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Maori Customary Interests
in the Port Nicholson District, 1820s to 1840s:
An Overview

by
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Preface

1.1 Credentials. My name is Alan Dudley Ward. I am Emeritus Professor of History at the University of Newcastle, New South Wales. I have researched and published extensively in the history of relations between Maori and Pakeha for over thirty years and have completed several commissioned reports for the Waitangi Tribunal. These include the 'National Overview' report of the Rangahaua Whanui programme, dated May 1996, where my credentials are stated in full.¹

1.2 Sources: This overview report concentrates on the area of the Port Nicholson purchase and its immediate environs, only referring to matters beyond that district insofar as they bore closely on customary rightholding within it. It has focused on the years specified in my commission, the 1820s to the 1840s, and particularly upon the years 1834-44, from just prior to the New Zealand Company transactions to the period when the Crown's awards significantly modified the customary rightholding. It appraises a number of reports prepared by historians on behalf of claimants or at the direction of the Tribunal in respect of customary interests, notably those of Ms Penny Ehrhardt, Ms Joy Hippolite and Messrs Richard Boast, Tony Walzl, Duncan Moore, Neville Gilmore and Robert McClean.² I have attempted to check their statements both against each other, and against:

(a) The evidence in the main published sources - notably the early writings of Elsdon Best, S Percy Smith, Alexander Shand, T W Downes, C Heaphy.³

¹ Alan Ward, *National Overview, Vol 1*, Waitangi Tribunal Rangahaua Whanui Series, 1997, p.vi

² Penny Ehrhardt, *Te Whanganui-a-Tara, Customary Tenure, 1750-1850*, Waitangi Tribunal Research Series, no 3, 1993; Joy Hippolite, 'Ngati Rangatahi', Wai 145, Doc H4, 1997; Richard Boast, 'Ngati Toa in the Wellington Region', Wai 145 Doc H8 and supporting papers Doc H8(a) and H8(b), 1997 and 'Ngati Toa and the Colonial State', Wai 145, K2, and summary K2(b), 1998; Tony Walzl, 'Ngati Tama in Wellington (1820-1920)', Wai 145 Doc H7, 1997 and supporting papers Doc H7(a); Duncan Moore, 'The Origins of the Crown's Demesne at Port Nicholson, 1839-1846', Wai 145, Doc E3, E4 and E5, 1995; Neville Gilmore, 'The Myth of the Overlords: Tenure in Whanganui a Tara, 1819-1847', Wai 145, G3, 1996; Robert McClean, 'Te Whanganui-a-Tara Foreshores Reclamations Report', Wai 145, Doc I9, 1998

³ Elsdon Best, 'Te Whanganui-a-Tara: Wellington in Pre-Pakeha days', *Journal of the Polynesian Society*, Vol. 10, 1901, pp. 107-165 and 'The Land of Tara and they who settled it', *Journal of the Polynesian Society*, Vol. 26, 1917, pp. 143-69, and Vol. 27, pp. 21-25, 49-71, 99-

(b) A reading, so far as time allowed, of the main unpublished primary sources, notably the Old Land Claims records of the NZ Company claims and other claims in the Port Nicholson area, and a selection of the Native Land Court minute books focused upon that area.⁴ I have focussed upon the record of initial hearings in the Port Nicholson area in the Wellington, Otaki and Wairarapa minute books, and scanned other minute books by means of the University of Auckland Library index of block names, individual names and hapu names. My knowledge of Te Reo Maori is limited but I have had access to translations of NLC Wellington Minute Book 1 H by Dr Angela Ballara and to a selection of relevant references in Maori language sources in the Alexander Turnbull Library by Mr Steven Chrisp.⁵

(c) The independent scholarly research of Dr Ann Parsonson and Dr Angela Ballara. The work of these two scholars commends itself above all the other writings cited, for three reasons:

(i) It is pure academic research, not shaped by the Treaty claims processes or by any particular claims within them. Dr Parsonson's PhD thesis 'He whenua te utu (the payment will be land)' was completed in 1978.⁶ Dr Ballara's research for her doctoral thesis 'The making of Ngati Kahungunu' began in the early 1980s.⁷ The thesis was completed in 1991 but a chapter derived

114, 165-77 and Vol. 28, pp. 1-17, 79-96, 123-33; S Percy Smith, *History and Traditions of the Maori of the West Coast North Island of New Zealand Prior to 1840*, New Plymouth, Polynesian Society, 1910, and *Maori Wars of the Nineteenth Century*, 1910; Alexander Shand, 'The Occupation of the Chatham Islands by the Maoris in 1835', *Journal of the Polynesian Society*, Vol. 1, 1892, pp. 83-94, 154-63, 202-9 and Vol. 2, pp. 74-86; T W Downes, 'Life of the Ngati Kahu-ngunu Chief Nuku-Pewapewa', *Transactions and Proceedings of the New Zealand Institute*, 45, 1912, pp.364-375; Charles Heaphy, 'Notes on Port Nicholson and the Natives in 1839', *Transactions and Proceedings of the New Zealand Institute*, 12, 1879, pp. 32-39

⁴ The Old Land Claims records and Native Land Court minute books are held at National Archives (NA), Wellington

⁵ Angela Ballara, 'Translation of Maori Verbatim Evidence, Wellington Native Land Court Minute Book 1H', Wai 145, Doc J6, 1998; Steven Chrisp, 'Sources of Muaupoko History in the Port Nicholson Deed District: Sources Held in the Alexander Turnbull Library', Wai 145, Doc J7, 1998 and 'Sources for Rangitane History in the Port Nicholson Deed District: Sources Held in the Alexander Turnbull Library', Wai 145, Doc J8, 1998

⁶ Ann Parsonson, 'He Whenua te Utu: the Payment will be Land', PhD Thesis, University of Canterbury, 1978

⁷ Angela Ballara, 'The Origins of Ngati Kahungunu', PhD Thesis, Victoria University of Wellington, 1991

from the research and entitled 'Te Whanganui-a-Tara: phases of Maori occupation of Wellington Harbour c. 1800-1840' was published in 1990, in the sesqui-centennial volume *The Making of Wellington 1800-1840*, edited by David Hamer and Roberta Nicholls.⁸ Following further research on other districts of New Zealand Dr Ballara published her book *Iwi: the dynamics of Maori tribal organisation from c.1769 to c.1945* earlier this year.⁹

(ii) It is far more exhaustive of primary source material than any of the recent submissions to the Tribunal concerning the Wellington Tenth's claims. Both scholars read Land Court minutes and other manuscript sources, in both English and Maori, for many years, together with published and unpublished New Zealand and British official records, not to mention the various published sources such as the early writings of Best, Smith and others. Almost all the recent writers of claim submissions draw upon Parsonson's and Ballara's work to some extent.

(iii) Their work is deeply analytical as to the structure and functioning of Maori society, its belief and value systems and the various ways by which Maori rights to land were gained and strengthened or weakened and lost. Unlike any of the reports for claimants, they explicate the relevant social *principles* and *processes* and then show how these operated in practice, in the dynamic situations of migration and war, among all the interacting tribes in various districts, including Te Whanganui-a-Tara. Dr Parsonson's work is the most detailed in respect of the heke from Kawhia and Taranaki into Te Whanganui-a-Tara; Dr Ballara's on the rights of the previous occupants, and the changing patterns of occupancy in the harbour and its environs as the heke arrived.

1.3 Weighting of evidence: (a) It is well known that all historical evidence is incomplete and partial. It reflects the perceptions and intentions of its authors, inadvertently or sometimes deliberately. The professional historian, writing at a later age, has to try to piece it together to make as complete and accurate a picture as possible. Historians habitually apply the 'three C' test, looking for consistency, coherence and corroboration in the often contradictory evidence.

⁸ Angela Ballara, 'Te Whanganui-a-Tara: phases of Maori occupation of Wellington Harbour c.1800-1840', in David Hamer and Roberta Nicholls (eds.), *The Making of Wellington, 1800-1914*, Victoria University Press, Wellington, 1990, pp.9-34. See Appendix E.

⁹ Angela Ballara, *Iwi: the Dynamics of Maori Tribal Organisation from c.1769 to c.1945*, Victoria University Press, Wellington, 1998

Native Land Court evidence is commonly seen as suspect because witnesses were under strong cultural imperatives to maximise the mana and land claims of their particular hapu. The minute books are replete with claims to rohe which appear to ignore the fact that other hapu were living there, and sometimes claiming much the same rohe, or a good part of it. This is not necessarily a question of deliberate falsification, though Maori witnesses did learn how to 'tailor' evidence to win claims in the Pakeha judicial processes. It is rather a reflection of the historical association of each chief and hapu with wide and often overlapping areas, and their assertion of mana over them, according to various take. It was up to other groups to make their claims if they were so minded. This of course creates significant difficulties for a historian trying to sort out 'the truth' of the matter. Maori would not have felt the same necessity to arrive at a single objective reality. It has been remarked, with justice, that Oceanic peoples, including Maori, were the 'original post-modernists': they could live with multiple and relative truths and competing claims of right *in respect of the same land*. Yet this was not a mere anarchy, nor was the sorting out of priorities merely a matter of dominant military power, although that was ultimately the determinant, as in Europe. Maori had widely agreed bases for what constituted valid claims to land, as will be indicated in the next paragraph; consequently, some claims were widely acknowledged to be weak and others strong. Yet I agree with the proposition of Mr Boast that it is very doubtful that a single objective history of 'tribal relationships', acceptable to all interest groups, is in fact possible. As he says, Te Ati Awa and Ngati Toa (for example) may have competing and contestable readings of tribal history in the Wellington area and neither will wholly accept the other.¹⁰ After a battle one tribe might claim the rights of raupatu, and dominant mana over the land. The other might say, in effect, we lost the last battle, but we are still here, not far away, as we have been for hundreds of years, we concede nothing to the Johnny-come-latelys, and when we have gathered our connections from neighbouring or related hapu we will have utu for our losses in the last battle. It is difficult to deny completely either of these claims, if there were people living on or near the land to make them. Customarily, they were resolved by assertion of force and the expulsion or near-enslavement of one group by another, or by a clear and public agreement observed by all parties, or by the passage of time - by the on-going and undisturbed occupation of the land by a particular group or groups over successive generations. The last form of resolution was *not* the situation of the southern North Island before the

¹⁰ Richard Boast, 'Ngati Toa in the Wellington Region', p.12

Company ships sailed into Te Whanganui-a-Tara. Instead, the people who had previously held the land over several generations were almost all killed or driven out by other tribes coming into the area from the early 1820s. These newcomers occupied the land, partly through mutual agreement and partly in competition with one another. There had not been time for their occupation and possession to assume a very settled pattern before the New Zealand Company ships sailed into Te Whanganui-a-Tara.

(b) In the light of this situation and in seeking to assess the relative strength of competing and contradictory evidence in the Native Land Court, Mr Boast has applied certain tests, namely, whether the witness is an eyewitness, whether the witness is an interested party, whether the evidence is uncontested, and whether the evidence is 'comprehensive' (that is, equivalent to my 'three Cs' above). I agree with his tests in the main, but would add some qualifications:

(i) The fact that evidence was uncontested in the Native Land Court might mean very little. The Court was notoriously a formalised process within the settler judicial system, whose very processes simplified and distorted the pattern of customary rights in order to find 'owners' of the land; it might or might not have been sensitive to nuances of Maori rightholding in any particular case. For their part, in adapting to the new institution, there are many reasons why interested Maori parties might not have appeared at a hearing and yet more reasons, if they did, for choosing not to contest a particular witness or claim.

(ii) I would be inclined to give more weighting to a statement made early than one much later. For this reason the evidence given in 1842 and 1843 before the Spain commission is preferable to evidence given much later (for example in the 1880s and 1890s when Maori had learned how evidence had to be presented to win in the Native Land Court.) This is not an invariable rule of course: much seemed to depend on personality - some witnesses learned very quickly how to omit or deny inconvenient evidence while others simply told the story as they knew it, and answered questions frankly, even against their own interests.

1.4 Terminology. The identity of tribes and the relations between them is complicated by the variable use of names. This is particularly so in the case of 'Ngati Awa' and 'Te Atiawa'. The former name appears most commonly in the documentary records of the mid nineteenth century, and generally refers to the tribes of north and mid Taranaki. It is often used inclusively of Ngati Mutunga and Ngati Tama. I will use it in that sense in this report except when referring

specifically to one or other hapu/iwi within Ngati Awa. The term Te Atiawa starts to appear in the documentary records in the 1860s. Its core reference seems to be the tribes on the north and south banks of the Waitara, southward to Nga Motu (New Plymouth) but exclusive of Ngati Mutunga and Ngati Tama. I will use it in that sense in this report. Readers will no doubt be aware, however, that there is a good deal of ambiguity between the two terms. They will also be aware that there are whakapapa links, and historical associations, between all of these tribes and Ngati Toa, some of them very close. Some of these relationships will be discussed in this report.

1.5 Acknowledgements. The swift and willing assistance I have had from research staff in the Waitangi Tribunal Division, in searching out and copying material from the National Archives and Alexander Turnbull Library, has been crucial to the completion of this report. In particular I would acknowledge the support of Ms Elizabeth Cox, Ms Clementine Fraser and Mr Tata R Lawton.

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Chapter 1

The nature of Maori rights to land

1.1 In trying to analyse the evidence of Maori customary rights to Te Whanganui-a-Tara and its environs I have found a number of scholarly analyses to be most valuable.

1.2 Dr Ann Parsonson's analysis.

In her doctoral thesis Dr Parsonson sets out an analysis, from her reading of manifold primary sources, of the customary bases, or take, of Maori claims to land; and of ways of maintaining claims.¹

(a) **Take.** Where possible, Dr Parsonson suggests, people claimed by virtue of ancestral occupation, take tupuna, and subsequent continuous occupation, noho tuturu. In connection with these, two other take were often cited: take kite, or discovery of the land, and atete, the power to hold the land and repel intruders. In the Wellington district the invaders from the north could not and did not claim take kite: there were other groups in occupation when they arrived. But atete, the power to hold the land against challengers became very important. Dr Parsonson then argues that 'in the wake of the displacement of so many people in the early 19th century...two new take' were developed to substantiate claims: take raupatu or conquest, and take tuku or gift.² There can be little doubt that rights based on conquest or gift existed long before the nineteenth century, but Dr Parsonson is probably correct in arguing that such claims were elaborated in the nineteenth century to a degree not previously recognised. Thus conquest *without occupation* came to be asserted and was sometimes accepted out of expediency by the British.³ And groups who had occupied land as a result of invitation or gift sometimes 'forgot' the reciprocal relationship they owed to the invitor or donor and acted as if they had exclusive rights to the land, without obligation to others. This is associated with the penetration of European concepts of land as a tradeable commodity. Dr Parsonson gives many examples from the Land Court evidence

¹ Ann Parsonson, 'He Whenua te Utu: the Payment will be Land', PhD Thesis, University of Canterbury, 1978

² Parsonson, p.71

³ See also Ballara, *Iwi*, p.80

of the operation of these principles.⁴

(b) Maintenance of claims. Dr Parsonson rightly points out that it was not sufficient to assert a take for claiming land; it was likely that many others would be asserting their take too. She sets out, from her wide reading, a number of ways in which Maori demonstrated and maintained their take. These included:

i. Tuahu, sacred mounds or stones, erected on first settlement, for the reciting of karakia to the atua of the people and the land.⁵

ii. Tohu, or signs of various kinds, marking the human occupation of the land. These included markings on trees and rocks, the burial sites of umbilical cords (iho) of chiefly children, the burial sites of the bones of the dead, and stone cairns marking these and other important places. The names of important places were also recorded in whakapapa.

iii. Kainga and pa.

iv. Use of resources - the knowledge and evidence of eeling, fishing, hunting and gathering sites.

v. Atete or evidence of successful defence of resources against challengers.

vi. Evidence of gifts of resources (birds, totara trees) taken from the land.

Dr Parsonson gives examples of these various sites and usages being recorded in whakapapa and recited when groups met⁶.

vii. To these she adds 'Sales of land' and 'Leases' to early European traders and settlers.⁷ It is clear from Dr Parsonson's discussion that she sees these transactions as essentially the same as customary reciprocal gift exchanges involving produce. Only those with rights to the land could convey either the produce of the land or rights to occupy and use part of the land; only they were truly entitled to receive the reciprocal gift, that is, 'payment' or 'rent' for the land. As she shows, the records are replete with examples of various chiefs seeking to establish the right to convey, as evidence of their authority over the land. That is why, too, receiving a share of the payment for the land was viewed by Maori as an extremely important recognition of their prior

⁴ Parsonson, pp.71-105

⁵ Parsonson, pp.73-4

⁶ Parsonson, pp.106-21

⁷ Parsonson, pp.121-144

rights in the land. All of this became strikingly evident when various chiefs and hapu began to vie for the right to install Pakeha on their land in Te Whanganui-a-Tara. Essentially it was a competition for the assertion and enhancement of mana.

1.3 Dr Angela Ballara's analysis.

(a) Dr Ballara's view of land rights is integral to her analysis of hapu, and of 'communities' (that is, groups of hapu and hapu segments, recognising the mana of senior chiefs and cooperating together).⁸ She rejects the simplified model of hapu as tidily bounded human communities, each occupying tidily bounded, continuous stretches of territory. These *might* occur in the case of some small hapu but 'scattered, independent colonies of descendants over a wide extent of country, interspersed with groups from other iwi and/or major hapu, were more common than otherwise'.⁹ Use-rights over specific resources such as bird-trapping trees or rat-runs were transferred over generations by inheritance or gift, and came to be dispersed over a wide area, with the rights of individuals from different hapu intersecting. The fact that horticulture required the clearing of bush for new gardens and the fallowing of old, contributed to the 'patchwork' of rights. Mobility over a wide terrain was normal, to keep the various rights alive, though central kainga and pa for storage and defence were also maintained.

(b) But Dr Ballara draws a sharp distinction: 'Mere use of such resources or even occupation did not confer a right to land: land could be and often was occupied without right. Squatting was a common phenomenon and was tolerated unless the squatters attempted to assert rights'. Terms such as 'he noho noa iho' were used to describe 'unauthorized or casual occupation'. Dr Ballara is here using the term 'right' in a special sense, broadly analogous to 'ownership'. Indeed she then introduces the term 'own' to describe the distinction she seeks to make: 'the conquered who had lost their rights could squat on or be assigned land to cultivate by their conquerors or others; they did not own it, and commonly owed duty and tribute to those with mana over the land'. She continues: 'it was also possible for groups to live on the lands of other people with permission,

⁸ See Angela Ballara, 'The Origins of Ngati Kahungunu', PhD Thesis, Victoria University of Wellington, 1991; 'Te Whanganui-a-Tara: phases of Maori occupation of Wellington Harbour c.1800-1840', in David Hamer and Roberta Nicholls (eds.), *The Making of Wellington, 1800-1914*, Victoria University Press, Wellington, 1990, pp.9-34; *Iwi: the Dynamics of Maori Tribal Organisation from c.1769 to c.1945*, Victoria University Press, Wellington, 1998

⁹ Ballara, *Iwi*, p.194

but without entering into client status; they were guests for shorter or longer periods'. Giving examples she says:

...before land sales commenced, the concept of block ownership of territory was less important than respect for the rights to the valued resources on it or the areas in which labour had been invested. Nevertheless, the evidence always refers to the 'proper owner'; land invariably belonged to someone, and the concept of land ownership was known and recognised.

The kainga tautohe, or areas of 'debateable' land between main settlements were not unclaimed lands; rather, 'they were claimed by more than one set of owners'.¹⁰

(c) Although I accept almost all of what Dr Ballara says, believing that it conforms with and makes sense of the detailed evidence I have read over many years, I would respectfully raise some questions about the introduction of the English word 'owner' (and the implied opposite, non-owner) in the sense in which she uses it. 'Owner', like 'proprietor' and 'title' (terms which appear in the statements of claim and submissions to this Tribunal) carries connotations of *exclusive possession* of all the rights in a given terrain, subject only to permissive rights given to others. This sits somewhat awkwardly with some of Dr Ballara's own evidence and analysis - about the patchwork of rights across dispersed territory, intersecting with the patchwork of rights of other groups, for example. And the fact that land was *claimed* by a number of groups does not necessarily mean that it was *owned* by any or all of those groups. For this reason I have generally preferred the terminology of Professor Ron Crocombe who in his classic study of *Land Tenure in the Cook Islands*, writes of '*the ownership of rights to land*' rather than the '*ownership of land*'.¹¹ For the former admits of a patchwork of intersecting rights, by several owners and groups of owners, in the same land; the latter tends to exclude that approach and substitute a hierarchy of only one 'owner', with all others holding subordinate rights, less than ownership, beneath. Possibly that situation did obtain in some areas, undisturbed by war and migration for several generations, but even then it is difficult to clearly define who the 'owner' is, given the way hapu segments were dispersed and intermarriage complicated the lines of descent.

¹⁰ Ballara, *Iwi*, pp.198-200

¹¹ Ron Crocombe, *Land Tenure in the Cook Islands*, Oxford University Press, Melbourne, 1964

(d) Nevertheless, Land Court evidence is replete with statements by Maori such as 'Noku te whenua' ('This land is mine') or 'Nona te whenua' ('The land is his'). These statements have about them the full quality of 'possession', without necessarily equating with 'ownership' as it was to be defined in British common law. *This is not to be interpreted as meaning that land (or waters) and the resources therein were 'ownerless'*. I do not support the 'waste land' view that the British sought to introduce in New Zealand. People *owned the rights* to any land which they occupied, traversed, or controlled, whether or not the land was cultivated. Moreover, the rights were rights in property. Indeed, provided it is recognised that who 'owns land' is likely to be more intricate and multi-layered than in British common law, there is nothing essentially wrong with using that term. Dr Ballara's views and mine are not therefore all that far apart. It is just that Crocombe's concept of numerous owners of rights in land, in many ways better fits the complex Maori reality than two sharply distinguished categories of (i) land with only one true owner plus others with lesser rights and (ii) kainga tautohe - land with many owners.

(e) If the language of proprietorship is to be used it sometimes becomes difficult to identify who, or which level of group in Maori society, is to be deemed 'owner' in any given case. To take an example: in the Land Court in 1871, Ngati Toa hapu and whanau contested between themselves the rights to land about Porirua. Particular garden lands were claimed by particular chiefs. In that context, Ropata Hurumutu stated, inter alia:

The reason why...they are calling the path a boundary is that Te Rangihaeata's cultivation was on one side; Te Otaota's was on the other. The forest belonged to all Maori; only that part worked by his hand belonged specifically to anyone.¹²

As we shall see, land claims in and around Te Whanganui-a-Tara were frequently expressed in the names of particular chiefs and hapu (or hapu segments) as they were in terms of an iwi name. These claims were very close to being claims to exclusive possession, that is to 'ownership' or 'proprietorship' in common law terms. The claims to resource zones - the forest, the foreshore - were perhaps not quite as open to 'all Maori' as Ropata Hurumutu's statement suggests. Some Maori, of the hapu who primarily controlled the area, could gather foods and building material fairly freely, provided they did not, uninvited, take cultivated foods from someone's garden. But people from further afield would probably need some kind of permission, real or implied, from

¹² Motuhara claim, 2 November 1871, Wellington MB 1H, p.260, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.42

the dominant chiefs even to take produce from the uncultivated forest within the tribal rohe.

(f) But though the language of proprietorship came to be used in the Land Court, early Maori statements (as Dr Ballara implies) were very likely to advance claims to mana over the land, rather than ownership. Dr Ballara relates mana to the 'ownership' of land in this way:

Land ownership in Maori society required that ancestral claims go hand in hand with inherited mana over the land, plus occupation or other use...Yet descent from an owning ancestor alone was insufficient; it had to be from an ancestor whose descendants had continued to occupy it. Descendants who lived elsewhere eventually lost their rights - their claims grew cold. Inheritance of land was from that limited group of ancestors known to have first cleared and cultivated or otherwise used the resources of the land, and who had handed down their rights from generation to generation of people who also occupied the land. The concept of ahikaroa (long burning fires) presupposed continuous occupation or use of the land by descendants of ancestors with mana to the land. These concepts pertaining to land tenure fell outside, or existed alongside, the descent group categorisation of the people.¹³

By this criterion none of the immigrant hapu from the north in the 1820s and 1830s could claim 'ownership' of land in Te Whanganui-a-Tara. Dr Ballara also notes:

It was hard to express ownership of land [anywhere] in hapu terms for another reason. Such matters as hapu membership belonged to the ideal, conceptual or categoric dimension rather than to the everyday concrete reality.¹⁴

Certainly in the heke southward from Kawhia and Taranaki, and in the cross-marriages before and since, hapu divisions often became rather confused, with various hapu segments sometimes living together in the same kainga and cultivating the same lands. As has been noted, the phase of warfare and migration (with rather unusual rules applying) gave way to settled, ongoing possession and use. The normal rules of society re-emerged with chiefs and whanau eventually claimed particular gardens and clearings almost on an individual basis. But Dr Ballara introduces another category of mana, that of chiefs of multi-hapu 'communities'. This could be mana *over the people* of the community, or mana over the land, or both:

The basis of such a community was the mana of its chief over land and people...If they were the descendants of conquering chiefs they had mana over the people, but in order

¹³ Ballara, *Iwi*, p.200

¹⁴ Ballara, *Iwi*, p.200

to inherit mana over the land as well such conquering chiefs almost invariably sought to marry women of the conquered people; that way their successors as chiefs inherited the rights of both groups. The mana of the chief was thought to 'rest' or 'lie' on or over his territory; this usually included his own ancestral lands, but also the lands and use-rights of the several hapu living 'under' his mana. He did not own everything in his territory, but while he was accepted by his people as the proper bearer of the mana he had the right to make decisions about both the land and the various hapu living under his mana or authority. Mana could thus be of several degrees: higher-ranking, ruling chiefs were recognised as having greater mana; lesser chiefs, perhaps the hereditary leaders of one small hapu which formed part of the community, had lesser mana.¹⁵

The implications of this for the Whanganui-a-Tara region in the period after 1820 are firstly, whether the chiefs of the incoming heke married the women of tangata whenua groups, and claimed mana over the land thereby; and secondly, whether prominent chiefs, Te Rauparaha in particular, were accepted as the chiefs of a multi-hapu 'community' by the various hapu of the heke, such that their mana lay over the conquered land and gave them the right to make decisions about it. I shall attempt to answer these questions in the concluding sections.

1.4 Chief Judge Durie's comments. In a published lecture in 1996, Chief Judge Durie of the Maori Land Court, made the following comment about Maori land: 'The common feature then, of Maori law was that it was not in fact about property, but about arranging relationships between people'.¹⁶ Thus, although it is common for writers to discuss Maori customary land in terms of 'title', 'propriatorship', 'ownership' and 'use rights', the Chief Judge does so only to show the awkwardness of the English property law terms in relation to Maori law and Maori social order. He continues:

Land rights, in the Maori scheme, may be defined as a privilege, a privilege to use resources as a consequence of maintaining one's obligations both to the community, and to the deities as the protectors of the earth's resources... There is no property right in the resources of the forests, only the privilege of taking after appropriate permission from the forest gods, or no property in fish but a privilege of taking provided respect for Tangaroa was shown. The management of personal relationships depended also on the directions of the rangatira or chiefs. One of the major European misconceptions concerns the role of these rangatira.... Status in Maori terms comes not from the personal aggregation of

¹⁵ Ballara, *Iwi*, p.204

¹⁶ E T Durie, 'Will the Settlers Settle? Cultural Conciliation and Law', F W Guest Memorial Lecture 1996, *Otago Law Review*, Vol 8, No 4, p.454

power and wealth, but the delivery of power and wealth to the people. Thought to have a divine authority, their mana in fact came from the exhibition of divine traits, courage, generosity, pride, humility and so on.¹⁷

Such a view opens the possibility of a great variety of kinds and degrees of interest in land, waters and the resources they contained.

1.5 As far as the primary evidence relating to Port Nicholson is concerned, there is little discussion of the term 'tino rangatiratanga' (or 'rangatiratanga'). There is considerable debate, however, about mana over land and resources. The distinction between a general 'mana' over a wide area (usually held to derive from conquest or conquest and occupation) and the 'ownership' of cultivations and dwellings, is sometimes made in Land Court evidence, as in Ropata Hurumutu's statement quoted above. Nevertheless competing claims to cultivations were *also* commonly expressed in terms of debates about which chiefs held the 'mana' of the particular land, rather than who 'owned', although that claim was also advanced because it was the language of the Land Court. Debate about mana involved debate about who first cultivated an area or who invited whom in to cultivate. Debates about mana are thus about relationships between rangatira and hapu but also about the occupation and control of land and its resources. Thus it was very easy to move from this to the Land Court's pursuit of 'ownership'. It is arguable that, even before 1840, chiefs were beginning to be influenced by the European notions of property, as evidenced in the control of trade by Te Rauparaha. But whether developing commodity concepts about moveable property applied equally to land is a moot point. Dr Parsonson has shown, however, that sensitivity about mana is evident in demands to share in the payments for land made by the British, and for ongoing control over land which the British wrongly believed they had acquired in exclusive possession by 'sale'.

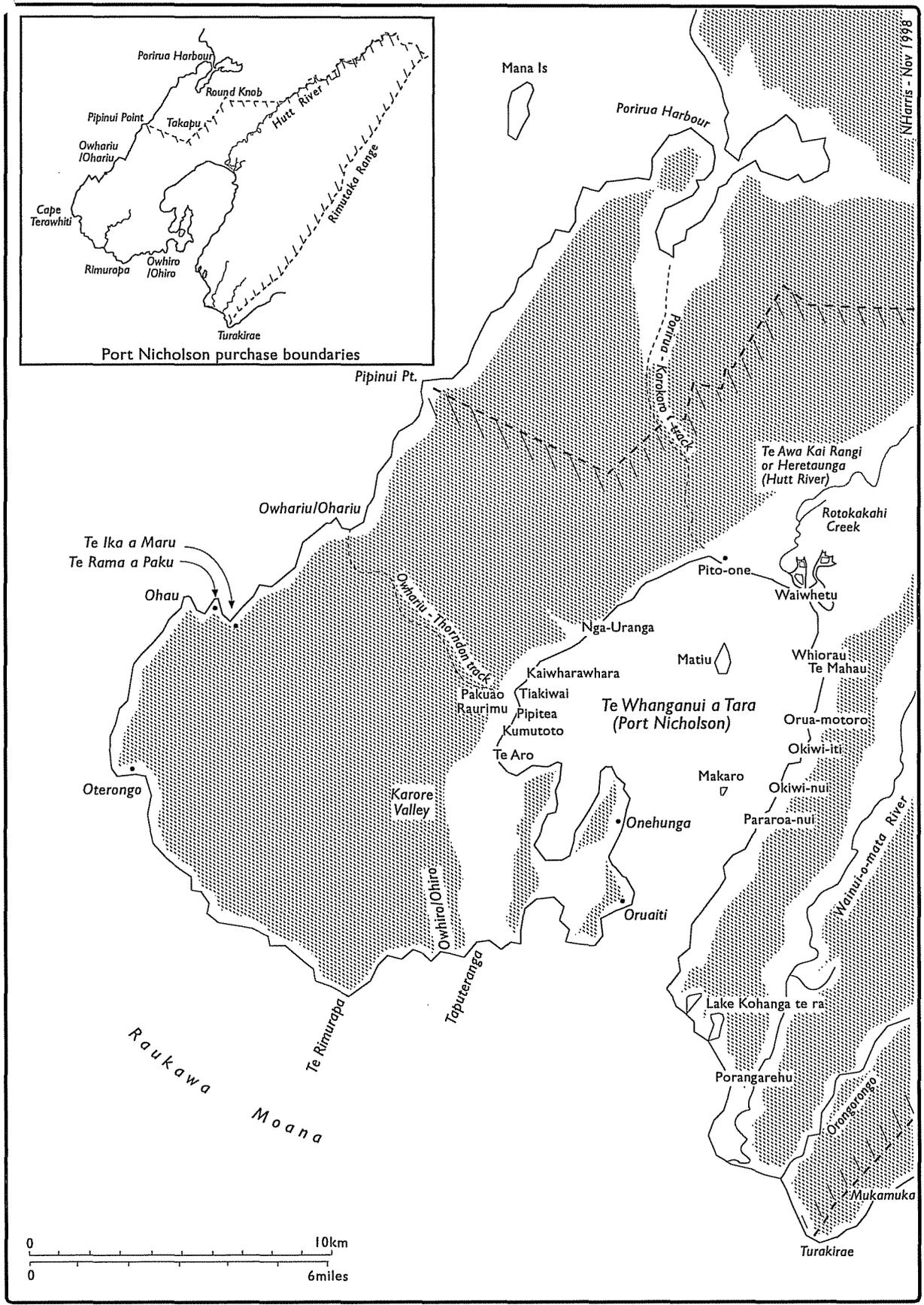
1.6 'Ownership' is essentially a cultural construct and legal construct. The 'incidents of title' in the English freehold, came to be defined more and more closely over the centuries, as Anglo-Saxon *folc-land* gave way to *boc-land* (land defined by written deed or 'book'), copy-hold (customary title defined in the manorial registers) and then, with the enclosure movement, titles held by individuals or legal corporations in exclusive possession. Even in the mid nineteenth century, a variety of customary rights and obligations clung to a lot of English land, qualifying

¹⁷ Durie, pp.454-5

the freehold. The registered Torrens-type titles which we now generally take for granted were an invention of the Wakefield settlement in South Australia in the late 1830s, swiftly adopted in New Zealand. For these reasons, I have been reluctant to equate claims to mana over land and resources with 'ownership' of the land and its resources, at least in the sense that there was one group or individual who 'owned' all the rights in a given area (or held 'title') and others who owned no rights in that area but those which they could seek from the 'owner'. That distinction seems to be too hard and Eurocentric. I shall argue in the concluding sections of this report that the pursuit of that distinction by William Spain and other officials investigating the Port Nicholson transaction led them into a trap, with unsatisfactory consequences for Maori. Certainly some chiefs and hapu controlled and possessed areas of land and invited others in to use portions of it. But that was not the only distinction by any means, and time altered all relationships and degrees of right. Commonly several groups, often inter-related, held interests in the same land, and the search must be to try to explicate all those levels and kinds of rights rather than to seek the holder of 'ultimate title', with implied relegation of the rest to the status of subsidiary or permissive rightholders (though that might be true of some groups some of the time). Certainly though, some tribes will be found to have much greater mana, stronger control and sustained occupation than others, and to dominate others who also use the land. *Possession* of the land, in the sense of physical occupation and cultivation of it, was clearly very important to Maori. It was distinguished from a more general right of tribal control over non-cultivated land. In that context, the mana of non-resident chiefs, recognised by the resident groups could not lightly be ignored. There were also the rights of persons or groups who had once occupied land and departed but had left their tohu upon it, in the form of historical associations recorded in placenames, places where blood was spilt or the bones of warriors lay. These were culturally very significant, even long after the groups who left them were no longer in occupation or possession. They constituted a kind of potential claim which could be made active if the later groups' occupation and control wavered or if they departed. 'Exclusive possession' by one individual or group of all the rights in a given area was rare, I suggest. To revert to common law terminology again, it was possible for various individuals and groups to have *interests* in the same land, corresponding *both* to their occupation and usage and to their mana as leaders of conquering groups (who could not, of course, be occupying and using all the land at once). Maori commonly understood these things and recognised each others mana by the protocols and

exchanges of food and gifts of produce from the land by which they managed their relationships with each other. The introduction of European concepts and procedures that brought about the language of 'title', 'ownership' and 'sale' (in the sense of the permanent alienation of the right of exclusive possession) caused confusion.

1.7 The chronology of events which follows in chapter 2 to 9 will seek to show how the Maori customary principles applied in respect of the occupation and control of Te Whanganui-a-Tara and its environs by successive tribal groups. Chapter 10 will draw together and sum up the grounds upon which the various tribal groups based their claims, the situation of each at 1839-1840, and the relationships between them.



Some Te Whanganui-a-Tara/Port Nicholson Place Names

Chapter 2

Occupancy of Te Whanganui-a-Tara in the early nineteenth century

2.1 The various research reports submitted to the Tribunal do not closely debate the occupancy of Te Whanganui-a-Tara immediately prior to the arrival of the Ngapuhi-Ngati Toa exploratory taua of 1819-20 and the subsequent heke into the area of northern tribes. Rather, almost all the submissions accept as relatively uncontroversial the accounts largely derived from the writings of Elsdon Best, S. Percy Smith, T W Downes and Alexander Shand about the turn of this century, which have informed the more recent writings of authors such as Patricia Burns, W C Carkeek, J M McEwen, Rosemary Tonk, John Struthers and, most notably, Angela Ballara. Some of these later writers, such as Carkeek, have also made use of primary sources - notably the Land Claim Commission evidence taken in respect of the NZ Company's claims, and the Native Land Court minutes. Two previous reports commissioned by the Tribunal have attempted comprehensive accounts of the occupancy of Te Whanganui-a-Tara (as distinct from the accounts written from the stance of particular claimant groups). These are by Penny Ehrhardt, 'Te Whanganui-a-Tara, Customary Tenure 1750-1850', and Robert A. McClean 'Te Whanganui-a-Tara, Foreshores Reclamation Report'. Mr McClean has used primary sources extensively and made some statements on the pre-1820 occupancy of the harbour, which I shall comment on shortly. Ms Ehrhardt's reading of primary sources has not caused her to modify the statements made by Ballara and Carkeek.

2.2 But by far the most extensive and detailed use of the Land Court records, in both English and Maori, relative to the topic of this chapter, is that of Dr Ballara. Moreover the nature and functioning of Maori customary society has been the dominant interest of her scholarly life, and hers remains the most authoritative account, in my view, of the pre-1820 occupancy. The research informed her doctoral thesis 'The origins of Ngati Kahungunu' and she summarised her findings in respect of the harbour in 'Te Whanganui-a-Tara: phases of Maori occupation of Wellington Harbour c.1800-1840', in David Hamer and Roberta Nicholls, *The Making of Wellington 1800-1914*. For convenience I shall quote extensively from the latter source:

The people who occupied the harbour around 1800 were the descendants of tribal groups which had been relatively undisturbed for several generations. Confusion concerning their identity has resulted in their being called, at different times, Ngati Ira, Ngati Kahungunu and even Ngai Tahu. The genealogical situation is made more difficult to unravel by the confusion between Ngai Tahu of Wairoa (Hawke's Bay) and Wairarapa and Ngai Tahu of the South Island; these two descent groups, though remotely linked in tradition, developed from two different ancestors called Tahu. Again there are at least two distinct iwi called Ngati Ira, both of East Coast origin, and both contributing bloodlines to the inhabitants of Te Whanganui-a-Tara about 1800.

Before 1800, for a number of generations, Te Whanganui-a-Tara was inhabited by people whose earliest known ancestors in New Zealand lived on the East Coast. They were descendants of Ira-turoto. As the generations progressed these people, for various reasons, had migrated south. The most significant move was under the ancestor Te Aomatarahi who moved into southern Hawke's Bay at the same time that Kahungunu's grandchildren and great grandchildren were moving into the Heretaunga area north of the Ngaruroro River. The descendants of Ira and Kahungunu fought with but did not drive out or destroy, the earlier inhabitants, who were descendants of Whatumamoā, Awanui-a-Rangi, Whatonga, Toi and other early ancestors; after various battles peace was made and the new groups and the old intermarried. As the descendants of Ira-turoto moved down the coast, leaving pockets of population at Porangahau (Ngai Tumapuhia-rangi and other hapu) and at Palliser Bay (Ngati Hinewaka and other hapu), they continued this process of intermarriage, so that by the time they settled Te Whanganui-a-Tara they were as much descendants of Whatonga's son Tara and grandson Rangitane as they were of Ira-Turoto. Ngati Ira had also intermarried with Ngati Kahungunu, and with the descendants of Iraka-putahi, some of whom had also migrated south. By 1800 the name Ngati Ira was retained in Wairarapa, the harbour and on the Kapiti coast, but other sections, especially those in the Hutt Valley, were known by the names of later ancestors, such as Rakai-whakairi, because their multiple tribal origins made the earlier names inappropriate.

During the first two decades of the 19th century the west side of Te Whanganui-a-Tara (Thorndon to Ngauranga) was deserted. Te Motu Kairangi, or Miramar Peninsula, Paekawakawa or inland Island Bay, and southern areas between had been deserted after battles in the lifetime of the chief Kainga-kiore, who was of mixed Ngati Ira and Ngati Kahukura-awhitia descent, and lived about five generations before this period. Ngati Ira were settled along the eastern shores from Waiwhetu to Turakirae. Pa of refuge existed on Matiu (Somes Island), Makoro (Ward Island) - where there was no construction, the island itself serving as a refuge - on Tapu-te-Ranga, and at Hakoīwi, a pa in the area from Orongorongo to Turakirae. The settlement at Waiwhetu was also fortified, but those at Okiwi, Parengarahū, Kohanga-te-ra lake and Orongorongo were fishing villages.

The Hutt Valley, then called Heretaunga, was also occupied, there were at least three major pa. The people living there were Rakai-whakairi and Ngati Kahukura-awhitia; both these descent groups originated in central Hawkes Bay and were descended from Ira-turoto and Toi but intermarried with Kahungunu's descendants, and later, after migration into Wairarapa, with Ngai Tara and Rangitane. Rakai-whakairi also lived on the Kapiti coast, where they shared pa with their Hamua/Rangitane kin. Both Rakai-whakairi and Ngati-Kahukura-awhitia were major descent groups in Wairarapa as well as in the Wellington/Hutt area.

Ngati Ira were established also from Pukerua Bay to Te Rawhiti. They had major settlements at Porirua, Titahi Bay and O(w)hariu; they had at least one pa at Waimapihi. Between 1800 and 1830 the highest ranking Ngati Ira family was that of the chief Te Huka-o-te-tai-o-Ruatapu, also known as Whanake, his wife Tamairangi, and his son Te Kekerengu. Tamairangi was of high rank in her own right; she had been brought up among Ngati Ira and Ngati Kuia of Arapaoa (or Arapawa) Island. All three were to play important parts in the events after 1819.¹

Ballara has supported this account with detailed endnotes to her chapter, too long to cite here.

In her note 20, however, she writes:

By 1918 Elsdon Best had learnt more about Maori genealogy than in 1894 (when he wrote 'Te Whanganui-a-Tara...'); in 1918 he wrote, correctly, of Rangitane, Ngai Tara, Ngati Kahungunu and Ngati Ira, that 'all four tribes became so mingled that one scarcely knows what name to apply to them.'²

And in note 53 she states:

Now called Ngati Kahungunu-ki-Wairarapa, the tangata whenua of Wairarapa were the result of extensive intermarriage among the early descent groups Ngai Tara, Rangitane, Ngati Ira, Ngati Kahungunu and others; in the period 1800-1840 they were usually known by later derivative names, such as Rakai-Whakairi, Hamua, Ngati-Kahukura-awhitia, Ngati Moe and others. Some Ngai Tahu (descendants of Tahu not Tahu-Potiki) and some Ngati Ira retained the original names.³

2.3 This detailed explanation is important because it underlies Dr Ballara's statement that the claims of Te Wharepouri and Te Puni to sell the lands within the 1839 Port Nicholson deed were limited, not only by the ongoing rights of the 'Taranaki tribes' (after their heke of the 1820s and 1830s), but also 'by the on-going claims of Rakai-Whakairi and other tangata whenua who had never ceased to challenge the presence of the Taranaki tribes'.⁴ These 'on-going claims' might be deemed to include raids by people commonly called 'Ngati Kahungunu', on Te Atiawa in the Waiwhetu area in early 1840. These will be discussed further in the chronological order of this report, as will the implied abandonment of claims west of the crest of the Tararuas in the

¹ Ballara, 'Te Whanganui-a-Tara', pp.12-15

² Ballara, 'Te Whanganui-a-Tara', note 20, citing Best, *Land of Tara*, p.40

³ Ballara, 'Te Whanganui-a-Tara', note 53

⁴ Ballara, 'Te Whanganui-a-Tara', p.33

peacemaking of Ngati Kahungunu and Te Atiawa in June-July 1840. Suffice it to say here that it is well-established since the Crown's investigation of the Company purchases that all Maori interests in the area were entitled to recognition and protection under the Treaty, and could only be extinguished by due process according to Treaty principles.

2.4 Dr Ballara, it should be noted, stresses the intermingling over a long period of time, of the tribes that moved into Te Whanganui-a-Tara, and supports Best's 1918 view that it is difficult to apply the names Rangitane, Ngai Tara, Ngati Kahungunu or Ngati Ira to any particular resident cluster. Even names like Rakai-whakairi are only local hapu names of groups with that kind of mixed descent. For this reason I am uneasy about attempts by some writers to sub-divide the area into discrete zones, each allocated to one or other tribe. This is misleading, a continuation of the tendency of the Native Land Court and some early anthropology to subsume complexity into a limited list of iwi with neat boundaries between them. The map drawn by Ms Ehrhardt on p.43 of her report is suspect for this reason, I believe. By Dr Ballara's account (which Ms Ehrhardt accepts without question in her text⁵) it is wrong to draw a map showing most of the coast occupied by 'Ngati Ira' and Heretaunga occupied by 'Rakaiwhakairi and Ngati Kahukuraawhitia', as if they were distinct peoples. By Dr Ballara's analysis, either or both groups could equally have been labelled by the generic name of Ngati Ira or Ngati Kahungunu (the last name generally used of them by Taranaki Maori in discussion with incoming Pakeha).⁶

2.5 Ms Ehrhardt adds some important information about groups on the Kapiti coast. Although the area concerned is northward of the Port Nicholson deed area, it involves tribal names which appear in discussions of the tribes of the harbour. She writes, drawing from Carkeek:

- (a) Hamua were related to Rangitane and may have been an offshoot of that tribe. W K te Awe Awe of Rangiotu claims that the people who became Muaupoko were previously known as Hamua. The Native Land Court evidence of Karaitiana Korouoterangi of the Wairarapa also supports this theory.⁷

There certainly was a Rangitane group called Hamua or Ngati Hamua, but there was also a quite

⁵ Ehrhardt, p.13

⁶ Ballara, 'Te Whanganui-a-Tara', p.15

⁷ Ehrhardt, p.13

distinct hapu of Te Atiawa of that name, located at Pipitea and Waiwhetu and also called Te Matehou. (The same hapu names are often to be found in various parts of New Zealand but refer to quite distinct groups with different origins). These two Hamua should not be confused. I have no evidence as to whether Muaupoko were previously known as Hamua.

(b)

On the west coast, Ngati Ira and Ngai Tara [or an amalgam of the two plus Ngati Kahungunu] seem to have once occupied as far as Wainui and Paekakariki. But Muaupoko developed as a tribe and spread to control from Horowhenua down to Pukerua. Ngati Rangi, who W C Carkeek describes as a subtribe of Muaupoko, lived at Paraparaumu. Although the tribes were distantly related there was ongoing fighting between Ngati Ira and Ngati Rangi over land and resources where the two tribes met.⁸

Certainly many of the Land Court minutes refer to Muaupoko (who were closely connected with Ngati Apa), occupying settlements and pa as far south as Pukerua Bay; many sources regard Waimapihi as a Muaupoko pa. Their relationships and conflicts with the heke from Kawhia and Taranaki districts dominate the history of the Manawatu and Horowhenua in the 1820s and 1830s and only indirectly affect Te Whanganui-a-Tara. I do not therefore propose to discuss the Manawatu\Horowhenua events in detail.

2.6 The name Ngati Rangi does reappear in claims to interests in Tiakiwai brought in the Land Court in 1888 by Te Kere Ngataierua in respect of a number of Whanganui hapu (including Ngati Rangi). The court rejected the claim, Maori evidence apparently making it quite clear that these hapu were not at Tiakiwai in 1839-40. They were probably part of the cluster of Whanganui people who associated themselves with Ngati Tama in the Hutt Valley in about 1844-45 and were relocated by Grey at Tiakiwai when the Ngati Tama were removed from the Hutt Valley.

2.7 Robert McClean, in his report for the Tribunal 'Te Whanganui-a-Tara Foreshore Reclamations Report', has set out to provide a 'fresh view' of customary ownership and use of the area using a considerable number of unpublished primary sources as well as published sources. However, for the period with which this chapter is concerned (which he covers only briefly) he has relied mainly on Best's Maori Note Book, to supplement the published sources.⁹

⁸ Ehrhardt, p.13

⁹ Elsdon Best, *Maori Note Book 13*, (1911), qMS-193, ATL

He notes that: 'The interrelationships and fluidity between Ngati Ira, Ngati Kahungunu, Rangitane and Ngai Tara is [sic] emphasised by Jock McEwen:

The fact was that these people all intermarried. They intermarried again and again with local people. All of them - the Kahungunu and the Ngati Ira, the Ngai Tahu, the whole lot of them - intermarried so much that they are neither one thing nor the other these days.

The point about these people is that they are all the same people - the people pretty well from Napier to Wellington - on both coasts; Manawatu to Wellington - they are all the same mixture - the same fruit salad. They are the descendants of Whatonga, descendants of Kupe, descendants of Ira Turoto with a little Kahungunu mixed up here and there.¹⁰

This summary states, in rather more colourful terms, essentially what Best stated in 1918 and Ballara in 1990. Mr McClean continues:

Jock McEwen finds the identity labels and names may have changed over time but essentially the people were the same; first Ngai Tara, who became Rangitane, who then became Ngati Ira and Kahungunu, to end up with the label Kahungunu Ki Wairarapa. All these groups descended from the Kurahaupo waka.

Given these generalisations I am very sceptical of attempts by the recent authors to then attribute particular parts of the district to particular parts of the 'fruit salad', merely on the basis of one or two scattered references. Thus Mr McClean cites Best's Maori note book, for the statement:

It seems that Ngai Tara gave Ngati Ira the Porirua district for their habitation. Ngati Ira, together with the Ngati Kahungunu hapu Rakaiwhakairi and Ngati Kahukura-awhitia, seemed to have taken control over Te Whanganui-a-Tara with some of Ngai Tara migrating to the South Island.¹¹

Ballara notes, apparently dismissively, that 'Smith, Best and others regarded Ngati Kahukura-awhitia and Rakai-whakairi as hapu of Ngati Kahungunu'.¹² See above, para 2.2, for her more complex depiction of the origins of these groups. For these reasons, I am sceptical of Ms Ehrhardt's mapped division of the harbour,¹³ as I am also sceptical of McClean's attempt to

¹⁰ McClean, p.57 citing Jock McEwan, 'Migrations to and settlement of the Wellington area', Department of Anthropology, Victoria University of Wellington, 1971

¹¹ McClean, Doc I 9, p.57 citing Best, *Maori Note Book 13*, p. 83

¹² Ballara, 'Te Whanganui-a-Tara', note 15

¹³ Ehrhardt, pp.43-45

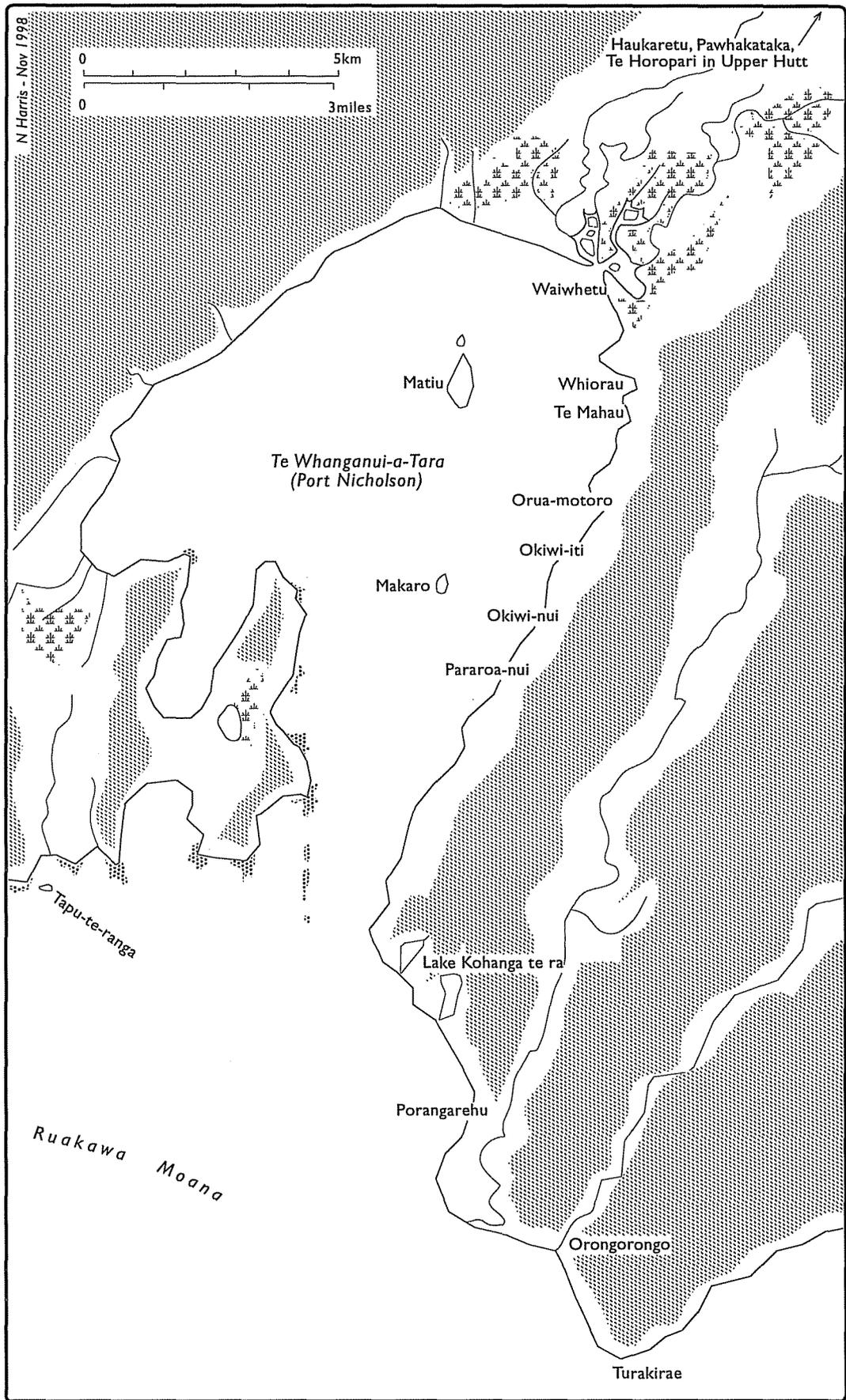
summarise the pattern of settlement around Te Whanganui-a-Tara as follows:

1. Ngati Ira and/or Rangitane at Te Whanganui-a-Tara, South Wairarapa and Porirua.
2. Ngati Rangi (descendants of Rangiheke of Ngai Tara) at Porirua and Upper Hutt.
3. Ngati Kahukura-awhitia of Ngati Ira in Upper Hutt
4. Ngati Rakaiwhakairi of Ngati Ira, descendants of Te Aomatarahi, in Lower Hutt.
5. Mua-Upoko on the west coast to Waimapihi or Porirua.¹⁴

It is still all too cut-and-dried and very little evidence indeed is cited in support of these subdivisions. In particular there is no evidence of a Ngati Rangi presence in Upper Hutt after their expulsion from the area by Ngati Ira during their occupation of Te Whanganui-a-Tara. (Best refers to a Ngai Tahu group called Ngati Rangi living at Te Hakaretu in the Heretaunga valley when Ngai Tara entered the area; they attacked Ngati Ira from a pa near Paraparamu, but were defeated. Later they were attacked and defeated again at Pawhakataka, near the junction of the Mangaroa and Heretaunga rivers and expelled, their lands being seized as far as Te Ruatutu in the Pakuratahi valley.¹⁵ These events seem to occur in the eighteenth century). At best the labels used by Mr McClean refer to dominant elements, or dominant names, within a complex mix of tribes, developed over several generations. There are certainly hapu who identify by the names of one or other of the intermingled peoples (Rangitane or Ngati Ira for example) throughout the area in 1820. But I have seen nothing to qualify with any authority the description given by Ballara and cited in para 2.2 above. The intermingling seems to have been such as to render misleading or untrue any attempts to make a territorial subdivision of the district among the constituent elements from which the pre-1820 populace was derived. The tendency of the Kawhia and Taranaki arrivals (and later observers) to call the northern occupants 'Muaupoko' around Pukerua, and the rest either 'Ngati Ira' or 'Ngati Kahungunu', is perfectly understandable, indeed justifiable.

¹⁴ McClean, p.58

¹⁵ Elsdon Best, 'The Land of Tara', pp.22, 65-6; see also Jock McEwen, *Rangitane: A Tribal History*, Auckland, Heinemann Reed, 1990, pp.54-5



Ngati Ira / Ngati Kahungunu - Te Whanganui-a-Tara c.1825

Chapter 3

The first taua from the north

3.1 Most sources agree that the relatively settled occupancy of the harbour and its environs by Ngati Ira or Ngati Kahungunu hapu was first disturbed by raiders from the north in 1819-20 but there is considerable confusion and contradiction in the sources as to the composition of the taua and of what exactly was done by their respective chiefs or peoples. It is unlikely that the precise truth of these matters can now be determined because we are heavily reliant on statements by early Land Court witnesses closely connected with one or other tribe involved. Many of the sources also confuse or conflate the events of one taua with another, and both with the events of the heke actually settling the area from about 1822. But some common ground can be found and some issues clarified.

3.2 Dr Ballara identifies two exploratory taua:

(a) In 1819 'The taua led by the Northland chiefs Patuone, Nene, Tuwhare and others was joined at Kawhia by Te Rauparaha, Te Rangihaeata and a war party of Ngati Toa'. The Ngapuhi chiefs carried muskets.

(b) 'This first invasion was followed in late 1821 by the Amiowhenua expedition. Its Ngati Whatua leaders were joined by some Waikato contingents, some Ngati Maniapoto and Ngati Maru'.¹ S. Percy Smith's account, upon which (Dr Ballara states) most secondary accounts rely, speaks of much slaughter of Ngati Ira people and the taking of the pa Tapu-te-Ranga.²

3.3 Ms Penny Ehrhardt accepts this division but, drawing on evidence by Pikau Te Rangi of Ngati Mutunga at the Ngarara rehearing in 1890, she states that the first taua 'which was dominated by Nga Puhi, included a Ngati Toa party under Te Peehi Kupe, Te Rauparaha and Rangihaeata, some Ngati Mutunga, Te Ati Awa with chiefs Mauukonga and Takaratatu [sic], and

¹ Ballara, 'Te Whanganui-a-Tara', p.15

² S Percy Smith, *Maori Wars of the Nineteenth Century*, 1910, p.215

Te Puoho of Ngati Tama'.³

3.4 (a) Mr Neville Gilmore, in 'The Myth of the Overlords', makes very substantial claims for the first taua as being of 'of primary importance in determining the ultimate title in 1839 to Whanganui-a-Tara' and to the place of Ngati Awa\Te Atiawa in it.⁴ As stated above I do not believe the Eurocentric concept of 'ultimate title' is very appropriate to the kinds of Maori realities that prevailed in the relations between people and land. Mr Gilmore's sources, however, list the participating chiefs in more detail. A 1905 source by the Nga Puhi MP, Hone Heke, gives Tamati [Patuone], Waka Nene and Tuwhare of Hokianga and Kaipara, Te Rauparaha, Te Peehi, Te Hiko, Te Pokaitara and others of Ngati Toa, and Ngatata, Te Wakatewai, Te Karu, Tumokemoke as leaders of Ngati Mutunga.⁵ S Percy Smith, in 'History and Traditions of the Taranaki Coast', describes the composition and movements of the taua in more detail, including a stop at Manukorihi, a Te Atiawa pa, and the joining of its principal rangatira (Takaratai) in the taua.⁶ Mr Gilmore speculates that Reretawhangawhanga and his son Te Rangitake also joined but Land Court evidence suggests that they were in the first heke rather than the exploratory taua.⁷

(b) Mr Gilmore also cites Wiremu Te Kanae's 1888 account which gives a prominent role to Te Puoho of Ngati Tama in inciting the formation of the taua, partly to avenge an insult by Ngati Ruanui to his niece who had married a Ngati Ruanui man.⁸ While it is highly likely that this

³ Ehrhardt, p.14, citing Otaki Native Land Court minute book 10, p.297

⁴ Gilmore, pp.1-4

⁵ Hone Heke to the Hon. J. Carroll, 18 May 1905 in File Ne77: Wakapuaka: Papers relating to petitions to parliament, 1833-39', MLC Te Waipounamu Registry, Christchurch, pp.1-3

⁶ S Percy Smith, 'History and Traditions of the Taranaki Coast', *Journal of the Polynesian Society*, 1909, 18, p.28

⁷ Gilmore, p.4; Otaki Native Land Court minute book 10, pp.99 and 314

⁸ Wiremu Te Kanae, 'The History of the Tribes Ngati-Toarangatira, Ngati-awa-a-runga-o-te-Rangi and Ngati Raukawa, having special reference to the doings of Te Rauparaha', 1888, (trans. George Graham, Auckland, 1928), Auckland Public Library. Dr Parsonson also notes Native Land Court evidence by Matene Te Whiwhi attributing the initiative to Te Puoho: Otaki minute book 1, p.135, cited Parsonson, 1978, p.154

incident played a part in the formation of the taua, likely too that all the affinal links referred to by Gilmore came into play, the motivations which took such a large and far-flung assemblage of tribes all the way to Te Whanganui-a-Tara and the Wairarapa were much more complex and far-reaching than support for Te Puoho. The various chiefs had their own agendas; Ngati Toa sources speak about Te Rauparaha's interest in the sources of pounamu, and of trade with the Pakeha.⁹

3.5 Mr Boast has given detailed accounts of the 1819 taua mainly from Ngati Toa sources. These stress the primacy of Te Rauparaha's role. The 1851 letter claims that Te Rauparaha initiated the whole venture, from a wish to visit the source of pounamu; that he sent for Nga Puhi allies; and that, despite losses in battles on the way, he urged the taua all the way to the Wairarapa.¹⁰ Land Court evidence by Matene Te Whiwhi and Tamihana Te Rauparaha supports this general picture. As Mr Boast points out, neither of these accounts gives any place to Te Atiawa (or even Ngati Awa, which might be taken to include Ngati Mutunga and Ngati Tama) in the taua. He cites Matene Te Whiwhi's evidence in the Kukutauaki case to similar effect.¹¹ All of these accounts relate (with differences in detail) the incident at or near Te Whanganui-a-Tara (according to Dr Ballara's and Dr Parsonson's sources, from the cliffs at Omere, near Ohariu) in which the chiefs saw a European sailing ship pass, and one or other of the Nga Puhi chiefs urged Te Rauparaha to leave Kawhia and bring his people to settle 'this place' and be close to the Pakeha and their trade. In Tamihana Te Rauparaha's account, as the taua returned northward to their various starting points, Tamati Waka Nene on parting from Te Rauparaha at Kawhia, also said 'Go to Kapiti and Wairarapa'.¹² Regardless of the variations in the detail, the central idea is clear enough. According to the 1851 account the thought 'remained with Te Rau-paraha and

⁹ 'Two letters from Ngaati-toa to Sir George Grey', translated by Bruce Biggs, *Journal of the Polynesian Society*, Vol. 68, 1959, pp.268-70, letter of 11 December 1851

¹⁰ 'Two letters from Ngaati-toa to Sir George Grey'. See Boast, 'Ngati Toa in the Wellington Region', pp.31-6

¹¹ Matene Te Whiwhi's evidence, Otaki Native Land Court minute book 1, p.135 and Tamihana Te Rauparaha's evidence, Otaki minute book 1C, pp.372-3, cited in Boast, 'Ngati Toa in the Wellington Region', pp.32-3. But note Te Whiwhi's other evidence cited above from Parsonson, giving the initiative to Te Puoho and Ngati Tama.

¹² Cited in Boast, 'Ngati Toa in the Wellington Region', p.34

grew with him'.¹³

3.6 Mr Boast also notes the somewhat puzzling remark attributed to Patuone (while urging Rauparaha to occupy Te Whanganui-a-Tara) 'You will be destroyed by Ngaapuhi'.¹⁴ The point is immaterial but may refer to the possibility that the Nga Puhi chiefs were also toying with the idea of occupying these southern areas. Wiremu Te Kanae's account says:

When the party was on their return journey Te Rauparaha heard the chiefs of Ngapuhi speaking of coming back on board a vessel to take possession of this end of the Island. Hence Te Rauparaha said to his young people, to Te Pehi and Te Pokaitara that when they reached Kawhia, they should be quick to return to take this district for ourselves.¹⁵

Other relevant points in Te Whiwhi's account, supported by other sources, are that Muaupoko and Ngati Apa chiefs captured by the taua were 'placed' at Ohau and Rangitikei respectively; and that Rangihaeata took Te Pekinga (Te Pikenga and Te Pikinga are variants) of Ngati Apa as his wife. This strongly suggest that Ngati Toa did appear to be planning for a possible return: as noted in Chapter 1, intermarriage with the tangata whenua is the basis by which take tupuna can be established for the children of the marriage.

3.7 Mr Boast's fourth main source is Wi Parata, speaking at the Ngarara rehearing of 1890. He was of both Ngati Toa and Ngati Awa descent and he stated that Ngati Awa suggested the foray southward to be near Europeans, the source of firearms. But he then gives no more role to Ngati Awa explicitly in the taua. It was Te Pehi and Rauparaha, by his account, who went to Nga Puhi and returned with several chiefs, led by Tuwhare, for the exploratory foray southward.¹⁶ Wi Parata refers to the capture of Pikenga, to the appropriation and allocation of blocks to Ngati Toa chiefs (only) from Manawatu to Waikanae, the fighting with Ngati Kahungunu, the sighting of the European ship and the return to Kawhia. This account by Wi Parata is a very late one, a

¹³ Cited in Boast, 'Ngati Toa in the Wellington Region', p.31

¹⁴ Cited in Boast, 'Ngati Toa in the Wellington Region', pp.31-2

¹⁵ Te Kanae, 'The History of the Tribes...' p.5

¹⁶ Otaki Native Land Court minute book 10, pp.144-5 cited in Boast, 'Ngati Toa in the Wellington Region', p.34

rapid summary, conflating events from different times and expeditions. For example the chief states, 'They called this march the Aomowhenua [sic] on account of the great length of it'. Most sources regard the Amiowhenua foray as distinct from that of Tuwhare, Waka Nene, Te Pehi and Te Rauparaha (although the two met in the Wairarapa by some accounts). The Amiowhenua taua is regarded by Ballara as occurring in 1821 and being led by Ngati Whatua chiefs, plus some Waikato, Ngati Maniapoto and Ngati Maru.¹⁷ These people were generally at odds with the Ngati Toa and Taranaki tribes.

3.8 Mr Gilmore makes the very important claim that 'When the Taua of 1819/1820 passed over the land various rangatira reserved land for future occupation and use'. 'This process of rahui' as he calls it, is discussed in Land Court evidence relating to blocks at Waikanae and Porirua. In the light of this evidence Mr Gilmore argues that 'the mana of various rangatira' rested over the land from Rangitikei to Whanganui-a-Tara. In Mr Gilmore's view, the evidence makes it clear that 'Whanganui-a-Tara was a reservation of Te Peehi Kupe and Te Rangihiroa of Ngati Te Maunu and Ngati-Hinetuhi'.¹⁸ These are very large claims and I am not persuaded that they are supported by the evidence, for the following reasons:

(a) The particular evidence referred to by Mr Gilmore, is very late evidence, of 1903, given by Matenga Te Hiko in respect of Komangarautawhiri A block, of 350 acres, opposite Mana Island. Matenga was supporting the claims of Te Meihana of Ngati Rarua against Ngati Tama claimants who derived their interests through Te Puoho. Matenga asserted the authority of Te Pehi and Te Rangihiroa in the Porirua area generally. More particularly though, he states that Te Rako, a chief on the exploratory taua of equal rank to Te Pehi according to Matenga, reserved Komangarautawhiri for his kinsman Tuhaha by likening the paua they ate on the coast to 'the eyes of Tuhaha'.¹⁹ He stated that both Te Rako and Tuhaha has died by the time of the 'second expedition of N/Toa to this land' but that the mana of Te Rako 'existed from the time of first setting apart the land till the land was occupied' and that since Tuhaha did not come onto the land

¹⁷ Ballara, 'Te Whanganui-a-Tara', p.15

¹⁸ Gilmore, p.1

¹⁹ Wellington Native Land Court minute book 11, pp.347-8

it would belong to Ngati Toa generally - that is, not to Ngati Tama.²⁰ There is room for some confusion about what Matenga meant about the first and second Ngati Toa expeditions, and it is rather remarkable that both Te Rako (about whom almost nothing more is said in comparison with the enormous number of references to Te Pehi) and Tuhaha both died in the nine months between the return of the taua and the setting out of the first heke. More importantly Matenga said nothing about Te Whanganui-a-Tara. Some rahui may have been uttered by particular chiefs over portions of the land they traversed but whether they would have had the absolutely binding significance, in relation to the host of other actions that took place in relation to the land, is perhaps arguable.

(b) There are a considerable number of assertions about the allocation of land in the Land Court minute books, particularly from 1890 (the rehearing of claims to the Ngarara block). These are discussed further below, para 10.6, but they are most commonly made in the context of claim and counter-claim by Tamihana Te Rauparaha (heir to his father's mana) and Wi Parata, grandson of Te Rangihiroa and great-nephew of Te Pehi. The Land Court evidence reflects the persistent rivalry between Ngati Kimihia and Ngati Te Maunu hapu of Ngati Toa. Much caution must therefore be observed in accepting the claims of either party at face value.

(c) Amidst the growing welter of assertions and counter-assertions about allocation, Te Whanganui-a-Tara still does not figure very largely. Most of the discussion is about the Porirua harbour lands and the Kapiti coast. In 1903, however, in relation to Kohotea 2 block, Wi Parata stated 'It was on the first invasion [sic] that Te Peehi and Te Hiko reserved land at Porirua'.²¹ He went on: 'The land that came under the Rahui of Te Pehi and Te Hiko included land from Pukerua to Porirua and even to Wellington - I heard. It included the whole of the land'.²² The very tentativeness with which Wi Parata (one normally never reticent about advancing his claims) included Wellington in his statement, raises doubt. Wi Parata, however, elaborated his position but swung the claim *away* from the initial taua to the first heke:

After Waiorua the land was held by the invaders without further molestation - When the

²⁰ Wellington Native Land Court minute book 11, p.358. Mr Gilmore wrongly gives the reference as Wellington MB 12

²¹ Wellington Native Land Court minute book 12, p.221

²² Wellington Native Land Court minute book 12, p.247

invaders settled on the main land, I never heard of any parcelling out of it among the Hapus - This settlement was known as N/Toa. It was not until the arrival of N/Awa that any land was given - Those who settled knew that they did so under certain persons who had rights. Former courts had ignored those rights and awarded lands according to occupation.²³

He then said: 'N/Mutunga were the first to come down here - When the big expedition of N/Awa came Te Rangihiroa told them to go to Welln. He gave Welln. to N/Mutunga.'²⁴ *It should be noted that this is rather different from an alleged rahui in 1819-20.* The whole situation arising after the large Taranaki heke arrived about 1824 suggests that it is much more likely that Ngati Mutunga were urged by Ngati Toa leadership, probably including both Te Rauparaha and Te Rangihiroa, to go south to Te Whanganui-a-Tara. The tangata whenua were still in occupation and the invaders control had yet to be consolidated. I am very sceptical that Te Whanganui-a-Tara was in Te Rangihiroa's power of grant in the sense that Wi Parata implied. Even if the death of Te Pehi's sister (somewhat tenuously linked to Ngati Mutunga) was a take for Ngati Mutunga's action, the concept is still far removed from rahui by the chiefs of the 1819\20 taua.

(d) In point of fact, as we shall see in the unfolding history of events, the Ngati Mutunga invaders did not act as if they regarded Te Whanganui-a-Tara as simply 'a reservation of Te Peehi Kupe and Te Rangihiroa' as Mr Gilmore would have us believe. On the contrary they asserted a great deal of independent authority, on the basis of their conquest. I have seen no reference by a Ngati Mutunga witness to the death of 'their sister' or that they owed their rights in Te Whanganui-a-Tara to Te Rangihiroa specifically. There is evidence that they had contact with him prior to their departure for Wharekauri in 1835, but there is also evidence of the activity of Te Rangihaeata in the area. Ngati Tama claimants to Te Whanganui-a-Tara acknowledged their debt to Te Rauparaha rather than to Te Rangihiroa. For these reasons I am not persuaded either that a process of rahui or reservation in 1819\20 covered the area comprehensively, or that (if it operated further north) it reached Te Whanganui-a-Tara. The witnesses in the Land Court, who made such assertions in the late nineteenth and early twentieth centuries were possibly reading back to that first foray, developments which took place some years later, and interpreting

²³ Wellington Native Land Court minute book 12, pp.247-8

²⁴ Wellington Native Land Court minute book 12, p.252

them in the context of the competitive claims process in the Land Court.

3.9 The evidence does, however, refer to the practice of sparing prisoners taken in the various battles fought along the way, on the understanding that they would facilitate a return of their former captors to the area. Thus the Ngati Toa chiefs writing to Governor Grey in 1851 said, in respect of the first real heke:

We came on to Whanganui and then to Rangi-tikei. There we found Rangi-haeata's men, spared by him on the first expedition and left to guard Rangi-tikei and all of Ngaati-Apa. We remained there a month. We came on to Manawa-tuu, and there found Taheke and Tohu-riri, the men left there by Te Rangi-haeata and Te Rau-paraha to guard Manawa-tuu, Oo-taki and all of this land.²⁵

This practice of sparing prisoners and using them as mediators was used several times again in the subsequent heke, as we shall see. That it was apparently used in the first taua is evidence that various chiefs in the taua kept an eye out for attractive areas, rich in resources, with a view to returning. Yet there is no clear evidence that suggests that at that stage they had yet determined on a full-scale migration, to the point that they were ready to actually rahui specific portions of the land. The land was already peopled, after all, and, though the taua won more fights than it lost, it was by no means clear that the inhabitants were ready simply to abandon the area.

²⁵ Bruce Biggs, (trans.), 'Two letters from Ngaati-toa to Sir George Grey', pp.275, letter of 11 December 1851

Chapter 4

The first heke: Te Heke Mai-i-Raro

4.1 Virtually all sources agree that a new phase of deliberate migration to and occupation of the south began about 1822, that it was initiated by the Ngati Toa and that Te Rauparaha was the driving force among the Ngati Toa chiefs, increasingly under pressure in their struggles with Waikato and Ngati Maniapoto neighbours. It is not necessary, for the purposes of this inquiry, to go into the details of the politics and warfare in the Kawhia\Waikato at the time. They are described in considerable detail by S Percy Smith and many later sources. By Dr Parsonson's analysis Ngati Toa were not actually in danger of being destroyed at Kawhia; they had close relatives among their Waikato and Ngati Maniapoto attackers and each had given safe passage to the other out of besieged pa in the endless round of hostile encounters. But the inland peoples were steadily encroaching on the coast. Whaingaroa, then Aotea harbours had been abandoned to Waikato and Ngati Toa were penned onto the southwest side of Kawhia. By his son's account, Te Rauparaha offered an alternative grand vision of a southward migration, where they would have access to Pakeha traders and their guns and other goods, a plenitude of traditional foods, prized birds' feathers, and totara trees to make canoes for the conquest of the peoples of Te Wai Pounamu, the home of the green stone which enhanced the mana of its possessors.¹

4.2 Mr Boast raises the question of Te Rauparaha's motives - whether Te Rauparaha's vision amounted to something quite new in New Zealand, namely a plan for a monarchy along the lines of those already created by the Pomare dynasty in Tahiti or the Kamehameha line in Hawai'i. Boast notes that neither Burns, Te Rauparaha's biographer, or Professor Kerry Howe, an expert in Polynesian and New Zealand history, regards Te Rauparaha as acting from anything other than traditional Maori purposes and goals. He nevertheless asks, 'Can it really be believed that the complex invasion of the Upper South Island, the years of hard campaigning, following [sic] by careful redistribution of the land, were brought about *only* because of ritual insults [from

¹ Parsonson, p.155 citing Tamihana Te Rauparaha, 'Life and times of Te Rauparaha by his son Tamihana Te Rauparaha', trans G Graham, Hocken Library, p.8

the southern chiefs]? Or did Te Rauparaha have larger and more ambitious plans in mind?'² Of course he did! The ritual insults were little more than the excuses Te Rauparaha needed for assertion of control over the territory and its produce that his son described. But that does *not* add up to the notion of a dynastic monarchy along the lines of the Tahitian or Hawai'ian precedents. The only primary evidence I have seen to such a concept entering Te Rauparaha's mind is William Wakefield's sneering reference to 'poor Mr. Raupero, the King of New Zealand as he calls himself'.³ Little credence can be placed on this as evidence of Te Rauparaha's actual conception of his status. Mr Boast himself is forced to acknowledge that the Ngati Toa Land Court evidence is all in traditional terms. It can also be said at the outset that there simply is no evidence of crucial strategies employed by Tu (Pomare) of Tahiti or Kamehameha of Hawai'i such as the control of traditional deities, their symbols and sacred marae; or of the subsequent adroit switch to Christianity and destruction of the traditional gods and their rituals to deny rivals the chance to pursue the same tactics. Maori culture simply did not have the centralised lineages and religious symbols which would have made this possible. An analogy with Napoleon is closer, if we think about Napoleon as a very successful general and forget about the political legitimacy he sought from the French revolutionary government and assembly. If we remember too that Te Rauparaha's military successes, like Napoleon's, depended in part upon his own amazing courage and tactical brilliance, in part upon holding together - for a time - a motley collection of tribal allies, much as Napoleon held Austrians, Prussians, Italians and others in his alliance, each constantly inclined to go their own way and doing so after Napoleon's disastrous failure in Russia. (One is tempted to pursue the analogy to 1846 with Sir George Grey effecting Te Rauparaha's 'Moscow' in the Hutt Valley. But Maori witnesses refer to the Hutt as 'Te Rangihaeata's fight'; Te Rauparaha tried to avoid that catastrophe, by difficult negotiation between his allies and the British).

4.3 Leaving aside Mr Boast's speculation, Te Rauparaha's plans were indeed hugely ambitious and daring. As Parsonson says, they involved pushing aside the southern peoples, establishing Ngati Toa and their allies in their territories, and controlling the resources of those territories,

² Boast, 'Ngati Toa in the Wellington Region', p.18

³William Wakefield Diary, 23 October 1839, Alexander Turnbull Library typescript, p.84

including trade with the Pakeha.⁴ The invasion and occupation of others' territory was not original; indeed the Maori history of New Zealand consists largely of just that, once there was little or no unoccupied land to take up. But the *scale* of it was new. Whether Te Rauparaha and his allies actually envisaged from the outset the conquest of both sides of Te Moana Raukawa (Cook's Strait) and much of Te Wai Pounamu is perhaps debateable: Tamihana Te Rauparaha and Matene Te Whiwhi would not be the first nor the last to claim highly successful outcomes as pre-envisaged all along. But, as we shall see, once the initial relatively peaceable relationship with Muaupoko and others had broken down, once Ngati Toa and their allies had won at Waiorua in 1824, the full vision promptly unfolded and was put into place.

4.4 But recent writers have made a number of points that reveal how the composition and leadership of the heke reflected one of the basic principles of Maori society, namely, that individual hapu or hapu segments, under their rangatira, made their own decisions about any particular course of action. Their decisions were determined by their appraisal of their various specific situations and the directions they took were shaped by their kinship connections, with other hapu and iwi. Every member of the community had a voice and the senior chiefs especially, often acted quite independently of each other. It is more accurate to think of Ngati Toa, or any other iwi, as a group of ranking leaders and their close connections within and without their primary lineage, than as some kind of body corporate. In the event, not all of Ngati Toa joined the exodus: Te Rauparaha's own brothers, among others, decided that a southern heke was even more hazardous than staying at Kawhia. In general it was the hapu most closely connected with Waikato who remained.⁵

4.5. Moreover, the search for allies initially did not go well. Overtures by Te Rauparaha to Waikato chiefs were rejected.⁶ Nevertheless, only about nine months after the return of the exploratory taua, the heke called Tahutahuahi moved off towards northern Taranaki. It was clearly a heke of settlement, comprising men, women and children. They were remarkably few

⁴ Parsonson, p.156

⁵ Ehrhardt, p.14, following Parsonson.

⁶ Boast, 'Ngati Toa in the Wellington Region', pp.36-7, citing Tamihana Te Rauparaha and Matene Te Whiwhi.

in numbers. By Parsonson's analysis (with which Boast independently concurs), there were only about 250-300 in all, drawn from Ngati Toarangatira proper and the closely linked Ngati Koata and Ngati Rarua hapu. The leaders included Te Rauparaha (of Ngati Kimihia hapu), his nephew Te Rangihaeata, his tuakana Te Pehi (Ngati Te Maunu hapu), Te Pehi's younger brother Te Rangihiroa and his half-brother Tungia.⁷

4.6 The heke rested at Okoki in northern Taranaki.⁸ The search for allies continued to be shaped by kinship connections. Te Pehi Kupe, for example, widely considered in both primary and secondary sources to be the most senior ranking leader of the heke, was closely connected with the Ngati Awa hapu Ngati Hinetuhi, variously regarded as a hapu of Te Atiawa, Ngati Ruanui and Ngati Mutunga.⁹ His mother was Waipunahau of N' Hinetuhi, according to the whakapapa cited by Mr Gilmore.¹⁰ In fact the whakapapa links between Ngati Toa and the tribes of the north Taranaki district are numerous, as are the links *among* those tribes - a point which Mr Boast rightly emphasises in his general introduction.¹¹ Te Rauparaha, on the other hand, was more closely linked with Ngati Raukawa, through his mother Parekohatu, his adolescent years associated with the Ngati Raukawa chief, Hape Ki Turangi, and his marriage (among others) to Te Akau, Hape's widow. From Okoki he therefore journeyed to Ngati Raukawa territory to ask them to join. He was stingingly rebuffed. According to Tamihana Te Rauparaha they said, 'They will not emigrate with you for the chieftainship would pass to you...'. In any case they were more intent on their own expedition to Ahuriri.¹² A group from the hapu Ngati Rangatahi had joined the heke as it rested on the Marokopa River, not far south of Kawhia. Ngati Rangatahi were a hapu originally from near Otorohanga with primarily Ngati Maniapoto lineage, but they had

⁷See Wellington Native Land Court minute book 1, p.82 for a statement on Tungia, a man considered of high rank, having the same father as Te Pehi but a different mother.

⁸ Hippolite, p.6, gives 'Te Kaweka, a few miles north of the Urenui river' as the location, citing Tamihana Te Rauparaha's 'History of Te Rauparaha', p.17

⁹ Angela Ballara, personal communication, 15/7/98

¹⁰ Gilmore, Appendix B2

¹¹ Boast, 'Ngati Toa in the Wellington Region', p.11

¹² Parsonson, p.160, citing Tamihana Te Rauparaha, 'Life and Times'.

moved southward to Ohura, near Taumaranui and had come to be regarded as a Whanganui people.¹³ Joy Hippolite has shown a link to Ngati Toa through Te Rauparaha's paternal grandmother, Kimihia.¹⁴ Dr Parsonson adds the somewhat surprising designation of Ngati Rangatahi as tangata whenua of the upper Hutt Valley. Her footnote states that they were 'variously said' to have been defeated there by 'Ngati Kahungunu' [Ngati Ira] before the arrival of the heke, after which they had returned to 'Whanganui', presumably predisposed to seize the opportunity to come south again with Te Rauparaha; or that they first came south assisting the Ngati Toa raupatu. She thinks that both explanations may be true.¹⁵ The earlier Hutt Valley connection is referred to by the New Zealand Company official, Edmund Halswell, in an 1842 report¹⁶. In any case their numbers did not greatly augment the heke. David Young states that — Topine Te Mamaku of Ngati Haua, a Whanganui river people, wished his people to join the heke but was dissuaded by Pehi Turoa.¹⁷ Ngati Toa's search for allies in north Taranaki thus became extremely necessary.

4.7 Who were these north Taranaki allies and what kinds of relationship did they have with Ngati Toa? Dr Parsonson in 1978 (and other writers following her) note Te Rauparaha's reluctance to invite Te Atiawa participation, because of his jealousy of his tuakana, Te Pehi Kupe, who 'had close connections with the northern Te Atiawa hapu: Ngati Rahiri, Ngati Hinetuhi, Kaitangata, Ngati Mutunga'. Parsonson here seems to be using the term 'Te Atiawa' as equivalent to the rather loose nineteenth century terminology 'Ngati Awa'. This was sometimes used as equivalent to 'Te Atiawa' but increasingly the latter term related more specifically to the hapu clustered from the Waitara river to Ngamotu (modern New Plymouth). She notes that Te Rauparaha 'felt uneasy' with these people and feared for his leadership if chiefs like Te Pehi and

¹³ Parsonson, pp.91-3

¹⁴ Hippolite, p.4

¹⁵ Parsonson, p.204 and note 60

¹⁶ Halswell to Colonel Wakefield, 28 August 1842, cited Doc A29, p.511

¹⁷ David Young, 'Te Mamaku, Hemi Topine' in W.H. Oliver, (ed.), *The Dictionary of New Zealand Biography, Vol. 1, 1769-1869*, Department of Internal Affairs and Bridget Williams Books, Wellington, 1990, p.470

Nohorua were 'reinforced by their own relatives'. She cites the whakapapa showing Te Pehi's line as tuakana to Te Rauparaha's and notes too that Nohorua, Te Rauparaha's half-brother who was related to Ngati Rahiri, had made peace when Te Rauparaha had led a taua against that hapu.¹⁸ This was part of the typical complexity of Maori relationships: criss-crossing kinship ties, good relationships between particular chiefs and their sections, coldness or enmity between others, within the same cluster of tribes. Dr Parsonson's statements also show the difficulty of categorising groups as either hapu or iwi, a point which Dr Ballara's entire work emphasises. Ngati Mutunga, for example often behave quite independently - notably in their celebrated migration to Wharekauri after a period of residence at Te Whanganui-a-Tara. Dr Parsonson in this instance (and more recently Mr Gilmore) treat them as a hapu of 'Atiawa'. Mr Boast, on the other hand, calls them 'an iwi in their own right' and goes to great lengths to show that marriage connections between Ngati Toa and Ngati Mutunga were 'especially tenacious and complex'. These included: Wiremu Piti (William Pitt) Pomare, also known as Pomare Ngatata, was married to Tawhiti of Ngati Toa; Inia Tuhata a chief of Ngati Mutunga, a grandson of Te-Rau-o-te-Rangi, whose parents were Te Matoha of Ngati Toa and Te Hautonga of Ngati Mutunga; Wi Naera Pomare of Ngati Mutunga was a son of Te Rongo of Ngati Toa, and the Englishman Captain Blenkinsopp (Te Rongo later married Te Rangihaeata, and her death by a stray bullet at Wairau in 1843 was the occasion of Te Rangihaeata's utu against Captain Arthur Wakefield and others); Wi Naera became a whangai of Wi Piti Pomare and married Mere Rangaiuanu.¹⁹ Mr Boast acknowledges that Ngati Mutunga were closely linked with Ngati Tama (they 'form one tribe', Te Kaeaea of Ngati Tama told Commissioner Spain in 1842²⁰) 'and to the hapus of Te Ati Awa ... as well'.²¹ We shall see, in due course, how some of those Te Atiawa connections operated in the occupation of Te Whanganui-a-Tara. Some of the connections that Mr Boast cites developed after the heke had journeyed southward; others existed before. As always, sharp boundaries between groups did not exist, but strong leaders asserted the mana of their groups where they could. Although hapu always needed allies or potential allies they also

¹⁸ Parsonson, p.160-1

¹⁹ Boast, 'Ngati Toa in the Wellington Region', pp.106-10

²⁰ OLC 1/906, 28 May 1842, NA

²¹ Boast, 'Ngati Toa in the Wellington Region', p.111

sought to avoid being subsumed by powerful allies. It would be quite inappropriate to categorise Ngati Mutunga or Ngati Tama simply as hapu of either Te Atiawa or of Ngati Toa. In the documentary record they are, however, often included in the wider category of 'Ngati Awa'.

4.8 For their part, as Dr Parsonson points out, the northern Taranaki hapu at first received the Ngati Toa heke formally rather than warmly. But after Te Rauparaha and his people had joined them in holding off attacks by successive Waikato and Ngati Maniapoto taua (including the taua Te Amiowhenua, returning from the south), relations grew much closer, and Ngati Toa were allowed to cultivate crops. The allies then besieged Waikato in Pukerangiora, in Te Atiawa territory proper, and fought them to a standstill at Te Motunui, near Okoki pa, in the spring of 1821. About six months later, in March 1822 the heke moved southward again in the second stage, called Tataramoā. This time they were accompanied by many north Taranaki warriors. Dr Parsonson says there were 200 'Ati Awa'.²² Of Mr Boast's sources, Matene Te Whiwhi in 1868 spoke of 500 or 600 'Ngati Awa'; Ihaka Tekateka (Ngati Koata) mentions only the hapu Kaitangata of 'Ngati Awa'. (S Percy Smith regarded Kaitangata as a hapu of Ngati Mutunga in any case, along with Te Keckerewai and Ngati Tu.²³) Mr Boast considers it 'reasonable to assume' that sections of Ngati Mutunga, Ngati Tama and Te Atiawa (Ngati Hinetutu hapu), who had fought with Ngati Toa to contain the Waikato\Ngati Maniapoto attacks, were also part of the north Taranaki contingent.²⁴ Two of the three Land Court witnesses cited by Ms Ehrhardt indicated that Ngati Mutunga were there (the largest group, along with Kaitangata, according to Mere Pomare.)²⁵ Smith states that a party of Ngati Tama under Te Puoho, from Poutama certainly joined, together with 'a few of the Puke-tapu people under a chief named Te Whaka-Paheke, some of Ngati-Mutunga, and some of Ngati-Rahiri - under their chiefs Tu-mokemoke, Te Pakai-ahi, Kawe, Kohiwi, and Ngatata; besides a few of Manu-korihi'.²⁶ These groups were to play a prominent part in the events to follow. Ms Ehrhardt and Mr Gilmore cite Wi Parata's

²² Parsonson, pp.161-2

²³ Smith, 'History and Traditions of the Taranaki Coast', p.78

²⁴ Boast, 'Ngati Toa in the Wellington Region', pp.42-3

²⁵ Ehrhardt, p.15

²⁶ Smith, 'History and Traditions of the Taranaki Coast', p.130

1890 remark 'Ngati Awa was the horse on which Ngati Toa rode', the chief indicating that had Ngati Toa not been joined by substantial numbers of north Taranaki people they would not have been able to continue. (The statement was attributed by Wi Parata to Pirikawau.²⁷) More specifically, Wi Parata stressed the importance of his mother, Waipunahau, daughter of Te Rangihiroa. 'My mother's people brought the N\Toa here [to Kapiti] and so she was favoured'.²⁸ Mr Gilmore also cites confirmation by Karihana of Ngati Toa that the 'Ngati Awa' were now more numerous in the heke than Ngati Toa.²⁹ Mr Gilmore's listing of the leading chiefs of the various hapu, derived from the Otaki minute books, includes Te Rauparaha, Te Pehi, Te Aratangata, Nohurua and Pokaitara of Ngati Toa; Ngatata (Pomare), Tiwai, Te Reu and Takari of Ngati Mutunga and Ngati Hinetuhi; Tumokemoke, Te Karu and Hone Tuhata of Kaitangata and Ngati Tupuwhenua; Paikaihi, Reretawhangawhanga and Te Rangitake of Manukorihi (Te Atiawa). He puts Te Pehi Kupe and his younger brother Te Rangihiroa among 'Ngati Awa'. This was not their primary community allegiance I believe. As we have noted, they certainly had close kin among Ngati Awa, but their whakapapa puts them with Ngati Te Maunu of Ngati Toa, they were resident at Kawhia when the heke first set forth, and active leaders of Ngati Toa - close colleagues of Te Rauparaha in the planning and execution of the conquest of the south. When Te Rangihiroa died he was buried at Kapiti. According to Wi Parata, Te Hiko, Te Pehi's son, and heir to his mana, died at Pipitea but his body was collected by his Ngati Toa kin and buried at Porirua.³⁰ In any case, Mr Gilmore acknowledges that the 'organising leadership' of the heke were Ngati Toa.³¹ There is also positive evidence that chiefs of other hapu recognised Te Rauparaha's mana as leader of the heke.³²

4.9 Accounts vary as to whether the heke tried to avoid conflict in its further progress southward.

²⁷ Wi Te Kakakura Parata, Otaki Native Land Court minute book 10, pp.208-9, cited in Ehrhardt, p.15, Gilmore p.7

²⁸ Wellington Native Land Court minute book 12, p.231

²⁹ Karihana, Otaki Native Land Court minute book 10, p.119, cited in Gilmore, p.8

³⁰ Wellington Native Land Court minute book 12, p.211

³¹ Gilmore, p.8

³² Hippolite, p.8, citing Te Kaeaea (also called Taringa Kuri).

According to Dr Parsonson, Te Rauparaha and the leaders of the heke apparently tried to be circumspect, gathering wild foods and trying not to arouse hostility as they journeyed inland of Mount Taranaki.³³ But Ngati Toa and Ngapuhi had attacked Muaupoko and other local peoples in the 1819-20 taua; they were not trusted, and there were scores to settle. A small party attempting to negotiate with Nga Rauru for food, were killed, in settlement of an old score. According to Percy Smith, 'When Ngati-Toa heard of the fate of their emissaries, they were not long in seeking to avenge them, and the result was that more than one of the Nga-Rauru *pas* were taken'.³⁴ Smith revelled in recounting the 'bloody deeds' of the Maori, and this taking of Nga Rauru pa is not mentioned elsewhere that I have seen. It is in fact doubtful if the leaders of the heke would have allowed themselves to be distracted from their main purpose. But their progress was met with suspicion and hostile preparations according to some accounts. Ms Hippolite states that, even as the heke was moving towards Whanganui, a meeting of Ngati Apa, Muaupoko and Rangitane chiefs on Kapiti resolved to strike first³⁵; Dr Parsonson believes that the Whanganui chiefs (among whom the heke stopped briefly) advised their southern neighbours to attack when the heke reached their district.³⁶ According to Smith the heke 'appropriated' canoes at Waitotara, to convey the old people and children across the Whanganui - not a peaceable action. However, Te Pikinga of Ngati Apa, taken in marriage by Te Rangihaeata in 1820 and travelling with the heke, did mediate good relations with her people. According to Smith, Toheriri of Muaupoko initiated a hui with Ngati Apa at Lake Horowhenua which decided that the heke should be allowed to settle peacefully. Te Rauparaha agreed, insincerely according to Smith, and Whanganui allowed a peaceful traverse of their territory.³⁷ Whatever the truth of the matter, the peaceable entry of the heke collapsed totally in the Manawatu, in the spring of 1822. A Ngati Toa party foraging for food up the Manawatu River had their canoes stolen and vented their wrath on a local village, killing a high-ranking Muaupoko or Rangitane woman called Waimai. This party was led by Nohorua according to some accounts; according to Smith,

³³ Parsonson, p.163, no references given

³⁴ Smith, 'History and Traditions of the Taranaki Coast', p.131

³⁵ Hippolite, p.8

³⁶ Parsonson, 1978, p.163

³⁷ Smith, 'History and Traditions of the Taranaki Coast', p.132

oy Te Rauparaha himself. Muaupoko saw this as a breach of the recent agreement. By Ms Hippolite's analysis, Muaupoko now had the justification for implementing the decision taken on Kapiti Island. In any case Te Rauparaha and most of his immediate family were invited to a meal at Papaitonga and most were killed, including four of his children. Te Rauparaha himself barely escaped.³⁸

4.10 Open war now existed between the local tribes and the heke. The latter had much the better of it, defeating Muaupoko and Rangitane in their main pa. The invaders then decided to take Kapiti Island for their main base. Several accounts given in the Land Court suggest that it was occupied without a struggle. Smith (and others following) state that Muaupoko and Rangitane successfully defended it at first; then, while Te Rauparaha led a diversionary attack on the mainland, Te Pehi took another force across, surprising the defenders and capturing the island.³⁹

This became the main base for successive forays and killings of Muaupoko and their allies on the mainland.⁴⁰ Various accounts show, however, that the invaders did not have it all their own way. Over the next three years the tangata whenua ambushed and killed parties of Ngati Toa and their allies at Waikanae and Pukerua, including Te Pehi's children. Te Pehi revealed his skills in war and diplomacy in the celebrated incident in which he fought the Muaupoko chief Te Ratu (or Te Ahu) in a lake, and though wounded, overcame him. Te Pehi then spared the man who went off, collected his people from their pa and 'agreed to give the mana to Te Pehi and Rangihiroa and they showed them all the eel weirs on this land'. The leaders of the heke had previously resolved to allocate the particular land to Te Pehi and Aratangata and their sections, but on account of Te Pehi's wounds Aratangata's group gave up their claims. Te Pehi and his people tried to absorb the Muaupoko into their own tribe and sent Te Ratu off to Arapawa (Arapaoa) 'to make peace secure' but Te Ratu later fought against the invaders at Waiorua and was caught and killed.⁴¹ These events show something of the principles and practices of the

³⁸ Smith, 'History and Traditions of the Taranaki Coast', pp.132-4; Parsonson, p.163; Hippolite, p.9

³⁹ Smith, 'History and Traditions of the Taranaki Coast', pp.137-8

⁴⁰ Parsonson, p.164 citing Matene Te Whiwhi's evidence in the Kukutauaki case (no further citation given).

⁴¹ Wi Parata's account, 1890, Otaki Native Land Court minute book 10, pp.156-8

invaders. Initiatives were taken by particular leaders, and allocations of particular portions or land agreed among them; various accommodations were sought with local groups if peaceful occupation could be secured and the mana of the newcomers recognised. But their situation remained precarious and the reverses they suffered prompted Te Pehi to go off to England in 1824 on a passing whaler, to secure more guns.

4.11 Parsonson suggests that had the tangata whenua persisted with their guerilla tactics they might soon have worn Ngati Toa down. Instead, in about 1824⁴², almost every southern tribe contributed warriors to a mass attack on Kapiti, to rid themselves of the invaders once and for all. Apparently Whanganui, Ngati Ruanui, Ngati Kahungunu, Rangitane, Muaupoko, Ngati Apa, Ngati Kuia and Ngati Ira (under Te Kekerengu) all contributed warriors, to a total of 2,000.⁴³ But they did not achieve surprise, their advance party was hurled back and the canoes massed across the water from Waikanae to Kapiti, were successively attacked and commandeered. The resulting panic and rout, known as the battle of Waiorua (sometimes Whakapaetahi) was a disaster for the southern tribes and changed the history of the Cook's Strait region. Muaupoko and Rangitane are said to have left the Horowhenua in large numbers and the southern alliance fragmented.⁴⁴

4.12 (a) Because of the mana which accrued to the new lords of Kapiti and the adjacent lands and waters, there has been debate about who exactly should be credited with the victory - particularly whether it was essentially a 'Ngati Toa' victory (with a dominant role for Te Rauparaha himself), or whether 'Ngati Awa' deserve much or most of the credit.

(b) Some accounts suggest that most of Ngati Awa had returned to Taranaki after the heke had established itself on Kapiti. They did, after all, have to be very concerned about the on-going threat from Waikato. In 1868 Matene Te Whiwhi said they left only ten people on Kapiti but he was giving a Ngati Toa perspective.⁴⁵ Smith, dates their return to Taranaki as early 1823,

⁴² Parsonson says 1826, p.165 note 39

⁴³ Tamihana Te Rauparaha, 1868, Otaki Native Land Court minute book 1C, p.375

⁴⁴ Parsonson, pp.165-6.

⁴⁵ Otaki Native Land Court minute book 1, pp.138-9

naming Te Puoho and Ngati Tama, and Reretewhangawhanga and the Manukorihi people among the returnees. Besides being concerned about the threat from Waikato, Smith says, 'they felt the overbearing conduct of Te Rau-paraha, who merely used them as auxiliaries to secure his own ends'.⁴⁶ Dr Ballara nevertheless writes that 'Waiorua was defended mainly by the Taranaki peoples Ngati Hinetuhi and Ngati Rahiri with a few Ngati Toa and Ngati Koata'.⁴⁷ Mr Boast rejects this claim, noting that Dr Ballara relies on Alex Shand (via Percy Smith) and one Land Court witness, Wi Hape Pakau.⁴⁸ But Smith considered that Shand got his evidence of the events directly from 'the old AtiAwa people who took part in them', and the details in Shand are fairly specific: Waiorua was a 'Taranaki' settlement, under Tumokemoke and Te Pakaiahi; it took the first shock of the attack, then Ngati Toa came up from their pa, Rangatira and Taepiro; the defenders were being pushed back on Waiorua when Pokaitara of Ngati Toa, apparently commanding the defence, to gain time, proposed a truce which Rangimairehau of Muaupoko accepted, tactically. Smith continues, 'shortly after...Te Rauparaha and his warriors reached the scene of action and at once renewed the battle with the utmost vigour'.⁴⁹ Dr Ballara's statement in fact refers only to the defenders of Waiorua pa in the initial assault at the north end of the island; she too acknowledges that Ngati Toa came up from their pa further south, although she says they only got there 'at the very end' of the battle.

(c) There is much more Land Court evidence which can be cited in support of Dr Ballara's summary, and the following examples are not exhaustive:

(i) Wi Parata stated that the attackers 'were defeated in the early part of the day by Ngati Toa. Ngati Haumea and Ngati Koata defeated them. When the rest of Ngati Toa heard of this they came over'.⁵⁰ Ngati Koata were from the northern side of Kawhia harbour, commonly regarded as a hapu of Ngati Toa whanui. Ngati Haumea, or Haumia, were Te Otaota and Ropata Hurumutu's section of Ngati Toa, later resident at Hongoeka and Porirua, then at Waikanae.

⁴⁶ Smith, 'History and Traditions of the Taranaki Coast', *Journal of the Polynesian Society*, 18, 1909, p.157, cited in Boast, 'Ngati Toa in the Wellington Region', p.49 note 107

⁴⁷ Ballara, 'Te Whanganui-a-Tara', p.17

⁴⁸ Wellington Native Land Court minute book 2, p.107

⁴⁹ Smith, 'History and Traditions of the Taranaki Coast', pp.161-2

⁵⁰ Otaki Native Land Court minute book 10, p.158

(They are not to be confused with the Ngati Haumia of the Taranaki iwi who came down later and settled at Te Aro).

(ii) The recent translation of Wellington Minute Book 1H by Dr Ballara, gives us an account of the battle by Ropata Hurumutu himself. (It is not always clear whether his 'I' refers to himself or to his hapu):

I killed the first victim; she was a woman. These tribes [the attacking alliance] were defeated in the battle and my own mana was the result of my parents' [matua] conquest. Te Rauparaha and Te Rangihaeata were not in this battle. They were living at Wharekohu on one side of Kapiti; when they got there [to Waiorua] they [the enemy] had been defeated by me.⁵¹

Karihana of Ngati Toa, asked by a later Land Court 'Who shot the first man in Waiorua?' replied, 'Poronui - Tiwai shot second Tiwai was Ngatittoa & Ngatimutunga - Did Ngati Mutunga & Kaitangata help Ngatittoa at Waiorua, Yes'.⁵² Another Land Court witness, Ihaia Pokaitara of Ngati Toa and Ngati Awa, asked if Te Rangihiroa was at the battle, replied 'Yes, but he did not do much - His people did'.⁵³ The rivalry for mana among the Ngati Toa chiefs persisted into the competing claims for land in the Porirua\Pukerua area and it sometimes hard to know how far their various accounts were coloured or exaggerated in consequence.

(iii) Ropata Hurumutu's account (and others) receives oblique corroboration from that of Rene Te Tahua in the 1874 Land Court hearing of the Waiorua block. Te Tahua, gave his tribal affiliation as 'Ngati Toa and Ngati Koata', claimed the land on either side of Waiorua stream:

When Ngati Toa came they lived at Waikanae. My canoe called 'Waihou' went over to Kapiti. This was my father's. This was at the same time that Ngatittoa as a whole went over - also Ngatikoata and Ngatiawa then this block was occupied - Some of Ngatittoa lived at Waiorua and Ngatikoata lived near te Ngaioipiko they cultivated over the block - Tungia, Te Tahua my father, and Mohi went then to Te Kaioterangi and also on the southern boundary Te Rere...The villages were on the hills. Two years they were cultivating the land when the Waiorua fight which has been spoken about took place. Simply my parents joined in the fight. My father was knocked over by a stone in the

⁵¹ Wellington Native Land Court minute book 1H, p.258, translated by Angela Ballara, Wai 145, Doc J6, p.41

⁵² Otaki Native Land Court minute book 10, p.118

⁵³ Otaki Native Land Court minute book 10, p.100

fight. Ropata Hurumutu took part in the fight he helped to despatch a woman.⁵⁴

(iv) On the Ngati Kimihia side, Matene Te Whiwhi's detailed 1872 account also shows Te Rauparaha's awareness of the impending attack and refers to his proposed counterattack. Although his strategy was forestalled by the night crossing of the tangata whenua armada and their dawn assault on Waiorua, it is implied that Ngati Toa from the southerly pa did engage their enemies.⁵⁵ On the other hand, Wi Parata, who inherited mana from the Ngati Te Maunu side, later went to considerable lengths to downplay Te Rauparaha's role:

It is not true that Te Rauparaha took part in Waiorua fight. Kapiti is one island. Te Rauparaha and his people settled at opposite end to Waiorua the attack was at early morning - so how could he come and fight.

After the attack had been beaten off a message was sent to Te Rauparaha and he came round by canoe - he did not go to Waiorua at all but pursued the attacking party who had fled inland. But he was not successful. When it is said that N/Toa won this fight it included or meant those of them at Waiorua.⁵⁶

(d) Mr Boast rightly notes that attempts (derived from the unreliable witness Watene Taurangata) to give much of the credit to Te Pehi are misplaced; the evidence is overwhelming that he had left for England before the battle was fought. But Mr Boast presses his case too far. He cites two witnesses, Te Whiwhi and Wi Parata, as stating that news of the victory reached Ngati Awa they then decided to come down too.⁵⁷ Both accounts are summary statements, mainly referring to the post-Waiorua heke of Ngati Awa, called Nihoputa. The fact of the news of Waiorua reaching Ngati Awa in their own territory does *not* necessarily mean that there were no Ngati Awa at the battle at all. Moreover, there is also a statement by Karihaua (or Karihana) of Ngati Toa that Ngati Toa were assisted by Kaitangata and Ngati Mutunga.⁵⁸ Pikau Te Rangi explained at some length the clustering of hapu who, with Ngati Rahiri, made up the community called Kaitangata 'when they are all together': their principal chiefs were Tumokemoke, Te Koru

⁵⁴ Otaki Native Land Court minute book 2, pp.445-6

⁵⁵ Otaki Native Land Court minute book 10, p.140

⁵⁶ Wellington Native Land Court minute book 12, p.220

⁵⁷ Boast, 'Ngati Toa in the Wellington Region', p.53-4

⁵⁸ Otaki Native Land Court minute book 10, p.118

and Tuhata, who came with the first heke and fought at Waiorua.⁵⁹ Pikau Te Rangi also thought Reretewhangawhanga was there too. Mr Gilmore cites Te Pehi's great-niece, Hira Te Aratangata, who gave the leaders of the defence as Te Hiko, Pokaitara, Te Poto (Te Pehi's father) and Rangihiroa of Ngati Toa (Asked 'Were Rauparaha's people at the fight?' he replied, 'No we were at [an]other part of Island'), Ngatata, Tiwai, Mari and Okawe of Ngati Kura, Puke and Riu of Ngati Hinetuhi and Pakaiahi.⁶⁰ Hira Te Aratangata's list, like any other, may not be entirely accurate: for example, Dr Ballara regards Ngatata (if it is Ngatata-i-te-Rangi who is being referred to) as of Ngati Te Whiti hapu of Te Atiawa, not Ngati Kura, and gives strong evidence that he had returned to Taranaki before the battle.⁶¹ Mr Gilmore, however, accepts the list unreservedly, noting that it emphasises the role of the Ngati Te Maunu, Ngati Koata and Haumia sections of Ngati Toa, supports the view that Te Rauparaha and Ngati Kimihia were 'either not involved in the fight or at best only arrived at the battles end and contributed to the rout of a retreating enemy' and asserts that Ngati Hinetuhi, Ngati Kura, Kaitangata\Ngati Tapuwahenua, Ngati Rahiri and Ngati Tuaho, 'all Ngati Awa hapu' were involved in the repulse of the tangata whenua armada and the rout of the attackers.⁶²

(e) I am reluctant to build a mountain of interpretation upon any one of the Land Court statements. All witnesses tend to advance the mana of their particular groups and, not surprisingly, blur one event of the southern migration with another. There is enough in the various sources, however, to indicate that a considerable number of Ngati Awa groups had remained at Kapiti and played an important role in helping sections of Ngati Toa repel the attack on Waiorua pa.

4.13 Notwithstanding the substantial involvement of Ngati Awa hapu, the defence as a whole can be properly regarded as a victory for the leaders of the heke, that is Ngati Toa. Although it was certainly not just Te Rauparaha's victory, the tangata whenua and many of the allied invaders

⁵⁹ Otaki Native Land Court minute book 10, p.318

⁶⁰ Otaki Native Land Court minute book 10, p.89

⁶¹ Angela Ballara, 'Ngatata-i-te-rangi', in W.H. Oliver, (ed.), *The Dictionary of New Zealand Biography, Vol. 1, 1769-1869*, Department of Internal Affairs and Bridget Williams Books, Wellington, 1990, p.315

⁶² Gilmore, pp.10-11

without doubt subsequently regarded it as such. Mr Boast cites several Land Court witnesses to that effect and he could have cited more, for the record is full of references to 'Te Rauparaha's' conquest of the tangata whenua: Te Rauparaha in particular was singled out by adversaries both for awe and respect and for taunting challenges. Although Mr Boast's witnesses are Ngati Toa, the record in general and over several decades speaks too loudly of Te Rauparaha's formidable reputation for it to be denied. Mr Gilmore is too grudging when he says that Te Rauparaha's reputation as a toa rangatira was 'maintained'.⁶³ It was most certainly enhanced. He was rightly seen as the main war leader of the heke, and its constant inspiration. But Mr Gilmore is justified in challenging the attribution of the English term 'overlord' to Te Rauparaha. (The term was apparently coined by Carkeek; I am not aware that Dr Ballara used it, as Mr Gilmore suggests.⁶⁴) Certainly the meaning of the term needs to be analysed, in terms of Maori values and practices. And whatever the tangata whenua groups thought of Te Rauparaha the attitude of the Ngati Awa groups is another matter. As we shall see, they remained uneasy about his authority and many preferred to emphasise their kinship connections through Te Pehi and Te Rangihiroa. Mr Gilmore invokes another English term when he states that a major consequence of the battle 'was that the *title* to the district passed from the tangata whenua to the heke'.⁶⁵ We need now to examine the authority over land and people in the years between Waiorua and the arrival of the British.

⁶³ Gilmore, p.11

⁶⁴ W. Carkeek, *The Kapiti Coast*, p.25

⁶⁵ Gilmore, p.11. Emphasis added.

Chapter 5

Further heke occupy the south-west coast and Te Whanganui-a-Tara

5.1 (a) From the evidence of several Land Court witnesses who had participated in the events described, Dr Ballara sums up the immediate aftermath of Waiorua as follows:

Two important chiefs of Arapaoa Island were saved from death by the defenders of Kapiti and were released after the battle. [Their names were Te Rimurapa and Tutepourangi]. The adoption of this traditional peace-making technique made it possible for Ngati Ira to continue to live unmolested at Porirua, even though their chief was Te Huka or Whanake, the father of Te Kekerengu, leader of the Ngati Ira contingent in the attack on Waiorua. The status of Ngati Ira, whether they retained their mana or were already a client people, left at Porirua to catch fish for Ngati Toa, was a matter much debated in the Land Court. Muaupoko and Rangitane also continued to live at Horowhenua and Manawatu, but they were defeated people. Ngati Apa retained their rangatira (chiefly, with mana) status because of the marriage alliance with Te Pikinga, but the relationship was under great strain. The Wanganui tribes had retreated up the river and remained undefeated.¹

I have seen nothing in the sources to modify this picture up to 1840. It is confirmed for the Wellington area by several Land Court accounts.² After 1840 Muaupoko and Rangitane reasserted their rights to land in the Rangitikei\Manawatu area, which is beyond the scope of this report, but is discussed in Mr Boast's report.³

(b) Some sources speak of tangata whenua people fleeing from the Whanganui-a-Tara area, so that it became almost empty. Moturoa stated to the Spain commission in 1842, 'When there were very few men. The Ngati Mutunga came and took possession of this land'.⁴ Ballara too states that Te Kekerengu first withdrew to the Wairarapa, with his muskets, and no doubt with many of his kinsmen. The south-west coast, generally known by the name Ohariu, was open to the Ngati Toa canoes and the tangata whenua may have withdrawn partly, but not completely,

¹ Ballara, 'Te Whanganui-a-Tara', pp.17-18

² See for example Ropata Hurumutu's account, Wellington Native Land Court minute book 1H, pp.258-9, translated by Angela Ballara, Wai 145, Doc J6, p.41

³ Boast, 'Ngati Toa in the Wellington Region', Chapters 4 and 8

⁴ Tod's Claim, OLC Le 73/75, NA, cited in Moore, 'The Origins of the Crown's Demesne', p.246

from those exposed areas and from the western shore of Te Whanganui-a-Tara. Several sources say they remained in occupation of their various pa and kainga on its eastern shore, from Waiwhetu to Turakirae. Some say they were denied access to their cultivations and lived from shellfish and wild plants.⁵

5.2 (a) In this context, further heke arrived from the north. Ballara and Ehrhardt have constructed summaries of these from Land Court evidence. According to Ehrhardt's summary:

The sequence and make-up of them is confused, and much of the evidence about them is contradictory. It appears that Te Puoho [along with Te Kaeaea, Pehitaka and others] led a small Ngati Tama heke. It was followed, probably still in 1824, by the Nihoputa heke of Ngati Mutunga, made up of Ngati Kura, Ngati Kawhuruua and Ngati Rangi hapu with the chiefs Poki, Te Aruhu, Apitea, Wharepoaka, Patukunga [Patukawenga?] and Raumoa. This was a large heke - Burns estimates that between 400 and 500 warriors took part [plus women and children]. Ballara also gives Ngatata-i-te-rangi of Ngati Te Whiti [of Te Atiawa], and Pomare [Wiremu Piti Pomare, of Ngati Kura hapu of Ngati Mutunga, but closely connected with Ngatata] as members of the heke, but Native Land Court records indicate that they were already there...A heke consisting mainly of Te Ati Awa from Puketapu arrived next [possibly a few years later, under the chief Manutoheroa], followed by a party of Ngati Kura led by Reretuhangawhanga and [his son] Wi Kingi [Te Rangitake].⁶

Alexander Shand gives a somewhat different order of these heke.⁷ Other writers add hapu names such as Kaitangata, Kekerewai and Ngati Hineuru to the list. Indeed Dr Parsonson comments that 'The evidence as to the sequence of *heke*, and the composition of each, is confused in the extreme'.⁸ It is perhaps worth quoting at some length the summary given by Pikau te Rangi of Ngati Mutunga in response to questions in the Land Court in 1890:

⁵ See for example Smith, 'History and Traditions of the Taranaki Coast', p.170

⁶ Ehrhardt, p.19 A witness at the Ngarara rehearing in 1890 said that Te Rangitake was wounded on the way to Kapiti in the first heke, returned home to recover, and joined the hekenga to Kapiti soon afterwards. Another witness said that Reretuhangawhanga went to Kapiti and that a child of his was born there after the battle of Waiorua. The child was named Tararua, after the mountain range. (Otaki Native Land Court minute book 10, pp.99 and 314).

⁷ Shand, pp.88-9

⁸ Parsonson, p.167 note 43

Was anybody living at Kapiti when they arrived - Yes Rauparaha & Ngatiawa - Do you know what hapus these Ngatiawa belonged to - Ngatimutunga & Kaitangata & N. Kura & Ngatituaho - Those people who were living at Kapiti with whom had they come down With heke of Rauparaha - Did all Ngatiawas who came down remain at Kapiti - Yes . The names of some Ngatiawa Chiefs Ngatata -Tiwai- Pomare - of Ngatimutunga and Te Karu & his people. Hone Tuhata & a good many others of Kaitangata of Ngatihinututu [sp?] there was Reu - Te Keru - Rangikatuta - of Ngatituoho there was Pakihai & others I forget -

Where did Ngatimutunga settle - at Waikanae - on this side (south) Waikanae river Did other Ngatiawa come after you arrived - Yes there were other hekes Toeroa's, I was there when they arrived - Who came with Toeroa - All his tribe Puketapu After that came Reretewhangawhanga He came to Waikanae - N.Kura came with him. He brought his hapu with him, they stopped with Ngatimutunga - Some Ngatimutunga, Kaitangata & Ngatihaututu [sp?] remained at Waikanae & some came down to Wellington...Had any N.Rahiris come down at this time Some had come & were living with Kaitangata at Waikanae

The names of Kaitangata who were living there at this time were Hone Tuhata & his people - Te Karu - I don't remember others ...those of Hinetutu at Kapiti came to live on main land, I refer to Ngatiawa who came down with Rauparaha's Heke, they came to main land then back to Kapiti -backwards & forwards - they were living there without fear [...] Where did you go when you left Waikanae - To Wellington.⁹

As far as the date of Ngati Mutunga's arrival is concerned, Pomare does give a guideline as to the date of his residence in Te Whanganui-a-Tara, at Kumutoto: he told Commissioner Spain that he lived there for four years prior to the arrival of the schooner *Louisa*, bearing one David Scott, to whom Pomare sold a portion of land on which to build a house. The *Louisa* called in 1831.¹⁰ The successive waves of migrants were certainly numerous, numbering many hundreds. The district from White Cliffs to the Waitara river was reported to be almost emptied by the exodus (b) There were also hapu said to be of 'Whanganui'. Mr Walzl notes some evidence from 1872

⁹ Otaki Native Land Court minute book 10, pp.294-6. A little later in the hearing Pikau to Rangī was asked to 'state the Hekes that came from Taranaki to Waikanae in their order'. He gave the following list:

1. 'Rauparaha and Ngatiawa', including the chiefs Ngatata, Tiwai, Pomare, Tamatoha [sic], Tumokemoke, Hikakupe, Te Karu.
2. The heke of Te Puaho
3. 'Ngatimutunga...The Oputa [sic: Nihoputa]'. The chiefs were Poke te Arau, Apitea, Wharepaoka, Patukahinga, Raumoa
4. Puketapu. 'The chief was Taumea [sp?]
5. Reretewhangawhanga, W King [Te Rangitake]
6. The heke 'Poukina' (Otaki Native Land Court minute book 10, pp.301-3)

¹⁰ Evidence of Scott and Pomare, OLC 1/1022, NA

enquiries by Major Heaphy (then Commissioner of Native Reserves) as to the 'Whanganui Ngati Tama', arriving after the Ngati Kahungunu had been driven off.¹¹ This is somewhat obscure, as is the Land Court evidence. In the course of 1888 investigations into the Wellington Tenths, Enoke Hohepa said that 'about 100 of the Ngatitu, Ngatiruru, Ngatirangi and Ngatironganui came in the first party'; they found the country already conquered by 'Rauparaha' and they killed Ngati Kahungunu survivors to take possession of the land. Subsequently Ngatihauuri, Ngatipari and Ngatitahi were invited.¹² Wi Hape Pakao, however, said that Ngatitu and Ngatironganui were 'new tribes' who came to the Ohariu coast about 1840.¹³ And Judge Mackay concluded (on the evidence of their Maori opponents and of Europeans who were in the harbour at the time) that all these people came about 1847, as a result of the fighting in the Hutt Valley, and that there were only about 3 or four families living at Tiakiwai and Pakuaio in 1839.¹⁴ I make the point here to show that it is extremely hazardous to rely on testimony given in respect of pre-1840 events, however sincerely, in 1888 or later, unsupported by corroborating evidence. In any case, whatever the timing of these post-Waiorua migrations, Parsonson quotes a somewhat rueful statement, by Tamihana te Rauparaha: 'they came when they heard that we had taken all the land; but when they heard of our losses, they did not come to avenge them'.¹⁵ No doubt Ngati Toa needed allies but were well aware of their opportunism.

5.3 Mr Gilmore states, as regards the allocation of land around Waikanae:

In the land division that followed the raupatu, the mana of Te Pehi Kupe and Te Rangihiroa held sway over a number of areas in the Kapiti and Wellington Districts, one of these areas was Waikanae. The attachment of their mana to Waikanae came from reservations made during the taua of 1819/1820 and because of personal incidents that

¹¹ Walzl, p.8, paras 1.10 and 1.11

¹² Wellington Native Land Court minute book 2, p.96

¹³ Wellington Native Land Court minute book 2, p.117

¹⁴ Wellington Native Land Court minute book 2, pp.134-5

¹⁵ Parsonson, p.166, citing 'History and conquest of the Middle Island', Maori manuscript 103, Sir George Grey Collection, Auckland Public Library, p.174

occurred during the raupatu.¹⁶

As noted earlier, the notion of ‘reservations’ made in 1819\20 rests on slight evidence. Nor does the evidence of confused relationships over the next decade among the incoming tribes and between those tribes and the tangata whenua, suggest that the demarcation of territory was very clear or settled. There is also the awkward point that Te Pehi was still in England when the heke Nihoputa arrived in the Horowhenua. (Mr Gilmore has him returning to join the forays into Te Wai Pounamu in 1829).¹⁷ Regardless of this, there need be no great mystery about the movement of the latest Ngati Awa arrivals to join their Ngati Awa and Ngati Toa connections on the Waikanae coast.

5.4 (a) Dr Ballara’s view is that:

Te Rauparaha was glad of this addition to his strength, and permitted Ngati Mutunga to settle at Waikanae and Ngati Tama at Ohariu. Later, again with Te Rauparaha’s encouragement, Ngati Tama ventured across the Ohariu/Karori trail and settled at Tiakiwai, near the northern end of present-day Tinakori Rd. Ngati Mutunga followed, settling at various points of the western shores of the harbour (Wellington City/Thorndon) from Te Aro to Kaiwharawhara.¹⁸

According to Smith the main area of cultivation was that now occupied by Thorndon, and Pipitea was the main pa.¹⁹ These arrivals included Pomare (Ngati Mutunga, married to Tawhiti, Te Rauparaha’s niece) and Ngatata-i-te-rangi (Te Atiawa), who settled at Kumutoto stream, near

¹⁶ Gilmore, p.12

¹⁷ Gilmore, p.15

¹⁸ Ballara, ‘Te Whanganui-a-Tara’, p.18 citing Smith ‘History and Traditions of the Taranaki Coast’, pp.169-70, and evidence of Mahimi of Ngati Ronganui [a Ngati Tama of ‘Whanganui’ hapu], Wellington Native Land Court minute book 2, p.102-3

¹⁹ Polynesian Society Papers, MS 1187, ATL, cited by McClean, p.67

the northern end of the present Terrace, Wellington City) and cleared and planted the land.²⁰ Possibly the most influential Ngati Mutunga chief was Patukawenga, tuakana of Pomare. According to 1842 testimony by Moturoa in Barker's claim, Patukawenga 'gave the Ngatitama some land at Kaiwarawara'. He seems to have lived both at the Heretaunga valley (to which he later invited Matiaha and others of Te Atiawa), at Tiakiwai (to which he later invited Moturoa) and at Te Aro.²¹ By Moturoa's testimony he seemed to be a controlling voice over much of the inner harbour, including Te Aro. Te Aro was not just the pa but a zone which seems to have run at least from Hataitai to Owhiro (modern Brooklyn). Moturoa said the boundary between Pomare's Kumutoto and Patukawenga's Te Aro was the stream 'Waikouko' (Waikoku or Waikoko).²² Later, some of the Taranaki and Ngati Ruanui also came to Te Aro, said by Mahau to be kaimahi (servants) for the Ngati Mutunga.²³

(b) Mr Walzl cites one Land Court witness (Neta Te Wheoro) and a general statement by H.T.Kemp as suggesting that the initial Ngati Tama occupation might *not* have been peaceful.²⁴ However, when a group of those Ngati Tama who remained squeezed onto the Ohariu coast, with its very limited flat land, moved across to Palliser Bay on the south Wairarapa coast the occupation was initially peaceable, the local Wairarapa people even helping Ngati Tama build their pa.²⁵

(c) Mr Gilmore suggests that Ngati Tama were latecomers to the district and did not venture to occupy Tiakiwai until after the heke of Ngati Mutunga to the Chathams in 1835. The reference cited does not support that construction²⁶ but a statement of Pirihara, cited by Mr Walzl, does.²⁷

²⁰ Angela Ballara, 'Pomare, Wiremu Piti', in W.H. Oliver, (ed.), *The Dictionary of New Zealand Biography, Vol. 1*, p.348

²¹ Evidence of Moturoa, OLC 1/635, NA. See Appendix C of this report.

²² OLC 1/906, NA cited by Moore, 'The Origins of the Crown's Demesne', p.212

²³ Evidence of Mahau, 7 September 1842, OLC 1/906, NA

²⁴ Walzl, p.7, paras 1.5 and 1.6

²⁵ Ballara, 'The Origins of Ngati Kahungunu', p.458, cited by Hippolite, p.13

²⁶ Gilmore, pp.17-19; evidence of Mahimi, Ngatironganui, Wellington Native Land Court minute book 2, pp.102-3

²⁷ Wellington Native Land Court minute book 2, p.193; Walzl p.10, para 1.18

Percy Smith's summary, related to modern street names, is that:

The Ngati-Tama occupied Rau-rimu, which is that part around Fitzherbert Terrace, and their cultivations extended down to the stream Tiaki-wai - that ran down where the Tinakori Road now is.

The Ati-Awa cultivations also extended over the Otari (Tinakori) hills and beyond, that is in suitable places, and there were several villages scattered around that part of Thorndon, such as Pa-kuao - just where Tinakori road came out to the beach; Kopae-parawai, top of Hobson Street; Nga-pakoko, near the present Manawatu [Central] Railway Station; Kumu-toto at the bottom of Bowen Street; Pipitea, a large village fronting the beach, just under Bishops Court; besides another large village at Te Aro.²⁸

It is very clear from Te Atiawa statements to the Land Court that Smith's 'Ati-Awa' does not correspond with hapu such as Ngati Tawhirikura and Te Matehou. The people concerned were mostly Ngati Mutunga people.

5.5 (a) Dr Ballara's summary attributes to Te Rauparaha a controlling influence on the location of these latest migrants. It was suggested to Te Kaeaea by Evans in the Spain commission that Te Rauparaha 'gave' Te Whanganui-a-Tara to the Ngati Mutunga chief Pomare in consequence of his taking in marriage his niece Tawhiti, and on condition of driving out Ngati Kahungunu.²⁹

Although Te Kaeaea replied that he did not know anything about that, Burns and Ehrhardt follow Evan's suggestions, though Ehrhardt adds that many Land Court witnesses who refer to Ngati Mutunga's arrival do not mention anyone else as giving them authority. Shand states that the death of a chiefly Ngati Mutunga woman, Te Iringa, during the 1819-20 taua was the take for their later occupation of Te Whanganui-a-Tara.³⁰ Chiefs of Ngati Mutunga, Ngati Tama and Ngati Toa had been involved in violent clashes with tangata whenua in the earlier taua, and all had casualties, but I have seen no clear reference in Land Court evidence to Te Iringa's death.

We have seen that Wi Parata, in the Land Court evidence many years later, asserted that it was Te Rangihiroa who 'gave Wellington' to Ngati Mutunga.³¹

²⁸ Smith, 'History and Traditions of the Taranaki Coast', p.170

²⁹ Evans's question to Te Kaeaea of Ngati Tama, OLC 1/906, NA cited by Moore, 'The Origins of the Crown's Demesne' p.207

³⁰ Ehrhardt, pp.19-20; Shand, p.162, note.

³¹ See above para 3.8 (c), where I question the validity of this claim.

(b) Although Ngati Mutunga witnesses generally said that ‘we conquered and killed the Ngati Kahungunu’ Ngati Tama chiefs affirmed the role of Te Rauparaha and Te Rangihaeata, in particular. Te Kaeaea acknowledged Te Rauparaha as his chief when they came down.³² ‘We killed all the men of the place’, he said, linking his group with Te Rauparaha; the land ‘is all Rauparaha’s’.³³ There is also a very explicit statement by a Ngati Tama witness, Te Harawira Tutuwaha, when the block called Ohariu was before the Land Court in 1866. The land originally belonged to Ngati Kahungunu, he said:

It was taken from that tribe by Ngatitōa. Afterwards, we, Ngatitama came from Waikanae. We were driven thence by war. Ngatiraukawa drove us away. We came to Ohariu. We merely occupied Ngatitōa’s land. After this the Pakehas came. The land occupied by us was given to us by Rangihaeata. Ngatitōa received the payment for the land sold. The land was sold by us. Colonel Richmond and Mr Kemp bought the land and paid us the money.³⁴

The time frame is not entirely clear. Ngati Raukawa’s pressure on the Ngati Awa tribes did not come immediately after Waiorua, but later, especially after the battle of Haowhenua (1834). Te Harawira might be referring to the aftermath of that period when Ngati Tama were pushed out of the Porirua\ Mana Island area by Ngati Toa and Ngati Raukawa and told to go to Ohariu . (See below para 6.8). And the land selling referred to must have been of reserves made in 1847 or later. But the affirmation of the mana of Ngati Toa, and of Rangihaeata in particular, could hardly be stronger. Many chiefs giving evidence in the Spain Commission and the Land Court later affirmed the role of ‘Ngati Toa’ or ‘Te Rauparaha’ as the original conqueror of the tangata whenua. Although Te Atiawa witnesses commonly declared Ngati Mutunga to be the conquerors, they too, at times, in response to questions, acknowledged Te Rauparaha’s role. Thus Mangatuku told the Spain commission that after most of the Ngati Kahungunu had fled ‘Ngatimutunga came and took possession of this Land’. When asked, ‘Did not Rauparaha conquer it, and give his share to Mare and his people?’ he replied curtly, ‘Rauparaha took this

³² OLC 1/906, NA, cited by Moore, ‘Origins of the Crown’s Demesne’, p.207

³³ Cited in Moore, ‘Origins of the Crown’s Demesne’, p.250

³⁴ Wairarapa Native Land Court minute book 1, p.9

land; I do not know anything further about it'.³⁵ Mahimi of Ngatironganui hapu of Ngati Tama, (a witness upon whom Mr Gilmore seeks to rely for a different interpretation) said in the Land Court:

...My claim is through the migration that came subsequent to Rauparaha. That is the case with all the hapus. Rauparaha's was the first migration and first conquest he conquered the inhabitants...we came after Rauparaha had swept away all the Natives to occupy the land we occupied from Ohariu to Tiakiwai. With respect to new arrivals Rauparaha did not order them off offered no objection to people occupying and they remained until arrival of Col Wakefield.³⁶

(c) Mr Gilmore (consistently with his emphasis on the role of Ngati Te Maunu within the Ngati Toa leadership) relies on Wi Parata's assertions (discussed above in para 3.8) that it was Te Rangihiroa who suggested that the bulk of the Nihoputa heke move on to Te Whanganui-a-Tara, referring to the death of 'their sister'.³⁷ This reference to Te Rangihiroa does not, however, seem to be sufficient basis for Mr Gilmore's statement that 'Ngati Mutunga came on to the inner harbour under the mana of Te Rangihiroa and Te Peehi Kupe'.³⁸ On the other hand, in 1842 Te Hiko, Te Pehi's son, still asserted Ngati Toa's rights (not just Ngati Te Maunu's) to be the vendors of Port Nicholson, as well as other areas of their conquest.³⁹

(d) Whatever the basis of the Ngati Mutunga and Ngati Tama occupation, the tangata whenua groups had to relinquish possession of the areas referred to, in the aftermath of Waiorua and in light of the arrival of invaders numbered in the hundreds.

5.6 Despite Mr Walzl's remarks, relations between the migrants and the tangata whenua do seem at first to have been peaceable. But peaceful coexistence collapsed after a few years. Shand and Smith relate the breakdown to (a) Te Kekerengu's return to Porirua, after a sojourn in the Wairarapa (b) a visit to Te Kekerengu by 'a mixed party of Wairarapa tangata whenua and Ngati

³⁵ Tod's claim, OLC 1/465, NA, p.51

³⁶ Wellington Native Land Court minute book 2, pp.102-3

³⁷ Gilmore, 1996, p.13 citing Wi Parata, Otaki Native Land Court minute book 10, p.153

³⁸ Gilmore, p.17

³⁹ OLC 1/907, p.64, NA

Tama' (who had been living amongst them). Just why this should trigger hostilities is not clear but, in the climate of perennial suspicion and pressure on resources, the migrant tribes may have feared another combination against them, as at Waiorua.⁴⁰

In any case, in Dr Ballara's words:

It was after this visit that Ngati Mutunga commenced a series of pre-emptive attacks on Ngati Ira in the Te Whanganui-a-Tara, and that war developed between the tangata whenua of Wairarapa and Ngati Tama....Ngati Ira were driven out successively from Waiwhetu, Te Mahau, Okiwi, Paraoanui, Orongorongo, Kohanga-te-ra and Hakoivi. The last battle [of this phase] took place at Turakirae.⁴¹

Ballara cautions against the tendency of Smith, Shand, Downes and Best to depict the process as one of 'sudden total massacres and expulsions of tribes'. The Maori sources, she suggests, depict 'a gradual, untidy affair, a series of short sharp clashes and consequent occupation re-adjustments as Ngati Ira were slowly driven from the eastern shores of the harbour'. She believes that a pa called Pawhakataka, inland from the Wainui stream, continued to be occupied by Rakai-whakairi and Hamua (descendants of Rangitane) into the 1830s.⁴² Indeed, as we shall see, after Pawhakataka had been abandoned, people labelled 'Kahungunu' continued to raid the Heretaunga (Hutt) valley as late as early 1840. Ngati Ira, under the important chieftainess, Tamairangi (Te Kekerengu's mother), also continued to live on Tapu-te-Ranga pa, on the island in Island Bay, until it fell to Ngati Mutunga about 1827. Tamairangi and her children escaped to Ohariu, where they were captured by Ngati Awa (Ngati Tama or Ngati Mutunga). But, by Smith's and Shand's account, Te Rangihaeata asked for her to be spared and took her off to his stronghold on Mana Island. The published accounts then state that Te Kekerengu, visiting from Porirua, seduced Te Rangihaeata's sister (or one of his wives) and the remaining community of Ngati Ira fled to the South Island, where Te Kekerengu was eventually killed.⁴³

⁴⁰ Ballara, 'Te Whanganui-a-Tara', p.19, citing Shand, p.90 and Smith, 'History and Traditions of the Taranaki Coast', pp.171-3

⁴¹ Ballara, 'Te Whanganui-a-Tara', p.19

⁴² Ballara, 'Te Whanganui-a-Tara', p.19-20

⁴³ Smith, 'History and traditions of the Taranaki Coast', pp.173-4, Shand, p.91, cited in Ballara, 'Te Whanganui-a-Tara', p.21. Ballara also recounts a Wairarapa testimony that Te Kekerengu's departure was part of a concerted Wairarapa strategy to seek muskets from Pakeha whaling communities.

5.7 The net result of these events was that Te Whanganui-a-Tara and western coast as far north as Porirua were wholly abandoned by Ngati Ira\Ngati Kahungunu, except possibly for the still-contested eastern Heretaunga valley. I have located no evidence that they continued to exercise any sustained control, even over that area, let alone any part of Te Whanganui-a-Tara. Possibly a few individual Ngati Ira women were married to Ngati Mutunga chiefs, but none of the numerous Ngati Awa accounts assert a claim for mana over the land on that basis. On the contrary they repeatedly state that they killed or drove out all the Ngati Kahungunu and claimed the land by conquest.

5.8 Ngati Toa, meanwhile, consolidated their positions on the Kapiti coast. Porirua harbour became a stronghold, including settlements at Paremata, Takapuwhia and Hongoeka. Te Pehi (who had returned from England with his muskets), his son Te Hiko and their people, occupied settlements from Porirua northwards to Waikanae. Te Rauparaha maintained his base on Kapiti Island, and Rangihaeata on Mana Island. Both visited Pukerua Bay regularly to collect produce and tribute from Muaupoko people allowed to stay there as 'tangata' of the Ngati Toa chiefs. It is highly probable that Ngati Toa canoes ranged along the Ohariu\Makara coast for fishing.

5.9 Ngati Mutunga were reported in the Land Court in 1890 as giving the land where they had been residing at Waikanae 'to Ngatikura related to themselves'.⁴⁴

5.10 The fighting in southern Wairarapa, between Ngati Tama and the tangata whenua was brutal. Ngati Tama were driven from their Palliser Bay pa, Wharepapa and Te Tarata, about 1829 or 1830 Dr Ballara believes. Ngati Tama under Te Kaeaea then defeated Ngati Kahungunu at Pehikatea. The Wairarapa people, as part of the 'five tribes' alliance, continued to resist the invaders in the Manawatu district, but many from southern Wairarapa went up to the Mahia peninsula to work with the whaling settlements and secure guns.⁴⁵ Despite their relative success, Ngati Tama pulled out of their exposed position in the Wairarapa save for a kainga at

⁴⁴ Otaki Native Land Court minute book 10, p.93

⁴⁵ Ballara, 'Te Whanganui-a-Tara', p.21

Mukamuka, used largely for fishing and the collection of karaka berries in season.⁴⁶

5.11 The Ngati Mutunga and Ngati Tama control of the harbour and its environs after the expulsion of Ngati Ira\Ngati Kahungunu was summed up by Te Kaeaea before William Spain's commission in 1842:

Q. Will you describe the boundaries?

A. It begins at Paekaka [near Pipitea], goes from thence to Papakaiwera, which belongs to Mare [Pomare]; from thence it goes to Ngauranga, which is Mare's - to the interior Ngake's [son of Patukawenga] further into the interior, Ngati Mutunga's - Poki's [;] from there inland Ngake's then as far as the stream Waiwetu Ngati Mutunga's Heretaunga belonged to Ngake and Patukawenga and Hika Okiwi belonged to me and Ngake Porangahau belonging to Kainga, thence to Orongorongo belonging to Poki, the interior belonging to Patukawenga, from thence to Mukamukanui belong to myself, further is Warepapa belonging to me then Wairarapa where the Ngai Kahungunu are living.⁴⁷

Some aspects of this account are obscure, and there were important changes before 1840, but Te Kaeaea's description of the principal chiefs and the territory they controlled before Ngati Mutunga's departure for Wharekauri are largely confirmed by other evidence to the Spain commission and the Land Court.

5.12 Two other names should be noted in the context of the expulsion of Ngati Ira\Ngati Kahungunu from the Ohariu coast. We have seen that Te Rangihaeata asked that Tamairangi and her children be spared after their capture, and took them back to the Kapiti coast. The Ngati Toa chief, it seems, was taking an ongoing interest in the conquest of the southwest. Further, Percy Smith notes that when 'Ati-Awa [Ngati Mutunga], together with Ngati Tama, first settled at Ohariu...they were visited by Topine Te Mamaku of Upper Whanganui, who was an old ally of Ngati Tama'.⁴⁸ Some thirty years later, Te Rangihaeata was to make a deathbed ohaki of all his interests in the Wellington district to Te Mamaku - who had, in the interim been one of his

⁴⁶ Walzl, p.7, para 1.8

⁴⁷ OLC 1/906, NA. There is a careful and I believe, sound, analysis of this description in Moore, 'The Origins of the Crown's Demesne', pp. 207-8

⁴⁸ Smith, 'History and Traditions of the Taranaki Coast', p.170

strongest allies in the fight against the British in the Hutt valley.⁴⁹

5.13 It is in the context of this largely Ngati Mutunga control of the inner harbour that the first European settlers sought land rights:

(a) Probably about 1830 one William Weston, agent for a Sydney company trading in flax, made payment to Pomare to erect a house and a flax store at Kumutoto. David Scott arrived off the 'Louisa' in 1831 and took over from Weston. He later stated, 'finding it was a Native Custom that they expected land thus occupied to be purchased of them to prevent disputes I determined to do so immediately'. He negotiated with Pomare for a 100lb cask of gunpowder, fenced the land and occupied it until 1834, when 'in consequence of a War in Cooks Straits among the Natives it was considered unsafe to collect flax at this Port and I left the station under the charge of Amuri [Pomare]'. He did not return until May 1840. He found that Pomare had gone off to Wharekauri and that Wi Tako Ngatata was in possession of Kumutoto, but still recognising Scott's rights.⁵⁰

(b) In 1833 another flax trader arrived, George Young. In 1834 he bought land rights 'on the beach of the pa known as Tiakiwai', from three chiefs of 'Kekerewai', Raumoa, Patukawenga and Tukiata. These were the most senior chiefs of Ngati Mutunga and Kekerewai was probably only one of their hapu affiliations. In 1843 Wi Tako (Te Atiawa) and Kapawiti, who gave his affiliation as Ngati Mutunga, both denied that Ngati Tama had any rights in the land occupied by Young: Kapawiti listed 'Pomare, Kauinga, Patukawenga and Ngatata' as the principal chiefs of his tribe. Pomare himself said that Ngati Tama had no right at all in the land - that the right to sell lay with Takiaka and Patukawenga. After a year Young's tenure was disturbed by the Ngati Mutunga migration to Wharekauri: he was taken to Matiu Island as hostage to ensure that the ship who took the first load of voyagers returned for the second. Young then fled back to Sydney, leaving the key to his house with Wharepouri. On periodic trading visits he found it occupied by Maori who disapproved of Wharepouri's agreement.⁵¹ Young's experience suggests

⁴⁹ MA-MT 6/14, p.183, NA, reproduced in Wai 145, A36 pp.56-7

⁵⁰ Evidence of Scott, Pomare and Wi Tako, June 1843, OLC 1/1022, NA. See also below para 7.7 for the role of Ngake, Patukawenga's son.

⁵¹ Testimonies of Wi Tako, Pomare, Kapawiti and Young, June 1843, OLC 1/1042, NA

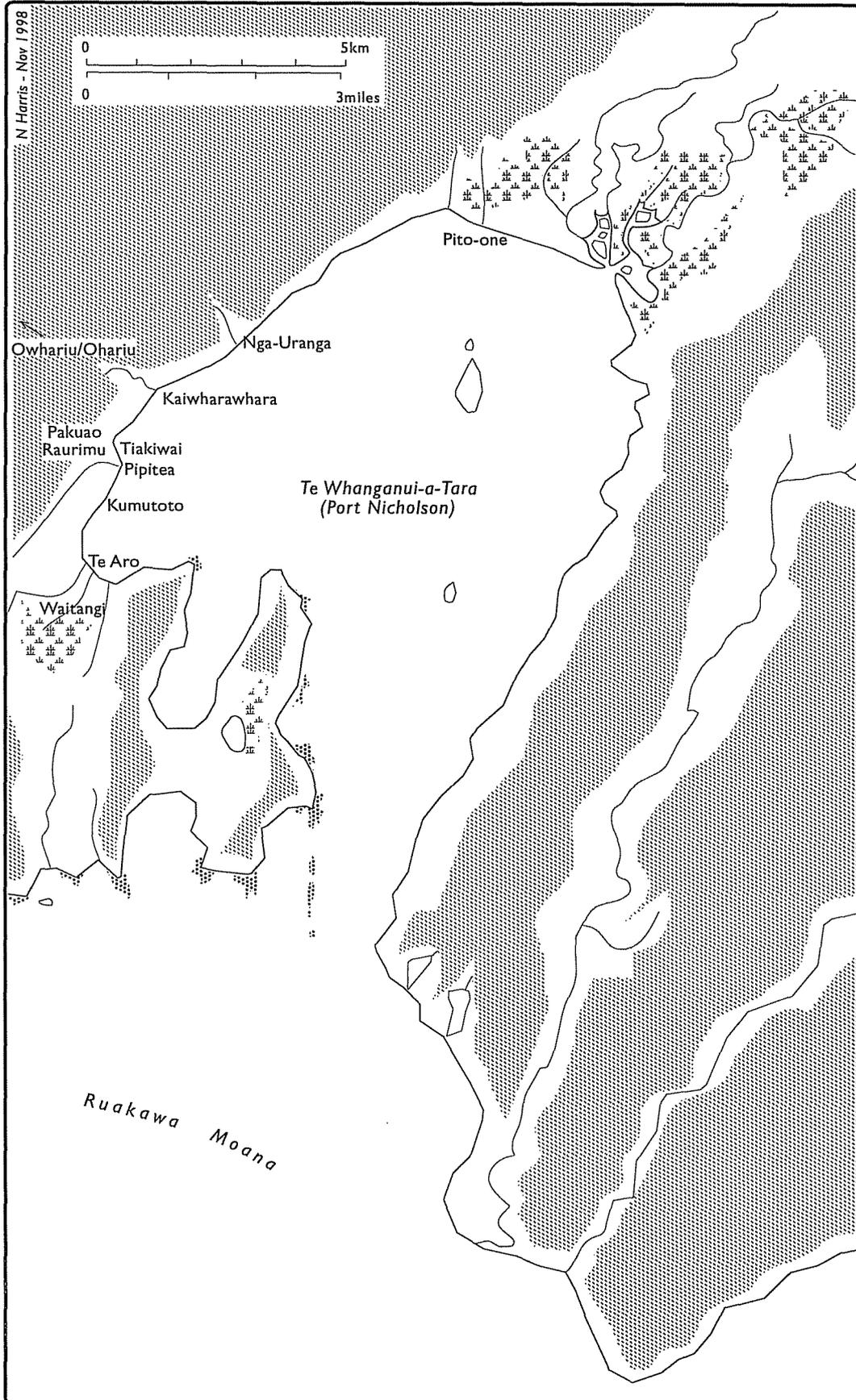
a number of important things, among them:

(i) It is very difficult to separate the interrelated leadership of entities called 'Ngati Mutunga' and 'Ngati Tama'. Although Maori witnesses did often speak in those terms, at least as frequently they spoke of the rights of particular chiefs to particular lands.

(ii) The occupancy and possession of the area close to Tiakiwai pa was with Ngati Mutunga in 1834, although other evidence suggests that Ngati Tama were cultivating and perhaps residing along Tiakiwai stream.

(iii) The alienation rights to small parcels of land such as Young's house site lay with the particular chief or chiefs most closely associated with that land.

5.14 The occupation of Te Whanganui-a-Tara was now to be affected by further waves of migration from the north, notably of Ngati Raukawa and Te Atiawa.



Ngati Tama / Ngati Mutunga - Te Whanganui-a-Tara c1825

Chapter 6

The final heke and changing occupation of Te Whanganui-a-Tara to 1835

6.1 (a) Many agree that in the mid to late 1820s Ngati Raukawa, having failed to establish themselves in Hawkes Bay came down to the Manawatu-Horowhenua district. Some accounts say that Te Whatanui, Taratoa and others came first to get powder and guns from the Pakeha traders at Kapiti. They returned with Te Rauparaha's invitation to come down in large numbers under Te Ahu Karamu and Te Whatanui. As we have seen, Te Rauparaha's mother was Ngati Raukawa and, despite their earlier rebuff to him, Te Rauparaha welcomed the new arrivals into the area. One account says that Te Rauparaha 'sent Hukiki to Taupo to fetch over his people the Ngati Raukawa to occupy the land'.¹ Mr Boast has analysed the evidence of several witnesses before the Native Land Court on this development. According to Tamihana te Rauparaha, his father made it clear that 'If you come, I must be above you', and Whatanui said 'Yes, quite right'.² Lindsay Buick, from an unknown source, also states that Te Rauparaha said, 'The lands I now give you are in our joint rule, but I shall be greater in power than you individually.'³ Mr Boast comments:

The presence of Ngati Raukawa in the Kapiti region was very welcome to Te Rauparaha, who was a rangatira of Ngati Raukawa in his own right. It is possible that he thought the presence of this powerful tribe would help consolidate his own position within Ngati Toa...After their arrival Te Rauparaha and Te Rangihaeata were chiefs of Ngati Raukawa as much as they were chiefs of Ngati Toa.⁴

(b) Ngati Raukawa were allocated territory north of Waikanae and centred about Otaki. This was essentially at the behest of Te Rauparaha, but there some indications in the evidence that

¹ Evidence of Rota Te Tahuiwi, Otaki Native Land Court minute book 1G, p.99. See also Matene Te Whiwhi, Otaki minute book 1B, p.61 and Parakaia Te Pouepa, p.114; and Te Whiwhi, Otaki minute book 1C, p.197

² Otaki Native Land Court minute book 1C, p.376 cited by Boast, 'Ngati Toa in the Wellington Region', p.60

³ L Buick, *An Old New Zealander*, cited Carkeek p.24

⁴ Boast, 'Ngati Toa in the Wellington Region', p.61

the authority for their placement was more widely shared. By Carkeek's account, Te Rauparaha's sister Waitohi had much to do with both the invitation to Ngati Raukawa, and with the allocation of areas of settlement. She was later to fix the boundary after the fighting at Haowhenua in 1834⁵. Parakaia Te Pouepa (of Ngati Turanga hapu, Ngati Raukawa) later said that, before the battle of Haowhenua, 'We gave the eels to Hiko of Ngatittoa the owners of the land'.⁶ Mr Boast explains that not all Ngati Toa were pleased about the allocation, but because Te Rauparaha was partly a Ngati Raukawa were unable to give full vent to their anger.⁷ By Matene Te Whiwhi's account, Te Atiawa, already occupying land about Ohau and Otaki, were required (by Te Hiko as well as Te Rauparaha) to move south to Waikanae to leave the land from Otaki to Whangaehu clear for Ngati Raukawa⁸. Tomihi of Ngatikapu told the Land Court in 1869:

The Ngatittoa gave their share of the land to their N Raukawa connections - and the Ngatiawa also gave land to their N Raukawa connections...Matiu our chief, then determined to take some and he and the whole tribe went to Wairongomai - We found some of the Ngatiawa on this land, and we joined with them (Ka kuhu ki roto i a ratou). The chiefs of N.Raukawa, Rauparaha and others objected to our staying there lest we should breed dissention [sic] with N.awa and they sent Kiharoa to send us away - We refused to go. The end was the Ngatiawa left, but were pouri.⁹

Another variation regarding Wairongomai was given by Paora Turei of Ngatiwehiwehi: 'Te Hiko of Ngatittoa gave up the land to Te Whetu [of Ngatiawa], and Te Whetu gave it to us'.¹⁰ Te Hiko as well as Te Rauparaha seemed to have authority in the land allocation but the situation was evidently a rather tricky one, with the new groups jostling each other and prone to behave independently. It was a situation that was later to give great trouble to Ngati Toa.

(c) In the meantime, however, Ngati Raukawa helped Ngati Toa contain the Whanganui tribes

⁵Carkeek p.23

⁶ Otaki Native Land Court minute book 1G, p.101

⁷ Account of Tatana Whataupiko, Otaki Native Land Court minute book 16, p. 346 cited by Boast, 'Ngati Toa in the Wellington Region', p.62

⁸ Otaki Native Land Court minute book 1, pp.145-6 cited by Boast, 'Ngati Toa in the Wellington Region', p.64

⁹ Otaki Native Land Court minute book 1G, p.106-7

¹⁰ Otaki Native Land Court minute book 1G, 113

and to attack Kaiapohia in Te Wai Pounamu. Te Whatanui did not, however, join in Ngati Toa's relentless campaign against Muaupoko and Rangitane but agreed to peaceable sharing of the territory. Ngati Raukawa and Ngati Toa Land Court witnesses were later to state that Muaupoko were under Te Whatanui's protection and mana.¹¹ Muaupoko were later inclined to acknowledge his kindness but to claim that they had never made formal peace and continued to occupy the land in their own right. It is also worth noting that Hohepa Tamaihungia, a Ngati Toa witness in the Land Court in 1869 said that Ngati Raukawa had a claim at Porirua, as far south as Whakangutu, though at the time he was speaking of the Porirua reserves, in which the families of Te Rauparaha and Matene Te Whiwhi who were of both Ngati Toa and Ngati Raukawa, had interests.¹²

6.2 In December 1831 Waikato forces attacked and took the great Ngati Awa pa, Puke-rangi-ora, avenging their previous defeat at Motunui in 1822. The refugees from Puke-rangi-ora, and the English traders John Love, Richard Barrett and Billy Keenan with their light cannon, assisted Te Wharepouri and Te Atiawa defend the pa and territory about Ngamotu against Waikato. Anticipating a renewed attack from Waikato, however, Te Wharepouri, Te Puni, Wi Tako Ngatata and Raua-ki-tua in late 1832 led Te Atiawa in a major heke southward, the heke Tama te Uaua. The hapu involved were Ngati Te Whiti, Ngati Tawhirikura and Te Matehou of Te Atiawa, together with further parties of Ngati Tama and Ngati Mutunga. Ballara considers that as many as 2000 people were involved.¹³

6.3 Dr Ballara then states:

Having paid a courtesy visit to Te Rauparaha at Kapiti to seek his approval, the newcomers joined their kin at Waikanae, settling at Te Urihi [or Te Uruhi, near Waikanae]. At this time the mana of Te Rauparaha over the various parties of newcomers to the Kapiti coast and other fought-over southern regions was still acknowledged, though once he assigned lands to tribes with rangatira status their rights

¹¹ Ballara, 'Te Whanganui-a-Tara', p.20 and note 65

¹² Wellington Native Land Court minute book 1C, p.175

¹³ Ballara, 'Te Whanganui-a-Tara', p.22 and note 76.

after three years of occupation acquired independent legitimacy.¹⁴

This bears on the relationship between the tribes on the Kapiti coast and Te Whanganui-a-Tara previous to the Company transactions and has been debated in submissions to the Tribunal. Dr Ballara is undoubtedly correct in stating that relationships between tribes with 'rangatira status', (on the one hand) were very different from those between a tribe invading and conquering and a tribe defeated in battle and forced into a tributary relationship (sometimes, misleadingly I believe, called 'slavery'). She is no doubt correct too in stating that the rights of a 'rangatira' tribe over the land they occupied grew stronger over time. 'Three years' perhaps refers to the harvesting of two or three crops off the land, but the birth of children (and burial of placenta) and the death and burial of elders on the land would probably be equally important. So too would independent activity by the newcomers with third or fourth parties - other tribes and then the incoming Europeans. The situation is replete with ambiguity and no simple formulas meet the constant relative shifting of the authority of the various chiefs and their groups.

6.4 Before examining various statements made about these events let us take the chronology a little further. Important developments in relation to Te Whanganui-a-Tara arose out of agreements made, most directly, between Te Atiawa and Taranaki chiefs and the Ngati Mutunga chiefs already ensconced in Te Whanganui-a-Tara. These were:

(a) the invitation by Te Mana of Ngati Mutunga to Te Matangi and Manihera Te Toru (cousins of Te Puni and Te Wharepouri of Te Atiawa but also related to Ngati Mutunga) to settle with him at Pito-one.¹⁵ As Ballara states this was the second entry of Te Atiawa into the harbour after Ngatata-i-te-rangi had arrived with Ngati Mutunga and settled at Kumototo. Te Matangi and Manihera were part Ngati Mutunga¹⁶, but they were also kin to Te Puni and Te Wharepouri of Te Atiawa, who would also before long be invited to the harbour settlements.¹⁷ Te Mana also

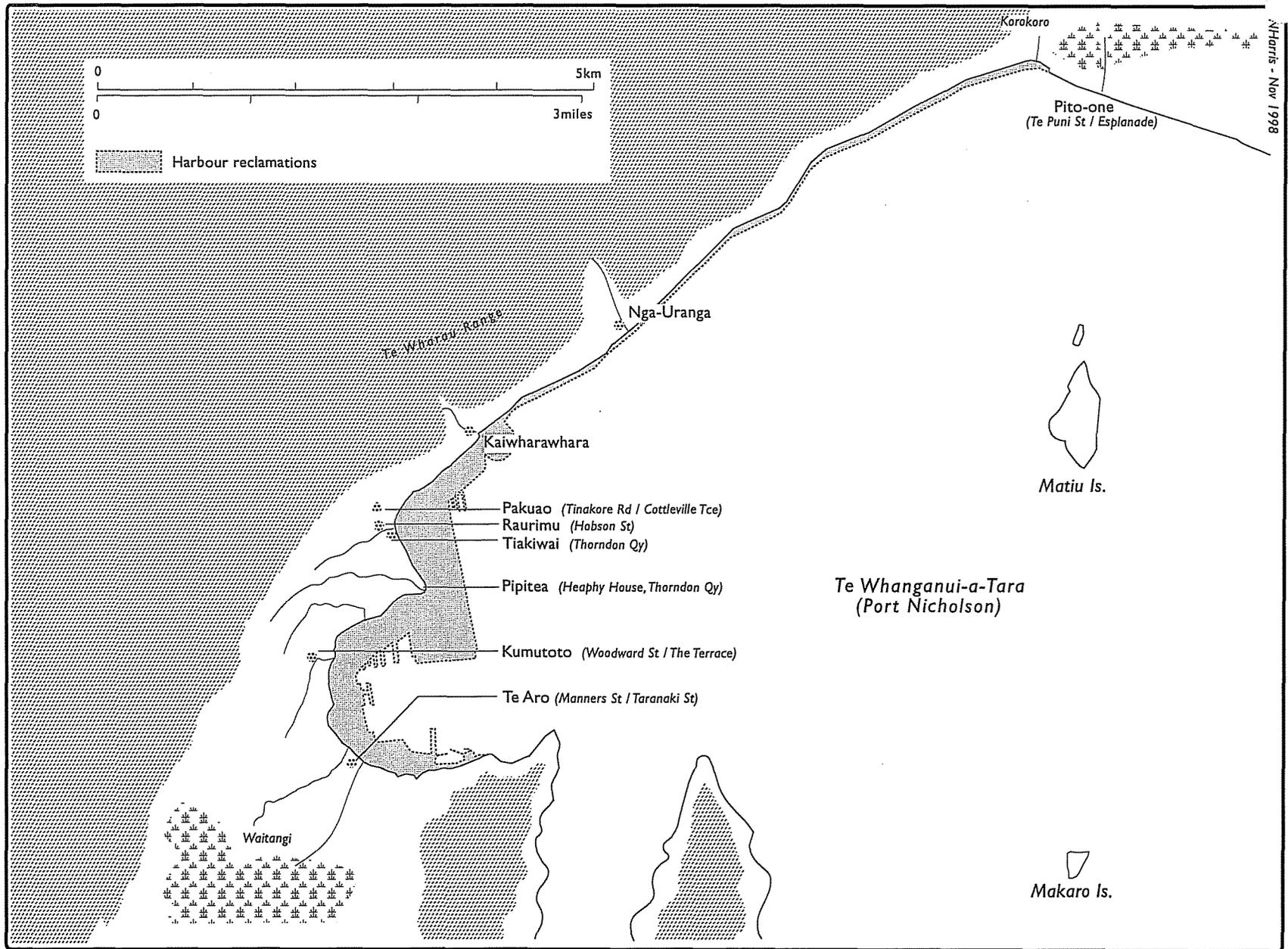
¹⁴ Ballara, 'Te Whanganui-a-Tara', p.22

¹⁵ Ballara, 'Te Whanganui-a-Tara', p.22-3 citing evidence of Te Manihera, Wellington Native Land Court minute book 1C, p.86

¹⁶ See evidence of Hohua Te Atua, of Ngati Tawhirikura, Wellington Native Land Court minute book 1C, p.63

¹⁷ See evidence of Henare Te Puni, Wellington Native Land Court minute book 1C, pp.106 and 113. The minutes say Manihera was Te Wharepouri's 'tamaiti'.

Some Wellington/Hutt Valley Place Names c.1990's



took the group, at Matangi's request, to fish and gather karaka berries at Orongorongo. Although 'it was not supposed to be a kainga tuturu' according to Hohepa Enoka in the Land Court, and only temporary dwellings seem to have been erected there, the expeditions of Te Atiawa and Ngati Mutunga to Orongorongo continued.¹⁸

(b) The incursion into the Heretaunga (Hutt) Valley of some of the Ngamotu people under Wi Tako Ngatata to avenge the death of a Ngati Mutunga chief, Te Momi.¹⁹ The kainga Puniunuku was taken from Rakai-whakairi (or Ngati Kahukura-awhitia). In Ballara's words:

In gratitude for the satisfaction obtained, Patukawenga of Ngati Mutunga made tapu for Ngamotu the area east of the Heretaunga (Hutt) River mouth, Waiwhetu, calling it 'te iwi tuara o Tipi' (the backbone of Tipi); Tipi was a female cousin of Patukawenga given in marriage to a Ngamotu chief. Te Mana, kin to Te Matangi and chief at Pito-one, then made tapu for Ngamotu the place called Whiorau (Lowry Bay), saying that the pipi there were as large as Raka-ruarua, a woman of legendary size.²⁰

Ehrhardt correctly notes that the minute book entry states that Te Mana was of 'Ngati Kahununu', but acknowledges (rightly) that 'other sources' say he was of Ngati Mutunga.²¹ Ballara argues that 'these gifts of land and resources made for services rendered constituted the third step towards proprietorship by Te Ati Awa in the harbour'.²²

(c) Te Puni's and Te Ropiha Moturoa's evidence to the Spain commission suggests that Patukawenga's invitation extended (if not immediately then a little later), to cultivate at Te Aro, Pipitea and Tiakiwai. Moturoa (Te Matehou hapu of Te Atiawa) told Spain's enquiry in 1842 that part of Te Aro belonged to Patukawenga, part to Pomare. The stream Waikoukou was the

¹⁸ See evidence of Enoka, p.186 and Mohi Puketapu, p.188, Wellington Native Land Court minute book 3

¹⁹ Ehrhardt (p.22) says the correct spelling is Te Momo. The handwriting in Wellington Native Land Court minute book 2 p.108 is obscure: it may read 'Te Mome'; but on p.115 it is clearly Te Momo; in other evidence it is Te Momi.

²⁰ Ballara, 'Te Whanganui-a-Tara', p.23 citing Wellington Native Land Court minute book 2, pp.108-9

²¹ Ehrhardt, 1993, p.22. See for example statements by Hemi Parai and Manihera te Toru, Wellington Native Land Court minute book 1C, pp.76, 87

²² Ballara, 'Te Whanganui-a-Tara', p.23. See also the evidence of Mohi Puketapu, Wellington Native Land Court minute book 3, p.188, regarding the 'tuku' of Patukawenga.

boundary. 'The greater part of the Land belonged to my Brother [tungane?] Patukawenga'. Moturoa then stated that he did not occupy the land at the invitation of Wharepouri (after the departure of Ngati Mutunga for Wharekauri) but through his 'elder brother' Matohia; and that Matohia (along with seven others he named) was given the land by Patukawenga. The places given were

Waiwetu, Koruarua, Ngutuihi; when I came Patukawenga gave me the Hutt. I planted Potatoes at the Hutt, and took the produce to Waiwetu, Okiwi is one of the places Patukawenga gave me. Parangarahu, Wairarapa [perhaps the chief of that name, also of Te Matehou]. He gave me Tiakiwai, Pipitea, Te Aro.²³

See also Moturoa's detailed statement in Thomas Barker's claim, cited as Appendix C of this report.²⁴ It is a little difficult to interpret exactly these English-language records of statements which Moturoa gave in Maori, probably using personal pronouns to stand for his group and kinship classificatory terms which lose something in translation. The timeframe may also have been shrunk. But there is a clear determination to derive rights through Patukawenga. No doubt following this testimony, Mr Gilmore states, in relation to the lower Heretaunga valley,

'The land belonged to Ngaki, Patukawenga's son, Patukawenga and to his wife Hika....Hika was the sister of Te Ropiha Moturoa to whom the whakapapa to the land was eventually extended at Waiwhetu and Pipitea both rohe under the control of Patukawenga and Ngaki'[sic].²⁵

Mr Gilmore cites the Spain commission evidence of Wairarapa, Mahau and Te Puni to argue that Ngati Tawhirikura (the principal hapu of Te Wharepouri and Te Puni) were by no means confined to Waiwhetu but were at Hataitai, Te Aro and Paekawakawa, in association with Ngati Mutunga - that they had 'multiple residences around the harbour'.²⁶ Possibly. But the chiefs in fact spoke more about their *cultivations* at various places rather than *residences*. (For example Mahau said of Heretaunga, Pito-one, Pipitea, Kumutoto and Te Aro, 'I have cultivated in these

²³ OLC 1/906, pp.23-5, NA

²⁴ OLC 1/635, NA

²⁵ Gilmore, p.19

²⁶ Gilmore, pp.20-21

places before [Ngati Mutunga's panui to Wharepouri in 1835]'.²⁷ Just what rights this gave to Ngati Tawhirikura as a hapu, as distinct from Mahau or Te Puni as individuals, is debateable.

(d) The initial gift from Ngati Mutunga appears, however, to have run from Waiwhetu to Okiwi near modern Eastbourne. The chiefs Wairarapa, Porutu and Mataha cultivated there and at Te Korokoro stream, westward of Pito-one. Although, as mentioned in the Introduction, I have some doubts as to the appropriateness of the English terms of proprietorship, there is no doubt that sections of Te Atiawa, at the invitation of Ngati Mutunga, occupied, possessed and controlled land and resources in the Waiwhetu area and the eastern harbour, and their chiefs at least, cultivated further afield. Later, in the Land Court in 1888, Wi Hape Pakao (Wi Tako Ngatata's cousin) stated that 'the claim of Ngati Tawhirikura, Ngatiwhiti and Matihou is through this' [invitation from Ngati Mutunga].²⁸ Mr Gilmore points out that Wi Hape Pakao also stated in 1888 that he was already in Te Whanganui-a-Tara and went from there to Te Horo to assist Te Atiawa at the battle of Haowhenua in 1834.²⁹ As will be discussed in the next chapter, other arrangements were subsequently made with Ngati Mutunga which strengthened Te Atiawa's position in Te Whanganui-a-Tara.

(e) The Taranaki (Ngati Haumia) and Ngati Ruanui (Ngati Tupaia) hapu of the heke Paukena (led by Hauatana and Pakuahi) moved to the area of Te Aro and Waitangi swamp (later the Basin Reserve), at the invitation of Ngatata-i-te-rangi. They were said by Mahau to be 'kaimahi' (workers, servants) of Ngati Mutunga.³⁰ A boundary was fixed between the two groups. The two sections were subsequently to have somewhat different reactions to the New Zealand Company purchase, and Hemi Parai and Hori Ngapaka contended in the Land Court over their respective interests years later.³¹

6.5 None of the secondary accounts, nor any of the primary sources I have seen, suggest that the explicit consent of Te Rauparaha and Ngati Toa was invoked in these arrangements. They were

²⁷ OLC 1/906, cited by Moore, 'The Origins of the Crown's Demesne', p.273

²⁸ Wellington Native Land Court minute book 2, p.109

²⁹ Gilmore, p.21 citing the Ngarara Commission, 16 Nov. 1888, MA 70/4, NA

³⁰ OLC 1/906, 8 September 1842, NA

³¹ Wellington Native Land Court minute book 1C, pp.12-13 and 113-4; Gilmore, p.20

directly made between Ngati Mutunga and their invitees. As we have seen, however, all the iwi were interrelated. The invitation to Pito-one and Te Aro, and the gift of Waiwhetu would obviously have been widely discussed, though perhaps not necessarily before they were made. Strong independent chiefs would expect to take initiatives. Relations between the allied tribes were good at this stage and untoward reactions from Ngati Toa were presumably not anticipated. Nor are any recorded.

6.6 Several Land Court accounts describe the fighting with Ngati Kahungunu which then took place after Te Atiawa were settled at Waiwhetu. The rather confused minute of Wi Hape Pakao's already complicated account states:

Tamatoa was killed by the Ngatikahununu the whole of the people Ngatikahununu who resided there went to Wairarapa. The chief Rangitapuariki of Wairarapa was killed after that settlement was taken they followed up as far as Maoariki[?obscure] and Ruru and Poa chiefs of the Ngatikahununu were killed Poa was killed and Ruru hid himself and escaped. Ngatitawhiti, Ngamaharanga formed attacking party after return from Wairarapa the bulk of us settled at the back when the news of Tamatoa's death came the whole of the back people went to Waiwhetu and proposed the advisability of taking possession of Wairarapa certain people were set apart to take charge of Waiwhetu we went and lived at Wairarapa this is the journey we made when we settled Ngatimutunga had not shifted.³²

He goes on to describe a sequence of raids from Ngati Kahungunu, and counter-attacks by Te Atiawa, culminating in the expedition led by Wi Tako and Te Puni into the Wairarapa which found the district almost empty, as the Ngati Kahungunu had gone north to Mahia to acquire guns. The bulk of the Ngamotu migration then moved on into the southern Wairarapa for a sojourn variously described as lasting one-and-a-half to three years.³³ According to T W Downes, when Te Wharepouri was later making peace with Nuku-pewapewa (see below para 7.18(b)) he asked himself, 'Why did I come here? Was it not because Te Rauparaha and Rangihaeata advised me that the land was idle?'.³⁴ If this is true it is consistent with the Ngati Toa chiefs' urging of the Ngati Awa tribes to move south and east, to make room for Ngati Raukawa.

³² Wellington Native Land Court minute book 2, pp.109-110

³³ See for example evidence of Ihaia Porutu, Wellington Native Land Court minute book 1C, p.112; Henare Pitt, Wellington Native Land Court minute book 2, pp.63-4

³⁴ Downes, p.370

3.7 In the Horowhenua, however, Te Rauparaha was finding the latecomers troublesome. Professor James Belich has suggested that Te Rauparaha's position depended on the 'judicious coercion and conciliation of vassals and allies, in which gift exchange, marriage alliance and the generous reallocation of land featured as much as force'.³⁵ But Ngati Raukawa were numerous and so were Te Atiawa and their friends of the Ngamotu heke. Rights to the land were ill-defined. Ngati Raukawa, centred on Otaki, aspired to displace Ngati Awa from Waikanae, which was opposite Kapiti.³⁶ In 1834 a party of Te Atiawa was caught raiding Ngati Raukawa potato pits, an important man was killed and Te Atiawa besieged the main Ngati Raukawa pa on the Otaki river. Te Whatanui had the support of the former tangata whenua whom he had protected, and also of Te Heuheu Mananui of Taupo and Taraia of Ngati Maru. Te Atiawa were assisted by the other aforementioned newcomers from Taranaki, of the heke 'Paukena' - that is, the group from Waitara under Te Rangitake, some Taranaki and some Ngati Ruanui. Some Ngati Tama, Ngati Rahiri and Ngati Mutunga from Te Whanganui-a-Tara were also apparently visiting relatives and got overtaken by the fighting. Most importantly, Ngati Toa's response was divided: Te Rauparaha and his Toa-Raukawa relatives entered the Ngati Raukawa pa; Te Hiko and the Ngati Te Maunu hapu assisted their Te Atiawa relatives.³⁷ (The tension between Te Kimihia and Te Maunu sections of Ngati Toa had erupted once before: previous to his death at Kaiapohia, Te Pehi had attacked Ngati Apa, whom he held responsible for the death of his children before the battle of Waiorua, notwithstanding Te Rauparaha's peacemaking with that tribe). The siege at Haowhenua was lifted with the arrival of a northern taua of Ngati Tuwharetoa and Ngati Maniapoto. There was some indeterminate skirmishing, and both sides claimed victory.³⁸ Ngati Raukawa withdrew to Ohau. Te Rauparaha, it seems, went with them but 'Te Hiko and Chiefs of Ngati Toa then followed Rauparaha in canoes and brought him back again -

³⁵ James Belich, *Making Peoples: A History of the New Zealanders*, Penguin, Auckland, 1996, p.205, cited by Hippolite, p.14

³⁶ Parsonson, p.173 citing Ernst Dieffenbach, *Travels in New Zealand*, Vol I, 1843, (Christchurch, 1974), p.104

³⁷ Parsonson, p.174

³⁸ Ballara, 'Te Whanganui-a-Tara', pp.24-25 citing numerous Land Court witnesses.

At Ohau Rauparaha embarked to go to Kapiti'.³⁹ (Te Rauparaha, in other words, showed his support for Ngati Raukawa, but the other Ngati Toa chiefs, including those linked to Ngati Awa, restrained him from too full-blooded commitment to Ngati Raukawa). Dr Parsonson nevertheless considers that Ngati Raukawa had the greater gains: they had got Te Rauparaha to commit himself on their side, and that combination (together with the possibility of more allies from the north) remained as a looming threat over the Ngati Awa hapu, who feared more attacks from Ngati Raukawa.⁴⁰

6.8 There were important consequences for Te Whanganui-a-Tara and its environs in the aftermath of Haowhenua:

(a) Ngati Awa (that is Te Atiawa with some Ngati Tama, Ngati Rahiri and others) no longer felt comfortable or welcome alongside Ngati Toa at Porirua . At Waikanae they concentrated around the large pa, Kenakena, but large numbers - Parsonson believes a majority - went to Cloudy Bay, Arapaoa, Te Awaiti and Taitapu in the South Island.⁴¹ They were forcibly driven out of the Porirua area. An account by Puhikaaru of Ngati Huia hapu of Ngati Raukawa in the Land Court, 30 October 1871 reads as follows:

...at the end of that battle [Haowhenua] Ngati Toa came to fetch me, Ngati Huia, to return to settle; I went back to Ohau. Now, when all Ngati Raukawa returned to Kapiti they heard that Motuhara, Hongoeka, Kohotea, Taupo and Onehunga [not the Onehunga at Worser Bay] were full of Ngati Awa [Te Atiawa]. Our three canoes were launched and we drove out Ngati Awa from Hongoeka. Ngati Toa were at Kapiti, Mana, Wainui and Paremata where Te Rakaharea and Te Otaota were. Our three canoes crossed over to Onehunga; there were two canoes of Ngati Raukawa and one of Ngati Toa; the reason was the decision of Te Rauparaha and Te Rangihaeata; they went to drive out Ngati Awa from all the settlements mentioned by me. Their plan was to leave those spaces for Ngati Raukawa, that is for Ngati Huia, and for Ngati Toa. Some [places] were left from Maungarautawhiri to Ohariu of Ngati Awa. That land lay unutilised; I Ngati Huia , was raising food at Mana. Ngati Raukawa raised parties of volunteers. The seed plants were

³⁹ Evidence of Horomana Toremi, Otaki Native Land Court minute book 1E, p.572

⁴⁰ Parsonson, p.175, evidence of Pikau Te Rangi, Otaki Native Land Court minute book 10, p.306, and evidence cited below (Chapter 9) from the Spain commission.

⁴¹ Parsonson, p.175

grown at Mana, then they were taken up and carried here [as seed] for Taupo.⁴²

In other words, Ngati Raukawa were now established as far south as Porirua. As well as going to the South Island, many of Te Atiawa went to Te Whanganui-a-Tara, to their connections at Waiwhetu (and thence to the Wairarapa); some were invited to cultivate among their Ngati Mutunga allies around the harbour. But their bad relations with Ngati Raukawa and that section of Ngati Toa who had helped them smouldered on, and was to erupt again at Kuititanga in 1839. Anxiety about further Ngati Raukawa expansion remained.

(b) Ngati Tama had a similar experience. Under Te Kaeaea they tried to take over the recently vacated land at Paremata, but Te Rauparaha and Te Rangihaeata with the help of Ngati Raukawa drove them off. Te Rangihaeata also drove them away from an attempted occupation of Mana Island, back to the mainland shore opposite, at Komangarautawhiri. (After which Te Rangihaeata renamed Te Kaeaea, 'Taringa Kuri'). They remained on the Ohariu coast and on the locations they had previously occupied between Makara and Kaiwharawhara on Te Whanganui-a-Tara.⁴³ Te Kaeaea's later relationship to Te Rauparaha and Te Rangihaeata was, however, to be a very different one from that of the Te Atiawa chiefs.

(c) The last remnants of the Ngati Ira\Ngati Kahungunu tribes withdrew from the Kapiti coast.⁴⁴ Ehrhardt raises a slight doubt on this point but Wi Hape Pakao (or Pakau) stated in his 1888 evidence that 'The whole of the people Ngatikahununu who resided here went to Wairarapa'.⁴⁵

(d) Ms Hippolite suggests that it may have been about this time that Ngati Rangatahi, under Kaperatehau, began to occupy the upper Hutt Valley.⁴⁶ She cites Ian Wards' statements to the effect that Kaperatehau was given the 'fiefdom' of the Hutt Valley, by Te Rauparaha, in return for their assistance in chasing out the original occupants.

⁴² Wellington Native Land Court minute book 1H, p.239, translated by Angela Ballara, Wai 145, Doc J6, pp.30-31

⁴³ See account by Matene Te Whiwhi, 31 October 1871, Wellington Native Land Court minute book 1H, p.234, translated by Angela Ballara, Wai 145, Doc J6, p.27; also Ballara 'Te Whanganui-a-Tara', p.25

⁴⁴ Ballara, 'Te Whanganui-a-Tara', p.25 citing Wellington Native Land Court minute book 2, pp.100-1, 109

⁴⁵ Ehrhardt, p.21; Pakao's evidence: Wellington Native Land Court minute book 2, p.109

⁴⁶ Hippolite, p.14

‘They never lived permanently in the valley, possibly because of the threat of Wairarapa Maori, but periodically visited it [from near Porirua] for birds, eels, and timber. They prepared only such cultivations as they needed for the duration of their stay and paid occasional tribute to Te Rauparaha and Te Rangihaeata in the form of eels, birds and canoes’.⁴⁷

I have seen nothing in the evidence to modify this picture for the period before 1840, but it is self-evident that Ngati Rangitahi’s periodic use-rights would not extend to those parts of the Hutt Valley occupied by permanent settlements and cultivations of Te Atiawa and others. We might note here that, according to Sub-Protector Kemp, Ngati Rangitahi in the early 1840s had also sought the permission of Te Puni to occupy the Hutt valley and were making an annual presentation of snared birds to the Te Atiawa chief as well.⁴⁸

6.9 In respect of all of these movements there can be little doubt of the military dominance, and hence the dominant mana, of the Ngati Toa chiefs on the Kapiti coast. But Ngati Toa’s allies were an unruly lot, prone to go their own way and fight amongst themselves. Ngati Raukawa had by now become the main allies of Te Rauparaha and Te Rangihaeata. If they chose, that alliance could threaten the security of the other peoples from Taranaki, in their various settlements. The Taranaki groups certainly seemed to feel that was a possibility. However, Te Hike’s side of Ngati Toa had supported their Te Atiawa kin. Equally importantly, Te Rauparaha and Rangihaeata were more interested in the rich territories they had conquered in the South Island and in the trade with the Pakeha which they controlled from their strongholds at Cloudy Bay and Kapiti, than in the comparatively poor lands and little-frequented harbour of Te Whanganui-a-Tara.

6.10 (a) For amazing events had also been taking place in this period in respect of Te Wai Pounamu. These have been repeated many times in the various sources and it is scarcely necessary for them to be chronicled in detail again here. Suffice it to recall that, after Waiorua, Te Rauparaha had been the object of kanga from Rerewhaka, a Rangitane chief of the Wairau

⁴⁷ Hippolite, p.14, paraphrasing Ian Wards, *The Shadow of the Land*, Wellington, 1968

⁴⁸ H T Kemp, *Revised Narrative of Incidents and Events on the Early Colonizing History of New Zealand*, Auckland, 1901, cited by Moore ‘Origins of the Crown’s Demesne’, p.158

valley. He conquered them and the district. Then Te Pehi returned with his muskets and Ngati Toa successfully attacked the stronghold in the Wairau where Te Kekerengu, the Ngati Ira leader, had taken refuge after the breakdown of relations with Ngati Toa at Porirua. The expedition went on to Kaiapohia where Te Pehi and other leading Ngati Toa were killed. Most of the expedition then returned to their kainga but it is recorded that 'Some of the Ngati Toa stayed at Cloudy Bay, and at Te Kakaho Island not far from Te Hoiere, and the Ngatiawa and some of the Ngatitua stayed at Te Awaiti in Queen Charlotte Sound'.⁴⁹ When it was learned that Tuhawaiki of Ngati Tahu was exhibiting the bones of Te Pehi to the tangata whenua tribes to incite them against the invaders, Ngati Toa, Ngati Awa and Ngati Raukawa launched a bloody vengeance against Ngati Tahu, destroying Kaiapohia, and taking forays across to the west coast and far to the south. According to one Land Court witness, the attackers included Ngatitu and Ngatironganui of the Ohariu coast and Ngati Rangatahi under Kaperatahau.⁵⁰ Te Puoho, an adventurer, always in the Ngati Tama vanguard, was killed in the far south. The invaders consolidated in the north. Ngati Toa, with Ngati Rarua, in particular settled the Wairau\Cloudy Bay area and Pelorus Sound for association with the whaling stations. His allies were located in various bays and harbours, partly through the aegis of Ngati Toa, partly through their own efforts. Unlike the situation in Te Whanganui-a-Tara and the Ohariu coast, some tangata whenua groups remained in occupation. (b) Mr Gilmore correctly notes that Ngati Awa made up a sizeable component of the attacking forces. He adds 'This again demonstrates that without Ngati Awa there would have been no raupatu of Te Tau Ihu o te Waka a Maui'.⁵¹ This is taking the hypothetical a little too far. He may well be right, but we can never know. As well as Ngati Awa, Te Rauparaha had allies from Tuhourangi on one of his initial forays and Ngati Raukawa, Te Rangatahi and others joined him on his major expedition against Kaiapohia.⁵²

(c) Mr Boast cites a Land Court witness in 1892 (Paka Herewine Ngapiko of Ngati Rarua\Ngati Tama) to the effect that, whomsoever led the various attacking parties, 'the land was divided

⁴⁹ Hon Hone Heke to J Carroll, 18 May 1905 in File Ne 77: Wakapuaka, Papers relating to petitions to Parliament, 1933-39, Maori Land Court, Christchurch, p.7

⁵⁰ Mahimi's evidence, Wellington Native Land Court minute book 2, p.104

⁵¹ Gilmore, p.15

⁵² Parsonson, pp.168-9

amongst the hapus by Te Rauparaha', and 'Te Rauparaha divided the land amongst the people'.⁵³

A Ngati Rarua witness, however, said that Ngati Rarua, as part of Ngati Toa whanui, took the land in their own right: 'Ngati Awa had land allocated to them in other localities by Te Rauparaha. He was the ariki o nga tangata. He did not allot land to Ngati Rarua'.⁵⁴ Other sources say that the invading tribes simply began living permanently in the areas they had occupied. Mr Boast too notes that Ngati Koata claimed Rangitoto (D'Urville Island) by direct cession from the tangata whenua, Ngati Kuia. He also cites the further statement of Paka Ngapiko that:

Rauparaha was the tino Rangatira who led the people to Kapiti, but I don't admit that he was the Rangatira who was paramount over the affairs of the hapus who conquered the district. The reason that Te Rauparaha divided the land amongst the hapus was as a reward for their bravery. He was the leader and that was why it devolved on him to divide the land amongst the people. The reason why Te Rauparaha was elected the leader (sic) was because he was the person who was instrumental in forming the expedition to Kapiti.⁵⁵

In the aftermath of Haowhenua, Te Rauparaha concentrated increasingly on his trading empire developed out of Kapiti to the north and Cloudy Bay to the south. The occupation of the mainland Kapiti coast was largely undertaken by other Ngati Toa chiefs, including Te Hiko (Te Pehi's son) and Nohorua, who settled their own hapu around Porirua together with Ngati Rarua and Ngati Haumia sections of Ngati Toa. For example Mihaka Tumuakirangi of Ngati Awa and Ngati Rarua, said

Te Hiko invited us, my 'matua' to come to Porirua - to Takapuwahia - there was no-one living there, - Hetaraka and Koroniria were my 'matua' - they were of Ngatirarua and Ngatitua - Koroniria came with Rauparaha - Hetaraka came from Taranaki with Ngatitua and Ngatiawa - at the time of Haowhenua - Hetaraka was my father - They came to Takapuwahia and lived there with Te Hiko - all Porirua was Hiko's at that time and he gave Pokawhenua to my 'matua'... They felled the bush and cultivated and called it

⁵³ Boast, 'Ngati Toa in the Wellington Region', p.57, citing Nelson Native Land Court minute book 2, pp.92-3. The allocations are summarised there.

⁵⁴ Herewine Ngapiko, Nelson Native Land Court minute book 2, p.184 cited in Boast, 'Ngati Toa in the Wellington Region', p.58.

⁵⁵ Nelson Native Land Court minute book 2, p.177 cited in Boast, 'Ngati Toa in the Wellington Region', pp.58-9

Pokawhenua - we were cultivating and occupying in 1847 when the land was sold.⁵⁶

6.11 If varying degrees of independent action was open to the chiefs of Porirua and in the Sounds, no doubt the hapu settled in Te Whanganui-a-Tara would also have concurred that Te Rauparaha was not 'paramount over the affairs of the hapus', especially as regards their internal relations. But whether he would allow them a completely free hand as regards their relations with one another, or with the incoming Europeans, remains to be seen.

⁵⁶ Wellington Native Land Court minute book 1C, p.175

Chapter 7

Departures for the Chatham Islands and changes in Te Whanganui-a-Tara 1835-1839

7.1 The sequence of events around Te Whanganui-a-Tara during these years has been described in considerable detail by Dr Ballara, Dr Parsonson and Ms Ehrhardt. Although Mr Boast has questioned these accounts (particularly that of Dr Ballara) in important particulars I consider, from re-reading the primary evidence, that the earlier accounts are accurate.

7.2 In 1835 most of Ngati Mutunga living about the harbour, a considerable number of Ngati Tama and the Kekerewai people usually regarded as a division of Ngati Mutunga, abandoned Te Whanganui-a-Tara (having burnt most of their buildings) and pressed an English ship, the *Rodney*, to take them to the Chatham Islands (called Wharekauri by the Maori and Rekohu by the Moriori). Mr Boast mentions also the group called Ngati Haumia but it was unclear to him whether they were of Taranaki iwi or Ngati Toa.¹ In fact there were two Ngati Haumia hapu. Ropata Hurumutu's group of Ngati Toa bore that name as did a hapu of Taranaki iwi. The latter group had come to the harbour in the last heke from the north under the chiefs Hemi Parai and Mohi Ngaponga about the time of Haowhenua - probably just before - and settled at Te Aro, while Ngati Mutunga were still the main occupants of the harbour. In 1835, after some argument, the Ngati Mutunga chiefs Te Wharepa and Patukawenga allowed many of the Ngati Tama and a group of the Ngati Haumia from Te Aro to join the migration to Wharekauri. The Ngati Haumia chiefs who remained at Te Whanganui-a-Tara gave extended evidence in the Land Court in 1868 of their spreading out around Te Aro after Ngati Mutunga departed.² They also went to Ngauranga from whence they were pushed back to Te Aro by Te Atiawa.³

7.3 (a) There has been some debate about the reasons for Ngati Mutunga's going. Dr Ballara

¹ Richard Boast, 'Ngati Toa in the Wellington Region', p.70

² See for example the evidence of Mohi Ngaponga, Wellington Native Land Court minute book 1C, p.17

³ Wellington Native Land Court minute book 1C, pp.17, 33-4, 75-6, 82, 88; Ballara, 'Te Whanganui-a-Tara', pp.28-9

has written of the strained relationships with Ngati Toa after the battle of Haowhenua, including an incident involving the desecration of the grave of a Ngati Mutunga chief by his Ngati Toa wife's brothers.⁴ Mr Boast notes her reliance on S P Smith for this incident and doubts whether relations between the two tribes were seriously soured. He stresses the positive reasons given for going to Wharekauri - the plentiful food resources there - as recorded in Land Court statements and by Shand.⁵ He notes also that Te Rangihiroa and others came from Porirua to farewell Ngati Mutunga. But there is no mention of Te Rauparaha and Te Rangihaeata farewelling them and, given Te Rangihiroa's links to Te Atiawa (which Mr Gilmore has stressed), it would appear that Mr Boast is making rather much of Ngati Mutunga's ties with Ngati Toa. Similarly he makes great play of a few phrases in the late (1890) evidence of Wi Parata to suggest that the Wharekauri expedition was 'jointly planned' by Ngati Toa and Ngati Mutunga.⁶ If there was any 'joint planning' it would presumably have been with Te Rangihiroa's, pro- Ngati Awa, section of Ngati Toa. After the assistance Ngati Mutunga had rendered to Te Atiawa at Haowhenua, Te Rauparaha may have simply been glad to see the back of them and they of him. Henare Te Puni later stated to the Land Court that 'The Porirua natives [he had just referred to Ngati Toa and Ngati Rangitahi] were not friends of Ngati Mutunga'.⁷ Alex Shand also makes the point that Pomare, who had married Tawhiti, daughter of Te Rauparaha, discarded her 'on account of the trouble brought about by Te Rauparaha at Haowhenua'. Pomare's younger brother Tiwai had been killed at Haowhenua.⁸

(b) Notwithstanding Mr Boast's interpretation, there are strong statements in the evidence about the anxieties of the harbour tribes after Haowhenua. Te Puni, when asked by the Spain commission why Pomare and Patukawenga went to the Chatham Islands, replied: 'Because they were afraid of Taupo and Ngati Raukawa and Rauparaha and Werowero and Waikato'.⁹ It was

⁴ Ballara, 'Te Whanganui-a-Tara', pp.25-6

⁵ Boast, 'Ngati Toa in the Wellington Region', pp.71-2, citing Shand, pp.154-5 and the evidence of Taringa Kuri, 28 May 1842, OLC 1/906, NA

⁶ Boast, 'Ngati Toa in the Wellington Region', p.73

⁷ Wellington Native Land Court minute book 1C, p.108

⁸ Shand, p.155 note; Parsonson, p.187

⁹ OLC 1/906, folio 7, NA

the whole Tainui alliance that was of concern. It had manifested itself at Hoawhenua and it was very understandable that the Taranaki tribes should be wary of the ambitions of its chiefs, even though they themselves had connections with Ngati Toa. Mahau mentions Ngati Mutunga's gathering on Matiu from anxiety about 'Ngati Raukawa'.¹⁰ The fact that land was become vacant was an open invitation to others to fill it, and Ngati Huia hapu of Ngati Raukawa were already as far south as Pukerua: the time between the departure of the first and second shiploads to Wharekauri was a particularly dangerous time because news of the departure had spread. Te Wharepouri hurried back from the Wairarapa when he heard about it and joined the gathering at Matiu. Both he and the Ngati Mutunga chiefs saw the advantages of Te Atiawa coming back to fill the gap. Moturoa was quite explicit on the point to Spain's commission in 1842:

Q. What induced [you] to come and live at Port Nicholson?

A. That Ngatiraukawa might not come and take the land before us.¹¹

(c) That Te Wharepouri himself felt insecure (and/or that the harbour was less than satisfactory) is indicated by his own unsuccessful attempt to hijack the whaling schooner *Active* at Palliser Bay in March 1836.¹²

7.4 Mr Boast also challenges Dr Ballara's statements and evidence that before leaving the Chathams the chiefs of Ngati Mutunga formally made over their lands about the harbour to Te Atiawa and Taranaki hapu, by a panui issued at the large meeting on Matiu Island.¹³ Mr Boast suggests that the panui or grant never in fact took place, that rather, 'the process of settlement by Te Atiawa and other groups after Ngati Mutunga's departure was fairly episodic and casual'.¹⁴ A reading of Land Court minute books for Wellington suggests that there is truth in both

¹⁰ OLC 1/906, 7 September 1842, NA

¹¹ Tod's Claim, OLC 1/465-466, NA, cited by Duncan Moore, 'The Origins of the Crown's Demesne', p.211

¹² Ballara, 'Te Whanganui-a-Tara', p.30

¹³ Ballara, 'Te Whanganui-a-Tara', p.28; Boast, 'Ngati Toa in the Wellington Region', pp.74-5

¹⁴ Boast, 'Ngati Toa in the Wellington Region', p.76

Interpretations. The beginning of settlement by Te Atiawa families began, as is so often the case, through particular kinship connections. That is, some families who were primarily Te Atiawa began living among Ngati Mutunga, at their invitation, *before* the heke to Wharekauri; their numbers and their rights then rapidly increased *after* the heke, in particular through the return of Te Wharepouri and his people from their sojourn in the Wairarapa. The formal meeting on Matiu, together with other more specific invitations and approvals, endorsed this process. Some further evidence and illustration of this is warranted:

(a) The invitation to Te Matangi (later baptised Rawiri) and his son Te Manihera te Toru to Pito-one and Waiwhetu (noted above, para 6.4) took place before Haowhenua. Dr Ballara dates it at 1832. The 1868 account by Te Manihera, quoted in full in Appendix B of this report, sets out the sequence of events very clearly.¹⁵ Among other things he gives the kinship connection:

Lived at Te Uruhi Waikanae while there I and my father Matangi were fetched by Ngati Mutunga - I was fetched by Te Hihi - Tunuroi and Hinehau - these were of Ngati Mutunga to whom Port Nicholson belonged I came first to Pito-one and afterwards to Ngauranga - Te Mana [Te Manu, Mahau's wife?] was the original owner of Pitoone and Ngauranga - Matangi was related to Te Mana - that was the reason why Matangi was fetched from Waikanae.¹⁶

(b) Te Manihera then speaks of living both on Matiu and at Ngauranga, in his father's house, still in association with Te Mana (the building of houses and the falling into disrepair of houses is commonly stressed in Maori evidence to the Land Court, and sharply distinguished from merely cultivating land while living in someone else's house). The next stages of the sequence of events is worth quoting at length:

Mohi [Ngaponga] and Hemi [Parai] had not then arrived - The land adjoining the house on the cliff [at Ngauranga] was cultivated by Matangi and Te Mana - these were our first houses - After this the party of Hemi and Mohi came from Taranaki - came at the time of Haowhenua (1836) [sic] after this Wharepouri - Te Puni and Wi Tako came from Te Urihi. They came to Te Koangaumu near Porirua - Rawiri Koheta was one of the party - This place Te Koangaumu had been cultivated by Te Puni - They came by canoes and overland and arrived at Okiwi [near Eastbourne] - I was at this time living among Ngati Mutunga - they staid for a time and then went to Wairarapa - I did not go there. While

¹⁵ Wellington Native Land Court minute book 1C, pp.86-99

¹⁶ Wellington Native Land Court minute book 1C, p.86

they were at Wairarapa Ngati Mutunga left - [when] Wharepouri and his son Makere heard of Ngati Mutunga going they came when they arrived the vessel which taken the first party to Chatham Islands had returned to take the rest - they came to Waiwhetu and then went to Somes Island Ngati Mutunga assembled at Somes Island leaving me and my father at Pitoone - Mohi was the first of his party who came here - to Kumutoto - and Te Aro - He then went to fetch the rest of party from Waikanae he fetched T[e] Mua and the rest of the party - including Hemi Parai - came to Pitoone - then came to Kumutoto and Te Aro and Paekawakawa [Island Bay] was given to them by Ngati Kai Ngatata Pomare. This was before any of the Ngati Mutunga left - This was when the first meeting at Somes Island took place I and my father were living at Somes Island...After Ngati Mutunga left I and my party about 10 lived at Pitoone and Ngauranga - and Hemi Parai and his people lived at Te Aro - I used to go to my cultivation at Ngauranga and it is true that Mohi [Ngaponga] also cultivated there - After this several parties came from Wairarapa - Te Matehou - (Te Ropiha's tribe) went to Onehunga [on the eastern shore of modern Seatoun] and from there to Pipitea and took the land - I invited the Ngati Tawhirikura - (Wharepouri's party) to come on to the main from Somes Island - I was at that time living at Ngauranga and eating food planted by Ngati Mutunga...After Ngati Mutunga left I went to their cultivations at Ngauranga and weeded the crop of potatoes.

Manihera was on Matiu dividing a cask of tobacco with the Ngati Tawhirikura when:

Hemi and Mohi's people went to dig up the Ngati Mutunga potatoes - I ...saw the fires burning in the cultivation - we were windbound at Somes Island - Gale lasted 2 days - on the 3rd day we came - we came in Omere [a Te Atiawa canoe] with Te Wharepouri & Whakairi - Te Awhio and some others - came to Ngauranga found a heap of potatoes and two canoes - one belonging to Pukahu and the other to Mohi - when I got on shore I saw that the crop had been taken from the cultivation I had weeded - I was dark and seized the canoe of Mohi...The women went and told what had happened and Tawhirikura and Mohi came on the same day - Mohi had a spear and I a 'Patiti', Mohi came up and talked to Wharepouri and wh.? to him across the river - This was the occasion of the abandonment of Ngauranga by Hemi's party - they came to Te Aro and I remained at Ngauranga - I lived there up to the time when Colonel Wakefield's ship came.¹⁷

(c) This incident, in which the Ngati Haumia hapu of Taranaki were pushed away from Ngauranga is also recounted in great detail in the statements of the Te Atiawa groups who came back from the Wairarapa. Wi Tako said they found the eastern (Pitoone) side of the Ngauranga stream vacant and bushcovered. He and Wharepouri occupied it. The west side he thought was occupied by Ngati Haumia, which was occupied by Te Manihera after Te Atiawa had driven Ngati Haumia away 'by force'.¹⁸ Henare Te Puni, son of Te Puni Kokopu, corroborates the

¹⁷ Wellington Native Land Court minute book 1C, pp.87-89

¹⁸ Wellington Native Land Court minute book 1C, p.34

movements to Waikanae, Otaki, Porirua, Pito-one, Wairarapa and back to Ngauranga.¹⁹ This is not the ‘arrival en masse from Wairarapa’ followed by the panui (which Mr Boast makes into something of a straw man), but neither is it ‘A rather confused impression of comings and goings’ as he would have us believe.²⁰ Te Manihera’s account clarifies the chain of personal connections and permissions or invitations to occupy - from Ngati Mutunga chiefs through Matangi and Te Manihera to other Te Atiawa chiefs. The Taranaki\Ngati Ruanui group had been invited too, but to Te Aro rather than Ngauranga. When they overstepped their rights there a fight erupted, with Te Manihera and his newly arrived Ngati Tawhirikura connections driving Taranaki away from Ngauranga.

(d) Te Manihera’s account is yet one more which mentions the formal gathering at Matiu. Moturoa also recounted to Spain that when Pomare came back to Matiu between the first and second trips to Wharekauri he and his people ‘consented that Warepouru should have all their land’²¹. Mr Boast honestly notes the reference in Wellington Native Land Court minute book 1C and E.J. Wakefield’s mention of a formal cession of the harbour to Te Wharepouru.²² In fact there are more mentions of the formal recognition of the transfer of rights than I have been able to tally, but they run through all of the Spain commission and Land Court evidence. Mahau was asked:

When the Ngatimutunga Chiefs went to the Chatham Islands did they give their Lands at this place to any person? And if so to whom?

He replied:

Ngatata, Kotoriki, Te Poki and Mare did [,] to Warepouru. This was their word. “This is the land for you Warepouru Port Nicholson”. This was their giving the land to

¹⁹ Wellington Native Land Court minute book 1C, p.105-106

²⁰ Boast, ‘Ngati Toa in the Wellington Region’, p.77

²¹ OLC 1/906, p.23, NA

²² Wellington Native Land Court minute book 1C, pp.75-6; *Adventure in New Zealand*, Vol 1, p.52, cited in Boast, ‘Ngati Toa in the Wellington Region’, pp.74-5 and p.76 note 181

Warepouri.²³

A little later he explained his different relationship with Patukawenga (who had invited Te Atiawa to Waiwhetu before Haowhenua):

When the Ngati Mutunga went to the Chatham Islands they gave the land to Warepouri and us. I have cultivated in all these places before...

[Patukawenga] had land at Raurimu, he did not give his land to Moturoa, he went away privately (puku) in the first vessel.²⁴

Te Puni told the Spain commission that the panui was uttered by Koteriki. He recited it in detail, naming all the kainga around the harbour and in the Hutt valley: Port Nicholson, the Hutt, Petone, Ngauranga Tahatahara, Pepitea, Kumutoto, Te Aro, Omarukaikuru, Haitaitai, Temahanga, Kakariki, Pounamukati, Paewenua, Tarakena, Paikawakawa 'and all the sea', Parangarahu, Wainuiomata, Orongorongo. He said that 'Kaiwarawara' was recognised as Taringa Kuri's place. Asked why Moturoa was not present at the Matiu meeting, Te Puni said 'He was not related/or joined/ to them' - that he was at Onehunga (Worser Bay) at the time.²⁵ Thus the chiefs sometimes spoke of a transfer of rights to Wharepouri, sometimes to 'Wharepouri and us'.²⁶ Like Mahau, Mohi Ngaponga of Taranaki iwi has a slightly different version: 'when Ngatata went to the Chatham Islands, he left Ngauranga [only] for Warepouri, and Matangi'.²⁷ Mohi was claiming rights to Te Aro for himself. But the comments are legion. While it is clear that there were other avenues by which Te Atiawa (and others) succeeded to lands formerly occupied by Ngati Mutunga, there are very frequent references giving a significant place to the Matiu Island meeting and the agreements made there with Wharepouri and the

²³ OLC 1/906, NA. Presumably he was using the new name Port Nicholson to identify the area to his English questioners.

²⁴ OLC 1/906, 9 September 1842, NA

²⁵ OLC 1/906, NA, cited in Moore, 'The Origins of the Crown's Demesne' p.254. Moore, using Adkin, *Great Harbour of Tara*, Christchurch, 1959, has located each of the places named by Te Puni against modern landmarks.

²⁶ For example see the evidence of Te Kaeaea, OLC 1/906, NA, and Moturoa OLC 1/465-466, cited in Moore, 'The Origins of the Crown's Demesne', p.206 and 212

²⁷ OLC 1/906, NA, cited in Moore, 'The Origins of the Crown's Demesne', p.219

groups returning from the Wairarapa. Unless Te Puni and many others were all lying there was a formal 'panui' at the meeting.

7.4 Nor does the fact that the arrangements between Te Atiawa and Ngati Mutunga are not mentioned in Ngati Toa sources mean they did not happen, as Mr Boast implies.²⁸ Rather it suggests that Te Atiawa and Ngati Mutunga did not involve Ngati Toa in their arrangements because they did not see it as Ngati Toa's concern. And perhaps Te Rauparaha and Ngati Kimihia (the side of Ngati Toa from whence Mr Boast's principal Ngati Toa sources derive) did not concern themselves much either. At the time, Te Rauparaha was relatively indifferent about Te Whanganui-a-Tara, then unimportant as a trading harbour.

7.5 It should be noted here that Mr Walzl is incorrect in stating that Ngati Mutunga gifted to Taranaki (including Ngati Haumia) 'the lands between Te Aro and Ngauranga'²⁹:

(a) Taranaki and Ngati Ruanui had occupied Te Aro since before the 1835 migration to Wharekauri.

(b) Kumutoto remained in the control of Ngatata-i-te-Rangi (joined by his son Wi Tako Ngatata)

(c) Pipitea and Tiakiwai were largely emptied, but some Ngati Tama remained about Tiakiwai and the Thorndon flats and Te Puni and Te Wharepouri's people soon moved in as well

(d) Ngati Tama under Te Kaeaea remained at Kaiwharawhara

(e) Ngati Haumia (of Taranaki) were cultivating at Ngauranga, but their attempt to extend their rights there resulted in their expulsion by Manihera Te Toru and Te Wharepouri as summarised above.

7.6 It is important to consider whether Ngati Mutunga entirely relinquished their rights in Te Whanganui-a-Tara when they left for Wharekauri.

(a) Mr Walzl has cited two pieces of evidence which suggest they did not consider that they had:

(i) Firstly, during the negotiation of the 'Deeds of Release' by the Crown and Port

²⁸ Boast, 'Ngati Toa in the Wellington Region', p.75

²⁹ Walzl, pp.9-10, para 1.15

Nicholson tribes in 1844, Pomare, who had returned from Wharekauri about 1839, joined in signing the deed of release for Te Aro.³⁰ Pomare had in fact given evidence to the Spain commission in respect of the claims of the British traders who had acquired interests in small portions of the foreshore.³¹ Whether his presence 'speaks volumes' as Mr Boast suggests is not clear.³² Dr Parsonson comments that 'It was mere chance' that Pomare was visiting Port Nicholson as the time.³³ Indeed there is little to suggest that Pomare was there primarily there in connection with land issues. The Company purchase, after all, had not yet happened. Moreover, his testimony to the Spain Commission was extremely limited: he testified briefly that he and the other Ngati Mutunga chiefs made transactions with Scott and Young for their small pieces, and did not appear at all in the repeated and lengthy hearings on the New Zealand Company claims.³⁴ Pomare was certainly declaring an interest and seeking to share in the payments for Te Aro. His evidence affirmed Ngati Mutunga's authority to make over land to Scott and Young *before* the migration to Wharekauri; he said nothing at all about reviving it subsequently. His claim in respect of Te Aro was something of a special case, based largely upon the people of Taranaki iwi at Te Aro preferring to recognise him rather than the Te Atiawa chiefs with whom they had been quarrelling.

(ii) Secondly, at the Land Court hearing on Kaiwharawhara in 1888, one Ruapiri, when asked if Ngati Mutunga gave up all rights when they left for the Chathams replied that they had not, and presented the case of the children of Rarauwhe, of Ngati Tama and Ngati Mutunga, who went.³⁵ Mr Walzl infers from this the possibility that 'Ngati Tama' had some residual rights at Te Aro. This is a very dubious proposition. In the first place he might just as well have said that Rarauwhe's presence gave 'Ngati Mutunga' residual rights but, more importantly, the residence of particular individuals (even as important an individual as Pomare) amidst another community

³⁰ Walzl, p.10, paras 1.16 and 1.17

³¹ Scott's claim, OLC 1022, NA; Young's claim, OLC 1042, NA

³² Boast, 'Ngati Toa in the Wellington Region', p.78

³³ Parsonson, p.187

³⁴ See Pomare's evidence in OLC 1/1022 (Scott's claim) and OLC 1/1042 (Young's claim).

³⁵ Walzl, para 1.17, p.10; Wellington Native Land Court minute book 1, p.317

of hapu (in this case Taranaki and Ngati Ruanui) would not constitute rights for a whole iwi. Nor, as I have just noted, did Pomare claim such rights though he was in an ideal position to do so at Spain's commission.

(b) Mr Gilmore also suggests that the mana and ahi ka of Apitia of Ngati Hinetuhi was maintained by Pirihara Te Tia 'of Kaitangata and Ngati Mutunga who was joined by a number of Ngati Waiponga people of Ngamotu who migrated through Pipitea to Waiariki from Pito-one'.³⁶ Like the statement by Ruapiri, this is very late evidence, and I have not yet seen other evidence of the senior Ngati Mutunga chiefs appearing at the many Land Court hearings of Wellington lands from 1868 onwards, although they returned from the Chathams, via Wellington, in 1868-9. They seemed much more intent on recovering what interests they could in their traditional lands in north Taranaki, confiscated by the government.

7.7 Some other Ngati Mutunga individuals not mentioned in the reports so far also remained:

(a) By far the most important was Ngake (sometimes spelled Ngaki), Patukawenga's son. Moturoa said, 'When Patukawenga went away he left him with me'.³⁷ This sounds like a very deliberate act on Patukawenga's part. Moturoa stressed Ngake's authority over land previously occupied by Ngati Mutunga. Asked 'Had Ngake any land of his own at Pipitea?' he replied, 'All Pipitea was his he could have sold it before if he wished'.³⁸ Later he was pressed further on the point. Asked whether 'the whole of Pipitea belonged to Ngake' or whether 'Ngake had a share in the whole of it', he replied, 'It is Ngake's because Patukawenga left him here he is the only man of the Ngatimutunga that was left here'.³⁹ It should be remembered that Moturoa was to some extent contesting rights to Pipitea and Te Aro with other Te Atiawa claimants and it suited him to trace his rights from Patukawenga's early invitation, and from Ngake, rather than through Pomare's conferment of rights on Te Wharepouri. The actual extent of Ngake's influence seems, in any case, to have been quite limited. He did affirm Pomare's grant of a house site at Kumutoto to the flax trader Scott. Wi Tako, who came to Kumutoto about 1835 was asked by

³⁶ Gilmore, p.18 citing Wellington Native Land Court minute book 3, p.88

³⁷ Moturoa's evidence 29 August 1843, Barkers claim, OLC 1/635, NA

³⁸ Moturoa's evidence 29 August 1843, Barkers claim, OLC 1/635, NA

³⁹ Moturoa's evidence 2 September 1843, Barkers claim, OLC 1/635, NA

Spain, 'Did you consider the land belonged to Scott?' He replied, 'Yes, I did - Ngake told me so'.⁴⁰ But that appears merely to have been an evidencing of the arrangement Pomare had made with Scott in 1831. Pomare himself told the Spain commission, 'I left nobody at Kumutoto'.⁴¹ Ngake may have made some arrangements of his own in 1839, at Pipitea. Te Awakite Penaha told that commission that he had made some land available to Richard Davis, the Maori Christian teacher from the north, 'Because Maria, Davis's wife, was his cousin [tuahine]'. Ngake had been in possession of the land a long time, said Te Awakite, and no-one else had a right to the land he gave to Davis.⁴² But Wairarapa in 1842 said Ngaki 'sold' Davis the piece 'where the Court house lately stood' for 20 pounds; Ngapuna gave him the land just above the Emigration House, and Moturoa gave him the land he later sold to Robert Tod. (These arrangements were supposed to be part of a 'tapu-ing' of the land to the Church Missionary Society to hold in trust for Maori in the face of organised settlement). When Davis opportunistically sold the land to Tod in January 1840 (thereby precipitating an enormous row with the New Zealand Company), it was Moturoa, not Ngake, who consented to the deal.⁴³ It would appear that Ngake had very little authority vis-a-vis the Te Atiawa chiefs. Mohi Ngaponga told the Spain commission that 'this part' (where the commission was sitting near modern Manners Street) belonged to Moturoa and Ngake, as well as land at Pipitea; he did not know the boundaries.⁴⁴ Ngati Mutunga hapu do not appear to have subsequently preferred claims through Ngake. With the passage of time, had they done so, Te Atiawa who had been in occupation since 1835 would no doubt have resisted. Moturoa said that since he had let Te Matehou occupy Ngake could not then sell the land 'unless all of us consented'.⁴⁵ And when the Spain commission bluntly asked Wi Tako 'If Mare came

⁴⁰ Wi Tako's evidence, 6 June 1843, OLC 1/1022, NA

⁴¹ 6 June 1843, OLC 1/1022, NA

⁴² Evidence of Te Awakite Penaha, 30 August 1842, OLC 1/635, NA

⁴³ Evidence of Wairarapa, 11 July 1842, OLC 1/906, NA; evidence of Moturoa, 30 May 1842, OLC 1/465-466, NA, cited in Moore, 'The Origins of the Crown's Demesne', p.209

⁴⁴ Port Nicholson Case, OLC 1/906, NA, cited by Moore, 'The Origins of the Crown's Demesne', p.219

⁴⁵ 2 September 1842, OLC 1/635, NA

back to whom would Kumototo belong?', he replied 'To myself'.⁴⁶ Had traditional ways continued to predominate, rather than the British systems of deeds and courts, Ngake could perhaps have invited some of his kinsmen to resume occupation, just as his father had once invited in some chiefs of Te Atiawa. But it is most unlikely that Te Atiawa would have readily returned the mana to Ngati Mutunga over a wide area.

(b) Ngake was not quite the only man - or at least only person - of Ngati Mutunga who remained. Wi Tako told Spain that Pomare 'left a portion of his tribe at Te Aro' (he also said two people).⁴⁷ This is a little obscure because the people left at Te Aro were overwhelmingly of Taranaki and Ngati Ruanui, but they had been invited in the early 1830s by Ngati Mutunga. Mahau (Ngati Tawhirikura) told the Spain commission: 'When the Ngati Mutunga went to the Chatham Islands they left Manu my wife and Muri, Puni's wife at Port Nicholson. They lived with us at Waiwetū'.⁴⁸ Mr Gilmore also mentions Ponanga who continued to cultivate at Island Bay with a Ngati Te Whiti rangatira, Matatoru.⁴⁹ Again, I have seen no evidence that Ngati Mutunga tribal claims were pursued through these people.

7.8 Against all of these references to individuals it should be recalled that Ngati Mutunga burned all of their buildings before they left for Wharekauri. Mahau also stated that when the Te Matehou came back from the Wairarapa they found 'Mare', presumably Pomare, burning the bones of the Ngati Mutunga.⁵⁰ There is perhaps no clearer indication of Ngati Mutunga's severance of all substantial interests in Te Whanganui-a-Tara. The role of Ngati Mutunga returnees to Wellington, notably Pomare himself, has been discussed below, paras 9.12, 9.13 and 10.11 (g), (h) and (i).

⁴⁶ OLC 1/906, reproduced in Wai 145, Doc H7a, p.47

⁴⁷ OLC 1/906, reproduced in Wai 145, H7a, p.44

⁴⁸ 2 September 1842, OLC 1/906, 16 July 1842, NA, cited in Moore, 'The Origins of the Crown's Demesne', p.270

⁴⁹ Gilmore, p.20 citing Te Puni, OLC 1/906; Wellington Native Land Court minute book 2, p.261-2

⁵⁰ 7 September 1842, OLC 1/906, cited by Moore, 'The Origins of the Crown's Demesne', p.270

7.9 (a) Meanwhile, what of Ngati Tama? Mr Walzl considers that they were 'predominant' in the first shipload of migrants to Wharekauri in 1835. He accepts Te Kaeaea's evidence to the Spain commission as confirming that there was a gifting of land by Ngati Mutunga to Te Atiawa and Taranaki hapu between the first and second voyages.⁵¹ Many Ngati Tama remained at Te Whanganui-a-Tara, however. Mr Walzl suggests that those who remained (he estimates at least 200 persons) may have spread their interests about the harbour wider than before. One part Ngati Tama\Ngati Mutunga family moved to Te Aro, according to 1888 Land Court evidence. 1844. Another Land Court witness, Piri-hara, stated that Tiakiwai pa had belonged to Kaitangata hapu of Ngati Mutunga and that Ngati Tama took possession after Ngati Mutunga went to the Chathams.⁵² Dr Ballara has, however, interpreted Mihimi's general statement of Ngati Tama's movements, to mean that Ngati Tama had been at Tiakiwai previously.⁵³ (See para 5.4 (a) above). Mr Walzl accepts that Ngati Tama occupation of Tiakiwai may not have been exclusive.⁵⁴ Part of the problem of interpreting this evidence of locations is that names like Te Aro or Pipitea are used both for a pa or kainga and for a zone of cultivations perhaps a mile or more in extent. In the case of Tiakiwai it also referred to a stream of that name.

(b) Otherwise, Te Kaeaea affirmed in 1842 that, though reduced in numbers, Ngati Tama held on to their rights at Kaiwharawhara, and to Paekaka, Raurimu and Pakuao close by, and to Mukamuka and Okiwi.⁵⁵ Mukamuka was the Ngati Tama settlement near Cape Palliser, retained at least for fishing and gathering karaka berries. Te Kaeaea's claim to Okiwi is puzzling because that part of the harbour was also claimed by Te Atiawa of Waiwhetu. It seems likely that Okiwi (Okiwi-iti and Okiwi-nui) was used largely for gathering shell-fish and bush foods by several hapu, and was an overlap zone with Ngati Tama who had interests in the Orongorongo range

⁵¹ Walzl, p.9, para 1.15 and p.11, para 1.21. The erroneous statement about the extent of gifting to Taranaki has been discussed above in para 7.5

⁵² Wellington Native Land Court minute book 2, p.193

⁵³ Wellington Native Land Court minute book 2, p.103

⁵⁴ Walzl, p.12, para 1.24

⁵⁵ OLC 1/906. NA cited in Walzl, p.11. Duncan Moore, using Adkin, *Great Harbour of Tara*, Christchurch, 1959, and Brees' Town Plan, has located these place names very precisely. See Moore, 'The Origins of the Crown's Demesne', pp.206-11 and notes 392-9

and valley with their south-easterly endpoint at Mukamuka, probably reached directly by canoe from Ohariu\Makara. In 1888, Ngati Tama witnesses spoke of Taringakuri (Te Kaeaea) building the settlement and of their living there because the Orongorongo range was too steep for dwelling sites. They ceased permanent residence after the exodus to Wharekauri but went back and forth from Kaiwharawhara to gather berries and harvest potatoes.⁵⁶

(c) Te Kaeaea did not mention Ohariu in his 1842 evidence but Mr Walzl is correct in stating that other evidence shows a continuing Ngati Tama presence on that coast, apparently by a 'distinct group' of Ngati Tama.⁵⁷ He also cites the claim of Hira Te Aratangata to Otari:

With respect to Otari it belongs to the Ngatikura hapu. Kaiwharawhara was for the Ngati Tama and Ngatiwai which were Wikitoas'[i.e. Taringakuri's] people. Otari was for me and my people also branch of the Ngati Tama.⁵⁸

Te Kaeaea (now named Wikitoria Taringakuri) and others also later lodged a claim for Otari in the Land Court.⁵⁹ It would appear that Ngati Tama resident at Ohariu and Te Ariruru were cultivating at Otari when they heard of the arrival of the *Tory*.⁶⁰

7.10 (a) Mr Walzl then argues that 'Ngati Tama in Wellington held a defined rohe'. This requires him to explain away the emphasis given by Te Kaeaea on 'a band of land held by ...distinct groups'. He then says, somewhat contradictorily, 'The points of the rohe on the harbour are distinctly recorded and include Kaiwharawhara, Tiakiwai, Raurimu and Pakuaao. In some cases, the occupation is not exclusive'.⁶¹ Mr Walzl does not give a definition of 'rohe' and it is difficult to know exactly what he, in contrast to Te Kaeaea, is trying to say. He goes on, moreover, to discuss the Ngati Tama interests in O-manga-rau-tawhiri, opposite Mana Island, also known in the Land Court records as Komangarautawhiri or just Komanga. Mr Walzl's

⁵⁶ Wellington Native Land Court minute book 1, pp.363-9

⁵⁷ Walzl, p.12, paras 1.25 and 1.26

⁵⁸ Wellington Native Land Court minute book 2, p.338 cited in Walzl, p.15

⁵⁹ Wairarapa Native Land Court minute book 1, p.18

⁶⁰ Wellington Native Land Court minute book 2, p.95

⁶¹ Walzl, pp.12-13, para 1.27 and 1.28

discussion suggests that Ngati Tama had interests there, and at 'Porirua' (commonly used for the district rather than a precise settlement), mixed with those of Ngati Toa, and with Ngati Tama of the Nelson area claiming rights. This is consistent with the evidence I have read. Mr Walzl also refers, correctly I believe, to Ngati Tama interests on the southwest coast at Ikamaru, Ohaua and Oterongo. He also cites government reserves for Ngati Tama in that area and the purchase of 'Karori' by the Crown in 1853. From this he constructs the boundaries of a Ngati Tama rohe from Komangarautawhiri in the north, Ikamaru, Ohaua, Oterongo and Karori to the south, and Kaiwharawhara, Tiakiwai, Pakuao and Raurimu to the east.⁶²

(b) There are several points to be noted about this evidence. As Mr Walzl acknowledges of the Porirua end of the district, and of Tiakiwai, Ngati Tama's interests were probably not exclusive. This is also certainly the case with Karori, where Te Atiawa hapu had extensive gardens. The fact that the government made reserves for Ngati Tama on the Ohariu coast may well be testimony to their previous interest there; the reserves were mostly fixed by McCleverty in 1847, and he made some for Te Atiawa at Karori too. But McCleverty had a tendency to concentrate the hapu onto distinct reserves for each, and in doing so simplified some of the previously intersecting rights. One has to be extremely careful in reading back from the post-1840 situation (especially as it was defined by the government) to the pre-1840 situation.

(c) On the issue of a Ngati Tama rohe it might be noted that Williams *Dictionary of the Maori Language* defines 'rohe' as meaning: 1. Boundary 2. Set bounds to 3. Enclose. There is a great deal of evidence from land claims up and down the country that Maori tribes claimed rohe that enclosed or embraced the fullest extent of their various kainga, cultivations and fishing stations; and that these overlapped with the claims of adjacent tribes. They were not the boundaries of clearly defined polities each having 'exclusive possession' on either side of the line (if in fact a line was agreed, which was not often the case). Areas where rights intersected would be typical. In *this* sense, Mr Walzl's postulation of a rohe for Ngati Tama is acceptable. The evidence is clear that people of that tribe came to the Ohariu\Makara coast after Waiorua, and moved through the Karori valley to Otari, Raurimu, Kaiwharawhara, Pakuao and, eventually, Tiakiwai. Different hapu of them were concentrated at different localities, as Mr Walzl has made clear. After the withdrawal from the big pa on the Wairarapa coast, Mukamuka remained an outstation, not a boundary enclosing everything westward of it.

⁶² Walzl, p.14, para 1.31

7.11 In arguing his case for a Ngati Tama rohe Mr Walzl notes that the chief Te Mamaku in 1874 gave very similar boundaries in negotiating with the Crown for the extinguishment of his claims:

Ohaua, Ohariu, Waimamaku, Morangiangi, Papanui, Te KeiKei, Aratania, the rata tree at Komangatawhiti, Porirua Road at junction of it with path to Korokoro, Johnsonville and the ridge thence to [blank] peak, Otari Reserve, Karori, Otara and the sea. Containing within the boundaries Ohariu, Makara and Kumuhiore.⁶³

Mr Walzl claims that Te Mamaku is a Ngati Tama chief, possibly because a 1874 minute of Charles Heaphy, the Commissioner of Native Reserves, records that '*Te Mamaku* said that he had agreed with his people, Ngati Tama'.⁶⁴ In fact he is Topine Te Mamaku of Ngati Haua-te-rangi hapu of the upper Whanganui river area.⁶⁵ There are upper Whanganui hapu called Ngati Tama, one a hapu of Ngati Pamoana, one of Ngati Hau (or Te Ati Haunui a Paparangi) and one of Ngati Rangi.⁶⁶ It is possible that a section of one of these had come to the Ohariu coast with the rather ill-defined cluster of 'Whanganui' people who joined Ngati Tama of north Taranaki there, and that Te Mamaku was referring to them. Ngati Rangi, along with Ngati Tu, Ngati Ruru and Ngati Ronganui, is among the hapu mentioned in the claim brought by Te Kere Ngaitaierua and others in 1888 to a share in the Wellington Tenth.⁶⁷ He might also have been using the expression 'my people' more loosely. He probably had long-standing ties with Ngati Tama of inland Taranaki as he had with Ngati Rangatahi of Ngati Maniapoto.⁶⁸ He also had connections with Ngati Toa. We have seen that he had wished to join the heke of the early 1820s and that he had visited Te Rangihaeata on the Ohariu coast during or soon after the expulsion of Ngati Ira.

⁶³ Minute book of Charles Heaphy, Commissioner of Native Reserves, 1867-1879, MA-MT 6/14, pp.182-3, cited by Walzl, p.14

⁶⁴ 19 August 1874, Minute book of Charles Heaphy, reproduced in Wai 145, A36

⁶⁵ See David Young, 'Te Mamaku, Hemi Topine', in W.H. Oliver, (ed.), *The Dictionary of New Zealand Biography, Vol. 1*, pp.469-470

⁶⁶ AJHR, 1870, A no.11, p.9; AJHR 1874, G-7, p.16; AJHR 1878, G-2, p.19

⁶⁷ Wellington Native Land Court minute book 2, p. 95 ff

⁶⁸ David Young, 'Te Mamaku', p.469; James Belich, *The New Zealand Wars*, Penguin, Auckland, 1988, p.73 and Wanganui Native Land Court minute book 1F, p.83

(See above para 5.12). He was later to bring his people south to assist Te Rangihaeata (and Ngati Tama) in his struggle with the British in the Hutt Valley in 1846-7. It is very pertinent to note that Heaphy recorded that Te Mamaku claimed interests *through Te Rangihaeata*. He wrote (on 19 August 1874):

The claim of Te Mamaku through Rangihaeata to some land near Ohariu is admitted by Sir Donald McLean but the claims now advanced by Paiura, Paratene, Neta, & others living on the land and drawing rents from Reserves there is [sic] not admitted.⁶⁹

On 25 August Heaphy wrote:

Te Mamaku stated that he had a few days since received from Native Minister through Mr Booth, £200 for 'Aroha' and on his claim to Ohariu & Heretaunga (Hutt), the boundaries of which he gave on the 19th. He had a double right to this land, 1st, his own right, and, 2nd, Rangihaeata's, which had been given to him just before his death.[Rangihaeata died in 1855].⁷⁰

Heaphy's minute is a reminder that usage and occupancy of reserved land changed a great deal after 1840. His reference to Te Mamaku's claim to interests in 'Heretaunga' is interesting. Te Mamaku's statement appears only to refer to interests up the Porirua road to its junction with the track to Korokoro. This was perhaps seen by the chief as the eastward edge of his interests in Komangatauhiri\Porirua, claimed through Te Rangihaeata's ohaki. This was not the Hutt Valley proper. The other possible interpretation is that he was claiming interests in the Hutt from the time of his joining Ngati Tama and Te Rangihaeata there in 1846.

7.12 It is also important to note that this evidence suggests *that Te Rangihaeata continued to claim rights in the Ohariu\Heretaunga area until his ohaki to Te Mamaku shortly before his death*. His claim, presumably, dates from the control of the coast asserted by Ngati Toa after the battle of Waiorua. It will be recalled that it was at Ngati Toa's urging (Ballara says Te Rauparaha's urging) that Ngati Mutunga and Ngati Tama came to the harbour. Te Rangihaeata seems to have held to the customary principle that the gifting of rights affirms the ongoing mana of the giver as well as the recipient. Whether such rights remained after he had to take refuge

⁶⁹ 19 August 1874, Minute book of Charles Heaphy, reproduced in Wai 145 A36

⁷⁰ 25 August 1874, Minute book of Charles Heaphy, reproduced in Wai 145 A36

outside the area in 1847 is perhaps arguable, but Te Mamaku thought they did, and McLean paid him for his claim. The other relevant point about Te Mamaku's evidence is that, by the ohaki, Te Rangihaeata would seem to have extinguished his interests in the area defined, and perhaps thereby all remaining Ngati Toa interests, since his is the Ngati Toa name most associated with that area.

7.13 Meanwhile, various groups of Te Atiawa were taking possession of much of the inner harbour. An accurate description of this has been distilled out of the primary sources by Dr Ballara in particular, and it is not necessary to repeat her account here.⁷¹ Some points from the primary sources might be noted however:

(a) There was some tension between the groups occupying Pipitea. No-one was there after Ngati Mutunga left and burnt the buildings. Then Moturoa's hapu (Hamua, renamed Te Matehou) returned from the Wairarapa, and occupied Pipitea. Moturoa was questioned on the source of his rights by the Spain commission:

Was it not by the invitation of Warepouri and his friends that you settled here?
No, the whole of this place [Pipitea and Te Aro?] was given to my Elder Brother Matohia [i.e. Matangi?]
By whom was it given to Matohia?
Patukawenga gave it to Matohia, Wairarapa, Ngaenga, Weria, Mataiwi, Puhakawa, Otaki, Ngapuna, Mahau, Papawero.⁷²

He was thus claiming from the earlier, pre-Haowhenua, invitation from Ngati Mutunga, not the arrangement made on Matiu Island in 1835.

(b) Next a party of Te Matehou including Mangatuku came from Wairarapa via Onehunga (Worser Bay). According to one of the group, Mangatuku, Te Puni of Ngati Tawhirikura landed at Pipitea on the same day, on the 'other side' of the small stream which roughly bisected the settlement. His wife, assisted by some young men of Te Matehou, put up a fence between them.⁷³ But Te Matehou did not recognise rights at Pipitea for Te Puni and Ngati Tawhirikura, other than a cultivation on the Tiakiwai side.

⁷¹ See Ballara, 'Te Whanganui-a-Tara', pp.26-30

⁷² Tod's claim, OLC 1/465, NA, pp.22-4

⁷³ OLC 1/906, NA, pp.52-3

(c) Wi Tako Ngatata, son of Ngatata-i-te-Rangi took up residence, and authority, at Kumutoto. He also had a piece of land at Pito-one. 'I gave it to him' said Mahau.⁷⁴ Wi Tako told the Spain commission that Warepouri and Te Puni had no claims on Pipitea, and thus aligned himself with Moturoa in the quarrel between the Te Atiawa chiefs.⁷⁵

(d) Te Puni said that it was his wife who 'first put up the sticks at Pipitea'. Then Moturoa heard of it and came over [from Onehunga]. Te Puni claimed his interests, not from the agreement at Matiu Island in 1835 but from the earlier invitation from Ngati Mutunga to Matangi and others. He therefore fought with Moturoa and his people for possession of Pipitea, on the flat above Pipitea but that 'It ended by our shaking hands with one another and crying'.⁷⁶

(e) The occupancy of the harbour was further troubled by a row between Ngati Tawhirikura and Kopeka's people of Te Aro who were fishing together at Hataitai. Kopeka (an uncle of Te Puni) uttered a kanga against Te Puni and Te Wharepouri, comparing them to crayfish and stingrays. The Pito-one people under Mahau had broken the canoes of the Te Aro people and stopped fishing and cultivating with them. This happened about 1837. Tawhirikura had cultivated on the northwest side of Pipitea for a time but withdrew to Pito-one, about a month before the arrival of the Company ships, because the potatoes did not grow large at Pipitea according to Mahau.⁷⁷

(f) Eventually people from Pipitea and Pito-one occupied various kainga and gardens formerly occupied by Ngati Mutunga, such as Orangikaupapa, Tiakiwai and Pakuao. Their cultivations may have intersected with those Ngati Tama who remained.⁷⁸ (The dating of these interests was confused, however, by arrangements made by Governor Grey to locate at Tiakiwai and Pakuao, some groups pulled back from the Hutt Valley in 1846-7. It is not clear exactly who these groups were but the Ngati Tama hapu name Ngatirangonui [sic] is mentioned, and the chief Hori Karamu).

⁷⁴ 8 September 1842, OLC 1/906, NA

⁷⁵ 21 May 1842, OLC 1/906, reproduced in Wai 145 Doc H7a, p.48

⁷⁶ Tod's Claim, OLC 1/906, NA, cited in Moore, 'The Origins of the Crown's Demesne', p.255

⁷⁷ Te Puni's and Mahau's evidence, Tod's Claim, OLC 1/906, NA, cited in Moore, 'The Origins of the Crown's Demesne', pp.253 and 272

⁷⁸ See Wairarapa Native Land Court minute book 1, pp.41-8, especially evidence of Matene Tauwhare, of Ngati Tawhirikura but with Ngati Tama connections.

(g) Orongorongo was also used by Te Atiawa. These were mainly Te Matehou according to Ihaia Porutu in 1868.⁷⁹ According to one witness, a group also came to Pipitea from Arapaoa a short time before Col. Wakefield's arrival: Hone Waitere, Wi Rangiawhio and Hemi Te Whiro, joining a sister, Te Rahiri. They became permanent residents, worked in Pipitea's cultivations and went to Orongorongo to fish, collect karaka berries and make canoes.⁸⁰ (Ngati Tama's continued use of Mukamuka has been noted above).

7.14 In Te Aro the division of territory between the Ngati Tupaia hapu of Ngati Ruanui (under Toko, Pukahu, and Marangai) and the Ngati Haumia of Taranaki iwi (under Mohi Ngaponga, Hemi Parai and others) seems to have taken a somewhat more settled form. Wi Tako told the Spain commission in 1842 of their being at different 'ends' of the settlement, as did Hori Ngapaka (Taranaki) in the Land Court in 1868.⁸¹ The Taranaki group was subsequently to oppose the taking of payment for the Port Nicholson purchase, at least in the first instance.⁸²

7.15 (a) Amidst all of these movements there is almost no sign of explicit Ngati Toa involvement. Ballara notes, however, that:

Before taking up residence on the Pito-one lands pointed out to them by Te Manihera Te Toru, Te Wharepouri paid a visit, the purpose of which is unrecorded, to Kapiti. Was this a courtesy visit to Te Rauparaha acknowledging his mana over the new arrangements, or was Te Wharepouri assuring himself that his people would not suffer for the unresolved 'take' between Ngati Toa and Ngati Mutunga?⁸³

I have found no further evidence about this visit which contrasts with the almost unanimous rejection of Te Rauparaha's mana over their harbour lands by Te Atiawa witnesses after 1839.

(b) The district around Porirua harbour and Pukerua Bay was being cultivated or hunted by the various hapu of Ngati Toa and their tributary allies. All the senior chiefs, such as Te Hiko and

⁷⁹ Wellington Native Land Court minute book 1C, pp.56-7

⁸⁰ Evidence of Karena, Wellington Native Land Court minute book 3, p.186

⁸¹ Wellington Native Land Court minute book 1C, p.12

⁸² OLC 1/906 case 374, NA, reproduced in Doc H7a, pp.43-4 and 48

⁸³ Ballara, 'Te Whanganui-a-Tara', p.28

Nohorua, as well as Te Rauparaha, seem to have taken decisions about whom to invite to join them, and grant cultivating rights. The division of the various cultivations and kainga between the various Ngati Toa chiefs was growing increasingly precise, before and after 1840, though not without contention. The detailed disposition of the land is beyond the scope of this report but one example might be useful. In 1871 Motuhara was contested between the Ngati Kimihia hapu and the Ngati Haumia (Ropata Hurumutu's descendants). Matene Te Whiwhi said:

Nohurua settled Ngati Haumia at Hongoeka; the reason was that one of Ngati Haumia's women was married to Nohorua; Hongoeka was given to the woman's brothers, (to Te Wainokenoke, Haka and Te Ohu). It was not a casual occupation, but a thing carefully arranged by Te Otaota for Ngati Haumia. Nohorua consented that Ngati Haumia should be there. The mana of Nohorua was joined to that of Ngati Haumia over Hongoeka, and the mana of Te Otaota, and of Te Rauparaha, and of Te Rangihaeata to Motuhara.⁸⁴

There are many pages of this detail of this kind in the minute books concerning the Porirua district.⁸⁵

(b) Te Rauparaha himself was largely absorbed in his trading empire based on Kapiti and Cloudy Bay. He maintained excellent terms with the European whalers and traders. From Kapiti he also maintained a round of visits to his principal settlements and to the hapu which accepted his mana and cultivated for him or paid him regular tribute in the produce grown or taken from the land. Te Rangihaeata did the same from Mana Island.⁸⁶ (Some of the tribute was in the form of huahua of preserved birds, collected at the orders of Te Rauparaha and Te Rangihaeata as part of a plan to 'avenge' the death of Te Pehi.⁸⁷) There are quite detailed descriptions of the arguments about tribute in the Land Court records relating to Porirua lands.⁸⁸ The demands for

⁸⁴ Wellington Native Land Court minute book 1H, p.233, translated by Angela Ballara, Wai 145, Doc J6, p.26

⁸⁵ See for example Wellington Native Land Court minute book 1C, 1H, and 11

⁸⁶ Wellington Native Land Court minute book 1H, p.292, translated by Angela Ballara, Wai 145, Doc J6, p.59

⁸⁷ Wellington Native Land Court minute book 1H, p.284, translated by Angela Ballara, Wai 145, Doc J6, p.54

⁸⁸ Wellington Native Land Court minute book 1H, pp.279-87, translated by Angela Ballara, Wai 145, Doc J6, p.50-6

tribute by the Ngati Toa chiefs extended across Cook Strait but do not appear to have been made on Ngati Mutunga and Te Atiawa in Te Whanganui-a-Tara.

7.16 They certainly applied, however, to Ngati Rangatahi. It is generally accepted since Mr Ian Wards' account that Ngati Rangatahi had been harvesting produce in the upper Heretaunga valley under the mana of Te Rauparaha, paying tribute to him and Te Rangihaeata; and that offended because he did not receive an adequate share, one of these Ngati Toa chiefs put a rahui on the upper valley.⁸⁹ Dr Ballara's recent translation of Wellington minute book 1 H tells us a good deal more about Ngati Rangatahi. Giving evidence about Te Haukopua block, Tamihana Te Rauparaha stated:

...it was arranged by Te Rauparaha that they [Ngati Rangatahi] should settle at Turikawera at Pukerua....In the year of Te Kuititanga [1839] Te Tawhewhe (Ngati Rangatahi) was living at Turikawera and Pukerua; these were their settlements where the game from those lands was prepared. Te Hira lived continuously with that hapu. In the year of the Treaty they were still there in those settlements with Te Hira. The mana resting over all the forests belonged to Te Rauparaha and Te Rangihaeata...There was also a cultivation of Te Rauparaha at the side of the road; on the Wairaka side it belonged to Ngati Rangatahi; they did not go against [compete with] the servants [tangata] of Te Rauparaha. Te Hira was the caretaker of these lands from Turikawera to Pukerua. They also belonged to Te Rangihaeata; he was one who also was in the habit of returning to his village to see Te Hira and Te Hoata, the wife of Te Rangihaeata, up until the time that the Treaty was at Porirua, up until the time he went to Poroutawhao. He worked that cultivation at Pukerua - it was Te Hira's as well. Ngati Rangatahi were cultivating at Pukerua and living at Turikawera; they were also raising food at Motuhara at the time of the fighting at Heretaunga. They went with Te Rangihaeata to Poroutawhao, leaving Te Hira and Te Akitu to live on those lands.⁹⁰

Ropata Hurumutu (Ngati Haumia hapu of Ngati Toa), who was in contention with Tamihana Te Rauparaha for the interests in Haukopua, added some further details:

Concerning Te Rangatahi's work of collecting and preserving birds spoken of to the court by Tamihana - Te Otaota [of Hurumutu's hapu] became angry and quarrelled with them. The place where Ngati Rangatahi were scolded by Te Otaota was the bracken clump [or clearing] together with the preserved game spoken of by Tamihana to the court. A canoe

⁸⁹ Hippolite, p.17. citing Wards, p.223

⁹⁰ Wellington Native Land Court minute book 1H, pp.279-81, translated by Angela Ballara, Wai 145, Doc J6, p.50-2

of Ngati Rangatahi was being hewn there on Motuhara; Te Otaota said to break the canoe. Te Rauparaha said, leave the canoe for me; Te Otaota left it. So the [birding] excursions of Ngati Rangatahi ceased because it had been said that the canoe would be broken; in was his settlement, that is Te Otaota's....I know that Ngati Rangatahi were living at Turikawera in the year of Te Kuititanga; the work of Ngati Rangatahi in the bracken clearing was previous to that. They were taken to Pukerua through Te Otaota's expulsion of them in the year of Te Kuititanga.⁹¹

The details of rights in the Porirua area are beyond the time available for this report but this example gives an indication of the rich texture of Maori rights to land. Within the tapestry there are some clear and relatively fixed points, but much fluidity and contention even among closely related hapu.

7.17 Ngati Toa had long ceased their involvement in the Wairarapa. According to Matene Te Whiwhi he was sent by Te Rauparaha to the Wairarapa, apparently in response to an overture by Ngati Kahungunu. Te Rauparaha called the Tararua range 'the backbone of Rangihaeata' to prevent any tribes interfering with the Wairarapa people. Wairarapa chiefs returned with Te Whiwhi to Kapiti and at least one lived there a year to cement the peace.⁹² Mr Steven Chrisp has noted that Maori-language sources in the Alexander Turnbull Library give detailed accounts of the negotiations for the release of the senior Ngati Toa cheftainess, Waipunaahau, captured by Wairarapa Maori. The Ngati Toa emissaries were Te Rangihiroa, Te Whiwhi-o-te-rangi and Te Hiko. The Wairarapa people agreed to release Waipunaahau and Ngati Toa to withdraw from the Wairarapa (while noting that the Wairarapa people would have to deal separately with Ngati Tama and Te Atiawa).⁹³

7.18 Amidst all of this, what evidence is there of continued assertion of rights by the Ngati Ira\Ngati Kahungunu about Te Whanganui-a-Tara?

⁹¹ Wellington Native Land Court minute book 1H, p.286, translated by Angela Ballara, Wai 145, Doc J6, pp.55-6

⁹² Otaki Native Land Court minute book 1, p.144, cited Boast, 'Ngati Toa in the Wellington Region', p.96

⁹³ See qMS-0181, pp.171-6; qMS-0195, pp.248ff; MS Papers 0189-B040, pp.57-62; MS Papers 0189-B043, pp.2xx-3, ATL.

(a) Various hapu, notably Ngati Hamua of Rangitane, kept raiding the Heretaunga valley through until 1840. There were raids by Ngati Hamua on Ngati Awa at Takotohau, in the upper valley, and at Te Ngutuihe near Pito-one, even after negotiations for peace between Te Atiawa and the Wairarapa tribes had been mooted. In February 1840, as is well known, a raid was made on Waiwhetu and Puwhakaawe (or Puakawa) of Te Atiawa was killed.⁹⁴ Clearly, up to early 1840, Ngati Hamua had not relinquished their longstanding claims in the Heretaunga valley to the newcomers, and Ernst Dieffenbach found Te Atiawa guides distinctly reluctant to take him far inland. There is no evidence, however, that Ngati Ira\Ngati Kuhungunu were able to light their fires in the valley again.

(b) In 1839, in fact, a peacemaking was set in train between Te Atiawa and Ngati Kahungunu ki Wairarapa. This had been set in train by the circumstances of the Te Atiawa chiefs' return from their sojourn in the Wairarapa. The story has been told by T W Downes. Nuku-pewapewa was a formidable leader of the Ngati Kahungunu resistance to Ngati Toa, Ngati Raukawa and Ngati Awa who moved into his territory as he and his people were moving north to Nukutaurua to secure guns. Some two years after Te Puni and Te Wharepouri had been in the Wairarapa, Nuku-pewapewa successfully attacked Te Wharepouri's encampment, nearly killing the Te Atiawa chief and taking his wife (Uamairangi) and daughter (Te Kakape) prisoner. Because he was not well-supported by the Ngati Kahungunu chiefs further north, he resolved on diplomacy, spared the two women and urged Uamairangi to return to Te Wharepouri with overtures of peace. Uamairangi reciprocated, giving Te Kakape to Nuku-pewapewa. Te Wharepouri, much moved by Uamairangi's return, and her message, resolved to pull his people out of Wairarapa. It made very good sense for Te Wharepouri to pursue this peacemaking because of the uncertain relations with Ngati Toa and Ngati Raukawa on the west coast. As Charles Heaphy put it:

As long as they ['the Port Nicholson natives'] could maintain peace with the Ngatittoa at Porirua and Kapiti, and the Ngatiraukawa of Otaki, they were tolerably safe; but in the event of serious hostilities in the direction of the West Coast, and such hostilities were threatening, the Wairarapa people, whom they had defeated but not subdued, would

⁹⁴ See especially Mr Steven Chrisp's summary of Maori-language sources in the Alexander Turnbull Library 'Sources of Muaupoko History' and 'Sources for Rangitane History'. See MS Papers, 0189-B043, pp.xx 6, 11, qMS 0181, p.198, qMS-0195, pp.79-80, 253, MS 0189-B040, p.94. Records no. 8, 11, 25, 26, all at the ATL.

operate in their rear, making the position very critical.⁹⁵

This story will be taken up again in Chapter 9 below, because the peacemaking had not been completed before the dramatic events in Te Whanganui-a-Tara and the Kapiti coast in late 1839.⁹⁶

(c) On the northwest, Porirua, side the evidence on Ngati Kahungunu presence is also slight. The Land Court hearings disclosed a number of people living in the Porirua\Pukerua area, not really as 'slaves' in the European sense but as 'tangata' of Ngati Toa. For example at the hearing on Motuhara in 1871, Tamihana Te Rauparaha said:

Te Hira was of the original people [tangata whenua]; he lived there; he was discovered by chance by Te Rauparaha, and was put in possession by him, and went on living there. His elder brother [or cousin] Potau, has died. The cultivation of Te Rauparaha and Te Rangihaeata was retained on that land, Motuhara, down to the year that Governor Grey captured Te Rauparaha. Te Rangihaeata ran away to the mountains; they left that elder, Te Hira, as a caretaker of that village, and as an abiding occupant....Te Hira was living there without rights...When Te Rauparaha returned from Auckland he lived at Otaki, and our elder, Te Hira, continued to live at Motuhara.⁹⁷

Te Hira himself, now an old man, said:

I belong to Ngati Apa. That is my land; I grew up there, always living at Motuhara. Te Rauparaha found me during his migration from Kawhia to my village, Motuhara, where I was living...Potau senior is dead. Potau junior is living here [Otaki]. I live alone on my land. My people [iwi] are dead; I alone am living. As far as I know I alone have the right to that land. Te Rauparaha and Te Rangihaeata also have rights to that land; the mana to the land was theirs; this word is a word which rests on the whole land.⁹⁸

He went on to say which of the Ngati Toa chiefs cleared and cultivated which pieces. I have found no evidence of former tangata whenua living about Te Whanganui-a-Tara, and include the

⁹⁵ Charles Heaphy, 'Notes on Port Nicholson and the Natives in 1839', p. 37

⁹⁶ T W Downes, 'Life of the Ngati Kahu-ngunu Chief Nuku-Pewapewa', *Transactions and Proceedings of the New Zealand Institute*, 45, 1912, pp. 364-375

⁹⁷ Wellington Native Land Court minute book 1H, pp.219-20, translated by Angela Ballara, Wai 145, Doc J6, p.16-17

⁹⁸ Wellington Native Land Court minute book 1H, p.221, translated by Angela Ballara, Wai 145, Doc J6, p.17-8

example of Te Hira to show how things stood between the former tangata whenua and Ngati Toa in the Porirua area. Te Hira clearly considered that he had rights to the land on which he had lived and worked all his life, but that the mana of the land lay with the Ngati Toa chiefs.

(d) Apart from the above I have not found any evidence of continued Ngati Ira\Ngati Kahungunu occupation of Te Whanganui-a-Tara as at 1839. They have, however, left hundreds of placenames on the landscape and a collective cultural memory of the human occupancy of the area since the time of Kupe.⁹⁹

7.19 There was also a great deal of complex activity in the top of the South Island, between the former tangata whenua groups which invaded in the 1830s. It is beyond the scope of this report to detail the relationships which were developing but it should be noted that there was a good deal of coming and going between the islands by both Ngati Toa and Te Atiawa groups. Cloudy Bay, Kapiti and Porirua were the main bases of the Ngati Toa trading system; sections of Te Atiawa moved between Waikanae and Arapaoa, or Waikanae and Te Whanganui-a-Tara. Te Rauparaha and the Ngati Toa leaders did not, of course, control each and every aspect of the complex relationships within and between the many hapu and chiefs involved. But neither were they indifferent to them. The most serious tensions in the region were those of Horowhena. There the rivalry between Ngati Awa and Ngati Raukawa, which had divided Ngati Toa at Haowhenua in 1834, had continued to smoulder. It erupted in violence again in November 1839, and the New Zealand Company transactions contributed to the outbreak.

⁹⁹ See for example the submission of Mr Richard Bradley, Wai 145, H44, 1997

Chapter 8

Kuititanga, the Company transactions and their effect on Te Whanganui-a-Tara

8.1 Giving evidence in the rehearing of claims to Ngarara (Waikanae) in 1890, Hori Kokako of Ngati Hinehuru and Ngati Tuaho (Ngati Awa) said of the battle of Kuititanga:

Rauparaha was concerned in this fight, Ngatitama killed & illtreated his sister Waitohi, Rauparaha was angry & incited the N. Raukawa to fight the Ngatiawa, that was the cause & the other was that Ngatiawa was occupying the whole of the land.¹

That was the understanding that Hori Kokako (a small boy in 1839) had attained by 1890. The reference to Ngati Tama's ill-treatment of Waitohi is obscure; possibly the term 'Ngati Awa' was intended. In any case antagonism between Ngati Awa and Ngati Toa, and their rival claims to authority over land, are in fact apparent in evidence from 1839 onwards.

8.2 It was perhaps not so much 'occupation' of land but mana over people and the right to call upon the produce of the land that was of most serious concern to Te Rauparaha. Dr Ann Parsonson has written a very compelling account of Te Rauparaha's monopoly of trade in the Cook Strait region, based upon her central thesis that what was most important to the highly competitive Maori chiefs was status derived from the control of produce. The extent of the conquests which he impelled and led, from Whangaehu to Kaiapohia, was itself remarkable. Yet,

What Te Rauparaha had fought for was not land, but status - the status which only a superior competitive capacity could confer. His success was measured not in evacuated enemy pa, but in the number of allies who followed him south, the size of the feasts he could give, the greenstone he had captured, and the quantities of goods he obtained from his traders and shipping.

He gave an enormous feast on Kapiti to Ngati Raukawa, of produce gathered from both sides of the strait over a whole summer, a 'final riposte' to the sneers with which Ngati Raukawa had first greeted his proposals for a great heke southward. Yet, Dr Parsonson argues, the feast was in a sense something of a casual gesture.

¹ Otaki Native Land Court minute book 10, p.458

For the real wealth which aroused men's envy was not the teal, the paradise ducks, the teeming fish of Cloudy Bay - but the pakeha goods which Te Rauparaha monopolised. There were whaling stations at Kapiti, Mana and Porirua; and at Karauripe (Cloudy Bay), where his half-brother Nohorua lived he ran his own version of the Bay of Islands, to cater for the new bay whalers...

The commanders of the ships recognised his importance; he and they cultivated each other's goodwill and paid each other tribute. 'The neighbouring tribes became entirely dependent on him for tobacco, powder, rum and guns'. And, contrary to their expectations when they came down, neither Ngati Awa nor Ngati Raukawa had much share in the new trade.²

8.3 (a) As we have seen, their rivalry for control of Waikanae, opposite the Kapiti shipping anchorage, had underlain the battle of Haowhenua in 1834. After Haowhenua, Ngati Awa had consolidated their position at Kenakana pa and other pa on the Waikanae river and Waimea stream, as well as moving to Te Whanganui-a-Tara and to Te Wai Pounamu. Their own perception of the situation was that they now held the land in their own right, not from Ngati Toa. Reretewhangawhanga, father of Wiremu Kingi Te Rangitake, was seen by many Ngati Awa in Waikanae as their principal chief, having the greatest mana in the Waikanae settlements. At Spain's inquiry into the Kapiti deed, Reretewhangawhanga was asked whether Te Hiko and Rangihaeata had a right to sell the land which he claimed. 'No' he replied, 'I would not suffer it. It was theirs once, but it is not now'. He claimed to have had the authority for 17 years, which would take us back to 1826.³ Hetakakari [sp?] was a little more modest about the timing but his territorial horizons were large. In statements to the Spain commission, he expressed a militant Te Atiawa position about the significance of the battle of Kuititanga:

Q. Was Rauparaha with the Ngatiraukawa on that occasion & did you hear that he requested their assistance?

A. Yes, and it was his fight.

Q. What was the cause of the fight?

A. We fought because we were taking Kapiti and this place from Rauparaha.

Q. Was it not also about taking Port Nicholson, and Queen Charlotte's Sound and other places in the Middle Island from them?

² Parsonson, pp.170-4

³ OLC 1/907, NA, p.38

A. Taking this place, taking Kapiti, taking Port Nicholson, taking Wairarapa, taking Queen Charlotte's Sound, taking Taitapu, taking Te Awaiti - and then Rauparaha's disposition was darkened

Q. Was Rauparaha ever in possession of this place [Waikanae?]. So that he could have sold it without the consent of other Chiefs?

A. [word obscure] he and Te Pehi had a joint share in it, with us, & we could have sold it all together.

Q. When did Rauparaha's claim cease?

A. Many years ago. Seven or eight years ago.

Q. Had you had a fight at that time?

A. Yes.

Q. Where?

A. We had several fights - first at Kapiti, & then at Otaki, and then at Arapaoa, and them at the north side of the river [Kuititanga], that was the last.⁴

(b) Although Ngati Awa had these perceptions of their 'taking' of substantial areas Te Rauparaha and other Ngati Toa chiefs would not allow them to pass unchallenged, at least in the terms expressed. Ngati Toa could not expect to occupy all the land. But neither could Te Rauparaha easily accept open defiance and completely independent behaviour from the allied and tributary tribes. On this issue the Spain commission recorded the evidence of Tutahanga, a Ngati Toa chief, but the transcriptions of it vary:

Q. What places had the Ngati Awa taken from Te Rauparaha before Col. Wakefield arrived at Kapiti in the "Tory"?

A. [Mr Gilmore's transcription] There were some taken. [But other writers say that Tutahanga said 'There were *none* taken'. My emphasis. In fact the writing is slightly obscure but the context makes it clear that the word is 'none']

Q. What places were the Ngati Awa in possession of at that time?

A. Port Nicholson, Waikanae, Ohariu, Tekamaru, Ohaua, Oterongo, Rimarapa in the North Island and Teawaiti, Totaranui in the Middle Island.

Q. Were they not also in possession of Wairarapa and Wakapuaka at that time?

A. Yes.

Q. Did not the Ngati Awa natives take several places in the Middle Island claimed by Ngati Toa?

A. Yes they took Ohariunga, a burying place.

Q. Do you mean that Ngati Awa were living at Wairarapa at the time you mentioned just now?

A. Yes.⁵

⁴ OLC 1/907, NA, pp.50-51

⁵ OLC 1/907, NA; Gilmore, pp.21-22

Mr Gilmore draws from this the conclusion that 'Te Rauparaha and Ngati Kimihia no longer had the kind of authority they imagined'.⁶ But one must be careful. Apart from the ambiguity over 'some' or 'none' there is room for much debate about what Maori words were translated by the English 'in possession of'. Tutahanga qualified his answers on closer inquiry and allowed that Ngati Awa had 'taken' only one burial ground.

(c) In point of fact, although Ngati Awa were certainly challenging Te Rauparaha's authority he was resisting the challenges. Indeed Colonel Wakefield's diary records evidence of Te Rauparaha crossing the strait in early 1839 and asserting rights to Motuara and Long Island in a clash with Te Atiawa which left eight dead. Ngati Hinetuhi were observed by Wakefield bringing tribute to Te Rauparaha.⁷

8.4 The threat to Te Rauparaha's authority from strong Te Atiawa chiefs stemmed, as we have seen, from the almost impossible task of managing two sets of allies, themselves traditionally at enmity, in the form of Ngati Raukawa and Ngati Awa. In favouring Ngati Raukawa, during and after Haowhenua, Te Rauparaha and the Ngati Kimihia side of Ngati Toa had deepened the rift with Ngati Awa. It is plausibly suggested by several writers that his prestigious sister Waitohi had kept the peace in the Horowhenua and Manawatu but that her death was the occasion for a release of pentup hostility. It is in fact suggested that the attack by Ngati Raukawa on Ngati Awa at Waikanae was planned at the tangihanga for Waitohi on Mana Island. The day was decisively won by Ngati Awa. Te Rauparaha himself arrived late at the battle but because they believed that Te Rauparaha had instigated the attack, Ngati Awa spokesmen saw Kuititanga as a victory over 'Rauparaha' as much as over Ngati Raukawa. It was the cause of their final severing of obligations to him.

8.5 Dr Parsonson has shown how competing take for authority over land, including the capacity to transact land rights, contributed to the crisis of 1839. So did the arrival of the Company's ships, offering new and lucrative trade to replace the whaling trade, believed to be already in

⁶ Gilmore, p.22

⁷ Entry for 17 August 1839, William Wakefield, Diary 1839-40, 1842, Transcript, qMS-2102, ATL cited by Hippolite, p.19

decline. Dr Parsonson illustrates the process brilliantly through the case of Minarapa, of Taranaki iwi, a former taurekareka of Waikato and an adherent of the Wesleyan mission. In June 1839 Minarapa escorted the Wesleyan missionaries John Hobbs and John Bumby to Te Whanganui-a-Tara, and contacted a Taranaki kinswoman, wife of Wairarapa of Pipitea pa. But the rivalry between Taranaki at Te Aro and Te Atiawa at Pipitea and Waiwhetu was evident. (It had flared two years previously over the kanga of Te Puni by someone of Te Aro). Minarapa made his way to Te Aro and helped his missionary friends in a transaction for three acres for a church and school site. Taranaki gave a feast and the missionaries gave presents and commodities for the school. As Dr Parsonson sees it, Taranaki's receipt of the mission goods was a gesture of defiance of the Te Atiawa chiefs. By sheer chance, Pomare of Ngati Mutunga, formerly the dominant tribe on the inner harbour, had returned. The reasons for his return are not clear. Wi Parata said in 1903 that 'N/Mutunga heard of sale of Welln. by Wharepouri to N.Z.Co Pomare came from Chathams to get the money for the land which he had got from Te Rangihiroa'.⁸ But Minurapa's statements puts him back in the harbour *before* Te Wharepouri's transaction. Whatever the reason his return offered an opportunity for Taranaki in Te Aro:

Ignoring Te Wharepouri and Te Puni, the Ati Awa chiefs who doubtless thought themselves entitled to some portion of the goods, Taranaki presented all of them instead to Pomare...[who] took the goods and, following northern practice, returned them to the chiefs for distribution....Their presentation of the goods to Pomare announced that their rights of occupation were derived not from Te Ati Awa but by gift from Ngati Mutunga; that they would consult Pomare rather than Te Wharepouri before they put a pakeha on the land. And it obliged Pomare - in case Ati Awa should think of evicting them from their pa - to come to their assistance.

Dr Parsonson then writes: 'Te Wharepouri got his own back a few months later. Late in September 1839 another ship arrived at Port Nicholson. The new pakeha were not missionaries.'⁹ They were, of course, Colonel Wakefield, Dicky Barrett and the Company men on the *Tory*.

8.6 (a) Wakefield had a cloudy and cynical view of Maori land rights - an attitude which pervaded the Company officials and led both to the confusion at Port Nicholson and to the

⁸ Wellington Native Land Court minute book 12, p.252

⁹ Parsonson, pp.187-8

disaster at Wairau in 1843. While at Cloudy Bay in August 1839 he wrote in his journal:

Neither Raupero nor Hiko possesses the power of absolute disposal of any portion of land in the Straights [sic] - nor can it be acquired by combining the consent of many claimants or part proprietors as in the Northern part of the Northern Island.

He referred to Mana Island, which he said had been 'sold absolutely' to a Sydney merchant but whose agent on the island was confronted by Maori who enclosed and cultivated the best land and sharply constrained the settler's use of the land. This should have been clear warning to Wakefield as to what he might expect. Instead he drew a very different conclusion.

but all this [on Mana] is nothing to the confusion existing on the main, on both sides of the Straight, respecting vested rights. Many white men have established themselves amongst different tribes and have occupied and cultivated land to any extent within their power without a question or exaction of any kind from the natives and it is probable that such is the value set upon European commodities and industry by the natives and so uncertain the right of ownership of land, which has been usurped by tribe after tribe during a series of wars, that a body of settlers might locate themselves, without purchase, in almost any part of the Straight, unmolested by any body.

He referred to 'quasi marriage' of settlers with Maori women as a means of making themselves secure. This 'irregular colonization' would speedily give way to a better system, he suggested, 'should this country be settled from Europe by associations of individuals or occupied by a Military force and apportioned as in our colonies'.¹⁰ With this dangerous frame of mind he was persuaded by Richard ('Dicky') Barrett to attempt a transaction from his Te Atiawa marriage connections at Te Whanganui-a-Tara without involving Te Rauparaha. (Barrett's wife was Lavinia, sister of Te Wharepouri). Wakefield's decision was based largely upon his calculation of Ngati Toa strength. Te Rauparaha, he wrote in his diary, who 'can by dint of presents and his name, as a warrior, muster about 500 men dares not attack these last [Te Atiawa]; but occasionally he gets up a fight with the weaker party on this side of the straight. I hope by means of Mr. Barrett to open a negotiation with the chiefs at Port Nicholson'.¹¹

(b) Barrett took the *Tory* straight to Pito-one. For Te Wharepouri and Te Puni this must have seemed a godsent opportunity, and they seized it. Wakefield displayed the goods he had brought, including arms. Barrett said the chiefs asked if there was plenty of ammunition on board the ship

¹⁰ 29 August 1839, Wakefield, Diary, pp.20-1

¹¹ 30 August 1839, Wakefield, Diary, p.24

for they said they expected the Ngatiraukawa down on them'.¹² Arms were necessary to continue to hold back Ngati Kahungunu and because of the threat from the northern alliance which had gathered at Haowhenua: Te Puni late said that he dealt with Wakefield because 'I was afraid of Ngatiraukawa, Ngatikahununu, Taupo, Waikato, your friend Werowero [Potatau Te Wherowhero] and because all of the people of the Hutt were going to Pipitea except my two brothers'.¹³ Te Kaeaea joined the Ngati Tama into the negotiations to secure arms and Pakeha settlers, 'Lest Rauparaha and Watanui should come and fight with us'. Asked why that was likely he said 'Rauparaha was offended because the place was taken up by the Ngatiawa'. The location among them of a settlement of Pakeha such as Te Rauparaha had at Cloudy Bay and Kapiti offered the chiefs of Te Whanganui-a-Tara an unprecedented prospect of on-going wealth from trade and of greatly enhanced security. The New Zealand Company had stumbled into the dynamics of Maori tribal rivalry, and exacerbated it.

8.7 Taranaki, perhaps with missionary advice, had stood aloof from the negotiations. Te Wharepouri then persuaded Wakefield that they were only taurekareka left behind by Ngati Mutunga and that he did not need to make a separate transaction with them for the missionaries' three acres. He sent a small pile of Wakefield's goods to their beach. And when they succumbed to temptation and took them into the pa he considered they had acquiesced in his claim to conduct transactions on behalf of all the harbour settlements - a view they subsequently rejected vehemently.¹⁴

8.8 According to Wi Hape Pakao in 1888, Te Wharepouri drew the boundary for the Port Nicholson purchase with great care:

The boundaries were fixed as described by Wharepouri to Colonel Wakefield, viz. Turakirae to Rimarapa Rimarapa to Rimutaka. It was a line of demarcation between Ngatikahungunu and Ngatiawa [Te Atiawa is probably meant]. The Ngatitua, Ngatiawa [sic] and Ngatitama lived outside the boundary some lived close to the boundary some

¹² OLC 1/909, NA, reproduced in Wai 145 H7a, p.63

¹³ Tod's Claim, 1/906, NA, cited by Moore, 'The Origins of the Crown's Demesne', p.253 note 421

¹⁴Parsonson, p.191

at Waikanae. The land included was for the rightful owners in Pahs at Poneke.¹⁵

Allowing that Wi Hape's first usage of 'Ngatiawa' means Te Atiawa in this case, and that the Ngati Tama settlement at Kaiwharawhara was included by Te Kaeaea, the statement makes sense.

As Dr Parsonson puts it:

His [Te Wharepouri's] people claimed Port Nicholson for themselves. They had made their own arrangements with Ngati Mutunga; they had held the land against Ngati Kahungunu and made peace with them on their own account. They saw no need now to recognise any claims Te Rauparaha might think he had acquired at Port Nicholson - or might wish to acquire, at their moment of success. They neither consulted him, nor sent him any of the payment.

Te Rauparaha, when he heard, was furious. The attack on Kuititanga came only three weeks later...¹⁶

8.9 There is indeed evidence of a connection with the Port Nicholson purchase. The Rev. Henry Williams, visiting the area soon afterwards recorded in his journal that Kuititanga was fought 'owing to the payment for Port Nicholson not being generally distributed'.¹⁷ The link between mana and sharing in the payment for land emerges again and again in the evidence concerning many blocks of land. Waitohi's death occurred in the interval and the Port Nicholson transaction would certainly have been discussed at the tangihanga. I have seen no other evidence to support Hori Kokako's comments about Ngati Tama's alleged mistreatment of Waitohi being the cause of the attack. As already indicated, the evidence is about mana over the district and the control of trade with the Pakeha. Karihana, a Ngati Toa witness in the Land Court in 1890, said:

The cause of the battle was Rauparaha was jealous of Te Pehi because Te Pehi had taken Waikanae & Arapawa, for his tribe, Ngatiawa & then Rauparaha spoke to his tribe Ngatiraukawa to come and secretly kill Te Pehi.¹⁸

Whether Karihana meant to say 'Te Hiko' rather than 'Te Pehi', or whether he used 'Te Pehi'

¹⁵ Wellington Native Land Court minute book 2, p.121

¹⁶ Parsonson, p.191

¹⁷ Entry for 22 November 1839, Journal of Rev H Williams, Hocken Library, cited by Parsonson 1978, p.191, note 22

¹⁸ Otaki Native Land Court minute book 10, p.113. Note also evidence of Hori Kokako cited in para 8.1 above.

to include his Ngati Te Maunu kin, is speculative, and the whole supposed plot seems too deadly even for Te Rauparaha. Dr Parsonson, moreover, suggests that the attack was an initiative by Ngati Raukawa, who considered themselves no longer obliged to respect the boundary that Waitohi had made after Haowhenua.¹⁹ Ihaka Pokaitara said in the Land Court in 1890 that Te Hiko gave Ngati Awa warning of an impending attack. He said they took some precautions and then got careless; another warning by Kutia, Te Rauparaha's wife, came as the Ngati Raukawa attack had begun. Pokaitara also said that 'a large portion' of Ngati Toa helped Ngati Awa at the battle.²⁰ Te Rauparaha himself turned up belatedly at the battle, had to retire as his Ngati Raukawa kinsmen retired, and incurred the added fury of Te Atiawa. According to John Brook, the interpreter for the Kapiti deed negotiations, Te Wharepouri, Tuarau and Te Puni's son Henare Ware, were at the battle, but Parsonson says that Te Wharepouri's taua arrived on 22 October when fighting had ceased.²¹

8.10 (a) As is well known, the *Tory* turned up just as the fighting at Kuititanga ended, and the Englishmen went ashore to help tend the wounded. Wakefield, having returned to Queen Charlotte's Sound, had been visited by the whaler John Guard in connection with negotiations with Ngati Toa over 'Oyerry' [Te Hoiere].

He questioned the validity of the title I had obtained for the Company to Port Nicholson, saying that Raupero had conquered it and only allowed the present possessors to cultivate it and that no doubt there would be a fight about it.

Being perfectly satisfied with the title upon the grounds I have mentioned before the account of opening the negotiations and having seen a Messenger of Raupero's to the Port Nicholson Chiefs to congratulate them upon the sale and with messages of peace, I attribute these doubts of the legality of the purchase to the jealousies I have alluded to between the two tribes with one of whom Mr. Guard lives, whilst Mr. Barrett, whom I have employed has his residence with the other.²²

I have seen no other evidence of this mysterious messenger of Te Rauparaha to the Port

¹⁹ Parsonson, p.192

²⁰ Otaki Native Land Court minute book 10, pp.109-10

²¹ Nelson Claim, OLC 1/908, NA, cited by Moore, p.226; Parsonson, p.192 note 24

²² 5 October 1839, Wakefield, Diary, p.64

Nicholson chiefs; if one existed it is highly likely that Wakefield misunderstood what he had said, as he misunderstood so much else.

(b) Over the next two days, indeed, Wakefield was plainly informed of Ngati Toa discontent with the purchase. He wrote that while on shore on 7 October:

I was attacked by all the natives in the most bitter manner respecting the purchase of Port Nicholson. Every one repeated the story of Raupero's rights and of the certainty of a dispute about them. After a time they were quieted by my telling them that I should be happy to make a similarly extensive purchase from the Kafia tribe and referring them for the payment of Port Nicholson to Warepori, whom they pretended to despise. They one and all began to offer me land for sale, begging me to go and look at this place and the other.

Wakefield had still not appreciated the gulf in Maori intentions and British intentions as to the meaning of supposed 'sale'. Next day, in order not to part on unfriendly terms, Wakefield invited all the chiefs in the bay to come aboard. They came, headed by 'Raupero's brother, called "Tom Street" after some Sydney merchant'. This was Nohorua, Te Rauparaha's half-brother, and he wanted to talk about the Port Nicholson purchase. Wakefield repeated his previous position:

I told them of Raupero's knowledge of the sale and of his messages and that I should be glad to buy another fine place and to bring as many white people into the straight as would give all the natives employment. They said 'very well, but we want the payment for Port Nicholson.' This was another affair, in my opinion, and I again referred them to Warepori and recommended them to make haste in going over to take it, otherwise all the tobacco would be expended and nothing would be left for them but the ball cartridges. This banter had the effect of putting an end to the discussion. The old men were silent and the young Chiefs eyed each other as if judging how each was disposed for the adventure.

In the evening an attempt was made to renew the topic, when Mrs Wynen [the Ngati Toa wife of a settler of that name] very innocently betrayed the secret that there would have been nothing wrong in buying Port Nicholson and no probability of a fight if Jackey Guard and a Chief or two of the Kafia tribe had been employed in the matter instead of Mr Barrett and the Ngatiawa people.²³

While Mrs Wynen was clearly overlooking Ngati Awa's likely reaction, Wakefield revealed his insensitivity to the issue by contemptuously regarding it as merely a matter of two jealous factions. His 'bantering' dismissal of the Ngati Toa protests may have contributed towards Te

²³Wakefield, Diary, entries for 7 and 8 October 1839, pp.65-7

Rauparaha's decision to support the attack at Kuititanga.

(c) Charles Heaphy was on the *Tory* when it reached the Kapiti coast and later wrote:

Te Rauparaha, the great Ngatitōa chief, watched the fight. He professed friendship for the Waikanae natives, but had come over from Kapiti Island to assist the Ngatiraukawa with his advice, rather than materially. He was seen by the people within the pa, and a quick rush out was made to capture him. The Ngatiraukawa interposed and sacrificed themselves to save him. The fighting was here hand to hand, but Te Rauparaha escaped, only however by swimming off to his canoe, which was moored outside the surf. We met him ere he arrived at his island, which was distant about three miles from Waikanae. He looked crest-fallen, but was composed and self-possessed, and more than usually friendly in manner.²⁴

(d) In the Land Court, some thirty years later, Kawana Hunia later gave an interesting perspective on the battle from a Ngati Apa point of view. He stated that Whatanui proposed to his father, Hakeke, that the time was approaching to attack Ngatiawa. Hakeke took the view that the fighting had ended at Haowhenua and went to Urehe, where he warned a Taranaki chieftainess of the impending attack. He saw Te Rauparaha come from Kapiti and return; he too went to Kapiti. 'While Ngatiraukawa were bolting from different places my father and Rauparaha were talking on Kapiti. Te Rauparaha said to stay because peace would soon be made'. Chiefs of Ngatiawa and Whanganui did speak with Te Rauparaha and Te Rangihaeata. According to Kawana Hunia, Tuhaino said to Rauparaha in Hunia's hearing 'If it had not been for Hiko you would have been killed'. This was perhaps a reference to Ngatiawa's connection with Hiko, or possibly a reference to discussion that took place among Ngati Apa about whether to attack Ngati Raukawa in the rear.²⁵ Whatever substance these statements have, Kuititanga had not been a success for Te Rauparaha. He tried to make the best of a bad situation and helped patch up the peace, telling Rangihiroa and Te Hiko to hongī with their people.²⁶ Te Rauparaha still hoped to retain mana over the district and its peoples. Tamihana Te Rauparaha put the Ngati Toa perspective in the Land Court much later:

The 'mana' of Te Ati Awa was because they came with us and shared in our 'mana' over the bush and plains - in 1840 my father said that Kukutauaki was to be the boundary of

²⁴ Charles Heaphy, 'Notes on Port Nicholson and the Natives in 1839', p.38

²⁵ Otaki Native Land Court minute book 1, pp.78-9

²⁶ Ihaia Pokaitara, Otaki Native Land Court minute book 10, p.103

Ngati Awa's mana - I called the Ngati Awa to come 'the food is cooked I invite thee to share'.²⁷

Te Atiawa accepted the peacemaking but, given Te Rauparaha's perceived association with their Ngati Raukawa enemies, they were all the more inclined to assert their own mana, and repudiate any allegiance to Te Rauparaha.

8. 11 Nevertheless Te Rauparaha came on board the *Tory* the day after the battle, asserted his own rights, by conquest, of the whole the southern North Island and the South Island as far south as Akaroa. He denied the right of the chiefs at Te Whanganui-a-Tara to deal with the land, and demanded payment for himself and the other Ngati Toa chiefs. By Dr Parsonson's account, Wakefield declined, holding to his position that the goods he had already given to Te Wharepouri and Te Puni would suffice for Port Nicholson, and that his dealings with the 'Kawhia' chiefs were for transaction for other lands. But his payments for the area covered by the Kapiti deed, including the area covered by the Port Nicholson deed, amounted to as much as Te Wharepouri had received, together with guns for the chiefs personally. The Kapiti deed, signed on 25 October 1839, covered the area from Mokau to Kaikoura. As many analysts have said, however, he by no means intended to sell that vast area, but rather to assert his rights over it and to admit settlers to specific portions.²⁸

(b) Wakefield's diary shows that on 22 October, before Te Hiko arrived on the *Tory*, Te Rauparaha 'wished the transaction to be finished without Te Hiko, who, he said, was a boy and had nothing to do with the land'. Wakefield declined and Te Hiko joined the negotiation. The next day there was a rush for the goods displayed on deck; Te Hiko, in disgust, broke off the negotiation and left the ship. Wakefield refused the other chiefs' pleas to continue the distribution of goods without him. On 24 October, Wakefield visited Te Hiko on shore. He and Te Rauparaha, without any followers, then returned to the ship and the negotiation was concluded

²⁷ Otaki Native Land Court minute book 1D, p.388

²⁸ See Parsonson, p.193, summarising evidence from the British Parliamentary Papers and Wakefield's *Adventure in New Zealand*, Vol I, pp.113 and 125-8

and the deed signed.²⁹ The Ngati Kimihia and Ngati Te Maunu shared the overarching Ngati Toa claim as leaders of the conquest on both sides of Cook Strait, but the ongoing rivalry between them is clear. The hostility between Ngati Raukawa and Te Atiawa no doubt continued to affect their respective Ngati Toa kinsmen, and was intensified by Kuititanga. Although they had joined in the peacemaking after the battle, Ngati Kimihia settled increasingly at Wairau, where many remained until the affray with the Company in 1843. Ngati Te Maunu consolidated mainly around Porirua, under Te Hiko. Wi Parata later said that ‘After the fight ended Te Hiko-o-terangi came to Kapiti to fetch me to Porirua. When I lived with him at Porirua there were no N/toa living there except his own hapu N/teMaunu - N/Kimihia were then all at Wairau’.³⁰ According to Nopera Te Ngiha, ‘After Te Kuititanga we then built a pa at Pukerua for fear of Ngati Raukawa’.³¹ Ngati Raukawa had retired to Otaki after the battle and the missionaries Williams and Hadfield laboured to make peace in the area. In early 1840, however, the arrival of hundreds of Company settlers in Port Nicholson and the aggressivity with which the Company pursued its claims, quickly became the main preoccupation of the Maori leaders.

8.12 As Dr Parsonson has shown, transactions with the Pakeha over land themselves became one of the most important means by which Maori pursued their rivalries. Furthermore, the forums created by the Crown for investigating the transactions also became the arena for the rivalry, with different take or bases of claim being asserted. From 1840, and more particularly from 1842 when the Spain commission began work, we are no longer in a purely ‘traditional’ or ‘customary’ situation, if such can be postulated. This makes serious difficulties for analysts seeking to use the Spain evidence and the later evidence of the Native Land Court. Maori may have considered themselves to be describing rights to land in ‘traditional’ Maori terms, and were indeed doing so to a great extent. But they were also trying to win recognition from the British of their particular claims, and to diminish the claims of rivals. The structures of power, or at least of influence, were no longer wholly Maori. The distortion was increased because the British were introducing concepts which were foreign to the Maori world - notions of absolute ownership of, or title to,

²⁹ 22, 23 and 24 October, Wakefield, Diary, pp.80-85

³⁰ Wellington Native Land Court minute book 12, p.210

³¹ Wellington Native Land Court minute book 1H, p.292, translated by Angela Ballara, Wai 145, Doc J6, p.59

land and the transfer of exclusive possession. Moreover, for their own convenience, they were looking for persons in Maori society with the authority to make such transfers. As Mr Moore has pointed out, the Spain inquiry (like the Land Claims Commission in the north) made the assumption that some chief or chiefs had authority to 'sell land' (the term 'hoko' was almost invariably used), and sought to find out who they were and whether they had sold. According to Mr Moore, the Crown, in its main inquiry into the Port Nicholson purchase, decided not to take the opportunity to preserve a 'richly-layered system of custom-based interests', but 'pushed on with its overall policy of acknowledging customary proprietary interests mainly in order to extinguish them and convert them into Crown-based interests'.³² There needs at least to be a realisation of the serious contests that were being waged in the forums provided by the Crown, and to read the evidence accordingly, in an effort to try to discern (on the one hand) at least some of the complex, fuzzy and competing truths of the Maori world, and (on the other) how the customary Maori principles and understandings were themselves being affected by the new situation created by the arrival of the Company and the state. If one were to try to sum this up in a generalisation, I would say that the main effect of the land transactions themselves and the processes set up by the Pakeha was to intensify or entrench the pre-existing divisions between the various Maori owners of rights and over-simplify the multi layered and flexible relations between the various groups as regards land.

8.13 To reinforce the point that land transactions and the defence of land transactions affected the way take to land rights were advanced it is useful to refer also to Dr Parsonson's summary:

Te Rauparaha's allies - lacking any historical connection with the land - had also to account for the *origin* of their rights. In the normal course of events they might have relied on the eventual establishment of a claim by ancestry; already, indeed, they had begun to make their own *tohu* on the land. But these were not normal times...[The Pakeha immigrants] wanted to know who was entitled to sell the vast acreages of land they came to buy and settle. Suddenly, the allies were forced to justify their claims for payment - and their objections to their opponents' receipt of payment - to outsiders.

The obvious answer, it might seem, was to prove a claim by conquest (*raupatu*). But conquest seems widely to have been considered an unsatisfactory *take*. By its very nature, it could offer no security of occupation, for where there had been victory, defeat might as easily follow afterwards. Worse still, to acknowledge a conquest of the land was at once to admit a debt to Te Rauparaha, the leader of the fighting parties. And as

³² Moore, 'The Origins of the Crown's Demesne', pp.245-226

their lands assumed a market value, the allied chiefs who had endured Te Rauparaha's control of the whaling shrank from the prospect of further allowing him some sort of overlordship which would give him an inordinate stake in this new trade. Those who did adopt the *take raupatu* therefore were chiefs who could plausibly postulate an independent conquest - a conquest in which Te Rauparaha had played no part. Te Rauparaha had never fought at Taitapu for instance, or at Te Whanganui-a-Tara, and the Ngati Tama and Ati Awa occupants of the two bays argued that he could pretend no title to their land at all.

In general, however, chiefs sought to evade the *take raupatu* by substituting *take tuku* (claim by gift) - a much more acceptable *take*, which could be held to substantiate the claims of both those who received and those who made the gift. Few chiefs therefore, would acknowledge a *tuku* of Te Rauparaha. Ngati Raukawa - whose obvious obligation to Te Rauparaha made things rather awkward for them - were to be found presuming a gift so absolute that it deprived Te Rauparaha of even the shadow of a claim to their land. They went further, and explained that their migration to Kapiti had been undertaken at the invitation not of Te Rauparaha, but of his sister Waitohi.³³

Dr Parsonson goes on to cite Land Court statements about the alleged invitation and gift by Waitohi. She also cites the sequence of *tuku* by which Ngati Awa hapu claimed Waikanae. Firstly, when Te Pehi had been wounded in his fight in the swamp with Te Ratu and then overcame but spared his adversary (see above para 4.10), Muaupoko, in gratitude, ceded him the surrounding territory and showed him the eel weirs; at the same time, other Ngati Toa chiefs who claimed rights in the area relinquished them in favour of Te Pehi; thirdly, Te Pehi gifted part of the land to his cousin Te Puoho of Ngati Tama; he gifted Waikanae itself to the Kaitangata chief, Haukaione, whose daughter Pohe was married (or betrothed) to Te Rangihiroa but was either jilted by Te Rangihiroa or killed in the raid by tangata whenua which also killed Te Pehi's children (either way the land was with Haukaione when the rest of the Ngati Awa hapu from the Kaitangata pa turned up in the later heke); finally, in 1848, when Te Atiawa returned to Waitara under Te Rangitake, Waipunaahau, Te Rangihiroa's daughter, was fetched from Kapiti and Waikanae was returned to her care.³⁴ It should be noted that these claims were not uncontested in the Land Court, but it should not be assumed (from Dr Parsonson's proposal that they represented a deliberate strategy by the claimants) that they were untrue. They were true, and generally the claims as stated prevailed. But they did not represent the entire history of what happened on the land concerned. Other claims of occupation and gifting could be advanced, with

³³ Parsonson, pp.179-80

³⁴ Parsonson, pp.181-2 and whakapapa for Te Pehi and Te Puoho, note 78

greater or lesser justification, by other groups; there was constant competition to have one's take prevail over those of others. This competition did not stop, but rather increased, when the British provided new forums for its expression.

8.14 As for Te Rauparaha, Dr Parsonson writes:

Te Rauparaha had of course been quick to see the danger to his own prestige if every allied chief was free to negotiate about his own district with the pakeha. And with no lands of his own in the south worth speaking of, he took refuge in a general claim - a claim by virtue of his military achievements - to all the territory in which the allies were settled. According to the tidy version later presented by his son Tamihana, Te Rauparaha had started to divide (*kotikoti*) the land among his chiefs as he came south from Turakina; and as each successive *heke* reached Kapiti he allotted them some portion of his estate. In the first instance, all the allies owed him their rights to the land; all their boasted *tuku* were effective because of his initial defeat of the *tangata whenua*.

Pakeha payments, in any case, would finally settle the argument. And with the arrival of the British land buyers, Te Rauparaha and the allied chiefs embarked on a contest amongst themselves for recognition of their claims.³⁵

8.15 There are problems about the expression 'no land of his own' worth speaking of, in this statement, but there are valuable insights in it nevertheless. Tamihana Te Rauparaha and Matene Te Whiwhi did elaborate claims about an allocation of land by Te Rauparaha. Mr Boast relies heavily on that evidence in his submission. Mr Gilmore also argues for a very early subdivision or rahui of the land, but he attributes it not to Te Rauparaha but to Te Pehi and Te Rangihiroa. The principal source for his evidence is also late: it is Wi Parata, grandson of Te Pehi. We might reasonably accept that this was how the game had come to be played in the Land Court, and that claimants were under strong cultural imperatives to advance their own case by elaborating the deeds of their tipuna. Overly neat and all-embracing scenarios should be viewed with some suspicion: the tumultuous world of competing chiefs, competing hapu and competing mana does not readily allow for tidy, all-encompassing explanations.

8.16 (a) The problem of overlapping and intersecting rights had been compounded for the Maori leaders generally, and for Te Rauparaha in particular, by the intrusion of the British common law concepts about land as property. It was bad enough for Te Rauparaha that ambitious chiefs

³⁵ Parsonson, p.183

could tuku land rights to Pakeha and install them in their various kainga, largely out of his control. It was very much worse if their claims to such notions as 'title' to land, and the power to alienate (hoko) land absolutely, prevailed. The whole edifice which the invading tribes had built about Cook Strait could simply disintegrate. It was that realisation that made Te Rauparaha, and even more so Te Rangihaeata, such stubborn opponents of British claims and of the claims of the various allied chiefs who were pursuing the more immediate opportunities the British provided.

(b) The confusion of Maori terminology and concepts with British terminology and concepts is also a hazard to scholarly analysis. The Maori world was primarily concerned with relationships, not 'ownership' - relationships between men and gods, men and men, and between all of them and things on and in land and waters.³⁶ These relationships seem to have been shaped and expressed largely in terms of mana. In the Spain commission and in the Land Court competing claimants did argue about who had the 'mana' of a given area of land, as if that were equivalent to 'title' in a common law property sense, because that was what the British were trying to establish. Certainly there is some correspondence of the Maori and British concepts in regard to the power to control the disposition of the land that both 'mana' and 'title' give. But mana, it would seem, was a much more flexible and accommodating concept than 'title' and 'ownership'. The mana of recent war leaders and the mana of the actual occupiers and possessors of land were both significant, with the former giving way to the latter over time. A great variety of relationships was possible, and exclusiveness was probably something more avoided than pursued in the Maori world.

(c) In fact the minutes of the Spain commission and Land Court often show no agreement at all about who, *in particular*, had the mana. In any piece of land a number of hapu might have interests and a number of chiefs might advance different take fairly successfully. It is not surprising that, in the end, the British often just gave up, and either bought the interests of successive groups of claimants without defining what those interests were (as was done with the arbitrated 'releases' for the Port Nicholson purchase); or (in the days of the Land Court) they sent the Maori outside and told them to come back with a list of names that the Court then ratified. These developments in respect of Port Nicholson will be discussed further in Chapter 9 below.

³⁶ E. T. Duri, 'Will the Settlers Settle? Cultural Conciliation and Law', *Otago Law Review*, Vol 8, No 4, 1996, pp.449-463

Chapter 9

Port Nicholson 1840-1847

9.1 The complex interactions between the British settlers and officials (on the one hand) and the Maori chiefs and tribes (on the other) have been described in great detail in the many historical reports presented in this claim and it is not necessary to traverse them all again. Instead, certain points will be highlighted where they throw light on the kinds of land rights Maori were asserting by their actions or claiming by their words, in the early years of the colony.

9.2 A number of points can be made in respect of 'Ngati Kahungunu' interest in the Port Nicholson area.

(a) We have seen earlier (para 7.18 above) that peace-making efforts had been set in train by Te Wharepouri and Nuku-pewapewa after the latter had successfully attacked the former in the Wairarapa and captured his wife and daughter. But as at late 1839 the 'Ngati Kahungunu' had not stopped asserting claims to the Heretaunga (now Hutt) Valley, and neither had Te Atiawa stopped asserting claims in the Wairarapa. Ernst Dieffenbach, the Company's doctor and naturalist found Te Atiawa guides distinctly nervous about going in only small numbers very far up the valley towards the Rimutaka range.¹ On the other hand, William Wakefield noted in his diary that, at the completion of the Port Nicholson transaction with Te Wharepouri and Te Puni:

The natives contemplated an almost immediate journey to Wainorap or Palliser Bay, which they possess, for the purpose of planting a stock of potatoes and bringing back pigs which run wild there.

Today Warepori tabooed that place for me and swore by his head that no one should have any of it till I had time to go to see it.²

(b) After the battle of Kuititanga, however, and the likelihood of retaliation from Ngati Raukawa, it was imperative that Te Atiawa and the other harbour people make peace on their eastern border. Te Whatahoro Jury's Maori-language accounts in the Alexander Turnbull Library suggest that, at the urging of Ngatata of Kumutoto, Te Wharepouri, with a small party,

¹ Dieffenbach pp.73, 81

² 1 October 1839, Wakefield, Diary, p.61

went north to Nukutaurua to meet with Nukupewapewa, late in 1839 or early in 1840. By great misfortune that chief had been accidentally drowned shortly before Te Wharepouri's arrival, but his kin, led by Tutepakihirangi, took up the work of peacemaking. Te Kakapi, Te Wharepouri's daughter, was still with Nuku-pewapewa's family, and Tutepakihirangi said that the Wairarapa itself was the ransom for her return. Te Wharepouri agreed and asked Tutepakihirangi and others to accompany him back to Port Nicholson to meet with the tribes there. (One of Jury's lists says that Ngati Kahungunu were to meet with 'Ngati Awa, Ngati Tawhirikura, Ngati Mutunga, Ngati Tama', the other list adds Ngati Raukawa as well). Te Hapuku, the powerful Hawke's Bay Ngati Kahungunu leader, fearing that Tutepakihirangi and his party would be slaughtered in utu, asked that Te Wharepouri remain as hostage for their safe return. His four companions therefore returned to Port Nicholson with 23 Ngati Kahungunu about the first week of February 1840. The 'Taranaki tribes' had assembled at Pito-one. Jury lists them as 'Te Ati Awa, Taranaki, Ngati Tama, Ngati Tawhirikura and Ngati Mutunga', and the chiefs as 'Te Puni, Pakau, Paengahuru, Te Kaeaea, Tamanoho, Peehi Taka, Tuhi Matarenga, Porutu, Te Awa I Taia, and Takaroa'. Te Rangitake led the welcome to the visitors and the discussion lasted two days. Speakers mentioned for the 'Taranaki' side are Ngatata, Te Puni, Porutu and Mita Kakau. Ngatata summarised on their behalf and expressed their desire to stop the travelling to kill and take land without right. There was apparently debate about the proposed boundary, some of the 'Taranaki' tribes wanting their interests to include the western shores of Lake Wairarapa. But Tutepakihirangi said:

Listen to me. The mountain lying here, Tararua, I shall declare to be our shoulders. The rivers flowing from the ridge to the sea shall be for you to drink from. The rivers flowing from the ridge on that [other] side shall be for me to drink from. The valleys lying on this side shall be for you to prepare as marae for the orphaned and for the elderly, likewise the valleys on the other side. This mountain shall be left as something for us to ascend, and in this way we shall become like younger brothers and elder brothers, we shall be related. Remain here on this side of the mountain, and we shall be on the other side, listening.³

Most of Te Atiawa agreed with this. Ngati Tama were apparently more reluctant. Jury's recital of Tutepakihirangi's account says 'Te Kaeaea Taringakuri alone did not agree, but the iwi of the

³ H T Whatahoro Jury, Notebook, MS-Papers-0189-B040, ATL, p.93. I am grateful to Mr Steven Chrisp of the Turnbull Library for his translation of key passages of this text and Jury's Whakapapa Book, MS Papers 0189-043, ATL, referred to in following footnotes.

West Coast paid no heed to that Taringakuri'.⁴

(c) At this point there was a serious threat to the proceedings for on 10 February 1840 a foraging party of Ngati Hamua (of Rangitane ki Wairarapa) killed a Te Atiawa chief called Puakawa in his potato gardens a mile from Waiwhetu. We have an account of this (which gives us the date) from E J Wakefield, who was of course nearby in the *Tory*. The Te Atiawa chiefs first thought Puakawa was the victim of a raid by Ngati Raukawa from near Kapiti - a testimony to their expectation of renewed hostilities by that tribe after Kuititanga - but soon established that he was killed by a party of 'Ngati Kahungunu'.⁵ Tutepakihirangi, however, then sent two of his party northward saying:

...go and tell my parents that Ngati Kahungunu has arrived here, and that permanent peace has been established with the ridge as a boundary. The two messengers went and spoke those words, and the raiding party from Hamua returned [home].⁶

Tutepakihirangi and Te Wharepouri then returned to their respective homes, and further hui confirmed the peace. In 1841, 1842 and 1843 most of those Ngati Kahungunu who had gone north returned to Wairarapa.

(d) Dr Ballara dates Te Wharepouri's return to Wellington with a party of Wairarapa and Hawkes Bay chiefs as July 1840. A hui about that time is referred to by Ensign Best. Dr Ballara states:

It was probably during this visit that the treaty was agreed between the tribes occupying Port Nicholson, which were the same tribes that had occupied part of Wairarapa during the 1830s, and the tangata whenua tribes of Wairarapa; Ngati Kahungunu-ki-Heretaunga and Ngati Te Whatu-i-apiti acted as guarantors on the relatively weak Wairarapa side. Its terms restored the Wairarapa to its tangata whenua, but recognised their westward boundaries as the Tararua and Rimutaka ranges; in return their claims to the west coast including Pukerua Bay, Porirua and Ohariu were abandoned, as was all claim to Te Whanganui-a-Tara. The peace was confirmed in traditional form by a network of arranged marriages, the exchange of gifts, and the release of prisoners.⁷

⁴ Jury, Whakapapa Book, p.11

⁵ E J Wakefield, *Adventure in New Zealand*, p.143

⁶ Jury, Notebook, p. 93

⁷ Ballara, 'Te Whanganui-a-Tara', pp.32-33. See Ensign Best's somewhat sneering description of the proceedings, in his entry for 28 July 1840 in Nancy Talyor, (ed.), *Journal of*

The principal marriage referred to, as noted by Jury, was that of Ikaha Ngahiwi of Wairarapa with Te Kakapi o te Rangi, daughter of Te Wharepouri.⁸ Best also notes a marriage connection, that of Ngawhawha, grand-daughter of Tamairangi, with Wi Tako Ngatata. A R Cairns, Ngatata's biographer says that he was 'connected with' Ngawhawha as well as having two other wives. The marriage is confirmed in Wairarapa whakapapa.⁹ S Percy Smith's account of the peacemaking is clearly drawn from Jury, or from the same sources as Jury used,¹⁰ as is that of T W Downes¹¹.

(e) Land Court evidence suggests that peace was not finally sealed between Ngati Tama and Ngati Kahungunu ki Wairarapa until 1843, at which point some Ngati Tama returned from Wharekauri to Mukamuka.¹² Mukamuka was apparently reserved to Ngati Tama in 1844 and some Wairarapa land was again reserved for them when Grey and McLean purchased most of the Wairarapa in 1853.¹³

(f) In the light of the agreement between Te Atiawa and the Wairarapa people it is perhaps understandable that the Company and Crown officials made no obvious effort to involve 'Ngati Kahungunu' in subsequent negotiations and payments to 'complete' the Port Nicholson purchase. Yet they did exert claims there, after the first signings of the Treaty and Hobson's proclamation of British sovereignty, up to the peace-making. The claims (as demonstrated in their foraging raids) reflect, not an actual on-going occupation and cultivation of the land, but a

Ensign Best, Government Printer, Wellington, 1966, p.230

⁸ See Dr Ballara's essay on Te Kakapi in the *Dictionary of New Zealand Biography*, Vol I, p.457

⁹ Elsdon Best, 'The Land of Tara', p.104; A R Cairns, 'Ngatata, Wiremu Tako', in *The Dictionary of New Zealand Biography*, Vol I, 1769-1869, p.314; *Te Wananga*, Vol II, no.1, March 1930, p.169. I am indebted to Dr Angela Ballara for this last reference.

¹⁰ Smith, *Journal of the Polynesian Society*, Vol 19, 1910, p.14 cited in Ballara, 'Te Whanganui-a-Tara', p.34

¹¹ Chrisp, 'Sources for Rangitane History'. The sources include MS Papers 0189-B043; qMS-0181, p.198; qMS-0195, p.79-80, 253; MS-Papers-0189-B040, p.94, all at ATL.

¹² Evidence of Pene Te Riu, Wellington Native Land Court minute book 2, p.34

¹³ Wellington Native Land Court minute book 1, pp. 363-70, minute book 2, pp.33-40, 46-48

demonstration of refusal, at least up to mid-1840, to relinquish the mana they had held over the Hutt valley for hundreds of years, and some physical presence in (or at least traverse of) the rugged mountain chain. At least up to the peacemaking, the journals of E J Wakefield, Ernst Dieffenbach and Ensign Best reveal the continued vigilance and nervousness of small Te Atiawa parties moving inland about possible 'Ngati Kahungunu' attacks.¹⁴

(g) It would seem that the government eventually (though not immediately) developed some doubts as to how far westward the interests of the Wairarapa Maori extended, or how far eastward the interests of Ngati Awa and Ngati Toa. Probably Donald McLean was given cause to wonder, from his contacts in Wairarapa in the early 1850s, whether all groups had indeed relinquished their rights on either side of the mountain range at the 1840 peacemaking. The boundary was, after all, somewhat vague, because the axis of the Tararua range lies slightly to the west of the axis of the Rimutaka range, and rights to the zone between the two may still have been somewhat unsettled. In any case, in 1853, McLean, in the course of his programme of purchases across the Rimutaka range and in the Wairarapa, signed two deeds of sale with several Wairarapa chiefs for blocks known as Mangaroa and Pakuratahi, whose back or western boundary was from Cape Turakirae going up the Orongorongo valley to the headwaters of that river. In respect of this purchase, McLean wrote to Grey that he had negotiated for:

...a tract of country, comprising about 150,000 acres, and bounded on the north-east by the Wairarapa river and lake, and on the south-west by the lands acquired from the Ngatitua and Ngatiawa tribes of Wellington.

This purchase includes several tracts of country about the Mangaroa and Pukurutae [Pakuratahi] and other valleys and mountain ranges, through which the new line of road passes, and to which their claims have not been extinguished, although the presumption has been, according to the maps of the Wellington and Porirua districts, that these tracts have been ceded by the Ngatiawa and Ngatitua tribes whose right to have done so beyond a certain boundary mutually agreed to by themselves and these natives, the Ngatikahungunu, was at least very questionable.¹⁵

Because, by Mr Moore's analysis, the boundary of the Port Nicholson purchase continued to

¹⁴ Ballara, 'Te Whanganui-a-Tara', p.31; see also Charles Heaphy, 'Notes on Port Nicholson and the Natives in 1839', pp.32-39

¹⁵ McLean to Grey, 2 September 1853, *British Parliamentary Papers*, Vol 10, 1854-60, pp.276-7

follow the crest of the Rimutaka range right up to the Crown grant of 1848, this 1853 purchase in part lay within the Port Nicholson purchase (that is, to the Orongorongo river). Yet it would appear that, despite McLean's misgivings, the Wairarapa tribes had in fact already relinquished to Ngati Toa and to 'Ngati Awa' in their respective peacemakings, interests west of the Rimutaka-Tararua line.¹⁶

(h) A few months later, on 7 January 1854, McLean completed a deed of purchase with Ngati Toa, Ngati Awa and Ngati Tama chiefs, whereby the chiefs certified that, for £700:

...we have relinquished all our claim to both the Wairarapa and the country adjacent thereto and all the disputes we have had with reference to these lands are now terminated...¹⁷

The signatories were Te Puni, Taringakuri (Te Kaeaea), Puaha, Wi Tako, Moturoa and Porutu. This deed was typical of McLean's regular practice of the mid to late 1850s of sweeping up the various claims and interests of successive groups over the areas of Crown purchase. The terms of the deed and the fact that he felt it necessary to part with £700 suggest that some claims were being asserted east of the mountain chain by the tribes from the north well after 1840, claims which had to be extinguished to make the Crown secure in its purchases. The deed was complementary to McLean's 'washing-up' deeds of September 1853 with the Wairarapa chiefs. But it is also likely that the claims were essentially 'mana' claims, a demand by various chiefs that they and their former association with the land be recognised by the Crown in its purchase processes. There is no evidence that the tribes of the hekenga had maintained any on-going physical presence east of the mountain chain after mid-1840, with the exception of Ngati Tama's ongoing use of Mukamuka, which they still seem to have been using in 1855.

(i) In the subsequent investigations of the Company claims by Commissioner Spain, only Mahau of Te Atiawa, among the resident chiefs of Port Nicholson, came close to acknowledging rights in the former tangata whenua. The minutes note him as saying, '...this land did not belong to our forefathers. It of right belongs to the Ngati Kahungunu, but the people here have taken the land.

¹⁶ See maps in Duncan Moore 'Questions Regarding the Port Nicholson Purchase', Wai 145, Doc I7, 1997, p.4

¹⁷ H Hanson Turton, *Deeds*, p.306

The case is different here'.¹⁸ Accepting that this is an accurate translation of what he said in Maori - that he did not say 'belonged' rather than 'belongs' to the Ngati Kahungunu for example - he was probably referring, quite properly, to the principle of take tupuna which was the basis of the rights of the former tangata whenua. But he goes on to say that, be that as it may, the land had been taken by the present occupiers. The rest of his evidence affirms that strongly, as does that of every other chief appearing at the commission. None expressed the view that 'Ngati Kahungunu' had any voice in transactions relating to the land.

9.3 Developments in the Horowhenua and Manawatu are generally beyond the scope of this report. They have been discussed by others, including Dr Boast whose 'Ngati Toa' report notes the shifting attitudes in the district due largely to the influence of Christianity, resulting, amongst other things, in the resurgence of Muaupoko claims. To round out this brief survey of post-1840 events a few quotations from Land Court records may serve to illustrate the change. In 1868, Hoani Meihana Te Rangiotu, a Rangitane spokesman at the first hearing of Himatangi block, when asked about evidence given by Archdeacon Hadfield, stated:

It is true that when the treaty of Waitangi was signed Ngati raukawa had the 'mana' over the land alleged to have been sold to the Crown - It is true that Muapoko had no 'mana' over the land at that time Ngatiapa - same. Ngati Kahungunu had no 'mana' or title at that time - Whanganui and Nga Rauru tribes had no 'mana' or 'tikanga' over the land in 1840 - Rangitane same.¹⁹

Not all speakers agreed. Peeti Te Awe Awe, for example, of Rangitane, Ngati Apa and Ngati Raukawa, said that, after Haowhenua, Ngati Raukawa 'made friends' with Rangitane and the Rangitane chiefs lived on the lands they occupied 'in their own "mana" '.²⁰ In 1873 in the hearing of Horowhenua block, Kawana Hunia of Muaupoko and Ngati Apa, and others, submitted a very long list of sites which were in the occupation and use of his people, undisturbed by Ngati Raukawa.²¹ Ngati Raukawa, however, were in no doubt that the other tribes

¹⁸ OLC 1/906, NA, cited in Ehrhardt, p.30

¹⁹ Otaki Native Land Court minute book 1C, p.222-223

²⁰ Otaki Native Land Court minute book 1D, p.495

²¹ Otaki Native Land Court minute book 2, pp.4-23

would not have become 'whakahi' but for the influence of Christianity and the government. 'If they had shewn themselves before my hands were tied by the gospel I should have killed them or sent them off to some other Island', said Henare Te Herehau.²² As for Ngati Toa they too claimed continued mana. Tamihana Te Rauparaha characteristically asserted the mana of his father and of Te Rangihaeata, both in respect of fixing the boundaries of Ngati Apa, Rangitane and Muaupoko at a series of runanga about 1840 and in holding the land subsequently. '...it was not Ngati Raukawa who held the 'mana' of the land-holding - it was Rangihaeata'.²³ As Mr Boast has explained, in his last years Te Rauparaha opposed the government's proposal to pay Ngati Apa for interests in Rangitikei but gave way to the prevailing views of the younger chiefs.²⁴ But, as Dr Parsonson has shown, the signing of sale deeds was itself an assertion of mana. At the Himatangi hearing Hohepa Tamaihengia of Ngati Toa said (using the personal pronoun for the tribe):

I have signed the deed of sale - It was my land - It was all mine - all the land is mine to Wellington and Wairarapa...the boundary of my 'mana' is at Whangachu - when Rangitikei was sold that land was under my 'mana' - I and Ngatittoa sold the land in the Middle Island.²⁵

Mana is a tricky concept to handle: like beauty, it seems to be very much in the eye of the beholder.

9.4 Meanwhile, in Port Nicholson, as has been described at length in many published histories and reports, the hapu around the harbour allowed the first 1500 settlers ashore, first at Pito-one in January 1840 then in March at the present site of Wellington. But the hapu resisted the Company surveys of their most valued lands and generally declined to move from their pa and cultivations onto the sections they were supposed to occupy in the Company's town plan. Te Ropiha Moturoa and the Pipitea people asserted their independence of Te Puni and Te

²² Otaki Native Land Court minute book 1C, p.207

²³ Otaki Native Land Court minute book 1D, pp.386-7

²⁴ Evidence of Rev. Samuel Williams, Otaki Native Land Court minute book 1C, p.227; Boast, 'Ngati Toa in the Wellington Region', pp.150-153

²⁵ Otaki Native Land Court minute book, 1D, p.400

Wharepouri as far as the transfer of land rights was concerned. Moturoa was married to Patukawenga's sister, and later, in the Spain commission, he claimed both Pipitea and Te Aro by gift from the Ngati Mutunga chief, six months before Te Wharepouri returned from the Wairarapa.²⁶ In late 1839 and January 1840, Pipitea chiefs made their own separate transactions with Richard Davis and Robert Tod for small pieces of land. Commissioner Spain later upheld their right to do so, on the basis of his principle that actual residence and use conferred ownership and that non-resident chiefs had no interest. Moturoa and Wi Tako then became hosts to the officials and soldiers who moved into the Thorndon area from mid-1840.²⁷ Te Wharepouri was bitterly upset, both at the numbers of settlers who debouched from the Company ships, and then at the way the Company and Crown took up with the Thorndon chiefs on the new town site.

9.5 In 1841, Ngati Rangatahi under Kaperatehau not only resumed hunting and gathering in the Hutt Valley but cultivating and building houses there. Presumably they continued to pay tribute to Ngati Toa chiefs, particularly Te Rangihaeata, whose own settlement at Pauatahanui commanded the upper valley. It should be noted, however, that according to the Sub-Protector H.T. Kemp, Ngati Rangatahi also had permission to cultivate from Te Puni and paid an annual tribute of snared birds to the Te Atiawa chief.²⁸ This suggests that mana in the valley was held by the senior chiefs of Te Atiawa as well as Ngati Toa; but, as was quite usual, Maori had not hitherto needed to define a boundary for their respective interests in this territory, only recently wrested from the previous tangata whenua.

9.6 In late 1841 or early 1842 Ngati Rangatahi were joined by Ngati Tama from Kaiwharawhara, pushed off the rather limited cultivable land there by settlers' cattle. According to Ms Hippolite they were invited by Kaperatehau, apparently on his own authority; Parsonson thinks it more

²⁶ Parsonson, p.199

²⁷ Parsonson, pp.199-201

²⁸ Henry Kemp, *Revised Narrative of Incidents and Events in the Early Colonizing History of New Zealand*, Auckland, 1901, pp. 10 and 12, reproduced in Wai 45, Doc I4, Appendix 1, cited in Moore, 'The Origins of the Crown's Demesne', p.158. Although the source is a very late one, Kemp was closely involved in the events he was describing.

likely that they were sent by Te Rauparaha and Te Rangihaeata.²⁹ According to Sub-Protector George Clarke, Jnr, Te Kaeaea (Taringakuri) acknowledged to him that 'he had no right himself to any portion of the district except through Rauparaha and Rangihaeata.'³⁰ Certainly it is most unlikely that Ngati Rangatahi and Ngati Tama would have made the move to the Hutt without the prior knowledge and approval of the Ngati Toa chiefs, still asserting their over-right to the whole district, and denying the effect of the transaction by Te Wharepouri and Te Puni. Many of the British settlers were inclined to treat both Ngati Rangatahi and Ngati Tama as trespassers on 'their' sections within the Company subdivision. But as Ms Hippolite has pointed out, the Company had to make payments to Ngati Rangatahi to allow settlers to occupy some sections.³¹

9.7 (a) In May 1842 Commissioner William Spain began investigating the basis of the various chiefs' claims to the land at issue, and of their right to 'sell' the land. As Moore has shown in his detailed analysis entitled 'Origins of the Crown's Demesne in Port Nicholson' the chiefs gave varied and contradictory answers as to their rights to 'hoko' the land.³² Some, such as Te Wharepouri and Te Puni, on the basis of their chiefly authority, claimed the right to alienate Port Nicholson land without the prior consent of those who actually occupied it. This was strenuously denied by Moturoa, Wairarapa and other chiefs of Pipitea and Te Aro. Indeed the possibility of trading in land rights seemed to intensify the individual claims of the chiefs but with some residual ambivalence as to the rights of chiefs who originally conquered or gifted the land. Moturoa's comments about the residual authority in Pipitea of Ngake, son of Patukawenga, have been cited above, para 7.7. But he was pressed further:

Q. Is Pipitea divided between the different members of the tribe and can these different members sell their own portion without reference to any other natives?

A. Yes and we cannot interfere with each other or else we should quarrel.

Q. Then do we understand that you could sell the land belonging to you at Pipitea without the consent of any other person?

²⁹ Hippolite, p.25; Parsonson, p.205

³⁰ Clarke to George Clarke, Snr, 29 June 1844, cited by Walzl, pp.46-7

³¹ Hippolite, p.25

³² See Moore, 'The Origins of the Crown's Demesne', Chap V, pp.166-269

A. Yes.³³

As Moore has mentioned, when asked the names of chiefs whose consent would be needed for alienation of the harbour lands, Moturoa came up with a list of 99 persons ‘Rewiti his land, Watakori his land’ and so on.³⁴ Te Kaeaea too was ambivalent: first he said that the ‘superior chiefs’ could not sell land without the consent of the owners of specific cultivation, but then said that *he* could sell it.³⁵ Among the Ngati Toa chiefs, Te Hiko said that he could sell Whangaehu, Turakina, Mokau and Port Nicholson without the consent of the people living on the land - though those areas were not in fact for sale.³⁶ Ropata Hurumutu denied that Te Rauparaha and Te Rangihaeata could sell the land he occupied without his consent.³⁷ Tutawhanga said that although Ngati Awa were in possession of several places, including Port Nicholson, they had taken no land from Ngati Toa (except a burial place, Ohariunga) and that *only* Te Rauparaha could sell land.³⁸ As noted above, para 8.3, the Te Atiawa chiefs denied Te Rauparaha and Ngati Toa any right to participate in decisions about land that they, Te Atiawa, occupied. Wi Tako reported to the Spain commission a statement by Te Wharepouri epitomising the claims of the ‘resident’ chiefs to independent property rights of themselves and their hapu: ‘Say to the people of your place - let each man settle about his own Land - Let Rangiaeata settle about his land - do not speak about another man’s land’.³⁹ Te Wharepouri did not see a contradiction between his attitude towards the Ngati Toa chiefs and his attitude towards Te Atiawa of other hapu than his own - he assumed that all the Te Atiawa groups about the harbour should all recognise his mana and chieftainship, a view not necessarily shared at Pipitea.

(b) In other words, as Mr Moore has shown in his analysis of evidence before the Spain

³³ Barker’s claim, OLC 1/635, NA

³⁴ Moore, ‘The Origins of the Crown’s Demesne’ p.215

³⁵ OLC 1/906, NA, pp.6-7, reproduced in Wai 145, Doc H7a, pp.25-26

³⁶ OLC 1/907, NA, p.64

³⁷ OLC 1/907, NA, p.57

³⁸ OLC 1/907, NA, pp.74-6

³⁹ OLC 1/906, NA, reproduced in the supporting documents to Walzl, Wai 145, Doc H7a, p.52

Commission, when asked about the totally new concept of 'sale' the chiefs, not surprisingly, were confused, and answered according to their different understandings, objectives, different positions within tribal politics and different conceptions of the kind of authority conferred by occupation as compared with the kind of authority derived from senior chieftainship. In a wholly Maori world the different levels and kinds of right would have been mediated by a variety of cultural practices. In the European world of commodity transaction and common law concepts of 'ownership' they promoted divisions amongst Maori. Essentially the problem arose because 'selling land' in the European sense of permanent transfer of exclusive possession of the land was previously unknown to Maori society. Chiefs of very high mana were accustomed to making decisions without always having prior discussion with all the people who normally recognised their mana. They were expected to lead, but they risked repudiation of their actions, or loss of following, if those actions were judged unwise. But few actions in respect of land were irreversible in traditional Maori society in the way that settler law made a deed of sale an irreversible action. Conversely, in traditional society a family head could allow someone outside the whanau the use of some of the whanau's gardens without necessarily consulting the hapu or iwi leaders not of the whanau. But he could not alienate the land permanently outside the hapu; rather the 'outsider' became a member of the whanau and had to observe its norms. The European trading in land as a commodity came into this subtle and complex system of rights like a cat among canaries. Confusion resulted. Individual Maori ('overlord' chiefs or individual whanau leaders alike) believed they could deal with the Pakeha, probably with traditional intentions in mind. Possibly some may have begun to apprehend the European sense of land as a commodity and deal with it opportunistically, but this mostly happened after the period under consideration in this report. But it is not surprising that, in bringing traditional ideas to their efforts to answer the European question 'could you sell land without reference to any other chief?' they variously answered 'yes' and 'no' because the full import of the question was not clear to them.

(c) In the context of the debate about rights at Pipitea, Te Puni introduced a principle which might have opened the doors very widely. He himself had cultivations about the harbour dating from before Ngati Mutunga's departure. He had to defend his rights to these against Te Matehou and others who had occupied since. There had been some tension. Te Puni had taken over

Wairarapa's cultivations at Korokoro and Wairarapa had taken Te Puni's at Pipitea.⁴⁰ In the Spain commission Te Puni developed his claims arising from these cultivations and prior residence, and extended them to include the Ngati Mutunga chiefs from whom he had derived rights. Kumutoto, he said, had once belonged to Ngatata, Pomare and Matangi, and Pomare and Matangi (who had gone to the Chathams) each still had a right to sell Kumutoto. The matter was not pressed further because Ngatata and Wi Tako had been resident at Kumutoto in 1840 (and Wi Tako still was at the time of the Spain commission). But Te Puni was opening up the possibility that chiefs who had once lived and cultivated on the land had a voice, *even if no longer resident*.⁴¹ It was of course convenient to Te Puni, in the context of his quarrels with Te Matahou, to maintain the rights of his Ngati Mutunga benefactors. Whether he would have extended the principle more widely - to include Ngati Kahungunu for example - is very doubtful. Once again the question arises of how long people had to be absent from land to lose any voice over it. In the light of Te Puni's statement, Pomare, Matangi and Patukawenga could presumably have come back and sought to resume rights, though probably with difficulty against Te Atiawa, some of whom had been resident since the early 1830s, others since 1835. The statement by Rawiri Koheta, of Te Matehou, is relevant:

The land formerly belonged to Ngati Mutunga before it belonged to us and to Ngati Kahungunu before them - Ngati Mutunga took it from Ngati Kahununu [sic] by conquest. The Ngati Mutunga left it to go to the Chatham Islands and the Matehou took possession.⁴²

It would be even more difficult to imagine Ngati Kahungunu resuming rights, especially after the territorial division of 1840.

9.8 As to how the chiefs acquired their rights in the Port Nicholson area in the first place, the answers they gave to the Spain commission were many and various. They have been summarised and analysed at considerable length by Mr Moore in 'The Origins of the Crown's

⁴⁰ Moore, 'The Origins of the Crown's Demesne', p.264

⁴¹ OLC 1/906, Na, cited in Moore, 'The Origins of the Crown's Demesne', p.258-259

⁴² Wellington Native Land Court minute book 1C, p.44

Demesne'.⁴³ Writers of other reports have also cited statements both from the Spain Commission and from the Land Court evidence to support their various positions. To avoid repetition I shall not present my own analysis here but in the next chapter, when I shall present conclusions in terms of my commission. Suffice it to say here that discussion will be under the headings of (a) conquest followed by apportionment of territory (b) Occupation of vacant land (c) Gift (d) Loss of life on the land (e) Ohaki (f) Residence and cultivation (g) Hunting and gathering rights (h) tributary relationships (h) Rohe.

9.9 To return to the chronology. While these issues were being investigated by the Crown and Company officials the struggle on the ground between settlers and Maori for actual occupation of the land continued, with the Wellington kainga in general denying that they had agreed to a 'sale' in September 1839, and defending their cultivations against the Company's plan of subdivision. No 'iwi' responded to the mounting crisis with complete unanimity. Rather, the various senior chiefs and their hapu (or sections of their hapu) took different positions. The rivalry between Te Wharepouri and Te Puni on the one hand, and Moturoa, Wairarapa and others of Pipitea has been mentioned above (para 9.4) Te Wharepouri was so bitterly disappointed at the apparent failure of his great hopes of late 1839, and at the governments' cosseting of his rivals in Wellington, that he fretted, took to drink, and died in November 1841.⁴⁴ Within Ngati Toa too the latent division Toa between Ngati Te Maunu and Ngati Kimihia continued to surface. After Te Rauparaha had resisted the Company survey at Wairau and the absurd attempt to arrest him June 1843, Te Rauparaha and Te Rangihaeata led Ngati Kimihia back to Porirua. According to Nopera Te Ngiha, Ngati Te Maunu, already well established there, took exception to Puaha of Ngati Kimihia clearing the forest, and was ready to fight. But Governor FitzRoy intervened to pacify them.⁴⁵ Wi Parata was later to say in respect of Kahotea 1 block, 'The people of this place are N/te Maunu - the N/Kimihia came there only because of the Rawiri

⁴³ Moore, 'The Origins of the Crown's Demesne', Chaps V-VIII

⁴⁴ Parsonson p.203

⁴⁵ Wellington Native Land Court minute book 1H, p.330, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.71

Puaha marrying Ria Waitoha' - Te Pehi's daughter.⁴⁶ Debate about which chief or hapu cleared which cultivation around Porirua, and at whose invitation, in fact filled many pages of the minute books of the Land Court in later years.

9.10 (a) Meanwhile, as Mr Moore and others have shown, the Crown officials had decided that rather than persisting with their efforts to sort out the intricacies of customary rights and who had alienated what, they would move instead to arbitration, paying the various Maori groups for their various remaining interests in the Port Nicholson purchase area, whatever they were. Wakefield concurred reluctantly but continued to haggle about the level of payment and the exclusion of Maori reserves, pa and cultivations. Clearly the extent of recognition of customary rights, and the extent of compensation for them, were being shaped increasingly by the politics of the situation, including the fact of thousands of settlers now living in the area and the ongoing rivalry among the chiefs. The disastrous clash at Wairau in June 1843 affected the issue. The extent of Maori prior agreement to the binding arbitration, the manner in which the payments were arrived at, and the manner in which various chiefs and communities were induced to accept them are very large questions, beyond the scope of this report but very fully discussed elsewhere.

(b) In the light of evidence presented to his Land Claims Court, Commissioner Spain had decided whom he considered entitled to share in the compensation. Some of his comment are cited to show his views of Maori land rights:

(i) As he explained in his report of 31 March 1845, he considered that Te Wharepouri and Te Puni

...were not at liberty, according to their own customs, to treat with others for the disposal of land in possession of free members of their tribe, far less to convey away the rights of separate and independent families or branches in Lambton Harbour and other parts of the land described in the deed.

He accepted the evidence of the Te Aro and Pipitea hapu that they had not consented to the transaction with the Company or participated in the payment. Hence they were entitled to a share of the money allocated by the arbitration. So far so good.

(ii) But in addition to trying to ascertain Maori custom, Spain noted that he was influenced by the writings of the European jurist, De Vattel, who supported the rights of the those who actually settled upon and cultivated the land, but regarded vacant or non-cultivated land as

⁴⁶ Wellington Native Land Court minute book 12, p.261

open to the enterprise of others. This encouraged Spain to acknowledge Maori who occupied and cultivated land as 'the rightful and independent owners' of that land, and to discount the rights of chiefs who could not show occupation and possession. Thus, although he considered Te Puni to be the 'oldest and most superior chief of the Port Nicholson division of the Ngatiawa tribe', and though he had once had cultivations at Pipitea, that land had reverted to 'the followers of Moturoa'. Te Puni could not alienate Pipitea land without their consent. Again, so far so good, but Spain did not discuss whether Moturoa could alienate Pipitea land without Te Puni's consent. The implication is, however, that although he was a senior tribal chief, he was not an 'owner' in Pipitea and therefore had no voice in its disposal.⁴⁷

(iii) Entitlement to the compensation did not extend, in Spain's view, to Ngati Rangatahi and Ngati Tama in the Hutt Valley. Te Kaeaea had given evidence to Spain that he had participated in the Port Nicholson deed signing and Ngati Rangatahi had been present at his invitation. To Spain then, the post-1839 claims of these groups in the Hutt Valley were merely opportunistic.⁴⁸

(iv) Spain had a very confused picture of Ngati Toa rights in the Hutt valley. He asserted that Te Rauparaha and Te Rangihaeata had, in all their attendance at his commission, had not advanced a claim to the Hutt, clearly discounting those chiefs claims to authority over the whole region by right of conquest. He believed that Te Rauparaha and Te Rangihaeata had some decades before, fought their way from Taranaki to Port Nicholson but were unable to keep possession and the land was reoccupied by the 'original proprietors who have kept possession ever since'. If he was referring to the arrival and return of the 1819 taua he appears to have overlooked the subsequent return of the heke and the conquest by Ngati Mutunga, Ngati Tama and Te Atiawa of the previous tangata whenua. Paradoxically though, he considered that the 'Ngatiawa tribe' were in possession of Port Nicholson and the Hutt and that if Te Rauparaha had attempted to take possession of the Hutt he would have immediately been driven away by Te Wharepouri and Te Puni.⁴⁹ This somewhat erratic thinking was not fully shared by other British

⁴⁷ Spain report, 31 March 1845, *British Parliamentary Papers: Papers relating to New Zealand*, Vol 5, 1846-7, pp. 5, 6 and 14

⁴⁸ Parsonson, p.206

⁴⁹ Spain report, 31 March 1845, *British Parliamentary Papers: Papers relating to New Zealand*, Vol 5, 1846-7, pp. 9-10

officials such as George Clarke, Jnr, , and Governor FitzRoy who was eventually to offer payments to the Ngati Toa chiefs for the Port Nicholson purchase area

9.11 As others have shown, 'Deeds of Release' were secured from the Te Aro leaders (with a good deal of personal pressure from Governor FitzRoy) on the morning of 26 February 1844; from chiefs of Kumutoto, Pipitea and Tiakiwai later that day, from chiefs of Waiwhetu on 15 March, Pakuao and Kaiwharawhara on 26 March and four villages on the Ohariu\Makara coast on various dates in March.⁵⁰ The list of signatory chiefs from each location follows. Care should be taken, however, as to its interpretation. That these men signed obviously indicates that they claimed interests in the area concerned and presumably a right to sign on behalf of others (their hapu are indicated where this is known from other evidence). But just how representative they were of the various groups of customary owners of rights, as at 1839-40, or the real extent of their interest and authority, are not known:

Place/Date	Signatory/Chief	Hapu (where known)⁵¹
Te Aro Pa - 26 February 1844	Wi Kingi Te Awhitu	Ngati Haumia
	Te Teira Whatakare	Ngati Haumia
	Mohi Ngaponga	Ngati Haumia
	Hemi Parai	Ngati Haumia
	Retimana Pukahu	Ngati Tuwhaia
	Parata Puihi	Ngati Tuwhaia
	Wi Piki Pomare	Ngati Mutunga
Kumutoto - 26 February 1844	Wiremu Tako Ngatata	Ngati Tawhirikura
	Rakau	
Pipitea - 26 February 1844	Te Ropiha Moturoa	Matehou
	Kereopa te Wharepouri	Matehou
	Wi Kingi Wairarapa	Matehou

⁵⁰ See H H Turton, *An Epitome of Official Documents Relative to the Native Affairs and Land Purchases in the North Island of New Zealand*, Government Printer, Wellington, 1883, pp.406-411, reproduced in Wai 145, Doc H7a, pp.90-95

⁵¹ The hapu names were matched to the signatories on the releases, where possible, from the 'lists of owners' in the New Zealand Company Tenths case, 1888, Wellington Native Land Court minute book 2, pp.73-85, 89-90, 98-99.

	Ingo Takata Koriki Kaia te Ringakuri Horomona te Kahu Paramene Hikoikoi	Matehou Matehou Ngati Taehiri
Tiakiwai - 26 February 1844	Te Keepa Ngapapa Tiopira te Nuia E Kiri (Pene te Riri? N Tama)	Ngati Tama
Pakuao - 26 March 1844	Wiremu Omere Hakaraia Poroa	Ngati Tama Ngati Tama
Kaiwharawhara - 26 March 1844	Noa te Whakakeko Aperhama Rawhi Tuwhana Taringa Kuri	Ngati Tama Ngati Tama Ngati Tama
Waiwhetu - 15 March 1844	Wiremu Kingi Puakauwe Te Waitapu Te Keepa Papawhero Rihia Patu Ngaro	Matehou Matehou Matehou Matehou(?)
Waiariki - 29 March 1844	Te Kana Tamati Paipa HenemaiaTe Puhi	
Oterongo - 30 March 1844	Ngatai Hohepa Te Kaho Te Watene Tapiri Rupene Pureirei Te Ringaringa Horomona Horomata	
Ohaua - 30 March 1844	Hoani Ngahuanui Taituha Nikara Tamangara	
Te Ikamaru - 29 March 1844	Aperhama Taupo Mone Putuha Kamaru Hakaraia te Parua	Ngati Tama

9.12(a) Pomare's involvement in the Te Aro releases warrants particular consideration, because of its relevance to Ngati Mutunga claims in the Port Nicholson purchase area. We have noted that he played little part in the Spain commission, except to give evidence affirming the transactions he and other Ngati Mutunga chiefs had made with the traders Scott and Young, before Ngati Mutunga's departure for the Chathams. He made no claims in the Spain commission for on-going Ngati Mutunga rights in the harbour or a right to be involved in the New Zealand Company transaction. He seems to have made his connection with Te Aro over the matter of the Wesleyan purchase of land there in 1839, and stayed on there. (See above para 8.5) But he might well have been discontented, even very angry, to have been constantly spoken of by the Te Atiawa chiefs in the Spain commission, as a source and validation of their rights in the harbour, and yet rather neglected by them in person, or as regards any further payment through them. Te Rauparaha might have been picking up on that discontent when he demanded that the compensation for Port Nicholson should be paid to him and to Pomare, not to the Te Atiawa chiefs. Te Rauparaha, of course, was constantly concerned to resist Te Atiawa claims to independent mana over the harbour, and to assert his own rights as conqueror; asserting Pomare's role was also a way of diminishing Te Atiawa's claims.

(b) Pomare's speech at meeting at Te Aro of 23 to 26 February 1844, sets out his own position. The Te Aro chiefs had been strenuously resisting the Crown's offer of £300 compensation, which they regarded as trivial and insulting. Pomare (noted in the minutes as 'from Chatham Islands') spoke towards the end of the first day:

I will speak to you friends, natives and Europeans. Let your thoughts be straight, and your words correct, you (the natives) have been striving to have this land considered sacred - but I tell you it is not sacred. It has long since become of no account, what then is all your talk about? Who was it that fished up this place? Was it not I? Did I not conquer this place, and then you came and took quiet possession of it afterwards. Therefore although it is little take it. Take it I say.

If you refuse, what else will you get? Will you give us the occasion of dissention - take it, although it is little, and you want cows and horses, buy them with this money, and they will increase and be the means of procuring more money for you when this is gone, and you will be able to look at them and say, 'there is the payment for my land.' If we get wrong here, if we fail here, we shall be wrong altogether, England will be wrong - the world will be wrong! Then for myself I say, let *me* not be forgotten; I must have a portion of this payment; Mr Clarke take care you do not forget me; I must have a share

of this payment.⁵²

The speech did not change the stance of Mohi Ngaponga and the Te Aro chiefs. They held out for two more days and only gave way when Governor FitzRoy announced his intention of terminating the proceedings. The other Wellington pa then accepted the payments allotted to them.

(c) But the officials may have discerned an ally in Pomare. He received no less than one-third of the compensation allocated for Te Aro and Clarke involved him in his negotiations with Te Rauparaha. The Ngati Toa chief had written to Clarke and Spain on 3 February 1844, objecting to the Crown paying money to the wrong parties - the offers of compensation then being discussed with the Wellington chiefs. . He urged them to desist 'from carrying your payment to men who have nothing to do with it; but bring it straight to us - myself and Rangiaiaata'. On 29 February, following the payments to Te Aro and the other Wellington communities, Clarke replied to Te Rauparaha, saying:

It is quite right friends, that I have given the payment to the natives of Port Nicholson; and Rauparaha remember well my words that you heard from me, part of the payment for Port Nicholson I shall give to you, and part to the natives here....I shall continue to think of you; and do you listen to Pomare, he will tell you particulars.

The 'particulars' may have been what was done in Wellington, or possibly what was proposed to be done at the forthcoming meeting with Te Rauparaha at Porirua. Spain rebuked Clarke for writing to Te Rauparaha without consulting him, so presumably was not privy to any planning about Pomare's role.⁵³ Not much seems to have come of the connection with Pomare at the time. Te Rauparaha does not seem to have pursued the Pomare connection; he returned instead to emphasising Te Rangihaeata's rights as 'owner' of the Hutt land, and the rights of Ngati Tama and Ngati Rangatahi to payment for their crops.

9.13 In fact, as others have shown, the matter of securing agreement from Te Rauparaha and Te

⁵² Forsaith's minutes of the meeting of 23 February, IA 44/725, NA, cited by Moore, 'The Origins of the Crown's Demesne', pp.492-3

⁵³ See correspondence between Rauparaha, Clarke and Spain, in Spain report, *British Parliamentary Papers*, Vol 5, 1846-7, p.36

Rangihaeata was quite another matter.

(a) Governor FitzRoy was sympathetic to Ngati Toa's position as regards their rights to Wairau and had also firmly supported the position that Maori would be entitled to retain their cultivations, as well as receive monetary compensation. Encouraged by this, Te Rauparaha had received FitzRoy at Waikanae and agreed to negotiate with the Protectors of Aborigines over the compensation.⁵⁴ The most significant point for this analysis is that FitzRoy was prepared to recognise that Te Rauparaha had interests in the Port Nicholson purchase area, which should be compensated. The second important point is that Te Rauparaha demanded from George Clarke that only he and Pomare be paid for those interests, not Te Atiawa. This suggests something of Te Rauparaha's views about who had the over-right in Port Nicholson, as well as his determination to diminish Te Atiawa's claims. Thirdly he would only discuss Port Nicholson at that stage. If that were settled he would talk about the Hutt Valley. He mentioned the Rotokahaki stream as the boundary between the two areas.⁵⁵ Spain and Forsaith continued to deal with Te Kaeaea on the basis that (as Spain said to him on 21 March),

We do not want to take away your land. This land is not yours; you have often told me that you had no claim to it; that you were sent by Te Rauparaha to hold possession of it until his claim was satisfied...I have decided that Te Rauparaha shall receive an additional payment in compensation.⁵⁶

(b) As several analysts have shown, the negotiation then broke down. At the meeting intended for the handover of the payment, Te Rauparaha objected, saying that he had agreed to accept compensation because he believed that it concerned only Port Nicholson whereas the officials now intended it to cover the Hutt Valley as well. Spain and Clarke both believed that Te Rauparaha was equivocating, that he had come to the meeting intending to accept the compensation for both areas and that Te Kaeaea had moved him towards his refusal. Spain levelled the blame at Te Kaeaea at the meeting. Forsaith's report of the meeting states:

⁵⁴ Parsonson, p. 206-7

⁵⁵ Te Rauparaha to Spain, 27 March 1844, encl. 8 in No.1, in Spain report, *British Parliamentary Papers*, Vol 5, 1846-7 pp.41-2, cited in Parsonson, p.207

⁵⁶ Forsaith to Superintendent Southern Division, 21 March 1844, *British Parliamentary Papers*, Vol 4, 1845, cited in Walzl, p.67

He [Te Kaeaea] also said that he was only sent there by you [Te Rauparaha] to keep possession until your claim was satisfied and I now ask if you have not within the last 24 hours told 'Kuri' that if you chose to sell the land you would turn him off, that as he has no right there he must go to his own place? Rauparaha said, it belongs to 'Taringakuri he is the 'elder man' of the resident Natives and that child (pointing to a boy who is present) is the real chief of the place.⁵⁷

There are some interesting features in this summary as regards customary tenure:

(i) Firstly, Spain uses the expression 'no right' to refer to a proprietary right, consistently with his tendency to want to find 'owners' (who do have a voice in the alienation of land) and 'non-owners' (without any voice in decisions about alienation). Although Maori too had their own distinctions about who had mana over land and could give permission to others to cultivate, the Ngati Toa leaders did not support the absolute distinction about who had a voice in the disposition of land that Spain was making. The issue was not in the end pursued to the limit by the Ngati Toa chiefs, who eventually agreed that Ngati Tama and Ngati Rangitahi should withdraw from the Hutt if assured of compensation for their crops.

(ii) We do not know the Maori words used by Te Rauparaha which were translated as 'belongs to' (in reference to Te Kaeaea) and 'real chief of the place' in reference to the 'boy' who was there. Still less do we know who the 'boy' was. Because Te Rauparaha had initially been insistent that Pomare, the Ngati Mutunga chief, should share the compensation payment with him, Mr Boast's surmise that this was a reference to Pomare's adoptive son, baptised Wiremu Naera Pomare, is not unreasonable⁵⁸. But Pomare had already accepted payment, and had assisted the government in its policy of paying the Wellington chiefs first, so Te Rauparaha might not have been altogether pleased with him. In any case Te Rauparaha did not pursue the Ngati Mutunga connection. On 27 March he wrote a letter to Clarke attributing responsibility to the officials because Clarke had begun distributing payments to Te Atiawa and Taranaki, because the payment for him and Te Rangihaeata was only £300 out of £1500 and because it was for the Hutt Valley as well as Port Nicholson. He upheld the rights to the Hutt of Te Rangihaeata 'to whom the land belongs' ('te tangata no na te oneone' in the Maori original), and defended the

⁵⁷ Encl. 6 in No.1, Spain report, *British Parliamentary Papers*, 1846-7 p.38

⁵⁸ Boast, Ngati Toa in the Wellington Region, Wai 145, Doc H, p.135

Rotokakahi boundary line as marking the limits of settlement; but he claimed that Te Rangihaeata and Te Kaeaea had not accepted his advice to accept the compensation and withdraw from the Hutt.⁵⁹ With this, according to Parsonson, 'he abandoned his brief struggle for Port Nicholson, and held out instead for an independent payment for the Hutt'.⁶⁰

(c) The officials indeed held to their line of not making a separate compensation payment for Port Nicholson, and indeed the Ngati Toa chiefs ceased to press for one. No additional payment was made to them for Port Nicholson, above that which Wakefield had distributed at Kapiti. One can interpret this as meaning that they did not consider their rights in Port Nicholson to be very important - certainly not worth antagonising the government about. The contrast with the fierceness of their struggle to secure adequate payment for themselves and the resident Maori in the Hutt is striking. All through the winter and spring of 1844 they held their position in the Hutt, with Ngati Tama cutting the boundary line at Rotokakahi and (with Ngati Rangatahi) still cultivating above it. In November, however, Clarke offered a separate payment of £200 to each of Te Rauparaha and Te Rangihaeata for their release ('tuku') of the Hutt. Te Rauparaha accepted, Te Rangihaeata did not, and continued his active support of the resident Maori up to and beyond the fighting of 1846. Parsonson links Te Rauparaha's response to his on-going mana competition with Te Atiawa:

...as they [Taringa Kuri and Kapara Te Hau] renewed their planting efforts, and went back to obstructing the settlers, the Government found that their payment to Te Rauparaha had not solved anything. Te Rauparaha went on promising assistance, sending messages to the recalcitrants; on one occasion he even visited them. They insulted him, it is true, but it is doubtful if he was very distressed. If they made life uncomfortable for the settlers, so much the better. For after the sale, Te Rauparaha no longer really cared what happened on the Hutt. He had got what he wanted from the Government: his payment, his recognition, and his triumph over Ati Awa.⁶¹

She may well be right. It seems that for the conquering chiefs, not actually occupants of the land at issue, securing recognition of one's mana was the important consideration.

⁵⁹ Te Rauparaha to Spain, 27 March 1844, encl. 8 in No.1, Spain report, *British Parliamentary Papers*, Vol 5, 1846-7, pp.34-5

⁶⁰ Parsonson, p.208

⁶¹ Parsonson, p.209

9.14 Te Rangihaeata's strong support for the Ngati Tama and Ngati Rangatahi claim to payment for their cultivations is well set out by Ian Wards, Ehrhardt and Hippolite, among others, as is the sequence of actions that led to fighting in the valley - 'Te Rangihaeata's fight' as it was sometimes referred to subsequently by Land Court witnesses. It is perhaps necessary only to comment here that not only did the Ngati Tama and Ngati Rangatahi acquire rights, under custom, by their acts of cultivation,⁶² but that FitzRoy's grant to the Company in 1845 specifically excepted grounds 'actually in cultivation... or which have been so used... *since the Establishment of the Colony*'. (My italics). It is arguable that those rights were subsidiary to Te Rangihaeata's, as Te Rauparaha had indicated. If so, they may have been adequately redeemed by compensation for the crops they had grown, and it is rather in regard to the level of payment and the blunders in intruding a rather uncontrolled military presence before the compensation had been paid that the Crown is open to criticism. The officials' insistence that Ngati Tama and Ngati Rangatahi withdraw *before* payment of compensation does not sit well with the terms of FitzRoy's grant. Nor did the Crown *subsequently* take the view that they should only recognise customary rights as if they were frozen at 1840. Indeed they commonly recognised adjustments made among the Maori themselves after that date. In the Land Court period the so-called '1840 rule' adopted by Chief Judge Fenton in the Oakura case in 1866 only declined recognition of rights asserted *by force* after 1840, since that would be inconsistent with the prohibition of warfare and violence that was held to accompany the advent of British sovereignty. As far as the Hutt Valley is concerned, Ms Hippolite has drawn attention to the view of the Crown Prosecutor, R D Hanson, that the claims of Ngati Rangatahi to their cultivations 'had been, whether intentionally or not...recognised and confirmed by grant from the Crown'.⁶³ Ngati Tama and Ngati Rangatahi may have been acting opportunistically when they moved into the valley in 1841, or even as part of a wider strategy by the Ngati Toa chiefs; be that as it may, by cultivating for some four years they had acquired rights under custom, rights which were recognised by FitzRoy's grant. Spain's hard line, between those who 'had right' and those who (although resident) did not, in turn hardened the response of the Maori.

⁶² See Hippolite, p.30 citing Wards, *Shadow of the Land*, and Robyn Anderson, 'Historical Overview of the Wellington Region', Wai 145, Doc A44

⁶³ Cited in Hippolite, p.32

9.15 In the armed struggle, Topine te Mamaku and a group of Whanganui people came to the support of Ngati Rangatahi and Ngati Tama, with whom they had long been associated. But a later attempt by the upper Whanganui leader Te Kere Ngataierua to claim interests in Tiakiwai, on behalf of Ngati Rangatahi, Ngati Tu, Ngati Ronganui and Ngati Ruru, failed.⁶⁴ They were found to have had no customary interest in Tiakiwai at 1840 or in the early part of that decade, although some may have been among the Ngati Tama people moved to Tiakiwai after Grey sent troops into the Hutt valley. As Ms Hippolite has pointed out, although Ngati Rangatahi had acquired interests by their residence and cultivation since before 1840, they did not get included in any reserves in the Port Nicholson area but were included in the Reureu reserve in the Rangitikei district.⁶⁵

9.16 In the pursuit of Te Rangihaeata in the Horokiwi valley the government forces were joined not only by Te Atiawa but also by over 100 Ngati Toa from Porirua, under Rawiri Puaha. Although there are indications that this group were far from wholehearted in their operations against Te Rangihaeata their participation provides further caution against seeing iwi as monolithic corporations. Chiefs and sections of hapu their own decisions on a range of matters. As mentioned, the Land Court minutes tend to refer to the war in the Hutt Valley as 'Te Rangihaeata's fight' not 'Ngati Toa's fight', although there was wide sympathy for the stand he took and even wider concern at Grey's arrest of Te Rauparaha. It is very clear though, in the actions of various chiefs and hapu, that British state power, and Maori tactical responses to it, not Maori custom alone, was shaping the definition of land rights in Te Whanganui-a-Tara and its environs after 1840.

9.17 One area, already discussed, where this was reflected was in the signing (or not signing) of the 1844 'releases' upon receipt of the government's payments. The 1847 awards of reserves by Grey and McCleverty also show the way custom was being modified by administrative processes. This has been discussed at length by Mr Walzl and others on behalf of the various

⁶⁴ Wellington Native Land Court minute book 2, cited in Hippolite, p.47

⁶⁵ Hippolite, p.46

claimant groups. I would add only the following comments noted in passing from Land Court records:

(a) When Grey secured the withdrawal of Ngati Tama from the Hutt Valley they did not return to Kaiwharawhara only. Many went temporarily to Pakuao and Tiakiwai.⁶⁶ As Mr Walzl has explained they appear eventually to have received some 300 acres of reserves at Kaiwharawhara plus 2000 acres at Ohariu. In the 1850s, when the government feared that Te Kaeaea might join Wiremu Kingi in the return of Taranaki tribes to their district, McLean advanced £400 to buy land for him and Ngati Tama in the Hutt Valley. A request to extend the reserves was refused by Grey in the 1860s.⁶⁷

(b) McCleverty's awards involved grants to those whom he found living in a particular community at the time, whether or not they were there in 1840. The awards for Orongorongo were examined very critically by Enoke Taitea in a Land Court rehearing of that reserve in 1889. Enoke stated that the initial court award of 1868 appeared to have been based on Col. McCleverty's award, 'but a number of persons had been ignored who had bona fide claims and many persons had been put in the title who had a very slender right to the land'. He compared the 1847 list and the 1868 lists, objecting to a number of names in each. Many of these 'were persons who came to Wellington to stay with their relatives at Pipitea about 1844 and were found there by Col McCleverty in 1847. They did not take part in the early conquest and occupation of the district'.⁶⁸

⁶⁶ Wairarapa Native Land Court minute book 1, pp.45-6

⁶⁷ Angela Ballara, 'Te Kaeaea', in W. H. Oliver, (ed.), *The Dictionary of New Zealand Biography, Vol. 1*, p.456

⁶⁸ Wellington Native Land Court minute book 3, pp.182 and 185. Similar statements were made by other witnesses.

Chapter 10

Maori customary interests in the Port Nicholson district, 1820s to 1840s

10.1 This chapter will attempt to draw together the evidence outlined in previous chapters, together with some additional evidence from primary sources, and answer the questions posed in my research commission. I shall address questions 1 and 2 of the commission first, then question 4, as it provides necessary information for answering question 3.

10.2 (a) The sources which identify 'The occupants of Whanganui a Tara and the Hutt Valley area immediately prior to the arrival of Ngati Mutunga, Ngati Tama, Te Atiawa and others in the 1820s and 1830s' (as question 1 requires), have been discussed in Chapter 2 above. As stated there I consider Dr Ballara's doctoral thesis research is much the most exhaustive and authoritative examination of the evidence and in 2.2 above I have quoted at length from her 1990 article which summarises her findings. I refer the Tribunal to that quoted passage. None of the submissions I have read for this report, including that of Ms Ehrhardt and of Rangitane claimants, seriously question Dr Ballara's findings on the situation just before that advent of the Kawhia and Taranaki tribes.

(b) There is general agreement then that the inhabitants of Whanganui-a-Tara and its environs were the offspring of close intermarriage, over a considerable period, of Ngai Tara, Rangitane, Ngati Ira and Ngati Kahungunu. Their multiple tribal origins made it difficult and inappropriate to identify them by the earlier tribal names, and new hapu names such as Rakai-whakairi and Ngati Kahukuraawhitia had come to be used. Otherwise the most widely used names appear to be Ngati Ira and Ngati Kahungunu, the name which was commonly applied to the tangata whenua by the Maori of the heke (and which I use for convenience in this report).

(c) I question Ms Ehrhardt's summary of the evidence insofar as her map, implies that Ngati Ira were a different people from Rakaiwhakairi and Ngatikuraawhitia whereas the latter were simply hapu of the one closely intermingled people.¹ Likewise I question the similar subdivision of the territory attempted by Mr McClean.² Nor have I have found any evidence to support Mr McClean's suggestion that a hapu called Ngati Rangi was present in the upper Hutt Valley in the

¹ Ehrhardt, p.43

² McClean, pp.57-8

1820s. There was a hapu of that name, probably of Muaupoko, in the area earlier on, but according to Best and McEwen they were driven out by Ngati Ira well before the period under consideration. Elsdon Best refers to a 'Ngati-Rangi clan' around Paekakariki, Paraparaumu 'and other places', claiming Pukerua and attacking Ngati Ira there. They were defeated.³ There were possibly still hapu of Muaupoko about Pukerua called Ngati Rangi or Tamairangi (there are many hapu names including 'Rangi', often shortened to 'Ngati Rangi') at the time of the first heke. Whether they were connected with the earlier Hutt Valley group is not known.⁴ After the battle of Waiorua and the firm control of the Kapiti coast by Ngati Toa, any such people in the Pukerua area were very clearly the servants of Te Rauparaha, and without mana.

10.3 (a) The question of 'Whether these earlier inhabitants were able to sustain, by occupation or some other means, a continuing association with Whanganui a Tara and the Hutt Valley, 1820s to 1840s' is somewhat more complicated. The short answer is that they had no interest by 'occupation' west of the Tararua-Rimutaka ranges if by occupation is meant settlements, cultivations and ahi ka - nothing that could easily translate into a claim for a share of 'ownership' in English terms. A case can be made, however, for continued assertion of mana in the eastern Hutt Valley (only) by means of raids, up until the peacemaking of February to July 1840. Thereafter, the terms of the peacemaking as spoken by Tutepakihirangi governed the customary relationships (see 9.2 above). After that, on-going associations with the area west of the Tararua range were essentially in terms of the cultural and spiritual markers of centuries of prior association with the area, indicated by place names and recollection of sacred sites.

(b) To enlarge on some aspects of this:

(i) The evidence does not disclose the presence of any significant group of Ngati Kahungunu either living independently in the area, or even in association with the invaders, after about 1830 - that is after the somewhat indeterminate date of the last serious battles in the Hutt with Ngati Mutunga and Te Atiawa. There is no evidence of anything remotely comparable to the sustained settlement and cultivation by Te Atiawa, for several years, in the Wairarapa, or even of Ngati Tama's ongoing foothold at Mukamuka. Ngati Kahungunu raiders certainly made Te Atiawa

³ Jock McEwan, *Rangitane: A Tribal History*, Auckland, Hanuman Reed, 1990, pp.54-5; Best, 'Land of Tara', p.65

⁴ Personal communication, Dr Angela Ballara, 24 August 1998

nervous of going far inland in small parties, but they were not seriously threatened in the occupation of their settlements at Waiwhetu or their fishing and birding in the Orongorongo range.

(ii) The effect of the peacemaking seems to be definitive. If it were not, Te Atiawa would be able to assert claims in the Wairarapa even stronger than Ngati Kahungunu could assert west of the Tararua range. It should be recalled that Te Wharepouri *was* in fact asserting such claims in late 1839, to the point of offering to sell Palliser Bay to Wakefield. (See para 9.2(a) above).

(iii) The marriage of Ihaka Ngahiwi of Wairarapa and Te Kakapi o te Rangi (daughter of Te Wharepouri), referred to in Whatahoro Jury's account of the peacemaking, would have been significant in sealing the east-west division of rights agreed at the peacemaking rather than conferring rights to either *tribe*, as a tribe, east or west of the divide.⁵ Offspring of the marriage could presumably go to their kin, on either side, as individuals, cementing the kinship of the two peoples hoped for by Tutapakihirangi. But it would appear to be a contradiction of the whole peacemaking if the marriage connection were to confer rights to either iwi, as an iwi, in the territory of the other.

(iv) McLean's 1853-4 purchases of interests from Wairarapa chiefs in the Mangaroa-Pakuratahi area, and from the Ngati Toa and Ngati Awa east of the Tararua range, signify some on-going assertions of right by each group which McLean felt it was necessary to extinguish. I have seen no evidence as to what those claims might be, other than in McLeans's own statement. The purchases appears largely to be typical McLean 'washing up' payments, to settle doubts about the Crown's title and pay off chiefs who demanded recognition based on former association. The Mangaroa-Pakuratahi purchase, however, might in part have stemmed from the rather vague nature of the boundary established at the 1840 peacemaking. The crest of the Tararua range is clear enough, but it does not line up tidily with the crest of the Rimutaka range. The Orongorongo river lay somewhat awkwardly between and it may well be that some Wairarapa groups felt they still had interests there. I have seen no evidence of their having settlements or even regular birding camps there, however. It should also be recalled that many Ngati Kahungunu did not return to south Wairarapa until 1841-3, meeting the incoming settler runholders in 1844. The 1853-4 situation could have reflected a reassertion of rights, in the light

⁵ See para 9.2 above and Angela Ballara, 'Te Kakapi, Ripeka', *Dictionary of New Zealand Biography, Vol I*, p.457

of the peace between the tribes and the presence of the British stronger than was able to be made in the early 1840s.

(c) The question of on-going rights *without* a significant physical presence requires some specific comment because of its general relevance:

(i) One aspect of this is the customary principle of take tupuna - that later occupants could only take mana of the land through first occupants. Thus Mahau (Te Atiawa) said to the Spain Commission, with reference to Port Nicholson, 'This land did not belong to our forefathers. It of right belongs to the Ngati Kahungunu, but the people here have taken the land.'⁶ Mahau's phrase 'of right' shows his recognition of the normal customary principle, but in fact it is his final clause which is the operative one for Te Atiawa and the others of the heke. They had killed and driven out the former occupants and taken the land. Many other witnesses refer to that, without any hint of recognition of any on-going right in Ngati Kahungunu. In the welter of conflicting statements made in the Spain Commission and Land Court one swallow does *not* make a summer. Mahau's statement is unique and it is difficult to build upon it rights which would prevail over conquest and occupation. Indeed, Te Atiawa's occupation was gradually re-establishing the normal, post-conquest, customary basis of rights to land.

(ii) One aspect of on-going non-resident rights is the principle commonly referred to in discussions of customary law that former rights are considered to have grown cold after three generations of absence - that before then they could be revived by reoccupation. I understand this to mean, more specifically, that Maori persons could assert rights in property where a living grandparent was in possession. Where there were only a few such people, however, scattered through communities of other hapu, these rights would seem to have been individual in nature, as with the case of marriage connections referred to in (b) (iii) above. My understanding is that it requires of *group* of people to remain in residence to create or sustain any kind of *group* right. The exception to that perhaps the case of a high-ranking and strong chief, who by his individual mana is able to create a hapu around him. But that does not seem to be the case here. The Ngati Ira chieftainess Tamairangi was spared by Te Rangihaeata and taken to Mana Island. But even if she had not had to flee when her son committed adultery with a Ngati Toa woman she was in honorable captivity until that event and it is unlikely that her descendants could have claimed significant authority over the land had she remained.

⁶ OLC 1/906, cited in Moore, 'The Origins of the Crown's Demesne', p.275

(iii) There remains, however, the question of the mana relating to the fact of hundreds of years of occupation, after that occupation had ended - even after many generations had passed. (and notwithstanding the boundary established by the peace-making of 1840). That former occupation by Ngati Kahungunu is marked by the place names on the land and the stories associated with them, as many speakers of Muaupoko, Rangitane and others have pointed out in recent years, in respect of Whanganui-a-Tara. It may well be that this confers interests of a non-property kind. As Mr Nicholson says, raupatu does not necessarily involve the entire extinguishment of all that went before.⁷

10.4 On the question of whether Ngati Rangatahi were in Heretaunga (the Hutt Valley) before the time of the heke, I have noted above, para 4.6, Edmund Halswell's report to the New Zealand Company of 28 August 1842, referring to Ngati Rangatahi being driven out of there by Ngati Kahungunu people of the Port Nicholson area - probably more correctly in this instance the invading Ngati Ira. Ngati Rangatahi were dispersed to Wanganui, Porirua, Kapiti and other places, and were apparently not in the area for some time before the heke came down.⁸ If Halswell is correct, their coming down with Te Rauparaha was a return to one of their areas of former occupation. Because they were not in the area in the intervening period I shall deal with them in a later section of this chapter.

10.5 At this point it is probably best to draw together the most relevant material bearing on question (4) of my commission: 'The grounds on which different hapu based their claims to territory and or resources in and around Whanganui a Tara and the Hutt Valley, 1820s to 1840s'. In the light of that evidence we will be better placed to sum up the third question in the commission, concerning the relationships between the hapu, although this will already be covered to a large extent in the following paragraphs. The material in this section should be read in conjunction with the evidence in para 9.7, which deals with the chiefs' claim to land in the area, and their right to sell, and with the examples of Land Court evidence reproduced in Appendices B and C. It should also be read in the light of Chapter 1, which discusses the relationship

⁷ Iwi Nicholson, Brief of evidence, Wai 145, Doc L14, 1998, Section 8

⁸ Halswell to Wakefield, Twelfth Report of the New Zealand Company, H23*, p.22H*, Wai 145, Doc A29, p.511

between Maori and British concepts about relationships between people and land.

10.6 For the purposes of analysis I have grouped the various bases of claim under various headings, and commented upon their validity . It will of course be appreciated that, while various claims and take were asserted, they did not all necessarily prevail. Under custom, some of them could co-exist with others; others were contradictory. As already discussed, most were resolved after 1840 not simply by reference to Maori principles and processes but also by reference to the colonists' influence and the Crown's procedures.

(a) Conquest followed by apportionment of territory.

(i) This is the basis of claim most associated with Ngati Toa. Te Rauparaha claimed to have conquered the district from Whangaehu round the coast (including Whanganui-a-Tara) to the Wairarapa (and the top of the South Island as well).⁹ In his view, the tribes allied with him all occupied as a consequence of Ngati Toa's conquest; portions of Ngati Awa were 'allowed' to reside, and were not at liberty to alienate the land without his involvement and consent.¹⁰ Whatever his divisions with Te Rauparaha, Te Hiko too asserted a broad Ngati Toa authority over the whole Cook Strait region.¹¹ In the Land Court, Te Rauparaha's son, Tamihana Te Rauparaha, asserted that his father had allocated to the various allied tribes the territories they respectively occupied. As we have seen in the chronological survey, chapters four to eight, during the period 1824-34 especially, the Ngati Toa chiefs, and Te Rauparaha in particular, did indeed direct later migrant groups to particular territory - for example Ngati Mutunga and Ngati Tama to Whanganui-a-Tara and the Ohariu coast, Ngati Awa to Waikanae, Ngati Raukawa to Otaki and (on Te Wharepouri's own evidence) Te Atiawa towards the Wairarapa. The mana of Ngati Toa and of Te Rauparaha in particular was without doubt widely recognised among the former tangata whenua and allied tribes alike. Respect was paid to them by successive heke, many of which called at Kapiti before taking up territory. We have seen that Te Rangihaeata was

⁹ OLC 1/907, NA, p.190.

¹⁰ See also Wakefield's statements, OLC 1/907 folio 157, NA, cited by Moore, 'The Origins of the Crown's Demesne', p.223

¹¹ OLC 1/907, NA, pp.61-5

personally active in assisting Ngati Tama on the Ohariu coast, in association with Te Mamaku.

(ii) Yet the actual process of conquest and occupation was rather more untidy than the later Ngati Toa advocates suggested. Ngati Mutunga occupied the harbour and surrounding areas with little direct involvement of Ngati Toa but with the support of sections of Te Atiawa with whom they were connected. While this pattern of conquest and occupation has something of the quality of an 'allocation' by Ngati Toa, it also reflects something of the dynamics of war, politics and kinship association, which Ngati Toa could not hope wholly to control. Many of the allies were too big and independent-minded for that. Ngati Toa's assertion of authority, and difficulties in practical control, increased with the arrival of Ngati Raukawa and the later Te Atiawa heke. The struggles between these over the Horowhenua divided Ngati Toa. Particularly at the crises of Haowhenua and Kuititanga, the latent tensions between Ngati Kimihia and Ngati Te Maunu sections of Ngati Toa emerged. After Haowhenua, Ngati Tama and Te Atiawa were pushed out of the Porirua/Pukerua area by Ngati Kimihia and Ngati Huia - a form of 'allocation of territory' if you like, but one involving force and not simply direction.

(iii) There arose concurrently a new claim to rahui and allocation by the Ngati Te Maunu chiefs, Te Pehi and Te Rangihiroa (and following Te Pehi's death, by his son Te Hiko). This basis of allocation was advanced steadily in the Land Court by Wi Parata, grandson of Te Rangihiroa and great-nephew of Te Pehi.¹² I have discussed the evidence in some detail in para 3.8 above, in connection with Mr Gilmore's claim that Whanganui-a-Tara was given to Ngati Awa by rahui during the exploratory taua of 1819-20. I refer readers to that discussion again and note that I do not accept Mr Gilmore's interpretation of it.

(iv) Nevertheless, the Wi Parata statements, and many others, show that the extent of Te Rauparaha's authority during and after the conquest was debated in the Land Court, even amongst the Ngati Toa themselves, particularly in respect of the Ngati Toa lands around Porirua. The debate reflected the positions of different hapu. Thus in 1871 Ropata Hurumutu of Ngati Haumia said: 'Te Rakaherea was at Paremata, Te Hiko at Takapuwhia. These [places] were not gifts by men; they were taken by conquest, each one taking a piece for himself'.¹³ Wi

¹² See Hohepa Solomon, 'Wi Parata Kakakura', in Claudia Orange, (ed.), *The Dictionary of New Zealand Biography, Vol 2, 1869-1900*, p.374

¹³ Wellington Native Land Court minute book 1H, p.259, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.41

Parata said:

The chiefly stature of Te Hiko is equal to that of Te Rauparaha....The mana of the chiefs of Ngati Toa is equal. Te Otaota was the same in status as other chiefs; he was not living at Motuhara on the sufferance of Te Rauparaha; Te Pehi had the greatest mana.¹⁴

Not surprisingly Wi Parata constantly supported the mana of the Ngati Te Maunu chiefs and their heirs. Tamihana Te Rauparaha, on the other hand, tended to stress the authority of his father: 'The cultivations plots and villages were arranged by Te Rauparaha and Te Rangihaeata to Te Wharehau and kin, and for Rangiwhehea the father [matua] of Te Rapihana and Te Otaota'.¹⁵ But even Tamihana acknowledged the complexity when referring to the rights of Ngati Pakau to Motuhara: 'Some of the cultivations of Ngati Pakau had been granted to them by Te Rauparaha [and they gave him food from these]; others of Ngati Pakau's cultivations derived from the migration'.¹⁶ Matene Te Whiwhi's statement may also be recalled: 'The mana of Nohurua was joined to that of Ngati Haumia over Hongoeka, and the mana of Te Otaota, and of Te Rauparaha, and of Te Rangihaeata to Motuhara'.¹⁷

(v) Among the allied chiefs at the Spain commission only Ngati Tama witnesses such as Te Kaeaea and Te Harawira Tutuwaha *fully* supported Te Rauparaha's claim as original conqueror of the whole district, although Te Kaeaea took care to associate Ngati Tama with it. In the Land Court other Ngati Tama chiefs referred to their coming immediately after the initial conquest and killing the surviving tangata whenua to make room for themselves.¹⁸

(vi) As noted earlier many Te Atiawa speakers denied that their rights originated in a Ngati Toa conquest of the district. As far as the harbour was concerned they referred to the conquest and killing of Ngati Kahungunu by Ngati Mutunga. As noted above (para 7.6) the Ngati Mutunga

¹⁴ Wellington Native Land Court minute book 1H, p.265, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.45

¹⁵ Wellington Native Land Court minute book 1H, p.279, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.50

¹⁶ Wellington Native Land Court minute book 1H, p.219-20, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.16

¹⁷ Wellington Native Land Court minute book 1H, p.233, translated by Angela Ballara, Wai 145, Doc J6, 1998, p.26

¹⁸ Evidence of Enoka Hohepa, Wellington Native Land Court minute book 2, p.96

leader Pomare himself gave evidence to the Spain commission as to his authority in respect of the initial grants to Scott and Young but said virtually nothing about his own people's rights after 1835). At Otaki in April 1843 there was a discussion between Spain and Hetetakari[sp?] of Te Atiawa. It represents a more complex and changing view of Maori rights:

Q. Is not Rauparaha a great chief amongst your tribe and does he not claim this [place?] by right of conquest?

A. He is a chief of Kawia, but the Ngatiawa chief is Reretawhangawhanga. When Rauparaha was beat away from Kawia he and Pehi came to me and Reretawhangawhanga & asked our assistance to bring them down to this part of the country and that is how he came here, thro' our assistance.

Q. Did he ever conquer this place [Horowhenua?]?

A. The Ngatiawa and Rauparaha joined together and conquered the Muaupoko Tribe then resident here and after they conquered they both joined and took possession of it. But Reretawhangawhanga is the principal man at present.

Q. Has Rauparaha lived at this place since it was conquered or cultivated land there?

A. He has lived at this place but he has not cultivated land here. The Ngatiawa alone have a right to it now, without Rauparaha.¹⁹

Hetetakari's view that 'Ngatiawa' were taking possession of land from Te Rauparaha in the 1830s has already been cited above. As has also been stated, Te Rauparaha did not accept that his authority did not obtain throughout the district. Such were the attitudes prevailing after Te Kuititanga. *It should be noted that the two classic models of 'allocation', either by Te Rauparaha or by the Ngati Te Maunu chiefs, were not fully developed at the time of the Spain commission. They were much later assertions by the next generation of leaders in the context of the Land Court's processes. The main competing models at the Spain Commission were between Te Rauparaha's directions to his allies to take up particular districts and the Ngati Awa claims, either in their own right or through Ngati Mutunga.*

(b) Occupation of vacant land.

Wi Tako, when asked in the Spain commission 'If you came from Taranake [sic] how did you obtain possession of Kumutoto?' he replied 'When we took possession of Wanga Nui Atera [sic] there were no people no-one living in the place'.²⁰ In relation to Ngati Mutunga's departure from

¹⁹ OLC 1/907, NA, p.47, cited in Moore, 'The Origins of the Crown's Demesne', pp.364-5

²⁰ OLC 1/906, reproduced in Supporting papers of Walzl, 1997, Wai 145, Doc H7a, p.53

the harbour he said, 'When E Mare [Pomare] went away we sat down upon the land'.²¹ He did not appear to believe that he needed anyone's permission or invitation to do so. Rawiri Koheta (father of Wi Tako's wife) said something similar:

The land formerly belonged to Ngati Mutunga before it belonged to us and to Ngati Kahungunu before them - Ngati Mutunga took it from Ngati Kahununu [sic] by conquest. The Ngati Mutunga left it to go to the Chatham Islands and the Matchou took possession.²²

(c) Gift.

(i) This category overlaps somewhat with 'allocation'. There were situations in which one group invited others to join them on a portion of the territory they have *already occupied* (in contrast to 'allocating' territory as yet unoccupied by the invaders). As indicated above in the quotation from Dr Parsonson's thesis, it was common for those arriving in the later heke to attribute their occupation of land to an invitation from existing occupiers to join them.

(ii) Some (not all) Ngati Tama speakers said they when they occupied Waikanae, thence Ohariu, the land was already conquered. 'We merely occupied Ngatitua's land...The land occupied by us was given us by Rangihaeata', said Te Harawira Tutuwha.²³ (Other evidence suggests that Ngati Tama were in fact initial conquerors on the Ohariu coast, with Te Rangihaeata). Ngati Tama then in turn invited their Whanganui river connections: Thus Enoke Hohepa stated in the Land Court that Ngati Tama and associated 'Whanganui' people (Ngatitu, Ngatiruru, Ngatirangi, and Ngatironganui), came in the first wave of immigrants after Waiorua and killed the remaining tangata whenua to make way for themselves. 'Those who came subsequently were invited - Ngatihauuri[sp?], Ngatipari, Ngatitahi'.²⁴ (There are variations on these hapu lists by other witnesses, and it should be remembered that Judge Mackay considered, on all the evidence available to him, that these hapu did not arrive in the area before 1839).²⁵

(iii) As far as the inner harbour is concerned the invitations or gifts were likely to come from

²¹ OLC 1/906, reproduced in Supporting papers of Walzl, 1997, Wai 145, Doc H7a, p.38

²² Wellington Native Land Court minute book 1C p.44

²³ Wairarapa Native Land Court minute book 1, p.9

²⁴ Wellington Native Land Court minute book 2, p.95-96

²⁵ Wellington Native Land Court minute book 2, pp.130 ff

Ngati Mutunga and the beneficiaries were largely Te Atiawa. The invitation by Te Mana to the Te Atiawa chiefs Matangi and Manihera Te Toru to reside first at Waiwhetu and then at Ngauranga has been discussed above (para 6.4(a)²⁶) and Patukawenga's invitation to Wi Tako Ngatata and others to Waiwhetu. (Para 6.4(b). Moturoa also claimed his interests by invitation or gift from Matohia, who had been given the land by Patukawenga (Para 6.4(c)) Moturoa also said that Patukawenga gave the land at Kaiwharawhara to Ngati Tama.²⁷ Ngatata-i-te-Rangi invited Ngati Haumia of Taranaki and Ngati Tupaia of Ngati Ruanui to Te Aro. (Para 6.4 (e)).

(iv) Perhaps the grandest 'gift' of all, in this story, is that by Pomare, Koteriki and other Ngati Mutunga chiefs to Wharepouri and Te Atiawa of their remaining interests in the harbour on their departure for Wharekauri. Mr Boast has disputed that the panui to that effect did not happen. I have discussed this at length above, para 7.4 and disagree with him. There is overwhelming evidence that Te Wharepouri and others of Te Atiawa joined Ngati Mutunga on Matiu Island between the first and second voyages of the *Rodney* and the meeting endorsed their occupation of the vacant harbour sites. This was not perhaps a 'gift' in the usual sense, because Ngati Mutunga had already burned their houses and vacated the land. Several Te Atiawa speakers were later to say that they found the land empty and occupied it. But there was apprehension that Ngati Raukawa would fill the vacuum, Te Wharepouri said he would bring his people back from the Wairarapa instead, and the departing Ngati Mutunga chiefs gladly endorsed that proposal.

(d) Loss of life on the land.

Perhaps the classic example of this take arising in the Kawhia\Taranaki migration (although it is outside the Port Nicholson area) is provided by the contest between Wi Parata and Tamihana Te Rauparaha over land at Kuketauaki, Waikanae. As Wi Parata recounted it in the 1890 rehearing, Tamihana in 1874 claimed the land on the basis that Te Rauparaha had conquered it, whereas 'I contended that Te Pehi had conquered it'. This was probably a futile debate since both chiefs were regarded as the generals of the southern conquest (though Te Pehi was of higher rank by birthright), however Wi Parata went on: 'I explained to the Ct this land had been left by Ngatitooa in consequence of Pehi having lost blood upon it'. This is probably an allusion to the

²⁶ See Appendix B.

²⁷ OLC 1/635, NA

wounding of Te Pehi in the first heke, before it reached Kapiti, mentioned above para 4.10. In 1874 the court asked Wi Parata to prepare the list of names for the award. In the 1890 rehearing he was asked 'Would persons who had interests in Ngarara have interests in Kukutauaki? No - Because the blood of our ancestor was spilled on that land & we are the actual descendants'.²⁸ Shand's probably apocryphal reference to the death of the Ngati Mutunga woman, Te Iringa, as the take for that tribe's later occupation of Whanganui-a-Tara has been mentioned above (para 5.5(a)).

(e) Ohaki

Close to gift is the important Maori custom of ohaki or deathbed apportionment of property rights in the presence of witnesses - an oral will in effect. We have noted Topine Te Mamaku's claim (still in the future, i.e. at Te Rangihaeata's death) to interests in the Port Nicholson area by ohaki of Te Rangihaeata (para 7.11 above). In 1844, in the period we are considering, Te Hiko-o-te-Rangi died. Wi Parata is recorded in 1903 as saying, that he died 'at hospital, at Pipitea', that his body was carried on the shoulders of his people to Porirua with the intention that he be buried on Kapiti beside Te Rangihiroa, but that at the request of Te Rauparaha and Ngati Kimihia, assembled at Taupo, he was buried there. Before he died, he told Waipunahau (Wi Parata's mother and daughter of Te Rangihiroa) that his land, horses and cattle were to go to Wi Parata.²⁹

He later said that Te Hiko directed that a piece of land at Takapuwahia was to go to Ria, a daughter of Te Pehi by Te Pehi's second wife, as a cultivation and house site.³⁰ Ohaki were not always uncontested, however, and Ropata Hurmutu certainly contested part of Wi Parata's claim.

(f) Residence and cultivation

This is probably more important than anything else, for in Maori culture as in English, it seems that 'possession is nine points of the law'. Claims by the chiefs commonly did *not* refer to wide areas but to specific kainga and cultivations. The building of houses or of pa was often explicitly discussed - for example the building of Pipitea pa by Te Matehou after Ngati Mutunga had left

²⁸ Otaki Native Land Court minute book 10, pp.189-190

²⁹ Wellington Native Land Court minute book 12, p.211

³⁰ Wellington Native Land Court minute book 12, p.222

and burned their houses, or the building of houses at Ngauranga by Manihera Te Toru and Te Wharepouri. Moreover, the building of houses and residence on the land in one's own right was often sharply distinguished from cultivation only, both before the Spain commission and in the Land Court. For example in the contest between Ngati Tama and Ngati Rarua claimants to Komangarautawhiri, Matenga Te Hiko stated: 'I never heard that Puoho or his descendants built houses on this land - they cultivated on it. They came to their relative's houses and eat [sic] the food - assisting their relatives to cultivate'.³¹ In the Land Court, chiefs debated in considerable detail exactly who cultivated which gardens and by whose invitation or gift they occupied the land; equally they discussed when continuous residence ceased. In the fierce litigation over Ngarara (Waikanae), which was claimed by Wi Parata on his Ngati Awa side and by Tamihana te Rauparaha on his Ngati Toa side, Wi Parata was asked 'Did you object to to Wi Hou te Pani because he had no Ngatiawa blood?'. Wi Parata replied, 'No because neither his father or he had cultivations'.³² My reading of the evidence is that cultivations sustained for some considerable time were considered to create an interest in the land, *which prevailed in respect of those portions over general assertions of mana through conquest or other means over a wider area*. Hence the fierce defence by the Pipitea and Te Aro chiefs of those pa and cultivations against the claims of Te Wharepouri and Te Puni to be able to alienate them; or the statement by Ropata Hurumutu cited para 1.3 (e) above that individual chiefs 'owned' their cultivations whereas the bush was the domain of 'all Maori' (or at least the wider iwi).

(g) Hunting and gathering rights.

These were clearly seen as significant but clearly as constituting a lesser claim than continuous residence. The Orongorongo range seemed to be an area of hunting and gathering for several hapu of Te Atiawa and Ngati Tama, perhaps also still of Ngati Kahungunu. An exhaustive Land Court rehearing of Orongorongo in 1889 produced some fine distinctions. Hohepa Enoka claimed an interest there but acknowledged that he had no cultivations there. He was one of the party taken there by Te Mana of Ngati Mutunga at Matangi's request. Manihera Te Toru was there too, but

³¹ Wellington Native Land Court minute book 11, p.357

³² Otaki Native Land Court minute book 10, p.204

He has no take to Orongorongo. The party went there to fish and get Karaka berries. The object was not distinctly known but it was not supposed to be a kainga tuturu...Ngatimutunga did not give Orongorongo to Matangi and Hirini.³³

Mohi Puketapu was another of these early Te Atiawa claimants who were still at Waiwhetu and visiting Orongorongo when Te Matehou came back from the Wairarapa and 'took possession'. Mohi continued to get fish and berries and bring them back to Pipitea. 'Had a house there to occupy when we were fishing and getting berries it was only a place of shelter'.³⁴ There was also a perceived distinction between acquiring the rights as a conqueror or first occupant and acquiring them *through* a conqueror or first occupant. Thus Panapa Tuwhare said that his people acquired rights to fish and harvest berries in the Orongorongo range, not from the first heke but through whanaunga to earlier occupants. 'It is for the court to consider the value of such interests as that,' he said.³⁵

(h) Tributary relationships

The evidence discloses many situations in which take game and fish, or cultivate the land, as tributaries of more powerful people who are considered to have the mana of the land. As distinct from a 'one-off' gift of produce on taking up occupation, tributary groups had to make regular, on-going payments, in return for protection. Tributary groups had varying degrees of independence.

(i) Those who were conquered in war were sometimes described in English as 'slaves'; we have seen that some of the Muaupoko people at Pukerua caught birds and eels, and grew potatoes for Te Rauparaha and Te Rangihaeata, who periodically visited to collect the produce. Over time they could attain security and a degree of independence. Until the advent of Christianity, however, they would not be considered to have mana of the land, and perhaps not even then.

(ii) Groups who came as allies of the conquerors were differently situated. The archetypal group in this situation were Ngati Rangatahi. We have noted above, paras 7.16 and 9.5, the evidence showing that they had to pay regular tribute of birds and other produce to Te

³³ Wellington Native Land Court minute book 3, p.186

³⁴ Wellington Native Land Court minute book 3, pp.188-9

³⁵ Wellington Native Land Court minute book 3, p.189

Rangihaeata for the use of land in the Heretaunga (Hutt) valley, and also H T Kemp's remark that they paid tribute to Te Puni as well. Even when they cultivated in the valley between 1841 and 1846 the extent of their land rights seems to have been limited. Te Rauparaha and Te Rangihaeata fiercely defended their rights to the crops, along with those of Ngati Tama, but Te Rauparaha took the view that the land was Te Rangihaeata's, and the British would have to settle with him.

(iii) The Ngati Haumia hapu of Taranaki and the Ngati Tupaia of Ngati Ruanui, invited to Te Aro by Ngati Mutunga were possibly groups which once were tributary and then ceased to be. They were sometimes described as 'servants' or former servants of Ngati Mutunga. After Ngati Mutunga left for Wharekauri they assumed control of Te Aro and quarrelled with Te Atiawa (to whom they did not pay tribute). After Mahau had broken their canoes in retaliation for their kanga of Te Puni they seemed on rather uneasy terms with the more numerous Te Atiawa. When Ngati Haumia encroached on cultivations at Ngauranga, across the Hutt side of Ngauranga stream, they were driven off the area altogether by Te Manihera and Te Wharepouri.³⁶

(i) 'Rohe'

Settlements and cultivations were commonly viewed as giving precise rights to the chief, whanau or hapu who occupied them (Dr Ballara - and Ropata Hurumutu - would say they were 'owned') within a wider zone of uncleared forest, where the rights of a wider tribal group or iwi were presumed to apply. Attempts have been made (by Mr Walzl for example) to consider the aggregation of all the kainga and cultivations as constituting the boundary of a 'rohe', although the term is more used by modern analysts than appears in the contemporary record. Because the cultivations and settlements of various hapu overlapped with those of others it was (and is) difficult to talk of precise boundaries to rohe. (See discussion of a Ngati Tama 'rohe' para 7.10 above). In general though, we can see that the rights of Ngati Raukawa were concentrated around Otaki, those of Ngati Awa around Waikanae, those of Ngati Toa around Kapiti, Mana, the Porirua harbour and Pukerua, those of Ngati Tama on the Ohariu\Makara coast and through to Kaiwharawhara, and those of Ngati Mutunga coupled with and followed by Te Atiawa around Whanganui-a-Tara itself. But there were no clear boundaries between these zones - Maori thought more of their particular nodal points than of supposed boundaries between zones. I

³⁶ See Appendix B.

believe it would be a misuse of the concept of rohe to imply that it meant exclusive possession of all rights within a hypothetical boundary drawn to embrace a dispersed network of settlements.

10.7 In the light of the above I shall, as requested by the fourth term of my commission, comment on ‘The relationship between Ngati Toa and the hapu settled in and around Whanganui a Tara, 1820s to 1840s’. This involves a consideration of customary rights, plus the influence of the British on those rights. The overlaid customary claims have been considered by Ms Penny Ehrhardt in 1992, and the following discussion is essentially an elaboration of her thoughtful paper.

10.8 The first important question to answer in relation to this is ‘What do we mean by “Ngati Toa”?’

(a) It should be apparent from the preceding chapters, and earlier sections of this chapter, that a tribe or iwi was not like a body corporate, always acting as a single entity. It was an assemblage of whanau and hapu (or sections of hapu), led by their various rangatira, closely linked by whakapapa, and coming together for common purposes. In general, they shared territory, but not in the sense that it was communal (if by ‘communal’ is meant that all land was equally open to anyone in the tribe). Certainly the uncultivated land and the harbours were more or less open to anyone in the group that controlled them. But the individual acts of the users, especially if they involved cultivation, house-building, or building fish-traps for example, began to create a patchwork of more closely defined rights. These could be interspersed with the settlements and cultivations of other tribes. In general too, the iwi acknowledged the mana of its chiefs most senior by rank and/or by ability. But no free Maori person gave uncritical or slavish allegiance. They were constantly reviewing the actions of their seniors, challenging them if they disagreed and going their own way (temporarily or permanently) if they felt they could not follow the leaders’ decisions.

(b) In this study we have seen that the various hapu and whanau leaders who played distinctive, and sometimes independent and competitive roles, included Te Rauparaha, Te Rangihaeata and Nohorua of Ngati Kimihia, Te Pehi, Te Rangihiroa and Te Hiko of Ngati Te Maunu, Te Otaota and Ropata Hurumutu of Ngati Haumia. There were many others of note, some of whom like Te Aratangata and Pokaitara, were leaders in the conquest of the southern North Island and were killed with Te Pehi at Kaiapohia. Perhaps the most important dynamic as regards claims to

Whanganui-a-Tara and its environs is that between Ngati Kimihia and Ngati Te Maunu. There was some tension between them from the outset, for Te Rauparaha would have preferred to find his allies from among his own closest connections in Ngati Raukawa, but instead had to find them among Ngati Awa, who were more closely connected with Te Pehi and Te Rangihiroa. This was not a serious problem at first: all these leaders worked well together, notwithstanding occasional differences. Te Rauparaha's mana as the one who inspired the heke and was its principal military leader was paramount much of the time. Te Pehi, senior in birth, rivalled him as a fighting general but then he went off to England to secure guns and was killed not many years after his return. Te Rauparaha and other Ngati Toa chiefs were widely recognised as the main leaders of the heke and those who came later visited Te Rauparaha at Kapiti to pay their respects. But the internal divisions increased with the increasing rivalry between Ngati Raukawa and Te Atiawa. The fighting between these at Haowhenua and Kuititanga saw Ngati Mutunga and Ngati Tama largely side with their Taranaki connections; and it divided Ngati Toa. One can observe the jealousy between the Ngati Kimihia and Ngati Te Maunu sections reflected in the sides they took at the battles, in their different residence patterns, afterwards and even in Te Rauparaha's attempt to exclude Te Hiko from the deal with Wakefield at Kapiti in late 1839. The division was taken up by the heirs of each side, as reflected in the competing Land Court evidence of Tamihana Te Rauparaha and Wi Parata - and in the use of that evidence respectively by Mr Boast and Mr Gilmore (see para 3.8 and Chapter 8 above).

(c) But while it is valid for Mr Gilmore to draw attention to the divisions within Ngati Toa, I believe he makes rather too much of them (as did Wi Parata). Te Rangihiroa and Te Pehi (and after his death, Te Hiko) were often very much at odds with Te Rauparaha, but they did not break their ties with him and Ngati Kimihia permanently. They planned the heke together and fought together all the way to Kaiapohia. Even after the divisions between them at Haowhenua and Kuititanga they came together again, living on and cultivating adjacent land at Porirua. Te Hiko along with Te Rauparaha claimed authority by right of conquest over the same vast area: Wakefield felt he had to deal with both. And on their deaths Te Rangihiroa and Te Hiko were buried in the heartland of the territory Ngati Toa had conquered and occupied. It is perhaps inevitable that their descendants on the Ngati Awa side will constantly seek to elevate the mana of Te Pehi, Te Hiko and Te Rangihiroa, and claim to have inherited rights from them (just as Tamihana Te Rauparaha did in respect of his father). But it is misleading, I believe, to designate

them 'Ngati Awa': they were *of* Ngati Toa and Ngati Awa just as Te Rauparaha was *of* Ngati Toa and Ngati Raukawa.

(d) Some special mention should be made of Te Rangihaeata. He was obviously a very forceful and formidable leader and fighter, more determined to resist and contain the encroaching British even than Te Rauparaha himself. He is sometimes mentioned ahead of Te Rauparaha by chiefs on whose behalf he exerted himself strongly - Ngati Tama chiefs in particular. In the Hutt Valley he was more uncompromising than Te Rauparaha.

10.9 In the light of this thumbnail sketch of Ngati Toa, what were the relations with them of the other groups settled in and about the harbour?

(a) The most important general point to make about them is that they were, for the most part, cooperative allies of Ngati Toa until the growing tensions between Ngati Awa and Ngati Raukawa led Te Rauparaha, somewhat reluctantly, to take sides with Ngati Raukawa at Haowhenua. Then the former allies began to behave more independently of him. This, I believe, was a likely development anyway, over time. Even if they did, in part, derive their occupation of land around Port Nicholson through Ngati Toa, the tribes which actually fought their way into the harbour, conquering the previous tangata whenua, building settlements and cultivating the land, would gradually have grown more independent of the men who had inspired and led the initial heke. But we can be somewhat more specific about this tendency in the 1830s, and it is probably most convenient to deal with it tribe by tribe.

(b) The other important point to reiterate (for it has been made by many others before) is that all of these hapu and iwi were related by marriage and common ancestry. This has been noted for Ngati Toa and Ngati Mutunga, for Ngati Toa and Ngati Raukawa etc. It can also be noted for Ngati Toa and Te Atiawa. Wi Parata's use of his whakapapa connections to Te Pehi and Te Rangihiroa have just been noted, and the the Land Court evidence could be gleaned for many more. About the time of Kuititanga, Te Atiawa were withdrawing allegiance from Te Rauparaha as their tino rangatira. That was part of the flux of war and politics, of iwi formation and re-formation. Whakapapa links remained, however.

10.10 Ngati Tama (and their 'Whanganui' associates)

(a) Te Puoho and others of Ngati Tama were with Ngati Toa at the exploratory taua. They also

came with the first heke but seem to have returned home before Waiorua, coming back again very soon after. They went on to the Ohariu\Makara coast, clearly at Ngati Toa's behest. When the fighting began with Ngati Kahungunu, Te Rangihaeata was among them, and took custody of the chieftainess Tamairangi and her children, who had been captured. Topine Te Mamaku, 'an old ally of Ngati Tama', also visited Ohariu.³⁷ In the Wairarapa though, Ngati Tama fought a hard, and probably rather lonely struggle. They lost so heavily that they had to pull back from their main settlements, retaining only Mukamuka. Perhaps because of the blood spilt, they retained an independent attitude towards Wairarapa, not even joining the peacemaking of 1840, but making their own peace with Ngati Kahungunu a two years later. As far as the harbour is concerned, reinforced by new groups arriving from the north, they pushed up the Makara and Karori streams to Otari, Pakuao and their very important settlement at Kaiwharawhara. Te Puoho was in the vanguard of the attacks in the South Island, impelled, it was said, to seek mana by deeds, because of some weakness in his lineage. He was to die in Southland.

(b) In respect of their settlements in Whanganui-a-Tara, the Ngati Tama chiefs in the Spain commission (notably Te Kaeaea) always acknowledged their debt to Ngati Toa. Te Rauparaha had already conquered Ngati Kahungunu they said: they fought with Ngati Toa they said, or they simply had to kill the surviving Ngati Kahungunu to make room for themselves. I am inclined to wonder if this deference (not shown by the other Ngati Awa groups), owes something to Ngati Tama's great reliance on Ngati Toa in 1842-3 for their occupation of the Hutt Valley. It was a time to be very polite to Te Rauparaha and Te Rangihaeata. They had not always been so polite.

It is also likely that some Ngati Tama, visiting Waikanae from Ohariu got caught up in the fighting at Haowhenua on the Ngati Awa side. Afterwards they twice tried to move in on Ngati Toa territory (at Waikanae and Mana) and been forcefully sent away, Te Rangihaeata giving the name Taringakuri to Te Kaeaea (para 6.8 above). Relations with Ngati Toa were not close, and Ngati Tama settlements about Waikanae and Porirua diminished, although rights were being claimed to some of them (such as Komangatawhiri) in the Land Court years later. In 1835 a great many of the Ngati Tama, probably most, left the harbour for Wharekauri. For Ngati Tama were also closely connected with Ngati Mutunga, with whom they had conquered the Ngati Kahungunu of Whanganui-a-Tara. Moturoa even said it was Patukawenga, not the Ngati Toa chiefs, who 'gave' Kaiwharawhara to Te Kaeaea. The Ngati Mutunga leaders did not seem to

³⁷ Smith, 'History and Traditions', p.170

like Ngati Tama very much, however, and at first did not want them on the migration to Wharekauri.

(c) Back at Ohariu, where 200 to 300 Ngati Tama remained, it seems that the relationship was complicated by the presence of groups from the upper Whanganui river. In 1888 Te Kere Ngataierua brought a claim to an interest in the Wellington tenths, notably in respect of Tiakiwai and 'Wiremutaoane'. In the hearing Enoka Hohepa claimed that about 100 of Ngati Ruru, Ngati Rangi, Ngati Ronganui and Ngati Tu came with the Ngati Tama, others later with Te Kere. He claimed that they settled at Ohariu, Pakuao, Tiakiwai and Raurimu, and were cultivating at Otari when the *Tory* came to the harbour.³⁸ These hapu were apparently closely associated with Ngati Tama and sometimes regarded as hapu of Ngati Tama. The date of their arrival is obscure. Their presence in the Ohariu 'tenths' land has been discussed by Dr Pickens.³⁹ Investigating claims to Makara in 1872, Charles Heaphy cited a list of names collected by William Searancke (of the Native Department). The first two names are Te Paratene and Te Watene. The following eleven names carry the annotation 'The natives now agree that all these from Menehira down were not original owners but were brought to assist the two first in clearing the land. CH 7 August 1872'. The names do not correspond to any in Te Kere's long list, with the possible exception of 'Pata Tokorua Te Watene' of Ngati Rongonui. Heaphy does not give hapu identifications.⁴⁰ Judge Mackay, however, in the Land Court in 1888, dismissed the claims brought by Te Kere Ngataierua, stating that there was clear evidence that the people named were not there at 1839 when Te Kaeaea signed the Port Nicholson deed.⁴¹ Some might have been among the Ngati Tama relocated temporarily by Grey at Tiakiwai in 1846, but we have no positive evidence of that. I have seen no other information which would enable me to make any further statement about the links between the Whanganui hapu and Ngati Tama in the Port Nicholson purchase

³⁸Wellington Native Land Court minute book 2, pp.95-8

³⁹ Keith Pickens, 'The Wellington Tenths 1873-1896', Wai 145, Doc I 11, 1997, especially pp.35, 45 and document bank pp.14, 17

⁴⁰ See Heaphy's note, 7 August 1872 in Pickens, document bank p.17 Searancke's list for Makara is Te Paratene, Te Watene, Menehira, Parapara, Te Apimana, Te Tahana, Henare, Wi Enoka, Eruera, Hira, Hone Waihia (Whanganui), Hoani Taukaue, Aperahama te Pahi (Whanganui).

⁴¹ Wellington Native Land Court minute book 2, pp.130 ff

area. However, we do know that Whanganui people, especially Te Mamaku of Ngati Haua, were also linked with Ngati Toa. It was this combination of Ngati Tama and Whanganui peoples, led mainly by Te Rangihaeata, who came together to resist the British in the Hutt Valley in 1846 (Ngati Rangatahi having begun cultivating from late 1841).

(d) In view of their very mixed relation with Ngati Toa previously it is hard to resist the conclusion that Te Rauparaha and Te Rangihaeata found it convenient to make use of Ngati Tama to resist the British in the Hutt Valley, rather than that they considered that they had customary rights there which were strong and had to be supported in principle. Indeed the land was treated by both Ngati Toa and by Te Kaeaea alike as Ngati Toa territory - more specifically Te Rangihaeata's. Te Rauparaha came close to varying this when, apparently at the urging of Te Kaeaea, he declined to accept compensation from Spain in March 1844, to 'release' the land, told the British that Te Kaeaea was the 'elder man of the resident natives' there and said that they would have to come to terms with him and with Te Rangihaeata - impliedly for the land as well as for the crops⁴². But later that year, he took the payment, considering that he had won his point about Ngati Toa rights for the Hutt, and agreed that Ngati Tama should withdraw if their crops were paid for. Te Rangihaeata fought on, ultimately in defence of land he regarded as his own. His determination, and British militancy, destroyed Te Rauparaha's attempt to divide the Hutt at the Rotokakahi line. (I have commented further on this issue in relation to Ngati Rangatahi, para 10.13 (c) and (d) below).

(e) Ngati Tama meanwhile retained their settlements at Ohariu. Te Rangihaeata still claimed interests there; just before his death he gifted those interests to Te Mamaku. He had been in no position to make use of them himself after the British and their Maori allies had driven him out of Pauatahanui. Te Rangihaeata's gifting of his own interests should not have affected those of Ngati Tama in any direct sense. Ngati Tama also retained their settlement at Kaiwharawhara, acknowledged by all, together with interests in Otari and Raurimu ('around Fitzherbert Terrace' says Percy Smith), Paekaka, Te Pakuao and Tiakiwai in the Thorndon area. As Mr Walzl has shown, Ngati Tama had strengthened their presence in the Thorndon locations after Ngati Mutunga had abandoned them. (According to Percy Smith, Ngati Tama had interests on the Tiakiwai stream previously). Mr Walzl notes that Ngati Tama's interest in Tiakiwai was not

⁴² Thomas Forsaith, 'A true account of the conference with Te Raparaha', enclosed in Spain report, 21 March 1844, *British Parliamentary Papers*, 1846-7, p.92

exclusive.⁴³ He is correct. Te Puni had cultivations in the vicinity of Tiakiwai too, probably from before Ngati Mutunga's departure; after 1835 Te Wharepouri's people also moved into the area, and then Moturoa's people from Pipitea. It should be recalled that this was an area closely covered with gardens and fallowed gardens, and that the Tiakiwai buildings themselves had mostly been burned by Ngati Mutunga before they left. Because of this interspersing of interests, including those of Te Rangihaeata's, those of Taranaki and Ngati Ruanui people at Te Aro, and those of Ngatata's people at Kumutoto, I am not persuaded by Mr Walzl's attempt to define a Ngati Tama 'rohe' in Wellington. Even though Mr Walzl qualifies his claim, acknowledging that others might have interests in the rohe too, the claim seems pretentious. Ngati Tama clearly had significant interests at Ohariu and Kaiwharawhara, and lesser interests in between. Their numbers at Tiakiwai were swelled after 1846 because Grey temporarily put the Ngati Tama from the Hutt Valley there as well as at Kaiwharawhara. But it is a pretty slender sort of rohe. More powerful chiefs than Te Kaeaea, namely all the Te Atiawa chiefs and Te Rangihaeata himself, would not have given it much credence.

(f) I am also unimpressed by suggestions that Ngati Tama somehow kept claims alive in Te Aro because a half-Ngati Mutunga individual claimed rights there in 1888. Nor is it likely that the 'Te Teira' who signed the Te Aro release in 1844 was Te Teira Whetu of Ngati Tama, as Mr Walzl claims. He is more likely to have been Te Teira Whatakare of Ngati Haumia (Taranaki), one of the two resident hapu of Te Aro.⁴⁴

(g) Some special mention should be made of Te Mamaku. By his own testimony in the Land Court he is of Ngati Haua (or Ngati Haua-te-Rangi), primarily of the Retaruke and Kirikau district (Whanganui river) but with links to many hapu of the central North Island and Whanganui river, including Ngati Tama and Ngati Rangatahi.⁴⁵ He also had a pa in the Tuhua country. His relationships with the heke were complex: as noted earlier he wanted to travel with it, but eventually visited the Ohariu coast, possibly soon after its conquest by Ngati Tama. He fought against Te Rauparaha and his Ngati Raukawa allies during their seige of Putiki in 1829

⁴³ Walzl, p.12, para 1.24

⁴⁴ Walzl, p.10, para 1.17. See Wellington Native Land Court minute book 2, pp.73, 81, 99

⁴⁵ See whakapapa in Wanganui minute book 1 F, p.73 and supporting whakapapa by Hoani Piaka, p.74; also the whakapapa in Apirana Ngata, *Nga Moteatea*, Polynesian Society, Wellington, 1980, Vol 3, p.158

but in 1846 he brought Ngati Haua down to join Te Rangihaeata in supporting Ngati Rangatahi in the Hutt valley, and fought the British on the Whanganui river both in 1846 and in the 1860s.⁴⁶

In 1874 he attended the meeting convened by Charles Heaphy on the Ohariu reserves and presented a claim to land at Ohariu and in the Hutt Valley, *in his own right* and by virtue of the bequest to him of Te Rangihaeata's interests. The claims through Te Rangihaeata were admitted by Donald McLean but we have no further information on the basis of Te Mamaku's claim in his own right. They may date from his earlier visit to the area or possibly from association with Ngati Rangatahi, but this is speculation. He gave the boundaries of his claim and these are shown on the map on page 93 of this report. McLean paid him £200 for those interests.

10.11 Ngati Mutunga.

(a) For some time, Ngati Mutunga's story parallels that of Ngati Tama, but in the 1830s takes a rather different turn. Mr Boast states that they were closely connected with Ngati Toa but also with Ngati Tama ('We form one tribe' Te Kaeaea told Spain, somewhat pretentiously)⁴⁷, 'and to the hapus of Te Atiawa as well'.⁴⁸ He then seeks to show that the marriage connections between Ngati Toa and Ngati Mutunga were 'especially tenacious and complex'.⁴⁹ I do not believe that is the case. As far as whakapapa links are concerned I have little doubt that one could list just as many with other hapu of Ngati Awa. Indeed, the whole north Taranaki complex of tribes - Ngati Tama, Ngati Mutunga, Kaitangata, Ngati Rahiri and others - seem to be very closely interconnected, probably more so with each other than with Ngati Toa. The whakapapa of the senior Ngati Toa chiefs Te Pehi and Te Rangihiroa also link Te Atiawa and Ngati Mutunga. After all, this was the basis of north Taranaki joining Te Rauparaha on the heke. And with regard to the movement into the harbour, Ngatata-i-te-Rangi, who built the settlement at Kumutoto, was of Te Atiawa and Ngati Mutunga; it was their connections with Te Mana of Ngati Mutunga that brought Te Matangi and Manihera Te Toru (of Te Atiawa) to Waiwhetu; and the

⁴⁶ David Young, 'Te Mamaku, Hemi Topine', *Dictionary of New Zealand Biography, Vol I*, pp.469-470

⁴⁷ OLC 1/906, 28 May 1842, NA

⁴⁸ Boast, 'Ngati Toa in the Wellington Region', p.111

⁴⁹ Boast, 'Ngati Toa in the Wellington Region', pp.106-10

connection of Wi Tako Ngatata with Patukawenga and Ngatata-i-te-Rangi also to Waiwhetu and eventually to Kumutoto. Indeed these interconnections are such as to make the attempt to distinguish between 'Te Atiawa' and 'Ngati Awa' whanui, rather artificial. As far as marriage ties are concerned, I am not well versed in this area of scholarship, but I have noted that Te Matangi and Manihera both took Ngati Mutunga wives, that Patukawenga had married Moturoa's sister Hika, and that Patukawenga left his son Ngake with them when he left for Wharekauri. The case can certainly be made that whakapapa and marriage ties were closer within these Ngati Awa groups than between them and Ngati Toa.

(b) The political and military relations between Ngati Mutunga and Ngati Toa reveal both closeness and difference. Some Ngati Mutunga were probably involved in the exploratory taua and Shand makes the unsupported suggestion (cited para 5.5 above) that Te Iringa was killed at Whanganui-a-Tara. (The evidence suggests that the taua was one of warriors, not like a heke of settlement, including women and children; yet there were women warriors too). Ngati Mutunga\Kaitangata groups certainly participated in the first heke, and by several accounts fought at Waiorua. Once the heke were established on the mainland, Te Kaeaea's evidence to the Spain commission was that Te Rauparaha 'gave' Whanganui-a-Tara to Pomare on account of his marrying Tawhiti, Te Rauparaha's niece, and driving out the Ngati Kahungunu.⁵⁰ This has something of the quality of a story completed after the event, because on first entering Whanganui-a-Tara, Ngati Mutunga and Ngati Tama coexisted peacefully with the Ngati Kahungunu. But the marriage was certainly made and Ngati Mutunga came down. Dr Ballara and Mr Gilmore differ as to who went first but the point is immaterial. They both went at much the same time - the mid to late 1820s. Some settlements, like Kumutoto and probably others about modern Thorndon, they carved out of the bush on the western side of the harbour. When relations broke down with Ngati Kahungunu, they took over the eastern harbour as well, and through to modern Island Bay and Seatoun. Later, Te Mana invited Te Matangi and Manihera Te Toru to Waiwhetu and Patukawenga invited Ngamotu people under Wi Tako Ngatata.

(c) There is no evidence that the Ngati Mutunga chiefs sought Ngati Toa permission to do this. People like Pomare and Patukawenga were the kind of people to do such things in their own right, and as conquerors of the harbour. All the activity was no doubt known to the Ngati Toa chiefs, however, and presumably encouraged by them. It was all grist to Te Rauparaha's mill.

⁵⁰ OLC 1/906 cited in Moore p.207

His trading empire was growing and Ngati Kahungunu were being kept at bay. He continued to urge others to do that work: Te Wharepouri too, after his losses in the Wairarapa wondered to himself why he had listened to Te Rauparaha's urgings to go there. It was dangerous work and for little return. As Dr Parsonson has pointed out, the Ngati Awa tribes got very little of the new wealth out of it all. Few ships called at Wellington and although Pomare installed Scott at Kumutoto and Patukawenga and others installed Young at Tiakiwai, both fled when the fighting flared around Cook Strait. Then Ngati Mutunga got caught up in the fighting at Haowhenua (I believe on the Ngati Awa side) and Tiwai, Pomare's younger brother was killed. By Smith's account, insult was added to injury because Tawhiti's brothers then desecrated his grave.⁵¹ After Haowhenua, Ngati Raukawa were in the ascendant, with Ngati Huia moving in to Porirua to help throw back the Ngati Tama. After Haowhenua none of the Ngati Awa hapu felt comfortable with Te Rauparaha. Pomare sent Tawhiti back to her people and the Ngati Mutunga chiefs prepared to go to Wharekauri which some of their people had had visited and considered prosperous (for potatoes, albatross, whales and fish)

(d) Mr Boast's argument that the move to Wharekauri was pre-planned with Ngati Toa is utterly unconvincing. He attempts an extraordinarily strained interpretation of a phrase which is merely a summary of Ngati Mutunga's sequential movements.⁵² The fact that Te Rangihiroa came to farewell them and not Te Rauparaha and Te Rangihaeata looks like a further manifestation of the Ngati Kimihia\Ngati Te Maunu rivalry, which has surfaced at Haowhenua. Te Rangihiroa had come to farewell a branch of his wider people.

(e) Of more seriousness is the question of whether Ngati Mutunga retained any interests in Whanganui-a-Tara. One part of Mr Boast's effort to suggest that this might have been so is his attempt to undermine Dr Ballara's evidence of a 'panui' of the harbour to Te Wharepouri and others of Te Atiawa. I have discussed this in detail in para 7.4 above. There is plenty of evidence other than that cited by Dr Ballara to show that there was some sort of public agreement at the hui on Matiu Island between the first and second voyages of the *Rodney* to Wharekauri, that Te Wharepouri and his people coming back from the Wairarapa, and other Te Atiawa should take over the areas round the harbour being vacated by Ngati Mutunga. I have cited some of this

⁵¹ Smith, 'History and Traditions', p.522 cited by Parsonson, p.187, note 9

⁵² Boast, 'Ngati Toa in the Wellington Region', pp.71-3

evidence and more could be listed. Mr Boast also cites some of it, from Hemi Parai, of Taranaki ki Te Aro, referring to the boundary at Ngauranga between Te Atiawa interests and those of Te Aro.⁵³ It is of course correct to show that rights to *parts* of the harbour were not transferred by panui: they were already occupied, and sometimes only needed clarifying. At Ngauranga rights had previously been exercised there by Te Matangi and Manihera of Te Atiawa and by Mohi Ngaponga and Hemi Parai of Te Aro - whose settlement of course also predated the Ngati Mutunga departure, as did Kumutoto and Kaiwharawhara. (See Manihera's testimony, Appendix B). Mr Boast correctly cites Hemi Parai's evidence to the effect that land on the Hutt side of the Ngauranga stream was reserved for Te Matangi's people and land on the south side was to be for Hemi Parai and others of Te Aro. But, by Te Manihera's evidence they overstepped their rights and got chased out of Ngauranga altogether by Te Atiawa. Hemi Parai later went to court to try to recover his interests at Ngauranga. But it would be absurd to suppose that 'the primary objective' of Ngati Mutunga at Matiu Island was clarify the Ngauranga boundary, as Mr Boast implies.⁵⁴ That was a detail. The real interest, as Te Wharepouri's own testimony makes clear, was that chief's realisation that here was an opportunity for him to bring his people back from the Wairarapa, and the realisation of all concerned that this was the way to forestall Ngati Raukawa from moving further south. That was what the agreement and public announcement was really about (see paras 7.3(b) and 7.4 above).

(f) The shallowness of some attempts to argue that Ngati Mutunga were reserving interests for themselves in the harbour is also indicated by Mr Boast's strained interpretation of Hemi Parai's evidence that Ngati Mutunga insisted that Ngati Haumia (of Taranaki) give up their cultivations on the Hutt side of Ngauranga. This 'might indicate' says Mr Boast, 'that Ngati Mutunga intended to keep some cultivations for themselves'. The obvious inference, however, from Mr Boast's own evidence, is that this was part of the clarification of the boundary. The Hutt side was for Te Matangi and Manihera. It was Haumia's infringement of this that brought Te Atiawa wrath upon them. Mr Boast also drags in Hori Ngapaka's 1868 evidence that Ngatata invited Taranaki and Ngati Ruanui onto some land and fixed a boundary for them.⁵⁵ This is obviously

⁵³ Boast, 'Ngati Mutunga in the Wellington Region', Wai 145, Doc L1, pp.15-18

⁵⁴ Boast, 'Ngati Mutunga in the Wellington Region', Wai 145, Doc L1, p.16

⁵⁵ Boast, 'Ngati Mutunga in the Wellington Region' Wai 145, Doc L1, p.17

a reference to their being installed at Te Aro, probably before Haowhenua. It has nothing to do with the events of 1835.

(g) Much had been made of fleeting suggestions in the Land Court records that Ngati Mutunga left people behind to guard their interests. Surprisingly, Mr Boast's submission does not mention the most likely person of all for that role - Ngake, Patukawenga's son, left at Pipitea with Moturoa, brother of Patukawenga's wife Hika. Nor has mention been made of the Ngati Mutunga wives of Te Matangi and Manihera Te Toru. These were connections which might have been influential or through whom interests might have been revived - a kind of insurance against future contingencies perhaps. But in fact these people were not influential. Even in respect of the allocation of a portion of Pipitea land to the mission teacher Richard Davis, (whose wife was a cousin of Ngake) Moturoa kept control.⁵⁶ Nor were the kinship and marriage connections revived - not even by Pomare himself who came back to the harbour about 1839.

(h) Pomare's situation warrants particular consideration. Mr Boast considers that his signing of the 1844 Te Aro release 'speaks volumes'⁵⁷. What speaks much louder is that Pomare attended the Spain commission, gave evidence about Scott's and Young's claims, but said nothing, not one word, in support of continued Ngati Mutunga rights in Whanganui-a-Tara. For their own reasons the Te Aro chiefs Hemi Parai and Mohi Ngaponga in 1839 acknowledged Pomare's mana in the matter of the Wesleyan mission's visit to install the teacher Minarapa and build a church at Te Aro (para 8.5 above). From this might date Pomare's interest in Te Aro and his participation in the signing of the release. In the late 1860s and early 1870s Mohi Ngaponga pressed claims for a larger share of the Te Aro reserves and the question came to the Native Land Court in 1871. There Ngaponga noted that £200 was received in 1844 'for my two tribes' and £100 'for Pomare'. He told the court that 'when the payment was made...Pomare said the land is sacred, it is gone to Wakefield. You must take the money. I have nothing to do with it, it rests with you.'⁵⁸ The report of Pomare's speech at the Te Aro meeting of 23-6 February 1844 has been quoted in full and discussed above, para 9.12. Neither his nor Ngaponga's evidence suggests that he was pursuing on-going interests in the land, but rather that he wanted his rank

⁵⁶ See para 7.7 above.

⁵⁷ Boast, 'Ngati Toa in the Wellington Region', p.78

⁵⁸ D A Armstrong and B Stirling, 'A summary history of the Wellington tenths 1839-1888', Wai 145, Doc C1, 1992, p.381

and his mana as conqueror of the land recognised. Nor did Te Rauparaha continue to press for the compensation payment for the Port Nicholson purchase to be split between him and Pomare, presumably because the latter had accepted payment at Te Aro, and seemed to have acquiesced in the sale of Port Nicholson.⁵⁹ Pomare took his quite substantial proportion of the payment at Te Aro and went back to the Chatham Islands.

(i) Some Ngati Mutunga revived claims to the Wellington lands from the late 1860s. Armstrong and Stirling have traced the intricate litigation from that time to 1888. They note (in addition to Mohi Ngaponga's claims) the claims launched by Tamati Pirimona from 1868 (which related to the missing file, of which a summary exists, referring to Ngati Mutunga as 'custodians' of Tiakiwai), and petitions of the 1890s claiming Pomare's involvement in the 'sale' of Port Nicholson and a Ngati Mutunga interest in the reserved lands.⁶⁰ The former claim seems very tenuous. Ngati Mutunga have not been identified among those who signed the 1844 releases for Tiakiwai. There were only 30 people at the settlement at that time and I have seen nothing to suggest that Ngati Mutunga were with the Ngati Tama and others who were temporarily collected together there by Grey after the fighting in the Hutt Valley in 1846. Moreover, Tiakiwai was not reserved by McCleverty and ceased to be of much significance when the Ngati Tama returned to Ohariu and further north. There is a single fleeting sentence 'Ngatimutunga returned in 1855' in Wellington Native Land Court minute book 1, in the midst of a hearing of Ngati Tama claims to Mukamuka in 1888. The names listed, however, all appear to be the names of Ngati Tama (including Te Kaeaea or Taringakuri) who had lived at Mukamuka, or commuted between there and Kaiwharawhara. There are two names, Rawera and Matiu, apparently of Ngati Tama, bracketed as persons who 'went to Wharekauri returned in 1855'.⁶¹ It is just possible that a few Ngati Mutunga joined with Ngati Tama returnees from the Chathams, thought it is a little unlikely. Another possible reason for claims being lodged in the 1860s is that most Ngati Mutunga returned from the Chathams in 1868-69 and passing through Christchurch and Wellington on their way to defend their traditional lands in north Taranaki from confiscation. They might have heard about Wellington lands passing through the Land Court

⁵⁹ See paras 9.12 and 9.13 above

⁶⁰ Armstrong and Stirling, pp.362-3 and 439-40

⁶¹ See Wellington Native Land Court minute book 1, pp.363-70 (especially p.367). Also pp.33-40, 46-48

and decided to lodge a claim, but why they picked on Tiakiwai is mysterious. As to the 1890s petitions, the officials pointed out that Pomare did not participate in the 1839 transaction with Wakefield. His participation in the 1844 releases might be construed as participation in the sale of the disputed or unsold interests in Port Nicholson, but as noted in para (h) above, he seems rather to have wanted recognition via a share of the payment rather than an interest in the reserves.

(j) All in all, the weight of the evidence about Ngati Mutunga in Whanganui-a-Tara is that, despite being the principal conquerors of the area from Ngati Kahungunu, they considered their situation unrewarding and somewhat precarious, made a deliberate decision to move to what they believed to be a more lucrative and secure place, and did so, burning their buildings and the bones of their dead (paras 7.2 - 7.5 above) This suggests a lack of any intention to return. Some Ngati Mutunga individuals did remain after 1835 and some returned, but there is no indication of a revival of a Ngati Mutunga group presence in Whanganui-a-Tara up to the end of the 1840s.

10.12 The Te Aro hapu

(a) Mention has already been made of the two hapu from the north who came to occupy Te Aro pa and cultivate and fish in its vicinity. These are the Haumia hapu of Taranaki, under Hemi Parai and Mohi Ngaponga (not to be confused with Ropata Hurumutu's Ngati Haumia hapu of Ngati Toa) , and the Ngati Tupaia hapu of Ngati Ruanui under Toko, Pukahu and Marangai. These groups came down with others of the Taranaki region, probably in the heke Paukena, and were settled by Ngatata-i-te-Rangi at Te Aro near the Waitangi swamp (Basin reserve). They assisted the Ngati Mutunga in cultivating, at Ngauranga. After Ngati Mutunga departed for Wharekauri they began to act more independently. Ngati Haumia's encroachment onto the north side of Ngauranga stream provoked the clash with Te Atiawa just discussed. Their clash with Te Puni (who was also fishing in the area of modern Seatoun) and the subsequent breaking of their canoes by Mahau has also been mentioned above (para 7.13 (e)).

(b) I have seen no evidence to suggest that they had direct links with Ngati Toa. Neither Hemi Parai nor Mohi Ngaponga seem to have mentioned any in the Spain commission or in the Land Court. They saw their links as being with Ngati Mutunga and with the Kumutoto chiefs. As Dr Parsonson has shown from Minarapa's manuscript in the Turnbull Library, they seized upon the return of Pomare to the harbour to give the Wesleyan missionaries' gifts to him and they

continued to quarrell with Te Atiawa over Ngauranga.

(c) Otherwise their interests were confined fairly much to the Te Aro district. I have seen no evidence to support Mr Walzl's statement that Ngati Mutunga gifted to Taranaki (Ngati Haumia) 'the lands between Te Aro and Ngauranga'⁶², and believe the statement to be incorrect. The Kumutoto, Pipitea and Kaiwharawhara chiefs would not have accepted any such notion.

10.13 Ngati Rangatahi

(a) By contrast, there was a great deal of connection between Ngati Rangatahi and Ngati Toa, as we have seen. They were linked through Te Rauparaha's paternal grandmother, Kimihia, and joined the first heke as it rested at the Marokopa river, not far south of Kawhia. They remained loyal allies of Ngati Toa, joining them, under Kaperatehau, in the expeditions to the South Island and ultimately taking much of the brunt of British militancy in the Hutt Valley, initially at least at the behest of Te Rauparaha and Te Rangihaeata.

(b) The group remains something of a mystery in that it did not seem to establish independent settlements of its own. Ngati Rangatahi were cultivating, gathering and making canoes on Ngati Toa land, for the Ngati Toa chiefs. If they tried to behave too independently they seem to have been threatened and punished by expulsion from one place or another. Their movements about 1839 have been described in some detail in statements in the Wellington Land Court, cited above para 7.16. That is, they were settled at Turikawera (Pukerua) by Te Rauparaha, watched over by Te Hira, Te Rauparaha's Ngati Apa 'caretaker'. Previously they were at Motuhara but were pushed out of there by To Otaota. In 1841 they were urged by the Ngati Toa chiefs to go into the Hutt Valley and cultivate, thus blocking the Company's claims there. There is the intriguing possibility, raised by Halswell's report, that they were in effect returning to a region they had occupied some time previously, but from which they had been driven by Ngati Ira. I have seen no other evidence of this however. In any case they cultivated extensively, with Ngati Tama, for five years before being driven out by the British. As Ms Hippolite has noted they considered they had rights in the Hutt Valley and years later, Kaperatau apparently came back to live on or near the very land which he had cultivated in 1841-6.

(c) The important issue is what kind of rights that cultivation gave them under custom. Dr Ballara considers that three years of cultivation is sufficient to confer rights amounting to

⁶² Walzl, pp.9-10, para 1.15

possession. On the other hand, Te Rauparaha and Te Rangihaeata consistently maintained that they were cultivating on Ngati Toa land (more especially Te Rangihaeata's land) and the British officials repeatedly said that the Ngati Rangatahi and Ngati Tama chiefs had acknowledged as much. On this view, Ngati Toa were the 'owners' of the Hutt, at least northward of the Rotokakahi line, and that Ngati Rangatahi had use-rights only. Accordingly, the British offered compensation to Te Rauparaha and Te Rangihaeata for the 'title' (the latter refusing it) and a payment to Ngati Rangatahi for their crops when they left the land which the British did not consider to be theirs. Ngati Rangatahi seem to have concurred very reluctantly indeed, refusing to receive Te Rauparaha after he accepted the British payment and left them to fend for themselves, and fighting for their rights when the soldiers and settlers looted their gardens and property. In short they behaved very much like possessors. The evidence is in fact replete with examples of continuous cultivation and occupation conferring rights amounting to possession, in the hapu or whanau concerned, *when that occupation or possession took place within a portion of the wider tribal demesne*. With the advent of the British and the land market, this got to be called 'ownership'. This is as true for Moturoa at Pipitea as for Ropata Hurumutu at Porirua. As part of 'ownership' the non-Ngati Toa groups also claimed the right to alienate the land, without reference to Ngati Toa. The Ngati Toa chiefs denied that the residents and cultivators had that right of alienation, at least without their consent. They could not easily sustain their veto in the case of sizable, independent groups like Te Atiawa, but they could in respect of their tributary groups such as Ngati Rangatahi.

(d) A true assessment of customary rights, involves trying to set aside all the Eurocentric language of 'title', 'ownership' 'useright' and so on, and concentrating on the relationship between the groups concerned, and on the facts of on-going association with particular land. On this basis (leaving aside their possible pre-Ngati Ira association with the Hutt Valley), Ngati Rangatahi's rights seem rather slender. They were not very independent of Ngati Toa, either before 1840 or after. On the other hand, five years of occupation and cultivation could be construed as conferring significant rights in the Hutt Valley, which the British should have recognised as part-possession with Ngati Toa. Te Rauparaha came close to this in respect of Ngati Tama when he told Spain at the March 1844 meeting that Te Kaeaea was the 'elder man of the resident natives' in the Hutt and that the British would have to come to terms with him, as well as with Te Rangihaeata (para 9.13). Kaperatehau might also have claimed to be an elder

of the resident Ngati Rangatahi. But Te Rauparaha then backed away from that position and spoke of the land as Te Rangihaeata's. It could be argued (as Crown Prosecutor Hanson argued) that Ngati Tama and Ngati Rangatahi should have got much more protection from the British than they did, under the terms of FitzRoy's reservation of cultivations from his grant to the Company. Had that been the case Ngati Tama and Ngati Rangatahi might have been recognised as part-possessors of the land as well as the crops - provided of course, that the Ngati Toa chiefs concurred. The situation was not in fact a truly customary one after 1840, and both Ngati Tama and Ngati Rangatahi got ground in the British and Ngati Toa mills of state power and war.

10.14 Te Atiawa

(a) The Te Atiawa hapu were much the most important group in terms of relations with Ngati Toa, especially in the late 1830s and early 1840s. We have noted their involvement in the first heke, along with others of the wider Ngati Awa peoples of north Taranaki; indeed it is difficult to distinguish between 'Te Atiawa' and 'Ngati Awa' at that stage. Their links to Ngati Toa through Te Pehi and Te Rangihiroa iare well known. Contrary to Mr Boast's assertions, sections of Ngati Awa - even of Te Atiawa as more narrowly defined - were much involved in the occupation of Kapiti and the battle of Waiorua (see chapters 3 and 4 above). Some accounts say Reretewhangawhanga and his son Te Rangitake (Wiremu Kingi) fought at Waiorua, others that Te Rangitake was wounded on the way to Kapiti, returned home to recuperate and came back.⁶³

The Te Atiawa seem to have accepted the overall leadership of the Ngati Toa chiefs, including Te Rauparaha, and settled about Waikanae, with a principal village at Te Uruhi. Though respectful of the Kapiti chiefs, men like Reretewhangawhanga were high-ranking and powerful figures in their own right. I have not seen evidence that they paid regular tribute to Ngati Toa, though no doubt exchanges of gifts and feasts were made from time to time.

(b) Reretewhangawhanga and other Te Atiawa witnesses at the Spain commission were to say that while the lands they occupied formerly belonged to Te Rauparaha they had ceased to do so - that Te Atiawa had been 'taking' various lands from him, over many years (para 8.3 above). Just when and how this defiance of Te Rauparaha, and repudiation of his mana over Te Atiawa, came about is not altogether clear. The main factor that led to it was the new heke of Ngati Awa, arriving in considerable numbers and clashing with Ngati Raukawa who had also come down at

⁶³ Otaki Native Land Court minute book 10, pp. 99 and 314

the invitation of Te Rauparaha and Waitohi. The heke of 'Ngamotu' hapu in 1832, led by Te Puni, Te Wharepouri and Wi Tako Ngatata, following the fall of Pukerangiora to Waikato invaders, paid a courtesy visit to Te Rauparaha on Kapiti before joining their kin at Te Uruhi. From thence various groups moved southwards: Te Matangi and Manihera te Toru to Pito-one and Waiwhetu at the invitation of Te Mana; Wi Tako Ngatata, Te Wharepouri and others to avenge Te Momi in the Heretaunga valley, and thence into the Wairarapa; Te Puni and others to cultivate in parts of modern Wellington at the invitation of Pomare and Patukawenga. These arrangements increased Te Atiawa autonomy. Although they were essentially at the invitation of Ngati Mutunga connections, they seem to have had the encouragement of Te Rauparaha, according to Te Wharepouri's later question to himself, 'Why did I come here? [To the Wairarapa] Was it not that because Te Rauparaha and Te Rangihaeata advised me that the land was idle?'⁶⁴ Te Rauparaha was trying to make way in the Manawatu and Horowhenua for the incoming Ngati Raukawa, keeping them and Ngati Awa apart. In the end he was unsuccessful and the clash at Haowhenua forced him to side with his Ngati Raukawa kin, while Te Hiko joined Te Atiawa. From this point Te Atiawa were uncomfortable neighbours of the Ngati Kimihia sections of Ngati Toa. Some entrenched themselves around Kenakena pa and others moved out to the South Island. Later Land Court claims to Horowhenua lands tended to emphasise rights gained through Te Pehi and Te Rangihiroa. In Whanganui-a-Tara they made their own arrangements directly with Ngati Mutunga - most notably Te Wharepouri's arrangement with Ngati Mutunga on Matiu Island to bring his people back from Wairarapa and forestall Ngati Raukawa from moving further south (their Ngati Huia hapu was already at Pukerua). Te Atiawa confidence grew with the return of Te Wharepouri, Wi Tako Ngatata and Moturoa, the growth of their settlements around the harbour and the mounting years of residence and cultivation. Yet they were still quite small, the 1842 census by Halswell (the closest we have to 1839) counting 59 at Waiwhetu, 97 at Pito-one, 48 at Ngauranga, 134 at Pipitea, and 15 at Kumutoto, men, women and children included. (There were in addition 128 people at Te Aro and 60 at Kaiwharawhara).⁶⁵ The principal Te Atiawa hapu were of course Ngati Tawhirikura at Ngauranga, Pito-one and Waiwhetu, Ngati Te Whiti at Kumutoto and Te Matehou at Pipitea.

⁶⁴ Cited by Downes p. 370

⁶⁵ Halswell to Colonel Wakefield, 4 July 1842, Twelfth Report of the New Zealand Company, p.101G, reproduced in Wai 145, Doc A29, p.494

(c) The tension continued with Te Atiawa trying to assert their autonomy from Te Rauparaha and Te Rauparaha resisting. The clash at Arapaoa in mid-1839 which left eight Te Atiawa dead was one symptom of it. Te Puni and Te Wharepouri's deal with Wakefield added to it and probably contributed to the fighting at Kuititanga. Te Rauparaha was present there, and Te Atiawa witnesses at the Spain commission described their victory as a victory over Te Rauparaha as much as over Ngati Raukawa. With one grudging exception, none of them attributed their rights in Whanganui-a-Tara to Ngati Toa but either through Ngati Mutunga or by occupation of ground found empty (paras 8.3 and 8.4 above). But if they had asserted their independence they had yet to make it secure: their anxiety about retaliation, not just from Ngati Raukawa but from the whole Tainui alliance (as well as from Ngati Kahungunu) was given to the Spain commission as a reason for wanting the guns and ammunition that figured so largely in the Wakefield transaction. Te Atiawa did indeed increase their security via the British alliance and via the 1840 peacemaking with Ngati Kahungunu. They were sufficiently well established in the harbour to push Taranaki out of Ngauranga. By H T Kemp's account, Kaperatehau paid tribute of preserved birds to Te Puni, as well as to Te Rangihaeata when Ngati Rangatahi began to cultivate in the Hutt Valley. Eventually, as the British asserted their rights in the Hutt Valley on the basis of the 1839 deeds, Te Atiawa made their position even more secure vis-a-vis Ngati Toa by assisting Grey to drive Te Rangihaeata out of the Hutt Valley in 1846.

(d) Apart from this military outcome, and insofar as we can separate customary rights from the influence of the British, what rights under custom did Ngati Toa retain, in the area also claimed by Te Atiawa?

10.15 Ngati Toa

(a) The issue to be considered as regards Ngati Toa rights has been summed up by Ms Ehrhardt as follows:

Te Rauparaha claimed to have mana over the area [from Whangaehu to Kaiapoi] on the basis of leading the original heke or on the basis of conquest. The Te Ati Awa sellers of the land [at Port Nicholson] denied that Te Rauparaha had any right to control what happened to it or to receive payment for it.⁶⁶

⁶⁶ Ehrhardt, p.42

The difficulty about evaluating these claims is that they are coming from two different streams of Maori law. The main stream indicates that land rights derive from discovery and first occupation, followed by settlement and long occupation, thence by inheritance; the second stream is by conquest. During and soon after a period of migration and conquest the mana of the war leaders was very high, and they had considerable influence over the way the conquered areas were occupied. But conquest was widely seen as a less secure and complete form of right. Even if the conquerors lived on the land, holding down the conquered, the latter could reassert themselves, and their more ancient association with the land. If the conquerors did not occupy at all, obviously their rights were very tenuous. Te Rauparaha's difficulty was that, in respect of Whanganui-a-Tara he had not directly conquered and occupied at all, but through his allies, Ngati Mutunga and Ngati Awa. (On the Ohariu coast and the Hutt valley across the track from Porirua, Ngati Toa had been directly involved). Moreover, Te Atiawa had ceased to be close allies, and had indeed become something like enemies, because of Te Rauparaha's association with Ngati Raukawa. Meanwhile, Te Atiawa's rights were growing with every year of their occupation and use of the land. The respective bases of claim (Ngati Toa and Te Atiawa) had not been worked out, one way or the other, when the British arrived. The indications of 1839 were that Te Rauparaha (with the help of his Tainui allies) would not readily have allowed Te Atiawa to loosen his control of the Cook Strait trade. (He had attacked Te Atiawa at Arapaoa earlier that year and left eight dead)⁶⁷. But whether he would have used force against Te Atiawa in Whanganui-a-Tara, and whether he would have succeeded, we will never know for sure. We can only surmise. This is more difficult if British concepts of 'ownership' or 'sale' are intruded as the basis of analysis. They did not of course exist, in customary Maori society in the terms defined by common law. But let us assume that Te Puni and Te Wharepouri understood the transaction with Wakefield essentially in Maori terms - that they were admitting Pakeha to their communities and allowing them to use certain resources, in return for which Wakefield acknowledged their mana by generous gifts. Would Ngati Toa (and Te Rauparaha in particular) then have had the right under custom to forbid the transaction or to share in the gift\payment? In the view of Paka Ngapiko of Ngati Tama and Ngati Rarua, Te Rauparaha was seen as the leader 'because he was the person who was instrumental in forming the expedition to Kapiti', but Ngapiko would not admit that Te Rauparaha was 'paramount over the affairs of the hapu who

⁶⁷ Wakefield, Diary, 17 August 1839

Conquered the district'.⁶⁸ In the light of this, it is unlikely that the Ngati Toa chiefs would have assumed the right, under custom, to prohibit the Te Atiawa rangatira from admitting a few traders and settlers to their kainga (for that is what Te Wharepouri, by his own account, thought he was doing). Because his primary purpose had been to build and control a trading empire, Te Rauparaha would probably have got very irritated, blustered, threatened and perhaps put pressure on the settlers to come to *his* territory, but it is doubtful that he would have assumed a right to absolutely forbid their entry to land occupied by substantial chiefs like the Te Atiawa chiefs in Port Nicholson. But there is little doubt that he would have demanded a share of the gifts\payments in recognition of his mana.⁶⁹ This, of course, is exactly what he did claim. Hypothetically, as Port Nicholson flourished as a trading port, rivalling Porirua harbour (and if the British Crown had not intervened) I suspect that he would have continued to try hard to secure a share of the action. As far as land *outside* the Te Atiawa settlements is concerned, Te Rauparaha and Te Rangihaeata most certainly would have asserted a right to control settlement, and indeed did so, through the Ngati Tama and Ngati Rangatahi chiefs who recognised their mana. Given the importance of the Ohariu coast as the main jumping-off place to the South Island, and given that it was also an area where Te Rangihaeata claimed interests dating from the 1820s, it is almost certain that they would have resisted British encroachments there also.

⁶⁸ Nelson Native Land Court minute book 2, p.164, cited Boast, 'Ngati Toa in the Wellington Region', p.92

⁶⁹ Some light might be thrown on the way mana functioned in relation to land-selling, by reference to a statement made in relation to Himatangi, in 1869. Wi Tamihana Te Neke of 'Ngatiawa and Taranaki', said in the Land Court:

The Ngati Apa 'mana' was never 'tinei' [extinguished] - it would not have been right for Ngati Raukawa to sell that land without Ngatiapa - Remember the Kuititanga - Ngatiraukawaa was beaten there- 'Mana' of Ngatiawa and Ngatitoo equal - 'Mana' in these 'Whawhai'[fights] - It would not have been right for Ngatiraukawa and Ngatiapa without assent of Ngatitoo and Ngatiawa - they would speak to Ngatitoo and Ngatiawa about sale - that would be on account of 'mana', it would be right for Ngatitoo and Ngatiawa to take portion of [the] purchase money - they have done so - I have signed and received money. (Otaki Native Land Court minute book 1D, p.421)

Of course the situation at Port Nicholson is different from that of Himatangi in important respects, but the situation is similar in that it relates to various levels and kinds of mana, *not* to a situation where there is one 'owner' or 'title holder' (as William Spain and some recent analysts have contended for), with sole power to determine the nature of the transaction.

(b) The situation in Port Nicholson is complicated by the afore-mentioned fact that Te Atiawa had *ceased* to recognise Te Rauparaha as their 'tino rangatira', because of his close association with their enemies, Ngati Raukawa. They were emboldened by that, and by their own successes in Whanganui-a-Tara, to make the transaction with Wakefield and to deny Te Rauparaha a share of the payment. But the situation was further complicated by the fact that it was not just Te Rauparaha and the Ngati Kimihia chiefs who claimed mana in the whole Whangehu to Kaiapoi conquest: Te Hiko did also before the Spain commission.⁷⁰ Te Atiawa were reluctant to concede anything to Ngati Toa at the time, but some later claims in the Land Court (especially those in the Ngarara block) were based heavily on rights traced through Te Pehi, Te Hiko and Te Rangihiroa, extending, it was said, to Port Nicholson. If these men are seen as Ngati Awa, not Ngati Toa, then the Ngati Toa mana was still not being recognised. But (as argued above) I find it difficult to believe that they were not Ngati Toa in their whakapapa and their allegiance through the period under review (though they were *also* of Ngati Awa and *not* of Ngati Raukawa in their allegiances).

(c) I conclude therefore that Ngati Toa (not just Te Rauparaha) had a customary interest in the Port Nicholson purchase area, by virtue of their leadership of the heke and the military conquest of the whole region. They were not 'overlords'. Ngati Awa were partners in the enterprise, and carried the brunt of the actual occupation of the Heretaunga valley and Whanganui-a-Tara, and the Ngati Kimihia chiefs' authority was being repudiated by Te Atiawa by the late 1830s. There is also evidence that the Ngati Kimihia chiefs themselves, considered they had different degrees or kinds of interest in different parts of the Port Nicholson purchase area, just as they did in different parts of Porirua and the Kapiti coast. Te Rauparaha certainly strongly asserted claims over the whole conquest area, to Wakefield and to Spain, but neither he nor Te Rangihaeata pursued them in Whanganui-a-Tara nearly as vigorously as they did in respect of their interests in the Hutt Valley and even the Ohariu coast. They had not, after all, fought in Whanganui-a-Tara and had no settlements and cultivations there. Ngati Mutunga and Te Atiawa had been cooperative with them but were not tributary to them. Te Rauparaha initially demanded a payment for Port Nicholson from the British (for himself and Pomare) before he would talk about the Hutt, but he did not persist with his demand, being satisfied in the end to take a payment for the Hutt. Te Mamaku defined his interests fairly carefully, as bequeathed to him by Te

⁷⁰ OLC 1/907, NA, p.64-5

Rangihaeata. They included Ohariu, where he and Te Rangihaeata had assisted Ngati Tama in the conquest, and 'Heretaunga' - an area adjacent to Ngati Toa's own settlements about Porirua, and where their tributary allies Ngati Rangatahi had gathered produce before 1840. Those interests were strengthened in the Hutt before 1846, where the cultivating groups recognised Ngati Toa mana and that of Te Rangihaeata in particular. William Spain was inclined to deny Te Rauparaha and Te Rangihaeata the status of 'owner' (in his scheme of things) because they did not prefer a specific claim to the lands under dispute and spoke only of their rights as conquerors. The response of FitzRoy and Clarke was more realistic: it was to recognise that they had a customary interest in the whole Port Nicholson purchase area, undifferentiated between Port Nicholson and the Hutt, and undifferentiated as between mana and occupation or possession. The British, however, paid the resident chiefs of Port Nicholson first, in effect refusing Te Rauparaha's claim to priority of right over them as far as the harbour was concerned. Given the importance, in numerous Land Court statements, of on-going possession and occupation, given also that Te Atiawa occupied and possessed either in their own right or through Ngati Mutunga, it is arguable that the British were correct in not dealing with Te Rauparaha first - not recognising him as overlord that is - , though correct also in recognising his mana as war leader of the conquest area by a payment nevertheless. (It will be recalled that the situation was reversed a few years later when Grey and McLean made the Wairau purchase from the Ngati Toa chiefs at Porirua first and then McLean made a whole series of secondary purchases from the resident groups, whom he considered bound by the purchase from Ngati Toa). The position taken by the officials in 1844 is somewhat paralleled by that of Judge Mackay in the Native Land Court in 1888, when he remarked, 'The only hapus who would have been justified in making a claim to the territory sold by the Ngati Awa in 1839 were the Ngati Toa'. As Mr Boast has pointed out, Mackay then erroneously went on to say that the only part they preferred a claim to was in the Porirua district, and that they 'made no attempt to make a claim to the land against the resident hapus at the sale to the Company in 1839, but allowed them to sell such portions as they were considered to be entitled to'.⁷¹ As discussed above, Te Rauparaha and Te Rangihaeata did lodge claims with Wakefield and with Spain and the officials, did not pursue them strongly over the areas of Te Atiawa settlement but pursued them vigorously over the areas of the Port Nicholson

⁷¹ See Wellington Native Land Court minute book 2, pp.130ff, and discussion by Boast, 'Ngati Toa in the Wellington Region', pp.161-3

purchase outside of the Te Atiawa settlements.

10.16 By way of postscript a few comments more might be offered on the nature of the mana claims of non-resident chiefs. The complexities of mana (in relation to hapu formation) are discussed in Dr Ballara's recent text *Iwi*. One paragraph of her discussion reads:

The mana of the chief was thought to 'rest' or 'lie' on or over his territory; this usually included his own ancestral lands, but also the lands and use-rights of the several hapu living 'under' his mana. He did not own everything in his territory, but while he was accepted by his people as the proper bearer of the mana he had the right to make decisions about both the land and the various hapu living under his mana or authority. Mana could thus be of several degrees: higher-ranking ruling chiefs were recognised as having greater mana; lesser chiefs, perhaps the hereditary leaders of one small hapu which formed part of the community, had lesser mana.⁷²

The relevance of this passage for Port Nicholson hinges on whether Te Rauparaha was, in any real sense, accepted by Te Atiawa at 1839 as a chief to whom they owed allegiance. After Kuititanga this could scarcely be so. In respect of Waikanae, Reretewhangawhanga maintained in 1842 that Te Rauparaha's mana once lay over the land occupied by Te Atiawa, but no longer did. The Port Nicholson chiefs attributed the former mana to Ngati Mutunga or claimed to have occupied vacant land.

(b) An obvious awkwardness about equating 'mana toa' (the mana of warriors) with 'title' is that one gets into the absurd situation that *either* Te Rauparaha's undoubted mana as a war leader entitled him to 'own' the entire region, with everyone else having rights subsidiary rights on his 'estate'; *or* (if that could not be accepted) that his mana as war leader entitled him to virtually nothing. All he could claim as 'owner' were the gardens he or his servants cultivated. Some other basis of analysis would seem to be necessary to avoid this absurdity. Moreover, it must be recognised (as Dr Parsonson has recognised) that Te Rauparaha's empire was largely a trading empire, a maritime empire. His near-monopoly of Cook Strait trade (from the Maori side) was undermined after 1840 not only by the advent of land purchase, in the European sense, but by the British assertion of Crown and public rights to the harbours and foreshores. It is relevant to note in this context the remarks of the Native Land Court judges in respect of the Porirua foreshore in 1883. They said that the local hapu had collected pipi from the foreshore

⁷² Ballara, *Iwi*, p.204

but never exercised any other kind of right there - an absurdity in the face of the importance of the harbours as points of entry and exit, anchorage, shelter and storage - all the things that go with the life of a seafaring and trading people. The judges further observed that Chief Judge Fenton, in his Thames foreshore judgement, had awarded only a right of fishery, 'an incorporeal hereditament'. They then concluded that the Native Land Court did not have jurisdiction anyway.⁷³ Actual occupation and cultivation of land, nor even the specific fishing rights that whanau and hapu developed, do not equate with the kind of authority Te Rauparaha had from his control of access to harbours and seaways. It is partly for this reason that I have preferred Crocombe's concept of 'ownership of rights in land' (and sea) rather than 'ownership of land', though this of course entails a close study of what *kinds* of rights are held by the various interest groups and levels of the society.

(c) Some British authorities recognised that it was indeed difficult to maintain the customary rights and privileges pertaining to the various kinds of chiefly mana unless they were specifically compensated for in new forms of wealth and influence in the introduced state and economy, for they do not arise from nor translate neatly into, the 'ownership' of large areas of land. In fact the Crown vacillated about the question of the 'mana claims' of chiefs for most of the century. In 1848 the Secretary of State, Earl Grey, prompted by a letter from the Waikato chief Tamati Ngapora complaining that his 'slaves' would no longer obey him, took the view that great chiefs indeed did not 'own' much land at all - no more than any other adult Maori family head - but that they commanded the *labour* of many war captives. He instructed Governor Grey, in the issuing of Crown grants which replaced native title, to give the chiefs additional lands to compensate them for the loss of wealth they had commanded through the productive capacity of so-called 'slaves' and war captives.⁷⁴ The Secretary of State's analysis, and solution, is not without relevance to the situation of Ngati Toa and their tributary and conquered tribes. The Native Land Acts and Native Land Court dealt with 'mana claims' very capriciously. The 1865 act vested entire blocks in ten or fewer chiefs as absolute owners and cut everyone else out. The 1873 act divided the land among everyone on the list put forward. In subdivision hearings some chiefs got no more than any other person in the list. Sometimes though they were favoured. The

⁷³ Wellington Native Land Court minute book 1, pp.157-8 (Judges Macdonald and Puckey, 7 August 1883)

⁷⁴ See Earl Grey to Grey, 27 December 1848, G1/22, NA

Land Court was generally dealing with people who were the acknowledged chiefs of those who occupied the land and who were themselves occupiers (although non-resident chiefs could be admitted to titles out of 'aroha'). This is all somewhat removed from the much more difficult Port Nicholson situation where Te Rauparaha was not only not a resident but where most of the resident chiefs were openly denying him any authority at all over themselves or over the land they occupied. Another distinction the British authorities pursued was between the right to alienate lands assumed by hapu over the lands they actually occupied and gardened, and 'the general right of alienation', which might be held by others. As Mr Boast has pointed out, this distinction was adumbrated by Donald McLean, in respect of Ngati Toa's rights in the South Island.⁷⁵ McLean himself characteristically pursued either or both avenues, according to which was most likely, in his view, to lead to a successful purchase by the Crown. In effect he replicated Colonel Wakefield's strategy at the Kapiti transaction of buying from the 'overlord' chiefs in the first instance, if he could get away with it, and mopping up the others subsequently - a strategy which had considerable success in the South Island after 1847. When McLean took the other tack, however, and tried to buy land at Waitara from the 'resident' chief Teira and to ignore Wiremu Kingi (who in fact had cultivations on the land as well as representing the mana of Te Atiawa), he plunged the nation into war. For that matter, his predecessors in Port Nicholson were not conspicuously successful when they tried to brush aside the assertions of Te Rauparaha and Te Rangihaeata that they had not sold the Hutt Valley, where they had been collecting produce, and cultivating, at least via their tributary and allied tribes, as well as asserting the rights of conquest

(d) The whole discussion is of course bedevilled by the fact that, traditionally, Maori did not in any case recognise alienation rights in the absolute sense that the Company and the Crown desperately wanted to find. Maori themselves were caught up in the confusion generated by the new situation. Traditionally, a family's gardens were their own in a very real sense, and they commonly invited others in to share their cultivations without reference to any higher authority. The Land Court minute books are replete with examples of this. But that was inviting people into the hapu, rather than alienating land out of it, and there are many indications that this was true also of the initial alienations of rights to Pakeha like Young and Scott. Even Te Wharepouri, in 1839, thought he was getting a few Pakeha to install in each kainga, rather than the many hundreds who overran the harbour and asserted their independence of him. As for the absolute

⁷⁵ Summary of Richard Boast, 'Ngati Toa and the Colonial State', Wai 145, K2(b), 1998, p.4

alienation of huge tracts by 'overlord' chiefs who sought to bind the resident hapu by their actions, there was nothing quite like it in Maori society. Dr Ballara does point to the capacity of great chiefs to make arrangements among themselves, in marriage alliances and war alliances, which saw the mana of one substantially replace that of the other. But that was a transfer of mana rather than of land. Moreover, it was subject to the acceptance by the various resident hapu of the mana of the particular chiefs concerned. The allegiances of hapu, their recognition of the mana of particular chiefs, shifted from time to time. Their possession and use of the land did not have to shift concurrently and coextensively, although it might be affected. When McLean spoke of rights of alienation, whether of a general nature or in respect of particular cultivations, he was talking of a different kind of alienation, different 'incidents of title' to those which Maori would traditionally have understood.

WAITANGI TRIBUNAL

CONCERNING

The Treaty of Waitangi
Act 1975

AND CONCERNING

The Wellington Tenths
claims

DIRECTION COMMISSIONING RESEARCH

1. Pursuant to clause 5a(1) of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Alan Ward, of Newcastle, to prepare a report concerning customary tenure, within the area defined by the boundaries of the Port Nicholson deed (as extended in 1844). The report is to cover the period from the 1820s to the 1840s, and is to take the form principally of an analysis and summary of the research presented to the Tribunal on this matter, supplemented by whatever other documents or sources are considered appropriate by Professor Ward.

The report will deal in particular with the following matters:

- (1) The occupants of Te Whanganui a Tara and the Hutt Valley area immediately prior to the arrival of Ngati Mutunga, Ngati Tama, Te Atiawa and others in the 1820s and 1830s.
 - (2) Whether these earlier inhabitants were able to sustain, by occupation or some other means, a continuing association with Te Whanganui a Tara and the Hutt Valley, 1820s to 1840s .
 - (3) The relationship between Ngati Toa and the hapu settled in and around Te Whanganui a Tara and the Hutt Valley, 1820s to 1840s.
 - (4) The grounds on which different hapu based their claims to territory and or resources in and around Te Whanganui a Tara and the Hutt Valley, 1820s to 1840s.
2. This commission commences on 1 May 1998.
 3. The commission ends on 1 September 1998 when one copy of the report will be filed in unbound form together with a copy of the report on disk.¹

¹ Subsequently extended to 9 October 1998.

4. The report may be received as evidence and the author may be cross-examined on it.
5. The Registrar is to send copies of this direction to:

Alan Ward
Claimants and counsel party to the Wellington Tenths inquiry
Solicitor General, Crown Law Office
Director, Office of Treaty Settlements
Secretary, Crown Forestry Rental Trust
Director, Te Puni Kokiri

Dated at Wellington this day of March 1998

G S Orr
Presiding Officer

Appendix B: Evidence of Manihera Te Toru, Wellington Native Land Court minute book 1C, pp. 86-108, July 9, 1868

[86] Live at Pitoone - when Hemi Parai and Mohi were at Taranaki - a party including Wharepouri, Te Puni, Wi Tako and myself came to Kapiti - Lived at Te Uruhi Waikanae while there I and my father Matangi were fetched by Ngati Mutunga - I was fetched by Te Hihī - Tunuroi and Hinehau - these were of Mutunga to whom Port Nicholson belonged I came first to Pitoone and afterwards to Ngauranga - Te Mana was the original owner of Pitoone and Ngauranga - Matangi was related to Te Mana - that was the reason why Matangi was fetched from Waikanae - We left Te Puni, Wharepouri and Wi Tako at Te Uruhi - They had not then come to Port Nicholson - After I and my father came they came - before they came my father's house was standing at Ngauranga- it stood on the cliff above the public house on the other side of Ngauranga - After that he built a house [87] below the site of first house my [blank]) where Te Wharepouri's house was for convenience of getting water - Mohi and Hemi had not then arrived - The land adjoining the house on the cliff was cultivated by Matangi and Te Mana - these were our first houses - After this the party of Hemi and Mohi came from Taranaki - came at the time of Haowhenua (1836) after this Wharepouri, Te Puni and Wi Tako came from Te Uruhi. They came to Te Koangaumu near Porirua - Rawiri Koheta was one of the party - This place Te Koangaumu had been cultivated by Te Puni - They came by canoes and overland and arrived at Okiwi - I was at this time living among Ngati Mutunga - they staid for a time and then went to Wairarapa - I did not go there. While they were at Wairarapa ? Ngati Mutunga left - Wharepouri and his son Makere heard of Ngati Mutunga going they came when they arrived the vessell which had taken the first party to Chatham Islands had returned to take the rest - they came to Waiwhetu and then went to Somes Island Ngati Mutunga assembled at Somes Island leaving me and my father at Pitoone - Mohi was the first of his party who came here - to Kokumutoto and Te Aro - He then went to fetch the rest of the party from Waikanae he fetched Te Mua and the rest of the party - including Hemi Pa?? - came to Pitoone then came to Kumutoto and Te Aro and then Te Aro and Paekawakawa were given to them by Ngati Kai Ngatata Pomare This was before any of the Ngati Mutunga left - This was when the first meeting at Somes Island took place - I and [88] my father were living at Somes Island Maraetahikau? was Hemi and Mohi's place - I and my father and Te Mana were living at Te Koruarua - Hemi and Mohi went there first. We went after - After Ngati Mutunga left I and my party about 10 lived at Pitoone and Ngauranga - and Hemi Parai and his people lived at Te Aro - I used to go to my cultivations at Ngauranga and it is true that Mohi also cultivated there - After this several parties came from Wairarapa Te Matehou - (Te Ropiha's tribe) went to Onehunga and from there to Pipitea and took the land - I invited the Ngati Tawhirikura - (Wharepouri's party) to come on to the main from Somes Island - I was at that time living at Ngauranga and eating food planted by Ngati Mutunga, Mohi had assisted to plant these potatoes. Don't know that Hemi Parai was with him - After Ngati Mutunga left I went to their cultivations at Ngauranga and weeded the crop of potatoes - A large party of Ngati Tawhirikura came to Pitoone from Somes Island - Wharepouri and Te Puni and Tuhoto remaining behind at the island - I was at Ngauranga when those old men sent for me as they were going to divide a cask of tobacco - I went - I left my wife and children Ngati Tawhirikura and some of Hemi and Mohi's people went to dig up the Ngati Mutunga potatoes - I was from Somes Island and saw the fires burning in the cultivation - we were wind-bound at Somes Island - Gale [89] lasted 2 days - on the 3rd day we came - we came to Omere with Te Wharepouri and Whaka? - Te Awhio and some others came to Ngauranga - found a heap of potatoes and two canoes - one

Belonging to Pukahu and the other Mohi - when I got on shore I saw that the crop had been taken from the cultivation I had weeded - I was dark and seized the canoe of Mohi - the canoe we did not touch - there were only two of us concerned Awhio and myself - Awhio took the potatoes - Pukahu we let return in peace - the woman went and told what had happened and Tawhirikura and Mohi came on the same day - Mohi had a spear and I a 'Patiti', Mohi came up and talked to Wharepouri and wh?? to him across the river - This was the occasion of the abandonment of Ngauranga by Hemi's party - they came to Te Aro and I remained at Ngauranga - I lived there up to the time when Colonel Wakefield's ship came.

July 10

Te Wharepouri and Makere and Miti Whenua [90] and Matotoru were living with me at Ngauranga when Colonel Wakefield came - I was the cause of their being there. I was at Ngauranga holding on to my 'kainga' when Colonel Wakefield came - Ship lay off Pitoone - I was one of the sellers of the land to Colonel Wakefield - continued at Ngauranga during Colonel Wakefield's time - Governor Fitzroy's time the land was first paid for in money - Kerei and Hemi and Mohi received £200 for Te Aro - Wi Tako received £200 for Kumatoto - Te Rpoiha and Wairarapa and Porutu received £200 for Pipitea - Taringakuri received £30 for Kaiwharawhara I received £30 for Ngauranga - Te Puni and his party received £20 for Pitoone - Nga Kurae? And Wi Kingi received £100 for Waiwhetu - these payments were made to us by Major Richmond and Mr Clark - this was before Colonel McLeverty's time - I now speak of Colonel McLeverty's arrangements - 1st deed was executed at Te Aro. Hemi Parai to his map, Wi Tako to his map. Porutu and Ropiha of Pipitea to their map - Taringakuri of Kaiwharawhara had his map - I of Ngauranga was the party to Ngauranga deed, this is it before the Court - Te Wetini? was at Ngauranga when the deed was executed - it was executed in Wi Tako's house at Kumutoto - I don't know who wrote the other names.

Te Wharepouri came from Pitoone - He came to Ngauranga through me - After the affair of the potatoes Wharepouri went back to Pitoone - I remained at Ngauranga - The cause of Whare's coming was that he had 'te ture' [91] about the "putunga" - Whare wanted to have it and Whare and relatives left and came to me at Ngauranga - He and Makere built a house called Te Akitiwha - After that Pukeatua was built - Enoka then came as followers of Wharepouri - I was after Te Akitiwha was built - they came to help build Wharepouri's house Puketua - I was still living at Ngauranga - I had a house on this side and there was my father's house spoken of by me the other side below the cliff - Pukeatua being finished we all lived there together - when it came to planting season I took them to a karaka grove which I told them to cut down for a cultivation - the seed was planted and when they were taken up the best were sent to me by Te Wharepouri and his children - After this I took Te Wharepouri to another place where we cultivated on both sides of the river - we cleared the bush - Best were again given to me - Still lived at Ngauranga and sometimes lived at Pukeatua and sometimes on this side - Lived all together up to Wharepouri's last illness and death - I wished him to be buried at Ngauranga at my place but the Ngati Tawhirikua wished him to be taken to Pitoone and I consented - After his death I still remained at Ngauranga Enoka and wife were there - Meri Ngamai was living at Kapiti with a whaler "Jim" Mere Tako was living at Turanganui Wairarapa with Drummond. At the time of the fighting with Te Rangihaeata Meri came to Kumutoto and lived with Wi Tako - was not married - were afterwards [92] married - about the time that Wi Tako built his house at Ngauranga Mere (no2) came from Wairarapa the European she had been living with being drowned - both sisters went to Ngauranga at this time - This was the first time they had been seen at

Ngauranga - I objected to Wi Tako to building his house - He went to build a house for Te Urumairangi Wharepouri's widow - I said to Wi Tako it will not be right for you to build a house there - He replied it is for Wharepouri's widow - then I ceased to object - After the house was finished the widow did not go there to live - when the house was finished Wi Tako and wife went there to live - lived there about a year - Mr Wallace then went into the house - When I came back from Pitoone I found Mr Wallace in Wi Tako's house he having left mine on this side - I went and asked Mr Wallace to whom he was paying rent and he said to Wi Tako he told me it was for the house only, not for the land - I said if you are paying rent for the land I would put a fence around the house and shut you in it - Wi Tako seeing that he was in a difficulty sold it to Mr Wallace for £40 - Wi Tako lived at the Hutt afterwards - Rawiri Kowheta had left and gone to Taranaki a long time before.

Mr Hart

(put in document signed R D Wallace dated 17th March 1864 - purporting to be a lease for 12 years, at an annual rent of £40, of a portion of land at Ngauranga - by Manihera [93] Ngatou Mohi Puketapu and Tamati Mataipu.)

I am receiving rent for the land shewn in the margin of the document to me - Mr Wallace pays me the rent - It is the land upon which a louse belonging to me stood - I and my people built the house referred to - I received the rent but I give some of it to my relatives - Wi Tako has never asked me for a share of the rent

Xd by Mr Izard

Matangi was at Ngauranga when I went to Somes' Island to divide tobacco - we went to Ngauranga together the first time - I did not join Wharepouri's party before the tobacco - I was at Ngauranga and went from there to Matiu (Somes' Island) only when we came from Taranaki - we came from Taranaki being afraid of Waikato - we came hither to Kapiti to seek for land for ourselves - we came here to the Ngati Mutunga who were our friends - Wharepouri was a 'tungane' of my mother - He was a chief - he was our chief - I was under him - Te Wharepouri's party who came from Taranaki were 400 men - There were 100 men in the party which came from Wairarapa - they went to Somes' Island - came first with a small party - After Ngati Mutunga were gone he fetched rest of party - came with women and children in canoes - Te Mate hou went to Onehunga - Tawhirikura to Somes Island - Wi Tako's party went to Te Mahauga - when I went from Ngauranga I found all Wharepouri's party there - Wi Tako was at Te Mahanga not at Somes Island. Did not see Rawiri at Somes Island - He was at Te Koangaumu I heard the evidence of Rawiri Kaoheta - I heard [94] him say that he landed at Ngauranga with Wharepouri and brandished his tomahawk - I should have stopped him but feared to interrupt the Court - a good many of the old men remained on Somes' Island - There were 10 of us in the canoe when we came from Somes' Island - Rawiri was not with the party - I was present with Mohi and Tawhirikura - They came to ask why the potatoes had been taken by me - Wharepouri alone answered

Court adjourned
Court resumed

Manihera continued: Xd by Mr Izard

Wharepouri had not been to Ngauranga before he came with me from Somes' Island - Wharepouri had a canoe of his own - Rawiri Koheta had a canoe it was at Koangaumu - Hakitaia - was the name - my canoe was "Omere" Tuarau had a canoe in which he went to the Middle Island - did not see his canoe here - Wharepouri's canoe went to Pitoone - went first to Some's Island - after my invitation went to Pitoone - There were a great many canoes which came from Wairarapa - Tawhirikura had 10 canoes - I am sure that the first time Wharepouri went to Ngauranga it was when he came with me from Somes Island - quite sure there was but one canoe "Omere" which came - when I came back I found some Ngati Haumia - ??? and Pukehu - I took the canoe and my brother [95] took the potatoes - did not threaten - they were mostly women - only 2 men (named) we were 10 in number - I was one of the persons who took a portion of Colonel Wakefield's payment for the District - In Governor Fitzroy's time I received £30 for Ngauranga which I returned to Major Richmond as too small - It was afterwards fetched by Rakautana and Waitara (names in deed) to pay for a vessel which Te Puni wanted - Colonel McLverty deeds were executed at Kumutoto - I was present - Te Watene if related to Mere is distantly related - He did not come with Wharepouri's party - he came from Ngapuhi - he was a first cousin of Wharepouri's wife - children of sisters - This land belonged to us all - witness named others interested with himself - Enoka had no interest in the land except that he came to help build Wharepouri's house and remained permanently - The persons interested - are Matene etc I did not give his name because he was living at Pitoone but he represents Wharepouri - I gave only the names of those who were living at Ngauranga - (Witness related cause of Enoka's leaving Ngauranga) did not give Rawiri's name as he was away and because he has no right - Wharepouri's widow was living but had left to go to the Hutt [96] - Te Watene came from the North just about the time the deed was signed - I gave his name as one of the residents - Wharepouri's widow had been to Pitoone and had returned to Ngauranga when Wi Tako built his house - She was living in a plank house in which Wharepouri died - I saw Wi Hapi at the time of the building - He lived in the plank house and all his companions from Waikanae - The roof of Pukeatua was all gone - No one lived in it - I don't believe he could have lived at Pukeatua it was so broken down - We (Wharepouri and I) lived on both sides of the stream - I had a house on this side of the stream and [blank] - I had Tutaenui on the Hutt side - Tutaenui was a cultivation of Ngati Haumia where they cultivated in Ngati Mutunga's time - has also a cultivation above Wharepouri's house - I had not previously cultivated the spot when I built my house now occupied by Mr Wallace - I saw Meri Ngamai at Ngauranga at the time Wi Tako was building his house - did not say anything to her only to Wi Tako - Matene was present at my talk with Wi Tako - I said to Wi Tako for whom are you building this house he said for Te Wharepouri's widow - Matene was present - Matene must have heard - he was near enough to hear [97] Mohi Puketapu was asked to sign the lease because I wished him to share in the rents - he had a claim - He is a son of Hirini my brother - His name is not in Colonel McLverty's deed because he was living at Waiwhetu - Tamati Mataipu is dead lately, his name is in Colonel McLverty's deed - I alone receive the rent - I share it among those with whom I please - I give some to Mohi Puketapu and some to Matene - his name is not in Colonel McLverty's deed - he represents Te Wharepouri - I go to Mr Wallace to get the rent money - he pays me in the house - I was present the day Mere and Mr Swainson went to survey - I saw them putting in the pegs - I followed them on to the land - I prevented them from putting in the peg - I lay down on the place where they wanted to peg and told Mr Swainson he must put the peg in me - seeing Mr Swainson would not desist I then called to

Meta my niece and told her to go and pull up the peg - She did so - Mr Swainson ? again and again - and we again and again prevented the Survey - I remember? Wi Tako selling the house - did not hear of the same to Mr Wallace until after it had taken place

By Court

I and my brother came to Pitoone first - The same year we came from Pitoone to [98] Ngauranga I and Te Mana and Matangi - We found no one there but we found cultivation belonging to te Mana - There was a house of Te Mana's but when we went there we/he? built a house and were assisted by Komene - cultivated the land - were there 2 years before Wharepouri came and cultivating - The names given to Colonel McLverty by me to Duncan his Interpreter - Colonel McLverty's deed was signed in a house belonging to him but not occupied by him - Te Puni and I are the only persons living who were present when the deed was signed - Wi Tako was not present when I signed - I was Rawiri on various occasions when he came to visit Te Wharepouri - Wharepouri went to Pitoone after the potatoe affair ? the dispute and then he came back to Ngauranga (within a week) - Mitiwhenua and Matotoru followed him and remained Rawiri was not with party when Wharepouri came finally from Pitoone - Enoka was with the pary - Rawiri Kowheta came first to Ngauranga at the time that Wharepouri was talking of building Pukeatua after Te Akitiwha had been built

By Pokiha

Wi Tako and I are both related to Wharepouri - Wi Tako was at Pitoone when Wharepouri's house. I am sure I got the big potatoes.

Court adjourned

Appendix C: Evidence of Moturoa Ropiha to the Spain Commission, OLC 1/635, National Archives, August 29 [1842]

Moturoa Ropiha being sworn states

Q. Are you a Chief and of what Tribe

A. I am of the Matehou tribe

Q. So you know Ngake is he a chief of the same tribe

A. Yes he is a Chief of Ngatimutunga and the sone of Patukawenga when Patukawenga went away he left him with me.

Q. Had Ngake any land at Pipitea which he has a right to dispose of.

A. All Pipitea was his he could have sold it before if he wished

Q. Are you aware whether Ngake sold or gave away land to R Davis if so state the circumstances

A. Yes Ngake gave some land to Davis for a cultivation afterwards Davis paid Ngake £10. I did not see the payment I only heard of it

Q. Were you present when Ngake gave the land to Davis if so state when this took place

A. Yes all the Natives of Pipitea saw it Ngake said to R Davis [...] here is your land for a cultivation for you and your children that land is yours. We all saw the boundaries

Q. You have stated that Davis gave Ngake £10 had Davis the right to dispose of the land

A. I cannot say. I do not know.

Q. Is it you opinion that Davis has a right to dispose of the land

A. I don't think he could sell it to any person he liked.

Q. Look at the paper now produced and say whether you were present when Ngake and the other natives whose names appear at the bottom signed the deed

A. I did not see that Document

Q. What is your reason for thinking that Davis could not sell the Land given to him by Ngake to any person he liked

A. I meant that if Davis wished to sell the land he could sell it because? that land has been made over to him it would not be just for the Europeans to come on that Land without Davis' consent.

Q. Then Davis having given £10 for the land and having afterwards sold it to a European and consented to his taking possession of it would Ngake have any right to claim the Land afterwards because Davis had sold it

A. No. It? was Davis to receive the goods for this Land. Ngake would not speak.

Q. Had any other natives any right to the Land with Ngake gave to Davis

A. No

Q. Was Ngake in possession of the Land at the time he gave it to Davis if so how long had he been in possession

A. Ngake was in possession of the Land. It was in his possession before I came to Port Nicholson.

Q. When did you first come Port Nicholson were you long here when Mare? went to the Chatham Islands

A. I was here and had cultivated the land before Col Wakefield arrived. I was here when Mare went to the Chatham Islands

Q. Do you know how Ngake became possessed of the land

A. ?? killed all the ngatikahuhunu and took possession of the land

Mr Clarke

Q. When did Davis give the £10 to Ngake as payment

A. After he had returned from Cloudy Bay and has taken up his potatoes

Sept 1

Q. What did you mean by saying in your evidence speaking of Ngake by saying that all Pipitea was his

A. When Ngake and Patukawenga came here they killed the Ngatikahunu and ... when Patukawenga went to the Chathams he left Ngake with me

The land first belonged to Ngatikahuhima then the Ngatimutunga chiefs Kanga Poku Patukawenga and Pomare and others. Patukawenga the principal chief gave Heretanga to Matoha my elder brother - on that account ??? built Waietu. Patukawenga came in a canoe to Waiwetu For me the name of the canoe was Puketutu and brought 30 baskets of potatoes and ten baskets of seed potatoes as a present to me. He stayed there 2 days and we returned with him to T?? And Patukawenga gave me a piece of land near Kaiwaiawaia which I cultivated and the produce amounted the first year to 300 baskets of potatoes We presented the potatoes to Ngatitama? And Patukawenga gave the Ngatitama some land at Kaiwaiawaia Patukawenga lived at Pipitea I married his sister and lived with him at Pipitea. I afterwards went to Wairarapa and cultivated land there Ngake went with me we returned in the summer and landed at Okiwi we divide the eels we had caught at Waiupu and other fish amongst Heretanga where Ngakurae was. Okiwi where Rangitamaru was Waiwetu Petone where Mana was living. Kaiwaiawaia were the Ngatitama were. Pakuao - where the Ngatikura were living . Raurinuo? and Pipitea where Patukawenga was living and Kumutoto where Pomare and Ngatata were living. Pomare was Patukawenga's younger brother. Patukawenga and Pomare gave 20 baskets of ? We returned to Wairarapa where Warepouri was he was cultivating in the woods secretly . I was angry this was the beginning of our jealousy which has ever since seperated us. When I returned I found all the natives of the different pahs at Matiu except Waiwetu where Ngakurae was living. They went to Matui because they were afraid of Ngatiraukawa. I found that Patukawenga and Pomare had gone to the Chatham Islands. Poki Ngatata and Pakuahi Mohi Ngahonga and Parai were here at Matui afterwards the vessel came back and took away the rest of the NgatiMutunga with their canoes Slabs of wood and Bark for houses one of the natives had stolen Kanga's? Box which caused a disturbance because they thought we had stolen it. After they had gone Warepouri was angry with men because I lived at Pipitea he said that Poke had given him the Land but I told him that he could not give it to him.

Patukawinga had given me the Land before and I had cultivated it. I had land there ever since. Ngake was Patukawenga's son.

Appendix D: Evidence of Pomare to the Spain Commission, Scott case, OLC 1/1022, National Archives, 6 June 1843

- Q. Do you recollect Mr Scott's arrival in Port Nicholson in the ship "Louisa" in March 1817
A. Yes
- Q. Where did you live at that time
A. At Kumutoto
- Q. Who was the principal chief of that place at that time.
A. I was
- Q. How long previously had you resided there formerly
A. Four years
- Q. How came you in possession of it
A. By conquest
- Q. Did Mr Scott apply to you to sell him a piece of ground at Kumutoto and did you consent to do so
A. Yes and I consented
- Q. Were the rest of your people aware of the sale and did they consent to it?
A. They heard of it and they consented to it
- Q. What did Mr Scott give you in payment for the land?
A. A casket of powder
- Q. What size - and was there anything besides
A. It was a large cask and he gave me four muskets besides
- Q. Were you satisfied at this time with the payment you received?
A. Yes. I was proud of my white man
- Q. Can you describe the Boundaries of the Land you sold him
A. From the Bakehouse back to the hill- and along the Kumutoto stream
- Q. Look at the Deed now produced and say whether that is your mark opposite your name and did you mark it at the time?
A. It was made at the time
- Q. Was it fenced in at the time and houses built upon it?
A. Yes
- Q. When Mr Scott left it some years after his purchase in whose charge did he leave it?
A. In my charge and a white man of the name of William [?]
- Q. Before you signed the Deed were the contents of the Deed read out and explained to you
A. Yes by a white man named Bradley
- Q. Have you pointed out the Boundaries of the Land you sold to Mr Scott to Mr Park the surveyor and if not will you do so?
A. I have not, but I will
- Q. When Mr Scott left the land did you expect him to return and take possession
A. Yes. I understood so at the time
- Q. How long is it since you left this place for the Chatham Islands?
A. This is the eighth year
- Q. When you left Port Nicholson whom did you leave in possession of Kumutoto
A. I left nobody at Kumutoto
- Q. Did you tell the Natives you left behind you at Port Nicholson that you had sold the land to Mr Scott?
A. No I forgot to mention that

Evidence of Pomare to the Spain Commission, Young case, OLC 1/1042, National Archives, 14 June 1843

Q. Were you residing in Port Nicholson in 1834 and were you one of the principal chiefs of the place?

A. Yes and I was one of the principal chiefs of the place

Q. Do you know George Young and do you recollect his having a house and a piece of ground at Tiakiwai at that time

A. Yes

Q. Do you know to whom that piece of ground belonged and who had the right to sell it?

A. To Tukiaka and Patukawenga and they had a right to sell it

Q. Had the Ngatiawa any right to it

A. No not at all

Appendix E: Ballara, Angela, 'Te Whanganui-a-Tara: Phases of Maori Occupation of Wellington Harbour c.1800-1840', in David Hamer and Roberta Nicholls (eds.), *The Making of Wellington, 1800-1914*, Victoria University Press, Wellington, 1990, pp 9-34.

ANGELA BALLARA

*Te Whanganui-a-Tara:
phases of Maori occupation
of Wellington Harbour
c. 1800-1840*

DURING THE YEARS 1819 TO 1836 TE WHANGA-
nui-a-tara (Wellington Harbour)¹ was invaded by potentially hostile
forces at least six times. It changed hands twice in that time, the last
occasion occurring in the month November 1835, just four years before
the New Zealand Company ship *Tory* arrived in the harbour. An
explanation of how Te Whanganui-a-Tara could become the legitimate
property of tribal groups which had left Taranaki only a few years before
would require a major discussion of Maori land tenure, social structure
and code of inter-tribal relations. The background to the different phases
of Maori occupation of the harbour can only be an outline.

Tribal wars and migrations in the early 19th century have often been
ascribed to the uneven acquisition by Maori of European muskets.² As
this theory goes, northern tribes acquired these weapons first and took
the opportunity to attack southern tribes, which, unfamiliar with the
concept of killing at a distance, were easily panicked and defeated.
Northern chiefs could thus pursue with unprecedented success those
traditional goals, mana (in this sense acquired prestige), utu (satisfaction
for offences) and booty, until parity of arms distribution made spectac-
ular success doubtful. The northern attacks created pressure on central
North Island tribes which in turn attacked more southerly tribes
including those of the South Island, carrying war and dislocation down
the length of New Zealand.

One of the problems in any attempt to modify this theory, even with
new evidence, is that, on the surface, events of the early 19th century
closely matched it. But the image presented by the 'musket-war' model
is incomplete in many aspects. Musket-and-powder raids were one of

the instruments of dislocation in this period, but not its cause. Some of the roots of disruption lay within Maori social structure; the accepted code of inter-tribal relations did not adapt at a rate equivalent to the changing practices of warfare. In many areas of New Zealand these had been entering into a new phase before significant numbers of muskets were available. The imbalances resulted in increased warfare as a spiral of dislocation fed upon itself and more tribal groups sought to make room for themselves away from military pressure.

Changes in warfare were at least partly the result of a process of tribal formation that became evident in various regions in the late 18th century.³ Bitter cycles of war marked the efforts of some major hapu (independent descent groups descended from tribal ancestors) to dominate others in their region. A feature of these wars was the previously unusual practice of recruiting taua (war parties) of non-kin from great distances. This innovation negated the customary restraints which made war between kin more like ritual combat than total war.⁴ Combined in the 19th century with the use of muskets imbalances developed. The Maori world view included the concepts of mana (in this sense power or authority) over land and people. The spiritual and material welfare of any community, conceptually undifferentiated, was incorporated in this mana which was borne in and personified by chiefs and their immediate kin, all those reckoned to be of high rank amongst the wider kin base of the descent group. In warfare the death of any member of a chiefly family, male or female, damaged that mana. An equivalent death from the opposing kin groups was required if that spiritual damage was to be contained.⁵

Increased warfare resulting from tribal formation, or resistance to it, led to increased numbers of occasions when victims of notable rank were killed. Even when chiefs were killed by randomly-firing musket-wielding slaves, the need to obtain utu for such deaths did not lessen to accommodate the new circumstances. The prevailing code of inter-tribal relations made military response to such deaths inevitable, and had a cyclic effect that only a change in the socio-political code itself could break.

That change was eventually to be achieved in the late 1830s. In their need for a new formula to break the cycle of wars and consequent migrations which was also to involve Wellington Harbour, Maori adopted, sequentially in different regions, a feature of missionary behaviour—their condemnation of war—and raised it to the status of a tapu (sacred and binding) doctrine. In the evolving Maori version of belief, peace-making necessarily preceded conversion to Christianity.⁶ Since conversion lay outside the traditional code governing matters of

mana and tapu, it provided a new technique to avoid the impasse of utu requirements. Combined with earlier Maori peace-making techniques which included the sparing and release of important hostages, marriage alliances and gift exchanges, the cycle of war could be ended with mana intact. Wellington Harbour changed hands twice while this formula was being evolved.

A further factor behind increased warfare and migrations in the late 18th and early 19th centuries was pressure of population on traditional resources in certain areas.⁷ The use of those resources existing before the widespread introduction of new foods through European contact had been based on seasonal gathering, planting and harvesting, involving a mobile community group ranging over a wide extent of territory. The facts of frequent intermarriage between neighbouring descent groups and bilateral inheritance of rights over specific resources and cultivations by individuals insured that the resources of the different communities of chiefs and people overlapped.⁸ Such overlapping was a source of friction in preferred areas for cultivation or resource gathering.⁹

There is evidence that a phase of pressure on resources had developed north of Kawhia in the late 18th century.¹⁰ The powerful inland Waikato tribes were competing with Kawhia tribal groups for the rich coastlands abandoned by Ngati Te Wehi, and disputed between their Ngati Mahanga kin, backed by other inland peoples, and Ngati Toa, Ngati Koata and other Kawhia descent groups.¹¹ The earlier clashes resulted in the deaths of persons of such prominent and extensive kin linkages that the cycle of hostility gradually drew in ever widening circles of kinship until the conflict involved nearly every descent group from Manuka (Manukau) to Mokau.¹² These wars were the catalyst that provoked the migration of the Kawhia tribes to Taranaki about 1821; they were followed there by Waikato people seeking utu and the Taranaki tribes were then drawn into the turmoil. These wars culminated in the battle of Motunui about 1822; Waikato were defeated, but this only ensured their return to redress the balance.¹³ Before they could do so the Kawhia tribes migrated to the Kapiti coast, accompanied by some of their Taranaki hosts. Other Taranaki people, especially those from the north, most exposed to retaliation by Waikato, were to follow.¹⁴ It was these people who were to occupy Wellington Harbour.

The invasion of Te Whanganui-a-Tara cannot be seen in isolation from trends and events in the rest of New Zealand. Nor can the harbour be seen, either before or after invasion, as a discrete socio-political unit of the old or the new Maori order. Its population regarded the harbour, the coastline and the straits as highways rather than as barriers to trading and raiding parties. Only the direction changed. Before invasion it

looked to the east coast for its origins, and east, west, and south for its kin links; the migrants that replaced the tangata whenua, eventually achieving the status of tangata whenua themselves, looked north-west for their origins, but like the earlier occupants, were part of a larger iwi the independent sections of which were scattered from Taranaki to the north of the South Island. Te Whanganui-a-Tara was and is, in Maori terms, part of a larger whole; it is the Eye of the Fish.

The people who occupied the harbour around 1800 were the descendants of tribal groups which had been relatively undisturbed for several generations. Confusion concerning their identity has resulted in their being called, at different times, Ngati Ira, Ngati Kahungunu and even Ngai Tahu.¹⁵ The genealogical situation is made more difficult to unravel by the confusion between Ngai Tahu of Wairoa (Hawke's Bay) and Wairarapa and Ngai Tahu of the South Island; these two descent groups, though remotely linked in tradition, developed from two different ancestors called Tahu.¹⁶ Again there are at least two distinct iwi called Ngati Ira, both of East Coast origin, and both contributing bloodlines to the inhabitants of Te Whanganui-a-Tara about 1800.

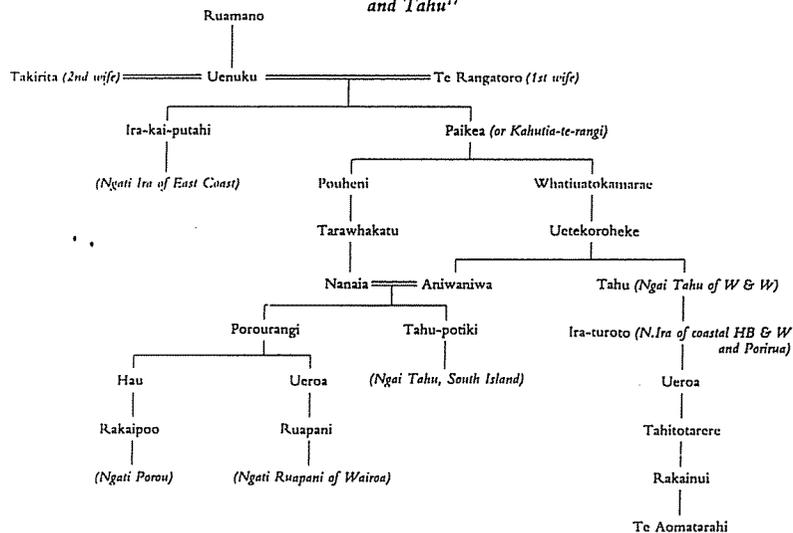
Before 1800, for a number of generations, Te Whanganui-a-Tara was inhabited by people whose earliest known ancestors in New Zealand lived on the East Coast. They were the descendants of Ira-turoto. As the generations progressed these people, for various reasons, had migrated south. The most significant move was under the ancestor Te

Ao-matarahi who moved into southern Hawke's Bay at the same time that Kahungunu's grandchildren and great grandchildren were moving into the Heretaunga area north of the Ngaruroro River.¹⁸ The descendants of Ira and Kahungunu fought with, but did not drive out or destroy, the earlier inhabitants, who were descendants of Whatumamoa, Awanui-a-rangi, Whatonga, Toi and other early ancestors; after various battles peace was made and the new groups and the old intermarried. As the descendants of Ira-turoto moved down the coast, leaving pockets of population at Porangahau (Ngai Tumapuhia-rangi¹⁹ and other hapu) and at Palliser Bay (Ngati Hinewaka and other hapu), they continued this process of intermarriage, so that by the time they settled Te Whanganui-a-Tara they were as much descendants of Whatonga's son Tara and grandson Rangitane as they were of Ira-turoto. Ngati Ira had also intermarried with Ngati Kahungunu, and with the descendants of Ira-kai-putahi, some of whom had also migrated south.²⁰ By 1800 the name Ngati Ira was retained in Wairarapa, the harbour and on the Kapiti coast, but other sections, especially those in the Hutt Valley, were known by the names of later ancestors, such as Rakai-whakairi, because their multiple tribal origins made the earlier names inappropriate.

During the first two decades of the 19th century the west side of Te Whanganui-a-Tara (Thorndon to Ngauranga) was deserted. Te Motu Kairangi, or Miramar Peninsula, Paekawakawa or inland Island Bay, and southern areas between had been deserted after battles in the lifetime of the chief Kainga-kioere, who was of mixed Ngati Ira and Ngati Kahukura-awhitia descent, and lived about five²¹ generations before this period. Ngati Ira were settled along the eastern shores from Waiwhetu to Turakirae. Pa of refuge existed on Matiu (Somes Island), Makaro (Ward Island)—where there was no construction, the island itself serving as a refuge—on Tapu-te-ranga, and at Hakoiwi, a pa in the area from Orongorongo to Turakirae.²² The settlement at Waiwhetu was also fortified, but those at Okiwi, Parengarahau, Kohanga-te-ra lake and Orongorongo were fishing villages.²³

The Hutt Valley, then called Heretaunga, was also occupied; there were at least three major pa.²⁴ The people living there were Rakai-whakairi and Ngati Kahukura-awhitia; both these descent groups originated in central Hawke's Bay and were descended from Ira-turoto and Toi but intermarried with Kahungunu's descendants, and later, after migration into Wairarapa, with Ngai Tara and Rangitane. Rakai-whakairi lived also on the Kapiti coast, where they shared pa with their Hamua/Rangitane kin.²⁵ Both Rakai-whakairi and Ngati Kahukura-awhitia were major descent groups in Wairarapa as well as in the Wellington/Hutt area.²⁶

Genealogy showing the relationships of Ira-kai-putahi, Ira-turoto, Tahu-potiki and Tahu¹⁷





Waikanae Pa and Kapiti. John Alexander Gilfillan. (Alexander Turnbull Library)

musket-armed raid against Mercury Bay in 1818 and against Mauinaina/Mokoia in early 1821.³⁶

Elements of these early taua differed from the 'musket and powder' model. Given the on-going mayhem between Kawhia and Waikato, it seems unlikely that Te Rauparaha joined the taua for mere adventure. Although neither of these two early taua made any attempt to conquer and retain land, accounts emphasise that from the cliffs at Omere, near Ohariu, a European vessel was seen in Raukawa (Cook Strait), and Te Rauparaha became aware that Kapiti was both a safe refuge and a place from which his people could trade for muskets.³⁷ Accounts also emphasise that Te Rauparaha arranged a marriage alliance between his nephew Te Rangihaeata and Te Pikinga, a high-ranking woman of Ngati Apa.³⁸ It seems clear that Te Rauparaha was already considering the possibilities of the Kapiti coast as a home for his people. It is possible that something of the same exploratory spirit infused the Amiowhenua expedition.

In contrast to the earlier exploratory raids, a new phase of deliberate migration to, and occupation of, the south began after the Waikato defeat at Motunui in 1822. Te Rauparaha took his people, Ngati Toa, south from their temporary refuge in Taranaki, accompanied by other Kawhia tribes, contingents from various hapu of Te Ati Awa, some Ngati Mutunga and some Ngati Tama. The migrants were welcomed

at Waitotara by Te Pikinga's Ngati Apa relatives, who requested Te Rauparaha not to molest their Muaupoko kin; he agreed, but his half-brother Nohorua, regarded as having a 'ngakau kino' (evil disposition), met and killed a Muaupoko woman called Waimai. Muaupoko then considered that 'Rauparaha has begun to kill'. They lured him and a few followers to Papaitonga, and there killed several members of his immediate family. Te Rauparaha, and Te Rangihaeata's father Rakaherea, barely escaped; this event led to bitter enmity between Ngati Toa and Muaupoko.³⁹

A state of war existing, Te Rauparaha moved his people to Kapiti Island for safety. Three pa were established; in the south, Wharekohu (Te Rauparaha's own pa), Rangatira, and in the north, Waiorua.⁴⁰ In the second year after their arrival, a party of Ngati Toa digging fernroot at Waimeha, Waikanae, were attacked by Ngati Ira and other tangata whenua. Te Peehi Kupe, the hereditary high chief of the senior hapu of Ngati Toa, lost his precious musket in this battle as did two other chiefs; it was for this reason that in February 1824 he boarded the trading vessel *Urania* in Cook Strait, hoping to purchase more of these weapons. When told there were none available, he dismissed the canoe which had brought him out to the ship, and insisted on being taken to England.⁴¹

All this took place while Ngati Ira and their kin had been living unmolested, if not in tranquility, at Porirua and Te Whanganui-a-Tara. But events were moving on to a decisive victory by the migrants over the tangata whenua. In 1824, in a major effort to expel Te Rauparaha and his allies from Kapiti, the tangata whenua tribes from Wanganui to the South Island combined to the number of 2000 at Waikanae.⁴² Te Kekerengu led the Ngati Ira contingent of the canoe armada which invaded Kapiti at dawn at the northern end of the island. Waiorua was defended mainly by the Taranaki peoples Ngati Hinetuhi and Ngati Rahiri with a few Ngati Toa and Ngati Koata.⁴³ Te Rauparaha was not in the battle unless at its very end; he was in his own pa at the other end of the island. Nevertheless this battle, called Waiorua after the pa, was regarded as his decisive victory over the local tribes of the Kapiti coast and the Wellington area, principally because he was the prime mover of the migration to and occupation of Kapiti and nearby coastlands; and his Taranaki allies were there under his mana.⁴⁴

Two important chiefs of Arapaoa Island were saved from death by the defenders of Kapiti and were released after the battle.⁴⁵ The adoption of this traditional peace-making technique made it possible for Ngati Ira to continue to live unmolested at Porirua, even though their chief was Te Huka or Whanake, the father of Te Kekerengu, leader of the Ngati Ira contingent in the attack on Waiorua. The status of Ngati Ira, whether

they retained their mana or were already a client people, left at Porirua to catch fish for Ngati Toa, was a matter much debated in the Land Court.⁴⁶ Muaupoko and Rangitane also continued to live at Horowhenua and Manawatu, but they were defeated people. Ngati Apa retained their rangatira (chiefly, with mana) status because of the marriage alliance with Te Pikinga, but the relationship was under great strain. The Wanganui tribes had retreated up the river and remained undefeated.⁴⁷

It was probably still 1824 when events occurred that more directly concerned the future Wellington harbour. At this time, both seeking new homes away from Waikato retaliation and hoping to arm themselves through trade, a large party of Ngati Mutunga and Ngati Tama arrived on the Kapiti coast from northern Taranaki. Their chiefs were Te Poki, Te Arahua and others, and the young chief Pomare (later known as Wi Piti Pomare). They were accompanied by Ngatata-i-te-rangi of Ngati Te Whiti hapu of Te Ati Awa; he was also related to the Taranaki tribe.⁴⁸ This second major migration known as Nihoputa was soon followed by another large party of people from the area between Waitara and Puketapu.⁴⁹

Te Rauparaha was glad of this addition to his strength, and permitted Ngati Mutunga to settle at Waikanae and Ngati Tama at Ohariu. Later, again with Te Rauparaha's encouragement, Ngati Tama ventured across the Ohariu/Karori trail and settled at Tiakiwai, near the northern end of present-day Tinakori Rd.⁵⁰ Ngati Mutunga followed, settling at various points of the western shores of the harbour (Wellington City/Thorndon) from Te Aro to Kaiwharawhara.⁵¹

This occupation was peaceable. Ngati Ira continued to occupy their pa and kainga on the eastern shores from Waiwhetu to Turakirae.⁵² Undoubtedly, Ngati Tama were dissatisfied with their situation competing with Ngati Mutunga and confronted by Ngati Ira, with Te Rauparaha breathing down their necks at their Ohariu settlement (for some had remained behind there), for after a short period at Tiakiwai a large party moved around the coast to Palliser Bay. This too was a peaceful occupation; relations with the Wairarapa tangata whenua⁵³ were at first positive.⁵⁴

While both the initial phase of northern exploratory raiding and the succeeding period of migration and settlement had been marked by aggression on the part of the invaders and spirited retaliation by the local tribes, it seems to have been the late 1820s before relations between the migrants and the tangata whenua deteriorated to such an extent that no compromises could be found to permit joint occupation; the end of this next phase saw the total withdrawal of Ngati Ira from Te Whanganui-a-Tara and Porirua. The deterioration of relations is difficult to date.

A. Shand, whose informants were people of Ngati Mutunga and Ngati Tama living in the Chatham Islands in the 1870s and 1880s, was under the impression that Ngati Tama assisted Ngati Mutunga to subjugate Ngati Ira before they left for Wairarapa.⁵⁵ But other Maori evidence seems to indicate that Ngati Tama were already established at Wairarapa during this process, and that many events and several years intervened between the Waiorua battle and the final assault on Tapu-te-ranga pa.

Te Kekerengu had retired to Wairarapa after Waiorua, still committed to opposition to the migrants even though his father was the leader of the Ngati Ira remnant at Porirua. Te Kekerengu possessed a number of muskets, perhaps captured in the battles at Waimeha and Waiorua, and Te Hakeke, a southern Ngati Apa chief who was assisting his Muaupoko kin in their on-going struggle against Ngati Toa aggression, wished to borrow them. But Te Rangihauku, of the northern portion of Ngati Apa allied to Ngati Toa by marriage, sent a false message to Te Kekerengu telling him his sister had been killed by Te Hakeke's people. When Te Hakeke arrived in Wairarapa, Te Kekerengu fired on him.⁵⁶

Having been manoeuvred into an alliance with Ngati Toa's allies, Te Kekerengu was able to return to Porirua while still remaining on good terms with his Wairarapa allies and even with their migrant neighbours. A mixed party of Wairarapa tangata whenua and Ngati Tama visited him there; Ngati Tama were on their way to meet those of their kin still living at Waikanae.⁵⁷ The importance of this event is evident from the number of mentions in the records, yet its significance is hard to understand given a dearth of other information. Did Te Kekerengu warn his Wairarapa kin to beware of the migrants established in their midst? Did Ngati Tama and Ngati Mutunga regard this visit as the beginning of another concerted attempt by all the tangata whenua tribes of the region to expel the invaders? Did increased tension over the resources of the region contribute to the deterioration of relations? It was after this visit that Ngati Mutunga commenced a series of pre-emptive attacks on Ngati Ira in Te Whanganui-a-Tara, and that war developed between the tangata whenua of Wairarapa and Ngati Tama.

Ngati Ira were driven out successively from Waiwhetu, Te Mahau, Okiwi, Paraoanui, Orongorongo, Kohanga-te-ra and Hakoiwi. The last battle took place at Turakirae.⁵⁸ Some Ngati Ira took refuge at Tapu-te-ranga, including Tamairangi, Te Kekerengu's mother, and some of her younger children. It is probable that they remained there some time.⁵⁹ The impression of sudden total massacres and expulsions of tribes given in the writings of S. Percy Smith, Alexander Shand, T.W. Downes and Elsdon Best were often exaggerated or over-simplified. In the Maori accounts available, the occupation of Te Whanganui-a-Tara was a

gradual, untidy affair, a series of short sharp clashes and consequent occupation re-adjustments as Ngati Ira gradually conceded more territory. Te Kekerengu remained in peace at Porirua as Ngati Ira were slowly driven from the eastern shores of the harbour. In the same years, the late 1820s, a pa called Pawhakataka inland from the Wainui stream continued to be occupied by Rakai-whakairi (descendants of Ira and Kahungunu) and Hamua (descendants of Rangitane) into the 1830s.⁶⁰

Tapu-te-ranga had not fallen, and Te Kekerengu and Ngati Ira still occupied Porirua, when Te Peehi Kupe returned from England with his collection of muskets.⁶¹ Angered at the separate peace made by Te Rauparaha, Te Peehi attacked Ngati Apa at Rangitikei.⁶¹ It was from this time that Te Peehi and his son Te Hiko usually found themselves and their hapu, Ngati Te Maunu, at odds with Te Rauparaha, Te Rangihaeata and their hapu, Ngati Kimihia, and on opposite sides in most tribal conflicts. Te Peehi, Te Hiko and their people occupied various kainga and pa north of Porirua, including Motuhara, Wainui, Wairaka and Waikanae; they cultivated in various places including Pukerua Bay.⁶² Rakaherea, Te Rangihaeata's father, occupied Paremata as chief of the Ngati Toa hapu Ngati Te Ra.⁶³ A little later, Te Hiko's usual place of residence was Takapuwahia, on the western shore of the southern Porirua harbour inlet. Te Rauparaha lived on Kapiti; Te Rangihaeata established Mana Island as his personal territory, but both uncle and nephew brought their followers at times to Pukerua Bay to cultivate.⁶⁴

It was about this time, the late 1820s, when Ngati Raukawa, a Tainui tribe originally from Maungatautari in the Waikato, also migrated to the Kapiti coast; they had failed to establish a new home for themselves in Hawke's Bay. Te Whatanui, their leading chief, was closely related to Te Rauparaha's mother, and was received in friendship. Te Rauparaha suggested Ngati Raukawa should settle the Horowhenua area but warned them to beware of Muaupoko. Te Whatanui succeeded in making a peaceful alliance with Muaupoko, and through them with the other tangata whenua tribes, sharing their territory on the basis that he would be their 'protecting shade'.⁶⁵ While this arrival did not have any immediate effects on Te Whanganui-a-Tara, this advent of a Tainui tribe into the general vicinity of their former enemies, the northern Taranaki tribes Ngati Tama and Ngati Mutunga, was to contribute to the eventual departure of the latter to the Chathams, and to the willingness of their Te Ati Awa and Taranaki successors to sell the harbour to Europeans.⁶⁶

It was probably about 1827 that Tapu-te-ranga pa in Island Bay was besieged by Ngati Mutunga. When it was obvious that the pa would fall,

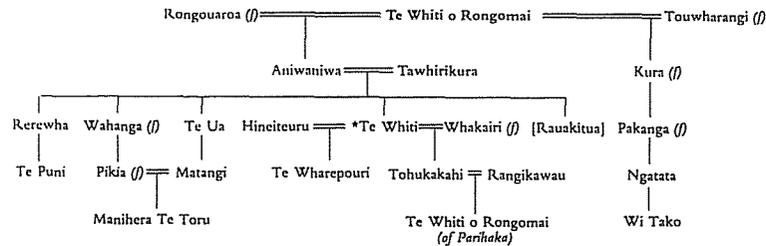
the last Ngati Ira defenders put Tamairangi and her children into a canoe which was paddled around the coast to Ohariu. There the chiefly family fell into the hands of Ngati Mutunga, or more likely into those of their Ngati Tama kin who had remained there. Tamairangi might have been killed but Te Rangihaeata took the family under his protection, settling them on Mana.⁶⁷ Te Kekerengu either joined his mother on Mana or was a frequent visitor from Porirua.

Two quite separate traditions have been recorded concerning his fate. A story persists that on Mana Te Kekerengu seduced or was seduced by Topeora, Te Rangihaeata's sister, or seduced one of his wives.⁶⁸ Fearing retribution, he took his family and escaped to the South Island. This escape would have been in 1828.⁶⁹ But Te Manihera Te Rangi-taka-iwaho of Wairarapa told J.C. Crawford in 1872 that Te Kekerengu attended a great meeting of Wairarapa and other chiefs who decided to take their people to places where they could trade for European muskets.⁷⁰ This was because the Wairarapa leaders, having fallen on and driven out Ngati Tama from their Palliser Bay pa Wharepapa and Te Tarata about 1829 or 1830, were themselves attacked by the Ngati Tama leader Te Kaeaea at Pehikatea pa, probably about the year 1831 or 1832.⁷¹ The battle of Pehikatea was followed by a retaliatory attack by Wairarapa forces at Paengahuru on the west coast;⁷² it was after this battle that the Wairarapa leaders, including Nuku-pewapewa and Tu-tepakihirangi, planned their withdrawal.

While the Wairarapa leaders planned to take their people to Nukutaurua on the Mahia peninsula, northern Hawke's Bay, where American whalers had begun to call frequently, Te Kekerengu took 108 followers to the South Island, intending to travel to Otakou (Otago) to trade for muskets with the sealing community.⁷³ Whether his escape took place in 1828 or 1832 and whatever the specific events, it was clear that both push and pull factors were inducing the populations of Te Whanganui-a-Tara and Wairarapa to abandon their territories to the Taranaki invaders. In the case of the harbour, the change of ownership would be permanent.

The next phase in the change of tribal proprietors of Te Whanganui-a-Tara, from Ngati Ira in 1800 to Te Ati Awa and Taranaki in 1836, took place in Taranaki in 1831-2. Once again obeying the cultural imperative to seek utu for their losses at Motunui in 1822, Waikato forces invaded, taking the pa Puke-rangi-ora in December 1831.⁷⁴ Many of the Taranaki refugees from this fight took refuge at Ngamotu, west of Sugar Loaf Point, assisting the Te Ati Awa chief Te Wharepouri in defending Otaka pa against a new Waikato siege. Te Wharepouri was assisted also by the traders John Agar (Hakirau) Love, Richard (Dicky) Barrett and others.

Whakapapa of his ancestors given by Wi Tako Ngatata⁷⁹



Using the traders' carronades, loaded with iron hoop pieces and stones, Te Ati Awa and their allies succeeded in driving off the Waikato forces after three weeks, but Waikato left behind so many dead that the people of Ngamotu knew it would only be a matter of time before they would be attacked again.⁷⁵

Te Wharepouri, his elder cousin Te Puni, his junior cousin Wi Tako Ngatata, and the surviving elder of the previous generation, Raua-ki-tua, led those Te Ati Awa hapu which had defended the Ngamotu area south in a migration including about 400 males and totalling perhaps more than 2000 people altogether.⁷⁶ The migration was known as Tama-te-uaua;⁷⁷ the people of Te Ati Awa who travelled with it were known as the Ngamotu tribe, from their last place of residence in Taranaki; Ngamotu included Ngati Te Whiti, Ngati Tawhirikura, Te Matchou and other hapu of Te Ati Awa. Also associated with Ngamotu were further parties of Ngati Tama and Ngati Mutunga. The migration took place late in 1832.⁷⁸

Having paid a courtesy visit to Te Rauparaha at Kapiti to seek his approval, the newcomers joined their kin at Waikanae, settling at Te Uruhi. At this time the mana of Te Rauparaha over the various parties of newcomers to the Kapiti coast and other fought-over southern regions was still acknowledged, though once he assigned lands to tribes with rangatira status their rights after three years of occupation acquired independent legitimacy. Some defeated tribal groups, such as the section of Rangitane living on Rangitoto (d'Urville Island), also acknowledged his mana at this time.⁸⁰

Soon after the arrival of Ngamotu at Waikanae, Te Mana of Ngati Mutunga invited Te Matangi and his son Te Manihera Te Toru, cousins to Te Puni and Te Wharepouri, to settle with him at Pito-one (Petone),

since they were close kin.⁸¹ With their settlement at Pito-one, Te Ati Awa gained their second foothold in Te Whanganui-a-Tara; the first had been the arrival of Ngatata-i-te-rangi with Ngati Mutunga.

The third foothold was not long in developing. It was probably while Ngamotu were still settled at Te Uruhi that Wi Tako Ngatata and a Te Ati Awa war party were recruited by Te Whatanui to join Ngati Raukawa and some inland Rangitane travelling through the Manawatu into Hawke's Bay to obtain satisfaction for Ngati Raukawa losses during their attempts to settle there.⁸² After various skirmishes the company divided; the route followed by the Ngamotu company is unknown but they made their way to Heretaunga (Hutt valley) where they attacked a Rakai-whakairi or Ngati Kahukura-awhitia settlement called Te Puniunuku. Their 'take' (cause) was the death of a Ngati Mutunga chief called Te Momi.⁸³ In gratitude for the satisfaction obtained, Patukawenga of Ngati Mutunga made tapu for Ngamotu the area east of the Heretaunga (Hutt) River mouth, Waiwhetu, calling it 'te iwi tuara o Tipi' (the backbone of Tipi); Tipi was a female cousin of Patukawenga given in marriage to a Ngamotu chief.⁸⁴ Te Mana, kin to Te Matangi and chief at Pito-one, then made tapu for Ngamotu the place called Whiorau (Lowry Bay), saying that the pipi there were as large as Raka-ruarua (a woman of legendary size). These gifts of land and resources made for services rendered constituted the third step towards proprietorship by Te Ati Awa in the harbour.



Port Nicholson from the hills above Pitone, 1840. Charles Heaphy.

(Alexander Turnbull Library)

After a year at Te Uruhi a large party of Ngamotu, leaving some of their kin at Waikanae, moved south to Te Koanga-a-umu for a few weeks, and then on by canoe to Te Whanganui-a-Tara where they settled on the land gifted to them, from Waiwhetu to Okiwi.⁸⁵ Not long afterwards a runaway called Mata was pursued into Wairarapa by a small party, two of whom were killed by Wairarapa local people.⁸⁶ Te Wharepouri and Te Puni felt constrained by the usual code into raising a war party to seek satisfaction, but when they arrived in the Wairarapa valley they found it almost deserted. It was at this time that Nukupewapewa and Tu-te-pakihi-rangi had finally removed the tangata whenua to Mahia. Returning to Te Whanganui-a-Tara, Te Wharepouri and Te Puni proposed to their people that they should take possession of this apparently abandoned land. Leaving some of their old people to occupy Waiwhetu, the bulk of the Ngamotu migration moved once again to southern Wairarapa. They were able to retain this new acquisition for only three planting seasons.⁸⁷

While Ngamotu were absent in Wairarapa, tribal relations on the Kapiti coast were deteriorating. The various migrant tribes were in competition for the resources of the coast and their relationships were complicated by Ngati Raukawa's alliances with local tribes. Te Ati Awa were in close competition with Ngati Raukawa in the Waikanae/Otaki region. Rights were not clearly defined; mana over the land and people had been recently acquired through conquest and was open to challenge. When a party of Te Ati Awa stole some Ngati Raukawa food and the latter retaliated, killing a person of rank called Taowa,⁸⁸ most of the components described as contributing to increasingly bitter cycles of tribal warfare in other areas were here present; the competition over resources, the search for domination and/or security, the compulsion to seek utu; even recruitment from a distance. Te Whatanui of Ngati Raukawa, not content with the support of Rangitane, Ngati Apa and Muaupoko, plus the reluctant assistance of Te Rauparaha and his section of Ngati Toa, sent messages for help. Before the long-drawn-out siege of Haowhenua pa had come to a close, he was being assisted by Taraia Ngakuti and Ngati Maru from the Thames/Coromandel area and Te Heuheu Mananui of Tuwharetoa from Taupo. Ngati Raukawa's opponents of Te Ati Awa, on the other hand, were assisted only by other Taranaki groups, including Ngati Mutunga from Te Whanganui-a-Tara; Te Hiko and Ngati Te Maunu came to their support when it seemed likely that Te Ati Awa would be defeated.⁸⁹ The result of the 1834 Haowhenua battle was inconclusive but Ngati Raukawa were the greatest losers; they felt constrained to withdraw, at least temporarily, from Otaki to Rangitikei.⁹⁰

Fighting on the Te Atiawa side at Haowhenua was a new party of migrants called 'Te Heke Paukena' (the Paukena migration); besides a party of Te Ati Awa from Waitara under Te Rangitake, later called Wi Kingi, the migration included a party of the Taranaki tribe and some Ngati Ruanui under the chiefs Te Hanataua, Pakuahi and Te Mira. The Taranaki and Ngati Ruanui portions of this heke (migration) moved on to Te Whanganui-a-Tara; there, the chief Ngatata-i-te-rangi, who had come to the harbour ten years before with Ngati Mutunga,⁹¹ permitted them to settle between the Te Aro and Waitangi streams (Taranaki Street to Kent and Cambridge Terraces; the present Basin Reserve was a swamp called Waitangi).⁹² Ngatata could permit this settlement as Ngati Mutunga and Ngati Tama were already considering a move elsewhere.

In the aftermath of Haowhenua, Te Ati Awa had been driven away from Porirua; it was also at this time that the last remnants of Rakai-whakairi and Hamua withdrew from the west coast.⁹³ Ngati Tama saw this as a good time to make a further effort at providing themselves with a secure base; a large party under Te Kaeaea moved to Paremata with the intention of seizing some of the abandoned territory. But Te Rauparaha and Te Rangihaeata, with the help of a party of Ngati Raukawa, drove them away. Ngati Tama withdrew to O-manga-rau-tawhiri, on the west coast between Ohariu and Porirua. After a year they made an attempt to occupy Mana Island. Te Rangihaeata again drove them back to Ohariu.⁹⁴ It was from these circumstances that Te Kaeaea received from Te Rangihaeata the nickname by which he was ever afterwards known, 'Taringakuri' or Dog's Ear, because, like a wilful dog, he refused to heed the expressed wishes of Te Rangihaeata, who held the mana over the areas for which Ngati Tama yearned.⁹⁵

The time was drawing close when, as an on-going consequence of a spiral of war that had begun north of Kawhia decades before, proprietary rights over Te Whanganui-a-Tara were to be transferred again, this time for the last time between solely Maori groups. The principal occupants of the harbour, Ngati Mutunga, always closely associated by kinship with Ngati Tama (who had continued to maintain a presence at Kaiwharawhara from 1825) felt insecure as a result of the latter tribe's quarrels with Te Rangihaeata over Mana and other territories. Ngati Mutunga had also quarrelled with Ngati Toa on their own account; they had fought at Haowhenua and the chief Te Waka Tiwai, Pomare's brother, was killed. Pomare's wife Tawhiti was Te Rauparaha's niece; her brothers dug up the body of Te Waka Tiwai to obtain the tobacco buried with him. Pomare sent Tawhiti away in disgust at their behaviour.⁹⁶ Coupled with Te Rauparaha's alliance with the Tainui people Ngati Raukawa, kin to their former Waikato enemies, Ngati Mutunga

feared the growing weight of 'take' nurtured against them on the Kapiti coast would result in a concerted attack according to the full rigour of the accepted inter-tribal code.

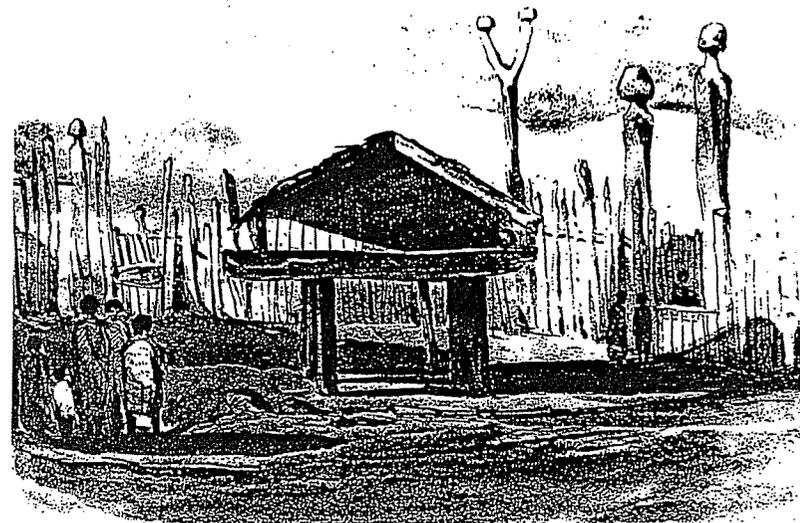
It was then that talk arose about Rekohu, the Chatham Islands, or 'Wharekauri' as the group became known to Maori. One contemporary Maori visitor to the group told Ngati Mutunga and Ngati Tama that the islands were full of birds and other food, and that the people were numerous but knew nothing of war. To the beleaguered Ngati Mutunga and Ngati Tama, the islands seemed the perfect refuge. Meetings were held at Raurimu and Kumutoto and it was decided to attempt a migration.⁹⁷ These meetings were probably called after it was known that the brig *Rodney*⁹⁸ was about to visit the harbour, by this time referred to among Pakeha as Port Nicholson; the Maori version of this name was Poneke. The *Rodney* was at Kapiti on 16 October 1835, Cloudy Bay on 21 October, and arrived at Port Nicholson on 26 October. Shand was told that her captain was lured to Matiu (Somes Island) by a ruse and the crew was seized there. The captain was not tied but felt constrained to accede to the Ngati Mutunga demand that he should provide their people with transport to the Chathams. Between 7 and 14 November the *Rodney* was loaded with food, water, canoes and 70 tons of seed potatoes.⁹⁹

During this week there was much argument between Ngati Mutunga and Ngati Tama; the latter people, driven out of one place after another in the saga of migrations and attempted settlements, were by now regarded as 'he iwi makutu' (an accursed people); they were not wanted on board. Te Wharepa and Patukawenga, Ngati Mutunga chiefs, intervened, allowing some Ngati Tama and a party of Ngati Haumia of the Taranaki tribe to embark. The *Rodney*, laden with 500 men, women and children and their goods, finally departed on 14 November 1835. The ship's second mate was left behind as a hostage to ensure her return.¹⁰⁰

It was while the second contingent of Ngati Mutunga and their kin were waiting on Matiu for the return of the *Rodney*, that Te Wharepouri and the Ngamotu division of Te Ati Awa returned to Te Whanganui-a-Tara after their abortive attempt to settle the Wairarapa valley. Things had not gone smoothly for Te Ati Awa in Wairarapa. After the first year they had been attacked twice in succession by Wairarapa war parties seeking both utu for their dead and to challenge the expropriation of their lands.¹⁰¹ At the end of the second year, when Ngamotu were preparing for their third growing season, Nuku-pewapewa brought a party of Wairarapa Maori supported by the Ngati Te Whatu-i-apiti chief Te Hapuku from Nukutaurua; they attacked Te Wharepouri at Tauwhiri-

ata (or Tauwhareata) at Tauwharenikau, now called Tauherenikau, near present-day Featherston.¹⁰² The attack was a complete surprise resulting in many deaths and captures. Te Wharepouri himself escaped, leaping down a cliff where his pursuers were afraid to follow, but amongst those captured were his wife Te Urumairangi, his sister Matenga and her daughter Te Kakapi, otherwise known as Wharawhara-i-te-rangi; this girl, Te Wharepouri's niece, was often referred to as his daughter. These captives were later to play an important role.¹⁰³

Te Wharepouri, who had managed to gather together the remnants of Ngamotu and a number of canoes, was joined at this time by Rawiri Kowheta, who had been living all this time at Porirua, and who had been presented with a canoe called Hakitara, renamed Haowhenua, by the departing Ngati Mutunga. Kowheta, the father of two of Wi Tako Ngatata's future wives, was probably the bearer of the news that Ngati Mutunga were about to abandon Port Nicholson.¹⁰⁴ Presented at this opportune moment with an alternative home for his people, and one in which they already had claims, Te Wharepouri set out on a brief exploratory trip to Te Whanganui-a-Tara. Satisfied, he returned to collect his followers; Te Wharepouri led a fleet of canoes, carrying an estimated 100 men, perhaps 300-400 people in all,¹⁰⁵ on what was to be their final migration. He brought his people first to Waiwhetu and then



Native wata or storehouse, 1850. William Fox.

(Alexander Turnbull Library)

to Matiu, where the second group of would-be travellers to the Chathams were awaiting the return of their transport. Wi Tako Ngatata took one party to occupy the east coast of the Miramar peninsula, at Kakariki (Seatoun) and Te Mahanga, while Te Ropiha took Te Matehou hapu to Onehunga (Worser Bay); later this hapu moved to Pipitea.¹⁰⁶ The *Rodney* returned to Poneke on 23 November; it was to depart again with the second group of Ngati Mutunga and Ngati Tama on 30 November 1835.¹⁰⁷

Before their departure a very important transaction took place. The chiefs of Ngati Mutunga, during a meeting on Matiu, made over their lands by formal 'panui' (announcement) from Pito-one to Ngauranga (north east side) to their Te Ati Awa kinsman Te Matangi, later baptised Rawiri, and to his son Te Manihera Te Toru; these two cousins of Te Puni and Te Wharepouri had been living with Ngati Mutunga since 1832.¹⁰⁸ Confirming and extending the gift of Ngatata-i-te-rangi to Te Hanataua in 1834,¹⁰⁹ the lands from Waitangi and Te Aro to Ngauranga (south-west side) were made over to Ngati Haumia and Ngati Tupaia of the Taranaki tribe; Ngati Tupaia had taken over land given to a party of Ngati Ruanui which had later returned to Taranaki.¹¹⁰ The various gifts of land were acknowledged by the presentation of greenstone to Pomare and Te Poki, chiefs of Ngati Mutunga.¹¹¹

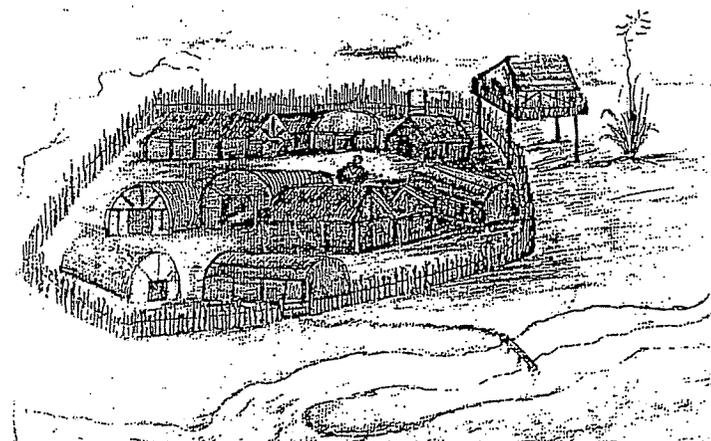
Te Wharepouri, Te Puni and their people remained on Matiu for a month. After this time Te Manihera Te Toru came to Matiu on behalf of his father to invite them to take up residence at Pito-one. Te Matangi and his family, with a few other persons, perhaps 20 in all, were the only residents of the land from Waiwhetu to Ngauranga during November 1835; they welcomed the protective presence of their kin in a large harbour deserted but for themselves, a small community of Ngati Tama at Kaiwharawhara, and some Taranaki at Te Aro and Waitangi.¹¹²

Before taking up residence on the Pito-one lands pointed out to them by Te Manihera Te Toru, Te Wharepouri paid a visit, the purpose of which is unrecorded, to Kapiti.¹¹³ Was this a courtesy visit to Te Rauparaha acknowledging his mana over the new arrangements, or was Te Wharepouri assuring himself that his people would not suffer for the unresolved 'take' between Ngati Toa and Ngati Mutunga? Te Ati Awa certainly did not yet feel secure in their inheritance. Matiu was the refuge of Port Nicholson during these troubled years as it had been for Ngati Ira at the beginning of the century. Te Puni, Te Wharepouri and the other chiefs spent long periods living on the island.

Te Manihera Te Toru was visiting them about a month after Ngamotu had settled Pito-one, and was wind-bound on the island for three days by a southerly gale. From the island he saw Ngati Haumia

come from Te Aro to Ngauranga and commence to take up the potatoes planted by Ngati Mutunga before their decision to depart in the cultivations called Tutaenui on the hill on the Hutt side of the stream. He was angry because this side of Ngauranga had been turned over to his father and himself. As soon as the gale abated he and Te Wharepouri crossed to Pito-one to collect a war party and went to Ngauranga. Ngati Haumia were forcibly driven away, their canoe was broken, and the potatoes taken from them.¹¹⁴ Te Wharepouri then took possession of the Hutt side of Ngauranga and Te Manihera and his father settled initially on the Wellington side; later they, too, settled on the Hutt side.¹¹⁵ Te Wharepouri refused to listen to any protest, and the Ngati Haumia chiefs accepted the status quo, restricting their activities to Te Aro and its environs. In terms of Maori customary tenure this withdrawal was a recognition of the legitimacy of Te Manihera Te Toru's actions.¹¹⁶

Te Wharepouri, his nephew Makere,¹¹⁷ and other kin, built themselves a house called Te Akitiwha, occupied communally, on the Hutt side of the stream. Later Te Wharepouri built and occupied the house Pukeatua. From this time on, early in 1836, Ngauranga was his permanent home.¹¹⁸ Wi Tako Ngatata moved from Kakariki to Pito-one for a brief period and then joined his father Ngatata-i-te-rangi at Kumutoto pa.¹¹⁹ Te Matehou hapu under Te Ropiha had settled at Pipitea; they also made use of Ngati Mutunga's reserves at Orongorongo; expeditions went there at times for canoe timber, to hunt birds and collect berries.



Pipitea Pa, Thorndon, Wellington. G.R. Hilliard.

(Alexander Turnbull Library)

Te Matehou had a hut there for shelter during these trips.¹²⁰

Thus, by early 1836, settlement patterns in what was to be Wellington Harbour had arrived at the status quo encountered by the crew and passenger complement of the New Zealand Company ship *Tory* in August 1839. The Company agent, Colonel William Wakefield, was to assume from its relative weakness that the Taranaki tribe at Te Aro was a slave tribe,¹²¹ but while its relations with Te Wharepouri and his senior cousin Te Puni were strained and wary, its claim to legitimate occupation of the harbour rested on exactly the same basis as did that of Ngamotu of Te Ati Awa. Ngati Mutunga had occupied the harbour and gradually conquered and banished its original population; this population had either been killed or had withdrawn to Wairarapa or to the South Island, and had failed to regain its lands. Ngati Mutunga's claim had been legitimated by several years of unchallenged occupation; although they had abandoned their lands, they were a people with mana intact when they did so; the abandonment was unforced. In terms of traditional tenure, Ngati Mutunga had established an unchallenged right to large areas of the harbour, and this right they had formally transferred to Taranaki and Te Ati Awa in November 1835.

In spite of this transfer it was to be several years before Te Ati Awa and Taranaki could regard themselves as the unchallenged tangata whenua of the harbour. While settlement patterns on the Kapiti coast in the late 1830s were also taking on the shape that would be locked in by land sales to Europeans and the establishment of codified title, in 1836 it was by no means clear that the cycle of war, which had seen such gross changes in rights over the larger region which included the harbour, was coming to an end. The wars, migrations, and general dislocation which had spiralled from remote beginnings little connected to Te Whanganui-a-Tara in either time or distance, could only cease when new techniques in inter-tribal relations were adopted and utilised in sufficient areas of dispute to brake the whole process. In 1836 wars had ceased on the coast only temporarily, more from exhaustion than because the basic dispute—the competition for space and resources in the region—had been resolved.

The measure of insecurity felt by the new owners of the harbour was manifest in their desire to follow the example of Ngati Mutunga and escape to a safe haven. In these years Te Puni and Te Wharepouri continued to visit Wairarapa, both to obtain canoe timber and to keep their claims warm. They were there in March 1836 when they heard that the whaling schooner *Active* was visiting Palliser Bay. Te Wharepouri led an unsuccessful hijack of the vessel with the intention of forcing its master to carry his people to join Ngati Mutunga at the Chatham Islands.¹²²

It was clear to New Zealand Company officials and other European visitors that Te Ati Awa and Taranaki were under continual harassment even as late as 1841, and that they greatly feared 'Ngati Kahungunu'.¹²³ At the time of first contact relations between Te Ati Awa and Ngati Raukawa were again approaching a crisis on the Kapiti coast. A battle called Te Kuititanga developed at Waikanae in mid-October 1839 during the mourning ceremonies for Waitohi, sister of Te Rauparaha and mother of Te Rangihaeata. Ngati Toa split along their usual lines, Te Hiko supporting Te Ati Awa and Te Rauparaha reluctantly becoming involved on the side of his Ngati Raukawa kin.¹²⁴ After the battle, Te Hiko and Ngati Te Maunu, for fear of Ngati Raukawa, built themselves a new pa at Pukerua Bay.¹²⁵ Henry Williams considered that one cause of friction was that Te Ati Awa had taken all the payment for Port Nicholson when, in the opinion of Te Rauparaha's kin, Te Ati Awa rights derived from his conquering mana.¹²⁶ William Wakefield considered that the quarrel was of long standing, and that the immediate cause of dispute was the misappropriation of some sheep, coupled with the enforced close contact between the rival peoples during the mourning period.¹²⁷ All these factors were symptomatic of the on-going demarcation dispute.

But in spite of the apparently unchanged inter-tribal rivalry, a new factor had become manifest both on the Kapiti Coast and in other parts of southern New Zealand.¹²⁸ Christian missionaries, both Maori and Pakeha, were penetrating southern regions on both coasts. Parts of their message varied but all emphasised the need of cessation of warfare and peace-making with former enemies as proof of good Christian intentions.¹²⁹ Christianity brought with it certain rewards, such as the increased prestige resulting from literacy, and the tangible signs of respect often bestowed by European figures of authority on Christian chiefs (flags, suits of armour).¹³⁰ Conversion became desirable in the eyes of aging war leaders and their young followers. By now both groups appreciated the costs of two decades of attrition and dislocation. The new method of attaining peace with honour through conversion began to gain acceptance.

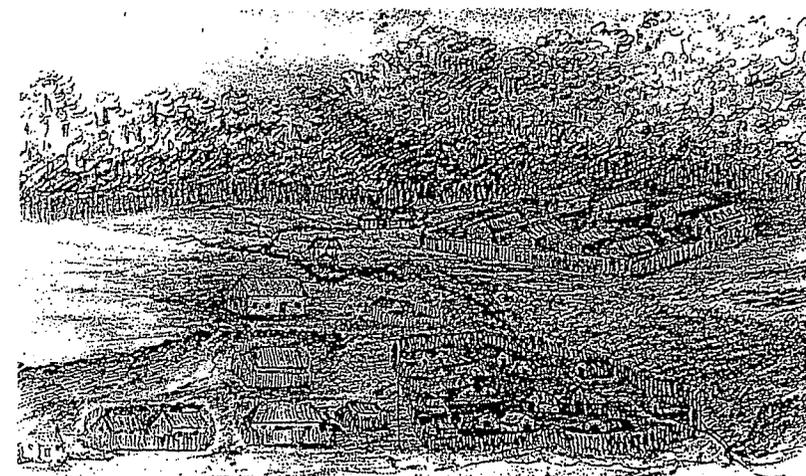
The will to make peace through establishing clear territorial boundaries developed in Hawke's Bay, where most of the people of Wairarapa were still taking refuge, Taupo, Waikato, the Kapiti coast, the north of the South Island and Port Nicholson in a gradual extension of peace-making negotiations from 1838. While false starts and set-backs occurred in some areas, formal peace arrangements concerning Port Nicholson, Wairarapa and the southern west coast began in 1840. As late as September 1839, Te Wharepouri was still willing to tapu Wairarapa for



Petoni pah, Wellington. William Fox.
(Alexander Turnbull Library)

Colonel Wakefield's purchasing endeavours,¹³¹ but at the same time he was preparing to travel to Hawke's Bay to redeem his niece Te Kakapi, captured by Nuku-pewapewa at Tauwhiriata in Wairarapa in 1835. The Wairarapa chief had released Te Wharepouri's wife Te Urumairangi and she, after encouraging Nuku-pewapewa to take Te Kakapi as some reward for his generosity, had brought Te Wharepouri the message that the Wairarapa chiefs were prepared to negotiate her return.¹³² Te Kakapi proved to be the lever that would permit a general settlement.

On his arrival in Hawke's Bay, probably early in 1840, Te Wharepouri found that Nuku-pewapewa had drowned. Negotiating with Tutu-pakihirangi, Te Wharepouri offered valuable greenstone for his niece's return, but the Wairarapa chief would take nothing less than the restoration of his ancestral lands.¹³³ Te Wharepouri returned to Wellington in July 1840 accompanied by a party of important Hawke's Bay and Wairarapa chiefs.¹³⁴ It was probably during this visit that the treaty was agreed between the tribes occupying Port Nicholson, which were the same tribes that had occupied part of Wairarapa during the 1830s, and the tangata whenua tribes of Wairarapa; Ngati Kahungunu-ki-Here-tunga and Ngati Te Whatu-i-apiti acted as guarantors on the relatively weak Wairarapa side. Its terms restored the Wairarapa to its tangata whenua, but recognised their westward boundaries as the Tararua and



Part of a panorama of Port Nicholson, 1841. G.R. Hillard.
(Alexander Turnbull Library)

Rimutaka ranges; in return their claims to the west coast including Pukerua Bay, Porirua and Ohariu were abandoned, as was all claim to Te Whanganui-a-Tara.¹³⁵ The peace was confirmed in traditional form by a network of arranged marriages, the exchange of gifts, and the release of prisoners.¹³⁶

This Maori peace, arranged after the settlement of the harbour by Europeans, thus used the facts of land sale events as part of the final arrangement of Maori tribal boundaries. The sale of Te Whanganui-a-Tara by Te Wharepouri and Te Puni was itself an act designed to set the bounds of their mana over the harbour. Their right to sell, in September 1839, from Rimurapa (Sinclair Head) to Turakirae and inland to the Rimutaka range, was limited by the legitimate claims of Taranaki and Ngati Tama (who had never abandoned their foothold at Kaiwharawhara) within those bounds. It was also limited by the on-going claims of Rakai-whakairi and other tangata whenua who had never ceased to challenge the presence of the Taranaki tribes.¹³⁷ The act of selling established the bounds of Te Ati Awa and Taranaki claims. Wi Hape Pakau, giving evidence years later concerning the Wellington 'Tenths', Maori reserves, was translated as saying:

The boundaries were fixed as described by Wharepouri to Colonel Wakefield viz Tarakirae [sic] to Rimurapa, Rimurapa to Rimutaka. It was a time

of demarkation between Ngati Kahungunu and Ngatiawa [sic].¹³⁸

Te Wharepouri's claim was to be accepted. As Tu-te-pakihi-rangi of Wairarapa put it during the peace-making in 1840:

The people from Taranaki and Maunga-tatari (Ngati Raukawa) need not return to their own lands . . . Live, all of you, on this side of the bounding mountains—you on this side, I on the other. I will call those mountains our shoulders [i.e. make them tapu]; the streams that fall down on this side are for you to drink; on the other side for us.¹³⁹

Abbreviations

AIM	Auckland Institute and Museum
AJHR	Appendices to the Journals to the House of Representatives of New Zealand
APL	Auckland Public Library
ATL	Alexander Turnbull Library
AUL	Auckland University Library
BC	Borough Council
CC	City Council
Chapman Papers	H.S. Chapman, Personal Papers 1843-1851 (Turnbull Library)
CNZ	<i>Cyclopedia of New Zealand</i>
CO	Archives of Colonial Office (Public Records Office, London. Microfilm held National Archives)
Col. Sec.	Colonial Secretary
F+J	Flosam and Jetsam Series (Hocken Library)
G	Governor series (National Archives, New Zealand)
<i>Gazette</i>	<i>The New Zealand Spectator and Wellington Gazette</i> (General Assembly Library)
GLCNZ	General Legislative Council of New Zealand
GNZ MSS	Grey Maori Manuscript Collection, Auckland Public Library
IA	Archives of the Colonial Secretary. Internal Affairs Series (National Archives, New Zealand)
<i>Independent</i>	<i>Wellington Independent</i> (General Assembly Library)
IUP/BPP	Irish University Press series of British Parliamentary Papers
JPS	<i>Journal of the Polynesian Society</i>
LCNM	Legislative Council of New Munster
M.B.	Minute Book (Maori Land Court)
MHR	Member of the House of Representatives
MLC	Member of the Legislative Council (post 1853)
MPC	Member of the Provincial Council
NM	New Munster
NZAAN	New Zealand Association of Archaeologists Newsletter
NZC	New Zealand Company
NZC	New Zealand Company Papers (National Archives)
NZCC	New Zealand Company Committee
NZC Sec.	New Zealand Company Secretary
NZC Tenth's	New Zealand Company 'Tenth's'
NZJH	<i>New Zealand Journal of History</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
OLC	Old Land Claims series (National Archives, New Zealand)
S.S. Cols	Secretary of State for the Colonies
Smith Journals	Journals of W.M. Smith 1836-1841 (Turnbull Library)
TB	Town Board
TNZI	Transactions of the New Zealand Institute
WCC	Wellington City Council

Notes

Introduction

- 1 Alan Mulgan, *The City of the Strait. Wellington and its Province A Centennial History*, Wellington, 1939.
- 2 N.L. McLeod and B.H. Farland (eds.), *Wellington Prospect Survey of a City 1840-1970*, Wellington, 1970.
- 3 *Wellington Through a Victorian Lens*, Wellington, 1972; *Brage's Wellington and the Wairarapa Images of a City and its Provinces From the 1860s to the 1890s as Recorded by Photographer James Brage 1833-1908*, Wellington, 1974.
- 4 Bernard Semmel, *The Rise of Free Trade Imperialism Classical Political Economy the Empire of Free Trade and Imperialism 1750-1850*, Cambridge, 1970.
- 5 Peter Stuart, *Edward Gibbon Wakefield in New Zealand His Political Career, 1853-4*, Wellington, 1971.
- 6 David McGill and Grant Tilly, *Cityscapes*, Wellington, 1977; *In Praise of Older Buildings*, Auckland, 1980.
- 7 For which see David Hamer, *New Towns in the New World*, New York, 1990.

Te Whanganui-a-Tara: Phases of Maori Occupation of Wellington Harbour c. 1800-1840

I wish to gratefully acknowledge the assistance of A.R. Cairns in locating the illustrations used in this chapter

- 1 'The great harbour of Tara' was named after Tara, son of Whatonga and uncle of Rangitane, traditionally one of the earliest occupants.
- 2 19th century scholars espousing this view included Alexander Shand, S. Percy Smith,

W.L. Travers and Elsdon Best. Similar views have been expressed by 20th century scholars including A.P. Vayda, 'Maoris and Muskets in New Zealand: Disruption of a War System', *Political Science Quarterly*, v. 85, pp. 560-84; Dorothy U. Ulrich, 'Migrations of the North Island Maoris 1800-1840: A Systems View of Migration', *New Zealand Geographer*, v. 28, 1972, pp. 23-35.

- 3 L.M. Groube postulates a change in proto-historic warfare resulting from 'some sort of breakdown of political cohesion within the larger tribal group'; he sees this as reflected in the development of autonomous hapu within the larger tribal group and as linked to the late development of smaller rectangular pa defended by outer bank and ditch. L.M. Groube, 'Settlement Patterns in Prehistoric New Zealand', unpublished MA thesis, University of Auckland, 1964. The author's PhD research based on descent groups living in Hawke's Bay and Wairarapa, 1769-1840, supports the ongoing existence of autonomous communities, whose war practices were exhibiting changing patterns before the introduction of the musket; tribal formation was taking place within the 19th century. See also Jeff Sissons, 'Rethinking Tribal Origins', *JPS*, v. 97, June 1988, pp. 199-204.

4 This tendency has been noted in late 18th century Hawke's Bay, and in relations between Northland and Hauraki Gulf tribes. It may have occurred elsewhere.

- 5 Octavius Hadfield, 'Systems of Government among the New Zealand tribes . . .', *GNZ MSS* 17, APL, pp. 111, 115; this assessment also derives from Hawke's Bay, Wairarapa and West Coast research.

6 William Williams recorded in 1838 that Maori 'seem to take it for granted that peace is the universal consequence of the introduction of missionaries'. William Williams, *Journals* 1825-1855, typescript, AIM, v. 4, p. 486, entry for 23/1/1838. See notes 131, 132.

- 7 R.C. Green, *Adaptation and Change in Maori Culture*, Stockton House 1977, pp. 35-6.
- 8 Raymond Firth, 'Bilateral Descent Groups: an operational viewpoint in Alan Howard' (ed.), *Polynesia: Readings on a Culture Area*, Chandler 1971, p. 73; see also William Colenso, 'On the Maori Races of New Zealand', *TNZI*, v. 1, p. 363; Richard Taylor, *Te Ika a Maui*, London 1855, pp. 384-6.
- 9 L.M. Groube, 'The Origin and Development of Earthwork Fortifications in the Pacific', in R.C. Green and Marion Kelly (eds.), *Studies in Oceanic Culture History*, v. 1, Bishop Museum, Honolulu, 1970.
- 10 S. Percy Smith, 'History and Traditions of the Taranaki Coast', *JPS*, v. 18, 1909, pp. 50-4 (account based on land court evidence of Major Te Wheoro and Hone Kaora re Kawhia); see also Patricia Burns, *Te Rauparaha: a new perspective*, Wellington, 1980, p. 35.
- 11 Sir Apirana Ngata (ed.), *Nga Moteatea*, v. 1, Polynesian Society, 1959, p. 265; Pei Te Hurinui, *King Potatau*, Polynesian Society, 1959, pp. 42-3.
- 12 Smith, op. cit., pp. 54-69.
- 13 *Ibid.*, pp. 71ff., 114-21.
- 14 Alexander Shand, 'The Occupation of the Chatham Islands By The Maoris in 1835: Part I, The Migration of Ngati Awa to Port Nicholson', *JPS*, v. 1, 1892, pp. 84-7; Burns, *Te Rauparaha*, pp. 96-8, 125.
- 15 Shand called them 'Ngati Ira, a section of Ngati Kahungunu' (*JPS*, v. 1, 1892, p. 90); Elsdon Best, in 'Te-Whanganui-a-Tara. Wellington in Pre-Pakeha Days', *JPS*, v. 10, 1901, pp. 133-47, believed that Ngai Tahu, whom he considered to be identical with Ngai Tahu of the South Island, shared Te Whanganui-a-Tara with Ngati Ira, whom he considered to be the descendants of Ira-kai-putahi. He also thought that Rangitane had expelled Ngai Tara from the Seventy Mile Bush, and that Rangitane had ceded Wairarapa and Te Whanganui-a-Tara to Ngati Kahungunu and had then withdrawn to the South Island. Although he modified his views in 1918 and 1919 (*The Land of Tara and They who Settled It*, Polynesian Society, New Plymouth, 1919, first published 1918) he still confused the descendants of Tahu-potiki (Ngai Tahu of South Island) with the descendants of Te Ao-matarahi (Ngai Tahu and Ngati Ira of Wairoa/Wairarapa). Smith, Best and others regarded Ngati Kahukura-awhitia and Rakai-whakairi as hapu of Ngati Kahungunu.
- 16 Ngai Tahu of Wairoa and Wairarapa were the descendants of Tahu, child of Ue-tekorohcke and parent of Ira-turoto. They migrated from southern Hawke's Bay to Wairarapa in the lifetime of Tamaiwaho's son Te Rangitaitaia; Micro Collection 6, ATL, Maori Land Court Minute Books, Reel 2, Napier M.B.6, pp. 121ff., 252-3. S. Percy Smith repeats the story of Te Rangitaitaia, but insists that Ngai Tahu of Wairarapa was the same descent group as that of the South Island; *JPS*, v. 15, 1906, pp. 69, 84.
- 17 This genealogy is a composite of Ngati Porou genealogies given in Micro 1525, AUL, Selected MSS compiled by H.T. Whatahoro, 'Moihi Torohanga Pukapuka Tenei Whakapapa, Genealogies of Ngati Kahungunu (Tribe), Wairarapa District, Part III', no page nos. Supporting genealogies occur in Nepia Pohuhu, Memoir Supplement, *Te Wananga, Journal of the Board of Maori Ethnographical Research*, v. 1, no. 2, December 1929, pp. 170, 175; v. II, no. 1, March 1930, pp. 163-4. Supporting genealogies occur in J.M. McEwen, *Rangitane: A Tribal History*, 1986, pp. 33, 41; Eruera Stirling and Anne Salmond, *Eruera: The Teachings of a Maori Elder*, 1980, pp. 33-7.
- 18 Most secondary sources regard Te Ao-matarahi as the relative or 'general' of Taraia, great grandson of Kahungunu; Taraia and Te Ao-matarahi were related by marriage, but were of different descent groups and settled different areas. See MS 1354, ATU, Mohi Te Atahikoia, MS, TS, 'Ko Tenei Korero No Hawaiki Ranoa', p. 9. See also Micro Coll. 6, Reel 1A, Napier M.B.12, p. 19, evidence of Airini Donnolly re Porangahau; Napier M.B.13, evidence of Marara Te Awaiti and Te Teira Tiakitai, pp. 208, 280, re Porangahau.
- 19 Also called Te Aitanga o Tumapuhia. See Tanguru Tuhua, 'Incidents in the History of Horehore Pa, Te Takapau, Hawke's Bay District', *JPS*, v. 15, 1906, p. 77; Smith regarded the chief concerned, Ngaoko-o-te-rangi, as Ngati Kahungunu, but Aporo Te Kumeroa, Smith's source, showed him to be a descendant of Te Ao-matarahi connected to Kahungunu through marriage.
- 20 By 1918 Elsdon Best had learnt more about Maori genealogy than in 1894 (when he wrote 'Te Whanganui-a-Tara . . .'); in 1918 he wrote, correctly, of Rangitane, Ngai Tara, Ngati Kahungunu and Ngati Ira, that 'all four tribes became so mingled that one scarcely knows what name to apply to them'; Best, *Land of Tara*, p. 40.
- 21 Wars occurred then with Ngati Apa and Ngati Hau; see J.C. Crawford, 'Notes on Miramar Peninsula, Wellington Harbour', *TNZI* v. 5, 1872, p. 398-9. Crawford was the person who suggested the name 'Miramar' for the peninsula in place of 'Watt's Peninsula'. He suggested that 'Miramar' meant 'Behold the sea'.
- 22 Best, *JPS*, v. 10, 1901, pp. 110, 151, 154; *Land of Tara*, p. 66; Crawford, 'Miramar Peninsula', gives the name Tapu-te-ranga to a pa on the Lyall Bay isthmus. Wi Hape Pakau, gave the name of the Hakoivi pa in his evidence re NZC Tenth's, Micro Coll. 6, Reel 15B, Wellington M.B.2, p. 113. He did not know its precise location.
- 23 Shand, *JPS*, v. 1, 1892, p. 90; S. Percy Smith, *Maori Wars of the Nineteenth Century*, 2nd ed., 1910, p. 108. J.B. Palmer suggests Best was incorrect to apply the name Parangarehu to Pencarrow Head; he puts it near Baring Head in Fitzroy Bay; J.B. Palmer, 'Maori Sites in Fitzroy Bay', *New Zealand Archaeological Newsletter* 1963 v. 6 (3), pp. 125-134.
- 24 Smith, *Maori Wars*, pp. 110-5.
- 25 Best, *Land of Tara*, pp. 42-3; Reel 15B, Wellington M.B.2, pp. 101-2, evidence of Ngataierua re NZC Tenth's; Ian Wards, *Shadow of the Land*, Wellington 1968, p. 216; I assume that when Ngati Kahukura-awhitia and its hapu Ngati Hakeke abandoned Miramar they went to the Hutt; see Crawford, 'Notes on Miramar . . .', p. 399.
- 26 AJHR 1870, A., no. 11, p. 10.
- 27 Smith, *JPS*, v. 18, 1909, p. 34; Best, *JPS*, v. 10, 1901, p. 148; Wairarapa Minute Book 7, ex K.R. Cairns' archives, pp. 262-4, ev. of Manihera Maaka re Okurupatu; Maaka mentions a battle here but not a pa. Smith and Best considered there was a pa.
- 28 Nepia Pohuhu, *Te Wananga*, v. 1, no. 2, pp. 188-9, 215, 221, 240, 243; v. 2, no. 1, pp. 165-6; Whatahoro/Torohanga Coll. Micro 1525, pages identified as 87, 93; *Nga Moteatea*, Part III, 1980, pp. 20, 26-7; Smith, *JPS*, v. 18, 1909, pp. 171-3.
- 29 E.J. Wakefield, *Adventure in New Zealand*, 2 v.s., London, 1845, 1:72; Nancy M. Taylor (ed.), *Journal of Ensign Best*, Wellington, 1966, p. 235; Ernst Dieffenbach, *Travels in New Zealand*, 1843, 2 v.s., 1, p. 91.
- 30 *British Parliamentary Papers*, New Zealand, v. 2, 1844, p. 356, George Clarke to Colonial Secretary, 17/10/1843, Encl. 6 in no. 4.
- 31 Ruka Broughton, *The Origins of Ngaa Rauu Kitahi*, Wellington, 1983, pp. 1, 3, passim.
- 32 Smith, *Maori Wars*, pp. 108; Smith, *JPS*, v. 18, 1909, pp. 36-9.
- 33 Smith, *Maori Wars*, p. 215.
- 34 For most recent expression of this idea see *A Guide to Wellington's Maori History. Nga Korero Maa O Te Upoko O Te Ika*, Wellington Regional Committee of the New Zealand Historic Places Trust, p. 10.
- 35 See p. 9.
- 36 J.R. Elder (ed.), *The Letters and Journals of the Rev Samuel Marsden* Dunedin 1932, pp. 172-3, 175, 356-9.
- 37 Smith, *Maori Wars*, p. 107, says the ship was seen from Karekawa, but in *JPS*, v. 18, 1909, p. 36, says Omere. See also Peter Butler (ed.), *Life & Times of Te Rauparaha by his son Tamihana Te Rauparaha*, Alister Taylor, 1980, p. 10. Russian exploring vessels did pass through Cook Strait on 9 June 1820; it is possible that these were the ships seen; see Glynn Barrett, *Bellinghausen, a visit to New Zealand: 1820, 1979*, p. 46. Bellinghausen noted a great fire burning 'on the middle headland' and concluded that 'very likely the inhabitants wished us to visit them'.
- 38 Micro Coll. 66, Reel 6, Otaki M.B.1D, p. 382, ev. of Tamihana Te Rauparaha of Ngati Toa re Himatangi; Otaki 1D, p. 511, ev. of Hunia Te Hakeke of Ngati Apa re Himatangi.
- 39 Otaki 1D, p. 383, evidence of Tamihana Te Rauparaha; pp. 393-4, ev. of Nopera Te Ngira of Ngati Toa; p. 417, ev. of Te Karira Tonoa of Ngati Toa; p. 438, ev. of Metekingi Paetahi of Ngai Apa and Wanganui; p. 514, ev. of Hunia Te Hakeke of Ngati Apa; all this evidence was given in the Himatangi Block case, in April 1868.
- 40 Otaki 1D, p. 393, ev. of Nopera Te Ngaira re Himatangi. The position of these pa taken from the map in P. L. Barton, 'Kapiti Island Site Survey', *NZAAAN* v. 17, no. 3, Sept. 1974, p. 11.
- 41 Robert McNab, *Historical Records of New Zealand*, 1908, v. 1, p. 635, Captain Reynolds to Earl Bathurst, 18/4/1825.
- 42 Wellington M.B.2, p. 106, ev. of Wi Hape Pakau re NZC Tenth's, Wellington 1H, p. 258, ev. of Ropata Hurumutu of Ngati Toa re Porirua reserves; *Ibid.*, pp. 231-2, ev. of Matene Te Whiwhi; Otaki 1D, p. 384, ev. of Tamihana Te Rauparaha re Himatangi; see also Burns, *Te Rauparaha*, pp. 119-21.
- 43 Smith, *JPS*, v. 18, 1909, pp. 87, 161; Wellington M.B.2, p. 107, ev. of Wi Hape Pakau.
- 44 Micro Col.6, Reel 10, Wairarapa M.B.1, p. 9, ev. of Te Harawira Tutawha; Reel 15B, Wellington M.B. p. 103, ev. of Ngataierua re NZC Tenth's; p. 112, ev. of Wi Hape Pakau.
- 45 Te Rimurapa and Tutepourangi—Wellington 1H, p. 258, ev. of Ropata Hurumutu.
- 46 *Ibid.*, pp. 258-9; see also Wellington 2, p. 112, ev. of Wi Hape Pakau.
- 47 Otaki 1D, p. 438, ev. of Metekingi Paetahi of Ngati Apa and Wanganui.
- 48 Shand, op. cit., p. 87; Reel 10, Wairarapa M.B.1, p. 9, ev. of Te Harawira Tutawha of Ngati Tama re Ohariu; Reel 15B, Wellington M.B.1C, p. 12, ev. of Hori Ngapakapa of

- Parewanui hapu of Taranaki *re* Te Aro; *ibid.*, p. 81, *ev.* of Mohi Ngaponga of Ngati Haumia of Taranaki.
- 49 Shand, *op. cit.*, p. 88.
- 50 Reel 15B, Wellington M.B.2, pp. 102-3, *ev.* of Himi of Ngati Rongonui (Ronganui?), hapu of Ngati Tama?
- 51 Smith, *JPS*, v. 18, 1909, pp. 169-70.
- 52 Reel 15B, Wellington M.B.2, p. 111, *ev.* of Wi Hape Pakau *re* NZC Tenth; Wellington M.B.1H, pp. 258-9, *ev.* of Ropata Hurumutu *re* Porirua reserves; Shand, *op. cit.*, p. 90.
- 53 Now called Ngati Kahungunu-ki-Wairarapa, the tangata whenua of Wairarapa were the result of extensive intermarriage among the early descent groups Ngati Tara, Rangitane, Ngati Ira, Ngati Kahungunu and others; in the period 1800-1840 they were usually known by later derivative names, such as Rakai-whakairi, Hamua, Ngati Kahukura-awhitia, Ngati Moe and others. Some Ngati Tahu (descendants of Tahu, not Tahu-potiki) and some Ngati Ira retained the original names.
- 54 A.G. Bagnall, *Wairarapa: an historical excursion*, Hedley's Bookshop. for the Masterton Trust Lands Trust, 1976, p. 11; Shand, *op. cit.*, p. 90.
- 55 Shand, *op. cit.*, p. 90.
- 56 Reel 6, Otaki M.B.1D, p. 541, *ev.* of Kawana Hunia Te Hakeke of Ngati Apa, *re* Himatangi.
- 57 Shand, *op. cit.*, p. 90; Smith, *JPS*, v. 18, 1909, pp. 171-3.
- 58 Reel 15B, Wellington M.B.2, pp. 112-3, *ev.* of Wi Hape Pakau *re* NZ Co. Tenth.
- 59 Smith, *op. cit.*, pp. 173-4.
- 60 *ibid.*, p. 174.
- 61 Reel 15B, Wellington M.B.2, pp. 100-1, *ev.* of Ngataierua; *re* NZC Tenth.
- 62 *ibid.*, Wellington M.B.1H, p. 232, *ev.* of Matene Te Whiwhi *re* Motuhara; *ibid.*, p. 292, *ev.* of Nopera Te Ngira *re* Pukerua Block; *ibid.*, p. 259, *ev.* of Ropata Huruniutu *re* Porirua reserves.
- 63 Wellington 1H, p. 233, *ev.* of Matene Te Whiwhi *re* Motuhara.
- 64 Wellington 1H, pp. 259, 292, *ev.* of Ropata Hurumutu and Nopera Te Ngira; Wellington 1, p. 165-6, *ev.* of Wi Parata *re* Pukerua.
- 65 Reel 6, Otaki 1D, pp. 403, 418, 425, 427, 514-8, 541, *ev.* *re* Hima-tangi of Hohepa Tamiahengia & Te Karira Tonoa of Ngati Toa, Kawana Paipai of Te Ati Hau, and Kawana Hunia Te Hakeke of Ngati Apa.
- 66 Ngati Tama had fought against Tainui tribes including Ngati Raukawa before leaving Taranaki.
- 67 Shand, *op. cit.*, p. 91; Smith, v. 18, 1909, pp. 173-4.
- 68 *Ibid.*; see also Taare Wetera Te Kahu and Taare Parata, 'The Wars of Kai-tahu (Ngai Tahu) with Kati-Toa (Ngati Toa)', *JPS*, v. 10, 1901, p. 94; these two thought 'Kekereku' debauched Topeora whom they believed to be Te Rangihacata's wife; she was his sister.
- 69 In the year Te Peehi Kupe was killed at Kaiapoi.
- 70 Crawford, 'Notes on Miramar Peninsula', p. 399.
- 71 Wairarapa Minute Book 7, pp. 262-4, *ev.* of Manihera Maaka *re* Okurupatu; Shand, *op. cit.*, p. 94; Bagnall, *Wairarapa*, pp. 11-12.
- 72 Wairarapa M.B.7, pp. 262-4 *ev.* of Manihera Mahka *re* Okurupatu.
- 73 Mohi Te Atahikoia, MS 1354, TS p. 45; Crawford., 'Notes on Miramar', p. 399.
- 74 J.S. Polack, *New Zealand, Being a Narrative of Travels and Adventures*, Richard Bentley, London, 1838, 2 v.s., II: 295.
- 75 *Ibid.*, pp. 300-17; Dieffenbach, *Travels in New Zealand*, I, p. 138-9.
- 76 Reel 15B, Wellington 1C, p. 93, *ev.* of Te Manihera Te Toru *re* Ngauranga; Wellington 3, p. 224, *ev.* *re* Parangarah; Shand, *op. cit.*, p. 88.
- 77 Wi Hape Pakau told the land court he came with the Pukenuamu migration, which he described as No.4 migration; this may be a name for a section of Tama-te-uaua; Wellington 2, p. 115.
- 78 Date given by Dieffenbach, *Travels*, I: 139.
- 79 Genealogy B, Wellington 1C, p. 42, given by Wi Tako Ngata; given in square brackets, is Raua-ki-tua; the children of Aniwanuiwa and Tawhirikura are given in a genealogy in Wellington 3, p. 201.
- 80 Burns, *Te Rauparaha*, p. 160.
- 81 Reel 15B, Wellington 1C, p. 86, evidence of Te Manihera Te Toru *re* Ngauranga.
- 82 Wellington 2, p. 108, *ev.* of Wi Hape Pakau *re* NZC Tenth.
- 83 *Ibid.* A place called Te Momi in the Hutt valley commemorates this chief.
- 84 *Ibid.*, pp. 108-9; Shand, *op. cit.*, p. 90, calls Tipi Patukawenga's sister, but his genealogical evidence, Part II, p. 162, shows her to be his cousin.
- 85 Reel 15B, Wellington 1C, p. 86, *ev.* of Te Manihera Te Toru *re* Ngauranga; *ibid.*, p. 105, *ev.* of Henare Te Puni.
- 86 Wellington 2, p. 63, *ev.* of Henare Pitt *re* NZC Tenth.
- 87 Wellington 1C, p. 104, *ev.* of Matene Tauwhare *re* Ngauranga. In Wellington 2, p. 63, Henare Pitt says two years; these statements are reconcilable if they arrived in spring 1833 and left in spring 1835.
- 88 Reel 6, Otaki 1D, p. 394, *ev.* of Nopera Te Ngira *re* Himatangi.
- 89 *Ibid.*, pp. 403, 413-4, 418, 427, 439, 441, 514, evidence *re* Himatangi given by Hohepa Tamiahengia, Rakapa Kahoki, Te Karira Tonoa, Kawana Paipai, Metekingi Pactahi, Kawana Hunia Te Hakeke; see also Burns, *Te Rauparaha*, pp. 177-8.
- 90 *Ibid.*
- 91 See above, p. 11, and note 48.
- 92 Reel 15B, Wellington 1C, p. 12, *ev.* of Hori Ngapaka *re* Te Aro; *ibid.*, p. 13, *ev.* of Hemi Parai, p. 17, *ev.* of Mohi Ngaponga.
- 93 Wellington 2, p. 109, *ev.* of Wi Hape Pakau *re* NZC Tenth; *ibid.*, p. 100-1, *ev.* of Ngataierua.
- 94 Wellington 1H, p. 234-5, Matene Te Whiwhi's *ev.* *re* Motuhara.
- 95 E.J. Wakefield, *Adventure in New Zealand*, I, p. 82.
- 96 Also known as Tiwha. Smith, *JPS*, v. 19, 1910, pp. 81-3.
- 97 Shand, 'Part II. The Migration of Ngatiawa to Chatham Island', *JPS*, v. 11, 1892, pp. 154-5.
- 98 This brig was also known as the *Lord Rodney*.
- 99 Robert McNab, *The Old Whaling Days* [1913], 1975, pp. 137-42; Shand, Part II, pp. 155-7.
- 100 *Ibid.*
- 101 Reel 15B, Wellington 2, p. 63-4, *ev.* of Henare Pitt *re* NZC Tenth.
- 102 *Ibid.*; see also T. W. Downes, *Life of the Ngati Kahungunu Chief Nuku-pewapewa*, Wellington, 1913, pp. 367-9.
- 103 Matene Tauwhare, Ripeka's brother, gave a genealogy in the land court showing Makere (referred to as Te Wharepouri's son in Wellington 1C, p. 87); Te Kakapi, Wharawhara, Matene Tauwhare and Patara Tapatu to be the children of Rangiatia and Matenga-kuao (Wellington 2, p. 164). Ripeka herself referred to herself as Te Wharepouri's 'daughter' (Reel 11, Wairarapa 3, pp. 9-10) but Maori relationships such as 'matua' (parent) 'tunganee' (elder brother) included a wider category of persons than their English glosses usually suggest.
- 104 Reel 15B, Wellington 2, p. 210, *ev.* of Wi Hape Pakau *re* NZC Tenth; wives were Mere Ngamai and Mere Tako, Wellington 1C, pp. 33, 35, 48, 78. Wellington 1C, p. 104, *ev.* of Matene Tauwhare *re* Ngauranga.
- 105 *Ibid.*, p. 93, *ev.* of Te Manihera Te Toru *re* Ngauranga; *ibid.*, p. 73, *ev.* of Hemi Parai; Wellington 3, p. 97, *ev.* of Wi Hape Pakau *re* Pito-one; *ibid.*, p. 104 *ev.* of Paaka *re* Whakahukawai.
- 106 Wellington 1C, pp. 88, 93 *ev.* of Te Manihera Te Toru *re* Ngauranga; *ibid.*, p. 38, *ev.* of Wi Tako Ngata.
- 107 Shand, *JPS*, v. 1, 1892, pp. 157-8.
- 108 Evidence concerning the transfer of rights was given by Mawene Hohua, Wellington 1C, p. 63, *re* Pito-one, by Hemi Parai, *ibid.*, pp. 75-6, *re* Ngauranga. Mohi Ngaponga denied there had been a formal division but agreed there had been a meeting on Somes Is. which he attended (Wellington 1C, p. 81).
- 109 See above, p. 25.
- 110 Wellington 1C, pp. 12, 17, *ev.* of Hori Ngapaka and Mohi Ngaponga *re* Te Aro.
- 111 Rawiri Kowheta presented greenstone to Te Poki (Wellington 1C, p. 116) and Te Wharepouri gave some to Pomare (Wakefield, *Adventure in New Zealand*, I: 72).
- 112 Wellington 1C, pp. 63-4, *ev.* of Mawene Hohua *re* Pito-one; *ibid.*, p. 108, Henare Te Puni *re* Ngauranga.
- 113 *Ibid.*
- 114 Wellington 1C, pp. 34, 75-6, 82, 88, 93, *ev.* *re* Ngauranga given by Wi Tako Ngata, Hemi Parai, Mohi Ngaponga and Te Manihera Te Toru.
- 115 *Ibid.*, pp. 38, 90, *ev.* of Wi Tako Ngata and Te Manihera Te Toru.
- 116 Wellington 1C, pp. 77, 82, *ev.* of Hemi Parai and Mohi Ngaponga.
- 117 See note 103.
- 118 Wellington 1C, p. 90, *ev.* of Te Manihera Te Toru *re* Ngauranga; Jerminham Wakefield, *Adventure in New Zealand*, I: 78, 89.
- 119 Wellington, 1C, p. 81, Mohi Ngaponga *re* Ngauranga.
- 120 Wellington 1C, p. 57, *ev.* of Mere TaWo *re* Orongorongo; Wellington 3, pp. 188-9, *ev.* of Puketapu *re* Orongorongo; Mary Newman, in *Archaeology in New Zealand*, v. 32, no. 1, March 1989, p. 22, records a contact period house excavated by Bruce McFadgen at Orongorongo which exhibited features, including food refuse, which indicated that it was not a tapu but a casual dwelling. It could have been the house referred to by Puketapu, or have been one belonging to Ngati Mutunga or Ngati Ira.
- 121 William Wakefield, Diary, entry for 29/9/1839; BPP, NZ, v. 2, 1844, p. 230. J.W. Child's evidence to House of Commons Select Committee on New Zealand.
- 122 Reel 15B, Wellington 1C, p. 41, *ev.* of Wi Tako Ngata *re* Ngauranga; Wellington 2, p. 110, Wi Hape Pakau *re* NZC Tenth; Wellington 3, p. 122, Matene Tauwhare *re* Whakahukawai; Robert McNab, *The Old Whaling Days*, pp. 142ff, citing Master Wishart's account dated 2/4/1836.
- 123 E.J. Wakefield, *Adventure in New Zealand*, I: 72; Taylor, ed., *Journal of Ensign Best*, pp. 263, 266-7; Dieffenbach, *Travels*, I, pp. 73, 81.

- 124 William Wakefield, Diary, entries for 14-15/10/1839; Wards, *Shadow of the Land*, p. 218; Burns, *Te Rauparaha*, pp. 205-6.
- 125 Reel 15B, Wellington 1H, p. 292, Ropata Huruinutu re Porirua.
- 126 Lawrence M. Rogers, *The Early Journals of Henry Williams, 1826-1840*, Christchurch 1961, p. 455, journal entry for 22/11/1839.
- 127 William Williams, Diary, entry for 16/10/1839.
- 128 Ibid., entry for 17 October; Mohi Te Atahikoia, MS 1354, TS p. 51.
- 129 Ibid., and note 6.
- 130 The gifts to Titore and Patuone for example; see Claudia Orange, *The Treaty of Waitangi*, Wellington, 1987, p. 10.
- 131 William Williams, Diary, entry for 30/9/1839.
- 132 T.W. Downes 'History of Ngati-Kahununu', *JPS*, v. 25, 1916, pp. 81-2. Downes calls Te Wharepouri's wife Te Umairangi.
- 133 MS 1354, Mohi Te Atahikoia, TS p. 52; *AJHR* 1891, Session II, G-4, p. 26, evidence of Wi Hutana to Commission of Inquiry into the claims of the Natives to Wairarapa and Adjacent Lakes.
- 134 Taylor, ed., *Ensign Best*, p. 230, journal entry for 28/7/1840.
- 135 Smith, *JPS*, v. 19, 1910, p. 14. Smith puts this meeting in the period 1830-34 but in view of the other evidence here presented this cannot be correct. See also Taylor, *Ensign Best*, p. 230.
- 136 Personal communication, Mrs B. Gemmel, Wairarapa.
- 137 Jerningham Wakefield, *Adventure in New Zealand*, 1:194-5; the attack on Puakawa was such a challenge.
- 138 Reel 15B, Wellington 2, p. 121, Wi Hape Pakau re NZC Tenchs.
- 139 Smith, *JPS*, v. 19, 1910, p. 14. The people of Wairarapa began to return to their homes in the summer of 1840/41; at first they remained bunched together for safety at Te Kopi (Bagnall, *Wairarapa*, p. 14).

'A Difficult and Complicated Question': The New Zealand Company's Wellington, Port Nicholson Claim

- 1 Gipps' Proclamation, 14/1/1840, OLC 5/6; Hobson to Gipps, 4/2/1840, G36/1; A.H. McClintock, *Crown Colony Government in New Zealand*, Wellington, 1958, pp. 54-5.
- 2 Normanby to Hobson, 14/8/1839, *Irish University Press Series of British Parliamentary Papers. Colonies: New Zealand* (Shannon, 1969), v. 3, 'Correspondence and other papers relating to New Zealand, 1835-42', 'The affairs of New Zealand: correspondence with Secretary of State for the Colonies', pp. 86-7 [1840 (238) 33], pp. 38-9.
- 3 Trevor Williams, 'James Stephen and British intervention in New Zealand, 1838-1840', *Journal of Modern History*, v. 13, No. 1 (1941), p. 32; J.C. Beaglehole, *Captain Hobson and the New Zealand Company: a study in colonial administration* (Smith College Studies in History, v. 10, nos. 1-3, Northampton, Massachusetts, 1927-1928), pp. 29-30.
- 4 A.H. McClintock, *Crown Colony*, App. C, 'Treaty of Waitangi', pp. 415-16.
- 5 Charles Terry, *New Zealand, its Advantages and Prospects, as a British Colony*, T. and W. Boone, London, 1842, p. 82. The N.S.W. Act was 4 Victoria no.7; Hobson/S.S. Cols, 30/7/1841, G25/1.
- 6 Spain's position as secretary to Lord Palmerston may have been during Palmerston's term as member for South Hampshire (1832-1835). G.H. Scholefield (ed.), *A Dictionary of New Zealand Biography*, Wellington, 1940, II, pp. 316-17.
- 7 George Clarke, *Notes on Early Life in New Zealand*, 1903, p. 47.
- 8 Civil establishment', 1841 Bluebook, IA 12/2.
- 9 Editorial, 'Shipping intelligence' notice, *New Zealand Gazette and Wellington Spectator*, 11/12/1841; Hobson to S.S. Cols, 15/1/1842, G25/1.
- 10 Notice, 28/12/1841, *New Zealand Government Gazette*, 29/12/1841; Col. Sec./Spain, 15/3/1842, IA 4/253.
- 11 'Governor's instructions to Spain', Col. Sec. to Spain, 26/3/1842, IA 4/253; Col. Sec. to Spain, 9/8/1845, *ibid.*; W. Wakefield to NZC Sec., 30/5/1842, *Irish University Press series of British Parliamentary Papers. Colonies: New Zealand* (Shannon, 1968) v. 2, 'Report from the Select Committee on New Zealand together with the minutes of evidence, appendix and index' [1844 (556) 13] (hereafter

- '1844 Report of Select Committee'), App. 26, pp. 558-9.
- 12 Ibid., App. 3, p. 103-04; Russell to Hobson, 10/3/1841, *IJPP*, v. 3, pp. 207-10/*BPP* [1841 (569) 38], pp. 85-8.
- 13 Wakefield to Hobson, 24/8/1841, *ibid.*, App. 26, p. 544; NZC Sec. to W. Wakefield, 30/4/1842, *ibid.*, App. 26, p. 570.
- 14 W. Wakefield to NZC Sec., 11/9/1841, '1844 Report of Select Committee', App. 26, pp. 543-4; E. Wilson Wilson, *Land Problems of the New Zealand Settlers of the 'Forties*, Dunedin, 1936, App. 6, 'Schedule attached to Governor Hobson's Agreement with Colonel Wakefield', pp. 239-40; Beaglehole, *Captain Hobson*, pp. 101-02.
- 15 W. Wakefield to NZC Sec., 11/9/1841, '1844 Report of Select Committee', App. 26, pp. 543-4; John Miller, *Early Victorian New Zealand: a study of racial tension and social attitudes, 1839-1852*, London, 1958, pp. 8-10.
- 16 W. Wakefield to NZC Sec., 11/9/1841, '1844 Report of Select Committee', App. 26, pp. 543-4; Beaglehole, *Captain Hobson*, pp. 101-02.
- 17 W. Wakefield to NZC Sec., 11/9/1841, '1844 Report of Select Committee', App. 26, pp. 543-4; W. Wakefield to NZC Sec., 30/5/1842, encl. in Somes to Stanley, 24/10/1842, *ibid.*, App. 2, pp. 9-10.
- 18 Peter Adams, *Fatal Necessity: British intervention in New Zealand, 1830-1847*, Auckland, 1977, p. 179; Beaglehole, *Captain Hobson*, p. 45.
- 19 Col. Sec. to Spain, 19/3/1842, IA4/253; 'Governor's instructions to Spain', Col. Sec., 26/3/1842, *ibid.*; '1844 Report of Select Committee', Report, p. 7.
- 20 *New Zealand Gazette and Wellington Spectator*, 23/4/1842; 1844 Bluebook, IA 12/6.
- 21 Spain, memorandum to Shortland, [30]/9/1843, encl. in Shortland to Stanley, 21/11/1843, '1844 Report of Select Committee', App. 7, pp. 255-6; McClintock, *Crown Colony*, pp. 177-81; Scholefield, *New Zealand Biography*, I, p. 158-9; Wilson, *Land Problems*, p. 120, 169.
- 22 Col. Sec. to Spain, 26/3/1842, IA 4/253; Spain to Col. Sec., 5/7/1842, IA 1.
- 23 'Government notice', encl. in Wakefield to NZC Sec., 28/4/1842, '1844 Report of Select Committee', App. 26, p. 552.
- 24 After the fire the law courts, police station and church were transferred to a building on Lower Mulgrave Street. Louis E. Ward (comp.), *Early Wellington*, Christchurch, 1975, pp. 106, 386.
- 25 Spain, General report to Col. Sec., 12/9/1843, IA 1 (This report is published in '1844 Report of Select Committee', App. 9, pp. 291-331).
- 26 Ibid., '1844 Report of Select Committee', App. 3, p. 105.
- 27 Spain, Report on NZC claim to Nelson, 31/3/1845, incl. in FitzRoy to Stanley, 13/9/1845 (hereafter 'Spain, Nelson report') *Irish University Press series of British Parliamentary Papers. Colonies: New Zealand*, Shannon, 1969, v. 5, Correspondence and papers relating to the native population, the distribution of land, and other affairs in New Zealand, 1846-47', p. 43, 'The New Zealand Company: Despatches referring to the titles to land of the Company', [1846 (203) 30], p. 35.
- 28 J.S. Marais, *The Colonisation of New Zealand*, London, 1927, pp. 53, 108.
- 29 Petone was correctly spelt 'Pito-one' at the time; Petone is a corruption of the name.
- 30 William Wakefield, 'Diary', 1839-1842, No. 2 journal, Typescript MS, ATL, 20/9/1843, p. 43; Edward Jerningham Wakefield, *Adventure in New Zealand, from 1839 to 1844, with some account of the beginning of the British colonisation of the islands*, Robert Stout (ed.), Christchurch, 1908, pp. 26-8, 51-2, 57, 59.
- 31 Wakefield, 'Diary', No. 2 journal, 27/9/1839, pp. 53-4; Evidence of W. Wakefield, 18/5/1842, 19/5/1842, OLC 906; Evidence of Te Kaecaea, 27/6/1842, *ibid.*; ev. of Henare Ware (Te Ware), 6/7/1842, *ibid.*; Wakefield, *Adventure in New Zealand*, pp. 64-6; Ngati was known to the Pakeha as Nayti. He was a relative of Te Rauparaha. Patricia Burns, *Te Rauparaha: a new perspective* Wellington, 1980, pp. 188, 199; for full text of the Company's Port Nicholson deed, see H.H. Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, Wellington, 1878, II, pp. 95-6.
- 32 Ev. of Barrett, 8/2/1843, 14/2/1843, OLC 906; ev. of Te Puni, 7/7/1842, 8/7/1842, *ibid.*; ev. of Wi Tako, 20/5/1842, *ibid.*; ev. of Wairarapa, 11/7/1842, *ibid.*; Wakefield, 'Diary', No. 2 journal, 23/9/1939, 26/9/1839, 27/9/1839, pp. 48, 52-3.
- 33 'Government notice', encl. in Wakefield to NZC Sec., 28/4/1842, '1844 Report of Select Committee', App. 26, p. 552; ev. of W. Wakefield, 19/5/1842, 23/5/1842, OLC 906.
- 34 Ev. of Barrett, 8/2/1843, *ibid.*; Wakefield, 'Diary', No. 2 journal, 29/9/1839, pp. 55-6; Wakefield, *Adventures in New Zealand*, pp. 52-3, 56, 77-8; Ann Parsonson, 'He whenua te utu (the payment will be land)', PhD Thesis, Canterbury (1978), pp. 173, 189-190.
- 35 Ev. of Ngapuha, 29/4/1843, OLC 906; W. Carkeek, *The Kapiti Coast: Maori history and place names*, Christchurch, 1978, pp. 11/12, 22, 33-5, 42.
- 36 Ev. of Mahau, 8/9/1842, 9/9/1842, OLC 906; Parsonson, 'He whenua te utu', p. 188, 190-1.

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