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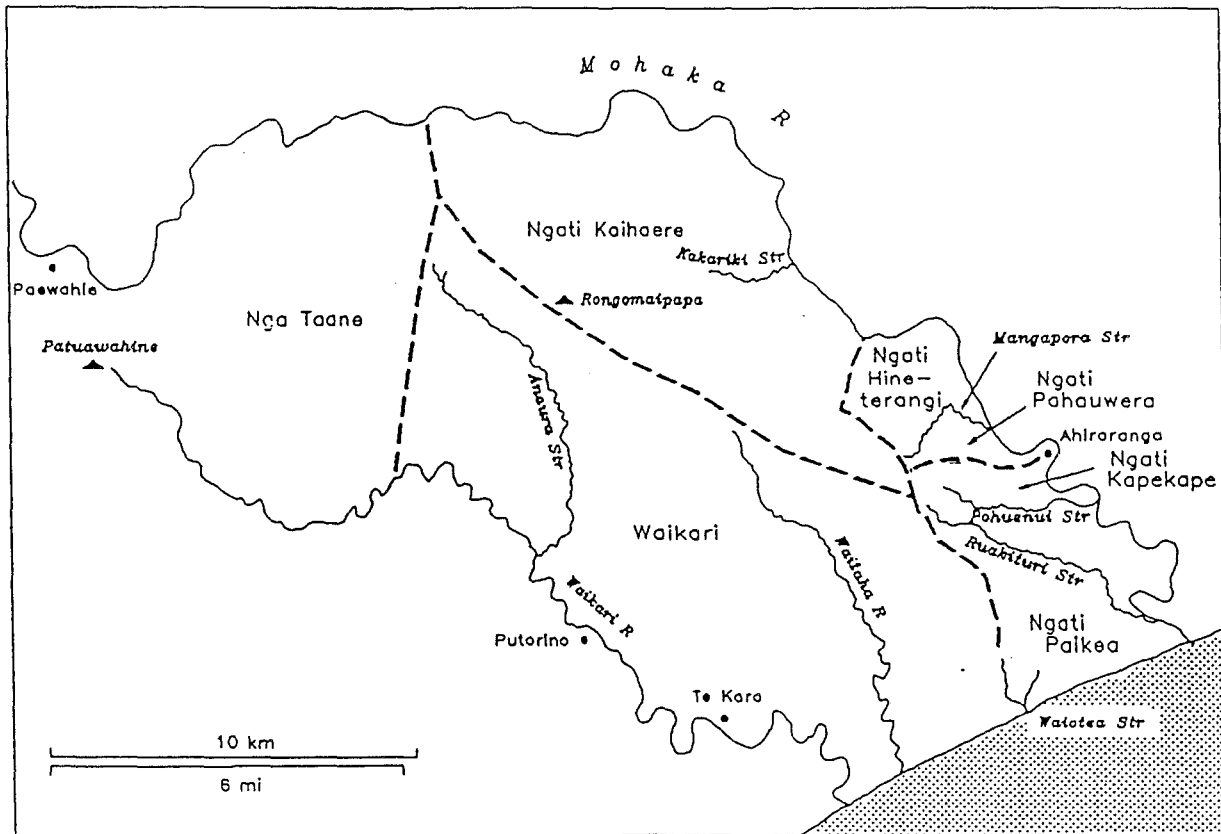
# T14      Wai 201

**NGAI TANE, NGATI PAHAUWERA AND THE CROWN**

**A Report for the Waitangi Tribunal**

**Richard S Hill, Litt.D**

**1998**



Hapu Boundaries within Mohaka Block as Identified by Ngai Tane

# NGAI TANE, NGATI PAHAUWERA AND THE CROWN

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## Preface

My name is Richard Hill and I hold the degree of Doctor of Letters from the University of Canterbury. I am the author of four books and numerous articles on the history of policing and social control in New Zealand, and am a member of Clare Hall, Cambridge University. I formerly held the position of Chief Historian at the Treaty of Waitangi Policy Unit and the Office of Treaty Settlements, and am now resident at the Stout Research Centre at Victoria University of Wellington.

This commission for the Waitangi Tribunal (see appendix two) has posed difficulties. Its timeframe is premised on the possibility of the existence of a significant body of documented information, regarding both Ngai Tane's tribal history and its relationship with the Crown, in previous research generated by Waitangi Tribunal processes and in the tribal memory. While these are not unreasonable assumptions, an extensive search of research reports and other records, and an examination of whakapapa evidence to hand from the claimants, has proven them incorrect. Given the fragmentation of evidence, some of this report is of necessity speculative reconstruction. Very full footnoting as to sources on which constructions and speculations are based is accordingly provided. In view of the unusual degree of fullness of sourcing which this exercise necessitated, and the fact that my statements are often based on composited impressions from the referenced works and other general readings, I have frequently 'block footnoted' references to make the paper more accessible and the footnotes reflective of its methodology. This latter has been dictated in a very obvious fashion by the commission and its timeframe, particularly its focus on reviewing and interpreting existing research findings.

The task of contextualising the Ngai Tane claim Wai 436 within a tight deadline has been greatly facilitated by Cordry Huata and counsel for the claimants, and Richard Moorsom and Robert McClean at the Waitangi Tribunal. All cited documentation is taken from reports and records generated by and located at the Waitangi Tribunal (in the case of the Tribunal's Record of Documentation, under the Wairoa ki Wairarapa Claims grouped as Wai 201) unless otherwise stated. In a general sense the objective of the report is to situate, within the very grave limitations of existing documentation, Ngai Tane's history vis a vis that of both Ngati Pahauwera and the Crown.

In the absence of specific in-depth archival and oral history research into Ngai Tane's history, however, I stress that the results must be viewed as preliminary and provisional. The task of uncovering written documentation and drawing conclusions therefrom, would require a major research effort. There can be no guarantee however that such an effort will produce a great many tangible results. Oral history may therefore be the best or only way of recovering the Ngai Tane past.

## Iwi and Hapu

The overarching name for the tribal groupings along the eastern seaboard of the North Island from the Wairarapa to the Wairoa, Ngati Kahungunu, is said to have originated from 'one of the most amazing characters in Maori history', Kahungunu. Son of Tamatea-pokai-whenua and hence a direct descendant of Tamatea-Ariki, the eponymous ancestor who commanded the Takitimu waka in the migration from Hawaiki, Kahungunu grew up in the Bay of Plenty. After migrating south from the Poverty Bay region and marrying Rongomaiwahine from Mahia, he in effect forged a vital tribal grouping and secured for his people the lands both north and south of Wairoa.<sup>1</sup> Kahungunu's direct descendant Tureia however is said to be responsible for the expansive sweep of the tribe southwards in the early eighteenth century. In the words of Wairoa district's whakapapa historian Tiaki Mitchell, he was 'Conqueror of the Heretaunga districts which established the mana of Ngati-Kahungunu extending to Wai-rarapa'.

Ngai Tane (as they are most commonly spelt in the sources; they can also be called Ngai Taane or Nga Tane) tell of how when Kahungunu were establishing their mana, three distinct regions emerged: Wairoa, Heretaunga and Wairarapa. The tribes of the Mohaka area fell within the Wairoa region. A number of Kahungunu hapu clustered in a grouping that eventually became known as Ngati Pahauwera, centred around the Mohaka River and between it and the Waikari River. Pahauwera regard the Mohaka River as their 'unifying force' and the focus of their collective identity. Ngai Tane see themselves as being linked to Pahauwera through Kahungunu, but constituting a separate entity. Their genealogist Cordry Huata contests any attempt to query if they are a 'hapu' or 'iwi' as 'a modern question' that would not have been asked in the past - especially the question as to whether they are a hapu of Ngati Pahauwera. However they have commonly been called and called themselves a hapu and, especially given discussion below on the flexibility of the concept of hapu, for the purposes of convenience we will designate Ngai Tane as a hapu in this paper.

While differentiating themselves from Pahauwera, the modern hapu called Ngai Tane identify as part of the sub-regional collectivity of hapu in this area. They trace their ancestry back to Rangi and Papa via the ancestor Kahungunu. They are, in common with Pahauwera hapu, linked to the key tipuna of the Mohaka district, Tureia, whose arrival from Mahia led to its conquest from its previous inhabitants (particularly Ngai Tahu). Tureia and Kahutapere, by Ngai Tane's account, were the tipuna of the coastal areas. and Ngai Tane's lineage to Tureia is said not to be a direct connection as it was not one of the coastal cluster of hapu.<sup>2</sup>

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<sup>1</sup> Mitchell, Tiaki Hikawera *Takitimu*, Wellington 1944, pp73,80,100,106, genealogy x.

Instead, the Ngai Tane people trace their direct genealogical descent from Makoro, who is said to have dominated the area north of Wairoa and constituted with his siblings Nga toko rima o Hine Manuhiri. This grouping is said to have 'established the *mana* of Ngati Kahungunu in the Wairoa area'. The tipuna they see as most significant is Makoro's son Kotore. Kotore's great-grandson Wainau is also accorded considerable mana. Modern Ngai Tane claimants, grouped under the claim Wai 436, have explicitly stated that not only are they not a hapu of Ngati Pahauwera, but that 'Ngai Taane's founding ancestor was senior to, and not junior to, the founding ancestor of Ngati Pahauwera'.

This claim of seniority refers to the Kotore lineage, Kotore being said to have lived four generations before the Pahauwera founder Te Kahuoterangi. The existing documentation has not been able to help us to any great extent with such tribal matters, although what follows might be useful as background information for the exercise of tribal oral history and for pointing the way to possible future research projects. Designating Ngai Tane as a hapu, it should be noted, is a usage consistent with the general approach to tribal organisational structure and nomenclature outlined below. It does not imply *of itself* any power relationships. Cordry Huata, while assessing 'the desire to depict Maori society in a way that puts one group above another is a product of colonialism', argues that if this must however be done 'both Ngati Pahauwera and Ngai Tane are properly regarded as *hapu* of Ngati Kahungunu, which is the most senior line of all'.<sup>3</sup>

Until recently it has been assumed that groupings such as Kahungunu, usually called iwi or tribes, were the operative authority structures in the Maori socio-political world. Current research has however convincingly questioned the neat hierarchicalism of Maori social structures which has traditionally been outlined by pakeha officials, judges and ethnologists in the last and present centuries. For administrative and intellectual reasons, Maori were deemed to be organised primarily as iwi/tribes. Categorisers situated hapu/subtribes at a devolved level, and located the whanau/extended family at the lowest layer of the social control hierarchy. The Waitangi Tribunal considering Te Whanau o Waipareira's claim examined this Eurocentric notion of hierarchical delegation of

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<sup>2</sup> Huata, Wi Te Tau 'Translation of the evidence of the late Canon Wi Te Tau Huata', B-12, secs 1,12,24; Hippolite, Joy 'Wairoa: Rangahaua Whanui District 11C: Working Paper: First Release', 1996, p1; Huata, Hemi 'Hemi Huata's Record Book' (held by Cordry Huata), insert into p40,p114; Thomson, George 'The Crown and Ngati Pahauwera from 1864: Report for the WAI 119/201 claim', 1992, A-29, Appendix A p8; Waaka, Toro 'Report No1 for the Mohaka Forest Claim: Traditional Resources of Ngati Pahauwera before 1851', J-21, p36; La Porta, Ann 'Ngati Pahauwera Use and Tribal Viewpoints of the Mohaka River', 1991, A-24, p5; Mitchell *Takitimu*, pp114-5, genealogy xi; information from Cordry Huata via Carrie Wainwright and Sophie Taylor, 15,18 and 19 October 1998 (hereinafter, 'information from Huata/Wainwright/Taylor').

<sup>3</sup> 'Memorandum of Counsel for Ngai Taane', 19 August 1998, 2.289; information from Huata/Wainwright/Taylor.

powers. It reflected recent scholarship in concluding that in reality, as opposed to ethnological theory, traditionally *hapu* constituted the effective political unit of Maoridom. When in post-Treaty years pakeha officialdom compiled voluminous lists of 'tribes', the names generally corresponded to *hapu*.<sup>4</sup>

It now seems clear moreover that the *hapu* was not only the primary but also the often fully autonomous unit of social and political organisation in Maori society. It is appropriate then that in 1840 the Crown signed the Treaty of Waitangi not with iwi representatives but with those of *hapu*. Iwi existed generally as a regional mode of identity, and emerged as meaningful organisational entities for specific purposes such as offensive or defensive military alliances. Although Native Land Court sittings produced vast amounts of evidence demonstrating the fragmented nature of Maori tribal organisation before 1840, it suited pakeha officials to categorise Maori authority structures in a hierarchical, chain-of-command fashion. The larger the Maori organisational structure, the more convenient for the state to deal with the tangata whenua when, say, purchasing land. Such a structured hierarchy, moreover, fitted pakeha ethnocentric preconceptions.

Additionally, from the 1860s in particular, Maori strategies for adjustment to colonisation often themselves utilised the concept of broader entities that could do business with, and/or resist, the Crown. Both Maori and Crown therefore aided and abetted, for different reasons, the 'constructing' of iwi/tribe as a meaningful and increasingly permanent socio-political entity. Centralising or kotahitanga developments within and among many tribal and sub-tribal groupings, Ngati Pahauwera included, assisted this tribal 'construction' and reconstruction. By the late nineteenth century Ngati Kahungunu overarched Maori life in Hawke's Bay and the Wairarapa. But the fact remains that, in general terms, in 1840 and for at least some time afterwards the 'real tribes', the centres of autonomy, were seemingly *hapu*. The *hapu* might therefore best be defined as the basic social group, certainly in times of 'normality'; it was the 'community of chiefs and people', a reciprocal relationship epitomised in the concept of *mana*.<sup>5</sup>

Any tribal grouping collectively organised on the basis of a community of chiefs and people with reciprocal obligations could be deemed to constitute

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<sup>4</sup> See especially Ballara, Angela *Iwi: The dynamics of Maori tribal organisation from c.1769 to c. 1945*, Wellington 1998, passim; Ballara, [Heather] Angela 'The Origins of Kahungunu', PhD thesis, Wellington 1991, passim; Waitangi Tribunal *Te Whanau o Waipareira Report*, 1998, pp17-18.

<sup>5</sup>Ballara 'Kahungunu', passim and eg pp19-21,135-6,495;Ballara *Iwi*, passim; Parsonson, Ann 'The Pursuit of Mana' in (eds) Oliver, W H and Williams, B R *The Oxford History of New Zealand*, Wellington 1981, pp140-1. For another colonial example of ethnocentric construction of categories of indigenes, see Bandyopadhyay, Sekhar *Caste, Protest and Identity in Colonial India*, London 1998.

a hapu. Scholars following in the footsteps of the nineteenth century classifiers will not be satisfied with such a definition. Moreover 'vague or inconsistent terminology' *can* plague the defining of issues and the drawing of conclusions.<sup>6</sup> But it seems likely that in the pre- and post-contact Maori world the concept of hapu - of which there were thousands - could and *did* change both through time and also from place to place and/or circumstance to circumstance. Perhaps, in view of this, the best (or, least unsatisfactory) way of defining a hapu is to allow the people and their activities themselves to speak: if in history a grouping has regarded itself as a hapu, and/or is the primary and at least quasi-autonomous unit of collective organisation, it is a hapu while it so regards itself and/or while it is so organised.

The hapu can wax and wane in size or power, link up or ally with or subsume or be subsumed by other tribal groups, define its own rangatira and membership, and so forth. There can be said to be 'major hapu' and 'sub hapu' and/or 'minor hapu'; hapu that were totally autonomous and hapu that were subordinate to broader groupings or to 'major hapu'; 'major hapu' that acted as 'federal' or umbrella groupings and might therefore be redefinable in some cases as iwi; and 'less major' hapu which might carry out some or all of such functions. Tribal organisation met the needs and exigencies of the times. The (changing) schematics of the categorising scholar have been and remain useful, but the actual socio-political organisation of the tangata whenua, however complex, must be granted interpretative primacy.

This paper therefore will in some measure discuss hapu in what might be seen to amount to a self definitional way. It will proceed on the basis of the writer's observations of the huge and changing complexity of Maori society through time. It will regard hapu as a term for a collectivity of Maori who, headed or guided by their own rangatira, are and/or consider themselves to be organised primarily as hapu for socio-political and other tribal purposes and identifications. This enables us to trace a way through the labyrinthine temporal and spatial evolution of (often intertwined) tribal groupings in a way which accommodates that complexity. It can accommodate, for example, altering regional permutations such as the rise and/or fall of 'major hapu' that might or might not have full or partial control over 'minor hapu' which are identified with them in some way or subordinate to them; or the emergence and/or disappearance and/or reemergence of hapu. The history of most tribal societies is a volatile and complicated one; the Maori world proves to be no exception.

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6 Tribunal *Waipareira*, pxxi.



## Ngai Tane and Ngati Pahauwera in the Pre-Treaty Period

Under our self-definitional analysis, Ngai Tane presents as a hapu which today talks of its identity as an autonomous grouping, and whose past can be partially excavated through documentation set down from time to time. We shall endeavour to recover this collective entity temporally and spatially. The story which emerges, based as it is on the documentation already at hand, would be the same were we to call Ngai Tane a 'grouping' or 'sub-tribe' or 'whanau' or 'sub-hapu' or 'minor hapu' or 'tribal fraction' or something else - including the word 'tribe', which might well have been used for such a grouping by pakeha observers of the mid nineteenth century. According to Ngai Tane, part of its rohe at that time lay within the Mohaka Block that was purchased by the Crown off what was just becoming known as the Pahauwera grouping of tribes.

The Pahauwera grouping, Ngai Tane says, can also be called Ngati Kahuoterangi after Te Kahuoterangi, the great-grandson of Tureia and a significant common ancestor of some of its components. It comprised at least a dozen relatively sizeable hapu in post-contact times. Kaumatua and kuia have spoken of large numbers of hapu which came to fall under the Ngati Pahauwera umbrella, some of them tracing descent lines through Te Kahuoterangi, who is said by some sources to have died around 1824. Until the 1960s, according to Ngai Tane's Cordry Huata, people of the *hapu* Ngati Kura (including his grandmother), Ngati Tuhemata, Ngati Huki, and Ngati Paikea would identify themselves in terms of their hapu rather than as Ngati Pahauwera; this is said to be the case for people of those hapu under the Pahauwera umbrella which are not descended from Te Kahuoterangi.

Mr Huata confirms that family names from the Putere area noted by Tuhoe kaumatua Gunner Gilbert are those of Ngai Tane, although Mr Gilbert does not know the name Ngai Tane; 'Gunner Gilbert insists that Ngati Pahauwera have no place at Putere'. Access to the genealogy of the area's hapu by the author was facilitated by Mr Huata, who - according to Angela Ballara and Gary Scott - 'has the support of his kaumatua in discussing occupation of the land'. There was no possibility within the timeframe of this commission to gain access to genealogical information from non-Ngai Tane sources.<sup>7</sup>

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<sup>7</sup> Ballara, Angela and Scott, Gary 'Mohaka: Report 15', p1; Hippolite 'Wairoa', pp8-9; interview with Cordry Huata at Pakipaki, 20 September 1998; Tribunal *Waipareira*, p17; La Porta 'Ngati Pahauwera', pp5-6; information from Huata/Wainwright/Taylor. The hapu has no known connection with groups of the same name in the Maraehara-Waiapu and Whanganui areas, although the former could be related from the pre-Tureia era, and Tureia-related lines of descent (Mitchell *Takitimu*, genealogy xi) are recorded for both Maniapoto and Raukawa of Otaki, suggesting a possible link with central and western seaboard tribes.

Mr Huata tells of Ngai Tane's descent from Kotore, born to Hine te Ata during her enslavement by Bay of Plenty tribes. To prevent her captives killing her new-born boy, she 'made his penis look like a vagina'. Thus he is said to have acquired the name of the Maori word for vagina. Mr Huata has explained to the Waitangi Tribunal his differentiation between the various hapu of Ngati Pahauwera (including the hapu called Ngati Pahauwera which is in direct line from Te Kahuoterangi) and the broader umbrella grouping that might be called the Ngai Pahauwera *iwi*. More compellingly, perhaps, Pahauwera might be perceived as a group of hapu that have come together over time to form some kind of 'major hapu' under the overarching Kahungunu *iwi* identity. These and other possibilities do not preclude any particular set or sets of power relations within or between hapu and *iwi*. By way of illustration, Ngai Tane's genealogist considers that the whakapapa available to him indicate that the hapu which held the Mohaka Block at time of purchase were as 'separate from Ngati Pahauwera' as Ngai Tane.

It is probable however that under the umbrella of Ngati Pahauwera its hapu (or sub-hapu, or minor hapu, or whanau, or neighbouring hapu) had customary rights to shared resources. But also that each hapu or other tribal component that was sizeable or powerful enough had its own territorial rohe (at least at some point), its own tikanga, its own distinct traditions, and its 'own rangatira' whose position normally rested on a combination of heredity and leadership qualities. The rangatira of the hapu might be said to unify the strands of the community to make it into a collective whole. Cordry Huata tells of hapu such as Ngati Kura and Ngati Hineringa (whose marae survive) having once had a distinct identity from that of Pahauwera before they 'tended to give way to the influence of Ngati Pahauwera in Mohaka'.<sup>8</sup>

A Crown historian has told the Tribunal that in his view the evidence makes it 'obvious' that hapu had 'a fairly strong sense of their separate identity throughout the nineteenth century'. While stressing 'overarching tribal control' of resources via 'a network of different kinds of rights', the Mohaka River Tribunal has noted that in the Mohaka area 'hapu did exercise user rights to particular resources'. In the words of one observer, Ngati Pahauwera is the term several discrete hapu use 'when facing the outside world'. Whatever Ngai Tane's relationship with Pahauwera, it has strongly asserted its independent existence as a hapu in the riverine Mohaka-Waikari area. We shall endeavour to track its history as a hapu

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<sup>8</sup> Huata, Cordry 'WAI 119: Report to the Waitangi Tribunal for Ngaati Pahauwera Society' (hereinafter, 'Report'), 1991, A-14, pp5-6; Waitangi Tribunal *Muriwhenua Land Report*, 1997, p29; Huata, Cordry 'Evidence of Cordry Huata' (hereinafter 'Evidence'), B-14, p7; Thomson, George 'Ngati Kahungunu land loss in the are between the Mohaka, Te Hoe and Waiau rivers, Northern Hawke's Bay, 1864-1930: preliminary report for the WAI 201 claim', 1991, p2; information from Huata/Wainwright/Taylor.

and its interrelationship with the Pahauwera umbrella grouping in the light of extant written sources.<sup>9</sup>

At this point however we should reiterate that Ngai Tane speak of themselves as being descended from an ancestral line 'senior' to that of Pahauwera, stressing in particular their link with Kotore who is said to have lived in the early eighteenth century. Kotore became, according to Cordry Huata, 'established in the Wairoa area, and his descendants were known as Ngai Tane'. In Mr Huata's account Ngati Pahauwera came to be (wrongly) 'treated as the senior line' through their ancestor Te Kahuoterangi. He derived 'influence and power' from his grandfather, Tapuwae, who in turn had gained status through his marriage to Kotore's great-granddaughter Mata Kaingaitetihi. Te Kahuoterangi's huge influence in his day as a strategist, has 'flowed on down the generations'.

Moreover it is suggested by Ngai Tane that in the nineteenth century, because no doubt of the disruptions to tribal life that resulted from governmental action and pakeha settlement, it suited the hapu leadership to bring Ngai Tane under the Pahauwera umbrella for specific, 'political' purposes. Resultingly, the ongoing independence of the hapu from that of the Pahauwera grouping became submerged in the public record; retrospectively, Ngai Tane believe that this subsumption has led to their virtual disappearance from public life. Indeed, genealogical knowledge within Ngai Tane has also become problematised over a long period of time as a result of this situational ceding of *political* - as opposed to whakapapa - autonomy for certain purposes. For example, we might consider the story of Te-O-Tane.

A giant tekoteko in Takitimu wharenuī in Wairoa honours Ngati Kahungunu warrior chief Te-O-Tane. He is said by Ngai Tane to have aided the chief Tapuwae to restore the mana of Kahungunu in the Wairoa area, and his military achievements and mana have been depicted as the 'keystone to the greatness and security' of northern Kahungunu tribes. Following his 'devastating' reprisals on their Te Whanau-a-Apanui enemies, particularly at the battle of Whawha-po, Kahungunu hapu were safe from invasion for 'many decades'. It was Te-O-Tane who was said to have given the name Te Kahuoterangi to his military strategist. It referred ('cloak of heaven') to a 'sign' viewed on the sea off the Wairoa river-mouth, prior to Te Kahuoterangi's move to the Mohaka area.

The writer could find in the available sources no concrete direct link between Ngai Tane the hapu and the warrior chief Te-O-Tane, and a follow-up query to Ngai Tane's genealogist confirmed that there was no *direct* link. However there appears to be *some* connection. Although Te-O-Tane's descendants are said to constitute Ngati Kurupakiakia, for example, Te-O-Tane apparently had Ngai Tane wives. The exercise of oral history

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<sup>9</sup> Waitangi Tribunal *The Mohaka River Report 1992*, p15; Thomson 'Crown', p1; information from Huata/Wainwright/Taylor.

within the hapu may throw some light on such matters. If there does prove to be significant connections between Ngai Tane and Te-O-Tane, enmity between the latter and Te Kahuoterangi, whom Te-O-Tane is said to have branded a coward for allegedly fleeing from the enemy at the battle of Whawha-po, might help explicate internal divisions within Ngati Pahauwera - including perhaps the positioning of Ngai Tane.<sup>10</sup> For now - as with much of this commission - the pakeha historian, at least, has of necessity to adopt the historian's equivalent of the warrior method used by Te-O-Tane during his greatest battle victory, whawha-po, 'feeling in the dark'.

One strand of relatively recent Ngai Tane history can be traced in ethnological writings. After the turn of the century Elsdon Best and H Guthrie-Smith explored, based on Maori oral testimony, the intricacies of tribal warfare within and between divisions of Ngati Kahungunu and related tribal groupings. Early in the nineteenth century, according to Best, there was a mixed grouping of tribes of Kahungunu and other eastern seaboard descent lines which were generically called, particularly by Tuhoe, Ngati Kotore. This was a description that both included and also applied more narrowly to the tangata whenua hapu, Ngati Hinaanga. Ngati Kotore were dwelling in an area west of Waikaremoana called Te Papuni, centred on the headwaters of the Ruakituri River and the rohe of Makoro's brother Henganga. The ancestor Kotore who gave his name to the grouping had been defeated by northern invaders.

Mitchell records that Te-O-Tane's victory in the battle of Whawha-po 'released the whole of the Kahungunu people from the disgrace of the unavenged killing of Kotore and his sons'. Ngati Kotore included, according to Wi Pere's testimony before the Urewera Commission, Ngai Tane and Ngati Wahanga people who had migrated from Wharekopae in the Urewera. After the killing of Ngati Hinaanga chief Mahia - who was related to Tuhoe - and his followers by a Whakatohea war-party, the remnants of his Ngati Kotore followers took refuge in the Tuhoe stronghold of Maungapohatu.

In memory of Mahia, Te Papuni was tapued for a period, but a number of the refugees returned to the area to gather food, perhaps around 1820. This led at the urging of Mahia's mother Mihi (daughter of the Tuhoe/Tamakai-moana warrior chief Te Aihurangi) to a declaration of war against the Kotore grouping. Those Ngati Kotore who had remained at Maungapohatu were slaughtered. Te Papuni was invaded and the Kotore people staying there were defeated - including sections of Kahungunu such as Ngai Tane. The aftermath of the invasion of Te Papuni was complex and volatile. Essentially, a period of warfare ensued in the eastern seaboard and the edges of the Urewera, further complicated by invasions from the north.

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<sup>10</sup> Mitchell *Takitimu*, pp128f; information from Huata/Wainwright/Taylor; there is no known connection between Ngai Tane and the central Hawke's Bay town of Otane.

As a result of generalised regional tribal warfare from the early 1820s, most northern Hawke's Bay tribes fled to the safety of Mahia Peninsula, possibly including numbers of Ngai Tane who had with other survivors fled the Tuhoe invasion and occupation. After a kind of peace was eventually worked out between Tuhoe and Kahungunu, Ngati Pahauwera hapu gradually reoccupied the area between the Waikari and the Mohaka Rivers. Ngai Tane tell of how they returned to the most westerly portion of these lands, between the upper Waikari and the Mohaka. This possible reoccupation of the Mohaka section of their rohe may well have begun by the time of the Treaty. It was probably, in common with inter-riverine hapu of Pahauwera (although the focus of Pahauwera resettlement was on the north bank of the Mohaka), completed by the mid 1840s.<sup>11</sup>

Ngai Tane's long journey over the years after their defeat by Tuhoe was most probably at first via the Te Reinga area, the homeland of Ngati Kohatu, some of whom had been part of the defeated Kotore grouping at Te Papuni. Te Reinga (centred at the junction of the Ruakituri and Hangaroa Rivers, north-east of Wairoa) operated as a buffer zone between various tribal enmities. When Ngati-kuru-mokiki of southern Pahauwera territory wished to strike a blow against Tuhoe, Tuakiaki of Te Reinga performed the service - partly to prevent the southern tribe passing in force through his rohe. The Te Reinga chief is said to have lured Te Mautaranui's Tuhoe people to Te Papuni for a feast, and then fallen on them, slaying the Urewera leader with a patu. This incident ended Tuhoe raids into Tutira country, south of the Waikari, and will therefore have provided a safer environment for the relocated Ngai Tane.<sup>12</sup>

Ngai Tane, together with the rest of the Kotore grouping, had originally acquired their base at Te Reinga in the eighteenth century, and had intermarried with pre-Kahungunu people. They had, however, according to Native Land Court testimony, become in those times a subjugated people with only *occupation* rights to the land. They were said to have been subject to the rule of Te Whanau-a-Ngaherehere, a people of 'mixed East Coast (Tahupotiki) and Kahungunu/Ruapani origins'. Some had gone from Te Reinga up to Turanga under their overlord tribe, merging with a new tribal formation that became known as Ngati Turi. Others had remained on at Te Reinga, including a fraction which had escaped subsumption: Te Whanau-a-Tukaki. Others still, ended up (in the nineteenth century) at Okahu in inland Poverty Bay, under the protection of Te Whanau-a-Kai of Te Aitanga-a-Mahaki.

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<sup>11</sup> Best, Elsdon *Tuhoe: The Children of the Mist*, vol 1, 1925 (4th edition 1996, Auckland), pp 207,479-483; Hippolite 'Wairoa', pp12-13; Huata interview; Huata 'Report', p11; information from Huata/Wainwright/Taylor; Loveridge, Donald M 'When the Freshets reach the Sea': Ngati Pahauwera and their Lands, 1851-1941', 1996, J-30, pp17-18; Tribunal *Mohaka River*, p51; Mitchell *Takitimu*, p130.

<sup>12</sup> Guthrie-Smith, H *Tutira: The Story of a New Zealand Sheep Station*, 1969 (4th edition, Wellington), pp86-7.

In noting that in 1840 Ngai Tane existed mostly as the subjugated clients of other tribal groupings, Dr Angela Ballara does not make any attempt to link Mohaka Ngai Tane with the Te Reinga-based Ngai Tane. She records however Ngai Tane as dwelling at scattered locations such as Whakui-ahurau and Inland Patea, as well as around Wairoa. Moreover in recent tribal memory the linkage has been made between Te Reinga Ngai Tane and what might be called 'mainstream' Ngai Tane who ended up focussed on the rohe north of the upper Waikari. Given the tribes that both of these - and other - Ngai Tane groupings are interlinked with, the likeliest scenario is that they constitute one and the same people.

It would therefore follow that while some elements of Ngai Tane remained subjugated and/or dispersed, others travelled southwards amidst the chaos of the 1820s-30s. Ngai Tane's whakapapa expert relates that Ngai Tane left the Urewera and travelled inland down the trail through the mountains to the Lake Tutira area. They are said to have settled in the corridor-shaped area along which they travelled, and this constitutes their rohe under the claim - although Cordry Huata acknowledges that they 'would not have had exclusive rights to it'. Presumably they had set themselves free from overlordship, and concentrated their rights in specific areas - probably particularly north of the upper Waikari, part of what became known as the 'Mohaka Block'.<sup>13</sup>

### **Ngai Tane's Tribal Identity**

The Mohaka Block was purchased by the Crown in 1851 from Ngati Pahauwera. Since 1926 people identified with Ngai Tane have recorded aspects of their relationship with Pahauwera in regard to this purchase, beginning with testimony (including from respected kaumatua Nutana Te Kawe) set down in Hemi Pititi Huata's whakapapa records. As of 1851, they asserted, they were one of several hapu with an established rohe within the Mohaka Block. They coexisted within the Block with neighbours towards the coast: Ngati Kaihaere, the Ngati Pahauwera hapu of the Ngati Pahauwera umbrella grouping (which occupied two areas), Ngati Kapekape, the Ngati Hineterangi grouping of hapu, coastal Ngati Paikea and a cluster of Waikare hapu including Ngati Rauiri and Ngai Te Aonui. Neighbours of Ngai Tane's wider rohe are listed by Cordry Huata as including Ngati Ruapani, Tuhoe, Ngati Kahungunu, Ngati Makoro, Ngai Tamaterangi, Ngati Tohemata, and Ngati Kura, all of which were said to be related to Ngai Tane.

Hemi Huata of Ngai Tane was grandson of Ngai Tane's Whakaha, and son of Tamihana, the first member of the hapu to take on the Huata name. In

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<sup>13</sup> Ballara *Iwi*, pp162-3,347,572; information from Huata/Wainwright/Taylor; near where Ngai Tane are said to have begun their journey of settlement a Kotore Range projects south westwards from Lake Waikaremoana.

the first half of the twentieth century Hemi Huata was 'regarded as the *whakapapa* expert for the Wairoa and Heretaunga areas', according to *his* grandson Cordry Huata. It was Hemi Huata who recorded that part of the hapu's rohe lay within the Mohaka Block, constituting the most westerly of those of the tribes in the Block. Their eastern boundary with Waikare hapu and with Ngati Kaihaere stretched from a point on the Waikari River called Paatewhai along a line passing just west of the headwaters of the Anaura Stream. The boundary proceeds northwards through to the Pouriuri stream's emergence into the Mohaka, from where it runs inland along the Mohaka past Mataoneone, Patauhinu, Kauterere and Tikohai and ending at Paewahie.

Their western boundary, stretching from Paewhie southwards towards Tepou-a-Rongomaipapa near the source of the Waikari, is probably identical with the purchase boundary. When it reaches the source of the Waikari, the rohe boundary proceeds downstream past Te Heru-o-Tureia and Whatetonga and ends back at Paatewhai. Almost all of the place names mentioned in the deed of purchase have since disappeared from knowledge, but Ngai Tane-supplied information has led to the construction of a map showing approximately the boundaries recorded in Hemi Huata's *whakapapa* book.<sup>14</sup>

In this rohe Ngai Tane seem to have intermixed with preexisting tribal groupings including fragments of Ngai Tahu and Ngati Mamoe, and with Ngati Hikapi and Ngai Te Aonui people, as well as with Waikare hapu such as Ngati Pehi.<sup>15</sup> Even after their establishment in the area it was unlikely that most of the hapu were sedentary. With regard to neighbouring territory to their south, for example, kaumatua including the future Bishop of Aotearoa told the runholder of Tutira station that the original inhabitants of his area had moved frequently within their rohe: *Ko to ratou pa ko nga rekereke* ('their *pa* were in their heels') was their byword. The legendary Te-O-Tane himself had not claimed 'any particular territory, nor did he establish any boundaries, but took to himself the right to hunt or gather food wherever it was obtainable'.

Tribespeople would travel annually through Mohaka and adjacent territory, hunting in the Maungaharuru ('the repository of the mauri of birdlife'), fishing for eel towards the coast, bagging swan and gathering mussels at Lake Tutira. Cordry Huata tells tribal stories of how Ngai Tane moved around to various mahinga kai and other locations: Tutira, Maungataniwha, Awa o Totara, Whareraurakau, Putere (where there was

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<sup>14</sup> 'Nga korero mo nga roherohenga o Mohaka & Waikari', in 'Hemi Huata's Record Book', pp225f; Huata, C T 'Ngati Pahauwera Research Report 2 to Crown Forestry Rental Trust', nd (draft in possession of Cordry Huata), pp12f,21-2,24 (hereinafter 'Pahauwera Research Report'); Huata 'Report', pp16-17; information from Huata/Wainwright/Taylor; for the map see p(ii) of this paper.

<sup>15</sup> Huata interview; Hemi Huata's Record Book, *passim*.

an eeling lake) and Pihanui as well as in the Maungaharuru/Te Heru-o-Tureia area. He tells of how his grandfather Eddie Huata made an annual 100-mile Christmas pilgrimage to Tutira 'to catch an eel and a swan' in order to 'practise his *ahi kaa*'.<sup>16</sup>

Moreover the composition of iwi and various types and sizes of hapu were seldom fixed in time and place. Ngati Pahauwera, with a number of evolving groupings coming under its umbrella or perhaps associated with it in other ways, has been described as a 'hybrid people'. These people in turn, as we have seen, identified with the Ngati Kahungunu grouping or iwi. This latter first emerged powerfully in the turbulent 1820s-30s as a regional identification mechanism that centred its being on eponymous ancestors, back to and beyond Kahungunu himself.<sup>17</sup>

But the hapu of various shapes, sizes and functions continued to be the primary collective focus. The hapu and other groupings were always flexible, often volatile. One tribal member put it thus: 'a section would split off from the parent hapu' and establish an 'independent unit' under its own leader. Names of groupings often changed: it is 'important to make a distinction between hapu names' that have undergone evolution and the 'ancestors who do not'. Moreover, tribal boundaries frequently changed and overlapped. Indeed some tribal entities have become dispersed from their original rohe altogether, but remain identified through their whakapapa lines.<sup>18</sup>

Ngai Tane is a name that has appeared infrequently in the written records which have been researched to date. This may be because of one or more of a number of reasons, such as the flexibility of naming practices in the Maori world or the sheer complexity of tribal structures that faced (and often overwhelmed) pakeha officialdom when they came to write data down. Increasingly, as we have seen, officials used larger categories which suited their own purposes. When an official census of the Maori of the region was compiled in 1874, Ngai Tane was not among the names. The census listed only four hapu of Ngati Pahauwera, all of them noted as being Mohaka-based. Other known groupings of tribespeople of the area, if not subsumed beneath these headings, can be presumed (if they were picked up at all in the estimates) to be incorporated under one or more of the eight hapu described as 'Ngatikahungui'.<sup>19</sup>

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<sup>16</sup> Huata interview; Waaka 'Report', p60; Guthrie-Smith *Tutira*, p67; Mitchell *Takitimu*, p129; information from Huata/Wainwright/Taylor.

<sup>17</sup> Huata 'Report', pp60-1; Tribunal *Waipareira*, pp17-18; Ballara thesis, pp21,113.

<sup>18</sup> Waaka 'Report', pp36,39; Waitangi Tribunal *Muriwhenua Land Report*, 1997 p14.

<sup>19</sup> 'Approximate Census of the Maori Population', *Appendices to the Journals of the House of Representatives*, 1874, G-7, p11.



One researcher has identified 58 hapu of the Mohaka district, and considers it 'likely I have missed some hapu names'; if so, his omission of Ngai Tane might well have no significance. It might also be usefully queried whether a number of these 'hapu' might have been in reality and/or saw themselves as in effect 'sub-hapu' or 'whanau', given the small figures associated with different reckonings of the Mohaka area population from time to time.<sup>20</sup> In any case it is probable that by the 1874 census Ngai Tane had already moved from the lands which were sold in the 1850s, that they were already dispersed or dispersing.

The first vicar of the Wairoa pastorate was Ngati Pahauwera chief the Reverend Tamihana Huata, son of Whakaha - who was killed at Papuni for desecration of rahui. Tamihana Huata was born at Pakowhai (near Frasertown) in 1821. He was selected by leading regional chiefs to take up the Christian mantle, and began a distinguished career in the Anglican Church when ordained deacon in 1861 by Bishop Williams, who reportedly 'had the highest of opinion of him'. From the 1880s, from his home near Frasertown, he campaigned for restoration of lost tribal resources in the Wairoa area and further afield. The Ngai Tane claimants confirm him as being of their hapu.<sup>21</sup>

Before his death in the first decade of the twentieth century he taught tribal history to his 'learned' son Hemi Pititi Huata, an 'honest and humble' cleric who would inherit his father's mana in Kahungunu. In 1951 aged 86, Hemi Huata spoke through an interpreter of his life in Mohaka, where he had been the leader of Anglicanism (and for a time, the Ratana movement) from 1898 until 1934, and also at the centre of socio-tribal life - he and his wife running a store in the 1920s, for example. 'He was an acknowledged keeper of Ngati Kahungunu whakapapa', and had been associated with regional Kahungunu tribal redress efforts at the turn of the century.

A quarter of a century before his testimony, he had characterised himself as belonging to the thousand or so scattered people coming under the Pahauwera umbrella. (He also cited his membership of a number of tribal groupings, including Ngati Kotore, Ngai Tama-te-Rangi, Ngati Hika of Te Reinga, Hine-Manuhiri, and Ngati Ruapani, and had listed his main hapu as Ngati Mihi.) But now, in reference to the 1851 signatories on the purchase deed, his perception was that 'I was not a member of the Ngatipahauwera tribe'.<sup>22</sup>

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<sup>20</sup> Waaka 'Report', pp39f,48.

<sup>21</sup> Huata, Tamihana, correspondence 1880s-1890s, in Ballara, Angela and Scott, Gary *Crown Purchases of Maori land in early provincial Hawkes Bay: Report on behalf of the claimants to the Waitangi Tribunal, Volume 5: Document Bank-Part 3*, 1994, sec 99; Rosevear, Watson *Waiapu: The Story of a Diocese*, Hamilton 1960, p188; Huata interview; information from Huata/Wainwright/Taylor; Mitchell *Takitimu*, pp224-5.

<sup>22</sup> 'Maori Land Claims Commission: Mohaka Block Claims: Report of Proceedings' (AJHR, 1928, G-27) in *Raupatu Document Bank*, Waitangi Tribunal, pp19827,20387-9,20481; Huata,

This was despite his connection with hapu included under the Pahauwera name - including by his own testimony Ngati Paikea, and some of the Waikare people such as Ngati Hikapi - and despite his marriage to prominent Pahauwera rangatira Ropine Aranui.<sup>23</sup> The Reverend Hemi Huata's son Wi Te Tau Huata ('Padre Huata, MC', of World War 2's Maori 28th Battalion) identified himself not only as Pahauwera-Mohaka, but also as Ngai-Tama-te-Rangi-Ramoto. Dating back to Kahungunu's links with Ruapani by way of Tama-te-Rangi, 'the celebrated ancestor of Te Wairoa people', this latter tribal connection might usefully be explored in the Ngai Tane oral history project.<sup>24</sup> Wi Te Tau Huata eventually rose from his beginnings at the Wairoa pastorate to become Canon Huata of the Waikato Diocese of the Church of England. The available documents indicate that the Huata whanau have established that mana which results from a combination of whakapapa and achievement; leading members have been active as the keepers of the memory of northern Kahungunu, including that of Ngai Tane.<sup>25</sup>

What does emerge from the sources is the complexity of Ngai Tane hapu's tribal connections. To provide one example, as a result of its past bases in and around the margins of the Tuhoe rohe it became identified with both various Urewera tribes and Ngati Ruapani. The latter people have frequently acted as a buffer between Tuhoe and Kahungunu iwi, and have themselves identified with both of these tribal groupings in different measures from time to time. Hemi Huata's whakapapa book's listing of 42 'Hukanui of Waikaremoana' includes many names recognisable as Ngai Tane by Cordry Huata. When Te Kahuoterangi marked out Pahauwera's tribal boundaries, it is said, they were endorsed by Urewera chief Te Kapua.<sup>26</sup>

We will finish this section with a reminder of Ngai Tane's own assessment of its position: given its whakapapa seniority it is not subordinate to its neighbouring hapu, iwi and other groupings, including to Ngati Pahauwera. 'If anything', claims Cordry Huata of collectivities

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'Pahauwera Research Report', p21; Huata interview; Huata, Cordry 'Huata, Hemi Pititi' in Orange, Claudia (ed), *Dictionary of New Zealand Biography*, Volume 3, Wellington 1996, p237; 'New Zealand Biographies' collection, National Library, 1954 vol 2 p90; Rosevear *Waiapu*, pp102,187-8; Henderson, J McLeod *Ratana: The Man, The Church, The Movement*, Wellington 1963 (2nd ed 1972), p41; Mitchell *Takitimu*, p226.

<sup>23</sup> Huata 'Pahauwera Research Report', p21; Huata 'Huata, Hemi' in *DNZB* 3, pp236-7.

<sup>24</sup> Huata 'Translation', sec 1; Mitchell *Takitimu*, p100, genealogy xvi.

<sup>25</sup> Rosevear *Waiapu*, p188; for an indication of the mana in both Maori and pakeha society of the whanau see, eg, clippings in the National Library's 'New Zealand Biographies' collection, especially 1954 vol 2 p90, 1961 vol 3 p30, 1988 vol 3 p177.

<sup>26</sup> Huata interview; Hemi Huata's Record Book, pp7,127-8; La Porta 'Ngati Pahauwera', p5.

such as Ruapani, Kahungunu and Pahauwera, 'those groups would have regarded themselves as part of Ngai Tane' - although he concedes that the terminology for tribal connections was often used in 'inconsistent and contradictory' fashion over the years.<sup>27</sup> Further investigation that might prove useful in situating Ngai Tane tribally, apart from that of oral history and in Native Land Court minutes, should include searching files at National Archives, particularly in the MA series (13, some of 23, 31/54 etc).

### **The Mohaka Block Purchase**

There is no doubt that the Hawke's Bay tribes, in general, desired pakeha settlement and the socio-economic progress that they expected therefrom. This reflected interaction between the proselytising message of officialdom, and chiefly aspirations. Some of the regional chiefs explicitly requested white settlement from the Crown.<sup>28</sup> To achieve this on any scale, the Crown proffered only extensive Crown land purchases - the colonial state having legally precluded what would have been the most profitable option for Maori, that of leasing to pakeha. Maori interests were supposedly to be protected in these purchases, given (Secretary of State for the Colonies) Lord Normanby's instructions to founding Lieutenant-Governor William Hobson and the followup promises made to Maori in the Treaty of Waitangi.

Assessing the degree of any such protection in the Mohaka Block purchase has proven to be fraught with difficulties. In commenting on the purchase to the Waitangi Tribunal, an historian has noted that in the absence of the official files the evidence is 'fragmentary'. Most of our knowledge derives from Donald McLean, who although having no reason to falsify the record, had (as the region's Land Purchase Commissioner) an instrumental and ethnocentric perspective that had at least the potential to mislead posterity. Conversely, 'we do not have more than a limited contemporary Maori perspective'.<sup>29</sup>

According to McLean, the initiative for the purchase of the Mohaka region came from his principal Maori agent for arranging sales, the Kahungunu chief Te Hapuku. In 1851 McLean recorded: 'Hapuku is acting precisely as I have directed him, that is he goes about negotiating and arranging with his tribe for the sale of more land.' The official assessed that it was 'desirable to have the Mohaka'. The area was 'rich, hilly and wooded along the banks of the river' and also of strategic importance.

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<sup>27</sup> Information from Huata/Wainwright/Taylor.

<sup>28</sup> Cowie, Dean 'Rangahaua Whanui District 11B: Hawke's Bay: Working Paper', Waitangi Tribunal 1996, p25.

<sup>29</sup> Butterworth, G V 'The Mohaka Purchase and Deed: Some Comments', B-21, pp3-4.

The major Ngati Pahauwera figure involved in the sale was Mohaka chief Paora Rerepu, a young man who favoured pakeha settlement as a means for his people to participate in the technology and economy of the colonisers. The negotiations occurred from early 1851, on Paora Rerepu's invitation. By mid year McLean was reporting to Governor George Grey that he had arranged purchase of an estimated 100,000 acres of partially-surveyed land, all of that lying between the Mohaka and Waikari rivers. This included the most westerly area, identified by Ngai Tane as within its rohe. Over this area, Ngai Tane claim, they had mana whenua, including of current Mohaka Forest lands.<sup>30</sup>

In December 1851, some hundreds of Maori of the region were present at meetings at the two main settlements of Waikari and Mohaka as chiefs discussed with McLean the Crown's offer. There was reportedly general agreement to the sale of all of the lands between the two rivers, for a total of 800 pounds. This was a price suggested by Te Hapuku - who may have been acting as the Crown's agent - to McLean. It had now been presented as a *fait accompli* by the Crown to the tribespeople. The price worked out in the end to less than 2.25d per acre, and would have been even smaller had the acreage involved been as large as originally estimated.<sup>31</sup>

A map handed around by Paora Rerepu indicated the western termination of the purchase along its southern boundary (which was constituted by the Waikari River) to be at the 2537 feet Patuwahine elevation near the source of the river. This lay in the Maungaharuru Range on a trail between Kokopuru pa (in Tutira territory to the south) and the Urewera, and was close to Tau I Te Koko Pa. From Patuwahine, probably following the trail along the boundary between the Mohaka tribes and those to their interior, ran a notional survey line. This went for some two miles along a route traversed by McLean and tribal representatives (including Paora Rerepu) to Paewahie on the Mohaka River. Paewahie's location remains a matter for speculation, but it probably represents the end point of the shortest accessible route between the two rivers. From Paewahie the block boundaries followed the Mohaka to the sea.<sup>32</sup>

In the traditional historiography of early land purchases in New Zealand and later purchases in the province, the Hawke's Bay sales of the 1850s do

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<sup>30</sup> Ballara and Scott 'Mohaka', pp 2-3; McLean, Donald: *Journals*, vol 37, pp2-4, in Huata, Cordry 'Evidence of Cordry Huata on purchase of Mohaka Block (18 February 1991)' (hereinafter 'Evidence...Mohaka Block'), A-14, Appendix 7; Ballara, Angela 'Te Hapuku' in (ed) Oliver, W H *Dictionary of New Zealand Biography*, vol 1, Wellington 1990, p444.

<sup>31</sup> McHugh, Stephanie 'Evidence of Stephanie Louise McHugh: The Purchase of the Mohaka Block, December 1851', C-4, p22,30-1.

<sup>32</sup> Ballara and Scott 'Mohaka', p4; Guthrie-Smith *Tutira*, p102; Huata 'Report' pp16-17; McHugh 'Evidence', pp46-7; Turton, H H *Maori Deeds of Land Purchases in the North Island of New Zealand*, vol 2, Wellington 1878, pp495f.

not feature among critics' examples of blatant and extreme Crown violations of rangatiratanga. Ms S McHugh goes so far as to present the Mohaka Purchase as 'a carefully negotiated transaction in which all parties had a clear understanding of the terms and conditions of sale as laid out in the deed of purchase'. The Mohaka River Waitangi Tribunal reflected the extant evidence in noting that McLean was 'careful to gain the consent of the hapu in open meetings'.<sup>33</sup>

McLean's meetings with members of both main sections of Pahauwera included numbers of people from the interior, and they seem to have been comprehensive consultations by the standards of the day.<sup>34</sup> In what might be interpreted to be in accordance with rangatiratanga, it was Paora Rerepu who supervised and divided up the first instalment of the Mohaka people's payment.<sup>35</sup> Hemi Huata acknowledged in 1927 that - while in tribal eyes the price, in retrospect, should have been enormously greater - there *was* a bona fide sale made by Maori.<sup>36</sup>

However there is a real possibility that in 1851 there was confusion and misunderstanding between the parties, the result of politico-cultural 'talking past each other'. There had been little contact between Maori and officialdom in Hawke's Bay prior to the purchase. Although historians' assessments vary, and it is not intended to canvass the general historiographical debate here, it is possible that the meaning of loss of freehold ownership of the land in a western sense was not fully comprehended by the northern Hawke's Bay tribes as they entered and completed their negotiations. Given that the original offer from Paora Rerepu was to sell the land 'if it was worth accepting', it is possible that they had but scant knowledge of the value of their land within the encroaching new political economy.<sup>37</sup>

Even if they did possess that knowledge, the fact was that McLean records some dissatisfaction among the tribespeople on the very day of the sale. Moreover his journal jottings on the distribution of the first instalment of purchase monies indicate a certain cynicism: the people were paying off old debts but also impliedly wasting their money by hasty spending. His

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<sup>33</sup>Cowie 'Rangahaua Whanui District', pp23,35; Loveridge 'Freshets', p51; McHugh 'Evidence', pp78,94; Tribunal *Mohaka River*, p24.

<sup>34</sup> McHugh 'Evidence', pp15,21,43-4.

<sup>35</sup> McLean's Journals, vol 37, p7, in Huata 'Evidence...Mohaka Block', Appendix 7.

<sup>36</sup> Hemi Huata's Royal Commission evidence, Wairoa, 5 May 1927, in *Raupatu Document Bank*, vol 49, p19103.

<sup>37</sup>Cowie 'Rangahaua Whanui District', p22; Huata 'Pahauwera Research Report', pp5,9; Loveridge 'Freshets', p40; McLean's Journals, vol 37, p7, in Huata 'Evidence...Mohaka Block', Appendix 7; for an example of recent historiographical development on such issues, refer to recent work by Vincent O'Malley.

light-hearted tone suggests that he ascribed little significance to the proceeds of sale in terms of the longterm future of the people, that money per se was of scant importance for them at a time of minimal contact with the pakeha economy. One might accordingly speculate that he felt that the amount of the monies should be as low as the Crown could get away with, bearing no necessary relationship to any potential or actual market value for the land.

Whatever the reality on this point, it is certainly quite possible on the attendance figures given at the korero that not all interior Maori or their representatives (including Ngai Tane, said to be from the most inland portion of the Block) were present at, consented to or knew about the sale.<sup>38</sup> Toro Waaka, who identifies Ngai Tane as one of 23 hapu of Ngati Pahauwera, notes that Paora Rerepu never claimed his lands in the name of Pahauwera per se, but cited his descent from Kahungunu.<sup>39</sup> The question as to how representative the Maori transactors were, and how 'fair' the price was, must be deemed to remain not fully answered.

### **The Crown, the Hapu and the Sale**

It has been suggested on the basis of the words of tribal petitioning in 1891 and of later tribal memories, that Pahauwera believed the agreed price to be 8000 rather than 800 pounds. Such an opinion, then and now, does not necessarily imply that McLean was misleading either the people on the spot or (in his journal entries) posterity. This belief cannot be lightly dismissed, given several factors: that only five of the 1851 signatories could sign their name, that the strongly pro-Crown and leading seller Paora Rerepu was said to have joined later petitioners on the issue, that Te Hapuku had indicated to McLean that the sellers would probably want a higher price than 800 pounds, and that, more generally, Maori culture and historical recording was oral-based.

However, lack of any written evidence of protest for 40 years after the purchase, and no known official archival sources (no doubt as the result of the loss of Native Affairs files in the parliamentary fire of 1907), leaves this a matter only likely able to be pursued through tribal evidence. For now we can do little more than agree with Dr D Loveridge that the 1951 report of the Royal Commission on the purchase could have done little else than find unlikely, in the absence of further evidence, an 8000 pound

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<sup>38</sup> Huata 'Pahauwera Research Report', p57; Thomson, George 'Evidence of George Thomson on the Crown and Ngati Pahauwera from 1864', A-29, p5.

<sup>39</sup> Waaka 'Report', pp1,22.

payment which would have greatly exceeded in price per acre that of all other such purchases.<sup>40</sup>

In the Mohaka Block purchase, the Crown reserved for the tribe only some 100 acres out of what was probably some 86,000 acres, an area which the officials believed at the time may have totalled 100,000 acres. The miniscule size of the reserve has been interpreted as indicating that Maori were not fully aware that they were 'relinquishing their ownership' over almost all of their lands between the two rivers. A theory that the inclusion of the 100 acres reserve was probably added only to clinch the sale, after reiterated demands from the tribe, does not necessarily contradict such an interpretation. Dr Loveridge is among those historians who have expressed scepticism that in losing lands and resources so essential to their existence the tribes fully understood the European concept of 'sale' or the real value of their lands in the new capitalist economy.<sup>41</sup>

Even if there no such tribal illusion - taking into account for example that some missionaries warned the tribespeople strongly against selling - the methods of purchase might be said to be questionable. The historian must of course avoid the dangers of 'presentism', and one should bear in mind the problems of the day - that the handful of Crown land purchasers had a huge and difficult task in an age of poor communications, for example. But it could be argued cogently that any serious Crown attention to the protective promises embedded in the Treaty would have required a considerably greater degree of concern for the wishes and/or futures of all affected groupings.

The Ballara/Scott study of nineteenth century purchasing interaction between Crown and Maori in the Hawke's Bay region, based on detailed as well as general studies, concludes that Maori trust placed in Crown purchasing agents was 'frequently abused': the state 'deprived Maori unfairly of large amounts of land or its market equivalent', failed to ensure that adequate tribal land remained, and neglected to protect Maori spiritual and material taonga.<sup>42</sup>

The Mohaka purchase might together with two contemporary purchases be seen as among those that came closest to meeting the terms of the

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<sup>40</sup> Huata 'Report', pp33-5; Loveridge 'Freshets', p39; McHugh 'Evidence', p22; 'Report Of Royal Commission Appointed To Inquire Into And Report Upon Claims Preferred By Certain Maori Claimants Concerning the Mohaka Block', *Appendices to the Journals of the House of Representatives*, 1951, G-4 (hereinafter, 'Dalglish Report'), p14; National Archives, *He Pukaki Maori*, Wellington 1995, pp32-3.

<sup>41</sup> Butterworth 'Mohaka', p17; Loveridge 'Freshets', pp24,33-4.

<sup>42</sup> Ballara, Angela and Scott, Gary *Crown Purchases of Maori land in early provincial Hawke's Bay: Report on behalf of the claimants to the Waitangi Tribunal*, Wellington 1994, p202.

Crown's commitment to protection of Maori interests. Nevertheless it could also be said to fit within the parameters outlined by Ballara and Scott. Tribes in the region have argued since the 1890s along similar or related lines - that, for example, non-Pahauwera had been paid in addition to or rather than owners, or that a higher price or more reserves had been promised.<sup>43</sup>

One focus has, understandably, been on price. McLean recorded on his second (and final, since the agreement for annual payments had not been adhered to) instalment of purchase monies their insufficiency for the Waikare people, with whom Ngai Tane claim close links.<sup>44</sup> It might well be argued that even in terms of contemporary standards, the sale price was - in words uttered on behalf of Pahauwera claimants in 1927 - 'ridiculously inadequate'. In such a view the tribes in 1851 'knew very little about an acre and they had no knowledge of the value of money.' The Royal Commission ('Dalglish') Report of 1951 believed that 2.25d per acre was not 'unduly low' in view of its positioning between the prices of 4.13d and 1.35d paid for the other two contemporaneously purchased Hawke's Bay blocks. This of course begs the question of the 'fairness' of those two transactions, even by a market benchmark, given that by Dalglish et al's own figures the Crown paid up to 24d per acre in the region (although it would also go down as low as 1.2d) <sup>45</sup>

Whatever the validity of such a comparative study, the fact remains that in exchange for 800 pounds the signatories to the deed had relinquished almost all of an area famous for its food resources, including kahawai and other fisheries off the coastal strip and the abundant bird life inland in the Maungaharuru Range. When the miro berries were abundant here, birding flourished - especially the snaring of kereru. The Maungaharuru area lies within the rohe identified by Ngai Tane as their own, and Ngai Tane stories tell of their ancestor Whakaha's connection with the area, 'where he took kereru'. A regional tribal saying epitomises the economic interchanges and distinctions between the inland Maori who were the kaitiaki of Maungaharuru, and the coastal tribes which based their lifestyle on the offshore fisheries of Tangitu: *Ka pa a tangitu, ka huaki a Maungaharuru, Ka pa a Maungaharuru, ka huaki a Tangitu*. ['When Tangitu is closed, Maungaharuru opens; when Maungaharuru closes, Tangitu opens'].<sup>46</sup>

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<sup>43</sup> 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20388-94.

<sup>44</sup> McLean's Journals, vol 37, p13 in Huata, 'Evidence...Mohaka Block', Appendix 7.

<sup>45</sup> 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20477-8; 'Dalglish Report', pp11-13.

<sup>46</sup> Guthrie-Smith *Tutira*, pp67,101; Huata 'Report', pp62-3; the proverb can be more simply expressed as *Maungaharuru ki uta, Tangitu ki te moana* ('Maungaharuru inland, Tangitu out to sea'): Huata 'Translation', sec 9; Thomson 'Crown', p6; Waaka 'Report', pp60f; La Porta 'Ngati Pahauwera', p3; information from Huata/Wainwright/Taylor.



The modern Ngai Tane view has been expressed thus: 'As a result of extinguishing a hapu's right and the hapu right to access food then that hapu has nothing, they are nothing, they become taurekareka.'<sup>47</sup> Such alienation had happened throughout some 86,000 acres covering the rohe of the hapu associated with Pahauwera - a major portion of the lands falling under the general Pahauwera umbrella - for a sum that, in the assessment of Dr Loveridge, 'barely amounted to a token'. Some of the lands, moreover, had been quickly resold by the Crown at up to 4800 per cent profit. These actions had been carried out by officials and politicians despite the Normanby instructions, the promises contained in the Treaty, and the Maori expectations of 1840 - all of which had embodied Maori retention of extensive landed endowments, undoubtedly including cultivations, settlements and mahinga kai, as well as wahi tapu. 'There is little, if any, evidence that the Crown kept its protective responsibilities in mind at the time of the purchase.'<sup>48</sup>

### **Representation and Protest**

By the de facto standards of the times there was a great deal of consultation over the Mohaka purchase. But as we have noted, and as the Rangahaua Whanui regional report advises the Tribunal, there may well have been tribespeople omitted from the consultation exercises or those who declined to sign. Conversely, tribal whakapapa memory in the twentieth century speaks powerfully and consistently of non-tribal signatures: 'They are utter strangers.' Indeed a Pahauwera tribal genealogical committee concluded after in-depth examination in mid century that only 70 of the 297 names on the deed were entitled to sign.

A hundred years after the deed, the point was put graphically on behalf of the Ngati Pahauwera grouping: it 'seems certain' that many signatories were not Pahauwera, and it was wrong for the Crown to set the word and records of their agent McLean 'against the tribal memory'. The 1951 Royal Commission headed by Deputy Judge D Dalglish found no difficulty in doing just this. It considered that since there were no written tribal rolls in 1851, even had there *not* been adequate consultation with the people (which in its view there was) the purchasers 'were entirely in the hands of the chiefs'. Any outsider signatures could not therefore have negated such chiefly consent.

A local settler recorded that he learnt from a kaumatua that the people in the vicinity of the single reserve - at Te Heru-o-Tureia, within the area

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<sup>47</sup> Huata 'Pahauwera Research Report', p27.

<sup>48</sup> Loveridge 'Freshets', pp8-9,24,41-2; Loveridge, D 'Summary of Evidence of Dr D Loveridge', N-6, p12.

identified by Ngai Tane as its rohe - had never received any monetary proceeds from the 1851 sale. In Ngai Tane's eyes, the situation was worsened when this reserve was sold in 1859: several non-hapu members who had rights lesser than those of occupation or ownership in the reserve area are said to have signed the deed and received the payment. Paora Rerepu himself, a signatory and the principal seller of Pahauwera lands to the Crown, is not known to have Ngai Tane affiliations. It has been proposed that further work needs to be done on the relationship between Ngai Tane (and Ngati Pehi, who may also have had rights to Te Heru-o-Tureia) and the Crown with regard to this alienation. But other than a possibility of uncovering hitherto overlooked material in official archives, it is difficult to find a way of doing so.<sup>49</sup>

More broadly, researchers have been unable to find any trace of sustained protest about the Mohaka Block sale until 40 years after it was completed. Native Department registers and indexes at National Archives should be checked in greater depth than has been done so far, especially for the period 1871-1891, as should regional newspapers - particularly the *Wairoa Free Press*.<sup>50</sup> But from 1891 there is a key theme in recorded Pahauwera appeals to the Crown of inadequate tribal approval for the sale. Continuing this line of thought in recent times, Ngai Tane researcher Cordry Huata canvasses the 'possibility that the chiefs were in McLean's hands' on the signing issue. He counterposes this to the Dalglish findings (based on McLean's own journals) that the Land Purchase Commissioner was of necessity entirely in the hands of the chiefs over sales.

Mr Huata posits that the tribepeople of the area were organised collectively at pa and kainga, and it was to such communities that chiefs were responsible rather than the other way round. In his view it was *convenient* for the Crown, rather than essential, to deal with Paora Rerepu, Hoani Wainohu and a handful of other mostly Pahauwera chiefs who were cooperative, ignoring the practice of collective tribal responsibility. Moreover, McLean was said to have dealt with chiefs and people of Ngati Pahauwera the hapu rather than Ngati Pahuawera the iwi (or 'major hapu', or whatever one might call the umbrella grouping), thereby depriving other hapu including Ngai Tane of their rights.

One alternative perspective is that McLean dealt only with the Pahauwera iwi/umbrella grouping, thereby ignoring elements of the landowning collectivity that were not - or were only loosely - under that umbrella. Mr Huata concludes that evidence as to tribal approval is 'at best mixed'. For the purpose of this present commission there is no known extant written source that will take the matter further, but oral testimony may be able to

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<sup>49</sup> 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20389-92,20396,20435; Huata 'Report', pp26-7,31-2,49,71 and Appendix 14; McHugh 'Evidence', pp78-80; 'Dalglish Report', p15.

<sup>50</sup> McHugh 'Evidence', pp79,84.

add to pre-existing knowledge. A fruitful arena of enquiry might be the concept that rangatiratanga goes beyond authority and control, involving a reciprocal relationship of trust between leaders and members of a community.<sup>51</sup>

Compared with contemporary sales in the wider region, that of the Mohaka Block did provoke some contention among the tribespeople. The people of the Mohaka division of Pahauwera were more numerous than the Waikare people, and therefore on the surface might be seen to have a claim for the greater part of the payment. But the distribution of sales monies was equal between the two. On the other hand, when on receipt of their final payment in 1855 the Waikare hapu complained that *they* had been underpaid, this was vis a vis what the Mohaka people had received. The Crown has from that time onwards contended that this was an internal matter for the tribes, although McLean himself saw that a member of the Waikare hapu might be upset at the small return for 'transferring the extensive tracts of his country - the lands of his ancestors - to foreigners'.<sup>52</sup>

Ngai Tane claim close relations with the Waikare hapu in addition to the genealogical linkages that are said to run along the Mohaka River. It is possible therefore that their deprivation over the years and their tribal grievances may be due partly to the Waikare hapu's loss of properties with little by way of return. Cordry Huata places the Waikare hapu (perhaps influenced by missionary William Colenso) at the centre of such opposition to the sale as there was.<sup>53</sup> At very least it might be observed that where customary landowning tenure incorporated 'interlocking and overlapping rights of use'<sup>54</sup> the Crown had an obligation to identify and protect the rights of each affected grouping. In the Crown's apparent neglect of this measure of protection in the Mohaka purchase, Ngai Tane may have been among those who lost out. It is possible that genealogical history may throw further light on the hapu's possible losses through the Waikare alienations.

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<sup>51</sup>Huata 'Pahauwera Research Report', pp64-5; Huata 'Report', p23; Tribunal *Waipareira*, p214; information from Huata/Wainwright/Taylor.

<sup>52</sup>Ballara and Scott 'Mohaka', p5; McLean's Journals, vol 37, p13, in Huata 'Evidence...Mohaka Block', Appendix 7; 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20422,20438.

<sup>53</sup>Huata 'Pahauwera Research Report', pp13f; 'The discussions about the divisions of Mohaka and Waikari', Hemi Huata's Record Book, p227 [translated by Cordry Huata]; Huata interview; information from Huata/Wainwright/Taylor.

<sup>54</sup>The phrase is borrowed from the Pouakani Waitangi Tribunal: *The Pouakani Report 1993*, p13.

## Ngai Tane and the Reserves Issue

The Mohaka Block's sole reserved area, 100 acres at Te Heru-o-Tureia, had been requested in mid 1851, and its granting may have been the tribes' bottom line for agreeing to the sale.<sup>55</sup> If so this was because essentially it contained a wahi tapu area. Moreover, it was apparently *the* sacred place in the inter-riverine area for all tribes to whom Te Kahuoterangi was a significant ancestor. This unifying ancestral chief in Mohaka history was said to have been buried in the 1820s near where he fell on Te Heru-o-Tureia peak. He was in direct line of descent from Tureia, after whom, together with its comb-like topography, he had named the area. Te Kahuoterangi's urupa was stated by Canon Huata to embody the vigour of Pahauwera.

In Ngai Tane testimony, Te Heru-o-Tureia has a significance beyond that of its location in the area it states to be its rohe. According to its traditions, two of Te Kahuoterangi's wives were sisters of the Ngai Tane hapu. Moreover, Te Kahuoterangi was said to be allied with the Ngai Tane forces of his brother-in-law Kakari (descended directly from Wainau) when he fell at Te Heru-o-Tureia in battle against the people of slain Tutira chief Te Waewae. Ngai Tane tell of how after their win in the battle Te Waewae's people returned to their rohe. 'As far as I am aware', Cordry Huata comments, 'Ngai Tane maintained their *rangatiratanga* over that interior area, and remained an important force to be reckoned with there', whatever their status (subjugated or otherwise) might have been elsewhere.<sup>56</sup>

Land purchase prices throughout Hawke's Bay were low, as was the policy of the times. The quid pro quo, in general theory, was supposedly retention by Maori of land adequate for them to benefit from the new economy introduced by pakeha settled on the purchased acres. This policy had normally been manifested, in theory and to a degree in practice, by the reserving of lands for the tribe within the purchased area. Even had Te Heru-o-Tureia not been wholly or partially a sacred place, as Ballara and Scott point out a 100-acre locality in such an area could scarcely be expected to become the socio-economic base for all or even many of the displaced tribespeople of the entire region between the rivers.

This purchase, then, did not reflect official theory: the price remained low *and* the reserve small. Indeed it constituted only a tiny percentage of the

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<sup>55</sup> McHugh 'Evidence', p22.

<sup>56</sup> Huata 'Pahauwera Research Report', p38; Huata 'Report', p68; Huata 'Translation', sec 9; Huata interview.; information from Huata/Wainwright/Taylor. Canon Huata cites Pahauwera lore that Te Kahuoterangi's urupa is located at Spring Hill, while allowing for the alternative Maungaharuru site. The discrepancy could arise because of the severing and transportation away from Te Heru-o-Tureia of Te Kahuoterangi's head. There were said to be many wahi tapu in the general area of Te Heru-o-Tureia, such as burial caves at Patuwahine.

purchased area, well away from the population focus of the hapu clustered under the Pahauwera umbrella - and was of course in any case partly comprised of urupa.<sup>57</sup> Even within Kahungunu territory there were much bigger reserves awarded, in the Ahuriri and Waipukurau purchases for example. By the general standards of the day, then, as was pointed out by counsel in 1951, the reserved area was manifestly inadequate.<sup>58</sup>

One interpretation of Hemi Huata's records is that Te Heru-o-Tureia reserve was believed by the sellers of the Mohaka Block in 1851 to greatly exceed the 100 acres that the Crown thought it was reserving: that in fact it took in lands westwards of the Mangapapapa Stream. Under this interpretation it would have included - as well as the wahi tapu areas of Patuwahine and Te Heru-o-Tureia peak - both some Maori settlements and the mahinga kai areas of Maungaharuru that were so significant for the tribal economy. This would have taken the reserved area to about 4000 or even more acres, making the reserves inside the purchased block somewhat less inadequate - if still very inadequate under the standard colony-wide theory of the day. Local runholder Philip Dolbel's correspondence certainly indicates that Maori settlement existed inside what was considered to be the reserve. Confusion even at the time as to what constituted the reserve is possibly hinted at in an official description later in the decade of the land as containing 'more than 100 acres'.<sup>59</sup>

Any oral history research exercise undertaken on claim Wai 436 should explore the Heru-o-Tureia aspect of Ngai Tane memory, in conjunction with the Maori text in the Huata record book. Targeted research in the official archives relating to Dolbel's run, including examination of any maps, may enable a rounding out of the picture. Another possibility might also be usefully explored: that the concept of 'reserve' represented in tribal eyes a characterisation of all Pahauwera wahi tapu under the rubric Te Heru-o-Tureia.<sup>60</sup>

Certainly, a Crown Law-commissioned translation of the deed indicates this possibility. In this translation a reference to the specifically reserved 100 acres of land at Heru-o-Tureia is followed by the words: 'there are places made sacred for us'. Moreover it is notable that no residential reserves for the Pahauwera people, except implicitly for the settlement locations within the 100 acre block called Te Heru-o-Tureia, are specified in the deed.<sup>61</sup> It seems improbable that various communities within the

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<sup>57</sup> Ballara and Scott 'Mohaka', p6.

<sup>58</sup> 'Maori Land Claims Commission' in *Raupatu Document Bank*, p20411; Huata 'Pahauwera Research Report', p40.

<sup>59</sup> Thomson 'Ngati Kahungunu', p5; Huata 'Report', pp43-5; McHugh 'Evidence', p61; Thomson 'Evidence', p5.

<sup>60</sup> This is tentatively proposed in Loveridge 'Freshets', pp34-5.

<sup>61</sup> McHugh 'Evidence', pp39-40.

Mohaka Block would have knowingly agreed to alienate *all* of the property on which they dwelt.

In front of the Dalglish Commission in 1951 at Wairoa, Turi Carroll and others strongly pressed the case that the Mohaka Block had been purchased in return for far too little reserved land. This had emerged as the major ongoing grievance of the area's tribes against the Crown in the present century - so much so that in representations in the 1920s Pahauwera had gone so far as to claim that their lack of reserves made them a 'unique' case in the history of Crown purchases. The Crown pointed out, in response, that in eight of the first 15 large purchases in Hawke's Bay there had been no provision for reserves. The Dalglish Report's outright rejection of the Maori claims, its confident finding after very little investigation that there *had* been tribal approval of their chiefs' 1851 deal in its totality and that there was 'no injustice' involved, must be seen as symptomatic of the times. Its finding on tribal approval, based partly on the Crown point that in *Hawke's Bay* there was no general rule on setting aside reserves, has been characterised by a claimant researcher as 'a narrow legalistic interpretation'.<sup>62</sup>

Be that as it may, over and above such an understandable perception it must also be acknowledged that little extra evidence has surfaced in the subsequent half century to provide concrete information on the reserves issue. A final sweep of the MA series at National Archives might shed some light, as might the oral history of Ngai Tane. One line of speculation deserves further attention: that an 1891 petition's assertion that McLean had promised more reserves was based on a Maori belief at the time of purchase that as well as Te Heru-o-Tureia, areas important for the tribal socio-political economy had also been reserved by *verbal* agreement with McLean. This would tie in both with Waikare's tribal memories, and with Maori ways of doing things.<sup>63</sup>

McLean did suggest in the initial discussions that the tribe retain the lands to the north of the Mohaka, and they took his advice. The official's actions on this point have been taken to indicate that he was conscious of Pahauwera's future landed needs. The Dalglish Commission felt that McLean's motivations were to ensure that the Pahauwera tribes had sufficient lands remaining on the north bank of the Mohaka to benefit from the new economy.<sup>64</sup> However, regional purchasing policies at the time were clearly in general terms those of minimising the granting of reserves. Even the Waikare people's modest request in March 1851 for a

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<sup>62</sup> 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20380,20483; Huata 'Report', pp37-41; 'Dalglish Report', passim.

<sup>63</sup> McHugh 'Evidence', pp70-1; Huata 'Report', pp37,58-9.

<sup>64</sup> Ballara and Scott 'Mohaka', p2; 'Dalglish Report', pp13-14.

small papakainga reserve at Te Kuta on the northern Waikari River bank was ignored. This has led to a tribal memory relating to loss of significant land.<sup>65</sup>

Cordry Huata speculates, on the basis of tribal stories passed on by his father Rana Huata (who was brought up at Te Kuta), that the 1855 dissatisfaction over price related to Waikare's discovery at final payment that they had never been granted the papakainga which they had continued to utilise. Although the site of their desired reserve was incorporated into a Crown grant to pakeha farmer Dolbel in 1859, it remains a significant location for the Maori people of the area. Loveridge's careful overview records that there were at least two desired reserves within the Mohaka Block that had been identified before purchase.

None of the above possibilities of confusion as to reserves necessarily impugn the integrity of the Crown, as they may represent nothing more than cross-cultural misunderstandings. But the fact remains that the state deliberately ensured there were no meaningful reserves *within* the Mohaka Block, thereby departing from its own general policies. A keynote aspect of 'the principles of the Treaty' - an adequate endowment for present and future needs - was arguably denied the sellers and those they sold on behalf of, including perhaps Ngai Tane.<sup>66</sup>

However, presumably at point of sale those tribespeople and their chiefs who *did* agree to or sign the deed believed that whatever transaction they were involved in left sufficient lands for their tribal endowment. This may have related partly to an understanding that there were to be reserves within the purchase area additional to Te Heru-o-Tureia. But more substantially, it probably relied on the presence of tribal lands to the north and south of the block's boundary rivers. If Ngai Tane did agree to the purchase, they in particular were possibly the more satisfied (or perhaps the less dissatisfied) given that the one reserve was within their claimed rohe and that only part of its acreage would have constituted urupa. There were, as we have seen, settlements within the reserve, whatever its boundaries - which had remained unsurveyed by Crown surveyor Robert Park.<sup>67</sup> There is a possibility that displaced groups of people from elsewhere in the purchase area arrived at the reserve and overstrained local resources. This will need to be investigated in the context of oral history.

Meanwhile, in view of the sparse evidence, it must be assumed that at the time of purchase the totality of the remaining tribal area was sufficient in

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<sup>65</sup> Huata 'Pahauwera Research Report', p36.

<sup>66</sup> Huata interview; Huata 'Pahauwera Research Report', pp58-9; Loveridge 'Freshets', p30; Loveridge 'Summary', pp13-14.

<sup>67</sup> McHugh 'Evidence', pp15,21,39.

tribal eyes. But there is surely an important corollary to this: sufficient provided there were no ongoing alienations that removed an adequate resource base for the people affected by the purchase as a whole. Yet in the event there *were* to be such alienations - including of Te Heru-o-Tureia reserve. In other words, it might be cogently argued that while the hapu signed up for purchase because they trusted the Crown to protect their interests elsewhere within the general area of Pahauwera and associated tribes, the state machinery later failed to fulfil that protective role that was both implicit and explicit in the Treaty. Indeed, even before the three 1851 purchases were finalised McLean had instructions to buy as much adjacent land as possible. In Ngai Tane's case the Crown had its eyes on the bordering territories both north and south of their identified rohe within the Mohaka Block purchase.<sup>68</sup>

Moreover, there is no evidence to hand that suggests that when these alienations occurred the hapu which had become landless within the Mohaka Block boundaries received recompense for the later alienations, many of which flowed through the Native Land Court. It is difficult to trace hapu history in Land Court records, given the Court's focus on individuals' rather than collectivities' rights. For example, the 1868 minutes of the Native Land Court regarding the northern Waipapa Block, where Ngai Tane interests might be expected to be revealed, have no mention of Ngai Tane among the 11 named hapu. The Huata whanau, which today identifies as Ngai Tane, does however feature. Moreover it is clear from both Dr Ballara's work and searches of the Maori Land Court finding aids that Ngai Tane as a hapu did feature in claims before the Court, one of well over 600 names of recorded descent groups in the judicial records. Hence, at sittings in Makaraka in 1877 the Ngai Tane hapu is listed along with numbers of others.

More commonly, surnames can be traced, although this can be rendered difficult by the judicial habit of placing lands in trusteeship. There were no known Ngai Tane names among the 10 grantees listed in 1868 for another northern block, where some might possibly be expected. But the Court's focus on family whakapapa is where hapu genealogical information collected orally can be put to good use. In Ngai Tane's case, the various alienations of the Native Land Court in the region - blocks such as Waipapa and Mohaka north of the Mohaka River, and Waikare and Te Heru-A-Tureia south of the Waikari River - can be searched in the Tairawhiti and Ikaroa District records for family (as well as hapu) names. In lists relating to the Pihanui 1, Matuku and a number of other blocks besides the Waipapa Block, for example, the Huata family appears a number of times. There is a useful draft user's guide to the Tairawhiti Maori Land Court records prepared by Richard Moorsom.<sup>69</sup>

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<sup>68</sup> Loveridge 'Freshets', p43.

<sup>69</sup> Huata 'Pahauwera Research Report', pp24-5,29; information from Richard Moorsom, 2 and 6 October 1998; Ballara *Iwi*, p163; Native Land Court Wairoa Minute Book 1, pp45-58, cited in La Porta 'Ngati Pahauwera', p48; Moorsom, Richard 'Records of the Tairawhiti



## The Alienation of Te Heru-o-Tureia Reserve

It seems that the tribespeople of Pahauwera mostly moved to the Waipapa lands north of the Mohaka in the 1850s. That is, except for those - presumably Ngai Tane and others - who stayed on the reserved land. Yet even the 'inalienable' Te Heru-o-Tureia reserve was purchased by the Crown in 1859. This was in the context of ongoing disputation between the local people in the area (who will mostly have been Ngai Tane, according to the hapu's record) and wealthy runholder Dolbel. The station-owner had leased over 20,000 acres of land and had exercised his right under the Mohaka deed of purchase to run horses and cattle on the reserve (which lay within his 'Maungaharuru Station') without permission or payment so long as it remained unfenced.

According to Cordry Huata, the straying cattle had so desecrated the tapu on the land that the Mohaka-based hapu headed by Paora Rerepu decided that tapu had been lost. Since in any case the area was landlocked and Dolbel was clearly not inclined to allow access across his farmlands, the land could in their eyes be alienated. Whatever the tribal view, we do know that to resolve a tense situation in the interests of 'the public peace', the Crown decided to acquire Te Heru-o-Tureia for Dolbel's use. It paid 11 listed people, headed by Pikai Tohutohu (who may or may not have been the major chief of the area: oral evidence may help here) and including three leading Pahauwera chiefs, for the land. It was a high price per acre compared with the main purchase: a pound as opposed to less than 2.25d pence per acre in the rest of the purchase area.<sup>70</sup>

Ngai Tane believe that at least some of the sellers of the reserve were not of their hapu. This might or might not be important: Pahauwera and other chiefs will no doubt have had rights of some nature in the rohe, particularly given the reserve's history as integral to the sale of the Mohaka Block and more especially its significance as the burial place of Te Kahuoterangi. The sellers, declaring that 'we now cede it in order to put an end to disputes', paid in the eyes of their descendants a high cultural price. They 'lost all trace' of the urupa of their ancestral chief Te Kahuoterangi, after whose singed beard the Pahauwera grouping of tribes had been named. Tribal lore had recorded that on his burial his mokopuna had taken his head to Mohaka for preservation, but that his pahau had caught

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Maori Land Court, Gisborne: *A Short User's Guide*, Waitangi Tribunal draft 1998; Ballara thesis, *passim* and especially p165 and Appendix 2; Thomson 'Ngati Pahauwera', p43.

<sup>70</sup>'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20477-8; Huata 'Report', pp48-9; information from Huata/Wainwright/Taylor; Loveridge 'Freshets', pp35-7,50-1; McHugh 'Evidence', pp63-4,66-7; Wright, Matthew *The History of Farming in the Mohaka*, Napier 1985, p26.

fire in the preservation process. Later tribal memory also had it, as petitioned (in vain) in 1900, that the iwi had been short-changed in payments for the reserve.<sup>71</sup>

According to Cordry Huata, the sale of the reserve was 'greatly resented by the people still living up in the vicinity' of Te Heru-o-Tureia, presumably predominantly Ngai Tane. Moreover, when Dolbel attempted to take possession of the reserve the local people continued to harvest and replant, as if they had no knowledge and/or understanding of sale to the Crown - nor of Dolbel's subsequent freeholding, within the area, of a 40 acre block with a pa on it. A Maori petition some 40 years after the sale of the reserve indeed assumes that the reserve is still in Maori ownership. Alternatively, the local people's ignoring of Dolbel's property rights may have been in protest at their lack of receipt of any or all of the purchase monies. Mr Huata concludes that there is doubt whether Ngai Tane and other tribespeople in the area 'agreed to the sale, or received payment'. An in-depth search of the MA series files at National Archives may unearth new material.<sup>72</sup>

Most Hawke's Bay settlers felt that the government was providing inadequate protection against potential or actual 'rebels'. It is true that the state apparatus *was* vulnerable. It found it difficult even to control kupapa tribespeople. It could do little to discipline pro-Crown rangatira who transgressed pakeha law, for example. When Paora Rerepu was arrested by Napier police on a drunk and disorderly charge in 1863 and his followers freed him, before the constables and pakeha onlookers could intervene McLean himself appeared and 'ordered them to desist' - aware of the ramifications for race relations of insulting the Mohaka chief's mana. With the regional coercive apparatus of state baulking at imposing 'the law' on even pro-government tribespeople, settler fears regarding the Crown's capacity to subjugate 'rebels' or discipline Maori who were resistant to state and settler wishes can be readily understood.

If the generality of regional settlers felt uneasy, the more so did those amidst the ongoing race tension in the north of the province. When Maori stayed on at Te Heru-o-Tureia reserve after its purchase, Dolbel threatened to burn them out, and in turn was threatened with death should that occur. As a Provincial Councillor in the early 1860s, he publicised his belief that settlers were 'under the tyranny' of a 'mised and arrogant aboriginal race'. In 1864 Dolbel demanded of the Provincial Council a defence force to protect the northern Hawke's Bay settlers, and in response a small fort was erected at the Mohaka River mouth. His ongoing difficulties with Maori culminated when his Maungaharuru

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<sup>71</sup>Huata 'Pahauwera Research Report', p38; McHugh 'Evidence', pp64-5 (McHugh asserts that the 'reserve appears to have assumed a more tapu nature in the eyes of later generations'); Huata interview; Huata 'Report', pp48f

<sup>72</sup> Huata 'Report', p56; McHugh 'Evidence', pp67-70,86.

homestead and woolshed complex, which he had allowed to be used as a base for state military action against 'hauhau rebels', was burnt out by Te Kooti Arikirangi and his forces on 13 January 1872. Had he and his drovers not been delayed in taking new stock through to the station, they may well have paid with their lives.

It is not known if Ngai Tane were involved in this, the final guerrilla raid of the Anglo-Maori Wars. George Thomson speculates that 'the possibility arises that dissident Ngai Taane, who had lost land in the area in the 1851 and 1859 purchases and the 1867 Maungaharuru confiscation, were with Te Kooti'. Certainly there are strong indications that at very least the inland people of Pahauwera and other upriver hapu had been less 'loyal' to the Crown than the coastal tribes. But the extent of their opposition to the Crown and settlers must however remain open.

It is possible that upriver tribal experience over the reserve had intensified their opposition to state aspirations for their area, and that such feelings of hostility persisted. This is the Ngai Tane memory of the consequences of the sale. 'They aligned themselves with Te Kooti, wanting to revenge themselves on their relations who had initiated the sale', and this alignment remained. When Dolbel sold his Maungaharuru interests some eight years later he received 14,300 pounds. It is likely that Pahauwera in general and Ngai Tane in particular, regardless of Crown arguments about pakeha settlement adding value for Maori, compared this price with the 800 pounds paid for almost all of the lands between the Mohaka and Waikari Rivers.<sup>73</sup>

### Ongoing Tribal Disruption

South of the Mohaka Block purchase lay the lands of the Waikare people with whom Ngai Tane claim to identify strongly.<sup>74</sup> In 1859 the Moeangiangi Block, which McLean had attempted to obtain in 1851, was purchased for 300 pounds. As with Te Heru-o-Tureia, the reserved area in the block was later sold by a small number of signatories. Other purchases south of the Waikari River followed. Then, in 1863 McLean purchased the lands west of the Mohaka Block, probably not from all of the owners. It is possible that Ngai Tane had some rights in these lands, a point which might be followed up through oral testimony. Moreover, although there

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<sup>73</sup> Guthrie-Smith *Tutira*, p123; *Hawke's Bay Herald*, 14 June 1862 and 3 August 1863 in Huata 'Report', Appendix 14, and Waitangi Tribunal Record of Documents, N-2; Loveridge 'Freshets', p71; Wright *Farming*, p32; Hill, Richard S *Policing the Colonial Frontier*, Wellington 1986, p887; Mooney, Kay *History of the County of Hawke's Bay, Part 1*, Napier 1973, p103; Thomson 'Ngati Pahauwera', p33; information from Huata/Wainwright/Taylor.

<sup>74</sup> Huata interview.

was a down-payment made for the c20,000 acres in the block, there is doubt over subsequent payments given the area's later inclusion under a confiscation proclamation.<sup>75</sup>

The socio-economic base of the hapu grouped together as Pahauwera and associated hapu continued to be eroded. Firstly, by the Waihua Block purchase north of the Mohaka in the mid 1860s. Then, ongoingly, as a result of the individualisation of Maori tenure which the establishment of the Native Land Court and the Native Land Act of 1865 enabled and encouraged. When individual members of the tribe initiated investigations by the Court, all members were obliged to participate in its very expensive procedures in order to obtain title derived from the Crown. The alternative was to lose all rights to their ancestral lands. In the opinion of the writer, the losses of resources, the fragmentations and alienations of tribal estate resulting from the Act, and resultant breakdowns of socio-tribal cohesion, are all clear violations of the rangatiratanga promised to the tribes in 1840 - as is the motivation behind the establishment of the Court in the first place.

From 1868 the remaining Pahauwera lands, some or possibly all with which Ngai Tane may have had genealogical, occupation, use and other rights and connections, were subject to Native Land Court actions. Partitioning (and later, repartitioning) occurred, the grants frequently going to small numbers of individuals (who may or may not have then acted as trustees for the collective tribal good) and becoming complicated by the demographic displacements resulting from the 1851 and later sales. Crown provision of 'a sufficient endowment' might be said with justification to have required a stop to land alienation at this point, but within 15 years more than half the land left in 1868 had been sold.<sup>76</sup>

It may be possible to estimate Ngai Tane's full land losses through in-depth searching of the Native Land Court records: hapu and family names listed can be checked against whakapapa that emerge from the exercise of oral history within the hapu. The turn of the century necessity for the Native Land Court to revisit past flawed decisions over the alienated lands north of the Mohaka allowed some tribespeople a degree of socio-economic recovery, but the depredations of the past clearly gave them an insufficient resource base on which to prosper. Ngai Tane claim that they, together with other hapu which were less cooperative than Pahauwera over selling, suffered total land loss - as opposed to Pahauwera, who (however whittled their estates) 'were not left landless as a result'.<sup>77</sup>

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<sup>75</sup> Loveridge 'Freshets', pp51-3; McHugh 'Evidence', pp72-6.

<sup>76</sup> Loveridge 'Freshets', pp74-94,126; Tribunal *Mohaka River*, p41.

<sup>77</sup> Loveridge 'Freshets', pp97-104; information from Huata/Wainwright/Taylor.

South of the Waikari, as further north, the coastal tribes tended in general to be active supporters of the Crown, viewing the forces of the state as convenient allies in their own tribal struggles against traditional enemies. But as with Pahauwera hapu north of the Mohaka (such as the Waihua Block owners) they paid the high price of wholesale landselling in order to secure this support. Hapu further inland in the Pahauwera groupin, and associated and neighbouring hapu were inclined towards Kingitanga and, later, pai marire: although as we have seen the extent of their *active* involvement in resistance to the Crown remains a problematic question.<sup>78</sup>

In January 1867, on the rationale that there had been a degree of pai marire rebellion in the area, lands totalling 270,000 acres south of the Waikari and down to the Esk River (the 'Mohaka-Waikare') were confiscated. Modern scholarship indicates that the confiscations were posited on the Crown's deliberate 'construction' of rebellion out of incidents at Omaranui and Petane. The state's motives for the confiscations were primarily strategic, with an especial need to secure the route between Napier and Taupo. After Crown exploitation of a situation of intratribal civil war, therefore, an essentially kupapa area was seized under confiscation legislation for the first time. Loyalist groupings were supposed to have their lands returned after investigation, and in the event - after several years and an initial 'agreement' for the Crown to retain half of inland Mohaka-Waikare - much was handed back to Maori.

However loyalist Maori expectation of the return of the exact lands taken from them proved to be incorrect, as a result of the Crown's strategic requirements. In an 'agreement' of 13 June 1870 the confiscated lands were divided in broad groupings between Crown and Maori. For the latter, 'rebels' were to receive only land immediately necessary for their maintenance, with loyalists to be granted appropriate estates. But in the event the returned land was divided into 12 broad blocks, each with some 30 listed owners. These latter were apparently not fully representative of the customary owners, while some loyalist tribespeople were obliged to take money payments in return for the loss of their land. The Crown's integrity can once more be placed under critical scrutiny.<sup>79</sup>

A number of 'friendlies' were displaced in the aftermath of the raupatu. Maori on returned land, moreover, were obliged to host displaced communities of both loyalists and 'rebels'. It is possible not only that Ngai Tane lost land from the confiscations from 'rebels', but that some of them

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<sup>78</sup> Loveridge 'Freshets', pp55-6,58-60.

<sup>79</sup> Boast, Richard 'The Mohaka-Waikare Confiscation: Consolidated Report: Volume 2', Waitangi Tribunal 1995, p170 and passim; Cowie 'Rangahaua Whanui District', ch5; Loveridge 'Freshets' pp61-6; Moorsom, Richard 'Raupatu, Restoration and Ancestral Rights: the Title to Tarawera, Tataarakina and Te Haroto: Main Report', Waitangi Tribunal 1998, pp280-1; Moxan, Tureiti Haromi 'The Impact of Post Purchase Land Alienation on Ngati Pahauwera: Report One', J -16, p15 and passim.

were allied with or related to Waikare loyalists and were affected by such displacements. The very name of the returned Heru-A-Tureia subdivision, adjacent to the Mohaka Block rohe claimed by Ngai Tane, evokes possibilities of hapu interconnections.<sup>80</sup> Moreover, although the returned lands were supposedly inalienable, as time passed they were gradually alienated from Maori. The declining socio-economic position of the owners was thereby exacerbated.<sup>81</sup> Research amidst the sources utilised exhaustively by Richard Boast, Richard Moorsom, Tania Hopmans et al might be able to lead to an assessment of Ngai Tane losses in the processes described above.

### **Te Kooti's Attack on Mohaka and its Consequence**

The circumstances leading to the Mohaka-Waikare confiscations also had broad ramifications that eventuated in even further disruption to the Mohaka Purchase tribes. Most hapu affected by the Mohaka Block purchase, despite their lack of (or negative) gain from their loss of land, had remained loyal to the Crown. The alleged 'hauhau' forces captured at Oamaru had been incarcerated on the Chatham Islands. Under the leadership of Te Kooti Arikirangi in 1868 they escaped, along with other eastern seaboard captives, from their Armed Constabulary guards and put to sea. After their landing north of Wairoa at Whareongaonga, mainstream Pahauwera forces comprised a significant portion of the Crown's field pursuit of the rebels. As one of the taua members Peita Kotuku later testified, this along with traditional tribal rivalries between Mohaka tribes and sectors allied with the escapees, made Pahauwera a special target for Te Kooti Arikirangi. Eventually their tribal headquarters itself came under bloody attack.<sup>82</sup>

Meanwhile, the upriver hapu of the Mohaka region, probably including Ngai Tane, had as we have seen remained *at very least* at arms length from the Crown. At a large tribal hui at Mohaka after the imperial invasion of the Waikato in 1863, for example, the inland hapu - to the consternation of the coastal people - spoke on behalf of Urewera tribespeople who had reportedly thrown in their lot with Kingite resistance to the Crown. With intra-Maori civil war raging in mid decade

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<sup>80</sup> Boast, Richard 'The Mohaka-Waikare Confiscation: Consolidated Report: Volume 1', Waitangi Tribunal 1995, pp2-4; Parsons, Patrick 'The Mohaka-Waikare Confiscated Lands - Ancestral Overview', J-18.

<sup>81</sup> Cowie 'Rangahaua Whanui District', pp113,129.

<sup>82</sup> Loveridge 'Freshets', pp66-9; Cowan, James *The New Zealand Wars*, vol 2, 1922 (1983 ed, Wellington), pp327-8.

among the eastern tribes, the presence of the state as an active protagonist exacerbated old divisions between rival hapu.<sup>83</sup>

In the 1970s the father of the present-day Ngai Tane keeper of the genealogical record was told by a follower of the Te Kooti-founded Ringatu Church, Jim Niania, that the devastating attack on Mohaka in 1869 by Te Kooti's forces resulted partly from intra-Kahungunu strife. It was said that Ngai Tane and other elements of the old Ngati Kotore grouping, along with Ngati Pehi of Waikare, had joined forces with 'hauhau' resistance to the Crown and its kupapa allies, in protest against the alienation of land; that this had been cemented by marriage alliances; and that Te Kooti's Rongowhakaata tribe had genealogical links with Mohaka people (including identifiable Ngai Tane whanau such as Tipoki and Huata) that included joint descent from Tureia - an internecine factor which made the fighting even more bitter. Cordry Huata asserts not only that his 'whanau were known to have sided with Te Kooti' but also that some Ngai Tane 'became rebels, and joined Te Kooti', although it is not clear if there were any in the Mohaka raiding party.<sup>84</sup>

The chronicler of Wairoa's history noted that when Te Kooti's forces made the decision at (significantly, in view of its tribal history) Te Reinga to fall on Pahauwera, this was partly in revenge for a previous raid by the people of the Wairoa area on Urewera groupings at Ngaputahi - as well as a response to Pahauwera's help to the Crown in pursuing Te Kooti and for other causes. It was in April 1869 that Te Kooti and his forces slipped along the Mohaka River and inflicted - in Professor James Belich's words - 'doom for the people of Mohaka'. Some 57 Pahauwera, mostly women and children, were killed, a goodly portion of the population. Crops were destroyed, horses and other valuable possessions were looted, and vulnerable tribespeople abandoned their homes and cultivations under fear of further attack.

It is possible that among Te Kooti's forces were former owners of Te Heru-o-Tureia, and other elements of or associated with Ngai Tane. Indeed, Cordry Huata asserts on behalf of Ngai Tane that people from Te Heru-o-Tureia revenged themselves 'on their relations who had initiated the sale. They went with Te Kooti to Mohaka...to do battle against the sellers of the land. They were particularly aiming to exact *utu* against Paora Rerepu' although given his absence his son fell in his stead. This tribal memory seems to be the only extant evidence on the issue, and pending a (by now unlikely) documentary find or (less unlikely) some further evidence from

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<sup>83</sup> *Hawke's Bay Herald*, 26 August 1863 in Waitangi Tribunal Record of Documents, N-2; Thomson 'Ngati Pahauwera', pp9,22f.

<sup>84</sup> Huata 'Pahauwera Research Report', p55; Huata interview; Hemi Huata's Record Book, pp104-5; information from Huata/Wainwright/Taylor.

the oral tribal history, we can only recount the Ngai Tane story as it stands.<sup>85</sup>

However, there do seem to be contextualising clues. The Reverend Tamihana Huata, for example, had apparently at the time of the rebellion engaged in a pact with his old missionary school friend from earlier days in Turanga, Te Kooti. This was perhaps in order to protect his followers in the Wairoa and Urewera, although the Huata family characterise it as a religious pact. So significant was it, they relate, that Tamihana Huata had renamed his Taupara estate, 'Ramoto'. This was a transliteration of the biblical sanctuary Ramoth, and was named to signify that Te Kooti could take refuge from the Crown there.

Whatever its origin, the pact led to some of the Ngati Kotore people, who as we have seen were associated with Ngai Tane, to accompany Te Kooti's forces in the assault on Mohaka. The resulting and other divisions within Kahungunu festered, scarcely allayed by Huata's urging (from 1870) of Te Kooti to abandon the armed struggle against the state, and the 'rebel' chief's angry response ('From your enemy'). For, as the Crown authorities were aware at the time, Huata's ongoing peacemaking efforts coexisted with providing supplies to the 'fugitives'.

Professor Binney comments that, as was typical in the eastern North Island warfare of the times, 'there were several wars' raging simultaneously. More searching of the MA series and other files at National Archives and of regional newspapers may shed further light on the whakapapa background to the fighting, and the issue of Ngai Tane's position. It seems clear that the descent on Mohaka had a number of causes - including Te Kooti's need for the government ammunition known to be stored there. The raiding party, significantly, contained sizeable portions of Tuhoe and Ngati Hineuru which had tribal grievances to resolve with Ngati Pahauwera. In one very direct sense, the initial severity of the raiders' impact on Pahauwera resulted from the latter grouping's active support of Kahungunu's alliance with the Crown: almost all of their warriors, headed by Paora Rerepu, had at the time of the attack been lured by a diversionary tactic of the 'rebels' to the upper Wairoa.

Subsequent economic losses (over and above immediate plunder) resulted partly from an outflow of pakeha settlers, including interior runholders, thereby derogating from the economic spin-off rationale of land sales. The already minimal economic gains from the land sales dissipated. The Mohaka region's hapu were unable to claw back their position, for even people not left landless were located on truncated amounts of the least

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<sup>85</sup> Lambert, Thomas *The Story of Old Wairoa*, Dunedin 1925, pp612-3; McHugh 'Evidence' p62; Belich, James *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Wellington 1986, p276; information from Huata/Wainwright/Taylor; Binney, Judith *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*, Auckland 1995, pp160-1.



valuable land. Survivors of the fighting on the Crown side were soon being described as 'paupers', and McLean's promises of land for kupapa from confiscations from the rebels came to naught. In 1871, it was reported that the only land still occupied and cultivated by Pahauwera was in the vicinity of their stronghold of power near the mouth of the Mohaka. Ngai Tane today consider that they, being identified with the 'rebels', suffered much more even than the 'friendlies' of Pahauwera.<sup>86</sup>

During the long period of the aftermath of the wars, mainstream Pahauwera hapu felt abandoned by their old ally, the Crown. In the mid 1880s when Te Kooti's return to the eastern seaboard was feared, tribal leaders in the region, including Tamihana Huata and the Reverend Hone Te Wainoho on behalf of the Pahauwera people, begged for government intervention. This proved to be minimal: Mohaka was fortified, and some arms were provided. When Te Kooti and his followers did finally pass through Pahauwera's centre of power in late 1885, Paora Rerepu and his people kept armed vigilance over them during the passage. Te Kooti moved quickly on to Wairoa, where his greeting party included Tamihana Huata, still bent on peacemaking. It was in the early years of this century that Tamihana's son Hemi, who identified with hapu and iwi both inside and outside the Pahauwera grouping, married Ropine Aranui who identified strongly with Pahauwera of Mohaka. This was seen in the region as the 'beginning of the healing process' between mainstream Ngati Pahauwera and the supporters of Te Kooti, including various Kahungunu elements.<sup>87</sup>

### **The Twentieth Century: Further Alienation and Hardship**

In the early twentieth century Crown proactive intentions for Maori improvement and utilisation of their remaining lands in the area of Pahauwera-associated tribes failed. This was partly as a result of the under-capitalisation inherited from the momentous events of the previous century, as well as of factors such as the relative inaction of the District Maori Land Board in following up the Stout-Ngata Commission's leasing recommendations. Rates and survey lien debts accumulated after the First World War, although tribespeople did gain some benefits from Ngata's consolidation and land development schemes which were introduced in 1928: particularly Crown development of difficult hill country, and loans for development elsewhere in the rohe.

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<sup>86</sup> Loveridge 'Freshets', pp67-73; Mooney *Hawke's Bay*, p38; Binney *Redemption*, pp162, 239-40,249; Huata 'Huata, Hemi', in *DNZB* 3, p237; information from Huata/Wainwright/Taylor.

<sup>87</sup> Binney, *Judith Redemption*, pp239-40,249,335,340-1; Huata 'Huata, Hemi', in *DNZB* 3, p237.

But such schemes *in themselves* caused tribal disruption, requiring for example involuntary relocations of groups and other subsumings of tribal beneath Crown wishes. These, coupled with the Crown emphasis on creating large numbers of whanau (as opposed to hapu) blocks, might be considered breaches of rangatiratanga. Additionally, the fragmentation of holdings so created, together with the Crown focus on developing dairying, proved to be uneconomic for their Maori owners. The Crown's holdings were, by contrast, unified. Dr Loveridge has concluded that it was the *Crown* rather than the tribes which most benefitted (at least initially) from such processes. Although continued state-sponsored land development in the following decade did help some of the Maori people, the overall picture remains that of worsening problems for the rangatiratanga and resources of the area generally associated with Pahauwera and neighbouring hapu.<sup>88</sup>

Meanwhile the Crown had carried out, and continued to carry out, purchasing of remaining tribal lands. This further eroded the tribal socio-economic bases in the region. With the Liberal Government's Native Lands Act of 1909, Native Minister James Carroll had attempted to stem the huge amount of Crown land purchasing. But the Reform Government that came to office in 1912 aimed to reverse such a trend. Under a new Native Lands Act put in place in 1913, the way was paved for the final nationwide round of Crown purchasing. Maori Land Boards were even enabled to initiate the purchasing of shares after meetings of owners had rejected such proposals. Compulsory Native Land Court partitioning of shares into sellers' and non-sellers' was the Boards' ultimate weaponry. During the ensuing period the Crown acquired most of the 'inalienable' Mohaka-Waikare blocks that it had returned to Maori under the 1870 agreement.

It was the agricultural depression in the early 1920s that in particular forced many Pahauwera and other northern Hawke's Bay Maori to sell up and become landless. The Crown for example purchased, in the context of a ban on private sales and inadequate protection to vendors who were suffering from the slump, half of the Maori interests in that 'Mohaka Block' which lay north of the Mohaka River. This was so that pakeha settlers could be introduced in the wake of railway construction. Thirty years later Pahauwera characterised this as being 'practically forced off their lands'.

That such happenings were sometimes voluntary alienations in only the most nominal sense can be seen with regard to the block adjoining the Mohaka Block rohe with which Ngai Tane identify. In 1912, on the advice of the Ikaroa Maori Land Board, the Crown attempted to purchase the 8,840 acre Heru-A-Tureia block after using section 363 of the Native Land Act 1909 to exclude private purchasing. Wishing instead to lease out the

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<sup>88</sup> Alexander, David 'Summary of Evidence of David Alexander', N-7, paras 8-9,15-16,20, 23-24; Loveridge 'Freshets', pp116-121,125.

land, the owners, assembled at a hui by the Crown, declined to sell and then continued this stance. However with ongoing pressure from the Crown, and in the context of poor pumice land not readily amenable to cultivation, the area was split into three blocks after the War. Two of these were in the hands of sellers. Soon, even the non-sellers grouped as block number 2, had little choice but relinquish the land to the Crown.

By the mid 1920s it was reported that Pahauwera, starved for capital, could not work what was left (some 15-16,000 acres) of their land, choked with blackberries as it had become through lack of capital. A quarter of a century later it was assessed that only 51 of 697 Pahauwera within their broad rohe were 'usefully employed in land development', supporting 170 dependants. The others were forced to rely on casual work, or had moved elsewhere. By the beginning of the 1930s, indeed, the Crown had acquired over 100,000 acres of 'Mohaka-Waikare', with whose hapu, as we have seen, Ngai Tane identify. North of the Waikari, Ngati Pahauwera hapu owned less than 10 per cent of the lands they had controlled at the time of the first sale in 1851. There was now said to be 'poverty for the local Maori communities. They were substantial landowners in 1911, but they had to make a living as labourers in the 1930s.'<sup>89</sup>

### The Grievances of Ngai Tane

In light of the above long series of events, it is not surprising that the claimant groupings of Pahauwera and the hapu associated with them perceive that, whatever the circumstance of each sale and the degree of willingness or otherwise of the vendors, the Crown has over time failed to pursue Lord Normanby's instructions (that can be deemed to be incorporated into the Treaty) to the effect that the tribes were to receive protection from alienation of land and resources that were essential for their tribal wellbeing. Maori were to be 'prevented from entering into contracts which would be injurious to their interests' and were in particular to retain a 'sufficient endowment for their own needs - both present and future'.<sup>90</sup> How much land this should be in each case was dependent on the circumstances.

Recorded Pahauwera perceptions that they retained insufficient endowment are of long standing. Forty years after the Mohaka Block

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<sup>89</sup> Alexander 'Summary', paras 11-13; 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20384,2047,20481,20495; Ballara, Angela and Scott, Gary *Crown Purchases of Maori land in early provincial Hawkes Bay: Report on behalf of the claimants to the Waitangi Tribunal, Volume 3: Document Bank-Part 1*, sec 11; Boast 'Mohaka-Waikare', Vol 1, pp6,196,219-20, Vol 2, p172; Loveridge 'Freshets', pp103-104,113.

<sup>90</sup> The phrases used are borrowed from the Ngai Tahu Waitangi Tribunal: *The Ngai Tahu Report 1991*, pp238-9.

purchase a hui was held at Waikare to demand recompense for loss. Here a distinguished chief began a long campaign for reparations that continues over a hundred years later.<sup>91</sup> Sixty years after that meeting a Royal Commission declined to endorse the points of a detailed and representative petition of 1946, or to award the Pahauwera tribes all or any of their relatively modest 20,000 pound request for compensation.

In between these two events, another Royal Commission had examined and rejected a 1925 petition from Riwia Kupa and 152 others contesting the 1851 sale. Although the Crown failed to bring some pertinent evidence before this enquiry, any other result would have been highly unlikely given the flavour of the times. A typical official, for example, said of the petition that 'it looks like an attempt to bolster up a forlorn hope and is petty and trumpery'. Despite many rejections over more than a century, the tribes of the Ngati Pahauwera area have not given up their struggle. People identified by modern Ngai Tane as associated with their hapu have been involved in each of these long series of protests. The writer has not found recorded examples of discrete Ngai Tane protests or alienations in the series of representations to the Crown in the century after 1851; their voice has been lost until - perhaps - oral history can uncover it.

Today the Ngai Tane hapu are claiming compensation for losses arising from Crown actions in the general Mohaka area, wherein the evidence points to tribal *hegemony* being held at the time of the original purchase in 1851 by Ngati Pahauwera. A careful study has characterised Crown actions towards Pahauwera in the past as generally 'lamentable'. Over a period of 80 years from the initial purchase, Pahauwera were 'steadily reduced to a state of near-landlessness by a series of sales'. In the event, all of this led to very little overall 'public good' for the regional community. By the mid twentieth century, indeed, it was clear that the state-encouraged farming types and methods in the area were quite unsuitable for its soil and terrain, hence the Forest Service's exploration of the concept of planting exotic forests. Maori had suffered disproportionately from what has been called the 'rapid degradation' of the land.<sup>92</sup>

The most experienced tribal researcher within Ngai Tane, Cordry Huata, noted some eight years ago that 'very little information on Ngai Tane' had become available to date. In the absence meanwhile of targeted research into the hapu's history, this remains the case. The hapu have no recorded knowledge, for example, of the so-called 'head chief' Peki of the Te Heru-o-Tureia area who is referred to by the Crown at the time of their negotiations in the 1850s. This aspect of whakapapa might be one of those followed up in the oral history project. Mr Huata's speculation that the

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<sup>91</sup> 'Maori Land Claims Commission' in *Raupatu Document Bank*, pp20396,20484.

<sup>92</sup>Loveridge 'Freshets', p126; Loveridge 'Summary', p12; McHugh 'Evidence', pp90-3; evidence relating to petition 147/1924, *Raupatu Document Bank*, p19864; Wright *Farming*, pp48-50.

reference could have been to Ngati Pehi, possibly a branch of Ngai Tane, should be investigated.<sup>93</sup>

There can be no doubt that the tribes affected by the Mohaka Block purchase have long been - in the words of the late Canon Wi Te Tau Huata - 'weeping for our lands'. This is a phrase reminiscent of the words of the 1851 deed itself, in which the sellers are recorded as having 'sighed wept over and bidden farewell to' their lands.<sup>94</sup> Within a hundred years of the sale by Ngati Pahauwera of the Mohaka Block, over 90 per cent of their land had left Maori hands. The modern collectivity known as Ngai Tane assert their rights as an autonomous hapu not part of but alongside Ngati Pahauwera, although as a hapu locating its rohe of 1851 as within the Mohaka Block its history must have inexorably been bound up with that of Pahauwera.

The latter is a tribal grouping which has seen many fragmentations before and after pakeha settlement - including, as Dr Loveridge points out, the original physical separation of its two halves by the Mohaka Block Purchase. Such fragmentation would make reconstruction of the post-1851 history of any constituent part of Pahauwera complex enough. A similar exercise for a hapu whose land was purchased in the Pahauwera sale of the Mohaka Block, but which has by its own assessment maintained a preexisting autonomous separation from Pahauwera, would require a greater degree of in-depth research.<sup>95</sup>

Ngai Tane apparently pursue their grievances as a hapu on a premise that, as Cordry Huata has asserted to the Mohaka River Waitangi Tribunal, hapu 'have had and still have their own rangatira...The Treaty promised the Government would continue to acknowledge rangatira and rangatiratanga and therefore guaranteed it.' They constitute a hapu that has clearly been peripatetic in the past, sometimes as a result of Crown action. But they have argued strongly that it is 'wrong at any stage to suggest that when land is alienated our rangatiratanga over the land is diminished.'<sup>96</sup>

The written-down documentation to hand does not help us very much with elaborating on the specifics of their rohe and its boundaries, or upon the precise relationship through time between Ngai Tane and the Pahauwera grouping of hapu, or in explicating Ngai Tane's interaction since 1840 with the Crown. For example the only guidance in map form that has emerged regarding relevant hapu locations within the Mohaka

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<sup>93</sup> Huata 'Report', p49.

<sup>94</sup> Huata 'Translation', sec 31; Turton *Deeds*, vol 2, p495.

<sup>95</sup> Loveridge 'Freshets', pp5-6,550-1.

<sup>96</sup> Huata 'Evidence', p8.

Block at the time of purchase comprises similar versions (of varying degrees of sophistication) of boundaries which are based upon the rohe descriptions that were set down in Hemi Huata's record book in 1926.<sup>97</sup>

## Conclusion

A summing up of the main issues canvassed in this paper can be depicted by borrowing a sentence from the Waipareira Waitangi Tribunal: 'Whanau and hapu were constantly coalescing, splitting up and regrouping in a dynamic state of flux'. Amidst such fluidity, physical location - important as it was - seemingly mattered less than the collective politico-social entity. To the writer's mind, the general thrust of the evidence to hand indicates that in essence hapu and other tribal entities defined themselves, at any given time, by a reciprocal relationship between the members of the collectivity and those they acknowledged as their own rangatira. Insofar as the scant extant evidence on Ngai Tane hapu is concerned, its tribal situation can be seen as reflective of the above suggestions regarding hapu history and identity.<sup>98</sup>

But at the end of the day, given our lacuna of written documentation on Ngai Tane, our quest for the history of post-Treaty Ngai Tane might well need to come primarily from within the hapu itself. The most recent document to hand from a key Ngai Tane source, Cordry Huata, comments on his hapu's lack of land and marae and concludes that this 'must be primarily to do with the loss of *turangawaewae* and *papakaiinga*'. In citing the other hapu in the Mohaka Block that were listed in Hemi Huata's whakapapa book, he notes that they too have lost all their land and any marae base. 'Effectively, their descendants have been amalgamated into other groups.' Mr Huata acknowledges that the history of his own hapu has been so subsumed by that of Pahauwera and other groupings that people with 'specialised knowledge' (including the Huatas, who 'have been brought up with it') tend to be the only ones who 'know much about Ngai Tane'.<sup>99</sup>

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<sup>97</sup> 'Map of hapu boundary south of Mohaka supporting B-14(a)'; see p(ii) of this report for the most professional mapping of the rohe boundaries.

<sup>98</sup> Tribunal *Waipareira Report*, pp18,214; Ballara *Iwi*, passim; Mitchell *Takitimu*, p130.

<sup>99</sup> Information from Huata/Wainwright/Taylor.

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Appendix 1

Richard

# 1.1 (a) Wai 436

WAITANGI TRIBUNAL

# 1.31 (a) Wai 201 WAI 436

CONCERNING The Treaty of Waitangi Act 1975

AND The Mohaka ki Ahuriri Claims  
Inquiry

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AMENDED STATEMENT OF CLAIM

Dated 22 October 1998

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### **The Claimants**

1. **THIS** claim is lodged by Wi Te Tau Huata for and on behalf of Ngāi Tāne, Wai 436 (“the claimants”).
2. **THE** claimants represent the *whānau* and *hapū* who traditionally had *mana whenua* over significant portions of the land generally known as the Mohaka Forest in Wairoa, and other land extending in a band from Lake Tutira north to Lake Waikaremoana, coloured yellow and marked “A” on the attached map 1.
3. **THE** claimants are all descendants of Kōtore who descended in a direct line from Kahungunu.

### **The Claim**

4. **THE** claim particularly relates to the loss by Ngāi Tāne of their tribal lands as a result of the actions by the Crown, and in particular the purchase by the Crown of the Mohaka block in 1851, the purchase of Te Heru o Tureia Reserve in 1859, and the subsequent confiscation and other wrongful disposition of their lands from 1867 to the present century, all in breach of the principles of the Treaty of Waitangi.

### **Sale of the Mohaka Block 1851**

5. **IN** 1851, the Crown purchased land located between the Waikari and Mohaka rivers. This area comprised approximately 100,000 acres and is coloured orange and marked “B” and “C” on the attached map 2 (“the Mohaka Block”).
6. **THAT** part of the Mohaka Block marked “C” on the attached map 2 was Ngāi Tāne land.
7. **IN** purchasing the Mohaka Block, the representatives of the Crown chose to deal primarily with Ngāti Pahauwera *rangatira* Paora Rerepu. Paora Rerepu, and those whom he represented, did not have *rangatiratanga* over that part of the Mohaka Block that belonged to Ngāi Tāne. The Crown did not deal with the representatives of Ngāi Tāne, and the purchase of their land was made without their consent.

8. **IN** December 1851, Donald McLean, the region's Land Purchase Commissioner, met with a number of Māori to discuss the purchase price for the 100,000 acre block. Ngāi Tāne were not represented at this meeting.
9. **THE** price agreed between McLean and those Māori present was 800 pounds or 2.2d per acre.
10. **THE** Crown failed to acknowledge the concept of tribal ownership and allowed individuals to sign the Deed of sale without investigating their tribal affiliations or representative authority.
11. **NGĀI** Tāne did not sign the Deed of sale and did not receive any payment from the Crown for its land interests in the Mohaka Block.
12. **NGĀI** Tāne did not, and do not, consider that they sold their interest in the Mohaka Block.

#### **Immediate impact of sale on Ngāi Tāne**

13. **IT** is evident from Ngāi Tāne's continued movements through the Mohaka Block after the "sale" that they were either not aware of the Mohaka Block purchase, or considered that their land had not been sold, or did not appreciate that "sale" meant the permanent alienation of property rights. Ngāi Tāne continued for as long as they were able to exert their *rangatiratanga* over the lands comprised in the Mohaka Block.
14. **HOWEVER**, as *pākehā* occupation of the area accelerated, local Māori, including Ngāi Tāne, were obliged to cease occupying the Mohaka Block. They were increasingly confined to the 100-acre area that had been reserved from the sale because it contained the site of Kahu o te Rangi's *urupā*. The reserve was known Te Heru o Tureia.

#### **Sale of Te Heru o Tureia 1859**

15. **THE** area set aside as the Te Heru o Tureia Reserve was located within Ngāi Tāne's *rohe*.

16. **THE** boundaries of the Te Heru o Tureia Reserve were not clearly identified by the Crown. A farmer, Philip Dolbel, whose land adjoined the Reserve allowed his cows to graze there, defiling the *tapu* on the land. Disputes arose between Mr Dolbel and Ngāi Tāne occupiers of the Reserve.
17. **INSTEAD** of intervening to resolve the issue of boundaries in Ngāi Tāne's favour, Donald McLean, agent of the Crown, elected to resolve the matter by purchasing the Te Heru o Tureia Reserve so that Mr Dolbel would be able to graze the land without Māori protest.
18. **THE** Crown purchased the land in 1859. The Crown again failed to investigate or identify the *hapū* entitled to sell the reserved land. Ngāi Tāne was neither consulted about, nor paid for, its interest in Te Heru o Tureia Reserve.
19. **NGĀI** Tāne did not, and do not, consider that they sold their interest in Te Heru o Tureia Reserve.

#### **1867 Confiscations**

20. **IN** January 1867, as a result of alleged *pai marire* rebellion in the area, lands totalling 270,000 acres were wrongfully confiscated from Māori owners.
21. **THE** land wrongfully confiscated from Ngāi Tāne is shown coloured purple and marked "D" on the attached map 2.

#### **1868 - 1920s - The Native Land Court**

22. **THE** actions of the Crown through the institution of the Native Land Court caused further alienation and fragmentation of the land comprised in Ngāi Tāne's *rohe*.
23. **DURING** this period, the Putere and Maungitaniwha blocks, coloured green and marked "E" on the attached map 2, were transferred to the Crown. The transfer of these two blocks left Ngāi Tāne without access to important *mahinga kai* areas and without an adequate land-base.

## Prejudice

24. IN purchasing the Mohaka Block in 1851, the Te Heru o Tureia Reserve in 1859, and other lands through the offices of the Native Land Court, and in confiscating the land from 1867 onwards, the Crown acted in breach of the principles of the Treaty of Waitangi and prejudicially affected the claimants in their capacity as descendants from the former Ngāi Tāne land owners.
25. IN particular, the claimants have been prejudicially affected by the following acts and omissions of the Crown:
- (a) The failure of the Crown to investigate and identify from whom it could legitimately purchase land;
  - (b) The failure of the Crown to ensure that the price paid for the Mohaka block was “fair”;
  - (c) The failure of the Crown to ensure that entitled owners were paid;
  - (d) The failure of the Crown to investigate and ensure that Ngāi Tāne understood the concept of a “sale” prior to the alienation of their land at Te Heru o Tureia Reserve;
  - (e) The failure of the Crown to clearly delineate the boundaries of the Te Heru o Tureia Reserve and to prevent the desecration of Kahu o te Rangi’s *urupā*;
  - (f) The failure of the Crown to ensure that Te Heru o Tureia remained a reserve;
  - (g) The failure of the Crown to ensure that Ngāi Tāne people retained sufficient lands and access to important *mahinga kai* to enable them to maintain their traditional lifestyle and live in accordance with their cultural norms;
  - (h) The failure of the Crown to ensure that adequate reserves were set aside and maintained in Ngāi Tāne ownership;

- (i) The failure of the Crown to protect Ngāi Tāne *pā* and *urupā* from the depredations of European settlement;
- (j) The failure of the Crown, after successive acquisitions of Ngāi Tāne land to ensure that adequate provision was made to prevent further alienation of land;
- (k) The failure of the Crown adequately to compensate Ngāi Tāne and the descendants of Ngāi Tāne for the loss of their interests in land in the Hawkes Bay area;
- (l) The failure of the Crown to investigate and implement alternative means of facilitating European settlement and development such as leasing the land from Ngāi Tāne;
- (m) The failure of the Crown to investigate what land would be required by Ngāi Tāne for their present and future needs or to identify those needs;
- (n) The failure of the Crown after 1867 actively to foster, protect, and safeguard Ngāi Tāne interests by taking steps necessary to ensure that Ngāi Tāne were able to withstand and adapt to the rapidly changing environment brought about by intensive European settlement of the Hawkes Bay region.

#### **WHEREFORE THE CLAIMANTS SEEK**

- (a) Recommendations pursuant to sections 8A - 8HJ of the Treaty of Waitangi Act 1975 for the return of all relevant Crown forestry land, land held by any State Owned Enterprise, land held by any institution under the Education Act 1989, and land vested under the New Zealand Railways Corporation Restructuring Act 1990 or any interest in any such land together with any improvements thereon.
- (b) A recommendation for the return of a share of the Mohaka State Forest to the claimants, representing Ngāi Tāne's interest, together with any compensation as provided by section 36 of the Crown Forest Assets Act 1989.

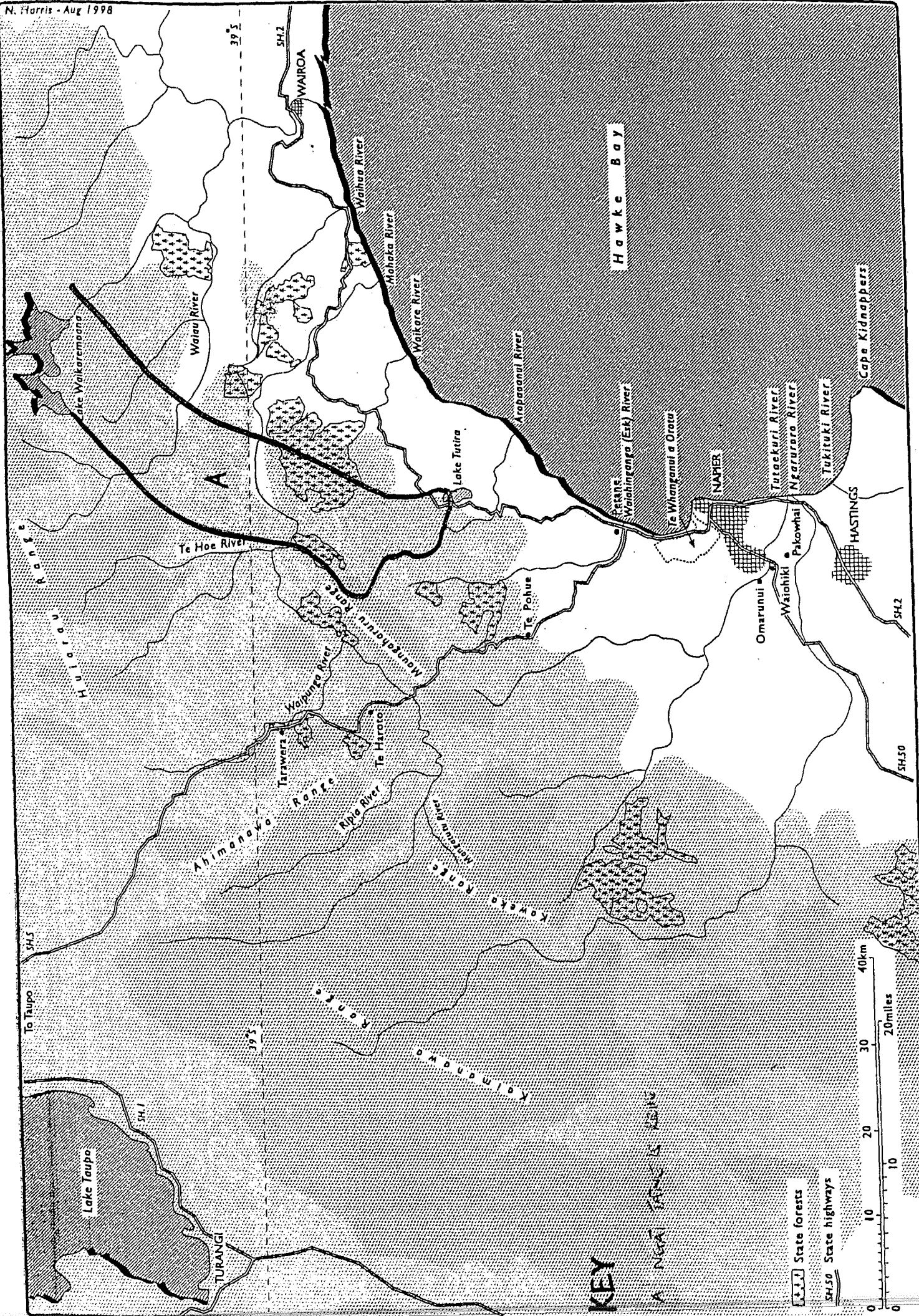


- (c) Compensation for the acts and omissions of the Crown which have prejudicially affected the claimants including land to compensate the claimants for the loss of Ngāi Tāne land in the Hawkes Bay region.
- (d) Such other recommendations as the Tribunal considers appropriate.
- (e) Reimbursement of their legal costs and disbursements.

This amended statement of claim is filed by **CAROLYN MARY WAINWRIGHT**, solicitor for the claimants whose address for service is at the offices of Buddle Findlay, Level 17, BNZ Centre, 1 Willis Street, Wellington.

Documents for service on the abovenamed may be left at that address or may be:

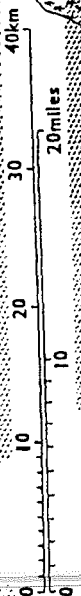
1. posted to the solicitor at P O Box 2694; or
2. left for the solicitor at a document exchange for direction DX SP20201, Wellington; or
3. transmitted to the solicitor by facsimile to 04 499 4141.



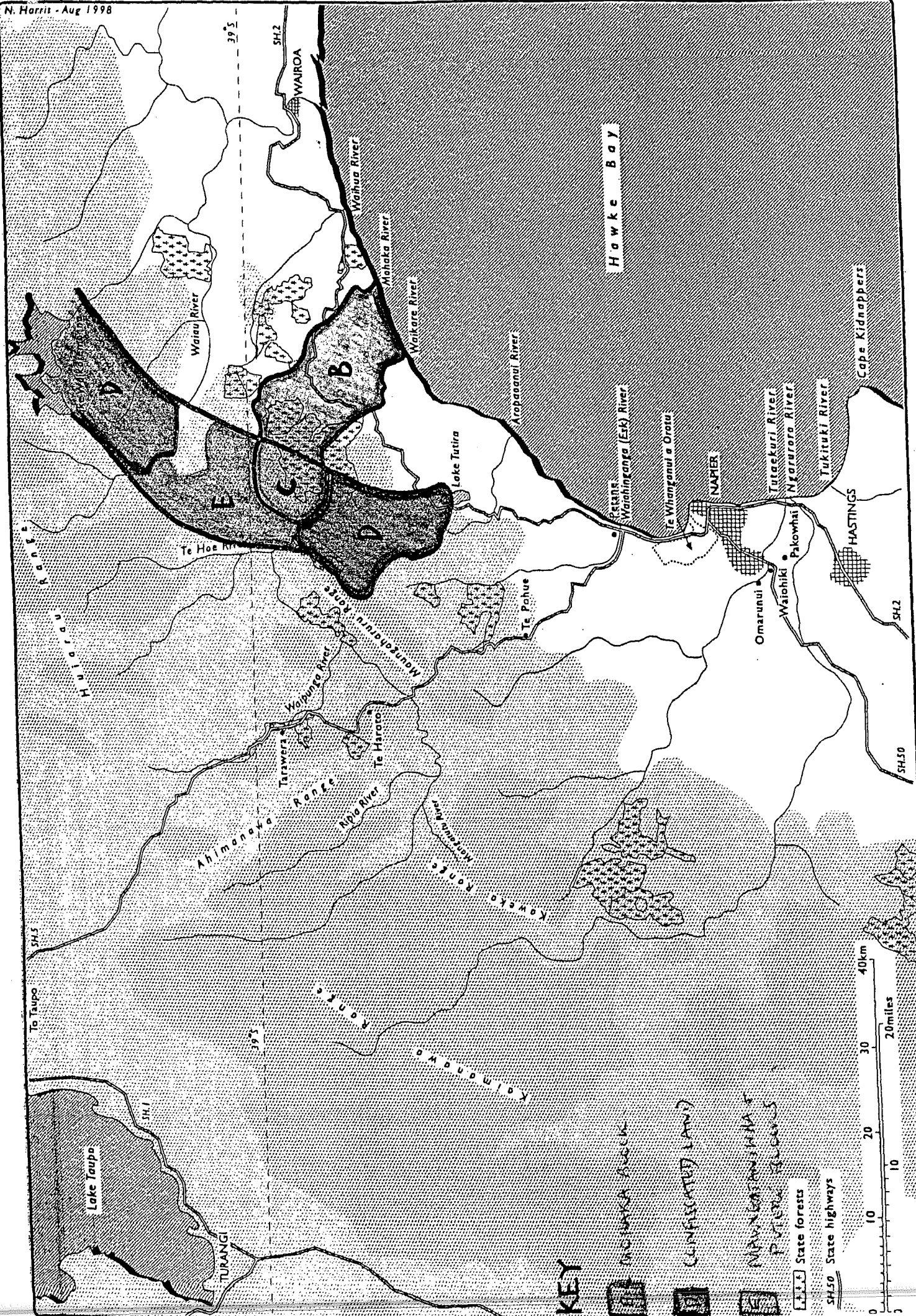
### KEY

State forests




SH-50 State highways



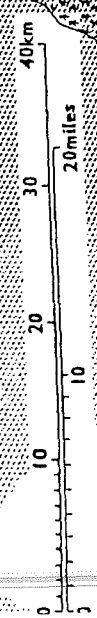
A NEW ZEALAND MAP



KEY

-  MĀORI LAND
-  CONFISCATED LAND
-  STATE FORESTS

State forests  
 SH.50 State highways



Wai 201# 3.38

Wai 436# 3.1

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WAI 436

**WAITANGI TRIBUNAL**

**CONCERNING** the Treaty of Waitangi Act 1975

**AND CONCERNING** The Ngai Tane Hapu claim

**DIRECTION COMMISSIONING RESEARCH**

- 1 Pursuant to clause 5A(1) of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Richard Hill of Wellington, to complete on behalf of the claimants a research report for this claim covering the following matters:
  - (a) in conjunction with informants nominated by Ngai Tane, to identify the historical material and testimony contained in the Record of Inquiry and other scholarly research that refers to, or impacts upon, Ngai Tane.
  - (b) to assess the manner and extent to which that material enhances, confirms or contradicts Ngai Tane's view of its own history and connection with its rohe.
  - (c) to outline the topics and scope of information that Ngai Tane informants might best provide to fill the identified gaps and develop their own perspective on their grievances.
- 2 This commission commences on receipt of written confirmation of the commissionee's acceptance of the terms and conditions of the commission.
- 3 The commission ends on 30 September 1998, at which time one copy of the report will be filed in unbound form together with indexed copies of primary documents and a copy of the report on disk.

Cont page 2. The report may.....

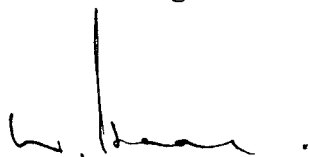
Page 2. Wai 436, Hill.

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:

Richard Hill  
Maria Mareroa  
Claimants  
Counsel for Claimants  
Solicitor General, Crown Law Office  
Director, Office of Treaty Settlements  
Secretary, Crown Forestry Rental Trust  
Director, Te Puni Kokiri

Dated at Wellington this 14 day of September 1998.



Judge W W Isaac  
Presiding Officer  
**WAITANGI TRIBUNAL**