

He Rangi Mauroa Ao te Pō: Melodies Eternally New

Ngā Rangi-Waiata a Te Aho: Ngā Waiata o te Māramatanga
Songs of Te Aho: Songs on the Theme of Knowing

Te Aho Claims Alliance (TACA): Oral and Traditional History
Project Number: 23161.001 21st February 2013

Prepared for:
Pita Tipene
Chairman TACA
Kawakawa
Bay of Islands

Prepared by:
Associate Professor Manuka Henare
Dr Angela Middleton
Dr Adrienne Puckey



RECEIVED

Waitangi Tribunal

12 Apr 2013

Ministry of Justice
WELLINGTON

Reports and results from Auckland UniServices Limited should only be used for the purposes for which they were commissioned. If it is proposed to use a report prepared by Auckland UniServices for a different purpose or in a different context from that intended at the time of commissioning the work, then Auckland UniServices should be consulted to verify whether the report is being correctly interpreted. In particular it is requested that, where quoted, conclusions given in Auckland UniServices reports should be stated in full.



**a wholly owned company of
THE UNIVERSITY OF AUCKLAND**

Special acknowledgement for Ester Tongs and the Marketing Services Department, The University of Auckland Business School, for their assistance in the design of the cover of this report.

Front cover image: “Kōauau (flute-like instrument)” reproduced courtesy of Museum of New Zealand Te Papa Tongarewa.

Contents

DOCUMENT BANK INDEX	8
LIST OF FIGURES	16
LIST OF MAPS	17
LIST OF CHARTS	18
LIST OF TABLES	18
INTRODUCTION	19
Ngā Mihi	21
HE RANGI MAUROA AO TE PŌ: MELODIES ETERNALLY NEW	24
NGĀ RANGI-WAIATA A TE AHO: NGĀ WAIATA O TE MĀRAMATANGA: SONGS OF TE AHO: SONGS ON THE THEME OF KNOWING	24
TE AHO CLAIMS ALLIANCE – A BACKGROUND	26
OVERVIEW	30
SOURCES AND METHODS	33
DOCUMENTED EVIDENCE	34
ORAL INTERVIEWS	35
FEEDBACK	35
NGĀ KAITUHITUHI ME NGĀ KAIRANGAHAU	35
SETTING THE ORAL TRADITIONS AND HISTORIES	39
PART ONE: I NGĀ RĀ O MUA	41
CHAPTER ONE, TE AO MĀRAMA	42
CREATION, IO MATUA KORE AND ATUA	42
TE WHENUA E TŪ MAI NEI	45
NGĀ KŌRERO O NGĀ HAPŪ	46
<i>Taumārere</i>	47
KO NGĀ MAUNGA	49
<i>Te Whare Tapu o Ngāpuhi</i>	50
NGĀ MAUNGA E TŪ NEI	52
<i>Ruapekapeka</i>	54
<i>Ngāti Hine Pukepukerau - Ngāti Hine of a hundred hills</i>	54
<i>Nama Tahi</i>	56
<i>Manukoroki – The warning call of the birds</i>	58
<i>Te Nohonga a Torongare</i>	59
ĒTAHI O NGĀ KAIARAHĪ	60
NGĀ TAKIWA ME NGĀ ROHE	61
<i>Waihāhā</i>	61
<i>Pouerua</i>	62
<i>Tautoro, te maunga Tōtoro i roto Kereru</i>	62

<i>Te tahi o Mōtatau, ko Unuwahao;</i>	64
<i>Akerama</i>	64
<i>Ruapekapeka</i>	64
RĀHIRI	65
MANA TANGATA ME NGĀ HAPŪ	67
PEOPLING THE LAND	70
<i>Ngāti Awa</i>	76
<i>Ngāi Tāhuhu</i>	77
<i>Ngāti Pou (Tohe)</i>	79
<i>Ngāre Raumati</i>	80
<i>Ngāti Kahu o Torongāre - The strategic significance of Whāngārei</i>	81
<i>Ngāpuhi</i>	82
<i>Tūrangawaewae</i>	86
<i>Ngāti Hine</i>	86
<i>Te Orewai</i>	92
<i>Tekau-i-mua</i>	93
<i>Ngāti Kopaki and Ngāti Te Ara</i>	94
<i>Ngāti Ngaherehere</i>	95
<i>Ngāti Te Tarawa</i>	95
<i>Te Kapotai o Waikare</i>	96
Te Kapotai links to other hapū.....	101
<i>Ngāti Pare</i>	101
<i>Ngāti Manu</i>	102
<i>Ngāti Kahu o Torongāre</i>	104
ASSOCIATED CLAIMANT HAPŪ	104
<i>Te Uriroroi (See Te Parawhau)</i>	104
<i>Te Parawhau</i>	104
<i>Ngāti Moerewa</i>	104
<i>Ngāti Rangī</i>	105
KĀINGA, MAHINGA KAI	108
NGĀ MARAE.....	109
<i>Matawaia, Pokapū Rd Matawaia</i>	110
<i>Ōtiria - settled between Moerewa and Ōrauta</i>	111
<i>Tere Awatea, Moerewa</i>	113
<i>Te Aroha Marae, Mangakahia</i>	114
<i>Mōtatau Marae</i>	114
<i>Mohinui, Waiōmio</i>	117
<i>Kawiti Whānau, Waiōmio</i>	118
<i>Te Rito Marae, Ngapipito Road, Moerewa</i>	119
<i>Maungarongo and Whatitiri maunga, Te Poroti</i>	120
<i>Tau Henare Marae, Pipiwai</i>	121
<i>Eparaima Makapi Marae, Kaikou</i>	122
<i>Maramatautini</i>	123
<i>Te Rapunga</i>	124
<i>Te Hahaunga</i>	124
<i>Te Kimihanga</i>	124
<i>Miria Marae</i>	125
<i>Te Whare o te Ahuareka</i>	125
<i>Waimahae Marae, Mōtatau</i>	126

<i>Te Piringatahi o te Maungarongo Marae, West Harbour, Auckland</i>	126
<i>Te Kapotai Marae, Te Turuki</i>	127
<i>Ngāti Manu Marae, Kāretu</i>	127
<i>Waikare Marae, Te Kapotai</i>	128
<i>Te Aranga o Te Paa</i>	129
<i>Ngāti Kawa, Oromāhoe</i>	130
<i>Ngararatunua, Kamo</i>	131
<i>Kaka Porowini, Te Terenga Paraoa Marae, Whāngārei</i>	132
<i>Mahuhukiterangi Marae, Tautoro</i>	133
<i>Ngāwhā Marae, Ōhaeawai</i>	133
CHAPTER TWO, NGĀ TANGATA O TE WHENUA.....	134
Ō MĀTOU TĀNGATA/ OUR PEOPLE	134
<i>Pōmare I, ?-1826</i>	134
<i>Pōmare II, ?-1850</i>	136
<i>Ruki Kawiti Whakapapa</i>	138
<i>Te Tawai</i>	144
<i>Te Tirarau Kukupa, ?-1882</i>	146
<i>Maihi Paraone Kawiti</i>	149
<i>Hare and Hariata Pōmare, fl. 1863-1864</i>	155
<i>Kaka Porowini and Te Paea Wiremu Kopa</i>	158
<i>Kirihi Te Riri Maihi Kawiti, 1877-1964</i>	164
<i>Taurekareka Henare, 1877/1878?-1940</i>	167
<i>Te Paea and Wiremu Hone Keretene (Cherrington)</i>	171
<i>Sir James Clendon Tau Henare, 1911-1989</i>	174
PART TWO: HE WHENUA RANGATIRA ME TE TAENGA MAI O TE PĀKEHĀ	181
CHAPTER THREE: HE WHAKAPUTANGA Ō NGĀ RANGATIRATANGA O NU TIRENI ME TE TIRITI O WAITANGI	181
INTRODUCTION	181
NGĀPUHI NUI TONU, IDENTITY ECONOMICS AND THE GLOBAL ECONOMY, 1 AD TO 1820 AD: THE MACRO ECONOMIC ANALYSIS, THE CONTOURS OF WORLD DEVELOPMENT	183
THE CONTOURS OF WORLD DEVELOPMENT.....	186
RANGATIRA ENCOUNTERS WITH PĀKEHĀ.....	189
NGĀ MIHINARE, 1814	192
CONTINUING OFFICIAL OVERTURES.....	198
<i>Rangatira letter to King William IV 1831</i>	198
<i>The British Resident 1833</i>	202
<i>Te Kara 1834 – the Flag of the United Tribes</i>	203
HE WHAKAPUTANGA O TE RANGATIRATANGA O NU TIRENI	208
WHAT WAS IN THE MINDS OF THE TŪPUNA?	213
KEY PRE-TREATY EVENTS 1835 – 1840	215
<i>The ‘Long Conversation’</i>	215
<i>Te Whakaminenga and hapū politics</i>	217
TE TIRITI O WAITANGI.....	218
<i>Premise and text</i>	218
<i>Texts and Translations</i>	219
<i>Papapounamu o ngā tūpuna</i>	221
<i>The Signing of Te Tiriti</i>	221

Tamati Pukututu	223
Kawiti	223
Pumuka	224
<i>Thursday 6 February 1840</i>	226
<i>Later Signatories from Te Aho Alliance Hapū</i>	227
Pōmare II.....	227
Kawiti and Tirarau.....	229
Te Hapuku.....	230
Te Heuheu	231
Te Wherowhero.....	231
THE LONG CONVERSATION CONTINUES	233
WHAT WAS IN THE MINDS OF THE TŪPUNA?	234
CHAPTER FOUR: THE IMMEDIATE POST-TIRITI YEARS TO 1846.....	240
INTRODUCTION	240
THE NORTHERN WAR 1845 – CAUSES.....	242
<i>The Governor’s Move to Tāmaki Makaurau (now Auckland)</i>	242
<i>Customs Dues, Anchorages Fees and Economic Decline</i>	247
<i>Tikanga or British Justice – a single system?</i>	248
<i>Old Land Claims</i>	250
<i>Māori understanding of the Old Land Claims process</i>	252
<i>Crown Pre-emption in Land Transactions</i>	253
NGĀPUHI DIVISIONS AND POLITICS	253
<i>The flagpole fellings</i>	255
<i>The rise of Kawiti</i>	258
<i>Kororāreka Battle</i>	266
Te Aho hapū participation in the 11 March 1845	266
CONSEQUENCES	272
THE NORTHERN WAR: SUBSEQUENT BATTLES AND PĀ ATTACKS.....	276
<i>Ōtuihu</i>	278
<i>Te Kahika / Pukututu / Mawhe</i>	282
<i>The Pā of Pumuka</i>	288
<i>Te Kapotai</i>	293
<i>Ōhaeawai</i>	297
Whakarongo	307
Waiata.....	308
Te Takuate a Kawiti.....	322
TAKAHIA TE RIRI KI RARO I O WAEWAE: PEACEMAKING	326
WHAT WAS IN THE MINDS OF THE TŪPUNA?	329
CONCLUSION	331
CHAPTER FIVE: TE TĀHAE WHENUA.....	333
BEFORE THE LAND COURT.....	333
<i>Beyond 1846</i>	333
<i>Old Land Claims Second Commission</i>	341
<i>Outstanding issues – scrip and surplus lands</i>	343
<i>Ōpua Lands</i>	345
<i>Crown Purchases 1850-1865</i>	347
<i>The Kohimarama Conference</i>	355
<i>New Institutions</i>	357

<i>District Rūnanga</i>	358
<i>The Mangakāhia Dispute, 1862-63</i>	359
<i>Kotahitanga</i>	367
CHAPTER SIX: TE AHO HAPŪ AND THE NATIVE LAND COURT	371
MANA WHENUA AND LAND COURT TITLE AWARDS.....	371
INVESTIGATIONS OF TITLE 1870s \1875	372
<i>Ngapipito</i>	372
<i>Puhipuhi, 1873</i>	372
<i>Ngapipito, 1875</i>	378
<i>Pipiwai, 1879</i>	379
<i>Ngararatunua, 1879</i>	380
INVESTIGATIONS OF TITLE 1880s.....	382
<i>Pukemiro No. 2, 1885</i>	382
INVESTIGATIONS OF TITLE 1890s.....	383
INVESTIGATIONS OF TITLE 1900s	383
<i>Ngaiōtonga 4/ Whangaroa 1902</i>	383
<i>Mōtatau 1, 1905</i>	388
<i>Mōtatau 2, 1903</i>	388
<i>Mōtatau 3</i>	392
<i>Mōtatau 4</i>	393
<i>Mōtatau 5</i>	396
<i>Maungapohatu, 1906</i>	409
TE KOOTI TANGO WHENUA: THE ROLE OF THE NATIVE LAND COURT IN THE NORTH.....	413
<i>Ko te ture mo te Whenua Papatupu 1874</i>	417
<i>Judges</i>	420
<i>Judges Decisions</i>	422
Maning and Maihi Kawiti.....	423
<i>Kaka Porowini and Land Court decisions</i>	425
CONCLUSIONS	431
CHAPTER SEVEN: OTHER GENERAL ISSUES.....	434
OLD LAND CLAIMS AND PRE-1865 CROWN PURCHASES	434
Old Land Claim estates	434
Pre-1865 Crown purchases.....	434
NORTHERN WAR	435
PUBLIC WORKS.....	435
<i>Kawakawa, Coal and the Kawakawa-Ōpua Railway Line</i>	435
<i>Tuhipa Scoria Ballast Pit</i>	443
<i>The 5% rule</i>	446
<i>Waiōmio Limestone Quarry</i>	447
<i>Schools</i>	451
Waikare.....	451
Ngāraratunua.....	455
Ōrauta.....	457
Mōtatau	463
Pokapū.....	465
Matawaia	466
NATIVE OR MĀORI LAND COURTS AND MĀORI AFFAIRS DEPARTMENT	469
<i>Mōtatau/Pokapū</i>	470

<i>Waiōmio</i>	471
<i>Ngaiōtonga</i>	472
<i>Te Horo</i>	473
RATING AND OTHER	476
CHAPTER EIGHT: E KŌRERO ANA NGĀ TANGATA: THE PEOPLE TALK	477
INTRODUCTION	477
TAU HENARE MHR	478
MAIHI KAWITI ESTABLISHES THE TOWN OF KAWAKAWA	492
TWO WORLD WARS	494
<i>First World War</i>	494
<i>Second World War</i>	495
EDUCATION.....	496
TE REO MĀORI	498
EMPLOYMENT OPPORTUNITIES IN THE DISTRICT	500
BUILDING THE MEETING HOUSE AT WAITANGI	502
MAINTAINING CONTACT WITH WHĀNAU WHILE LIVING OUTSIDE THE DISTRICT	505
FOOD SOURCES.....	506
HEALTH, HEALTH SERVICES AND RONGOĀ MĀORI.....	511
TRANSPORT.....	515
ELECTRICITY	517
LAND COURT, MĀORI AFFAIRS AND MĀORI TRUSTEES, DEPARTMENT OF CONSERVATION	517
<i>Mōtatau 5A2B2</i>	522
<i>The Amalgamation</i>	523
<i>The Sale</i>	524
LAW AND ORDER	525
<i>Māori Law</i>	526
<i>Māori Lore</i>	526
CHANGING PATTERNS OF SETTLEMENT, NEW MARAE DEVELOPMENT	527
FORESTRY	530
CHAPTER NINE: CONCLUSION	532
CONCLUSION	532
SUMMARY OF EVIDENCE	536
<i>Kaipara Interim Report</i>	537
<i>Te Aho experience</i>	538
BIBLIOGRAPHY	542
APPENDICES	558
APPENDIX 1: CLENDON’S LAND TRANSACTIONS 1830 AND 1837	558
APPENDIX 2: DESCRIPTION OF ŌHAEAWAI PĀ	564
APPENDIX 3: SUMMARY OF JUDGES OF THE NATIVE LAND COURT	565
APPENDIX 4: THE CLAIMS	568
<i>Claim Area</i>	568
<i>Overlapping claims</i>	568
<i>The Basis of the Claims</i>	568
<i>Summary of Claims</i>	570
<i>Profile of Te Aho Claims Alliance Statements of Claim</i>	580
<i>General claims</i>	585

<i>Summary of Individual Claims</i>	587
Wai 49.....	587
Wai 68.....	588
Wai 109.....	588
Wai 120.....	589
Wai 149.....	589
Wai 327.....	591
Wai 354.....	591
Wai 371.....	593
Wai 435.....	594
Wai 455.....	594
Wai 565.....	595
Wai 642.....	595
Wai 682.....	596
Wai 1440.....	597
Wai 1445.....	597
Wai 1464.....	597
Wai 1527.....	599
Wai 1547.....	599
Wai 1551.....	600
Wai 1709.....	600
Wai 1710.....	601
Wai 1972.....	601

DOCUMENT BANK INDEX

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
1	1	1-7	Grant Phillipson, <i>Preparing Claimant Evidence for the Waitangi Tribunal</i> , Wellington, 2004, pp.9-15.DB1
2	51	8-9	Wai 1040, #D5, 27 September 2010, pp.11-12.DB2
3	52/53	10-11	Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, p.3.DB3
4	66	12	Pipiwai 1907, WMB8, p.118, Pipiwai No.2, 23 Apr. 1907. DB4
5	70	13	Erima Henare, Otiria wānanga, January 2011, p.8.DB5
6	70	14	Erima Henare, Otiria wānanga, January 2011, p.8.DB6
7	77	15	See also Northern Minute Book (NMB) 30 1901, p. 68 for further whakapapa in respect of Maikuku.DB7
8	985	16	MLB TTMB 2, p.140. DB8
9	81	17-25	For further whakapapa and contextual information on Hineāmaru (and Torongāre), see, for example, NMB 39 1905 pp.77, 80-81, 84, 87, 91-92, 117-118; Henry Matthew Stowell MS Papers 0062-46, ATL.DB9
10	87	26	Kawharu, p.61.DB10
11	126	27	Pipiwai 1907, WMB8, p.138, Pipiwai No.2, 27 Nov. 1907. DB11.
12	139	28	Wai 1040, #D5, 27 September 2010, p.7. DB12
13	140	29	Wai 1040, #D5, 27 September 2010, p.9.DB13
14	142	30	Te Riwhi Whao Reti interview, p.2.DB14
15	148/149	31-43	<i>History of Te Kapotai</i> , pp.8-9 (un-numbered). DB15
16	153	44	Hau Tautari Hereora interview, 22 January 2010, p.3.DB16
17	154	45	Hau Tautari Hereora interview, 22 January 2010, p.2.DB17
18	199	46	Phillipson, 'Bay of Islands Māori and the Crown', p.254.DB18
19	200	47	Grant Phillipson, "Bay of Islands Maori and the Crown", 2009, p.8.DB19
20	241	48-82	Angela Middleton, 'Otuihu: An Outline from 1814 to 1845', Auckland, 2000, p.2; J. L. Nicholas, <i>Narrative of a Voyage to New Zealand: Performed in the Years 1814 and 1815 in Company with the Rev. Samuel Marsden, Principal Chaplain of New South Wales</i> , facsimile edn, 2 vols., Auckland, 1971 (first published ca 1817), p.207. DB20
21	245	83	Information from claimants, cit. Merata Kawharu, 'Te Tiriti and its Northern Context in the Nineteenth Century', an overview report commissioned by the Crown Forestry Rental Trust, 2006, p.172.DB21
22	286	84	D. Loveridge, 'The Knot of a Thousand Difficulties Britain and New Zealand 1769-1840', <i>Report for the Crown Law Office</i> , Wellington, 2009, p.43. DB22

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
23	289	85	Loveridge, p.44; Orange, <i>The Treaty of Waitangi</i> , p.12.DB23
24	294	86-87	Carpenter, pp.16-17 DB24
25	294	88	Kawharu, 'Te Tiriti and Its Northern Context', p.49.DB25
26	312	89	Carpenter, p.18.DB26
27	313	90	Loveridge, p.56. DB27
28	319	91	Phillipson, 'Bay of Islands Māori and the Crown', p.250. DB28
29	320	92	Busby, quoted in Loveridge, p.65.DB29
30	328 /329/ 331	93-94	Phillipson, 'Bay of Islands Māori and the Crown', p.248. DB30
31	332	95	Closing Submissions for Te Runanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.25. DB31
32	333	96-97	Closing Submissions for Te Runanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.28-9. DB32
33	339/ 342	98	Phillipson, 'Bay of Islands Māori and the Crown', p.254.DB33
34	340/ 430/ 841	99	Phillipson, 'Bay of Islands Māori and the Crown', p.256. DB34
35	343/ 356	100	Phillipson, 'Bay of Islands Māori and the Crown', p.255. DB35
36	346/ 870	101	Ralph Johnson, 'The Northern War 1844-1846', <i>An overview report commissioned by the Crown Forestry Rental Trust</i> , 2006, p.406. DB36
37	351	102-103	Ballara, 'Pōmare'; Carpenter, pp.117, 134. DB37
38	354	104	Phillipson, 'Bay of Islands Māori and the Crown', p.253. DB38
39	358	105	Phillipson, 'Bay of Islands Māori and the Crown', p.268. DB39
40	376	106	Loveridge, p.198 ref570.DB40
41	384	107	Phillipson, 'Bay of Islands Māori and the Crown', p.291. DB41
42	396	108-109	Loveridge, pp.206-07. DB42
43	397	110	Phillipson, 'Bay of Islands Māori and the Crown', p.300. DB43
44	406	111	Phillipson, 'Bay of Islands Māori and the Crown', p.313. DB44
45	408	112-113	Charles Wilkes, <i>Narrative of the United States Exploring Expedition During the Years 1838, 1839, 1840, 1841, 1842</i> , 5 vols., vol. II, London, 1845, p.376. DB45

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
46	418	114-115	Angela Ballara, 'Te Hapuku ? - 1878', DNZB, updated 22 June 2007, Original publication, Vol.1; Alan Ward, 'Brief of Evidence Wai 1040', 2009, pp.88-9. DB46
47	423	116	Phillipson, 'Bay of Islands Māori and the Crown', p.287. DB47
48	427	117	Henare in Phillipson, 'Bay of Islands Māori and the Crown', p.207. DB48
49	438	118	Closing submissions for Te Runanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.6. DB49
50	439	119	Erima Henare responding to questions from the Tribunal, Week 1 transcript, Wai 1040 #4.1.1., p.309. DB50
51	440	120	Closing submissions for Te Runanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.7. DB51
52	441	121	Closing submissions for Te Runanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.47. DB52
53	443	122	Closing submissions for Te Runanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.48. DB53
54	446	123	Information from claimants, cit. Merata Kawharu, 'Te Tiriti and its Northern Context in the Nineteenth Century', an overview report commissioned by the Crown Forestry Rental Trust, 2006, p.172. DB54
55	461	124-125	Bruce Stirling and Richard Towers, "'Not with the Sword but with the Pen": The Taking of the Northland Old Land Claims. Historical Overview', Wellington, 2007, pp.343-44. DB55
56	463	126-127	Stirling and Towers, pp.443, 447. DB56
57	464	128	Stirling and Towers, p.308. DB57
58	466/ 468	129	Phillipson, 'Bay of Islands Māori and the Crown', p.307. DB58
59	470/ 471	130-131	James Cowan, <i>The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period</i> , Wellington, 1983, p.16; Johnson, pp.65-6. DB59
60	474	132	George Clarke in Johnson, p.71. DB60
61	476	133	Phillipson, 'Bay of Islands Māori and the Crown', p.176. DB61
62	478	134	Chisholm, pp.62-5; Johnson, p.57. DB62
63	504	135-136	Phillipson, 'Bay of Islands Māori and the Crown', pp.214-15. DB63

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
64	505	137-138	Shortland quoted in Phillipson, 'Bay of Islands Māori and the Crown', pp.216-17. DB64
65	507	139	Johnson, p.109. DB65
66	508	140	Kene Martin, from Ngāti Hine and Kawiti whānau, quoted in Johnson 2006, p.97. DB66
67	510	141	Johnson, p.90. DB67
68	509	142	Johnson, p.39. DB68
69	511/513/514	143-144	Wards, pp.102-103.DB69
70	512/515	145	Cowan in Johnson, p.91. DB70
71	510/513	146	Wards, pp.102-103 DB71.
72	517	147-149	Johnson, pp.92-4. DB72
73	518	150	Busby in Johnson, p.94. DB73
74	523	151-153	Johnson, pp.128, 130.DB74
75	524	154	Johnson, p.117.DB75
76	528	155	Johnson, p.104.DB76
77	530/537-539	156-157	Phillipson, 'Bay of Islands Māori and the Crown', pp.344-45.DB77
78	530	158-160	Johnson, p.141; Munn, p.242; Phillipson, 'Bay of Islands Māori and the Crown', pp.344-45.DB78
79	534	161	Johnson, p.142.DB79
80	535/536	162	Phillipson, 'Bay of Islands Māori and the Crown', p.345.DB80
81	538/539	163-165	Johnson, pp.143-44.DB81
82	540-544	166-168	Clarke to Colonial Secretary in Johnson, pp.14-9.DB82
83	546 -549	169-170	Proclamation, 8 January 1845, GBPP, 1845 (517-II), p.542, in Johnson, pp.155-56.DB83
84	619-621/ 624-627	171-175	Johnson, p.234.DB84
85	552	176	Johnson, p.160.DB85
86	555	177	Johnson, p.167.DB86
87	556	178	Johnson, p.162.DB87
88	557/560	179	Johnson, p.161.DB88
89	558	180	Johnson, p.163.DB89
90	565	181	Erima Henare in Johnson, p.176.DB90
91	566	182	Johnson, p.177.DB91
92	567	183	Johnson, p.168.DB92

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
93	569	184	Johnson, p.264.DB93
94	571/582	185-186	Johnson, pp.204-05.DB94
95	573/574/575	187	In Johnson, p.180.DB95
96	579/581	188-189	Johnson, pp.189-90.DB96
97	584	190	Pugsley in Johnson, p.191.DB97
98	586	191	Brown to CMS, 24 March 1845, CN/M, 15, p. 192, in Johnson, p.192.DB98
99	592	192-194	Johnson, p.74; Johnson, pp.193-95.DB99
100	595	195-197	Johnson, pp.196-98.DB100
101	603/671	198	Hone Wiremu Pokai ki te Kawana, 21 Mei 1845, copy in Edward Shortland Papers, MS-0489-01, HL, p.2, cit. Johnson, p.259.DB101
102	606	199	Johnson, p.156.DB102
103	604/607	200	Phillipson, 'Bay of Islands Māori and the Crown', p.355.DB103
104	608	201	Johnson, p.217.DB104
105	609	202	Johnson, p.211.DB105
106	610	203	Johnson, p.13.DB106
107	611	204-205	Quoted from Phillipson, 'Bay of Islands Māori and the Crown', pp.358-59.DB107
108	612	206-207	Kawiti, pp.38-9.DB108
109	635/636/637	208-210	Johnson, p.241.DB109
110	651	211	Johnson, p.253. DB110
111	653/654	212-214	Lament by Pirangi for her husband killed at Taumatatutu on 10 May 1845, translation by Dr Jane McRae, quoted in Johnson, pp.254-55.DB111
112	656	215-216	Johnson, pp.290-91.DB112
113	661/675/679/692	217-220	Clendon to FitzRoy 12 May 1845, James Clendon Journal 1839-1872, NZMS 476, ACL.DB113
114	670	221	Johnson, p.257.DB114
115	677	222	Erima Henare in Johnson, p.266.DB115
116	679/681/682	223	Johnson, p.267.DB116
117	683	224	Johnson, p.269.DB117
118	691	225	Johnson, p.271.DB118
119	693/694/695	226-227	Johnson, p.295.DB119
120	701	228	Johnson, p.301.DB120

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
121	715/712	229-230	Johnson, p.306.DB121
122	713/714	231-232	Johnson, p.310.DB122
123	718	233	Johnson, p.314.DB123
124	721	234	Johnson, p.335.DB124
125	722/723/725	235-237	Kawiti to FitzRoy, October 1845, in Johnson, p.338.DB125
126	730	238	Johnson, p.348.DB126
127	732	239	Johnson, p.349.DB127
128	733	240	Johnson, p.360.DB128
129	738/739	241-242	Johnson, pp.357-58.DB129
130	745	243	Johnson, p.362.DB130
131	753	244	Arapeta Hamilton in Johnson, p.353.DB131
132	754/767	245	Johnson, p.363.DB132
133	756/807	246	Johnson, p.390.DB133
134	757/758/759/ 760	247-248	Barthorp, p.125; Johnson, pp.366-67.DB134
135	763/764/768/ 770/771	249-250	Johnson, p.368.DB135
136	772/775	251	Johnson, p.370.DB136
137	778/779/780	252-254	Johnson, p.378.DB137
138	782	255	Johnson, p.385.DB138
139	794	256-258	Nehurere's waiata, and Nawemata's waiata, waiata and translation from Erima Henare 26/08/2010; see also Johnson, pp.381-83.DB139
140	806/1313	259-260	Johnson, pp.413-14.DB140
141	808/812	261-263	Johnson, p.391.DB141
142	814/816	264	Rima Edwards quoted in Johnson, p.393.DB142
143	818	265	Johnson, p.396.DB143
144	828	266	Johnson, p.386.DB144
145	833/834/835	267-268	Johnson, pp.398-99.DB145
146	842/843/844/ 1315	269-271	Johnson, p.400.DB146
147	858/859	272	Phillipson, 'Bay of Islands Māori and the Crown', p.175.DB147
148	860	273	Johnson, p.405.DB148
149	870/346	274	Ralph Johnson, 'The Northern War 1844-1846', <i>An overview report commissioned by the Crown Forestry Rental Trust</i> , 2006, p.406.DB149

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
150	889/893	275	Stirling and Towers, p.988.DB150
151	1313	276	Johnson, p.414.DB151
152	953/957	277	NMB2, p.41ff.DB152
153	954/958	278	NMB2, p.47, 6 April 1876.DB153
154	963/964/965	279-282	Whāngārei Minute Book (WMB) 2, pp.226-29. DB154
155	968	283-284	WMB 3, p.97; WMB 4, p.213. DB155
156	972	285-286	NZ Māori Land Board Tai Tokerau Minute Book (MLB TTMB) 1, pp.31-2. DB156
157	973/974	287-289	MLB TTMB 2, pp.151-52.DB157
158	981	290-298	NMB 39, pp.310, 315, 318, 322, 329, 331, 350, 373; NMB 40, pp.2ff.DB158
159	983	299	MLB TTMB 2, p.104. DB159
160	984	300	MLB TTMB 2, p.139. DB160
161	986	301-304	NMB 39, pp.119, 121-22. DB161
162	987/989	305-307	MLB TTMB 2, p.105. DB162
163	991	308	NMB 39, p.124. DB163
164	994/1010/1057	309-311	Appellate Court MB3, pp.240, DB164.
165	996	312-313	NMB 40, pp.304-305. DB165
166	998	314	NMB 41, p.237. DB166
167	1003	315	MLB TTMB 3, p.278. DB167
168	1004/1005/1006	316-317	MLB TTMB 3, p.285. DB168
169	1007	318	MLB TTMB 3, p.295. DB169
170	1008	319-320	NMB 41, 12 May 1909, pp.320-21. DB170
171	1009/1011	321-327	NMB 41, pp.322-26, 354, 360-61. DB171
172	1013	328	NMB44, p.171A. DB172
173	1017	329-382	WMB8, pp.15-64.DB173
174	1018/1033	383-385	WMB 8, pp.161-62. DB174
175	1019/1020/1023	386	WMB 8, p.16.DB175
176	1021	387	WMB 8, p.38. DB176
177	1022	388	WMB 8, p.35.DB177
178	1024	389	WMB 8, p.36.DB178

Doc Bank Item Number	Footnote Number	Doc Bank Page Number	Archival Documents – footnote reference from report
179	1025/1026/ 1028	390-391	WMB 8, pp.45-6. DB179
180	1027/1029	392-393	WMB 8, p.51. DB180
181	1030	394	WMB 8, p.61.DB181
182	1031	395	WMB 8, p.67.DB182
183	1032	396-397	WMB 8 pp.68, 70.DB183
184	1138	398	Principal, Waikare School, to Phillipps [Education Board?], 25 February 1985, YCBD A688 5023 2117b 1/1096/24, ANZA. DB184
185	1137	399	E. O. Gibbs, Secretary for Education, Wellington, to the Surveyor- General, 22 October 1906, BAAZ 1108 223d 10156, ANZA. DB185
186	1143	400-401	Ngararatunua School Committee to District Superintendent; Secretary for Education to Towle & Cooper Solicitors, YCBD A688 5023 Box 644d 1/1127, ANZA. DB186
187	1146	402-403	R. Waikerepuru to Minita o ngā Kura, 7 Mei 1904, BAAA 1001 Box 414a 44/4 Pt1, ANZA. DB187
188	1147/1149	404	Inspector of Schools to Education Department, 2 June 1904; Secretary Education Board Auckland to Secretary for Education Wellington, 18 April 1901, BAAA 1001 Box 414a 44/4 Pt1, ANZA. DB188
189	1154	405	Inspectors report, 2 October 1925, referred to in Advisory Inspector, Education Board Auckland, report on application for erection of Pokapu school building, 2 March 1926, YCBD A688 5023 Box 1792d 139/42, School Site Pokapu, ANZA. DB189
190	1164/1165/ 1166/1167/ 1168	406-417	Bassett and Kay, pp.401-02.DB190
191	1269/1280/ 1281/1282	418-402	Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, p.5.DB191

LIST OF FIGURES

Figure 1: Rabindranath Tagore (Thakur).....	25
Figure 2: Te Taura Mārere.....	47
Figure 3: Pouerua.....	54
Figure 4: Ko ngā maunga whakangaorau o Ngāti Hine	55
Figure 5: Te Nohoanga a Torongare, Whāngārei	59
Figure 6: Te Porowini o Ngāti Hine	90
Figure 7: Te Rere i Tiria	95
Figure 8: Rangimarie, the whareniui at Matawaia Marae, version 1	110
Figure 9: Whareniui at Matawaia Marae, version 2	111
Figure 10: Miria Wharekai at Matawaia Marae.....	111
Figure 11: Ōtiria Marae, Moerewa	113
Figure 12: Kii Kopu, Te Aroha Marae	114
Figure 13: Mōtatau Marae	114
Figure 14: Mōtatau Marae, Mōtatau.....	117
Figure 15: Te Waiora, Mohinui Marae, Waiōmio.....	118
Figure 16: Te Tawai Riri Maihi Kawiti, Waiōmio	119
Figure 17: Te Rito Marae	119
Figure 18: Maungarongo	120
Figure 19: Patira Te Taka	120
Figure 20: Tau Henare Marae and War Memorial, Pipiwai	121
Figure 21: Eparaima Makapi Marae, Kaikou	122
Figure 22: Te Hapunga	123
Figure 23: Maata Kawiti, Tawai Kawiti, Peeni Wynyard, Pini George, Himi Henare (absent is Hoori George) with Te Kimihanga plaque	124
Figure 24: Waimahae Marae	126
Figure 25: Te Piringatahi o te Maungarongo Marae	127
Figure 26: Ngāti Manu Marae	128
Figure 27: Waikare Marae.....	128
Figure 28: Te Ihi o Nehua, photographed through Tomokanga Te Whei Ao, Whakarapa Marae	130
Figure 29: Ngāti Kawa Marae	130
Figure 30: Ngararatunua Marae and Te Paea Soldiers Memorial	131
Figure 31: Kaka Porowini on Te Terenga Paraoa Marae	132
Figure 32: Māhuhu ki te rangi Marae	133
Figure 33: Ngāwhā Marae	133
Figure 34: The site of Ōtuihu Pā	137
Figure 36: The Battle of Te Ika-a-ranga-nui plaque.....	140
Figure 37: Ruapekapeka pā	143
Figure 39: Rongomau, an Ivory seal in the shape of Queen Victoria's hand given as gift from Browne to Maihi	151
Figure 40: The meeting house of Maihi, Maramatautini	152
Figure 41: Hare and Hariata Pōmare	155
Figure 42: Kaka Porowini and Te Paea Wiremu Kopa	158
Figure 43: Taurekareka and Hera Henare	168
Figure 44: Sir James and Lady Rose Henare	175
Figure 45: The Rocks, Sydney Harbour	184
Figure 46: Economic historian Angus Maddison	185
Figure 47: Te Kara – the Flag of the United Tribes	205
Figure 48: Te Kara, image 2	207
Figure 49: Tiriti tohu of Kawiti, Tirarau, Pōmare	230
Figure 50: Felton Mathew's Plan of Russell, 1841	243
Figure 51: Clendon's Old Land Claim 132 plan	244
Figure 52: Old Russell sketch plan	244
Figure 53: Sketch of Okiato	245
Figure 54: Kawiti's chant from Te Ao Hou	276
Figure 55: HMS North Star destroying Pōmare's pā, Ōtuihu, 29 April 1845	281

Figure 56: Battle of Ōkaihau, Puketutu Pā (Mawe), May 1845 by George Hyde (attributed artist); John Williams (artist); Lieutenant-Colonel Cyprian Bridge (artist), B-081-006, ATL	285
Figure 57: Pumuka Te Tiriti o Waitangi flag, image 1	289
Figure 58: Pumuka Te Tiriti o Waitangi flag, image 2	291
Figure 59: Waikare Pā in flames after its capture, 16 May 1845, Lieutenant-Colonel Cyprian Bridge (attributed artist) A-079-003, ATL	295
Figure 60: Ōhaeawai pā stormed 1 July 1845, Lieutenant-Colonel Cyprian Bridge (attributed artist), A-079-005, ATL.....	299
Figure 61: Sketch plan of Kawiti's Pā, Ruapekapeka, artist unknown, from sketches by Capt. Marlow, Lieut, Leeds and J P du Moulin, E-320-f-003, ATL.....	318
Figure 62: A cannon used to fire on Ruapekapeka	319
Figure 63: Hakari, or food stage, Evidence of a Economic Activity, Bay of Islands, September 1849, artist Cuthbert Clarke, ATL B-030-007	336
Figure 64: Ngapipito Block, title hearing 5 April 1875.....	377
Figure 65: Chaplin steam locomotive on the Kawakawa railway line	438
Figure 66: Railway line through the paddock of Hataraka Manuhuia Pihipi	442
Figure 67: Tokapiko cave cliffs	447
Figure 68: Sketch of proposed Waikare School Site 1906	454
Figure 69: Building plan 1938 Waikare School.....	455
Figure 70: Waikare School in 1976	455
Figure 71: Site plan sketch for proposed Ōrauta School 1909.....	460
Figure 72: Ōrauta School first built in 1910	461
Figure 73: Ōrauta Teacher's residence during first school 1910.....	462
Figure 74: New School, photo taken 1977	462
Figure 75: 1940 school, photo taken 1977	463
Figure 76: Original Mōtatau School building, photo taken in 1989	464
Figure 77: Pokapū one-room school in the 1930s.....	466
Figure 78: Principal Kene Martin (right) and Joan Walker (left) with pupils in 1985 when Matawaia School became bi-lingual	469
Figure 79: Felton Mathew's Plan of Russell, 1841.....	562

LIST OF MAPS

Map 1: Te Aho Claims Alliance Hapū Rohe	28
Map 2: Overview of Archeological sites recorded in the Te Aho Claims	29
Map 3: Overview of Archeological sites recorded in Hikurangi	63
Map 4: Overview of Archeological sites recorded in Mangakahia	63
Map 5: Overview of Archeological Sites recorded in Kaikohe.....	66
Map 6: Te Porowini o Ngāti Hine	91
Map 7: Overview of Archeological Sites recorded in Karetū-Waikare	102
Map 8: Ngāti Hine Rohe Pōtae and Rohe Tangata	109
Map 9: Settlements and Events around the Battle of Kororāreka	266
Map 10: Post 1840 Battle Sites.....	277
Map 11: Settlements and Events around Raiding of Ōtūihu	279
Map 12: Overview of Archeological Sites recorded in Ruapekapeka	304
Map 13: Overview of Archeological Sites recorded in Kawakawa	348
Map 14: Overview of Archeological Sites recorded in Kawakawa - Paihia	349
Map 15: Overview of Archeological Sites recorded in Kawakawa 2.....	349
Map 16: Mangakāhia dispute area.....	361
Map 17: Ngararatunua.....	380
Map 18: Ngaiōtonga, 1898.....	383
Map 19: Whangaroa – Ngaiōtonga.....	384
Map 20: Waihāhā, 1904	386
Map 21: Pipiwai No. 2, 1905 (also known as Te Angiangi)	403
Map 22: Kaikou/Te Horo, 1904/5.....	408
Map 23: Maungakawakawa/ Mataraua, 1909	410
Map 24: Overview of Archeological Sites recorded in Kororāreka-Rakaumangamanga.....	536

LIST OF CHARTS

Chart 1: Io creation tradition – Genealogy of the Cosmos	42
Chart 2: Ngāti Awa, Ngāi Tāhuhu, Ngāpuhi and Ngāti Tautahi	78
Chart 3: Ngāti Pou and Ngāpuhi	79
Chart 4: Ngāre Raumati, Ngā(ti) Manu, Ngāti Hine, Ngāti Rangī and Ngāpuhi	81
Chart 5: Descent from Nukutawhiti.....	84
Chart 6: Kawiti and some of his contemporaries	89
Chart 7: Te Kapotai descent from Tāhuhuniorangi	98
Chart 8: Ngāti Moerewa descent lines	105
Chart 9: Ngāti Rangī descent lines	106
Chart 10: Ngāi Tawake connections between hapū.....	108
Chart 11: Short descent lines of Kaka Porowini and Te Paea Wiremu Kopa	159
Chart 12: Henare and Keretene relationships.....	171
Chart 13: Economic history of China and other major powers, 1-2008 AD	187
Chart 14: Whānau of Tirarau who occupied Mangakāhia and Whatitiri	364
Chart 15: Relationships of Pipiwai block claimants	379
Chart 16: Wiremu Pōmare descent from Ngarokiteuru	382
Chart 17: Ngāti Rongo descent lines.....	385
Chart 18: Te Ahi and Hiawe descent claimants for Waihāhā	387
Chart 19: Relationship of key tūpuna for Mōtatau 4 Block.....	395
Chart 20: Kawiti descent lines	396
Chart 21: Decsent lines of Hori Rewi from tūpuna to whom Pipiwai 2 was awarded	407
Chart 22: Hape descent from Torongāre	407
Chart 23: Kawiti leadership succession	426
Chart 24: Kaka Porowini's descent line	427
Chart 25: Te Kapotai and Ngāti Pare tūpuna who signed He Whakaputunga or Te Tiriti	598

LIST OF TABLES

Table 1: Tūpuna of the whare nui, Tūmatauenga, Ōtiria marae	112
Table 2: Rangatira who signed 1831 & 1835 documents or chose Te Kara	232
Table 3: Clendon's List of Warriors Killed	313
Table 4: Mōtatau 4 allocated block shares	394

INTRODUCTION

This report is intended to inform a number of different groups of readers: the claimants, who will collate information related to their claims that will help the researchers and other hapū members understand in more detail the background to their claims; the Waitangi Tribunal who need information on who we are, how we relate to our land and how we have been affected by Crown actions; legal counsel, who will draw evidence from this report to use in preparing their case to the Tribunal; and equally importantly future generations of our hapū who seek to understand more about our history.

The purpose of this traditional history report for Te Aho Claims Alliance, therefore, is to provide information to each of these groups of readers. The Waitangi Tribunal needs answers to questions about the claimants, including:

- Who are we and how do we relate to our land?
- What are our rohe boundaries, exclusive rights, and claims against other Māori?
- What are our sites of special significance?
- Who are we today?¹

The report is also referred to as a ‘mana i te whenua’ report, which means that, at a slightly more detailed level, it describes:

- Who we are including the relationship of people to the land, land to the people and relationships to the spiritual world
- Which land we have mana i te whenua over
- How we came to occupy this land
- How we established and maintained mana i te whenua
- How the process of colonisation affected mana i te whenua

It will also describe

¹ Grant Phillipson, *Preparing Claimant Evidence for the Waitangi Tribunal*, Wellington, 2004, pp.9-15.

- Who the hapū were at the time of first European contact (1750-1840)
- How hapū formed, reformed and related to one another
- How those hapū related to neighbouring and other hapū
- The impact of European contact on hapū and inter-relationships

Because the focus of claims is on actions of the Crown, the Tribunal asks two overarching questions: Did the actions breach the Treaty? To what extent were Māori prejudiced by these actions? The traditional history report contributes information or evidence to help the Tribunal answer these questions and others considered significant to the claimants, but does not answer them itself; its main focus is on *who* was affected by Crown actions against He Whakaputanga o te Rangatiratanga o Nu Tireni. The questions posed above, derive from this focus. A purpose of this report is to provide some of the evidence with which claimants' lawyers can argue the claims, rather than to argue the cases in the report.

In small claims, the traditional history and land alienation reports might be combined. Because this report deals with a cluster of claims, land alienation histories for each block fall outside its scope. However, some alienation records referred to here provide examples of habitual and continuing occupation by Māori owners up to (and sometimes beyond) the date of alienation, and examples of Crown actions that prejudiced Māori.

The "He Rangi Mauroa Ao te Pō: Melodies Eternally New", Te Aho Claims Alliance Oral and Traditional Report is guided by the Te Aho Claims Alliance Oral and Traditional Histories Scoping Report dated February 2009 (the Scoping Report), compiled by the James Henare Māori Research Centre and commissioned by the Crown Forestry Rental Trust on behalf of Te Aho Claims Alliance (TACA, referred also as Te Aho). As discussions with Te Aho progressed and new historical evidence emerged, the structure of this report came to diverge from that suggested in the Scoping Report to some extent.

This report has also been guided by Dr Grant Phillipson's booklet, *Preparing Claimant Evidence for the Waitangi Tribunal*. The writers of this report have endeavoured to balance the specifications of both references.

Ngā Mihi

Haere mai e tamara e Moeahu
Kauria mai te Moana-pikopiko-i-whiti
Te niho o te tupua whakatetea
Kāhore he tangata hei karanga i a koe
Kua riro ngā tāngata ki wiwi, ki wawa,
Ki pupuwahi, ki wahi e kore
Ki taku matua ki a Te Ngārangara
E kii mai nei e kore au e toa, e ka toa ahau!
He rākau whakawhana
Ka rongomania ki Te Kawhia
Kia mau ki te titi parawanga
E kōwhiti ana ki tāwahi
Ka tangi mai ai; taku, taku, take, taketake!
Mā wai rā e karanga mai
Ki ngā kauri tūpatapata o Rangiaōwhia!
Ka tere te tai tapu
Tū ana Te Whakarara
Tana ukuinga ko Parawhenuamea.
Ko wai hoki ia i kauria mai i te Taratara o te Kuru
Nāna i whakāiro i te moana
Tīhei māuriora

E mihi atu ana ki a Papatūānuku, ki a Papatūārangi
Te Papa i takatakahia e ngā mātua tūpuna, te papa i waihotia e rātou mā
Te Papa e māroro ki te itinga, e māroro ki te opunga
Te Papa-awhi, e awhi ana i a tātou, o tēnā, o tēnā, o tēnā o ngā
whakatupuranga e tupu ake nei.
Te Ūkaipō, Te Ūkaipō o tātou katoa.

E āku kōtuku rerengatahi, e āku hou amokura, e āku motoi pounamu kua tīhaea mai
nei i te hoi o taku taringa, hāere koutou, haere koutou, haere koutou. Kaati mo rātou.

Huri mai ki a koutou, ngā tini puke ki roto i ngā hapū o Taumārere e tū mai nei i te
whitinga mai o Tamanui te rā, tēnā koutou, tēnā koutou, tēnā koutou katoa.

I whakarapaina te ingoa o Te Aho i runga i to tātou kāhui kaikereme mai i te kaupapa
raranga tāniko, otirā, he ingoa tēnei hei raranga i ngā whakaaro o ngā kaikereme o tō
tātou rohe.

I runga anō i tēna, e mihi atu ana ki te iwi i whakatakotonga ai i tēnei kaupapa, hei whakatoopu i ngā kereme, ā, hei rangahau i ērā kereme, i te mutunga, kia whakatakotonga ai ki mua i Te Roopu Whakamana i te Tiriti, hei whakatau hoki i ēra kereme me te Karauna i te mutunga.

Kōia tēnei te take, i whakatakotonga ai te kōrero mo Te Aho, ‘Mā tātou anō tātou e kōrero, ma roto i te whanaungatanga me te kotahitanga’. He tirohanga tawhiti tēnei, hei tuitui i ngā kaikereme, ā, kia titiro tonu ai tātou ki mua noa atu i te whakatatutanga o ngā kereme, arā, ki te tutukitanga o ngā wawata o ngā mātua tūpuna.

I runga anō i tēra kōrero, ka mihi atu ki ngā hapū o Te Aho, a Te Kapotai, a Ngāti Pare, a Ngāti Manu, a Ngāti Hine, a Ngāti Rangi me Ngāti Moerewa.

Me hoki rā ngā mahara ki a rātou ngā mātua tūpuna i hainatia i te Tiriti o Waitangi, hei aha, hei whakatakoto i te kaupapa kia mau tonu i tō rātou mana motuhake, kia noho tonu rā te tauwi ki kōnei ki waenganui i a tātou.

Ka maumahara hoki i a rātou i mate atu i te wā i pupu ake te riri ki te Pākehā, i tū ai ngā pakanga nui, i patere hoki te toto mo tō rātou rangatiratanga te take. Otira, mai i tērā wā, tae noa mai ki ēnei rā, e mamae tonu ana ngā uri o ngā tāngata i ngā mahi hē a te Karauna. Nā, kua tirohia ēra mahi hē i runga anō i te kaupapa o te Tiriti o Waitangi.

Ko te kōrero hoki a Te Ruki Kawiti, ‘waiho kia kakati te namu i te whārangi o te pukapuka, ko reira, ka tahuri atu ai’. Arā, ko te mana motuhake o ia hapū, ko te kotahitanga o aua hapū te tino pae ki tawhiti, kei rēira kē te oranga mo tātou katoa.

Otirā, ka mihi tonu ki ngā iwi katoa i whakapau werawera ai ki te whakaoti i tēnei ripoata. Mai i te timatatanga, i haere ai ēnei tāngata ki ngā tini huihuinga, ā, ahakoa anō ngā piki me ngā heke, i ū ai ki te kaupapa, tutuki noa. Nā reira, e mihi atu ki te katoa i runga anō i te kōrero a Tā Himi Tau Henare, ‘Ma te werawera o tou rae ki te mahi mo tō iwi, ka kitea koe he tangata’.

Hoi, ka mihi atu ki te ringaringa i tuhia ai i te ripoata nei, ki a Adrienne Puckey. He wahine humarie, he wahine whakaiti, he ahuwahenua, he koi hoki ki te whakatakoto i ngā kōrero, nā, e takoto mai nei aua tuhinga.

Ka huri rā anō hoki ki te kaiwhakanekeneke i ngā take a Te Aho, ki a Rowena Tana me te mihi atu ki a ia mo tana manawaroa ki te whakaotioti ake i ngā tini mahi kia tutuki ai te hiahia o ngā kaikereme, ngā kaitautoko me ngā kaiarotake anō hoki.

Me mutu ake ēnei mihi i runga anō i te kōrero:

E kore e mōnehunehu te pūmahara We cannot forget
Mo ngā momo rangatira o nehe rā The noble ones of times long past
Na rātou i toro te nukuroa o te Who explored the unimaginable expanse
Moananui-a-Kiwa me Papa-tū-ā-nuku of Kiwa's ocean
And settled her many lands

Ko ngā tohu o rātou tapuwae For their footprints clothe these islands
I kakahutia ki runga i te mata o te of ours
whenua And their teachings are etched in the soil
He taonga he tapu, he taonga he tapu, he A sacred legacy, a treasured inheritance.
taonga he tapu

Kaati ra, me whai tonu tātou i ngā kaupapa kua waihotia mai nei e ngā mātua tūpuna,
arā, ko He Whakaputanga me te Tiriti o Waitangi.

Tēnā koutou, tēnā koutou, tēnā anō koutou katoa.

Pita Tipene (Heamana, Te Aho)

HE RANGI MAUROA AO TE PŌ: **Melodies Eternally New**

Ngā Rangi-Waiata a Te Aho: Ngā Waiata o te Māramatanga **Songs of Te Aho: Songs on the Theme of Knowing**

To read and understand traditional oral histories requires a listening approach to the telling of tribal identities. The tapu, the mana, the mauri, the hau and the wairua of each entity brings its own challenges particularly when metaphors and paradoxes are an integral part of the story telling. The approach of the Te Aho Collective Alliance Report is not strictly that of crafting technical reports as such but for the informants and the writers it consists of a series of songs about histories, anthropologies and the economies of specific claimant groups, all of whom are genealogically connected. Second, the studies of oral traditions are songs on the theme of knowing and explore the relationship between seasonal change, the passage of time, and cycles of human activity and rest.

The songs of Te Aho commemorate the 192nd anniversary of often tumultuous relations of Māori and British Crown, and Māori and the New Zealand Crown. In this historical and philosophical narrative, Te Aho Claimants gift a distinctive kōauau or flute of Ngāpuhi melodies. Such melodies are an agreeable series of musical sounds that form an opening overture to the claim. Traditional oral histories sung or told every day are an overture of promise, of hope, of pain and disappointment. The constant repetition of oral traditions ensures the histories are indeed “He Rangi Mauroa Ao te Pō: Melodies Eternally New”, or put another way Ngā Rangi-Waiata-Whakahōu, ake, ake, ake.

The evocative expression, “Melodies Eternally New” is from Gitanjali: Song Offerings, which are a collection of devotional songs to the supreme one by Rabindranath Tagore, the Bengali poet, educator, philosopher and 1913 Nobel Literature Prize laureate. Tagore translated his Bengali epic to English language and it is from one poem, Little Flute in which it is found “melodies eternally new.” In announcing his award the Nobel Committee quoted from Gitanjali and stated that Tagore in thought impelling pictures has shown how all things temporal are swallowed up in the eternal. Tagore and the Nobel Committee go to the heart and soul of Māori and Te Aho philosophy in saying, "all things temporal are swallowed up in the eternal."

The oral tradition studies are in Te Aho terms a kōauau, a flute, or in Tagorian terms, a Little Flute. The flute played by the Lord, says Tagore, is a frail vessel that is emptied time and time again and yet paradoxically is filled over and over 'with fresh life'. It has been, he says, "carried over hills and dales, and hast breathed through it melodies eternally new."²

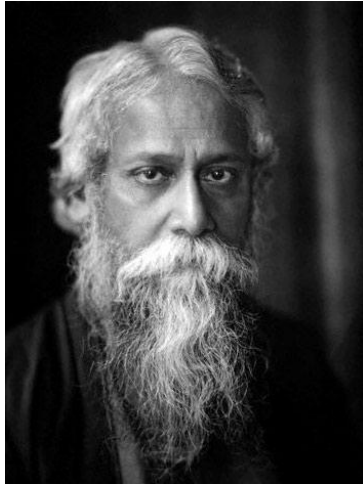


Figure 1: Rabindranath Tagore (Thakur)

Lyric No. 1, Gitanjali: Song Offerings

Following in Rabindranath Tagore's own words, the poem:

"Thou hast made me endless, such is my pleasure.

This frail vessel thou emptiest again and again, and fillest it ever with fresh life.

This little flute of a reed thou hast carried over hills and dales, and hast breathed through it melodies eternally new.

At the immortal touch of thy hands my little heart loses its
limits in joy and gives birth to utterance ineffable.

Thy infinite gifts come too me only on these small hands of mine.

Ages pass, and still thou pourest, and still there is room to fill."

The sub-title, "Ngā Rangi-Waiata a Te Aho: Ngā Waiata o te Māramatanga - Songs of Te Aho: Songs on the Theme of Knowing",³ refers to Japanese singers who arrive in a

² Rabindranath Tagore in his *Gitanjali: Song Offerings* a collection of devotional songs to the supreme. Of an "idealistic tendency" says the Nobel Committee when awarding the 1913 Nobel Prize for Literature. <http://www.celebritiesheight.com/rabindranath-tagore-height-and-weight/>. Thanks to Ruia Aperahama for translation to Māori.

³The Aga Khan (2008). *Where Hope Takes Root*. Thanks to Ruia Aperahama for translation to Māori.

village or like a kāinga, to entertain or inform or instruct the listeners. They do short songs in front of each home in the kāinga area. The narrators of this report are not the writers but rather those who have lived the histories, the anthropologies and experienced their philosophies. Each claimant group is a singer who stands in front of each home to announce that they exist. They each give a song, a distinct sound, as a history of glory, of pain or anxiety, of a haka of hope, of a sigh stirring a belief in the past, present and future. Claimant stories are like persons or a personal instrument. Each instrument is to be heard as a story of land, of love, of happiness, of theft, of lies, of broken promises and meaningless promises. Paradoxically, each song is imbued with a burning hope of the future.

- The writers of the report are but small hands to the kōauau.
- Te Kara, He Whakaputanga me Te Tiriti are melodies of hope and promise.
- How do we know what we see? Why do we know what we know? According to Pacific historian K.R. Howe, these questions are as old as the human species and the report considers processes of “seeing and knowing understandings of nature, culture, history with reference to” Te Aho lands and peoples. (p.1)
- Howe argues that over the past 200 or more years, Oceania has been a major Western ideological testing ground about human civilisation, the relationships between nature and culture, racial classification and culture contact, cultural and biological survival and destiny have all been extensively tested and examined using Pacific case studies.
- The Te Aho song-narratives are a microcosm of the human drama of Pacific civilisation and colonisation experience. (p. 2) Indeed, they are Ngā Rangi-Waiata-Whakahōu, ake, ake, ake, or “Melodies Eternally New”.⁴

Te Aho Claims Alliance – a Background

Te Aho Claims Alliance is built on the foundations provided by the Ngāti Hine Claims Alliance that began about 2004. The name change, late in 2006, recognised the scope of hapū involvement and the leadership of the following hapū: Te Kapotai, Ngāti Pare, Ngāti Manu, Ngāti Hine, Ngāti Rangi and Ngāti Moerewa. Te Aho refers to the cross threads used in the artistic task of taniko weaving. It is a metaphor for the intertwining of diverse threads, shared kawa, tikanga and ritenga, or virtues and

⁴K.R. Howe. (2000). Nature, culture, and history.

values, revealing a melodic design sought by the hapū themselves. In the kaupapa of whakakotahitanga, Te Aho Claims Alliance focussed on the solidarity of the claimants so as to give effect to the commitment of the common good.

The Te Aho Claims Alliance, as a Committee in Common met under its new Executive on 4 May 2007 at the Bay of Islands College marae 'Te Toka Whakakotahi', a name of mana. Regular claimant meetings held monthly to early 2011 included special meetings and wānanga.

The executive team is Pita Tipene as Chair, Rowena Tana as secretary (previously Sandra Hotere-Tarau), Noeleen Davis as treasurer (previously Meri George), and Elizabeth Mataroria and Philip Bristow as claimant representatives.

The Research Advisory Group membership is Pita Tipene, Rowena Tana, Willow-Jean Prime, Karen Herbert, Kara George, Philip Bristow and Elizabeth Mataroria.

Vision: Mā tātou anō tātou e whakarite i roto i te kotahitanga me te whanaungatanga.

Mission: To form a representational structure mandated by whānau-hapū to progress and settle Waitangi Tribunal claims against the Crown in respect of grievances arising in the Bay of Islands.

Values: Kotahitanga, whanaungatanga, wairuatanga, kaitiakitanga, manaakitanga, whakapapa, pono, tika, taonga tuku iho.⁵

Purpose: To further the interests of Te Aho members whose claims are registered with the Waitangi Tribunal. Te Aho govern how whānau/hapū work together in the Tribunal process by:⁶

- securing funds/resources and ensuring compliance;
- completing oral and traditional research;
- communicating with neighbouring claimant collectives;
- communicating and working with sector agencies of the claims process;

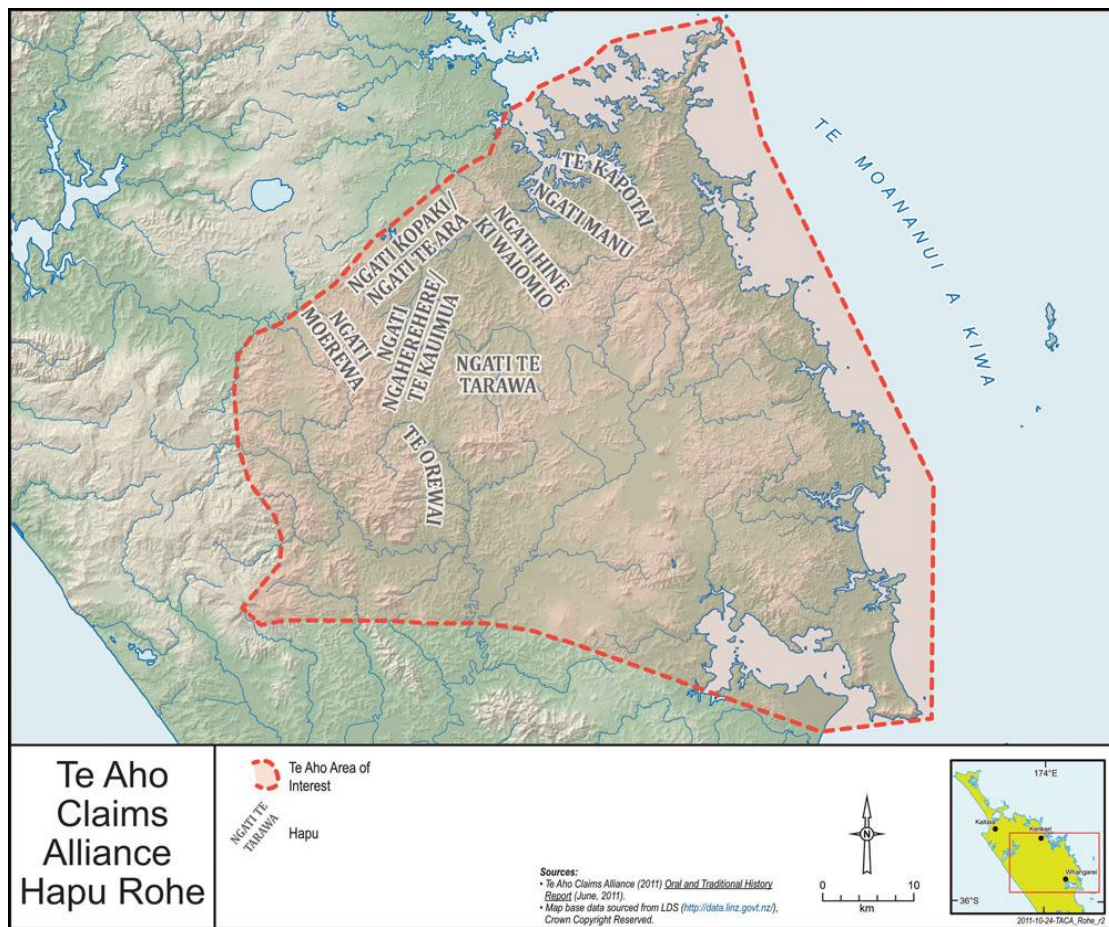
⁵ Mōtatau website: <http://www.naumaiplace.com/site/motatau/home/page/778/marae-logo/>.

⁶ Te Aho Claims Alliance developed a Memorandum of Understanding in 2007 (endorsed December 2007)

- and representing members at wider claim hui.

Hapū/whānau include:⁷ Ngāti Manu, Te Kapotai, Ngāti Pare, Ngāti Moerewa, Ngāti Rangī, Ngāti Rāhiri, Ngāi Tawake, Ngāti Kopaki, Ngāti Te Ara, Te Uri Karaka, Te Uri Raewera, Ngāti Te Tarawa, Tekau-i-mua, Te Orewai, Te Uri-o-Hua, Te Uriroroi/Te Parawhau, Te Kahu-o-Torongāre, Ngāti Hau, Ngāpuhi ki Taumārere, Ngāi Tai ki Ngāpuhi, Te Roroa and Ngāti Hine.

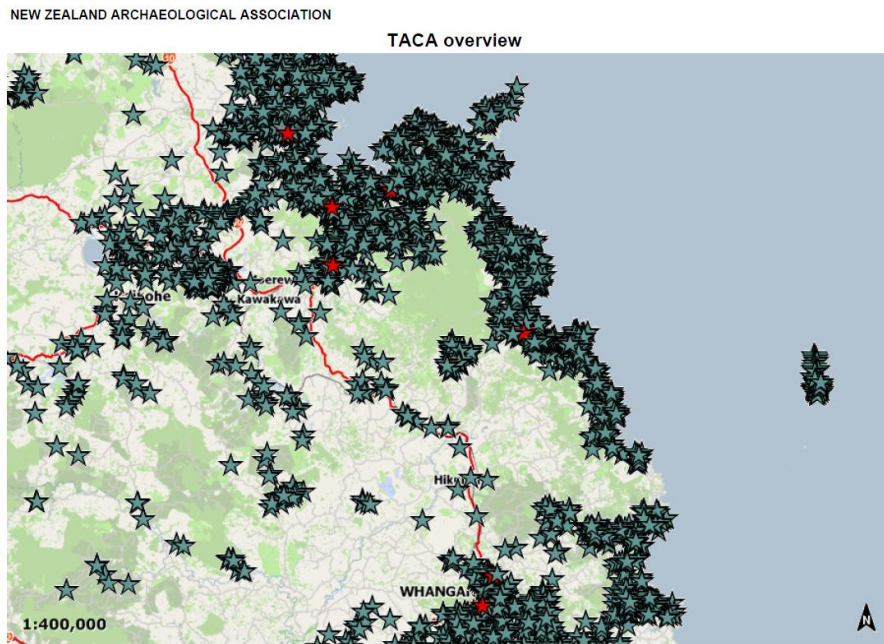
Map 1: Te Aho Claims Alliance Hapū Rohe



Note: Te Uriroroi and Te Parawhau to be added.

⁷ List taken from claim documents.

Map 2: Overview of Archeological sites recorded in the Te Aho Claims



Printed by: Angela Middleton

14/01/2013

When the Scoping Report was written, Te Aho Claims Alliance was made up of fifteen claimant groups who agreed to work together as a cluster. The claim groups were: Wai 49, 68, 109, 120, 149, 327, 354, 371 (parts 1 and 2), 435, 455, 565, 682, 1440, 1445 and 1464. At the time, Alliance members shared common goals and collaborated by sharing resources, knowledge and services to achieve these goals. The claimant committee represented the original claimant groups.

Overview

After the introduction, the structure of the report generally follows a chronological sequence. The report is divided into two parts:

Part One I ngā rā o mua

Part Two He Whenua Rangatira me te taenga mai o te Pākehā

Part One – Chapters 1-2 opens with the purpose of the report, the brief for the project, report structure and methodology and an introduction of the Te Aho claimants and their respective rohe.

Chapter 1 brings forth Te Ao Mārama, the world of enlightenment as known by Te Aho people. From creation stories and atua Māori sources, oral traditions and other sources tell the story of the geography and location of prominent tangata-whānau-hapū groupings residing in the claimant areas from the 1750s and beyond. The human and spiritual settlement patterns evident when Rangatira declared independence in He W[h]akaputanga o te Rangatiratanga o Nu Tireni, 1835-1839, and Te Tiriti o Waitangi in 1840, are outlined. These patterns and events are the realisation of prolonged inter-hapū dreams of ever-more prosperity, peace and well-being through purposive collaboration over time, particularly during 1800-1840 dynamics. The Te Aho and the larger Ngāpuhi nui tonu economy were already in transition from the traditional micro subsistence economy to a macro world economy. The phenomenon of transition stirred creative tensions both within Te Tai Tokerau and throughout Aotearoa centred on seasonal fishing, hunting and crop rotations; it thus inspired population growth and decline and major tribal movements, all associated with competition for fertile lands and other resources.

The main groups preceding Ngāpuhi (Ngāti Awa, Ngāi Tāhuhu, Ngāti Rangī, Ngāi Tamatea), and their whakapapa links to each other and to Ngāpuhi nui tonu are described. The geographic, social and economic characteristics of the region are outlined also. These are the foundation upon which Te Aho claimant groups have mana whenua in the area. Following customary practice, precise boundaries are not identified consistent with ways in which rights to occupy, or rights to access resources were established and maintained. Such boundaries became a requirement of the colonial legal system in the years following the 1840 Tiriti.

The chapter concludes with descriptions of leadership and rangatira alliances, inter- and intra-tribal fighting, and so called ‘conquests’ immediately preceding European contact in the Te Aho area. The strategic significance of Taumārere River as the

seaward link, the coastal portal of Kororāreka and the fertility of the inland area are also explored.

Chapter 2, Ngā Tangata o te Whenua: features biographical descriptions of some of the prominent tūpuna of Te Aho Claims.

Part Two – Chapters 3-8 cover the dramatic economic, political and social developments of Te Aho hapū communities circa 1800s to the end of the 20th century. The chapters provide a context for the first contact with Pākehā or Europeans and include Māori aspirations for greater economic, political and social well-being. The expansion of hapū economic activity - particularly through new technologies and foreign trade - significantly changes ancient subsistence horticultural economics.

Furthermore, the development of relationships with British royalty and Crown, and other nations, emerged out of the desire to fulfil increased prosperity and well-being, thus forming the articulation of early understandings of international law. Off-shore encounters of rangatira with British governors and missionaries, formal letters of rangatira, and the appointment of a British Resident to Nu Tireni all led to a nascent international identity of Māori Nu Tireni. This global identity is realised with the formal adoption of the first national flag, a declaration of independence, commerce and trade, and a treaty of friendship with the British in 1840. A combined settler and British Crown colonisation programme however, shatters this period of Māori prosperity. It facilitated the systematic destruction of Te Aho hapū economic, political and social capabilities; a crippling blow to prosperity already gained, and the promise of prosperity of the future. Dramatic population loss and poverty is evidenced.

Chapter 3 explores He Whenua Rangatira, rendered as an economy of prosperity and peace, and Te Aho aspirations for a peaceful, mutually beneficial future with the British Crown and peoples. The time period from 1769 to 1840 is covered, and focuses on the interface between Bay of Islands Māori and Pākehā from the time when Captain James Cook first visited the Bay of Islands and other east coast parts. Growing Māori awareness on the need for more formalised trade, sovereignty and governance arrangements.

The beginnings of the formalising arrangements are addressed, describing the position of Māori in the north, rangatira and a series of purposive events leading to Te Kara, He W[h]akaputanga, 1835-1839 me Te Tiriti o Waitangi in 1840. The chapter traverses in detail the most significant events, such as: the visit of Hongi and Waikato to England, literacy development and the formation of a Māori identity, the

Rangatira Letter to King William IV in 1831, choosing Te Kara in 1834, Te W[h]akaminenga o Ngā Hapū and He W[h]akaputanga o te Rangatira o Nu Tireni in 1835, with subsequent signings to 1839; and finally events directly related to Te Tiriti o Waitangi. These latter events include Te Tiriti o Waitangi negotiations, understandings and motivations of key tūpuna who signed (or did not sign), both on 6 February and later, and the place of Te Tiriti after 1846. The chapter concludes by tabulating the Te Aho Rangatira who signed the various documents and chose the Flag of the Independent Tribes to demonstrate the Te Aho tūpuna motivations for mana Māori motuhake that was later to include a treaty with the British, not of cession of sovereignty to the British, but one of common purpose.

Chapters 4-7 explore the basis of the deteriorating relationships between settlers and the British Crown, the unjust Northern War and the emergence of a settler New Zealand Crown in relation to Te Aho hapū from the 1840s into the twentieth century.

The fourth chapter is concerned with events after the Northern War 1845, the emergence of Te Aho leadership of Kawiti; dubious Crown land purchases; the Kohimarama Conference; attitudes of Te Aho and other northern Māori to the Kīngitanga; the introduction of new institutions imposed by the settler New Zealand Crown; and political issues in the Mangakāhia dispute.

Chapter 5 explores the tāhae whenua or the illegal taking of Te Aho whenua lands through the Kooti Tango Whenua: Native land Court era (1865–1912). Chapter 6 presents select land block transactions of Te Aho hapū to give examples of the Native Land Court's extraordinary behaviour and to further elucidate an understanding of mana whenua history in the context of tāhae whenua and Te Aho resistance to the tāhae.

Chapter 7 identifies some issues that are common to a number of claims. These general issues are similarly experienced by other claimant collectives in Te Tai Tokerau and elsewhere in the motu, rendered as country. These have generally been covered in broad terms by Rangahaua Whānui reports and other technical reports commissioned for the northern claims. This chapter does not repeat the details of this earlier research but elaborates examples from specific Te Aho experiences.

Chapter 8 gives voice to the people who agreed to be interviewed for this claim, and other oral sources. These voices reveal the impact of changes of the twentieth century. A prominent claimant leader, Tau Henare, was Member of the House of Representatives in parliament (1914–1940). His voice on issues of the day that were important to him and his people comes through in records of Parliamentary Debates.

The chapter covers changes in education, transport, employment, food sources, health and health services, and the impact on the people of war, changing demographics and leadership. It also gives a broad overview of the effects on, and attitudes towards land, and aspects of alienation.

Chapter 9 summarises the findings of the preceding chapters about who held mana whenua in the claim area, and the extent to which claims made by Te Aho claimants are corroborated by the oral and documentary evidence. It also identifies specific issues where further research is required. Recommendations about this further research are made.

Summaries and profiles the 23 claims that come under Te Aho Claims Alliance are set out at Appendix 4: The Claims.

The Table of Contents provides an indication of the subject matter covered in each section.

Sources and Methods

This oral and traditional report draws on the memories of life experiences of people alive today, their memories of oral traditions passed down to them by their elders, and oral traditions recorded in other contexts, such as Waka Huia programmes recorded in the past with people who have since died, and at the Initial Hearings for Te Papatupu o Te Raki Inquiry. The memories of today's elders were recorded in a series of interviews conducted over the course of the research. Recordings of elders who have since passed on were also accessed from sources such as archived Waka Huia tapes or whānau collections. Orally transmitted information is available from other sources as well, such as: Papatupu Books, early 1900s wānanga records and Native Land Court minutes.

The whakapapa included in the report have largely been derived from primary sources - wānanga and Papatupu books, Land Court Minute Books, or given personally to the research team by claimants, and a mix of primary and secondary sources has been used to compile the framework of whakapapa that describe early settlement, displacements, marriage alliances and the key relationships of the periods.

To support the orally transmitted evidence, documented sources have been referred to extensively.

Documented Evidence

Evidence of prior customary rights to land, waterways and resources is drawn from oral records of those who have had traditional knowledge given to them, and from written records, both Māori and Pākehā that survive from times dating after the arrival of Pākehā. Considerable use is made of the Māori Land Court Minute Books, Papatupu Block Committee Minute Books, Māori language newspapers and archival material from libraries and archives. Essays in macro-economic history are offered in the evidence compiled by the globally-recognised pioneer of quantitative economic history, Emeritus Professor Angus Maddison in his study 'Contours of The World Economy 1-2030AD'⁸. Te Aho Claimants and all other Claimants can explore this macro-context of Ngāpuhi nui tonu economic development from the 15th century to the 1820s and later colonisation. Te Aho Claimants' feedback has been important for representing and interpreting data.

The most substantial and consistently available source of documentary evidence is the records of the Native Land Court, established in 1865, especially the minutes of court proceedings. These should be treated with caution for a number of reasons, but with careful use and by applying standard tests of evidence provide valuable information. The type of evidence varies with the place of sitting, the approach of the judge, the method of recording adopted, and the quality of translations. Māori witnesses addressed the court in Māori, but the minutes were kept in English and therefore represent only an approximate translation, the accuracy of which cannot be verified. From the mid-1880s, the time period in which most Te Aho land blocks came before the Court, Native Land Court records show a trend towards claimants and challengers presenting far longer and more complex narratives about ancestors, ancestral occupations, occupations of more recent times and more detailed accounts of resource use by competing claimants. These narratives were often contradictory as kin groups related histories that reflected inter- and intra-tribal relationships.⁹ For this, and for similar reasons, examples given from the Minute Books of the Native Land Court are not intended to suggest the endorsement of the rights of any particular claimant or group of claimants, and no inference should be taken about the validity of one argument or claim over another. Rather, the examples are used to

⁸ Angus Maddison. (2007). *Contours of the world economy 1-2030 AD: Essays in macro-economic history*. OUP Oxford.

⁹ Grant Young, 'Ngā Kooti Whenua: The Dynamics of a Colonial Encounter', PhD thesis, Massey University, 2003, p.211.

indicate how customs and traditions were understood and practiced, and the various ways in which these changed during the 1800s and 1900s.

Oral Interviews

Over the course of the study, a number of in-depth interviews were recorded. A wānanga was held to share understandings of the research compiled. Transcripts of the interviews are included in the document bank. Other transcripts from previous research and kōrero recorded at various locations are also included.

The schedule of interviews was planned with the expectation that the interviews would be well under way by the time writing commenced. Delays meant that much of the interview material was not available until late in the writing process. However, the review process has enabled material from the interviews to be included as the chapters were converted from draft to final form.

Feedback

Because the survival and accessibility of historical documents is variable, and there are more people willing to be interviewed for one claim than for another, coverage of each claim area is inevitably uneven. The feedback process has been an important opportunity for claimants to add information that could improve the balance of coverage, to amend interpretations that are different from their understandings and to fill gaps that they perceived. A wānanga was held on 13 and 14 May 2011, and several hui as writing progressed during 2011.

Ngā Kaituhituhi me ngā Kairangahau

The report has been written and compiled by the Mira Szászy Research Centre at the University of Auckland. The Director of the Centre and principal investigator for this report is Associate Professor Manuka Henare, BA (Hons), PhD (VUW), MInstD, Te Rarawa, Te Aupōuri, Ngāti Kuri. He is Associate Dean (Māori & Pacific Development), Associate Professor in Māori Business Development in the Department of Management and International Business, and the foundation Director of the Mira Szászy Research Centre for Māori and Pacific Economic Development; Academic Coordinator of the Huanga Māori Graduate Programme in Business Development and teaches Māori business and economic history, strategy, and management of tribal enterprises. He is also a consultant and researcher in the private sector with a specialty in Māori business enterprise and development

economics. He has advised government departments, local authorities and other institutions on bicultural policies and also served on government advisory committees on development assistance, peace and disarmament, archives, history and social policy. He was recently a Board member of the Environmental Risk Management Authority (ERMA) and Chair of its Audit and Risk Committee as well as a number of other ministerial appointments.

Dr Angela Middleton is of Pākehā ancestry, from missionary roots in NSW and an early whaling family on Banks Peninsula. She completed her PhD thesis on the archaeology and history of Te Puna mission station in the Bay of Islands. Her work, *Te Puna – A New Zealand Mission*, was published by Springer (New York) in 2008; other publications include papers related to the history of the Bay of Islands as well as the development of missions in Aotearoa in an international comparative context. Since the completion of her PhD, Angela's research has explored the archaeology and history of both northern and southern parts of Aotearoa. She is an honorary research fellow in the Department of Anthropology and Archaeology at the University of Otago and also works as a consultant archaeologist. Her work in Otago has led to an exploration of different aspects of Dunedin and Central Otago's early archaeology and history, as well as the Department of Conservation publication *Two Hundred Years on Whenua Hōu/ Codfish Island*, concerned with the early engagement of Māori and Pākehā in southern Aotearoa. Angela was pleased to join the Te Aho project as an opportunity to contribute and develop research she had undertaken in the Bay of Islands.

Dr Adrienne Puckey is a Research Fellow in the Department of Management and International Business, and a research associate of the Mira Szászy Research Centre for Māori and Pacific Economic Development in the University of Auckland Business School. She has worked in business development, strategic planning and financial accounting with Fletcher Challenge in New Zealand and overseas. Since completing her PhD in history on Māori and Pākehā political economic relationships 1860–1940, she has co-written background histories for Ngāpuhi Treaty of Waitangi claims – *Te Waimate Taiamai Oral and Traditional Report* and the *Northern Tribal Landscape Overview* – published a book based on her doctoral research, *Trading Cultures; a history of the Far North* (Huia Publishers), and contributed chapters to *Living Legacy: A History of the Anglican Diocese of Auckland* and *The Spirit of the Past* (Victoria University Press).

Research for this report has been undertaken by members of the Te Aho Claims Alliance team in conjunction with some from the University of Auckland including

Hareruia Aperahama (Ngātipikiahū, Ngātiwaewae, Ngātitutemohuta, Turangitukua, Ngāti Tūwharetoa; Ngāti Kuri, Te Aupōuri, Ngāti Whātua) interrogated nineteenth-century Māori newspapers to locate references to tūpuna, hapū or areas relevant to the claimant group and the claims. A graduate of Wellington Teachers' College with a Diploma in Japanese Studies as well as Māori being his first language, Ruia has taught in total immersion at International Pacific College, and has also taught at Titahi Bay North School and Te Kura o Ratana. He is respected for his knowledge of Māori custom and lore. Ruia is a translator for a Māori language company versioning television programmes and documentaries into te reo Māori.

The following people agreed to be interviewed, gave generously of their time and entrusted us with their memories. Hau Tautari Hereora, Te Rau Hoterene, Te Riwhi Whao (Ritchie) Reti, Grace Davis, Taura Cherrington, Kerei James, Kopa Tipene, Erima Henare, Hare Waiōmio, Lou Tana, Myra Larcombe.

We acknowledge with thanks also the contributions kindly made available to us by families of those who have died, and archival repositories. These include recordings and transcriptions of Sir James Henare, Te Rau Hoterene, Mabel Waititi and Joyce Chapman.

Interviews were conducted by Hirini Henare, Pierre Lyndon, Julian Reweti, Delaraine Armstrong, Willow-Jean Prime, Lizzie Mataroria, Ketiara Haira.

Transcriptions and translations were carried out by Hohipere Tarau, Lizzie Mataroria, Puawai Shortland, Ngawini Shortland, Whitney Palmer, Ketiara Haira and Rangimarie Shortland.

Mrs Hohipere Tarau transcribed most of the Te Aho Collective Alliance interviews and translated some of the kōrero for this report. She is of Te Kau- i-mua, Ngāti Hine hapū. Hohipere has a BA double major in Māori Studies and Sociology, and a Post-Graduate Diploma in Māori Studies. She has done transcribing and translation work for other research projects with the James Henare Research Centre, Mira Szászy Research Centre and Crown Forestry Rental Trust. She is currently doing translation work for Dr Hazel Petrie, University of Auckland, whose research project was awarded funding from the Royal Society of New Zealand's Marsden Fund.

Dara Kelly is a PhD student from the Leq'á:mel First Nation in Canada. She studies in the Department of Management at The University of Auckland Business School, and a Research Assistant with the Mira Szászy Research Centre for Māori and Pacific

Economic Development. Since 2010, Dara has attended many hui with Te Aho Claims Alliance (TACA), and from her engagement with Ngāti Hine and senior researchers for the TACA report, she embarked on research toward a Master of Commerce with a focus on the ancestress of Ngāti Hine, Hine-a-maru. Her thesis entitled, "Ngā Kete e Toru o te Wānanga: Exploring Feminine Ancestral Leadership with Māori Business Leaders" was completed at the end of 2011.

Jeffrey Robinson of Ngāti Kahungunu completed his BCom (Hons) and is a Research Assistant with the Mira Szászy Research Centre for Māori and Pacific Economic Development. Natasha Vink of Te Rarawa and Ngāphui is a BCom and BSc student and assistant in the Centre.

Special thanks are given to Amber Nicholson of Ngāruahine, and Kaiwhakahaere Rauemi of the Mira Szászy Research Centre. She attended many Te Aho Claimant hui, and assisted in the editing and formatting of the report. Amber completed her BCom (Hons) study on Umanga whanaungatanga: Māori family business.

SETTING THE ORAL TRADITIONS AND HISTORIES

This part of the report begins by setting out the traditions and histories informed as much as possible by descendants of the hapū who came to settle in and around the rohe of south-east and south-central Bay of Islands. This chapter sets a course from the metaphysical realm - the distant Hawaiki of Rangī and Papatūānuku - to te whenua Hawaiki and outward to the lands to Aotearoa which the tangata whenua belong and their interactions with their natural environments.

The geographic landscape and environmental conditions from Pewhairangi on Te Tai Tamawahine¹⁰ to Te Moana Nui a Kiwa,¹¹ across Te Tai Tokerau peninsula to Te Hokianga a Kupe on Te Tai Tamatane¹² to Te Tai o Rehua,¹³ have also helped shape the world view and the communities. Direct linkages between the coastlines, land, lakes and rivers are significant physical features of the environment and landscape. In Te Aho affiliated hapū traditions, the land is the body and identity of the people, the water is their life-blood. Whānau-hapū-iwi identity is determined with reference to waka, maunga, a body of water and an ancestor. The cultural and spiritual significance of water was a determining factor in historical settlement patterns.

The approach gives primacy to oral sources – in particular the kōrero tuku iho and kōrero whānau, meaning the life histories of the sage Sir James Henare and his tamaiti Erima Henare, and many other contributors such as Te Riwhi Whao (Ritchie), Arapeta Hamilton, too many to name. It must be noted that working with the number of informant hapū of significance required of the research team a balancing of hapū traditions to ensure that the many songs of Te Aho are recorded.

During the course of this project the Tribunal conducted its first stage of hearings into He Whakaputanga and Te Tiriti. This project has greatly benefitted from the expert evidence of tangata whenua witnesses before that Tribunal.

In respect of translations the report makes a distinction between extant translations and those commissioned specifically for this report and notes where relevant where transcripts have been lifted directly from the Tribunal's bilingual transcript.

The kōrero that informs the research for this chapter illustrates both the commonality and complexity of the 'woven universe' of hapū identity for Te Aho affiliated hapū. It does so within the context of the people's understanding of an

¹⁰ The Bay of Islands on the Pacific Ocean coast.

¹¹ Pacific Ocean.

¹² The Hokianga Harbour on the Tasman Sea coast.

¹³ Tasman Sea.

emergent universe which contrasts and repeats to form divergent hapū founded on their own historical tradition rather than within the context of engagement with Pākehā who record a lineal time-based history.

A chapter on the 'Peopled Landscape' concludes the first part of this report where tradition and modernity – Māori and Pākehā meet, drawing together both the customary world of Te Aho hapū and engagement in the wider world with the people of Australia, England and France. This chapter still draws largely on traditions handed down – kōrero tuku iho – but also kōrero whānau or life-stories and more so documentary sources. Part Two relies substantially on archival and other documentary sources.

PART ONE: I NGĀ RĀ O MUA

The Ngāpuhi world view derives from cosmology and belief systems, related through oral traditions and narratives that provide key principles, societal customs, values and beliefs. The Ngāpuhi tradition comes out of the Ngāpuhi whare wānanga into which tohunga, such as Māori Marsden and Sir James Henare, Ngāti Hine, were indoctrinated. This wānanga held to the Io tradition, as described by Māori Marsden.¹⁴

This chapter begins by presenting whare wānanga traditions from Io, the evolving universe through different stages of existence, each with its own layers and dimensions: Te Kore (the void), thought to be a state of potential; Te Pō (the night, darkness), a state of gestation and development, and Te Ao Mārama (the world of light), a state of enlightenment and life. It shows how the primordial landscape is revered in the form of taunaha - the naming of landmarks for and by ancient tūpuna.

The historical references multiple hapū traditions which intersect and overlay to inform a complex view of cosmology, whenua and tūpuna, yielding autonomous hapū identities which are set out more fully in the second chapter of this report, 'Ngā Tāngata o te Whenua'. This chapter identifies who the tāngata whenua are and re-tells their histories of occupation in the rohe.

¹⁴ Royal, ed., *Woven Universe*, p.180. The Marsden papers are held at the Auckland City Library.

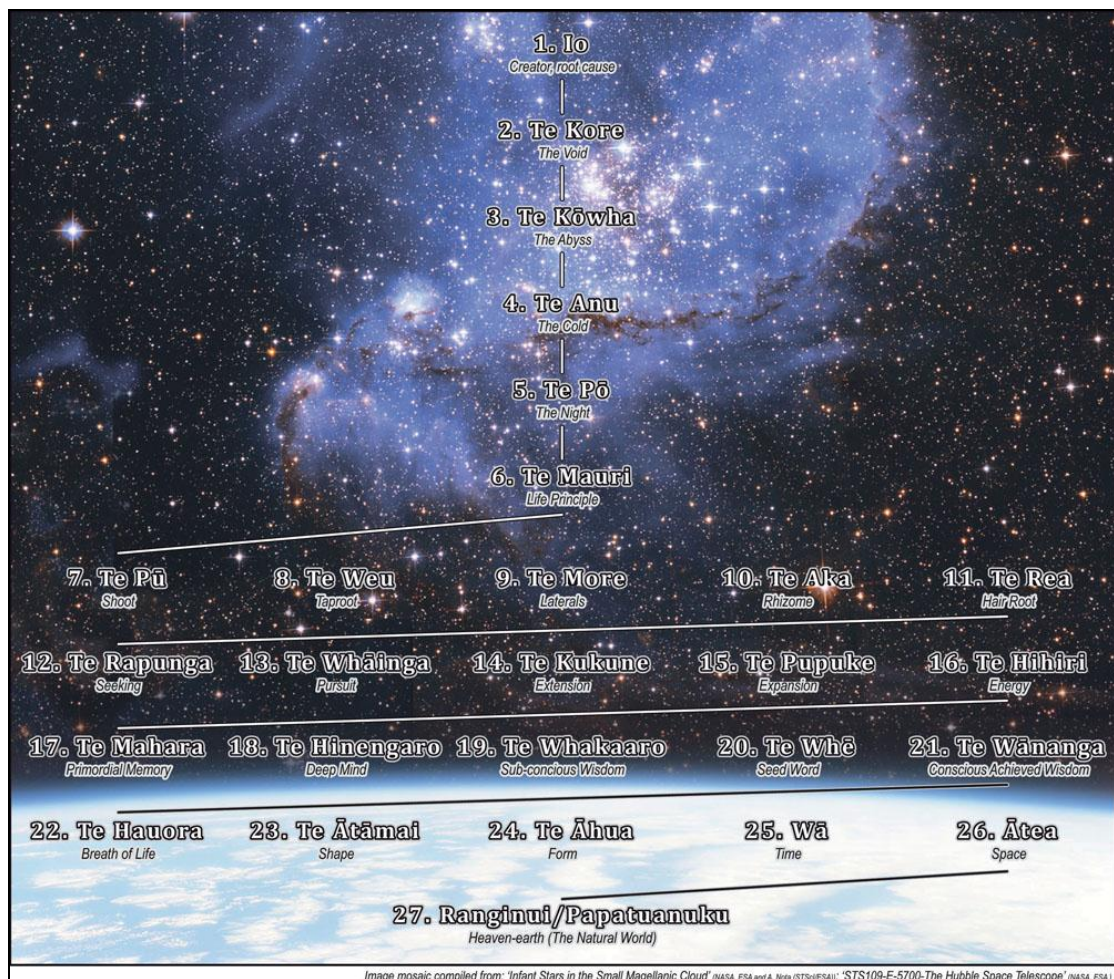
CHAPTER ONE, TE AO MĀRAMA

Creation, Io matua kore and Atua

The Te Aho hapū world view derives from Ngāpuhi cosmology and belief systems, related through oral traditions that inform key principles, societal customs, values and beliefs. The Ngāpuhi tradition came out of the Ngāpuhi whare wānanga into which tohunga, such as Māori Marsden and Sir James Henare, were indoctrinated. This wānanga held to the Io tradition, as described by Māori Marsden.¹⁵

From Io matua kore, the universe evolved through different stages of existence, each with its own layers and dimensions: Te Kore (the void), thought to be a state of potential; Te Pō (the night, darkness), a state of gestation and development, and Te Ao Mārama (the world of light), a state of enlightenment and life.

Chart 1: Io creation tradition – Genealogy of the Cosmos



¹⁵ Ibid, p.180

Sir James Henare explained that Māori affection and attachment to land derives from a history that has its beginnings in the mists of time, before creation, progressing to the birth of Hawaiki the mythical, original homeland of Māori.

Hawaiki; Hawaiki Nui, Hawaiki Roa, The large Hawaiki, the long Hawaiki, the
Hawaiki Pamamao, te hono i te wairua. distant Hawaiki, the link with the spirit
world.¹⁶

From the distant Hawaiki and the link with the spirit world came Te Ao Hou (the New World), te whenua Hawaiki. Once Hawaiki was born, the parental atua Ranginui (Great father of the heavens) and Papatūānuku (Mother of earth) came into being.

The conception of the physical world is told through vivid metaphysical history of the atua (gods, deities), Ranginui and Papatūānuku, and their many children thusly:

Tuia te rangi i runga nei, te Papa e Knit, the heavens above, and Papa
takoto nei, below,
Ko Tane whakapiri piri e tū nei. Behold Tane of the forests.¹⁷

Each of these children was associated with different aspects of the physical or natural world: Tāne Māhuta (forests and its inhabitants); Tangaroa (seas and its inhabitants); Tāwhirimātea (natural elements); Tūmataua (conflict and warfare); Haumiatiketike (uncultivated food – aruhe, fernroot); Rongomātane (cultivated food – kūmara, and peaceful pursuits), and Ruaumoko (earthquakes and volcanoes).

Attachment to the land was also based on familial (whānau) relationships that link human beings and spiritual beings.¹⁸ As sacrament, the relationship between people and land is active, rather than passive, as is suggested by Sir James' further elaboration of this identity, sense of awareness and mana:

The Māori word whenua – land, is the term used for both the land and the placenta or afterbirth. Therefore, the land for the Māori has the same deep significance as the placenta that surrounds the embryo. Giving warmth and security, a mauri, a life force, that relates to and interacts with Mother Earth's forces.¹⁹

¹⁶ Sir James Henare, Address to Auckland District Law Society, 4 July 1981, p. 5.

¹⁷ Sir James Henare, 1981, p. 8. Patu Hohepa notes that Tane Whakapiripiri is Tāne who unifies all living things on Papatuanuku. Patu Hohepa, June 2009.

¹⁸ Cf. Cleve Barlow, *Tikanga Whakaaro: Key Concepts in Māori Culture*, Auckland, 1991, pp.171-72.

¹⁹ Sir James Henare, 1981, pp. 15-16.

The mauri is life itself, in traditional Ngāpuhi thinking and belief, the life-essence of a person or thing. Ranginui and Papatūānuku were imbued with the mauri of Io and it passed on to their children and finally to all things of creation.

Sir James expressed the depth of feeling and the consequences of belief in the intimate linkages between humanity and the land in many proverbs:

He wahine he whenua, e mate ai te tangata. A man will gladly die for his women and land.

This whakatauaki is often used in reference to the relationship between women and land. It brings to the forefront the relationship with Papatūānuku – without women who are the whare tangata, and without Papatūānuku; tangata would die.²⁰

Whatu-ngaro te tangata, toitu te whenua.	Human beings die, land will live on forever.
He kura whenua e hokia He kura tangata e mate.	The treasure of land will persist, The treasure of humanity will perish.

Māori belong to the land and are nurtured and sustained by the land in the same way that Papatūānuku nourishes her children. Therefore, Māori maintain that they have both a physical and a spiritual relationship with the land. Humans were conceived of as belonging to the land; as tangata whenua, people of the land. They were not above nature but were an integral part of it and were expected to relate to nature in a meaningful way.²¹

Other mana-related beliefs, such as mana tūpuna, which refers to the power or authority from the ancestors; mana tangata, the power acquired by an individual to develop skills and gain knowledge according to their ability and effort; mana whenua, the power associated with the use and care of lands; and mana wairua, being the power from the spiritual world,²² are foundations of the mana of Ngāpuhi.

Te Tai Tokerau 'Māori thus see themselves as descendants of gods, and as partners with them in a physical and spiritual universe.'²³ Atua are the primary source of all

²⁰ Walker, S., 'Kia tau te rangimarie. Kaupapa Māori theory as a resistance against the construction of Māori as the other', 1996, p.126.

²¹ Ranginui Walker, *Ka Whawhai Tonu Mātou: Struggle without End*, revised edn, Auckland, 2004, pp.13-14.

²² Barlow, pp.61-2.

²³ Waitangi Tribunal, 'Muriwhenua Land Report (Wai 45)', Wellington, 1997.

tikanga and ritenga, customs, ethics and values that drive human behaviour. The way tangata whenua organised their lives was shaped by their world view, cultural traditions, kinship systems and experiences in history.

Te whenua e tū mai nei

Kōrero tuku iho, meaning oral traditions handed down, tell of the actions of atua and taniwha carving the physical landscape. The mountains and valleys of Te Tai Tokerau were formed when the older brothers of the demi god Māui-tikitiki-a-Taranga beat and killed the fish Māui-tiki-a-Taranga, often simply referred to as Māui, pulled up from the deep. The mountains, valleys and other geographic features of the Te Ikanui o Māui, or the North Island, are the scars of this event.

In the Ngāpuhi tradition, the Māori ancestors - beginning with Kupe then Nukutāwhiti and Ruānui - came from te whenua Hawaiki, having crossed Te Moana Nui a Kiwa, the great ocean of Kiwa the East Polynesian ancestor.²⁴ Believed to have escorted the Māmari canoe from Hawaiki ²⁵ Āraiteuru, a female taniwha, lived at the south head of the harbour, and her companion, known by some as Niua, lived in the north head.²⁶ Such taniwha became over time the Kaitiaki, or guardians of the areas or peoples who settled in various places around Aotearoa.

When she arrived, Āraiteuru gave birth to 11 sons. All went exploring, and on the way they dug trenches – creating the branches of the Hokianga Harbour. One son, Waihou, burrowed inland and lashed his tail about to form Lake Ōmāpere. Another son Ōhopa, was angered by the large number of rocks he encountered, and came to hate all living things terrorising the people near the Panguru mountains.

Hapū histories place mythical personalities – often tūpuna - in and on the landscape many of these traditions establish multiple characters who reside in places of cultural significance at different times. One such place is lake Ōmāpere where, according to evidence presented by kaumatua Paengatai Wihongi during the Ngāwhā Geothermal Inquiry, the taniwha Takauere lived, his ‘...tail would ‘whip’ at Ngāwhā and at other places’:

²⁴ Paul D'Arcy, *The People of the Sea: Environment, Identity and History in Oceania* Honolulu, 2006, p.13.

²⁵ In other traditions Āraiteuru and another taniwha named Ruamano guided the *Tākitimu* canoe.

²⁶ Āraiteuru and her sons, Taniwha, www.teara.govt.nz/en/taniwha, Te Ara online resource

I ētahi wā, ka huri he wiwi e tere ana. E anga atu ana te wai, e tere ake ana te wiwi. I ētahi wa ka karawhiu te hiku ki Te Ngāwhā. He Kaitiaki i ngā waiariki i ētahi wā ka karawhiu te hiku ki Hokianga, ki Te Waimate. E karawhiu ana hoki ki ngā roto o Te Ngāwhā. Ko ngā tohu, ko ngā tumutumu o ngā kauri kei kona tonu ana.

At times it takes on the form of a floating (clump of) wiwi/bull-rush. The water flows one way and the bull-rush floats in the opposite direction. Sometimes its tail flicks around to Ngāwhā. It is a guardian of the thermal springs. At other times it swings into Hokianga, to Te Waimate. It also swings its tail around to the Ngāwhā lakes. The kauri stumps that are there is the sign that it still exists.²⁷

In Te Aho tradition, the land is the body and identity of the people, the water is their life-blood. Te Kapotai tūpuna gave their lands, bays, estuaries and other place names that expressed their highest cultural, spiritual and historical value. This is the significance of a name. It is more than a label. A name is imbued with spiritual significance. They are for Te Aho claimants a specific personal reference point binding them in woven patterns, a line of descent from their tūpuna of Aotearoa, of Hawaiiki and beyond.

Ngā kōrero o ngā hapū

The territory where Te Aho claimant hapū exercise mana i te whenua extends from the western hills between Tūtāmoe and Kaikohe, to the east coast, north into Taumārere and south of Whāngārei Harbour. Between the east and west extremities, an area of high land between the maunga: Te Tarai-o-Rāhiri, Hikurangi and Maungatūroto directs waterflow either westward along the Punakitere and Waima rivers to the Hokianga Harbour, or eastward along the Kawakawa River towards Taumārere, where it is joined by the Karetu and Whangai rivers that flow into the Waikare Inlet and out past Kororāreka into the Bay of Islands. Beneath these surface features run underground streams, some through limestone caves, such as those at Waiōmio. Many of the maunga are of volcanic origin. The high lands were densely wooded. The forests supported abundant bird and other fauna, and between the areas of high land, water accumulated in swamps, some forming extensive wetlands such as on the Mōtatau blocks. These repo or swamps are important habitats for tuna, eels, which also use the underground waterways to migrate at different times in their life cycle.

²⁷ Translation by Hohipere Tarau.

Taumārere

Taumārere, known also as Te Awa Tapu o Taumārere, Taumārere-te-paiaka-o-te-riri, or the Taumārere River, is a significant cultural, spiritual and historical taonga for hapū in Peiwhairangi. It links Peiwhairangi people with those of the Hokianga metaphorically in cosmological traditions, and through genealogical connections. In addition, taunaha accounts, or discovery traditions impose an imprint of shared histories on the physical landscape of Peiwhairangi and Hokianga. The people of Peiwhairangi protect these cosmological and human values through exercising kaitiakitanga, rendered as guardianship. The river is commemorated in sayings and waiata such as:

Ka mimiti te puna o Hokianga, ka totō ki Taumārere;
Ka mimiti te puna ki Taumārere, ka totō ki Hokianga.

When the spring of Hokianga dries up, that of Taumārere fills up;
When the spring of Taumārere dries up, that of Hokianga fills up.

This whakatauki refers to the close kinship ties between Hokianga hapū on the west coast or Te Tai Tama Tane and those hapū toward the east, Te Tai Tama Wahine (the east coast or Bay of Islands).

Taumārere is a river that runs into Te Tai Tama Wahine and is a broader name for the eastern coastal area from inland Kaikohe, to Pewhairangi (the Bay of Islands) south to Whāngārei. According to Ngāti Hine kaumatua Lou Tana the settlement of Taumārere was also known as ‘Te Taura Mārere’, meaning the place where canoes were moored.²⁸

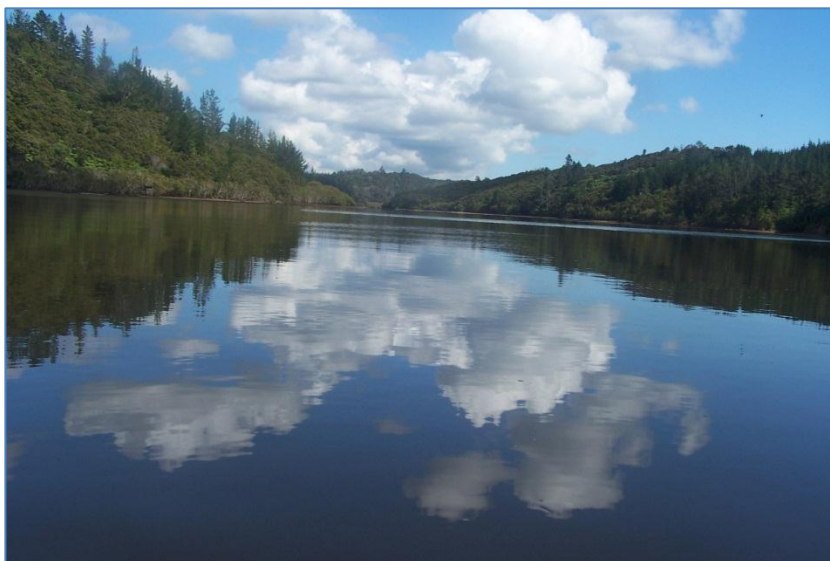


Figure 2: Te Taura Mārere

²⁸ Lou Tana interview, 10 September.

The Ngāpuhi-nui-tonu ancestor Rāhiri, from whom all Ngāpuhi descend, is credited with naming this important ancestral river a vital food source and a key route to and from inland areas to the ocean at Te Pikopiko-i-Whiti:

‘The pā of their ancestor, Rāhiri, is Whiria-te-paiaka-o-te-riri, which is found beside the river at Hokianga. Rāhiri named Taumārere-herehere-riri.’²⁹ The spring of Taumārere begins at Mōtatau maunga. It comes down to the river of Taikirau, flows down until it reaches the river of Taumārere. The plugs of this river are at a place called Te Tororoa at Mōtatau.’³⁰

The name of the river at Motātau is Te Ramarama. It runs below here to Huripunga to meet up with the river at Taikirau and from there it runs to all corners of this world. The plugs of Taumārere River are at Te Horahora (or Te Tororoa, see below). These are the rivers that the people of Ngāpuhi use for messages to their people. For instance when Hongi was at battle with Ngāti Whātua, his wife Turikatuku yelled out, “Hongi, the plugs of Taumārere might open”, meaning to fight stronger and not fall.³¹

According to Ngāti Hine tradition Taumārere has a guardian or taniwha known as Rangiriri:

Taumārere is the river of our ancestors. The taniwha (guardian) of Taumārere is Rangiriri who came from Pārakerake in the Bay of Islands. A group of people went in search of tōtara suitable to build a war canoe. They found one, offered sacred prayers upon it and cut it down. The tōtara proved too short, so it was abandoned without lifting the sacredness placed upon it. They found a taller tōtara, chopped it down and built their canoe. Two days later the first tōtara had disappeared. The missing tōtara floated on the ocean and went to Motukokako and appeared there. It floated to Taumārere where it lived. During the times the European began to log our forests, they rafted logs up the Taumārere river and on to Auckland. Rangiriri would float up with the tide and smash the logs which were tied together with wire. The European took him to Ōpua where they drilled holes into him and smashed him to pieces. However, the next day he was afloat again. It continued on its journey to the waterfalls at Ōtiria and returned to Taumārere. He again returned to Ōtiria where he became human. He carried on to Tuhipa and on to Kaikohe. The elders of Ngāti Te Ara wanted to get rid of him so he climbed above Tautoro and entered into Lake Rotokereru and became a taniwha again. Because he was spotted by a group of people setting traps to catch pigeons, he left for Awarua and on to Wairoa River where he made his home. When diving in his grotto, it was very dark and weedy resembling a ‘wailing road’. Thus, the name Tangiteroria was formed. He was challenged by the cunning Pokopoko, another taniwha but escaped and fled to Ngāti Whātua where he lives his old days out. This taniwha was known as ‘Taniwha’, ‘The Tōtara’ and Rangiriri.³²

²⁹ Abstract of Tā Himi Henare interview, 1984, p.4.

³⁰ Abstract of Tā Himi Henare interview, 1984, p.4.

³¹ Abstract of Tā Himi Henare interview, 1984, p.4.

³² Abstract Tā Himi Henare interview, 1988, p.1.

The movement of the people from the Hokianga, east and south towards Taumārere, is symbolised by the tupuna Kauea who became a taniwha and travelled below the earth.³³ Kauea was a tupuna of Puhi-moana-ariki from whom Ngāpuhi nui tonu take their name.³⁴ He exited near Kerikeri and made his home in Kororipō, meaning the whirlpool, a significant kāinga and Pā site in the Kerikeri inlet. Waterways, inland and coastal, are fundamental to the Te Aho worldview and belief system wherein all aspects of the cosmos and universe are interconnected.

Ko ngā maunga

Each hapū of Te Aho has a tribal mountain that is constantly referred to in the formation of and continuity of whānau-hapū identity and connection to land. The mountain is a place-marker, a place of refuge, and often contains burial sites and other wāhi tapu. Such mountains are centres of economic activity also, and the types of economic activity relevant to hapū geography and geology which over time added to the sense of Te Aho tribal identity.

As Ngāpuhi nui tonu populations grew and expanded their territories, they developed a potent metaphor of Te Whare Tapu o Ngāpuhi, literally the sacred house of Ngāpuhi. More detail of the Whare Tapu is provided later. The metaphor of the house encompasses both place and belonging. As a territory, staked out by its mountain supports, it claims a space for whānau and hapū within the iwi; it also refers to the mutual protection and assistance an individual or hapū can access within the group. Establishing identity and humanity in whanaungatanga (belonging to a whānau, hapū and iwi) that is located in a particular time and place, also conveys the importance of both the individual and the group in kinship solidarity.³⁵ In Ngāpuhi tradition individuality is a strong dimension of group identity, and the group identity confirms the individuality of the person.³⁶

The most important people were often buried on the summits. Summits were also strategic sites of many fortified and unfortified pā, which both protected the local inhabitants and formed part of a defensive network for the region. From these summits, potential threats could be seen approaching and signals could be sent to

³³ Waitangi Tribunal, 'Ngāwhā Geothermal Resource Report', Wellington, 1993. Section 2.3.2.

³⁴ D. R. Simmons, *The Great New Zealand Myth: A Study of the Discovery and Origin Traditions of the Māori*, Wellington, 1976, p.210.

³⁵ James Irwin, *An Introduction to Māori Religion*, Adelaide, 1984, p.7; R. Maaka, 'The New Tribe: Conflicts and Continuities in the Social Organisation of Urban Māori', *The Contemporary Pacific*, 6, 2, 1994, p.314.

³⁶ Individuality is not to be confused with the philosophy of individualism, which sees the individual as an autonomous and free-acting person.

neighbouring pā using either fire or sound. From his seat, Te Nohoanga o Torongāre, Torongāre had a perfect view of activity on Whāngārei Harbour, and in the northern war smoke signals were sent from Ruapekapeka Pā.

Lands of Te Aho hapū are bounded by tribal maunga such as Ngā Kiekie Whāwhānui-o-Uenuku, Pouerua, Rakaumangamanga, Manaia, Whatititiri, Tutamoe and Te Tarai o Rāhiri. Many other maunga stand within these boundaries.

Te Whare Tapu o Ngāpuhi

In establishing their rohe whenua, their tribal boundaries, whānau and hapū throughout Pewhairangi established long associations with maunga that today form Te whare tapu o Ngāpuhi. Much of the detail in respect of Te whare tapu o Ngāpuhi is recounted in evidence presented before the Waitangi Tribunal's Ngāwhā and Te Paparahi o te Raki Inquiries, and in the report "*He Whenua Rangatira*" Northern Tribal Landscape Overview (Hokianga, Whangaroa, Bay of Islands, Whāngārei, Mahurangi and Gulf Islands)', Nov 2009 commissioned by the Crown Forestry Rental Trust some of which is summarised here.

The locations of these boundaries are often recalled in whakataukī. The following extended proverb has commonly been asserted to delineate the 'chiefly landmarks of Ngāpuhi':

The house of Ngāpuhi was erected so that Papatūānuku, the earth mother, is the floor. The mountains are the pillars [and] Ranginui, the skyfather gazing down, is the roof. Puhanga Tohora (Whale spume) looks to Te Ramaroa a Kupe (the eternal beacon of Kupe); Te Ramaroa looks to Whiria (Plaited), the Whiria looks at Panguru and Papata – to where the trees lean, standing in the westerly winds; Panguru-Papata – looks at Maungataniwha (the *Taniwha* mountain range), Maungataniwha looks at Tokerau (Hundred worms or north) Tokerau – looks at Rakaumangamanga (multi-branched tree); Rakaumangamanga – looks at Manaia (named after an ancestor Manaia); Manaia – looks at Tutamoe; and Tutamoe looks at Puhanga Tohora.³⁷

Ngāpuhi kaumātua recite this tauparapara to describe their tribal territory in the form of a whare, or house. The valleys and coastlines bordering Ngāpuhi territory form the geographical extremities of the house, the tribal mountains are the poupou, or wall posts, that line its walls and each mountain embodying the hapū that make up the Ngāpuhi iwi confederation. The mountains are the physical manifestation of the

³⁷ Cit. Waitangi Tribunal, Ngāwhā Geothermal Resource Report, Chapter 2, p. 11, online at: http://www.waitangi-tribunal.govt.nz/doclibrary/report_pdfs/wai304_pdfs/Chapter2.pdf in 'He Whenua Rangatira: "He Whenua Rangatira" Northern Tribal Landscape Overview (Hokianga, Whangaroa, Bay of Islands, Whāngārei, Mahurangi and Gulf Islands)', Nov 2009, p.58.

identity of the corresponding hapū and act as a support for the house. In this way, they indicate that the mana of Ngāpuhi as a whole is sustained and unified by the allegiance of each of the hapū. As each mountain protects the territory, so too does each hapū.³⁸

The metaphor of the house as a territory, with its mountain supports, symbolises the mutual protection and assistance a person or group gets from looking to the other.

The tauparapara that encapsulates the metaphor is as follows:

He mea hanga toku whare, ko Papatūānuku te paparahi
Ko ngā maunga ngā poupou, ko Ranginui e titiro iho nei te tuanui.

Pihanga Tohorā titiro ki Te Ramaroa;
Te Ramaroa titiro ki Whiria,
ki te paiaka o te riri ki te kawa o Rahiri;
Whiria titiro ki Panguru, ki Papata,
ki te rakau tū papata ki te tai hauauru;
Panguru-Papata titiro ki Maungataniwha,
Maungataniwha titiro ki Tokerau,
Tokerau titiro ki Rakaumangamanga,
Rakaumangamanga titiro ki Manaia
Manaia titiro ki Tutamoe,
Tutamoe titiro ki Maunganui,
Maunganui titiro ki Whakatere,
Whakatere titiro ki Pihanga Tohorā.
Ehara aku maunga i te maunga haere, he maunga tū tonu, tū te ao, tū te pō.

My house is made with Papatūānuku [the earth] as the floor,
The mountains are the supports, and Ranginui [the sky] who looks down here is the roof.
From Pihanga Tohorā look to Te Ramaroa;
From Te Ramaroa look to Whiria, to the root of strife, the protection of Rahiri;
From Whiria look to Panguru, to Papata, to the leaning trees, which stand together in the west;
From Panguru-Papata look to Maungataniwha,
From Maungataniwha look to Tokerau,

³⁸ Paul, 2000, p. 96.

From Tokerau look to Rakaumangamanga,

From Rakaumangamanga look to Manaia,

From Manaia look to Tutamoe,

From Tutamoe look to Maunganui,

From Maunganui look to Whakatere,

From Whakatere look to Pihanga Tohorā.

My mountains are not travelling mountains, they are mountains which stand eternally, day and night.’³⁹

The song of the tauparapara is in the Tagorian sense a restatement of the “Melodies eternally new”.

Ngā maunga e tū nei

The histories and traditions of iconic maunga, such as Te Tarai o Rahiri and Hikurangi, have been set out earlier in the Report however, there are local variations to these kōrero which emphasise the prominence of less lofty peaks but illustrate the remarkable contribution maunga make to the spiritual and cultural well-beings of tangata whenua. These traditions add drama to hapū narratives of the places they associate with and belong to.

For instance, in the 1870s Ngāti Hine was declared by Te Maihi Paraone, the son of Te Ruki Kawiti, to be a separate iwi⁴⁰. The proclamation was made for all descendants of Hineāmaru living in the rohe potae described. This area was identified by Maihi Kawiti as the ‘Te Porowini o Ngāti Hine’ or ‘The Province of Ngāti Hine’, alternatively Paraikete Whero. This territory lies to the west and mainly north of Whāngārei.

I rohetia e Maihi i tēnei takiwā hei Rohe Tangata mo Ngāti Hine i te tau 1878:

Hikurangi titiro ki Pouerua, Pouerua titiro ki Rakaumangamanga,
Rakaumangamanga titiro ki Manaia, Manaia titiro ki Whatitiri,

³⁹ cf. Eru Pou cit. Jack Lee, *I have named it the Bay of Islands ...*, Auckland, 1983, pp. 290-291; cf. P Hohepa, *Waima: The People, The Past, The School*, Waimā School Committee, 1981, p. 8; cf. Ngāwhā Joint Venture Partners, ‘Te Whare o Ngāpuhi’, *Northland Age*, (27 July 1993), p. 10 ‘He Whenua Rangatira: “He Whenua Rangatira” Northern Tribal Landscape Overview (Hokianga, Whangaroa, Bay of Islands, Whāngārei, Mahurangi and Gulf Islands)’, Nov 2009, p.46

⁴⁰ In 1867, a major hui of Ngāpuhi, at Okorihī Marae near Kaikohe, chose Te Maihi as their Ariki, giving him the mere of Hōne Heke as a symbol of this status. However, because he was being constantly challenged by Hone Mohi Tawhai, he rejected the status and, in 1878 indicated Ngāti Hine would become independent by throwing this mere on the ground at Okorihī. A whare rūnanga, called Te Porowini o Ngāti Hine (the province of Ngāti Hine) and a dining room were built at Taumāreere. Te Porowini was later moved to Ōtiria Marae. This information has been taken from the Ngāti Hine website, <http://www.ngatihine.iwi.nz/>. It differs from the account in the DNZB for Te Maihi, which gives 1862 as the date of partitioning Ngāti Hine territory from Ngāpuhi.

Whatitiri titiro ki Tutamoe, Tutamoe titiro ki te Tarai o Rāhiri, Te
Tarai o Rāhiri titiro ki Hikurangi, ki ngā kiekie whawhanui a Uenuku.

Between Whatitiri and Tutamoe lays *Tauanui*. The steep conical hill, *Tauanui*, is one of the most striking landforms in the North. From its summit it is evident that the peak is a perfect inverted cone, typical of a volcanic eruption. Just beyond the lip of its crater is a bush-lined lake, *Roto Kereru*, named for the profusion of birds that once lived there. In the centre of the lake is a small island, *Motuwārangi*, a traditional burial ground, which is memorialised in the incantation:

Haere mai kia tapatapahia tō kiri ki te akerautangi kia tū!
Kia here rā i e! Te riri e! Ka iri te kohu ki runga!
Ka tatao ki runga o Kereru o ngā tokowhakaura
hei Motuwārangi e te riri e!

According to kaumatua Hone Sadler in evidence to the Te Paparahi o te Raki Inquiry, Ngāti Manu had by the 1700s built hapū pā on two adjacent hills at Tautoro, named Haungaiti and Haunganui and established several kāinga around them. They also had a wāhi tapu in the area called Manawahe and cultivations named Taonui. According to traditions of Sadler, Taonui is the correct name for the mountain often called Tautoro. It was one of the largest and best fortified strongholds in the north, having the great advantage of rich soil, abundant water supply and thriving economy.

The pā at Tautoro include: *Tauanui*, *Haungaiti*, and *Haunganui* and were strategically important. From *Tauanui*, both east and west coasts can be seen, as well as *Hokianga*, *Ruapekapeka*, *Mōtatau*, the pā in *Maungatūroto*, *Ngāwhā* and others. When *Kawiti* and his allies were at *Ruapekapeka*, *Ngāti Moerewa* at *Tauanui* could see his smoke signals and went to support him. These pā were defensive positions; but as stated earlier not all pā were fortified and, in this sense, Tautoro was not a centre of conflict but rather a place of shelter, as indicated in the traditional song composed by *Tāoho*, paramount leader of *Te Roroa*:⁴¹

Kāhore ia nei, e, ko te tohu o te mate.	There is nought else but omens of death,
Whakapiri noa ake tāua, e,	Let us in our plight seek refuge
Ngā rākau tuāhā i a Karawai rā, e, ...	among the mighty trees with Karawai yonder, ...

This particular reference is to the early eighteenth-century period; *Karawai* held the mana whakahaere of *Ngāti Moerewa*, and had whakapapa ties to *Tāoho*. The theme

⁴¹ Hone Pereki Sadler, Brief of Evidence, 4 June 2010, p.7.

of seeking shelter at Tautoro continued into the conflicted period following the signing of Te Tiriti o Waitangi in 1840.

Ruapekapeka

The grandmother of Tara, like Hautai, was an ariki-tapairu. She cultivated land at Ruapekapeka, which took its name from some bats (pekapeka) that flew out of a hole while Ngāti Manu were clearing land at Tawapukupa...

Ngāti Hine Pukepukerau - Ngāti Hine of a hundred hills

The rohe, or territory, of Ngāti Hine is characterised by its hilly terrain, formerly clad in native bush and now largely replaced with pinus radiata and pasture. Between the hills are the more fertile river valleys, such as Waiōmio where Hineāmaru grew kūmara, and where early in the last century Kākā Porowini grew crops. The highest peak in the rohe is Te Tārai o Rāhiri (697 metres above sea level). Others, such as Pouerua (270 metres above sea level), stand high above their surroundings. Within the rohe are the many streams that form the catchment of Te Awa Tapu o Taumārere, the sacred river of Taumārere. There are still some extensive swamp areas, despite the large scale drainage that has been undertaken. The lake, Ōwhareiti, at the foot of the mountain and ancient pā site, Pouerua, is the largest single body of water.



Figure 3: Pouerua

Nowadays, *Mōtatau* is well known and important area for Ngāti Hine.

Mōtatau, the maunga, holds additional significance. *Mōtatau* is known as ‘Te tatau ki te Reinga’ – the doorway into the spirit world. According to Ngāti Hine belief,

beneath its twin peaks lies the tatau to a pathway for the ‘te wairua tangata’, the spirit of those who have died. Once on the pathway the spirit travellers eventually join ‘te rerenga wairua’, the ultimate pathway to te Reinga. This is the departure point to Hawaiki.⁴² ‘If you listen to the songs of their ancestors, they mention Mōtatau. This one is about Te Rerenga Wairua. When the ancestors did the poroporoaki they would say, “Come, enter Mōtatau, the doors of Te Reinga.” The proverb for Mōtatau is “Tū te ao tū te pō”, rendered as stand and never move. When Mataroria, an ancestor of Ngāti Te Tarawa was alive Mōtatau was his pā.’⁴³



Figure 4: Ko ngā maunga whakangaorau o Ngāti Hine

Ngāti Hine has two mountains. Years ago a plant called ngao grew on top of each mountain, which is why they are referred to as ‘Ko ngā maunga whakangaorau o Ngāti Hine’, the ngao mountains of Ngāti Hine. One is Mōtatau, mentioned above; the other is *Hikurangi*, the pā of the ancestor Uenuku; its original correct name is Ngā Kiekie Whāwhānunui-o-Uenuku.⁴⁴ The name Hikurangi comes from Hawaiiiki. Between the mountains is a ridge called Unuwahao. Hikurangi is on the north side and Mōtatau on the south. Below, close by, are the plugs of Taumārere.⁴⁵

Changing place names in the period of colonisation has confused, or even obliterated, the original history attaching to places, for instance when Railway Stations and Post Offices took on the names of places not necessarily associated directly with their sites.

⁴² Mōtatau website: <http://www.naumaiplace.com/site/motatau/home/page/778/marae-logo/>.

⁴³ Abstract from Tā Himi Henare interview, 1984, p.4.

⁴⁴ Abstract from Tā Himi Henare interview, 1984, p.3.

⁴⁵ Abstract from Tā Himi Henare interview, 1988, p.8.

Names such as Horahora, Tororora⁴⁶ and Taikirau were the original names, not Mōtatau. Its name comes from Ihenga Paraoa, off Te Arawa canoe. Mataroria takes over this spring, Te Waitohi o Ihenga, and it becomes the waitohi for the warriors who took part at Ruapekapeka and other skirmishes that Ngāti Hine were involved in at the time. That's how this place gets its name.⁴⁷

Erima Henare cited other examples.

According to the whakapapa, Rāhiri marries Ahuaiti and has Uenuku. Uenuku marries Kareariki, after whom the hot pools in Ngāwhā are named 'Ngā Mokai a Kare Ariki', and they have Uewhati. And Uewhati has Uetaoroa, and Uetaoroa marries Pikiāo. Uetaoroa's brother Ueoneone marries Reitu from Tainui. Uetaoroa marries Pikiāo: Ngāti Pikiāo are the whānau of Te Arawa that live on the lakes at Rotoiti. They are also the descendants of Pikiāo through another woman. Why do we mention Pikiāo? Because it leads to the naming of this valley or actually that hill known as Mōtatau, although the people from Pipiwai have another view of that.

Pikiāo has a mokopuna. The name of the wharehui on the marae at Rotorua Polytech is called Ihenga Paraoa. This tupuna Ihenga, mokopuna of Pikiāo, is what you call a taunaha. He wanders over the countryside naming places, including many places in Taitokerau, as he made his journey, and one of them is here at the foot of the mountain. At Kaitoki, at the foot of the Mōtatau mountain, is Te Waitohi a Ihenga, the baptism waters of Ihenga. It is a pool of water fed by an underground spring. He either had a baptism rite there or something for a child. Ihenga, who sees this pool, gives the valley or mountain its name. In his recitation, he says, 'rite tonu ki ngā tatau o te reinga'; this pool looks like the gateway to the spirit world. At some point then, it is assumed that Ihenga, in his journeys got to Te Rerenga Wairua. At Te Rerenga Wairua, if you go down to the pōhutukawa, our tupuna says you get onto te aka ki te reinga, the branch that dips down into the water. In the water is a hole, and the rimurimu, the seaweed waving around in that hole are different in colour to the seaweed outside it. Ihenga names this place Mōtatau by looking into Waitohi a Ihenga, which he says rite tonu ki ngā tatau o te reinga, looks just like the doorway to the spirit world. The question remains whether he thought the place looked like a spirit-world doorway, or he had been to Te Rerenga Wairua and thought the pool of water in the bush looked like that, but either way the name stays.⁴⁸

Nama Tahī

Nama Tahī is the name of a koukou (owl) who is known in Ngāti Hine to be one of the main kaitiaki (guardian), and has been around since time immemorial. Nama Tahī refers to a particular morepork being Number One or one that has seniority over the

⁴⁶ As mentioned earlier the spring of Taumārere begins at Mōtatau maunga. It comes down to the river of Taikirau, flows down until it reaches the river of Taumārere. The plugs of this river are at a place called Te Tororora at Mōtatau.

⁴⁷ Erima Henare, Mōtatau 2006.

⁴⁸ Erima Henare, Mōtatau 2006.

others. It is a gender-neutral spiritual being,⁴⁹ Nama Tahī is often seen at hui mate and will sit on various perches around the marae watching everything going on with much amusement and often swivelling its head around a full 360 degrees. It is also attracted to the many insects that are themselves attracted to the marae lights and will feast on moths and other bugs. These perches are usually the tōtara tree beside the road leading up to the marae or on the tekoteko (Nukutawhiti) of Manu Koroki. Like a chameleon, it takes on the colour of the tree in which it perches. Nama Tahī can also reappear in other forms and will sometimes transform into a lizard or a fantail. Nama Tahī is seen in other parts of Ngāti Hine. For instance, it flew into the dining room of the Ōtiria marae (Te Puna i Keteriki) and landed on the Water Dispenser at the hui mate of Tamati Paraone. It flew into Tūmatauenga at the Ōtiria marae and sat at the foot of a casket of one of their whanaunga lying there in state. And this was in the middle of the day! Whatever people think of koukou, Nama Tahī is seen as a positive character and is a sign of good tidings to the people of Ngāti Hine.⁵⁰

Te Kapotai names survive to commemorate the tapestry of ancient history and mythology. The maunga whakahī, sacred mountains of Te Kapotai: *Kapowai*, *Tirikohua*, *Pukemahangarua*, *Te Ranga*, *Ngaiōtonga*, are spiritually, culturally and historically significant and are commemorated in their whakatauki, waiata and kōrero tuku iho.

Ka tū tonu ra
Ngā pouherehere
Kapowai, Tirikohua, Pukemahangarua,
Te Ranga, Ngaiōtonga,
Ngā maunga kōrero⁵¹

Te Kapotai kaumatua Te Riwhi Whao Reti gave his version of Te Kapotai kōrero relating to their maunga, starting by grounding the tupuna Whiti in the landscape.

His [Whiti's] main maunga (mountains/hills) in Te Kapotai are:
Kapowai, Ngaiōtonga, Te Ranga, Pukemahangarua, Tirikōhua.

Back in those days our tūpuna had this saying;

‘Kotahi ki reira, kotahi ki Tirikohua’
One will be on top of Kapowai and one will be on Tirikōhua.

Whiti and his warriors were at a battle in Tanemitirangi where he saw one of the chiefs from Taiamai. Whiti said to him, as from tomorrow you will be on a stake at the top of Kapowai. Your friend will be on

⁴⁹ Another name used by Ngāti Hine is Hine Ruru, which carries a female trait.

⁵⁰ Mōtatau website: <http://www.naumaiplace.com/site/motatau/home/page/788/te-kai-tiaki/>

⁵¹ Wai 1040, #D5, 27 September 2010, pp.11-12.

Tirikōhua. Those chiefs were killed and their heads were brought back. One was taken to Kapowai and the other was taken to Tirikōhua. Those maunga are very tapu – to my knowledge. ... I know that people don't go to those maunga. We know that most of the tūpuna that are buried on those māunga are related to us all.⁵²

His pā is on the island that we know as Motukura. It is named Marriott Island on the Pākehā maps. His pā is the end that's facing Ōpua. ... His reflection pool/spring was on top of Kapowai. The story is that; when Whiti's warriors wanted to go to battle, Whiti would go to the pool and peer into it and he would know if it is the right time to go and if he would be victorious. If the portent was not favourable then Whiti would not go.⁵³

Te Riwhi Whao Reti describes a trek that he and two of his siblings made to the maunga in the rohe of Te Kapotai in a later section [name].

Lou Tana of Ngāti Kopaki and Ngāti Te Ara locates Maunga Rangi (Te Ara Kopeka) descending down to Tere Awatea (now known as Ōrauta) until it reaches 'Te Rere i Tiria' (the waterfalls at Ōtiria). The name Tere Awatea takes its meaning from a guardian eel that came down to Kaiwae and continued on until it reached a place called Waramu.

They spotted the eel floating to Waramu early in the morning and up to the creeks below Maunga Rangi. It continued...to Te Wai o Te Karaka, and then turned to the other side of the creek that runs behind the marae. Tere Awatea means 'the eel that floated early in the morning'.⁵⁴

The significance of kaitiaki such and tuna (eels) are featured in a separate section below.

Manukoroki – The warning call of the birds

The koroki is the harsh, frightened call of alarm. The manukoroki at the Kapotai battle were ducks. Just as noisy and flapping their wings furiously. The sentries on night duty at the Pā, called to each other, 'All clear', 'Nothing', 'All quiet'. Then, sudden frightened calls of alarm and the wrirring of flapping wings, broke the quiet air as a flock of geese from below the Pā, large shadows in the night, rose up from the ground and flew over the Pā honking out a warning. The enemy! The hoariri ! They are here! The Pā rose to the challenge.

⁵² Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, p.3.

⁵³ Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, pp.2-3.

⁵⁴ Lou Tana interview.

Manukorihi. I tea ta pukohu e Te taomairangi ki runga te tomairangi ki raro. Ka ao, ka ao, ka awatea e. The birds sing their chorus in the early morning mist while the air is wet with dew. They call a welcome to another new day.

Te Nohonga a Torongare



Figure 5: Te Nohoanga a Torongare, Whāngārei



Photograph supplied by Pita Tipene

Mana atua, mana tangata: authority and power derived from the atua and acquired by humanity

The concept of mana is a key element in all Māori social, political and economic matters. It is often placed in the realm of Māori spirituality and defined as spiritual authority and power that emanates from the gods, as:

... lawful permission delegated by the gods to their human agents and accompanied by the endowment of spiritual power to act on behalf and in accordance with their revealed will.⁵⁵

This delegated power carries responsibility to use it for a particular purpose. Individuals were responsible for maintaining and nurturing their personal mana, which in turn enhanced collective mana.

Ētahi o ngā Kaiarahi

Te mana o Ngāpuhi is maintained through waka narratives and explanations of ancestral origins.

Nukutawhiti is generally accepted as a founding ancestor from whom the tribal group that came to be known as Ngāpuhi originates. According to one tradition, *Ngātokimatawhaorua* and the waka *Māmari*, captained by Ruanui, arrived together at Hokianga, where they separated.⁵⁶ Nukutawhiti and his people explored inland and south into Taumārere, where they met the descendants of Tamatea (Ngāti Tamatea), who were expanding from Kaitāia, and the descendants of Tahūhūnuiarangi (Ngāi Tahūhū) who were migrating northwards from Tāmaki-Makaurau. In about the seventh generation, the descendant of Nukutawhiti, Tauramoko, married Hauangiangi of Ngāti Awa (daughter of Puhī), and they became the parents of Rāhiri, to whom all Ngāpuhi can trace their ancestry through one of his many wives. As such, he is called the tumu whakarae, or chief of the highest rank.

However, the arrival of Nukutawhiti in Hokianga was preceded by the legendary explorer Kupe and before him, his part-human, part-god antecedent Māui, who first pulled Te Ikanui from the ocean. The land was further named Aotearoa by Kuramarotini, the wife of Kupe. Even Māui is not the starting point of Ngāpuhi history and origins, as set out earlier in this chapter, before him were all those who comprise the creation story.⁵⁷

It is not simply that the landscape is a sign system for mythological events ... landscape is integral to the message ... the grid of spaces or

⁵⁵ Royal, ed., *Woven Universe*, p.4.

⁵⁶ Smith S. P., MS281, Letters to S. P. Smith from Hone Mohi Tawhai, Waima, 1892, Auckland Institute Museum Library, cit. Pat Hohepa notes, p.29, fn17; Manuka Henare, Hazel Petrie, and Adrienne Puckey, 'Northern Tribal Landscape Overview', Auckland, 2009, p.24.

⁵⁷ Kuramarotini's naming was told by James Henare in 1981, and cited in Manuka Henare, 'The Changing Images of Nineteenth Century Māori Society - from Tribes to Nation', PhD thesis, Victoria University of Wellington, 2003. Creation stories have been mentioned in greater detail in the Northern Tribal Landscape Overview.

named places is ... connected by individual genealogies ... These connections become part of the value of the place to an individual.⁵⁸

These spaces contain the physical features of the landscape, which became taonga. Central amongst these features are the maunga, with which the deepest and most diverse connections are made. Names and the processes of naming are also significant. These features and processes will be returned to later in the chapter. Landscape takes on meaning when people move into it.

Whatever the descent lines from the crew of *Matahorua*, *Ngatokimatawhāorua*, *Māmari*, *Tākitimu*, *Mataatua*, whether male or female, as well as from *Kurahaupō*, *Māhuhu-ki-te-rangi* and other waka, their whakapapa converge on Rāhiri and his two sons Uenuku-kuare and Kaharau. These three ancestors established te mana o Ngāpuhi in the territory from Te Pewhairangi to the Hokianga.⁵⁹

Ko te tumu herenga waka

the stake to which the canoe was tied

is the metaphor used in Ngāpuhi to honour and trace ancestral descent from Rāhiri the illustrious ancestor.⁶⁰

The actions of Rahiri, Ahuaiti and Whakaruru, and their two sons Uenuku and Kaharau and subsequent generations of communities established the manawhenua through whenua kite (discovery), whenua raupatu (conquest), whenua tuku (treaty) and whenua ahi kaa (constant occupation).⁶¹

Ngā Takiwa me ngā Rohe

Waihāhā

In evidence presented before the TLC Hone Pita Tuatahi and Henare Kaupeka stated that Waihāhā, Waikare and what became known as Ngaiōtonga no.2 were all one block owned by the ancestors Te Ahi, Hiawe, Te Haua, and Paraheahea. Hiawe, the ancestor of Kaupeka, is believed to have come into possession of the land not through ancestry but through ringa kaha, by defending Waikare against Ngāti Tamatea who

⁵⁸ Howard Morphy, 'Landscape and the Reproduction of the Ancestral Past,' in *The Anthropology of Landscape: Perspectives on Place and Space*, Eric Hirsch and Michael O'Hanlon, eds, Oxford, 1995, pp.186, 204.

⁵⁹ Patu Hohepa, Geothermal evidence, p.12, cit. Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.45(n).

⁶⁰ Florence Keene, *Tai Tokerau*, Whangarei, 1975, p.61.

⁶¹ Patu Hohepa notes and evidence, cit. Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.45(n).

came from Te Hiku o te Ika-a-Māui in the north. Erima Henare recounts that it was much later, before this sub-tribe Ngāi Tamatea became identified as Te Roroa.⁶²

Hiawe, then lived at Te Kāretu and Te Kawakawa. Descendants of Te Ahi lived at Waikare, as he did in his day before the fighting. According to whakapapa recorded in minutes to the land court the great-grand child of Hiawe, Te Miro, married Te Rupenga II, a descendant of Te Ahi. Kaupeka was a great-grandchild of this union.

Pouerua

One of the main lakes in the claimant area is Ōwhareiti, just south of Pouerua. There are two main tributaries from this lake. One goes from Ngāti Hine territory east to the Taumārere river, east again through Ngāti Manu territory to Ōpua and finally into Te Peiwhairangi. The other goes underground from Ngāti Kawa and Ngāti Rāhiri, starting from the Puketōtara Stream, Orangi, Te Manga, Te Poti, Waiaruhe, Tirohanga, Kuparu, Puketona and finally into the Waitangi River.⁶³

Tautoro, te maunga Tōtoro i roto Kereru

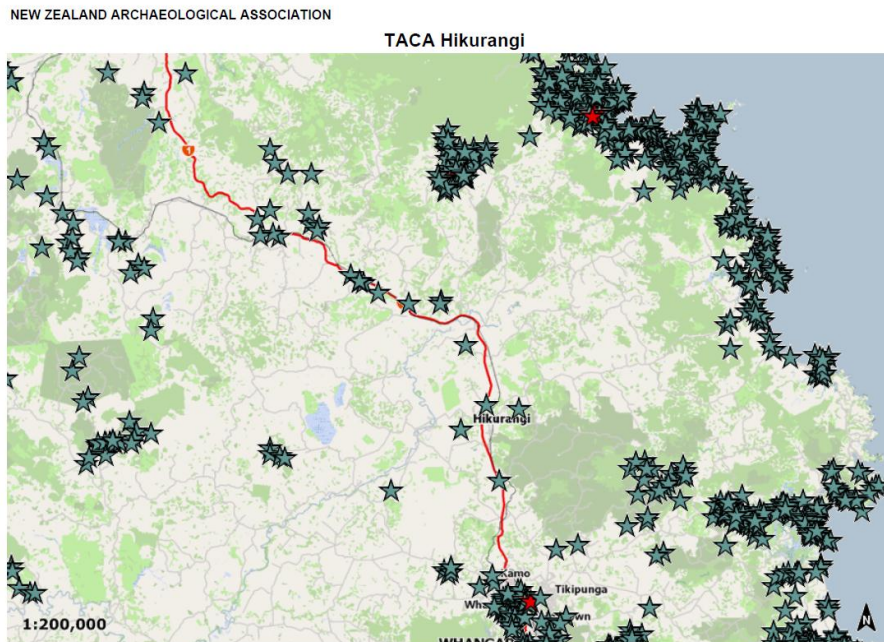
The lake at Pokapū (south west of current-day Ōtiria) is Manatupua. A tupua is a taniwha. When Ngāti Hine Forestry came, the Pākehā decided to build a fence in the middle of the lake or beside the lake[?], knowing that no one would dare take the fence down because they knew that was the sacred lake of Ngāti Hine. The lake was used by the Ngāti Hine warriors to purify themselves during war times.⁶⁴

⁶² Appendix to the Brief of Evidence of Johnson Erima Henare, 4 October 2010.

⁶³ Amended Brief of Evidence of Emma Gibbs-Smith, Wai 1040, #B18(a), 9 June 2010, p.32.

⁶⁴ Abstract of Tā Himi Henare interview, 1984, p.7. In this kōrero Tā Himi is talking about the place where Tupua Mana-tū, the mauri of Mamari, is. A taniwha resides directly below Tupua mana-tū. Personal correspondence, Hohipere Tarau supported by Erima Henare.

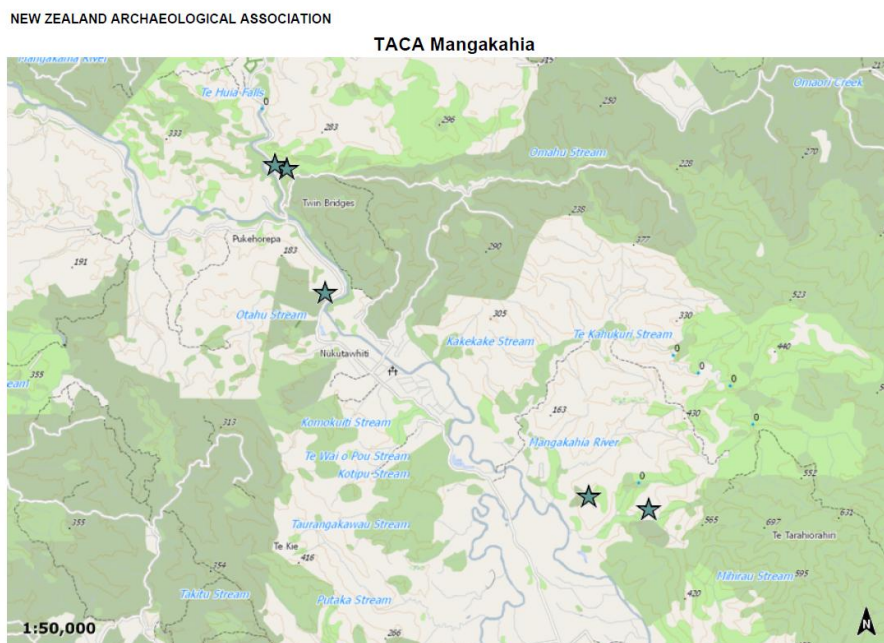
Map 3: Overview of Archeological sites recorded in Hikurangi



Printed by: Angela Middleton

14/01/2013

Map 4: Overview of Archeological sites recorded in Mangakahia



Printed by: Angela Middleton

14/01/2013

Moengawahine which is north of Titoki before Pipiwai and Kaikou, is a small stream that comes from Riponui through Purua and connects with Hikurangi River.

... There is a story that says that it was the place where Rāhiri found Ahuaiti and lived with her. That's why it's called Moengawahine.⁶⁵

Te tihi o Mōtatau, ko Unuwahao;

However, in the Pipiwai area, a large rock used for whetting axes was in the stream named Pipiwai. The rock was named Pipiwai and the area took its name from the rock.⁶⁶ On the Tau Henare marae, there is a stone that came from the Wairoa area.

Some leaders came and lived at the river of Te Wairoa. One of them was a toka-iro, who came with all his mana. He said prayers and when he came to this particular stone, which was very huge, he prayed that it would break. It was similar to Moses of Biblical days, he hit it with his walking stick, said a prayer and the stone fell to bits. He dedicated the stone. That became his altar. All prayers were offered at his altar. The man's name was Tanenuiarangi and he went and lived by the river at Maromaku. He heard that a war party was coming from Ngāti Whātua to kill him. He immediately moved to Hokianga where he died below Whiria. The altar, however, remained there. I then heard it had arrived at Tau Henare marae. There is actually a song that goes with that stone.⁶⁷

Akerama

The lake at Pokapū, south west of current-day Ōtiria, is Manatupua. A tupua is a taniwha. When Ngāti Hine Forestry came, the Pākehā decided to build a fence in the middle of the lake or beside the lake[?], knowing that no one would dare take the fence down because they knew that was the sacred lake of Ngāti Hine. The lake was used by the Ngāti Hine warriors to purify themselves during war times.⁶⁸

Ruapekapeka

Te UHINGA, a Ngāti Manu ancestress, is a large stone designated as a personal landmark, giving it the name Te Tia-a-UHINGA, meaning the hair ornament of UHINGA. Situated halfway between Kawakawa and Taumārere, at this tapu stone people recited karakia and placed small branches on it for protection. An oral tradition explains that the rock was brought to Taumārere, the home of Te UHINGA, from the forest of Huiarau.

⁶⁵ Charlie Tipene's journal, p.10, Delaraine Armstrong.

⁶⁶ Pipiwai 1907, WMB8, p.118, Pipiwai No.2, 23 Apr. 1907. DB3.

⁶⁷ Abstract from Tā Himi Henare interview, 1984, p.9.

⁶⁸ Abstract of Tā Himi Henare interview, 1984, p.7. In this kōrero Tā Himi is talking about the place where Tupua Mana-tū, the mauri of Mamari, is. A taniwha resides directly below Tupua mana-tū. Personal correspondence, Hohipere Tarau supported by Erima Henare.

One day she climbed towards Ruapekapeka, and towards the peak of this mountain, where she sat next to a rock. She looked at the rock and thought about the rock and likened it to herself. She named the rock, 'Ko te Rito-o-Te Huinga'. After that the people gifted their birds of the forest such as the Kiwi, Kukupa and Pekapeka to Te UHINGA. The Pekapeka was a special food of the chiefs. The birds were given as taonga to Te UHINGA for the rock. The rock was later renamed, 'Ko te Tia o Te UHINGA'. It was a symbol of prestigious land within Ngāti Manu and the hapū of Taumārere.⁶⁹

Rāhiri

Rāhiri had five wives: the first was Pare, from whom comes Te Kapotai; the second was Ahuaiti, mother of Uenuku; the third was Whakaruru, mother of Kaharau; the fourth Moetunga in the Hokianga; and then Rāhiri went to Taranaki and married Rakei and died there.⁷⁰ However, the story of the wives of Rāhiri, Ahuaiti and Whakaruru, and his two sons explains the division of the two geographic communities on west and east coasts respectively. Erima Henare told the beginning of this story in a modern idiom at a gathering at Mōtatau in 2006.

Rāhiri had a kumara crop which he kept for special visitors only. He was expecting a visit from his brothers, who were twins – 'he piri ngā tuara' – they were joined back to back. As he would not be present when they arrived, he instructed Ahuaiti to cook his special kumara to give to them. On arriving home, Rāhiri discovered that Ahuaiti had cooked some inferior type kumara for his brothers instead of his special crop. Ahuaiti had disobeyed him, so he left her, even though she was with child. Ahuaiti lived on at Taumārere until her baby was born, a son called Uenuku, and when he was old enough to travel, she left Taumārere and returned to her home at Pouerua. Ahuaiti died suddenly, and Uenuku was raised by relatives until he was old enough to speak on the marae. When he stood to speak, he was admonished by the elders who told him that he had to first seek his birthplace, Taumārere, and then his father. "When you do, we will listen to you. Until that time, you will be known as Uenuku-Kuare, Uenuku the ignorant. He returned to Taumārere, and then set off to find his father, Rāhiri. Uenuku was no longer kuare, so his name reverted back to just Uenuku. He was born Uenuku, and died Uenuku.

Ahuaiti returned to her own people on the east coast. She was pregnant and went into labour on her own; her only companion was Āniwaniwa (the rainbow). She named her son Uenuku (Rainbow) and he became known as Uenuku-kūare because he had no father to teach him.⁷¹ He was brought up at Pouerua, Ngāwhā and Waitangi.⁷²

⁶⁹ Arapeta Hamilton, interviewee in 1998, *Waka Huia* programme, Matauwhi. Translated transcript p.7.

⁷⁰ Erima Henare, *Ōtiria wānanga*, January 2011, p.8.

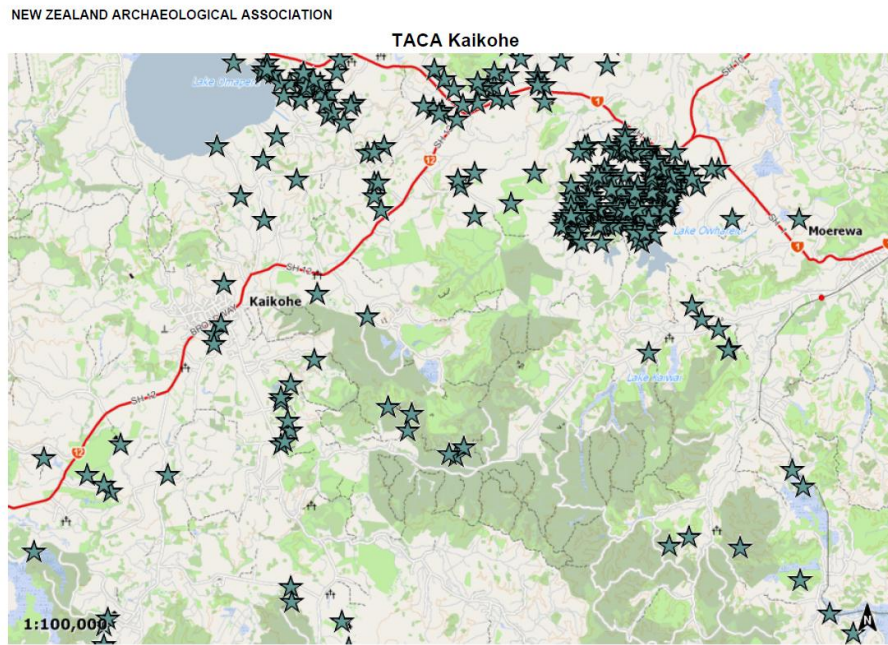
⁷¹ Jane McRae, 'Whakataukii: Māori Sayings', PhD thesis, University of Auckland, 1988, p.259; Tanengapuia Te Rangiawhina Mokena, 'Structural Framework of the Māori Quest Story', PhD thesis, University of Auckland, 2005, p.337.

⁷² Patu Hohepa notes, p. 41, cit. Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.25(n).

After he left Ahuaiti, Rāhiri married Whakaruru and had a son with her, named Kaharau, who lived with him at Pākanae.

Eventually, Uenuku-kūare sought this father, to establish his status as tuakana (the elder and senior brother). Understandably, Kaharau was jealous and refused to acknowledge this status. Kaharau challenged Uenuku to a contest, but not wanting harm to come to either son, Rāhiri intervened. He told them to prepare a plaited flax rope long enough to go around the maunga on which their pā was built (Whiria), then he made a manurere (kite) named Tuhoronuku and tied it to the rope. When it was first released, the rope broke and Tuhoronuku fell. When the kite was released a second time, it flew and landed near Kaikohe.⁷³ The place where it landed became the dividing line between the areas of Hokianga and Taumārere. Uenuku kūare controlled the land to the east and Kaharau that to the west of the line. From these events, Kaikohe became known as Te Pū-o-te-Wheke, the heart of the octopus, or the gateway between the east and the west. This is how Rāhiri established the two sections of Ngāpuhi, with the intention of avoiding fighting between the two brothers and their descendants, who would instead come to each other's aid in times of need.⁷⁴

Map 5: Overview of Archeological Sites recorded in Kaikohe



⁷³ <http://www.hokianga.org/whirinaki/htm>; and John Klaricich, *The Land History of Whiria*, n.p., n.d., p.11.

⁷⁴ Māori Marsden, 19 September 1985, cit. McRae.

Mana tangata me ngā hapū

Introducing the principle and ancient iwi – through eponymous ancestors with focus on establishment of hapū.

Whatever the historical ebb and flow of tangata whenua settlement and political and economic organisation, the iwi and hapū dynamic is represented by (but should not be restricted to) the formation of ngā hapū o Te Aho Claims Alliance and their respective localities, which are summarised as:

Ngāti Hine at Waiōmio

After departing from their home at Waimamaku and trekking for many years through rugged hill country and virgin bush, Torongare and his family finally reached Papatahora and made camp there. Maunga Mōtatau beamed a welcome to the weary travellers. Hineāmaru, the eldest child of Torongare, now eight in number, had become the leader of the party, her mother Hauhaua was no longer with them. Had not been seen with them, since trekking through Kaikou along the way. The father of Hineāmaru sent her with a party to gather seafood at Taumārere now known as the Pewhairangi. She was already familiar with that particular moana through the stories told to her by her mother Hauhaua, daughter of Uenuku, and grand daughter of Ahuaiti of the Ngāi Tahu. She set off with her party, travelling over the hills, and at one particular stream, a rock with water swirling around it gave that area the name Waiōmio. “Titiro ki te wai e omio ana.” Further on, she set fire to some dead rata trees and cleared a small area of ground. On her return from the seaside, she took a soil sample from the rata tree fire to show her father Torongare. The following Spring she and her party set off once again to the seaside, and on the way she stopped again at the site of the soil sample, made a little maara, and planted her first kūmara garden in the new land. The following Autumn, she returned to gather her ‘humungous’ kūmara crop and hurried to show her father. “There is no one living on the land father,” to which he replied, “E ko na na to taua whenua!” They departed at once for Waiōmio. Torongare was carried by his children on a kahu kupenga matata because his legs were so weak that he could no longer walk – hence the name Toumatata. The matata vines grow in a swamp. Arriving at Waiōmio, Hineāmaru occupied the taha raro north, while Torongare occupied the taha tonga, south, of Waiōmio. The descendants of Hineāmaru, while she still lived, were called Ngāti Rangi, and after her death, became known as Ngāti Hine. She was an amazing leader, departing from the Ngāi Tamatea as a young child, and arriving eventually at Papatahora, Mōtatau, as an adult, and ready to carry the reins of leadership. So we

her descendants revere her in our history, our stories, our waiata and our whaka tauki.

Information received from Te Riri and Tawai Kawiti.

Ngāti Hine at Taumārere

Taumārere, the eastern seaboard and home of the Ngāi Tahu and the Ngatitu. The door to the occupation of the lands of Taumārere _____ the Ngāti Hine was opened by Ahuaiti through her marriage to Rahiri. Ahuaiti was descended from Tahuhunuiorangi as follows.

Tahuhunuiorangi
|
Pakaa
|
Te Hakiro
|
Ahuaiti

Hence the close ties of Ahuaiti with Ngāti Rangi. The door was to be opened wider and kept open by her great grand daughter Hineāmaru, who also had close ties with Ngāti Rangi. By her marriage union with Koperu of the Ngatitu one of the tribes of the southern Bay of Islands, Hineāmaru united her Ngāti Hine descendants with those of the Ngatitu.

|
Ahuaiti
|
Uenuku
|
Hauhaua
|
Hineāmaru

While Hineāmaru was still living, she and her descendants were of the Ngāti Rangi tribe. It was after her death, that her descendants became known as Ngāti Hine

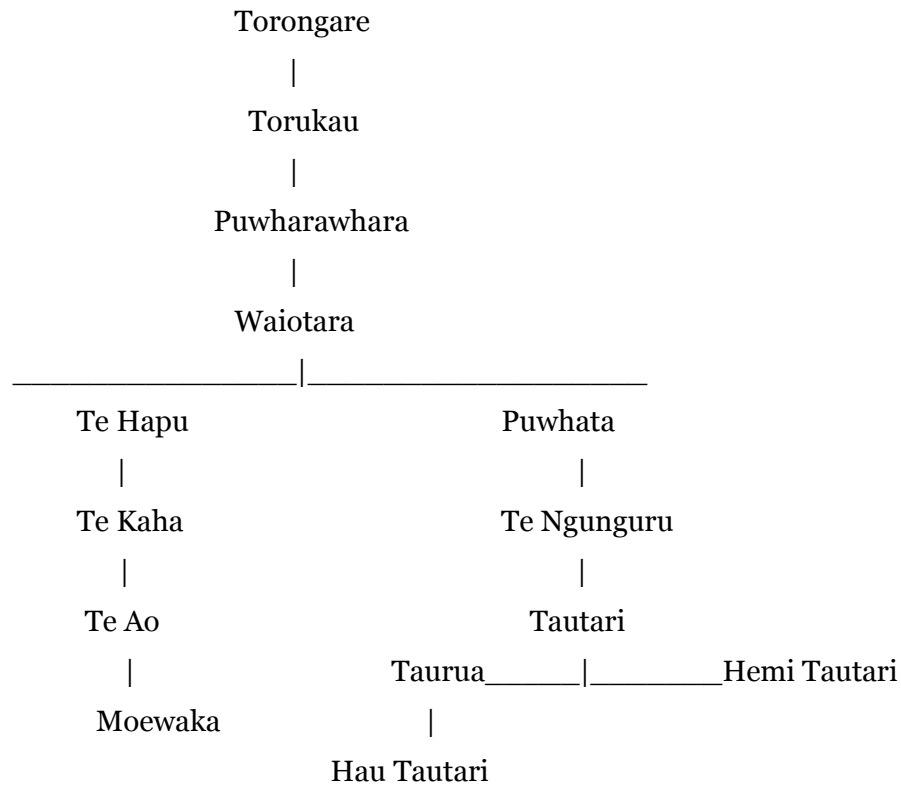
Ngāti Kahu o Torongare at Mohinui

Torongare m Hauhaua

|
Hineāmaru Tamangana TeAongaua Torukao Kotata Putea Waireka Rongopatutaonga

|
Torukao was chosen to follow in his father's footsteps and accompanied him to Mohinui. The descendants of Torongare became known as Ngatikahu and Ngāi Torongare. In settling Waiōmio, Hineāmaru occupied the taha hauraro(north) while

Torongare occupied the taha tonga (south.) In the time of Torongare there were gardens at Mohinui, at a place called Ratautahi, Toroanui and Mairekokoti. When he died, the body of Torongare was hung up on a tree at Ratautahi. At the appropriate time, his koiwi remains, were taken to Tokapiko to Okukuru torere, which is now known as Te Pouaka-a-Torongare. Ratautahi became a wahi tapu after the koiwi of Torongare were lowered from the tree. Mohinui received its name from the large mohi, (type of whitebait) found in the freshwater stream in that area.



Minutes Kawakawa 13.11.1903

***Ngāti Hine at Moerewa/Pokapū, Waiōmio and Mōtatau;
Ngāti Te Rino at Whatitiri (Mangakahia)
Ngāti Ngaherehere
Te Kau-i-mua
Ngāti Kopaki and Ngāti Te Ara at Ōrauta, Ōtiria, Waiōmio and
Moerewa
Ngāti Te Tarawa at Mōtatau;
Ngāti Pare Waihāhā block
Te Orewai at Pipiwai;
Te Kapotai at Waikare, Waihāhā block
Ngāti Manu at Karetu;
Ngāti Rangī at Tautoro⁷⁵;
Ngāti Moerewa at Tautoro and Mangakāhia;
Te/Ngāti Kahu o Torongare at Ngararatunua, Waiōmio and Mohinui***

⁷⁵ The cradle of Ngāti Rangī is Tautoro, other areas of known settlement include Puketona (Waiwhariki Pā), Mataraua, Ngāwhā, Taiamai.

Ngāti Kaharau at Ngararatunua
Ngāti Hau at Ngararatunua
Ngāti Hau at Puhipuhi
Ngāti Te Uri-o-Kawa on Ngapipito block
Ngāti Miru on Ngapipito block
Ngāre Hauata on Ngapipito block
Ngāti Tū at Mōtatau no.2 block
others such as Ngāti Wai, Te Uriroroi, Te Parawhau and Ngāti Hau ki Akerama.⁷⁶

The complexities of the hapū and iwi dynamic at play in the summary offered here ought not be downplayed or overlooked. Each marae, hapū and hapū grouping can offer its own interpretations and understandings of the histories outlined so far, and further refine and complicate them with kōrero tuku iho for and from their own areas. The following section, therefore, brings the particularities of hapū-specific kōrero tuku iho to the fore for examination.

Peopling the Land

The descent line of Hineāmaru, founding ancestor of Ngāti Hine⁷⁷:

Rāhiri married Ahuaiti and he begat Uenuku. Ahuaiti was a granddaughter of Tāhuhunui-o-rangi the ancestor of the people, who were domiciled in (Kaipara to Ngāwhā) during the period of their marriage. Uenuku is the first-born of the male children of Rāhiri.

Uenuku married Kareariki, also of Tāhuhu, and begat Maikuku, Hauhaua, Uewhati and many others. Maikuku married Huatakaroa and begat Torongāre. Torongāre then married his aunt, the younger sister of Maikuku Hauhaua, who begat Hineāmaru, Tamangana, Te Aongaua, Kotata, Torukao, Waireka, Putea and Rongopatutaonga. This union of Torongāre to his aunt Hauhaua established their lineal identity, which still exists to this day, the descendants of Uenuku and Kareariki in the land boundaries from Te Hurihanga o Kawharu to Te Pū-o-te-Wheke to Taiamai. [The Brynderwyns to Kaikohe to Taiamai.

Uenuku and Kareariki had the following children:

Uewhati, Maikuku, Hauhauā, Tāmure and Ruakiwhiria (who married a son of Kaharau).

⁷⁶ This summary of hapū was initially based on the hapū identified in the original CFRT Expression of Interest Project Brief (from which this research report took direction). It was subsequently amended and refined in line with relevant contributions and exchanges at various Whangaroa Papa Hapū hui throughout 2009-2010. However, there is a degree of contractual obligation that requires the hapū directed by the CFRT to remain included in the research. See 'Draft Project Brief: Oral and Traditional History Project for the Whangaroa Papa Hapū', CFRT, November 2008.

⁷⁷ Erima Henare Brief of Evidence.

Uewhati is an ancestor of Ngāti Korokoro and Te Māhurehure both Hokianga hapū. Maikuku⁷⁸ is an important ancestress of Ngāti Rāhiri and present day Ngāti Rangī among others. She was made tapu and lived in a cave at Ruarangi at Waitangi called Te Ana o Maikuku. Hua came from Whangaroa to take Maikuku for his wife after he heard of her fame and beauty. Their first born, a male named Te Rā, became the founding ancestor of the Ngāti Rāhiri hapū of the Bay of Islands. After his birth Maikuku, Hua and Te Rā moved to Pouerua and settled there.

Their other children were: Rangihēketini (the ancestress from whom present day Ngāti Rangī take their name, and whose son, Tupuārangi, founded the Ngāti Manu hapū); Kaiangaanga; Torongāre;⁷⁹ Ruangaio (no issue); Kao; Ruakino.⁸⁰

Torongāre, against the wishes of his parents, married his aunt, Hauhauā.⁸¹ These two went to live at the home of Rāhiri at Whiria. They had eight children, the first-born of whom was a girl, Hineāmaru.⁸² A well-known pēpēhā and story relating to Torongāre is outlined in Kawharu:⁸³

E pai ana, he kai hekeheke iho i runga o te kauri, he nonohi kai e kā te ahi a Toiua.	That is all right, it is food that has come down from the top of the kauri, and although it is small food, Toiua's fire will still be lit to cook it.
---	--

Hoori Poi gave an account which contextualises this saying:

Ko Omauri te pā, nō Toiua me Torotoro. Ko te pā tēnā i rokohanga mai e Torongāre Ka tae mai a Torongāre me āna tamariki ki Omauri, ka meinga he kai i te ahiahi, he kūmara; ka maoa ka hoatu kia kai te manuhiri. Ka puta te kupu a Torongāre, 'Te kai o tōu kāinga, reka paratoketoke ana.' Ka puta te kupu a Toiua, 'E pai ana, he kai hekeheke iho i runga o te kauri, he nonohi kai e kā	Omauri was the pā of Toiua and Torotoro. It was the pā which Torongāre came upon When Torongāre and his children arrived at Omauri, some food was prepared in the evening, kūmara was steeped in water and given to the guests to eat. Torongāre said, 'The food in your village is sweet but has an unpleasant taste.' Toiua said, 'That is all right, it is food which has come down from
---	---

⁷⁸ See also Northern Minute Book (NMB) 30 1901, p. 68 for further whakapapa in respect of Maikuku.

⁷⁹ Sissons, Wi Hongi, and Hohepa, p.71. Note Wi Hongi, of Te Uri-o-Hua, states Torongāre was a woman. This is contrary to Ngāti Hine accounts, which have the authority on this matter for this report.

⁸⁰ Whakapapa accounts held by claimant experts may differ from this given.

⁸¹ For further whakapapa and contextual information on Torongāre, see, for example, TMLC Minute Book 2 1903, pp. 7, 40,49; NMB 38 1905, pp. 234-246 ; 248- 249 ; 251-253 ; 258-376; NMB 39 1905, pp. 8, 9-10, 12, 13, 18-19, 23, 25, 32, 34, 39, 40-41, 44, 47-49, 52, 54, 57, 60-61, 65-66, 73-74. Not all of the above pages will feature Torongāre, but they relate to the same period in which this ancestor lived.

⁸² For further whakapapa and contextual information on Hineāmaru (and Torongāre), see, for example, NMB 39 1905 pp.77, 80-81, 84, 87, 91-92, 117-118; Henry Matthew Stowell MS Papers 0062-46, ATL.

⁸³ Merata Kawharu, *Tāhuhu Kōrero : The Sayings of Taitokerau*, Auckland, 2008, pp.59-60.

te ahi a Toiua.’ Ka noho i reira, ka mea ki te kai pipi, ka arahina ki te moana. the top of the kauri tree; although it is small food, Toiua’s fire will still be lit to cook it.’ They stayed there, then wanted to eat pipi and were taken to the sea.

I muri o te whakataukī a Toiua mō ngā kūmara, ka tae a Torongāre ki tāna pūtē, ka tae ki ngā rao e toru, ka tatū ki a Toiua. Ka mea ia, ‘Ko te kai tēnei o tōku whenua i haere mai nei ahau.’ After Toiua’s saying about the kūmara, Torongāre reached for his bag and took three dried kūmara from it; he then approached Toiua. He said, ‘This is the food from my land, from where I came.’

Ka arahina ki te moana e Toiua. Ko Hineāmaru anake i haere, tae atu ki Te Hangahāngai. Ka hoki mai, ka mauria mai ngā oneone o Waiōmio, tae mai ki a Torongāre me aua oneone. Nō reira ka haere a Torongāre me āna tamariki, tae atu ki Waiōmio. Nā Toiua i ārahi, mahue atu ki reira. Toiua took him to the sea. Hineāmaru alone went off, as far as Te Hangahāngai. When she came back, she brought some soil from Waiōmio and went with it to Torongāre. As a result Torongāre and his children left and went to Waiōmio. Toiua escorted them there and then left them.⁸⁴

The saying highlights the desire of Touia to defend the quality of his resources, his hospitality (manaakitanga) and therefore his mana when challenged by Torongāre. Torongāre was possibly boasting when he showed his host his kūmara, which were superior.

Erima Henare gave a full account in his 2010 brief of evidence to the Waitangi Tribunal:⁸⁵

Hineāmaru was born in Waipoua in the boundaries of Ngāi Tamatea. My relatives from Te Aupōuri, Ngāti Kurī and Ngāti Takoto have recounted the narrative about this ancestor Tamatea how he left from Te Hiku o te-Ika-a-Māui in search of his grandchild Kahungunu.

Torongare and Hauhaua departed from Waimamaku with their three young children Hineāmaru a daughter and her two brothers Tamangana and Te Aongaua.

A small party of relatives accompanied them on their long journey in search of a new land. The range of mountains to the east called “Whakatere” meaning to set adrift or to float, was known as the drifting away of Torongare and his family. They travelled in easy stages, trying out the land with regard to fertility and also feeling out conditions

⁸⁴ Hoori Poi in Papatupu Book 51A, p.18, cit. *ibid*.

⁸⁵ Appendix to the Brief of Evidence of Johnson Erima Henare, 4 October 2010.

with regard to occupation by others. Always there were other people who settled before them, so to avoid disputes they continued on. One child, a son was born in this district and was called Kotata, because the tawhara flowers were ripening. As they journeyed on, they stopped and rested at a neighbouring settlement where they were invited to stay for a period of time, because Hauhaua was heavy with child. Whilst there a son Torukao was born. He was named after the three kao which they brought with them. Kao are small kūmara which had dehydrated in the sun. Torongare had mashed these kao with some tree weta and shared them with his guests from the neighbouring settlement who declared that they were a wonderful treat.

Waireka a daughter was born next. She was named after the sweet water of the streams in the bush next was another daughter called Putea and finally Rongopatutaonga, Hauhaua's last baby daughter. All in all Hauhaua bore eight children. After the strenuous journey through rugged terrain, the bearing of five children and taking care of them in such deplorable conditions and maintaining her strength to ensure that her children survived the journey, we are not to be surprised that Hauhaua succumbed, and did not complete the journey herself. Torongare himself was ailing and unable to walk, he had to be carried on a stretcher of matata vines, hence the name Kauhoa – matata, and Tou matata. On arrival at Papatahora, Mōtatau, they made camp there. Hineāmaru now a young adult became the leader of the party. She displayed the qualities of a strong leader and furthermore she held the mana of her mother and father. (Taken from the book of Tawai Kawiti book – Waiōmio's Limestone Caves).

Arriving in Waiōmio she set fire to the roots of the rata tree to provide warmth thus it was named Paparata. She continued to the sea coast where she gathered pipi and so this place was named Kohitane. She returned to Paparata to the place where she had burnt the rata roots, she observed the fire had burnt out of control, a vast area. She scooped up some soil to take to her father Torongāre, so he could judge the fertility of the soil of the land. Torongāre moved and lived in Papatahora. Hineāmaru continued to Paparata with kūmara she intended to plant. Arriving in Paparata, she sowed the plants by heaping the earth forming 'ahuahu'. On her return from her autumn visit to the coast she set about making food baskets 'paaro'.

They pulled out the leaves and kūmara tubers and put them into the food baskets. The kūmara had been planted three different ways and so they were placed in the 'paaro' likewise. The kūmara planted with its stems facing north were placed in the paaro likewise. The kūmara that was planted its stems facing the west were placed into the paaro likewise. The kūmara planted with its stems facing the east were placed into the paaro likewise.

When they had completed harvesting the ten 'ahuahu' and putting them into the food baskets, Hineāmaru carried them to Papatahora for Torongāre to assess the quality of the kūmara. It was after this he decided to relocate there. [Waiōmio]

On their arrival, the children of Torongāre went to collect the fruit of the tawa, and they identified human footprints which had slithered on the ripened tawa fruit, they concluded that there were other people living there. During their search they smelt smoke coming from a cave,

and here they found this woman here called Roku. It was here where she had hidden away from the abusive treatment by her husband Haumoewarangi. Haumoewarangi heard of her whereabouts and came to fetch her.

Whē the first born of Hineāmaru and Koperu was born in the vicinity of Lake Ōmāpere. He was delivered from the side of Hineāmaru. The tohunga were so busy attending to the needs of Hineāmaru, when they turned to the infant he had disappeared. The brother of Hineāmaru heard of the eminent birth of his sister's child and he came with his gift a delicacy, a bird for her to eat. As he drew near to the home of Hineāmaru, he observed birds nearby flying continually to a cluster of flax. Arriving at the home of Hineāmaru, there Hineāmaru sat with no child. He inquired of his sister, where is your child? Hineāmaru replied, I do not know. The brother of Hineāmaru recalled how he had observed the birds' flights to the cluster of flax. He returned to that cluster of flax and opened it out, and there lay the child. The birds were feeding him with caterpillars (whē) He then named the first born of the children of Hineāmaru and Koperu, Whē.⁸⁶ The children born after were Pera, Matau and Taura-te-toko.

Prior to the birth of Whē, Torongāre was moved to Ruarangi. Tamangana and Te Aongaua accompanied him, and there they also remained. Because they settled there, their descendants are Te Patuharakeke, Te Kahu o Torongāre, Te Uriroroi, Te Parawhau, Ngāti Te Rā (hingahinga) and other sub-tribes who are also domiciled in and around Whāngārei Terenga Paraoa. When Torongāre passed away his bones were returned to Okukuru in Waiōmio. Aongaua and Tamangana died in Pumanawa. Te Pokaikaha from Te Ngāre Raumati killed them both. Hence the name Te Ika o Te Awa, because these two had been eaten by the fish.⁸⁷

Hineāmaru became the founding ancestor of the Ngāti Hine people. Further pēpēhā describing Ngāti Hine include:⁸⁸

Te pouaka a Hineāmaru.	Hineāmaru's chest (box).
Ngā tao horo a Hineāmaru.	Hineāmaru's fatal spears.
Te motumotu o te riri o Hineāmaru.	Hineāmaru's firebrand of anger.
Te titi o te rua o Hineāmaru.	The stakes of Hineāmaru's cavern.

Te titi o te rua o Hineāmaru is reputed to be the burial place of this ancestress.

Hineāmaru was the matamua of her seven other brothers and sisters and was born with the right qualities to lead her people so her father Torongare gave

⁸⁶ Alternative version says Whē was born with a club foot, as a result of being born by caesarian, and consequently had an awkward walk like a caterpillar.

⁸⁷ Appendix to the Brief of Evidence of Johnson Erima Henare, 4 October 2010. Rangihaketini was married to both brothers. The spouse of Ruangaio (child of Rangihaketini and Tamangana) was Te Ika o Te Awa (child of Tawakehaunga and Kareariki II).

⁸⁸ Kawharu, p.61.

her his mana. After of over from Mōtatau to Waiōmio, Hineāmaru occupied the lands to the north of Waiōmio while her father occupied the lands to the south of Waiōmio (Mohinui) in this way the succeeding generations of Hineāmaru became known as NgātiHine, and the succeeding generations of Torongare became known as ngai Torongare or Ngāti Kahu o Torongare. Hineāmaru's home at Waiōmio was a cave. When she died, her home became her burial chamber or pouaka – now referred to Te Pouaka-a-Hineāmaru.

Down through the succeeding generations the Ngāti Hine always had able warriors to defend them. On passing, those warriors since occupy a place of honour alongside their chieftaness Hineāmaru in her pouaka.

In the genealogy of Ngāpuhi, Hineāmaru is known as a very prestigious woman. People ask why a woman became a leader. Where did she get her prestige from? What about her brothers? Why didn't her brothers, Tamangana and Te Aongaua become leaders? They say her father Torongāre gave her his mana. Hineāmaru lived at Pokapū going past Te Hawera and on to Opaoa. She didn't live at Waiōmio. Her children were born at Opaoa. When she died, her body was prepared with plants and later taken to 'Te Pouaka o Hineāmaru' at Waiōmio.⁸⁹

Ta Himi Henare gave other pēpēhā for Ngāti Hine:⁹⁰

Hei tukau mo te mara a Hineāmaru When Hineāmaru spoke of her many kūmara (she spoke of her many descendants)

Ngā kaitukau a te mara a Hineāmaru The chiefs and leaders of the Ngāti Hine people.
A variety of kūmara from Hineāmaru's garden.

Ngā tao maha a Hineāmaru There are many brave 'patu' descendants of Hineāmaru's (a tao is a patu or club)

No doubt Ngāti Awa, Ngāti Pou and Ngāpuhi interacted with the land and each other in ways that drew a complicated picture of the human landscape. Such a transformative platform defies the telling of a neatly packaged chronological history and tradition of settlement. Instead, what this landscape depicts is Māori settlement that occurred in waves and layers that overlapped and were hotly contested. People were displaced, for sure, some were decimated. But none disappeared into oblivion

⁸⁹ Abstract from Tā Himi Henare interview, 1988, p.7. Comment from transcriber: In this kōrero, Sir James was hesitating as if he was trying to remember the actual place where Hineāmaru lived. In another of his kōrero, he mentions Horomanga as the place where Hineāmaru lived. Opaoa is at the top of a hill at the back of Te Hawera and he talks about Opaoa as the area where rangatira such as Moeahu and other tūpuna were hung in a tree to dry when they died. Horomanga is Hineāmaru's kāinga. It is situated below Opaoa. Hohipere Tarau supported by Erima Henare. Personal communication 11 October 2011.

⁹⁰ Abstract from Tā Himi Henare interview, 1988, p.8.

necessarily, and the tatau of current day hapū refer back to hapū contemporaneous with Ngāti Awa and others both before and since.

Ngāti Awa

Ngāpuhi tradition recounted in the minute books of the Native land Court positions Ngāti Awa iwi of the *Mataatua* waka as earlier holders of the land in Te Tai Tokerau.

Oral traditions place the tupuna Puhi at Takou Bay having brought the *Mataatua* to Te Tai Tokerau from Whakatane (the Bay of Plenty??). Another tradition says that the founding ancestor of Ngāti Awa was Awanui-a-rangi, who travelled north from the Bay of Plenty on the *Mataatua* waka, settled at Pākanae and built Whiria pā about the fifteenth century.⁹¹

According to yet other traditions, Puhi (a forebear of Ngāpuhi) was the leader aboard the *Mataatua* when it came to Te Tai Tokerau. The *Rangahaua Whanui District I* report notes, the Ngāpuhi hapū who were involved in the Ngāwhā claim stated that Toroa was the captain of the *Mataatua* waka, from whom Ngāti Awa descended, and that Puhi was a later captain of the same waka, from whose crew Ngāpuhi have descended. Puhi was the younger brother of Toroa, who brought the *Mataatua* to Te Tai Tokerau after an argument with Toroa in the Bay of Plenty. Some say it was this Puhi who was the grandfather of Rāhiri.⁹²

By the seventeenth century, descendants of Awanui-a-Rangi are said to have been firmly entrenched in the north with settlements extending from Hokianga to Victoria Valley, Kaitāia, Waimate North and Whangaroa, but that was about to change. One tradition states that the killing of Hapo (grandson of Nukutawhiti) by Ngāti Awa and Ngāti Ruanui brought about the retaliation that led to the overthrow of Ngāti Awa and the taking of far northern pā at Herekino, Ahipara, Kaitāia and Hukatere.⁹³ And this might have resulted in Ngāti Awa leaving that area and moving south.

A different account says the *Mataatua* was built in Te Tai Tokerau, following the eviction of Ngāti Awa and their allies who had murdered the grandson of Nukutawhiti at Pākanae. Having been defeated in several assaults, Ngāti Awa fled

⁹¹ www.teara.govt.nz/NewZealanders/MaoriNewZealanders/NgatiAwa/1/en

⁹² Rose Daamen, Paul Hamer, and Barry Rigby, *Rangahaua Whanui District 1: Auckland*, Working Paper: First Release edn, *Waitangi Tribunal Rangahaua Whanui Series*, Wellington, 1996, pp.18-21.

⁹³ Personal communication, John R. Alexander, 2006.

southward, some by the east coast and some by the west. Toroa assumed leadership of those who fled eastwards and it was this group who built the *Mataatua* in the Whangaroa-Takou Bay area before using it to continue on south to Whakatāne where they settled. In this version, Puhī, the elder brother of Toroa took no part in the warfare and remained in the north.⁹⁴

According to Sissons, Wihongi and Hohepa, some seven generations after Nukutawhiti, his descendant Tauramoko married Hauangiāngi of Ngāti Awa and they became the parents of Rāhiri. Rāhiri undertook many journeys in the north and a number of place-names commemorate his travels. By the time he had grown to manhood, Rāhiri's mandate over the inland Bay of Islands regions as well as Hokianga was being threatened by Ngāti Awa. To reassert his mana, he waged several battles in Hokianga, while his cousins Te Kaka and Tomuri fought others against Ngāti Awa at Whangaroa. Having fought off these challenges, Ngāti Awa were ejected from those areas and began moving southwards.⁹⁵

While there are various traditions that account for the departure of Ngāti Awa, no such accounts can assume that these groupings disappeared into oblivion, 'the lineages of current day hapū refer back to hapū contemporaneous with Ngāti Awa and others before and since'⁹⁶. Ngāi Tāhuhu and Ngāpuhi were contemporaries Ngāi Tāhuhu occupying lands to the south at Pouerua Pā.⁹⁷ The first wife of Rāhiri, Ahuaiti, was of Ngāi Tāhuhu.

Ngāi Tāhuhu

Ngāi Tāhuhu was one of the earliest tribes in the northern Whāngārei and Bay of Islands regions. Their founding ancestor was Tāhuhunui-o-te-rangi, whom Rawiri Taonui states was the captain of the *Moekākara*. Ngāi Tāhuhu established pā at Pouerua in the Bay of Islands, Lake Ōwhareiti, Ngā Whitu, the Mangakāhia river valley, Whāngārei and elsewhere, including Ōtāhuhu in Auckland.⁹⁸ Another version gives the name of the canoe as *Tū-nui-a-rangi*.⁹⁹

⁹⁴ Hare Hongi Stowell, 'The Strange Māori', pp. 313-315, , cit. Henare, Petrie, and Puckey, 'Te Waimate-Taiaimai Oral and Traditional History Report', p.35(n).

⁹⁵ Sissons, Wi Hongi, and Hohepa, p.61.

⁹⁶ WPH report, p. , 2011.

⁹⁷ *ibid.*

⁹⁸ Rawiri Taonui. 'Whāngārei tribes', Te Ara - the Encyclopedia of New Zealand, updated 26 September 2006, online at:

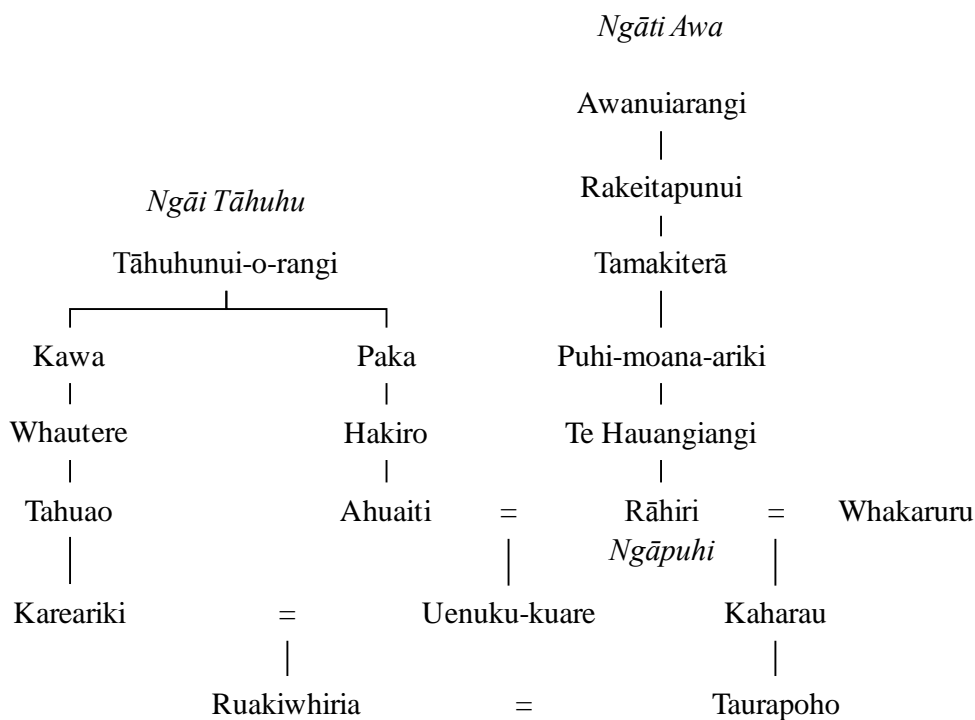
<http://www.TeAra.govt.nz/NewZealanders/MaoriNewZealanders/WhangareiTribes/en>

⁹⁹ W. E. Gudgeon, 'The Whence of the Māori', *JPS*, 12, 2, 1903, p.127.

In the analysis of the traditions by Sissons, Wihongi, and Hohepa, Ngāi Tāhuhu lived on lands to the south, around Pouerua Pā, during the time of Ngāti Awa's occupation of the area. They noted that Ngāpuhi tātai (genealogies) generally agree that the mother of Rāhiri, Hauangiangi, was a daughter of Puhi-moana-ariki, the eponymous ancestor of Ngāpuhi. The marriage of Rāhiri to Ahuaiti brought Ngāi Tāhuhu, Ngāti Awa and Ngāpuhi into closer relationship. Puhi-moana-ariki, also known as Puhi-kai-ariki and Puhi-taniwha-rau, was a descendent of Awanuiarangi, the founding ancestor of Ngāti Awa. Uenuku, the son of Rāhiri and Ahuaiti, married Kareariki of Ngāi Tāhuhu at Pouerua. About the time that Ngāti Awa were moving south, Ngāi Tāhuhu were the dominant group at Pouerua, Ngāwhā and elsewhere.

Ngāi Tāhuhu and Ngāti Awa relationships were further reinforced by the marriage of Taurapoho, the son of Kaharau, to Ruakiwhiria, the daughter of Uenuku. The couple lived at Te Tuhuna, mid-way between Pākanāe in the Hokianga area and Pouerua, where Taurapoho was born.¹⁰⁰

Chart 2: Ngāti Awa, Ngāi Tāhuhu, Ngāpuhi and Ngāti Tautahi



Descendants became Ngāti Tautahi

Source: Adapted from Sissons et al, Table 28

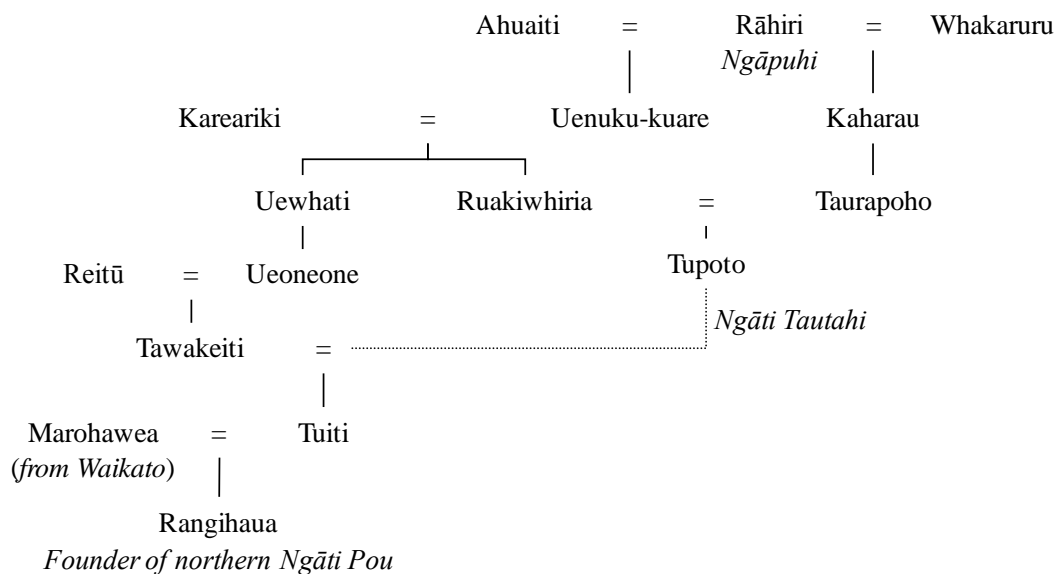
¹⁰⁰ Sissons, Wi Hongi, and Hohepa, p.80.

Another descent line of Ngāi Tāhuhu gave rise to Ngāti Tū and through this line ultimately to Te Kapotai. (See Chart 7: Te Kapotai descent from Tāhuhuniorangi)

Ngāti Pou (Tohe)

Ngāti Pou originally lived at Hauraki as Te Uri-o-Pou. There they were defeated in battle by ancestors of Ngāti Maru. They were related to Ngāti Hako (a hapū defeated by Ngāti Maru).¹⁰¹ Some fled to Hokianga, others to Waikato, where they took the name Ngāti Pou.¹⁰² Others of Ngāti Pou left from Whāngāpē, in the Waikato, to migrate to Hokianga. They called their new home, north of Hokianga Harbour, Whāngāpē in memory of their home in Waikato. Ueoneone of Whāngāpē married Reitū from Waikato.¹⁰³ Tuiti, grandson of Ueoneone, also married a Waikato woman, and their child Rangihaua founded the northern Ngāti Pou. 'The name [Ngāti Pou] originated in Waikato from the mother of Rangihaua who came from Waikato'.¹⁰⁴

Chart 3: Ngāti Pou and Ngāpuhi



Source: Adapted from Sissons et al, Table 33

¹⁰¹ Hare Matenga; NMB 24, p.46, cit. Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.37(n).

¹⁰² John White, *The Ancient History of the Māori: His Mythology and Traditions* (7 vols), Wellington, 1888, v.4, p.203, cit. Sissons, Wi Hongi, and Hohepa, p.115.

¹⁰³ Leslie Kelly, *Tainui: The Story of Hoturoa and His Descendants*, Wellington, 1949, pp.139-40; Sissons, Wi Hongi, and Hohepa, p.115.

¹⁰⁴ Hone Mohi Tawhai, NMB 2, p.216, cit. Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.37(n).

Ngāre Raumati

Ngāre Raumati is an ancient iwi that, until the early nineteenth century, occupied much of the south eastern portion of the Bay of Islands. They are believed to have arrived in the later 15th century from the Bay of Plenty, after which they occupied the eastern Bay of Islands for three hundred years.¹⁰⁵ According to Kiritapu, granddaughter of Ngāpuhi warrior-chief Kaiteke, Kahuwera and all the other fortifications of that part of the Bay of Islands, had been constructed and occupied by Ngāre Raumati, a people descended from an ancestor named Huruhuru.¹⁰⁶ Turei Heke, of Te Rāwhiti, told Kelly that three pā – Kahuwera, Tarawa-tangata, and Pāroa – had stood on the eastern headland of Rāwhiti Peninsula or Pāroa Bay, which were all fortifications of Ngāre Raumati.¹⁰⁷

According to one source, Ngā Manu people and descendants of Waipihingarangi were given Kororāreka Peninsula, from Te Wahapū to Tapeka, sometime in the seventeenth century, as compensation for killing one of their leaders. Tūpare, whose pā, Te Ke Emua, stood on the hill behind the present-day landmark of Pompallier House, was rangatira at that time. He had to relinquish his lands and his daughter after Ngā Manu leader Waipahihi was killed.¹⁰⁸

By the 1800s Ngāre Raumati comprised a confederation of hapū, including Parupuha, Urihaku, Ngāti Taura and Akitai.¹⁰⁹ Their founding ancestor Huruhuru was a near contemporary of the Ngāpuhi ancestor, Rāhiri.¹¹⁰

¹⁰⁵ http://www.fndc.govt.nz/InfoCentre/communities_boi_and_kerikeri.asp

¹⁰⁶ Leslie Kelly, 'Kahuwera Pā, Bay of Islands, in 1937', *JPS*, 47, 185, 1938, p.20. Kiritapu was still living, aged 77 years, in 1937.

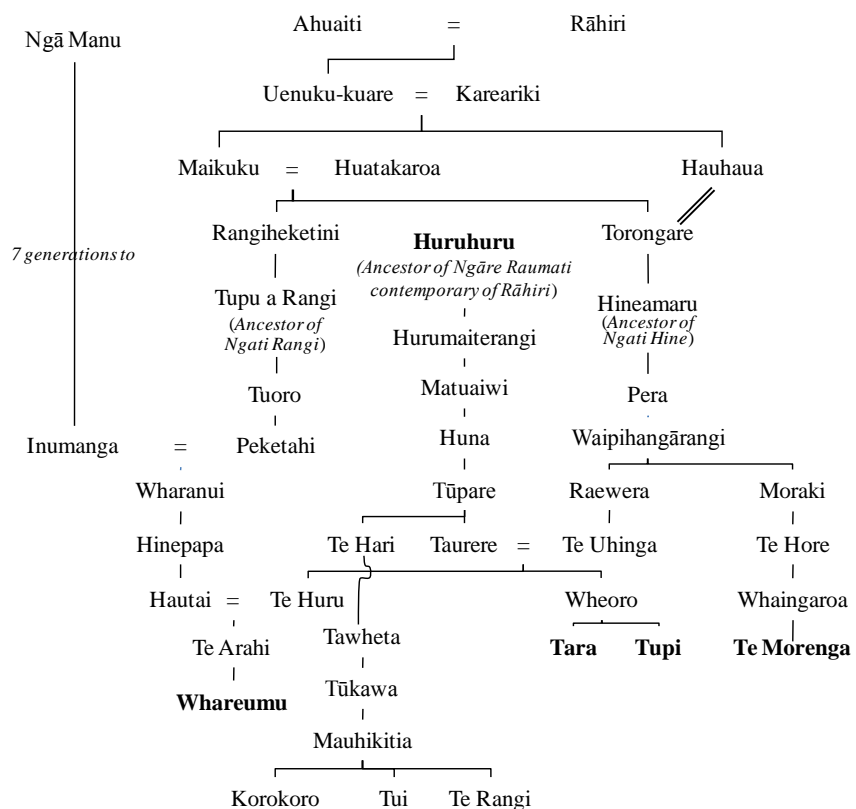
¹⁰⁷ *ibid.*, pp.20-26.

¹⁰⁸ http://www.fndc.govt.nz/InfoCentre/communities_boi_and_kerikeri.asp

¹⁰⁹ Evidence of Horiana Ikanui for Okahu islands, NMB 25, p.149, cit. Henare, Petrie, and Puckey, 'Te Waimate-Taiaimai Oral and Traditional History Report', p.39(n).

¹¹⁰ Sissons, Wi Hongi, and Hohepa, p.46.

Chart 4: Ngāre Raumati, Ngā(ti) Manu, Ngāti Hine, Ngāti Rangi and Ngāpuhi



Ngāti Manu Ngāti Rangi Ngāre Raumati Ngāti Hineira Ngāti Hine Ngāre Hauata

Source: Adapted from Sissons et al, Table 18.

Early in the 1800s, Ngāpuhi chiefs from the Kerikeri and Waimate areas overcame Ngāre Raumati and when the Ngā Manu (now known as the Ngāti Manu) left and established themselves further inland, the Ngāpuhi people remained and settled in the Kororāreka area.¹¹¹

Ngāti Kahu o Torongāre - The strategic significance of Whāngārei

The zone around, and to the south and west of Whāngārei, became the southern boundary of Ngāti Hine.

Due to many taua utu who headed south and warred on other hapū ..., the Whāngārei rohe from the east to the west coast became the military buffer zone to protect the heartlands and northern parts of Ngāpuhi from taua utu from Southern hapū and iwi. ...

Matakohe Island, in the Whāngārei Harbour, was also a special departing place for Ngāpuhi taua heading south for campaigns.

¹¹¹ http://www.fndc.govt.nz/InfoCentre/communities_boi_and_kerikeri.asp

Waikaraka (on the harbour side of the present city) was the place where the Karaka Whati ceremony of the Whāngārei warriors was conducted. This was a ritual where the tohunga would strike the warriors with the karaka and from this the ones selected to go to battle were determined. It was important for safeguarding the mana of the hapū and rangatira of Whāngārei and wider Ngāpuhi.

Under attack, Ngāpuhi hapū would assist each other and move to safer grounds for easier defence. Often this was away from the coast and harbours, such as the Whau Valley, which had four waterways that could be used in case of attack from other tribes.¹¹²

Although important strategic meetings might be held in various safe locations in the area, such as the Whau Valley, Whāngārei itself was too exposed to be used for the kinds of negotiations involved around He Whakaputanga me Te Tiriti.

While it is not possible to be precise about when the Ngāpuhi group emerged, it has been estimated that an eastward push started about 1770.¹¹³ Ngāti Awa and Ngāi Tāhuhu occupied the eastern areas of Te Tai Tokerau, from Whangaroa to Tāmaki-makau-rau. Traditions of different groups vary, and no attempt is made here to reconcile accounts. The hapū in the areas covered by the claims of Te Aho Claims Alliance have close associations with groups that are referred to as ‘pre-Ngāpuhi’ confederation peoples.

Ngāpuhi

For the history and origins of the Ngāpuhi hapū who eventually occupied the tribal lands, it is necessary to look west to the Hokianga. The most definitive account of Hokianga Ngāpuhi is contained in the Oral and Traditional report for the Hokianga, from where the Ngāpuhi occupants of the tribal lands migrated. As it is recounted there, and in the Northern Tribal Landscape Report, the story will not be repeated in detail in this report. On the other hand, the eastward push of the people who came to be known as Ngāpuhi is central to the story of Te Aho claimants. This story has been told in the report of Te Waimate Taiamai Alliance (TWTA) claimants and is repeated here, to the extent that it coincides, and with additional information about the south-eastern movement and other events that were significant for Te Aho claimants’ hapū, as well as giving the story from the claimants’ perspective as told in their oral traditions.

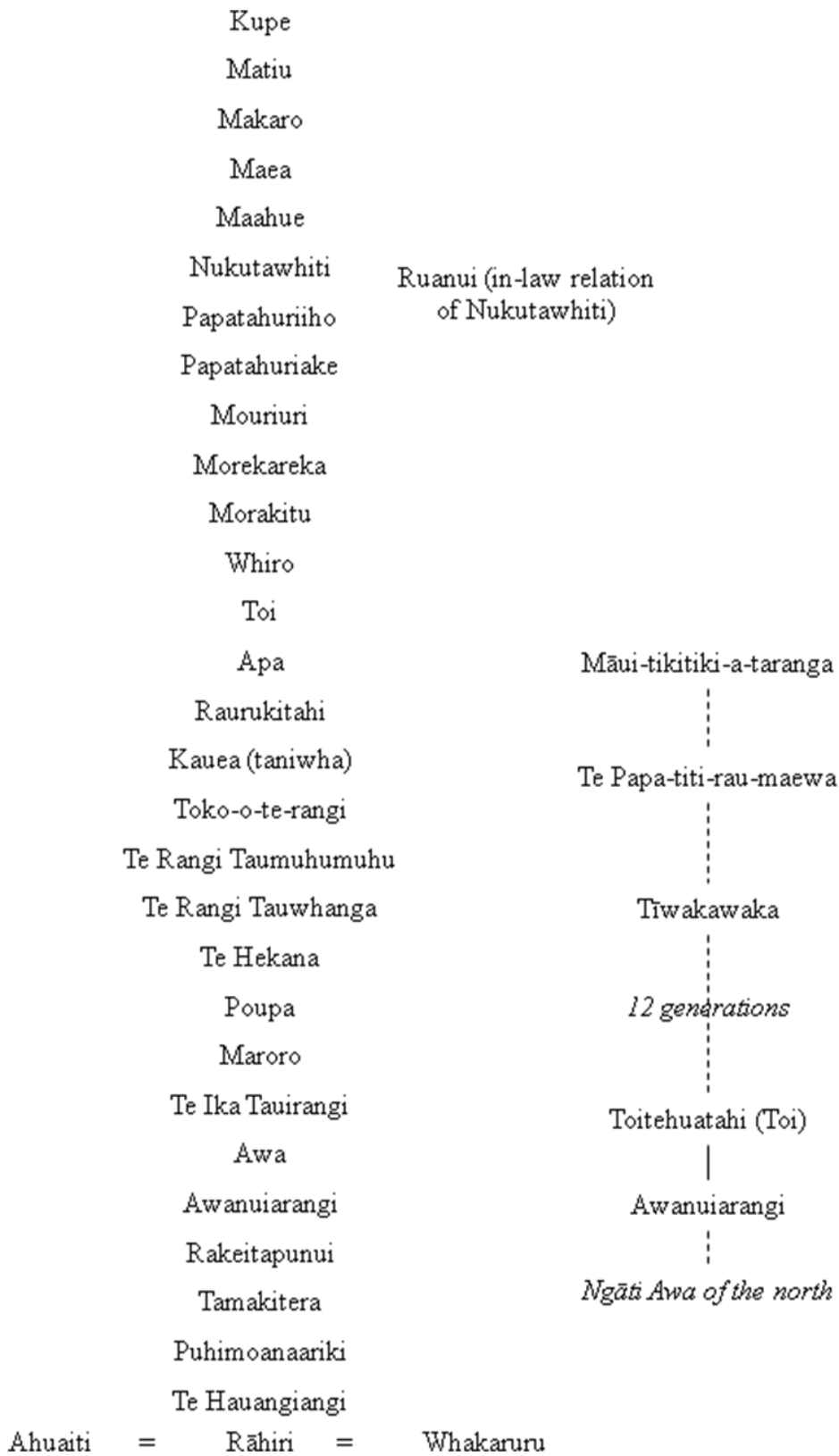
¹¹² Whakatakotoranga o Waimarie Bruce (nee Kingi), Wai 1040, #C24, 30 July 2010.

¹¹³ Manuka Henare, Hazel Petrie, and Adrienne Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', Auckland, 2009, p.31.

After separating from his relative Ruanui and his followers, Nukutawhiti and his people moved first into South Hokianga and then migrated along the rivers and ridges eastward towards Taumārere as well as to Waihou. During this process, they met the descendants of Tamatea (Ngāti Tamatea) who were expanding from Kaitāia, and Ngāi Tāhuhu descendants, who were migrating northwards from the Auckland isthmus.

Nukutawhiti's descendant Tauramoko married Hauangi of Ngāti Awa (daughter of Puhī), and this couple became the parents of Rāhiri. As has been shown, Ngāpuhi also intermarried with Ngāi Tāhuhu. Chart 5 below shows one descent line from Nukutawhiti through to Rāhiri.

Chart 5: Descent from Nukutawhiti



Sources: Ngāwhā Springs Report; Sissons et al.

Another significant waka tradition for Ngāpuhi is that of the *Tākitimu*. In his evidence to the Waitangi Tribunal for the Ngāwhā Springs claim, Rewi Maihi named *Tākitimu* as a Ngāpuhi waka. Kahungunu accounts state that this was an exceptionally fast single-hulled waka. Tamatea-mai-i-tawhiti (also known as Tamatea Ariki-nui and hereafter referred to as Tamatea) was the commander, and the tohunga, or priestly experts, on board were Ruawharo and Te Rongopatahi.

Tākitimu made first landfall on the west coast on Te Oneroa-a-Tōhē near Awanui,¹¹⁴ several generations after Nukutawhiti and Ruanui arrived in Te Tai Tokerau. Some people from this waka married the descendants of Kupe and Nukutawhiti. *Tākitimu* proceeded north, around the North Cape and continued its travels down the east coast to East Cape or Whangaparaoa, returning to the North some time later. Kahungunu and Kaitahu traditions say that *Tākitimu* was wrecked on a voyage around the South Island.

The commander, Tamatea, married Te Kura, daughter of Ngā Manu and Paimihia who were descendants of Tuhouhia and Mauwhena from the descent lines of Tuputupuwhenua, who is reputed to be the first permanent Māori settler in Aotearoa. Mitchell shows Tamatea's wife as Toto, and their son Rongo-kako and Muriwhenua having Tamatea-Pokai-Whenua. From this couple flow the original *Tākitimu* links to all the tribes of Te Tai Tokerau. Whakapapa given by Hone Mohi Tāwhai names Taurere (or Te Aurere, a descendant of Tamatea) as the wife of Tamakiterā and mother of Puhimoanaariki.

Traditions vary for other waka as well, and in the Ngāpuhi tradition many of the waka made first landfall in Te Tai Tokerau, as Erima Henare recounted:

In the old schools of learning, in the 1850s and 1860s, the kaumatua within Ngāpuhi held wānanga to decide who's our waka, who's our tupuna, all these sorts of things. Right up to 1920, Ngāpuhi were still debating whether or not Rāhiri is the tupuna, and which canoe Rāhiri comes off. These discussions are on-going. But the old wānanga differ on many points. For instance, according to the tribal history written by other tribes, the canoes landed in the Bay of Plenty, variously in and around Whangaparaoa. But the Ngāpuhi wānanga says they landed in this Whangaparaoa, not that Whangaparaoa, and that some of these were joined hulls. For instance, when the *Kurahaupō* arrived in Aotearoa, it is said it was a twin-hull canoe with *Aotea*. There's no way a single-hull canoe could come from anywhere round the Pacific to this country, they had to be double-hulled canoes. But when they got

¹¹⁴ J. H. Mitchell and (Tiaki Hikawera Mitira), *Takitimu: A History of the Ngāti Kahungunu People*, Wellington, 1973, p.41.

here the double hull is dismantled and the two hulls went in separate directions. *Kurahaupō* goes one way, *Aotea* goes the other way. *Kurahaupō* comes down this coast, *Aotea* goes down that coast and the people of Taranaki come off *Aotea*. *Kurahaupō* gets wrecked at Kapo Wairua, so our whanaunga from Ngāti Kurī, our tamaiti, I heard him talking about his Ngāti Kurī tupuna. Now Ngāti Kurī are from Te Tii Mangonui all the way up to Te Hāpua, Ngāti Kurī.

And the other thing that bothers me is when you arrive here, why would you go away on a thirty foot double-hull canoe when there are trees growing here that can make you a hundred foot canoes? The Ngāpuhi wānanga says that these canoes (the canoe, or the canoes) arrived in Tai Tokerau, they settled here, and archaeological evidence in Houhora suggests that the first settlements were up here, and then from here they made canoes and went around the country. So *Tainui*, *Aotea*, *Kurahaupō*, *Mataatua*, *Tākitimu*, *Tokomaru* all had their beginnings here. That's the Ngāpuhi wānanga.¹¹⁵

Tūrangawaewae

Na te wahine ka whānau te tangata, Na te whenua ko te oranga, Ka whai tūrangawaewae.	Women give birth to humanity Land gives humanity sustenance, And a place to stand on. ¹¹⁶
--	--

Anglican Bishop Manuhia Bennett spoke about tūrangawaewae in sacramental terms:

In essence the concept of tūrangawaewae is that the land becomes an outward and visible sign of something that is deeply spiritual. It is a source of nourishment to the inner person, rather than to their physical needs. The person's identity belongs there, their sense of awareness, their sense of mana, indeed their very life originate there.¹¹⁷

Ngāti Hine

Ko Hikurangi, ko Mōtatau ngā maunga Ko Taumārere te awa Ko Hineāmaru te tupuna Ko Ngāti Hine te hapū ¹¹⁸	Hikurangi and Mōtatau are the mountains Taumārere is the river Hineāmaru is the ancestress Ngāti Hine is the tribe
--	---

Ko Hineāmaru te tupuna
Ko Taumārere te awa
Ko Ngāti Hine te iwi
Ngāti Hine Pukepukerau¹¹⁹

¹¹⁵ Abstracted from Erima Henare, Mōtatau, 2006.

¹¹⁶ Sir James Henare, 1981, pp. 15-16.

¹¹⁷ Bishop Manuhia Bennett, in New Zealand Planning Council, *He Mātāpuna: A Source : Some Māori Perspectives*, Wellington, 1979, pp.78-9.

¹¹⁸ Kene Hine Te Uira Martin, 'Kawiti, Te Ruki ? – 1854, DNZB Ngā Tāngata Taumata Rau, updated 16 December 2003. Original publication, *Dictionary of New Zealand Biography*, Volume One (1769-1869), 1990.

¹¹⁹ Ngāti Hine Environmental Management Plan 2008.

Ko Hineāmaru te pou hei herenga, hei pupuri hoki i te tikanga o ngā uri a Hineāmaru, mō to whenua papatupu āpiti iho ko te whakakotahitanga i ngā uri a Hineāmaru (Maihi Kawiti).

Hineāmaru, the tūpuna, was a leader of great mana. She was born at Waipoua, and in her youth she took part in a great journey from the Hokianga to the Bay of Islands. It was Hineāmaru who discovered the Waiōmio Valley, which became the cradle of Ngāti Hine. Hineāmaru was the first born of Hauhauā and Torongāre. Torongāre, of Ngāti Kahu, fell out of favour with his wife's people, Ngāi Tamatea, and was forced to leave their village at Waimamaku. And so began the journey in search of land, which would take many years. They were confronted by a mountain range to the east, which was named Whakatere, after the drifting away of Torongāre and his family from Hokianga. By the time the party reached Papatahōra, near the Mōtatau range, Torongāre was ailing and unable to walk. There is no mention of Hauhauā ever reaching this final camp.

Hineāmaru, as of right, inherited the mana, leadership, power and wisdom of Hauhauā, daughter of Uenuku, for she was the eldest child and was great-granddaughter of Rāhiri. From this time, the large tracts of land she would trek through to reach Taumārere would automatically become hers. Hineāmaru led expeditions through the Waiōmio Valley and along the south banks of Taumārere River to the pipi banks and fishing grounds.

Hineāmaru married Kōperu of Ngāti Tū, who she met at his home in Te Wharau, on the shore of the Taumārere inlet.

Kia tū kau ngā maramara a Hineāmaru

Traditionally, this pepeha referred to chiefs of Ngāti Hine and now refers to their descent from Hineāmaru, from whom, through the principles of mana tūpuna, they derive their ancestral hereditary rights and by whom, through the principles of whanaungatanga, they are united. Tūkau is also a variety of kūmara that Hineāmaru cultivated.

Te Rohe o Ngāti Hine:

Hikurangi titiro ki Pouerua, Pouerua titiro ki Rakaumangamanga, Rakaumangamanga titiro ki Manaia,	From Hikurangi look to Pouerua, from Pouerua look to Rakaumangamanga, from Rakaumangamanga look to Manaia,
Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki te Tarai o Rāhiri,	from Manaia look to Whatitiri, from Whatitiri look to Tutamoe, from Tutamoe look to the coiffure of Rāhiri,
Te Tarai o Rāhiri titiro ki Hikurangi ki	from the coiffure of Rāhiri look to

ngā Kiekie whawhanui a Uenuku Hikurangi, to the Kiekie¹²⁰ that touch
Uenuku¹²¹.

In associating with this land, Ngāti Hine have named all natural features and resources within their rohe. Those names tell of the relationship their tūpuna forged with every stream, hill, wetland, path, nook and cranny. The stories behind these names provide them with a legacy of the nature of the close relationship between tangata and whenua, and the lengths their tūpuna went to, to protect that. The occupation of their land by Ngāti Hine has never been seriously challenged during the 400 years since the time of Hineāmaru. Apart from the geographical advantages of the terrain, they had able warriors to defend it in every generation ready. These warrior leaders, commencing with Hingatuauru, great-grandson of Hineāmaru, to the brothers Moeahu and Mōraki, through to Kawiti (five generations after Hingatuauru), all possessed extraordinary qualities of leadership, daring, wisdom and strategy.¹²² In Kawiti's time the group took the name, Ngāti Hine; earlier they were Ngāi Tamatea or Ngāti Rangī.¹²³

Ngāti Hine pukepukerau (Ngāti Hine of a hundred mountains [chiefs]) is an independent, self-sustaining member of the Ngāpuhi Federation of Tribes. Many of the Ngāpuhi and Ngāti Hine stories involve those who directly participated in various transactions and encounters, both friendly and unfriendly, immediately before, and in the early days of European contact. An ancestor of these times, with whom many Ngāti Hine closely identify, is Kawiti. Te Ruki (the duke) Kawiti is without doubt one of the greatest strategists in modern Māori history.

I moe a Kawiti i a Kawa, ka puta ko Taura, ko Wiremu Te Poro,
ko Maihi. I moe a Kawiti i a Te Tiwha ka puta ko Tuwahinenui

Kawiti was ingenious, yet practical as a military strategist. He was forthright, yet compassionate. He understood his own capabilities and knew well how to optimise the resources at his disposal. Kawiti understood his allies and enemies, was politically savvy and was able to capitalise on their strengths or ruthlessly expose their weaknesses, respectively. Although Kawiti was well grounded in the customs and traditions of his time, he was still able to look far into the future at a world quite different from his own, and plot a course for the continued well-being of his people. He was truly a free thinker and a great leader and he remains a role model for Ngāti Hine and his descendants to this day.¹²⁴

¹²⁰ Climbing flax-like plant.

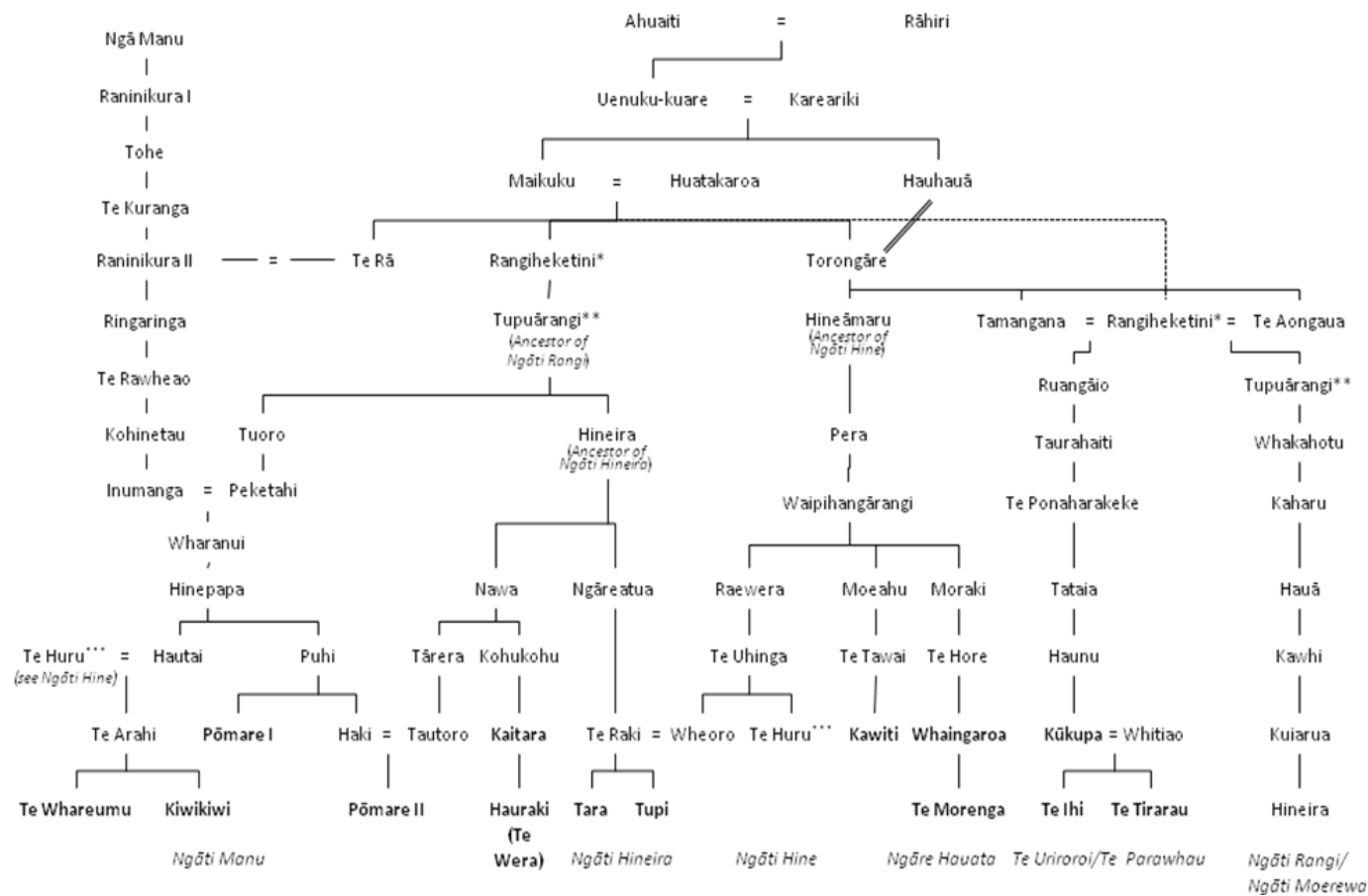
¹²¹ Personified form of rainbow, chief of Hawaiiki.

¹²² Ngāti Hine Environmental Management Plan 2008.

¹²³ Erima Henare, Mōtatau 2006; Karetu, October 2008.

¹²⁴ Strategic Direction for Te Rūnunga o Ngāti Hine, 2008-2020.

Chart 6: Kawiti and some of his contemporaries



Ngāti Hine was declared by Kawiti's son, Maihi Paraone, to be a separate iwi some time around the 1870s. In 1867, a major hui of Ngāpuhi, at Okorihī Marae near Kaikohe, chose Te Maihi as their Ariki, giving him Hōne Heke's mere as a symbol of this status. However, because he was being constantly challenged by Mohi Tawhai, he rejected the status and, in 1878 indicated Ngāti Hine would become independent by throwing this mere on the ground at Okorihī. A whare Rūnanga, called Te Porowini o Ngāti Hine (the province of Ngāti Hine) and a dining room were built at Taumārere. Te Porowini was later moved to Ōtiria Marae.¹²⁵ The proclamation was made for all descendants of Hineāmaru living in the rohe potae described. This territory lies to the west and mainly north of Whāngārei.

I rohetia e Maihi i tēnei takiwā hei Rohe Tangata mo Ngāti Hine i te tau 1878:

Hikurangi titiro ki Pouerua, Pouerua titiro ki Rakaumangamanga, Rakaumangamanga titiro ki Manaia, Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki te Tarai o Rāhiri, Te Tarai o Rāhiri titiro ki Hikurangi, ki ngā kiekie whawhanui a Uenuku.



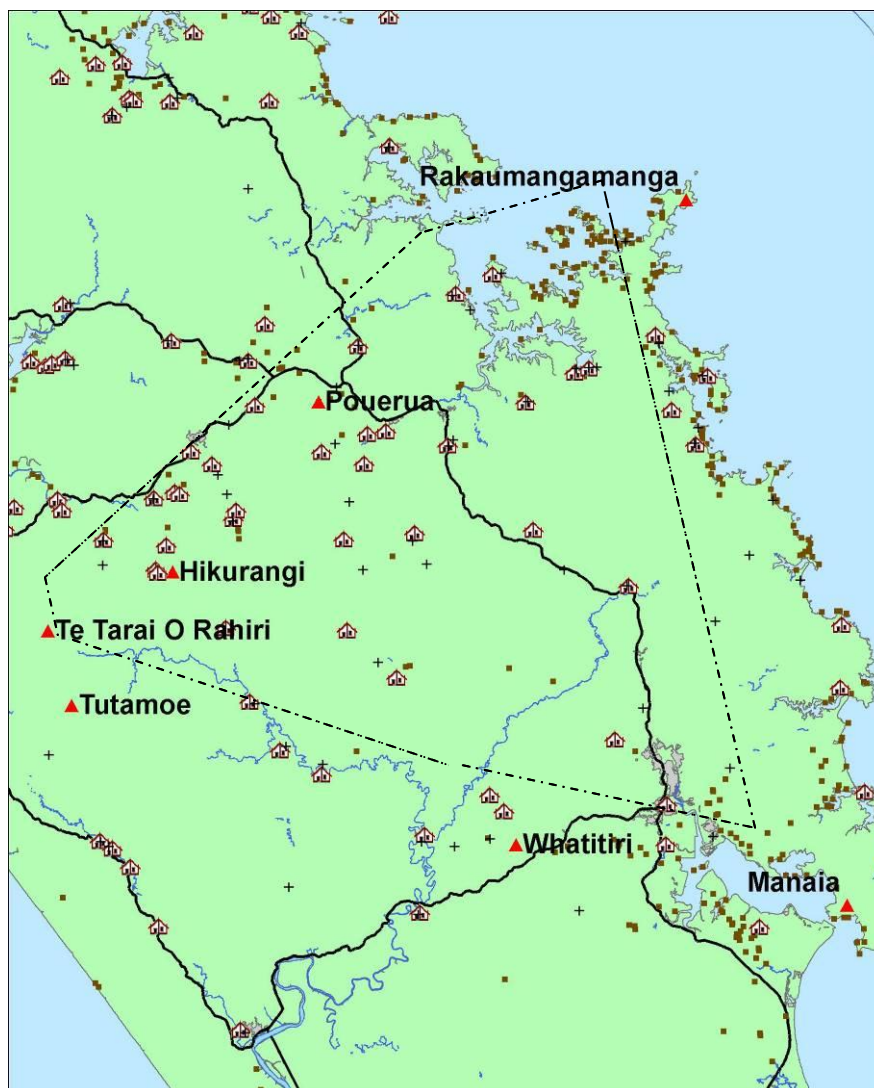
Figure 6: Te Hine



Porowini o Ngāti

This area was identified by Maihi Kawiti as the 'Te Porowini o Ngāti Hine' or 'The Province of Ngāti Hine', alternatively Paraikete Whero.

¹²⁵ This information has been taken from the Ngāti Hine website, <http://www.ngatihine.iwi.nz/>. It differs from the account in the DNZB for Te Maihi, which gives 1862 as the date of partitioning Ngāti Hine territory from Ngāpuhi.

Map 6: Te Porowini o Ngāti Hine



- | | | | |
|---|---------------------|---|--------------|
| + | recorded cemeteries | . | recorded pā |
|   | recorded marae | ~ | river bodies |

Tā Himi Henare later identified Te Rohe Whenua o Ngāti Hine or ‘the land area of Ngāti Hine’ as:

“Haere mai Ōpua ki Pouerua; i Pouerua ki Tautoro, te maunga Tōtoro i raro Kereru; i reira, Hikurangi; Hikurangi ki Mangakahia; i Mangakahia ka huri mai ki Moengawahine; whakawhiti tonu ki runga i te tihi o Mōtatau, ko Unuwahao; haere mai ki runga i tēnā kāweka kia tau mai ki Hukerenui; ka huri iho ki Akerama; nā ki Taumārere. He rohe tino nui, nā te mana o tēnei wahine a Hineāmaru.”

In terms of their kaitiaki responsibilities Ngāti Hine recognise that others may claim an interest within their traditional boundaries. Their shared interests provide real opportunities for collaboration within and between hapū and iwi. Ngāti Hine strive to work with all tangata whenua for the common good of their environment.

In a modern context, the autonomy of Ngāti Hine can be seen today in the establishment and management of Ngāti Hine Health Trust Ltd, Ngāti Hine Forestry Trust, Radio Ngāti Hine (Ngāti Hine FM) and Te Rūnanga o Ngāti Hine as independent entities with a willingness to work strategically and collaboratively together for the greater good of Ngāti Hine.

Lake Ōwhareiti belongs to Ngāti Hine and is vested in a Trust. There are some pockets of Crown Land, the largest being the Mōtatau State Forest (325 ha). Their urban centres of Moerewa and Kawakawa have a combined population of just over 3000 (2001 Census). Most of the land in the Ngāti Hine rohe is in Māori ownership, either as individual farms, incorporations or trusts. Ngāti Hine Forestry Trust, on behalf of Ngāti Hine beneficiaries, manages the large Ngāti Hine pine plantations in the centre of the rohe.

Hapū of Ngāti Hine

The hapū who affiliate with Ngāti Hine include: Ngāti Te Rino, Te Orewai, Ngāti Ngaherehere, Tekau-i-mua, Ngāti Kopaki, Ngāti Te Ara, Ngāti Te Tarawa. Additionally, Tā Himi Henare recited at a wānanga at the Mōtatau School that there were 32 hapū ririki in Ngāti Hine. Other hapū, whose descendants could claim to associate with Ngāti Hine if they wished, because of whakapapa, are Ngāti Manu, Te Kapotai, Te Uriroroi, Te Parawhau, Te Kahu o Torongāre and Ngāti Hau ki Akerama.

Recognised marae are: Te Aroha, Tau Henare, Eparaima Makapi, Matawaia, Te Rito, Tere Awatea, Maramatautini, Ōtiria, Kāretu, Te Rapunga, Kawiti Whānau, Mohinui, Mōtatau, Waimahae and the marae of those other hapū whose descendants choose to identify as Ngāti Hine.

Neighbouring Iwi are: Ngāti Wai, Te Roroa, Ngāti Whātua, Te Rarawa, Ngāti Kahu and Te Aupōuri.

Ngāti Hine recognises the autonomy of each hapū, while maintaining unity under the banner of Te Tū o Ngāti Hine. Ngāti Hine people married their own to keep the land and the leaders. The chief and leaders came from one sub-tribe, the priests come down another line, the cooks from another and so on.¹²⁶

Te Orewai

The hapū of Te Orewai descend from the eponymous ancestor Hineāmaru, through several key tūpuna, including Hape, Kōkako, Hakiki, Tewha and Ponoharakeke. Te Orewai lands cover the land blocks Mōtatau 2, Kaikou, Pipiwai and Mangakowhara.

¹²⁶ Abstracted from Tā Himi Henare interview, 1988, p.6.

Pipiwai (a large rock used for whetting axes in the Pipiwai stream) sits at the southern end of Te Orewai, with Kaikou being the northern part. Eparaima Makapi is the marae in Kaikou. The name Pipiwai is used interchangeably with Te Horo, though Te Horo is a smaller area within Pipiwai. Te Orewai occupies the south western lands at the base of maunga Mōtatau with Mataroria's Pā, Maungawharawhara at the rear, adjacent to the Ngāti Te Tarawa hapū of Ngāti Hine, and shares its northern boundary with the Tekau-i-mua hapū of Matawaia, which sits under Uenuku's pā, maunga Hikurangi. While several hapū lived on the land over time (including Ngāi Tāhuhu, Ngāi Tai, Te Uriroroi, Ngāti Pongia), when they left Te Orewai became the occupying hapū. Te Orewai became the hapū name after the other hapū left the area. It is difficult to say exactly when the name change happened; when Morekai lived on the land, it was not called Te Orewai, but by the battle of Waitomotomo in 1862 the hapū was recognised as Te Orewai.¹²⁷

Tekau-i-mua

The several versions of the origin of this hapū differ. The name appears to come from the late-nineteenth/ early-twentieth century, and refers to ten generations (more or less) between Rāhiri and the founding ancestor(s) of the hapū.¹²⁸

Rahiri

Uenuku\kuare

Ruakiwhiria

Mahia

Ngahue

Te Wairua

Te Perenga

Toko

Tareha

Wi Te Hakiro

Kaka

Tā Himi Henare gave another version, with a laugh in his voice, for when the people began to clear the land and acquire cows. The talk came from the elders and Kaka Porowini of Ngāti Hine that the people would survive from having cows. Thus: 'The cow is in front and the people behind', meaning the people will survive from the milk and meat of the cows.¹²⁹

¹²⁷ Pipiwai 1907, WMB8, p.138, Pipiwai No.2, 27 Nov. 1907. DB2.

¹²⁸ Hirini Henare, field trip 21 March 2011.

¹²⁹ Abstract of Tā Himi Henare 1984 recording, p.8.

Kaka was a descendant of Moraki, the older brother of Moeahu. Tā Himi referred to Tekau-i-mua as the 'kahui ariki' of Ngāti Hine, the 'tuakana' or oldest of the people of Ngāti Hine. After them come the descendants of Kawiti and then the descendants of Te Whareumu.¹³⁰

No hea tēnei kaumātua a Kākā? E uri no Mōraki te tuakana o ngā tamariki a Moeahu e kōrero rā ake au. Tātou katoa – te tuakana ko Kāka, na te teina ko tātou. Koia Kākā i mea ai ko ia te tuakana o tēnei iwi a Ngāti Hine. Tika tonu tana kōrero.

From where is this kaumatua Kaka? The descendent of Moraki who was the eldest son of Moeahu, whom I talked about earlier. All of us, our tuakana is Kaka, we are the teina. Hence Kaka described himself as the tuakana of Ngāti Hine. He was right.

Te kāhui āriki o tēnei iwi a Ngāti Hine kei Te Kauimua – horekau i kō atu. Ko oti te tātai ake e au i naini i a Rini, i a Mika mā. Koia ēnei ko ngā tāngata o te kāhui āriki o Ngāti Hine. Koia tēnei ko te tuakanatanga o tēnei iwi a Ngāti Hine – Te Maunga, ko rātou.¹³¹

Ngāti Kopaki and Ngāti Te Ara

Ngāti Kopaki and Ngāti Te Ara are descendants of Te Arakopeka. He had two wives, Whareangi and Tāpuhi. Through Te Arakopeka, the people are linked to Tere Awatea. His rohe was described by Lou Tana:

I turn my eyes towards my mountains. That one is Maunga Rangi, Te Ara Kopeka. After that it descends down to Tuhipa, Rawheao. It continues to descend and turning towards Pouerua Tahuhunui o Rangi, to Tere Awatea (now known as Ōrauta) until it reaches 'Te Rere i Tiria' (the waterfalls at Ōtiria). From there, the creeks flow. Other than that, there is a treasure situated in Ngāti Te Ara, a lake called Kaiwae. Kaiwae and Waireiti are the two lakes. Descending again into Ngāti Te Ara, and down to the pā of Tuhi, and descend down again to the flats below and turning towards Ngāti Kopaki. On the water flats of Te Karaka, there stands the meeting house of Te Rito. You continue along until you come to this meeting house Tūmatauenga, it is the house that frees the sacredness and takes care of the majority of us, 'Te puna i Te keteriki'.

¹³⁰ Abstract of Tā Himi Henare 1984 recording, p.8.

¹³¹ Tā Himi Henare speaking at Mōtatau marae to a wānanga of Mōtatau people about Ngāti Hine tūpuna.



Figure 7: Te Rere i Tiria

Ngāti Ngaherehere

I moe a Huna i a Tawai ka puta ko Taongahuru. Ka moe a Taongahuru i a Mauri, ka puta ko Uruwhakareia. Ka moe a Uruwhakareia i a te Marikena ka puta ko Wiremu Kopa. Ka moe a Wiremu Kopa i a Henihau ka puta ko Te Paea, ko Paahi, ko Raiha, ko Tiari, ko Ro, ko Ape, ko Hohepa, ko Hiku, ko Hone.

Te Paea lived on Mōtatau Blocks 1,2,3,4 and 5. She lived at Ōrakau, Kaka's homestead at Mōtatau No. 5. When Kaka's senior brother Hare died, Kaka Married his widow, Te Paea Wiremu Te Kopa and raised his nieces Mei Hare and Matire as well as his and Te Paea's own 12 children who included Hori, Mereana, Ngohi, Hone, Ingoanui, Te Ao (Te Ao married Mataroria Peita and later, Ngahau Pirihi from Takahiwai), Wiri, Piriote, Piringi, , Kimihanga, Atakoroiho and Takutai.

Ngāti Te Tarawa

Ngāti Te Tarawa are descendants of Pera's son Waipihangarangi and his wife Waekamania. The name was adopted after the oldest son Moraki, a warrior, was killed at Opahi by Ngāti Pou and Ngāti Whātua. His body was hung from a pūriri tree to dry. The name refers to 'the hanging of the body of Moraki'.¹³² Moeahu succeeded Moraki as leader, even though he was the youngest, because he had proved his mana in battle. However, descendants of one child of Waipihangarangi and Waekamania, Raewera, belong to Ngāti Manu.

¹³² Abstract of Tā Himi Henare 1984 recording, p.3.

Te Kapotai o Waikare

Now I'll go back to the kōrero about Te Kapotai. Whiti's warriors debated for three days about going to battle. So, on the third day Whiti went to his pool and peered into it – he was warned not to go or they would perish. His warriors didn't heed the warning and went to battle. They perished there. The survivors returned to Motukura – where Whiti laid in the water so that his men could walk over the top of him in order to get to the island. He was left there floundering in the water – grasping at the water. That is how the hapū of Te Kapotai got its name – grasping at the water. Not many of his warriors returned from that battle

I a rātou e haere ana ki te whawhai ko ngā kupu whakahi a ratou i penei “Kotahi ki reira, kotahi ki Tirikohua”. Pena tonu whakahuahua ai i ngā puke. Pera anō mo Kapowai. I te haerenga o Whiti ki te whawhai kia Tanemitirangi ka tae ki Ōhaeawai ka kite ta te Kiripute ka puta tēnei kupu “Kia penei koe apopo e turupou ana i runga o Kapowai” ara tana hoariri hoi rite tonu ki tana i kōrero ai.

As they were travelling to the battle, their famous words were “One there, one at Tirikohua” and so on pronouncing those hills. It was the same for Kapowai when Whiti went to attack Tanemitirangi. He arrived at Ōhaeawai and saw Te Kiripute's party and the following words were uttered “You will be like this tomorrow, hanging on a pole on top of Kapowai”, that is, his enemy. So it was exactly as he had said it.¹³³

In traditional Māori belief, naming people, places, sites, artefacts and creatures of nature is considered both a sacred and practical act. Naming is sacred because it invokes the mauri of the person or thing being named. Te Kapotai kaumatua Hiawe King described the intrinsic relationship Te Kapotai has with the whenua, moana and the natural life encompassed within:

Our view of the Universe, and all that is contained within, is of belonging together as a whole. We understand that we are part of the natural and spiritual world in which we live, imbued with mauri, which animates all things in the natural environment, forests, rivers, animals, insects the sea and all that dwell in there.

Ko te moana ehara rawa it te wai kau
No Tangaroa kē tēnā marae
E maha ona hua e ora ai
Ngā manu o te rangi
Te iwi ki te whenua

The sea is not any water
It is the marae of Tangaroa
It yields life for many things
The birds in the sky
And the inhabitants upon earth¹³⁴

A description of the Waikare rohe would include stories relating to land features, such as those told by kaumatua Te Riwhi Whao Reti for Waikare:

I will start from and continue along the ridge at Te Marangai until you reach Māpaauriki. That is the pā of Rātakitahi. It was he who defeated Ngāti Tū of Waikare. He built his pā there. From there we continue along the ridge to a pā Ruahineparangiora of Tē Rīwai. Te Rīwai was an eeler and his pā was there.

¹³³ Wai 1040, #D5, 27 September 2010, p.12.

¹³⁴ Wai 1040, #D5, 27 September 2010, p.11.

Continuing from there you arrive at Papakauri where the wahitapu named Pungawerowero, which is the burial place of one of our tupuna Hiawe. He was the last to be buried there. We continue along the ridge arriving at Te Heremanu-monoa – a place called Monoa. That was where the snares were set to trap kūkū (wood-pigeons). At a certain time (of the year) the people set the snares there to catch kūkū to eat.

I'll talk about Papakauri again – that is where Te Ngāre Raumati lived at the time.

We continue along the ridge and we get to Kahungeri, and Pukemoremore is there – a hapū from Waikare stayed there. They would go there to stay when it was the time (season) for hunting kiwi and other food.

From there we continue along the ridge and arrive at Te Hiore. After Te Hiore we turn to Herangi. We turn this way and we arrive at Tāpukewharawhara – up here. From there we go down to Karetu River and continue along the river's edge until we get to Tauranga-Kawau –the Shepherd's place.

From there we continue directly to Motu Kōkape – Pine Island in Ōpua. Some thought perhaps the line was wrong because Tahuna-Kawau connects to Ngāti Hine in Taumārere River. My whānau suggested we change it to Motu Kōkape and then over to Tapu Point on the other side.

We cross Waikare River and from there we go directly to Te Orongo. Pare's mullet hot pool is there. Pare and others lived there – that is where her mullet hot pool is.

We ascend to Orongo and from there we go up to Tikitikioure and continue on to Kanaerehe – That's where Wire Wilcox lived. We continue along the ridge and we get to Ngaiōtonga. There's a place there we know as Mātai-Whetu. From there we continue to Te Ranga –the start of the boundary.

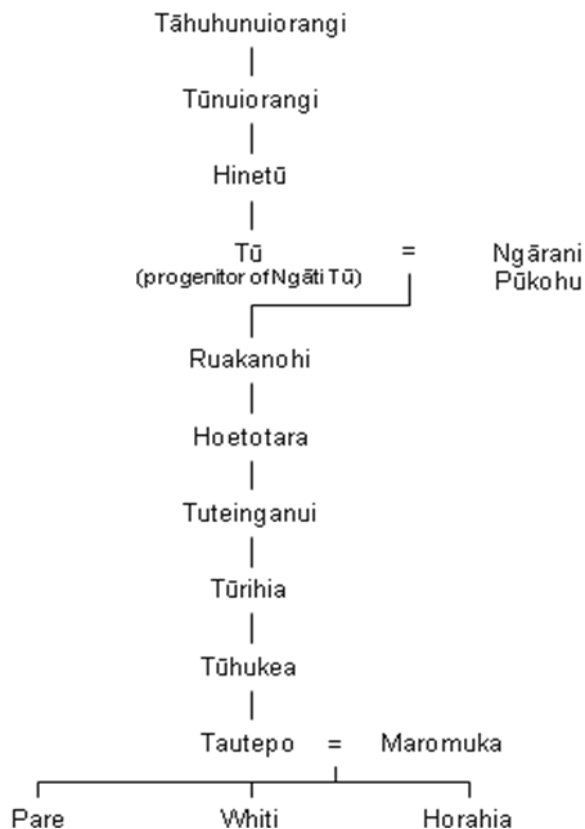
My father told me that if I ever lost my way in the bush, to go down towards the river – you will definitely reach Waikare River. He said that the water never went up the gullies. If you look at these, [maps?] he was right. It is stated in the papatupu books that the Waikare boundary goes way out to the open sea. Some of the boundary lines are there. That's their kōrero.¹³⁵

Ko Māhuhu-ki-te-rangi te waka
Ko Whiti te tupuna
Ko Kapowai te maunga
Titiro iho ana ki tona pā tū moana, ko Motukura
Ko Waikare te awa
Ko Te Turuki te marae
Ko Te Kapotai te hapū

¹³⁵ Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau.

Te Kapotai trace their origins from the waka *Māhuhu-ki-te-rangi*, and from their ancestor Tāhuhunuiorangi (captain of the waka *Moekākara*,¹³⁶ and progenitor of Ngāi Tāhuhu,¹³⁷ a former tribal name of Te Kapotai¹³⁸) down to Tūhukea and from the three siblings Pare, Whiti and Horahia.

Chart 7: Te Kapotai descent from Tāhuhunuiorangi



Originally known as Ngāti Tū, from the time of their tupuna Whiti (or Whītiki)¹³⁹ their hapū became known as Te Kapotai. The name change came about after their tupuna Whiti was in conflict with a rangatira of Ngāre Raumati.

I te taenga mai o tētahi ope no Te Ngāre Raumati ki Te Whakahokinga, i Motukura a Whiti e noho ana, he pā. No tēnā whawhai ka taka a Whiti i runga i te waka, kapokapo kau ana i roto i te wai, koia a ‘Te Kapotai, e karangatia nei hei

When a war party from Te Ngāre Raumati arrived at Te Whakahokinga, Whiti was at Motukura, a fort. In that battle Whiti fell out of his canoe and was flailing about in the water, hence ‘Te Kapotai’ was given as a tribal name. But

¹³⁶ Rāwiri Taonui. 'Whāngārei tribes', Te Ara - the Encyclopedia of New Zealand, updated 20 November 2009.

¹³⁷ Sissons, p.62.

¹³⁸ Te Kapotai claim word search list. Other associated tribal names listed are: Te UrirātaIrirātaIrirāta, Ngāti Paeahi, Uri o Te Ao, Ngāti Kura.

¹³⁹ Te Riwhi Whao Reti interview.

ingoa hapū. Otira kihai ia i mate. Ka Whiti did not die. The party were
whati te ope ra koia Te Whakahokinga e defeated there and left – that is why that
karangatia ra i tērā wāhi. area was called Te Whakahokinga.¹⁴⁰

The traditional area occupied by Te Kapotai has been handed down by intricate recitation of their tūpuna and kaumātua:

Me timata mai Te Ranga, haere ma runga te kahiwi, ko te Mapauriki te pā o Ratakitahi, ka rere tonu ko Ruahineparangiora ko te pā o te Riwai, rere tonu ka tae ki Papakauri, ko te urupā o ngā rangatira, nohonga o Ngāti Paeahi, me Ngāre Raumati, rere tonu ma runga i te kahiwi ko Monoa te rere o te manu, rere tonu ko Pukemoremore, ko tae ki Hiore, Taumata Hinau, Herangi, ko Tapukewharawhara.

I reira ko heke ki te awa o Karetu, ka rere ma te taha o te awa ko tae ki Taurangakauau. I reira rere tika ki Motukokape, whakawhiti i te awa o Waikare o Tapu, rere tika ki Orongo ki te Puna Kanae o Pare, i reira ko kake ki te kahiwi ko Tikitikioure, ka rere runga te kahiwi ko Kanaerehe, rere tonu ko tae tatou ki Mataiwhetu i Ngaiōtonga, rere tonu ko tae tatou ki te timatanga ko Te Ranga.¹⁴¹

According to Te Riwahi Whao Reti, the papatupu books say that the Waikare boundary goes way out to the open sea.¹⁴²

Before Te Kapotai, there were eleven hapū in Waikare; three of them were: Ngāre Raumati, Te Uri Kānga and Te Irirāta. Ngāre Raumati lived at Tarupārae but after conflict they moved to Papakauri. Te Uri Kānga were at Wheronui until they were defeated and evicted by Ngāti Hau. Te Irirāta lived further up the Waikare River until defeated by Ngāti Tū after they became Te Kapotai. The ancestor Rāhiri lived at Rāhirikawa with his wife Paru. ‘Ngāti Tū disappeared in those times when Rāhiri’s hope to establish “te kawa o Rāhiri” in Waikare did not eventuate’;¹⁴³ hence the name.

The whole of the Waikare area was under the control of Te Kapotai when Pākehā first arrived. Their entire rohe is rich in resources, both marine and land-based, which has led to the area being fought over throughout history. Te Kapotai has defended its rohe against many tribes, including Ngāre Raumati, Ngāi Tamatea, Ngāti Miru, Ngāti Paoa, Ngāti Hine and Ngāti Hau. The last forceful defence of their rohe was against the British attack in 1845. Their mana i te whenua, mana i te moana in te rohe o Te Kapotai is evidenced in many ways including their whakapapa, mana rangatira, ahi kā, ringa kaha, pepeha, whakataukī, waiata, pā, kāinga, wāhi tapu, place names kaitiakitanga and other ways.¹⁴⁴

¹⁴⁰ Wai 1040, #D5, 27 September 2010, p.7.

¹⁴¹ Wai 1040, #D5, 27 September 2010, p.9.

¹⁴² Te Riwahi Whao Reti interview, 3 December 2009, translated by Hohi Tarau.

¹⁴³ Te Riwahi Whao Reti interview, p.2.

¹⁴⁴ Wai 1040, #D5, 27 September 2010, pp.9, 15.

Several rivers run through Te Kapotai lands, including Waikare, Wheronui, Papakauri, Werokopiko, Kahungeri, Kaipō, Te awa o te Kahikatoa, Tipatipa, Te Waikiwi, Matukutuku, Waihāhā, Waikino and Taumārere. The Waikare inlet starts from opposite Ōpua and disappears into smaller creeks. Just off Ōpua was the anchoring place and also a meeting place for waka navigating their way into or out of the river. The river served as a highway; water was the preferred route, but walkways were an option. Each of the two main creeks off Waikare had a defence or fighting pā situated at the entrance. Whiti's pā was on the island Motukura, at the mouth of the Waikare river. There were other pā up the valley where most of the people lived and worked.¹⁴⁵ From their settlements along the banks of the Waikare, they could see any vessels that came into the Bay of Islands.¹⁴⁶

Te Kapotai had many mahinga kai, rore kiwi, rore kiore, puru tuna and traditional fishing grounds. There were extensive mahinga along the river and kaimoana was always plentiful in the river and out in the Bay of Islands. There were known areas belonging to different whānau for kiore and manu and berries in the surrounding ngahere. Fernroot was mainly fetched by waka from Waikino. Expeditions involving all hapū around the Bay of Islands caught shark in summer and maomao in winter. In season mullet were also a primary food source.¹⁴⁷

In recent years, a number of groups have been established to ensure that Te Kapotai have the highest level of rangatiratanga within the current legislative and policy frameworks set by the Crown. These groups operate together and contribute to the development of Te Kapotai. They include: Waikare Māori Committee, established under the Māori Community Development Act 1962; Waikare Marae Committee under Te Ture Whenua Māori Act 1993; Waikare Kōhanga Reo Committee; and Te Kura o Waikare Committee. A Taiapure has been established under the Fisheries Act 1986 to make regulations to control fishing in the Waikare Inlet. Some Māori land is vested in whenua rāhui status to ensure it remains with the hapū and is protected into the future. Te Kura o Waikare, a special status school has been established, in which Te Kapotai has direct input to the curriculum and resources provided for their tamariki.¹⁴⁸

Although the people of Te Kapotai have usually, at some time in their life, lived and worked outside Waikare and Waihāhā, there have always been enough whānau left to keep the school open and run the affairs of the marae. Today Te Kapotai has a strong community spirit, held together by the ex-pupils who have come home and some younger ones raising families if jobs can be found near home. The bush has been

¹⁴⁵ Te Kapotai Traditional pā and wāhi tapu are listed in Wai 1040, #D5, 27 September 2010, pp.13-14.

¹⁴⁶ Wai 1040, #D5, 27 September 2010, pp.9, 12, 13.

¹⁴⁷ Wai 1040, #D5, 27 September 2010, p.15.

¹⁴⁸ Wai 1040, #D5, pp.53-4.

allowed to grow back, and the river and creeks, which are no longer used for floating logs down, provide beautiful clear fresh water and food; the bush less so. Ngā mahinga kai are now a patch around the house.¹⁴⁹

Tēnā ra ia to mahi	That is your duty,
E ngā uri o Whiti	descendants of Whiti
E te pokowhiwhi mahi kai.	shouldering the work of cultivating food. ¹⁵⁰

Te Kapotai links to other hapū

Te Kapotai has strong links to other tribes through whakapapa, intermarriage, alliances and shared histories. Their neighbours to the east are Ngāti Wai, Ngāti Kuta and Patukeha; to the south and west Ngāti Manu, Ngāti Hau and Ngāti Hine; and to the north Ngāti Rāhiri, Ngāti Kawa, Ngāti Rehia and other hapū of Te Pei-o-whairangi.¹⁵¹ Te Kapotai gave land to Ngāti Manu between the Waikare Gorge and Kawakawa. According to Hau Tautari Hereora, ‘The gate at the top of the hill is the boundary between Te Kapotai and Ngāti Manu.’ ‘We are all one, we all help each other.’¹⁵² Te Riwhi Whao Reti said: ‘My tūpuna Hikuwai Hēmi and others explained that Ngāti Wai, Te Kapotai, Ngāti Manu and Ngāti Hine are all one people. They are only separated by the mountains and streams. I support what Hau says’.¹⁵³ ‘...land at Ohineriria was given for Ngāti Hine because of Tau Henare’, who helped to get some land returned to Te Kapotai, while he was MHR for Northern Māori.¹⁵⁴

Three ancestors came here [to Waikare]. One went to Ngāti Wai, one married into my family and stayed here at Te Kapotai and one lived within Ngāti Hine. That is how we are all linked to each other.¹⁵⁵

Ngāti Pare

Ngāti Pare takes its name from the female ancestress Pare who was the older sister of her brother Whiti and their younger sister Horahia.

Waihaha became permanently settled in the days of the tupuna Hiawe & Te Haua, twin fighting brothers who were the grandchildren of Pare and her husband Whanaunga. Their descendants can be found in the rohe potai area of Waihaha in the Southern Bay of Islands.

One story told of how the region received its name was from a warrior who came back from fighting and rested in the area and upon seeking out water to quench his thirst

¹⁴⁹ *History of Te Kapotai*, pp.8-9 (un-numbered). DB1.

¹⁵⁰ *History of Te Kapotai*, p.9 (un-numbered). DB1.

¹⁵¹ Wai 1040, #D5, 27 September 2010, p.9. Te Pe-o-whairangi is a transliteration of the Bay of Islands.

¹⁵² Interview, 22 January 2010, p.2.

¹⁵³ Te Riwhi Whao Reti interview, 3 December 2009.

¹⁵⁴ Hau Tautari Hereora interview, 22 January 2010, p.3.

¹⁵⁵ Hau Tautari Hereora interview, 22 January 2010, p.2.

came upon a stream in which he arose from the ground and gestured while smiling “ha ha, he reka o te wai”...now commonly known as Waihaha.

In the early 1900’s Waihaha was a thriving community with its own marae, race course, timber mill and native school.

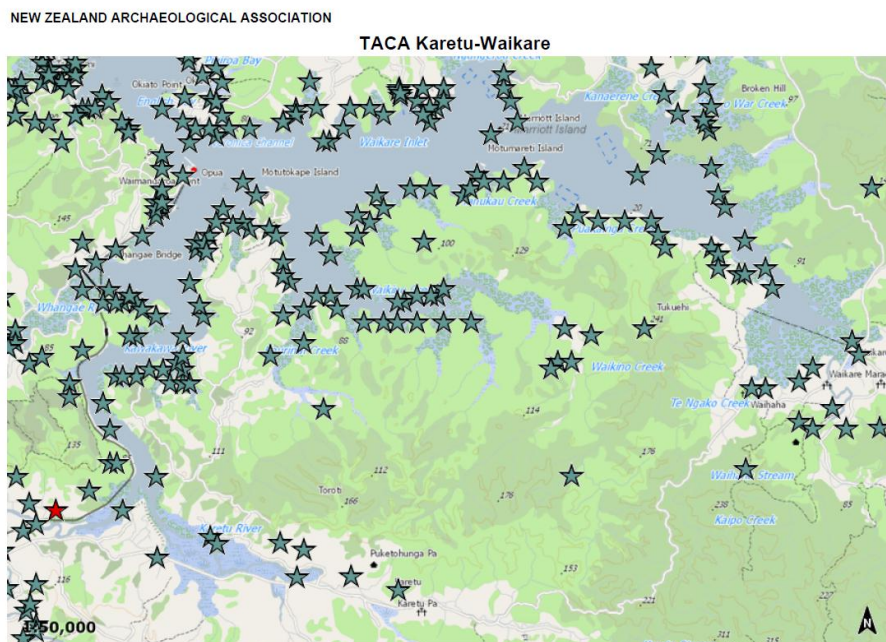
The descendants of Pare named their whare tupuna after her and their marae became known as Waihaha. The marae sits directly below their maunga which is called Kapowai and their awa meanders past the marae area which is also called Waihaha.

The original marae buildings were burnt down in the mid 1900’s and an old whareniui sits there today waiting for the people of the area to reclaim and renew her purpose.

The Ancestress tupuna Pare is said to be buried in a tapu place on a hill which resides up & behind what is currently known today as the Karetu marae of Ngāti Manu.

Ngāti Pare and Te Kapotai of Waihaha and Waikare class themselves as the same people having intermarried over time from the original siblings Pare, Whiti and Horahia and yet the descendants of Pare retain their own identity in remembrance of their direct connection to their Tupuna whaea ...Pare.

Map 7: Overview of Archeological Sites recorded in Karetū-Waikare



Ngāti Manu

Ko Puketohunoa te Maunga

Ko Taumārere te Awa tapu

Ko Pōmare te Tangata Rangatira
Ko Ngāti Manu te Hapū, te Marae, te Tupunawhare
Ko Ngatokimatawhaorua, Mataatua, Mamari
ngā Waka o ngā Tupuna

The following description comes almost entirely from Dan Munn's 1981 thesis, which draws heavily on the minute books of the Native Land Court.¹⁵⁶ For the relationships between Ngāti Manu, Ngāti Hine and other Ngāpuhi hapū, see Chart 6: Kawiti and some of his contemporaries and Chart 8: Ngāre Raumati, Ngā(ti) Manu, Ngāti Hine, Ngāti Rangī and Ngāpuhi.

Ngāti Manu is one of the maramara, or splinters, of Rāhiri. The founding ancestress of Ngāti Manu, Hautai, was instructed by her mother, Hinepapa to establish a new sub-tribe for her descendants, to be named Ngāti Manu. The choice of name has differing explanations. Some say it derives from circumstances surrounding the death of the prominent ancestor Tōhē. He exhausted himself running up and down Ripiro beach while waiting for a ceremonial hāngī to be cooked, then gorged himself to death. His eyes were pecked and eaten by scavenging birds. Others believe the name came instead from his tupuna Ngamanu, because either his people would have prevented the birds, or they would have been more specific about the event by naming the particular birds. In a 1998 *Waka Huia* programme about Matauwhi, an interviewee, Arapeta Hamilton, said that 'an elder spoke to me before he passed away saying that the name of the bird who ate Tōhe's eyes was a Putoto. The Putoto bird was a cunning bird who waited beside the sea coast and when a wave came along it would bend its wing to catch food on the incoming tide.'

Before Hinepapa gave the instruction to form a sub-tribe, the group that became Ngāti Manu were probably part of either Ngāti Wai or Ngāti Hine, judging by the genealogical connections. But the matter is not settled. Some say Pōmare II was a chief of Te Urikaraka, rather than Ngāti Manu, because the body of a son of Pōmare I was placed in a karaka tree after his death, and his descendants then took the name Te Urikaraka. On the other hand, Ngāti Manu became predominant after Hautai, who was an aunt of Pōmare I. Some of the confusion crept in during the Native Land Court hearings, but at the time Te Tiriti was signed, Pōmare II was named as being Ngāti Manu. Ngāti Manu had land rights at Tautoro from the time of Te Toko-o-te-rangi.

¹⁵⁶ Daniel Munn, 'Ngāti Manu: An Ethnohistorical Account', MA thesis, University of Auckland, 1981, pp.10-26.

Ngāti Kahu o Torongāre

Like Ngāti Ruangaio, Ngāti Kahu o Torongāre are descendants of Torongāre. Ngāti Kahu descendants live at Mohinui, Waiōmio and are sometimes called Ngāi Torongāre. Torongāre lived with his son Torukao at Mohinui. Te Kahu o Torongāre is the resting place of Torongāre.

Associated claimant hapū

Te Uriroroi (See Te Parawhau)

Te Parawhau

Te Parawhau was previously Te Uriroroi, and was renamed after Te Tirarau I (nephew of Te Ponaharakeke) was killed at Punaruku. To commemorate the way his body was prepared for burial, with the whau shrub, the tribal name Te Parawhau was adopted.¹⁵⁷

Ngāti Moerewa

The name Ngāti Moerewa comes from Nukutawhiti's female descendant Moerewarewa.¹⁵⁸ The name was given to the hapū by a descendant of Utuhanga. Ngāti Moerewa also have descent lines from Rāhiri. The marriage of Whakahotu (Rāhiri descent) to Utuhanga (Nukutawhiti descent), connect the two descent lines.

Not only does the hapū name derive from a woman, but also women played a prominent role in the politics of the north. Kahuru, the daughter of Utuhanga and Whakahotu, inherited mana tuku iho from her father. She had mana raupatu, ringa kaha, mana rāhui, and mana whakahaere over the area from Kaikou eastward, through to the northern part of Mangakāhia Valley.

The mana whakahaere of Ngāti Moerewa passed down to Karawai, then to his son Karawai Taipa and to Kūao and his two brothers, as expressed in the following:

Ko Kūao te mana

Te Whitianga te ringa kaha

Takurua te kaipopoa

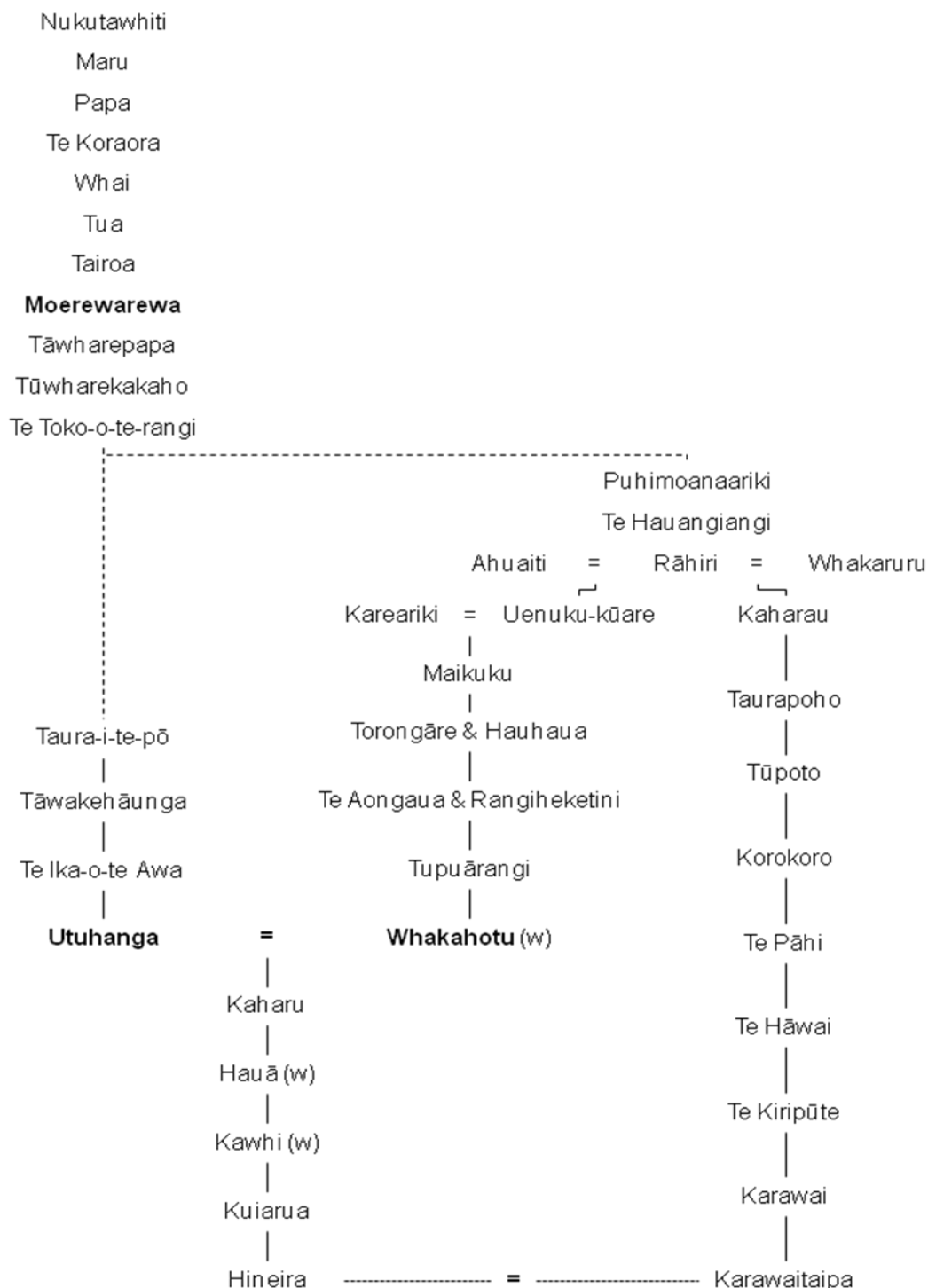
The mana tuku iho of Kūao reigned over Ngāti Moerewa and Tautoro. The mana whakahaere included mana raupatu, mana ringa kaha, and mana rāhui. In other words he had control over life and death itself. Kūao held this mana at the time of He

¹⁵⁷ Abstract of Tā Himi Henare interview, Ōtiria Marae, 1988, p.2.

¹⁵⁸ This description is taken from Hone Sadler's Brief of Evidence, Wai 1040, #B38, 4 June 2010.

Whakaputanga and Te Tiriti, which is important to understandings of Te Tiriti for Ngāti Moerewa.

Chart 8: Ngāti Moerewa descent lines

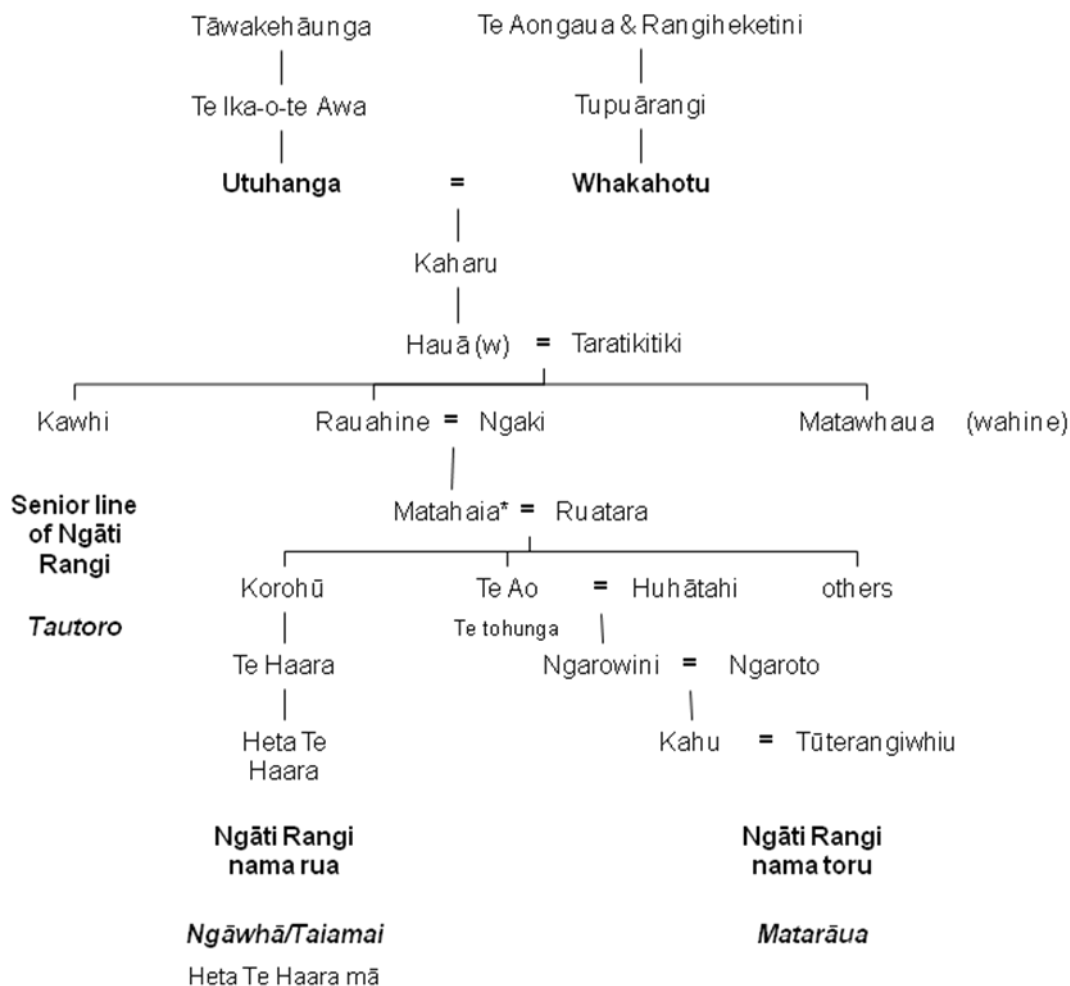


Ngāti Rangī

The name Ngāti Rangī derives from Rangihaketini and was continued through Tuparangi and the daughters of Haua and Taratikitiki. The senior line comes from Kawhi; the next (nama rua) comes from Rauahine; and the third line through Rauahine

(nama toru, the junior line) through Te Aotutuhunga, younger brother of Te Korohū. The second line settled around Te Ngāwhā, including Heta Te Haara. The third line is at Mataraua.

Chart 9: Ngāti Rangi descent lines



*Matahaia was the first high chief of Ngāti Rangi

Ngāti Rangi was one of the powerful political hapū of the times when the Ngāpuhi confederation formed. They joined with Ngāi Tawake and pushed eastward, driving out Ngāti Pou and Ngāti Miru. Ngāti Rangi's area of influence extended across to Puketona (Waiwhariki Pā) over Mataraua, Tautoro, Ngāwhā, Taiamai and other places in the area. Matahaia was the last fighting chief of Ngāti Rangi. His descendant, Te Haara was an important rangatira at the time of He Whakaputanga and Te Tiriti.

The ohonga, or cradle of Ngāti Rangi and Ngāti Moerewa is Tautoro, captured in poetry, metaphor, narrative and traditional song, such as the sacred chants of welcome:

Haere mai e te huatahi ...,
Tere ana te wharawa tō ana te tai tapu i ngā ukuinga,
ko Parawhenuamea me tōna waikaukau
ko Kereru ma mea ake, ko Tautoro ...
“Nau mai haere mai.”¹⁵⁹

Summarise earlier content that establishes the prominence of Tautoro, maunga Taonui, and recount the exploits set out below in regard to the Battle of Taiamai c.1790

The second phase of Ngāpuhi expansion began in the 1790s when Whaingaroa, a leading rangatira of the Taiamai hapū Ngāre Hauata, in alliance with Kaitara of Ngāti Hineira and Te Uri Taniwha, and Matahaia of Ngāti Rangi, ‘defeated’ Ngāti Pou, the former inhabitants of Taiamai.¹⁶⁰ The strength and courage of Ngāti Rangi in battle (such as under the leadership of Tara) is recorded in the following ways:¹⁶¹

Ngāti Rangi mate mahue, he ika tara koe. Ngāti Rangi who abandon death, you
are like a fish spike.

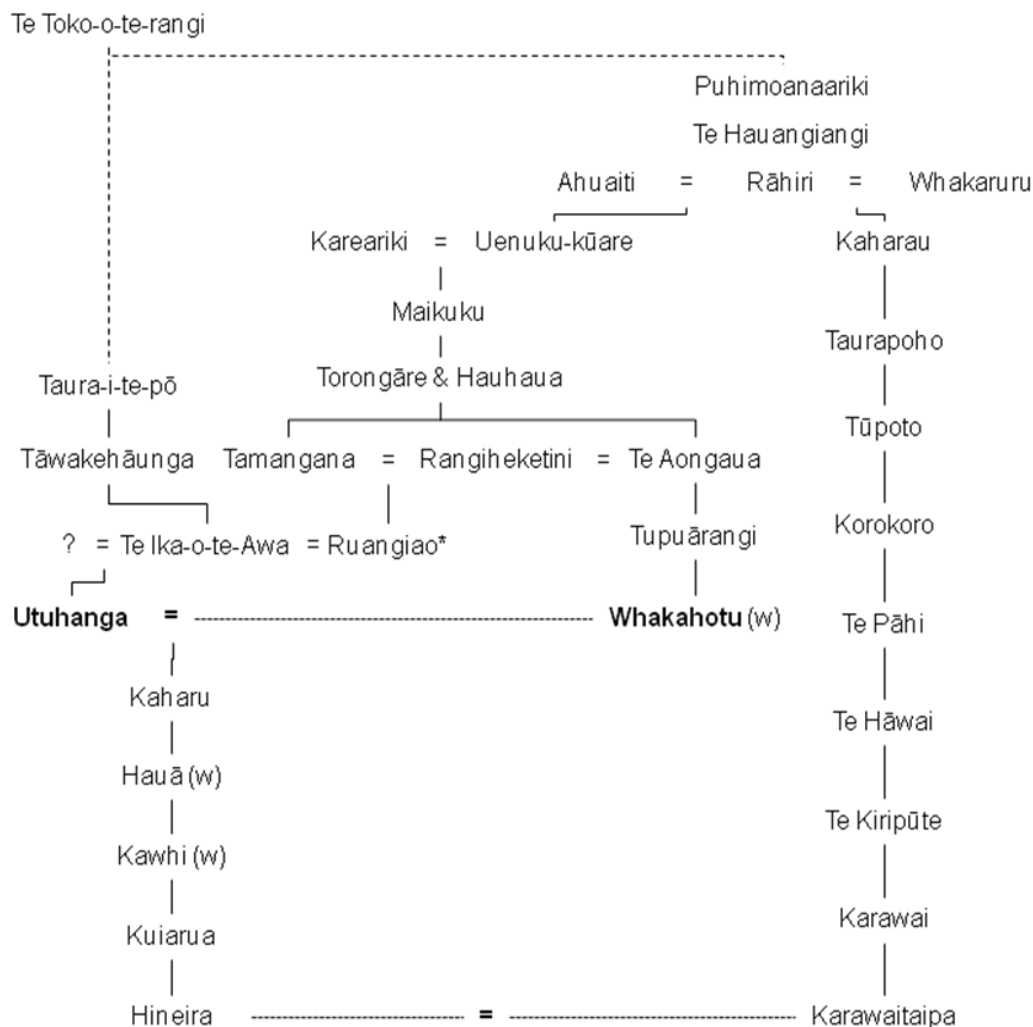
Ko Ngāti Rangi mate takahia. Ngāti Rangi who trample over death.

¹⁵⁹ Hone Pereki Sadler, Brief of Evidence, 4 June 2010, p.4.

¹⁶⁰ Sissons, Wi Hongi, and Hohepa, pp.112-17.

¹⁶¹ Kawharu, p.41.

Chart 10: Ngāi Tawake connections between hapū



**Ngāti Moerewa
and Ngāti Rangī**

***From the union of Te Ika-o-Te-Awa and Ruangiao
descend Te Patuharakeke, Te Kahu-o-Torongāre,
Te Parawhau, Ngāti Te Ra(hingahinga), Te Uriroroi**

Kāinga, mahinga kai

Kāinga were usually located at the foot of a mountain, along with their associated gardens, mahinga kai, puna or streams – all the places needed to support a settled community. Taro and watercress were grown in wetlands; kamokamo, riwai and other crops were grown on large areas of higher ground.

Ngāti Rangī and Ngāti Moerewa had an even more elevated site, at the summit of Tauanui. Roto Kereru, just beyond the volcanic crater, was home to many bird varieties. Rāhui were placed on areas where birds, such as weka or kiwi were found, and on forests for the berries, such as karaka, taraire, matai and hinau, and edible bracts of the

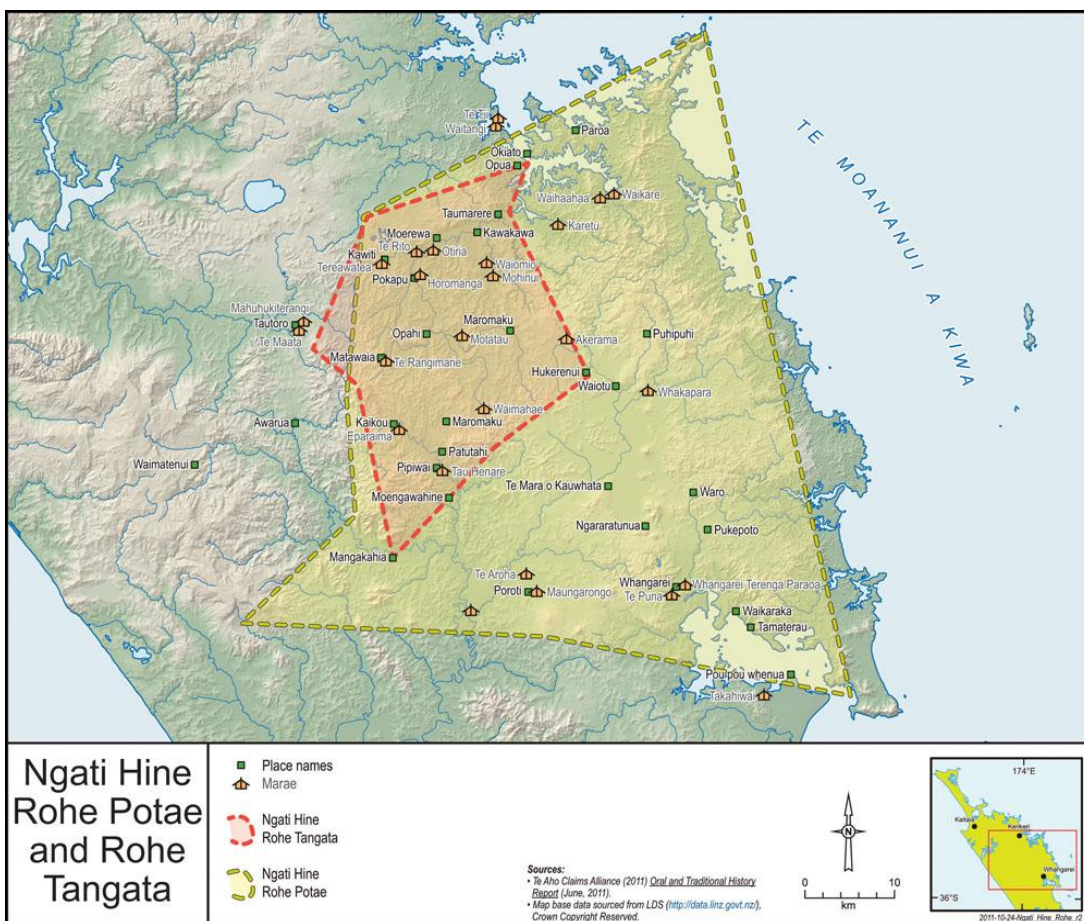
kiekie, called tāwhara. The area was the food basket, where taro grew, and Ngāti Rangi had mahinga there for tapapa.¹⁶²

Ngā marae

Hapū centres of influence are usually based around marae and kāinga and their attendant wāhi tapu, mahinga kai and taha moana and it is these institutions that has arguably best weathered the effects of colonisation. Marae forge strong links throughout rohe, with inland and coastal hapū sharing common whakapapa and histories - interconnected yet simultaneously distinct from their neighbours.

(This section is a continuation of the naming of marae in the rohe description of the geographical landscape section. It can go in Part One or Two depending on content. Part Two – more contemporaneous sites and histories may be suited unless of course there are a number of oral traditions that inform the history of each marae which will make it more suited to Part One.)

Map 8: Ngāti Hine Rohe Pōtae and Rohe Tangata



¹⁶² Hone Pereki Sadler, Brief of Evidence, 4 June 2010, p.4.

Matawaia, Pokapū Rd Matawaia

The naming of Matawaia

Whe, the first born of Hineāmaru, lived at Te Raparapa. This place received its name from Te Raparapa o ngā waewae o Whe. According to tradition, one day Whe was standing on a hill above his kāinga observing a party of strangers. As they were passing by, one of them saw Whe and commented loudly so that he could hear, ‘Titiro ki te pararahi (cripple) ra. Rite tonu ona waewae ki te waewae koura’.

When Whe heard these terrible words, his tears fell and he turned away to prevent the strangers from seeing how upset he was; as naming him after a crayfish meant that he could be eaten just like a crayfish. Matawaia got its name from the tears that fell onto his face: ‘i waiwai tona mata’ Matawaia. Whe called for his mokopuna, Hingatuauru, and sent him off to track down the offending party and deal to them - which he did. Hingatuauru caught them at Opahi and despatched them all (twenty in number) with his patiti tomahawk. Thus Hingatuauru became Ngāti Hine’s first able warrior.

Wharehui: Rangimarie - Wharekai: Miria -

The hapū who affiliate to this marae include Ngāti Hine, Tekau-i-mua and Ngāti Ngarerehere. A Kōhanga Reo and kaumātua flats are part of the marae complex.



Ko Hikurangi te maunga

Ko Rangimarie te wharehui

Ko Miria te wharekai

Ko Raparapa te awa

Ko Ngatokimatawhaorua te waka

Ko Hineāmaru te tupuna

Ko Ngāti Hine te hapū Ko Ngāpuhi te iwi

Figure 8: Rangimarie, the wharehui at Matawaia Marae, version 1

The wall facing the carpark depicts the history of the once lush growth of Tane Mahuta’s forest, until the cruel, destruction began. The felling of Tane’s children, the burning, and then, a silent land laid waste ! No birds, no insects, no whirring of wings, no little inhabitants of the forest, no calls in the night, the land had returned to Te Korekore! The last panel depicts some hope! The forest looks to be returning once again. Rangimarie have witnessed many changes from facing the east to facing (currently) southward, witnessing birthdays, weddings, fund-raising, funerals, conflict resolutions, worship, companionship, traditional education, ancestral acknowledgement, relationship building and a storm of others!



Source: Ngāti Hine Forestry website¹⁶³
Figure 9: Wharenuī at Matawaia Marae, version 2



Figure 10: Miria Wharekai at Matawaia Marae

Ōtiria - settled between Moerewa and Ōrauta

According to Tawai Kawiti, Pita Kiingi, the leader of the Ngatiteara tribe, gifted the whenua near the railway station at Ōtiria for the happiness of its beneficiaries. The Kingi and Keretene whānau of Ngāti Te Ara hapū worked closely together to construct the whenua, which was made possible by voluntary Māori labour. The given name of the marae is Ōtiria and the whare kai is Te-Puna-i-Keteriki.

On this site also stand 'Te Porowini' the whare wānanga, built in approximately 1876. It was used as the courthouse in Taumārere: and when our homelands were taken by the

¹⁶³ http://www.ngatihine.maori.nz/mar_mata.htm

land courts Ngāti Hine people moved inland leaving Porowini there. However, Porowini was retrieved in 1904 and today shares the sunshine with Tūmatauenga the wharenuī as the names of our ancestors are etched into its walls.

Whare Hauraki, a carpenter of Mōtatau¹⁶⁴ took part in the planning & building of Tūmatauenga with Eramiha Te Kapua from the Bay of Plenty. Hoori Waititi of Mōtatau was its master carver to finish it off.

Table 1: Tūpuna of the whare nui, Tūmatauenga, Ōtiria marae

Left wall from entrance (left to right)	Far End from entrance	Right wall from entrance (left to right)	Entrance Wall	The two centre poles
Rahu Whakarewa Tarutaru Tumaomao Taranui Whatu-Taahe Mate-Parata Haumoewarangi Tangaroa-Whaka Manamana Whakatu Wheru Tuatahina Ruanui Taiko Te Ikanui	Tōhē Houtaewa Kanunui Tamahotu Two centre posts (f) Ahuaiti & Whakaruru Nukutawhiti, Parata Tutahua Tumoana Kahukura- ariki Haititai Marangai	Ueoneone Uetaoroa Tautahi Maahi-Poake HoneHeke Torongare Kohuru Pumuka Hongi Tahuhunui- orangi Hineāmaru Kawiti	Hinga Tuauru Tauratumaru Centre post – Puhimoana- ariki, Waimirirangi Poroa Maruwhenua	Ahuiti (near to back wall) Whakaruru Near to entrance

¹⁶⁴ Tawai Kawiti, 'The Ōtiria Meeting Houses', *Te Ao Hou*, No.3, Summer 1953, pp.10-11



Figure 11: Ōtiria Marae, Moerewa

Lou Tana explained:

Very small eels called ‘tangariki’ would approach the falls and attempted to crawl up the rocks. The baby eels joined together like a rope and the slime that their bodies produced helped them to wriggle their way up the rocks to the summit of the waterfalls. We learned that many people would assemble with their kete to assist the eels to the summit. A certain proverb connects to the waterfalls ‘Whaia te Mātauranga’ (seek knowledge). Our youth are likened to the small eels that reach for the summit of the waterfalls. Likewise they should seek to attain the highest peak of education possible.¹⁶⁵

Ōtiria marae was re-opened on the 15th Dec 2012 and witnessed the opening of a newly renovated dining room and kitchen. A crowd of approximately 500 people attended the dawn ceremony which commenced at 5am.

We proudly acknowledge the ASB Community Trust and Lotteries for funding the the overall Renovation of ‘Te Puna i Keteriki’.

We also acknowledge Mita Tipene Builders Ltd for their workmanship and their attention to detail.

Tau Henare is Tōtara next to the dining room - Apirana Ngata is the Tōtara in front of Porowini (te whare wananga) - Canon Wiremu Cherrington is the Tōtara with the Bell - Nau Paraone is the Tōtara.

Tere Awatea, Moerewa

Hapū: Ngāti Te Ara, Ngāti Kōpaki

The name Tere Awatea takes its meaning from a guardian eel that came down to Kaiwae Roto and on until it reached Waramu. They spotted the eel floating to Waramu early in

¹⁶⁵ Lou Tana interview.

the morning and up to the creeks below Maunga Rangi and on down to Ōrauta (i ora i uta). It continued on down to the flats and on to Ōrauta, and then entered Te Aniwaniwa. The eel thrashed around at Taiakiaki, then on to Te Ahi Kora and to Te Wai o Te Karaka, and then turned to the other side of the creek that runs behind the marae. Tere Awatea means ‘the eel that floated early in the morning’.¹⁶⁶

Lou Tana (our respected kaumatua) referred to the choice of the site as being a memorial to a whanaunga who, during the 1918 Flu Epidemic had gone to Waiōmio to assist with the terrible situation there, of seeing whanaunga die, every minute of every day and who returned to Tere Awatea, to the site without anyone knowing, and died there - another victim of the Flu Epidemic.

His relatives looked for him and after several weeks had passed, they found his body. There was great mourning for him because he had died alone. He was buried on the site, the site of the proposed marae.¹⁶⁷

Te Aroha Marae, Mangakahia



Figure 122: Kii Kopu, Te Aroha Marae

Mōtatau Marae

Ngāti Te Tarawa is the hapū constantly served by this marae.



Figure 133: Mōtatau Marae

Sir James Henare had the following account of the history of our marae:

¹⁶⁶ Lou Tana interview.

¹⁶⁷ Tana Thompson – kaumatua interview.

Mōtatau marae whareniui was opened on July 4th 1921 honouring Northern Māori Member of Parliament MP, Tau Henare for his services, 1914–1938, a place where he could entertain his many guests. His home Omahu was located next to the marae. Dignitaries such as Te Puea Herangi, Sir Apirana Ngata, Prime Minister Gordon Coates and Maui Pōmare were entertained at the marae during his term in Parliament. In 1925, Tawai Kawiti and Maata Matekino Wynyard were married here.

Its location was due to the fact that the house of Tau Henare was adjacent to the main trunk railway line which was the main mode of transport in those times. Prior to the establishment of the marae, every home or papakainga was in effect a marae and would hold its own hui mate (tangihanga) which meant that people moved from home to home as the necessary. To this day, the respective papakainga retain the same names, some of which are: Titiwaha, TeWaerenga, Tiponapona, Te Puna, Whakakiore, Otukaiao, Tororoa, Kaitoki, Waipapa and Te Hurihanga.

The people of Ngāti Te Tarawa built this marae. The land was donated by Hoori Peeni. Only the whare tupuna (meeting house), or hall as it was initially known when it was built remains of the original buildings that were erected.

The whare tupuna whareniuiManu Koroki takes its name from the Pā of Moeahu. Mihiwira took its name from a nearby pā site - the stronghold of a principal ancestor, Moeahu who was the grandfather of the kindness extended to Ngāti Hine chief, Kawiti. Moeahu and his brother Moraki were ringa kaha and key figures contributing to Ngāti Hine expanding and holding its territories around the mid -1700's. The name Ngāti Te Tarawa derives from when Moraki was killed in battle and his body placed up in a tree, leaving only his bones over time – 'Te tarawatanga o ngā koiwi a Moraki'.

In the early 1910's, the railway was built from Whāngārei to the Bay of Islands. A railway station was constructed just below where the marae was later built. Because of the railway and a new post office, this area soon became the focal point for many people from the surrounding valleys.

The new post office was named Mōtatau after the nearby maunga, Mōtatau, which later became a name for the entire valley. The maunga Mōtatau is said to have a cavern which serves as an entry to 'te rerenga wairua', or route to Cape Reinga, the departure point of the spirits to Hawaiki. Thus, Mōtatau received its name from 'Te tatau ki te Reinga', the doorway into the world of spirits.

During the late 1940's, a key event at Mōtatau Marae was around contributions of the community toward the building of the Whare Rūnanga at the Waitangi Treaty grounds. It was an initiative of Tau Henare, MP who worked with Sir Apiranga and others to have

the Whare Rūnanga built in time for the 1940 centennial celebrations. The timber to build the Whare Rūnanga was felled in Mōtatau Valley and was taken from Moeahu's Pā from the wharekai to the Mōtatau Marae. It was there that the carvers, including Pine and Hone Taiapa completed their work and were hosted and cared for by the local people. At that time, one of the carvers, George Waititi met Mabel Henare whom he later married and they settled in the Mōtatau Valley. Once finished, the carvings were taken by rail to Opua and taken by barge to the Waitangi Treaty grounds to be erected.

On October 8 1957, Whare Hauraki who was the lead builder for the Mōtatau Marae rebuild project opened a refurbished dining room, kitchen and cook house. This required extensive fundraising and community effort toward enhancing the new complex. It consisted of a spacious dining hall and was connected to a split level kitchen situated away from where people ate.

The new complex was opened in 2009 and was named 'Mihiwira' after Mihiwira Tipene (nee Hoterene) who was the backbone of the kitchen in its early days, and a matriarch of the community. She passed away in 1936. The name, Mihiwira derives from an English woman, Dorothea Wheale who was a wealthy spinster and a philanthropist of note. She was said to have assisted a group of Ngāpuhi who had been at a concert party and were financially stranded in Britain in the mid 1860's. Miss Wheale paid for their return to the Bay of Islands. The name Mihiwira was conveyed from Miss Wheale to Mihiwira Tipene and eventually to the wharekai. Ngāti Hine have acknowledged appreciation of Miss Weale by way of naming¹⁶⁸.

Such events have inadvertently given the marae a significant place in Ngāti Te Tarawa history. Further development of the marae included an extension for toilets in the late 1960's to replace 'long drops', showers built in the early 1980's and many other improvements such as paint, paved footpaths, ponga fences, landscaping and re-roofing.

In the late 1980's, adornment of the Whare Tupuna 'hall' with traditional artwork was a huge undertaking. A significant aspect of this development was that women were part of the team that carved the whakairo. It was Sir James Henare who gave his blessing for local women to play a prominent role in this task.

In 1988, two kaumatua flats were erected at the entrance of the marae to serve the purpose of having kaitiaki on site at all times; a cool room was added to the kitchen at

¹⁶⁸ See also biographies of Hare and Hariata Pōmare later in the report, p. 153.

the same time. The kohanga reo was built on the marae in 1993 and is still actively used with over 20 tamariki currently enrolled.

In 1999, the original school building (from when the school was opened in 1914) was brought onto the marae for use as extra accommodation and for sentimental reasons. It was originally located at the first school site between Mōtatau and Opahi. The building was refurbished and included replacement of rotting timbers and paint. It is now beautifully restored and serves the marae and community.

The marae has seen continuous change and refurbishment to adapt to the needs of the community. Even in recent years, it has become evident again that despite the ongoing upgrades of the facilities, the marae required a new wharekai and ablution block. A significant fundraising effort resulted in a new wharekai, kitchen and ablutions as of June 29th, 2009.

Manu Koroki was opened by Hau Tautari of Mohinui and blessed by George Tane of Oromahoe. Ngāti Te Tarawa was blessed that day with 500 manuhiri.

The multipurpose and ICT facilities, Te Matarau (meaning the many faces) are located at Mōtatau School, and governed by the Mōtatau Marae trustees.

The marae newsletter is titled *Te Pūkeko*.



Figure 14: Mōtatau Marae, Mōtatau

Mohinui, Waiōmio

The hapū affiliated with this marae are Ngāti Hine and Ngāti Kahu o Torongāre.

This marae serves both the whānau of Kopa and Tautari through intermarriage.

Whareni Mohinui was named after the large rorowai-mohi, or whitebait sighted in the river flowing through the valley. This marae acquired its name through this sighting

and the dining room was named Te Waiora. It was opened by Peeni Wynyard in approximately 1984.

We have no record to indicate the period Mohinui was built. Hau Tautari is the known tupuna of the marae and many of his descendants grew up here.

When Hineāmaru and her father arrived at Waiōmio, Hineāmaru occupied the north side of Waiōmio, and Torongare occupied the south side. Torongare and his son Torukao moved to Mohinui and established that settlement.



Figure 15: Te Waiora, Mohinui Marae, Waiōmio

Kawiti Whānau, Waiōmio

These hapū are Ngāti Te Tarawa and Ngāti Kawiti.

Kawiti Marae was a project started by Te Tawai and Maata Kawiti in early 1975. The marae was built on their homestead at Waiōmio and opened in 1984, comprising a wharehui, wharekai and wharehoroi/nohinohi. Whare tupuna name is Te Tawai Riri Maihi Kawiti while the wharekai was memorialised Maata Matekino Kawiti in 1999.

Newsletter: Te Pakihi.

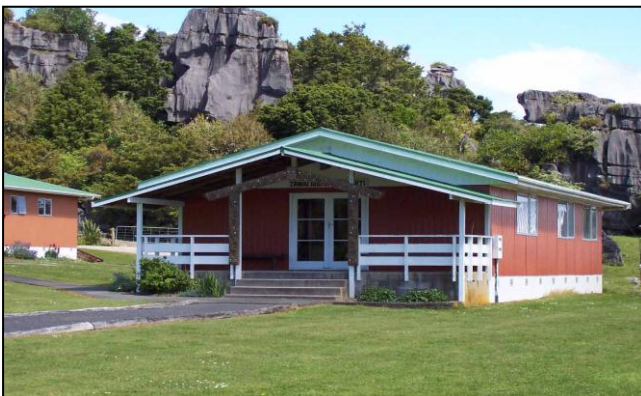


Figure 16: Te Tawai Riri Maihi Kawiti, Waiōmio

Te Rito Marae, Ngapipito Road, Moerewa

The hapū of this marae are Ngāti Hine and Ngāti Kōpaki, representing the families Ngawati, Toeke, Cherrington and Paraone.



Ko Te Marae ko Te Rito

Ko te Wharenui ko Te Rito

Ko te Wharekai ko Mau Mahare

Ko te Whānau ko Ngawati

Ko te Hahi Ratana te haahi o tēnei marae

Figure 17: Te Rito Marae

Horomanga was the name of the pā of an ancestor. The name was given to the site of the Marae of the 'Paraone whānau'. The land given for the proposed marae was originally the place of the historical homestead of the Brown/Paraone whānau and hapū.

The Māori Land Court gazetted this site as a Māori Reservation.

Maungarongo and Whatitiri maunga, Te Poroti



Figure 18: Maungarongo

Ko Maungarongo te whare tupuna

Te Whatitiri te maunga

Te Waipao te Awa

The inter-tribal fighting of the 1880's concluded at Poroti. The tatau pounamu, or peace pact, was made on the site of this marae; hence its name, 'Maungarongo' memorializes that peace between us. We are located in Mangakahia road, Poroti some 14 km from Whāngārei.

The hapū who affiliate to this marae include Te Uriroroi, Ngāti Te Rino and Ngāti Rehia.



Figure 19: Patira Te Taka

Patira TeTaka was the last tohunga of the marae of the eldest line.

Daughter Grace married Charles Papara Tamati Astle, grandson of Te Aho o Te Rangi Wharepu, son of Pōtatau Te Wherowhero.

Mokomokai of rangatira Moetarau and Koukou, who died in battle at Ōpua, were returned to the marae for burial, 2 April 1999.

Tau Henare Marae, Pipiwai



Figure 20: Tau Henare Marae and War Memorial, Pipiwai

In 1963, there was a gifting of shares for a marae for Te Orewai, Ngāti Hine and Ngāti Tai. The trustees for the marae were selected from Te Orewai, Ngāti Hine, and Ngāti Tai hapū. There is a chapel and cemetery adjacent to the marae.

The hapū of this marae is Te Orewai.

The name of the wharekai is Pipiwai.

The pepeha of the marae is: *ko Mōtatau, ko Hikurangi, ko Manukoriki*. Hikurangi is the awa and Manukoriki is their ancestral maunga.

The wharenui was completed in approximately 1940, and was named after the member of the House of Representatives for the north, Taurekareka Henare, who died in January 1940. Originally, it was a hall to commemorate soldiers who had gone to war from Pipiwai Valley, and was originally used as a dance hall for socials, weddings and other community events. Tau Henare became a marae in the 1960s. A war memorial statue was erected in 1943 alongside Te Huitoka. Pupils of Te Horo School paraded with

the Home Guard and US Marines at the unveiling.¹⁶⁹ ‘When these people [Ngāti Whatua] were driven out of these lands, they left behind “Te Huitoka”, the life principle of *Māhuhu ki te Rangi* [the waka of Ngāti Whātua] at Roma in Pipiwai. “Te Huitoka” lies at the marae of Tau Henare in Pipiwai. It has been suggested that this was the first territorial boundary of Ngāti Hine.

Other significant buildings on the marae precinct and within the local area include Ngā Tau e Toru, which was built in February 1879 and used as a whare for tangihanga until the 1950s-60s. After that Tau Henare Hall took over these functions. It has since been refurbished as a kōhanga reo, but currently needs restoration to bring it up to safety standards for this use. Te Horo School was built in 1906.

The Mormon chapel was built about 1906, remodelled around 1945 and refurbished in 1969.

Eparaima Makapi Marae, Kaikou



Figure 21: Eparaima Makapi Marae, Kaikou

Hapū affiliated to this marae include Te Orewai and Ngāti Hau.

The wharenui was first used as a whare karakia, or church and later as a whānau home. The wharekai is named Te Kauta.

¹⁶⁹ Te Horo School Reunion Committee, *Te Horo School*, 1982, p.35.



Figure 22: Te Hapunga

Ko te whakaheke o Kawiti – i moe a Kawiti i a Kawa ka puta ko Taura, ko Wiremu Te Poro, ko Maihi Te Kuhanga. i moe a Kawiti i a Te Tiwha tana wahine tuarua, ka puta ko Tuwahinenui.

Maramatautini

The two storeyed house of Maihi Kawiti, Maramatautini was officially opened in 1867. Many Ngāpuhi were in attendance to the opening. A number of Pākehā friends of Maihi arrived with an oak sapling which they planted a short distance at the back of the new house, to commemorate its official opening. The oak tree (or oka as it was known then) still remains today and is more than 145 years old. In 1873, six years after the official opening, Maihi decided not to wait for the realisation of a new school for Ngāti Hine promised by the government. He chose to set up a school in his whare, Maramatautini. The school was set up specifically to suit Ngāti Hine children as they were enrolled by virtue of their Ngāti Hine whakapapa.

When Maihi died on 21 May 1889, Maramatautini Whare - particularly the bottom storey of the whare - was considered to be too tapu, or sacred to be lived in. It was given to the Kawakawa community and was set up as a community hall opposite the Kawakawa Courthouse. The top storey was given to a whānau member who moved it on to his farm.

Te Rapunga

Te Rapunga was officially opened in 1884. King Tawhiao and his supporters in 1885 were the first distinguished visitors to enter its doors one year later. Maihi was one of the Kaiwhakawā, or judge of Pewhairangi District. The Porowini Whare at Taumārere was a whare whakawa or courthouse.

At the age of 77, the constant travel between Porowini at Taumārere and Waiōmio exhausted Maihi. He sought government help to build a new whare whakawā, courthouse, on his land at Waiōmio. The government responded with a contribution of 300 pounds which was used to purchase new timber from a sawmill of John Cherrington at Ōtiria. The new whare became Te Rapunga. During the devastating flu epidemic of 1918, Te Rapunga whare was used as a hospital.

Te Hahaunga

The Maramatautini dining room was in constant use until the commencement of the Second World War, and was dismantled to make way for a new dining room. It was renamed Te Hahaunga. Many young men joined the war, and consequently the construction of the whare became the responsibility of Tawai Kawiti and his son Raumoā. The construction of the new whare meant that Raumoā did not attend the local high school, something that he regretted in later life.

Te Kimihanga

There is a saying, “Kei konei a Te Rapunga - Kei konei te Hahaunga - Kei hea Te Kimihanga”, rendered as “Here is Te Rapunga, here is Hahaunga, where is Te Kimihanga”. The three sacred names of Ngāti Hine have been applied to two buildings only. One on the Miria Marae grounds at Waiōmio, and Te Kimihanga plaque was presented to the Waiōmio School during its 90th anniversary celebration. The school has since closed. The current generation awaits a revival of the name Kimihanga to be applied to an appropriate purpose.



Figure 23: Maata Kawiti, Tawai Kawiti, Peeni Wynyard, Pini George, Himi Henare (absent is Hoori George) with Te Kimihanga plaque

Miria Marae

Maihi Kawiti determined that his burial is the first Christian ritual for Ngāti Hine, and his hope was that the people would follow his example. His tangi was attended by many people, and of significance were particular flowers brought by Pākehā friends of Maihi who placed them beside his coffin. Maihi was buried in Wairere and then later exhumed, and carried across to Otarawa where he was finally laid to rest.

The flower that caught people's attention was the Camellia from evergreen small trees. Translated as Kamiria in Māori people saw how they remained fresh long after other flowers wilted. At the end of the burial ceremony, the kaumatua discussed at length the first Christian funeral, the use of the Camellia and the consecration of the two local grounds as future burial sites. With these things in mind, the kaumatua gave the name Kamiria, now Miria, to the grounds surrounding Te Rapunga. It is a memorial to the events following the death of Maihi. Today, the Camellia is found in many homestead gardens within Ngāti Hine territory, indeed a living memorial of the natural world.

Another adaptation to burial ritual occurred when Miria, the oldest child and daughter of Maihi, died when she was 10 years old. There was a large funeral cortege involved as part of her tangi. Rather than be interred at the tribal caves of Waiōmio she was the first of her family to be accorded Christian rituals in a grave at Kawakawa Cemetery.

Te Whare o te Ahuareka

Te Whare o te Ahuareka was the whare rūnanga of Te Ruki Kawiti. It was where tribes assembled and the people's Council gathered to debate and discuss matters of importance such as He Whakaputanga and Te Tiriti o Waitangi.

In 1824 when Kawiti was thatching Te Ahuareka, the rangatira Te Whareumu descended upon him with a gift, a pig. On entering Te Ahuareka, Te Whareumu chanted his "ngākau", or fervent need to Kawiti. The ngākau ritual seeks from a friendly tribe their assistance in a warlike expedition and Te Whareumu said, "Whawhaitia a Ngāti Whātua mo te matenga o ōku whanaunga a Taurawhero me Koriwhai i te pakanga i Maunganui." The pig was killed, divided up and shared amongst the people, who accepted the offerings as a token of their support of the ngākau of Te Whareumu. Ngāti Hine took take part in the battle at te Ika-Aranganui.¹⁷⁰

¹⁷⁰ Kene Martin, 'Maihi Paraone Kawiti', DNZB. Original publication, Vol.2; personal communications 2012

Waimahae Marae, Mōtatau



Figure 24: Waimahae Marae

According to Tui W Shortland, Waimahae Marae is a papakainga of the Prime family near Mōtatau Mountain at the end of Tipene Road. The naming of Waimahae is interesting. According to oral tradition, during a chase of a kiwi poacher that lasted several days, the trackers found signs of someone scrabbling in the water weeds for food. The foods available were torewai, the freshwater cockles, kawai, the freshwater crayfish and papane, a small freshwater fish. This place was named Waimahaehae: (wai=water, ma=clear, haehae= the action of scrabbling). Over time the name has been abbreviated to Waimahae.

Te Piringatahi o te Maungarongo Marae, West Harbour, Auckland

Te Piringatahi o te Maungarongo Marae is a Ngāti Hine and Ngāti Whātua community-based urban marae. It includes a kohanga reo and residential houses.



Figure 25: Te Piringatahi o te Maungarongo Marae

Te Kapotai Marae, Te Turuki

Te Turuki is the name of the land where Te Kapotai marae is situated. Commonly known as Waikare Marae, it is situated at the inlet to the Waikare moana. Te Turuki Marae and the meeting-house, Te Aranga o Te Paa has traditionally been the place for important discussions and events in the history of Te Kapotai.¹⁷¹

People gathered there in 1845 before joining Hone Heke and Te Ruki Kawiti in the fourth attack on the flagstaff at Kororāreka, and later in 1846 in deciding to fight at the battle of Ruapekapeka. Te Turuki also hosted the Native Land Court in the early investigations of whenua in Te Kapotai. To this day, it continues to be the meeting point for the hapū of Te Kapotai.¹⁷²

Ngāti Manu Marae, Kāretu

The tūpuna whare is Ngāti Manu. The maunga is Puketohunoa. The tangata are descendants of Pōmare.

¹⁷¹ Wai 1040, #D5, 27 September 2010, p14.

¹⁷² Wai 1040, #D5, pp.14-15.



Figure 26: Ngāti Manu Marae

Source: Naumai website.¹⁷³

Other Ngāti Manu Marae: Pakaru ki te Rangī, Kāretu

Waikare Marae, Te Kapotai



Figure 27: Waikare Marae

Waikare Marae is situated on Waikare Road near Kawakawa on various blocks of land and also at the inlet to the Waikare Moana. These lands were set aside as a reservation for the common use and benefit of Te Kapotai people, their guests and residents.

At a sitting of the Native Land Court of New Zealand held at Paihia on the first day of August 1868, it was ordered that a Certificate of Title Inalienable of Hoterene

¹⁷³ <http://www.naumaiplace.com/site/ngati-manu/home/page/527/home-page/>

Tawatawa, Ene Taiwhatiwhati, Patu Koraha, Renata Parauri, Hatiwira Tamaiti, Hepi Wepiha Pi, Hami Matatahi, Mere Titohea, Hopa Peka and Poihipi Hikitene to a parcel of land at Waikare in the District aforesaid, containing 2 acres, one rood and thirty two perches and known by the name of Turuki be made and issued to the Governor.

Te Aranga o Te Paa

Te Paa - Te Turuki. Around 1885, Te Paa, also known as "the hall" was built. In 1996, the building was dismantled board by board and rebuilt. It is now called Te Aranga o Te Paa and is now our whare tupuna. Te Huihuinga is the name of our whare hui, built in 1970's.

The wharekai is Arohanui and opened in 2011. It was here, at Te Turuki that the people gathered before joining Hone Heke and Te Ruki Kawiti in the fourth attack on the flagstaff at Kororāreka, in 1845 our people were attacked and the marae then was destroyed. Te Turuki has hosted many gatherings including the Native Land Court for whenua issues of Te Kapotai. Today, Te Turuki is still the meeting place to all people.

Ngāti Hau hapū have five marae, four of which are in the Whāngārei and surrounding areas: Whakapara and Akerama (north of Whāngārei); Pehiaweri and Maruata (Glenbervie area on the outskirts of Whāngārei). The Whakapara marae is built on land made available by Eru Nehua and his wife Te Tawaka (née Hohaia – daughter of Hohaia, senior surviving issue of Patuone of Ngāti Hao) in the area that used to be known as Taharoa, alongside the Whakapara River. The fifth, Maraenui, is in the Waihou Valley in the Kaikohe region. Te Tawaka's sister, the tohunga matakite Ani Kaaro, donated land to build a marae for whānau who moved to that area or who were travelling in that area and needed a place to stay.

The land at Whakapara was set aside as a Māori Reserve in 1913 and gazetted as a Marae reserve in 1966.

Earlier buildings on the marae include the wharenuī Hukarere (c.1920s) and Te Kokiri (1988). The present wharenuī is Te Ihi o Nehua (1998). Te Kokiri was renamed Te Aranga Ake in 1998, as it was lifted and moved from its original site to make way for the new wharenuī. Te Aranga Ake (the renamed Te Kokiri) is now the wharekai; planned Te Tawaka

The carved gateway to the wharenuī is Tomokanga - Te Whei Ao (2006).

Other buildings on the marae include a workshop, established in 1985, a power shed in 1985, and a new ablution block in 1986.

St Isaac's Anglican church (1898), an urupa opposite the marae, and Whakarapa Native School (1899) are on land donated by Eru Nehua.



Figure 28: Te Ihi o Nehua, photographed through Tomokanga Te Whei Ao, Whakarapa Marae

Source: Liz Lewis, *Introducing Māori lifestyles*¹⁷⁴

Ngāti Kawa, Oromāhoe



Figure 29: Ngāti Kawa Marae

¹⁷⁴ <http://maorilifestyles.blogspot.com/2009/05/marae-revival.html>

The hapū are Ngāti Kawa and Ngāti Rāhiri; the whānau are the Wynyard family, the Apiata family and Ashby family.

The Oromāhoe Ahu Whenua Trust was established in 1990. There are approximately 700 shareholders, most of whom live locally, and are based around the one marae.

Ngararatunua, Kamo



Figure 30: Ngararatunua Marae and Te Paea Soldiers Memorial

Ngararatuna Marae and Te Paea Soldiers Memorial, the name of the whareni is on the corner of Pipiwai and Church Roads, Kamo. The hapū who affiliate to this marae include Ngāti Kahu o Torongāre, Ngāti Hine, Ngāti Hau and Te Parawhau.

Other listed marae are as follows: Te Parawhau, Korokota, Titoki, Tirarau, Tangiteroria, Pehiaweri, Glenbervie, Te Kapotai at Kororāreka, Ōteatao Reti, Punaruku, Te Whānau Pani at Pupuke, Whangaroa, Ngāti Pare, Patuharakeke, and Ruakaka.

Kaka Porowini, Te Terenga Paraoa Marae, Whāngārei



Figure 31: Kaka Porowini on Te Terenga Paraoa Marae

Historical outline

- 1942 Kaka Porowini, resident of Ngāti Hine dies.
- 1944 Two siblings of Kaka Porowini give site to Māori community.
- 1947 Site set aside as Native Reserve. 47 members appointed to trust to hold and administer funds for common use and benefit of the descendants of Kaka Porowini and the hapū of Whāngārei, Mangakahia, Tautoro, Taiamai, Te Ahuahu, Taumārere, Waikare, Whangaruru and Taiharuru as a meeting place and marae.
- 1949 Registrar call meeting of interested parties to court for discussions to determine ownership and succession. The successors appeared and stated their wish to award the land as a marae to the native people of the district. At a meeting held the following day, a representative gathering agreed to accept the gift. The court knows of difficulties for Māori to obtain accommodation at Whāngārei when staying overnight, passing through or visiting relatives in hospital. It is determined that the land will be of great benefit.
- 1964 First marae report to the community includes: sizable working bee present, tar seal of tennis court, purchase of pavilion, flood damage cleared,

unsatisfactory city council drainage, remove of an obstruction from stream, strengthening of banks of the stream adjacent to the marae property.

Mahuhukiterangi Marae, Tautoro



Figure 32: Māhuhu ki te rangi Marae

Iwi/hapū: Ngāti Moerewa, Ngāti Rangī

Ngāwhā Marae, Ōhaeawai

The hapū who affiliate to this marae include Te Whānau o Ngāwhā o Ngāti Rangī. Whānau connected to the marae include descendants of Heta Te Haara and the Baker whānau.



Figure 33: Ngāwhā Marae

CHAPTER TWO, NGĀ TANGATA O TE WHENUA

Ō mātou tāngata/ Our people

The following biographies are sourced mainly from the online Dictionary of New Zealand Biography (DNZB). Where these have been written by family members or representatives, they have been left almost entirely word-for-word. Where they have been written by independent authors, the content has been reduced but retained as substantially that of the original author. Other sources are noted where appropriate.

Pōmare I, ?-1826

Extracted from the biography by Angela Ballara¹⁷⁵

Pōmare was born in the second half of the eighteenth century, the son of Puhī of Ngāti Manu, and originally named Whetoi. (See Chart 6: Kawiti and some of his contemporaries for whakapapa) His Ngāpuhi descent lines were through Ngāti Rangi, Ngāti Rāhiri and Ngāti Hine hapū, and he also had Ngāti Wai ancestry. When Samuel Marsden told Bay of Islands people in October 1814 that Pōmare of Tahiti had converted to Christianity, Whetoi adopted Pōmare as his name. His older sister, Haki, was the mother of Whiria, who later took both his uncle's names, and became known as Pōmare II.

Ngāti Manu were originally a people of Tautoro, south of Kaikohe, but quarrels with Ngāti Toki in Pōmare I's lifetime drove them away; one group followed Pōmare's aunt Hautai in settling at Manurewa, near Taumārere. From there Pōmare and other chiefs led groups to establish pā and villages at Kororāreka (Russell), Matauwhi, Ōtūihu, Waikare and Te Karetu. Pōmare was chief over Matauwhi, a cove a little south of Kororāreka in what is now called Pōmare Bay. His neighbours at Pāroa and Rawhiti were Ngāre Raumati, who had been at war with Ngāpuhi for two generations.

Pōmare exploited trade opportunities presented by missionary settlements and increasingly frequent visits of European vessels that traded iron tools, and later, muskets and powder for food supplies, wood, water and recreation. The tools

¹⁷⁵ Angela Ballara. 'Pōmare I - Biography', DNZB, updated 1-Sep-10. Original published in the *Dictionary of New Zealand Biography*, Volume One (1769-1869), 1990.

acquired were used to produce surplus crops to exchange for weapons, which gave him and his people some security against armed groups led by Hongi Hika, Tāreha, Rewa (Manu) and Ruatara.

The first contacts of Pōmare sought timber, which he supplied efficiently. These contacts described him as artful, covetous, ambitious, boastful, dominating and independent, yet also capable of compassion. Pōmare visited Port Jackson (Sydney) in the missionary vessel *Active* in July 1815. By 1819 the missionaries regarded him, along with Hongi Hika, Te Whareumu and Rakau, as the four most important and useful men in the Bay of Islands. But his expressed interest in Christianity was probably for practical reasons.

By arming his people, Pōmare could rival Hongi Hika and other chiefs as a war leader. Between 1819 and 1826, war parties that he recruited and led brought devastation, depopulation and tribal regroupings that had lasting effects on Māori society, and ultimately resulted in his death. But while alive, he was feared almost as much as Hongi Hika.

In 1820 he led a war party to the East Coast, during which he took Te Whetū-Matarau Pā at Te Kawakawa (Te Araroa) after a six-month siege. Many people were killed or captured. He took Te Rangi-i-paia, the high-ranking wife of Ngā-rangi-tokomauri, one of the leaders of the besieged pā, back to the Bay of Islands as one of his wives. Pōmare joined Hongi Hika and others in the 1821 attacks on Mau-inaina and Te Tōtara Pā (Auckland and Thames), and in 1822 he attacked Ngā-uhi-a-po Pā, and then pursued Ngāti Awa, Ngāti Pūkeko and others into Tuhoe country. Pōmare joined the 1823 massed Ngāpuhi attack against Mokoia Island, Rotorua, but by this time tensions between Pōmare and Hongi Hika had reached breaking point, and Pōmare and Te Wera Hauraki led their party separately to the East Coast. Pōmare attempted to make peace with Te Rangi-i-paia's people, and although Ngāti Porou attacked him at Te Uma-o-te-aowetea, his peacemaking efforts ultimately succeeded. Te Rangi-i-paia was reunited with her people, but returned to the Bay of Islands with Pōmare.

In 1824 Pōmare fought in the Kaipara and then moved to Wairoa, on the East Coast, to support the Urewera chief Te Maitaranui in avenging deaths caused by Ngāti Kahungunu. When Pōmare returned to the Bay of Islands, a party of Ngāti Kahungunu from Wairoa accompanied him with the intention of obtaining guns. He settled them on lands at Te Karetu, while he lived in his house, Te Kata-o-te-kawariki, at the other end of the village. Pōmare set out on his last war mission in 1826, in

which Ngāti Maru or Waikato people killed and ate him and his small party, including his son, Titaha, at Te Rore, on the Waipa River. Pōmare's death had many repercussions in the Bay of Islands, and undermined Ngāpuhi confidence in their invincibility.

Pōmare had several wives and children. Waihanga of Te Kapotai was the mother of Tiki, also known as Hirepo, Heikai and Heitiki; Hoi was the mother of Raukatauri. When Te Mahurehure people killed Tiki in March 1828, Ngāpuhi of Hokianga and the Bay of Islands came close to war. After Pōmare died Te Rangi-i-paia married Te Kariri and returned to live on the East Coast, Pōmare became known as Pōmarenuī (Pōmare the Great), and his nephew, Whiria, on inheriting his mana, took the names Whetoi and Pōmare II.

Pōmare II, ?–1850

Ngāpuhi leader, war leader, trader

Extracted from the biography by Angela Ballara¹⁷⁶

Pōmare II was born in the late 1700s to Tautoro and Haki and given the name Whiria; he took his uncle's names later in life. Whiria lived in the southern Bay of Islands, in his mother, Haki's Ngāti Manu territory. Te Tautoro was a descendant of Rangihēketini and Hineira. Whiria was also related to Tara of Kororāreka and to Tara's heir, Te Whareumu, both of Ngāti Manu. (See Chart 6: Kawiti and some of his contemporaries for whakapapa)

Whiria was chief of a village in the Waikare district when missionaries arrived in 1815. They described him as graceful, well proportioned, strong, and attractive to women; he had several wives and children. By that time he was heavily engaged in European shipping trade, and was keen that Europeans settle in his area.

When his uncle Pōmare died, Whiria took the names Whetoi and Pōmare. Two years after Pōmarenuī's death, his only surviving son, Tiki, and Te Whareumu were killed in a dispute with Te Mahurehure hapū of Waima. Although Te Whareumu's brother Kiwikiwi was older and acknowledged as heir, Pōmare II emerged as a principal chief. Pōmare's position was consolidated in 1830, the year of the 'Girls' War', in which the forces of Pōmare and Kiwikiwi were the victors, but were forced to abandon

¹⁷⁶ Angela Ballara. 'Pōmare II - Biography', DNZB, updated 1-Sep-10. Original publication, Vol.1.

Kororāreka Pā. They withdrew, first to Paihia, and then to Pōmare's pā at Ōtūihu, where they built a new pā, which accommodated the use of cannons. Kiwikiwi became a refugee chief in Pōmare's territory, and consequently Pōmare came to dominate among Ngāti Manu.

Pōmare's determination to regain the prized Kororāreka anchorage and trading centre, and its conquerors' determination to hold it, dominated local Māori politics for some years. Nevertheless, Pōmare made every effort to ensure that Ōtūihu was impregnable and a rival to Kororāreka's attraction to Europeans. He traded in pork, potatoes, alcohol and timber, encouraged gambling, and profited from prostituting slave women of the pā.



Figure 34: The site of Ōtūihu Pā

Away from his home base, he sought to avenge Pōmarenuī's death when he led war parties south in 1827 and 1832; and locally he was involved in hostilities against Ururoa again in 1832–33, and with Waikato of Rangihoua in 1836. Offending Europeans could expect to be challenged too; Pōmare II seized their possessions in recompense. One such event led to a dispute with the British Resident, James Busby, which CMS missionary Henry Williams only successfully arbitrated when the warship *Alligator* anchored just off Pōmare's pā in 1834.

Titore attempted to take Ōtūihu with about 40 canoes and 800 men in 1837. Pōmare was aided by 131 Europeans living in his pā. Ultimately Tāreha negotiated a peace agreement, and the dispute ended with the death of Titore. Captain William Hobson of the *Rattlesnake* witnessed this three-month war and submitted a report on it, which, together with Busby's dispatches and a missionary-inspired petition, led towards the eventual British intervention.

Pōmare did not sign Te Tiriti on 6 February but signed on 17 February 1840. In May he undertook to persuade Tīrarau and Kawiti to sign also, and they did on 13 May. Soon after, he became disgruntled when he could no longer levy tolls on British shipping, and he came to share with other Māori leaders concerns over the effects of British administration on their mana. Pōmare remained neutral during the 1844–46 challenges to British attempts to impose their sovereignty and the consequent Northern War, but some of his people participated in the spoils when Kororāreka was sacked, and the government claimed to have intercepted treasonous letters from Pōmare to Pōtatau Te Wherowhero.

As a precautionary measure Pōmare was arrested in his pā on 30 April 1845, his people were scattered and his pā destroyed, despite his flying a flag of truce. Pōmare sent a message to Heke saying he wished no action to be taken on his behalf; he was being well treated. Pōmare was taken to Auckland on the *North Star*, but was released after Tamati Waka Nene intervened. He was presented with a boat as part compensation for his treatment. Pōmare subsequently put together a war party to assist in the campaign against Heke, but withdrew before the battle of Ōhaeawai on 1 July 1845, possibly not wanting to compromise his neutrality, which eventually allowed him to play an important part in the peace negotiations.

Pōmare spent his last few years in relative peace. He accepted the arbitration of the government in a dispute over land, and in the last year of his life became a Christian. He died in July or August 1850.

Ruki Kawiti - Whakapapa

Kawiti
|
Maihi
|
Te Riri
|
Te Tawai

By Kene Hine Te Uira Martin

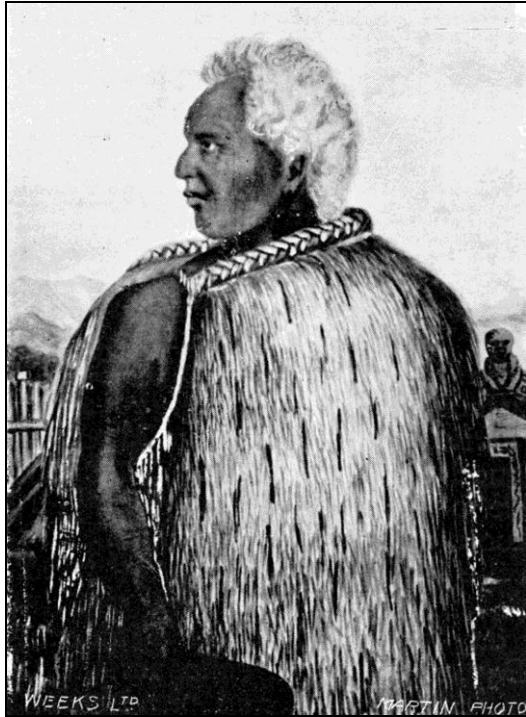


Figure 35: Te Ruki Kawiti

Kawiti was born, probably in the 1770s. He descended from Nukutawhiti, commander of the *Ngā-toki-mata-whao-rua* canoe, which made its landing at Hokianga. He was the 11th generation from Rāhiri, ancestor of Ngāpuhi; Huna was his father and his mother, Te Tawai. (See Chart 6: Kawiti and some of his contemporaries for whakapapa) They were of Ngāti Hine, whose identity with their territory runs thus:

Mōtatau is the mountain
Taumārere the river
Ngāti Hine the hapū
Hineāmaru the ancestress.

When Kawiti reached maturity, he was admitted into Te Whare Wānanga mō ngā Tohunga, at Taumārere, one of the ancestral villages of Ngāti Hine. As he gained a reputation as a fighting warlord, Europeans gave him the nickname 'The Duke' (Te Ruki).

Kawiti and his first wife, Kawa, had three sons: Taura, Wiremu Te Poro, and Maihi Paraone Te Kuhanga. His second wife was Te Tiwha, and they had a daughter, Tuahine/Tuwahinenui. His villages were at Ōtuihu, Pumanawa, Waiōmio, Taumārere, Ōrauta and Mangakāhia; his carved whare, Ahuareka, stood in Waiōmio, a short distance from where Te Rapunga meeting house now stands.

Kawiti was a notable warrior and detested being bottled up in a fort. He favoured rugged terrain as his battleground, and preferred to pursue an opponent and fight in

hand-to-hand combat to the death. His fighting pā were therefore sited on hilly slopes at points that offered safe exit routes into thick bush. His pā were Otarawa, immediately below Te Pouaka-a-Hineāmaru; Tikokauae at Mōtatau; Wahapū (Te Wahapū Inlet) at Ahikiwi; Ruapekapeka and Puketona.

At the battle of Moremonui, at Maunganui Bluff, in 1807 or 1808 Kawiti saw Ngāpuhi fall before the assembled might of Ngāti Whātua; Hongi Hika barely escaped with his life. In 1824 Te Whareumu of Ngāpuhi came to Kawiti, chanting his ngākau, a special request for assistance to avenge the deaths of his relatives at Moremonui. He had presented Kawiti with a pig, and when Kawiti shared the pig among his people it was a sign to Te Whareumu of Ngāti Hine support. The battle of Te Ika-a-ranga-nui, on the Kaiwaka River, followed in 1825, and on this occasion Ngāti Whātua fell before the assembled might of Ngāpuhi; the deaths of Taurawhero, Koriwhai and other Ngāpuhi at Moremonui were avenged.



Figure 36: The Battle of Te Ika-a-ranga-nui plaque

Kawiti also earned the reputation of a peacemaker among his people. This was evident at Te Ika-a-ranga-nui when a serious disagreement occurred between Hongi and Kawiti. Kawiti, who had kinship ties with Ngāti Whātua, realised that Hongi would annihilate that tribe, so just before the battle took place, he took a number of them as hostages to protect them. Hongi heard about Kawiti's hostages and went to Ōrauta to demand their release; they were his 'possessions' by right of conquest. Hongi threatened to invade Ngāti Hine territory, but Kawiti warned him off.

Hongi did not carry out his threat. Sentries, posted by Kawiti along the route to Whangaroa as a precaution, reported that no preparations for full-scale war were being made at Hongi's camp. This allowed Kawiti and Ngāti Hine to embark at once on their mission of peace to return Ngāti Whātua safely to Kaipara. Mate Kairangatira of Ngāti Hine was left with Ngāti Whātua to cement the peace pact made

between the two tribes, and to warn Hongi of the consequences should he ever attack Ngāti Whātua again.

Kawiti also intervened at the battle known as the Girls' War, at Kororāreka in 1830, and helped to speed up peace negotiations between Ngāpuhi and the Kororāreka people. Ngāpuhi were seeking to avenge the loss of their chief Hengi. To avoid full-scale war between Ngāpuhi and the people of Kororāreka, Kawiti induced Kiwikiwi to surrender the lands of Kororāreka, which were Kawiti's by right of conquest, to Ngāpuhi as atonement for the loss of Hengi.

In 1840, when William Hobson arrived in New Zealand, having been commissioned as lieutenant governor, Kawiti vigorously resisted the introduction of British rule. He aimed to ensure that the lands of his people would be left intact so that Ngāti Hine would never become landless or homeless, or slaves to the Pākehā. Before 1840 he had already lost Ōpua lands; it is said that a Paihia missionary had waited until Kawiti was absent at Kaipara, before negotiating a purchase with a local chief of lesser rank. Kawiti was not in a trusting mood when confronted by Hobson and other British officials at the Waitangi meeting on 5 and 6 February 1840. He refused to sign the treaty for fear that his sacred moko would provide the means by which the government would commence taking the lands. He said to Hobson, 'Who said we want you to stay here? We don't want to be restricted, or to be trampled on by you. The missionaries may stay, but you must return to your own country. There is no place here for the governor!'

Kawiti did not give his agreement to the treaty on 6 February, when others signed at Waitangi, but his people still pressed him to sign. At a special meeting with Hobson, in May 1840, Kawiti reluctantly agreed to sign the treaty (his name appears above the signatures of 6 February). He expressed his reservations in the strongest terms, saying the Māori population was declining so fast that the Europeans were likely to get the land anyway. He did not want to 'sign away his land'.

Possibly Kawiti regretted giving his agreement. Early in 1845 he joined forces with Hone Heke in challenging British sovereignty. At Kororāreka, on 11 March, his forces created a diversion by attacking Kororāreka township while the flagstaff on Maiki Hill was cut down for the fourth and last time. Kawiti saw the flagstaff as a symbol of the assertion of British sovereignty over Māori land, and was determined that it should not be re-erected (which it was not, until 4 Dec. 1857).

The Northern War of 1845–46 involved the forces of Kawiti and Heke against British troops and Māori allies. The British launched three major expeditions into the hinterland of the Bay of Islands. In the first, at Puketutu, Kawiti and his warriors remained outside the pā. When the British attacked the pā, Kawiti's forces staged well co-ordinated strikes at the British rear. They sustained quite heavy casualties but it was a Māori victory, despite British claims to the contrary. Skilled in military tactics, Kawiti never risked his men in open combat again.

At Ōhaeawai he saw to the construction of a carefully designed pā that withstood a British attack on 1 July. Outnumbered six to one, the Māori forces inflicted a serious defeat on the British. Kawiti's military tactics were crucial to this Māori victory. For five months, fighting ceased while Governor Robert FitzRoy tried to arrange a peace that would salvage British pride. Kawiti rejected the peace terms, which included a cession of land.

It is said that he censured Heke, who was tempted to make peace, with these words: 'You and your territory have done enough. This time let me have them [the British]. I warned you that the water was too deep for you alone to net the big fish, but you would not listen. Now the water just barely reaches your knees and you cry, enough!'

Governor Robert FitzRoy was replaced by George Grey, who arrived in November 1845. Grey gave Kawiti and Heke only five days to respond to the peace offer, and meanwhile organised an expedition against Kawiti's new pā of Ruapekapeka. Kawiti's aim was to draw British troops into battle on a fairly inaccessible site. He succeeded: 1,100 men took nearly a month to cover the 15 miles from the Bay of Islands to the inland pā. Kawiti, knowing that the pā had to be stronger than Ōhaeawai, selected pūriri trunks 20 feet long and 3 feet thick, and embedded them 8 feet into the soil for the main palisades. No major building was erected within the pā; underground rooms were built instead. These pits could hold up to 20 men each; they were designed to withstand the heavy bombardment that the British launched in late December 1845, which lasted two weeks. Kawiti and his men sheltered together in the dark bunkers like a colony of bats, an arrangement which gave the pā its name, Ruapekapeka, the Bats' Nest. Heke and his men were camped outside.



Figure 37: Ruapekapeka pā

On Sunday, 11 January, the British troops entered the pā. It appeared deserted, although Kawiti and a small group remained. Detachments of Kawiti's men had slipped away previously, in a tactical move aimed at enticing the troops to follow into the bush, where they could easily be picked off. A strong defensive position had been prepared at the rear of the pā.

At the first sound of strife, Kawiti and his slave slipped away into the bush and vanished from sight, leaving behind his 'lieutenants,' Ruatara, Mataroria and Motiti to see to the safety of the remaining defenders of the Pā. For he, Kawiti, was the prize that the British sought, and his, Kawiti's safety, was paramount.

The feigned retreat was partly successful. The British suffered a total of 45 casualties, while Māori killed and wounded numbered about 30. The pā, like Ōhaeawai, was abandoned. It had served its purpose: blood had been spilled and therefore it would never be used again. The battle was not a victory for the British. Nevertheless, at the end of January, Kawiti and Heke negotiated a peace. Kawiti is said to have pressed a kotuku feather into the hat of the senior British officer, as a gesture of accord. An important part of the peacemaking was Kawiti's reconciliation with Tamati Waka Nene.

The divisions in Ngāpuhi, and Ngāpuhi's failure to support him in the war, were the subject of a now famous takuate (lament) which Kawiti composed. The lament acknowledged that the ancestors of Ngāpuhi had arrived in many different canoes. Each ancestor had formed his own tribe, who selected their chief, who in turn was the guardian of his own territory. A chief had the right to refuse to support another.

He had hoped that the descendants of Uenuku and his brother Kaharau would have British soldiers but, they had fought alongside the British soldiers instead!

After the peacemaking, Kawiti moved to Waiōmio and later to Pākaraka. Some sources say that he was baptised by Henry Williams, on 20 February 1853. He was thought to be about 80 years of age when he died at Waiōmio his tangi continued for a year. Afterwards his remains were placed with those of his ancestors in Te Pouaka-a-Hineāmaru. His son, Maihi, succeeded him as leader of Ngāti Hine.

Ngāti Hine affirmed the death of their tupuna Kawiti and brave leader died on account of Measles on 5th May 1854.

When he died, his body was carried up to his maunga Puketutu, the hill above Otarawa where he lay for a short while, then his body was prepared and hung on a tree as such was the custom in those times. During his illness and right up to the time that his body was hung on the tree, his people were not allowed anywhere near him because they had no immunity to the sickness that eventually killed him. However, that did not prevent them from the long mourning process that ensued.

Before his death, Kawiti warned his people to hold fast to the treasures of their ancestors, and to wait 'until the sandfly nips the pages of the book [the treaty]; then you will rise and oppose'. Descendants have taken this as a special injunction to act when treaty promises are not upheld.

A marae complex, a loving memorial to Kawiti was erected at Waiōmio Caves by Kawiti's great-grandson, Tawai, who did not live to see its completion; his whānau added his name to the meeting house, along with that of his father, his grandfather, and Kawiti. The meeting house name now reads: Tawai, Te Riri, Maihi, Kawiti.

Te Tawai

I te tau 1896 I moe a Te Riri Maihi Kawiti I a Marara Pama (Palmer) ka puta ko Ngaone me Te Tawai. No Ngāti Korora me Ngatiwai a Marara. Kei Whananaki te hapū Pama (Palmer) e noho ana. Te Tawai was born in April in the year 1899. His mother Marara died not long after, so Te Tawai was left motherless. He and his sister Ngaone were sent to live with his Horahora / Mahanga relatives, where they were both raised by their grandfather Te Rahirahi Mahanga. Te Rahirahi was Marara's father and Matehaere was her mother. Te Tawai was eleven years old when he returned to Waiōmio on a buggy alongside Paki Hoterene and Huru Paraone. In the year 1910 he attended the Kawakawa school and stayed on until the year 1913 then he

went to the Waiōmio school to be eligible for a scholarship. He passed then went to Saint Stephen's College, Parnell in the year 1914. He passed the Public Service Entrance Exam in 1916 but was called home by his father Te Riri, to help build the present house on the Waiōmio Caves property. Te Tawai married Matekino Maata Wynyard, daughter of Peeni Wynyard of Taikirau, Mōtatau, in the year 1925. They were married at the Mōtatau Marae, stayed with Peeni and Paekitawhiti for a short while before moving to Waiōmio to live. Six years later, they returned to the Mōtatau Marae to the tangi of their baby son Haki, and afterwards they buried him with his Croft and Wilcox baby cousins in the Takapuna cemetery.

Te Tawai and Maata had sixteen children – nine boys and seven girls. As mentioned before, one baby son died in the year 1931 from the flu, and is buried at Mōtatau. Inscribed on Te Tawai's tombstone in the Wairere cemetery, Waiōmio are these words: He kai tukau o te maara a Hineāmaru (He was a variety of kūmara from Hineāmaru's garden). How very appropriate this description was, of Te Tawai. He was not very big in stature – 'I was starved when I was growing up' he used to say, but he made up for it in many ways.

- He worked in support of the Tamatoa.
- He was a strong supporter of Matiu Rata and Mana Motuhake.
- He built the Kawiti Marae to accommodate his large whānau and, to host the Tiriti o Waitangi protesters so they could have a meeting place, and somewhere to stay, when all other Marae doors within the Bay of Islands were closed to them.
- He wrote two books and subscribed to 'Te Ao Hou' 'The War in the North' 'The Story of Waiōmio'.
- He was the Secretary of many Te Tai Tokerau meetings.
- He was the Chairman of the Waiōmio School Committee for many years.
- Owner of the Waiōmio Caves.
- Placed the 'Rongomau Seal' of his grandfather Maihi in the Waitangi Museum for safekeeping.
- Lay Preacher for the Methodist Church.

- His daughter-in-law from the Whakatohea was dying of cancer and in his haste to complete the marae complex before she succumbed to her illness; he over-stressed his frail, eighty one year old body and died on 21 May 1981. His daughter-in-law died eleven months later and is buried at Wairere cemetery Waiōmio, not far from Te Tawai's grave.
- Travelled in support of his father to many meetings.
- With the help of supporting church members, Dave Tautari, Here Martin, Sonny Maaka, and their accompanying wives, built the Atawhai Methodist Centre at Kawakawa. It was completed and ready for worship, in the year 1964.
- To the business world his name was Walter Brown Kawiti.

Te Tirarau Kukupa, ?–1882.

Te Parawhau leader. Extracted from the biography by Steven Oliver¹⁷⁷

Te Tirarau Kukupa, the son of Kukupa and his first wife, Whitiao, was born probably in the late 1790s. He was descended from Rāhiri, an ancestor of Ngāpuhi; his grandmother was Te Toka-i-Tawhio, leader of Ngāti Ruangaio. (See Chart 6: Kawiti and some of his contemporaries for whakapapa) Although he is often referred to as a Ngāpuhi leader, Tirarau (as he was familiarly known) was closely related by marriage alliances to Te Uri-o-Hau, a tribal group that had links with Ngāti Whātua. He also belonged to Ngāi Tahu and was the leader of Te Parawhau. Tirarau held authority over the area south and west of Whāngārei Harbour, and by conquest his power extended to Kaipara Harbour. His main place of residence was Tangiteroria, about half-way between Whāngārei and Kaipara harbours.

As a young man, Tirarau witnessed much inter-tribal conflict. Sometime before 1820, Ngāti Paoa mounted a raid on Te Parawhau at Onemania, and one of Kukupa's wives was abducted by Kaea. Tirarau pursued the raiders, and when he caught up with them called on Kaea to give up his captive. In return he gave the Ngāti Paoa chief his musket.

¹⁷⁷ Steven Oliver. 'Te Tirarau Kukupa - Biography', DNZB, updated 1-Sep-10. Original publication, Vol.2.

Samuel Marsden visited Tangiteroria in 1820 and met Tirarau, whom he called Tourow. He described the dwellings of Tirarau as one of the best he had seen in New Zealand. The house had a portico at the front that was 16 feet wide; the surrounding pā, Te Aotahi, was fortified with timber 24 to 30 feet high. Marsden said that Tirarau's people were subject to attacks from 'Shunghee's tribe', i.e. Hongi Hika's followers. Consequently, many people lived in the pā, and the surrounding countryside had been abandoned. However, Tirarau later became an ally of Hongi. His brother, Te Ihi, joined Hongi to attack Ngāti Paoa in 1821, and after fighting against Ngāti Whātua at Mahurangi, Tirarau helped Hongi's forces defeat Ngāti Whātua at Te Ika-a-ranga-nui in 1825. He also took part in a raid on Waikato in 1832.

When Joel Polack went to Tangiteroria in 1832, seeking to establish trade, he found Tirarau involved in a local war, which CMS missionary Charles Baker had unsuccessfully attempted to resolve. Polack described Tirarau as a 'tall commanding figure, apparently about thirty-five years of age, with a countenance at once very expressive, features possessing European regularity, and a complexion of light bronze. He was marked entirely with the moko, or tattoo'. Polack observed that Tirarau had numerous wives; it was later claimed that he took 12 wives and that when his principal wife became a Christian the rest received their freedom. The remaining wife was baptised by the Wesleyan missionary James Buller and took the name Harriett. Tirarau also encouraged Catholic missionaries, and in 1843 provided Antoine Garin with a house at Mangakāhia. It is not known if Tirarau himself became a Christian and there is no record of his having had a baptismal name.

In 1835 Tirarau signed He Whakaputanga, and he was one of the chiefs who 'sold' Busby 40,000 acres of land at Whāngārei in December 1839. Earlier that year he had 'sold' about 60,000 acres in north Wairoa to Henry Walton, who married his niece Kohura. It was later said in the Native Land Court that Tirarau's actions were not questioned by his people in those days; he sold land and timber and distributed the proceeds as he wished.

Tirarau was involved in conflicts with Pākehā as he continued to claim authority over land he had sold. In 1842 he threatened the settler Thomas Forsaith at Kaipara over a breach of tapu after a skull was found on the land Forsaith occupied, and the same year eight settler houses at Whāngārei were ransacked on his orders because he alleged that their owners had violated sacred places. He signed Te Tiriti in 1840. In 1845, he refused passage through his territories to Hone Heke Pokai. This prevented conflict from spreading south towards Auckland.

In the 1850s Tirarau became concerned about other tribes selling timber and land in the Kaipara area. He had helped conquer the area after the battle of Te Ika-a-rangai and was then embroiled in disputes with Ngāti Whātua and Te Uri-o-Hau, the original inhabitants of the land. In 1854, when his claim to the area was still unresolved, he threatened to burn the house of any person who settled on land at Mangawhai sold by Ngāti Whātua. War in Kaipara was averted when a meeting of the parties, arranged by Governor Thomas Gore Browne in 1857, decided to sell 300,000 acres of land to the government.

In 1862 Tirarau was involved in a major conflict over land sales with a relative, Matiu Te Aranui. Tirarau said that he was going to sell land on the banks of the Wairoa River to the government. Armed conflict began when Te Aranui attempted to mark out the boundary line between Tirarau's land and the portion that he claimed; several people were killed. Both parties fortified positions on the disputed land at Waitomotomo, 12 miles north of Maungatāpere. A local chief and assessor, Arama Karaka, joined Te Aranui, as did about 50 Ngāpuhi. Tirarau probably had more support and, in addition, was employing Te Arawa gum-diggers to fight for him. The government eventually negotiated an agreement whereby the dispute was referred to a court with representatives from both sides. The flags over the rival pā were lowered simultaneously and the area was abandoned. When Tirarau's flag was lowered he and his followers knelt to give thanks that their lives had been spared.

In the same year Tirarau was involved in a dispute over precedence with his cousin Paikea Te Hekeua, a leader of Te Uri-o-Hau. Governor George Grey planned to visit the north to introduce his rūnanga system of Māori government. Tirarau insisted that the governor call at Whāngārei before visiting Kaipara; Paikea Te Hekeua refused to meet the governor if he came to Kaipara from Whāngārei. Finally, the resident magistrate, Walter Buller, suggested the governor make two separate trips from Auckland.

In 1864 William Fox, the colonial secretary, visited Tirarau at Mareikura on the Wairoa River. Tirarau assured Fox that Ngāpuhi would not be affected by the war in Waikato and would remain at peace unless there was an attempt to disarm them. Fox later reported that Tirarau was suffering from rheumatism and appeared to carry the marks of many battles.

Te Tirarau remained active on behalf of his people in later years. He farmed, using horses and ploughs, and had a European-style house, although he preferred not to

live in it. In the mid-1870s he built a church, and a road to Whāngārei was opened from his settlement later that decade. In February 1877 he applied successfully to the Native Land Court for title to the Kauaeranga and Ngaturipukunui land blocks, on behalf of the people of Te Uriroroi. A counter-claim by Te Uri-o-Hau was rejected.

Te Tirarau Kukupa is said to have died on 19 December 1882. The place of his death is not known. He left no children and was succeeded by his brother Taurau Kukupa. He was buried at Hikurangi cemetery, Whatitiri, with his father, Kukupa, but his remains might have been reinterred in a burial cave. There is a monument to him at the Tangiteroria marae.

Maihi Paraone Kawiti

*By Kene Hine Te Uira Martin*¹⁷⁸



Figure 38: Maihi Paraone Kawiti

According to family information, Maihi Paraone Kawiti was born at Waiōmio, the cradle of Ngāti Hine, in 1807; his name at birth was Maihi Te Kuhanga. He was the third and youngest son of the chief Te Ruki Kawiti and his wife, Kawa. His two elder brothers were Taura and Wiremu Te Poro; he also had a half-sister, Tuwahinenui.

At Waimate North, on 27 December 1840, he was baptised and took the name Marsh Brown (Maihi Paraone), by which he was known thereafter. Under missionary guidance Maihi learned to read and write in Māori. He corresponded regularly with government officials and with friends and relatives, and many of these letters survive. In his will he left an account of events affecting Ngāti Hine during his lifetime. He also composed waiata, one of which is still sung by Ngāti Hine.

Maihi was shot in the stomach at the battle of Kororāreka. His father sent him away to Mangakahia where he would be safe there amongst relatives – hei ‘toenga tangata’ should Kawiti be killed, then Maihi the son would take his place as leader. The

¹⁷⁸ Kene Hine Te Uira Martin. 'Kawiti, Maihi Paraone - Biography', DNZB, updated 1-Sep-10.

Kauaerunga had prophesied this occurrence; and so it was that Kawiti was merely obeying the prophecy.

Maihi is said to have been slightly injured in battle at Te Ahuahu in 1845, and to have been sent to relatives at Mangakāhia for protection. It is possible that he was a teacher in a mission school at Mangakāhia for a time before returning home. The chieftainship of Ngāti Hine passed from Te Ruki Kawiti to Maihi soon after his father's death in 1854. Maihi's eldest brother, Taura, had been killed in battle, and although there were those among Ngāti Hine of higher descent, his leadership was never challenged.

Maihi, eager to establish peaceful relations with tribes outside the Ngāpuhi confederation, formed marriage alliances accordingly. He first married Huingariri, the daughter of Te Heke and Wairumaki of Ngāpuhi; they had one child, a son called Hirini. Maihi next wed Tere, from the Whanganui region; there were no children of this union. He was married a third time, to Heningarino, from Waikato. Heningarino gave birth to six children: three sons, Ranga, Te Riri and Huru; and three daughters, Hui, Warati and Te Here. Maihi's children were born and raised in Waiōmio on the Kamiria (Miria) marae.

Heningarino gave birth to six children, including three sons, Matauranga, Te Riri Mutunga a Kawiti and Kohuru, and three daughters, Huia (meaning the feather in Maihi's hair), Warati (the warrant for Kawiti's arrest) and Te Here Whenua.

Having inherited his father's role as mediator in the north, Maihi was called on to intervene in a number of inter-tribal disputes from the mid-1850s, and was usually able to persuade the parties to come to an agreement. He was also quick to take up a challenge and defend his mana. In 1857 Tamati Waka Nene insisted that Maihi raise the flagstaff on Maiki Hill at Russell. Maihi had promised his father he would carry out this task, but he refused to do so at Nene's behest. The government had not attempted to raise the flagstaff after its felling during the Northern War, and Maihi saw it as a gesture of good will that the hapū responsible for its destruction re-erect it.

There was, however, another reason for restoring the flagstaff. The Waikato people, then establishing Pōtatau Te Wherowhero as their king, had sent a deputation to Maihi, offering him the governorship of the north – a position second only to that of the king. Maihi resented taking second place to another and moved swiftly to assert his authority. A tree was felled and hauled by 400 men to Maiki Hill; by early 1858 the Queen's flag flew there once more on a new flagstaff called 'Te Whakakotahitanga

o ngā iwi' (the unification of the two races). When Pōtatau's successor, Tawhiao, visited Maihi at Waiōmio many years later in April 1885, Maihi again asserted his mana by greeting Tawhiao with the words 'you are the chief of your territory, I am the chief of my territory. Ngāpuhi have their own chiefs as well. Leave it at that!'

Another example of Maihi's determination to protect his mana occurred in 1858, when Ngāpuhi announced their intention to establish a town at Ōkaihau. Maihi immediately responded with a proposal, made to the visiting governor, Thomas Gore Browne, to establish a town at Kawakawa. He offered to sell Kawakawa land. The government eventually concurred with Maihi and the township of Kawakawa came into existence; by the early 1860s it was a centre for coalmining.

During his visit to the north, Browne gave Maihi an ivory seal, Rongomau, in the shape of Queen Victoria's hand, as a token of unity and lasting peace between Māori and Pākehā. Maihi's account of these events, *Ko te pukapuka o te kotahitanga ki te Rongomau*, was later printed by the *Northern Luminary* office at Kawakawa.



Figure 39: Rongomau, an Ivory seal in the shape of Queen Victoria's hand given as gift from Browne to Maihi

Soon after the re-erection of the flagstaff Maihi wrote to the government asking for a partial reimbursement of the costs incurred, but the request was refused. In early November 1861, at a meeting with Governor George Grey at Russell, Maihi referred to the raising of the flagstaff and subsequent events. He also reminded Grey that 'my father Kawiti went to Auckland where you made an oath to him and he made an oath to you. Then my father Kawiti departed for the other world with his oath still kept.' Maihi's view was that Kawiti's promise to nurture good relations between the races had been honoured, but the governor's undertaking to do likewise had been forgotten.

In January 1862 a hui was held at Kawakawa, for Ngāpuhi to appoint Maihi as chief, but at the last minute they changed their minds. Maihi responded to this slight by

creating a boundary division, known as Te Rohe Potae o Ngāti Hine, between the lands of Ngāti Hine and Ngāpuhi. Ngāti Hine lands were also partitioned under the title of the people who occupied them at the time. In 1887 these sections became collectively known as the Mōtatau block.

In 1859 Maihi was appointed an assessor under the Native Circuit Courts Act 1858, a position he seems to have held intermittently until 1886. After 1876 Te Porowini (province) house at Taumārere was used by Maihi as a courthouse building. He also became a member of the official rūnanga which first met at Waimate in 1862. It was expected that members would return to their districts to uphold the law. The rūnanga system, however, was officially abandoned in 1865.

Maihi honoured the memory of his father, Kawiti, who, before his death, had outlined the needs of Ngāti Hine. One of his injunctions was that the people should be educated in the ways of the Pākehā. Maihi responded by opening a school in his meeting house, Maramatautini, on 29 September 1873. A meeting was held a month later to decide on a new site for a school building, to be paid for by the government. It was resolved that the school would be free to all Ngāti Hine children; others would have to pay.



Figure 40: The meeting house of Maihi, Maramatautini

A school was finally erected at Waiōmio in 1875, but it was poorly attended because of the long distances the children had to travel. Moreover the children were always hungry and the teacher, Daniel Lorrigan, could barely exist on the small salary

granted to him by the government. Maihi's suggestion that a hostel be erected to accommodate these children was not taken up. He then arranged accommodation at Waiōmio and told the children's parents to go to the school and cook food for them. He also asked that the government supply food, but this request was refused on the grounds that European children were not supplied with food. In late 1876 school attendance was still poor.

Maihi was also involved in a number of business ventures. In late 1873 he established a flour and flax mill at Matairiri, Taumārere. He asked the government for £800 towards the construction of the mill and promised land as security in return. This enterprise might have succeeded had it not been for the frequent flooding of the mill site during heavy rain. In 1877 the mill was leased, but the new operator insisted that the mill be moved to Russell before continuous flooding completely destroyed it. In 1880 Maihi was forced to forfeit the mill and some lands to the government in payment for debts incurred. The failure of the venture was soon followed by the closure of the school in August 1880. By this time most of the local residents had left for the gumfields and had taken their children with them.

There was further trouble in 1880. In September Maihi clashed with William Sims, the contractor in charge of constructing the railway line through Taumārere to Ōpua. Maihi ordered him to halt all work in the vicinity of the mill site at Matairiri, and said that if the government wanted that piece of land then they would have to pay for it. Maihi was advised that, under the Public Works Act 1876, construction gangs were permitted to venture onto private land and that the government would pay for the use of the land, but that Maihi would be fined if he continued to obstruct the contractor. Eventually the line continued through to Ōpua, without resistance from Ngāti Hine. However, Maihi continued to request payment for the land, which he considered had been taken without compensation.

During the government survey of the Ōpua lands Maihi became disillusioned about the influence of the Treaty of Waitangi, which his father had signed. In a letter to the chief surveyor of the Auckland provincial district, S. Percy Smith, he protested and, invoking the treaty, emphasised that the Ōpua land belonged to him. Despite such experiences, he strove to live in harmony with Pākehā and to understand the new laws to which he and his people were subject. However, Maihi refused to compromise on some issues. In 1881, angered by European intrusion into the valley of Waiōmio Caves, where Ngāti Hine ancestors were buried, Maihi wrote a terse note to T. P.

Moody, mine manager at Kawakawa, stating that European trespassers would be prosecuted.

The same year, Maihi's preoccupation with treaty issues took a new turn. With other chiefs from the north, he sought to protect threatened Māori land by lobbying for full implementation of the treaty. A meeting house, Te Tiriti o Waitangi, was erected by the northern tribes at Waitangi and opened in March 1881. It was to be a focal point for the discussion of treaty issues and a tangible reminder of the pledges that had been made by Māori and Pākehā. Ngāti Hine contributed money and labour towards its construction. At the opening of the house it was decided to establish a Māori parliament which would eventually be a national organisation parallel to the colonial parliament. Maihi strongly supported this move. The proposal was not favourably received by the colonial government, but the Waitangi rūnanga continued to meet and act on treaty issues. In 1882 they endorsed a petition to England asking for ratification of the treaty, and they began, with Maihi's assistance, to foster links with the King and Parihaka movements, although unity between the separate groups was not realised.

While supporting the idea of a Māori parliament, Maihi, along with many others, became increasingly suspicious of government attempts to introduce structures for Māori self-government; there was, for instance, opposition to the Native Committees Act 1883. However, the Ngāpuhi confederation eventually adopted a similar separatist approach to law-making and enforcement. In 1884 it established independent tribal committees to govern on a local basis. That year Te Rapunga house was erected on the Miria marae and was used for the same purpose as Te Porowini house at Taumārere. New tribal laws came into force and those Ngāti Hine who offended had to pay a fine to Maihi, the kaiwhakawa (judge). This method of law enforcement continued among Ngāti Hine until Maihi's death.

Maihi continued to open up areas in the Bay of Islands for European settlement in accordance with a promise he made after the Maiki Hill flagstaff was re-erected. However, he realised that unless he were careful his own people could become landless. Te Rohe Potae o Ngāti Hine, originally intended as a partition of Ngāti Hine lands from those of Ngāpuhi, now served to deter the government from trespassing on Māori land. Maihi issued a declaration of ownership, which was signed by his council of elders. The Rongomau seal was applied to the document, and in 1887 it was forwarded to the government.

In 1889 Maihi was a victim of a typhoid epidemic. On his deathbed, he requested that his wife Heningarino be cared for by his nephew Hoterene Kawiti. He also appointed Hoterene as his successor; his eldest son, Hirini, had died, and the surviving sons of his third marriage, Ranga and Te Riri, were still very young. After Maihi's death at Waiōmio on 21 May 1889, Hoterene married Heningarino, and a daughter called Mate resulted from this union.

Maihi's wish for a Christian burial was granted, but first the new burial ground, Wairere, which had been marked out on the rise opposite the Miria marae, had to be made sacred by his presence. His body was wrapped in ceremonial mats and buried in Wairere. It was later reinterred in the Otarawa burial ground, not far from the burial caves where Hineāmaru, his father Kawiti and a host of other Ngāti Hine ancestors lie.

Maramatautini, Maihi's house, was divided after his death. One half went to Kawakawa to serve as a public hall; the other half was taken by a relative to his farm at Waiōmio to be used as a family home. All that remains on the land where Maramatautini once stood is a large oak tree, planted during the official opening of the house, and a well.

Hare and Hariata Pōmare, fl. 1863–1864

Ngāpuhi tour party members

By Steven Oliver¹⁷⁹



Figure 41: Hare and Hariata Pōmare

Hariata, a Ngāpuhi woman from Te Ahuahu, near Ōhaeawai, was the daughter of Pikimana Tutapuiti and the wife of Hare Pōmare, the son of Pōmare II, of Ngāti Manu. Both Hariata and Hare were young adults when they visited England in 1863 with a tour party of Māori people organised by William Jenkins, a Wesleyan lay preacher. He proposed to give a series of illustrated lectures in England, using the

¹⁷⁹ Steven Oliver. 'Pōmare, Hariata - Biography', DNZB, updated 1-Sep-10. Original publication, Vol.1.

Māori party to demonstrate songs and dances. He set up a company to promote the venture, the purpose of which was to demonstrate to the visiting Māori group the resources and power of Britain, and persuaded 14 Māori to join his tour: Kihirini Te Tuahu, of Tuhourangi; Huria Ngahuia, of Ngāti Whanaunga; Takerei Ngawaka, of Ngāti Tuwharetoa; Hapimana Ngapiko, of Te Ati Awa; and from Ngāpuhi, in addition to the Pōmare couple, Horomona Te Atua, Reihana Te Taukawau, Kamariera Te Hautakiri Wharepapa, Hariata Haumu, Paratene Te Manu, Tere Hariata Te Iringa, Wiremu Pou (also known as Wiremu Te Wana or Te Whai) and Hirini Pakia. The party sailed from Auckland on the *Ida Ziegler* on 5 February 1863.

During the 100-day voyage the Māori members travelled in cramped and unpleasant conditions, while Jenkins travelled first class. They were provided with no fresh food but were given worm-infested biscuits, which they threw overboard. They relied on gifts of food from soldiers travelling on board. Reihana Te Taukawau commented on their discomfort and disillusionment: 'We...felt deceived because...by the words in his [Jenkins's] invitation we were to live with him and his Englishmen and eat with them but it was all very different'.

The party arrived in London on 18 May 1863 and were at first successful. They were presented to the Prince and Princess of Wales, went to the opera at Her Majesty's Theatre, had their first sight of a train at Victoria station, and visited the Royal Arsenal, the Bank of England, and the Zoological Gardens at Regent's Park. They wore traditional garments and ornaments and were treated as distinguished guests from a foreign land, received as guests at aristocratic receptions in London and followed by crowds of onlookers.

They performed songs and dances at receptions but had no conception of performing for payment. Jenkins, however, needed to recoup his expenses. The British government considered that the lectures by which he proposed to do so degraded the Māori; further, the government would not assist the tour financially because it had heard nothing from Governor George Grey about Jenkins and his party. Jenkins felt that the government should pay for the tour as the Māori were acting as unofficial ambassadors. A committee to raise public donations was set up, and on the understanding that the tour was not a commercial venture the party were introduced to Queen Victoria. Nevertheless Jenkins gave illustrated lectures to paying audiences and was accused of exploiting the Māori people in his care. From their point of view this was so, for they were not paid and were housed in a charitable institution. In

addition, they had to remain in England long after they wished to return to New Zealand.

The party was presented to Queen Victoria at Osborne House, on the Isle of Wight, in July 1863. The Queen noticed that Hariata Pōmare was pregnant and expressed a wish to be the child's godmother. Hariata and Hare Pōmare then left Jenkins's party and went to stay with Elizabeth Colenso in Tottenham, at the Queen's expense. On 26 October 1863 Hariata gave birth to a son, who was named Albert Victor, after the Queen's deceased husband. He was the first Māori known to have been born in England. Victoria sent presents – for Hariata £25, and for the child a green morocco leather case containing a silver cup, knife, spoon and fork. Albert Victor was baptised at St Paul's, Tottenham, on 3 December 1863. The next day the couple and their son were presented to the Queen and her daughters at Windsor Castle. The Queen admired the baby and questioned Elizabeth Colenso about Hariata's health. Victoria told the party how the war in New Zealand 'troubled' her; she hoped it would soon be over.

At the Queen's request the Pōmare family were photographed and equipped with clothes. The family left England on Christmas Day 1863 on the *Statesman*, this time travelling first class with the Queen paying their fares, and arrived in Auckland on 7 May 1864. Hare is thought to have died in Wellington Hospital soon after returning to New Zealand. Hariata is said to have married a man from Ngāti Huia at Otaki and to have died in the late 1860s.

After the Pōmare family returned, the rest of the party continued with the tour, attracting large crowds but making little money. Some of its members quarrelled fiercely with Jenkins, who abandoned them. Dorothea Weale,¹⁸⁰ an influential philanthropist, came to their rescue, and the Colonial Office made the arrangements for their return. At a farewell ceremony in Birmingham, Reihana Te Taukawau refused to receive gifts presented by local firms. Bitter over Jenkins's mishandling of the trip, he observed sarcastically they should be given to the gentleman who had lost money in bringing the Māori to England. The party left on 4 April on the *Flying Foam* and arrived in New Zealand on 13 July 1864. Two members had died on the voyage – Takerei Ngawaka and Hapimana Ngapiko – and a baby had been born to Wharepapa and his English wife, Elizabeth Reid.

¹⁸⁰ Dorothea Weale is commemorated in at least two Māori buildings: the wharekai “Mihiwira”, at Ngāwhā Marae, and an Anglican Church, both at Ōhaeawai.

In 1869 the Duke of Edinburgh, Queen Victoria's second son, visited New Zealand and Albert Victor Pōmare was presented to him at a great gathering of Northland tribes. Albert attended St Stephen's school in Auckland. The Queen had wanted him to join the Royal Navy, but there is no record of his having done so. He went overseas as a young man and all record of him was lost.

Kaka Porowini and Te Paea Wiremu Kopa



Figure 42: Kaka Porowini and Te Paea Wiremu Kopa

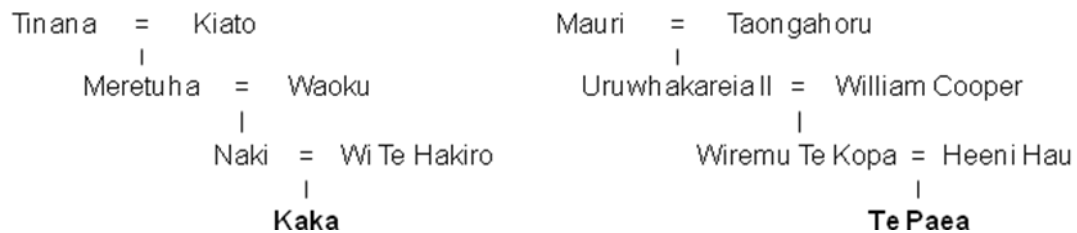
Kaka was born probably at Te Tii, from family estimation around 1857, the youngest son and the youngest of four children of Naki of Ngāti Rehia and Wi Te Hakiro of Ngāti Rehia of Te Tii. Kaka's original name was Te Hakiro. Later in life he changed it to Kaka and then added Porowini, 'the province'. Hare Pokaikai was the older of Kaka's two brothers, Rihi was his older sister and Te Tirarau Perepe the younger of his two older brothers. Te Hakiro (senior) signed Te Tiriti at Waitangi on 6 February, 'mo Titore kua mate'. Colenso described Hakiro as the son of Tāreha (Ngāti Rehia) though on this occasion speaking on behalf of Titore (Te Toro deceased) principal chief of Ngāti Nanenane. Naki left land at Kerikeri for her sons and was succeeded by Kaka.¹⁸¹

Kaka's two brothers were fighting men, but Kaka was not. Kaka's sister Rihi was gifted to the rangatira of Opotiki, some time after Te Tiriti o Waitangi was signed and before the end of the century, to maintain a peaceful alliance between Ngāti Hine and Ngāti Porou. She married this rangatira, Matiu Te Hau, lived, died and was buried at Opotiki.

¹⁸¹ Compiled from material provided from the Te Ao Kaka Collection, Whāngārei Museum; Hirini Henare provided names for whakapapa at Kawakawa, 7 July 2011.

When Kaka's senior brother Hare died, Kaka married his widow, Te Paea Wiremu Te Kopa, and raised his nieces Mei Hare and Matire as his own, along with the eleven children he and Te Paea had. Matire died at an early age, but Mei inherited assets and equity from Kaka. The names of Kaka's children give an insight to his thinking. They were Hori (reference to a brand), Mereana (meandering), Ngohi (reference to non-physical), Hone (John the Baptist), Ingoanui (the name maketh the man), Te Ao (Kaka's world view), Wiri (pierce into another time), Kanohi-kite (the third eye of Kaka), Piriote (the billiard game), Piringi (the spring of Kaka's bed), Kimihanga (to bring forth), Atakoroiho (gentleness), Takutai (tidal effect of life).

Chart 91: Short descent lines of Kaka Porowini and Te Paea Wiremu Kopa



The hapū Te Kauimua was formed in Kaka's time. The hapū name represents the tenth generation from Rāhiri, following the senior male line. He established a community and marae in the Ōrakau Valley in the late 1800s, named simply Nama Tahi (number one, for the first day of the year), which drew together families that had been alienated from their lands, and felt their families could be better provided for as a collective. These families came mainly from Te Orewai and Pipiwai. In all aspects of the community, Kaka worked with his brother-in-law, his wife's brother, Ape Kopa, to whom Kaka gifted land out of aroha. Kopa was a softly spoken gentleman, both with people and his bullocks and later draught horses – the teams that drew timber from the bush to the timber mill near Nama Tahi.

Kaka and Te Paea lived in a Victorian house, named again simply Ōrakau (made of wood), which was built on the property around the turn of the century. The five double bedrooms housed their numerous children and some grandchildren. There was a formal dining room, a servery, a large service kitchen and various out-buildings. A chief cook and assistants prepared and served the large meals and cleaned up afterwards.

At the turn of each New Year, Matariki was celebrated. Matariki was coming to bring abundance and greatness. A large fire was built and all the neighbours were asked to

attend. There would be lots of singing and dancing, laughter and children running around the fire. Birds were woken from their sleep and flew from tree to tree through the fire, but none were lost. There would be prayers, and at a certain hour the crowd would stop for the ceremonial Matariki meal, and the elders would weep for family members lost.

The adult women of the several families in the community managed the seven-mile-long cultivations that were planted and harvested by family members to provide the food needed to sustain them. Two hundred cows produced milk for the three-dozen children, and cream to send to the Bay of Islands Dairy Company, which delivered bread and butter. A Lister diesel engine drove the milking machine, and the many children helped with milking duties. Although electricity was reticulated to the area in the 1950s, the community was not connected to the supply, as it was not affordable.

The community also drew food from the land and forests around them. Generally, rāhui were not applied for eels, kiwi, black weka, wood pigeon or tawhara. Instead there were rules to follow, which were implemented by his daughter. Large amounts could only be taken when appropriate, as they had to allow for nurturing and seasonal growth. However, if large amounts were taken for no good reason a rāhui would be put in place.

In addition to the family dwellings at Nama Tahi, a communal hall or wharehui, named Hanuere (January, from a letter he was writing in that month) served as a community meeting place where matters of importance were discussed. Keen on communication, Kaka introduced a telephone system to the community, connecting it to wider whānau through lines that covered several hundred miles through deep native and private bush. Based on records held by the family, the capital cost of this system would have been considerable. The line used 5 gross of poles (720), wiring, cups, delivery and wages. The managers of each of his projects in the area had a phone. The phones were on a party line system, with each phone assigned a morse-code signal. One extended ring signalled that he wanted to speak to them all at once, on what would be termed today a conference call. During weekends he would call them and have long, diverse and highly controversial debates. About 150 families were connected to this system.

Kaka lived among the community and saw himself as another member doing his work alongside them. He employed a large number of men from throughout Ngāti Hine,

mainly Opahi and Te Orewai. He kept detailed wages books that recorded names, designation, hapū, whānau, and showed their addresses as Nama Tahi and Kaka te kaiutu [the employer, the person who pays]. Some employees kept savings accounts. Effectively Kaka was operating a bank, and his rigorous and systematic accounts record gross deposits, interest received and totals signed out, whether as withdrawals or loans. The bank became the hub of the community. It was operated by employees with Kaka as team leader. The Bank's weekly ledgers and monthly journals recorded all income and outgoings of the community.

The small timber mill on the property appears to have provided timber mainly for constructing the various buildings at Nama Tahi, as there are no records of timber being sold to be taken off the property. However, family members who were employees there did have timber sent to their whenua tupuna. Kaka had another timber mill at Waiōmio, and provided timber for Mōtatau Marae.

Just at the time, around the end of the nineteenth century, when the government believed that Māori were a dying race and that tribal control structures had broken down, Kaka's community was an example of adaptation, development and adoption of new political and cultural preservation techniques. This is the period that Kaka's hub was most intensively active, and also when Māori were vulnerable and some were moving into the growing towns of Kaikohe, Kawakawa and Whāngārei.

Kaka's interest in social matters and his concern about the potentially disruptive effects of urban life, were the reasons for his move into Whāngārei in 1920. There he purchased a plot from his friend Frank Mander (part of the Carruth Grant) and had a large house built on what is now the site of the wharekai of Kaka Porowini marae. The timber came from Nama Tahi. His daughter, Te Ao, and her husband, Ngahou Pirihi of Takahiwai then became resident managers of Nama Tahi. The community at Nama Tahi reduced, but activities continued both there and at Whāngārei. Food continued to be grown at Nama Tahi for all, some of which was then transported to Whāngārei by the train that passed close to Nama Tahi. Native Land Court hearings drew claimants into Whāngārei, where Kaka accommodated and fed them, fetching them from and carrying them to the several transport links they used to get to and from the court. During this time Kaka found in his companions a love of wānanga in human life, in the collective group and with the several alliances, corroborating and collaborating.

Kaka's granddaughter, Ida (Mrs Tauri), was taken to Porowini Ave house to help with housekeeping when she was sixteen. The house had a veranda facing the street, two kitchens, two fireplaces, two sitting rooms, an office and eleven bedrooms. He set out to build a community centre as a halfway house for people to come to and go from, rather than a permanently settled marae. When Ida was presented to Kaka, he gave an acknowledging nod of approval and said 'he wairua rakiraki koe' – you have a duck spirit – he could read you like a book with his eyes closed and used dream theory. Ida received five shillings a week for gardening, carrying wood, and other household chores. In an interview in 2001, Ida described Kaka as five feet tall, always working in his office, being careful with money, making good investments and always having money in the bank. Kaka could write in te reo Māori and was also a fluent orator. Ida didn't recall him ever reprimanding anyone, but he was a stickler for dependability and would habitually talk to the wall if he thought people were not paying enough attention to what he was saying. He ate three small meals a day and enjoyed fish meals. Kaka made his own walking stick, which was carved and decorated with paua for eyes, and a sterling silver band. Kaka's favourite wife, Te Paea Kopa, was affectionately known to Ngāti Hine, and beyond, as Karani Paea; she was a very gentle soul. She too was good with money, did not grumble, and supported Kaka staunchly.

Kaka had a very deep interest in scriptures; he studied the Bible and he studied the Christians. He compared scriptures with Māori spiritual knowledge, and thought about whether scriptures were relevant to Māori values, if scriptures fitted into the Māori world view, if scriptures were sensible to apply, whether scriptures were practical when applied to Māori thinking, which was applicable to the physical and the spiritual? He observed over many long days and nights that Christians and their teachings about the laws of God seemed to work against the very values Kaka's people were encouraged to engage in. He saw Christians telling lies and being manipulative. Kaka took his new-found spiritual knowledge of the scriptures and wrote, and had printed, his own to reflect the spirituality in Māori values. Those who studied this work deemed his concepts to be applicable and extraordinary.

Kaka associated with other like-minded entrepreneurs, amongst whom were two particular Pākehā men, Frank Mander and Sir John McKenzie. Mander was a farmer, a timber-miller and, when he moved his family to Whāngārei, bought the newspaper *The Northern Advocate* 1902; his daughter, the novelist Jane, was its sub-editor and reporter until 1906. In this year Mander stood successfully for parliament and started his 20-year term as a politician. Mander recommended street names for

Whāngārei, two of which carry the names of his friend Kaka Porowini. McKenzie learned from his experience in Australia the value of rapid stock turnover stimulated by keen margins. He established the retail chain in New Zealand in 1910 that carried his family name. He was also a philanthropist. He set up a Youth Education Fund, the largest philanthropic trust in the southern hemisphere of the time, the McKenzies Staff Provident Association, actively supported numerous charities and voluntary organisations, and had a particular concern for education and the needs of under-privileged children and returned servicemen. Amongst papers held by the family, McKenzie refers to their longstanding friendship. Another man Kaka befriended in his Whāngārei years was a Mr Fraser. They shared interests in horse-racing, betting, debating political matters, Māori values and early Māori treasures. Fraser invited Kaka to his home, where Kaka admired a wet canvas painting; eventually Kaka agreed to have a sitting.

Kaka's main aim in life, one he seemed to enjoy, was to sustain and progress others. He provided hope, charity and responsibility. In these respects, he complied with nineteenth and twentieth century policies on social, environmental and financial responsibility. He was a visionary, enterprising, an entrepreneur and environmentalist, ambitious and overbearing. He was also a liberal activist who had a mission. He wanted his people to benefit and develop beyond their own struggles of family and food. He could see what was needed practically, and that time was against them. He was also a planner. He knew well that if you fail to plan you are planning to fail. At his most intense he believed he had the knowledge and tenacity to handle any adversity.

His community was young and obsessed with life, while Kaka was growing older and slower. He was anxious to reach them spiritually and physically, to keep their attention. As his mobility was reducing and eye sight failing, he bought a vehicle and had someone drive him to visit individuals and families that were isolated or ill. His preferred driver was George Hansen. He talked with them at length about his knowledge of scriptures and family. Some gave him inspiration; he sought out others to pray with; others he could no longer spend time with because they had died. Towards the end of his life, his daughter Te Ao had developed a growing following, which, combined with her father's, was quite intimidating.

Kaka had established an urupā, Waiheke, at Nama Tahi for his people. He died in Whāngārei on 19 October 1942, at about 85 years of age, and was buried in Waiheke. Those who buried him kept their promise to him that there would be no tombstone,

as it was a reflection of Christianity, which he did not subscribe to. Te Paea died a few months after Kaka and was buried in the Kopa cemetery at Waiōmio, following the tradition of 'haere ki te ūkaipō', to be with her mother. Kaka and Te Paea were survived by most of their children and an ever-growing number of grandchildren and great-grandchildren.

After Kaka died there was considerable turmoil over his assets – his Whāngārei house, section and his personal property – in which the intervention of the Māori Land Court and Judge Pritchard were unhelpful. The security Kaka had provided in life was shaken for the large following of people who were isolated in their grief. Kaka had expected the provisions he had made would continue to sustain his people. Kaka's daughter Te Ao favoured donating the house and section for the Māori community of Whāngārei. In this way she believed that Kaka's gifts in life would keep on giving. Also she had her own property to manage and would not have time for the upkeep and development of the Whāngārei property, and the complications of dealing with a Town Council resistant to development ideas. Arguments dragged on from 1942 to 1946, but ultimately Te Ao's decision was final and the gift became Te Terenga Paraoa Marae, on which Kaka Porowini Wharenuī sits.

Kirihi Te Riri Maihi Kawiti, 1877–1964.

Ngāti Hine leader, farmer, genealogist

By Kene Hine Te Uira Martin¹⁸²

Kirihi Te Riri Maihi Kawiti was born, according to family information, on 17 April 1877 at Waiōmio, Kawakawa, in the Bay of Islands. He was the second son of Maihi Paraone Kawiti and his third wife, Heningarino, and the grandson of Te Ruki Kawiti, the Ngāpuhi warrior chief¹⁸³. Kirihi was a baptismal name; his full birth name was Te Riri-whakamutunga-a-Kawiti-ki-te-Ruapekapeka, which commemorated the declaration made by Te Ruki Kawiti that his role as warlord of the north had ceased after the battle of Ruapekapeka.

Te Riri had two brothers, Ranga and Huru, and three sisters, Hui, Te Warati and Te Here. He also had an elder half-brother, Hirini, and a younger half-sister, Mate. Educated at Karetu Native School and then Poroti Native School in the Whāngārei

¹⁸² Kene Hine Te Uira Martin. 'Kawiti, Kirihi Te Riri Maihi - Biography', DNZB, updated 1-Sep-10. Original publication, Vol.3.

¹⁸³ This whakapapa was provided by Kene Hine Te Uira Martin.

district, he returned home to Waiōmio in 1889 when his father, Maihi, died. Some years after the death of Maihi's nephew and appointed successor, Hoterene Kawiti, Te Riri assumed the leadership of Ngāti Hine.

As a young man Te Riri became a farmer and resided on land by the Waiōmio Caves. At that time, no other Ngāti Hine people wanted to live on the property, because the land was tapu and the surrounding hills were riddled with burial caves, about which frightening stories were told. Te Riri felt obliged to live there as a guardian because it was ancestral land and the Ngāti Hine ancestor Hineāmaru lay in a secret cave, surrounded by her warriors, somewhere on the property.

Te Riri married Marara Mahanga, of Ngāti Hine and Ngāti Korora descent, in 1896; they had a daughter, Ngaone, and a son, Te Tawai (Tawai Riri Maihi Kawiti). After her death he married Hana Te Ahuahu (Moe Tana) of Ngāti Kopaki hapū of Ngāti Hine at Waiōmio on 19 May 1915. There was one daughter of the marriage, Te Ringi Taimana (diamond ring). Moe Tana died in 1918, and on 5 June 1933 at Waiōmio, Te Riri married Totorewa Hoterene of Te Orewai hapū of Ngāti Hine; a son of this union died soon after birth.

Te Riri's chiefly status was reflected in official appointments. In 1904 he was elected chairman of the block committee to investigate Māori land titles in the Kaikohe district. He became a member of the Pewhairangi Māori Council in 1924, and the same year was elected chairman of the Waiōmio Village Committee. He took responsibility for the welfare and health of his people in the Bay of Islands district, supporting education and speaking out against alcohol consumption. In 1909 he asked the Department of Education to build new schools at Ōrauta and Waiōmio; these schools opened within a few years. Both Anglican and Methodist churches received his support and he was an honorary Methodist home missionary from 1927 until 1942, when he was succeeded by his son, Te Tawai.

Te Riri's life was strongly influenced by the memory of his grandfather, Te Ruki Kawiti, whose defiance of British authority and participation in the northern war of 1845–46 was still unfavourably interpreted by some. His brothers Ranga and Huru were concerned that their descendants would be burdened by this legacy, and in 1909 dropped the name Kawiti in favour of their father's name, Paraone (Brown). Some descendants later adopted another of his names, Maihi (Marsh). Te Riri alone continued to carry the Kawiti name, and passed it on to his descendants.

In his speeches, which were renowned for their eloquence, Te Riri often recalled the sayings of his grandfather. During the First World War he publicly opposed the conscription of Ngāpuhi men, referring to Te Ruki Kawiti's declaration of peace after the war at Ruapekapeka. He did not, however, oppose any Māori who volunteered for service, and he was involved in patriotic activities. During the Second World War he was to reiterate his anti-conscription stand. Again, however, he supported the war effort as chairman of the local Māori patriotic committee from 1941 to 1945. For his patriotic services in both wars he was awarded an OBE in 1949.

From the 1930s a wider appreciation of the historical significance of events of the 1840s began to emerge. As grandson of Te Ruki Kawiti, the principal ally of Hone Heke, Te Riri unveiled a brass tablet at the flagstaff at Russell on 9 April 1930. Tau Henare, MP, and F. O. V. Acheson, judge of the Native Land Court, were among those who attended. Te Riri represented four principal leaders of Ngāpuhi – Te Ruki Kawiti, Hone Heke, Pōmare II and Tamati Waka Nene – on the Waitangi National Trust Board, from 1932. He gave much practical assistance to restoring the Waitangi Treaty House and constructing the adjacent meeting house. A team of men under his direction worked in the Mōtatau bush to split kauri shingles for repair work on the treaty house, and in addition kauri and tōtara were supplied for the meeting house construction. Support from Tau Henare, and the local hapū, Ngāti Te Tarawa and Ngāti Hine, made it possible for the house to be completed to schedule.

In 1939 representatives of Ngāpuhi, Te Rarawa, Te Aupōuri, Ngāti Kahu and Ngāti Whātua elected Te Riri chairman of the Waitangi centennial celebration committee. The question arose as to whether the planned major hui and opening of the meeting house should go ahead or be deferred until after the war. Te Riri was adamant that the opening should proceed as planned, so that the elders and the young men about to depart for overseas service (perhaps not to return) could take part. The centennial celebrations and the opening of the meeting house took place on 6 February 1940; in a re-enactment of the signing of the treaty, Te Riri took the role of his grandfather. Afterwards Te Riri moved that two new canoes made for the celebrations be given into the care of the Waitangi National Trust Board, to be used in Waitangi Day celebrations; the large canoe *Ngā-toki-mata-whao-rua* was accepted on those terms.

In 1940 Te Riri was injured in a fall and was forced to retire from farming, so he turned to writing. He kept a diary of the Kawiti family for years and completed a tribal history. He was widely consulted for his knowledge of genealogy and traditional history. He was also consulted by the Ministry of Works when a new road was being

constructed over the burial ground at Te Haumi in 1949. All work came to a halt to allow remains to be transferred to another site. Te Riri ensured that the burial ground was clear before the road works continued to Paihia. Te Riri was by this time a senior chief of considerable influence. A justice of the peace, in 1956 he was present at the first meeting of Te Tai Tokerau Māori Trust Board; his son Te Tawai was elected secretary.

In his last years, Te Riri took a close interest in the younger generation. He was a prominent supporter of the New Zealand Māori Lawn Tennis Association, and presented a tennis trophy to Ngāti Hine youth for Saturday competition challenges. The trophy was much prized in the 1940s and 1950s, then went missing until 1995 when Te Kapotai of Waikare and Ngāti Manu of Karetu commenced the challenges again. Te Riri was fair but strict with his grandchildren, who were expected to work hard when they stayed with him. The sound of his slippered foot dragging along the floor warned them he was approaching and that they had better get on with their tasks.

He died in his home on 20 February 1964 survived by his third wife and three children. The Tūmataunga meeting house at Ōtiria marae was completed in time for his tangihanga. At his burial a historic cannon, which had belonged to his grandfather and which was traditionally used for a farewell salute, was fired for the last time. Te Riri Maihi Kawiti lies buried in the Wairere cemetery at Waiōmio, Kawakawa.

Taurekareka Henare, 1877/1878?–1940

Ngāpuhi leader, politician.

By Robin C. McConnell¹⁸⁴

¹⁸⁴ Robin C. McConnell. 'Henare, Taurekareka - Biography', DNZB, updated 1-Sep-10. Original published in Vol.3.



Figure 43: Taurekareka and Hera Henare

Photo Source: Henare whānau collection

Taurekareka (Tau) Henare was a Ngāpuhi leader noted for his commitment to the welfare, land rights, culture and education of his people. His first name was that of a Ngāti Whātua and Ngāpuhi ancestor, and he was closely connected to great warriors including Kawiti, Patuone, Tamati Waka Nene and Hone Heke. Tau Henare's strongest affinity was with his Ngāti Hine subtribe. He was a direct descendant of Rāhiri, common progenitor of all Te Tai Tokerau tribes. His whakapapa links him with Hineāmaru, the paramount chieftainess of Ngāti Hine and with Waikato, Ngāti Porou and Te Arawa.

Tau Henare's father, Henare Wynyard, was, according to one oral tradition, the son of Robert Henry Wynyard, acting governor of New Zealand in 1854–55. Henare Wynyard married Pane Peeni, whose ancestry is traced to the *Ngā-toki-mata-whao-rua* and *Mataatua* canoes. Tau Henare was born, probably in 1877 or 1878, at Pipiwai in the Bay of Islands, where his father was farming. He took his father's Christian name for his own surname, according to family tradition, because of a feeling of antipathy towards Robert Wynyard's role at Ruapekapeka in 1846 when fighting Kawiti.

Tau Henare had no formal Pākehā schooling. As a youngster he was raised for some years by Wi Pere and his wife on the East Coast before returning to the north, allegedly to avoid an arranged marriage. He was taught Māori lore and received special instruction in Ngāti Hine knowledge and beliefs. He quickly became known for his skills as a bushman and for his axe craft. In his youth Henare enjoyed tennis and rugby football, retaining his interest in later life. Three of his father's half-brothers were members of the 1888–89 New Zealand Native football team's tour of England, Australia and New Zealand. On 17 January 1903, at Whāngārei, Henare married Hera Paerata, daughter of Ritihia and John (Johan) Subritzky, a Polish settler. Through her mother, she was connected to Te Aupōuri, Te Rarawa and Ngāti Kahu.

While farming at Mōtatau and engaged in some bush milling, Tau Henare was persuaded by three elders of Te Uri Taniwha to stand for Parliament. He was elected to the Northern Māori seat in 1914 for the Reform Party. Henare supported William Massey's government in 1914, giving it a narrow majority.

Henare did not participate much in parliamentary debates, often speaking through an interpreter. He was, however, very active among his people and worked closely with other Māori leaders, such as Āpirana Ngata. His leadership was highly valued by Ngata, who saw him as combining the influence of traditional Māori values with a realistic commitment to changes that would ensure that Māori could have standing and opportunities equal to Pākehā. His close friendship and links with Te Puea Hērangi assisted in drawing the Tainui tribes of Waikato and the northern Te Tai Tokerau tribes together.

During the First World War Henare spoke out against Māori conscription, expressing the view that Ngāpuhi had never been reluctant to offer their services. He suggested that a promise to return confiscated lands might encourage Waikato and Taranaki Māori to volunteer. Henare also expressed concern that 'Austrians' (Dalmatians) were moving into the northern area to the detriment of Māori soldiers serving overseas, who were also having their livelihoods put at risk by speculators trying to buy their land in their absence. After the war, Henare strove to assist the rehabilitation of Māori soldiers. During the influenza epidemic of 1918, he and his parents tended the sick in their Northland home; his wife, Hera, was among the victims.

Henare's efforts to assist Māori development were reflected in the issues he addressed. He wanted native schools placed under the direct control of the minister rather than under education boards. In 1923 he opposed a bill which proposed a closed season for harvesting oysters, arguing that it contravened the Treaty of Waitangi. He gave support to the native minister, Gordon Coates, upgrading the Native Department. In the 1920s and 1930s, he opposed the Rātana movement's growing political strength. Whina Cooper and her husband, William, helped him in his electoral work.

In 1932 the Governor General and Lady Bledisloe's gift to the nation of the Waitangi homestead and 1,000 acres gave a focus to Henare's efforts for his people. There was a northern resurgence in haka, waiata, traditional lore and oratory, and Henare developed a carving school at Mōtatau, which produced panels for the Waitangi meeting house. Master carvers were brought in from other districts. In 1934 some 6,000 Māori were at Waitangi for the laying of the foundation stone. The Te Tai Tokerau contribution palpably moved Henare, who had been a key figure in the proceedings as a member of the Waitangi National Trust Board.

Through the Waitangi carvings project Tau Henare made an impact on the carvers drawn from other tribes. They recall his size (he was very large), slow movements (limited through the onset of diabetes), strong voice and sense of humour. His bicultural ease and his stories are readily remembered. The latter often seemed irrelevant at the time, but on reflection sensitively enhanced the listener's understanding.

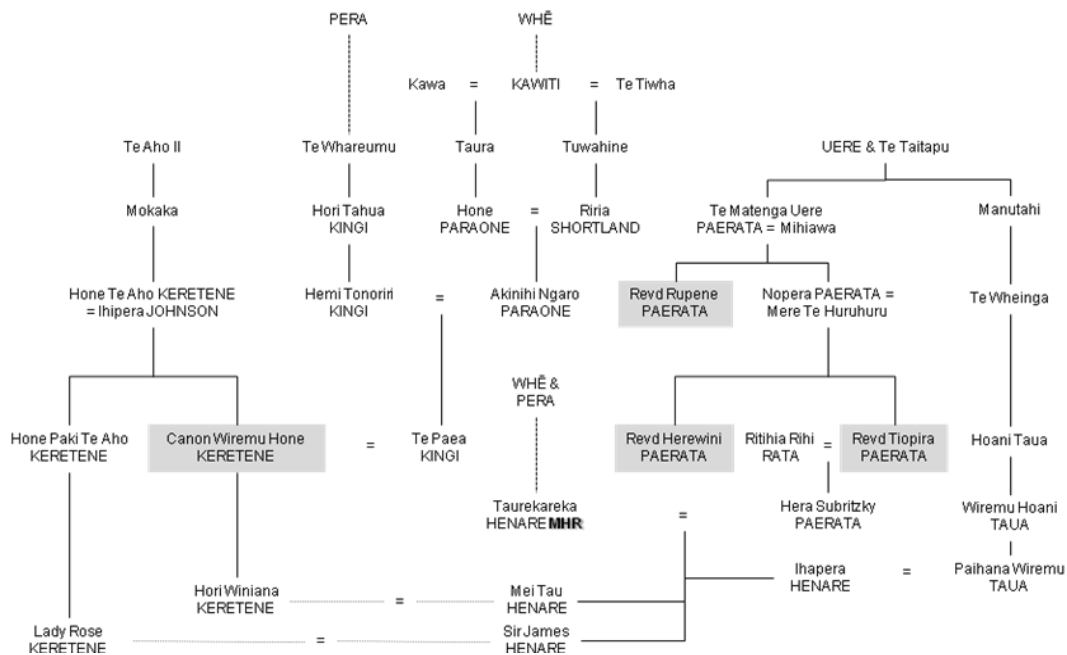
Tau Henare was defeated as a member of Parliament by Rātana candidate Paraire Paikea, in 1938. On 12 January 1940 he died at the family farm at Mōtatau. He was survived by six sons and two daughters. His death evoked heart-felt tributes from Māori and Pākehā, and Ngata compared him favourably with contemporary leaders. His children included Ihapera (Bella) Taua, prominent in the Māori Women's Welfare League, and Sir James Henare, commanding officer of the 28th New Zealand (Māori) Battalion in the Second World War and a noted post-war Māori leader. Many of his more than 40 grandchildren also achieved prominence, and Tau Henare, a great grandson, was elected as the Member of Parliament for Northern Māori in 1993.

Chart 102 shows some of the close and intertwining relationships between members of the Keretene (Cherrington), Henare, Shortland, Paraone (Brown) and Kingi

families, and also the beginnings of involvement of Ngāti Hine with ordained Anglican ministry. Canon Wiremu Keretene was placed with Revd Tiopira Paerata when he felt the call to ordained ministry. Paerata raised his wife's first child Hera (Subritzky) as one of his own, and Canon Keretene married James Henare (Hera's son) to Roiho Keretene (the canon's niece).

Taurekareka Henare descends from both Whē & Pera, sons of Hineāmaru; Kawiti descends from Whē; Te Whareumu descends from Pera; Hone Te Aho Keretene descends from a sibling of Hineāmaru, Te Rongopātutaonga. His grandfather, Te Aho, was one of Kawiti's 'lieutenants'.

Chart 102: Henare and Keretene relationships



Te Paea and Wiremu Hone Keretene (Cherrington)

By Hotu Te Kuru¹⁸⁵

Te Paea was the eldest daughter of Hemi Tonoriri Kingi and Akinihi Ngāro Brown. Her father was a direct descendant of Te Whareumu of Ngāti Manu; her mother was the eldest daughter of Hone and Riria Brown, both descendants of Te Ruki Kawiti of Ngāti Hine. She had five sisters and three brothers who, like herself, all married into prominent northern families.

¹⁸⁵ Hotu Te Kuru. 'Cherrington, Te Paea - Biography', DNZB, updated 1-Sep-10. Original publication, Vol.3.

Te Paea was born probably in 1877 or 1878, at Ōtiria, a small settlement near Whāngārei, where her parents farmed; she was baptised on 17 November 1878. Most of her adolescent life was spent helping on the farm and looking after her younger brothers and sisters. Te Paea's parents owned land in many places, and the family moved between Poroti, Ōtiria, Ngararatunua and Glenbervie. She developed a love for her people and the land, and became determined and resolute. She was a very hard worker who held respect for her elders and the Anglican Church.

About 1897 Te Paea married Wiremu Hone Cherrington (Keretene), who, in 1903, became probably the first member of Ngāti Hine to be ordained an Anglican priest (see below). Te Paea and Wiremu had six sons, Hori (George) Winiana, Samuel Rakuraku Tawaewae, Tamati, Matakī, Hotorene and Hemi (James) Tonoriri; and two daughters, Darling and Wikitoria. Darling, Samuel and Tamati died at a very early age. Because of Wiremu Cherrington's work as a missionary, they lived at many places in Auckland, Northland and the Gisborne district. The Cherringtons were quick to realise the value of education and sent their children to boarding schools. Wikitoria attended Queen Victoria School for Māori Girls; most of the boys attended St Stephen's School. George, however, remained to work on the farm, perhaps to ensure that his father had sufficient time for his mission work.

Te Paea became invaluable to the courts and relatives in land dealings because she knew most of the owners. She kept a meticulous record of land owned by her and her relatives, and when establishing the boundaries had no hesitation in moving the pegs if she thought others were trying to encroach. She was involved with Āpirana Ngata's land development schemes, helped reorganise titles in the Mōtatau block, and showed a keen interest in protecting sites of spiritual significance.

In 1920 Te Paea's brother Reweti converted to the Rātana faith. After a family row he decided to sell his land interest at Ngararatunua. Te Paea sold all her interests in Poroti, and with this money and other funds the family were able to buy Reweti's land, which included a cemetery. After consultation with her husband and local relatives they decided to build a family church within the burial grounds. The timber came from Wiremu Cherrington's family in Ōrauta, near Ōtiria, and was railed to Ngararatunua.

Te Paea became very influential in her tribal area. She was a member of the Mother's Union, an organisation that promoted the sanctity of marriage and emphasised the mother's role in developing the child's spiritual well-being. She founded 30 Māori

branches in the Northland area from the mid 1930s, was the enrolling president for the Whāngārei branch from 1935 and served as president. She was instrumental in forming the Komiti Wahine o Ngāti Kahu, which covered the districts of Ngararatunua, Glenbervie, Kamo, Mōtatau, Ōtiria and Oromahoe. It dealt with a range of health, welfare and land concerns. Younger members of Te Paea's family followed her in this work.

Because of her mana, Te Paea's opinions were sought-after and she had a great influence on others in land, marital and religious matters. A big woman in later life, she laid down the law to her family, especially her brothers. She died on 30 September 1937 at her home in Ngararatunua. Here she was buried with her parents and relatives on the land she had loved and fought for; here also her children and many grandchildren were laid to rest. A soldiers' memorial hall has been erected and named after her.

Canon Wiremu Hone Keretene was born on 16 September 1877 at Kawakawa, the son of Hone Te Aho Keretene and Ihapera (née Johnson), both of Ngāti Hine, and was baptised 09 Dec 1877 at Taumārere.¹⁸⁶

He attended Ngararatunua Native School, Ōrauta, Te Ahuahu, Karetu, Taumārere, and the missionary school at Te Waimate, and briefly St Stephen's school Parnell, Auckland. The call to ordained ministry came to Wiremu in 1894. His father, a kai-karakia at Paihia, discussed the matter with Archdeacon Clark at Te Waimate, who placed Wiremu with the resident Māori missionary at Taumārere, the Revd Tiopira Nōpera Paerta. Wiremu lived with Paerata for two years, assisting as a kai-karakia. He supported himself, as many did at that time, by digging kauri gum.

Wiremu married Te Paea Kingi, Ngāti Hine, and entered Te Rau Kahikatea Māori Theological College in Gisborne immediately after, in 1897. During their time living there Te Paea, along with other wives of clergy-in-training, received instruction in homecraft, nursing and music from Bertha Williams, wife of Revd Herbert Williams. The Bishop of Waiapu, W. Leonard Williams, confirmed Wiremu on 29 May 1898 in Gisborne. In 1900, Wiremu was informed he would be ordained the following year, and in commemoration, named their daughter, born at the time, Wikitoria. The Bishop of Auckland, Rt. Revd Cowie, ordained him deacon All Saints Ponsonby,

¹⁸⁶ From Blain Directory of Anglican Clergy,
http://anglicanhistory.org/nz/blain_directory/directory.pdf

Auckland, on 10 Mar 1901. Lord Ranfurly attended the service and entertained them to lunch at Government House.

For the next two years, he was assistant curate in the Southern Kaipara district in the Auckland diocese, and also at Ōrākei. His ordination as priest was on 28 June 1903 at the pro-cathedral, St Mary's Parnell, Auckland, when he transferred to Te Waimate and was appointed assistant superintendent of the Māori Mission. He was appointed to Whāngārei in 1911, and lived in a nīkau hut at Ngararatunua while building St James's Church was underway. The Church was opened in 1917. Wiremu was known as a forceful and outspoken Māori preacher; he preached always and only in te reo Māori, and he was a strong opponent of alcohol use among Māori as he feared their consequent loss of mana.

In 1923 Wiremu was made an honorary canon of St Mary's Cathedral, Auckland, a position he held until 1957, in 1924 became chairman of the Māori church board, and in 1925 attended the first Māori conference. He was awarded the MBE in 1950, retired in 1953, and died on 26 Dec 1957 at Ngararatunua at 80 years of age. He was survived by his daughter, Wikitoria, and four sons.¹⁸⁷

Sir James Clendon Tau Henare, 1911–1989

Ngāpuhi leader, military leader, farmer, community leader and Lady Rose (nee Cherrington). By Puna McConnell and Robin C. McConnell¹⁸⁸

¹⁸⁷ Obituary, Church and People, Jun 1958, p7; in memoriam, Auckland Diocesan year book, 1958, p.22; Blain Directory of Anglican Clergy, http://anglicanhistory.org/nz/blain_directory/directory.pdf

¹⁸⁸ Puna McConnell and Robin C. McConnell. 'Henare, James Clendon Tau - Biography', DNZB, updated 1-Sep-10. Original publication, Vol.5.



Figure 44: Sir James and Lady Rose Henare

Photo Source: Henare whānau collection

James Clendon (Himi Te Nana) Tau Henare was born at Mōtatau in the Bay of Islands on 18 November 1911, one of eight children and the youngest of six sons of Hera Paerata and her husband, Taurekareka (Tau) Henare, then farming tribal land. James's father was of Ngāti Whātua and Ngāpuhi ancestry with membership of many hapū, most notably Ngāti Hine. His mother was of Te Rarawa, Ngāti Kahu and Te Aupōuri. The family's ancestry, with Rāhiri as common progenitor, connected them to a number of great northern warrior chiefs, including Kawiti and Hone Heke. James was also the great-grandson of Colonel Robert Wynyard, who led British troops in the northern wars. His ancestral waka were *Ngā-toki-mata-whao-rua*, *Māmari*, *Mamaru*, *Māhuhu-ki-te-rangi*, *Mataatua*, *Tainui*, *Takitimu*, *Horouta* and *Te Arawa*, indicating his links to Waikato, Ngāti Kahungunu, Ngāti Porou, Taranaki and Te Arawa.

James's first years were spent on his family's marae at Mōtatau. His father's election as MP for Northern Māori in 1914 changed the family's lifestyle markedly. James's primary school education reflected this, with enrolments at Mōtatau Native School and Takapuna, Awanui and Thorndon schools. His mother, Hera, died during the 1918 influenza epidemic.

Marked from childhood for special guidance by his elders, Henare was told that, as well as receiving a Pākehā education, he had to be trained in Māori whakapapa and tikanga, in order to fully serve his people in later life. At the age of 14 he was a graduate of the last Ngāti Hine whare wānanga, at Taumārere, where he was instructed in the sacred elements of Māori life under tohunga Hare Whiro.

The influence of northern and national Māori leaders was strong in the young Henare's life. Nicknamed 'The Bishop' because of his grave manner, he was closely associated with Peter Buck (Te Rangi Hiroa), a former Northern Māori MP and Department of Health medical officer familiar with the Henare home at Mōtatau. Occasionally journeying to Wellington with his father, James also spent time at the homes of Māori MPs Sir James Carroll and Sir Māui Pōmare.

Henare won a scholarship to Te Aute College in Hawke's Bay, but because of his father's friendship with the Catholic Bishop H. W. Cleary, he was sent to Sacred Heart College in Auckland. After finishing his high school education, he enrolled at Massey Agricultural College, at his father's urging, to study for a diploma of dairy technology. Illness prevented completion of his study, and he was employed by the Hikurangi Co-operative Dairy Company in Northland. In the 1930s Henare worked as a bushman, farm labourer and as secretary for his father, accompanying him in his official duties. When a Māori land development scheme was initiated in Ngāti Hine territory, he became its foreman. Land use was a particular interest to both James and his father, who travelled extensively throughout the North Island inspecting development schemes. James was himself engaged in breaking in farmland at Mōtatau.

On 2 August 1933, at Ōtiria in the Bay of Islands, Henare married Roiho Keretene (Rose Cherrington) of Ngāpuhi, Ngāti Whātua, Ngāti Hine, Ngāti Porou and Ngāti Kahungunu. Rose was born in 1911 at Mōtatau, educated at Mōtatau Native School and then Queen Victoria Anglican School for girls in Auckland. Distant cousins, the couple had been betrothed as infants at the behest of their grandfathers under the customary practice of tomo, but Henare was not told of this until he was 21. Their marriage ceremony was performed by Rose's uncle, Canon Wiremu Cherrington. He was a lay reader in the Anglican church from the late 1930s, and was later a member of the Auckland synod for over 20 years.

Tau Henare's death in 1940 saw James assume a leadership role. This was further reinforced by Tau Henare's death-bed exhortations to his son to serve in the war. As the mangāi for northern Māori, Tau Henare felt responsible for sending young Māori

to their deaths in the First World War. This burden, he believed, could now be relieved by his own son's enlistment. James Henare underwent the ritual of karaka whati, performed to prepare a warrior for battle. It was carried out by an elderly tohunga (a direct descendant of Te Kemara, the great Ngāpuhi tohunga, sage and seer) at a gathering of chiefs and elders at Mōtatau marae. At the completion of the ritual Henare was pronounced fit for battle.

Enrolling as a private in the 28th New Zealand (Māori) Battalion, Henare quickly attained a commission in August 1940, training as an officer at Trentham Military Camp. He left New Zealand with the 5th Reinforcements and served with the Māori Battalion in the North African and Italian campaigns from 1941 to 1945. He was promoted to captain in 1942 and to major in September 1944. From platoon commander, he rose to become company commander of A and later Headquarters companies, then in June 1945 succeeded Arapeta Awatere as commanding officer of the battalion, with the rank of lieutenant colonel. Wounded at El Alamein in October 1942, Henare was mentioned in dispatches and in 1946 was made a DSO. The citation noted his fearlessness and courage, singling out his company command at Cassino in February 1944 and inspirational leadership in action in 1945.

The battalion was ready for engagement in the Pacific when Japan surrendered and Henare brought his men home to New Zealand in January 1946. War experience matured Henare: he believed he had acquired greater ability to concentrate and to discern the essentials in any situation, and that he had become more methodical.

Declining an offer from Te Puea Hērangi of a Waikato farm and a leadership role amongst her people, he returned to his farm at Mōtatau. Apart from a period in Auckland as district Māori welfare officer (1951–56) with responsibility for Auckland city, South Auckland and Te Tai Tokerau, he was to live at Mōtatau until the mid 1970s, when he retired to Kawiti, near Ōrauta.

James Henare's post-war life was marked by a commitment to public service, education and leadership of his people. His father had fought for recognition of the Treaty of Waitangi throughout his life, and James continued this commitment, stating, 'It is the burden of Taitokerau to argue the Treaty'. He had been a member of Te Rūnanga o te Tiriti o Waitangi, a committee of descendants of the chiefs who signed the treaty, from 1928; at the time of his death he was its only surviving member. He had known the sons of men who had signed the treaty, and believed the signatory chiefs knew what was at stake and saw the document as tapu. It was, he

argued, the mana of the treaty that allowed Pākehā to live in New Zealand. Just as his father had a close relationship with Te Puea, so did James with the Māori King, Korokī, and his successor, Te Arikini Dame Te Atairangikaahu.

Henare was emphatic that New Zealanders had to become truly bicultural before they could become multicultural, and he was critical of certain Pākehā attitudes and condescension. He saw Māori values of personal relationships, relaxed lifestyles, hospitality and creative skills as beneficial to the country as a whole. Although not regarded as an activist, Henare had strong views, which he invariably explained in a reasoned manner. He was not greatly concerned about the heat generated by debates on the treaty as he believed there were reserves of goodwill on both sides. His personal mana was marked by a statesmanlike demeanour, a positive adherence to Māori values and an unfailing courtesy.

Ideologically he was inclined to a liberal outlook rather than a rigid adherence to party politics. After standing unsuccessfully for the New Zealand National Party in Northern Māori in 1946, he was asked by Prime Minister Peter Fraser to stand for the New Zealand Labour Party in 1949; Henare declined as he felt that a successful bid could be seen as opportunism. When the sitting member for Northern Māori, T. P. Paikea, died in 1963, Henare contested the seat for National, but lost by 454 votes to Labour's Matiu Rata.

He had attended the first Young Māori Conference in Auckland in 1939. He succeeded his father as a member of the Waitangi National Trust Board in 1940 and was organising secretary of the Waitangi centennial celebrations that year. He also played a prominent role during the royal tours of 1953–54 and 1963. Locally, he served on the Mōtatau Māori committee, the Mōtatau, Waiōmio and Ōtiria marae trusts, the Kawakawa Tribal Executive and Te Tai Tokerau district Māori committee. A strong supporter of education, he served on various bodies including an education board advisory committee and a national advisory committee on Māori education.

By advancing the causes of his people, James Henare raised the country's consciousness of Māori perspectives. He was chief national spokesperson of the Wānanga Kaumatua Māori and represented Te Tai Tokerau at a range of hui. He represented New Zealand at the unveiling of the Cassino war memorial in 1956 and at Waitangi Day celebrations at the Polynesian Cultural Centre in Hawaii in 1980. In 1984 he was chief orator at the opening of Te Māori exhibition in New York. A member of the Rehabilitation Board, the New Zealand Geographic Board, the Board

of Māori Affairs, the Bay of Islands County Council, Te Tai Tokerau Māori Trust Board and the Bay of Islands Maritime and Historic Park Board, he was also active in the Order of St John, the RSA, Rotary and Federated Farmers of New Zealand.

Henare's mana and patience were illustrated by his talks with activist Eva Rickard and her supporters at Waitangi in 1984, and by his 1988 diplomacy over the renaming of Hongi's Track at Rotoiti. His adherence to his father's desire for service to his people was exemplified by his refusal of an overseas posting as a high commissioner. His dedication was recognised when he was made a CBE in 1966 and a KBE in 1978. He also received Queen Elizabeth II's Coronation Medal (1953) and Silver Jubilee Medal (1977), and an honorary LLD from the University of Auckland (1986). In the 1980s he was tipped to become New Zealand's first Māori governor general, an honour which was instead bestowed on Sir Paul Reeves.

James and Rose Henare had six children, and adopted five more. Rose provided over 50 years of support for her husband, and her commitment to Māori initiatives was reflected in her patronage of the kōhanga reo movement. James Henare's work has been carried on by his children, nephews and nieces, who have embraced the concepts of service and striving for social equity in law, education and public service. Perhaps his most lasting contribution was his role in helping to found the kōhanga reo programme to teach the Māori language to pre-school children. His skilled advocacy and chairmanship of the Wānanga Whakatauirā's Māori-language group were crucial in establishing the movement.

Sir James Henare died at Kawakawa on 2 April 1989, survived by his wife and children. Lou Tana recalls the time he passed away.

One of my relations was lying in state here at Tūmatauenga and there were only a handful of us when he [Sir James] fell sick and went home. After a while a fantail flew in. The bird landed on the shoulder of one of the women and jumped from shoulder to shoulder. I went over to Rosie and she said, "What are you going to do Koro?" The bird went out through the corner of the meeting house and my wife and I went home. When we arrived home, a bird had perched itself on our apple tree and was making an unusual hooting sound. I went to investigate. After that I went to sleep and was woken by a howling dog. I felt the cold of the morning and when I woke the news came that Ta Himi had passed away. That is the nature of things, no matter what is said. It is an element of the dark. ... I have heard of Hine Nui Te Po ... it is the fantail, signalling death.¹⁸⁹

¹⁸⁹ Lou Tana interview.

Sir James' tangihanga at Ōtiria marae, Moerewa, was attended by the Māori Queen, the Governor General, the Prime Minister and former war comrades. He was buried at Mōtatau with full military honours.

Lady Rose Henare was awarded the QSO in 1995 for her community services She died 30 June 2008 and was buried in the Mōtatau urupā 'Takapuna'. Amongst the many tributes to her, one said she demonstrated 'Within her own community and on her own Turangawaewae' where her own 'mana and authority could not be questioned. She was a leader who lived out the proverb 'Ka tika a muri, ka tika a mua', a power behind the scenes, a woman whose legacy will be felt for generations to come.'¹⁹⁰

¹⁹⁰ Poroporoaki ki Ta Rose Henare QSO from the Māori Party, 2 July 2008, online at: http://www.Maori.org.nz/papa_panui/forum_topic

PART TWO: HE WHENUA RANGATIRA ME TE TAENGA MAI O TE PĀKEHĀ

CHAPTER THREE: HE WHAKAPUTANGA Ō NGĀ RANGATIRATANGA O NU TIRENI ME TE TIRITI O WAITANGI

Introduction

*E mihi ana kia koutou katoa.
E tangi ana ki te whenua
Taonga tuku iho a ngā tūpuna
Ki te whei ao ki te ao mārāma.
Tuia te kawē, tairanga te kawē.
Te kawē oi, te kawē o te haere
Nau mai, haere mai
Tihei, mauri ora.¹⁹¹*

Ngāti Hine elder Tā James Henare explained to the Auckland Law Society in 1981 the historical and spiritual meaning of land to Māori, greeting the gathered crowd with the above mihimihi (greeting), which provides ‘a distinctive Māori expression of history, a meta Māori history.’¹⁹²

In his submissions to the Court of Appeal for the WAI 49 claim, Tā James, an authority on Māori oral history and Polynesian genealogy, described ‘the very close and profound relationship between the Māori people and the Crown.’¹⁹³ This close relationship developed over the years preceding Te Tiriti o Waitangi, through earlier associations with first missionaries and then others, such as James Busby whom Māori perceived as the Queen’s emissary, or ambassador, to Ngāpuhi. This relationship was, and continues to be, understood as a sovereign political alliance with the Crown that Hongi Hika established with King George IV in 1820,¹⁹⁴ in his role as Ngāpuhi emissary. In the twenty years between the time this sovereign political alliance, or conversation of equals, was established, and the events preceding Te Tiriti o Waitangi, other interactions between Ngāpuhi and the Crown, such as the

¹⁹¹ J. Henare, WAI 49/0 evidence to the Court of Appeal 1987, Wellington, 1987, p.3.

¹⁹² Henare, 'Changing Images', p.26.

¹⁹³ J. Henare, 'Wai 49/0 Evidence to the Court of Appeal 1987', Wellington, 1987, p.3.

¹⁹⁴ Phillipson, 'Bay of Islands Māori and the Crown', p.254.

Rangatira letter to King William, the selection of Te Kara, and He Whakaputanga wove a pattern of mutually beneficial dialogue that contributed to Ngāpuhi and Māori understandings of Te Tiriti and its aftermath.

Te Tiriti, as Sir James has indicated, first considered at some length and then signed by the Northern chiefs, was the Māori language document, one that Hobson referred to as the 'de facto Treaty'.¹⁹⁵ In practicality, Hobson's English language document became the de facto version. Sir James' assertion is confirmed by other sources. Dame Anne Salmond described the English version as 'a preliminary draft document' that does however provide the basis for Te Tiriti o Waitangi, the Māori language document that was signed by Ngāpuhi rangatira at Waitangi on 6 February 1840.¹⁹⁶ Although the English language version, the Treaty of Waitangi, has masqueraded as the official document, it is the Māori language version, Te Tiriti o Waitangi, that provides 'the official record of the agreements between the *rangatira* and the Crown'.¹⁹⁷ These two are not equivalent,¹⁹⁸ as will be discussed below.

Te Tiriti, as understood and expressed by Sir James, perpetuated the equal partnership between Māori and the Crown, when Queen Victoria guaranteed Māori her protection and equal status as British subjects. Her instructions to William Hobson were very clear about this.¹⁹⁹ Māori consider Te Tiriti o Waitangi to be a 'sacred covenant' between the two partners, Māori and the Queen of England.²⁰⁰

To Te Aho claimants, the treaty is the Māori language Tiriti o Waitangi that their tūpuna signed. The English language Treaty is irrelevant.

¹⁹⁵ Grant Phillipson, 2009, p.8.

¹⁹⁶ M. Mutu, 'Constitutional Intentions: The Treaty of Waitangi Texts', *Wai 1040 #24*, 2010, p.19; R. Ross, 'Te Tiriti O Waitangi: Texts and Translations', *NZJH*, 6, 2, 1972, pp.129-57; Anne Salmond, 'Brief of Evidence Wai 1040 #A22', Wellington, 2010, p.10.

¹⁹⁷ Salmond, 'Brief of Evidence Wai 1040 #A22', p.10.

¹⁹⁸ Margaret Mutu, 'The Humpty Dumpty Principle at Work, Wai 1040 #A23', in *Margaret Mutu 2004*; Salmond, 'Brief of Evidence Wai 1040 #A22', p.10.

¹⁹⁹ Sir James Henare, 'Wai 49/0 Evidence to the Court of Appeal 1987', p.3.

²⁰⁰ Mutu, 'Constitutional Intentions', p.13.

Ngāpuhi Nui Tonu, Identity Economics and the Global Economy, 1 AD to 1820 AD: The Macro Economic Analysis, the Contours of World Development²⁰¹

The notion of reciprocal and equal relationships between Māori and the New Zealand Crown is a concern throughout treaty claim processes and is worthy of further consideration. Reflecting on particular events and contexts pre-dating 1840, colonial life in Sydney, Australia, in 1837 provides some understanding about the rangatira mindset at the time the British colonial presence proposed a nation-to-nation “relationship” to be outlined by treaty agreement. In this report these matters would have weighed heavily on the minds of ngā tūpuna of Te Aho claimants.

While British representatives established themselves among Māori in Te Tai Tokerau and efforts to establish treaty terms were in full force, Māori, in particular Te Tai Tokerau Māori continued to engage in normal life ways exploring and maintaining international opportunities for trade across the Tasman Sea.²⁰² As a result of regular travel to Australia, in particular Sydney, it became evident that the well-being of all members of the 1837 Sydney society was not equal. Seeing the diverse lifestyles cast a dark shadow on the reality of colonial partnership and reflected unfavourably on the ways that British proposed to relate to Māori. Knowing of the severe poverty and destitution in particular areas of Sydney provided for Te Tai Tokerau rangatira a glimpse into a colonial worldview that signaled a distinction between valued and non-valued members of society. Seeing and knowing came together for the rangatira and the paradox of wealth and poverty shaped their attitudes during the debates at the Treaty of Waitangi gatherings in 1840.

The paradox of wealth and poverty in Sydney is addressed by Roger Milliss (1994)²⁰³ who summarises the world that Māori (and the rest of the world) could see resulting from British colonial developments:

...[an] outlet for a booming wool industry to Britain, grateful recipient of the mother country’s merchandise and half-grudging repository for her surplus convicts in return...it was a paradox of wretched poverty and stunning opulence, of cluttered ugliness and flowing unspoilt beauty...the tall warehouses and nearby mansions of the great merchant dynasties gave way within a hundred metres to the festering slums of the Rocks, where decrepit

²⁰¹ Written by Dara Kelly.

²⁰² Puckey, A. (2011). *Trading cultures: A history of the Far North*. Wellington: Huia Publishers.

²⁰³ Milliss, R. (1994). *Waterloo Creek: The Australia Day massacre of 1838, George Gipps and the British conquest of New South Wales*. Sydney: University of New South Wales Press Ltd.p.3.

shanties and old convict huts serving more often than not as brothels and sly-grog shops lined undrained alleyways literally awash with stinking sewage, so filthy that it was said no respectable person would venture into them if at all avoidable.²⁰⁴

These images of contrasting realities (see Figure 45 below) alerted Tai Tokerau rangatira to the risks that colonial relationships were likely to result in. Rather than the rhetoric promising a relationship of equity partners expressed in campaigns for Māori to sign Te Tiriti o Waitangi, rangatira cautiously noted potential underlying intent behind British interest. Rangatira were not yet aware of the meaning and significance of utilitarian interest of the British Crown and its settlers. However, rangatira were aware that British interest lay not only in the resources provided by the land of Aotearoa Nu Tireni, but the healthy population of Māori capable of supporting a British labour economy in Aotearoa.

Frequent global travel by rangatira coincided with the detailed account provided by Milliss and points to a growing Māori awareness of many potential dangers and vulnerabilities as a result of subjugation; a treaty partnership would devastate a flourishing Māori economy. The welfare of Sydney society foreshadowed a reality of Aotearoa Nu Tireni that placed Māori as a cheap labour force for which the fruits of monetary and material wealth were enjoyed on British soil and the colonies left resource-depleted. The insight of a cheap labour force is one seen by Te Ruki Kawiti who prophecised in a metaphorical way that Māori would become the “pōai pākehā”²⁰⁵ rendered as boys of the Pākehā, meaning a cheap labour force.



Figure 45: The Rocks, Sydney Harbour

In addition, the genealogy of European trading policies shaped approaches to economic development in the colonies. Trading laws and trade policies and practices

²⁰⁴ Milliss, 1994. p.3.

²⁰⁵ Te Ruki Kawiti, ‘poai pākehā’

evolving in Europe leading up to the pre-treaty period from 1820 in Aotearoa Nu Tireni offers another perspective. The economic historian Angus Maddison²⁰⁶ discussed the competitive economic developments that began with strong Spanish and Portuguese monopolies in European trade with Africa, Asia and the Americas. These, he says, were later taken over by the Dutch as a result of innovations in maritime technology. Of particular significance to Te Tiriti o Waitangi in Maddison's examination of a global economic history, is the time period around 1820, when England and France overtook Dutch dominance in European trade.

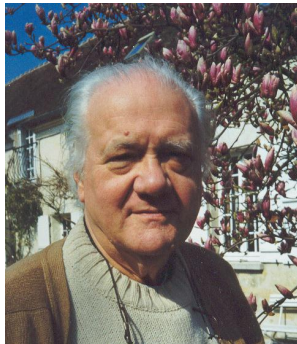


Figure 46: Economic historian Angus Maddison

A shift resulted in a significant rise in the United Kingdom per capita income, says Maddison, founded on principles of “beggar-your-neighbour” (p. 22) competition. The attitude was to utterly cripple one's opponent beyond recovery, as opposed to simply gain marginal advantage. There were laws supporting such aims to secure control over goods exported from Europe to the Americas and other colonies; England had introduced the Navigation Acts in 1651 that were eventually repealed in 1849, to monitor all goods bound for the colonies.

British dominance over global markets took shape by way of control through trade policy governing all goods in and out of Europe and a growing British population in the colonies, suggesting that the benefactors of colonial growth, prosperity and economic development were never intended to be all partners of a treaty relationship. Rather, the system was set up such that British moved into potential new resource-rich territory on the upswing of having crippled a strong Dutch economy and creating disparate standards of wealth reflective of Britain's own socio-economic realities at home and re-created in Sydney. In light of the contextual circumstances that Māori suspected to be true of Aotearoa to share the same fate as Sydney's citizens in the slums of the Rocks or of the Dutch, the unfortunate reality is that the Māori economy

²⁰⁶ Maddison, A. (2011, 14-15 May 2011). A brief economic history of the world since AD1. *The Sydney Morning Herald*.

was forced into decline in the period after 1820, and is only now returning to the state of stability enough to grow once again. With regard to outcomes of Te Tiriti o Waitangi claims and settlements, if a 200-year Māori economic repression is acknowledged as such, then forms of restitution will address the damage accordingly.

The Contours of World Development

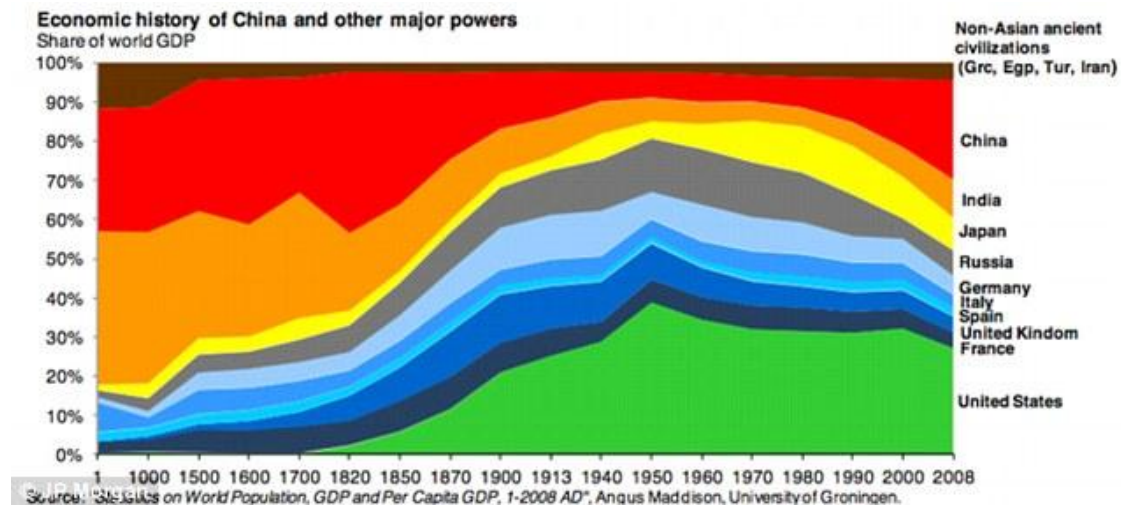
The nature of the Indigenous Māori economy in Aotearoa, Nu Tirenī leading up to the 19th century will be explored using quantitative evidence as seen through the qualitative analysis of globally recognised economic historian Angus Maddison. Briefly, Maddison was a pioneer of quantitative economic history whose significant contribution to this research explains the twists and turns of global economic trends throughout history; it sheds light on how and why particular areas of the world have seen intense prosperity, and others have experienced economic decline. It helps to visualize where Aotearoa at that time fared economically compared to other areas of the world. In the chart below, we can see that in 1500 AD, Australia and Aotearoa New Zealand were calculated to have per capita GDPs of \$400, and by 1820, this rose to \$420 at a growth rate of 6%²⁰⁷. As a reminder to the specifications for how GDP is calculated, it is as follows: *The monetary value of all the goods and services produced by an economy over a specified period*²⁰⁸. Given that the population at the time was approximately 100,000 people, we calculate that the GDP of the Indigenous Māori economy amounted to \$42,000,000 because at that time, Māori were the sole contributors to Aotearoa's economic production.

The impact of identity economics is of value to Te Tiriti o Waitangi claims because it acknowledges the binding ties between the contributions of a collective through production for economic well-being and identity found in that purpose. In this case, Ngāpuhi finding purpose in productivity - not for productivity's sake - rather, productivity for identity's sake as a form of sustaining the Māori population. This research came to light with the recognition of the work of Amartya Sen, who was awarded the Nobel Peace Prize in 2006 for his insights on identity economics. Thus, the claimants within Te Aho Claims Alliance find identity in economic activity, and the impacts of the destruction of a thriving economy valued at \$42,000,000 in 1820 is not insignificant.

²⁰⁷ Maddison, A. (2007). *Contours of the world economy, 1-2030 AD: Essays in macro-economic history*. Oxford: Oxford University Press. p. 309.

²⁰⁸ "Oxford dictionary of finance and banking," 2005, p. 188.

Chart 113: Economic history of China and other major powers, 1-2008 AD



The sequence of events and initiatives leading to the two documents (and signing thereof), He Whakaputanga o te rangatiratanga o Nu Tireni (He Whakaputanga) me Te Tiriti o Waitangi, have been described and explained in detail in numerous publications. In particular, “He Whenua Rangatira’, Northern Tribal Landscape Overview (Hokianga, Whangaroa, Bay of Islands, Whāngārei, Mahurangi and Gulf Islands)’ 2009 and Manuka Henare’s 2003 PhD thesis, 'The Changing Images of Nineteenth Century Māori Society - from Tribes to Nation', have been filed already with the Waitangi Tribunal, and supported by submissions to the Te Paparahi o te Raki Inquiry during 2010. Descriptions in this report are therefore limited to events in which Te Aho tūpuna were directly involved and submissions that throw light on what was in the minds of their tūpuna at the time.

A relationship, a conversation, between Māori, particularly Ngāpuhi, and European developed in the first decades of the nineteenth century through a series of political and diplomatic events, following Hongi Hika’s and Waikato’s meeting with King George in England in 1821. These include a letter a group of rangatira wrote to King William IV in 1831 and selection of the Flag of Independence, Te Kara, in 1834. He Whakaputanga, a declaration of independence signed in October 1835, was the foundation on which the next building block in this relationship was set – Te Tiriti o Waitangi in 1840.²⁰⁹

²⁰⁹ Samuel Carpenter, 'Te Wiremu, Te Puhipi, He Whakaputanga Me Te Tiriti: Henry Williams, James Busby, a Declaration and the Treaty', *Report commissioned by the Waitangi Tribunal*, Wellington, 2009; Henare, 'Changing Images'; Manuka Henare, 'The Māori Leaders’ Assembly, Kororipo Pā, 1831,' in *Te Kerikeri 1770-1850*, Judith Binney, ed., Wellington, 2007.

From a Māori perspective, these initiatives or overtures were part of developing a collective Māori political identity, which can be told as a narrative of Māori nation-building, as ‘an indigenous interpretation of history,’²¹⁰ rather than the commonly received history of settler and secularist views. They can be best understood through the metaphor of the kaupuke, or trading ship.²¹¹ ‘The kaupuke became a potent Māori symbol for nationhood and sovereignty during the 1830s and 1840s,’ expressed in Nōpera Panakareao’s statement in May 1840 at the Kaitaia Tiriti signing:

‘We have now a helmsman, before everyone wished to steer the helm, one said let me steer, another said let me steer, and we never went straight.’²¹²

By the mid-1830s, many rangatira had experience of kaupuke as passengers or crew.²¹³ Ngāpuhi, in particular, were developing a notion of nationhood from their familiarity with how European trade and enterprise worked. Each ship had a professional captain responsible for crew, contents and delivery of goods, while the ship’s owner retained ownership and remained responsible for the ship itself.

Ngāpuhi were adept at sustaining political, social and economic transformations as aspects of tikanga Māori when faced with new or unprecedented events, actions and products; they adopted and adapted technologies and processes leading up to their journeys to, and new settlement of Aotearoa. Similarly, Ngāpuhi Māori quickly adopted the white potato as a primary food after it was introduced and increased production beyond their own needs to supply the new arrivals, to take advantage of opportunities for trade, commerce and travel.²¹⁴ New technologies and ideas brought from the European world in the early- to mid-nineteenth century were incorporated into and used in association with Māori values; ‘technological changes [did] not necessarily lead to changes in fundamental values and worldview.’²¹⁵

The travels of Ngāpuhi ariki to Australia, London and Europe in the early years of the nineteenth century was part of the process of expanding their horizons and drawing these experiences into their own sphere. They were journeys of discovery in the same way as for those who ventured south from the Northern Hemisphere. In their time in

²¹⁰ Henare, ‘Changing Images’, p.124.

²¹¹ *ibid.*, p.110.

²¹² Taylor, Richard, MS Vol.1, p.352, *cit ibid.*, p.111.

²¹³ *ibid.*, pp.110-11.

²¹⁴ John Savage, *Some Account of New Zealand: Particularly the Bay of Islands, and Surrounding Country : With a Description of the Religion and Government, Language, Arts, Manufactures, Manners, and Customs of the Natives*, Dunedin, 1966 (first published 1807), pp.54-7.

²¹⁵ Henare, ‘Changing Images’, p.123.

England Tui and Titere observed different industries, and anticipated the potential for developing similar industries in their rohe.²¹⁶

Exposure to new political systems, such as those Hongi Hika and Waikato observed on their visit to the House of Lords, fed into their thinking about new systems of governance. Back in Aotearoa New Zealand, Ngāpuhi became familiar with the processes their ariki described, and further developed their understandings through conversations with missionaries and traders. So when Te Morenga, a Ngāpuhi friend, accompanied Samuel Marsden on a visit to Hauraki in 1820, and Marsden suggested a new system that would help prevent the fighting that had marred the previous 10 years, he was receptive to an idea that would not only preserve peace through te whenua rangatira, but also ensure that they would ‘reap the fruits of their industry.’²¹⁷

Rangatira encounters with Pākehā

In the late 1700s the pressure on Europe to expand and grow their social, economic and political influence in the world catapulted them into the South Pacific and to Aotearoa. This era in Te Ao Māori is punctuated by tangata whenua contact with representatives of sovereign European nations through visits of European Naval vessels on the eastern seas off the coast of Te Tai Tokerau. These engagements would lay the foundation for significant relationships between Māori and Pākehā in the years leading up to the signing of He Whakaputanga and Te Tiriti o Waitangi. Inter and intra-hapū relationships, both functional and not, continued but were increasingly effected by the burgeoning Pākehā missionary and trader exchange.

Ngāpuhi encountered Pākehā as early as 1769 when Captain James Cook’s *Endeavour* anchored to the north of the Bay of Islands where he renamed the Motukawa group of islands the ‘Cavalli’ islands possibly in reference to the fish (probably trevally) with which local Māori supplied Cook’s crew²¹⁸. According to John White, whose account was collected from an unnamed member of the Ngāpuhi tribe,

²¹⁶ Salmond, *Between Worlds*, pp.320-21, 326, 377-79, 511-12.

²¹⁷ Marsden in Elder, ed., *The Letters and Journals of Samuel Marsden, 1765-1838*, pp.46, 335.

²¹⁸ Claudia Orange, ‘Northland places – Whangaroa and district’, *Te Ara – the Encyclopedia of New Zealand (Te Ara)*, updated 2-Mar-09, URL: <http://www.TeAra.govt.nz/en/northland-places/4>.

the party included Tapua the father of celebrated chiefs Patuone and Tamati Waka Nene.²¹⁹

In 1772 French explorer Marion Du Fresne is recorded as visiting the Bay of Islands including Motu-arohia island and Manawaora bay which, during the fishing season, was known to be tapu to 'some of Te Kauri's people (the people who lived at Whangamumu).' This account of the event records barter of goods – kūmara, fish and birds – and friendly relations between Ngāti Pou and Du Fresne's crew at Motu-arohia.

[Translation in the original]: But there came a day when the foreigners rowed ashore in order to net fish on the beach at Manawaora. The Maoris scolded them for this, for the beach was tapu to some of Te Kauri's people (the people who lived at Whangamumu). Some men from there had been drowned in the Bay of Islands, and had been cast ashore on this beach. Although the people of Ngāti Pou told them angrily not to do this (for they were afraid that Te Kauri's people would attack them in order to obtain recompense for the violation of their tapu), the foreigners took no notice, and persisted in drawing in their net on the beach. Then Ngāti Pou became very sad, and no longer visited the ships ...Soon after this, some of the foreigners came on shore ...[t]hen the Maoris went and took some of the clothes, as a recompense for the foreigners having violated the tapu of Manawaora by netting fish there, and eating those fish; it was this that made the desecration of the tapu such a grave offence...One day soon after this, the foreigners rowed ashore to net fish again, and Ngāti Pou learnt that it was Marion ...the Maoris attacked them and clubbed them to death. All of them were killed; not one escaped. They took the bodies and cooked them, and Te Kauri and Tohitapu of the Te Koroa [Te Roroa probably at Ōtūihu or Te Haumi] sub-tribe ate Marion...Next day the boats of the ships came on shore, and they attacked two pas at Motuarohia...another pā captured by the foreigners was at the end of the Manawaora beach. The men who witnessed these acts were Tohitapu of Te Koroa [Te Roroa] sub-tribe of Ngāpuhi (who died in 1833), Tarewarewa of Te Patu sub-tribe of Ngāpuhi, and Takurua of Te Mahurehure sub-tribe of Ngāpuhi (these two men died in 1839).

The decision of Marion's men to haul their net onto a beach that was immensely tapu is described by Anne Salmond as setting in place a tragic series of events that resulted in the deaths of not only du Fresne and many of his men but many local Māori also.²²⁰ The events surrounding the breach of tapu by du Fresne and his men was strong portent and vision of the degree of Pākehā misunderstandings what would

²¹⁹ Angela Ballara. Patuone, Eruera Maihi - Biography', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, updated 30-Nov-10 URL:

<http://www.TeAra.govt.nz/en/biographies/1p12/1>

²²⁰ Anne Salmond, *Two Worlds: first meetings between Māori and Europeans 1642-1772*, Auckland, 1991, p.381.

befall their interactions with Māori which surfaced following the signing of Te Tiriti o Waitangi in 1840 and in the crisis that was the Northern War.

Many northern Māori travelled overseas in the late eighteenth and early nineteenth century to visit governors of New South Wales, overseas merchants and British monarchs seeking diplomatic and trading alliances.²²¹ The travels of Ngāpuhi ariki to Australia, London and Europe in the early years of the nineteenth century was part of the process of expanding their horizons and drawing these experiences into their own sphere. They were journeys of discovery in the same way as for those who ventured south from the Northern Hemisphere. Among Ngāti Manu rangatira known to have made direct contact by the mid-1820s were Pōmare and his son, Te Toru of Waikare, and of [hapū – see email to Alice] Māui of Kororāreka.

The first recorded refitting of a ship at Kororāreka was probably in 1809, when the *City of Edinburgh*, under Captain Pattison, was hauled out there,²²² after returning Te Pahi's son Matara to Te Puna. Captain Pattison and super-cargo Alexander Berry asked Te Pahi to assist with refitting the ship, but as he was about to leave for Whangaroa, they asked Tara and Tupe at Kororāreka and Kawakawa to help. These two rangatira 'volunteered the supply of timber and the provision of a hauling-out site and took the ship under their protection'²²³, thereby breaking Te Pahi's monopoly on the shipping trade. An earlier European visitor, William Stewart, once captain of the *Venus*, claimed to be the 'first white man ... who ever set foot on the beach of Kororāreka', this most likely in about 1805.²²⁴

Te Pahi's visit to Whangaroa implicated him in the tragic events of the sacking of the *Boyd* in Whangaroa in December 1809. The rangatira Te Āra, or George, who had been badly treated by the captain, took utu, sacking and burning the ship, with the support of his brother Te Puhī and their Ngāti Uru people. Most of the ship's crew and passengers were killed and eaten; only a few individuals survived – a woman, a girl and two boys. A letter from Alexander Berry reported Te Pahi as the chief responsible for this, identified to Berry by Tara at Kororāreka. At Port Jackson, Colonel Foveaux and James Finucane were about to leave the colony for Britain when the news of the *Boyd* massacre was published in the *Sydney Gazette*. Their ship put

²²¹ Petrie, *Chiefs of Industry*, pp.40-41.

²²² Lee, *Bay of Islands*, p.50.

²²³ *ibid.*

²²⁴ *ibid.*

in at the Bay of Islands, meeting there with six other vessels where rough justice was dispensed at the hands of the captains and crew of the ships.

Te Pahi, wounded in the attack, swam to the mainland where he died shortly after, either from the wounds or in subsequent fighting against Ngāti Pou of Whangaroa.²²⁵ Finucane reported 70 killed on the island and mainland; the attack was described as a 'wanton piece of business'.²²⁶ The *Sydney Gazette* published a follow-up article in September 1810 exonerating Te Pahi from all responsibility. In effect, Tara had his rival Te Pahi 'taken out' by Europeans thereby ending the ascendancy of Te Puna as a favoured trading station.²²⁷

Consequently, the *Boyd* incident stalled the flow of visiting ships to New Zealand, Governor Macquarie unfairly warning all South Sea whalers and East India Company vessels to be vigilant and guarded...with New Zealanders...who are a treacherous race of People, and not to be trusted.'²²⁸

Ngā mihinare, 1814

News of the *Boyd's* sacking arrived in NSW close to when Samuel Marsden returned from a journey to England, to gather support from CMS headquarters for his planned mission to New Zealand. However, New Zealand was then considered so dangerous that Marsden 'waited more than three years';²²⁹ the first missionary voyage to the Bay of Islands was not made until June of 1814. Thomas Kendall and William Hall sailed in the *Active*, carrying with them a letter of introduction from Marsden to the rangatira Ruatara. After six weeks in the Bay, the missionaries returned to NSW in late July, taking with them Hongi Hika, Ruatara and the brothers Tuai (Tui) and Korokoro from Ngāre Raumati and Ngāpuhi at Pāroa Bay. Hongi also took his youngest son and Ruatara his young brother.²³⁰ In late November the *Active* left NSW with the visiting rangatira onboard. According to one account, on 22 December 1814 the *Active* entered Ipīpīri and anchored below Rangihoua pā. On 25 December

²²⁵ Sissons, Wi Hongi, and Hohepa, p.18.

²²⁶ Middleton, 'Te Puna: The Archaeology', p.42.

²²⁷ *ibid*; Salmond, *Between Worlds*, pp.384-94.

²²⁸ Governor Macquarie to Viscount Castlereagh, 12 March 1810, in CO201/52: 33-40. Also Macquarie to Lord Minto, 7 April 1810, in NLS Ms 1131: 59-60, quoted in Salmond, 1997, p.394.

²²⁹ Elder, ed., p.62.

²³⁰ *ibid*; Salmond, *Between Worlds*, pp.436-43.

Marsden preached the first Christmas service in the motu, and the Hohi (Oihi) mission began.²³¹

There being no good supplies of timber in the northern part of the Bay, the first requirement was to obtain timber for building. Marsden along with 'all the settlers and their families' re-boarded the *Active* on 27 December 1814 and 'made sail for the timber district,' 'belonging' to Tara Kuku, 'an old man apparently seventy years of age.'²³² Marsden considered it 'prudent' to get Tara's permission before cutting any timber, 'in order to prevent any misunderstandings.'²³³ Marsden, Nicholas, and Kendall went ashore at Kororāreka, taking with them Maui, a relation of Tara, who had been away from New Zealand for almost nine years, living part of that time with Marsden at Parramatta. Maui was greeted with tears and weeping. Tara told Marsden he did not want any presents of axes or similar things, what he really wanted was for the missionaries to come and live at Kororāreka with him and his hapū; Marsden replied that this was not possible as they had to stay with Ruatara, 'in consequence of our long acquaintance with him.'²³⁴ Tara showed them his flourishing wheat crop, sowed from the seed given by Kendall on his reconnaissance visit to the Bay earlier in 1814,²³⁵ and peas and a young peach tree. As night fell, Marsden and his companions returned to the *Active*, with baskets of kūmara from Tara's village.

The next day, Marsden and Nicholas must have visited, or passed, Ōtūihu, as

After sailing about five leagues, we anchored in a spacious cove, at the head of which a beautiful river, called by the natives Cowa-cowa [Kawakawa], discharges itself through a winding channel. On this river the timber is floated down from the interior, and grows on the banks of it in great abundance.²³⁶

They were taken to meet the chief Te Koki, at a village further up the river, to discuss timber with him. Te Koki was the principal chief of Ngāpuhi at Paihia, uncle of Hongi Hika, brother to Tuhikura, of Ngāti Rehia. On their return to the *Active*, the Ngāti Manu chief, Pōmare, arrived to visit and to negotiate acquiring timber. Pōmare was

²³¹ Salmond, *Between Worlds*, pp.460-69.

²³² Elder, ed., p.95.

²³³ *ibid.*

²³⁴ *ibid.*

²³⁵ *ibid.*

²³⁶ Angela Middleton, 'Ōtūihu: An Outline from 1814 to 1845', Auckland, 2000, p.2; J. L. Nicholas, *Narrative of a Voyage to New Zealand: Performed in the Years 1814 and 1815 in Company with the Rev. Samuel Marsden, Principal Chaplain of New South Wales*, facsimile edn, 2 vols., Auckland, 1971 (first published ca 1817), p.207. DB6.

recorded by Nicholas to have an astute business ability and reported, at the end of their dealings that he was of more use in procuring timber than all the other rangatira put together.²³⁷ Pigs were also in good supply at Kawakawa; canoes arrived with these animals and vegetables.

Marsden and Nicholas paid a visit to the pā where the father of Pōmare [Puhi of Ngāti Manu] was living, and journeyed upstream, to the source of the Waikare River.²³⁸ On returning to the ship, they found Te Koki²³⁹ and Pōmare bargaining over prices for a number of spars delivered to the boat. Later, in the 1820s Henry Williams and Samuel Marsden of the Church Missionary Society would establish a mission at Paihia, at Te Koki's request, on a site given by his widow, Ana Hamu, who signed Te Tiriti o Waitangi on 6 February 1840.²⁴⁰

When the mission party returned to Rangihoua, Ruatara reported to Nicholas that Pōmare was a very bad character, often causing trouble in the territory of Ruatara, reflecting the on-going rivalry between the northern and southern Bay of Islands hapū, and also probably the desire of Ruatara to control 'his' missionaries.²⁴¹

The first Bay of Islands Māori to travel to England were Tuai (or Tui) and Titere. Kuni Jenkins' account of Tuai and Titere of Ngāpuhi and Ngāre Raumati, both aged about 18 years old, is illuminating. They attended a school in Madeley, Shropshire in England, after spending two years from 1815 with Samuel Marsden in Parramatta, Australia. On his initiative, they sailed to England in 1817 to attend the Madeley School and returned to New Zealand in 1819. Copies of their letters to Mr Josiah Pratt, Secretary of the Church Missionary Society, London, are held at the Alexander Turnbull Library. The letters, written in 1818, describe the difficulty they had learning to read the Bible and behaving as Christians.²⁴² Importantly, these letters focus on transmission of ideas and other information related to nascent self-identity

²³⁷ Nicholas, p.309.

²³⁸ Angela Ballara. 'Pōmare I - Biography', DNZB, updated 1-Sep-10. Original published in the *Dictionary of New Zealand Biography*, Volume One (1769-1869), 1990.

²³⁹ Ana Hamu (widow of Te Koki) signed Te Tiriti o Waitangi at Waitangi on 6 February 1840.

²⁴⁰ Information from claimants, cit. Merata Kawharu, 'Te Tiriti and its Northern Context in the Nineteenth Century', an overview report commissioned by the Crown Forestry Rental Trust, 2006, p.172.

²⁴¹ Hohepa, pp.198-99.

²⁴² Kuni Jenkins, *Becoming Literate, Becoming English : A Research into the Beginnings of English Literacy within Māori Society*, Auckland, 1993, pp.13-18.

and group consciousness. Correspondingly, they observed different industries, and anticipated the potential for developing similar industries in their rohe.²⁴³

On his return Tuai and his close relative, Korokoro, also of Ngāre Raumati at Pāroa Bay - like other voyaging Māori - were keen to secure more Pākehā especially the mihinare Samuel Marsden.²⁴⁴ Korokoro and Tuai were known for their friendship with the missionaries and Marsden had discussed his plans for a new settlement with Korokoro. Korokoro being extremely disappointed when Marsden chose to establish his second mission under Hongi's jurisdiction instead. In a show of the intra-hapū rivalries of the time Korokoro responded by warning that Hongi should not be trusted.²⁴⁵

A contemporary account of early transactions in the Waikare and Kawakawa area comes from Richard Cruise on board the ship *Dromedary*, which came from Port Jackson in 1820 to procure spars for British navy ships. Cruise and others on the *Dromedary* dealt with some of the same rangatira as Marsden and Nicholas had:

April 9th, Sunday [1820]. We had a visit from Te Koki, the proprietor of the timber on the banks of the Cowa-cowa [Kawakawa]: he undertook to supply the ship with as many spars as she wanted, at the rate of one spar for each axe, and to float them down the river to her ... he was accompanied by a person to whom the whalers had given the name of King George [Whareumu].²⁴⁶

In going into what appeared to be a deep cove, near the mouth of the Wycaddy [sic], we found that it terminated in a river, called the Wykeeno [sic], which was navigable for boats for about three miles: its banks, in some parts, were steep, and richly wooded. ... It terminated at a village, where we were received by two very pretty native women, who told us their father (Cowerapopo) was chief of the place. ... He was an elderly man, and had lost the use of his limbs, apparently through rheumatism ...²⁴⁷

Caught out in a small boat with bad weather looming, Cruise and his companions were taken ashore to Pōmare's village, possibly Ōtuihu, where their clothes were dried and they were fed and offered accommodation for the night. Cruise emphasised the importance of muskets for trading. The government ship *Dromedary* was

²⁴³ Salmond, *Between Worlds*, pp.320-21, 326, 377-79, 511-12.

²⁴⁴ *ibid.*

²⁴⁵ *ibid.*, pp.148-9.

²⁴⁶ Richard A. Cruise, *Journal of a Ten Months' Residence in New Zealand [1820]*, 2nd edn, London, 1824, p.95.

²⁴⁷ *ibid.*, pp.132-33.

prohibited from dealing in these and could only offer axes, which Whareumu (of Ngāti Manu) considered useless:

Even in purchasing the cargo, our axes were held in little estimation. A single musket would have called forth more exertion from the natives, than all the articles of barter we had in the ship. When George [Whareumu] received nearly one hundred axes for the spars we got from him, he asked, with a sneer, what was he to do with them?²⁴⁸

In 1826 Dumont d'Urville returned to the Bay of Islands, about three years after his first visit, the corvette *L'Astrolabe* moored near Kahuwera (Paroa Bay), where it had been in 1824. Pōmare, who was planning to leave the following day for Hauraki, came on board to visit.²⁴⁹ Pōmare's son [name] slept on board the corvette, 'as did several of his slaves' wives, who traded their charms with the gallant Frenchmen of the *Astrolabe*.'²⁵⁰ During this visit, D'Urville purchased the head of a rangatira, father of Hinaki from the Waitematā.²⁵¹

D'Urville was introduced to a son of Murupaenga of Ngāti Whātua ki Kaipara, who was living with Pōmare at Matauwhi of his own free will and not as a slave. The following day, D'Urville went to the Kawakawa with two other missionaries looking for timber sources. D'Urville recorded that his companion, Williams, estimated the Māori population of Te Ika-a-Māui at around 500,000.²⁵² On 15 March they took the ship's boat to Paihia where they saw canoes drawn up, waiting for a suitable wind to leave the Bay, and while travelling up the Kawakawa they saw other waka bringing supplies to the taua waiting near Paihia.

At Kororāreka, Dumont d'Urville found nearly all the men had gone to war, deserted houses lining the beach. At Matauwhi Bay where 'the dreaded chief Pōmare once ruled' and he had met the missionary Thomas Kendall in 1824, three years before,²⁵³ D'Urville was struck by the change. Previously houses had been scattered on the slope of a hill running out into the bay. Now, new huts were clustered together near the seashore, defended with high palisades and strong posts. They were met at the entrance to the village and taken to Pōmare's [Whetoi's] house. Pōmare met them wearing 'his finest garments' and carrying his double-barrelled gun.²⁵⁴ With him

²⁴⁸ *ibid.*, p.287.

²⁴⁹ Wright, p.184.

²⁵⁰ *ibid.*, p.181.

²⁵¹ *ibid.*, p.182.

²⁵² *ibid.*, p.195.

²⁵³ *ibid.*, pp.191-92.

²⁵⁴ *ibid.*, p.191.

were his wife, Ehana, Pako's brother, Murupaenga's son and other men. D'Urville was intrigued by Pōmare's eldest son, Heikai, then perhaps eighteen years old. D'Urville asked Lauvergne, one of the French, to draw the carvings on Pōmare's and Heikai's houses.

D'Urville also remarked on Captain Brind's house, commenting that Brind 'has married a native woman', Moewaka. D'Urville also noted that another Pākehā, Captain Robert Duke 'had taken a Māori wife, the daughter of the chief Whareumu.'²⁵⁵

Back at Kororāreka, D'Urville came to an arrangement to purchase 300 ft of kauri planks through an English carpenter living there. He was shown Whareumu's house (whom he called King George), and his daughter's house built 'in half European style' standing alongside.²⁵⁶ The French party then returned to the ship moored off Kahuwera, on the way walking around the ruins of Kahuwera, where Korokoro's house, larger than all the others, still stood, as did the fortifications, but it was deserted.²⁵⁷

The *Astrolabe* then moved to Te Koki's kāinga at Kawakawa, consisting of about 100 houses:

well-built huts; they stand in a lovely rich valley watered by two rivers, and carefully planted with kumaras, potatoes, maize, melons, and pumpkins. I was shown the houses and fields, the wives and children of Te Koke, the chief of the tribe and of Rangui-Touke his son.²⁵⁸

In 1827, Ngāti Manu had mana whenua at Kororāreka; Whareumu resided at Kororāreka and Pōmare II at near-by Matauwhi Bay. Augustus Earle arrived in Te Pe-o-whairangi in this year and stayed at Kororāreka for a number of months, some of this time with Whetoi (Whiria), or Pōmare II at Matauwhi Bay. Earle, as other European visitors, observed that the possessors of Kororāreka had a decided advantage over other hapū in the Bay, as this was the best position for access to shipping and European goods trade, and therefore to wealth and muskets.²⁵⁹

²⁵⁵ Dillon in Jocelyn Chisholm, *Brind of the Bay of Islands: Some Readings and Notes of Thirty Years in the Life of a Whaling Captain*, Wellington, 1979, p.23.

²⁵⁶ Wright, p.192.

²⁵⁷ *ibid.*, p.197.

²⁵⁸ *ibid.*, p.186.

²⁵⁹ Augustus Earle, *A Narrative of a Nine Months' Residence in New Zealand in 1827*, Christchurch, 1909, p.172.

While Earle was at Kororāreka, word came from Tītore of Ngāi Tawake that he was coming to seek utu from Whareumu, accompanied by a large body of warriors. On hearing this, Whareumu gathered all his family and supporters and withdrew to the Kawakawa River, ‘the residence of the chief De Kookie’²⁶⁰ (Te Koki). Some days later, after waiting anxiously for the threatened taua to arrive, Earle and other Europeans made a day-visit up the Kawakawa to this fortified position, where 800 warriors were under the command of Kiwikiwi. The pā was located in a plain with a stream running through it and ‘many acres of cultivated ground, neatly fenced and cleared,’ with kūmara, potatoes, and corn ready for harvesting.²⁶¹ The following day, Rewa arrived with a few of his men in two war canoes. Earle produced the best of his food supplies to feed Rewa and his men, who had come on a peace-making mission. The next morning they left to find Whareumu and Kiwikiwi at Te Koki’s pā, where eventually the peace terms were accepted and Ngāti Manu returned to Kororāreka. Te Wharerahi, older brother of Rewa and Moka, might have been with Rewa on this expedition. He was reputed to be ‘the great peace-maker’²⁶²; Henry Williams described him in this role at Waikare in October 1827.²⁶³

Although he died before the signing of He Whakaputanga Pomareni’s influence extended the role of chiefly leadership beyond Aotearoa through the development of economic activity, the attainment of material wealth and on-going relationships with mihinare as far away as New South Wales and England. Pomareni’s active engagement in trade with the mihinare and South Seas vessels continued by his nephew Whiria (or Pōmare II).

Continuing Official Overtures

Rangatira letter to King William IV 1831

The Rangatira letter to King William IV in 1831 was a continuation of the dialogue of equals begun with Hongi Hika’s and Waikato’s voyage to Britain. The letter is tangible evidence of a diplomatic and political initiative leading towards He Whakaputanga, is the first known letter from an assembly of rangatira, and is significant in that it was sent to the King. The thirteen signatories were Wharerahi and Rewa (Patukeha), Te Haara, Patuone and Waka Nene (Ngāti Hao), Kekeao,

²⁶⁰ *ibid.*, p.40.

²⁶¹ *ibid.*, p.143.

²⁶² Ballara, *Taua*, p.159.

²⁶³ *ibid.* See also Henry Williams’ Journal entries 30, 31 October 1827.

Titore, Tamoranga, Matangi, Ripe, Atuaahaere, Moetara and Taunui all rangatira from the Bay of Islands and Hokianga, Ngāpuhi²⁶⁴. Although the Kerikeri mission is identified as the place where the letter was written, the assembly of rangatira is likely to have met at the adjacent Kororipo Pā, a pā of great mana and tapu where such political, economic, and military issues were often discussed.²⁶⁵

News reported by Rewa and William Yate prompted the Rangatira letter with news about the anticipated arrival and rumoured intentions of a 'malicious and unfounded report'²⁶⁶ stating that the corvette, with four hundred men on board, was on its way to annex New Zealand and avenge the deaths of Marion du Fresne and his men in 1772.²⁶⁷ In the afternoon of 4 October the *Favorite* anchored off Kororāreka, but was not welcomed ashore. Its captain, Laplace, did not intend to annex New Zealand for the French; this had not been part of his instructions. The corvette stopped in the Bay of Islands for only six days, to rest its men who were suffering from scurvy, then went on its way to Valparaiso (Chile). During the short stay in Kororāreka, Rewa and Laplace, who had met earlier in Hobart, 'renewed acquaintance' and exchanged gifts.²⁶⁸ Although Rewa and Yate brought the news of the *Favorite's* arrival and rumoured intentions, and Taiwhanga appeared alarmed by the impending visit, 'Northern Māori oral tradition ... does not record any alarmist tendency from among Māori about French intentions to take over the country'.²⁶⁹

Rewa and Yate, working together with the other signatories, put their 'petition' on paper, and the thirteen chiefs signed it on 5 October.²⁷⁰ Eruera Pare Hongi (relative of Hongi Hika) was probably the kaituhituhi, or scribe.²⁷¹ 'He (Pare) is very clear about the distinctiveness of both groups of people [tangata Māori and tangata Pākehā] and uses appropriate Māori terms to emphasise this.'²⁷² The rangatira signatories signed this letter with their unique and personal moko designs, rather than the conventional sign or mark offered to the illiterate as an alternative to a signature. These moko were 'considered to be something holy and binding', coming from the head, the most

²⁶⁴ The other signatories were Patuone, Waka Nene, Kekeao, Titore, Tamoranga, Hara, Matangi, Ripe, Atuaahaere, Moetara, and Taunui. For details of hapū and residence of the rangatira, see Henare, 'Māori Leaders' Assembly,' p.115.

²⁶⁵ *ibid.*, p.116.

²⁶⁶ Polack in Cyrille Pierre Théodore Laplace, *Laplace in New Zealand 1831* ed., trans. Keith V. Sinclair, Waikanae, 1998, p.42.

²⁶⁷ *ibid.*; Claudia Orange, *The Treaty of Waitangi*, Wellington, 1987, p.11.

²⁶⁸ *ibid.*, p.68.

²⁶⁹ Henare, 'Changing Images', p.173.

²⁷⁰ Taiwhanga was in Paihia, not Kerikeri on the day the letter was drawn up, so was not a signatory.

²⁷¹ Henare, 'Changing Images', p.138.

²⁷² *ibid.*, p.139.

sacred part of the body.²⁷³ By signing in this way, the assembled rangatira imbued the document with wairua, thereby both communicating their thoughts and representing them and their mana to the King – their equal.

The missionary William Yate, relatively fluent in Māori, drafted the letter;²⁷⁴ eventually it was forwarded to London and became part of the on-going dialogue between rangatira and tangata Pākehā. It is informative in its use of new Māori terms to describe new conceptualisations, in particular, the multiple meanings of kāinga – residence, residential community, habitat – as ‘the pre-eminent space and place of Māori people in history’²⁷⁵ – and Niu Tirenī as a country name. In his 1825 letter to the gentlemen of England, Eruera Pare refers to England as ‘tou kāinga pai’ – your good country.²⁷⁶ In the 1831 letter ‘kāinga’ is used as a description of Kerikeri as a bustling town, and two references to nations – England and the emerging notion of a Māori nation. The letter is signed by the collected rangatira as ‘Ko matou ko ngā rangatira o te Iwi Māori o Niu Tirenī’; we, the leaders of the Māori people of Niu Tirenī,²⁷⁷ a new collective concept of Aotearoa. Notably the letter is not signed by prominent rangatira such as Kawiti and Pōmare; it is unclear why they did not sign.

Argument over the text of the letter centres around whether this was a request for British intervention, which Claudia Orange states was ‘often asserted and difficult to deny’.²⁷⁸ However, the text of the letter:

A ki te mea ka tutu e tahi o ōu tāngata ki a mātou, ka noho nei hoki he hinu ki te wenua nei he mea oma mai i runga i te kaupuke mai ra pea rātou e riri kia rongo ai, kai hō noa te riri o te tāngata Māori²⁷⁹

And if any of thy people should be troublesome or vicious towards us (for some persons are living here who have run away from ships) we pray to thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them;

in combination with the statement of Taiwhanga that if the French tore down the flag the British would come to ‘fight for us’ offers an alternative interpretation, not a

²⁷³ Henare, 'Māori Leaders' Assembly,' p.115.

²⁷⁴ Note however, Manuka Henare's discussion of Eruera Pare and his close relationship with Yate, Henare, 'Changing Images', pp.138-39.

²⁷⁵ *ibid.*, p.132.

²⁷⁶ *ibid.*

²⁷⁷ NA CO 201/221, *cit. ibid.*, p.120.

²⁷⁸ Orange, *The Treaty of Waitangi*, p.12.

²⁷⁹ 1831 Letter to King William IV The Gracious Chief of England, in Henare, 'Changing Images', p.174.

request for intervention but a request to establish a protectorate relationship, in which ‘the chiefs appealed to the king to help guard their land.’²⁸⁰ This interpretation aligns with the growing metaphor of the ‘kaipuke’ or sailing ship, in which Nui Tireni was understood by Māori as a ship owned by Māori which, in some circumstances, a Pākehā captain might steer under their instructions.

While the petition to King William is often seen as one of the main factors that brought about James Busby’s appointment as British Resident, other factors contributed, at least to the timing. One example was a British whaler, the *Elizabeth*, which supported Te Rauparaha’s assault on Onawe Pā in Akaroa and helped to transport Ngāi Tahu prisoners, including Tamaiharanui, to Kapiti, where they were killed;²⁸¹ missionary outrage over this Pākehā incursion into inter-Māori warfare is seen as a contributing cause for Busby’s appointment.

Notable from this fracas in which British citizens assisted in Māori warfare is the establishment of a Māori sense of moral, if not legal redress being provided by those responsible for the behaviour of tāngata Pākehā. Ahu, a relative of the slain Tamaiharanui, and Whare - possibly Wharepoaka - from the Bay of Islands, went to Sydney to lodge a protest with the Governor about this affair. At this time, Whare recalled Hongi and Waikato’s visit to London in 1820 and their meeting with King George IV, at which the King evidently told Hongi and Waikato that ‘Māori and British subjects were not to kill each other.’²⁸² He and Ahu considered that the *Elizabeth* incident had violated this agreement; an agreement which was part of the on-going conversation between tāngata Māori and tāngata Pākehā in which a pattern of mutual responsibility and rights had been established. Heke would subsequently also remind the later British monarch, Victoria, of this agreement and its violation by the Crown: ‘For although he (King George) and Hongi are dead, still the conversation lives; and is for you to favour and make much of it, for the sake of peace, love and quietness.’²⁸³

²⁸⁰ Henare, ‘Māori Leaders’ Assembly,’ pp.117-18.

²⁸¹ D. Loveridge, ‘The Knot of a Thousand Difficulties Britain and New Zealand 1769-1840’, *Report for the Crown Law Office*, Wellington, 2009, p.43; Orange, *The Treaty of Waitangi*, p.12.

²⁸² Henare, ‘Changing Images’, p.161; Orange, *The Treaty of Waitangi*, p.12.

²⁸³ Hongi Heke GBPP 1850 [1280], p. 17, cit. Henare, ‘Changing Images’, p.161.

The British Resident 1833

In 1832 the British government took the decision to appoint a British resident to New Zealand, citing humanitarian reasons such as the *Elizabeth* affair, but even more importantly, in order to protect British trade.²⁸⁴ Busby's appointment as British Resident was also partly in response to the 1831 Rangatira letter and missionary concerns about firearms proliferation among Māori. In British Governmental terms, a Resident was one of the lower levels of diplomatic appointment.²⁸⁵ Busby arrived in May 1833 to a formal welcome and speech-making in the presence of twenty-two senior chiefs and 600 or more other Māori. This display of ceremony was 'more than a suggestion of ambassadorial representation to an independent country'.²⁸⁶ Busby stated at the time that the King was honouring Māori by his appointment, similar to other European and American diplomatic appointments, and acknowledging their mana through 'whakarangatiranga', literally 'increasing chiefly mana.'

Busby, or 'Puhipi', was a respected figure amongst Māori leaders of the time. His residence at Waitangi functioned in many ways like a marae where rangatira from many places felt comfortable meeting 'kanohi ki te kanohi' with a representative from Britain, whom they regarded as a senior political advisor. ²⁸⁷ The limitations and difficulties in which Busby was placed, 'the man of war without guns',²⁸⁸ rendered Busby largely ineffective, as Bourke thought by 1834, which partly explains the frustration Busby experienced dealing with the Governor. Busby's intentions had been to develop a 'pan-tribal collective' and to construct a 'Parliament House' in which a confederation of tribes would meet. He also considered establishing a passport system and a Native Guard, with uniforms and arms provided by the Governor in New South Wales²⁸⁹.

In May 1833 James Busby arrived in the Bay of Islands where there was a small European settlement. If Europeans had expectations of Busby, so too did Māori who sought his mediations in disputes with little result. However, Busby took steps that Māori would later view as historically significant – actions that recognised the country's independence.

²⁸⁴ Loveridge, p.44; Orange, *The Treaty of Waitangi*, p.12.

²⁸⁵ Henare, 'Changing Images', p.177.

²⁸⁶ Orange, *The Treaty of Waitangi*, p.13.

²⁸⁷ Henare, 'Changing Images', p.178.

²⁸⁸ Orange, *The Treaty of Waitangi*, pp.14-16.

²⁸⁹ Carpenter, pp.16-17; Kawharu, 'Te Tiriti and Its Northern Context', p.49.

Te Kara 1834 – the Flag of the United Tribes

Busby was appointed partly to protect British trade. However, traders of Nu Tireni, both Māori and Pākehā, also needed protection. British navigational laws required all shipping to carry an official register and to fly the flag of the nation, a flag to represent the nation, particularly its ships, was urgently needed. In 1830, Port Jackson customs officials seized the *Sir George Murray*, built at Horeke in the Hokianga, because it was not flying a flag or registered. This event caused great consternation because two rangatira, likely to have been Patuone and Taonui, were on board.²⁹⁰ Using a national flag would resolve this issue permanently. Therefore, one of Busby's immediate concerns after he arrived was to select an appropriate flag as a symbol of a confederacy of iwi, and for ships to fly.

Ngāti Hine comment on The New Zealand National Flag. On the 20th of March 1834, Busby organised a great gathering at Waitangi at which he invited 25 northern chiefs to select a national flag. There was an urgent need for one, especially after the 1830 seizure of one of their ships by Port Jackson officials. Because the ship was unregistered and had no acknowledged national flag, their cargo was impounded along with a number of Hokianga chiefs. Three flags sent from Sydney were displayed on short poles and voted on; the winning flag was hoisted with the British flag alongside it. Locally built ships were then supplied by Busby with a certificate of registration in the name of the independent tribes of New Zealand. Gazetted in Sydney, the flag was flown by ships and recognised by the British Admiralty.

The idea of flag flying was not unusual to Māori; 'The colours were more than pieces of cloth to Māori who found meaning ... on the material recognising the tapu, mana, mauri and wairua imbued in te kara.'²⁹¹ When Missionaries Kendall and Hall made their initial, exploratory trip to the Bay of Islands in June 1814, and visited Tara at Kororāreka they found he was flying his own flag. When Marsden preached the first sermon at Rangihoua on 25 December 1814, he remarked on the 'English flag' flying over Rangihoua, erected by Ruatara (according to John Liddiard Nicholas).²⁹² 'Flags were like rāhui poles, which staked out mana, and often had a local rangatira's garment tied to them.'²⁹³

²⁹⁰ Hazel Petrie, *Chiefs of Industry: Māori Tribal Enterprise in Early Colonial New Zealand*, Auckland, 2006, pp.56-7.

²⁹¹ Henare, 'Changing Images', p.181.

²⁹² Elder, ed., *The Letters and Journals of Samuel Marsden, 1765-1838*, p.93; Nicholas, p.191; Salmond, *Between Worlds*, p.461.

²⁹³ Salmond, *Between Worlds*, p.439.

The significance of these symbols lived on through successive generations for Ngāti Hine and Te Kau-i-mua hapū. Even after Maihi, others maintained the significance of flag flying within their rohe. For instance, Kaka Porowini's great-granddaughter, Elizabeth Mataroria, can remember Kaka flying a flag at his home in the community where she lived. In an interview, she asked Erima Henare 'why do you think Kaka wanted to fly it at the marae?' He answered:

the flag would have been that of the Confederation of chiefs, which was based on the St George cross. When the chiefs adopted that flag in 1834 they effectively proclaimed Māori sovereignty over New Zealand; they proclaimed that they were a common body; they proclaimed that this flag represented them in the world. That's why I can't understand the Treaty of Waitangi, because in 1835 these same chiefs were saying that, yet not 5 years later they gave their sovereignty away for that? I don't believe it for a moment, because they knew what it was in 1835. The same chiefs signed the treaty, and I don't believe that in five years they could go from having total power and authority in New Zealand to giving it away five years later to be servants and slaves. That's what that flag represents – tino rangatiratanga – autonomy over yourself, autonomy over your self-development, autonomy over your own hapū, your tikanga, your kawa, your ritenga ērā momo mea katoa. That's what that flag represents – it represents sovereignty over those things that are yours.²⁹⁴

Five years after the signing of the Treaty at Ōkaihau and at Ōhaeawai and at Ruapekapeka, Kawiti is flying his own personal flag. So how did this concept get adopted by our people and in all the major battles between the Pākehā and the Māori, the Māori were flying flags? Several flags, which brings me up to Kaka.²⁹⁵

I think Kaka used that flag because it was the flag that was adopted by the chiefs when they had full and absolute sovereignty over New Zealand, and full and absolute authority and power over everything that they control. ... I think that the reason why Kaka adopted that flag was because it represented autonomy, it represented Māori rule over Māori things. It represented everything that existed before the Treaty of Waitangi and the settler governments came along.²⁹⁶

These observations about flying flags, and the choice of Te Kara – the Flag of the United Tribes, throw light on what was on the minds of the tūpuna with Heke's felling of the Kororāreka flagpole.

²⁹⁴ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B.

²⁹⁵ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B.

²⁹⁶ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B.

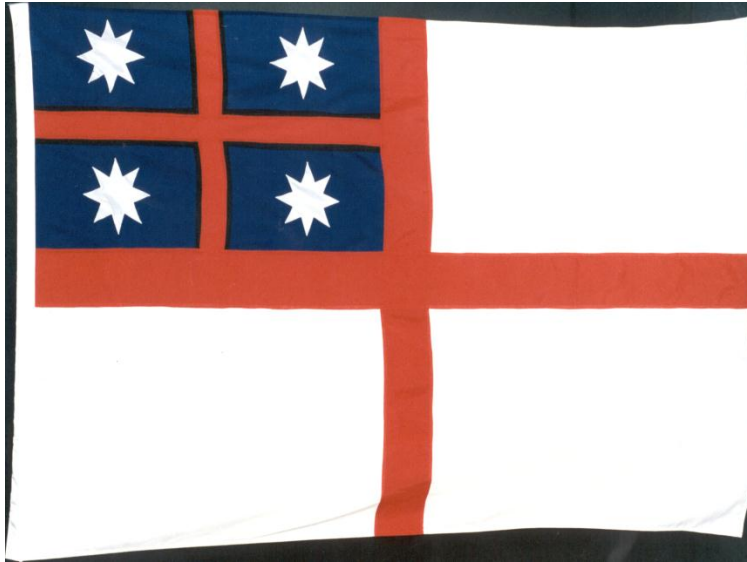


Figure 47: Te Kara – the Flag of the United Tribes

Over time, Te Kara ‘became a potent metaphor of the nineteenth century and a symbol’ that hapū used, sometimes in war, as a sign of their mana and Māori sovereignty;²⁹⁷ it was flown at Pukawa when Te Wherowhero was selected as the first Māori King. It was certainly not a sign of deference to Pākehā power, rather its use of signs and symbols was an expression of mana and British acceptance of another cultural system. By adopting and flying a flag, New Zealand traders and ship owners, both Māori and Pākehā, achieved international recognition of their national identity.

In January 1834 Busby sent to New South Wales three possible flag designs drawn by Henry Williams,²⁹⁸ who understood Māori iconography and symbolism, including the importance of using the tapu colour, red. In March the British man-o-war *Alligator* arrived in the Bay, carrying the designs made up into three flags. Busby convened a gathering of rangatira on 20 March 1834. Many chiefs gathered in a large tent erected on the marae-like lawn in front of Busby’s house, where rangatira assembled from time to time to discuss political issues. Although this was a ‘somewhat hastily arranged gathering,’ Busby recorded that there were twenty-five rangatira present; another witness, Charles Von Huegel,²⁹⁹ put the whole number of attendees at about 750, of whom about one-third were women. The rangatira included Te Morenga, Taiamai, Heke, Pōmare (Ngāti Manu), Kiwikiwi, Moetara and Waikato, and based on equivalent rank and frequency of appearing together on similar occasions, probably also Waka Nene, Patuone, Rewa, Moka, Wharerahi

²⁹⁷ Henare, 'Changing Images', p.182.

²⁹⁸ Carpenter, p.18; Henare, 'Changing Images', p.181.

²⁹⁹ C. A. A. von Huegel, Journal 1833-1834, ATL, cit. Henare, 'Changing Images', p.180.

(Patukeha), Kawiti (Ngāti Hine), Tītore Takiri, Kekeao, Taonui, Matangi, Te Haara, Te Reweti Atuaahaere, Tāreha (Ngāti Rehia), Pumuka (Te Roroa), Panakareao (Te Rarawa, Papahia and Tirarau³⁰⁰. Pōmare (Ngāti Manu) arrived later than others (probably because the meeting was arranged hastily), with 50 or 60 armed men who were drawn up into military formation.³⁰¹

Twelve votes were taken for the chosen flag, 'ten for the next and six for the third',³⁰² a total of 28. The scribe on the occasion was Eruera Pare Hika (Eruera Pare Hongi), the writer of the 1825 letter that is the earliest known piece of Māori writing³⁰³. Eruera Pare, as he was popularly known, is likely to have played a vital role in the two assemblies, where Te Kara was chosen and He Whakaputanga was signed, as translator and kaituhituhi or scribe.³⁰⁴

The flag chosen was similar to the one the CMS had used, with a large red cross on a white background. In the left hand corner Williams had added four white eight-pointed stars, on a deep blue background again demarcated into four quarters by a red cross with a black fimbriation;³⁰⁵ the stars might be of Polynesian derivation, representing the 'ancient Polynesian sailing symbols for the South Pacific ... namely the constellation of the Southern Cross known by Māori as Te Putea-iti-a-Reti (Tamarereti) or Te Kahui Rua-maahu'.³⁰⁶ Williams probably used the eight-pointed stars with an understanding of the 'great cultural power and significance' of this number for Māori. Busby wrote to the Undersecretary of State for the Colonies, describing the selection of the flag as the first 'national act of the New Zealand chiefs';³⁰⁷ subsequently, Busby described the King's approval of the flag as acknowledgement of 'the Sovereignty of the Chiefs of New Zealand in their collective capacity'.³⁰⁸

The characteristics of Te Kara, as described by a kaumatua of Te Whakaminenga o ngā hapū, begin with the both the large and smaller red crosses representing the Church Missionary Society Saint George Cross. The four stars signify Ngā Hau e Wha: Te taha Raki (north), Te taha Rawhiti (east), Te taha Tonga (south) and Te taha

³⁰⁰ Henare, Petrie, and Puckey, 'Northern Tribal Landscape', pp.436-37.

³⁰¹ Marshall, pp.111-12.

³⁰² *ibid.*, p.108.

³⁰³ Henare, 'Changing Images', p.137.

³⁰⁴ See Manuka Henare's discussion of Eruera Pare, *ibid.*, pp.138-39.

³⁰⁵ *ibid.*, p.181.

³⁰⁶ *ibid.*, p.182.

³⁰⁷ Carpenter, p.18.

³⁰⁸ Loveridge, p.56.

Hau-a-uru (west). The eight points of each star denote the waka belonging to each 'Hau'. The white background represents Te Ao Mārama, the blue symbolises the moana which brought Te Kara to Aotearoa, and the black signifies Te Pō Kerekere, Te Pō Tangotango: in the beginning there was complete darkness.³⁰⁹



Figure 48: Te Kara, image 2

Source: Markham, *New Zealand or recollections of it*.³¹⁰

The text of Busby's address on this occasion indicates his understanding of the overriding importance of oral communication and tradition in tikanga Māori. Busby spoke on behalf of the King, inviting the gathered rangatira, whom he described as 'e aku hoa', our friends, 'kia kua e riri ki a koutou, me koutou anō hoki ki a rātou' – to live in peace with the new settlers.³¹¹ This language reinforced the Māori understanding of their relationship with tāngata Pākehā as a conversation between equals.

³⁰⁹ N. Aldridge, Rules of engagement. Introductory remarks of Nuki Aldridge in support of affidavit Wai 1040 Doc #B10, 14 June 2010. Wai 1040, Doc#B10. Wellington, 2010.

³¹⁰ Edward Markham, *New Zealand or recollections of it*, edited with an introduction by E.H. McCormick, Wellington, 1963, opp. p. 57.

³¹¹ Henare, 'Changing Images', p.186.

He Whakaputanga o te Rangatiranga o Nu Tirenī

He Whakaputanga is a remarkable document that acknowledged, or named, a confederation of hapū, Te Whakaminenga o Ngā Hapū, which extended beyond Ngāpuhi boundaries with the signatures of Te Wherowhero, Huhu (?) and Te Heuheu (Iwikau), initiating the process of a pan-Māori nationhood. The Whakaminenga came into being in response to the conversation that Heke saw starting in 1820 with Hongi and Waikato's visit to England, their meeting with King George and introduction to the machinery of government in London. This introduction, coupled with on-going involvement with the European World, growing literacy among Māori and the resultant use of language to differentiate self and other was the stimulus for developing the concept, and hence the reality, of nationhood.

Māori imagined themselves into nationhood through continual adaptation and renewal of symbolic language and metaphor,³¹² such as the potent symbols used around the time Te Whakaminenga came together. Māori agency was clearly present in and began the process of nationhood in a Māori past, rather than the settler presence of 1840.

British Resident Busby might have called together the rangatira who became known as Te Whakaminenga o Ngā Hapū, but Te Whakaminenga was a Māori initiative, a confederation that first met in 1816, and continued with the development of He Whakaputanga and beyond.³¹³ Its actions can be seen in the meeting, probably at Kororipo Pā, when the 1831 letter was drafted.

While Busby had He Whakaputanga in mind, nevertheless, he was working with a Māori precedent for such a gathering, and a Māori perceived need to establish societal control with the growing numbers of settlers. However, Busby could not have achieved the initiative if it had not matched what was already in the minds of the tūpuna. The early alliance established when Hongi and Waikato met King George IV set in train the trajectory of the Ngāpuhi relationship with the Crown that led to He Whakaputanga and from there towards Te Tiriti.

As a way to regulate societal relationships, involving the chiefs coming together in a kind of parliament to make laws, the confederation was their own desire and not

³¹² Henare, 'Changing Images', pp.119-20.

³¹³ Lindsay Cox, *Kotahitanga: The Search for Māori Political Unity* Auckland, 1993, p.43; Mutu, 'The Humpty Dumpty Principle at Work, Wai 1040 #A23', pp.15-16.

simply Busby's advice. The strongest evidence for this is the multi-hapū base of support for the Declaration. Te Wherowhero entered an alliance with Rewa and Bay of Islands Ngāpuhi, and supported the Declaration; likewise Te Hapuku of Ngāti Kahungunu, who allied with Pōmare.³¹⁴

The hui debating He Whakaputanga was instigated when Busby called a meeting of rangatira 'in order that they may declare the Independence of their Country'; he pointedly called upon the pre-existing confederation or grouping of rangatira – Te Whakaminenga – to 'assert as a collective body their entire and exclusive right to its [the country's] sovereignty'.³¹⁵ The rangatira arrived at Waitangi over the two days of discussion 25-26 October 1835, charged with declaring independence in the face of a perceived potential threat to the well-established relationship between Ngāpuhi rangatira and the British Crown. Busby asked the collected rangatira to determine 'to maintain [their independence]' and 'treat as a public enemy any person who professes to assume a right of Sovereignty within their Territories.'³¹⁶ The debate was conducted in te reo Māori; therefore it is to the contemporary Māori that we should turn for understanding what was meant by sovereignty. Notable in the Māori document that resulted from the kōrero was the use of the term 'kawanatanga':

A ka mea hoki e kore e tukua e matou te wakarite ki te tahi hunga kē atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni

And we also say that we will never give over any law-making power to any other persons or any other governing body to be spoken of in respect to the land of the Confederation.³¹⁷

Bishop Waiohou (Ben) Te Haara states that 'the sense of kawanatanga (other governing body) . . . is clearly not omnipotent, or all powerful, but merely a small element of the overall process of government',³¹⁸ placing the usage within other contemporary Māori usage of the word in Māori translations of the Bible and accompanying prayers, in which a hierarchy of usages is created that clearly locates kawana and kawanatanga as governor and governorship.³¹⁹

³¹⁴ Phillipson, 'Bay of Islands Māori and the Crown', p.250.

³¹⁵ Busby, quoted in Loveridge, p.65.

³¹⁶ *ibid.*

³¹⁷ Mutu, 'The Humpty Dumpty Principle at Work, Wai 1040 #A23', p.5.

³¹⁸ Bishop Waiohou Te Haara, Statement of Evidence, Wai 1040 #B21 (a) 2010, p.5.

³¹⁹ Bishop Te Haara 2010, p.8.

Busby presented the collected rangatira with two proposals. After one was decided on, Busby presented the group with a draft declaration, written in te reo Māori, presumably by Eruera Pare Hongi in his role as scribe. After further kōrero, the eventual text of the Māori language document, He Whakaputanga, was agreed through a Māori process and through Māori, specifically Ngāpuhi, eyes. He Whakaputanga emanated from a position of Ngāpuhi sovereignty and reciprocal relationship, in the context of their sovereign alliance with the Crown. The presence of all but two (of those surviving) who had signed the 1831 letter to King William at the discussion and signing of He Whakaputanga perpetuated this sovereign alliance. Like the Rangatira letter, also imbued with each rangatira's mauri through the highly tapu moko tohu, He Whakaputanga carried the wairua of those present, and became a chiefly document. Some present signed with hand-written names, indicating the level of literacy in this senior grouping. Two, Hoane Wiremu Heke of Ngāpuhi and Te Wherowhero of Ngāti Mahuta, Waikato, signed their own names or had signatories for them. Henry Williams, George Clarke, James Clendon, and Gilbert Mair signed as witnesses.³²⁰

Other rangatira, who had either not been able to be present or had misgivings at the time, put their moko marks to He Whakaputanga after October 1835. These included Tamati Waka Nene (Ngāti Hao), Huhu, Tona, Kiwikiwi and Panakareao (Te Rarawa), as well as Taiwhanga, who had by then overcome his earlier misgivings.³²¹ Te Hapuku, an influential leader of Ngāti Whatu-i-apiti, with strong kinship links to Ngāti Kahungunu, Rangitāne, Ngāti Ira and other major hapū groups in Hawke's Bay, visited the Bay of Islands in the late 1830s, and during this visit signed He Whakaputanga on 25 September 1838.³²²

In total, 33 rangatira signed He Whakaputanga on 28 October.³²³ Busby continued to collect signatures up until 1839, the year in which Te Wherowhero signed.³²⁴ The support of these ariki ensured that 'He Whakaputanga was much more than a Te Tai Tokerau agenda.'³²⁵ Signatories associated with the Te Aho collective of claimants included Pumuka, Te Wharerahi (Patukeha), Te Awa, Whiwhia (Te Kapotai), Ngere, Te Hiamoe, Tamati Pukututu, Te Huhu, Kiwikiwi, Mate, Marupo (Ngāti Kawa), Rewa

³²⁰ Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.759.

³²¹ Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', pp.178-79.

³²² Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.416.

³²³ Phillipson, 'Bay of Islands Māori and the Crown', p.248.

³²⁴ *ibid.*, pp.248-49.

³²⁵ Henare, 'Changing Images', p.194.

(Patukeha), Te Nana, Te Hapuku, Te Heuheu, Eruera Pare Hongi, and Tuai (Ngāre Raumati of Pāroa Bay). Te Kopiri (Ngāti Rangi and Ngāti Hineira chief)

More broadly, the many signatories had kinship ties to each other through strategic marriages, which were intended to defuse disputes and create multiple linkages of whakapapa that would build future alliances and discourage on-going disputes. Almost all Ngāpuhi are multiply-related (karanga maha) kindred (whanaunga) groups. Individuals were free to choose which of many groupings to be part of, or alternatively could form their own kin-based grouping.

The alliance between other tribes and Ngāpuhi, and in particular the relationship between Te Hapuku and Pōmare, Kawiti, and Te Hara, accounts for their support of this Ngāpuhi initiative. Although Busby continued gathering signatures until 1839, internal Ngāpuhi feuding and warfare during 1836-37 discouraged him from attempting to call a 'congress' and experiment with collective action among the signatory chiefs. By the end of 1837, the momentum for collective rangatira action or decision-making appeared to be gone, at least as far as Busby was concerned.³²⁶

Yes indeed what was in the mind of my tupuna.
My days on Papatuanuku are numbered
She sighs to me, and soon I will breathe my last
For my weary body cries for rest
But I cannot . . . Wait! Where indeed is this Queen I pledged to support?
Can you imagine that!
Who in their right mind would promise
To work together in harmony with another?
That they have only heard about,
But have never ever set eyes on
It happened, and I regret it to this day.
In the beginning I went and covered it over
The flagstaff on Maiki
Accompanied by Kawiti and Heke's loyal supporters
I spread out the land for it to rest upon
And as parent for our becoming one,
When the flagstaff was set up
I spoke these words
'Let this be a symbol of union
By which to acknowledge the queen
And also Te Tiriti o Waitangi
In all my 80 years residing on Papatuanuku
Te Tiriti o Waitangi is the only reality
And nothing else matters !
The two never did jell, did they !
Or unite, or form a partnership together
Or become one, as promosed,

³²⁶ Phillipson, 'Bay of Islands Māori and the Crown', pp.248-49.

No, it was all a farce
Of absurd and ridiculous proceedings
“for, there is no honour among thieves”
They came to steal our lands, our rangatiratanga,
Our mana, our dignity, our well-being.
And, to destroy our tikanga and our very existence.
The missionaries who came breathing God’s name,
God must have been on holiday
To not see them stealing our lands
As if stealing wasn’t enough,
The lies they told our people,
In the name of their god
Our own people should have stayed
With our own god Io
Where they were granted loyalty
They who told our people
To worship on a Sunday
Then conveniently, forgot to tell their own!
And then, to commit the worst crime of all
The enticing away of my father. Kawiti
From his place of safety
To live with them
To worship with them
To learn about their god
So that he would not die a heathen
When his time was up
He, who had no natural resistance,
Died from their disease
The dreaded measles !
Was that their true intention ?
To deprive my father of a warriors death
And then almost jokingly, write about,
his dying of the measles
As not being an appropriate death
For a man of his calibre.
For that, I will not forgive you tauiwi
I despise you for depriving my father
Of a warrious well earned farewell.
He died alone instead, with no one to weep over him
His people were kept apart from him
For fear of their own lack of resistance
To ‘your’ hateful disease,
For that, I will not ever, Forgive you
I despise you all for your calculating
And despicable minds, and your land even hands !
As for your queen, she wouldn’t know what atawhai was
even if it hit her in the nose
the governors thought they could govern by a mere name,
but we soon put them in their place.

What was in the minds of the tūpuna?

For Ngāti Hine, the effect of He Whakaputanga as at 1835 has never been in doubt. It was the affirmation by the King's representative (and later the King himself) of the mana or sovereign power of the Chiefs, and the mutual commitment to a relationship under which the chiefs would protect the King's subjects coming to New Zealand and the King would, in turn, protect and assist the Chiefs in fending off any challenges to their mana or authority.³²⁷ The starting point was the enduring relationship with the King established by Hongi Hika and rangatira Waikato.

He Whakaputanga embodies the thinking and aspirations of their tūpuna. It is not seen as something arriving unilaterally from Busby. It embodies Māori aspirations, thoughts that "blossomed from the brains of Māori", arising from those deep-seated levels of thinking, termed Te Mahara and Te Hinengaro, whereas Te Tiriti came from Te Āhua, the form. As Erima Henare explained in his brief of evidence:

... e kōrero ana ki ngā mihinare; *I te tuatahi i tae mai koutou ngā mihinare, whai muri mai i a koutou ko Te Pūhipi, whai muri mai he tāhae.* Na ngā tūpuna te whakaaro o te ie ko te Kaupapa kei muri i Te Whakaputanga, anei ko ngā uri e noho atu nei. Ehara na tauwiwi. He mea hōu tēna kia Ngāpuhi. Koia e ū tonu nei te nuinga o Ngāpuhi ki Te Whakaputanga. He whakaaro i puta mai i ngā roro o ngā kaumātua i tērā wā.

If it is indeed Busby and Clendon who are credited with the Declaration then it needs to be noted that the thought and essence behind it belongs to the ancestors of the descendants who sit here today. Not the Pākehā. That is new to Ngāpuhi (that the Declaration was a Pākehā construct). That is why most of Ngāpuhi cling to He Whakaputanga. A thought that blossomed from the brains of Māori.

This understanding is reinforced by a comparison between the Māori wording in He Whakaputanga and Te Tiriti, the latter being less congruent with the Māori form of expression of the time.

Kawiti signed both He Whakaputanga o te Rangatiratanga o Nu Tireni in 1835 and Te Tiriti o Waitangi in 1840; his sons Taura and Te Kuhanga (Maihi) both signed Te Tiriti. Maihi Kawiti wrote extensively about He Whakaputanga and Te Tiriti. On 21 March 1888 Maihi spoke at a meeting of Te Whakaminenga o Ngā Rangatira held at Te Tii on the occasion of the opening of the new house named Te Tiriti o Waitangi,

³²⁷ Closing Submissions for Te Rūnanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.25.

and in this speech he explained his understanding of what he and his father had signed.³²⁸

And so I present to you the document of 1835 sent to William the Fourth, King of England that led to Te Tiriti o Waitangi. May I briefly explain. This is the first declaration by the Māori people of New Zealand. This which was signed by Rangatira being an agreement to vest in King William our guardianship of the Māori people through the infancy of their association with his benevolence and his presentation of the “Flag”, to the Rangatira of New Zealand. From the establishment of that flag there were many infractions right up until the year 1840 and Te Tiriti o Waitangi came into being. And so I ask, how did we come to possess the authority of this Tiriti o Waitangi, or was it given to us. I say it was derived from this assembly and the agreement written here and signed by them in the year 1835. That is why I have raised it, to bring clarity.

He Whakaputanga was an affirmation by the rangatira of their authority. The flag and Te Tiriti were articles entrusted to protect the Māori people. The authority came from the assembly of Rangatira who sent the 1835 Declaration to the King. Maihi’s concluding remarks referred to He Whakaputanga, which stated that:

The sovereignty over the mana whenua of the assembly of Rangatira of New Zealand shall be said to rest only with the Rangatira of this assembly.

However, Maihi added that the authority of Te Tiriti o Waitangi, while coming from the Assembly of Chiefs (Te Whakaminenga) who signed He Whakaputanga, was not the sole authority; other tribes have their own mana, and may join this Assembly.

Ngāti Whātua understandings of He Whakaputanga and Te Tiriti have been put before the Tribunal on several other occasions for the Ōrākei, Te Roroa and Kaipara claims. They were submitted in summary form to the Ngāpuhi hearings because some of their tūpuna signed Te Tiriti at Waitangi (Te Ahu) and Mangungu (Te Pana Ruka, Mate and others). The Kaipara rangatira are reported to have signed at Kororāreka on 15 April 1840, and Tīrarau in Te Pe-o-Whairangi on or about 13 May 1840, together with Kawiti, with the encouragement of Pōmare II. The alliance between Kawiti, Pōmare and Tīrarau make the Ngāti Whātua submissions relevant to the Te Aho claims. And also through whakapapa connections (set these out or point to them in the body of the report) and the relationship due to the placing of Mate Kairangatira of Ngāti Hine with Ngāti Whātua which is described below.

³²⁸ Closing Submissions for Te Rūnanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.28-9.

Tame Te Rangi first gave some background to He Whakaputanga, which is a necessary prerequisite for understanding Ngāti Whātua intentions.³²⁹ The important events of the nineteenth century for them were: the creation of Te Whakaminenga, and the battles that occurred between Ngāti Whātua and Ngāpuhi. The significant battle for Ngāti Whātua was at Moremonui in 1807 where Ngāpuhi were defeated and lost several of their leaders, although Hongi Hika escaped unscathed.

However, Moremonui started a series of battles that culminated in 1825 at Te Ika-a-Ranganui, where Ngāpuhi avenged Moremonui and Ngāti Whātua suffered profound losses. Consequently Ngāti Whātua numbers and leadership were severely reduced just before the period of increasing contact and He Whakaputanga and Te Tiriti.

This event had an impact on the decisions Ngāti Whātua took in relation to He Whakaputanga and Te Tiriti. The significance was Ngāti Whātua's need to create alliances so that they could move forward to recover their ancestral lands.

Rangatira in the northern part of the Ngāti Whātua rohe created an alliance with Kawiti, which resulted from the desire of Kawiti for peace following Te Ika-a-Ranganui. A relation of Ngāti Whātua, Kawiti provided refuge, and later escorted Ngāti Whātua back to the Kaipara. He also sent Mate Kairangatira of Ngāti Hine to live with them, and some Ngāti Whātua lived at Mangakāhia, where Kairangatira came from.

He Whakaputanga establishes a further, strongly worded statement in the conversation between tāngata Māori and tāngata Pākehā; it also 'represents a beginning of a process of political, economic and social transformations that would permeate the rest of the nineteenth century.'³³⁰

Key pre-Treaty events 1835 – 1840

The 'Long Conversation'

The signing of Te Tiriti, much like the process that surrounded He Whakaputanga, needs to be seen in the same context of the series of political and diplomatic events already described.³³¹ While many sources locate agency for bringing about these political actions in the hands of individuals such as Henry Williams, James Busby,

³²⁹ Amended Brief of Evidence of Tame Te Rangi, Wai 1040, #B36(a), 17 June 2010.

³³⁰ Henare, 'Changing Images', p.196.

³³¹ Carpenter; Henare, 'Changing Images'; Henare, 'Māori Leaders' Assembly.'

and William Hobson, Māori oral traditions give a different perspective, situating agency with Māori, and in particular, Te Whakaminenga – the confederation that first met in 1816.³³² Partnership between Māori and the Crown, as formally articulated in Te Tiriti, was not a new idea;³³³ this concept had been developing since the early nineteenth century.³³⁴ But different political interpretations persisted. Seen as the beginning of the ‘long continuum’³³⁵ or ‘long conversation,’³³⁶ Ngāpuhi understandings are that, ‘The King promised friendship and protection, and that his subjects would not harm Māori, in return for Hongi’s promise to protect the missionaries and never to kill British subjects. The King also warned against letting British troops into New Zealand, and promised that the country was to be under Māori authority forever.’ On the other hand, ‘According to European commentators, however, the meeting was an innocuous formality with an exchange of pleasantries.’³³⁷

A significant result of He Whakaputanga was ‘recognition by the Crown of its (loose) alliance and friendship with the chiefs, and of the independence of New Zealand under their authority.’³³⁸ This burgeoning concept of alliance and friendship was symbolically recognised in renaming of rangatira during the late 1830s. Wharerahi took the name King George, while Hakiro (son of Tāreha), a generation younger, assumed the name King William.³³⁹ In doing so, rangatira marked themselves as in relationship with the British Crown, embodied in the personages of George IV, William IV, and then in Queen Victoria, successor to the relationship. This kind of name change or exchange was seen across Polynesia as attesting to the close relationship between two people.³⁴⁰ Other rangatira used renaming later to signify a special relationship with the Government and the Crown’s local representatives, such as Te Ruki Kawiti’s son, Maihi Kawiti’s adoption of the name Browne or Paraone, in 1860, to indicate a relationship with the Governor of the time, Gore Browne.³⁴¹ To

³³² Cox, p.43; Henare, ‘Changing Images’, p.225; Phillipson, ‘Bay of Islands Māori and the Crown’, p.257.

³³³ Henare, ‘Changing Images’, p.226.

³³⁴ Phillipson, ‘Bay of Islands Māori and the Crown’, p.254.

³³⁵ *ibid.*, p.256.

³³⁶ Henare, ‘Changing Images’, p.160.

³³⁷ Phillipson, ‘Bay of Islands Māori and the Crown’, p.254.

³³⁸ *ibid.*, p.255.

³³⁹ *ibid.*

³⁴⁰ For example, see Salmond, *Between Worlds*, p.384; Anne Salmond, *Aphrodite’s Island: The European Discovery of Tahiti*, Auckland, 2009, pp.33-4, 253, 282, 286, 328, 417.

³⁴¹ Ralph Johnson, ‘The Northern War 1844-1846’, *An overview report commissioned by the Crown Forestry Rental Trust*, 2006, p.406.

Māori, 'the act of naming is a ritual that calls up the mauri of what is being named',³⁴² which indicates the relational importance and political symbolism.

This long-standing relationship had obligations for both sides. The Crown needed to honour its part in the agreement.

Te Whakaminenga and hapū politics

Despite the stated intention in He Whakaputanga to bring Te Whakaminenga together annually, local tensions disrupted the confederation. Another stumbling block might have been the idea of being bound by 'collective decisions to undertake concerted actions' and to 'abide by and implement the will of the coalition.'³⁴³ A long-term affiliation to a superior political body or leader might have been too difficult for traditional hapū polity. Manuka Henare, however, argues against a simplistic Modernist interpretation of history, in which 'nations and nationalism [are] inventions of European experience and intellect'.³⁴⁴ Therefore, it is important to consider the hapū politics of the 1830s.

The outbreaks of violence and underlying tensions, along with increasing numbers of European settlers, who were beyond any recognisable jurisdiction or control, were factors that led to Māori wanting Pākehā to manage their own affairs. During the 1837 interaction, 131 Ōtūihu Pākehā fought alongside Pōmare against Titore and Heke at Kororāreka. During this, they apparently plundered the home of Captain Wright. One of these, James Doyle, was arrested and taken to Sydney for trial where defence lawyers subpoenaed Henry Williams to give evidence.³⁴⁵ This resulted in Doyle's conviction and execution in Sydney in December 1837. The Sydney trial interrupted Williams' mission work for around three months, no doubt influencing his view that greater British involvement in New Zealand was necessary. Hobson's report, Busby's dispatches and missionary concerns led to eventual British intervention in New Zealand.³⁴⁶

By 1839, Ngāpuhi understood that political change was imminent: 'a consensus was emerging among Māori leaders that something else needed to happen.'³⁴⁷ News that William Hobson would be appointed 'consul' of the country had reached Nu Tireni.

³⁴² Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.84.

³⁴³ Cox, p.199.

³⁴⁴ Henare, 'Changing Images', p.158.

³⁴⁵ Rogers, p.136.

³⁴⁶ Ballara, 'Pōmare'; Carpenter, pp.117, 134.

³⁴⁷ Henare, 'Changing Images', p.225.

New political institutions were anticipated, such as developing Te Whakaminenga further, perhaps naming a King, or accepting a greater British/Crown presence, including a kawana and soldiers. Through on-going dialogue with Busby and missionaries, Māori understood the need for change and thought that ‘the offer ... was that ... Queen Victoria and her government would continue to help Māori set up a civil society’,³⁴⁸ the emphasis being on continuation. In 1839 Hakiro Pakira of Ngāti Rehia held a hui with other Waimate chiefs to debate accepting Christianity, and establishing permanent peace with Pōmare (Ngāti Manu) and Kawiti (Ngāti Hine). At this hui, they considered the possibility of choosing a king, Hakiro taking a letter to Busby that suggested Busby take this role. Busby rejected this approach, insisting that ‘the authority must be in the confederation of chiefs.’³⁴⁹ He also discouraged the chiefs from selecting one of their own; Phillipson suggests probably because such a political figurehead would interfere with British plans for Hobson to be consul, or governor. (He had been offered the role in late 1838)

Te Tiriti o Waitangi

Premise and text

In February 1839, the British Secretary of State, Lord Glenelg, resigned his replacement, Lord Normanby,³⁵⁰ promoted the ‘idea that the whole of New Zealand should be acquired’ and colonisation should be actively pursued.³⁵¹ The Crown’s intentions for vigorous colonisation were clearly outlined in Normanby’s instructions to Hobson,³⁵² who was to obtain Māori cession of sovereignty over ‘the whole or any parts of New Zealand.’ A clear discrepancy existed between these stated intentions of colonisation and what was presented at Waitangi on 5 February 1840 as formalising a benevolent and protective relationship between Crown and Māori.

As the Crown had previously recognised the sovereignty of Māori over Nu Tireni, Normanby considered obtaining Māori cession of sovereignty to the British Crown to be an essential part of ‘the Treaty.’³⁵³ In particular, the signatures of those rangatira who previously signed He Whakaputanga were required. Hobson’s preamble to Te

³⁴⁸ *ibid.*

³⁴⁹ Phillipson, 'Bay of Islands Māori and the Crown', p.253.

³⁵⁰ Peter Adams, *Fatal Necessity: British Intervention in New Zealand 1830-1847*, Auckland, 1977, pp.142-47.

³⁵¹ Phillipson, 'Bay of Islands Māori and the Crown', p.255.

³⁵² Adams, pp.126, 153-57; Henare, 'Changing Images', p.226; Phillipson, 'Bay of Islands Māori and the Crown', p.267.

³⁵³ *ibid.*, p.153; Phillipson, 'Bay of Islands Māori and the Crown', p.268.

Tiriti refers to 'te wakaminenga o ngā hapū o Nu Tireni', the confederation that had signed He Whakaputanga. Events from 1820, through the Rangatira letter to William IV and He Whakaputanga were clearly precedents to Te Tiriti.³⁵⁴

Henry Williams' role, along with that of his son Edward, as translator of Hobson's English draft into what became Te Tiriti has come in for much analysis and criticism,³⁵⁵ some suggesting that Williams was a poor translator, others arguing that he purposefully mistranslated the concept of sovereignty in order to ensure success in obtaining Māori consent to Te Tiriti. Many have argued that, had the rangatira who signed Te Tiriti understood they were ceding sovereignty, there would have been no signatures on the parchment.³⁵⁶

Texts and Translations

In 1865, in a debate over the Treaty of Waitangi in the House of Representatives, James Edward Fitzgibbon argued that, 'if this document was signed in the Māori tongue, whatever the English translation might be had nothing to do with the question. Moreover, Governor Hobson might have wished the Māori to sign one thing, and they might have signed something completely different. Were they bound by what they signed or by what Captain Hobson meant them to sign?'³⁵⁷ These differences between Te Tiriti, signed by Māori, and the English-language draft have led to 'chaotic misunderstandings' of the documents.³⁵⁸

Sir James Henare raised the same discrepancies in translation:

And lots of people and including some historians ... seem to infer that those Chiefs did not know what they were signing. They knew what they were signing, reading the Māori version. But when it came to sovereignty in the English version what in fact they did sign was giving away all their mana and everything else to the Queen of England which they never believed and never intended to do. And that's quite plain from the signing of the Māori version. That it was the Government and the Governments of their land. Not sovereignty.³⁵⁹

³⁵⁴ Manuka Henare, 'Māori Leaders' Assembly,' p.118.

³⁵⁵ Carpenter; D. F. McKenzie, *Oral Culture, Literacy and Print in Early New Zealand: The Treaty of Waitangi*, Wellington, 1985; Paul Moon and Sabine Fenton, 'Bound into a Fateful Union: Henry Williams's Translation of the Treaty of Waitangi into Māori in February 1840', *JPS* 111, 1, 2002; Mutu, 'Constitutional Intentions'; Orange, *The Treaty of Waitangi*; Phillipson, 'Bay of Islands Māori and the Crown'; Ross; Salmond, 'Brief of Evidence Wai 1040 #A22'.

³⁵⁶ Manuka Henare, 'Changing Images', p.202; Moon and Fenton, pp.51-63.

³⁵⁷ Ross, p.129.

³⁵⁸ *ibid.*, p.132.

³⁵⁹ Sir James Henare, 'Wai 49/0 Evidence to the Court of Appeal 1987', p.13.

Sir James gave Williams the benefit of the doubt, not believing that he would deliberately misinterpret the English translation: 'I am going to be fair – I don't think for one moment that it was a deliberate attempt by Archdeacon Henry Williams. I think it was just a lack of sufficient knowledge of Māori and Māori language.'³⁶⁰ He emphasised the trust and depth of the relationship between the missionary and 'the Chiefs of the Bay of Islands'.

Back translation of Te Tiriti demonstrates the error of Williams' usages of key terms in the translation from English to Māori, as has been clearly demonstrated by historian Dame Anne Salmond and noted linguist Professor Margaret Mutu.³⁶¹ In the first article of Te Tiriti, the principal error lies in the use of 'kawanatanga' as a translation of the English term 'sovereignty', which it clearly was not.³⁶² While rangatira did sign Te Tiriti ceding kawanatanga to the British Crown, as Sir James emphasised, sovereignty was never ceded. According to Salmond's and Merimeri Penfold's, translation of this term into English gives a meaning of 'governorship'.³⁶³

This understanding of kawana and kawanatanga was reinforced by the expert testimony of Bishop Waiohau (Ben) Te Haara, descendant of Te Haara of Ōhaeawai, and former Bishop of Te Tai Tokerau who explains the contemporary Māori usages of the words from Māori texts of the time – largely translations of the Bible and the Book of Common Prayer – 'the meaning of Te Tiriti, as it was signed, needs to be understood in the context of other Māori language documents that were known to Māori.'³⁶⁴ According to Bishop Te Haara,

Those words kawana or kawanatanga are used in about 160 verses of Ko Te Paipera Tapu. The term is most frequently used to mean governor. It is also used to mean deputy, or lieutenant. Kawanatanga is used for province. The nature of authority is in the sense of a subordinate to a higher king, ruler or other official. The power is constrained by geography and authority. It is clearly not the absolute of sovereign power, but an element of sovereignty or qualified sovereignty.³⁶⁵

Similarly, according to back translation of the second article of Te Tiriti, the Queen 'ratifies and agrees to the unfettered chiefly powers of the rangatira, the tribes and all the people of New Zealand over their lands, their dwelling-places and all their valued

³⁶⁰ *ibid.*

³⁶¹ Mutu, 'Constitutional Intentions'; Salmond, 'Brief of Evidence Wai 1040 #A22'.

³⁶² Bishop Waiohau Te Haara, 'Evidence to Wai 1040', Paihia, 2010.

³⁶³ Salmond, 'Brief of Evidence Wai 1040 #A22', pp.18-19.

³⁶⁴ Te Haara, p.3.

³⁶⁵ *ibid.*, p.6.

items.’ In this, a literal translation of ‘tino rangatiratanga’ has become ‘unfettered chiefly powers,’ or, as Salmond and Penfold also suggest, ‘autonomous control.’³⁶⁶

Papapounamu o ngā tūpuna

(Moko of the signatories) Tiriti signatories with links to claimants in the Te Aho Claims Alliance:

Kawiti (Ngāti Hine)

Pōmare II (Ngāti Manu)

Wikitene/Hikitene (Te Kapotai)

Taura (Ngāti Hine)

Te Tawaewae (Ngāti Manu)

Wareumu, son of Te Whareumu of Kororāreka (Ngāti Manu)

Te Matatahi/ Te Manataki (Te Kapotai)

Tawatanui (Te Kapotai)

Kuhanga (Maihi Kawiti), (Ngāti Hine)

Paraha (Ngāti Hine)

Tahua (Hori Kingi Tahua), (Ngāti Manu)

Tipane Toro /Tipene Te Toro (Te Kapotai)

Wakanau /Whakanau/Hokanau (Ngāti Hine)

Takurua & Kuaō (brothers). (Ngāti Rangi /Ngāti Moerewa)

Tamati Pukututu? (Te Uri-o-te-Hawato or Ngāti Rangi of Kawakawa)

Marupo?, Ngāti Kawa and Ngāre Hauata of Pouerua

Ruhe, Ngāti Rangi and Ngāti Hineira chief, the brother of Te Kopiri (Te Uri Taniwha), signatory to He Whakaputanga.

The Signing of Te Tiriti

There are several accounts of the meeting at Waitangi, from official sources such as Hobson’s reports, and from missionary accounts. These have been covered in other

³⁶⁶ Salmond, ‘Brief of Evidence Wai 1040 #A22’, pp.19-20.

reports before the Tribunal and will not be repeated here except to throw light on what was in the minds of the tūpuna.

By Tuesday 4 February Māori began to gather and early on the morning of the 5th moved to Waitangi, where a tent was erected. At midday, when formalities began, Hobson sat at the centre of a raised platform inside the tent, the Catholic Bishop Pompallier having established himself next to Busby on Hobson's left, the CMS missionaries therefore taking Hobson's right side. The rangatira gathered in front of the platform, creating a striking assembly, some 'clothed with dogskin mats made of longitudinal stripes of black and white hair; others habited in splendid-looking new woollen cloaks of foreign manufacture, of crimson, blue, brown and plaid, and, indeed, of every shade of striking colour, such as I had never seen before in New Zealand...' ³⁶⁷ Rangatira carried taiaha with dogskin and feather ornaments, others wore feathers in their hair. Around the edges of the tent were the European settlers and residents, suitably dressed for the occasion.³⁶⁸

Hobson addressed the assembly in English, with Henry Williams translating into Māori. He said that the meeting was convened for the 'purpose of informing the Native chiefs of Her Majesty's intentions towards them, and of gaining their public consent to a treaty now about to be proposed to them. Hobson then read Te Tiriti in English, with Henry Williams reading a draft translation he had prepared in Māori. Following this Busby told the rangatira that 'the Governor was not come to take away their land but to secure them in the possession of what they had not sold.' Sales of land not 'duly acquired from them' would not be confirmed, but returned to them. Suddenly, Te Kemara, a rangatira from Waitangi, stood up and made a speech against the governor and Te Tiriti.³⁶⁹

Rewa of Ngāti Rehia, Ngāi Tāwake and Patukeha then arose, speaking unexpectedly firstly in English: 'How d'ye do, Mr. Governor?', at which the whole company broke into laughter. He then followed with a rejection of the governor. ³⁷⁰

According to Hobson, however, Rewa said: 'Send the man away; do not sign the paper; if you do, you will be reduced to the condition of slaves, and be obliged to break stones for the roads. Your land will be taken from you, and your dignity as

³⁶⁷ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.15.

³⁶⁸ *ibid.*, pp.15-16.

³⁶⁹ *ibid.*, pp.16-18.

³⁷⁰ *ibid.*, p.19.

chiefs will be destroyed.³⁷¹ Rewa's speech was followed by an exchange between Moka, of Ngāi Tawake, and Hobson, over land.³⁷²

Tamati Pukututu

Tamati Pukututu, a signatory to He Whakaputanga, described by Colenso as chief of the Te Uri-o-te-Hawato tribe, or Ngāti Rangi of Kawakawa, spoke next.³⁷³ He was the first of two rangatira from the Kawakawa area to rebut Rewa and Te Kemara's rejections of the governor, advocating that Hobson should stay in order to protect their lands:

This is mine to thee, O Governor! Sit, Governor, sit, a Governor for us – for me, for all, that our lands may remain with us – that those fellows and creatures who sneak about, sticking to rocks and to the sides of brooks and gullies, may not have it all. Sit, Governor, sit, for me, for us. Remain here, a father for us, &c. These chiefs say 'don't sit,' because they have sold all their possessions, and they are filled with foreign property, and they have also no more to sell. But I say, what of that? Sit, Governor, sit. You two stay here, you and Busby – you two, and they also, the missionaries.

The differing responses of the various rangatira that spoke are evidence of the differing relationships rangatira, whānau and hapū had with the missionaries and traders at that time.³⁷⁴ Pukututu - or Tamati Pukenui - of Te Uri-o-te-Hawato still retained his lands, and indicated that he would welcome the offer of protection and the return of other lands unjustly taken by Pākehā. He was followed by the Te Uri-o-Ngongo chief Matiu, who also supported the governor remaining; 'do not go back but sit here, a Governor ... this is my word to thee: do thou sit here, a father for us.'³⁷⁵

Kawiti

Kawiti, of Ngāti Hine, however was of a different opinion from the previous two speakers, according to Colenso's account. He considered questions of authority, foreseeing perhaps the issues of military power:

No, no. Go back, go back. What dost thou want here? We Native men do not wish thee to stay. We do not want to be tied up and trodden down. We are free. Let the missionaries remain, but, as for thee, return to thine own country. I will not say 'Yes' to thy sitting here. What! To be fired at in our boats and canoes by night! What! To be

³⁷¹ Loveridge, p.198 ref570.

³⁷² Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.19.

³⁷³ *ibid.*, p.21.

³⁷⁴ Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.182.

³⁷⁵ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.22.

fired at when quietly paddling our canoes by night! I, even I, Kawiti, must not paddle this way, nor paddle that way, because of the Governor, his soldiers, and his guns! No, no, no. Go back, go back; there is no place here for the Governor.³⁷⁶

Kawiti was followed by Wai, of Ngāi Tāwake, concerned about trade and unfair prices Māori often received for their goods.

Pumuka

Pumuka of Te Roroa, based around Te Haumi, supported the kawana remaining, the first chief of 'major importance' to do so:³⁷⁷

Stay, remain, Governor; remain for me. Hear, all of you. I will have this man a foster-father for me. Stay, sit, Governor. Listen to my words, O Governor! Do not go away; remain. Sit, Governor, sit. I wish to have two fathers – thou and Busby, and the missionaries.³⁷⁸

Phillipson raises the possible issue of Pumuka becoming the kawana's whangai as significant, 'expressive of the close personal relationship that was considered necessary between the two forms of authority, the governor's and the chiefs.'³⁷⁹

Pumuka was followed by Wharerahi of Patukeha hapū, who supported Pumuka and the governor. Wharerahi, the older brother of Rewa and Moka, who had earlier opposed the Treaty, often took the role of peace-maker and mediator amongst Ngāpuhi hapū.³⁸⁰ He suggested the role of the governor as a peacemaker:

Is it not good to be in peace? We will have this man as our Governor. What! turn him away! Say to this man of the Queen, Go back! No, no.

The speeches of Pumuka and Wharerahi helped to turn the tide in favour of the governor's presence, but not necessarily in terms of acceptance or rejection of Te Tiriti.³⁸¹

At this point, there was a bustle in front of the dais as a space was cleared for Hakiro and Tāreha to 'make their running speeches in, a la Nouvelle-Zelände', in the style of traditional whaikōrero.³⁸² Hakiro, son of Tāreha, spoke next, rejecting the governor.

³⁷⁶ *ibid.*

³⁷⁷ Salmond, 'Brief of Evidence Wai 1040 #A22', p.45.

³⁷⁸ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.23. Colenso, 1890, p.23.

³⁷⁹ Phillipson, 'Bay of Islands Māori and the Crown', p.291.

³⁸⁰ *ibid.*

³⁸¹ Salmond, 'Brief of Evidence Wai 1040 #A22', p.45.

³⁸² Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.24.

Then Tāreha, 'clothed with a filthy piece of coarse old floor-matting, loosely tied around him, such as is used by the commonest Natives merely as a floor-mat under their bedding then stood up and told the governor to 'make haste away. Let me see you all go, thee and they ship. Go, go; return, return.'³⁸³ Tāreha accompanied his speech with the gestures of traditional whaikōrero, and held up a bundle of fern root to display as a sign that he and his people were in no need of the temptations of 'baits of clothing and food,' as his dress also indicated. The opinions and oratory of Tāreha, a large, powerful chief, had a visible effect on his audience. However, his desire for the governor to go was contradicted by the next five speakers.³⁸⁴ Hakatira of the Rawara [Te Rarawa] also supported the governor remaining. Then brothers Tamati Waka Nene and Eruera Maihi Patuone spoke in support of the governor. Patuone

..spoke at length in favour of Mr Hobson, and explained, by bringing his two index fingers side by side, that they would be perfectly equal, and that each chief would similarly equal with Mr Hobson. Then they broke up without deciding anything.³⁸⁵

Buick's account indicates that Patuone regarded the 'father' role for the Governor as ensuring 'that the French have us not.'³⁸⁶

Te Kemara ended as he started.³⁸⁷ Kōrero about Te Tiriti however continued over the night of the 5th. That evening, the missionaries all supported the signing of Te Tiriti and tried to persuade the rangatira towards this course of action.³⁸⁸ Sir James Henare gives a slightly different version of these events. He stated that Hobson told the rangatira to take their time considering Te Tiriti, the Māori language version they were given, that they could have a week even to come to a decision. They retired to the Waitangi Marae, where they spent the night debating the issue.

So in the early hours of the morning of the 6th they finally arrived at a consensus – they would sign the Treaty. Then, the old kaumatua, decided that the Chiefs from the Treaty of Waitangi Council were to get up and offer token opposition to the Treaty on the morning of the 6th. Captain Hobson wasn't aware that the Chiefs had agreed to sign the Treaty. ...³⁸⁹

³⁸³ *ibid.*, pp.24-5.

³⁸⁴ *ibid.*, p.26.

³⁸⁵ T. Lindsay Buick, *The Treaty of Waitangi; How New Zealand Became a British Colony*, 3rd edn, New Plymouth, 1936, p.144.

³⁸⁶ *ibid.*, p.145.

³⁸⁷ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.28.

³⁸⁸ Salmond, 'Brief of Evidence Wai 1040 #A22', pp.9, 54-5.

³⁸⁹ Henare, 'Wai 49/0 Evidence to the Court of Appeal 1987', p.9.

Thursday 6 February 1840

When Hobson was told the next morning that the rangatira were ready to sign, he hurriedly put on his captain's hat but remained in his civilian clothes. Henry Williams then read the copy of Te Tiriti that had been transcribed onto parchment. Pompallier however wanted a point addressed about the toleration of different religions, which was written down on a 'slip of paper', including 'me te ritenga Māori hoki' – also Māori custom, or usage, on Colenso's insistence.³⁹⁰ The rangatira were then called to come forward and sign Te Tiriti, but as no-one moved, Busby resorted to calling out names one by one, the first on his list being Hone Heke, known to support the governor and Te Tiriti.

Colenso was concerned that the assembled Māori did not understand 'the articles of the treaty which they are now called upon to sign.'³⁹¹ After exchanges between Hobson, Busby, and Colenso, Hobson curtailed this discussion.

Heke then signed Te Tiriti, followed by several others. This was interrupted by a running challenge from Marupo, the Ngāti Kawa and Ngāre Hauata chief of Pouerua, who also had interests at Waitangi, and Ruhe, a Ngāti Rangī and Ngāti Hineira chief, the brother of Te Kopiri, signatory to He Whakaputanga.³⁹² These two both made long speeches against the signing of Te Tiriti. Marupo was 'stripped naked to the loins, and continued his oratory and gestures until he was exhausted.' The opposition that was given, Sir James Henare said, was just 'token' opposition. Both these two later signed the parchment, as did Te Kemara, who had spoken out so much against the governor.³⁹³

A total of 45 signatures were obtained on 6 February. Chiefs representative of claimant hapū who affiliate to the Te Aho Claims Alliance who signed that day, but are not mentioned in Colenso's account, include:

- Wikitene/Hikitene (Te Kapotai)
- Taura, son of Kawiti (Ngāti Hine)
- Te Tawaewae (Ngāti Manu)

³⁹⁰ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.31; Salmond, 'Brief of Evidence Wai 1040 #A22', p.55.

³⁹¹ Loveridge, pp.206-07.

³⁹² Phillipson, 'Bay of Islands Māori and the Crown', p.300.

³⁹³ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.34.

- Wareumu, son of Te Whareumu, formerly of Kororāreka (Ngāti Manu)
- Te Matatahi/ Te Manataki (Te Kapotai)
- Tawatanui (Te Kapotai)
- Kuhanga (Maihi Kawiti), (Ngāti Hine)
- Paraha (Ngāti Hine)
- Tahua (Hori Kingi Tahua), (Ngāti Manu)
- Tipane Toro /Tipene Te Toro (Te Kapotai)
- Wakanau /Whakanau/Hokanau (Ngāti Hine)
- Takurua & Kuaō (brothers), (Ngāti Rangī /Ngāti Moerewa)

On Monday 10 February Hobson and his entourage went on to the Waimate mission and from there to Mangungu in the Hokianga, where more signatures were obtained. In April (27th – 28th), further signatures to Te Tiriti were obtained at Kaitaia. It was here that Nōpera Panakareao of Te Rawara made his famous statement that ‘the Shadow of the Land goes to the Queen, the substance remains to us.’³⁹⁴ During dinner, after signing Te Tiriti, Panakareao told the Europeans of a conspiracy ‘formed by some Ngāpuhi chiefs who had not signed the Treaty of Waitangi, especially one named Kawiti who resides on the Kawakawa’, to force the governor to leave.³⁹⁵ There was also talk of killing the governor. Hobson and his party had heard rumours of the same ‘conspiracy’ when they were at Waimate.

Later Signatories from Te Aho Alliance Hapū

Pōmare II

As Pōmare II (Whetoi) is not mentioned in Colenso’s account of Te Tiriti discussions and signing, it seems unlikely that he was present at Waitangi. Pōmare signed Te Tiriti on 17 February.³⁹⁶ This might have taken place on board the *Herald*, after Hobson and his party had returned from the Mangungu assembly, which they left on February 14, ‘to their ship’ at the Bay,³⁹⁷ or it might have been at Okiato, the new seat of government on land that Pōmare ‘sold’ to Clendon, who onsold it to Hobson in

³⁹⁴ Salmond, ‘Brief of Evidence Wai 1040 #A22’, p.82.

³⁹⁵ *ibid.*, p.83.

³⁹⁶ Ballara, ‘Pōmare II’ ; Abel D. W. Best, *The Journal of Ensign Best, 1837-1843*, Nancy Taylor, Wellington, 1966, pp.219-20, 408.

³⁹⁷ Colenso, *Authentic and Genuine History of the Treaty of Waitangi Signing*, p.36.

April 1840.³⁹⁸ Clendon witnessed Pōmare's signature and dated the event. Pōmare's signature was placed above Heke's, the first to sign on 6 February. Ensign Best, on board the supply ship *Buffalo*, described the Okiato 'establishment' when he arrived there at the end of April 1840, as it had been under Clendon's tenure:³⁹⁹

The Govt Establishment at Okiato consists of a capital house intended for the Governor, a large three storey Store, a barrack for the Mechanics (70 in number) a workshop and Forge 2 small houses for Govt Officers and a number of less important buildings, sheds, etc etc. There is also a small pier and wharf in front of the Store.

Although most sources state that at the time he signed Te Tiriti, Pōmare promised to persuade Tirarau and Kawiti to sign also, according to Best, this promise was made at a meeting some time in late April, or possibly early May (before May 3 when Bunbury left in the *Herald*, taking Te Tiriti, to the south) when Hobson invited 'several of the principal Chiefs residing about the Bay to a Korero [sic].' At this meeting, attended also by Clendon, Major Bunbury, and Captain Lockhart, Pōmare made an impression on Best. The talk was mainly concerned with Te Tiriti. Pōmare promised to bring not only Tirarau and Kawiti to sign, but also 'all the principal Chiefs for many miles around.'⁴⁰⁰ Pōmare told the Governor that he would give him three years to see if he would prove as good a friend as Clendon had been. Gift-giving and the generous distribution of wealth was expected of Hobson, being a great chief. Clendon told Pōmare that Hobson would be a 'kind' friend, and Pōmare spoke in no uncertain terms that the Governor must give gifts and distribute wealth to Māori, as was expected of such a chief.⁴⁰¹ This can be interpreted as 'he whakaaro rangatira no tua iho', translated as 'an hereditary aristocratic feeling.'⁴⁰²

This is supported by a conversation Charles Wilkes had with Pōmare at the time the treaty was signed:

In the interview I had with Pōmare, I was desirous of knowing the impression it had made upon him. I found he was not under the impression that he had given up his authority, or any portion of his land permanently; the latter he said he could not do, as it belonged to all his tribe. Whenever this subject was brought up, after answering questions, he invariably spoke of the figure he would make in the

³⁹⁸ Best, *Journal of Ensign Best*, p.409. Best, however says that Hobson moved from Paihia to Okiato on 13 May 1840.

³⁹⁹ *ibid.*, p.219; R. Ross, *New Zealand's First Capital*, Wellington, 1946, pp.33-4, 39-48.

⁴⁰⁰ Best, *Journal of Ensign Best*, p.220.

⁴⁰¹ Phillipson, 'Bay of Islands Māori and the Crown', p.313.

⁴⁰² *ibid.*

scarlet uniform and epaulettes that Queen Victoria was to send him, and 'then what a handsome man he would be!⁴⁰³

Strongly held as this understanding was, a number of rangatira who signed Te Tiriti in February and March were having misgivings.

Hobson reassured the rangatira of the protective role of the British Crown and that their lands would not be lost; Nene also affirmed his belief in the English, while Heke himself said he and his 'tribe' would defend the Governor from any attack. At this point Heke and Nene were united in their defence of the Kawana and Te Tiriti.

Kawiti and Tirarau

Although Kawiti had spoken vigorously against Te Tiriti on 5 February, Pōmare's promised persuasion must have had effect. Ensign Best's undated journal entry describes the meeting when Pōmare brought Kawiti, Tirarau and Tirarau's brother and son to sign Te Tiriti. Tirarau was Te Parawhau, Te Uri-o-Hau and Ngāpuhi, who, with other rangatira from this hapū, had signed He Whakaputanga.⁴⁰⁴ According to Orange, this took place in the second week of May, but must have been before 13 May, as Hobson had not yet moved from the *Herald* to Okiato, and was 'rec'd on landing from his boat by a Guard of Honor' commanded by Best. Tirarau and those with him signed Te Tiriti 'willingly',⁴⁰⁵ although Kawiti was obviously still not well disposed towards the governor or his document:

When the chiefs began to sign Kowetti [Kawiti] was exceedingly violent and intractable he said that he should not sign away his land and thought that the Governor might as well wait for, said he, we are all dying and the Mauri will soon cease to exist when I was young all our houses were full now they are empty let the Pachia [Pākehā] wait a short time and then the land will be theirs for we will have passed away.⁴⁰⁶

At the Kaitaia assembly of Te Tiriti signatories (27-28 April), Hobson had been told of a rumour that Kawiti was planning to kill him and oust all Pākehā from the country. Hobson asked Kawiti if he had not 'tried to raise the Northern tribes against the Queen' and why.⁴⁰⁷ Kawiti replied that this was the case, according to Best, because

⁴⁰³ Charles Wilkes, *Narrative of the United States Exploring Expedition During the Years 1838, 1839, 1840, 1841, 1842*, 5 vols., vol. II, London, 1845, p.376.

⁴⁰⁴ Orange, *The Treaty of Waitangi*, p.83.

⁴⁰⁵ Best, *Journal of Ensign Best*, p.222.

⁴⁰⁶ *ibid.*, p.221.

⁴⁰⁷ *ibid.*; Anne Salmond, 'Submission for the Waitangi Tribunal: Muriwhenua Land Claim Doc#F19', Auckland, ca 1992, p.25.

he had not been given any tobacco at Waitangi. Orange notes that the real reason for his 'antagonism and his subsequent about-face' was not clear.⁴⁰⁸ The reason might in fact have been the lands that he had already lost at Kawakawa, without his consent.

Like Pōmare, Kawiti and Tirarau signed above Heke. The three signatures appear together with their distinctive tohu, all symbols with three elements, just as the three men stood together as a tripartite group – rangatira of Ngāti Manu, Ngāti Hine and Te Parawhau, respectively. The tohu represent sky, water and Papatūānuku. Tirarau's is Te Taki-o-Autahi (the Southern Cross), Pōmare's is Ngā Wai Āta Rere (the meeting/confluence of three rivers), Kawiti's koru represents Te Whānautanga o te Ao (the birth of the world).⁴⁰⁹

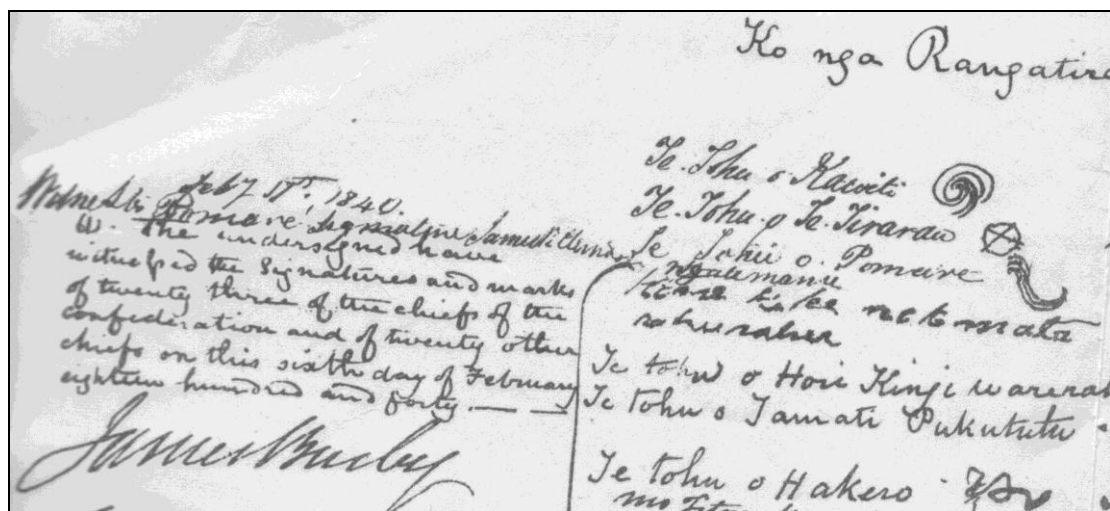


Figure 49: Tiriti tohu of Kawiti, Tirarau, Pōmare

Kawiti's ambivalence about Te Tiriti remained, and his doubts grew until events of 1845 led him to take up arms against the governor.

Te Hapuku

Te Hapuku, of Ngāti Kahungunu, 'undisputed principal chief' of the Ahuriri district, was one of this hapū who was closely aligned with Ngāti Manu, as was Te Mauparaoa.⁴¹⁰ Te Hapuku also lived at Mahia but was a 'frequent visitor' to Te Pe-o-whairangi, where he was allied with Pōmare and Kawiti; another Ngāpuhi ally was Te Haara, of Ōhaeawai.⁴¹¹ During a visit to the Bay of Islands, Te Hapuku had signed He Whakaputanga on 25 September 1838. In view of this, it was seen as important that

⁴⁰⁸ Orange, *The Treaty of Waitangi*, p.83.

⁴⁰⁹ Hui, Kawiti Marae, Waiomio, 13 May 2011.

⁴¹⁰ Orange, *The Treaty of Waitangi*, p.81.

⁴¹¹ Henare, 'Changing Images', p.195.

his signature to Te Tiriti should be obtained. ⁴¹² The chief at first refused to sign, arguing that those who had were now the Queen's slaves. Still Te Hapuku did not sign until Te Haara, his Ngāpuhi companion advised him to do so.⁴¹³

Te Heuheu

Iwikau, the second surviving son of Herea, the first Te Heuheu Tukino, and the child of Rangiaho of Ngāti Maniapoto, was born late in the eighteenth century. He lived at Waihi, at the southern end of Lake Taupō, where he met Henry Williams at the end of December 1839, when the missionary was on his return journey overland to the Bay of Islands. Iwikau travelled with Williams back to the Bay of Islands, accompanied by Te Korohiko. In the Bay, both Iwikau and Te Korohiko signed Te Tiriti.⁴¹⁴

Iwikau and Te Korohiko were impressed with the hospitality and generous entertainment they received from Pōmare II and Kawiti when they visited Tapeka in the Bay of Islands. This hospitality was more than a mere welcome to visitors, rather, it was calculated to further the friendship and good relationship that had been created between Ngāpuhi and Ngāti Tūwharetoa a few years earlier. The level of goodwill was strengthened and symbolised when Ngāpuhi rangatira travelled to Rotorua to obtain signatures on Te Tiriti o Waitangi, and they returned with Te Heuheu's eldest son, Te Waaka. This boy lived with Tamati Waka Nene for two years and adopted that rangatira's second name when he returned home.⁴¹⁵ Iwikau commemorated his time in Te Pe-o-whairangi by building an ornamented house he named Tapeka, after the place near Kororeka where he had stayed.⁴¹⁶

Te Wherowhero

Although there had been enmity between Ngāpuhi and Tainui in the eighteenth and early nineteenth centuries, peace was made between the two peoples in the 1820s, confirmed by the marriage of Rewa's daughter, Matire Toha, to Kati, a close relative of Te Wherowhero. Through this alliance, Te Wherowhero became a signatory to He Whakaputanga.⁴¹⁷ In March 1840, W. Symonds took Te Tiriti to Manukau, to 'Tainui and others', to obtain more signatures. Rewa, who was also present, 'exerted all his

⁴¹² Orange, *The Treaty of Waitangi*, p.81.

⁴¹³ Angela Ballara, 'Te Hapuku ? - 1878', DNZB, updated 22 June 2007, Original publication, Vol.1; Alan Ward, 'Brief of Evidence Wai 1040', 2009, pp.88-9.

⁴¹⁴ Elizabeth Hura, 'Te Heuheu Tukino III, Iwikau ? - 1862', DNZB, updated 22 June 2007. Original publication, Vol.1.

⁴¹⁵ Henare, Petrie, and Puckey, 'Northern Tribal Landscape', p.415.

⁴¹⁶ Hura, 'Te Heuheu Tukino III, Iwikau'.

⁴¹⁷ Henare, 'Changing Images', p.194.

influence' against Symons and Te Tiriti,⁴¹⁸ Te Wherowhero being amongst those who refused to sign. Rewa continued his opposition to the document although he had actually signed it himself.

Table 2: Rangatira who signed 1831 & 1835 documents or chose Te Kara⁴¹⁹

Rangatira	Location	Hapū	1831	1834	1835	1840 ⁴²⁰
(Hori Kingi) W(h)arerahi	Pāroa	Ngāi Tāwake, Ngāti Tautahi, Te Patukeha, Te Uri-o-Ngongo	√	P ⁴²¹	√	√
Rewa (Manu) (brothers)	Waimate	Ngāi Tāwake, Ngāti Tautahi, Te Patukeha, Te Uri-o-Ngongo	√	P	√	√
Moka [Te Kaingamatā] (brother of two above)		Ngāi Tāwake, Ngāti Tautahi, Te Patukeha, Te Uri-o-Ngongo		P	√	√
Hara (Te Haara)	Ōhaeawai	Te Uri-o-Hawato, Ngāti Rangī	√	P		√
Pōmare I		Ngāti Manu		√		
Pōmare II		Ngāti Manu			√	√ 17/2
Kiwikiwi				√	√ 1836	
Kawiti		Ngāti Hine		P	√	√ 13/5
Tāreha		Ngāti Rehia		P	√	
Pumuka		Ngāti Rangī, Ngāti Pou, Te Roroa of Te Haumi)		P	√	√
Wai		Ngāi Tāwake			√	
Kaitara Wiremu Kingi		Ngāti Hineira, Te Urikapana, Ngāti Rangī, Ngāti Pou, Te Uri Taniwha				√
Te Kopere/Te Kopiri (Kaitara's eldest son)		Te Uri Taniwha, Ngāti Tautahi			√	
Tama(ti) Pukututu		Te Uri o Hawato, Te Uri o Ngongo			√	√

⁴¹⁸ Phillipson, 'Bay of Islands Māori and the Crown', p.287.

⁴¹⁹ Only those who signed more than one document, or attended the meeting at which Te Kara was chosen, are listed. Many more signed Te Tiriti o Waitangi. The more widely publicised document can be referred to for these people.

⁴²⁰ Signed 6 February 1840 unless otherwise stated.

⁴²¹ P = probably.

Rangatira	Location	Hapū	1831	1834	1835	1840⁴²⁰
Te Nana		Ngāti Kuta			√	
Te Huhu					√1836	
Marupo	Kaikohe Oromahoe,	Ngāti Rāhiri, Te Whānau Tara, Te Whānau Rongo, Ngāti Pou, Matarahurahu			√	√
Marupo (different from above)		Te Whānau Rara, Ngāti Hau			√	√ 12/2 Hokianga
Mate		Te Moe			√1836	
Te Awa		Ngāti Pāoa?			√	√ 4/3 Tāmaki
Wiwia (Whiwhia)		Te Kapotai			√	
Te Ngere		Te Uri Kapana, Ngāti Wai, Te Uri Taniwha			√	√
Te Hiamoe		Te Uri o Ngongo			√	
Te Ahu Parore		Te Parawhau, Ngāti Rua-Ngaio				√

Sources: Manuka Henare, *The Changing Images of Nineteenth Century Māori Society: From Tribes to Nation*, PhD thesis, Victoria University of Wellington, 2003; Judith Binney, ed., *Te Kerikeri 1770-1850 The Meeting Pool*, Wellington and Nelson, 2007; 'Waitangi Treaty copy', URL: <http://www.nzhistory.net.nz/media/interactive/treaty-of-waitangi-copy>, (Ministry for Culture and Heritage), updated 20-Mar-2008, (27 March 2008).

The Long Conversation Continues

From 1820, Ngāpuhi saw their relationship with the British monarch in personal terms. According to Ngāti Hine kaumatua Sir James Henare this sense of a personal relationship has persisted through the twentieth century, seen partly as a 'spiritual covenant' handed down from the missionaries and imbued with biblical language, providing meaning to this relationship through the use of words such as 'kawana', which placed the Treaty and the Queen's representative 'squarely in a biblical context.'⁴²² According to Sir James, this relationship originated in the bonds of trust developed between Busby, the missionaries and Ngāpuhi before Te Tiriti was signed. Without this prior relationship of trust, there would have been no signatories to Te Tiriti.

⁴²² Henare in Phillipson, 'Bay of Islands Māori and the Crown', p.207.

The 'conversation' that began in 1820 between Ngāpuhi and the Crown was revisited at regular intervals in the years before and after 1840. Te Pe-o-whairangi Māori did not necessarily see accepting the Governor as irrevocable in 1840, and renegotiations of the alliance followed in the 1840s and 1850s.⁴²³ The Waimate hui of 1844, Grey's peace agreements of 1846, and Maihi Paraone Kawiti re-erecting the flagstaff in 1858, were all part of a pattern of on-going dialogue and interaction established before 1840. Heke's letter to Queen Victoria in 1847, continued this interaction in which he created the metaphor of the conversation, a living discourse, and protested that, through her officials, Victoria had been instrumental in breaking the long connection between Māori and the Crown. He reminded her of the special relationship between his uncles, Hongi Hika and Waikato, and her grandfather, George IV. He asked that she restore the 'authority of the land of the people.'⁴²⁴

Other documents continued the conversation. A letter to the Governor from Hokianga in 1856 referred to the continuity and long history of the relationship with the British Crown, of which these Hokianga chiefs considered themselves guardians.⁴²⁵ Victoria was seen as the successor to that relationship, as were the present generation of Ngāpuhi chiefs. This letter and the Ngāpuhi petition of 1882 placed agency for Te Tiriti and the governor's arrival squarely in the hands of Ngāpuhi themselves:

O Mother, the Queen! On account of the desire to protect these Islands, your father sent hither, in 1840, Captain Hobson. At that time the enlightened administration of England was discovered by us, and the Māori chiefs came to the conclusion that England, in preference to other countries, should be the protector of New Zealand – to protect and cherish the Māori tribes of New Zealand. The conclusion brought about the Treaty of Waitangi, and the appointment of the first Governor, Captain Hobson.⁴²⁶

What was in the minds of the tūpuna?

For hapū of the Te Aho Claims Alliance – Ngāti Hine, Te Kapotai, Ngāti Manu, Te Kauimua, Ngāti Rangi - there is only Te Tiriti. That was the document signed by their

⁴²³ *ibid.*, p.374.

⁴²⁴ Henare, 'Changing Images', p.161.

⁴²⁵ Phillipson, 'Bay of Islands Māori and the Crown', p.256.

⁴²⁶ In *ibid.*, p.257. (Parore Te Awha, Mangonui Rewa, Hare Hongi Hika, Hirini Taiwhanga, Maihi Paraone Kawiti, Wiremu Puhī Te Hiri, Kingi Hori Kira, & Hakena Parore, for the Native People of New Zealand, to Queen Victoria, 1882, reproduced in T. Lindsay Buick, *The Treaty of Waitangi: Or, How New Zealand Became a British Colony*, Wellington, 1914, p.298.)

tūpuna. The other version was the English language version, which meant nothing to them.

At the heart of He Whakaputanga (and Te Tiriti) lies the strongest contemporary indication of whether or not Māori intended or understood they were ceding sovereignty. Did the collected rangatira consider the documents they signed, imbued with their mauri signified by their highly tapu moko, to amount to cession of their status as rangatira? The Māori wording of He Whakaputanga is consistent with the request for a British protectorate relationship and assistance in building a 'united Māori nation',⁴²⁷ which meets de Vattel's principle of an emergent nation seeking assistance from an established nation, without ceding sovereignty.⁴²⁸

While Busby clearly took He Whakaputanga seriously, and the Colonial Office accepted the Confederation, the notion of He Whakaputanga as viewed by Busby and its Māori authors as a 'social compact'⁴²⁹ or equivalent to the Magna Carta, was not reflected in 'the dominant view of historians and ethnographers about He Whakaputanga',⁴³⁰ who assumed that this was largely a Northern enterprise. This interpretation overlooks the strong kinship ties between many of the signatories (Ngāpuhi and beyond) and the importance of the many other rohe represented amongst the signatories.⁴³¹

The meaning of Te Tiriti is captured in the following summary that Maihi Kawiti, himself a signatory, wrote in 1887.⁴³²

Tua 2 ono ngā pukapuka, ko te Tiriti o Waitangi, 1840, te aono o Pepurere. Kahereanga ra o Pepuere te kupu, i mea te kupu a te Kuini rarangi. Kuatahi ko Wikitoria, te Kuini o Ingarangi, i tana mahara atawhai ki ngā rangatira, ki ngā hapū, ki ngā tangata katoa o Niu Tireni, te tino rangatiratanga o ratou whenua, me o ratou kāinga, me o ratou taonga katoa.

The second of the papers, was Te Tiriti of Waitangi, 6 February 1840. One's word is one's bond the Queen's line says. Firstly: Victoria Queen of England in fulfilment of her kind and generous thoughts towards the Chiefs, the hapū and all Māori living in New Zealand guarantees to them the absolute sovereignty over their lands their dwelling places and all their worldly possessions and resources.

⁴²⁷ Henare, 'Changing Images', p.141.

⁴²⁸ *ibid.*, p.218. Henare 2003, p. 218

⁴²⁹ Busby Letters, MS 46, in Henare, 'Changing Images', p.192.

⁴³⁰ *ibid.*, p.194.

⁴³¹ *ibid.*, pp.194-95.

⁴³² Panui of Maihi Kawiti, *Te Korimako*, 20 September 1887, Appendix 2 to the Amended Brief of Evidence of Johnson Erima Henare, Wai 1040, #30(c), 5 November 2010.

The rangatira who put their sacred mark to He Whakaputanga me Te Tiriti lived and died under the laws of their people. Their respective hapū and iwi had, over centuries, developed tikanga/law to govern relationships within and between the people.⁴³³ Mana (and the later expression rangatiratanga) is the term that best captures this political and constitutional power. The objective of the Chiefs was to strengthen and enhance their mana, their rangatiratanga. By entering into He Whakaputanga and Te Tiriti they believed they had done so.

What our people hoped for in He Whakaputanga was that the Māori world view would remain dominant in this country. Article II of Te Tiriti o Waitangi reaffirms that.⁴³⁴

Ngāti Hine rangatira did not, indeed could not, surrender to the British Crown their mana, their rangatiratanga.⁴³⁵ The Ngāti Hine evidence is clear and aligns with that of technical witnesses and kaikōrero for other northern hapū. The closest word in Māori for the concept of sovereignty is ‘mana’. ‘Your freedom ends where my nose begins and that’s what mana is’. Rangatiratanga is the emanation of mana, its practical manifestation, and denotes absolute authority or power.⁴³⁶

The Chiefs sought and believed they had obtained an honourable and mutually beneficial relationship, through which they could share in the benefits of increased trade and access to European technology. The rangatira-to-rangatira relationship with the English sovereign, established by Hongi Hika, was maintained and taken a stage further in He Whakaputanga and Te Tiriti. Under Te Tiriti, they and their people would also enjoy the protective support of the British Crown in matters of international relationships and management of British subjects settled in New Zealand and still to arrive.⁴³⁷

What then did the tūpuna understand by the term ‘kawanatanga’? It was understood to refer to a lesser, delegated set of powers, such as Governors over Provinces in the biblical texts. The tūpuna knew very well the difference between ‘He Kīngi’ and ‘He Kawana’,⁴³⁸

⁴³³ Closing submissions for Te Rūnanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.6.

⁴³⁴ Erima Henare responding to questions from the Tribunal, Week 1 transcript, Wai 1040 #4.1.1., p.309.

⁴³⁵ Closing submissions for Te Rūnanga o Ngāti Hine, Wai 1040, #3.3.23, 21 January 2011, p.7.

⁴³⁶ Ibid, p.47.

⁴³⁷ Ibid, p.7.

⁴³⁸ Ibid, p.48.

Wahine Māori had an esteemed position in Te Ao Māori and were protectors of the essence of us: whakapapa. In this sense their needs and understandings would have been in the minds of the Rangatira who signed He Whakaputanga me Te Tiriti. Some rangatira wahine signed Te Tiriti.⁴³⁹ British agents, who took Te Tiriti document around the country, refused a number of women the opportunity to sign because of their gender.⁴⁴⁰ There were some exceptions; among the thirteen Māori women identified as having signed Te Tiriti, Te Tai Tokerau women feature strongly. Takurua, Te Marama and Ana Hamu (widow of Te Koki) signed at Waitangi on 6 February 1840.⁴⁴¹ These exceptions probably reflected their status. All of these women were rangatira in their own right and exercised mana whenua within Te Tai Tokerau.

As noted earlier, Ngāti Whātua rangatira signed Te Tiriti in several places – Waitangi, Mangungu, Kororāreka, Te Pe-o-whairangi, and also at Karangahape on 15 April 1840. In all cases it was the Māori language version they signed; to them, as for Te Aho claimants, the Treaty in English is irrelevant.

Tame Te Rangi asserted that the signings at different times had different intentions in terms of the nature and extent of the relationship being created,⁴⁴² and one principal rangatira, Parore Te Awha, did not sign Te Tiriti, although his son Te Ahu signed at Waitangi. Parore and others from the north of the rohe aligned with Kawiti and were involved in the later battle at Ruapekapeka because of their shared concerns about breaches of Te Tiriti.

The Ngāti Whātua tradition is that the terms of the alliance with the Crown extended beyond the three articles of Te Tiriti. Seven rangatira from Ōrākei invited Hobson to take up residence among them, and made 3000 acres of land available under a tuku arrangement, as a consequence of which Tamaki was proclaimed the new capital. These events created the compact and cemented the relationship between southern Ngāti Whātua and the Crown.

⁴³⁹ Whakatakotoranga o Waimarie Bruce (nee Kingi), Wai 1040, #C24, 30 July 2010.

⁴⁴⁰ For example, the wives of Makoare and Aperahama Taonui.

⁴⁴¹ Information from claimants, cit. Merata Kawharu, 'Te Tiriti and its Northern Context in the Nineteenth Century', an overview report commissioned by the Crown Forestry Rental Trust, 2006, p.172.

⁴⁴² Amended Brief of Evidence of Tame Te Rangi, Wai 1040, #B36(a), 17 June 2010.

In his day, Sir James Henare explained the sacredness of the Treaty thus:

The treaty is the 'pou herenga' of all our thought and the ties of all our ancestral canoes. If the Treaty was done away with today, where would we be as Māori people? My answer to my question is: if there is no Treaty, we the Māori people would flounder on the ocean with nowhere to go or from whence they came. They would be at the mercy of the winds, eventually drowning. We would be smothered by the Pākehā and they are many who continue to try and do away with the Treaty or draw up a new one. There would be no 'pou herenga' for all of our ideas or ancestral canoes. The dreams and desires of our ancestor have not died. They were strong before the Treaty was signed and strong after it was signed and they are still strong today.

We the posterity is still battling on. We need to grasp hold of their dreams and ideas for the Treaty of Waitangi and also their denials against the laws laid down by the government to trample us as Māori. The European is asking, why are we so strong at opening our mouths and crying out to the government? My answer to the Pākehā – in the days of our ancestors they did not know the Pākehā language so they turned to the shedding of blood.

We are still at war with the Pākehā against the laws implemented to trample us as Māori and to put themselves above us. The Pākehā and the government speak about their ideas towards the principles that have come out of the Treaty of Waitangi. It is all right to talk about the pacts, principles born from the Treaty of Waitangi, however, the most important thing for me and the Māori people is – for the Treaty to be made honourable and prestigious. The main thing for me is the spiritual side of the Treaty. What good is the spirituality when it has no integrity? When the integrity of the treaty exists, the integrity of a spiritual nature will also exist and the integrity of all the customs that come with the Treaty will also be spiritual.

Spirituality cannot be seen by the human eye; however, the body of the Treaty was signed by our ancestors. That is what was seen and known to have happened, that is what was seen by the eye.⁴⁴³

Regardless of differences between the approaches of the northern and southern hapū, their intentions were to maintain their mana.

The events that followed in the five brief years following the treaty signing illuminate the different understandings the two parties to the treaty (Te Tiriti or The Treaty) had, and as Moetu Tipene Davis insisted to the Tribunal: 'To understand how Māori understood He Whakaputanga and Te Tiriti and the nature of the relationship they

⁴⁴³ 'Ngā Pukorero o te wa ko te reo o kui o koro ma', radio interview with Tā Himi Henare held by his whānau.

signified, then you need to understand why Kawiti went to war so soon after those covenants had been entered into.⁴⁴⁴ Therefore, to fully understand what was in the minds of the tūpuna, the next chapter must be read in conjunction, not merely as subsequent events.

⁴⁴⁴ Brief of Evidence of Moetu Tipene Davis, Wai 1040, #D13, 5 October 2010.

CHAPTER FOUR: THE IMMEDIATE POST-TIRITI YEARS TO 1846

Introduction

After a British administration arrived and proclaimed that the whole of the North Island was ceded to the British Crown, that episode of history in which Te Pe-o-whairangi was one of the most desirable ports in the country, and the nexus of interaction between Māori and Pākehā in the first half of the nineteenth century, ended.⁴⁴⁵

Events during the five years following Te Tiriti o Waitangi signing led to the conflict that finally erupted in the Northern Wars that started in March 1845, continuing until peacemaking efforts following the battle of Ruapekapeka in January 1846. This conflict stemmed from the huge discrepancy between Māori and British understandings of the agreement Māori signed – Te Tiriti o Waitangi, the Māori language document – and the unsigned English version, the Treaty of Waitangi,⁴⁴⁶ discussed in the previous chapter. Ngāpuhi state that in signing Te Tiriti they did not give away sovereignty, or rangatiratanga; rather the contrary.

Beside differences in understandings about the words themselves and what their literal meanings were, differences arose about the implications of the wordings. Soon after signing, Ngāpuhi and the Governor had to deal with the issue of law making: were Ngāpuhi guaranteed customary tikanga under Te Tiriti, or were they to be subject to British law? And there was the major issue of land loss. Kawiti understood that Ngāti Hine independence (or sovereignty) had been recognised and affirmed and his personal rangatiratanga guaranteed through He Whakaputanga and Te Tiriti. The Governor had no legitimate right to claim an interest in Ngāti Hine lands or to act unilaterally on matters that affected his people or his lands.⁴⁴⁷

Furthermore, less than a year after establishing the seat of government at Okiato, land that Pōmare II considered his tuku, Hobson departed for Tamaki Makaurau, taking his entourage with him. This factor, along with newly imposed customs dues and anchorage fees, plunged Te Pe-o-whairangi into an economic decline that persisted into the twentieth century.

⁴⁴⁵ Munn, p.38. D. Munn 1981, p.38.

⁴⁴⁶ Salmond, 'Brief of Evidence Wai 1040 #A22'.

⁴⁴⁷ Brief of Evidence of Moetu Tipene Davis, Wai 1040, #D13, 5 October 2010.

Ngāpuhi continued to remind the Governor of the 'long conversation' and covenant established between iwi and the British Crown. Rangatira took deputations to the Crown in following decades, recalling the mutual obligations and understandings, in particular the Crown's guarantee of Ngāpuhi rangatiratanga and mana over their own domains. To Māori, signing Te Tiriti had not negated these.

After 1840, the Pākehā population were increasingly settlers rather than the earlier sojourners, who visited for brief periods of time, or in scattered small numbers. Formal towns, such as Auckland, Akaroa, Wellington, and Whanganui, started to become established from that time. Others followed. '... the principal settlement localities and economic pursuits that had sustained Māori, European and mixed-race communities ... were marginalised by the burgeoning newly immigrant population and changes in economic focus.'⁴⁴⁸ Ngāpuhi experienced these pressures immediately, and they resisted further land loss and threats to sovereignty in 1844 and 1845.

Among the key Māori leaders of that time Kawiti, who refused to sign Te Tiriti on 6 February, and only did later under Pōmare's persuasion aligned with Hone Heke, the first to sign, who quickly realised his understanding of the agreement, was not being upheld. Pōmare had a more conciliatory style, whereas Tirarau remained neutral.

A series of Governors and administrators took office during this turbulent period. Hobson was the first Governor, from February 1840. After he died on 10 September 1842, Willoughby Shortland acted as administrator until the new Governor, Robert FitzRoy, arrived some fifteen months later in December 1843. Unpopular with settlers, FitzRoy was recalled in October 1845 and replaced with George Grey in November that year.⁴⁴⁹

Events following the Te Tiriti signing, the causes of the Northern Wars and the wars themselves have been written about in some detail by a number of historians. The detail will not be revisited here; this chapter will instead highlight the actions of Te Aho claimant forebears, and draw out the reasons for these actions. Their actions, and the many waiata and whakatauki composed at the time and passed on (tuku iho) speak most volubly about how these tūpuna understood He Whakaputanga me Te Tiriti, and what was on their minds before, during and afterwards.

⁴⁴⁸ Smith, 'Māori, Pākehā and Kiwi,' p.373.

⁴⁴⁹ <http://www.teara.govt.nz/en/1966/governors/1>

The Northern War 1845 – Causes

The British believed Te Tiriti (as they understood it from the English-language wording of The Treaty) replaced and re-wrote previous agreements, in particular He Whakaputanga, whereas Ngāpuhi understood that Te Tiriti renewed the earlier covenant with the Crown – ‘this was the tikanga that was handed down from the previous generation.’⁴⁵⁰

Kawiti always had serious doubts about the wisdom of signing Te Tiriti; rumours were conveyed to Hobson that Kawiti intended to attack him. Even after he did sign under his ally Pōmare’s persuasion, he continued to express doubts. Others who had signed had second thoughts, and wanted to have their signatures removed. Ngāpuhi rangatira were already concerned about land loss, particularly fertile land and strategic locations. This was one factor in Hone Heke’s and Kawiti’s wars with the government in the 1840s. Many Māori were driven inland, away from their coastal villages; there was nowhere else to go.⁴⁵¹

The Governor’s Move to Tāmaki Makaurau (now Auckland)

By January 1840, when Hobson arrived at the Bay of Islands, Ngāpuhi and the British Crown had a long-established relationship, seen by Ngāpuhi as not only a political alliance, but also a personal relationship; the ‘long conversation’. This relationship made Waitangi the logical place, and the Confederation of Chiefs the appropriate people with whom Hobson should negotiate Te Tiriti. Hobson and his administrators established Nu Tireni’s first capital at Okiato, on land that had belonged to Pōmare II, that Pōmare still considered his tuku, and where he signed Te Tiriti.⁴⁵²

Clendon had ‘purchased’ land at Okiato from Ngāti Manu rangatira Pōmare, Kiwikiwi, Wiremu and Hoia on 7 December 1830, described as the Opanui (also as Koapanui) block, of 220 acres. Clendon later ‘purchased’ the adjacent Kahikatearoa block, about 80 acres, in November 1837, from Pōmare, Aho (Hoia) and Arau. (See Appendix 1 for detail of these transactions). Although this land apparently was of no

⁴⁵⁰ Henare, ‘Māori Leaders’ Assembly,’ p.118; Johnson, p.47.

⁴⁵¹ Ballara, *Taua*, p.455.

⁴⁵² Best, *Journal of Ensign Best*, p.220.

military importance to its traditional owners, it had a 'well-defined pā site at Tapu Point.'⁴⁵³

Clendon probably also 'purchased' a smaller parcel of land, 'watering place', or spring site, near Okiato, from Pōmare on 17 July 1837. In 1838 Clendon took on the role of United States Consul in New Zealand,⁴⁵⁴ and on 25 April 1840 sold his combined properties of Opanui and Kahikaroa to William Hobson. By the end of April, 'Okiato, surveyed and laid out as the town of Russell, was New Zealand's capital,' named after Lord John Russell, the British Government's Secretary of State for War and the Colonies, at the time.⁴⁵⁵

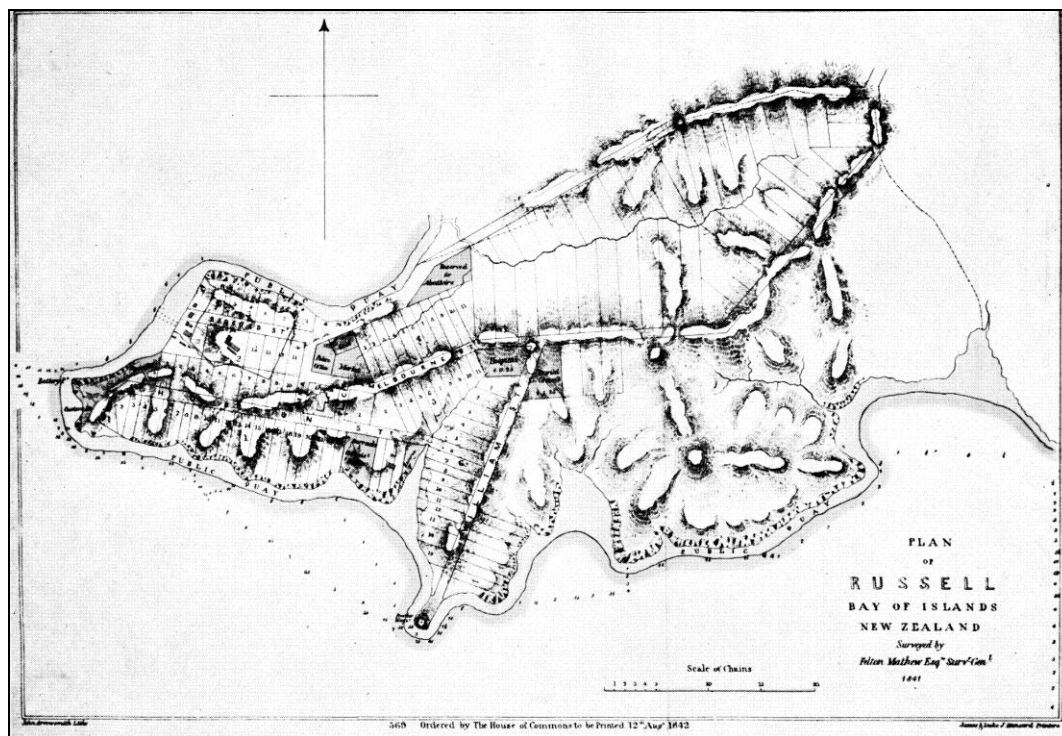


Figure 50: Felton Mathew's Plan of Russell, 1841

Source: Lee 1998.

⁴⁵³ OLC description quoted in Jack Lee, *Old Russell: New Zealand's First Capital: A History of the Opanui and Kahikatearoa Blocks at Okiato, Bay of Islands, on Which, in 1840, Lieutenant-Governor William Hobson Established the Town of Russell, His First Seat of Government in New Zealand*, Inc. The Northland Historical Publications Society, Russell, 1998, p.6.

⁴⁵⁴ *ibid.*, p.11.

⁴⁵⁵ *ibid.*, pp.12, 5.

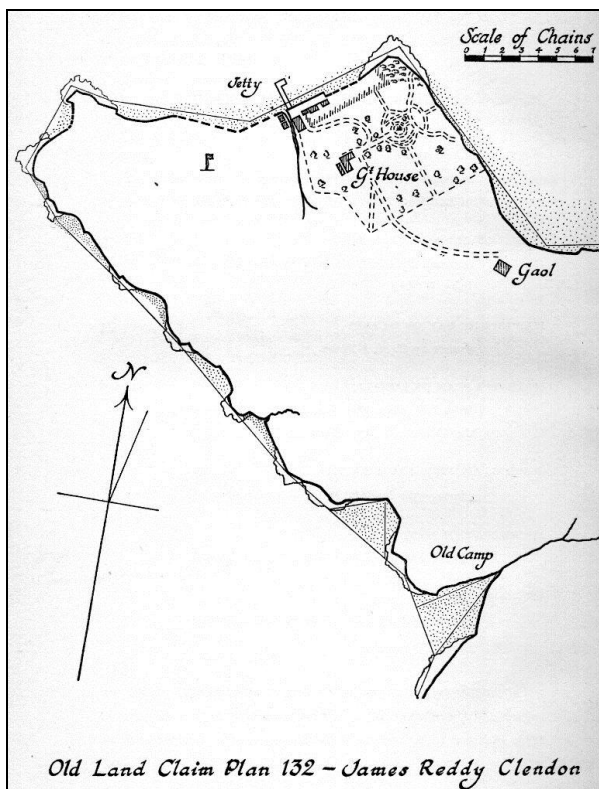


Figure 51: Clendon's Old Land Claim 132 plan

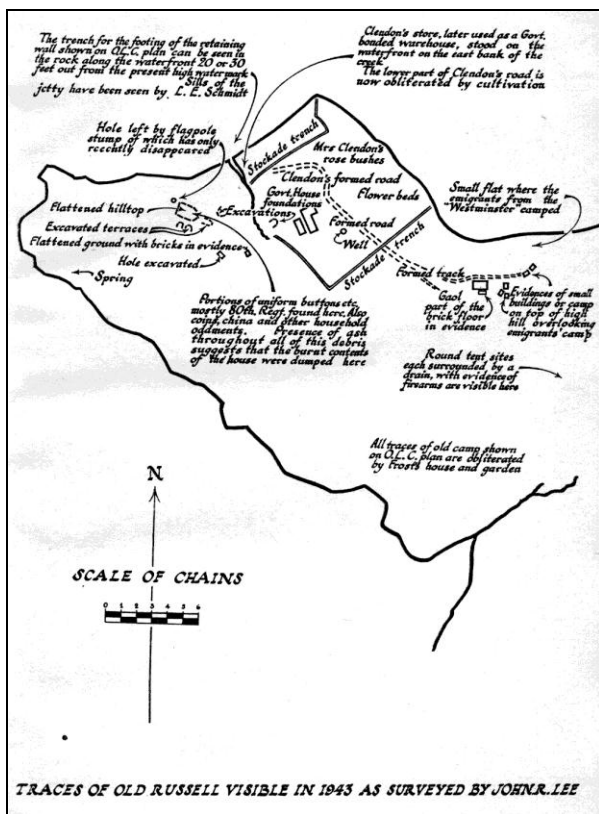


Figure 52: Old Russell sketch plan

Source Figure 51 & 52: R. Ross

In summary, Pōmare had first sold this land to James Clendon for £150; Clendon in turn sold it to Hobson at a 'vastly increased' sum of £15,000, although a large share of this related to his improvements,⁴⁵⁶ but Clendon received scrip, not money, for this sale. While Pōmare was aware of the increased value of the land, he did not renegotiate his transaction with Clendon or with the Crown; Pōmare valued the presence of the Crown on 'his' land, and expected greater benefits would result from this new relationship than he had from Clendon. As rangatira Tamati Pukututu (Ngāti Rangī and Te Uri o te Hawato expressed it, Ngāpuhi considered that Hobson and his 'strangers and soldiers' had been 'invited to live amongst us.'⁴⁵⁷ But after only ten months Hobson departed from Okiato for Auckland, a location Felton Mathew, the government surveyor, had decided on for the new capital. This not only left Ngāpuhi very dissatisfied but also was seen as a repudiation of the long-standing relationship between them and the Crown.⁴⁵⁸



Figure 53: Sketch of Okiato

Source: From Mrs Hobson's Album

However, Hobson had not intended that Okiato remain the 'capital;' he had planned for Waitematā to be the capital and Okiato would only ever be a 'government-

⁴⁵⁶ Bruce Stirling and Richard Towers, "'Not with the Sword but with the Pen": The Taking of the Northland Old Land Claims. Historical Overview', Wellington, 2007, pp.343-44.

⁴⁵⁷ *ibid.* from Pukututu's statement to Grey, 'Minutes of Grey's Meeting', 28 November 1845, enclosed with Grey to Stanley, 10 December 1845, Archives New Zealand, G 30/8, cit. Philippa Wyatt, 'Issues Arising from the Evidence of F. Sinclair (Doc #I3), D. Armstrong (Doc #J3), D. Armstrong (Doc #I4), and D. Armstrong and B. Stirling (Doc #J2) in Reference to Pre-Treaty Land Transactions', *WAI 45 L6*, 1993, p.64.

⁴⁵⁸ Stirling and Towers, pp.443, 447.

established' town.⁴⁵⁹ Hobson's part in the unfolding events was his lack of consultation with Ngāpuhi; the grievance over the removal of the Governor might have been avoided if Okiato had continued as a township. But instead, the sale was completed and the land remained Crown land until sections were subdivided and sold after 1855.⁴⁶⁰ Whether Te Pe-o-whairangi and Kororāreka could have sustained another town during the ensuing economic decline, is another question.

Ngāpuhi retained a grievance over the move to Waitematā and loss of Crown and settler numbers, which contributed to an economic depression in the north. Northern Māori had anticipated economic benefits from becoming a Tiriti partner, but instead these transferred with the Governor and his administration to Ngāti Whātua.⁴⁶¹

The Governor was asked to return to Te Pe-o-whairangi, and when the new Governor Grey came to Kororāreka on 28 November 1845, and met with Ngāpuhi rangatira, Tamati Pukututu from Kawakawa, one of the Crown's principal allies,⁴⁶² reiterated this request:

Friends, you have heard the Governor, and we shall see if his words remain firm, and it will be seen if our promises to him will also remain firm. My thoughts are, will the Governor remain here, or go to the south to live, from whence his words only will come to us. They have had two Governors at Auckland, and why should not this one live here, he may be able to tame our wild hearts...When the first Governor came, there was a great meeting at Waitangi. Heke and Kawiti were there, and they heard the words of the Governor. We asked him to come and live among us at Russell, which he did, but afterwards went to Auckland. I felt very much annoyed at his leaving Russell, and at the departure of the strangers and soldiers who I had invited to live among us. When Governor Hobson died, I asked for a Governor and soldiers, but Governor FitzRoy remained at Auckland, and while he was there, this evil grew. After the evil commenced, I began to be afraid. Now that you have arrived among us, we have heard all you have to say, and our thoughts are, will you live here.⁴⁶³

⁴⁵⁹ *ibid.*, p.308.

⁴⁶⁰ Lee, *Old Russell*, pp.33-5.

⁴⁶¹ Phillipson, 'Bay of Islands Māori and the Crown', p.307.

⁴⁶² Pukututu was one of those who had spoken for the Governor at Waitangi, as had Heke.

⁴⁶³ Minutes of meeting between Governor Grey and chiefs at Kororāreka, 28 November 1845, GBPP vol 5, p 356, in Phillipson, 'Bay of Islands Māori and the Crown', p.307.

Although Grey made no response to this request, ultimately, 'his answer was clear: the capital was not moved from Auckland until his second governorship, when it was established further south at Wellington.'⁴⁶⁴

Customs Dues, Anchorages Fees and Economic Decline

Throughout the 1830s, rangatira, such as Heke (Matarahurahu), Kawiti (Ngāti Hine), Pōmare (Ngāti Manu), Te Wharerahi (Patukeha) and others maintained a system of anchorage fees charged to vessels coming into Te Pe-o-whairangi ports. Charges were sometimes as much as £5 per vessel:

For example, if a vessel chose to anchor at Kororāreka it paid Te Wharerahi or Rewa, if it lay at anchor at Ōtūihu, the master of a vessel had to pay Pōmare. Hone Heke held rights to extract fees from vessels anchored at Paihia and Waitangi. This was a well-established system administered by the leading rangatira in the Bay of Islands and represented a tangible extension of rangatiratanga.⁴⁶⁵

On 17 June 1841, the cash-strapped new administration made dramatic changes, passing of the Customs Ordinance which prohibited rangatira from charging anchorage fees. Instead custom charges were to be paid to the Government.⁴⁶⁶ This was particularly offensive to rangatira as the tolls that for years had been exacted from shipping came to an end. American settlers in Te Pe-o-whairangi, such as William Mayhew, asserted to the iwi that the British flag, flying at Maiki Hill, was the cause of the economic decline and that while it continued to fly they were at risk of becoming enslaved.⁴⁶⁷ George Clarke (junior) described the effect he saw of this ordinance:

The Bay of Islands was at the time of the cession of New Zealand, the greatest resort of whaling ships, French, English and especially American. There were often as many as twenty whalers anchored at Kororāreka at the same time, and of course there was large trade between them and the natives.

The proclamation of British sovereignty changed it all. The immediate result of imposing regulations, was to destroy this local commerce, and the Ngāpuhi tribe, from being the richest and most prosperous in the country, sunk rapidly into poverty. The port was deserted, and the flagstaff and what it meant was the visible cause of the evil. To add to

⁴⁶⁴ *ibid.*

⁴⁶⁵ James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, Wellington, 1983, p.16; Johnson, pp.65-6; Munn, p.240.

⁴⁶⁶ Cowan, *New Zealand Wars (1983)*, p.16; Johnson, pp.65-6; Munn, p.240.

⁴⁶⁷ Ian Wards, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand 1832-1852*, Wellington, 1968, p.97.

the commercial depression of the tribe the seat of government was removed to Auckland, the seat of their Waikato enemies, and nearly all the resident traders, who could get away, very naturally migrated to the capital.⁴⁶⁸

Staple trade items, such as pigs and potatoes, were so plentiful that prices fell to the level they had been fifteen years earlier.⁴⁶⁹ At the same time, the once-lucrative timber trade with Australia dwindled to almost nothing, due to the economic depression in Australia. When FitzRoy ultimately removed the customs regulations and declared Kororāreka a free port, it was too late.⁴⁷⁰

In the late 1850s and early 1860s, therefore, led by people like Waka Nene and Maihi Paraone Kawiti, Ngā Puhi sought to reassert the longstanding nature of their alliance with the Crown, and above all to obtain settlement and economic prosperity for the Bay. They wanted to engage with the Crown, transact land, and get a large town as a market in their midst.⁴⁷¹

But despite the best efforts of Ngāpuhi rangatira to make good on Crown promises regarding 'peace, extension of trade, and cultivation of the Land, all for the material benefit of Natives and White people'⁴⁷² the required Government assistance never materialized.

Tikanga or British Justice – a single system?

Hobson declared the cession of New Zealand to the Queen in May 1840, from this point, tension between the Kawana and Ngāpuhi escalated because of the immediate assumption on the part of the Governor that British lawmaking would apply to both Māori and Pākehā, although Te Tiriti had guaranteed Māori their own tikanga and governance. This came to be demonstrated through the application of Pākehā law to Māori to which Pōmare II would become a party to in the years immediately after the signing of Te Tiriti.

Maketu, was charged with the murder of Mrs Robertson her two children, a farm worker Thomas Bull, and Isabella Brind, the three-year old granddaughter of Rewa of Kororāreka on Motuarohia Island in November or December 1841.⁴⁷³ Maketu,

⁴⁶⁸ George Clarke, *Notes on Early Life in New Zealand*, Christchurch, 2008 (first published 1903), pp.68-9.

⁴⁶⁹ George Clarke in Johnson, p.71.

⁴⁷⁰ Clarke, *Early Life in New Zealand*, p.69.

⁴⁷¹ Phillipson, 'Bay of Islands Māori and the Crown', p.176.

⁴⁷² Captain Graham, in *ibid.*, p.361.

⁴⁷³ Chisholm, pp.62-5; Johnson, p.57.

employed to work for the recently widowed Mrs Roberton, was the son of Ruhe, a Waimate rangatira, and related to Pōmare, while Isabella Brind was from an equally important chiefly line being the daughter of Moewaka, daughter of Patukeha rangatira Rewa. Thomas Bull evidently treated Maketu badly, abusing and beating him, while Maketu, 'by virtue of his chiefly rank,' waited for his opportunity to revenge these assaults.⁴⁷⁴ This revenge extended to Mrs Roberton and the children when she apparently taunted and insulted him, inflaming the situation.⁴⁷⁵

Under tikanga, Rewa was entitled to seek utu for the death of Isabella, and there were fears he would kill Maketu.⁴⁷⁶ However, Ruhe handed his son over to the two constables at Kororāreka after threats that he would otherwise be taken by force. Maketu's arrest and handling under the settler justice system raised major issues for Te Pe-o-whairangi Māori, who considered that they should have dealt with the matter.⁴⁷⁷ This issue remained live until December 1841 or January 1842, when Henry Williams called a meeting.⁴⁷⁸ A 'large party of native horsemen rode into the settlement' early in the morning;⁴⁷⁹ other rangatira arrived by waka during the day; Pōmare's waka taua, *Te Kingi*, paraded to Kororāreka and back, as a party of about twenty Pākehā, including Henry Williams, James Busby, police magistrate Beckham, other missionaries, and 'the commander of the forces' waited for Pōmare to arrive.⁴⁸⁰

Heke, preoccupied with other matters at the time of Maketu's arrest, attended this hui, and 'on learning that Ngāpuhi had consented to the arrest became frantic with anger.' He 'flourished his hatchet' at Paeroa, Rewa's son, and later his party performed a haka on the beach, firing their muskets.⁴⁸¹ Pōmare responded by leaving the meeting, concerned about a repeat of the major 'Girls' War' conflict of 1830.⁴⁸²

⁴⁷⁴ Maurice Lennard, *Motuarohia: An Island in the Bay of Islands: Sometime Known as Roberton's Island*, Auckland, 1959, p.18. According to Lennard, the murders took place on 30 November 1841, but there is some confusion with this date as he has Kororāreka residents going to the island on the 22nd, following the murders, and other events unfolding on 23 and 24 November, when Henry Williams went to Motuarohia where many Māori from all over the Bay were assembled. Other reports of the court case in Lennard's publication give a date of 20 December for the crimes, with following events on 22 and 24 December.

⁴⁷⁵ *ibid.*, pp.18, 27.

⁴⁷⁶ M. Williams in *ibid.*, p.20.

⁴⁷⁷ *ibid.*, p.21.

⁴⁷⁸ This date also seems contentious – while Lennard p. 20, gives the date as 16 January 1842, from M. Williams' Journal, Steven Oliver, in 'Maketu, Wiremu Kingi - Biography', Dictionary of New Zealand Biography, updated 22 June 2007 (Original publication, Vol.1), gives the date of this meeting as 16 December 1841, as does Johnson 'Northern War', p. 58.

⁴⁷⁹ M. Williams quoted in Lennard, p.22.

⁴⁸⁰ M. Williams quoted in *ibid.*

⁴⁸¹ *ibid.*

⁴⁸² The Girls' War.

The hui resolved to let Pākehā law proceed, amidst this concern that ‘Māori retribution’ would likely have kindled on-going utu; by handing Maketu over, utu would be exacted by the British justice system.⁴⁸³ The hui ended at sunset, with principal rangatira including Pōmare, Ruhe, and Waka Nene signing a resolution supporting the outcome of British law for Maketu’s crime. Maketu was tried in Auckland, found guilty and hanged on 7 March 1842.⁴⁸⁴ This government action and the apparent supremacy of Pākehā authority continued to weigh heavily on Heke, contributing to later events. Ruhe and Heke were eventually reconciled, and ‘the foundation was laid which led by a series of incidents to the cutting down of the flagstaff and sacking of Kororāreka in March, 1845’.⁴⁸⁵

The case of Maketu was the first clear test of the application of British law in Te Pe-o-whairangi. Ngāpuhi understandings of Te Tiriti were that British law would apply to British subjects. Ngāpuhi considered that the British monarch, William IV, had recognised their authority and mana when he recognised and upheld He Whakaputanga. While in the early days of the mission settlements, missionaries were subject to tikanga and taua muru in cases of breaches; they too appeared defiant on occasions after 1840. For instance, Heke complained to Bishop Selwyn in February 1842 the third time that three CMS missionaries – Richard Taylor, William Cotton and Richard Davis – shot sacred birds at Ōmāpere. Heke believed that there should be reciprocal respect between Pākehā and Māori for each other’s laws and tikanga.⁴⁸⁶

Old Land Claims

Crucial to understanding the history of the substantial land loss that undermined the economic position of Māori in the north is an understanding of the Land Claims Commission process, which set inconsistent and dubious precedents that were later applied to post-Treaty claims.⁴⁸⁷ Repeating the extant research related to this process is, however, outside of the scope of this project which is concerned with Māori and in particular hapū experiences during this time. To this end the following section summarises briefly the mechanisms put in place by the Crown in the early post-

⁴⁸³ Lennard, pp.22-3.

⁴⁸⁴ Oliver, Maketu, DNZB.

⁴⁸⁵ Lennard, p.24.

⁴⁸⁶ *ibid.*, pp.62-3.

⁴⁸⁷ For a more detailed discussion of the Old Land Claims’ process than can be covered in this report, see Barry Rigby, ‘The Land Claims Commission Process’, in <http://www.waitangi-tribunal.govt.nz/doclibrary/public/researchwhanui/theme/a/Prelims.pdf> ; and D. Moore, Barry Rigby, and M. Russell, ‘National Theme A: Old Land Claims’, *Rangahaua Whanui*, Wellington, 1997. Available at: <http://www.waitangi-tribunal.govt.nz/research/researchwhanui/whatheme/> (April 2005).

Treaty years. Land transactions as they relate to various claimant rangatira will be dealt with the block narratives section [no., and name].

Two major land claims commissions operated in the north in the two decades after the Treaty, that is, before and after the Northern War. The first, appointed by New South Wales Governor Gipps in 1840, with commissioners Matthew Richmond and Edward Godfrey, concluded their work in late 1844. Francis Dillon Bell operated the second commission, the Bell Commission, under the Land Claims Settlement Act of 1856, between 1857 and 1863.

Successive land claims commissions operated within a framework in which certain legal assumptions were embedded, the most fundamental of which was the Crown's presumptive rights in land. When Governor Hobson proclaimed British sovereignty in New Zealand in May 1840, he believed he was also introducing a new legal system based on English common law, according to which he presumed that the Crown acquired title to all land in New Zealand as a function of sovereignty.⁴⁸⁸ Under English law, this 'radical title' meant that only the Crown could issue valid title to land. Before the Treaty, Hobson had proclaimed that 'Her Majesty' would not recognise any titles to land in New Zealand not derived from or confirmed by her as valid, thereby covering pre-Treaty as well as future transactions.

Even though the question of titles was anticipated, these presumptive rights were neither mentioned in the text of the Treaty, nor in any discussions at Waitangi, or other treaty-signing venues, despite questions about land being raised by Māori. Furthermore, complying with Normanby's instructions, Shortland promised Māori that 'the Queen would not interfere with their native laws nor customs'. Te Aho tūpuna could not, and did not, expect or understand that processes controlled by English common law would displace customary ways of dealing with land.

Commissioners were required to inquire into 'the mode in which such claims to land have been acquired' (that is, the nature of pre-Treaty transactions); not to just assume that they were all simple sales. The Commission did not recognise Māori rights retained in arrangements entered into with Pākehā that were something less than absolute alienations of property, even though the practice of Māori continuing to live on land that Pākehā claimed was widespread when Dieffenbach visited the north in 1841. He wrote that Māori understood:

⁴⁸⁸ Barry Rigby, 'The Land Claims Commission Process', p.11.

... they should continue to cultivate the ground which they or their forefathers had occupied from time immemorial. It never entered their heads that they should be compelled to leave it ... In transferring land to the Europeans the natives ... gave the purchaser permission to make use of a certain district. They wanted [above all else] Europeans amongst them.⁴⁸⁹

Governor Grey also concluded from continued Māori occupation of areas within grant boundaries that 'It is by no means clear that they [Māori] understood that they gave an absolute title to the land such as the Crown title conveys.'⁴⁹⁰

Godfrey and Richmond saw the need to protect some Māori interests. Part way through their investigations in 1842, they wrote:

[Māori] cultivation, and fishing and sacred grounds, ought ... to be in every case reserved to them ... If some express condition of this nature be not inserted in the grants from the crown, we fear the displacement ... of the natives, who, certainly, never calculated the consequences of so entire an alienation of their territory.⁴⁹¹

, 1841 and 1842 had not made provision for native reserves, although Russell's instructions to Hobson in 1842 did. The only statute to mention reserves was the 1858 Act, in which section 8 required reserves to be inalienable for twenty-one years. Very few reserves were made; possibly because, at the time, the Crown assumed that Māori had sufficient land outside the claimed areas and the Crown's purchases.

Māori understanding of the Old Land Claims process

The Godfrey and Richmond Commission recorded almost nothing in te reo Māori; the statements of Māori witnesses were recorded as English translations only. There are practically no records of Māori speaking for themselves, so we know extremely little about Māori views on the claims process.⁴⁹² What can be said with reasonable confidence is that the process defied understanding.

Few Māori protests appear in the 1840s hearings, for several possible reasons, including that protestors might not have been notified, and that they probably did not understand what was at stake, because little changed 'on the ground' until areas were

⁴⁸⁹ Dieffenbach, vol 2, pp.143-44.

⁴⁹⁰ Grey to Earl Grey, 2 August 1847, BPP, 1848 (1002), p. 110, cit. Rigby, 'Land Claims Commission Process', p.36.

⁴⁹¹ Commissioners to Hobson, 2 May 1842, ia 1/1842/721; quoted in Armstrong, pp.117-19.

⁴⁹² Rigby, 'Land Claims Commission Process', p.47-51.

surveyed and declared surplus land. When they did become aware and objected, in the 1850s, their objections were often overruled.

The 1856 Parliamentary Select Committee on Old Land Claims deduced that the 1849 Ordinance was inoperative, partly because claimants were ignorant of the Ordinance's provisions, but also because claimants believed 'their grants were good and would ultimately be recognised'.⁴⁹³ One is left to question: if European claimants were ignorant and falsely believed in the security of their grants, how could Māori understand such an alien system?

Crown Pre-emption in Land Transactions

Crown pre-emption in land transactions was a specific term in Te Tiriti, supposedly introduced to protect the sales of Māori land – stopping all sales by Māori to private individuals. Land could only be sold to the Crown, who then on-sold it for a healthy profit to fund colonisation. However the new administration was very limited financially and then unable to continue purchasing Māori land – providing a further cause for dissatisfaction. The economic decline in Te Pe-o-whairangi further exacerbated this and land became less desirable after the government's shift to Tamaki Makaurau. Pre-emption proved to be a negative factor rather than protecting Māori land sales.

Ngāpuhi divisions and politics

Events and take described above led Ngāpuhi hapū and individuals to align themselves with one of two groupings – the alliance between Kawiti and Heke forged in early 1845 on one side, and rangatira such as Tamati Waka Nene, Patuone, Hone Mohi Tawhai and Taonui on the other. These Ngāpuhi allegiances were based on long-standing divisions stretching as far back as the whakapapa linking and separating Kaharau and Uenuku, as well as more recent strife.

Some of the underlying antagonisms of these relationships clarify the lines of demarcation.⁴⁹⁴ The alliance of Patuone, Waka Nene, Tawhai and Taonui with Colonel Henry Despard and Governor George Grey, against Heke, Pōmare and Kawiti was formed for a number of reasons: firstly; Hongi had eaten the

⁴⁹³ Select committee report, 16 July 1856, BPP, 1860 (2747), p.350, cit. Rigby, 'The Land Claims Commission Process', p.41, fn137.

⁴⁹⁴ Hohepa notes, quoted in Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.202.

eyes of Tihi of Ngāti Manawa and Te Rarawa. Reason: that Patuone, Waka Nene, Tawhai, and Taonui were clamouring for utu after Heke's father-in-law Hongi insulted them, by eating their relative Tihi's eyes.

After attacking Whiria and devastating several other places, he found that Hokianga alliances had ravaged his pā, Pākinga. Secondly, Pōmare killed Pi, one of Te Māhurehure's war chiefs, when he was trading in the Bay of Islands; and finally Hongi Hika's daughter had married Hone Heke.⁴⁹⁵ The alliance with the Crown was less allegiance to or in support of Crown actions than utu for earlier take.

Belich also saw the Ngāpuhi factions being separated by:

the tension between Māori rejection of the new state's pretensions to power over them and the desire for valuable settlers. ... One faction of Ngāpuhi, under Heke and the older chief Kawiti, stressed the rejection of state pretensions; a second, under Tamati Waka Nene and other chiefs, stressed the value of settlers and trade,⁴⁹⁶

Hence, the alliance of the second group with the British and the Governor. To add to the complexity of the inter-relationships, 'this grouping appears to have cut across the long-standing Ngāpuhi division into western, northern, and southern alliances.'⁴⁹⁷ The divisions were not clear-cut; Heke's support came mainly from hapū north of Waitangi, but Kawiti was from the south, and some supporters were from the Hokianga.⁴⁹⁸ Others, such as Pōmare, remained neutral.

Arising from different approaches to engagement with the British and underlying antagonisms, two different conflicts were bound up in the Northern War – one between the British and Ngāpuhi, and the other a complex internal, civil conflict between groups within Ngāpuhi. Part of the internal conflict referred back to the meeting between Hongi and George IV, that seminal event in Ngāpuhi and British politics and diplomacy. The meeting between these two was part of the 'war of words' between Waka Nene and Heke, 'used as a telling point in a debate over loyalty to the Crown.'⁴⁹⁹ The British took advantage of the internal conflict to reinforce their attempts to convert the nominal sovereignty decreed by the English language version of the Treaty, into real sovereignty, or dominance.

⁴⁹⁵ *ibid.*, p.203; Frederick E. Maning, *Old New Zealand: A Tale of the Good Old Times and a History of the War in the North, Told by an Old Chief of the Ngāpuhi Tribe*, Auckland, 1973 (first published 1876), p.261.

⁴⁹⁶ Belich, p.206.

⁴⁹⁷ *ibid.*

⁴⁹⁸ Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.203.

⁴⁹⁹ Phillipson, 'Bay of Islands Māori and the Crown', pp.214-15.

The British flag, flying from the flagstaff on Maiki Hill above Kororāreka, came to signify this new state of political affairs in Te Pe-o-Whairangi since the signing of Te Tiriti. As noted earlier, American citizens such as William Mayhew had taunted Ngāpuhi with the symbolism of the flag, identified with British control as the cause of their poverty and distress. [Rāhui of the Queen] George IV had reputedly told Hongi:

that he need never be afraid that the English had any design of taking possession of New Zealand, unless they set up a flag there. ... Lastly came the Governor with the Queen of England's flag. King George spoke the truth: the meaning of this flag is the taking of the soil.⁵⁰⁰

The meaning of the St George flag was their intention to take the soil.

The son-in-law of Hongi, Hone Heke claimed the right to act and challenge British attempts to impose their authority, claiming to be Hongi's successor.⁵⁰¹

The flagpole fellings

Heke had provided the original flagstaff to fly Te Kara, chosen at Waitangi in 1834.⁵⁰² The wood was cut from the Waitangi forest, where Heke had rights, and provided to be erected in front of Busby's house at Waitangi, where Te Kara had been flown daily until 1840. After Te Tiriti was signed, this pou was moved to Maiki Hill, where the British flag was flown from it and the pou was also used as a signal station.

Heke's intention was that two pou should be erected on Maiki Hill, one to fly the British flag and the other to fly Te Kara, representing a dual authority, side by side.

Heke's first of four attacks on the flagstaff on Maiki Hill at Kororāreka took place in early July 1844. An important manuscript, 'Te Tapahanga Tuatahi o Maiki Pou Kara,' kept in the archives of the Kawiti whānau, specifies the take that provoked Heke to cut down the flagstaff for the first time. This manuscript summarises the grievances that many Ngāpuhi felt in the first years after signing Te Tiriti:

He aha kē ngā take i tapahia ai e Hone Heke?
He take anō, koia ēnei ko ētahi:

Why did Hone Heke cut the Maiki Flagpole down?
He had his reasons, and these are some of them:

⁵⁰⁰ Shortland quoted in *ibid.*, pp.216-17.

⁵⁰¹ *ibid.*

⁵⁰² Johnson, p.109.

First and foremost, he was shocked and amazed at the lack of propriety in those who professed to know better, and whose actions caused great embarrassment to him, in the eyes of his people.

The ships were no longer making Kororāreka their port of call, like they used to, before

Before the signing of the Treaty of Waitangi, the ships which came in, had to pay an anchorage fee of £5 to Heke. The payments ceased after the treaty was signed.

The capture of Maketu on 30.11.1841 for the murder of Mrs Robertson [sic] at Motu Arohia.

A number of ship's captains were fined by the government for inciting the locals to pull down the flagstaff so that they could resume their old ways without the interference of the Queen.

A woman servant was taken for a wife by a Pākehā, and would not return to Heke.

The government and the Treaty of Waitangi, had lowered his mana. He decided that the flagpole that was rightfully his, because he had not been paid for it, should be brought down.⁵⁰³

The flagstaff and its symbolism were the target of Heke's anger, at this stage, not the settlers nor the township of Kororāreka itself. However, when Kawiti entered the fray later, his anger was expressed as 'Poroporoa i ngā ringaringa me ngā waewae ... cut off the hands and legs', which has a broader connotation.⁵⁰⁴

Heke and his party arrived in Kororāreka on 5 July a taua muru to claim utu for insults suffered from a woman, Kotiro, who lived with the town's butcher, a man named Lord.⁵⁰⁵ Accounts of the following events vary. According to Wards, Heke and his party slept the night at Lord's house and on the following day took pigs belonging to Lord, slaughtering and cooking them. Heke requested a cask of tobacco in payment for insults suffered from Lord, but being a poor man, Lord could not pay.⁵⁰⁶ Cowan however states that Heke was enraged when Lord offered a cask of tobacco in payment but then only provided half a cask.⁵⁰⁷ Kotiro was taken away. The local Pākehā inhabitants were up in arms over what they considered breaches of law and

⁵⁰³ Kene Martin, from Ngāti Hine and Kawiti whānau, quoted in Johnson 2006, p.97.

⁵⁰⁴ *ibid.*, p.39.

⁵⁰⁵ T. Lindsay Buick, *New Zealand's First War, or, the Rebellion of Hone Heke*, Christchurch, 1976 (first published 1926), p.37; Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.199 check that its not p.203.; Johnson, p.90; Wards, pp.102-103. Kotiro, a war slave from Taranaki, was previously married to Alexander Gray and is sometimes referred to as 'Gray's widow' in accounts of these events.

⁵⁰⁶ Wards, pp.102-103.

⁵⁰⁷ Cowan in Johnson, p.91.

order.⁵⁰⁸ The concerned citizens approached Police Magistrate Beckham and Magistrate Thompson to take action, but Beckham refused to authorise the town's defence.⁵⁰⁹ According to a local settler, when the police magistrate arrived Heke told him to go away

or else he would send him off the beach altogether he had no business there, nor the Queen either and he intended pulling the flagstaff down, for it was that which drove all the shipping away and caused them [Ngāpuhi] to have no trade now.⁵¹⁰

On Saturday 6 July, after some intervention from Henry Williams and other missionaries, including Sub-Protector Clarke, Heke accepted a bag of rice and some sugar as payment for the insults suffered. There were further exchanges; Heke relating grievances up to and including the 'entrapment' in signing Te Tiriti. Heke promised no further action would be taken on the following day, Sunday, and the party left town.⁵¹¹

On Monday, 8 July, Heke and his people returned. The party split into three groups – one went directly to the flagstaff, another acted as a cover and the third went to Waihihi.⁵¹² One account says that Te Haratua of Ngāti Kawa cut down the flagstaff, cut it up and burnt it. Heke's party then left the town, taking with them the ropes and signal balls from the signal station. Police Magistrate Beckham reported that little violence had occurred.⁵¹³ Another account, from Colenso, said Heke cut up the flagstaff to use 'to light the hangis with', intending to fill the hāngī with pork stolen from the butcher (Lord).⁵¹⁴ Some were not inclined to support Heke on this occasion:

Rewa and Warerahi [Wharerahi] have put up another Flagstaff; and Tamati Pukutuku gave old Marupo a good thrashing, at Paihia, for joining the party.⁵¹⁵

Allegiances were fluid at this stage, but became more firm with each successive event. Rewa's sister was married to Waka Nene.

⁵⁰⁸ *ibid.*, p.93; Wards, p.102.

⁵⁰⁹ Wards, p.103.

⁵¹⁰ Quoted in Johnson, p.91.

⁵¹¹ Buick, *New Zealand's First War*, p.38; Johnson, p.92; Wards, p.103.

⁵¹² Johnson, pp.92-4.

⁵¹³ Busby in *ibid.*, p.94.

⁵¹⁴ Colenso in Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.199. In Henare, Petrie and Puckey *Te Waiamate-Taiamai Oral and Traditional History Report*, p.199.

⁵¹⁵ Colenso to Mair, Waimate, 16 July 1844, Mair Family Papers, MS-Papers-0092-10, ATL, Wellington, quoted in *ibid.*

FitzRoy's response to Heke's efforts to resolve these issues was to call a ship from Sydney bringing thirty troops and one officer of the 96th to Kororāreka. It was an opportunity to demonstrate 'the force that could be brought to maintain order and support the Law.'⁵¹⁶ Further reinforcements of 160 troops arrived in August on board the barque *Sydney*, as well as the *Hazard* and *Victoria*, bringing a total force of 250 men under the command of Lieutenant- Colonel Hulme.⁵¹⁷

Conciliation was attempted as two hui at Waimate mission – the first on 18 July (to which Kawiti was not invited) and the second on 2 September, which Heke did not attend, instead staging his own hākari in competition nearby.⁵¹⁸ The 2-3 September Waimate hui could be seen as the 'central event in the lead-up to the Northern War.'⁵¹⁹ FitzRoy announced the removal of the 'obnoxious' customs duties and a bill was passed on 19 September abolishing customs throughout the country.⁵²⁰ Waka Nene spoke in favour of the Governor, and stated that if the flagstaff was cut down again, 'we will fight for it.'⁵²¹ Not being present, Heke reminded the Governor about the origin of the pole and told him in a letter:

Now I say I will prepare another pole inland at Waimate, and I will erect it at its proper place at Kororāreka in order to put a stop to our present quarrel. Let your soldiers remain beyond the sea and at Auckland. Do not send them here. The pole that was cut down belonged to me. I made it for the native flag, and it was never paid for by the Europeans.⁵²²

At this hui, a kind of peace was 'patched up' and the troops dispatched back to Auckland and Sydney. Heke's letter to the Governor referred to the flagstaff no longer being just a flagstaff but a rāhui, or marker of authority.⁵²³ Heke wanted to keep the peace; cutting down the flagpole had not been a violent protest.

The rise of Kawiti

Some three months after the incident involving Kotiro and Lord, a second conflict between British justice and tikanga, involving utu and taua muru, arose, which drew

⁵¹⁶ Buick, *New Zealand's First War*, p.40. FitzRoy quoted in Johnson, pp.101, 131.

⁵¹⁷ Buick, *New Zealand's First War*, p.40.

⁵¹⁸ Johnson, pp.128, 130.

⁵¹⁹ *ibid.*, p.117.

⁵²⁰ Buick, *New Zealand's First War*, p.40.

⁵²¹ *ibid.*, p.42.

⁵²² *ibid.*

⁵²³ Johnson, p.104.

Kawiti into an unlikely alliance with Heke.⁵²⁴ Tensions escalated between Māori and Kororāreka settlers, in particular Police Magistrate Beckham, in October 1844. Hori Kingi Tahua of Ngāti Manu confronted Beckham after he attempted to arrest a European from a house near the Kawakawa Pā, for theft.⁵²⁵ The sergeant of police and four men armed with swords arrived at the man's (Bryers) house late at night and forced open the door:

Kohu, sister of Hori Kingi Tahua, son of Whareumu and mokopuna of Kawiti, were [sic] in the house with some other women. They were alarmed at seeing some armed white men, the light of the fire showing on their swords, and attempted to rush out of the house. In the scuffle the finger of Hori Kingi's sister was cut, drawing blood, which, though ever so little, is by Māori law a serious aggravation of offence.⁵²⁶

Kohu was a wahine of senior birth, from Ngāti Manu and Ngāti Hine; police had drawn blood from a wahine rangatira, a grand-daughter of Kawiti. According to tikanga this injury required utu. Hori Kingi Tahua requested compensation but with no satisfaction; a second visit followed with no better response.⁵²⁷ Henry Williams advised that there had been an assault by the police and that compensation was warranted.⁵²⁸ Following this, Hori Kingi Tahua sought his own justice and carried out a taua muru, taking eight horses from Captain John Wright, a neighbouring settler who had no involvement in the dispute. Tahua intended to keep the horses 'until Mr Beckham or Henry pay us for the blood that has been shed.'⁵²⁹ Horses were also taken from settler Captain Hingstone. Henry Williams' negotiations were unsuccessful and at this point Kawiti became involved in the crisis. Kawiti ignored Williams' arguments and agreed that the young men should take the horses into the interior, claiming to have no influence over them. Clarke urged FitzRoy to act quickly to redress Māori complaints:

'a deference to native customs paid, together with kind treatment', would do much to restore confidence in the Crown. Clarke reminded FitzRoy that promises of protection and prosperity had been made by Hobson and had not so far been fulfilled.⁵³⁰

Henry Williams observed that whereas previously Hori Kingi Tahua had been a quiet man, following these events he became disaffected, taking on one of the lead roles

⁵²⁴ Munn, p.243.

⁵²⁵ Johnson, p.141; Munn, p.242; Phillipson, 'Bay of Islands Māori and the Crown', pp.344-45.

⁵²⁶ Henry Williams quoted in Buick, *New Zealand's First War*, pp.43-4; Munn, p.242.

⁵²⁷ Buick, *New Zealand's First War*, pp.43-4; Munn, pp.242-44.

⁵²⁸ Buick, *New Zealand's First War*, p.44; Munn, p.244.

⁵²⁹ Johnson, p.142.

⁵³⁰ Phillipson, 'Bay of Islands Māori and the Crown', p.345.

opposing the Crown. Through this incident, members of Ngāti Manu and Ngāti Hine, including Kawiti, became alienated from the Crown, which led to their alliance with Heke in early 1845.⁵³¹

Another grievance over an Old Land Claim contributed to these events:

Hori Kingi also prefers a claim to a Wahi Tapu at Russell ('Okiato') for which he demanded another Horse, and declining to accede to his request the same having been paid for by Mr Clendon some time since, the Natives have in consequence retained all the Horses belong to Mr Wright.⁵³²

This might have been the cause of a further reported taua muru, this time at the Okiato jail.⁵³³

The incident involving Kohu's injury and Wright's horses was resolved in the middle of October, when George Clarke came north from Auckland to meet with Hori Kingi, Tahua and Kawiti, along with Henry Williams. A deed of compensation was drawn up involving payment of a colt and tobacco to Kingi, and the return of all of Wright's horses. The matter was considered settled, but there was on-going distrust between some settlers and Māori as well as other incidents of conflict.⁵³⁴

Taua muru increased during late 1844. Whereas previously settler infringements of tikanga might have been ignored, by the end of this year the political climate had changed – such infringements were no longer tolerated. The Kohu affair had demonstrated that the settler system of justice was not prepared or able to recognise tikanga, or to tolerate customary methods of settling conflict. Also the settler population had increased, and older rangatira who had developed particular relationships with Pākehā no longer had the same influence.

Pākehā became more unsettled as FitzRoy suggested their removal from the north to Auckland and even talked about 'introduction of repressive measures upon Māori.'⁵³⁵ Settlers responded by sending FitzRoy a petition signed by 69 Kororāreka inhabitants at the end of October, detailing the plundering of the prison and other taua muru in

⁵³¹ *ibid.*

⁵³² HT Kemp to G Clarke, Russell, 4 October 1844, G30/6, *cit. ibid.*, pp.344-45.

⁵³³ Johnson, pp.143-44; Phillipson, 'Bay of Islands Māori and the Crown', pp.344-45.

⁵³⁴ Johnson, pp.143-45; Phillipson, 'Bay of Islands Māori and the Crown', pp.344-45.

⁵³⁵ Clarke to Colonial Secretary in Johnson, pp.145, 147.

the Waikare area.⁵³⁶ FitzRoy responded by sending the warship *North Star* to Russell (presumably Okiato), arriving on 28 October 1844.

Pōmare II, an important peace-maker between these parties, returned to the Bay from a visit to Auckland in late October and immediately called a hui to discuss these issues. Rangatira from local hapū attended, as well as Henry Williams and Sir Everard Home, the commander of the *North Star*. Following negotiations, Williams recorded that the situation was resolved and 'Pōmare and other chiefs up the river, made peace with Hoani Kingi [Hori Kingi Tahua].'⁵³⁷ Kingi, however, again plundered the gaol on 4 November, taking several firearms. Pōmare responded by retrieving the plundered arms from Kingi, returning them to Beckham on 7 December 1844.⁵³⁸ Despite the resolution of this conflict through Pōmare's careful management, FitzRoy escalated the tension on both sides by telling settlers in the Bay of Islands that all Government protection of them would be withdrawn on 31 December 1844.⁵³⁹

Further plundering parties took action in the Matakana and Kawau Island areas in January 1845. Although these two locations are some distance from the Bay of Islands, Pōmare had land at Mahurangi through kinship connections.⁵⁴⁰ Furthermore, FitzRoy's impatience grew as he associated these muru with similar, earlier events in the Bay of Islands and Kawakawa. FitzRoy and the Executive Council decided at a meeting on 8 January to punish those involved in the taua:

I the governor do hereby proclaim and declare, that until all the property taken away from Mr Hingston, at the Bay of Islands, and from Mr Millon and others, at Matakana, is restored to them, until sufficient compensation is made for the injuries sustained, and until the chiefs Parehoro, Mate (this is not Mate Kairangatira Kawiti's warrior) and Kokou [Koukou] are delivered up to justice, I will not consent to waive the government's right of preemption over any land belonging to the Kawakawa or Whāngārei tribes, or to any tribe which may assist or harbour the said chiefs.⁵⁴¹

⁵³⁶ Petition from the inhabitants of Kororāreka to FitzRoy, in *ibid.*, p.147.

⁵³⁷ Henry Williams in *ibid.*, p.148.

⁵³⁸ *ibid.*

⁵³⁹ *ibid.*, p.149.

⁵⁴⁰ *ibid.*, p.155. See also Buick, *New Zealand's First War*, p.45; Vincent O'Malley, 'Northland Crown Purchases, 1850-1865', Wellington, 2006, pp.71-2, 190; Barry Rigby, 'The Crown, Māori and Mahurangi 1840-1881', Wellington, 1998, pp.33, 90-91.

⁵⁴¹ Proclamation, 8 January 1845, GBPP, 1845 (517-II), p.542, in Johnson, pp.155-56.

FitzRoy was determined to exercise a strong arm, ignoring the initial causes of the muru, and choosing instead to punish and seek compensation from Māori. More importantly, he was already planning 'an economic blockade of Māori trade as early as January 1845.'⁵⁴² The meeting ended with a minute stating that the Governor should apply for additional military force to 'prevent the repetition of such outrages.'⁵⁴³ Later that month the Governor exonerated Mate from involvement in the earlier events as he had previously been wrongly accused. However FitzRoy carried out his intention to impose control over tikanga Māori and Māori efforts to assert rangatiratanga, the mana they were assured of through signing Te Tiriti.

Heke felled the flagstaff twice more. The second felling took place on the night of 10 January 1845, after word of FitzRoy's proclamation of 8 January reached the Bay. Heke was still waiting for FitzRoy to approach him for the promised meeting, following letters Heke and others had sent to him; the proclamation further inflamed feelings. Other factors quite likely motivated Heke. Members of the US consulate, annoyed at fines imposed on American ships that had not previously paid customs dues, might have fuelled his discontent with the government.⁵⁴⁴

Missionary Hobbs attributed Heke's action to his desire to exercise his mana and authority over the land. Whatever the motivation, FitzRoy's response was not conciliatory. He proclaimed a bounty of £100 for Heke's capture and forbade his protection or assistance; in retaliation Heke placed a bounty for the Governor's capture.⁵⁴⁵ Additionally, FitzRoy arranged for fifty special constables to be sworn in and a militia of armed citizens, ever keen to form a vigilante group, formed at Kororāreka. A blockade of Kororāreka was imminent. FitzRoy also requested that Lieutenant Colonel Hulme send a detachment of thirty soldiers and an officer to the Bay. They arrived on board the *Victoria* on 16 January and were stationed at Kororāreka 'for support and protection.' Beckham was instructed to erect a new flagstaff. FitzRoy was apparently planning to 'threaten Ngāpuhi into a peaceful submission,'⁵⁴⁶ writing to Beckham on 17 January that:

I have gone to the utmost limit of forbearance and moderation; that I shall now take a different course; that I have written to Sydney and

⁵⁴² *ibid.*, p.156.

⁵⁴³ *ibid.*

⁵⁴⁴ Buick, *New Zealand's First War*, pp.34, 54; Johnson, pp.158, 234; Wards, p.97.

⁵⁴⁵ Buick, *New Zealand's First War*, p.48.

⁵⁴⁶ Johnson, p.160.

England; and that Heke and those that who [sic] assist or countenance him, must prepare for the consequences.⁵⁴⁷

Recall King George IV's injunction to Hongi and Waikato in 1820 that Māori and British subjects were not to kill each other⁵⁴⁸ (see Chapter 4); Hongi had repeated these words to his whanaunga, Heke, whom had married the daughter of Hongi and whom held to these conventions as part of the sacred 'conversation' or alliance with the British Crown.

FitzRoy now brought his troops, ordering Hulme to bring his men from the 96th Regiment back to Kororāreka (on the *Victoria*), the *Hazard* to return from Wellington and appealing to Governor Gipps in Sydney for military assistance.

After Heke felled the pou for the second time, the division between him and Waka Nene, Rewa and others grew. Waka Nene and Rewa took their stand against Heke not because they supported the authority of the kawana over rangatira, but because 'they hoped to use their own authority as rangatira to maintain peace and order, and to resolve the disagreement within Ngāpuhi internally.'⁵⁴⁹ They were challenging Heke's mana and, in turn, Heke was presenting a challenge to Rewa at Kororāreka and to other wider Ngāpuhi rangatira. But some Ngāpuhi still wanted to maintain the promises they had made to the Governor about 'keeping the peace and protecting the flagstaff in return for the removal of soldiers.'⁵⁵⁰

Rewa erected a temporary flagstaff on 17 January as an indication of peace and goodwill, with offers from other rangatira such as Waka Nene to protect it.⁵⁵¹ A day later, against Henry Williams' advice, the crew of the *Victoria* re-erected a more 'permanent' flagstaff, placed under a guard of Waka Nene's men and British soldiers alternately. Pōmare II arrived in Kororāreka the next day, saying he would remain neutral in these events. Rewa apparently greeted Pōmare with 'some hostility.'⁵⁵²

On 19 January Heke arrived back in Kororāreka from Te Wahapu, (the mouth of Russell estuary, where he was based coordinates Lat. -35.2891, Long -174.1153 approx. 5km by road, south of Russell, walked up the track to Maiki Hill and,

⁵⁴⁷ FitzRoy to Beckham in *ibid.* See a similar quote to Hulme in Buick, *New Zealand's First War*, p.48.

⁵⁴⁸ Henare, 'Changing Images', p.161.

⁵⁴⁹ Johnson, p.167.

⁵⁵⁰ *ibid.*, p.162.

⁵⁵¹ *ibid.*, p.161.

⁵⁵² *ibid.*, p.163.

brushing aside Waka Nene's men, cut the stays of the pole, remarking, Heoi anō (that'll do). Heke returned to his waka, passing under the stern of the *Victoria*, he and his men 'firing their muskets in derision as they passed.'⁵⁵³ By these actions Heke confronted not only the British (and the Governor in particular), but also those such as Rewa who had had mana whenua at Kororāreka since 1830:

... acting quickly to fell the flagstaff and without discussing his actions with the other chiefs, [Heke] appears to have generated a sense of mistrust about his motives. Some began to fear that he was attempting to claim authority at Kororāreka - in areas other than his own.⁵⁵⁴

After his first two fellings of the flagstaff, Heke approached Kawiti, meeting him at Te Wahapū in early March.⁵⁵⁵ Although they were 'to some extent' rivals and enemies, their common concerns over sovereignty and land drove them towards an alliance, which was finally formed 'through the exigencies of war.'⁵⁵⁶ At this meeting, Heke offered Kawiti a ngakau, the ngakau being 'an old custom observed by those who sought help to settle a tribal grievance'.⁵⁵⁷ In this case, Heke presented Kawiti with the taonga named 'Ko Hongi Hika Ko Te Muramura Tanuku Poto,' a mere pounamu; the mere was covered in human tutae, possibly his own. As Riri Maihi Kawiti explained, the meaning was clear and did not need to be clarified: 'Someone had defiled the mana of Ngāpuhi and such a challenge must be met.' An all-night meeting followed, with tohunga repeating the tatai from Rāhiri and Hineāmaru. With the take agreed as just, tradition and whakapapa supported the partnership between members of the hapū. The elder, more experienced Kawiti, who had fought alongside Hongi Hika and other older warriors, agreed to join the younger Heke. Kawiti's reply was 'Poroporoa i ngā ringaringa me ngā waewae ... cut off the hands and legs.'⁵⁵⁸ The plan was that Heke would cut down the flagstaff at Kororāreka once again, while Kawiti and Kapotai attacked the town.

This drew together a number of related hapū including in Tawai Kawiti's words: 'Ngatihine, Ngatitautahi, Te Kapotai, Ngatimanu, Te Waiariki and many others.' All of these groups were drawn into the conflict. Ngāti Manu and Te Kapotai joined the alliance through their whakapapa connections with Ngāti Hine and Kawiti. As has been noted, once the cause was considered just, then the alliances of groups were drawn together in the net of whakapapa lines. Further back,

⁵⁵³ Buick, *New Zealand's First War*, p.49.

⁵⁵⁴ Johnson, p.161.

⁵⁵⁵ Buick, *New Zealand's First War*, p.59.

⁵⁵⁶ Munn, pp.242, 246.

⁵⁵⁷ *Te Ao Hou* No. 16 (October 1956), p.38.

⁵⁵⁸ *ibid.*, p.39.

Ngāti Hine shared important kinship connections with Ngāti Rangi and other groups through Hineāmaru and her parents Torongare and Hauhauā and it were [sic] these connections that helped bind Ngāti Rangi, Ngāti Hine, Ngāti Manu, Te Kapotai and other groups together.⁵⁵⁹

From this point, Ngāpuhi became polarized into two opposing camps, those supporting Kawiti and Heke; and those supporting the brothers Tamati Waka Nene and Patuone (who allied with the British). George Clarke junior identified the rangatira Heke, Huia, Haurangi, Kawiti, Ruku, Marupo and Tawai as the most 'disaffected,' while those opposing Heke and Kawiti were Waka Nene, Wiremu Hau, Paratene, Pukututu and Repa; Pōmare, Ruhe and Tāreha were undecided. Clarke advised the Chief Protector – his father, also George Clarke – that there was a 'general contempt' for the Government, the target of Ngāpuhi anger.⁵⁶⁰ This anger was not directed towards the settlers themselves.

With heightened anxiety amongst European settlers and Bay Māori, Rewa and Ngāi Tawake hosted an important hui at Pāroa Bay at the end of January. Knowing that the governor had requested more troops, the hui was probably called to decide how to manage the threat that Heke presented, to maintain peace and avoid conflict with the soldiers. Henry Williams saw the meeting as the turning point where participants from Whangaroa and Matauri, headed by Ururoa, decided either to remain neutral or not to follow Heke.⁵⁶¹

During February further troops arrived back at Kororāreka on the *Hazard* and *Victoria* with instructions from FitzRoy to erect yet another flagstaff, this next with metal around the base to protect it from axe blows; furthermore two blockhouses were constructed and the flagstaff on Maiki Hill encircled with a ditch and bank defence. One blockhouse, stationed by twenty soldiers, stood near the flagstaff; the second, with a battery of 'three old guns', was lower down the hill, above Polack's house.⁵⁶²

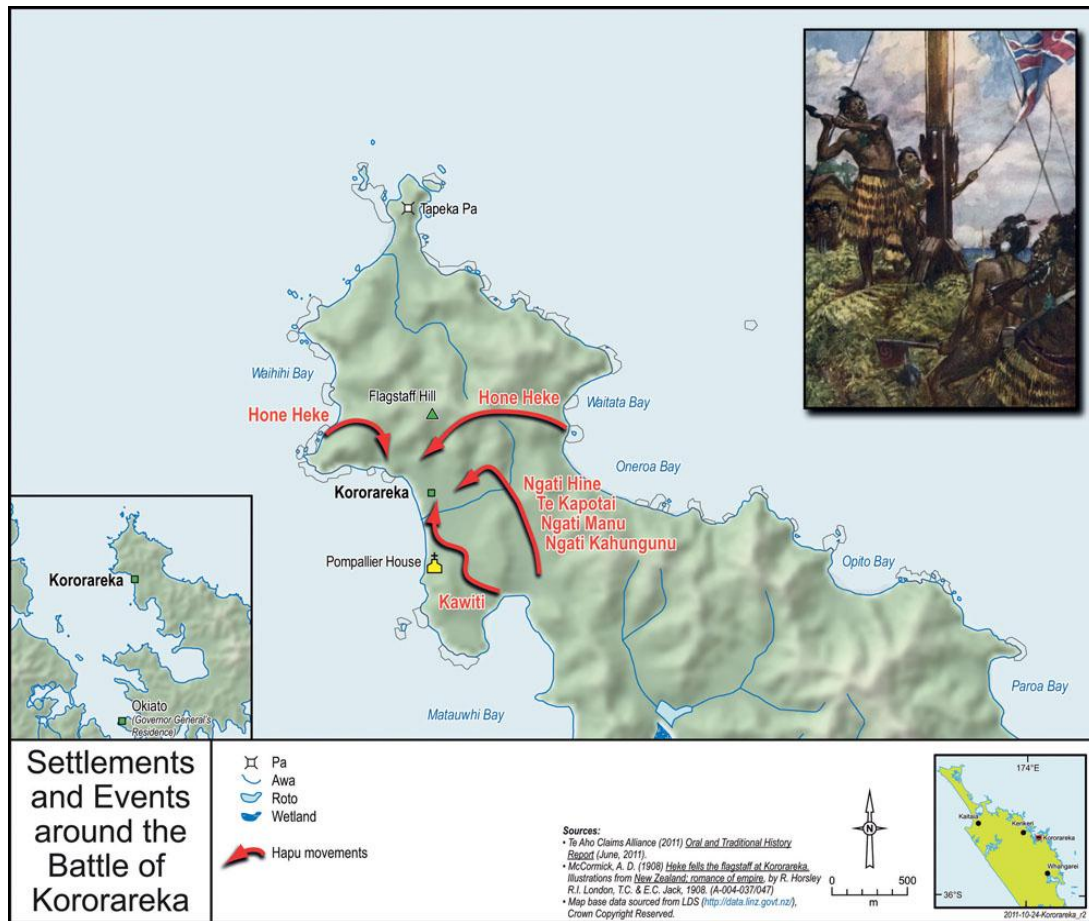
⁵⁵⁹ Erima Henare in Johnson, p.176.

⁵⁶⁰ *ibid.*, p.177.

⁵⁶¹ *ibid.*, p.168.

⁵⁶² Buick, *New Zealand's First War*, p.56.

Map 9: Settlements and Events around the Battle of Kororāreka



Kororāreka Battle

Te Aho hapū participation in the 11 March 1845

Kawiti's and Heke's forces formed a joint camp at Uruti, Pōmare's pā just outside Kororāreka, planning their next action. At some point, members of Te Kapotai from Waikare joined the taua, including rangatira Hikitene, Kokowai, and Haumene. Members of this hapū were equally affected by moving the capital and trade and commerce loss after 1840.⁵⁶³ In this undertaking, this coalition was moving into territory where Rewa and his hapū Patukeha of Ngāi Tawake had mana whenua, following Ngāti Manu's cession of this territory in 1830. Rewa's pā was located centrally on the beachfront, where Ngāti Manu rangatira Tara had sat before him in the first decades of the nineteenth century.⁵⁶⁴ Given that Heke respected Rewa's mana over the town it becomes clearer that his target was solely the flagstaff, not the

⁵⁶³ Johnson, p.264.

⁵⁶⁴ Best, 'Guns and Gods', pp.2-17.

township or its settlers. Heke did not want renewed inter-hapū struggles over the township itself; quite possibly Heke and Rewa had some kind of agreement about the attack.⁵⁶⁵ FitzRoy, however, asked Rewa to leave the town so that he could not participate. Rewa's pā might have been abandoned 'or at least lost its main function soon after the 1845 battle.' That Ngāti Manu hosted the large 1849 hui at Kororāreka (see below) suggests that by this time their mana whenua at this town was negotiable; by 1852 the land had passed out of Māori ownership.⁵⁶⁶

Between late February and early March further taua muru were conducted, mostly by Kawiti's forces from Uruti as they waited for Heke and his men to arrive.⁵⁶⁷ The targets were principally the same settlers as in previous muru, and no-one was injured. Wright's property at Uruti was plundered by 'Kawiti's tribe' on 3 March 1845, probably led by Hori Kingi Tahua; men from the *Hazard* were called to intervene and apprehend the 'offenders.'⁵⁶⁸ The taua was followed to Okiato and then almost to Ōtuihu. The first shots were fired on the ship's pinnace from both sides of a stretch of water between Okiato and Ōpua. This was seen as the first act of war; one sailor was injured before the boat withdrew.⁵⁶⁹ The following day, when the *Hazard's* officers went to check on Heke's forces near Matauwhi Bay, they were unhorsed and taken by

... a band of Kawiti's scouts ... before Kawiti, who, learning that they had made no resistance, acted generously, merely disarming them, and sending them back to the ship with an injunction to take better care in the future.⁵⁷⁰

Kawiti's plan to 'poroporoa i ngā ringaringa me ngā waewae' was put into action on the morning of 11 March 1845. As with previous efforts, the focus of the assault remained the flagstaff, not the town, although this is often misunderstood.⁵⁷¹

The attack was to begin simultaneously from three different points, the signal for its commencement being the rising of the star Pleiades [Matariki] – the dawn star – above the horizon. At that moment Kawiti and Pumuka were to march upon the town from Matauwhi Bay with a force of two hundred Ngāti Hine men drawn from Kawakawa and its inland districts; a similar force, consisting mainly of men of the Kapotai tribe, from Waikare, was to attack in the centre from the hills above the town, these movements being in the nature of a diversion to

⁵⁶⁵ Johnson, pp.204-05.

⁵⁶⁶ Best, 'Guns and Gods', p.7.

⁵⁶⁷ In Johnson, p.180.

⁵⁶⁸ *ibid.*

⁵⁶⁹ Buick, *New Zealand's First War*, p.61; Johnson, pp.180, 186.

⁵⁷⁰ Buick, *New Zealand's First War*, p.62; Johnson, p.187.

⁵⁷¹ Buick, *New Zealand's First War*, p.71.

keep the soldiers busy while Heke, with his own people, was to make his effort against his especial *bête noir* – the flagstaff. This composite force did not exceed six hundred men, who for the most part were armed with tomahawks, which some of their owners boasted would flash in the sunlight to some purpose before day was done.

When the plan of attack was decided upon, the *tohungas* (priests) of the war party were called in, and threw darts to divine the event. In Heke's case the omens were entirely fair, and then they all knew that the soldiers would be defeated, and that the flagstaff would fall. Kawiti was a *tohunga*, and threw a *rakau* ... for himself and one for the soldiers. Both rods went straight and fair, but both turned wrong side up. In consequence they knew there would be a stiff fight in which both would lose a number of men. 'Our enemy,' said Kawiti, 'will prove brave and strong; they will suffer much from us, and we from them. It is good, for this is war, not play.'⁵⁷²

Hikitene and Mauparaoa, Pōmare's Ngāti Kahungunu ally led the Te Kapotai force. In keeping with the chivalry of war, Heke made their plans known to the other side. Apparently, only Robertson, the commander of the *Hazard*, took them seriously. He had a small gun from the ship placed at a narrow point on the road to Matauwhi Bay, where he thought it would serve as a signal of any danger. Beckham had previously designated Polack's store, below the second blockhouse, as a refuge for the settlers. As Johnson notes,

the reality was that the three divisions of Ngāpuhi attackers were deployed in such a way as to first surprise the flagstaff defences, and then to engage each of the three British military positions (the Blockhouse, the lower blockhouse and the single gun battery). There was no attempt made at this or any later stage to attack the town or residents...

There were three separate attacks or armed engagements taking place simultaneously. At the south end of the bay, Captain Robertson and his force of 30 fought with Kawiti's Ngāti Hine force. In the middle of the Bay, Te Kapotai and Ngāti Manu exchanged fire with the soldiers and the lower blockhouse. At the upper blockhouse and the flagstaff, Ngāpuhi inside the flagstaff compound fired at the soldiers locked outside and forced them to retire down to the lower blockhouse.⁵⁷³

The attack began with Kawiti's forces advancing from Matauwhi Bay. Robertson encountered them near the church early in the morning, the gunner already having been killed while trying to spike the gun. After killing three Māori, Robertson became separated from his men while pursuing a fourth in the dark.

⁵⁷² *ibid.*, p.62. But for the earlier version of this see Maning, pp.254-55.

⁵⁷³ Johnson, pp.189-90.

When close upon his quarry, the chief, who proved to be no less a personage than Pumuka, Kawiti's second in command, turned and fired a double-barrelled pistol directly at him, one shot slightly wounding his right elbow, the other grazing his scalp. ... The chief was overtaken and killed by two men who had followed their Commander. Almost immediately one of those men was killed and the other seriously wounded.⁵⁷⁴

While accounts differ,⁵⁷⁵ they agree that Pumuka was the first to take a mataika (the first kill) for his side, the first to kill one of the enemy. Pumuka's pā, located at the mouth of the Whangai River, soon became the focus of the British soldiers when it was sacked. Robertson sought to retreat but, cut off by Kawiti's men, sheltered behind some trees. Kawiti's forces came upon the body of Pumuka and, taking it away, the last of these men found Robertson and shot him in the thigh, shattering the bone. Exposed to cross-fire between the two parties, Robertson received a bullet in the other leg, but survived. The son of Kawiti, Maihi Te Kuhanga, later known as Maihi Paraone Kawiti, was shot in the stomach in this encounter.⁵⁷⁶

Kawiti's warrior expertise was evident in an incident after Pumuka fell. An officer advanced towards Kawiti and some of his followers near the church:

The old chief called out to his men 'E te whānau, tukua mai ki ahau.' Well past middle age he would be then, but still able to give the foe their play. The taiaha too would be severely tested against the sword. 'My people leave him to come to me' was the order he gave as he knelt down to the ready position. Had the soldier known how invulnerable a Māori warrior is in this position, he would have changed his method of attack. However, according to an eyewitness – Mikaera Rini of Panguru who told the story to Hone Wi Mutu, also of Panguru – the officer failed in the attempt and was dispatched.⁵⁷⁷

The 11 March attack was intended to last only for as long as it took Heke to fell the flagstaff again. Kawiti had sufficient forces to 'outflank the soldiers and advance into Kororāreka had that been his intention. It was not. His was the feint to Heke's thrust and having achieved it Kawiti pulled back to Matauwhi Bay.'⁵⁷⁸ Heke's forces had taken the blockhouse and flagstaff by about 6 am, the flagstaff felled by about 10 am; the reinforced pou took an hour and a half's work to bring down. Soldiers guarding the flagstaff and in the blockhouse were killed, and Tapper, who had come through

⁵⁷⁴ Buick, *New Zealand's First War*, p.65.

⁵⁷⁵ Johnson, p.190; Maning, p.257. Buick's account, above, has Pumuka, a rangatira of Te Roroa, killed after three others. This is somewhat confusing as other sources have Pumuka as 'one of the first or likely the first,' to be killed in battle, the mataika.

⁵⁷⁶ Johnson, p.205.

⁵⁷⁷ Tawai Kawiti, 'Heke's War in the North', *Te Ao Hou*, 16, 1956, p.40.

⁵⁷⁸ Pugsley in Johnson, p.191.

the earlier attacks on the flagstaff unscathed, was wounded.⁵⁷⁹ Heke then erected his own flagstaff nearby (possibly on the dual peak of Maiki Hill) and raised his own flag.⁵⁸⁰ Later, 'Heke put a soldier's jacket on one arm of the new flagstaff and a hat on the other and rahui'd the place',⁵⁸¹ in other words claimed control of the protection of the town.

At midday a white flag was seen flying from Maiki Hill, an indication that Kawiti and Heke wanted a ceasefire, their main aim having been achieved by then.⁵⁸² This was to provide a safe route down the hill to the town for two women from the blockhouse. By midday, the firing had ceased, and most of the town's population and the sailors from the *Hazard* were gathered in the stockade at Polack's house, above the eastern end of the beach. From there Lieutenant Phillpotts, who appeared to have taken charge after Robertson was wounded, ordered an evacuation of the settlers to the ships standing in the bay. Some criticised this decision, considering it unnecessary as all firing had ceased.⁵⁸³

However, the drama of the day was not over. At about 1pm a cask of powder stored in the stockade at Polack's place exploded.⁵⁸⁴ Whether the result of negligence on the part of the person looking after the magazine in the cellar of Polack's house, a 'malignant act of an incendiary', or the British detonated it to make sure it did not fall into Māori hands, the explosion scattered 'the whole pile of buildings and two cottages adjoining', and a large fire followed.⁵⁸⁵ It is not clear whether the decision to evacuate the town was made before or after the explosion.⁵⁸⁶ But when the evacuation was complete, Heke and his men 'came down from the hills and entered the town, which was given up – not taken. Heke, with his usual penchant for Scriptural reference, said it was delivered to him by a miracle.'⁵⁸⁷

The abandonment of the town was apparently a large surprise to Ngāpuhi, who were happy for settlers to return to their homes 'unmolested'.⁵⁸⁸ However this dynamic changed when Phillpotts, in command of the *Hazard*, 'in one of those strange freaks

⁵⁷⁹ Buick, *New Zealand's First War*, p.69. Buick 1926, p.69.

⁵⁸⁰ Brown to CMS, 24 March 1845, CN/M, 15, p. 192, in Johnson, p.192.

⁵⁸¹ George Clarke junior to Father, 21 March 1845, qMS -0469, p. 473, in *ibid.*

⁵⁸² *Victoria* logbook in *ibid.*

⁵⁸³ *ibid.*, p.194.

⁵⁸⁴ Buick, *New Zealand's First War*, p.74.

⁵⁸⁵ *ibid.*, p.75.

⁵⁸⁶ *ibid.*, p.74; Johnson, pp.193-95.

⁵⁸⁷ Buick, *New Zealand's First War*, p.74.

⁵⁸⁸ Johnson, pp.196-98.

of mind for which he was ever remarkable,' began firing on the town again in the middle of these negotiations.⁵⁸⁹ Many, including Henry Williams, considered that this action caused the destruction of the town:

The greater part of the property might have been saved, but the Commanding Officer gave the orders to fire upon the Town from time to time during the remainder of the same day and following day – though many of the settlers had landed for the purpose of securing what they might be able – the natives behaved very well considering the circumstances under which they were.⁵⁹⁰

Heke drew a line in the sand, south of which no buildings were to be destroyed. These included the CMS church and Pompallier's house, as well as the Catholic Church that then stood on the hill. Accounts vary about whether the firing of the town took place on the 11 March evening, or the next day.⁵⁹¹ When Bishop Selwyn visited the town the following day, he found the flagstaff left lying on the ground. Both Māori and non-Māori appear to have plundered the town, but many of its inhabitants returned to retrieve their belongings and the postmaster's papers were saved for him.⁵⁹²

Henry Williams and Bishop Selwyn buried the bodies of those who died near the church in the church cemetery; others were later buried at Paihia. The following day the *Hazard* and other ships in the flotilla carrying evacuees left Kororāreka for Auckland.⁵⁹³ Kawiti withdrew to Waiōmio and Heke to Pākaraka and then to Pukututu, where he planned the next move. Waka Nene built up the defences of his own pā about two miles away.⁵⁹⁴ Missionary James Kemp's account of the numbers of casualties indicates that Kawiti's and Heke's forces suffered 13 deaths and 28 wounded, while British casualties were 19 or 20 killed and 23 wounded.⁵⁹⁵

Following the fire, only about fifteen houses and the religious establishments Heke demarcated remained intact. Three weeks later six waka taua of an unnamed rangatira returned to exact utu for the chiefs who had been killed, by plundering and destroying what was left of the burnt-out town. As the waka approached the shore, a 24-year-old wahine rangatira named Peata, a niece of Rewa, began striding up and

⁵⁸⁹ Buick, *New Zealand's First War*, p.78; Johnson, pp.196-98; Maning, p.259.

⁵⁹⁰ Henry Williams in Johnson, p.199.

⁵⁹¹ Buick, *New Zealand's First War*, p.78; Johnson, p.199.

⁵⁹² Lindsay McF. Alexander, 'The Socabaya, the Sack of Russell and a Curious Case of Copper Bolts', ud. L. Alexander pers. comm.. 25/08/2010.

⁵⁹³ Buick, *New Zealand's First War*, pp.74-8.

⁵⁹⁴ Wards, p.134.

⁵⁹⁵ James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* Auckland, 1986, p.38; Johnson, pp.200-205.

down along the water's edge, defying the men. According to Pompallier, by exerting her mana with its clear implication of reprisal, Peata halted the planned taua muru. Alerted by Peata, the local people, probably from Rewa's pā on the beachfront neighbouring Pompallier's house, went to her support and the threatened assault ended peacefully.⁵⁹⁶

Consequences

The escalation of Heke's assault on the pou to a full-scale sacking of the town was a 'disaster' for Heke, almost the opposite of the outcome he intended. His target was the flagstaff only, not the settlers or the town. In a letter to the governor, Heke insisted his only transgression was destroying the flagstaff.

Kia rongō koe i ēnei. Ko te rakau anake anō taku hara. Kahore ahau me oku tangata i tahu i ngā whare. Kahore i muru hoiho, kahore i poka noa, heoi anake no te ra kotahi i pa atu ai ki Kororāreka.⁵⁹⁷

Listen to me. The flagstaff is my only crime. Neither I nor my men burnt the houses or stole horses, they did not commit themselves being engaged only one day at Kororāreka.

Heke had pledged to 'protect the settlers;' this promise formed part of his 'war of words' with Waka Nene.

Heke had maintained that it was possible to oppose the Government but keep the settlers and their economy. His credibility suffered a major blow on this issue. Secondly, it forced Rewa and the Rawhiti tribes to take the Crown's side against him. Heke had driven out the people under Rewa's protection. Fortunately for Heke, Rewa was just as angry at the Government, which had refused to allow him to protect the town. Even so, Rewa and his influential brothers, Moka and Wharerahi, were almost forced into supporting the Crown by this disaster. Thirdly, the possibility of containing the war to a limited conflict with the soldiers was reduced.⁵⁹⁸

Opposing Ngāpuhi could now blame Heke for the loss of desirable traders from the town, not just the Governor's policies. Complying with a request from Beckham or the Governor, Patukeha and Ngāi Tawake hapū, with Rewa as rangatira, had left the town during the attack on the flagstaff.⁵⁹⁹ They were not present to defend their own land. Furthermore, losing Kororāreka as a market town was a major blow to Rewa,

⁵⁹⁶ Henare, Petrie, and Puckey, 'Northern Tribal Landscape', pp.263-64. This woman, formerly known as Hoki, was a widow and the first Catholic Māori nun.

⁵⁹⁷ Hone Wiremu Pokai ki te Kawana, 21 Mei 1845, copy in Edward Shortland Papers, MS-0489-01, HL, p.2, cit. Johnson, p.259.

⁵⁹⁸ Phillipson, 'Bay of Islands Māori and the Crown', p.355.

⁵⁹⁹ Buick, *New Zealand's First War*, p.85; Johnson, p.207.

his hapū, and many others in Te Pe-o-whairangi, worsening the local economy decline. Whether by an unintentional but 'fortuitous' turn of events, or perhaps intentionally and deliberately provoked, if not engineered, destruction of the Māori-managed trading centre would have suited the British, and FitzRoy's planned 'economic blockade of Māori trade'⁶⁰⁰ was achieved.

When Waka Nene heard of the destruction of Kororāreka, he went to the Hokianga to raise supporters, then proceeded to fortify his pā near Ōkaihau.⁶⁰¹ Pukututu of Ngāre Hauata declared his opposition to his whanaunga, Kawiti, and moved to Paihia to defend the mission from any attack.⁶⁰² The colonial government ordered a military offensive against Heke, Kawiti and others of their supporters. The Governor called for reinforcements and warships and soldiers began arriving in the Bay.⁶⁰³

The stage was set for the sustained conflict, known as the Northern War, which 'commenced after, and as a result of, the 11 March attack and not before.'⁶⁰⁴ And hapū alignments were becoming entrenched, with Te Aho claimant tūpuna mainly in the camp opposing the Crown, i.e. Ngāti Hine, Te Kapotai, Ngāti Rangī. At this stage some Ngāti Manu and Ngāti Rehia maintained neutrality.

The main leaders of opposition to the Crown were:

- Hone Heke Pokai, a chief of Ngāti Tautahi, Te Uri-o-Hua, and Ngāti Rāhiri, based mainly at Kaikohe (but with wide interests)
- Kawiti of Ngāti Hine, based mainly in the Kawakawa district
- Hikitea, a chief of Te Kapotai, from the Waikare River area
- Te Haara, a Ngāti Rangī chief at Ōhaeawai
- Hautungia of Te Uri Kapana
- Hira Pure of Te Uri-o-Hua
- Te Atua Wera (the renowned tohunga Papahurihia) of Te Hikutu and Ngāti Hau
- Marupo, a Waitangi and Pouerua chief
- Ruku, a Kawakawa chief

⁶⁰⁰ Johnson, p.156.

⁶⁰¹ Phillipson, 'Bay of Islands Māori and the Crown', p.355.

⁶⁰² Johnson, p.217.

⁶⁰³ *ibid.*, p.211.

⁶⁰⁴ *ibid.*, p.13.

- Pona, a Whangaroa chief
- Haratua, a Pākaraka chief
- Hori Kingi Tahua (Whareumu), a Kawakawa chief
- Kauata of Ngāti Wai
- Tohu of Ngāti Hau
- Pene Tauī, a Ngāti Rangi chief of Ōhaeawai

The main leaders opposing Kawiti, Heke and other Crown opponents (by siding with the Crown) were:

- Tamati Waka Nene of Ngāti Hao
- Makoare Taonui of Te Popoto
- [Hone] Mohi Tāwhai of Te Māhurehure
- Wiremu Repa of Ngāti Hao
- Arama Karaka Pī of Te Māhurehure
- Paratene Kekeao of Ngāti Matakire at Te Waimate
- Rewa of Ngāi Tawake and Patukeha at Te Rāwhiti
- Moka of Ngāi Tawake and Patukeha at Te Rāwhiti
- Wharerahi of Ngāi Tawake and Patukeha at Te Rāwhiti
- Tamati Pukututu of Te Uri-o-Ngongo at Kawakawa
- Rangatira of Ngāti Korekore
- Moehau of Te Hikutu
- Nōpera Panakareao of Te Rarawa
- Wiremu Kingi Kaitara of Pukenui
- Wi Hau of Te Waimate
- Rawiri Taiwhanga of Ngāti Tautahi and Te Uri-o-Hua at Kaikohe

The principal neutral chiefs were: Tāreha, the Ngāti Rehia chief of Te Tii Mangonui and Kerikeri

- Hakiro, the son of Tāreha
- Waikato of Te Hikutu

- Pōmare II, the chief of Ngāti Manu
- Ururoa (Rewharewha), chief of Whangaroa
- Hare Hongi, son of Hongi Hika, also of Whangaroa⁶⁰⁵

Usual alliances were transected in this dispute. These altered allegiances manifested in the Heke/Kawiti alliance – these two were related but from historically opposing hapū.⁶⁰⁶ Rewa, who might have been expected to ally with Heke, opposed him (Rewa's wife was Nene's sister). Pōmare, despite a close connection between Ngāti Manu and Ngāti Hine, remained neutral. Te Kapotai people from Waikare were divided between allegiances to Pōmare, Hikitene and other rangatira.

The events at Kororāreka sparked the first of Aotearoa's wars between Māori and Pākehā. After a kind of peace was negotiated following the battle at Ruapekapeka, Kawiti composed a chant, which speaks volumes about what was on the minds of the tūpuna during these troubled times. He lamented the divisions within Ngāpuhi that weakened their ability to withstand British aggression and protect their tapu relationship with their land. This takuate is analysed in some detail towards the end of the next section of this report.

⁶⁰⁵ Quoted from Phillipson, 'Bay of Islands Māori and the Crown', pp.358-59.

⁶⁰⁶ Kawiti, pp.38-9.

Kawiti's Chant

Te Takuake a Kawiti



Kahore te mamae e waahi ake nei
E whakapatuana te tau o Takuake e
Kite iwi raia kua hurihia atu nei
Ki raro ite maru ote Kuini ee
Hei hapai mai ite patu a ware ee
Ki runga ki taku kiri ngarahū e
Te ngu o taku ihue whakamaui mai ra

The sorrow of love wells up within me,
strikes at my heart strings
for the people who have turned away
to find their shelter under the Queen
and have raised weapons of slaves
to set upon the tattoo of my skin,
the spirals sculptured on my nose.

Etini ete hoa kia waiho ko ahau
Hei matangohi mo roto ite pakanga
Imahara hoki au ee hei riri kotahi ee
Hei riri pupu te riri a Ngapuhi, te riri a Rahiri ee
Te riri a kaharau.
Kai tohia iho ana kite tohi ote riri ee
Kite tohi nei o Karakawhati ee
Kirunga ki te kauae ote riri ee
Hei huna ite tangata ee kite po nui o Rehua eei

Oh my many friends, why forsake me
to become first-slain in this battle?
I thought this a war for all,
war of men bound together, a Ngapuhi war,
war of old man Rahiri, war of Kaharau,
to be baptised to the rites of battle,
the ceremonial of Karakawhati, before the shrine
of war,
for the hiding of men in the great night of Rehua.

Tenei ka whakaohirangi te tapu ite tinana
Te tapu ite whenua ee
Etitiro ana au e nga hau e wha ee
Onunga ote rangi ee
Tenei ka tukumai ko Ngaitai kote mere
Whakakopa ee
Ite hauauru he tai tama taane e
Kote maroharanui, kote ripoharanui i waho
o Mapuna,
E tangi ana ia he mumutai he waa whenua ei

I perceive now holiness in the body,
holiness in the land, as I look up
to the four winds of heaven,
Ngaitai arrives with the hidden mere,
from the western seas—the male child—
from the great ocean currents, mighty surges
beyond Mapuna,
resounding the roar of the ever moving tide
crashing upon the land.

Kia too te marino ki roto o Hokianga
I tupu mai i Panguru i Papata eei
Nga puke iringa korero ote hauauru ee
Katere-te-Taitapu te kauanga ote rangi
He au maunutanga-toroa, he hurihanga-waka-taua
Kite riri tauaki, kite riri horahora ee
Kite riri whananga ki roto o Ngapuhi

Let the great calm spread through Hokianga
springing from Panguru and Papata,
mountains, heavy with tales, in the west.
The sacred tide flows, crossing the sky,
the current bearing the albatross, turning the
warriors' boats
to the war up-flung, the war out-spread,
the war of kinsmen of Ngapuhi.

Kaati kawea mai te riri ate manu waitai
Kiroto o Ngapuhiko wahaorau eei
E kore au e mutu te tu kiroto ate pakanga
Kia kai rano au ite rereua ote po,
Katahi ano au kamutu te tu kite pakanga
Ka hinga hoki ra te-wao-nui-o-tane
ki raro naai.

So let the war, brought here from the sea
enter Ngapuhi of a hundred folds.
I shall never cease to fight my kinsmen
until I taste the driving sleet of death.
Only then shall I cease to fight my kinsmen
for the great tree of Tane will then lie low.



Explanatory Notes:

Rahiri Kaharua, Karakawhati: ancestors of
Ngapuhi tribes.

Panguru, Papata: mountain ranges in Hokianga.

Figure 54: Kawiti's chant from Te Ao Hou

Source: *Te Ao Hou* No. 16, October 1956, p.44.

The Northern War: Subsequent battles and Pā attacks

The series of battles that followed the attacks at Kororāreka are described in detail in Ralph Johnson's technical report for the Waitangi Tribunal's Te Paparahi o te Raki Inquiry, 'The Northern War 1844-1846', which was intended to remove the need to repeat detail contained in the overview reports, and has therefore been used as a principal source for this chapter. Johnson's report drew material from a number of European writers, such as Maning (c.1862), James Cowan (1922), Buick (1926) and

more recently James Belich (1986), as does this report also. But this report focuses almost exclusively on the main concerns of Te Aho alliance hapū, many of whose forebears opposed the actions of the British and bore the brunt of British aggression over 1845-46, along with Hone Heke's Ngāti Tautahi hapū and their allies.

This section of their report dwells mainly on the sacking of pā in related territories – Ōtūihu, Pumuka's pā, Te Kapotai Pā at Waikare – and the pivotal engagements at Ōhaeawai and Ruapekapeka, drawing from oral traditions that have been passed down in narrative form or as waiata, whakatauki and other formal recitations. The description is necessarily lengthy because of the extent of involvement of Te Aho affiliated hapū. The treatment of hapū received at the hands of British officials constitutes a major historic grievance they bring to these hearings.

Map 10: Post 1840 Battle Sites



Ōtūihu

Chapter 4 identified the strategic significance of Ōtūihu Pā, the old Ngāti Manu stronghold developed by Pōmare II following the move there after the 'Girls' War' at Kororāreka in 1830. From this inner harbour post Pōmare traded and defied missionary conversion efforts, while the beachfront Pākehā 'grog shops' also continued their business.

The colonial town of Auckland was in a state of turmoil following the Kororāreka fight of 11 March 1845, rife with rumours of Heke's imminent arrival and potential attacks on the town. FitzRoy requested further reinforcements from Gipps, Governor of NSW. The *North Star*, under the command of Sir Everard Home, arrived in Auckland Harbour late in March, followed shortly after by the *Velocity* and *Slains Castle*, carrying the 58th regiment under the command of Cyprian Bridge. The combined force was some 600 men.⁶⁰⁷ FitzRoy might personally have been pleased by the destruction of Kororāreka, a town that was 'the most blighting house of corruption in the colony,' but he was under extreme pressure from those 'burning for vengeance and blind to all risk from its hasty indulgence.' FitzRoy 'weakly yielded' to this settler pressure, and gave orders for a military expedition to the north under the command of Lieutenant Colonel Hulme.⁶⁰⁸

On 28 April the *North Star* arrived at Kororāreka, its guns 'thundered forth a royal salute,'⁶⁰⁹ the band of the 58th regiment played the national anthem, and the Union Jack was raised; such rituals required according to British custom, and FitzRoy's decree, to establish 'Her Majesty's authority' over this shore.⁶¹⁰ Fortified by this 'patriotic demonstration', the next morning the troops re-embarked and set sail for Karetu were under orders to sack Pōmare's pā and take the rangatira prisoner. This act of aggression lacked justification; 'the proceeding of the authorities seems to have been founded on nothing better than suspicion',⁶¹¹ based on letters Pōmare had supposedly written to Te Wherowhero that might have incited Te Wherowhero to oppose the Government'.⁶¹²

⁶⁰⁷ Buick, *New Zealand's First War*, p.97.

⁶⁰⁸ *ibid.*, p.96.

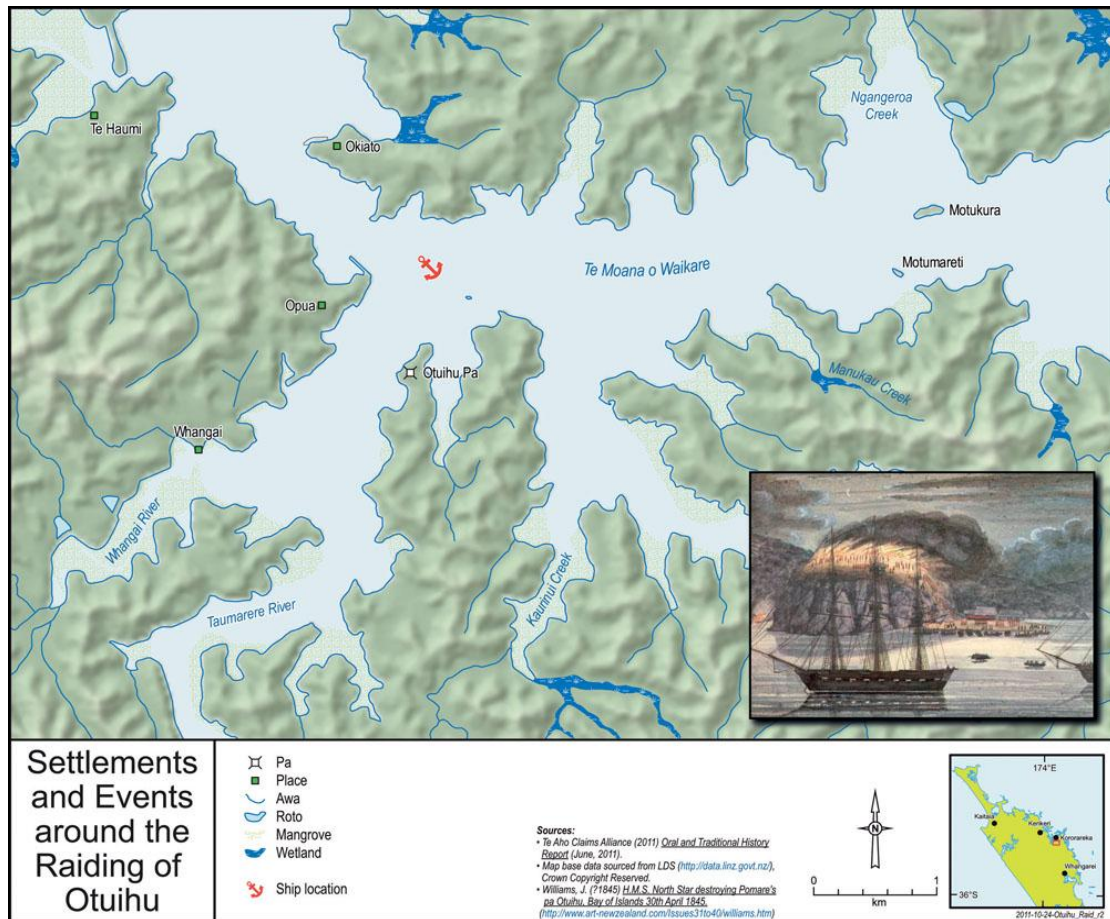
⁶⁰⁹ *ibid.*; Wards, p.135.

⁶¹⁰ Michael Barthorp, *To Face the Daring Maoris: Soldiers' Impressions of the First Māori War, 1845-47* London, 1979, p.58; Buick, *New Zealand's First War*, p.105.

⁶¹¹ Buick, *New Zealand's First War*, p.105.

⁶¹² *ibid.*; Wards, p.137.

Map 11: Settlements and Events around Raiding of Ōtūihu



Pōmare was caught between the two Ngāpuhi sides; he had whānau fighting both with and against Heke. Members of Ngāti Manu chose individually which side to support. Clendon, the new police magistrate at Kororāreka reported to FitzRoy in April that Pōmare acted as a go-between, receiving ‘gun powder from American traders [such as Waetford] on behalf of Heke.’⁶¹³ But Pōmare had taken no part in the attack on Kororāreka, and attempted to remain neutral.

Johnson identified three main sources of descriptions of the attack on Ōtūihu;⁶¹⁴ Ngāti Manu have their own oral traditions and history relating to the attack on Ōtūihu and the capture of Pōmare, which differ in some material respects.⁶¹⁵

Following a flawed plan (that was repeated later at Waikare), the *North Star*, *Slains Castle* and *Velocity* sailed at dawn against an unfavourable tide and wind, not

⁶¹³ Johnson, p.234.

⁶¹⁴ *ibid.* : ‘Colonel Hulme’s report to FitzRoy, Major Cyprian Bridge’s diary of events and an account left by the interpreter Edward Meurant,’ as well as the logbook from *HMS North Star* and a number of other shorter references recorded by soldiers who participated in the attack.

⁶¹⁵ *ibid.*, p.235; Munn, pp.247-51.

reaching their destination until midnight. At daylight, Hulme was surprised to see a white flag flying from the pā and the *North Star* then raised its own white flag on the bow, signalling peace, despite ‘the Governor’s Proclamation [that] only authorized loyal natives to display this colour’.⁶¹⁶ All the soldiers and marines disembarked before 8am. Hulme sent Edward Meurant, the interpreter, to request Pōmare to come to the ship, but Pōmare responded: ‘the Colonel must go to me.’⁶¹⁷ Hulme repeated the summons twice before Pōmare came to the beach, and then with his eldest daughter Iritana.⁶¹⁸ Hulme insisted that Pōmare board the *North Star* and return to Auckland to clear his name of the charges against him. European sources say Hulme ‘caused him to be gently put into a boat, and he is now in the frigate, a prisoner.’⁶¹⁹ However, Ngāti Manu sources emphasise force or restraint:

Pōmare was bound like a prisoner ... and lashed to the mast. The name Pōmare ‘Herehere tiini’ (bound in chains) was used by Ngāti Manu to describe Pōmare after his release. Furthermore, this name was subsequently given to descendants as a record of the event for later generations of Ngāti Manu.⁶²⁰

Although Pōmare was taken, the forces remained onshore, ‘a line of armed soldiers encircling the brow of the hill between the pā and the landing place,’ Ngāti Manu forces on the other side of the palisades.⁶²¹ Meurant conveyed Hulme’s ultimatum to Tawaewae, an elder uncle of Pōmare, that Ngāti Manu should give up their arms, otherwise the pā and everything in it would be destroyed. Tawaewae brought three stand of arms only, Meurant reporting back to Hulme that he had seen ‘at least 21 men’ retreating from the pā with arms and ammunition.⁶²² Meurant returned to tell Tawaewae that unless those retreating came back with their arms ‘we would proceed against them as rebels and destroy their pā.’⁶²³ By 3pm, when none of those fleeing had returned, Bridge and Hulme decided to sack and burn the pā.⁶²⁴ Confronted with a force of ‘about 500’ armed men lined up against Ōtūihu’s approximate 200⁶²⁵, it is not surprising that people fled the pā, retreating towards Karetu. Soldiers entered the

⁶¹⁶ Buick, p.106.

⁶¹⁷ Buick, *New Zealand’s First War*, p.106; Johnson, p.235; Wards, p.136.

⁶¹⁸ Ngāti Manu sources quoted in Johnson, p.235.

⁶¹⁹ Hulme quoted in *ibid.*, p.236.

⁶²⁰ *ibid.*

⁶²¹ *ibid.*, pp.236-37.

⁶²² Buick, *New Zealand’s First War*, p.107; Johnson, p.237.

⁶²³ Cyprian Bridge quoted in Johnson, p.237.

⁶²⁴ Bridge and Hulme gave contradictory justifications for the burning, Hulme stating this decision was made because they found looted property in the pā – although at that point they had not entered the pā. Bridge stated that it was done because of Ngāti Manu’s failure to disarm.

⁶²⁵ Meurant, quoted in Johnson, p.237.

pā, found no ammunition or gunpowder and were ‘allowed to take whatever they found of use.’⁶²⁶

At 5pm, ‘the match was applied to the pā, which was soon a sheet of seething flame, throwing its garish light across the Bay and against the hills as the shadows of night fell.’⁶²⁷



Figure 55: HMS North Star destroying Pōmare's pā, Ōtūihu, 29 April 1845

John, d 1905? Williams (artist); Lieutenant-Colonel Cyprian Bridge (attributed artist) A-079-032, ATL.

The pā was shelled and all Ngāti Manu's possessions, including their waka, were destroyed. This attack obliterated the economic base that Pōmare had developed at Ōtūihu, the pā where Ngāti Hine ancestress Hineāmaru had lived generations before. Pōmare, who had once had the Governor sitting on his land at Okiato, and had great expectations of this relationship and the outcome of the signing of Te Tiriti o Waitangi, was humiliated by this treatment and imprisonment. He and his hapū, Ngāti Manu, suffered a loss of mana through these actions.

When Waka Nene heard of Pōmare's imprisonment he sent a 'strong deputation' of rangatira, including his brother Patuone, to intercede on Pōmare's behalf.⁶²⁸ The

⁶²⁶ Cyprian Bridge quoted in *ibid.*, p.238. See also Buick, *New Zealand's First War*, p.107.

⁶²⁷ Buick, *New Zealand's First War*, p.107.

⁶²⁸ *ibid.*

Governor agreed that although the suspicious letters came from his pā, there was no evidence that Pōmare was the author. (Johnson identified Ngāti Manu rangatira Matiu Te Whareongo as a writer of at least one of the ‘treasonous letters’ Pōmare was accused of writing.⁶²⁹) Waka Nene and others were concerned that Pōmare’s unjust imprisonment would further inflame Ngāpuhi against the Governor and lead to loss of support for Waka Nene and his taua. The deputation guaranteed Pōmare’s ‘good behaviour.’ Other terms of his release included relinquishing land at Te Wahapū, once owned by Gilbert Mair but acquired by Pōmare from the Americans Smith and Waetford.⁶³⁰

Pōmare agreed to surrender possession of land and house at Wahapu, that previously belonged to Gilbert Mair, and which he, Pōmare acquired from Smith and Waetford, and that he Pōmare, had granted permission for the Governor to notify Gilbert Mair about the change of ownership of the said land, to the Government.

E kore a Pōmare e mea kia tangohia eia [?] ētahi o ngā mea o te Mete, raua ko te Wetiwha i waiho iho mana i te Wahapu, ara ngā taonga me te kāinga o te mea, e whakaae ana a Pōmare, kia waiho ki a te Kawana, te tikanga mana e hoatu ki a te mea e noho nei i Akarana.⁶³¹

Pōmare and his daughter were released with a pardon and the gift of a boat as compensation. They returned home, ‘which he found a deserted heap of ashes.’⁶³² On their return, Iritana took the name ‘Te Noota’, or North Star, memorializing these events, as ‘Pōmare Herehere tiini’ did for her father. ‘Pōmare never forgave Lieut.-Colonel Hulme’ for his capture and the ‘precipitate’ destruction of the pā.⁶³³

Te Kahika / Pukututu / Mawhe

After the attack on Ōtūihu, the British intended to continue inland, following Kawiti and Hori Kingi Tahua to Waiōmio up the Kawakawa River. In early May FitzRoy repeated his earlier orders to Colonel Hulme:

it is my sad duty to state my conviction that till the principal Pahs on the Kawakawa are destroyed, and till the majority of their rebellious inhabitants are killed, there will be no peace at the Bay of Islands, no security for other settlements.

⁶²⁹ Johnson, p.241.

⁶³⁰ *ibid.*, p.242; Wards, p.137.

⁶³¹ Conditions of Pōmare’s pardon, quoted in Johnson, pp.242-43.

⁶³² Munn, p.250. Buick does not mention Iritana.

⁶³³ Buick, *New Zealand’s First War*, p.108.

The Pahs to which I refer are (besides Pōmare's) those of Kawiti, of Hori Kingi, of Ruku, of Waikadi, and of Marupo.

Besides which every canoe belonging to Rebels should be destroyed. There are many concealed near the falls of Waitangi, belonging to Heke, and his adherents.⁶³⁴

Although the plan was to advance up the Kawakawa, Henry Williams met with Hulme and gave strong advice against 'dashing off across rivers, creeks, and swamps' and rugged bush country with no formed paths or roads.⁶³⁵ Consequently, the *North Star* and all the troops returned to Kororāreka, where Waka Nene awaited them with news of Heke, whose new pā at Pukututu was almost finished. This pā, also known as Te Kahika or Mawhe (the name of an older fortification on the site), was chosen because it was a 'place of extremely strong mauri'.⁶³⁶

This pā had 'three rows of strong palisades, a deep ditch between the first and second rows, layers of flax hanging down the outside row to absorb the musket bullets – a trick known ... from the days of Hongi – and great boulders piled up against the inner row.'⁶³⁷ Furthermore there were transverse cuts, deep shelter holes, and whares with their own fencing. Although the pallisading was complete on three sides, the fourth was not finished and left the defences vulnerable. Waka said he had Heke 'pinned down' and suggested it was a good time for the British to attack.⁶³⁸ Hulme advanced to Pukututu on 8 May. This was 'the first march of what was surely the most ill-conceived and badly executed campaign in which soldier was ever concerned.'⁶³⁹ Any contempt the British might have held for Māori warfare and defences was about to be corrected. The troops were heavily burdened, the route chosen to Ōkaihau was tortuous and difficult, heavy rain drenched their camps, and they reached the site of battle without food supplies.

Hulme's plan to surround the pā and incapacitate its defenders with rocket assaults failed when they missed their marks by a wide margin. Heke's remark, 'What prize can be won by such a gun?', became a common Ngāpuhi response to a boast.⁶⁴⁰ Ngāpuhi attributed the rocket failure to Te Atua Wera's use of karakia prior to the battle. Some damage was caused and Hulme took advantage of the ensuing

⁶³⁴ FitzRoy to Hulme, quoted in Johnson, p.244.

⁶³⁵ Wards, p.138.

⁶³⁶ Johnson, p.245.

⁶³⁷ Buick, *New Zealand's First War*, p.113; Johnson, p.140.

⁶³⁸ Buick, *New Zealand's First War*, pp.108-09; Johnson, p.140.

⁶³⁹ Unidentified source quoted in Buick, *New Zealand's First War*, p.109.

⁶⁴⁰ *ibid.*, p.116; Maning, p.276.

commotion to send a storming party to make an assault on the pā, but a scout detected Kawiti and his taua of about 140 men lying in ambush close to the troops. The soldiers fired a volley and charged, inflicting losses on Ngāti Hine. However Heke hoisted a flag in the pā to signal to Kawiti outside it. The taua in the stockade, under Haratua's leadership, then gave a resounding haka and burst forth to support Kawiti.⁶⁴¹

Brave old Kawiti, charging at the head of his warriors, striving to drive the troops into the lake, was forced back with heavy loss; one of his sons was killed (one had fallen at Kororāreka). Taura, Kawiti's eldest son was killed at the battle of Ōkaihau. Maihi, his youngest son was wounded but not killed at Kororāreka. He survived to become chief after his father's death. Kawiti's middle son Wiremu Te Poro also survived and lived at Waiōmio with Maihi. They are both buried in the Otarawa cemetery, Waiōmio. Many other men were killed or wounded. Kawiti himself was slightly wounded, and narrowly missed death. Nor did the troops escape; several were killed and many wounded. Kawiti's men tomahawked some of the wounded. The British, on their side, gave no quarter.⁶⁴²

As Heke's men withdrew into the pā, Kawiti renewed his attack on the British forces following him, and fierce hand-to-hand fighting continued until 4pm. The exhausted British party was forced to withdraw, having lost a quarter of its men. It was impossible for Hulme to continue the fight and he decided to retreat.⁶⁴³

⁶⁴¹ Cowan, *New Zealand Wars* (1983), p.44.

⁶⁴² Belich, *New Zealand Wars*, p.41; Buick, *New Zealand's First War*, pp.116-17; Cowan, *New Zealand Wars* (1983), p.45.

⁶⁴³ Cowan, *New Zealand Wars* (1983), pp.46-7.



Figure 56: Battle of Ōkaihau, Puketutu Pā (Mawe), May 1845 by George Hyde (attributed artist); John Williams (artist); Lieutenant-Colonel Cyprian Bridge (artist), B-081-006, ATL

Kawiti's taua, which arrived by 'forced march' on the evening before the battle,⁶⁴⁴ won the day at Puketutu, diverting the British from their main assault on the pā, but not without significant loss of men, including Kawiti's first son Taura and two of his nephews. Henry Williams compiled a list of those lost on Kawiti's side: 'Taura (Kawiti's first son); Kuiapo, Raewera, Puroto (all relatives); Ruku (Roroa); Pouri (nephew of Haki Taipa); Ngawhitu (chief of Ngāre Hauata); Parata Koti; Heki Tapua.' On the British side, missionary Burrows estimated fourteen killed and about forty wounded.⁶⁴⁵

A lament for Kawiti's son - remembers his death:

Tērā Tawera karere o te ata
Engia e Hine tēnei ka ora mai
Humea to paki, te kahu a te kareko
I hopia to kiri, te hopi a te tupara
Ara e Tau, ru ana ngā iwi
Maku e taratara to uru mawhatu nei
Ka ngaro noa i te hononga rūnanga
Whakata e Moni i to matua ra
Tēnei to tupuna e ngana nei ki te whare

⁶⁴⁴ Buick, *New Zealand's First War*, p.117. This states that Kawiti's forces had arrived 'on the scene only a few minutes before' they engaged in the fight with the British; missionary Burrows, however, records speaking to Kawiti's men after their arrival on 7 May – Belich, *New Zealand Wars*, p.41. The battle began on the morning of the 8th.

⁶⁴⁵ Johnson, p.253.

Tunoa ra ia ngā toka kaihou
Tangi porutu ai te wa o Tirohanga
Ko wai e kauanga i te tunuitanga to tapuwae nui
Ka haruru ki te tuki karekare
Kau ana ngā tai o te awa
Ka papa ngā hoe ki runga i te hipapa
E hoki ngā roma ki waho o Ōtūihu
He whakamenenga pā iti nau e Pōmare ei..
Tau ana te wheoro, ki te taha o te rangi
Ka tuturu anō te riri a Ngāpuhi
Mumu tangi ata, te aroha ki te iwi ei...

Te tangi a Parawa mo Taura Kawiti, maataamua o ngā tamariki a
Kawiti i mate ia ki Pukututu, ki Ōkaihau i te whawhai Pākehā

Lament of Parawa for Taura Kawiti, eldest son of Kawiti, killed at
Pukututu at the Pākehā battle.⁶⁴⁶

A second lament for a Ngāti Hine death was sung by Ngāti Hine wahine Pirangi,
mourning the loss of her husband in the battle:

Tērā Tawera, karere o te ata,
Heingia pouri, tēnei kaora mai,

Me peheatia, te hapai i te pu
Taha mauitia, ka he i reira,

Haere ra e karu, i te riri hunuhunu,
I te riri tuku tahi, i te nui a Te Hine,
[Ngāti Hine]
Tēnei taku toto, te paheke i raro ra,

He wai waka matara, nou e te Hoia,
Ka whati ra e te tihi, ki te maunga,
Unuhia atu ra, te Taniwha i te rua,
Tere aneni ana ki roto O mapere,
Ka hari ra, te wahine a te hau, [Ngāti
Hau]
Ka riro ia ia, taku tōtara haemata ra.

There Tawera rises in the morning
Mistakenly in the dark [I thought] he
lived.

What was it in carrying the gun?
Was it on the left side [side of ill omen]
and there it went wrong?

Farewell, Karu, in the plunder of war,
In the war together with the many of 'Ati-
Hine.

There my blood flows below [refers to
menses, dangerous to men],
To keep you away, O soldier.

The peak of the mountain has broken,
The taniwha is drawn out from its lair
And swims distractedly in [O]mapere.
The woman of Ngāti Hau rejoices

She has taken my strong-growing
tōtara.⁶⁴⁷

Following this battle, which ended with 'what was virtually the second defeat of the
British forces,' Kawiti and his men went to Pāheke and then to Kawakawa and

⁶⁴⁶ Erima Henare, personal communication, 12/08/2010.

⁶⁴⁷ Lament by Pirangi for her husband killed at Taumatatutu on 10 May 1845, translation by Dr Jane
McRae, quoted in Johnson, pp.254-55.

Waiōmio.⁶⁴⁸ Heke left Pukututu Pā for his cultivations at Te Ahuahu, where Te Taonui kept watch on him. Finding Te Ahuahu deserted briefly when Heke and his men had gone to kill cattle for provisions, Te Taonui, reinforced by Nene, ‘captured the pā by surprise’.⁶⁴⁹ Heke, ‘enraged’ at the loss of this pā, assembled his warriors and allies once again, including Kahakaha, a ‘brave and experienced’ rangatira of note.⁶⁵⁰ Fighting took place in the open, on 12 June, in the same manner as the battles of the ‘musket’ wars had often been fought. Kawiti was not present at this battle, in which Heke’s forces were defeated, Kahakaha killed and Heke wounded.⁶⁵¹

Historian James Cowan recorded that ‘two or three’ Pākehā joined Waka Nene during the 1845 battles – Maning, John Webster and Jacky Marmon.⁶⁵² Further details of the Maning account and the Pākehā contingent fighting on Nene’s side are in the recent Maning biography.⁶⁵³ Ngāpuhi traditions tell of ‘the red tribe and the blue tribe of non-uniformed British fighting on the side of the Hokianga group against Heke – the red tribe were the British foot soldiers, and the blue were the naval personnel.’⁶⁵⁴

On their return to the Bay, the marines and soldiers destroyed waka and houses belonging to Heke and his allies, including those FitzRoy had mentioned hidden near Waitangi. James Clendon was present on the *North Star* as it sacked several kāinga and other small settlements. Clendon wrote to FitzRoy on 12 May, noting that an ‘extensive settlement’ of Heke’s had been destroyed, and that the Waikare Māori were ‘fully equal to Kawiti for mischief and plunder ... [and] deserve the severest punishment.’⁶⁵⁵ George Clarke, who travelled with the marines to point out the kāinga of ‘friendly natives’ in order to protect these, wrote to his father on 16 July

⁶⁴⁸ *ibid.*, p.255; Wards, p.141.

⁶⁴⁹ Buick, *New Zealand’s First War*, pp.128-29.

⁶⁵⁰ Johnson, pp.290-91; Maning, pp.295-307. Belich refers to the fight at Te Ahuahu between Heke on one side and Te Taonui and Nene on the other as ‘the forgotten battle’, about which ‘only one detailed account of this exists.’ Wards does not appear to mention it, and Cowan gives it only a short paragraph. The one detailed account comes from Maning, ostensibly ‘told to him by an old chief of the Ngāpuhi tribe.’ Belich, p.45; Cowan, p.49; Maning, p.237.

⁶⁵¹ Belich points out that this was the only defeat that either Heke or Kawiti suffered in this war. Belich, *New Zealand Wars*, p.46.

⁶⁵² Cowan, *New Zealand Wars (1983)*, pp.40-41; Wards, p.135.

⁶⁵³ John Nicholson, *White Chief: The Colourful Life and Times of Judge F.E. Maning of the Hokianga: The Story of a Pākehā-Māori*, Auckland, 2006, pp.118-20.

⁶⁵⁴ Te Kiharoa (Gill) Parker, cit. Henare, Petrie, and Puckey, ‘Te Waimate-Taiamai Oral and Traditional History Report’, p.203.

⁶⁵⁵ Clendon to FitzRoy 12 May 1845, James Clendon Journal 1839-1872, NZMS 476, ACL. DB7.

1845, listing kāinga destroyed at Kaipatiki, Waitangi, Kaihera and Pumuka's pā at Te Whangai.⁶⁵⁶

The Pā of Pumuka

The rangatira Pumuka of Te Roroa, spent some years associated with the Paihia mission, where Kerikeri, one of his wives, worked as a 'washerwoman' for Marianne Williams.⁶⁵⁷

Some of Pumuka's descendants described him:

He wasn't a fighting man and the pā he built for his people was not a fighting pā. He built his pā for his people to live on. He wasn't a man who travelled with war parties to kill people. He helped people peacefully because he only wanted good things for the Māori people. He wanted us to be peaceful so that we would reap the benefits that would come to us later on. That is the reason why our ancestor was a well-known man.⁶⁵⁸

In early 1828, Pumuka and Henry Williams had a disagreement, possibly over Pumuka's intention to bring another wife to the mission, and it seems that he and Kerikeri left Paihia at about this time. Further disagreements with Williams followed, over land at Te Haumi, Ōpua and Paihia that Pumuka had sold to the mission, but where he expected to be able to maintain his traditional interests. Pumuka continued to assert his rights to some of this land for a number of years, although Williams disagreed and at one point asked Kawiti to mediate in the dispute.⁶⁵⁹ However his association with the Williams families did not entirely end, as in 1834 William Williams noted that Pumuka had brought 70 of his men to assist with constructing a 'horse road' from Paihia to Whangai, where his pā was located.⁶⁶⁰

In 1835, Pumuka was a signatory to He Whakaputanga, and in 1840 he was invited to Waitangi as one of the 'Chiefs of the Confederation of New Zealand.' Pumuka spoke for the Tiriti and was the sixth person to sign on 6 February 1840. According to family tradition Pumuka was given a flag either at the signing of the Treaty of Waitangi in 1840, or possibly earlier at the signing of the Declaration of

⁶⁵⁶ Johnson, p.256.

⁶⁵⁷ Helen McCracken, 'Pumuka: The Biography and Archaeology of Pumuka, a Te Roroa Chief of the Bay of Islands, C.1790-1845 A.D.', MA Anthropology thesis, University of Auckland, 1994, p.13. His first wife was Ani from Taranaki, with whom he had two sons, Hoori and Eru. Eru had no issues. Hoori married and had at least one son, from whom one branch of the family descends.

⁶⁵⁸ Hiini Tana, *Waka Huia*, 'Pumuka', 1997

⁶⁵⁹ McCracken, pp.87, 91, 94, 95.

⁶⁶⁰ *ibid.*, p.93.

Independence, 1835.⁶⁶¹ This flag is a naval Union Jack with two white strips of fabric stitched onto it, inscribed 'Pumuka' and 'Tiriti Waitangi' in black.⁶⁶²



Figure 57: Pumuka Te Tiriti o Waitangi flag, image 1

Photograph: Angela Middleton

According to Te Wiini Tana, interviewed in a *Waka Huia* programme about Pumuka in 1997:

The flag had its beginnings when it was given to our ancestor, Pumuka. It was the beginning of this taonga in New Zealand. When James Busby came here, he arrived with no soldiers or guns. The only thing he had was the taonga, the flag. James Busby thought that maybe later on, a leader would come to his aid as he worked amongst the Māori people. A year later, our ancestor Pumuka went to the aid of James Busby and they travelled together doing missionary work. They educated and helped the Māori people. In the year 1824, James Busby showed his appreciation to our ancestor Pumuka by signing the name 'Pumuka' on the flag, and then he gave it to Pumuka. It didn't end there; Pumuka took the flag with him every time he and Busby went about their work amongst the Māori people in this area.

In the month of February, on the second day, of 1840, James Busby called a meeting for all the leaders to settle the issue regarding

⁶⁶¹ *ibid.*

⁶⁶² The flag is held in Te Papa. There are several small areas of darned mending in the fabric of the flag, stitched in white and black cotton, as well as patches of red fabric applied to the flag.

Waitangi day. They gathered together for many days and many nights. As the meeting went on, our ancestor Pumuka stood and he turned towards Te Tairāwhiti and said, “My desire for you governor is to stay amongst us to be our second father, to talk to us about the nature of the English ways”. He said, “Stay, Stay.”

Discussion continued on, and on the 5th February 1840, our ancestor stood again and said, “Who of these people do we want to lead us, the Dutch?” “No, my chief” “The French”. “No, my chief”. He continued to stand and said, “What about the people of the Queen?” It was then that the idea of Pumuka was supported by many of the leaders.

At the conclusion of the gathering, the Treaty of Waitangi was signed on February 6, 1840. When the Treaty was signed, Governor General Hobson took the taonga and wrote ‘Te Tiriti o Waitangi’ on it in appreciation towards Pumuka for all the help he had given them. The taonga came back from there and moved to Pokapū with the family.

At Pokapū was a teacher by the name of Alan Lord. He saw the precious taonga being held by our uncle and he asked our uncle if he would agree to send it to Wellington to be looked after there. He agreed to send it to Wellington and a replacement one was sent back to the family. That is the beginning of this taonga and how it came into this family. The love for that flag is widespread.

According to Hone Tana, the first flag (known as huruhuru hoiho – horse hair) stayed within the family; it went around the family and ended up in Waikato at one stage. Eventually after the aunties who held it died, the flag was brought back north. At some point it was at the museum at Te Aupōuri. It had become very fragile. The museum sent the family a copy of the flag. It was flown at Waitangi day when the Queen visited, but was destroyed by protestors. A second replacement was provided and remains in the family. ‘It descends through genealogy and at this stage is open to anyone who would like to take care of it [provided that they can] recite the genealogy of the flag. ‘If the flag flies peacefully, everyone will be at peace.’ The flag is an important taonga; its name is ‘Pumuka Te Tiriti o Waitangi’.



Figure 58: Pumuka Te Tiriti o Waitangi flag, image 2

Photograph: Angela Middleton.

The land issues with the Williams brothers were not at an end. Hiini Tana explained:

At the erection of the flag staff at Kororāreka, Henare Wiremu spoke these words as Hone Heke looked on. He said to the people as the flag went up, “on this day, your land will go to Queen Victoria and I am going to take it.” From those words, bad feelings arose in the hearts of the leaders because they knew that the ‘mana’ of their land had been taken by Queen Victoria. There was Kawiti, Pumuka, Hone Heke, Te Kemara and many other leaders who went to war at Kororāreka.

Thus, Pumuka’s early acceptance of the British changed. He fought alongside Kawiti as ‘second in command’ at Kororāreka on 11 March and was the first, or one of the first, to be killed.⁶⁶³ Kawiti’s men recovered his body. According to Hiini Tana, Hone Heke got word to Martha Ford, wife of the mission Doctor, and asked her to take the body back to the church at Paihia. She agreed and asked a soldier to row his body by canoe from Kororāreka to Paihia.

Pumuka’s alliance with Kawiti and Heke resulted not only in his death but also the sacking of his pā at Whangai (Te Whangaii). The British, acting in tandem with Clendon and Clarke, made the decision to sack kāinga and pā such as Pumuka’s,

⁶⁶³ Buick, *New Zealand’s First War*, pp.62-5.

although these were not included in FitzRoy's list of places to be destroyed.⁶⁶⁴ The loss of waka, so essential for transportation around Te Pe-o-Whairangi and its waterways, dealt a huge blow to the economy.

In May, Heke complained:

... aku whare kua toro. Ko aku waka kua pakaru kua murua atu. Ko aku kai kua pau atu Ngā kupenga kua tahuna e ngā hoia e ngā tangata Māori. ... Ko ngā poaka hoki.⁶⁶⁵

... my houses have been burnt, my canoes have been broken, my food plundered and consumed, and my fishing nets destroyed by the soldiers and by the Natives. ... And my pigs also.

The complaint also signalled that the damage caused by the British was equivalent to the sacking of Kororāreka, and that no further hostilities should eventuate; in fact this rebalancing, or utu, paved the way for reconciliation and peace talks, but the implied message was lost on the recipient of the letter, or deliberately ignored.

On 1 June, Colonel Despard arrived to take over from Hulme as commander of the British forces. Several days later, FitzRoy wrote to him, repeating his instructions of a month earlier:

Those chiefs who have become most notorious as supporters and advisers of Heke are, Kawiti, Hira Pure, Hori Kingi, Haratua and Marapo [Marupo]; who, with their followers, should share the fate which their destruction of the settlement of Russell (or Kororāreka) [sic] has rendered inevitable.⁶⁶⁶

FitzRoy and the British chose to ignore the role that their own forces had played in the destruction of the town, blaming it entirely on Ngāpuhi.

After the destruction of Pumuka's pā, family history about the area became confused. In describing Pumuka's home, Hone Tana referred to this:

At Te Raupo, Pumuka's home was over there at the pines. His daughter married Henare Peia there. In those days the Māori and English fought and killed each other there. Our ancestor saw the dead lying there and he would carry them to the pūriri tree to dry and then he would take their remains to a cave. The Māori did not bury their dead.

⁶⁶⁴ Johnson, p.257.

⁶⁶⁵ Hone Wiremu Paki ki te Kawana, 21 Mei 1845, copy in Edward Shortland Papers, MS-0489-01, HL, p.2. Forsaith translation, G 30/7, pp. 988-90, cit. *ibid.*, p.259.

⁶⁶⁶ FitzRoy to Despard, 6 June 1845, (WO 1/433, micro-z-338, ANZW, pp. 364-5) in *ibid.*, p.293.

That land, Te Raupo, was a pā and the people were anxious, they couldn't settle themselves. ... That area is very important and has great history. It is a huge area of history of our ancestors, the cemetery with the white fence is where Pumuka held his hāngī to feed everyone. The wood of the original home is still there, it is not huge but it still lies there.

As you go down to the sea, there is a hole like a dish. They went fishing and they would clean their fish in the hole. The spring of Pumuka is over there past the place where the house was. The water is extraordinary.

The talk that came down through the generations says that it was Pumuka's pā. Today, the talk goes against that. The history is left out. ... I have done my part to heal the caves.

The family has tried to stop houses being built on the land, and they have asked that the area be blessed and set aside in perpetuity, out of respect for its history. That had not been made official at the time of the *Waka Huia* interview.

Te Kapotai

After the battle at Te Kahika Major Bridge and the 58th Regiment returned to Kororāreka, from where an attack on the settlement of Te Kapotai at the head of the Waikare inlet was planned. The British forces were keen to take the pā and its people, after finding the inhabitants of Ōtūihu had fled into the bush, and having had a similar result at Te Kahika. The rangatira Hikitene had signed Te Tiriti on behalf of the hapū, but since that time joined those disaffected with the Governor and the British. Other significant Te Kapotai rangatira were Kokowai, Te Kapotai and Haumene. Te Kapotai's near kin and allies were Ngāti Manu and Ngāti Hine.⁶⁶⁷ At the fourth attack on the flag staff at Kororāreka in March, Hikitene and Mauparaoa, the Ngāti Kahungunu ally of Pōmare, had combined to lead a division under Kawiti. Consequently the Waikare settlement became a target for the British, who were also informed that Te Kapotai had plundered Kororāreka.⁶⁶⁸ Clendon, in his role as Police Magistrate, was apparently keen to see Te Kapotai punished, writing to the Governor:

I am not aware of Your exc's orders to Col Hulme, but beg to suggest that after he returns from Heke the pahs of Kawiti and Copatai [Kapotai] should be visited with the severist punishment they have still the greatest portion of the plunder and horses by them.⁶⁶⁹

⁶⁶⁷ *ibid.*, p.263.

⁶⁶⁸ *ibid.*, pp.263-64.

⁶⁶⁹ Clendon to FitzRoy 5 May 1845, Clendon Journal, NZMS 476, ACL, DB7; see also Maning, p.282.

Clendon sent Cook, a local settler, to reconnoitre the Waikare River. A surprise attack was planned, using small boats to travel to the head of the river at night on the high tide. Bridge was in charge of the 58th, with marines manning the small craft, under command of Lieutenant Phillpotts, making a combined force of about 200. Alongside these men was a force of about 100 Ngāpuhi consisting of Te Hikutu from Te Puna, others from Te Māhurehure under Mohi Tawhai and Repa, and Ngāi Tawake under Rewa.⁶⁷⁰ Erima Henare explained the dynamics of this force:

All of these three groups actively sought utu against Te Kapotai for the earlier defeat and losses at the battle of Waikarepuru twenty or thirty years earlier. In that battle, Ngāti Hine, Ngāti Manu and Te Kapotai defended Ōtūihu against an attack from Tawhai and Pi (the fathers of the 1840s chiefs Mohi Tawhai and Arama Karaka Pi). They therefore joined the British attack with this sole purpose in mind. Without this understanding, Rewa's inclusion in the attack in Te Kapotai seems surprising, given his earlier refusals to participate in the war. It also serves to underline the fact that Ngāpuhi involvement alongside British forces in this battle, and other battles, occurred for different reasons than those of the British. While, the British sought to destroy Te Kapotai for opposing the Crown, Te Hikutu and Ngāi Tawake attacked Te Kapotai as utu for traditional take.⁶⁷¹

In this manner, those siding with the British exacted utu.⁶⁷²

The attack took place on 16 May 1845. Clendon's journal describes the boats missing the tide as they travelled up the Waikare inlet on the night of 15 May, most reaching their destination at about dawn on the 16th. Rain fell throughout the night, there were not enough guides, boats lost their way and became grounded in the mangroves and mudflats towards the head of the inlet. Clendon's frustration at the British incompetence is clear in his journal; the expedition had 'unfortunately proved a most disgraceful failure',⁶⁷³ while Bridge admitted that the whole business was 'most infamously mis-managed.'⁶⁷⁴ The plan for one body of troops to land at the front of the pā, while a second body moved to the rear to cut off any retreat, was thwarted, as there was no way of knowing if this group had managed to navigate to the correct position. Bridge then sent 'the friendly natives under Ripa and Rivers' (Rewa) to cover this position.⁶⁷⁵ The 'surprise attack' also failed when those in the pā were

⁶⁷⁰ Buick, *New Zealand's First War*, p.122; Johnson, p.265.

⁶⁷¹ Erima Henare in Johnson, p.266.

⁶⁷² Mitcalfe in *ibid*.

⁶⁷³ Clendon to FitzRoy 19 May 1845, Clendon Journal, NZMS 476 ACL, DB7; Buick, *New Zealand's First War*, p.123; Johnson, p.267.

⁶⁷⁴ Bridge quoted in Buick, *New Zealand's First War*, p.123.

⁶⁷⁵ Cyprian Bridge in Johnson, p.267.

alerted by a flock of ducks that flew over the pā, disturbed by the approaching troops.⁶⁷⁶

Although the assault proceeded, Bridge was aggravated to find that once again his targets had left their pā and disappeared, leaving only a few men to hold the defences. Ngāpuhi ‘friendly’ forces pursued the Te Kapotai into the bush, while the British stayed in the pā, plundered it and set it alight.⁶⁷⁷ The main action was apparently between Te Kapotai and government-allied Ngāpuhi. Parts of Maning’s account are followed here, as even though he was not present at all engagements, it clearly follows the main thread of the action.



Figure 59: Waikare Pā in flames after its capture, 16 May 1845, Lieutenant-Colonel Cyprian Bridge (attributed artist) A-079-003, ATL

⁶⁷⁶ Buick, *New Zealand’s First War*, p.123; Johnson, p.267. Waikare Marae committee in Johnson.

⁶⁷⁷ Bridge quote in Buick, *New Zealand’s First War*, p.124. Buick supplies a full quote describing this engagement from Maning, while Johnson points out that Maning’s source, an ‘old chief’ was in fact fictional and this account unreliable. Maning also has Waka Nene in this engagement whereas Johnson notes that he is not identified as being present in any of the ‘first-hand accounts,’ which have Repa leading the attack. Maning’s account is principally concerned with a fight to the death between two young chiefs, Hauraki from Te Hikutu and Hari from Te Kapotai, Hauraki being Maning’s brother-in-law. Buick, p.125; Maning, pp.282-93; Johnson, p.269; Cowan (1983), pp.40-41.

After hearing the flock of ducks flying over the pā, Te Kapotai watched for an approaching war party. When the soldiers got close, Te Kapotai called out, 'If you are Māori warriors who come in the night, we will give you battle; but if you are soldiers, here is our pā, we give it to you.' When Te Kapotai discovered the soldiers, they retreated out the back of the pā, leaving it as plunder in 'payment for Kororāreka, which was very right.'⁶⁷⁸ Fierce fighting continued for some time in the bush until two young toa, Hari (Te Kapotai) and Hauraki (Te Hikutu), 'both young men fighting for a name' sought each other out.⁶⁷⁹

Hauraki had just loaded his rifle, but the caps which he had were too small, and while he was a long time trying to put on the cap. While he was doing this, Hari fired at him, and the ball struck him on the breast, and passed out his back; but so great was his strength and courage that he did not fall, but took another cap and fixed it, and then fired at the Kapotai chief, and the ball struck him on the side under the arm-pit, and went out under the other arm-pit. So Hari staggered and fell dead. When Hauraki saw this, he said 'I die not unrevenged,' and then sank gently to the ground. His people then seeing this, two of them led him away towards the rear. The Kapotai also carried away their chief, and then, enraged at his death, rushed upon the Hikutu, now only eight in number, the rest having been killed or wounded.⁶⁸⁰

Te Hikutu 'lost heart and fled,' leaving Hauraki hidden in the fern.⁶⁸¹ When they got back to the boats, they tried to make the British troops understand that Hauraki needed to be rescued from his hiding place, but the interpreter had already left in one of the boats and efforts at communication failed as 'there was a great confusion, everyone trying to get away, and Walker's (Waka Nene) men were also getting into their boats and going away, and boats and canoes were running foul of each other, and the creek was choked with them.'⁶⁸² In the midst of this confusion, Te Kapotai came back out of the bush, firing on the departing troops and their allies, who departed, leaving Hauraki in his hiding place. Finally, at midnight, Hauraki managed to get up and after walking a 'long way' found a small canoe in which he travelled back to the Bay.⁶⁸³ He came ashore, but died of his wounds.

According to Maning, 300 men from Te Hikutu, Ngāti Kuri, Te Rarawa, and 'Walker's people' later returned to Te Kapotai territory, where further plunder took place, and paura mamae - volleys of powder fired in pain or grief - were fired at the spot where

⁶⁷⁸ Johnson, p.269; Maning, p.283.

⁶⁷⁹ Maning, p.284.

⁶⁸⁰ *ibid.*, p.285.

⁶⁸¹ *ibid.*

⁶⁸² *ibid.*

⁶⁸³ *ibid.*, p.289.

Hauraki fell. Te Kapotai respected the grief of Hauraki's people in these actions and did not respond.⁶⁸⁴ On 21 May, Rewa met with the troops' interpreter, Meurant, and proposed a follow-up attack on Hikitene and Te Kapotai.⁶⁸⁵ This took place on 26 May, as Clendon noted in a letter to FitzRoy dated 27 May. Pōmare, Repa, Rewa and other Ngāi Tawake, pursuing their traditional take, went to Waikare and 'brought away all their food,' as well as destroying canoes and taking a 'small vessel' belonging to Hikitene as well as Mr. Beckham's boat.⁶⁸⁶ In the same letter, Clendon informed the Governor that Heke was constructing a strong pā.

Ōhaeawai

After the fighting between Heke and Waka Nene and Te Taonui at Te Ahuahu, Henry Williams and Nene urged the British to attack Kawiti's new pā at Ōhaeawai soon. Williams met Despard and the British on 13 June 1845. The troops advanced very slowly, hampered not only by the grounding of the *British Sovereign*, one of the transport vessels, on Brampton Reef, but also by the small number of drays and carts available to carry the heavy artillery and ammunition. Kawiti and Heke made no attempt to attack as the vulnerable troops moved forward. The bridge over the Waitangi River, a strategic point of vulnerability, was not destroyed.⁶⁸⁷ Kawiti and Heke did not intend to attack by treachery, but only by 'he riri awatea', fighting in broad daylight, only after the British initiated an assault.⁶⁸⁸

Troops arrived at Waimate mission station on 17 and 18 June, where Pōmare also arrived carrying a white flag, to join Waka Nene. Pōmare had previously assisted with rescuing the transport ship from Brampton Reef and left a detachment to protect it at Te Wahapū, where it was being repaired. The presence and behaviour of the troop encampment at Waimate caused consternation and grief to its missionary inhabitants, and destroyed the previously 'wāhi tapu' nature of the settlement, a neutral place of peace in Ngāpuhi eyes.⁶⁸⁹ Troops remained at the mission, only six miles from Ōhaeawai, until 23 June, when they began the march to the pā.

The primary choice of Kawiti for this battle was Ruapekapeka, but Pene Tauī (Ngāti Rangi and Ngāti Kiriahi) challenged, 'He aha tēnei e toia nei i runga i au? (What is

⁶⁸⁴ *ibid.*, p.293.

⁶⁸⁵ Johnson, p.271.

⁶⁸⁶ Clendon to FitzRoy 27 May 1845, Clendon Journal, NZMS 476. DB7.

⁶⁸⁷ Johnson, p.295.

⁶⁸⁸ *ibid.*, p.296.

⁶⁸⁹ *ibid.*

this thing dragged over my head?')⁶⁹⁰ Instead, Pene Tauī's pā, Ōhaeawai, was fortified for the next engagement.⁶⁹¹ Kawiti led a revolutionary reconstruction of the pā to withstand artillery attack; he 'independently invented the anti-artillery bunker.'⁶⁹²

Old Kawiti, wise in all matters of warfare, marked out the lines of the new fortification, which when completed more than doubled the size of the original stockade, and ... superintended the labour of hauling the puriri palisade timbers from the forest and setting them in position. ... The palisades and trench ... made an uninterrupted defence, and the numerous projections gave an admirably complete flanking fire; therein shone the innate military genius of the Māori.⁶⁹³

The people were completely sheltered in the trenches and in underground whare, six feet deep, some of which were 'as large as a good-sized wharepuni, about 30 feet long and 20 feet wide, until Despard's guns were mounted on the hill to the north-west.'⁶⁹⁴ Even then the artillery had little impact, and there were few Māori casualties on Kawiti's side. This time, four cannons were brought into the defences.

The pā stood on high ground. On a conical knoll, Puketapu, about 300 metres to the north, the British took their position. The main leaders in the defence at Ōhaeawai were: Kawiti, leading Ngāti Hine;⁶⁹⁵ Te Hara, Te Wharepapa, Pene Tauī and Heke's elder brother Tuhirangi. Heke was not present at this battle; he was about fourteen miles away at Tautoro, recovering from the wounds received earlier at Te Ahuahu. The interior of the Ōhaeawai defences, described probably by Rihara Kou, who had fought there when aged about twelve, was:

... in the securely-roofed dugouts within the stockade the Maoris [sic] are snug and dry. The floors of the ruas are thickly spread with soft fern and flax mats. In the store-pits are heaps of potatoes and kumara, baskets of dried eels, preserved pigeons, shell-fish or [sic]? from the Kawakawa. In the larger of the semi-subterranean huts fires are burning, fed with manuka branches and heaps of Kapia or kauri gum. ... Women and boys are roasting potatoes ... men are cleaning their flint-lock muskets and percussion-cap guns.⁶⁹⁶

⁶⁹⁰ Kawiti, p.41.

⁶⁹¹ *ibid.* Johnson suggests (p.299) that Heke and Te Haara were privy to the process of convincing Kawiti to fortify Ōhaeawai first.

⁶⁹² Belich, *New Zealand Wars*, p.52.

⁶⁹³ Cowan, *New Zealand Wars (1983)*, p.51.

⁶⁹⁴ *ibid.*, p.54. *Ibid.*, p.54.

⁶⁹⁵ *ibid.*, p.55; Johnson, p.301.

⁶⁹⁶ Cowan, *New Zealand Wars (1983)*, p.55.

By comparison, in the depth of a wet mid-winter season, the English troops outside the stockade were sodden, short of food, exhausted and miserably uncomfortable, their uniforms in tatters and many barefoot, others with their broken boots tied on with strips of flax.⁶⁹⁷

The British began firing four guns into the pā from about 8am on 24 June, for the duration of the day, with little effect. Despard then called for a larger gun to be brought up from the *Hazard*, but even this failed to breach the palisades, and any damage was repaired overnight. Despard became even more infuriated when on 1 July a taua from the pā took the hill behind the stockade. Waka Nene's party fled from this assault. The captured British flag was then flown from the pā, 'below the rebel flag - a *kakahu Māori*.'⁶⁹⁸ This last insult provoked Despard to storm the palisades, against the advice of several, including Maning, Webster and Nene.⁶⁹⁹ Among those protesting the mad plan was Phillipotts, of Kororāreka fame, who had 'openly derided every action of Despard's.'⁷⁰⁰



Figure 60: Ōhaeawai pā stormed 1 July 1845, Lieutenant-Colonel Cyprian Bridge (attributed artist), A-079-005, ATL

⁶⁹⁷ Barthorp, pp.95-6; Cowan, *New Zealand Wars* (1983), p.64.

⁶⁹⁸ Cowan, *New Zealand Wars* (1983), p.60; Johnson, pp.304-05.

⁶⁹⁹ Cowan, *New Zealand Wars* (1983), pp.61-2.

⁷⁰⁰ Barthorp, p.101.

The attack party, totalling about 220 men, focused on the north-west side of the pā, despite it being enfiladed by loopholed bastions at either end, from where the protected garrison could fire onto the storming party.⁷⁰¹ The occupants of the pā held their fire until the troops got to within 20 or 25 yards of the palisades. Then, protected by the pekerangi and flax curtain, they opened fire. Although the one hundred defenders, including women, were outnumbered by about five or six to one, the pā proved impregnable, and the soldiers fell 'like so many sticks thrown down.'⁷⁰² One survivor recounted, 'not a single Māori could we see. They were all safely hidden in their trenches and pits, poking the muzzles of their guns under the foot of the outer palisade. What could we do?'⁷⁰³ Within only about five minutes of the assault beginning, the retreat bugle was sounded, with at least forty men killed and seventy wounded; amongst the dead Lieutenant Phillipotts. His scalp was taken and sent to the tohunga Te Atua Wera as the whangai-hau, the first trophy of battle.⁷⁰⁴ The taua then came out of the pā to give the tutu ngarahu, a haka of victory and prophecy.⁷⁰⁵

The British took the wounded on carts to Waimate, and on 3 July Henry Williams and Robert Burrows, who had watched the battle, came to bury the British dead. From the pā, no more than ten lost their lives, including those in sorties before the main event.⁷⁰⁶ On 11 July, the pā was found abandoned, the garrison having withdrawn to Kaikohe and Tautoro, and on the 14th, after efforts to destroy the pā, the British forces set fire to it and withdrew back to Waimate, where they remained for three months.⁷⁰⁷ Inside the pā were supplies of potatoes and corn, sufficient for 'six months consumption.'⁷⁰⁸ The sophisticated, impregnable fortifications of Ōhaeawai took the British by surprise, and Colonel Despard's erratic and inexpert command was no match for the 'military genius' of Kawiti. ⁷⁰⁹ The events of this battle were a far cry from British expectations:

We came here with the expectation of doing wonders, thinking that we should march up to the pā one day; attack, take and burn the Pah and

⁷⁰¹ Belich, *New Zealand Wars*, p.50; Cowan, *New Zealand Wars (1983)*, p.66.

⁷⁰² Belich, *New Zealand Wars*, p.49; Cowan, *New Zealand Wars (1983)*, pp.67-8; Johnson, p.301.

Belich states the garrison was outnumbered six to one. .

⁷⁰³ Quoted in Belich, *New Zealand Wars*, p.53.

⁷⁰⁴ Cowan, *New Zealand Wars (1983)*, p.68; Johnson, p.309.

⁷⁰⁵ Barthorp, p.105; Cowan, *New Zealand Wars (1983)*, pp.68-9.

⁷⁰⁶ Belich, *New Zealand Wars*, p.52; Cowan, *New Zealand Wars (1983)*, p.70. However, for further discussion of this figure see Johnson, p.307.

⁷⁰⁷ Cowan, *New Zealand Wars (1983)*, p.71; Johnson, p.310.

⁷⁰⁸ Cyprian Bridge quoted in Barthorp, p.108; Johnson, p.311.

⁷⁰⁹ Johnson, p.306.

slaughter all its inhabitants the next: and pack up our traps and march back victorious to Waimate on the third.⁷¹⁰

After the British defeat at Ōhaeawai, the majority of the troops stayed at Waimate under the command of Cyprian Bridge; the Governor ordered Despard and Hulme to return to Auckland. FitzRoy and Despard then made efforts at a peace campaign on one hand, while on the other conducting a propaganda campaign that allowed the British to save face in the wake of a disastrous defeat, including declaring a British victory at Ōhaeawai.⁷¹¹ Whether the peace efforts were realistic or not much more than a ruse, allowing FitzRoy to 'buy time' to gather more military force from Governor Gipps in NSW, and plan the next stage of the campaign against Ngāpuhi,⁷¹² is a matter for conjecture. On 7 July, FitzRoy authorized Despard to 'make such terms of temporary peace or cessation from hostilities as may be adapted to the present exigency,' and followed with orders that were 'tantamount to a suspension of all military operations.'⁷¹³ FitzRoy finally capitulated to Heke's terms, amounting 'to a limited but real Māori victory',⁷¹⁴ but continued to demand cession of Māori land. The land FitzRoy wanted forfeited were: 'parts of Mawe, Ōhaeawai, Taiamai, Te Aute, Whangae (Te Whangaii), Waikare, Kotore and Kaipatiki.'⁷¹⁵ Heke did not hold interests in any of these were lands, but Kawiti and other of his and Heke's allies did. Kawiti was willing to make peace, but refused to agree to losing land:

If you say, let peace be made, it is agreeable; but as regards this you shall not have my land; no, never, never!

I have been fighting for my land; if you had said that my land should be retained by myself I should have been pleased.

Sir, if you are very desirous to get my land, I shall be equally desirous to retain it for myself.⁷¹⁶

Kawiti expressed similar sentiments to Henry Williams, about a month later:

Mr Williams states that after a discussion, which occupied the greater part of the night, Kawiti was determined to give up no land whatever; he declared that they had received it from their fathers, and that they would never tamely part with it. If the governor wanted the land he

⁷¹⁰ Ensign Blackburn in *ibid.*, p.302.

⁷¹¹ Belich, *New Zealand Wars*, pp.54-5.

⁷¹² Johnson, p.314.

⁷¹³ Belich, *New Zealand Wars*, p.55.

⁷¹⁴ *ibid.*, p.56.

⁷¹⁵ Johnson, p.335.

⁷¹⁶ Kawiti to FitzRoy, October 1845, in *ibid.*, p.338.

must take it from them; they were ready to fight for it. They all wished for peace.⁷¹⁷

Peace talks continued without resolution. Letters passed between the two parties and in September FitzRoy offered 'peace terms' that included a Proclamation of pardon to supporters of Kawiti and Heke. George Clarke advised the Governor that making peace would be seen as 'an act of weakness;' Despard wrote to FitzRoy with similar advice.⁷¹⁸

FitzRoy heard of his recall in early October. George Grey, then Governor of South Australia, arrived in New Zealand on 14 November 1845, and was installed in office on the 18th. Grey brought a more ruthless militant approach. One of his first moves was to instruct Despard to disregard FitzRoy's previous advice to conclude 'an honourable peace.'⁷¹⁹ The Colonial Office's instructions to Grey reminded him of the importance of avoiding conflict and adhering to the Treaty of Waitangi:

I repudiate with the utmost possible earnestness the doctrine maintained by some, that the treaties which we have entered into with these people are to be considered as a mere blind to amuse and deceive ignorant savages. In the name of the Queen I utterly deny that any Treaty entered into and ratified by her Majesty's command was, or could have been made in the spirit thus disingenuous or for a purpose thus unworthy. You will honourably and scrupulously fulfil the conditions of the Treaty of Waitangi.⁷²⁰

Like Heke, Grey could be described as 'a man of many thoughts.' The two opponents were about the same age, 'clear thinking strategists and considerable egotists.'⁷²¹ Grey's first move was to demand a final reply to FitzRoy's peace terms within five days, thereby hoping to avoid terms that amounted to accepting a British defeat. Kawiti wanted to agree to peace terms offered by Grey:

On the morning of 1 December, Te Whareumu, the mokopuna of Kawiti, and nephew of Pōmare, waited on the Governor and told him an arrangement was about to be concluded which would enable Kawiti to accept proposed terms by giving up Katore here: Kawiti wrote a letter to Grey saying peace might be made, provided he was not asked to give up land at Katore because rights over that district rested with the people of Kawakawa

⁷¹⁷ J. E. Home in *ibid.*, pp.339-40.

⁷¹⁸ *ibid.*, p.331.

⁷¹⁹ *ibid.*, p.340.

⁷²⁰ Stanley to Grey, quoted in *ibid.*, p.341.

⁷²¹ Belich, *New Zealand Wars*, p.58.

(the piece of land) he had always professed himself unable to part with, inasmuch as Pōmare and other principal chiefs who had joint claims with Kawiti to the land had agreed to relinquish these claims in favour of the Government. ... In making this communication Te Whareumu pressed the Governor to give them further time to enable Kawiti and Pōmare to consult with Heke and his friends, (at their new paa at Hikurangi) as it was useless to hope the one would make peace without the other. The confederacy could not be broken except by mutual consent.

Grey flatly and promptly rejected these overtures.⁷²² A stand-off resulted. The Governor was on board the *North Star*, and there the rangatira 'might come to him if so disposed.'⁷²³ Grey considered that Kawiti and Heke's overtures of peace were simply 'buying time' while their crops matured and their fortification at Ruapekapeka was completed.⁷²⁴ Grey and Despard sailed to Ōtūihu on 4 December, where they waited to meet Kawiti and Heke, but through some likely mis-communication they did not arrive that or the next day, so Grey and Despard left, without waiting 'a sufficient time'.⁷²⁵ On this same day, Grey ordered Despard to start the advance on Ruapekapeka, and the largest British military expedition so far began.

Grey's communications with the Colonial Office were devious, in that he omitted to mention land confiscations, and his policy that 'purported to safeguard the Treaty of Waitangi and welfare of Māori, exhibited a cold steel behind the rhetoric.'⁷²⁶ Examples of this were Grey's divide and conquer tactics and deliberate targeting of crops and supply lines.

⁷²² Buick, *New Zealand's First War*, p.225; Munn, p.254.

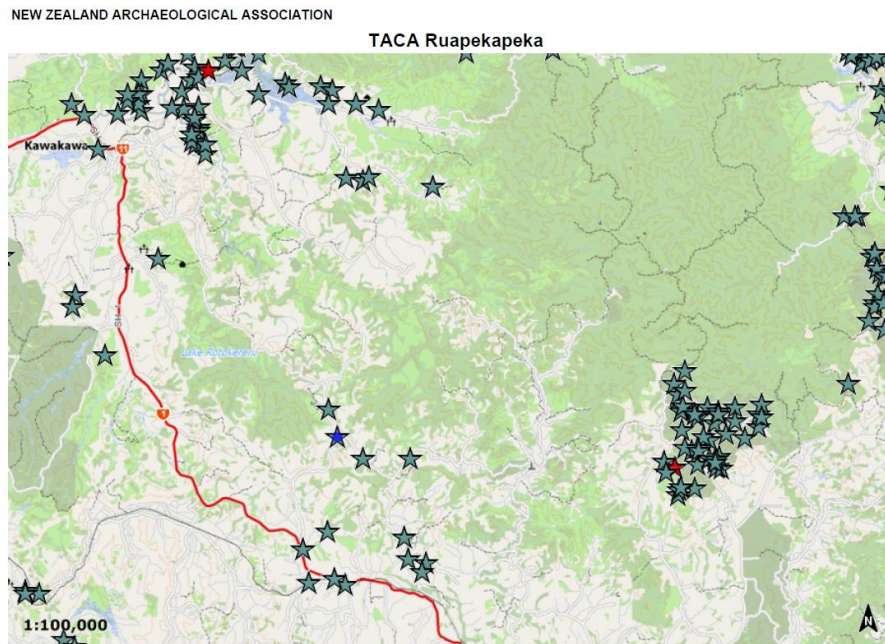
⁷²³ Buick, *New Zealand's First War*, p.226. For another view, see Kawiti, p.41.

⁷²⁴ Johnson, p.348.

⁷²⁵ Barthorp, p.118; Johnson, p.348.

⁷²⁶ Johnson, p.349.

Map 12: Overview of Archaeological Sites recorded in Ruapekapeka



Printed by: Angela Middleton

14/01/2013

Kawiti and Heke both constructed pā with new defences, Heke at Hikurangi, near Tautoro, and Kawiti at Ōhaeawai and Ruapekapeka. Ruapekapeka was located on a north-west slope with a certain path of retreat for its occupants at the rear, into heavy bush; its surrounding landscape was also heavily forested, with steep gullies. Hikurangi was ‘even more inaccessible,’ and impossible to bring artillery to.⁷²⁷ The British therefore chose Ruapekapeka as their objective.

By this time the British decided to attack again, the reinforcements FitzRoy requested had arrived in Te Pe-o-whairangi, including 543 further troops of the 58th regiment, under the command of Colonel Wynyard.⁷²⁸ The total number of British involved in the Ruapekapeka campaign was about 1300 men, including 100 who held the communication line, and additionally, ‘estimates of the pro-government Māoris’ were as high as 850, but more likely to have been lower than this.⁷²⁹ More artillery was brought in, and a flotilla of five warships and several transports supported the troops. British and allied Māori forces outnumbered the Ruapekapeka garrison by about four

⁷²⁷ *ibid.*, p.360.

⁷²⁸ Barthorp, p.120.

⁷²⁹ Belich, *New Zealand Wars*, p.59.

to one.⁷³⁰ Makoare Te Taonui, a rangatira on Waka Nene's side, was asked to prevent Heke from coming from Hikurangi to Kawiti's support.

This time Despard was more cautious. The logistics of hauling large artillery guns from landing points, through rugged bush-covered terrain without roads, to Ruapekapeka were difficult. Troops first left Kororāreka on 8 December, camping at Ōtuihu, moving from there gradually up the Kawakawa River to Pukututu's pā, the base from which a track to Ruapekapeka was cut. Te Whareumu helped Despard by showing him an overland track that troops could use to reach the pā,

That same Whareumu and his men fought at Kawiti's side during the battle on the same pā.

there being only enough small boats to carry a maximum of 150 men.⁷³¹ From there, the sixteen-kilometre track took twenty days to complete.

Pukututu's pā was near Kawakawa, newly constructed at the landing place of the expedition against Ruapekapeka specifically 'for the protection of the stores ... and to cover the retreat.'⁷³² In August, when the British explored the area around Ruapekapeka, interpreter Meurant came back with a note from Pukututu to Despard 'offering his assistance to the Troops in taking care of there [sic] stores when [sic] march to Kawiti.'⁷³³ Pukututu (Tamati Wiremu Pukututu of Ngāre Hauata also identified as Te Uri-o-Ngongo)⁷³⁴ and Kawiti were related, but were in dispute over land near Ōpua.⁷³⁵ Pukututu promised to protect the British supply lines by securing both banks of the Kawakawa River, providing safe passage for the boats. According to Meurant, Pukututu sought assistance from Nene, as he was afraid of an attack from Kawiti, who had heard about his support for the British. Pukututu's pā was located on about two acres of clear land on the top of a hill, enclosed by stakes of varying sizes,

the largest being about the size of a man's thigh, and the smallest mere sticks, rather neatly arranged and tied together with flax. ... The huts had undergone considerable improvement ... both in appearance and comfort; the grass roofing having been made water-tight, and doors put up, as well as a window in one appropriated to the officers.⁷³⁶

⁷³⁰ *ibid.*

⁷³¹ Buick, *New Zealand's First War*, p.230.

⁷³² Carlton in Johnson, p.358.

⁷³³ *ibid.*, pp.357-58.

⁷³⁴ *ibid.*

⁷³⁵ See also Kawiti, p.43.

⁷³⁶ McKillop in Barthorp, pp.129-30.

Despard noted the neatness and abundance of cultivations around the pā, with potatoes, kūmara, onions and cabbage growing,⁷³⁷ no doubt with an eye to provisioning his troops.

Kawiti's son British lines as they constructed a bullock track and dragged their guns and supplies up to the pā; a soldier, Henry McKillop, was well aware that, 'Had the natives been so disposed, a small party might have proved very troublesome to our people going backwards and forwards.' 'However Kawiti's supporters did not attack the British troops until the British had arrived at Ruapekapeka and fired the first shot.'⁷³⁸

Although it was summertime, as at Ōhaeawai, the British troops were hungry, wet and miserable, with no tents to sleep in, in contrast to Kawiti's fortification at Ruapekapeka, which was both comfortable for his people and relatively impregnable. Tawai Kawiti reported that 'tools and implements from Kororāreka were brought to the spot for the construction of this fortress,' producing 'one of the most up-to-date pas ever built in Maoriland.'⁷³⁹ Two cannons were installed. Kawiti and his close relatives and allies, Mataroria, Te Aho, Motiti and others built the pā together. Large pūriri trees were felled to form huge palisades, in defences that were developed from the prototype at Ōhaeawai:

These logs were erected high enough to prevent scaling by the enemy. Sunk deeply into the ground they formed a line outside the inner trenches so that they could not be pulled down with ropes. A front line of trenches ('parepare') was dug outside the palisades and connected to the inner trenches by alley ways at intervals through which men could retire. ... under pressure Māori warriors would retire through these to the inner defenses behind the palisades. A frontal attack on this pā would have been very costly in lives, as the defenders under cover and in comparative safety, could thrust their guns and fire between bullet proof palisades.

Deep pihenga, or dugouts with narrow circular entrances at the top, gave access to shelters. These caves looked like calabashes buried underground, the narrow end uppermost. The bowl, spacious enough to accommodate 15 to 20 men, provided shelter from the weather. The occupants could sleep in comparative safety from the firing which went on overhead.⁷⁴⁰

⁷³⁷ Despard quoted in Buick, *New Zealand's First War*, p.231.

⁷³⁸ Johnson, p.362.

⁷³⁹ Kawiti, p.42.

⁷⁴⁰ *ibid.*

An observation post was erected on higher ground at the rear of the pā and wells were dug to ensure a water supply. Kawiti's own whare was 'remarkably neat, with a low verandah in front and an extensive excavation underneath, as well as being strongly stockaded, on the side exposed to attack, by upright timbers, with others laid horizontally behind, and supported by an embankment.'⁷⁴¹ While guns – muskets and pistols – were of course used, for close hand-to-hand fighting the traditional taiaha, pātītī and mere were favoured. And as before, the tohunga, of ariki descent, was an important figure in the pā. His role included foretelling the future, ensuring there were no transgressions of tapu, 'breaking down enemy resistance by incantations, curing the sick and giving succour to the wounded.'⁷⁴² At Ruapekapeka, a garment was thrown over each warrior to make him tapu, 'kua oti te whakauu,' ready for the fray.⁷⁴³

Whakarongo

The day before the soldiers opened fire on Ruapekapeka, Kawiti sung the following waiata:

Whakarongo e	Listen,
Whakarongo	listen
Te Taringa ki te hau	the time has come for both of us to unite
E hou mai na	The enemy, one for the land, one for the
Mai te uru ki te tai	sea
Tikina atu taku ika	Turn, turn to me, and we will catch the
	fish
Mai te Moana-nui-a-kiwa	Together in the great sea of Kiwa
E hora mai nei	Remain and we will bring
Te korona naku	
Kia uru atu au ki te kahika	the young white pine
E ai ki to wai	From the river where the birds call,
Ka tahungia e te tatarakihi	The rifleman, cicada, wren and green
Ko tipa ki to te kohurehure	locusts sing
Ki runga ki ngā whenua	For their land will soon be overgrown,
Tukuhia e te mahiuhui	swallowed in green
Tangi kai te mapu	Only wild creatures remain to mourn the
Ko hau nei i ko Kawiti	absence of man [Kawiti] ⁷⁴⁴

Moetu Tipene Davis explained this waiata in her submission to the Tribunal.⁷⁴⁵

Whakarongo: The opening line has two functions. It calls attention to what is about to happen, which is war. It might also refer to the trek of the British military contingent

⁷⁴¹ Buick, *New Zealand's First War*, p.247.

⁷⁴² *ibid.*

⁷⁴³ *ibid.*

⁷⁴⁴ Translation by Hirini Henare

⁷⁴⁵ Brief of evidence of Moetu Tipene Davis, Wai 1040 #D13, 5 October 2010.

through the forest and undergrowth and over the hilly terrain of the area. There is also the rhythmic sounds of marching ever forging toward Ruapekapeka. It took nearly a month for the British contingent of 1100 men to trek the 15 miles from the Bay of Islands to Ruapekapeka.

Hau taua: These relate to the two parties about to engage in war: one from the land (the tangata whenua) and the other (the British) who have come by sea with the intention of conquering the land and inhabitants. Fish are men of war and Te Moana-nui-a-kiwa the Pacific Ocean.

Turn to me ... and we will catch together: is a call by Kawiti to Heke to come and aid him in his fight against the men of war who have come across the Pacific. The links of family relatives and forming expedient relationships in times of war were vital factors.

Korona naku: Kawiti outlines his intention to entice the enemy into his land, where the young white pine grows and the riflemen, cicadas and wrens dwell. This is the terrain which he has dictated as the location for battle with his enemy. During the war blood will be spilt on that land and it will become tapu (forbidden) for man to dwell in thereafter. Therefore only wild creatures will live there and their plaintive cries will be likened to mourning, because of the absence of man. Davis believed that Kawiti was referring in particular to the absence of Māori people. The concern was dispossession and loss of their lands.

Although Ngāti Manu warriors were involved at Ruapekapeka, Pōmare stayed at Karetu. According to Arapeta Hamilton, Ngāti Manu had also built another pā, known as 'Pa-tatari' or the 'pa-in-waiting,' as a possible later defence position.⁷⁴⁶ Those in the pā were supported and provisioned by their whānau and hapū, including Ngāti Manu, Ngāti Hine, Ngāti Wai, and others more distant, for example from Whāngārei.⁷⁴⁷

Waiata

During the battles Kawiti rallied and challenged his people with this exhortation:

Kaore te whakama i tahuna ki te ngiha	Have no shame to flee the battlefield under fire?
I tuwhiria mai ki te kōrero	For that is what your talk implies
Aea anō ra	Can't you see,

⁷⁴⁶ Arapeta Hamilton in Johnson, p.353.

⁷⁴⁷ *ibid.*, p.363.

I ako ai ki te mahi,
I taupokina iho, te rere o Rauriki,
Me he kino whakairo au e hurihia
Ki te toki mata iti,
Kia ata tū e,
Mokai e whae te ata rauhanga,
I taku hinenga
Kihai i takahia
Ngā one ka takoto kei Orua,
Kei whaka puta te tai o te mara-kuae,
O te Taitapu,
Ki taku matua i.

That the way of escape
Is to attack as Rauriki did.
I would be poorly tattooed indeed
If I had fled at the first tap of the adze.
Wear the mask of courage.
Slaves and women can at least assume
Some form of resourcefulness.
In my childhood, no stranger
Dared trample that broad stretch of sand
at Orua; they would be caught between
the headland and the swelling tide, the
sacred tide of our forefathers.

Moetu Tipene Davis explains the meaning of this chant.

Whakama: Kawiti reminds his people of the power of shame, for those who were contemplating fleeing the battlefield. He is strengthening their resolve to remain and fight.

Rauriki: Davis understands this refers to Rauriki, who was the first to man in this world.

Whakairo: Kawiti says his moko would have been curtailed if he had fled at the 'first tap of the adze' meaning the pain associated with ancient tattooing. Similarly, to flee from was at the onset, because of the fear of death and suffering would also be a poor reason to abandon the battle. Kawiti encourages them to be brave and courageous, to stay and fight.

Rauhanga: Kawiti acknowledges that the women and slaves have a meaningful contribution during the war. Women helped defend the pā by loading guns with powder and tending the wounded. Slaves fetched and carried and maintained the battlements.

Ōrua: refers to Kawiti's childhood memories of strangers becoming unwittingly caught on the sands at Ōrua, where the two tides met and people were in grave danger of being drowned. This is a metaphorical reference to the people who want to abandon the pā and who might then be caught between the two enemies at war and be killed. In other words people must decide, make a stand, and not sit on the fence.

Taitapu: the sacred tide of our forefathers depicts the pathways leading to the ancestors.

The British started bombarding the pā about 31 December, but the whole force was not assembled at the stockade closest to the pā until 10 January. Cyprian Bridge continued to complain about Despard's methods of attack.⁷⁴⁸ In those intervening days there were skirmishes and casualties. On 31 December one of the militia who went out to wash clothes was shot.

Grey had 450 Māori allies under Waka Nene, Patuone, Tawhai, Repa and Nopera Panakareao

A party of government Māori including Repa pursued the attackers, Repa losing three fingers of his left hand from a musket shot. In this exchange Te Aho, Kawiti's brother-in-law (his wife's brother) was shot in the behind. He was taken to a spring at the foot of the hill to bathe the wounds, but he later died.⁷⁴⁹ The place where he was bathed was named Touwai, but is mis-spelled on maps and local sign posts. Another of Te Aho's group was killed during this foray.⁷⁵⁰ I toutouhia te tou o Te Aho ki te wai – Te Aho's behind was bathed in the water – On the same day Kawiti's flagstaff was shot down, killing a woman holding a child, and another man. The following day, 1 January, 'a party of friendly Māori sailed forth to exact utu for the loss of Ripa's [sic] fingers.'⁷⁵¹ Balneavis described this sally as a challenge from Nene's group.⁷⁵² In the resulting skirmish, Kawiti's losses were estimated as eight to ten killed and fifteen to twenty wounded, although other estimates were lower.⁷⁵³ According to Maning, those from the pā involved in this encounter were Te Kapotai, while on Nene's side were young men, cousins of Hauraki who was killed earlier at Waikare, 'who had come to seek revenge; and these young men fought with great spirit, and one of them killed Ripiro, a Kapotai, and took his name.'⁷⁵⁴ Other Te Kapotai were also killed, but none of Nene's men.

On 8 January, the pā flew a peace flag and a female relative of Te Hara and Waka Nene left the pā, possibly to discuss peace terms.⁷⁵⁵

⁷⁴⁸ Bridge in Barthorp, p.124.

⁷⁴⁹ Johnson, p.390.

⁷⁵⁰ Barthorp, p.125; Johnson, pp.366-67.

⁷⁵¹ Barthorp, p.125; Johnson, p.366.

⁷⁵² Balneavis in Johnson, p.366.

⁷⁵³ *ibid.*

⁷⁵⁴ Maning, p.342.

⁷⁵⁵ Buick, *New Zealand's First War*, p.250; Johnson, p.367. Buick says the woman was the wife of Hori Kingi Tahua.

Kawiti and his taua were concerned that the British might attack their kāinga while they were defending Ruapekapeka, as had occurred earlier at Waikare, Ōtūihu, and other places. Ngāti Hine arranged a signal system to communicate with the pā:

Kene Martin recounts that, during this time of the British attack on Ruapekapeka, a group from Mōtatau comprising women and children climbed a prominent hill in view of the pā. When the group reached near the summit they turned their cloaks and coats inside out to expose the white inner lining. They then all flapped their arms slowly in imitation of seagulls. This was the pre-appointed signal to the pā and their men-folk that those remaining in the settlements were safe. The hill was subsequently known as Okaroro to remember the event.⁷⁵⁶

After some two weeks of constant shelling, although safe in their bunkers, the defenders of Ruapekapeka were probably suffering from the psychological effects of the unrelenting bombardment and ‘seemingly inexhaustible’ supply of British ammunition.⁷⁵⁷ Although ‘not many were killed in the pā,’ the constant noise meant that sleep was difficult or impossible, the guns firing hollow shot ‘like a calabash’.⁷⁵⁸ These burst ‘with a great noise’, deafening everyone, but if they did not go off provided the defenders with a good deal of powder when the fuse was pulled out.⁷⁵⁹ Those inside the pā waited patiently for the enemy to attack, knowing that the British could be defeated again, as at Ōhaeawai. On 9 January, Heke and 60 of his men reached Ruapekapeka to join Kawiti, having avoided Makoare Te Taonui, who then joined Nene and Repa at Pukututu’s pā.⁷⁶⁰ Heke and his force stayed camped outside the defences;⁷⁶¹ his advice was to withdraw from the defences:

‘You are foolish to remain in this pā to be pounded by cannon-balls. Let us leave it. Let the soldiers have it, and we will retire into the forest and draw them after us, where they cannot bring the big guns. The soldiers cannot fight amongst the kareao; they will be as easily killed as wood-pigeons.’ So all the people left the pā except Kawiti, who lingered behind with a few men.⁷⁶²

On 10 January, the day after Heke arrived, the British began a massive shelling of the pā, eventually making two large breaches in the walls. During that day, Cyprian Bridge recorded that people ‘were seen running out of the pā with loads on their backs returning for more,’ although Bridge had noted similar activity two days

⁷⁵⁶ Johnson, p.368.

⁷⁵⁷ *ibid.*

⁷⁵⁸ Maning, p.340.

⁷⁵⁹ Maning, 1973, p.340.

⁷⁶⁰ Barthorp, p.133; Johnson, p.363.

⁷⁶¹ Johnson, p.369.

⁷⁶² Maning, p.343.

earlier, suspecting a withdrawal from the pā.⁷⁶³ At 2pm on the 10th, the shelling ended and Despard ordered an armed charge; 'a storming party of 450 troops headed by Lieutenant Colonel Wynyard was formed up, ready to attack;' Mohi Tawhai, Waka Nene and others strongly urged against this action, warning that as many lives would be lost as at Ōhaeawai, but if they waited until the next day, the pā could be taken.⁷⁶⁴ The British finally listened to this advice and the attack was called off. This advice not only avoided a bloodbath, but also allowed those in the pā to retreat unimpeded.⁷⁶⁵

The following day was a Sunday, 11 January, a day when no-one in the pā expected an attack, as missionaries had taught respect for the Sabbath. Many on both sides were at prayers, while Kawiti remained in the pā, sleeping, according to some accounts, 'in his own dugout near the look-out position and close to the rear of the pā.'⁷⁶⁶ More of his men were camped outside. Nene's brother, Wiremu Waka Turau crept up to the pā and realised it was empty:

Turau then waved his hand to Walker, who was waiting for a signal, and then stepped noiselessly into the fort. The Walker and Tao Nui with both their tribes came rushing on. The soldiers seeing this left prayers, and with the sailors came rushing into the pā in a great crowd – sailors, soldiers, and Māori all mixed up together. When the pā was entered the soldiers set up a great shout, which awakening Kawiti, he started up with his eleven men, and saw his pā was taken. How could it be helped? So he and his men fired a volley, and then loaded again, and fired a second volley, which was as much as he could do.⁷⁶⁷

According to Cyprian Bridge, a soldier ringing the bell inside the pā alerted the defenders; Whisker stated that the alarm was given when someone shot a pig. One of Kawiti's men, Kihe, was wounded and taken prisoner by the British.⁷⁶⁸ Kawiti and his people exited out the back of the pā to join Heke, where fierce fighting took place. At the rear of the pā, Kawiti's allies Ruatara Tauramoko, Motiti and Mataroria led the defence, firing on the British from the cover of the dense bush. After a number of their men were lost, the British withdrew back into Ruapekapeka, and the pā was taken.

⁷⁶³ Cyprian Bridge in Johnson, pp.368-69.

⁷⁶⁴ Buick, *New Zealand's First War*, pp.253-54; Johnson, p.369.

⁷⁶⁵ Johnson, p.370.

⁷⁶⁶ Kawiti, p.43.

⁷⁶⁷ Buick, *New Zealand's First War*, pp.255-56; Maning, p.344.

⁷⁶⁸ Buick, *New Zealand's First War*, pp.256-58; Johnson, pp.370-71. Bridge and Whisker in Johnson.

According to Tawai Kawiti, Ruatara killed a number of men, and found Pukututu ‘in the general retreat’.⁷⁶⁹ Ruatara was the much faster man, and was gaining on Pukututu:

Ruatara close behind him making the most hideous yell imaginable, added speed to the pursued. Pukututu, realizing that he had to do something however, stopped. There was no time to call out to Ruatara for mercy. He might not hear anyhow because of the noise that he himself was making. Time was running out, when a soldier suddenly appeared right in front of him. Pukututu thrust him back with the barrel of his gun and thereby propelled himself ahead of Ruatara. The last words the soldier uttered were ‘Kapai Māori, kapai Māori,’ but there was no mercy. Ruatara, temporarily distracted from his main objective, of slaying the Māori chief, gave Pukututu the much needed respite. He had reached a position of safety, and was kneeling in the ready position. Ruatara though a tired warrior, dared not attack.⁷⁷⁰

Both warriors lived to tell the story in later years, in friendly rivalry.

Buick lists among those killed: Rimi Piheora, of Te Roroa, a nephew of Pumuka; Ripiro, of Kapotai and his son, Wharepapa; Te Horo, of Kapotai; Hauraki and Te Maunga, of Ngāti Hine; and Te Aoro, also of Kapotai.⁷⁷¹ Clendon’s list, cited in Johnson, is quoted below:⁷⁷²

Table 3: Clendon’s List of Warriors Killed

Killed	Wounded	Tribe	Remarks
	Aho	(Dangerously)	Kawiti Nearly as related to Kawiti,
Ripiro		Kapotai	A chief
Warepapa		Kapotai	Kopotai’s son
Hone Konihoni		Kawiti	
Emma Kopati (woman and Kawiti’s grandchild)		Kawiti (cousin to George King[?])	Killed in the pā by a shell
Ellen		Kawakawa	Child at a woman’s back the woman only burnt
Piripi Pai			Kaikohe chief killed by a

⁷⁶⁹ Kawiti, p.43.

⁷⁷⁰ Tawai Kawiti 1956, p.43.

⁷⁷¹ Buick, *New Zealand’s First War*, p.264; Johnson, p.378. Johnson cites source as Marianne Williams.

⁷⁷² Clendon cit. Johnson, pp.378-79.

			rocket
Taura's son			Killed by a shell
			A boy found in the pā dead
Repo?	Te Tau		Haratua's nephew lost 2 fingers and thumb
Urai		Kawiti	
Haumatua		Heki	
Pirihanga		Ururoa	Doubtful
Ruatara		Heki	
Wau		Pene Tau's relation	
Pene Haimona		Wangai	Pumuka's brother
Waihere		Matarawea near Kaikohe	chief
	Haratua	Wangaruru	
Te Ao		Roturua [sic]	
William Muraia	Jacob or	Taiamai chief	Lowlace cap [?]
	Hakipi	Heki	Prisoner on North Star
	Jonah	Waikino	Pene Ruke's tribe (shot through the hips cannot stand)

Some of Kawiti's men were buried outside the pā; a Ngāpuhi 'priest' read a funeral service at the grave.⁷⁷³ British soldiers were also buried near the site of one of their guns; a paling fence was later erected around the mass grave. A plan of the pā drawn at the time shows the general location of the graves, but the exact position has been subsequently lost.⁷⁷⁴

According to Tawai Kawiti, on the night after the final fighting, Kawiti and his followers took their dead back to Waiōmio, the kāinga tuturu of Ngāti Hine, the place where the remains of Hineāmaru and generations of her descendants were buried.⁷⁷⁵

⁷⁷³ *ibid.*, pp.379-80.

⁷⁷⁴ Recently, ground-penetrating radar and other forms of non-intrusive investigation have been used to identify the possible locations. Jonathan Carpenter pers. comm. 28/07/2010. Conference presentation New Zealand Archaeological Association conference, Westport, 28/07/2010.

⁷⁷⁵ Johnson, p.385. These burials might have occurred later, as the British returned to Kawakawa and passed through Waiōmio on 13 or 14 January. Johnson states that Ngāti Hine and their other allies withdrew to the south through the bush, different groups retreating to their own localities.

Some seventy-five years after the engagement at Ruapekapeka, James Cowan visited the site and described the earthworks as still reasonably intact, and many of the large pūriri palisades still standing, charred with the evidence of the 1846 fire. Even then, the height from the bottom of the trench to the top of its opposing bank was fifteen feet. Cowan explored one of the rua, an underground shelter six feet in height, just one of a subterranean network of chambers and trenches. The pā was complete with ‘flanking bastions of earthwork and palisade,’ there were flanks for enfilading fire, and as at Ōhaeawai, the trenches were cut with traverses to protect those firing from within.⁷⁷⁶

Interpretations of the taking of Ruapekapeka vary. While the British managed to claim a ‘brilliant success,’ and a ‘complete defeat of the rebels Kawiti and Heke,’ Belich sees this propaganda as a ‘paper victory.’⁷⁷⁷ The troops were successful in taking the pā, but it was an empty one. There is also debate about whether the pā was empty because its occupants were at prayers on the Sabbath, or whether a tactical withdrawal had taken place.⁷⁷⁸ The grounds for claiming a British victory were very shaky; numbers of Kawiti and Heke’s men lost were fewer than British; the pā had not been taken by assault; ‘Ruapekapeka was intentionally abandoned, not accidentally lost.’⁷⁷⁹

Furthermore, Belich argues that in planning and constructing the three pā of the Northern War – Pukututu, Ōhaeawai and Ruapekapeka – Kawiti and Heke were strategic thinkers. These fortifications were purpose-built, ‘tailored’ not to the purposes of traditional warfare and defence of resources such as food, but to counter European warfare.⁷⁸⁰ To reach these pā, British armies ‘with their carts and guns crawled through the bush-clad country at a mile a day, cutting their road as they went.’⁷⁸¹ The logistics required for this exercise were huge, the location of these defences formed part of the dynamic thinking of the rangatira, and set a trap into which the British fell:

1100 men were occupied a full month in advancing 15 miles and in getting possession of a pah from which the enemy escaped at the last

⁷⁷⁶ Cowan, *New Zealand Wars* (1983), p.79.

⁷⁷⁷ Belich, *New Zealand Wars*, pp.59-60.

⁷⁷⁸ *ibid.*, pp.60-64.

⁷⁷⁹ *ibid.*, pp.61-2.

⁷⁸⁰ *ibid.*, p.63.

⁷⁸¹ *ibid.*, p.64.

moment, and escaped with the satisfaction of a drawn battle. The question is, was it worthwhile to go through all that laborious march to obtain such a result.⁷⁸²

The Ngāti Hine view of victory and defeat is given here by Sir James Henare, interviewed for *Waka Huia* in a programme that was broadcast on 14 May 1989.⁷⁸³

Me titiro atu e tika ana anō pea ngā Pākehā kia kōrero pērā kia titiro pai mai ai o rātou rangatira te kawanatanga Ingarangi o pai rawa atū ta rātou mahi toa rātou i te (w)hawai i ngā Māori.

... Engari i roto i a rātou pukapuka hitori o te Pākehā tonu i wikitoria tonu ana, wikitoria ana.

Ki tāku nei titiro, e tino hē rawa atu ana, anā me pēnei a mātou i roto o Ngāpuhi tino hē rawa atu.

Tino nui te wikitoria o ngā Māori i konei, a, nā rātou nei mahi hīanga, māminga a ka hinga noaiho ngā Māori i tō rātou whakapono hoki ki te Atua o ngā Pākehā i tērā wā.

Me titiro ahakoa i te toa o te iwi Māori, ka kī rātou oh!! ko rātou koretake noaiho ngā Māori na rātou puhipuhi ngā Māori patu ngā Māori.

Ae, e tika ana tērā kōrero.

Engari no reira ka kitea te tino kaha toa o tēnei iwi te Māori me te mātau ki te whawhai.

Ko ngā Pākehā he iwi tauhou ki ngā ngahere o ēnei moutere. I tērā wā i kī anō te whenua i te ngahere.

Kare rātou i mohio ki te pakanga ki te whawhai i roto i ngā ngahere i roto i ngā repo.

Engari ko ngā tāngata, tātou o te whenua ko ngā tangata whenua ko ngā Māori tino mohio rātou ki te takoto o ngā whenua i ngā ngāhere ki ngā repō a to rātou mohio

And look, perhaps the Pākehā 'corrected' their stories like that, in order that they looked good to their chief of the English government for their excellent work and bravery in fighting the Māori.

... But, their history book still tells of the Pākehā victory again and again.

From my perspective it is extremely wrong, and it is like this for us within Ngāpuhi, it is very wrong.

Māori had many victories here, and their work of deception and cunning, and the Māori were only beaten because of their belief in the God of the Pākehā at that time.⁷⁸⁴

In spite of looking at the bravery of the Māori people, they said, oh! they are just hopeless, by their own shooting Māori kill Māori.⁷⁸⁵

Yes, that story is correct.

But, however, the strength and bravery of these Māori people is seen by us in the battle.

These Pākehā were strangers to the forests of these islands. At that time the land was dense with forest.

They didn't know how to fight battles in the forest and the swamp.

On the other hand, we (all) were people of the land, the Māori, they were very knowledgeable of the lie of the land in the

⁷⁸² Interpreter Collinson quoted in *ibid*.

⁷⁸³ Excerpts from Sir James' speech have been recorded as heard, in order to preserve his dialect. These dialectal variations are footnoted as they occur in the transcription. Translation is literal with minimal compromise to ensure natural flow of text. Sir James Henare quoted in Henare, Petrie, and Puckey, 'Te Waimate-Taiaimai Oral and Traditional History Report', pp.204-06.

⁷⁸⁴ Alternative translation 'the Māori had just been converted to the God of the Pakehas at that time'.

⁷⁸⁵ Alternative translation – 'just by adorning themselves with feathers, Māori kill Māori'.

me pēnei te pakanga i te Pākehā.

Ka toa ai te iwi Māori e kore au e whakapono ki ngā kōrero o ngā tāngata tuhi i ngā hitori. Kua taea. E tika ana tēnei kōrero, kua tae ki tēnei wā, me tahuri ngā Māori me ngā Pākehā anō o ngā tari mātauranga o ngā tari mo ngā kōrero mo ngā hitori, o ēnei moutere.

Kia whakatikangia⁷⁸⁶ ngā hitori. Tāku hoha ko te uaua o ngā Pākehā nei.

Engari e whakapaeana au e taea ana iho anō tēnā pea i roto i ngā whakatupuranga kei te tū mai ka taea.

Pēnei me te ope hoia Māori nei ā e kōrero ana māku mo tērā wā.

...Engari ka hoki anō au i taku kōrero. Ki au nei hore rawa e tika ana ngā kōrero pukapuka hitori o ngā pakanga Māori.

He iwi toa te Māori, mate noa au, e kore au e whakaae ki a rātou kōrero, no te mea e kore hoki rātou e whakarongo ki ngā kōrero o ngā uri o ēnei tāngata.

Engari, ko ngā pakanga i konei o Hone Heke, rāua ko Kawiti tuhituhi rawa e rātou ngā kōrero i ō mātou tūpuna.

Ko wētahi o rātou i ngā kura mihana i Paihia e akongia ana e ngā mihinare kua mohio kei te tuhituhi Māori. Tuhituhi rawa e rātou ngā kōrero.

E kore ngā Pākehā nei e whakapono ana ko rātou anō rātou ki a rātou nei e kōrero ana.

Engari ko mātou kua whakaponopono ki ngā kōrero o mātou tūpuna.

Engari ngā Pākehā nei, āe, kei a rātou mea nā he nui ā rātou parekura ki konei.

Engari kei kōnā a rātou kōrero ana ko rātou i wikitoria.

Kāore i toa ngā Māori.

forests, in the swamps and they knew how the Pākehā fought.

The Māori people were strong. I don't believe the stories of the people who wrote history (historians). Now the time has arrived for correcting this story.

Māori and Pākehā also must start again the study of the knowledge and the study of the stories of the history of these islands.

The histories should be made correct. I am quite annoyed with the effort of these Pākehā.

But I consider that it will come from those in the generations to come, it will be done.

This was what this group of Māori soldiers was like and the story for me of that time.

... But I return to my story. To me the stories in the (reading books of) history books of the Māori battles are grossly incorrect.

Certainly, Māori are a warrior people and until I die, I will never agree with their stories because they never listen to the stories of the descendants of these people.

But it is the battles of here, of Hone Heke and Kawiti that they have written a lot about, the stories, of our ancestors.

Some of them at the mission school at Paihia were taught by the missionaries and knew how to write Māori. They wrote many of their stories.

These Pākehā, none of them believed the stories that were told to them.

But we have believed the stories of our ancestors.

But these Pākehā, yes, it was their thing. They were defeated many times here.

But according to their stories about that place, they were victorious.

No, the Māori won.

⁷⁸⁶ *Hoko = whaka.*

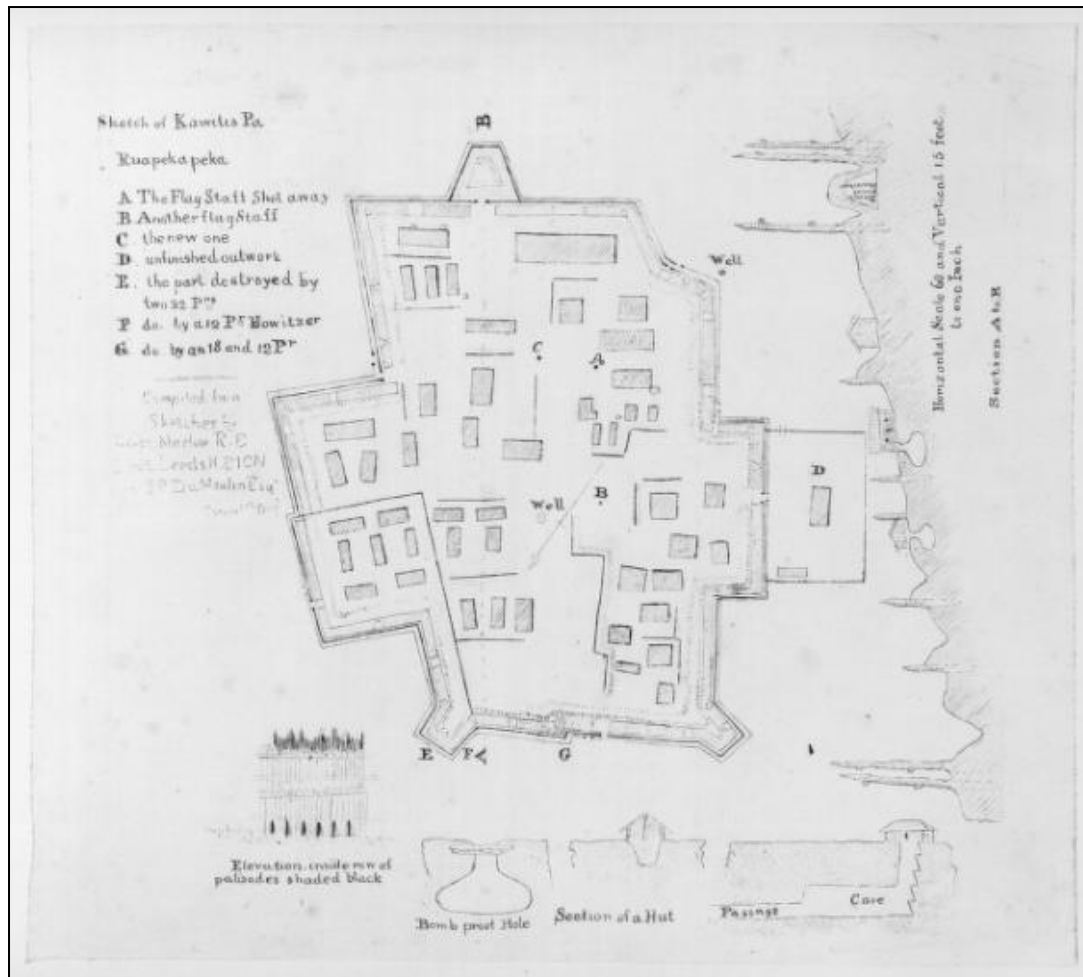


Figure 61: Sketch plan of Kawiti's Pā, Ruapekapeka, artist unknown, from sketches by Capt. Marlow, Lieut, Leeds and J P du Moulin, E-320-f-003, ATL.



Figure 62: A cannon used to fire on Ruapekapeka

Photograph: Adrienne Puckey

After the loss of Ruapekapeka a number of waiata and laments were composed, remembering those who had died. Three of these, composed by Nehurere, Nawemata and Tarahu are given here:

He Tau na te Nehurere mo tana tane i mate i te Ruapekapeka	A chant by Te Nehurere for her husband who died at Ruapekapeka
Na wai, na wai te ranga o te taua	Whose, whose is this avenging war party
Na te Nehurere, na te Nehurere	It is Nehurere's, it is Nehurere's
Rua ka tū to inati na	Rua(tara) your acts of great valour
Hamama to waha e te Kawana	Your jaw drops in amazement oh Governor
Kia Waka hireretia te waiwhero	The blood shall gush forth
O taku hika maungi nei a pi	From my vagina
E Kawiti ka tū to inati na	Kawiti, your acts of great valour
E Hori Kingi ka tū to inati na	Whareumu, your acts of great valour
Te Haratua ka tū to inati na	Oh Haratua, your acts of great valour
I a koe ra e wakakaitoa mai nei	You who expressed satisfaction
Ki taku mate taurekareka	That mine was the death of slave
Ukuia ou pu to tehe ra, to tehe ra	Smear your guns with the tips of your penises
E Hikitene ki te aroaro o te Kawana to tehe ra.	Oh Hikitene, show the Governor the tip of your penis

He tangi na Nawemata mo tana tane i mate ki Te Ruapekapeka Te ra te whetu, e kapohia ana mai	A lament by Nawemata for her husband who died at Ruapekapeka Gaze at that star, sparkling in the blue yonder
Ka rumaki matariki. ka rere Tawera	Matariki sets, Tawera is in the ascendancy
Kapohia e Hine te atarau o te rangi	Hold fast o Maiden to the beams of light radiating from the heavens
Kapua whakatu i runga o tapuae To tupuna ra e, e moe waka Urunga Ko tēnā ki to te mana, haere noa koe ki te riri Tawhai	For a cloud has obscured your footsteps Your ancestor reposes on death's pillow That is indeed mana. You went to (Mohi) Tawhai's war
Te whana kawhaki ki mua ki te upoko Arangia a koe te ahi a te tupua I ta te mamae ra, ka kai ki te kiri E rewa to toto e, i ngā one taitea I runga te Pekapeka e he paenga Rangatira	You drove forward in the front ranks You have raised the fire of the taniwha Oh the pain that gnaws at me Let your blood flow on the white soil On (Rua)pekapeka, the gathering place of the Rangatira
Te pito kauika i te ipo i au e Ma wai e rangā i to mate i te ao	Those of rank killed with he whom I love Who will seek revenge for your death in this world
a kahore noa iho, e whakamutua te riri To ana te marino i muri o to tuara	Nothing will, the war will end And the peace will descend after your back has turned
E hine e tū tane koa Tikina takahia ngā ware kōrero.	Woman, stand strong and brave as a man Gather up and trample down the houses of gossip. ⁷⁸⁷

Erima Henare has also given the third waiata, composed by Tarahu for Te Aho:⁷⁸⁸

Tērā te marama Ka whakawhenua ki te pae Ko te Atua pea Tēnei ka ora mai Tēnei to kahu e Aho E puta ki waho ra Kia whakarongo koe Ki te kōrero o te riri Kihai koe i riro atu I te pu i huri mai i runga i te ture	Observe the moon As it rises on the horizon It is perhaps God He who will bring you back to life Here is your cloak o (Te) Aho Venture out yonder So that you may better hear The noise of battle Your life was not taken by By the gun that turned on you because you had broken the law
I riro pea koe i te pu mau mai ki te ringa	You were indeed taken by the gun borne by hand of aggression

⁷⁸⁷ Nehurere's waiata, and Nawemata's waiata, waiata and translation from Erima Henare 26/08/2010; see also Johnson, pp.381-83.

⁷⁸⁸ Erima Henare pers. comm., 12/08/2010; see also *ibid.*, p.384.

Kei hea hoki ra to tapuwae nui	Where now your sacred footsteps
E horo ki te riri	Taken you are by war
Ki te taha tū o te rangi	Unto the heavens above
Ka whati ra ia	Broken now lies
Taku mahuri tōtara	My dear sapling tōtara tree
Taku nohoanga whakanui i te rangi awatea	Whose shelter I sought often in the harsh light of day
He hinganga wharenuī	A great house has fallen
Ka moe i te kino ei...	Laid to rest by that which is evil
Ma wai e ranga to mate e Aho	Who shall avenge your death o (Te) Aho
Ma Hone Heke te aru tikanga	Hone Heke who seeking justice
Tapahia te kara	Felled the flag pole
I te puke ki Maiki	On the hill at Maiki
Kei raro iho ko Mohi Tawhai	At the foot of the hill was Mohi Tawhai
Ko te tangata ra ia	That is the person
I tupu ai te riri	Who initiated this war
I ngaro ai te iwi	That has consumed the people
E kore e hoki mai te makau ki te whare i a Kawiti ra, ka puiaiti ki te ao e...	The object of my great affection shall never return to the house of Kawiti.

Te tangi a te Tarahu mo Te Aho i mate tao tū ki te pakanga ki Ruapekapeka 11
January 1846.

Ko raua ko Mataroria ngā ringa kaha o Kawiti.

Na Te Aho raua ko TeWera Hauraki i hinga ai te pā o Ngāti Kahungunu,
Rongomaiwahine ki Te Mahia.

This lament was composed by Tarahu for Te Aho, killed at the battle of Ruapekapeka,
11 January 1846.

He and Mataroria were the fighting generals of Kawiti.

Te Aho and Te Wera Hauraki both led the Ngāpuhi assault on the
Rongomaiwahine / Ngāti Kahungunu pā at Mahia.

They both took women from Rongomaiwahine. Te Wera stayed on in Hawkes Bay
and led Kahungunu against Tuwharetoa, defeating them.⁷⁸⁹

⁷⁸⁹ Erima Henare pers. comm.. 26/08/2010. ??

Te Takuate a Kawiti

Besides being a paramount chief, a celebrated tactician of war, a military engineer, a gifted student of the Whare Wānanga o Ngāti Hine and Ngāpuhi, a leader with political wisdom and a peacemaker, Kawiti was also a gifted composer. He composed a further lament, or takuate,⁷⁹⁰ at the time of Ruapekapeka. Published by his great-grandson, Tawai Kawiti, this chant expresses Kawiti's great sorrow at the enmity between the two related groups of Ngāpuhi, caused by those who 'have turned to the authority of the Queen, assisting to lift up the weapon of the common traitor, to strike upon my chiefly brown skin,'⁷⁹¹ There are a number of differing interpretations of this chant;⁷⁹² the version provided in this chapter, immediately before this section on the Northern War, comes from Erima Henare's supporting evidence to the Waitangi Tribunal Hearings, in June 2010. It varies from the version published in *Te Ao Hou* in 1956, which has some typographical errors.

Kahore te mamae te waahi ake nei	The pain is endless and cannot be separated
Kapakapatu ana te tau o taku ate e,	From the throbbing of my heart, the seat of my affections
Ki te iwi ra ia ka hurihia atu ra	Causing me grave concern
Ki raro ki te maru o te Kuini e	For the people who have turned
Hei hapai mai i te patu a ware e	To the authority of the Queen
	Assisting to lift up the weapon of the common traitor
Ki runga ki taku kiri ngarahu ee,	To strike upon my chiefly brown skin
Te ngu o taku ihu na i	The sacred moko marks on my nose.
E whakamaui mai ra e	The same moko marks adorning my friends
E te tini e te hoa, kia waiho ko ahau, ee.	Who now desire me to be the first chief killed in battle.
Hei matangohi mo roto i te pakanga.	I had thought that we would all be one,
I mahara hoki au hei riri kotahi	United in the common struggle of Ngāpuhi.
Hei riri pupu te riri a Ngāpuhi,	
	The struggle of Rāhiri and of Kaharau
Te riri a Rāhiri e, Te Riri a Kaharau,	Anointed and baptised in battle
Kia tohi iho ana kite tohi o te riri	Using the sacred incantations of Karakawhati
Ki te tohi nei o Karakawhati	Upon the jaws of war, thus consigning men
[Kirunga kite kauae ote riri ee,]	To the deep night of Antares.
Hei huna i te tangata ki te po nui o Rehua [uu/au?] i.	My thoughts turn to the heavens
	The sacredness of both my person and the land
Tēnei ka whakaohirangi te tapu i te tinana, te tapu i te whenua ee,	
	I gaze at the four winds
e titiro ana hau ee	From the skies above, bringing with
Ngā hau e wha o runga o te rangi ee.	

⁷⁹⁰ Takuate also refers to the liver, seen as the source of the heart, emotions or affection.

⁷⁹¹ Kawiti, p.44.

⁷⁹² Henare, Petrie, and Puckey, 'Northern Tribal Landscape', pp.469-74.

Tēnei ka tukumai ko Ngāitai kote mere whakakopa ee I te hauauru he tai tama tane e Kote Maroharanui, kote ripoharanui i waho o Mapuna,	them Ngāitai, the hidden weapon from the west. Where springs the male sea, the place of the widespread war kilt And the awesome and large whirlpool of Mapuna Now weeping for the eddying tide. And the disappearing land May peace reign in Hokianga, Commencing from the hills of Panguru and Papata The repositories of oratory and lore of the west coast people. The sacred tide flows, resounding unto the heavens The boisterous winds blow, causing The albatross to remain suspended, afloat Now turning the war canoe to the battle of words To the spreading quarrel within Ngāpuhi Enough! Bring with you the anger of the seabird Into Ngāpuhi of a hundred holes I shall never cease fighting Until I have tasted the falling rain of the night Then and only then will I cease struggling. Alas! The mighty tree of the great forest of Tane has fallen. ⁷⁹³
E tangi ana ia he mumutai he wawa whenua eei.	
Kia tō te marino ki roto o Hokianga I tupu mai i Panguru i Papata.	
Ngā puke iringangā kōrero o te hauauru	
Ka tere te tai tapu, te kauanga o te rangi,	
He au maunutanga Toroa, he hurihanga waka taua	
Kite riri tauaki, kite riri horahora ee, kite riri whanaunga ki roto o Ngāpuhi.	
Kaati kawea mai te riri ate manu waitai	
Kiroto o Ngāpuhi Kowhaorau E kore au e mutu te tū ki roto i te pakanga Kia ka rano au ite rereua ote Po — Katahi anō au ka mutu te tū kite pakanga, Ka hinga hoki ra te wao-nui-o-Taane ki raro naai.	

Moetu Tipene Davis gave an explanation of this chant in her brief of evidence to the Tribunal.⁷⁹⁴

The underlying themes of the Takuate are:

1. The divisions within Ngāpuhi and Ngāpuhi's failure to support Kawiti in the war at Ruapekapeka;
2. The many ancestors of Ngāpuhi who had arrived in many canoes; and

⁷⁹³ Translation from Erima Henare, pers. comm., 26/08/2010.

⁷⁹⁴ Brief of evidence of Moetu Tipene Davis, Wai 1040 #D13, 5 October 2010.

3. The recognition that each tupuna had established his/her own tribe and selected a chief who became the guardian of his own territory. It was a chief's right to refuse to sustain another.

When Kawiti speaks of his thoughts as 'turning to the heavens and to the sacredness of his person and the land', Davis believes that he does this to place prophecy on the land to acknowledge the female element of his Ngātihinetanga (as in Whakanoangia). The land is perceived as sacred in its free or independent state, that is, free from the soldiers and the British Government.

The reference to 'He aumaunutanga-toroa', the albatross suspended by the boisterous winds, draws on the ancient children's fables about the war of the seabirds and the forest inland birds. Kawiti is using this imagery to describe the effects of the intrusion of the Pākehā and western culture and influence. Like the albatross, perhaps it is better to fly away and never return than to be a war canoe about to turn back to the war. Kawiti is alluding to the choice to either make peace (the albatross) or die fighting. While there was no actual surrender, Kawiti ultimately chose to make peace and fight the battle in a different way.

'E kore au e mutu te tū ki roto i te pakanga...' I shall never cease fighting... This is an expression of how totally committed Kawiti was to the welfare of Ngāti Hine, and how there was an expectation that his descendants would be likewise.

Kawiti lamented the division in Ngāpuhi, the failure to unite against what he sees as the common enemy. He also laments the intrusion of the Pākehā that has undermined the traditional protocols for decisions to go to war.

In particular he is bitter that Māori without rank, that is commoners or slaves, are amongst the Crown forces. In time past such person would not fight and would never dare to presume to raise weapons against a chief of his status. 'Hei hapai mai i te patu a ware ki runga ki taku kiri ngarahu te ngu o taku ihu na i', (assisting to lift up the weapon of the common traitor to strike upon my chiefly brown skin, the sacred moko marks of my nose) expresses this anger. When he later refers to the same moko marks adorning his friends who desire him to be the first chief killed in battle he is referring to the chiefs of his rank such as Waka Nene and Patuone. Kawiti is expressing profound sorrow that his chiefly relations have forsaken the old bonds and the old code of honour Kawiti therefore has grave concern for those who have turned to the authority of the Queen and to lift weapons against his chiefly status and his sacred moko marks.

‘Tēnei ka whakaaora nei te tapu i te tinana...’(My thoughts turn to the heavens to the sacredness of both my person and the land) expresses Kawiti’s concern about the consequences that will flow from these events, from the breaches of the tapu.

Kawea mai te riri ki te manu waitai, i roto i a Ngāpuhi Kowhao-rau’. This alludes not only to the children’s fable of the seabirds and the forest inland birds, but also to the Pākehā soldiers who have come across the sea and to his Hokianga relations bringing the anger of the seabird into Ngāpuhi. Against this Kawiti expresses his commitment to keep fighting. Why? Because he did not believe the missionaries’ and the Governor’s assurances. Kawiti believed that Ngāti Hine lands were at risk and he was determined to fight to keep them. He was exercising the tino rangatiratanga which was his by right of birth and guaranteed to him under Te Tiriti.

Ruaapekapeka remained a point of contention for the British; ‘When Grey claimed victory at Ruapekapeka and in the Northern War as a whole, he took some pains to conceal facts that would have led to a different conclusion.’⁷⁹⁵ In March 1846, F. E. Maning wrote: ‘The govt. have proclaimed peace to be established but a more ridiculous thing cannot be imagined. ... anyone to read Despard’s despatches would think that we had thrashed the natives soundly whereas they really have had the best of us on several occasions.’⁷⁹⁶ Four months after Ruapekapeka, Henry Williams wrote: ‘The flag-staff in the Bay is still prostrate, and the natives here rule. These are humiliating facts to the proud Englishman, many of whom thought they could govern by a mere name.’⁷⁹⁷ Even though some of his contemporaries doubted Grey’s reports, they became the dominant account, to be perpetuated over more than a century. In Belich’s words ‘the British secured a kind of victory by the pen where the sword had failed.’⁷⁹⁸

From the perspective of Ngāpuhi’s ability to exercise their chiefly authority, in Johnson’s opinion this ‘kind of victory’ represented ‘a profound defeat for Ngāpuhi understandings’:

Ngāpuhi suffered a full-scale attack against its people who had been accorded all the rights of British citizens under the Treaty ... [they] lived with the consequences and impacts of the war under the shadow of an army of occupation ... and [they] have continued to live with a

⁷⁹⁵ Henare, Petrie, and Puckey, ‘Te Waimate-Taiamai Oral and Traditional History Report’, pp.203-06.

⁷⁹⁶ Maning quoted in Belich, *New Zealand Wars*, p.69.

⁷⁹⁷ Henry Williams, quoted in *ibid.*, p.70.

⁷⁹⁸ F. E. Maning to A.T. Maning, 23 March 1846, Maning Papers; Williams to E. G. Marsh, 28 May 1846, Carleton, *Henry Williams*, II, p.137, cit. *ibid.*, pp.69-70.

stigma that has been inflicted upon them first by the Crown and then by subsequent official histories that have failed to acknowledge the wrongful actions of the Crown in attacking Kororāreka and attacking Ngāpuhi.⁷⁹⁹

Takahia te riri ki raro i o waewae: Peacemaking

After Ruapekapeka, Kawiti and others of Ngāti Hine travelled south towards Whāngārei with their dead and wounded. They stopped at Tauwai/Touwai to bathe the wounds of the injured, some of whom later died, including Te Aho.⁸⁰⁰ On reaching Pukepoto Pā in the Maruata area, now known as Pehiaweri/Pehiawiri or Glenbervie, Kawiti made the ōhākī that remains so significant for his descendants and Ngāti Hine today:

E te whānau, i pakanga ahau i te Atua i te po, heoi, kihai ahau i mate,	My illustrious warriors, I fought with God last night, but, I did not die.
Takahia te riri ki raro i o koutou waewae, kia u ki te whakapono,	Trample anger beneath your feet, hold fast to your beliefs
He poai pākehā koutou a muri nei.	Learn the ways of the Pākehā / You shall be made slaves of the Pākehā henceforth
Waiho, kia kakati te namu i te wharangi o te pukapuka,	You must wait until the sandfly nips the pages of the book (the Treaty)
hei kona ka tahuri atu ai.	Only then will you stand to challenge what has happened
Kei takahia e koutou ngā papapounamu a o koutou Tūpuna e takoto nei.	Lest you desecrate the sacred signatures [marks] of your ancestors placed upon the book
Titiro atu ki ngā Taumata o te Moana!	Look to the horizons of the sea (the transformation of the future) ⁸⁰¹

This ōhākī contains a depth of meaning that gives an insight into how the tūpuna thought about events, and is explained more fully in the next section of this chapter.

The artist Joseph Jenner Merrett said he went with Pirata (Parata⁸⁰²), son of Pukututu, to visit Kawiti, his grandfather, as Pirata was seeking reconciliation after the Ruapekapeka battle. Merret found Kawiti and about twenty-five of his followers living on fern root in ‘seven or eight rude huts in the centre of the road to

⁷⁹⁹ Johnson, pp.413-14.

⁸⁰⁰ Erima Henare quoted in *ibid.*, p.390. Also Kawiti, p.45.

⁸⁰¹ Johnson, p.391.

⁸⁰² Buick, *New Zealand's First War*, p.292.

Ruapekapeka, on the bare summit of a hill.’⁸⁰³ On the following day, Kawiti and his men went to Pukututu’s pā, where they all stayed before moving on to Kororāreka the next day. There, Merrett said, he ‘witnessed the reconciliation between Waka Nene and [Kawiti]; the meeting of the once hostile chiefs was cordial, and I left them chattering to each other in the most friendly manner imaginable.’⁸⁰⁴ Merrett’s account of events is not corroborated by others. Johnson said Kawiti wanted peace before the Ruapekapeka battle, and afterwards this desire continued. Kawiti, Hikite and Heke asked Pōmare and Te Whareumu, also known as Hori Kingi Tahua, to negotiate for them with both the British and Nene.⁸⁰⁵ Kawiti and Pōmare both wrote to the Governor, Kawiti’s letter stating his willingness for peace:

... Friend Governor, I say, let peace be made between you and I. I am filled with – I am satisfied with – I have had enough of – your riches – your cannon-balls – therefore I say, let you and I make peace. Will you not? Yes! This is the termination of my war against you. Friend Governor, I, Kawiti, and Hikite, do consent to this good message.
...⁸⁰⁶

A letter from Pōmare and Te Whareumu to the Governor repeated similar sentiments, stating that Heke and Kawiti wanted peace made with both Nene and the Governor. The peace-making was negotiated and cemented through a series of three hui, a formal hohou rongo.⁸⁰⁷ The first of the hui was held at Pōmare’s pā at Karetu on 21 January 1846,⁸⁰⁸ where Ngāti Kahungunu were significant negotiators. Other hui were held at Te Raupo, near Rawene, and the third on Ngāti Hine territory.⁸⁰⁹

After the first hui, Waka Nene was given a passage on the brig *Victoria* to take the letters directly to Grey; Pōmare and Whareumu possibly travelled with him, arriving in Auckland the following day, 22 January. On the 23rd, Governor Grey issued a proclamation ‘granting a full pardon to all people involved in what was referred to as “the rebellion”,’ tantamount to a declaration of peace.⁸¹⁰

There was a problem with cession of land, so Grey did not demand any land as part of the peace process. Instead, he used this as an opportunity to demonstrate what might

⁸⁰³ J.J. Merrett, 'An Account of a Visit to the New Zealand Chiefs, Heki and Kawiti', *Simmonds Colonial Magazine and East India Review*, 9, 1846, p.437.

⁸⁰⁴ *ibid.*, pp.437-38.

⁸⁰⁵ Johnson, p.392.

⁸⁰⁶ Buick, *New Zealand's First War*, p.267.

⁸⁰⁷ Rima Edwards quoted in Johnson, p.393.

⁸⁰⁸ *ibid.* Munn gives the location at Karetu as Mokohikuwaru. Munn, p.257.

⁸⁰⁹ Johnson, p.393.

⁸¹⁰ *NZ Government Gazette*, Vol. VI, No.2, 24 January 1846, p.7; *ibid.*, p.394.

be perceived as leniency and liberality on the part of the Crown, at the same time promising rewards to 'loyal' Māori. Other payments had been made earlier, including gifts to rangatira at Hokianga and Nene's men, and building a house for Patuone.⁸¹¹ Grey also lifted the economic blockade from 1 February 1846 and withdrew the exercise of martial law, these measures included in the same edition of the *Government Gazette* as the proclamation of pardon.

After the Proclamation, peace was confirmed when Kawiti wrote to Grey:

This is my absolute consenting to make peace with the Europeans this day. Exceedingly good, O Governor, is your love towards us, and I say also, good is my love towards you. That is the joining (by peace) for ever, ever, ever!

From me,
Kawiti.⁸¹²

Heke, however, was more reserved about accepting peace, was still concerned with the flagstaff's symbolism, and wanted a face-to-face meeting with both Grey and FitzRoy, and a flagstaff that symbolized unity of two peoples:

Friend Governor FitzRoy, Friend the New Governor, -

I say to you, will you come and let us converse together either at Paihia, or at Waitangi, or at the Waimate, that my thoughts may be right towards you concerning the stick (flagstaff) from which grew the evil to the world? Walker [Waka Nene] and Manu (Rewa) and others say that they alone will erect the flagstaff. That will be wrong ...

Now this I say to you: come that we may set aright your misunderstandings and mine also, and Walker's too. Then it will be right; then we two (you and I) will erect our flagstaff; then shall New Zealand be made one with England; then shall our conversation respecting the land or country be right.

Mr. Busby; the first Governor; the second Governor; the third Governor; the Queen; salutations to you all.

From
John William Heke Pokai.⁸¹³

Heke made peace with Nene, but was unwillingly to consent to peace with the Government unless the Governor came to see him. The peace between Heke, Kawiti

⁸¹¹ *ibid.*, p.396.

⁸¹² Quoted in Buick, *New Zealand's First War*, p.272.

⁸¹³ *ibid.*, pp.273, 280; Merrett, pp.430, 433-35.

and Waka Nene was apparently confirmed at a hui at Kaikohe in October 1846.⁸¹⁴ A meeting between Kawiti, Pōmare and Sir Everard Home took place earlier, on 29 January 1846, at Kawakawa, and Home spent the previous day at the Paihia mission, where he met Heke, who was ‘smartly dressed in a frock coat.’⁸¹⁵ At this encounter, Henry Williams apparently translated the conversation between the two diplomatically. On the same visit to Te Pe-o-Whairangi, Sir Everard Home met Pene Tauī at Ōhaeawai.⁸¹⁶

What was in the minds of the tūpuna?

‘Waiata tawhito and poetic allusion was one of the most accurate forms of preserving history in the time of Kawiti.’⁸¹⁷ They were, in the words of Tā Hīmi, ‘He classics anō hoki wa te Māori – the Māori too have classics. Te Ruki Kawiti, born about 1774 of distinguished lineage, was a paramount chief, a consummate strategic warrior, a military engineer, a scholar, a family man, a peacemaker and a gifted composer through these rapidly changing times, and towards the end of his life a converted Christian. Through his gift as a composer Kawiti was able to record some of his innermost feelings about the consequences of signing He Whakaputanga and Te Tiriti. It behoves us therefore to look to these, first and foremost, to deduce what was in the minds of the tūpuna with respect to their signing He Whakaputanga and Te Tiriti, and when they went to war in 1845-46. They are the historical signposts.

A number of these waiata tawhito have been given in this chapter, along with some explanations of their meanings. The three waiata tawhito – ‘Te Takuate a Kawiti’, ‘Whakarongo a mata’, and ‘Waiata’ – shed particular light on Kawiti’s understanding of Te Tiriti and the changes that colonisation was bringing. The ōhākī ‘E te whānau’ stresses the need to remain vigilant and to act to ensure the promises of Te Tiriti are upheld by both parties. All these are expressions of tino rangatiratanga and mana whenua in their time and for the future.

Kawiti’s ōhākī was a powerful syncretic prophesy, seamlessly incorporating aspects of both Māori and Christian religion. As Henare has explained, for Kawiti’s descendants it has maintained its potency into the present. It is understood as a special injunction to act whenever promises made in Te Tiriti are not upheld; ‘The inference of the

⁸¹⁴ Buick, *New Zealand’s First War*, p.286.

⁸¹⁵ *ibid.*, p.294n.

⁸¹⁶ *ibid.*, p.294.

⁸¹⁷ Brief of evidence of Moetu Tipene Davis, Wai 1040, #D13, 5 October 2010, p.3.

command is to look after the tapu, mana, hau, mauri, wairua and wairuatanga, meaning the power, authority, integrity, life force and spirituality of the Treaty.’⁸¹⁸ The question has to be asked, when has or will the sand fly nip the pages of the Book? And what will the transfiguration of the future look like?

Moetu Tipene Davis explained the deeper meaning of the words of this ōhākī.⁸¹⁹

Kawiti’s reference to his clash with the Gods gives an insight into the divine and familiar relationships Kawiti experienced with the spiritual realm. This spiritual and temporal overlapping was (and is) a natural part of Māori society. He survived his battle with the gods; surely he will survive his battle with mere mortals, the Crown?

‘Suppression underfoot of war’ refers to Kawiti’s efforts to achieve peace with the Government. In essence Kawiti was encouraging his people to support the peace. In securing peace Kawiti had secured the lands. He went to war with that objective in mind, and would agree to peace on no other terms. His two letters to the Governor make the terms clear. This statement about peace by Kawiti was considered to be so important that in the wharehui in Mōtatau as part of the history they included it in the tukutuku panels. He could see that in the future Māori would need to find new ways to fight.

‘The day will come when you will become like the pākehā’ refers to the conviction he had that Māori would become more closely integrated with the Pākehā way of life. Kawiti was a matakite (a seer). He saw the future through realistic and practical eyes.

Kawiti had not converted to Christianity at the time he gave the ōhākī. The ‘whakapono’ or faith he refers to is that of the ancient Māori world. He is saying ‘hold on to your Māoritanga’.

Kawiti implored his people to uphold the covenants of Te Tiriti. ‘Await therefore until the sandfly nips the pages of the book. Then and only then shall you arise and oppose’ was a reminder to his people that they had a responsibility to arise and oppose any failure by the Crown to honour its covenants.

By ‘do not desecrate the sacred covenant endorsed by your forebears’, Kawiti was emphasising the sacred nature of Te Tiriti, signed as it was by the sacred moko of the ancestors.

⁸¹⁸ Henare, ‘Changing Images’, p.96.

⁸¹⁹ Brief of evidence of Moetu Tipene Davis, Wai 1040, #D13, 5 October 2010, pp.15ff.

Look beyond the sea to the transfiguration of the future' reveals Kawiti's optimistic vision of the future despite the tumultuous times as colonisation tightened its grip. Kawiti was dealing with the present as well as planning for the future. Despite the cultural and political clashes Māori encountered since signing He Whakaputanga and Te Tiriti, Kawiti remained true to his values, a rock like Mapuna. This refers to a Ngāpuhi saying from the tupuna Tarutaru:

ehara te toka i a Kiha,	likened me not to the rock Kiha
he toka whitianga ra,	on which the sun constantly shines
a, ka pā taaua ko te toka i Mapuna	but likened me instead to the rock Mapuna
tēnā taau e titiro ai ko te ripo kau	viewed only by the swirling tides ⁸²⁰

He would not be bogged down by negativity. Honing his leadership skills, Kawiti strove to keep his people in sync with the new Pākehā regime, ever with a fixed eye to the future. Kawiti loved and respected his people and wanted to ensure them a bright and secure future.

Conclusion

Kawiti's and Heke's military achievements in the Northern War serve to distract from the real impact of this war: the fact that Ngāpuhi were forced to respond in this way 'by the aggressive actions of the colonial government and Grey in particular.'⁸²¹ Grey's instructions from the Colonial Office had ordered him to 'honourably and scrupulously fulfill the conditions of the Treaty of Waitangi,' which he certainly had not done.⁸²² Moreover, the British forces attacked and destroyed waka, kāinga, pā and other property belonging to those associated with Kawiti and Heke, producing further economic hardship: 'the social and economic dislocation, together with the political reverberations as a result of the presence of the British military force, wrought significant damage to Ngāpuhi.'⁸²³ There was no compensation for these losses.

⁸²⁰ Nin Tomas, 'Key Concepts of Tikanga Māori (Māori Custom Law) and Their Use as Regulators of Human Relationships to Natural Resources in Tai Tokerau, Past and Present', PhD thesis, University of Auckland, 2006, p.1.

<http://www.law.auckland.ac.nz/webdav/site/law/shared/about/our%20staff/academic%20staff/files/nin-tomas-phd.pdf>

⁸²¹ Johnson, p.386.

⁸²² Stanley to Grey, 13 June 1845, no. 1, pp. 99-136, G 1/13 (Inwards from the Secretary of State - 1845), ANZW, cit. *ibid.*, p.341.

⁸²³ *ibid.*, pp.315-16.

To avoid presentism, the following extract from the *New Zealander* of 18 July 1846 is used to summarise events in response to the Treaty.

The sovereignty of the island was obtained by a species of political fraud. The Treaty of Waitangi was founded upon wise and equitable principles, we admit: but the manner in which they were unfolded and explained to the Natives, (as far as the Treaty itself is concerned), was most defective. An engagement so solemn, and pregnant with such important consequences, should have been as clear and specific in its phraseology, and as particular in its definitions, as the Native language could have made it. It should have explained, minutely to those about to become amenable to its restrictions, the nature and extent of the powers it constituted, the concessions it granted and the privileges if conferred: whereas, the miserable document upon which the right of the Crown to exercise its prerogative is founded, is neither perspicuous in language, nor explicit in detail. Go bless yourself

Consequently the Chiefs on the one hand had but little conception of the character of the power they had acknowledged, and the extent of the obedience that would be required from them; and on the other hand, the Government had no just idea of the nature of those claims which it had guaranteed to respect. In fine, the natives ceded the sovereignty of the islands without well knowing what they were doing; and the Government glided into power by a sort of hocus pocus process of unpremeditated deceit. What could reasonably be expected to result from such a commencement but rebellion and strife?⁸²⁴

⁸²⁴ *New Zealander*, Volume 2, Issue 59, 18 July 1846, Page 2

CHAPTER FIVE: TE TĀHAE WHENUA

The purpose of this chapter is two-fold: first, to reinforce the mana whenua outlined in Chapter 3; and second, to give some examples of Crown actions affecting the claimants.

Before the Land Court

Through the nineteenth century, imperial and colonial politicians and officials devised a multitude of methods through which to obtain land from Māori for settling Pākehā cheaply. The military strength of Māori and some humanitarian influences worked against forcible taking; consent, in some form, was required. The Treaty was expected to provide such a basis, and authorities moved quickly to institute its land acquisition provisions.⁸²⁵

Beyond the lands they occupied and cultivated, Māori asserted rights to hunting and fishing grounds and to forests and other lands. Determining these rights and then acquiring them by consent became the preoccupation of colonial leaders. Up until 1860, the Governor, through first the Protectors and later the Native Office and Native Land Purchase Commissioners, exercised this function by negotiating with tribal leaders. In his terms of office Governor George Grey acquired large areas of land. Inevitably, a point too far was reached with the Waitara purchase, which triggered war and heightened Māori opposition to land sales.

Beyond 1846

The Governor finally came to Te Pe-o-whairangi on 7 January 1847, perhaps taking up Heke's earlier invitation. However, Grey remained on board the naval ship that brought him there, refusing to come ashore to meet Heke, while Heke was unwilling to go on board the man-of-war, because he was concerned that he might be captured, as Pōmare had before him, or in the same manner that Te Rauparaha had been.⁸²⁶ So another standoff occurred and no meeting took place. Heke commemorated the (non) event in a waiata:

Speaker: Haere atu ki te pai a te
Kawana. He pai ranei

Speaker: Go off to the peace of the
governor. Is it peace?

All: He kahore ranei

All: Or not?

⁸²⁵ Young, p.275.

⁸²⁶ Johnson, pp.398-99.

Speaker: He pai ranei
All: He kahore ranei
He whakanewhanewha i aku mata
Kia ware ai au
Kia ware.

Speaker: Is it peace?
All: Or not?
Causing me to doze
So that I am off my guard
So I am careless.⁸²⁷

According to Grey's notes when the song was published in 1853, 'In January, 1847, Heke came to Kororāreka to meet the governor, who refused to receive him except on board a man-of-war. Heke and his tribe then sang this song to show their distrust; and that he would not venture on board a man-of-war.'⁸²⁸ Sometimes other names were substituted for 'te Kawana,' including that of Te Wherowhero.

Other British officials were keen to meet Heke, including captain of the *Calliope*, Edward Stanley. Although Stanley had to leave Te Pe-o-whairangi before the appointed meeting, Cyprian Bridge went in his place, he and his wife travelling to Waimate and meeting Heke in the missionary Burrows' house in February 1848. Bridge described Heke as 'a fine-looking man, with a commanding countenance, and a haughty manner which appears habitual to him.'⁸²⁹ Once again, Heke expressed his desire to meet the Governor personally and to shake his hand, and Bridge encouraged Grey to do so. Grey wrote to Earl Grey on 4 March 1848 stating his intention to comply 'with the wishes expressed by Major Bridge,' and intending to take 'an early opportunity to visit the Bay of Islands.'⁸³⁰ Burrows set about arranging this meeting between the two former adversaries, which finally took place over breakfast at Burrows' house:

Here they had an interview which was not lengthy but cordial, the incidents of the past being left discreetly undiscussed. As a mark of respect and as an emblem of peace Heke presented the Governor with his greenstone mere, which is now preserved in the British Museum.⁸³¹

This event appears to be corroborated by Maning, who also identifies who Heke might have considered the superior:

Well, no-one thought that the Governor would go to see Heke, for we think that whoever goes first to the other, is the party who seeks for

⁸²⁷ Quoted in *ibid.*, p.399. Translation by Dr. Jane McRae.

⁸²⁸ *ibid.*

⁸²⁹ Buick, *New Zealand's First War*, p.287.

⁸³⁰ *ibid.*, p.288.

⁸³¹ *ibid.*

peace. But the Governor did go to see Heke, and shook hands with him, but Heke has never gone to see the Governor ...⁸³²

Heke continued to seek acknowledgement of Ngāpuhi sovereignty from the British Crown. In February 1849 he wrote to Queen Victoria reminding her of that sacred 'conversation' established between the British Crown and Ngāpuhi in 1820, during Hongi's visit to George IV. Heke protested that this agreement was broken by the arrival of the likes of Busby, Hobson, FitzRoy and Grey, 'a fighting Governor':

Don't suppose that the fault was mine, for it was not, which is my reason for saying that it rests with you to restore the flag of my island of New Zealand [Te kara], and the authority of the land of the people. Should you do this, I will then for the first time perceive that you have some love for New Zealand and for what King George said, for although he and Hongi are dead, still the conversation lives; and it is for you to favour and make much of it, for the sake of peace, love, and quietness; therefore, I say, it remains with you to decide about the people who are continually arriving here, viz., the Governors, the soldiers, the French, and the Americans; to speak out to them to return; they are quarrelsome, and every place will be covered with them ...⁸³³

By the 1860s, the relationship between Ngāpuhi and the Crown was seen as the 'long continuum',⁸³⁴ in a discourse that moved to heal the breach that might have occurred during the war of 1845.

Kawiti was also concerned with the erection of a new flagstaff, symbolising the peace that had been restored in the north, and in late 1847 cut three spars for this purpose. Cyprian Bridge, then Resident Magistrate at Kororāreka, wrote to the Governor in September, requesting rope and blocks so that the spars could be dragged to the beach and then to Maiki Hill. Bridge wrote again to the Colonial Secretary with the same request a month later, noting that by then the spars had been taken to the beach.⁸³⁵ Although Grey might have supported the raising of a new flagstaff, no further action was taken to supply the block and tackle, and the spars were left lying on the beach, to the disappointment of Kawiti, Pōmare and Waka Nene. Without this Crown assistance, 'The flagstaff was not re-erected while either Heke or Kawiti remained alive, despite the fact that both appeared willing and motivated to re-erect

⁸³² Maning, pp.349-50.

⁸³³ Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.207; Johnson, p.403; Phillipson, 'Bay of Islands Māori and the Crown', p.215.

⁸³⁴ Phillipson, 'Bay of Islands Māori and the Crown', p.256.

⁸³⁵ Johnson, p.400.

the flagstaff as a sign of reconciliation.⁸³⁶ There was no indication from Grey why he failed to follow up with this request.

Following Heke's letter to Queen Victoria, Grey returned to Te Pe-o-whairangi in 1849 to meet with rangatira at a large hui at Kororāreka hosted by Ngāti Manu, a move that led Heke to consider that the war had finally, formally ended. A large hākari was held, the stage constructed for the event being drawn by Cuthbert Clarke.



Figure 63: Hakari, or food stage, Evidence of a Economic Activity, Bay of Islands, September 1849, artist Cuthbert Clarke, ATL B-030-007

Ngāti Manu's hosting of the hākari suggests that at this time the hapū once again shared mana whenua at Kororāreka with Patukeha and others of Ngāi Tawake. Johnson noted that although Grey was only present for one day, 7 September, he recorded it as a positive event and met with both Kawiti and Heke 'face-to-face.'⁸³⁷

By the time Pōmare signed Te Tiriti he was spending more time at Karetu than at Otuihi,⁸³⁸ and, after returning from his short Auckland imprisonment, established a new pā at Karetu, named Puketohunoa. People living there were from Ngāti Manu,

⁸³⁶ *ibid.*, p.401.

⁸³⁷ *ibid.*, p.404.

⁸³⁸ Munn, p.233.

Ngāti Kahungunu, Ngāti Porou and Ngāti Raukawa, the last of these related by marriage to Pōmare through his wife Rangingangana.⁸³⁹ This pā was originally Te Kapotai land, fortified by Hiawe and Te Haua and later gifted to Ngāti Manu; symbolised by an exchanged gift of two mere pounamu from the Ngāti Manu rangatira Tawaewae.⁸⁴⁰ In later years Ngāti Manu made a second payment to Kapotai for the same land.⁸⁴¹ Ngāti Hau gifted land named Te Kohea to Ngāti Manu, who renamed it Te Whataaruhe. This was rich land, expressly used for cultivating uwhi, fernroot.⁸⁴² Puketohunoa was finally abandoned as there was no longer a need to maintain such a defensive fortification, and Pōmare went to live in a house called Te Tihi-o-Manono at Mangawheao, while Ngāti Manu moved from the fortified hill to flat land around Karetu. Other Ngāti Manu, including Hori Kingi (or Whareumu), returned to their cultivations on the west side of the Waiotu River, where they grew wheat and potatoes.⁸⁴³

Pōmare II died in July or August 1850⁸⁴⁴ and Heke died only a few months later, in October 1850, aged only 40.⁸⁴⁵ He was suffering from 'consumption' and had moved from Tautoro to Kaikohe to be nearer medical assistance. He was ill for four months, visited regularly by the missionary Richard Davis. After death, Heke was covered in a scarlet cloth with an elaborate fringe, black crepe was tied over his eyes, and his head dressed with 'beautiful white feathers. On his right side lay his trusty musket, on his left his favourite paraoa.'⁸⁴⁶ Richard Davis argued for a Christian burial, but this was refused and he was restricted to reading parts of the Christian funeral service. Heke's body was then taken away and the following summer his remains placed 'in a secret burial-place,' the event noted in a letter of Marianne Williams, written on 6 November 1851.

By the time of Heke's hahunga or reburial, Kawiti had converted to Christianity, after Henry Williams persuaded him to attend a church service at Kawakawa in October 1851. The following year Kawiti moved to Pākaraka, where he lived close to Williams, and on 20 February 1853 he was baptised at Trinity Church under the name Te Ruki, although this name, 'the Duke', was apparently given to him earlier to acknowledge

⁸³⁹ *ibid.*, pp.253-58.

⁸⁴⁰ *ibid.*

⁸⁴¹ *ibid.*, pp.263-65.

⁸⁴² *ibid.*, p.258.

⁸⁴³ *ibid.*, p.261.

⁸⁴⁴ Ballara, Angela. 'Pōmare '.

⁸⁴⁵ Buick, *New Zealand's First War*, p.288.

⁸⁴⁶ *ibid.*, pp.290-91.

his fighting reputation.⁸⁴⁷ Many of Kawiti's people gathered to pay their respect. The church was crowded beyond capacity and Kawiti was 'dressed in a handsome full suit of black cloth, with frock coat.'⁸⁴⁸ Others followed Kawiti's example in converting to Christianity, including Haratua and members of Pōmare's family. Kawiti died at Waiōmio, aged about 80, on 5 May 1854; his tangi continued for a year. His son Maihi then became the leader of Ngāti Hine.⁸⁴⁹

Kawiti's son Maihi, who had been sent away as 'hei putanga tangata,' a remnant of the tribe, in case of defeat during the 1845/46 war, finally re-erected the flagstaff on Maiki Hill in 1857.⁸⁵⁰ This was his attempt to restore the alliance with the Crown. As part of that restoration, Maihi Kawiti 'gave my land away as a gift in honour of the occasion', 'probably two million acres, more or less as a free gift to Her Majesty ... to signify, according to the Māori custom, the establishment of peace and a sign of respect for the Queen – and peace to both man and the land.'⁸⁵¹ The flagstaff was named 'Te Whakakotahitanga (the Union) of the two races, Pākehā & Māori.' Thereby, 'Kawiti's mana persisted as the giver of the gift, and the land was still just as much his as before, though now shared with the Queen.'⁸⁵²

The Government made no effort to re-erect the flagstaff, and in 1857 Waka Nene insisted that Maihi do so. Maihi did, but his reason was to honour the promise that he had made to his father, Kawiti, not because of Nene's urging. In late 1857 a tree was felled and dragged by 400 men to Maiki Hill, erected on 4 December 1857 as Te Whakakotahitanga o ngā iwi, the flagstaff also demonstrating Maihi's authority in the north. The Government did not contribute to the re-erection costs; the 'full cost of constructing and erecting the new flagstaff was paid for by the groups who had fought alongside Kawiti.'⁸⁵³ At the unveiling of the flagstaff, Maihi Kawiti stated:

Ka kōrero a Maihi ki te iwi katoa Māori me ngā pākehā mo te Pou kua ara nei na Heke na Kawiti i turaki, na matou i whakaara inaiane, e kore tētahi o matou a tae a muri nei kite tapahi i tēnei pou	The Pole which stood before this one, was felled by both Kawiti and Heke. The one which we have raised today, will not ever be touched by an axe by any of us.
--	--

Ka tapaia te ingoa mo te Pou Ko te The Pole shall be named

⁸⁴⁷ Kene Hine Te Uira Martin, 'Kawiti, Te Ruki ?-1854', DNZB, updated 22 June 2007.

⁸⁴⁸ Buick, *New Zealand's First War*, p.296. Buick 1926, p.296.

⁸⁴⁹ Martin, 'Kawiti, Te Ruki'.

⁸⁵⁰ Kawiti, p.46.

⁸⁵¹ Phillipson, 'Bay of Islands Māori and the Crown', p.175.

⁸⁵² *ibid.*

⁸⁵³ Johnson, p.405.

whakakotahitanga

whakakotahitanga.

Ka tukua atu te kara ki te kawatanga ka tukua atu he whenua hei whariki mo te kara oti atu. Kei te kawatanga anake te tikanga mo tēnā kara inaianei, kahore i te Māori.

The flag belongs to the government. Some land will be given as a mat for the flag. The flag belongs to the government and not to the Māori.⁸⁵⁴

In addition to the reason Maihi stated for erecting a new flagpole, he had another. At around the same time, the Waikato people were establishing their king, and Pōtatau Te Wherowhero was chosen. A deputation had been sent north to offer Maihi governorship of the north within this Kīngitanga, a subordinate position to the king. Erecting the flag was an assertion of Maihi's authority independent of this movement.⁸⁵⁵ When Pōtatau's successor Tāwhiao visited Maihi in 1885, Maihi again asserted his mana by greeting Tāwhiao with the words 'You are the chief of your territory, I am the chief of my territory. Ngāpuhi have their own chiefs as well. Leave it at that!'

Te Whakakotahitanga is the flagpole that still stands on Maiki Hill. Subsequently, 'on 25 August 1877, Maihi gave land to the Government to serve as the whariki or mat upon which the flag would rest. 'Ka tae a Maihi ka tukua ko Pakaru me Taikumikumi hei hipoki mo te kara. Maihi gifted the lands of Pakaru and Taikumikumi as a cloth for the flag.'⁸⁵⁶ Tawai Kawiti stated that this included 'all lands between Karetu and Moerewa to north of Waiōmio and as far south as Ruapekapeka Pā. This offer was accepted but paid for at half price.'⁸⁵⁷

Maihi was concerned about protecting and enhancing his mana. Nene's instruction to erect the flagstaff was seen as a threat to this mana; so was the Ngāpuhi 1858 announcement of the intention to establish a town at Ōkaihau. Maihi countered by inviting the Governor, Thomas Gore Browne, to set up a town at Kawakawa, and offering to sell land for the town.⁸⁵⁸ Maihi had not attended the first meeting with Browne at Kororāreka on 6 February 1858, but went to his ship the following day, where he stated his hope that the offer would not be rejected. He presented a spear to

⁸⁵⁴ Quoted in *ibid.* (Riri Maihi Kawiti, Minutes of Te Nohoanga o te Tribal Executive Committee of te Kawakawa, Friday 20/12/1957, p. 3, document from York/Clark collection, Translation by Mr Sam Maioha).

⁸⁵⁵ Kene Martin, 'Kawiti, Maihi Paraone – Biography', DNZB.

⁸⁵⁶ Johnson.

⁸⁵⁷ Kawiti, p.46.

⁸⁵⁸ Kene Hine Te Uira Martin, 'Kawiti, Maihi Paraone', DNZB.

Browne at the end of the interview as a token of friendship, and at another meeting on 9 February at Waitangi, his wife presented a greenstone ornament to Gore Brown's wife.⁸⁵⁹ During Gore Browne's visit to the Kawakawa area in 1860 the Governor gifted Maihi Kawiti an ivory seal known as Rongomau, the seal of lasting peace, symbolizing peace and unity peace between Ngāti Hine and the Crown. Some sources say that Maihi, named at birth Te Kuhanga, took the name Maihi Paraone at his baptism at Waimate North on 27 December 1840, the name being the transliteration of Marsh Brown, the son of missionary A.N. Brown.⁸⁶⁰ Other sources state that Maihi Kawiti incorporated the name Paraone (Browne) to his own to acknowledge the relationship with the Governor, affirming the continuing relationship between Ngāpuhi and the Crown.⁸⁶¹

Whichever the source, the latter has been perpetuated amongst family members, as has the naming tradition:

Hone Paraone Kingi was named after his tupuna Kawiti's grandson, who got the name Paraone from Gore Brown after Kawiti's battle of Ruapekapeka. That battle event expressed Kawiti's commitment to his mana motuhake, something he asserted in Te Tiriti. His own name was not used for a very long time.

Tonoriri Kingi was named after an angry letter was sent to Queen Victoria about their dissatisfaction with what was happening with their people because Te Tiriti was being breached by the Crown.⁸⁶²

On Waitangi Day 1964, Kirihi Te Riri Maihi Kawiti wrote to the Governor General and asked him to nominate a custodian for the Rongomau seal. The son of Te Riri (the grandson of Maihi Kawiti), Tawai Kawiti, eventually placed the Rongomau seal in the Waitangi Tiriti house on behalf of Ngāti Hine.⁸⁶³

There were also subsequent deputations to Britain to see Queen Victoria and obtain redress for transgressions of Te Tiriti. One visit that reaffirmed the longstanding alliance between Ngāpuhi and the Crown was that of Hare Pōmare and his wife Hariata. In 1863/64 the couple travelled to Britain as part of a deputation with

⁸⁵⁹ TKM, Vol. 5, No. 4, February 1858, pp.5, 8.

⁸⁶⁰ *ibid.*

⁸⁶¹ Kawiti, p.46.

⁸⁶² Whakatakotoranga o Waimarie Bruce (nee Kingi), Wai 1040, #C24, 30 July 2010.

⁸⁶³ Johnson, p.406; Kawiti, p.46.

William Jenkins, a former Wesleyan missionary and government interpreter.⁸⁶⁴ At Queen Victoria's expense, Hare Pōmare and Hariata (then pregnant) went to stay with Elizabeth Colenso, as Victoria was concerned 'that mother and child receive the best attention.'⁸⁶⁵ After a visit to Victoria in July 1863, the Queen said that she wished to become godmother to this baby. On his Christening at St. Pauls, Nottingham, in November 1863, the baby was named Albert Victor 'by the desire of his Royal Godmother.'⁸⁶⁶ William Strutt, a colonial artist, painted a portrait of the family during their visit, placing an image of Patuone in the background.

Old Land Claims Second Commission

Of particular importance to the Te Aho claims are the controversies surrounding the Ōpua lands that were caught up in the Old Land Claims process. To understand how these controversies developed beyond those that led to the Northern War, the story is picked up at that point.

When Governor Grey replaced FitzRoy in 1845, he criticised FitzRoy and Crown policies for being overly influenced by missionary land claimants.⁸⁶⁷ Grey alleged in 1846 that Māori opposition to FitzRoy's extending the grants of CMS personnel George Clarke and Henry Williams caused Heke, Kawiti and their followers to fight the British, and that the Crown had sacrificed 'blood and treasure' for self-interested Pākehā,⁸⁶⁸ thereby laying the blame for the Northern War squarely on the CMS. FitzRoy defended his actions, believing that Māori resentment was over the Crown's interference in their relationships with missionaries.

Grey cultivated an alliance with Bishop Selwyn, who was somewhat jealous of the strong relationships and influence missionaries had with Māori, and annoyed with missionary resistance to some of the changes he wanted to introduce. Even in 1843, Selwyn told the London parent committee that large missionary claims brought the church into disrepute. He criticised FitzRoy's grant extensions in 1845, and when Grey proposed to reduce the grants to the 2560-acre limit, Selwyn obtained CMS London support, which allowed Grey to impose the limit on claimants on threat of

⁸⁶⁴ Leonard Bell, 'The Making of a Portrait: William Strutt's Hare Pōmare and Family, 1863-1864', *Bulletin of New Zealand Art History*, 6, 1978, pp.31-9; Bell, *Māori in European Art*, pp.79, 44-5; Leonard Bell, *Colonial Constructs European Images of Māori 1840-1914*, Auckland, 1992, pp.87-9.

⁸⁶⁵ Bell, *Colonial Constructs*, p.88.

⁸⁶⁶ *ibid.*

⁸⁶⁷ Rigby, 'Land Claims Commission Process', pp.33, 36.

⁸⁶⁸ Grey to Gladstone, 25 June 1846, BPP, 1848 (1002), p.106, cit. Rigby 'The Land Claims Commission Process', p.36.

dismissal. Grey offered missionaries a face-saving option to ‘voluntarily restore the surplus land [from the reduced grants] to the original native owners’.⁸⁶⁹

In 1849 Governor Grey introduced the Quieting Titles Ordinance, which provided for surveys and certification to remove from grants legal defects arising from the land claims commissioners not being required to ‘ascertain that the land had been purchased from the true native owners’. In cases where the ‘sellers’ had not had the right to sell, the true owners would be entitled to recover the land. However, it appears that no land was reinstated, partly because Māori were required to prove their ‘title’ to the Supreme Court within three years, when they had inadequate knowledge of court systems, ability to pay court fees and access to courts.⁸⁷⁰

The 1856 Parliamentary Select Committee on Old Land Claims decided that Grey’s intervention (the 1849 Ordinance) was inoperative and that FitzRoy’s intervention (his grants and extensions) was defective.⁸⁷¹ The Land Claims Settlement Act of 1856 attempted to give Crown grants full cartographic definition and legal validity.

The second land claims commission’s investigations were conducted by Francis Dillon Bell, under this Land Claims Settlement Act of 1856, between 1857 and 1863; that is, after Government purchases had started and while they continued during the 1860–1872 New Zealand Wars. Like the first commissioners, Bell was not legally trained either, and his position as land claims commissioner was compromised by his having worked for the New Zealand Company. He had also been a Commissioner of Crown Lands during Governor George Grey’s first administration. In historian Bill Oliver’s opinion, Bell was an agent of colonisation, who saw evidence presented to him through a ‘lens’ of identification with the colonisation cause.⁸⁷²

Commissioner Bell was not concerned with whether or not a sale had been made, the nature of the original transactions, or if the appropriate Māori had been party to the transactions. He assumed that he did not need to revisit the investigations of earlier claims commissions, and therefore summarily dismissed Māori protests, instead concentrating on increasing grant acreages. Although Bell insisted on precise

⁸⁶⁹ Grey to Selwyn, 30 August 1847, encl in Grey to Earl Grey, 1 September 1847, BPP, 1848, (1002), pp.118-19, cit. Rigby, ‘Land Claims Commission Process’, pp.36-37.

⁸⁷⁰ William Swainson, *New Zealand and its Colonisation*, London, Smith, Elder and co, 1859, pp. 176-7, cit. Rigby, ‘Land Claims Commission Process’, p.40.

⁸⁷¹ Select Committee report, 16 July 1856, BPP, 1860 (2747), p. 349-50, cit. Rigby, ‘Land Claims Commission Process’, p.40.

⁸⁷² W. H. Oliver, ‘The Crown and Muriwhenua Lands: An Overview’, Wai 45, pp. 16-17, 20-21.

definition by survey, most surveyors did not follow the detailed procedures he required. Furthermore, these procedures were aimed at defining surplus land for the Crown, even though the Act was silent on the Crown's claim to surplus. The Crown's presumptive right was implied rather than explicit. Bell employed private surveyors on the justification of cost saving, but primarily for the purpose of concealing how the Crown acquired surplus lands. He believed that Māori would obstruct surveys if they thought the land would go to the Crown.⁸⁷³

The first land claims commission had few resources, and consequently FitzRoy dispensed with surveys, which meant land areas and boundaries were uncertain. The second commission had the resources, but Bell narrowed his investigation so much that Māori could not question the fundamentals of the transactions, and he made few reserve recommendations. Bell had maps and coterminous surveys, on the basis of which he deliberately shut Māori out of commercially valuable areas, knowing from the evidence of abundant trade that Māori wished to participate fully in commercial development. Bell reported:

I was enabled, as the original boundaries of a great number of the Claims were coterminous, to compile a map of the whole country about the Bay of Islands and Mangonui, showing the Government purchases there as well as the land Claims; and a connected map now exists of all that part of the Province of Auckland which lies between the Waikato River and the North Cape.⁸⁷⁴

Disputes over surplus land continued, and several twentieth-century commissions tried to resolve them. However, the root causes were not consistently dealt with and the issues remain outstanding.

Outstanding issues – scrip and surplus lands

Scrip and surplus land originated as policies without statutory authority based on the Crown's presumptive rights and were never explicitly or consistently defined. The practice of issuing scrip arose in 1841 with Hobson's attempts to streamline the first commission's process and concentrate settlement in defensible areas. Shortland encouraged claimants to accept scrip to reduce costs, and the Colonial Secretary authorised further scrip and set down specific terms and conditions in 1843 and 1844.

⁸⁷³ Rigby, 'Land Claims Commission Process', p.43.

⁸⁷⁴ Bell report, 8 July 1862, AJHR, 1862, D-10, p.5.

Even twentieth-century commissions of inquiry did not explain the legal basis of scrip policy or differentiate it from surplus land policy, thus compounding confusion.

Lord Stanley had used Crown presumptive rights as the basis upon which to define surplus land (the difference between claimed and granted areas), although the description was hypothetical and FitzRoy was free to adapt it. In 1844, FitzRoy said the Crown would hold surplus land in trust for Māori.⁸⁷⁵ Following Grey's insistence in 1847 that missionary grants be reduced to 2560 acres, Grey and Bishop Selwyn agreed that missionaries would 'voluntarily restore the surplus land to the original native owners'. But when Grey successfully took legal action against Clarke and forced Henry Williams' dismissal, he did not return surplus land to Māori.

Commissioner Bell tried to recover scrip and surplus land for the Crown, but Māori claimed these areas through the Native Land Court after 1865. Judge Maning awarded Māori about 5000 acres at Taemaro and Whakaangi in 1870: areas that the Crown had claimed as either scrip, surplus or part of a disputed 1863 Crown purchase.⁸⁷⁶ In response John Curnin, legal draftsman for the Lands Department at the time (1885), recommended that all scrip and surplus land should be immediately 'gazetted as Crown lands and marked on the survey maps as such', then promptly 'sold to the public, so as to get them for ever out of the reach of the Natives'.⁸⁷⁷ Curnin also spelled out a legal position that the Crown adopted for the next fifty years:

... if at the time of that treaty, it would be proved that they had parted with any of their lands, those lands at once belonged to the Crown ... it is indisputable that all lands bought by individuals from Natives in New Zealand, became absolutely the property of the Crown on the treaty of Waitangi.⁸⁷⁸

More than forty years later, in 1927, after considerable confusion over the Taemaro land and questioning of the Crown's position, Judge Frank Acheson felt 'compelled to say that the retention of "Surplus Lands" by the Crown was an act which would hardly meet with the approval of anyone at the present day'.⁸⁷⁹ And another six years later, in 1933, Chief Judge Jones argued that the Crown's claim of interest in pre-

⁸⁷⁵ *Southern Cross*, 6 July 1844, Rigby, 'Land Claims Commission Process', p.66.

⁸⁷⁶ Rigby, 'The Mangonui area and the Taemaro claim', Wai 45 rod, doc a21, pp.26-27.

⁸⁷⁷ Curnin to Smith and Native Minister, 16 March 1885, ma 91/5, pp.42-45, cit. Rigby, 'Land Claims Commission Process', p.62.

⁸⁷⁸ Curnin to Smith, 15 April 1885, BAAZ 1108, box 88, file 2173, ANZA, cit. Rigby, 'Land Claims Commission Process', p.61.

⁸⁷⁹ Acheson to Under-Secretary Native Department, 7 March 1927, ma 38/18/6, cit. Rigby, 'Land Claims Commission Process', p.63.

Treaty transactions was null and void, stating: 'The surplus land therefore never passed from the Natives and no declaration by the Land Claims Commissioners could alter the Native title.'⁸⁸⁰

Nevertheless, the Myers Commission of 1948 agreed with the Bell and Curnin assumptions of Crown ownership, without investigating the particularities of transactions. The Myers Commission was required to report on scheduled petitions, but did not deal with these because they were not framed in the legal terms that the commissioner was competent to adjudicate. Māori petitions raised historical issues instead, such as missionary promises to return surplus land.⁸⁸¹

Ōpua Lands

Petitions to Parliament are a good indication of longstanding grievances, in cases where several petitions relate to the same issue. One such issue, which generated a number of petitions, was over Ōpua lands. The first petition appeared in 1881, although Native Land Court claims dated back to 1866. Subsequent petitions continued until 1925 at least, and this petition (number 143/1925) was considered, but dismissed, by the Surplus Lands Commission of 1948 (the Myers Commission).⁸⁸²

In their evidence to the Houston Commission of 1907, Riri Maihi Kawiti, Hōterene Kawiti, and Te Atimana Wharerau explained their understanding of the Ōpua block. Riri Maihi Kawiti said the government had taken possession of the block about 30 years earlier, in the 1870s, about the time that the government began to implement its plans for the railway line and township at Ōpua, through which Māori became aware of the government's claim to their land.⁸⁸³

Riri Maihi Kawiti testified that his grandfather Kawiti had disputed the original gift of land, which other Māori had made to the CMS. Kawiti disputed the boundary of the land with those who made the gift, as he was not present when the gift was made. He would only allow the gift to stand if the boundary was altered from the line running from Te Awahapa to Paihia, to Te Awahapa to Ongarumai instead. His descendants ensured that the boundary was altered, and that was how they knew that the land the government now claimed was not part of the gift. The descendants had continued to

⁸⁸⁰ Jones to Ngata, 30 March 1933, cit. Rigby, 'Land Claims Commission Process', p.63.

⁸⁸¹ Ma 91/9 d, p.15; e, pp. 27-28, cit. Rigby, 'Land Claims Commission Process', p.63.

⁸⁸² Stirling and Towers, p.988.

⁸⁸³ 'Report of R. M. Houston, M. P.; A Commissioner appointed to inquire into the question of North of Auckland Surplus Lands' (Houston Report), 22 July 1907, AJHR, 1907, C-18, pp.4-5; *ibid.*, p.922.

retain possession of the land, and had lived and died on it. Hōterene Kawiti confirmed that their people, Uriwhakareia and Rapana, had remained on the land until the railway line was laid through it. Hōterene believed that their father Maihi Paraone Kawiti (Marsh Brown) had asked the Native Minister, Sheehan, for the land to be returned, who had instead offered a portion of land, which Maihi Paraone rejected. Hōterene questioned how the government could claim possession of the land when it had not even been given to the CMS, from whom the government's claim derived. Te Atimana Wharerau gave the boundaries of the Māori land as being 'from Te Ahuatia to Tuakainga, Te Maraeaute to Waipuna, on to Ōpua, Ongarumai, and Te Werawera Rotopouri.'⁸⁸⁴

In the Houston Commission, as well as later petitions and hearings, clearly these Māori based their claim on the land never having been gifted or sold to the CMS; they were not claiming it was 'surplus' land that should be returned, because the government had no basis to take the land as 'surplus' in the first place. Te Atimana Wharerau had already made representations to the Rees and Carroll Commission in 1891 along the same lines, to no avail. Houston too ignored Māori assertions and decided instead that: in some of the land mentioned there are portions of 'surplus lands' undisposed of by the Crown; there were landless Māori residing in the locality of such 'surplus lands'; without prejudice to the Crown's legal right to such 'surplus lands', it would be an act of grace on the part of the Crown to confer portions of such lands on –

- a) the landless Māori; or
- b) those who but for the ***alleged sales*** would have been the owners, according to Māori custom, of such lands; or
- c) both.⁸⁸⁵

Given that for any land to be classified as 'surplus', it must first have been the subject of a valid pre-Treaty transaction, Houston's use of the emphasised term 'alleged sales' invalidates his classification. And so, the dispute remained unresolved, to be brought up again in subsequent petitions and before the Myers Commission in 1948. Myers simply side-stepped the issue by disregarding, or setting aside the petition on the basis that it refuted any claim the government had to the land, saying (without

⁸⁸⁴ *ibid.*, p.923.

⁸⁸⁵ Houston Report, p.1. Emphasis added.

further enquiry), ‘The petition that we have now under immediate consideration may be disposed of shortly by saying that there is no ground for the contention made in the petition that the land was wrongfully taken by the Government’, and he proceeded to deal with it as ‘surplus’ lands.⁸⁸⁶

Crown Purchases 1850-1865

The Crown embarked on a comprehensive programme of purchasing land in the Bay of Islands in June 1855, when Henry Tacy Kemp (son of CMS missionary James Kemp) was appointed District Commissioner. Kemp was a central figure in Crown purchasing in the north from the time of his appointment, to the abolition of the Native Land Purchase Department in 1865, when the Native Land Court was established. Crown purchases of land in the area have been dealt with in some detail in the July 2006 Northland technical report, ‘Northland Crown Purchases, 1840-1865’, by Vincent O’Malley.⁸⁸⁷ The subject will not be repeated in detail here, but the most important issues relating to the large Kawakawa and Ruapekapeka blocks will be summarised. These purchases, negotiations for which were protracted over the period 1858-1865, and issues arising during and subsequently, cover a complex range of issues, such as Old Land Claims, reserves, principles for establishing values, and very significantly, the discovery of coal on the land during the negotiations. Readers seeking further detail are referred to the ‘Northland Crown Purchases’ report.⁸⁸⁸

By the time Kemp was appointed to the Bay he had already made a name for himself as an aggressive purchaser who had little regard for the duties of a Crown purchaser. Yet, McLean issued remarkably brief instructions to him and failed to provide any guidance on the approach he should take to ensure the northern transactions were conducted appropriately. i.e. that all owners were party to the transactions, reserves for on-going Māori use and occupation were provided, adequate prices were paid, surveys made and documentation provided. But even before Kemp, James Clendon had set a precedent of sub-standard purchasing procedures in 1852, with the first deed of conveyance in the Bay of Islands.⁸⁸⁹

By October 1858, the Crown had purchased less than 10,000 acres in the Bay of Islands. On 8 December 1858, Tamati Waka Nene and eight other chiefs signed the

⁸⁸⁶ Stirling and Towers, p.988. ‘Report of the Surplus Lands Commission’. AJHR, 1948, G-8, p.15.

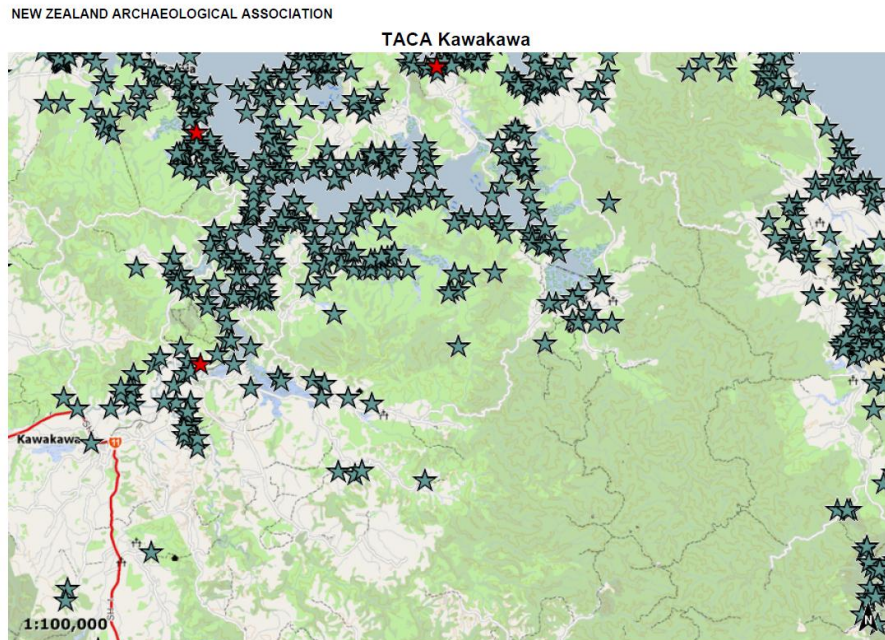
⁸⁸⁷ O’Malley, ‘Northland Crown Purchases, 1850-1865’.

⁸⁸⁸ *ibid.*, pp.123-24, 138, 142, 148-51, 162, 264, 334-70, 451, 459, 463, 495, 498-508.

⁸⁸⁹ *ibid.*, pp.334-35.

deed for the Ōkaihau No 1 block of 4554 acres for £450. By 1865, when the Land Purchase Department was abolished, Kemp had purchased close to 100,000 acres on behalf of the Crown.⁸⁹⁰

Map 13: Overview of Archeological Sites recorded in Kawakawa

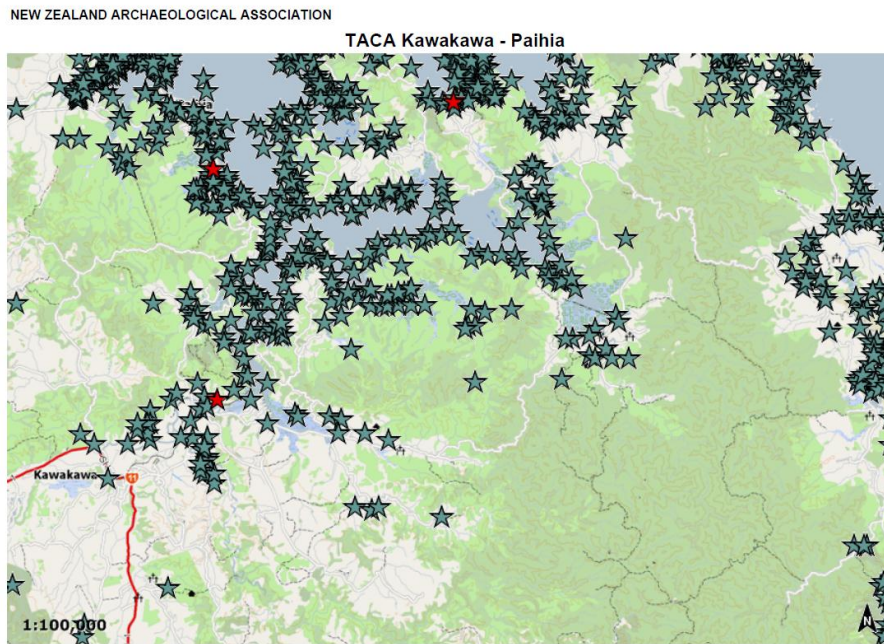


Printed by: Angela Middleton

14/01/2013

⁸⁹⁰ *ibid.*, pp.345-46.

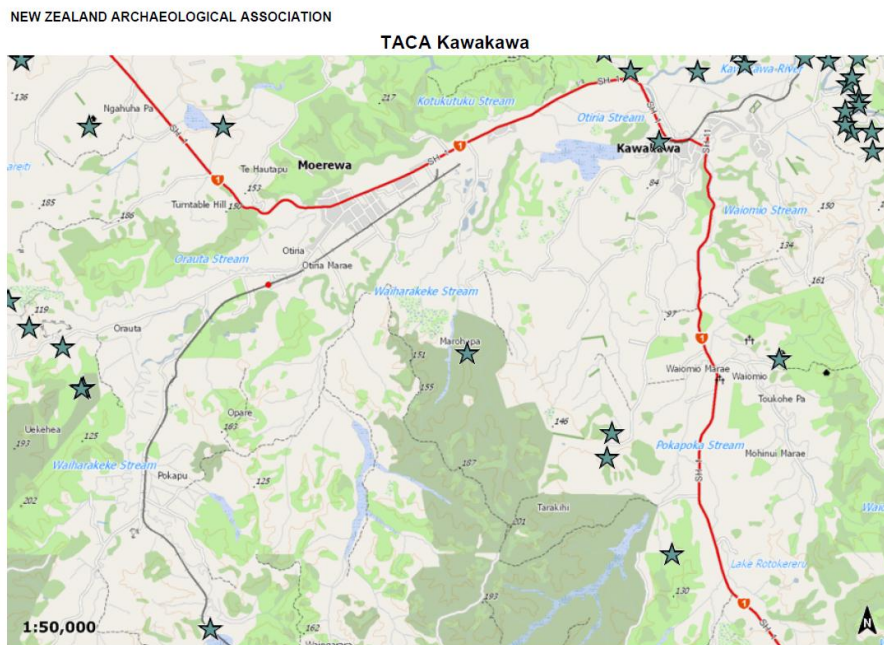
Map 14: Overview of Archeological Sites recorded in Kawakawa - Paihia



Printed by: Angela Middleton

14/01/2013

Map 15: Overview of Archeological Sites recorded in Kawakawa 2



Printed by: Angela Middleton

14/01/2013

As noted earlier, Maihi Paraone Kawiti had approached Governor Browne to convey 'their desire to make amends for past errors, by replacing the flag-staff on the spot where it had stood when cut down by Heke ... and also to offer a piece of land at Te Kawakawa, as a peace-offering, to be given and received in token of complete reconciliation and perfect amity between themselves and the Government.'⁸⁹¹ The Governor and northern leaders were both committed to working together to revitalise the northern economy, which had become stagnant by removing the capital to Auckland and international economic conditions. Maihi Kawiti was mindful that the Governor was inspecting various locations in the north to determine which would be the best site for the township the Government had (more or less) promised people in the north, in exchange for making their land available for selling to settlers. Maihi Kawiti's offer had a dual purpose, although he stressed that reconciliation was more important than the township. On the occasion of these talks, Maihi Kawiti presented the Governor with a Māori spear as a token of his friendship and alliance. Land transactions were never simply about land; rather, the central proposition for Māori was the relationship between the parties to any transaction.

Soon after, Maihi Kawiti was one of about 600 Māori who attended a meeting at Busby's house at Waitangi.⁸⁹² Several local chiefs vied for the selection of their favoured sites for a township. Te Kemara wanted a town at Waitangi; Mitai Pene Tauu wanted one on the inland side of the Bay; another thought a location about halfway between Kawakawa and Kerikeri would be suitable. Although some wished the discussions to focus on the symbolism of reconciliation that the flagstaff represented, others saw a clear link between the two issues of erecting a flagstaff and establishing a town.

As the year rolled into the next, competition over the location of a township came to be expressed in terms of a condition on which land would be made available; and in the case of Kawakawa, where land had already been made available, pressure came on the government to form a town. T.H. Smith reminded McLean that 'the natives consider that the Govr. is to a certain extent pledged to form one as they were urged when asking for one to offer a large extent of country'.⁸⁹³ The land had been surveyed and negotiations entered into, but these became stalled over price. Part of the price was money, but the other was establishing a town: 'We were told that the natives

⁸⁹¹ TKM, Vol. 5, No.4, February 1858.

⁸⁹² *New Zealander*, 27 January 1858.

⁸⁹³ Smith to Mclean, 29 April 1859, McLean Papers, ATL, cit. O'Malley, 'Northland Crown Purchases, 1850-1865', p.138.

would close with this offer, on one condition – that a township, for which they would *give* a thousand acres, should be established there.⁸⁹⁴ This also suited the Crown's agenda of obtaining land as cheaply as possible.

The town was to be an experiment in which Māori and Pākehā would 'cultivate their fields and build their houses side by side'.⁸⁹⁵ Free grants of 40-acre lots in the Bay of Islands Special Settlement, were to be awarded to intending immigrants over 18 yrs old after they had occupied the land for a year. Smaller allocations were made for younger immigrants. These regulations were very similar to the Auckland Waste Lands Act of 1858; but they made no provision for Māori to receive any grants of land in the settlement.⁸⁹⁶

The purchase of Ōkaihau 1 for £450 would not have succeeded a year before the deed was signed, but proposals that Ōkaihau should form an inland township as part of the Bay of Islands Settlement Act of 1858 constituted in large part the 'real payment' for the block. A town was subsequently established, but not on the comprehensive scale originally promised. In January 1859, the sale of the 7224-acre Mokau block was also motivated by the desire to establish a settlement. The 15,000-acre Kawakawa block followed suit in June 1859.

McLean instructed Kemp to focus his attention on this area in 1857, when relations between the Crown and local Māori appeared to be improved. Originally listed as being 5000 acre, by the time the survey was completed in April 1859, three formerly separate blocks (Kawakawa, Pukekohe and Ruapekapeka) were combined into one of 50,000 acres. Kemp was negotiating with Maihi Paraone Kawiti for the estimated 10,000-acre Ruapekapeka block, on the south bank of the Kawakawa River in June 1858. Negotiations stalled and McLean decided to take matters into his own hands, seeing Kawakawa as strategically important, 'being on the terminus of the Great North Road; and opening up a country inland that no other part about here possesses to an equal extent.'⁸⁹⁷

Kemp proceeded with negotiations, and although he closed the transaction with Tamati Pukututu and others for the block on the northern bank in June 1859 for £1,000, he failed to get Maihi Kawiti's agreement to the sum of £1,000 for the

⁸⁹⁴ *Southern Cross*, 21 January 1859.

⁸⁹⁵ TKM, Vol. 5, No. 4, February 1858, p.8.

⁸⁹⁶ O'Malley, 'Northland Crown Purchases, 1850-1865', p.142.

⁸⁹⁷ McLean Journal, 20 December 1858, cit. *ibid.*, p.349.

southern portion. Kemp advised the Government not to offer a higher sum, believing that Maihi Kawiti would, in due course, accept the lower offer. Maihi Kawiti did not agree and the Crown did not acquire the Ruapekapeka block until five years later, by which time coal had been discovered on the land, tested and found to be 'much superior to any coal as yet found in the Australasian Colonies or New Zealand'.⁸⁹⁸ On the basis of this discovery, the Government saw fit to offer a higher sum of £3,800, in effect what the owners had been insisting on, though still no doubt short of its full value. The Whangai (243 acres) and Te Kauri (35 acres) blocks were purchased in 1864, as they would be 'the means of giving additional value to the Kawa Kawa Block, and afford easy access from the harbour whenever it shall be settled upon'.⁸⁹⁹ The local Resident Magistrate, R.C. Barstow had advised that a price of '£200, or £250, would be a low price, if the land could be obtained for that sum'.⁹⁰⁰ It was purchased for £220.

— *Mr. Commissioner Kemp to the Hon. the Native Minister*

No. 45.

Mr. Commissioner Kemp to the Hon. the Native Minister.

Kahikatea Reserve.

Sir,—

District Commissioner's Office,

Bay of Islands, 18th June, 1865.

I do myself the honor to report for the information of the Government that the sum of one thousand one hundred and six pound ten shillings (£1,106 10s.) was, on the 13th instant, paid to the native owners, for a portion of the block of land known as the Kahikatea Reserve, containing four hundred and eighty-six acres (486 acres), joining the coal-field at the Kawa Kawa.

For that part of the reserve comprising bush or forest, the sum of, three pounds ten shillings (£3 10s.) per acre has been given; and for the open fern or ti tree the sum of ten shillings (10s.) has been paid,

⁸⁹⁸ *ibid.*, p.357.

⁸⁹⁹ Kemp to Colonial Secretary, 10 February 1864, *Epitome*, C, p.35, cit. *ibid.*, p.356.

⁹⁰⁰ Barstow to Kemp, 16 February 1864, *Epitome*, C, p.36, cit. *ibid.*

being the sums respectively agreed upon before the survey was commenced.

I have already had the honor of explaining that the land in question has been purchased with the view to the efficient working of the coal-mine, and that the funds for the purchase have been supplied by the Provincial Government.

I have, &c.,

H. T. Kemp, District Commissioner.

*The Hon. the Native Minister, Wellington.*⁹⁰¹

When the 24,150-acre Ruapekapeka block transaction was concluded it included a right of road over any part of the block, with the coal field in mind for which a tramway would be constructed that would probably have to pass through Native Reserves and other Māori-owned land to the landing site. Kemp then proceeded, against contrary instructions, to purchase areas that had been reserved from the sale, and included in their description areas that Maihi Kawiti would dispute for decades to come.⁹⁰²

Although the Kawakawa block had been surveyed, and Kemp had been given repeated instructions to ensure that the boundaries were clear and beyond future dispute, when the deed was signed in June 1859, no plan was attached, which was in clear breach of stated Crown policy. McLean advised Kemp in 1858 that ‘every transaction with the Natives for the purchase of land should be ... clear, distinct, and well understood ... The Government expects that each transaction with the Natives of your district shall in every way be so final and conclusive, that there shall be no further embarrassment caused by disputes arising which might have been obviated.’ Kemp was reminded before the deed was signed, but even then proposed attaching a ‘rough copy’ to expedite payment,⁹⁰³ and eventually no copy accompanied the final paperwork.⁹⁰⁴

⁹⁰¹ <http://www.nzetc.org/tm/scholarly/tei-TurEpit-t1-g1-t3-g1-t3-g1-t45.html>; An Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island of New Zealand, No. 45.

⁹⁰² O'Malley, 'Northland Crown Purchases, 1850-1865', pp.358-59.

⁹⁰³ McLean to Kemp, 28 June 1858, AJHR 1861, C-1, p.28, Smith to Kemp 7 March 1859, AJHR 1861, C-1, p.35; Kemp to McLean, 21 April 1859, AJHR 1861, C-1, p.35.

⁹⁰⁴ O'Malley, 'Northland Crown Purchases, 1850-1865', p.459.

Not only were Māori confused, but also the Crown was later often confused over the basis on which it claimed ownership of various lands, because of the 'crazy quilt of multiple and overlapping' Crown purchases, old land claims and 'surplus' lands in the north.⁹⁰⁵ This confusion was compounded by the absence of clear evidence on the ground for the transactions. Many of the nominal land alienations before 1865 had little effect on the ground. Kemp's paper trail was grossly inadequate and the oral accounts passed on by parties to the transactions who had since died, was given little or no validity in the Courts or Commissions of Inquiry. Maihi Paraone Kawiti's long-running appeals to the government over lands at Kawakawa and Ruapekapeka were complex. They involved an old land claim, surplus lands, crown purchases, lands gifted to the Crown, and later, lands taken under the Public Works Act for railway purposes. Maihi Kawiti's claims began soon after the deed for Ruapekapeka was signed in 1864, and it took the best part of two decades for officials to understand that his claims, especially for Kaiwaka and Matairiri, had any substance. These claims are dealt with in detail on pages 500-508 of the Northland Crown Purchases report, and are also discussed more fully in the next chapter of this Oral and Traditional Report. They remained unresolved at the time of Maihi Kawiti's death in 1889.

As noted earlier, the Crown aimed to obtain land as cheaply as possible and employed a number of methods to achieve this objective. McLean repeatedly intervened in Land Commissioners' negotiations to reduce prices paid. When Maihi Kawiti complained over the price offered for Kawakawa, McLean's vague response was that 'if the land is really valuable and extensive the price should be fairly proportionable to its actual value'.⁹⁰⁶ Māori were not to receive the 'actual value' but a proportion of this. Crown officials expected to pay Māori no more than about 10% of the 'actual value' of the lands purchased. Furthermore, the Bay of Islands Settlement Act was eventually repealed in 1870 in order to overcome legal obstacles to the Auckland Provincial Government leasing the Kawakawa coal fields to a private company represented by Frederick Whitaker.⁹⁰⁷

Kemp continued to purchase land after his office was abolished. His record for grossly inadequate documentation is well established. In his 1901 memoirs he boasted that in his time as District Commissioner for purchasing native lands in the North, he acquired 'some good estates, notably the Ruapekapeka Block of 30,000

⁹⁰⁵ *ibid.*, p.498.

⁹⁰⁶ McLean to Kemp, 14 December 1858, AJHR 1861, C-1, p.33.

⁹⁰⁷ O'Malley, 'Northland Crown Purchases, 1850-1865', p.142(n).

acres, embracing a rich gumfield, together with the Kawakawa coal mine, the Ōkaihau and Omawake Blocks, the Whāngārei-Poroti Blocks, at Whangaroa, the Pupuke Block, with its kauri bush and gum combined ... These have yielded, and are still yielding, revenues equal to, if not in excess of, the average gold mine'.⁹⁰⁸

The Kohimarama Conference

In July 1860, Governor Browne called a conference of about 200 chiefs from around the country at Kohimarama, Auckland, to try to gain widespread Māori support for government actions and condemnation of Kīngitanga opposition. He and Native Secretary Donald McLean sought to consolidate Crown sovereignty.⁹⁰⁹ The conference ran without representation from Waikato and Taranaki tribes.

Te Aho tūpuna participated in various stages of the proceedings. Of the 112 chiefs assembled on the first day: From Te Parawhau (Whāngārei) – Manihera, Wi Pohe, Taurau Tirarau; from Ngāti Hine (Aotea) – Manihera, Hra Kingi; Ngāti Hine (Waikato?) – Horohau.⁹¹⁰ Others joined at later stages. Maihi Kawiti was among those who signed a petition on 3 August, asking that the conference be established and made permanent.⁹¹¹

Seventy-four chiefs signed a petition to make the conference permanent to honour the Treaty promise of political partnership.⁹¹² Browne obtained Government ministers' tentative approval for an annual conference.

Chief Justice William Martin's paper, 'Rules for the Proper Administration of Justice', suggested devolving some aspects of justice administration to tribes, working through rūnanga. A transitional system would run in parallel for people in outlying districts who did not have practical access to courts and were not familiar with English law. The tribal rūnanga would comprise five to twenty members approved by the governor and funded by the rūnanga and the Government. Māori magistrates would have jurisdiction over a range of civil offences, but for more serious offences, the local magistrate would hand over the accused to be tried in the

⁹⁰⁸ H. T. Kemp, *Revised Narrative of Incidents & Events in the Early Colonizing History of New Zealand, from 1840 to 1880*, Auckland, 1901, p.7.

⁹⁰⁹ Orange, *The Treaty of Waitangi*, p.145.

⁹¹⁰ TKM, Vol.7 No.13, 14 July 1860, pp.4-5.

⁹¹¹ TKM, Vol.7 No.15, 3 August 1860, p.68.

⁹¹² TKM, Vol. 7 No. 15, 3 August 1860, pp. 67-69.

courts.⁹¹³ McLean saw Martin's proposals as the best practical way of securing continuing loyalty from the chiefs who were appointed to salaried judicial or administrative positions.⁹¹⁴

For Ngāti Hine and Ngāpuhi, one of those important relationship-building events (meals) was Maihi Paraone Kawiti erecting a flagstaff on Te Maiki Hill two years earlier. Maihi said he regretted the past offences of Heke and Kawiti:

I then went and covered it over: witness the flagstaff at Maiki. I spread out the land for it to rest upon, and as parent for our becoming one. Therefore I say, let not this Conference uncover the old offences. When the flagstaff was set up I spoke two words. Let this be a symbol of union by which to acknowledge the Queen, and also of the union of the Ngāpuhi with other tribes, that we may together respect the Queen's name.⁹¹⁵

Some interpreted this to mean that Ngāpuhi did not agree with the Māori King, but instead retained loyalty to the Queen.⁹¹⁶

Northern Māori had recently expressed their alliance or reconciliation with the Crown by re-erecting the flagpole at Maiki Hill, and their responses at Kohimarama were consistent with this expression. While some who had fought alongside the British in the 1840s confirmed their allegiance, the more significant statements came from those who had fought against them. Hori Kingi Tahua reminded those assembled that Kawiti had sought the path of peace, and they had erected the flagstaff at Maiki at their own expense; Wi Pohe saw this as a symbol of standing together. But northern leaders did not oppose the King movement and would only be reluctant recruits to the battles against Taranaki and Waikato groups if called.⁹¹⁷

The most controversial statements came from Maihi Paraone Kawiti. Maihi Kawiti had recently been dismissed from his position as an Assessor because he had condoned the killing of a man accused of practising witchcraft.⁹¹⁸ Maihi Kawiti upheld the decision, which he said had been made by a rūnunga, because there was

⁹¹³ TKM, Vol. 7, No. 12, 7 July 1860; Vincent O'Malley, 'Rūnanga and Komiti: Māori Institutions of Self-Government in the Nineteenth Century', PhD Thesis, Victoria University of Wellington, 2004, p.42.

⁹¹⁴ Donald McLean Papers, MS-Papers-0032-43, ATL, cit. O'Malley and Armstrong, *Beating Heart*, p.50.

⁹¹⁵ TKM, Vol. 7 No. 15, 3 August 1860, p.71.

⁹¹⁶ TKM, Vol. 7 No. 15, 3 August 1860, p.49.

⁹¹⁷ O'Malley, 'Northland Crown Purchases, 1850-1865', pp.144-46.

⁹¹⁸ TKM, Vol. 6, No 22, 31 October 1859; T.H. Smith to M.P. Kawiti, 2 November 1859, TKM, 15 November 1859.

no provision in English law for dealing with witchcraft.⁹¹⁹ He also claimed that the man had also been responsible for Maihi Kawiti's brother's death (Te Wikiriwhi Te Ohu). Although he believed that Ngāti Hine had legitimately exercised their right under customary law, Maihi Kawiti nevertheless admitted in retrospect to having been in error for his role in this killing.⁹²⁰ But clearly even after twenty years of nominal British sovereignty, that most fundamental expression of authority – the power of life and death itself – remained with the tribes, regardless of their espoused alliance. Maihi Kawiti was restored to the government payroll as a member of the Bay of Islands District Rūnanga by the end of 1861, and eventually regained his assessorship. The Crown realised their authority would be exercised more effectively through him. As O'Malley noted 'the government needed Kawiti more than the chief needed the government. ... [but the chiefs saw their appointments] as belated Crown recognition of their customary authority, rather than implying or imposing any obligation on them to enforce British laws against their own people.'⁹²¹ Despite Maihi Kawiti's admission of being in error, the Kohimarama conference appears to have been a positive experience for those northern chiefs who attended. It was a forum, provided nowhere else, to speak their minds freely on issues that concerned them. They looked forward to it being a regular and permanent forum. But when the recalled Governor, Sir George Grey, replaced Browne as Governor in 1861, the gathering scheduled for 1861 was cancelled. Furthermore, he abandoned any thought of an annual conference, because, he said, it would work against assimilation, and he would not be able to get together a group that would fairly represent all the tribes. Consequently, most Māori would reject any laws a conference proposed. He established a new set of institutions instead.⁹²²

New Institutions

Over the next half-century, a series of 'new institutions' established under various legislation and regulations, purported to enable Māori participation in governing their own affairs, although, as we shall see, this became a tussle between the Crown attempting to extend its control into Mōari structures, and Māori attempting to use these structures to achieve their own purposes.

⁹¹⁹ In fact, English laws against withcraft were not repealed until the second half of the twentieth century.

⁹²⁰ O'Malley, 'Northland Crown Purchases, 1850-1865', p.147.

⁹²¹ *ibid.*, pp.150-51.

⁹²² Grey to Newcastle, 30 November 1861, AJHR, 1862, E-1, II, p.34.

District Rūnanga

After the Kohimarama Conference, the Native Lands Act of 1862 provided for District Rūnanga along with the Native Land Court, which did not become active until 1865. Ngāpuhi had the dubious honour of holding the first District Rūnanga, announced with some fanfare in *Te Karere Māori* as ‘The First Māori Parliament’.⁹²³

About 500 Māori assembled at Te Waimate on 25 March 1862. Those present included Tamati Waka Nene, Wiremu Hau, Maihi Paraone Kawiti (Ngāti Hine), Hemi Marupo, Arama Karaka Pi, Kira Te Awa, Aperahama Taonui, Kingi Werimu Tāreha, and Rangatira Moetara; Hare Hongi Hika attended on the 27th. The Civil Commissioner for the Bay of Islands, Mr. G. Clark, accompanied by magistrates and interpreters, met the Chiefs of the Rūnanga to open the first session on 26 March. He reported that they met indoors, in cramped conditions, but set a precedent of order and regularity for future Rūnanga. Those Māori who could write were trained how to write motions and those who could not write were encouraged to second the motions. The real business of organising the districts got underway on the 27th. Twelve members of the Rūnanga were to be appointed as paid members (by the government), ten of whom had been named before the Rūnanga convened and another two to be nominated there, which proved to be a sticking point. The Rūnanga members wished to add Wiremu Tana Papahia, who was generally agreed upon; another two, Ruhe and Piripi Korongohi, were less well supported. The Civil Commissioner himself recommended that another three be added to cover a gap in representation of the coast line area from Russell to Tutukaka, in the Ruapekapeka hundred. Clark anticipated that in due course fewer English magistrates would be required once Māori better understood their duties. The Rūnanga closed the following day at 4pm, and the second session was set for the next year. There was a proposal to erect a building for the purpose.

However, the institution was very much a creature of the government, and largely Pākehā controlled. Ultimately the Rūnanga met more Pākehā objectives than Māori aspirations and was abandoned in 1865. None of the substantial areas of land the Crown acquired before 1862 was referred for investigation, despite ownership being disputed. In practice, the Native Land Court made the decisions, revising the proceedings of the Assessors, and altering or confirming their judgements.

⁹²³ TKM, Vol 2, No.10, 23 May 1862.

The Mangakāhia Dispute, 1862-63

As the Crown continued its land purchasing programme, inevitably complications arose, and these were overlaid on controversies surrounding the Old Land Claims. To the extent that northern Māori agreed to use new institutions to resolve these issues, they also drew on principles that arose from the discussions. One striking example of this, which had an impact on the Te Aho claims area eventually, was the dispute that arose when the Crown attempted to survey and purchase an area of land at Mangakāhia. In this case, one party referred repeatedly to the principle of ownership passing after 21 years of occupation, which had been suggested in the Kohimarama Conference.⁹²⁴

The Mangakāhia example reveals a number of important issues and principles: it brings out oral traditions around the border disputes between Te Uri-o-Hau, Te Parawhau and Ngāpuhi; throws some light on distinctions between use rights and occupation rights and how these were negotiated in pre-European times; it also shows an emerging pattern of how the Crown would proceed to handle 'ownership' determination when the Native Land Court started operating from 1865.

This particular dispute has been covered in the report 'Rangahaua Whanui District 1 Auckland' in some detail from the perspective of pre-1865 Crown purchases.⁹²⁵ For the purpose of this oral and traditional report, this information will be summarised and meshed with an analysis of other principles that came out of the Arbitration Court hearings of February 1863, reported in *Te Karere Māori*.⁹²⁶

The legislation that was to give rise to Grey's new institutions provided for native districts to be established, but one was not set up for the Kaipara district until February 1864. In the meantime, Māori continued to determine their differences according to their own tikanga or ture. The Mangakāhia dispute arose in an area immediately north of a disputed purchase at Waikiekie. Tirarau (Te Parawhau) had transacted part of the area with CMS missionary Charles Baker before 1840, and when that claim came before the OLC Commissioner in 1844, Tirarau disputed a substantial part of the claim. Baker was granted a 1316-acre block, on the

⁹²⁴ TKM, 3, 3, p.7; 3, 5, p.9. 11, the letter referring specifically to the Kohimarama Conference.

⁹²⁵ Daamen, Hamer, and Rigby, pp.180-85.

⁹²⁶ TKM, Vol.3, No.1, 12 February 1863.

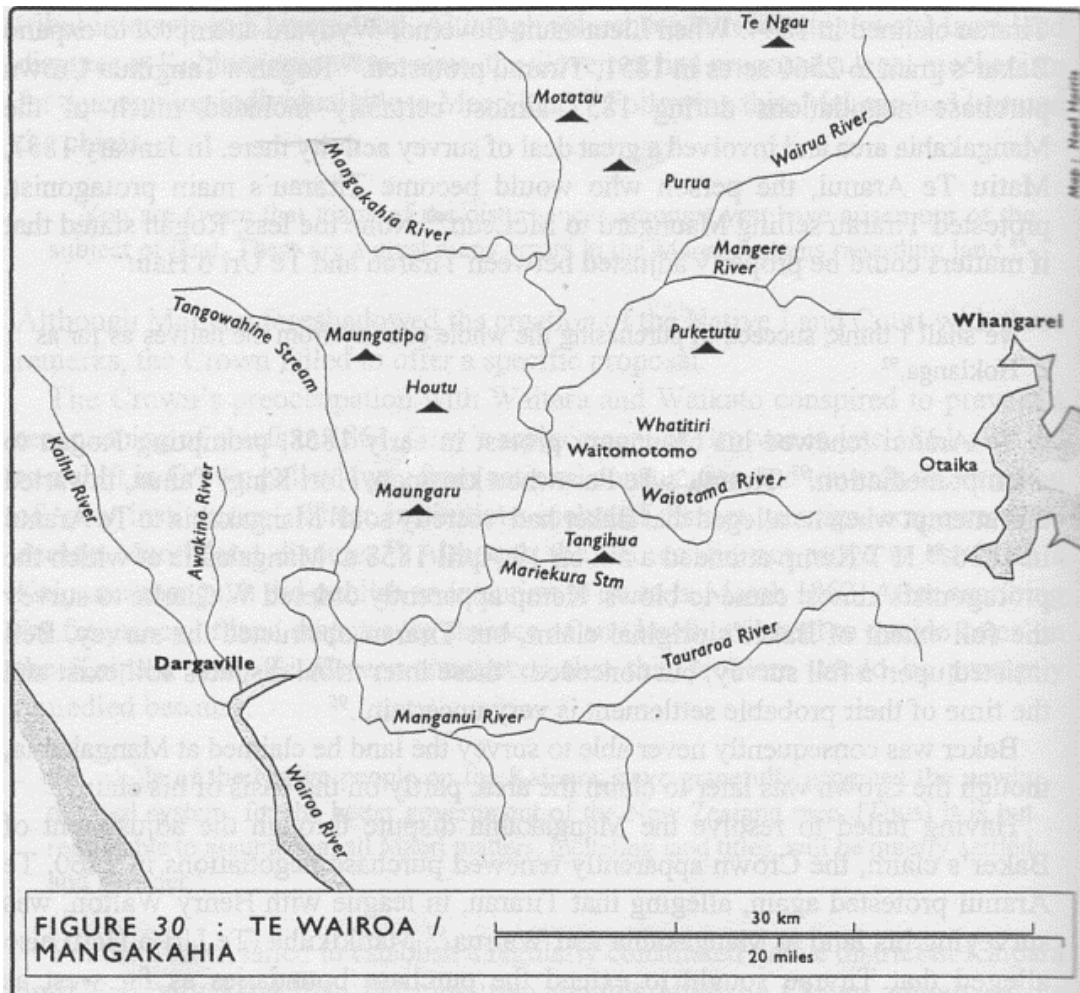
Commissioner's recommendation, taking care to state that the grant should not include the land Tirarau disputed. Crown purchase negotiations in 1857 included this area. Matiu Te Aranui objected to Tirarau selling Maungaru to McLean, but the Crown considered it could 'succeed in purchasing the whole country from the natives as far as Hokianga', if matters could be adjusted between Tirarau and Te Uri-o-Hau.

Te Aranui continued his objection, and Tirarau's kinsman Hori Kingi Tahua, alleged that Baker had secretly sold Mangakāhia to Te Aranui in 1836. The two Māori parties almost came to blows at a hui in 1858. When Baker's original claim was surveyed, Tirarau obstructed the work. The survey was not carried out, the Crown later claiming the area, partly on the basis of Baker's claim.

Without resolving the dispute, the Crown renewed purchase negotiations in 1860. Te Aranui protested again and alleged that Tirarau was surveying his land at Mangakāhia and Wairua. Maitikikuha (Te Uri-o-Hau) also alleged that Tirarau sought to extend the boundaries by several thousand acres. Rogan suspended negotiations until the two groups came to a better agreement. But then Tirarau protested that Te Aranui was surveying at Whatitiri, in the middle of the disputed area, which is an important part of the Te Aho claim area. Tirarau then tried to mediate the situation with the most senior Te Uri-o-Hau leader, Paikea. Paikea's wife died in May 1861, and as Tirarau left the tangi, Rogan reported that Tirarau conceded Wairoa to Paikea – 'Ko te Wairoa ki a Paikea'. Paikea held Tirarau to this, extended the boundaries of Te Wairoa north to Mōtatau and east to Whāngārei, and demanded that Upper Wairoa settlers pay to him the tribute (hikipene) they had previously paid to Tirarau in recognition of his authority. Thus, the dispute became as much about authority as land, not that the two can be easily separated. Tirarau rejected Rogan's offer to determine the boundary line, and insisted that the Crown suspend all surveys.⁹²⁷

⁹²⁷ *ibid.*, pp.181-82.

Map 16: Mangakāhia dispute area



Source: Daamen, Hamer, Rigby⁹²⁸

Although the Crown claimed neutrality in the dispute, clearly Rogan and McLean considered and exchanged opinions on the relative merits of each party to the Crown's ambitions. Rogan considered Tirarau to be a more valuable ally than Te Aranui, because he was prepared to donate land to build a road between Whāngārei and Kaipara, whereas Te Aranui could call on broader support from both Te Uri-o-Hau and the two sides of Ngāpuhi in the Bay of Islands and Hokianga.

In May 1862, when Te Aranui began to mark his boundary line at Waitomotomo, Tirarau opposed him; fighting broke out on 16 May involving several hundred people (including Te Arawa gumdiggers) and several people died. Rogan attributed the animosity to a continuation of Te Ika-a-Ranganui and Waikiekie, i.e. between Te Uri-o-Hau (Paieka and Te Aranui) and Ngāpuhi (Tirarau and Parore), and seemed to

⁹²⁸ *ibid.*, p.182.

believe that both Te Aranui and Tirarau sought to sell Mangakāhia to the Crown to assert their authority there. But the explanation is flawed. As noted earlier, Te Aranui had support from Ngāpuhi, whereas Tirarau was at odds with them.

When the case came to arbitration in 1863, the disputed area had extended even further to encompass ‘Mangakahia, mo Tangihua, mo Whatitiri, mo Te Wairoa, mo Maungaru, mo Tū Tainoi [Tutamoe?] me ērā atu wahi’. Grey asked each side to nominate two members for the Arbitration Court. Tirarau nominated Walton and Heath; Te Aranui having died in December 1862, Kaikohe Chief Te Hira Te Awa took his place and nominated Hemara Tauhia (Ngāti Rango, Mahurangi) and Eruera Te Paerimu (or Te Horo, Ngāti Whātua, Ōrākei).⁹²⁹

As would become the pattern in later Native Land Court hearings, Māori testimony emphasised descent and special kinship associations with land and historic events.

On the third day of hearings, Saturday 17 January 1863, the discussion concentrated on the respective claims to land given by Tauru to Te Wha. Te Hira Te Awa presented first on behalf of the deceased Matiu Te Aranui. He claimed that it was inconceivable that by allowing Te Wha access to karaka trees Tauru would also have been giving the land. He acknowledged that karaka had been given. Te Hira stated that in a conversation at Kororāreka between Matiu and Hori Tahua, Matiu had said ‘had my land been paid for with a huru (dogskin mat) or with a greenstone, your persistence would be right, but to take my land simply because of the karakas is wrong.’ Te Hira maintained that as a consequence of this conversation, that Te Tohukai invented a story that the land was paid for with the huru that covered Tomoau. Te Hira also said that Te Uriroroi (predecessors of Te Parawhau) came back to gather karakas after the giving of the karaka berries to te Wha, because Kawanui was close to the place which was given by Toara to Te Kahore.⁹³⁰

The feet of the Uriroroi could not abide on Kawanui only; they moved about, they went north to the Ngāpuhi to stay with that other section of their tribe, and again returned to Kawanui and staid there. The stream in which they paddled their canoes was Mangakahia. They looked up and saw the karaka berries on each side of the stream and probably stretched forth their hands and gathered the karakas. In the days of Mene and Te Ngere and of Tiheru, the chiefs of the Parawhau were disturbed and were sent away by Mene and party.⁹³¹

⁹²⁹ TKM, 3, 2, pp.1-3; *ibid.*, p.184.

⁹³⁰ Minutes of Arbitration Court, 13-19 January 1863, TKM, 3,2-6.

⁹³¹ TKM, 3, 6, p.20.

Te Hira argued that they got Whatitiri and all Mangākahia by their strength, not a dogskin mat. He explained that at the time of the Moremonui feud, Mene, Ngere and other guardians of the land at Mangākāhia died. Huna died at Te Ika-a-Ranganui and was succeeded by children. Hence there was no-one to disturb Tirarau's party, so they took the karaka berries at will, made clearings and planted food on Mangākāhia.

Hira continued – after the death of the old chiefs and when their children grew up, other tribes entered the land, some following after their relatives who had married Ngāti Moeroa women, in the time of Kūkupa. Kūkupa (Tirarau's father) tried to tapu Puketōtara, to gain possession, but Huna, Tahai, Whae, Hautaewa, Keha and all the men of Mangākāhia did not agree. Instead Huna and the other owners cultivated it. They also cultivated other places as far as Titoki.

Te Hira then set out four grounds for claiming the land: first ancestral inheritance; second the karaka only were given, not the land; third that they had no knowledge of the alleged payment with the dogskin mat; fourth that the lands given were Kawanui and Hauauru, not those now being claimed by the opposing parties.

Taurau Kūkupa (Tirarau's brother) presented his paper to be read on Monday 19 January. First he challenged Te Hira's statements.

Te Hira says that we are the descendants of Te Waikeri, are a people without landed possessions, the descendants of Te Waikere and Te Ponaharakeke. ... I say let the statements of this man Te Hira be taken back to Kaikohe, the land of his ancestors and fathers, coming down to his own times.⁹³²

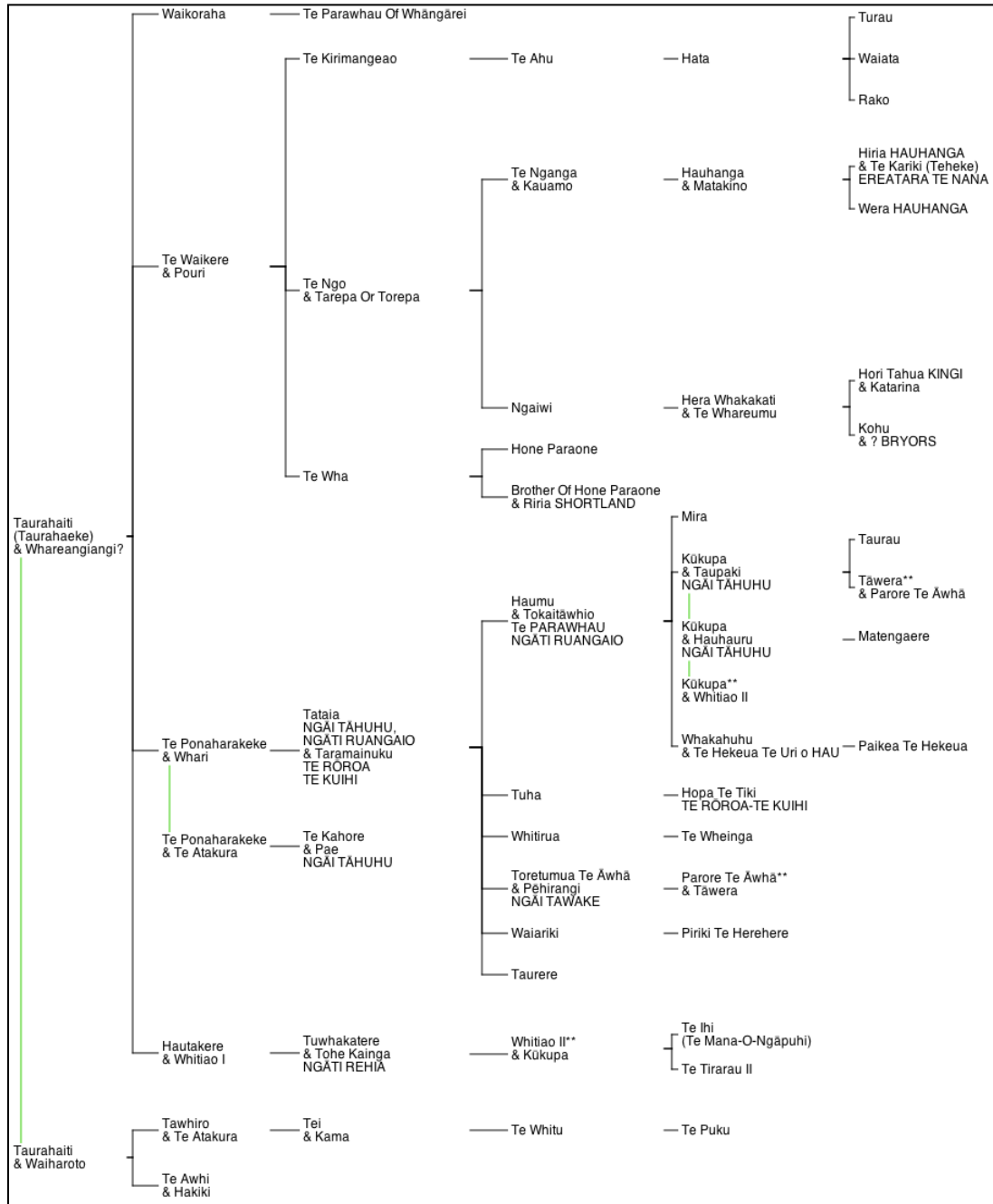
Taurau claimed that the karaka berries, to which the previous speakers referred, were in fact beyond the boundaries of the land at that time under question. He claimed that before the Europeans came, his ancestors had lived long upon the lands at Mangākahia, Whatitiri, Tangihua, Maungatapere and Whāngārei, for five generations. These were the grounds to which they claimed occupation and rights. He said that Te Hira's ancestors had never lived with his ancestors at Mangākāhia.

Tirarau's paper was next read. First he explained the descent of his people from Ngāi Tāhuhu. 'Waikoraha was the oldest, after him came Te Waikeri, after him came Tawhiro, after him Te Ponaharakeke and Hautakere.' Then came the metaphorical

⁹³² TKM 3,6, p.21.

allusion: ‘The Ngāpuhi are like the toetoe that blows over the ground in summer. I am the root of the land’. He gave an expanded lineage from these men to himself, saying he was the issue of Whitiao living on the land.⁹³³

Chart 124: Whānau of Tirarau who occupied Mangakāhia and Whatitiri



NB – This chart is oriented left-to-right rather than top-to-bottom in order to include as many names as practical. Some names have been omitted because the recording appears to be inaccurate. Readers are referred to the Arbitration Court hearing reports in *Te Karere Māori* noted in the footnotes.

⁹³³ TKM 3,6, p.22.

He then turned to the origins of the dispute between Ngāpuhi and Ngāi Tāhuhu. He explained that a Ngāi Tāhuhu woman rejected the proposal of a Ngāi Tāhuhu man, Mirupokai, who then went to Ngāpuhi country; the Ngāpuhi arose and under Te Wha, their chief, confronted Ngāi Tāhuhu and defeated them. Then Te Kahore of Ngāi Tāhuhu rose and gathered the remnants of Ngāi Tāhuhu and saved them. Kahore married Pai, the daughter of Hikurangi, and the chieftainship of the land fell to Kahore, first one side of Whāngārei, then Whatitiri. Te Kahore and Hautakere were shown the land by Whatu – Te Kahore went by Puketutu; Hautakere went by Oawhi. When they met up at Whatitiri, the huru was spread there. Hautakere then took the Kotuku feather from his head and stuck it in the ground giving it the name houkotuku. Whatitiri, Kawanui and Wairua were given up. Tirarau then described the incident involving Tomoau and the huru. Ngāti Tū murdered Tomoau; Te Ponaharakeke heard about it and went after him. He covered the tupapaku with the huru and Tomoau became sacred. The second instance of Te Ponaharakeke's love was saving Ngāi Tāhuhu.

Pongia entered Te Tirarau's account at this point, with a story about his killing Wananga, who was the younger brother of Tahinganui, the elder brother of whom was the ancestor of Te Hira.

Tirarau made a further claim to the land on the basis that Tauru smeared Te Wha with kokowai (red ochre) at Otaroa. The land at Mangākahia was given to Te Wha, son of Te Waikeri, and to his sister Kirimango; Whatitiri was given to Te Kahore, the son of Te Ponaharakeke. Tirarau's ancestors who lived on the land were buried there – he named the sacred places:

Te Angiangi, Te Rotokauae, Pukeatua, Te Ngāwhā, Te Waehaupapa, Tohanui, Pukanakana, Ruarangi, Parahirahi, Haukapua, Oroarae, Te Motumotu, Rangikapokia, Haruru, Uruwhao, Hikurangi, this is the sacred place where the remains of Kukupa were laid with those of former generations.⁹³⁴

And Tirarau insisted that he never saw the ancestors of Te Hira, or Matiu Te Aranui placed in those sacred places. He closed metaphorically:

⁹³⁴ TKM 3,6, p.23.

Therefore we hold fast to the land, no man can move us off, what, though the winds blow and all their fury is expended on it. This house shall not be destroyed, for ever and ever, Amen.

Netana Taramauroa objected to the former Ngāpuhi speakers giving his lineage: ‘Who would suppose that the Ngāpuhi would undertake to trace my genealogy? I am acquainted with the history of my own ancestors. ... I say this kind of counting up my ancestors is wrong. ... My father was the only man who thoroughly understood the enumeration of these ancestors. I am the only Ngāpuhi man residing among this people (i.e. the people of Te Tirarau).’⁹³⁵ Taramauroa explained that when he had come to the Wairoa, because of the Europeans [presumably for felling trees], he saw Tirarau alone in possession of his lands; there were no others there to disturb them.

Parore Te Awha made his statement and claimed that the person Tiheru that the opposing speakers referred to was not a chief but sister of his (Te Awha’s) male forebear Taramainuku, and that she belonged to Ngāti Rangi. The descendants of Taramainuku lived at Wairoa, Unuwahao, Tutamoe, Kaihu, Maungaunu, Waikare and Waipoua. He said they took charge, presumably evicting the former tribes whom he named as Te Taou, Ngāti Whātua, Ngāti Rango, Te Roroa, Ngāti Kawa, Ngāti Korokoro and Ngāti Rohui.⁹³⁶

Grey’s published decision in favour of Tirarau bore ‘only a remote relationship to the published evidence’.⁹³⁷ His main reason was that Tirarau’s kin had been in undisturbed occupation for five generations and that Te Aranui’s had not, but surviving evidence does not support this conclusion and Grey’s other findings contradicted it. No blame was attributed to the Crown’s part in triggering the dispute. Instead Grey attempted to turn the issue back on the disputing parties. Grey said that

As Tirarau’s ancestors had received part of the land as a gift from Matiu’s [Te Aranui] ancestors, had gathered Karakas upon another part, and had for five generations been in occupation, he and his people could not now be turned off the disputed land so long as they occupied it for cultivation. But if they should wish to sell any of it in future, the descendants of Matiu would be entitled to share in the payment.⁹³⁸

⁹³⁵ TKM 3,6, p.23.

⁹³⁶ TKM 3,6, p.25.

⁹³⁷ Daamen, Hamer, and Rigby, p.185.

⁹³⁸ TKM, 3,1, p.5.

Consequently, in this decision Grey handed Tīrarau the authority to sell, without reference to Te Aranui's heirs. He acknowledged the original gifting (in Māori terms *tuku*), the terms of which would remain as long as Tīrarau's people occupied and cultivated the land, and recognised that selling land was not something Māori would have contemplated. Selling would have indicated that the occupiers no longer wished to use the land. In Māori custom, in those circumstances the land should have reverted to those who had gifted it, and therefore the authority to sell would have been with them. So application of an English interpretation resulted in the opposite conclusion from what would have come from the Māori custom.

Grey stated that the Government would suspend its purchasing plan for the area until the dispute between the parties abated; and furthermore, 'nor would the actual battlefield, where the blood of relations and friends had been shed, be allowed to be sold at all'. But in the end Māori resolved the dispute in their own way, independently of the Crown.⁹³⁹

The complexities of boundary disputes with Ngāpuhi, and the English law interpretation of Māori occupation rights as rights to sell, played out again in later Native Land Court hearings and decisions. This case has particular relevance for the Pīpīwai and Whatitiri cases discussed later in this chapter.

Kotahitanga

In the 1880s, Maihi, along with other chiefs from the north, renewed efforts for full implementation of the Treaty to protect threatened Māori land. Maihi had been appointed an assessor in 1859 and held the position intermittently until 1886.⁹⁴⁰ He built and used Te Porowini (province) house at Taumārere as a courthouse building in 1876 (of which more is said later). In addition, the northern tribes erected a whare-hui, Te Tiriti o Waitangi, at Waitangi, opened in March 1881, as a focal point for discussing Treaty issues. A stone monument was also erected, with the words of Te Tiriti engraved on it as a reminder in perpetuity of the commitments made between the British and northern Māori. Ngāpuhi reminded Lord Ranfurly in 1899 that 'the Treaty had been rained upon ... [and] exposed to the blast of the storm, but the words are still clear, they cannot be obliterated'.⁹⁴¹

⁹³⁹ Daamen, Hamer, and Rigby, p.185.

⁹⁴⁰ Kene Martin, 'Maihi', DNZB.

⁹⁴¹ Kay Boese, *Tides of History*, Kawakawa, 1971, p.130.

When the house was opened the tribes proposed to establish a Māori parliament, intended to be a parallel national organisation to the colonial parliament. The proposal had been formulated at an assembly of Ngāti Hine of Waiōmio, Te Kapotai of Waikare, Ngāti Wai of Whangaruru, Ngāti Kahu of Whāngārei and Te Orewai of Mōtatau, at Taumārere Hall, Kawakawa [Te Porowini?] a month before, on 2 February 1881.

Translated the resolutions read:

1. To the public committee for the celebration of the Treaty of Waitangi.
2. We wish to speak this word to the public and to the Māori tribes of New Zealand, 'Aotearoa'.
3. The five assemblies of this native district to the chief committee of the Treaty of Waitangi, says:
4. That they desire a Parliament of the leading chiefs of the Māori tribes to be constituted to carry out the intentions of the Treaty of Waitangi.
5. That without this Parliament our affairs will never be satisfactorily arranged as provided for by the Treaty of Waitangi.
6. That this Parliament is to be upheld by all Māori tribes so that the authority of the Parliament shall be made firm and shall maintain the name and rights of the Māori race.
7. That this Parliament shall make laws for the Māori race.
8. That this is the most important point O friends, that we should be allowed to manage our own affairs amongst the Māori tribes, then we shall be satisfied.
9. That if the Parliament be not recognised by all Māori tribes then we shall have no strength and no authority for using our knowledge.
10. That we the Māori tribes of New Zealand shall ever love the Queen.
11. That on the 6th February, 1840, the Government of Queen Victoria arrived from England.
12. That in the gracious care of the chiefs and tribes of New Zealand it was her wish that they should be protected in their own kingdom and country, and that peace should reign amongst the native tribes, and that they should be at rest.
13. This is a word of farewell to the Queen from the Māori tribes of New Zealand;
14. Salutations to thee under the power and strength that is from above. Long life to thee.
15. The Government of New Zealand have milked the cow that was sent by Queen Victoria as a covenant to the tribes of New Zealand.
16. They are those who have deceived us, and that is the cause of the Māori people being weak and oppressed in the land.
17. That is why it is now asked that the Māori tribes shall be gathered into one, one, one sheaf.
18. These Assemblies will uphold this Parliament in authorising it to retain the land now remaining to us Maoris.
19. All our grievances shall be settled by this Parliament
20. We are all to turn to and find out how to manage all things concerning the Māori tribes, only, and we are not to break and interfere with the law.
21. When we can find a representative then we shall be right.

22. The first grievance that we have felt in these islands of New Zealand has been land purchasing by the ministers that brought the Gospel to New Zealand.
23. Their mode of purchase was just seizing the land at that time, having no surveyor.
24. The second grievance is that the ministers say that all the seized land has gone by purchase to the church committee.
25. Let us now, the Māori tribes, think over the name of this monster, yet the name of this monster is the Land Swallower; the whole of this island of New Zealand is swallowed in his belly, the whole of it. That is all from the Assembly of

Ngatihine, Waiōmio
Te Kapotai, Waikare
Ngaatiwai, Whangaruru
Ngaatikahu, Whāngārei
Te Orewai, Mōtatau

These are they who are addressing the public committee of Waitangi, and the Māori tribes, it ends here, that is all from

MAIHI PARAONE KAWITI

The Māori tribes have agreed that this Parliament should stand, and its name is Covenant from Queen Victoria to the Tribes of New Zealand.⁹⁴²

Without the support of the colonial government, the Waitangi rūnanga met and acted on treaty issues. In 1882 they endorsed a petition to England asking for the treaty to be ratified. The northern group tried to foster links with the Kīngitanga and Parihaka movements, but unity between the groups was not necessarily an objective and was not achieved.⁹⁴³

The idea of a Māori parliament was that it was established and run entirely by Māori. Maihi, as many others, was wary of government attempts to introduce structures for Māori self-government, such as the Native Committees Act 1883. The Ngāpuhi confederation adopted a similar separatist approach to law making and enforcement. In 1884 it established independent tribal committees to govern on a local basis. That year Te Rapunga house was erected on the marae. Miria is the marae and Te Rapunga is the wharehui at Waiōmio and was used for the same purpose as Te Porowini house at Taumārere. New tribal laws came into force and Ngāti Hine offenders had to pay a

⁹⁴² *Auckland Star*, 26 April 1881, p.2.

⁹⁴³ Kene Martin, 'Maihi'.

fine to Maihi, the kaiwhakawa (judge). This method of law enforcement continued among Ngāti Hine until Maihi's death in 1889.⁹⁴⁴

⁹⁴⁴ Kene Martin, 'Maihi'.

CHAPTER SIX: TE AHO HAPŪ AND THE NATIVE LAND COURT

Mana whenua and Land Court title awards

“Large and imposing, this burgeoning state could raise arms to enforce its rule, which it demonstrated with varying results in the North and other parts of the country during the 1840s, and again throughout the central North Island from the 1860s to the 1880s. This state could be violent, coercive, benevolent and patronising, and Māori had to live with it more and more as it increasingly permeated their lives, mediating Māori-Pākehā relations, regulating Māori activity, and setting the goals for any future Māori might have in the new New Zealand society. From the 1860s, the NLC was foremost among the state’s official institutions...” WPH O&TH report.

This chapter is concerned with the Native Land Court’s work as it relates to select hapū blocks (describe what this looks like i.e. around the Kawakawa, Taumārere, Waiōmio area). These are not indicative of all of the sales in the Bay of Islands but are selected because of claimant whakapapa connections to these particular blocks. The chapter also builds on previous chapters by highlighting some of the ways that Te Aho hapū lived with and related to each other and their lands.

The claims to the Waitangi Tribunal under Te Aho Claims Alliance concern the following lands: Okiato, Ōtūihi, Ōpua, Pipiroa, Omata, Opanui, Te Wahapū, Toretore Island, Orongo, Pōmare Bay, Te Uruti, Ruapekapeka, Mahurangi, Waimatenui, Whataruhe, Puhipuhi, Waiotu, Mōtatau, Mohinui, Waiōmio, Waihāhā, Pipiwai.

Examples of those that proceeded through the Land Court are given here to indicate how claimants were affected by Crown actions, as well as further illustrating decisions on mana whenua. One of the earliest heard, Puhipuhi, became the subject of a long-going dispute and shows many of the attributes of the preceding Crown purchases with respect to the style of negotiations and government tactics to acquire as much contiguous land as possible for the least price.

Investigations of title 1870s \1875

Ngapipito

(895 acres)

See also Northern MB No.02, page(s): 41-48 for names of applicants, witnesses and awards.

Puhipuhi, 1873

The Native Land Court (NLC) awarded title to the 25,000-acre Puhipuhi block, to Maihi Kawiti, Eru Nehua and the Ngāti Wai tribe in 1873. However, the parties did not consider the allocation of shares to be equitable, and a prolonged and bitter dispute ensued between Nehua and Kawiti.⁹⁴⁵

The dispute had not been resolved by 1878, when the Crown considered purchasing the block. This large area of land was contiguous with the government-owned Ruapekapeka block, and other boundaries were the Wairoa River and the coast. It was mostly covered in bush with good stands of accessible kauri.

By this time, former Crown purchasing agent, H T Kemp was in the position of Bay of Islands Civil Commissioner, and became involved in the Puhipuhi block negotiations in October 1878 when he contacted the Native Minister noting the advantageous size and location of the block, and its desirable attributes. He believed that the Government could 'secure it against all comers'. In the ensuing correspondence within the Native Department, in November, it was considered that if both Eru Nehua and Maihi Kawiti agreed to sell their combined holdings of 16,600 acres, the long-standing dispute between the two men would end, but that did not take into account the underlying issue of the allocation of shares, which would necessarily have ramifications for allocation of purchase money.

Land Purchase Officer Nelson believed he could acquire that land at 6-7 shillings an acre. Nehua made his consent conditional on withholding a reserve of 3,000 acres for his and his people's occupation. At that time private land speculators were offering 9 shillings an acre for the same land. Native Minister Sheehan advised that the price

⁹⁴⁵ Berghan Block Narratives, Vol. VII, pp. 265-292. The summary for this block has been drawn almost entirely from the Block Narrative report.

was high but would be agreed because of the land's connection with other government-owned blocks.

Kawiti protested against the sale agreement Nehua and Te Hotene Tawatawa had made, which he saw as having been carried out in a clandestine manner. Kawiti claimed that Puhipuhi belonged to him and that he had not received any money for the land. Furthermore, he would not sell it. He maintained that the judgement of the Court had never been carried out, as the block was not properly subdivided. He demanded that as the government had wrongly paid Nehua and Tawatawa some money for the land, equivalent land belonging to those two, in another location, should be taken.

In this instance, Kemp confirmed that the subdivision had not proceeded and that title was incomplete, and, that being the case, Maihi Kawiti, as leader, and his people assumed the position of being the real holders of the block, according to Native custom.

In January 1879, Sheehan reached an agreement with Maihi, but Judge Maning, who had presided in the Court's hearing for the block, believed that the case needed to come back before the Court to ensure that the agreement would stand between Nehua and Maihi. Meanwhile various sums of money had been, and continued to be, advanced to parties claiming an interest, and to prevent possible agreements with non-government interests. By April 1881, the matter had not been resolved, and Maihi wrote to the new Native Minister, Rolleston, suggesting that the Puhipuhi case be brought before the first sitting of a Native Committee newly appointed by a Treaty of Waitangi meeting. However, the Land Purchase Department insisted that the block go before a sitting of the NLC in Whāngārei. In response, Maihi insisted the case should be heard in Kawakawa.

Eventually the case was heard in Kawakawa in April 1882. Eru Nehua had asked that it be held in Whāngārei, and Land Purchase Officer Nelson said that it should not be held in Hokianga, because 'many of the mal-contents, especially half-castes, [live there, and] it would be impossible to foresee the difficulty and loss of time which might ensue upon this bone of contention being thrown in the midst of these disaffected Micawbers, encouraged as they are by invidious agents, expectant publicans and unscrupulous Pākehā Maories.' Eru Nehua appeared for Ngāti Hau and claimed the whole block by ancestry; Maihi Kawiti for Ngāti Hine, claiming the southern portion of the block on the basis of conquest; and Pōmare Kingi represented

Ngāti Manu, Ngāti Wai and Ngāti Te Rā, claiming the northern and larger part of the block by ancestry, which right was supported by Maihi. Interestingly, Nelson believed that Nehua had the strongest claim to the land, but Maihi, whom Judge Maning believed was entitled to a portion he did not claim, was recognised as the overriding rangatira for that land. Chapter 3 mentions that Ngāti Manu (or Ngāti Hine as the might have been by then) drove Ngāti Hau off the land known as Puhipuhi, but they returned some time later and, in turn, drove Ngāti Manu off, back to Ruapekapeka. Their ancestral rights were recognised; the eviction was neither complete nor permanent, and because the ‘conquerors’ did not subsequently occupy the land, the right of ancestry persisted.

The Court awarded the northern part of the block, Puhipuhi 1, to Ngāti Wai, Ngāti Te Rā and Ngāti Manu, and the southern part, Puhipuhi 2, to Ngāti Hau. The claim of Kawiti was disallowed as no occupation followed conquest. Kawiti and Nehua were both dissatisfied with the outcome and applied for a re-hearing. Even the Crown had cause to be dissatisfied. Native Land Purchase Undersecretary Gill had advised the Native Minister in March that the block was under purchase at 6/- per acre, that £2,332 had been advanced and a further £3,668 would be required when the investigation would be made on 14 April. Clearly, the Crown would have preferred that the Court’s decision to be in favour of those with whom they had been negotiating the sale and purchase agreement. But the names registered as owners for Puhipuhi 1 did not include the negotiator, Hoterene Tawatawa, to whom pre-purchase money had been paid. The Clerk of the Court, Greenway, applied to the Court to have his name inserted. Greenway believed that Tawatawa’s name was deliberately omitted so that the Certificate of Title would not bear the name of any person who agreed to sell to the Government, as the other owners did not acknowledge his right to bind them and would not agree to the sale unless a much higher amount of money was offered.

Greenway believed these dissenters had agreed to sell to private parties for a higher sum; he believed that a low estimate for the Kauri forest alone on Puhipuhi 1 was £30,000 and the block was key to the valuable adjoining Government kauri forest, Opuawhango. Furthermore, if a railway line were built between Kawakawa and Kamo, the value the Government would extract from the kauri, over and above a higher price paid, would pay its cost and create profitable employment for a generation.

In his application for a rehearing, Nehua protested about the loss of their pā, wāhi tapu and cultivations. In his application, Maihi Kawiti stated that the previous hearing was not proper and that it had been settled out of Court by lawyers and Europeans who were 'extremely anxious that Puhipuhi should become the property of those Europeans purchasers of kauri'. He believed that his claims and that of Tawatawa had been disallowed because Europeans had arranged for the land to be awarded to other tribes. Kawiti believed the first adjudication of Judge Maning had been correct, but that Nehua had not agreed about the division of the block. In his application, Nehua also asked that the Minister not send a Judge who was 'addicted to drink'. The file also includes an undated petition from 35 Māori whom the NLC found to be entitled with others to the block, asking that the Government's proclamation over the land be removed, because it had been made on the basis of negotiations with only some of those with rights in the land, not all, and without consultation with them. They claimed the price of 6/- per acre was far too low, as kauri timber in the vicinity of the block was selling at 15/- per tree, and there were many trees on an acre. Because of the Government's proclamation over the land they were not able to deal advantageously with their land and could suffer 'a great injustice'. European's land was not dealt with in this way and they were allowed to obtain the highest price they could. The petitioners had not received any money, nor had they consented to the sale.

The Chief Judge of the Native Land Court considered the applications for a rehearing in July 1882 and ordered that the claims be reheard in 1883. In November 1882, Nehua, Maihi and Tawatawa informed the Native Minister that they had decided to refund the money advanced in order to solve the matter. The Government replied that they did not want to break the agreement for the purchase.

As the time for the rehearing approached, in May 1883 Gill wrote a draft letter to Greenway asking that Greenway attend the proceedings and watch the interest of the Government, and also instructed Greenway to make sure that if the Court awarded the land to the hapū to which Nehua, Maihi and Tawatawa belonged, the names of those who had participated in the payments should be registered as owners of the land. Gill also informed the Native Minister that the application to determine the Government's interests in Puhipuhi should be withdrawn, as they should first find out who the grantees in the land were and then complete the purchase. Otherwise, the Court could cut out a portion proportional to the advances made, as a consequence of which the Government would not get the whole block.

On 26 May 1883 the Court awarded title to Puhipuhi 2 of 3,000 acres to eight Ngāti Hine owners; 2,000 acre Puhipuhi 3 block to four owners belonging to Ngāti Wai, Ngāti Te Rā and Ngāti Manu; and the balance, listed as Puhipuhi 1 of 14,490 acres, to Eru Nehua and five of his Ngāti Hau people. The Government was then anxious to press forward with the purchase before private purchasers contacted the grantees, who were dissatisfied with the price the Government had offered. Gill advised the Native Minister that anything less than 15/- an acre for the timbered land would not be acceptable, and half that amount for open land, but that the land needed to be surveyed. The surveyor confirmed the acreage and also placed a value of £35,250 on the whole block of 25,000 acres – an average of £1/8s per acre – which he stated was valuing the kauri at ‘very much less’ than private individuals would.

Maihi wrote twice to the Native Minister requesting an increase in the purchase price from 6/- per acre to 30/- per acre, otherwise the owners might accept the offer of private individuals, which might irritate the Government and cause trouble in the future. Gill recommended that the Native Land Court should be instructed to enquire into the sale and to make an award to the Crown, but he thought the land was worth a much larger sum. Eventually, Nehua and his people agreed to 12/- per acre; Maihi (Puhipuhi 2) and the owners of Puhipuhi 3 were offered 10/- per acre, i.e. one-third to a half their true value. After some adjustments to land area Gill completed the purchase of the three blocks, totalling 19,290 acres, on 23 September 1883, for £11,374 – just under 12/- an acre on average, excluding survey charges. The conveyances were deposited on 9 January 1884.

The Native Land Court process for this block appears to have been severely tainted by the interests of the Government in purchasing the valuable kauri forest, and the intervention of government officials to ensure title was awarded to those with whom they wished to negotiate. Not all, nor the right people were included in negotiations for the sale to the Government. The price negotiated initially was well below any reasonable value for the land and trees, and that finally paid was still well below what might have been achieved by the owners selling the trees alone and retaining the land.

Block 4 went through a number of partitions between 1896 and 1912. Block 5 was partitioned in three (A, B & C) in 1900, and Block 5C underwent further portioning in 1913. Alienations to private purchasers started in 1908. Areas of land were taken for public works, such as roads, quarries and diversion of a waterway. Between 1956 and 1969 a number of blocks were amalgamated. In 1966 a 5-acre section of Puhipuhi 5C5

was set apart as a Māori Reservation for a meeting house. A number of blocks were converted to European land after 1969. At the time the Block Narratives were compiled, in 2006, just 470 acres remained as Māori land.

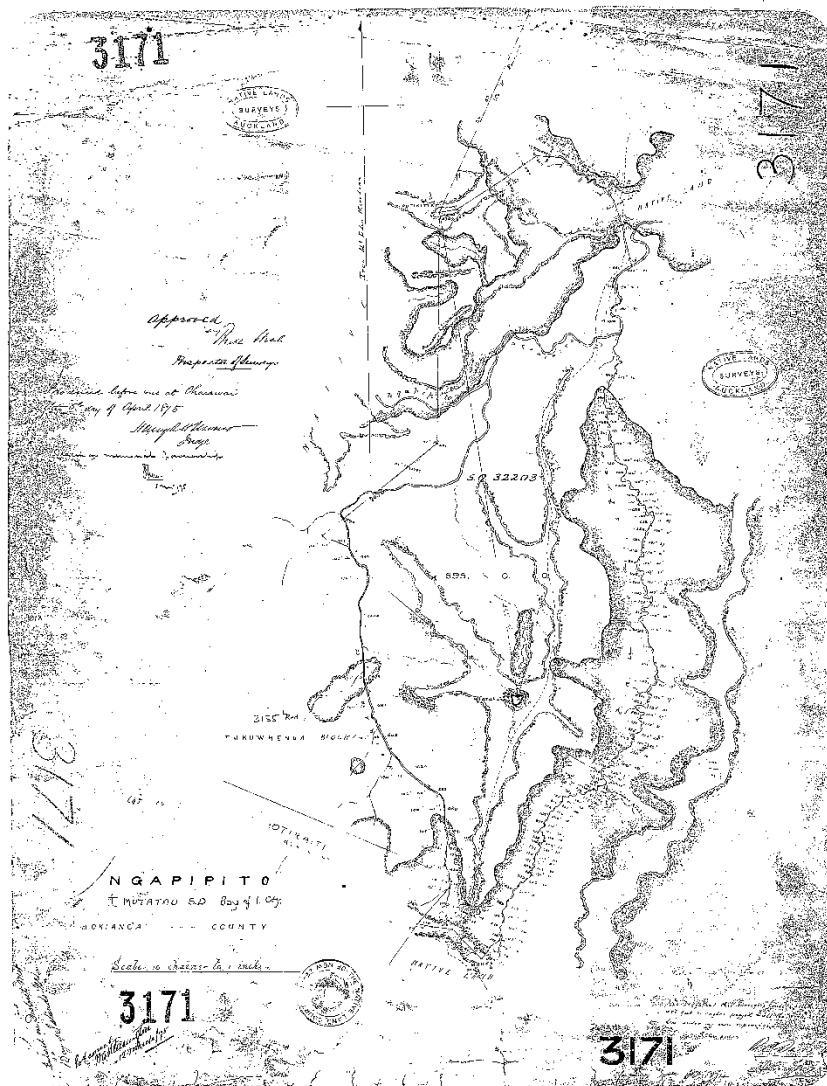


Figure 64: Ngapipito Block, title hearing 5 April 1875

The title investigation for this 895-acre block was heard at Ōhaeawai on 5 April 1875.⁹⁴⁶ Key witnesses were: Hemi Timoko, Tamati Te Au, Ngahana, Hemi Marupo, Pera Te Iwingaro, Henare Tiri and Hone Makoare.

Hapū: Ngāti Te Uri-o-Kawa, Ngāti Miru, Ngāti Hine, Ngāti Manu, Ngāre Hauata, Ngāti Rāhiri.

⁹⁴⁶ NMB2, p.41ff.

Key tūpuna: Miru, Rautao and Whakawawe (brothers), Te Rā, Te Kaewaewae.

The land was awarded in one block to five owners representing Ngāti Te-Uri-o-Kawa and Ngāre Hauata – Ruatara, Hori Winiana, Hemi Timoko, Te Waiwhakarukuruku and Hone Makaorie Tuhi of Ōhaeawai.⁹⁴⁷ Three weeks later, the Crown purchased the block for £67.2.6d.⁹⁴⁸

In the Gazette of 13 April 1876, this area of land, along with many other blocks in the north, totalling in all 126, 689 acres, was proclaimed to be waste lands of the Crown, subject to the laws in force at the time regulating their sale. The land was acquired under Part 4 of the Immigration and Public Works Act, 1870 and of Section 3 of the Immigration and Public Work Act, 1873.⁹⁴⁹

This title investigation followed soon after by taking under the Public Works Act appears odd when the title was awarded as one block to avoid subdivision. Clearly the Crown had in mind the proclamation as waste land at the time the land went through the court. It remains a source of conjecture about the correct people being notified and consulted. Furthermore, was the title awarded to the correct people?

Ngapipito, 1875

The title investigation for this 895-acre block was heard at Ōhaeawai on 5 April 1875.⁹⁵⁰ Key witnesses were: Hemi Timoko, Tamati Te Au, Ngahana, Hemi Marupo, Pera Te Iwingaro, Henare Tiri and Hone Makoare.

Hapū: Ngāti Te Uri-o-Kawa, Ngāti Miru, Ngāti Hine, Ngāti Manu, Ngāre Hauata, Ngāti Rāhiri.

Key tūpuna: Miru, Rautao and Whakawawe (brothers), Te Rā, Te Kaewaewae.

The land was awarded in one block to five owners representing Ngāti Te-Uri-o-Kawa and Ngāre Hauata – Ruatara, Hori Winiana, Hemi Timoko, Te Waiwhakarukuruku

⁹⁴⁷ NMB2, p.47, 6 April 1876.

⁹⁴⁸ NZG 22, 13 April 1876; H. Hanson Turton and Department of Māori Affairs, *Māori Deeds of Land Purchases in the North Island of New Zealand: Copied from the Originals*, 2 vols., vol. 1, Wellington, 1877-78, pp.102-03.

⁹⁴⁹ *Daily Southern Cross*, 25 April 1876.

⁹⁵⁰ NMB2, p.41ff.

and Hone Makaorie Tuhi of Ōhaeawai.⁹⁵¹ Three weeks later, the Crown purchased the block for £67.2.6d.⁹⁵²

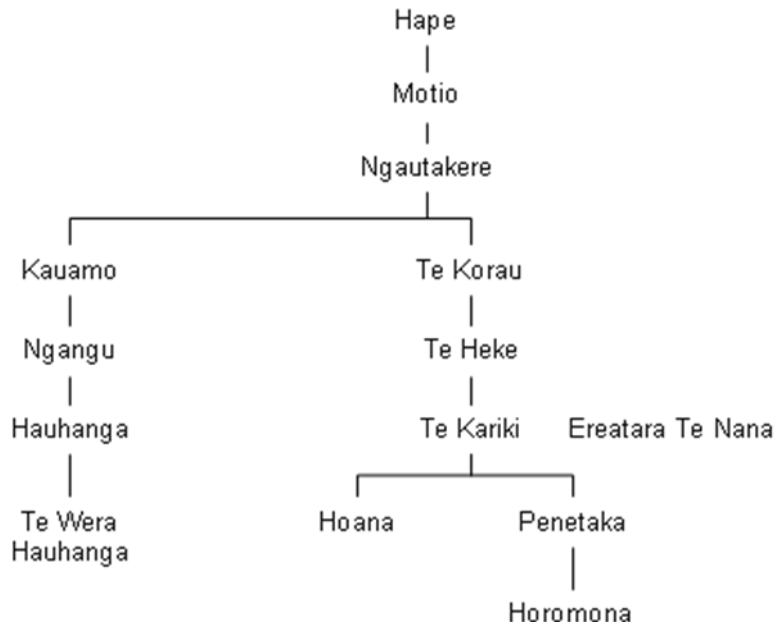
In the Gazette of 13 April 1876, this area of land, along with many other blocks in the north, totalling in all 126, 689 acres, was proclaimed to be waste lands of the Crown, subject to the laws in force at the time regulating their sale. The land was acquired under Part 4 of the Immigration and Public Works Act, 1870 and of Section 3 of the Immigration and Public Work Act, 1873.⁹⁵³

Again in this particular case the earlier conjecture is pertinent in this investigation.

Pipiwai, 1879

Title investigation of the 1,102-acre Pipiwai block came before the Court on 14 May 1879. Hoana Te Kariki, of Ngāti Hine hapū of Te Uriroroi, claimed the block for himself and others through their ancestor Hape. As there was no opposition, the land was awarded to Te Kariki Ereatara Te Nana, Hoana Te Kariki, Horomona and Te Wera Hauhanga.⁹⁵⁴

Chart 135: Relationships of Pipiwai block claimants



⁹⁵¹ NMB2, p.47, 6 April 1876.

⁹⁵² NZG 22, 13 April 1876; H. Hanson Turton and Department of Māori Affairs, *Māori Deeds of Land Purchases in the North Island of New Zealand: Copied from the Originals*, 2 vols., vol. 1, Wellington, 1877-78, pp.102-03.

⁹⁵³ *Daily Southern Cross*, 25 April 1876.

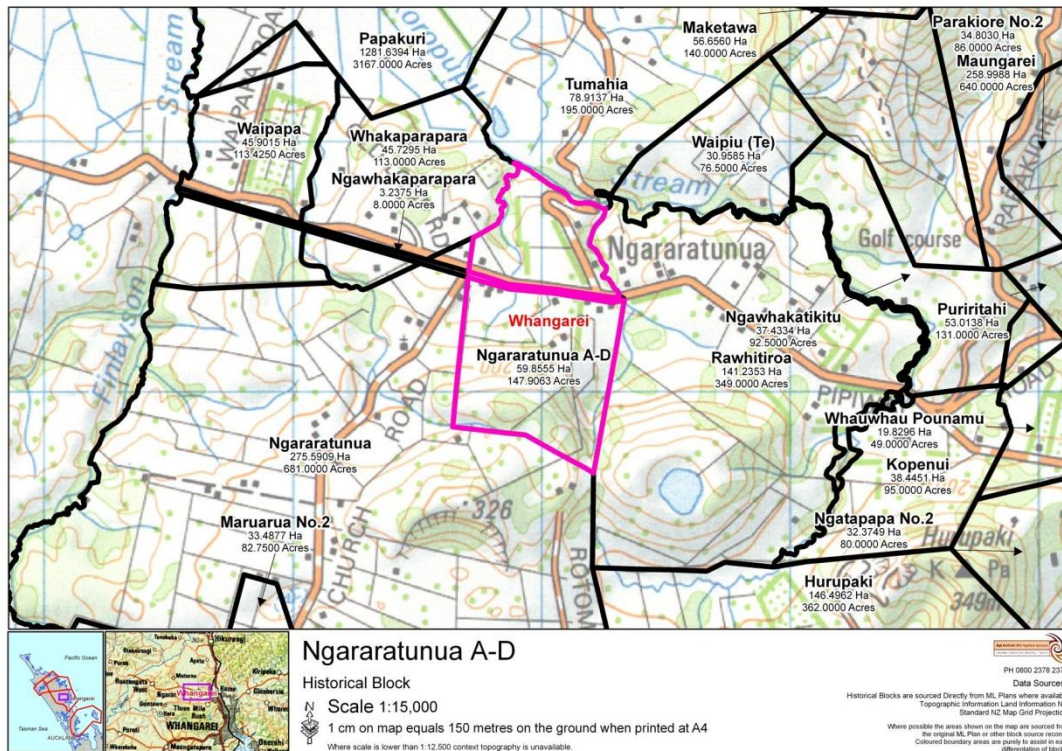
⁹⁵⁴ Kaipara MB 3, p.363.

The day after the land was awarded it was leased to the Union Steam Co, and in 1888 the lease was transferred to the Kauri Timber Co.

The block was partitioned in 1916. Further partitions followed. E. Niha made a number of purchases in 1918 and 1919, and M. H. Rewi bought one block of 39 acres. 140 acres of Pipiwai F was declared to be Crown land (NZG52/732) on 30 May 1963. Seven blocks were amalgamated on 17 December 1965 and included in Te Horo Block.⁹⁵⁵

Ngararatunua, 1879

Map 17: Ngararatunua



Hapū: Ngāti Kahu, Ngāti Kaharau, Ngāti Hau

The 147-acre Ngararatunua block, at Ngunguru, came before the Native Land Court in Whāngārei in May 1879 (Judge Heale). Maata Keeti Te Wharau of Ngāti Kaharau claimed the block saying that Ngāti Kahu had given it to him 16 years before.⁹⁵⁶

⁹⁵⁵ Berghan Block Narratives, Vol. VII, pp. 202-204.

⁹⁵⁶ Whāngārei Minute Book (WMB) 2, pp.226-29. DB9.

The case was contested by Wi Pepene, of Ngāti Kahu, who said he did not know of his ancestors giving the land. However, Pōmare Kingi, also of Ngāti Kahu, provided further evidence for the claimants. He said that although a dispute arose twenty years after the original gifting, at that time land was subdivided and given absolutely to Ngāti Kaharau with the consent of all of the tribe except Wi Pepene. Hori Puriri of Ngāti Kahu wanted his name to be inserted in the grant also, on the basis that Ngāti Kaharau lived on the land, Ngāti Kahu did not object, but had not given up their rights.

The judgment stated that the land had clearly been given by the whole of Ngāti Kahu to Ngāti Kaharau. Although a dispute arose later with respect to boundaries the gift was confirmed by all principal chiefs. A Ngāti Kahu individual could not maintain individual rights in the land.⁹⁵⁷

On 4 June 1879, the Native Land Court issued a Memorial of Ownership in the names of the claimant, Maata Keeti (Ngāti Kaharau), and five others: Wiremu Tauwhitu, Pehimana Ngawhau, Tauī, Kereama Tumakere, Ruihi Pomari Kingi.⁹⁵⁸

Memorial of Ownership orders were issued for blocks A-D on 13 May 1879. Block C was partitioned eighteen years later, on 8 July 1897.⁹⁵⁹

An area of over two acres was taken from part of A Block for a new school site on 25 March 1954⁹⁶⁰; compensation was fixed on 13 May 1954.

Of the original 135 acres, only scattered parcels remain, the largest being 4.7 hectares.

⁹⁵⁷ WMB2, p.228. DB9.

⁹⁵⁸ WMB2, p.229. DB9.

⁹⁵⁹ Berghan Block Narratives, Vol. V, pp.411-12.

⁹⁶⁰ The owner of part of this new school site (part Ngararatunua 2A No 1 block (1 acre, 1 rood and 3.6 perches), Wikitoria Katerina Puriri, agreed to exchange that land (valued at £125) for the old school site (valued at £100), which burnt down in 1946 provided the old buildings were left in situ ('an old shed and two outside conveniences' valued at £25). In May 1954, the Māori Land Court assessed compensation for the taking of land for the new school and ordered that the Crown vest the original site in the daughter of Wikitoria Katerina Puriri (Venus Baker nee Puriri) and her husband (Aramiha Baker), on Wikitoria Puriri's request. In Gillingham and Woodley, 'Northland: Gifting of Lands', p.297

Investigations of title 1880s

Pukemiro No. 2, 1885

The title investigation for this block was heard before Judge Laughlin O'Brien, with Te Karaka Tarawhiti as assessor, in Whāngārei, in November 1885. Kingi Pōmare (Ngāti Kahu) claimed rights through ancestry (from Ngarokiteuru) and occupation, but not through conquest. His claim was successful and the Court awarded the block to 19 owners.⁹⁶¹

Chart 16: Wiremu Pōmare descent from Ngarokiteuru



The Ngāti Kahu hapū of Ngarokiteuru trace their descent from Torongāre. The rangatira of Ngāti Tū, Hikurangi, had a sister Mihiao who, through her husband Te Uiho of Ngāpuhi, had a son Ngarokiteuru.⁹⁶²

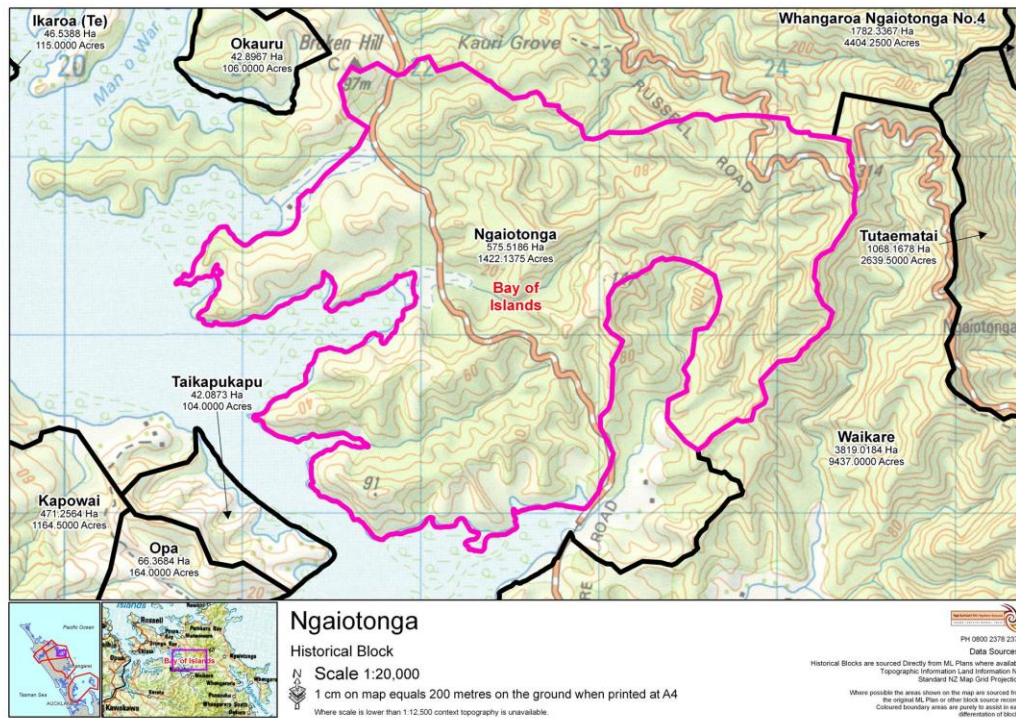
In 1907 the block was partitioned. One block of 7 acres (2D) included Lake Ora and had 28 owners. In 1951, Pukemiro 2A was vested in the Māori Trustee with power to subdivide and sell subdivisions. Pukemiro 2A1 was subdivided into 27 lots of just over quarter of an acre, which were all sold to Māori owners who mostly declared their land European under Part 1 of the Māori Affairs Amendment Act 1967.

⁹⁶¹ WMB 3, p.97; WMB 4, p.213. DB11.

⁹⁶² Benjamin Pittman Patuone website, http://www.patuone.com/files_main/whakapapa_continued.html

Investigations of title 1890s

Map 18: Ngaiōtonga, 1898



Note: Does not align with acreage of above map.

Title for the 1,249-acre Ngaiōtonga blocks 1 & 2 was issued on 2 May 1898 to 142 owners.⁹⁶³ The blocks were partitioned in 1901 into 1 & 2A (77 acres) and 1 & 2B. Block 1 & 2A remained intact in 2006. Block 1 & 2B was partitioned in 1906, then in 1932, two separate areas, of 7 and 10 acres respectively, were taken for roads. In each case compensation of £10 was paid.⁹⁶⁴ No other part of the land appears to have been alienated.

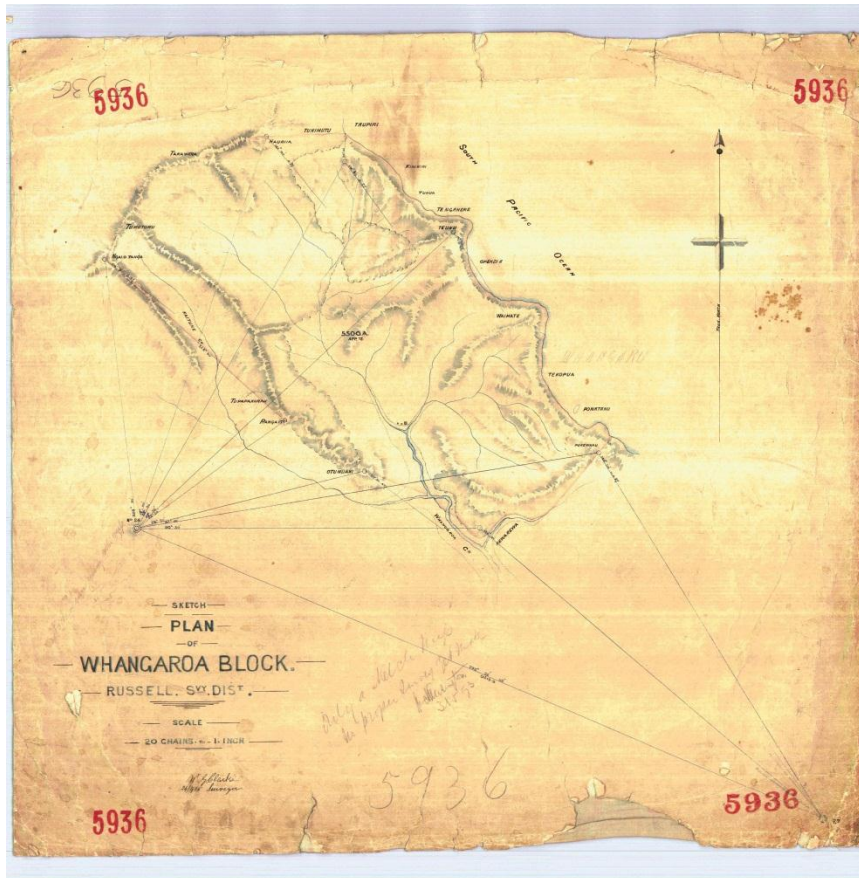
Investigations of Title 1900s

Ngaiōtonga 4/ Whangaroa 1902

⁹⁶³ Berghan Block Narratives, Vol. V, p.382.

⁹⁶⁴ NZG 59/1970

Map 19: Whangaroa – Ngaiōtonga



This sketch map shows the Whangaroa Ngaiōtonga block. In the southern part of the block is Rewarewa, heading north west across Whangaroa creek to Otumuaki, Rangaiti, Tupapakurau, across the Kaituke creek to Ngaiōtonga, north to Tumutumumu, Tarawera, Tauriia, Tuhimutu, Taupiri, Kirikiri, Tuhua, Te Ngahere, Teuhu, Opekeia, Waimate, Te Kopua, Punatanu, Pukewhau and back around to Rewarewa.

At a title investigation hearing of the Tokerau Māori Land Council held at Russell on 8 September 1902, the Court ordered that a Block Committee be set up to hear claims for Ngaiōtonga 4/ Whangaroa. (E.C. Blomfield, presided, Hōterene Paraone Kawiti was a member of the Council and C.S.P. Seon, clerk and interpreter.) The claimants at this hearing were: Hone Tautahi Pita, Mita Wepiha, and Noa Pakaraka.

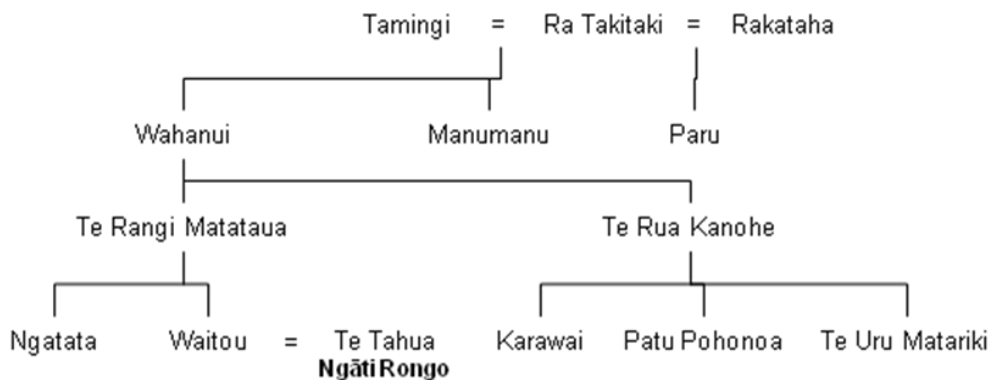
Key tūpuna: Te Uru Matariki, Patu Pohonoa, Karawai, Tamingi, Waiotu

Hone Pita claimed ancestral rights through Te Uru Matariki, Patu Pohonoa, Karawai and others. He also listed ‘uninterrupted’ occupation, defence of mana whenua by his ancestors, and the existence of pā and burial sites on the block.⁹⁶⁵

Mita Wepiha argued that, even though his claim was the same, the whakapapa of Hone Pita had not gone far enough back and did not include Ngāti Rongo ‘who was derived from Waitou’. Mita gave this whakapapa:

Tamingi begat Wahanui who begat Te Rangi Matataua and Te Rua Kanohe. Rua Kanohe, the younger brother, begat Karawai, Patu Pohonoa and Uru Matariki. Te Rangi Matataua, the elder brother, begat Ngatata and Waitou, a woman.

Chart 147: Ngāti Rongo descent lines

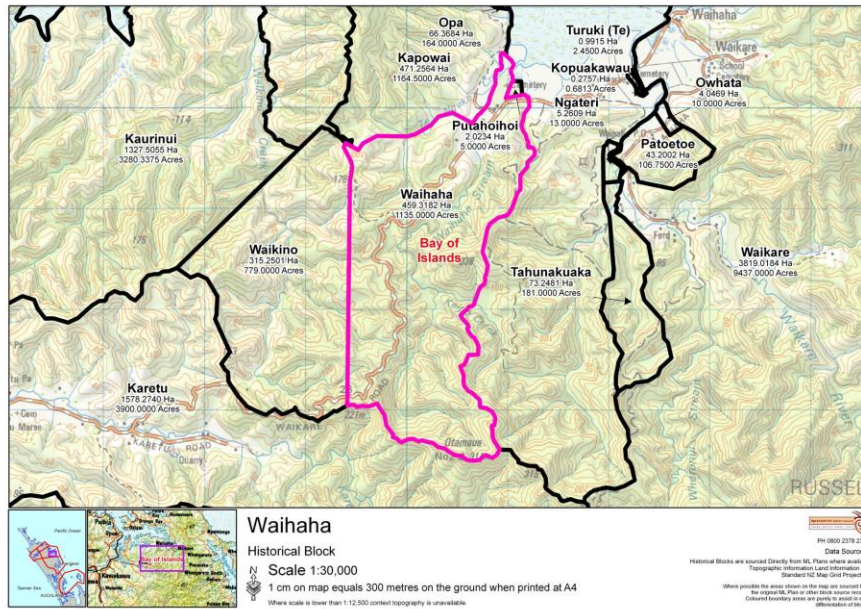


Mita claimed ancestral rights through both Waitou and her husband, Te Tahua.

Noa Pakaraka claimed ancestral rights through Ra Takitaki who begat Wahanui, Manumanu and Paru.

⁹⁶⁵ NZ Māori Land Board Tai Tokerau Minute Book (MLB TTMB) 1, pp.31-2. DB12

Map 20: Waihāhā, 1904



Hapū: Ngāti Te Ara, Te Kapotai.

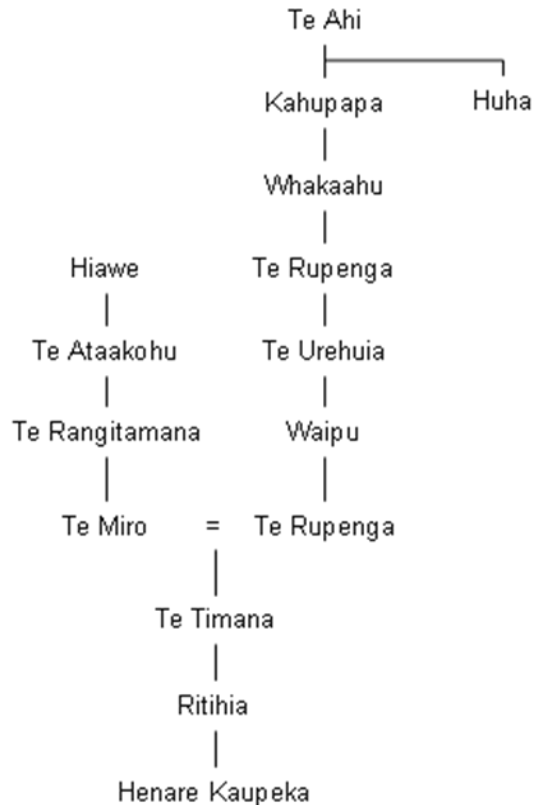
The hearing for the investigation of title began at Russell on 19 August 1904. Two of those giving evidence, Hone Pita Tautahi and Henare Kaupeka, stated that Waikare and Waihāhā were all one block, owned by the ancestors Te Ahi, Hiawe, Te Hana, Paraheahea (Tautepo had no right).⁹⁶⁶ (Waikare and Waihāhā were also one land with Ngaiōtonga No. 2.)⁹⁶⁷

Hiawe came into possession of lands at Waihāhā not through ancestry but through ringa kaha, by defending Waikare against Ngāti Tamatea who came from the north, with the support of Te Ahi descendants. Hiawe then lived at Te Kāretu and Te Kawakawa. Descendants of Te Ahi lived at Waikare, as he did in his day before the fighting.

⁹⁶⁶ MLB TTMB 2, pp.151-52. DB13.

⁹⁶⁷ MLB TTMB 2, pp.153. DB13.

Chart 158: Te Ahi and Hiawe descent claimants for Waihāhā



Hone Pita (Te Kapotai) withdrew his claim, leaving the claim of Kaupeka uncontested.⁹⁶⁸ With Judge J.W. Browne presiding, Herepeti Rapihana and Kingi Ruarangi as assessors, title was awarded on 7 April 1905,⁹⁶⁹ in two blocks of 864 and 224 acres respectively. The second block had 28 owners.

Partitioning of the second block started in 1918. In 1922 the first block was partitioned into 3, with 1A being set aside as an urupā; its title was cancelled in 1955.

In June 1957, 1C2 was sold to the Crown.⁹⁷⁰ This block comprised 717 acres of the original 864 acres of Block 1.

In 1958, Waihāhā 2C1B (1 acre) and 2C3A (less than one acre) were set apart as a Māori Reservation for a Marae.⁹⁷¹ Waihāhā 2A1 (less than one acre) was set apart in

⁹⁶⁸ MLB TTMB 2, pp.156.

⁹⁶⁹ MLB TTMB 2, pp.363.

⁹⁷⁰ NZG 45/1137.

⁹⁷¹ NZG 37/799.

1981 as a Māori Reservation for a burial ground for the common use and benefit of Māori of New Zealand.⁹⁷²

Waihāhā 2B1 was amalgamated into Kapowai C1 in 1969.⁹⁷³

Mōtatau 1, 1905

Mōtatau Blocks 1-5 were defined in 1902 and were subject to the Papatupu Block Committee process. At that time the land was divided into five parts on the basis of ancestral boundaries, and block committees were set up for each. The four blocks, Mōtatau 1, 2, 3, and 4, were heard together in 1905.

Some details of the claimants and the bases of their claims is covered in Mōtatau 2 below. The claimants for Mōtatau 1 represented various sections of Ngāti Hine. They were Te Oi Tamehana, Riri Maihi, Hotorene Kawiti, Marara Hirini, Nau Paraone, Hirini Tauī, Kaka Porowini, Pare Mapua, Hohaia Tango, Patera Te Hau. Most of these names appear for Mōtatau 5 as well.

Mōtatau 1 (Whāngārei) of 18,660 acres was finally awarded on 2 March 1906 to 902 owners, after having been held up for reasons of boundary confusions, as explained under Mōtatau 2.⁹⁷⁴

On 19 October 1911, Mōtatau 1 was partitioned into 35 blocks, and then further partitioned, out of which 1B5B ended up with 1,698 acres with 52 owners. On 14 October 1919, 1B5B was further partitioned, and a 279-acre 1B5B5 block was awarded to nine owners. This block remains as Māori Land.

A portion of Mōtatau 1C7G was taken under the Public Works Act for Matawaia Native School on 15 May 1945.⁹⁷⁵

Mōtatau 2, 1903

Hapū: Ngāti Hine, Ngāti Manu, Ngāti Tū

Tūpuna: Hineāmaru, Te Aweawe

⁹⁷² NZG 127/300a.

⁹⁷³ Berghan Block Narratives, Vol. IX, p.55.

⁹⁷⁴ NMB 39, pp.310, 315, 318, 322, 329, 331, 350, 373; NMB 40, pp.2ff.

⁹⁷⁵ Paula Berghan, 'Northland Block Research Narratives: Native Land Court Blocks, 1865 -2005', Wellington, 2006. Vol.V, pp. 295-302; and p.421 of this report 'Matawaia School' section.

Mōtatau 2 (Whāngārei), of 35,500 acres, came before the Court in 1903, in Kawakawa. Riri Maihi Kawiti claimed sole ownership and Ru Reweti claimed a portion of about 300-500 acres, on grounds that the principal chief of Ngāti Hine, Maihi Kawiti, had gifted Pōmare land called Waingarara in return for the war canoe of Pōmare, *Te Kīngi*, and that 'Maihi's tribe ratified the gift'. Counter-claims were submitted by Ru Reweti, Honetana and Hau Tautari.⁹⁷⁶ Ru Reweti claimed through his ancestor Pōmare.

Reweti explained that the family of Wiremu Pōmare exercised ownership by selling kauri, letting gum fields, and by building on and occupying the land. Ru, in defending his right through ancestry, said:

One of my aunts is buried on this block at Te Pouaka a Hineāmaru; so is another relative, Kiwikiwi. I have other relations under Ngāti Manu buried there including Harawene Hikuwai. We had cultivations at Paharoa, they belonged to Pōmare. Ngāti Hine and Ngāti Manu were always in conjunction in all matters of importance.⁹⁷⁷

Wiremu Tuwhai admitted the gift but objected to Maihi's gifting, believing he didn't have the authority to make it before the land was investigated.⁹⁷⁸

Tiari Kopa claimed his tupuna Heni Hau of Ngāti Whakaeke was gifted land, in keeping with Māori custom, when she married Wiremu Kopa, and that the gift had not been objected to. Hōtorene Kawiti confirmed the gift but said the land had no boundaries, just a name Pareratokitoki, and Heni never lived on the land. However, within a day or so of so saying, he gave boundaries. Kaka Porowini said Wi Te Kopa (Wiremu Kopa) and his children lived there for six years, but after Heni died, not while he was wedded to her. Porowini also said that Maihi decided the descendants of Waiaruku had no rights and that Heni was a descendant of Waiaruku.⁹⁷⁹ Riri Maihi objected to the gift, but also said Heni was really a descendant of Hineāmaru.⁹⁸⁰ Council disallowed this claim.

⁹⁷⁶ MLB TTMB 2, p.104. DB14.

⁹⁷⁷ MLB TTMB 2, p.139. DB15.

⁹⁷⁸ MLB TTMB 2, p.104. DB14.

⁹⁷⁹ NMB 39, pp.119, 121-22. DB16.

⁹⁸⁰ MLB TTMB 2, p.105. DB17.

Honetana claimed ancestral rights from Te Aweawe⁹⁸¹, to about 300-400 acres of land on the block near the boundary between Mōtatau 1 and 2, called Te Ngako. He claimed that Te Aweawe occupied the land and his descendants still lived there. Further that the boundaries were given at a meeting at Waiōmio and settled there. Although he had never occupied the land, Honetana stated that all Ngāti Hine understood the land to be his ancestor's.⁹⁸² Wiki Te Oi also claimed that he and Hone Paraone lived on Mōtatau 2 under the rights of Te Aweawe. Riri Maihi had heard that Te Aweawe had lived on the land five generations before, until his death when he had been buried there. He claimed that Te Aweawe had no direct progeny. Hoterene P. Kawiti claimed to have occupied the land for 14 years and did not admit rights of others. Council disallowed this claim also.

Hau Tautari claimed under Ngāti Tū and under Tautari.

The Māori Land Board Council, with E.C. Blomfield presiding, Wiremu Rikihana and Herepete Rapihana as members, and C.W.P. Seon clerk interpreter, agreed that Maihi was the dominant chief of Ngāti Hine at the time and exercised principal control over this land.⁹⁸³ Kaikou Block had been conquered by Huinga Tuauru, a descendant of Hineāmaru; Maromaku was conquered by Moeahu, another Hineāmaru descendant; but Ngāti Hine were not the sole owners. The claim of Hau Tautari under Ngāti Tū was upheld, but his claim under Tautari failed. Ngāti Hine were awarded three-quarters of the block, the area offered and accepted by Ngāti Tū. The Council found in favour of Ru Reweti, Tiari Kopa and Honetana for Waingarara. All other separate claims were disallowed.

Mōtatau 2 was awarded by Judges Seth-Smith and Browne on 21 September 1905 to 711 owners. On the same day the Court decided to cancel the decision of the Council for Mōtatau 1, 3 and 4, because a survey was needed.

Some question might arise as to this boundary [of the gifted land] and what we want to do is to keep the matter open.

We will make an interlocutory order awarding the piece within this boundary to the persons in Mr Davies' list, and the balance to the persons who we have found entitled.

⁹⁸¹ Ruatara's father was Te Aweawe of Ngāti Rāhiri and Ngāti Tautahi and his mother Tauramoko, of Ngāti Rāhiri and Ngāti Hineira. Samuel Marsden estimated Ruatara to be about 22 years old in 1809.

⁹⁸² MLB TTMB 2, pp.106-7. DB17.

⁹⁸³ MLB TTMB 2, p.140. DB18.

This reserves the right to any of the parties if necessity should arise to bring the matter of any question of this boundary of Ru Rewiti's land before the court for reconsideration.⁹⁸⁴

Mōtatau 2 was vested in the Tokerau District Māori Land Board. However, the vesting was not straightforward, as is evident in the wording of Clause 27 of the Native Land Amendment and Native Land Claims Adjustment Act, 1916. This clause of the Act referred to the block having been vested in the Land Board on 13 December 1905, and then speaks of an error.

... And whereas part of the said land, comprising about 453 acres, and known as Waingarara Block, was vested in the said Board *by mistake*, and it is desired to make other provision with respect to the said land ...⁹⁸⁵ [emphasis added]

Waingarara Block was Section 10 of Mōtatau No 2 Block. The Amendment Act authorised the Chief Judge of the Native Land Court to complete interlocutory orders made by the Native Appellate Court, backdating the orders to 21 September 1905 (the date title was awarded). The Act also authorised the Governor in Council to vest the land in the 'Native owners thereof', subject first to an appropriate proportion of existing liabilities against the whole of Mōtatau No 2 being discharged, and authorised the Land Registrars to amend the register as necessary to give effect to the changes.

Under the Tokerau District Māori Land Board's management the vested block was roaded and bridged, timber was sold and sections of it were rented. Questions were raised in Parliament during the debates. For instance, on 20 September 1920:

On the motion of Mr Reed (Bay of islands), it was ordered, That there be laid before this House a return in reference to Mōtatau no. 2 Block, showing – (1) The cost of roading the block, stating total mileage of roads, cost of formation, metalling, bridging, &c., separately; (2) the revenue obtained from the block from sale of timber, stating quantity and class of timber and price obtained in each section; (3) the revenue obtained from rentals from sections; (4) other revenue from the block; and (5) a statement of expenditure of revenue to last balance.⁹⁸⁶

⁹⁸⁴ NMB 39, p.124. DB19.

⁹⁸⁵ The Native Land Amendment and Native Land Claims Adjustment Act, 1916, Clause 27.

⁹⁸⁶ NZPD, Vol. 187, p.1058.

Mōtatau 3

As mentioned earlier, an important principle of awarding title, which had been formulated early in the Court's operation, was affirmed in the *Mōtatau 3* case. The Court followed its own precedents of prioritising classes of occupancy giving highest priority to continuous, recent and permanent inhabitants. The rule laid down for *Mōtatau 3* was as follows:

A question has been raised in this case as to the proper rule with regard to occupation to be adopted in determining ownership according to Māori Custom

In *Mōtatau No.2*, this Court divided the owners into four classes viz.

- 1) Those actually occupying at the time of the investigation
- 2) Those who had occupied but were not in occupation at that time
- 3) Those who had not occupied but whose parents or grandparents had been in occupation
- 4) Those who could show no occupation since the time of their great grand parents

The first three classes were admitted as owners as of right and individuals of the fourth class were admitted with the unanimous consent of other owners. Other claimants although descended from the common ancestor from whom the rights to the land were originally derived were excluded.

The contest in the present case concerns the limitation of the third class.

In the present case the Native Land Court has apparently adopted a somewhat different rule on the ground that the right of Maoris to their lands were definitely fixed by the Treaty of Waitangi, and that nothing except legislation, that has since occurred can alter them.

There is some ambiguity in this part of the judgement of the Native Land Court. It does not appear how the rights confirmed by the Treaty of Waitangi are to be ascertained. If it is intended that the Court should ascertain who were in occupation in 1840, the task is practically impossible. The lapse of time has made it highly improbable that trustworthy evidence can be obtained as to who were in occupation at a particular moment. It is well known that the time when a particular person lived at a particular place is almost always left in uncertainty by witnesses who can speak definitely to the fact of his having resided there.

It seems to us that the Native Land Court was either under some misapprehension as to the effect of the Treaty of Waitangi, or it has not exactly expressed its intention.

The treaty preserved Māori custom and the Native Rights Act 1865 provided that the rights of Maoris should be determined according to the ancient usage of the Māori people.

The establishment of British sovereignty made the acquisition of title by violence no longer possible. But apart from that, Māori Custom remained and still in theory, is the same as in the older time.

In limiting the third class of owners as it has done the Appellate Court was guided by what appears to have been ancient custom and it is supported by many previous decisions.

It is too late to contend that occupation need not be shewn. There is a continuous stream of authority to the contrary from the first establishment of the Native Land Court to the present time.[italics added for emphasis]

In adopting that occupation of the grandparents as the most remote that the Court will regard in determining whether a non-occupant is entitled to a share in the land, the Court is following precedent, although there has not been the same uniformity of practice as has been observed with regard to the necessity of proving occupation. The majority of agents in this case have expressed their approval of the rule.

We are therefore of opinion that the rule adopted in Mōtatau No 2 should be followed in this case.

We say nothing at present about the relative interests that should be awarded to individual owners.

Blomfield responded in that case: 'I think the decision will greatly facilitate the completion of the case. Lists are now ready & I ask the Court to adjourn till 2 o'clock to enable us to have a general conference & see how far we can eliminate matters on which there is really no irreconcilable difference.'⁹⁸⁷

Mōtatau 4

Mōtatau 4 was another of the series of blocks in the area that came before the Court in the early 1900s.

In 1903, claims were set up before a block committee by Marara Hirini, Huirua Tito, Rata Ririni, Hori Rewi, Riri Maihi, Kaka Porowini and Hone Tana. The TML Council heard the case on 3 December 1903, together with block 3. The Block committee had awarded the following shares under ancestors:

⁹⁸⁷ Appellate Court MB3, pp.240, DB8.

Table 4: Mōtatau 4 allocated block shares

TauraHaiti	3500
Tokowha	3500
Putōtara	3500
Kawa	300
Kawiti	100

A number of objectors disagreed with the allocation under Tokowha. In his evidence, Rata Ririni explained that the pā of Taura Haiti was Te Tuhi. This had been built by Ngāi Tāhuhu and belonged to Hikurangi, who was related to Taura Haiti. Te Kowha was from an elder branch, a grand-uncle to Taura Haiti and had not been at the pā. Taura Haitai derived his rights through Ngāi Tāhuhu. Neither did the pā belong to Te Aongarere. Taura Haiti also lived at Ōrauta (on No 3 block). That was his principal residence. He lived with his sister Tahora who begat Putotara. The burial place Onewha belonged to Taura Haiti and Putotara.⁹⁸⁸ After a day's hearings, Tokowha shares were reduced to 200, and when the case came before the court they were rejected altogether.

The case came before the court sitting in Russell in April 1906. Judge Jones presided, Rawiri Karaha was assessor and W. E. Goffe was clerk interpreter. Note: The handwriting in this case is almost illegible in parts and will require input from interested Wai claimants to ensure people, places and hapū are correctly named.

There were 22 claimants: Te Oi Tamihana, Riri Maihi, Taki Hōterene, Kaka Porowini, Nau Paraone, Wiki Te Oi, Wiki Moeanu, Nane Paratene, Hori Panaea, Manane Hirini, Patana Kaine, Pane Ngapua, Pereniha Whareumu, Unu Paraone, Honetana Te Uere, Tiripua Pana, Neri Waho, Katerina Matenga, Hemi Taruke, Ripeka Te Atoa (a Tauwiwi), Rerekeha Te Houaui, Mita Wepiha.

Claimants represented a number of hapū, including: Ngāti Hine, Ngāti Te Ara, Ngāti Putotau, Ngāti Tū, Ngāti Kopaki, Ngāi Tama, Ngāti Moe, Ngāti Pongara, Ngā Torongāre.

Claims were made under a range of ancestors. In ordering the award of shares, the Court recognised Putotara, Taura Haiti, Kawa and Torongāre, saying:

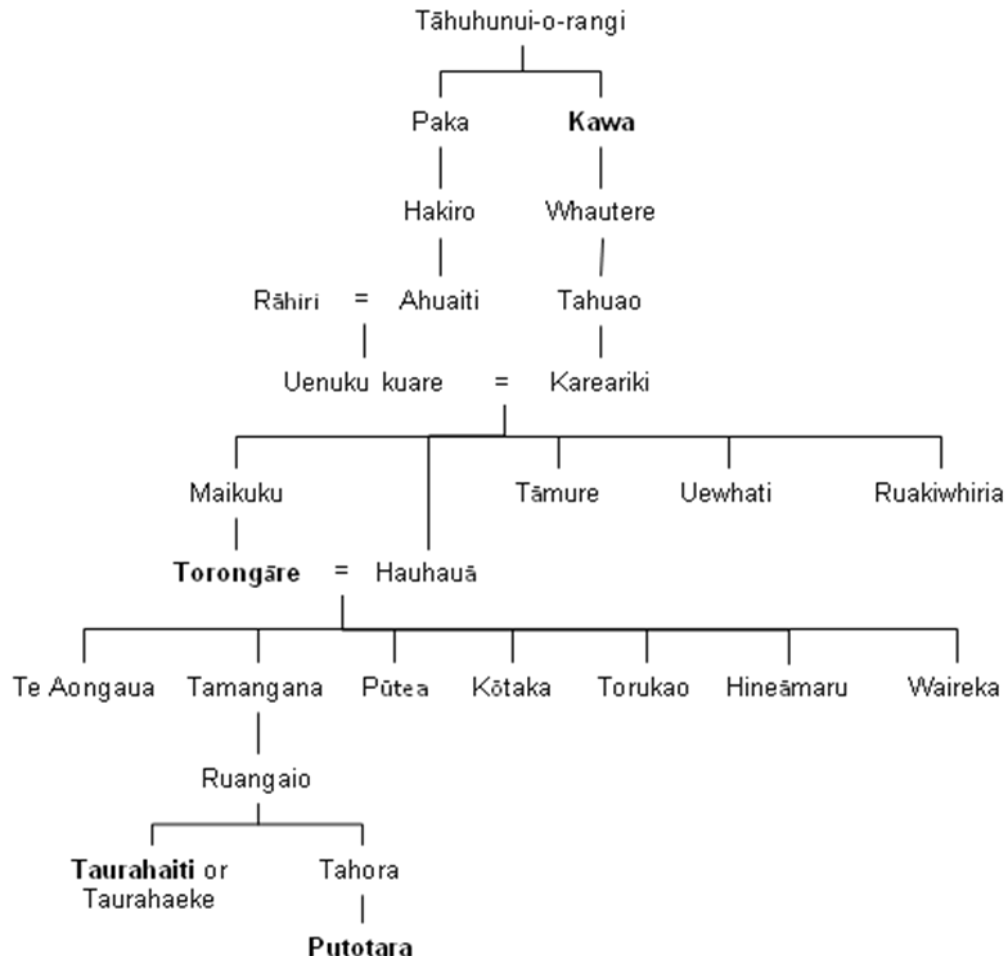
Court being satisfied that the arrangement proposed is fair and reasonable and in best interests of Native owners will confirm the arrangement and make an interim order declaring that the proper

⁹⁸⁸ MLB TTMB 2 (1903), pp. 110-132.

owners of Mōtatau No 4 are such of the descendants of Putotara, Taura Haiti, Kawa and Torongare as have occupied according to Native custom ⁹⁸⁹

The relationships between these tūpuna are given below:

Chart 19: Relationship of key tūpuna for Mōtatau 4 Block



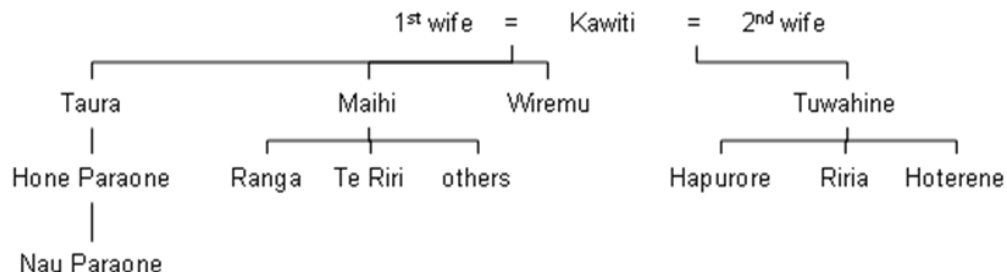
The 3,292-acre Mōtatau 4 block was awarded to 415 owners on 24 August 1909, and partitioned on the same day.⁹⁹⁰ A more than 17-acre block was taken for a railway station site. The remaining area was partitioned into 26 blocks (A-Z) ranging in size from 8 to 332 acres, and a number of owners from 1 to 124. Within almost eight months Block 4H or 175 acres had been leased for 42 years, and then sold within a year after that to the leaseholder for £50. Within the following five years blocks 4I, J, K, Q, U, Y, totalling 568 acres, had been sold, all to Pākehā, with the exception of 95 acres bought by Nau Paraone, possibly in his case trying to keep the land in tribal

⁹⁸⁹ NMB 40, pp.304-305. DB20.

⁹⁹⁰ NMB 42, p.320.

ownership. Nau gave the descent lines from Kawiti in the Mōtatau 5 hearings, in April 1909, showing his senior line.⁹⁹¹

Chart 20: Kawiti descent lines



On application of some owners in the late 1960s, a number of blocks were declared European land under Part 1 of the Māori Affairs Amendment Act 1967.⁹⁹²

Mōtatau 5

Mōtatau 5 was part of a larger area of land known collectively as Mōtatau that had first come before the Tokerau District Māori Land Council in July 1902. Mōtatau 5 was discussed as a case study by Grant Young, a synopsis of which follows.⁹⁹³

Claimants for Mōtatau 5 had been heard in their Papatupu Block Committee, which had given its decision to the Land Council. Eight appeals against the November 1905 decision of the Tokerau District Māori Land Council mostly wanted either the Land or Appellate Court to investigate the title. The 22,000 acre Mōtatau 5 block came before the Native Appellate Court in Russell in 1907.⁹⁹⁴ The Appellate Court was told that one committee of five elders (four of whom had since deceased) conducted the first hearings, then a second committee heard outstanding issues and reported their decision to a large meeting from which over 200 people signed their report. The Land Council heard objections to this report but some boundary disputes remained unresolved. As a consequence the Appellate Court annulled the decision of the Tokerau District Māori Land Council, which had confirmed the Block Committee report, on the basis that ‘there is practically no evidence to guide us to a final decision on the questions raised by the several appeals’.⁹⁹⁵ Three of the four unanswered

⁹⁹¹ NMB 41, p.237. DB21.

⁹⁹² Berghan Block Narratives, Vol. V, pp.323-28.

⁹⁹³ Young, pp.258-63.

⁹⁹⁴ Auckland Native Appellate Court MB4, 19 November 1907, fol.35-9.

⁹⁹⁵ Native Appellate Court MB4, 22 & 26 November 1907, fols.9 & 12; Auckland Native Appellate Court MB4, 26 November 1907, fols.64, 205-07.

questions were about ancestral rights and whakapapa. The case was sent on to the Native Land Court for investigation of title.

This hearing started in Kaikohe in April 1909. Key kaikōrero included: Kaka Porowini, Hōri Whiu, Norema Wi Hongi, Raina Puriri, Hirini Tauī, Hirini Katene, Maera Kuaō, Mihaka Hapati, Nau Paraone, Matiu Wi Hongi, Te Manuhiri, Hōri Poi, Hare Mokena, Wharepapa, and Riri Maihi.

Hapū represented were: Ngāti Manu, Ngāti Whakahotu, Ngāti Whātua, Te Ngāre Hauata, Ngāti Whakaeke, Ngāti Hineira, Te Uritaniwha, Ngāti Rangi, Ngāpuhi, Te Whānau Whero, Ngāti Hine, Te Orewai, Ngāti Moerewa, Te Whānau Wai; Ngāti Horahia, Ngāti Moe, and Ngāti Rāhiri.

The president of the Tokerau District Māori Land Council, Blomfield, represented the claimants, who relied heavily on the proceedings of the committees that had been established to hear claims years before.

Kaka Porowini claimed under Makoko by take or conquest raupatu. He asserted that any rights of Rawhiao and Tupumanawapa were extinguished by the conquest of Makoko Wheki (Ngāre Hauata), Te Waha and Taratikitiki.⁹⁹⁶

The boundaries of land claimed under conquest commence at the mouth of the Te Keho Stream, by northerly by the Punakitere Stream to Hoiroa [?]. From thence it turns inland westerly to Waipuehu; thence to Te Kirea, Waipapa, Waikoukou on the boundary of Maungakawakawa, thence by that line to Mangaone Stream, turning southwards by that stream to Te Ruakokopu, Waikurakura, then turning westerly to Tarakahu, Te Awamutu, Paramarua, then southerly to Rapahangarua, Taumataoneone, thence easterly to Te Horopapa, thence turning northerly to Pukewhariki; Te Tawapaopao, turning to the east to Whakapipi; to Te Kehopa, thence to the starting point at the mouth of Te Keho.⁹⁹⁷

To reinforce his claim, Kaka recounted an incident between Ngāti Whakahotu and Ngāti Manu:

The descendants of Tupumanawapa are Ngāti Whakahotu; and the descendants of Rawhiao were Ngāti Manu. The dispute was about some flax belonging to Ngāti Whakahotu which was cut by Ngāti Manu. The flax was known as Kariparipa. [Ngāti Manu cut some that belonged to Ngāti Whakahotu.] Tupu, Rawhiao and Te Waha were occupying this land at this time. Ngāti Whakahotu then took

⁹⁹⁶ MLB TTMB 3, p.278. DB22.

⁹⁹⁷ MLB TTMB 3, p.285. DB23.

possession of some land at Puketaka belonging to Ngāti Manu. They also took another place called Kawekaroa where the kaingas of Ngāti Manu were.⁹⁹⁸

Ngāti Manu were living at Motuwharangi pā, and Ngāti Whakahotu were at Turere. The house of Te Waha was called Haeretuterangi. The pā of Te Makoko was at Taiamai, at Te Ruahoanga.⁹⁹⁹

Kaka Porowini named a number of key historical sites on the block, and spoke about mana whenua.

The land in the locality of Hikurangi [in the time of Makoko] was under the mana of Whe. Whaingaroa in his time went there & he became possessed of the mana over a portion of the land.¹⁰⁰⁰

The Court limited disputes over ancestral rights by simply accepting all ancestors had rights, without determining any priority on the basis of ancestry. It confined its determination to classes of occupation, for which the Court itself had steadily established precedents from early in its operation. At the conclusion of the hearing, and before giving its own decision, the Court suggested the disputing parties negotiate their own settlement, with the guidance that ‘it would be better if the Natives could agree among themselves for an apportionment ... on an equitable and sensible basis so that some would get into one Block and some into another rather than all to try to secure inclusion in every Block’.¹⁰⁰¹ But an overnight attempt to do so failed, and the Court delivered its decision the next morning.

Judgement was delivered on 13 May 1909.¹⁰⁰² First Gilfedder outlined some of the history of the Block investigations.

The claims for inclusion in this Block were considered by a Block Committee whose recommendations were subsequently given effect to by the Tokerau Māori Council which made orders dividing the Block... Numerous appeals ... The Appellate Court in 1907 annulled the orders made by the Council and as a consequence this court had to begin the investigation de novo [anew]

He explained the process the present Court had been through, and would now proceed to.

⁹⁹⁸ MLB TTMB 3, p.286. DB24.

⁹⁹⁹ MLB TTMB 3, p.286. DB24.

¹⁰⁰⁰ MLB TTMB 3, p.295. DB25

¹⁰⁰¹ NMB 41, 12 May 1909, pp.320-21. DB26.

¹⁰⁰² NMB 41, pp.322-26, 354, 360-61. DB27.

Every opportunity has been given to the Natives to arrange amicably amongst themselves the basis upon which this block should be apportioned ... as ancestry alone without occupation will not constitute a title, the main issue is to determine who have, and who have not rights by occupation.

Gilfedder then proceeded to deliver one of his most scathing attacks on claimants' evidence. His words bear repeating fairly fully here as they contain some important principles and prejudices that he employed.

It must be quite patent that the occupatory rights of many of those who seek admission are of the most nebulous, flimsy, and imaginary character...

His comments clearly indicate that he gave no weight, nor attributed any validity, to oral traditions. The principles he referred to are as follows:

In awarding the areas to the various claimants this Court has been guided by the rule laid down by the Appellate Court in Mōtatau No 3¹⁰⁰³ ... Those who have been able to satisfy previous Courts that they and their elders for generations past have continuously occupied other blocks...cannot readily convince this Court ...that they and their ancestors lived also continuously on Mōtatau No 5.

In addition to this occupancy rule, the Court applied another consideration in the Mōtatau 5 case: the interests various claimants held in other lands in the district. Those with large interests in other blocks received a smaller interest in Mōtatau 5. In so doing, Gilfedder laid bare his own prejudices, failure of understanding and lack of inclination to understand, reflecting prevalent attitudes of some Pākehā towards land use and occupation of the times.

Gilfedder then spelled out the Court's decision based on these principles and prejudices.

It is quite clear and generally admitted that the Kuao family have the best occupatory claims to inclusion and we award to the persons on the list of Maera Kuao an area of 7250 acres. Kaka Porowini has also occupied but he has received the maximum shares in other Blocks and in some instances succeeded in having himself appointed trustee for nearly 150 minors in the one block. He also made use of the labour of other men in clearing areas on Mōtatau No 5 under the belief on their part that they would become owners when the lists were being considered by the Court. He has since discarded them and is now opposing their claims – The court awards to Kaka Porowini and those on his lists an area of 4000 acres.

¹⁰⁰³ See President's Appellate Court Minute Book 3, p.238-40, referred to earlier. DB8.

Wi Hongi's party also have occupation but they have large interest in a valuable block called Taraire and are owners in other districts ...

Hami Kingi and party have a right by occupation and do not seem to have acquired much land outside of this block ... – We award them 3250 acres. Nau Paraone has large areas in the other Mōtatau division but large as are the interests of himself and his relatives there is reason to believe that they would have secured more shares had not Kaka Porowini succeeded in his aggrandisement in these blocks. ...

In pursuance of an agreement by and between the elders Paki Erueti should confine his claims to Maungakawakawa and according to the evidence given in this case Putoto Kereopa and Hore Rakete should have better claims in that block than in Mōtatau No 5 – Their lists are therefore transferred ... We consider that those on the remaining lists have grown cold and that their applications should be dismissed.

After awarding these areas, there remained 300 acres, which he considered should be set aside for a papakāinga at Te Pohue, where there was a settlement and a school. But his judgement was not the end of the matter. Although some satisfaction was reported from Erueti and Hori Whiu, they suggested the papakāinga be increased to 500 acres, the additional 200 coming from Maera Kuao's allotted area. On 20 May, claimant's counsel Blomfield stated that:

In order to get a final settlement ... and to preclude any danger of the matter being hung up through an appeal by any one of the disappointed claimants it had been decided by the [successful] claimants that they would contribute 1000 acres to be distributed amongst the unsuccessful counterclaimants and the latter had agreed to accept the share allotted to them¹⁰⁰⁴

Claimants suggested taking 75 acres from the 300 for the papakāinga to go to two others. After further discussion on the same day, the list of awards was rearranged and the remaining 225 acres of the papakāinga land was redistributed pro rata to the successful candidates who had contributed the 1000 acres for the unsuccessful. Each of the claimants to whom shares had been allotted were to provide their own lists of further allocation to the Court for approval the following week.

According to the claimants many questions are asked such as was the suggested amendment really about trying to avoid an appeal by the disaffected parties? Or were the successful claimants actually rejecting both the principles and the outcome of the judgement, and instead acknowledging the validity of ancestral claims regardless of occupation? In fact did occupation of land carry a different meaning from residence? Kaka Porowini certainly thought so, as he explained that occupancy did not mean

¹⁰⁰⁴ NMB 41, p.354.

living on the land but included being involved in its management. And was the suggested change as much about repairing relationships that might have become strained during the Court proceedings? The amendment might also have been one way to continue to exert the mana whenua that the Court undermined.

Title to Mōtatau 5 was awarded on 2 August 1909. 21,521 acres was awarded to 811 owners; 473 acres became the Pohue Papakāinga; six acres were set aside for Ngawhakarora burial ground (three acres each contributed from the awards to Pere Wi Hongi and Horima Wimuri) and three other burial reserves amounted to a further six acres.¹⁰⁰⁵

However, the offer of 1000 acres to people whose claims were unsuccessful did not achieve its objective. In September 1910, the Native Appellate Court heard eight appeals against the decision of the Native Land Court. Eight years after the initial hearings involving the five Mōtatau blocks, the basis of a stable title remained undetermined.

Three appeals against the general decision of the Native Land Court were dismissed. The appeal lodged by Kamariera Wharepapa, a former Land Court Assessor, was dismissed in a single sentence on the basis that he was ‘a very honest gentleman who in his own mind believes that he has a legitimate right but except in his own imagination, we consider that he has no right whatever.’¹⁰⁰⁶

Three appeals were against the relative interests awarded, and of the remaining two appeals, one was settled before the Court gave its decision, and the other was deferred to be heard in another block case. For the appeals concerning relative interests, the Appellate Court examined the principles that the Native Land Court had applied with respect to occupancy, which it upheld. It also confirmed the principle relating to interests in other lands in the district on the basis that this principle, which attempted to ‘consolidate each owner’s interest into the block in which he had his “noho tuturu” instead of having his interest scattered throughout each block’, was consistent with the consolidation principle contained in the Native Land Act 1909. The Appellate Court went further to deal with instances of those who had tribal affiliations outside the district and also claimed in the Far North. If they lived elsewhere their claims to land in the north were rejected. However, in instances

¹⁰⁰⁵ NMB 42, 27-28 May 1909, pp.10-12; 2 August 1909, p.258.

¹⁰⁰⁶ NMB44, p.171A. DB28.

where these rights or claims were mataotao (went cold), but the people who the Court considered to be the 'rightful' owners chose to gift interests, the Court did 'not feel disposed to prevent them' and was willing to confirm the gifts if there was no objection.

As Young observed, after seven hearings over eight years there were no further avenues for parties to continue disputing rights to the land; their only recourse was to the political arena. He concluded that the Court's own legislative framework provided opportunities for disputing kinship groups to continue debates through several appeals, and therefore the structures established under Carroll's legislation did not provide a basis for establishing settled title to Māori land.¹⁰⁰⁷ The question remains then that while this might have been the case in some instances, was the outcome more acceptable to claimants because it had gone through several rounds of debate?

Partitioning started in July 1911. Alienations started in 1917. Over the first five years of alienations, over 4300 acres were sold, mostly to Pākehā, but Kaka Porowini bought about 220 acres in 1920.

In the late 1960s ten subdivisions were declared European land, and in 1974 nine blocks were amalgamated to form the new Awarua A block.¹⁰⁰⁸

¹⁰⁰⁷ Young, p.263.

¹⁰⁰⁸ Berghan Block Narratives, Vol. V, pp.329-336.

Map 21: Pipiwai No. 2, 1905 (also known as Te Angiangi)



Associated hapū: Ngāi Tāhuhu, Ngāti Horahia, Ngāi Tawake, Ngāti Toki, Ngāti Hine (including Te Orewai and Ngāti Pongia see Arapeta claim) and Ngāi Tai.

Key Tūpuna: Pongia, Morekai, Hakiki, Hape, Kōkako, Te Wha, Ponaharakeke.¹⁰⁰⁹

Title investigations started in May 1905 at Whāngārei, before Judge J. W. Browne.¹⁰¹⁰ A number of claimants presented their evidence and whakapapa. These included: Hoori Rewi, Hemi Maui, Hirini Tauī, Arapeta Whare, Matiu Pakira, Petuere Rauriki and Te Rata.

When Judge Edger delivered the Court's decision almost two years later, on 29 April 1907, he summed up the positions of the claimants and counter-claimants:

¹⁰⁰⁹ Sometimes spelt in the Land Court records as Ponoharakeke.

¹⁰¹⁰ WMB8, pp.15-64.

There are seven parties to this case

1. The claimants are Hori Rewi & party who set up as regards the north end of the block, a gift by Tauru to Kokako, upon the marriage of Hape, son of Kokako, to Kahuma... daughter of Tauru.

As regards the Southern (main) part of the block, Hori Rewi sets up a gift by Tauru to Tewha in return for services rendered to Ng. Tahuu.

Counter claimants have been set up as follows:-

2. By Arapeta Whare. Under Pongia
3. By Matiu Pakira. Under Morekai & Kiha
4. By Rata Pirini. Under Hakiki, setting up also a gift by Morekai to Hakiki
5. By Mita Wepiha. Under Tupinea and by conquest over Ng. Tahuu
6. By Marara Hirini. Under Kahukuri and by gift to Hape upon the marriage of Tangaroa, a descendant of Kahukuri, with Towai, daughter of Hape
7. By Hemi Wa. Under Hape

These several claims mutually conflict one with the other, altho' most of the parties are more or less connected.¹⁰¹¹

Hoori Rewi claimed part of the block through Kōkako, and the remainder through his ancestors Te Wha, Ponaharakeke, Ngo and Kirimangeao, on the basis of ahi-kā-roa, occupation rights, burial places and residences. He also gave boundaries for his claim under Kōkako,¹⁰¹² then claimed the rest of the block under the other four tūpuna. (See Chart 161.)

Hemi Waa and Hirini Tauī claimed through Hape (a descendant of Pongia) and also represented others claiming under Kahukuri,¹⁰¹³ but Arapeta Whare said that 'Hape's claims are at Mōtatau.' He also objected to the statement of Hirini Tauī that the land was a gift to Hape. 'Had he said the gift was to Omanani then I would have consented.'¹⁰¹⁴ Mita Wepiha said he would have to set up a separate case as he found

¹⁰¹¹ WMB 8, pp.161-62. DB4.

¹⁰¹² WMB 8, p.16.

¹⁰¹³ WMB 8, p.16.

¹⁰¹⁴ WMB 8, p.38. DB29.

that his take was not the same as Hemi Waa's. Matiu Pakira also wished to set up a case under Morekai and Kiha.¹⁰¹⁵

Arapeta Whare claimed rights by ancestry (through Pongia), occupation, pā, mana, ringa kaha and cultivations at Pipiwai, on both sides of the stream.¹⁰¹⁶ These included Ngatahuna on the Pipiwai side of Hikurangi Stream and at the junction of Mangakāhia and Hikurangi, on the Hikurangi side, which had been cultivated by descendants: Te Muha, Te Hiakina, Huna, Paora and Hoera. Hori Hirini, the grandson of Inia Whare lived there at the time.¹⁰¹⁷ Arapeta named two pā on the block, Rewarewa and Aoreia, to the south, close to the Mangaroa Stream, and a burial site Wharehuinga. Since Christianity was introduced, Te Orewai and Ngāti Pongia hapū lived on the block together, but buried their dead at Te Rakautahi, outside the block on Maungakohatu, which after investigation by the Block Committee was awarded to Pongia. A dispute over the sale of Oue No. 2 block by the father of Arapeta Whare to a European, which resulted in a fight at Waitomotomo, separated these two hapū. The dispute was dealt with by Governor George Grey in Auckland in 1863.¹⁰¹⁸ Thereafter Maihi laid down the rohe potae for two blocks [Pipiwai and Angiangi] – Te Orewai lived at Maungakohatu, outside the block, and Ngāti Pongia continued to live on the block.¹⁰¹⁹ Matiu Te Aranui erected a pā at Waitomotomo.¹⁰²⁰ Arapeta said that Te Tirarau and his hapū sold part of Waitomotomo to the Crown, and the money was divided amongst Te Parawhau, Te Uriroroi and Te Orewai.¹⁰²¹

Matiu Pakira (Ngāi Tawake) said that in the time of his ancestors, Ngāti Toki and Ngāti Hine were living on the land. Ngāti Hine occupied the area from Waiōmio to te Maunga; Ngāti Toki from Mangakāhia, including the Pipiwai block. The two lived together at Pouerua (at Pakaraka). The two groups separated and fought after Kaueri was murdered and Te Kopa committed suicide. Ngāti Hine went to Mangakāhia, where Tukitahi, the ancestor of Pakira made peace and gifted land to Ngāti Hine around Matirawhatia. Pakira said that Ngāi Tāhuhu had the mana over the land subject to the investigation.¹⁰²²

¹⁰¹⁵ WMB 8, p.35.

¹⁰¹⁶ WMB 8, p.16.

¹⁰¹⁷ WMB 8, p.36.

¹⁰¹⁸ WMB 8, pp.45-6. DB30.

¹⁰¹⁹ WMB 8, p.46. DB30.

¹⁰²⁰ WMB 8, p.51. DB31.

¹⁰²¹ WMB 8, p.46. DB30.

¹⁰²² WMB 8, p.52. DB32.

Petuere Rauriki claimed under Hape as a descendant of Torongāre.¹⁰²³ In his related claim, Te Rata Riini said that the land originally belonged to Ngāi Tāhuhu. Morekai and Tauru were the first of those people on the land. Toiwa and Torotoro were at Nukutawhiti. Tūhukea was on the other side of Hikurangi; his son Kōkako was born there.¹⁰²⁴ According to Rauriki, the son of Kōkako, Hakiki, and his children (descendants of Torongāre through his wife Te Awhi, half-sister of Ponaharakeke) took possession of Ngakuruparauri (which he named after an attribute of his children). Ngāi Tai were living at Pipiwai at the time. The children of Hakiki fought them; Morekai settled peace. Hakiki was given land from Ngatahuna to Papunuhia and beyond; Ngāi Tai went to Waikare. After further fighting between Ngāi Tai and the descendants of Hakiki at Kaikou, in which the grandson of Hakiki, Marere, was killed, Ngāi Tai fled to Mangakāhia.¹⁰²⁵

In its final judgement, the Court (then under Judge Edger, with Mare Teretui as assessor, and M. H. Walker as clerk and interpreter) decided that the land originally belonged to Ngāi Tāhuhu but the mana of this tribe was undermined by other hapū coming onto the land. He also noted that there was no clear evidence of the actual defeat of Ngāi Tāhuhu, but ‘they were certainly constrained to give up a large share of their lands to the incomers’. The judge also set aside all claims under gift, as they were too contentious, each one being set up with the purpose of ousting another.

Most of the alleged gifts are gifts to Ng. Tahuhu, either as pā Kuha [sic] upon the marriage of Ng. Tahuhu women to the several ancestors spoken of, or for services rendered by way of protection.¹⁰²⁶

The claims of Arapeta Whate (Whare?) under Pongia; Matiu Pakira under Morekai and Kiha; Marara Hirini under Kahukuri, all Ngāi Tāhuhu ancestors, were therefore rejected. Effectively then, by disallowing any claims under Ngāi Tāhuhu ancestry, the judge meted out in Court the defeat that was not achieved on the battle field.

The 4,540-acre block was awarded on 1 May 1907 to 261 owners who were descendants of Hape, Kōkako (including his son Hakiki), Ponaharakeke, Te Wha, Ngo and Kuimangeao, who could show occupation.¹⁰²⁷ But the claim of Hori Rewi was admitted through Tūhukea, who was himself a descendant of Tāhuhunui-o-rangi.

¹⁰²³ WMB 8, p.61.

¹⁰²⁴ WMB 8, p.67.

¹⁰²⁵ WMB 8 pp.68, 70.

¹⁰²⁶ WMB 8, p.162. DB4.

¹⁰²⁷ WMB 8, p.161-64.

Chart 161: Decsent lines of Hori Rewi from tūpuna to whom Pipiwai 2 was awarded

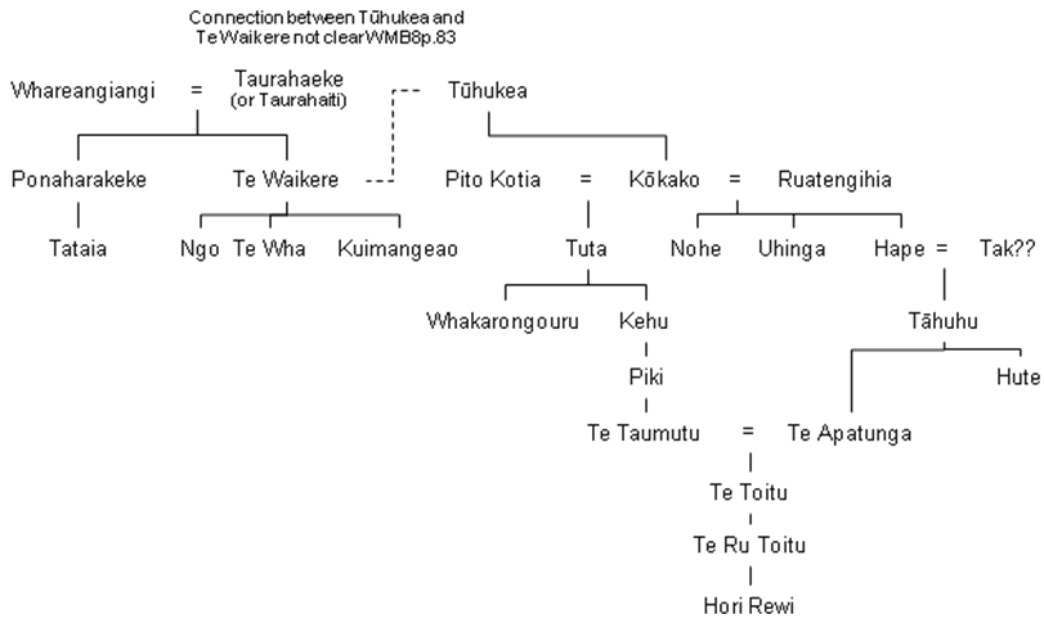
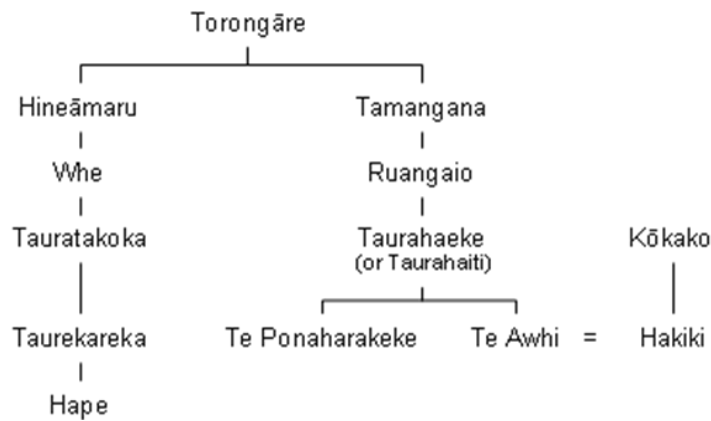


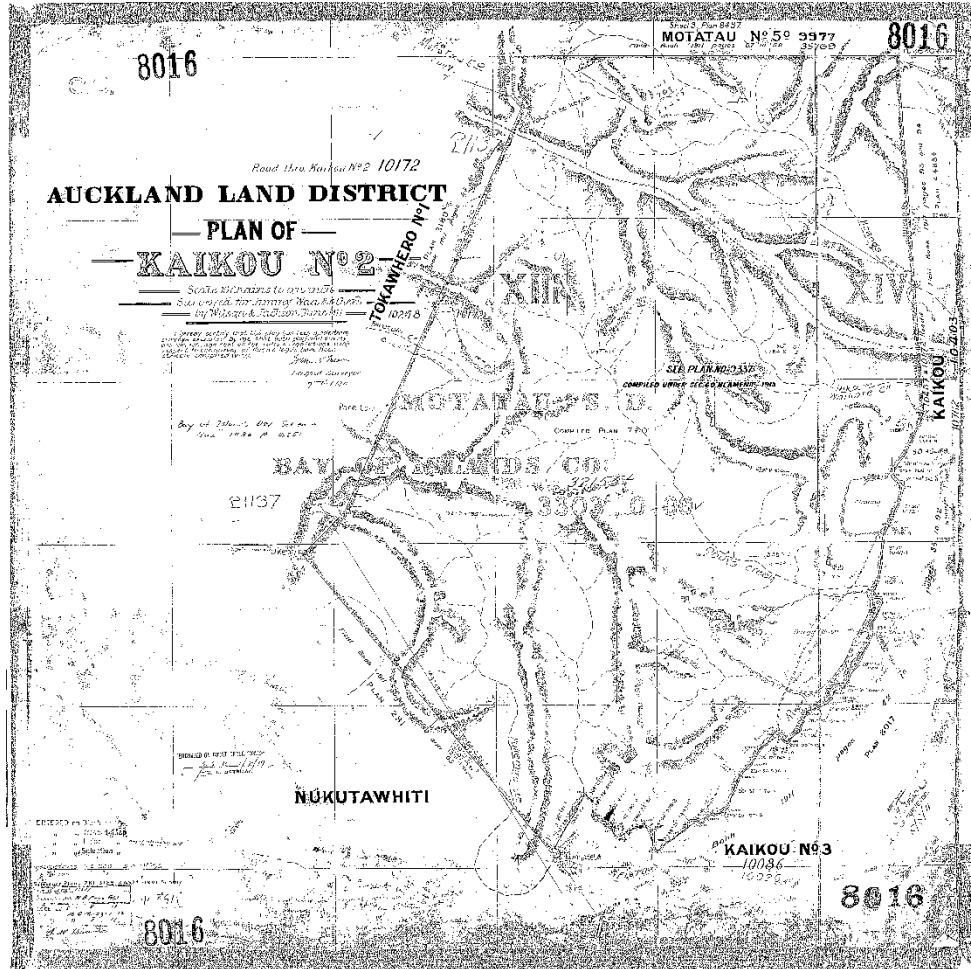
Chart 22: Hape descent from Torongāre



The block was partitioned into eight blocks, just over a year after it was awarded. The largest block (3,866 acres) had 228 owners.

A block of 367 acres was declared to be Crown Land (NZG52/732) in May 1963. In 2006, 1841 acres of the original 4540 remained as Māori land.¹⁰²⁸

Map 22: Kaikou/Te Horo, 1904/5



Although effectively one area of land, like Mōtatau blocks, Kaikou 1, 2 and 3 were dealt with at times together and other times separately but also with Mimitu. A Papatupu Block Committee was set up and heard evidence from various claimant parties in 1907. However, the Native Land Court had dealings with the land before title was investigated. Timber was being cut and sold from the blocks and the court issued injunction orders to all owners, and also to the Kauri Timber Company, in the case of Kaikou 3, to stop cutting, removing and selling the timber. Injunctions were issued in 1904, 1905, 1906 and 1908.¹⁰²⁹

¹⁰²⁸ Berghan Block Narratives, Vol. VII, pp. 205-209.

¹⁰²⁹ Berghan Block Narratives, Vol. IV, pp. 223-240.

After title investigation, the first Kaikou block (approx 4800 acres) was subdivided into six blocks on 18 May 1905. Blocks E and F were for urupā. However, the first four block titles were not finalised at this point and more than eleven years later new orders were issued. Over the next four years, substantial partitioning took place, and in 1919/1920 approximately 1000 acres were alienated, the largest of which (242 acres) was bought by Henare Paraima. Further injunctions against cutting trees and removing timbers were issued between the late 1930s and mid-1940s. Power lines were erected across several blocks in 1944, for which compensation was paid, and a road was built over a number of the partitioned Kaikou blocks in 1947 without compensation. In 1965 a number of the blocks were eventually amalgamated into the Te Horo block. In 1979 Kaikou C5A was redesignated as a reserve for Eparaima marae, and in 1982 a small section of land was set apart for Huanui Cemetery for descendants of Te Orewai and Ngāti Hine. In 2006, about 320 of the original 4800 acres remained as Māori land.

A Freehold Order was issued to 283 owners of Kaikou 2 (3245 acres) on 28 June 1910. Over 1913-1914 a series of purchases by Kenneth and Kate Finlayson completely alienated Kaikou 2.

A Freehold Order was issued to 335 owners of the largest Kaikou block, no. 3 of 9530 acres, on 26 January 1911. The block was apportioned into 45 lots in 1912, four of which were to be held by all owners, one as an urupā. Further portioning took place over the following eight years, as well as alienations, including five acres for a Crown School site, for which ten shillings was paid. A public road was proclaimed over six acres of Lot 31. In 1929, one acre was vested in the Church of Jesus Christ of the Latter Day Saints Trust Board as a church site. Power lines crossed the land in 1944, and about four acres was set aside for a marae in 1948. Three reservations were set aside in 1959, 1963 and 1967, and in 1965 a number of blocks were amalgamated and joined the Te Horo Block. In 2006, just over 91 acres remained as Māori land.

Maungapohatu, 1906

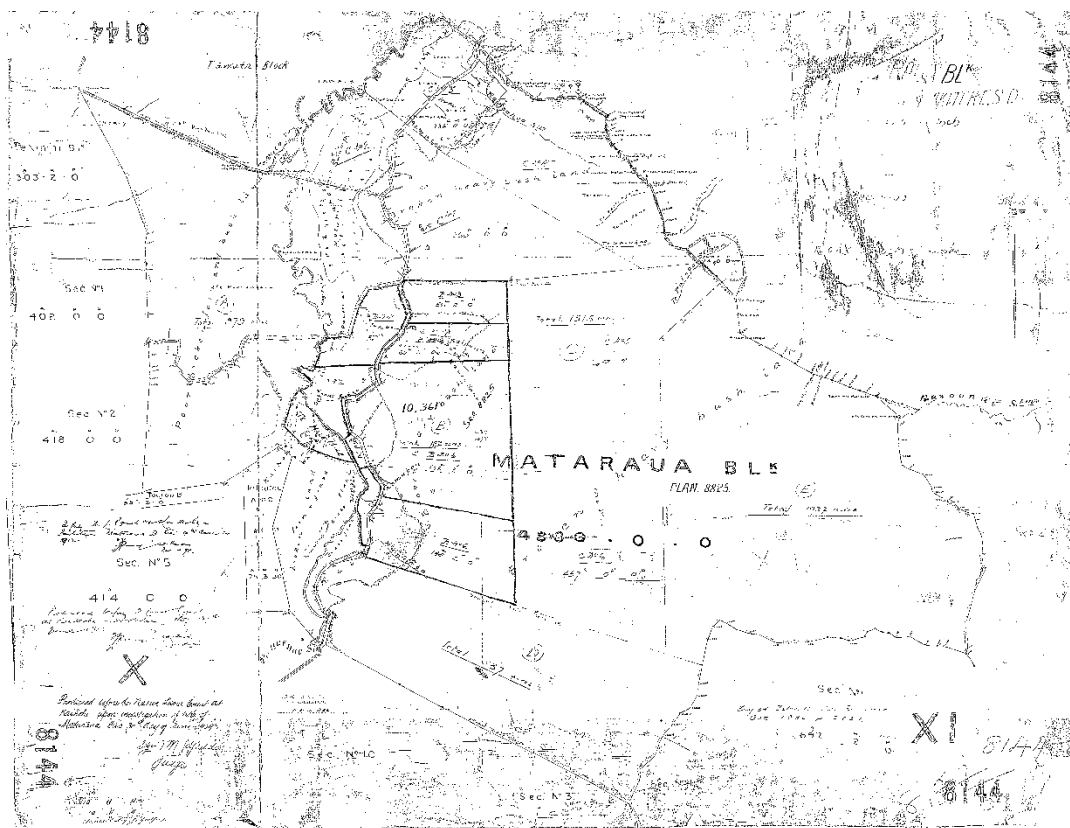
The 3,000-acre block came before the Court in 1906. Objections to the way in which shares were allotted were heard from a number of kaikōrero.

The final judgement was that Eparaima had a right by occupation and that his allotment should be increased to 400. Correspondingly, shares allotted to Mate Komene, Awaroa and Hoori Rewi would be decreased by 50 shares each. The final

allotment then was Arapeta Whare 750; Mate Komene 450; Awaroa 100; Eparaima 400; and Hoori Rewi 300.¹⁰³⁰

The Court awarded the block to 532 owners on 29 August 1906. In 1911 the block was partitioned into one North block of 1314 acres with 532 owners, and three South blocks. The South blocks were further partitioned and some were sold, but the North block remains intact. At a Court sitting in Russell on 23 October 1941, owners of the Maungapohatu North block decided to sell the milling timber on the land to the Katikati Timber Company Ltd for a price of £5,410 fixed by the state Forest Service.¹⁰³¹

Map 23: Maungakawakawa/ Mataraua, 1909



¹⁰³⁰ MLB TTMB 5, p.233.

¹⁰³¹ Berghan Block Narratives, Vol. V, pp. 202-204.

Tūpuna associated with Mataraua: Iritoka, Katangi, Kino, Te Kouma, Nukutawhiti, Paewhenua, Te Pou, Te Ra, Tamakiterā, Tautahi, Te Toko o te Rangi, Uiramea.¹⁰³²

The Mataraua block of 4880 acres came before the Native Land Court in May 1909. Putoto Kereopa claimed under the ancestors Kino and Tautahi and through permanent occupation. The case was contested and the result was appealed. Hori Whiu and others claimed under Tawakehaunga, Waiherunga and Whitiria and by reason of occupation. He claimed to have lived there on and off since 1879, although he left in 1880 and returned in 1887. Whiu had been awarded about 1100 acres.

Whiu explained that Tawakehaunga and Kino were the tūpuna but the Block Committee threw out Kino as he was the ancestor for Maungakawakawa.¹⁰³³ The Board had adopted the Committee report but an appeal was lodged in the Appellate Court and it was referred back to the Native Land Court. At that time Marama Tahere and Putoto Kereopa had received 1200 shares, although their tupuna was rejected. Whiu claimed that all present occupants of the Block were Tawakehaunga descendants, and that the only descendants of Kino buried on the block were those of intermarriage between Kino and Tawakehaunga descendants in the last four generations; there were no genuine Kino descendants buried on the block.

Another counter-claimant, Wiremu Tuwhai, objected to Putoto's claim, stating that a meeting at Waiōmio in 1895 had determined that Kino's descendants would have Maungakawakawa and Tawakehaunga's would have Mataraua.

Maungakawakawa was heard along with a number of other blocks, including Mataraua, Kohatutaka, Waerengatua, Kohewhata and Wawa. In the Mataraua judgement on 22 June 1909, Judge Gilfedder made the following statement about the claims process, which followed a similar pattern to the Mōtatau 5 judgement referred to earlier in this report.

A great deal of evidence has been given by or on behalf of the parties seeking inclusion in the several Blocks. In making cases the witnesses flatly contradicted the evidence given by them in previous courts when the titles to other Blocks were under investigation. An impression seems to have been created in the minds of the Natives that by rambling about from one Block to another they could establish a right to a greater aggregate number of acres than had they resided permanently on any one Block. One witness admitted that he had

¹⁰³² Papatupu Book 48, cit. Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.422(n811).

¹⁰³³ NB There are two Maungakawakawa blocks, this one near Mataraua, and another near Te Ahuahu.

interest in at least 25 Blocks whilst another confessed that it had been her custom on all previous occasions when giving evidence to call the Block then before the court, her permanent Kāinga. According to the minute books she has had over a dozen permanent abodes and must be between 300 and 400 years old. As this Court had to deal with a number of Blocks at the one sitting we have [been able] to minimise the evils resulting from a tendency to “build up” long periods of occupation in each case – We have taken into consideration the ancestral rights and the evidences of occupation by the various claimants and have so adjusted the areas in the several Blocks that the most cunning, blatant and nomadic applicants do not secure an undue advantage over those who recognise “that a rolling stone gathers no moss” and who consequently remained and cultivated on the lands of their elders.¹⁰³⁴

Several conclusions can be drawn from the nature of this statement. One is the sense of frustration that the Court experienced. Another that is worthy of further exploration is the frustration of the claimants, and the ways they sought to frustrate a process that did not serve their interests well.

Either the irony of the statement eluded Judge Gilfedder, or he was exaggerating to justify the somewhat cavalier attitude he took to awarding title. The irony was that, by 1909, so much Māori land had passed from the original owners that they were compelled to live somewhere else, often on land that had been occupied by different groups. If they had lost land in the push by Government to purchase land up to the 1860s, then, by 1909 they had been ‘continuously’ occupying different land for 40 years or more. If they had lost the land they occupied more than once, then their habits would become more nomadic. ‘Rambling’ from one block to another was an outcome of the very process that the judge was using to reward those who ‘remained and cultivated on the lands of their elders’. By assessing the claim on the basis of long-term occupancy only, the judge reinforced residency over ancestry as the basis of valid claims. However, as has been explained at length in the *“He Whenua Rangatira”: Northern Tribal Landscape Overview Report* for the north, customarily occupation was not sufficient on its own; ancestry was always a strong consideration.

Well before this case was heard, the status of claims on the basis of occupation had been elevated by the Native Land Court, as F.D. Fenton explained in the Hauturu case.

¹⁰³⁴ Judge Gilfedder, 22 June 1909, NMB 42, p.116, cit. Henare, Petrie, and Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', p.423(n813).

I claim that the Court is bound by this principle of law, i.e. that a person in possession is not to be turned out except on proof of a better right by other persons. A precedent can be found in Tiritirimatangi when the persons in possession did not show a very good title but the persons claiming the land did not show a better one and consequently the Court did not disturb the actual possessors. In that case the Ngatiwhatua and allied tribes claimed by ancestral occupation in remote times. Though the occupation was not very definite or certain. This was a very poor case, but in the absence of any opposition it might have been upheld, had not there been objection on the part of persons in actual possession, viz the Government. The Court therefore declined to disturb the actual possessors.¹⁰³⁵

Fenton used the example of the *government's* occupation of Tiritirimatangi to reinforce the Ngāti Wai claim in the Hauturu case, even though in the Tiritirimatangi case Fenton stated that the possessor (the government) did not have a very good title. Thus, by the time Mataraua was heard the precedent for occupation rights had been firmly established in the Native Land Court process, regardless of customary priorities.

Te Kooti Tango Whenua: The Role of the Native Land Court in the North

The Native Land Court emerged as one in a succession of instruments that would be wielded over the following century to obtain certainty of land title. The Court was modified repeatedly as political contexts changed. Two main obstacles to acquiring land were: first, the difficulty of obtaining consent from the large numbers of owners for each land block; and second, the intractable disputes that resulted in multiple appeals against judgements on land rights.

As decades passed, subsequent generations of claimants tended to focus on competing rights of smaller kinship groups within a tribe. The Court process was a debate about long and complicated histories of interaction over many generations. Until the disputes were resolved, certainty of title could not be achieved.

In his PhD thesis, 'Ngā Kooti Whenua: the dynamics of a colonial encounter', Grant Young followed the case of Mōtatau 5, which is an important case for Te Aho claimants. In this case claimants used the district Māori Land Council structures. In fact, the only district in which the land councils were fully implemented was in the north. The Tokerau District Māori Land Council, was the only council that conducted

¹⁰³⁵ F.D. Fenton, Counsel for Ngāti Wai, summing up, Hauturu hearing, 15 October 1886, Kaipara MB 5, p. 41, cit. *ibid.*, p.424(n814).

title investigations. This legislation applied only in limited circumstances, but where it did, it provided many opportunities for appeals, which were exploited to continue debates about customary rights to land.

The Māori Land Administration Act 1900 shifted responsibility for hearing claims to customary land from the Native Land Court to block committees elected by claimant groups. Papatupu block committees operated for nine years, until the Native Land Act 1909 returned customary land investigating to the Native Land Court. Contrary to the impression that had been given to Commissioners Robert Stout and Āpirana Ngata that these were ineffective, the Commissioners found the committees' 'results were astonishing' in Te Tai Tokerau region in their nine-year lifespan, until they were abolished.¹⁰³⁶

The different claimants appointed block committees, which usually comprised hapū elders. The committees heard the claims on marae, generally spoken and recorded in te reo Māori. The committees handed down a decision and submitted it to the Tokerau District Māori Land Council, which either confirmed or rejected it after hearing submissions from the parties in some cases. The Council's decision could be appealed to the Native Appellate Court, which would conduct a further hearing, reject the appeal or refer the case to the Native Land Court to investigate. The Native Land Court would conduct a further hearing in the same way as a title investigation, reach a decision, and issue orders. Dissatisfied parties could appeal to the Native Appellate Court again. These additional three avenues for debating rights were regularly used to continue disputes, as will be shown in the Mōtatau 5 case. However, in this case, after seven hearings over eight years there were no further avenues for parties to continue disputing rights to the land; their only recourse was to the political arena.¹⁰³⁷

Beyond rehearings and appeals within the Court's legislative framework, petitions could be submitted to the General Assembly. Note: Petitions made by people associated with Te Aho hapū are appended to this report. One such was the petition of Terehea te Whanga and others praying for an inquiry into the sale and partition of Parahaki No 1. Block, but this case took a lot of persuading by Tau Henare MHR to proceed further once it reached Government in 1915. An accumulation of many

¹⁰³⁶ AJHR, 1908, IV, G-1J, p. 8; Jane McRae, 'Participation: Native Committees (1883) and Papatupu Block Committees (1900) in Tai Tokerau', MA thesis, University of Auckland, 1981.

¹⁰³⁷ Young, p.263.

petitions also finally led to the 1948 Surplus Lands (Myers) Commission, which included submissions from Te Aho associated people about Ōpuā lands.

Most of the significant blocks of land within the Te Aho rohe were among the latest to come before the Native Land Court – around 1905-09 – when the Court had been operating for some forty years in the north. (These are elaborated on in the Mōtatau 5 case below.) When the Stout-Ngata commission assessed land-holding in 1906, in the Bay of Islands County (including Kaikohe and Mōtatau), 2571 Māori retained ownership of 228,737 acres.¹⁰³⁸ This equated to 88.9 acres per capita. But this would soon change.

In 1862 Maihi had created a boundary division between Ngāti Hine and Ngāpuhi lands. In January of that year, a hui was held at Kawakawa, at which Ngāpuhi were going to appoint Maihi as chief, but at the last minute they changed their minds. Maihi responded to this slight by creating the boundary division, known as Te Rohe Pōtae o Ngāti Hine. Ngāti Hine lands were also partitioned under the title of the people who occupied them at the time. In 1887 these sections became collectively known as the Mōtatau block.

Maihi continued to open up areas in Taumārere for European settlement, keeping the promise he made after the Maiki Hill flagstaff was re-erected. However, he realised that unless he managed this process carefully his own people could become landless. Te Rohe Pōtae o Ngāti Hine, originally intended as a partition of Ngāti Hine lands from those of Ngāpuhi, then served to hinder government intrusion.

By 1874 Maihi Kawiti was highly suspicious of the processes that were alienating Māori from their land, reflected in Te Waiata Pupuri Whenua o Ngāti Hine, which he composed in that year.

Maringiringi ai te toto i raro ra ei
Ko te hekenga tonu na Maui
Ana pokapokanga
He tini te kowhao homai noa ra
He kati mo te Whenua e
E mau aira ko runga noa ra
Te taro ake na ei
Ki taiporutu ra ki te tai whakakii
Na wiri ngā tau ei
Pokipoki te tara ei
Te taka no ake, he koraki te hau ei

That blood has been spilt
upon this legacy of Maui
its lacerations
dividing it into many forms
to establish territories
that defines its surface
as it lies
from generation to generation.
As the years pass
and the people proliferate
a wind (the Pākehā) sweeps in from the
north

¹⁰³⁸ Stout-Ngata commission report, AJHR, 1908, G-1j, p.7.

Hei whiu i ahau	to expel me.
Noho ana hoki au ki te kei o te waka	I take my place at the stern of the canoe
Nou e Rohe hei tū piki noa	Rohu come to the fore
Mau nei e taiki e	Let you engage him
Ma te whakapua noa	Lest by simple proclamation
Ka riro ra ngā tangata o tēnei Whenua	The people of this land are overtaken
Ka memene ki tawhiti e	And we are left to look forlornly to the past.
Te mutu ra ia toe Rotu, te tangata ra e	When will this man desist,
Nana i ako mai, ko Anaha i titiro ei	For he has taught us, that as Annais had looked askance
Huri rawa i raro ra	with his eyes downcast
Kei te ekena mai, keke ana te papa e	when the deed is done, it would have shaken the very foundations
To pae rangatira e	of your assembly of Chiefs

Maihi issued a declaration of ownership, signed by his council of elders, under the Rongomau seal. In 1887 it was forwarded to the government.

Ngāti Hine had a deliberate policy of not selling land.

When Maihi Kawiti was the chief of Ngāpuhi (1867-1888), 1854-1889 he established te rohe potae o Ngāti Hine (1878), the boundaries of which were: Ōpua to Pouerua, from Pouerua to Tautoro, to the Tarai o Rāhiri, to Whatitiri and on to Maungatapere, to Manaia and on to Motu Kokako at Ōpua. A law was given that no land within Ngāti Hine was to be sold to the European. Later on in years, the elders of Ngāti Hine passed away and their descendants began to sell the land to the European. We Māori say that the Pākehā stole our land. Our land was sold by our own people to the European. At the time Maihi established te rohe potae, the sacred whare rūnanga Te Porowini which now stands at Ōtiria, once stood at Taumārere and the people of Ngāti Hine lived there beside the sea. When Te Kooti Whenua Māori divided the land the people also divided and went their separate ways, leaving Te Porowini to stand alone.¹⁰³⁹

The days when my father stood as Member of Parliament, the land I spoke of earlier that was taken by the European is one of the reasons my father stood as a Member of Parliament to fight the European. It began at Waikare; land taken by the government was given back, like Te Kapotai and Ngāti Pare. Discussions for the land of Ngāti Hine took place right here in this meeting house amongst the leaders of Ngāpuhi.¹⁰⁴⁰

After Ruapekapeka, Ngāti Hine had moved inland, from being a coastal people to an inland people. They withdrew into themselves for protection. They shut out the outside world, they shut out Pākehā influence; they shut out Pākehā tikanga and law

¹⁰³⁹ Abstract of Tā Himi Hemare interview, Mōtatau Marae, 1984, p.4.

¹⁰⁴⁰ Abstract of Tā Himi Hemare interview, Mōtatau Marae, 1984, p.6.

and everything else. Maihi Kawiti wanted to take Ngāti Hine back onto the land that Hineāmaru first settled, which is the Mōtatau 1-5 blocks.

Why this was the case is explained by the wording of a whenua papatupu document dated 1874, headed 'Ko te ture mo te Whenua Papatupu 1874',¹⁰⁴¹ rules for the ancestral lands.

Ko te ture mo te Whenua Papatupu 1874

Under Upoko III, referring to the Treaty of Waitangi and laws being made in New Zealand, translated, the document records:

The word of that law states that it is good that Māori law and rules of New Zealand shall remain paramount. The laws and rules that are not bad and do not trample on or oppress the rights of access to wellness should allow those Māori who wish to, to peacefully separate off a portion of New Zealand; a place where Māori law and rules are the norm and paramount.

The Queen, from time to time, through the authority vested in her, shall approve such in terms of her book (authority). It shall be sealed by the Great Seal of the King of England that such areas can be separated out to be run by Māori law and rules, although those laws and rules might be different from those of England and/or Pākehā laws of New Zealand or any other places.

In 1887 a further proclamation was made:

... leave the Government laws and the Bills of the Minister of Māori Affairs to apply only to lands in the ownership of the Government. Take only Sec 71 of the Act 1852 [the New Zealand Constitution Act 1852]. Our mana and sovereignty bound over our lands this 9th day of April 1887. This is our proclamation to all of the world, as set out below:

UPOKO I

Of the Places and Areas, February 19, 1887

Mōtatau is the stump bound to the post, Hineāmaru, a joining of people, of land. This is it. Bound tightly, ever tighter, ever the tightest. This is our very essence. We the descendants of Hineāmaru, living in the shadow of these two mountains, Mōtatau and Hikurangi, whose proverb is: They shall stand and endure through both night and day. As with the great laws of England!

¹⁰⁴¹ Memorandum of Counsel for Te Rūnanga o Ngāti Hine re further documents – Evidence of Johnson Erima Henare, 21 December 2010, lodged with the Waitangi Tribunal for Wai 1040, Wai 682, Wai 49.

UPOKO II

Waiōmio, February 19, 1887

For the environs of Waiōmio and surrounding areas, this is the book of the Ngāti Hine Committee based at Waiōmio that shall lay down the new laws for the reservation of Waiōmio and on into other lands bound together by the people on this the 9th day of February 1887. These are the rules:

1 That we will never sell our lands to the Pākehā

2 That we shall never permit the Māori Land Court to hold jurisdiction. That we the Māori will be covered by our own laws set out in the three key principles above, known as Upoko 1 [He Whakaputunga], Upoko 2 [Te Tiriti o Waitangi] and Upoko 3 [s.71 of the New Zealand Constitution Act 1852]. All Māori law and rules shall be joined to these principles. There is to be one way of management, only one. It is not to be different. As outlined above, Hineāmaru is the pou to whom we are all tied, to hold as one the laws and lands of Hineāmaru and in addition the unity of Hineāmaru's descendants.

This gathering held at Waiōmio this 9th day of April 1887. There is but one law for these papatupu lands, that they will never be sold, surveyed, or pass through the court system so that Māori law and rule only will apply. Be vigilant lest these laws/rules come to some harm.

The proclamation further records that the decision was that of an Arbitration hui held at Waiōmio, Taumārere, Kawakawa on 13 November 1886, in which it was decided that the land belongs to Hineāmaru and her descendants, the case for Roku, her descendants and associated hapū of Wiki Moeanu having failed. The list of hapū whose claims failed were: Ngāti Tū, Te Upokomutu, Ngāti Uenuku, Te Kapotai and Ngāti Pare. These hapū were declared to not be part of the Whenua papatupu, with a caveat however, that Te Kapotai was stated to be definitely included in the whakapapa of Ngāti Hine but not in the land, for which the boundaries were then given.

The resting place of Hineāmaru at Otarawa in Waiōmio. Mōtatau mountain, Unuwahao mountain, Hikurangi mountain; these mountains shall never be sold to the Pākehā. They shall stand as sentinels both day and night. These are the boundaries: from the government line at Mangemangenui over to Kotiu-te-Tikitiki, Taiki, Tirawa on to Te Tawha, Te Karere, Takiwarau, Hukerenui, joining Te Pukapuka, to the side of Taraiti, Ngangati, Waionepu, Te Whe, to Motukauri, Te Rua-o-te-Rei and then turning to Koti, Roto Kereru, Rua Poka. Mohomoho, Kakarauri then turning south down to Rangiuuru, Tore, Kakariki, and across the creek at Waiōmio to Okukuru, Kakamahore, Te Tou (Touwai), Kohe. Waiwhakaata and out to the Government line at Ruapekapeka where it turns west to Te Tou Mawherowhero a Remai, then it turns west to Puketutu, Puketi, Pukekai Ruru, and then crosses the Waiōmio stream at Pukawanui, Tuhi Kokowai, Te Herenga o

Korako Taniwha, Rahongaua, Opuawhanga, Te Kohatu a Tiu, Te Waionepu, Te Hemo o te Ha then via the waters to Te Wai Harakeke stream.

The proclamation further speaks of

The story of this people, Te Ngarehauata, shall be in this book, bound for these lands of Hikurangi, of Tautoro, said here to be spread out as it has been in this location ... these are the laws of Te Ngarehauata of these mountains of Hikurangi and Tautoro. ... surveying, rates and another Pākehā law are what cause problems for people and the land ... This law shall bind the people forever and ever and is to be enacted in the year of our Lord 1887. May peace be on this land and its people. ... should anyone alienate any part of this land or forest they will be killed by the people.

There follows an explanation of the relationships of several hapū.

For some of our ancestral claims that have been made under Te Wha, the names of the hapū descended from Hineāmaru are firstly Te Orewai and secondly Ngāti Hine.

The names of the hapū under Te Wha are firstly Te Uriroroi and secondly Te Orewai.

Note, in the Pipiwai block claim Ngāti Hine are named as a hapū of Uriroroi. So is the sequence Te Uriroroi, Te Orewai and then Ngāti Hine?

The land blocks are named:

The names of this land (block) are firstly, Hikurangi, secondly Pipiwai, thirdly Mangahakia. These lands are bound to us, and our descendants after us, never ever to be sold to the Pākehā, to an outsider either, and these lands shall never be surveyed or come under the Court [Māori Land Court] system for ever and ever, amen.

Should these four edicts be trampled upon or disregarded by the descendants of these two ancestors, Hineāmaru and Te Wha, they shall be killed by the people, and we hereby appoint people to oversee the land and these people shall have full authority to conduct their business under Māori law.

After Maihi died, circumstances and attitudes changed, and the land blocks were eventually brought before the courts, though most not until the early 1900s. However, for those that appeared earlier:

The Land Courts took a lot of their time and energy from 1875 onwards. Because notification of court cases often did not reach our people, for more often than not they were at another case, a lot of

cases were appealed. Because the cases were heard from Kaikohe to Whāngārei, and for anything up to two and three weeks at a time, they seemed to be going from one case to another, almost a full time job.¹⁰⁴²

The main blocks of land dealt with in this report came before the Land Court between 1905 and 1909, sitting in various parts of Te Tai Tokerau and also in Auckland.

Judges

One of the earlier blocks, Ngararatunua, came before Judge Theophilus Heale in May 1879. The hearings for most blocks in which Te Aho has an interest came before Judges James Wakelin Browne, Hugh Garden Seth-Smith, Robert Noble Jones, Walter Edward Rawson, Charles Edward McCormick, Herbert Frank Edger, Laughlin O'Brien and Michael Gilfedder.¹⁰⁴³ Seth-Smith, Jones, McCormick later became Chief Judges. However, the principles by which Court decisions were made were based on precedents that had been set by earlier judges. Some of those whose earlier decisions affected the ways in which decisions were made about land in which tūpuna of Te Aho Claims Alliance had interests were: Francis Dart Fenton and Frederick Edward Maning. A later judge who had an enduring influence on how events unfolded in the north between the 1920s and the 1940s was Frank Oswald Victor Acheson.

The judges who decided cases about land in which tūpuna of Te Aho Claims Alliance had interests were predominantly British-born and brought with them attitudes and presumptions from Britain and its legal system. Summaries of their backgrounds, education and experience are given here as an aid to understanding how Māori were affected by the processes and decisions of the Native Land Court.

Maning (Judge 1865-1876, 1881) was born in Dublin, Ireland in 1811 or 1812, of protestant Anglo-Irish parents. The family moved to Tasmania in 1823. Maning jnr arrived in the Hokianga, in 1833, where the ship was welcomed by Moetara of Ngāti Korokoro. He acquired land upriver at Kohukohu, in Te Ihutai hapū territory, from where he engaged in small-scale trading ventures. Maning returned to Hobart in 1837 and then came back to Hokianga in 1839 and settled at Onoke at the mouth of the Whirinaki River. He had four children with Moengaroa, a Te Hikutu woman whose brother Hauraki befriended Maning. (Hauraki and Moengaroa died in 1845 and 1847 respectively). Maning spoke against the Treaty of Waitangi in 1840 at Hokianga, probably because it would restrict speculation. In the Northern War, Maning

¹⁰⁴² *History of Te Kapotai*, p.5 [un-numbered]. DB1.

¹⁰⁴³ NMBs 38–42.

organised supplies for the government's Māori allies against Hone Heke and his supporters. He was probably the leading northern timber trader in the 1850s. His two books published during the New Zealand Wars carried political messages warning settlers that Māori would not willingly accept European domination. Maning progressively alienated himself from things Māori and resented Māori questioning his land court decisions.¹⁰⁴⁴

Heale was born in London in 1816, where he was educated before going to sea. He arrived in Wellington, in command of the *Aurora*, which brought the first settlers of the New Zealand Company. When Heale went to the Kaiapara Harbour in May 1840 the ship was lost, after which he spent some time travelling in Northland. He was appointed Judge of the Native Land Court in April 1877, by which time his knowledge of te reo and tikanga Māori was good.

Browne was born in Belfast, Ireland, ca 1865, and educated there until his family migrated to New Zealand, when he was thirteen. His education continued in New Zealand until 1882, when he joined the Public Works Department in Auckland as a cadet. He was appointed president of the Māori Land Council of Tokerau in 1904, Judge in January 1905, and the official member of the Whāngārei Māori Council in February 1906.¹⁰⁴⁵

Seth-Smith was born at Balham, Surrey in 1848, and educated at Trinity College, Cambridge, graduating BA in 1871. He was called to the Bar of the Inner Temple in 1873, arrived in New Zealand in 1881, was appointed District Judge and Resident Magistrate at Auckland in 1882, and Chief Judge from 1888 to 1893. After resigning he returned to practising law, became first president of the Polynesian Society and was appointed Chancellor of the Anglican Diocese of Auckland.¹⁰⁴⁶

Rawson was born to Dr Thomas Edward Rawson, a medical practitioner in Taranaki and General Surgeon of Militia in the 1860s wars. His mother was a daughter of the Revd John Whiteley, a Wesleyan missionary, who was killed at White Cliffs, near Waitara, in 1869. The Whiteleys had come to New Zealand in 1833, to the Mangungu mission, and their daughters were born there and at Kawhia, their second mission

¹⁰⁴⁴ David Colquhoun, 'Maning, Frederick Edward - Biography', DNZB, Te Ara - the Encyclopedia of New Zealand, updated 1-Sep-10. Original publication, Vol.1.

¹⁰⁴⁵ *The Cyclopedia of New Zealand*, Christchurch, 1902, p.xx; *Northern Advocate*, 8 Poutūterangi 1906, p.2; Obituary, *Evening Post*, 13 Whiringa-ā-nuku 1945, Page 8.

¹⁰⁴⁶ *The Cyclopedia of New Zealand*, Christchurch, 1902, p.281.

posting.¹⁰⁴⁷ The children would therefore have been reasonably fluent in te reo Māori. Coming from families so closely associated with missions, pre-Treaty events in the Bay of Islands, the Treaty and the Taranaki turmoils, Judge Rawson was no stranger to some of the important issues of the day.

Gilfedder was born in Southland, New Zealand in 1865. He was appointed Judge in February 1907.¹⁰⁴⁸

Frank Oswald Victor Acheson was born 1887 and educated at Riverton, Southland. In 1918 he became a native land purchase officer, spending most of his time in Whanganui and Hawke's Bay, and in 1919 was appointed a judge of the Native Land Court. After five years in the Aotea district, he was appointed in 1924 to Tokerau district. He also became president of the Tokerau District Māori Land Board. During his long tenure of this position he encouraged Māori to develop their remaining tribal lands by establishing long-term development schemes. Acheson's strong pro-Māori stance, his criticism of government officials and deteriorating relationship with government probably led to his compulsory retirement in 1943.¹⁰⁴⁹

Judges Decisions

Decisions that successive judges made, created precedents that then determined, or at least strongly influenced, how later cases were decided. This followed the common-law basis of Britain's legal system. Although the Treaty and accompanying instructions indicated that Māori custom-law or traditions should be applied, in many cases these were overlooked, misunderstood, misinterpreted or given an English interpretation that could reverse the intention of traditions. Most influential were the early judges, Fenton in particular.

The decision of the Fenton, Monro and Rogan in the Orakei Case, December 1866 was affirmed in the Mōtatau 3 case, discussed later.¹⁰⁵⁰

¹⁰⁴⁷ Graham Brazendale, 'Whiteley, John - Biography', DNZB, Te Ara - the Encyclopedia of New Zealand, updated 1-Sep-10. Original publication, Vol.1.

¹⁰⁴⁸ *Taranaki Herald*, Vol. XLV, Issue 10790, 10 December 1896, p.2; *The Cyclopedia of New Zealand* [Otago and Southland Provincial Districts], Christchurch, 1905, p.794; James Oakley Wilson, *New Zealand Parliamentary Record 1840-1984*, 4th edn, Wellington, 1985, p.199.

¹⁰⁴⁹ John Acheson and Richard Boast, 'Acheson, Frank Oswald Victor - Biography', DNZB, Te Ara - the Encyclopedia of New Zealand, updated 1-Sep-10. Original publication, Vol.4.

¹⁰⁵⁰ Appellate Court MB3, pp.238-40, DB8.

Maning and Maihi Kawiti

Hokianga trader F. E. Maning was appointed the first judge of the Native Land Court in the north in 1865; his first court sitting was in March 1866. He dominated the court in the north up to his resignation in 1880. As Armstrong and Subasic said:

If the Crown's object in passing the Native Lands Act was to destroy Māori tribal structures and speed the process of assimilation they could not have chosen a better man.¹⁰⁵¹

His influence in the north came during the time that northern Māori were exposed to the full brunt of the court and a massive Crown land-purchasing programme.

Maning was born in Ireland and arrived in the north, via Tasmania, in 1833. His conflict with Māori started before he came ashore. He negotiated with Te Ihutai hapū to occupy land at Kohukohu and engaged in small trading ventures, which he later expanded at Onoke, at the mouth of the Whirinaki River, into timber and gum. He had four children with Moengaroa, a Te Hikutu woman, and befriended two other settlers, one of whom, Spencer von Stürmer, would later become Resident Magistrate for first Kaipara and then Hokianga for twenty five years (1864-1889), and then a Native Land Court Judge in Masterton. As others of his time did, Maning believed that Māori would inevitably succumb to 'superior' European civilisation and power. Armstrong and Subasic posit that 'his nascent racism seems to have been fuelled by the unwillingness of Māori to accept this fate. He was particularly frustrated when his own children embraced their mother's culture, a fact that almost drove him insane'.¹⁰⁵² They found that over time Maning's bitterness became extreme and entrenched, to the point of looking forward to the physical destruction of Māori, which he expressed relentlessly in highly offensive racist letters to his two friends. Von Stürmer and John Webster appear to have shared Maning's racial prejudices. Maning's overt racism is notable because it was largely absent from other nineteenth-century New Zealand colonial correspondence.

Maning was one of Native Minister Donald Mclean's informants. McLean was a guardian and mentor for Maning's son Hauraki. McLean thought Maning was able, methodical and a painstaking judge, who took 'a decided interest in the welfare of the

¹⁰⁵¹ David Armstrong and Evald Subasic, 'Northern Land and Politics: 1860-1910', Wellington, 2007, p.322. Armstrong and Subasic have written in detail on Judge Maning's racism and prejudicial influence in the north. Aspects relevant to the TACA report are summarised here.

¹⁰⁵² *ibid.*, p.323.

people among whom he is settled'.¹⁰⁵³ Maning's contempt for Māori values culture and custom law, especially any expression of rangatiratanga, flowed into his judicial role, with what appeared to Armstrong and Subasic to be highly prejudicial results for Māori. He was dismissive of the court's Assessors.

When he was appointed judge, Maning claimed that local Māori owed him more than £3000, half of which he recovered by 1875, which raises important conflict of interest issues. Maning was strongly opposed to the idea of Māori representation in Parliament and local government, and believed educated Māori were a nuisance and a danger because of their education.¹⁰⁵⁴

One of these educated Māori whom Maning held particular contempt for, especially when he tried to control key aspects of the court process, was Maihi Paraone Kawiti. Under missionary guidance Maihi had learned to read and write in Māori, and he corresponded regularly with government officials. Maihi, like other rangatira of his time and area, expected to exercise his legitimate authority according to his custom and his understanding of the new processes. They anticipated that the court could be adopted or adapted by them to achieve their tribal objectives, whereas Maning and other Europeans saw the court as a means of breaking chiefly authority and expediting land alienation. Maning attempted to impose 'an unbending application of strict English legal form and process. Land issues were thus to be removed from a Māori context'.¹⁰⁵⁵

Maning considered Maihi and his people to be 'the worst lot in the district at least a quarter of a century behind the rest of the Ngāpuhi'.¹⁰⁵⁶ Some of these prejudices might have stemmed from Maning having backed government forces during the Northern War against Heke and Kawiti. Maning saw Maihi as a direct challenge to his own authority, and Maning was determined to assert his own authority through his judicial position. As he wrote to McLean: 'He is the only chief in the North now who thinks himself able to play with the decisions of the Court, and he must be taught that he cannot do so. I shall ... take Mr Kawiti in hand ... I shall astonish him I believe – he is altogether too insolent and the core belief he has in his own dignity, majesty, and unlimited mana is really ludicrous ... the Court has a power ... which will in time pull

¹⁰⁵³ D. Mclean Journal, 2 January 1870, McLean Papers, cit. *ibid.*, p.325.

¹⁰⁵⁴ *ibid.*, pp.326-30.

¹⁰⁵⁵ *ibid.*, pp.342, 362.

¹⁰⁵⁶ Maning to Mclean, 20 October 1869, McLean Papers, cit. *ibid.*, p.331.

even him down'.¹⁰⁵⁷ The power of the court was both in Maning's ability to make judgements and also to arrange court processes so as to maximise the cost and inconvenience to Maihi Paraone Kawiti. He would reject claims put forward by Maihi, and it appears he deliberately scheduled court sittings at inconvenient times and locations, causing Maihi additional expense having to travel outside his district. In December 1869, Maihi told McLean that he wanted a Land Court at Kawakawa, because at that time the court sat at places too distant for his people to carry the food they required and consequently they could not attend. After 1865 the previous practice of providing food and other supplies to those attending such gatherings was discontinued, because it would foster 'habits of indolence and dependence'.¹⁰⁵⁸ Maihi eventually built Te Porowini in 1876, which could be used as a court-house, but it appears Maning made little use of it.

Judge Maning's racism was extreme and he rejected any attempts by chiefs, especially Maihi Paraone Kawiti, to exercise any tribal influence over the land title adjudication process. There would be no authority but Maning's. His legalistic approach led to increasing conflict within court, which spilled over into the community. Māori used the courts to obtain titles to land so that they could encourage European settlement and establish town centres, but always with an eye to maintaining their ability to engage with the settler economy on their terms. While they were moderately successful for the first five years, once the Crown set out on an aggressive land purchasing bid, in the 1870s, the combination of Maning's contempt for Māori values and Crown purchasing agents' pressure added to the alienation achievements.¹⁰⁵⁹

Kaka Porowini and Land Court decisions

One significant figure in the history of Ngāti Hine lands was Kaka Porowini, whose influence followed that of Hōterene, although it appears he was not officially a successor to Hōterene. Ta Himi Henare said 'After Maihi came Hōterene and then Te Riri Kawiti'.¹⁰⁶⁰ Hōterene was Kawiti's grandson through his second wife, Te Tiwaha. Te Riri was his grandson from his first wife, Kawa, and their son Maihi's third wife Heningarino.¹⁰⁶¹

¹⁰⁵⁷ Maning to McLean, 4 March 1872, McLean Papers, cit. *ibid.*, p.332.

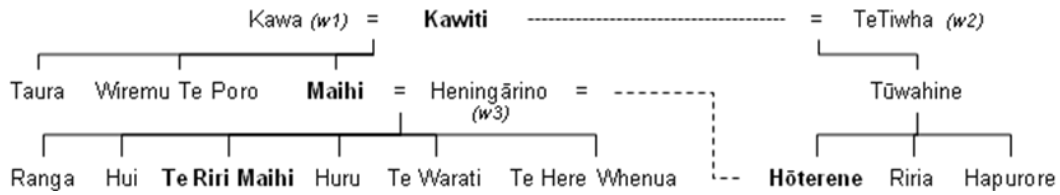
¹⁰⁵⁸ Native Secretary to W.B. White, 24 July 1865, cit. *ibid.*, pp.375-76.

¹⁰⁵⁹ *ibid.*, pp.376-78.

¹⁰⁶⁰ Tā Himi Henare interview abstract, 1984, p.2.

¹⁰⁶¹ Whakapapa provided by Kene Hine Te Uira Martin of Ngāti Hine to DNZB online.

Chart 173: Kawiti leadership succession

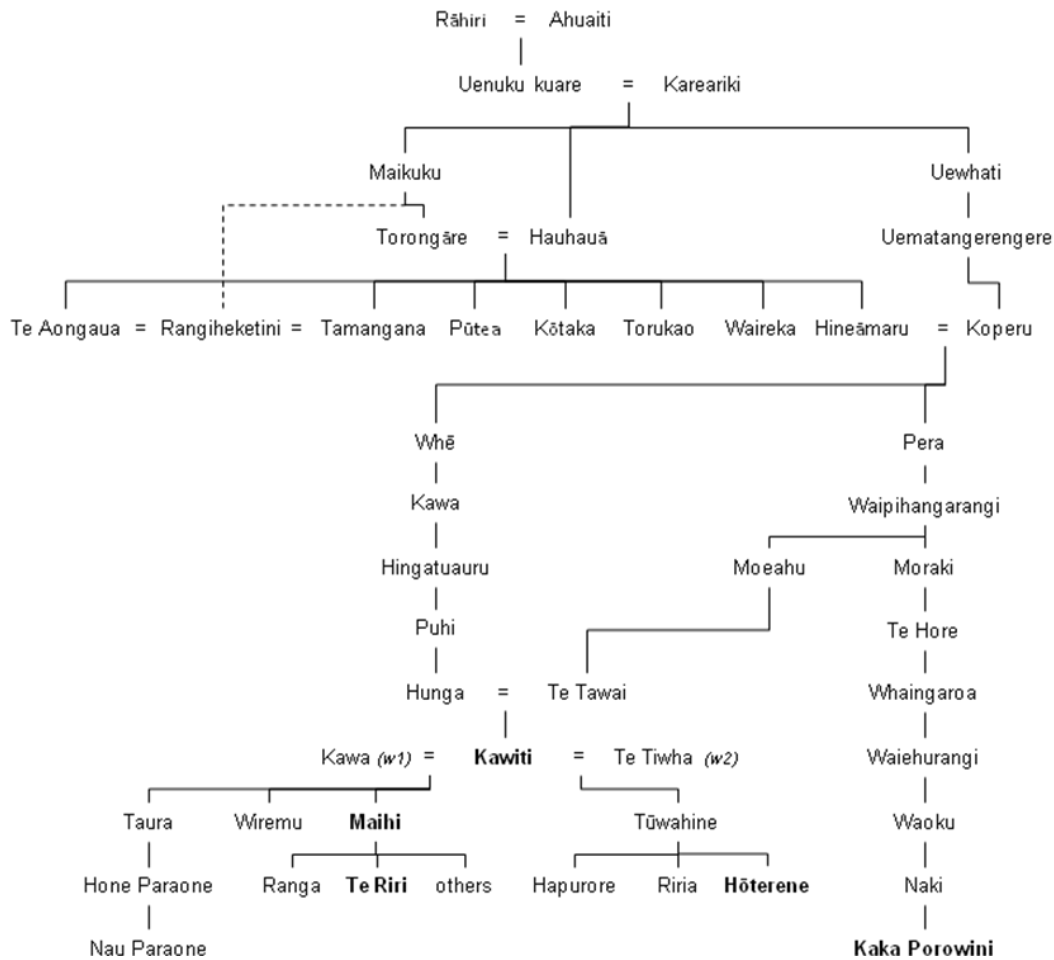


According to another source, Maihi named his nephew Hōterene as his successor. Before Hōterene died in 1910 he did not appoint a successor. Although Kaka Porowini aspired to take authority, he was never really accepted. According to this source, only when Kaka died (in 1942) did Te Riri come into his own. Te Riri was highly respected for his knowledge of tribal lore and genealogy, and his patriotic services during both World Wars were recognised with an OBE.¹⁰⁶²

Kawiti's line descended from Whē, the elder son of Hineāmaru, whereas Kaka Porowini descended from the second, Pera, and from Pera's oldest grandson Moraki.

¹⁰⁶² Keene, p.44. N.B. This source should be regarded as a reference rather than an authority. Keene does not name her sources.

Chart 24: Kaka Porowini's descent line



Kaka Porowini was a complex character, admired by some and criticised by others. According to Erima Henare, after Maihi there were two camps in Ngāti Hine, led by two people; Te Riri Maihi Kawiti led Ngāti Hine in its cultural and tikanga based values and Kaka Porowini was the economic leader. ‘Kaka was a visionary, he was definitely an entrepreneur and a leader of men, on a different style of leadership. Kaka’s leadership was not only through using his intellect and his mental skill and capacity, but also in that he got his hands dirty ... got in the trenches with the troops, and that in itself was a huge difference in leadership styles of the two leaders.’¹⁰⁶³

Whereas Te Riri followed his father Maihi’s way of entreating with the Pākehā and trying to get a better deal that way, trying to form a relationship, Kaka’s attitude was that the Pākehā lifestyle, principles and law were detrimental to Ngāti Hine. They

¹⁰⁶³ Erima Henare interview for Ōrakau Oral Research project, 25 April 2007.

were not just part of the problem, but they were the problem. The solution was to not invite any more in, but keep it out. Kaka led from the middle, very much as Kawiti did. Kawiti did not get much mention from Pākehā either.¹⁰⁶⁴

Kaka was a leader even though he was the youngest of Hakiro's children. Erima explained that at the time Ngāti Hine were still an inward-looking people. They rejected everything Pākehā because they remembered what was done to them at Ruapekapeka. 'Then along comes Kaka – a visionary ... a matakite ... a tohunga pakihi'. Kaka's influence spanned the period in which Māori were still dying in great numbers, the time of World War One and, in its aftermath, the influenza pandemic and post-war depression. Kaka tried to cocoon his people from all of this.¹⁰⁶⁵

His influence extended from the early 1900s until his death in 1942, during which time he introduced several innovations. He took Ngāti Hine from being inward-looking to outward-looking in a short space of time. Ngāti Hine adopted pastoral farming, one of the first iwi to do that, farming cows, sheep, large garden projects to sustain the workers and the people.¹⁰⁶⁶ As Erima Henare commented about Kaka's farming ideas:¹⁰⁶⁷

Māori Wairua is down, Māori numbers are down, Māori health is down, we've just been dispossessed of all our economic base – our land and everything, and up comes this fellow ... when we talk about farming, we're not talking about that farming that existed in the [19]40s, 50s and 60s, where each fellow had 20 cows and milked and a cream cheque was sufficient to keep him, we're talking about wholesale farming – thousands of acres of pastoral farming running thousands of head of stock and sheep – this is big time farming – this is before Apirana Ngata and his development schemes, this is before Apirana Ngata and his incorporations. Here's a man running a large scale farming scheme within Ngāti Hine. And remember the other thing too at this time –

One of the reasons that Kaka did this was to challenge Government's authority and Pākehā authority, because at this time the Mōtatau Block ... was still in the control of the Crown; it hadn't been divided up among the families, the Papatupu process was still going, the land kōrero was still going, so the Crown was still holding this land and leasing to Pākehā. So Kaka waltzes in, runs his own farm and runs them across these lands that the Government was trying to lease to others.¹⁰⁶⁸

¹⁰⁶⁴ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side A

¹⁰⁶⁵ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B.

¹⁰⁶⁶ Erima Henare interview for Ōrakau Oral Research project, 25 April 2007.

¹⁰⁶⁷ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

¹⁰⁶⁸ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

Kaka appears to have had a vision for a self-contained community based at Ōrakau.

I guess Kaka must have been a principled person, because to get this to happen in an evenhanded and fair way, which was the type of regime that he ran, one could say it was an Ohu or a Commune in today's kōrero, or probably Pākehā political analysis would look at it and say it was communism, in a way, because all of the money earned by the people went back to the people in the form of housing assistance, interest on money they banked, wages, benefits that they go for working as part of the scheme. That was a really huge change for Ngāti Hine, to come from a warrior background and system to suddenly join an agrarian culture that was foreign to them.

He organised and ran his own bank, and despite having had little formal education, he kept the accounts himself.

There had been an earlier attempt by Maihi to develop a bank and it fell over. Kaka instituted a banking system toward the end of the first decade of the 1900s, and it was a banking system for which ledger books exist today that show that.

The ledgers show people making deposits, selling produce, even distribution of money between members of the co-operative, interest payments at around 9.2-9.3% on savings, and he also lent money at 10%. He was holding deposits of ten to twelve thousand pounds and lending six to seven thousand back to whānau to improve their housing, or get into business themselves.

Ngāti Hine people, through his mahi rōpū, strung out the lines for their own telephone system before government lines were installed. This linked all the leaders of each whānau in Mōtatau, Matawaia, Pipiwai, Pokapū, Ōrauta and out to Mangakāhia on one phone system. The phones ran on a 'party-line' system, using morse-code to signal the person being contacted, i.e. phone 'numbers' were letters of the alphabet with their morse-code signal e.g. three short rings for 'S', three long for 'O', two long for 'M', short-long-long for 'W'. One extended ring signalled that Kaka wished to have a debate about some important topic (such as the current scientific debate about whether the earth was flat or round) with elders of the community, who would all pick up their phones at one time and talk together, the equivalent of today's conference call. Three extended rings meant there had been a death, so people would get on the line to find out who had died.

Kaka would never ask you to do something that he wouldn't do himself. He would put his hand to it in the full expectation that you would too. He led from the middle – not

pushing from the back or pulling from the front. And he wouldn't spend an age discussing ideas; his approach was 'enough hui – time for do-ee'.¹⁰⁶⁹

Māori adopted new technology quickly, when they could see the advantages to them. Kaka was like that. 'He didn't call a hui to discuss whether or not agricultural farming would be good for Ngāti Hine'. He saw this as a way of retaining and developing the land, binding people together, building their Ngāti Hinetanga, getting the old concepts of working together for their own health and well-being. He saw all these concepts involved in pastoral farming.¹⁰⁷⁰

Demonstrably Kaka exercised several key factors of leadership: good communication skills, innovation, capital and political alliances. To this end he arranged strategic marriages for his children to ensure the most influential Ngāti Hine families were bound into his scheme to maintain his role as leader.¹⁰⁷¹

The commune Kaka established around him in Ōrakau was a huge settlement of numerous houses around a central hall. He established another at Pokapū. Kaka stood for Parliament when Hone Heke Ngapua died in 1909, even though James Carroll and Āpirana Ngata supported Te Rangihiroa.¹⁰⁷² 'I think he was keen to get into parliament because he realised that his vision and his dream for Ngāti Hine and his vision and dream for Ōrakau could have been achieved by his being a Member of Parliament. I would say however that sadly that probably he wouldn't have been able to do that given that we don't control Parliament, but I think he would definitely be quite clear that his death bed wishes were that Ōrakau be left for his descendants'. He wanted to ensure that Ōrakau was made sacrosanct as a reservation.¹⁰⁷³

Despite all the vision and knowledge and leadership and political alliances, Kaka died penniless and lost the land at Ōrakau and in Whāngārei. He might have known all the judges and most of the staff at Māori Affairs, but when a newcomer arrived, his influence could still be undermined.

Through the Native Land Court process, Kaka Porowini was successful in being awarded shares in a number of blocks, until Mōtatau 5 was awarded. Whether he understood Porowini's vision or not, Judge Gilfedder was of no mind to support it.

¹⁰⁶⁹ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

¹⁰⁷⁰ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

¹⁰⁷¹ Erima Henare interview for Ōrakau Oral Research project, 25 April 2007.

¹⁰⁷² *Evening Post*, 12 February 1909, p.2; *Hawera and Normanby Star*, 4 March 1909, p.5.

¹⁰⁷³ Erima Henare, Ōrakau project, 25 April 2007, Tape 3 side B.

Kaka Porowini has also occupied but he has received the maximum shares in other Blocks and in some instances succeeded in having himself appointed trustee for nearly 150 minors in the one block. He also made use of the labour of other men in clearing areas on Mōtatau No 5 under the belief on their part that they would become owners when the lists were being considered by the Court. He has since discarded them and is now opposing their claims

If there was something in it for him as controller and manager, it wasn't evident to his supporters. As far as Erima Henare was concerned, 'he was just fulfilling and living out the role of leadership that had been placed upon him by his people'. There is no evidence that he misused any of the funds that he cared for, or that he abused any of the people that he had working with him. He ended up with nothing, but he made sure that all of the families that were with him were given land. All of those families in Matawaia, Pokapū, Pipiwai and Mōtatau are sitting on land that Kaka as their leader argued about with other leaders.¹⁰⁷⁴

Ngāti Hine are proud to retain all of their land on Mōtatau 1-5, except one farm; they're proud because they still hold a lot of the tikanga. They're a bit like a department of conservation estate – when some species get low they put them out on those outlying islands so that they survive. Ngāti Hine is one of those islands. It's a place where te reo, tikanga and the way of life stayed intact. Kaka contributed directly to this conservation, along with Maihi. He built a buffer between Ngāti Hine and the Crown, so that the things the Crown was doing would not adversely affect Ngāti Hine. That is the irony of what happened to Ōrakau – everyone else was protected but the Crown still took Ōrakau. He ensured that Maihi's principle that Ngāti Hine be an island that maintained all its own tikanga, reo, ahuatanga, rangatiratanga. Kaka made sure after Maihi died that that happened. He also brought innovation.¹⁰⁷⁵

Conclusions

After the Northern War, Kawiti attempted (unsuccessfully) to rebuild the relationship with the Crown by re-erecting a flagstaff on Maiki Hill. After he died, his son Maihi Kawiti completed the task, as a way of reasserting his mana, and attempted to lay the matter to rest at the 1860 Kohimarama Conference, pledging his and his people's support for Kotahitanga between the two sovereign peoples.

¹⁰⁷⁴ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

¹⁰⁷⁵ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B. See also Kaka Porowini biography in Chapter 1.

A second Old Land Claims Commission pressed on with the process of awarding titles to settlers, between 1854 and 1863, as government purchases started and into the New Zealand Wars period. The Ōpua lands were caught up in these investigations and never resolved, even by the 1948 Myers Commission. These Old Land Claims Commissions set a pattern of dealing with transactions that would then be applied to the government purchasing programme.

Government purchases were pursued aggressively, particularly by Crown purchaser H. Tacy Kemp, between 1855 and 1865, with some remarkably dubious practices and little regard for the responsibilities of a Crown agent. Large areas of land passed from Te Aho hapū owners in this comprehensive purchasing programme, including the approximately 50,000-acre Kawakawa/Ruapekapeka purchases. The Crown-expressed intention had been to establish a joint Māori/Pākehā settlement, but Māori were not offered any opportunity to participate.

The Crown purchasing programme triggered disputes over land ownership, or rather mana whenua, one of the more significant of which was the Mangakāhia dispute, which raised issues of pre-existing rights both to land occupation and use. This dispute was brought before a British-style court, which started to establish precedents that would be carried through to the Native Land Court once it started operating – such precedents as occupation versus ancestral rights and gifting.

The Native Land Court's operations became quite vicious under the extreme racial prejudice of Judge Maning, whose influence extended from its 1865 inception in the north through to the judge's retirement from the north in 1876 – its first damaging eleven years. Maning displayed a particular dislike of Maihi Kawiti and sought to deny him fair access in cases in which he had an interest, possibly partly because Maning had sided against Te Aho hapū during the Northern War.

Crown purchases continued to be pursued after the Native Land Court operations started, and to a large extent were facilitated by this Court's actions. The prolonged and acrimonious dispute over the Puhipuhi block is one case in point.

Confusion was perpetuated during the operation of the Papatupu Block Committees, one of the new institutions the government of the day introduced that purported to give Māori more autonomy in determining land issues, but in effect were always subordinate to the Pākehā-controlled courts. An example of this confusion was evident in the Mōtatau Block determinations, which also cemented in place priority of occupation over ancestral rights in land. Judge Gilfedder was another who vented

his personal dislike of Māori customs with respect to land, when his allotted task was to understand and apply these. This is particularly evident in the Mōtatau 5 and Maungakawakawa/Mataraua block cases. The Pipiwai 2 case resurfaced the mana whenua issues raised by the Mangakāhia dispute. These blocks are in that southern boundary zone of Ngāpuhi, the furthest south that Ngāpuhi had been able to push their occupation in pre-European times, but which was still disputed and might otherwise have reversed position if unimpeded by external influences. In both cases, questions must be raised about whether or not the awards were influenced by the Court's desire to reward 'loyal' or co-operative Māori, i.e. those who would best serve the government's colonising imperative.

Through the examples described in this chapter, instances of land being taken for public works (such as railways, roads, schools and other Crown purposes) have been mentioned. These are dealt with in greater detail in the next chapter.

CHAPTER SEVEN: OTHER GENERAL ISSUES

The claims under the umbrella of Te Aho Alliance fall into a number of categories, summarised in the table in Chapter 11 and described more fully following the table. There are the general claims as set out in Sir James Henare's initial claim, Wai 49, and elaborated in later numbered claims, such as Wai 642. Some of the general claims refer to specific areas of land and others refer to the rohe of wider tribal groups. Other claims relate to specific events, such as the Northern War, or processes such as the Old Land Claims, Native Land Court and Māori Affairs land schemes. Some of the claims cover a range of categories.

Old Land Claims and pre-1865 Crown purchases

Wai 354 raises issues with the manner in which the claimants lost land under these early Crown processes. The lands affected were:

Old Land Claim estates

Okiato	Ōtuihu	Ōpuā
Pipiroa	Omata	Opanui
Te Wahapū	Toretore Island	Orongo
Pōmare Bay	Te Uruti	

The issues relating to Old Land Claims have been dealt with in detail in a report commissioned by Crown Forestry Rental Trust, and have been covered in summary form in Chapters 6 and 7 of this report.¹⁰⁷⁶

Pre-1865 Crown purchases

The Ruapekapeka and Kawakawa Block purchases, including the bed of the Taumārere River, and

Mahurangi	Waimatenui	Whataaruhe
Puhipuhi No 2	Waiotu Block	The south-western block of the Russell State Forest

¹⁰⁷⁶ Stirling and Towers.

Issues over Crown purchases to 1865 have been covered in a report commissioned by Crown Forestry Rental Trust, and have been summarised in an earlier section of this report.¹⁰⁷⁷

Northern War

Claimant hapū were deeply affected by events surrounding the Northern War, which ran over 1845 and 1846. Claims 354, 682, 1445 and 1464 specifically mention the effects on Ngāti Manu, Te Uri Karaka, Te Uri Raewera, Ngāpuhi ki Taumārere and descendants of Pōmare II; Te Roroa; Te Kapotai and Ngāti Pare. The detail of the events surrounding the war were reported in Chapter 6 and have been covered in a report commissioned by Crown Forestry Rental Trust.¹⁰⁷⁸

Public Works

Public Works takings are mentioned in claims Wai 49, 109, 327, 435 and 1551. Mainly land was taken for railways, some of which did not eventuate. One claim involves a railway ballast pit that is no longer used, and another involves land taken under scenic reserves provisions. Land was also taken for schools and roads, some of which have been mentioned in Chapter 7 in relation to partitioning of the various land blocks taken through the Native Land Court. Public Works takings in Northland have been covered in a report commissioned by Crown Forestry Rental Trust, to which readers are referred for general principles. This report gives specific examples for the claim area.¹⁰⁷⁹

Kawakawa, Coal and the Kawakawa-Ōpua Railway Line

Coal was discovered in the vicinity of the present township of Kawakawa in 1861/64 (sources differ) on land owned by Maihi Paraone Kawiti.¹⁰⁸⁰ Originally, the name [Kawakawa?] applied to the river, and some people associated it with a sacred stone located near present-day Taumārere. After coal was found, the name came to encompass the area along the river, which included the mining village and associated loading area, Derrick Landing, at Taumārere. The name Taumārere originally applied to the whole south-eastern Bay of Islands region but came to be attached to the river settlement. Taumārere was probably settled earlier, being at the furthest inland

¹⁰⁷⁷ O'Malley, 'Northland Crown Purchases, 1850-1865'.

¹⁰⁷⁸ Johnson, Ralph. 'The Northern War, 1844-1846', July 2006

¹⁰⁷⁹ Peter McBurney, 'Northland: Public Works & Other Takings, C.1871-1993', Wellington, 2007.

¹⁰⁸⁰ Boese, pp.57-8.

navigable point of the tidal river. The settlement around the coal mine took on the name of Kawakawa as the coal industry flourished.

Earlier, in 1858, Maihi had lobbied for a settlement at Kawakawa, the site of an early flax mill, against rival Ngāpuhi interests for Ōkaihau; his bid to Governor Gore Browne, which included an offer to sell some Kawakawa land, succeeded.¹⁰⁸¹ The land associated with the coal-mine was bought in 1864, after protracted negotiations since 1858, as part of the Crown purchasing programme before the Native Land Court was set up in 1865. Coal was found on the land and the field was investigated before the sale was concluded. From the time the coal mine became operational, in the 1860s, Kawakawa became an important centre. In 1876 Kawakawa was described as:

Quite a busy little town, conspicuous among the buildings of which stand popper heads, chimney stacks, and other mining paraphernalia, indicative of what is going on below.

Originally the town developed on the hillside, but after fire swept through and destroyed most of the properties in March 1899, rebuilding centred around the railway line, with shops on both sides of the line, making it the only town in the country with a railway track along its main street. An earlier fire, in 1888, had destroyed the largest store in town at the time and the railway sheds.¹⁰⁸²

By 1902 the town had become:

the chief town in Bay of Islands County and the centre of an important coal-mining industry, as well as of a large kauri gum trade. Kawakawa has many stores and offices, hotels, churches, hall and public school, besides post and telegraph office, court-house, and police station. It also supports a weekly newspaper named the "Northern Luminary." There is a bi-weekly mail service with Auckland.¹⁰⁸³

Rights to mine the coal were leased first to John McLeod, who opened the mine and built the tramway to Taumārere. Coal was removed from the mine initially using horse-drawn tubs, then wagons on a 4' 8¹/₂" gauge, wooden-railed tramway built in 1868. In the same year, McLeod sold the mining rights to the Bay of Islands Coal Company, by which time workers huts and small businesses associated with mining were appearing. McLeod built a flax mill, which only survived a year or two before it

¹⁰⁸¹ Kene Martin, 'Maihi'.

¹⁰⁸² Boese, pp.84, 91, 114.

¹⁰⁸³ *Cyclopedia of New Zealand* [Auckland Provincial District], Christchurch, 1902.

was lost to fire.¹⁰⁸⁴ Maihi Kawiti and others built a flourmill at Matairiri near Taumārere in 1874, only for it to suffer almost terminal damage in the massive 1875 flood. They leased the mill to William Callaghan, who, with his brother, had bakery businesses in Taumārere and Kawakawa. Two other lessees followed before John Triphook, a general store keeper, took it over in 1880, and used it to store grain, kauri gum and other stores. Triphook's father started making soda water and cordials at the mill in 1882.¹⁰⁸⁵

Approximately 850,000 tons of coal was extracted from the Kawakawa field before it became economically unviable due to flooding and closed in 1926. The coal was reputed, at least locally, to be 'the best steam coal in New Zealand' at the time. Looking back on 77 years in Kawakawa, Mr Fred Marshall told of an incident that occurred in the Pacific.

It is no idle claim, he maintains, that the H.M.S. *Calliope* steamed out of Apia Harbour, in the teeth of the famous hurricane, on Kawakawa coal. He himself knew and talked to two men who helped to fill the *Calliope's* bunkers with Kawakawa coal before the episode¹⁰⁸⁶

In 1977, Marshall was certain there was still good coal in the mine.

He knew and spoke to many of the miners at that time experienced men who had come from Wales, and they were all most emphatic that only the op seam had been worked and that there was a main seam untouched underneath. ... The miners said that there was a 20-foot seam of coal at the coal face when they were ordered to pull the props so that the roof fell in and covered it, after which the water was allowed to flood the diggings.¹⁰⁸⁷

¹⁰⁸⁴ Boese, p.58.

¹⁰⁸⁵ Martin, 'Maihi'; *ibid.*, p.76.

¹⁰⁸⁶ *ibid.*, p.114.

¹⁰⁸⁷ *ibid.*

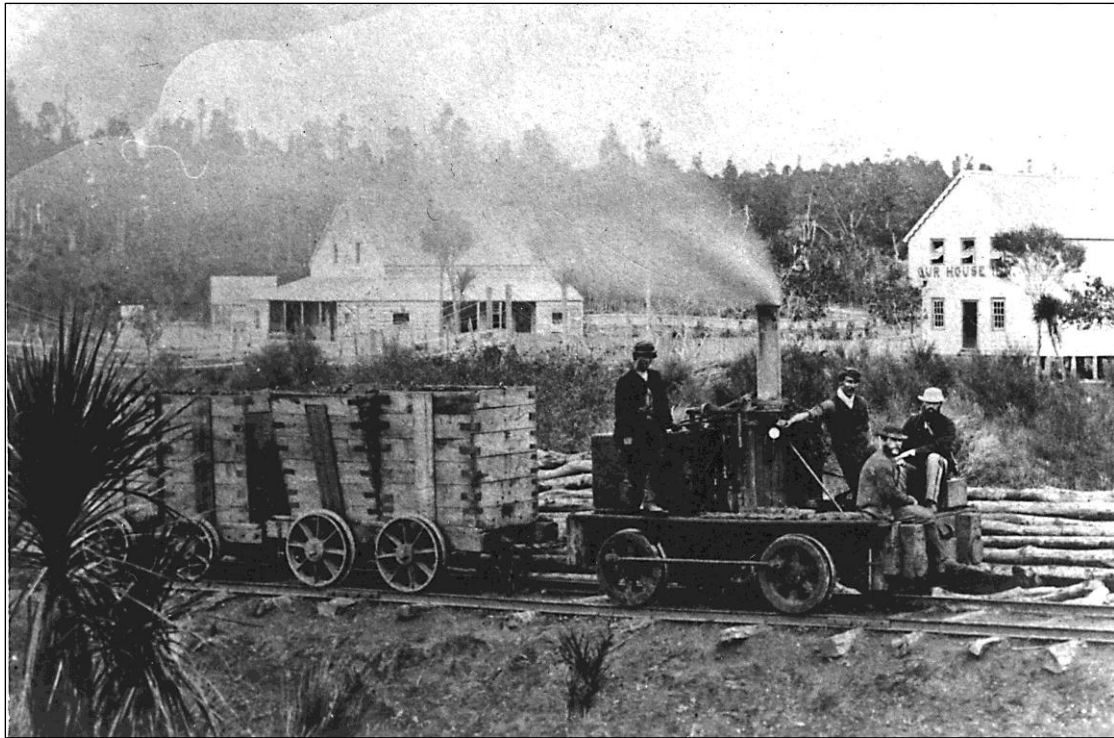


Figure 65: Chaplin steam locomotive on the Kawakawa railway line

Source: W.W. Stewart collection

A Chaplin steam locomotive replaced the horses used to pull coal wagons in 1871. It arrived from Glasgow on 26 October 1870, as components, which were assembled locally. But the assemblers were not able to get the locomotive operating for a month. The tram tracks were replaced in 1877 with train rails, making the Kawakawa to Taumārere line one of the first railways in the North Island of New Zealand, although referred to as a tramway. Rails were progressively upgraded from steel flanged to conventional railway lines. Trains were also used in nearby bush areas to haul kauri logs from the forest worked by the Kauri Timber Company.

Coal was hauled from the mine to Taumārere, where it was loaded by derrick onto barges, which were towed by paddle steamer to deepwater, at the confluence of the Kawakawa and Waikare Rivers with the sea, and transferred to coastal or 'inter-colonial' vessels for export mainly to Thames and Auckland. The railway line was extended to Ōpua in 1884, which became the bunkering port.

Land acquired for the Kawakawa-Ōpua railway ran through Maihi Kawiti's lands. From 1874 he maintained a steady stream of correspondence seeking either one-off compensation or ongoing rental for this land. This and other correspondence between local Māori and government officials is reported fully in McBurney's July 2007 'Northland Public Works and other takings: c.1871-1993', which is summarised rather than repeated here. In January 1874, Maihi Kawiti sought £5 per acre or £30

per annum rent through Native Minister Donald McLean. Clearly he was annoyed with being exploited; he had been 'applying to the Mining Company's Manager, but without effect, and now a road is to be made through this p[iece?] of land for a railway.'¹⁰⁸⁸ At the time, Māori of the district had agreed to their old roadway being used to lay a rail line on, on the basis that both Māori and Pākehā would use it. But soon after trains started to be used on the line, in 1877, the Bay Coal Company sought to exclude Māori from using the land, because they were racing horses against the train, which the mine management considered to be dangerous. In September 1877, Hemi Tautari and others wrote to the County Council Chairman asking that the restriction be lifted and an alternative road be provided before the rail line was closed to them. Evidently, they did not receive a satisfactory response as Maihi Kawiti wrote to the new Native Minister, Dr Pollen, in October saying that he expected Māori would obstruct the railway if they continued to be denied access to the road. The Under-secretary of the Native Department recommended that an alternative route be made available as soon as possible, but by 1878 the matter remained unresolved. Maihi and others complained that they had been forced off their old road and had to trek over the hills and then down the Waiōmio Stream, which was a difficult and sometimes dangerous route.¹⁰⁸⁹

In 1879 Maihi Kawiti complained that a second railway line was being taken through his land. This second line extended from Taumārere to Ōpua. District Engineer, James Stewart, maintained that double-tracking was needed for a station, and that the shipping link would stimulate agricultural trade, which could only be supplied from Taumārere, and would add value to the lands through which the railway line ran.¹⁰⁹⁰ In September 1880 Maihi ordered the contractor in charge of constructing the railway line through Taumārere to Ōpua to halt all work in the vicinity of the mill site at Matairiri, insisting that the government had to pay for that piece of land. Maihi was advised that under the Public Works Act 1876 construction gangs were allowed onto private land, that the government would pay to use the land, but that Maihi would be fined if he continued to obstruct the contractor. Although Maihi eventually allowed the line to continue, he also continued to seek payment for the land, which he considered had been taken without compensation.¹⁰⁹¹

¹⁰⁸⁸ Kawiti to McLean, 21 January 1874, MA 13/80, ANZW, cit. McBurney, p.207.

¹⁰⁸⁹ *ibid.*, pp.208-10.

¹⁰⁹⁰ *ibid.*, p.213.

¹⁰⁹¹ Martin, 'Maihi'.

Hirini Taiwhanga also made claims for compensation for land taken for the Kawakawa railway, in May 1881. Along with others he had petitioned the Public Works Minister in April 1881 for £350 in compensation for their land taken at Ōpua. His concern now extended to 50 acres required for a station and wharf at the port. He insisted the matter be settled promptly or legal action would proceed. The April claim was formally declined in June. In this case officials concluded that the land had been CMS property that had been assessed as surplus land that was about to be surveyed as a Government Township. (See Ōpua lands)

In July 1881, Maihi and 18 prominent Māori petitioned Native Minister Rolleston about all public works takings in their district.¹⁰⁹² Maihi had claimed £2506 for land at Taumārere, which the Native Department declined in May of that year. Rolleston informed Maihi that the Government would not admit his claims. Maihi's response to this rejection made his views of government actions clear.

This is not the first time that you have acted in such a grasping manner, taking pieces of land belonging to the Natives without any equivalent, ...the maoris are very well acquainted with your robberies.

He listed the takings he objected to:

Oporiro is the first; Waikurakura the second; Te Maai, the third; the Railway line ... is the fourth; the new Railway line ... is the fifth; and Opua is the sixth. ... The moneys for Puhipuhi are with-held by you.¹⁰⁹³

Correspondence ceased for two years, but in 1883 Maihi was again writing to the Native Minister, by now Bryce, alleging that a portion of the Papatahi block adjoining the railway line had been taken by the Government for railway purposes, without compensation, and was at that time being given away. Maihi Kawiti had erected two houses on the land, which the Government had demolished, and had then awarded the land to Ngāti Manu. (outcome unknown) When John Balance became Prime Minister, Maihi addressed his grievances again in 1886, and requested that the pieces of land he called Oporiro, Te Maai and Whakaarurangi be returned to his charge, while agreeing that the Government could continue to exercise authority over the railway line. However, after the Public Works investigated the claims and reported

¹⁰⁹² Petition of Maihi Paraone Kawiti and others to Native Minister Rolleston, 1 July 1881, MA 13/80 ANZW, cit. McBurney, p.218.

¹⁰⁹³ Kawiti to Rolleston, 27 September 1881, MA 13/80, ANZW, cit. *ibid.*, p.219.

back to Under-secretary Lewis, Clendon was dispatched to visit Maihi and explain that they believed his claims for railway compensation were fully settled.¹⁰⁹⁴

Most Northland railway construction took place after 1908. Māori continued to press for compensation. In 1909 cases for compensation were heard in the Māori Land Court before Judge Gilfedder. From Mōtatau 2, a piece containing 124 acres 1 rood and 4 perches was taken under the Public Works Act. £35 was paid to Rongo Paraone and £15 to Hone Karawhe, both of Kawakawa. From Mōtatau 4, 17 acres of land was taken for a railway station and a Court sitting in 1903 awarded £40 to the owners, which was paid to the Public Trustee in 1905. In 1909 this sum was paid out to Wiremu Ngawati £23.10, and Ngaro Kingi £16.10.¹⁰⁹⁵

Māori in the district were not entirely opposed to the railway. To the contrary, they made many attempts to get stations or railway sidings for the benefit of their communities. Atarea te Arahi wrote to Native Minister James Carroll in 1907 asking for a large station at Ruapekapeka to serve Hukerenui and Towai. He offered land for the station, from which kauri, tōtara and flax could be carried out. Atarea te Arahi was looking to the economic opportunities for his people, however, the Public Works Department looked forward to the land being settled by other people and 'put into better use'. On this latter basis, the proposal was approved and after discussions over names that ruled out Ngaruawahine and Ruapekapeka, Akerama (the name of an old pā) was chosen. About 30 Māori petitioned for a flag station at Waingarara in 1908 to use for 'the large quantity of timber and flax, besides agricultural purposes for the future'. The District Engineer agreed with the need, and the Engineer-in-Chief had in mind future settlement of the Mōtatau area. Although the request was not immediately acted on, a siding was constructed at one of the suggested station sites with a view to later needs, once the block at that time being subdivided, was leased.

At this time Tau Henare Wynyard took up the cause and over the next few years, and also over the time he served as MHR from 1914-1939, continually pressed for better rail services for Māori. However, at first, in 1910, officials looked on him as 'a half-caste living in that locality', and his request as, 'almost exclusively by and for the benefit of your correspondent'. Therefore, they concluded that 'it should be constructed as a private siding at the expense of Mr Tau Henry'. The Engineer reporting on possible station sites stated, 'As for passenger traffic, there would only

¹⁰⁹⁴ *ibid.*, pp.221, 223-24.

¹⁰⁹⁵ NMB 43, p.1.

be the Natives. ... when Mōtatau is subdivided and either leased or sold to Europeans, a siding would be required ... but at present there are no roads. So, if a siding is to be put in, I do not think a shelter shed is required'. Eventually a low-cost flag station, consisting of a passenger landing without timber front, and a sixth class shelter shed, was decided on, to be called Mōtatau.¹⁰⁹⁶



Figure 66: Railway line through the paddock of Hataraka Manuhuia Pihipi

In 1911, Hemi Taruke asked the Minister of Public Works for a station to be built at Tereawatea Ōrauta, on the Kawakawa-Hokianga line, just west of Ōtiria Junction. The landowners there were Nau Brown-Hawea (Nau Paraone?), J. Tana, J. Brown, Taki Shortland and James Taruke. The District Engineer did not want to decide on the location of a siding at that time because the Māori Land Board was about to lease sections in Mōtatau 3 & 4 to settlers and they might need a different site. In the same year, Hataraka Manuhuia Pihipi (Ngāti Hine??) complained that the line over his land passed through his paddocks, restricting access to parts of his farm.¹⁰⁹⁷

The Whāngārei-Kawakawa line was handed over to the Railways department in 1911, and the present Railway Station at Kawakawa was completed that year to coincide with the opening of the line. Thereafter, all requests for stations had to be made to the Railways Department. In October 1912 Wiremu Hapurona and 41 others requested a station [Tuhipa??] at Maungaarangi on the Kaikohe line. The Resident Engineer reported that the Pakaraka block was about to be opened up and the station was approved accordingly and given the name Tuhipa.¹⁰⁹⁸

¹⁰⁹⁶ McBurney, pp.233-37.

¹⁰⁹⁷ *ibid.*, pp.238-39.

¹⁰⁹⁸ *ibid.*, p.240.

From this series of correspondence, it becomes clear that Māori such as Tau Henare and James Taruke in the 1930s, while being committed to traditional values, sought to use new technologies to enhance Māori economic opportunities in the settler-dominated economy. While, on the other hand, the aim of officials was to promote settlement by Europeans and exploitation of resources for their benefit. Government policy directives for railways were not aimed at enhancing Māori economic development.¹⁰⁹⁹

Tuhipa Scoria Ballast Pit

Scoria from the Tuhipa pit, originally an old pā site, was used under railway tracks in Northland, as far south as Dargaville, from around 1904, when the government took the land under the Public Works Act. The pit face was worked manually with picks originally. Scoria was loaded into 6-foot wagons in the pit tunnel and towed out on a rail line initially using Pi Wiki's horse to bring it clear of the tunnel. Later the Railways provided a Clydesdale. From there it was unhooked and pushed on a downhill slope to the main railway line. Johnson Cherrington and Phil Kelly managed the tunnel operations. Con Taylor leased the Pit during the 1930s depression years, after which the Railways Department took over again. From this time, dynamite was used on the scoria face and a steam shovel with scoop, operated by Mane Wiki, brought the ballast¹¹⁰⁰ down to the foot of the face to load on a truck, which carried it to a crusher hopper. Mataki and Dan Whiu worked at the pit at that time; Dan was a 'crusher man' along with Phil Kelly. The crushed scoria was graded into fine, medium and large sizes along a conveyor belt and loaded into bins that were towed by horse to the main railway track. Fine grades were used for making blocks, medium grade for railway line ballast. Large was used for filling to build up the line to an efficient gradient and to strengthen parts of the line against the constant threat of flooding. These pit rocks were used further afield, as far as Te Kuiti and Taumarunui. A second tunnel was built in 1942, to accommodate 15 wagons, and a bulldozer was introduced to the pit in 1947. The pit closed in 1982 when solid bluestone was reached.¹¹⁰¹

¹⁰⁹⁹ *ibid.*, pp.240-42.

¹¹⁰⁰ Ballast is the material used to fill up the space between the rails on a railway to make it firm and solid.

¹¹⁰¹ Wally Ngawati interview, Kene Martin, *History of Ōrauta Transport and the Railway Service Contribution to the School and Community*, 1990.

In July 1978, Hoterene Keretene wrote on behalf of Ngāti Te Ara, the original owners of the land, to the Prime Minister, Robert Muldoon, seeking clarification about the ownership of the Scoria Ballast Pit at Tuhipa, 'to clear up the myth that our tupunas sold us (the descendants) down the river!'¹¹⁰² This was an old pā site that had been mined out of existence. Hoterene wanted to know how the Railways Department came to own the land, who and what they paid for it, and why royalties had not been paid as promised. Muldoon replied promptly and requested the Minister of Māori Affairs to enquire into the questions raised. The response was far from illuminating.

- 1 We do not have information about the acquisition by the Railways Department of the original area of 38 acres 3 roods 35 perches for the ballast reserve. It was apparently taken prior to investigation of title by the Māori Land Court in 1906.
- 2 A portion of Mōtatau 4Q (21 acres 0 roods 14 perches) appurtenant to the ballast reserve was taken by proclamation on 4.4.1913. Compensation was assessed at £110.0.0 and supply of a ram to draw water. The person who received the compensation was Nau Paraone.
- 3 The balance area of Mōtatau 4Q (131 acres 0 roods 26 perches) was sold to a European, R.H. Harrison, and 7 acres 0 roods 11 perches of this land subsequently taken. The relevant proclamation reference for this area is not available from our records.
- 4 The terms of payment of royalty mentioned by Mr Keretene are not known to us.
- 5 A plan is enclosed for identification purposes. ...¹¹⁰³

This reply appeared to leave out some information that had been passed on as part of this ministerial enquiry. The NZR Land Division investigation had reported that 'In 1904 areas of Māori Land were taken for the purpose of the Kawakawa-Gordontown Railway – in particular, by Gazette No.26 page 891 for the ballast pit and sidings. This Gazette however describes the land broadly as Native Land situated in blocks XIV and XV Kawakawa.' There was some confusion in the records. 'Old plans and abutting certificates of title describe the land as Ballast Reserve while NZMS 261 Sheet PO5, Kaikohe, shows it as Pt 4 [Mōtatau 4] with an area of 15.77ha.'¹¹⁰⁴ Title was not issued for Mōtatau 4 until November 1907.

An amended response dated 4 August 1978 did include this additional information, but neither of these responses was passed on to Keretene. The Minister of Māori Affairs, Duncan MacIntyre, reported to Muldoon that the land taking was not subject to compensation for land value and payments were made for disturbance only.¹¹⁰⁵

¹¹⁰² Keretene to Muldoon, 12 July 1978,

¹¹⁰³ G.D. Fouhy, Assistant District Officer, Whangarei, to [not specified], 2.7.78 [should be 2.8.78]

¹¹⁰⁴ I.R. Batcheldor, Property Officer, Land Division Railways Auckland, to Registrar, Māori Land Court, Whangarei, 28 July 1978.

¹¹⁰⁵ MacIntyre to Muldoon, 12 September 1978.

The Māori Land Court heard a case for compensation for the ballast pit in September 1909.¹¹⁰⁶ The case was heard before Judge Gilfedder and Assessor K. Haerepuka, with C.P. Newton as clerk. Nau Paraone gave evidence that 44 acres belonging to his family was taken. His family had cleared and cultivated the land, they grew potatoes on the eastern part, corn on the southern part, and ran sheep. The pit was in the southwest corner. Various people made statements about the valuation of the land, which was first class volcanic land with a good level road from the pit to Kawakawa. Judgement was given on 1 October 1909. The Court considered four questions:

- 1 Is the Crown entitled to take the land without paying any compensation?
- 2 Is a large gravel pit of the size taken presumed to be required and acquired for railway purposes?
- 3 Has the value of the remainder of the block containing over 30000 acres been enhanced, or will it be enhanced by the construction of the railway?
- 4 If the native owners are entitled to compensation, what amount should be paid to them?

The Court's first finding was that the land was taken by proclamation gazetted on 24 March 1904 under the Public Works act 1894. Section 91 (subsec 2) of this Act provided that 'no compensation shall be paid for native land taken for a railway if the ownership to such land has not been determined by the Native Land Court.' It appears that officials might have acted swiftly to take the land, as the block was already in the process of determination, as the Court noted that, although this land was before the Block Committee and the Māori Council before the date of the Proclamation the ownership to it was not determined until 14 November 1907.

The Court's second set of findings was that the Paraone family had suffered loss and inconvenience through the taking of the land for railway, and although the gravel pit did not enhance the value of the land, constructing the railway did. Further that the gravel pit was acquired for railway purposes, so it was covered by the definition of "railway" in the Public Works Act.

On a strict interpretation of this Act, the Crown could acquire any area up to one-twentieth of the Block without paying compensation. Having set this argument up for not paying compensation, the Court then decided 'In equity however, we think that the Natives who had fences and cultivations on the piece taken are entitled to some consideration and should be placed in a position as nearly as may to that enjoyed by them at the time of the proclamation'.

¹¹⁰⁶ NMB42, 22 Sep 1909, p.355-59, judgement 1 Oct 1909, pp. 367-69, contd. NMB43 p.1.

The court considered that the sum of £45 would fully compensate these people. They offered Nau Paraone £30, Uru Paraone £10 and Mapere Hirini £5.

The 5% rule

The rules that the Government set for compensation were convoluted, complex and changing. The 5% rule, mentioned above, appeared in different types of legislation from 1862 to 1927. Peter McBurney has described in some detail the effects of the application of this rule, and the legal and political wranglings, in his 2007 report on public works takings, using the cases of Mōtatau 4I and Kohewhata-Otuhu in 1914, both of which are relevant to Te Aho Claims Alliance. Readers are directed to that report for the detail for those cases.¹¹⁰⁷

McBurney concluded that, ‘The Public Works Department was extraordinarily persistent in maintaining its right to take five percent of Māori land free of compensation for railway purposes. The Department was concerned that allowing exceptions to the rule would ... prove very costly to the Government’.¹¹⁰⁸ The logical extension of this conclusion is that the costs the Government saved by applying the 5% rule were at the expense of the Māori owners from whom land was taken. Furthermore, because of the legal complexities, Māori needed to engage legal counsel to challenge compensation assessments, which added significant costs over and above their losses of land taken without compensation. These cases were long, drawn-out and fraught. Between the taking of Mōtatau 4I and Te Paea Kopa’s petition seeking compensation, fourteen years lapsed. Six years and two months passed from the time the Kohewhata-Otuhu land was taken and a compensation award was made in June 1919. Some of the owners had died since the block was investigated by the Papatupu Committee. Ascertaining successors was a lengthy process that was still not completed more than two years after the award was made.¹¹⁰⁹

In the end, the five percent rule did not have support from the judiciary and was eliminated in 1927. McBurney noted that Chief Judge Jackson Palmer saw the rule’s potential to deliver inequitable outcomes and Solicitor-General John Salmond considered the legislation to be tangled, complicated, difficult and obscure.¹¹¹⁰

¹¹⁰⁷ McBurney, pp.256-85.

¹¹⁰⁸ *ibid.*, p.284.

¹¹⁰⁹ *ibid.*, p.270.

¹¹¹⁰ *ibid.*, p.284.

Waiōmio Limestone Quarry

In 1881, angered by European intrusion into the valley of Waiōmio Caves, where Ngāti Hine ancestors were buried, Maihi wrote a terse note to T. P. Moody, mine manager at Kawakawa, stating that European trespassers would be prosecuted.¹¹¹¹ Before the First World War, a high value was placed on lands containing cultivations, kauri gum, timber, flax and, in the case of Kawakawa, coal, but little interest was shown in limestone caves. However, once motorised transport needed better road formations the value of limestone increased.

The Waiōmio limestone outcrop starts just over a kilometre north of the cave residence site and continues for more than a kilometre south of the residence, where it disappears under the Mohinui Hills. The limestone is hard and brittle, making it an ideal rock to use for road-making.¹¹¹² The rocks protrude above the ground more than 20 metres. Those above and to the right of Roku's cave, called Tokapiko, the cave cliffs, stand about 30 metres high.¹¹¹³



Figure 67: Tokapiko cave cliffs

Among similar rocks at Hikurangi, about 27 kilometres south, is one where Hineāmaru stayed for a period.¹¹¹⁴ A stream runs through the Waiōmio caves and drains into the Waiōmio River. About 50 metres along the Cave stream called Pakihi is the main entrance to Roku's cave, with a wide open entrance about 8 metres high and 5 metres wide, partly blocked by sandstone and limestone boulders. Within the

¹¹¹¹ Kene Martin, 'Maihi'.

¹¹¹² Walter Brown Kawiti, *Waiomio's Limestone Caves; Linked with Māori Tribal Legend, Rich in Natural History*, Kaikohe, ca 1969, p.26.

¹¹¹³ *ibid.*, pp.24-6.

¹¹¹⁴ Erima Henare, 2006.

caves are stalactites and stalagmites typical of limestone caves, and inhabited by New Zealand's endemic cave weta and glow-worms.¹¹¹⁵

There were crevices on the cliff face shaped out of the rock. When Kawiti died at Waiōmio, his body was still highly infectious from measles which killed him so only a small select Ngāti Hine group were allowed access to his body. Our people had no immunity to measles but they mourned him from a distance for a long time.

Te Riri was living at the caves residence when he was still able to climb the hill above the present Kawiti marae. He escorted two officials who photographed the waka and then assured Te Riri that they would return to pick them up at a later date which they did.

Tawai Kawiti was present in support of his father. He was also a witness to the dealings with the waka tupapaku. Te Riri was the kaitiaki of the waka. He was upset at the damage to them by people, not by Māori.

In Te Tawai Kawiti's time he allowed some waka tupapaku to go to the Auckland Museum, where they were put on display until Ngāti Hine protested. Two were also sent to Christchurch from Pipiwai.¹¹¹⁶

After Hōterene died in 1910, and Ngāti Hine leadership was contested between Kaka Porowini and Te Riri Maihi Kawiti, elders and leaders set aside Maihi's plan that the land remain as one, and not be subdivided. Divided land ownership marked the end of the communal system of living. The land surrounding Waiōmio Caves, including Roku's cave, came into the ownership of Te Riri Maihi Kawiti in the process of subdividing the lands. He lived in a house at the entrance to the caves, which his son Te Tawai later occupied.¹¹¹⁷

When the lands of Waiōmio were being subdivided Te Riri Maihi Kawiti was not happy about being placed on the Waiōmio Caves property because of the many burial caves on the land. The land was steeped in tapu and no one wanted any part of it! So in reflecting the aroha for his tupuna he settled on the land as their kaitiaki. He built his first house, a whare perana on a hill to the right of the caves. That house became a hen house, when the present house was built with the help of Tawai, his son. The

¹¹¹⁵ Kawiti, *Waiomio's Limestone Caves*, p.27.

¹¹¹⁶ Hirini Henare, field trip 21 March 2011.

¹¹¹⁷ Kawiti, *Waiomio's Limestone Caves*, p.24.

Waiōmio Limestone Quarry we have noted was for the period during Maihi. It is the resting place of our koiwi.

The land block affected by limestone quarrying was part (10 acres) of Section 28 (228 acres) of Mōtatau 2. The block was first leased to Joseph Smith in 1912. The lease was transferred to Francis George Manning in 1915, and then on sold to Frederick William Goodhue in June 1917. Goodhue died later that year and his widow transferred leases of Sections 27 and 28 of Mōtatau 2 to the Taylor brothers (V.F. and E.D.). In 1920 Section 28 of Mōtatau 2 was vested in the Tokerau District Māori Land Board. Having identified the site as a convenient source of limestone for roads, in this same year, the Bay of Islands County Council sought to obtain the land under the provisions of the Public Works Act, despite opposition from Māori owners and prohibitions in the Act against interfering with burial grounds.¹¹¹⁸

Thwarted in its attempts to obtain ownership of the land, the Council arranged with the leaseholder, Taylor, to quarry 2000 cubic yards of limestone for roading. Taylor was to be paid £25, but the Tokerau District Māori Board claimed this money instead. During this time, the Council continued to press for taking the quarry site under the Public Works Act, and the District Engineer stated there were no burial grounds on the particular ten acres of land in question. Local Māori disagreed, but their powers to defend their position were limited because the land was vested in the Māori Land Board, which was the decision-making body for the land. At first the Board objected, but then withdrew its objection because the Council could remove any remains to the nearest 'Native cemetery'. Tau Henare MHR was to be consulted, as his whānau owned the block. Section 22 of Mōtatau 2 had been partitioned in July 1923, with three and a half acres set aside as Waiōmio Urupā, retaining the original designation of the block. However when Tau Henare inspected the proposed quarry site in 1924, the burial grounds were found to be much more extensive – 'remains were found practically from bottom of gully to end of limestone deposit on Hill'.¹¹¹⁹

Tau Henare eventually agreed that mining could go ahead, if the Māori owners were paid a royalty and they themselves transferred any remains uncovered to the cave at Waiōmio. However, when the District Engineer visited the site again, later in 1924, he reported back to the Engineer in Chief that 'Natives require tapu to be left

¹¹¹⁸ McBurney, pp.402-03.

¹¹¹⁹ *ibid.*, pp.404-05.

undisturbed for all times'.¹¹²⁰ According to W. B. Kawiti, (Walter Brown Kawiti is the son of Te Riri - we knew him as Tawai Kawiti). Te Riri realised that the tapu law that covered the ancient burial caves, needed to give way to progress, and he decreed that the tapu restriction should apply where actual remains were found.¹¹²¹ After discussing boundaries that would not disturb remains, in 1925 the Council made tentative arrangements with the Tokerau District Māori Land Board for a licence to remove stone on payment of a royalty of 3d a cubic yard. Tenders were not called until August 1928, and although the specifications provided for the royalty, no reference was made to the possibility that quarrying might disturb human remains, or how such an eventuality should be dealt with. One contract was for 4000 cubic yards of 2 inch broken limestone, and a second for 2000 cubic yards.¹¹²²

Taylor's lease (by then transferred from the two brothers' names into that of one, V.F.) came up for renewal in 1934. A question arose about whether or not quarrying had taken place since 1928, when the contract had been in place. Taylor replied that it had not, and yet documentary evidence in May 1929 about a truck measurement dispute, clearly indicates that it had. The lease was renewed after Taylor denied quarrying after 1928.

V.F. Taylor died sometime after World War Two, his widow inherited the lease and transferred it to their two sons. In 1956 a Meeting of Assembled Owners considered a resolution to sell Section 28 to one of the sons, Vincent David Taylor. The owners rejected the offer as they considered the purchase price to be too low. However, they continued discussing the proposal and, wanting money to improve their farms and housing, agreed on revised pricing. The need to protect the burial ground was not raised by the Court or the owners who were present. Once Partition Orders for the blocks and other documentation had been completed, the sale was concluded. The current status of the burial site on Section 28 is to be clarified.

By the late 1960s, several small sections remained as ancient burial ground reserves, all contained in the block known as Mōtatau 2, Section 22 C1. After some amalgamations and partitions this block covered an area of almost 128 hectares, and had four owners in 1954.¹¹²³ Nearby was the Otu residential site, once an abode of Kawiti. It is near the Otarawa Tōrere sites, known as Te Pouaka a Hineāmaru, where-

¹¹²⁰ *ibid.*, pp.405-06.

¹¹²¹ Kawiti, *Waiomio's Limestone Caves*, p.24.

¹¹²² McBurney, pp.407-08.

¹¹²³ Berghan Block Narratives, Vol. V, p.313; Kawiti, *Waiomio's Limestone Caves*, p.24.

in rest the remains of the most famous ancestors of Ngāti Hine. Some are in one very deep cave and others in a shallow cave. A small pā, a retreat of Kawiti, was situated among the rocks in close proximity to a crater 15 metres deep and one of sixteen inverted cones scattered near the cave-hills.¹¹²⁴ Such sites are tapu, have considerable mana and potent wairuatanga. This wāhi tapu is considered significant in the Ngāti Hine geographical landscape identity that brings together the past, present and future. It is a tikanga kotahitanga, a place of the solidarity of land, the living and the dead.

The discrepancy between the denial of quarrying after 1928 and contradictory evidence suggests that unofficial quarrying took place, possibly beyond the authorised amounts of 4000-6000 cubic yards, and could have affected the burial ground.

Schools

The pattern for starting a school was for local settlements to apply giving data on the number of school-age children, locations of households and distances from existing schools. Officials would decide if a school was warranted and whether it would be a Native School or Public. If a Native School, Māori would be expected to provide land and buildings, which would pass to the Crown under appropriate legislation for the time. If schools closed, generally neither the land nor the buildings passed back to those who had provided them. See Chapter 9 for stories of a number of schools in the TE AHO claim area.

Following are stories of several of the schools within the TACA claim area.

Waikare

A school was already operating in the house of Wiremu Te Teete at Waikare when he and the teacher, H. G. Leek, wrote to the Government in 1874 applying for a school for native children and appointment of a teacher for Waikare-Waihaha, Bay of Islands. They undertook to establish a new building.¹¹²⁵ Donald McLean acknowledged the request a few weeks later.¹¹²⁶ A school was operating in 1879 on land called locally Putahoihoi. In 1880 there were 32 children – 14 boys and 18 girls. Three acres of the five-acre site were fenced and there was a small garden. The single

¹¹²⁴ *ibid.*, pp.24-5.

¹¹²⁵ Leek and Te Teete to McLean, 24 August 1874, ACFM A1627 8180 Box 20 2936/74, ANZA.

¹¹²⁶ McLean to Leek and Te Teete, 11 September 1874, ACFM A1627 8180 Box 21 3153/74, ANZA.

class room was 30'x20' with a 7'x7' porch and a draughty kitchen. There was also a school residence on the site. The desks were 'old-fashioned and extremely inconvenient'. The teacher was ignorant of modern methods, sewing was not taught, but the singing was good.¹¹²⁷ The school closed for three days in April 1881 for the opening of the new Treaty of Waitangi Hall at Te Tii Waitangi?.

This school operated for only a few years before the children who attended grew older and either there were no younger ones coming on, or families had moved away. The District Superintendent said 'It was a mistake in the first instance not building the school in the more central valley, Waikare'.¹¹²⁸ The school closed in 1891. In March 1892 Papaka Kereama asked for the buildings to be removed to Waikare and for Arapera Hemara, late of Hukarere (Anglican School for Māori girls in Hawke's Bay), to be appointed mistress, but Pope replied that she was not experienced enough. In May 1892 Joseph Hatrick wrote to Revd Fr G. Habens at Whangaruru suggesting that the buildings be moved there instead. He was using a temporary school house provided by Māori there 'as an experiment'. This suggestion was not taken up, as in November 1893 Wiremu Te Teete, Tuakoi (possibly the same man who wrote in 1874) wanted the abandoned school buildings. Then Henare Hemara applied to buy the buildings, but Pope's notes on the letter expose his attitude at that time: 'it seems to have a bad effect on our providing schools when we suffer school premises to fall into the hands of the Natives because the children will no longer attend. I therefore think that we ought to take no active step in the direction of handing over these buildings and the land they stand on to the Natives'.¹¹²⁹ H. Lane applied to use the buildings to accommodate a work gang in 1896, but was not allowed. In 1902 local Māori applied to re-open the school, and Henare Hemara offered to lease or purchase them in 1903, again unsuccessfully. The buildings were put up for sale for removal in 1904; a Mr Middlebrook bought them for £14.

H. Lane bought the buildings from Middlebrook, while they were still on the property, and then applied to purchase or lease the old Native School site, but this was declined as the Education Department understood they did not have good title to the land. In fact, a memorial of ownership had been issued in January 1880 to Wiremu Hunia, Wiremu te Teete, Tuakoi, Hopa Peka, Wataruhe, Peita Te Kekeao and Hori Korakonui, no transfer was made to the Crown for school purposes, and

¹¹²⁷ Inspector's report 5 April 1880, BAAA 1001 Box 672b 44/4, ANZA.

¹¹²⁸ J. H. Greenway to the Secretary Education Department, Wellington, 16 March 1883, BAAA 1001 Box 672b 44/4, ANZA.

¹¹²⁹ Henare Hemara to Mr J. Pope, 3 September 1895, BAAA 1001 Box 672b 44/4, ANZA.

therefore the land remained the property of these Māori. In 1907, the Crown still recorded a lien of £5/5/0 for the survey. The land was to be returned to these owners, who were also the owners of the new site, neither of which had passed through the Native Land Court, but officials did not know how to go about handing it back.

In 1906 a new site of five acres was surveyed for a Native School at Waikare. This was part of the Waingaro block, known as Waikare No 1 Block of 7595 acres. The area included a group of four or five large mānuka trees that were very tapu, having been the site of an atamira, a platform on which bodies were laid after death. Near the boundary was a tapu site, marked by a pūriri tree, which was, in times gone by, a repository for bones of the dead. The Inspector of Native Schools, William Bird, promised that if the school was established on this site ‘the Government would take all necessary precautions to preserve these trees and to observe the “tapu”. They must therefore not be interfered with in any way’.¹¹³⁰ It is sad to read 80 years later, the principal of Waikare School writing that [Education] Board workers had thrown rubbish over a bank into a small stand of kauri and tōtara trees, an area that was once a burial ground and was considered tapu, and he referred to Bird’s 1906 letter.¹¹³¹

¹¹³⁰ E. O. Gibbs, Secretary for Education, Wellington, to the Surveyor-General, 22 October 1906, BAAZ 1108 223d 10156, ANZA. DB33.

¹¹³¹ Principal, Waikare School, to Phillipps [Education Board?], 25 February 1985, YCBD A688 5023 2117b 1/1096/24, ANZA. DB34.

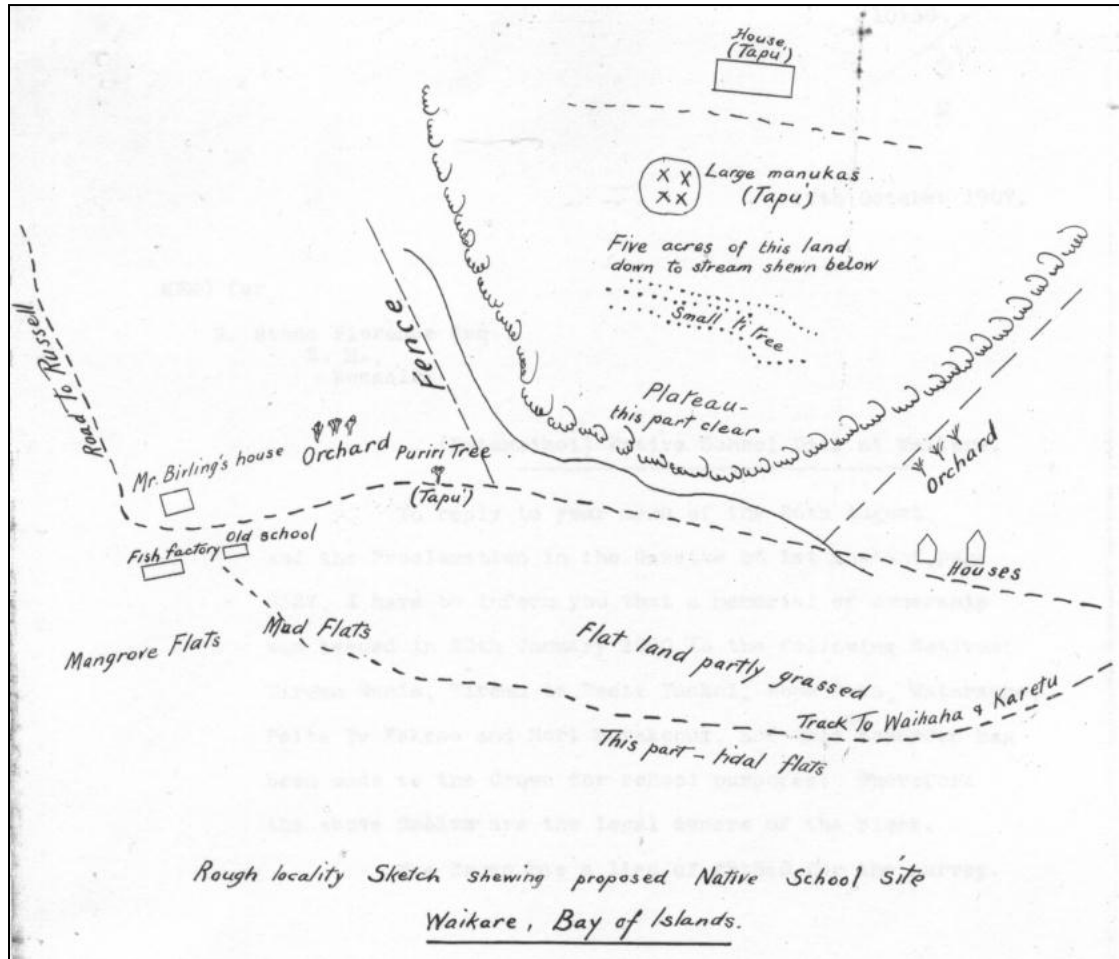


Figure 68: Sketch of proposed Waikare School Site 1906

Back to 1906 – a commission was appointed to visit Waikare and take proceedings to acquire the site under The Native Schools Sites Act, 1880. The survey was completed in April 1907, and Henare Hemara undertook to fence off the burial site and the clump of mānuka.¹¹³² A single-classroom school and residence were erected. Inquiries about road access to the school, under the Public Works Act, came before the Chief Judge of the Native Land Court in 1913, and a portion of the land was taken for a road in 1943. A new ‘open air’ school was built in 1938 and the old classroom removed in 1940.

Waikare School was replaced by a new, full primary, designated special character school, Te Kura o Waikare in October 2004.

¹¹³² Atkinson to Chief Surveyor Auckland, 12 April 1907, BAAZ 1108 Box 223d 10156, ANZA.

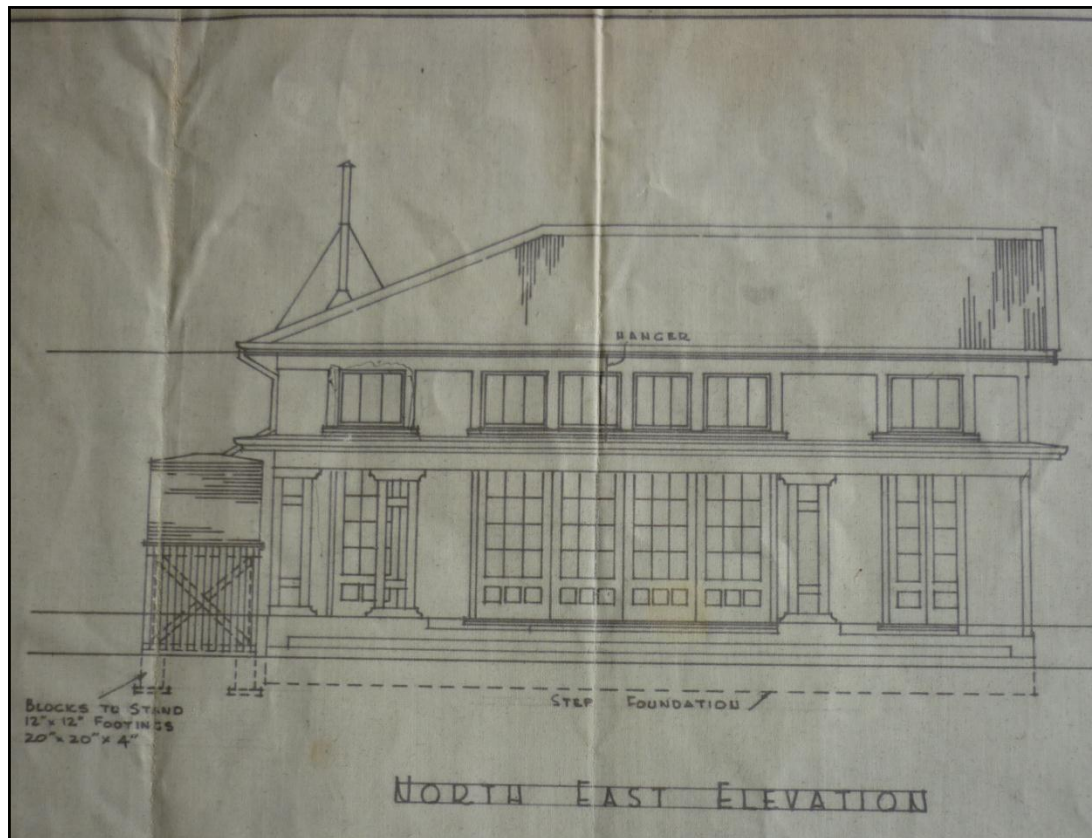


Figure 69: Building plan 1938 Waikare School

Original 1938 building plan BAZA A984 Box F547 977, ANZA



Figure 70: Waikare School in 1976

Ngāraratunua

Early in 1886 Alfred Freeman wrote to the Board of Education enclosing a request from local householders for a separate school district to be designated between

Ruatangata and Kamo. The request was signed by 10 Pākehā as well as Pōmare Kingi, Heni Kingi, Tame Matiu, Wiremu Toangahuru, Hepi Monariki and Wiremu Kawhena Tau Whitu. A grant for land belonging to Buchanan was offered free of cost. The letter claimed that it was impractical for children to attend either of the Ruatangata schools. The request was declined, but the people persisted. In 1894 the inspector once more did not recommend a school, instead recommending road improvements so that pupils could get to school in winter. However, he conceded that if the settlers provided a building 20' x 12' free of cost, the Board would establish a school. A teacher was appointed in June 1894 to start in July. There were 27 children on the roll by the end of the year and a year later there were 31. At this stage the people reapplied for a separate school district. In 1896 a school site of one acre was surveyed for conveyance by Buchanan to the Board, and a separate district was declared in December 1896.¹¹³³ The school opened in 1903 with a single classroom. A new wing and porch were added in 1905 and a second classroom in 1908 or 1913.

By 1931 the school had 36 pupils, half of whom were Māori. The settlers requested adding a classroom and more staff, claiming that the rooms were crowded and some of the Māori families were affected by consumption¹¹³⁴. The request was declined because of the depression. A relieving assistant was appointed a few years later, but by 1936 the roll had stabilised at 38 and was not likely to increase. The school committee was advised that the teacher was going to be transferred and not necessarily replaced. In 1944 local Māori requested that the school be converted to a Native School because 98% of the pupils were Māori. The request was declined then, and again in March 1945. In August 1946 the Ngāraratunua school was totally destroyed by a fire that broke out around daybreak on a Saturday morning.¹¹³⁵

For the next eight years the pupils travelled to study in an old condemned school at Kamo. Some children did not return to attend the new school, which finally opened at the beginning of the 1955 school year on a new site, as a Native School. The new site belonged to the Puriri family. Nau Paraone Kawiti Puriri of the Department of Māori Affairs had obtained permission of the Education Board to occupy the old school site in anticipation of it being transferred to his family in exchange for the new site. However, for reasons that are not obvious, the Board insisted that the land should

¹¹³³ Public Notice in NZH 24 December 1896, YCBD A688 5023 Box 644d 1/1127, ANZA.

¹¹³⁴ Consumption is a wasting disease affecting the lungs and attended by a hectic fever, cough etc.

¹¹³⁵ *Northern Advocate*, 17 August 1946, p.5.

pass to the Crown rather than directly to the Puriri family. Whether or not it ended up with them is not clear.¹¹³⁶

The school closed in 1973, the house was moved to Kaiwaka in 1974, the site was declared surplus in 1975 and sold. When Peti Neumann wanted to buy it in 1987 as overflow for the marae it was no longer Crown land. However, a note on the closing file cover states that the remaining buildings and site passed into community ownership.¹¹³⁷

Ōrauta

Early in 1901, the Inspector of Schools visited Scoria Flat in response to an application for a school in the area. He reported 18 families isolated from schools – five European and the rest Māori. The nearest schools were Kawakawa (5 miles away), Pakaru (7.5 miles) and Whangai (8 miles). He considered that the existing education reserve was not well sited. Māori were willing to give land, but the settlers were not prepared to provide a building. In these circumstances, the Secretary for the Education Board in Auckland recommended that a Native School be built.¹¹³⁸

By 1904 the school had not been built and the local community was advised that Māori must make an application for a Native School and they had not. R Waikerepuru wrote an application on 7 May on behalf of his hapū (which was?), comprising in his estimation, half the Ngāti Hine. Their kāinga was at Ōrauta. The two-acre site for the school was ten chains away from the government high road and the people were willing to give half a chain as a road for the school. They would give the 2.5 acres in perpetuity: ‘Ka tukua motuhakitu atu ki raro ki te mana o Kingi Eruera VII’.¹¹³⁹

A further investigation in response to this letter, threw up some complications. The area to be served by the school, referred to as the Ōrauta district and known to the Department as Scoria Flat, fell into three distinct settlements: At one end was Te Kopuru, the site of a flax mill managed by a Mr Foster where the European families were clustered, Kaka Porowini’s community, and another cluster of Māori families at

¹¹³⁶ Ngararatunua School Committee to District Superintendent; Secretary for Education to Towle & Cooper Solicitors, YCBD A688 5023 Box 644d 1/1127, ANZA. DB35.

¹¹³⁷ YCBD A688 19843 Box 1657c; YCBD A688 5023 Box 644d 1/1127, ANZA.

¹¹³⁸ Inspector of Schools to Education Department, 11 March 1901; Secretary Education Board Auckland to Secretary for Education Wellington, 18 April 1901, BAAA 1001 Box 414a 44/4 Pt1, ANZA.

¹¹³⁹ R. Waikerepuru to Minita o ngā Kura, 7 Mei 1904, BAAA 1001 Box 414a 44/4 Pt1, ANZA. DB36.

the other end. The inspector noted that the railway line from Kawakawa to Hukerenui ran part way through Ōrauta then turned South East towards Hukerenui 'passing near the settlement of a man named Kaka who is notoriously opposed to schools and to civilisation generally'.¹¹⁴⁰ Kaka did not approve of his children or grandchildren being schooled in Pākehā schools, because he saw them as detrimental. It didn't enhance their lives – part of the way they lost control over their children was in them seeking education. Education was something that the Pākehā said you had to do but really you should be here cutting firewood and working the gardens.¹¹⁴¹

The inspector considered that if it were possible to draw in children of Kaka's settlement it would be worthwhile establishing a school in the district. The railway line was used for freight and was not open for carrying passengers, otherwise the children could have gone to Kawakawa. Some children had gone to school at Taumārere, staying at Mrs Tautari's parents paid for food. However, since one child had died recently of consumption before she could reach her father's house in upper Ōrauta, the father was unwilling for his children to go back to Taumārere.¹¹⁴²

Mrs Tautari was the wife of Hemi James Tautari. She was a teacher at the Taumārere school. She provided the children with an excellent education besides instrumental music and singing.

Two years later Wiki Te Oi wrote in exasperation that it was the fourth year they, including Nau Henare Paraone, had been urging that a school be established. By that time the Taumārere School had closed, and Kaka didn't want his children to go to school. The decision was postponed, but in the meantime Kaka's children started attending Tautoro and a half-time boarding school had been set up at Scoria Flat, which the children of Lower Ōrauta were attending, also a suitable site had not been agreed. The land was part of the Railway Ballast site and came under the Railway Department, who could not release it as it was part of an unopened line to Kaikohe, which they still intended to build.

Another two years passed and Te Rangihiroa, at that time MHR for Northern Māori, forwarded a petition from the local community and supported their proposal for a school. Te Riri Maihi Kawiti advised that George Cherrington (Hori Keretene) had

¹¹⁴⁰ Inspector of Schools to Education Department, 2 June 1904; Secretary Education Board Auckland to Secretary for Education Wellington, 18 April 1901, BAAA 1001 Box 414a 44/4 Pt1, ANZA. DB37.

¹¹⁴¹ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B

¹¹⁴² Inspector of Schools to Education Department, 2 June 1904; Secretary Education Board Auckland to Secretary for Education Wellington, 18 April 1901, BAAA 1001 Box 414a 44/4 Pt1, ANZA.

agreed to provide a site, which he did not earlier because it would disturb his flock of turkeys. The Department was advised that this site was part of Mōtatau 4 that was vested in one owner, but this turned out not to be so – Hori was one of 15 owners in Mōtatau 4L, so the Department decided it would be most straight forward to acquire the land under the Public Works Act. Hori Keretene agreed to donate the land as a free gift. The proclamation appeared in a 1910 Gazette.¹¹⁴³

The school was completed in December 1910, a teacher appointed (Revd S. W. Robinson at that time a teacher at Te Kaha, Bay of Plenty). The school opened in January 1911 with 71 children on the roll, desks for 60, no forms, no shelves, slates for 8 and one map of the South Island.

The huge protest by the local Ōrauta community and the reason for the children teachers and parents being evicted from the school site, was that the Ministry claimed the land the school stood on, was theirs and they wanted the protest group to vacate the premises – sending out numerous police officers to remove those ‘aliens’ from their land. In actual fact, the land was gifted by 13 Tana whānau share holders, to be used as an education centre for their children and succeeding generations of Ōrauta children. It was to be returned intact, back to the Tana whānau when the school closed, but then, the hammer fell, bang. ! The matter was taken to court, and the people have since heard that the land is to be given back to the rightful owners – the tana whānau.

¹¹⁴³ *NZ Gazette*, 25 August 1910, p.3230.

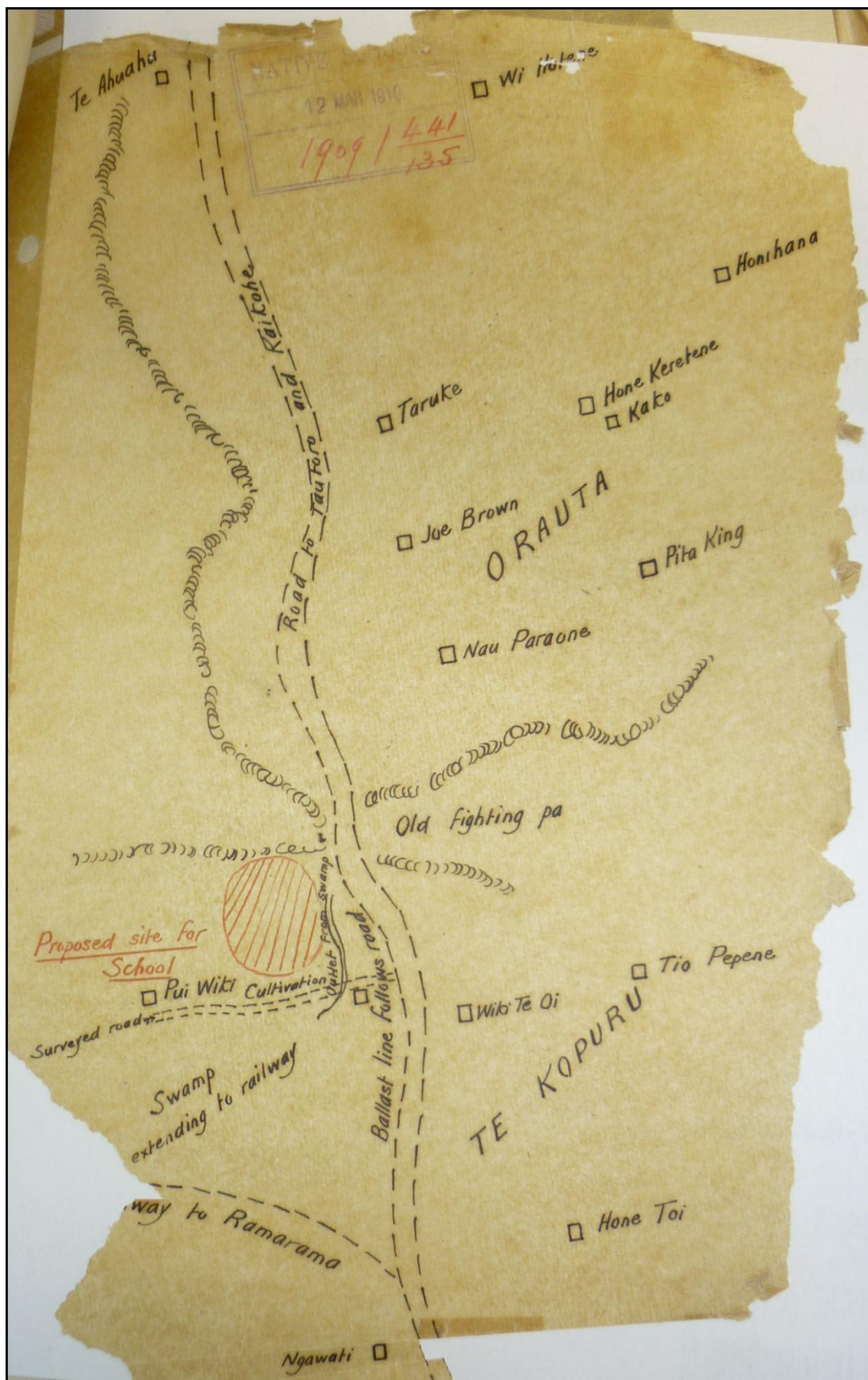


Figure 71: Site plan sketch for proposed Ōrauta School 1909

In 1909 Te Riri Maihi Kawiti asked the Department of Education to build new schools at Ōrauta and Waiōmio



Figure 72: Ōrauta School first built in 1910



Figure 73: Ōrauta Teacher's residence during first school 1910

A new school was built in 1940



Figure 74: New School, photo taken 1977



Figure 75: 1940 school, photo taken 1977

Ōrauta School was closed in January 2005, amidst huge protests from the local community. Teachers and 30 pupils kept going to Ōrauta School for almost a year after it was officially closed but they were evicted in December 2005. Four parents who faced court appearances for failing to send their children to a registered school had the charges dropped because their children were pulled from Ōrauta. Mōtatau School was the only school to survive after it was shortlisted to close.¹¹⁴⁴

Mōtatau

Opahi public school was officially opened on 25 May 1915, although local people had erected a school building, made of four-foot slabs with scrim windows, for their community earlier. At that time the roll was 40 and not expected to exceed 45. Attendance was irregular because of floods and illness, the teacher left and the school closed for a period but reopened in 1916. Successive teachers started and left, there being no adequate accommodation for them. The school closed again for much of 1918 and 1919, and when it re-opened on 24 March 1919, with a residence, it came under the Education Department as a Native School, and the roll rose to 55 by 1922. But still the site had many problems and relocating it closer to the railway station was

¹¹⁴⁴ *Northern Advocate*, 4 April 2007.

a favoured solution. A bus service was introduced around 1935-36, which improved attendance and allowed children to be taken to Kawakawa for dental inspections and treatment.¹¹⁴⁵

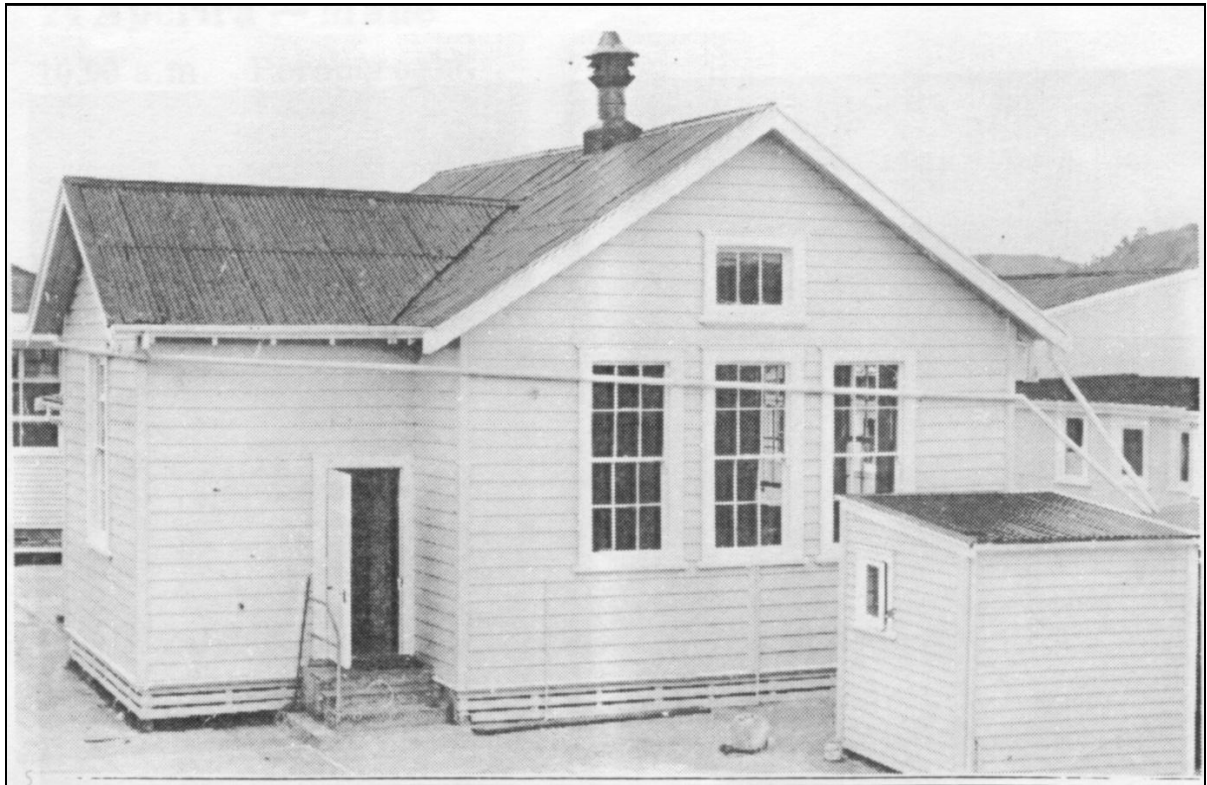


Figure 76: Original Mōtatau School building, photo taken in 1989

Source: Mōtatau School 75th Jubilee booklet

Over-crowding became a problem by 1940, when the roll had increased to 62. The old Gammon Road building was incorporated into the Mōtatau Native School in 1941. A new site was acquired in 1943 by an exchange of land, but building materials were in short supply. The youngest pupils were being taught in the shelter shed and some classes were directed towards tent accommodation as an interim measure. The new school building was not available until 1948, after parents had threatened on several occasions to withdraw their children. The roll had expanded to more than 100 by then.

The school was redesignated a Māori District High School in 1951. Two new classrooms and a woodwork room were added in 1960, as well as a hostel. The school became Mōtatau Primary School in 1975 and, sometime after discussions on bilingualism started in 1983, it was designated Te Kura Reo Rua o Mōtatau in 1989.

¹¹⁴⁵ Mōtatau School Committee, *Mōtatau School 75th Jubilee 1914-1989*, Mōtatau, 1989.

The school survived the 2005 closures of a number of valued local schools.

Pokapū

Pokapū School was opened on 8 February 1915,¹¹⁴⁶ in a building erected by settlers on Māori-owned land that a Mr Steadman leased. The Tokerau Māori Land Board held the fee simple. In 1926 the Education Board Advisory Inspector assessed that a new school should be provided, and recommended acquiring land under the Public Works Act. The inspection report in 1925 stated that ‘the accommodation is inferior; the building is quite unsatisfactory being neither wind nor rain proof; the out houses are most unsatisfactory’.¹¹⁴⁷ Seventeen pupils were on the roll and more were expected. The Education Department finally accepted the inspector’s recommendation late in 1928, but faced objections from Steadman, because the school ground was his only access in winter to other parts of the farmland he leased. The Education Department declined the right-of-way and instructed that just over two acres of land be taken for a public school; the vesting was proclaimed in 1930.¹¹⁴⁸

Pupils were drawn from Pokapū, Opahi, Mōtatau and Matawaia. The school remained a one teacher school with a shrinking roll until it was closed in 1944. The children from Pokapū transferred to either Ōrauta or Matawaia School, depending on where they lived. In 1946 the school reopened with a roll of 34 pupils and two teachers. A school house was built in 1953. Slowly the school roll began to fall again and in 1962 the school was closed.

¹¹⁴⁶ Moerewa and Pokapū School Jubilee Booklet, 1988, BANW 1879 Box 1a, ANZA.

¹¹⁴⁷ Inspectors report, 2 October 1925, referred to in Advisory Inspector, Education Board Auckland, report on application for erection of Pokapū school building, 2 March 1926, YCBD A688 5023 Box 1792d 139/42, School Site Pokapū, ANZA. DB38.

¹¹⁴⁸ *NZ Gazette*, No. 37, 22 May 1930.



Figure 77: Pokapū one-room school in the 1930s

Source: Moerewa and Pokapū School Jubilee Booklet

The school site was disposed of in 1965. For the disposal to proceed, the land was declared to be Crown land, pursuant to Section 35 of the Public Works Act 1929, on the basis that it was land acquired for a Government work, and not required for that purpose.¹¹⁴⁹ The land was in two pieces: parts of Mōtatau 2 S6 (1-0-23) and Mōtatau 1E 1B (1-0-0) which had been taken in 1954 for a teacher's residence.

Matawaia

Early in 1927, Gordon McKenzie wrote to the Education Board on behalf of settlers 'mostly Māori', requesting a school for Matawaia, the settlement being about five miles from Pokapū and seven miles from Mōtatau over bad roads. He claimed that 30-40 children never went to school because of the distance and poor road conditions. Niko Waiōmio [aka Moeanu] offered a five-acre site on the Manukau Block, and said they could possibly erect a temporary slab building 20'x18', as the

¹¹⁴⁹ *NZ Gazette*, No. 49, 2 September 1965, p.1466; BBAD 1054 Box 1828c 50/23/191/0 Pt 1, Whangarei District Schools Pokapū School legalisation, ANZA.

number of children did not qualify for a permanent building. The Director of Education said that the Crown must formally acquire the land. Waiōmio did not agree to donate this land free-of-charge at the time.¹¹⁵⁰

By mid-1928 Māori were sawing timber for the temporary building and proposed siting it somewhere other than where the permanent building would go, to which the Director of Education agreed. The building was erected on the land of Rangariri, who supplied the timber with the idea that the building would revert to him when a permanent school was established on the approved site. The school was not ready to open for the new school year in 1929 because of difficulty obtaining funds for windows.¹¹⁵¹

Finally, in June 1929, 24 children attended the assembly meeting for what was established as Matawaia Native School. The school still needed some features, such as a water tank and stove, which the Education Department was to provide.¹¹⁵² The tank did not arrive until October, by which time the roll was 30. In mid-1930 only seven pupils were attending because of bad colds and medicines were requested. The school building was reported as being draughty and without heating – the stove had not been provided.

The roll increased and in 1933 more room was required. Initially it was proposed that local Māori and the Education Department share the costs equally, but as funds could not be raised locally, eventually Niko Waiōmio donated the land for the new site (instead of paying for half cost of building), the Education Department would supply the materials and local Māori would build a fence.

As the roll continued to grow, early in April 1935 the Director of Education advised the Head Teacher that a grant had been approved for provision of a new, one-roomed 'open air' school, shelter shed and out offices, and a five-roomed teacher's residence, on the new site.¹¹⁵³ This site was part of Mōtatau 1C7G, which was taken by proclamation. An additional area from the same block was gifted for a playground

¹¹⁵⁰ Gordon McKenzie to Secretary Education Board and related correspondence, 24 March– 21 November 1927, BAAA 1001 Box 340b 44/4 Pt 1, Māori School Building and Site files – Matawaia 1927-1939, ANZA.

¹¹⁵¹ McKenzie and Henderson to Director of Education, 25 June 1928-March 1929, BAAA 1001 Box 340b 44/4 Pt 1, Māori School Building and Site files – Matawaia 1927-1939, ANZA.

¹¹⁵² McKenzie to Director, 5 June 1929, BAAA 1001 Box 340b 44/4 Pt 1, Māori School Building and Site files – Matawaia 1927-1939, ANZA.

¹¹⁵³ Director of Education to Head teacher Matawaia, 3 April 1935, BAAA 1001 Box 340b 44/4 Pt 1, Māori School Building and Site files – Matawaia 1927-1939, ANZA.

and shelter-belt in 1941.¹¹⁵⁴ The school opened in 1936 and another classroom was added in 1938. By 1939 attendance had increased to 90, there were three certified teachers and a junior assistant using the two classrooms, and more were urgently needed. Another was built in 1940 along with a small room for preparing malted milk.¹¹⁵⁵ A fourth classroom was added in 1959.

In 1984 Matawaia School Committee requested that Forms I and II be reinstated and the school revert to full primary status. The school became officially bilingual in 1985 and was given full primary status in 1986.¹¹⁵⁶ Te Kura o Matawaia was closed in January 2005, at the same time as Ōrauta.

A reflection on this account in which Māori contributed to the economy in their own terms is helpful. According to tikanga hau, the receiver of the gift was not to give it away to another, or lay claim to it, or sell it. When the receiver of the gift no longer has any use for it, the gift had to be returned to the original owner, or to descendants of the original owner. In 'Te Ao Māori', that was an unspoken agreement between rangatira.

The parents moved to the towns from the country, in search of suitable accommodation for themselves and their families. They soon discovered that they were better off in the country because the town life was not what they expected. They moved back again to the momes that they had left behind, and this caused the local school rolls to fluctuate.

¹¹⁵⁴ *NZ Gazette*, No.51, 5 July 1934, p.2084; No.91, 21 October 1943, p.1221.

¹¹⁵⁵ Director of Education to Minister of Education, 19 May 1939, BAAA 1001 Box 340b 44/4 Pt 1, Māori School Building and Site files – Matawaia 1927-1939, ANZA.

¹¹⁵⁶ Background Notes – Matawaia School, YCBD A688 5023 box 2097g 1/1122/24, School History – Matawaia 1985-86, ANZA.



Figure 78: Principal Kene Martin (right) and Joan Walker (left) with pupils in 1985 when Matawaia School became bi-lingual

Source: *Northern Advocate*, 10 September 1985.

Native or Māori Land Courts and Māori Affairs Department

Legislation, policies and actions of these courts affected claims 68, 149, 371, 642 and 1464. In all cases Crown acts and omissions resulted in loss of land and livelihoods for the claimants. Claims cover alienations by courts and poor administration of government departments that should have protected Māori interests.

Actions of the Land Court with respect to determining title for specific blocks have been covered in the previous chapter. Here, this report focuses on examples of ongoing interventions of the Court and Māori Affairs Department in lands that continued to be owned by Māori.

Land Development Schemes have been the subject of separate technical reports commissioned by the Waitangi Tribunal and Crown Forestry Rental Trust. In 1993 the Waitangi Tribunal commissioned Anita Miles to report on the Te Horo

Development Scheme, and in 2005 Crown Forestry Rental Trust commissioned Bassett Kay Research to report on Te Tai Tokerau Māori Land Development Schemes 1930-1990.¹¹⁵⁷ The Miles report raised issues to the Tribunal that were addressed in the subsequent Bassett Kay report.

The summaries in the latter report for four schemes are included here: Mōtatau/Pokapū, Ngaiōtonga, Te Horo, Waiōmio. Conclusions are drawn following the summaries.

Mōtatau/Pokapū

The Pokapū Base Farm was part of the Mōtatau Vested Lands which had been administered by the Tokerau Māori Land Board who had leased the land to a Pākehā farmer. The Crown had purchased the lease in 1930. Although the scheme operated as a base farm in the 1930s supplying other schemes with sheep, cattle and dairy cows the Supervisor recommended that dairy farming be abandoned because the land was not suitable for that purpose. The scheme continued with a dairy herd and in the late 1930s it was decided following a series of floods that considerable drainage work would be required to improve the pasture. Extensive drainage work was not completed and the farm was considered fully developed by 1940 and had during this period generally made annual losses with the occasional small profit. In the 1940s the farm continued to be economically marginal to the extent that it was often unable to pay rates. The department again considered removing the dairying herd from the scheme but the block at this stage was not considered large enough for a mixed sheep and cattle farm.

When considering the future of the scheme the Chief Accountant discovered that because the land had been leased by the Crown it had never been taken under any land development legislation. The terms of the lease meant that the Crown as lessee was entitled to compensation for any improvements it had made on the farm between 1931 and 1957. The issue for the owners of the vested lands was whether or not they as owners would have to pay compensation to the Crown, as lessee, for the improvements on their land. It was decided that although legally no trust had been created for the owners the Crown occupied the land as though it was a development scheme and therefore administered no differently than land under Part XXIV. It was therefore preferable that the land continued to be treated as though it had been under the Act and the leases be surrendered without compensation being required. Cabinet approved the Board of Māori Affairs decision to surrender the lease and return the improvements, credit balance, stock and chattels, without consideration to the Māori Trustee for eventual return to an

¹¹⁵⁷ Heather Bassett and Richard Kay, 'Tai Tokerau Māori Land Development Schemes 1930-1990', Wellington, 2006; Anita Miles, 'Te Horo Development Scheme', Wellington, 1993.

incorporation of owners. The owners had unanimously agreed that the farm be run by an incorporation of owners.¹¹⁵⁸

Waiōmio

The Waiōmio scheme was started in 1938, and the owners were told that they had handed their land over to Native Affairs for development as a scheme without conditions and the blocks would be developed as a whole for at least three to five years. Initial development progress was slow and the scheme had not been settled by the 1940s. The department felt that the war years had resulted in a deterioration of improvements and a more accurate knowledge of the land's quality meant that a reassessment of the scheme's settlement plans was necessary. It believed that the proposed ten units should be reduced to four dairy farms.

In the 1950s six of the twelve owners in the scheme asked for Māori Affairs to return their land so that they could farm it themselves. The department decided that half of the 1,580 acres was unsuitable for development because of its steepness and that it could be released. The department did not release the land. Towards the end of the 1950s inspections stressed that the development period had been going on too long and the scheme was too small to be run as a single station and that thought should be given to its settlement. The financial performance of the scheme during the 1960s was poor and it was decided to abandon efforts at dairy farming and to concentrate on sheep and cattle farming. During this period the scheme debt increased by 83 percent. The department's solution was to purchase the land from the owners for whom the department had three addresses. It was decided that leasing or forestry would provide insufficient return to address the scheme debt. The owners were not interested in selling their land and were encouraged to consider forestry because other farming efforts had since 1938 been unsuccessful.

In the mid 1970s owner Ken Finlayson informed the Minister of Māori Affairs that the owners wanted to end their relationship with the department because of its 'gross misconduct' and he asked for an 'equitable settlement for the enormous losses they have sustained.' He contended that despite the scheme's significant and consistent losses and increased debt there 'is no apparent change in the philosophy of administration and management'. He concluded that extending Māori Affairs control for longer merely increased the debt. He suggested the owners might consider legal action and the Secretary of the Department of Māori Affairs in briefing the Minister of Māori Affairs agreed that there was 'no doubt that the financial position of Waiōmio presents an unfavourable record of departmental control'. The debt was twice the land value. The District Officer said that the owners would unless they had their land return take a case to the Supreme Court 'for breach of trust.'

¹¹⁵⁸ Bassett and Kay, pp.401-02.

In the 1980s the Board of Māori Affairs made a series of interest remissions. Horticulture, dairy, cattle and sheep farming and forestry were all considered as long term possibility to save the scheme but were acknowledged as expensive in the short term. Other options suggested by the department were to run down the farm and plant the block in forestry; or sell stock to minimise debt and lease land; or acquire additional land and increase asset and potential debt. It was decided that any future farming plan for the scheme would need to take into account further debt reduction.

In 1985 the owners lodged an application with the Māori Land Court to set up a Section 438 Trust. The owners at this stage reiterated that they wanted a total debt write off. The Waiōmio trustees told the Minister of Māori Affairs his department had failed to act when the scheme was known to be uneconomic and it had failed to settle anyone on the land within the promised five year period. They maintained that the department's 48 year control of the scheme had been one of mismanagement and it had violated the owners' rights. The department eventually conceded that a debt write off should be granted.¹¹⁵⁹

Ngaiōtonga

When the Ngaiōtonga Development Scheme commenced operation in 1952 from two mortgaged farms and a number of small Māori farms the department proposed to settle four dairy, four sheep farms and one mixed farm unit. A number of house sites remained on the scheme and the owners had access to firewood reserves. By 1957 most of Ngaiōtonga A2 was in grass and the department planned to run the scheme as a station to address the debt and allow settlement to proceed progressively on the now proposed eleven dairy and two sheep farms. It was at this stage estimated that settlement would be achieved by 1962 or 1963. Despite the initial prediction that the scheme would be settled within six years of inception by 1961, the financial position of the Ngaiōtonga scheme had become virtually hopeless. The very high level of debt (£128,841) was almost four times the valuation of the farm (£33,350). The owners were annoyed about the debt and the failure to settle farmers on the scheme. When they confronted the department they were told that the department had not realised at the commencement of the scheme what a difficult area Ngaiōtonga was to farm.

In 1967 the owners were told that they should abandon the idea of settlement and instead run the scheme as a single station under the control of an incorporation. The department argued dairy farming in the area was difficult and some areas were not sufficiently economic to be run as dairy farms. In the 1970s the department proposed afforestation of the scheme. Although the owners were interested in forestry they did not want Māori Affairs involved. They wanted the forestry proposal to be administered by a trust or an incorporation. In

¹¹⁵⁹ *ibid.*, pp.556-58.

1979 the first commercial planting of Ngaiōtonga land in pine trees began under the control of the department.

In the 1980s the owners began to consider incorporation and buying out the Crown's share interest in the scheme. The Crown owned 85 percent of the shares. It was suggested that the owners could find a body like the Ngatiwai Trust Board to purchase Crown shares for them. The owners asked about individuals purchasing Crown shares and were told that the Māori Land Board generally did not sell shares to individuals. The owners were concerned about having to repay the debt and purchase Crown shares at the same time and were told that future profits could be directed to both purposes. In 1986 the owners discussed the establishment of a trust and it was decided that it would be called the Whangaroa Ngaiōtonga Trust. The owners also agreed to accept a proposal from Taitokerau Forests Limited to run the Ngaiōtonga forestry blocks.

In 1989 the trustees of the Whangaruru Whangaroa Development Trust in recognition of the economically marginal farming possible on the scheme asked the Minister of Māori Affairs to return the land to its owners free of debt and the Crown shares to be returned without cost. They also wanted an area set aside for papakainga. They stated that a decline in farming meant that the farm could barely pay its way and any income from pine planting would not be realised for 15 to 20 years. They maintained that originally the department had said that the land would be returned within 11 years of the scheme's inception. In June 1989 the Board of Māori Affairs approved the return of the Ngaiōtonga Development Scheme to its owners and the debt write-off.¹¹⁶⁰

Te Horo

In the 1960s Pipiwai Māori wanted additional land development to provide employment and settlement opportunities for Māori who were forced to leave the area for work. Further impetus for development was provided by the local body calling for the land to be made more productive and pay rates, and central government concern over 'idle' land needing development for the national good, and the Health Department calling for improvements to Māori housing. Māori Affairs was reluctant to initiate a development scheme and were doubtful about the longer term employment opportunities that a scheme would provide. Instead the department preferred enlarging the uneconomic farms that it had created prior to the war and with this objective in mind the Crown purchased interests from owners in the valley so it would become the controlling owner in the development and settlement of the land. Opinion was divided over whether a single scheme or the development of individual farms would best serve the wider community interests.

However in 1965 a typhoid outbreak sparked renewed interest in land development particularly if it was a means of improving health

¹¹⁶⁰ *ibid.*, pp.418-20.

through the removal and replacement of old homes. Further impetus in favour of land development came from the local council which was unhappy about the condition of the land and was considering applying to the Māori Land Court for Section 438 orders to have the land leased to someone who would use it profitably. Objections against a development scheme were counterbalanced by those owners that were concerned that if Māori housing and land development was not improved, the land would be declared idle and their control would be further diminished.

In March 1966 the Board of Māori Affairs consented to a development scheme at Pipiwai for approximately 2,000 acres. The settlement objective was ten dairy and one sheep farm. The board had received consent to develop the land as a scheme from 71 of 547 owners [13%]. These owners held 15,000 of the total 35,100 shares [42.7%]. A number of the owners who agreed to the scheme were identified as 'major shareholders'. There was concern from owners about losing their whānau connection with the land as a result of title amalgamation and land development as a scheme. Moetahi Hoterene for example objected to Kaikou X being included in the amalgamation and developed because his house was on the land and there were urupa where he had ancestors and children buried. He asked for his share to be partitioned out of the scheme. The owners who objected were assured that they would be able to remain in their houses and nominate units for settlement. In the late 1960s houses had been demolished and in some instances the department acknowledged that there was overcrowding.

The requirement to settle the land involved nomination and professional training in farming and \$2,000. In 1969 the Tokerau District Māori Land Committee met to interview the potential Te Horo settlers. They highlighted for the nominees the obstacles and requirements of settlement and openly discouraged those who sought settlement despite their meeting the requirements. The meeting was considered a 'Public Relations' exercise because the department had already decided the probable best use for Te Horo would be a large scale station to be handed back to an incorporation.

To the owners' disappointment Māori Affairs had by the 1970s openly abandoned its earlier promise of settlement and was now pursuing forestry and the eventual return of the land to an incorporation of owners. The owners argued that they had agreed to comply with the department's development conditions which had ended a number of owners farming and living there, on the condition that eventually owners would return and be settled on economic farms. The relationship between the department and the owners at this time was generally characterised by distrust with the owners maintaining that the department had reneged on its earlier promises. The department considered that the owners were being unreasonably difficult about the scheme's management and its forestry plans. The owners were concerned about the debt and wanted their land returned. Some owners wanted incorporation. Other owners wanted their whānau blocks partitioned out.

These owners were annoyed that the titles had been amalgamated in the first place. Annual meetings often went beyond discussion of the scheme and its accounts and progress to include recriminations and animosity between various families involved in the scheme and with the department. In 1979 the Ombudsman's Office met to discuss issues concerning the scheme and it noted that there was dissent among the owners and differing agendas at work. The Ombudsman's Office expressed concern that the owners were extremely reluctant to accept that the department had done any good at all and it concluded that the owners would only accept the return of their land debt free.

In the 1980s the owners and Māori Affairs were in agreement that the land should be returned to the owners' control. They began to investigate in what form this would take place and how the owners would repay the debt and purchase Crown shares. Although some owners were considering how to move forward and away from the department's control other owners who had opposed the original amalgamation still wanted the areas they regarded as family blocks partitioned out of any proposed incorporation or trust. This caused debate among the owners on how to make the trust or incorporation work. In 1982 the owners voted unanimously to form a Section 438 Trust. J. Davis, C. Tipene, M. Shortland, S. Armstrong, W. Hauraki, C. Lyndon, L. Peihopa were elected unanimously as trustees representing the main family groups in the Pipiwai Valley. To repay the debt and make the scheme more profitable forestry and horticultural farming ventures were investigated during the 1980s and the scheme had a partial debt write off.

In 1987 the owners were told that the shares that had been compulsorily acquired and placed with the Māori Trustee would be returned free of charge. Those shares sold voluntarily would be offered back to the existing owners at valuation. To purchase the shares the Māori Trustee offered an interest free loan which could be repaid from future profits.

In 1988 the Director of Māori Affairs conceded that the development scheme should never have taken place because the major shareholders who had opposed amalgamation had been disregarded by the Māori Land Court. He concluded that the owners had got nothing from the scheme and the Crown was the only winner. He recommended a total debt write off. Te Horo Trustees argued that Māori Affairs had sold them an idea of settlement which had never been fulfilled and which had resulted in alienation from the land since 1966 without financial benefit. The result had been a large debt and in some cases the loss of ownership through uneconomic interest provisions. In 1988 the Board of Māori Affairs approved the submission for debt write off and return to the owners. Māori Affairs administration of the scheme ended in June 1988, but disputes continued about the allocation of the 'uneconomic' shares which had been compulsorily acquired by the Crown.¹¹⁶¹

¹¹⁶¹ *ibid.*, pp.535-38.

The common themes that emerge from these specific examples are that the Crown favoured dairying in the 1930s but by the 1940s or 1950s had to concede that most land was not suitable for this purpose. Mixed farming was considered but generally the schemes were not large enough. From the outset, under Māori Affairs Department control, the schemes accumulated debts and were so financially marginal that often rates could not be met. Debt accumulated to levels in excess of land value, in some cases exceeding it by multiples of twice to four times land value, against which interest was charged, which further enlarged the debt. When farming of any kind proved unviable, the next fad was forestry, which involved more debt accumulation without any prospect of income for 15 – 20 years. These schemes achieved practically no value for the original owners and undermined their rights and relationships to ancestral lands. The Crown's eventual debt write-offs and return of assets were an appropriate acknowledgement of mismanagement.

Rating and Other

Only Wai 68 mentions rating of lands and transfers to SOEs specifically. However, it is likely other claims might have been affected by these events. Rating issues have been reported on in the Waitangi Tribunal's Rangahaua Whanui series, National Theme I, Māori and Rating Law, and in a report commissioned for the Northland enquiry.¹¹⁶²

¹¹⁶² Tom Bennion, 'Māori and Rating Law', Wellington, 1997; Bruce Stirling, 'Eating Away at the Land, Eating Away at the People': Local Government, Rates and Māori in Northland', Wellington, 2008.

CHAPTER EIGHT: E KŌRERO ANA NGĀ TANGATA: THE PEOPLE TALK

Introduction

By the end of the nineteenth century, many adverse changes had been inflicted on TE AHO hapū and the numbers of a previously flourishing population had decreased dramatically, although the descent had bottomed-out about 1890. However, there is no accurate assessment of numbers and distribution at this time.

Unfortunately, only some of the earliest census data gives geographic locations of hapū, and then these are incomplete, possibly because some Māori did not wish to participate in the census, or the officials did not attempt to take a complete record.

In 1870, 150 Ngāti Hine were recorded at Te Pupuke Whangaroa, with Maihi Paraone Kawiti as their leading chief. Fifty Ngāti Manu were at Kaeo with Wiremu te Poro, and 85 Kapotai were at Pāroa (no leader named, unless they came under the general leadership of Mangonui Huirua of Te Whanauwhero).¹¹⁶³

In 1881 the chiefs were not named. Forty-four Ngāti Moerewa were at Tautoro; 23 Whanaupani were at Patunga, and another 73 at Touwai; 116 Ngāti Rangi were at Ōhaeawai; 53 Ngāti Manu at Karetu; 203 Ngāti Hine at Waiōmio, and 117 Kapotai at Waikare. In the Whāngārei District, 189 Te Uriroroi were at Mataiwaka, Kohekohe and Te Poroti; and 215 of Te Parawhau were recorded in twelve other locations in the district. Te Uriroroi had 44 people at Mataiwaka, in the Kaipara District also. Of the 31 school-aged boys at St Stephen's School in Parnell, two were from Ngāti Hine, one from Te Kapotai and one from Ngāti Manu.¹¹⁶⁴

The stories told here witness to these hardships but also the resourcefulness that underpinned the populations' resilience and served as a springboard to help retain valued traditions of the past. The biographies of several of these stalwart tūpuna, given in Chapter 1, attest to this. One of the most influential at the turn of the century was the Ngāti Hine Member of the House of Representatives for Northern Māori, Tau Henare I.

¹¹⁶³ AJHR, 1870, I, A-11, pp.3-4.

¹¹⁶⁴ AJHR, 1881, G-3, pp.11-13.

Tau Henare MHR

Taurekareka Henare (né Wynyard) was elected to the seat for Northern Māori in the 1914 election, after Te Rangi Hiroa, its non-northern representative, resigned. His whakapapa links are with Hineāmaru, the paramount chieftainess of Ngāti Hine, and with Waikato, Ngāti Porou and Te Arawa. Mabel Waititi, interviewed for Waka Huia in 2001, said a woman had a dream, 'There is a man, tall, fair, whiskers, working in the forest, he is the one to vote for so that he will enter parliament and fight for our land that the Pākehā stole'.¹¹⁶⁵ Three elders of Te Uri Taniwha persuaded him to stand for the Reform Party. Henare supported William Massey's government in 1914, giving it a narrow majority.¹¹⁶⁶ With just 23% of the votes in 1914, Henare's win was not overwhelming either. An unprecedented number of candidates stood, and the next closest polling was 18% each for Hemi Te Paa and Riapo Timoti Puhipi, both of Te Rarawa in the far north; under the first-past-the-post system Henare needed only one vote more than the next highest polling. Perhaps some unease persisted after Hone Heke Ngapua's sudden death in 1909 and the unusual selection of his replacement, who was of the Young Māori Party and not from the north.¹¹⁶⁷ Henare (who changed his surname by deed poll before the 1914 election campaign, thinking the name Wynyard¹¹⁶⁸ would repel some potential voters) had no formal Pākehā schooling and had been raised through part of his childhood by Wi Pere, the Member for the East Coast.¹¹⁶⁹

Henare was elected at the start of the Great War (World War One). Because of the long distance between Wellington and his home in Mōtatau, he established a home for his family in Auckland. There, during the influenza pandemic that followed the war, his wife Hera (née Subritzky, raised by the Revd Tiopira Paerata) died after attending the sick.¹¹⁷⁰ In the 1919 election, Tau Henare received 68% of the votes; all but one of the far-northern candidates withdrew, and the largest single block of votes

¹¹⁶⁵ Mabel Waititi interview, Waka Huia, 12 August 2001.

¹¹⁶⁶ Robin C. McConnell. 'Henare, Taurekareka - Biography', from the DNZB, Te Ara - the Encyclopedia of New Zealand, updated 1-Sep-10.

¹¹⁶⁷ Paul Moon, *Ngapua: The Political Life of Hone Heke Ngapua, MHR*, Auckland, 2006, pp.330-36; Adrienne Puckey, 'The Substance of the Shadow: Māori and Pākehā Political Economic Relationships, 1860-1940 : A Far Northern Case Study', PhD thesis, University of Auckland, 2006, pp.128-30.

¹¹⁶⁸ Lt. Colonel Robert Wynyard was one of the party who stormed Ruapekapeka on 11 January 1846. Frank Rogers, 'Wynyard, Robert Henry - Biography', from the DNZB, Te Ara - the Encyclopedia of New Zealand, updated 1-Sep-10 . Original publication, Vol.1.

¹¹⁶⁹ McConnell. 'Henare, Taurekareka'.

¹¹⁷⁰ Davis and Cherrington interview.

in 1922 came from his wife's home seat of Awanui, in the far north.¹¹⁷¹ Henare's support from then on was solid, until he was finally defeated by Rātana candidate, Paraire Paikea, in the 1938 elections, just before the Second World War. Henare's long term of 24 years, spanning the difficult inter-war depression, would have challenged any lesser calibre of representative.

Tau Henare participated sparingly in parliamentary debates, partly because English was very much a second language for him, and he often spoke through an interpreter.¹¹⁷² However, his own words offer another reason: 'I am not one of those who take up the time of the House in commenting on proposals in which one is not interested.'¹¹⁷³ Therefore, conversely, the subjects he raised on those few occasions he did speak give some insight to what he was interested in or concerned about, and provide a rare oral source for this report.

Aptly the first question Henare raised, in July 1915, was 'whether or not the Government is in favour of the Treaty of Waitangi', to which the Right Hon. Mr Massey (Prime Minister) replied that it was and 'is endeavouring to carry out by legislation, the principal operative section of the Treaty of Waitangi, namely "Article the Second".' Massey proceeded to recite the second article, which confirms to the chiefs and tribes the full, exclusive and undisturbed possession of their lands, forest, fisheries and other properties, and added that 'All Natives claiming rights under the above article can go to the Native Land Court'.¹¹⁷⁴

In August 1915, Henare responded to a motion put by Young (Waikato) that the report of the Native Affairs Committee, to the effect that no recommendation be made on the petition of Terehea te Whanga and others praying for an inquiry re sale and partition of Parahaki No 1. Block, be accepted. Henare objected that 'no opportunity had been afforded the petitioner to give evidence'. Accordingly he moved 'That the report be referred back to the Committee for further inquiry, so that evidence might be called.'¹¹⁷⁵ Henare's motion was supported by Parata (Southern Māori) and Herries (Native Minister), and although opposed by others, ultimately succeeded in having the report referred back. This was given effect in Clause 18 of the Native Land Amendment and Native Land Claims Adjustment Act, 1916.

¹¹⁷¹ Puckey, p.130.

¹¹⁷² Note: when Henare spoke through an interpreter, the interpreter's English translation was recorded.

¹¹⁷³ NZPD 1928, Vol. 219, p.952.

¹¹⁷⁴ NZPD 1915, Vol. 172, p.318.

¹¹⁷⁵ NZPD 1915, Vol. 173, p.192.

18 (1) The Judge of the Native Land Court for the time being exercising jurisdiction in the Tokerau District is hereby empowered, on the requisition of the Native Minister, to review the orders made by Judge McCormick on the eleventh day of February, nineteen hundred and thirteen, in partitioning the Parahaki No. 1 Block, and to make such readjustments as he may think fit with the consent of all parties concerned ...

(2) The Judge may make such orders as he may think fit with respect to survey fees...

(3) The Tokerau District Māori Land board is hereby empowered to pay, ... out of money in its account, such sums as he may deem fit, to such persons as he may find entitled, by way of compensation for loss of cultivations, not exceeding in the aggregate the sum of three hundred pounds.

In 1916, Henare moved that a return showing expenditure by the Public Works Department on roading for the Mōtatau No. 2. Block be laid before the House.¹¹⁷⁶ In the same session, he responded to another of Young's motions about a Native Affairs Committee report, this one recommending that the petition of Karaka Rutene and others, concerning the sale and partition of Manukau Block, in the Herekino area, be referred to the Government for inquiry.¹¹⁷⁷ Henare impressed on the Government and the Native Minister 'the necessity for having very careful enquiries made respecting this petition'. He held that Māori of his district had been badly treated by confirmation of sales of their land to land speculators and wanted the Government 'to instruct the Judges of the Native Land Court and the Presidents of the Māori Land Boards to be very careful'.¹¹⁷⁸ Young agreed that there were some irregularities in the directions of the Board in this case, and 'that there was evidently a lack of close attention to duty on part of somebody in connection with these Native affairs and some of the matters brought before the Native Land Courts. There was no question about the fidelity of the Native Land Court Judges, ... but the trouble was that the Natives were apparently not well enough off in the first place to have the best representations made to the Court on their behalf.' By putting a motion of inquiry, Young thought that 'there was now a chance to expose what one could only call a nefarious trick, akin to many of the kind that had been going on in New Zealand, against the interest of the Natives.'¹¹⁷⁹ The motion was agreed. In the following year's

¹¹⁷⁶ NZPD 1916, Vol. 177, p.328.

¹¹⁷⁷ This was Petition No 276 of 1915, Karaka Rutene and 29 others.

¹¹⁷⁸ NZPD 1916, Vol. 177, p.517.

¹¹⁷⁹ NZPD 1916, Vol. 177, pp.520-21.

session, Young presented the results of the inquiry and agreements made, which Henare confirmed.¹¹⁸⁰

In the context of debate about discharged soldiers settlement in 1917, Henare raised the issue of lands being sold while some Māori owners were away at war fighting on the front for their country. Henare said ‘They did not ask for any land at all from the Government, but they wanted the Government to protect what they did own, and he suggested that the purchase of Māori land should be prevented until twelve months after the conclusion of the war’, so that owners could be present to look after their interests.¹¹⁸¹ Henare was also concerned to know the number of Austrians (Slaves and Dalmatians) employed by the Government and their daily pay rate.¹¹⁸²

In September 1917, Henare wanted to know if the present Registrar for the Tokerau District Māori Land Board was going to be removed, and Herries confirmed there would be an interchange with another district.¹¹⁸³

Henare objected to Native Schools, such as the 53-student (only three of whom were European) Mōtatau School in his district, coming under the Board of Education, wanting them instead to come directly under the control of the Minister of Education. Even though he realised that money was short during the war, he urged that money be made available for these urgent cases.¹¹⁸⁴

Land was a perennial issue. The Whangārei Harbour Board Vesting and Empowering Bill was laid before parliament in October 1919, Mr Pearce moving that it be allowed to proceed, which it did. Henare asked for ‘assurance that this Bill would not affect Māori interests in the district’, as a similar Bill in 1907 had affected Native land in the district very materially. After considerable expense on the part of Māori, a Royal Commission in that case found that Native lands were adversely affected.¹¹⁸⁵

Seeking better access to kaimoana for people living in inland areas, Henare requested in 1919 if provision could be made ‘to allow fishermen to sell fish in the railway-van at stations between Whāngārei and Ōpua for the convenience of the settlers in the back-blocks’. Massey, speaking as Minister of Railways, regretted that it would not be

¹¹⁸⁰ NZPD 1917, Vol. 178, p.839.

¹¹⁸¹ NZPD 1917, Vol. 178, p.392.

¹¹⁸² NZPD 1917, Vol. 178, p.548.

¹¹⁸³ NZPD 1917, Vol. 180, p.189.

¹¹⁸⁴ NZPD 1917, Vol. 180, p.632.

¹¹⁸⁵ NZPD 1919, Vol. 185, p.207-08.

practicable because the Railways Department was responsible for other freight and luggage being carried in the vans and could not allow that to be accessible to the general public.¹¹⁸⁶

Education was one of Henare's deepest concerns. In October 1919, he asked the Minister of Education if the fifty-year-old, inadequate Pukepoto Native School building would be immediately replaced, and was assured that a grant for a new two-room school had been approved by Cabinet and work would start as soon as possible. Later in the month, he asked the Minister of Agriculture 'Whether the Government will consider the urgency of erecting a Māori agricultural college at the Bay of Islands for the education of Māori boys from the Aupōuri, Rarawa, Ngāpuhi, and Ngāti-Whatua Tribes'. He was told that this was under consideration.¹¹⁸⁷ As events transpired, the Northland Agricultural and Technical College in Kaikohe, was established, but not until after the Second World War, in 1947.

Another of Henare's concerns was that Māori have adequate say on matters affecting them. He asked that Māori have an 'opportunity of voting on the liquor question at the forthcoming general election', but was told it was quite impossible to pass the necessary legislation to give effect to the request in the present session.¹¹⁸⁸ Again in 1924, Henare asked that one of the Māori members be included in the Committee considering the Summer Time Bill, and suggested Āpirana Ngata.¹¹⁸⁹

Henare wanted to restrict the powers of Māori Land Boards over Māori-owned lands. He asked for legislation to be introduced to prevent the Boards from selling 'lands held under Part XIV of the Native Land Act, 1909, unless directed to do so by resolutions passed by meetings of assembled owners'. While Herries agreed with the idea, he believed that existing legislation already provided this safeguard, and that it was generally adopted.¹¹⁹⁰

He also wanted the Land Boards to be accountable. In November 1919, the Parliament ordered on Henare's motion that a return be laid before the house showing: 'The total amount received by the Tokerau Māori Land Board as compensation for improvements effected by the Natives on the Mōtatau No. 2 Block',

¹¹⁸⁶ NZPD 1919, Vol. 185, p.678.

¹¹⁸⁷ NZPD 1919, Vol. 185, pp. 656, 714.

¹¹⁸⁸ NZPD 1919, Vol. 185, p.691.

¹¹⁸⁹ NZPD 1924, Vol. 203, p.1190.

¹¹⁹⁰ NZPD 1919, Vol. 185, p.699.

the names of the persons to whom sums have been paid out of the compensation and the amounts paid, and the amount still in the hands of the Board.¹¹⁹¹

The location of the Akeake Railway Station was brought before the House in 1920. Henare asked the Minister of Railways if the station on the Ōpua-Kawakawa line could be moved about half a mile north, to be near deep water, so that milk supplied to the Hikurangi Dairy Factory could be transferred easily from a launch to the train. At the time, launch carriers had to carry the heavy milk cans on their backs from their boats to the train, and often missed it, and the milk arrived as second-grade at the factory. The request was turned down as the Minister claimed there were more pressing needs for railway works.¹¹⁹²

After the war ended, in 1920 Henare put forward a motion which, when passed, ordered that a return be made of the total number of Māori returned soldiers who applied for sections of land under the discharged-soldiers-settlement scheme in North Auckland, the number who were successful in obtaining land (if any) and the total area of land occupied by successful applicants.¹¹⁹³

In 1923, Henare objected to a Bill regulating oyster gathering, particularly the clause which prevented Māori from taking oysters between November and February. He referred to the provisions the previous Minister of Marine, Herries, had made for rights for Māori to take oysters from beds set aside for their food purposes.¹¹⁹⁴ In September 1924 he returned to the subject, saying that a promise had been made that oyster-beds would be set aside at Whāngārei for Māori, and the Native Committee had been instructed to carry out the proposal, but the Marine Department wished instead to set aside beds on farther out islands rather than the mainland. He also called the attention of the Minister to the wasteful practices of visitors to the Bay of Islands disposing of unused fish they caught during the summer months.¹¹⁹⁵ He had cause to raise the subject again in 1927 and requested that the Minister gazette regulations to overcome the issue.¹¹⁹⁶

A further restriction had been placed on access of local Māori to Ngāwhā Hot Springs, near Kaikohe, even though at least some parts were recognised as belonging to them.

¹¹⁹¹ NZPD 1919, Vol. 185, pp.1380-81.

¹¹⁹² NZPD 1920, Vol. 187, p.845.

¹¹⁹³ NZPD 1920, Vol. 187, p.1059.

¹¹⁹⁴ NZPD 1923, Vol. 201, pp.248-49.

¹¹⁹⁵ NZPD 1924, Vol. 204, p.891.

¹¹⁹⁶ NZPD 1927, Vol. 214, p.814.

The Minister in Charge of the Tourist and Health Resorts Department undertook to look into the matter.¹¹⁹⁷

When decisions were being made about amounts of money allocated to various Departmental activities in 1924, Henare 'wished to impress on the Minister the responsibility of the work of the Chief Judge of the Native Land Court. Those who knew the duties undertaken ... must admit that the salary allowed to him was far below the mark'. He sought an increase to the salary and also asked that improvements be made to the 'shocking' Native Department office.¹¹⁹⁸ In relation to expenditure on Health, particularly infant mortality, he 'failed to find anything in the estimates for ... the benefit of the Māori race'. He appreciated the good work of the Native nurses and Health Inspectors, but more was required. Sir Māui Pōmare corrected him in this instance, pointing to £12,668 being spent annually on nurses and medical attention to the race, and he expected to do even more in the future. Furthermore, two bursaries had been awarded to Māori students to study dentistry.¹¹⁹⁹ In the same budget round, Henare also requested that more money be spent on the road from Mōtatau to Kaikou. In reply, Coates said the work was considered urgent and there would be sufficient in the supplementary estimates 'to go on with'.¹²⁰⁰

Debating Native Land legislation in November 1924, Henare congratulated the new Native Affairs Minister (Coates) for having grappled with difficult questions in his short time in office. He also supported remarks made by the member for Eastern Māori who had spoken previously, 'because there are lakes in the district I represent in respect of which the same conditions apply. I believe that the Maoris in my district will appreciate this Bill.'¹²⁰¹ In an unusual outburst, Henare again supported the views of the member for Eastern Māori, who stated that the member for Gisborne knew nothing about the subject of the present debate, the Native Land Rating Bill, and that there was no reason to refer the matter to local bodies for further consideration.¹²⁰²

In 1927, Henare pressed for telephone services for the area between Whāngārei and the Bay of Islands, which was well settled. He had asked on previous occasions and

¹¹⁹⁷ NZPD 1923, Vol. 202, p.294.

¹¹⁹⁸ NZPD 1924, Vol. 204, p.679.

¹¹⁹⁹ NZPD 1924, Vol. 204, p.1016.

¹²⁰⁰ NZPD 1924, Vol. 205, p.1041.

¹²⁰¹ NZPD 1924, Vol. 205, p.1048.

¹²⁰² NZPD 1924, Vol. 205, p.1058.

had been referred to the local bodies, but no action had resulted. The member for Marsden said the matter was worthy and urged the Postmaster-General to give some attention to it, observing that the district was mostly settled by Māori and that telephone communication would be highly beneficial.¹²⁰³

Henare returned to the subject of Native Schools coming under the Education Boards in 1927, claiming that better education was being provided to European children and calling the minister of Education to pay heed to the Treaty of Waitangi which provided that Māori would be treated equally. He also called attention to the lack of dental care available to children, who had to travel up to forty miles for treatment. Henare questioned why four Native constables received just over £60 each, which was too little to live on. The Minister in charge of Police said the men were not part of the Police Force; they were not permanent officers but part-timers working in an advisory capacity. Henare was not satisfied with this answer and said, 'if the men were capable enough to sacrifice their own business at home for the safety of the country, surely the Department could give a little more.'¹²⁰⁴

Henare criticised the stewardship of the Government over oyster-beds. He said that Māori always inspected the quality of the beds before harvesting, whereas the Department simply worked to a date for opening the season regardless of the beds' condition. He insisted that the Minister responsible for fishing take responsibility for the damage caused by Pākehā, and also cited instances where a Māori woman married to a European was 'requisitioned to pick oysters for a crowd of white people.'¹²⁰⁵

In September 1927, Henare objected to the Noxious Weeds Amendment Bill, which he claimed was aimed punitively at Native Land. He challenged the Government instead to help Māori clear their properties of weeds, and provocatively questioned who brought the weeds to New Zealand. 'It was the Pākehā who brought them into the Dominion and planted them on our Native lands, and so it is the duty of the honourable member ... to see that the trouble is removed.'¹²⁰⁶ Again in 1929 he reminded Members who were complaining about Native lands that 'noxious weeds

¹²⁰³ NZPD 1927, Vol. 214, p.160.

¹²⁰⁴ NZPD 1927, Vol. 214, pp.62-3, 171-73.

¹²⁰⁵ NZPD 1927, Vol. 214, p.819.

¹²⁰⁶ NZPD 1927, Vol. 214, p.345-46.

and the rabbits had been brought to New Zealand by the Pākehā, and ... it was their duty to eradicate those pests.¹²⁰⁷

In 1928, Henare appreciated the work done by Government officials to effect rates compromises. 'I am glad to say that compromises have been made which I am sure will be in the best interest of all concerned.' At the same time, however, he called for an inquiry into land purchases by Government representatives. 'No confiscation of land has taken place in my district. The only trouble ... is ... [that] these land-purchase officers used to buy small areas, but after some years such acquisitions expanded into large areas. The Europeans pouring into the country were hungry for land, and the Government would say to them, "You see that mountain in the distance, that all belongs to us." But all the time the Crown only owned the ground under their feet.' He hoped that Māori would be able to submit evidence to such an inquiry to substantiate their claims.¹²⁰⁸

Henare asked in 1929 if 'he would be in order in nominating certain Natives for the position of Justice of the Peace. There were many Natives as capable as the Pākehā to carry out the duties of such a position.' The Minister responsible said he would be glad to consider their appointment.¹²⁰⁹ Henare revisited the question of the pay of Māori police constables, who were still receiving comparatively low remuneration. He also said that one young Māori man had applied to join the Police Force and 'the Department replied that it was not going to tolerate a member of the Māori race in the Force.' Henare sought an explanation of the Minister, but it was not immediately forthcoming. Another Member urged that women be appointed to the Police, pointing to the good example of women social workers.¹²¹⁰ Henare had raised another instance of discrimination on several occasions without satisfactory response, this with respect to the conditions of admission to Massey Agricultural College. The College required that applicants must have been engaged in a dairy factory for one season, an opportunity that was not available to Māori boys and therefore no Māori could gain admission.¹²¹¹

Preserving historic sites was another matter of interest to Henare at this time. He sought money for improvements to the Ruapekapeka Pā site and to erect a memorial

¹²⁰⁷ NZPD 1929, Vol. 222, p.917.

¹²⁰⁸ NZPD 1928, Vol. 219, p.952.

¹²⁰⁹ NZPD 1929, Vol. 222, p.1007.

¹²¹⁰ NZPD 1929, Vol. 222, p.1141.

¹²¹¹ NZPD 1929, Vol. 223, pp.399-400.

at the Treaty signing site. He insisted that the removal of curios should be stopped by the Government or the Board of Control, and he wanted the Treaty signing area to be acquired by the Government, even if it was private land.¹²¹²

Probably responding to continued criticism of Māori not paying rates, Henare put a motion, that was agreed, that a return be made to Parliament of the total amount of uncollected fees at each of the public hospitals over the last three years, separating these numbers into Māori and other-than-Māori patients, and the number of these who were not ratepayers.¹²¹³

Noxious weeds and animal pests arose again in 1930. Henare maintained that the amount voted for their destruction was wasted as it wasn't sufficient. [If the pests were not totally destroyed they would simply spread again.] He reiterated that the cost should be born by those who brought the pest to the country, and insisted that the only way to deal with the issue was to assist Māori financially to farm their lands more intensely by closer settlement.¹²¹⁴

By 1930 the combined effects of the depression and the issues Henare had raised earlier left many (or most) rural Māori in a desperate position. He rose to give one of his most impassioned pleas. After reminding the House that he had been a member for very many years, he said on this occasion he wished to give expression in his own language to matters he had longed to speak on in the past. He was grateful for the twelve hundred milking-cows that had gone into his district, but those were not enough to enable his people to earn a viable living, and yet he understood the financial difficulties confronting the Government at the time. What really upset him was that £100,000 had been granted for a museum, and worthy though that project might be, if it did not proceed, nobody would be impoverished. Whereas £100,000 invested in assisting Māori to farm more efficiently would not only put them in a position to be able to feed their families and not be a burden to the state, but also it would enable them to pay rates on their lands. Some families had lost land, which they had to give up to meet rates demands. He asked 'how long will such a policy be allowed to be pursued and render the Natives landless, and what will the position of the Natives be when they do become landless? That is why I make the plea to European members of this House that the Natives be assisted now, so that that

¹²¹² NZPD 1929, Vol. 223, p.225.

¹²¹³ NZPD 1929, Vol. 223, p.656.

¹²¹⁴ NZPD 1930, Vol. 225, p.708.

calamity may not befall them.’ He congratulated the Chief Judge and other Judges of the Native Land Court for their services and criticised the involvement of another Department that did not understand Māori and their requirements, citing the introduction of tobacco-growing in his district. The project had disastrous results, placing Māori under the burden of recovering from it for some time into the future.¹²¹⁵ Three days earlier, he had expressed surprise that no amount had been allocated to assist Māori tobacco-growers in his district. £1,000 had been allocated to assist his people in the previous year, and he wanted to know how it was spent.¹²¹⁶

A year later, in October 1931, Henare thanked the Native Minister for the work done on consolidating laws dealing with Native land, but added that ‘although those enactments have been consolidated into one measure, the good work put into it would be useless unless its provisions are backed up with finance.’ He noted with gratitude that his people ‘have three thousand two hundred milking cows ... but no sooner had they commenced dairying than the price of butterfat went down, and they suspected that the Pākehā had done this deliberately. The Natives are naturally aggrieved because half of their cream cheque has to be deducted to pay for the cows. For those who have small herds of six to ten cows there is very little in it.’ Those with bigger herds were not in the same plight and were ‘not subjected to all the subterfuges resorted to by the Pākehā.’ He also thought there was an issue about the low costs that Māori could work under, because of their strenuous work and resourcefulness. Because Māori worked for such low wages, Europeans might blame them for being a factor in the reduction of wages. Before Europeans came to the country, he claimed, Māori were numerous and there was plenty of food, but now ‘there is nothing but grumbling ... the people are short of food and money’.¹²¹⁷

Turning to a second Bill – the Native Purposes Bill – he commented on the Mōtatau No. 2 Block. ‘There are numerous tribes living on this block and working the land, but owing to the operations of the Māori Land Board of the district in the past, charges were piled up on that area of land.’ Clause 73 of the Bill enabled the balance of the charges to be written off, for which he was thankful.¹²¹⁸

Another Native Land Amendment Bill was before the House in 1932. Henare addressed criticism about the amount of money being spent on land development

¹²¹⁵ NZPD 1930, Vol. 226, p.619-20.

¹²¹⁶ NZPD 1930, Vol. 226, p.475.

¹²¹⁷ NZPD 1931, Vol. 230, p.564-65.

¹²¹⁸ NZPD 1931, Vol. 230, p.565.

schemes and challenged critics that a close inspection would show that not a penny had been wasted. On the contrary, 600 Māori in his district had been assisted under the scheme, and as long as ‘Europeans do not cease from eating butter and cheese and other products of the land’ they would repay every penny of their loans. He criticised ‘certain Departments [that] think that assistance should be withheld until their red-tape rules are complied with. Apparently they belong to that type who contend that the sun should stop in its course and await their pleasure.’ He raised the issue of unpaid rates: ‘European farmers have been in occupation of land for a long time, and have been deriving the benefits from that occupation, but we,... have only been assisted on the land for two short years, and yet our Pākehā brethren want us placed on the same footing as themselves in regard to rates.’ He went on to observe that ‘All members of County Councils are Europeans and some of them have been in the happy position of being able to borrow money to improve their lands, and when the burden of rates falls heavily on them they naturally look to the Māori to help them.’¹²¹⁹

Henare finished his speech by expressing thanks for the gift of the site of the Treaty of Waitangi signing, and before sitting down added that if the rules of the House permitted he could speak for two weeks to equalise the amount of time taken by other members.¹²²⁰ This comment indicates that he considered the voice of Māori to be vastly and unduly outnumbered.

In October 1934 the Native Department’s operations were under investigation by a Commission because of alleged irregularities in the administration. Henare’s speech was defensive. A question had been raised about whether the estimates for the Department should wait until the Commission reported before they were considered. Henare pointed out that there were other Commissions’ reports besides the Native Affairs, and there was no demand to set aside consideration of their estimates.¹²²¹

The Commission’s report was debated in November 1934. Henare started his address by saying ‘I have not very much to say’, and then made the longest of his recorded speeches. He did not want to discuss the report because he believed it was biased and incorrect, ‘especially in view of the fact that no member of the Māori race sat on the Commission, all the Commissioners being Europeans.’ He also thought that ‘It is

¹²¹⁹ NZPD 1932, Vol. 234, p.670-71.

¹²²⁰ NZPD 1932, Vol. 234, p.671.

¹²²¹ NZPD 1934, Vol. 240, p.369.

probably because of the attitude of the ex Native Minister [Ngata] in doing something worthwhile for his Māori people that obstacles have been placed in his way.’ He then issued a challenge to the House.

‘According to the custom of my people, when there is a big fight, and chiefs are fighting, it is usual after the fight to become friends and brothers. The fight is over. According to our standards we say, “Let us be reconciled,” and if members of the House were big-minded enough they would say to the ex Native Minister, “Return to your position.” According to the ethics of my people, if such an event did not take place, they would consider that those opposed to the idea were of common breeding.’¹²²²

Henare addressed a range of issues in his speech, which are repeated in full below,¹²²³ as to summarise them would remove his voice – the power, passion and the pain. He ended the session by stating: ‘Today I stand before you a man troubled in mind because my people throughout the Dominion are troubled in spirit and uneasy in mind as to their future outlook now that their former Native Minister has resigned.’¹²²⁴

I wish now to refer to the Māori Purposes Fund and the allegations that the Māori people have been wastefully spending money from this fund – money that belonged to the people of the Dominion. The person who made that allegation forgot that this money belonged to the Māori people. This money was set aside from the Maoris’ own moneys, to help the Māori people, to keep alive the Māori arts and crafts, to build meeting-houses in the different maraes throughout the Dominion, and to assist Māori students attending colleges – that is, those students suitable to be sent to colleges – and for other purposes. Some of my children benefited from this fund as well as those of other chiefs throughout the Dominion, but the Commission took special care to mention only the children of the ex Native Minister. A Māori boy from the Western Māori Electorate is working in the Department of Health, and as the Department could not assist that boy, we had to assist him from this fund.

Statements have been made with regard to the Te Kao dairy-farming scheme, it being alleged that the Minister should not have allowed grants for the development of that land. I think the minister was right in doing so. The money expended belonged to the Maoris and not to the people of New Zealand. All the young men from that district and all the men of the Aupōuri tribe volunteered for active service during the Great War, and 90 percent of them died at the front. Their parents applied for assistance, and there appears to be every good reason why

¹²²² NZPD 1934, Vol. 240, pp.1128-30.

¹²²³ The original is recorded as one continuous narrative. Here it is broken into paragraphs for ease of reading.

¹²²⁴ NZPD 1934, Vol. 240, p.1130.

a Māori Land Board should expend their own money at Te Kao for their maintenance.

The Commission reported adversely against visits of Natives from one district to another. The amount expended on these visits has been taken from the Māori Purposes Fund, and I consider that that expenditure is justified. Previously my people have not been able to make such visits, and, therefore, they were isolated, but as soon as they were enabled by this fund to make the visits, they were able to exchange ideas and to see what was being done by, and required of, the various tribes throughout New Zealand. To my mind, a great deal of benefit was derived from visits of the kind.

Let me refer to the development schemes now before the Māori People. For over one hundred years, the Pākehā people of the Dominion had failed to discover any means of assisting in the progress and advancement of the Māori race. Within recent years these development schemes were inaugurated by the ex Native Minister. Some of the money that has been spent on these development schemes belonged to the Māori people themselves; a portion of it, to the public generally. Are the allegations that are being made by the Pākehā levelled at the expenditure of this portion of the money on the development schemes? The amount of money of the general public spent on the schemes has been £200,000. It will readily be remembered that in over a hundred years this £200,000 is the only sum the public has expended on the Maoris.

We are apt to forget too, that large sums of money have been wasted in other Departments. Why has a Commission not been set up to inquire into them? I am sure a great deal of money is wasted in the Department of Lands and Survey.

A little while ago, the Māori representatives in this House decided to find some means of erecting dwellings and houses for the Maoris with the assistance of State funds. An arrangement was arrived at so that the work might go ahead, but I have since been given to understand that it is now proposed that the cost should be paid from Māori funds. Why has not a similar arrangement been applied to houses to be built for the Maoris as to those built for Europeans, upon which houses there has been spent thousand and thousands of pounds?

The press of the Dominion has alleged that we are a burden on this Dominion. The pakehas have very short memories. They forget that they owe a large sum of money for land that they confiscated. A Royal Commission set up to inquire into the purchase of the South Island decided that an amount of £350,000 should be paid to the Maoris, and up to this time that has not been paid. Why is it that the press has not mentioned that such amounts have been owing to us?

In spite of the report of the Commission, allow me to say a word in praise of the work done by the Maoris and others who have taken part in the development schemes. They have given the whole of their time, day and night, to the furtherance of these development schemes, in order to ease the expense and trouble with them. Today, the reward they get is a smack in the eye.

There is a piece of land at Waiōmio containing 600 acres. It was ploughed last year, and everything else in connection with the development of the land was done, but it was left at that. By the time the grass-seed and the manure arrived, it was too late to sow the seed; the season for sowing seed had passed. The Supervisor has now asked that the same land be ploughed and grassed. This case indicates how the development schemes have become a burden on the Maoris and how they have been handicapped by the wrong methods adopted by European supervisors.¹²²⁵

Apparently, the leader of the Opposition had advised the Māori members of the House to not say anything about the Commission's report, from which Henare thought that 'what he meant was that we should keep our heads down in the trenches, and that if we showed our heads above the trenches, we would be shot. If that is the meaning of what that honourable member said I would ask him to temper it down.'¹²²⁶ Nevertheless, Henare appears to have been discouraged from contributing to the debates as this is the last recorded in his time in office.

The Labour Rātana alliance won the 1934 election, effectively placing Henare on the opposition benches. Henare was defeated in 1938 and died two years later. Mabel Waititi described Tau Henare as a humble man, a man who took care of all people, his house was always full of children. Henare was largely instrumental in ensuring the work for the commemorative meetinghouse, opened at Waitangi in 1940, was completed. Before the people made their final journey to Waitangi to complete the building, they gathered at his home. Mabel said that as he lay dying, he said 'I would like to acknowledge this important work that has been finished, therefore, go.' He died before the building opened.¹²²⁷

Maihi Kawiti establishes the town of Kawakawa

As noted earlier, in 1858, Maihi lobbied for a settlement at Kawakawa against rival Ngāpuhi interests for Ōkaihau; his bid to Governor Gore Browne, which included an offer to sell some Kawakawa land, succeeded.¹²²⁸

At that time Kawakawa was something of a wilderness over which Māori gathered kauri gum as that trade started to increase. After coal was discovered in 1864, the town became a bustling centre for coal and kauri gum export.

¹²²⁵ NZPD 1934, Vol. 240, p.1128-29.

¹²²⁶ NZPD 1934, Vol. 240, p.1129.

¹²²⁷ Mabel Waititi interview, Waka Huia, 12 August 2001.

¹²²⁸ Kene Martin, 'Maihi'.

In 1876 the town was described as :

Quite a busy little town ... The houses and places of business are scattered rather irregularly, and it is scarcely possible to trace a street. Amongst the business places the Kawakawa Co-operative Store is worthy of notice. Business was started in November 1873, with a capital of £30. During the first quarter of the company's existence sales to the amount of £200 were effected. To show the prosperity of the company's existence, it is only necessary to state that during last quarter, the sales had reached the sum of £2,400, and that bonuses on shares were paid amounting to £234: in addition to this, a dividend of 10% was paid on a capital of £975. The number of shareholders is 129, among whom are a number of Maoris. A savings bank has been opened in connection with the store.¹²²⁹

One of the prominent Māori leaders in Taumārere, in addition to Maihi, was Hemi Tautari. Described by Boese as an old 'sea salt', his early working life was spent at sea. However, by 1870 he had retired from the sea and owned a large store at Taumārere, another at Russell, and engaged in 'extensive transactions in land'. His second wife Mary (née Perry) started a boarding school for Māori girls alongside their house.

Maihi was also involved in a number of business ventures. In late 1873 he established a flour and flax mill at Matairiri, Taumārere.

The building is a neat little three-storeyed structure of wood. The driving power is given by a 10 h.p. horizontal engine. The first floor is for bagging and store-room. The machinery consists of smutters and elevators. The second storey contains a pair of mill-stones, silk-dressing machine, etc. The upper storey holds the hopper and is used as a grain store.

He asked the government for £800 towards the construction of the mill and promised land as security in return. This enterprise might have succeeded had it not been for the frequent flooding of the mill site during heavy rain. In 1877 the mill was leased, but the new operator insisted that the mill be moved to Russell before continuous flooding completely destroyed it. In 1880 Maihi was forced to forfeit the mill and some lands to the government in payment for debts incurred. The failure of the venture was soon followed by the closure of the school in August 1880. By this time most of the local residents had left for the gumfields and had taken their children with them.¹²³⁰

¹²²⁹ Boese, p.63.

¹²³⁰ Kene Martin, 'Maihi'.

A public hall, Te Porowini, was built and opened in 1876. Described as 'a neat and compact building of wood, well fitted up internally, lighted by a handsome chandelier, and capable of accommodating 300 people'. Maihi explained to an open meeting that the hall they erected with Government financial help, was to be a place for the Ngāpuhi chiefs to assemble and to be used for charity work and as a Courthouse. The hall was also used for Anglican Church services and as a school room. Two churches graced the Taumārere settlement. First, the Catholic Church opened in 1876, followed by St Paul's Church dedicated in January 1878. Around 1924/25, Paihia's historic St Paul's Church was moved to Taumārere, and renamed St Andrews, when the Williams Memorial stone church was built in Paihia.¹²³¹

Two World Wars

First World War

Tau Henare MHR, as mangai for northern Māori, felt responsible for sending young Māori to their deaths. During the First World War, he opposed conscription of Māori, on the basis that Ngāpuhi had never been reluctant to offer their services. Some of these were very young. For instance, Hone Tana's father was only fifteen when he went to war.¹²³²

However, Tau Henare suggested that a promise to return confiscated lands might encourage Waikato and Taranaki Māori to volunteer. After the war, Henare tried to help Māori soldiers' rehabilitation, in the absence of the kind of government support that returning Pākehā servicemen received.

Henare also expressed concern that 'Austrians' (Dalmatians) were moving into the northern area to the detriment of Māori soldiers serving overseas, who were also having their livelihoods put at risk by speculators trying to buy their land in their absence.¹²³³ As mentioned earlier, in the context of parliamentary debate about discharged soldiers settlement in 1917, Henare raised the issue of lands being sold while some Māori owners were away at war fighting on the front for their country. Henare put forward the commonly-held view of Māori that they wanted the Government to protect what they did own, and he suggested that Māori land

¹²³¹ Boese, pp.64-5, 82.

¹²³² Hone Tana, interviewee, 1997 Te Waka Huia programme on Pumuka.

¹²³³ Robin C. McConnell. 'Henare, Taurekareka - Biography', DNZB, updated 1-Sep-10.

purchases should not be allowed until a year after the war ended, so that owners could be present to look after their interests.¹²³⁴

Second World War

Britain, France, Australia and New Zealand declared war on Germany on 3 September 1939, two days after Germany and Slovakia invaded Poland. Soon after, Ngāpuhi were reported to have declared war on Germany, when they discussed their attitude towards the war at a conference of leaders at Waiōmio on 15 September 1939, presided over by Riri Maihi Kawiti.¹²³⁵ The flag that was presented to Pumuka, flew above the marae. A letter, written in te reo Māori, assured the Prime Minister of their absolute allegiance to the British Crown and to the Government of New Zealand. They strongly rejected the suggestion that their service be restricted to home defence; they expected their young men and women to stand shoulder-to-shoulder with Pākehā service people; and they regarded conscription as unnecessary for them, as 'today the spirits of their fallen comrades beckoned them'. Riri quoted his grandfather, Kawiti, reported as: 'Hold fast to allegiance to the British King, but if anybody tramples down your treaty (Waitangi), that is the time to take up arms. If the Treaty is faithfully observed, be Pākehā in outlook and help your brothers.'

The responsibility Tau Henare felt for sending young Māori to their deaths in the First World War, he believed could be relieved by his son's enlistment in the Second World War. Tau died at the beginning of 1940, his son James (later Sir James) readied for enlistment. James' own son, James, was born in 1940 and he did not see him until he returned home from service in 1946. James snr and his wife Rose (née Cherrington) had married in 1933 and set up home at Mōtatau, where they cared for Tau (who was afflicted with diabetes) and managed the family farm. When James snr went to war for seven years, Rose was left with four young children and the farm to look after.¹²³⁶

Lou Tana heard that the soldiers of World War 2 went because they wanted to see the world. However, after they signed up and went overseas, they found things were very different.¹²³⁷

¹²³⁴ NZPD 1917, Vol. 178, p.392.

¹²³⁵ *Northern Advocate*, Saturday 16 September 1939.

¹²³⁶ Erima Henare interview, 2007; Puna McConnell and Robin C. McConnell, 'Henare, James Clendon Tau - Biography', DNZB, Te Ara, updated 1-Sep-10.

¹²³⁷ Lou Tana interview.

Against the disruption to family life, war experience matured James Henare: he believed his ability to concentrate and discern were enhanced. During his war service he was quickly promoted to captain, to major and from platoon commander to company commander. In June 1945 he succeeded Arapeta Awatere as commanding officer of the Māori Battalion, with the rank of Lieutenant Colonel, and in 1946 he received a DSO for his courage and inspirational leadership. These experiences reinforced his earlier training and underpinned his commitment to public service, education and leadership of his people.¹²³⁸

Hone Tana's father died during the Second World War. On Anzac day, Hone's younger brother decided to fly the Pumuka Te Tiriti o Waitangi flag for the soldiers, beginning with their father, 'because it belongs to the whole family and the flag has a reason to fly for those who have passed away.'¹²³⁹

Education

The area was not well served with educational facilities until the second half of the twentieth century. Schools were scattered around at 5-6 miles distance from one another, because roads were too difficult to traverse in winter. Some struggled to get started, then either flourished or foundered as populations shifted. When Mōtatau became a District High School in 1951, pupils were drawn from Matawaia and Pipiwai. About 1965, secondary students from the Pipiwai area were diverted to Kamo. A heavy blow befell the area in 2005, when a review resulted in seven schools being closed in central Northland and Russell Peninsula, for cost-saving reasons.

Experiences differed with age groups because a secondary school, Mōtatau Māori District High School, was available from 1951, which meant students did not need to go away for secondary schooling, as many had previously. In earlier times scholarships could be earned to attend Queen Victoria School for Girls and St Stephen's School for boys. For instance, Grace Davis and Taura Cherrington's schooling differed:

Grace: We certainly attended school because our people were education hungry. For me, I started school here at Mōtatau. We lived in the old home over there, our grandfather's old home and I went to the local school. ... I finished my primary school years here to win a scholarship to go to Queen Victoria Māori Girls School in Auckland,

¹²³⁸ Erima Henare interview, 2007; Puna McConnell and Robin C. McConnell, 'Henare, James Clendon Tau - Biography', DNZB, Te Ara, updated 1-Sep-10.

¹²³⁹ Hone Tana, interviewee, 1997 Te Waka Huia programme on Pumuka.

where I stayed for five years and loved every minute of it – my schooling days there.

My schooling went from go to wo at Queen Victoria School. When I finished there I went on to further tertiary education by going to Training College to learn how to be a teacher, which I have only stepped away from, a week or so ago after 54 years in teaching.

Taura: I started school here in Mōtatau and when I started school I stayed up in Okaroro and we used to walk to school. The school then, was across the other side and that's where I attended school. Then we moved back and stayed at the old home – grandparents' old home. We went there, to the old school, and when the new school was built we came back across there. By the time I got to secondary they got a high school over here, Mōtatau High School. I stayed there at Mōtatau High School

Grace: I was probably the last of the Mōtatau people to go out to be educated because the District High School began and all the children had to stay here. They came from Pipiwai, Matawaia and Mōtatau to fill the high school here and we turned out some really good people at the high school here as well.

Schooling was affected by World War Two, when many men left families to serve either actively or in industrial types of work. For instance:

Grace: I started here at the old school in Mōtatau until the outbreak of war and then when our Dad went to war our mother uplifted her family and we shifted from Mōtatau to Ōrauta. I went to school there with my siblings till our Dad came back from war in 1946, and after which we shifted back here to resume school again at Mōtatau.

The weather could also interfere with schooling as many school-age children who lived in remote areas walked to school because the school bus service was unreliable:

Taura: ... the weather played a big part and that interrupted our schooling because we had to walk to school. Walking to school in all sorts of weather especially winter and I think winter then, was much more colder than it is today. Today you hardly see ice in the potholes along the road. It was danger that and (we) got sick quite often. It was the sort of thing that interrupted our schooling then. We did have a bus but unreliable so we had to walk to school or those who went to school on horses. Floods were one of those things that interrupted our schooling. Sickness and flu and that sort of thing.

Grace: We loved those flood days didn't we? Haere ki te kaukau i roto i te waipuke, wepua ina tae atu ki te kāinga no te mea e māku ana ngā kākahu, paru ana ngā waewae.

Kopa Tipene lived about 7 kilometres away from school. At first he walked the distance, then travelled by horse-back, and eventually by bus. By the time the High

School started, the bus service had improved and was more reliable. Numerous primary schools served small communities, but pupils were drawn from a wider area for the secondary school. The older pupils therefore travelled longer distances and more time was spent travelling.

Taura: Sonny (Sonny Henare) bus. Buses [were] very reliable ... then.

Grace: There was Uncle Sonny's bus – Hirini's dad's bus brought the Pīpīwai people in and they had Education Department buses in those days as well, that brought in – that transferred children from my Uncle Sonny's to the ED bus, as I recall – Education buses to Matawaia and brought them here. They came long distances and early hours, late hours.

Te Reo Māori

In the twentieth century, speaking te reo Māori at school was discouraged by a number of influences. In 1876, Wi Te Hakiro (Kaka Porowini's father) had organised a petition to parliament, which 336 others had signed, requesting that two classes of schools be set up under the Native Schools act, 1867 – one class of school for children who only knew Māori, in which the pupils would be taught in their own language; and another for children who were just starting to speak, in which they would be taught in English the same curriculum as Pākehā.¹²⁴⁰ Speaking Māori in schools was generally discouraged from about 1878.

In the twentieth century, the schools might have taken a hard line and punished pupils for speaking te reo, such as happened in Kopa Tipene's case, or parents might have discouraged their children overtly or more subtly. Experiences varied.

Grace: No we weren't allowed to speak Māori at the school but I can't remember that we were told not to at school, by the teachers. But, what I do know, in our own home at Ōrauta we stayed with our grandparents up there, now as I said before we were hungry for education and so our parents and grandparents were hungry for education for us. And it was my grandfather Honi Keretene who said, 'You're not going to kōrero Māori. You're going to learn English because that's going to be the language at the workplace when you go to work in your growing up period. That's going to be the language and so you speak English and learn in English.' That didn't mean to say that at home and amongst all our relatives and nannies and aunties, they didn't speak Māori. They did, so we were surrounded by Māori all the time at home, wherever else but we were not made to speak Māori at home, although surrounded by it. We knew what they were saying because we grew up with the reo but not allowed to speak it at home

¹²⁴⁰ AJHR 1876, I, J-04 Petition of Wi Te Hakiro and 336 others.

and remember that was going to be the language of the workplace. That was my grandfather Honi who decreed that.

Taura: That's all we were taught at home was te reo Māori. I know from when I started school – because I didn't pick up English that quickly I got a few hidings at school. I can also remember that we were not allowed to speak Māori and if we got caught we got the strap. And it was those who did not know how to speak Māori that were sort of spying on those who could speak Māori in school and on the grounds. They were the spies for the teachers. If they heard someone speaking Māori, off they go to tell the teacher. This is later on, in sort of coming towards the end of the end of primary before going on to secondary (school). Yeah we were told not to speak Māori. ... It changed when we got into high school.

Kopa Tipene: I was educated [first at Waiōmio and then at Mōtatau] in English and as a consequence I lost my 'reo'. I picked up the language when I returned home because my parents spoke it. When I first spoke Māori at the marae, my parents said, "Take that plum out of your mouth you sound like a Pākehā".

The school and home dichotomy was not the only division. What happened in public spaces?

When I was young [1950s?] all the shopkeepers in Kawakawa spoke Māori, even the Chinese Lik Min. You can go into his shop and kōrero Māori, so in Kaka's time, fifty years earlier, they depended on Māori for their commerce and business, so Kaka formed relationships that were valuable for his aims.¹²⁴¹

From the mid-1980s, te reo was once more encouraged when several local schools were progressively designated bi-lingual, starting with Matawaia in 1984. Mōtatau Primary School was designated Te Kura Reo Rua o Mōtatau in 1989.

Our place in time is in Mōtatau and this place has a language immersed in tradition. Māori is the language of Ngāti Hine. Very few of Mōtatau individuals like my dad were brave enough to speak English, although a large majority of our families in Ngāti Hine spoke our traditional language. We had a home rule set down by my dad that English would be spoken at school and Māori to be spoken at home. We're all aware that most other homes had a similar rule ...

We were very fortunate at the Mōtatau School because we were provided with options there. We could speak Māori while at the school and we could also study Māori as an option. This was the 1950s period through to the 1960s. Altercations did not arise between our teachers and our students with respect to the spoken Māori language, perhaps because of their intimate knowledge of our families and the culture of the families throughout the district and it is that way to this day.

¹²⁴¹ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side A

The first language for Matawaia and Mōtatau is Māori. A majority of its families speak Māori although the Māori has Ngāti Hine dialect it is original Māori, it is original to them.¹²⁴²

Early in the century, Kaka Porowini made attempts to both retain the language in the form unique to the Matawaia people and also to adapt the language to incorporate new words and concepts:

People of Matawaia have got a Māori of their own that incorporates English words that they've changed their own way. Matawaia and Kaka had dialectic differences from the rest of Ngāti Hine, and from the rest of te reo Māori.¹²⁴³ The naming of his marae [Nama Tahī and his wharenuī Hanuere] talks about his quirkiness and his linguistic skill, because it has a whole lot of meanings. It talks about a new start, first day of the first month, a whole lot of new starts. It talks about regenerating, new life every year. Every year brings vibrancy, that isn't present in the name of a tupuna [for a marae] who died four generations ago. The name is remembered every year.¹²⁴⁴

Kaka attempted to translate English words into Māori. For the language to survive it has to adapt and change. I think if Kaka was doing that it says that he didn't want to isolate his people totally from the Western world but he wanted it to be relevant to them in their terms, their language, so that his people could still be exposed to Pākehā words but not in a Pākehā context.¹²⁴⁵

Kaka would be saddened to see how in 1973 te reo Māori existed as a first language only in Tuhoe and Ngāti Hine, but thirty year later it is only in Tuhoe, because he said 'ko te reo te Mauri o te mana Māori' – the language is a life force or an essence of our well-being.¹²⁴⁶ We've lost our insularity; we've become citizens of the world – we've abandoned a lot of our tikanga, we've abandoned the language, a lot of us have abandoned the land.¹²⁴⁷

Employment opportunities in the District

In the post-World War Two years, there were many farms in the district and they provided the main employment opportunities. 'The majority of families of Mōtatau had their members take an interest in trade training where there were several trade training placements available like carpentry, plumbing, mechanics, and of course there were several other trade training placements in Auckland, Wellington and the

¹²⁴² Erima Henare Interview, 2007, p.3.

¹²⁴³ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B

¹²⁴⁴ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B

¹²⁴⁵ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B

¹²⁴⁶ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B

¹²⁴⁷ Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side B

South Island. Those who remained on the land were the dairy farmers.¹²⁴⁸ The two corporation farms, road works and railways provided the people with work. Farming was a family affair; children were important contributors of farm labour and few implements were available or affordable, so the work was labour intensive.

Grace: Well as I was saying, when I finished after five years at Queen Victoria I went to train as a teacher. But no, there weren't jobs back here in Mōtatau – I suppose I'm generalizing now. There weren't any jobs here for my cousins and relatives left back here apart from milking cows and looking after the farm, and tilling soil, keeping the gardens going and at the time the choices were very limited. You either became a nurse, you either became a teacher or you went to the Freezing works if you could get there – for the men. I stayed in Auckland after my secondary schooling and went teaching.

Kopa Tipene: Māori Affairs established trade schools to provide work for Māori students. They were educated in carpentry, motor mechanics, etc. My parent would not allow me to attend those schools because I had to learn to run the farm. My friends returned home as carpenters, motor mechanics, plumbers, etc., and worked within the Taitokerau. Although I didn't attend trade school, I learned many trades working on the farm with my father. When time permitted, I went to Auckland to stay with my uncle, Hare Kopa. He owned a plumbing shop and he showed me how to patch buckets and make tin sheds. My father took me home because I knew how to do those things.

Taura: I had two years secondary and when I finished my mum and dad said, 'you stay on the farm.' I helped my dad to milk cows for a year or so and then got a job in the farm in Okaroro Corporation. I worked up there for about five or six years. I was going from home to Okaroro to work and I stayed home again and milked cows. So that's what I been doing all my life, milking cows.

Grace: We had a lot of farms in those days. Every papakāinga had a dairy farm – small holdings.

Taura: Then, 20, 30 cows that was a living. If you had 80 to 100 cows you were a big farmer.

Grace: But it was all sending cream to Hikurangi.

Grace: If you had your piece of land you tried to farm as best you could and it was generally milking cows. That's where the children came in handy – kept the farm going. Most of it was done by most pioneering tools, like all Māori districts in Ngāti Hine, you use your foot and your mouth to drive your horses and milk the cows. We had no flash new implements here. Was all done by foot and mouth. Whatever you had, those were your tools. There were a lot of dairy farms during that time.

¹²⁴⁸ Erima Henare Interview, 2007, p.2.

Now you can count on two fingers just about one, the dairy farms that we have now.

Children's schooling could be adversely affected by having to work long hours on the farm, before school in the morning, which made them tired starting the school day, or afterwards, which cut into the time they might otherwise have used to complete homework.

Building the Meeting House at Waitangi

On the Waitangi Treaty Grounds are three key taonga: the Treaty House, the Whare Rūnanga named Te Tiriti o Waitangi, and the ceremonial waka *Ngā-Toki-Mata-Whao-Rua*.

In 1932, Lord and Lady Bledisloe purchased the site where the Treaty of Waitangi was first signed on the 6th of February 1840, and gifted to the people of New Zealand in trust so that the public would have access to this important historic site. Lord Bledisloe was Governor-General of New Zealand at the time. The local MP, Vernon Reed, had unsuccessfully attempted to persuade successive governments to purchase the land when it came up for sale.

On 10 May 1932, Lord Bledisloe informed Prime Minister George Forbes by letter: 'I desire formally, on behalf of Her Excellency and myself, to present, through you, to the nation, New Zealand's most historic spot "Waitangi" together with 1000 acres of land belonging to the estate of which it forms part and which we have recently purchased with this object.'¹²⁴⁹

In November 1932, a Deed of Trust set out the objectives for the treaty grounds and for the repair and restoration of the former home of the first British Resident to New Zealand, James Busby and his wife Agnes. Initially called the 'Residency', the house was renamed the Treaty House at the request of Lord Bledisloe. The Waitangi National Trust Board was established the same year, which included Māori representatives: Sir Āpirana Ngata, as Native Minister; Riri Maihi Kawiti representing the families of Hone Heke, Maihi Kawiti, Tamati Waka Nene and Pomāre; the Māori King, Te Rata Mahuta. Responsibility for obtaining wood for the roofing shingles was given by Tau Henare to his son James.

We went to Papakaotai where my father found a dried up kauri. He called Ngāti Hine together to fell the kauri and the elders taught the

¹²⁴⁹ History of Waitangi Treaty Grounds, 2008 Waitangi National Trust website, <http://www.waitangi.net.nz/about/history.htm>

workers how to chop the kauri into suitable roofing for the Treaty House – men like Te Riri, Pari Tautari, Ngapo, Porena, Henare Tutere, Pita Waa, etc. Wood was tied into bundles with supple-jack and the younger ones and horses took them to Wekatapapa where Toko Paraha used his bullocks to take them and load them onto the train for Waitangi.¹²⁵⁰

Sir Āpirana Ngata, speaking in the House of Representatives on 28 October 1932, recommended that to commemorate the Governor-General's generous gift to the nation a carved meeting house should be built at Waitangi by the Māori people, led appropriately by Ngāpuhi. The Whare Rūnanga and the restored Treaty House could be officially given to the people of New Zealand on the centenary of the first signing of the Treaty of Waitangi, 6 February 1940.

The recommendation was agreed, and Sir Āpirana Ngata, with Tau Henare, initiated plans for a carved Māori meeting-house to be built and named Te Tiriti o Waitangi. Ngāti Hine regard themselves as the guardians of Te Tiriti, and as such it fell to them to arrange the building of the meeting house at Waitangi. Mabel Waititi and Ta Himi Henare pick up the story:

In 1932, Tau Henare held a meeting at Te Rapunga Marae, Waiōmio, which Sir Āpirana Ngata, Ngāpuhi, Ngāti Hine and Ngāti Te Tarawa attended. As discussions came to a close, Ngata said, 'How can we the Māori people stand as one with the Pākehā? There stands the Pākehā (Treaty House), we are not there.'¹²⁵¹ Or, in Tā Himi Henare's words, 'Ngāti Hine, Ngāpuhi, the Treaty House stands alone at Waitangi. What about us the Māori? We also signed the treaty.'¹²⁵² Ngata challenged Tau Henare that if Ngāti Hine could make the wood available, he would supply money for the building. Henare approached his aunt, Arapera (Pera) Prime, to contribute trees from her forest and she agreed, provided the timber was pitsawn. Pitsaw experts Eruera Mihaka and Te Kerei at Parawhenua, and crew, agreed to go to Mōtatau to saw the timber. Younger men like Te Kohekohe and James Henare helped.

At a subsequent meeting, Henare asked for a tohunga who could offer prayers to Tāne and knew how to saw wood (standing up?) [standing trees?]. Terau Titore, who descends from Te Rawhiti and Kaeo, came forward. The first tree was felled in 1933. Not all trees came from the same forest as some contained bad wood. Others were taken from Te Aute, some distance away, which was owned by Heeni Tipene and run

¹²⁵⁰ Abstract from Tā Himi Henare interview, 1984, p.1.

¹²⁵¹ Abstract from Mabel Waititi interview at Mōtatau Marae, 12 August 2001(?), p.1.

¹²⁵² Abstract from Tā Himi Henare interview, 1984, p.1.

by Te Ropere Tipene. Once the logs were ready, they were moved from the forest by bullocks and horses to Horahora, where a saw was set up.

Men did the heavy work of felling, hauling and sawing, and women (Mihiwira, Maraea Paraha, Mabel Waititi and others) cooked food for all the workers.

The sawn wood was then taken to Mōtatau Marae where it was left to dry for a year. Carving was done by Eramiha Te Kapua, Pine Taiapa, Hone Taiapa, Tiari Tuarau and Willy Woodbine. The last two were sent from Rarotonga by their king to learn carving in Aotearoa. Eramiha, who was Ringatū, conducted prayers.

The foundation stone for the whare rūnanga was laid on 6 February 1934, but carving stalled between 1934 and 1939 when money ran out. Iotua Tuarau also arrived in Aotearoa in 1934 and lived at the school of arts at Rotorua, learning from Pine Taiapa, with whom he helped carve 24 meeting-houses. The school was essential to the Waitangi project. Mabel's husband Hori Waititi, attended the Rotorua school, and arrived in the north to help with the carving in February 1939. (The two met and married in August that year). People watched the carving but pregnant women were forbidden. When the carvings were completed, they were loaded onto truck trains and railed to Ōpua and barged to Waitangi where wagons and sledges took them to the Treaty grounds.

Iotua Tuarau carved the tekoteko, the last carving for the whare. An uncarved post had to be put in place first, as a structural part of the whare, and then he had to climb up and carve it in situ. Thus he was also the last man down.

Mabel helped with the tukutuku panels, which were done at Eru Pou's home in Kaikohe and at Kaitāia, because Mōtatau already had responsibility for the carvings. Ngata taught tukutuku himself and brought a woman from Ngāti Porou to teach others.

The meeting-house was opened six years after the foundation stone was laid. Their dream had come true, with the words:

Mahara ai te Pākehā ko hau anō hoki te Remember Pākehā, remember I was
Māori i reira i te wā i haingangia ai Te Tiriti. there when the Treaty was signed.

Tā Himi reminded the people:

You people here are connected to the meeting house through our ancestor, Hineāmaru. She has an honourable standing in the meeting house because Ngāti Hine supplied the timber. You are also connected to the left side of the meeting house where Āpirana's words are written

thus, “Ko ahau anō hoki tētahi i reira.” “I was also there.” The Māori also signed the treaty.

I say to Ngāti Hine and Ngāpuhi, if there was no Waitangi day, there would be no Waitangi. You cannot erase Waitangi, no one can. That is the place where the treaty was signed. That place will always be a sacred place and the meeting house which stands there.

Tā Himi described the Treaty as being ‘the “pou herenga” of all our thought and the ties of all our ancestral canoes. If the treaty was done away with today, where would we be as Māori people? My answer to my question is: if there is no Treaty, we the Māori people would flounder on the ocean with nowhere to go or from whence they came. They would be at the mercy of the winds, eventually drowning. We would be smothered by the Pākehā and they are many who continue to try and do away with the Treaty or draw up a new one. There would be no “pou herenga” for all of our ideas or ancestral canoes.’¹²⁵³

The Treaty centenary was also celebrated by launching *Ngā-Toki-Mata-Whao-Rua*, one of the largest ceremonial waka in the world, requiring a minimum of 76 paddlers to handle it safely on the water. This was the inspiration of Te Puea Hērangi of Waikato. Bill Paddy from Kaikohe and Joe Mokaraka from Waima were sent to carve the waka alongside her carvers.

Maintaining contact with whānau while living outside the district

Maintaining regular contact with family back home was important but expensive.

Grace: Always – always in contact with home. My dad eventually, while I was still at Queen Victoria School, he went to work for Māori Affairs. He became a district welfare officer and I had quite a lot of contact with dad because he had to work in Auckland. But that left mum and the rest of the family back at home, holding the pā, looking after the farm, bringing up the children. Yes we had our holidays – always came home.

Wherever they could, they would help, as they did with the other siblings that I left behind. They went to school over here at the district high school. ... I was in constant contact with my people at home here. I was not rich enough to help them it was the other way round. You had one pair of shoes at training college, that’s it. That’ll do you for the

¹²⁵³ ‘Ngā Pukorero o te wa ko te reo o kui o koro ma’, radio interview with Tā Himi Henare held by his whānau.

whole year. Whatever activities you had, that pair of shoes had to do you for the balls as well as the dancing as well as whatever else –unless you had to haka-pati some of your mates and had a bit of a swap over. But yeah, help came from home.

Food sources

Food was generally gathered from natural sources close to where people lived, because it was plentiful and few people had private vehicles to go further afield. Those in inland areas would harvest from forests, streams, dig drains in swamp areas to encourage eels and cultivate gardens. Right around the Mōtatau area people had 2-3-acre gardens.

Taura and Grace remembered going to help one another with their gardens and catching eels

Grace: ... our dad would go down there and uncle would come and watch, and he would hand dig the drains down on those flats there. And we'd all be there as children jumping in to catch the tuna as they came swimming down. We had our fun gathering food like that.

We very seldom got to the beach because if you didn't have a vehicle, and we didn't, you couldn't ..., couldn't go fishing – not like they do [now]. ... but that doesn't mean to say that we didn't get lucky, and had whanaunga that brought us kaimoana.

Otherwise we went, haere ki ngā ngahere ki te rapu tāwhara. Go to the bush and ... gather tāwhara and nīkau. Everything was plentiful then in the forest. You're not allowed to do that now. We didn't go shooting birds but the forest provided us with kai.

The land, papatūānuku provided us with further sustenance through watercress and pūhā and all those sorts of kai. And our rivers here are known for freshwater pipi, mussel – kūtai down here ... whatever food or sustenance we needed came right from here, from our own district.

Taura: Aunty Rose [Cherrington/Henare] was a champion at spearing eels. She was very good and all we had to do was pick up the eels and put em in the sack. Nothing was wasted. Our parents taught us to look after it and you'll survive. But nowadays there's hardly any of that ...

Grace: We knew how to catch eels by spearing, by jumping in and hooking them up, fingers behind the ears ..., nanao for, how to fish for tuna using toke (worms). We thread them on tītī leaves. As thick as your thumbs that was the size of the worms. Special places and our mum knew where they were. The other way of catching eels was with the nets, punga. We were taught all of those things.

Taura: Our parents taught us a lot of skills. Just by watching and helping them, we learnt a lot.

Grace: Those were great days. ... They were times when we learnt how to do things. We could probably still survive if it wasn't for old age now, we would still survive provided there was a bush out there. We'd survive using the sea because we knew how to do those things. We were taught those things. Something that I'd like to do with my own whānau but we're not all living together like we used to in the old days – we're all scattered – to teach the kids.

Kopa Tipene: A kauri forest existed at the end of the Taikirau Creek where Te Rata Tipene lived. The wooded area was hewn down but the roots remained and it is there that you will find the puru tuna living in a cavern-like structure.¹²⁵⁴ The vicinity was sacred at that time so no one touched the puru tuna. They had these enormous heads and looked disgusting. I would think that they would still be there today.

Meat was salted in barrels or smoked, 'hanging it behind the open fire or high above away from the flies. ... They were vigilant about their meat, making sure that it didn't go 'off'.¹²⁵⁵ Tunga (grubs) were eaten fresh and vegetative foods, such as tāwhara and kūmara were stored. Tāwhara was mostly left to ferment for three weeks to a month, when it became like alcohol. 'Women were frugal at preserving food. If there was a hui at the marae preserves fed the people. ... Butter was made from cream, flour from corn, and jam from blackberries or plums.... Our parents grew huge orchards.'¹²⁵⁶ Harvesting and preserving were family affairs because they could be achieved more quickly as a group, while the food was fresh.

Grace: The potatoes and kūmara, we learnt how to store those, how to make pākorokoro, how to gather what you put in the pākorokoro before you put your potatoes to bed for the rest of the winter – how to harvest corn and how to eventually come up with kānga kōpiro. We learnt all of those skills – how to make Māori peanuts from karaka berries.

Taura: ... people around here used to catch tuna, they had boxes to store the tuna in 'til they got hungry. We didn't go eeling, taking kai then waste them, no. Our parents had ways of storing food and keeping them to last and that's the things they taught us, kaula e moumou kai.

What Taura means by 'boxes' for storing tuna (eels); when a large amount of tuna were caught, the excess were kept live in specially made rectangular wooden containers (boxes) which were placed in the creek/river, usually where clean water flows freely, and then secured to a tree close by with No. 8 wire. The whānau would

¹²⁵⁴ It is not clear whether this is puru tuna (crammed in) or purū (blue).

¹²⁵⁵ Kopa Tipene interview, 5 August 2010, translated.

¹²⁵⁶ Kopa Tipene interview, 5 August 2010, translated.

get live tuna from these boxes whenever they wanted a meal for themselves and/or whanaunga and/or manuhiri.

The first harvest went to the marae.

Year after year the first harvest was provided to the marae, particularly potatoes and kūmara. Women would congregate at the marae to prepare essential foodstuffs, i.e. filling the empty preserving jars, jams, pickles etc. In the event of deaths, families may be sustained, guests valued. This is the culture of Māoritanga within Mōtatau. They are encouraged to work together and support each other for the common good.¹²⁵⁷

Food was shared:

Taura: I remember hui over here – whoever the hui, everybody came with something to support the hui because they had plenty kai at home and those people knew how to store them, look after the kai that will last till the next gardening season.

Grace: Our kai Māori was used to supplement a diet of meat and potatoes, and to share with other whānau. ... It was mahitahi and then to share the fruits of your endeavour and if you went anywhere visiting you took whatever you could, kits full of potatoes, kūmara, whatever, tomatoes. I know we did this a lot at Ōrauta there, and vice versa. Whoever came visiting also brought for you.

Sheep were grazed for meat and the wool was used for clothing.

During the war years I remember our mothers with their children, climb up the hills there and we'd look for dead sheep and we'd all be plucking the wool off the dead sheep to bring back down to the old home here where Taura and them lived at that time. And we'd all help our mothers to wash the wool get it all ready because they were great women with their hands, like all the women around, knitting up garments and those sorts of activities.

Erima Henare recalls that:

The home people of Mōtatau specifically and the Ngāti Te Tarawa generally were keeping on with responsibilities and tasks introduced by Kaka [Porowini] – the formation of Collectives. These groups marked out garden areas which were as long as they were wide, perhaps about 3-4 acres in size in which they would grow potatoes, kūmara, watermelons, corn, pumpkins. These types of vegetables were grown from our homes. By and large many Mōtatau homes had the traditional store-houses (pataka) – the platform built high off the ground. Our foodstuffs were stored there having first graded the potatoes before being positioned strategically into partitioned areas

¹²⁵⁷ Erima Henare interview, 2007, translation p.12.

within this storehouse for our own convenience. Kūmara were also stored there and covered all over with ponga leaves. Ponga leaves have on its reverse side many spores that become fine dust particles when dried. These spores make rodents sneeze and may discourage them from being there. This was how food was stored. The first harvest from gardens went to stock the marae store-house ... That was our way of life. When our responsibilities at home decreased we went on to assist other families with their chores. From day to day during these occupational periods our children would forsake school to assist the adults with planting. Given that Mōtatau is immersed in swamp we posted sentry duty to keep pūkeko away from raiding our seedlings. Majority of our children couldn't attend school on account of these very valuable roles they would undertake to support the labour of their communities.

There were also a majority of families who had home-kills for domestic use, of both beef and pork. ... Every part of the pork was consumed, from the nails to the hair, there was no waste. We had two butchers those days. One was Charlie Hare Ngawati, who would travel from his meat-house in Pokapū. We referred to him as 'Charlie Meat'.... That was our butcher for that time. After that came Fred van Urk who married Margaret, daughter of Winkie Wong of Matawaia – of Chinese origin – she has a large land holding in Opahi. ... For all these offerings, farmers were not short of beasts in the form of sheep, pork and beef to sustain their families. Families did not possess deep freeze appliances at that time. They used the 'safe' method of hanging from the trees. However, families with cooking facilities would prepare their food accordingly e.g. hanging their provisions to dry, like tuna, which were filleted, dried and smoked.¹²⁵⁸

There were no restrictions on gathering food, other than their own rules for conservation.

Grace: That kai belonged to us, to the Māori then.

Taura: All those kai then, was nothing there for the government – still belonged to us. Now the eels, well they're not yours now. They belong to the government, they control it.

Grace: You're only allowed six tuna.

Kopa Tipene: Today if we fish excessively for eels we end up in jail. I am distressed about that. I would like to go back to the customs of long ago. Big families who eat eels on a regular basis suffer [now] from the restrictions placed on eels. Food was abundant in our days. Today there are restrictions on pigeon hunting and also on pheasants and pūkeko.

Customary restrictions were intended to conserve food sources for future generations, rather than to prevent exploitation for profit.

¹²⁵⁸ Erima Henare interview, 2007, pp.5-6.

Grace: One of the things I don't like about commercialising of eel farming and allowing people to come in and commercialise it for personal gain, no. Me popoia ēra iwi, mākutungia. Because that's not how our tūpuna taught us to look after kai. But as one gentleman who does that activity amongst us here says, 'well how am I to feed my family?'

Kopa Tipene: My parents didn't sell food. It was unheard of in our days.

Te Riwhi Whao Reti described a trek that he and two of his siblings made to the maunga in the rohe of Te Kapotai:

I have been to all those maunga that I spoke about. We went there when we were young. ... There were three of us that went there. [My eldest brother and sister Sally] ... We didn't take any lunch. My father told us to take matches. They were wax matches – called Vestas matches at the time. He gave us his matches holder which were two cartridges. One was cut down and the matches were packed into it – real water-tight fit. The rain would not get in. That was his matchbox.

Our food was – if there were no tāwhara¹²⁵⁹, te ure¹²⁶⁰, kawakawa, the berries of the taraire, tawa, kōnini, we ate those types of food. We would look for kēwai (fresh water crayfish), kōkopu (fresh-water fish). At times the eels were no bigger than this (Ritchie holds up one finger). We would light a fire and roast our eels on the fire. Those were our foods.

When we were a bit older, we were taken to get sea food. We would nanaofofor eels.¹²⁶¹ Some were used for bait and some were eaten. We would fish for karatī and schnapper, and net for mullet. We had a net for herrings.¹²⁶²

Hau Tautari Hereora described the fish called herrings, and his experiences with fishing:

The fish is called hīnau, they look like herrings. They call the larger ones herrings which were eaten by our ancestors. ... Many relations lived along the river and they had a lot of fish. Today there is no fish. ... Kahawai was here in the thousands, now there are very few. The birds would dive for the hīnau, tawatawa and other fish that came up the river. They are being eaten by the kahawai and schnapper. If you see the birds diving, they are eating the fish and the food below. When the shoals of fish came up the river, our parents would go above the shoal to catch kahawai and kingfish and the schnapper were below. The Māori name for kingfish is Warehenga. I remember my grandson's

¹²⁵⁹ Tāwhara is the flower of the kiekie tree.

¹²⁶⁰ Another name for te-ure is pātangatanga. It is the fruit of the kiekie.

¹²⁶¹ Nanao tuna, is to put your hand in holes that are underwater in the river-bank, and you feel for the eels – the eels are grabbed and thrown up on to the bank.

¹²⁶² Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, p.5.

father. He would stand on the side of the mangroves and when the kingfish would come up between the mangroves to catch smaller fish, he would spear them. A huge battle would take place between him and the fish. He won, of course.

We caught the fish with nets. I did a lot of fishing in my youth. ... Our ancestors were conservationists. There was a time for fishing and a time not to fish like Matatatau (to be fully aware) There was a time to catch eels. Our ancestors here made it clear that we were not touch those 'treasures' until the time was right. The reason? Some would be left for our descendants.¹²⁶³

According to Erima Henare, a large proportion of Ngāti Hine had interests in Te Pe-o-whairangi, giving them access to sea foods – since the period of Kawiti directly to his Ngāti Hine descendants who reside here, we all have access to the sea foods for us all. Our seafood diet at that time were shark-meat – dried by the method of hanging. As we walked past we could detect the strange odour although we would not see it because it is hung very high up in the highest branch, out of reach of flies. They frequently collected pipi from Te Tahuna. Their mother would cook and thread them as you would a necklace, smoked and hung to dry. ... These necklaces were hung around their necks when they went about their farm duties so they had ready access to food.¹²⁶⁴

Health, health services and rongō Māori

The most frequent visits by a health professional were by the District Nurse, travelling at first by horse and then later in a little car.

Taura: Sometimes someone knows the district nurse is coming and the metal road (public road) ends there, well they go down on their horse and cart or sledge or whatever to pick up the district nurse and take them (her) back when finished.

Hare Waiōmio remembered a Nurse Hall, and another, Nancy Yakas. 'The kaumatua marvelled because she was the first Māori nurse to come here.'¹²⁶⁵

Occasionally, if needed, she would be accompanied by a doctor.

Grace: We didn't have easy access to a doctor from Mōtatau. If someone had cause to go into the hospital – and it was usually women who were pregnant and ready to have a baby – if the baby wasn't born at home or if there are complications, it was a bit of a hard haul to get

¹²⁶³ Hau Tautari Hereora interview, 22 January 2010, translated by Ketiara Haira, pp.1-2.

¹²⁶⁴ Erima Henare interview, 2007, pp.6-7.

¹²⁶⁵ Hare Waiomio interview.

from here to the doctor or the hospital in Kawakawa. So someone with a vehicle would have to come and take that person or get a taxi from Kawakawa to here.

Taura: Māori medicine was the thing then. A lot of those old people knew how to go to the bush and look for certain plants. Pregnant women ready to have a birth, oh well the district nurse would come round to check them out. But we had our own thing. I was born at home. They had their own nurses and the people of the district do that.

Kopa Tipene: The most popular was kūmarahou. People tried to grow it close by for easier access. Tupakihi was used for bathing and sore feet. There was no need to go to the doctor because they took care of themselves.

Erima Henare: Our medicines came directly from the bush. When we become ill, our mother being the knowledgeable person that she is, doubles as our general practitioner. She enters the forest, gathers the leaves from the cabbage tree and with a swift tug by both hands, chlorophyll (a green substance) is extracted and applied to athlete's foot. Before too long this bacteria is cleared away. For cuts my mum applied the spider web. One time my mum had an accident. She was burned with hot water contained in a 12 gallon cream can. She was burned from her belly button downwards to her feet. Suffering intensive burns with tissue-scarring she was taken to Kawakawa Hospital. When mum was discharged from hospital, we collected from the flax leaves the jelly which is found at the roots, which mum rubbed onto the skin, which were scarred. Today there is no indication of scarring whatsoever to show my mum's burns ... all our therapeutic/restorative practices were taken from our medicine cabinet, the forests. ... Tanekaha provided relief from toothaches. My mum would peel this tanekaha bark, then had it inserted between the teeth. Next thing, the tooth is numb.

Emma Gibbs-Smith: The affinity with our environment extended to the knowledge of natural medicines derived from various plants, trees, fish and other wildlife, and the use of soil and clays as fixing agents. Mum and Auntie Mere Ututaonga used to talk to me about rongoā. Korari, kūmarahou, kawakawa, matipou, tipou, kopakopa, and tupakihi were the most common resources used when I was growing up. They believed a lot of the ailments suffered by Māori were as a result of spiritual imbalances and thus the healing process had to be spiritually based. They strongly believed in spiritual healing by immersion in water. As pastoral farming became more prevalent, Mum used to say that the fertilisers, sprays and other chemicals used in farming were having an impact on herbal cures. ... Eventually she decided that it was time for us to go to the Pākehā doctor.¹²⁶⁶

Hare Waiōmio: Babies used toetoe to cut the gums. ... I do not know if any of us went to hospital because we had the medicine here – the piriwhetau, tataramoa, kohekohe, etc. Used for all illnesses. [The

¹²⁶⁶ Emma Gibbs-Smith, Amended brief of evidence, Wai 1040, #B18(a), 9 July 2010, pp.33-4.

pirewhetau (bidibidi) was used for urine problems. You would pick it, tie it and boil it. For my heart problem, that shrub that is still growing at my father's house. The leaves are reddish in colour.

Several epidemics hit the north within the memory of people alive today. These included poliomyelitis, typhoid fever, meningitis, and various strains of influenza, as well as the pervasive condition of tuberculosis.

Grace: In 1948 – te tau i haere atu ahau ki Kuini Wikitoria, they had to delay the beginning of the school year then because there was an outbreak of poliomyelitis right throughout the country. ... And then when I came back here to teach in the high school, and that would have been about 1959, there was a strain of flu, the Asian flu it was called. And that, in our growing up time made an awful lot of people ill, really ill. ... it was quite severe because I know my husband – we were newly married – had to stay there on his own [in the bach] and I came home and my mother nursed me. Typhoid was another one. Typhoid and meningitis was around even then. Our cousin Celia became a victim to meningitis and she was rendered disabled. Then we had TB (tuberculosis). Not many of our people died of TB though.

Kopa Tipene: TB was prevalent amongst the Māori people. Many children ended up at Maunu Health camp at Whāngārei. The majority of children there were Māori.

Taura: Aunty Jane and her son Peter, both ... were victims of polio. [It disabled them]

In Tau Henare's time, at the beginning of the twentieth century, a woman named Hooro was a priestess of great prestige who healed people. She became a tohunga after Kaiteke (Te Kemara) and was of the same priestly line. Warahi had Rihi and Rihi had Hooro. Her home was at Oromāhoe and she used Māori medicine.

My father had typhoid fever, which was a killer in those days. The doctors at Whāngārei and Kawakawa couldn't make him well again so he was brought home to die. Pera and Te Para went to see the old lady and as they climbed up to the house, she was sitting high above her home. They were afraid and when the woman returned she yelled to them, "I know why you have come, for Tau Henare. His spirit had almost gone beyond, I went to chase it." She told them to go home and she would work on it. She arrived at Mōtatau and she and her agents under her were all elderly women, but fit! They walked around the old home, hitting with their twigs – they climbed the hill and into the bush hitting everywhere to chase the ghosts away because the place was full of them. She was a scary old lady.

When my wife and I married, we went by horse to Oromāhoe to see her. We saw her as we ascended to her home. She looked at us with

those eyes and that hair. She said, “Don’t worry and don’t be afraid, it is all right.” She had gone to clear the pathway from bad spirits.¹²⁶⁷

Although it was before their time, Grace and Taura are very much aware of the 1918 influenza pandemic because of its particular effect on Ngāti Hine.

Grace: We might not have been living at that time but we definitely have been told the history of that flu with regard to this area.

Because our grandfather was a Parliamentarian and it took him so long to get from home to Parliament and Parliament to home when they had breaks and that, he had a home in Takapuna Auckland. That would be their halfway house as it were and he and our grandmother Hera would stay in Auckland.

They say that great flu epidemic was brought back after the First World War. While grandfather was at Wellington being a Parliamentarian our grandmother was in Takapuna doing patriotic work to help the war effort. And when the soldiers came back she succumbed to that flu. She died down there and she was brought home to their home over there. Her casket was not supposed to be opened; it was sealed. But you know how Māori are, we’ve got to see, we’ve got to touch. So they broke the seal and a lot of people from here came to the tangi and a lot of them were sick. And it’s said that, that was a result of the seal being broken on her casket. The germs were just waiting in there to fly out, as it were. That’s how I picture it in my mind anyway – which probably was not right I’m sure.

They say that flu came this way through that action of our tūpuna, by allowing that casket to be opened. She’s buried over here, they’re buried over here and the many that died, children, grownups. Many of them are buried over here. Some unnamed graves because they were dying so quickly, they were put down quickly too, to try and stem the tide of that illness. ...

It was not a good time. One of our own uncles, with his uncle, they were the funeral directors. They made the coffins and in the end it was left to our uncle – and he was only 15. He was doing all the undertakers work making the coffins and taking them to the cemetery here on the sledge with his horse pulling the sledge. Well they say it was our grandmother’s death, but in true Māori aroha, to see and touch. So we’re aware of that.

Kopa Tipene: My parents made it clear how, when and why it happened. Our whaea passed away in Auckland from the flu and they returned her body to Mōtatau. Many people in Mōtatau passed away from the flu. I believe it was not her who brought the flu back to the home people but the people who accompanied her body home. There is a long row of flu victims in our cemetery, some graves contain more than one body wrapped in blankets and sheets – no coffins.

¹²⁶⁷ Abstract Tā Himi Henare interview, 1988, p.6.

In the 1960s, doctors started visiting children at Mōtatau annually, but before then District nurses called monthly and Karitane nurses called monthly at the school and examined children born at the Kawakawa Hospital. Later the Medical Officer of Health of Whāngārei Hospital visited to examine the children, especially their ears. The children were given omega 3 tablets and then powdered milk was introduced to the school because it would last better than bottled milk.¹²⁶⁸

Transport

Local people used a variety of forms of transport, although it could not be said that there was a good transport infrastructure. Rather it was a case of making do with whatever scarce forms were available ... until the advent of rail.

Grace: By the time we were growing up we had a good train service. We had many trains during the day – start early in the morning and there was a night train as well. So a lot of the people here, if they wanted the doctor would get on the express train at 10 o'clock in the morning, go to Hikurangi and there was an old doctor there. ... by 3 o'clock they were back here in the afternoon, having visited the doctor and caught the train back. That was the easiest way and if they wanted to get cream cans or they wanted to get stuff from Hikurangi, like butter – because our cream went to Hikurangi. They hopped on the express train to Auckland and got off at Hikurangi and came back that way. We had a very good train service.

Taura: There was only maybe one or two people around here had cars. So that was the way in and out, to train.

Grace: There was a 7 o'clock train in the morning that came down from Whāngārei to Ōpua. So those that wanted to go either shopping early or doctor, hospital, whatever would go early in the morning and they would be home again by midday. So that was a good service this way. If they wanted to go to town for business or whatever it was to Whāngārei, they would catch that 10 o'clock express train to Auckland, go to Whāngārei, Hikurangi, by 3 o'clock they'd be back on the afternoon express train. So we had really good service that way.

Taura: Like groceries and that sort of thing – go on the train.

Grace: Mums could ring up orders to the shops in Kawakawa and get their supplies that way, on the train. So the train was the best bet of getting business done, to-ing and fro-ing, kai, basics.

Taura: Had shopkeepers who understood Māori, pidgin Māori and our parents could communicate with them, just ring them up and pay the bill later.

¹²⁶⁸ Erima Henare interview, 2007, p.10-11.

Grace: Yep get credit. And the train was good, especially the night train. [There were] several crossings along the way and when they came home the guard would get the train to stop and offload the people and whatever they had at the crossings much closer to home, instead of bringing them to the proper station That's how well they knew the Māori of Mōtatau, Opahi, Pokapū –servicing Matawaia as well.

The roads have always been in poor condition, partly because of the nature of the ground, but mainly because the district is isolated and some distance from a main route.

Grace: We had our tupuna's body brought here by train because the roads were flooded. Brought home from Auckland, she was brought home by train – Granny Hera. And then, many years later on, decades later, Taura's sister was brought in by train because the roads were flooded again.

The roads have never been adequate and they never will be, because we're off the beaten track. And it's my view, if you're off the beaten track a little, well, you know there are the more important ones that are on or coming off the main track, who will get attention. We try to squeak, we try to make the powers that be know that our networks need upgrading, 'oh well there's no money this year you'll have to wait till a few years have gone by then we'll put you on the list.' You might get up the list sometime, but never adequate. Also, speaking for our own district here, there's the nature of our land. It's all limestone country and it's not hard lime it's the soft lime, which is why our roads tend to crumble easily here.

Taura: I remember growing up in Okaroro there, that road was very muddy ... They used to metal it with limestone. It's only there for a month and it disappears, it turns to mud, dust.

... I even remember Ruki Tipene had an article in the paper, 'it reminded me of the world war', Ruki said, 'when the Germans bombed we had to find our way through the holes', wherever they were fighting. And that's how he [described] the roads over here, trying to dodge the deep potholes ... I think everyone in the district pays their rates. ... You miss paying your rates you get reminded. But you pay your rates, and you don't know how much of the rates you pay gets put back on the road.

The poorly developed transport infrastructure limited social contacts and marriage prospects beyond the valleys, which did serve one valuable purpose – that of retaining the land within the network of hapū.

When we were young, going to Kawakawa you only did twice a year. Twice. Christmas time was one, the week before Christmas. And the week before school started in February. That's the only time you get out of this valley to go to Kawakawa. To go to Auckland was a three day trip. You had to go from here to there, have a rest, then go on the car to the next place. Three days. Train, long time. People in this

valley, and Mōtatau and Matawaia, Pipiwai they got a bit of let out. But you only got to marry the girl you looked across the room at. Andy Murray left the north, getting out of the north, gonna marry a woman from another iwi, gets to Wellington, marries Mere Murray, comes back to Matawaia. You know. How often does that happen you know, run away from home, next thing moe he ana koe ko to tuahine tēnā you know. So what I'm saying is why we're all related, you couldn't get out of this valley. So unless you went away for education as a lot of them did in the old days, we ended up marrying among ourselves. But that's how we held the land. Going out and marrying other tribes is only new. It's only in the last fifty years. Everyone from this valley is everyone in this room. And if we all moved over to Matawaia, we are all from that valley too.¹²⁶⁹

Electricity

Erima Henare recalled that electricity was introduced to Mōtatau in 1960. However,

We cooked outside even if we already had an oven inside. My mum liked to cook outside. She used the inside electric stove only to bake cakes. In 1963 my dad purchased a TV for us. Otherwise Te Para and George Waititi had a TV where everyone gathered in the sitting-room to watch TV for just two hours per day.

Land Court, Māori Affairs and Māori Trustees, Department of Conservation

Once Māori-owned land came under government control, it was a difficult, time-consuming and expensive struggle to regain control.

Grace: Taura and I share the same land blocks with other family members. When our grandfather's farm was under Māori Affairs (for many, many years until the family, our mothers and fathers and uncles got their land back) they seemed to be going down to Auckland to have meetings with Aunty Bella and the other family members coming up from Ngāti Porou and Wellington. ... They seemed to be forever to-ing and fro-ing. If it wasn't for our good train system, there was no other way of getting to Auckland otherwise.

Our grandfather's land block had been left to a particular member of the family to farm, but it didn't quite work out that way, apparently because he had other busy things to do. I suppose whatever payments there were, rates or whatever were in arrears and Māori Affairs stepped in and took the land. Our dad had tried to work the farm. He and our mum tried to work the farm, that was being used for dairy farming, in the meantime, looking after what was to have been looked after by another sibling of our dad and Taura's mum. But then the 40th celebrations in Waitangi came up and then my dad became involved in that and administering that, getting it all up and going to

¹²⁶⁹ Erima Henare, Mōtatau, 2006.

be ready for 1940. By then Māori Affairs had taken the land over and they farmed it under whatever their rules were.

And so, when our dad came back from the war he decided that he was not going to let their father's land go. What he did do was to get in to Māori Affairs. He worked for the welfare, became a District Welfare officer. And he was always one to say. 'if you don't know something, to learn how it works.' You've got to get in to the workings of it. ... So that was the first step for him, to get in to that organization in order to find out how to get their land back. And it took him a considerable period of time. First of all he had to get his siblings to agree that yes we want our land back. Some did agree some didn't. So it took him a while to get the ones who didn't, thinking the same way. And when they all thought the same way, then they had to fight the government.

The government say, well if you want your land back you're going to have to compensate us. And that was a hard thing to do because all our families – while the name Henare might mean something to people – oh yes they're rich, they're this, they're that – let me tell you, they were not. They were as pōhara as the most pōhara church mouse because all they had to live off was their land. In their time all our people here were not rich people. So they eventually got their land back by having to pay the government by way of compensation ... about 1967. ... It was a long fight to get it back – with the government of the day.

Families associated with the Te Horo block had similar experiences. In his interview, Te Rau Hōterene talked about some of his family's experiences. His parents Moetahi and Anamaraearangi raised 14 children on their land. In 1965 the Māori Land Court came to Tau Henare Marae in Pipiwai and proceeded to amalgamate the lands belonging to several whānau, into one block – known as Te Horo block. The land was to be managed by the Department of Māori Affairs. Te Rau says that his father did not agree to the amalgamation, nor did he agree to his land being taken over by the Māori Affairs Department, but Moetahi's protests to the Court (Māori Land Court) fell on deaf ears. The land was taken from his parents. Their houses were set alight and/or demolished. The orchards that were a vital food source for those whānau were cleared off the land. Other whanaunga from Pipiwai were put in place by Māori Affairs to work the land and make improvements. Moetahi passed away in 1975, and during the burial at Te Wehenga the bulldozers were there clearing the land. According to Te Rau the land was to be returned to the Māori owners after five years under Māori Affairs control. When the owners asked for their land to be returned they were told to pay for the work (improvements) that was done on the land.¹²⁷⁰

¹²⁷⁰ Te Rau Hōterene interview, Pipiwai, 23 March 1999, transcribed and translated by Hohi Tarau.

Many families found these consolidations very disruptive.

Although my grandfather Tau Henare was from the hapū Te Orewai in Pīpiwai, with the Māori Land Court system of Consolidation, we were provided with consolidation lands from the Mōtatau district. This system has split us up and is the cause for our family being out of our own district. ... Tau and his younger brothers Peeni and Ngapo were provided with these consolidation lands within the Mōtatau district, while younger members of the same family ... were placed (as is proper) altogether into consolidated areas within their own areas of Te Orewai and Pīpiwai. Paradoxically, when Tau Henare moved to reside on Mōtatau lands, he in essence became a ward of Ngāti Te Tarawa in a Māori paradigm. ... Of course, both Ngāti Te Tarawa and Tekau-i-mua nurtured us, which is the Māori way of assisting and developing each other.¹²⁷¹

New forms of managing large blocks of land were difficult to adjust to.

There were two Land Corporations at Mōtatau. They were Opahi and Okororo. Opahi was managed by the Māori Affairs Department until recent times, when that arrangement was dissolved. But Okororo was held by its stakeholders who managed their business since 1953 and remains current as at today's date.¹²⁷²

Land was lost in a variety of ways. Through accumulated debts, Public Works Act takings, and Department of Conservation.

Taura counts their district as lucky, because they have still got their land. Only one small piece was lost, because the family had a debt to their lawyer, and he took the land as payment. Grace remembers one of the decrees of their tupuna Kaka:

‘Kaua e hokongia o whenua Ngāti Hine’ don't sell your lands. And from that day to this day we still seem to have our lands intact. That doesn't mean to say that there hasn't been some people who may have wanted to sell their land to get the finance to go and do other things but I think that's basically why we still have our lands. God's not making anymore land. If you sell your land you'll become like the bird sitting on top of the tree, horekau he waahi hei whakataunga mōu and no place to make a nest for you.

Apart from the changes brought by consolidation, of the land that was lost, most went through Public Works takings, and was not returned to the original owners when it was no longer used for its original purpose.

¹²⁷¹ Erima Henare interview, 2007, translation p.7.

¹²⁷² Erima Henare interview, 2007, translation pp.8-9.

Grace: The pieces of land on which the school stands and even the Post Office over there was taken under the Public Lands Act. And in the end they sold the land, didn't return it to the original owner.

I suppose that's how they acquired the land, the railway corridor, under the Public Works Act. We own most of the land on this side, but still own some on the other side of the railway line. So that's probably how they acquired that land, through the Public Works Act. Could we live for the day when they close down the railways, so we can get our land back and make use of it – or they'll probably turn it into a cycle track all the way down New Zealand?

Taura: Just like Ōkaihau to Ōtiria, cycle track. The owners thought they're getting their land back. They go and pull the fences down, now they've had to put them up again.

Grace: ... Tuhipa is one of those pieces of land that the folks are wanting back ... one of the members up there, Ngāti Te Ara, ... allowed the people to come in and quarry Tuhipa until the people woke up, 'oh this is what that woman was doing.' And so they put a stop to that. They allowed the Pākehā who's on that land or who's leasing the land – he still gets scoria from there. Digs it up whenever he wants. They haven't said to him, stop!

At the time land was acquired for the railway, Tau Henare (snr) was MHR for Northern Māori, and would have had contact with Crown officials, Grace supposes.

Grace: ... when the railway was put through, it certainly opened up the hinterland. That's us – it opened up our way of life here. Mōtatau became a real hub and a hive of industry. It opened up some opportunity for shops to be opened here. We had a meat shop. Our grandfather ran a butcher shop. Another one ran grocery lines, and it opened up a few things here that our people had never experienced before. So they might have enjoyed the good things of life then.

But certainly after when the railways were put through, the people were able to go in and out. And that's one of the good things that the Public Works Act did for us – was to open up the hinterland. We were always those people – some still refer to us, 'those people from Mōtatau they live in the sticks.'

In the rohe of Te Kapotai, an area of about 2 acres of land was initially given to the Department of Conservation (DoC) to protect teal ducks, but much more was taken besides.

Te Riwhi Whao Reti; Our tūpuna that gave the land was Taranaki. That was his land, right next to his daughter Rāhera's block – Rāhera and Dick Reilly. They found these ducks there and they told their father that those were the ducks DoC were looking for. So, Taranaki gave that land to DoC. Now, when you go there it (DoC land) goes up to Ngaiōtonga. Another place that was taken is Papakauri. I know that it is now a Crown Forest. It has been taken and right around to the

area at the back of Waihāhā over at Tapukewharawhara. It's all gone to the government – Crown Forest to us.¹²⁷³

There has been dissatisfaction over the way the Department has managed the land.

Up there at Kapowai – I went that way on my way to Kawakawa. I saw a truck there, parked on the side of the road. I stopped, got out of my vehicle and about two minutes later this man appeared, “Morning, what are you doing here?” He replied. “We are here to shoot goats”. “Who told you to come here?” “DoC”. They were from Mangamuka. I said, “I’m a trustee for this land, you go back to DoC and tell them they are not permitted on here.” They never got back to me. One of the DoC workers from Russell told me that they (the hunters) turned up there. It was the DoC from Whāngārei that told them to go there (to Kapowai).¹²⁷⁴

Land was also made available for soldiers returning from the Second World War, but some was not used and not returned.

... part that was taken for the returned services. That lease is up. When Stewart George was still alive he was the one ... he was at the Council – the lease was nearly up (at the time). Once the lease is up, we will go to the Council and ask for it to be returned to us. Nobody went to those farms. ...

[The officials did not take the land] I think they actually came here to discuss that. That land was cleared by our elders. Hau mentioned the scrub cutters that went there. But nobody lived there.

Our relative who came back from the war was given one of those type of farms but it was at Tinopai. He was Bobby Reti and his wife was from Bland Bay [Tuparehuia]. His children grew up in Tinopai.

It would be better if it [the unused land] was all returned to the whānau and they can choose to live on it or not. I will not approve of the land being returned to the whānau and then sold by them to the Pākehā. There is a saying – that the land will nurture you – the land will take good care of the whānau.¹²⁷⁵

Land was also lost permanently by the actions of the Māori Trustee, in what appears to be a breach of the powers at the time. One glaring example is that of Mōtatau 5A2B2.

¹²⁷³ Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, p.5.

¹²⁷⁴ Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, p.6.

¹²⁷⁵ Te Riwhi Whao Reti interview, 3 December 2009, translated by Hohi Tarau, pp.6-7.

Mōtatau 5A2B2

The whole Mōtatau block of some 84,400 acres remained outside the 1865 Native Land Act, uninvestigated in the nineteenth century, as customary Māori land. The Māori Lands Administration Act 1900 gave considerable power to Māori to elect their own Māori Land Councils – the Papatupu Committees – and to lease their land to outsiders without having to sell it.¹²⁷⁶

In 1902, Councils were duly elected for the Mōtatau Block, which by agreement of the owners had been divided into 5 blocks (1-5). After Seddon died the Councils were transformed into Boards dominated by Pākehā, and the Native Land Court resumed their functions of investigations of title to Māori land.

Mōtatau 5 came before Judge Gilfedder of the Native Land Court at Kaikohe for investigation of title in 1909.¹²⁷⁷ Of the total block area of 22,035 acres, Judge Gilfedder awarded 4,000 acres to Kaka Porowini and his list. On 15 July 1911, at a hearing in Kaikohe before Judge McCormack, Mōtatau 5 was subdivided.¹²⁷⁸ The area of 5A was 2849 acres. Mōtatau 5A was further subdivided on 5 August 1914 into five blocks (5A1-5A5).¹²⁷⁹ Judge Wilson awarded 5A2, of 1255 acres to Kaka Porowini and others. In 1919, Mōtatau 5A2 was further subdivided.¹²⁸⁰ The block 5A2B2 of 290 acres was awarded to Kaka Porowini and Te Paea Kaka.

In 1919, a Gazette Notice appeared in the NZ Gazette¹²⁸¹ making Mōtatau 5A2 'absolutely inalienable except by will'. This Gazette Notice remained in force until 1957, when a Gazette Notice¹²⁸² revoked the Notice of 1919 without giving reasons. By Gazette Notice,¹²⁸³ the whole of Mōtatau 5 had been incorporated into the Bay of Islands Development Scheme in 1930, but in 1953 Mōtatau 5A2B2, A and B were released from this scheme. Mōtatau 5A2B2 had been subdivided into A and B on 10 October 1950.¹²⁸⁴ Part A (145 acres) was awarded to Takutu Kaka, and part B (253 acres) to Te Ao Kaka (702 shares) and Kanohikite Kaka (0.528 shares).¹²⁸⁵

¹²⁷⁶ Following is a synopsis from Maurice Alemann, 'The Story of Mōtatau 5a2b2', 1993.

¹²⁷⁷ NMB 41, p.216 ff.

¹²⁷⁸ NMB 46, pp.161-74, 199.

¹²⁷⁹ NMB 54, pp177-81.

¹²⁸⁰ BoIMB3, pp.370ff.

¹²⁸¹ NZG, 3 Apr 1919, p.901.

¹²⁸² NZG, 7 Feb 1957, p.179.

¹²⁸³ NZG, 1930 p.2851.

¹²⁸⁴ BoIMB1, p.154.

¹²⁸⁵ These two add to 398 acres, which exceeds the 290 acres originally recorded for 5A2B2.

Te Ao Kaka was succeeded by Keni Whakaaronui Mataroria to become his interest in what was by then already Mōtatau Y. 5A2B2 had been amalgamated by the Court into Mōtatau Y in 1963.

The Amalgamation

At the request of the Bay of Islands County Council, a hearing was held before the Māori Land Court on 13 June 1963 at Kaikohe before Judge Gillander-Scott,¹²⁸⁶ with the objective of amalgamating various blocks of Māori freehold land. Most of these blocks had unpaid rates, and were perceived to be not farmed efficiently for the purpose of producing export farm produce. Te Ao Kaka was present in her capacity as owner of A and B.¹²⁸⁷

The Court reserved its decision until 24 July 1963.¹²⁸⁸ In making its decision to amalgamate the blocks, the Court gave the following reasons, which reflected post-war thinking: land not properly cleared of weeds, large sums owing in rates, owners have neglected the land and not properly farmed it, etc. Mōtatau 5A2B2A and B were amalgamated together with other blocks to form a new block called Mōtatau Y (p.82) of 1047 acres.

However, the Judge restricted the powers of the Māori Trustee:

The Court is not prepared to make orders under Sec 387. [This section gave power to the Court to vest land in the Māori Trustee, and he then could sell the land] ... the Court intends to preserve the lands in Māori ownership and to make orders under Sec 438 but for leasing only.

Provision is made in the form of lease ... for licences in favour of Henare Tau Henare, Keni Whakaaronui Mataroria and Makoare Ape Kopa.

This undertaking was given form in Sec 32 of the lease (p.91) and in the case of Keni Whakaaronui Mataroria was spelled out in B (p.92). Thus, the Judge specifically ordered that the amalgamated land (i.e. Mōtatau Y) could be leased out by the Māori Trustee, but not sold. And he made specific provisions so that Keni Mataroria could go on living in the house on Mōtatau 5A2B2 and that he had the right to transit over the rest of the land, and that he had the right of using four acres surrounding the house provided he fenced them in.

¹²⁸⁶ Kaikohe MB1, pp.205ff.

¹²⁸⁷ Evidence of Keni Whakaaronui Mataroria is at pp.215ff.

¹²⁸⁸ Kawakawa MB1, pp.81ff.

A Provisional Register title (22C/1113) was issued following the order of the Judge of 24 July 1963. This title cancelled several titles and substituted one title for Mōtatau Y. The list of owners still included Te Ao Kaka; her succession had not been finalised at that stage. She was mentioned with 1572.914 shares out of a total of 6285 share for Mōtatau Y. This Provisional Title did not mention any more the licence given to Keni Mataroria to occupy the house on the block. A Survey Plan (ML 14794) was produced in 1971 for Mōtatau Y. Mōtatau Y was then leased by the Māori Trustee to Wright Stephenson for 48 years from 1 Jan 1965 for £330 per year, rental reviewable after 16 years.

The Sale

On 23 June 1966, solicitors Thorne and Dallas acting for Wright Stephenson asked the Māori Land Court to summon a meeting of owners for the purpose of selling the freehold of Mōtatau Y to Wright Stephenson. In a further letter dated 18 July 1966, these solicitors indicated that they had obtained the support of three of the major owners for the sale. Amongst these three was Keni Mataroria with 1572.914 shares. In total the three owners held 3815.014 of the 6285 shares.

The meeting of owners was held at Kawakawa on 22 August 1966. Part XXIII of the Māori Affairs Act 1953 stated that three owners could constitute a quorum, and if the owners with a larger shareholding voted for the resolution in front of them it was carried. Ten out of 25 owners of Mōtatau Y were present at the meeting, with a total shareholding of 4389 shares out of 6285. Keni was not present. Six owners (24%) holding 3329 shares (48.8%) voted in favour, four holding 1059 voted against. These four owners signed a Memorial of Dissent.

The Resolution passed read:

That the Mōtatau 5 Y be sold to Wright Stephenson & Co Ltd for the sum of £6350 provided that Wright Stephenson undertake to reserve to those persons occupying buildings on the said land their rights of occupation as contained in the existing lease to the company and that all costs involved in obtaining a registrable title be met by the company and also payment of the Māori Trustee's commission, and taking title "as is".

This resolution came before the Court at Whāngārei on 4 October 1966, Judge Nicholson.¹²⁸⁹ The Judge reserved his decision and gave it on 7 October 1966,¹²⁹⁰ and

¹²⁸⁹ Kaikohe MB4, p.238.

¹²⁹⁰ Kaikohe MB4, p.252ff.

in spite of objections of the four dissentients represented by Mr Spring, the Resolution was confirmed by the Court. No further mention was made of the rights to occupy buildings on the land.

By Transfer A 617091 the land was then sold by the Māori Trustee to Wright Stephenson, and Certificate of Title 22C/1114 was issued in the name of the Company. In 1977 Wright Stephenson sold the land to Kenneth Lord, who in 1988 transferred the land to himself and two others. This title was valid in 1993. It did not at that time contain any restrictions as to occupation of houses or rights of transit over the land.¹²⁹¹

Law and order

In Te Aho rohe, two systems of law existed – Pākehā laws set in place by statutes and regulations devised by parliament, and the pre-existing Māori custom law. Early in the twentieth century, Māori law dominated in the many close-knit communities, such as the one Kaka Porowini organised at Ōrakau, as Erima Henare explained:

Although there were two systems of law – Pākehā and Māori – in effect, in Kaka's time and place only the Māori system existed. For instance, Wiki Te Kiri Moeanu, a well-known Ngāti Hine leader, went to Kawakawa for supplies, leaving his slave (pononga) to ensure pūkeko did not get into his garden where he had planted corn that morning, in case they exposed and ate the seed. When Moeanu returned, pūkeko were in the garden and the slave was asleep. He didn't wake up. Moeanu walked home, got his axe, went back and chopped the slave's head off. The police knew what happened but would not arrest Moeanu, because they respected his mana, and would have had to take on the whole of Ngāti Hine if they had. Police did not operate in the area until 1962.¹²⁹²

Kaka was well known for operating under the old tikanga Māori system. For example, if you borrow something you have to take it back on the night before the funeral. In those days they would bring up all the debts that they owed to the deceased, or that the deceased owed to them so that these things could be settled there and then. That doesn't mean to say he was easy to get on with.¹²⁹³

¹²⁹¹ Author's Comment: Everything was done according to the Law. The only problem was that the Law was morally wrong.

¹²⁹² Erima Henare, Ōrakau project, 25 April 2007, Tape 3, side A

¹²⁹³ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

Māori Law

Kaka ran his own judicial system of whakawā. That existed in Ngāti Hine into the late twentieth century. ‘Your take were brought to the marae every Sunday after Church.’ Someone would stand up and accuse someone and bring out all the evidence. And then the accused had to account for their actions. ‘In a community like that, that’s what they respect and understand’. Kaka’s attitude was that you were responsible for your own actions. However, if you did not take that responsibility then ‘we as your community will remonstrate with you on what you’ve done and what you can do to fix it up, because we still love and we still want you in our community – we’re not going to lock you up, we’re not going to kick you out, but you need to change your bloody ways’. Kaka ran those systems where he was judge, jury and executioner, but it’s a hui situation, and everyone decides the penalty and Kaka’s responsibility was to ensure that it was carried out. This was a system they understood; it was a system that operated in their villages.¹²⁹⁴

‘enā e hē tau ki te tahi atu kōrerotia whakatikatikangia – whakatikangia te hē – kua mutu’.

It was not a punitive system; it was about putting right the wrong.

Māori Lore

In my father’s generation Māori carried Christian principles alongside Māori principles. Western law was governed by Christian principles initially, e.g. thou shalt not kill – these people are carrying this Christian law, Judao-Christian rules in law. Māori were also carrying the tikanga – Māori lore which governed their day-to-day lives – the way they interacted, behaved towards and cared for one another. Kaka ran these Ohu (communities) in that way, and that law existed outside Mōtatau blocks 1-5, but if you wanted to be in [the blocks] the lore was the law that existed there.¹²⁹⁵

Ture is something different. Erima cautioned that we need to be careful because that word comes from the Jewish word torah, which comes from the section of the Bible before Christ. That was not what Kaka used. ‘he behaved with them and he led them in a way that they were familiar with; in a law that they were familiar with; in a manner that they were familiar with’. In Kaka they had a rangatira, an ariki and he led them. He consulted with them, but in the end he made the decision and they all

¹²⁹⁴ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

¹²⁹⁵ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

went with it. Kaka would lead the decision and implement it. So that what they would be talking about 'ngā ture a Kaka – Kaka's rules' – but it was tikanga.¹²⁹⁶

These same practices applied more broadly throughout the district.

Mōtatau is a restful district. The first constable to be seen in Mōtatau was in 1961. Before that time, Mōtatau found its own solutions to its own problems, from summary offences against others. On Sundays after church the community would hear the offences committed. Police jurisdiction had not developed to include Mōtatau under their Pākehā laws. We suspect that should the police have ventured into Mōtatau before this period, they may have resolved to eat him.¹²⁹⁷

Of course there were crimes, insignificant crimes, misdemeanours more likely, not as is today, killing of people. In those days, fighting was a punch for a punch, there was no kicking, no stabbing, just punching. You might land the first punch, then you'd stand still while I would punch you. First to fall to the ground, the fight is over. That's the way it was done by their standards, fair. They wouldn't kick while you're down on the ground, as is the case these days. An adultery claim was heard before members of the community at the marae. Both male and female were interrogated, wife of the husband or husband of the wife suspected of adultery. They could have been interrogated, fined, prohibited or other such fixed penalty. Petty crimes such as thieving had the same outcome. They had the hearing at the marae and if found guilty the offender could be fined. The principles of muru under Māori laws were employed. Stealing from another provides for their right to obtain reparation, wherein they could seek greater compensation. In about 1961, elders from Te Uri Taniwha came to Mōtatau and observed deposits of horse manure within the Mōtatau cemetery ground of Takapuna and very close to the headstone of Tau Henare. The people of Ngāti Te Tarawa were ordered to atone and compensate for the slight in the form of four cows, four horses, their saddles and bridles and a sum of cash. This slight according to muru was indeed against the mana of the cemetery for allowing the horses inside the confines of the cemetery. This happened in Mōtatau. At this period in Mōtatau there were no drugs.¹²⁹⁸

Changing patterns of settlement, new marae development

Before railway lines and post offices, every Kāinga (in this case home) had a name, as Erima Henare explained:

Our grandfather's house had a name; Taki Hoterene's house was named Mataparua; Auntie Riu's house was Tikokauwai Titiwaha; Anaru's house – every kāinga had a name. When the railway line went through Mōtatau, the old people got together, and realizing that all the

¹²⁹⁶ Erima Henare, Ōrakau project, 25 April 2007, Tape 2 side B.

¹²⁹⁷ Erima Henare interview, 2007, translation p.11.

¹²⁹⁸ Erima Henare interview, 2007, translation pp.15-16.

names of the different kāinga were different and unique to each family and the history of those families they decided to get the mountain named Mōtatau, and bring it to the railway station, because every railway station has a name. It's the name of that area or that place. So from then, this place becomes more widely known as Mōtatau. Before that, people talked about going to Tikokauwai, Whakakiore, Te Hurihanga, Mataparua, Wekatāpapa, or Ōmāhu. But they couldn't use these kāinga names for delivering mail. Mōtatau started to take precedence over these kāinga names, some of which are now lost because of the advent of the post office and of the train – the first place the post office was established in Mōtatau was at the railway station. So Mōtatau was brought from the mountain to become the name of this valley, because of the post office and because of the train, and became the generic name for the area.¹²⁹⁹

As public rail and road systems replaced shipping as the main forms of transport, and then individual car ownership increased, patterns of settlement changed. People also moved to live closer to work opportunities, such as the Moerewa Freezing Works.

But patterns of settlement were also changed and disrupted by rulings of the Native (and later Māori) Land Court. As Erima Henare reminded a gathering at Mōtatau in 2006:

Who were the first people at Mōtatau? They're all the same people. They're Te Kau i Mua, Te Uri o Wai, Ngāti Ngaherehere, Ngāti Te Ara, Ngāti Kopaki, Ngāti Hine and Ngāti Hau. Those were the first people in this valley. It was the Land Court that divided us up, not our tūpuna. In 1936, at Matawaia, was the last marriage according to Māori custom, full brother to full sister. So who's the tuakana, Moeahu or Moraki? Who knows. Who were the first people in this valley? Who knows. But what the Land Court said was that the descendents of Te Arakopeka, Ngāti Te Ara and Ngāti Kopaki are the people on that land now known as Okaroro and Opahi. The only people from Mōtatau are those who married into the Cherringtons, because they are the owners of the land; Ngāti Te Ara and Ngāti Kopaki. So those tapu up at Okaroro and over the back of the hill here, all belong to our whanaunga who now live in Ōrauta and Ōtiria. But this never happened before. The Land Court did this to us. That's how Tau Henare, who was born and brought up in Pipiwai, ends up at Ōmāhu. And how this marae, this land, belongs to his uncle Te Kohekohe. How does all this happen? Māori Land Court. It's the Māori Land Court that divided us all up. The majority of people in this valley had land at Whangaruru and Mokau and Whananaki. But when the Māori Land Court consolidated titles, families were moved from their homebase to other land.

So who were the first people in Mōtatau? It's the same people. At Matawaia or Pipiwai, it's the same people. It was the Land Courts that divided us up. It wasn't us consciously becoming this hapū or that

¹²⁹⁹ Erima Henare, Mōtatau, 2006.

hapū; the Land Courts determined it. They divided us up into what they called economic blocks, not blocks based on where you're from or what you did, but on economic shares. That's how we all ended up where we are. But the people of Pipiwai and the people of Mōtatau and Matawaia, Ōrauta and Ōtiria are one family, only two generations back, not as far as Hineāmaru. Each of those hapū were living in these four valleys, Mōtatau, Matawaia, Pipiwai and Ōrauta, inland from Waiōmio. Ngāti Manu is the other valley that belongs with the people that live in these valleys. It is only these hills that keep us apart. We are all one family. Everyone is a descendent of a tupuna from this valley, so you can't say who was first here. We are all descendents of this valley.¹³⁰⁰

As described in Chapter 1, the marae in use today were established from the late 1800s and into the twentieth century.

Although marae are scattered across the landscape, strong familial bonds unite hapū. Erima Henare described the ties arising from the time of Kawiti.

Ōmāhu, this pā, hidden in the trees, is one of Kawiti's pā. These people are moving from Waiōmio across to here, he's moving to his other pā up at Okaroro, he's moving all over the place. These are outposts of his. When they say these are his pā, there are people that he's the rangatira of, and he's obviously travelling around, seeing them all in his travels. We have all these petty rivalries between the Matawaia marae and the Mōtatau Marae and the Tau Henare marae and the Kaikou marae. But we are all one family. And that's the thing we have to remember.¹³⁰¹

When we were young, the kaumatua were actively whakapapa-ing at hui, to make sure that all these people up on this wall, as either carvings or photographs, are joined together, not split apart as that marae or this marae or the other marae, but are all joined together. That's why some people who are supposedly from Runga say 'apiti hono tatai hono tātou te hunga mate ki a rātou'. Apiti hono is you're joining the dead together, because these people are all one whānau.¹³⁰²

One of the changes that separated families was in burial practices:

After Maihi was buried at a new cemetery, Otarawa, consecrated at Waiōmio, other separate localised urupā were established. (At first the term urupā referred to the immediate border of one grave, but over time came to refer to the enclosure of a burial ground containing many graves.) From this time, most Ngāti Hine were buried at Otarawa. The next disruption came with the 1918 'flu' pandemic, when people were dying so fast, and needed to be buried quickly to try to contain the contagion, that they were buried very near where they lived and often in unmarked graves containing more than one person. That was when

¹³⁰⁰ Abstracted from Erima Henare, Mōtatau, 2006.

¹³⁰¹ Abstracted from Erima Henare, Mōtatau, 2006.

¹³⁰² Abstracted from Erima Henare, Mōtatau, 2006.

urupā such as Takapuna and Kaitoki were established. Before these separations, they were together, which is why the old people recited the whakapapa to reunite them.¹³⁰³

In 1982, Tā Himi Henare posed a question to his whānau at Mōtatau Marae about carving their meeting house, using the words of Wiremu Cherrington, his wife's uncle:

Ko te whare e tū ana i te koraha e hara It is not the house that stands in the
tēnā, engari ko te whare e tū ana i te desert but the house that stands in the
pārae? paddock.

What is the symbol, he asked. To carve this house? According to a building inspection the meeting-house was sound and would stand for another hundred years if taken care of. Henare thought that the meeting-house should be carved as a symbol of the people of today for their descendants. He challenged other Ngāti Hine marae to do the same: 'If the Ngāti Hine marae prestige is united, all the meeting-houses will be carved.'¹³⁰⁴ And to his own people, said, 'The meeting-house has been erected by your ancestors, we erected the kai house, what are you going to do?' He described how the meeting house was first built:

The wood was taken to Ōrakau in Tautoro where it was sawed by Ngapo and his two young sons, Tiopira and Henare. I helped them to haul the timber from Tautoro to here using bullocks and sledges. There were no roads in those days. Ngāti Te Tarawa erected this house with their hard-earned money from digging kauri gum. They gave the money to buy windows, tins and paint for the house. If they could do it, why can't we? We have everything at our fingertips to build this house. The trouble is the people of today have lost their heart. If the body is lost, the heart is lost also.

Forestry

Forestry, which was heralded as a better use of the type of land generally in the TE AHO hills and valleys, has proved to be a disappointment economically.

Kopa Tipene: Let us go back and look at what happened to our maunga. They said, 'You people of Te Orewai, you will get jobs when the planting begins'. When the time came, they brought in their own workers. When they grew pines at Maromaku, they never offered jobs for the home people. However, I take my hat off to forest of Ngāti Hine because many are employed by them and taught chainsaw skills, etc. My mother's land was lost to pine plantations because of rates owed, although someone else was on the land at that time. Today, I carry the brunt of it because my name is on the rates [demand].

¹³⁰³ Abstracted from Erima Henare, Mōtatau, 2006.

¹³⁰⁴ Abstract of Tā Himi Henare interview, 1984, pp.2-3.

[Now] pines are being hewn and the question was raised, what next for the land? I remember a hui at Ōtiria; the word came that it would be easier to grow pines again. ... The cry of the government is to grow again. They have other ideas in mind. If you don't grow again, they lay down another big loan on your land. Maybe we should grow another species of tree.

Taura: When we planted our land in pine, oh yeah we were promised a lot of things that'll be [?] there for the whānau. Starting off it was alright. We plant the trees but down the track now it's changed a bit. Now you got to be in the union or something like that before you can get a job. Way back then they talked about 'oh yeah there's jobs for your family and the community.' But I think that's changing a bit. I don't think it's going to happen like that.

They did have training courses to up-skill but as I said, as time went along and if you didn't stick there – at the time you were told if you can cut a tree down, well you got a job. But time – you're looking at 25 years down the line – rules have changed. Therefore you've got to be in a sort of a contract with whoever is running the thing and he chooses his own workers. And I can't see, in our own family or even in the district, that wants a job, can't get a job because you haven't got that skill.

But if you go back to our tūpuna's times, our parents' times, they had no skills but they were good bushmen. The skills we've learnt, and the skills of the kids today, it's not there.

Grace: Like Taura's family there, they were probably promised so much, but it hasn't come to fruition. The work has been promised, the skills have been promised but they are now going to contractors, not the people whose land is nursing and nurturing the forests. So in a way that's a bit of a fraud. So what's happened is a lot of the families are gone anyway. They've gone because the promises were good but the back up hasn't developed, hasn't evolved. It's fraud.

Taura: I don't know if there's any benefits [to Māori communities engaging in the forestry] now, if you listen to what the governments doing. There's the Kyoto thing (Kyoto Protocol) and in the end you're going to be fined. You've either got to replant, that's their rules and they're stepping in, you got to do this, you got to do that.

Grace: In Mōtatau here there hasn't been taking out of trees. Apart from Waiōmio there, well it hasn't been our people that have been working there it's been contractors.

Taura: People that come from Kawerau and whoever wins the tender for the job. Sometimes our people miss out because they'll come with their own workers.

CHAPTER NINE: CONCLUSION

Conclusion

In the century before Captain James Cook's first visit to Taumārere, social and political relations amongst the Māori inhabitants were fluid and often volatile. The migration of Te Aho Ngāpuhi forebears eastward was much less in the nature of an invading party than successive generations rejoining their maternal relatives – te taha wahine – where they asserted their ancestral rights to occupy land. Four of Rāhiri's wives, including Ahuaiti, (great-granddaughter of Tāhuhunui-o-te-Rangi) came from the eastern side of the island, mainly from Ngāi Tāhuhu. Although most of the claimant hapū in Te Aho Claims Alliance can whakapapa to Rāhiri, their unifying tupuna is Tāhuhunui-o-te-Rangi.

At the time Cook arrived, the political situation was in a state of flux, or even turmoil, as rival groups sought to assert their mana. Into this situation, the new contacts sparked renewed rivalry as groups competed for new trade opportunities.

The unique features of this group of claims stem from the Taumārere/Bay of Islands area having been the 'cradle' of New Zealand Crown relations. Here the first English mission settlements in the country were established; the first site of contact with English officialdom was made, the British Resident resided; and this was the location from which a New Zealand government emerged. Ironically then, it was the first place of contact with the Crown and is now among the last to settle its claims.

The NSW chaplain, Revd Samuel Marsden led CMS missionaries into the Bay in 1814, soon after traders seeking timber, flax or provisions had arrived. The CMS eventually established a number of mission stations in the northern and southern parts of the Bay, with whom some Te Aho tūpuna developed close relationships. As the provisioning ports became more important, Ngāti Hine and Ngāti Manu hapū challenged occupiers of eastern coastal sites and gained control of several key sites. With increasing numbers of missionaries and traders arriving in the area during the 1830s, and the resulting level of inter-relationship, local rangatira took action to formalise their relationships with British people through a succession of deliberate and intentional initiatives preceding Te Tiriti o Waitangi. These included the 1831 Rangatira letter to King William IV; choosing the Flag of the Independent Tribes of Nu Tireni in 1834, recognised by the British Crown, to be flown on New Zealand ships (which was also flown at the house of the British Resident from 1835 to 1840); and

the 1835 He Whakaputanga o te Rangatiratanga o Nu Tireni, the declaration of independence. Te Aho Claims Alliance hapū regard themselves as the kaitiaki of He Whakaputanga me Te Tiriti.

These initiatives are the prime indicators of the chiefs' intentions to exert and enhance their mana and rangatiratanga. Such efforts are evidence that contradicts the argument that the rangatira would have ceded sovereignty in Te Tiriti o Waitangi.

He Whakaputanga, as constructed by Busby and James Reddy Clendon, aligned with the idea that those chiefs had at that time, for the mana o te iwi Māori to reside here in New Zealand. ... from our Māori perspective, there is only Te Tiriti o Waitangi. That is what was signed here. It is to that Tiriti that our ancestral tūpuna tohu tapu were signed. The other text is the English language version. It is not the same as Te Tiriti o Waitangi; it is an English language version which meant absolutely nothing to our tūpuna. They signed only what they understood. Essentially, for us as Māori, Article II of Te Tiriti says it all – because our tūpuna protected the foreigners in Article I so that they could live here in safety, in recognition of that protection the Māori way of life, its resources of land, sea, forests and all of that, would enable the sustenance of life and the cultural nature of our sovereign leadership ... [or rather] not our sovereign leadership but our mana. These were acknowledged as truths and axiomatic for the Treaty. Any other interpretation that would have us ceding our mana or sovereignty is a denial of the historical reality. It is a manipulation of the past to make it fit that which exists now. My wero ... to you, Chair and members of the Tribunal, and the Crown, remains. Have the courage to do what is right. Honour He Whakaputanga and honour Te Tiriti o Waitangi.¹³⁰⁵

As kaitiaki of He Whakaputanga me Te Tiriti, Te Aho claimants' tūpuna stringently held to the agreement they had entered into as a sovereign entity, and challenged the British when they transgressed the Māori understandings of those agreements.

As a consequence of continuing British breaches of these agreements, and persistent refusals to negotiate, Te Aho tūpuna supported the symbolic challenge that the felling of the flagpole at Kororāreka represented. Te Aho tūpuna then had to defend their position when the British responded to this challenge aggressively in the series of battles termed collectively the 'Northern War' that followed. Te Aho tūpuna bore the brunt of British aggression and their disproportionate response to Heke's attempts to bring the parties to the discussion table over different understandings of the meaning

¹³⁰⁵ Concluding remarks from Brief of Evidence of Johnson Erima Henare given at the opening address at Waitangi 10 May 2010.

of the Treaty. Ralph Johnson concluded in his report on the Northern War, commissioned by the Crown Forestry Rental Trust, that:

Ngāpuhi suffered a full-scale attack against its people who had been accorded all the rights of British citizens under the Treaty of Waitangi. Ngāpuhi have never received any acknowledgement that the war against them was wrong. They have received neither apology nor compensation for the wrongs committed against them. At the re-erection of the flagstaff in 1857, Maihi Te Kuhanga Kawiti, on behalf of Ngāti Hine and Ngāpuhi, made compensation gifts of the pole and land. The government on the other hand paid nothing. Yet, Ngāpuhi lived with the consequences and impacts of the war under the shadow of an army of occupation. And the families of those chiefs who were involved in the conflict, have continued to live with a stigma that has been inflicted upon them first by the Crown and then by subsequent official histories that have failed to acknowledge the wrongful actions of the Crown in attacking Kororāreka and attacking Ngāpuhi.¹³⁰⁶

After the concluding battle at Ruapekapeka, in his famous ōhākī Kawiti reminded his people that they must continue to defend their position in relation to the British, but not to take the offensive.

Waiho, kia kakati te namu i te wharangi o te pukapuka,	You must wait until the sandfly nips the pages of the book (the Treaty)
hei kona ka tahuri atu ai.	Only then will you stand to challenge what has happened
Kei takahia e koutou ngā papapounamu a o koutou Tūpuna e takoto nei.	Lest you desecrate the sacred signatures [marks] of your ancestors placed upon the book
Titiro atu ki ngā Taumata o te Moana!	Look to the horizons of the sea (the transformation of the future)

Peace was finally achieved when Governor Grey met Heke and Kawiti face to face at Kororāreka on 7 September 1849. Kawiti placed a kotuku feather in Governor Grey's cap to mark the peace.¹³⁰⁷ Later, Heke referred to Kororāreka as the place where the war was formally ended.¹³⁰⁸ Kawiti's son, Maihi Kawiti re-erected the flagpole on Maiki Hill, and proclaimed that:

¹³⁰⁶ Johnson, p.414.

¹³⁰⁷ Kene Martin, 'Kawiti, Te Ruki', DNZB, I, p. 221.

¹³⁰⁸ Hone Heke to John Irving, 11 January 1849, IA 1 1849/353, ANZW (only available in translation), cit. Johnson, p.404.

The Pole which stood before this one, was felled by both Kawiti and Heke. The one which we have raised today, will not ever be touched by an axe by any of us. The Pole shall be named whakakotahitanga.¹³⁰⁹

Governor Gore Browne visited the Bay of Islands in 1860, and gifted Maihi Kawiti the Rongomau Seal – the seal of ‘lasting peace – representing the continued peace between Ngāti Hine and the Crown, significantly re-affirming the unique binding relationship between Te Aho hapū and the Crown.¹³¹⁰

After the government moved to Auckland in 1840, and after the 1845/6 Northern War had ended, the political focus shifted away from Te Tai Tokerau. Te Aho tūpuna were affected by legislation that was progressively, and often aggressively, introduced, but had no input to its drafting. They, as other iwi generally, in the north and other parts of the country, suffered land loss and economic marginalisation, as detailed below under the summary of evidence.

During the nineteenth and into the twentieth centuries, kauri timber and gum resources in the north were exploited and, as a result, large areas were laid waste. Despite the early introduction of European farming, more permanent forms of economic development were slow to emerge. Factors in this lack of development included: relative isolation, leached soils, land ownership issues and, eventually, small sizes of land holdings after multiple partitioning of remaining lands as they passed through the Native Land Court.

The region was isolated because it lacked a developed transport infrastructure – rail started at Kawakawa, to serve the coal mine from 1867, and progressed through the early part of the twentieth century, but roads were not greatly upgraded until after World War II. This lack of transport and the other actions and omissions of government that are detailed in this report, led Māori from the area to migrate away from their homelands increasingly after the Second World War. Opportunities in urban areas enhanced the possibility of Māori improving their individual and collective well-being. Increasing urban unemployment and forest developments in the 1970s, followed by accelerated unemployment arising from economic restructuring in the mid-1980s, caused reverse migration and resulted in the northern area having one of the worst unemployment records in the country. Māori

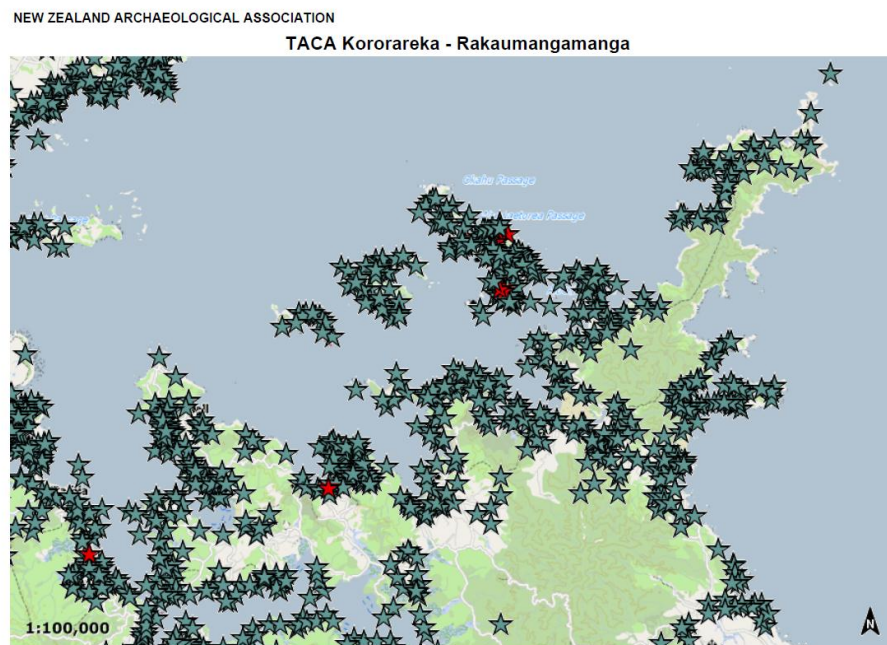
¹³⁰⁹ Riri Maihi Kawiti, Minutes of Te Nohoanga o te Tribal Executive Committee o te Kawakawa, Friday 20/12/1957, p. 3, document from York/Clark collection, translation by Mr Sam Maioha, quoted in *ibid.*, p.405.

¹³¹⁰ James Henare to Governor General, 20 November 1964, G 48/44, Waitangi 4 file, Jan 1965 - May 1966, ANZW, in *ibid.*, p.406.

fares worse than average. Te aho claimants went from a thriving, self-sustaining community in control of significant early trading operations in the nineteenth century to prolonged and sustained poverty. As a result of a series of factors, a wide range of grievances has accumulated for which hapū in Te Aho Claims Alliance now collectively seek redress.

In addition to unique aspects of these claims, Te Aho share general grievances with other claimants.

Map 24: Overview of Archeological Sites recorded in Kororāreka-Rakaumangamanga



Printed by: Angela Middleton

14/01/2013

Summary of evidence

The starting point for the discussion of evidence is with two documents: the Kaipara Interim Report issued by the Waitangi Tribunal in 2002; and Crown concessions made in the Tribunal's memorandum-directions of the presiding officer for the Te Paparahi o Te Raki Inquiry, of 27 June 2011.

Kaipara Interim Report

The Kaipara Interim Report report was issued as an interim measure because Te Uri-o-Hau wished to proceed to direct negotiations with the Crown, separately from other Kaipara claimants, rather than continue with Tribunal hearings. The Tribunal considered that there was a range of grievances that Te Uri-o-Hau and other claimants had in common and wished to set them out as a basis on which all claimants could proceed to direct negotiations, if they chose to. These grievances were the ones that the Crown acknowledged in the Te Uri-o-Hau Claims Settlement Bill.

The Tribunal considered that these grievances would apply throughout the north, and therefore it is appropriate to mention them here. However, it is also necessary to provide evidence to support the Tribunals' suppositions and concessions, as they apply to this particular claimant group, and this section of the Te Aho Claims Alliance Oral and Traditional Report introduces some of this evidence.

In the Kaipara Interim Report the Crown acknowledged the historical claims and the breaches of Te Tiriti o Waitangi and its principles by the Crown in relation to Te Uri-o-Hau historical claims as follows:

- a) The hapū tried to preserve and strengthen their relationship with the Crown, particularly with respect to making land available for early settlement.
- b) The benefits the hapū expected to flow from this relationship were not always realised. Early land transactions and 20th century land development, including Te Tai Tokerau Māori District Land Board and Māori Affairs development schemes did not provide the economic opportunities that TUOH expected.
- c) The process used to determine reparation ... was prejudicial to TUOH and may have caused TUOH to alienate lands that they wished to retain.
- d) A large amount of TUOH land has been alienated since 1840 and the Crown failed to provide adequate reserves. Insufficient protection was provided.
- e) The operation and impact of Native land laws had a prejudicial effect.
- f) Loss of control over land has prejudiced TUOH and hindered their economic, social and cultural development, and impeded their ability to exercise control

over their taonga and wāhi tapu and foster spiritual connections to their ancestral lands.

Te Aho experience

Along with other hapū in the wider Bay of Islands area, Te Aho tūpuna vied for favour with officials to establish a town in their area, as a centre of a new, combined Māori and Pākehā settlement.

£450 for the purchase of Ōkaihau 1 was a meagre sum, but proposals that Ōkaihau should form an inland township constituted, in large part, the 'real payment' for the block. A town was subsequently established, but not on the comprehensive scale originally promised. The January 1859 sale of the Mokau block was similarly motivated. The 15,000-acre Kawakawa block followed suit in June 1859. The Kawakawa-Ruapekapeka Crown purchases, negotiated over 1858-1865, and issues arising from them, cover a complex range of issues, such as Old Land Claims, reserves, principles for establishing values, and very significantly, the discovery of coal on the land during the negotiations.

Maihi Kawiti made an offer of land around Kawakawa for the purpose of settlement and a town, but the offer took many years to negotiate, as the Crown offered an unacceptable price. Only when coal was discovered at Kawakawa did the Crown meet the price Maihi deemed to be acceptable, although this was based on Maihi's assessment of its value before either he or the Crown knew about the coal. The price did not reflect the value that the Crown would derive from the coalfield.

The town was to be an experiment in which Māori and Pākehā would 'cultivate their fields and build their houses side by side'.¹³¹¹ Free grants of 40-acre lots were to be awarded to intending immigrants after they had occupied the land for a year, but the regulations made no provision for Māori to receive any grants of land in the settlement.¹³¹²

James Clendon set a precedent of sub-standard purchasing procedures in 1852, with the first deed of conveyance in the Bay of Islands.¹³¹³ But most Crown purchases were negotiated by Henry Tacy Kemp, who, even at the time he was appointed to the Bay, already had an established reputation as an aggressive purchaser with little regard for

¹³¹¹ TKM, Vol. 5, No. 4, February 1858, p.8.

¹³¹² O'Malley, 'Northland Crown Purchases, 1850-1865', p.142.

¹³¹³ *ibid.*, pp.334-35.

the duties of a Crown purchaser. Yet, McLean issued minimal instructions to him and failed to provide any guidance to ensure the northern transactions were conducted appropriately. i.e. that all owners were party to the transactions, reserves for ongoing Māori use and occupation were provided, adequate prices were paid, surveys made and documentation provided.

Without authority, Kemp continued to purchase land even after his office was abolished. In his 1901 memoirs he boasted that in his time as District Commissioner for purchasing native lands in the North, he acquired 'some good estates, notably the Ruapekapeka Block of 30,000 acres, embracing a rich gumfield, together with the Kawakawa coal mine, the Ōkaihau and Omawake Blocks, the Whāngārei-Poroti Blocks, at Whangaroa, the Pupuke Block, with its kauri bush and gum combined ... These have yielded, and are still yielding, revenues equal to, if not in excess of, the average gold mine'.¹³¹⁴ Clearly the Crown's gain was at the expense of the original Māori owners.

When the 24,150-acre Ruapekapeka block transaction was concluded it included a right of road over any part of the block, with the coal field in mind for which a tramway would be constructed that would probably have to pass through Native Reserves and other Māori-owned land to the landing site. Kemp then proceeded, against contrary instructions, to purchase areas that had been reserved from the sale, and included in their description areas that Maihi Kawiti would dispute for decades to come.¹³¹⁵

At the heart of the dispute were issues over Old Land Claims. Riri Maihi Kawiti testified that his grandfather Kawiti had disputed the original gift of land, which other Māori had made to the CMS, because he was not present when the gift was made. He would only allow the gift to stand if the boundary was altered. His descendants ensured that the boundary was altered, and on that basis they knew that the land the government claimed was not part of the gift. Hōterene questioned how the government could claim possession of the land when it had not been given to the CMS, from whom the government's claim derived. The descendants continued to retain possession of the land, and lived and died on it, up until the railway line was laid through it. Maihi Kawiti had asked the Native Minister, Sheehan, to return the land, and rejected Sheehan's offer to return a portion.

¹³¹⁴ Kemp, p.7.

¹³¹⁵ O'Malley, 'Northland Crown Purchases, 1850-1865', pp.358-59.

Native land laws were designed to expedite transfers of land from Māori to settlers. Early court decisions, even before the Native Land Court, started to establish precedents that would make this task even more straightforward for the court, and yet ran counter to the custom law they were supposed to apply. Furthermore, the vindictively racist attitude of the first NLC judge active in the north, Maning, and his particular loathing of Maihi Kawiti, led Ngāti Hine to withdraw their land entirely from the court process, proclaiming it subject only to their own law.

The Native Land Court process for the Puhipuhi block, conducted over 1878-1883, appears to have been severely tainted by the interests of the Government in purchasing the valuable kauri forest, and the intervention of government officials to ensure title was awarded to those with whom they wished to negotiate. Not all, nor the right people were included in negotiations for the sale to the Government. The price negotiated initially was well below any reasonable value for the land and trees, and that finally paid was still well below what might have been achieved by the owners selling the trees alone and retaining the land.

Only after Maihi Kawiti's successor, Hōterene, died did the next generation of Ngāti Hine re-enter the land sale and Land Court process, although still with the purpose of retaining control over their ancestral lands. Once again they encountered racially intolerant judgements that attempted to shoe-horn Māori ownership into European-style patterns of individualisation. Ironically then, the land owned by the instigator of this move, Kaka Porowini (Mōtataua 5A2B2), was lost through a series of technically legal, but questionably dubious court decisions.

Land was taken under various pieces of legislation for public purposes, such as railways (including ballast pits), roads, quarries (for road-building), schools and scenic reserves. Generally, when the original purpose was abandoned, the land did not return to its original owners, which remains the case today, such as the disused railway line lands and closed schools.

The common themes that emerge from specific examples of Māori Affairs Department land development schemes discussed in this report are that by the 1940s or 1950s the Crown had to concede that most land was not suitable for dairying, and generally the schemes were not large enough for mixed farming. From the outset, under Māori Affairs Department control, the schemes accumulated debts and were so financially marginal that often rates could not be met. Debts accumulated to levels in excess of land value, against which interest was charged, which further escalated the

debt. The next fad was forestry, which involved more debt accumulation without any prospect of income for 15 – 20 years. These schemes achieved practically no value for the original owners, undermined their rights and relationships to ancestral lands (especially through title reallocations that resulted in families physically shifting from their own ancestral land into that of another hapū) and economically marginalised several generations.

As Te Aho tūpuna were displaced from their land, through the variety of social pressures that came on them, their ability to exercise their kaitiaki roles were severely restricted. The Crown did not put in place adequate alternative protection measures, but instead encouraged exploitation of natural resources, and their consequent despoilment. Forests, waterways and other sources of sustenance were significantly degraded. Te Aho hapū retained their language as long as they were able to live near their ancestral homes; many had their own dialects. As people migrated away, te reo Māori as a first language was lost, and as local schools were closed, the ability to retain those unique dialects has been severely threatened.

In the past many wāhi tapu have been interfered with, to the extent that people are extremely reluctant to even speak about these places in case irresponsible persons become too curious.

I do not want to talk for the reason that strangers will hear me and they will upset those places. We will not speak to the council. Those cemeteries are left amongst us, and we will never agree to speak of those areas. There are many cemeteries in that area and one of the koiwi is lying there.

Strangers come and they build their homes because they are ignorant, we do not like it when they come and look around. Just leave it. That is all I have to say. In 1940, they stayed there and built homes there and they say the land is theirs. Many cemeteries are in that area going on to the other side of Urute.¹³¹⁶

¹³¹⁶ Toihe Te Titaha Peka, interviewee in 1998 Te Waka Huia programme about Matauwhi.

BIBLIOGRAPHY

Primary Sources

Archives and Manuscripts

Alexander Turnbull Library, Wellington

Donald McLean, Papers, MS-Papers-0032-43.

Henry Matthew Stowell, MS Papers 0062-46.

Archives New Zealand, Auckland (ANZA)

ACFM A1627 8180 Box 20 2936/74, Application for school and appointment for teacher for Waikare, ANZA.

ACFM A1627 8180 Box 21 3153/74, Mclean Acknowledgement re establishment of Native School at Waikare ANZA.

BAAA 1001 Box 340b 44/4 Pt 1, Māori Schools Building and Site files – Matawaia 1927-1939, ANZA.

BAAA 1001 Box 378a 44/4 Pt2, Māori Schools Building and Site files – Ngararatunua 1903-1954, ANZA.

BAAA 1001 Box 414a 44/4 Pt1, Māori Schools Building and Site Files – Ōrauta 1901-1912, ANZA.

BAAA 1001 Box 672b 44/4, Pt1, Māori Schools Building and Site files – Waikare 1879-1906, ANZA.

BAAZ 1108 223d 10156, Survey files – Waikare School, ANZA.

BANW 1879 Box 1a, Moerewa and Pokapū School Jubilee Booklet 1988, ANZA.

BAZA A984 Box F547 977, Waikare Māori – new school 1938, ANZA.

BAZA A984 1590/t, Waikare School Black and white photographs 1976, ANZA.

BAZA A984 1589/o, Ōrauta School Black and white photographs 1977, ANZA.

BAZA A984 5023 Box 15c 1/1122 Pt 1, School Site Matawaia 1969-1988, ANZA.

BBAD 1054 Box 1828c 50/23/191/0 Pt 1, Whāngārei District Schools Pokapū School legalisation, ANZA.

YCBD A688 5023 Box 1792d 139/42, School Site Pokapū, ANZA.

YCBD A688 5023 Box 2097g 1/1122/24, School History – Matawaia 1985-86, ANZA.

YCBD A688 5023 2117b 1/1096/24, School history – Waikare, ANZA.

YCBD A688 5023 Box 644d 1/1127, School site – Ngararatunua, ANZA.

YCBD A688 19843 Box 1657c, Original School plans Ngararatunua, ANZA.

ZACE A1547 14959 Box70g 20/239 Road Suspension Bridge 1939, ANZA.

Auckland City Library

James Clendon Journal 1839-1872, NZMSS 476.

Auckland University Library

Church Missionary Society, Records, 1799-1884, 71 reels of microfilm, Microfilm 79-286/356.

Kendall, Thomas, 'Journal of a Voyage from Port Jackson to New Zealand in the Year 1814', MSS & Archives A-27, Special Collections.

Shortland, E., Papers, Outwards Letterbook B, MS 86B.

Stowell, Henry M, *The Strange Māori* by Hare Hongi, Microfilm 02-190.

Turton's land deeds of the North Island, Microfiche 90-33.

Hocken Library

Jolliffe, John, New Zealand Journals, 1851-1856, 23 September 1853, Microfilm 10154: 1-2.

Official Publications

Appendices to the Journals of the House of Representatives:

AJHR, 1870, I, A-11, pp.3-4. Return giving the names, etc., of the Tribes of the North Island.

AJHR 1876, I, J-04 Petition of Wi Te Hakiro and 336 others.

AJHR, 1881, G-3, pp.11-13. Māori Population Census.

Native (Māori) Affairs Committee Reports, 1876–1948, usually either section I-2 or I-3 in each year.

AJHR, 1907, C-18, 'Report of R. M. Houston, M. P.; Commissioner appointed to inquire into the question of North Auckland Surplus Lands', 22 July 1907.

AJHR, 1948, G-8, p.15, 'Report of the Surplus Lands Commission'.

Native Land Court Minute Books

Bay of Islands Minute Books 11.

Kaipara Minute Book 3.

Northern Minute Books: 1, 2, 3, 10, 23, 24, 25, 28, 30, 38, 39, 40, 41, 42.

Tokerau Māori Land Council Minute Books: 2, 3.

Whāngārei Minute Books: 2, 3, 4, 8.

New Zealand Gazettes: 22, 37, 45, 59, 127.

New Zealand Parliamentary Debates (NZPD)

Vol.172, 1915.	Vol.202, 1923.	Vol.222, 1929.
Vol.173, 1915.	Vol.203, 1924.	Vol.223, 1929.
Vol.177, 1916.	Vol.204, 1924.	Vol.225, 1930.
Vol.178, 1917.	Vol.205, 1925.	Vol.226, 1930.
Vol.180, 1917.	Vol.209, 1926.	Vol.230, 1931.
Vol.185, 1919.	Vol.211, 1926.	Vol.234, 1932.
Vol.187, 1920.	Vol.213, 1927.	Vol.240, 1934.
Vol.189, 1920.	Vol.214, 1927.	
Vol.201, 1923.	Vol.219, 1928.	

Papatupu Block Committee Minute Books

21, 41, 44, 48.

Land Information

Crown and Private Turton Deeds, Department of Survey and Land Information, (DOSLI).

Māori Deeds of Old Private Land Purchases in New Zealand, from the year 1815 to 1840, with Pre-emptive and Other Claims, together with a List of the Old Land Claims, and the Report of Mr Commissioner F. Dillon Bell, Government Printer, Wellington, 1882.

Newspapers

Te Ao Hou

Christchurch Star

Daily Southern Cross

Evening Post

Te Korimako

The Māori Messenger. Te Karere Māori (1849-54)

The Māori Messenger. Te Karere Māori (1855-61)

Northern Advocate

Observer

Taranaki Herald

Secondary Sources

Unpublished

Alemann, Maurice, 'The Story of Mōtatau 5a2b2', 1993.

Published

Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830-1847*, Auckland, 1977.

Allen, H., 'Horde and Hapū: The Reification of Kinship and Residence in Prehistoric Aboriginal and Māori Settlement Organisation', in J. Davidson, G. Irwin, B. Leach, A. Pawley and D. Brown, eds, *Oceanic Culture History: Essays in Honour of Roger Green*, Dunedin, 1996.

Anderson, Benedict, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised and extended 2nd edn, London; New York, 1991.

Ballara, Angela, *Iwi: The Dynamics of Māori Tribal Organisation from C.1769 to C.1945*, Wellington, 1998.

Ballara, Angela, *Taua: 'Musket Wars', 'Land Wars' or Tikanga? Warfare in Māori Society in the Early Nineteenth Century*, Auckland, 2003.

Barlow, Cleve, *Tikanga Whakaaro: Key Concepts in Māori Culture*, Auckland, 1991.

Barstow, R. C., 'Our Earliest Settlers', *Transactions and Proceedings of the Royal Society of New Zealand*, Volume 15, 1882, pp.421-432.

Barthorp, Michael, *To Face the Daring Maoris: Soldiers' Impressions of the First Māori War, 1845-47* London, 1979.

Belich, James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* Auckland, 1986.

Belich, James, *Making Peoples: A History of the New Zealanders : From Polynesian Settlement to the End of the Nineteenth Century* Auckland, 1999.

Bell, Leonard, 'The Making of a Portrait: William Strutt's Hare Pōmare and Family, 1863-1864', *Bulletin of New Zealand Art History*, 6, 1978, pp.31-9.

Bell, Leonard, *The Māori in European Art*, Wellington, 1980.

Bell, Leonard, *Colonial Constructs European Images of Māori 1840-1914*, Auckland, 1992.

Best, Abel D. W., *The Journal of Ensign Best, 1837-1843*, Nancy Taylor, Wellington, 1966.

- Best, Simon, 'Guns and Gods: The History and Archeology of Rewa's Pā, Kororāreka: Archeological Investigations at the Department of Conservation Visitor Centre, Russell (Site Q05/1179)', 2002.
- Binney, Judith, *The Legacy of Guilt: A Life of Thomas Kendall*, Auckland, 1968.
- Binney, Judith, *The Legacy of Guilt : A Life of Thomas Kendall* ed., ^eds, 2nd, revised with corrections edn, Wellington, 2005.
- Binney, Judith, *Te Kerikeri, 1770-1850: The Meeting Pool*, Wellington, 2007.
- Boese, Kay, *Tides of History*, Kawakawa, 1971.
- Buick, T. Lindsay, *The Treaty of Waitangi: or, How New Zealand Became a British Colony*, Wellington, 1914.
- Buick, T. Lindsay, *The Treaty of Waitangi; How New Zealand Became a British Colony*, 3rd edn, New Plymouth, 1936.
- Buick, T. Lindsay, *New Zealand's First War, or, the Rebellion of Hone Heke*, Christchurch, 1976 (first published 1926).
- Chisholm, Jocelyn, *Brind of the Bay of Islands: Some Readings and Notes of Thirty Years in the Life of a Whaling Captain*, Wellington, 1979.
- Clarke, G., *Early Life in New Zealand*, Christchurch, 2008 (first published 1903).
- Clarke, George, *Notes on Early Life in New Zealand*, Christchurch, 2008 (first published 1903).
- Cloher, Dorothy Urlich, *Hongi Hika: Warrior Chief*, Auckland, 2003.
- Colenso, William, *Fifty Years Ago in New Zealand: A Commemoration*, Napier, 1887.
- Colenso, William, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi, New Zealand, February 5 and 6, 1840: Being a Faithful and Circumstantial, Though Brief, Narration of Events which Happened on that Memorable Occasion; with Copies of the Treaty in English and Māori, and of the Three Early Proclamations Respecting the Founding of the Colony*, Christchurch, 1971 (first published 1890).
- Cowan, James, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period* 2vols, Vol. 1, Wellington, 1922.
- Cowan, James, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, Wellington, 1983.
- Cox, Lindsay, *Kotahitanga: The Search for Māori Political Unity* Auckland, 1993.
- Crocombe, Ron G., *Land Tenure in the Cook Islands*, Canberra, 1961.
- Crosby, Ron, *The Musket Wars: A History of Inter-Iwi Conflict, 1806-45*, ed., ^eds, 1st edn, Auckland, 1999
- Cruise, Richard A., *Journal of a Ten Months' Residence in New Zealand [1820]*, 2nd edn, London, 1824.

- D'Arcy, Paul, *The People of the Sea: Environment, Identity and History in Oceania* Honolulu, 2006.
- Department of Māori Affairs, *He Pepeha, He Whakatauki No Taitokerau*, Whāngārei, 1987.
- Earle, Augustus *A Narrative of a Nine Months' Residence in New Zealand in 1827*, Christchurch, 1909.
- Elder, J. R., ed., *The Letters and Journals of Samuel Marsden, 1765-1838*, Dunedin, 1932.
- Elder, John Rawson, *Marsden's Lieutenants*, Dunedin, 1934.
- Erskine, C., *Twenty Years before the Mast: With the More Thrilling Scenes and Incidents While Circumnavigating the Globe under the Command of the Late Admiral Charles Wilkes, 1838-1842*, Philadelphia, 1896.
- Fenton, Francis Dart, *Important Judgements Delivered in the Compensation and Native Land Court 1866-1879*, Auckland, 1994 (first published 1879).
- Fletcher, Marina, 'Port Nikau Joint Venture Lower Port Road Development: Assessment of Effects on Tangata Whenua', 2008.
- Furey, Louise, 'Māori Gardening: An Archaeological Perspective', 2006.
- George, Lillian, *History of Te Kapotai*, Waikare, ud.
- Gudgeon, W. E., 'The Whence of the Māori', *JPS*, 12, 2, 1903, p.11.
- Havard-Williams, P., ed., *Marsden and the New Zealand Mission: Sixteen Letters*, Dunedin, 1961.
- Henare, Manuka, 'The Māori Leaders' Assembly, Kororipo Pā, 1831', in Judith Binney, ed., *Te Kerikeri 1770-1850*, Wellington, 2007.
- Hill, Richard S., *State Authority, Indigenous Autonomy: Crown-Māori Relations in New Zealand/Aotearoa 1900-1950*, Wellington, 2004.
- Hohepa, Patu, 'My Musket, My Missionary, My Mana', in A. Calder, J. Lamb and B. Orr, eds, *Voyages and Beaches*, Hawaii, 1999.
- Irwin, James, *An Introduction to Māori Religion*, Adelaide, 1984.
- Jahnke, H. and J. Taiapa, 'Māori Research', in C. Davidson and M. Tolich, eds, *Social Science Research in New Zealand: Many Paths to Understanding*, Auckland, 1999.
- Kai'ai, Tānia M., John C. Moorfield, Michael P.J. Reilly and Sharon Mosley, *Ki Te Whaiao: An Introduction to Māori Culture and Society*, Auckland, 2004.
- Kawharu, Merata, *Tāhuhu Kōrero : The Sayings of Taitokerau*, Auckland, 2008.
- Kawiti, Tawai 'Heke's War in the North', *Te Ao Hou*, 16, October, 1956, pp.38-43.
- Kawiti, Tawai, 'The Ōtiria Meeting Houses', *Te Ao Hou*, 3, Summer 1953, pp.10-11
- Kawiti, Walter Brown, *Waiōmio's Limestone Caves; Linked with Māori Tribal Legend, Rich in Natural History*, Kaikohe, ca 1969.

- Keene, Florence, *Tai Tokerau*, Whāngārei, 1975.
- Kelly, Leslie, 'Kahuwera Pā, Bay of Islands, in 1937', *JPS*, 47, 185, 1938.
- Kelly, Leslie *Tainui: The Story of Hoturoa and His Descendants*, Wellington, 1949.
- Kemp, H. T., *Revised Narrative of Incidents & Events in the Early Colonizing History of New Zealand, from 1840 to 1880*, Auckland, 1901.
- Klaricich, John, *The Land History of Whiria*, n.p., n.d.
- Lang, J. D., *New Zealand in 1839*, Christchurch, 1997 (first published 1839).
- Laplace, Cyrille Pierre Théodore, *Laplace in New Zealand 1831*, translated by Keith V. Sinclair, Waikanae, 1998.
- Larcombe, Myra, *Opua School: 100 Years*, Opua, 1986.
- Lee, Jack, *I Have Named It the Bay of Islands ...*, Auckland, 1983.
- Lee, Jack, *Hokianga*, Auckland, 1987.
- Lee, Jack, *Old Russell: New Zealand's First Capital: A History of the Opanui and Kahikatearoa Blocks at Okiato, Bay of Islands, on Which, in 1840, Lieutenant-Governor William Hobson Established the Town of Russell, his First Seat of Government in New Zealand*, The Northland Historical Publications Society Inc., Russell, 1998.
- Lee, Samuel, *A Grammar and Vocabulary of the Language of New Zealand*, London, 1820.
- Lennard, Maurice, *Motuarohia: An Island in the Bay of Islands: Sometime Known as Robertson's Island*, Auckland, 1959.
- Loveridge, D., 'The Knot of a Thousand Difficulties Britain and New Zealand 1769-1840', *Report for the Crown Law Office*, 2009.
- Maaka, R., 'The New Tribe: Conflicts and Continuities in the Social Organisation of Urban Māori', *The Contemporary Pacific*, 6, 2, 1994.
- Maddison, A., *The World Economy. Vol 1: A Millennial Perspective, Volume 2: Historical Statistics*, Paris, 2006.
- Maddison, A., *Contours of the World Economy, 1-2030 AD. Essays in Macro-Economic History*. Oxford, 2007.
- Maning, Frederick E., *Old New Zealand: A Tale of the Good Old Times and a History of the War in the North, Told by an Old Chief of the Ngapuhi Tribe*, Auckland, 1973 (first published 1876).
- Markham, Edward (author), E.H. McCormick, ed., *New Zealand or recollections of it*, Wellington, 1963. From manuscript.
- Marshall, W., *A Personal Narrative of Two Visits to New Zealand, in His Majesty's Ship Alligator, A.D. 1834*, London, 1836.
- Martin, Kene, *History of Ōrauta Transport and the Railway Service Contribution to the School and Community*, 1990.

- McCormick, R., *Voyages of Discovery*, London, 1884.
- McKenzie, D. F., *Oral Culture, Literacy and Print in Early New Zealand: The Treaty of Waitangi*, Wellington, 1985.
- McKinnon, Malcolm ed., *New Zealand Historical Atlas; Ko Papatuanuku E Takoto Nei: Visualising New Zealand*, Auckland, 1997.
- McNab, R., *Historical Records of New Zealand*, 2 vols, Vol. 1, Wellington, 1908.
- Melville, H., *Moby Dick*, New York, 1851.
- Merrett, J.J., 'An Account of a Visit to the New Zealand Chiefs, Heki and Kawiti', *Simmonds Colonial Magazine and East India Review*, 9, 1846, pp.427-444.
- Middleton, Angela, 'Ōtūihu: An Outline from 1814 to 1845', Auckland, 2000.
- Middleton, Angela, 'Le Jeune's "Inhabitants of New Zealand, with a View of Their Fortified Stronghold or 'Hippah'. 10 April 1824": A Correct Identification of this "Hippah" ', *JPS* 111, (1), 2003, pp.45-51.
- Middleton, Angela, 'Māori and European Landscapes at Te Puna, Bay of Islands, New Zealand, 1805-1850', *Archaeology in Oceania*, 38, 2003, pp.110-124.
- Middleton, Angela, 'Potatoes and Muskets: Māori Gardening at Kerikeri', in Judith Binney, ed., *Te Kerikeri 1770-1850: The Meeting Pool* Wellington, 2007, pp.33-39.
- Middleton, Angela, *Te Puna – a New Zealand Mission Station*, New York, 2008.
- Mitchell, J. H. and (Tiaki Hikawera Mitira), *Takitimu: A History of the Ngāti Kahungunu People*, Wellington, 1973.
- Moon, Paul, *Ngapua: The Political Life of Hone Heke Ngapua*, MHR, Auckland, 2006.
- Moon, Paul and Sabine Fenton, 'Bound into a Fateful Union: Henry Williams's translation of the Treaty of Waitangi into Māori in February 1840', *JPS* 111, 1, 2002, pp.51-65.
- Morphy, Howard, 'Landscape and the Reproduction of the Ancestral Past', in Eric Hirsch and Michael O'Hanlon, eds, *The Anthropology of Landscape: Perspectives on Place and Space*, Oxford, 1995.
- Mōtatau School Committee, *Mōtatau School 75th Jubilee 1914-1989*, Mōtatau, 1989.
- New Zealand Planning Council, *He Mātāpuna: A Source: Some Māori Perspectives*, Wellington, 1979.
- Ngata, Apirana, *Ngā Mōteatea: He Maramara Rere Nō Ngā Waka Maha. The Songs: Scattered Pieces from Many Canoe Areas*, 3 vols, Vol. 1, Wellington, 1959.
- Nicholas, J. L., *Narrative of a Voyage to New Zealand: Performed in the Years 1814 and 1815 in Company with the Rev. Samuel Marsden, Principal Chaplain of New South Wales*, facsimile edn, 2 vols, Auckland, 1971 (first published ca 1817).
- Nicholson, John, *White Chief: The Colourful Life and Times of Judge F.E. Maning of the Hokianga: The Story of a Pākehā-Māori*, Auckland, 2006.

- O'Malley, Vincent and David A. Armstrong, *The Beating Heart: A Political and Socio-Economic History of Te Arawa*, Wellington, 2008.
- Orange, Claudia, *The Treaty of Waitangi*, Wellington, 1987.
- Orange, Claudia, 'Rewa - Man of War, Man of Peace', in Judith Binney, ed., *Te Kerikeri 1770-1850: The Meeting Pool*, Wellington, 2007, pp.105-111.
- Petrie, Hazel, *Chiefs of Industry: Māori Tribal Enterprise in Early Colonial New Zealand*, Auckland, 2006.
- Phillips, Caroline, *Waihou Journeys: The Archaeology of 400 Years of Māori Settlement*, Auckland, 2000.
- Pickmere, Nancy Preece, *Whāngārei: The Founding Years, 1820-1880*, Whāngārei, 1986.
- Rangihau, John Te Rangi-Aniwaniwa and Māori Perspective Advisory Committee, *Appendix to Puao-Te-Ata-Tū (Day Break): The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare*, 2 vols, Vol. 2, Wellington, 1986.
- Rangihau, John Te Rangi-Aniwaniwa and Māori Perspective Advisory Committee, *Puao-Te-Ata-Tū (Day Break): The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare*, 2 vols, Vol. 1, Wellington, 1986.
- Richards, R. and J. Chisholm, eds, *Bay of Islands Shipping Arrivals and Departures, 1803-1840* Wellington, 1992.
- Rogers, Lawrence M., *Te Wiremu: A Biography of Henry Williams*, Christchurch, 1998 (first published 1973).
- Ross, R., *New Zealand's First Capital*, Wellington, 1946.
- Ross, R., 'Te Tiriti O Waitangi: Texts and Translations', *NZJH*, 6, 2, 1972, pp.129-57.
- Royal, Te Ahukaramū Charles, ed., *The Woven Universe: Selected Writings of Rev. Māori Marsden*, Otaki, 2003.
- Salmond, Anne, *Two Worlds: First Meetings of Māori and Europeans, 1642-1772*, Honolulu, 1991.
- Salmond, Anne, *Between Worlds: Early Exchanges between Māori and Europeans, 1773-1815*, Auckland, 1997.
- Salmond, Anne, 'Māori and Modernity: Ruatara's Dying', in A. Cohen, ed., *Signifying Identities*, London, 2000.
- Salmond, Anne, *Aphrodite's Island: The European Discovery of Tahiti*, Auckland, 2009.
- Sanborn, G., 'Whence Came You, Queequeg?', *American Literature*, 77, 2 June 2005, pp.227-257.
- Savage, John *Some Account of New Zealand: Particularly the Bay of Islands, and Surrounding Country : With a Description of the Religion and Government, Language, Arts, Manufactures, Manners, and Customs of the Natives*, Dunedin, 1966 (first published 1807).

- Seton-Watson, Hugh, *Nations and States: An Enquiry into the Origins of Nations and the Politics of Nationalism*, Boulder, Colorado, 1977.
- Sharp, Andrew, ed., *Duperry's Visit to New Zealand in 1824*, Wellington, 1971.
- Sherrin, Richard A. A. and J. Howard Wallace, *Early History of New Zealand: From Earliest Times to 1840 by R.A.A. Sherrin; from 1840 to 1845 by J.H. Wallace*, Thomson W. Leys, Auckland, 1890.
- Shirres, Michael, *Te Tangata: The Human Person*, Palmerston North, 1998.
- Simmons, D., *Catalogue of Māori Artefacts in the Museums of Canada and the United States of America*, Auckland, 1982.
- Simmons, D. R., *The Great New Zealand Myth: A Study of the Discovery and Origin Traditions of the Māori*, Wellington, 1976.
- Sissons, J., W. Wi Hongi and P. W. Hohepa, *Ngā Pūriri O Taiamai: A Political History of Ngā Puhi in the Inland Bay of Islands*, Auckland, 2001.
- Smith, I.W.G., 'Māori, Pākehā and Kiwi: Peoples, Cultures and Sequence in New Zealand Archaeology', in G. Clark, F. Leach and S. O'Connor, eds, *Islands of Inquiry: Colonisation, Seafaring and the Archaeology of Maritime Landscapes*, Canberra, 2008, pp.367-380.
- Smith, S. Percy, *Māori Wars of the Nineteenth Century*, Christchurch, 1910.
- Smith, S. Percy, *Māori Wars of the Nineteenth Century : The Struggle of the Northern against the Southern Māori Tribes Prior to the Colonisation of New Zealand in 1840*, facsimile edn, Christchurch, 2002 (first published 1910).
- Stacpoole, John, *Sailing to Bohemia: A Life of the Honourable William Swainson*, Auckland, 2007.
- Straubel, C., *The Whaling Journal of Captain W.B. Rhodes, Barque Australian of Sydney, 1836 – 1838* Christchurch, 1954.
- Sutton, Douglas, Louise Furey and Yvonne Marshall, *The Archaeology of Pouerua*, Auckland, 2003.
- Sutton, Douglas G., 'Organisation and Ontology: The Origins of the Northern Māori Chiefdom, New Zealand', *Man, New Series*, 25, 4, December, 1990, pp.667-692.
- Thomson, Arthur S., *The Story of New Zealand: Past and Present, Savage and Civilized*, 2 vols, Vol. 1, London, 1859.
- Turton, H. Hanson and Department of Māori Affairs, *Māori Deeds of Land Purchases in the North Island of New Zealand: Copied from the Originals*, 2 vols, Vol. 1, Wellington, 1877-78.
- Turton, H. Hanson and F. Dillon Bell, *Māori Deeds of Old Private Land Purchases in New Zealand from the Year 1815 to 1840, with Pre-Emptive and Other Claims, (Copied from the Originals), Together with a List of the Old Land Claims, and the Report of Mr. Commissioner F. Dillon Bell* Wellington, 1882.
- Walker, Ranginui, *Ka Whawhai Tonu Matou: Struggle without End* Auckland, 1900.

Walker, Ranginui, *Ka Whawhai Tonu Mātou: Struggle without End*, revised edn, Auckland, 2004.

Walsh, Archdeacon, 'The Passing of the Māori: An Inquiry into the Principal Causes of the Decline of the Race', *Transactions and Proceedings of the New Zealand Institute*, 40, 1907, p.22.

Walsh, Archdeacon Philip, 'On the Māori Method of Preparing and Using Kokowai', *Transactions and Proceedings of the New Zealand Institute*, 36, 1903.

Wards, Ian, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand 1832-1852*, Wellington, 1968.

Whitaker, Ann-Marie, ed., *Distracted Settlement : New South Wales after Bligh : From the Journal of Lieutenant James Finucane 1808 -1810*, Carlton, Victoria, 1997.

Wilkes, C., *Narrative of the United States Exploring Expedition 1838-1842*, London, 1845.

Wilkes, Charles, *Narrative of the United States Exploring Expedition During the Years 1838, 1839, 1840, 1841, 1842*, 5 vols, Vol. II, London, 1845.

Wilkes, Charles, *Narrative of the United States Exploring Expedition, During the Years 1838, 1839, 1840, 1841, 1842*, Vol. 1, London, 1852.

Williams, David V., *'Te Kooti Tango Whenua': The Native Land Court 1864-1909*, Wellington, 1999.

Williams, H. W., *Dictionary of the Māori Language*, Seventh edn, Wellington, 1992.

Wilson, James Oakley, *New Zealand Parliamentary Record 1840-1984*, 4th edn, Wellington, 1985.

Wright, Olive, *New Zealand 1826-1827 from the French of Dumont D'urville: An English Translation of the Voyage De L'astrolabe in New Zealand Waters / with an Introductory Essay by Olive Wright*, Wellington, 1950.

Theses, Research Papers and Dissertations

Henare, Manuka, 'The Changing Images of Nineteenth Century Māori Society - from Tribes to Nation', PhD thesis, Victoria University of Wellington, 2003.

McCracken, Helen, 'Pumuka: The Biography and Archaeology of Pumuka, a Te Roroa Chief of the Bay of Islands, C.1790-1845 A.D.', MA Anthropology thesis, University of Auckland, 1994.

McRae, Jane 'Whakataukii: Māori Sayings', PhD thesis, University of Auckland, 1988.

Middleton, Angela, 'Te Puna: The Archaeology and History of a New Zealand Mission Station, 1832-1874', PhD thesis, University of Auckland, 2005.

Mokena, Tanengapuia Te Rangiawhina, 'Structural Framework of the Māori Quest Story', PhD thesis, University of Auckland, 2005.

- Munn, Daniel, 'Ngāti Manu: An Ethnohistorical Account', MA thesis, University of Auckland, 1981.
- O'Malley, Vincent, 'Rūnanga and Komiti: Māori Institutions of Self-Government in the Nineteenth Century', PhD Thesis, Victoria University of Wellington, 2004.
- Puckey, Adrienne, 'The Substance of the Shadow: Māori and Pākehā Political Economic Relationships, 1860-1940 : A Far Northern Case Study ', PhD thesis, University of Auckland, 2006.
- Royal, Charles, 'Te Whare Tapere: Towards a New Model for Māori Performing Arts', PhD thesis, Victoria University of Wellington.
- Smith, K.V., 'He Tao Huata E Taea Te Karo, He Tao Kie Kore E Taea: The Resilience of the Oral Style in Māori Traditions', MA thesis, University of Auckland, 2002.
- Tomas, Nin, 'Key Concepts of Tikanga Māori (Māori Custom Law) and Their Use as Regulators of Human Relationships to Natural Resources in Tai Tokerau, Past and Present', PhD thesis, University of Auckland, 2006.
- Young, Grant, 'Ngā Kooti Whenua: The Dynamics of a Colonial Encounter', PhD thesis, Massey University, 2003.

Reports of and to the Waitangi Tribunal

- Armstrong, David and Evald Subasic, 'Northern Land and Politics: 1860-1910', 2007.
- Bassett, Heather and Richard Kay, 'Tai Tokerau Māori Land Development Schemes 1930-1990', 2006.
- Bennion, Tom, 'Kororipo Pā', *Research Report for the Waitangi Tribunal*, 1997.
- Bennion, Tom, 'Māori and Rating Law', 1997.
- Berghan, Paula, 'Northland Block Research Narratives: Native Land Court Blocks, 1865 - 2005', 2006.
- Carpenter, Samuel, 'Te Wiremu, Te Puhipi, He Whakaputanga Me Te Tiriti: Henry Williams, James Busby, a Declaration and the Treaty', *Report commissioned by the Waitangi Tribunal*, 2009.
- Daamen, Rose, Paul Hamer and Barry Rigby, *Rangahaua Whanui District 1: Auckland, Working Paper: First Release edn, Waitangi Tribunal Rangahaua Whanui Series*, Wellington, 1996.
- Henare, Manuka, Hazel Petrie and Adrienne Puckey, 'Northern Tribal Landscape Overview', 2009.
- Henare, Manuka, Hazel Petrie and Adrienne Puckey, 'Te Waimate-Taiamai Oral and Traditional History Report', 2009.
- Johnson, Ralph, 'The Northern War 1844-1846', *An overview report commissioned by the Crown Forestry Rental Trust*, 2006.

- Kawharu, Merata, 'Te Tiriti and Its Northern Context', 2008.
- McBurney, Peter, 'Northland: Public Works & Other Takings, C.1871-1993', 2007.
- Miles, Anita, 'Te Horo Development Scheme', Wellington, 1993.
- Mutu, M., 'Constitutional Intentions: The Treaty of Waitangi Texts', *Wai 1040 #24*, 2010.
- Mutu, Margaret, 'The Humpty Dumpty Principle at Work, Wai 1040 #A23', 2004.
- O'Malley, Vincent, 'Northland Crown Purchases, 1850-1865', 2006.
- O'Malley, Vincent and John Hutton, 'The Nature and Extent of Contact and Adaptation in Northland, C.1769-1840 (2)', 2007.
- Phillipson, Grant, *Preparing Claimant Evidence for the Waitangi Tribunal*, Wellington, 2004.
- Phillipson, Grant, 'Bay of Islands Māori and the Crown, 1793-1853, an Exploratory Overview', 2005.
- Rigby, Barry, 'The Crown, Māori and Mahurangi 1840-1881', 1998.
- Rigby, Barry, 'Land Claims Commission Process', in Moore, D., Rigby, B., and Russell, M., *Old Land Claims*, Rangahaua Whanui National Theme A, 1997.
- Stirling, Bruce, 'Eating Away at the Land, Eating Away at the People': Local Government, Rates and Māori in Northland', 2008.
- Stirling, Bruce and Richard Towers, "'Not with the Sword but with the Pen": The Taking of the Northland Old Land Claims. Historical Overview', 2007.
- Waitangi Tribunal, 'Ngāwhā Geothermal Resource Report', 1993.
- Waitangi Tribunal, 'Muriwhenua Land Report (Wai 45)', 1997.
- Wyatt, Philippa, 'Issues Arising from the Evidence of F. Sinclair (Doc #I3), D. Armstrong (Doc #J3), D. Armstrong (Doc #I4), and D. Armstrong and B. Stirling (Doc #J2) in Reference to Pre-Treaty Land Transactions', *WAI 45 L6*, 1993.

Electronic Sources

Blain Directory of Anglican Clergy,
http://anglicanhistory.org/nz/blain_directory/directory.pdf

Māori Land Court website: <http://www.justice.govt.nz/courts/Māori-land-court/>

Miria Marae Draft (7) Strategic Plan, August 2008,
<http://www.naumaiplace.com/site/miria/home/page/551/strategic-plans/>

Mōtatau website: <http://www.naumaiplace.com/site/mōtatau/home/page/778/marae-logo/>

Ngā Tikanga mo te Taiao o Ngāti Hine: Ngāti Hine Iwi Environmental Management Plan 2008.

Ngāti Hine website, <http://www.ngatihine.iwi.nz/>.

Te Pae Tawhiti Strategic Direction 2008-2020, Te Rūnunga o Ngāti Hine, 2008.

Te Ara - the Encyclopedia of New Zealand, URL: <http://www.TeAra.govt.nz/>

(The Dictionary of New Zealand Biography (DNZB) is now hosted by Te Ara)

Acheson, John and Richard Boast, 'Acheson, Frank Oswald Victor - Biography', updated 1 September 2010.

Ballara, Angela, 'Te Pahi ? – 1810', updated 22 June 2007.

Ballara, Angela, 'Pōmare I ? - 1826', updated 22 June 2007. Original published in the *Dictionary of New Zealand Biography Volume One (1769-1869)*, 1990.

Ballara, Angela, 'Pōmare II ?-1850', updated 22 June 2007.

Ballara, Angela, 'Te Hapuku ? - 1878', updated 22 June 2007.

Brazendale, Graham, 'Whiteley, John - Biography', updated 1 September 2010.

Hura, Elizabeth, 'Te Heuheu Tukino III, Iwikau ? - 1862', updated 22 June 2007.

Martin, Kene Hine Te Uira, 'Kawiti, Te Ruki ? - 1854', updated 16 December 2003. Original version, *Dictionary of New Zealand Biography, Volume One (1769-1869)*, 1990.

Martin, Kene Hine Te Uira, 'Kawiti, Maihi Paraone 1807 - 1889', updated 22 June 2007.

McConnell, Puna and Robin C. McConnell, 'Henare, James Clendon Tau - Biography', DNZB, Te Ara, updated 1 September 2010.

McConnell, Robin C.. 'Henare, Taurekareka - Biography', updated 1 September 2010.

Oliver, Steven, 'Maketu, Wiremu Kingi - Biography', updated 22 June 2007.

Oliver, Steven, 'Te Tirarau Kukupa - Biography', updated 1 September 2010.

Oliver, Steven, 'Pōmare, Hariata - Biography', updated 1 September 2010.

Rogers, Frank, 'Wynyard, Robert Henry - Biography', updated 1 September 2010.

Te Kuru, Hotu, 'Cherrington, Te Paea - Biography', updated 1 September 2010.

Taonui, Rāwiri, 'Whāngārei tribes', Te Ara - the Encyclopedia of New Zealand, updated 20 November 2009.

Interviews and Oral Sources:

Te Rau Hoterene, Te Orewai, Wai 149, March 1999.

Hau Tautari Hereora, Te Kapotai, Wai 1464, 4 December 2009 and 22 January 2010.

Te Riwhi Whao Reti, Te Kapotai, Wai 1464, 3-4 December 2009.

Grace Davis, Ngāti Hine, Wai 682, 27 July 2010.

Taura Cherrington, Ngāti Hine, Wai 682, 27 July 2010.

Kerei James, 8 August 2010.

Kopa Tipene, Ngāti Hine, Ngāti Te Tarawa, 5 August 2010.

Hare Waiōmio, 23 August 2010.

Lou Tana, 10 September 2010.

Myra Larcombe, 7 September 2010.

Sir James Henare, Address to Auckland District Law Society, 4 July 1981.

Tā Himi Henare interview at Mōtatau Marae, 1984.

Tā Himi Henare interview at Ōtiria Marae, 23 July 1988.

Mabel Waititi interview at Mōtatau Marae, 12 August 2001(?)

‘Te Ara o Nehera o Ngāti Hine’, interviews with kaumātua and kuia, 2002.

Erima Henare kōrero, Mōtatau, 2006.

Erima Henare interviews, Whāngārei, 15 and 25 April 2007.

Erima Henare interview, Kāretu, 4 October 2008.

Erima Henare, Radio Ngāti Hine, Days of Old, Ngā Wa i Mua, 2010.

Erima Henare, Ōtiria wānanga, January 2011.

Te Waka Huia programmes

Matauwahi, 1998, interviewees – Arapeta Hamilton, Hamairangi Davis, Toihe Te Titaha Peka.

Pumuka, 1997, interviewees – Hone Tana, Te Wiini Tana, Paea Tana; additiona footage – Te

Ruroa Kerama Mokau Hau, Rae Hone Tana.

Briefs of Evidence to Waitangi Tribunal and other:

Nuki Aldridge, *Rules of engagement. Introductory remarks of Nuki Aldridge in support of affidavit Wai 1040 Doc #B10*, 14 June 2010. Wai 1040, Doc#B10. Wellington, 2010.

- Baker, Joyce, Amended Brief of Evidence, Wai 1040, #B31(a), 16 June 2010.
- Bruce (nee Kingi), Waimarie, Wai 1040, #C24, 30 o Hongongoi 2010.
- Davis, Moetu Tipene, Wai 1040, #D13, 5 October 2010.
- Gibbs-Smith, Emma, Amended Brief of Evidence, Wai 1040, #B18(a), 9 June 2010.
- Hamilton, Arapeta Wikito Pōmare, Amended Brief of Evidence, Wai 1040, #B29(a), 16 June 2010.
- Henare, James, 'Wai 49/0 Evidence to the Court of Appeal 1987', 1987.
- Henare, Johnson Erima, Wai 1040, #A30(c), 10 Septmber 2010, includes his opening address at Waitangi, 10 May 2010.
- Henare, Johnson Erima, translated appendix to brief of evidence, 4 October 2010.
- Henare, Johnson Erima, Amended brief, Wai 1040, #D14(b), 5 November 2010.
- Henare, Johnson Erima, further documents, Wai 1040, #un, 21 December 2010.
- Sadler, Hone Pereki, Wai 1040, #B38, 4 June 2010.
- Salmond, Anne, Brief of Evidence Wai 1040 #A22, 2010.
- Salmond, Anne, 'Submission for the Waitangi Tribunal: Muriwhenua Land Claim Doc#F19', ca 1992.
- Te Haara, Bishop Waiohou, 'Evidence to Wai 1040', 2010.
- Te Kapotai hapū kōrero, Wai 1040, #D5, 27 September 2010.
- Te Kapotai hapū kōrero, Appendix 1, Wai 1040, #D5a, 27 September 2010.
- Te Kapotai hapū kōrero, Appendix 2, Wai 1040, #D5b, 27 September 2010.
- Te Rangi, Tame, Amended Brief of Evidence, Wai 1040, #B36(a), 17 June 2010.
- Ward, Alan, 'Brief of Evidence Wai 1040', 2009.

APPENDICES

Appendix 1: Clendon's land transactions 1830 and 1837

Document transcriptions relating to Okiato, Kahikatea-roa and other blocks.¹³¹⁷

Opanui Block, Okiato, Bay Of Islands District.

1830. 7 December. Bay of Islands District. Memorandum of an Agreement between J. R. Clendon Master of the Ship City of Edinburgh on the one part and Kiwi Kiwi and Pōmare Etoi on the other part Witnesseth that the aforesaid Kiwi Kiwi and Pōmare Etoi hereby agree on the one part to Opanui. sell to the aforesaid J. R. Clendon and to his heirs for ever all that parcel of ground J. R. Clendon. situate in New Zealand called Koapa Nui from Pipiroa round Koapanui to Te roipatupu [220 acres.] upon consideration of receiving for the same the undermentioned articles from the said J. R. Clendon in payment for the same, viz., One Six Pound Carronade Payment., Two Muskets, Ten Pounds of Gunpowder and three Cartouch Boxes, And the aforesaid J. R. Clendon Master of the City of Edinburgh on the other part hereby agrees to pay to the said Kiwi Kiwi and Pōmare Etoi [Whetoi], all the undermentioned Articles viz. One Six Pound Carronade, Two Muskets, Ten Pounds Gunpowder and three Cartouch Boxes upon consideration of his receiving for the same all that parcel of ground situate in New Zealand called Koapanui from Pipiroa round Koapanui to Te roepatupu.

In Witness of the parties intending to fulfill all parts of this agreement they have hereto set their hands this seventh day of December in the year of our Lord One thousand eight hundred and thirty.

Signed Pōmare Etoi.

James R. Clendon.

Witness—

Wm. Stewart.

¹³¹⁷ There is some confusion re OLC numbers: Ross p. 34 refers to the Opanui Block – see quote below from Turton online, as OLC 63. However I couldn't find this when searching Turton – OLC 63 apparently related to a quite different claim. Below quote was found by searching for Opanui but I am not sure of OLC number. Jack Lee (1998, p. 36) refers to the below Opanui claim as OLC 85. This is most likely correct as the index to Turton has OLC 85 as Opanui and Okiato, but when I get to that deed it's for Manawaora, also Clendon's land, no mention of Pōmare or Okiato.

Jas. King.

Daniel Peterson.

Delivered into Court this 12th day of Nov., 1841.

M. Richmond.

E. L. Godfrey.

[Note.—The Deed for Kahikatea-roa, on the River Waikare, Bay of Islands, No. 115/66a, dated November, 1837, was surrendered to the Government on their purchase of the land from Mr. James R. Clendon. The block contained about 80 acres, and was bought from the chiefs Pōmare, Ahou, and Arau for goods amounting to £28 15s.—H.H.T.]¹³¹⁸

The adjoining Kahikatea-roa block was

bounded on the south side by the River Waikare. On the West by land purchased by J. Reddy Clendon Esqr. from Pōmare and others of the Tribe, on the 7th of December 1830 ... on the east by a creek 'Ehawo' passing the foot of the hill Towai, and a clump of trees called 'Raupu' – and on the North by land claimed by Captain Wright.¹³¹⁹

Lee points out that although this land apparently was of no military importance to its traditional owners, it had a 'well-defined pā site at Tapu Point.'¹³²⁰

Neither Lee nor Ross makes mention of the smaller purchase of the 'watering place' near Okiato, purchased from Pōmare on 17 July 1837. The purchaser is not named, but likely to have been Clendon. This is possibly the site of the spring Jack Lee noted in 1943.

Deeds—No. 24. — Watering Place near Opanui, Bay of Islands District

1837. 17 July. Bay of Islands District. I hereby give up all right and claim to the watering place near O-pa-Nui having received full value for the same (three carriage guns).

Opanui Watering Place. 3 carriage guns. Signed this seventeenth day of July One thousand eight hundred and thirty seven.

The mark x of Pōmare.

¹³¹⁸ <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g2-g15-t1.html>; Māori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims.

¹³¹⁹ OLC description quoted in Lee, *Old Russell*, p.6; Ross, *New Zealand's First Capital*, p.36.

¹³²⁰ OLC description quoted in Lee, *Old Russell*, p.6.

In the presence of—

The mark x of Moetera.

A true copy.

Willoughby Shortland.

A True transcript of Certified Copy of Original Deed.

H. Hanson Turton.

*Wellington, 7th September, 1874*¹³²¹.

In 1838 Clendon took on the role of United States Consul in New Zealand,¹³²² and on 25 April 1840 sold his combined properties of Opanui and Kahikatea-roa to William Hobson. By the end of April, 'Okiato, surveyed and laid out as the town of Russell, was New Zealand's capital,' named after Lord John Russell, the British Government's Secretary of State for War and the Colonies, at the time.¹³²³ Old Land Claim no. 85 is the deed of sale from Clendon to Hobson:

(Enclosure in No. 85.) — Agreement of Sale from J. R. Clendon to His Excellency Lieutenant- Governor Hobson

Agreement of Sale from J. R. Clendon to His Excellency Lieutenant- Governor Hobson.

1840. 25 April. Bay of Islands District. Articles of Agreement entered into the Twenty-fifth day of April in the Year of Our Lord one thousand eight hundred and forty Between James Clendon of Okiato and Waikare. Bay of Islands Esquire of the one part and W. Hobson Post Captain in the Royal Navy and Lieutenant Governor of the Colony of New Zealand in behalf of Her Majesty Alexandrina His Excellency the Governor. Victoria Queen of Great Britain and its dependencies of the other part.

It is hereby agreed by and between the said parties to these presents that the said James Clendon shall sell subject nevertheless to the proviso hereinafter mentioned unto the said W. Hobson his executors and assigns on the behalf of Her Majesty Alexandrina Opanui. [300 acres.] Victoria her executors and assigns All that piece of land and hereditaments situate at Okiato aforesaid

¹³²¹ <http://www.nzetc.org/tm/scholarly/tei-Tur01Nort-t1-g1-g1-g1-g2-t1.html>; Turton and Affairs, *Māori Deeds of Land Purchases in the North Island of New Zealand: Copied from the Originals*, p.38.

¹³²² Lee, *Old Russell*, p.11.

¹³²³ *ibid.*, pp.12, 5.

containing by admeasurement three hundred acres of land, more or less. Together with all messuages or tenements buildings and stores thereon Kahikatearoa. [80 acres.] erected, And all that piece of Land immediately adjoining the aforesaid property and containing by estimation Eighty Acres more or less at or for the price or sum of Fifteen Thousand Pounds sterling, And the said James Clendon shall give up the possession of the whole of the said pieces of Land and the messuages and buildings on the first day of May one thousand eight hundred and forty And that the said W. Hobson his successors and assigns shall and will pay (subject nevertheless to the proviso hereinafter mentioned) unto the said James Clendon his executors and assigns the sum of

Price £15,000. Pounds sterling in manner following that is to say the sum of One Thousand Pounds to be paid on the said W. Hobson his successors or assigns taking possession of the said piece of Land and hereditaments messuages and tenements the further sum of One Thousand Pounds to be paid on the first day of October One thousand eight hundred and forty and the remainder of the said sum of Thirteen Thousand to bear Interest at Ten per cent. per annum, the first half-year's Interest to be made payable on the first day of April one thousand eight hundred and forty-one. And it is hereby further agreed that the said W. Hobson his successors or assigns shall have the option of paying off the whole or any part of the remainder of the said purchase money by giving to the said James Clendon three months' notice to that effect. Provided always that nothing hereinbefore contained shall make this agreement binding on the said W. Hobson his successors or assigns in case the Title of the James Clendon shall not be approved by Her Majesty's Court of Claims to be hereinafter established in New Zealand. In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first within written.

(Signed) W. Hobson.

(Signed) James R. Clendon.

Signed sealed and delivered in the presence of—

Willoughby Shortland,

Colonial Secretary.

Exd. E.E.

Nos. 66 and 66a.O.L.C. *A True Transcript of Certified Copy of Original Memorandum and Articles of Agreement.*¹³²⁴

H. Hanson Turton.

Wellington, 18th October, 1878.

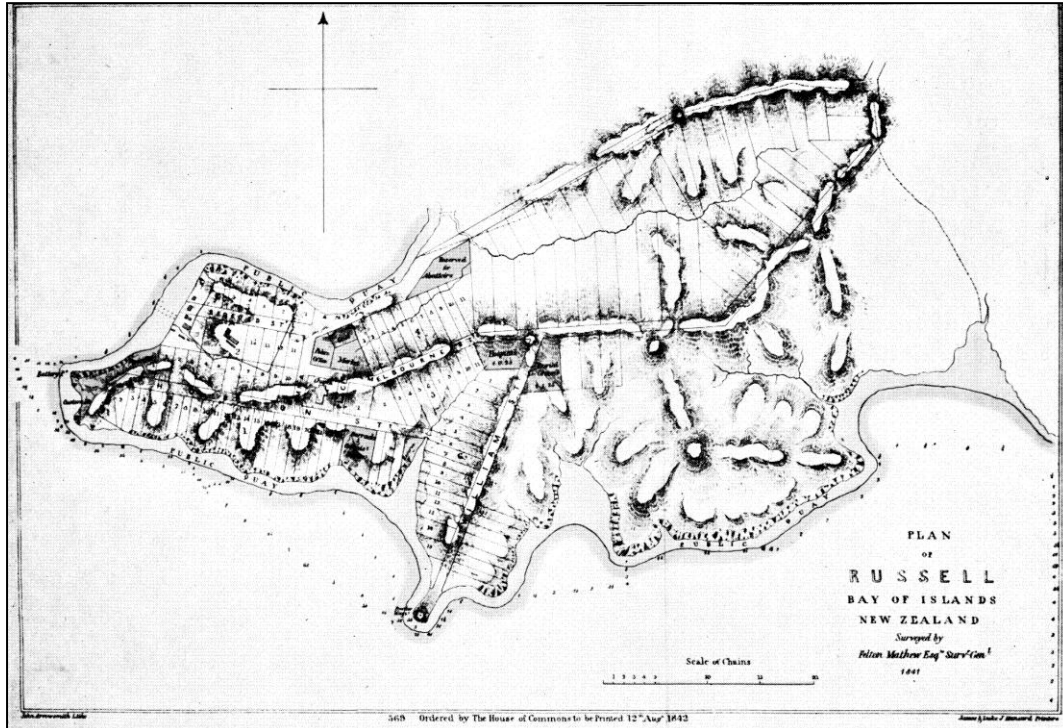


Figure 79: Felton Mathew's Plan of Russell, 1841

Source: Lee, *Old Russell*, p. 16.

[Plan of Russell, Bay of Islands [ms map]; claim 114 Opanui 229ac 1r 04p land near Auckland granted in exchange purchased for site of Town of Russell. [1832]. Copied from original plan in 1934]

Although Hobson and Clendon had agreed on a good price for Okiato, also known as Opanui/Kahikatearoa, with £1000 to be paid as a deposit on May 1, the date of possession, and the balance to be paid after the purchase was ratified by the Old Land Claim Commissioners Godfrey and Richmond, Lee points out that Clendon never did in fact get any of this money. Gipps, Governor of NSW, refused to provide the £1000 deposit Hobson asked for and Clendon had to accept government scrip in lieu of all the cash; 10,000 acres of Crown land between Papatoetoe and Manurewa. In this, Clendon 'considered he had been badly

¹³²⁴ <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g2-g15-t2.html#n91>; Turton and Bell, *Old Private Land Purchases*, p.76.

served.¹³²⁵ Godfrey and Richmond's approval of Clendon's purchase from Pōmare was given in January 1842, ratifying Hobson's purchase. Surveyor Felton Mathew subdivided the Okiato block according to the kind of town he and Hobson had planned, complete with hospital, market, police office, jail, abbatoir, barracks, and church. By March 1841, however Hobson had relocated his capital to Waitematā, a location that Henry Williams had suggested to Hobson at their first meeting as a more suitable location for a large town; the move was planned shortly after Hobson's arrival in the Bay.¹³²⁶ Hobson died on 10 September 1842. His successor, Fitzroy, extended the boundaries of the former government town to include Kororāreka, which had once contended with Okiato for the site of the capital but was dismissed for this role by Felton Mathew: 'the place against all others against which I am most vehemently prejudiced'¹³²⁷, and the name 'Russell' was transferred there.¹³²⁸ Busby's land at Waitangi had also been a contender, but was considered unsuitable due to its problems as an anchorage; Busby, perhaps hopeful of this happening, had subdivided his land into the town of 'Victoria'.

¹³²⁵ Lee, *Old Russell*, p.16.

¹³²⁶ Phillipson, 'Bay of Islands Māori and the Crown', p.308; Ross, *New Zealand's First Capital*, p.15.

¹³²⁷ Ross, *New Zealand's First Capital*, p.22.

¹³²⁸ Lee, *Old Russell*, p.28.

Appendix 2: Description of Ōhaeawai pā

The outer defence consisted partially of three lines of stockaded timbers, while on two faces it had double lines; the outer wall or pekerangi was mostly of whole trees sunk into the ground, standing ten to fifteen feet high. Between the larger posts were smaller saplings and split lengths of timber, bound together with cross rails and vines. There was a gap beneath the smaller timbers and the ground, left for the garrison, sheltered in the trench behind the second palisade, to fire through at ground level. The outer stockade was covered in a thick woven mat of green flax, deadening the impact of bullets and also hiding the true strength of the pā's defences. The second palisade, the kiri tangata, or warrior's skin, was even stronger, with timbers, all of these complete pūriri trees situated side by side, set into the ground to a depth of five feet. The point where the timbers met was loopholed to create a firing aperture at ground level, allowing the toa to fire through the palisade without exposing himself to any danger. The trench from which he fired was five to six feet deep and four or five feet wide, with steps to fire from and traverses to prevent cannon fire from passing along its whole length.¹³²⁹ However a narrow gap allowed the men to pass through it one at a time: as Rihara Kou, recorded in Cowan, described; 'We could travel right around the pā in the trench, winding in and out (haere kopikopiko ana).'¹³³⁰ There were also likely to have been cross-trenches, improving communications from one side of the pā to the other. Inside the second palisade was yet a third, about ten feet high, with earth from the ditch thrown up against its outer flank. Within this was the living quarters of the pā, all located underground, roofed with more heavy timbers to shelter the inhabitants from any shelling that might penetrate the defences, and the timbers covered with earth. Cowan notes that some of these underground whare, six feet deep, were 'as large as a good-sized wharepuni, about 30 feet long and 20 feet wide.

¹³²⁹ Belich, *New Zealand Wars*, pp.49-50; Cowan, *New Zealand Wars (1983)*, pp.51-2.

¹³³⁰ Cowan, *New Zealand Wars (1983)*, p.52.

Appendix 3: Summary of Judges of the Native Land Court

Name	DOB	Place of Birth	Judge from/to	Chief Judge	Education	Qualifications	Previous work
Francis Dart Fenton	1820/25	Yorkshire, UK		1865-82	UK	Legal	Judicial & admin public service, incl Resident Magistrate Kaipara, Waipa, Waikato, Crown law officer. Native Secretary 1856
Fredrick Edward Maning	1811/12	Dublin, Ireland	1865-76, 1881		Australia		Timber Trader
Theophilus Heale	1816	London	1877-82		London	Marine	Commander Aurora, NZCompany first settlers; FitzRoy's Legislative Council; MHR; Chief Surveyor Sthld & Auckland; Inspector Native Land Surveys
James Wakelin Browne	ca 1865	Belfast, Ireland	1905		Ireland, NZ		Registrara NLC; president Tokerau MLC

Hugh Garden Seth-Smith	1848	Balham, Surrey, UK		1888-93	Trinity College, Cambridge UK	Legal	District Judge & Resident Magistrate, Auckland
Robert Noble Jones	1864	Belfast, Ireland	1903 (Tairawhiti); Native Appellate & Native Land Vaildation Courts	1919-39; Undersecretary Native Dept 1922	Auckland, Gisborne	Legal	Solicitor, barrister, local body councillor,
Walter Edward Rawson	ca 1860	NZ	1906	? First Native Trustee 1921	NZ	Legal	Solicitor
Charles Edward McCormick	?	?	1906; Resdent and Judge land tenure Cook Islands 1913	1939			
Herbert Frank Edger	1854	Kimbolton, UK	1894		NZ	Legal	Solicitor; Registrar
Laughlin O'Brien	1821	Dublin, Ireland	1880			Legal	Lawyer; MHR 1st NZ Parliament 1853-55; Commissioner
Michael Gilfedder	1865	Southland, NZ	1907		NZ	Teaching law	Teacher, MHR liberal party, solicitor

Frank Oswald Victor Acheson	1887	Southland, NZ	1919		NZ	Law	Civil service, native land purchase officer
Tokerau Māori Land Council			President				
James Wakelin Browne			1904				
Edward C Blomfield						Legal	Stipendiary Magistrate 1904
Frank Acheson			1924				

Appendix 4: The claims

Claim Area

The boundaries of some of the claims have expanded as more information has come to hand as a result of research by the claimants, and some claims have been added to the cluster, namely: 642, 1527, 1547, 1551, 1709, 1710, 1972 ...

Map and description of any boundary definitions or indications (e.g. rivers, mountains), geographic description. See Plate 6 as a starting point.

Overlapping claims

A list of other Ngāpuhi claims that may overlap other areas will likely be added at a later date, e.g. Te Waimate Taiamai, northern Kaipara 3rd stage, Whāngārei collective, Te Tai Tokerau Māori Trust Board

From Scoping Report App p.97: Ngāti Rēhia, Ngāti Whātua, Ngāti Kahu ki Whangaroa

The Basis of the Claims

The unique features of this group of claims stem from the Taumārere/Bay of Islands area having been the 'cradle' of New Zealand Crown relations. Here the first English mission settlements in the country were established; the first site of contact with English officialdom was made, the British Resident resided; and this was the location from which a New Zealand government emerged. Ironically then, it was the first place of contact with the Crown and is now among the last to settle its claims.

With increasing numbers of missionaries and traders arriving in the area during the 1830s, and the resulting level of inter-relationships, local rangatira took action to formalise their relationships with the Pākehā through a succession of deliberate and intentional initiatives preceding Te Tiriti o Waitangi – the 1831 Rangatira letter to King William IV; the Flag of the Independent Tribes of Nu Tireni in 1834; and the 1835 He Whakaputanga o te Rangatiratanga o Nu Tireni, the declaration of independence.

These initiatives are the prime indicators of the chiefs' intentions to exert and enhance their mana and rangatiratanga. Such efforts contradict any argument that the rangatira would have ceded sovereignty in Te Tiriti o Waitangi.

Te Aho claimant Alliance hapū regard themselves as the kaitiaki of He Whakaputanga me Te Tiriti. As kaitiaki, Te Aho claimants' tūpuna stringently held to the agreement they had entered into as a sovereign entity, and challenged the British when they transgressed the Māori understandings of those agreements.

As a consequence of continuing British breaches of these agreements, and persistent refusals to negotiate, Te Aho tūpuna supported the symbolic challenge of the felling of the flagpole at Kororāreka. In the face of British responses to this challenge, Te Aho tūpuna then had to defend their position when aggressively attacked by the British in the series of battles termed collectively the 'Northern War' that followed.

After the move of government to Auckland in 1840 and the Northern War of 1845/6, the focus of politics shifted away from Te Tai Tokerau. Pākehā exploited the natural resources of the area and, as a result, large areas were laid waste. More permanent forms of economic development emerged only slowly, and after multiple partitioning of ancestral lands as they passed through the Native Land Court, and land sales, remaining land holdings were too small and scattered to be economically viable.

Lacking a developed transport infrastructure, the region became isolated; roads were not greatly upgraded until after World War II. This lack of transport and the other actions and omissions of government that are detailed in this report caused Taumārere Māori to increasingly migrate away from their homelands after the Second World War. But in the 1970s, increasing urban unemployment and northern forest developments, followed by accelerated unemployment arising from economic restructuring in the mid-1980s, caused reverse migration and resulted in the northern area having one of the worst unemployment records in the country. Māori fared worse than average. These and other factors, have triggered a wide range of grievances.

Summary of Claims

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
49 (1988)	Taumāreere River and Te Moana o Pikopiko-i-whiti	Sir James Clendon Henare (Jonette Chapman)	Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāpuhi-nui-tonu [amended to Ngāpuhi in 49 (a)]	Taumāreere (Kawakawa) River, Te Moana o Pikopiko-i-whiti (from Tapeka Point to Te Haumi Point, including Veronica Channel, Taumāreere, Kāretu and Whangai Rivers, Waikino Creek, Waikare Inlet.
68 (a) & (b) (1987)	Mōtatau 1B5B5 Block	Betty Parani Hunapo (Kopa) and/on behalf of Ngaro Tirita Whānau Trust	Tekau-i-mua, Ngāti Hine	Mōtatau 1B5B5 Block
WAI 109* (1989)	Raurangi Lands	Nita Brougham, Matilda Shotter, Harriett Alice Wilson (Paeata Clarke) Descendants of George Lawrence and Paeata Paraki Yorke (née Mete)	Ngāti Rāhiri, Ngāti Kawa	Raurangi Lot 4, sections 28-31

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
120 (1990)	Ōpua Lands and Waterways	Raumoa Kawiti on behalf of Kawiti Marae Committee, Kawiti family and members of associated hapū	Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāti Rāhiri, Ngāti Rangī, Ngāi Tawake, Ngāpuhi	Ōpua Lands and Waterways
149 (1989/90)	Te Horo Block Māori Development Scheme	Te Rau Moetahi Hoterene on behalf of Te Rau Moetahi Paraha Hoterene Whānau Trust and descendants of Moetahi Rte Rehu Hoterene	Te Orewai, Ngāti Hine	Ancestral lands, Te Horo Block
327 (1993)	Tuhipa Mōtatau No 4 Block Scoria Ballast Pit	Ngaro Hemi Baker on behalf of Ngāti Kopaki/Ngāti Te Ara Whānau trust	Ngāti Kopaki, Ngāti Te Ara	Tuhipa Mōtatau No 4 Block Scoria Ballast pit, including pā site

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
354 (1993)	Te Tai Tokerau Land	Arapeta Witika Pōmare Hamilton on behalf of descendants of Pōmare II and associated hapū	Ngāti Manu, Te Uri Karaka, Te Uri o Raewera, Ngāpuhi ki Taumārere	Lands, forests, flora and fauna, minerals and waters within the land areas: Okiato, Ōtuihi, Ōpua, Pipiroa, Omata, Opanui, Te Wahapū, Toretore Island, Orongo, Pōmare Bay, Te Uruti; Ruapekapeka , Mahirangi, Waimatenui, Whataaruhe, Puhipuhi No 2, Waiotu, Russell State Forest south- western blocks; Foreshore, seabeds, riverbeds within the Taumārere – Ōpua area.

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
371 Part I (1993)	Te Horo Block	Hori Hemara Niha, on behalf of whānau and descendants of named descent line. Descendants of Hoterene Hoterene and Teparā Ereatara; their son Taki Hoterene and Heeni Riria Kingi; and their daughter Materoa Hoterene and Hoori Niha	Te Orewai, Ngāti Hine	Te Horo Block

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
371 Part II (1993)	Te Horo Block	Hori Hemara Niha, on behalf of whānau and descendants of named descent line. Descendants of Niha Hamuera Niha and Hoana Kariki; their son Eruera Niha and Tataitiana Rewi or Koketai Rewi; and their son Hoori Eruera Niha and Materoa Taki Hoterene	Te Orewai, Ngāti Hine	Te Horo Block

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
435 (1994) and 435 (a) (2008)	Mōtatau No 5 Block	Sharon Rorani Peehikuru Bedggood, on behalf of Tamati Te Maru or Tamati Te Maru Peehikuru whānau. Tamati Te Maru Peehikuru whānau; descendants of Taratikitiki, Te Awha raua ko Tara Hawaiki, Taihuria	Ngāti Rangi, Ngāti Moerewa	Mōtatau No 5 Block; and Mōtatau No 5 Block-Ngatitara, Mōtatau No 5 Block- Maungakawaka, Punakitere
455 (1994)	Pipiwai C and Pipiwai G in Te Horo Block	Riwi Noe Niha on behalf of whānau descended from Hone Eruera Niha	Te Orewai, Ngāti Hine	Pipiwai C and Pipiwai G in Te Horo Block
565 (1995)	Mt Hikurangi	Barry Peihopa	Ngāi Tai ki Ngāpuhi	Mt Hikurangi

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
642 (1996)	Mōtatau 5a2	Elizabeth Mataroria-Legg, Ken Mataroria and Pania Chapman on behalf of Whānau Pani Trust and beneficiaries, all of Ngāti Hine	Descendants of Porowini Kaka, all of Ngāti Hine	Mōtatau 5a2
682 (1997)	Ngāti Hine Lands, Forests and Resources	Johnson Erima Henare, Samuel Kevin Prime and Rewiti Pōmare Kingi Paraone for Ngāti Hine	Ngāti Hine; descendants of Torongāre and Hauhauā	Rohe potae o Ngāti Hine as described by Maihi Kawiti: Ngā Kiekie Whawhanui-o-Uenuku titiro ki Pouerua titiro ki Te Rakaumangamanga titiro ki Manaia titiro ki Tutamoe titiro ki Te Tarai o Rāhiri titiro ki Ngā Kiekie Whawhanui-o-Uenuku

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
1440 (2007)	Pōmare-Ngāti Manu; Ōtūihi Pā	Phillip Bristow-Winiana as Trustee for Ngāti Manu Hapū Trust, on behalf of Ngāti Manu	Ngāti Manu	Land, flora and fauna, waterways, minerals and other resources, swamps and mudflats, access ways from Cape Wiwiki to Taupiri, including Te Awa o Taumārere, Okiato, Pōmare Bay, Kāretu River, Kawakawa River, Waikino Creek, Waikare Island (Pine Is); and Ōtūihi Pā.
1445 (2007)	Pumuka Pā and Lands	Phillip Bristow-Winiana as Trustee for Rae and Heeni Honetana Whānau Trust, for Pumuka Te Titaha Moana, Te Roroa hapū	Te Roroa	Land, flora and fauna, waterways, minerals and other resources, swamps and mudflats, access ways within the area of Te Awa o Taumārere, Ōpua Pā, Te Raupo, Pipiroa Bay, Te Wahapū, Tirohanga, Pōmare Bay, Kāretu River, Kawakawa River, Waikino River, Okiato

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
1464 (2007)	Te Kapotai and Ngāti Pare Hapū	Te Riwhi Whao Reti, Hau Tautari Hereora and Romana Tarau for Te Kapotai and Ngāti Pare Hapū	Te Kapotai and Ngāti Pare	Te Rohe o Te Kapotai
1527 (2008)	Māori Development Schemes administered by the Department of Māori Affairs	Lavona Hogan, on behalf of descendants of Ataiti Te Rehu Hotorene (Ataiti Armstrong)	Ngāti Hine	Ancestral land
1547 (2008)	Waiōmio Development Scheme, Mōtatau 2 Section 23A and 23A1A	Garry Cooper on behalf of his siblings, sons and daughters of Hare Irimana Kopa and associated whanaunga		Mōtatau 2 Section 23A and 23A1A (also under Wai 682)
1551 (2008)	Lot 1 Dp124185 & Lot 2 DP124185, parts of Mōtatau 4B, 4C and 4F	Elizabeth Waiwhakaata Boutet for descendants of Anamaata (Maata) Cherrington	Ngāti Te Ara/ Ngāti Kopaki hapū of Ngāti Hine	Lot 1 Dp124185 & Lot 2 DP124185, parts of Mōtatau 4B, 4C and 4F

Claim WAI No & year	Claim name	Named claimants	Associated hapū	Rohe of claimants
1709 (2008)	Maungakawakawa Block	HonePereki Sadler	Ngāti Moerewa	Maungakawakawa block, located in Tautoro, 10km s SW of Kaikohe bordered by Mangakāhia and Piccadily roads
1710 (2008)	Land Block 6 Mohinui Waiōmio	Sadie McGee/ Thomas on behalf of McGee whānau, descendants of Makere Pepene		Block 6 Mohinui Waiōmio
1972 (2008 amended 2009)	Loss of Land Block – Mōtatau 26B2B	Wati Himiona Cooper on behalf of beneficiaries of the Estate of Erana Kare aka Erimana	Ngāti Hine	Mōtatau 26B2B

*Claim 109 Raurangi Lands has also been included in the claims of Te Waimate Taiamai Alliance.

What related claims need to be named? See list at back of claim 682

Profile of Te Aho Claims Alliance Statements of Claim

The claims under the umbrella of Te Aho Alliance fall into a number of categories, summarised in the table below and described more fully following the table. There are the general claims as set out in Sir James Henare's initial claim, Wai 49, and elaborated in later numbered claims, such as Wai 642. Some of the general claims refer to specific areas of land and others refer to the rohe of wider tribal groups. Other claims relate to specific events, such as the Northern War, or processes such as the Old Land Claims, Native Land Court and Māori Affairs land schemes. Some of the claims cover a range of categories.

Claim No	General	Water	OLC	Northern War	pre-1965 Crown purchases	Reserves	Public works	NLC	MA Land schemes	Rates	Transfer to SOEs	Wāhi tapu	Specific lands
49	✓	✓					✓						
68								✓	✓	✓	✓		Mōtatau 1B5B5
109							✓						4 sections Raurangi Township (Waitangi Point)
120	✓	✓										✓	
149	✓								✓				Te Horo
327							✓						Mōtatau 4

Claim No	General	Water	OLC	Northern War	pre-1965 Crown purchases	Reserves	Public works	NLC	MA Land schemes	Rates	Transfer to SOEs	Wāhi tapu	Specific lands
354	✓	✓	✓	✓ Ngāti Manu, Te Uri Karaka, Te Uri Raewera, Ngāpuhi ki Taumārere & descendants of Pōmare II	✓							Ōtūihi Pā	lists OLC & pre-1865 lands
371								✓	✓				Te Horo
435							✓					✓	Mōtatau 5
455													Te Horo - Pipiwai C & G
565	✓											Hikurangi	

Claim No	General	Water	OLC	Northern War	pre-1965 Crown purchases	Reserves	Public works	NLC	MA Land schemes	Rates	Transfer to SOEs	Wāhi tapu	Specific lands
642	✓					✓		✓				✓	Mōtatau 5a2
682	✓	updated version of 49											
1440				✓ Ngāti Manu								Ōtūihi Pā	
1445	✓			✓Te Roroa								Pumuka Pā & other	
1464	✓			✓Te Kapotai & Ngāti Pare				✓				Te Kapotai Pā	Russell Kauri regeneration scheme
1527	✓												

Claim No	General	Water	OLC	Northern War	pre-1965 Crown purchases	Reserves	Public works	NLC	MA Land schemes	Rates	Transfer to SOEs	Wāhi tapu	Specific lands
1547									√				Waiōmio Development Scheme, Mōtatau 2 Section 23A and 23A1A
1551							√						Mōtatau 4B, 4C & 4F
1709													Maungakawakawa Block
1710													Land Block 6 Mohinui Waiōmio
1972													Loss of Land Block – Mōtatau 26B2B

General claims

General claims are included in Wai nos 49, 120, 149, 354, 565, 642, 682, 1445, 1464 and 1527. As the wording of each might differ, they are amalgamated here to give a broad outline.

Crown interference with undisturbed possession of land and waterways:

- Claimants accuse Hobson's colonial rule of interfering with undisturbed possession of the lands and waterways in the Bay of Islands; this interference drove back Ngāti Hine and their allies and reduced the ability of these tribes to press for rightful ownership rights from 1846. This not only reduced the mana of the original and rightful owners of the land, but also greatly affected land sales and the gifting of lands and rivers.
- Ōpua estuary, the Taumārere (Kawakawa) River, its foreshores, riverbeds and waters, and its confluence at Te Moana o Pikopiko-i-whiti. The Crown has allowed marina development in Ōpua, thereby ignoring claimant hapū ownership rights.
- Loss of ownership of maunga Hikurangi. It was purchased without the consent of the rangatira, resulting in loss of rangatiratanga.
- The following sites and taonga are important to Te Roroa claimants: Pumuka – Te Roroa, Te Awa o Taumārere; Ōpua Pā and its area; Pumuka Pā, its lands and taonga; Te Raupo; Pipiroa Bay; Te Wahapū, Pōmare Bay; Te Kāretu River, Kawakawa River; Waikino River; Okiato; all waterways, all living creatures and crustaceans, all flora, all fauna, all elements and minerals, airways, all swamps and mudflats, all access ways, manawhenua, manamoana of Te Roroa hapū.

Application and prejudicial effect of Crown legislation and policies, such as:

- Public Works, Fisheries, Rating, Native and Māori Land Courts,
- The Māori Purposes Acts 1926-81, Māori Affairs Act 1953, Māori Purposes Acts 1926-1981; the Māori Trusts Act 1955; State Owned Enterprises Act 1986, and the Māori Affairs Restructuring Act 1989.

Crown has allowed interference, damage and destruction of wāhi tapu and walkways: such as pollution of waterways or destruction of habitat. Crown acts and omissions over time have alienated and/or destroyed important tribal taonga and other rights, including:

- a) Railway lands between Kawakawa and Ōpua.
- b) Indigenous forests, fauna and flora, timber and minerals.
- c) Shipping dues, customs duties, mooring and anchorage fees.
- d) The rights to allocate and manage all water resources including rivers, streams, springs, wetlands, lakes and sea water.
- e) Foreshore, seabeds and riverbeds lost due to land reclamation within the Taumārere – Ōpua areas.
- f) Wāhi tapu, urupā and other important cultural sites.
- g) Te Reo Māori, Māori language, culture and traditions of the stated tribal groups.
- h) Foreshore, riverbeds, lakebeds and kaimoana including commercial fisheries and shellfish.
- i) The erection of a transmitter on their maunga, Hikurangi, and Uenuku's Pā site on the top of the mountain, without consultation or agreement.

Crown breached its duty, according to the Treaty, to protect claimants' spiritual, cultural and traditional relationships. Claimants' collective mana, title and control have also been denied:

- The Crown has failed to recognise the mana whenua, mana moana and mana tangata of claimants; claimants' tino rangatiratanga has also been adversely affected.

- Te Roroa state that the Crown, in totally destroying Pumuka Pā and surrounding areas, violated the principles of the Treaty of Waitangi/Te Tiriti o Waitangi and Te Wakaputanga o Ngā Rangatiratanga o Nu Tireni.
- The effects of Crown actions, legislation, policies and omissions on Te Kapotai and Te Pare hapū are:
 - the loss of identity, mana tangata and mana whenua; and the consequential loss of economic, cultural and political autonomy;
 - the loss of parts of Te Kapotai forests, waterways, natural resources, and wāhi tapu sites of special significance to all generations of Te Kapotai;
 - the destruction, confiscation and loss of Te Kapotai's economic base on which Te Kapotai relied for resources, income and prosperity;
 - the destruction of the customary land tenure system and impact thereof;
 - the exacerbation of conflict between Te Kapotai and other iwi.

Summary of Individual Claims

The following summaries of claims are taken directly from the Scoping Report and added to as they have evolved since research began.

Wai 49

On 1 December 1988, Sir James Henare registered the first Bay of Islands and the first Ngāpuhi claim with the Waitangi Tribunal. Later claimants have stated that their claims complement rather than conflict with Wai 49.

The claim is on behalf of Ngāti Hine, Ngāti Manu, Te Kapotai, and Ngāpuhi (described as Ngāpuhi nui tonu in the first statement of claim, but later amended).

There are three defined issues to this claim:

- One concerns the Ōpua estuary, the Taumārere (Kawakawa) River, its foreshores, riverbeds and waters, and its confluence at Te Moana o Pikopiko-i-whiti.

- The second issue concerns the Ōpua/Kawakawa railway lands, taken under Public Works legislation.
- The third issue is that the Crown breached its duty, according to the Treaty, to protect claimants' spiritual, cultural and traditional relationships regarding the above named sites. Claimants' collective mana, title and control have also been denied.

Key kaumātua: Erima Henare, Hirini Henare, Pita Paraone and others.

Wai 68

Lodged by Betty Hunapo (Kopa) on May 1 1987, this claim represents the Ngaro Tiritā Whānau Trust, Ngāti Hine and 'all our relatives of every tribe of Aotearoa.'

The focus of this claim is:

- the way in which the Mōtatau 1B5B5 block land was administered and leased by the Māori Trustee against claimants' wishes
- the involvement of the Māori Land Court in this process
- charging rates against the property
- transfer of Māori 'lands and water' to State-owned enterprises under the 1986 State Owned Enterprises Act

Successor to Mrs Hunapo, deceased, as chief claimant has yet to be determined.

Wai 109

This claim was filed by Nita Broughton, Matilda Shotter and Harriet Wilson, as the descendants of George Lawrence Yorke and Peata Paraki Yorke. The claim has already been included in the Te Waimate Taiāmai Claims Alliance report.

The Yorke whānau purchased four sections in Raurangi Township (at Waitangi Point) in the early 1900s, but also had mana whenua rights through ancestry. The land was subsequently taken for public works in 1932, against the owners' wishes. The claimants say that this action has caused enduring emotional and financial stress.

Diane Bryant is the current representative for this claim.

Wai 120

Raumoa Kawiti registered this claim on 13 February 1990, on behalf of the Kawiti Marae Committee, the Kawiti family and descendants of Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāti Rāhiri, Ngāti Rangi, Ngāitewake and Ngāpuhi.

This claim raises the following issues:

- Claimants accuse Hobson's colonial rule of interfering with undisturbed possession of the lands and waterways in the Bay of Islands; this interference drove back Ngāti Hine and their allies and reduced the ability of these tribes to press for rightful ownership rights from 1846. This not only reduced the mana of the original and rightful owners of the land, but also greatly affected land sales and the gifting of lands and rivers.
- Wai 120 supports Sir James Henare's Wai 49 claim in its assertion that the Crown has allowed marina development in Ōpua, thereby ignoring claimant hapū ownership rights.
- The Crown has allowed the 'interference or damage or destruction' of the sacred pā sites and walkways of claimants

Discussions with Mr Kawiti (21/10/08) revealed further issues might be attached to Wai 120. Mr Kawiti wishes to have the replica of Ruapekapeka Pā, housed in the Auckland War Memorial Museum Tamaki Paenga Hira, considered. The nature of this consideration is not yet known. Concerns over te awa tapu o Taumārere might be included at a future date, as well as a claim on the coal resources of the Kawakawa township and its surrounds.

Key kaumatua: Raumoa Kawiti, Erima Henare, Hirini Henare, Pita Paraone and Bosie Peihopa.

Wai 149

This claim was originally lodged on 15 October 1989, and then replaced in 1990. Te Rau Moetahi Hōterene of Pipiwai filed the replacement claim on 17 May 1990, with an amendment lodged on 10 October 1997.

Mr Hōterene claims he and his family have been prejudicially affected by Crown legislation policies of, in particular: the Māori Affairs Act 1953, Māori Purposes Acts 1926-1981; the Māori Trusts Act 1955; and the Māori Affairs Restructuring Act 1989.

The focus of this claim concerns the actions of the Māori Affairs Department alienating Mr Hōterene from his traditional ownership rights through the Te Horo Block amalgamation in 1965. This forced Mr Hōterene and his family out of their ancestral home (Kaikou 3 Lot 11A), forcing them to reside elsewhere. In 1986, the Te Horo land was transferred to the Te Orewai Te Horo Trust, which has, according to the claimant, mismanaged the land since its inception.

Ms Delaraine Armstrong, through email correspondence, has provided some useful information concerning sources to inform this claim. This will be made available for future researchers.

Specific blocks affected by the Te Horo Block amalgamation that concern this claim are:

Mōtatau 2 Section 52B	Mōtatau 2 Section 64B	Mōtatau 2 Section 16B2
Te Horo 2B2B	Maungapohatu North	Kaikou 3 Lot 11A
Kaikou A4E	Kaikou D3	Kaikou X

In his interview, Te Rau Hōterene talked about some of his family's experiences. His parents Moetahi and Anamaraeurangi raised 14 children on their land. In 1965 the Māori Land Court came to Tau Henare Marae in Pipiwai and proceeded to amalgamate the lands belonging to several whānau, into one block – known as Te Horo block. The land was to be managed by the Department of Māori Affairs. Te Rau says that his father did not agree to the amalgamation and nor did he agree to his land being taken over by the Māori Affairs Department. Moetahi's protests to the Court (Māori Land Court) fell on deaf ears.

His father and mother had raised Te Rau and his siblings on their land, and Te Rau believes that the processes initiated by tauwiwi have had a lasting effect on their children and descendants. Some of the whānau affected were the Peihopa whānau, Waa whānau, Herewini whānau and others.

Te Rau recalled the typhoid outbreak, where they were banned from using the water (from their land) for cooking purposes. This was about the same time that the land

was taken from his parents. Their houses were set alight and/or demolished. The orchards that were a vital food source for those whānau were cleared off the land. Other whanaunga from Pipiwai were put in place by Māori Affairs to work the land and make improvements. His father Moetahi passed away in 1975, and during the burial at Te Wehenga the bulldozers were there clearing the land.

According to Te Rau the land was to be returned to the Māori owners after five years under Māori Affairs control. When the owners asked for their land to be returned they were told to pay for the work (improvements) that was done on the land.

Note: The Waitangi Tribunal commissioned a report for this claim in 1993.¹³³¹ And the CFRT Bassett Kay report also deals with this scheme.

Wai 327

Ngaro Hemi Baker filed this claim on 28 January 1993, on behalf of the Ngāti Kopaki/Ngāti Te Ara Whānau Trust, which represents the former owners of Mōtatau No 4 block: the Tuhipa Scoria Ballast Pit. This land was taken by the New Zealand Railways in 1904 under the Public Works Act 1894, and claimants here are seeking its return in order to develop employment-related projects for all beneficiaries within the Trust.

Wai 354

Filed with the Waitangi Tribunal on 5 April 1993 by Arapeta Hamilton, this claim is on behalf of Ngāti Manu, Te Uri Karaka, Te Uri Raewera, Ngāpuhi ki Taumārere, and all of the descendants of Pōmare II.

Claimants point out that this claim should be seen as supporting that of Sir James Henare (Wai 49). Mr Hamilton states that the Crown has failed to recognise the mana whenua, mana moana and mana tangata of claimants; claimants' tino rangatiratanga has also been adversely affected. As a result, tribal estates were 'wrongly alienated by the decisions and actions of the Land Claim Commissions', by grant to the Crown as surplus land or by transfer of land into European title.

The following Old Land Claim estates are:

¹³³¹ Miles.

Okiato	Ōtuihu	Ōpua
Pipiroa	Omata	Opanui
Te Wahapū	Toretore Island	Orongo
Pōmare Bay	Te Uruti	

Wai 354 then considers pre-1865 Crown purchases, asserting that the Crown failed in its obligations ‘to protect tribal interests in negotiating the purchase of Māori land in:

the Ruapekapeka Block purchase, including the bed of the Taumārere River, and

Mahurangi	Waimatenui	Whataaruhe
Puhipuhi No 2	Waiotu Block	The south-western block of the Russell State Forest

Furthermore, in 1845, the Crown completely destroyed Ōtuihu Pā, Ōpua, in an ‘act of unprovoked aggression’, and up to the present day has shown no remorse for its ‘illegal’ actions.

Moving on from historical issues, claimants say Crown acts and omissions over time have alienated and/or destroyed important tribal taonga. These taonga include:

- (a) All the railway lands between Kawakawa and Ōpua.
- (b) Indigenous forests, fauna and flora, timber and mineral rights within the areas claimed.
- (c) shipping dues, customs duties, mooring and anchorage fees.
- (d) The rights to allocate and manage all water resources including rivers, streams, springs, wetlands, lakes and sea water.
- (e) Foreshore, seabeds and riverbeds lost due to land reclamation within the Taumārere – Ōpua areas.
- (f) Wāhi tapu, urupā and other important cultural sites within the claimed areas.

(g) Te Reo Māori, Māori language, culture and traditions of the stated tribal groups.

(h) Foreshore, riverbeds, lakebeds and kaimoana including commercial fisheries including shellfish within the claimed areas.

Wai 371

Part I

Hori Hemara Niha lodged this claim with the Waitangi Tribunal on May 10 1993, on behalf of his whānau, being the descendants of:

Hoterene Hoterene

Ka moe ia Teparā Eretara

Ka puta ko Taki Hoterene

Ka moe ia Heeni Riria Kingi

Ka puta ko Materoa Hoterene

Ka moe ia Hoori Niha, now deceased.

As with Te Rau Hoterene's Wai 149 claim, Hori Niha's concerns highlight Māori lands legislation and policy, the alienation of ancestral lands for the Te Horo Block amalgamation and the transfer of family lands to the Te Orewai Te Horo Trust. Heeni Riria's land interests are:

Omanene 3	Kaikou B1	Kaikou D3
Pipiwai X1	Pipiwai X2	Pipiwai 2H21
Pipiwai 2H23	Maromaku B3	Mōtatau 4B3B
Mohinui 10	Pipiwai F	Pukemiro 2D
Mōtatau 4B6	Pipiwai A	Ngaiōtonga 1B2/1B3/2B2
Waihāhā	Ngararatunua 2A2D	Maungapohatu North

Owners' objections to the Te Horo Block scheme were ignored by the Māori Land Court in 1965. Soon after Niha and his family were forced off their ancestral lands, and had to relocate to Whāngārei.

Part II

Apart from claiming through a different tupuna – Niha Raua Tupuuna Whaea Hoana – and citing different land interests, this claim mirrors that of Part I.

Block interests are:

Pipiwai C	Omanene 3	Kaikou B1
Kaikou B3A	Maromaku B3	Mōtatau 2/19
Mōtatau 2/59D	Pipiwai Pt F	Pipiwai F

and Maungapohatu North

Wai 435

Sharon Bedggood filed Wai 435 with the Waitangi Tribunal on 2 June 1994, on behalf of the Tamati Te Maru Whānau or Tamati Te Maru Peehikuru Whānau.

This claim relates to the Mōtatau No 5 block. Comprising 22, 800 acres, the claimants' tupuna, Kuaō Kawai, owned 7250 acres in 1909. Kuaō lost his shares when the land was confiscated under the Public Works Act in 1911, to be used as a railway line site. Kuaō refused to give up his land, threatening at one stage to take up arms against the Government. The railway line never went through, but neither did the land return to its owners. Kuaō saw his land diminish between 1909 and 1911 'without trace of a sale.' He did however retain a small holding within Mōtatau 5g, a reserve for wāhi tapu. Europeans acquired this piece of land, yet claimants are unsure how that happened.

Wai 435 claimants wish to preserve and protect their wāhi tapu and burial sites, one of which is situated on an island in the middle of Lake Kereru (formerly known as Lake Tauanui), and houses the bones of 'our tupuna'.

Wai 455

Riwi Hone Niha lodged this claim with the Waitangi Tribunal on 11 April 1994, on behalf of his whānau. He provides this whakapapa:

Niha Hamiora Marupio pio = Hoana Ereatara Kariki

Ka puta ko

Eruera Niha = Tai Koke

Ka puta ko

Hone Eruera Niha = Waiataahua Hoterene

Ka puta ko

Riwi Hone Niha = Patricia O'Brien

This claim mirrors Wai 149 and Wai 371 in as far as grievances with Crown and/or its agents are concerned. Riwi's father, Hone Niha, inherited land from his father, Eruera Niha, and his grandmother Hoana Ereatara Kariki. Hoana once held a large proportion of the lands in Pipiwai.

Wai 455 claimants are interested in Pipiwai C and G; Riwi and his siblings were born and raised on these blocks.

Wai 565

Pari Perihopa filed Wai 565 with the Waitangi Tribunal on 4 September 1995, on behalf of the Waitangi Trust Board, Ngāi Tai ki Ngā Puhī, Ngāti Hine, Ngāti Te Tarawa, Te Kau i Mua, Te Orewai, Te Uri-o-Hua, Te Uriroroi and others.

Claimants object to the erection of a transmitter on their maunga, Hikurangi, and Uenuku's Pā site on the top of the mountain. Claimants were not consulted when the transmitter was put up around 1967. No compensation was given for the erection of the transmitter. Mr Peihopa, in a letter to the Tribunal, protests the loss of ownership of Hikurangi itself. He suggests that it was purchased without the consent of the 'actual rangatira of those times'. This resulted in loss of rangatiratanga for claimants.

Wai 642

Elizabeth Mataroia-Legg, Ken Mataroia and Pania Chapman filed this claim on 5 October 1996, as representatives of Whānau Pani Trust and beneficiaries, all of Ngāti Hine, claiming on behalf of descendants of Porowini Kaka with the support of Ngāti Hine Rūnanga.

Mōtatau 5a2 was gazetted as a reserve on 3 March 1919 under which status it was to be absolutely inalienable except by will. The status was changed in 1957 without the agreement of those who had mana whenua, and the Māori Trustee arranged for it to be leased and sold. Claimants lost their marae, kāinga, tikanga, mana and mauri. Their tūpuna and their own pito are buried there. There are several historic wāhi tapu on the property. Claimants lost also their six-bedroomed kauri home, meeting house, implements, food storage and milking sheds and machinery, and therefore their economic base.

An amendment to 642 was lodged on 7 May 2004 with two additional claims, yet to be finalised. The first was for 4000 acres in the Mōtatau 5 block, which was the original Kāinga of Porowini Kaka. Mōtatau 5 block, with its several co-owners, was brought before the Native Land Court in 1909 for investigation of title.¹³³² The hearing was before Judge Gilfedder at Kaikohe in May 1909. In his Judgement Porowini Kaka was awarded 4000 acres.

The second amendment was to claim the maunga Hikurangi, which is positioned in the Mōtatau 5 block. Hikurangi is a site of significance and the reason [Te Rangimarie] Marae was established there; they are partners.

Wai 682

Reweti Pōmare Kingi Pita Paraone filed Wai 682 on 3 July 1997, on behalf of Te Rūnanga o Ngāti Hine and all the descendants of Torongāre and Hauhauā and of Hine-a-maru. Wai 682 is described by the rūnanga as an updated version of Wai 49, and covers all of the issues and area of the Ngāti Hine hapū. Ngāti Hine land interests are described as:

I whakataukitia e Maihi Kawiti ko te rohe potae o Ngāti Hine timata i Ngā Kiekie Whawhanui-o-Uenuku titiro ki Pouerua titiro ki Te Rakaumangamanga titiro ki Manaia titiro ki Te Tarai o Rāhiri titiro ki ngā Kiekie Whawhanui-o-Uenuku. Ahakoa tēnei, tērā ētahi o ngā uri o Ngāti Hine kei ngā kati o te rohe nei e hiahia ana kia uru mai ratou me a ratou whenua ki raro I te maru o te rohe potae.

¹³³² Alemann.

Wai 1440

This claim comprises three parts, and was lodged by Phillip Bristow-Winiana, Trustee for the Ngāti Manu Hapū Trust (claimant) and on behalf of Ngāti Manu hapū and all direct descendants.

Wai 1440 (filed on 7 September 2007) concerns:

- the destruction of Ōtūihu Pā, Ōpua, in 1845 by the Crown following the Northern War.
- Ngāti Manu's principal chief of the time, Pōmare, was 'unlawfully arrested', along with his daughter Iritana.
- Forced to cede parts of his lands to the Crown, Ngāti Manu people were forced into exile.

An amendment to this claim was filed on 19 September 2007, in the form of changes to the charges against the Crown. As well as those acts mentioned above, claimants assert that the Crown destroyed and infected all life sustaining areas where such destruction damaged Ngāti Manu's economic position and survival.

Wai 1445

Phillip Bristow-Winiana filed this claim on 1 November 2007, as Trustee for the Rae and Heeni Honetana Whānau Trust, and on behalf of Pumuka Te Titaha Moana, Te Roroa hapū and all direct descendants.

Te Roroa state that the Crown, in totally destroying Pumuka Pā and surrounding areas, violated the principles of the Treaty of Waitangi/Te Tiriti o Waitangi and Te Wakaputanga o Ngā Rangatiratanga o Nu Tīreni.

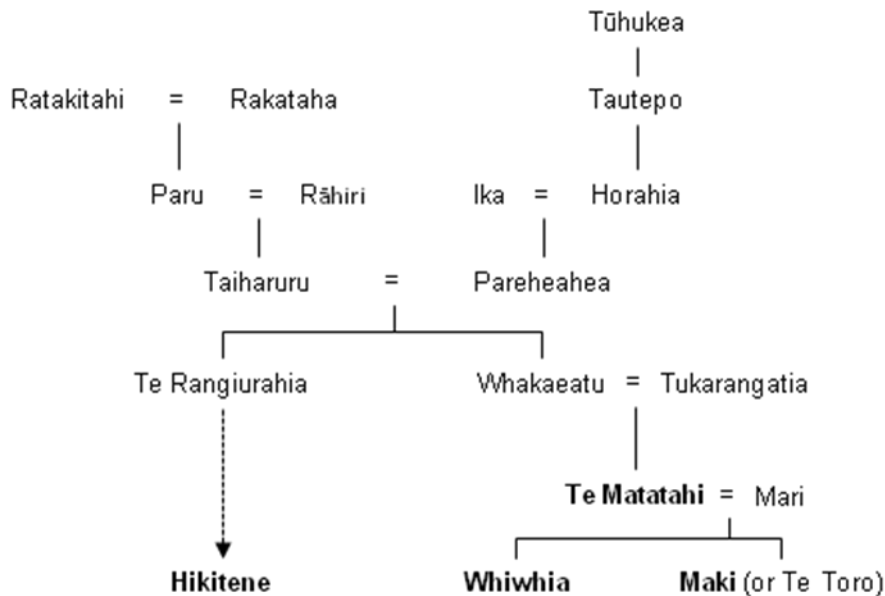
The following sites and taonga are important to these Te Roroa claimants: Pumuka – Te Roroa, Te Awa o Taumārere; Ōpua Pā and its area; Pumuka Pā, its lands and taonga; Te Raupo; Pipiroa Bay; Te Wahapū, Pōmare Bay; Te Kāretu River, Kawakawa River; Waikino River; Okiato; all waterways, all living creatures and crustaceans, all flora, all fauna, all elements and minerals, airways, all swamps and mudflats, all access ways, manawhenua, manamoana of Te Roroa hapū.

Wai 1464

This claim was filed with the Waitangi Tribunal on 30 January 2008, by Te Riwhi Whao Reti, Hau Tautari Hereora, and Romana Tarau, on behalf of Te Kapotai and

Ngāti Pare hapū. These hapū introduce themselves in this claim with whakapapa, pepeha and a geographical description of Te Kapotai and Ngāti Pare lands.

Chart 25: Te Kapotai and Ngāti Pare tūpuna who signed He Whakaputunga or Te Tiriti



There are two key issues detailed here: the sacking of Te Kapotai Pā, Waikare, by Crown forces in 1845; and the Russell Kauri Regeneration Scheme.

In March 1845, Hone Heke cut down the flagpole at Te Maiki Hill, Kororāreka, for the fourth time; he was aided by a contingent of Te Kapotai warriors. In retaliation, Crown troops attacked Te Kapotai Pā at Waikare, destroying the village and rendering Te Kapotai people homeless. Claimants in this case allege that the attack on Te Kapotai Pā in 1845 was unjust; the whole of Te Kapotai was wrongly blamed for the actions of a few.

In 1924, the government began ‘an aggressive campaign’ to acquire large tracts of Te Kapotai lands for the Russell Kauri Regeneration scheme. Claimants allege this intensified following the Ngaiōtonga /Waikare bush fires in 1946. Claimants allege that the Māori Land Court’s acquisition process unfairly prejudiced Māori land owners who did not understand this process and had ‘little understanding as to the extent of the consequences at hand.’

Wai 1464 claimants say the Crown has failed to respond to either of these two significant events. No apology or acknowledgement of any wrongdoing or injustice on the Crown's part, or any compensation has been received by Te Kapotai or Ngāti Pare.

The effects of Crown actions, legislation, policies and omissions on Te Kapotai and Ngāti Pare hapū are:

- the loss of identity, mana tangata and mana whenua; and the consequential loss of economic, cultural and political autonomy;
- the loss of parts of Te Kapotai forests, waterways, natural resources, and wāhi tapu sites of special significance to all generations of Te Kapotai;
- the destruction, confiscation and loss of Te Kapotai's economic base on which Te Kapotai relied for resources, income and prosperity;
- the destruction of the customary land tenure system and impact thereof;
- the exacerbation of conflict between Te Kapotai and other iwi.

Wai 1527

Lavona Hogan filed this claim on 18 August 2008, on behalf of descendants of Ataiti Te Rehu Hotorene (Ataiti Armstrong). The claim is generally concerned with the detrimental effects of the crown enforcing policies with respect to Māori Development Schemes administered by the Department of Māori Affairs, particularly the Māori Purposes Acts 1926-81, Māori Affairs Act 1953, Māori trust Boards Act 1955 and the Māori Affairs Restructuring Act 1989.

As a result the claimants say they were alienated from their ancestral land, denied the right to develop farm management skills on their land, lost part of their land and have been financially affected by actions of Crown departments.

Wai 1547

Garry Charles Cooper filed this claim on 26 August 2008, on his own behalf and on behalf of his siblings and other whanaunga connected with the Waiōmio Development Scheme, Mōtatau 2 Section 23A and 23A1A. Understanding that the land also forms part of the generalised claim Wai 682, he does not withdraw this land from Wai682 but filed this claim for specific breaches to ensure that they receive

recognition as a valid claim. The claim is for Crown actions and strategies of Māori land development over the period 1932-94. Although land ownership has been reinstated to most of the beneficial successors to the original owners, these whanaunga have not been able to occupy the land.

Through Crown actions under Native Land and Māori Affairs legislation the claimants believe they have been adversely affected by being alienated from the ancestral land, from cultural taonga, natural rights and prohibited from exercising land use options, free and ready access the land and deprived of benefits of living on it.

Wai 1551

Elizabeth Waiwhakaata Boutet filed this claim on 28 August 2008, on behalf of descendants of Anamaata (Maata) Cherrington, known collectively as Te Whānau o Paki and of Anamaata Cherrington. The claim is specifically with respect to land described as Lot 1 Dp124185 & Lot 2 DP124185, parts of Mōtatau 4B, 4C and 4F, which is located within the rohe of Ngāti Hine.

The lands were held by their deceased tūpuna, Maata, and were taken by the Crown under the Public works Act 1908 for railways. The Court held that the Māori owners were not entitled to compensation under the prevailing law, but the judge commented they were entitled in equity – £50 was granted ‘as an act of grace’ by the Minister 14 November 1914. In 1990 the blocks were deemed to be surplus to requirements and would be dealt with under Section 40 of the Public works Act 1981. The blocks were offered back to the executors of Maata’s estate at the then current market value but rejected by the claimants. The blocks have been land banked and are subject to this claim.

The claimants say they have, as a result of Crown actions, been dispossessed of this whenua tuku iho taonga and severely affected economically. Also that the Crown has, at all times, had the capacity to provide appropriate relief by returning the blocks and has chosen not to.

Wai 1709

Hone Sadler filed this claim on 28 August 2008 on behalf of descendants of the hapū Ngāti Moerewa. The claim is with respect to Maungakawakawa Block in Tautoro, southwest of Kaikohe. The block was alienated through the actions of the Māori

trustee taking land under 'uneconomic shares, consolidating the shares and selling the land. Consequently, the descendants have not derived the benefits of the land, economically and culturally.

Wai 1710

Sadie Thomas Te Tai Rakena McGee filed this claim on 20 August 2008 on behalf of the McGee whānau, claiming that with respect to Land Block 6 Mohinui Waiōmio they were prejudicially affected by the actions of the Crown in amalgamating their land, leasing the land, removing timber and demolishing their whānau home.

Wai 1972

Wati Himiona Cooper of Ngāti Hine filed this claim in August 2008 for himself and on behalf of beneficiaries of the Estate of Erana kare aka Erimana. The claim was amended on 19 February 2009, claiming the family has been prejudicially affected by the alienation of Mōtatau 26B2B block through sale of individual interests without considering the consequences for the owners. They also claim that their rangatiratanga has been usurped by dismissing Māori names for their land and substituting these names with block numbers, such as the block about which this claim is made.