Introduction
This report deals with the history of the Kororipo pa from its first record in written sources through to the present day. Briefly, the pa site was the subject of a land transaction with the missionary James Kemp in 1838. That transaction was ratified by the government and a Crown grant given. There the matter seems to have remained until the 1930s, when a building was put on the land, and local Maori began to question its title. A proposal to have the land reserved and put under the management of a domain board, with Maori members, was put into effect. However a lack of funding meant that the scheme was eventually abandoned. The land was finally reserved, but under local authority management.

The report was to contain an extensive discussion of early land transactions and arguments about Maori understanding of them, which have been a large part of evidence in the Muriwhenua land claim. However, the Waitangi Tribunal report on that claim is now available. It reaches some important conclusions about pre-Treaty transactions in the Muriwhenua region, some of which are reproduced in this report.

The author of this report is Thomas Bennion BA(Hist)/LLB(Hons), former legal officer at the Waitangi Tribunal and now a private consultant on Maori land law and Treaty issues. The background research work was undertaken by Paula Berghan and Tony Walzl.

The following abbreviations are used in the report:

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<thead>
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<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>DNZB</td>
<td>Dictionary of NZ Biography</td>
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<td>JPS</td>
<td>Journal of the Polynesian Society</td>
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<td>MA</td>
<td>Maori Affairs file (held at National Archives)</td>
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<td>NLCMB</td>
<td>Native Land Court Minute Book</td>
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<td>OLC</td>
<td>Old Land Claim</td>
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Kororipo at the beginning of European contact

Early written sources say that Kororipo was the name for a "pa on headland or the waters leading to it may have been Te Waha o Te Riri - The Mouth of Anger, or the Inlet of War." Other names have been suggested: "Mr Dave Wiki of Te Tii told me that the people of Te Tii (Ngatirehia) know it by the name 'Te Awa o te Rangatira' meaning 'The land place of chiefs'. The Ngatirehia people apply the name 'Te Waha o te Riri' to an area of the Te Puna Inlet."

The jawbone of Mahiapoke, great-grandson of Rahiri, and great-grandfather of Auha, is said to lie buried on the banks of the inlet near to Kororipo. This story was first suggested by LG Kelly in 1934. However the historian Jack Lee states that Kelly is unreliable on Ngapuhi tradition and asserts that Mahiapoke never occupied Kororipo but that instead that Hongi removed Mahiapoke's jawbone to Kerikeri "to ensure the success of his southern raids". The origin of a pa on the site of Kororipo headland may date back to the time of Ngati Awa's occupation of Kerikeri.

About the time of Cook's visit, the Ngapuhi chiefs, Auha (Hongi Hika's grandfather), and Auha's half-brother, Whakaaria, overcame the Ngatipou hapu Ngatimiru and Wahineiti at Waimate. Ngatimiru were next attacked at Kerikeri. Kororipo headland was occupied at this time. There is some debate in sources over whether a pa was already in existence at Kororipo, as Jack Lee suggests, or whether the Ngapuhi invaders built one there. The latter point is tentatively suggested by Sissons, Wi Hongi and Hohepa in The Puhiriri Trees are Laughing when they note that: "Auha and Whakaaria went with their hapu to Te Waha-o-te-riri and here built their pa (Kororipo) near the coast." It is generally accepted by authors considering the matter that Kororipo pa was fortified at the time of Te Auha's invasion. It is believed that Kororipo remained fortified during the use of site by Te Hotete, Auha's son. It is said that the site became the "seaport" of Ngapuhi. From 1800 Te Hotete began using Kororipo pa site as a launching place for military campaigns such as the attack on Rawhiti.

The history of Kororipo Pa thereafter became linked with Hongi Hika. It became a key site from which he managed affairs at Kerikeri and launched his extensive military campaigns. As to his background:

Hongi Hika was born near Kaikohe, in northern New Zealand: he told French explorers in 1824 that he had been born in the year of Marion du Fresne's death, which was in 1772; and he was a mature man at the height of his powers when he died in 1828. He was the third son

1 Nola Easdale, Missionary and Maori 'Kiddy-Kiddy A Church Missionary Establishment' Kerikeri 1819-1860 pp17.
3 Easdale Missionary and Maori pp17.
4 LG Kelly JPS 1934 p189.
6 Nola Easdale Missionary and Maori p17.
7 Jack Lee I have named it the Bay of Islands... pp32-33.
8 Jeffery Sissons, Wi Hongi and Hohepa The Puhiriri Trees are laughing. A Political history of Nga Puh in the inland Bay of Islands pp101. Brackets and question mark are in the original.
9 Nola Easdale Missionary and Maori p17.
10 Jack Lee I have named it the Bay of Islands... pp33.
of Te Hotete, born of his second wife, Tuhikura, of Ngati Rehia. He was descended through nine generations from Rahiri, the ancestor of Ngati Rahiri, who was in turn descended from Pahi-moana-ariki, the ancestor of Nga Puhi. In addition to Ngati Rahiri and Ngati Rehia he was most closely associated with Ngati Tautahi and Ngai Tawake.11

Hongi was present at the defeat of Ngapuhi by Ngati Whatua in the battle of Moremonui, said to have taken place in 1807 or 1808. A number of important Ngapuhi leaders were killed in the battle including Pokia whom, it is said, Hongi succeeded as war leader. Moremonui is identified as being a formative incident for Hongi Hika. "These experiences left Hongi with an obligation and strong personal wish to avenge the Nga Puhi defeat."12 In 1814 Hongi visited Sydney, met Samuel Marsden and encouraged the Missionaries to establish a station at Rangihoua in the Bay of Islands.13 By 1815 Hongi was said to be "the undisputed leader of his people".14

It has been suggested that Hongi Hika began to make use of Kororipo pa in order to have contact with the shipping at the Bay.15 There was a village in the vicinity of Kerikeri but its exact location is not known. It appears that it was not located on the Kororipo site:

...it appears to me clear enough from Butler's journals that during his years at Kerikeri Wainate was still the tribal centre, 'the principal residence of the chiefs and people of this district' as Butler himself put it. Furthermore all the documentary evidence, as also the evidence of drawings, plans &c, for the missionary period suggest to me that during the 1819-1826 period the Maori settlement at Kerikeri was not on the Kororipo pa site but on much higher ground above the mission station site.16

In 1815, the Reverend Samuel Marsden, in the company of John Nicholas, toured northern New Zealand. On 11 January, Nicholas recorded landing at Kerikeri "at the foot of one of those steep hills so common in this country, where was built a tolerably large hippah; ..."17 Historians generally attribute this to be a reference to Kororipo.

There has been much debate over the degree to which Kororipo was fortified during Hongi's time. Although locally it has always been assumed that Kororipo was a heavily fortified pa, a number of historians have challenged this idea. In addition there has been much debate over the extent of use which Hongi made of Kororipo and whether it was his place of residence when he was at Kerikeri. The fortification of Kororipo was described by George Clarke in his reminiscences:

Just at the entrance, on the side of the basin opposite to our house, was Hongi's famous pah Kororipo, surrounded on three sides by water, and guarded on the land side by long stretches of mangrove swamp that no enemy could cross. It was also defended by a deep fosse, and a strong stockade. There was a perfect network of pits and palisade ways inside. It is all gone now, except the remains of the trenches, which I examined as a stronghold, and greatly admired last time I visited the place, four or five years ago. As I knew it when a child, it was full of houses, and was impregnable to any assault of Maori warfare in those days.

11 Angela Ballara Dictionary of NZ Biography vol 1 p201.
12 Ibid p201.
13 Ibid p201.
14 Ibid p201.
15 Jack Lee I have named it the Bay of Islands p56
17 Nicholas Narrative of a Voyage to NZ 1817 p362
Let me try and give you some idea of this Maori fortress, as I knew it in its strength. It was a double stockade of upright posts from fifteen to eighteen feet high, with a chain of pits between the two fences, and another chain of pits inside the second of them. The posts at the angles, and at certain intermediate distances, were, in fact, logs about two feet in diameter, the intervals being split logs, and they were surmounted by grotesque and carved hideous human figure, mostly head, with goggle eyes and protruding tongues, all looking outward as if in defiance of any hostile approach. 18

Clarke's comments are criticised by authors such as Nola Easdale and Ruth Ross who note that Clarke was only a child of less than five years old when Hongi died. They suspect embellishment or the accumulation of legend. A number of authors now accept that the pa was not fortified in Hongi's time.

When missionaries arrived at Kerikeri, Kororipo Pa appears to have been disused as a stronghold. Hongi Hika's main pa was at Okuratope in Waimate. 19 Ruth Ross, writing in 1975, commented:

I have found no mention in Marsden, Butler or Kemp of the existence of fortifications, or to the remains of fortifications, on the Kororipo site. Francis Hall, who recounts visiting 'Hongi's Point' which I take to have been the actual pa site of Kororipo, making no mention of the existence of fortifications or the remains of fortifications. I am in no doubt, however, that the remains of fortifications which are in evidence today were even more clearly evident in the mission era. Nor am I in any doubt that Hongi on occasions occupied and made special use of the pa site, to the extent that Kerikeri missionaries sometimes referred to that site as "Hongi's Point". 20

LG Kelly in 1934 recorded the contemporary view of Maori regarding the use of Kororipo by Hongi Hika; "Tame Arena Napia of Kerikeri, stated that although the pa of Kororipo is generally referred to as being that of Hongi Hika, that chief never lived there permanently, but only made it a place of call." 21

In a 1965 report Ruth Ross expressed her belief that Hongi did not live at the Kerikeri village or on Kororipo but that instead he actually resided off the headland and on Wairoa Stream. 22

In an undated memo an unknown Historic Places Trust commentator, considering Ross's report, accepted that Hongi may have lived on Wairoa side of the Kororipo headland but rejected Ross's suggestion that "Hongi lived across Wairoa Creek and off the headland". 23

By 1976, Ross had modified her views somewhat on Kororipo as a possible site of Hongi's residence:

During his brief sojourns at the Bay after his return from England Hongi spent some of his time at Kerikeri, usually in preparation for another expedition. When he wasn't at Kerikeri he seems to have been at Waimate, or perhaps one should say when he wasn't at Waimate he seems to have been at Kerikeri. But the indications are that when he was at Kerikeri he

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18 George Clarke Notes on Early Life in New Zealand 1903 pp10-11.
19 Nola Easdale Missionary and Maori pp17.
21 LG Kelly JPS 1934.
did not live on the hill with Rewa, but over on the Wairoa, possibly on the Kororipo side, perhaps on the far side. 24

The first recorded purchase of land in New Zealand, which occurred on 24 February 1814. The transaction was to provide land for the Church Missionary Society mission station at Rangihoua. The second purchase was for the Kerikeri station which was purchased on 4 November 1819 and allegedly included an area of 13,000 acres making it one of the largest purchases ever made in the Bay of Islands. The deed, in English, noted that the land "with all the Timbers Minerals Waters Rights and Appurtenances" was sold to the CMS "for their absolute and proper use for ever". Geographical features were named as boundaries but some of these, several woods for example, were given rough, transliterated names. District names were similarly given. Rewa and Hongi Hika, as sellers, drew their mokos on the deed. John Butler and Thomas Kendall signed for the CMS. The price paid was 48 'falling axes'. 25

Ormond Wilson notes that the 1819 purchase should have included Kororipo but that the available evidence shows that the pa and other sites at Kerikeri continued to be used by Hongi Hika and other Maori. 26

In 1820 Hongi went to England. At a sitting of the Land Court 22 August 1935 Hone Rameka testified "that it that it was from Kororipo that Hongi Hika and Waikato left for England." At a later 17 June 1936 hearing he provided further information on this.

Before Hongi Ika and Waikato sailed for England, the Ngapuhi people assembled at Kororipo and discussed the matter. 27

After Hongi returned from England with muskets, he entered upon a string of military campaigns. Kerikeri and the site at Kororipo were his base of operations:

Kerikeri and Okura were the ports of the inland Bay tribes, Kerikeri the port of the Waimate mob, Okura the port for Taimaiai. At Kerikeri Hongi's war parties prepared for their expeditions and to Kerikeri they returned (except as when, after Te Ika a Rangau, they lost their canoes and had to struggle home overland to Waimate). Here too the Hokianga tribes prepared for their sea-going expeditions both when accompanying Hongi and when engaged on some independent enterprise, and to Kerikeri they too returned. All the Kerikeri missionaries recored the assembling and depatures of these war parties and their return and dispersal. 28

Historian Jack Lee has suggested that Kerikeri was "regarded by the warring Bay people, due to its mana, as the only point of departure for raids... Calamities would surely occur if any other route were taken." 29

26 Ormond Wilson From Hongi Hika to Hone Heke, A quarter century of upheaval p41. This may suggest that the overall transaction was understood in different ways by the missionaries and the Maori vendors. Acceptance of this by the CMS is reflected in their later land claim. Although the deed records the block as being 13,000 acres, in the 1840s, when the CMS claimed the mission site before the Old Land Claims Commission, the claim was for only 345 acres.
27 14 Taitokerau NLCMB 234.
29 Jack Lee I have named it the Bay of Islands... p105.
At a hearing of the Maori Land Court in August 1935 one Ripi Wi Hongi said that the name Kororipo originated from its use as a staging point for expeditions of this sort:

The name originated from the name of a spring. Before going on expeditions south, the warriors sprinkle their bodies with water from this spring.

Also there is a stone called Kawaka which had mana as a [?]. There is another stone like a jaw lying flat in the ground. It was called "Te Kanae-o-te-Mahia". The war parties carried it with them to battle, and it had power to resist bad spirits.30

Another witness Whauhue [?] Witehura provided similar evidence:

Our people used to meet in Council on this pa before going into battle. I have relics of Hongi's visit to England. Hongi Ika was a descendant of Mahia. Mahia was burned at Awarua, but his jawbone was taken to Kororipo to strengthen the people. The jawbone was present at the capture of Mokona Island from the Arawas, and showed power over the Arawas.31

In September 1821 one of Hongi Hika's expeditions left Kerikeri to go to Tamaki against the Ngati Paoa chief Te Hinaki. The taua eventually moved on to the Thames area to attack the Ngati Maru pa at Te Totara.32 In December 1821, the taua returned to Kororipo. For two weeks CMS missionaries such as Hall and Butler recorded the celebrations including the massacre of prisoners and rituals of cannibalism.33 Butler wrote "The moment they landed at Kidde Kiddee they killed in a most brutal manner many slaves...The slaves thus slaughtered were afterwards eaten as common food."34

After the return of the taua, Kororipo pa and waters around it were made tapu due to the burial there of fallen chiefs including Tete, (Hongi's son-in-law) and Apu.35 Missionaries inadvertently broke the tapu by towing logs into the Kerikeri basin in December 1821. The chief Wairua, of Cavalli Island, threatened violence but was appeased by the receipt of an axe as utu.36 The body of Tete was placed in a house built especially for that purpose by Hongi. Evidence of this house is noted in a 21 February 1822 letter which Francis Hall wrote to Marsden:

Mr Shepherd & Mr Kemp one day went down to the point to see the remains of Tetty placed in the House built by Shungee for that purpose. There was some cooked Human flesh in baskets and more Cooking of which they were invited to eat by Shungee who said the flesh was far better than pork...

The return of a Ngapuhi expedition against Te Arawa at Mokaia Island was recorded in 1823 by Phillip Tapsell who was on the whaling ship 'Asp' which had arrived at the Bay of Islands:

The fleet drew in line abreast of Kerikeri, at a place known as "Hongi's dockyard" (at Kororipo Pa) and all ran ashore together. Tapsell got out a boat and rowed across the Bay to watch them. The warriors' first act, after leaping ashore, was to knock off the figureheads of

30 14 Taitokerau NLCMB pp234-235.
31 Ibid p235.
32 Ballara DNZB p201.
33 Ormond Wilson From Hongi Hika to Hone Heke pp23-24.
34 Jack Lee I have named it the Bay of Islands... p106.
35 Nola Easdale Missionary and Maori p54.
36 Ibid p102.
the canoes. They landed forty prisoners of war they had captured in their inland raid on Mokoia Island, Lake Rotorua, which they had attacked by taking some of their canoes up the Pongakawa River and hauling them across the portages. These captives were stationed in a row and at a signal all were tomahawked... 37

In August 1823 Marianne Williams, who had just travelled to New Zealand, landed at Kerikeri and described a "river wound like a corkscrew; and the banks were in some places very pretty, fringed with low shrubs. The native huts we beheld with curiosity on the top of rocks, and Shunghee' rude palace..." 38

Easdale notes that the removal of the bones of Tete and Apu to a burial site inland occurred in November 1823. 39 The tapu was also raised at this time:

The tapu on the river imposed in 1821 had at last been lifted with the removal of the remains of Tete and Apu from Kororipo Point to their final resting place inland, enabling the settlers to canoe the timber which had been destined for Sam Butler's house up from Te Tii without penalty. This would form the frame of Hongi's house. 40

The house referred to is one which the missionaries began to build for Hongi in 1824. William Puckey was the builder. It is believed the house was built of the Kororipo site. 41 Ross accepts that Hongi's European house was somewhere on the Kororipo promontory. 42

In April 1824 the Duperrey expedition arrived in the Bay of Islands. A French officer de Blosserville described Kerikeri and Kororipo, commenting that "Shongi's hipping" was built "On a hill which overlooks the settlement ... it comprises some sixty huts and its position did not strike us as very strong." 43 Of this description, historian Nola Easdale has commented. "It was not of course a fortified pa but a collection of whare, not by any means all belonging to Hongi." 44

It appears that despite this description and although it was used for expeditions during the 1820's Kerikeri did not become a main settlement of Maori population. In a letter to the CMS written on 30 May 1826, Henry Williams commented:

There are not any who properly reside at Kiddeekiddee itself, which belongs to Shungie's tribe. There are seldom more than a dozen natives, and they only for a day or two, Wymattee being considered the home of the tribe, and Kiddeekiddee only resorted to, when they are about to embark on some expedition.

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37 James Cowan A Trader in Cannibal Land pp50-51.
38 Nola Easdale Missionary and Maori p24. Whereas most authors accept that the 'rude palace' is a reference to Kororipo, Ruth Ross is uncertain that William's description can be automatically assumed to relate to Kororipo Point. See Ruth Ross report, 29 October 1965 "Hongi and Kororipo" on Historic Places Trust Files "Kororipo Pa and Adjacent Land" 21 and Ruth Ross memorandum, August 1975 "Comments on Kerikeri Historic Reserve" on Historic Places Trust Files "Kororipo Pa and Adjacent Land" p3.
40 Nola Easdale Missionary and Maori p54.
41 Ibid p54.
43 Nola Easdale Missionary and Maori p55.
44 Ibid p55.
Despite this, it appears that Kerikeri and Kororipo retained importance as a base for military operations. This is illustrated by reference to the death of Ngapuhi war leader Pomare who was killed in battle in June 1826:

Regarding the river Kerikeri, Napia said that this stretch of water was possessed of great mana, and in former times to ensure the success of any war-party it was necessary for the canoes to be sailed up and down this river. Pomare, who fell at the hands of the Waikato, had disregarded this custom, and had departed from Taumarere, hence his downfall.\(^45\)

In 1826 the chief Wairua died at Doubtless Bay and his body was brought back to Kororipo where Hongi performed the task of scraping the bones.\(^46\) Regarding this, historian Nola Easdale comments "Kororipo Point was, over the years, the scene of many tangihanga when chiefly remains were wept over before being taken inland to their last resting place."\(^47\)

In 1827, Hongi mounted an expedition against Whangaroa with the intention of moving there from Waimate. During the campaign he was wounded and died the following year on 3 March 1828.\(^48\) Hongi’s death is associated with a fire which is said to have occurred at the pa site. Clarke recorded in his reminiscences:

> In the centre of the stockade was the ware puni, the Chief's state house. It was a wonderful specimen of Maori art. The beams and rafters inside were strained red, and were elaborately carved throughout after the general pattern of the moko or tattoo on a chieftain's face. The wooden posts which supported the ridgepole were human figures after the manner of the osiride pillars in an Egyptian temple, or the caryatides round the temple of Poseidon, at Athens, though of course they were in wood, and far ruder in execution than the works of even the remotest Egyptian antiquity. I have seen many such chief's houses since, but none at all approaching the ware puni of Hongi for its elaborate decorations and carvings. I could not have been more than five years old when all the artistic glory of Hongi's house passed away. I remember standing in our verandah and watching the conflagration which consumed it all, and I remember the comparatively paltry style in which the pa was rebuilt.

However, as with other aspects of Clarke’s account, this is severely criticised by historians who note that Clarke was only a small child at the time. The existence of the carved house is doubted as is the occurrence of a fire which destroyed the pa.\(^50\) Easdale also doubts the fortification and carved house story for similar reasons.\(^50\) After Hongi's death the missionaries intended to shift his wooden house to the missionary settlement at Kerikeri for the Baker family who had just arrived there, but on 16 September 1828 it was burnt to the ground.\(^51\) Ross strongly suggests that the burning of Hongi's European house is the fire which George Clarke witnessed and then later recorded in 1903.\(^52\)

The move out of Kerikeri and missionary transactions

In 1830 an event occurred in the Bay of Islands which profoundly affected the position of Maori settlement at both Kerikeri and Waimate. In her thesis, Philippa Wyatt describes the history of

\(^{45}\) LG Kelly *JPS* 1934 p189 and Jack Lee I have named it the Bay of Islands... p107.
\(^{46}\) Nola Easdale *Missionary and Maori* p62.
\(^{47}\) Ibid p62.
\(^{48}\) Ballara DNZB p202.
\(^{50}\) Nola Easdale “Kororipo pa - Maori History” on Historic Places Trust Files “Kororipo Pa and Adjacent Land” p4.
competition which existed between the northern and southern Ngapuhi hapu at the Bay of Islands which was both genealogical and geographical in origin. The arrival of Europeans intensified matters as the two hapu groups competed for trade goods, muskets and then the residence of Europeans, especially the brethren of the Church Missionary Society.

The CMS settlements at Rangihoua [1815] and Kerikeri [1819] were within the territory of the northern division. Competition was further increased through the rise of Kororareka as the most popular port at the Bay. From 1824, there was a small European settlement there. The CMS settlements at Rangihoua and Kerikeri were within the territory of the northern division. Competition was further increased through the rise of Kororareka as the most popular port at the Bay. From 1824, there was a small European settlement there.

After Hongi's death, other chiefs of the northern division engaged in a series of aggressive acts from 1827-1830 until the outbreak of conflict in March 1830 which was known at the time as the 'Girls War'. The immediate catalyst behind the fighting of March 1830 was an argument between Maori women, some of whom cohabited with a European whaler named Captain Brind. In the resulting battle it is estimated 100 warriors were killed. Although Pomare and his southern Ngapuhi hapu won the day, the death of an important chief from the northern alliance required recognition. The utu agreed on was the ceding of Kororareka by Pomare to the northern alliance.

The acquisition of Kororareka led to a migration of northern Ngapuhi hapu from Waimate and Kerikeri towards the newly acquired port. This in turn enabled the missionaries to acquire land at both places.

There had only been a little land purchasing by the CMS during the 1820s and this had been connected with the establishment of new stations. In 1823, the missionaries had established their third station at Paihia under Henry Williams who arrived with his family in August. Between 1823 and 1827 a series of small purchases were conducted which slowly increased the size of the mission station. By early 1828, the CMS missionaries had recognised a need to move their first station from Rangihoua. The deed for the Te Puna purchase of 9 May 1828, has the distinction of being the first deed in Maori.

The migration to Kororareka enabled the CMS missionaries to accomplish one of their aims. By the end of the 1820s the CMS missionaries in New Zealand believed that it was important to acquire a comparatively large estate for farming purposes. Richard Davis noted that it was the Girl's War at Kororareka which had finally provided the opportunity for the missionaries to acquire land.

Just before our removal hither [Waimate] the Natives of the Waimate had, with the assistance of their allies, conquered Kororareka, the principal Port in the Bay of Islands. To this place they resorted and all the leading men of the tribe finally left Waimate and took up their residence on their newly acquired possessions - and finding that place more congenial to them, they set but little value on their inland residence and so became anxious to part with it.

The deed, which was in Maori, was signed by several chiefs including Rewa, Moka, Taratikitiki, Warerahi. From 1830 to 1832 four further purchases took place at Waimate, gradually increasing the size of the missionary farm. Most of these purchases were for small amounts of less than fifty acres.

The migration to Kororareka also enabled the missionaries to achieve another objective through the purchasing of land.

As early as 1829 the New Zealand missionaries were making enquiries of their Parent Committee regarding the provision to be made for their older children. Up till this time a

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55 Ibid, p 51.
56 Ibid, p 56.
57 Ibid, pp 51-56.
58 An analysis of Deeds contained within Turton's Private Deeds collection.
59 An analysis of Deeds contained within Turton's Private Deeds collection.
child allowance of $10 per annum plus rations from the store was available for their maintenance. William Williams, the mission secretary, wrote to Dandeson Coates pointing out that there were now fifty children, that they could not all ultimately join the mission and since they wanted the children to 'be brought up under their own eyes' some means had to be found for their support.\textsuperscript{60}

Williams asked whether missionaries could become involved in purchases of land of stock. In July 1830 the Parent Committee resolved, "that purchases of land from the Natives, to a moderate extent, should be authorised, as provision for their children after they are fifteen years of age: the nature and extent of the purchase to be, in each case, referred to the Committee for their sanction, after having been considered and approved in a meeting of missionaries."\textsuperscript{61} On receipt of these instructions the local CMS missionaries soon acted. On 8 October, 1831, a 3000-acre block of land was bought by James Kemp in Kerikeri on behalf of all the CMS families. At the same time a similarly sized block was purchased at Waimate.\textsuperscript{62}

From 1833 CMS missionaries located in the Bay of Islands began to purchase land on their own account. Although only four purchases occurred in 1833, (two undertaken by George Clarke, and one each by Richard Davis and Henry Williams), the following year 19 missionary purchases took place. Most of these occurred at Waimate. Furthermore, all of the deeds were in Maori. From this date through to 1839, missionaries undertook steady purchasing of Maori land.\textsuperscript{63}

James Kemp was involved in the 1834 purchases, but only to the extent of purchasing 50 acres at Waimate in 20 August 1834. Although Kemp did acquire a further 150 acres at Waimate, most of his purchasing centred on Kerikeri and Whangaroa. In 1835 he purchased an estimated 5000 acres along the Waipapa river at Kerikeri. The land adjoined the 'Children's land' purchased in 1831 and the CMS mission station property. In 1836, in a series of three purchases, an estimated 4000 acres was purchased at Whangaroa.\textsuperscript{64}

The 'Purchase' of Kororipo
It appears that despite the migration away from Kerikeri, Kororipo retained its significance and use. This is reflected in several accounts through the 1830's. In May 1833, Joseph Orton recorded in his journal:

\begin{quote}
In our passage up the River we passed a place usually designated by Europeans Shunges\textsuperscript{e}es landing place or Hiungi roe - or point of land. There are deposited I was informed the bones of several chiefs, on which account the ground is tapu'd for a considerable distance. It is likewise reported that this spot has been the site of the most horrid wars, bloodshed Murders and Canabalism.\textsuperscript{65}
\end{quote}

That Kororipo remained in use is reflected in the following 13 February 1835 journal entry by William Wade:

\begin{quote}
\textit{In our passage up the River we passed a place usually designated by Europeans Shunges\textsuperscript{e}es landing place or Hiungi roe - or point of land. There are deposited I was informed the bones of several chiefs, on which account the ground is tapu'd for a considerable distance. It is likewise reported that this spot has been the site of the most horrid wars, bloodshed Murders and Canabalism.}\textsuperscript{65}
\end{quote}

\textsuperscript{60} Thomas Kenyon \textit{Land Purchases by Missionaries of the Church Missionary Society before 1840} Thesis 1970 Massey p3.
\textsuperscript{61} Ibid p3.
\textsuperscript{62} An analysis of Deeds contained within Turton's Private Deeds collection.
\textsuperscript{63} An analysis of Deeds contained within Turton's Private Deeds collection.
\textsuperscript{64} An analysis of Deeds contained within Turton's Private Deeds collection.
Old Taria came yesterday with the corpse of his dead wife which is being conveyed inland. He rested at Hongi's point to have his tangi.\[66\]

In 1837 Martha Marsden accompanied her father on a visit to New Zealand. On 26 May, she and Charlotte Kemp went for a walk to Kororipo, which they called Hongi's Point.

Friday. In the evening Mrs. Kemp and I took a stroll to Hongi's Point which is opposite the Keri Keri. This is the spot where he usually made his home when he returned from war, and here the bodies of the chiefs who had fallen in battle were brought in canoes which were never afterwards used, but considered sacred. We saw a great number of them, and a great deal of carved wood belonging to the war canoes. Here too, the slaves were cooked and eaten and numbers have been sacrificed here since the missionaries landed. The spot was considered so sacred that no European was allowed to visit it and this is the first time Mrs. Kemp has been there, though she was resided at the Keri Keri for 18 years.\[67\]

On 4 October 1838, the Kororipo site was sold to Kemp by Hongi and Puru. The deed was in Maori, as follows:\[68\]

Wakarongo e nga tangata kaota ki tenei pukapuka no Hongi. Ka tuku ka hoko ki a Kepa (James Kemp) tetahi wahi wenua o te keri Keri ko te ingoa o taua wahi ko Kororipo, ka hoko nga mea ki runga nga mea ki raro o taua wenua ki a te Kepa (James Kemp) mo ana Tamariki ake tonu atu. Ko nga kaha anei: Ko to Awa o te Keri Keri tetahi taha; ko te Awa o Wairoa tetahi taha. Ko tetahi taha ko te kaha o te Wenua o nga Mihinare. Ko te utu mo taua wenua mo taua kainga koia tenei: E rua Paraikete, E Wa pauna Tupeka, Kotahi raka, kotahi Potae. Koia ahau ka tuhituhi ki toku ingoa ki tenei pukapuka ki tenei hokonga I te ra tuawa o te Marama o Oktopa (October) te mano kotahi e waru rau e toru tekau ma waru o nga Tau.

HONGI
PURU

A translation of the deed, provided by Henry Tacy Kemp, is as follows:

Know all Men by this Book by Hongi - He sells and gives up to Mr Kemp (James Kemp) a portion of land at the Keri Keri, named "Kororipo" with all the things above and below the said land to Mr Kemp (James Kemp) for his children for ever. The Boundaries are these on one side the "Keri Keri" River, on one side the "Wairoa" River, on one side the Boundary of the Missionaries land.

The Payment for the said land. Two Blankets, Four pounds Tobacco, One box lock, One Hat. In consideration of which I sign my name to this Book to this sale on the fourth day of October in the year one thousand eight-hundred and thirty eight.

A search of secondary and primary sources has not produced any information about the negotiations and signing of the deed. It has been suggested that the two vendors were Hongi's sons.\[69\]

The last of Kemp's purchases was made at Kerikeri in the following year when 70 acres were purchased.\[70\]

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\[66\] Ibid p18.
\[67\] Ibid p18.
\[69\] rxx19
\[70\] An analysis of Deeds contained within Turton’s Private Deeds collection.
In its *Muriwhenua Land Report 1997*, the Waitangi Tribunal considered numerous pre-Treaty transactions in Muriwhenua, many undertaken by missionaries, and some completed as late as November 1839. It examined the use of the word “tuku” in such deeds and the probable intentions of Maori:

The traditional process of allocating land carried unique referents to continuing relationships and responsibilities, as was fundamental to Maori society. Despite changes in outer form, such fundamental values remained the same. Western land sales were diametrically opposed to the traditional concepts. They severed relationships and terminated obligations, while, for Maori, continuing obligations and relationships were essential. The evidence is that Maori still expected those relationships and obligations to carry on. Accordingly, whatever Maori word was used to denote the sense of giving or conveying land, and no matter how neutral that word was, it would still conjure up a giving or conveying on Maori terms, unless something else was done, within or outside the deed, to make it very clear to Maori that something extraordinary was happening. We are not aware of anything in particular that would sufficiently impute that new revelation.\(^{71}\)

In general, the tribunal thought it “highly unlikely” that Maori generally would have viewed these Muriwhenua transactions as sales in the European sense. “Much more compelling evidence would be needed to assume that the profound and antithetical principles of traditional land tenure had been displaced.” It was far more likely, the tribunal thought, that Maori saw such transactions as “creating personal bonds, and as allocating conditional rights of resource use as part of that arrangement.”\(^{72}\) Most importantly, a personal contract was created between the land user and the community. Deeds specified that rights passed to heirs of the blood, not to outside assignees. Such an outside assignment would require community approval since “By custom law, no land right existed independent of the local community”. Also:

The view persisted that the underlying right to the land, and the authority over it, remained with the ancestral community. People did not buy land so much as buy into the community. From a traditional view, the land was still the land of the people long after it was ‘sold’, so that even today, Maori speak of the relationship they have with their ancestral land, notwithstanding a century of intervening sales. In the same way, people throughout the Pacific still talk of church land, for example, as ‘their’ land, as though no permanent alienation of the freehold had occurred.\(^{73}\)

Most of the transactions the tribunal dealt with in the Muriwhenua land report concerned the establishment of mission statements and their requirement for lands to support them. The Kororipo transaction would not fall into this category. Kemp had already purchased other lands sufficient for his support. Also, land purchasing in the Bay of Islands was more intensive than in Muriwhenua, so Maori there arguably had more experience of the English view of such transactions.

What then are we to make of a transfer by Kerikeri Maori to a missionary, for a very modest price, of rights to a small, uncultivated, but highly significant and obviously tapu area next to missionary land? Kemp does not appear to have required the land for any personal reason. He was probably aware of the past history of the land and its current tapu status. He would also have known about the exodus of Maori from the region. On the Maori side, the land was regarded as tapu, and its history was well known. Kerikeri Maori were leaving the area, and were aware that the land, with its significant history and tapu status, might come under the influence of other Maori hapu if its ownership was left open. Whatever understanding Kerikeri Maori had of European dealings with

\(^{71}\) Waitangi Tribunal *Muriwhenua Land Report 1997* p74.
\(^{72}\) Ibid p106.
\(^{73}\) Ibid p106.
land, they still to some extent operated out of their own cultural milieu, as the Muriwhenua land report suggests, and this undoubtedly had some influence on their approach to the land transaction.

These circumstances raise a reasonable possibility that it was intended that Kemp would act as a custodian of the land, as well as its owner in a European sense. The Maori owners may not have had a precise plan in mind, but possibly had the view that, in dealing with a missionary, the significance of the land would be understood and it would not be developed. They may also have thought that they were leaving open the possibility of continuing to communicate with Kemp or his family about the land in the future.

The Old Land Claims Commission
On 14 January, 1840, George Gipps, the Governor of New South Wales, issued a proclamation concerning land titles in New Zealand. British settlers were notified that only title derived from or confirmed by the Crown would be recognised in the future colony; that a Commission of Inquiry would investigate and report on each claim; and that any land purchased after the date of the proclamation would not be considered valid by the Crown. Captain Hobson arrived in New Zealand on 30 January, 1840, and read the Land Titles Proclamation to British subjects at Kororareka.

On 28 May, Governor Gipps presented and passed a land claims bill before the Legislative Council of New South Wales. The bill provided that no grant of land recommended by the commission should exceed 2,560 acres (unless specially authorized), and that no headland, promontory, bay, or island which might be required for defence purpose, townsites or other public utilities should be granted and that no land situated on the sea shore within 100 feet of high-water mark should be granted.

The New Zealand Land Act was the original legislation under which the Commission was established. The bill was passed by the New South Wales Legislative Council on 4 August 1840 as 4 Vic. No.7. The legislation set down the way in which the Commissioners were to approach the land claims issue. The Act ordered "a strict inquiry be instituted into the mode in which ..... lands have been acquired." The Commissioners were granted a certain degree of latitude in dealing with the claims; they were instructed to be guided "by the real justice and good conscience of the case, without regard to legal forms and solemnities" and to be directed by "the best evidence they can procure, or that is laid before them, whether the same be such evidence as the law would require in other cases or not."

The Act stated that two Commissioners were required to hear each claim. They were to publish a list of claims which they intended to hear. The Commissioners were also to issue summons to every claimant whose name appeared in this list. The Act set out the standard of evidence to be taken. The claimants were under an obligation to produce all relevant information. Evidence was to be taken down in writing, in the presence of the witness who then was to signify approval by signing the evidence or allowing the Commission staff to sign in their place. Evidence was to be given on oath. Maori evidence was also to be accepted "it shall be lawful for the said Commissioners to receive in evidence the statement of such aboriginal native subject to such credit as it may be entitled to, from corroborating or other circumstances."

74 Gipps to Hobson, 15 January 1840, GBPP 1841 (311) Enclosure in No. 3 p4.
75 Gipps to Russell, 9 February 1840, GBPP 1841(311) No.1 pp2-3.
76 New Zealand Land Bill [28 May 1840] GBPP 1841 (311) No. 21 p54.
77 NSW 4 Victoria No.7.
78 New Zealand Land Bill [28 May 1840] GBPP 1841 (311) No. 21 p54.
In September 1840, Governor Gipps appointed three Commissioners under the Land Claims Act including Colonel Edward Godfrey who had been a soldier for 19 years. Godfrey had been recommended to Governor Gipps by Lieutenant-General Sir Maurice O'Connell who was the Officer Commanding the Forces in the Australian Colonies and a member of Gipps' Legislative Council.  

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Following the appointment of the three Commissioners, Gipps issued further instructions for their guidance. Specific instructions were given in reference to the protection of Maori rights.

Either the official Protector of Aborigines, or some person appointed in his stead by the Lieutenant-Governor must be present at all their [the Commissioners] investigations, in order to protect the rights and interests of the Natives. The attendance of competent interpreters must also be insured.

On 3 May 1841, New Zealand was established as a separate colony. On 9 June, 1841, Hobson re-enacted Gipps' land claim Act, re-issued his instructions with slight modifications and reappointed the Commissioners. In February 1842, Hobson again amended the 1841 legislation. Most of the changes related to the location and size of the awards which the Crown would make to claimants, but it was also provided that a single Commissioner could hear claims instead of requiring two as a quorum. This probably resulted from an effort to hasten the work of the Commission. When in April 1842, Governor Hobson issued more instructions after the passing of the February Ordinance, he reaffirmed the role of the Protector.

No court in any case be holden whereat an official Protector of Aborigines or person duly appointed to act in his stead shall not be present to represent the rights of the Natives and protect their interests and it will be the duty of the Protector or such persons as may be appointed to act for them to conduct the native cases, giving due and timely notice of opposition or caveat on behalf of the natives to the commissioner.

The Commission's first set of hearings, which began at Russell, on 25 January 1841, examined claims from the Bay of Islands. Claims from Kaipara were presented at the second set of hearings which were held at Auckland and began on 10 March. Throughout 1841, the Commissioners continued to hear cases. Most of these were located in the Bay of Islands but a few Auckland, Kaipara, and Waikato claims were also included. By the beginning of 1842, the Commissioners had received 872 claims. On 12 March, 1842, they sent in their first batch of reports on 229 claims; 209 of these were in the Bay of Islands.

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82 "Instructions for the Commissioners..." 2 October 1840 in Turton's Epitome of Officials Documents... 1883 Section B. Documents in Connection with the Old Land Claims, No.1 Encl No4.  
83 Tonks *The First New Zealand Land Commissions* pp52-53.  
84 Ibid pp53-55.  
85 Ibid p55.  
86 Instructions for Commissioners, c. April 1842, OLC 8/1 in supporting papers of evidence of SL McHugh, WAI-32 #B3 Doc no. 30 pp317.  
87 The 1842 ordinance was disallowed by the Colonial office in August 1843 and the 1841 ordinance reinstated - but on issues of the size of awards and other such matters.
The Commissioners discussed the types of claims which they had heard and categorised them into four types. The second class of claimants were the CMS missionaries, and the commission noted that they:

... have, in general, taken such pains to have every boundary so distinctly described and their rights of perfect and continued possession to themselves and their children so correctly written in the Maori language in every deed of sale, that the Natives they have brought before us for examination have very rarely objected to their Titles.

This contrasted with speculators who had acquired "enormous tracts of Land for trifling sums". The Commissioners had also discovered that it had been a practice for Europeans to allow Maori to remain on land which had been sold. It is also our duty to point out that from the little value attached by the purchasers - before the Crown took possession of the Islands, to the vast blocks of land they bought; the natives have been allowed and frequently encouraged to remain upon the lands, with an assured promise or understanding of never being molested. Their cultivations and fishing and sacred grounds ought, therefore, to be in every case reserved to them unless they have, to a certainty, been voluntarily and totally abandoned.

If some express condition of this nature be not inserted in the grants from the Crown we fear the displacement under their authority of natives who certainly never contemplated the consequences of so entire an alienation of their territory.

It was intended that after receiving the Commissioners' findings and recommendations, the Governor would make the final decision in relation to the awards, which were gazetted and issued in the form of a Crown Grant. In Gipps' original legislation, the reports of the Commissioners were to include an accurate setting out of "situation, measurement and boundaries" of each piece of land, although there is no mention of surveying support for the Commission. In Gipps' October 1840 Instructions the Governor reiterated the directions of the legislation by instructing the Commissioners to "set forth the situation, measurement, and boundaries" of the land which they recommended as a grant to the claimants. To enable them to do so he noted that he would assign a surveyor to the Commission. The accurate description of the award would in turn assist the Crown to identify the demesne available for public purposes or resale.

The surveyor appointed to the commission, D Kemp, arrived on 26 February 1841. Before or during the second set of hearings, in March 1841, he accidentally drowned. When New Zealand became a separate colony, in May 1841, and Hobson re-enacted Gipp's legislation he also re-issued Gipps' Instructions with one important alteration. As Hobson had been unable to secure another surveyor for the commission, he gave instructions that reports on claims could be made by the commissioners without surveys being done as long as the claimants pointed out an accurately defined boundary but surveys were still required before the issuing of the final Crown Grant. The commissioners' reports then, included a description of the boundaries of the purchase, usually taken from the deed of sale.

88 Godfrey & Richmond to the Colonial Secretary 12 March 1842 OLC 8/1 pp36-38.
89 Ibid.
90 Ibid pp40-42.
91 New Zealand Land Bill [28 May 1840] GBPP 1841 (311) No. 21 p54.
92 "Instructions for the Commissioners..." 2 October 1840 in Turton's Epitome of Officials Documents... 1883 Section B. Documents in Connection with the Old Land Claims No.1 Encl No 9.
Although some surveyors were appointed during FitzRoy’s term as Governor, the workload was too great to keep up with. As a consequence delays resulted. By September 1843, the surveying rules were relaxed and claimants were allowed to employ their own surveyors but these still had to be checked by government surveyors. The delays continued, and after consideration, FitzRoy decided in January 1844, that he would issue Crown grants based on the same descriptive boundaries noted on the commissioners’ reports.95

Originally, Kemp’s claim to Kororipo was registered as Claim 273f. On 27 December 1841, James Kemp gave evidence before Commissioner Godfrey regarding the purchase of Kororipo Pa said to contain 6 acres:

I claim a piece of land on the Keri keri river called "Kororipo" containing about 6 acres. Bounded by the Keri Keri River on one side and by the Wairoa river and the land of the Mission on the others.

I purchased it on the 4th of October 1838 from a Native Chief called Hongi and paid Two blankets, 4 lbs of Tobacco one Tack and One Hat for it value £2.12/- viz Sydney Prices.96

Nearly a year later, on 21 December 1842, Hongi, one of the two original vendors, appeared before Godfrey’s Old Land Claims Commission:

About four years ago I sold a small piece of land called Kororipo on the river Keri Keri & I received the payment for it as stated in the deed - That is my signature to the deed now shown to me. I had a right to sell this land I have never sold it to any other person.97

Also on 21 December 1842 Putete, who had witnessed the deed signing, gave evidence:

I witnessed the signing of Hongi & Puru to the deed now shown to me - about four years ago - and saw the payments stated made to them. This is my signature as witness.98

On 24 March 1843 Commissioner Godfrey reported Kemp’s Kororipo claim 273f as a valid claim. A Crown grant for full area claimed was awarded with the proviso that Kemp’s total grant for all his purchases was "not to exceed in the aggregate of the maximum grant". This award was confirmed by Acting Governor Shortland on 4 April 1843 and gazetted on 12 April 1843. After a favourable consideration by the Governor, the awards for Kemp’s purchases were amended and gazetted on 6 September 1843. For Kororipo the amended award remained at 6 acres.99

Kemp’s other purchases went through a similar process. Case 273, for the 50 acres purchased at Waimate in 1834 was also confirmed in full. The land purchased at Waipapa, Kerikeri, in 1835, (273a) also was a successful award. The deed estimated the size at 2000 acres but Kemp had claimed before the Godfrey Commission that the land was probably 5000 acres in size. Although originally, in 1843, Godfrey had recommended 1078 acres, FitzRoy’s amended grant was for 5000 acres. The other small purchases, 150 acres at Waimate (273b) and 70 acres at Kerikeri (273g) were also confirmed in full in 1843 and 1844. This gave Kemp a total award of land in the Bay of Islands of 5276 acres.100 These awards were all granted in 1844. The four purchases at Whangaroa, claimed as a total of 4000 acres, were also validated by the Commission on 8 April and 2284 acres recommended as a grant although, again, with the qualifier that Kemp’s total award was not to

95 Ibid pp79-80 & 110.
96 OLC 597.
97 Ibid.
98 Ibid.
99 Ibid.
100 OLC598.
exceed the allowable maximum. This was confirmed and gazetted on 19 September 1843. At a later date Commissioner FitzGerald revised and extended the award to the full 4000 acres (thereby giving a total award to Kemp of 9276 acres) but the award was not formally granted during FitzRoy's governorship. Commissioner Bell later reported on 21 April 1850 that he could not detect any reason as to why the 4000 acres were not actually granted.

The Bell Commission
In May 1846 James Kemp wrote to the Colonial Secretary requesting the grants for his land claims at Wangaroa which had until this time not been issued. Governor Grey minced the file that the matter of missionary claims was being considered by Colonial Government and that no further grants could be issued until he had received a report. Kemp was informed of this on 26 June 1846. In September 1847 the Colonial Secretary wrote to Kemp informing him that the Governor had received instructions that Kemp's request for the Whangaroa grants be refused and that existing grants should be surrendered so that new grants could be issued up to the 2560 acre maximum. Kemp refused to do so.

In July 1856 a parliamentary Select Committee reported on the state of land claims in New Zealand and confusion which had arisen over land grants after the commissions of Richmond and Godfrey had ended. Governor Fitzroy had, among other things, issued grants for lands "unsurveyed, and imperfectly described" and others over areas never actually awarded by the commissioners. The ultimate result was that by 1856 there was general confusion among Maori and Pakeha settlers about land areas affected by the awards of the commissioners. The committee recommended that another commission should be set up to settle finally the old land claims. The Commission should be "empowered fully to treat, investigate and determine" the original claims "in every particular." Every block claimed should be surveyed:

..... because it is absolutely essential that in every case it be decisively ascertained whether any obstructions to the occupation of the land would be raised by native owners or claimants, and no mode can be devised of ascertaining this fact so effectual as the positive attempt to define, on the ground itself, the block of land claimed.

The holders of imperfect grants should be called on to send these in. Earlier in their report, the committee stated that because of the lack of survey it believed that only 50 out of the 400 or so grants which had been issued were perfect. The grants should be investigated and, if imperfect, they should be cancelled and new grants issued "subject to the same equitable rights and interests as the old cancelled ones."

Legislation was passed in August 1856. The Land Claims Settlement Act enacted all the recommendations of the Select Committee. On 5 September, 1857, Bell, the only Commissioner appointed under the Act, issued a set of rules framed in accordance with the Act. These mainly provided detail on unimportant procedural aspects of the commission.

At Waimate, on 13 October, 1857, several missionary claims were heard. Maori held back their evidence until an evening meeting which Bell attended. The Commissioner learnt that parties of

101 Ibid.
102 OLC 595.
103 Ibid.
104 Ibid.
105 Ibid.
Maori were disputing previous purchases. Bell's response is most illustrative of his view towards the old land claims and contemporary attempts by Maori to repossess land which hitherto had been admitted to have been sold.¹¹⁰

In the evening the Natives assembled and brought before the Commr several disputes and claims - relative to Mr. Clarke's and Wm Williams and the Rev Mr. Davis' Lands. At a little before midnight the Commr gave his decision, overruling all their objections upon the proofs afforded by repeated references to the old papers in the several claims. They were asked whether it had ever happened that government had taken from them and given to a European, any land stated to be their property by the former Commissioners; and in what light would they regard the present Court if at the request of a European made 13 years after the former adjudications and land reserved for them were taken away? Equally they could not expect that after a lapse of time I should listen to the claims of Natives to get back portions of the land awarded [to] Europeans by the former Commissioners: and that although in accordance with my invariable practice heard all they had to say, I should certainly not give back an acre which had been validly sold by those who in those days were really empowered to sell, nor allow the claim of anyone who had failed to bring his objection forward at the original enquiry. Incidentally with regard to a piece of land which had been left out of Mr. Davis' survey to please certain of them, I stated I should not now interfere to take possession of it again and deprive them of it: but that most certainly if I had been there at the time of the survey I should have directed the boundary to be run according to the original deed and should have held on to every acre. We then went fully into the question of excess, as at Mangonui & Whangaroa. At the conclusion they expressed themselves perfectly satisfied and went up to Mr Williams and Mr Davis and apologised for having raised the objections they did.

The unsettled situation of Kemp's Whangaroa claims and the combined total of the Waimate/Kerikeri acreage meant that Kemp was eligible for review by Bell's Commission. All of Kemp's grants for Waimate and Kerikeri, including the one for Kororipo, were called in by the Attorney General on 5 September 1857.¹¹¹ On 25 September 1857 Kemp appeared before a sitting of Bell's Commission, surrendered his grants and gave evidence on his claim. "I have remained in undisputed possession of the Grants now handed in nor has there been any native dispute in respect to the same with me."¹¹² By the time of the Bell hearings Kemp had had Kororipo Pa surveyed. The block was now 13 acres in size.¹¹³ It appears that at a meeting in March 1858, some opposition was raised to Kemp's claims at Kerikeri. This was noted in Bell's 20 April 1859 report:

The Grants were on production and examination adjudged void and cancelled. At the hearing which took place at the Kerikeri of the Bay of Islands in September 1857 and March 1858, the surveys of all the land comprised in these grants were handed in by James Kemp... A lengthened investigation took place into several native claims which had been brought forward chiefly by young men complaining of the land having been sold while they were children, and it was ascertained that a large extent of land in addition to what the claimant had surveyed at Kerikeri, was included in the boundaries originally sold to him, which additional quantity the Court informed the natives would be still retained by the Crown.¹¹⁴

¹¹⁰ Bell Commission Minutes OLC 5/34 Annexure to WAI-116 #A5 pp29-30.
¹¹¹ OLC 598.
¹¹² Ibid.
¹¹³ Ibid.
¹¹⁴ Ibid.
Although there is evidence on file of the September 1857 hearing and a hearing in October in relation to the Whangaroa claims, the record of the March 1858 hearing, at which the complaints were presumably made, has not yet been located. There is no evidence as to whether this complaint related to Kororipo.

In 1858, the Bay of Islands Settlement Act was passed which provided that land specified within accompanying schedules be reserved as land for townships, with provisions that any Old Land Claimant with land within the designated area would be compensated. Within the schedule in the Act for Kerikeri, Kororipo and the 82-acre block purchased in 1839 (originally thought to have been 70 acres) were included.\(^{115}\)

In Bell's 20 April 1859 report, the Commissioner noted that Kemp's surveyed land at Kerikeri and Waimate, (including 109 acres which fellow missionary James Hamlin had made over to Kemp), totalled 7125 acres. After allowances for survey and fees the total award granted was 7437 acres.\(^{116}\)

On 18 April 1859, Kemp wrote to Bell noting that he had considered matters relating to his land claims at the Bay of Islands which were within the boundaries of land which came under the "Bay of Islands Settlement Act".\(^{117}\)

The 13 acres claims called Kororipo adjoining the Kerikeri settlement possessing the great advantage of deep water frontage. I propose to make an exchange of this claim with the Government for that piece of land (including the premises etc) on which I now reside at the Kerikeri not to exceed 3 acres. I would remark that the house is of wood has been built 38 years and is now in a very delapidated state.

Similar exchange proposals were proposed for the 82-acre claim on the Kerikeri river (formerly the 70-acre 273g claim) which would adjoin the proposed township.\(^{118}\)

In a 23 June 1859 in a memorandum written by Bell about an interview he and the Attorney General had had with Kemp, the proposals for exchange were discussed:

As regards the exchange of the 13 acre claim for the piece where his house stands, it would be impossible to decide anything until the C.M. Society said what they would require as the value of the house. They might ask a price which would involve the Govt in heavy liability; and while the Govt were anxious to carry out entirely the understanding which was come to between Mr Kemp and Mr Whitaker at Kerikeri last year namely that so far as the Govt were concerned they would not disturb Mr Kemp in the occupation of the house. And while they were ready on fair terms to fie an absolute grant to the extent of about two acres round the house, they must wait the result of Mr Burrows promised communication to the C.M. Society before the basis of "exchange" could be fixed.

Bell noted that the 13-acre claim had "to wait (for the present) the Royal Assent or disallowance of the Bay of Islands Settlement Act."\(^{119}\)

On 26 October 1859 Bell noted a further order in the matter of James Kemp's grants at Kerikeri:

It having been determined by His Excellency's Government that the piece of land at the mouth of the Kerikeri River containing 13 acres (next to the Church Mission Land) should not be reserved for the

\(^{115}\) Ibid.
\(^{116}\) Ibid.
\(^{117}\) Ibid.
\(^{118}\) Ibid.
\(^{119}\) Ibid.
Bay of Islands Settlement. It is hereby directed that a Grant be issued to James Kemp for the said thirteen acres accordingly.\(^\text{120}\)

The claim numbered 273g of 82 acres was not included in the settlement requirements.

In its *Muriwhenua Lands Report 1977* the tribunal found that neither the Land Claims Ordinance 1841 nor the Land Claims Settlement Act 1856 fulfilled the promises from the Treaty debate in 1840 that there would be a full investigation of the old land claims, the return of lands unjustly held, and protection of Maori interests. While inequitable contracts of speculators were caught by the legislation “comparatively moderate transactions in Muriwhenua were regarded as equitable sales, without the need for further question, provided there was some minimal affirmation.” The ordinance did not require commissioners to consider, among other matters:

- whether there was a contract in terms of mutual comprehension
- adequacy of consideration. Nor was this actually considered\(^\text{121}\)
- measures required to protect any trusts and ancillary obligations
- clarity of boundaries.\(^\text{122}\)

It also found the examination of the commissioners inadequate. It was not considered “in accordance with their customs” whether Maori intended “an ongoing personal relationship with particular individuals.” The tribunal did not think that the Muriwhenua transactions would have been seen by Maori as sales in the European sense.\(^\text{123}\) Nor could it be argued that a new contract arose out the commissioner’s hearing and deliberations.\(^\text{124}\)

In view of the “extensive custom on ancestral tenure” without clear evidence to the contrary, Maori must be taken to have “conditionally affirmed” the Muriwhenua transactions before the commissioners “as they understood them to be - that is, that use rights were given in return for ongoing support”.\(^\text{125}\)

While proof of conveyance according to the “custom of the country” was required for the commissioners, they did not adopt the custom of the country in making their inquiry. A hui was required, but none was held.

It was equally serious that the land commissioners required corroboration from only one or two Maori; this, to Maori minds, could only have meant that nothing important was happening. Support required a positive affirmation, so that, when hapu representatives stayed away from a meeting, it was likely to mean, for example, that the hapu did not agree with the proposal, the hapu did not consider its own interests were affected, that the hapu did not want its own interests to be affected, or that the hapu felt it had no right to be there as the business of the day had not been brought on by them.\(^\text{126}\)

In no case was the vendors ‘title’ examined. The Maori ‘alienors’ were “exercising political authority to allocate use rights, not to extinguish the underlying right of the local hapu.”\(^\text{127}\)

\(^{120}\) Ibid.
\(^{121}\) *Waitangi Tribunal Muriwhenua Land Report 1997* p169
\(^{122}\) Ibid p167.
\(^{123}\) Ibid p168.
\(^{124}\) Ibid p168.
\(^{125}\) Ibid p168.
\(^{126}\) Ibid p169.
\(^{127}\) Ibid p170.
The inquiry by the commission also appears to have been largely “mechanical” in approach, that a standard set of questions were asked, and that “formulaic Maori evidence” was noted in reply by the commissioner, indicating either that Maori were very limited in the evidence they could give or that the commissioner had no interest in explanations apart from the limited set of questions he had set.\textsuperscript{128}

Naturally, Maori came forward to affirm the transactions. The word of Maori was their bond at that time and a failure to stand by promises would cause too much loss of mana. But it was their own word they were affirming none the less - that is, the promises as they saw them to be. If they affirmed that a settler was entitled to occupy certain land, for example, it did not follow they had sold it.

As for the Bell Commission, the tribunal found it driven by a political agenda, to “get as much land as possible for European occupation and use, and to secure the remaining surplus for the Government, irrespective of its existing use by Maori or their likely needs in the future”.\textsuperscript{129} In addition:

\begin{quote}
Although Bells' commission was constituted as a full court of record, no Maori evidence was minuted, no account of the argument was maintained and no reasons for his decisions given. Consistently, it was simply written that matters were explained to the Maori, who then agreed, and without any account of the explanation given.\textsuperscript{130}
\end{quote}

It was assumed that valid alienations had taken place and indeed it appears no Maori witnesses were called.

\textbf{Twentieth Century}

Despite the sale and the eventual confirmation by the Crown, there is evidence of the significance of the site remaining for Maori. Nancy Pickmere relates what is a presumably a local story which is further illustrative of the way in which the pa was viewed:

\begin{quote}
Many years later, early 1900's when Mrs John Black was living at Kerikeri, she sent Henry Kingo to gather firewood from a certain part of the pa. "No", he said, "I will not go there. That place is tapu."\textsuperscript{131}
\end{quote}

In November 1932, Charlotte Kemp wrote to the Governor-General complaining about "a most exceptionally unsightly shack" that had been built within the vicinity of Kororipo Pa. Kemp noted that she had spoken to several Government agencies without any result and now hoped the Governor might take some action.\textsuperscript{132} On 1 December the Governor's Official Secretary wrote to the Under Secretary of the Native Department noting the letter from Charlotte Kemp - "an old and respected resident of Kerikeri who is known to His Excellency" - observing that "His Excellency feels sure that if the facts are as stated his Ministers will be somewhat disturbed."\textsuperscript{133}

Nine days later the Native Department received a letter from Henare Kingi te Rangaihi of Kerikeri, the 44-year old son of son of Kingi te Rangaihi, said to be the chief of the Ngati Tautahi hapu of Kerikeri and Waimate.\textsuperscript{134}

\begin{flushright}
128 Ibid pp158-159.
129 Ibid p171.
130 Ibid p172.
131 NP Pickmere \textit{A Lamp Shines in Kerikeri} p42.
132 23 November 1932 MA1 34/3/82.
133 MA1 34/3/82.
134 10 December 1932 MA1 34/3/82. A Mr Clinton actually wrote the letter, which Henare Kingi signed.
\end{flushright}
Kingi and his people are anxious to place the position of the Kororipo Pa before you and pray that you will take such steps as will have this historic property preserved for all time as a monument to its founder Hangi Hika whose principal stronghold it was ...

The late Kingi Te Rangaihi conveyed to his son and successor Renare Kingi orally the boundaries of the property on which this Pa stands some 13 acres as being a line drawn from the back of the house on the Kemp Estate and now occupied by Mrs Cleave to a point on the Wairoa River and thence by waters of the Kerikeri round to the house again.\textsuperscript{135}

Kingi’s letter explained that the pa was part of a property that had in turn been owned by Kemp, Williams, Bull and Riddell, who sold the land to the North Auckland Development Company who on-sold it to Edward Selby Little. It was Little’s lease of the land to Nordstrand under the Unemployment Settlement Scheme and his occupation of the site in 1932 that had sparked the controversy.

At the time of the sale from Riddell to N.A.L.D Co Ltd Henare Kingi instructed an Interpreter at Kaikohe to protest against the inclusion of the 13 acres in the deal but no action was evidently taken.

The Misses Kemp of Kerikeri hold several letters which will no doubt prove the right and title of the Ngapuhi to this land and it is fitting that the claim of the native owners should be vindicated. The Pa itself is of sufficient historic importance to justify that it should be taken over and cared for as a monument to the great Hangi Hika.

Henare Kingi and his people have no wish that the land should be made available for tribal use and are very much incensed that such should be handed away from them in the present mercenary fashion with no regard to their feelings as to its value or associations to them.

It should also be mentioned that a standard cottage has been erected on the site of Maori tribal ceremonies.

I feel sure I state the feelings of the Ngapuhi correctly in saying that they are much incensed and are most anxious to have this desecration of their ancient places stopped and the property taken over and cared for by the Government.\textsuperscript{136}

On 10 February 1933, Henare Kingi te Rangaihi, himself made a statement regarding the things he had been told by his father and his elders about Kororipo Pa.

He [Kingi te Rangaihi] informed me that Kororipo Pa and the area of the church site were not included in the sale of Kerikeri lands to missionaries. My father and other chiefs made arrangements for an area of 13 acres to be set aside for Kororipo. This land was occupied by my father when he was a boy.

The elders who were concerned with the reservation of Kororipo made arrangement for the church reserve and the land given to the missionaries at Waimate.

My father died in January 1932.

\textsuperscript{135} MAI 34/3/82
\textsuperscript{136} MAI 34/3/82.
Old European residents considered that he was 98 years of age at his death. My father always looked upon the area as a reserve, but when the [North Auckland Development] Coy commenced planting trees, he began to suspect that something had happened to the land.

He then instructed Eni Pou to take steps to enter a protest. I cannot say what steps were taken on that occasion.

The boundaries given me by my father were: At a point across from Cleave's house, straight over the hill to Wairoa. This boundary, which was fenced by my father, remained in existence until the Company took possession, when the fence was broken down.137

At this time, the tenant Nordstrand, had placed a "shack" on the land above the pa site. Not only had this caused the response from Henare Kingi te Rangaihi, but a Miss Kemp of Kerikeri had written to the Governor in December 1932 presumably with a complaint.138

On 12 December, 1932, W M Cooper, a Consolidation Officer from Whangarei, was asked by the Under Secretary of the Native Department to inquire into the matter. On 24 February 1933 he reported that he had inspected the locality and interviewed the Misses Kemp, Mr Clinton and Henare Kingi te Rangaihi on the matter. Cooper noted that the building had been erected under the Unemployment Relief Scheme and that it was occupied by Nordstrand who held a lease from the owners, Little, for 15 years at 1/- per acre per annum. Cooper outlined the various accounts of ownership that he had received from those he had spoken to:

The land is supposed to have been purchased originally from the Natives by the C.M. Society prior to the signing of the Treaty of Waitangi, presumably under O.L.C. 34. The Natives assert, however, that Kororipo Pa was specially excluded from sales in the locality, owing to the fact that it was Hongi Hika's Pa and at the time subject to Tapu. Henare Kingi te Rangaihi states that his father, Kingi te Rangaihi, has possession for some considerable time, and actually erected the boundary fence at the landward side of the section.

Miss Kemp, however, has the impression that at one time it was held by her grandfather, who during his lifetime entered into negotiations with the Crown to exchange it for some other area in the locality held by the Crown. Notwithstanding this, however, she states that the older Natives have always stated to her that the area in question was never sold. Assuming that the land was properly purchased the order of ownership is as follows:


I am informed that Mr Bull recognised the claim of the Natives. He resides on an island in Manukau Harbour.139

Cooper noted that Miss Kemp and Mr Clinton were concerned that the pa might be defaced. They suggested it should be preserved by purchasing the land through an exchange with Little. Cooper concluded that "There is no doubt of its historical value, located as it is in close proximity to the old Kerikeri station, the present home of the Misses Kemp."140

On 30 March 1933, Tamati Arena Nepia of Kerikeri wrote to the Native Minister:

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137 BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).
138 Miss Kemp's letter has not been located.
139 BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).
140 Ibid.
I wrote to William Cooper about our land Kororipo Keri Keri which is being taken by an European. This land was handed down by our ancestors for a landing place when they sold Keri Keri to the Missionaries. From that time to the present not one of the descendents has sold an interest in this land to European. When some timber was taken on to this piece of land I wrote to Cooper that I was going to eject this person. He advised me to obtain a plan of this land and to forward same to him. Since then I have not heard from him. The European has been residing on this our land for several months. I am very clear about this land and so are the daughters of Hunia Keepa and so too some of the old settlers. It seems to me that the Europeans intend to confiscate our land. I therefore respectfully request you to return our land.\(^{141}\)

Having received this letter, on 24 March, 1933, the Under Secretary of the Native Department wrote to the Registrar of the Land Court asking for a Land Transfer search and report on Kororipo Pa.\(^{142}\)

The Registrar reported on 8 May 1933 that the title position had become complicated as the pa site had come to be tied in with CT 183/81 which included Kororipo and other blocks with a total area of 6062 acres 1 rood 13 perches. Generally, the Land Transfer report reflected what Cooper had learnt of the title history, although there were some differences arising from the joined titles. The Registrar also noted that the lease to Nordstrand had not been registered against the title.\(^{143}\)

Therefore, on 11 May 1933, the Native Minister sent the following letter to Tamati Arena Nepia.

That land is vested in a Pakeha named Little. It was originally bought by James Kemp the elder in October 1838, from Hongi and Puru and later the Claims Commission authorised a grant to be issued for 13 acres. That Grant was issued on 27th October 1859. It passed through several hands until it became vested in the Pakeha Little. The matter has been referred to the Scenery Preservation Board to see if they can get it back again.\(^{144}\)

It appears that in the meantime, on 16 April, Hone Rameka of Waimate had written separately to the Registrar the pa site. The registrar informed Rameka that the land legally belonged to Pakeha and it was therefore “impossible for the Court to set it aside as a Reservation.”\(^{145}\)

The registrar’s reply prompted Eru Pou of Kaikohe to write to the registrar on behalf of “Hone Rameka and others” asking to have Kororipo brought before the Native Land Court at its next sitting in Kaikohe for investigation. The intention was to have the pa site reserved “for all Ngapuhi people.”\(^{146}\)

The registrar sought directions from Judge Acheson, noting that “This matter has brought up several times and the Native evidently have a grievance.”\(^{147}\) Acheson replied that Court has some powers under Consolidation and will look into its jurisdiction after hearing the facts.\(^{148}\)

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\(^{141}\) Ibid.

\(^{142}\) Ibid.

\(^{143}\) Ibid.

\(^{144}\) MA1 34/3/82.

\(^{145}\) 12 May 1934 BAA1 1030/102a 9/2/30fp1 (National Archives Auckland). The response from the registrar reveals the subject matter of Hone Rameka’s letter: “Your letter of the 16th ultimo to hand. The land you refer to as the Kororipo Pa was originally sold in 1838 by Hongi to James Kemp. It is now known as Old Land Claim 34 the present owners are pakehas (Messrs. Little, Hawkings and others).

\(^{146}\) Ibid.

\(^{147}\) Memorandum 13 June 1934 Ibid.

\(^{148}\) 15 June 1934 Ibid.
However nothing appears to have happened. A letter from the Under-Secretary of the Department of Lands and Survey to the Under Secretary of the Native Department in January 1935 suggests what may have happened:

...The matter has been held over for some considerable time until the owner Mr E J Little returned to the Dominion from a trip abroad. Mr Little is sympathetic towards the proposal, but is of opinion that the Pa has been too much knocked about by cattle to be of any value for reservation. This opinion is fully borne out by inspections made by the Dept and it is considered that any attempt to reconstruct the Pa would be expensive and that the result would not warrant the expenditure involved... The whole matter was considered at a recent meeting of the Scenery Preservation Board which decided, after a full discussion of the case, that it had no recommendation to make. It is not proposed, therefore, to take any further action. 149

On the 25 February 1935, at a sitting of the Maori Land Court at Russell, an application for inquiry into the title of Kororipo Pa came before the Land Court. Hone Rameka and other Maori present asked that the case be adjourned to Kaikohe as the matter was considered to be "of importance to the Natives" and Kaikohe was a more convenient location for those Maori concerned. The Court agreed to this request and directed that in the meantime a full search of records be made and all relevant material prepared for the Kaikohe sitting. 150

The hearing at Kaikohe began on 22 August 1935. Hone Rameka opened the case, describing Kororipo as the "biggest and most important Pa of the Ngapuhi tribe." He explained that it was from Kororipo that Hongi Hika's war parties left on the campaigns to the south and returned. He also added that it was from Kororipo that Hongi Hika and Waikato left for England. Hone Rameka testified on the ownership of the Pa, asserting that the pa had "never been sold to Europeans. My father and sister are buried there. My wife's grandfather is buried there." 151

Hone Rameka disputed that Hongi Hika had sold the land to Kemp in 1838, as a letter from the Registrar had informed him, since Hongi had died in 1828. This raised the possibility of fraud. 152 However, it is pretty certain that the "Hongi" mentioned in the Deed is in fact Hare Hongi, Hongi Hika's son.

Ripi Wi Hongi was the next witness. He supported the evidence of Hone Rameka, outlining the origin of the name of the pa, and identified significant stones in the vicinity of it, adding, "The pa is very important to us. We are prepared to exchange land for it". 153

A third witness, Whauhuel[?] Witehura, supported the evidence that the site had been an important gathering place for Ngapuhi. She reiterated that "It was not till recently I heard we had no right to this pa." 154 The evidence for Ngapuhi concluded with supporting comments from a fourth witness, Hori Tane.

The court then heard from TP Mahony, either a representative for the legal owner, Little, or the Crown, the minutes do not make this clear. Mahony stated that Kororipo was European land and therefore was not a matter for the court's consideration. He gave an overview of the sale and old land claim history of Kororipo, the minutes record his conclusion that there had been no mention of a reservation or a discussion of "Tapu" at the time of the sale, and there had been no interference from

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149 26 January 1935 MA1 34/3/82.
150 14 Taitokerau NLCMB p161.
151 Ibid p234.
152 Ibid p234.
153 Ibid p235.
154 Ibid p235.
Maori when the survey was subsequently completed. However, the local consolidation officer, Cooper, also appeared as a witness and stated that "Miss Kemp, grand-daughter of Rev Kemp, told me she understood this land had never been sold by Hongi."

Judge Acheson said that he found the whole matter "a peculiar case." He could not understand why matters had not been previously investigated. He said it was "amazing" that Maori "ever allowed (if they did so in fact allow??) so historical a Pa to be sold or to remain unclaimed by them for so long." After commenting on the importance of the Pa because of its connection with Hongi Hika and Hone Heka, he concluded that Hongi had not sold the land to Kemp because of the disparity between Hongi's death and the date of the deed. Acheson stated that there were "other peculiar circumstances about this case" which he felt called for an inquiry by the court. The present owner of the site was the type of person who "might respond to an appeal by the Natives." Accordingly, the court would set out the facts of the matter and to make representations either to the current owner, Mr Little, or the Native Minister.

Following the Kaikohe sitting, on 7 October 1935, Registrar wrote a detailed memorandum to the Under Secretary of the Native Department:

The Kororipo Pa is situate on a tongue of land at Kerikeri, Bay of Islands, almost surrounded by the Kerikeri Inlet and the Wairoa River. It is of great historical interest and is tapu to the Ngapuhi as the place where Hongi Hika had his stronghold. From it his expeditions sallied forth on southern raids.

At the recent Kaikohe sitting the Ngapuhi leaders reiterated previous assertions that this Pa was never sold to the Crown or to Europeans.

As to the evidence from Turton's Maori Deeds and Old Private Purchases of a 'sale' on 4 October 1838 'sale':

The Maori leaders at the recent Kaikohe sitting said it was incredible that Hongi Hika sold such a Pa for such a consideration. Further they said (and it is historically true) that Hongi Hika died years before 1838, so could not have signed the deed. Also they claimed that Miss Kemp of Kerikeri was told by her father that the land had never been sold by Hongi or by the Natives.

It would appear that the Claim came before the OLC Commission and that a Grant including the Kororipo Pa with a big area of adjoining land (OLC 34) was made on 27th October 1859. Reference is OLC Commission D 14 Nov 1863 claim 597 P 46. There was no mention of any Reservation for the Kororipo Pa.

The Natives claim now that their people continued to use the Pa at various times until lately when they found it occupied by the present owner Mr E.S. Little.

The Natives at the Kaikohe sitting said that they felt very strongly about the matter because of the associations of the Pa. They ask to be supplied with copies of the proceeding before the Old Land Claim Commission, and they want to know how it was that Hongi's signature appeared on a document dated years after his death. They also want to know how it was that

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155 Ibid p236. The minutes read "No mention of any reservation. No question of Tapu was raised at time of sale. Survey on blank certificate or plan that the survey was completed without interruption from the Natives."

156 Ibid p236.

157 Ibid p237.

158 BAAl030/102a 9/2/30fp1 (National Archives Auckland).
OLC 273F became merged in OLC 34 and so practically submerged and merged the identity of the 13 acres reserved for the Pa. They want the matter investigated.\footnote{Ibid.}

The Registrar explained that Judge Acheson wanted the matter brought to the notice of the Native Department and that he had made the suggestion that a clause be inserted in the “Washing up Bill” of the coming parliamentary session, “authorising the Native Land Court to hold an inquiry and to require the production of old records for inspection by the Court.”\footnote{Ibid.} A standard feature of Native Purposes bills of the period were such clauses authorising inquiries. The Registrar suggested that perhaps old departmental records “will throw light on what appears to be an extraordinary transaction.”\footnote{Ibid.} He added:

The Court stresses the fact that the loss of this particular Pas has been a matter of much concern to the Ngapuhi for many years past, and that if anything is to be done on behalf of the Natives it should be done this year before Mr Little effects costly improvements.\footnote{Ibid.}

On 26 November 1935, Edward Little wrote to Judge Acheson on behalf of the owner of the land, Kingston Orchards Ltd, explaining that he had “been thinking over the question of the Maori Pah” [sic] and that he had some suggestion which he would like the Judge to consider and give advice on. Little noted that Kerikeri was a “friendly settlement” and that he thought his suggestions would save expense "as well as the harrowing of any feelings."\footnote{Ibid.} The attached memorandum included nine suggestions for the future of Kororipo. These were made by the company “In order to show our willingness to meet Maori opinion and to promote good feeling between ourselves and the Maori community.”\footnote{Ibid.} The nine points followed this declaration:

1. The Company are in possession of the land being confirmed therein by a Land Transfer Title Deed. It is proposed that this possession shall be continued without disturbance.

2. The Company are willing to set aside the land on which the Pah stands and the immediate approaches thereto as a memorial.

3. In return the Maori community are to reconstruct the Pah with palisades and interior whares and appointments of a Maori old Pah.

4. The Maoris are to find funds to maintain this Pah and grounds and are to plant it up under the Committee so as to be a place of scenic beauty, and the same is to be open to the Public without distinction, but no one is allowed to live there permanently.

5. A Committee of three shall be appointed to have charge of the place, the Committee to consist of a nominee by the Company, a nominee of the Maori community and a nominee of the Government.

6. The arrangement shall continue so long as the Maori community is sufficiently interested to find funds necessary for the upkeep of the area. When this ceases the Company will resume its own direction of the area and whatever of the Pah may remain. The Committee will year by year prepare a budget of expenses and present through the Maori member of the Committee who shall present the same to the Maori community and be

\footnote{Ibid.}
responsible for the expenditure of such sum to be under the direction of the whole Committee who shall publish a list of receipts and expenditures.

7. The Company and the Public to have free access at all times.

8. The Government to reimburse the tenant Nordstrand compensation and to be responsible to find another place for him.

9. The site to be free of all rates and taxes. 165

Judge Acheson responded in December 1935, thanking Little for his suggestions and concluding:

The matter is of great importance to the Natives and the Court will consult their leaders at the first opportunity but it is not advisable to hurry them. Various meetings with their people will follow and it is hoped that ultimately a solution quite satisfactory to you and to them will be found. The Court will get in touch with you when further developments take place. 166

The Court must have informed the Native Office about the offer, as on 25 May 1936 the Under Secretary of the Native Department wrote to Judge Acheson advising that the offer “appears to be very reasonable” and if local Maori agreed and satisfactory arrangements could be made in respect of the lessee Nordstrand there was a good chance of arriving at an “amicable settlement of the Natives grievances”. Acheson was asked to make the offer to local Maori on behalf of the minister. 167

The offer and the Maori response to it was heard in the Maori Land Court sitting in Kaikohe in June 1936. Hone Rameka addressed the Court and placed further evidence on the record that the pa “belonged to the Ngapuhi tribe, to the whole tribe. From this Pa was expeditions by canoe set out for the south and returned to the spot from the south”. He reiterated that the pa was an important traditional place and burial ground and once again disputed the possibility that there had been a sale in 1838 involving Hongi Hika. 168 As to the offer by Mr Little which the court had outlined, Ramkea said that Maori interested in the site had discussed the matter and nominated Ripi Wi Hongi as one of the trustees. They also agreed to Little’s proposal to erect palisades and clear the site. It was for the Government to deal with the lessee Nordstrand. 169 The hearing closed with the court announcing that it would report favourably to the government on Little’s proposal. 170

Acheson followed up the hearing with a memorandum to his registrar noting that Little’s proposals had been submitted “to a large and representative gathering of Natives” at the Kaikohe sitting when “it was decided to accept the draft as a suitable basis for negotiations for a friendly solution of the problem.” Acheson felt, however, that certain aspects could not be settled without an on-site inspection with Little who was away in China at the time. 171 The registrar relayed the result to the Under Secretary of the Native Department, advising that Acheson had been authorised to act on behalf of local Maori in the return of the land and that he would be conferring with Little on his return from China. In addition:

165 Ibid.
166 9 December 1935 Ibid.
167 Ibid.
168 17 June 1936, 15 Taitokerau NLCMB p245.
169 Ibid p246.
170 Ibid p246.
171 6 July 1936 BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).
Suggestions will then be made to you for the consideration of the Rt Hon the Minister if any legislation or public expenditure is necessary. The Natives are concerned at the possibility of trouble arising after Mr Little's death, with consequent risk of the Pa reverting to private occupation.\footnote{8 July 1936 Ibid.}

On 4 December 1936 the Under Secretary of the Native Department received a note, presumably from the Lands Department, advising him that the lessee Nordstrand had attended a Small Farm Board meeting on 26 November where it was resolved to close the holding and sell its assets. Kingston Orchards agreed to resume its possession of land and from here it was expected that the company would "be free to make whatever arrangements it pleases regarding the Kororipo Pa."\footnote{Ibid.}

Little did not return to New Zealand until at least March 1937\footnote{On 6 January 1937, Property Supervisor NR Findlay wrote to the Registrar at Auckland informing him that Little had still not returned from China but that he was expected back before the end of February.},\footnote{19 March 1937 BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).} when the registrar wrote to him reminding him of the offer he had made before leaving for China and advising that it had been accepted. The Registrar asked: "I shall be glad to know if you are in a position to go into this matter with the Natives and the Court as indicated."\footnote{21 January 1938 Ibid.} By April, however, Little had left again for China.

By June, after an inquiry from the Under Secretary of the Native Department, it appears that the court was preparing to enter into negotiations with Little's son over Kororipo.

There the matter appears to have rested until January 1938, when Acheson minuted to the registrar that:

\begin{quote}
... Probably there will be a tribal conference at Kaikohe next month and it is proposed to suggest that the erection of a replica of Hongi Hika's famous pa at Kororipo Point be one of the tribe's contributions to the Centenary events for 1940. It is not a matter that Ngapuhi would like to hurry over. They have already been thinking it over for the past year but it is probably they will come to a favourable decision shortly.\footnote{16 Taitokerau NLCMB p216.}
\end{quote}

At hearing on 26 January 1938 the matter of the return of the Kororipo Pa for reserve purposes was brought before the Land Court with Hone Heke Rankin asking for an adjournment to Kaikohe in order that Ngapuhi leaders may discuss the matter at the same conference that would deal with the construction of a carved canoe for the 1940 Centenary.\footnote{Ibid p241-242.} On 31 January 1938 Hemi Whautere appeared before the court to inform the judge that Little's proposals had been considered by a "large and representative gathering of Ngapuhi" and had been agreed to. The meeting had also nominated Tau Henare as the representative to act on the "Pa Committee". The court expressed its satisfaction that the Ngapuhi gathering was indeed representative and that ample time had been given for consideration of the case. The conditions of Little's proposal were recorded in the court minutes.\footnote{BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).}

On 24 August, 1938, Acheson sent the Under Secretary of the Native Department a copy of a draft clause to be included in legislation "as a means of putting the arrangements for the Pa upon a footing worthy of its importance to the Maori people and to New Zealand."\footnote{BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).} After noting some of its historic links, Acheson said that he had canvassed and obtained European opinion on the matter.

I understand that no objections will be made by any Europeans interested in the lands affected. Their representatives have already been approached and have consented. No compensation is to be asked for. Steps are being taken to have their formal consents, and the
consents of all other persons directly or indirectly interested, recorded upon a plan setting out clearly what lands are included in the Reserve and in the access road thereto.\textsuperscript{180}

Acheson felt it was particularly important to have the legislation passed during the current session and that it would therefore be up to the Native Department to check on the details of the land and obtain the necessary consents before seeking an order in council and making a proclamation regarding the land. Acheson outlined another reason to make progress with the matter:

It is important, also, that the work of clearing the gorse and preparing the earthworks and palisades should be put in hand as soon as possible, as there will be many other activities to prepare for next year and the heavy work at Kororipo Pa should be started soon.\textsuperscript{181}

The Judge recorded his intention to send a copy of the suggested clause to the Member of Parliament Tau Henare noting of the clause: "It is on the lines already agreed to by him and by the assembled leaders of Ngapuhi."

The suggested clause, (which it was intended would be included in the Native Purposes Bill 1938), effectively reflected the suggestions made by Little. In addition, further details about the board to be established to administer the fund were set out. These included an allowance for the board to operate a "Kororipo Pa Fund" through the Tokerau District Maori Land Board and to expend any sums in it for the purposes of the administration, maintenance or improvement of the site.

The clause also identified that, in order to put a road through to the site, land needed to be given up by surrounding landowners, notably, Alfred Ernest Kemp, of Hicks Bay and the Trustees for the church Missionary Society. The total land required was only 1 rood 10 perches. In September 1938 Acheson wrote to Kemp, presumably a descendant of James Kemp, enclosing a form of consent for the latter to sign. The judge informed Kemp that the Ngapuhi tribe proposed to reconstruct Kororipo Pa for the 1940 centennial as a tribal contribution towards the celebrations.\textsuperscript{182}

On 12 September 1938, Kingston Orchards Ltd informed Judge Acheson that on two occasions, (the 26 August and 10 September), "fires have been lighted by Maoris in the vicinity of the Pah". On the latter occasion "a Maori boy and woman were responsible. They maintained they were rightly lighting the fire in order to clear the track to the Pah."\textsuperscript{183} Acheson responded:

I regret very much to see by your letter of the 12th September that on two occasions fires have been started on the property which it is proposed to hand over for Kororipo Pa purposes.

If these fire were started by Maoris they must have been quite irresponsible persons for whom fitting punishment should be secured through the police authorities. On no occasion have any Maoris whatever been authorised by the Native Land Court to trespass upon this property or to exercise rights of ownership thereon.

On my next visit to the Bay of Islands I shall warn the people of the necessity for keeping away from the Reserve except when specially authorised to enter upon it by the Trustees or by the Native Land Court.

\textsuperscript{180} Ibid.
\textsuperscript{181} Ibid.
\textsuperscript{182} 1 September 1938 Ibid.
\textsuperscript{183} Ibid.
I am writing to the police authorities and requesting that an officer of the Police Department should warn the Maori residents at Kerikeri against the dangerous practice which you have mentioned.

I regret very much that these incidents have happened but it is exceedingly difficult to control irresponsible persons of either race and I would like to be sure that the persons responsible are Maoris and not boys of European families living in the vicinity. This will be a matter for police inquiry.\textsuperscript{184}

Acheson also informed the owners that he had sent the draft legislative clause to Wellington but had learned that the Native Minister felt that Parliament was fully engaged with other matters which had a greater priority. He also provided an update on the clearing of the pa site:

I am still endeavouring to have the Pa area cleaned up with the aid of unemployment contracts, but it is surprising how many difficulties are put in the way when one wishes to carry out a matter of public importance of this nature. I am still pressing the matter as I realise it was Mr. Little's definite intention that the handing over of the Pa should be accompanied by progressive works to carry out the spirit of the arrangement.

As the Judge had recorded, the Registrar wrote to the constable at Ohaeawai informing him of the complaint.

It is alleged that certain Kerikeri Maoris are responsible. In one case a Maori woman and a boy, when spoken to about lighting a fire to clear a track to the Pa, maintained that they had a right to do so as the Pa was Native land.

The Native Land Court knows the land in question. It is owned by Kingston Orchards Ltd. and is not Native land. No Maori, whether resident in the vicinity or not, has any legal right to trespass upon the land, much less light fires upon it. No Maori has been authorised to enter upon the land either by the Court or by Kingston Orchards.\textsuperscript{185}

The Registrar informed the Police that the land was intended to be vested in trustees "as a place of historical interest" and that the trustees would organise the clearance of the land. Before that, however, the Registrar felt measures should be taken against any future trespass. A police warning should be given against trespassing and the lighting of fires.\textsuperscript{186} The police interviewed the people concerned, noting "The Maoris were warned accordingly, and mentioned they thought the land on which they trespassed was Maori land..."\textsuperscript{187}

It appears that the delays in clearing the site (noted in Acheson's 3 October letter to the owners) continued for some time. On 24 November, Acheson wrote a memorandum to the registrar laying the blame squarely at his door commenting; "You are unhelpful to the Ngapuhis in their desire to fulfil the conditions of Mr. Little's gift." Acheson accused the registrar of operating a "policy of obstruction":

Your inaction is causing serious risk of withdrawal by Mr. Little of his generous gift. The six acres offered by him as a Reserve for this historical Pa could easily have been sold by him for anything up to £2,000 as choice building sites very close to Kerikeri Wharf. Instead he chose to offer it as a free gift with access provided it was cleared and palisaded.\textsuperscript{188}

\textsuperscript{184} 3 October 1938 Ibid.  
\textsuperscript{185} Ibid.  
\textsuperscript{186} Ibid.  
\textsuperscript{187} 26 October 1938 Ibid.  
\textsuperscript{188} Ibid.
On 11 May 1939, a letter was received by the Court from Kingston Orchards regarding the development of the Pa:

When we were in Kerikeri we heard that some of the local Maori residents had said to Mr Black that they understood that an area of 14 acres had been given for the Pa. I shall be glad if this misapprehension can be put right, and the right figure which is 6 acres made generally known. This does not include the area necessary for the access road.\(^{189}\)

The letter continued at some length about the reconstruction of the road and the pa site.

It was not until 21 May 1939 that the Under Secretary of the Native Department responded to the issues raised in Acheson's 24 August 1938 letter which had enclosed a draft clause regarding Kororipo and had sought funding for the clearance project. The Under Secretary informed the registrar that Acheson's legislation draft was received too late for inclusion in the Native Purposes Act 1938 and that the draft clause, which had aimed at setting Kororipo Pa up as a Memorial reserve, would be considered in the coming session of Parliament. The Under Secretary also expressed his regret that the financial position of the relief fund was such that there was no money available for clearing and preparing Pa.\(^{190}\)

Obviously some progress was being made however, because on 6 December 1939, at a hearing at Rawene, the Native Land Court was able to make an order pursuant to Section 8 of the Native Purposes Act 1939 declaring that Kororipo (6 acres) be set apart and reserved as a place of historical interest and that the land be vested for an estate in fee-simple in the Kororipo Pa Board.\(^{191}\)

On 22 January 1940, Judge Acheson wrote to T F M Alexander - the Secretary & Treasurer of the Kerikeri Settlers Association - to inform him of the 6 December hearing and order and that the court had laid off a road line and nominated members of the Pa Board, namely Paraire Paikea MP, Judge Acheson himself and Mrs CA Little. These appointments were later gazetted on 28 February 1940.\(^{192}\)

On the same day - 22 January - the Judge also wrote to the Under Secretary of the Native Department informing him of the establishment of the Kororipo Pa Board. He noted that the board:

... will also seek always the co-operation and advice of Mr Hone Heke Rankin and the chiefs of Ngapuhi. It is hoped that the first meeting of the Pa Board will take place during the Centenary Celebrations.\(^{193}\)

However, the first annual report of the Kororipo Pa Board (for the year ended 31 March 1940)\(^{194}\) noted that there was no secretary for the board and no banking account. The work done during the year was recorded as "Nil". Under the heading "Proposed Operations For Ensuing Year", the report stated:

No operations can be proposed or cost of improvements estimated until the preliminary condition stipulated by the donor, namely, the clearing off of the gorse and other rubbish from the Pa and the access road, has been carried out.\(^{195}\)

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\(^{189}\) Ibid.

\(^{190}\) Ibid.

\(^{191}\) 17 Taitokerau NLCMB pp277-279.

\(^{192}\) BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).

\(^{193}\) Ibid.

\(^{194}\) Although the report itself is dated 20 September 1941.

\(^{195}\) BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).
It was noted that operations were held up by the delay in providing unemployment assistance through the Native Department. The report noted that the assets of the board included the pa itself, valued at £2000 and recorded its liabilities as "Nil" although a minute added by hand noted "...except the honourable obligation to first clear up the Pa and the access road and which was really a condition of the gift by Mr. Little."\(^{196}\)

The second annual report (for the year ended 31 March 1941) showed that no progress had been made. Indeed, it commented that "the gorse is worse."\(^{197}\)

Possibly in response to the sharp tone of the two reports, the Native Minister wrote to Judge Acheson on 29 October 1941:

> It is quite clear that you do not appreciate the Dept position and its responsibilities in connection with the expenditure of money - especially free Government moneys. The Dept has standing instructions that no unemployment money are to be authorised unless and until funds are in sight for any necessary "follow up" expenditure....There is little use clearing gorse if it is to be left to grow again.\(^{198}\)

There the matter rested until Acheson wrote to the Native Minister in June 1943. Apparently, the Minister had meet with Hone Heke Rankin in Wellington over the matter. On Rankin's return to Kaikohe he had asked the judge to forward a record of any meeting held by the Pa Trustees. Acheson forwarded minutes from an informal meeting of the trustees on 6 February 1940. Acheson took the opportunity to place on record his complaints about the whole matter:

The Kororipo Pa file will show who obstructed the carrying out of the honourable arrangements made by me in this matter. Remunerative methods and technicalities were invoked to thwart the carrying out of a project of cultural and historical importance to New Zealand. The need for a gesture to the Little family in recognition of their public spirited gift was ignored by officialdom.

It was physically impossible for an old lady like Mrs Little to penetrate the mass of gorse on the old Pa site to see what plan of improvements would be necessary for decision by the Trustees. It was also impossible for the Ngapuhis chiefs to visualise the requirements for restoration of the old Pa or to estimate the amount of money and full labour the Ngapuhis would have to contribute to put the Pa in a state worthy of its historical importance. The first essential as I said all along was to clear away the gorse and other rubbish and safeguard the adjoining property from gorse fires. Also clear the access road. Upon that being done I could have arranged for an inspection by the trustees, the Ngapuhis chiefs and the Kerikeri Settlers Association, followed by an appeal to the Ngapuhis for funds and labour to do honour to Mr Little's very generous gift. In plain language the Native Dept throttled the whole project out of hostility to myself as the medium through whom the Ngapuhis and Mrs Little saw fit to move.

Even at this late stage I trust that something can be done. The history of New Zealand was fundamentally change by the happenings from Kororipo Pa. The expense involved in the initial clearing would not exceed £250 and it might well be advanced out of [?] profits out of the Maori Purposes Fund or by a grant from the Tokerau Maori Land Board out of its appropriation a/c. On the latter case a refund might be made later out of funds to be raised by the Kororipo Pa Board.

\(^{196}\) Ibid.
\(^{197}\) Ibid.
\(^{198}\) MA1 34/3/82.
Mrs Little has almost given up hope of anything being done. She must feel hurt at the lack of appreciation of her husband's gift, and must be wondering who is to blame for the inaction. 199

Acheson's outburst and Rankin's visit achieved very little however. For four more years there was a continuing delay in finding resources for clearing of the site, with the result that nothing was done.

Then in February 1947, the law firm of Wylie and Burrows wrote to the Native Minister on behalf of the owners of the Kororipo site. The lawyers noted that the Kororipo Pa Board seemed to have ceased its functions and pointed out that the minister had the power to dissolve the board and revest the land in the persons deemed entitled to it:

A perusal of correspondence which passed between our client company and the Native Land Court clearly indicates that it was agreed that the Pa should be reconstructed as part of the Centenary celebrations. This arrangement was never carried out despite repeated promises from the NLC.

Our client company now regrets that they must consider the arrangements at an end and must exercise the right specifically reserved to them by virtue of Clause 6 of the draft proposals submitted by the Company and accepted by the local Natives and the Court namely the right to resume possession if the Maori community cease to be sufficiently interested to find the funds necessary for the upkeep of the area. 200

On 23 March 1947 a telegram was sent from the Head Office of the Native Department to the Auckland Registrar informing him of the letter and seeking comment on its contents. The head office commented that "Although the matter is mainly the concern of the local Maoris the Dept can hardly stand by and see the gift avoided if it is possible to do anything without being involved in a lot of expenditure." 201

However, the local department was not sympathetic. The registrar advised Judge Acheson’s replacement, Judge Prichard, to return the land:

This is a matter which I think you should consider. In my view it would be better if the Kororipo Pa Board were dissolved and the land returned to the donors. I do not see that any useful purpose would be served by restoring this Pa as a tourist attraction, and I think that the officers of the Department would be better employed in fostering more necessary and useful work. However, you may think it desirable to call the Board together to discuss the matter. 202

Pritchard's response was to call a conference of local Maori, and to inform the lawyers for the former legal owners that the order of 6 December 1939 had vested the land in the Tokerau District Maori Land Board. This order had not been registered, and to resume ownership the proper course was to request the Native Minister to lodge an application under Section 8 (15) of the Native Purposes Act, 1939. 203

On 21 April 1947, the registrar wrote to a number of Maori interested in Kororipo: Mr W Morgan of Kaeo, Mr Tame Tame of Matauri Bay, Wiremu te Hei Hei of Ti Point, Eruera Mihaka of Te Ahuahu, Mr K Poata of Pupuke and Te Ao Kaka (Mrs Pirihi) of Moerewa. The letter read:

199 30 June 1943 MA1 34/3/82.
200 28 February 1947 MA1 34/3/82.
201 BAAI 1030/102a 9/2/30fp1 (National Archives Auckland).
202 31 March 1947 Ibid.
203 10 April 1947 Ibid.
The persons who gifted this land for a Pah are asking for it back on the grounds that the Natives have done nothing to clear and to develop it.

Though the matter is one for the Natives interested, rather than for the Court, Judge Prichard has interested himself and will be at the Pah at 11 a.m. on Tuesday, 13th May.

If you feel that the land should not go back to the European owners, perhaps you will be present there or will write me before that date.”

The registrar also wrote to the Secretary of the Kerikeri Settlers Association.

The meeting took place as scheduled on the 13 May 1947. Representatives of the owners, the Kerikeri Settlers' Association and the Bay of Islands County Council attended. Also in attendance were fifteen Maori who were described in the minutes as being a "Very representative gathering of descendants of Hongi Hika.”

Mr Black, of the Settlers' Association, expressed the view that the Association hoped that work at the Pa could continue, although his association had no financial assistance to offer. Mr Bates of the County Council said that his organisation had been under the impression that Judge Acheson had acquired sufficient money from the Department to build the model pa. He added that the council was still prepared to offer the use of its machinery. The minutes then record:

Maoris complained that up till present not consulted at all.
Judge pointed out pros & cons, the difficulties - never [ou]ld be used as Maori village - Hongi left many more famous places, This was not scene of triumph etc - the descendants lived all far from Kerikeri - substantial expenditure to begin with -
At one stage they [Maori] proposed
1. that title be vested in Native Trustees. They pointed out the great efforts to provide canoe and carved house at Waitangi and now no say in matter
2. that new trustees be appointed [names listed]
By this time they [Maori] realised the extensive efforts required and felt that it was beyond them. Puri Mokina for example said that from Kaeo he could not do extensive work & had other calls on him.
Judge said little prospect of Government finding very extensive money & keeping as a national memorial.
Left Mr Freyberg to write Mrs Hawkins (who speaks for Mrs Little) in Shanghai as to (1) above. He felt the answer would be no.
Natives to have big meeting and to report to Court on 29th Oct.

These notes indicate that Nga Puhi continued to have a strong interest in preserving the site. However, although he had given local Maori more time to consider the options, Judge Prichard was not hopeful that anything would be done. On a note giving instructions to the registrar he minuted:

"Please write U/Secy that meeting held & matters adjourned till 29 Oct, I feel Natives will probably decide [it] beyond them."
However, the judge was obviously impressed by the continuing Maori interest in the site. In a note to
the Under Secretary in 12 August 1947 he recorded the outcome of the hui on the issue:

I found that none lived anywhere near Kerikeri. Nevertheless there was a good attendance. The
Maoris did not want the reserve to lapse but they could not see how, from a distance, they could
provide all the work, tools etc, to clear and maintain the 6 acres. 12

The meeting had been adjourned until Maori considered what could be done:

I feel that they may decide that much as they would like the reservation properly established
they are unable, living at a distance, to do so. Then we shall have an Application under
Section 8(15) of the N[ative] P[urposes] A[c]t 1939 and the 6 acres odd will be lost for ever.
My own feeling is that here we have an attractive area given as a reserve that it should be a
Public Reserve, as it is an isthmus overlooking Kerikeri Inlet and almost a stones throw
from the oldest stone building in New Zealand. It may be that at the moment the Kerikeri
people are apathetic over recreation reserves and the like, but the time will surely come
when the people will need and would benefit by such a well placed reserve. Just how Judge
Acheson proposed to carry on is not clear - he was the nominated Court representative and
the moving spirit in the matter - but I gather than he expected large grants from the
Unemployment Fund of the Native Dept. I do not see how I can press the Native Dept for
large grants for such a purpose.

What appears to me is that the Reserve should be re-established on a wider basis and not for
the Native people only and that steps should be taken to eliminate the gorse.

.... In short I feel that the donors, having made the gift, are not unreasonable in asking for it
back if no use is made of it; but that it would be unfair to posterity to allow such a gift to
lapse. 13

Prichard wondered whether assistance to fulfil the terms of the lease might come from another source
other than those Maori interested in the block or the Native Department.

This crisis marked a turning point in the plans for the pa site. On the 22 September 1947 the Under
Secretary of the Native Department informed Judge Prichard that the Department had received other
requests for the preservation of historic pa and that he felt the general question should be put to
Government for some policy guidance. 14 A month later it was revealed that the Department of
Internal Affairs was considering purchasing the old stone store and the Kemp homestead which were
located so close to Kororipo Pa. It might be possible that the Pa may be included "in a national as
oppose to a purely Native scheme." 15 By May of the next year however, there had been "no
developments" and "- the Maoris are waiting to see what, if anything, the Internal Affairs
Department will do." 16

In August, Judge Prichard made an inspection of the site. His notes show that the planned road had
not proceeded, the boundaries of the reserve had not been determined by survey, and the overgrowth
of gorse and the gums on the site made it a fire risk. He discussed what might be done:

207 21 May 1947 Ibid.
208 12 August 1947 Ibid.
209 Ibid.
210 Ibid.
211 10 October 1947 Registrar informed the Under Secretary of the Native Department Ibid.
212 25 May 1948, J.H. Robertson, the Registrar wrote to the Under Secretary of the Native Department
Ibid.
The Maoris interested are too far away to take active interest in work and only method can see which will be satisfactory is
1. Crown to fund cost of original clearing and fencing. Clearing £50, Fencing £40
2. Domain Board then to take over?
3. County Council to do roading as promised
4. The Domain Board could be the [?] or at least sponsored by that body
5. Maoris and Mrs Little would require to agree to that.213

In September, Prichard wrote a long report to the Clerk of the Bay of Islands County Council outlining the history reserve proposals for the pa site. He then proposed a solution:

I ask your Council to consider
1. Whether it considers the area worth saving as a reserve for the public and if so,
2. Whether it will do the roading and
3. Whether it approves of the area being vested either in the Council as a Domain Board or in a separate Domain Board approved by the Council.

If a scheme can be worked out approved by the Council and by the donors, I would then approach the descendants of Hongi for their consent and:
(a) Ask the Internal Affairs Dept for £100 or so to do the above clearing and fencing
(b) Ask for legislation to alter the constitution of the Board

It will be appreciated that I an outsider, may over emphasise the desirability of this area being kept as a reserve for future generations. If your Council considers that the Kerikeri area does not reasonably require such and that it is best that the gift lapse and it become private land again, I shall be glad if the Council will say so frankly.214

The council replied that it had met with the residents of Kerikeri and that agreement had been reached that the pa should be retained as public property. The council had suggested that that property be vested in the council as a domain board and had sought the cooperation of the local residents. A local committee had been set up comprised of the following members: Mr G Black of Kerikeri, Mr G Skudder of Kerikeri, H T Atkinson the County Chairman, Mr Moa Kingi and Mr Hira Garland, the Member for Northern Maori.215 Pritchard informed the legal owners and asked for Mrs Little’s view on the council proposals. Pritchard noted that the problem for Maori was that "while they would like to undertake the clearing and maintenance of the land the main difficulty was that there is no Maori land near the pa and all workers would require to come long distances to do any work."216 The legal owners supported the council proposal, but thought that one of the Little family should be on the recently established committee. A family member, Mrs A Gladys Hawkings, was proposed.217

On 23 February 1949 Prichard wrote to Mr Piri Mokena of Kaeo about the proposal. He acknowledged that Maori were:

... quite definite that they did not wish the Reserve handed back to the people who gave it. The whole thing was shelved for the Maoris to consider what scheme they could think out which would be workable and which would result in the whole area being cleared and kept clear.

213 30 August, 1948 Ibid.
214 2 September 1948 Ibid.
215 16 December 1948, the County Clerk, JL Rayner to Judge Prichard Ibid.
216 10 January 1949 Prichard to C Freyberg Ibid.
217 4 February 1949 Ibid.
I have, since then discussed the matter with various Maoris and it has appeared that, since none live in the Kerikeri area it is not feasible for them to undertake the clearing and keeping clear.

I have, at all times, realised that it would not be possible to do what some asked, namely, hand it back to private Maori ownership.  

He then explained the proposal to set up a Domain Board under the County Council which, he noted, could include "some Maori representation."

On 28 March 1949 the Judge wrote to the County Council noting that legislation would be required abolishing the present Pa Board and vesting the area in the Council as a Domain Board. On the matter of Maori representation it was noted:

The Maoris suggest that Piri Mokena (Wm Morgan) of Kaeo be the Maori representative and if a second is agreed to, Hongi Hape of Kaeo. I saw Mr T Paikea the Northern Maori MP and he agrees that he is too far away to be on the Committee. Mr Wm Morgan is a contractor of standing, operating from Kaeo.

By 6 June 1950, the registrar informed the Under Secretary of the Native Department that the pa site had again been inspected by the Judge, this time in the company of A G Harper, the Under Secretary of the Internal Affairs Department, and representatives of the Little family. The Registrar noted:

1. That Internal Affairs would sponsor a Domain Board, assist financially, County Council assurance that area would then be kept clear.  
2. That land not required now but would be a decided asset in thirty or so years.

More than year passed before further action was taken. In August 1951 the County Clerk wrote to Judge Prichard reporting on discussions that had been held with the Department of Lands and Survey about the steps required to vest the pa reserve in the council as a domain board. Apparently the council had thought that Kororipo Pa had been severed from the property of the Little family at the time it was vested in the pa board but had learnt that this was not the case. The registrar later clarified that the land had not been severed from the Little property and that no survey had been made because the Kororipo Pa Board had no funds to cover such actions.

The Council would accept administration of the pa only when a separate title was issued for the area. The survey cost would be £8.7.6. There was also some concern about Judge Pritchard's view that if the Pa Board and its trust were dissolved by legislation, the court would have no legal option but to vest the area in those legally entitled - ie Kingston Orchards. Consequently, in July 1952 it was suggested that:

Kingston Orchards be asked to transfer the area to the Crown for reservation as an historic site. It is assumed they will still make a gift of the area or if not a purchase could be arranged. The special legislation could then be repeated and the County Council be given control of the area.

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218 Ibid.  
219 Ibid.  
220 Ibid.  
221 28 August 1951 & 1 October 1951 Ibid.  
222 20 November 1951 & 19 June 1952 Ibid.  
223 11 July 1952 DG of Lands to Under Secretary Maori Affairs Department. BBDL 1030/3275d 9/2/36 Kororipo pa part 2 1952-70.
The owners were agreeable to this course, writing in a letter in September 1952:

The Donors of the land would welcome the vesting of the Pa site in your Council and its proclamation as a Public Domain as since they gave it nothing has been done to make it available to the public. ...the land has remained in the state it was when handed over except for the growth of gorse and scrub. In dry weather it now presents a considerable fire hazard and as such is a menace to the surrounding properties and the District in general.224

However, the arrangement never came to fruition. Official files show that the direct Maori involvement in efforts to preserve the site was virtually ceased with the failure of the initial model Pa project. After a degree of wrangling, Kororipo Pa remained in private ownership, although it was gazetted as a Crown Reserve to be administered by the Bay of Islands County Council. In 1965 the daughter of ES Little sold the land to the Veale family who began to develop the site in 1969. This action led to protest and the establishment of a local society which, with a small amount of government assistance, purchased the site. GS Latimer (now Sir Graham) became involved in the effort to purchase the site in 1970 when he approached the Maori Purposes Fund Board to assist the residents of Kerikeri in funding the purchase. The board found it had no power to give such assistance.225 The reserve was later transferred to the Crown and administered by the Bay of Islands Maritime and Historic Park.226

224 9 September 1952 C Freyberg to County Clerk. Ibid.
225 Secretary, Maori Purposes Fund Board to Latimer 5 October 1970. Ibid.
226 Ibid.