

## REPORT ON ASPECTS OF THE WAI 655 CLAIM



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WAI 655



The cover design by Cliff Whiting invokes the signing of the Treaty of Waitangi and the consequent interwoven development of Māori and Pākehā history in New Zealand as it continuously unfolds in a pattern not yet completely known

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## Waitangi Tribunal

Te Rōpū Whakamana i te Tiriti o Waitangi  
*Kia puta ki te whai ao, ki te mārāma*

The Honourable Dr Pita Sharples  
Minister of Māori Affairs  
Parliament Buildings  
WELLINGTON

27 July 2009

E te Minita o ngā Take Māori

Tēnā koe e te rangatira. E whai ake nei ā mātou kōrero, ripoata i raro i te mana o te Rōpū Whakamana i te Tiriti o Waitangi. He wāhanga paku noa iho tēnei o ngā kōrero a te Taraipiunera mō Whanganui e pā ana ki ngā take o ngā iwi o tērā rohe. Me whaka-puta atu ēnei whakaaro mō ētahi noa o tērā iwi e kiia ana ko Ngā Wairiki i mua i te whakaurunga ki te Paremata o te Pire o te Ngāti Apa settlement.

We have the honour of presenting to you our report on aspects of the Wai 655 (Ngā Wairiki) claim, which was heard as part of the Whanganui district inquiry.

The Tribunal is releasing this short report at the request of the Wai 655 claimants. The Ngāti Apa Settlement Bill, soon to be before Parliament, will settle the Wai 655 claim. The claimants wanted the Tribunal to express its views on their evidence before the Bill enacting the settlement is introduced. We agreed that it was appropriate for us to recognise the Wai 655 claimants' involvement in the Whanganui district inquiry by reporting on their historical claims to the extent possible within the limited time available.

The Wai 655 claimants earlier sought an urgent hearing of the Tribunal to challenge the Ngāti Apa settlement. The Tribunal declined, and that decision will not be revisited. This report does not traverse the modern-day iwi/hapū debate that underlay the challenge to the proposed settlement.

The report's findings are that, in 1849, Ngā Wairiki suffered a heavy blow to their identity as a recognisably distinct iwi. This came about when Donald McLean, Crown agent, deliberately overlooked the separate identity of Ngā Wairiki in arranging the purchase by the Crown of the lands comprised in the Rangitikei–Turakina purchase. Colonial processes generally conspired to merge the identities of the groups whose interests were affected by the signing of the deed.

We found that the Crown, through its agent Donald McLean, breached the Treaty principles of good faith and active protection and, in doing so, caused prejudice to Ngā Wairiki by undermining their ability to survive as a group with separate identity and recognition.

Heoi ano, nāku noa nā

A handwritten signature in black ink, appearing to read 'CM Wainwright', written in a cursive style.

Judge CM Wainwright  
Presiding Officer



## ABBREVIATIONS

AJHR	<i>Appendix to the Journals of the House of Representatives</i>
app	appendix
ch	chapter
comp	compiler
doc	document
ed	edition, editor
fol	folio
ltd	limited
MA	Department of Maori Affairs file, Master of Arts
n	note
no	number
NP	no place (of publication)
p, pp	page, pages
para	paragraph
pl	plate
pt	part
ROI	record of inquiry
s, ss	section, sections (of an Act of Parliament)
sec	section (of this report, a book, etc)
v	and
vol	volume

‘Wai’ is a prefix used with Waitangi Tribunal claim numbers.

Unless otherwise stated, endnote references to claims, documents, papers, recordings, and statements are to the Wai 903 record of inquiry, a copy of which is available on request from the Waitangi Tribunal.



## INTRODUCTION

### 1.1 THE REQUEST FOR AN INTERIM REPORT

This report concerns the Wai 655 claim by Te Ngahina Mathews, for and on behalf of Ngā Wairiki. For the purposes of this report, this claim is considered part of the Whanganui district inquiry (Wai 903), not a stand-alone claim.

We produced the report in response to a request in a memorandum from counsel for Wai 655. Counsel sought leave to close the Wai 655 case and asked the Tribunal to produce forthwith an interim report on the Wai 655 claim, making such recommendations as the Tribunal considered just.<sup>1</sup>

### 1.2 BACKGROUND: THE URGENT INQUIRY APPLICATION

It is important for the sake of context to note here that the Wai 655 claimants earlier sought from the Tribunal an urgent hearing, which they hoped would lead to recommendations that the proposed settlement between Ngāti Apa (including Ngā Wairiki) and the Crown should not proceed.<sup>2</sup> The Wai 655 claimants are of Ngā Wairiki and submitted (inter alia) that the Ngā Wairiki iwi is not exclusively a part of Ngāti Apa and that Ngā Wairiki, or some of them, affiliate to their Whanganui kin. By including them in the Ngāti Apa settlement, the Crown will permanently prevent Whanganui-affiliated hapū of Ngā Wairiki from joining their Whanganui kin in a Whanganui settlement.<sup>3</sup>

The presiding officer in the urgency application, Judge Stephanie Milroy, defined the issue between the Wai 655 claimants and the Crown as whether the Crown should or should not have accepted the mandate of Te Rūnanga o Ngāti Apa to negotiate for Ngā Wairiki. She noted that the Ngāti Apa settlement is intended to make redress for claims involving Ngā Wairiki. Judge Milroy considered that the Wai 655 claimants would be able to obtain redress through the rūnanga in respect of their claims. As beneficiaries of the rūnanga, the Wai 655 claimants will be entitled to participate in the post-settlement governance entity by standing for election, taking part in voting, attending hui, and participating in community activities.

The presiding officer noted that the prejudice to the Wai 655 claimants is that they will be unable to pursue their claim against the Crown in the manner that they choose; that is, through a Waitangi Tribunal inquiry. But she also noted that others claiming Ngā Wairiki

whakapapa have chosen to mandate Te Rūnanga o Ngāti Apa to settle Ngā Wairiki grievances. She was influenced by evidence of the Crown's efforts to include the Wai 655 claimants and take account of their issues in the negotiation and settlement process. It was unfortunate that differences could not be resolved, but she concluded that there would be significant prejudice to Ngāti Apa, and those of Ngā Wairiki whakapapa who have given a mandate to the rūnanga to settle, if that settlement were further delayed.<sup>4</sup>

The application was dismissed on 15 May 2009.

### 1.3 THIS REPORT

The Whanganui district inquiry Tribunal may not and will not traverse matters already decided on in the urgency decision.<sup>5</sup>

On 16 July 2009, Judge Carrie Wainwright, the presiding officer of the Whanganui Tribunal, directed as follows:

The Tribunal does not wish to destabilise the proposed settlement between Ngāti Apa and the Crown. A decision has already been made not to inquire into the settlement process, and that decision will not be revisited.<sup>6</sup>

Concerning the present report, the judge stated:

We will be focusing substantially on 19th century material, and will not be canvassing matters of politics and identity in the present. (For the avoidance of doubt, the Tribunal will not be making findings about present-day hapū or iwi status, as sought by Mr Hirschfeld for Ngā Wairiki in paragraph 16 of his memorandum of 3 July 2009.)<sup>7</sup>

The scope of this report is limited by a number of factors, but none more than time. The Crown recently informed the Tribunal that the Bill enacting the proposed settlement between Ngāti Apa and the Crown may go before the House at any time from 27 July 2009.<sup>8</sup> We set about

the task of reporting in that very limited window of about three weeks in July 2009. Recently, the Crown revised its prediction about when the Bill may be introduced, but it was too late for us to revise our timetable in response.<sup>9</sup>

Other limitations on content have been discussed already. We keep away from the issues between the Wai 655 claimants and Te Rūnanga o Ngāti Apa, and their relations with the Crown. Neither do we venture upon the generic issues covered in the Whanganui inquiry district's 'Main Document'.<sup>10</sup>

There is one final point to make. The Waitangi Tribunal's jurisdiction concerns Treaty claims by Māori against the Crown. It is not our role to decide issues of customary tenure, tikanga and disputed rohe. This was the function of the Native Land Court and is now the function of the Māori Land Court. This being so, we make no findings on these matters.

### 1.4 SOURCES

This report draws on the evidence submitted by the Wai 655 claimants in the Whanganui inquiry, including the evidence they presented orally during the second week of hearings in August 2007. We refer to submissions of counsel, and other material filed by counsel, and also draw on a number of historical reports presented in evidence.

We have not – given the extreme time constraints – gone further, but we have felt free to cite evidence in local histories and official documents, plus primary and secondary material cited in the texts and bibliographies of the reports and briefs mentioned above. We give a select bibliography of the sources we have used at the end of our report.

Ngāti Apa chose to be observers rather than parties in the Whanganui inquiry district, with the result that we have no direct evidence from them. We have not had access to the full mana whenua report produced on behalf of Ngāti Apa and compiled for the Office of Treaty Settlements. However, copies of extracts from the report

relevant to Ngā Wairiki are available in Wai 903 document banks, together with much other material emanating from Te Rūnanga o Ngāti Apa, Te Roopu Rangahau o Ngāti Apa, and the Ngāti Apa website.

#### Notes

1. Counsel for Ngā Wairiki, memorandum requesting interim report on Wai 655, 11 June 2009 (paper 3.2.612)
2. Counsel for Ngā Wairiki, memorandum applying for urgent hearing, 31 August 2008 (Wai 655 ROI, paper 2.8)
3. Counsel for Ngā Wairiki, memorandum setting out grounds for urgency, 24 April 2009 (Wai 655 ROI, paper 2.60)
4. Judge Carrie Wainwright, memorandum declining application for urgency, 15 May 2009 (Wai 655 ROI, paper 2.66), paras 27–29
5. Judge Carrie Wainwright, memorandum concerning Crown hearings and inquiry planning, 2 July 2009 (paper 2.3.94), para 5
6. Judge Carrie Wainwright, memorandum concerning interim report on Wai 655, 16 July 2009 (paper 2.3.96), para 6.1
7. *Ibid*, para 6.9
8. Crown counsel, memorandum concerning interim report on Wai 655, 10 July 2009 (paper 3.2.649)
9. Crown counsel, memorandum concerning introduction of Ngāti Apa Settlement Bill, 21 July 2009 (paper 3.2.670). The memorandum states (para 2): ‘The likely timeframe for the introduction of the Ngāti Apa Settlement legislation is now at any time on or after 4 August 2009.’
10. Rainey Collins, ‘Main Document’, memorandum concerning claims and issues, 10 March 2006 (claim 1.5.5)



## NGĀ WAIRIKI

### 2.1 NGĀ WAIRIKI: ROHE AND HAPŪ

Who are Ngā Wairiki and where is their rohe? Most sources agree that Ngā Wairiki are a people of the Whangaehu, Turakina, and Mangawhero river valleys.<sup>1</sup> The name ‘Ngā Wairiki’ comes from the ‘wai riki’ (little streams or river systems) in their district.<sup>2</sup>

The Wai 655 claimants assert that the rohe of Ngā Wairiki runs, on the seaward side, from the Wainui Stream in the south-east, then north-west along the coast to the mouth of the Kaitoke Stream, just a few kilometres south-east of the Whanganui River. The Kaitoke Stream is well within the 1848 Whanganui purchase.<sup>3</sup> The Wainui Stream does not appear to be marked on any of the Whanganui inquiry maps, being outside of the inquiry district to the south-east. From the location of the Ngā Wairiki south-eastern coastal boundary, it seems that the stream flows from hills seawards of the Mākirikiri Stream to the sea some distance – perhaps 10 kilometres – south-east of the Turakina River.<sup>4</sup> (See maps 1 and 2.)

We were told that inland the Ngā Wairiki boundary extends north-east from the Kaitoke Stream mouth to Kukutā, then to Te Ara o te Waka, from there to Ōhineiti, Matawhitia, and Pohonuiātāne, then south to Maungakaretu, thence to Lake Namunamu, and from there back to the Wainui Stream on the coast.<sup>5</sup> Some of these place names are marked on Wai 903 maps; others are not.<sup>6</sup> The Ngā Wairiki chief Āperahama Tahunuiārangi stated that the hill and pā Manuriro (at the end of Ruatangata Road) marked part of the boundary between Ngā Wairiki and Ngāti Apa.<sup>7</sup> (See maps 1 and 2.)

In their evidence, the Wai 655 claimants mentioned the following Ngā Wairiki hapū: Ngāti Hinga, Ngāti Houmāhanga, Ngāti Huru, Te Whānau-a-Kapua, Ngāti Paenga, Ngāti Ratua, and Ngāti Tūkōrero. The north-western group called Ngā Ariki – which includes the hapū Ngāti Hinewai, Ngāti Rangitūmoana, and Ngāti Tamawaina – is also viewed by their witnesses in this inquiry as part of Ngā Wairiki.<sup>8</sup>

Ngāti Apa researchers have listed Ngā Wairiki hapū more fully. They describe them as living in three main collectives, as follows:

*Nga Ariki (Ngati Rangitumoana, Ngati Tamawaina and Ngati Hinewai), Ngati Rangipuhi and Ngati Kiriwehe and others; These hapu occupied the lands around the Tini Waitara Marae near Turakina, and across the [Turakina] River over much of the Waipu Block, including the township of Ratana. The prevalent ancestor through whom lands*

were held was named Tamarehe, who was connected to South Taranaki in terms of origins.

*Ngati Rangiwhakaturia, Ngati Ratua, Ngati Hikapirau, Ngati Kiriwheke and Ngati Tamaea and others;* These hapu occupied the lands around the Whangaehu Marae, on the lower reaches of the Whangaehu River. The prevalent ancestors for these lands were Rangiwhakaturia and his sister Taitapu. Emphasis is placed on their descent from Turi and the Aotea waka.

*Ngati Huru, Ngati Paenga, Ngati Hou[-māhanga], Ngati Tukorero and others;* These hapu occupied lands around the Kauangaroa Marae on the middle and upper reaches of the Whangaehu and Turakina Rivers, and the lower reaches of the Mangawhero River (which flows into the Whangaehu River inland of Kauangaroa). The prevalent ancestor for these lands appears to be Paerangi, an ancient ancestor more commonly associated with Whanganui/Te Ati Haunui-a-Paparangi people. [Emphasis in original.]<sup>9</sup>

## 2.2 THE ORIGINS OF NGĀ WAIRIKI

Ngā Wairiki are an ancient tangata whenua people descended from various ancestors, including Paerangi o te Maungaroa. Paerangi is also the ancestor of many Whanganui iwi, including Ngāti Rangī of Murimotu-Karioi and surrounding lands, and Ngā Paerangi of the lower Whanganui River, now mainly centred at Kaiwhaiki.<sup>10</sup>

Ngā Wairiki, especially the group known as Ngārīki or Ngā Ariki, also descend from the early people known as Te Kāhui Rere. These early people were also ancestral to Ngā Rauru, whose rohe includes southern Taranaki, Kai Iwi, and parts of the north-west bank of the Whanganui River. Ngā Wairiki also have lines of descent from ancestors connected with the Aotea canoe, especially Aokehu.<sup>11</sup>

Turama Hawira was called as an expert witness in

mātauranga Māori, including matters of whakapapa, by many groups of claimants in the Whanganui inquiry district. He told us:

The origins of Nga Wairiki emanate from three key rootstock[s] – they are Paerangi, Nga Rauru (Te Kahui Rere) and the descendants of Aotea (including those of Ngati Apaaparangi and others of Kurahaupo who [transhipped to and] came on Aotea). At a latter stage, by virtue of intermarriage, are the key marriages to Ngati Apa who migrated from Kawerau.<sup>12</sup>

Ngā Wairiki arrived before the main migration of large sailing waka such as the Aotea and Kurahaupō. Ngā Ariki claimants explain that ‘Ngā Wairiki is an iwi in the sense of a long established ancient tangata whenua.’ They consider that the ‘Ngā’ usually used in the name (instead of Ngāti) shows that Ngā Wairiki belongs to the category of other early tangata whenua groups whose origins pre-date the main migration. These early tangata whenua iwi include Ngā Ruahine, Ngā Paerangi, Ngā Rauru, and others.<sup>13</sup> ‘The teachings of our tupuna tell us that Nga Wairiki were always here. They were the original occupiers of the whenua before Ngati Apa.’<sup>14</sup>

Important descendants of this mix of origins from whom land claims were made in the Native Land Court included Namunamu (Manumanu) and Whainu and her husband, Tūkōrero, and their children, Apaapa, Mākohu, and others.<sup>15</sup>

Much traditional evidence concerning Ngā Wairiki ancestors can be found in Whanganui technical evidence. It includes Native Land Court evidence concerning the land blocks claimed by Ngā Wairiki themselves or under the names of their various constituent hapū.

The following kōrero are samples of what we were told.

The elders of the Ngā Wairiki ancestor Manumanu reared his children in Te Ūwhi Pā on the Matawhitia block; Te Ūwhi o te Rangī was actually the name of the house in the pā. Manumanu found it difficult to have provisions carried up to that pā. He was the first to propose the building



of another pā, Te Rewa, on the Te Rimu block to seaward, where he and Te Ata were the principal chiefs. Wekenui, Pitatangi, Ratanui, and Te Rimu itself were places used as cultivations in that district. The Ngā Wairiki pā called Tautarawhata was on the other side of the Mangawhero River from Te Rewa.<sup>16</sup>

Manumanu's sons, Kāpea and Taikakoia, succeeded him as chiefs at Te Rewa, but they later occupied the Tokorangi block, following in the footsteps of their father, who had been the first to establish plantations there. The Tokorangi block was sometimes known to Ngā Wairiki as 'Te Whare o Namunamu' (Namunamu's, or Manumanu's, house).<sup>17</sup> The south of Matawhitia belonged to the hapū Ngāti Houmāhanga, who were descendants of Manumanu. Their lands included Ōtūangiāngi, Mangamahu, and Tokorangi.<sup>18</sup> All these places were on or about the banks of the Mangawhero River or in its vicinity.

On the Heao block, the ancestor was Taiwiri. (Descended from Paerangi, Taiwiri was also an important ancestor of Ngāti Rangī, further inland.) The Ōwhangaroa block was claimed from the ancestors Kaikau and Te Aponga. Tūkōrero, eponymous ancestor of Ngāti Tūkōrero, had a pā on this block called Ōwhangaroa (Whainu and Tūkōrero's child, Mākohu, and his descendents lived there) and a settlement at Rangiora. Ngāti Tūkōrero had another pā on the Ōtamoa 2 block and mahinga kai for kiore and birds on the Taungatutu block. Ngāti Hinga occupied the Te Maire and Paratieke blocks, along with (in the latter case) other Ngā Wairiki hapū. Ngāti Houmāhanga occupied the Ōkirae block, among others, and descendants occupied as far as Ōhineiti (on the western edge of the Ngā Wairiki rohe) until three generations before the hearing. There were pā tuna of Ngā Wairiki people on the Matahiwi block.<sup>19</sup>

### 2.3 NGĀ WAIRIKI, CIRCA 1820–45

In the decades before 1840, Ngā Wairiki were much buffeted by invading peoples from the north, while at the

same time there was constant, local, intergroup war from southern Taranaki to the Kapiti coast. At times, Ngā Wairiki took refuge from attackers in the Ruahine Range; at other times, they made stands against invaders: some were disastrous, resulting in many deaths. At these times, they sometimes turned to their more numerous and therefore more powerful Ngāti Apa kin for assistance.<sup>20</sup>

One important incident in this period involved war between Ngā Wairiki and Whanganui over the death of a Ngā Wairiki woman, Waina or Whaina. The resulting battle took place at Kōhurupō Pā (on the Whanganui side of the Whangaehu River). Both Ngā Wairiki and Ngāti Apa sources refer to the death of the great Whanganui chief Takarangi at the hands of Ngā Wairiki people during this battle as the decisive event of the 1830s. It demonstrated not only Ngā Wairiki's independence but also their offensive and defensive alliances with Ngāti Apa and Ngāti Raukawa.<sup>21</sup>

Ngāti Apa researchers said this about the battle:

In the 1830s there was fighting throughout the Nga Wairiki, Whanganui and South Taranaki districts. During this period, a warparty from Whanganui or Nga Rauru killed a Ngati Huru women [*sic*] named Waina [or Whaingā] who was married to a Ngati Ratua man named Te Mana o Tawhaki. The people of Nga Wairiki subsequently enlisted the support of a Ngati Raukawa hapu and fought Whanganui at a fighting pa called Kohurupo. Nga Wairiki had challenged Whanganui to the fight and were subsequently defending the pa from the Whanganui attackers. In the course of the battle, the highly esteemed Whanganui leader Takarangi Atua was killed. Following his death, Whanganui retreated.<sup>22</sup>

Tony Walzl was given an oral version of this event which shows a different take:

Kohurupu . . . [was] where a Whanganui taua once came down and planted potatoes on Ngawairiki ground. One of the men of Ngawairiki came along and

ripped all the potatoes out as a sign of defiance. The ensuing fight took place at Kohurupu. Takarangiataua was killed.<sup>23</sup>

David Young, who reported on traditional history for the southern Whanganui area, gives an elaborate account of the many events of intertribal war preceding Kōhurupō. He speaks of Ngā Wairiki and their ‘neighbours’, Ngariki, taking part in these wars. He terms both groups ‘hapu of Ngāti Apa’ (but in inverted commas), and relates their various battles against Ngāti Apa just before the battle of Kōhurupō. After the destruction of Te Pēhi Tūroa’s kūmara, ‘such as Ngā Wairiki’s fear of retribution, they retreated first to Kauangaroa, then to Kōhurupō, just below Matatera.’ This pā was:

on the Whanganui side of the Whangaehu River, and there they waited for the expected attack with a strong garrison of Ngāti Apa, Ngariki and Tupataua, under the command of Turangapito. They had not long to wait. A large party of Rongomaitawhiri, Nga Paerangi, and other Whanganui tribes, under the leadership of Takarangi and Tauria, travelled to Whangaehu, where they commenced a night attack.<sup>24</sup>

Takarangi was killed during the night, and the pā took its name from the event (Kōhuru-pō, killed by night).<sup>25</sup>

Following this battle, Ngā Wairiki and Ngāti Apa all retreated via Kauangaroa to Parewanui at Rangitikei, still fearing massive retaliation for the death of Takarangi. Peace was made, however. Not long afterwards, Te Rangihaeata of Ngāti Toa was in the district, attacking Ngāti Maero and Ngāti Rangiwaho, who were Ngāti Apa people living in the Awamate pā in southern Rangitikei. At that time, some Ngā Wairiki people were living at Waipū, near the coast between the Turakina and Whangaehu Rivers. One of their visitors, passing through on his way to Whanganui, was Te Aokehu, a grand-uncle of Te Hākeke. ‘When the Wairiki people heard the guns of the invaders they rushed to Rangitikei, leaving Te Aokehu and a few

others to fight, and so by evening Te Aokehu and all his people had been killed.’<sup>26</sup>

Sometimes, though, Ngā Wairiki did not retreat towards Rangitikei but went the other way, to take refuge with their Whanganui kin at Parikino or at other Whanganui locations. At this time, the mid-1840s, Ngā Wairiki were known to officials and missionaries, such as Donald McLean or Richard Taylor, as the ‘Mangawhero tribe’ or ‘Maungawhero tribe’, probably from the valley in which they were concentrated at the time they were encountered. ‘Mangawero’ was also a common spelling.<sup>27</sup>

For example, in January 1845, the ‘Mangawero’ people were in the Whanganui area, apparently taking refuge there from the Tūwharetoa and Ngāti Maniapoto taua led by Te Heuheu and Taonui, their such second expedition against Waitōtara. Te Heuheu’s war party had killed or driven off 300 of the Mangawhero people’s pigs, which they had been reserving for the Whanganui market.<sup>28</sup> They were still in the Whanganui district in November 1845, when Taylor visited Parikino; he described it as ‘a pā inhabited chiefly by the Mangawero Mairehokoro and Ikumikau natives.’<sup>29</sup> Mr Walzl quotes the explanation given by Rēneti Tapa (of Ngā Poutama, Ngāti Hinearō, and other hapū):

. . . Te Heuheu’s war party came to Pukohu and the people of Mangawhero left Pukohu and came to Hikunikau for safety and [so] also did the people of Atene . . . It was then that the chiefs Pirato, Wharekako, Reihana Te Urumingi, Noa Tahunuiarangi, Parera, Anaru, Te Aokapurangi, Tamati te Rehe, Raipato, Auama and others of N’Tuera, N’Tumango, N’Hinearō and Ngapoutama arranged that they should move from Hikunikau to Parikino and build a pā there because Hikunikau was so small and the land for cultivation was limited.<sup>30</sup>

Mr Walzl records that Ngāti Tūkōrero were among those at Parikino but left in 1864 to return to Mangawhero. Other Mangawhero people moved west across the Whanganui River from Parikino to the Kaitangata block

and lived there four or five years before some returned to Mangawhero. Hōne Tūmango gave evidence that some Mangawhero people remained at Parikino or Kaitangata and never did return.<sup>31</sup>

#### 2.4 NGĀ WAIRIKI AND THE CROWN IN THE EARLY COLONIAL PERIOD

In the mid-1840s, the colonial government was preparing (on behalf of the New Zealand Company) to purchase land in Whanganui, and then from Whangaehu to Turakina. Donald McLean, officially a police inspector but unofficially (until 1850) the Crown's chief land purchase officer, became the principal Crown agent involved.

To set the background briefly, Governor Grey's imperative was to purchase large blocks from Māori between Wellington and Taranaki. He wished to purchase them as cheaply as possible so as to create revenue for the impoverished Government in the financial space between the prices paid to Māori and the prices at which the land was sold to settlers. His policy was to suppress by ordinance Māori attempts to lease their lands to incoming settlers and to purchase land from Wellington to Taranaki well in advance of settler needs. In this way, he hoped that the European demand for land would not put upwards pressure on the prices paid to Māori, while pressure to sell was brought to bear on them for the lack of another market. He also hoped that extensive land purchases in the Wellington–Taranaki region would create a zone of European dominance and establish control over land-selling tribes.<sup>32</sup>

The purchases at Whanganui and Rangitikei–Turakina were taking shape against a disturbed background of war in the north and in the Hutt and Porirua. The latter war involved upper Whanganui Māori and saw migrant peoples such as Ngāti Toa and Ngāti Raukawa, with Whanganui help, pitted against the claims of the New Zealand Company. The colonial government was dealing

both with the threats of Te Rangihaeata and his opposition to any sales on the Manawatū–Rangitikei side of the Rangitikei–Turakina purchase and with more opposition by Tūwharetoa, Ngāti Waewae, and others of the Taupō–Tongariro region to sales of land further inland than Te Houhou and Ōtara.<sup>33</sup> To the south, many Ngāti Raukawa were initially opposed to the right of Ngāti Apa to sell anything at all (since Ngāti Raukawa, like Te Rangihaeata, considered them a defeated people).<sup>34</sup>

At the same time, further north, the negotiations to complete a Whanganui purchase for the New Zealand Company were on-going from the period of William Spain's land claims commission and the decisions of the two governments (imperial and colonial) of 1842–43. It is not proposed in this report to go into the detail or the rights and wrongs of this Whanganui purchase. Here, we will merely trace the events that directly affected Ngā Wairiki.

##### 2.4.1 Donald McLean and colleagues

We turn now to the activities of Donald McLean and his colleagues in the rohe of Ngā Wairiki in the 1840s.

In 1846, McLean was stunned at the incompetence of those who had preceded him in negotiating the Whanganui purchase; they had not discovered that those he categorised as 'the Rangitikei natives' (the communities from Whangaehu to Rangitikei) had substantial claims to land from almost immediately south of the Whanganui River.<sup>35</sup>

McLean set off with his party on 5 May 1846 and soon verified that Āperahama Tipae and his Whangaehu people claimed an area of about 7000 acres, from Motu Karaka, or Wilson's Bluff, inland to an area between Wiritoa and the Paure lake. Tipae was indignant that he had not been previously consulted and threatened to turn off company squatters unless his interests were acknowledged. His claims were supported by the Pūtiki chief Te Māwae.<sup>36</sup>

When demands for more reserves escalated and

rumours circulated of renewed war in the Hutt, McLean's colleague, JJ Symonds, broke off purchase negotiations in June 1846, and McLean did not return to investigate the Whanganui purchase until the end of 1847. At that time, he acknowledged that Tipae was 'one of the principal chiefs and representatives of tribes who have claims to land in the New Zealand Company's block . . . at Wanganui'.<sup>37</sup> In the end, Tipae was persuaded to accept only a small reserve and a small part of the payment. In the list of payments for the Whanganui purchase, Tipae received £80 on behalf of 'Whangaehu' and 'Anaru' received £20 on behalf of 'Mangawhero'. Bruce Stirling identifies the 'Anaru' who received the payment for the Mangawhero people as Anaru Ngamanako.<sup>38</sup>

#### (1) *The Rangitikei–Turakina cession, 1849*

Not long after the completion of the Whanganui purchase in 1848, McLean turned his attention to the purchase of the Whangaehu–Rangitikei district. In that and the subsequent year, Āperahama Tipae, on behalf of the people of Whangaehu and Turakina, and Te Hākeke, on behalf of those of Rangitikei, made repeated offers to sell their lands to the Crown.<sup>39</sup> Their desire for prosperity for their respective communities through settlement and trade was threatened by the continued opposition of Te Rangihaeata to any sales of land and by the position of Ngāti Raukawa, most of whose chiefs by 1849 recognised the right of Ngāti Apa to sell land north of the Rangitikei but some of whom, McLean suspected, were prone to moments of secret support for Te Rangihaeata.<sup>40</sup>

Some Ngāti Raukawa chiefs, such as Nepia Taratoa, recognised Ngāti Apa's right to sell land north of Omarupapako, a place only a few miles north of the Manawatu River.<sup>41</sup> But others only reluctantly acknowledged their right to sell land north of the Rangitikei River. In addition, Ngāti Apa were being threatened from the north; Te Heuheu sent people to occupy various locations so as to prevent the encroachment of land purchases further inland than Te Houhou on the Rangitikei River.<sup>42</sup>

Again, we do not propose to go into all the details

of McLean's eventually successful negotiations over the Rangitikei–Turakina purchase, the haggling over the price and the inland boundaries, the meetings and correspondence with each chief in 1849, and the final public meeting.

McLean's understanding of the local people, and his actions with regard to Ngā Wairiki, became critical when he began to explore the block and set the boundaries of the purchase and reserves.

#### (2) *McLean and 'the Mangawhero tribe'*

McLean seems to have thought, for at least part of 1848, that the name 'Ngāti Apa' meant something akin to 'tangata whenua'. In his diary, he noted that Ngāti Apa were the original owners of the country. They lived, he said, 'from Whangaehu to Port Nicholson the range of Tararua to Manawatu and Te Ahu o Turanga Te Parapara Ruahine being the line between them and the Ngatikahungunu'.<sup>43</sup>

The presence of Rangitāne and Muaūpoko, among others, made a nonsense of this understanding that 'Ngāti Apa' owned the land from Whangaehu to Te Whanganui-a-Tara, unless by this term he meant all tangata whenua living in the region before the Waikato and Taranaki migrations.

Later, his understanding became more refined: in an undated note in a diary headed '4 March to 13 May 1848', McLean scribbled a version of the estimated numbers of various iwi he had encountered. He made several such counts from different sources, and in this one, after noting that 'The Ngati Apas by native reckoning may be estimated as follows', he listed:

Males 200	Women 130	lads 70	Total 400
Muapoka			
[Muaūpoko men] 140	Women 70	Boys Girls 70	280
Rangitane [men] 130	Women 75	Children 60	265
Mangawero 60 men	50 women	60 children	165 [sic] <sup>44</sup>

From the context, we consider it safe to assume that those labelled 'Mangawero' were that part of Ngā Wairiki concentrated in the Mangawhero River environs.

McLean next encountered Ngā Wairiki while he was

exploring up the Turakina River with a party of Ngāti Apa guides on 27 March 1849. He recorded:

at a bend [of the] Turakina which takes a NE direction the natives camped to cook . . . and objected to proceed further along the Turakina banks stating that the ridge of hills in front of us named Pareroa was claimed by the Mangawhero tribe distance about 6½ or 7 miles from Turakina Pa – this difficulty of an intersecting claim so soon was unexpected on my part and it is probable that the natives wish only to conceal their real claims under the pretence of its being the property of another tribe.<sup>45</sup>

The next day, McLean recorded in his diary a discussion concerning the land between the Turakina and Rangitikei Rivers:

In the evening the natives asked me what I thought of the boundary and what I wished respecting it I replied that I should not acknowledge any boundary in the Ngatiapa claim between the two rivers right up to the interior ranges of Otairi . . .<sup>46</sup>

He also later told them: ‘as an ample reserve was made for them between the Turakina and Whangaehu Rivers I would not recognise any boundary or pretended claims limiting the Europeans.’<sup>47</sup>

On 2 April 1849, McLean wrote:

The natives [are] squabbling about the subdivisions of their hapus which they have written down and with wonderful skill practise some little impositions by putting down names of one party in two or three different hapus and giving the same person different names . . . so as to be included two or three times in receiving compensation.<sup>48</sup>

The following day, he was able to write:

they have done away with all boundaries that I disapprove of and sell from the sea to the utmost limits of their interior claims at Otarā and Otairi where however I find the Wanganui people intersect more of the

Ngatiapas so that my instructions not to define any particular range as a boundary may apply to this case.<sup>49</sup>

On 4 April, McLean was busy ‘writing & correcting hapus at Turakina’, and on 7 April he had a ‘Conference with Mangawhero natives about their land’, which ended in ‘their going to consult with the Wangaehu people on the subject.’<sup>50</sup> In a diary marked April and June 1849, he noted the ‘Names of boundaries of land offered for sale by the Mangawhero tribe by Kawana Te [Iki] & Matiu Pa Harakeki.’<sup>51</sup>

David Armstrong notes that, on or around 18 to 20 April 1849, negotiations appear to have taken place with the ‘Maungawhero’ natives in respect of 20,000 to 30,000 acres ‘on the north bank of the Whangaehu and extending inland to the Maungawhero River.’<sup>52</sup> Mr Armstrong comments:

As we have seen Ngati Apa had already pointed to the existence of rights claimed by these people, but this had been summarily rejected by McLean as a stratagem to obtain further payment or reserves. But clearly he now found it necessary to deal with these Maungawhero people separately.<sup>53</sup>

McLean described the land on offer by Ngā Wairiki as commencing ‘a little way below the Maungawhero River and joins the Wanganui (*sic*) boundary including all the land worth acquiring in this neighbourhood’.<sup>54</sup>

McLean and the surveyor, Park, then travelled on, calling in at ‘Matetera’ (Matatera) on their way across to the Turakina River; there, McLean noted in his journal that the people of that place opposed the sale of ‘portions of land in the interior.’ They also called in at Otakapo, where McLean agreed to a request for the reserve of ‘eel cuts and cultivations’. Again, at Tini Waitara, an area of about 900 acres bounded by the Mākirikiri Stream was reserved.<sup>55</sup>

McLean arranged for the first instalment of payment for the Rangitikei–Turakina purchase to be £1000. At that time, he decided to include the Mangawhero district in the ‘present arrangement without drawing on the [New



Zealand] Company for more funds. McLean's arrangement meant that more land was included in the purchase than planned, but the total price of £2500 was not increased.

Mr Armstrong comments that the Māori owners of the whole area purchased (from the Whanganui side of the Whangaehu River to Rangitikei) were required to spread the payment more thinly, and were in effect subsidising the New Zealand Company's acquisition of the Mangawhero district. In this practice, Mr Armstrong considers that McLean was following the precedent he had already established in Whanganui, where he acquired more than twice the land in 1848 (more than 86,000 acres) for the same amount of money as was originally promised for only 40,000 acres.<sup>56</sup>

McLean's plan for the future was to relocate the whole of Ngāti Apa from their then homes around Parewanui at Rangitikei to the large tribal reserve between the Whangaehu and Turakina Rivers. He considered that the land was 'peculiarly adapted from its well defined natural boundaries for a reserve' and that its extent would 'also render it a sufficient and desirable situation for the eventual settlement of the whole tribe'.<sup>57</sup>

This would leave the entire territory from south of the Turakina River to the Rangitikei River (and eventually onwards, McLean hoped, to the Manawatū River) free for European settlement. But because Ngāti Apa retained lands at Parewanui, outside the large Whangaehu–Turakina tribal reserve, a number of hapū did not in the end systematically relocate to the riverine lands. The 'tribal reserve' was not divided or allocated among 'all the men of Ngāti Apa'. Instead, as Mr Armstrong puts it, 'Ngawairiki and other hapu who had traditionally occupied the land simply continued to do so as hitherto'.<sup>58</sup>

We note that the Rangitikei–Turakina purchase deed of 1849 defined the sellers as 'we the Chiefs and people of *Ngatiapa of Mangawhero and other places*' (emphasis added). In contrast, however, the wording for the Turakina–Whangaehu reserve was:

Ko te whenua katoa ki waenganui o nga awa o Turakina o Whangaehu e wakatapua ana hei wahi huihuinga iho mo matou katoa *mo nga tangata o Ngatiapa*.

The whole of the land between Turakina and Whangaehu rivers are reserved to be a gathering place *for the men of Ngatiapa*. [Emphasis added].<sup>59</sup>

#### 2.4.2 Tribunal comment

It is clear, given all the evidence from McLean's papers and diaries cited above, that the Crown agent was aware of a people he called the 'Mangawhero' tribe. He counted them in his rough census of 1848; he knew their boundaries from his 'conference' of 7 April 1849, and on another occasion he was given the names of the boundaries by Kāwana Te Iki and Matiu Pāharakeke. In March and April 1849, he traversed much of the land they claimed. He was aware, again from his conference with them on 7 April 1849, that they had some kind of close relationship with Āperahama Tipae and the people of Whangaehu down-river, with whom they had felt it necessary to confer. At Matatera, he had been made aware of objections to the sale of some portions of the interior.

McLean knew that these 'Mangawhero' people were not the same people as Ngāti Apa. On 27 March 1849, his Ngāti Apa guides had pointed out where the Mangawhero lands began, intersecting their own claims, on a ridge called Pareroa 6½ or seven miles inland from Turakina Pā. The Ngāti Apa guides had refused to enter these lands. It is less certain if McLean distinguished the Mangawhero people from those of Whanganui, since on 3 April 1849 he thought that the 'Ngati Apa' claim was intersected by those of 'the Whanganui people'. He had been made aware by Āperahama Tipae himself as early as May 1846 that his people's claim was extensive, and separate from those of the peoples of Whanganui and Rangitikei.

McLean was intently focused on extinguishing all Māori

claims in a given district and in acquiring a large chunk of the zone of European dominance that Governor Grey sought to establish between Wellington and Taranaki. He wanted to achieve this objective as expediently as possible, with the minimum expenditure of political effort and money. This meant dealing as much as possible with a single Māori entity. It also meant refusing to listen to ‘intersecting claims’, brushing aside protests against the sale of particular areas, and organising the sellers into a single system of hapū and list of sellers dictated by McLean himself. We agree with Mr Armstrong that:

McLean was not interested in identifying, acknowledging and compensating a range of diverse customary interests. He took little or no account of the complex lattice of customary relationships and whakapapa through which access to land and resources were determined and maintained . . . McLean declined to allow the chiefs of each particular area to come to their own arrangements with him. Instead he simply ignored any boundary he did not ‘approve of’ and insisted that all should combine and sell the land in one block.<sup>60</sup>

As for the creation of one tribal reserve on which all the people of Whangaehu, Mangawhero, and Turakina already lived and on to which those of Rangitikei were supposed to relocate, this was not just a measure of expediency. It was a deliberate imposition of new interests in lands already claimed through ancestry and occupation by other groups.

As noted above, the Rangitikei–Turakina cession was from the chiefs of Ngāti Apa, the chiefs of Mangawhero (Ngā Wairiki), and the chiefs of ‘other places’ (many of them of Ngā Wairiki). Yet, the reserve became the property of the ‘men of Ngāti Apa’, a tribal reserve for Ngāti Apa alone. As will be seen in the next section, this ‘Ngāti Apa tribal reserve’ designation was a problem in the Native Land Court and was eventually resolved by legislation.

The signing of the Rangitikei–Turakina deed on 15 May 1849 was when McLean’s will prevailed. By vesting

the Whangaehu–Turakina reserve in Ngāti Apa (rather than in Ngāti Apa and in the Mangawhero people and their kin down-river), the people from Whangaehu to south of Rangitikei were converted willy-nilly, and in the face of protest from diverse communities, into one entity. That was the day when the identity of Ngā Wairiki – the Mangawhero tribe – was first officially repressed.

## 2.5 NGĀ WAIRIKI IN THE NATIVE LAND COURT

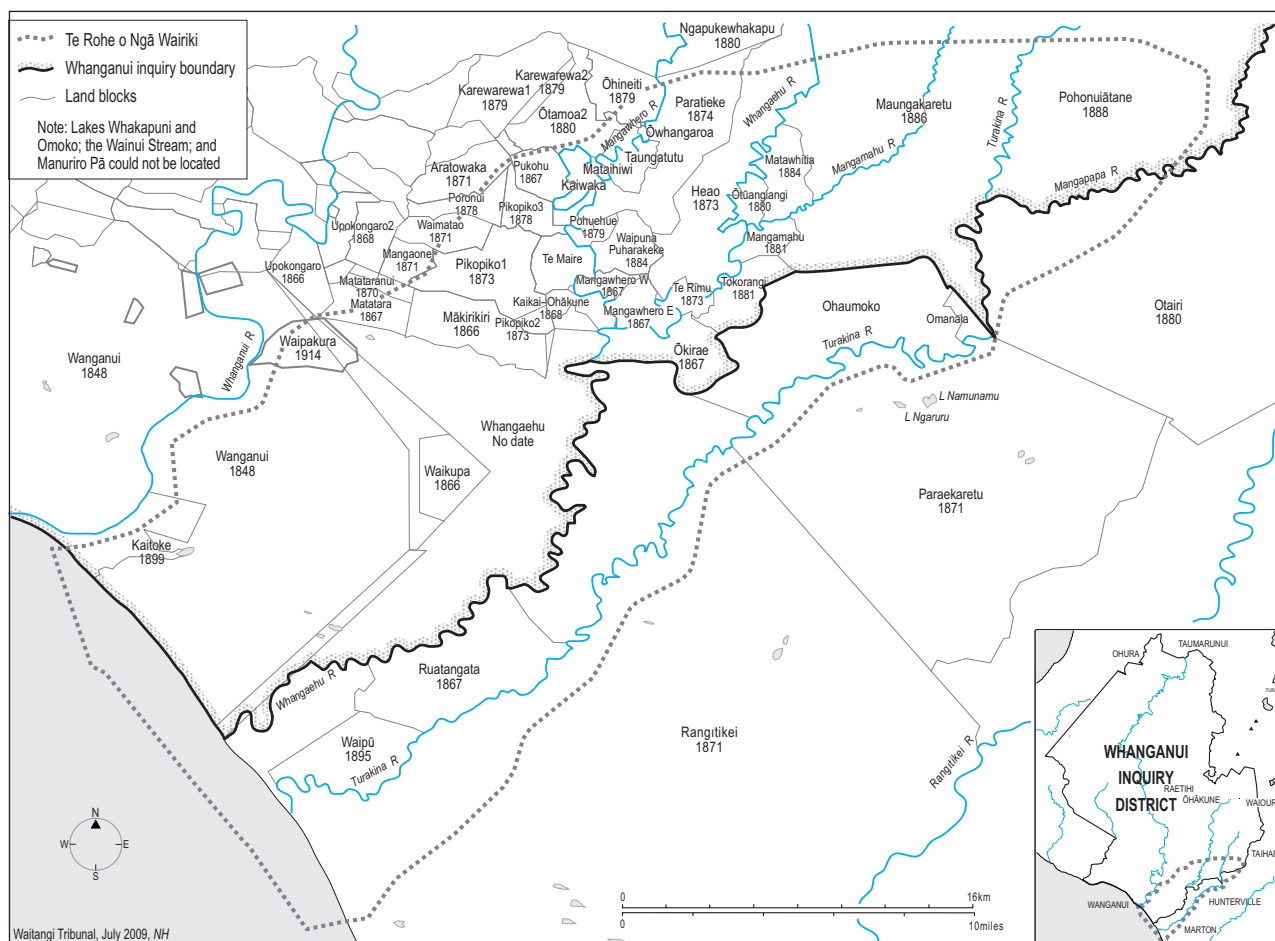
### 2.5.1 The cases

The award of the land between the Whangaehu and Turakina Rivers to Ngāti Apa alone meant that ‘the Mangawhero’ tribe’s recognition and identity as a separate people was undermined. While they continued to live quietly at Kauangaroa, Matatera, and other places, and although some Government officials were aware of them by their proper name, Ngā Wairiki, up to 1874, from that time onwards they disappeared as a ‘tribe’ from official cognisance, and were instead listed as a hapū of Ngāti Apa. Their subsumption under the mantle of Ngāti Apa is discussed in the next section.

Ngā Wairiki had a brief resurgence in the 1870s and 1880s in the Native Land Court. This was because McLean’s ‘tribal reserve’ for ‘the men of Ngāti Apa’ was to create problems in determining title to the lands between the Whangaehu and Turakina.

The Native Land Court, instituted under the 1862 and 1865 Native Land Acts, began to function in the Whanganui and Rangitikei districts in 1866. Many of the Whangaehu and Turakina hearings were held in Marton rather than Whanganui. Almost at once, claims to the Turakina–Whangaehu blocks began to surface.

The question was whether the Native Land Court had jurisdiction. The court had jurisdiction only if the Whangaehu–Turakina reserve, created under the 1849 deed, was not a reserve under section 14 of the New



Map 1: Land blocks in the Ngā Wairiki rohe

Zealand Natives Reserves Act 1856, section 7 of the Native Reserves Amendment Act 1862, or later Acts, or was not a reserve created by the Crown on behalf of the New Zealand Company.

Also at issue was whether, if it did have jurisdiction, the court had to take into account McLean's 1849 award to 'the men of Ngati Apa' or could decide on title to different sections of the reserve by its own criteria, which were those of custom, ancestry, and occupation.

The issue arose in relation to the Ruatangata block in 1867 (see map 1).<sup>61</sup> The applicant, Āperahama Tīpae, mentioned the 1849 deed in court but claimed the block in the names of Ngāti Rangiwhakaturia, Ngāti Ratua, and others; Reihana Terekuku counterclaimed as Ngāti Rangiwhakaturia and Ngāi Tamaea. Additional local hapū were mentioned by other witnesses. (All these hapū are included in the list of Ngā Wairiki hapū given above in the Ngāti Apa website.)



Kāwana Hunia Te Hākeke then gave evidence. He produced a copy of the 1849 Rangitikei–Turakina deed and testified that the land between the Whangaehu and Turakina Rivers was to be a reserve set apart for all Ngāti Apa. In what seems to have been a compromise, the land was granted to Āperahama Tīpae as trustee for the whole Ngāti Apa tribe.<sup>62</sup>

Mr Armstrong records that there was official doubt that this court order was legal. The thought was that the order of the court was void and *ultra vires* the native land legislation of the time, which did not allow land to be held in trust for a whole tribe by a chief in this way. Āperahama Tīpae was named as owner, not trustee, in the certificate of title, but the land was memorialised as inalienable and Tīpae was named as trustee for Ngāti Apa.<sup>63</sup> When the block came up for subdivision in 1878, the court informed Tīpae that it had no jurisdiction and the case was dismissed.<sup>64</sup>

Other similar cases came before the court: Mangatipona was claimed by Hōne Hira Katoariki on behalf of Ngāti Huru and Ngāti Paenga of Ngā Wairiki ‘of Ngati Apa’, but he again wanted the sole trustee to be Āperahama Tīpae, with the land to be apportioned by the chiefs and rūnanga of Ngāti Apa. The land was awarded to Tīpae and eight others, with a further 10 owners registered on the back of the title under section 17 of the Native Lands Act 1867.<sup>65</sup>

The Kumuiti block followed, then Te Puru; in each case the same arguments were raised. The Ngāti Apa chiefs considered the land was:

for the joint benefit of Ngati Apa, who sold Rangitikei to the Government. They therefore considered that arrangements for apportioning the land to hapu or individuals should be made only with the consent of the chiefs and Runanga of Ngati Apa and that ancestral claims should not be regarded as giving exclusive ownership to those who proposed them.<sup>66</sup>

Matters came to a head in the on-going Maputahi 2 case in 1881. Nehanara Te Kahu, of Ngā Wairiki, claimed that the land had been set aside for his own people and that the

people of Parewanui were granted only a temporary right of occupation there:

the lands from Turakina to Whangaehu were to be reserved for Ngati Apa alone. I understood that it was a general reserve for all – specially for Ngawairiki to whom I belong – in effect for Ngawairiki – That the Ngati Apa were to occupy it for five years – and then to remove to Parewanui . . . This arrangement was made at a meeting of the native tribes with Sir Donald McLean . . . When the lands were sold the whole between the rivers was reserved for the natives; my people, the Ngawairiki and others: the people of Turakina, Manga-whereo and Whangaehu are the Ngawairiki.<sup>67</sup>

Āperahama Tahunuiārangi took a different tack – his argument was that his people, Ngā Wairiki, were not part of the 1849 deed:

the people on my side who had rights . . . were not there to agree to it. My tribe, the Ngawairiki, would have a good claim over the whole of the [reserve] lands, as far as Manuiri. Ngawairiki is a proper tribe, who were loving friends of Ngati Apa . . . Ngawairiki were not heard at the time of the sale to McLean; Nehanara Te Kahu was their spokesman, but McLean would not listen to him. None of them signed the deed of cession but Aperahama Tīpae the old chief, who stands between the two tribes – so far as I know, he signed as Ngati Apa, and not as Ngawairiki; although his authority extended over both the tribes.<sup>68</sup>

The judges, Williams and O’Brien, felt an important legal point was at stake and sent for advice. They telegraphed Alexander Mackay, the commissioner of native reserves, about the status of the lands, asking ‘Are these lands, or any of them, considered as “Native Reserves” within the meaning of the Native Reserves Act 1873 – or are they within the jurisdiction of the Native Land Court – Please reply at once.’<sup>69</sup>

No reply has been found. Meanwhile, the case was adjourned. Maputahi 2 was eventually taken to the Supreme

Court by Walter Buller on behalf of Āperahama Tipae. Chief Justice Prendergast held that the Native Land Court had no jurisdiction over the reserves. As the court was an instrument for extinguishing customary native title, it could not extinguish for a second time that which had already been extinguished by the 1849 deed. The court duly dismissed the inter-riverine cases before it.<sup>70</sup>

But that was not the end of the story. Ngā Wairiki claimants then petitioned Parliament, and Buller worked to have the decision overturned by legislation. He was successful, and part of section 3 of the Native Reserves Act 1882 revoked the reserve status of the land. The section read:

it is hereby declared, that the whole of the land between the Turakina and Whangaehu Rivers, in the Whanganui District, which, by a deed of cession dated the fifteenth day of May, in the year one thousand eight hundred and forty-nine, was reserved by the owners thereof as a gathering place for the men of Ngātiapa, shall be deemed to have remained and to be Native land, and subject to the jurisdiction of the Court from the beginning.

A succession of blocks between the Turakina and Whangaehu Rivers was then awarded on the basis of ancestry and occupation. From time to time, attempts were still made by Wirihana Hunia and others of Ngāti Apa to claim through the 1849 deed, but they were effectively stymied by the 1882 legislation.

### 2.5.2 Tribunal comment

That a measure of confusion remained from the battle over the 1849 deed is evident in the land claims in the Native Land Court. People claimed sometimes as various hapū of the Ngā Wairiki ‘tribe’ but sometimes as hapū of Ngā Wairiki, itself described as ‘of Ngāti Apa’.

Like all blocks passing through the Native Land Court, these Whangaehu–Turakina blocks were awarded to lists of individuals. After their brief resurrection in the court, the names of some of the hapū under which the blocks

were claimed faded into obscurity. Although Ngā Wairiki people continued to live at Kauangaroa and Matatera and their environs, even their own iwi name became relatively obscure. We review the condition of Ngā Wairiki in the following decades and in the twentieth century in the next sections.

We cannot make findings on this gradual process of iwi and hapū decline as the fruit of the land court process, because the time available does not allow us to trace that process as it affected Ngā Wairiki blocks.

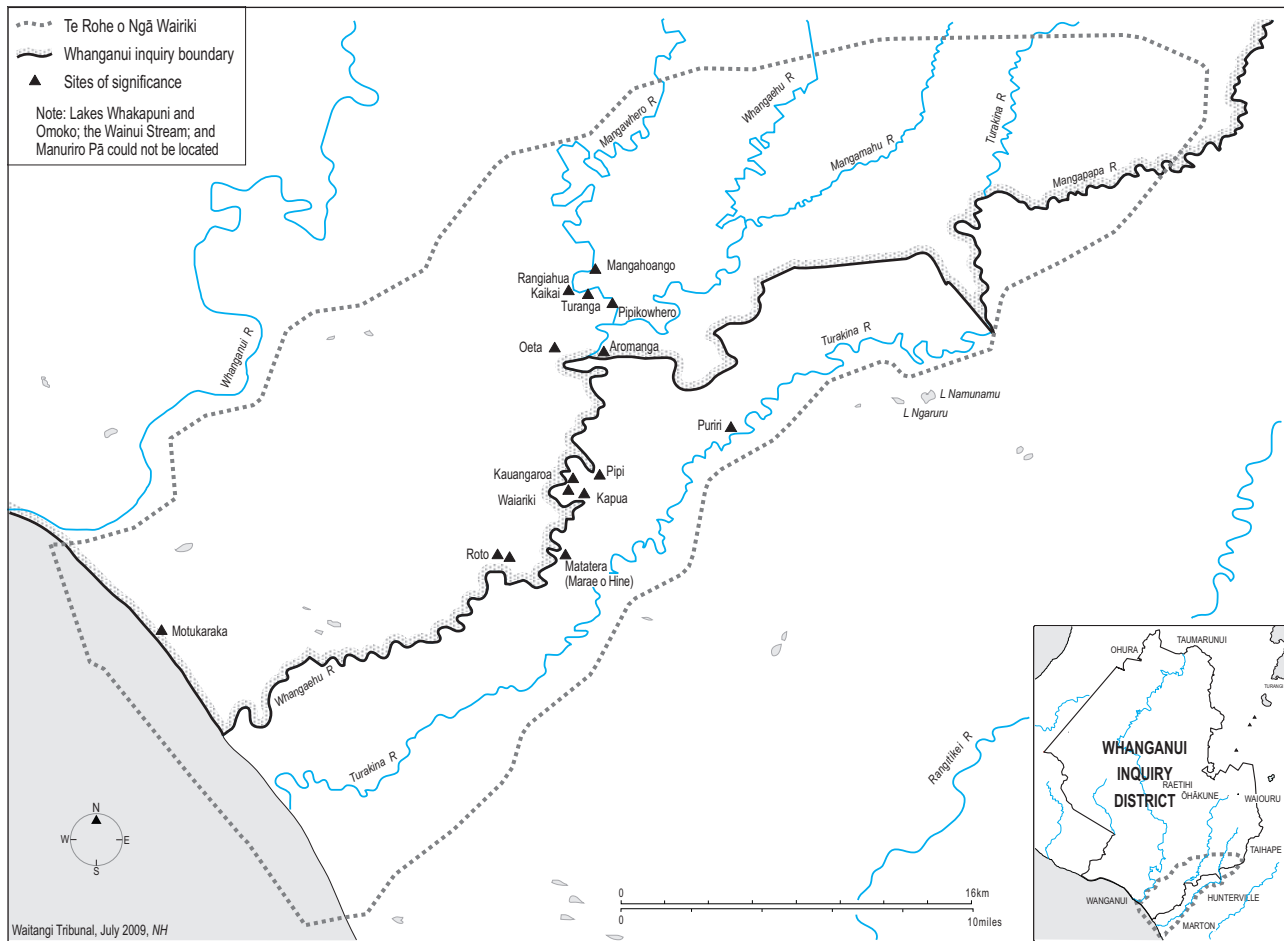
## 2.6 NGĀ WAIRIKI IDENTITY IN THE LATE NINETEENTH CENTURY

### 2.6.1 Introduction

In official documents of the early 1870s, Ngā Wairiki were sometimes recognised as a ‘tribe’, but from the late 1870s they were regarded as a ‘sub-tribe’ or ‘hapu’ of Ngāti Apa.<sup>71</sup>

In 1870, ‘Ngawairiki’ were listed in the census returns as a ‘tribe’ with six hapū: Ngāti Hine, Ngāti Hinga, Ngāti Houmāhanga, Ngāti Huru, Ngāti Tūhekerangi, and Ngāti Tūkōrero. There were 117 people in total, living from the north side of the Waitōtara River to Rangitikei.<sup>72</sup> In 1874, they were again listed as a ‘tribe’, this time with only one hapū listed, Ngāti Huru. Sixty lived at Matatera and 60 at Kauangaroa.<sup>73</sup>

But, in 1878, officials listed Ngā Wairiki as a ‘hapu’ or ‘subtribe’ of Ngāti Apa, living at Matatera and Kauangaroa. There were two lists. The published version had 100 people living at those locations.<sup>74</sup> The other, a manuscript tribal register kept by officials for the purposes of the census, gave details of 47 males, 27 females, 12 boys, and nine girls, a total of 95. The chiefs included Āperahama Tahunuiārangi, Paewai Te Tua, Pīrere, and Eruera Whakaahu. A second, much smaller, set of Ngā Wairiki lived at Whangaehu: nine males, including Āperahama Tipae and Te Wunu Rangiwerohia, seven women, one boy, and two girls.<sup>75</sup> In 1881, Ngā Wairiki were again listed as a hapū of Ngāti Apa, with 90 living at Matatera and Whangaehu.<sup>76</sup>



Map 2: Ngā Wairiki sites of significance

The official change from ‘tribe’ to ‘hapū of Ngāti Apa’ does seem to have taken place over time. We now look at how this happened.

**2.6.2 Ngāti Apa and Ngā Wairiki**

Ngāti Apa’s rohe once included the lands between the Rangitikei, Manawatū, and Oroua Rivers, including Hima-tangi. But the incursions before 1840 of northern peoples,

especially the many hapū of Ngāti Raukawa, the eventual accommodation of these migrating peoples on Ngāti Apa lands, and the early sales to the Crown, saw much of that land alienated.<sup>77</sup>

Turning back to their origins, the evidence before us is that Ngāti Apa take their name from Apa-hāpai-taketake, from whom they descend and who is sometimes represented as a child of Ruatea.<sup>78</sup> Ruatea’s origin is uncertain: most accounts associate him with the Kurahaupō waka, of

which he was said to be the commander, but others place him in Turi's canoe, Aotea. Still other accounts connect Apa-hāpai-taketake with Maka and Oro of the Te Arawa canoe.<sup>79</sup> Battles, migrations, and the passing of many generations account for the uncertainty of the numerous strands of early Ngāti Apa tradition.

What is clear is that, in the different surviving traditions, Apa-hāpai-taketake lived in the Bay of Plenty, either in the Kāwerau district or possibly at Matatā. His descendants migrated with the ancestors of Ngāti Manawa and Ngāti Whare to the Kaingaroa–Te Whāiti region, where they conquered and drove away an early people, Te Mārangaranga, and took their lands. From there, they spread into the Tarawera district in the headwaters of the Rangitikei and intermarried with the local people. After warring with Ngāti Tūwharetoa, Ngāti Apa migrated down the Rangitikei River to their present homeland, where they encountered Ngā Wairiki tangata whenua.<sup>80</sup> This was in the time of Takapū-mānuka (six generations inclusive descended from Apa-hāpai-taketake) and his contemporaries, the brothers Mātangi, Tairaponga, and Miromiro.<sup>81</sup>

Technical evidence, as well as the traditional evidence presented to us, suggests that Ngāti Apa arrived in the Rangitikei district considerably later than the development there of Ngā Wairiki as a people.<sup>82</sup> Ngā Wairiki people accepted, even welcomed, Ngāti Apa as allies, intermarried with them, and gave them land. Important descendants of Apa-hāpai-taketake from whom land blocks were claimed in the new homeland include Tonganui, Tūariki, and Papawhenua. Over many generations, intermarriage continued with Ngāti Apa and other surrounding descent groups. This meant that most Ngā Wairiki people could whakapapa to the ancestors of most of the surrounding peoples, including both the Whanganui and the Ngāti Apa groups.<sup>83</sup>

As far as we are aware, there are no traditions of early conquest by Ngā Wairiki over Ngāti Apa or by Ngāti Apa over Ngā Wairiki. There are none in the technical or traditional evidence or in the Wai 655 evidence presented to us.

The Ngāti Apa migration appears to have been welcomed and was legitimised by intermarriage and gifts of land.

In defining Ngā Wairiki as three collectives based in different locations on the rivers Mangawhero, Whangaehu, and Turakina, a key question asked by Ngāti Apa researchers was:

whether these three mana whenua collectives were in the habit of working together on occasions that required collective action at a level external to the mana whenua collectives, which may be defined as the 'iwi level'.<sup>84</sup>

They concluded that 'some instances in history show that Nga Wairiki did come together as one entity in times when a greater collective effort was required to deal with something external to Nga Wairiki'.<sup>85</sup> Te Roopu Rangahau o Ngāti Apa reasoned from these historical events that 'Nga Wairiki was, or is, an Iwi'.<sup>86</sup>

Ngāti Apa's research group, in the light of this conclusion, then went on to explore the on-going relationship between Ngāti Apa and Ngā Wairiki by recounting the subsequent events. In their account, in the 1830s Ngā Wairiki withdrew from their rohe and combined their forces for perhaps a decade with Ngāti Apa at Rangitikei.<sup>87</sup>

It was during this period that colonial government arrived, and Donald McLean began purchasing arrangements, as recounted above. The Ngāti Apa research group concludes that during this period the entire collective of Ngā Wairiki and the Rangitikei hapū were regarded by the Crown as Ngāti Apa.<sup>88</sup>

A Ngāti Apa website entry of 2005 described the subsequent relationship between the two groups as follows:

Our own research portrays Ngāti Apa as an alliance of Nga Wairiki and Rangitikei people which emerged from events in the 1820s, 1830s and 1840s. Nga Wairiki is an old name given to the river systems of Mangawhero, Whangaehu and Turakina. The different branches of Nga Wairiki and Rangitikei,

otherwise referred to as the hapu of both Nga Wairiki and Ngāti Apa, emphasised different ancestors and origins as the basis of their identity. These ancestors were not necessarily connected to Apahapaitaketake and the Kurahaupo waka, particularly in the case of Nga Wairiki.<sup>89</sup>

Te Roopu Rangahau o Ngāti Apa note that Ngā Wairiki leaders often proclaimed the independent iwi status of Ngā Wairiki in the Native Land Court. Witnesses for Ngāti Paenga, Ngāti Huru, Ngāti Tūkōrero, and Ngāti Houmāhanga did state at times that Ngā Wairiki was their iwi, not Ngāti Apa. But the research group considers that this was in response to Rangitikei (Ngāti Apa) leaders, who, in the Native Land Court, tended to claim Ngā Wairiki lands by virtue of the 1849 deed of purchase for the Rangitikei–Turakina block, as we have discussed above. This deed, drawn up by Donald McLean, declared that ‘the whole of the land between Turakina and Whangaehu Rivers [is] reserved to be a gathering place for the men of Ngātiapa. Neither Ngā Wairiki nor ‘Mangawhero’ are mentioned in this part of the deed.<sup>90</sup>

Ngāti Apa’s research group agrees that Āperahama Tahunuiārangi claimed that Manuiri on Ruatangata Road was on the boundary between Ngāti Apa and Ngā Wairiki but contends that the Ngā Wairiki statements in the land court were more about hapū autonomy than anything else. They say that, ‘Rather than a boundary for Nga Wairiki, this is a boundary for that collective of hapu of which Aperahama was a noted leader.’<sup>91</sup>

Ngāti Apa’s research group concludes that the collective formed in the 1830s for political and military purposes was ‘set in stone’ by Crown activities in the next decades. They say that, owing to several factors, including dealings with the Crown, Ngāti Apa is the iwi identity that has prevailed over time.<sup>92</sup>

This assessment accords with that of Turama Hawira of Ngā Wairiki (as well as of many other descent groups): ‘Events in history, particularly the sale of the Rangitikei

block to MacLean [McLean], and the rise of the prominent leadership under Te Keepa, Te Hakeke and others, subdued the identity and status of Nga Wairiki.’<sup>93</sup>

## 2.7 NGĀ WAIRIKI IN THE TWENTIETH CENTURY

### 2.7.1 Overview

Te Ngahina Mathews shows that in his childhood and youth the Kauangaroa people continued to live their lives as Ngā Wairiki as they always had: for example, at tangihanga they were greeted as Ngā Wairiki. He characterises the relationship between Ngāti Apa and Ngā Wairiki as ‘a rich and important part of both tribal identities.’<sup>94</sup>

Te Ngahina recalled that, as a close-knit community, everybody knew their whakapapa. The men earned money on local farms and big stations, but the major sources of sustenance came from the rivers and the sea. Kahawai and shark were caught at the mouth of the Whangaehu River, and eels and other species came from all three of the ‘wai riki’, in spite of the occasional toxicity of the Whangaehu owing to lahars. Ngā Wairiki had a strong relationship with the river system within their rohe. His elders taught him about the different wāhi tapu and the stories of the rohe. An urupā at Kauangaroa called Waiana was above a cave where their kaitiaki resided. Te Ngahina was taught the boundaries of the Ngā Wairiki rohe by his elder, Te Kohiti: they began south of the Turakina River at a place called Te Mai. He was taught the names of the old pā and kāinga, the names of the lakes within the rohe (Namunamu, Ngāruru, Whakapuni, and Ōmoko), and the names of five urupā. Te Ngahina considers that the community was weakened from the mid-twentieth century by Government policies that encouraged people to move to the towns, especially Whanganui.<sup>95</sup>

However, despite the strength of the Kauangaroa community in the early twentieth century, the claimants themselves recognise that, over the period of colonial and more recent history, Ngā Wairiki communities have declined.

Potonga Neilson speaks of wanting to ‘awaken’ Ngā Wairiki.<sup>96</sup> Megan Waitai speaks of Ngā Wairiki ‘regaining’ their full tino rangatiratanga and knowledge.<sup>97</sup>

While it may be the case that not all Ngā Wairiki can trace their descent from Apa-hāpai-taketake, on-going intermarriage between the two rohe of the ‘wai-riki’ and Rangitikei led to increased integration over the generations. This further submerged the identity of Ngā Wairiki. According to the Ngāti Apa website, the modern history of the two groups may be summarised thus: because of the manner in which reserves were allocated in the mid-nineteenth century, Ngāti Apa hapū of the Rangitikei district have all but disappeared in their homeland. Parewanui Marae ceased to function in the 1950s, and the remaining functioning marae are all in the Ngā Wairiki section of the Ngā Wairiki–Ngāti Apa alliance. They are the marae of Tini Waitara, Whangaehu, and Kauangaroa, plus two new whānau marae.<sup>98</sup>

### 2.7.2 Tribunal comment

We accept that Ngā Wairiki continued to be a living and recognised corporate entity on their various marae in the ‘wai riki’ rohe. We also accept, as Te Roopu Rangahau o Ngāti Apa asserts, that Ngāti Apa are now also acknowledged on those marae.

We have seen no evidence of protest by Ngā Wairiki people in the twentieth century against the general perception of them as one of two major sections of a generally recognised alliance of Ngā Wairiki–Ngāti Apa commonly known as Ngāti Apa.

Amongst the official papers and other records where such evidence might be found are the Māori electoral rolls for the early twentieth century. Had Ngā Wairiki people at that time – using the terminology of the day – registered themselves as, for example, Ngāti Paenga ‘subtribe’ of Ngā Wairiki ‘tribe’, that would be good evidence of their continuing to regard themselves as an iwi. Had there been letters to Māori or Pākehā newspapers, petitions to Parliament, or

letters to the successive Native and Māori Affairs Ministers in the name of Ngā Wairiki asserting continuing autonomy in that century, we could say more about Ngā Wairiki in the twentieth century.

Ngā Wairiki’s relative invisibility in most twentieth-century records is the measure of the extent to which their story in colonial times was cut off at the roots in 1849 and never really recovered. Ngā Wairiki are, in fact, simply not present in most recorded history, especially secondary sources, or are overlooked by writers whose expertise lies more in the analysis of primary documents and public records than in whakapapa.

### 2.8 TRIBUNAL DISCUSSION ON NGĀ WAIRIKI

We consider that, in some respects, the question of the identity of Ngā Wairiki and their relationships with Whanganui groups to the west and north, Ngāti Hauiti and others to the north, and Ngāti Apa to the south and east, is a problem deriving from colonial processes in the nineteenth century.

The pre-1840 ao kōhatu (traditional world) has been transformed since the onset of colonisation. Nineteenth-century colonising processes have been compounded from the later twentieth century by the iwi transition process, debates over the fisheries settlement, and Waitangi Tribunal or direct negotiations processes.

Iwi and hapū have been forced by the various colonial or more recent processes to define and confine themselves according to the Crown’s understanding of ranked descent groups. As a result, smaller groups (whether called hapū or iwi) have had to align themselves with larger, better known, neighbouring collectives to be recognised as entities that the Crown will deal with. While these days the Crown’s various agencies in general do their best to come to grips with whakapapa and tikanga, in essence they face much the same problem that Crown agent Donald McLean encountered in the territory between Whangaehu



and Rangitikei in the mid-nineteenth century. We hope that today the balance between expediency and ethics is rather different from that of his day.

Scholars point out that tribal entities wax and wane, and claimants in the Whanganui district inquiry have reinforced the idea that hapū can be ‘put to sleep’ or ‘re-emerge’ at times of change and human dispersal.<sup>99</sup> The claimants maintain that it is legitimate – that is, consistent with tikanga – for the descendants of those groups to choose how they identify themselves and with whom they associate themselves in terms of iwi.

Ngāti Apa, Ngā Wairiki, and Whanganui people often speak of their links with each other by whakapapa and intermarriage. We have claimants, for example, that present evidence legitimately as Ngā Wairiki on one occasion, as Ngā Paerangi on another day, and as other groups at other times and locations for different kaupapa (subjects, plans, or proposals). One Wai 655 claimant told us:

When travelling, I often played a mental game with myself reaffirming the boundaries. South of Whanganui I have my Ngāti Wairiki hat on, and when I cross the bridge at Wainui Stream I would have to take my Ngā Wairiki hat off and put on my Ngāti Apa hat. When I drive up to Kaiwhaiki . . . I put on my Ngā Paerangi hat.<sup>100</sup>

Probably, this is the way it has always been.

## Notes

1. Grant Huwyler, ‘Nga Wairiki Discussion Document’ (Marton: Te Roopu Rangahau o Ngāti Apa, 2003), p2 (David Young, comp, ‘Document Bank [and] Updated Bibliography for Traditional and Customary History: Southern Whanganui Cluster’ (Wellington: Crown Forestry Rental Trust, 2007) (doc A129(a)), sec 6, no 8, p 2)
2. George Matthews, ‘The Mana Whenua of Nga Wairiki’ (NP: Ngā Wairiki, 2007), p 2 (counsel for Ngā Wairiki, ‘Counsel’s Bundle of Documents in Wai 655’, [2007] (doc B51), p 61). A printout from the Ngāti Apa website states that ‘Nga Wairiki is an old name given to the river systems of Mangawhero, Whangaehu and Turakina’: Te Runanga o Ngāti Apa, ‘About Us’, Te Runanga o Ngāti Apa, [http://www.ngatiapa.iwi.nz/about/about\\_us.htm](http://www.ngatiapa.iwi.nz/about/about_us.htm) (accessed 17 August 2007) (‘Counsel’s Bundle of Documents’, p 70).

3. The Kaitoke Stream can be seen on plates 15 and 16 of Crown Forestry Rental Trust, ‘Southern Whanganui Cluster Mapbook: A Collective Map Book to Support Waitangi Tribunal Proceedings – Whanganui Inquiry District 2007’ (Wellington: Crown Forestry Rental Trust, 2007 (doc A140)).
4. See Crown Forestry Rental Trust, ‘Southern Whanganui Cluster Mapbook’, p178
5. Matthews, ‘The Mana Whenua of Nga Wairiki’, p 2 (counsel for Ngā Wairiki, ‘Counsel’s Bundle of Documents’, p 61)
6. See, for example, Crown Forestry Rental Trust, ‘Southern Whanganui Cluster Mapbook’, pls 78–80. Because of time constraints, we have been able to map only those places that appear in these plates.
7. Matthews, ‘The Mana Whenua of Nga Wairiki’, p 8 (counsel for Ngā Wairiki, ‘Counsel’s Bundle of Documents’, p 67). The location of Manuriro is not marked on the Ngā Wairiki plates in Crown Forestry Rental Trust, ‘Southern Whanganui Cluster Mapbook’.
8. Desmond Canterbury Te Ngaruru, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B31(a)), paras 4, 6, 13; Whakatakotoranga o Potonga Neilson, brief of evidence concerning Ngā Wairiki (English version), 10 August 2007 (doc B34(a)), paras 9–11; Matthews, ‘The Mana Whenua of Nga Wairiki’, pp 4, 6 (counsel for Ngā Wairiki, ‘Counsel’s Bundle of Documents’, pp 63, 65)
9. Te Runanga o Ngāti Apa, ‘About Us’, Te Runanga o Ngāti Apa, [http://www.ngatiapa.iwi.nz/about/about\\_us.htm](http://www.ngatiapa.iwi.nz/about/about_us.htm) (accessed 17 August 2007) (counsel for Ngā Wairiki, ‘Counsel’s Bundle of Documents’, p 70). These hapū are regarded by this group as the ‘wairiki’, as against the ‘Rangitikei’, sections of Ngāti Apa.
10. John Maihi, transcript of oral interview, 8, 10 February 2007 (Young, ‘Document Bank [and] Updated Bibliography’, sec 7, no 1), pp 1–2; Turama Thomas Hawira, brief of evidence concerning Ngā Wairiki, August 2007 (doc B32), para 6
11. Ruka Broughton, ‘The Origins of Ngaa Rauru Kiitahi’ (MA thesis, Victoria University, 1979) (English version) (Young, ‘Document Bank [and] Updated Bibliography’, sec 9, no 1), pp 42–45. Mr Broughton regards Ngā Ariki as a hapū of Ngā Rauru. However, Ngā Wairiki, Ngāti Apa, and Ngā Ariki regard themselves as part of Ngā Wairiki (see below). The differences of opinion arise from intermarriage and the relative weighting of lines of descent. See also Turama Hawira, brief of evidence, not dated (doc D44), para 42.
12. Turama Thomas Hawira, brief of evidence concerning Ngā Wairiki, August 2007 (doc B32), para 6
13. Desmond Canterbury Te Ngaruru, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B31(a)), paras 17–18; Whakatakotoranga o Potonga Neilson, brief of evidence concerning Ngā Wairiki (English version), 10 August 2007 (doc B34(a)), paras 16, 17
14. Mihi Meriana Henare, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B35), para 6

15. Tony Walzl, 'Whanganui Southern Cluster: Overview of Land Issues' (Whanganui: Southern Whanganui Cluster, 2004) (doc A68), p160
16. Ibid, pp160–161
17. George Ngatiamu Matthews, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B37), para 62
18. Walzl, 'Whanganui Southern Cluster', pp160–161
19. Ibid, pp161–162
20. Ngāti Apa of Rangitikei–Manawatū were a large and powerful people, with perhaps 180 or more hapū, as McLean was to discover (see below), before the many wars resulting from the invasions of Ngāti Toa, Ngāti Raukawa, and others.
21. Matthews, 'The Mana Whenua of Nga Wairiki', p7 (counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', p66); Te Runanga o Ngāti Apa, 'About Us', Te Runanga o Ngāti Apa, [http://www.ngatiapa.iwi.nz/about/about\\_us.htm](http://www.ngatiapa.iwi.nz/about/about_us.htm) (accessed 17 August 2007) (counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', p70); Huwyler, 'Nga Wairiki Discussion Document', p4
22. Huwyler, 'Nga Wairiki Discussion Document', p4. Both Ngāti Huru and Ngāti Ratua are listed by this research group as hapū of Ngā Wairiki.
23. Walzl, 'Whanganui Southern Cluster', p159. A much fuller account of this incident was given by Wirihana Hunia in the Pokowhoro block rehearing. He believed it was Pēhi Tūroa's people who were attempting to plant potatoes as a claim to land, as utu for a former defeat. The death of Whaina at the hands of Whanganui then occurred, followed by the Kōhurupō battle. Wirihana maintained that the leader of the taua was Te Hākeke, his grandfather, but he travelled via Kauangaroa and was joined by the people of Whangaehu and Turakina. After the death of Takarangī, Ngāti Apa, accompanied by the people of Whangaehu and Turakina, withdrew to Rangitikei: Māori Land Court, Wanganui minute book 14, fols 173ff, evidence of Wirihana Hunia concerning Pokowhoro block (rehearing), 3 November 1888 (as quoted in David Armstrong, 'A Sure and Certain Possession': The 1849 Rangitikei/Turakina Transaction and its Aftermath' (Wellington: Crown Forestry Rental Trust, 2004), pp231–232).
24. Thomas William Downes, 'Early History of Rangitikei and Notes on the Ngāti Apa Tribe', *Transactions of the New Zealand Institute*, vol 42 (1909), p111 (as quoted in David Young, 'Southern Whanganui Cluster Traditional History Report' (Wellington: Crown Forestry Rental Trust, 2007) (doc A129), p54)
25. Ibid
26. Ibid, p112 (p55)
27. McLean mentions the 'Mangawhero', 'Maungawhero', or 'Mangawero' tribe in his diary entries for 27 March and 7 April 1849 (see sec 2.4.1(1) below). The McLean papers and diaries are cited in various Wai 903 reports, including Bruce Stirling, 'Whanganui Maori and the Crown: 1840–1865' (Wellington: Crown Forestry Rental Trust, 2004) (doc A65) and Heather Bassett and Richard Kay, 'Maori Reserves from the 1848 Crown Purchase of the Whanganui Block, c1865–2002' (Wellington: Crown Forestry Rental Trust, 2004) (doc A64). See also Richard Taylor, journals, entry for 3 January 1845 (cited in Angela Ballara, 'Tribal Landscape Overview, c1800–c1900, in the Taupō, Rotorua, Kaingaroa and National Park Inquiry Districts' (Wellington: Crown Forestry Rental Trust, 2004) (doc A40), p395); Walzl, 'Whanganui Southern Cluster', p160.
28. Richard Taylor, journals, entries for 2–3 January 1845 (as cited in Ballara, 'Tribal Landscape Overview', pp394–395)
29. Richard Taylor, qms-vol3-qms-1987, ATL, p164 (as cited in Walzl, 'Whanganui Southern Cluster', p83)
30. Rēneti Tapa (as cited in Walzl, 'Whanganui Southern Cluster', p83)
31. Walzl, 'Whanganui Southern Cluster', p84
32. Ian Wards, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand, 1832–1852* (Wellington: Department of Internal Affairs, Historical Publications Branch, 1968), p324; Armstrong, 'A Sure and Certain Possession', p31
33. Ibid, pp66–67, 102, 168–171
34. Ibid, pp74–76
35. Stirling, 'Whanganui Maori and the Crown', p354
36. Ibid, p356
37. McLean papers, QMS 1209, ATL (as quoted in Armstrong, 'A Sure and Certain Possession', p41)
38. Stirling, 'Whanganui Maori and the Crown', p539
39. Armstrong, 'A Sure and Certain Possession', pp53–54
40. Ibid, pp48–49, 50–51, 55–56
41. Ibid, p49
42. Ballara, 'Tribal Landscape Overview', p432
43. McLean papers MS-copy-micro-0664–003, p201 (as quoted in Armstrong, 'A Sure and Certain Possession', p60). Mr Armstrong does not quote the section, but McLean went on to say that Ngāti Apa came in the same canoe as Ngāti Kahungunu, which was his understanding at the time. His informant was Kāwana Hunia Te Hākeke, then a young man of about 18.
44. Armstrong, 'A Sure and Certain Possession', p60. The quotations cited in Armstrong are extended using the original documents: see McLean, 'Diary, Maori Notes, Draft Letters: 4 March to 13 May 1848', undated note, McLean papers, series 5, diaries and notebooks, MS-1220, object 1030504, ATL. McLean's maths were wrong: 60, 60, and 50 add up to 170.
45. Armstrong, 'A Sure and Certain Possession', p99; see also McLean, 'Diary, Maori Notes, Draft Letters: 4 March to 13 May 1848', entry for 27 March 1849, McLean papers, series 5, diaries and notebooks, MS-1220, object 1030504, ATL
46. McLean, 'Diary, Maori Notes, Draft Letters: 4 March to 13 May 1848', entry for 28 March 1849, McLean papers, series 5, diaries and notebooks, MS-1220, object 1030504, ATL; see also Armstrong, 'A Sure and Certain Possession', p100
47. CS 1 184/75, ArchivesNZ, docs, p580 (as quoted in Armstrong, 'A Sure and Certain Possession', p101)
48. Armstrong, 'A Sure and Certain Possession', p108; see also McLean,



- 'Diary, Maori Notes, Draft Letters: 4 March to 13 May 1848', entry for 2 April 1849, McLean papers, series 5, diaries and notebooks, MS-1220, object 1030504, ATL
49. McLean, 'Diary, Maori Notes, Draft Letters: 4 March to 13 May 1848', entry for 3 April 1849, McLean papers, series 5, diaries and notebooks, MS-1220, object 1030504, ATL; see also Armstrong, 'A Sure and Certain Possession', p 108; Angela Ballara, *Iwi: The Dynamics of Maori Tribal Organisation* (Wellington: Victoria University Press, 2003), p 89
50. McLean, 'Diary, Maori Notes, Draft Letters: 4 March to 13 May 1848', entry for 7 April 1849, McLean papers, series 5, diaries and notebooks, MS-1220, object 1030504, ATL
51. McLean, 'Diary, Maori Notes: April and June 1849', undated note, McLean papers, series 5, dairies and notebooks, MS-1225, object 1032034, ATL
52. Armstrong, 'A Sure and Certain Possession', p 115
53. Ibid
54. McLean papers, MS-copy-micro-0664-003, p 201 (as quoted in Armstrong, 'A Sure and Certain Possession', p 115)
55. Armstrong, 'A Sure and Certain Possession', pp 116-117. Mr Armstrong assumes that these reserves were requested by Ngāti Apa.
56. Armstrong, 'A Sure and Certain Possession', p 123; Stirling, 'Whanganui Maori and the Crown', p 365
57. Mclean papers (as quoted in Armstrong, 'A Sure and Certain Possession', p 130)
58. Armstrong, 'A Sure and Certain Possession', p 119
59. Henry Hansen Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, 2 vols (Wellington: Government Printer, 1877-78), pt 5, Rangitikei district, deed 69, Rangitikei-Turakina block, 1849, pp 210-214
60. Armstrong, 'A Sure and Certain Possession', p 108
61. Because of time constraints, we have not been able to locate and map all these reserves.
62. Māori Land Court, Wanganui minute book 1, 22-28 January 1867, fols 158-159; Peter McBurney, 'The Ngati Apa Reserves', 9 vols, 1999, vol 1, pp 10-11 (cited in Armstrong, 'A Sure and Certain Possession', p 215)
63. Armstrong, 'A Sure and Certain Possession', p 215
64. Māori Land Court, Wanganui minute book 2, 25 April 1878, fol 80
65. Māori Land Court, Wanganui minute book 1A, fols 82ff (cited in Armstrong, 'A Sure and Certain Possession', p 216)
66. McBurney, 'The Ngati Apa Reserves', vol 7, p 8 (as quoted in Armstrong, 'A Sure and Certain Possession', pp 217-218)
67. Māori Land Court, Wanganui minute book 4, fol 164 (as quoted in Armstrong, 'A Sure and Certain Possession', p 220)
68. Māori Land Court, Wanganui minute book 4, fols 225, 227 (as quoted in counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', p 206)
69. Māori Land Court, Wanganui minute book 4, fol 192 (as quoted in Armstrong, 'A Sure and Certain Possession', p 228)
70. Armstrong, 'A Sure and Certain Possession', pp 9-30, 233
71. Ballara, *Iwi*, p 78; counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', p 219
72. 'Return Giving the Names etc, of the Tribes of North Island and South Island Settlements', AJHR, 1870, A-11, p 8
73. 'Approximate Census of the Maori Population', 1 June 1874, AJHR, 1874, G-7, p 16
74. 'Papers Relating to the Census of the Maori Population, 1878', AJHR, 1878, G-2, p 19
75. MA Wanganui series, 4/4 MS tribal register for 1878, ArchivesNZ
76. 'Papers Relating to the Census of the Maori Population, 1881', AJHR, 1881, G-3, p 17
77. Counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', pp 70-71
78. Ibid
79. Broughton, 'The Origins of Ngāa Rauru Kiitahi' (doc 129(a), sec 9, no 1), pp 42-45
80. John Te Herekiele Grace, *Tuwharetoa* (Auckland: Reed Publishing, 1959), p 149; Ballara, 'Tribal Landscape Overview', pp 21-22, 153
81. Broughton, 'The Origins of Ngāa Rauru Kiitahi' (Young, 'Document Bank [and] Updated Bibliography', sec 9, no 1), p 61; see also Grace, *Tuwharetoa*, p 139
82. Broughton, 'The Origins of Ngāa Rauru Kiitahi' (Young, 'Document Bank [and] Updated Bibliography', sec 9, no 1), p 44
83. George Ngatiamu Matthews, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B37), paras 6, 20, 21, 29, 30, 33, 37; Matthews, 'The Mana Whenua of Nga Wairiki', pp 5-6 (counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', pp 64-66)
84. Huwyler, 'Nga Wairiki Discussion Document', p 4
85. Ibid
86. Ibid, p 5
87. Ibid
88. Ibid
89. Te Runanga o Ngāti Apa, 'About Us', Te Runanga o Ngāti Apa, [http://www.ngatiapa.iwi.nz/about/about\\_us.htm](http://www.ngatiapa.iwi.nz/about/about_us.htm) (accessed 17 August 2007) (counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', p 70)
90. Huwyler, 'Nga Wairiki Discussion Document', p 6; Turton, *Maori Deeds*, pt 5, p 213
91. Huwyler, 'Nga Wairiki Discussion Document', p 6. The Ruatangata block is inland of the Waipu block and lies between the Whangaeahu and Turakina Rivers. This area lies within the 1849 reserve set aside by McLean for 'all Ngati Apa': see map 1.
92. Huwyler, 'Nga Wairiki Discussion Document', p 7
93. Turama Thomas Hawira, brief of evidence concerning Ngā Wairiki, August 2007 (doc B32), para 7
94. Te Ngahina Matthews, brief of evidence concerning Ngā Wairiki and Crown policy, 10 August 2007 (doc B33), para 32
95. Ibid, *passim*
96. Whakatakatoranga o Potonga Neilson, brief of evidence concerning Ngā Wairiki (English version), 10 August 2007 (doc B34(a)), para 22
97. Megan Waitai, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B36), para 12

98. Te Runanga o Ngāti Apa, 'About Us', Te Runanga o Ngāti Apa, [http://www.ngatiapa.iwi.nz/about/about\\_us.htm](http://www.ngatiapa.iwi.nz/about/about_us.htm) (accessed 17 August 2007) (counsel for Ngā Wairiki, 'Counsel's Bundle of Documents', pp 70–71)
99. Che Philip Wilson, brief of evidence concerning local government, conservation, mātauranga, and other matters, 16 February 2009 (doc L24), para 136; Te Puata Karl Burrows, brief of evidence concerning Ngāti Maru, 23 March 2009 (doc N1), para 23
100. George Ngatiamu Matthews, brief of evidence concerning Ngā Wairiki, 10 August 2007 (doc B37), para 8. Mr Matthews corrected the errors in his written text when presenting orally.

## CHAPTER 3

# THE NGĀ WAIRIKI CLAIMS

The Wai 655 claimants assert, on behalf of Ngā Wairiki generally, mana whenua interests in various parent blocks in their area of interest between the Whanganui River and a little south of the Turakina River, and inland into the Mangawhero district. Except for the reserves between the Whangaehu and Turakina Rivers, most of the land blocks are within the Whanganui inquiry district (see map 1).

The Wai 655 claims in regard to these blocks, and the rivers and lakes in or running through them, concern largely the issues covered in the ‘Main Document’, such as the Whanganui purchase; the Native Land Court system; Crown purchasing; Māori customary rights in, and relationships with, their waterways; the foreshore and seabed; and wāhi tapu.<sup>1</sup> As stated earlier, we do not address these issues in this report or the issues related to the Crown’s settlement policy.

The table below briefly rehearses the evidence concerning title for each of the land blocks within the Whanganui inquiry boundary where Ngā Wairiki groups were awarded interests. Members of Ngā Wairiki hapū were awarded interests in at least 28 blocks. The table is not intended as a definitive list. Interests may have been awarded in other Whanganui blocks that have not been identified. We also note that other Whanganui hapū were awarded interests in some of these blocks. As our focus here is on Ngā Wairiki, we have not, in general, named those groups.<sup>2</sup>

### Notes

1. Counsel for Ngā Wairiki, opening submissions, 31 August 2007 (paper 3.3.8), paras 1–12
2. The information for the table is drawn from Tony Walzl, ‘Whanganui Southern Cluster: Overview of Land Issues’ (Whanganui: Southern Whanganui Cluster, 2004) (doc A68), pp173–186; Paula Berghan, ‘Block Research Narratives of the Whanganui District, 1865–2000’ (Wellington: Crown Forestry Rental Trust, 2003) (doc A37); Paula Berghan, comp, ‘Supporting Papers for Block Research Narratives of the Whanganui District, 1865–2000’, 31 vols (Wellington: Crown Forestry Rental Trust, [2003]) (docs A37(a)–(ee)); and Heather Bassett and Richard Kay, ‘Maori Reserves from the 1848 Crown Purchase of the Whanganui Block, c1865–2002’ (Wellington: Crown Forestry Rental Trust, 2004) (doc A64).

Block	Area (acres)	Date awarded	Who put forward the claim	Ngā Wairiki hapū or descent groups awarded interests
Mangawhero East and West	1770	1867	Hunia Te Iki and Epiha Taika	Ngāti Hinga (Mangawhero West); Ngāti Houmāhanga(Mangawhero East)
Kaiwaka	708	1868	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Pōkōhū	1216	1869	Āperahama Tahunuiārangi	Ngāti Tūkōrero; Ngāti Hinga
Kaikai-Ōhākune	735	1869	Āperahama Tahunuiārangi	Ngāti Tūkōrero; Ngāti Huru; Ngāti Hinga; Ngāti Houmāhanga
Waikupa reserve*	2272	1869	Hoani Maka and Āperahama Tipae	Āperahama Tipae sole grantee, for Ngāti Hinetau
Tauangatutu	1288	1870	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Pikopiko <sup>†</sup>	3910	1871	Hoani Maaka	Ngāti Hinga; Ngāti Houmāhanga; Ngāti Tūkōrero
Te Maire	1468	1871	Rota Te Huiakapa	Ngāti Hinga
Pohuehue	433	1871	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Kokomiko <sup>‡</sup>	368	1873	Hoani Maaka	Ngāti Houmāhanga; Ngāti Kakahu
Heao <sup>§</sup>	8365	1873	Nehanera Te Kahu	Ngā Wairiki
Te Rimu <sup>¶</sup>	512	1876	Epiha Taika	Ngāti Te Ata; Ngāti Kāpea
Paratieke	6006	1876	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Ngapukewhaka <sup>  </sup>	4967	1876	Te Keepa Te Rangihiwini; Āperahama Tahunuiārangi (counterclaimant)	Ngāti Tūkōrero
Aratowaka 2	81	1877	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Ōkirae <sup>**</sup>	3250	1878	Āperahama Tahunuiārangi on behalf of Mere Epiha	Ngāti Houmāhanga
Pikopiko 3	1112	1878	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Puehurangi	398	1879	Rio Te Kou	Descendants of Whainui's children, except the descendants of Iwiarau

Ōhineiti	2021	1879	Āperahama Tahunuiārangi	Ngā Wairiki
Waipuna—Puharakeke	1452	1879	Hunia Te Iki	Descendants of Whainu's younger children, Mākohu and Tongairihau
Mangamahu	934	1879	Āperahama [?Tahunuiārangi]	Ngāti Hinga; Ngāti Houmāhanga
Mataihiwi	124	1879	Āperahama Tahunuiārangi	Ngāti Tūkōrero
Kārewarewa 2 <sup>††</sup>	436	1880	Rēneti Tapa of Ngāti Hinearo; Āperahama Tahunuiārangi (counterclaimant)	Ngāti Tūkōrero
Ōtūangiāngi <sup>††</sup>	680	1880	Apera Manihera	Ngā Wairiki, Ngāti Houmāhanga
Ōtāmoa 2	3008	1880	Tāmhana Mokohu	Ngāti Tūkōrero
Tokorangi	1735	1881	Hoani Māka	Ngāti Houmāhanga
Maungakaretu 1 <sup>§§</sup>	6627	1884	Hoani Māka	Descendants of Te Ata; Te Paku; Huiakapa; Taikakoia and Mauraora
Matawhitia <sup>§§</sup>	1858	1884	Eruera Whakaahu; Hoani Maaka (counterclaimant)	Descendants of Te Ata, Te Paku, Huiakapa; Taikakoia and Mauraora
Ōwhangaroa	57	1888	Āperahama Tahunuiārangi	Descendants of Kaikau and Te Aponga, a branch of Ngāti Tūkōrero

\* This was reserve number 4 in the 1848 Whanganui purchase. In 1867, the land was claimed by Hoani Māka through the ancestor Hinetara. Māka's list of grantees was accepted but the award lapsed. Reintroduced in 1869, Hoani Māka said the land belonged to Ngāti Hinetau and proposed Āperahama Tipae as sole grantee.

† In the Tokorangi block, Hoani Māka identified himself as Ngāti Houmāhanga, but in this and other cases he appears for Ngāti Hinga.

‡ The Kokomiko block was first put forward in 1869, when it was called Kokomiko—Ōtaika, by Henare Tahau, who identified himself as of Ngāti Kakahu, but the case lapsed until 1873. Henare Tahau was named on the eventual list of owners.

§ Nehanera Te Kahu and Āperahama Tepae the two named grantees on behalf of Ngawairiki.

¶ Nehanera Te Kahu of Ngāti Tuhikirangi claimed an interest but was rejected.

|| The Ngapukewhakapu block was originally put forward in 1873 by Āperahama Tahunuiārangi but the case was adjourned. When it was finally granted, Āperahama was the only Ngā Wairiki name admitted on a list of 129 grantees. All the others were Ngāti Pāmoana or Ngāti Poutama.

\*\* The Ōkīrae block was first put forward in 1869 by Wiremu Matenga Tawhīro but then withdrawn until 1878.

†† Rēneti Tapa of Ngāti Hinearo put the whole 3679-acre Karewarewa block forward; title to Karewarewa 2 was awarded jointly to Ngāti Hinearo and Ngāti Tūkōrero.

‡‡ Apera Manihera identified himself as of Ngāti Piwa (Piua), a Ngāti Rangī hapū, and claimed through the Ngā Wairiki ancestor Iwiarau. See Paula Berghan, comp. 'Supporting Papers for Block Research Narratives of the Whanganui District, 1865–2000', 31 vols (Wellington: Crown Forestry Rental Trust, [2003]), vol 8 (doc A37(h)), pp 4342, 4401, for the connection between Iwiarau and Piwa (Piua).

§§ Ngāti Rangī hapū claimed the large parent block Maungakaretu (of approximately 63,000 acres). Hoani Māka was a counterclaimant, and the judgment subdivided the block between the different groups.

¶¶ Eruera Whakaahu identified himself as of Ngāti Piwa (Piua), a Ngāti Rangī hapū.

#### Land interests awarded to Ngā Wairiki in the Native Land Court



## CONCLUSION AND FINDINGS

### 4.1 INTRODUCTION

The evidence reviewed in this report shows that in the past Ngā Wairiki were a separate iwi, although allied to and much intermarried with Ngāti Apa. They were their ‘loving friends’, as Āperahama Tahunuiārangi put it. Ngāti Apa researchers describe how the two iwi formed an alliance in the turbulent years before 1840. It may be that throughout the twentieth century Ngā Wairiki have continued to be recognised as an iwi at times, on marae, at hui, and at other places where Māori people meet. Hints in primary records suggest this, but those records have not been presented to us as evidence in this inquiry.

The Treaty of Waitangi was signed by chiefs of groups called, in English, ‘tribes’. But the ‘tribes’ of that time were smaller groups that would later be deemed in popular consciousness ‘hapū’, or ‘sub-tribes’, of larger ‘tribes’. It was ‘ki nga Rangatira ki nga Hapu’ (‘to the Chiefs and Tribes’) that the Treaty promised tino rangatiratanga in article 2. Whether ‘hapū’ or ‘tribe’, Ngā Wairiki clearly were and are an entity that enjoys its own tino rangatiratanga.

### 4.2 FINDINGS

We find that:

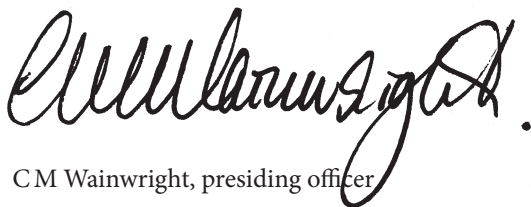
- ▶ until the mid-nineteenth century and into the later nineteenth century, Ngā Wairiki were a separate iwi;
- ▶ in the late nineteenth century and throughout most of the twentieth century, Ngā Wairiki appeared in public records as a hapū of Ngāti Apa;
- ▶ no evidence of Ngā Wairiki protest against this perceived status has been presented to us for that later period;
- ▶ the proximate cause of the decline of Ngā Wairiki’s recognition was the treatment meted out to Ngā Wairiki by the Crown’s agent, Donald McLean, while negotiating the Whanganui purchase in 1848 and especially while negotiating the Rangitikei–Turakina deed of 1849;
- ▶ the Crown’s agent was aware of the separate existence of ‘the Mangawhero tribe’ and ‘the Whangaehu people’ – he was aware of their boundaries, and aware also of their opposition to the sale of some parts of the Rangitikei–Turakina purchase;

- ▶ the Crown's agent failed to properly investigate and compensate Ngā Wairiki for the purchase of that part of their interests in the Mangawhero lands included in the Rangitikei–Turakina deed of 1849;
- ▶ the Crown's agent rode roughshod over the groups' separate identities, boundaries, and protests, and instead created his own list of sellers and their hapū; and
- ▶ the Crown's agent awarded the land between the Whangaehu and Turakina Rivers to the 'men of Ngati Apa' alone, even though he described the sellers of the Rangitikei–Turakina block as 'of Ngati Apa, of Mangawhero and others'. By this action, he deliberately awarded interests in the lands between the Whangaehu and Turakina to another people and merged the Ngā Wairiki identity with another iwi. Although this act was eventually undone by legislation and in the Native Land Court, it was already too late to undo the prejudice caused to Ngā Wairiki's identity.

In 1849, Ngā Wairiki suffered a heavy blow to their identity as a recognisably distinct iwi. We find that the Crown, through its agent, Donald McLean, breached the Treaty principles of good faith and active protection and, in doing so, caused prejudice to Ngā Wairiki by undermining their ability to survive as a group with a separate identity and recognition.



Dated at Wellington this 27th day of July 20 09



C M Wainwright, presiding officer



A Ballara, member



J W Milroy, member



R J I Walker, member





## APPENDIX

# WAI 903 SELECT RECORD OF INQUIRY

### SELECT RECORD OF PROCEEDINGS

#### 1. STATEMENTS

##### 1.1 Statements of claim

###### 1.1.23 Wai 655

A claim by Te Ngahina Matthews concerning the Whanganui–Rangitikei blocks, 9 December 1996

(a) Amendment to claim 1.1.23, 27 August 2008

##### 1.5 Pleadings

1.5.5 Rainey Collins, ‘Main Document’, memorandum concerning claims and issues, 10 March 2006 (claim 1.5.5)

#### 2. TRIBUNAL MEMORANDA, DIRECTIONS, AND DECISIONS

##### 2.3 Concerning judicial conferences and hearings

2.3.94 Judge Carrie Wainwright, memorandum concerning Crown hearings and inquiry planning, 2 July 2009

2.3.95 Judge Carrie Wainwright, memorandum concerning request for urgent report on Wai 655 and other matters, 8 July 2009

2.3.96 Judge Carrie Wainwright, memorandum concerning interim report on Wai 655, 16 July 2009

#### 3. SUBMISSIONS AND MEMORANDA OF PARTIES

##### 3.2 Hearing stage

3.2.612 Wai 655 claimant counsel, memorandum requesting interim report on Wai 655, 11 June 2009

3.2.642 Wai 655 claimant counsel, memorandum concerning Wai 655 interim report, 3 July 2009

### 3.3 Opening, closing, and in reply

3.3.8 Wai 655 claimant counsel, opening submissions,  
31 August 2007

#### SELECT RECORD OF DOCUMENTS

\* Document confidential and unavailable to the public without leave from the Tribunal

#### A SERIES

**A37** Paula Berghan, 'Block Research Narratives of the Whanganui District, 1865–2000' (Wellington: Crown Forestry Rental Trust, 2003)

**(a)–(ee)** Paula Berghan, comp, 'Supporting Papers for Block Research Narratives of the Whanganui District, 1865–2000', 31 vols (Wellington: Crown Forestry Rental Trust, [2003])

**A40** Angela Ballara, 'Tribal Landscape Overview, c1800–c1900, in the Taupō, Rotorua, Kaingaroa and National Park Inquiry Districts' (Wellington: Crown Forestry Rental Trust, 2004)

**A64** Heather Bassett and Richard Kay, 'Maori Reserves from the 1848 Crown Purchase of the Whanganui Block, c1865–2002' (Wellington: Crown Forestry Rental Trust, 2004)

**A65** Bruce Stirling, 'Whanganui Maori and the Crown: 1840–1865' (Wellington: Crown Forestry Rental Trust, 2004)

**A66** James Mitchell and Craig Innes, 'Whanganui and National Park Alienation Study' (Wellington: Waitangi Tribunal, 2004)

**A68** Tony Walzl, 'Whanganui Southern Cluster: Overview of Land Issues' (Whanganui: Southern Whanganui Cluster, 2004)

**A129\*** David Young, 'Southern Whanganui Cluster Traditional History Report' (Wellington: Crown Forestry Rental Trust, 2007)

**(a)\*** David Young, comp, 'Document Bank [and] Updated Bibliography for Traditional and Customary History: Southern

Whanganui Cluster' (Wellington: Crown Forestry Rental Trust, 2007)

**A140** Crown Forestry Rental Trust, 'Southern Whanganui Cluster Mapbook: A Collective Map Book to Support Waitangi Tribunal Proceedings – Whanganui Inquiry District 2007' (Wellington: Crown Forestry Rental Trust, 2007)

#### B SERIES

**B31** Desmond Canterbury Te Ngaruru, brief of evidence concerning Ngā Wairiki, 10 August 2007

**(a)** Desmond Canterbury Te Ngaruru, amended brief of evidence concerning Ngā Wairiki, 10 August 2007

**B32** Turama Thomas Hawira, brief of evidence concerning Ngā Wairiki, August 2007

**B33** Te Ngahina Matthews, brief of evidence concerning Ngā Wairiki and Crown policy, 10 August 2007

**B34** Whakatakotoranga o Potonga Neilson, brief of evidence concerning Ngā Wairiki (Māori version), 10 August 2007

**(a)** Whakatakotoranga o Potonga Neilson, brief of evidence concerning Ngā Wairiki (English version), 10 August 2007

**B35** Mihi Meriana Henare, brief of evidence concerning Ngā Wairiki, 10 August 2007

**B36** Megan Waitai, brief of evidence concerning Ngā Wairiki, 10 August 2007

**B37** George Ngatiamu Matthews, brief of evidence concerning Ngā Wairiki, 10 August 2007

**B51** Counsel for Ngā Wairiki, 'Counsel's Bundle of Documents in Wai 655', [2007]

**B56** Office of Treaty Settlements, statement of current position concerning Ngāti Apa negotiations, 2007

**(a)** Crown Law Office, comp, supporting papers to document B56, various dates

**B57** Crown Law Office, 'Wai 655 Claimant Bundle', 5 October 2007

**D SERIES**

**D44** Turama Thomas Hawira, brief of evidence concerning Ngāti Kauika, not dated

**L SERIES**

**L24** Che Philip Wilson, brief of evidence concerning local government, conservation, mātauranga, and other matters, 16 February 2009

**N SERIES**

**N1** Te Puata Karl Burrows, brief of evidence concerning Ngāti Maru, 23 March 2009



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