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A LAND HISTORY OF

WHARERANGI AND PUKETITIRI

RESERVES,

HAWKE'S BAY

CLAIM RESEARCH FOR WAI 400

Georgina Roberts
Waitangi Tribunal
OCTOBER 1996

THE AUTHOR

Toi te hapu, toi te iwi, toi te mana; te mana wairua, te mana whenua, te mana tangata, te mana Maori. E nga iwi o te motu, e nga hau e wha, tena koutou, tena koutou, tena tatou katoa.

My name is Georgina Roberts. I am of Ngati Porou, Ngai Te Rangi, Ngati Kuri and Te Whanau-a-Ruataupare descent. In 1993 I completed a Bachelor of Arts in history at Victoria University in Wellington. After graduating, I worked for two years at National Archives. I spent eighteen months at the Head Office in Wellington as a cadet and Outreach Assistant, and then six months in the Auckland Regional Office as an Archivist. During my time at Head Office in Wellington I was responsible for writing *He Pukaki Maori*, a guide to Maori sources at National Archives. Researching this book allowed me to gain in-depth knowledge of the wealth of Maori material available at National Archives.

I have been working as a contract research officer at the Waitangi Tribunal since March 1996. This is my first research report in that position.

October 1996

LIST OF ABBREVIATIONS

AJHR	*Appendices to the Journals of the House of Representatives*
ATL	Alexander Turnbull Library
CT	Certificate of Title
doc	document
MB	Minute Book
NA	National Archives
NZGaz	*New Zealand Gazette*
p, pp	page(s)
ROD	Record of Documents

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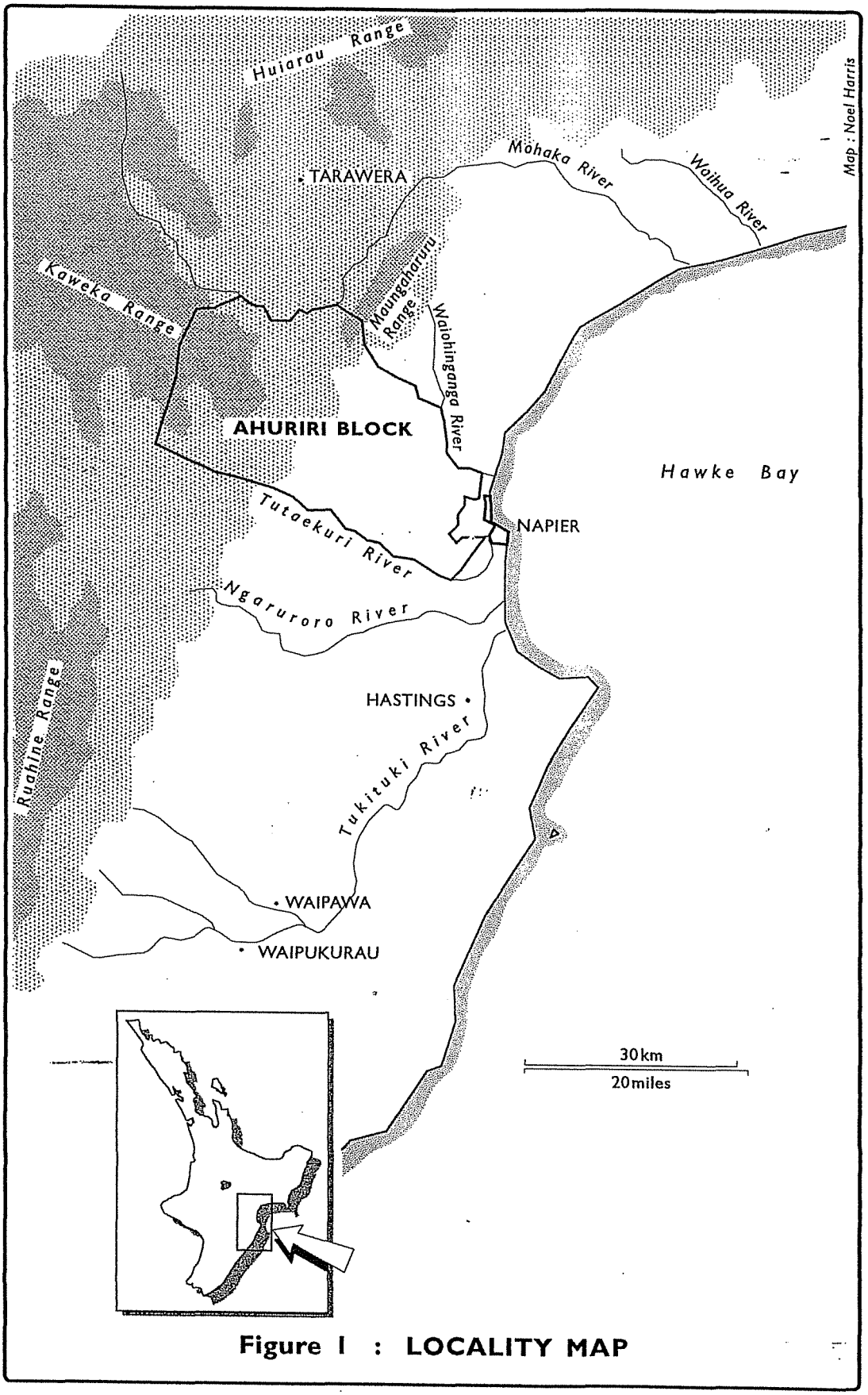

Figure 1 : LOCALITY MAP

INTRODUCTION

This report is written on behalf of the Waitangi Tribunal for claim Wai 400 and examines two blocks originally reserved for Natives from the sale of the Ahuriri block in Hawke's Bay on 17 November 1851. The two blocks are Whareangi and Puketitiri, the total area concerned being 2345 acres (948.98782 hectares).

The claim, lodged by Hoani Hohepa on behalf of the descendants of Ngati Hinepare and Ngati Mahu, was registered with the Tribunal on 26 November 1993. In their statement of claim dated 2 November 1993, the claimants allege that the Crown Purchase Agent Donald McLean did, amongst other injustices, actively seek to set aside wholly inadequate reserves for Natives from the Ahuriri purchase.[1] In an amendment to the claim dated 12 March 1996, the claimants also asserted that by the non-provision of adequate reserves, the Crown had failed to secure to the iwi a future economic base.[2] The Wai 400 claim will be heard by the Waitangi Tribunal as part of the Mohaka ki Ahuriri grouped inquiry.

This report provides chronological accounts of the alienation of the two reserves Whareangi and Puketitiri, as documented in official sources. Some observations from claimants are included when relevant. The claimants have been commissioned to provide a customary overview report of the area covered by the 1851 Ahuriri purchase,[3] which will include the iwi perspective on Whareangi and Puketitiri.

Information and files from the Waitangi Tribunal Record of Documents for Wai 201, Maori Land Court Hastings and National Archives Wellington have been used in this report. I have also used the draft chapters of Dean Cowie's Rangahaua Whanui report on District 11B *Hawke's Bay*. I would like to acknowledge Hoani Hohepa and Ranui (Ron) Toatoa for their time and comments.

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1. Wai 400 claims, claim 1.1 (copy attached as Appendix 1)
2. Amended Statement of Claim, Wai 400 claims, claim 1.1(a) (copy attached as Appendix 2)
3. Direction Commissioning Research, 26 July 1996, Wai 400 papers in proceedings, paper 3.3

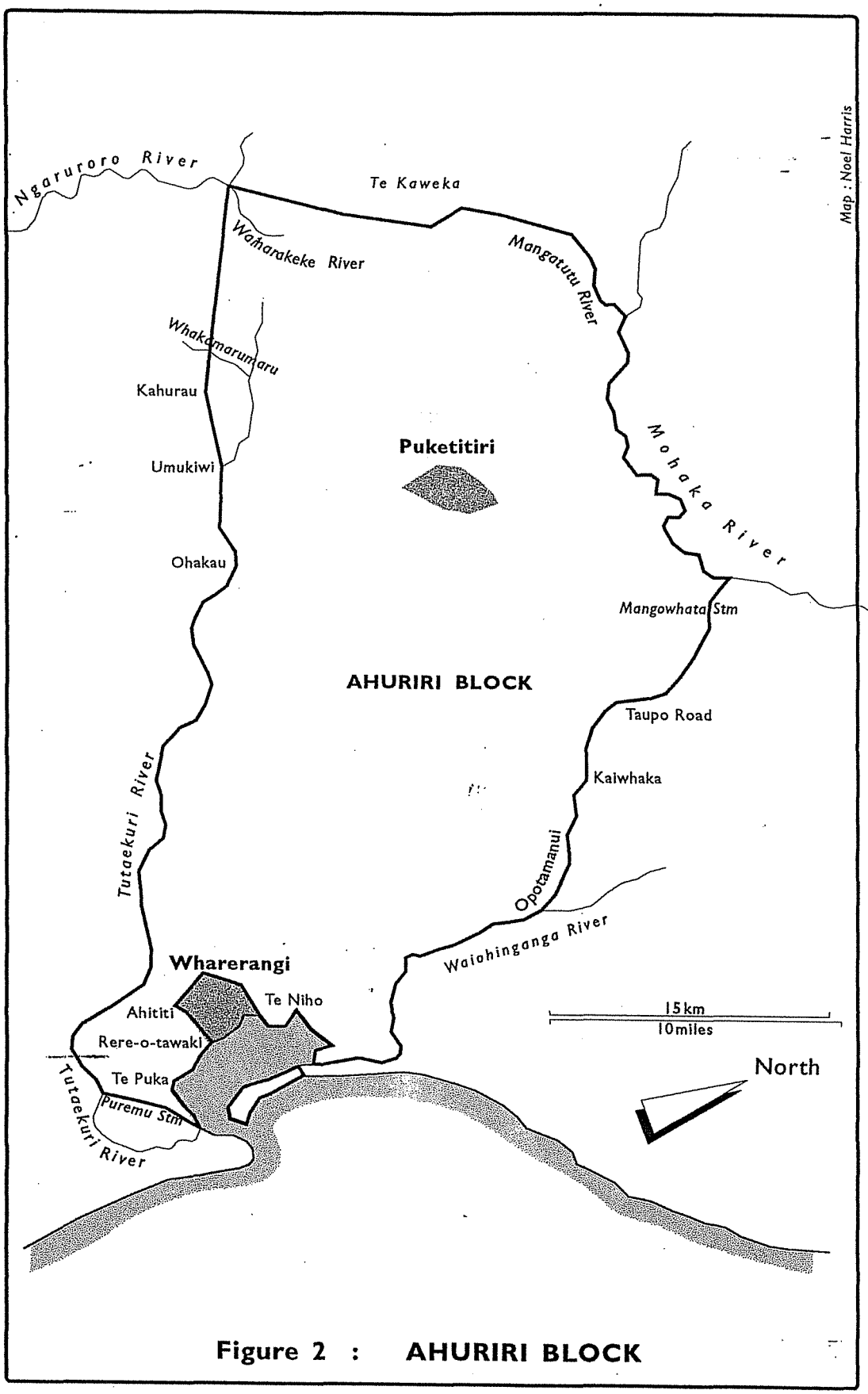

Figure 2 : AHURIRI BLOCK

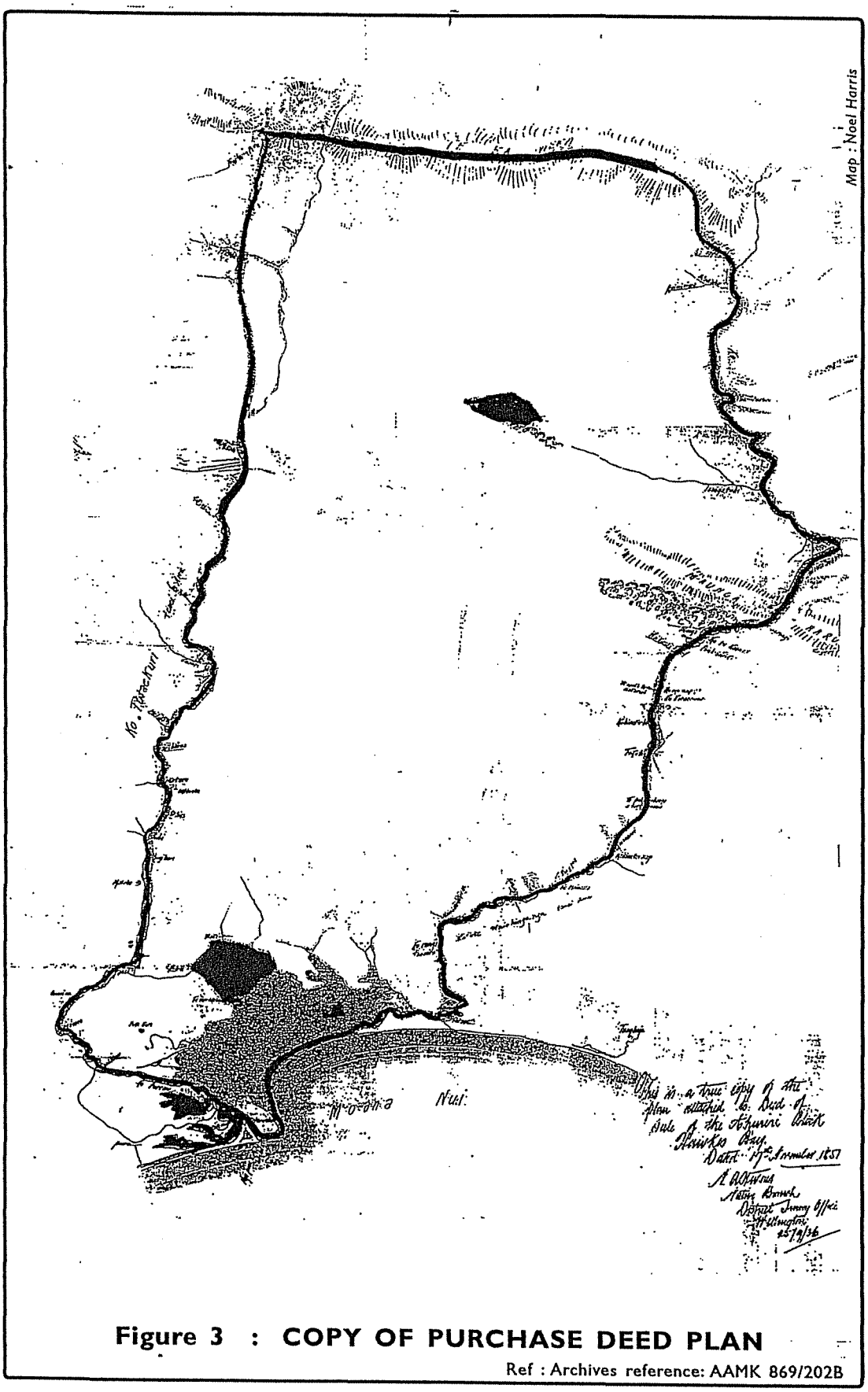

Figure 3 : COPY OF PURCHASE DEED PLAN

Ref : Archives reference: AAMK 869/202B

CHAPTER 1

AN INTRODUCTION TO WHARERANGI AND PUKETITIRI RESERVES

Wharerangi and Puketitiri are two blocks of land located in central Hawke's Bay, inland from the city of Napier. Wharerangi lies on the edge of the original shoreline of Te Whanganui-a-Orotu, sometimes known as the Ahuriri lagoon and the Napier inner harbour. Brooklands Station borders the block to the north, with Rotowhenua Road briefly bordering the south side. Access to the block is very open, as Wharerangi Road runs from north to south through the entire block. The block consists of some hill country and flat pastures, which is suitable for farming and grazing.

Puketitiri, on the other hand, is much further inland, some two hours drive from Wharerangi, and is partially bordered by Puketitiri Road, on both the eastern and western sides. The block lies in the Pohue Survey District, and contains large tracts of native bush.

Two of the hapu associated with Wharerangi and Puketitiri are Ngati Hinepare and Ngati Mahu. Ngati Hinepare descend on one side from Taraia I, great grandson of Kahungunu and leader of the migration from Turanga (Gisborne) to the Ahuriri area.[1] This migration occured after Taraia's father Rakaihikuroa murdered Tara-ki-

1. Angela Ballara and Gary Scott, 'Crown Purchases of Maori Land in Early Provincial Hawke's Bay', 1994, Ahuriri block file, vol 1, Wai 201 ROD, doc H1, pp 1-2

uta and Tara-ki-tai, the twin sons of his sister Rongomaitara and her husband Kahutapere. Hinepare herself was Taraia's wife.[2]

Ballara and Scott have conducted an intensive review of the origins of Ngati Hinepare. They identify the hapu as 'the descent group most clearly associated with Wharerangi'.[3] The Ahuriri block itself formed much of the Ngati Hinepare tribal area. According to information obtained from Hoani Hohepa,[4] this can still be seen today by the presence throughout the block of many karaka trees, which are of special significance to Ngati Hinepare, as the first tipu was supposedly brought from Hawaiiki.

Ngati Mahu have lived under the mantle of Ngati Hinepare chiefs since the late 1700s.[5] Te Pakuoterangi, rangatira of Ngati Mahu, was beaten in battle by Tarewai, and since then the two hapu have existed together.

Patrick Parsons has also detailed the whakapapa of Ngati Hinepare, tracing through from Mahu Tapoanui, to Turauwha, and to Wi Te Raheke, who was the person who requested that Wharerangi be reserved.[6]

Wharerangi and Puketitiri were requested as reserves because of ancestral associations, use as kainga and their value as food sources.[7] Wharerangi, in particular, was home to at least three influential rangatira of Ngati Hinepare; Porokoru Mapu lived at Te Poraiti pa on the edge of Te Whanganui-a-Orotu, whilst Wi te Raheke and Te Putake resided inland at Paparakaitangi. Urupa were located on the clifftops along the shores of Te Whanganui-a-Orotu. The flat pastures of Wharerangi were used to cultivate crops for both sustenance and trade.[8]

Puketitiri was extremely valuable as a winter hunting ground, especially for catching birds.[9] Evidence stated in hearings of the Native Land Court mentions the

2. Ballara and Scott say that Hinepare was the daughter of Tupurupuru, Taraia's brother (p 9). Prentice (in J G Wilson et al, *History of Hawke's Bay*, A H & A W Reed, Dunedin and Wellington, 1939, p 39) states that she was the daughter of Tamanuhiri, one of Rakaihikuroa's generals.
3. Ballara and Scott, doc H1, p 8
4. I would like to thank Hoani Hohepa and Ranui (Ron) Toatoa for their time when I conducted a visit to Wharerangi and other sites in the Ahuriri block on 28 May 1996.
5. Ballara and Scott, doc H1, p 9
6. Patrick Parsons, 'Te Whanganui-a-Orotu', Wai 201 ROD, doc A12, pp 2-3 and p 57. See Appendix 3 for whakapapa tracing this descent. Appendix 4 provides whakapapa for the Ngati Kahungunu descent.
7. Parsons, doc A12, p 9
8. Prentice, in Wilson et al, *History of Hawke's Bay*, p 96
9. Parsons, doc A12, p 57

abundance of bird life at Puketitiri and its value for bird-shooting.[10] Ngati Hinepare would relocate to this inland domain in winter to collect kereru. Again, there were wahi tapu in the area. The marriage of Tarewai and Manahau, two significant tipuna of Ngati Hinepare, took place there. A stone throne was supposedly built in honour of Manahau, and still exists at Puketitiri today.[11]

Given their importance as mahinga kai and kainga, it is understandable that Ngati Hinepare and Ngati Mahu would have wanted to protect these places, and have them reserved.

Ngati Hinepare and Ngati Mahu were not the only inhabitants at Wharerangi when the Ahuriri block was sold. Storekeeper, trader and pastoralist Alexander Alexander had arrived in the area in 1846. He set up shop at Onepoto, close by the Tutaekuri River, and traded with local Maori and the settlers and whalers. He also had stores at Ngamoerangi, near Tangoio, Waikari and Waipureku (Clive). Alexander set up home with a local Maori woman, Harata Keokeo, who was also known as Charlotte Tawhi. Renata Kawepo had wanted to marry Harata but she eloped with Alexander instead. As a trader, Alexander had established links with most hapu in the Hawke's Bay area by the time McLean first arrived in December 1850.

10. Puketitiri Case, Napier Minute Book 70
11. ibid

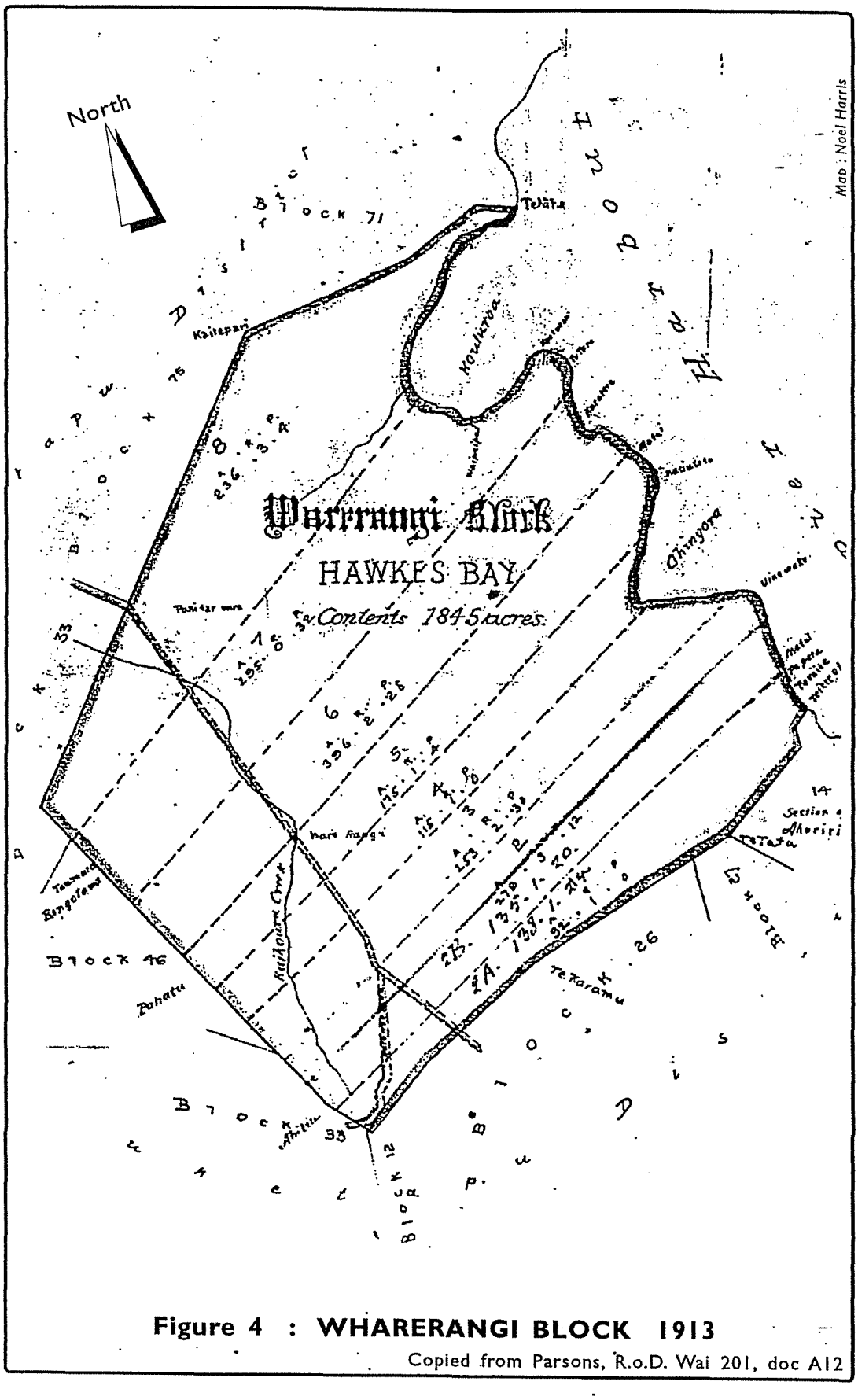

Figure 4 : WHARERANGI BLOCK 1913

Copied from Parsons, R.o.D. Wai 201, doc A12

CHAPTER 2

WHARERANGI

It appears conclusive that it was always anticipated that Wharerangi was to be excluded from the land offered for sale to the Crown. The status of Wharerangi as a reserve was recognised by Crown purchaser Donald McLean. During his first visit to Ahuriri on 30 December 1850 he wrote that he had visited Alexander at his home on the 'native reserve'. On 21 April 1851 McLean paid a further visit to Wharerangi, and commented in his diary, 'in the afternoon crossed over to Mr Alexander's to see Tariaha [sic] and his party and to define the boundaries and extent of their reserve.'[12]

Actual details of the discussions between McLean, Tareha and others are not recorded by McLean. What area did Tareha request? Was it very much different to what was eventually endowed? What was McLean's reaction to the request? By the following day, the area of the reserve had been decided.

> After some talk with the natives who came up to me in the morning about Paora Torotoro's claim. . . walked around the native reserve which is a very good one about 2000 acres.[13]

According to information obtained from kaumatua Hoani Hohepa, the area originally requested by Ahuriri Maori was much larger than what was negotiated as part of the agreement. By using well known tribal landmarks, the intended reserve would appear to fan out from the present day location of the Wharerangi marae; on one side, to Te Niho; on the other to Park Island, and then to the coast and out to sea.

12. 21 April 1851, MS MCLEAN, ATL (Wai 201 ROD, doc A21(e), p 1317)
13. 22 April 1851, ibid (Wai 201 ROD, doc A21(e), p 1318)

From the ocean,Te Niho and Park Island were used by those travelling by sea from Mahia to locate Keteketerau, the northern outlet of Te Whanganui-a-Orotu, and it was practical to use these coordinates to also mark their reserve.

Robert Park was the senior of two surveyors appointed by the Crown to survey the blocks of land McLean had negotiated to purchase in the Hawke's Bay region. Park was responsible for conducting the survey of the Ahuriri block and Wharerangi. The external boundaries of the Ahuriri block were surveyed by 3 March 1851.

One thousand eight hundred and forty five acres were reserved in the Ahuriri purchase deed on 17 November 1851 as a kainga for the Maori of Ahuriri, which included Ngati Hinepare and Ngati Mahu. Exactly what was set aside was both located on the deed plan and described on the deed itself.

> The portion surveyed by Mr Park the Surveyor named Wharerangi as a lasting possession for ourselves. The boundaries of the said piece of land commence at Te Niho thence along the survey line to Whakamarumaru crossing thence to Ahiti on reaching which place it runs along the survey line to Rere-o-tawaki and on to Te Niho.

By this excerpt, Wharerangi was to be inalienable, a 'lasting possession' for the Maori signatories to the deed. This was a protection clause, and served to guarantee that the land would remain with the iwi for their use. The clause also conferred an obligation on both the Crown, and each generation of iwi, as signatories to the deed, to ensure that the land remained as a reserve.

Alexander Alexander, who lived on the Wharerangi reserve, appeared to be comfortable with the negotiations, as he officially witnessed the signing of the Ahuriri deed. He must have been confident that, as a 'local' of the area, resident at Wharerangi for five years, with a long history of dealing with Maori, he would be able to negotiate a lease and arrangement with Ngati Hinepare and Ngati Mahu. It was certainly fortunate that his wife, Harata, was the niece of rangatira Porokoru Mapu, and had herself lived at Poraiti pa.

A boundary of Wharerangi was agreed upon in consultation with the hapu of the area. This can be confirmed through entries in McLean's journals and through reports from the surveyor, Mr Park. Representatives of hapu from the Ahuriri area

traversed the block with McLean to point out the area they were willing to sell and those areas they wanted as reserves.[14] Maori also travelled with Park when he surveyed the Wharerangi area. Were the boundaries that Maori pointed out to McLean the same that were finally put in the deed? The boundaries of the area identified by Mr Hohepa were determined by customary landmarks familiar to the hapu of Ngati Hinepare and Ngati Mahu, as opposed to those boundaries established by the Crown surveyor, in consultation with Maori, which relied on links, chains and admeasurement. None of the primary written sources consulted have made any mention of the discussion amongst Maori or between Maori and the government concerning the setting of these boundaries. Nor is the process of determining who were the appropriate people to discuss these boundaries with noted. It is difficult to refute Mr Hohepa's assertion that a larger area had been discussed by hapu prior to the signing of the deed, through a lack of evidence. However, representatives of the hapu did travel with Park when he conducted the survey, and the area to be reserved was located on the deed plan when Maori were asked to sign the purchase deed. Whether Maori actually saw this plan before signing the deed was raised during the hearing of the Te Whanganui-a-Orotu claim, Wai 55. The Tribunal which heard that claim were not convinced that the sellers did actually see the deed or plan before signing.[15] Being an oral culture, Maori would have had more interest in what was read to them rather than what was written.[16]

Relations between Maori and Pakeha living at Wharerangi appear to have remained stable throughout the 1850s. The district at this time was under the administration of the Wellington Provincial Government. Ngati Hinepare and Ngati Mahu remained in occupation of their kainga, such as Te Poraiti and Paparakaitangi. Alexander Alexander is recorded as farming land at Wharerangi in the late 1840s.[17] In journal entries for November 1851 McLean wrote of selling sheep and goats to some farmers in the Ahuriri area. Maori were growing wheat, flax and potatoes to

14. 22 April 1851, MS MCLEAN, ATL (Wai 210 ROD, doc A12, p 35)
15. Waitangi Tribunal, *Te Whanganui-a-Orotu Report 1995*, Brookers Ltd, 1995, Wellington, p 72
16. Ibid
17. *Dictionary of New Zealand Biography*, Ed. G H Scolefield, Wellington, Department of Internal Affairs, 1940, p 9

sell to local Pakeha.[18] Imports and exports for the Hawke's Bay increased after a port was established at Napier in 1855. Three years later, on 1 November 1858, Hawke's Bay was declared a province.

At the beginning of the 1860s Maori were living at Wharerangi. Settlers and pastoralists continued to arrive in Hawke's Bay. Those unwilling to purchase or lease land from the Government entered into leases with Maori land owners. These leases were illegal, as they contravened the Native Land Purchase Ordinance of 1846. Entering into illegal leases held advantage for both Maori and Pakeha; Maori were able to extract an income from their land, without having to sell it, and pastoralists could obtain grazing land quickly and cheaply. By leasing directly from the Maori owners, the farmers avoided having to deal with any Government agents and bureaucratic paperwork, and could run their stock as soon as an accord had been reached. Maori had first negotiated leases with Pakeha in the Wairarapa in 1844.[19] The rental cash could be used to purchase new goods that the Pakeha were bringing into the district. In 1850 the existence of squatters at Waipukurau in southern Hawke's Bay prompted Donald McLean to write a stern letter to one of these illegal leaseholders, Henry Tiffen.

> The native Chiefs Paraone, Hoani, Te Waka and others, informed me that you have been entering into arrangements with them to lease tracts of land for sheep runs, that one or two of your flocks have actually arrived within a mile of this place where I am negotiating with the aforesaid Chiefs for the purchase of land and that you have obtained their consent and signature to a lease for a certain run for 20 years at £60 per annum. I need scarcely tell you that these unauthorised arrangements entail various evils, besides operating against purchase of land by the Government; moreover, they are ~~a~~ direct violation of the Native Land Purchase Ordinance, Sec. 7, No. 19, the provisions of which I am directed to carry into effect.
>
> I have distinctly and publicly given notice to the Chiefs, that the Government will not sacntion the leasing of land from the natives in this district, therefore you must consider

18. Hapuku et al to Mclean, Ahuriri, 13 September 1852, ATL, MS 32, 676D. Translation from Maori letter by Taite Cooper and Lee Smith, September 1996.
19. Paul Goldsmith, *Wairarapa*, Wellington, Waitangi Tribunal Rangahaua Whanui Series (working paper: first release), July 1996, p 4

your lease as cancelled, as no flockholders can be permitted to run their sheep here until the Government arrangements for the purchase of land are completed. I have therefore to require that you will make early arrangements for the removal of your sheep from the Ahuriri plains.[20]

Vincent O'Malley has suggested that leasing was more palatable to Maori as it had similar aspects to the customary tenure of tukuwhenua.[21] Traditional tukuwhenua allowed land to be gifted to another person or group, but the original giver retained mana over the land.

In 1862 Wharerangi was included in a list of general reserves for Maori in the Hawke's Bay. In 1864, Wharerangi reserve was apparently being leased by C J Gully, for £80 per annum.[22] Also around this period of 1864 and 1865, Wharerangi was purported to have been simultaneously leased by Alexander Alexander and Colonel G.S.Whitmore.[23] The rentals for this period appear to have been paid to Paora Torotoro.[24]

The Native Land Act 1865 created a Native Land Court, whose function was to determine the individual or small group owners of blocks of land. These determinations were to be made according to customary Maori tenure, however the tradition of communal ownership was grossly undermined and ignored by the Native Land Court judges. The act detailed no special protection to native reserves, allowing applications for ownership to be heard, determined, a Crown Grant or grants to be awarded, and title issued to individuals over land supposedly for the benefit of a group of Maori.

The 1865 act also stipulated that only ten owners could be named on a certificate of title to land of 5000 acres or less.[25] These ten were sometimes merely the first ten

20. McLean to Tiffen, 16 December 1850, Wilson et al, *History of Hawke's Bay*, p 195
21. Vincent O'Malley, 'The Ahuriri Purchase', report commissioned by the Crown Forestry Rental Trust, 1995, Wai 201 ROD, doc J 10
22. AJHR, 1864, E-10, p 4
23. Case No IV, Minutes of Evidence, Paora Kaiwhata, AJHR, 1873, G-7, p 11
24. In the Native Land Court minutes for the first hearing regarding the investigation of title to Wharerangi, Matutaera Te Rauriki asserted that Paora had not shared the rents received for the block amongst the other owners. This statement was supported by Hohaia te Hoata. Napier Minute Book 1, pp 30-38
25. Grant Phillipson, 'The Native Land Court and Direct Private Purchase, 1865-1873', from the Crown Congress Joint Working Party, 'Historical Report on the Ngati Kahungunu Rohe', Wellington, June 1993, copied in Dean Cowie, *Hawke's Bay*, Wellington, Waitangi Tribunal Rangahaua Whanui Series, September 1996, Appendix II, p 196

names on a list of many, not necessarily ten delegates chosen by the hapu. This gave equal ownership of the block to only ten people or less. Native Land Court judges implemented this maxim on all blocks, thus forcing the absolute ownership of Maori land into the hands of few - in contradiction of Maori custom. This had a profound effect on Hawke's Bay Maori. An immense amount of Hawke's Bay land was granted to fewer than ten individuals, which led to the land being alienated. [26]

In 1867 application was made to the Native Land Court to determine the customary owners of Wharerangi. The Court initially refused to make a determination, not wanting to assign title to a native reserve to anyone.[27] A further application was more successful, and on 4 June 1867, title to Wharerangi was awarded to Te Waka Kawatini, Paora Torotoro, Pera Ngarangione and Hamahona Tarewai. The conditions of the grant were that the land was to be inalienable by sale, or by lease or mortgage, except in the case of lease for a maximum of 21 years, without the consent of the Governor.[28] This was not a unique provision. Under the Native Affairs Act 1866, all Native reserves were to be inalienable by sale or mortgage, except by leases no longer than 21 years. By issuing a Crown grant for these 1845 acres at Wharerangi, to four individuals, the Native Land Court effectively issued title to the land. As was practice of the judges, these four were looked upon by the Native Land Court as absolute owners of this block, with equal shares.

The four grantees to Wharerangi were all men of relative status in the Ahuriri region. Paora Torotoro, a rangatira of Ngai Tamawahine and Ngati Hinepare, gave evidence at the Native Land Court hearing to determine title to Wharerangi. Te Waka Kawatini, of Ngati Hinemoa, was also present at the hearing and gave evidence. Both Pera Ngarangione and Hamahona Tarewai were absent from the court on that day, yet were entered by that court as Crown grantees of Wharerangi.

After this hearing, a lease dated 19 August 1867 was made to Messrs Gully and Morecroft. There are few details of this lease, apart from those mentioned in official returns from the Land Commissioner. In a 'Return of leases made by Natives to

26. Ibid, p 197. 'Over half a million acres of Hawke's Bay land was granted to individual chiefs between 1865 and 1873 under the ten owner system'.
27. Napier MB 1, pp 30-38
28. Crown Grant No 1685, Hawke's Bay register 7 folio 204; Napier MB 1, pp 181-183

Europeans, 6 July 1869', Whararangi is listed as being leased to Messrs Gully and Morecroft for a term of 21 years, at a rent of £260 per annum.[29] Therefore, the value of the lease to Whararangi in 1867 was three times what Mr Gully had been paying in 1864. The revenue from these rents was received by the four grantees only.[30]

Even though the land was already leased the lessors continued to use it as they pleased . This appears to have happened with Te Waka Kawatini. On 29 December 1868 Te Waka Kawatini sold his share in Whararangi to Henry Parker. Only nine months later on 13 September 1869, due to legal challenges against the deal, Parker reassigned this share back to Te Waka. At the same time, Te Waka conveyed his interests in other land blocks to Parker, including his interest in the Heretaunga block. In this case, the other Heretaunga grantees protested at Parker's purchase of these shares, and forced Te Waka to take a suit in the Supreme Court against Parker.

The deed of sale for this interest was, coincidentally, dated 29 December 1868. A lawyer, J N Wilson, was engaged, and proceeded to action the request to disqualify the deed and return the Heretaunga share to the lessees. The case was 'settled' out of court, and Te Waka approached Wilson to discontinue the case. This meeting took place on 13 September 1869.[31] Wilson was very critical of Te Waka, stating that he thought Te Waka was 'not fit to transact business. Two gallons of rum was generally the consideration he wanted for any of his land'.[32]

The similarity of dates is too much of a coincidence, therefore Te Waka must have sold his interest in Whararangi at the same time as he parted with his share of Heretaunga.

Between 6 July and 30 July 1869 the lease was transferred from Gully and Morecroft to Kinross and Burnett, with whom all the grantees had amassed personal debts ~~of £586~~-19s. The validity of these accounts was not questioned four years later by the Hawke's Bay Native Lands Alienation Commission in 1873 when hearing a complaint about Whararangi, as 'the native complainants [Paora Torotoro and Te

29. AJHR, 1869, D-27
30. Two complaints to the Hawke's Bay Native Lands Alienation Commission 1873 concerned the non-payment of rent by Kinross and Burnett to two of the Crown Grantees (Paora Torotoro and Te Waka Kawatini), but only since 1867. They must, therefore, have been receiving money prior to that.
31. AJHR, 1873, G-7, Minutes of Evidence, p 36
32. Ibid, p 37

Waka Kawatini] did not appear to dispute the integrity of the accounts, which had been explained to them at different times by Mr Locke and Mr Hamlin'.[33]

According to Parsons[34] and Ballara and Scott[35], Kinross and Burnett obtained the lease in 1867. The 'Return of Leases 1869' records the lease in the name of Gully and Morecroft, for the price of £260 per annum.[36] The Hawke's Bay Native Lands Alienation Commission reported that the lease to Gully and Morecroft, dated 19 August 1867, had been conveyed to Kinross and Burnett. It appears that, in official records, Gully and Morecroft remained the leaseholders until a new lease in the name of Kinross and Burnett was negotiated in 1869. In practice, the lease seems to have been held by Kinross and Burnett from late 1867.

To pay off the debts incurred by the four grantees, a new lease was agreed between them and Kinross and Burnett at the reduced rate of £100 per annum for 21 years from 1 June 1869. As the grantees could not sell the block to pay off the debt, a reduced rental was negotiated instead.

The four grantees once again became indebted to Kinross, this time amounting to £795-10s-3d. A new lease was drawn up allowing for the total rent to be withheld until the debt, plus ten percent interest, had been paid. In an agreement dated 16 August 1870, Kinross passed his interest in the lease of Wharerangi to Burnett.

After the inception of the Native Land Acts 1865, 1866 and 1867, alienation of Maori land in the Hawke's Bay had escalated. In the year 1 July 1871 to 30 June 1872 alone the Native Land Court in Hawke's Bay issued title orders to just over 70, 838 acres of Maori land.[37] The issue of Crown Grants to only the prescribed ten owners enabled private purchasers to acquire land without having to consult too many people. Maori soon realised that land, apart from providing a home base, food and a tribal connection, was also an asset that could be sold, and money or credit acquired.

Despite these apparent advantages for both parties, Parliament received a number of complaints from Hawke's Bay Maori regarding the alienation of their land by the

33. AJHR, 1873, G-7, Report on Case No IV, p 13
34. Parsons, doc A12, p 121
35. Ballara and Scott, doc H1, p 36
36. AJHR, 1869, D-27
37. AJHR, 1872, F-6, p 3. Exact acreage was 70,838a 15p.

Native Land Court. This could possibly have been due to the presence in Parliament of the acknowledged chief of Ahuriri, Tareha Te Moananui. Tareha, of Nga Tuku-a-te-Rangi, was the first Eastern Maori Member of Parliament after the passing of the Maori Representation Act 1867. Tareha himself had numerous land interests around the Hawke's Bay, and had been Crown Granted land in Napier township. To ensure that 'such complaints and disputes should be fully and impartially investigated',[38] a Commission of Inquiry was constituted.

The Hawke's Bay Native Lands Alienation Commission consisted of four commissioners appointed by Parliament; C W Richmond, who was appointed Chairman, Judge F E Maning of the Native Land Court, Native Assessor Wi Hikairo, and Wiremu Te Wheoro. The duty of these commissioners was

> to proceed to the Province of Hawke's Bay, and there diligently and impartially to investigate into all complaints which may be brought before them by any person relating to the alienation by persons of the Native race, by sale, lease, mortgage or otherwise howsoever, of any lands or portions of lands in or over which he shall allege that he has or has had any claim, right title or interest, and which have at any time heretofore been adjudicated upon by the Native Lands Court or any Judge or Judges thereof.[39]

Four major complaints concerning Wharerangi were made to the commission. Paora Torotoro complained about not having received any rent from Kinross and Burnett since 1867.[40] Te Waka Kawatini also complained about not receiving any rent from Kinross for six years.[41] Two other complainants, Turuhira Te Heitoroa and Paora Kaiwhata, took umbrance against the four Crown grantees. Turuhira bemoaned the fact that, although Wharerangi had been reserved for all, the Native Land Court awarded the Crown grant to only a few of the owners, who 'mortgaged [it] without considering the other claimants'.[42] Paora Kaiwhata complained, not about the grantees' use of the land as personal collateral, but that the original agreement had

38. Hawke's Bay Native Lands Alienation Commission Act 1872
39. Ibid, Section 6
40. Complaint No 5, List of Complaints, AJHR, 1873, G-7, p 2
41. Complaint No 16, ibid
42. Case No IV, Minutes of Evidence, ibid, p 3

not been fulfilled,[43] which was that the land would be returned to all Maori, not just a few, or four.

In his report on Case No IV, the Wharerangi complaints, Commissioner Richmond commented that the leases between Kinross and Burnett and the four grantees were executed after the grantees had first become indebted to Kinross. The subsequent reductions in rent were to extinguish that debt and another which the four grantees had amassed. In reply to Paora Torotoro and Te Waka's complaints, Commissioner Richmond wrote 'as between Messrs Kinross and Burnett, and the four grantees, we see no reason to suppose that the latter have not been fairly dealt with.'[44]

Commissioner Richmond had serious questions about the legality of the lease agreements when considering the complaints directed against the four grantees. Accepting that the grantees had used Wharerangi as their own personal asset, without acknowledging the others with interests in the block, he found that

> the law has allowed the grantees to anticipate the whole produce of the reserve for a long term of years...and thus to deprive a considerable part of the living generation of owners of all further chance of benefit therefrom. On this ground, we can conceive that the Natives concerned - exclusive of the grantees themselves - have, if no legal, a just political grievance.[45]

Commenting further on the debts accrued by the grantees, he also spoke on the value of reserves to Maori.

> Granting that the debt may be regarded as tribal to some extent, still it appears to us that the Native people naturally and justly look to their reserves as securing to them an inalienable provision, and that this just and natural expectation has, in the present case, if the transactions in question be legal, been disappointed.[46]

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43. It is not clear whether Paora was referring to the Ahuriri purchase deed or some other agreement between the Maori owners or the Crown and Maori. Complaint No 90, List of complaints, ibid, p 6
44. Report on Case No IV, ibid
45. Ibid
46. Ibid, p 14

Although some of the goods obtained on credit by the grantees from Kinross may have been shared amongst other parties, this is by no means sufficient justification for labelling the debt 'tribal'. None of the other owners were mentioned by Kinross as having accounts defrayed against Wharerangi. The grantees had an obligation to consult the other owners when negotiating any business affecting Wharerangi. As shown by the Commissioner's comments, Turuhira and Paora's complaints were fair.

Commissioners Hikairo and Te Wheoro offered no opinion on the matter of other owners of Wharerangi, merely stating that the land had been reserved for Maori by the Government, was adjudicated upon by the Native Land Court and a Crown Grant awarded.[47]

In regard to the complaints by Paora Torotoro and Te Waka about the non-payment of rents, the commisssioners' comments were brief: 'We do not think this complaint should be entertained, because the complainants themselves ran into debt, and therefore the rent was stopped'.[48]

On this case, both factions of the Commission appear in agreement that the grantees ran into debt and Mr Kinross was not liable for non-payment of rents. Although the grantees, of their own free will, became indebted to Kinross, none of the commissioners criticised Kinross for extending the credit a second time. Richmond made a valuable point, that the law had let the Maori owners down, not just these grantees. The law that allowed only ten owners or fewer to be named on a certificate of title, the court that granted Wharerangi **to only four individuals**, the law that failed to protect the inalienable status of that reserve; all of these had sorely disappointed the customary owners.

From 1873 Wharerangi and its owners appear to have lapsed into silent existence. No further complaints or protests have been recorded, and Torotoro, Kawatini, Ngarangione and Tarewai remained as Crown Grantees. Maori still resided at Wharerangi, as did Alexander Alexander. Burnett, who had received Kinross' interest in the lease in 1870, still held it.

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47. Report by Commisioner Hikairo and Commissioner Te Wheoro on Case No IV, ibid, p 58
48. Ibid

In 1873 the Native Land Act abolished the ten-owner rule and allowed for all owners to be named by the Native Land Court on a memorial of ownership. This provision effectively put the brakes on what had previously been a relatively expeditious system of acquiring Maori land. Purchasers were now required to identify and get the permission to sell of all the owners of a block. Considering the sometimes huge number of owners, plus the intricacies of succession rights and guradianship orders, the process sometimes proved too daunting or lengthy to bother with.

Although this sometimes protected the land from being sold without the owners' full consent, it could also impinge on the development of the property by Pakeha lessees, or those owning adjoining blocks who wanted to expand. Even though the alienation of Maori land decreased, Pakeha desire for rich, arable Hawke's Bay land had not waned.

As mentioned, Burnett continued to hold the lease to Wharerangi but did not make any rent payments. When Kinross assigned his share of interest in the Wharerangi lease to Burnett in 1870, the former must have also passed over his right to withold payment of any rent until such time as the outstanding debts, plus ten percent per annum interest, had been paid. Paora Torotoro was still unhappy with this situation. In a letter to Chief Judge Fenton dated 20 July 1882, he asked that certain grievances connected with Wharerangi rents be investigated so as to

> hear the grounds of trouble respecting the lease of Wharerangi:
>
> 1. To ascertain the grounds for withholding the monies for all the years from 1869 to 1882.
> 2. To ascertain why the rents were reduced to £100 a year.
> 3. To ascertain why the money ceased to be £260 a year.
> 4. To ascertain the number of persons in the grant.
> 5. To consider the documents of the lease in 1866 or 1867, and that in 1869 in addition to other troubles also.[49]

49. Taken from English translation of Maori letter, Wharerangi Correspondence file, Napier 345, Maori Land Court, Hastings

This was the same complaint he had made to the Hawke's Bay Native Lands Alienation Commission in 1873. No further correspondence on this matter has been found.

Also around this period, in 1881, the Native Affairs Committee reported on a petition by Paora Kaiwhata and others regarding the Omaranui block. In 1881 Whareraangi was mentioned in the course of the investigation of this petition.[50] It is not necessary to explain the details of this case, but only to point out that Whareraangi was discussed as a possible exchange for land the Maori petitioners wanted returned to them. The Pakeha owner of Omaranui, Frederick Sutton, was agreeable to this proposition, regardless of the fact that Whareraangi was a Native reserve and already leased. There were common Maori owners of the two blocks, Paora Torotoro was a Crown Grantee in both, but, again, the full consent of all owners of the blocks was not garnered. Debate concerning an exchange reached an impasse, and the proposal appears to have been suspended. The Crown had not at any stage during negotiations sought to exclude Whareraangi from a possible exchange, on the grounds that it was an inalienable reserve. Despite this threat of removal, Whareraangi remained in Maori ownership.

In 1884 Hohaia te Hoata, as successor to Hamahona Tarewai, Marara Nukai and Paora Torotoro applied separately to the Native Land Court to have Whareraangi subdivided. As the land was a Native reserve the court dismissed their claims.[51] Even though the land was still owned by Maori, it was being leased to Pakeha. Maori were not utilising or developing Whareraangi for themselves.

On 14 June 1897 an Order-in-Council, under subsection 10 of section 14 of the Native Land Court Act 1894, was issued to investigate whether Whareraangi was held in trust ~~by~~ the four grantees for the other owners not named in the title, and to determine who, if any, those other beneficiaries were. The first court hearing was not held till 28 February 1900. After three sittings, the Court declared on 12 June 1900 that Whareraangi was indeed held in trust. Judge Edger made an order in favour of

50. For a fuller discussion of this case see Cowie, *Hawke's Bay*, pp 138-142
51. Napier MB 7, p 147

Wiramina Ngahuka and 45 others; 370 shares of five acres were awarded to the individual heads of 22 families.[52]

Three appeals were properly lodged against the 1900 Native Land Court decision. Hohaia te Hoata claimed to have entered an appeal, but this was not received by the Court before the expiry date. Hohaia claimed a right to shares in Whareangi through the ancestress Manahau, whose marks he believed to still be in evidence on the land.

> The marks belonging to my ancestor are still on the land, that is belonging to Manahau ie karakas, plantations and cemeteries over which the 'mana' was vested in my said ancestor.[53]

Hohaia's appeal was that his uncles, Te Wiki and Hamahona Tarewai, were not included on the list of owners determined by Judge Edger. The appeal was not received in time, and was refused by the court. Karepa Taua wrote to the Chief Judge asking that the appeal still be accepted, but his request was denied on the grounds that it was

> now much too late to lodge an appeal. If Hohaia employed a person [Jack Taiaroa] who was not trustworthy that is for him to consider. It makes no difference to the court because the time for the appeal is fixed by the law.[54]

The appeals were heard on 24 February 1905 by Chief Judge Smith and Judge Jones. A few alterations were made to the original list of shareholders and interests,[55] but the awards remained almost as when they had been made.

Upon application from the owners, Whareangi was partitioned on 11 October 1907 into four blocks:

No 1, of 92 acres, to Te Amopo Te Mina and Te Waata Rakaiwerohia;

No 2, of 279 acres, to Raihania and eight others;

No 3, of 544 acres, to Ruruarau and 24 others;

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52. Napier MB 52, Whareangi Case
53. Appeal by Hohaia te Hoata to Native Land Court, 5 February 1901, Whareangi correspondence file (Napier 345) held at Maori Land Court, Hastings
54. Chief Judge, Native Land Court to Karepa Taua, 16 March 1901, Whareangi Correspondence file, Napier 345, Maori Land Court, Hastings
55. Napier MB 56, pp 2-25

and no 4, of 928 acres, to the remaining owners.

According to these figures, the block only contained 1843 acres.

Further requests for partition orders were lodged by the owners of No 3 and No 4, and final partition orders were issued by the court on 22 October 1907. These divided Wharerangi into 10 blocks, in the following way:

Nos 1 and 2 remained as in the orders of 11 October 1907;

No 3 was to contain approximately 253 acres 2 roods 30 perches, adjoin No 2 and be for Tepora Okeroa and six others;

No 4 was to comprise 115 acres 1 rood 10 perches, adjoin No 3 and be for Nirai Runga and five others;

No 5 was for Ahere Hohepa and seven others, with an area of 175 acres 1 rood 4 perches adjoining block 4;

No 6 was to contain 396 acres 2 roods 28 perches, adjoin number 5 and be for Hohepa Umurangi and three others;

No 7 was to contain 295 acres 0 roods 32 perches and to be for Apikaera Te Herekau and others;

No 8, containing 236 acres 3 roods 4 perches and adjoining No 7, was for Rewi Haukore and others;

No 9, containing 3 acres only, was to be the site of the kainga, and was for the 'whole of the owners of 6, 7 and in equal shares'[56]; and

No 10, the cemetery reserve Paparakaitangi, was to contain one acre and be vested in Paora Kurupo and Rukarei Tamarakai as trustees for all the owners of Wharerangi block. Half the urupa was to be for Protestants, the other half for Roman Catholics.

Therefore, by 1908 Wharerangi had been divided into 10 blocks; eight strips of land running from Te Whanganui-a-Orotu to the inland boundary, plus the urupa and kainga blocks. Wharerangi had survived as a Native reserve for 56 years, remaining

56. Napier MB 59, pp 182-183, extract in MA 1, 1912/2853, NA Wellington (Ballara and Scott Document bank, Vol 3 part 1)

in the ownership of the original Maori owners. This was soon to change, as the partitioning led to sales of parts of the reserve.

The final Native Land Court decision to partition Wharerangi incited some contention from Maori owners, in particular Hohaia te Hoata. In 1911 a petition concerning the way in which shares in Wharerangi had been allocated was presented to Parliament and considered by the Native Affairs Committee. It was Hohaia's contention that the shares should not have been awarded equally, but should have been allotted according to Maori tikanga. In his petition he stated:

> I urged upon the Court to first hear the evidence as to ancestral occupation, old workings and the signs incidental thereto, and generally as to other signs and proofs of ownership collective or individual down to the present time and thus put itself in a position to make correct awards to individuals. I rose in the Court and asked it to first investigate the individual interests by inquiring into the proofs of continuous occupation on the land and as to the ancestral rights, because the land is derived from an ancestor.
>
> I therefore now make this petition because the decision referred to has been given without reference to Maori customs which provide that each party should first advance its claims and proofs before the Court after which the Court should consider its decision and then announce it.[57]

The Committee reported that the decision at the court should stand. Evidence in the Native Land Court minute books of the hearing state that Hohaia was present in the court when the partitions were made, and no arguments were made.[58] To revoke a decision made when the minutes state the complainant was present would have set an impossible precedent.

Hohaia presented other petitions to Parliament on the same issue in 1911 (no 109/1911), and again on 2 September 1912 (no 156/1912). Both submissions were judged 'without merit' by the Under-Secretary of Native Affairs, and were not heard by the committee. From 1911 onwards, the original 10 blocks of Wharerangi have

57. Petition 43/1911, Hohaia te Hoata, Le 1/1911/7, NA Wellington (Ballara and Scott Document bank, Volume 3, Part 1)
58. Extract from Chief Judge's Minute book, pp 85-86, MA 1/1912/2853, NA Wellington (Ballara and Scott Document bank, Volume 3, Part 1)

been partitioned, leased, sold and subdivided. Each of the blocks' histories have become complicated by transfers, partition orders and succession orders. In order to clarify the details involved, each block will be addressed separately.

2.1 Wharerangi 1

As decided in the Native Land Court on 11 October 1907, the 92 acres of Wharerangi block No 1 were awarded to Te Amopo Te Mina and Te Waata Rakaiwerohia. This piece of land lies on the southern edge of the block. According to records at the Hastings Maori Land Court, this block was divided into Wharerangi 1A and 1B on 12 May 1911. Block 1A comprised 33 acres 2 roods 01 perches, block 1B consisted of 56 acres 3 roods.

On 27 June 1911 H G Ballantyne bought 88 acres 1 rood from Te Umukui Moihi and Hipera Rakaiwerohia for the sum of £1063. The sale was agreed to by the Ikaroa District Maori Land Board on 21 September 1911. It is unclear what became of the remaining 3 acres 3 roods, although some land would have been used for roading. The whole of Wharerangi 1 has been subdivided into lots and is now classified as general land.

2.2 Wharerangi 2

The court partition order of 22 October 1907 had awarded 279 acres 3 roods 12 perches to Raihania Kahui and eight others. The first Particulars of Title for Wharerangi No 2 awarded a total of 60⅔ shares as follows:

Akuhata Te Hapua	3 ½ shares
Hoana Te Moruki	4 shares
Honiana Manuao	3 ½ shares
Ni Parata	3 ½ shares
Paora Whatuiwaho	8 shares

Te Muera Te Aitu	3 ½ shares
Te Paea Te Aho	9 ⅔ shares
Warihia Te Ihukino	17 shares
Warihia Te Ihukino Junior (Paora Whatuiwaho as trustee)	8 shares

Raihania Kahui, the only individual named by the court in the Partition order, does not appear on this list.

In an instrument of alienation dated 28 June 1911, the shares of Paora Whatuiwaho, Akuhata Te Hapua and Warihia te Ihukino Jnr, which equalled 88 acres, were purchased by H G Ballantyne for £1232-10s. The Ikaroa District Maori Land Board confirmed[59] the agreement to sell on 13 December 1911. At the time of sale, the land was registered as being occupied by Charles Codd, although it appears he had subleased it to Stanley Bennett, a lease which still had four years to run. In September of the same year the shares of Te Muera te Aitu, Ni Parata and Honiana Manuao, equalling 47 acres, were also acquired by Ballantyne. By December 1911, when the Ikaroa Maori Land Board had agreed to all these sales, Ballantyne owned 30 shares in Wharerangi No. 2, which equalled approximately 135 acres.

On 10 March 1913, Wharerangi No 2 was partitioned into 2A and 2B. The block 2B contained the land owned by Ballantyne. Block 2A belonged to Hoana Te Moruki, Te Paea Te Aho and Warihia Ihukino. On 8 November of the same year 2A was divided into 2A1 and 2A2. Block 2A1, consisting of 3 acres, was purchased by H G Ballantyne, and the status changed to European land. On 25 November 1913 Te Paea and Warihia sold their interest in 2A2 to Ballantyne. By 1915 Hoana Te Moruki held the only Native interest in Wharerangi 2; the remainder of the land belonged to Ballantyne.[60]

59. A typed list of alienations of Wharerangi by way of sale dealt with by Ikaroa District Maori Land Board use the terminology 'provisional confirmation' and 'confirmation' of the sales. These terms have therefore been used where relevant in this report. Petition No 156/1912, Le 1/1912/19, NA Wellington
60. District Land Register, Hawke's Bay, Volume 59 folio 98, LINZ Napier

On 22 February 1916 a partition order was issued for Wharerangi 2A2A and 2A2B; the first covered 18 acres 8 perches, the second was 117 acres 2 roods 6 perches. The whole of block 2A2A was owned by Kanawa te Whakaete, who must have been a successor of, or have obtained shares from, Hoana Te Moruki. The block was leased to Ballantyne for 21 years from 1 January 1916, and the agreement was renewed for another 21 years from 2 January 1937, with the Public Trustee, as trustee and executor of H G Ballantyne's estate, as lessee. It was declared European land under Part 1 of the Maori Affairs Amendment Act 1967. This phrase appears frequently in Maori Land Court files on Wharerangi, and is often the only notification of how the status of the land was converted.

Although only in effect for six years,[61] Part 1 of the Maori Affairs Amendment Act 1967 gave the Registrar of the Maori Land Court the power to change the status of 'Maori freehold land beneficially owned by not more than four persons for a legal and beneficial estate in fee simple.'

Section four of the Act directed the Registrar to investigate each block the act applied to, as to

> (a) Whether or not any of the owners, as disclosed by the records of the Court, is deceased;
> (b) Whether or not the land, having regard to its area, dimensions, value, and means of access, is suitable for effective use and occupation;
> (c) Whether or not a survey of the land has been made and a plan of the land sufficient for the purposes of the registration has been prepared or can be prepared.

The Registrar was also empowered to

> use such means and such sources of information as appear to him to be necessary, but shall not be bound to do more than consult the records of the Court relating to the land and the records of the Maori Trustee relating to the disbursement of any money derived from the land. [s4(2)]

61. Part 1 of the Maori Affairs Amendment Act 1967 was repealed by s13 ss 3 Maori Purposes Act (No 2) 1973

Section six allowed the registrar to issue a declaration of change of status, in that the status of the land to which the declaration relates shall cease to be that of Maori land. The 18 acres 8 perches remaining in Maori hands were declared general land under the 1967 Act. The whole of Wharerangi 2 has since been subdivided into lots and the status converted to general land.

2.3 Wharerangi 3

The original order for block No 3 issued by Judge Sim on 22 October 1907 contained 544 acres 1 rood 4 perches and was awarded to Ruruarau and 24 others. On 6 November 1907 the owners of No 3 requested that the 544 acres be further partitioned, which the Court did, leaving the date of the orders as 22 October 1907. The 'new' No 3, containing 253 acres 2 roods 3 perches, was awarded to Arapera Raupa, Hemi Awapuni, Mahanga Kaiwhata, Paora Kurupo, Porokoru Mapu, Rawiri Tareahi and Tepora Tamati alias Okeroa. On 13 July 1911 six owners excluding Okeroa sold 220 acres to E E Ballantyne for £3041. This agreement to sell was confirmed with the Ikaroa District Maori Land Board on 21 September 1911.

On 21 October 1914 the block was partitioned into 3A and 3B. The block 3A consisted of 20 acres only. Wharerangi 3B, containing the remaining 228 acres, must have been the land which was sold to Ballantyne in 1911, although this includes eight extra acres. This land has since been converted to general land and divided into lots although it is not clear when.

A payment relating to a succession order for Wharerangi 3A, dated 10 February 1925 for £15-12s, was payable by L H O'Donnell. O'Donnell appears to have been the only successor to the seven original owners, and was the sole owner of the block.

In 1962, and for some period before that, 3A was leased to Eric James Orr. However, in a letter from the Registrar of the Maori Land Court dated 9 August 1962, a new lease of 9 May 1962 would not be registered until the outstanding succession order duty from 1925 was paid. The block was later sold to Timothy

James Parker and is currently registered as belonging to Barbara Jean Struthers.[62] Wharerangi 3A still consists of 20 acres, or 8.0937 hectares, and is general land.

2.4 Wharerangi 4

Initially, Wharerangi No 4 had contained 928 acres 2 roods 24 perches and had been set aside for Wiramina Ngahuka and her family. This was requested to be further divided for the owners, and in the partition orders of 22 October 1907, Wharerangi 4 contained 115 acres 1 rood 10 perches and was awarded to Nirai Runga, Para Marewa, Akuhata Heta, Nirai Paku, Taraipo Paku and Heta Heuheu. The land remained as one block until partition orders for Wharerangi 4A and 4B were issued on 29 August 1912.

Block 4A, consisting of 28 acres 2 roods 2 perches, was bought by P Lamb from Mereta Runga and Nirai Paku in 1912 for £266. The sale was confirmed by the Ikaroa District Maori Land Board on 13 December 1912.[63] The block, still containing 28 acres 2 roods (11.5335 hectares), is currently held in fee simple and registered to Barbara and Timothy Parker.[64]

Block 4B seems to have been divided into three parts; Lot 1 consisted of 3 roods 35.4 perches; a further portion covered 60 acres 3 roods 29.6 perches; and the balance of 22 acres 1 rood 22.6 perches made up the final part.

In the Particulars of Title for Wharerangi 4B from about 1913, an area of 84 acres 1 rood and 11 perches, was leased by Charles Codd, farmer of Omahu, for a term expiring 1 January 1916. The two Maori owners at the time were Akuhata Heta and Nirai Paku. This would appear to be the parts 2 and 3 of 4B.

In a valuation dated 16 August 1915, the capital value of block 4B was £1025. It was occupied by Jane Lydia Codd, although the lessees were the wife and children of Stanley Bennett. An Application for Confirmation of lease dated 6 August 1915 detailed the lease of 39 acres 1 rood 11 perches by Nirai Paku to Alexander Gunn,

62. CT M1/101, Land Titles Office, Napier
63. Alienations of Wharerangi block by way of sale dealt with by the Ikaroa District Maori Land Board, Petition No 156/1912, Le 1/1912/19, NA Wellington
64. CT C2/1312, Land Titles Office, Napier

for a period of 5 years from 1 January 1916. This would appear to be only part of the the three divisions of 4B, it is unclear which parts.

Another application on the same date detailed the lease of the remaining 45 acres from Akuhata Heta to Nirai Paku for the same period of time. A minute written by the Registrar seems to indicate there was some scepticism surrounding this arrangement.

> Seems to be all right except that Nirai Paku may be a dummy for A Gunn. Nirai Paku said 'Akuhata Heta is my brother. I am leasing him my interest in Moteo. I am getting a lease from Akuhata of 45 acres. This makes up the whole block I am leasing 62 acres of the whole block to A Gunn being the part below the road.'[65]

In the Particulars of Title dated 19 December 1918, Taraipo Marewa is noted as owning five acres in Wharerangi No 4; Akuhata Heta owned 40 acres; and Nirai Paku owned the remaining 39 acres 1 rood 11 perches. It appears Taraipo received five acres from Akuhata Heta, either by gift or sale. On 23 July 1926, upon his death, his interest passed in equal shares to Akuhata Heta and Nirai Paku, (also known as Nirai Runga). Hedley Vicors[66] Codd acquired lot 1 DP 5049, that area of 4B containing 3 roods 35.4 perches, from Nirai and Akuhata for £100 on 13 December 1928. From 27 May 1940 Harata Nirai succeeded to her husband's interests in block 4B, for life or for as long as she remained a widow. As Harata remarried, the shares were transferred, as stipulated by Nirai Paku, to Akuhata. When Akuhata passed away, the shares were consigned to Te Wai Aporo and Naomi Aporo. When Te Wai died in 1946, the terms of her will dictated that her shares were to go to Naomi.

From 1946 till her death in 1950 Naomi remained the sole owner of Wharerangi 4B (the portions 2 and 3). In the terms of her will she left all interests in the block solely to Hurae Karauria.

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65. Wharerangi part 4B, 15/345/3, Maori Land Court, Hastings
66. In various documents there have been a number of different spellings of this particular personal name. In quotes and further references, the spelling used in the actual record cited has been maintained. It is presumed that the same person is referred to when the first and surnames used are consistent.

In January 1951 Hedley Vicors Codd attempted to purchase part of 4B, although it is unclear which particular portion, from Hurae Karauria. Hurae was apparently attempting to raise funds for some unknown reason by selling some of his land. In the minutes of the hearing of 10 April 1951 the court was

> not at all satisfied that this transaction should be approved until some effort had been made to raise the desired finance from the government; [Codd] has been made to stand down to allow the applicant [Hurae] to make application to the Board for a loan on the security of the land.[67]

The application to sell part of Wharerangi 4B was disallowed by the Court. However, it was subsequently leased to him on 22 May 1952 for a period of ten years commencing on 1 September 1952.

An application for a lease of 18 years from 1 September 1954 was received from H V Codd, and approved by the Maori Land Court, dated 15 October 1954. This was despite the land having already been leased by H V Codd for 10 years from 1 September 1952. The rate per annum remained the same at £166.[68]

An application under Part 19 of the Maori Affairs Act 1953 to purchase 60 acres 3 roods 29.6 perches of Wharerangi 4B was lodged by Hedley John Vickers Codd on 31 October 1958. Hedley John Vickers Codd was the current occupier of the block under an agreement by the owners to lease to his father Hedley Vickers Codd. The lease was now vested in Hedley John under the conditions of the will of H V Codd. The Court approved the application on 10 December 1958.[69]

A complication arose after Codd had purchased this part. In a letter from the Registrar of the Ikaroa Native Land Court to Messrs Hallett O'Dowd & Co, Napier, dated 5 March 1959, the Registrar said:

> A search of the titles reveals that the above block [Wharerangi 4B] has not been subdivided, nor has any subdivisional plan been submitted for consideration of the Court apart from the one just received. It would appear that the plan submitted is in

67. Napier MB 89, p 162
68. Napier MB 91, pp 339-340
69. Napier MB 93, p 317

connection with the transfer of that part of the above block to Hedlay[sic] John Vickers Codd, confirmed by the Court on 10 December 1958.

Therefore, as no Court order has been made, partitioning or subdividing the above block, I am unable to submit the plan for approval until such order has been made (at present the European purchaser is only an owner as to an undivided interest).[70]

Certificate of title for part of Wharerangi 4B covering 24.6681 acres was issued on 26 February 1959. The residue of the block is administered under CT C4/702, which was issued on 21 April 1969. In a schedule of lands owned by Hedley John Charles Codd as of 30 April 1982, Wharerangi 4B was wholly owned by him.

2.5 Wharerangi 5

The original block contained 175 acres 1 rood 4 perches and was awarded on 22 October 1907 to Ahere Hohepa and seven others. The block was divided into 5A and 5B on 30 October 1911. Block 5A, consisting of 41 acres, was purchased immediately by A C Codd from Hare Hohepa. This transfer was confirmed by the Ikaroa District Land Board on 13 April 1912, with the sale price being £364.[71] As at 13 April 1960, Wharerangi 5A was European land being leased by A C Codd to Hedley John Vickers Codd. Today, the block still contains 41 acres (16.5921 hectares) and is currently held in fee simple by Pakeha owners.

Wharerangi 5B was owned by Ahere Hohepa, Pera Hohepa, Hira Hiha, Paora Hiha, Ruruarau Hiha, Tame Hiha and Te Whaiatua Hiha. The block, covering 130 acres 1 rood 37 perches, was further partitioned on 8 November 1913 into 5B1 and 5B2.

Partition 5B1 was owned in equal shares by Ahere and Pera Hohepa. The block consisted of 55 acres 2 roods 13 perches. It was aggregated with block 6B2, and in

70. Wharerangi part 4B, 15/345/3, Maori Land Court, Hastings
71. Alienations of Wharerangi by way of sale dealt with by the Ikaroa District Maori Land Board, Petition No 156/1912, Le 1/1912/19, NA Wellington

a Partition order of 21 September 1948 was further divided into lot A and lots B1, 2, and 3.

Wharerangi 5B1 and 6B2 lot A, comprising 84 acres 3 roods 16 perches, was leased to Allen Rupert Thomsen for a term of 10 years from 1 July 1950.[72] A Certificate of Title was issued on 14 August 1953 for the aggregated blocks, which comprised an area of 84 acres 3 roods 16 perches, or, 34.3376 hectares. The lease was transferred to Hedley John Charles Vickers Codd on 3 July 1959, and since then it has become general land, although the majority of the current owners are Maori.[73]

Wharerangi 5B1 and 6B2B was partitioned into lots 1, 2 and 3. Lot 1 and lot 2 contained 1 rood each and were for Hoani Hohepa and Winnie Prentice to build houses on. The balance of the land, 37 acres 35 perches, became 5B1 and 6B2 lot B3. This was leased for 5 years from 1 April 1955 to Colin Richard Raikes, and then for 10 years from 7 April 1960 to Hedley John Charles Codd. On 3 March 1970 the partition orders for 5B1 and 6B2 lots 1, 2 and 3 were cancelled.

A Certificate of Title for Wharerangi 5B1, 6B2 and 6B2B, an area of 15.2642 hectares, was issued on 28 November 1970. The blocks are still aggregated under a new certificate of title, and they are classified as general land.

Wharerangi 5B2 was partitioned from block 5B on 8 November 1913. It consisted of an area of approximately 75 acres 21 perches. On 18 August 1915 all the owners in 5B2 sold part of their interest to Charles Codd, resulting in a partition of 10 acres 19.1 perches. He also purchased a house which was on the block. The remainder of the land stayed with the Maori owners.

Part of Wharerangi 5B2 (that still owned by the Maori shareholders) and part of 6B3 became aggregated after 6B3 was partitioned on 17 September 1912. One part consisted of 36 acres 38 perches, and the other of 17 acres 1 rood 1 perch. The whole of 6B3 was apparently already under lease to J Bennett for 21 years from 1 January 1895, with a sublease to Charles Codd. It was then leased fully to Charles Codd for 10 years from 1 January 1916.

The part block Wharerangi 6B3 consisting of some 17 acres remained in the ownership of Hiha Ngarangione. In the Particulars of Title for Wharerangi 6B3,

72. Wharerangi 5B1 and 6B2 lot A, Na 15/345/5, Maori Land Court, Hastings
73. CT J4/94, Land Titles Office, Napier

dated 13 May 1936, this partition was mortgaged to the Public Trustee, although it was occupied by Hedley Vicors Codd. Codd is also noted as owning the other 36 acres in the 6B3 block.

The lease for Wharerangi 5B2 has remained with the Codd family ever since 1916. This was of some concern to the owners of 5B2, as evidenced in a statement of proceedings from a meeting of owners held on 1 April 1982. One shareholder stated that over the years the leases to the Codd family had been gradually shortened, and that to give him (Codd) the lease for the period asked for (5 years) would be going backwards. In the end, a 5 year lease was agreed to from 1 January 1982, but with no right of renewal.[74]

In the Schedule of lands held by Codd, which was attached to the lease, Part 5B2 was wholly owned as freehold land.

Both 5B2 and part 6B3 blocks are still Maori land.

2.6 Wharerangi 6

Wharerangi 6, containing 396 acres 2 roods 28 perches, was partitioned into 6A and 6B on 6 February 1912. Block 6A comprised 37 acres, and was immediately sold, as in the case of 5A, by Hare Hohepa to A C Codd. A Certificate of Title was issued on 6 March 1913 for 15.1757 hectares, which is slightly over 37 acres. A new title was issued in 1988, and the land is now classified as general land.

Block 6B was further partitioned on 17 September 1912. Of the numerous partitions that derived from 6B block, the only ones which remain as Maori land are Part 6B3 and 6M, totalling 27.7498 hectares. As mentioned with Wharerangi 5B2, Part 6B3 was aggregated with that former block. According to the certificate of title, this part consisting of 6.9833 hectares is currently owned by the Maori Trustee.

By tracking these two blocks through the Torrens land titles system, it appears that certificate of title for Wharerangi 6M arose from the amalgamation of title to 6B4B2A and 6B4B2B. A consolidation order was issued on 22 January 1992,

74. Statement of proceedingsof owners meeting 1 April 1982, Wharerangi 5B2 and pt 6B3, Na 15/345/6, Maori Land Court, Hastings

although 6M is described on a title issued on 26 February 1990. The block contains 20.7665 hectares, the registered current owner being the Maori Trustee. It is unclear whether the Maori Trustee is the owner or acting on behalf of beneficial Maori owners. Of the original 396 acres 2 roods 28 perches (160.5287 hectares) which comprised Wharerangi 6, only 27.7498 hectares remains as Maori land.

2.7 Wharerangi 7

After initial partition in 1907, the 295 acres 32 perches in block number seven remained in the same shape until 1916. On 10 February of that year the block was partitioned into 7A and 7B.

Partition 7A comprised 45 acres 29 perches. In 1917, 30 acres 5 perches of this was purchased by Hedley Vickers Codd, with the balance being leased by the same.[75] This arrangement continued for many years, the land being used for farming and grazing stock. The portion that had continued to be leased to various members of the Codd family was partitioned on 17 January 1994 into blocks 7A1, 7A2 and 7A3. The first two blocks are still Maori land owned by 33 Maori owners, and containing slightly more than 6 hectares. The third, containing 12.3082 hectares, is owned in fee simple by Forty Groves Ltd.

Block 7B, containing 242 acres 2 roods 29 perches, was ordered into partitions 7B1 to 7B6 on 19 February 1918, but the order was apparently cancelled exactly seven years later on 19 February 1925.

The whole block 7B was leased to Sarah Codd, wife of Hedley Vicors Codd for most of the period up to approximately 1960. The lease then transferred to Robert Haraki. The block subsequently became general land, and has since been subdivided and sold.

75. Wharerangi 7A, 15/345/9, Maori Land Court, Hastings

2.8 Whareraangi 8

Of the ten original blocks that were set down on 22 October 1907, number eight was partitioned the most. A number of the blocks have been purchased or leased by the same families for a number of years. Over time the land has been used for sheep and cattle grazing, although a use for horticulture and viticulture was identified in land valuations conducted in the 1970s and 1980s.

The original block was partitioned into 8A, 8B and 8C on 12 March 1913. Block 8A, containing 29 acres 2 roods 29 perches, was sold by Tirita Haukore and Hone Haukore to W S Jones on 14 March.[76] Wharerangi number 8B became 8B1 and 8B2 on 6 June 1913. Hedley Vickers Codd acquired the whole of 8B1, comprising 8 acres.[77] Block 8B2 remained with the Maori owners, and was further divided into 8B2A and 8B2B on 6 February 1928. As of 13 April 1960 Hedley John Vickers Codd owned 8B2B and was leasing 8B2A. By 1982, Hedley John Charles Codd had bought 8B2A as well.[78]

Following in the same vein as the others, 8C also went through numerous partitioning. Block 8C1, covering 10.8253 hectares, remains Maori land today in joint Maori ownership.[79] 8C2 was broken up into four smaller blocks in 1922, being 8C2A to 8C2D. From this time onward the land appears to have been either leased or sold to Hedley Vickers Codd and the Codd family. Block 8C2B, consisting of 7.4335 hectares, is still Maori land held by 13 owners. The same applies for 8C2C, containing 7.4310 hectares, with five owners. Hedley Vickers Codd procured 8C2D in 1956.

The last two blocks of Wharerangi 8C2 to be partitioned were 8C2A1 and 8C2A2, in 1966. Of the two, 8C2A1 was at some time bought by Robert Hedley Codd and is currently classified as general land. The other, 8C2A2, is Maori land owned by the Maori Trustee and being leased out.

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76. Alienations of Wharerangi block by way of sales dealt with by the Ikaroa Maori Land Board, Petition 156/1912, Le 1/1912/19, NA Wellington
77. Wharerangi, Na 345 vol 1, Maori Land Court, Hastings
78. Wharerangi 8B2A, 15/345/15, Maori Land Court, Hastings
79. CT D4/779, Land Titles Office, Napier

Of the initial 236 acres 3 roods 4 perches (95.81944 ha) ordered by Judge Sim, 27.5083 hectares remains as Maori land today is. The blocks are all fertile, flat land, which are utilised for farming and orchards.

2.9 Wharerangi 9

The three acres (1.2140 ha) that comprise Wharerangi No 9 have always been intended as a kainga reservation. In a proclamation of 6 December 1984, the whole of Wharerangi No 9 was set apart as a marae reservation for the use and benefit of Ngati Te Whaiti Apiti [sic], Ngati Hinepare and Ngati Mahu of Ngati Kahungunu. The number nine block was to be known as the 'Wharerangi Reserve', and the meeting house to be known as 'Manahou'.[80]

According to oral evidence from kaumatua Hoani Hohepa,[81] Wharerangi marae has been situated at three different places: at Kouturoa, overlooking Te Whanganui-a-Orotu; next to Paparakaitangi in the urupa's present location in Wharerangi No 10 block; and now finally in No 9 block.

Although the proclamation states that the wharenui is to be named 'Manahou', this was not always so. Originally it was called 'Tarewai', but then the name was changed in memory of Hohaia's daughter, who had died.

The present site of Wharerangi marae is rich with history and legend. One story concerns the importance that Ngati Hinepare placed on retaining their rangatiratanga over that place. When McLean was travelling around the area acquiring land for settlement, it was said that he was buying any land that was not occupied by, being utilised by, or did not have a special significance to Maori. The rangatira of the iwi encouraged those living in or near the Napier settlement area to return to Wharerangi so that it could be said that the site was indeed occupied and therefore could not be bought. For some reason the people could not remain at that place, so some other way had to be found of protecting the iwi hold on the land. Two of Ngati Hinepare were sacrificed, according to Hoani Honepa,they were buried alive, and the land was

80. NZGaz, No 227, 6 December 1984, p 5474
81. Obtained during a discussion with Mr Hohepa on 28 May 1996.

from then on protected as wahi tapu. The story continues that the location of the burial place of these two unselfish martyrs was found once this century but has never been located since.

Not only is the site of the marae significant; the hill that rises up behind is equally as important. This hill is named Kohukete, which was also the name of the pa that extended across some 25 acres at the summit. According to Mr Hohepa it housed approximately 4,000 inhabitants, commanding a view over the whole of Te Whanganui-a-Orotu and out to sea, and inland to Puketitiri and the Kaweka ranges. Some of the trenches which surrounded the pa are still visible on the north-western side of the hill.

The urupa for this huge pa has never been located, although it is said that a young boy once found a human skull on the hill. He showed it to his father and some of the local iwi, who promptly told him to return it to where he had removed it from. When he went to do so, he could not remember where the skull had come from, and no further remains have ever been found.

2.10 Wharerangi 10

The original urupa reservation set down on 22 October 1907 contained one acre and was to be vested with Paora Kurupo and Rukarei Tamarakai as trustees for all the owners of Wharerangi block. Half the urupa was to be for Protestants, the other half for Roman Catholics. This has continued, with the urupa reserve 'Paparakaitangi' being declared on 6 December 1984.[82] The total area allotted equals 3563 square metres, which is slightly less than one acre.

82. NZGaz, No 227, 6 December 1984, p 5473

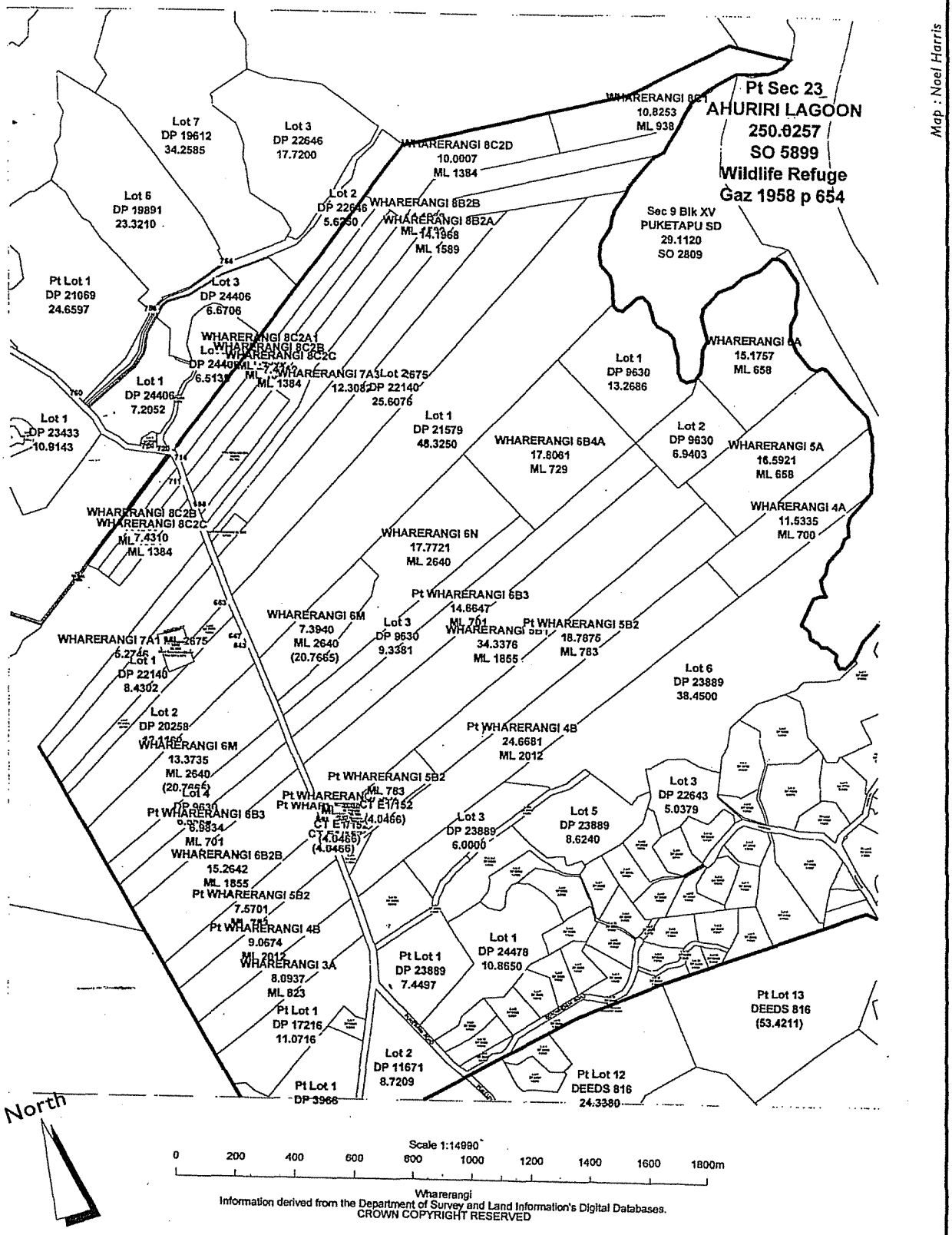

Figure 5 : WHARERANGI BLOCK 1996

Dosli Napier

2.11 Conclusion

Eight of the original ten blocks of Wharerangi all suffered some partitioning, some much more than others. Of the original 1845 acres (746.64501 hectares) set aside from the Ahuriri purchase deed as a native reserve, barely 90 hectares remain as Maori land, and not much more is held by Maori owners as general land. One or two dominant Pakeha families have been the lessees or owners of large portions of Wharerangi, and in some instances, such as Wharerangi 5A and 6A, land appears to have been partitioned specifically for sale. Most of blocks 1, 2 and 3 have been divided into lots, whilst block 8 seems to have suffered an inordinate amount of partitioning. One particular block of Maori land containing 7256m² has 33 owners.

Since its reservation in 1851, Wharerangi has been the subject of a number of investigations by the Crown and queries from the owners. Wharerangi does not appear to have achieved its purpose of being a lasting possession for the natives of Ahuriri.

CHAPTER 3

PUKETITIRI

Puketitiri was the other large reserve made in the deed of purchase of the Ahuriri block. In early 1851 Donald McLean wrote to the Colonial Secretary to clarify his position and objective in purchasing land in the Hawke's Bay and Wairarapa.

> To prevent the expense of future negotiations, and obviate the difficulty of hereafter acquiring land when its value is enhanced by the location of English settlers, I shall act until further orders under the impression that it is the desire of the Government to acquire, consistently with a due regard to the interests of the Natives, as great an extent of land, especially between this and the Wairarapa, as it is possible for me to purchase.[82]

While negotiating the final deed of purchase of the Ahuriri block, McLean wrote in his diary on 14 November 1851 that he was having 'some difficulty in getting them [Maori] to assent to a reserve of 500 acres at Puketitiri, as they wanted several thousand acres'.[83] His difficulty was in negotiating an appropriately sized reserve that was suitable to the Crown, not Maori.

When the deed was signed three days later on 17 November 1851, Ahuriri Maori had appeared to have conceeded to restrict the size of the reserve as the deed stated that: '500 acres at the place called Puketitiri' was reserved, the deal including the right to snare birds throughout the whole of the forest of Puketitiri.'[84] At this time the reserve at Puketitiri had not been surveyed. It seems quite a dramatic change that

82. 23 January 1851, AJHR, 1862, C-1, No 3 (Wai 201 ROD, doc A5(a))
83. Wai 201 ROD, doc A21(e), p 1354
84. Turton's Deeds, Volume 2, p 491

change that Maori agreed to a reserve of this size, when only three days before they were desirous of having one several times that size. It appears feasible that Maori could have been mislead as to the size of the reserve. They may have been under the impression that the reserve they were to receive was the same size as the one they had initially requested. In evidence heard by the Native Affairs Committee in 1875 when considering the petition of Henare Tomoana and others regarding islands in Te Whanganui-a-Orotu, it was related that Wi Tako had been responsible for describing to the Natives assembled at the Ahuriri purchase signing the extent of 100 acres. Tomoana and others asserted that Wi Tako had explained in Maori that he thought Te Whanganui-a-Orotu was about 100 acres in total size. Wi Tako disavowed any memory of this explanation, although McLean remembered asking him to carry out the task. McLean allowed this erroneous description to pass unchecked. McLean had an obligation to ensure that the Maori sellers had a full understanding of the details of the purchase deed. If in fact McLean did not understand Wi Tako's explanation, then his ability in the Maori language must be questioned.

From the wording of the deed, which was read out to the Maori assembled for the signing, there was a definition between the land which was to be reserved for them at Puketitiri and the snaring rights. There are no time limits mentioned in regard to this right.

In 1860 Samuel Locke was commissioned to carry out the survey of Puketitiri. This was reported by District Land Purchase Commissioner G S Cooper to by now Chief Commissioner Donald McLean in a despatch of 8 March.

> I endeavoured to have the 500 acre reserve at Puketitiri marked off as agreed upon at the first purchase, but finding that the Natives wanted to get not only nearly the whole bush, but the best part of Mr Dyson's run and all his improvements into the bargain, I declined to proceed in the matter, and left the natives half-way under the impression that they would get no land at all there.[85]

85. AJHR, 1862, C-1, No 65, p 349 (Wai 201 ROD, doc A5(a))

Although this was nine years after the sale of the Ahuriri block, local Maori had not relinquished all management rights over the block. This attempt to survey the block took place long enough after the sale of Ahuriri for Maori to have seen the consequences of selling and to perhaps have developed some regrets. Maori resisted the presence of a Crown surveyor in this area, and consequently the survey could not be conducted.[86]

Ten years after the sale of the Ahuriri block, Puketitiri was still unsurveyed. Government patience seemed to be wearing thin, to the degree that resolution was more important than consideration of Maori needs.

> The Puketitiri reserve (in the Ahuriri block) still remains unsettled. The Natives will not accept the 500 acres named in the deed, nor will three times that quantity satisfy them. I have asked the Provincial Government to withhold from sale all lands within the questionable limits until something is settled. If they would sell their rights to this bush (which is valuable) it would be the simplest way of getting rid of the difficulty.[87]

Beside actually living there, McLean did have occasion to visit the Hawke's Bay in his capacity as Chief Commissioner of Crown Lands. District Commissioner Cooper continued to report on the situation regarding Puketitiri, and also corresponded privately on the issue.[88]

In a letter of 24 January 1862, Cooper relayed to McLean that:

> The Government have sent me orders to buy up the claims at Puketitiri if possible. I think you can manage this better than I, as you can contradict their lies about what took place at the sale, which I cannot.[89]

As O'Malley asserts in his report, it is unclear from the records whether McLean did effect a purchase of the Puketitiri reserve.[90]

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86. Ibid
87. Cooper to Chief Commissioner of Crown Lands, 20 June 1861, AJHR, 1862, C-1, no 74, p 353 (Wai 201 ROD, doc A5(a))
88. O'Malley, Wai 201 ROD, doc J10, p 206
89. Cooper to McLean, McLean Papers [MS 32, f 227], ATL (Wai 201 ROD, doc A21(e), p 1492)
90. O'Malley, Wai 201 ROD, doc J 10, p 206

However, some Maori must have thought he had, as is suggested by evidence given to the Hawke's Bay Native Lands Alienation Commission in 1873. When giving evidence to this commission, Paora Torotoro admitted to being under the impression that 'Puketitiri and Wharerangi were two blocks reserved; Puketitiri was not left as a reserve; it was sold to Mr McLean'.[91] Although still unsurveyed, in 1862 Puketitiri was included in a 'List of General Reserves for Maori in the Hawke's Bay'.[92]

On 26 August 1867 G S Cooper, Resident Magistrate in Napier, made a report on the 'Reserves, Native lands and so on in Hawke's Bay'. In this report Cooper affirmed that Puketitirihad been sold to the Government.

> All the other reserves shown on the map come under subsection two of section three of 'The Native Lands Act 1866'...Of these the Natives have sold absolutely to the Government...Puketitiri (No 23).[93]

By 1871 Puketitiri had reverted back to being viewed as a Native reserve. In a 'Report from the Commissioner of Native Reserves...in the Province of Hawke's Bay', Puketitiri was listed under class B2, as for the benefit of Natives generally. The Crown was listed as grantee or owner. The Native Land Claim Commission of 1921 commented on this return, and the entry of the Crown as grantee or owner.

> This must refer to the party in whom the legal estate was presumed to be vested, because if it were Crown land free from a reserve it would not have been included in the return.[94]

Now twenty years after the sale of the Ahuriri block and the reservation of land at Puketitiri, the 500 acre block still had not been surveyed. Its status appeared to have changed from being a Native reserve, to being Government property, and back to being a Native reserve again.

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91. AJHR, 1873, G-7, p 10 (Wai 201 ROD, doc A5(i))
92. AJHR, 1862, E-10, p 9 (Wai 201 ROD, doc A5(c))
93. AJHR, 1867, A-15a (Wai 201 ROD, doc A5(e))
94. Report of the Native Land Claims Commission, AJHR, 1921, G-5 (Wai 201 ROD, doc A5(l))

On 23 February 1874, a proclamation was published in the Hawke's Bay Government Gazette reserving 500 acres in Puketitiri bush for education purposes, in particular, 'all that parcel of land containing by admeasurement 500 acres, more or less, situate in the Patoka District, and being a portion of the original Puketitiri Reserve.'

The use of the word 'portion' in this notice implies that the original reserve was larger than 500 acres. As the 'original reserve' was still unsurveyed, perhaps the Government had, if even inadvertently, recognised the Native desire for a larger reserve. It is unclear whether this notice affected the Maori' right to snare birds throughout the bush.

In 1875 the Native Affairs Committee heard three petitions from Maori regarding land and other issues in Hawke's Bay. One of these was the petition of Henare Tomoana and others regarding the status of pa sites in Hawke's Bay, in particular Te Pakake, which was reclaimed for railway purposes. Amongst those who gave evidence were Tomoana, Donald McLean and Wi Tako. It was during these hearings that Wi Tako's explanation at the time of purchase of the actual size of 100 acres was exposed and questioned. Although evidence at these hearings was presented 24 years after the events occured, these testimonies are really the only written accounts from the Maori themselves. The other sources available are all either 'directly or indirectly attributable to McLean, and therefore represent[s] his view only'.[95]

During 1896 Puketitiri was the subject of correspondence between the Commissioner of Crown Lands in Napier and the Surveyor General. The Commissioner of Crown Lands in Napier informed the Surveyor General that a request had been received for the grant of the 500 acre Native reserve at Puketitiri. He was contacting the Surveyor General because his office had no record of the reserve existing, although there were two timber reserves in the vicinity, of 508 acres and 199 acres.

The Surveyor General advised the Commissioner that a reserve of 500 acres had been made in the Ahuriri deed of purchase, but the actual location of the block had not been distinguished. The Surveyor advised the Commissioner to purchase the

95. Tony Walzl, 'The Ahuriri Purchase', Wai 201 ROD, doc F 9, p 25

timber reserve. Also at this time the Surveyor General requested that the Native Affairs Committee re-enquire into the boundaries of Puketitiri. The Surveyor General quickly followed his letter suggesting the Commissioner buy the timber reserve with another, this time stating that it was clear that Puketitiri had been reserved and the Lands Department might have to give up the 508 acre timber reserve.[96] In a further letter of March 1898, the Surveyor General confirmed with the Chief Surveyor in Napier that the land would most likely have to be purchased, with the intention of setting it aside as a Maori reserve.[97] It was not made a reserve. Ten years later in 1906 the Department of Lands Under-secretary ruled that the 500 acres were lands of the Crown.[98]

This decision was made after the petition of Hohaia te Hoata and 82 others was presented to Parliament in 1903. It was alleged that the Government had taken Puketitiri without payment, and they wished to receive compensation. The Native Affairs Committee in 1904 recommended that the matter should be investigated by the Native Land Court.[99] Irrespective of the unestablished status of the land, in 1906 and 1907 the 508 acres at Puketitiri were declared; firstly, a temporary, and then a permanent timber reserve by an Order-in-Council.[100]

After the recommendation of the Native Affairs Committee in 1904 for the Native Land Court to investigate Puketitiri, it was not until 13 April 1916 that a decision was reported. The fact that Cooper had reported in 1867 that Puketitiri had been sold to the Crown seemed to be the basis for the Court's conclusion that it was up to the claimants to prove that the land was still owned by Maori.

> The Natives allege that there was no sale of the whole of Puketitiri which was reserved from the sale in 1851...no one can tell them who sold or who had the power to sell, and the Government could not show any deed of sale and purchase.[101]

96. Ballara and Scott, doc H1, p 43
97. Ibid, p 44
98. Ibid
99. AJHR, 1904, I-3 (Wai 201 ROD, doc A6(a))
100. NZGaz, 1906, p 2940 and NZGaz 1907, pp 449-450
101. Napier MB 66, p 239, quoted in Parsons, doc A12, p 126

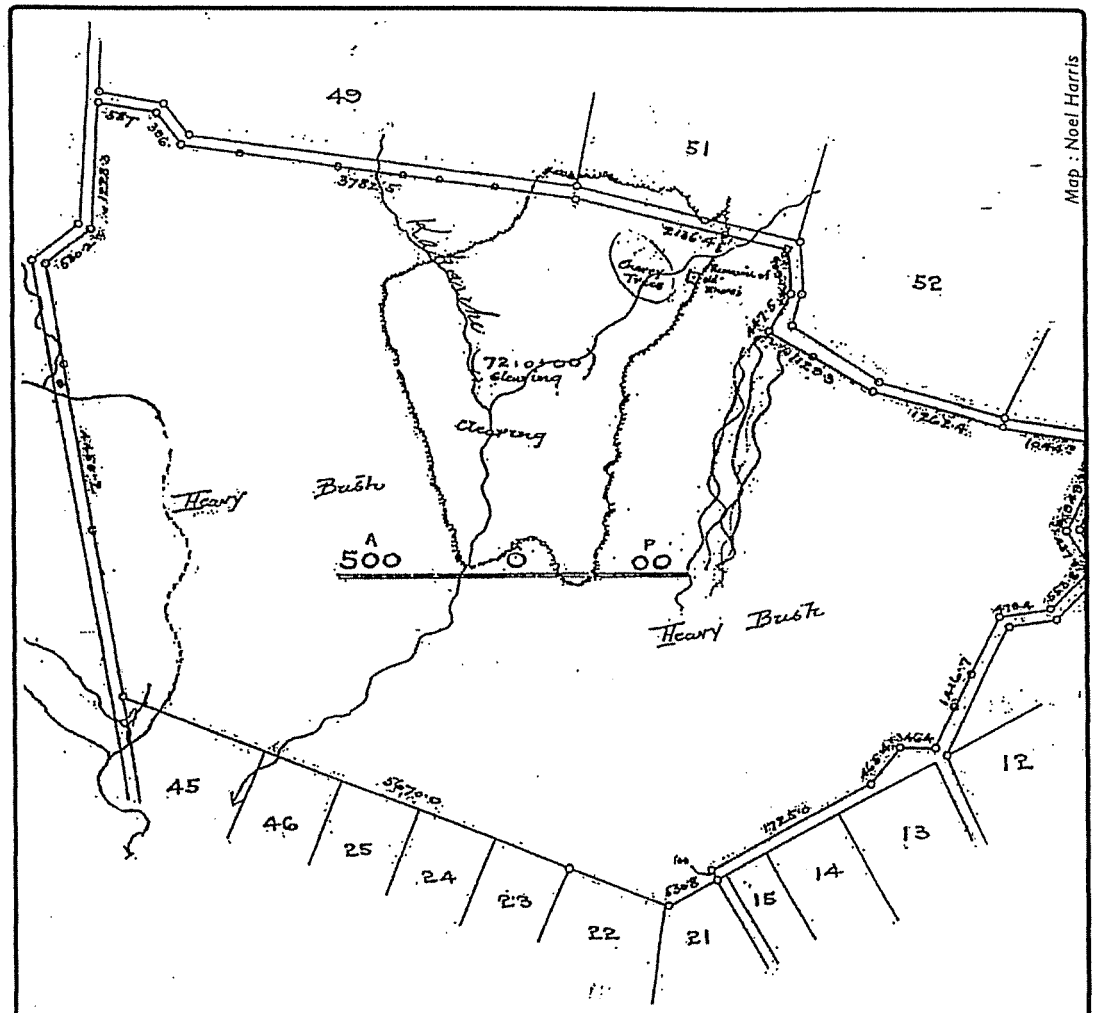

Figure 6 : COPY OF PUKETITIRI NATIVE RESERVE 1919

Copied from Parsons, R.o.D. Wai 201, doc A12

The Under Secretary for Lands continued to investigate the ownership, and in a letter to him from the Commissioner of Crown Lands in Napier dated 18 October 1919, it was stated that, 'the block was gazetted as a reserve for the growth and reservation of timber, and stands as such in our records today'.[102]

A milestone in the history of Puketitiri occurred on 19 December 1919 when, 68 years after its inception, a plan of Puketitiri reserve was approved by the Chief Surveyor in Napier. It was identified as 500 acres in Section 98, Block XIV, Pohui Survey District. The existence of a survey plan allowed Maori to ask for Puketitiri to be reinvestigated.

In 1920 Maori petitioned Parliament regarding the ownership of Puketitiri. The petition was presented by Mohi Te Atahikoia and 47 others, and was heard by the Native Land Claims Commission, appointed on 8 June 1920 to inquire into this and other claims. The petitioners' case was based on the fact that the Crown had no deed of purchase or cession for Puketitiri, and could not prove that one had ever existed. The Crown was emphatic that the land had been bought, and that the deed had merely been lost.

> Native purchases were conducted simultaneously by Provincial and General Government. Sometimes the former retained possession of their own deeds and left the General Government in ignorance of actual purchases. On the abolition of provinces there were some difficulties in regard to the transfer of documents etc. So that the General Government offices did not get all the information that the provincial offices held. Therefore some of the purchase deeds are missing, and it is claimed the purchase deed of Puketitiri may be among those.[103]

The Commission concluded that Native title to the land had not been extinguished and therefore the Crown should set aside the 508 acres as customary Maori land, as intended in the 1851 deed of purchase of the Ahuriri block. It felt that there had always been an element of doubt amongst the Government as to whether the block had been purchased, and that this was exhibited by the continued existence of a tract

102. Ahuriri Block, LS 1/29057, NA Wellington (Ballara and Scott Document bank, Vol 3, part 1)
103. Extracts of Minutes, 13 August 1920, pp 3-6, LS 1/29057, NA Wellington (Ballara and Scott Document Bank, Vol 3, Part 1)

of land almost exactly resembling the original endowment. The Commission therefore advised that:

> legislation should be passed to the effect that the land in question should be deemed to be set apart in full satisfaction of the claim of the Natives to 500 acres at Puketitiri, and the right to snare birds in the Puketitiri bush mentioned in the deed of the 17 November, 1851; and that the Native Land Court be given jurisdiction, similar to that in the case of customary land, to ascertain the proper owners thereof.[104]

This suggests that the legislation explicitly state that the 508 acres will be in satisfaction of **both** the promised reserve **and** the wider right to snare birds throughout the forest. The Reserves and Other Lands Disposal and Public Empowering Act 1921 enacted this suggestion. Section 40 deemed the 508 acres at Puketitiri to be Native Land as defined under the Native Land Act 1909, and it was to be administered under that act as customary land.

The Government still wanted to obtain the land for milling, and correspondence of 12 April 1921 from the Commissioner of Crown Lands in Napier to the Under-secretary of Lands discussed the possibility of the reserve being available for work.[105] The revenue that could be generated by the milling of this block was not its only value. Interested parties, which included the Hawke's Bay County Council, wished to preserve the area as a scenic reserve, or 'national park'. These ideas, while admirable, do not recognise the Maori desire to reserve the right to snare birds throughout the block, which would presumably not be allowed in a 'national park'. Correspondence was even printed in *The Daily Telegraph* newspaper of Napier concerning the sale of Puketitiri. In a letter of 22 August 1921, published the following day, A T K Joseph stated emphatically that:

> The Natives do not want to and will not sell this bush which has taken some thirty years of fighting to decide its ownership. Now that the ownership is decided after all that time, why should it be taken from us?[106]

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104. Report No 3, Native Land Claims Commission, AJHR, 1921, Session I, G-5, p 12 (Wai 201, doc A5(l))
105. LS 1/29057, NA Wellington (Ballara and Scott Document Bank, Vol 3, Part 1)
106. Ibid

The debate had begun even before the land, officially designated as customary Maori land, had a clear title. This issue was addressed on 26 October 1922 when the Native Land Court investigated and made judgement on the title to Puketitiri. In all, 500 shares were assigned to nine parties, or 127 individual shareholders.[107] In clear opposition to the view expressed by A T K Joseph in 1921, by 1923 some shareholders were desirous of selling their interests in the block. Offers had been received from milling companies to buy the block at what the shareholders purported to be a higher rate than government valuation. Patrick Parsons suggests that the Maori owners may have been in debt, as evidenced through correpsondence from locals,[108] and therefore sought to extinguish any financial liability by selling off their land.[109] On 20 September 1923 Paora Kurupo, a beneficiary, wrote to Maui Pomare asking for the restriction on alienation to be lifted.[110] In his letter he said:

> I am very keen on selling the timber. Judge Gilfedder values the timber at £100 an acre. The price I want is £200 per acre. If you know of any Company who will buy the timber kindly let me know. If not it will be better for me to sell to the Crown the whole 509 acres. There will not be any trouble about it except that the Crown's price might be less than that desired.

In this letter, Kurupo appears to have assumed that he was the only person suitable to initiate negotiations, with no apparent mandate issued by the other shareholders.

This willingness to sell to a private company did not sit well with the Government who wanted to acquire the bush themselves. To halt any further advances by private bidders, a proclamation was issued on 25 October 1923 prohibiting all alienation of the Puketitiri Reserve for one year other than alienation in favour of the Crown. Another proclamation issued on 25 September 1924 extended this prohibition for a further six months.

Maui Pomare wrote to the Minister of Native Affairs on 11 February 1925 regarding the letter he had received from Paora Kurupo on the matter of restrictions

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107. Napier MB 70 (Wai 201 ROD, doc A6(I))
108. Paora Kurupo to Chief Judge, native Land Court, 7 February 1922, 'Money is now very scarce and what there is should be conserved to carry on the case with'.
109. Parsons, Wai 201 ROD, doc A 12, p 128
110. MA-MLP 1, 1922/17, NA Wellington (Ballara and Scott Document Bank, Vol 3, Part 1)

against the alienation of Puketitiri. In a reply from the Native Department dated 20 February, the Under-secretary confirmed that at a meeting of owners held on 12 December 1924, an offer had been considered by the assembled owners of £28 per acre. However, as the prohibitions did exist, the matter had to be adjourned until some ruling could be made on the lifting of these restrictions. The Under-secretary recommended the Minister not lift these restrictions, as a meeting of owners to consider the removal of the restrictions was still to be held.[111]

The Crown then decided to enter into negotiations with the shareholders, at the request of the Commissioner of State Forests. At a meeting of owners on 4 February 1926, Mr Thompson, Land Purchase Officer on behalf of the Crown, offered £17,815 for the Puketitiri bush, being £35 per acre. The proposal was accepted by the owners, and a resolution was confirmed by the Ikaroa District Maori Land Board on the 23 July 1926.[112] The Crown also agreed to forego the survey charges existing on the block. The Crown purchase of Puketitiri Reserve, under the Native Land Act 1909, section 368, was proclaimed on 2 September 1926.[113] Barely two months later, on 4 November, what had previously been a Native reserve, an educational reserve, a timber reserve, and then once again a Native reserve, was set apart as permanent state forest no 94.[114]

Representations continued regarding the preservation of Puketitiri as a scenic reserve, in particular part of it known as 'Ball's Clearing'. Two petitions were presented to Parliament in 1930, both desiring the retention in perpetuity of Ball's Clearing as a scenic reservation and bird sanctuary.[115] The Lands Committee referred the petitions to Government for consideration, and the Director of Forestry provided a detailed report on the state forest.

In his report dated 10 November 1930, the Director pointed out that some time soon after the purchase by the Crown a 'disastrous fire swept the locality'. He also stated that, whilst appreciative of the concern for preserving native flora and fauna,

111. Ibid
112. Ibid
113. NZGaz, No 59, 2nd September 1926, p 2623
114. NZGaz, No 75, 4th November 1926, p 3113
115. Petition 41/1930 & 125/1930, in F 1, 6/3/94 pt 2, NA Wellington

the Department could not suffer the monetary loss of declaring an obviously rich area of land a scenic reserve:

> A noticeable feature of the petitions is that none of the signatories make any suggestion of putting their hands in their pocket to re-imburse the State Forest Service for the monetary loss to that Department, though there are many wealthy people amongst them...The Government it would appear are expected to find the money for this purpose at a time when abnormal public and private demands are made for the relief of unemployment.[116]

Merely weeks later the Director's hard line seemed to have diluted slightly, and he was more inclined to agree to some sort of reservation. In a memorandum for the Under Secretary, Lands & Survey, dated 30 December 1930, he recommended setting aside 70 acres of land, plus the whole of Ball's Clearing as a scenic reserve.

In February 1939 Puketitiri was once again devastated by fire, and approximately half of the block was burnt. Prior to this disaster the State Forest Service had agreed to reserve a total of 173 acres, which included 70 acres of bush. After the fire however, only 70 acres could be reserved.

It was not until 40 years later on 5 October 1979 that 135.1496 hectares of Balls Clearing was classified as a reserve for scenic purposes.[117]

Of the original 509 acres, more or less, identified and classified as Puketitiri Native Reserve, all the land within those boundaries is now Crown land.

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116. Ibid
117. NZGaz, 1979, p 3079

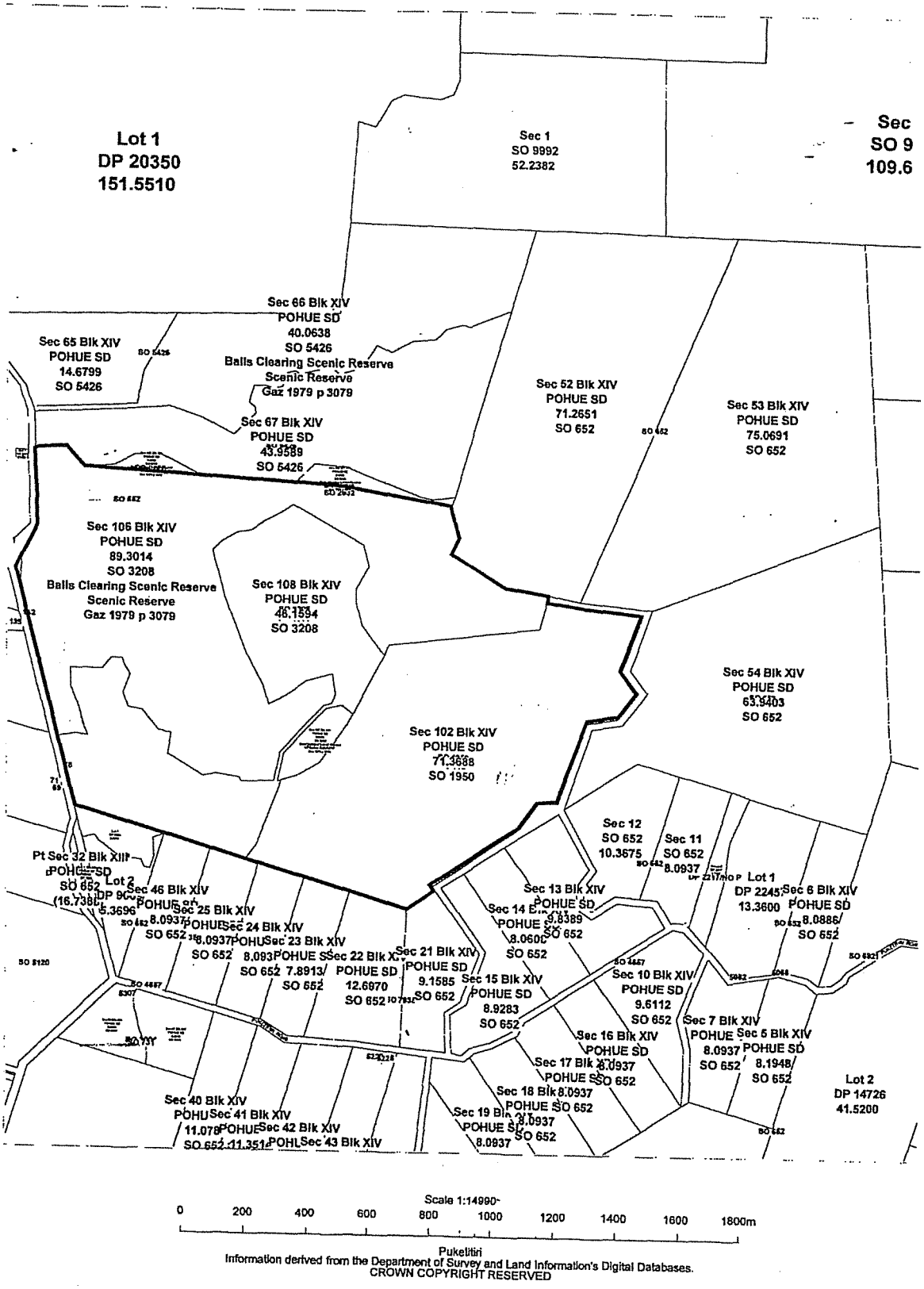

Figure 7 : COPY OF PUKETITIRI NATIVE RESERVE 1996

Dosli Napier

CHAPTER 4

CONCLUSION

The aim of this report has been to provide chronological accounts of the alienation of the two native reserves Wharerangi and Puketitiri. This report has been based largely on official sources, with some comment from the Wai 400 claimant, Hoani Hohepa.

4.1 Wharerangi

The first part of this report dealt with the land history of Wharerangi. The main hapu associated with this block are Ngati Hinepare and Ngati Mahu, who are descended from Taraia I and Whatumamoa. The Crown grant of Wharerangi in 1867 to four grantees was the catalyst for a history of debt, petitions, partitions and sale. The four grantees accrued debts against land of which they had been appointed (as many believed) trustees for hundreds of others, and not (as appeared at the time) absolute owners. Problems with debt occurred not once but twice, and effectively these trustees mortgaged themselves into a financial quagmire. In 1873 the Hawke's Bay Native Land Alienation Commission heard a number of complaints from Maori regarding Wharerangi, especially regarding the debts amassed by the four grantees. Commissioner Richmond found that the law had allowed the four grantees to amass these debts against Wharerangi, depriving all other owners of any benefit. In 1884 Hohaia Te Hoata applied to the Native Land Court to have Wharerangi partitioned, but this was denied. Ongoing petitions and complaints to Parliament about

inequitable ownership of the block eventually resulted in a Native Land Court investigation that declared Wharerangi was held in trust. The non-grantees had been denied the benefit of their reserve or any of the cash income from it for the past 33 years. There is no evidence that any compensation for this was paid by the grantees. Subsequently, in 1900 Wharerangi was awarded to 46 individuals. This decision did not completely satisfy all the parties. Two further petitions from Hohaia complained about the way in which these shareholders had been appointed, that is, not according to Maori tikanga. The complaints were not upheld, and the appointments remained.

It was not long before the shareholders wanted to divide out their portions of land. In 1907 and 1908 orders were granted to partition the block into ten severances. Today, almost the entire Wharerangi 'reserve' has been sold and/or converted to general land. Approximately 89.14 hectares of the original 746.6450 hectares (1845 acres) remain as Maori land.

One must therefore ask, why did the owners sell? In the case of Wharerangi, much of the land was already leased to Pakeha grazers. There were a few large leaseholders in Wharerangi, and as time wore on these families simply renewed the lease and continued to farm the lands. Maori owners therefore had a more or less guaranteed market if they ever wanted, or needed, to sell their interests.

4.2 Puketitiri

A chronological account of the alienation of Puketitiri since 1851 forms the second part of this report. The circumstances surrounding the reservation of this 500 acre inland block are very interesting. When the deed of purchase reserving Puketitiri was signed, the block had not been surveyed. The Maori vendors could not be shown on a map exactly how big an area this 500 acre reserve was. Wi Tako gave a very misleading explanation of the size of 100 acres, which could have led Maori to believe they were getting reserved much more land than they actually were. However, Maori were quite prepared to agree to the terms as set out in the deed. These terms allowed Maori 500 acres of land and snaring rights throughout the

entire bush. As Maori were accustomed to being able to hunt throughout the entire forest, it isunderstandable that they would wish to maintain this practice.

For many years Puketitiri remained unsurveyed, unsettled and almost undisturbed by Pakeha. There was some question that McLean may have purchased land for the Crown at Puketitiri, although it is unclear whether he actually did.The Crown assumption of ownership and declaration of Puketitiri as first an educational and then a timber reserve drove the owners to petition Parliament to have the title investigated by the Native Land Court. The first investigation declared that the Maori claimants had to prove that the land was still Maori land. A second application to the court to investigate Puketitiriled to a decision that Maori had to seek government permission to reinvestigate. In 1921 the situation was clarified by the enactment of the Reserves and Other Lands Disposal and Public Empowering Act, and the block was declared Maori customary land. The following year title to Puketitiri was granted. By 1926, however, Puketitiri had been sold into the hands of the government which the Maori owners had fought for years to get it back from.

Why Maori sold the land so quickly can be attributed to two factors: pressure from the government, and the socio-economic status of iwi at the time. One of the assigned owners, Paora Kurupo, requested in 1923 that the restriction on alienation placed on the block be lifted. A private milling company had shown interest in the block, and had already offered the owners £28 per acre. The Government replied to this by issuing a proclamation prohibiting the alienation of Puketitiri other than to the Crown. If Maori wanted to sell at all, they had no choice but to sell to the Crown, for the Crown's price. The Crown did not want the timber alone, it wanted the land as well. For those owners living away from the area and others with no real desire to own land so far away from town, the prospect of selling for a guaranteed price must have been very tempting. Patrick Parsons has submitted that personal debt may have been a factor in Maori wanting to sell.

Though it has not been argued in detail here, a general assumption can be made that socio-economic factors influenced the decision to sell. Hawke's Bay during this period was increasingly becoming a cash economy; people could not rely on trade or barter to settle accounts or debts. Many Maori worked in the rural labour force,

and were therefore dependent on the state of the pastoral market. When times were hard, Maori resorted to selling the only real asset they had - their land. This was a quick way to obtain money and solve some of their financial woes. As Richard Boast suggested in his socio-economic report on the Mohaka-Waikare confiscation district,

> To many owners the process of Crown purchasing represented a welcome escape from the pressures of short-term debt, an alleviation of desperate economic circumstances, or the opportunity to acquire some capital to finance sheep or dairy-farming ventures elsewhere.[117]

4.3 Similar issues

The fate of Wharerangi and Puketitiri can be characterised by a number of similar issues.

4.3.1 Minimisation

Out of a sale of approximately 265,000 acres of Hawke's Bay land, Maori received barely 1 percent of that land as reserves. The two largest of these were Wharerangi and Puketitiri.

There is evidence that the size of Wharerangi was discussed between McLean, Tareha and others. The exact details of those discussions were either not recorded or have not been uncovered. Other oral evidence received suggests that the requested and eventual reserve at Wharerangi were vastly different in size. Why this changed is not known, although it is widely known that McLean was in favour of minimising the size and number of reserves in the Ahuriri block. He actively negotiated the reduction of the amount of land set aside for Maori.

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117. Richard Boast, 'The Mohaka-Waikare confiscation and its aftermath: social and economic issues', May 1995, (Wai 201 ROD, doc J 4), p 21

I had some difficulty in getting them to assent to a reserve of 500 acres at Puketitiri, as they wanted several thousand acres.[118]

With Puketitiri McLean showed that he had no desire to buy only the land that Maori wanted to sell. It is difficult to reconcile some of McLean's actions with his diary entry of 26 March 1851: 'Justice, and fair play to the Sovereign I serve, and all her subjects of every race'.

4.3.2 Usage

Although both blocks did receive titles through the Native Land Court, the Maori owners were not inclined to work the land themselves. Rather, there seemed to have been a distinct inclination to lease the land to Pakeha farmers and sheep runners, or sell it to the Crown. Why was this? The way in which the land has or has not been used and why is probably better answered by the claimants, however one suggestion could be that the cost of setting up a farm or their own milling operation was seen by the owners as too great an expense to incur. On the other hand, there was the possibility to earn a living working for themselves as well as retaining their land. The financial pressure of the time disinclined Maori to the later option, as capital was to difficult to raise. The easiest option was to alienate.

4.3.3 Alienation

As Native reserves, both of these blocks were unalienable, but it was not long after title to the respective blocks had been granted, before some or all of the land had been sold. In the case of Puketitiri, title was granted by the Native Land Court in 1922, and in 1926 the whole block of 508 acres was sold to the Crown. Title to Wharerangi was granted in 1867, although this was as a Crown grant to four grantees. In 1900 the Native Land Court investigated whether Wharerangi had been held in trust by the grantees or owned by them. The outcome was that the land was supposed to have been in trust for all the beneficiaries, and shares were awarded to

118. 14 November 1851, McLean Journal, MS MCLEAN, ATL, (Wai 201 ROD, doc A12, p 39)

46 individuals. By 1911 the first partition had been sold to Pakeha farmer H G Ballantyne. This initial sale triggered a tidal wave of alienation of the supposedly inalienable Wharerangi block. The marae and urupa are the only partitions to remain as stipulated in the orders of 22 October 1907.

4.3.4 Loss of economic opportunity

This issue pertains to the lack of options for self sustenance available to Maori after the alienation of these reserves. It has already been suggested that there is a correlation between poverty and land alienation. If Maori were selling or leasing land to support themselves, then it would have been difficult for them to raise the capital to actually work the land themselves, even if they had retained it. To many, the only options left were rural or farm labouring, or manual labour. Working in these positions left you dependent on the economy, the seasons, and, the majority of times, a Pakeha boss or station owner. In some cases Maori probably did end up working their own land, as shepherds or labourers for the new Pakeha owners.

In the case of Puketitiri, Maori were denied the opportunity to enter into any venture with any other agency apart from the Crown. The option of a joint milling operation with a private company perhaps could not be explored. Nor were Maori afforded the chance to sell only the timber to the Crown, thereby retaining a valuable land base for future development.

4.3.5 Loss of food sources

In the deed of purchase, Maori were reserved 500 acres at Puketitiri and the right to snare birds throughout the whole of the Puketitiri bush. When the block was sold in 1926 not only was the land and timber lost, but a rich food source. In the physical sense, the milling of large tracts of timber destroyed the habitats and probably lives of countless kereru that were hunted by Maori. In turn, this destroyed a valuable taonga for Ngati Hinepare and Ngati Mahu. Also, although the Crown bought the land, they did not buy the Maori right to snare birds throughout the entire bush. There is no evidence that Maori agreed to relinquish this right when it was sold in

1926. The Native Land Claims Commission 1920 had suggested setting aside 508 acres at Puketitiri as 'full satisfaction' of the Native claim to 500 acres at Puketitiri **and** the right to snare birds throughout the entire bush. The Reserves and Other Lands Disposal Act 1921 only concerned the status of the land, there was no determination regarding the snaring rights. Now that this land is mostly a scenic reserve or state forest, this right is probably lost, although it could now be compensated for.

Wharerangi has lost what formed a large part of its value: access to the abundant kaimoana of Te Whanganui-a-Orotu. This is largely due to the loss of Te Whanganui-a-Orotu itself, which has already been reported on by the Tribunal. All that can be said is that Ngati Hinepare and Ngati Mahu once had direct access through Wharerangi to a major food source. Through various actions, natural and man-made, access to this food source has been lost.

Wharerangi and Puketitiri. Two reserves that ultimately ended up the same way the Ahuriri block did - sold, partitioned and largely out of Maori hands.

APPENDIX I

Statement of Claim Wai 400

In the matter of the Treaty of Waitangi Act 1975 and the Claim of Ngati Hinepare, Ngati Mahu and the Ahuriri Block: Statement of Claim dated 2 day of November 1993.

I, HOANI HOHEPA, KAUMATUA OF TARADALE, HAWKE'S BAY CLAIM AS FOLLOWS

1. THAT I lodge this claim for and on behalf of those people who can establish recognised descent from Ngati Hinepare and Ngati Mahu, who for the purposes of this claim, shall be identified as the 'The Ngati Hinepare and Ngati Mahu incorporated society'.

2. THAT pursuant to section 6(1) of the Treaty of Waitangi Act 1975 I hereby lodge this claim on the basis that both myself and my fellow claimants (hereafter referred to as 'the Claimants') are Maori.

3. THAT the Claimants have been and continue to be prejudicially affected by an assortment of Ordinances, Acts, Regulations, Orders, Proclamations, Notices and other laws and by the various policies, practices and omissions adopted by or on behalf of the Crown, their agents and their successors IN THAT the same have been drafted, implemented and maintained with the affect that our rights as guaranteed under the Treaty of Waitangi 1840 have been breached.

4. THAT the Crown negotiated the purchase of the Ahuriri block from our forbears upon terms that were in breach of the principles of the Treaty of Waitangi 1840 and the apparent Crown policies affecting the purchase of Maori land on the following grounds -

a. The Crown Land Purchase agent, DONALD MCLEAN, acted ultra vires his authority by continuing to pursue the purchase of the Ahuriri block without proper or adequate formal instructions from the Crown.

b. That if the Crown actually purchased the Ahuriri block, it did so for wholly inadequate consideration and as such this appears to have been characteristic of pursuing the Waste Lands approach to land valuation therefore prima facie at least **ten per centum (10%)** of the land as acquired by the Crown should have been held upon trust by the Crown for the benefit of the Claimants.

c. DONALD MCLEAN actively sought to set aside wholly inadequate reserves for the future benefit and sustenance of the Claimants whereupon no where near the anticipated ten percent (10%) of the purchased land has been held for the benefit of the Claimants.

d. DONALD MCLEAN neglected to ensure that the persons with whom he contracted were in fact the bona fide proprietors of that land.

e. DONALD MCLEAN induced the vendors to engage in the sale of the Ahuriri block by making collateral promises, delivery of the benefits pertaining thereto have not materialised.

5. THAT, in addition to the Crown, this claim could affect the Hawke's Bay Regional Council, Napier City Council, Department of Conservation and Landcorp New Zealand .

6. THAT the Claimants reserve the right to further amend the matters as raised in this claim as the need may arise.

DATED this 2 day of November 1993

HOANI HOHEPA
11 Hinton Road
TARADALE

APPENDIX II

Amended Statement of Claim Wai 400

An amended statement of claim was received from the Ngati Hinepare and Ngati Mahu Incorporated Society on 19 March 1996 and stated:

We allege we have been prejudicially affected by the following actions of the Crown in the 1851 purchase of the Ahuriri Block in Hawke's Bay:

1. Failure by the Crown to protect the interests of Maori in the acquisition of the Ahuriri Block.
2. Failure of the Crown to negotiate a sale which was fair and equitable to the parties involved.
3. Failure of the Crown to provide for a future economic base for the iwi by the provision of adequate reserves.
4. Failure of the Crown to properly advise the iwi on the ramifications of the sale.
5. Failure of the Crown to honour the terms of the purchase deed in the provision of schools, hospitals etc.

We further allege that these actions constitute a breach of the principles of the Treaty of Waitangi.

We point out that the Ahuriri Block contains portions of the Esk and Kaweka Forests.

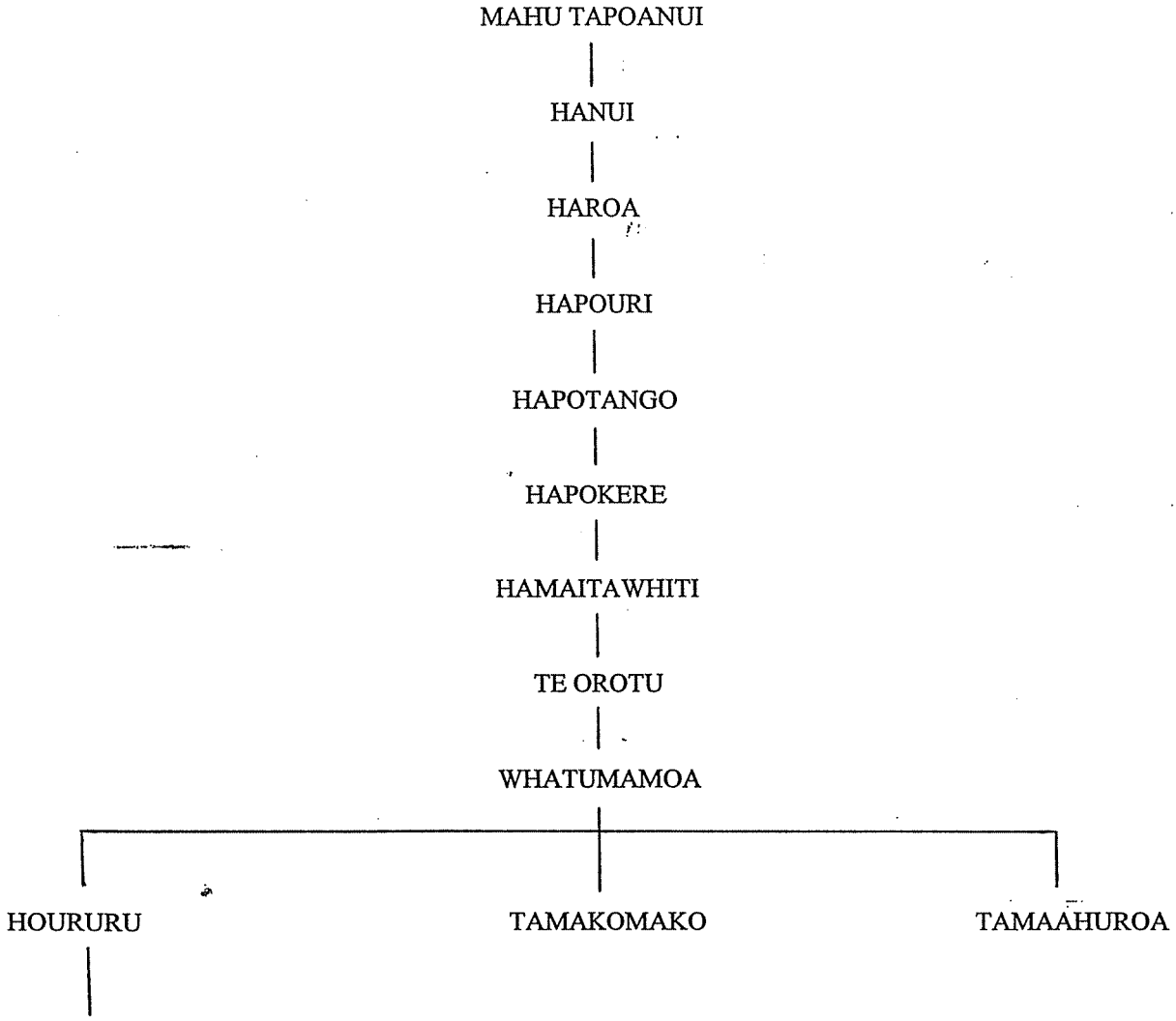
We reserve the right to amend this statement of claim if required in the future.

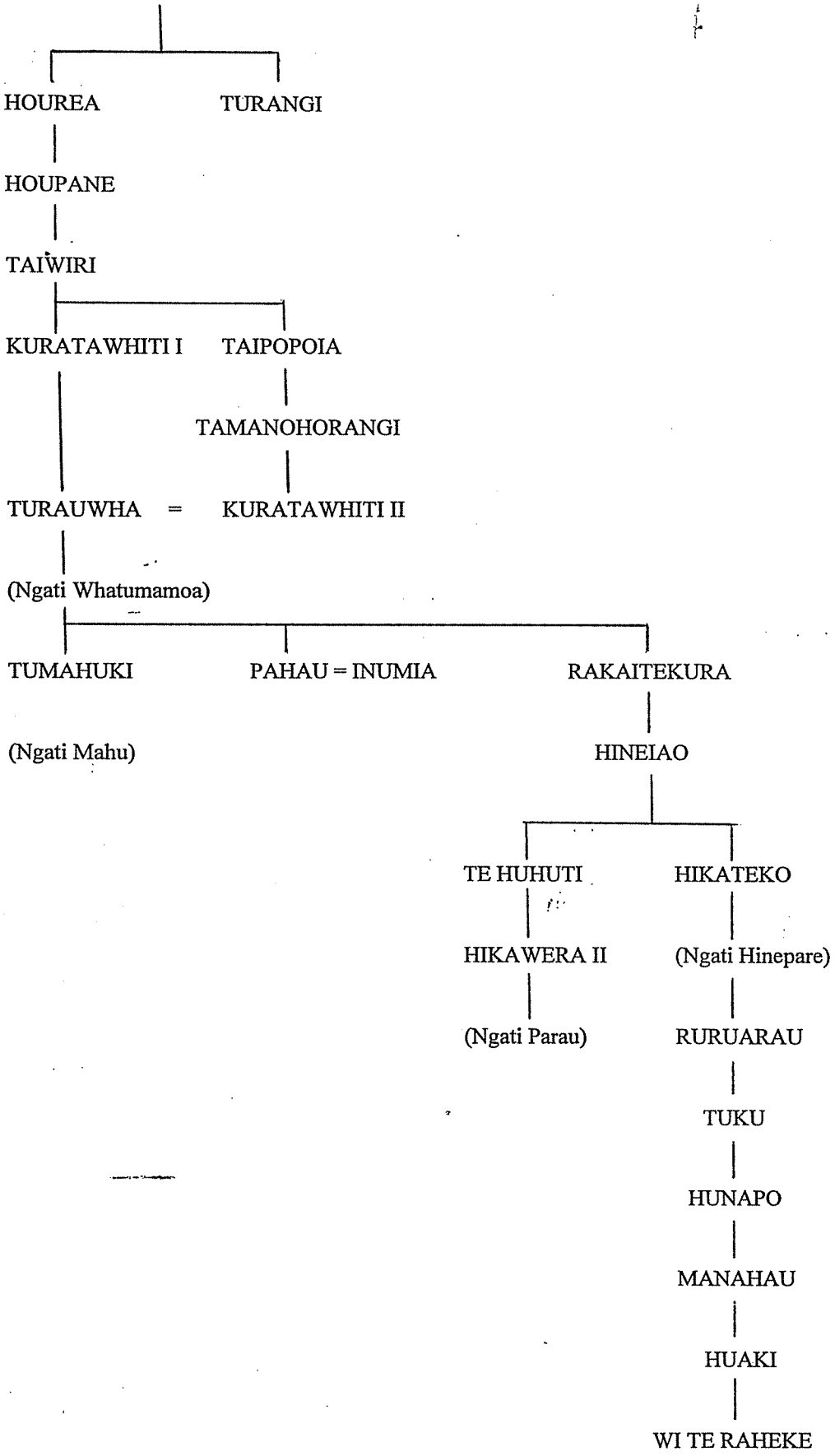
Ranui Toatoa
CHAIRMAN

APPENDIX III

Whakapapa A

This diagrammatic whakapapa has been compiled from portions quoted in Patrick Parsons' report 'Te Whanganui-a-Orotu' (Wai 201 ROD, document A12). He himself gathered this information from the minute books of the Maori Land Court. Explanation is given by Parsons on page 2 of his report as to the accuracy of the genealogy. Any errors contained in this particular representation are purely my own.




HOUREA
TURANGI
HOUPANE
TAIWIRI
KURATAWHITI I
TAIPOPOIA
TAMANOHORANGI
TURAUWHA = KURATAWHITI II
(Ngati Whatumamoa)
TUMAHUKI
PAHAU = INUMIA
RAKAITEKURA
(Ngati Mahu)
HINEIAO
TE HUHUTI
HIKATEKO
HIKAWERA II
(Ngati Hinepare)
(Ngati Parau)
RURUARAU
TUKU
HUNAPO
MANAHAU
HUAKI
WI TE RAHEKE

APPENDIX IV

Whakapapa B

This second whakapapa is of the Ngati Kahungungu line of affiliation with Ngati Hinepare and Ngati Mahu, based on details taken from *History of Hawke's Bay* by J G Wilson and others (A H & A W Reed, Dunedin and Wellington, 1939), pages 24 to 45. There are some discrepancies between this and the previous whakapapa by Patrick Parsons, in particular regarding Te Huhuti. In Parsons table Te Huhuti is the son of Hineiao; Wilson places them as first cousins.

TOI-KAIRAKAU

|

RONGOUEROA

|

AWANUI-A-RANGI

|

HINGUNUI-A-RANGI

|

RAURU

|

RERE

|

TATA

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TATO

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RONGOKAKO

|

TAMATEA

|

KAHUNGUNU

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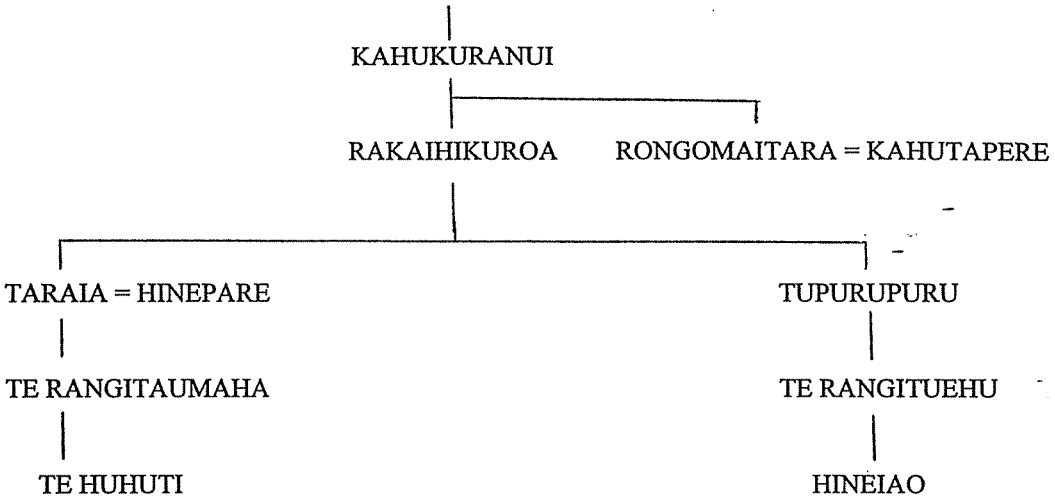
KAHUKURANUI
RAKAIHIKUROA
RONGOMAITARA = KAHUTAPERE
TARAIA = HINEPARE
TUPURUPURU
TE RANGITAUMAHA
TE RANGITUEHU
TE HUHUTI
HINEIAO

BIBLIOGRAPHY

This is a selective bibliography.

UNPUBLISHED SOURCES

Primary

Ballara, A, Scott, G, Document Bank of evidence from Official Records (National Archives) in support of Wai 201: Ngati Kahungunu Claimants Report, Crown Purchases in Early Provincial Hawke's Bay.
Ahuriri block
1. Le 1/1911/7 - Petitions 43/1911 & 109/1911, Wharerangi
2. Le 1/1912/19 - Petition No 156/1912. Wharerangi
3. LS 1/ 29057 - Puketitiri Reserve
4. MA 1, 1912/2853 - Wharerangi Reserve
6. MA-MLP 1, 1922/17 - Puketitiri Reserve

National Archives, Wellington
Maori Affairs and Maori Land Purchase Departments, and Maori Trustees Office
Wharerangi Reserve, MA 1, 1912/2853
Puketitiri Reserve, MA-MLP 1, 1922/17
Volume of Plans of Native Reserves, MA-MT 6/17

Forestry Service
State Forest 94, F 1, 6/3/94 part 2

Lands and Survey Department
Puketitiri Reserve, LS 1/29057 part 1
Petition of Paora Kurupo and 51 others, LS 1, 22/2590

Legislative Department
Petitions 43/1911 & 109/1911 re Wharerangi, Le 1/1911/7
Petition 156/1912 re Wharerangi, Le 1/1912/19

Maori Land Court, Hastings
Alienation files
Wharerangi 2A2A, 15/345/1
Wharerangi 3A, 15/345/2
Wharerangi Part 4B, 15/345/3
Wharerangi 5B1 and 6B2 Lot B3, 15/345/4

Wharerangi 5B1 and 6B2 Lot A, 15/345/5
Wharerangi 5B2 and Part 6B3, 15/345/6
Wharerangi 6B3, 15/345/7
Wharerangi 6B4B2B, 15/345/8
Wharerangi 7A, 15/345/9
Wharerangi 7B1, 15/345/10
Wharerangi 7B2, 15/345/11
Wharerangi 7B3, 15/345/12
Wharerangi 7B4, 15/345/13
Wharerangi 7B5, 15/345/14
Wharerangi 8B2A, 15/345/15
Wharerangi 8C1, 15/345/16
Wharerangi 8C2A, 15/345/17
Wharerangi 8C2B, 15/345/18
Wharerangi 8C2C, 15/345/19
Wharerangi 8C2D, 15/345/20

Correspondence file
Wharerangi Block, Napier 345

Registration file
Puketitiri (Native Reserve), Na 420

Secondary Sources

Ballara, H A and Scott, G, 'Claimants report to the Waitangi Tribunal. Crown Purchases of Maori Land in Early Provincial Hawke's Bay', January 1994, Ahuriri block file, Wai 201 Record of Documents, document H1

Boast, Richard, 'Legal History of Te Whanganui-a-Orotu', 1992, Wai 201 Record of Documents, document D1

McHugh, Stephanie Louise, 'McLean's Instructions 1848-1850', 1992, Wai 201 Record of Documents, document C2

———, Supporting Papers to the evidence of Stephanie McHugh: The Purchase of the Ahuriri Block, Wai 201 Record of Documents, document C3(a)

———, Supporting Papers to the Evidence of Stephanie McHugh, 1992, Wai 201 Record of Documents, documents A21(a)-(e)

O'Malley, Vincent, 'Ahuriri Purchase', overview report commissioned by the Crown Forestry Rental Trust, 1995, Wai 201 Record of Documents, document J10

Parsons, Patrick, 'Te Whanganui-a-Orotu', 1991, Wai 201 Record of Documents, document A12

———, Supporting documents to Wai 201/A12

———, 'Esk Forests in the Ahuriri Purchase: Maori Customary Rights in the Te Pohue District', Wai 299 Record of Documents, document A7

Walzl, Tony, 'Evidence on the 1875 Native Affairs Committee hearing into Ahuriri block', Wai 201 Record of Documents, document F9

PUBLISHED SOURCES

Primary sources

Appendices to the Journals of the House of Representatives, 1862, 1864, 1867, 1869, 1873, 1881, 1904, 1920, 1921

New Zealand Gazette, 1906, 1907, 1926, 1979, 1984

Turton, H H, *Maori Deeds of Land Purchases in the North Island of New Zealand*, Volume II, 1878

Secondary sources

Buchanan, J D, *Maori History and Place Names of Hawke's Bay*, A H & A W Reed, Wellington, 1973

Reed, A H, The Story of Hawke's Bay, A H & A W Reed, Wellington, 1958

Wilson, J G, *The History of Hawke's Bay*, A H & A W Reed, Dunedin and Wellington, 1939

Waitangi Tribunal, *Te Whanganui-A-Orotu Report*, Wellington, Brooker's Ltd, 1995