price or perhaps even jeopardise a sale if the Government did not act in haste.	The deviousness in Richmond's dealings regarding the value of minerals in the lands dupes the vendors into relinquishing their land for a much lower value than it was really worth.	13A, p14
Oct - Nov 1855	Te Tai Tapu is specifically excluded from sales of interests in the South Island when McLean finally meets Ngati Tama and Ngati Rarua chiefs in October 1855.	Te Tai Tapu block is not caught in the large-scale purchases of the 1853-1856 period, and remains as unextinguished Original Native Title.	13A, pp14-15 13B, p6 99-3, p186
1858	James Mackay Jr regards Te Tai Tapu as belonging mainly to Ngati Rarua but recognises that interests in particular localities within the block are still held by factions of Ngatiawa and Ngati Tama.		13A, pp21, 85-86

TE TAI TAPU: CHRONOLOGY OF SIGNIFICANT EVENTS			Mitchell Research References
Date	Events, Actions	Consequences, Impacts	
1862	The Maori owners discover gold in the Otuihe district of Te Tai Tapu. The Maori owners advertise mining licences at £1 p.a. or 3 month or 6 month licences at proportionate rates. James Mackay Jr posts notices warning European miners not to occupy Te Tai Tapu land until legal occupation can be arranged by the Government.		13A, pp18-25
1862	Mackay "negotiates" an agreement with 2 Ngati Rarua chiefs, Riwai Turangapeke and Pirimona Matenga Te Aupouri, which gives the Crown wide-ranging powers "forever".	This "agreement" was a subterfuge which became the "thin end of a wedge" that eventually led to the alienation of the title to the Te Tai Tapu Block. This document is important and requires a detailed analysis to appreciate its impact.	13A, pp26-33
1863	Acrimonious debates erupt between Rarua and Atiawa chiefs over the respective rights at Te Tai Tapu of the two iwi (or factions thereof). James Mackay Jr mediates in the disputes.	The Tatana Te Keha whanau is recognised as having rights at Turamawivi over their cultivations and habitations and an additional coastal strip of approximately two square miles.	13A, pp33-34
1863	Allegedly because of the disputes between the iwi, James Mackay Jr assumes an authority beyond the powers of his office to collect the mining fees on behalf of the Maori owners of the Te Tai Tapu Block, but then breaches his own "agreement" with the chiefs by not paying "the whole amount" to them.	Mackay's assumption of control over the income from mining permits gives him further powers over the chiefs.	13A, pp32-40
1866 (November)	Te Tai Tapu is brought within the Collingwood Road District under the Country Roads Act 1866. When Te Tai Tapu was excluded from the McLean purchases in 1855, the owners had to agree to allow the Government to make roads through the block.	The provision for roads, which would be under Government ownership and control, is another weakening of the Maori tenure of the block.	13A, pp42-44

TE TAI TAPU: CHRONOLOGY OF SIGNIFICANT EVENTS			Mitchell Research References
Date	Events, Actions	Consequences, Impacts	
1867	Governor George Grey proclaims the extension of the Goldfields Act Amendment Act 1866 to cover the Province of Nelson, and delegates his powers in the matter to Oswald Curtis, the Superintendent of Nelson.	The statutory designation imposes yet another dilution of the autonomy and manawhenua of the Maori owners of the Block. Goldfield developments begin to require considerable capital inputs for large-scale sluicing activities. Larger companies take over most of the mining claims. Goldfields regulations also allowed the interests of the owners to be overridden by permitting miners to fell trees and otherwise exploit the various natural resources in the vicinity of claims.	13A, pp42-47
1868	Superintendent Curtis includes Te Tai Tapu within the Golden Bay Goldfields, and decrees that Goldfields Rules and Regulations apply.	Claimants believe that the imposition of some of these statutes are also a breach of the Treaty of Waitangi.	13A, pp48-50
1870s	The coal seams at Te Tai Tapu are exploited.	Further regulations are imposed which further reduce the owners' ability to control activities on their own lands.	
1872-1875	£31.0.0 listed as income from Miners' Right Fees, Native land in the Native Reserve Fund Accounts for Nelson, with £37.5.0 the following year. In 1873-74 £206.10.2 was spent from the Nelson Native Reserve Fund Account on "Road Contracts, Wakapuaka and West Whanganui" and £48 was spent from the same account on "Road Contracts" in 1874-1875.	Maori money from mining fees which is now being held in accounts controlled by Crown-appointed agents is being used for roading which assists, in the main, non-Maori miners and other commercial exploiters of the area.	13A, pp46, 46, 60-71
1873	Reef gold discovered at Anatori, Te Tai Tapu.	Discovery initiates a resurgence of political activity. Reef gold requires further intensive engineering development and capital expenditure, in addition to that required to retrieve alluvial gold.	13A, p47
1873	Governor further proclaims that Te Tai Tapu is to be brought within the statutory ambit of the Golden Bay Goldfields.	It was alleged that this further imposition was introduced with the agreement of the Native owners, although no record has been found by Mitchell Research of any such discussions with the owners.	13A, pp47-57

TE TAI TAPU: CHRONOLOGY OF SIGNIFICANT EVENTS			Mitchell Research References
Date	Events, Actions	Consequences, Impacts	
1874	Curtis, Superintendent of Nelson, issues proclamation allowing longterm mining leases of large blocks for reef mining, as well as applications for other activities such as exploitation of other minerals, agricultural pursuits, and commercial enterprises.	Such proclamation gives further freedoms to the mining companies to take over territories within the block and to exploit various natural resources without regard to alternative uses (traditional and otherwise) which might be preferred by the land owners.	13A, pp47-57
1875-1882	Amounts ranging from £24 to £53 per annum are recorded as "West Whanganui Golfeld Revenue". From 1876 leases and royalties make up the bulk of the revenue.		13A, pp58-71
1870s	Pressure on Maori owners to sell part or all of Te Tai Tapu. Owners do not wish to sell.		13A, pp71-80
1883	Native Land Court considers application to determine owners of Te Tai Tapu. Judge decides Ngati Rarua are the exclusive owners of Te Tai Tapu. Three Trustees (Henare Wiremu, Rore Pukekohatu and Tapata Harapeka) are appointed to represent interests of Ngati Rarua who are not normally resident at Te Tai Tapu.	Appointment of certain Rarua individuals as trustees overlooks the similar interests of many other factions within Rarua.	13A, pp81-83, 109-110
	Factions of Atiawa with absolutely no history of occupation at Te Tai Tapu are allowed to present evidence to the Court, and their claim is thrown out (as is proper). However, applications by other factions of Atiawa who did have ahi kaa roa/noho tuturu/kaitiakitanga connections to the Block are not admitted to the Court which dismisses their claims unheard.	The failure of the Court to admit evidence from certain Atiawa factions leads to their disinheritance. Similarly, factions of Ngati Tama are also disinherited of their interests at Te Tai Tapu.	13A, pp83-93, 111-112
1884	A title is granted in the names of those Trustees who had been identified in the Court Order.	The granting of a title meant that restrictions on sale of Te Tai Tapu have at last been removed.	13A, pp95-97

TE TAI TAPU: CHRONOLOGY OF SIGNIFICANT EVENTS			Mitchell Research References
Date	Events, Actions	Consequences, Impacts	
1884	Whole of Te Tai Tapu is offered for sale to the Crown and to the Nelson Provincial Government neither of which is willing to purchase. Soon after the Block is sold by the Court-appointed Ngati Rarua Trustees to a private syndicate headed by Alfred de Bathe Brandon the Younger, solicitor of Wellington. The purchase price was recorded as being set at £10,000, but Mitchell Research has not been able to find any evidence of the purchase money ever having been paid.	The acceptance of an offer to purchase is not surprising. Essentially the previous 20-odd years of increasingly draconian impositions of "agreements" and statutory impediments had effectively made the owners trespassers on the own lands. They had become owners in name only; in all other respects their freedoms to range over their own estates as they pleased had long since been extinguished, and much of the income being derived from the mining and myriad other activities now taking place on the Block was being controlled and spent by Crown-appointed agents, often on facilities and activities of little or no benefit to the actual owners.	13A, pp71-80, 95-102
1984	24,100 hectares of Te Tai Tapu purchased by the Crown and gazetted as State Forest Park. With the re-structuring of State agencies in the mid-late 1980s, this land is vested in the Department of Conservation.		13A, pp102-107
1993	DOC and The NZ Conservation Authority develop a proposal to create the Kahurangi National Park; the original proposal intends to include the residual titles of the Te Tai Tapu Block which were vested in the Department of Conservation.		
	Iwi object to Te Tai Tapu titles being included in Kahurangi National Park and are forced to issue a threat to injunct the whole gazettal process, until such time as the outcome of a claim to the Waitangi Tribunal is known.	The threat of injunction succeeds. Kahurangi National Park is created in the mid-1990s but all titles of the Te Tai Tapu sections and blocks held by Crown agencies are excluded in the interim.	
2002	SUMMARIES OF CLAIMS ISSUES		13A, pp107-115