

WAI 674 #N8
WAI 721 #A2

NGATI MAUKU AND

NGATI TAHINGA KI KAIPARA

(WAI 721)

CLAIM REPORT

Rose Daamen and Richard Nightingale

October 2000

Table of Contents

1.0 Introduction

1.1	Authors	1
1.2	Commissions	2
1.3	Statement of claim and claim issues	4
1.3.1	Representation	8
1.4	Key definitions	9
1.4.1	Area of claim	9
1.4.2	Terminology and style	10

2.0 Ngati Mauku, Ngati Tahinga ki Kaipara and other Eastern Kaipara hapu

2.1	The 1901 Otioro & Te Topuni Native Land Court title investigation and its relevance to Oruawharo lands	13
2.2	Who are Ngati Mauku and Ngati Tahinga ki Kaipara?	16
2.2.1	Ngati Mauku and Ngati Tahinga	16
2.2.2	Te Uri-o-Hau	19
2.2.3	Ngati Kauwae	23
2.3	Hapu and iwi	25
2.4	Hapu recognised as parties in the Otioro & Te Topuni title investigation and their interrelationships	29

3.0 Ngati Mauku and Ngati Tahinga ki Kaipara's right to Oruawharo land

3.1	Original rights and hapu and iwi interaction prior to Te Ika-a-Ranganui	37
3.1.1	Ngati Tahinga and Ngati Kauwae, hapu of Ngati Tahinga	37
3.1.2	Ngati Mauku, hapu of Te Uri-o-Hau and Te Uri-o-Hau based on Mauku	42
3.2	The effect of Te Ika-a-Ranganui, February 1825	49
3.3	Evidence of resettlement at Oruawharo prior to 1840	60

3.4	The 1840 rule	61
3.4.1	Nga Puhi rights	62
3.4.2	Ngati Mauku and Ngati Kauwae of Ngati Tahinga and Te Uri-o-Hau	66
3.5	The Otioro & Te Topuni title investigation judgment	68
3.6	Conclusion	72

4.0 Alienation of Ngati Mauku and Ngati Tahinga ki Kaipara lands

4.1	Introduction	75
4.2	The Crown's 1860 purchase of the Oruawharo (south) block	75
4.2.1	Hawke's old land claim	75
4.2.2	The Crown's 1860 Oruawharo (south) block purchase	76
4.2.3	The Paraheke native reserve	78
4.3	Timber felling, William White's claim and indebtedness	85
4.4	The Native Land Court title investigations, leases and sales	89
4.5	Lack of reserves and inalienability clauses	89
4.6	The Oruawharo papakainga	91
4.7	Stout-Ngata	93
4.8	Wahi tapu and pa	93
4.9	Land taken under public works	97

5.0 Alienation of Oruawharo Lands Through Development Schemes

5.1	Introduction	103
5.2	Early testing of the development schemes at Oruawharo	104
5.3	Te Uira Mahuta Hone Eruera – Nukuroa 2A3C2	116
5.3.1	Initial Crown response	116
5.3.2	The wait continues	123
5.3.3	Development begins	125
5.3.4	Financial difficulties	128
5.3.5	Farm work sliding	131
5.3.6	The struggle continues	133
5.3.7	Leaving the farm	134
5.3.8	Deciding on an occupier	139
5.3.9	Billy Edwards as occupier	142
5.3.10	Peter Cooper as occupier	148

Conclusion – will be the summary presented to the Tribunal

List of Appendices

1:	Pa, kainga and urupa in the Oruawharo rohe	161
2:	Native Land Court title investigations and awards (1865-1904) and alienation of the blocks (1865-1920s) at Oruawharo	167
3:	Oruawharo land taken for railway and roads	185
4:	General information on development schemes	191
5:	Areas of Oruawharo included in the 1930 gazettal of Kaipara land to be brought under the development schemes	197
6:	Extracts on housing	199

Chapter 1

Introduction

1.1 Authors

This report is co-authored by Richard Nightingale and Rose Daamen. Ms Daamen scoped the work.¹ Mr Nightingale researched and drafted a report between November 1999 and June 2000. Ms Daamen then restructured the report and revised it. This report discusses the significance of Oruawharo lands – on the eastern margins of the Kaipara Harbour (see figure 1) – to Ngati Mauku and Ngati Tahinga ki Kaipara, and outlines the alienation of those lands from Ngati Mauku and Ngati Tahinga ki Kaipara from around 1840.

Richard Nightingale is an historian who graduated from Victoria University with a BA (First Class Honours) in History in 1968. He has recently been awarded a Master of Philosophy in Social Policy at Massey University. His thesis, which was submitted in partial fulfilment of the degree, was entitled 'Lines In The Sand / Nga Maenga O Te One: The Native Land Court in the Southern Kaipara / Kaipara Ki Te Tonga and Tamaki Makaurau / Auckland: A Reflexive Consideration'.

¹ Ngati Tahinga ki Kaipara and Ngati Mauku Scoping Report by Rose Daamen, August 1999 (Wai 721, A1). This condensed an earlier draft scoping report of March 1999.

Mr Nightingale was involved in a research contract with the Waitangi Tribunal's Rangahaua Whanui project in 1996-97, the focus of which was the historic operations of the Native Land Court in Tai Tokerau and Auckland. His supervisor in that project was Dr Michael Belgrave of Massey University and formerly of the Waitangi Tribunal. The findings of this research were published in 1997 as *Counting The Hectares: Quantifying Maori Land Loss in the Auckland District 1865-1908*.

Rose Daamen is a member of the Waitangi Tribunal research staff. She has worked in this capacity since 1988. She has been involved in many of the Tribunal's inquiries and research projects, including a contribution to the Rangahaua Whanui Auckland District report, and is currently responsible for claims facilitation of the eighty-plus claims in Tai-tokerau. Ms Daamen has a BA and Post-Graduate Diploma (standard First Class Honours) in Anthropology, from Auckland and Otago Universities respectively, and has completed the first two years of an LLB (part time between 1990 and 1995) at Victoria University.

1.2 Commissions

Ms Daamen's initial commission was to assist Wai 721 claimants by providing a scoping report on:

- (a) Whether evidence already on the record of the Kaipara inquiry adequately describes Crown actions towards Ngati Tahinga in the Oruawharo area;
- (b) What evidence exists in the 1901 Otioro-Topuni Native Land Court title investigation regarding relationships between Ngati Tahinga and other groups

in the Oruawharo area; and

- (c) Other historical sources which may elucidate both Crown actions towards Ngati Tahinga, and Ngati Tahinga's relationships with other groups in the Oruawharo area.

In an amended statement of claim, Wai 721 claimants clarified that they have Ngati Mauku as well as Ngati Tahinga ancestry.² Ms Daamen's scoping report reflected this clarification of their hapu. She found that (a) evidence already on the record did not adequately describe Crown actions towards Ngati Mauku and Ngati Tahinga in the Oruawharo area, and that (b) a wealth of complex material existed on the relationships between Ngati Mauku, Ngati Tahinga and other groups in the Oruawharo area in the 1901 Otioro & Te Topuni Native Land Court title investigation minutes. She identified two key areas of research and suggested some additional historical sources which may elucidate those matters set out in (c) above.

Following consultation with the claimants on the contents of the scoping report, the Tribunal commissioned Mr Nightingale to complete an historical report which would provide:

- (i) An account of the key claim area and the Kaipara land of special significance to Ngati Tahinga ki Kaipara/Ngati Mauku.
- (ii) An analysis of Crown alienations of tribal land within this area during the nineteenth century.
- (iii) A description of twentieth-century alienations, of Native/Maori Land

² Claim 1.28(a)

Development Schemes, and of the health, education and demography of the Ngati Tahinga ki Kaipara/Ngati Mauku community.

Ms Daamen's second commission was to revise and re-write Mr Nightingale's draft report.

1.3 Statement of claim and claim issues

The Wai 721 claim is made by John Edwards, Thomas de Thierry and Benjamin de Thierry on behalf of themselves and of the uri (descendants) of the following tupuna: Matikikuha Parakai, Te Poari Totara, Eruera Te Area, Hone Matikikuha Eruera and his son Te Uira Mahuta Hone Eruera.³ These tupuna, with the exception of Te Uira, appear in the whakapapa on figures two to five.

The claimants are members of Ngati Mauku and Ngati Tahinga ki Kaipara. They say that:

- they have interests in a broad area of Kaipara lands ranging from the East to the West coast;
- they have specific interests in the Oruawharo area, which is defined as the lands, rivers and estuaries lying within the geographic catchment of the Oruawharo River and its tributaries;
- they have been prejudicially affected in their occupation and use of this area by acts and omissions of the Crown;

³ Claim 1.28(a)

- the Crown has failed, following the proceedings of the Native Land Court from 1865-1904, to protect actively their interests, in particular to ensure that their present and future needs were properly provided for;
- the Crown has used inappropriate means to avoid paying compensation for lands taken for roads at Oruawharo and for the claimants' contribution to the cost of fencing the areas taken for such purposes;
- the Crown has failed, through the Kaipara development and consolidation schemes, to protect the claimants interests, in particular in the Nukuroa block and in the Oruawharo J&K block, and that this has resulted in further alienation from their lands; and
- the Crown has failed to protect the health and education of Ngati Mauku and Ngati Tahinga ki Kaipara in the Oruawharo area.

More specifically the claim cites as its causes of action that:

- the 1901 Otioro & Te Topuni Native Land Court title investigation produced evidence relating to the special interests of Ngati Mauku and Ngati Tahinga ki Kaipara at Oruawharo, but did not result in the Crown's adequate acknowledgement of those interests as separate from their Te Uri-o-Hau relations currently preparing to settle with the Crown;
- the Crown's 1860 purchase of the Oruawharo (south) block from Ngati Whatua and Te Uri-o-Hau did not identify or adequately reflect Ngati Mauku and Ngati Tahinga's special interests in the area, was inadequate in payment and did not ensure that the Paraheke reserve was made inalienable;

- the Crown, in the Oruawharo (south) Crown purchase and through the Native Land Court, did not create adequate reserves or provide that sufficient land be made inalienable for the present and future needs of Ngati Mauku and Ngati Tahinga ki Kaipara in the Oruawharo area;
- the Crown did not reserve or make inalienable Ngati Mauku and Ngati Tahinga ki Kaipara's wahi tapu; and
- in relation to the development scheme at Nukuroa, that the Crown:
 - consulted Ngati Mauku and Ngati Tahinga ki Kaipara individuals inadequately as to the merits or deficiencies of the schemes, prescribing the type of assistance to be given to them to the exclusion of other development options;
 - delayed deciding whether or not to proceed with Nukuroa development for an unreasonable length of time, placing pressure on the Eruera whanau's resources and living conditions;
 - having decided to go ahead with development of Nukuroa, failed to provide adequate supervision, including management of finances;
 - purchased 417 acres of land at Nukuroa for development for non-local Maori returned servicemen instead of continuing with an agreed proposal which retained the land in the Eruera whanau's ownership;
 - repeatedly participated in using proceeds from the sale of Te Uira Eruera's other land interests to pay for mounting necessary household and farming accounts;
 - undertook control of the Eruera farm, yet did not take timely responsibility for the financial difficulties which were increasing evident;

- sought to protect its investment and increase productivity of the nation's land resources over and above attaining the social objectives of the scheme for the economic, educational and physical welfare of the Eruera whanau;
- made decisions which led to the further alienation of Ngati Mauku and Ngati Tahinga ki Kaipara from their lands through land purchasing and through placing non-local Maori on that land.

A series of issues, derived from the above claims, has been formulated to focus the research. These issues are:

- Who are Ngati Mauku and Ngati Tahinga? (see chapter 2)
- Do Ngati Mauku and Ngati Tahinga ki Kaipara have a particular right to Oruawharo lands? (see chapter 3)
- Did the 1901 Native Land Court investigation into Otioro & Te Topuni adequately reflect evidence given of Ngati Mauku and Ngati Tahinga ki Kaipara's interests? (see chapter 3)
- Were Ngati Mauku and Ngati Tahinga ki Kaipara adequately acknowledged in the 1860 Crown purchase of the Oruawharo (south) block? Was the price fair? Were reserves made? (see chapter 4)
- What was the pattern of land loss in the Oruawharo area? (see chapter 4)
- What reserves were created for the claimants in the Oruawharo area? (see chapter 4)
- What compensation was given for lands taken by the Crown for roads and railways? (see chapter 4)
- What was the nature of the claimants' participation in the Kaipara

development and consolidation schemes, and what were the effects on the claimants of those Crown initiatives at Oruawharo? (see chapter 5)

- What record is there of the health, education and population of Ngati Mauku and Ngati Tahinga at Oruawharo? (see chapter 5)

The situation of Ngati Mauku and Ngati Tahinga ki Kaipara today will be described by the claimants in their briefs of evidence filed with this Tribunal.

1.3.1 Representation

The question of Ngati Mauku and Ngati Tahinga ki Kaipara's representation in the Oruawharo area is of key importance in the current claim it is of direct relevance to the Tribunal's inquiry. Its relevance is tied not only to establishing the claimants' connection – their manawhenua - to Oruawharo lands. The issue of Wai 721's representation extends to their claim that the Crown's actions have substantially contributed to the Crown's inadequate recognition of Ngati Mauku and Ngati Tahinga ki Kaipara's representation, with regard to Oruawharo lands, in current Treaty negotiations and settlement. Ngati Mauku and Ngati Tahinga ki Kaipara recognise their close connection to Te Uri-o-Hau groupings as a whole (see below, section 2.2.2) and to the Te Uri-o-Hau grouping which is currently in negotiation with the Crown. They recognise that Te Uri-o-Hau groupings as a whole have an interest in the Oruawharo area. But they assert that that interest is both lesser than, and in some cases of a different nature to, their own key interest in the area. Ngati Mauku and Ngati Tahinga ki Kaipara claim that they form a distinct entity, which required distinct recognition in the past, and requires distinct consideration and representation by the Tribunal and the Crown today.

1.4 Key definitions

1.4.1 Area of claim

The key geographic area of the claim is the catchment of the tributaries of the Oruawharo River, which is an estuary or arm of the Kaipara Harbour (see figure 6). This area straddles the boundaries of stage one and stage two of the Kaipara inquiry, and as a result Oruawharo has not been assessed as an entity in itself before this Tribunal.

For the purposes of this report, we have defined this area as including the following land blocks: Te Uaki, Oruawharo (north), Nuhaka, Te Raekau, Nukuroa, Opekapeka, Otioro, Otioro & Te Topuni, Ohoapewa, Waimanu, Ngahokowhitu, Oruawharo (south), Paraheke and a part of Okahukura (No 2) (see figure 7). As noted above, Ngati Mauku and Ngati Tahinga ki Kaipara claim that their interests are paramount in this area, above all larger and smaller Maori groups. They do not claim that other groups have no interest in this area. Evidence of their particular rights to Oruawharo lands will be outlined below.

While Ngati Mauku and Ngati Tahinga ki Kaipara claim particular rights to the above key area, they also claim interests in Kaipara lands beyond this area. For the purposes of this report, the areas beyond Oruawharo may be seen as encompassing the following blocks: Pouto, Mangakakahi, Whangaimokopuna, Waikiekie, Mareretu, Matakoho, Te Komiti, Kaitara, Otara, Pareraihe, Pukekaroro, Pukenui, Opau, Te Ika-A-Ranganui, Mangawhai and Mahurangi (see figure 7).

1.4.2 Terminology and style

To avoid confusion we make the following distinctions:

(a) The three Oruawharos

The term Oruawharo has been used to signify three key, but separate, entities in this report.

- Oruawharo is the name of the river downstream from the junction of the Maenene Stream and Te Topuni River. We will refer to this as the ‘Oruawharo River’.
- It is also the name given to a Native land block of 2024 acres on the north bank of the Oruawharo River. This area is the ‘heartland’ or ‘turangawaewae’ of Ngati Mauku and Ngati Tahinga ki Kaipara. It is sometimes referred to as ‘new’ Oruawharo. We will refer to it as ‘Oruawharo (north)’.
- The term Oruawharo is also used to describe the 1860 Crown purchase of around 30,000 acres on the south bank of the river. This area in early colonial times was the site of the planned settlement known as Port Albert and Albertland. We will refer to this area as ‘Oruawharo (south)’ (see figure 7).

(b) The two Ngati Tahingas – ‘Ngati Tahinga’ and ‘Ngati Tahinga ki Kaipara’

We also intentionally differentiate between ‘Ngati Tahinga’ and ‘Ngati Tahinga ki Kaipara’. Ngati Tahinga is a broad grouping of peoples, whose origins are elaborated upon below (see sections 2.2.1 & 3.1.1). In brief, it includes the peoples traditionally

descended from the ancestor Tahinga. Ngati Tahinga ki Kaipara are the present day claimants, who are a separate entity from their relatives Ngati Tahinga of Te Akau (Waikato). Ngati Tahinga ki Kaipara are those of Ngati Tahinga whose turangawaewae is Oruawharo (Kaipara). All references to 'Ngati Tahinga' in the historical evidence are retained as 'Ngati Tahinga'. All present-day references specifying the claimant group are made to 'Ngati Tahinga ki Kaipara'.

(c) The 1901 Otioro & Te Topuni Native Land Court title investigation

The Otioro & Te Topuni title investigation minutes are a source used extensively in this report. They comprise over 500 pages of handwritten minutes. The investigation was conducted by Judge Dunbar Johnson, Hemi Erueti was the assessor, and the clerk and interpreter of the Court was Chris T Maxwell.

- **Witnesses**

Witnesses in the Otioro & Te Topuni title investigation are referred to in this report. To distinguish them from the other historical figures these witnesses refer to, we have highlighted their names in bold and italics wherever that person is introduced anew (for example, ***Te Tapihana Paikea***). The evidence of the witness whose name is bolded and in italics is contained in the sentences or paragraphs following their name. Where a witness's name does not appear in the text it is noted in the footnote.

- **Matikikuha and Matitikuha, Paraheke and Paraheka**

The minutes record the claimants' tupuna Matikikuha as 'Matitikuha'. We do not correct this with use of square brackets within quotes. Similarly the place known

today as Paraheke appears in the minutes as 'Paraheka'. We leave this spelling as is also.

- Square brackets and inverted commas

The clerk and interpreter recording the minutes of the Otioro & Te Topuni title investigation, Maxwell, used both round and square brackets in his minutes. Because his use of square brackets may create confusion as to which uses are direct quotes and which are our own insertions, we note that the instances where square brackets were used in the original are generally limited to indications regarding to whom the witness is speaking. For example, where the minutes record '[To Ct]', we record '[To C[our]t]'. Where Maxwell uses square brackets in other instances, we note that the insertion is his in the footnote. All other uses of square brackets are our insertions.

Maxwell also used double inverted commas around most words recorded in te reo Maori. We have retained inverted commas around these words in quotes. In conformity with the Tribunal's Style Guide, double inverted commas appear as single inverted commas in inset quotes and remain as double inverted commas in quotes within the text.

Chapter 2

Ngati Mauku, Ngati Tahinga and other Eastern Kaipara hapu

2.1 The 1901 Otioro & Te Topuni Native Land Court title investigation and its relevance to Oruawharo lands

The minutes of the 1901 Native Land Court title investigation into the Otioro & Te Topuni block are central to Ngati Mauku and Ngati Tahinga ki Kaipara's evidence. This 4232 acre block is located in the region to the north of the upper Oruawharo River (see figure 7). It occupies the eastern catchment of the Hakaru River.¹ This river takes the name Topuni in its southern reaches. After its junction with the Maenene Stream, the Topuni River becomes part of the Oruawharo River, an arm of the Kaipara Harbour (see figure 6).

The Otioro & Te Topuni title investigation minutes are relatively unique and have a peculiar significance to the investigation of Oruawharo lands. The relative uniqueness of the minutes comes from the rich detail recorded by the Court clerk regarding the relationships and interests of the hapu in this area. The peculiar significance to the Oruawharo area comes from the fact that the evidence related not only to Otioro & Te Topuni land, but to the Oruawharo area as well. The reason for this is that formerly the tangata whenua regarded Oruawharo and Otioro & Te Topuni as one area.

Almost all witnesses in the Otioro & Te Topuni title investigation emphasised that the Otioro & Te Topuni block was really 'all one land' within a broader area making up the wider Oruawharo region. One witness, for example, claimed that the "ingoa nui" [broader placename] Oruawharo' extended over Otioro & Te Topuni lands: 'This land & those lands were all part of the one land known by the general name of Oruawharo. Otioro & Te Topuni are only "ingoa ririki" [smaller placename] within that large area'.² Another stated that: 'In former times this block & adjacent blocks were all one land. The occup[atio]n was principally at Waingohe pa [Oruawharo (north)] - not on this port[io]n now before C[our]t. Some also lived at Otamatea'.³ Another witness explained that the land 'was orig[inally] one whole, extending to Oruawharo - not simply to this block now before the C[our]t'.⁴ He also described it as 'all Oruawharo, including this land now before C[our]t'.⁵

There was one exception. One witness gave a separate view of the extent of an original whole area. He was from Ngai Tahu hapu and produced a distinctly Ngai Tahu view of a different area encompassing the Otioro & Te Topuni lands: 'In former times all the lands, including Kaitara No. 2, Nukuroa No. 1, this block [Otioro & Te Topuni], & on to the East Coast were held as one whole, & Ngai Tahu were the owners..... Those lands all bel[onge]d to Tahu - & descended to his "uri", Ngai Tahu' (see figure 7).⁶ From this quote it can be seen that Ngai Tahu's 1901 claim to Otioro & Te Topuni, unlike those of the other witnesses, did not include heartland Oruawharo, although it overlapped that area's northern reaches.⁷ Instead, their interests lay to the east and west of the Otioro & Te Topuni block – around Otamatea and Mangawhai.⁸

¹ Sometimes spelt 'Hakoru' river.

² Paraone Hemana, Kaipara Native Land Court minute book 8, 2 September 1901, fols 147-148

³ Wiremu Henare, Kaipara Native Land Court minute book 8, 27 August 1901, fol 100. See figure 8 for Waingohe, within Oruawharo (north).

⁴ Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 29 August 1901, fols 120-121. See also Hemi Parata, Kaipara Native Land Court minute book 8, 28 August 1901, fols 103.

⁵ Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 28 August 1901, fols 110-112

⁶ Wi Wiapo, Kaipara Native Land Court Minute Book 8, 26 August 1901, fol 88

⁷ Wi Wiapo later claimed Ngai Tahu boundaries to be situated further south than this, close to heartland Oruawharo. See section 3.1.1 and figure 10.

⁸ Wi Wiapo, Kaipara Native Land Court Minute Book 8, 30 August 1901, fols 126-128

For now we note that although the investigation contained evidence relating to both Otioro & Te Topuni and Oruawharo lands, some evidence related specifically to Oruawharo. This will be evident below. Other evidence related specifically to Otioro & Te Topuni. Yet it is important to keep in mind that, although the evidence given in the investigation sometimes related to one or the other or both areas, the Court's decision related solely to Otioro & Te Topuni.

The Otioro & Te Topuni title investigation minutes allow a unique insight into the relationships between Ngati Mauku and Ngati Tahinga and other neighbouring groups. Each group's case was set out through a web of 'take' (foundations, authority for land rights). Among the 'take' submitted were 'take tupuna' (ancestral rights), 'noho tuturu' (permanent settlement), 'raupatu' (conquest), 'houhangarongo' (peace-making), 'tuku' (gifts), 'tupapaku' ('wahi tapu'/'urupa' sites), 'pa' (fortresses), 'ahi ka roa' (continued use), 'whakahaerenga tikanga' (up-holding of custom) and 'marks upon the land'. Some witnesses premised their claims on up to five of the above rights. We do not separate the evidence according to each 'take' in this report. The 'take' will, where relevant to the Tribunal inquiry, be evident in the sections below.

The above 'take' were not the sole determinants of which hapu (and/or which individuals) gained title to specific areas of land. The Otioro & Te Topuni minutes also refer to customary rights resulting from, amongst other things, 'paanga tangata' (relationship). Many of the witnesses in the Otioro & Te Topuni title investigation referred to specific individuals or hapu having 'paanga tangata' with other hapu and, at times, as a result, obtaining title to land despite not having 'paanga whenua' (rights to the land). Others mentioned factors such as an 'utu' for a 'kupu kino' (compensation for insult), 'noho huihui' (living together), 'aroha' (love), 'mana rangitara' (chiefly prestige)

and 'tikanga rangatira' (chiefly custom) as being determinants of inclusion in a title and/or of use rights in the land.⁹

Lastly, we note that the testimonies of the claimant witnesses in the Otioro & Te Topuni title investigation were in te reo Maori. These were translated into English by the clerk and interpreter of the court, Maxwell, and produced in the minutes. But, as will be evident from the above, some key words were not translated into English, and the minutes are interspersed with te reo Maori words. This is perhaps indicative of the difficulty in translating some of the cultural concepts involved into English. We leave these terms as they appear in the minutes, providing suggested translations where it might aid comprehension (as can be seen above), but we note that our suggested translations should be used as a general guide only.

2.2 Who are Ngati Mauku and Ngati Tahinga ki Kaipara?

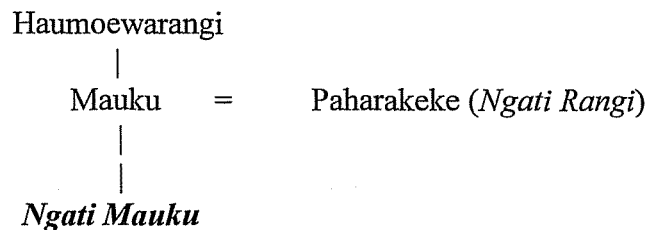
2.2.1 Ngati Mauku and Ngati Tahinga

Ngati Mauku and Ngati Tahinga ki Kaipara trace their ancestry to two key tupuna. Mauku is the tupuna of Ngati Mauku. She was one of Haumoewarangi's children and is said to have come from Te Wairoa (northern Kaipara) to Oruawharo to marry Paharakeke of Ngati Rangi. On Mauku's marriage, Hikurangi, of Ngati Rangi, is said to have "tuku'd" (gifted) the Oruawharo lands to her.¹⁰ Ngati Rangi are said to have come from Manganui (around Te Wairoa, not Mangonui), and to have lived much later on around

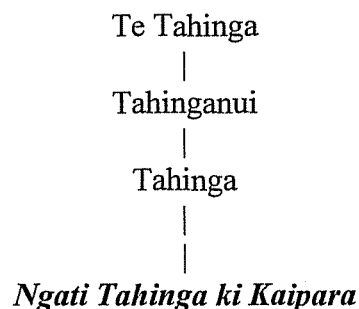
⁹ For example, Paraone Hemana, Kaipara Native Land Court minute book 8, 2 September 1901, fols 143, 150; 4 September 1901, fols 156-165; Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 11 September 1901, fol 223; 13 September 1901, fol 252; Hemi Parata, Kaipara Native Land Court minute book 8, 25 September 1901, fol 350; Wi Wiapo, Kaipara Native Land Court minute book 9, 9 October 1901, fols 69-70

¹⁰ Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 273

Kaikohe and Ohaeawai.¹¹ Mauku is at least eleven generations removed from those named in the current claim.



Tahinga is the tupuna of the Ngati Tahinga ki Kaipara. Tahinga (whom some say was a man, others say was a woman) is described in the Otioro & Te Topuni minutes as a descendant of Te Tahinga and his descendant Tahinganui. Tahinganui is at least sixteen, and Tahinga at least twelve, generations removed from the claimants.¹²



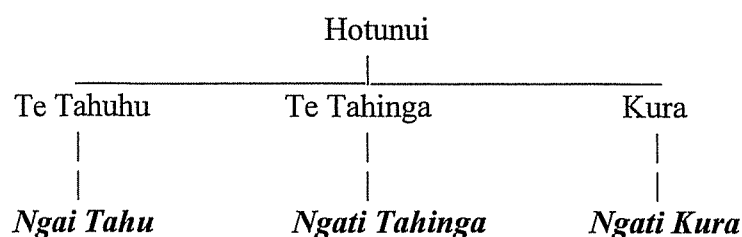
Te Tahinga was the second son of Hotunui, one of the principal men of the Tainui canoe, which landed at Ngunguru (in Tai-tokerau) from Hawaiki. Hotunui's other two sons, Te Tahuhu and Kura, were the apical ancestors of two other hapu of the eastern Kaipara, referred to in the Otioro & Te Topuni minutes and in this report. Hotunui's first son, Te Tahuhu, was the founder figure of **Ngai Tahu**, and Kura, his third son, is the ancestor of **Ngati Kura**.¹³ Descendants of the three sons, including Tahinganui, rangatira of Ngati

¹¹ Te Tapihana Paikea (a witness in the Otioro & Te Topuni title investigation) refers to Ngati Rangi having come from Manganui (Kaipara Native Land Court minute book 8, 10 September 1901, fol 208). Ngati Rangi was recorded in 1862 to exist in Kaikohe and Ohaeawai (*AJHR*, 1862, E7, p 18).

¹² Paraone Hemana, Kaipara Native Land Court minute book 8, 27 August 1901, fols 93-96; Wi Wiapo, Kaipara Native Land Court minute book 8, 27 August 1901, fol 92; Kaipara Native Land Court minute book 9, 7-8 October 1901, fols 46-57.

¹³ Wi Wiapo, Kaipara Native Land Court minute book 8, 27 August 1901, fols 91-92

Tahinga, are said to have travelled south, to Kaipara, from Ngunguru. They divided the land at Kaipara amongst them on arrival – Ngati Kura remained in the land to the north of Otamatea, Ngai Tahu occupied the area around Pukenui (around Otamatea), and Ngati Tahinga, under Tahinganui, came to live at Oruawharo (see figure 6).¹⁴



Tahinganui is said to have left the Kaipara and gone to Te Akau (Waikato) where Ngati Tahinga ki Te Akau live today. Yet his descendant, Tahinga, the tupuna of Ngati Tahinga ki Kaipara, returned to Paraheke,¹⁵ on the south side of the Oruawharo River, giving rise to Ngati Tahinga ki Kaipara.¹⁶

The link between Ngati Mauku and Ngati Tahinga ki Kaipara was said, by those representing Ngati Tahinga's interests in the Otioro & Te Topuni minutes, to have resulted from the the marriage of Tahinga's granddaughter Kama to Mauku's son Whiti, who came from Tangihua.¹⁷ In other evidence given, notably by those claiming rights to Otioro & Te Topuni land through Mauku, it was recorded that Whiti, already living at Oruawharo, married Tuwhakaohorangi of Ngati Rangi.¹⁸ In both accounts, either Kama and Whiti, or Tuwhakaohorangi and Whiti, had a son named Te Karoro who features prominently in this report. Te Karoro is the tupuna named in many of the title investigations in the Oruawharo area. Some claimed there to have been 'two Te Karoros'

¹⁴ Wi Wiapo, Kaipara Native Land Court minute book 8, 27 August 1901, fols 91-92; Paraone Hemana, Kaipara Native Land Court minute book 8, 27 August 1901, fol 93; Wi Wiapo, Kaipara Native Land Court minute book 9, 7-8 October, fols 46-57; 10 October 1901, fols 78-79

¹⁵ Sometimes referred to as 'Paraheka'.

¹⁶ Wi Wiapo, Kaipara Native Land Court minute book 9, 7-8 October, fols 46-57; 10 October 1901, fols 78-79

¹⁷ Paraone Hemana, Kaipara Native Land Court minute book 8, 27 & 30 August 1901, fols 93 & 129

¹⁸ Hemi Parata, Kaipara Native Land Court minute book 8, 26 September 1901, fols 352-353; Te Tapihana

– one of Ngati Mauku and one of Ngati Tahinga (see below).¹⁹

Tahinga			
Kiwi		Mauku	
			OR
Kama	=	Whiti	
Te Karoro			

Mauku	=	Paharakeke
Whiti	=	Tuwhakaohorangi
Te Karoro		

2.2.2 Te Uri-o-Hau

Two further key groupings discussed in this report both come under the name **Te Uri-o-Hau**. The Wai 721 claimants' connection with the Te Uri-o-Hau groupings is firstly through Mauku's father, Haumoewarangi, who was the progenitor of at least seven hapu in Tai Tokerau (giving rise to Te Uri-o-Hau - Haumoewarangi), and secondly through a descendant of her youngest brother, Hakiputatomuri.²⁰

'Te Uri-o-Hau' is the name given to *both* the descendants of all Haumoewarangi's children *and* the descendants solely of Haumoewarangi's youngest child, Hakiputatomuri. As one witness in the Otioro & Te Topuni title investigation minutes put it: 'The "putake" [ancestor] of the hapu, Te Uriohau[,] was Haumaiwarangi. He had several children, but that name "iri"'d [rested] upon the des[cendan]ts of his son Haki only'.²¹

Paikea, Kaipara Native Land Court minute book 8, 12 September 1901, fols 236-239

¹⁹ Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 282; Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 12 September 1901, fol 236.

²⁰ Alternative spellings are Haumaiwaarangi and Haumaiwhaarangi.

²¹ Heta Paikea, Kaipara Native Land Court minute book 8, 30 September 1901, fols 377-378

Waewaekura	=	Haumoewarangi					=	Waihekeao
Rangiteipu		Makawe	Whiti ²²	Rongo	Mauku	Ruinga	Weka	Hakiputatomuri
		<i>Te</i>	<i>Nga</i>	<i>Ngati</i>	<i>Ngati</i>	<i>Ngati</i>	<i>Ngati</i>	<i>Te</i>
		<i>Taou</i>	<i>Whitu</i>	<i>Rongo</i>	<i>Mauku</i>	<i>Ruinga</i>	<i>Weka</i>	<i>Uri-o-Hau</i> ²³

Wiremu Wright explains and discusses this point in his evidence given to this Tribunal. He states that Te Uri-o-Hau today are recognised under the specific tupuna of Hakiputatomuri 'with his brothers and sisters all creating their own tribe as time went by through intermarriage and migration'. The only exception to this, he notes, is Ruinga who, he suggests, lived at Pouto under Hakiputatomuri's mana. Although 'the other children of Haumoewarangi created their own Iwi or hapu of Ngati Whatua', he noted that they would also recognise themselves as belonging to Te Uri-o-Hau, 'the uri of Haumoewarangi'. Wiremu Wright acknowledged that '[t]his may cause a slight confusion of who's who'.²⁴

This dual definition of the name 'Te Uri-o-Hau' has required that careful scrutiny be made of the witnesses' statements in the Otioro & Te Topuni title investigation to

²² Mauku's older brother, Whiti, should not be confused with her son, Whiti, who appears throughout this report.

²³ Kaipara Native Land Court minute book 2, 20 February 1868, fol 120; Kaipara Native Land Court minute book 8, 27 August 1901, fols 97-98; IH Kawharu, *Orakei: A Ngati Whatua Community*, NZCER, Wellington, 1975, p 26. Note that Wiremu Wright's whakapapa showing Te Uri-o-Hau present Haumoewarangi's children in this order: Makawe, Mauku, Whiti, Weka, Ruinga, Rongo and Hakiputatomuri. He depicts Whiti's hapu as Ngati Whiti rather than Nga Whitu. (Wiremu Wright, 'A Manawhenua Report: Te Uri o Hau o te Wahapu o Kaipara', December 1996, Wai 271, document A1, p 50)

²⁴ Wiremu Wright, 'A Manawhenua Report: Te Uri o Hau o te Wahapu o Kaipara', December 1996, Wai 271, document A1, pp 56, 65-67

determine which definition of Te Uri-o-Hau is meant at different points in the evidence. The name 'Te Uri-o-Hau' appears in the Otioro & Te Topuni minutes both as a hapu distinct from, and standing alongside, other hapu created by Hakiputatomuri's older siblings, such as Ngati Mauku, and an entity – or broader hapu grouping - which encompasses some or all of those hapu. For this reason, when we refer to Te Uri-o-Hau, where we think it may be unclear to the reader which definition is meant, we add, in brackets following the name, our understanding based on the context (if recording a witness's statement) or the meaning we wish to convey (if the name Te Uri-o-Hau forms part of our discussion).

For example, one witness thought that 'all the parties setting up cases for this block are really one people', meaning that that were all related to Te Uri-o-Hau (Hau), then went on to clarify 'that is Ngai Tahu, N[gati] Kauwae, Te Uriohau [Haki] and N[gati] Mauku'.²⁵ As an example specifically of a reference to the broader Te Uri-o-Hau grouping, another witness noted that '[t]he name Te Uriohau is an "ingoa nui" [overarching name], and covers N[gati] Mauku.... Te Uriohau are des[cendan]ts of Haumaiwarangi'.²⁶ Another claimed: '[m]y hapu is Te Uriohau – within that name I am also N[gati] Mauku'.²⁷ Another witness went so far as to claim that '[t]he people are all Te Uriohau' (Hau) and that hapu names such as Ngai Tahu, Ngati Mauku and Ngati Kauwae (see below, section 2.2.3) were 'now simply' distinguishing names.²⁸ Statements such as this should not be assumed to mean that those hapu noted saw themselves as part of Te Uri-o-Hau (Haki) – the descendants of Hakiputatomuri. In some instances the definition meant by a witness is not clear. We leave these instances as is.

There is a third use of the term 'Te Uri-o-Hau' apparent in the Otioro & Te Topuni minutes. At times the name 'Te Uri-o-Hau' appears to be applied to a grouping within Ngati Mauku. Two witnesses imply that 'Te Uri-o-Hau' were descendants of Mauku's

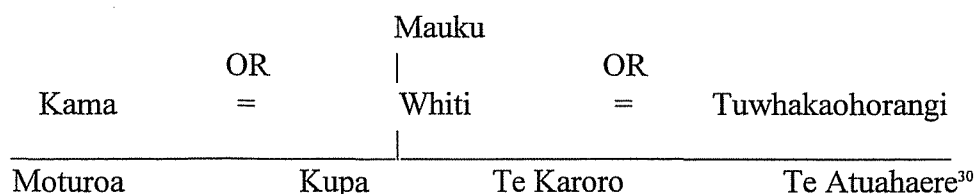
²⁵ Wiremu Henare, Kaipara Native Land Court minute book 8, 27 August 1901, fols 96-102

²⁶ Wi Wiapo, Kaipara Native Land Court minute book 9, 9 October 1901, fol 76

²⁷ Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 272

²⁸ Hemi Parata, Kaipara Native Land Court minute book 8, 27 September 1901, fol 371

grandson (Whiti's son) Kupa, and that their right to occupy Oruawharo derived from Kupa, hence the statement: 'Only N[gati] Mauku have occup[ie]d the land - they and Te Uriohau. Latter had right as being des[cendan]ts of Kupa'.²⁹



As will be seen below, some rivalry developed between Mauku's descendants from Te Karoro and her descendants from Kupa, the latter being clearly associated with Te Uri-o-Hau (Haki). Despite naming descendants of Mauku's grandson Kupa as those with a right to Otioro & Te Topuni lands, one witness claiming Te Uri-o-Hau rights to that land, claimed no right for himself because he descended from other children (Rongo and Ruinga) of Haumaiwarangi.³¹ Because he was not Mauku's descendant, and because he saw the name 'Te Uri-o-Hau' as relating to Hakiputatomuri's descendants who intermarried with Mauku's descendants, he claimed no right to the land. The association of Mauku's grandson (Whiti's son) Kupa with Te Uri-o-Hau (Haki) is discussed further below (see section 2.4).

We note that the present-day Heads of Agreement between the Crown and Te Uri-o-Hau records that Haumoewarangi's children include both Mauku and Hakiputatomuri and that it is from Hakiputatomuri that Te Uri-o-Hau today claim descent.³²

²⁹ Heta Paikea, Kaipara Native Land Court minute book 8, 23 September 1901, fol 322

³⁰ Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 28 August 1901, fol 112; Paraone Hemana, Kaipara Native Land Court minute book 8, 27 August 1901, fol 93; Hemi Parata, Kaipara Native Land Court minute book 8, 28 August 1901, fol 103; Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 281. Paraone Hemana mentions Te Karoro and Te Atuahaere only. Hemi Parata does not mention Moturoa. Heta Paikea puts Te Atuahaere as the second born.

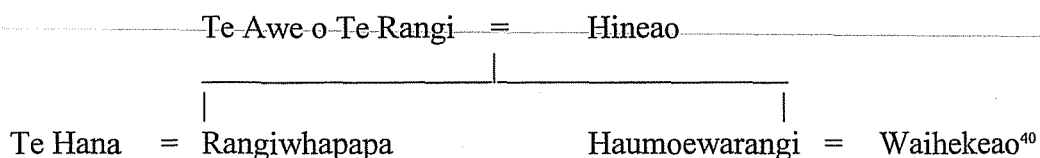
³¹ Hemi Parata, Kaipara Native Land Court minute book 8, 28 August 1901, fol 107

³² 'Heads of Agreement for a Proposed Settlement of the Te Uri o Hau Historical Claims Against the Crown', 20 November 1999, p 4.

2.2.3 Ngati Kauwae

A further hapu of particular importance in this claim is **Ngati Kauwae**.³³ As noted above, several witnesses spoke of 'two Te Karoros' – one who sprang from Mauku and another who sprang from Tahinga.³⁴ This came to light once the main Ngati Tahinga claimant to Otioro & Te Topuni land stated his hapu to be Ngati Kauwae descended from Te Karoro, son of Kama and Whiti.³⁵ This appears to have led to a distinction being made between 'the N[gati] Kauwae in N[gati] Tahinga' and 'the N[gati] Kauwae in Te Uriohau [Hau]'.³⁶

So while some said that Ngati Kauwae were of Ngati Tahinga, others claimed that Ngati Kauwae was a hapu within Te Uri-o-Hau (Hau), with reference to their descent from Mauku and Whiti.³⁷ Yet others claimed Ngati Kauwae to be descendants of Rangiwhapapa, Haumaiwarangi's tuakana (older brother), therefore not of Te Uriohau (Hau) - or rather, not completely of that Te Uri-o-Hau (Hau), as one witness added, some Ngati Kauwae were 'partly Te Uriohau [Hau]' (see below).³⁸ There was some confusion as to 'wh[ich] side the hapu name N[gati] Kauwae really belongs – whether to [the] Rangiwhapapa side or to [the] side of des[cendan]ts of Haumaiwarangi'.³⁹



³³ Kauwae is sometimes spelt Kauae. One witness in the Otioro & Te Topuni title investigation minutes claimed to be of Ngati Kauwae, hapu of Ngati Tahinga, yet most referred to either Ngati Kauwae or Ngati Tahinga.

³⁴ For example, Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 16 September 1901, fol 271

³⁵ Paraone Hemana, Kaipara Native Land Court minute book 8, 27 August 1901, fol 93

³⁶ Kaipara Native Land Court minute book 8, 26 September 1901, fols 352-353

³⁷ Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 10 September 1901, fol 217; Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 273; Hemi Parata, Kaipara Native Land Court minute book 8, 26 September 1901, fol 370

³⁸ Wi Wiapo, Kaipara Native Land Court minute book 9, 7 October 1901, fol 76; 11 October 1901, fols 87-89

³⁹ Wi Wiapo, Kaipara Native Land Court minute book 9, 7 October 1901, fol 76

A number of the witnesses identified Ngati Kauwae as 'really' being Ngati Te Hana, a name derived from Rangiwahapapa's marriage to a woman named Te Hana.⁴¹ Te Hana's descendants then 'became mixed (whakauruuru) with Te Uriohau [Hau]'.⁴²

Some witnesses provided an explanation of the origin of Ngati Kauwae's name which began with an action of Whiti's:

The hapu name N[gati] Kauwae originated through [an] action of Whiti. When going along the shore of Oruawharo, he came upon the remains of a large fish. He put the 'kauwae' of the fish ag[ains]t his own chin - hence the origin of that hapu name. [To Ass[esso]r] I cannot say to wh[ich] child of Whiti that hapu name applied. Some des[cendan]ts are N[gati] Kauwae and some are N[gati] Mauku I cannot say that the hapu name N[gati] Kauwae applies to the des[cendan]ts of all the four children of Whiti. I do not know that it applied solely to des[cendan]ts of any one child of Whiti. [To C[our]t] As to the distinction bet[ween] N[gati] Kauwae & N[gati] Mauku, I now begin to think that that hapu name N[gati] Kauwae applied to des[cendan]ts of all the children of Whiti.⁴³

Yet while some said that the name Ngati Kauwae might apply to all of Whiti's children, others stated that the name applied only to descendants of Whiti's sons Te Karoro and Te Atuahaere.⁴⁴

There was general consensus about which individuals were of Ngati Kauwae (see below, section 2.4).⁴⁵ This, along with: (1) one witness's claim that two descendants of Te

⁴⁰ Wiremu Wright, op cit, p 50

⁴¹ For example, Hemi Parata, Kaipara Native Land Court minute book 8, 24 September 1901, fol 328

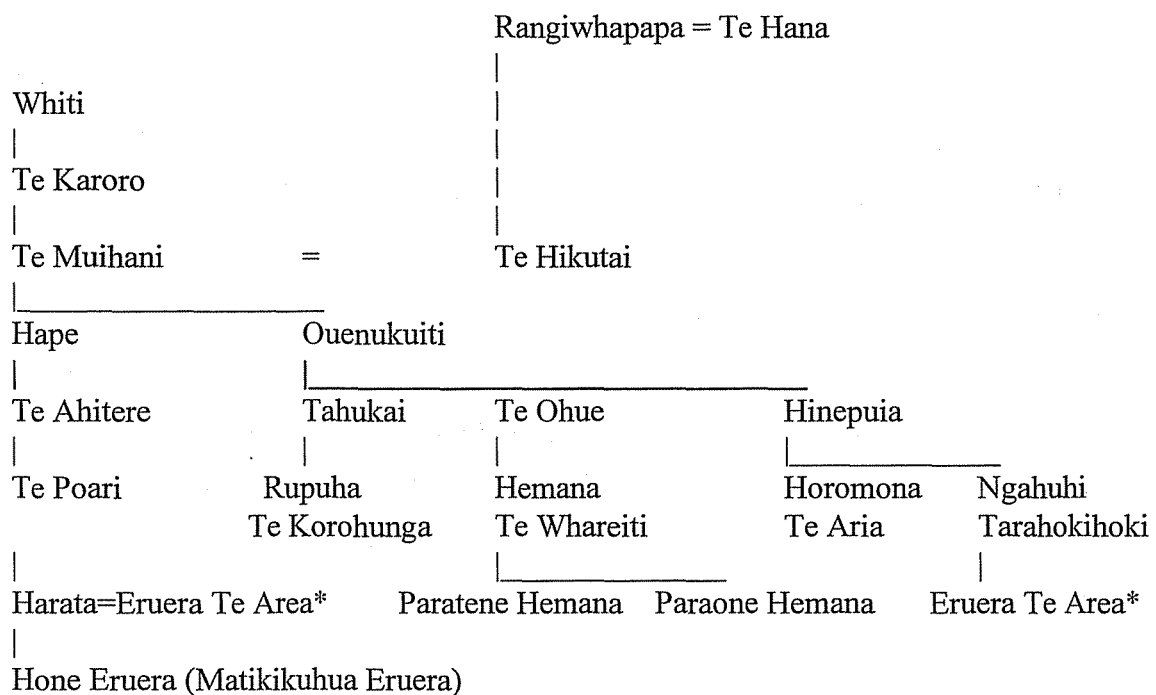
⁴² Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 10 September 1901, fol 217; Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 282

⁴³ Heta Paikea, Kaipara Native Land Court minute book 8, 17 September 1901, fol 281

⁴⁴ Hemi Parata, Kaipara Native Land Court minute book 8, 26 September 1901, fol 353

⁴⁵ For example, Hemi Parata, Kaipara Native Land Court minute book 8, 26 September 1901, fols 352-354

Karoro⁴⁶, Hape and Ouenukuity, sprang from Rangiwhapapa and Te Hana,⁴⁷ and (2) another's independent acknowledgement of that statement and additional explanation that Hape and Ouenukuity's mother, Muihani, a descendant of Te Karoro, had married Te Hikutai,⁴⁸ a descendant of Rangiwhapapa and Te Hana, has led us to the following understanding of the individuals upon whom the hapu name Ngati Kauwae applied:



2.3 Hapu and iwi

The complex nature of, and relationship between, hapu and iwi is beyond the scope of this report. However, a brief comment at this juncture is relevant to the claimants' case. We borrow from more learned scholars on the topic to list a series of important points on these matters.

⁴⁶ Paraone Hemana, Kaipara Native Land Court minute book 8, 27 August 1901, fols 93-95

⁴⁷ Heta Paieka, Kaipara Native Land Court minute book 8, 19 September 1901, fol 300

⁴⁸ Paraone Hemana, Kaipara Native Land Court minute book 9, 26 October 1901, fol 216. The whakapapa on this page is derived from Paraone Hemana, Kaipara Native Land Court minute book 8, 27 August 1901, fols 93-96.

The first point we would like to make, from Dr Angela Ballara's work, is that some nineteenth century hapu were politically independent groups.⁴⁹ While it has been common to refer to 'iwi' and 'hapu' as 'tribes' and 'sub-tribes' respectively, these translations can misleadingly infer a lack of autonomy in hapu. We reiterate Wiremu Wright's statement that each of Haumoewarangi's children created their own independent hapu.

The second point is that while some hapu were autonomous groups, they could simultaneously relate themselves to other hapu, or identify themselves with a broader set of people or iwi.⁵⁰ For example, Ngati Mauku witnesses acknowledged their relationship to the broader Te Uri-o-Hau grouping (see below). Ngati Kauwae of Ngati Tahinga acknowledged relationship, or 'paanga tangata', to Ngati Mauku.

A third point we wish to make is that, as Jeffrey Sissons, Wi Hongi and Pat Hohepa note, Maori genealogies are to a large extent politically motivated. They comment that only key ancestors and important marriage ties at different generational levels are remembered and passed on.⁵¹ And these genealogies are:

able to reflect and legitimate a contemporary and changing political order .
. . Such shifts in relative emphasis legitimate claims to greater mana by
politically powerful hapu . . . effectively denying such claims to others.⁵²

This is evident in the conflicting accounts given in the Otioro & Te Topuni investigation by each of the parties. We also note here that Wiremu Wright has described the origin of

⁴⁹ For example, A. Ballara, *Iwi: The dynamics of Maori tribal organisation from c.1769 to c.1945*, Wellington, 1998, p 184

⁵⁰ A. Ballara, 'Porongahau: the Formation of an Eighteenth-Century Community in Southern Hawke's Bay, *The New Zealand Journal of History*, Vol 29, No. 1, April 1995, pp 5-6; Ballara, *Iwi*, pp 1-24.

⁵¹ We add that only key ancestors following the whakapapa of the politically powerful hapu are remembered and passed on. Other whakapapa, leading to the same present-day individuals, might follow a different line.

⁵² J Sissons, Wi Hongi and P Hohepa, *The Puriri Trees Are Laughing: A Political History of Nga Puhi in the Inland Bay of Islands*, Wellington, Polynesian Society monograph, 1987, pp 149-150.

the name 'Te Uri-o-Hau', including its description more specifically today of the uri of Hakiputatomuri. However, other complex interactions between the descendants of Haumoewarangi's children in the mid-1800s contributed to the use of the name in the broader sense. The 'kotahitanga' (unification) amongst eastern Kaipara hapu following the 1825 battle of Te Ika-a-Ranganui resulted in some cohesion amongst Te Uri-o-Hau (Hau) in activity and occupation. It may also have contributed to the growth of a prominent presence of the hapu name 'Te Uri-o-Hau' in the Kaipara.

A fourth, related, point is that '[t]he status of any one descent group as iwi or hapu was subject to change over time. It would grow, bifurcate or decrease and contract. It could wax and wane'.⁵³ Hapu and iwi were not static. Maori political and social groupings changed over time. This point is abundantly clear in the fact that many hapu named in the Otioro & Te Topuni title investigation minutes are not commonly heard of today – a point which we will pick up on again later. Part of the waxing and waning of hapu may be evident in the present claim. One of the present claimant groups, Ngati Tahinga ki Kaipara, are those descendants of the person, Tahinga, who returned to the Kaipara from Te Akau (Waikato) where Ngati Tahinga as a whole had moved. In fact some of those giving evidence in the Otioro & Te Topuni title investigation claimed to not know of Ngati Tahinga, except as a grouping living at Te Akau.

But perhaps more importantly, we suggest that the waxing of Te Uri-o-Hau (Haki), and the apparent waning of the hapu of other children of Haumoewarangi, may have been enhanced by British colonisation. Changes in hapu may have been more extensively and quickly effected through the introduced system of British land tenure, and particularly the title investigations of the Native Land Court. Ballara has noted that the number of recorded hapu and iwi names decreased by about one half colony-wide between 1862 and 1881. She has commented that in the interest of efficiency, colonial administrators tended

⁵³ A. Ballara, 'Porongahau: the Formation of an Eighteenth-Century Community in Southern Hawke's Bay, *The New Zealand Journal of History*, Vol 29, No. 1, April 1995, pp 5-6

to simplify hapu and iwi affiliations and often to subsume a smaller group within a larger neighbouring one.⁵⁴

A fifth point, one which is readily apparent from reading the Otioro & Te Topuni minutes, is that, on a micro level, particular rangatira representing specific hapu appear to have determined which other hapu, or individuals of other hapu, gained title to and/or used land in (at least) nineteenth-century Oruawharo. Hapu in the eastern Kaipara, especially after their return following the battle of Te Ika-a-Ranganui (see below, section 3.2), often lived with individuals of other hapu for some time. Yet the nature of those rights of occupation differed depending on their 'take' (foundation, authority) to the land and their relationship to the people of that land. As noted above, these were determined by rangatira whose considerations could include a wide range of factors such as 'paanga tangata', 'utu' for a 'kupu kino', 'noho huihui', 'aroha', 'mana rangatira' and 'tikanga rangatira' (see section 2.1).

Some witnesses commented that they disagreed ('whakahe'd') with this manner of operating.⁵⁵ One witness noted (referring to the 1860 Crown purchase of the Oruawharo (south) block, see below section 4.2):

I say that the 'kaumatuas' acted as they pleased in those days, but in these days the younger generation (tamariki) do as they please. That is my opinion because in those old days the business was not conducted in the same way as it is now. They did not then go into the 'putakes' [ancestors] to the land, as is now done. The 'kupu' [words] of the kaumatuas have been 'whakarere'd' [carried off] because we are now acting under a 'ture hou' [new law] – that of the N[ative] L[and] Court'. In those days, [1860], there was no Court. In the cases of old land purchases, it was the chiefs who sold the lands, & certain other persons simply 'uru noa'd' [witnessed]

⁵⁴ Ballara, *Iwi*, pp 76-79

⁵⁵ Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 16 September 1901, fol 266

in the transactions..... The kaumatuas 'mohio''d [knew] as to their 'tikanga' [custom].⁵⁶

Regardless of these opinions, the fact remains that rangatira had the mana to decide matters relating to land – within the framework of the larger 'take'. When looking at which rangatira held sway at Oruawharo, it is clear that dominant hapu rights existed and in some cases they existed to specific settlements and specific smaller areas within Oruawharo (see section 3.2). Ngati Mauku and Ngati Kauwae (with some Te Uri-o-Hau (Haki), those who married into Ngati Mauku, see section 2.4) clearly centred around Oruawharo, with rights to specific locales within the Oruawharo area derived by other hapu through 'tukunga' (gifting).

2.4 Hapu recognised as parties in the Otioro & Te Topuni title investigation and their interrelationships

The Otioro & Te Topuni title investigation began with Judge H Dunbar Johnson hearing the prima facie case for *Wi Wiapo*'s Ngai Tahu application for title to the land. The judge then proceeded to hear the prima facie cases of all the counter-claimants.

The first of these counter claimants was *Paraone Hemana*. Paraone Hemana claimed the whole of the land for 'N[gati] Kauwae, hapu of N[gati] Tahinga', and stated that his hapu 'is Ngati Kauwae, of Ngati Tahinga', adding: 'that is my hapu name in respect of this block'. Paraone Hemana produced his whakapapa, starting with Tahinga, a descendant of Tahinganui, down to Kama, who married Whiti, son of Mauku, and on following the descendants of their two sons, Te Karoro and Te Atuahaere (see figure 2).⁵⁷

⁵⁶ Heta Paikea, Kaipara Native Land Court minute book 9, 1 October 1901, fols 3-4. '[1860]' is the Court recorder's insertion.

⁵⁷ See Kaipara Native Land Court minute book 8, 27 August 1901, fols 93-96

Then followed a series of counter-claimant evidence on behalf of Ngati Mauku of Te Uri-o-Hau (Hau) and Te Uri-o-Hau based on the tupuna Mauku. Without the distinction being made between the two meanings of the name 'Te Uri-o-Hau', and with all of these claimants basing their claim on the tupuna Mauku, the judge queried whether these latter claims were actually separate cases or really one case. He noted that any 'parties having the same "take" sh[oul]d have only one case, unless there was some very good reason – such as ignoring a branch of des[cendan]ts etc – for having separate cases'.⁵⁸ Judge Johnson reserved his decision as to whether he would allow separate counter-cases until the prima facie cases of all counter-claims, based on Mauku, had been heard (see below). Those who spoke under this banner were as follows:

- **Wiremu Henare** claimed 'the whole of this land for my hapu Te Uriohau [Hau]' – 'the whole hapu' - while noting that '[m]y sub-hapu name is N[gati] Mauku'.⁵⁹ He stated that '[t]he ancestor Mauku owned this land' (knowledge which he had derived from previous Native Land Court minutes). He described Mauku as 'the child of Haumaiwarangi, the tupuna of all Te Uriohau'. Yet he noted that 'Haumaiwarangi had no right in this land'.⁶⁰ Wiremu Henare concluded that he acknowledged 'the right of all des[cendan]ts of Mauku' and that 'Mauku got right in this land through N[gati] Rangi'. Yet he remarked in conclusion that 'all the parties setting up cases for the Otioro & Te Topuni block are really one people – that is Ngai Tahu, N[gati] Kauwae, Te Uriohau [Haki] & N[gati] Mauku'.⁶¹

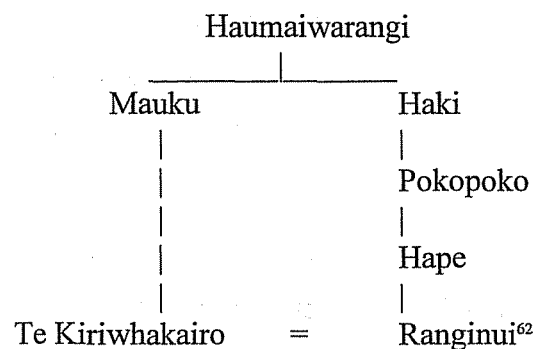
Two key features arise in Wiremu Henare's evidence at this point in the hearing. The first is that he explained very clearly the link between Ngati Mauku and Te Uri-o-Hau, which he defines as descendants of Haumoewarangi's potiki (youngest child) Hakiputatomuri. He noted that Mauku's descendant Te Kiriwhakairo (of Ngati Mauku) had married Hakiputatomuri's descendant Ranginui (of Te Uriohau (Haki)).

⁵⁸ Kaipara Native Land Court minute book 8, 27 August 1901, fols 98-99

⁵⁹ One wonders which word or words in te reo Maori might be translated 'sub-hapu'.

⁶⁰ This seemingly contracts the claim for Te Uri-o-Hau (Hau).

⁶¹ Kaipara Native Land Court minute book 8, 27 August 1901, fols 96-98, 101-102



This union led to one of Wiremu Henare's key *take* – a houhangarongo or peace-making between the two hapu, involving Te Kiriwhakairo and her son Haututu (see below, section 3.1.2).⁶³

The second feature to highlight from the then 27 year old Wiremu Henare's evidence, is that he was chided by the judge for reading whakapapa from a sheet of paper, rather than reciting it from what he 'actually' knew. Wiremu Henare's response to this criticism, regarding his knowledge of whakapapa, was that he 'only' knew 'what has been stated by kaumatuas as recorded in C[our]t M[inute] B[oo]ks'. He added that he was 'only speaking from "rongo noa iho" [what he had heard]' and had 'never been properly taught by' his 'matuas' (elders).

Wiremu Henare's conclusion that 'all the parties setting up cases for this block are really one people' may be influenced by this fact. While the Otioro & Te Topuni minutes went into great detail about the various rights and relationships of those living in the eastern Kaipara, that recorded detail, and the glimpse it has given us of the processes underlying rangatira actions, was unusual. Whakapapa from other land court minutes, seen in isolation from descriptions of other cultural and personal events, will emphasise these links but not present the whole picture.⁶⁴

⁶² Derived from Kaipara Native Land Court minute book 8, 27 August 1901, fol 100

⁶³ Kaipara Native Land Court minute book 8, 27 August 1901, fols 99-101

⁶⁴ Wiremu Henare's claim was to have been part of that made by Heta Paikea but, Wiremu later claimed, Heta would not allow him equal right under Te Kiriwhakairo, so he opted for a separate claim (Kaipara

- *Hare Pomare* claimed the 'whole block' for 'Te Uriohau', agreeing with Wiremu Henare in that respect. He, too, admitted that 'this land bel[onged] to Mauku' but, he said, under different 'take' to those stated by Wiremu Henare.⁶⁵

Hare Pomare's father, *Hemi Parata*, also claimed the land for 'Te Uriohau', stating that that was his 'hapu name'. Yet, he claimed no personal right to the land because he descended 'from other children of Haumaiwarangi – from Rongo, brother of Mauku - & also from Riunga [Ruinga], a younger sister of Mauku'.⁶⁶ He did not object to Wiremu Henare's claim, but he did object to his 'whaka haerenga' [the way it was argued]. He too stated that 'Mauku was the tupuna who owned this land', who married Paharakeke of Ngati Rangi, yet the whakapapa he recited included all the children of Te Kiriwhakairo, the granddaughter of Whiti's son Kupa (see figure 4). He excluded the descendants of Whiti's other sons, Te Karoro and 'Te Atua', as having no right and did not mention Moturoa.⁶⁷

Hemi Parata's exclusion of the descendants of Te Karoro, in particular, was an exclusion of a solely Ngati Mauku (and Ngati Kauwae) claim - despite Kupa being Mauku's descendant. The later evidence, given by the witnesses in the substantive hearing, gives a clear picture of, on the one hand Te Uri-o-Hau (Haki) coming into Ngati Mauku's whakapapa through Ranginui's marriage to Te Kiriwhakairo, whose rights were derived from her grandfather Kupa, and on the other hand those descendants of Te Karoro, or of both Te Karoro and Kupa, who are referred to as Ngati Mauku (and in the case of descendants of Te Karoro solely, Ngati Kauwae's name can be added here). The Kupa side supported Te Uri-o-Hau (Haki) rights and those associated with Te Karoro supported Ngati Mauku, hapu of Te Uri-o-Hau (Hau)

Native Land Court minute book 8, 30 August 1901, fol 127).

⁶⁵ Kaipara Native Land Court minute book 8, 28 August 1901, fol 102

⁶⁶ Although spelt Riunga in the Otioro & Te Topuni minutes, she is 'Ruinga' in Wiremu Wright's evidence (see above).

⁶⁷ Kaipara Native Land Court minute book 8, 28 August 1901, fols 103-107, 110

rights, although all cited Mauku as the tupuna through whom rights were derived (see figures 2-4).

We also note that Hemi Parata stated in the substantive hearing that as a young man he went to live with Wiremu Tipene, a descendant of Kupa generally regarded as Te Uri-o-Hau, and had since continued to live (noho huihui) with Te Uri-o-Hau down to the present time.⁶⁸

- *Pekamu Te Rua*, acting for Heta Paikea (Paikea Te Hekeua's son) and others, called Heta's half-brother, Te Tapihana Eramiha Paikea. *Heta Paikea* did not speak during this initial hearing, but gave evidence in the substantive hearing.

Te Tapihana Paikea claimed that his 'hapu name in connection with this land is N[gati] Mauku – wh[ich] is a sub-hapu of Te Uriohau [Hau]– wh[ich] is a hapu of N[gati] Whatua'. He claimed 'the whole of' the land 'for N[gati] Mauku - & also for Te Uriohau – that is, for such of them as have right'. Te Tapihana referred to the 'tuku' (gift) made by Ngati Rangi to Mauku in recognition of 'the marriage of Mauku, daughter of Haumaiwarangi, to Paharakeke, of N[gati] Rangi'.⁶⁹ He recognised all descendants of Mauku as having an ancestral right (see figure 3), noting that although he disagreed with the ancestral 'take' outlined by Ngai Tahu, '[i]f the persons of Ngai Tahu had come in under my "takes", I w[oul]d not "whakahe" [dispute] them'. He stated that his "'noho tuturu" [permanent settlement] on this land began with Mauku' and that '[t]he claim set up by Wiremu Henare under Mauku is the same as I have set up'.⁷⁰ Te Tapihana Paikea drew a distinction between rights through 'ancestral connection' and separate, distinct rights through ancestral connection and occupation.⁷¹ He noted that '[t]he occupation of this land was cont[inue]d by the des[cendan]ts of Mauku – that is, by some of them – some did not

⁶⁸ Kaipara Native Land Court minute book 8, 24 September 1901, fols 327-329

⁶⁹ Kaipara Native Land Court minute book 8, 28 August 1901, fol 111

⁷⁰ Kaipara Native Land Court minute book 8, 28-29 August 1901, fol 119, 125

⁷¹ Kaipara Native Land Court minute book 8, 28 August 1901, fol 113

cont[inue] to occupy'.⁷² This is perhaps the reason why the descendants of Whiti's son Te Atuaheere, for example, were not well known by those representing claims based on Mauku.⁷³

Two features of Te Tapihana Paikea's evidence are worth highlighting at this stage of the report. The first is that Te Tapihana Paikea claimed the land for Ngati Mauku as a whole, and Te Uri-o-Hau in part only – only 'such of them as have [a] right', implying that, in his view, not all Te Uri-o-Hau had a right to these lands. This is to be contrasted with Hemi Parata's statement above, in claiming the land for Te Uri-o-Hau, and will be discussed further below (see section 3.1.2).

The second feature of Te Tapihana's evidence worth highlighting is his reference to the fact that had Ngai Tahu individuals 'come in under my "takes"' he would have supported them. A noticeable aspect of the evidence given by all those involved in the Otioro & Te Topuni investigation is that many individuals appear in, and are claimed as members by, more than one of the hapu competing for title to the land – although notably specific individuals are clearly predominantly associated with one particular hapu.

All those with claims to Oruawharo lands identified the same core group of rangatira as those with rights specifically to Oruawharo lands. Those rangatira were Paratene Taupuhi, Matikikuha Parakai, Rupuha Te Korohunga, Horomona Te Area, Te Poari Totara, Pairama Ngutahi, Paikea (Te Hekeua), Arama Karaka Haututu, Wiremu Tipene Hawato and Matiu Te Hauhapai. All of those above, with the exception of Matiu Te Hauhapai, were descendants of Mauku (see figures 2-5), and all of those above had many hapu affiliations. Matiu Te Hauhapai was most commonly referred

⁷² Kaipara Native Land Court minute book 8, 29 August 1901, fol 120

⁷³ See Kaipara Native Land Court minute book 8, 29 August 1901, fol 119

to as 'Ngati Apa', a hapu variously attributed to being his wife's hapu or relating to his brother's connections in Waikato.⁷⁴

In no one person was the latter point more evident than in the case of the next witness: Hone Eruera, a named tupuna of the Wai 721 claimants.

- *Hone Eruera (alias Hone Matikikuha Eruera)*, as he said, was 'really in all the cases set up'. The court recorder, Maxwell, added: '?Jack o' both sides'. After some discussion in the preliminary hearing, no detail of which was recorded, Hone Eruera stated that he would 'adopt [the] C[our]t's suggestion to stand by while the various parties contested'.⁷⁵

Judge Johnson's decision regarding which counter-claimant groups he would hear in the substantive hearing did not identify the two key definitions of the name 'Te Uri-o-Hau'. The judge decided to allow Paraone Hemana to have counter-claim on behalf of 'N[gati] Kauwae, hapu of N[gati] Tahinga' and to allow Te Tapihana Paikea to have a counter-claim on behalf of 'N[gati] Mauku, hapu of Te Uriohau'. He continued:

As to claims made by Wiremu Henare & Hare Pomare, wh[ich] are based on Mauku, [the] C[our]t decides that they sh[oul]d be merged in Te Tapihana's case under that ancestress. Any difference that the parties may have amongst themselves can be settled at a later stage.⁷⁶

The following people were heard in the investigation:

Ngati Kauwae of Ngati Tahinga: *Paraone Hemana* and *Tenetahi Te Heru*

Ngati Mauku of Te Uri-o-Hau: *Te Tapihana Paikea*, *Heta Paikea* and *Hemi Parata*

Ngai Tahu: *Wi Wiapo*

⁷⁴ One witness explained that Matiu Te Hauhapai was called Ngati Apa because his wife was Ngati Apa of Taranaki. Another said he was called Ngati Apa as a result of his brother having visited Taranaki.

⁷⁵ Kaipara Native Land Court minute book 8, 30 August 1901, fols 126-127

⁷⁶ Kaipara Native Land Court minute book 8, 30 August 1901, fol 128

We will discuss the Native Land Court regarding the Otioro & Te Topuni title investigation at the end of Chapter 3. We use the 1901 Otioro & Te Topuni minutes in that chapter to outline the nineteenth century history of people of Oruawharo.

Chapter 3

Ngati Mauku and Ngati Tahinga ki Kaipara's right to Oruawharo land

3.1 Original rights and hapu and iwi interaction prior to Te Ika-a-Ranganui

In this chapter we use the 1901 Otioro & Te Topuni minutes to reconstruct nineteenth century rights and relationships. We discuss the effect of the 1825 battle of Te Ika-a-Ranganui on the people of Oruawharo. We then move on to look at what this means in relation to Ngati Mauku and Ngati Kauwae of Ngati Tahinga's rights to Oruawharo lands. Finally, we look at the Otioro & Te Topuni title investigation judgment and summarise our findings with regard to the Wai 721 claim.

3.3.1 Ngati Tahinga and Ngati Kauwae, hapu of Ngati Tahinga

We have noted that the descendants of Hotunui's three sons are said to have come from Ngunguru to Kaipara and divided the land amongst them. *Wi Wiapo* (for Ngai Tahu) stated that Ngati Kura settled at Marahemo, north of Otamatea, Ngai Tahu settled at Pukenui, near Otamatea, and Ngati Tahinga on the south side of the Oruawharo River (see figure 6).¹

Paraone Hemana (for Ngati Kauwae of Ngati Tahinga) referred to the Kaira Stream as the ancient dividing line between Te Uri-o-Hau and Ngai Tahu on one side and Ngati Tahinga on the other (see figure 6). He later stated that this was a 'rohe tupuna' (ancestral boundary) laid down by 'Tahinga & Tahu' – 'the b[oun]d[ar]y was bet[ween] Ngai Tahu

¹ Kaipara Native Land Court minute book 9, 7 October 1901, fol 50

& des[cendan]ts of Te Karoro'.² He described the boundaries of Ngati Tahinga's land in detail and it is this area which he claimed belonged to Ngati Kauwae of Ngati Tahinga in 1901. Figure 9 depicts his description, quoted here:

The Kaira Stream was the ancient dividing b[oun]d[ar]y (rohe potae) bet[ween] Te Uriohau & Ngai Tahu on the W[estern] side & Tahinga on the E[astern] side of that stream. That line went up stream & cont[inue]d on to Otuhoe, thence striking overland to Pukenui, & on to the East Coast by the b[oun]d[ar]y of Te Ikaranganui. The N[orth]ern b[oun]d[ar]y of Otioro is the 'rohe tupuna' [traditional land]. [To Assessor] The land N[orth]ward of Otioro bel[onge]d to Tahu. [To C[our]t] I say positively that Ngai Tahu & Te Uriohau have no right within the area E[ast] of Kaira & S[outh] of the N[orth]ern b[oun]d[ar]y of Otioro. [To Assessor] Tahinga owned that port[i]o[n]. His b[oun]d[ar]y struck across the Mainene, Te Hana & Whakapirau Streams & on to Kikitangiao pa. The line ran through that pa. Other people owned the other side of that pa, but I do not know who they were. The land was sold a very long time ago, & I do not know particulars. I do not [sic] wish to 'korero tika' [speak correctly], seeing that I do not know. [To C[our]t] As to the port[i]o[n]s within Tahinga's area wh[ich] have passed through C[our]t - Nukuroa Nos 1 & 2, Waimanu, Ohoapewa & Te Raekau - Matiu Te Haukarere [also known as Matiu Te Hauhapai] got Te Raekau, & his uri [descendants] have been app[ende]d as his succ[esso]rs.³

² Kaipara Native Land Court minute book 8, 3 September 1901, fol 160. He later also claims that the boundary was laid down by Tahinga and Te Uri-o-Katea (Kaipara Native Land Court minute book 8, 5 September 1901, fol 172).

³ Kaipara Native Land Court minute book 8, 2 September 1901, fol 149. A further witness for Ngati Kauwae, Tenetahi Te Heru, referred to a much later division of land to the east of Oruawharo – depicted in figure 12 – a boundary laid down in respect of Oruawharo land between Ngati Kauwae, whom he described

Wi Wiapo (for Ngai Tahu) described the boundary between Ngai Tahu and Ngati Tahinga differently (see figure 10):

beginning at Kohangatoetoe, at the mouth of the Kumikumi Stream ... thence running E[ast]erly to Puponga, wh[ich] is a place a little W[est]ward of the head of Waikiekie Stream ... thence falling into the Waikiekie Stream, & following [that] stream down to the head of its estuary – thence crossing the point of land bet[ween] that estuary & Te Topuni Stream, & falling into Te Topuni Stream & crossing it to Ohoapewa ... the line runs straight from the head of the Waikiekie Estuary to Ohoapewa. [To C[our]t] The line runs to the N[orth]ern b[oun]d[ar]y of the Ohoapewa Block

From the N[orth]ern end of the b[oun]d[ar]y of Ohoapewa Block, the line struck S[outh]E[ast]erly in a straight line to the ‘puaha’ of Maenene Stream, at [a] point just a little N[orth] of [a] small stream (name not known) on N[orth]ern b[oun]d[ar]y of Waimanu Block & thence, crossing Maenene Stream to [a] point on Te Hana Stream where [the] road is marked on litho-plan just opposite [the] W[ester]n port[io]n of Lot 110, Par[ish] of Oruawharo – thence crossing that stream & running to Patumakariri, a point on [the] Parish b[oun]d[ar]y close to Township of Wel[l]sford.

I will explain before going on further with my ‘rohe potae’, that the joint b[oun]d[ar]y bet[ween] Tahu Karangarua & Tahinganui ended at Patumakariri. At that point, Tahinganui’s b[oun]d[ar]y turned W[est]erly [To Ass[esso]r] The land N[orth]ward & E[ast]ward of line from Kohangatoetoe to Patumakariri bel[ong]ed to Tahu Karangarua, & the land W[est]ward of it bel[ong]ed to Tahinganui.⁴

as ‘the people of Oruawharo’ to the North-West and Ngati Manuhiri and Te Uriokatea to the South-East.

Wi Wiapo claimed that:

The hapu N[gati] Tahinga are not now in this district. They went S ward. [To C[our]t] They are the N[gati] Tahinga of Waikato - but I also am called a N[gati] Tahinga, owing to intermarriage of one who came back. [To Assessor] I refer to the N[gati] Tahinga - Te Ao[o]terangi's [Ngati Tahinga] people - who live at Te Akau.⁵

By the 'one who came back', Wi Wiapo was referring to Tahinganui's descendant, 'the woman named Tahinga':

The reason why she came to these parts was a 'rongo' [report] as to the 'kuku' [birds] at Whatitiri. She came from Te Akau to Whatitiri, &, when on her way back, she 'noho'd [stayed] at Paraheka - on [the] S[outh] side of Oruawharo.... She stayed there a long time. Her children Pareterangi & Kiwi were from there.... I do not know whether she was marr[ie]d before leaving Te Akau.... According to what I heard, she came from Te Akau by herself. I heard that when her children were grown up & marriageable, Tahinga went back to Te Akau. She left her children behind her - at Paraheka...⁶

Paraone Hemana (for Ngati Kauwae of Ngati Tahinga) also claimed that Tahinga, whom he said was a man, was 'a later person than Tahinganui'. In his account Whiti, Mauku's son, came from Tangihua to Paraheka pa to marry Kama, Tahinga's granddaughter - "[r]ongo pai" [favourable word] respecting that woman [Kama] having spread abroad' (see figure 6). Paraone Hemana claimed that although Whiti was Mauku's son, he 'had no right in this land' except through his marriage to Kama.⁷ Tahinga returned to Te Akau when Kama and Whiti's children, Te Karoro and Te Atuahaere,

⁴ Kaipara Native Land Court minute book 9, 7 October 1901, fols 50-51

⁵ Kaipara Native Land Court minute book 8, 27 August 1901, fol 92

⁶ Kaipara Native Land Court minute book 9, 10 October 1901, fols 78-79

⁷ Kaipara Native Land Court minute book 8, 27 & 30 August 1901, fols 96, 129; 3 September 1901, fols

grew up. He then 'gave the "mana" over the land at Oruawharo to Te Karoro, the first born'.⁸ When Kama died she was buried at Paraheka and Te Karoro moved to the other side of the Oruawharo River (to Oruawharo (north)) – to Te Raekau. He stated: '[o]ur 'ahika' [occupation] on this land - Oruawharo - has been continuous from the time of Te Karoro. From him to us are seven generations. Our fires have never been extinguished - excepting during the Ikaranganui period when Ngapuhi raided the district'.⁹ Ngati Kauwae's pa and urupa, listed by him, are listed in appendix 1 of this report (see also figure 8).

Paraone Hemana admitted connection with Ngati Mauku through 'paanga tangata' (relationship), but claimed that 'N[gati] Mauku had no "paanga whenua" [rights to the land] through "tatai" [genealogy] from Te Karoro'.¹⁰ Yet, he noted, Mauku had been named in the Native Land Court as the tupuna in respect of some land blocks within the Oruawharo area through 'paanga tangata', owing to 'tikanga ke' and in accordance with 'tikanga rangatira' – that is, through relationship, owing to a different custom, in accordance with the rangatira's leadership.¹¹ Paraone Hemana stated:

It is only in this case that I am prosecuting that Tahinga has been set up as the ancestor. The reason why the elders did not set up Tahinga was because he went away & left the 'mana' vested in Te Karoro. I am setting up Tahinga & from him to Te Karoro. I do so to show the origin of the title.¹²

Ngati Tahinga, Paraone Hemana claimed, had included Ngati Mauku in titles to land because they did not want Ngati Mauku to be excluded. Many of those with an interest in

159-160

⁸ Kaipara Native Land Court minute book 8, 30 August 1901, fols 130

⁹ Kaipara Native Land Court minute book 8, 3 September 1901, fol 155

¹⁰ Kaipara Native Land Court minute book 8, 3 September 1901, fols 154-155

¹¹ Kaipara Native Land Court minute book 8, 3 September 1901, fols 156-157

¹² Kaipara Native Land Court minute book 8, 3 September 1901, fol 157

the land, such as Matikikuha, Rupuha, Te Poari, Hemana and Horomona, were also descendants of Mauku through Whiti's marriage to Kama (see figures 2&3).¹³

3.1.2 Ngati Mauku, hapu of Te Uri-o-Hau and Te Uri-o-Hau based on Mauku

Te Tapihana Paikea's (for Ngati Mauku of Te Uri-o-Hau) hapu affiliation statement, given before the court, is relevant to repeat here. He claimed that his 'hapu name in connection with this land is N[gati] Mauku – wh[ich] is a sub-hapu of Te Uriohau [Hau], wh[ich] is a hapu of N[gati] Whatua' and then added that the claim was 'for N[gati] Mauku - & also for Te Uriohau - that is, for such of them as have a right'.¹⁴

Te Tapihana Paikea explained that Ngati Rangi's 'tuku' (gift) to Mauku in recognition of her marriage to Paharakeke was of 'all Oruawharo, not simply the land now before [the] C[our]t'. He then described the boundaries of the land gifted to her. His description, quoted below, is depicted in figure 11:

When that 'tuku' was made, the b[oun]d[ar]ies of the land were 'tohutohu'd [pointed out] to Mauku.

Those b[oun]d[ar]ies began bet[ween] the puahas [mouths] of Oruawharo & Otamatea Rivers - at [a] place called Ngaurumawhatu ... thence running E[ast]erly to Puketotara pa ... going through that pa - thence on to Te Uaki, wh[ich] is on the Kaira Stream - the line being the S[outh]ern b[oun]d[ar]y of Te Uaki Block ... thence up the Kaira Stream to Rahuitunoa - wh[ich] is on the E[ast]ern side of that stream, just on [the] N[orth] side of Te Kumikumi Stream ... thence continuing up the Kaira Stream to Pikiwahine ... thence still up that stream to Waikura ... where the name of the stream becomes Te Wiroa - thence continuing up the stream to Okoura ... wh[ich] is in the Nukuroa No.1 Block - thence up the

¹³ Kaipara Native Land Court minute book 8, 3 September 1901, fols 158-159

¹⁴ Kaipara Native Land Court minute book 8, 28 August 1901, fol 111

valley to Pukenui, where it reaches the b[oun]d[ar]y of Kaiwaka Block - thence following the b[oun]d[ar]y of that block to Tikapuraunui ... but the 'tuturu' [permanent settlement] of the name is near the Hakoru River From Tikapuraunui, the line falls into the Hakoru River, & thence going up that river to the b[oun]d[ar]y of the Mangawhai Block - thence following the b[oun]d[ar]y of that block (overland) to the b[oun]d[ar]y of Te Arai Block [probably the Waikeriawera Crown purchase]. I do not know the name of the place. The b[oun]d[ar]y then turned S[outh]ward & followed the b[oun]d[ar]y of Te Arai Block - the Parish b[oun]d[ar]y line marked on [the] plan - towards the Hoteo River, but not quite as far as the river. I do not know the Maori name of that point. Hoteo is also the general name of the land there - it is called Wayby by the Europeans. Thence the line turned W[est]erly, crossing the upper portion of Whakapirau Stream, & continuing on & crossing the upper portion (near its source) of the Wharehinu Stream [not Wharehine, as printed]. I do not know the origin or meaning of that name Wharehinu, but that is the name we know it by Kawakawa is the name of a place just beyond where the b[oun]d[ar]y crosses the Wharehinu Stream. That is a 'maunga' & the line passes by the S[outh]ern side of it - continuing W[est]erly to S[outh]ward of Paraheka Block [not Parahake as marked on litho plan of Rodney County]. Paraheka is the great 'urupa' of the people of the district. The line cont[inue]d on to S[outh]ward of the Takapau Stream, & on to the head of Takahe Stream - the land there being called Atiu - being the point on [the] W[est]ern side of the mouth of that stream. The line ran from the head of Takahe Stream - wh[ich] is only a short one - to the point of land called Atiu - thence crossing the Oruawharo River W[est]erly to Oneriri ... & thence following the bank or shore of [the] Oruawharo River down to Ngaurumawhatu, the point of comm[encemen]t.¹⁵ [underlining in original]

¹⁵ Kaipara Native Land Court minute book 8, 9 September 1901, fols 206-208. Reference in square brackets to Wharehine and Parahake are insertions by the Court recorder.

He stated that occupation of this land was continued by the descendants of Mauku.¹⁶ Ngati Mauku pa and urupa listed by him are in appendix 1 of this report.

Te Tapihana Paikea admitted the right of all descendents of Mauku, including those of Whiti's sons Te Karoro and Te Atuaheere whom Hemi Parata (above, for Te Uri-o-Hau based on Mauku) claimed had no right to the land (see figure 3). But he distinguished between those with ancestral rights from those with both ancestral rights and rights under occupation.¹⁷

Te Tapihana Paikea said that Tuwhakaohorangi, of Ngati Rangi, married Whiti, adding: 'I "whakahe" [dispute] Paraone Hemana's statement that the "mana" over these lands came through Kama, des[cendan]t of Tahinga'.¹⁸ He also distinguished between Ngati Tahinga's Te Karoro, and the Te Karoro of Ngati Mauku. He had 'heard from Matitikuha that there were two tupunas named Te Karoro. He told me that the other Te Karoro sprang from Tahinga'.¹⁹

Of the two Te Karoro's, it was the one who sprang (anga mai) from Mauku who had mana over the land now before C[our]t and other lands at Oruawharo. The Te Karoro who sprang from Tahinga had no right over these lands. The land of the latter Te Karoro is at Te Akau.²⁰

Te Tapihana Paikea's brother, *Heta Paikea* (for Ngati Mauku of Te Uri-o-Hau), confirmed that '[t]he b[oun]d[ar]ies were those wh[ich] have been given by Te Tapihana'.²¹ He later added:

¹⁶ Kaipara Native Land Court minute book 8, 29 August 1901, fol 120

¹⁷ Kaipara Native Land Court minute book 8, 29 August 1901, fol 118-120. Hemi Parata's evidence is Kaipara Native Land Court minute book 8, 28 August 1901, fol 106.

¹⁸ Kaipara Native Land Court minute book 8, 12 September 1901, fols 236-239; Kaipara Native Land Court minute book 8, 27 September 1901, fol 373

¹⁹ Kaipara Native Land Court minute book 8, 12 September 1901, fols 242-243

²⁰ Kaipara Native Land Court minute book 8, 16 September 1901, fol 271

²¹ Kaipara Native Land Court minute book 8, 17 September 1901, fol 273

I 'whakahe' [dispute] the claim wh[ich] has been set up by Ngai Tahu to this land - Otioro and Te Topuni. I 'whakahe' their claims to any of the lands bet[ween] the b[oun]d[ar]y of Kaiwaka & the Oruawharo. Their right was confined to the Kaiwaka side of the b[oun]d[ar]y. The lands of the Oruawharo side belong to N[gati] Mauku. I have spoken of the 'rohe potae' [boundaries] of Oruawharo. Te Tapihana gave details as to that 'rohe potae', & they were quite correct.²²

Heta Paikea noted that although he could not explain 'how N[gati] Rangi "motuhake" [itself] had "mana" to "tuku" that land to Mauku',²³ he noted that Ngati Mauku's right to Oruawharo lands derived from that 'tuku' had mana seeing that Ngati Mauku had since occupied that land. According to Heta Paikea, Te Uri-o-Hau (Haki)'s right to occupy Oruawharo land also alongside Mauku resulted because Te Uri-o-Hau (Haki) 'had right as being des[cendan]ts of Kupa', son of Tuwhakaohorangi and Whiti.²⁴

Heta Paikea referred to Whiti's actions, leading to the origin of the name Ngati Kauwae, in putting the "kauwae" of a large fish he had found on the shore of Oruawharo against his chin. But he could not say 'to wh[ich] child of Whiti that hapu name applied. Some des[cendan]ts are N[gati] Kauwae and some are N[gati] Mauku'.²⁵ He then noted that the name Ngati Kauwae applied to the descendants of all Whiti's children.

Hemi Parata (for Te Uri-o-Hau, based on Mauku) claimed no right for himself because he descended from children of Haumoewarangi other than Mauku. He noted that the 'take tupuna' (ancestral claim) he set up in the initial hearing was Mauku and that '[t]hat is the "take tupuna" of the party on whose behalf I am giving ev[idence]'.²⁶ Hemi Parata stated:

I heard from the kaumatuas that Mauku had right to these lands – at Oruawharo - & I saw the 'uri' of Mauku living upon them. The kaumatuas

²² Kaipara Native Land Court minute book 8, 18 September 1901, fols 291-292. See figures 6 & 11.

²³ Kaipara Native Land Court minute book 8, 23 September 1901, fol 319

²⁴ Kaipara Native Land Court minute book 8, 23 September 1901, fol 322

²⁵ Kaipara Native Land Court minute book 8, 17 September 1901, fol 280-281

from whom I heard of it were Wiremu Tipene, Paratene Taupuhi, Matiu [T]e Hauhapai, Matitikuha, Paikea, Arama Karaka Haututu, Pairama Ngutahi, & others wh[ose] names I now forget. They were 'tini' [many], & they all told me that the land bel[onge]d to Mauku. Those were 'tuturu' [true] statem[en]ts made by them in their 'whare korero'. [To Ass[esso]r] All those kaumatuas were des[cendan]ts of Mauku – excepting Matiu [T]e Hauhapai. He was partly of Ngai Tahu & partly of Te Uriohau. Arama Karaka Haututu was a des[cendan]t of Mauku, but he was also of Ngai Tahu, Te Uriohau & N[gati] Kura.....

Wiremu Tipene's hapus were N[gati] Mauku, Te Uriohau, N[gati] Kura & Ngai Tahu.

Paikea's hapus were Te Uriohau, N[gati] Rangi & N[gati] Mauku – also Te Parawhau of Ngapuhi.

Paratene Taupuhi's hapus were N[gati] Mauku & N[gati] Rangi. Those are the only hapus that I know him to be connected with – but he was also 'ahua tika' [close] in connection with Te Uriohau.

It was not simply from kaumatuas now alive that I heard ab[ou]t these matters, but actually from the 'tuturu kaumatuas' [true kaumatua] I have named – Paratene Taupuhi & others in [the] 'whare korero'.

In those discussions in [the] 'whare korero' I never heard of any 'wehewehe' [division] of these lands – Mauku was the sole owner.²⁷

²⁶ Kaipara Native Land Court minute book 8, 24 September 1901, fol 327

²⁷ Kaipara Native Land Court minute book 8, 24 September 1901, fols 327-329. Hemi Parata went on to note that he went to live with Wiremu Tipene as a young man and had since continued to live (noho huihui) with Te Uri-o-Hau down to the present time.

He added that the whole of the lands on both sides of the Oruawharo River belonged to Mauku, and that it may have reached as far as the East Coast. Hemi Parata referred to a line 'fixed in former times, dividing Oruawharo & Otamatea lands':

It began at Ngaurumawhatu & crossed Puketotara pa, thence falling into Kaira Stream, & thence up that stream, reaching [the] b[oun]d[ar]y of Te Wiroa [the southern end of Nukuroa]. [To Ass[esso]r] The Otamatea side of that line bel[onge]d to Ngai Tahu, Te Uriohau and N[gati] Kura. The Oruawharo side bel[onge]d to Te Uriohau, N[gati] Kura and N[gati] Mauku. [To C[our]t] Te Uriohau and N[gati] Kura owned on both sides of that line [To Ass[esso]r.] It was really a b[oun]d[ar]y as bet[ween] Ngai Tahu & N[gati] Mauku in former times.²⁸

Hemi Parata named descendants of Mauku's grandson, Kupa, as those with a right to Ngati Mauku's lands (see figure 4).²⁹ He explained that these descendants could claim through 'take raupatu':

the first raupatu was when Haukarere, of N[gati] Whatua, was killed by N[gati] Mauku - at Ngahokowhitu - close to this land - on the Waimanu Block. Afterwards, a 'taua' [war party], consisting of N[gati] Whatua and Te Uriohau, went to attack N[gati] Mauku at Waiharakeke pa - on the Oruawharo [north] Block, wh[ich] has not yet passed C[our]t. Then Te Kiriwhakairo [Kupa's granddaughter] effected a peace-making & no person was killed. That peace-making was effected by Haututu & his mother Te Kiriwhakairo. [To C[our]t] The account given by Wiremu Henare yesterday was somewhat diff[erent]. He s[ai]d that Waingohe was the pa at wh[ich] the peace was made.... My version is that both Te Kiriwhakairo & Haututu were with the 'ope' [travelling party]. She whakaora'd [saved] her people, the N[gati] Mauku. The battle-field (parekura) Ngahokowhitu, where Haukarere was killed, 'riro''d [went] to

²⁸ Kaipara Native Land Court minute book 8, 25 September 1901, fol 347

N[gati] Whatua. The 'mana' of Mauku - & of Te Kiriwhakairo - cont[inue]d to rest on this land. Those are the 'raupatus' to wh[ich] I ref[erre]d when stating the 'takes' to this land.³⁰

Hemi Parata claimed that Te Uri-o-Hau's mana in these areas, gained at the time of the 'houhangarongo' (peace-making) at Waiharakeke pa:

was due to fact that the people of that pa were being attacked by Te Uriohau & N[gati] Whatua. N[gati] Mauku, N[gati] Rangi & N[gati] Kauwae were in the pa. The sons of Te Kiriwhakairo were not in the pa. They were in the opposing 'ope'. Their mother Te Kiriwhakairo was in the pa. The cause of the 'whawhai' [fight] was the killing of Haukarere & others of N[gati] Whatua by N[gati] Mauku at Ngahokowhitu.... The 'houhangarongo' [peace] was made by Te Kiriwhakairo & Haututu [her son] & the 'ope' ret[urne]d. Some rem[aine]d. It was through that affair that Te Uriohau became joint possessors of 'mana' over these lands with N[gati] Mauku.³¹

According to Hemi Parata, when the 'maungarongo' (peace-making) took place, Ngati Mauku, including Te Kiriwhakairo, said that the 'mana' would 'riro' (go) to Te Uriohau but '[t]he "mana" of N[gati] Mauku over the land did not become "kore" [defunct]'. They both had joint "mana". Wiremu Tipene and others had told him that '[t]he "tika" of Te Uriohau to sell lands in Oruawharo was derived from that "maungarongo"' - he then added Ngati Whatua as well. Hemi Parata stated: '[t]he "mana" was "tuku"'d by Te Kiriwhakairo to all Te Uriohau - not simply to those of them who were her own children' - however he later appears to define the hapu of Te Uri-o-Hau using the broad definition of the name, claiming that '[o]n my oath, I say that I consider that the hapus of Te Uriohau - Ngai Tahu, N[gati] Kauwae & N[gati] Mauku have right in these lands' before

²⁹ Kaipara Native Land Court minute book 8, 28 August 1901, fols 102-107

³⁰ Kaipara Native Land Court minute book 8, 28 August 1901, fols 107-108

³¹ Kaipara Native Land Court minute book 8, 24 September 1901, fols 333-334. Hemi Parata here contradicts his former statement that Te Kiriwhakairo was with the 'ope' (see quote directly above).

the Court.³² He then claimed of those descendants of Kupa living at Oruawharo, that '[t]heir "mana" to do so comes from Te Uriohau'.³³

Hemi Parata stated that he had not heard mention of a hapu called Ngati Tahinga in these parts - he had only heard that that hapu was a southern people living at Te Akau, near Raglan.³⁴ He did not agree that Ngati Kauwae came from Whiti's sons Te Karoro and Te Atuaheere, he did not know which of Whiti's children that hapu name applied to - perhaps Kupa. He associated Ngati Kauwae with Ngati Te Hana. Hemi Parata also insisted that Whiti married Tuwhakaohurangi not Kama,³⁵ and he too disputed Paraone Hemana's statement that the "mana" over these lands came through Kama, des[cendan]t of Tahinga'.³⁶

3.2 The effect of Te Ika-a-Ranganui, February 1825

The rights of eastern Kaipara hapu came under threat in 1825, following the battle of Te Ika-a-Ranganui. The peoples of Oruawharo, like their neighbours to the north and south affiliated with Ngati Whatua, were defeated by Nga Puhi under Hongi Hika in this battle.³⁷

The outcome of Te Ika-a-Ranganui was the dispersal of those who had been living in the eastern Kaipara - from Oruawharo and Otamatea - to 'various places South & North - to Horotiu (Waikato), Te Akau (Raglan), Hokianga (to Moetara) & Te Wairoa'.³⁸ Others are said to have gone to Whangarei.³⁹ It is even recorded that one individual, Wiremu Tipene

³² Kaipara Native Land Court minute book 8, 25 & 27 September 1901, fols 339-342 & 373

³³ Kaipara Native Land Court minute book 8, 25 September 1901, fols 349-350

³⁴ Kaipara Native Land Court minute book 8, 25 September 1901, fols 338-339

³⁵ Kaipara Native Land Court minute book 8, 26 September 1901, fols 352-353

³⁶ Kaipara Native Land Court minute book 8, 27 September 1901, fol 373

³⁷ See Wai 674, doc K1, p 37

³⁸ Wi Wiapo, Kaipara Native Land Court minute book 9, 9 October 1901, fol 71. Hemana is said to have gone to the Hokianga (Paraone Hemana, Kaipara Native Land Court minute book 8, 4 September 1901, fol 166), Paratene Taupuhi and also Paikea are said to have gone to Te Wairoa (Te Tapihana Paikea, Kaipara Native Land Court minute book 8, 10, 16 September 1901, fols 217, 265).

³⁹ Kaipara Native Land Court minute book 8, 27 August 1901, fols 100-101

Hawato (descendant of Kupa, often referred to as of Te Uri-o-Hau), who had been living at Otamatea, sought refuge with missionary friends in Tasmania or Sydney.⁴⁰

Others still are said to have remained. *Wi Waipo* (for Ngai Tahu) noted:

After the defeat at Te Ikaranganui, some 'morehu' [survivors] rem[aine]d on the land when the others fled. Toka, the father of Wiapo ... was one. He lived at [a] kainga called Te Rangituihau – up the Otamatea River. His wife, Te Ruhi, had been killed. He 'piri'd [hid] in the bush. [To Ass[esso]r] There were others who did the same, but he was by himself at that place.

Te Hamokai was another. I gave him as Te Ha in gen[ealogy] He lived at Matangihuanui – wh[ich] is a pa maioro – on [the] S[outh] side of Otamatea River. Reiwahine was another there – also Te Toroa. Latter was my mother's mother That pa was then in good condition. [To C[our]t] No person rem[aine]d on this land now before [the] C[our]t – but some lived at Patumakariri – namely, Te Urunga, Te Kiri (father of Rahui) & Te Poari – also their 'pononga tane' [closely affiliated helper] Motunga. [To Ass[esso]r] Those were all I know of there.

Those were all the 'morehu' left on the lands in locality of Oruawharo & Otamatea.... Some of N[gati] Whatua lived in Kaipara – at Papurona (Babylon) pa.⁴¹

While some of those who remained were killed by Nga Puhi groups between the time of Te Ika-a-Ranganui and the Treaty of Waitangi, others survived 'although it was a "noho wehi" [living with fear] as to Ngapuhi'.⁴²

⁴⁰ Martin, Mary Ann, *Letters of Lady Martin*, Auckland, 1878, p 59; Kaipara Native Land Court minute book 8, 24 September 1901, fols 329-330

⁴¹ Wi Waipo, Kaipara Native Land Court minute book 9, 9 October 1901, fols 70-71

⁴² Wi Waipo, Kaipara Native Land Court minute book 9, 9 October 1901, fol 73

One of those who went north was Paikea (Paikea Te Hekeua). *Te Tāpīhana Paikea* (for Ngāti Mauku of Te Uri-o-Hau) noted that, following Te Ika-a-Ranganui, Paikea had gone to Te Wairoa.⁴³ *Heta Paikea* (for Ngāti Mauku of Te Uri-o-Hau) said that Paikea, with over 100 men, went to his 'matua' (elder) Kukupa (of Nga Puhi, Te Tirarau's father). Paikea's presence ensured that those Te Uri-o-Hau who stayed with him were protected, while of 100 others who came back from Waikato, 20 were killed by Kukupa. *Wi Wiapo* (for Ngai Tahu) claimed that when Arama Karaka Haututu (Ngai Tahu, Te Uri-o-Hau, Ngāti Mauku) and Wiapo (Ngai Tahu) returned, Paikea sent them and those with them to Te Wairoa, where a number were killed by Kukupa.⁴⁴ Yet others of Te Uri-o-Hau stayed at Te Wairoa under Te Tirarau's protection.⁴⁵ Another oral history account, passed down to the present day, is that Paikea returned shortly after Te Ika-a-Ranganui, and over the following ten or more years is said to have gone by canoe from marae to marae to keep alive the ahika (occupation).⁴⁶

Wiremu Henare (for Te Uri-o-Hau based on Mauku) and others have noted that:

Ngapuhi did not 'raupatu' the land. After killing people, they ret[urne]d to their homes.

When the people ret[urne]d from Waikato & Whangarei, they located at Otamatea - that is, some did. Others located either at Puketotara or Te Kawau. I am not sure which. Others located at Pouto. They scattered about so as to re-occupy all their lands, lest it sh[oul]d be looked upon as having been 'raupatu'd'. Some located on this land now before the C[our]t. Wiremu Tipene was one who did so. So also did Arama Karaka Haututu,

⁴³ Kaipara Native Land Court minute book 8, 16 September 1901, fol 265

⁴⁴ Wi Wiapo, Kaipara Native Land Court minute book 9, 9 October 1901, fols 71-73

⁴⁵ Kaipara Native Land Court minute book 9, 1 October 1901, fol 7. Paikea's father, Te Hekeua, did not go to live under the mana of Kukupa – he went to Waikato – upon the tikanga of his maungarongo previously made there. Heta Paikea commented that it would not have been tika for him to have gone to Kukupa, although it was tika for his son Paikea to go there (Kaipara Native Land Court minute book 9, 3 October 1901, fols 25-26).

⁴⁶ Wai 674, doc K1, p 38 refers to a pers.comm in 1994 from R Bycroft.

Pairama Ngutahi (son of Te Roru), Paikea, Matitikuha & others. Their pas on this land were at Te Topuni & Te Wairere [Te Topuni].⁴⁷

But while Wiremu Henare and others have stated that Nga Puhi did not raupatu the land, *Hemi Parata* (for Te Uri-o-Hau based on Mauku) claimed that ‘Te Ikaranganui was a “raupatu whenua” as well as a “raupatu tangata”’ and that ‘[a]s proof I will ment[io]n that Tangihua was never ret[urne]d to Te Uriohau, but was kept by Tirarau’ – perhaps a dubious point, considering Tangihua’s location being at least 60 kilometres away from Te Ika-a-Ranganui. He referred to the ‘kotikotinga’ (division) of the land amongst Nga Puhi, as told to him by the Nga Puhi chief Moetara.⁴⁸ This division occurred after the ‘raupatu’:

Parore got Oruawharo & Te Tirarau got Otamatea. I do not know ab[ou]t [the] other p[o]rt[io]ns. Moetara got Pouto... Parore never occup[ie]d these lands. He & Matiu were living at Kaihu, & it was there that Parore ‘whakaahoki’ d [returned] these lands to Matiu.⁴⁹

But when it came to the eastern Kaipara hapu returning, Hemi Parata said:

I did not hear that Ngapuhi gave back the land at Otamatea. Te Uriohau simply ret[urne]d and resumed possession. Wiremu Tipene was the first who did so. Parore got Oruawharo at time of Te Ikaranganui, but he afterwards whakahoki’ d [returned] it to Matiu te Hauhapai (alias M. Te Haukarere). [To Ass[esso]r] The whole of Oruawharo ‘riro’ d [went] to Parore, and he ‘tuku’ d [gifted] it to Matiu.⁵⁰

⁴⁷ Kaipara Native Land Court minute book 8, 27 August 1901, fols 100-101. Wiremu Tipene Hawato is said, in evidence already before this Tribunal, to have settled at Otakanini in the late 1830s as a teacher, but according to the evidence given in the Otioro & Te Topuni title investigation minutes, he settled back at Otamatea around this time (Wynne Spring-Rice, Wai 674, doc K1, p 39).

⁴⁸ Hemi Parata, Kaipara Native Land Court minute book 8, 26 September 1901, fols 364-365

⁴⁹ Hemi Parata, Kaipara Native Land Court minute book 8, 25 September 1901, fols 348-349

⁵⁰ Kaipara Native Land Court minute book 8, 24 September 1901, fols 329-330

Parore's 'tuku' of Oruawharo land to Matiu Te Hauhapai (usually referred to as Ngati Apa) is recounted by many witnesses. In other evidence given to this Tribunal it is recorded that Parore sheltered Ngati Apa at Kaihu after Te Ika-a-Ranganui.⁵¹

Wi Wiapo (for Ngai Tahu) 'did not hear of any person occupying Oruawharo after Te Ikaranganui'.⁵² But he noted of those who returned that:

The persons of Oruawharo who came with Matiu [T]e Hauhapai were Paratene Taupuhi & others. [To C[our]t] He is the only one whose name I know.

When those persons arrived at Oruawharo, Matiu tuku'd the land to Te Uriohau, Ngai Tahu & N[gati] Kauwae. [To Ass[essor] That 'tuku' was not made immediately upon arrival, but after they had been living there for some time. [To C[our]t]. I cannot say how long afterwards it was.... The name Te Uriohau is an "ingoa nui" [overarching name], & covers N[gati] Mauku. I mentioned N[gati] Kauwae separately as they are des[cendan]ts of Rangiwhapapa. Te Uriohau are des[cendan]ts of Haumaiwarangi. [To Ass[essor]r] Some of N[gati] Kauwae are partly Te Uriohau...⁵³

Hemi Parata (for Te Uri-o-Hau, based on Mauku) concluded that:

As to occup[atio]n: When the people ret[ur]ne[d] after the Ikaranganui fight, they located at Oruawharo – N[gati] Mauku were 'whakahoki''d [returned] by Matiu [T]e Haukarere & o[the]rs from Kaihu to the upper port[io]n of Oruawharo. I was born in 1834. It was in ab[ou]t 1840 that N[gati] Mauku were so 'whakahoki''d. They had come to Kaihu from Waikato, whither they [had] fled after Ikaranganui. Paratene Taupuhi gave

⁵¹ Wai 674, doc L2, p 60

⁵² Kaipara Native Land Court minute book 9, 9 & 19 October 1901, fols 75-76, 164

⁵³ Kaipara Native Land Court minute book 9, 9 October 1901, fol 76

land named Te Raekau, at Oruawharo - alongside Nukuroa No 2 - to Matiu as recompense for his action – 99 acres.

Then N[gati] Mauku lived at Oruawharo. I lived with them. I was then old enough to recognize people. N[gati] Mauku lived at various kaingas. After giving Te Raekau to Matiu, they went to live at Te Patutoki & Te Repa [see figure 8]. Those places are outside this block now before C[our]t – on land [Oruawharo (north)] not yet passed [through the] C[our]t. Some came to live on this land now before [the] C[our]t. That was at the time of timber-getting.... It began before the meeting at Kohimarama [1860]...⁵⁴

Although Paratene Taupuhi and Matiu Te Hauhapai had already returned to live at Oruawharo some time before 1840, as noted by Wi Wiapo, and both had participated in an 1839 pre-Treaty land transaction (see below, section 3.3), Matiu Te Hauhapai's formal 'whakahoki'ing' (returning) of Oruawharo land to Paratene Taupuhi and Ngati Mauku appears to have occurred some time between the mid-1840s and mid-1850s, probably towards the latter. *Wi Wiapo* (for Ngai Tahu) noted that:

That occup[atio]n was subseq[uent] to the Treaty of Waitangi. [To C[our]t] I cannot give the date, but it was after 1840 [To Ass[esso]r] It was after the 'hui' at Remuera [1842]. It was after the Hone Heke war [1845].⁵⁵

A number of witnesses mentioned that it was at the time of an 'uhunga' (ceremony) regarding someone's – possibly Pua's (Hone Ropiha's) - death.⁵⁶ *Hemi Parata* (for Te Uri-o-Hau based on Mauku), who stated that he was born in 1834, noted that Matiu's gift of Oruawharo lands had occurred when he had 'grown up, but had not marr[ie]d'.⁵⁷

⁵⁴ Kaipara Native Land Court minute book 8, 28 August 1901, fols 108-109

⁵⁵ Kaipara Native Land Court minute book 9, 11 October 1901, fol 84

⁵⁶ Kaipara Native Land Court minute book 8, 26 September 1901, fol 356

⁵⁷ Kaipara Native Land Court minute book 8, 25 September 1901, fol 342

Wi Wiapo identified three kaumatua of Oruawharo who re-occupied the area following Te Ika-a-Ranganui: Paratene Taupuhi, Matiu Te Hauhapai and Te Poari. Te Poari had returned to Oruawharo - to Matawhero, on Oruawharo (north) (see figure 8) - from Otamatea, before Matiu gifted the land.⁵⁸ Matiu was living at Te Aho, a little west of Te Raekau (Oruawharo (north)), and 'Paratene ma' (Paratene and others) were living at Te Raekau and Opekapeka (see figure 8). *Hemi Parata* stated that:

Prior to that 'tuku' by Matiu, N[gati] Mauku had been living at Oruawharo under his 'mana'. If it had not been for Matiu, the land w[oul]d have rem[aine]d in [the] possession of Parore. [To Ass[esso]r] It was N[gati] Mauku who were were [sic] brought back by Matiu - not the main body of Te Uriohau. Matiu s[ai]d at the 'hui' re[garding the] death of Pua that he gave back the land to N[gati] Mauku & Te Uriohau.⁵⁹

We note that there were differing views as to which hapu were gifted the land by Matiu. *Wi Wiapo* (for Ngai Tahu) later claimed that: 'Matiu was of Ngai Tahu. When he tuku'd the whole of the lands to Ngati Tahu and others, he s[ai]d that he "tuku"'d them to his "iwis", and that he s[houl]d go to Ripiro'.⁶⁰ Matiu's 'iwis', according to *Wi Wiapo* were Te Uri-o-Hau, Ngai Tahu and Ngati Kauwae (see above). Yet *Te Tapihana Paikea* (for Ngati Mauku of Te Uri-o-Hau) recorded that Matiu (Ngati Apa) had 'whakahoki'd' (returned) Paratene Taupuhi (Ngati Mauku) from Te Wairoa to Oruawharo.⁶¹ While *Hemi Parata* (for Te Uri-o-Hau based on Mauku) claimed that the tuku was to Ngati Mauku or 'Ngati Mauku & Te Uri-o-Hau'.

Paratene Taupuhi's gifting of land at Te Raekau to Matiu was followed by a series of other giftings of land. Hemi Parata noted that:

⁵⁸ He possibly mentioned this because he claimed that Te Poari was of Ngai Tahu.

⁵⁹ Kaipara Native Land Court minute book 8, 25 September 1901, fols 342-343. He later says that it was returned by Matiu to 'Te Uriohau and the "uri" of Mauku' (Kaipara Native Land Court minute book 8, 25 September 1901, fol 348).

⁶⁰ Kaipara Native Land Court minute book 9, 9 & 10 October 1901, fol 77 & 80

At the time of that 'tuku' of Te Raekau, Paratene's 'hoa noho' [fellow community members] were Matiu [T]e Hauhapai, Matitikuha & Te Awaiti Paikea. Those were the persons who lived at Te Raekau. Te Poari ma were then at Te Repa, a little lower down the river. Besides Te Poari there were Horomona [T]e Aria, Rupuha [T]e Korohunga & Te Tatana Waitaheke. Those were the kaumatuas at that 'nohoanga' [settlement]. [To Ass[esso]r] Te Tatana Waitaheke was of N[gati] Kauwae – so were the others. That was spoken of as the N[gati] Kauwae kainga. Te Poari was also partly Ngai Tahu. Rupuha was not – nor was Horomona, so far as I ever heard. Te Raekau was spoken of as the N[gati] Mauku kainga.

Paratene Taupuhi was the rangatira of the people who were 'kawe''d [brought] by Matiu – when he 'whakahoki''d [returned] them to these lands. It was in recognition of his 'whakahoking' of the people to the land that Paratene 'tuku''d [gifted] the port[i]o[n] at Te Raekau to Matiu, & also to get him to remain with them. That 'tuku' was partly due to the 'mana' of Te Uriohau over Oruawharo in connection with the 'houhangarongo' at Waiharakeke pa by Haututu & his mother Te Kiriwhakairo. Paratene & Matiu were both of Te Uriohau [Hau]. Paratene was also of N[gati] Mauku but Matiu was not.⁶²

Not everyone agreed with Paratene's actions in gifting that land to Te Uri-o-Hau, and Hemi Parata noted that Matikikuha, Te Poari and Rupuha attempted to back-track:

When Paratene made that 'tuku' [gift] to Matiu, none of his companions made any obj[ectio]n – but after his death there was some raruraru [trouble]. It was Te Poari who made trouble – also Rupuha & Matitikuha. Te Poari & Rupuha wished to entirely 'whakakore' [deny] the 'tuku'.

⁶¹ Kaipara Native Land Court minute book 8, 10 September 1901, fols 216-217

⁶² Kaipara Native Land Court minute book 8, 24 September 1901, fols 330-331. Wi Wiapo noted that the 'tukunga' of Te Raekau by Paratene Taupuhi to Matiu took place before the 'timber getting'. This would have been before the late 1850s (Kaipara Native Land Court minute book 9, 17 October 1901, fol 140).

Matitikuha, when [the] land was surveyed by Te Uriohau, tried to reduce the area of the port[io]n tuku'd.

When Te Uriohau heard of the intentions of Te Poari & Rupuha, they 'whakahau'd [directed] that Arama Karaka Haututu & Paikea [T]e Hekeua – with Te Uriohau – sh[oul]d get the land surveyed. Te Poari & Rupuha tried to stop the survey, but the work was done. Matitikuha arrived after the line had been cut, & then he had another line cut, reducing the area.

When Te Poari tried to stop the survey, he threatened bloodshed. I saw what took place. I was there, engaged in the survey work. In the first instance, Matitikuha was absent, at Whangarei – on duty as an Assessor [in the] N[ative] L[and] Court. When the C[our]t sat at Otamatea, the survey by Te Uriohau was upheld, & Matitikuha's failed.

When Arama Karaka & Paikea took action in respect of [the] survey, they did so as uri of Mauku, & also as Te Uriohau. [To C[our]t] The 'mana' of Mauku over the port[io]n 'tuku'd to Matiu had been extinguished, but, as des[cendan]ts of Mauku, they wished to carry out the 'tuku' wh[ich] had been made.

Arama Karaka was of N[gati] Mauku. His father was Haututu.

When making the survey of Te Raekau, our kainga was Te Aho – to W[est] ward of Te Raekau. At the time of [the] survey, no person was actually living on Te Raekau. We – Te Uriohau – lived at Te Aho. The kaumatuas were Tamati Taia, Pehimana, Pairama Ngutahi, Pita Kena,

Reihana Kena & myself – also Hohaia Tuhiao. [To Ass[esso]r] That kainga, Te Aho, was spoken of as the kainga of Te Uriohau.⁶³

Hemi Parata later claimed that Te Uriohau's occupation of Te Aho was 'under Te Uriohau "mana", & also under the "mana" of Mauku', conjointly (see figure 8).⁶⁴

A series of gifts were also made of Ngahokowhitu lands. *Wi Wiapo* (for Ngai Tahu) recorded that:

At the time of the 'uhunga' [lament] when Matiu [T]e Hauhapai 'tuku'd the Oruawharo lands to his hapus... there was a 'whakaritenga tikanga' [customary arrangement] as to Haukarere who had been killed at Ngahokowhitu – in a 'whawhai' [fight]. Some time afterwards there was a 'hui' at Waingohe, wh[ich] was attended by N[gati] Whatua, & then that arrangem[en]t was carr[ie]d out. The land at Ngahokowhitu was 'tuku'd' to Ngati Whatua. It was at the 'uhunga' re[garding] Pua, when matters were arranged, that the name Te Haukarere was given to Matiu [T]e Hauhapai.⁶⁵

Matiu is said to have given two canoes piled with taonga to Ngati Whatua at this time, and Ngati Whatua are said to have taken the canoes and taonga but returned the land to Te Uri-o-Hau, because of their participation in the group avenging Haukarere's death.⁶⁶ Te Uri-o-Hau, in turn, with Pairama Ngutahi acting as spokesman, tuku'd the land to Arama Karaka Haututu, son of Haututu, in recognition of Te Kiriwhakairo's (of Ngati Mauku) role in the peace-making at Waiharakeke, and Arama Karaka 'at once tuku'd that

⁶³ Kaipara Native Land Court minute book 8, 24 September 1901, fols 331-332. According to Heta Paikea, a second tuku of Te Raekau was made by Paikea when Mereana, daughter of Matiu, married Eramiha Paikea. Wanting to give land for his mokopunas he gave further land at Te Raekau to Matiu (Kaipara Native Land Court minute book 8, 20 September 1901, fols 305-306).

⁶⁴ Kaipara Native Land Court minute book 8, 24 September 1901, fol 333

⁶⁵ Kaipara Native Land Court minute book 9, 10 October 1901, fol 80

⁶⁶ Hemi Parata noted that this was returned to all Te Uri-o-Hau (Kaipara Native Land Court minute book, 28 August 1901, fol 110).

land to Paikea'. Wi Wiapo did not know the reason for this last tuku, but he recorded that Paikea kept the land 'for himself'.⁶⁷ He continued (see figures 6 & 7):

In Paikea's time, that land was roherohe'd [divided]. He divided it bet[wee]n himself & Matitikuha. Paikea kept the port[io]n on the point at [the] junction of the Maenene & Te Topuni Streams. That is the 'tuturutanga' [true place of the name] of Ngahokowhitu. Matitikuha got the port[io]ns known as Waimanu & Ohoapewa.

Matitikuha, Rupuha & others did not return to Oruawharo at the time that Paratene Taupuhi & Matiu [T]e Hauhapai did. It was a long time afterwards (no muri noa mai) that they were 'kawe''d [brought] by Moetara from Hokianga to Oruawharo. With Matitikuha & Rupuha came Hemana, Whiti, Horomona & others.... When living at Hokianga, they had heard that the 'mana' over the land at Oruawharo had been 'tuku''d to Matiu by Parore. That was why they came back.⁶⁸

Wi Wiapo also explained that:

Rupuha & others were in Matiu's 'iwis'. They were of N[gati] Kauwae. Matiu's 'tuku' was to all of his 'iwis'. He spoke of them by hapu names. Although some persons of those hapus might not have been present when Matiu made the 'tuku', they were included under the collective hapu names.⁶⁹

Opekapeka was another area which was gifted around this time (see figure 7). *Paraone Hemana* (for Ngati Kauwae of Ngati Tahinga) recorded that when Paikea married Te Mowai (a descendant of Te Karoro), they had a child, Te Awaiti Paikea, whose daughter was Atareta Toko. Paratene Taupuhi is said to have gifted Opekapeka to her 'so that her children might have land'. Paraone Hemana continued:

⁶⁷ Kaipara Native Land Court minute book 9, 10 October 1901, fols 81-82

⁶⁸ Kaipara Native Land Court minute book 9, 10 October 1901, fol 82

It was given in [the] same way that Tahinga gave land for Te Karoro They still occupy that land – that is, Ripeka Toko [Atareta Toko's daughter] does. [To C[our]t] Atareta marr[ie]d Te Toko Tiakiriri. He was partly of Ngapuhi & partly of Te Uriohau The land given, & now occup[ie]d by Ripeka Toko, is Opekapeka Block, not yet passed C[our]t. That "tuku" was agreed to by all, but it was Paratene Taupuhi who acted as spokesman in making it. The 'katoa' who agreed were Rupuha ma, Te Poari, Horomona & Hemana.⁷⁰

3.3 Evidence of resettlement at Oruawharo prior to 1840

Following Te Ika-a-Ranganui Nga Puhi had not occupied the Oruawharo lands.⁷¹ The above accounts suggest that Ngati Mauku and Ngati Kauwae of Ngati Tahinga returned to their vacant lands, at first under Matiu Te Hauhapai's protection, in the 1840s and 1850s. Yet other evidence clearly links Maori settlement at Oruawharo following Te Ika-a-Ranganui to the period prior to 1840. There is some indication of which hapu and iwi were in occupation, based on the individuals playing a part in an old land claim in the Oruawharo area.

Samuel Hawke claimed to have purchased 12,000 acres land at Oruawharo on 30 December 1839 from 'Parore', 'Taupuhi', 'Matiu', and 'Pai', of 'Ngapuhi and Ngati Whatua'. These chiefs would have been Parore Te Awha, Paratene Taupuhi, Matiu Te Hauhapai and either Paikea or Pairama Ngutahi. The last three chiefs were described as being from 'Oruawara', and were respectively of, or associated with, Ngati Mauku, Ngati Apa and Te Uri-o-Hau and Ngati Mauku. Te Tirarau (Te Parawhau of Nga Puhi) signed as a witness. We will discuss this further below (see section 3.4.1).

⁶⁹ Kaipara Native Land Court minute book 9, 11 October 1901, fol 83

⁷⁰ Kaipara Native Land Court minute book 8, 2 September 1901, fol 142

⁷¹ There is evidence of their 'raupatu-ing' the rohe of Ngai Tahu and Te Uri-o-Hau to the north of the Otamatea River.- Kaipara Native Land Court minute book 8, 25 September 1901, fol 349; Kaipara Native Land Court minute Book 8, 16 September 1901, fol 266; and Kaipara Native Land Court minute book 9, 1 October 1901, fols 6-7.

There is further evidence which places people at Oruawharo in the late 1830s. The Wesleyan missionary James Buller referred to the existence of a community at Oruawharo in October 1839 and again in September 1840, he also visited a community of 40 Oruawharo Maori in March 1841.⁷²

3.4 The 1840 rule

A brief discussion of the 1840 rule is relevant here. The so-called '1840 rule' has been analysed at length before the Waitangi Tribunal in the Chatham Islands inquiry. While a full discussion of the evidence before that Tribunal is not warranted here, some of the issues which the discussion of the rule raises are relevant to Ngati Mauku and Ngati Tahinga ki Kaipara's case.

The classic statement of the 1840 rule was made by Chief Judge Fenton in the Oakura (Taranaki) judgment of the Compensation Court in (or before) 1866. He wrote that:

We do not think that it can reasonably be maintained that the British Government came to this Colony to improve Maori titles or to reinstate persons in possessions from which they had been expelled before 1840, or which they had voluntarily abandoned previously to that time. Having found it absolutely necessary to fix some point of time at which the titles as far as this Court is concerned must be regarded as settled, we have decided that that point of time must be the establishment of the British Government in 1840, and all persons who are proved to have been the actual owners or possessors of land at that time must be regarded as the owners or possessors of those lands now, *except in cases where changes of ownership or possession have subsequently taken place with the consent,*

⁷² Wai 674, doc C3, pp 8,18-19, 37-42, 49

*expressed or tacit, of the Government, or without its actual interference to prevent these changes.*⁷³ [emphasis added]

Fenton added that the rule was 'adhered to except in rare instances' in the Native Land Court.⁷⁴ The overriding justification for the 1840 rule was that no party should be able to gain title to land by use of force after the establishment of British Government in New Zealand.⁷⁵

While Fenton's exposition of the rule outlines a general principle, there have been various explications of it in subsequent Native Land Court judgments. Native Land Court judges appear to have developed upon the 1840 rule to include the general proposition that claims which were not wholly extinguished (or rights still extant) according to Maori custom, at the time of proclamation of British sovereignty, would be recognised by the Court, even where the land was not occupied at 1840 by those making the claim. And that if a conquered peoples had been driven from their lands, and their rights wholly extinguished as at 1840, the Court would not recognise their title except where peaceable changes had subsequently taken place in which they had reasserted their rights unopposed by, or with the consent of, those who had extinguished those rights.⁷⁶

3.4.1 Nga Puhi rights

In the case of conquest without subsequent occupation by the conquerors, as occurred following Te Ika-a-Ranganui, the Court accepted that no title to the land had been obtained by the conquerors. Fenton, for example, stated in his Orakei decision that:

If in consequence of wars a tribe abandons a place in their possession because it is too close to the hostile tribe, or too open to attack by them,

⁷³ AJHR, 1866, A13, p 4

⁷⁴ Ibid

⁷⁵ Fergus Sinclair, 'The "1840 rule" and the Moriori claim (Wai 64)', Wai 64 ROD, doc G11, p 4

⁷⁶ In 1890 Reverend James Hamlin ventured to differentiate between conquered parties who returned and occupied, in which case 'the land is theirs', and those who returned by permission of the conqueror, where 'the land does not become theirs unless a transfer of the land is made to them by the conquerors'. (AJHR,

and the hostile tribe takes no possession, and the land simply lies vacant until better times come and the previous owners return, nothing concerning the title can be founded on such evacuation...⁷⁷

While it is undisputed that Nga Puhi did not occupy Oruawharo following the battle of Te Ika-a-Ranganui, *Paraone Hemana* (for Ngati Kauwae of Ngati Tahinga) thought that his peoples fires had been extinguished during the Te Ika-a-Ranganui period (although they had otherwise retained ahi ka (occupation) from the time of Te Karoro) and *Hemi Parata* (for Te Uri-o-Hau based on Mauku) claimed that 'Te Ikaranganui was a "raupatu whenua" as well as a "raupatu tangata"'.⁷⁸ However, a number of the other witnesses in the Otioro & Te Topuni 1901 inquiry made reference to the fact that because Nga Puhi did not occupy the land, they held no rights to it.

There was, however, at least one dispute in the 1850s in which Te Tirarau and Parore, of, respectively, Nga Puhi and both Nga Puhi and Ngati Whatua, apparently threatened Paikea over Pairama Ngutahi's actions concerning a grazing lease at Korariwhero, Te Wairoa.⁷⁹ This suggests that perhaps there might have been a more complicated dynamic although, as with Hemi Parata's statement (above), it relates to an area of land much further north than Oruawharo.

Further indications of the complexity of the situation at this time between Nga Puhi and the hapu of the eastern Kaipara can be gleaned from reports made by George Clarke, Chief Protector of Aborigines in the mid-1840s. In 1843 he commented on the Kaipara situation in particular:

Tribes who live upon the borders of districts commonly intermarry with their neighbours on either hand, and are very often neutral in wars which

1890, 'Opinions of Various Authorities on Native Tenure', G1, p 7).

⁷⁷ FD Fenton (ed), *Important Judgments Delivered in the Compensation Court and Native Land Court 1866-1879*, Auckland, Native Land Court, 1879, p 76

⁷⁸ Kaipara Native Land Court minute book 8, 3 September 1901, fol 155; Hemi Parata, Kaipara Native Land Court minute book 8, 26 September 1901, fols 364-365

⁷⁹ Kaipara Native Land Court minute book 9, 14 October 1901, fols 105-108

occur between the two tribes to which they are related. If the invasion comes from the right, they flee to the district of their invading relatives Tirarau, Mato and Parore, who are Ngapuhi chiefs, sheltered a great number of the Ngatiwatuas [sic] who fled before the victorious Houghi [sic], and for many years they lived and cultivated together; but neither of these chiefs claimed the land of their proteges. Several sales of land about Kaipara, belonging to the Ngatiwatua [sic], were effected during the same time the parties lived together; but reference was always made to those who had thus placed themselves under protection, and their title, as the original owners of the soil, invariably acknowledged. Nevertheless the price or consideration given for the land would be divided amongst both parties, protectors and proteges; but the purchaser could have no valid title to his land, who bought of the protectors irrespective of the proteges.⁸⁰

He also provided his understanding of Maori custom in relation to the sale of land in such instances:

A striking instance of this sort occurred in the northern part of the island; the chief Houghi [sic], in selling a portion of land to the Church Missionary Society for a mission station, acted upon this principle. The original proprietors were greatly reduced as a tribe, and were driven from many portions of their district by 'Houghi's' [sic] people. Peace being restored, they amalgamated themselves with their enemies. Houghi, in order to secure the title and to show his respect to the custom of the natives, upon receiving the price of the land in question presented the whole to the most influential man of the reduced tribe, to secure his approbation of the sale, which by this means was accomplished, and the payment as a matter of course returned to 'Houghi' [sic].⁸¹

⁸⁰ Clarke to Colonial Secretary, 17 October 1843, GBPP, vol 2, 1844 (566) pp 356-359. It is unclear who 'Mato' is – perhaps Mate from Mangakahia/Puatahi.

⁸¹ Ibid. Fergus Sinclair notes that deference to the 'original proprietors' in Clarke's story may not be an isolated occurrence. On several occasions, Fenton recalled a scene he had witnessed during a sale of land at

As noted above, the people of Oruawharo and Otamatea returned in the late 1830s and early 1840s either unopposed by Nga Puhi, or invited through Parore Te Awha's gifting of the land to Matiu Te Hauhapai, and in turn his further gifting to the people of Oruawharo. *Hemi Parata* (for Te Uri-o-Hau based on Mauku) thought that '[i]f Parore had not given the land to Matiu, it w[oul]d not have ret[urne]d to the people. Parore w[oul]d have retained it. All "takes" formerly existing are swept away by raupatu'.⁸² He also noted that if Parore had sold the Oruawharo lands, the peace-making which allowed Te Uri-o-Hau to sell lands in Oruawharo would have been 'kore',⁸³ and that: '[p]rior to that 'tuku' [gift] by Matiu, N[gati] Mauku had been living at Oruawharo under his [Matiu's] 'mana'.⁸⁴

Parore Te Awha not only gifted land to Matiu Te Hauhapai around 1840, but he participated, alongside the claimants' tupuna, in Samuel Hawke's pre-1840 land transaction. *Hemi Parata* (for Te Uri-o-Hau based on Mauku) claimed that although Paratene Taupuhi and Matiu Te Hauhapai and another participated with Parore in the sale to Hawke, it was 'made under Parore's right derived through the defeat at Te Ikaranganui' – although he then added that the first sale was 'he' (wrong) and had no 'mana', 'not in accordance with law, & was void'.⁸⁵ There may have been some rights, still in existence in 1839, obtained by Nga Puhi and divided between Tirarau, Parore and Moetara (as noted above) following Te Ika-a-Ranganui. But Parore's involvement, and Tirarau's presence as a witness, may also have been of a nature such as that described by Clarke in 1843, and perhaps related to Parore's protection of some of those who had fled Oruawharo following the 1825 battle. By the time of the 1860 Crown purchase of Oruawharo (south) block, any possible former claim by Nga Puhi was non-existent. Nga Puhi do not appear to have participated in the sale. Hemi Parata noted that Parore made

Kaipara. The Ngapuhi chiefs who had settled amongst the defeated Ngati Whatua dealt with the purchase money in much the same way as Hongi' (Sinclair, p 36).

⁸² Kaipara Native Land Court minute book 8, 25 September 1901, fol 348

⁸³ Kaipara Native Land Court minute book 8, 27 September 1901, fol 372; Kaipara Native Land Court minute book 8, 25 September 1901, fols 339-341

⁸⁴ Kaipara Native Land Court minute book 8, 25 September 1901, fols 342-343.

⁸⁵ Kaipara Native Land Court minute book 8, 24 September 1901, fols 334-335. He noted the third person here as 'Te Mummua Taipai' not Pairama Ngutahi or Paikea.

no objection to the sale, having previously 'whakahoki'd' the land to Matiu when his 'mana' over the whole of Oruawharo had ceased'.⁸⁶

3.4.2 Ngati Mauku and Ngati Kauwae of Ngati Tahinga and Te Uri-o-Hau

This takes us to the discussion of what aspects of customary tenure, which had evolved following 1840, the Court did accept in determining title, and the instances which, following 1840, title could be transferred according to Maori custom other than by force.

In 1885 the judge in the Waihuahua (Hawkes Bay) decision stated that the Court would not recognise any claim based on conquest after 1840, but other changes in tenure could be upheld if they accorded with custom. In that case the post-1840 occupation was in consequence of a declaration of truce and the issuing of an invitation to the absentees. The judge commented:

in quoting the year 1840 it was [sic] to be remembered that the Legislature never fixed this date as a limit beyond which no claims to land should be recognised by the Court, on the contrary it has been especially enacted that the Native Land Court in dealing with questions of Native Title to land *shall be guided by Native Custom and usage*.⁸⁷ [emphasis added]

As noted above, Fenton's expression of the 1840 rule did not preclude admitting changes in customary tenure following 1840 provided those changes were peaceful (and therefore explicitly or implicitly accepted by the Crown). Gift, agreement, sale and intermarriage were all recognised as coming within this category.⁸⁸ The judges' practice of taking 1840 as the base-line and admitting changes which followed customary principles was consistent with Fenton's statement of the rule.

⁸⁶ Kaipara Native Land Court minute book 8, 24 September 1901, fol 335

⁸⁷ See Sinclair, p 8. To some extent, the complexity of Maori land tenure appears to have been recognised in the Native Land Act 1873. That Act provided for district officers who were to map the possessions of the various tribes and hapu 'at the date of the signing of the Treaty of Waitangi, and the nature and tenure thereof' to assist the court's decisions.

⁸⁸ See Sinclair, p 8

A further distinction made by Fenton in relation to the rule was the relationship between occupation and right to title. In his Orakei decision, Fenton stated that '[n]o modern occupation [post 1840] can avail in establishing a title that has not for its foundation or authority either conquest or descent from previous owners, except of course in the case of gifts or voluntary concessions by the existing owners'.⁸⁹ He did, however, hold the interests of non-residents to be smaller than those of residents – this affected only the relative interests of the people who comprised the category of owners in 1840 – a distinction seemingly also made by *Te Tapihana Paikea* (above).⁹⁰

The Oruawharo community from 1840 to 1901 is a case in point. By 1860, as noted above, there was no suggestion that Nga Puhi individuals held any claim at all to Otioro & Te Topuni and Oruawharo lands. However, there had been a level of interaction amongst eastern Kaipara hapu beyond that of pre-Te Ika-a-Ranganui times. *Wi Wiapo* (for Ngai Tahu) referred to the 'kotahitanga' of the hapu of the eastern Kaipara following Te Ika-a-Ranganui. This was generally accepted to have been exhibited by the level of cooperation existing between hapu in the 'timber-getting' (timber felling) on the Otioro & Te Topuni and surrounding blocks, apparently initiated by William White in the 1850s.

Many of the key figures from Oruawharo community, such as Paratene Taupuhi, Te Poari Totara, Rupuha Te Korohaunga, Horomona Te Aria and Paraone Hemana, were involved in the timber felling. *Te Tapihana Paikea* (for Ngati Mauku of Te Uri-o-Hau) claimed that when Paratene Taupuhi had been approached by a European (White) about extracting the timber in the Otioro & Te Topuni area and, although the 'land belonged to Mauku', Paratene had 'replied that it w[oul]d not be right for him only to give perm[ission], but it w[oul]d also be necessary to see Paikea and Te Uriohau ab[ou]t it'.⁹¹ Others referred to the work being divided into areas – with specific hapu having rights to log particular areas, and to invite those they wanted to assist them, to work there. Many of the

⁸⁹ Fenton (ed), p 87

⁹⁰ Kaipara Native Land Court minute book 8, 29 August 1901, fol 118

⁹¹ According to *Te Tapihana Paikea*, Ngai Tahu had no 'take', but joined in because they were living with Paikea at Otamatea at the time.

witnesses commented that the hapu with whom they had 'paanga tangata' (a relationship) were called in to assist, and paid for their work, but returned to their own residences following each stage of the work. *Te Tapihana Paikea* noted that payment for timber went to Heta Paikea, Horomona Te Aria and Matikikuha.⁹²

Wi Wiapo stated that this did not form an 'actual right' in the land - the 'connection of the majority was of a personal nature only'.⁹³ Merely living on the land did not amount to possession and control of the land and the people on it. Dr Angela Ballara has noted that many Maori groups occupied land on this basis.⁹⁴ One of the ways in which this distinction is made in the evidence in the Otioro & Te Topuni title investigation is the witnesses references to 'paanga tangata' as opposed to 'paanga whenua', or personal matters as opposed to ancestral rights. Wai 721 claimants say that the basis of Ngati Mauku and Ngati Tahinga ki Kaipara's rights to Oruawharo lands places them firmly in the latter category, and that while some Te Uri-o-Hau may be included in that category, not all are.

3.5 The Otioro & Te Topuni title investigation judgment

Judge Johnson's judgment on the Otioro & Te Topuni title investigation was relatively short. It did not provide a discussion of the vast amount evidence which had been put before the Court. It did, however, refer to the case of the Te Komiti block some distance to the northwest of Oruawharo, at Tinopai - a debateable parallel to apply to Ngati Mauku and Ngati Kauwae - and it did not differentiate between occupation rights and ancestral rights to land. The judge simply stated:

This court agrees with the view expressed in the judgment given by the late Mr. Comm[issione]r Clendon in the case re [T]e Komiti Block ...

⁹² Kaipara Native Land Court minute book 8, 10-11 September 1901, fols 217-228, Kaipara Land Court minute book 8, 12 September 1901, fol 241.

⁹³ Kaipara Native Land Court minute book 9, 9 October 1901, fol 68

⁹⁴ Ballara, *Iwi*, pp 162-163, 199-201, 204-206.

namely that the various parties are really Te Uriohau. Whatever may have been the original takes of different sections [of Te Uri-o-Hau] to various portions of land prior to the dispersion of people at the time of Te Ikaranganui, it would appear that matters have been considerably mixed up by the action of the 'kaumatuas'.⁹⁵

Judge Johnson was able, of course, to take peaceable post-1840 changes in customary tenure into account. But he appears not to have truly grappled with the evidence or to have obtained any real understanding of the complexities of customary land tenure exhibited by this case. He confused occupation with rights to title, noting that: '[t]he actual occupation of lands, or exercise of "mana whakahaere" [authority] over them, since that time must be taken as the main guide in determining ownership in each case', almost ignoring the ancestral right to the land. He awarded a portion of shares to each of the three parties involved in the substantive hearing (see below) and also 'for Matitikuha Eruera, the grandson of Te Poari [Totara] - who is in a special position after other lists have been settled'.⁹⁶

As noted above, Hone Matikikuha Eruera had stated at the outset of the investigation that he was 'really in all the cases set up' and had 's[ai]d that he w[oul]d adopt C[our]t[t']s suggestion to stand by while the various parties contested'. He did not give his own evidence.⁹⁷ Shortly after he made these statements, when the lists of owners covered by each group were begin drawn up, Anaru Wiapo (representing Ngai Tahu's case) stated that he 'wished to say with regard to Hone Eruera, who is in all three lists, that he [Hone Matikikuha Eruera] is quite willing to strike his name out of the Ngai Tahu list, but he w[oul]d claim to retain the "paanga o ana tupuna" [ancestral relationship] in the Ngai Tahu case'. Judge Johnson replied that 'it had already stated that it w[oul]d deal with persons in three lists'. He saw Anaru Wiapo's proposal regarding Hone Eruera as a 'novel one - to exclude an indiv[idual], but to retain his "take paanga" [claim?] in the

⁹⁵ Kaipara Native Land Court minute book 9, pp 376-377

⁹⁶ Kaipara Native Land Court minute book 9, 20 November 1901, fols 336-337

⁹⁷ Kaipara Native Land Court minute book 8, 30 August 1901, fols 126-127

land – C[our]t does not see how that can be done – However, that question c[oul]d be left in abeyance’.⁹⁸

Judge Johnson’s judgment was appealed in 1903 by Ripeka Paenganui on behalf of herself and by Anaru Wiapo on behalf of Ngai Tahu. The decision brought down following the appeal was:

that the whole of those so claiming [in the title investigation] as separate and distinct people, were in reality one hapu under the general name of [T]e Uriohau . . . and an award of shares, which the court considered proportionate to the rights of each of the several bodies claiming was made to be dealt with among such bodies themselves without outside interference – 200 shares to Ng[ai] Tahu, 350 shares to N[gati] Kauwae, and 400 shares to N[gati] Mauku.⁹⁹

The judge made this comment on the appeal by Anaru Wiapo:

it is, one, against the decision as a whole, both against the inclusion of others than Ng[ai] Tahu in the ownership, and also against the shares apportioned to that hapu.

The evidence in the whole case is very lengthy and deals with the alleged ownership from the earliest times to the present, but after an exhaustive examination of that evidence, that which strikes the Court most, is, that each witness in turn urges the exclusive claim of his own hapu, whereas any acts of ownership or authority is mentioned during the last two or three generations. . . They are not confined to any separate hapu or individual. . . We are clearly of the opinion that the decision of the Court

⁹⁸ Kaipara Native Land Court minute book 8, 9 September 1901, fols 203-204

⁹⁹ Kaipara Native Land Court minute book 10, 23 March 1903, fols. 307-308

vesting the ownership in the Uriohau tribe as a whole is clearly borne out by the evidence.¹⁰⁰

In the Otioro & Te Topuni case, the question of who held rights to the land, and the nature of those rights, was very complicated. The Native Land Court, by the Crown's legislation and the Court's rules, could and did consider the evolution of rights after 1840, provided they conformed with custom and did not involve force. The Court was to ascertain the customary tenure, however confused it might be.

Yet Judge Johnson appears not to have made a full analysis of the detailed and complex evidence on the customary tenure placed before him. Degrees of right varied considerably according to their basis. These degrees of right tended to be obscured by seeing all as the same people. This oversimplified and thereby distorted Maori custom. However, while Johnson's judgment did not properly recognise differing hapu rights and differing types of rights, we reiterate that the decision related to the Otioro & Te Topuni block itself, not to Oruawharo as a whole – or the core 'papakainga' of Ngati Mauku and Ngati Tahinga ki Kaipara at Oruawharo. Otioro & Te Topuni appears to have been an area of Oruawharo of more mixed interests and one which was largely unoccupied until the timber felling of the 1950s.¹⁰¹

Chief Judge Fenton commented on the point of distinctions between groups and the limited right of occupation alone, as opposed to title derived from other 'take', in his Orakei judgment. He noted the 'great principle of separation' of tribes, and warned that to abandon it would make New Zealand into 'one vast inheritance, of which all the Maoris in the island would be joint owners'.¹⁰² Perhaps this statement might also be applied to Ngati Mauku and Ngati Tahinga ki Kaipara's current situation in relation to Crown actions today.

¹⁰⁰ Kaipara Native Land Court minute book 10, 23 March 1903, fols. 308-309

¹⁰¹ See Kaipara Native Land Court minute book 8, 17 September 1901, fol 273.

¹⁰² Fenton (ed), pp 94-95

3.6 Conclusion

A series of points can be made regarding the evidence given in the Otioro & Te Topuni title investigation relating to Oruawharo lands:

- Ngati Mauku are acknowledged by Te Uri-o-Hau (Haki) of today to be a hapu of Te Uri-o-Hau (Hau)
- Not all descendants of Mauku are also descendants of Hakiputatomuri
- Ngati Mauku's central rohe includes the area around the Oruawharo River and tributaries
- Ngati Kauwae (of either Te Uri-o-Hau or Ngati Tahinga), a group of descendants of Mauku's grandson Te Karoro, are also recognised as the people of Oruawharo
- Te Uri-o-Hau's interests in the Oruawharo area are derived from Mauku
- Subsequent events appear to have included some of Te Uri-o-Hau (Haki) in rights derived from Mauku through marriage, peace-making and gifting.

Ngati Mauku and Ngati Tahinga ki Kaipara appear to be in a unique position in relation to the Crown's current reaching of a settlement with the Te Uri-o-Hau grouping of today. Ngati Mauku appear to be the only Te Uri-o-Hau (Hau) hapu to be claiming rights within the area defined in the Heads of Agreement between the Crown and Te Uri-o-Hau (Haki).¹⁰³ While some of Ngati Mauku's members are also descendants of Te Uri-o-Hau (Haki), not all are. The claimants say that the Crown cannot claim that the representatives of Te Uri-o-Hau (Haki) adequately represent the descendants of Mauku. They say that even those of Ngati Mauku who are also descendants of Te Uri-o-Hau (Haki) claim their rights through Mauku, and that their representation in relation to Oruawharo lands through their Te Uri-o-Hau (Haki) line would be considerably watered down.

In conclusion, the Wai 721 claimants fear that, while they wish to recognise their relationship with Te Uri-o-Hau (Haki), proper and adequate representation is being

¹⁰³ 'Heads of Agreement for a Proposed Settlement of the Te Uri o Hau Historical Claims Against the Crown', 20 November 1999, p 4.

denied them. They fear that the Crown has not used the robustness necessary to recognise them as an entity which, alongside Te Uri-o-Hau (Haki) representatives, it should properly deal with.

1971

1972

Chapter 4

Alienation of Ngati Mauku and Ngati Tahinga ki Kaipara lands

4.1 Introduction

This chapter looks very briefly at the 1860 Crown purchase of the Oruawharo (south) block. It refers to the subsequent Native Land Court investigations, and private leases and purchases. It notes the lack of provision of reserves on Oruawharo lands, and the lack of restrictions on alienability. It also mentions an instance of public works taking.

4.2 The Crown's 1860 purchase of the Oruawharo (south) block

4.2.1 Hawke's old land claim

Neither Tony Walzl nor Maurice Alemann, in their evidence before this Tribunal, identified the hapu affiliations of the chiefs party to Samuel Hawke's purchase.¹ As set out in section 3.3. above, Parore Te Awha, Paratene Taupuhi, Matiu Te Hahaupai and either Paikea (Te Hekeua) or Pairama Ngutahi took part in the transaction. They were of Nga Puhi, Ngati Mauku, Ngati Apa and Te Uri-o-Hau and Ngati Mauku.

Walzl provided a detailed history of the Crown's actions in relation to Hawke's purchase.² We will not reproduce them here. While some of these actions were questionable,³ the import of any assessment of Crown actions in relation to Hawke's

¹Wai 674, doc C1, pp 11-12; doc C3, pp 4-5

²Wai 674, doc C3, pp 18-19, 54-56, 91, 97-100, 111-112, 117-120, 174, 183-184

³For instance Governor Grey, without any investigation of the purchase, gave Hawke permission to purchase any portion of the lands he was claiming, which he had built on or improved, by paying £1 per acre for it to the Government and Grey gave assurances that the Government would not interfere with Hawke's occupation of the remainder of the land until that land was required for other purposes.

purchase is greatly reduced because no Crown grant resulted from it. But Hawke's old land claim does remain of relevance to Oruawharo Maori through its eventual role in the 1860 Crown purchase of the Oruawharo (south) block (below).

4.2.2 The Crown's 1860 Oruawharo (south) block purchase

Both Alemann and Walzl note that two deeds were signed for the Oruawharo (south) block Crown purchase: one on 27 January 1860 by 'Ngatiwhatua' (which they note includes 'Te Otene, Te Keene, Hori [T]e More, Taraia and 16 others'); and one on 2 February 1860 by 'Te Uri o Hau' (which they note include Paikea, Arama Karaka, Wiremu Apo and 21 others). They do not list the 'others', or comment on the hapu affiliations of any of those listed on the deed. Nor do they assess whether the Crown purchase agents adequately inquired into details of ownership – although, as Walzl notes, Crown land purchase officers' reports were deficient, in particular those of John Rogan who made the Oruawharo purchase.⁴

Walzl provided what little information there was in Rogan's reports. In October 1859 Rogan noted that the price for the Oruawharo (south) Crown purchase had been agreed to by the vendors 'but the claimants subsequently differed amongst themselves, and no arrangements has as yet been arrived at between them'.⁵ Further information on this is provided below.

Walzl also provided information about Bell's suggestion to Rogan that around 1000 acres within the purchase be reserved for Hawke in light of his initial payment, and Rogan's response: 'the natives acknowledge having received certain payments from Mr Hawke as earnest money for a block of land containing about 1000 or 1100 acres, and that they were willing to give up about that quantity to Mr Hawke on receiving £200, which was the balance of the intended purchase money'. However, Hawke then abandoned the

⁴Wai 674, doc C1, pp 18-19; doc C3, pp 182-184, 198-205

⁵Wai 674, doc C3, p.183

claim.⁶ Hawke's old land claim was then completed by the Crown, with an additional payment to Paratene Taupuhi and Matikikuha.

In December 1860 Rogan explained that £500 and £700 had been paid to Ngati Whatua and Uri-o-Hau tribes. He continued:

This purchase contains upwards of (30,000) thirty thousand acres, exclusive of a reserve and an old land claim of J. Hawke for which Two hundred pounds (£200) of the above sum was paid to Paratene for himself and Matitikuha, with the consent of the Native claimants...⁷

Alemann cites *Hemi Parata's* (for Te Uri-o-Hau based on Mauku) comments on the matter in the title investigation of Otioro & Te Topuni, in which he melds Hawke's purchase and the Crown purchase of Oruawharo (south) block into one:

I know when the land on one side [ie south] of Oruawharo river was sold. There were two sales, one portion was sold to a European named Hawke, that same portion was sold to the government as the first sale was 'pakaru'd' (torn). The first sale was made by Parore of Ngapuhi. That sale was made under Parore's right derived through the defeat at Te Ikaranganui. The second sale was made by Te Uriohau and Ngati Mauku. It was through Wiremu Tipene [Hawato]'s 'tikanga' [authority] that that sale was made. He took action as the first sale by Parore to the European was 'he' (wrong). It had no 'mana'.⁸

He then stated that money was paid to Ngati Whatua at the same time that payment was made to Te Uri-o-Hau and Ngati Mauku – and that, although their names were not attached to the deed, Wiremu Tipene, Matikikuha, Pairama Ngutahi and Hemana Whiti

⁶Wai 674, doc C3, pp 183-184

⁷Wai 674, doc C3, p 184

⁸Kaipara Native Land Court minute book 9, 24 September 1901, fol 334

took part in the sale and that Paikea and Paratene had received payment.⁹ Although 'Mauku owned the land', he stated that the: 'sale of Oruawharo Block was a general affair. No hapu div[isio]ns were then ment[ione]d. One port[io]n was sold by N[gati] Whatua & the other by all the hapus of Te Uriohau'.¹⁰

Heta Paikea (for Ngati Mauku of Te Uri-o-Hau) was clearly of the view that the list of vendors on the deed of sale included some who did not have a right in the land. In relation to Ngai Tahu's role in the transaction, he commented that: 'in those days persons got [a] share of money although not really entitled. They w[oul]d sign the document as 'kai-whakamana' [witnesses]'. The Court, however, disagreed that land purchase officers confused the two. Heta Paikea listed those who participated in the sale, citing his knowledge of their hapu affiliations:

Persons	Hapu / Iwi
Nikora	Ngati Rongo
Matini	Ngai Tahu
Nui ¹¹	Not known to Heta Paikea
Wiremu Apo (Wi Apo)	Ngai Tahu
Hapeta	Ngai Tahu
Mihaka (probably Mihaka Makoare)	Te Uriohau & Ngati Kura (& 'not of Ngai Tahu')
Atareta (probably Atareta Toko)	Te Uriohau & Ngati Mauku
Arama Karaka	Ngai Tahu & Te Uriohau
Pita Kena ¹²	Te Uriohau & Ngati Apa
Paikea Te Hekeua	Te Uriohau & Ngati Mauku
Paratene Taupuhi	Ngati Mauku ('only')

⁹ Kaipara Native Land Court minute book 8, 24 September 1901, fol 336

¹⁰ Kaipara Native Land Court minute book 8, 26 September 1901, fol 366

¹¹ '3rd name in 1st column of Oruawharo [No. 2] Block – see Turton's Book Vol. 1, p. 213' Anaru Wiapo also added a comment which was entered marginally in the minuted record. Anaru said 'that he thought the name had been incorrectly spelt'. Kaipara Native Land Court minute book 8, 30 September 1901, fols 381-382.

Te Kiri, son of Te Matire	Ngati Manuhiri, Te Uriokatea & Te Uriohau
Paki (probably Paratene Pakirori)	Ngai Tahu
Tauiora Toa	Te Uriohau
Matini Murupaenga ¹³	Ngati Whatua ¹⁴
Eramiha Paikea ¹⁵	Te Uriohau & Ngai Tahu
Heta (myself, Heta Paikea ¹⁶)	Te Uriohau & Ngati Mauku
Hirini Te Awe	Te Uriohau, Ngati Mauku, & Ngati Kura (not of Ngai Tahu)
Kaiwaka, (Kaiwaka Pinaki)	Te Uriohau & Ngati Mauku
Hone Hihi	Ngai Tahu & Ngati He
Hone Kingi	Te Uriohau & Ngati Mauku
Peraniko (Aperaniko Parata)	Ngai Tahu & Te Uriohau
Ihimaira Ngatokowha	Te Uriohau ('only')
Te Manihera Makoare	Te Uriohau, Ngati Mauku, & Ngati Kura
Perana Moetaarau	Ngati Kura & Ngai Tahu.

Heta Paikea added that (as in part noted above in section 2.3):

in those old days, the business was not conducted in the same way as it is now. They did not then go into the 'putakes' [ancestors] to the land, as is now done. The 'kupas' [words] of the kaumatuas have been 'whakarere'd [carried off] because we are now acting under a 'ture hou' [new law] –

¹² Heta Paikea stated that there was 'a memo as to [Arama Karaka Haututu] signing for absentees having right in land ref[erred] to Pita Kena & others' (Kaipara Native Land Court minute book 8, 30 September 1901, fol 382).

¹³ The 'second Matini' in the list (Kaipara Native Land Court minute book 8, 30 September 1901, fol 382).

¹⁴ Anaru Wiapo, as cross-examiner stated that Murupaenga was 'also partly Ngai Tahu'. Heta Paikea responded that he did not know Murupaenga was partly Ngai Tahu (Kaipara Native Land Court minute book 9, 30 September 1901, fol 2).

¹⁵ Youngest half-brother of Heta Paikea. Evidence of Heta Paikea, Kaipara Native Land Court minute book 8, 30 September 1901, fol 382

¹⁶ Kaipara Native Land Court minute book 9, 30 September 1901, fol 1

that of the N[ative] L[and] Court. In those days, [1860], there was no Court. In the cases of old land purchases, it was the chiefs who sold the lands, & certain other persons simply 'uru noa''d [witnessed] in the transactions. In the case of the sale of the Oruawharo Block, the chiefs who sold were Paratene & Paikea, as stated yesterday. They were the rangatiras - & were 'uri' of Mauku. The purchase money was p[ai]d to Paratene & Paikea. They distributed it amongst the people. [Anaru Wiapo contended that wording of receipt - 'matou' [we] - showed that Mr Rogan, the L[and] P[urchase] O[fficer], p[ai]d the money to all the people - that he 'tuwha''d [distributed] it - although only two signed receipt. C[our]t & Ass[esso]r told him that the L[and] P[urchase] O[fficer] did not distribute the money in those old days. He simply put down the lump sum, it was left to leading men to distribute amongst their people.]¹⁷

As to Ngai Tahu person - Te Otene - taking part in the N[gati] Whatua sale of port[i]o[n] of Oruawharo ... I say that those people pleased themselves in the way they conducted their business. Originally it was agreed that £1200 sh[oul]d be p[ai]d for the whole of the land, & then it was arranged to divide off a port[i]o[n] for N[gati] Whatua. I do not know exactly how it was done, although I was there. The kaumatuas 'mohio''d [knew] as to their 'tikanga' [custom]. What I know is that Paratene and Paikea were the rangatiras of our party. Te Otene Kikokiko, Taraia Mawhiu and Te Keene Te Ueue were rangatiras of the other party - N[gati] Whatua.¹⁸

The witnesses in the Otioro & Te Topuni title investigation provided some explanations for certain individuals being recognised as 'owners' in pre-1865 Crown purchases in the eastern Kaipara, including the 'kotahitanga' existing following Te Ika-a-Ranganui. *Wi Wiapo* (for Ngai Tahu) stated in connection with the Oruawharo no 2 block (probably

¹⁷ This large quote in square brackets was an insertion by the court recorder, as was the reference to [1860] above.

¹⁸ Kaipara Native Land Court minute book 9, 1 October 1901, fols 3-5

meaning the second Crown purchase, or Te Uri-o-Hau deed, for the Oruawharo (south) purchase, the first being understood to be the Hawke transaction):

It was Arama Karaka and his matuas who sold that block ... The reason why they 'uru'd [participated] in that sale was because that block included a port[io]n of the land within my b[oun]d[ar]y.

[And in connection with the 1854 Mangawhai Crown purchase] ...That land was sold by Arama Karaka, Te Kiri and Wiapo. Many others also joined in that sale The majority of the persons who signed were not of Ngai Tahu. Ngai Tahu really owned the land, but others joined in the sale owing to the 'kotahitanga' wh[ich] existed amongst the people, after Te Ikaranganui. The connection of the majority was of a personal nature only. They had no actual right in that land.¹⁹

Wi Wiapo continued, saying again that, of pre-Native Land Court Crown purchases: '[i]n those days, people from other hapus w[oul]d be allowed to join in sales although they had no actual right in the land, but merely personal relationship ('paanga tangata')'.²⁰ He thought that:

The 'urunga' [participation] of Paratene Taupuhi, Paikea & others of Te Uriohau in that [Oruawharo (south)] sale was based upon the 'tuku' by Matiu [T]e Hauhapai to his hapus of the Oruawharo lands.

The reason why Ngai Tahu 'uru'd [participated] in that sale was because a port[io]n of the lands within the 'rohe potae' of Ngai Tahu had been included.²¹

¹⁹ Kaipara Native Land Court minute book 9, 9 October 1901, fol 68. In fact, over three-quarters of the participants in the 1854 Mangawhai Crown purchase claimed descent from 'Ngai Tahuhu'. Also, see figure 10.

²⁰ Kaipara Native Land Court minute book 9, 9 October 1901, fol 70

²¹ Kaipara Native Land Court minute book 9, 15 October 1901, fol 120

Te Tapihana Paikea (for Ngati Mauku of Te Uri-o-Hau) claimed that 'Ngai Tahu "uru"'d [participated] in the sales of land by Te Uriohau at Oruawharo [(south)] and Mangawhai' through Paikea, whom he described as being of Te Uri-o-Hau and the 'kai-awhina' (protector) of the Ngai Tahu people. Te Tapihana Paikea explained that Otamatea had formerly been held by Ngai Tahu, but had been raupatu'd from them by Te Uri-o-Hau and Paikea, who had married two Ngai Tahu women, Mai and Maahu, had 'whakahoki'd' (returned) Ngai Tahu with him to 'noho huihui' (live together) at Otamatea after Te Ika-a-Ranganui.²² Te Tapihana Paikea concluded that he viewed other intermarriage between Te Uri-o-Hau and Ngai Tahu as not 'being anything more than personal matters - Te Uriohau held on to the land'.²³ He stated:

I now 'whakahe' that style of doing things in respect of this land now before the C[our]t. I am claiming this land under Mauku - and Ngati Tahu have no 'take' [claim] under that tupuna. I do not admit that Ngati Tahu have any right to this land through that 'noho huihui' [living together] although they did join in the timber-getting on this land in former times. I w[oul]d now say that I 'whakahe' [dispute] the action of Paikea in allowing Ngai Tahu to join in those old sales of land.²⁴

The Oruawharo (south) Crown purchase was by far the largest purchase made of Ngati Mauku and Ngati Kauwae of Ngati Tahinga's land. Yet they received comparatively little for it. Barry Rigby has noted that:

The average price per acre that the Crown paid for Kaipara land according to our calculation was 1s 2d (or 14.3 pence). This figure varied from three shillings for the 2230-acre Kaikai purchase in 1863, to fourpence per acre for [the] 30,000-acre Oruawharo [south] purchases of 1860. In the case of Kaikai at the southern extremity of the harbour, near the present site of Helensville, the Crown paid one shilling an acre more than Rogan thought

²² Kaipara Native Land Court minute book 8, 16 September 1901, fols 264-268

²³ Kaipara Native Land Court minute book 8, 16 September 1901, fol 268

²⁴ Kaipara Native Land Court minute book 8, 16 September 1901, fols 266-267

the land was worth. In 1861 he commended the quality of the 'rich alluvial soil' there, and its access to water transport, but thought it worth two shillings an acre, not the three shillings eventually paid. At the other end of the scale, the Crown got Oruawharo cheaply in 1860, apparently because of its size and the fact that only one group (Te Uri o Hau) negotiated the purchase. When the Crown negotiated the smaller adjacent area of Opou with a number of groups during 1861, Rogan reported his expectation 'that the Natives will not be induced to accept less than £100 which will be at a rate of about 2s an acre'. This would suggest that bargaining conditions and the quantity, as much as the quality, of the land affected the price paid.²⁵

In addition to that, a mere thirtieth, the Paraheke block, was excluded from the sale as a 'native reserve', on Matikikuha's insistence.

4.2.3 The Paraheke native reserve

Paraheke (also known as Paraheka) native reserve, which was later defined as being of around 1000 acres (see below), was specifically excluded from the Oruawharo (south) Crown purchase in 1860 (see figure 7). The Oruawharo (south) block land plan also shows this area to be a 'native reserve'. Both deeds of sale specifically stated that '[a] portion has been left out or reserved namely Paraheke being a wahi tapu'.²⁶ Paraheke (or 'Paraheka') was also listed in the return of general reserves for natives in 1962.²⁷

Matikikuha headed a successful claim to the title of Paraheke in August 1866.²⁸ He produced 'a tracing of Paraheke Reserve which had been copied from the plan of the

²⁵ Barry Rigby in Daamen, R, Hamer, P and Rigby, B, *Auckland (Part 1)*, Wellington, Waitangi Tribunal, 1996, p 192

²⁶ Turton, H.H. *Deeds of Land Purchase*, Wellington, 1877, pp 211-213

²⁷ AJHR 1862 E-10

²⁸ The first scheduled title investigation was set down for 29 March 1866. It was adjourned following a reading of the claim brought by parties unnamed in the Native Land Court minutes. It was adjourned because 'no survey [was] produced' (Kaipara Native Land Court minute book 1, 29 March 1866, fol 57).

Oruawharo block and reserved from the sale of that land'. He claimed the land along with Paikea, Rupuha, Hemana and Paratene, representing Te Uri-o-Hau, Ngati Mauku, and Ngati Kauwae. He noted that: '[t]hese three tribes will agree to the above claimants, being the proprietors of this land'. Matikikuha stated that 'Whiti was the chief of this land in former times. Whiti begat Te Karoro who begat Tomu and Hira who begat Te Anga who begat Paea who was my father'.²⁹

Paramena made a claim on behalf of himself and the Taou tribe descended from Pokohua alias Whiti. But Matikikuha explained to the Court that when the Oruawharo block was sold, Paraheke 'was reserved from sale by me on account of it being a sacred place. I am not aware that the Ngatiwhatua have burial grounds on this place. The Graves are of the three tribes above named'.³⁰

The Court decided that the claim of Matikikuha, Paikea and Paratene Taupuhi had not been fairly disputed and it ordered that a Certificate of Title be issued to Matikikuha, Paikea, Rupua, Hemana, and Paratene Taupuhi, for Paraheke reserve said to contain 1633 acres.³¹ On survey, the block was found to contain 1090 acres.³² A Crown Grant was issued to Matitkikuha and the other four named above on 29 September 1866.³³ Despite this area being a reserve, the Native Land Court did not put restrictions on its alienation.

There followed a series of alienations of land at Paraheke, starting in September 1866 and finally in August 1894 (see appendix 2). More information regarding Paraheke is provided in section 4.7.

²⁹ Kaipara Native Land Court minute book 1, 16 August 1866, fols 68-69

³⁰ Ibid

³¹ Ibid

³² See also AJHR 1862 E-10 – 1015 acres.

4.3 (a) Timber felling, William White's claim and indebtedness

Ngati Mauku and Ngati Kauwae of Ngati Tahinga did not get off to a good start. The Tribunal has already heard some information regarding William White's dealings in the Otioro & Te Topuni area.³⁴ The Otioro & Te Topuni minutes provide further detail, some of which is covered in the material already on record. The venture into the timber industry by Ngati Mauku and Ngati Kauwae of Ngati Tahinga at Oruawharo was brought about through White contacting Paratene Taupuhi. This is *Te Tapihana Paikea's* account:

Then the European s[ai]d to Paratene Taupuhi that he had come to Oruawharo with a view to getting the timber. What he s[ai]d applied also to Otioro & Te Topuni. Paratene replied that it w[oul]d not be right for him only to give per[mission], but it w[oul]d also be necessary to see Paikea & Te Uriohau ab[ou]t it. When Paikea & Te Uirohau heard ab[ou]t that European's proposal, they agreed. Then Paikea told the young people to go to Oruawharo. It was Matitikuha, one of the elders, who went to see Paikea, at Otamatea, ab[ou]t the matter.³⁵

Heta Paikea also referred to White coming to Oruawharo to consult Paratene Taupuhi, Matitikuha and Te Poari, and that 'those kaumatuas told Mr White that he sh[oul]d go to Otamatea – to see Paikea to Hekeua'. He continued:

Then Matitikuha & Mr White went to Otamatea. They explained [the] matter - & then Paikea agreed. Paikea s[ai]d to Matitikuha that he (M[atitikuha]) sh[oul]d have Waimanu [later referred to as Te Karihi] & Keretu, & that he (P[aikea]) w[oul]d take Otioro & Te Topuni.³⁶

³³ B2. fol 472, 16 November 1866, NALTO, LINZ

³⁴ See Wai 674, docs C3 & D2

³⁵ Kaipara Native Land Court minute book 8, 10 September 1901, fol 217

³⁶ Kaipara Native Land Court minute book 8, 17 September 1901, fol 276

According to Heta Paikea, Paikea and his hapu 'Te Uriohau N[gati] Mauku – Ngai Tahu who were partly Te Uriohau & N[gati] Mauku – as well as the Ngai Tahu tuturu' went to work on Te Topuni & Otioro, while 'N[gati] Apa, N[gati] Kaiwhare & N[gati] Kauwae hapu of N[gati] Mauku went to Keretu & Te Karihi – Matitikuha, Paratene Taupuhi & Te Poari - & also Te Awaiti Paikea – worked at Keretu & Te Karihi'. 'If I ment[ione]d Waimanu, that was through 'pohehe' [by mistake]. I sh[oul]d have s[ai]d Keretu & Te Karihi'. He noted Waimanu to be a separate place from Keretu & Te Karihi – but that the latter two places were included in the 'block wh[ich] has been called Waimanu'.

The timber-getting lasted for three years – but that was not the final end of it. That was the duration of the first timber-getting. [To Ass[esso]r] Food was not cult[ivate]d on this land while that work was going on.

After they had been working there for one year, the purchase-money for Mangawhai Block was p[ai]d. [To Ass[esso]r] While working at the timber, they were supp[lie]d with food by Mr White.³⁷

Heta Paikea noted that it was during the time of the first timber-felling that pas were built – one called Te Topuni and the other called Tahekeroa – to protect themselves against Nga Puhi. He claimed that the pa were built as a result of Hori Tahua (of Te Uriroi and Nga Puhi) saying that his people should attack Paikea over a matter 'in connection with Te Wairoa – in wh[ich] he, Parore & Te Tirarau were concerned'. He added '[i]t was a "whawhai" [fight] ab[ou]t that land'.³⁸ Of those working at Keretu and Te Karihi, only Pairama Ngutahi assisted with the pa building, but Matikikuha and his party were involved in making canoes on Nukuroa block to assist in the overall attack, and joined in going to Te Wairoa to fight alongside Paikea:

After the 'raruru' at Te Wairoa was over, the parties ret[urne]d - Te Uriohau & Ngai Tahu ret[urne]d to Otamatea – N[gati] Kaiwhare

³⁷ Kaipara Native Land Court minute book 8, 17 September 1901, fols 277-278

³⁸ Kaipara Native Land Court minute book 8, 17 September 1901, fols 278-279

ret[urne]d to Aropawa – N[gati] Apa to Te Onetea – at Pouto – N[gati] Moari to Pouto – N[gati] Mauku to Oruawharo – to Te Raekau – N[gati] Kauwae to Waingohe. [To C[our]t] I was in the party wh[ich] went to Te Wairoa. When we ret[urne]d, I stayed at Otamatea, with my father Paikea. N[gati] Mauku are included in Te Uriohau ment[ione]d by me as staying at Otamatea. The N[gati] Mauku who ret[urne]d to Te Raekau were Paratene Taupuhi, Matitikuha Taiki & Te Poari.

The N[gati] Kauwae who ret[urne]d to Waingohe were Rupuha [T]e Korohunga & Horomona Aria.³⁹

There were a series of timber felling operations, led by Oruawharo and Otamatea rangatira, in the area of land which became the Otioro & Te Topuni and Waimanu blocks. Heta Paikea explained:

After the return of the people to their homes – after return from Te Wairoa – they again came back to get timber on this land. The reason why they did so was because Mr White had issued [a] summons for debt. Te Tapihana has explained ab[ou]t that summons, & the going to Auckland. [To C[our]t] I support what he s[aid] on the subject. I was one who went to Auckland in connection with that business.

After being in Auck[lan]d, we came back on to this land to get timber. We worked there on this occasion for two years. The same parties worked in the same locality as before. Paikea & our party at Te Topuni & Matitikuha & his party at Keretu & Te Karihi. [To C[our]t] We worked on both sides of the stream getting timber – on Otioro & Te Topuni – but our ‘kainga nohoanga’ [settlements] were on the S[outh] side of the stream – at Te Topuni & Tahekeroa – where the pa were.

³⁹ Kaipara Native Land Court minute book 8, 17 September 1901, fols 277-278

When we ceased work at the end of the two years, that was the 'mutunga' [end] of the timber-getting on this land. During that second period, food was cult[ivate]d on the land.... It was after the starting of the Taranaki war, but before the Waikato war.⁴⁰

Wi Wiapo attributed the hapu involvement in the fight with Nga Puhi as the reason why they got into debt with White.⁴¹ Ashley Gould, in his evidence to this Tribunal, noted that 'most of the hapu who we now collectively refer to as "Uri-o-Hau" incurred significant debt associated with a breach of the terms of a timber supply contract' with White. The breach led to a dispute culminating in a long drawn out Court case between White and Te Uri-o-Hau. Ultimately, the value of at least £1000 plus costs was sought from 'Te Uri-o-Hau'. Gould sets out further information on what occurred.

However, we point out that rather than 'most of the hapu who we now collectively refer to as "Uri-o-Hau"' being affected in this Court case, it was specifically those who associated themselves with Oruawharo and Otamatea – that is largely Ngati Mauku and Ngati Kauwae of Ngati Tahinga, and their close Te Uri-o-Hau relations, who were affected. The claimants' tupuna Matikikuha, as well as Paikea, Wiremu Tipene, Arama Karaka Haututu and Pairama Ngutahi, was one of those closely involved.⁴² There are many references in the Otioro & Te Topuni minutes to subsequent contracts to lease land for grazing, fell timber, or obtain royalties, and to enter into sales of land specifically to cover Matikikuha's debts.⁴³

⁴⁰ Kaipara Native Land Court minute book 8, 18 September 1901, fols 283-284

⁴¹ Kaipara Native Land Court minute book 9, 14 October 1901, fols 108, 111

⁴² Wai 674, doc D2, p 271, 276-284

⁴³ Kaipara Native Land Court minute book 8, 11 September 1901, fols 229-232; 18 September 1901, fols 287-288; Kaipara Native Land Court minute book 9, 3 October 1901, fol 27; 14 October 1901, fols 108, 111

4.3(b) The Native Land Court title investigations, leases and sales

Tables outlining the details of the investigations, formal leases and sales are provided in appendix 2. Figures 13 to 18 depict the alienation of Ngati Mauku and Ngati Tahinga ki Kaipara lands.⁴⁴ In brief, of the central Oruawharo lands, comprising around 50,000 acres in total, over 61% had been alienated by 1860 with the Crown purchase of the Oruawharo (south) block. By 1880, with private purchases following the establishment of the Native Land Court, this had increased to around 65% and by 1900 around 68% of Ngati Mauku and Ngati Kauwae of Ngati Tahinga's lands had been alienated by purchase. By 1920 this figure had increased to over 78.5% and by 1930 over 85% of the claimants' central Oruawharo lands had been purchased. Except for the Oruawharo (south) purchase, and the later Crown purchase of an area of Nukuroa block (see section 5.3.3), all of the sales were private sales. Little information, bar that provided in the tables, is available regarding them. We include them here to provide a backdrop to the remainder of the report.

The land blocks included in appendix 2 are those listed in section 1.4.1 of this report. They comprise the area which Ngati Mauku and Ngati Tahinga ki Kaipara claim predominant interests in. Those blocks are: Te Uaki, Oruawharo (north), Nuhaka, Te Raekau, Nukuroa, Opekapeka, Otioro, Otioro & Te Topuni, Ohoapewa, Waimanu, Ngahokowhitu, Oruawharo (south), Paraheke and part of Okahukura no 2 (see figure 7).

4.4 Lack of reserves and inalienability clauses

No reserves were made within the Native Land Court facilitated private purchases of Ngati Mauku and Ngati Tahinga ki Kaipara's lands. As already noted above, Paraheke, although a reserve, was not protected by restrictions on alienation placed on its title.

⁴⁴ There are more title awards than title investigations. While one title investigation was held for Otioro and Otioro & Te Topuni in 1901, seven awards of title were made (one each for Otioro 1, 2 and 3; and one each for Otioro & Te Topuni A, B, C and D). And while one title investigation was held for the Oruawharo &

There was only one instance where the Native Land Court placed an inalienability clause on a block title in the Oruawharo area. That was Te Raekau block, of 95 acres, the title for which was investigated in February 1868. Te Raekau was made inalienable by sale or by lease of more than 21 years (see appendix 2). Within 10 years, a 30 acre block had been leased. Purchases of sections of this block occurred after its subdivision around 1900.

It appears that some official recognition of the need for reserves was acknowledged prior to the Otioro & Te Topuni investigation. *Wi Wiapo* stated that he had applied for investigation of the title in 1897, initially in respect of Otioro, because he had heard that the land was being leased. The Court noted that at this point in the evidence:

Anaru Wiapo handed in [a] fragment (3/4) of [a] letter rec[eive]d from Mr Percy Smith, Surv[eyor] Gen[era]l. Top quarter torn off & lost. Letter addressed to A Wi Apo - With regard to app[licatio]ns sent in, advised delay in survey until perm[anent] arrangm[en]ts made to 'here' [tie up] lands, so as to prevent disposal, seeing that they had very little land left – barely enough to maintain them. He (A.W.) had also seen Mr Percy Smith personally on subject when he came to Auck[lan]d. Mr P.S. again advised delay until Native Councils were estab[lished] - & s[ai]d that similar app[licatio]n had been sent in by Paraone Hemana.⁴⁵

There is also some record of discussion of whether the Otioro & Te Topuni claimants wished to use the new Native Councils, and they had decided that they would prefer the Court to deal with 'papatupu' lands:

Disc[ussio]n took place in conseq[ue]nce of question asked by C[our]t as to whether the Natives desired papatupu blocks to be dealt with by C[our]t or by council under M[aori] L[ands] Admin[istration] Act of last session

Opekapeka blocks, the result was the creation of 11 blocks (Oruawharo A,B, C and D, and Opekapeka A,B, C, D, E, F and G) with one title each.

⁴⁵ Kaipara Native Land Court minute book 9, 14 October 1901, fol 114

[1900]. All present desired that this case sh[oul]d be dealt with by the C[our]t. S[ai]d that parties interested in other cases c[oul]d please themselves. They w[oul]d prefer to wait until others had tried how the Council w[oul]d work. Felt dubious ab[ou]t it – etc'.⁴⁶

As the Stout-Ngata Commission later noted, they were not alone in their hesitation.⁴⁷

The Crown's policies on provision of reserves and imposition of restrictions on alienability were ever-changing and confusing. The topic is too large to be dealt with adequately in this report. We simply note that the question of how much land Maori 'needed' to retain was closely connected, by Crown officials, with ideas about how this land should be owned and used. This statement is just as applicable to the concept of waste-lands in the early years of the colony, as it is to the appropriate uses of remaining Maori land as apparent in the legislation and policies relating to development schemes (see below, chapter 5).

4.5 The Oruawharo papakainga

Despite the lack of Crown identification and provision of areas to be reserved, and the lack of use by the Native Land Court of restrictions on alienability, Ngati Mauku and Ngati Kauwae of Ngati Tahinga had long imposed a reserve of their own, including the area encompassed by Oruawharo (north) block. *Paraone Hemana* explained that:

in long past times, this land, Oruawharo, was reserved as a 'papa-kainga'. That was done in the times of Rupuha, Paratene Taupuhi, Te Poari, Horomona & Hemana. Afterwards, when Matitikuha was the surviving kaumatua, he confirmed that arrangem[en]t. [To C[our]t] Those pas are on

⁴⁶ Kaipara Native Land Court minute book 8, 29 August 1901, fol 115

⁴⁷ AJHR, 1907, G-1c, p 6

the delta bet[ween] the Oruawharo & Kaira. This block now before [the] C[our]t] was not included in the 'papa-kainga' arrangement. It was when Nukuroa No 1 & 2 were leased to Europeans that that papa-kainga arrangem[en]t was made.... Nukuroa No 1 & 2 had been passed through C[our]t before leasing to Europeans.

At that time that the arrangem[en]t was made to 'roherohe' [define the boundaries of] that 'papa-kainga', neither Ngai Tahu nor N[gati] Mauku came to 'whakararuru' [dispute] or to say that it was wrong. [To C[our]t] They & Te Uriohau were then at Otamatea....

That 'roherohenga papa-kainga' [settlement boundary] was seen by these 'uri' [descendants] now alive, including Heta Paikea. Wi Wiapo was another who saw Matitikuha's 'roherohenga' [boundary-making] of the land. That was done nine years ago - three years before Matitikuha died [September 1892]. [To C[our]t] It was owing to an 'uhunga tupapaku' [laying-out of a body] that Heta Paikea & Wi Wiapo - & others - were present. There was a 'huihuinga' [large assembly] owing to the death of Reihana, son of Pirihiira Tanga - Matitikuha was the surviving elder and he roherohe'd [defined the boundaries of] the land for uri [descendants] of Te Karoro. He did it in the house called Te Tokaonamata, wh[ich] stood at Te Whataakai, bel[ow] Matawhero & Pahangahanga pas. That was done at night in the house, & again [the] next day outside the house. The port[i]o[n] that he 'roherohe'd [defined] was the papatupu [land in aboriginal title] land S[outh]ward of Nukuroa No.2 Block. He did not 'roherohe' [define the boundaries of] this land now before the C[our]t, but what he did deal with was part of Oruawharo.⁴⁸

⁴⁸ Kaipara Native Land Court Minute Book 8, 2 September 1901, fols 147-149

The retention of these lands from sale is evident in figures 13-18. The nucleus of this area forms the church, school and marae 'triangle' spoken of today. The land on which these buildings rest was gifted for each purpose by the claimants' tupuna.

4.6 Stout-Ngata

In 1908 the Stout-Ngata Commission recommended the reservation of of certain lands around Oruawharo for Maori occupation under Part II of the Native Land Settlement Act 1907. These included:

- Otioro & Te Topuni, of 3090 acres, with 141 owners (to be incorporated under section 61);
- Te Raekau 1-3, of 95 acres with 12 owners; and
- Oruawharo A-D, of 814 acres, with 36 owners.⁴⁹

Under the heading lands under lease or negotiation for lease the commission listed:

- Opekapeka A-G;
- Otioro 1-3; and
- Nukuroa 1A, 1B1, 1B2, 1C, 1D, 1E, 1F, 1G, 2A, 2.

4.7 Wahi tapu and pa

The Otioro & Te Topuni minutes contain abundant evidence of the existence of many pa and wahi tapu of importance in the broader Oruawharo region. These have been listed in appendix 1 of this report and some of these sites are depicted in figure 8.

^{Only}
~~All but~~ one of these areas was reserved or made inalienable by the Native Land Court. Many of the witnesses in the Otioro & Te Topuni title investigation spoke of the

⁴⁹ AJHR, 1908, G-1G, pp 4-6

importance of Paraheke which had been excluded from the Oruawharo (south) Crown purchase. For example, *Wi Wiapo* said that Paraheke:

is the 'wahi tapu nui'. It has been sold to Europeans. I cannot say what action was taken in respect of the dead bur[ie]d there. Waiahina urupa is within that block... Many dead were bur[ie]d there. No reservation of urupas were made when the Paraheka Block was sold.⁵⁰

Te Tapihana Paikea stated that Whiti had been 'hahu'd' (disinterred) from Oneriri (Puketotara block), and brought to Waiahina, on Paraheka. He too described Paraheka as the 'wahi tapu nui': '[t]hat is [the] reason why over 1000 acres was reserved. [To C[our]t] It was excepted from the sale of Oruawharo lands for that purpose'.⁵¹ *Heta Paikea* similarly stated that 1000 acres was laid off at Paraheke for wahi tapu: 'The whole area is 'tapu'. He claimed that Whiti had died at Waikanae, on the south side of Oruawharo River, and was then buried at Oneriri, on the north side of the river:

That place Oneriri was not a 'wahi tapu' of ordinary kind. His remains were hidden there, as was customary in cases of rangatiras. [To Ass[esso]r] I do not know that his bones have been removed from there.... Oneriri is still 'tapu'.⁵²

Heta Paikea referred to Paratene Taupuhi's burial at Ohikanga, which *Paraone Hemana* described as 'a 'wahi tapunui' of former times, on Opekapeka block close to the river at Marihipounamu', and the resting place of Te Wakanui, one of Te Karoro's sons.⁵³ *Heta Paikea* said that Te Poari was buried at Rautaparure – a 'wahi tapu' at Okahukura – then moved to Ripiro to the Whakapae 'wahi tapu'. He noted Rupuha, Horomona and Matikikuha's burial at Te Rengarenga – near Matawhero pa – close to the 'wahi tapu' called Te Mahuri by Paraone Hemana (see figure 8).⁵⁴ Heta concluded that it was:

⁵⁰ Kaipara Native Land Court minute book 9, 19 October 1901, fol 165

⁵¹ Kaipara Native Land Court minute book 8, 13 September 1901, fol 247

⁵² Kaipara Native Land Court minute book 8, 20 September 1901, fols 307

⁵³ Kaipara Native Land Court minute book 8, 3 September 1901, fol 156

⁵⁴ Kaipara Native Land Court minute book 8, 20 September 1901, fols 308-309

not only des[cendan]ts of Te Karoro who are bur[ie]d at Oruawharo. They were des[cendan]ts of Mauku. [To C[our]t] Des[cendan]ts of Kupa are intermixed with des[cendan]ts of Te Karoro. Some 'tuturu' des[cendan]ts of Kupa have been bur[ie]d at Te Mahuri.... Some des[cendan]ts of Moturoa wer bur[ie]d at Te Mahuri & at Te Rengarenga.⁵⁵

Wi Wiapo described Te Rengarenga as a 'wahi tapu nui' of all the hapus.⁵⁶ He claimed that the kaumatua had tried to stop Ngati Whatua selling Okahukura by burying Te Poari there. He described the sale as resulting from a 'kupu' (word) uttered by Paratene Hemana about Pairama Ngutahi. *Wi Wiapo* stated: 'I cannot explain how it was that the land wh[ich] the kaumatuas tried to 'arai' [reserve] from sale by burial of Te Poari there was subse[quently] given up for sale on account of that young man's offence – Pairama tuku'd [gifted] the land to be sold'.⁵⁷ *Hemi Parata* stated that Okahukura block was sold by Pairama Ngutahi of Te Uri-o-Hau while Paratene Hemana was still living on it, following an insult by Hemana. It had been proposed that a 100 acre reserve be set aside for Hemana, but the private purchaser would not agree.⁵⁸ *Paraone Hemana* stated that Te Poari was buried where Paratene Hemana was living, at Okahukura at the 'puaha' (mouth) of the Oruawharo River.⁵⁹

Many years later, in 1934, Hone Eruera and Te Taha Pene voiced their concern at the violation of a wahi tapu at Oweka, a wahi tapu at Okahukura of about 100 acres. They asked that people be stopped from 'cutting down and removing the firewood' from the wahi tapu, and stated that there was also interference with the tapu 'in other ways'. They requested that a 'warning' be published 'in the papers'.⁶⁰

In the block files of the Oruawharo block at the Maori Land Court in Whangarei there is

⁵⁵ Kaipara Native Land Court minute book 8, 20 September 1901, fol 309

⁵⁶ Kaipara Native Land Court minute book 9, 18 October 1901, fol 147

⁵⁷ Kaipara Native Land Court minute book 9, 18 October 1901, fols 144-145

⁵⁸ Kaipara Native Land Court minute book 8, 25 September 1901, fols 339-341

⁵⁹ This might be the same site as the urupa at Oweka alluded to by Hone Eruera and TeTaha Pene below.

a single page document listing 22 places, including pa, wahi tapu and kainga. The page is not dated or signed. Nor is there any indication of what was intended to be done about the places listed on it. But judging from the matching numbering system beside the places named in the Oruawharo & Opekaepka title investigation, the page relates to this investigation. The list of wahi tapu includes: Waiharakeke pa, Huruhuru pa, Matawhero pa, Te Raekau pa, Patotoke pa, Te Aho kainga, Patutoki kainga, Ruakopiha kainga, Te Repa kainga, Waiokare kainga, Pahangahanga kainga, Opekaepka kainga, Tunaroa (gift, 20 acres to Te Toko), Motungaio (gift, five acres to Hemana) Pakare a Te Urihoa (gift, 200 acres to Paikea), Te Mahuri wahi tapu, Te Rengarenga wahi tapu, Ohikaanga wahi tapu, Waingohea, Ngaringamatauki, Pukemapau and Pukenui.⁶¹ Some of these places can be found on figure 8.

In 1955 an area was set aside at Te Rengarenga wahi tapu on the Oruawharo block. The Court initially queried the reservation of what it termed an unduly large area - 12 acres - for Te Rengarenga wahi tapu. Taihana Te Tahe Pene explained that in the days of their ancestors, burials were scattered all over this area, and that that was why the area mapped was so large. He noted that some remains had been removed and re-interred in one part – towards the southern end and thought that the area could perhaps be reduced. Ema Raharuhi objected to any reduction of the area. He pointed out ‘while not being obstructive, but out of respect for our deceased ancestors, that some unfound remains still be scattered over the area – as has been evidenced at times’. Two further witnesses supported this evidence. The Court was reluctant to grant such a ‘large area to be set apart as a cemetery or wahi tapu’ but noted that ‘there appears to be no other course in this case’ and a Court order for 12 acres was made accordingly.⁶²

⁶⁰ Hone Eruera and Te Tahe Pene to President, Tai Tokerau Maori Land Board, 20 September 1934, Oruawharo correspondence file, K947, Maori Land Court, Whangarei

⁶¹ Oruawharo correspondence file, K947, Maori Land Court, Whangarei

⁶² Kaipara Native Land Court minute book 25, 24 November 1955, fols 197-198

4.8 Land taken for public works

Around 86 acres of Maori land was taken roads and railways under the Public Works Acts 1908 and 1928 and the Native Land Amendment Acts 1913 and 1914. Schedules of these land takings are attached in appendix 3. One issue stands out. It is to do with the taking of land for roads (see appendix 3, table 6). Cathy Marr has noted that the complexity of the situation regarding land taken for these purposes 'encouraged evasion of compensation even when it was due and the confusion surrounding various provisions provided a tempting means of evading what little protections and restrictions applied [to Maori land.]'.⁶³ This statement is applicable to the following example.

In 1912 the Clerk of the Otamatea County Council wrote to the Native Land Court concerning the laying off of a road across land which was still in Maori title:

In consequence of application made by European settlers who, have leased portions of Nukuroa 1 and 2, and Opekapeka, Block VII, Otamatea Survey District, it is the intention of the Council to have a suitable road laid off in order to give the lessees an outlet to the Topuni Railway Station.

I may say we have already the written consent of the Native Owners – as well as the occupiers – to give the land required for the road free of compensation.

As the roading will add considerably to the value of the land, could it not be arranged that the native owners should meet the cost of survey and portion of road construction.

If not asking too much, would you kindly let me have the customary

⁶³ Cathy Marr, *Public Works Takings of Maori Land: 1840-1981*, Report for the Treaty of Waitangi Policy Unit, Wellington, December 1994, p 62, cited in Alan Ward, *National Overview*, Vol II, Rangahaua Whanui Series, Waitangi Tribunal, Wellington, 1997, p 312

procedure in the matter of taking native land for a road, when the consent of the native owners has been obtained.⁶⁴

The letter of consent alluded to above is written by the Clerk of the Otamatea County Council and signed by three Pakeha settlers and the signatures and/or marks of 13 Maori.⁶⁵ The response from the Native Land Court was terse:

I do not know of any provision under which Native owners can be compelled to pay for the survey and construction of a road through Native Land.

The procedure in taking Native land for roads is as follows. A plan of the survey of the road and two tracings are sent in to the Chief Surveyor and he takes the necessary steps to have the roads proclaimed by the Governor. The Surveyor should endorse on the plan and sign a certificate that the road has not been laid upon the site of any building, garden, orchard, plantation, village or burial ground.⁶⁶

A map of the Otamatea Survey District 1930 indicates that the planned road was constructed as far south-west as the border of Nukuroa 2B6 with Nukuroa 2B5 (see figure 21).⁶⁷

Any intention to take the road further to the south-west through Nukuroa 1G was not carried out until at least twenty years later. The following correspondence dating from the early 1930s gives some insights in to the ways in which local authorities attempted the construction of this road with the unwitting complicity of the Native Land Court.

⁶⁴ County Clerk, Otamatea County, Paparoa to Secretary, Native Land Court, Auckland, 2 October 1912, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

⁶⁵ County Clerk, Otamatea County, Paparoa and others, nd, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

⁶⁶ Native Land Court, Auckland to County Clerk, Otamatea County, 9 October 1912, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

In 1930 the Clerk of the Otamatea County Council inquired from an Auckland surveyor, JH Vivian as to the taking of land for a road over Nukuroa 2B5 which was in the title of RH Culpan and George Cullen (see figure 21). The surveyor responded:

As the land has been sold the right to take a road over it has been lost so far as the Native Land Department is concerned, except that under sections 49 and 50 of the N.L. Act 1914, a road could be taken over it to give access to Topuni for Nukuroa 2A. The owner of 2A is Matitikuha Eruera or Hone Eruera solely, and the nature of his title is by partition order dated 22/05/03, no certificate having yet been issued. There are quite a number of owners in [Nukuroa] 1G, the title being partition order dated 25/1/06.

... It appears ... that you have not yet made an application to the [Native Land] Court to take the road over 2A and 1G, and if you do it appears it would be subject to compensation for native owners in way of fencing, etc.

Would it not therefore be advisable to try to get the native owners themselves to move for a road which would help to open up their block and so avoid compensation claims? I notice that you applied for a road over one of these blocks in 1913 or 1914, and that application was dismissed by the Judge, and this possibly applied to the native tracks on the blocks.⁶⁸

The Consolidation Officer for the Kaipara Development Scheme applied to the Native Land Court to hear an application to 'lay off a road line for Topuni – Opekapeka – Oruawharo ... as a matter of urgency' in early 1931. At a sitting of the court on 11 February 1931, counsel for the Consolidation Scheme stated that 'road work has already started' and that 'the road will be of great benefit to the natives'. Counsel continued:

⁶⁷ Map of Otamatea Survey District, Surveyor-General's Office, 1930, private collection

⁶⁸ JH Vivian to County Clerk, Otamatea, 5 December 1930, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

It is essential to have the road for consolidation as well as for settlement purposes. Natives have consented in writing to no compensation. There are no cultivations or burial grounds affected – see letter signed below by three of the principal owners.⁶⁹

The letter alluded to by counsel was in fact signed by two persons, J Edwards, who had also signed as Hone Eruera, and Reihana Raharuhi. They stated that the

road proposed to be laid off by the Otamatea County Council through Nukuroa 2A and Nukuroa 1G referred to in the agreement between ourselves and the Council will not encroach on cultivations or tapu or burial grounds.⁷⁰

The agreement alluded to in the above disclaimer was made between the eight owners of Nukuroa 1G and 2A to sell an area of '14 acres 0 roods 08 perches' and the Otamatea County Council for the sum of one shilling.

The vendors agreed to make no claim for compensation, to bear the cost of the erection of swing gates at the point where the road crossed in to the property of the European owners of Nukuroa 2B5 and to supply 'all labour (without charge) necessary for the erection of the fencing through Nukuroa 2B5 (the property of Culpan and Cullen)', a distance of about one mile. This was in the years immediately prior to the extreme poverty of the Oruawharo people being noted by Crown officials (see sections 5.2 and 5.3.1 below, as well as figure 19 and appendix 6). The justification for these obligations was that there would be 'benefit accruing to the vendors by reason of the access provided by the constructing of the road'.⁷¹

⁶⁹ Whangarei Native Land Court minute book 16, 12 February 1931, fols 235-236

⁷⁰ J Edwards (Hone Eruera) and Reihana Raharuhi to the President, Tokerau Maori Land Board, 3 February 1931, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

Judge Acheson of the Native Land Court facilitated these arrangements. He wrote to the Clerk of the Otamatea County Council on 30 January 1931:

I confirm my telegram [of 23 January 1931] reading as follows: 'Court approves Council's Arrangements and will lay off road without compensation'.

To save the expense of confirmation of your agreement by the Maori Land Board, it would . . . be preferable that the provisions of the Native Land Act should be invoked and an application to lay off a road line to assess compensation[,] and for the recommendation of the Court to have same declared a public road is therefore today being lodged in the Native Land Court.

[At] a formal hearing at Whangarei . . . the question of laying off the road and assessing the compensation as nil will be disposed of. The order to be interlocutory until the necessary formalities as to advertising have been complied with.

. . . It will be necessary for the Court at the hearing on the 11th proximo [February 1931], to be satisfied that the proposed road will not encroach on cultivation, tapu areas or burial grounds are being interfered with. This course is suggested to obviate the expense of one of the owners appearing before the Court at Whangarei.⁷²

⁷¹ Memorandum of Agreement between Hone Eruera and others and Otamatea County Council, 1931, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

⁷² Acheson, Native Land Court judge to the County Clerk, Otamatea County Council, 30 January 1931, Nukuroa correspondence file, K615, Maori Land Court, Whangarei

1
1
(
1
1
1
1
1
1
(
1
1
1
1
1
1
1
1
1
1
(
1
1
1

Chapter 5

Alienation of Oruawharo lands through development schemes

5.1 Introduction

The Tribunal has been presented with a great deal of information relating to Kaipara development and consolidation schemes. We proceed with this chapter on the assumption that no explanation of the legislative framework, administrative bodies or process of the schemes need be repeated here. We have, however, provided some key points relating to these features in appendix 4.

Oruawharo was included in the mass 1930 gazettal of Kaipara land to be brought under development (see appendix 5).¹ Some 'units' (as Maori farmers participating in the schemes were called) at Oruawharo were brought under development in the 1930s. We borrow from Walzl in summarizing this early period in section 7.2 below and elaborate upon his work. However, Ngati Mauku and Ngati Tahinga ki Kaipara claimants are particularly concerned about aspects of the later development schemes at Nukuroa (specifically Nukuroa 2A3C2) and at Oruawharo (specifically those areas now referred to as Oruawharo J&K). Unfortunately, we were not able to look at both. As the issues surrounding Oruawharo J&K will be touched upon by the claimants in their briefs, and many of the issues they wish to raise there will be familiar to the Tribunal, we have focused upon Nukuroa 2A3C2 - a unique case.

¹ NZG, 1930, vol II, p 1984

5.2 Early testing of the development schemes at Oruawharo

A portion of this section borrows heavily from Tony Walzl's general description on the schemes at Oruawharo.² It is reproduced here largely for the convenience of the reader. Other parts of this section, however, are new, or in fuller form than Walzl's description. These parts, and Walzl's material, are included to bring out various themes of relevance to section 5.3.

Walzl notes that people in the Oruawharo district were reticent about participation in the Kaipara Development Scheme. He notes that this was attributed to the influence of Hone Eruera (the person who appeared briefly in the Otioro & Te Topuni title investigation minutes to say that he was really in all the cases set up). In August 1839, the local consolidation officer reported after a visit to this area:

It would be advisable to explain, I think, that these people, i.e. those controlled by Hone Eruera, are virtually the only people throughout the Kaipara who still remain in any way 'scared' of the Development Scheme, and that this is one of the principal nerve centres of Ngatiwhatua.

The Maorism and tribal organisation of these people as a whole is of high order. They have, on the one hand, a great fear of debt on their lands, and on the other, a deep rooted objection to domination from any outside source.

Through lack of financial resource their living conditions are bad, in fact are outstanding in this respect.

They have retained a large area of land but through unwillingness to take any risks with it, have carried out a policy of retaining it intact,

² Wai 674, doc C3, pp 287-292

irrespective of the fact that the land, not Social Security benefits, should be the foundation of the sustenance of the tribe.³

There had been some participation in the scheme by Oruawharo owners as individual units. But it appeared to Crown officials that Hone Eruera's opposition was restricting the possibility of the district coming under a scheme.

Since the visit some months ago of Messrs. Byers and Teutenberg, certain individuals in both groups have expressed a desire to bring their lands under the Scheme as Units, but so long as Hone Eruera remained adamant progress was impossible.

As the outcome of my previous visit, however, it was hoped that Hone Eruera would lift the ban from his followers allowing them to decide for themselves as to whether they would develop or not. This has actually eventuated, though a few still remain aloof and suspicious.⁴

At the same time, this consolidation officer visited 'Port Albert' – a name often applied to the northern Oruawharo block area as opposed to Nukuroa, where Hone Eruera lived. Again a difference of opinion was encountered and again Hone Eruera was thought to be the source of opposition to the development:

When I arrived I was met by a large crowd including several absentees now on the Labour market elsewhere, who are anxious to return to take up their holdings when the economic position is such that will enable them to go ahead with the development of their land under decent living conditions.

³ Consolidation Officer to Registrar, Native Department, Auckland, 19 October 1939, MA 1 29/2/2, Vol 2, National Archives, in Supporting Papers of David Armstrong, 'Te Uri o Hau and the Crown, 1860-1960', Vol 3, Wai 271, doc A2(c), p 675

⁴ Ibid

I found, however, the feeling to be intense, one section of the people being in favour of clearing up any anomalies in the title position and the other section dominated by the fear of the consequences, should they come under the development activities of the Department.

During the preliminary speeches of such men as Haupapa Paikea, Kawhi Kena and units such as Kauahia Homane and Rawhiti Paraone, I gathered that whilst they were personally keen and enthusiastic on land development, the leader of the district and 'rangatira o te whenua' Hone Eruera, was ill mostly as the result of the responsibility resting on him as to the future welfare of the people. It must be understood that, according to the Maori mind, most of the land 'belongs' to Hone Eruera, irrespective of names in the titles.⁵

The consolidation officer visited Hone Eruera:

I visited Hone Eruera and found him in bed with most of his people around him, and with the wind and rain beating through the shack. That he was running a temperature was apparent. I paid him my respects and told him that I would return in the morning when perhaps the fever would have subsided. He is a man of 78 and held in great reference [sic] by his people.

In the morning I returned and was informed that in view of our old friendship he would hear what I had to say and perhaps announce his decision. I spoke for some time stressing, among other things, that as he was in the evening of his life, that the detailed responsibility for the welfare of his people should be transferred from his shoulders to the backs of the younger generation. The large area of Native land in the district was the direct result of his stewardship, and that it was now up to the younger

generation to capitalise his policy by developing it to the full. I emphasised the fact that the future was in their own hands.

Eventually Eruera gave his approval as to the general policy for the future, that is, that the lands would be open to development in such a manner as would be deemed desirable in the future.⁶

Up until this point, three or four units had been established, but were recorded by the registrar in Auckland as having 'made little progress'. He described the people there as unfavourable to development, economically 'unprogressive' and that 'consequently their standard of life is low', with not one reasonably good dwelling 'owned or occupied by a Native on the whole of the peninsula'. However he noted that there had been a change of attitude and that they were now, in February 1941, 'willing to listen to an explanation of the Department's methods and objectives on behalf of the Maori people'.⁷ The registrar added:

Under efficient management this land should be able to support such a capitalisation but I am inclined to think that the average Native farmer would find it to be beyond his powers.

This is a question which should influence a decision as to whether development of these lands should be further considered.⁸

Hone Eruera had, in fact, been one of the first to enter the scheme after the 1930 gazettal of Oruawharo and Nukuroa lands to be brought under development. His involvement had been remarked upon with some favour by the Registrar of the Native Department in

⁵ Consolidation Officer to Registrar, Native Department, Auckland, 10 August 1939, MA 1 29/2/2, Vol 2, National Archives, in Supporting Papers of David Armstrong, 'Te Uri o Hau and the Crown, 1860-1960', Vol 3, Wai 271, doc A2(c), pp 676-677

⁶ Ibid

⁷ Registrar, Auckland Land Court to Under-Secretary, Native Department, 26 February 1941, AAMK 869 1346c, National Archives, Wellington

⁸ Registrar, Auckland Land Court to Under-Secretary, Native Department, 26 February 1941, AAMK 869 1346c, National Archives, Wellington

Auckland, who noted that Hone Eruera had been:

approved as a Unit in Oruawharo A4 (part), area 48½ acres in 1930. He had very small advances and was ultimately able to clear the account. He is now a pensioner, although a man possessed of large land interests. Actually he does not derive very great benefit from the land, for many of his family and descendants are in active occupation of various parts by his permission.⁹

This view of what constituted 'benefit' from land use was apparently not shared by Hone Eruera. Crown officials appear not to have understood the basis of any hesitancy or resistance which developed in his and others' minds.

On 23 May 1941, Paikea wrote to the Native Minister about the Oruawharo Development Scheme, and appropriately linked the issues of the health and life of the community and school with the prevailing economic conditions:

Owing to the efforts of the Education Department, there is a first class School and Teacher's dwelling etc. in this District upon which the Minister of Education has recently authorised further improvements to the extent of approximately £1,000. Yet you will note from Mr. Pene's letter that 10 children have had to leave the District with their parents, who have had to go elsewhere on account of the economic conditions prevailing in the Settlement.

I know these people and their lands very intimately. If my memory serves me correctly, there is upwards of 3,000 acres, in practically one compact area, of some of the finest limestone country in the North. The amount of

⁹ Registrar, Auckland to Under Secretary, Native Department, nd [1941?] AAMK 869/1346c, National Archives, Wellington

outside work offering amongst Pakeha farmers in the District is small and spasmodic.

The incidence of T.B. in this settlement is, in my opinion, one of the worst in the North, and several adverse reports, I understand, have been made by the Health Department as to the living conditions. One of these reports was made to me, and I personally took action with your Department and with the people concerned, to have their lands brought under Development in order that better living conditions could be established.

If, owing to War conditions, the Government is curtailing their programme of developing new areas, then I would suggest that a survey of the housing conditions of these people be made forthwith.

I am particularly anxious with regard to this matter, knowing their living conditions as I do, and knowing the terrible plight the women and children are submitted to.¹⁰

When this letter was referred to the Registrar of Auckland, on 30 June 1941, the report noted several 'facts' which he thought should be taken into consideration 'before the Department launches a scheme entailing several thousand pounds in housing improvement', including that he thought that if new units were taken on in the Southern Kaipara, 'increased supervision will be necessary'. The registrar's 'facts' are quoted in Paikea's response below, which we reproduce in full:

As mentioned previously, I know these people and their lands intimately. I have been in constant touch with them both before and since the 1938 election and feel well qualified to form an opinion of their personel [sic], their reaction to the Development Scheme, and their welfare requirements generally.

¹⁰ Paikea to Native Minister, 23 May 1941, AAMK 869 1346c, National Archives, Wellington

I say this advisedly, in view of the apparently poor estimate formed of them by the Registrar at Auckland and regret that the whole tenor of the memorandum would seem to tend to indicate that the welfare of the people and the necessity for increased production is a secondary consideration when compared with the expenditure involved.

What these people consider they require and are entitled to, is sympathetic supervision and a more comprehensive understanding of their point of view.

It is only during the last 2 or 3 years, i.e. since the appointment of a local Maori Supervisor that they are beginning to receive it, and there is not question that suspicion still lingers in their minds as the result of the treatment doled out to them in the years gone by.

The position is that the original 3 or 4 Units were taken under the Scheme, the principal object being to relieve the pressing need for relief work. What followed was spasms of organised effort, lack of encouragement, lack of materials when most needed, and lack of supervision.

There may have been reasons at the time, especially with regard to supervision, on account of the enormous areas having to be covered by the supervisor, but the fact remains that the Maori owners are still retaining a feeling of resentment on account of the treatment meted out to them as compared with that received in many areas by others.

They feel that they were left to stagnate. They made repeated representations to myself and others with little or no result until the last year or so.

Nevertheless, generally speaking, they are now keen to come under both the Development and the Housing Schemes in view of the treatment which they should now be assured of.

In his memorandum of the 30th June last, the Registrar states:-

1. 'The Natives of the area over a period of years have failed to take advantage of development assistance, and those who have, have made very poor use of any assistance that was available. Consequently, the present state of their housing can in the main be traced to their own neglect in this respect.'

This statement speaks for itself and reflects the attitude of the Department. All that the Department has offered them in recent years was a proposition whereby Bulk Scheme methods were to be introduced. This definitely did not receive the owners' approval for the reason that they considered that they would be deprived of all rights of individual ownership and occupation of lands upon which they have resided from time immemorial. This was despite the fact that their individual sections were on a comparatively sound foundation.

They considered that their individual incentive and ambition to make good their own holdings would be stifled, and they would become merely farm workers without proprietary rights liable at any time to be dismissed or re-engaged according to the fluctuations of the work available on the Scheme.

2. 'Units who have been assisted, have made such poor headway that it precludes a favourable recommendation for the successful establishment of Units. In fact, Hone Eruera, a Unit and the Leader, has with landed interests and rentals failed to set an

example in making a determined effort to better his own living conditions.'

The reason why the Units have failed to make such headway has already been answered, i.e. lack of sympathetic supervision and understanding.

Hone Eruera is an old man, a Rangatira of Ngatiwhatua and an Old Age Beneficiary. He has made repeated requests for a house for himself and his wife. The latter, one of the largest owners in the Pouto Development Scheme, is also an Old Age Beneficiary and almost decrepit. Both Hone Eruera and his wife are semi-invalids and the condition of the shack in which they live is deplorable. . When farming as a Unit, Hone Eruera paid off his indebtedness to the Department and was actually in credit for a considerable time before sickness and Old Age weakened his efforts.

It should be mentioned that had it not been for the influence of this old leader, there would probably not have been an acre of Maori land remaining in this district today, and it is regrettable that the influence of leaders such as this, has not been availed of or appreciated by Departmental officers, due no doubt, to a lack of understanding of the Maori view point.

3. 'The present report indicates that farming assistance, if granted, would permit of the majority of cases being met by development assistance; but past experience proves that it is an unsound basis to reverse normal procedure and build an expensive house before the personal element has proved its capacity to farm in such a manner as will ensure repayment of expenditure involved.'

With this opinion I disagree. The policy is definitely wrong, particularly as in this case, decent accomodation [sic] is not available off the scheme.

Nobody, Maori or Pakeha, can be expected to farm efficiently without decent living conditions. If a proposed farm cannot justify a reasonably comfortable home, it is not an economic farming proposition at the outset. If the man fails to make good as a farmer there are other avenues open to remedy this aspect.

4. 'In other cases, pension repayments and wage assignments necessitate any housing assistance being limited in nature, and with the present high building costs, it is exceedingly doubtful whether this class can be given a dwelling suitable to effect any material improvement in their living conditions.'

In other words, if my interpretation is correct, these people can continue to occupy their hovels and the high incidence of T.B. and general ill health can be allowed to increase.

Moreover, if this policy is correct, then it would appear that all Maori housing schemes based on pension repayments and wages assignments are unsound. That this system of security is, under the circumstances, satisfactory leaves no room for doubt. The next point therefore, arises, as to why there should be any differentiation between Oruawharo and other districts throughout New Zealand.

The Housing report discloses that several families coming under this category require houses urgently, with hundreds of acres available as additional security, even if not brought under development.

I appreciate the position with regard to the taking of new areas under development on account of existing War Conditions.

With regard to supervision however, in that additional officers would need to be appointed, it would appear to me that if there is work to be done that will in any way increase production, then any argument against the appointment of additional staff is not tenable.

I would therefore suggest that action in connection with this matter, so vitally important to the interests of these Maori people, should not be allowed to drop but should be prosecuted with all possible vigour.¹¹

Appendix 6 and figure 19 provide some indication of the conditions at Oruawharo in 1941. The Department and Native Minister defensively responded to each of Paikea's points placing the blame on the people and their leadership. It was added that due to the fact that it was war time there did not appear to be much hope of beginning any development at this time.¹²

It was not until after the War that the Department was able to consider the establishment of a development scheme for Oruawharo. By December 1951 the local Maori Affairs Field Officer recommended that the remaining blocks of Nukuroa and Oruawharo could be developed into 16 farming units. The proposal to implement a development scheme for Oruawharo was brought before for a meeting of owners held on 10 January 1952. At the meeting the future of 23 blocks of 1882 acres were considered. Although these blocks had 334 owners, only 31 owners attended the meeting.¹³

On 24 November 1955 a number of the Nukuroa and Oruawharo subdivisions were amalgamated to form the new blocks of Oruawharo of F,G and H totalling 1241 acres with 110 owners holding 3968 shares. Out of this total some 415.5 shares were considered to be 'uneconomic' and were bought out by the Maori Trustee.¹⁴

¹¹ PK Paikea, MP, to Native Minister, 15 September 1941, AAMK 869/1346c, National Archives, Wellington

¹² Native Minister to Paikea, 14 October 1941, AAMK 869 1346c, National Archives, Wellington

¹³ Alemann, op cit, p 72

At a meeting of owners of the Oruawharo Development Scheme in November 1958, questions arose as to when settlement (of Maori farmers on farms) would take place, and whether owners would be settled on their original blocks. The district officer explained that the latter would occur where possible and that: 'settlement will only occur when the debt is down to a level where the State did not suffer undue loss'.¹⁵

In 1963 a further 623 acres were brought within the Oruawharo Development Scheme. After the development scheme had been running for some time, on 2 September 1970, a further amalgamation was confirmed by the Court of blocks under the scheme into Oruawharo J and K. A further 160 acres had been added. At this time, the Crown, through the Maori Trustee, became a 28.4% shareholder in Oruawharo J and K. This significant shareholding was the outcome of 'live-buying' of uneconomic shareholding interests as well as the purchase of intestate and untraceable shareholdings.¹⁶

One shareholder, Hohaia Timoti Makoare, appeared in Court to oppose the merger of his block in Oruawharo J & K. The offer from the Crown was to mop up his uneconomic shareholding. His response was: 'however small my shareholding may be, it represents my stake in my whenua; the Crown is acting like a bully'.¹⁷

By 1978, Oruawharo J and K were incorporated and on 1 July of that year, handed over to the owners with a debt of \$25,000 to the Department of Maori Affairs which was to be paid by the owners over the following 30 years.¹⁸

¹⁴ Ibid, p 73

¹⁵ Minutes of Oruawharo DS, 20 November 1958, BAAI 1030 291c, Oruawharo Development Scheme, Vol. 2, MA 20/10: 1955-1962, National Archives, Auckland.

¹⁶ The Crown held 10,534.600 shares out of 37,096.250 = 28.4% at 31 March 1970, Oruawharo Block file, K947, Maori Land Court, Whangarei.

¹⁷ Kaipara Native Land Court minute book 30, 23 July 1965, fol 265

¹⁸ Ibid

5.3 Te Uira Mahuta Hone Eruera – Nukuroa 2A3C2

5.3.1 Initial Crown responses

Te Uira Mahuta Hone Eruera (also known as Hone Eruera or Johnny Edwards) applied to have his land included in the development scheme programme in October 1946. The 'application for loan' form included a statement specifying that he sought to be 'a Nominated Occupier or Unit under the control and supervision of the Board of Native Affairs'. Te Uira was living and working at Kawakawa at the time. He was 38 years old. He and his wife Ngaro had seven children. His step-mother, Akuira Kena Eruera, occupied a house on some of the land he sought to develop (Oruawharo A4C, of over 45 acres) and had a life interest in it. He had no stock or implements. He had a mortgage known to the Native Department but no pressing private debts. And he undertook, should the application be approved, to assign his income to the Native Department.¹⁹

The consolidation officer, W Adams, noted that Te Uira had 'quite substantial interests' in land and presumed that he would wish to use either Oruawharo A4C (above) or Nukuroa 2A3C, of 691 acres, of which he was sole owner. He stated that Nukuroa 2A3C particularly was of 'considerable value' and 'would provide ample security for a loan or loans'. He noted however, that '[t]he Consolidation Scheme has made little progress in this area and any arrangements so far made would tend to support Te Uira's occupation of both blocks'.

However it took six years before Te Uira's loan was approved and he could begin work. JH Byers, the Field Supervisor of the Native Department at Whangarei, did not provide a report on the application for some time, causing lengthy delays, and when he did, he

¹⁹ Hone Eruera, 4 October 1946, MA 20/BB/24, vol I, Te Puni Kokiri, Wellington

noted the existence of an appeal regarding Te Uira's succession to his father's land interests due to be heard in late September 1947.²⁰ A later report recorded that:

The original owner of almost the whole of Oruawharo Peninsula was Hone Eruera who, during his life time gifted large portions of his land to the present owners of Ourawharo.

Upon his death it was thought that he left no issue, and the sudden appearance of Johnnie Edwards [Te Uira] who was able to prove that he was the only child of a second and apparently unknown marriage, came as a complete surprise to many of the locals, who were all evidently laying claim to the balance of the old man's land interests, which were[,] I believe[,] quite considerable. Edwards was soon found to be the rightful owner of approximately 800 acres in Oruawharo.²¹

Lack of housing was a key issue for Te Uira, as it was for many of those at Oruawharo. In a letter dated May 1941, J Pene had brought Hon PK Paikea's attention to a report by a health inspector and nurse of the unsatisfactory living conditions at Oruawharo, stating that:

Housing is one of the biggest problems to solve in Oruawharo. In my own case there are eleven living in a one-roomed Hut 14 x 18. Often some are forced to sit up late at night until the others have had enough sleep then take their turn. Although the price for a small new house is very much higher than I expected, I have no option but to have one, that is, if the Department think we are human beings and entitled to live in somewhere near comfort through this winter. If I had my way, a large house could be cheaply built for less money with pine timber from a local mill. There are

²⁰ Adams to Registrar, Native Department, Auckland, nd, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington; Byers to Registrar, 30 June 1947, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington; Registrar to Byers, 22 July 1947, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

pine houses built 15 years ago at Port Albert and these houses are as sound as any house built yesterday.

There are other problems here. In some cases land capitalisation regarding housing are [sic] considered by the Department in Auckland, [sic] as a difficult problem. This is the statement I received from that office.

However, if the Native Department insist to economise, we must expect a rise in a number of [sic] sickness, invalidity and death and these burdens must fall on the Social Security Department.²²

Pene noted that without the assistance of the Native Department, there would be no chance of bringing Oruawharo Maori 'within the regulations described [sic] by the Health Department'. A number were suffering from tuberculosis. He concluded: 'your ability to emphasize better methods in these vital and most important matters are all we can hope for'.²³ Paikea's response to this letter has already been noted above in section 5.2. Appendix 6 provides copies of key reports on housing at Oruawharo which exemplify these points (see also figure 19).

A table compiled by the Native Department in June 1941, providing the results of a survey on the living conditions, number in the family, suitability for development and financial position of those living at Oruawharo, attests to this (see appendix 6).²⁴ The department's attitude to Oruawharo Maori was clearly exhibited in the June 1941 memorandum quoted by Paikea in his September 1941 letter to the Native Minister (above, section 5.2).²⁵

²¹ IA Banks, Field Supervisor to District Officer, 8 May 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

²² J Pene to Hon PK Paikea, 5 May 1941, AAMK 869/1346c, National Archives, Wellington

²³ J Pene to Hon PK Paikea, 5 May 1941, AAMK 869, 1346c, National Archives, Wellington

²⁴ 'Oruawharo Housing Schedule', 30 June 1941, in Registrar, Auckland to Native Department, Wellington, 30 June 1941, AAMK 869/1346c, National Archives, Wellington

²⁵ Registrar, Auckland to Native Department, Wellington, 30 June 1941, AAMK 869/1346c, National Archives, Wellington

Te Uira sought, from the start, to establish adequate housing for his family. In March 1947 he wrote to the Registrar of the Native Department reminding him that he was still waiting for a response to his application sent five months previously. He asked the registrar to please write and explain the delay, stating: 'I want to start working my lands'.²⁶ By May 1947, Te Uira and his wife and children were 'living with relations at Oruawharo'.²⁷ The registrar noted that Te Uira was 'anxious to make a start with development and housing is one of his urgent needs'.²⁸ By December 1947 Te Uira had apparently incurred a debt of £102.10 for food and clothing, as he was out of work, but expecting to start development on his land.²⁹

But Te Uira's long wait was to continue. In February 1948 Te Uira applied for an advance under the Native Housing Act 1935 from the Registrar of the Tokerau District Maori Land Board. He and his wife Ngaro then had eight children, all under the age of 11.³⁰ The Ereura's had also approached TH McKegg, Field Supervisor for the Department for Native Affairs in Whangarei, regarding housing assistance. McKegg commented on the Ereura's living conditions, noting that they were living in a 'small one roomed shack at Oruawharo'. McKegg noted to the registrar that '[t]he housing question here is very Urgent as the living conditions are extremely crowded, and I consider that an ordinary housing application should be proceeded with now and the Loan can be taken over under development later'. He was unaware that Te Uira had already applied for development assistance.³¹ £4 per month was to come out of Ngaro's family benefit to the Board to pay for it. But this did not occur, as there was some disagreement by officials

²⁶ Te Uira Mahuta Ereura to Kai Rehta, Kooti Whenua, 18 March 1947, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

²⁷ Registrar to Byers, 19 May 1947, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington. EA Burgess of Kaiwaka had grazing rights during winter on Nukuroa 2A3C which expired on 30 January 1948, and for which he paid £40 a year.

²⁸ Registrar to Byers, 6 June 1947, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

²⁹ GH Blundell to Registrar, Native Land Court, Auckland, 1 December 1947, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³⁰ 'Application for Advance', 4 February 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³¹ TH McKegg to Registrar, 5 February 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

over which method of gaining housing should occur – whether it be as mentioned above or through development, under Part I of the Native Land Amendment Act 1936.³²

On 12 March 1948 a development report was finally filed by Field Supervisor McKegg. He noted the need for a water supply to be investigated prior to any development commencing. He assessed Te Uira as a 'good worker' who had been employed as a farm labourer for nine years near Kawakawa, but 'appears a very reserved type with not much initiative'.³³ In a covering note, he described the land as 'quite a good property' and included in his costings budget for housing. McKegg noted 'It would be impossible [sic] for this family to face the winter under the present housing conditions which are extremely bad'.³⁴ Again in April 1948 McKegg noted that 'the Health Department was very concerned about this man's bad housing conditions and contacted me regarding an improvement'. He had managed to shift the Eruera family to an old house in Oruawharo which was 'roomier' but 'still leaves much to be desired'.³⁵

The question of development was then awaiting on the issue of water supply – and the expenditure of £50 in testing it.³⁶ There was no money held by the Board for Te Uira, nor any money held in 'the old unit account of Hone Eruera'. The registrar at first sought to find out if Te Uira could find £50 or arrange for the bore to be sunk himself, but in May 1948 an authority for expenditure of £50 was signed by the Under-Secretary of the Native Department. However the testing of the water supply, too, was held up.

The registrar was concerned that the 'personal element' was not very satisfactory, and wanted to be quite sure that Te Uira could make a success of the venture. He asked McKegg to consult the farmer Te Uira had worked for near Kawakawa.³⁷ In August

³² 'Assignment of and Order on Moneys' form, 4 February 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington; W Adams to Development Officer, 16 February 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³³ TH McKegg, Report on Property, 12 March 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³⁴ TH McKegg to Registrar, 9 March 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³⁵ This was possibly Reihana Raharuhi's home, described in the January 1942 memorandum to the Under-secretary of Native Affairs. See also the June 1941 housing schedule in appendix 6.

³⁶ McKegg to Registrar, 7 April 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³⁷ Registrar to McKegg, 6 April 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

1948 McKegg complained that Te Uira had not looked for work to tie him over, saying that 'this man shows no initiative what-so-ever and I feel that if he is brought in as a Development Unit, he will be a failure'. But he then noted that 'there is little outside work in this area'. He continued: 'I think the question of settling some of Hone's relations on parts of his block should be gone into, as I am definitely of the opinion that he is not capable of handling the whole area himself'.³⁸ The registrar's response was to suggest that Te Uira obtain work outside the district, and his land be leased or perhaps part of it even sold to 'help' his housing needs. He could not justify expense on development or housing.³⁹

In November 1948 Te Uira called upon the registrar in Auckland in person, 'anxious about housing accommodation'.⁴⁰ While McKegg had tried to convince him to go to Moerewa to get work, he would not and McKegg noted: '[i]t seems, however, that this man is not greatly interested in work'. He claimed that Te Uira had been offered work by an adjoining farm and refused it, but was working a few days a week at Port Albert. McKegg had also contacted Te Uira's previous employer, who had said that Te Uira was 'an indifferent worker and needed constant supervision and could not carry on on his own'. McKegg concluded: 'I think this is one of the most difficult cases we have had to contend with and I am frankly at a loss to know what to do for the best here'. He again noted the poverty of the Eruera family: '[t]he living conditions are bad and his family of nine is poorly clothed.... Unless he obtains other income, it is impossible to feed and clothe his family properly on the family allowance'.⁴¹ Again the registrar suggested that Te Uira might lease the land or, he suggested, 'the Department might consider buying it from him'.⁴²

By late September 1949 there appeared to be a break through. On 30 September 1949, having visited 'Hone' with JT Waetford, the Consolidation Officer, McKegg wrote that after considerable discussion Hone had agreed to be established as a unit under the

³⁸ McKegg to Registrar, 3 August 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

³⁹ Registrar to McKegg, 17 August 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴⁰ Registrar to McKegg, 15 November 1948, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴¹ McKegg to Registrar, 22 March 1949, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

department on an area of approximately 100-125 acres, and for the balance to be developed by the department 'to be cut up into economical holdings later when improved'. Two of these sections were to be earmarked for two of Hone's cousins who were anxious to settle in the district and could be employed by the Department while developing the land. Hone agreed to lease or sell to these two cousins.⁴³

Regarding the question of the house, it was still described as 'very urgent as they have to shortly leave their present house'. McKegg and Waetford considered that 'satisfactory accommodation could be provided by shifting 2 or 3 of the workmans' cottages (of 2 fairly large rooms each) at Opapaki Scheme not in use. Work could be done by local labour and £4 a month from family benefit would cover payment. They thought that this would be quite reasonable accommodation for a number of years until the Eruera's were in a financial position to meet the cost of a new dwelling. During their discussion it became apparent that Hone had been 'somewhat of an outcast' while at Oruawharo, and McKegg commented that 'this has had the effect on [sic] confusing him and making him unsettled' and suggested that 'if some of his relatives with which he grew up with [sic] could be established alongside of him it will give him more confidence to settle down to work'.⁴⁴

By November 1949 the Department was laying down new rules including grading of 'units'. The registrar suggested that the question of establishing Hone as a unit 'should remain over until Departmental policy is settled'. He doubted whether Hone would make the grade and thought that the substantial write off in establishing him would also proove against him.⁴⁵

At this point it would advisable to note the department's views and actions. The registrar had, in 1941, criticised the use by Oruawharo Maori of available development assistance as poor and complained that those who had been assisted had made poor headway. He

⁴² Registrar to McKegg, 28 March 1949, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴³ McKegg to Registrar, 30 September 1949, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴⁴ McKegg to Registrar, 30 September 1949, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴⁵ Registrar to McKegg, 28 November 1949, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

had formed the opinion that these factors precluded a favorable recommendation for the successful establishment of units and given mild criticism of Hone Eruera's leasing of the land. The registrar had also warned that the above formed an 'unsound basis to reverse normal procedure and build an expensive house before the personal element has proved its capacity to farm', so as to ensure repayment to the Crown. He had recognised that as a result of all of the above, if development was to proceed in the Southern Kaipara, 'increased supervision would be necessary'. Both he and Field Supervisor McKegg had misgiving about Te Uira's ability to make a success of the venture and McKegg even saw Te Uira's case as 'one of the most difficult cases we have had to contend with'. The signs were all there that if the department went ahead with development with Te Uira as a unit, they would have to provide more than adequate and careful supervision and direction.

5.3.2 The wait continues

In August 1950, a note on file indicated that someone in the office had got fed up with the delays. He stated that there was a large area of reasonably good land, easily developed by tractors, with little progress on the case in four years. He continued:

Admittedly Te Uira is not a wonderful type but he has many children and would be satisfied with a small area for the main part if not all to go to cousins (to be selected). In fact he would agree to whatever in any way reasonable we put up to him.⁴⁶

But the registrar indicated that there was 'no staff to handle such projects' and 'no money for Tokerau Development'.⁴⁷

In January 1950 Te Uira had written to the registrar asking about plans for his new house, as Waru Raharuhi, who owned the house the Eruera's were living in, wanted to return

⁴⁶ IP to Registrar, 17 August 1950, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴⁷ IP, note on file, 18 August 1950, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

and occupy his home.⁴⁸ On 9 September 1950 Te Uira wrote again to the registrar regarding a house. McKegg concluded: '[t]his man is a problem and I am reluctant to recommend heavy expenditure in this case'. He continued: '[h]is mother [sic] who is getting on in years occupies a house in Oruawharo and Hone will succeed to this when she dies'. A further note commented that the matter 'has been dragging on too long I think we should make a decision as to whether we are going to do anything in the way of providing housing or not.'⁴⁹ Te Uira wrote again on 12 February 1951, worried that the registrar had not answered his letter regarding the house, noting that the owner of the house now wanted to move in and wanted Te Uira and his family to vacate it.

Finally, in May 1952, an 'Urgent and Important Housing' form estimating a total cost of £2467.0.0 for the building of a new house was filled in. In June 1952 a works authority for building a house for 'Mr Edwards' was forwarded to the resident officer, Whangarei. The district officer thought that this cost was 'far too high' and asked that a particular effort be made to keep the cost down to a minimum.⁵⁰ The Eruera's new home was built between November 1952 and March 1953. From 1 January 1953 £8.13.4 per month was paid from Ngaro Eruera's family benefit to the Maori Trustee to repay housing loan.⁵¹ The Board approved authority for a loan of £2000 for housing. However, the final cost appears to have been £2539.7.4. On 24 June 1953 'Hone Edwards' signed a form to take over the house.⁵²

⁴⁸ Te Uira Mahuta Eruera to Te Kai-Rehita o te Kooti Whenua Maori, 31 January 1950, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁴⁹ McKegg to Registrar, 31 October 1950, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington and note on file dated 2 November 1950, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington. See also Te Uira Mahuta Eruera to Te Kai-Rehita o te Kooti Whenua Maori, 12 February 1951, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington.

⁵⁰ District Officer, Auckland Office to Resident Officer, Whangarei, 9 June 1952, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁵¹ Chairman, Social Security Commission to Mrs Ngaro Eruera, 9 December 1952, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

5.3.3 Development begins

It will be recalled that in 1948 and 1949 McKegg had proposed settling 'some of Hone's relations' on parts of his block. He had in fact made an agreement with Hone that he be established as a unit on an area of 100-125 acres, with the balance developed and then cut up into economical holdings, two of which would be earmarked for Hone's cousins, whom Hone would sell or lease the land to. But that is not what occurred. Hone Eruera retained three parcels of land, the total being 213 acres 3 roods 20 perches and made up of Nukuroa 2A3C2 (150 acres 1 rood 10 perches), Lot 2 DP 37299 of Nukuroa 1F1 (59acre 0 roods 30 perches) and Lot 3 DP 37299 (4 acres 1 rood 30 perches).⁵³ As for the remaining 417 acres 3 roods 28 perches of Hone Eruera's land, the registrar's suggestion that some land be sold was taken up. In 1954 the Crown purchased all of this land.

There is no record on file as to how this decision was made. It was very different from the one discussed at length with Hone and previously agreed to by him. But much later, a farm supervisor stated:

He was ... I believe, approached by this Department and told that if he sold a portion of this land to the Crown for Maori Rehab. Settlement, proceeds of this sale would be used to develop a farm for him cut out of this same block. I have no knowledge of the purchase price of this land but it could not have been a great amount.⁵⁴

By September 1954 the purchase of the balance of Hone Eruera's land interests, which became known as the Nukuroa Development Scheme, to be settled by non-local Maori, was completed. The District Officer recorded:

⁵² Resident Officer, Whangarei to District Officer, Auckland, 28 July 1954, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁵³ Nukuroa 1F1 was included in Te Uira's land following an exchange finalised in 1950. See WO Gubb (of Kaiwaka) to Bell, 4 November 1946, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington; Registrar to Gubb, 6 November 1946, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington; Under-Secretary to Registrar, 22 September 1950, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁵⁴ IA Banks, Field Supervisor to District Officer, 8 May 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

The purchase of Eruera's interest in the Nukuroa Development Scheme has now been completed and the credit due to Eruera has been transferred to his unit account.⁵⁵

Payment of £1865, for the Crown's purchase of Hone Eruera's land, was credited to his unit account.⁵⁶ A statement of account shows that on 1 October 1953 the loan started at £2468.9.3 and by 31 March 1954 it was £2550.19.10. At this point, Ngaro Eruera's social security payments were the only input into the account and did not even cover the interest charged (£115.19.5). Hone Eruera's debt at 31 March 1955 was £3657.⁵⁷

While the initial authority for the house was £2000, and the sale had realised £1865, the additional expenditure on the house was 'treated as a cash contribution by Hone'.⁵⁸ Other expenses in setting up the house, such as amounts for the furniture, added to the loan.⁵⁹ And, of course, the loan gradually included increasing farm development costs.⁶⁰

Hone could not begin milking until the 1955/56 season, as a cowshed was not completed until July 1955.⁶¹ His loan balance at 1 June 1955 was £4425 while the limit of advance was £3000. And a 'suspensory loan' of £200 was granted, taking into account the number of children to be housed.⁶²

⁵⁵ District Officer, Auckland to Resident Officer, Whangarei, 21 September 1954, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁵⁶ District Officer, Auckland to Resident Officer, Whangarei, 16 September 1954, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁵⁷ Note on file, Higgs to Apatu, 13 September 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁵⁸ Note on file, 15 June 1955, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁵⁹ District Officer, Auckland to Resident Officer, Whangarei, 21 September 1954, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁶⁰ In October 1954, this was estimated as totalling around £109.18.4 + £110.17.0 + £13.10 + the value of the house. See District Officer, Whangarei Office to District Officer Auckland, 10 November 1954, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington ; 'Unit estimates of receipts and payments for year ending 1955', MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington

⁶¹ Supervisor to Mr Higg, 16 March 1955, MA 20/BB/24, vol 1, Te Puni Kokiri, Wellington ; note on file, 1 July 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁶² Note on file, 1 June 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

By 1 October 1955 Hone Eruera's loan account was £5,328.1.4. From September 1955 Hone was receiving a monthly allowance from the department of £50 (debited from his account), he had started milking, and was pulling in a cream cheque every three, four or six weeks of between £126.0.10 to £183.0.10. From September 1955 all moneys obtained from the Albertland Co-operative Dairy Company went directly to the Registrar of the Department for Maori Affairs.⁶³

On 7 November 1955 Hone Eruera's loan limit had been increased to £6230 and he signed a deed for the advance of that amount with Crown under the Chattels Transfer Act 1924.⁶⁴ At this time, the family was living on Hone's allowance of £50 a month and Ngaro's social security payments (reduced by the £8 odd contribution to paying off the debt each month).

In December 1955 one of the department's staff had noted that Hone Eruera was helped considerably by his two sons in all phases of farm work. He stated that 'as the above unit is on Budgetary control little opportunity for remuneration is given these boys' and recommended a bonus of £10 be paid to Hone on their behalf.⁶⁵

However, by September 1956 the district officer had inspected the farm and concluded that it was not satisfactory. He objected to a 100-acre paddock as being 'ridiculously large' and noted that there was 'no proper water-supply'. He thought that the farm required subdivision of the paddock, a water supply for it and other parts of the farm, as well as provision of a hay barn, a tractor and other implements.⁶⁶

⁶³ District Officer, Auckland, to Secretary, Albertland Co-op Dairy Co Ltd, 20 September 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington; Secretary, Albertland Co-operative Dairy Co Ltd to District Officer Dept Maori Affairs, 12 October 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington; Apatu to Higg, 17 September 55, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁶⁴ Note on file, 18 November 1958, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington; Instrument by way of Security under the Chattels Transfer Act, 1924, 7 November 1955, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁶⁵ RF Apatu, Assistant Field Supervisor to District Field Supervisor, 21 December 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁶⁶ District Officer to Development Section, Tokerau, 21 September 1956, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington. The district officer also noted that Ngaro Eruera's benefit contribution should have ceased when milking began, and called for a refund to be given to the Eruera's, and for the benefit contribution to be stopped from 12 October 1956.

The Nukuroa Development Scheme, being the remainder of the Hone Eruera's former land, was about to be settled with four units by 12 July 1955.⁶⁷ In 1956 it was evident that this land had not borne rates in return for the Otamatea County Council being allowed to take limestone from a quarry on Hone Eruera's property – on part Nukuroa 1F1. There is no record of any payment to Eruera in lieu of the Nukuroa Development Scheme as a whole not paying rates.

5.3.4 Financial difficulties

At 31 March 1957 the loan balance was £6366.8.8. A report on the Eruera property in 1957 recorded that the water-supply, a problem identified prior to funding being approved, was still 'Poor'. It noted of Hone: 'Unit is 48 y[ea]rs of age is a good worker of sober habits. Handles his stock well. Unit has a son of 16 y[ea]rs who is very industrious and very reliable. They both work very well together'. It recommended further expenditure of £3340 to bring the property to a self-supporting stage. It valued the property at £8882, and estimated that its value when it reached a self-supporting stage would be £11,300. The farm was identified as having 'a very good potential if development expenditure as set out herein is carried out' and suggested that the limit of advance to bring to self-supporting stage be increased to £9800. A suggestion that Hone's 16 year old son be paid a wage was crossed out.⁶⁸ The Board of Maori Affairs approved a further advance of £3340 'for the purpose of completion of development', bringing the total available loan to £9650.⁶⁹

However, around this time it became apparent that the Eruera's had been running up bills for basic goods which they had not been able to pay. Here started a process by which money Hone received from the sale of other land interests, both outside and within

⁶⁷ District Officer to Engineer, North Auckland Electric Power Board, 12 July 1955, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁶⁸ Department of Maori Affairs, Report on Property, 28 March 1957, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁶⁹ District Officer to Hone Eruera, 17 July 1957, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

Oruawharo, was used to pay everyday bills.⁷⁰ It coincided with Hone entering the next phase of budgetary control.

In July 1958 'Johnny Edwards' was sent a set form advising a change in the method of repayments from the cream cheque going directly into the loan account to a fixed yearly amount which went into the loan account on a monthly basis set out in a schedule on the form. Johnny was to pay insurance, rates, and other farm expenses. It advised the farmer to get an accountant to help with income tax returns and as an incentive to do well, noted that the bigger the cream cheque the more the farmer would get for him or herself and his or her farm. It concluded that it was: 'in your interest to do everything you can to push up butterfat production'.⁷¹ Hone Eruera's debt at 1 July 1958 was £6305.

In September 1958 Hone Eruera gave his consent to sale of Oruawharo A4C to Bob Ashby, and the splitting the proceeds amongst Maori Affairs and himself (cash, furniture, repairs and fencing and tractor accessories).⁷² In March 1959 the district officer, attempting to find money for completed hay baling, noted '[c]ould this money not be taken from money for sale of land'?⁷³ The development officer had the same idea in April 1959 and requested of the district officer whether Johnny Edwards's sale of Oruawharo A4D and A4C to Ashby, which was expected to realise £1300, could be used for hay baling expenses: 'Would you approve?'. Despite his earlier statement, the district officer responded that: '[i]f the money has been paid to the Maori Trustee and provided the Court has placed no restrictions upon it, we could pay this a/c on instruction from the beneficiary. Meantime, I will not approve 8/4/59'.⁷⁴

Again in June 1959 the Field Supervisor noted that Edwards had several outstanding accounts: '[w]hen I approached him about these accounts, he informed me that he had no

⁷⁰ For example, Oromahoe D4. See District Officer to Hone Eruera, 20 September 1957, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington.

⁷¹ District Officer to Johnny Edwards, 24 July 1958, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁷² Te Uira Mahuta Hone Eruera to District Officer, 18 September 1958, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁷³ Hamilton to District Officer, 23 March 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁷⁴ Development Officer to DO, 7 April 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

money, but wishes to sell his shares at Pouto and pay all his debts with the proceeds'.⁷⁵ Johnny Edwards held enough interests at Pouto to entitle him to a farm there and a further note stated: 'it does not seem sound to sell his interests at Pouto to pay his debts especially as he already has a sale pending of Oruawharo interests which would bring in enough to settle his debts if it were completed'. Further, 'the thing to do would be to concentrate on completing the sale of John's interests at Oruawharo to Bob Ashby. He should get enough to settle his debts'.⁷⁶

In August 1959 Hone Eruera's loan account was £8388.4.9. His loan limit was extended to £9776. Further debts were identified in October 1959 amounting to over £400 (comprising implements for tractor, fencing and roof repairs and payment of some outstanding farm accounts). It was noted that Mrs Edwards needed £200 for 'very essential furniture – bedding, floor coverings, beds and mattresses'.⁷⁷

On 2 December 1959 the the sale of Johnny Edwards lands was brought to the Maori Land Court. The judge noted that he would normally decline to confirm a sale where the purchase money was to go to pay debts. In this case, however, there were many aspects to consider, including the necessities of drainage and work on the septic tank, renovations and furnishings. The Court had objected to payment of interest to stock firms, but noted that it had been arranged with those firms that credit not be extended to Edwards, and that this measure had met with the approval of the Maori Affairs department. The Court commented: 'These are some safeguards and if Edwards can be helped to get on his feet and free of debt and stay freed of debt, it may mean much to him and his wife and family'. The Court had been informed that Edwards's farm was 'reasonably progressive and production is improving', and made orders unders sections 213-214 of the 1953 Act for payment of £1000 in total, noting that the money was to be paid to the Maori Trustee and applied to debts on certified accounts £400, essential or necessary furnishings £200 (purchase to be supervised by a welfare officer), £120 painting renovations to be

⁷⁵ Field Supervisor Banks to DO, Whangarei, 3 June 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁷⁶ Note on file to Dev Officer, 24 June 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

supervised by department's building supervisor. Septic tank £30, and £250 for farm improvements as recommend by farm supervisors.⁷⁸

5.3.5 Farm work sliding

But the impression given to the Court of the farm's progressiveness was not quite accurate. In June 1958, the district officer had again noted concern about the farm. He recorded that 'Johnny Edwards' had not produced more than 200 lbs of fat per cow for any season that he had been milking' and noted to the supervisor, Hamilton: '[t]his being the case, could you please advise what you are going to do to ensure that he produces his 12,000 lbs?'⁷⁹ This concern was echoed by the district field supervisor, who visited Johnny's farm on 8 October 1958 with the supervisor. He found it 'dis-quieting':

1. There are 53 cows in milk and these averaged .630 of a lb. butterfat per cow per day during the last 10 days of September. The unit[']s son had endeavoured to keep production records but converting cream to butterfat was beyond him and his records were accordingly incorrect. He now understands how to do this and will I think be successful.
2. Feed on all the front country that has been sub-divided for milking paddocks is extremely short. Because of this the herd have been driven out to the back to graze a paddock of approximately 100 acres. This paddock should have been sub-divided at least a year ago and in fact instructions were issued by the then district officer that this be done. Materials have recently come to hand for cutting this area into two but the unit said he was awaiting a visit from Mr Hamilton [the supervisor] to show him where to put this sub-division. In the meantime a considerable portion in this back

⁷⁷ DO note on file 25 June 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington . Note on file, 28 October 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁷⁸ Kaipara Maori Land Court minute book 30, 2 December 1959, fols 250-251

paddock is reverting to scrub through lack of proper grassing and fertilising.

3. The production position here is really serious ... I have arranged for this unit to graze his herd for the next 10 days in the corner of Oruawharo scheme close to this property. This should have the effect of increasing production at once and spelling his own property to allow feed to grow there....
4. In order to assist with getting some grass quickly to the vital paddock near the cowshed I have instructed Mr Hamilton to get 2 tons of superphosphate sown immediately on one paddock reasonably close to the cow shed. The unit understands that this will have to be done by hand and has agreed to do it.
5. This account as at 31.3.58 was £6341 and whilst security is still quite good, *I feel that we have not done nearly enough to get production up to a reasonable figure. The position however must be closely watched and good supervision is an essential if this unit is to earn a reasonable living from the farm and make proper debt reductions.*⁸⁰ [emphasis added]

In January 1959 the supervisor, Hamilton, noted that 'production on this property is still lower than it should be' and stated that he had 'checked on everything possible to help production here but cannot lift it to the 1½ lbs per cow'. He concluded: 'I intend to milk the herd personally for two evening milkings in the next ten day period and will report'.⁸¹

At 31 December 1959 Johnny Edwards's debt was £8289.4.6. The following February the development section reported that although Edwards was in arrears in his payments by £184.1.7, 'production is fairly good'. In his view the 'main reason' why the

⁷⁹ District Officer, Whangarei to DC Hamilton, 16 June 1958, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁸⁰ District Field Supervisor to District Officer, Whangarei, 13 October 1958, MA 20/BB/24, vol 2, Te Puni Kokiri, Wellington

⁸¹ DC Hamilton to District Officer, Maori Affairs, Whangarei, 7 January 1959, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

department had not received the proceeds was that Johnny Edwards had been 'living too highly on the Trading Dep[artmen]t'. He noted that Thomas (Johnny's son) was farming the land and that Johnny was 'doing virtually nothing b[ecau]se of his health'. Johnny had apparently sustained a shoulder injury working on the farm. He arranged for the Dairy Company to limit Johnny Edwards's spending as follows: £5 a month for farm stores, ½ drum petrol per month.⁸²

5.3.6 The struggle continues

In January 1960 the sale of some of Johnny's land interests, this time Pouto 2E1D, was again brought to the Maori Land Court under section 213 of the Maori Affairs Act 1953. The purchaser was Joyce Jericevich. The Court record noted that Johnny had not seen the land concerned and did not know what the improvements were on it. It noted that he had said he could not read, but that his wife read had read the transfer and explained it to him. He understood the meaning of the paper and agreed to sell 'because I would have had to pay for the rates in the Block'. The Court ascertained that Johnny had been sent rate demands, but did not know that the block was of 1400 acres and that his own share was 140 acres. But the judge, obviously concerned about the case, sought at least an update to the 1954 valuation before agreeing.⁸³

Around May 1960 Johnny Eruera's debts had again begun to build up. In September one of the employees in the district office queried whether someone could go to see Edwards 'some time soon and explain to him what will happen if he keeps up the hand to mouth way of running the farm which he has been doing to date. To my knowledge he is always having trouble finding money to pay a/cs'.⁸⁴ However, Johnny's bills for power, meat and insurance kept coming in.⁸⁵ In March 1961 Banks recorded that Edwards's tractor was

⁸² Presland for Development Officer to Admin Officer, Whangarei, 15 February 1960, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁸³ Whangarei Maori Land Court minute book 31, 29 January 1960, fols 372-373

⁸⁴ Thompson note on file, 1 September 1960, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁸⁵ For example, DO to Secretary, North Auckland Electric Power Boards, 21 September 1960, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington; DO to Johnny Edwards, 16 December 1960, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington; DO to JE, 23 March 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

lying idle – the rear tyres were ‘worn beyond repair’ and none of the local garages would lend him credit. As the tractor was needed for seasonal work, he asked whether the tyres, and a small bill for goods and repairs to Johnny’s tractor last August be purchased out of money held for him for capital improvements on his property.⁸⁶

However, tragedy struck. Johnny Edwards’s son, Tommy, who had been doing most of the farming, was killed in motor accident. The department would not guarantee payment of the expenses ‘but they should fix things up & come to see us later. Remember Pouto shares?’⁸⁷

5.3.7 Leaving the farm

By the end of April and early May 1961 Johnny Edwards wanted to leave the farm, providing he could get a house in Wellsford. But he did not want to sell.⁸⁸ The decision about who to place on the farm now needed to be made. Again the option of sale was proposed by the district officer. In correspondence to Banks it was noted that the department had received:

several verbal proposals lately regarding the future of the above farm. The most recent suggestion appears to be to divide the farm and sell part of it. This could be a solution as it is obvious that the farm will be too big for John Edwards to manage. Please submit a definite proposal as to the future of Edward’s farm.⁸⁹

After the word ‘sell’ someone had inserted a handwritten ‘or lease’, and a note at the bottom of the page: ‘Why sell he could lease part’. Banks responded on 31 May 1961 with a very full report:

⁸⁶ Banks, note on file, 20 March 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁸⁷ ES Thompson, for District Officer, note on file, 4 April 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁸⁸ Notes on file, 27 April 1961, 10 May 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

Edwards is not keen to sell his farm or any portion of it, as he has five sons, three of whom are still at school, and he feels he is under an obligation to keep his land for one or more of them. Apart from the eldest son Joe, who Edwards readily agrees is not good farmer meterieal [sic], none of the sons will be ready to run the farm by the time Johnny's useful working life is expended. Because of this he is well aware that his continued owner-ship is in a very precarious position and is prepared to leave his farm providing, [sic] his sons will have the right to return to it at a later date.

We would of course have to supply accommodation for the Edwards family in a locality where Johnny could readily obtain employment. Considering the above, I offer the following proposal.

Buy or build a house in a suitable area for Edwards and engage a share-milker for at least a five year period.

Because of Edwards[']s financial and labour troubles, he has never been able to milk more than sixty cows, but this property can carry 90/100 cows. If a good man is put on the property for the 1961/62 season he would reach 20/22,000 lbs of B/F with-out much trouble and should increase this over the following five years to 30,000 lbs.

After the share-milker has been paid his portion of the proceeds it would still leave sufficient to pay [the] Dep[artmen]t's share of farm expences [sic], repayments and interest on the farm and repayments on a new house for Edwards, plus leave a balance for any capital work required.

Johnny has taken the loss of his son Tommy very badly and has lost all interest in the farm. He intends milking sixty cows and doing all the farm

⁸⁹ District Officer to Banks, 24 May 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

maintenance work next season with only the help of a sixteen-year-old daughter. Apart from his present frame of mind his health is not good and I predict that to let him attempt this can only end in chaos.

Although we are now on the threshold of the new season, I feel that every endeavour should be made to put a share-milker on this property immediately.

Unless there is a man available with his own herd we will have to purchase an additional forty cows. This is an ideal time to do this as prices are lower now than they have been for a number of years. Edwards's herd is Tb tested, so we would have to purchase Tb tested cows for him. This immediately brings to mind Nuku Kapea's herd which is the only other Tb tested Maori herd in the Oruawharo district and is to be disposed of shortly. This could be transferred over at about £26 per head, which is a fair price in yhis [sic] locality at the moment.

Because Edwards has more land than he needs, he has not top-dressed it to its required standard and it needs £750 spent on fertiliser and lime.

There are no proper piggeries on the property and a good sharemilker would require these. They would need to have a bigger pig carrying capacity than those built for the 50/60 cow farms and would cost approximately £500.

The money required to bring this farm up to a reasonable standard would be as follows:-

Purchase forty cows	1040
Purchase bull	60
Fertilizer and lime	750

Piggeries	500
Purchase ten sows	200
Extend water supply	100
Extend int. fences	100
Extend cow yard	<u>50</u>
	<u>£2800</u>

If a shareOmlker [sic] with his own herd is available it will change the picture considerably as we would not need to purchase extra cows and proceeds from sale of Edwards's herd would cover the balance of the money required.

If the former is the case the debt on the property would be £11,000 which I do not consider too high for a fully developed 100 cow farm. If the items above were attended to an approx. budget for next season would be:-

Total farm receipts	3500
Total farm expenditure	<u>1000</u>
Surplus	<u>£2500</u>

The surplus would be shared on a 61/39% or a 50/50% basis and would rapidly reduce the debt on this property.

I realise it is very late in the season to consider a proposal such as this, but by next season the debt could be higher, the production lower,,[sic] and cows far more expensive to buy than they are at present, and farm maintenance will definately [sic] suffer during the coming season if Edwards carries on as he is at present.

Because of this I would suggest that if this proposal is accepted it be acted upon immediately.⁹⁰

But Banks's well-thought out plan, which clearly had Johnny Edwards and his family's best interests in mind, was not accepted. A note on this correspondence recorded that it appeared to be 'quite impossible to make sharemilking arrangements for the 1961/62 season' and suggested that Board of Maori Affairs approval for the extra expenditure be obtained first, which the writer thought would take some time, and with the Edwards's new housing needs might costs £6,300.⁹¹

At the same time Banks noted that the district field supervisor had raised the question of alternative accommodation for Johnny Edwards, off the farm, as well as the possibility to getting a sharemilker or two in.⁹² A note on file stated that 'Mr Banks is trying to arrange "temporary" housing to get Edwards out of the house', to which was added: 'When the time is ripe they will arrange for Leo Lloyd to inspect farm & meet Edwards – view sharemilking'.⁹³

Later in June, the question of whether to deal with the occupation of the farm first or the housing issue first, was discussed. An official expressed the view that they should 'get Edwards off the farm' first but noted that it was 'too late to get him off now'. He felt they should 'aim at vacant possession by 1/7/62' and should look at the housing issue straight away.⁹⁴

A further note on file noted that Johnny 'Edwards had a/c responsibilities to maintain his farm in good order & he must be told very clearly that unless he does this he could be in danger of losing it altogether'. He noted that '[a]t present we are fairly well secured & any move to lease the farm must come from him'. While Edwards had no cash resources

⁹⁰ Banks, Field Supervisor to Whangarei Office, 31 May 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington. On 10 November Banks noted that Johnny's production was 'quite good', considering that he was in poor health and was assisted by a 16 year old daughter.

⁹¹ JAW to Dev Officer, 2 June 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹² Banks, 2 June 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹³ Thompson, note on file, 8 June 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

for a house deposit he would 'not be able to Capitalise his F.B. owing to his other assets'.⁹⁵

5.3.8 Deciding on an occupier

In October 1961 the assistant district officer noted that 'Johnny has a son aged 18 at present learning farming with a good European farmer and he should be well trained to take over the farm again in say 5-8 years'. He had received a call from Banks suggesting that Edwards's stock be sold in March 1962 and his land leased to the Oruawharo Development Scheme for five to eight years, with the house being used for the shepherd instead of building anew. He noted: 'Edwards will go to Auckland to live and we could arrange under relocation scheme'. He thought they could seek approval to lodge a £500 deposit on the house as a charge to his farm account.⁹⁶

Again, the district officer's leaning toward sale appeared. In October 1961 Banks and senior field supervisor D Wright 'discussed matter with D/Officer. He is not sympathetic towards the idea of finding a deposit for Edwards to purchase a home. He suggested the matter be left in abeyance and consideration be give to purchasing the farm, and putting on a sharemilker with promise of tenure should he prove able and perhaps save sufficient money to give an equity'.⁹⁷

Meanwhile, further bills had stacked up.⁹⁸ Johnny Edwards was said to want to sell his interests in Oruawharo F, G & H for '£185-1-1 approx'.⁹⁹

⁹⁴ Note on file to ADO, 26 June 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹⁵ Note on file to Dev Officer, nd [July 1961], MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington. See also Assistant District Officer to Banks, 27 July 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹⁶ Assistant District Officer to Development Officer, 4 October 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹⁷ D Wright to Development Officer, 16 October 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹⁸ SB to Dev Officer, 19 July 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington; Accountant, Dalgety & Co Ltd, 19 October 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington; DO to H Eruera, 22 November 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington; Waetford for DO to Manager, Dalgety, 4 December 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

⁹⁹ Waetford to Dev Officer, nd, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

In December 1961 Johnny Edwards is recorded as having requested that his son Johnny junior to take over the farm as from June 1962. Johnny Edwards junior (known as Billy) was 19 years old. He had had two years secondary schooling and was at the time working on Mr EL Farr's farm at Oruawharo. Johnnie was later described as 'a very good boy, industrious, intelligent and thrifty, having gained most of his experience working out with local Pakeha farmer'.¹⁰⁰ The note continued 'Johnny Edwards is prepared to hand the farm over to his son & he will sell his interest in Pouto to pay a deposit on a house for him in Auckland'.¹⁰¹

Johnny Eruera's debt at 31 March 1962 was £8802.13.10. The supervisor assessed the farm as inefficient, the water supply as inadequate and the 'personal element' as unsatisfactory. Stock management, pasture management and future prospects were poor, although the farm was economic. More finance was needed and it was suggested that Johnny be replaced.¹⁰² Other reports criticised Johnny senior's inability to reach the required production. Pastures on the back half of the farm were deteriorating. The department noted that further capital expenditure of £2530 was required for a sharemilker to be employed to (a) reduce the debt (b) maintain the farm (c) give Johnny Edwards's son Billy an opportunity of obtaining experience & possibly settlement. But Johnny Edwards still required a housing deposit before the proposal could proceed.¹⁰³

In May 1962 field supervisor Banks noted that:

- Edwards is at the moment in a rather precarious position, he is in poor health and is unable to effectively run his farm which is at present going back. This also effects his production which in turn, after farm expenses and repayments to the Department does not leave him with sufficient income for a reasonable living. If he stays on this property, he will in all probability, lose it eventually, and with this will go the equity that he has

¹⁰⁰ IA Banks, Field Supervisor to District Officer, 8 May 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

¹⁰¹ HTW, 11 December 1961, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

¹⁰² Banks, Farm Review Statement, 27 March 1962, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

at present in the farm. Because of the size of his family and his lack of finance he is unable to procure suitable housing without this Department's assistance.

The only solution that I can see is that if Edwards sells his farm as a going concern it is possible that he could come out of it with an equity of between two and three thousand pounds.

As far as his sons are concerned, if and when they are ready to start farming Edwards still has large land interests at Pouto which would be sufficient to allow him to nominate them for future settlement.¹⁰⁴

The district officer in Auckland, upon receiving this report regarding the housing loan noted that 'it appears that Edwards is not a reliable person and it seems doubtful whether he would keep in permanent employment and meet the repayments of the housing loan'. He would also need to produce a deposit of 'at least 10% of the total security':

As I understand the position there is a debt of about £9000 on his property worth £10,000, it seems most unlikely that [the] Board of Maori Affairs would approve any further loans on the farm to meet the deposit on a housing loan.

... On the face of it, as far as this office is concerned it seems we should write to Edwards and tell him that we will not be able to recommend a housing loan.¹⁰⁵

¹⁰³ Apatu, report, 16 March 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

¹⁰⁴ IA Banks, Field Supervisor to District Officer, 8 May 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

¹⁰⁵ Buckley for DO, Auckland to DO, Whangarei, 18 May 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

A note on file dated 30 May 1962 says 'there is a sale of Otao 3B3 afoot. Te U M H Eruera is an owner..... It might pay to keep a watch on Maori Land Court panui & if credit needed for Mtg a/c then get on ass[i]g[n]m[en]t'.¹⁰⁶

In July 1962 the option of sale was discussed with the Edwards's. Johnny was 'suffering from some physical disability' and was aware that the property was deteriorating. The assistant district officer arranged for someone to return to the Edwards's two weeks later.¹⁰⁷ However, another option was decided upon. Johnny senior signed a statement that he agreed to cease to take any active part in running the farm and to give his son John (Billy) 'full control' of the farm under the department's supervisor solely. If John proved satisfactory to the Department for the period ending 31 March 1964, Johnny Edwards senior would give him a lease of the farm on usual department lines (21 years with right of renewal for 21 years or a sale to assist Johnny Edwards senior with housing finance). In the event that John did not prove to be a success to satisfaction of the department, Johnny Edwards senior agreed that the property could be sold to the best advantage to assist him and his wife in getting a house.¹⁰⁸ From 1 August 1962, Johnny Edwards junior was paid a living allowance of £5 per week. He was to be the nominated occupier for two years.

5.3.9 Billy Edwards as occupier

Johnny junior (or Billy) was young and inexperienced. In October and December 1962 the farm dairy instructor closed his shed.¹⁰⁹ A note on file questioned '[a]s this man is under close supervision how did this situation arise?'.¹¹⁰ In mid February 1963 Johnny junior informed the department that he was nearly out of water and that Banks had said would arrange for a permanent supply when he took over the farm. Banks claimed that

¹⁰⁶ Thompson to Development Officer, 30 May 1962, MA 20/BB/24, vol 3, Te Puni Kokiri, Wellington

¹⁰⁷ SH Peters, Development Officer, note for file, 19 July 1962, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹⁰⁸ John Edwards to District Officer, Whangarei, nd, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹⁰⁹ JJ Haylock, Farm Dairy Instructor, inspection 18 October 1962, 10 December 1962, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington. In August 1962 Johnny Edwards sold part of his Pouto Topu shares for £99 to pay his bills.

¹¹⁰ B Brown for DO to Banks, 2 January 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

the lack of water was 'largely' due to Johnny's failure to carry out work as asked to before Christmas. By late February 1963 Banks recorded Johnny junior's progress as 'very disappointing this season as his production has been'. He noted that '[h]e has the ability to do better and if he had the inclination his prospects would be quite good. His excuse for not doing better is that family interference makes it very difficult for him. This may or may not be so but he is definately [sic] not responding to supervision'.¹¹¹

While one departmental official thought that Johnny needed to be 'given a proper programme of work – short & long term',¹¹² another note on file concluded: 'it seems the boy John (Jnr) Billy is not going to be a great success as a farmer. F.S. should report with a definite recommendation as to whether he should stay on farm or we go back to the family & tell them that we will have to either sell up or put an someone of our choice (sharemilker)'.¹¹³

Senior field supervisor Flint reported on Billy's work in March 1963. He considered there to be 'little point in giving this young man a written management programme. He is too young and inexperienced to fully understand. The best that we can do is to have the supervisor to keep the property under close review'. He thought that an 'improved water supply head works and piggeries are essential before we can expect any increase in production and income from this property'. In summary, Flint noted there to be 'family friction' and 'pestering from visiting relatives' and that Bill 'looks rather worried and it is apparent that he is suffering from Strain'. Although Billy was to stay on trial for another season, Flint suggested that 'it would be in his and the Department's better interest if he could obtain outside training on an approved farm for the next two or three years and possibly until he married, while in the meantime we employ a sharemilker on this farm'.¹¹⁴

¹¹¹ Banks, Field Supervisor to Whangarei office, 20 February 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹¹² Thompson, notes on file, 27 February 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹¹³ Van Blommestein, February 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹¹⁴ W Flint, Senior Field Supervisor, Development Programme, 2 March 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

In June 1963, with a further request for assistance with bills, the acting district officer suggested that 'the family would be well advised to sell up and move into town when Johnny's Pouto shares could be sold to meet the deposit on a house'. As a sharemilking agreement would require spending 'quite a large sum on essential improvements', if Bill was not up to standard, he suggested he seek employment elsewhere and the 'possibility of Johnny selling out further explored'. 'If he is prepared to sell I would be prepared to approach the BMA to purchase for the Crown when we could place a suitable Maori settler on this farm'.¹¹⁵

By May 1963 Banks was optimistic that Billy's production would increase. Although he had not reached the target set for him last year, Banks noted that Billy was 'not yet 21 yrs and has not had a great deal of experience.... I feel that he has not done too badly'. He suggested that Billy be encouraged by being reminded he only had next season to decide the issue and would be paid £50 if he reaches target.¹¹⁶ Other officials simply saw it as a 'very good farm going to waste.... A good man could stand reasonable advances'. Although the prospect of pulling Billy out before the end of the trial period occurred to some in the department, senior field supervisor Flint noted in July 1963 that as there had been 'no flagrant breach of this agreement from Edwards' side', the department should adhere to the agreement:

With his limitations, plus family interference, he is not doing so badly and I am strongly of the opinion that we should let him see this season out. In fact he expects this. I met him recently and it was agreed that Mr Banks would give him close control and make a determined effort to improve matters by the end of the season.....

¹¹⁵ PJ Brewster, ADO to Banks, 4 June 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington. He noted that the sale of Otiao 3B3 should realise £50.

¹¹⁶ Banks, Field Supervisor to Whangarei Office, 24 May 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

He gave me a firm assurance that he would take and act upon the Supervisor's directions and it is my contention that he will.¹¹⁷

The problem was seen to be 'interference by Billy's parents'. While both Banks and Flint were in favour of Billy carrying on for another season, other officials in the department thought: 'this will merely delay suggested action on the problem which exists here'. A further note remarked that: '[t]he first positive step to be taken seems to be to get Johnny & his family off the place'.¹¹⁸

By 20 January 1964 Johnny Edwards senior had left the farm and had a house in Auckland, but the department's attention now swung to 'another married son loafing around the place and being kept by the boy working the farm. 1st chance someone should tell the surplus bodies to get out & get a job', and that this would not lead to settlement in Billy's favour.¹¹⁹ The shed was again closed down by the inspector.

At December 1963 the valuation of the property had reduced to £9617 and Banks had noted that: 'Billie's main job is to keep the front of farm clean and so protect our security'.¹²⁰ At 21 May 1964, Johnny Edwards debt was £9736.8.2. The valuation was £9190.¹²¹ At a meeting on 16 May 1964, the District Maori Council sought an explanation from the delegate for Otamatea, Mr Graham Latimer, as to why 'Mr Edwards was penniless but at one time he was one of the biggest land owners in the district', and why a house on the Oruawharo Development scheme had been vacant for about 12 months when '[t]here are shareholders in the district living in poor circumstances and the house could very well be used by one of them if not wanted for scheme purposes'.¹²²

¹¹⁷ W Flint, Senior Field Supervisor to ADO, 9 July 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹¹⁸ Note on file to DFS dated 16 July 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹¹⁹ Thompson, note on file to Dev Officer, 20 January 1964, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington. See also B Brown for DO to WT Apatu, 24 April 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington.

¹²⁰ Banks, 18 December 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹²¹ Note on file to ADO, 11 August 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹²² DO to Development Officer, 19 May 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

In June 1963 a special review had been undertaken. The farm's debt was now placed at £9026. The question of Billy's inexperience was addressed. The committee noted that while Billy had been on a good farm getting training, a misunderstanding had arisen and he had been sacked, and that although it had been suggested that he get training at Putaruru Training School, and the department had apparently agreed, someone had talked Billy out of it.¹²³

In February 1964 the district field supervisor, AG Burns, again noting that the farm could do far better under reasonable management, stated that he thought that Billy's experience was 'so limited that he would not pass a grading' and that he thought that the department would be taking 'one big risk if the son aged 20, single, and with no control over family interference' was given settlement:

The lad may have innate qualities but may have never had a chance. If he is worthy of help and I think he is, then we must help..... I am against any thought of selling this farm as a means of meeting the debt.

Burns thought that Billy should be encouraged to obtain work with an approved dairy farmer, with 'utmost' assistance from the department. He suggested that Billy could be employed for three to five years, and that this would be better than anything the department could offer. There would need to be further expenditure on the property to entice good sharemilkers to a three to five year sharemilking contract. Burns thought that this:

*would I feel, meet our commitments, maintain and improve our security, and at the end of the period enable us to hand over a first class farm to a member of the Edwards family who will be fully trained and qualified in the art of running this large unit.*¹²⁴ [emphasis added]

¹²³ Record of Special Review by Committee appointed by the Minister of Maori Affairs, 15 June 1963, MA 20/BB/24, vol 4, Te Puni Kokiri, Wellington

¹²⁴ W Flint, Senior Field Supervisor to Development Officer, 9 April 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

He suggested that Billy join the Auckland Youths' Farm Settlement Training Scheme, where training would be supervised and wages subsidised: '[t]his method at least will keep the farm in the Edwards name and materially assists us from any unpleasantness that could arise'.¹²⁵ However, it was subsequently decided that it was too late to make any changes this year. The department could tidy the place up and do some minor development instead. It would leave Billy in occupation for another year. Close supervision would be needed and the decision could be reviewed if Billy was suitable to carry on for the following seasons, or if they were to implement the programme necessary for establishing a sharemilker in time to submit to the Maori Land Board.¹²⁶

But in July 1964 field supervisor Apatu recorded the farming of property to be 'most unsatisfactory'. 'Billy Edwards in my opinion is at present irresponsible lazy and dispirited'. He thought it impossible that Billy would be able to operate a funded bank account with and withdrew Billy's first bank deposit.¹²⁷ In August, Apatu claimed there to have been no improvement in the management of the property. 'In short a good herd has been ruined within a month'.¹²⁸ Lack of experience, 'interference' and failure to reach standards and consequent loss of interest.¹²⁹

In August 1964 a family meeting was held with the assistant district officer, district field supervisor and development officer. The debt had exceeded the valuation and it looked as if this would continue. John Edwards suggested putting his and Ngaro's daughter Marina and her husband Peter Cooper (23 years old) on trial. Every other family member was to leave the property.¹³⁰ A later report compiled by Apatu noted that Peter Cooper's educational attainments as 'Motatau High School 6 mths', his wife's educational

¹²⁴ W Flint, Senior Field Supervisor to Development Officer, 9 April 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹²⁵ AG Burns, District Field Supervisor to Senior Field Supervisor Flint, 28 February 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹²⁶ W Flint, Senior Field Supervisor to Development Officer, 9 April 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹²⁷ Apatu to DO, 28 July 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹²⁸ Apatu to DO, 10 August 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹²⁹ W Paki, Assistant DO to Head Office, 11 September 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

attainments as 'Wellsford High School 2 yrs', farming knowledge below the average, assets nil, debts £40, health, keenness, capacity for hard work and response to supervision as average.¹³¹ Billy left the farm on 17 August and by 25 August 1965 the Coopers were the only occupants.¹³²

5.3.10 Peter Cooper as occupier

In September field supervisor Apatu claimed Cooper to be 'a steady reliable worker', but in October he added that Cooper did not have the 'capacity to think and act quickly'. On the whole he gave Cooper a good report. By November 1964 Apatu recorded that Cooper was 'working quite well' although progress was severely handicapped by lack of finance to provide him with materials. But Apatu thought it too early to tell whether he would be capable of maintaining his effort over a prolonged period. He recorded that the land had 'settled down now with Cooper managing the farm, in fact the butterfat is quite good'.¹³³

In February 1965 it was proposed that Johnny Edwards be asked to agree to another Maori farmer being placed on the land should Cooper not be graded well in March 1965.¹³⁴ The assistant district officer noted that Cooper was 'not a world-beater' but has been working fairly steadily since he took over the farm, however progress had been 'severely handicapped' by lack of finance for material and stock. He concluded:

Quite frankly, if we cannot obtain the owners' consent to the proposals that I have put forward, I do not think there is any option but to go to the Board with a recommendation that action be taken to call up the moneys in respect of the security.'¹³⁵

¹³⁰ EL Henty, Development Officer, note on file, 18 August 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington; further note on file from Bill Paki suggests that this took place on 17 August 1964

¹³¹ Field Supervisor's report on prospective settler, Apatu, 23 February 1965, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹³² WT Apatu to District Officer, Whangarei, 17 August 1964 and 25 August 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹³³ Apatu, Butterfat Production report, 5 November 1964, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹³⁴ W Paki, ADO, note on file, 12 February 1965, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹³⁵ W Paki, ADO to A Paapa, Auckland, 12 February 1965, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

In February 1965 the Maori Welfare Officer, having visited Hone Eruera in Auckland, obtained a signature from him agreeing to a long term lease on the understanding that if Peter Cooper did not make the grade the farm be leased to a 'qualified Maori farmer selected by the Board of Maori Affairs'.¹³⁶ He noted on the bottom that he thought 'it best for all concerned to put a really top man on this farm'.

The agreement, dated 20 February 1965, stated that Te Uira agreed to lease his farm to Peter Cooper for 42 years, rent to be 5% of the Government unimproved valuation, and improvements to be purchased by the lessee at the amount of the special Government valuation. The lessee was entitled to 75% compensation for all improvements existing on the land at the end of the lease. In the event of Cooper not being graded suitable for settlement by the District Maori Land Committee, Te Uira agreed that the Board of Maori Affairs may lease the farm to a qualified Maori farmer selected by the Board of Maori Affairs. He agreed that all stock and farm implements and plant may be sold to the lessee at current market valuations'.

Cooper applied for settlement on the farm on 22 February 1965. Apatu rated his ability to plan farming operations, to manage the farm, and his capacity to profit by training and experience and likelihood of success as below average. He also noted that Cooper needed more training.¹³⁷ Yet Cooper was graded 'suitable for settlement on wages for a probationary period'.¹³⁸ But by May 1965 the farm review statement suggested he be replaced.¹³⁹ When he appeared before the District Maori Land Committee in February 1966, the Committee graded Cooper unsuitable and instructed the department to proceed to select a graded suitable settler.¹⁴⁰

¹³⁶ AH Paapu, Maori Welfare Officer to District Officer, Whangarei, 22 February 1965, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹³⁷ Field Supervisor's report on prospective settler, Apatu, 23 February 1965, MA 20/BB/24, vol 5, Te Puni Kokiri, Wellington

¹³⁸ Henty for DO to Peter Cooper, 26 March 1965, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

¹³⁹ Farm Review Statement, year ended 31 May 1965, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

¹⁴⁰ See ES Thompson for DO, 'Department of Maori Affairs Settlement Application', 10 February 1966, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

John Edwards was informed by letter the next day. The letter concluded that the department regretted that it had not been possible 'to settle a member of your family on the land' and informed him that the department now proposed to proceed and select a suitable graded Maori farmer for settlement on the property on a leasehold basis 'in terms of your undertaking that such course could be taken in the event of Peter failing on the property'.¹⁴¹ When the welfare officer visited the Edwards's in Auckland to talk about the the 28 February letter he recorded: '[t]hey stated your office had already written to them, and they had no choice but to agree to the proposals as originally intended'.¹⁴²

In March 1966, Wiritai Toi, who had recently been graded for settlement, was considered for occupation on Johnny Edwards's farm.¹⁴³ He was explained the terms of the lease. The value of improvements on the property, of 8 March 1965, was approximately £5470 and the unimproved value was £1450 according to the Special Valuation. The lease was for 42 years under Part XXIV of the Maori Affairs Act 1953. The lessee would buy improvements at valuation and the annual rental would be 5% of the unimproved value reviewable every 14 years. The lessor (provided he farmed well) would receive 75% compensation at the end of the lease for all improvements made or paid for by him with the written approval of the Board of Maori Affairs.¹⁴⁴ On 4 April 1966 the development officer noted that Toi had decided to take John Edwards's farm.¹⁴⁵ By May 1966 the Board had agreed on Wiritai Toi for settlement.¹⁴⁶

Even when the improvements were purchased and stock sold it was anticipated that there would not be sufficient money to repay the Johnny Eruera's debt and that the remaining debt would have to be a charge on the land. Normally, rent for the lessor would have gone to reduce the excess debt. But officials noted that:

¹⁴¹ EL Henty for Secretary, District Maori Land Committee to John Edwards, 25 February 1966, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

¹⁴² AH Hayward for DO, Auckland, to Whangarei, 1 April 1966, MA 20/BB/24, vol 7, Te Puni Kokiri, Wellington

¹⁴³ EL Henty, Development Officer, note on file, 8 March 1966, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

¹⁴⁴ JGH Potter for District Officer, to Wiritai Toi, 25 March 1966, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

¹⁴⁵ EL Henty, Development Officer, 4 April 1966, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

¹⁴⁶ DO to Head Office, Whangarei, 16 May 1966, MA 20/BB/24, vol 6, Te Puni Kokiri, Wellington

In this case there are some special features. The owner by selling approx. 400 acres of his original holding to the Crown enabled Maori Rehab. Farmers to be settled. In addition, his ill health and the failure of members of his family have been major contributing factors to his present over capitalised property. He is in receipt of a social security benefit and it seems reasonable in all the circumstances that he should receive the rental during his remaining lifetime.¹⁴⁷

A further suggestion was that the estimated £2500 - £3160 odd debt remaining after the lessee had paid for improvements and stock and plant, be placed in suspense, interest-free, until the death of the owner at which time the position be reviewed. They noted that he would probably only live a further year.

The Board deferred consideration to enable reassessment of the rental value of the farm and prospects of leasing it on the open market.¹⁴⁸ In May 1966 the development officer noted that head office had rung and that the Board 'was of the opinion that something more should be done for Johnny Edwards in view of his large holding of land and the fact that he has, after all these years, been left with nothing'.¹⁴⁹

On 9 June 1966 the Board decided to consider leasing to Toi on the basis of an up-to-date valuation. An new paper was to be submitted to the board after special valuation had been obtained.¹⁵⁰

The property was leased to Wiritai Toi from 1 July 1966. Some of the stock was sold on the open market, and the balance to Toi, and a total of £2310.14.4 credited to John Edwards's farm account. Wiritai Toi bought the plant and improvements for £6980 and this revenue also went to reduce the debt over the land. The balance of mortgage debt still

¹⁴⁷ WT Apatu, W Flint, AG Burns, Filed [?? Field?] Snr Fld and Dist Field Supervisors, 25 March 1966 and 21 April 1966, MA 20/BB/24, vol 7, Te Puni Kokiri, Wellington

¹⁴⁸ Board decision, 25 May 1966, MA 20/BB/24, vol 7, Te Puni Kokiri, Wellington

¹⁴⁹ Development Officer, note on file, 25 May 1966, MA 20/BB/24, vol 7, Te Puni Kokiri, Wellington

owing was £1889.8.8.¹⁵¹ Around 1982 Fraser and Francis Toi (brother of previous lessee) took over the lease.

On 28 June 1966 the Board Maori Affairs decided that rent would be payable half-yearly in advance on the first day of July and January of each year and would be distributed to Te Uira Mahuta Hone Eruera during his lifetime. This would be reviewed on his death, with the possibility that it might then go to his widow if she should survive him. There would be no sinking fund to set up to meet liability for compensation for improvements until his death at the earliest.

John Edwards died on 15 February 1992.¹⁵² In November 1992, Te Puni Kokiri, the Ministry for Maori Development, sought repayment of all loans as it was to cease its loan administration operations as soon as possible. It granted an incentive to refinancing – a discount of 10% of the current balance or \$500, whichever was higher, and waiver of fees it would normally charge on discharge of its securities. John Edwards's loan balance at 8 November 92 was \$3,745.95. Less \$500 the balance became \$3,245.95.¹⁵³

By the end of January 1994 the debt had been repaid. As the lease to Fraser and Francis Toi contained compensation provisions, the Chief Executive at Te Puni Kokiri informed, the Maori Trustee had been instructed to retain all future rentals in an interest bearing account to provide funds to meet that compensation.¹⁵⁴

The issues relating to this chapter will be discussed in the report summary. The report summary, to be presented to the Tribunal, will form the conclusion of the report.

¹⁵⁰ Board decision, 9 June 1966, MA 20/BB/24, vol 7, Te Puni Kokiri, Wellington

¹⁵¹ J Trevenen for DO to District Commissioner of Taxes, Inland Revenue Dept, 4 April 1967, MA 20/BB/24, vol 7, Te Puni Kokiri, Wellington

¹⁵² WA Archibald of Wendall Archibald to the Maori Trustee, Whangarei, 27 July 1992, MA 20/BB/24, vol 8, Te Puni Kokiri, Wellington

¹⁵³ Chief Executive, Te Puni Kokiri, notice, 6 November 1992, MA 20/BB/24, vol 8, Te Puni Kokiri, Wellington

¹⁵⁴ Chief Executive, Te Puni Kokiri to Wendall Archibald, solicitors, 25 January 1994, MA 20/BB/24, vol 8, Te Puni Kokiri, Wellington

Conclusion

The conclusion for this report will be the summary presented to the Tribunal.

BIBLIOGRAPHY

PRIMARY SOURCES

AUCKLAND INSTITUTE AND MUSEUM LIBRARY

Graham, George Papers Ngati Whatua Tribal Register, 1877, MS 120
Kaipara District Tribal Register, 1877-78, MS 914
Ngati Whatua Tribal Register, 1877, MS 914
Ngati Whatua Whakapapa from Tumutumuwhenua, MS 94/34

LAND INFORMATION NEW ZEALAND

Certificates of Title

CT 160/44	CT 255/262
CT 245/17	CT 1121/255
CT 201/240	CT 263/93
CT 1010/281	CT 263/56
CT 1626/64	CT 192/278
CT 493/222	CT 239/161
CT 255/236	CT 237/261

Provisional Registers

PR 90/31	PR 53/22
PR 35/25	PR 30/143
PR 42/8	PR 197/67
PR 132/46	PR 85/30
PR 163/31	PR 197/66
PR 120/17	PR 37/94
PR 40/50	PR 197/45
PR 142/10	PR 89/1
PR 30/137	PR 69/19
PR 47/54	PR 51/39
PR 220/135	PR 83/15
PR 77/8	PR 74/11

MAORI LAND COURT (Tai Tokerau District, Whangarei)

Succession Orders, 5 Vols, 1866-1965

Block Files:

K888 Otioro & Te Topuni
K947 Oruawharo
K615 Nukuroa
K345 Okahukura

NATIONAL ARCHIVES (Auckland Regional Office)

BAA1 1030/291b, 'Oruawharo Development Scheme, Vol. 1 1949-1955'

BAA1 1030/291c, 'Oruawharo Development Scheme, Vol 2 1955-1962'

BAA1 Acc A39, 'Tai Tokerau Maori Land Board, 1901- 1920'

NATIONAL ARCHIVES (Wellington Head Office)

Public Works Department:

Map showing Maori Land Blocks and Parishes from Whangarei & Dargaville to the
Lower Waikato, 1877 (PWD 5019)

Native/Maori Affairs Department:

AAMK 869/1346 Kaipara Development Schemes 1930-1941

AAMK 869/1347 Kaipara Development Schemes 1942-1958

AAMK 869/1348 Kaipara Development Schemes 1959-1966

AAMK 869/410c

MA 1 29/21/2

Native Land Court:

Kaipara Native Land Court minute books 8 and 9

Whangarei Native Land Court minute book 16

TE PUNI KOKIRI (Wellington Head Office)

MA 20/3B/24, volumes 1-8

SECONDARY SOURCES***PUBLISHED*****OFFICIAL PUBLICATIONS**

Appendices to the Journals of the House of Representatives

British Parliamentary Papers: Colonies New Zealand

New Zealand Government Gazette, 1909, 1911, 1912, 1928, 1952, Wellington

New Zealand Law Reports, 1892, 1893, and 1901

Turton, HH, *Deeds of Land Purchase*, Wellington, 1877

Turton, HH, *Maori Deeds of Crown Purchase, North Island, Auckland Province*,
Vol. 1, 1877

Statutes of New Zealand, Wellington, 1862-1995

ARTICLES

Ballara, Angela, 'Porongahau: The Formation of an Eighteenth Century Community in
Southern Hawke's Bay', *The New Zealand Journal of History*, Vol. 29, No.1,
April 1995, pp 3-18

BOOKS

- Ballara, Angela, *Iwi: The Dynamics of Maori Tribal Organisation from c. 1769 to c.1945*, Wellington, 1998
- Cox, L, *Kotahitanga: The Search For Maori Political Unity*, Auckland, 1993
- Fenton, FD, *Observations on the State of the Aboriginal Inhabitants of New Zealand*, Auckland, 1859
- Fenton, FD, (ed.), *Important Judgments: Delivered in the Compensation Court and the Native Land Court, 1866-1879*, Auckland, 1879
- Kawharu, IH, *Maori Land Tenure: Studies of a Changing Institution*, Oxford, 1977
- Kawharu, IH, *Orakei: A Ngati Whatua Community*, Wellington, 1975
- Kemp, HT, *Revised Narrative of Incidents and Events in the Early Colonizing History of New Zealand from 1840 to 1880*, Auckland, 1901
- Martin, Mary Ann, *Letter of Lady Martin*, Auckland, 1878
- Sissons, J, W Hongi and P Hohepa, *The Puriri Trees are Laughing: A Political History of Nga Puhi in the Inland Bay of Islands*, Wellington, 1987
- Ward, Alan, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1995
- Ward, Alan, *An Unsettled History: Treaty Claims In New Zealand Today*, Wellington, 1999
- Webster, Steven, *Patrons Of Maori Culture: Power, Theory and Ideology In The Maori Renaissance*, Dunedin, University of Otago Press, 1998
- Williams, DV, *Te Kooti Tango Whenua: the Native Land Court, 1864-1909*, Auckland, 1999

WAITANGI TRIBUNAL REPORTS

- Waitangi Tribunal, *Report of The Waitangi Tribunal on The Waiheke Claim*, Wellington, 1987
- Waitangi Tribunal, *Report of The Waitangi Tribunal on The Orakei Claim*, Wellington, 1987
- Waitangi Tribunal, *Report of The Waitangi Tribunal on The Te Roroa Claim*, Wellington, 1992

WAITANGI TRIBUNAL RANGAHUA WHANUI REPORTS

- Belgrave, M, *Auckland*, (part 2), Waitangi Tribunal Rangahua Whanui Series (working paper, first release), 1997
- Daamen, R, Hamer, P and Rigby, B, *Auckland*, (part 1), Waitangi Tribunal Rangahua Whanui Series (working paper, first release), 1996
- Husbands, Paul, & Riddell, Kate, *The Alienation of South Auckland Lands*, Waitangi Tribunal Rangahua Whanui Series (working paper, first release), 1993
- Ward, Alan, *National Overview*, 3 volumes, Waitangi Tribunal Rangahua Whanui Series (working paper, first release) 1997.

UNPUBLISHED

CROWN DOCUMENTS

'Deed of Settlement to Settle Te Uri O Hau Historical Claims', 2000

'Heads of Agreement for a Proposed Settlement of the Te Uri O Hau Historical Claims Against the Crown', 20 November 1999

THESES

Harris, Aroha, 'Maori land development schemes 1945-1974 with two case studies from the Hokianga', Master of Philosophy thesis, Massey University, 1996

REPORTS ON THE WAITANGI TRIBUNAL RECORD OF INQUIRY

Alexander, David, 'Consolidation, Development and Public Works Takings in Southern Kaipara', 1999 (Wai 674 record of documents, doc F6)

Alemann, Maurice, 'The Mangawhai Forest Claim (Wai 229)', Otamatea Maori Trust Board, [nd] (Wai 674 record of documents, doc A14)

Armstrong, David Anderson, Te Uri O Hau and the Crown: 1860-1960, 1996 (Wai 674 record of documents, doc A2)

Gould, Ashley, 'Evidence in response to Mr Walzl's review of the "White Transaction"', 1998 (Wai 674 record of documents, doc D2)

Harrison, Noel, 'Te Uri O Hau (Otamatea) and the Crown (1840-1996): The Treaty of Waitangi, Land Alienation, Economic Decline, and Social and Political Deprivation', 1996 (Wai 674 record of documents, doc C1)

Hooker, Garry, 'Maori, The Crown and the Northern Wairoa District – A Te Roroa Perspective', 2000, (Wai 674 record of documents, doc L2)

Rigby, Barry, 'The Crown, Maori, and Mahurangi 1840-1881: A Historical Report Commissioned by the Waitangi Tribunal', 1998 (Wai 674 record of documents, doc F1)

Sinclair, Fergus, 'The "1840 rule" and the Moriori Claim" (Wai 64 record of documents, doc G11)

Small, F, 'Twentieth Century Blocks in the Ngati Whatua Southern Kaipara Rohe', 1998 (Wai 674 record of documents, doc F3)

Small, F, 'The Socio-Economic Consequences of Land Loss For Ngati Whatua of Southern Kaipara from 1900, Wellington', 1999 (Wai 674 record of documents, doc I3)

Spring-Rice, Wynne, 'Statement of evidence', (Wai 674 record of documents doc K1)

Stirling, Bruce, 'The Lands Of Te Uri O Hau O Kaipara, Volume One – The Nineteenth Century', 1996 (Wai 674 record of documents doc A3)

Stirling, Bruce, 'The Lands Of Te Uri O Hau O Kaipara, Volume Two – Pouto Lands: Control and Alienation in the Twentieth Century', 1996 (Wai 674 record of documents doc A4)

Stirling, Bruce, Ngati Whatua Native Land Court Block Histories 1864-1900, 1998 (Wai 674 record of documents, doc F5)

Stirling, Bruce, 'A Summary of the Evidence of Bruce Stirling: "Ngati Whatua and the Crown, 1864-1900", and "Ngati Whatua Native Land Court Block Histories, 1864-1900"', 1998 (Wai 674 record of documents, doc F9)

Walzl, Tony, 'Land Issues Within The Otamatea Area 1839-1950, 1997 (Wai 674 record of documents, doc C3)

Wyatt, P, 'Ngati Whatua ki te Tonga and the Crown, 1840-1869', 1998 (Wai 674 record of documents, doc F4)

|
|
C
|
|
|
|
|
|
|
C
|
|
|
|
|
|
C
|
|

Appendix 1:
Pa, Kainga and Urupa in the Oruawharo rohe

Witness name¹	Pa, kainga and urupa and block	Comments
Te Tapihana Paikea	Waiharakeke , a kainga and pa, at Waingohe, Oruawharo (north) Block. KMB 8, 29.8.1901, fol 120; KMB 8, 10.9.1901, fol 211.	Mauku and her husband Whiti occupied this settlement near the delta of the Kaira Creek with the Oruawharo River.
	Huruhuru pa in Oruawharo (north) Block. KMB 8, 29.8.1901; and KMB 8, 10.9.1901, fol 211.	'a pa maioro built by N[gati] Rangi'.
	Matawhero pa , in Oruawharo (north) Block. KMB 8, 29.8.1901, fol 120; and KMB 8, 10.9.1901, fol 211.	'a pa maioro built by N[gati] Rangi'.
	Patotohe pa , in Opekapeka Block. KMB 8, 29.8.1901, fol 120; and KMB 8, 10.9.1901, fol 211.	'pa maioro'.
	Te Raekau pa , in Te Raekau Block. KMB 8, 29.8.1901, fol 212.	
	Maungapeehi pa , opposite puaha of Topuni Stream, in Oruawharo (south) Block. KMB 8, 10.9.1901, fol 213.	'N[gati] Mauku moved there from Kikitangiao'.
	Pukemapau pa , in Oruawharo (north) Block. KMB 8, 8.10.1901, fol 212.	
	Kikitangiao pa , in Hoteo Block. KMB 8, 8.10.1901, fol 213.	Site where Ngati Mauku and Ngati Rangi took refuge, specifically during Ngapuhi raids of late 1820s and 1830s.
	Paraheke.² - urupa on south bank of Oruawharo River in block of that name i.e. Oruawharo [south]. KMB 8, 10.9.1901, fol 212.	'She [Mauku] was buried there.' A large and very extensive urupa.

¹ This information comes from Kaipara minute books 8 and 9

² Spelt 'Paraheka' in document.

Witness name	Pa, kainga and urupa and block	Comments
Heta Paikea	<p>Te Rapoutu pa, a wahi tapu in Paraheke Block. KMB 8, 20.9.1901, fol 308.</p> <p>Matawhero pa in Oruawharo (north) Block. KMB 8, 20.9.1901, fol 304.</p> <p>Te Mahuri a wahi tapu in Oruawharo (north) Block. KMB 8, 20.9.1901, fol 309; and KMB 9, 4.10.1901, fol 32..</p> <p>Rautaparure, a wahi tapu in Okahukura Block. KMB 8, 20.9.1901, fol 308.</p> <p>Pukekura, an urupa in Ripiro/Pouto Block. KMB 8, 20.9.1901, fol 309.</p> <p>Whakapae in Ripiro/Pouto Block. KMB 8, 20.9.1901, fol 308.</p> <p>Te Rengarenga in Oruawharo (north) Block. KMB 8, 20.9.1901, fols 308-309; and KMB 9, 4.10.1901, fol 35.</p> <p>Tikapuraunui a wahi tapu in Otioro & Te Topuni Block. KMB 9, 4.10.1901, fol 33.</p>	<p>'Te Rapoutu - "wahi tapu" is not simply confined to the pa - 1000 acres was laid off for the "wahi tapu".'</p> <p>A wahi tapu across the Kaipara from Oruawharo that was/is sacred to many Oruawharo people.</p> <p>An urupa located in an area that has strong links to Oruawharo.</p> <p>'The burial of Maata Poari at Te Rengarenga was under the "mana" of Mauku'.</p> <p>'I have heard there is a "wahi tapu" at Tikapuraunui'.</p>
Hemi Parata.	<p>Te Mahuri, a wahi tapu in Oruawharo (north) Block. KMB 8, 28.8.1901, fols 108-110.</p> <p>Te Patutoki, a kainga in Oruawharo (north) Block. KMB 8, 28.8.1901, fols. 108-110.</p> <p>Te Repa, a kainga in Oruawharo (north) Block. KMB 8, 28.8.1901, fols 108-110.</p>	
Wiremu Henare.	<p>Waingohe pa in Oruawharo (north) Block. KMB 8, 27.8.1901, fols 99-100.</p> <p>Te Topuni pa in Otioro & Te Topuni Block. KMB 8, 27.8.1901, fol 101.</p> <p>Te Wairere pa in Otioro & Te Topuni Block. KMB 8, 27.8.1901, fol 101.</p>	<p>'I now recollect that the pa orig[inally] belo[nge]d to Mauku, & Te Kiriwhakairo afterwards occup[ie]d it'.</p> <p>'When the people ret[urne]d from Waikato & Whangarei...they scattered about so as to re-occupy all their lands, lest it sh[oul]d be looked upon as having been "raupatu[e]d" - some located on land now before the C[our]t'.</p> <p>Refer to above citation.</p>

Witness name	Pa, kainga and urupa and block	Comments
Wi Wiapo.	Pukenui , a pa maioro in Pukenui Block. KMB 8, 26.8.1901, fol 86.	'Pukenui was a pa maioro'.
	Tikapuraunui , a kainga in Otioro & Te Topuni Block. KMB 8, 26.8.1901, fol 86.	'Tikapuraunui [at N[orth] E[ast] corner of [Otioro & Te Topuni] block was another place occupied by Tahu. [To C[our]t] That was a mahinga-kai - not a pa'.
	Marua , a nohoanga in Oruawharo (south) Block. KMB 8, 26.8.1901, fol 86.	'Another "nohoanga" of Tahu's...on S[outhern] side of Te Topuni Stream'.
	Pareparea , a nohoanga in northern part of Oruawharo (south) Block. KMB 8, 26.8.1901, fol 86.	'Another "nohoanga" of Tahu's...just outside this block [Otioro & Te Topuni] on E[astern] side of Te Hakoru Stream'.
	Otuhoē , a nohoanga in Kaitara No. 2 Block. KMB 8, 26.8.1901, fol 87.	'Another "nohoanga" of Tahu's ... a long way W[estward] of this block [Otioro & Te Topuni] & N[war]d of Nukuroa No. 1'.
	Tikapuraunui , a wahi tapu and urupa in Otioro & Te Topuni Block, KMB 8, 8.10.1901, fols 65-66; and KMB 9, 21.10.1901, fol. 168.	'An old "wahi tapu" on the land now before the C[our]t [Otioro & Te Topuni]'.
	Pukearenga , a wahi tapu nui and urupa in Pukenui Block. KMB 8, 8.10.1901, fol 65; and KMB 9, 21.10.1901, fol. 168.	'The dead bur[ie]d there [at Tikapuraunui] were afterwards "hahu[e]d" & taken to Pukearenga, wh[ich] is 2 or 3 miles N[orth] of Tikapuraunui'.
	Waiahina , a wahi tapu nui in Paraheke Block. KMB 8, 11.10.1901, fol 89; and KMB 8, 17.10.1901, fol 142.	'That "wahi tapu" belonged to all the hapus, Te Uriohau, Ngai Tahu, N[gati] Mauku & N[gati] Kauwae'.
	Te Rengarenga , an urupa in Oruawharo (north) Block. KMB 9, 11.10.1901, fols 89-90.	'Te Rengarenga was another "wahi tapu" - ...it belongs to all the hapus just named [above]'.
	Opekapeka , a wahi tapu in Opekapeka Block. KMB 9, 11.10.1901, fols 90-91.	'Another 'wahi tapu' is at Opekapeka- on W[estern] side of Te Topuni River'.
	Ohikanga , an urupa in Opekapeka Block. KMB 9, 7.10.1901, fol 142; and KMB 8, 3.9.1901, fol 156.	'I know of a "wahi tapu" named Ohikanga...I have heard that Paratene Taupuhi was bur[ie]d there'.
	Te Mahuri an urupa in Oruawharo (north) Block. KMB 9, 7.10.1901, fols 141-142.	'I know that Matiu [te Hauhapu] was bur[ie]d at Te Mahuri'.

Witness name	Pa, kainga and urupa and block	Comments
Wi Wiapo (continued)	<p>An unspecified burial site located in the large block known as Okahukura. KMB 9, 18.10.1901, fol 144.</p> <p>Waiahina, an urupa in Paraheke Block, a wahi tapu nui. KMB 9, 21.10.1901, fol 165; and KM8, 30.8.1901, fol 130.</p>	<p>'Te Poari died at Te Repa & was bur[ie]d at Okahukura'.</p> <p>'The [Paraheke] block was awarded to Matikikuha [Parakai] alone ... that is the "wahi tapu nui"... Waiahina is within that block - Matiu's children were buried there'.</p>
Paraone Hemana	<p>Huruhuru a pa maioro in Oruawharo (north) Block. KMB 8, fol 131, 30.8.1901.</p> <p>Kikitangiao, a pa maioro in Hoteo Block. KMB 8, 30.8.1901, fol 129.</p> <p>Paraheke, a pa maioro in Paraheke Block. KMB, 8, 30.8.1901, fol 129.</p> <p>Pareparea, a pa maioro in northern part of Oruawharo (south) Block. KMB 8, 30.8.1901, fol 129.</p> <p>Pahangahanga, a pa in Oruawharo (north) Block, KMB 8, 30.8.1901, fol 130.</p> <p>Pukemapau, a pa in Oruawharo (north) Block, KMB 8, 30.8.1901, fol 130.</p> <p>Rukuwai, a pa in Oruawharo (north) Block, KMB 8, 30.8.1901, fol 130.</p> <p>Matawhero, a pa in Oruawharo (north) Block, KMB 8, 30.8.1901, fols 130-131; and KMB 8, 3.9.1901, fol 154.</p> <p>Mauteahi a pa in Te Raekau Block. KMB 8, 30.8.1901, fol 131; and KMB 8, 4.9.1901, fol 170.</p> <p>Otioro, a pa maioro in Otioro & Te Topuni Block. KMB 8, 30.8.1901, fol 131.</p> <p>Waiharakeke a pa maioro in Oruawharo (north) Block. KMB 8, 30.8.1901, fol 131.</p> <p>Tahekeroa, a kainga in Otioro & Te Topuni Block. KMB 8, 3.9.1901, fol 153.</p>	<p>'Huruhuru was another pa - Rukuwai & others built it. It is 40 chains W[est]ward of Matawhero, & is a pa maioro'.</p> <p>'The first pa occup[ie]d by Tahinga was Kikitangiao... outside the block [Otioro & te Topuni] now before the C[our]t'.</p> <p>'Paraheke pa - at a place known by Europeans as Wharehine. It was a pa maioro'.</p> <p>'It was built by Te Aooterangi - [To C[our]t - Te Aooterangi was a des[cendan]t of Tahinga'.</p> <p>'It was built by des[cendan]ts of Te Karoro'.</p> <p>'It was built by N[gati] Awa, the people who were conq[ue]red by Tahinga'.</p> <p>'Rukuwai & others also built it'.</p>

Witness name	Pa, kainga and urupa and block	Comments
Paraone Hemana (continued)	<p>Te Mahuri, an urupa in Oruawharo (north) Block. KMB 8, 3.9.1901, fol 154.</p> <p>Ohikanga an urupa in Opekaepaka Block. KMB 8, 3.9.1901, fol 154.</p>	<p>'Rupuha ...and Horomona [were] bur[ie]d at Te Mahuri'.</p> <p>'Paratene Taupuhi died at Matawhero, & was taken to Ohikanga - a large "wahi tapu" of 'uri' of Te Karoro'.</p>
Henare Wharara Toka.	<p>Marua, a pa nohoanga in Otioro and Te Topuni Block. KMB 9, 22.10.1901, fol 174.</p> <p>Tikapuraunui, an urupa and wahi tapu on east side of Otioro Block. KMB 9, 22.10.1901, fol 174.</p> <p>Pukenui, a pa maioro in Pukenui Block. KMB 9, 22.10.1901, fol 176.</p> <p>Pukearanga, an urupa in Pukenui Block. KMB 9, 22.10.1901, fol 176.</p> <p>Turakirae, a wahi tapu in an unknown specific location in "south west part of rohe potae". KMB 9, 22.10.1901, fol 176.</p> <p>Te Rengarenga, a wahi tapu in Oruawharo (north) Block. KMB 9, 25.10. 1901, fol 209.</p> <p>Te Mahuri, a wahi tapu in Oruawharo (north) Block, KMB 9, 25.10 1901, fol 209.</p>	<p>'Not a pa maioro, it is a pa nohoanga'.</p> <p>'On the land actually before the C[our]t [i.e. Otioro & Te Topuni], there is a "wahi tapu" at Tikapuraunui'.</p> <p>'I know of certain "wahi tapu" wh[ich] are near this land. Turakirae is one. That is near the S[outh] W[est] port[io]n of the "rohe potae". There is another in that locality, but I forget the name just now. I heard of it as a "wahi tapu nui ".'</p>
Tenetahi Te Heru	<p>Te Raekau, a kainga tuturu in Te Raekau Block. KMB 8, 6.9.1901, fols 182 and 189.</p>	

Appendix 2:
Native Land Court Title Investigations and Awards (1865-1904)
and alienation of the blocks (1865-1920s) at Oruawharo

PUKETOTARA¹

Acreage	8637:2:30
Date of Title Investigation	28 June 1865
Claimants	Wiremu Tipene Hawato in name of 19 persons & 'whole of Uriohau tribe.'
Witnesses and their hapu/iwi affiliation	<p>1) Wiremu Tipene Hawato Hapu/iwi affiliation not stated. Elsewhere, Hemi Parata states Hawato is 'N'Mauku, Te Uriohau, N'Kura, Ngai Tahu.'³</p> <p>2) Pairama Hapu/iwi affiliation not stated</p> <p>3) Arama Karaka Haututu Hapu/iwi affiliation not stated. Elsewhere usually Ngai Tahu/ Te Uriohau</p> <p>4) Matikikuha Parakai: supports Wiremu Tipene Hawato Hapu/iwi affiliation not stated. He explains that Uriohau has 4 sub-divisions: N'Kauae, N'Kura, N'Mauku, Uriohau</p>
Judgement and titleholders	<p>Title award in name of Wiremu Tipene Hawato only. The assessor in this investigation was Wiremu Tipene Hawato: 'Certificate ordered for Wiremu Tipene Hawato'.</p> <p>No restrictions or conditions recorded in minutes.⁴</p>

ALIENATION OF THE PUKETOTORA BLOCK

Acreage	Title date	No. of Owners	Sale or lease	Date of alienation	Alienee	Price
8,637	27.6.1865	1	Sale	Not known (c.1865)	Hargreaves	£500

¹ Kaipara Native Land Court minute book 2, 28 June 1865, fols 27-28

² Wiremu Tipene Hawato, Kaipara Native Land Court minute book 1, 28 June 1865, fol 27

³ Hemi Parata, Kaipara Native Land Court minute book 8, 24 September 1901, fol 329

⁴ Kaipara Native Land Court minute book 1, 28 June 1865, fol 28

TE OPU⁵

Acreage	794:0:0
Date of Title Investigation	21 May 1869
Claimants	1) Arama Karaka Haututu (on behalf of Uriohau) 2) Riria Rangaanu (on behalf of Ngai Tahu)
Witnesses and their hapu/iwi affiliation	1) Arama Karaka Haututu Hapu/iwi affiliation: in evidence Arama Karaka implied he was a representative of Uriohau and that Riria was of Ngai Tahu
Judgement and titleholders	Arama Karaka Haututu Riria Rangaanu

ALIENATION OF THE TE OPU BLOCK

Acreage	Title date	No. of Owners	Sale or lease	Date of alienation	Alienee	Price
794	21.5.1869	2	Sale	Not known (1869)	Not known	Not known

⁵ Kaipara Native Land Court minute book 2, 21 May 1869, fol 169

PARAHEKE⁶

Acreage	1633:0:00 ⁷
Date of Title Investigation	16 August 1866
Claimants	1) Matikikuha Parakai: 'I claim with 4 other persons: Paikea, Rupuha, Hemana, & Paratene Taupuhi & 3 tribes: Te Uriohau, Ngati Mauku, and Ngati Kauae' ⁸
Witnesses and their hapu/iwi affiliation	1) Matikikuha Parakai Hapu/iwi affiliation not explicit 2) Manukau Rewharewha Hapu/iwi affiliation not explicit 3) Paramena Hapu/iwi affiliation: Te Taou. He supports Matikikuha 4) Arama Karaka Haututu Hapu/iwi affiliation not stated. He opposes Matikikuha but in the Court's opinion not 'fairly disputed.' ⁹
Judgement and Titleholders	'Ordered that a Certificate of Title issue to: Matikikuha [Parakai], Paikea [Te Hekeua], Rupua [Rupuha Te Korohunga ?], [Paraone ?] Hemana, Paratene Taupuhi.' ¹⁰ No restrictions or conditions recorded in minutes ¹¹

ALIENATION OF THE PARAHEKE BLOCK

Acreage¹²	Title date	No. of owners	Lease or sale	Date of alienation	Alienee	Price
153:0:00	16.11.1866	5	Sale	26.2.1869	William Frederick Judson of Kaipara, farmer	£306
108:0:00	16.11.1866	5	Sale	10.10.1871	Geo. Harden & D.S. Sheffield of Kaipara, settlers	£124/4

⁶ Kaipara Native Land Court minute book 1, 16 August 1866, fol 68

⁷ Note that this figure is at odds with the later surveyed area of 1090 acres, nil roods and nil perches

⁸ Evidence of Matikikuha Parakai, Paraheke Title Investigation, Kaipara Native Land Court minute book 1, 16 August 1866, fol 68

⁹ Court, Paraheke Title Investigation, Kaipara Native Land Court minute book 1, 16 August 1866, fol 68

¹⁰ Kaipara Native Land Court minute book 1, 16 August 1866, fol 68

¹¹ Kaipara Native Land Court minutebook 1, 16 August 1866, fol 69

¹² Please note that these divisions of the block do not seem to have been given numbers or names

213:1:00	16.11.1866	7	Sale	1.8.1877	Matthew Armstrong of North Oruawharo, settler	£213
43:0:00	16.11.1866	7	Sale	2.10.1880	Albert Elliott, of Kaipara, settler	£13
572:3:00 (majority interest)	16.11.1866	17	Sale	10.3.1892	Francis Mander, timber merchant, of Port Albert	£284
572:3:00 (balance of interest in)	16.11.1866	1	Sale	8:10:1892	Francis Mander	£8/2/4

TE RAEKAU¹³

Acreage	95:0:0
Date of Title Investigation	20 February 1868
Claimants	Mereana Hauhapai
Witnesses and their hapu/iwi affiliation	1) Mereana Hauhapai Hapu/iwi affiliation: Te Uriohau 2) Pita Whakapae Hapu/iwi affiliation not explicit 3) Te Hira Matiu Hapu/iwi affiliation not explicit
Judgement and titleholders	‘Certificate awarded in favour of: Mereana Hauhapai Pita Whakapae Hira Matiu Reihana Upe Heri Maruaikura Hemi Te Titaha’ ¹⁴ ‘Inalienable by sale or by lease of more than 21yrs.’ ¹⁵

ALIENATION OF THE RAEKAU BLOCK

	Acreage	Title date	No. of Owners	Sale or lease	Date of alienation	Alienee	Price
2A	32:0:03	20.2.1868	5	Sale	Not known	Not known	Not known
2B	30:0:27	20.2.1868	4	Lease	1878	R.Ross	25 pa
3	30:0:00	20.2.1868	2	Sale	Not known	Not known	Not known
1	1:2:02	20.2.1868	6	Not known	Not known	Not known	Not known

¹³ Kaipara Native Land Court minutebook 2, 20 February 1868, fol 57

¹⁴ Kaipara Native Land Court minutebook 2, 20 February, 1868, fol 58

¹⁵ Kaipara Native Land Court minutebook 2, 20 February 1868, fol 58

NUKUROA¹⁶

Acreage	7400:0:0
Date of Title Investigation	22 February 1868
Claimants	1) Matikikuha Parakai 2) Arama Karaka Haututu 3) Paikea Te Hekeua
Witnesses and their hapu/iwi affiliation	1) Matikikuha Parakai Hapu/iwi affiliation: Ngati Mauku & Ngati Kauwae 2) Arama Karaka Haututu Hapu/iwi affiliation: Ngai Tahu 3) Paikea Te Hekeua Hapu/iwi affiliation: Ngati Mauku & Ngati Kauwae 4) Te Poari Totara Hapu/iwi affiliation: Ngai Tahu, Ngati Mauku & Ngati Kauwae 5) Rupuha Te Korohunga Hapu/iwi affiliation: Ngati Mauku & Ngati Kauwae
Judgement and titleholders	‘Ordered that a Certificate of Title issue to Paikea Te Hekeua, Rupuha Te Korohunga, & Arama Karaka Haututu for a piece of land known as <u>Nukuroa No. 1</u> of 5930 acres’ ‘And that a Certificate of Title issue to Matikikuha Parakai, & Te Poari Totara to a piece of land known as <u>Nukuroa No.2</u> of 1470 acres’ ‘No satisfactory evidence to enable the Court to comply with Clause 17’ ¹⁷ No explicit restrictions or conditions

ALIENATION OF THE NUKUROA BLOCK

	Acreage	Title Date	No. of owners	Sale or Lease	Date of alienation	Alienee	Price
1A	371:0:00	19.11.1901	12	Sale	1.2.1911	R. Ross	£371
1A	--	19.11.1901	12	Sale (part 424/3/17)	5.6.1912 & 10.2.1913	Elizabeth Stewart	£531
1C	788:3:35	19.11.1901	25	Sale	April 1913	M. Eyre	£85
2B6	122:0:00	13.4.1907	8	Sale	2.4.1913 & 5.5.1913	F.C. Western	£180
1B2	494:0:00	24.3.1908	36	Sale	29.9.1913	Elizabeth Stewart	£494
1A (part)	-	19.11.1901	15	Sale (part 18/11/13)	18.11.1913	F. Ormond	£83/5

¹⁶ Kaipara Native Land Court minutebook 2, 22 February 1868, fols 63-66

¹⁷ Kaipara Native Land Court minutebook 2, 22 February 1868, fol 66

2B5	245:0:00	13.4.1907	11	Sale	25.11.1913	D.A. Williams	£306/5
1F2	527:0:00	24.3.1908	8	Sale	25.4.1914	W. Hutchins on	£500
1F3	1054:0:3 2	24.3.1908	24	Sale	22.5.1914	E.M. Eddowes	£1317/15
1F1	527:0:16	24.3.1908	21	Lease	5.2.1916	Wiremu Watene	£1/15/- per acre
1C	788:3:35	19.11.1901	5	Sale (part 12/3/00)	14.6.1916	R.Ross	£127/10
1C	788:3:35	19.11.1901	5	Sale (part 393/2/12)	26.3.1918	Nukuroa Fruitland s	£2,558/5
1C	788:3:35	19.11.1901	5	Sale (part 9/0/26)	18.3.1921	Nukuroa Fruitland s	£59/19/3
1F1	527:0:16	24.3.1908	21	Sale	31.7.1923	A. Alison	£800
1C	788:3:35	19.11.1901	5	Sale (part 359/2/01)	5.9.1928	Mrs R.Ross	£1,078/1 0

NGAHOKOWHITU

Acreage	185:0:0
Date of Title Investigation	22 February 1873
Claimants	1) Heta Paikea (1 st claimant) 2) Matikikuha Parakai (co-claimant) 3) Te Reweti Tamahiki (counter-claimant)
Witnesses and their hapu/iwi affiliation	1) Heta Paikea Hapu/iwi affiliation: Te Uriohau 2) Matikikuha Parakai Hapu/iwi affiliation: Te Uriohau 3) Te Reweti Tamahiki Hapu/iwi affiliation not stated, but elsewhere he is Ngaoho 4) Paraone Ngaweke Hapu/iwi affiliation: Mangamata
Judgement and titleholders	'Certificate of Title awarded to: Arama Karaka Haututu, and Paikea Te Hekeua' No restrictions or conditions recorded in minutes ¹⁸

ALIENATION OF NGAHOKOWHITU

	Acreage	Title date	No. of owners	Sale or Lease	Date of alienation	Alienee	Price
1A	185	18.2.1873	5	Sale	6.7.1880	R. Nicolson	Not known

¹⁸ Kaipara Native Land Court minute book, 24 February 1873, folio 28

OKAHUKURA¹⁹

Acreage	24,000:0:00
Date of Title Investigation	30 July 1877
Claimants	1) Te Tarehu 2) Pairama Ngutahi
Witnesses and their hapu/iwi affiliation	1) Te Tarehu Hapu/iwi affiliation: Ngati Whatua 2) Pairama Ngutahi Hapu/iwi affiliation: Te Uriohau
Judgement and titleholders	<p>‘Order for memorial in favour of [5 named titleholders all of N.Whatua iwi and various hapu within that] for <u>Okahukura No. 1.</u> being the southern portion of estimated area 12,000 acres’</p> <p>‘And, Order for memorial in favour of [25 named titleholders, of no specified iwi/hapu, but on other evidence, they are mostly of Te Uriohau, Ngai. Tahu, Ngati Mauku, etc] for <u>Okahukura No.2,</u> being the northern portion of estimated area 12,000 acres’²⁰</p> <p>No explicit conditions or restrictions recorded in minutes</p>

ALIENATION OF OKAHUKURA

	Acreage	Title date	No. of owners	Lease or sale	Date of Alienation	Alienee	Price
No.1	12,517	30.6.1877	5	Sale	30.7.1878	T Fitzgerald	Not known
No.2	11,322	30.6.1877	5	Sale	30.7.1878	T Fitzgerald	Not known

¹⁹ Kaipara Native Land Court minutebook 3, 30 June 1877, fols 255-258

²⁰ Kaipara Native Land Court minutebook 3, 30 June 1877, fol 258

OHOAPEWA²¹

Acreage	116:0:0
Date of Title Investigation	11 August 1882
Claimants	1) Matikikuha Parakai 2) Eruera [Mahi] (co-claimant) 3) Horomona (co-claimant)
Witnesses and their hapu/iwi affiliation	1) Matikikuha Parakai Hapu/iwi affiliation: Ngati Mauku [Hapu/iwi affiliations for Eruera: Ngati Mauku and Ngati Kauwae; for Horomona: Ngati Mauku and Ngati Kauwae]
Judgement and Titleholders	'Order to issue in favour of under-mentioned persons: Matikikuha [Parakai], Ngamako Pura, Eruera Mahi, Ani Pura & Horomona Aria' ²² No explicit conditions or restrictions recorded in minutes.

ALIENATION OF OHOAPWEA

Block	Acreage	Title date	No. of owners	Lease or sale	Date of Alienation	Alienee	Price
Ohoapewa	116	11.8.1882	1	Sale	Pre-1884	R Ross	£300

²¹ Kaipara Native Land Court minutebook 3, 30 June 1877, fols 255-258

²² Kaipara Native Land Court minutebook 4, 11 August, 1882, fol 154

WAIMANU²³

Acreage	674:0:0
Date of Title Investigation	11 September 1882
Claimants	Matikikuha Parakai
Witnesses and their hapu/iwi affiliation	1) Matikikuha Parakai Hapu/iwi affiliation: Ngati Mauku 2) Heta Paieka Hapu/iwi affiliation not stated 3) Te Teke Hapu/iwi affiliation not stated
Judgement and Titleholders	'Order to issue in favour of under-mentioned persons: Matikikuha [Parakai], Te Teke, Hohepa Koni, Paraone Hemana, Te Tatana Hemana.' No explicit conditions or restrictions recorded in minutes

ALIENATION OF WAIMANU

Acreage	Title Date	No. of owners	Lease or sale	Date of Alienation	Alienee	Price
674	11.8.1882	5	Sale	5.12.1886	R. Nicholson	Not known

²³ Kaipara Native Land Court minutebook 4, 11 August 1882, fols141-143

NUHAKA

Acreage	2:0:0
Date of Title Investigation	27 June 1885
Claimants	Matikikuha Parakai
Witnesses and their hapu/iwi affiliation	Matikikuha Parakai Hapu/iwi affiliation: Ngati Mauku
Judgement and titleholders	‘Ordered that Matikikuha [Parakai] & 5 others have the order made out in their names’ ²⁴ No explicit conditions or restrictions recorded in minutes

ALIENATION OF NUHAKA

	Acreage	No. of owners	Lease or sale	Date of Alienation	Alienee	Price
Nuhaka	2:0:0	5	Sale	1885	Methodist Misson	‘Gift’

²⁴ Kaipara Native Land Court minutebook 4, 27 June 1885, fol 296

OTIORO & TE TOPUNI²⁵

Acreage	OTIORO 1220:0:0 TE TOPUNI 3012:0:0 Total.....4232:0:0
Date of Title Investigation	26 August 1901 - 21 November 1901
Claimants	The NLC ruled that three claims would be heard, and in this order: 1) Counter-claim by Paraone Hemana on behalf of Ngati Kauwae, hapu of Ngati Tahinga & conducted by Paraone Hemana 2) Counter-claim by Te Tapihana Eramiha Paikea, on behalf of Ngati Mauku, hapu of Te Uriohau, & conducted by Pekamu Te Rua 3) Claimants' case by Anaru Wiapo on behalf of Ngai Tahu, & conducted by Anaru Wiapo
Witnesses and their hapu affiliation	1) Paraone Hemana Hapu affiliation: Ngati Kauwae, hapu of Ngati Tahinga 2) Tenetahi Te Heru Hapu affiliation: not stated (associated with Ngati Manuhiri and Te Uriokatea, witness for Ngati Kauwae, hapu of Ngati Tahinga) 3) Hone Eruera (alias Matitikuha Eruera) Hapu affiliation: says he is 'really in all the cases set up' 4) Te Tapihana Eramiha Paikea Hapu affiliation: Ngati Mauku, sub-hapu of Te Uriohau, hapu of Ngati Whatua 5) Heta Paikea Hapu affiliation: Hapu of Te Uriohau, within that name I am also Ngati Mauku 6) Hare Pomare Hapu affiliation: Te Uriohau 7) Wi Wiapo Hapu affiliation: Ngai Tahu 8) Wiremu Henare Hapu affiliation: Te Uriohau hapu, sub-hapu of Ngati Mauku 9) Hemi Parata Hapu affiliation: Te Uriohau
Judgment and titleholders	Court: '3 parties have claimed whole land, under entirely different takes, each denying the right of others, but this Ct is of opinion that no party has clearly proved exclusive right'. ²⁶ The title award: 1) Anaru Wiapo, list of 53 persons = 200 shares 2) Paraone Hemana's list of 41 persons = 350 shares 3) Te Tapihana Eramiha Paikea's list of 66 persons = 263 shares 4) Wiri Henare Toka (under Paikea's claim) = 187 shares 5) Matitikuha Eruera (solely) with 52 shares No explicit conditions or restrictions recorded in minutes

²⁵ Kaipara Native Land Court minute book 8, 26 August-26 September 1901, fols 261-310, 318-382; Kaipara Native Land Court minute book 9, 30 September-18 October 1901, fols 1-37, 46-93, 103-202, 206-229, 262, 367-372, 376-378, 380-382; 25 October-21 November 1901; Kaipara Native Land Court minute book 10, 21-25 November 1901, fols 1-6, 226-236

²⁶ Kaipara Native Land Court minute book 10, 20 November 1901, fols 376-378

(1)

(2)

(3)

OTIORO & TE TOPUNI²⁵

Acreage	OTIORO 1220:0:0 TE TOPUNI <u>3012:0:0</u> Total 4232:0:0
Date of Title Investigation	26 August 1901 – 21 November 1901
Claimants	14 claims were initially lodged. The NLC ruled that a net three claims would be heard, and in this order: 1) Counter-claim by Paraone Hemana on behalf of Ngati Kauae, hapu of Ngati Tahinga & conducted by Paraone Hemana. 2) Counter-claim by Te Tapihana Eramiha Paikea, on behalf of N' Mauku, hapu of Te Uriohau, & conducted by Pekamu Te Rua. 3) Claimants' case by Anaru Wiapo on behalf of Ngai Tahu, & conducted by Anaru Wiapo
Witnesses and their hapu/iwi affiliation	1) Paraone Hemana Hapu/iwi affiliation: Ngati Mauku of Ngati Tahinga 2) Tenetahi Te Heru Hapu/iwi affiliation not stated 3) Hone Eruera (alias Matiki-kuha Eruera) Hapu/iwi affiliation: Ngati Mauku, hapu of Te Uriohau 4) Te Tapihana Eramiha Paikea Hapu/iwi affiliation: Ngati Mauku, hapu of Te Uriohau 5) Heta Paikea Hapu/iwi affiliation not stated 6) Pekamu Te Rua Hapu/iwi affiliation: Ngai Tahu 7) Wi Wiapo Hapu/iwi affiliation: Ngai Tahu
Judgement and titleholders	Court: '3 parties have claimed whole land, under entirely different takes, each denying the right of others, but this Ct is of opinion that no party has clearly proved exclusive right.' ²⁶ The title award: 1) Anaru Wiapo's list of 53 persons = 200 shares. 2) Paraone Hemana's list of 41 persons = 350 shares. 3) Te Tapihana Eramiha Paikea's list of 66 persons = 263 shares. 4) Wi Henare (under Paikea's claim) = 187 shares. 5) Matikikuha Eruera (solely) with 52 shares No explicit conditions or restrictions recorded in minutes

²⁵ Kaipara Native Land Court minutebook 8, 26 August-26 September 1901, fols 261-310, 318-382; Kaipara Native Land Court minutebook No. 9, 30 September-18 October 1901, fols 1-37, 46-93, 103-202, 206-229, 262, 367-372, 376-378, 380-382; 25 October-21 November 1901, Kaipara Native Land Court minutebook 10, 21-25 November 1901, fols 1-6, 226-236

²⁶ Kaipara Native Land Court minutebook 10, 20 November 1901, fols 376-378

ALIENATION OF OTIORO (of 1,220 acres)

Block No.	Acreage	Title Date	No. of owners	Lease or sale	Date of alienation	Alienee	Price
2A	64:0:00	7.4.1914	1	Sale	13.6.1916	G. Harris	£95
3	176:0:00	11.7.1910	6	Sale	28.7.1917	G. Harris	£252
2B1	128:0:00	11.9.1914	8	Sale	11.9.1914	G. Harris	£219
2B2A	68:0:00	24.3.1915	4	Sale	24.3.1915	G. Harris	£318
2B2B	38:0:01	24.3.1915	10	Sale	24.3.1915	G. Harris	£76
1A	58:1:19	11.7.1910	4	Sale	Not known (c.1910s)	Frances Ormond	£138/6/8
1B	571:3:25	11.7.1910	46	Lease	Not known (c.1910s) ²⁷	Frances Ormond	Not known
2B2C	97:3:28	24.3.1915	9	Sale	24.3.1915	G. Harris	£134/15

ALIENATION OF OTIORO & TE TOPUNI (of 3,012 acres)

Block No.	Acreage	Title Date	No. of owners	Lease or sale	Date of alienation	Alienee	Price
C	98:2:17	21.11.1901	28	Sale	4.10.1911	W. Ross	£99
D	1734:0:24	21.11.1901	27	Lease	23.8.1912	G. Harris	11/- per acre
B	538:0:00	21.11.1901	8	Sale	10.3.1913	G. Harris	£807/-/-
D	1747:0:00	21.11.1901	12	Lease	29.9.1913	G. Harris	£1 per acre
A1	147:1:37	20.10.1910	4	Sale	30.3.1914	W.S. Wilkinson	£183/15
A2A	107:0:00	27.7.1911	4	Sale	2.9.1915	W.S. Wilkinson	£168
A3	243:2:09	20.10.1910	30	Sale	7.6.1916	E.H. Little	£320

²⁷ Not sold until at least the 1950s

ORUAWHARO (NORTH) AND OPEKAPEKA²⁸

Acreage	<p>ORUAWHARO (North) 2024:0:00</p> <p>OPEKAPEKA; <u>2244:0:00</u></p> <p>Total 4268:0:00</p>												
Date of Title Investigation	18 November 1904 - 1 December 1904												
Claimants	<p>1) Pepa Tauke (claimant)</p> <p>2) Anaru Wiapo</p> <p>3) Pairama</p> <p>4) Mihaka Makoare</p> <p>5) Wiri Henare</p>												
Witnesses and their hapu/iwi affiliation	<p>1) Pepa Tauke Hapu/iwi affiliation: Ngati Mauku & Ngati Kauwae</p> <p>2) Anaru Wiapo Hapu/iwi affiliation: Ngati Mauku of Uriohau</p> <p>3) Otene Paora on behalf of Pairama Hapu/iwi affiliation: Ngati Mauku (i.e. Pairama)</p> <p>4) Mihaka Makoare Hapu/iwi affiliation: Ngati Mauku</p> <p>5) Wiri Henare Hapu/iwi affiliation: N' Mauku & Ngai Tahu</p> <p>6) Taphana Eramiha Paiea Hapu/iwi affiliation not stated but in support of Ngati Mauku</p>												
Judgement and titleholders	<p>Title award for both blocks is:</p> <table> <tr> <td>1) Otene Paora's party:</td> <td>80 shares</td> </tr> <tr> <td>2) Mihaka Makoare's party:</td> <td>20 shares.</td> </tr> <tr> <td>3) Wiri Henare:</td> <td>200 shares.</td> </tr> <tr> <td>4) Anaru Wiapo's party:</td> <td>1450 shares.</td> </tr> <tr> <td>5) Pepa Tauke's party:</td> <td><u>2500 shares</u></td> </tr> <tr> <td></td> <td>4250 shares</td> </tr> </table> <p>N.B the way in which this was represented on the ground is very unclear from the incomplete lists in the Kaipara Minute Book. Sometimes names were given; in some cases areas were un-surveyed and contentious. This is an approximation from all available sources:</p> <p>Opekapeka A 970 acres, 1 titleholder.</p> <p>Opekapeka B 274 acres, 3 members of the Eruera family</p> <p>Opekapeka C 50 acres, ? titleholders</p> <p>Opekapeka D 200 acres, 1 titleholder: P. Hemana.</p> <p>Opekapeka E 244 acres, 3 members of the Paiea family</p> <p>Opekapeka F 120 acres, ? titleholders</p> <p>Opekapeka G 110 acres, ? titleholders (inc.Anaru Wiapo)</p> <p>Oruawharo (North) A.: 1973 acres</p> <p>Oruawharo (North) B.: 80 acs (Pairama whanau)</p>	1) Otene Paora's party:	80 shares	2) Mihaka Makoare's party:	20 shares.	3) Wiri Henare:	200 shares.	4) Anaru Wiapo's party:	1450 shares.	5) Pepa Tauke's party:	<u>2500 shares</u>		4250 shares
1) Otene Paora's party:	80 shares												
2) Mihaka Makoare's party:	20 shares.												
3) Wiri Henare:	200 shares.												
4) Anaru Wiapo's party:	1450 shares.												
5) Pepa Tauke's party:	<u>2500 shares</u>												
	4250 shares												

²⁸ Kaipara Native Land Court Minute 11, 18 November-12 December 1904, fols 36-54, 56-62, 68-90, 93, 102-103

	Oruawharo (North) C.: 70 acs Oruawharo (North) D.: 150 acs (including Toka) No explicit conditions or restrictions recorded in minutes. ²⁹
--	---

ALIENATION OF OPEKAPEKA (of 2,024 acres)

No.	Acreage	Title Date	No. of owners	Lease or sale	Date of alienation	Alienee	Price
A	932:0:00	1.12.1904	1 (Ripeka Paenganui)	Sale (part)	6.7.1909	M. Eyre	£785
				Sale (part)	18.10.1911	G.S. Downey	Not known
E	244:0:00	1.12.1904	9 (Paikaea whanau)	Sale	29.9.1913	J.H. Jackson	£437
G	112:0:00	1.12.1904	6	Sale	29.9.1913	G.S. Downey	£168
D	193:0:00	1.12.1904	1 (Paratene Hemana)	Lease (50 years)	22.7.1907	G.S. Downey	
				Sale	13.10.1915	W. Payne	£250
F1	65:2:03	15.12.1914	6 (including AW Wiapo)	Sale	1.10.1918	H. Trewin	Not known
B1	96:1:13	Not known	1 (Ani Pura)	Sale	20.9.1919	S. Smith	Not known
B2	192:2:27	Not known	2 (M Eruera & Akuira H Eruera)	Sale	22.12.1921	S. Smith	Not known

ALIENATION OF ORUAWHARO (NORTH) (of 2,244 acres)

No.	Acreage	Title Date	No. of owners	Lease or sale	Date of Alienation	Alienee	Price
A1B	322:1:00	26.6.1914	1 (Ngahuia Pura)	Sale	14.1.1918	Horace Hammond and L. Spanhake	Not known
A8A	105:1:08	Not known	Not known	Sale	After 1920	E.C. Farr	Not known
D2A	53:0:00	9.9.1919	1 (W.H. Toka)	Sale	Before 11.1.1922	W.H.H. Jackman	Not known

²⁹ Kaipara Native Land Court minutebook 11, 12 December 1904, fols 102-103

TE UAKI³⁰

Acreage	185:0:00
Date of Title Investigation	20 January 1876
Claimants	Arama Karaka Haututu: 'It belongs to me and my tribe, Uriohau. I wish my own name and Te Poari Totara to be put in the Memorial' ³¹
Witnesses and their hapu/iwi affiliation	Arama Karaka Haututu Hapu/iwi affiliation: Te Uriohau (He does not state an affiliation for Te Poari Totara)
Judgement and titleholders	Title awarded to Arama Karaka Haututu and Te Poari Totara No explicit conditions or restrictions recorded in minutes

ALIENATION OF THE TE UAKI BLOCK

Acreage	Title date	No. of Owners	Sale or lease	Date of alienation	Alienee	Price
185.0.00	20.1.1876	2	Sale	Between 1876 & 10.4.1880	Joseph Hargreaves of Kaipara, settler	Not known

³⁰ Kaipara Native Land Court minutebook 3, 21 January 1876, fol 138

³¹ Kaipara Native Land Court minutebook 3, 21 January 1876, fol 138

Appendix 3:
Oruawharo Land Taken for Railway and Roads

Table 1: Land Taken under Proclamation in 1909 for Railway under Section 138 of the Public Works Act 1908

General land area	Land block	Maori land area	Land block
7: 2:11.8	Section 117	0: 0:38	Otioro & Te Topuni [A], 7427 ¹
1: 1:22.7	Section 117A	2: 1:38.5	Otioro & Te Topuni [A], 7427
2: 2:00	Section 116	18:1:03	Otioro & Te Topuni [A], 7427
6: 2:01.1	Section 115	6: 1:04	Otioro No. 1[B], 7427 ²
11: 2:01	Section 114	4: 1:10	Nukuroa 1C 632 ³
3: 3:30	N.E. port. Sect 113	0: 0:28	Road
0: 3:22.5	N.E. port. Sect.113	2: 2:06.4	Nukuroa 1B 7116 ⁴
0: 0:38	W. port. Sect.113	0: 0:02	Road
2: 3:10.7	Road	0: 0:07.2	Nukuroa 1B 7116
0: 0:16.3	W. port. Sect.113	0: 1:18.3	Road
0: 0:38.3	N.E. port. Sect.113	0: 0:05.3	Road
1: 2:18	N. port. Sect.113	4: 2:03	Nukuroa 1B 7116
0: 0:31.2	Road	0: 0:36	Road
16: 2:26	E. port. Sect.110		
19: 0:02	E. port. Sect.110		
1: 0:30	E. port. Section 110		
1: 3:15	Section 185		
12: 1: 02	Section 184		
0: 2: 00	Section 184A		
0: 0:22.3	S. port. Sect 179		
1: 1:05.5	N. port. Sect.181		
5: 3:24	S. port. Sect.181		
0: 1:36.9	N. port.Sect.181		
13: 2:14	Waimanu Block, 3993		
TOTAL		TOTAL	
114: 0.34.4		39:2:00.7	

Source: *New Zealand Gazette* 33, 22 April 1909, p 1100

¹ Otioro & Te Topuni A of 200 acres was created by Court Order on 21 December 1901. No Crown Grant was issued. The block was partitioned in to A1, A2, and A3 on 20 October 1910.

² Otioro 1 was partitioned into 1A and 1B on 11 July 1910. No Crown Grant was issued.

³ Nukuroa 1C of 534 acres, 1 rood and nil perches was created on 25 January 1906. No Crown Grant was issued. It was alienated April 1913 by way of sale to M. Eyre.

⁴ Nukuroa 1B was created on 25 January 1906. No Crown Grant was issued. The first alienation (partition and sale) - occurred in 1913.

Table 2: Land Taken under Proclamation in 1909 for Road Diversions under Section 138 of the Public Works Act 1908

General land area	Land block		Maori land area	Land block
2: 3:12	W. portion Section 113		0: 0:23	Nukuroa 1B 7116 ⁵
0: 2:14	N. portion Section 113		0: 1:37.5	Nukuroa 1B 7116
0: 0:20.3	E. portion Section 1		0: 0:02.7	Nukuroa 1B 7116
			0: 0:03.6	Nukuroa 1B 7116
TOTAL			TOTAL	
3: 2:06.3			0: 2:26.8	

Source: *New Zealand Gazette* 33, 22 April 1909, p 1100

⁵ Nukuroa 1B was Maori land in 1912. The first alienation (partition and sale) - in 1B occurred in 1913.

Table 3: Land Taken under Proclamation in 1911-1912 for Railway under Section 138 of the Public Works Act 1908.

General land area	Land block	Maori land area	Land block
1911		1911	
3: 1: 20	Otioro No. 1[A]. ⁶	0: 1:13	Nukuroa 1B, Section 1
10: 0:37	Nukuroa 1A, Section 1. ⁷	14: 1:16	Otioro No. 1[B]. ⁸
TOTAL		TOTAL	
13: 2:17		14: 2:29	

General land area	Land block	Maori land area	Land block
1912		1912	
0: 0:31	Section 117	3: 3:24	Otioro & Te Topuni [C] Block. ⁹
0: 0:04	Section 116	1: 1:30	Nukuroa No.1[C] Block. ¹⁰
1: 2:22	Section 115		
0: 1:09	Section N.E. 113		
0: 1:20	Road		
0: 1:31	Road		
0: 1:37	Section 184		
1: 0:18	Section S.181		
0: 0:11.5	Section N. 181		
0: 1:35	Waimanu Block		
1: 2:24	Ohoapewa Block		
TOTAL		TOTAL	
5: 0:13.5		5: 0:14	

Source: *New Zealand Gazette* 74, 18 September 1911, p 2808 and *New Zealand Gazette* 13, 15 February 1912, p 695

⁶This has been identified as 1A. The *Gazette* states it as simply Otioro1 which was partitioned into 1A & 1B on 11 July 1910. 1A was sold to F. Ormond on 11 July 1910. 1B remained Maori land until 1913 when it was sold.

⁷ Nukuroa 1A was European land from 1 February 1911 when it was sold to R. Ross.

⁸ This has been identified as 1B. The *Gazette* states it as simply Otioro1.

⁹ This has been later identified by the writer as Otioro & Te Topuni C of 98 acres 2 roods 17 perches, and was created by Court Order on 21 December 1901. No Crown Grant was issued.

¹⁰ This has been provisionally identified as part of Nukuroa 1C, which block of 534 acres and 1 rood was created by partition on 25 January 1906. Nukuroa 1C was alienated by way of sale April 1913.

Table 4: Land Taken under Proclamation in 1912 for Road Diversion under Section 138 of the Public Works Act 1908

General land area	Land block		Maori land area	Land block
0: 0:27.5	Section N. 113 and E. 110		0: 1: 21	Nukuroa No. 1C ¹¹
0: 3:23	Sections 184 and 185			
TOTAL			TOTAL	
1: 0:13.5				

Proclamation 10 February 1912 ¹² For Road-Diversion.

Source: *New Zealand Gazette* 13, 15 February 1912, p 695

Table 5: Land Taken under Proclamation in 1939 for Railway under Sections 34 & 216 of the Public Works Act 1928

General land area	Land block		Maori land area	Land block
0:1:31.2	Otioro No. 1		Nil	
0:1:26.7	Nukuroa 1B1			
TOTAL			TOTAL	
0:3:16.9				

Proclamation 7 June 1939 for Railway.

Source: *New Zealand Gazette* No. 46, 22 June 1939, pp 1847-1848

¹¹ Nukuroa 1C of 534 acres and 1 rood was created by partition on 25 January 1906. Nukuroa 1C was alienated by way of sale April 1913.

¹² The statutory authority for this proclamation was section 138 of the Public Works Act 1908, and was first published in the *New Zealand Gazette* No. 13, 15 February 1912, p. 695.

Table 6: Land Taken under Proclamation in 1931 for Roads Under Sections 49 & 51 of the Native Land Amendment Act 1913 and Section 15 of the Native Land Amendment Act 1914

General land area	Land block	Maori land area	Land Block
		3: 1:33	Nukuroa 1G ¹³
		0: 0:34	Nukuroa 1G
		8: 1:38	Nukuroa 2A ¹⁴
		1: 3:37	Nukuroa 2A
TOTAL		TOTAL	
		6: 0:42	

Source: *New Zealand Gazette* 96, 19 December 1931, p 3572

NB The figures in the schedules above were published in the *New Zealand Gazette*. They figures have been checked where relevant against the minutes of the Native Land Court and the archival Public Works files.¹⁵ There are only minor discrepancies between the extant records as to the precise amounts taken and from what blocks they were taken.

¹³ Maori land in 1931

¹⁴ Maori land in 1931

¹⁵ Proclamations 2917, 2474, 6933, 8107, 8389, 9906, 9973, 10831 at NALTO, LINZ.

Appendix 4:

General Information on Development Schemes

This appendix has been compiled from Aroha Harris's MA thesis: 'Maori Land Development Schemes, 1945-1974 with two case studies from the Hokianga'.

1 Some key features of the core legislation

The Native Land Amendment Act and Native Land Claims Adjustment Act 1929

- The key purpose of the Native Land Amendment Act and Native Land Claims Adjustment Act 1929 provisions was the 'better settlement and more effective utilization of Native land or land owned or occupied by Natives, and the encouragement of Natives in the promotion of agricultural pursuits and of efforts of industry and self-help'.¹
- Section 23 of the 1929 Act authorised the Minister of Native Affairs to bring any land owned or occupied by Maori under the scope of a development scheme. Once the land was gazetted part of a scheme, owners could only exercise their ownership rights with the minister's consent, and were not allowed to interfere with or obstruct the development work.²
- All Crown funds spent on land development were interest bearing, and secured by way of mortgage over the land concerned.³

The Native Land Amendment Act 1936

- The 1936 Act vested the Minister's powers in the Board of Native Affairs.⁴
- Section 3 of the Native Land Amendment Act 1936 made it the duty of the board to 'promote the settlement and more effective utilization by Natives of Native land and

¹ A Harris, 'Maori Land Development Schemes, 1945-1974 with two case studies from the Hokianga', MA thesis, Massey University, 1996, fol 30

² Harris, fol 30

³ Harris, fol 31

⁴ Harris, fols 31-32

of land owned or occupied by Natives, and to encourage Natives to engage in farming and in other industries related thereto'.⁵

- This act identified punishment for trespassers or people who obstructed work on the schemes. Assembled owners could agree to declaring the land subject to the development scheme provisions. The board could use development scheme land for educational purposes and it could engage advisors to advise and instruct Natives in developing, improving or farming Part I land. It could enter into share-milking contracts. The board had the discretion to consider Part I land for industries other than farming. The act restricted Part I leases to a maximum of 50 years.⁶

The Maori Affairs Act 1953

- The Maori Affairs Act 1953 reinforced existing provisions to rationalise or 'improve' title to Maori land. Most controversially, it introduced conversion, which allowed the Maori Trustee to acquire uneconomic interests in Maori freehold title. Lands subject to Part I of the 1936 Act were automatically declared subject to Part XXIV of the new Act. The Board of Maori Affairs had primary responsibility for the schemes, and Part XXIV set out the board's duties with respect to that responsibility. The main purpose of Part XXIV was to 'promote the occupation of Maori freehold land by Maoris and the use of such land by Maoris for farming purposes'.⁷
- Section 330 of the 1953 Act empowered the board to declare certain classes of lands subject to the Part XXIV provisions, including land it had acquired on the Crown's behalf. Before declaring any lands subject to Part XXIV, the board was required to 'take adequate steps to ascertain the wishes of the owners concerned' and give full consideration to any objections.⁸
- Section 337 of the 1953 Act allowed the board to use land as a base farm for experimental or educational purposes.⁹
- Section 339 of the 1953 Act gave the board the power to appoint nominated occupiers of the schemes. The nominated occupier could also be an owner in the land

⁵ Harris, fol 32

⁶ Harris, fol 32

⁷ Harris, fols 35-36

⁸ Harris, fol 36

concerned. But the board had the discretion to appoint non-owners. The board controlled and supervised all occupation under the schemes.

- All money the board spent on any area of Maori freehold land, or any European land owned by Maori people, became a charge on the land, and the act set out protocols for the board to impose, register, vary and enforce those charges (sections 363-367). As security on its advances, the board could take charges over lessees' land interests, stock, chattels, machinery, implements, produce of the land, revenue derived from farming the land, or any other property of the lessee. The board determined the terms and provisions of the securities, and could also partly discharge or cancel them. The Act required the board to exhaust all securities before otherwise enforcing any charge on the land (section 369).
- Part XXIV of the 1953 Act gave the board extensive special powers, including allowing it to build or buy waterworks, employ advisors outside of the public service to advise and instruct Part XXIV settlers, enter into sharemilking contracts, pay revenue from the land to the owners/shareholders instead of to satisfying charges and use Part XXIV land for industries other than farming.¹⁰

2 Administrative bodies

The *Land Development and Settlement Division* was primarily responsible for serving and administering the development schemes. It recommended loans to the board and recovered the loan repayments. It also supervised all land development operations, including farming on unit properties. Part of the function of supervising settlers included training them, sometimes formally, and sometimes through the guidance and encouragement of the supervisors.¹¹

The *Board of Maori Affairs* was a statutory body chaired by the Minister of Maori Affairs. It controlled certain of the department's principal activities, including the

⁹ Harris, fol 36

¹⁰ Harris, fols 37-38

¹¹ Harris, fol 38; see also AJHR, 1954, G-9, p 19

development and settlement of Maori lands. The board was the lending authority for the schemes, which it financed out of the Land Settlement Account.¹²

In 1950, a *District Maori Land Committee* was set up in each Maori Land Court District. The committees each consisted of the District Officer and District Field Supervisor of the Department of Maori Affairs, the District Commissioner of Crown Lands, and one reputable well-known Maori farmer in the area. They were to provide local knowledge to recommendations to the board on land development matters. In 1952 the board delegated certain official functions to the committees. In practice, the committees acted as a kind of screening committee for the board, grading prospective settlers and recommending their appointment or otherwise to the board.¹³

3 The process

Theoretically development schemes went through four key phases: preliminaries, development, farming and settlement. The preliminary stage included initiation of a proposal to bring the land into the ambit of the schemes with owners' agreement and investigation of the land and its title. The development stage involved clearing, grassing and stocking the land and providing necessary buildings required for use as a station. The department then farmed the stations until the debt was reduced to a sum comparable to the valuation of improvements, at which point they were subdivided into smaller, but economic farms, for settlement by Maori farmers or, as they were called, 'settlers'. The settlement phase then had its own process of selecting financing, supervising and training settlers.¹⁴

However, under what was referred to as the 'North Auckland system', in response to the discontinuous and scattered nature of Maori land blocks of *Tai tokerau*, single unit schemes became common. These schemes virtually collapsed the development, farming and settlement phases into one. There were two kinds of single unit schemes, those of

¹² Harris, fol 38

¹³ Harris, fol 38

¹⁴ Harris, fol 41; see also Hunn (1961) p 50 and AJHR 1954 G-9 pp 18-22.

sole owners and those of nominees of the owners. In each case, the 'units' or 'settlers' applied to develop a block or blocks of Maori land to form a single farm, taking possession immediately without the intermediary step of having the farm be part of a station. Both the North Auckland system and the single unit schemes required close and constant supervision. Also, increased overhead costs during development were expected, although it was to be balanced by lower labour costs and the department's ability to assist a greater number of units than in the large schemes.¹⁵

The role of the Department of Maori Affairs was three-fold in supervising Part XXIV farmers. It was required to serve the State by ensuring that the money was wisely spent and loans recovered. It was required to serve the owners, by protecting their interests in their lands, including wise use and efficient maintenance. And it was to serve settlers by assuring them of peaceful occupation of the land, and providing supervision and instruction services in order to have the settler achieve the maximum production or return for his or her labour.¹⁶

Most supervision was carried out by field supervisors, whose most important role was described by the department in 1954 as the 'very delicate educational role'.¹⁷ Training, as Harris notes, 'often began before a station was subdivided, and was closely linked to the supervisions of the farmer from probation, to budgetary control, to relaxed control and finally, to being released from the provisions of Part XXIV'. On settlement, 'the department placed the trainee or settler on budgetary control for at least a year. The training process continued, this time focusing on the fundamentals of financial management. After a certain period both budgetary control and farming supervision was relaxed'.¹⁸

But supervision was not the only avenue through which Maori farmers could be trained. The department assisted young Maori men into agricultural colleges such as Lincoln

¹⁵ Harris, fols 41-42; see also AJHR 1931 G10 p xvi and AAMK 869/410c '15/0 pt 4, Development scheme policy, 1958-62' NA, Wellington.

¹⁶ Harris, fol 53; see also AJHR, 1954, G-9, p 22

¹⁷ Harris, fols 53-54; see also AJHR, 1954, G-9, p 22

College, and training farms such as those established at Pouakani and Maungarangi in 1951. In some districts the department organised field days, lectures and film evenings for trainees and settlers. Visits to demonstration and model farms were also a popular form of training. These farms came under the Department of Agriculture's land improvement projects which selected farms in areas where farming had failed to take hold as an activity. Under the guidance of skilled officers, the selected farms became an example of what farming could achieve in a community. The projects were well publicised in order to display practical demonstrations of farm work, and inform discussions with other farms in the area. In Tai tokerau, there was such a demonstration farm at Punaruku. There were others at Tikitiki and Rotoiti.¹⁹

¹⁸ Harris, fol 54; see also AJHR 1960, G-9, p 8; AJHR 1953, G-9 p 5

¹⁹ Harris, fol 55; see also AJHR 1960 G-9, pp 8-9

Appendix 5:
**Areas of Oruawharo included in the 1930 gazettal of Kaipara land to be
brought under the development schemes**

Table of Kaipara Development Scheme: Series H (Oruawharo)

Name	Area	Block	Survey District
NUKUROA 1G	527:0:18	VI	Otamatea ¹
NUKUROA 2A	875:3:30	VII, VIII	Otamatea ²
NUKUROA 2B1	58:2:10	X	Otamatea ³
NUKUROA 2B2	66:2:10	X, XI	Otamatea ⁴
NUKUROA 2B3	62:2:00	X, XI	Otamatea ⁵
NUKUROA 2B4	62:2:10	X, XI	Otamatea ⁶
OPEKAPEKA C1	15:0:30	XI	Otamatea
OPEKAPEKA C2	32:3:10	XI	Otamatea
OPEKAPEKA F2	43:2:29	VII	Otamatea
ORUAWHARO A1A	319:1:00	X	Otamatea
ORUAWHARO A2	110:2:02	X	Otamatea
ORUAWHARO A3	174:3:36	X	Otamatea
ORUAWHARO A4	81:1:28	X	Otamatea
ORUAWHARO A5	119:2:25	X	Otamatea
ORUAWHARO A6 (part)	152:3:37	X	Otamatea
ORUAWHARO A7	184:0:29	X	Otamatea

¹ Nukuroa 1G became absorbed into Oruawharo F from 24 November 1955, and again, part of Oruawharo J & K from 1972. *NZ Gazette* 1930, Vol. II, p. 1984.

² Part of Nukuroa 2A became absorbed into Oruawharo F from 24 November 1955, and again, part of Oruawharo J & K from 1972.

³ Nukuroa 2B1 became absorbed into Oruawharo H from 24 November 1955, and again, part of Oruawharo J & K from 1972.

⁴ Nukuroa 2B2 became absorbed into Oruawharo H from 24 November 1955, and again, part of Oruawharo J & K from 1972.

⁵ Nukuroa 2B3 became absorbed into Oruawharo H from 24 November 1955, and again, part of Oruawharo J & K from 1972.

⁶ Nukuroa 2B4 became absorbed into Oruawharo H from 24 November 1955, and again, part of Oruawharo J & K from 1972.

ORUA WHARO A8B	249:2:04	X	Otamatea
ORUA WHARO C	67:1:24	X	Otamatea ⁷
ORUA WHARO D1	48:0:00	X	Otamatea ⁸
ORUA WHARO D2B	43:0:00	X	Otamatea
OTIORO & TE TOPUNI A2	195:0:36	VII	Otamatea
RAEKAU 2A	30:2:03	X	Otamatea
RAEKAU 3	30:0:00	X	Otamatea

On 20 August 1951 another block, listed on the table below was added to the Development Scheme.⁹

Name	Area	Block	Survey District.
RAEKAU 2B	30:0:27	X	Otamatea

⁷ Oruawharo C became absorbed into Oruawharo F from 24 November 1955, and again, part of Oruawharo J & K from 1972. Refer Map 3.

⁸ Oruawharo D1B2 and D2B became absorbed into Oruawharo F from 24 November 1955, and again, became part of Oruawharo J & K from 1972. Refer Map 3.

⁹ Raekau 2 B was formally subject to Part 1 of the Maori Land Amendment Act, 1936 (Kaipara Development Scheme) M.A., 1/2/45: D.O. 11/36/134, AAMK 869/1346c, NA, Wellington. [Figure to show these blocks? - What % of Maori land was this at the time?]

Appendix 6:

Extracts on Housing

Source: AAMK 869 1346c, National Archives, Wellington

OFFICE OF THE MINISTER OF NATIVE AFFAIRS
WELLINGTON.

28th January, 1942.

MEMORANDUM for:-

The Under Secretary for Native Affairs:

The following are notes which I made of the appearance of some of the houses which I saw at Oruawhare when I visited the place one Sunday early in December, 1941, and which I record to refresh my memory later if necessary.

1. Piwara Taupae, owner. The family goes by the name of Thompson or Tamihana, although the first name given is the true name. Six children and the two parents normally live in the place, a roughly built hut of iron, much perforated, earthen floor. The occupants now in Wairoa. Snapshot of the place is annexed.
2. Weneti Taupae, brother of the foregoing is the owner. Occupants are father, mother and three children - five in all, and all of them are at present in hospital at Te Kopuru. Believe the trouble is tuberculosis. Snapshot herewith. Earthen floor. Am informed that Weneti wants to come back and put a house up near the school on his wife's land.
3. Reihana Raharuhi. I see this dwelling by looking down from the road on the top of the hill towards the harbour on the same watershed as that on which is the school. The house is well down the hill towards the river on good ground. The roof is getting rusty, the boards are unpainted and old. There is a floor in it but the sides of the building are falling away. No lining. Am informed that he is an invalid through being blind and deaf and has been like that most of his life and gets the Invalidity Pension. He has only a boy of 16 or thereabouts. I am informed he desires a house near the road.
4. Fred Taurua. This is on the other side of the road to the north-west of the road. The building which I go up to and examine from the outside (there is no one at home) is of wood unpainted, with an iron roof. The floor is of plain 9" boards which must be very draughty. Sacks cover the bottom of the north-east windows. Am informed that the whole family has been away to the hospital with tuberculosis and are now back (in tin shed on another section) for "home treatment" because the hospital is full and that this house is being used by J. Pene while the latter's house is being built by the P.H.D., whereupon Fred Taurua will go back to this place. Dimensions 51' x 4' paces, say 16' x 12'.
5. Hani Ashby. I went inside this house. It is mostly lined. He has applied for a new house but it is thought application not yet approved. Area believed to be 62 acres. Five children and parents, seven in all. Think the new house is not yet granted. A number of rooms but much of it not very weather proof and not fit for occupation. It has, however, a wooden floor and was originally built as for a proper house.
6. Mata Winita. At the top of the hill. Built two years. No lining. The floor boards are not tongued and grooved. The east rain comes through the walls. Made of timber just picked up. Really rejects. Size about 12' x 14'. Occupants man and wife only. The timber was bought out of his Invalidity Pension. He is about 36 or 38, a cripple, one leg being disabled. Built the place with his own hands out of his allowance. He is part owner of the land and does not need land to work being incapacitated. Place is painted cream, with an unlined iron roof.

7. W. Henare Toka. A family of three children - five people in all. One room built of timber upon a rise. I enter by a door facing west. There are two windows to the north, a stove to the south, a bed in each of the eastern corners. Unlined iron roof. The whole remarkably clean and tidy. The woman very heavily built, has her baby about six months old on the bed in northeastern corner. Its face, except for a patch on its forehead, covered with septic akiaki. Arms, legs and body also smothered with the akiaki. Am told that the baby was taken to hospital, so ordered by the doctor, Dr. Morrison of Wellsford "who has been appointed to us natives here" and that the doctor reckons the infection is in the house. "This is the one I most favour if it is possible to speed it" says my guide. The man has to keep coming on home because of the illness of the children. I am told the other children are in the same condition. The baby's name Kohi Toka. They are to take it in to the doctor again on Tuesday to decide whether to go to hospital. The child is on the breast and the doctor wants to get it off the breast. She and husband have interest in lands. She is owner of land on which cottage stands and also in Section 6A and 7. 6A is 75 acres, 7 180 acres. The husband has 44 acres across the road. He works for a patcha and does not earn his support from the land. Wants to get a house and get back to the land.

8. Kareta Kapea, a widow. House at the top of a hill. One room. We go in. The outside is of vertical boards, old packing cases. Very rough. The roof is a lean-to iron roof unlined. Some of the walls are of iron odd sizes and pieces, earthen floor. Two beds, a stove. Dressing table. This woman and her late husband after 20 years' absence, returned to develop the place, but husband died. Four children, oldest about 30 youngest about 7; two boys and a girl live here. One (10) boy is married. Am informed they are capable workers and that with a house they could go ahead. The place only cut up by surveyor one or two weeks ago. Been consolidated about 10 years back but titles not issued. Am informed "until approved by the Court - then you know where you are - that is the whole situation."

9. Terewai Rengopuhi. A pensioner's house, north of road. A new and good one on a section. There is only the site for a house, not a farm. He built it out of his old age pension. Why could not the whole place be like this one. Erected 5 or 6 months ago. Two rooms, one of which is a kitchen.

10. Kareti Hepena, and family. Tin shed to south of road on a rise. Earthen floor. Held down with wire on all sides. No window but sheet of iron propped in place is doubtless thrown out. Flowers, strawberries and potatoes cultivated and sheltered with wind breaks. The land at the house appears poor and suitable for strawberries. "Further down you will find black soil." Am told they have plenty of land. Six in all living in this house, father, mother and four children. Oldest thought to be 7 years. Health not bad. Many others are worse. A capable worker. Works at Warkworth. He cannot maintain himself here so lives at Warkworth milking my guide thinks. The wife's mother lives here and does the garden. He would take to farming if he got help. Dimensions $3\frac{1}{2}$ paces by $4\frac{1}{2}$, say 10' x 15'.

11. Mare Peka Wiaro. A house much lower down the hill in a hollow, and away from the road on the southern side of the road, that is towards the river. We go to it. Vertical boards, rough, worn, eaten. Iron roof of "cottage" shape. No window whatever. Many vertical boards have no battens over joints. Most of northern side without battens. Apparently one room. Wooden floor. Vertical boards mostly pine in grain. Much better in battens. Dimensions 5 paces by 4. This is rather larger than average huts. Land originated as a gift and her title said to be proved but not issued about 5 years ago. She is said to be widow of about 50 years, owning 60 acres, living by herself, her family all married. Her grandchildren sometimes come to stay with her.

12. Wii Hapi. We did not go up to this place. It is too distant, but we observe it from the last mentioned cottage by looking in an easterly direction. There is no road. They come out across the paddocks past the place where we are standing. Husband is said to be an invalid and this thought to be a war injury. He has a wife but no children living with him. One of his daughters is the housewife at the place where the strawberries were seen. They have land but in a different locality. About 30 acres. The husband gets a pension. She is deaf. House said to be in a bad state and to be like the Thompsons but neater, there being no children. That is to say, it is an iron place with earthen floor. I am informed that the deaf woman is a great worker. Stone deaf, you have to point with your hands. They would like a half-acre up on the road, even a quarter acre, to put a house on. A bedroom and kitchen would be quite sufficient for these two.

13. Emma Hill. An iron, green painted cottage on the top of a hill on the side of the road opposite from last mentioned place. About 7' 6" x 12'. "That is what the other old lady needs." Perhaps the 7' 6" is only 7'. The gable is of unequal lengths. The place is floored. All vertical corrugated iron. One window. Fireplace at end alongside door. Built out of arrears of pension which had accumulated. Poor soil. Strawberries and potatoes etc. but all of poor growth. The grass is good.

14. Connolly's. The place nearest the last place in the direction of the railway. I see a detached Health Department shelter. Rusticated boarding, vertical, tongued and grooved 1" lining, the floor also 4" boards. Two windows, one being double. Gable inside. Iron fireplace bolted into place in seam and as doorway. The building brought complete in one piece on a truck. This man has lost three children through tuberculosis within three months of each other. I go into the main house. The kitchen is dark and old. The floors show the building to be old. The kitchen has bare iron roof. Opening for window covered with asbestos. Main room is lined and ceiled. The rest is bare iron roof. The weather comes in at that end. "The doctor says it is the house which causes the tuberculosis." A big family crowded in the house. "I have six living now. I hope I do not lose another one. The ones lost were young. Certainly the house was all right when the family was small. My own health is all right. I am a strong man able to work all right. But my family seems to fall away with the complaint of T.B. I farm this place. Estimate 115 acres. Been here 5 1/2 years. The house was shifted from Port Albert to another farm of mine and from that farm to this place. I run 24 cows. I am supposed to milk 20. Mr. Ben Phillips, supervisor says my house is "coming up the list". I told him to hurry it up I can easy pay for the house all right by the number of cows I milk. I can milk more cows this season. It is just a house I want." The ceiling is about 6' 6", the kitchen roof being low. Some of the window openings are closed with sacks. Mr. Connolly tells me "the land is good. If a man cannot meet his obligations on this land there is something wrong with the man. The oldest child, a boy, is 16, the rest are of school age."

ORUAWHARO HOUSING SCHEDULE.

Land	Section Area	No to Consolidate	Name of Natives at present occupying.	Living Conditions	Family etc.	Suitability for development	Position if not suitable for development	Financial Position.	Remarks
Oruawharo	A3	174-3-36	3	Piwara Weneti Weneti Tamihana	Wife & 7 Wife & 3	A3 will make two economic farms		Casual working at Wellsford. Pension Part	Particulars to prepare Nat. 58s taken. Owners must decide on 2 farms only as a whole. Department should develop
Oruawharo	A2	110-2-02	2	Reihana Raharui	Wife	Not invested	No request for development	Soc. Sec. Pension	Mr. Phillips states that this man has not approached him re improved living conditions at any time.
Oruawharo	A1A Pt	100-0-00	1	Toihau te Taha	Wife & 11	Recommended with Head Office		E.P. Contract worker	Nat. 58 forwarded. Not a strong case, but housing improvement is urgent.
Oruawharo	A4 Pt	32-0-00	1	Tamati Raharuhi (C. Lazarus)	Wife & 3 & father	Is at present a unit		Very weak Father pensioner	Units son C. Lazarus is very weak as personal security. Place is small and housing if section not enlarged would be come a bad debt.
Oruawharo	A6 Pt	76-0-00	2	Kathia Hemana (H. Hemana)	Wife	Is at present a unit		Pensioner	New house being built. Son Henare is now the unit.
Oruawharo	A6 Pt	76-0-00	1	See next one				Mr. Phillips says absent	Ratana Pa.
Oruawharo	D2B	43-0-00	1	Karani H. Taka	Husband & 3	Combined with separate No.	A6 Pt. Yes	Casual worker	Husband is son of A6 pt. above and the two could be developed as one. Stated to be good worker and gets work on Oyster beds.

Land	Section Area	No. to Consolidate	Name of Natives at present occupying.	Living Conditions	Family Etc.	Suitability for development	Position if not suitable for development.	Financial Position.	Remarks.
Raekau	3	30-0-00	1	Mrs. Mokena Taurua	Poor shack	Husband & 7	Combined with Raekau 2B/ Separate No. Would mean Cream cheques purchase of 30 acres at £315.	<i>yes</i>	Husband good worker. Wife milks about 14 cows. Some good could be done here in helping to Purchase Raekau 2B. Housing would be safe.
Oruawharo	A7	184-0-29	Mainly 1	Rawhiti Paraone	Poor shack	Wife & various adopted children	At present a unit	Land sound. Pensioners Son poor.	Has never done any good under development. Could have been milking 70 cows today.
Oruawharo	A7Apt.	65-0-00	1	Heni Te Taha	Fair shack		Will probably be worked in main scheme ultimately.		Stated by brother James Pene to be satisfactory menatime.
Oruawharo	A5	119-2-15	1	Hanata Raharuhi	Poor shack	Widow & 2	Yes	Cream cheque land sound	Particulars for Nat. 58 taken. Is workers.
Grazing and milking . Two grown sons described as first class									
Nukuroa	2B2	66-2-10	8	absentees					
"	2B1	58-2-00		absentees					
Nukuroa	2B3	66-2-00	1	Here Raharuhi	Poor shack	Husband	Yes	Land sound Pensioners	Small cottage required. Pensioners
should be able to pay for this. Ultimately develop.									
Nukuroa	2Apt.	100-0-00	1	Taipare Konore	Fair Shack	Wife & family	yes	Land sound Cream cheques	Is developing section and milking 17 cows. First class worker and requires housing only. Can be safely recommended as unit.
Meri Peka Wiapo				Small shack built by Taipare Konore Would possibly require small addition. Pensioners.					

Land	Section Area	No. to Consolidate	Name of Natives at present occupying.	Living Conditions	Family Etc.	Suitability for Development	Position if not suitable for development.	Financial Position.	Remarks.
			Huikana Konore	New dwelling being built under special housing fund.					
Nukuroa	1G		Reported upon for development as a scheme. On this place Mrs. Hill, a widow, lives on own in a small shack. Small pension would be inadequate to pay cost of dwelling.						
			also Wairoa Hepana	Poor shack Wife & 6				Wages only	This is probably the worst case
			and it is hard to understand why husband could not have done something to improve position.						

The above information has been compiled as to land from Consolidation Officer's report, information re living conditions, numbers of family and financial status has been supplied by Mr. Ben Phillips and suitability as to farming by Mr. J.H. Byers.

Alma L. L. L.
Clerk
30/6/41.

Oruawharo	AlPt. 47-0-00	Sole owner Hone Eruera	Poor shack Wife	Is at present a unit. Sound Pensioners	Unit has had little assistance. For years
was suspicious of development and consequently has deprived himself of assistance.					

[Signature]

