

**HERETAUNGA TAMATEA**

**and**

**TRUSTEES OF THE HERETAUNGA TAMATEA SETTLEMENT TRUST**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT OF HISTORICAL CLAIMS**

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26 September 2015

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### He karakia

Nā te Wī-o-te-rangi (Ngā Mōteatea 303)

*"Ka mea, e tama! Ka roi i tō kete tuauri,  
Hai amonga māhau ki te pūtaka o ngā kōrero.  
Whakarewaia ki runga i te pakihwi,  
He hikitanga, he hāpainga,  
He amonga, he ārewa, he tauira,  
Tukunga o kai, heketanga o kai.  
Ka heke ngā kai, ka heke ki te pūkenga;  
Ka heke ngā kai, ka heke ki te wānanga;  
Haruru te ika ki te pū mate kahu,  
Kai te ara tiatia, kai te ara tōngakengake,  
Uru o Tangaroa ki te karapinepine i uta rā  
Mānawa mai hoki, mānawa mai hoki.*

*Koia Te Whatuiāpiti, e!  
Ka rongo te pō, ka rongo te ao,  
Rongo te kī, rongo te rea,  
Rongo ka huakina ki te ao mārama,  
Te rongo koi ōi-nuku, koi ōi-a-rangi,  
Waiho noa he ingoa mō kōrua, e  
Ka rongo te ihumoana,  
Ka rongo te tepetepe moana,  
Ko rongo tuatea, ka rongo pāhoka-i-te-rangi;  
Ka rongo ka rongo te hau whakarawarawa,  
Ka rongo te uru, e pū mai rā,  
I tēnei popoki!"*

*"Now, oh son, secure your ancient basket,  
To carry you through to the foundation of speech.  
Hoist it upon your shoulders,  
As something to carry, something to shoulder,  
As sacred food, raised up as a model,  
A presentation of food, the decrease of food.  
The food decreases, decreases in volume;  
The food decreases, decreases and causes concern,  
The warrior band thuds to the round and joins the heap of dying chiefs,  
A pathway heavenwards, a winding pathway,  
The fish of Tangaroa, gathering near the shore,  
It is welcomed, it is welcomed.*

*Here is Te Whatuiāpiti!  
It is heard in the night, and heard in the day,  
The news that informed, and the news that multiplied,  
The news that opened up the world of light,  
The news abundant on earth, abundant in heaven,  
Leave aside a name for you two.  
The Portuguese man-of-war hears, so does the jellyfish;  
The waves hear and so does the rainbow,  
The violent wind hears,  
The gently blowing west wind hears, about the gift of first fruits,  
About this gift of birth!"*

As this karakia has dedicated children at birth in our past, so may it dedicate this document to bear well for the children and grandchildren of Heretaunga Tamatea in our future.

*JP  
NC.*

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### He poroporoaki

Adapted from 'He tangi' (Ngā Mōteatea 218)

*E hika mā, whakarongo mai rā tātau  
E nanawe tonu ana mai i Waipukurau puta noa puta noa  
Ko te rironga nui o ō tātau whenua.  
Tērā te mamae ka āta memeha noa  
Nā te aha tātau i rutu  
Nā Tama-arero, nā te mahi hākere pākehā nei.  
Te Whata, te Rūnanga, Te Komiti, Te Kotahitanga  
Te tohu rongomau o te rohe  
Te tino rangatiratanga o Heretaunga Tamatea e.  
Ahakoa ia te rahi  
I haere nui atu rā ki te Pō-nui  
Te rongo kua hau kē mai  
Ka homai noa te aroha ki te iwi e tangi atu nei.  
Haere atu rā koutou  
Mā mātau e tākiri ō rongo i muri nei  
Mā ō mana rā, mā te rangi ka tukua ki raro, I ...  
Nei rā mātau, e tangi atu nei....*

*Oh people, let us listen  
We whose aching hearts began with the first sale at Waipukurau  
And culminated in almost complete losses of our lands.  
Perhaps the pain is beginning to settle?  
But recall why we were struck down  
By untruth and by greed we were taken.  
Te Whata (a Te Herunga), the rūnanga, the Repudiation and the Kotahitanga  
This was our way of maintaining the peace  
An enduring mark of our integrity.  
Although there have been many  
Who have passed through Te Pō-nui  
The news (of the Settlement)  
Simply adds to the sorrow of your grieving people.  
So go, you (whose work is done)  
We who remain will sing your praises  
Your mana, the very heavens themselves will speak of your great deeds.*

*ANC*

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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### He waiata

Adapted by Renata Kawepo from 'He waiata aroha' (Ngā Mōteatea 7)

*E tō te rā, tō atu ki te rua  
Ka haramai roimata, ka maringi me he wai  
Kāti au te pupuri, tāua te haere  
Kia toremutu au i te wā moana nei  
U noa Paikea te hiwi ki Mamaeroa  
Nō ngācho au, nō ngācho mata kamokamo  
He pahi rawa koe, nāu a Maniapoto  
Ehara koe i te tāne, he mokopuna rā hoki  
He puhi koe nāku, ki tō wā i mua rā  
Ka iri ki runga, "Te Whata a Te Herunga"  
E matakū ana rā, kei pau i te kurī  
I āku moke rā, e rongona ake nei  
Te Rau o Piopio, ko te Ko Whakararo  
Naku i tango mai, i te waha o te ika*

*Go down there o Sir, go down into your cavern  
Pouring forth are my tears, flowing like water  
I will no longer restrain myself – let us go  
Advance even unto death, from the seaside  
Paikea (McLean) has possession, extending to the range of Mamaeroa  
I am of a proud tempered race, of those who cannot brook a wrong  
You are but a serf to the tribe of Maniapoto  
You (the land) were never defiled by anyone for you were a cherished grandchild  
You (the land) were my darling maiden in the days that have gone by  
Now you shall be placed up in the sacred whata of Te Herunga  
For my fear is that dogs may devour you and take you (the remaining lands) from me  
Then from me alone may it shall be widely heard  
That though great was the consuming (of the land) - rescued were the remaining portions  
Rescued by me from the dragon's mouth.*

*E tō e te rā*, cleverly adapted from Te Urihe's love song, is the story told by Renata Kawepo as he goes through the loss of land, the descent into warfare at Pakiaka and the struggle back into peace. The 'Te Whata a Te Herunga' pact between our rangatira was the beginning of widespread resistance to land sales. This Kawepo version of *E tō e te rā* was published in the Supplement to the newspaper *He Toa Takitini* in 1924.

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## PURPOSE OF THIS DEED

### TE ARONGA O TĒNEI TĪTI

Ko tā tēnei tīti:-

This deed –

- **he āta whakarārangi i ngā mahi a te Karauna, i ōna hapa hoki i puta ai i mua o te 21 o Hepetema o te tau 1992, i pā rā ki a Heretaunga-Tamatea, i takahi rā hoki i ngā mātāpono o te Tiriti o Waitangi; ā,**
- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Heretaunga Tamatea and breached the Treaty of Waitangi and its principles; and
- **he whakatakoto i tētahi whakaaetanga, i tētahi whakapāhatanga hoki mō tā te Karauna takahi i ngā mātāpono o te Tiriti; ā,**
- provides an acknowledgment by the Crown of the Treaty breaches and an apology; and
- **he whakatau i ngā kerēme o mua a ngā hapū o Heretaunga-Tamatea; ā,**
- settles the historical claims of Heretaunga Tamatea; and
- **he āta whakamārama i te puretumu ā-ahurea, i te puretumu ā-ahumoni, ā-arumoni hoki, ka whakawhiwhia mā roto i te whakataunga ki ngā kaitiaki o Heretaunga-Tamatea Settlement Trust i whakaaengia nei e ngā hapū o Heretaunga-Tamatea kia tukuna ki a ia te puretumu; ā,**
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the trustees of the Heretaunga Tamatea Settlement Trust that has been approved by Heretaunga Tamatea to receive the redress; and
- **he whakamārama hoki i te tikanga o –**
  - **ngā kerēme o mua; ā,**
  - **Heretaunga-Tamatea; ā,**
- includes definitions of –
  - the historical claims; and
  - Heretaunga Tamatea; and



## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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- **he whakaea i ētahi atu take e hāngai ana; ā,**
- provides for other relevant matters; and
- **he noho tārewa kia mana rā anō te whakaturetanga o te whakataunga.**
- is conditional upon settlement legislation coming into force.

*Handwritten signature in blue ink, possibly reading "A. H. C."*

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# HERETAUNGA TAMATEA DEED OF SETTLEMENT

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**HERETAUNGA TAMATEA DEED OF SETTLEMENT**

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**DEED OF SETTLEMENT**

**THIS DEED** is made between

**HERETAUNGA TAMATEA**

**and**

**TRUSTEES OF THE HERETAUNGA TAMATEA SETTLEMENT TRUST**

**and**

**THE CROWN**

*ANC.*

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1 BACKGROUND

- 1.1 In clauses 1.2 to 1.27 of this background section, the hapū of Heretaunga Tamatea outline ngā hapū o Heretaunga Tamatea, ngā marae o Heretaunga Tamatea, te rohe o Heretaunga Tamatea, their settlement aspirations and journey to settlement.

#### NGĀ HAPŪ O HERETAUNGA TAMATEA

- 1.2 The hapū of Heretaunga Tamatea are tangata whenua within their respective takiwā.
- 1.3 The rich resources of Heretaunga Tamatea and surrounding areas attracted successive waves of immigrants over the centuries. Among the earliest groups to settle in the region were Ngāti Hotu, Ngāti Mahu, Ngāti Whatumamoa, Ngāti Ōrotu and Te Tini-o-Awa. Later came the Kurahaupo waka settlers of Ngāi Tara and Rangitāne, followed by the Takitimu peoples of Ngāti Kahungunu under Taraia and Ngāti Ira/Ngāi Tahu under Te Aomatarahi.
- 1.4 Although the arrival of new migrants sometimes led to conflict with groups who preceded them, strategic intermarriage helped to stabilise communities and establish bloodlines which connect the present hapū of Heretaunga Tamatea through these ancestors to the lands they currently occupy. They have held, and continue to hold, ahi-kā-roa since they first settled the land.
- 1.5 The hapū of Heretaunga Tamatea are:

Ngāi Tahu ki Takapau	Ngāi Tamaterā	Ngāi Te Ao
Ngāi Te Hauapu	Ngāi Te Hurihanga-i-te-rangi	Ngāi Te Kīkiri o Te Rangi
Ngāi Te Ōatua	Ngāi Te Rangikoianake I	Ngāi Te Rangikoianake II
Ngāi Te Rangitekahutia	Ngāi Te Rangitotohu	Ngāi Te Ūpokoiri
Ngāi Te Whatuiāpiti	Ngāi Toroiwaho	Ngāti Hāwea
Ngāti Hikatoa	Ngāti Hinemanu	Ngāti Hinemoa
Ngāti Hinetewai	Ngāti Hotoa	Ngāti Honomōkai
Ngāti Hōri	Ngāti Kautere	Ngāti Kere
Ngāti Kotahi	Ngāti Kurukuru	Ngāti Mārau o Kahungunu
Ngāti Mahuika	Ngāti Manuhiri	Ngāti Mihiroa
Ngāti Ngarengare	Ngāti Papatuamāro	Ngāti Pīhere
Ngāti Pōporo	Ngāti Pukututu	Ngāti Rāhunga
Ngāti Takaroa/ Ngāti Tākaro	Ngāti Tamatea	Ngāti Te Rehunga
Ngāti Toahoropaki	Ngāti Tukuaterangi	Ngāti Urakiterangi
Ngāti Whakaiti.		

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.6 The hapū of Heretaunga Tamatea sometimes created competing political alliances like Te Hika-a-Ruarauhanga and Te Hika-a-Papauma, Ngāti Kahungunu ki Heretaunga and Ngāi Te Whatuiāpiti but for the most part they have lived politically independent lives under separate rangatira, each on their own lands, each with their own mana.

#### NGĀ MARAE O HERETAUNGA TAMATEA

- 1.7 The marae of Heretaunga Tamatea are:

Houngarea	Kahurānaki	Kairākau	Kohupātiki
Korongatā	Matahiwi	Mataweka	Mihiroa
Mangaroa	Omahu	Pourērere	Pukehou
Rākautātahi	Rongomaraeroa	Ruahāpia	Rūnanga
Tapairu	Taraia	Te Āwhina	Te Rongo a Tahu
Waimārama	Waipatu	Whatuiāpiti	

#### TE ROHE O HERETAUNGA TAMATEA

- 1.8 Considered the richest, most fertile soils in all of Aotearoa, the traditional tribal rohe of Heretaunga Tamatea comprises 1.475 million acres spread amongst lofty mountain ranges, deep, contouring valleys and large, vast alluvial plains with five main river systems fuelled by the Heretaunga and Ruataniwha aquifers.
- 1.9 The rohe of Heretaunga Tamatea is aptly described by *'te kanohi hōmiromiro o te hāro o te kāhu'* (the all seeing eye of the hawk in flight). It starts on the coast at Te Kauwae-a-Māui/Cape Kidnappers and follows the coast north to the mouth of the Tūtaekurī River. It then extends westward along the Tūtaekurī to the foothills and eastern slopes of the Ruahine Range. Heading south, it embraces the Kāweka and Gwavas Forests to the headwaters of the Manawatū River in the south. It then crosses eastwards to the coast at Te Poroporo and turns northwards up the coast embracing Parimāhu, passing one of the nation's outstanding landscapes - Kohinurākau, Te Mata-o-Rongokako and Kahurānaki, the sacred mountain of the rohe – to arrive back at Te Kauwae-a-Māui/Cape Kidnappers.
- 1.10 Before the arrival of Europeans, a system of wetlands, swamps, and lakes extended from the Heretaunga plains through the Pekapeka wetlands and the Ngā Puna-a-Tara to the Whatumā lake system in the south. This, together with the area's coastal fisheries and extensive bush, provided extremely rich sources of food, as well as medicine and materials for the region's peoples. The names of the rivers, streams, natural features, fauna and flora of Heretaunga Tamatea illustrate the long association between the land and the people it sustained.
- 1.11 The significant wealth and prosperity of Hawke's Bay has been sourced both from the lands and the waters of the rohe, and from the labour and generosity of generations of the hapū of Heretaunga Tamatea.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.12 This generosity is the primary example of the tikanga of manaaki tangata, the customary practise of welcoming and embracing of guests to our lands; our participation with distinction through several colonial and imperial wars; our major contribution to industrial, pastoral, agricultural and horticultural development; and our iconic academic, artistic and sports acclaim.

### ASPIRATIONS

- 1.13 Since the first land alienation, in 1851, many beloved and respected Hākui and Hākoro have passed on.
- 1.14 In continuing to support their vision and aspirations, the people of the hapū and marae of Heretaunga Tamatea have worked continually to see the restoration of the honour of the Crown and the resolution of outstanding grievances.
- 1.15 Successive rangatira pursued steady, strategic, pathways forward for the betterment of the people, always mindful of the well-being of the hapū. They were optimistic about Pākehā settlement and the opportunities settlement presented for further economic development within their own communities.
- 1.16 Our tīpuna have always been staunch in their support to the Crown and demonstrated this by pursuing political solutions through four successive non-violent responses to protect their lands.
- 1.17 The hapū and marae of Heretaunga Tamatea have waited patiently for the benefits of European settlement the Crown said they could expect during the 1851 Waipukurau Block land transaction. This Deed of Settlement finally offers that opportunity.
- 1.18 As it was with our tīpuna when they signed Te Tiriti o Waitangi at the mouth of the Tukituki River on the 24 May 1840, it is with immense pride in our past and our aspirations for our future generations that we enter into this Deed of Settlement.

### JOURNEY TO SETTLEMENT

- 1.19 On 31 October 2003, following a series of 16 hui between 16 June 2003 and 31 October 2003 (culminating in a hui-ā-iwi at Kahurānaki Marae), the overwhelming majority of Waitangi Tribunal claimants in the Tribunal's Southern Hawke's Bay Inquiry District (subsequently renamed Heretaunga Tamatea Inquiry District – "HTID") resolved to work together to progress and settle their respective claims. The claimants also resolved to file a comprehensive statement of claim (encompassing the then 31 registered Waitangi Tribunal claims) in the Tribunal.
- 1.20 They proposed that a Taumata based on hapū (represented by marae) be established and to also including three other non-marae based claimant groups.
- 1.21 The Kahurānaki hui-ā-iwi established a Working Group and a Communications Committee to develop a framework for advancing the claims and to ensure regular reporting back to the claimants. The Working Group held a number of workshops with

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

claimants and proposed that a claimant Taumata be established based on representation in terms of marae and claimant groups with a total of 31 groups.

- 1.22 A year later, on 28 August 2004, at a hui-ā-iwi at Pukehou Marae, this structure was ratified and the decision was made to call the Taumata, He Toa Takitini (Our Strength is in Unity). In February 2005, following the election of representatives on to He Toa Takitini, its inaugural meeting was held.
- 1.23 During 2006 and 2007, the Heretaunga Tamatea claimants considered issues relating to the progression of their claims through the Waitangi Tribunal (followed by negotiations) or direct negotiations with the Crown.
- 1.24 Following a series of information hui, on 24 March 2007 at a hui-ā-iwi at Omahu Marae, the Taumata and the Heretaunga Tamatea claimants voted to proceed straight to direct negotiations with the Crown rather than progress these claims through the Waitangi Tribunal.
- 1.25 Subsequently He Toa Takitini developed a mandate strategy to mandate a Heretaunga Tamatea Representative Body. On 3 May 2008, Heretaunga Tamatea ratified the *Heretaunga Tamatea Claims Mandate Strategy*, along with an amended comprehensive statement of claim, at a hui-ā-iwi held at Te Taiwhenua o Heretaunga and it was approved by the Office of Treaty Settlements on 24 April 2009.
- 1.26 Taumata elections for Mandated Marae Representatives were subsequently held in June 2009 and Taumata membership was confirmed in July and August that year.
- 1.27 On 31 August 2009, at its inaugural meeting, the Heretaunga Tamatea representative entity resolved to adopt the name 'He Toa Takitini'.

### NEGOTIATIONS

- 1.28 Heretaunga Tamatea mandated He Toa Takitini to negotiate a deed of settlement with the Crown, by undertaking consultations and meetings amongst claimant groups, on 25 August 2010.
- 1.29 The Crown conditionally recognised the mandate of He Toa Takitini on 15 October 2010 and, following further mandating hui for members of Heretaunga Tamatea living outside the Heretaunga Tamatea area of interest, the Crown unconditionally recognised this mandate on 4 February 2011.
- 1.30 The mandated negotiators and the Crown –
  - 1.30.1 by terms of negotiation dated 19 December 2011, agreed the scope, objectives, and general procedures for the negotiations; and
  - 1.30.2 by agreement dated 11 June 2014, agreed, in principle, that Heretaunga Tamatea and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.30.3 since the agreement in principle, have –
- (a) in good faith, conducted extensive negotiations; and
  - (b) negotiated and initialled a deed of settlement.

#### TE WHARE KŌRERO

- 1.31 The mandated negotiators and the Crown agreed to provide the claimant community the opportunity to present their respective grievances to the Crown. On 5–8 June 2013 He Toa Takitini and the Crown jointly facilitated Te Whare Kōrero, presided over by the Rt Hon Sir Anand Satyanand and the Chief Crown Negotiator.

#### *He kōrero nā Timoti Kāretu i te Whare Kōrero 6 o Hune 2013*

*Kāore pea i tua atu i tā te ruri kohara, whakaaroharoha nei a Ignazio Battista, tangata o roto mai o Hihiri, arā o Sicily, i whānau nei i te tau 1899, i a ia i kī rā,*

*“Inā herea te tangata ki te mekameka,  
Tangohia rānei ko ōnā kākahu,  
Whakapurua rānei ko tōna wāha  
Ka herehere kore, ka noho wātea tonu ia  
Tangohia atu tana mahi, tana uruwhenua,  
Te tēpu e kai ai ia, te moenga rānei e moe ai ia  
E tangata whai rawa tonu ana  
Ka rawa kore, ka pōhara te tangata  
Ā te wā e tangohia atu ai te reo i ōhākītia mai ai e ōna tīpuna ki a ia  
Hai reira kua iho ngaro mō ake tonu atu”*

*There is probably no more moving a poem dedicated to the loss of language than this one written by Ignazio Battista, a Sicilian poet born in 1899, who said,*

*“Put a people in chains  
Strip them, plug up their mouths  
They are still free.  
Take away their job, their passport  
The table they eat on, the bed they sleep in  
They are still rich.  
A people become poor and enslaved  
When they are robbed of the language  
Left them by their ancestors  
They are lost forever.”*

#### RATIFICATION AND APPROVALS

- 1.32 Heretaunga Tamatea have, between 19 December 2014 and 5 February 2015, ratified by a majority of 94%, the governance entity receiving the redress and on 10 March 2015, the Crown, recognised the ratification results of the governance entity demonstrated sufficient support from Heretaunga Tamatea for the governance entity.

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

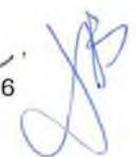
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### 1: BACKGROUND

- 1.33 Heretaunga Tamatea have, since the initialling of the deed of settlement, by a majority of 96%, ratified this deed and approved its signing on their behalf by He Toa Takitini and the mandated negotiators.
- 1.34 Each majority referred to in clause 1.32 and 1.33 is of valid votes cast in a ballot by eligible members of Heretaunga Tamatea.
- 1.35 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 1 September 2015.
- 1.36 The Crown is satisfied –
- 1.36.1 with the ratification and approvals of the governance entity referred to in clause 1.32 and 1.33; and
  - 1.36.2 with the governance entity's approval referred to in clause 1.35; and
  - 1.36.3 the governance entity is appropriate to receive the redress.

### AGREEMENT

- 1.37 Therefore, the parties –
- 1.37.1 in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and
  - 1.37.2 agree and acknowledge as provided in this deed.

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# HERETAUNGA TAMATEA DEED OF SETTLEMENT

## 1 HE WHAKAMĀRAMA

- 1.1 Kai roto i ngā rārangi 1.2 ki te 1.27 o tēnei wāhanga whakamārama e whakarārangingia ake ana ngā hapū o Heretaunga Tamatea, ngā marae o Heretaunga Tamatea, te rohe o Heretaunga Tamatea, ō rātau tūmanako mō te whakataunga me te huarahi i whāia ai ki te whakatutuki i tēnei whakataunga.

### NGĀ HAPŪ O HERETAUNGA TAMATEA

- 1.2 Ko ngā hapū o Heretaunga Tamatea te tangata whenua o roto i ō rātau nā takiwā.
- 1.3 I ngā rautau kua pahure ake nei, he rite tonu te heke mai a te mahi a te manene ki te rohe nei, nā te huhua o ngā rawa o Heretaunga Tamatea, o ngā whenua pātata hoki. Ko ētahi o ngā uri tuatahi i noho rā ki te rohe, nō Ngāti Hotu, nō Ngāti Mahu, nō Ngāti Whatumamoa, nō Ngāti Orotu, nō Te Tini-o-Awa hoki. Nō muri mai ka tau mai ko ngā uri nō runga i te waka o Kurahaupō, arā, nō Ngāi Tara me Rangitāne, ā, nō muri i a rātau ka tau mai ko ngā uri o Takitimu, o Ngāti Kahungunu i raro i te mana o Taraia, me ō Ngāti Ira/Ngāi Tahu, i raro i te mana o Te Aomatarahi.
- 1.4 Hāunga ngā wā i tutū ai te puehu i waenga i ngā tauhou me ērā kua tangata whenua kē ki reira, nā ngā pākūhā i mārō ai te hono i waenga i ngā hāpori, ka mutu, nā ērā e pūmau nei ngā hono tātai o ngā hapū o Heretaunga Tamatea ki ngā whenua e noho nei rātau i ēnei rā nei. I a rātau, ā, kai a rātau tonu nei te mana ahi-kā-roa mai anō i te wā i nōhoia tuatahitia ai e rātau te whenua.
- 1.5 Ko ngā hapū o Heretaunga Tamatea, ko:

Ngāi Tahu ki Takapau	Ngāi Tamaterā	Ngāi Te Ao
Ngāi Te Hauapu	Ngāi Te Hurihanga-i-te-rangi	Ngāi Te Kīkiri o Te Rangi
Ngāi Te Ōatua	Ngāi Te Rangikoianake I	Ngāi Te Rangikoianake II
Ngāi Te Rangitekahutia	Ngāi Te Rangitotohu	Ngāi Te Ūpokoiri
Ngāi Te Whatuiāpiti	Ngāi Toroiwaho	Ngāti Hāwea
Ngāti Hikatoa	Ngāti Hinemanu	Ngāti Hinemoa
Ngāti Hinetewai	Ngāti Hotoa	Ngāti Honomōkai
Ngāti Hōri	Ngāti Kautere	Ngāti Kere
Ngāti Kotahi	Ngāti Kurukuru	Ngāti Mārau o Kahungunu
Ngāti Mahuika	Ngāti Manuhiri	Ngāti Mihiroa
Ngāti Ngarengare	Ngāti Papatuamāro	Ngāti Pīhere
Ngāti Pōporo	Ngāti Pukututu	Ngāti Rāhunga
Ngāti Takaroa/ Ngāti Tākaro	Ngāti Tamatea	Ngāti Te Rehunga
Ngāti Toahoropaki	Ngāti Tukuaterangi	Ngāti Urakiterangi
Ngāti Whakaiti.		

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

1.6 I ētahi wā, i puta ake ētahi tautohe tara ā-whare i waenga i ngā tini hapū o Heretaunga Tamatea, pēnei i a Te Hika-a-Ruarauhanga me Te Hika-a-Pāpāuma, i a Ngāti Kahungunu ki Heretaunga me Ngāi Te Whatuiāpiti hoki, i te nuinga o te wā, kāre i herea ngā hapū nei ki tētahi mana motuhake, noho kē ai rātau i raro i te maru o ō rātau ake rangatira, ko tēnā ki ōna anō whenua, ko tēnā me tōna anō mana.

#### NGĀ MARAE O HERETAUNGA TAMATEA:

1.7 Ko ngā marae o Heretaunga Tamatea, ko:

Houngarea	Kahurānaki	Kairākau	Kohupātiki
Korongatā	Matahiwi	Mataweka	Mihiroa
Mangaroa	Omahu	Pourērere	Pukehou
Rākautātahi	Rongomaraeroa	Ruahāpia	Rūnanga
Tapairu	Taraia	Te Āwhina	Te Rongo a Tahu
Waimārama	Waipatu	Whatuiāpiti	

#### TE ROHE O HERETAUNGA TAMATEA

1.8 E kīia ana koinei te whenua mōmona, oneone haumako katoa puta noa i Aotearoa, ā, he 1.475 miriona eka te rahi o te rohe o Heretaunga Tamatea, e horapa atu nei i ngā pae maunga ikeike, i ngā riu hōhonu, i ngā mānia onetai, me ngā awa matua e rima e ahu ana i ngā manawa whenua i Heretaunga me Ruataniwha.

1.9 E tika ana kia kīia ko te rohe o Heretaunga Tamatea te '*kanohi hōmiromiro o te hāro o te kāhu*'. Ka tīmata i te takutai i Te Kauwae-a-Māui, ā, ka whai whakateraki i te takutai ki te ngutuawa o Tūtaekurī. I reira ka ahu whakateuru i te Tūtaekurī ka piki ake i ngā take ki ngā pīnakitanga kai te taha rāwhiti o te Ika Whenua o Ruahine. Ka ahu whakatetonga ki ngā ngahere o Kāweka me Gwavas, ki te kauru o te awa o Manawatū i te tonga. I reira ka whakawhiti whakaterāwhiti ki te takutai i Te Poroporo, ā, ka ahu whakateraki i te takutai ki Parimāhu, ka hipa i tētahi o ngā wāhi tino whakahirahira puta katoa i te whenua nei – i Kohinurākau, i Te Mata-o-Rongokako me Kahurānaki, te maunga tapu o te rohe – ka hoki mai ki Te Kauwae-a-Māui.

1.10 I mua i te taenga mai o te Pākehā, e takoto ana ōna whenua reporepo, ōna repo, ōna roto anō hoki mai i ngā mānia o Heretaunga ki Te Waireporepo o Pekapeka, te taiao ā-roto hoki o Ngā Puna-a-Tara ki Whatumā i te tonga. Noho ai ko ēnei wāhi, ko ngā takutai ahumoana me te whānuitanga o ngā ngahere o te rohe, hai pātaka kai haumako, hai pātaka rongoā, rawa hoki mā ngā hapū o te rohe. E kītea ana i ngā ingoa o ngā awa, o ngā manga, o ngā āhuetanga o te taiao, o ngā kararehe, o ngā tipu o Heretaunga Tamatea te roa o te hononga i waenga i te whenua me ngā hapū i ora nei i taua whenua rā.

1.11 I ahu mai te tahuaroa me te tōnuitanga o Te Matau-a-Māui i ngā whenua me ngā wai o te rohe, tae atu ki te pukumahi me te manaakitanga a ngā whakareanga o ngā hapū o Heretaunga Tamatea.

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

1.12 Ko te manaakitanga te tauira matua o te tikanga o te manaaki tangata, arā, ko te pōhiri me te awahi i te manuhiri ki ō mātau whenua; ko te rangatira o tā mātau whai wāhi atu ki ngā pakanga a te karauna; ko tā mātau takoha nui ki ngā kaupapa o te ahumahi, o te whakatipu kararehe, o te ahuwahenua, o te whakatipu huawhenua, huarākau hoki; me tō mātau rongonui i roto i ngā ao o te mātauranga, o te toi, o te hākinakina hoki.

#### NGĀ TŪMANAKO

1.13 Mai i te wetekanga tuatahitanga o ngā whenua, i te tau 1851, he huhua ngā hākui me ngā hākoro i tino arohatia, i tino kauanuanutia hoki, kua mate atu.

1.14 Hai whakatutuki tonu i tō rātau moemoeā me ō rātau tūmanako, he rite tonu te whai a ngā hapū me ngā marae o Heretaunga Tamatea kia whakaponu anō ai rātau ki te Karauna, ā, kia ea ai hoki ngā nawe kāre anō kia whakatauhia.

1.15 I āta whāia e ngā rangatira o ngā reanga o muri mai he rautaki e anga whakamua ai te iwi, ā, me te whai tonu kia ora tonu ai ko ngā hapū. I hīkaka rātau i te nohonga mai o te Pākehā me ngā painga ka ara mai hai whakawhanake anō i te ōhanga ki waenganui i ō rātau nā hapori.

1.16 Nō mai iho te kaha tautoko a ō mātau tīpuna i te Karauna, ā, ka kitea tērā tautoko i te āhua o tā rātau whai i ngā huarahi tōtika ā-tōrangapū nei mā ngā urupare aumārire e whā hai tiaki i ō rātau whenua.

1.17 Kua roa ngā hapū me ngā marae o Heretaunga Tamatea e whanga ana i runga i te manawanui kia kitea ai ngā hua o te nohonga o ngā Pākehā i kīia ai e te Karauna i te hokotanga o ngā whenua o te 1851 Waipukurau Block. Mā tēnei Whakaaetanga Whakataunga e kitea ai aua hua.

1.18 Pēnei i ō mātau tīpuna i haina i Te Tiriti o Waitangi i te ngutuawa o Tukituki i te 24 o Mei, i te tau 1840, e uru nei mātau ki tēnei Whakaaetanga Whakataunga i runga i tō mātau whakahīhi i tō mātau hītori me ō mātau tūmanako mō ngā whakatipuranga kai te heke mai.

#### TE ARA KI TE WHAKATAUNGA

1.19 I te 31 o Oketopa, i te tau 2003, i muri mai i ngā hui 16 i waenganui i te 16 o Hune o te tau e 2003 me te 31 o Oketopa o te tau e 2003 (ko te otinga, ko te hui-ā-iwi te marae o Kahurānaki), i whakaae te nuinga o ngā kaikerēme Taraipiunara o Waitangi i roto i te Southern Hawke's Bay Inquiry District a te Taraipiunara (nāwai ka tapaina ko te Heretaunga Tamatea Inquiry District – "HTID") kia mahi tahi rātau ki te whakatare, ki te whakatau hoki i ā rātau nā kerēme. Ka whakaae hoki ngā kaikerēme kia tonoa he tauākī mō ngā kerēme (e kapi ana i ngā kerēme rēhita 31 i te Taraipiunara o Waitangi) ki te Taraipiunara.

1.20 Ka whakatauria kia whakatūngia he Taumata mō ngā hapū (ka nohoia e ngā marae), ā, kia whai wāhi hoki ngā rōpū kaikerēme e toru ehara i te marae.

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.21 I te hui-ā-iwi Kahurānaki, ka whakatūngia he Rōpū Mahi me tētahi Komiti Whakawhitiwhiti hai waihanga i te anga e neke whakamua ai ngā kerēme, ā, e rite tonu ai te pūrongo atu ki ngā kaikerēme. He rahi tonu ngā wānanga i whakahaeretia ai e te Rōpū Mahi i te taha o ngā kaikerēme, ā, ka puta te whakaaro kia whakarewanga mai he Taumata kaikerēme, ka nohoia e ngā marae me ngā rōpū kaikerēme, ā, e 31 katoa ngā rōpū.
- 1.22 I te tau o muri mai, i te 28 o Ākuhata, i te tau e 2004, i te hui-ā-iwi te marae o Pukehou, ka whakamanatia te hanganga, ā, ka puta te whakatau kia tapaina te Taumata ki te ingoa o He Toa Takitini. I te marama o Pēpuere, i te tau e 2005, i muri mai i te pōtihanga o ngā mema ki te rōpū o He Toa Takitini, ka tū tā rātau hui tuatahi.
- 1.23 I te tau e 2006 me te tau e 2007, ka wānangatia e ngā kaikerēme o Heretaunga Tamatea kia haria ā rātau kerēme ki te Taraipiunara o Waitangi (ka whai mai ko ngā whakawhitiwhitinga kōrero), kia whakawhitiwhiti kōrero tika atu rānei ki te Karauna.
- 1.24 I muri mai i ētahi hui whakamōhio, i te 24 o Māehe, i te tau e 2007, i te hui-ā-iwi te marae o Omahu, ka pōti te Taumata me ngā kaikerēme o Heretaunga Tamatea kia kotahi atu ki te whakawhitiwhiti kōrero ki te Karauna, tēnā i te hari i ngā take ki te Taraipiunara o Waitangi.
- 1.25 Nā wai ka huaina e He Toa Takitini he rautaki whakamana kia whakamanatia mai he rōpū māngai mō Heretaunga Tamatea. I te 3 o Mei, i te tau e 2008, i te hui-ā-iwi tū ki Te Taiwhenua o Heretaunga, ka whakamanatia e Heretaunga Tamatea te *Heretaunga Tamatea Claims Mandate Strategy*, me te whakahounga o te tauāki mō ngā kerēme, ā, i whakamanatia tēnei e te Tari Whakatau Take e pā ana ki Te Tiriti o Waitangi i te 24 o Aperira, i te tau e 2009.
- 1.26 Nō te Hune o te tau e 2009 ka tū ngā pōtihanga Taumata kia whakamanatia mai ai ngā māngai mō ngā marae, ā, nō te marama o Hūrae me te marama o Ākuhata o taua tau, ka mana ngā māngai.
- 1.27 I te 31 o Ākuhata 2009, i te hui tuatahi, ka whakatau ngā mema o te rōpū o Heretaunga Tamatea kia tahuri te ingoa ki 'He Toa Takitini'.

### NGĀ WHAKAWHITIWHITINGA KŌRERO

- 1.28 I te 25 o Ākuhata, i te tau e 2010, ka whakamanatia a He Toa Takitini e Heretaunga Tamatea kia whiriwhiri i te whakaaetanga whakataunga ki te Karauna mā te toro atu, me te hui atu ki ngā rōpū kerēme.
- 1.29 Nō te 15 o Oketopa, i te tau e 2010, i puta ai te whakamanatanga tārewa a te Karauna mō He Toa Takitini, ā, nō ngā hui whakamana i whai mai mā ngā mema o Heretaunga Tamatea e noho ana i waho atu o te rohe o Heretaunga Tamatea, ka puta te whakamanatanga herekore i te 4 o Pēpuere, i te tau e 2011.
- 1.30 Kua oti i ngā kaiwhakawhiti kōrero e mana ana me te Karauna -

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.30.1 te whakaae ki te whānuitanga, ki ngā whāinga, ki ngā tikanga whānui anō hoki o te whakawhitiwhitinga kōrero, nā ngā herenga whakawhitiwhiti kōrero i mana ai i te 16 o Tihema, i te tau e 2011; ā,
- 1.30.2 te whakaae, ā-mātāpono nei kia uru atu a Heretaunga Tamatea me te Karauna ki te whakaaetanga whakataunga i runga i te kaupapa matua o roto i te whakaaetanga nā te whakaaetanga i mana ai i te 11 o Hune, i te tau e 2014; ā,
- 1.30.3 mai i te whakaaetanga ā-mātāpono nei, -  
(a) te āta whakawhiti kōrero i runga i te ngākau pono; ā,  
(b) te whakawhiti kōrero, te haina i tētahi whakaaetanga whakataunga.

### TE WHARE KŌRERO

- 1.31 I whakaae tahi ngā kaiwhakawhiti kōrero e mana ana me te Karauna kia āhai ai tā ngā rōpū kaikerēme whakatakoto i ō rātau nā nawe ki te aroaro o te Karauna. I te 5 o ngā rā ki te 8 o ngā rā o Hune, i te tau e 2013, ka whakahaeretia tahitia e He Toa Takitini rāua ko te Karauna Te Whare Kōrero, ko Tino Hōnore Tā Anand Satyanand rāua ko te Kaiwhakawhiti Kōrero Matua a te Karauna i noho hai mana whakahaere.

#### ***He kōrero nā Timoti Kāretu i te Whare Kōrero i te 6 o ngā rā o Hune, i te tau 2013***

*Kāore pea i tua atu i tā te ruri kohara, whakaaroharoha nei a Ignazio Battista, a te tangata o roto mai o Hihiri, arā, o Sicily, i whānau nei i te tau 1899, i a ia i kī rā,*

*“Inā herea te tangata ki te mekameka,  
Tangohia rānei ko ōnā kākahu,  
Whakapurua rānei ko tōna wāha  
Ka herehere kore, ka noho wātea tonu ia  
Tangohia atu tana mahi, tana uruwhenua,  
Te tēpu e kai ai ia, te moenga rānei e moe ai ia  
E tangata whai rawa tonu ana  
Ka rawa kore, ka pōhara te tangata  
Ā te wā e tangohia atu ai te reo i ōhākītia mai ai e ōna tīpuna ki a ia  
Hai reira kua iho ngaro mō ake tonu atu”*

### TE WHAKAPŪMAUTANGA ME NGĀ WHAKAAETANGA

- 1.32 Mai i ngā hui i waenganui i te 19 o Tihema, i te tau e 2014, ki te 5 o Pēpuere, i te tau e 2015, e 94 paihēneti o Heretaunga Tamatea i whakaae kia riro i te hinonga whakahaere te puretumu, ā, i te 10 o Māehe, i te tau e 2015, i whakamanatia e te Karauna te hinonga whakahaere nā runga i ngā hua whakapūmautanga o te hinonga whakahaere me te mārama o te kite atu i te tautoko a Heretaunga Tamatea i taua hinonga whakahaere.
- 1.33 Mai i te hainatanga poto o te whakataunga whakaaetanga, e 96 paihēneti te nui o ngā uri o Heretaunga Tamatea kua whakapūmau i tēnei whakataunga whakaaetanga, ā, kua whakaae hoki rātau mā He Hoa Takitini e haina mā rātau.

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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### 1: BACKGROUND

- 1.34 Ko ia nuinga e kōrerotia ana i roto i te rārangi 1.32 me te rārangi 1.33 he mea āta pōti tika e ngā mema e mana ana i Heretaunga Tamatea.
- 1.35 I whakaae te hinonga whakahaere ki te uru, ki te whai hoki i ngā whakaritenga o te whakataunga whakaaetanga a ngā kaitiaki i te 1 o ngā rā o Hepetema, i te tau 2015.
- 1.36 E pai ana te Karauna –
- 1.36.1 ki ngā whakapūmāutanga me ngā whakaaetanga o tēnei hinonga whakahaere i roto i te 1.32 me te 1.33 o ngā rārangi; ā,
- 1.36.2 ki te whakaaetanga o te hinonga whakahaere kai roto i te rārangi 1.35; ā,
- 1.36.3 kia riro i te hinonga whakahaere te puretumu.

### TE WHAKAAETANGA

- 1.37 Nā reira, ko ngā taha e rua e –
- 1.37.1 hiahia ana ki te uru ki tēnei whakataunga hai whakaea i ngā nawe i runga i te whakaaro o te mahi ngātahi me te tau utuutu.
- 1.37.2 whakaae ana, e whai whakaaro ana hoki e ai ki ngā kōrero o roto i tēnei whakataunga.

## 2 HISTORICAL ACCOUNT

**“Heoi, ko tōna ōhākī, ko te whakatika i ngā hē i hua ake  
i te hokonga atu o ngā whenua me ngā ture  
i utaina ki runga i aua whenua”.**

*But his enduring desire that he bequeathed to us was to forever strive to right  
the wrongs that ensued from the sale of the lands and the laws that were  
imposed with regard to those lands.*

Na Te Ahiahi Rerekohu (Hutana) Robertson  
from “*Whatumā*” TVNZ *Wakahuia*, 2012.

*Ahi Robertson is the oldest surviving WAI claimant in the Heretaunga Tamatea rohe. Ninety-three years of age, she was raised by Ihaia Hutana who was a towering figure in Heretaunga Tamatea post colonial history. A sentinel voice in the injustices that arose over Aorangi and Whatumā, he was also an officer in Takamoana’s militia and a major player in the Repudiation and Kotahitanga movements. Te Ahiahi Robertson has been his voice throughout her life.*

- 2.1 This account provides context for the Crown’s acknowledgements of its historical Treaty breaches against Heretaunga Tamatea, the apology that the Crown offers to the people of Heretaunga Tamatea and their ancestors, and the redress provided in settlement of the Heretaunga Tamatea historical Treaty claims.

### THE ROHE AND PEOPLE OF HERETAUNGA TAMATEA

- 2.2 The Heretaunga Tamatea rohe extends westward from the coast, across alluvial plains, and up the foothills and eastern slopes of the Ruahine Ranges. The area is crossed by several major rivers including the Tūtaekurī, which represents the northern boundary of the rohe, the Ngaruroro, the Tukituki, the Waipawa and the Pōrangahau/Tāurekaitai. Before the arrival of Europeans, a system of wetlands, swamps, and lakes extended from the Heretaunga plains through the Pekapeka wetlands and the Ngā Puna-a-Tara to Whatumā lake system in the south. This, together with the area’s coastal fisheries and extensive bush provided extremely rich sources of food, as well as medicine and materials for the region’s peoples. The names of the rivers, streams, natural features, fauna and flora of Heretaunga Tamatea illustrate the long association between the land and the people it sustained.
- 2.3 The rich resources of Heretaunga Tamatea and surrounding areas attracted successive waves of immigrants over the centuries. Among the earliest groups to settle in the region were Ngāti Hotu, Ngāti Mahu, Ngāti Whatumāmoa, Ngāti Ōrotū and Te Tini-o-Awa. Later came the Kurahaupo waka settlers of Ngāi Tara and Rangitāne, followed by the Takitimu peoples of Ngāti Kahungunu under Taraia and Ngāti Ira/Ngāi Tahu under Te Aomatarahi. Although the arrival of new migrants sometimes led to conflict with groups who preceded them, strategic intermarriage helped to stabilise communities and thereby establish the bloodlines which connect the present hapū of Heretaunga Tamatea to the lands they currently occupy. Although the many hapū of Heretaunga Tamatea sometimes created competing political alliances like Te Hika-a-Ruaruhanga and Te Hika-a-Papauma, Ngāti Kahungunu ki Heretaunga and Ngai Te Whatuiāpiti, for the most part they have lived politically independent lives under separate rangatira, each on their own lands, each with their own mana.

# HERETAUNGA TAMATEA DEED OF SETTLEMENT

## 2: HISTORICAL ACCOUNT



**Map 1: Heretaunga Tamatea  
Area of Interest**

### FIRST CONTACT WITH EUROPEANS

- 2.4 On 15 October 1769, several waka came into contact with Captain James Cook's ship the *Endeavour* off the Heretaunga Tamatea coast. Local tradition remembers that these waka carried a Ngāi Te Whatuiāpiti force under the rangatira Te Rangikoianake and his

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

son Hawea. Seeing what they believed to be a young Māori boy being held captive, Te Rangikoianake's party attempted to free the *Endeavour's* Tahitian cabin boy. The crew of the *Endeavour* fired on them and some were killed. Te Kauwae-a-Māui, close to where this incident occurred, has borne the name Cape Kidnappers ever since. In 1773, a second encounter between local Māori and the *Resolution* resulted in an exchange of goods between Cook and Tuanui, the tohunga-ariki of Pourērere. Tuanui gifted cloaks and a pou-toki and in exchange received iron nails, cloth, pigs, chickens, cabbages, potatoes and other vegetables. The new foods received were soon to form an important part of the food economy of the people of Heretaunga Tamatea.

### EXILE AND THE RECLAMATION OF HERETAUNGA TAMATEA

- 2.5 From the early 1800s, Heretaunga-Tamatea entered a period of internal and external conflict. In the 1820s and 1830s, tribes who had acquired firearms through trade with Europeans invaded Heretaunga Tamatea. Local tradition says that some invaders sought to access the extensive food resource including the now ubiquitous wild pig. Without firearms, the people of Heretaunga Tamatea and neighbouring areas of the wider Ngāti Kahungunu rohe struggled to resist these incursions, and some took refuge at Nukutaurua with the people of Māhia peninsula in the north and in the Wairarapa to the Manawatū. Others went the Mōkai-Pātea and Taupō areas to the west. Some groups remained in Heretaunga Tamatea, preserving the ahi kā roa, the customary right of occupation. At Mahia, Heretaunga Tamatea Māori helped to develop a flax industry that allowed local Māori and the hapū who had taken refuge in the area to engage in trade, and to purchase the arms necessary to defend themselves and later to mount expeditions against occupying tribes and expel them. A period of peace-making followed, and by the early 1840s, the various rangatira of Heretaunga Tamatea and their hapū, although diminished in number, had mostly resumed occupation of their own lands.

### THE TREATY OF WAITANGI AND THE BEGINNINGS OF EUROPEAN SETTLEMENT

- 2.6 On 26 May 1840, three Heretaunga Tamatea chiefs, Te Tohe and the brothers Rawiri Paturoa and Wi Te Ota, signed a copy of the Treaty of Waitangi in Manawatū. The following month, three other Heretaunga Tamatea rangatira signed another copy of the Treaty that had been brought to the Hawke's Bay. The Crown representatives were particularly keen to secure the signature of the Heretaunga Tamatea rangatira Te Hapuku Te Ikanui-o-te-Moana, who had signed He Whakaputanga o te Rangatiratanga o Nū Tīreni (the Declaration of Independence in its English language version) in the Bay of Islands in September 1838. The signatories of He Whakaputanga declared that the territories of the United Tribes were an independent state, and asked the British King for protection against intrusion by other powers.
- 2.7 On 23 June 1840 a British warship, HMS *Herald*, brought Crown representatives to Heretaunga for this purpose and on 24 June 1840, Te Hapuku, together with Harawira Te Mahikai and Hoani Waikato, signed the Treaty of Waitangi. Te Hapuku initially refused to sign the Treaty of Waitangi because, according to the army officer who led the Crown party, he believed that doing so would 'make him a slave'. The officer later reported that he informed Te Hapuku that the Queen's authority had already been proclaimed over New Zealand to enforce justice and good government and that signing the Treaty would not 'lower the chiefs in the estimation of their tribes', but would instead

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'increase his consequence'. The officer also wrote that he told Te Hapuku that he 'might, therefore, sign or otherwise as he thought best for his own interest and those of his tribe'.

- 2.8 The HMS *Herald* was anchored off Waitangi, at the Ngaruroro River mouth, and the rangatira travelled out to the *Herald* by waka. The officer wrote that, after Te Hapuku had requested to come aboard the *Herald*, he begged Te Hapuku to send one of his people to arrange for the immediate return of a whaling boat which had been taken from a British settler, in order to prevent what the officer said would otherwise be the necessity of HMS *Herald* forcibly recovering the boat. The oral traditions of the descendents of Te Hapuku and Te Mahikai are that the officer had threatened them with the destruction of the local settlement Waipūreku by cannon-fire and that the rangatira who signed the Treaty did so because they felt coerced by the Crown's threat.
- 2.9 Article Two of the Treaty guaranteed to Māori the undisturbed possession of their properties, including their lands, forests, and fisheries, for as long as they wished to retain them. It also secured for the Crown the sole right to purchase Māori land, but by 1843 British settlers who had arrived at Wellington were becoming frustrated that the land they required to establish farms was not being made available. Some settlers then began to acquire informal leases of land.
- 2.10 Because informal leasing enabled Māori to generate income from their land while retaining ownership, the Crown viewed such arrangements as a threat to its ability to purchase the land required to promote settlement. The Crown also viewed these arrangements as a potential source of conflict between leaseholders and Māori. In 1846, the Native Land Purchase Ordinance made the acquisition of interests in Māori land by private parties illegal, and introduced penalties for those convicted of purchasing, using, or occupying Māori land without a license from the Crown. However, some Māori and settlers continued to enter into informal leasing arrangements, and in 1849, a Pākehā settler negotiated the first lease in Heretaunga Tamatea, paying Te Hapuku £60 to £100 annual rent for 50,000 acres of land around Pourērere.

### THE BEGINNING OF CROWN PURCHASING IN HERETAUNGA TAMATEA

- 2.11 Māori in Hawke's Bay continued trading with Pākehā after they had returned from the Māhia Peninsula, and from the mid-1840s, Europeans opened permanent stores or trading posts in the Heretaunga Tamatea area at Onepoto, Ngamoerangi, Waipukurau, Puketapu, and Mataruahou. A number of whaling stations were established along the coast of Te-Mataua-a-Māui at Clifton, Rangaika, Waimārama, Bare Island, Te Kupana, Kairākau and Mangakurī. These stations were set up on lands leased from local Māori. By the end of the 1840s, the people of Heretaunga Tamatea were growing and trading pork, flax, maize, and other agricultural produce with Europeans, and were also taking advantage of new employment opportunities, particularly in the whaling industry.
- 2.12 During the 1840s, Te Hapuku and other chiefs became dissatisfied with the prices they were receiving from flax traders, and visited Sir George Grey in Wellington where they offered land to the Crown so that European settlers might be attracted to Heretaunga Tamatea.
- 2.13 In October 1848, the Crown agreed to assist the New Zealand Company to purchase a large area of land extending as far as practicable into Hawkes Bay. Senior Crown

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officials then asked a missionary based in Heretaunga to explain to local Māori that the 'real payment' for their lands was not the money paid but the advantages of civilisation and the 'valuable institutions' that would come with it. They also emphasised the benefits that having a large and carefully selected European population in their vicinity would bring, including the establishment of 'superior schools' and other 'benefits both moral and physical', and the 'enhanced value' of the lands they retained. In December 1848, the missionary met with Māori from Ahuriri and Heretaunga Tamatea and spoke about these benefits, but he then advised them to 'never part with the whole of their land'. The following month, the Native Secretary reported that Māori had refused an offer of £4,000 for a million-acre block and, aware of the potential income that could be obtained through leasing, had requested £16,000 instead. Attempts to complete this purchase were abandoned soon after.

- 2.14 In 1848 and 1849, some rangatira from Hawke's Bay again expressed a desire to sell land for the purpose of attracting European settlers. Others were less willing to sell, and in May 1849 a number of chiefs met at the missionary's home to discuss settlement and land sales. The missionary reported that the attendees had agreed to the approximate boundaries of a block that was to be offered to the Government. This area, which formed the basis of negotiations for the Waipukurau purchase, included territory claimed by a number of hapū groups.
- 2.15 In September 1849, Donald McLean, who had previously worked as Protector of Aborigines and a Police Inspector in Taranaki, was appointed to assist the New Zealand Company to acquire a block including land in Hawke's Bay. However, as the Company was by that time no longer able to provide the funds necessary to complete the purchase, McLean was instructed to negotiate on behalf of the Crown. In September 1850, the Governor informed McLean that he should not spend any more than £3,000 for this purchase.

### THE WAIPUKURAU PURCHASE

- 2.16 In June 1850, Te Hapuku and Hori Niania wrote to McLean requesting that Europeans be sent to their area for the purpose of developing 'trade and pasture', but with the proviso that 'the substance of the land [should] remain with me, to be land for my children and grandchildren'. In August 1850, McLean wrote that negotiations for an area of land as large as the proposed Wairarapa and Hawke's Bay purchase required '[a] steady course of negotiation' in order to deal appropriately with conflicting claims and overcome opposition to land sales.
- 2.17 On 10 December 1850, McLean crossed into the Ruataniwha Plains in southern Hawke's Bay, which he described in his journal as 'the finest grazing and pasturage land in the world'. The following day, McLean came onto Waipukurau pā where, over the next few days, several rangatira from the surrounding area and their people gathered to discuss the sale of land. On 14 December, Te Hapuku delivered a speech outlining the boundaries of a large block he was willing to sell, and other chiefs also spoke favourably of sales. On 16 December, McLean visited the chieftainess Hine-i-paketia, who he described as a 'Queen' with great influence.
- 2.18 At this time, McLean wrote to a Pākehā settler who had just signed a lease, threatening him with prosecution under the 1846 Ordinance. McLean later stated that he had also

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- told Māori that no more leasing was to take place, and that the only legitimate way they could obtain revenue from what he described as 'waste lands' was to sell them to the Crown.
- 2.19 In late 1850 and early 1851, McLean held further meetings with leading chiefs to discuss extensions to the block that had been described to him. By this time, McLean was treating Te Hapuku as a rangatira with the predominant right to negotiate over land. Tensions arose as other rangatira or hapū questioned the right of Te Hapuku to sell areas in which they had interests. In March 1851 McLean recorded a visit to Ngāwhakatātara with Te Hapuku, where the chief Hupata Wheao objected strongly to the alienation of the Pākihihikura (Pātangata) plains. However, Te Hapuku insisted that making land available to the Crown was the best way to attract Pākehā settlers and to secure the associated benefits described by McLean and other Crown officials.
- 2.20 In late March 1851, McLean and a large party of Māori began a journey around the boundaries of the proposed block, during which they also discussed the location of important areas, including kāinga and mahinga kai, which Māori wished to exclude from the sale. On the way, leading members of the party met with groups who had interests in various parts of the block and attempted to convince those who opposed the alienation to give their assent. McLean recorded that some groups agreed after being assured that particular 'reserve' areas would be set aside for them. Near the end of the journey, the Crown surveyor accompanying the group calculated that the Waipukurau block contained approximately 250,000 acres.
- 2.21 In April 1851, McLean attended a hui to negotiate a price for the Waipukurau block. Several rangatira including Hineipaketia, Te Hapuku, and Karaitiana Takamoana spoke about their traditional associations with the land, including its rich food resources, how other tribes had sought to possess it by force, and the many ancestors who had died defending it. They then asked for £10,000 to £20,000. Some attendees noted that land being leased to the south of Heretaunga Tamatea was generating an income of more than £1,100 per year, and stated that they would prefer to enter similar arrangements unless the Crown agreed to pay them liberally for Waipukurau. McLean stated that the main benefits of selling land was not the money Māori received, but that:
- the land when in [the Governor's] hands would rapidly increase in value as he would expend money in making roads, bridges and other improvements to render the land attractive to the Queens subjects and induce them to come and live among them as friends bringing their wealth with them to a strange land among a strange people who they were to enrich by so doing. Whereas the land in [its] present state . . . produced nothing but fern it should hereafter produce wealth and abundance to the rising generations of their race.
- 2.22 McLean then offered £3,000 for the block, to be paid in three annual instalments. Te Hapuku stated that such a small amount would not be enough for the large numbers of customary owners, and requested £7,000 to £8,000. The following day, Te Hapuku reiterated that the sum McLean had offered was too small to secure the land of his ancestors. However, he then told McLean that he was anxious to attract Europeans and to 'see the improvements you talk of'. Te Hapuku then requested that the Crown pay £4,800.
- 2.23 In early May 1851, a large number of Heretaunga Māori including a number of chiefs signed a letter to the Governor requesting £4,800 for 'our land, for our ancestor and

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- parent.' Te Hapuku then sent a personal letter to the Governor repeating the £4,800 price, and asking that the Governor 'send me Europeans for my land as soon as possible, at the same time with the payment' who would then establish a 'large, large, large, very large town'.
- 2.24 On 27 October, McLean arrived again in Waipukurau, and the following day Te Hapuku went out to gather people to the pā. On 29 October, McLean told Te Hapuku that the Governor had agreed to pay £4,800, in four instalments. In a conversation that continued past midnight, McLean then persuaded Te Hapuku to give an additional tract of land in return for the Governor agreeing to pay the price he had asked for. On 4 November, McLean read out the purchase deed to a large gathering of Heretaunga Tamatea Māori, and circulated a map that showed the block's boundaries and the associated reserves. The map of the block attached to the deed did not show the additional area he had discussed, but McLean recorded that those attending the meeting agreed to include more land and had described its boundaries. The deed for the Waipukurau block, of 275,000 acres, was then signed by 377 Māori. The following day, the first £1,800 instalment was distributed equally between representatives of 191 hapū, at a rate of just over £9 each.
- 2.25 Six weeks later, several Māori escorted McLean and Crown surveyors on a journey to point out the boundaries of the additional land, despite some of the owner-occupiers knowing nothing about the sale of their land. In December 1851, a straight line was drawn on maps of the Waipukurau purchase showing a new western boundary, which added between 20,000 and 25,000 acres to the original Waipukurau block, including approximately 3,500 acres of Aorangi. The people of Aorangi protested the loss of this land into the 20th century.
- 2.26 The people of Heretaunga Tamatea view the Waipukurau purchase as a significant agreement which they expected would lead to broader benefits and an enduring relationship for both parties.

### THE TE AUTE ENDOWMENT

- 2.27 Early in 1853, Governor George Grey asked Māori in Hawkes Bay to contribute some land for an endowment which would be used to support a school, to be run by an Anglican missionary. On 30 March 1853, Governor George Grey and rangatira of Ngāi Te Whatuiāpiti met and agreed to each give 4,000 acres of land as an endowment for this purpose. In April, Ngāi Te Whatuiāpiti leaders signed two deeds conferring two separate sections of land, located to the north-east of the Waipukurau block, to the Crown. The missionary took up residence at Te Aute in 1854.
- 2.28 Between 1854 and 1857, the Crown carried out several transactions whereby parts of the land gifted by Ngāi Te Whatuiāpiti were exchanged for surrounding land that the Crown subsequently purchased to make the endowment a more regular shape and to correct surveying errors. In 1857, the Ngāi Te Whatuiāpiti contribution, finally surveyed at 3,397 acres, was conveyed to an Anglican Bishop as Trustee through Crown grants which stated that the land was to support a school 'for the benefit of the Aboriginal inhabitants of New Zealand'. The grant that conveyed the Crown's contribution specified that the school would provide 'for the education of the children of our subjects of both races in New Zealand'.

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*[Handwritten signature]*

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- 2.29 During its first five years in operation, Te Aute had had no more than 15 students in any one year, who were taught in temporary buildings. The missionary who was running the school later stated that he had opened the school on the understanding that the Crown would provide at least £300 per year to support the school. In 1858, when the Native Schools Act was enacted, provision was made to fund Native schools on a per-capita basis, at a rate that was not to exceed £10 per student. After a fire destroyed buildings, stores and implements in March 1859, the missionary decided to close it and work on improving the land.

#### THE 'SECRET' PURCHASES OF 1854-1855

- 2.30 The people of Heretaunga Tamatea recall that Crown assurances about the benefits that would come with European settlement, such as that made by McLean during the Waipukurau purchase, played an important role in convincing their rangatira to sell land to the Crown. In particular, they recall a statement that Governor George Grey made during a visit to Napier in 1853, when he asked Hawke's Bay Māori to sell more land for European settlement. Grey later recalled that he had told Hawke's Bay Māori that European settlement:

would be for your benefit, that you would get protection from your enemies and an end to wars amongst yourselves. I told you of a good many things – carts, horses, ploughs, cattle, property, which you had not then – that you would get schools for your children, and doctors to nurse you when you were sick. I told you I was going to marry you to the European race.

- 2.31 In December 1853 and January 1854, Donald McLean travelled with a number of Heretaunga Tamatea rangatira to Wellington, where he negotiated the purchase of around 110,000 acres of Hawke's Bay lands in four blocks: Tautāne (70,000 acres), Ōkawa (16,000 acres), Kahurānaki (22,000 acres) and Te Umuopua (5000 acres). Māori in Hawke's Bay remember these transactions as the first of the 'nga hoko tahae' or secret sales that occurred during the 1850s. Purchase deeds for three of the blocks had five or fewer signatories. Later, McLean was informed that the people of Pōrangahau had heard about the sale of their land at Tautāne and Te Umuopua and were 'very much offended' by it.
- 2.32 In 1855, the Crown initiated two further 'secret' purchases in Wellington. On 14 February, the Crown paid £100 to a single signatory for his interests in the Waimārama block, and then paid £200 to six Māori for their interests in the Ngaruroro block of around 5,000 acres. The occupants of the Waimārama block of about 32,000 acres were not consulted, and refused to accept payment from the Crown. The Ngaruroro purchase largely disappears from the documentary record, and the land was subsequently included in other purchases.
- 2.33 Through the first half of 1855, Crown agents made payments in Heretaunga Tamatea for the Matau-a-Maui, Te Mata, and Waipūreku blocks, with a combined area of around 45,200 acres. In August, the Crown made payments in Auckland for the Ōtapahi block of around 6,400 acres and for Te Tōtara of around 35,000 acres. Most of these transactions were later disputed by owners or occupiers who had not been consulted but the Crown, offered only to make supplementary payments to these customary owners. In the Te Mata block, for example, a second deed was signed in November 1865 by 10 signatories, none of whom had signed the first deed.

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#### GROWING RESISTANCE TO CROWN PURCHASING IN HERETAUNGA TAMATEA

- 2.34 By the mid-1850s, the purchasing activities of the Crown were generating serious tensions both within and between hapū of Heretaunga Tamatea, and some neighbouring groups. Local Crown officials were aware of growing tensions and were warned of the potential consequences. In July 1855, leading chiefs including Kurupo Te Moananui, Tareha, Renata Kawepo and Karaitiana Takamoana informed the District Commissioner that they were prepared to oppose further purchases conducted without their consent 'at the risk of their lives'. Despite these warnings, the Crown made payments to small numbers of Māori for the Ōtapahi and Te Tōtara blocks in Auckland the following month.
- 2.35 In September 1855, Donald McLean, recently appointed as Chief Native Land Purchase Commissioner, instructed the Hawke's Bay District Commissioner to comply with the new Governor's direction to 'use every possible caution in cases where the title is disputed' among Māori, and to ensure that 'such differences had been amicably settled' before any land purchases were concluded.
- 2.36 In March 1856, McLean reprimanded the Hawke's Bay Purchase Commissioner for failing to make more progress in land purchases. The District Commissioner informed McLean that negotiations around the purchase of an 85,000 acre block which straddled the Ngaruroro river had become a 'point of honour' among local customary owners, that a cautious approach was required, and that he had negotiated to purchase only those parts of the 85,000 acre block which lay south of the Ngaruroro River. According to a local missionary, the chiefs who were opposing the sale consented to this arrangement 'for the sake of peace'.
- 2.37 Subsequently, deeds for the Ruataniwha South block (just over 30,000 acres) and the 38,000 acre Aorangī block (different to the Aorangī area discussed above) were signed in March 1856. The Crown was also seeking to purchase land at Maraekākaho where McLean had applied for a run. In April 1856, McLean received reports that the District Commissioner had been unable to purchase this land at Maraekākaho 'without considerable risk of bringing the matter into immediate collision', and that Māori were fortifying pā in the area. The Commissioner later informed McLean that he had been trying to 'prevent a native war'.
- 2.38 Later in April 1856, the assistant Hawke's Bay Land Purchase Commissioner travelled to Pōrangahau to discuss land purchasing. When he arrived, the residents protested about the 1854 sales of Te Umuopua and Tautane which had been carried out in Wellington. The Commissioner described the signatories of the 1854 Te Umuopua deed as 'secondary' claimants, and that none of the original purchase money had passed to the block's occupants. However, he stated that because money had been paid, the Crown's title should stand and suggested that the occupants could obtain some payment for their land by selling a larger area that encapsulated the original block.
- 2.39 In response, the hapū living at Pōrangahau demanded £5,000 for an area from Parimāhu to Waimate, north of the Pōrangahau River, which Crown officials estimated at the time to contain 100,000 acres, and which included the disputed Umuopua block purchase. The Crown responded that only £1,400 was available for the purchase. The residents of Pōrangahau declined this amount, and in November the District Commissioner wrote to McLean stating that local Māori were still refusing to accept the Crown's offer.

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- 2.40 In August 1857, McLean increased the Crown's offer for the Pōrangahau block to £2,500, but its residents insisted on £3,000. In March 1858, the Crown agreed to pay £3,000 on the condition that the Eparaima reserve set aside from the purchase be reduced from 2,500 acres to 1,000 acres. When surveying of this reduced reserve commenced, its occupants objected on the grounds that they had not been consulted, that 1,000 acres could not support their livestock, and that the rest of their land had already been purchased. The reserve was later increased to just over 1,300 acres, which was surveyed despite continuing protests from the area's occupants.
- 2.41 During negotiations for the Pōrangahau block, an arrangement was made to return an 1,870 acre portion of Aorangi that the Crown had acquired without the consent of its owners in the Te Umuopua purchase of 1854. Fifty Māori accompanied a surveyor to point out the boundaries of the area that was to be returned, known as Whenuahou. However, the Pōrangahau deed made no such provision, and the whole area was treated as Crown land to be sold to settlers. The Crown later argued that the arrangement did not provide for Whenuahou to be returned to Māori, but only for the Crown to make a second payment for it.
- 2.42 The hapū of Aorangi whose land was sold without consultation continued to live on the land until the early 1860s. In evidence presented to the Native Land Court in 1923, the rangatira Ihaia Hutana recalled that as a young man in 1864 he had seen his Ngāi Toroiwaho people driven off the land when the village of Ōruawhoro was burned down while they were away fishing at Whatumā. Ihaia continued that, homeless and landless, they were forced to migrate to the Tārewa Reserve at Waipawa, at Mangapapa, and elsewhere in Heretaunga. The tradition of the hapū of Aorangi says that the papakāinga Te Rae was also burned.
- 2.43 In 1895, Horomona Rongoparae and Ihaia Hutana, both of whom signed the Waipukurau deed, presented a petition to Parliament arguing that the Māori protests about the Crown's failure to return Whenuahou had never been adequately investigated, despite complaints made at the time. The Native Affairs Committee recommended the petition for investigation, but in 1899 Horomona Rongoparae wrote to the Government to ask why nothing had happened, stating that he was an old man and needed a decision. In June 1899, the Chief Surveyor wrote that he could find no authority for the extension of the Waipukurau block beyond its inclusion on a revised map in 1851. Māori continued to protest the loss of Aorangi well into the 20<sup>th</sup> century.
- 2.44 By November 1856, the District Commissioner was describing the tensions that Crown purchasing was causing between Hawke's Bay chiefs as a factor that was leading them to 'extend the sale of their lands', giving him 'reason to hope for further and extensive acquisitions being speedily made'. On 20 November 1856, the District Commissioner paid £1,000 to 18 Māori for the 30,000 acre Maraekākaho block, which included the area where McLean had applied for a run. By 1859 McLean had purchased more than 8,200 acres of Maraekākaho from the Crown.
- 2.45 In December 1856, McLean made a £50 down-payment on behalf of the Crown for the 10,000 acre Manga-a-Rangipeke block to a single rangatira in Auckland. A few days later, McLean made a second payment for the block in the same city.

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- 2.46 By this time, the Crown was also negotiating the purchase of lands around Ngātarawa to the south of the Ngaruroro River. Other chiefs objected to the Manga-a-Rangipeke payments and to the proposed purchase of the Ngātarawa lands. In March 1857, they invited the District Commissioner to travel around the Ngātarawa, Ruataniwha North, and Kaokaoroa blocks, covering around 128,500 acres, so that they could point out lands in which they had interests.
- 2.47 Several leading rangatira then wrote to McLean asking him to return to Hawke's Bay to discuss disputed land purchases, but he did not do so at this time. The Hawke's Bay District Commissioner then negotiated the purchase of the 50,000 acre Ōtaranga block despite stating the previous month that tensions around the negotiations were likely to lead to a 'collision' between the parties. On 30 March 1857, the Commissioner wrote that 'there have been such rows about Aorangi and Ōtaranga that I have not yet paid the money'. Two weeks later, however, the Commissioner signed the Ōtaranga deed.
- 2.48 In June 1857, the Colonial Treasurer instructed McLean to go to Hawke's Bay, stating that disputes in the area were 'assuming a threatening aspect'. The Treasurer also told McLean to complete purchase negotiations that the District Commissioner had been unable to progress. A missionary later recorded that McLean privately admitted that the Crown was at fault in the development of tensions in the area.
- 2.49 After his arrival, McLean met with Renata Kawepo to discuss his claims to the Manga-a-Rangipeke block, which the Crown had purchased in Auckland six months earlier. A missionary who was present at the meeting recalled that Kawepo told McLean that he had never expected to take up arms to protect himself against the acts of the Government.
- 2.50 In June and July 1857, McLean made a series of additional payments in an attempt to conclude some of the earlier disputed transactions, and then negotiated new purchases of the 100,000 acre Ruahine Bush block, and the 12,000 acre Puahanui block.

### THE PAKIAKA WAR AND 'TE WHATA A TE HERUNGA'

- 2.51 The tensions that arose from Crown purchasing activities in the Heretaunga Tamatea area eventually escalated into armed conflict. On 18 August 1857, an armed engagement took place that resulted in the death of seven Māori and injuries to 20 others. A second fight took place on 14 October, during which two more Māori died and three were wounded. On 9 December, a third conflict resulted in five deaths and 16 injuries. Two of those killed in this final conflict were the rangatira Puhara Hawaikirangi, husband of Hineipaketia, and the son of Tiakitai, the rangatira of Waimārama.
- 2.52 In the wake of these damaging inter-hapū conflicts, the chiefs and peoples of Heretaunga Tamatea turned to political methods to deal with issues around land alienation in their rohe. In September 1858, a group of rangatira wrote to the Governor informing him that 'peace had been firmly established' and that the main parties had agreed to '[hang] up our lands on the whata of Te Herunga'. They explained this expression as follows:

Te Herunga was a sacred man and so was his whata (storehouse, elevated upon poles) sacred also; if any food which had been put upon this whata was stolen by a dog, that dog must be killed, so with our lands that have been thus hung up.

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This meant that all of the main parties were prohibited from selling any further land, under threat of death.

- 2.53 At the time of the Pakiaka war, approximately half the land of Heretaunga Tamatea had been purchased by the Crown. Five months after the final battle, hapū of Heretaunga Tamatea were preparing land for planting wheat and potato crops to be sold to European traders for export, or taken to market on their own trading vessels. Karaitiana Takamoana was busy planning a new town at Pākōwhai on the banks of the Ngaruroro River.
- 2.54 By the end of the 1850s, the Crown had purchased approximately 956,000 acres, or almost 70% of the Heretaunga Tamatea rohe. This purchasing activity was more focussed in the southern part of the rohe. Heretaunga Tamatea state that other than land loss the most significant impact of Crown land purchasing tactics during the 1850s, and the inter-hapū conflict that resulted, was the serious damage they caused to the relationship between the hapū of the northern and southern parts of the rohe, Ngāti Kahungunu ki Heretaunga and Ngāti Te Whatuiāpiti.

**Table 1: Crown Purchases in Heretaunga Tamatea, 1851-1859\***

\*This table does not include the Tautane block transaction mentioned in this account, as it lies just south of the Heretaunga Tamatea area. It also excludes the Waimārama and Ngaruroro transactions, which were not completed at this time.

Block	Date of Transactions	Area Purchased (Acres)
Waipukurau	November 1851	279,000
Te Umuopua	January 1854	5,000 (est.)
Kahurānaki	January 1854	22,000
Ōkawa	January 1854	16,000
Matau-a-Maui	March 1855, Feb 1857	29,000
Te Mata	April 1855, Nov 1856	16,000
Waipūreku	April 1855, May 1856	200
Ōtapahi	August 1855	6,400
Te Tōtara	August 1855	35,000
Ruahine/Ruataniwha	1855-1859	130,000
Aorangi	March 1856	38,000
Maraekākaho	November 1856, July 1857	30,000
Manga-a-Rangipeke	January 1857, June 1857	10,000
Ruahine Bush	July 1857	100,000
Puahanui	August 1857	12,000
Ōtaranga	March 1857	50,000
Pōrangahau	March 1858	145,000

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<b>Block</b>	<b>Date of Transactions</b>	<b>Area Purchased (Acres)</b>
Karanema's Reserve	March and September 1858	4,000
Eparaima Bush Reserve	May 1859	500
Tukuwaru Reserve	August 1859	71
Ōmarutāiri (Takapau)	1858, July 1859, August 1859	11,700
Middle/South Pōrangahau	July 1859	16,000
<b>Total Area Purchased (Approximate)</b>		<b>955,871</b>



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### 2: HISTORICAL ACCOUNT

#### RESERVES

- 2.55 Māori could seek to exclude land from sales to retain or protect places of residence, cultivations, food-gathering areas, or urupā. Between 1851 and mid-1859, just under 20,000 acres, or about two percent, of the approximately 956,000 acres of Heretaunga Tamatea land purchased by the Crown was set aside as reserves. Approximately 4,462 further acres were reserved for individual chiefs or other key figures. In many instances, these reserves were smaller than those Heretaunga Tamatea had requested. However, in 1855, the Crown also began to purchase some of the land that Māori had reserved from earlier sales.
- 2.56 The first reserve purchased by the Crown in Heretaunga Tamatea was the 4,000 acre 'Karanema's Reserve' which was set aside in the first Te Mata deed, signed in April 1855. Karanema was the oldest son of Te Hapuku. In the second Te Mata deed, signed by a different group of customary owners in November 1856, the Crown agreed that this area was to be held 'for ever' by the descendants of Te Heipora, who was the senior wife of Te Hapuku and the mother of Karanema. However, in March 1858 the Crown purchased the reserve from some of the signatories to the second purchase deed, and in September made a second payment to a group including some who had signed the first Te Mata deed. The purchase of this land reserved for 'the descendants of Te Heipora forever' has remained a significant grievance for that whānau.
- 2.57 In August 1859, the Crown purchased the 71 acre Tukuwaru reserve, which was one of the eight areas set aside from the Waipukurau purchase in 1851. By 1865, the Crown had purchased 4,975 acres, or approximately a quarter of the land that had been reserved from sales during the 1850s.
- 2.58 Many of the reserves created in Heretaunga Tamatea between 1851 and 1859 also became the subject of long-running disputes. In some cases, problems arose because purchase deeds were signed before reserves had been formally surveyed. Subsequent surveying errors, or even a failure to complete surveys, meant that some of the areas reserved did not correspond with Māori understandings of what had been arranged during purchase negotiations. In the early 1860s, the Hawke's Bay Provincial Surveyor wrote that poorly-defined boundaries had led to disputes in relation to a number of reserves in Heretaunga Tamatea, including Eparaima, Aorangī, Oero, Otane, Pourērere, Pōrangahau Middle (where local hapū disputing a sale had refused to let a surveyor access the land), and Takapau (where surveyors had been removed).
- 2.59 One such dispute which arose around this time related to the 2,135 acre Tārewa reserve, which was the largest of the eight reserves provided for in the 1851 Waipukurau purchase deed. In 1862, Māori protested that an alteration to a section of the original boundary, carried out in 1860 to remedy an error in the original survey, had itself incorrectly removed about 35 acres of the reserve, which the Crown subsequently sold. Over the next 15 years, Māori sought for the boundary to be returned to its original position. In 1878, eviction proceedings were started against Māori who remained in occupation of the disputed area. In April 1880, the Native Minister offered the Māori residents £200 if they agreed to leave. They refused, and in July were threatened with eviction. In 1881, a new Native Minister reviewed the evidence and concluded that a surveying error had indeed been made, and that the Māori occupants 'had just claim upon the land.' In 1884, just over 10 acres, or less than a third of the disputed area was granted back to its Māori occupants.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.60 From 1856, longstanding disputes arose in relation to other Waipukurau reserves, including Oero and Pourērere, both of which local Māori later argued were smaller than the areas they believed they had identified.
- 2.61 Hapū of Heretaunga Tamatea also protested the loss of Whatumā (later called Lake Hatuma), which many believed had been entirely reserved from the Waipukurau sale because of its importance as a source of food including eels, freshwater mussels and other freshwater fish, several species of birds, and raupō pollen. A number of pā located around the lake housed a significant permanent population, and hapū from an extensive surrounding area travelled to the lake to gather resources on a seasonal basis.
- 2.62 For more than 40 years after the Waipukurau purchase, the hapū of Heretaunga Tamatea continued to access Whatumā and make use of its resources. In 1893, a Pākehā owner of land fronting the lake advertised blocks for sale and stopped Māori access. Heretaunga Tamatea Māori immediately protested, only to be informed by Crown officials that because Whatumā had not been formally reserved in the Waipukurau deed, the Crown had assumed ownership and then sold it to settlers in three lots between 1863 and 1875.
- 2.63 Māori then made a series of submissions and formal petitions opposing further sales or requesting the return of the lake or access to it. In one petition, Ihaia Hutana who was present at the Waipukurau deed signing stated that during those negotiations, Donald McLean, who was fluent in te reo, had provided a verbal assurance before a large gathering of Māori that they were to retain the lake. Descendents of Ihaia Hutana recall being told that McLean had said:
- 'e Ruhe kare i au tō koutou moana, engari kei a koutou anō. I au ko uta' (your lake is not for me, it is with you. The land is for me).*
- In relation to these protests, the Crown's position was that because the deed did not provide for the reservation of the lake, and had since passed into private hands, there was nothing it could do.
- 2.64 With no prospect of regaining ownership of Whatumā, deputations from Heretaunga Tamatea approached the New Zealand Premier Richard Seddon directly in 1896, and again in 1901, to request that they at least regain access to Lake Whatumā. In 1901, Ihaia Hutana's request for a five-acre fishing reserve to be established for Māori use on the western shore of Lake Whatumā was approved by the Crown, on the condition that he take responsibility for the payment of an annual rental set at five percent of the reserve's value. This arrangement continued until 1949, when Ihaia Hutana's son passed away and the payment of the rental ceased. Heretaunga Tamatea Māori remember that these payments were discontinued because by this time the site was no longer useful for fishing, due to the construction of a railway nearby, and the separation of the reserve from water's edge following drainage. After this, the Crown resumed control of the reserve.

### THE RŪNANGA MOVEMENT

- 2.65 Following the Pakiaka war, some Heretaunga Tamatea rangatira met with representatives of the Kīngitanga movement who were encouraging Māori to place their lands under the protection of a Māori King. In April 1859, a week-long hui was held at Pā Whakairo just inland from Napier, attended by chiefs from throughout Hawke's Bay and

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surrounding regions, along with a large delegation of Kīngitanga representatives. All Heretaunga Tamatea chiefs agreed to adopt the 'Rūnanga' system of local self-government which the Kingitanga was promoting. Rūnanga were an adaptation of traditional Māori tribal councils, and provided Heretaunga Tamatea Māori with a system to manage issues around crime, housing, alcohol use, and other community matters. The Rūnanga also came to play an important role in curtailing further land sales in the Heretaunga Tamatea rohe.

- 2.66 Most attendees at Pā Whakairo also confirmed the resolution, made under the Te Whata a Te Herunga pact, to sell no further land to the Government, although they agreed to allow transactions that had already started to be concluded. In 1858, a further payment was made for the Tautane block, and in June 1859, Donald McLean returned to the Hawke's Bay and spent the next five months attempting to conclude purchases already under negotiation. During this time he made additional payments for the 130,000 acre Ruahine Ruataniwha block, for Ruataniwha North, and Ōmarutāiri (Takapau). Several of these transactions were again disputed by occupants or by other Heretaunga Tamatea rangatira. From September, Rūnanga representatives attempted to return some of these payments to McLean or to Provincial authorities, but they refused to accept them. In March 1860, the District Commissioner informed McLean that land selling had stopped in those areas where the Rūnanga were operating.
- 2.67 In February 1861, Renata Kawepo wrote an open letter responding to statements made by the Hawke's Bay Provincial Superintendent. Kawepo stated that 'the Treaty of Waitangi [had] been broken' by his 'secret' land dealings and broken promises, and that for these reasons 'the door of land selling was shut'. Kawepo continued:
- Now you tell me that my withholding my land from sale has justified you in taking and buying it from any single individual. Not so; it was rather the faulty purchasing that caused the land the land to be retained lest it should continue to be a road to death to us.
- 2.68 After the hapū of Heretaunga Tamatea effectively halted sales to the Crown in late 1859, the quantity of Māori land being privately leased by Hawke's Bay settlers increased. The 1846 Native Land Purchase Ordinance prohibited private dealing in Māori land but it was seldom enforced. In 1860, the Hawke's Bay Provincial Government began steps to enforce the Ordinance against the private leasing of Māori land, which was considered to be an obstacle to land purchasing and closer agricultural settlement, and a potential cause of disputes between hapū over land rights and rents.
- 2.69 Evidence was collected against six settlers, including Donald McLean who was at this time the Crown's Chief Native Land Purchase Commissioner. In December 1860, McLean was summoned to appear before the Napier Resident Magistrate to answer a charge under the 1846 Native Land Purchase Ordinance that he was guilty of illegally using and occupying Māori land. One settler was convicted and fined, but the Crown then requested that the prosecutions cease as it felt that they were likely to endanger the peace of the province. The following month, the Superintendent of Hawke's Bay wrote to the Colonial Secretary to suggest that McLean's conduct as Native Land Purchase Commissioner be investigated, noting that he was both responsible for enforcing the Ordinance and 'one of the greatest trespassers and occupiers of Native land in the Province'.

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- 2.70 In February 1861, some Heretaunga Tamatea rangatira wrote that they would be 'perfectly willing' to respect the prohibition against leasing, except for the fact that it would negate their ability to demand compensation or 'grass money' from European run-holders whose stock were straying onto Māori lands in large numbers, due to the lack of fencing. The District Commissioner later wrote that some European farmers were running their herds exclusively on adjoining Māori lands, but were refusing to pay grass money to the Māori owners on the grounds that this was prohibited under the Ordinance. The Commissioner noted that under these circumstances, which had persisted for some years, it was not 'unnatural' for Māori to seek a share of the profits being derived from their land. He also noted that because the Ordinance made it impossible for Māori to obtain legal remedy on the issue through the courts, some were beginning to impound straying livestock and demand poundage fees.
- 2.71 By 1864, private parties were leasing approximately 228,000 acres within Heretaunga Tamatea in contravention of the 1846 Ordinance, and the Crown was again concerned about 'the unsatisfactory position of the Government towards the holders of illegal leases.' McLean, now the Superintendent of Hawke's Bay Province, was involved in privately leasing lands in the Ngātarawa, Mangaroa and Raukawa blocks which were adjacent to his Maraekākaho run, and also sought permission from the Crown for the Hawke's Bay Government to lease parts of the valuable Ahuriri plains around Napier from Māori. The Colonial Secretary declined this request because it would be 'fatal to the prospect of sales', and undermine the Crown's position towards what he considered to be illegal private leases of Māori lands. He instead authorised McLean to prosecute settlers under the Ordinance. However, no prosecutions were made.
- 2.72 In early 1865, McLean arranged on behalf of the Provincial Government two illegal leases from Māori for the Hikutoto and Papakura blocks, together covering about 4,700 acres of the Ahuriri Plains. McLean informed the Crown that he would 'rely on the Government's assistance in legalising the arrangements I have made'. The Colonial Secretary informed McLean that the leases were illegal, and that the Government would not pass special legislation to legalise the transaction, but nor would it take any action against it.
- 2.73 Despite the loss of almost a million acres of their rohe by 1860, the hapū of Heretaunga Tamatea continued to engage with the settler economy. In 1863, a local official estimated that Māori across the whole Hawke's Bay district were receiving about £12,000 in rentals each year. In May 1865, the *Hawke's Bay Times* reported that Māori in Heretaunga were busy ploughing their land in preparation for the following year's crop, and that they owned at least two mills which were 'grinding immense quantities of the finest flour, both for their own consumption and for presents to their friends'. Others were finding employment in shearing gangs and on road works. In 1868, the Hawke's Bay Superintendent described Māori in the area as 'rich in lands, cattle, horses, sheep, mills, and agricultural implements' and stated that they were 'applying themselves to industrial occupation . . . and contributing very much to the prosperity of this province.'

### THE NATIVE LAND LAWS

- 2.74 Growing opposition among Māori to Crown purchasing led the Crown to introduce a new system of laws governing Māori land, which it intended to facilitate the alienation of Māori land for Pākehā settlement. In 1862 and 1865, Parliament enacted two Native Lands Acts which provided for the conversion of customary Māori title into individualised legal

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titles derived from the Crown. This enabled land purchasers to acquire individual interests without the consent of the wider community of customary owners. The Crown expected that this change would eventually lead Māori to abandon their traditional communal land-holding structures, and promote their 'amalgamation' into European society. The introduction of the new title system also gave Hawke's Bay settlers who had been leasing Māori land the opportunity to secure legally recognised leases, and to seek to purchase land directly from grantees.

- 2.75 A key provision in the 1865 Act was the so-called 'ten-owner rule', which limited to 10 the number of owners who could be listed on the title of any block smaller than 5,000 acres. While more than 10 names could be included for larger blocks, this option was never used in Heretaunga Tamatea, even though 16 of the 129 blocks put through the Court between 1866 and 1873, when the 10-owner rule was repealed, were larger than 5,000 acres. Further, the Act gave the 10 or fewer named grantees the legal rights of absolute owners.
- 2.76 The other key outcome of the 10-owner rule was that the majority of Māori in Heretaunga Tamatea were excluded from legal titles. Evidence suggests that in the wider Hawke's Bay region, only about one-third of the population appeared on any land title after 1865, and that a large majority of these appeared on only a single title. Māori of Hawke's Bay used the term 'tangata o waho', or 'outside people' to refer to those excluded from titles under the 10-owner rule.
- 2.77 The operation of the Native Land Court generated costs for Māori throughout New Zealand. In particular, the 1865 Act required the applicant or applicants to have had their land surveyed before a title could be issued. In many cases, the costs associated with surveying were such that Māori applicants had to sell or mortgage land in order to pay the cost of surveys. Attending hearings also generated indirect costs. Under the Act, any individual Māori was able to apply to have their claims to a block heard by the Court, and once a claim was lodged all those with interests in the land either had to participate in the Court process or risk exclusion from the title. Native Land Court hearings, usually held in towns, could therefore draw large numbers of claimants, taking them away from home and work, and often requiring them to pay accommodation and other costs, sometimes for long periods.
- 2.78 The Native Land Court began hearing cases in Napier on 5 March 1866. During the first sitting of the Native Land Court in Napier, the presiding Judge explained that 'the effect of a Crown grant in fee simple [was to vest] the title absolutely and exclusively in the persons named in the grant.' However on later occasions, Native Land Court Judges sitting in the Hawke's Bay made comments or assented to arrangements which appear to suggest that the 10 or fewer owners being put forward for inclusion on land titles were to act as representatives who would act in the interest of the wider community of customary owners, despite the Act making no such provision. Evidence shows that many claimants believed this to be the case, and on this understanding some Heretaunga Tamatea chiefs initially viewed the Native Land Court as a mechanism that would help them to obtain legal titles, peacefully resolve disputes over land ownership, and facilitate the establishment of legitimate leasing arrangements. In the Court's first year of operation in Hawke's Bay, the Court investigated 33 blocks in Heretaunga Tamatea, covering in excess of 133,000 acres. Most of these blocks were located in the northern part of Heretaunga Tamatea where the Crown had not purchased significant quantities of land.

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- 2.79 In 1867, the native land legislation was amended to allow the Court discretion to register all the owners on certificates it issued, although the titles themselves could still only include no more than 10 names. Between the passing of the 1867 Amendment and the end of 1870, this provision was used only 11 times out of the 66 Heretaunga Tamatea titles heard by the Court. A report on the operation of the Native land laws in 1871 concluded that this was because most Hawke's Bay Māori had not been informed about the amendment, and that 'no translation of the Acts, or full information of their details, have ever been circulated amongst them'. Several important Heretaunga Tamatea rangatira later stated that they did not become aware of the changes implemented in 1867 until the end of the decade, during which time approximately 135,000 acres, representing approximately a third of the land that remained in Heretaunga Tamatea ownership in 1865, had passed through the Court.
- 2.80 The 1865 Act also provided that the Court could impose restrictions on alienations when it awarded titles, and by 1870 the Court had done so for 40 of the 129 blocks for which it issued titles in. These 40 blocks covered 66,127 acres, or about 20% of the Heretaunga Tamatea lands put through the Court in this period.
- 2.81 Some Heretaunga Tamatea Māori later complained that the Court declined to impose restrictions against alienation when requested to do so. In 1873, the rangatira Henare Tomoana stated that the Court had declined his request have the Heretaunga block made inalienable in 1866 on the grounds that he had 'plenty of land outside this.' These restrictions were effective until 1900, when about 90% of the land protected by alienation restrictions before 1870 remained in Māori ownership. However, more than three-quarters of this land has since passed from Māori ownership.
- 2.82 The individualisation of title under the Native land laws made the reserves established prior to 1865 susceptible to further alienation. By the end of 1869, all or part of four of the remaining Waipukurau reserves were purchased by the Crown or private parties. While the Waipukurau deed had set aside the reserves for 'the chiefs and people of Heretaunga', the Te Tamumu, Waipukurau Pā, and Haowhenua reserves were all sold after having individualised titles awarded by the Native Land Court. By 1908, 5,031 acres of the land that Māori had reserved from sales before 1865 had been purchased by the Crown or private parties. Together with the reserves that had been purchased by the Crown before 1865, this meant that about half of the land reserved by Māori before 1865 was lost to Māori ownership by 1908.

### DEBT AND THE OPERATION OF THE 10-OWNER RULE

- 2.83 The fact that named grantees became absolute owners under the 1865 Act meant that Māori tribal land became available for the recovery of their individual debts. In August 1867, the Napier Resident Magistrate wrote to the Native Minister that some merchants were encouraging Hawke's Bay chiefs to take goods on credit leaving the chiefs 'many thousands of pounds' in debt. He added that some individual Māori landowners were selling large amounts of land to pay debts that they could not service out of the rents they were receiving.
- 2.84 By this time, much of the land in Heretaunga Tamatea awarded under the 10-owner had been mortgaged as security against debts owed to shopkeepers and other businesspeople. Both Māori and Pākehā observers later stated that many of the

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- grantees who took goods on credit or signed mortgages were pressured to do so, or did not fully understand the potential ramifications of the documents they were signing. In 1869, the Hawke's Bay Provincial Solicitor resigned his position, in part because his attempts to protect chiefs from such arrangements had met with disapproval by the Hawke's Bay Provincial Superintendent, Donald McLean.
- 2.85 In 1866, 10 grantees were awarded title of the Heretaunga block, one of the largest in the region. The Heretaunga block comprising 19,835 acres of fertile plain immediately west of the large European settlements of Hastings and Havelock North. By 1868, each of the 10 grantees was carrying significant debt, and creditors were beginning to acquire their individual interests. One of the Heretaunga grantees, the rangatira Karaitiana Takamoana, later protested that the Judge had assured him that no single grantee would be able to sell without the consent of their fellow grantees. By March 1870, local settlers had successfully purchased the individual shares of all grantees named on the Heretaunga title. Takamoana and other grantees later complained that they had been actively encouraged to take goods on credit, or were not made aware of their level of indebtedness until such time as repayment had become impossible except through the sale of their land.
- 2.86 One of the terms of the Heretaunga purchase was that a 1,601 acre area, known as Karamū, be reserved to preserve a significant kāinga. In 1871, those who had purchased the Heretaunga block sought to vest Karamū in two Pākehā trustees. In the 1880s, the Karamū reserve became the centre of long-running Supreme Court litigation, and was eventually held liable for the substantial legal costs that arose. In 1888, the sale of a large part of Karamū was halted after Henare Tomoana and a local missionary informed the Native Minister that 89 Māori were still living there. In April 1889, the parties reached an agreement which resulted in 375 acres of Karamū being sold to cover costs, with the remainder being divided between the reserve's occupants, Ngāti Hori, and the existing grantees.
- 2.87 By 1870, the Commissioner of Native Reserves reported that across the Hawke's Bay, Māori land to the value of £31,826 had either been mortgaged against personal debts or sold to repay debts. In 1870, Karaitiana Takamoana stated that he and his fellow grantees had been careful to only enter into mortgages that they could service from the rents they were receiving. However, when the prices for wool and livestock fell, some of their Pākehā tenants stopped paying rent, in one case for three years. As a result, Takamoana and the other owners could no longer pay the interest on their mortgages, forcing them to mortgage other lands, or to sell. Many other Hawke's Bay Māori later lodged formal complaints about the failure of their tenants to pay rent. Heretaunga Tamatea believe that the non-payment of rent was an intentional strategy designed to deprive them of their land.
- 2.88 During the 1873 Hawke's Bay Native Lands Alienation Commission Inquiry, some Heretaunga Tamatea rangatira testified that some of the debts they incurred resulted from expenditure to develop farms on their land or to provide supplies and benefits for their people. Karaitiana Takamoana incurred significant debts purchasing general supplies, clothes, ploughs, and horses, as well as paying for fencing around the Karamū reserve, and the construction of a Māori Club House in Napier. These debts eventually led to Karaitiana selling his share of the Heretaunga block.

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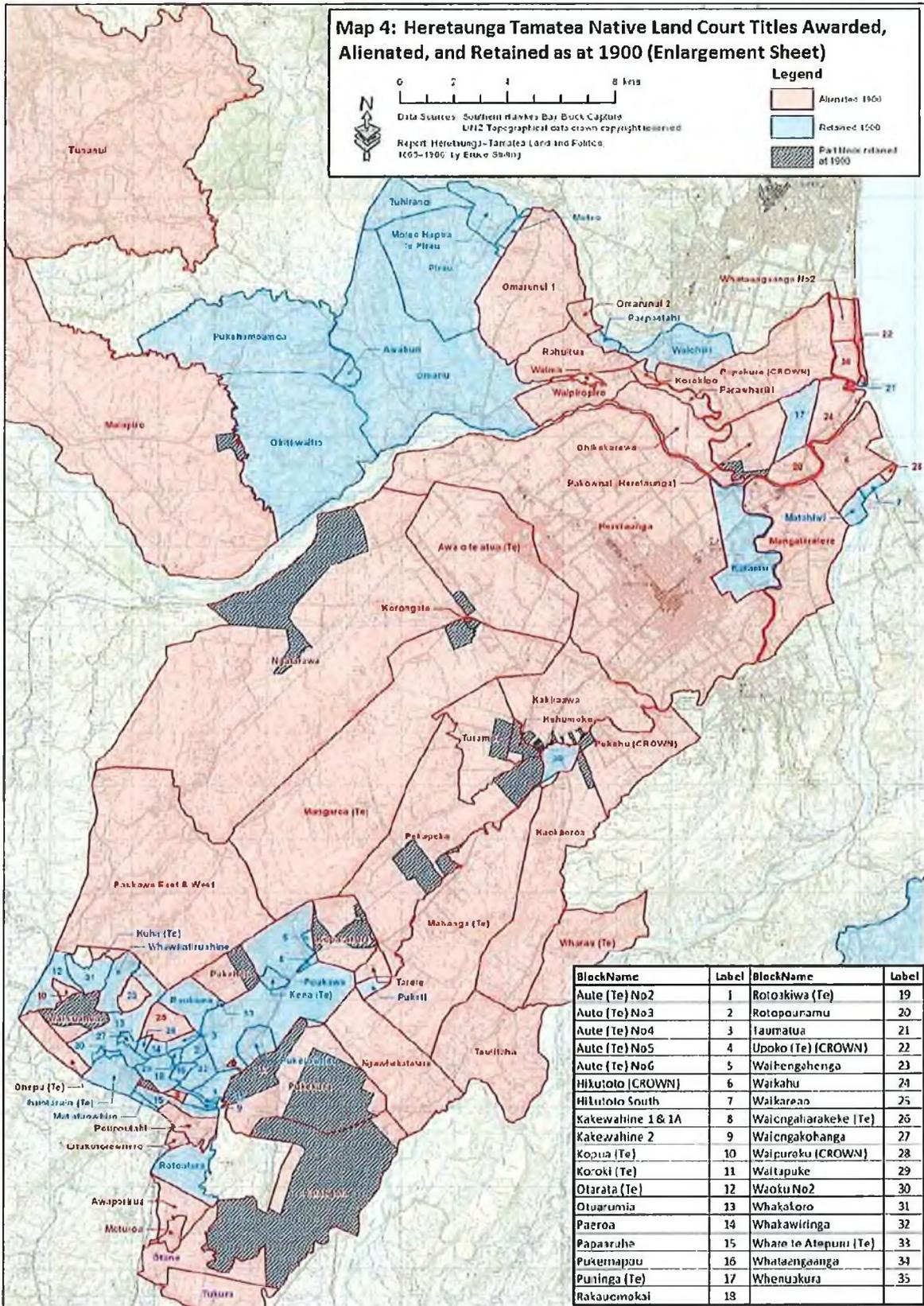
### 2: HISTORICAL ACCOUNT

2.89 The land loss resulting from the operation of the 10-owner rule contributed to an undermining of traditional hapū leadership. Heretaunga Tamatea consider that the operation of the 10-owner rule put the few individuals named as grantees in an extremely difficult position. Heretaunga Tamatea further state the creation of tension within and between whānau and hapū that has, at times, posed significant challenges to the social, cultural and economic cohesion of Heretaunga Tamatea communities.



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## 2: HISTORICAL ACCOUNT



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#### THE CAMPAIGN AGAINST TE KOOTI

- 2.90 In 1868, despite growing concerns about land alienation and the operation of Native land laws, some Heretaunga Tamatea rangatira agreed to support Crown military operations against Te Kooti. In November 1868, 130 Hawke's Bay Māori volunteers under the Hawke's Bay chiefs Henare Tomoana, Karaitiana Takamoana, Renata Kawepo, Tareha Te Moananui, Te Hapuku, Paora Kaiwhata, and Ihaia Hutana fought in the Crown's pursuit of Te Kooti. This contingent subsequently took part in engagements at Patutahi and at Te Karetu, where six Māori from Hawke's Bay were killed and 18 more wounded. One of those killed at Te Karetu was Karauria Pupu, a nephew of Renata Kawepo and a rangatira of high standing. At the young chief's tangi, Donald McLean praised Hawke's Bay Māori for 'so readily com[ing] forward in a time of extreme danger'.
- 2.91 In August 1869, another contingent of Heretaunga warriors under the command of Henare Tomoana and Renata Kawepo joined the Crown's ongoing pursuit of Te Kooti. This contingent participated in battles at Tauranga-Taupō and Te Pōrerere near Lake Taupō, where Renata Kawepo lost an eye, and they remained in the field for about two months.
- 2.92 The second contingent had departed before arrangements about pay were made, and Karaitiana agreed to leave the issue in the hands of the Provincial Superintendent. A month after their departure, the Superintendent commended the behaviour of the 'Ngatikahungunu' contingent in service and stated that they 'must not be treated shabbily'. Karaitiana, along with Henare Tomoana and Renata Kawepo, later protested about the Crown's payment of their men. Tomoana claimed that the second contingent had been paid £888, which equated to less than a quarter the daily rate paid to the first Napier contingent. Two further petitions were submitted by the chiefs, but neither resulted in any additional cash payments.

#### MĀORI OPPOSITION TO THE NATIVE LAND LAWS

E hoa ma, he ritenga whakamate tangata rawa tenei. E kore e taea e au te tuhi atu ana tini tikanga e whakararu nei ia matou heoti nei taku e whakaatu ai kia koutou ko tenei kia mutu te hoko a te tangata i roto i te Karauna Karaati ki a kitea ai hai hoa ranei nga Māori nei mo koutou hai aha ranei hai maka noa atu ranei i runga i te ahua o enei tikanga a te Pakeha.

Friends, this is a regulation which destroys men. I am not able to write out the numerous matters which are troubling us. All that I will intimate to you is this. Let the (one) man who is in the Crown Grant be prevented from selling, so that it be seen whether the Māori are to be as friends to you. . . or whether they are to be cast carelessly aside through these measures of the Europeans.

Karaitiana Takamoana to the General Assembly of New Zealand, 29 July 1869.

- 2.93 From the end of the 1860s Māori of Heretaunga Tamatea and surrounding regions protested against the continuing alienation of their lands. In 1868 Tareha Te Moananui was elected Member of Parliament for Eastern Māori, in which capacity he repeatedly criticised the Court and the associated laws in Parliament. In 1869, Karaitiana Takamoana wrote a formal memorandum to the New Zealand Parliament protesting the Court's workings. Between 1869 and 1872, Māori from Hawke's Bay wrote 46 letters of complaint to the Native Department. In the same period, 19 formal petitions of a similar nature were considered by the Crown. Most of these complaints related to land dealings.

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- In 1870, it was reported that the people of Pōrangahau were raising funds to send a deputation to the Queen. Europeans in Hawke's Bay, including some Crown officials, also informed the Crown that Māori in Hawke's Bay were rapidly becoming landless.
- 2.94 In February 1870, the Commissioner of Native Reserves persuaded rangatira of Heretaunga Tamatea and neighbouring areas to vest those parts of their remaining lands that were in danger of alienation in his trusteeship so that they might be made inalienable. By mid-April, the Commissioner claimed that 13 blocks had been placed in the trusteeship of the Commissioner and another Pākehā official. Eleven of these blocks were in the Heretaunga Tamatea area, covering 20,783 acres of the most valuable remaining Māori land. Despite these arrangements, at least eight of the 11 Heretaunga Tamatea blocks placed in the Commissioner's trusteeship were subsequently alienated, wholly or in part.
- 2.95 In September 1870, the Native Lands Frauds Prevention Act was enacted to 'prevent as far as possible the practice of . . . frauds and abuses' in relation to the alienation of Māori lands. The Act provided for the appointment of Trust Commissioners who were to examine land transactions and determine whether Māori had understood the deeds they signed, retained enough land to support themselves, and were not paid in liquor, arms, or other prohibited goods. The Commissioners were to examine all subsequent transactions, but were not empowered to examine the propriety or legality of previously concluded purchases. An amendment to grant the Commissioners the power to investigate any sale of land in which Māori had interests, including earlier sales, had been passed by the New Zealand Legislative Council, but was struck out by Donald McLean, who had recently become Native Minister, when the Bill passed through the House of Representatives.

### THE HAWKE'S BAY NATIVE LANDS ALIENATION COMMISSION

- 2.96 In August 1870, Henare Matua and 115 others submitted a petition protesting that Hawke's Bay Māori faced 'great destitution by the manner in which dealings with their lands are carried on', and called for the establishment of a tribunal that could hear their complaints. Starting in early June 1872, a series of heavily attended hui were held around Heretaunga Tamatea to discuss concerns about land alienation. At these hui, some Heretaunga Tamatea chiefs argued that they should continue to appeal to Parliament for relief, while others expressed doubts about the effectiveness of this approach and began to advocate for the direct repudiation of earlier sales. In August and October 1872, Hawke's Bay Māori presented two large petitions to Parliament requesting an inquiry into the operation of the Native Land Court and the subsequent loss of lands.
- 2.97 In order to prevent the growth of the movement that sought to repudiate earlier land purchases, the Crown took steps to establish a Commission of Inquiry to investigate transactions for Māori land in Hawke's Bay. In October 1872, an Act providing for the appointment of Commissioners to investigate Māori complaints around land alienation in Hawke's Bay was passed, and a call for submissions from Māori was published in December.
- 2.98 Between December 1872 and February 1873, Hawke's Bay Māori submitted 350 complaints to the Commission. However, as the Commission's terms of reference only allowed it to investigate complaints pertaining to blocks which had been through the

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- Native Land Court, 49 submissions relating to pre-1865 purchases were not considered. Eight further complaints were later withdrawn. Before hearings started, the hapū of Heretaunga Tamatea protested about several aspects of the inquiry, including a lack of information about how it was to be conducted, the refusal to hold hearings anywhere other than Napier, its timing at the height of harvest season, and the appointment of local officials who many Māori believed had contributed to their difficulties.
- 2.99 The Hawke's Bay Lands Alienation Commission sat for the first time in Napier on 3 February 1873, and began to investigate blocks in the order in which complaints about them had been recorded in the Hawke's Bay Provincial Gazette. When the Commission ended hearings on 12 April, it had only heard evidence relating to 81 of the 301 remaining complaints. It had not investigated any of the 22 complaints which mentioned Donald McLean by name, nor any of the complaints relating to four of the main blocks that McLean had leased or purchased – Mangateretere, Mangaroa, Raukawa and Ngātarawa – despite the fact that complaints about the Mangateretere and Raukawa purchases were among the earliest published.
- 2.100 Days after the hearings ended, hapū of Heretaunga Tamatea held a large hui at Pakipaki to organise petitions calling for a new inquiry with greater powers, and to raise funds to have some of the unheard complaints sent to the Supreme Court.
- 2.101 When the Commission published its report in July 1873, about 100 pages, or more than a third of the report, were dedicated to reports and evidence around the purchase of the Heretaunga block. The Commission had heard 10 separate complaints relating to the alienation of this block, relating mainly to the tactics that private parties used to secure the signatures of the 10 grantees. Various grantees described being given alcohol before signing conveyances, being threatened with court action if debts were not paid, and being asked to convey their shares in Wellington, where they could not access the support of friends of hapū members.
- 2.102 The Chairman of the Commission reported that it had not seen any evidence which invalidated any purchase, but found that Māori had legitimate grievances with the native land laws. The Chairman described as 'necessarily false' the idea that 10 Māori owners listed on a Crown title could be considered 'owners according to native custom', and stated that giving those grantees the right to sell their individual shares without the consent of the wider community could not be 'further from the intention of the natives concerned', who believed that grantees had been chosen as trustees for their hapū. He recommended that the Native Land Acts should be repealed, and provisions introduced which would allow for titles to be granted to tribes or hapū.
- 2.103 In August 1873, Māori of Heretaunga Tamatea and surrounding regions submitted two large petitions to Parliament calling for another Commission to inquire into those complaints that weren't heard by the first, and also the reform of Native land laws. In September 1873, Karaitiana Takamoana introduced a Bill to Parliament providing for the establishment of a second commission, but withdrew it a few weeks later.
- 2.104 In October 1873, Parliament passed a new Native Lands Act that repealed the 10-owner rule and required every owner to be recorded on a Memorial of Ownership. The Act required the unanimous consent of all owners before land could be sold, but also allowed blocks to be subdivided if a majority of owners consented, and sold in sections if the

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owners of that section unanimously agreed. The Act included provisions that prevented Māori land from being forcibly sold to recover debts. However, the provisions of the 1873 Act were not retrospective, and could not be applied to titles already granted by the Native Land Court or to land that had already been alienated. By the time the Act was passed, approximately 90% of Heretaunga Tamatea lands had either been purchased by the Crown or passed through the Native Land Court.

#### THE REPUDIATION MOVEMENT

*We, the Māori people, are fully enlightened, and know all our own customs in regard to land claims, and by us alone can a full and clear and true judgment be given in our own land disputes.*

Henare Matua, *Te Wananga*, February 1876.

- 2.105 In late 1873 and early 1874, further large hui were held around the Heretaunga Tamatea, rohe attended by local Māori from the area and several other districts, to discuss ways in which they might address problems arising from the native land laws. The movement that emerged from these meetings, known as the Repudiation Movement by Pākehā and the Komiti by Māori, sought to address many of the same issues that the Rūnanga had protested about in the 1850s. After 1873, the repudiationists began to challenge various aspects of earlier land transactions in Court. In 1874, Henare Matua and Henare Tomoana began to publish *Te Wananga*, a newspaper with a circulation of around 1,000 copies a week which promoted the movement's objectives. In 1874, Henare Matua submitted a petition to Parliament which asserted the Treaty of Waitangi as the basis of Māori authority over their lands.
- 2.106 By 1876, the Repudiation movement was receiving strong support from Māori across the North Island. Heretaunga Tamatea rangatira promoted kotahitanga or pan-tribal unity and the establishment of a Māori political organisation which would have the power to make laws and investigate land disputes according to established tikanga.
- 2.107 In 1876 and 1877, major hui were held at Waiohiki, Pakowhai and Omahu in Heretaunga, where Māori from around New Zealand discussed the reform of Native land laws and the establishment of a Māori Parliament. Following these hui, several large petitions, carrying a total of 2,635 signatures, were sent to Parliament communicating the resolutions that had been reached. In March and April 1878, further large hui at Poukawa and Pakowhai led to the establishment of a Committee comprising 24 representatives of the many North Island tribes who had attended. It was agreed that this Committee would meet annually to discuss issues affecting Māori and would then make recommendations to Parliament.

#### NATIVE COMMITTEES

- 2.108 In 1882, Henare Tomoana, recently elected as the Member of the House of Representatives for Eastern Māori, introduced a Bill which would have empowered Native Committees to adjudicate on disputes relating to surveys, applications to the Native Land Court for investigation of title and applications to sell land that was subject to dispute, where the parties agreed to submit their case to the Committee's jurisdiction. However, the Bill was strongly opposed by the Native Minister, John Bryce, and did not pass its third reading.

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- 2.109 In 1883, the Crown promoted legislation that provided for Native Committees to investigate land title disputes and communicate their findings to the Native Land Court, but did not require the Court to take those findings into account, even if the parties consented to this. The Bill also enabled Native Committees to adjudicate on civil disputes not exceeding £20, with the proviso that decisions were only binding if the parties consented to this beforehand. The House of Representatives passed the Bill without debate.
- 2.110 In April 1884, 12 members were elected to the Hawke's Bay Native Committee. In the following years, the new Member for Eastern Māori complained a number of times in Parliament about the limited powers that the Committee had under the 1883 Act. In 1886 Henare Tomoana wrote to the Native Office, unsuccessfully proposing amendments to the Act which would have given Native Committees greater powers to adjudicate civil and land cases. In 1889, Henare Matua informed the Native Department that he was the only member left on the Hawke's Bay Committee and that he was still waiting for the Department to issue a notice for new elections, as he had requested two years before. Following this, the Hawke's Bay Committee remained largely defunct.

#### NATIVE EQUITABLE OWNERS ACT 1886

- 2.111 In 1886, Parliament passed the Native Equitable Owners Act in an attempt to address some of the problems that had arisen from the 10-owner rule. Under the Act, any Māori person claiming an interest in a 'ten-owner' block could make an application that the Native Land Court ascertain whether the grantees named on the title had been intended to act as trustees for a wider group of owners. If the Court found that they were, those who would have benefitted from such a trust could be recorded as owners on the title.
- 2.112 However, this measure did not apply to blocks where any interest had been sold or conveyed since passing through the Native Land Court, even if only some shares had been sold. The 1886 Native Equitable Owners Act therefore provided little relief for the hapū of Heretaunga Tamatea because at least some interests in most 10-owner rule land blocks in Heretaunga Tamatea had already been alienated. The Pakowhai block, for example, was not eligible for consideration because a portion had been sold in 1868, and because the remainder had been vested under the trusteeship of the Reserve Commissioner in 1870. There were only seven blocks where customary owners successfully applied under the 1886 Act or subsequent legislation to be included in titles from which they had previously been excluded..

#### THE KOTAHITANGA MOVEMENT

- 2.113 In the 1880s and 1890s, Heretaunga Tamatea Māori again took up the cause of Māori unity which had been promoted by the Komiti of the 1870s. In April 1892, more than 1,300 Māori, including Heretaunga Tamatea representatives, gathered at Waitangi to discuss issues including Māori unity and the abolition of the Native Land Court in favour of Māori Committees. The meeting agreed to establish a paremata (parliament) that would develop and implement alternative land policies for Māori in co-operation with the Pākehā Parliament under the mana of the Queen. These approaches were consistent with those which had been promoted by the Komiti.

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- 2.114 In June 1892, the first Māori paremata was convened at Waipatu near modern-day Hastings, and was chaired by Heretaunga rangatira Henare Tomoana. Around a thousand Māori from throughout New Zealand again discussed Māori unity, the abolition of the Land Court and the empowerment of Māori Committees, as well as issues around the interpretation of the Treaty of Waitangi and Māori representation in the Wellington Parliament. In April 1893, a second paremata held at Waipatu produced, among other things, a draft Bill that provided for the appointment of district Māori Committees to replace the Land Court. Fifty-five signatories including Heretaunga Tamatea rangatira sent a petition to the Wellington Parliament supporting the Bill and asking that a Federated Māori Assembly be empowered to govern Māori. Neither the Bill nor the Petition was acted on by the Crown.
- 2.115 In January 1895, a 'Māori Women's Parliament' was established at a meeting of the wahine of Heretaunga at Te Hauke. This organisation called for a boycott of the Native Land Court and the cessation of any further selling, leasing, or surveying of Heretaunga Tamatea land. Soon after, the Hawke's Bay Herald reported that three Māori Members of Parliament had made similar calls. The report also stated that growing numbers of Heretaunga Māori were refusing to recognise the Court at all.
- 2.116 While Crown purchasing slowed in the 1890s, hapū of Heretaunga Tamatea continued to protest against further alienations. In March 1898, Māori attending a hui at Waipatu with Premier Richard Seddon asked that all purchasing of remaining Māori land should stop, that Māori should be enabled to borrow money at low interest rates so that they could develop what land remained, and that those remaining lands should be reserved 'for ever and ever until the end of the world.' Seddon agreed that the sale of remaining lands should stop, and also said that Māori would be better off leasing their land, as this would enable them to retain ownership while still bringing it into economic production.

### CROWN LAND POLICY AND PURCHASING, 1900-1930

- 2.117 In the 50 years since rangatira of Heretaunga Tamatea first invited Crown agents to purchase land in their area, approximately 1.2 million acres of the 1.4 million acres of Heretaunga Tamatea land had passed from Māori ownership, mostly through purchases carried out by the Crown.
- 2.118 During the late 1890s and early 1900s, the Crown came under renewed pressure to acquire Māori land that was not being used productively. In 1905, the Crown resumed purchasing of Māori land in Heretaunga Tamatea. By March 1907, the Crown had purchased just under 8,000 acres of this land, in the Waimārama, Ōkaihau, and Waipuka blocks which had been part of the original Waimārama block whose occupants had refused to sell to the Crown in 1856.
- 2.119 In January 1907, the Stout-Ngata Commission of Inquiry was established to investigate and report on the utilisation of the remaining Māori-owned land. Beginning in February, the Commission considered issues around the Waimārama, Ōkaihau, and Waipuka blocks. It recommended that the Crown acquire nearly 4,000 acres of the Waimārama block for the purposes of European settlement, and that the Crown should cease purchasing in the Ōkaihau and Waipuka blocks because their owners had no other land. The Commissioners later recommended that most of the 9,689-acre Otawhao A block should be made inalienable by sale because its owners also had no other land.

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### 2: HISTORICAL ACCOUNT

- 2.120 In the 12 months that followed the publication of the Stout-Ngata Commission's report, the Crown purchased 3,639 acres of the Waimārama block, in line with the Commission's recommendations. However, the Crown also purchased nearly 3,000 acres of the Ōkaihau and Waipuka blocks, despite the Commission's recommendation that no further land be purchased in these blocks. In total, the Crown purchased at least 8,300 acres in Heretaunga Tamatea in the year following the publication of the Commission's report.
- 2.121 By 1910, the Crown had decided to purchase further land in Heretaunga Tamatea, despite the hapū of Heretaunga Tamatea retaining less than 10% of their original landholdings by this time. The Native Land Act 1909 provided for Māori land owners to make collective decisions about the alienation of their land, which could not be sold without the approval of a majority of owners present at meetings organised by the District Māori Land Board. In 1913, the Crown promoted an amendment to the native land legislation which enabled it to purchase land from individual owners.
- 2.122 In 1914, and again in 1915, meetings of the assembled owners of a 437-acre section of Pōrangahau rejected offers made by the Crown to purchase their land. The Crown declined pay the higher price that the owners requested, and set about acquiring individual interests later that year. By September 1916, the Crown had acquired approximately 80% of the block.
- 2.123 During its purchasing negotiations from 1910, the Crown made extensive use of powers provided for in the 1909 Act which enabled it to place, and subsequently renew, orders which prohibited private alienations of blocks that it wished to acquire. In 1910, for example, the Crown placed prohibition orders over the entire Mangaorapa block, and continued to use such orders to purchase parcels of the block over the following next 35 years. In one subdivision of the block, the Crown imposed prohibition orders and then kept them in place for 11 years. The use of these proclamations placed significant pressure on owners to sell land to the Crown.
- 2.124 By 1930, under the influence of the Member of Parliament for Eastern Māori and new Native Minister Apirana Ngata, the focus of Crown policy had shifted to helping Māori develop their own land rather than purchasing it for the use of settlers. However, by this time the Crown had purchased approximately 71,000 acres, or well over a third of the land that had remained in Māori ownership Heretaunga Tamatea in 1900. This included more than 7,300 acres, or about three-quarters of the Otawhao A block, despite the Stout-Ngata Commission's recommendation that most of this land be made inalienable.

### FIRST WORLD WAR SERVICE AND SOLDIER SETTLEMENT

- 2.125 Some of this purchasing was carried out to acquire land for the soldier settlement scheme that the Crown established through the 1915 Discharged Soldier Settlement Act. Under this Act returned soldiers could apply to purchase or lease Crown land, and for loans to develop that land into operating farms. A 1917 amendment allowed returned soldiers to apply for loans to buy privately owned farms, and enabled soldier-settlement lands to be used for soldier housing. Across New Zealand, about 10% of all service-people who were eligible to apply under the scheme obtained assistance onto land. Approximately two percent of eligible Māori obtained assistance onto land.

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### 2: HISTORICAL ACCOUNT

- 2.126 During the First World War, 68 Māori men whose next-of-kin lived in Heretaunga Tamatea volunteered to serve in the Māori Contingent which fought at Gallipoli, and subsequently in the New Zealand (Māori) Pioneer Battalion (also known as Te Hokowhitu-a-Tū) on the Western Front. Nine of these men died during or soon after the war, and three others were decorated for bravery.
- 2.127 Between 1916 and 1924, returned soldiers (both Pākehā and Māori) made 1,456 applications for assistance under the scheme in the Hawke's Bay Land District (which extended to the East Cape). Of these, 416 obtained assistance onto Crown land in the District. Out of the approximately 500 returned Māori soldiers from the Hawke's Bay Land District, eight, or about one and a half percent, obtained farms under the scheme. Two other soldiers from Heretaunga Tamatea obtained farms that were not located in the Heretaunga Tamatea area. Due to the loss of records in the 1931 Napier earthquake, it cannot be ascertained how many Heretaunga Tamatea returned soldiers applied for access to Crown land under the scheme, or how many obtained assistance under the 1917 amendment such as acquiring loans to buy privately owned farms and sections, or to build or buy urban houses.

### DEVELOPMENT SCHEMES IN HERETAUNGA TAMATEA

- 2.128 In the 1930s, the Crown began establishing schemes to develop Māori land for commercial agriculture. Māori land-owners had to consent to their land being placed in a scheme, but once they did, the Crown exercised complete control over the development of the land and charged the cost of that development against the land. However, by the time this scheme was established more than 90% of Heretaunga Tamatea land had passed from Māori ownership, leaving little available to be developed under this scheme.
- 2.129 In August 1931, Māori land-owners consented to the Crown establishing the Heretaunga Development Scheme, which comprised 1,403 acres across a number of discreet units, including just over 560 acres within the Heretaunga Tamatea area. In October 1932, Ngata wrote that the Heretaunga Development Scheme represented 'a very limited attempt which cannot make up the lee-way in the distressful conditions' that many Hawke's Bay Māori were experiencing.
- 2.130 From 1936, further schemes were set up in the Heretaunga Tamatea area, including the Mangaorapa Development Scheme covering 878 acres, the Pōrangahau Development Scheme of 1,130 acres, and the Rākautāhahi Development Scheme of 1,943 acres. Further parcels of land were added to the Heretaunga Development Scheme, and some were removed, but by 1940 the scheme covered 2,755 acres. However, none of these schemes supported more than a relatively small number of people.

### WORLD WAR II SERVICE

- 2.131 During the Second World War many Heretaunga-Tamatea men served in D Company of the 28th (Māori) Battalion, and a number lost their lives. Captain F. R. Logan of the 28<sup>th</sup> Battalion's D-Company who had been involved in recruiting Māori soldiers to serve in the war, later expressed guilt and anger when they continued to experience social and economic marginalisation after returning to the country they had made sacrifices to defend.

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### 2: HISTORICAL ACCOUNT

#### ONGOING PROTEST AGAINST ALIENATION

- 2.132 Heretaunga Tamatea rangatira continued to protest about Crown land alienations well into the 20<sup>th</sup> century. Between 1902 and 1920, Heretaunga Tamatea rangatira repeatedly petitioned the Crown about the loss of Aorangi in the 1850s. In 1920, leaders of the Aorangi hapū gave evidence on the issue to the Native Land Claims Commission. The Commission concluded that due to 'mistakes' being made during early Crown purchases, the northern part of Aorangi had never been included in any deed of sale, that the southern portion had been sold without the consent of all interested Māori, and that an arrangement to return some of this southern portion had not been carried through. Crown officials began to discuss the issue of compensation, and in 1929 two Native Land Court judges recommended £38,545 compensation for the loss of Aorangi, based on the value of the land plus simple interest and costs. They noted that Māori claims, ranging from £148,000 to £219,000, included lost rental income or compound interest.
- 2.133 In 1935, a deputation of owners informed the Prime Minister that they had not pursued the issue of compensation for some years because of the depression. They then said that they would accept £64,000, which represented the unimproved value of the land, or the return of the land itself. Further requests for redress over Aorangi were presented in 1938 and 1939, after which time discussions again stopped.
- 2.134 In September 1949, claimants stated that in the interests of finally obtaining a settlement they would agree to base their claim for compensation on the figure suggested by the Native Land Court 20 years previously, and would no longer seek compound interest. In response to their request for £73,185, the Crown offered £46,500, which the claimants declined to accept. In December 1949, a meeting of owners agreed to accept £50,000 compensation. In 1950, nearly a century after the first part of Aorangi was included in the Waipukurau purchase, the Māori Purposes Act provide for the payment of £50,000 compensation, £5,000 of which was to cover legal fees, £22,500 to be distributed to the owners of Aorangi, and £22,500 to be placed in a Trust for the benefit of the owners and their descendents. The Aorangi Trust Board was subsequently established under the provisions of the 1955 Māori Trust Boards Act, which prescribed the structure of the Māori Trust Boards, their election processes, their administrative framework, and the purposes to which they could apply their funds.

#### THE HERETAUNGA TAMATEA ENVIRONMENT

- 2.135 The forests of Heretaunga Tamatea, along with the rivers, springs, swamps, foreshore, sea, and associated fisheries provided significant traditional food sources and other resources which sustained the hapū of Heretaunga Tamatea, and enabled them to exercise manaakitanga. They also provided materials for a range of cultural, artistic, medicinal, and building purposes. Heretaunga Tamatea Māori had strong spiritual and cultural connections to the land and water in their area, and managed these resources according to customary principles of kaitiakitanga.
- 2.136 The Heretaunga Tamatea rohe has experienced significant environmental transformation since 1840. European settlement brought the introduction of many exotic plants, fish, bird and animal species, and facilitated the clearance of much of the remaining forest, bush, scrub, and fern-land. The large-scale clearance of existing ground-cover exacerbated erosion issues in Hawke's Bay, and also the damage caused by floods.

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### 2: HISTORICAL ACCOUNT

- 2.137 From 1868, the Crown promoted a series of Acts which empowered Hawke's Bay local bodies to modify rivers and streams for flood-control purposes without consulting local Māori. In 1898, the Crown compulsorily acquired about 146 acres from Māori owners of subdivisions of the Ngātarawa block in order to carry out river control works designed to protect the Napier-Kopua railway from flooding. In September 1912, the Crown declared that it no longer required the land for railway purposes, and declared the area to be Crown land. The following year, the Crown reserved the land to be used for the improvement of the Ngaruroro river, and vested it in the Hawke's Bay River Board.
- 2.138 During the 20<sup>th</sup> century, the Ngaruroro and Tukituki rivers were subject to extensive modification by bodies such as the Hawke's Bay Rivers Board. Between the mid-1930s and the 1980s, local authorities took several hundred acres of Māori-owned riparian land under the Public Works Act along the Ngaruroro, Tūtaekurī, and Tukituki Rivers for river control purposes. On several occasions Heretaunga Tamatea Māori objected to these takings on the basis that the land was necessary for their economic well-being, that the proposed flood controls would not work, or that the flood protection scheme would negatively affect their kāinga and remaining land. However, the ability of Heretaunga Tamatea Māori to influence decisions about the management of waterways in their rohe was limited by their lack of representation on the Hawke's Bay River Board or the Hawke's Bay Catchment Board. Changes to the structure and course of the major rivers of Heretaunga Tamatea reduced the diversity of habitats, and diminished the diversity of native fish species. Agricultural, industrial and residential discharges have polluted many of the rivers and streams of the Heretaunga Tamatea region, causing great distress to the hapū of Heretaunga Tamatea.
- 2.139 The drainage of lakes and swamps in the 19th and 20th centuries removed another important food source of the hapū of Heretaunga Tamatea. Poukawa was a large area of lake and raupo wetland covering between 3,000 and 4,000 acres depending on seasonal water levels. In 1872, at the Crown's suggestion, Te Hapuku assented to place the lake and some surrounding lands under the Native Reserves Act to protect it from alienation. Soon after, Te Hapuku informed the Crown that he had not intended to place the area under the Government's control, saying 'I did not give up my land to the Government to be in their charge . . . No, never, never. I myself hold the mana of my land.' In 1882, the Crown promoted legislation which vested the administration of reserves such as Lake Poukawa, as part of the Poukawa Native Reserve, in the Public Trustee. From 1893, the Public Trustee sought to place small farmers on the reserve, despite objections from its Māori occupiers that they were still using the land. In 1903, Parliament passed the Poukawa Native Reserves Act which permitted the Trustee to lease out most of the land and drain all or part of the lake and surrounding swamp. Due to various difficulties, the draining of Poukawa took some time, but by 1948 the surface area of the lake had been reduced to 400 acres which had a severe impact on the eel population of Poukawa. By the 1980s, the lake's Māori owners struggled to provide enough eels for gatherings on the marae.
- 2.140 Whatumā, which derives its name from its use as a plentiful source of kai, particularly eels, was also subjected to extensive draining during the 1950s. In 1968, it was reported that the exposure of beds of freshwater mussels six feet thick was presenting a health hazard to local residents, and that hundreds of carp and swans were lying dead in and around the lake.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.141 The coastal waters of Heretaunga Tamatea have also been polluted as a consequence of development in the region, particularly the direct discharge of industrial waste and sewerage into Hawke's Bay. Pollution has negatively affected shellfish stocks in the Heretaunga Tamatea region.
- 2.142 For the hapū of Heretaunga Tamatea, the sacredness of water-based food sources is captured by the phrase 'he wairua tō te kai' (food has a spiritual essence). In their view the degradation of Heretaunga Tamatea rivers and lakes has therefore greatly diminished the essential spirit of the region's water. The hapū of Heretaunga Tamatea have sought to play a role in the management of water and fish stocks in their rohe, and have both contributed to official resource management programmes and established several voluntary organisations that have sought to incorporate traditional principles of kaitiakitanga to the management of marine resources.

#### TE AUTE COLLEGE

- 2.143 After the closure of Te Aute College in 1859, a number of Heretaunga Tamatea rangatira, including some of the original donors of the school's endowment, protested that the land they had gifted to support Te Aute was not being used for the purpose for which it had been provided. Some rangatira asked for the school to be re-opened, while others asked that the land be returned or that the missionary who was working to improve the endowment pay rent. In 1870, a Commission of Inquiry into the 'condition and nature' of charitable and religious school estates in New Zealand agreed that the original objective of the Te Aute endowment had been 'abandoned'.
- 2.144 Te Aute College re-opened in 1872. In 1873, Heretaunga Tamatea Māori made further protests about the school to the Hawke's Bay Native Lands Alienation Commission, again calling for the return of the land or the payment of rent. In 1875, the school had 32 pupils, of whom five were Pākehā. Of the 27 Māori pupils, only four came from Hawke's Bay. After a large meeting at Te Hauke in 1877, Te Hapuku and 168 others petitioned Parliament about the management of the Te Aute estate and the small number of local Māori children who were attending. The Petitions Committee found no fault with the management of the school or the estate but confirmed that no children of the original donors were attending. During the hearings of a 1906 Royal Commission on school Trusts including Te Aute, Māori witnesses again expressed discontent that few students from Heretaunga Tamatea were attending Te Aute.

#### EDUCATION AND TE REO

- 2.145 In 1867 the Crown promoted legislation which provided for the establishment of Native Schools to educate Māori children in the English language, in districts where Māori requested them. In 1872, the Crown established Native Schools at Pakowhai and Omahu. Heretaunga Tamatea Māori gifted two-and-a-half acres for each of the Pakowhai and Omahu schools, and raised over £500 towards their maintenance. However, both schools were closed by 1877. Pakowhai School reopened in 1882 but closed permanently the following year. No further Native Schools were established in Hawke's Bay during the 19th century. In the 20<sup>th</sup> century, the Crown established further Native Schools for Māori in Hawke's Bay, including one at Waimārama in 1907. In 1906, the Anglican Church established a mission school for Māori at Te Hauke.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.146 Most Heretaunga Tamatea Māori children attended public schools. The education system generally had lower expectations for Māori than Pākehā children until well into the 20<sup>th</sup> century, and sought to prepare most Māori children for manual labouring occupations only. It was not until the 1940s and 1950s that the Education Department's Māori education policy began to reassess these expectations.
- 2.147 The Crown saw the Native School system in part as a means of assimilating Māori into European culture. Neither public schools nor Native Schools provided support for the retention of Te Reo Māori. Many Māori children were punished for using Te Reo Māori at school. While Te Reo Māori remained the predominant language in Māori homes and communities up to the 1930s, the use of Te Reo declined after the migration of many Māori into urban areas. By the mid-1970s, only about 20% of all Māori were fluent speakers, and most of those were elderly. The loss of Te Reo Māori detrimentally impacted on the retention of Heretaunga-Tamatea Māori culture. Heretaunga Tamatea maintain that legislation such as the Tohunga Suppression Act 1907 also had a detrimental impact on tribal cultural practices and traditional Rongoa.

### SOCIO-ECONOMIC CONSEQUENCES

- 2.148 By 1930, the hapū of Heretaunga Tamatea retained only six percent of the land that had been the basis of their economic and social wellbeing in 1840. During the early 20<sup>th</sup> century, an increasing proportion of Heretaunga Tamatea Māori worked in industries that were founded on the land their tupuna once owned, as shearers, farm workers, timber mill workers, on public works, and in meat processing, often on a casual or seasonal basis.
- 2.149 In 1929, a Health Department official stated that Māori between Waipawa and Napier were 'in the majority reduced to almost straitened circumstances.' In 1934, an Education Board official who had visited Matahiwi Pā reported that 'I have no wish to exaggerate, but it was somewhat of a shock to find that the living conditions in the pah were so bad.' In 1937, a national survey of Māori housing found that many Māori in Heretaunga Tamatea and surrounding areas were living in conditions described as 'most unsatisfactory, and in many cases appalling'. Over the following years, a number of houses were built or repaired for Māori in the Ikaroa District, under the 1935 Native Housing Act and its 1938 Amendment. However, in 1942, a survey of 261 houses inhabited by Māori in southern Hawke's Bay found that only 15% met standards of basic sanitary requirements, and that 20% were considered fit only for demolition. Many were not waterproof, had insufficient water supply, or no indoor sanitary arrangements.
- 2.150 In the 19th century, the hapū of Heretaunga Tamatea had suffered epidemics of introduced infectious diseases such as measles, whooping cough, and influenza that sometimes caused large numbers of deaths. From the late 19th century, many Heretaunga Tamatea Māori suffered from diseases often associated with poverty such as tuberculosis, rheumatism and typhoid. In 1936, about 20% of Māori children in Heretaunga Tamatea died before their fifth birthday, a mortality rate five times higher than for Pākehā children in the Hawke's Bay.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.151 Starting in the mid-1930s, and again from the 1950s, an increasing proportion of Heretaunga Tamatea Māori moved to urban centres, in search of employment opportunities and better housing. By 1960, the Crown was generally unwilling to provide housing assistance in remote areas where residents had few employment opportunities, and encouraged Māori to relocate to urban centres. In 1966, a Crown official described Te Hapuku's kāinga Te Hauke as 'a dying settlement [which] cannot be resuscitated.' By 1976, about 30% of Heretaunga Tamatea Māori lived in rural areas, down from 80% 20 years before.
- 2.152 During the second half of the 20<sup>th</sup> century, increasing numbers of Heretaunga Tamatea Māori turned to employment in food processing industries such as freezing works or fruit processing. The skills that Māori attained in these roles were not always transferrable to other areas, and the restructuring of these industries from the mid-1980s led to significant drops in income, increased unemployment, and the departure of Heretaunga Tamatea Māori to other regions. Between 1986 and 1991, the unemployment rate among Māori men in Hawke's Bay doubled to 16%, which was nearly three times higher than the rate for Pākehā men in Hawke's Bay.

### CONCLUSION

- 2.153 In the late-1840s, rangatira of Heretaunga Tamatea offered land to the Crown to secure mutually-beneficial relationships with the Crown and European settlers. However, by the end of the 1850s the rangatira and hapū of Heretaunga Tamatea were making collective arrangements to halt further purchasing after the Crown had acquired more than two-thirds of the rohe in a manner that created significant tensions between hapū and culminated in armed conflict. In the 1860s the hapū of Heretaunga Tamatea used their remaining lands to produce goods for trade and to generate significant rental income, but the Crown's introduction of native land laws facilitated large-scale land purchasing by private parties in the 1870s and 1880s. In the early 20<sup>th</sup> century, the Crown resumed purchasing and by 1930 the hapū of Heretaunga Tamatea were virtually landless. Today, the hapū of Heretaunga Tamatea speak of being a 'tangata without whenua'. More than half of all Heretaunga Tamatea Māori now live outside their traditional rohe, while many of those who remain in the area live in relative poverty.

*MSB*  
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- 2.1 I tuhia ēnei kōrero hai horopaki mō tā te Karauna whakaae i tāna takahi i te Tiriti i āna mahi ki a Heretaunga Tamatea, mō tana whakapāha ki te iwi o Heretaunga Tamatea me ō rātau tīpuna, mō te utu anō hoki hāi whakaea i ngā kerēme Tiriti o mua a Heretaunga Tamatea.

### TE ROHE ME TE IWI O HERETAUNGA TAMATEA

- 2.2 Ko te rohe o Heretaunga Tamatea ka toro whakateuru atu i te takutai, ki ngā mānia onetai, piki ake i ngā take ki ngā pīnakitanga kei te taha rāwhiti o te pae maunga o Ruahine. E rere ana hoki ōna awa matua, tae atu ki a Tūtaekurī, kei te taupā whakararo o te rohe, ki a Ngaruroro, ki a Tukituki, ki a Waipawa, ki a Pōrangahau/Tāurekaitai anō hoki. I mua i te taenga mai o te Pākehā, e takoto ana ōna whenua kueo, ōna repo, ōna roto anō hoki mai i ngā mānia o Heretaunga ki ngā waireporepo o Pekapeka, ki ngā roto hoki o Ngā Puna-a-Tara ki Whatumā i te tonga. Noho ai ko ēnei wāhi, ko ngā tauranga ika me te whānuitanga o ngā ngahere o te rohe hai pātaka kai, hai pātaka rongoa, rawa hoki mā ngā hapū o te rohe. E kitea ana i ngā ingoa o ngā awa, o ngā manga, o ngā āhuatanga o te taiao, o ngā manu, o ngā kirehe, o ngā ika, o ngā tipu hoki o Heretaunga Tamatea te roa o te hononga i waenga i te whenua me ngā hapū i ora nei i taua whenua rā.
- 2.3 I ngā rautau kua pahure ake nei, he rite tonu te heke mai a te mahi a te manene ki te rohe nei, nā te huhua o ngā rawa o Heretaunga Tamatea, o ngā whenua pātata hoki. Ko ētahi o ngā uri tuatahi i noho rā ki te rohe, nō Ngāti Hotu, nō Ngāti Mahu, nō Ngāti Whatumamoā, nō Ngāti Orotū, nō Te Tini-o-Awa hoki. Nō muri mai ka tau mai ko ngā uri nō runga i te waka o Kurahaupō, arā, nō Ngāi Tara me Rangitāne, ā, nō muri i a rātau ka tau mai ko ngā uri o Ngāti Kahungunu i raro i te mana o Taraia, me ō Ngāti Ira/Ngāi Tahu, i raro i te mana o Te Aomatarahi. Hāunga ngā wā i tutū ai te puehu i waenga i ngā tauhou me ērā kua tangata whenua kē ki reira, nā ngā pākūhā i mārō ai te hono i waenga i ngā hapori, ka mutu, nā ērā e pūmau nei ngā hono tātai o ngā hapū o Heretaunga Tamatea ki ngā whenua e noho nei rātau i ēnei rā nei. Ahakoa, i ētahi wā, i puta ake ētahi taukumekume tara ā-whare mō ngā take mana whakahaere i waenga i ngā tini hapū o Heretaunga Tamatea, pēnei i Te Hika-a-Ruarauhanga me Te Hika-a-Pāpāuma, i a Ngāti Kahungunu ki Heretaunga me Ngāi Te Whatuiāpiti hoki, i te nuinga o te wā, kāre i herea ngā hapū nei ki tētahi mana motuhake, noho kē ai rātau i raro i te maru o ō rātau ake rangatira, ko tēnā ki ōna anō whenua, ko tēnā me tōna anō mana.

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## 2: HISTORICAL ACCOUNT



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### 2: HISTORICAL ACCOUNT

#### TE TŪTAKITANGA TUATAHITANGA KI TE PĀKEHĀ

- 2.4 I te 15 o Oketopa, i te tau 1769, ka tūpono ētahi waka ki te kaupuke o Kāpene James Cook, ki te *Endeavour*, i te takutai o Heretaunga Tamatea. E ai ki ngā kōrero tuku iho o te rohe, i runga i aua waka rā tētahi taua nō Ngāi Te Whatuāpiti, e tū ana i raro i te mana o te rangatira, o Te Rangikoianake me tana tama, me Hawea. I tā rātau kitenga i tētahi tama, i maharatia nei he Māori e mauheretia ana, ka ngana te taua a Te Rangikoianake ki te tohu i tā te *Endeavour* tama manaaki pahī nō Tahiti. Ka pūhia te taua e ngā kaumoana o te *Endeavour*, ā, ka mate ētahi. Nā tērā i tapaina ai a Te Kauwae-a-Māui, e pātata ana ki te wāhi i tū ai tēnei āhukatanga, ki tōna ingoa e mau tonu nei i tēnei wā nei, ki a Cape Kidnappers. I te tau 1773, i te tūtakitanga tuaruatanga o ngā Māori o te rohe me te *Resolution*, ka hua ake ko te whakawhiti rawa i waenga i a Cook me Tuanui, me te tohunga-ariki o Pourērere. He korowai, he pou-toki tā Tuanui i takoha ai, me te aha, ka riro i a ia he nēra maitai, he papanga, he poaka, he haihai, he kāpeti, he taewa me ētahi atu huawhenua. Kāore i roa i muri mai, ka noho ko aua kai rā i whakawhiwhia ai hai wāhanga matua mō te tahuaroa o te iwi o Heretaunga Tamatea.

#### TE WHAKAMANENE ME TE WHAKATANGATA WHENUA ANŌ KI HERETAUNGA TAMATEA

- 2.5 I ngā tau tōmua o te rautau 1800, i pakanga ngā uri o Heretaunga Tamatea ki a rātau anō, ki ētahi atu hoki nō waho o te rohe. I ngā tau 1820 me ngā tau 1830 ka whakaekea ngā whenua o Heretaunga Tamatea e ētahi iwi, nā te whakawhiwhinga o te pū ki a rātau i ngā mahi tauhokohoko me te Pākehā. E ai ki ngā kōrero tuku iho o te rohe, i whai ētahi whakaariki ki te toro ki te whānuitanga o ngā rawa kai, tae atu hoki ki te poaka puihi e kitea whānuitia ana i ēnei rā. I te korenga o ētahi pū, i uaua tā te iwi o Heretaunga Tamatea me tā ngā rohe pātata ki te rohe whānui o Ngāti Kahungunu kaupare i ngā whakaekenga mai, me te aha, ko ētahi i pūrere atu ki te kimi kāinga punanga ki Nukutaurua, kai reira rā te iwi o Te Māhia, ā, ko ētahi i rere whakatetonga atu ki Te Wairarapa, ki Manawatū hoki. Ko ētahi anō i whati atu ki tuawhenua, ki Mōkai-Pātea me Taupō. I noho tonu ētahi ki Heretaunga Tamatea ki te tiaki i te ahikāroa, i te tikanga e mana tonu ai te noho ki tētahi wāhi. Nā ngā Māori o Heretaunga Tamatea i āwhina ki te whakatū i te ahunga whītau ki Te Māhia e whai wāhi ai ngā Māori nō te rohe tonu, me ērā hapū i pūrere atu ki reira, ki ngā mahi tauhokohoko, e riro ai i a rātau he moni hai hoko pū kia pai ai tā rātau wawao i a rātau anō, kia taea ai hoki ā tōna wā te pakanga atu kia panaia ai ngā iwi whakaeke rā. Nāwai, ā, ka houhia te rongo, ka mutu, tae rawa ake ki ngā tau tōmua o ngā tau 1840, kua hoki anō ētahi rangatira o Heretaunga Tamatea me ā rātau hapū ki ō rātau ake whenua ki reira noho ai i te roanga o te wā, ahakoa kua tokoiti haere rātau i taua wā.

#### TE TIRITI O WAITANGI ME TE TĪMATANGA O TE NOHO A TE PĀKEHĀ

- 2.6 I te 26 o Mei, i te tau 1840, i te rohe o Te Manawatū, nā tētahi tokotoru rangatira o Heretaunga Tamatea, nā Te Tohe me Rawiri Paturoa rāua ko tana taina, ko Wī Te Ota, i haina tētahi tāruatanga o Te Tiriti o Waitangi. Nō te marama i muri mai, i hainatia e tētahi atu tokotoru rangatira o Heretaunga Tamatea tētahi atu tāruatanga o te Tiriti i haria rā ki Te Matau-a-Māui. I tino pirangi ngā māngai o te Karauna ki te tā moko a tētahi o ngā rangatira o Heretaunga Tamatea, a Te Hapuku Te Ikanui-o-te-Moana, nāna nei i haina te Whakaputanga o te Rangatiratanga o Nū Tīreni, i te Pēwhairangi, i te marama o Hepetema, i te tau 1838. Nā ngā kaihaina o te Whakaputanga i whakatau he whenua

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mana motuhake ngā whenua o Te Whakaminenga o ngā Hapū, ā, i tono hoki kia tiakina rātau e te Kīngi o Piritana i ngā urutomo mai a ētahi atu mana.

- 2.7 I te 23 o Hune, i te tau 1840 ka kawea e tētahi kaupuke taua Piritana, e te HMS *Herald*, ngā māngai o te Karauna ki Heretaunga kia tutuki ai te kaupapa nei, ā, i te te 24 o Hune, i te tau 1840, ka haina tahi a Te Hapuku rātau ko Harawira Te Mahikai, ko Hoani Waikato i te Tiriti o Waitangi. I te tīmatanga, kāore a Te Hapuku i whakaae ki te haina i te Tiriti o Waitangi nā te mea, e ai ki te āpiha ope taua nāna nei te rōpū o te Karauna i ārahi, i whakapono ia ina pērā, 'e whakataurekarekahia ana ia'. Nō muri mai, ka mea taua āpiha, nāna a Te Hapuku i whakamōhio kua oti kē te mana o te Kuini te whakatau ki Niu Tirenī hai mana whakaū i te tika, i te kāwanatanga pai hoki, ā, e kore 'te mana o ngā rangatira i waenga i ō rātau iwi e heke' mena ka hainatia e rātau te Tiriti, engari ia, 'ko tōna mana ka rewa ake'. I tuhia hoki e te āpiha te kōrero e mea nei nāna a Te Hapuku i kī atu 'kia haina mena e rapa ana ia i te painga atu mōna ake, mō tōna iwi anō hoki.'
- 2.8 Ka tau te kaupuke o HMS *Herald* ki Waitangi, kai te ngutuawa o Ngaruroro, ā, ka tere atu ngā rangatira ki te *Herald* mā te waka. E ai ki ngā tuhituhi a te āpiha, nō muri i te tono a Te Hapuku kia piki ai rātau ki te *Herald*, nāna a Te Hapuku i inoi kia tukuna e ia tētahi o ana tāngata ki te whakarite i te whakahokinga, i taua wā tonu, o te kaupuke whaiwhai wēra i kāhahina ai i tētahi Pākehā e noho ana ki reira, kia kua ai e eke ki tā te āpiha i kī rā, arā, ki te kore e whakahokia, mā te kaha o te HMS *Herald* te kaupuke rā e mau anō ai. E ai ki ngā kōrero tuku iho a ngā uri whakahaheke i a Te Hapuku rāua ko Te Mahikai, nā te āpiha rātau i whakaweti ki te whakapahūtanga o tō rātau pā ki Waipūreku mā te pūrepo, ka mutu, ko ngā rangatira i haina i te Tiriti, i pērā nā aua whakaweti a te Karauna.
- 2.9 E ai ki te Ātikara Tuarua o te Tiriti ka mau tonu i te Māori te rangatiratanga o ō rātau rawa, tae atu hoki ki ō rātau whenua, ki ō rātau ngahere, ki ō rātau wai mahi kai hoki, mō te roanga o te wā i pīrangi ai rātau ki te pupuri ki aua rawa rā. Nō konei hoki, i riro ki te Karauna anake te mana ki te hoko i ngā whenua Māori, engari, tae rawa ake ki te tau 1843, kua takeo haere ngā Pākehā e noho ana ki Te Whanganui-a-Tara he kore nō ngā whenua me whai e rātau kia pai ai tā rātau whakatū pāmu i wātea mai. Ka tīmata ētahi o ngā tauhou ki te whakarite rīhi whenua, ahakoa he mea kāre e mana ana i raro i te ture.
- 2.10 E ai ki te Karauna, ko ēnei tūmomo rīhi, nā reira i taea ai e te Māori te mahi moni mai i ō rātau whenua me te pupuri tonu ki aua whenua rā, he ārai i tana āhai ki te hoko whenua hai whakanohonoho mai i te Pākehā. E ai hoki ki te Karauna, mā ēnei momo whakaritenga ka puea ake pea he raruraru i waenga i ngā kaupupuri rīhi me te Māori. I te tau 1846, nā te Native Land Purchase Ordinance i kore ai te whai rawa a te hunga tūmataiti i ngā whenua Māori e whakaaetia, ā, ka puta mai ko ngā whiu i te hunga ka mau tangetange mō te hoko, mō te whakamahi, mō te noho hoki ki ngā whenua Māori me te kore i whai raihana i te Karauna. Heoi anō, ka whakaritea tonuhia ngā rīhi āhua hāramuramu nei e ētahi Māori me ngā tauhou, ā, i te tau 1849, ka oti i tētahi tauhou Pākehā te rīhi tuatahi ki Heretaunga Tamatea te whakarite, ko tana utu i a Te Hapuku kai waenga i te £60 ki te £100 i ia tau mō ngā eka whenua e 50,000 huri noa i Pourēre.

### TE TĪMATANGA O TĀ TE KARAUNA HOKO WHENUA I ROTO O HERETAUNGA TAMATEA

- 2.11 Tauhokohoko tonu ai te Māori o Te Matau-a-Māui me te Pākehā i muri i te hokinga mai i Nukutaurua, ā, i ngā tau i waenga o ngā tau 1840, ka whakatūria e te Pākehā ā rātau

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toa, ā rātau wāhi tauhokohoko rānei ki ngā wāhi o te rohe o Heretaunga Tamatea, ki Onepoto, ki Ngāmoerangi, ki Waipukurau, ki Puketapu, me Mataruahou. I whakatūria hoki ētahi teihana wēra ki ngā takutai o Te Matau-a-Māui, ki Tiromoana, ki Rangaika, ki Waimārama, ki Motu-o-Kura, ki Te Kupana, ki Kairākau me Mangakurī. He mea whakatū ēnei teihana ki ngā whenua i rīhingia atu e ngā Māori o te rohe. Tae rawa ki ngā tau whakamutunga o ngā tau 1840, i te whakatipu, i te tauhokohoko hoki te iwi o Heretaunga Tamatea i te poaka, i te whītau, i te kānga, i ētahi atu hua ahuhenua ki te Pākehā, ā, i te kuhu hoki rātau ki ngā mahi hou i ara ake, pēnei rawa i te ahumahi whaiwhai wēra.

- 2.12 I ngā tau 1840, ka hōhā haere a Te Hapuku me ētahi atu rangatira i te āhua o ngā utu mai i ngā kaitauhokohoko harakeke, ā, ka toro atu rātau ki a Tā Hōri Kerei i Te Whanganui-a-Tara, ka tonoa atu ai he whenua ki te Karauna me kore ngā tauhou Pākehā e hiahia ki te noho ki Heretaunga Tamatea.
- 2.13 I te marama o Oketopa, i te tau 1848, ka whakaae te Karauna ki te āwhina i te New Zealand Company ki te hoko i tētahi wāhi nui o te whenua e toro atu ana ki roto o Te Matau-a-Māui. Nā ngā āpiha matua o te Karauna tētahi mihinare e noho ana ki Heretaunga i tono kia kī atu ia ki ngā Māori o te rohe, kāore 'te tino utu' mō ō rātau whenua i te moni i utua ai, engari kai ngā hua kē o te noho tōrire me ngā 'tikanga whai wāriu' ka puta mai i taua tūāhuatanga. I kaha hoki tā rātau kōrero i ngā painga ka hua ake i te noho a te tokomaha o ngā Pākehā i āta whiriwhiringia ai ki tō rātau rohe, tae atu ki te whakatūranga o ngā 'kura rangatira ake' me ētahi 'painga ā-tikanga, ā-tinana hoki', ka mutu, ka 'piki anō hoki te wāriu' o ngā whenua ka puritia tonutia e rātau. I te marama o Tihema, i te tau 1848, ka tūtaki te mihinare ki ngā Māori o Ahuriri me Heretaunga Tamatea ka kōrero ai i ēnei hua, engari i kī atu hoki ia kia 'kaua rawa rātau e tuku i te katoa o ō rātau whenua'. I te marama i muri mai, ka mea te Native Secretary kua whakahē atu te Māori ki te £4,000 hai utu i tētahi poraka whenua kotahi miriona eka te nui, ā, i runga i te mōhio ki te nui o te moni tērā pea ka riro i a rātau mā te rīhi, ka tono kē rātau i te £16,000. Kāore i roa i muri mai, ka mutu te whāia o tēnei hokotanga.
- 2.14 I te tau 1848 me te tau 1849, ka whakaatuhia anō e ētahi rangatira o Te Matau-a-Māui ō rātau hiahia ki te hoko whenua hai poapoa i ngā tauhou Pākehā. Kāore i pērā rawa te hiahia o ētahi atu, ā, i te marama o Mei, i te tau 1849, ka hui ētahi rangatira ki te kāinga o te mihinare ki te kōrero mō te whakanohonga o te tauhou me te hokonga whenua. Hai tā te mihinare, i oti i te hunga i tae ake te whakatau ngā roherohenga o tētahi poraka whenua hai tukutanga atu ki te Kāwanatanga. I tēnei wāhi, i noho nei hai tūāpapa mō ngā whakaritenga o te hokotanga o Waipukurau, ko ētahi wehenga whenua i kerēmetia ai e ētahi hapū maha.
- 2.15 I te marama o Hepetema, i te tau 1849, i tohua ai a Donald McLean, i mahi rā i te tūranga o te Protector of Aborigines me te Kaitirotiro Pirihimana ki Taranaki, hai kaiāwhina i te New Zealand Company ki te hoko i tētahi poraka, tae atu ki ētahi whenua o Te Matau-a-Māui. Engari, tae rawa ake ki tērā wā, kua kore ā te Company pūtea hai whakatutuki i te hokotanga, me te aha, ka whakahaungia a McLean hai kaiwhakarite mā te Karauna. I te marama o Hepetema, i te tau 1850, ka kī atu te Kāwana ki a McLean kia kaua e neke atu i te £3,000 te nui o te pūtea ka pau ki tēnei hokotanga.

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#### TE HOKOTANGA O WAIPUKURAU

- 2.16 I te marama o Hune, i te tau 1850, ka tuhi atu a Te Hapuku rāua ko Hori Niania ki a McLean me tonu kia tukuna atu he Pākehā ki tō rāua takiwā e pai ai te whakawhanake i te 'tauhekohoko me te whakatipu otaota', engari ko te here i kīia rā 'me noho tonu ko te kiko o te whenua hai ahau,, hai kāinga mō aku tamariki, mō aku mokopuna'. I te marama o Ākuhata, i te tau 1850, ko tā McLean i tuhi rā e tika ai te whakatutuki i te taupatupatutanga o ngā kerēme, te tāmi hoki i te hunga e tohe ana ki te hokotanga o ngā whenua, me 'tuku kia tika tonu te haere o ngā whakaritenga' e pā ana ki tētahi wāhanga whenua pērā rawa te nui i ō ērā i tohua ai ki te hokotanga o Te Wairarapa me Te Matau-a-Māui.
- 2.17 I te 10 o Tihema, i te tau 1850, ka whakawhiti atu a McLean ki ngā mānia o Ruataniwha i te pito whakatetonga o Te Matau-a-Māui, i tuhia rā e ia ki tana hautaka, ko 'te mutunga kē mai o te whenua pai i te ao hai whakatipu otaota hai kai mā ngā kararehe'. I te rā o muri mai, ka tae atu a McLean ki te pā ki Waipukurau ki reira noho ai mō ētahi rā atu anō, ki te kōrero tahi me ētahi o ngā rangatira o ngā wāhi pātata ki te rohe, me ā rātau tāngata, i te hokotanga o ngā whenua. I te 14 o Tihema, ka pānuitia e Te Hapuku tana kōrero e tohu ana i ngā rohe o tētahi poraka nui i hiahia rā ia ki te hoko atu, ā, i reira anō ētahi atu rangatira e pānui ana i ā rātau kupu tautoko i ngā hokotanga. I te 16 o Tihema, ka toro atu a McLean ki te kahurangi, ki a Hine-i-paketia, i kīia rā e ia, he 'Kuini' mana nui.
- 2.18 I taua wā anō, ka tuhia e McLean tētahi reta ki tētahi tauhou Pākehā, kātahi anō ka haina i tētahi rīhi, me tana whakatumatuma atu ki te whiu a te ture i raro i te Ordinance o te tau 1846. I muri mai, ka mea a McLean i kīia atu ngā Māori e ia kia mutu tonu te rīhi, ā, ko te huarahi kotahi e tika ana i raro i te ture e riro ai i a rātau he moni mō ngā whenua i kīia rā e ia he 'whenua koraha', ko te hoko i aua whenua rā ki te Karauna.
- 2.19 I ngā marama whakamutunga o te tau 1850 me ngā marama tuatahi o te tau 1851, ka whakatūngia e McLean ētahi atu hui ki ngā rangatira ki te kōrero i te whakawhānuitanga o te poraka kua oti kē te whakamōhio atu ki a ia. I tēnei wā, ki a McLean, ko Te Hapuku tonu te rangatira nōna kē te mana nui ki te kōrero mō ngā whenua. Ka puea ake ngā raruraru nā ngā tohe a ētahi atu rangatira, a ētahi atu hapū rānei ki tō Te Hapuku mana ki te hoko i ngā rohe e whai pānga nei rātau. I te marama o Māehe, i te tau 1851, i tuhi a McLean e pā ana ki tā rāua ko Te Hapuku haere ki Ngāwhakatātara, ki te wāhi i kaha ai tā te rangatira, tā Hupata Wheao whakahē i te wetekanga o ngā mānia o Pākihikura (Pātangata). Heoi anō, nā Te Hapuku te whakahau ko te whakawātea i ngā whenua ki te Karauna te huarahi pai katoa hai poapoa i ngā tauhou Pākehā, e mau ai hoki i a rātau ngā painga i kōrerotia ai e McLean me ētahi atu āpiha a te Karauna.
- 2.20 I ngā rā whakamutunga o te marama o Māehe, i te tau 1851, ka tīmata a McLean me tētahi tira Māori, ki te huri i ngā roherohenga o te poraka i tohua ai, ā, i konei ka matapakitia ngā wāhi whakahirahira, tae atu hoki ki ngā kāinga, ki ngā mahinga kai, otirā, koinei ngā wāhi kāre te Māori i whakaae kia hokona atu. Nō te haerenga atu, ka hui ngā rangatira o te tira ki ētahi rōpū e whai pānga ana ki ētahi wāhanga o te poraka, ka ngana ai ki te akiaki i ērā e tohe ana ki te wetekanga kia whakaae ai. Hai tā McLean, i whakaae ētahi rōpū i te kīnga atu o rātau ka āta 'rāhuitia' ki a rātau anō ētahi wāhi. I te wā ka tata mutu te haerenga, ko te tataua a te kairuri whenua a te Karauna i te taha o te tira haere e mea ana kei tōna 250,000 eka te rahi o te poraka ki Waipukurau.

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

2.21 I te marama o Āperira, i te tau 1851, ka tae atu a McLean ki tētahi hui ki te whakarite i tētahi utu mō te poraka ki Waipukurau. I kōrero ētahi rangatira, tae atu hoki ki a Hine-i-paketiā rātau ko Te Hapuku, ko Karaitiana Takamoana, e pā ana ki ō rātau hononga whakapapa ki te whenua, tae atu ki ana pātaka kai, e pā ana hoki ki tā ētahi atu iwi whai ki te raupatu me te huhua o ngā tīpuna i mate i tā rātau pakanga ki te tiaki i taua whenua. Kātahi rātau ka tono i te £10,000 ki te £20,000. Ko te kōrero a ētahi i taua hui, he nui ake i te £1,100 i ia tau te nui o te moni e whakawhiwhia mai ana ki a rātau i ngā rīhi o ngā whenua i te taha whakatetonga o Heretaunga Tamatea, ka mutu, hai tā rātau anō, ko te painga atu mena ka pērā tonu te āhua o ngā whakaritenga mō Waipukurau, ā, ki te kore te Karauna e pai ki tērā, me autai tonu te nui o te utu. Ka kī a McLean, ehara i te mea ko te moni e whakawhiwhia ana ki te Māori i te hoko whenua te hua matua, engari:

kia riro ki ngā ringaringa [o te Kāwana] ka tere te piki o te wāriu nā te mea ka whakapaua e ia ētahi moni ki te hanga rori, ara whakawhihi me ētahi atu āhua whakapaipai e ātaahua ai te whenua ki ngā mea a te Kuini, hai poapoa hoki i a rātau kia haere mai me ō rātau rawa hai hoa noho ki tētahi whenua hou, ki waenga i tētahi iwi hou ka whaihua ake i tā rātau pērātanga. Ahakoa ko te whenua me tōna āhua o nāianeī... e mōhiotia ana hai whenua e tipuria noa ihotia ana e te rarauhe, ka noho hai whenua haumako, hai whenua mōmona mō ngā uri whakaheke o tō rātau iwi ā haere ake nei.

2.22 I tērā, ka tāpaea e McLean te £3,000 hai utu i te poraka, ā, ka wehea ki ngā utu ā-tau e toru. Ka kī a Te Hapuku he iti rawa tērā tāpaetanga hai utu i te tokomaha o ngā tāngata nō rātau te whenua, ā, ka tono ia i te £7,000 ki te £8,000. I te rā o muri mai, ka mea anō a Te Hapuku he iti rawa tā McLean tāpaetanga hai utu e riro ai i a ia te whenua o ōna tīpuna. Heoi anō, ka kī hoki ia ki a McLean e hao ana tana ngākau ki te poapoa i te Pākehā kia 'kitea ai ngā whakapaipai e kōrero nā koe'. Kātahi a Te Hapuku ka tono kia utua e te Karauna te £4,800.

2.23 I ngā rā tuatahi o Mei, i te tau 1851, ka haina tētahi tokomaha o ngā Māori o Heretaunga, tae atu hoki ki ētahi rangatira, i tētahi reta ki te Kāwana e tono ana i te £4,800 hai utu mō 'tō mātau whenua, arā, tō matau tipuna whenua, tō mātau matua whenua hoki'. Kātahi a Te Hapuku ka tuku i tāna ake reta ki te Kāwana e pūrua ana i te utu o te £4,800, me tana tono ki te Kāwana kia 'hohoro te tuku mai i te taha o te utu, he Pākehā mō taku whenua', mā rātau e whakatū mai tētahi 'tāone nui - nui, nui rawa atu.

2.24 I te 27 o Oketopa, ka tae anō a McLean ki Waipukurau, ā, i te rā o muri mai ka puta a Te Hapuku ki te whakahuihui i ngā tāngata ki te pā. I te 29 o Oketopa, ka mea a McLean ki a Te Hapuku kua whakaae te Kāwana ki te utu i te £4,800, ki ngā wehenga e whā. I te roanga ake o tētahi kōrero e rere tonu ana i muri o te weherua pō, ka akiaki a McLean i a Te Hapuku kia hoatu anō he wāhi whenua nā runga i tā te Kāwana whakaae ki te utu i tonoa ai e ia. I te 4 o Noema, ka pānuītia e McLean te tīti hoko ki tētahi huihuinga Māori o Heretaunga Tamatea, ka tohatoha haere ai i tētahi e whakaatu ana i ngā rohe me ngā wāhi rāhui o te poraka. Kāre te mapi, i whakapirihiā ai ki te tīti, i whakaatu i te wāhi whenua hou i kōrerotia ai, engari nā McLean te kōrero e kī ana i whakaae te hunga i tae atu ki te hui kia hoatu anō he whenua, ā, i kōrerotia ōna rohe. I reira ka hainatia te tīti mō te poraka ki Waipukurau, e 275,000 eka te nui, e ngā Māori e 377. I te rā o muri iho, ka tohatohangia kia rite ngā wehenga o te utu tuatahi o te £1,800 ki ngā hapū 191 katoa, paku neke atu i te £9 te moni i whakawhiwhia atu ki tēnā, ki tēnā.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.25 E ono wiki i muri mai, ka ārahi atu ētahi Māori i a McLean me ngā kairuri a te Karauna kia kite ai rātau i ngā rohe o te wāhi whenua hou, ahakoa kāre te hunga e noho ana ki reira i paku mōhio kua hokona atu ō rātau whenua. I te marama o Tihema, i te tau 1851, ka tuhia tētahi rārangi torotika ki ngā mapi o te hokotanga o Waipukurau e whakaatu ana i te rohe whakateuru hou, e 20,000 ki te 25,000 eka te tāpiritanga atu ki te poraka ki Waipukurau i whakaaetia tuatahahia ai, tae atu ki tōna 3,500 eka i Aorangi. I whakahēngia te tangohanga o tēnei whenua e ngā hapū o Aorangi ā tae noa mai ki te rautau rua tekau.
- 2.26 Ki tā te iwi o Heretaunga Tamatea titiro, he whakaaetanga whakahirahira te hokotanga o Waipukurau, ka mutu, i tino mahara rātau he nui ngā painga ka puta, ā, ka mārō te taura here i waenga i ngā iwi e rua.

#### TE TAKOHATANGA O TE AUTE

- 2.27 I te tīmatatanga o te tau 1853, ka tonono a Kāwana Hōri Kerei ki ngā Māori o Te Matau-a-Māui kia takohangia ētahi whenua hai tautoko i tētahi kura, e whakahaerengia ana e tētahi mihinare Mihingare. I te 30 o Māehe, i te tau 1853, ka hui a Kāwana Hōri Kerei me ngā rangatira o Ngāi Te Whatuiāpiti, ā, ka whakaae ngā taha e rua kia takohangia he whenua e 4,000 eka te nui mō tēnei take. I te marama o Āperira, ka haina ngā rangatira o Ngāi Te Whatuiāpiti i ngā tīti e rua hai whakaū i te takohatanga o ngā wāhanga whenua e rua, i te taha whakarua o te poraka o Waipukurau, ki te Karauna. Nō te tau 1854 ka hūnuku atu te mihinare ki Te Aute noho ai.
- 2.28 I waenga i te tau 1854 me te tau 1857, he nui ngā hokonga i whakaritea ai e te Karauna, i whakawhitia ai ētahi wāhanga o te whenua i takohatia ai e Ngāi Te Whatuiāpiti mō ngā whenua potapotae i hokona ai e te Karauna i muri mai kia nui ake ai te takohatanga, kia tika anō ai ngā hapa ā-rūri. I te tau 1857 i tukuna atu te takohatanga a Ngāi Te Whatuiāpiti, e 3,397 eka te rahi, ki tētahi Pīhopa Mihingare hai Kaitiaki mā roto i ngā kohanga a te Karauna e mea ana ko te whenua nei hai tautoko i tētahi kura 'hai painga mō ngā Māori o Aotearoa'. I āta tautuhia i te kohanga i te takohatanga a te Kaurana ka whakaratoa e te kura 'te mātauranga o ngā tamariki o ngā iwi e rua o Aotearoa'.
- 2.29 I ngā tau e rima mai i te whakatūnga mai, tekau mā rima, iti iho rānei ngā ākonganga o Te Aute i ia tau, he mea whakaako rātau i roto i ngā whare taupua. Nō muri mai ka kī te mihinare, ko ia nei te kaiwhakahaere o te kura, i whakatūngia e ia te kura i runga i te whakaaro ka tukuna e te Karauna te £300 i ia tau hai tautoko i te kura. I te tau 1858, i te whakamanatanga o te Ture Native Schools, i whakaritea kia tautokona ngā kura Māori i runga i te nui o ngā ākonganga, ā, kāore e neke atu i te £10 mō ia ākonganga. Nō muri mai i te weranga o ngā whare, o ngā rawa me ngā taputapu i te ahi i te tau 1859, ka whakatau te mihinare ki te kati i te kura ki te whakapaipai i te whenua.

#### NGĀ HOKO 'TĀHAE' 1854-1855

- 2.30 E ai ki te iwi o Heretaunga Tamatea he mea whai mana tonu te kupu a te Karauna mō ngā hua ka puta i te noho mai a te Pākehā, pēnei i tā McLean i kī taurangi ai i te wā o te hokonga o Waipukurau, e whakaae ai ō rātau rangatira ki te hoko i te whenua ki te Karauna. Inā rā, e mahara ana rātau ki te kōrero a Kāwana Hōri Kerei i tana toronga ki Ahuriri i te tau 1853, e tonono ana kia nui ake te whenua e hokona atu ana e ngā Māori o

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

Heretaunga hai kāinga mō te Pākehā. Nō muri mai ka mahara a Grey ki tāna i kī ai ki ngā Māori o Heretaunga mō te āhua o te noho a te Pākehā:

he nui ngā painga mō koutou, ka tāwharautia koutou i ō koutou hoariri, ā, ka mutu te rīri tara ā-whare. Inā noa atu ngā painga - he kāta, he hōiho, he parau, he kau, he rawa kāre i a koe i mua - ka whai kura ā koutou tamariki, ā, ka whai tākuta hoki hai tiaki i a koutou ina pāngia e te mate. Nāku koutou i kī ka whakamoea koutou e au ki te Pākehā.

- 2.31 I te marama o Tihema, i te tau 1853, me te marama o Hānuere, i te tau 1854 i haere a Donald McLean i te taha o ētahi rangatira nō Heretaunga Tamatea ki Te Whanganui-a-Tara, i reira ka āta whakaritea te hokonga o ngā poraka whenua e whā o Heretaunga, tōna 110,000 eka te rahi: ki Tautāne (70,000 eka), ki Ōkawa (16,000 eka), ki Kahurānaki (22,000 eka) me Te Umuopua (5000 eka). E ai ki ngā Māori o Heretaunga ko ēnei hokonga te tīmatanga o 'ngā hoko tāhae' i puta ai i ngā tau 1850. E toru ngā poraka i hokona ai, e rima, iti iho rānei ngā kaihaina. Nō muri mai ka mōhio a McLean kua tae te rongo ki te iwi o Pōrangahau mō te hokonga o ō rātau whenua i Tautāne me Te Umuopua, me te aha, 'tūpehupehu mai ana' rātau.
- 2.32 I te tau 1855, e rua anō ngā hoko 'tāhae' i whakaritea ai e te Karauna mai i Te Whanganui-a-Tara. I te 14 o Pēpuere, £100 i utua e te Karauna ki tētahi kaihaina kotahi mō ōna pānga ki te poraka o Waimārama, ā, kātahi ka utua te £200 ki ngā Māori tokoono mō ō rātau pānga ki te poraka o Ngaruroro, tōna 5,000 eka nei te rahi. Kāre i whakamōhiotia ngā tāngata e noho ana ki te poraka o Waimārama, e 32,000 eka te rahi, ā, ka whakahētia e rātau te utu a te Karauna. Kua kore e kitea te hokonga o Ngaruroro i te pātaka o ngā pūrongo, ā, i muri iho ka whakaurua atu te whenua ki ētahi atu hokonga.
- 2.33 I te wāhanga tuatahi o te tau 1855, i tukuna he utu e ngā māngai o te Karauna i Heretaunga Tamatea mō ngā poraka o Te Matau-a-Māui, o Te Mata, me Waipūreku, tōpū katoa e 45,200 eka te rahi. I te marama o Ākuhata, i tukuna he utu e te Karauna i Tāmākimakaurau mō te poraka o Ōtapahi, tōna 6,400 eka te rahi, me te poraka o Te Tōtara, tōna 35,000 eka te rahi. Nō muri mai ka whakahētia te nuinga o ēnei hokonga e nga rangatira o aua whenua, e nga tāngata rānei e noho ana ki reira kāre i whakamōhiotia, engari ko tā te Karauna he utu tāpiri noa iho i ēnei tāngata nō rātau te mana whenua. Hai tauira, i te poraka o Te Mata, tekau ngā kaihaina i te tīti tuarua i hainatia ai i te marama o Oketopa, i te tau 1865, ā, kāre tētahi o rātau i haina i te tīti tuatahi.

### TE ĀTETE I TE HOKONGA A TE KARAUNA I TE ROHE O HERETAUNGA TAMATEA

- 2.34 I waenga o ngā tau 1850, kua kaha te tautohetohe i waenga i ngā hapū o Heretaunga Tamatea, me ngā hapū noho tata i ngā mahi hoko a te Karauna. I mōhio ngā āpiha ā-rohe o te Karauna ki ngā raruraru, ā, i whakatūpatohia rātau mō ngā āhuatanga ka pā. I te marama o Hūrae, i te tau 1855, i kī ake ngā rangatira nui, a Kurupo Te Moananui, a Tareha, a Renata Kawepo rātau ko Karaitiana Takamoana ki te Kaikomihana ā-rohe ka whawhai rātau 'mō te hemo tonu atu' kia mutu rā te hoko tāhae. Ahakoa ēnei whakatūpatō, i Tāmākimakaurau i te marama whai i muri, i utua ētahi Māori tokoiti mō ngā poraka o Ōtapahi me Te Tōtara.
- 2.35 I te marama o Hepetema, i te tau 1855, i tohua te Kaikomihana ā-rohe o Te Matau-a-Māui e Donald McLean, kātahi anō ka whakatūngia hai Kaikomihana Tumuaki Hoko

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## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- Whenua, kia ū ki te tohutohu a te Kāwana hou, 'kia tino tūpato rawa atu i ngā take e tautohetia ana te taitara' i waenga i te Māori, ā, kia mātua mōhio anō hoki 'kua tau i runga i te rangimārie ēnei take' ka whakaoti ai i ngā mahi hoko.
- 2.36 I te marama o Māehe, i te tau 1856 i kōhete a McLean i te Kaikomihana Hoko Whenua i Te Matau-a-Māui i te korenga ōna i kaha ake ki te hoko whenua. I whakamōhio atu te Kaikomihana ā-rohe i a McLean kua noho ngā whakawhitinga kōrero mō te hoko i tētahi poraka e karapoti ana i te awa o Ngaruroro, e 85,000 eka te rahi hai 'take tohe mana' i waenga i te hunga whai pānga ki te whenua, ā, me āta whiriwhiri, ka mutu, kua whakarite ia i te hokonga o ērā wāhanga anake o te poraka, e 85,000 eka te rahi, kai te taha tonga o te awa o Ngaruroro. E ai ki tētahi mihinare ā-rohe, ko ngā rangatira nā rātau te hoko i whakahē, i whakaae ki tēnei tīti 'kia hohou ai te rongo'.
- 2.37 I muri iho, i hainatia ngā tīti mō te poraka o Ruataniwha South (paku neke atu i te 30,000 eka) me te poraka o Aorangi, e 38,000 eka (ehara i te poraka o Aorangi i kōrerotia ai i runga nei) i te marama o Māehe, i te tau 1856. I te hiahia hoki te Karauna ki te hoko whenua i Maraekākaho, i te wāhi i tono ai a McLean i ētahi whenua pāmu mōna. I te marama o Aperira, i te tau 1856, i tae te kōrero ki a McLean kāore i āhai tā te Kaikomihana hoko whenua i Maraekākaho 'i te nui o te tūpono, tērā te riri ka ara ake', ā, i te whakatū pā tūwatawata ngā Māori i ētahi wāhi o te rohe... I muri iho ka whakamōhio atu a McLean e te Kaikomihana ko tāna e whai nei he 'ārai i te pakanga Māori'.
- 2.38 No muri mai, i te marama o Aperira, i te tau 1856 i haere te Kaikomihana Hoko Whenua o Te Matau-a-Māui ki Pōrangahau ki te kōrero i te hokonga o te whenua. I tōna taenga atu, i whakahētia te hokonga o Te Umuopua me Tautāne i te tau 1854 i mahia ai i Te Whanganui-a-Tara. Ko te whakamārama a te Kaikomihana, ehara ngā kaihaina i te tīti o te tau 1854 ki Te Umuopua i te kaikereme matua, ā, kāore te pūtea i ahu mai ai i te hokonga i riro i ngā tāngata nō rātau te poraka. Heoi anō, ko tāna, nā te mea kua utua, me ū tonu te taitara o te Karauna, ā, ka riro i ngā tāngata whenua he utu mō ō rātau whenua mā te hoko i tētahi wāhanga whānui ake e kōpani ana i te poraka tuatahi.
- 2.39 Hai urupare, i tohe ngā hapū o Pōrangahau kia utua te £5,000 mō ētahi whenua mai i Parimāhu ki Waimate, kai te taha raki o te awa o Pōrangahau, hai tā te whakaaro o ngā āpiha o te Karauna, 100,000 eka tōna rahi i tērā wā, ā, i kapi i tēnei te poraka o Te Umuopua, te poraka i tohe nuitia ai tōna hokonga. Ko te whakahoki a te Karauna £1,400 noa iho te rahi o te pūtea e wātea ana mō te hokonga. I whakahētia tēnei pūtea e ngā hapū o Pōrangahau, ā, i te marama o Oketopa i tuhi te Kaikomihana ā-rohe ki a McLean me te kī atu e whakahētia tonutia ana te utu a te Karauna.
- 2.40 I te marama o Ākuhata, i te tau 1857, i whakapikingia te utu a te Karauna e McLean mō te poraka o Pōrangahau ki te £2,500, engari i tohe ngā tāngata e noho ana ki reira kia piki ki te £3,000. I te marama o Māehe, i te tau 1858, i whakaae te Karauna ki te utu i te £3,000, ko te here me whakawhāiti te rāhui o Eparaima, kāre i whai pānga ki te hokonga, mai i te 2,500 eka ki te 1,000 eka. Nō te tīmatanga o te rūri i te rāhui nei, ka whakahē ngā tāngata e noho ana ki te whenua, i te mea kāre rātau i āta whakamōhiohia, e kore e ora ā rātau kararehe i te 1,000 eka, kua oti kē hoki ō rātau whenua katoa te hoko. Nō muri mai ka whakawhānuihia te rāhui ki paku tua atu o te 1,300 eka, rūri tonutia ai ahakoa te tohe a ngā tāngata e noho ana ki taua wāhi.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.41 I te wā o ngā korero mō te poraka o Pōrangahau, i whakaritea kia whakahokia atu tētahi wāhanga o Aorangi, 1,870 eka te rahi, he mea hoko tāhae e te Karauna i te hokotanga o Te Umuopua i te tau 1854. E rima tekau ngā Māori i haere i te taha o te kairūri ki te tohu i ngā rohe o te whenua ka whakahokia, e karangangia ana ko Whenuahou. Engari, kāre tēnei take i whai wāhi ki te tīti o Pōrangahau, ā, ka noho tonu hai whenua mō te Karauna hai hoko ki ngā tauhou. Nō muri mai ka tohe te Karauna kāre te whakahokinga o Whenuahou ki ngā Māori i whai wāhi ki te whakaritenga, engari kē, mā te Karauna e tuku he utu anō mō te whenua.
- 2.42 I noho tonu te hapū o Aorangi i runga i ō rātau whenua i hokona tāhaetia nei, tae noa atu ki ngā tau mātāmua o ngā tau 1860. I roto i ngā taunakitanga i tāpaea ai ki Te Kooti Whenua Māori i te tau 1923, e mahara ana te rangatira, a Ihaia Hutana, nōna e kaiaka ana i te tau 1864 i kitea e ia tōna iwi o Ngāti Toroiwaho e peia ana i te whenua i te wā i wera ai te pā o Ōruawharo i a rātau e hī ika ana i Whatumā. Hai tā Ihaia, nā te whenua kore i heke ai rātau ki te rāhui o Tārewa ki Waipawa, ki Mangapapa hoki, me ētahi atu wāhi o Heretaunga. E ai ki ngā kōrero a te hapū o Aorangi, i wera anō hoki te papakāinga o Te Rae.
- 2.43 I te tau 1895, i tāpaea he petihana ki te Pāremata e Horomona Rongoparae rāua ko Ihaia Hutana, tokorua rāua i haina i te tīti o Waipukurau, e tohe ana i te korenga o te Kaurana i āta uiui i ngā tautohe a ngā Māori kia whakahokia a Whenuahou, ahakoa ngā amuamu i puta i taua wā. Ko te whakataua a Te Kōmiti mō ngā Take Māori me āta uiui te petihana, engari i te tau 1899 i tuhi a Horomona Rongoparae ki te Kāwanatanga ki te pātai he aha oti te take kāre anō kia puta he whakataua, ka mutu, kua koroheketia ia, nō reira me puta he whakataua. I te marama o Hune, i te tau 1899, i tuhi te Kairūri Matua kāre ōna mana hai whakarahi ake i te poraka o Waipukurau i tua atu o tērā i tuhia ai ki te mapi i whakahoungia ai i te tau 1851. I whakahēngia tonutia e ngā Māori te tangohanga o te whenua o Aorangi ā tae noa mai ki te rautau rua tekau.
- 2.44 Tae rawa ake ki te marama o Nōema, i te tau 1856, i whakamāramahia e te Kaikomihana ā-rohe ngā tautohe kua puta i waenga i ngā rangatira o Te Matau-a-Māui i ngā mahi hoko a te Karauna, he take tēnei i huri ai rātau ki te 'whakawhānui i ngā whenua e hokona ana', i tipu anō ai 'te tūmanako ka rahi ake, ka tere ake te rironga mai'. I te 20 o Nōema, i te tau 1856, £1,000 i utua e te Kaikomihana ā-rohe ki ngā Māori tekau mā waru mō te poraka o Maraekākaho, 30,000 eka te rahi, kapi ana i tēnei ko te wāhi i tonoa ai e McLean hai whenua pāmu mōna ake. Tae ake ki te tau 1859, neke atu i te 8,200 eka o Maraekākaho kua hokona e McLean i te Karauna.
- 2.45 I te marama o Tihema, i te tau 1856, e £50 te utu tāpui a McLean i te taha ki te Karauna mō te poraka o Te Manga-a-Rangipeke, 10,000 eka te rahi, ki tētahi rangatira kotahi i Tāmakiakaurau. I ētahi rangi o muri mai, ka utu tuarua a McLean mō taua poraka i taua tāone tonu.
- 2.46 I tēnei wā, kua tīmata ngā korero a te Karauna mō te hokotanga o ngā whenua o Ngātarawa, kei te tonga o te awa o Ngaruroro. I whakahē ētahi atu rangatira i ngā utu mō Manga-a-Rangipeke, i whakahē hoki i te tono kia hokona ngā whenua o Ngātarawa. I te marama o Māehe, i te tau 1857, i pōhiringia te Kaikomihana ā-rohe ki te haere i ngā poraka o Ngātarawa, o Ruataniwha North, me Kaokaoroa, tōpū katoa 128,500 eka te rahi, kia taea ai e rātau te tohu ngā whenua e whai pānga nei rātau.

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- 2.47 I muri iho ka tuhi atu ētahi rangatira mana nui ki a McLean ki te tono i a ia kia hoki ki Te Matau-a-Māui ki te whiriwhiri i ngā hokotanga whenua, engari kāre ia i hoki i taua wā. Kātahi te Kaikomihana-a-rohe i Te Matau-a-Māui ka whakarite i te hokotanga o te poraka o Ōtaranga, e 50,000 eka te rahi, ahakoa tana kōrero kotahi marama noa iho i mua, tērā pea ka ara te 'tukitukitanga' i ngā tautohetohe i waenga i ngā rōpū. I te 30 o Māehe, i te tau 1857, i tuhia e te Kaikomihana, 'nā te putanga mai o ngā tautohetohe mō Aorangi me Ōtaranga i kore ai au e tuku i te utu'. Heoi anō, e rua wiki i muri mai, ka hainatia e te Kaikomihana te tīti o Ōtaranga.
- 2.48 I te marama o Hune, i te tau 1857, i tohua a McLean e te Kaitiaki-pūtea a te Kāwanatanga kia haere ki Te Matau-a-Māui, me te kī ake kua 'tukituki tonu ngā mana' o reira. I kī hoki taua Kaitiaki-pūtea rā ki a McLean me whakaoti ia i ngā whakaritenga hoko whenua kāore i tutuki rawa i te Kaikomihana-a-rohe. Nō muri mai ka mea tētahi mihinare nā McLean i whāki muna nō te Karauna te hē i puta ai ngā raruraru i roto i te takiwā.
- 2.49 Nō muri i tōna taenga atu, ka tūtaki a McLean ki a Renata Kawepō ki te whiriwhiri i tana kerēme i te poraka o Te Manga-a-Rangipeke, kua hokona e te Karauna i Tāmaki-makaurau e ono marama i mua. E mahara ana tētahi mihinare i tae ki taua hui nā Kawepō te kōrero ki a McLean, korekore rawa ia i whakaaro me hāpai pū rawa e ora ai ia i ngā mahi a te Kāwanatanga.
- 2.50 I ngā marama o Hune me Hūrae, i te tau 1857, e hia nei ngā utu tāpiri a McLean me kore e oti pai ētahi o ngā hokotanga o mua i tautohetia ai, kātahi ia ka whakarite i te hokotanga o te poraka o Ruahine Bush, 100,000 eka te rahi, me te poraka o Puahanui, 12,000 eka te rahi.

### TE PAKANGA O TE PAKIAKA ME 'TE WHATA A TE HERUNGA'

- 2.51 I ara ai te pakanga nā ngā raruraru i puta i ngā mahi hoko a te Karauna i te rohe o Heretaunga Tamatea. I te 18 o Ākuhata, i te tau 1857 ka tū te riri, e whitu ngā Māori i mate rawa, e rua tekau i taotū. He pakanga anō i tū i te 14 o Nōema, ā, e rua, e toru rānei ngā Māori i mate rawa, e toru i taotū. I te 9 o Tihema, ka tū anō te pakanga, e rima i mate rawa, tekau mā ono i taotū. Tokorua o ērā i mate i tēnei pakanga whakamutunga he rangatira, ko Puhara Hawaikirangi, ko te hoa rangatira o Hine-i-paketia, rāua ko te tama a Tiakitai, te rangatira o Waimārama.
- 2.52 Nō muri mai i ngā pakanga nei i waenga i ngā hapū, ka huri ngā rangatira me ngā iwi o Heretaunga Tamatea ki ngā tikanga tōrangapū hai whakatau i te hokonga o ngā whenua i tō rātau rohe. I te marama o Hepetema, i te tau 1858, i tuhi tētahi huinga rangatira ki te Kāwana hai whakamōhio atu, 'kua houhia te rongō', ā, kua whakaae ngā rōpū matua ki te 'whakairi i ō mātau whenua ki te whata a Te Herunga'. Koinei tā rātau whakamārama mō tēnei kōrero:

He tangata tapu a Te Herunga, ā, he tapu anō tana whata, ina tāhaetia he kai i tēnei whata e te kurī, me whakamate rawa taua kurī, he pēnei anō i ō mātau whenua kua whakairia ki te whata.

Nā tēnei kāre i whakaaetia kia hokona he whenua anō e ngā rōpū matua, kai patua kia mate.

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### 2: HISTORICAL ACCOUNT

- 2.53 I te wā o te pakanga o Pakiaka, kua oti kē tōna haurua o ngā whenua o Heretaunga Tamatea te hoko ki te Karauna. E rima marama i muri iho i te pakanga whakamutunga, e takatū ana ngā hapū o Heretaunga Tamatea ki te ono wīti, rīwai hoki hai hoko ki ngā Pākehā tauhokohoko, hai kawē rānei ki te māketē i ō rātau ake waka tauhokohoko. I te warea a Karaitiana Takamoana ki te whakarite i te tāone hou i Pākōwhai, i ngā parenga o te awa o Ngaruroro.
- 2.54 I te mutunga o ngā tau 1850, tōna 956,000 eka kua hokona e te Karauna, tata tonu ki te whitu tekau paihēneti o te rohe o Heretaunga Tamatea. Nō te taha tonga o te rohe te nuinga o ngā hokonga whenua nei. Hai tā Heretaunga Tamatea, atu i te tangohanga o te whenua, ko te pānga tino nui rawa atu i puta mai i ngā tikanga hoko whenua a te Karauna me ngā rīri tara-ā-whare i ara ake i muri mai i te hoko, ko te tāwekōwekotanga o te taura here i ngā hapū o te taha raki me te taha tonga o te rohe, arā, o Ngāti Kahungunu ki Heretaunga me Ngāi Te Whatuiāpiti.

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**2: HISTORICAL ACCOUNT**

**Te Ripanga 1: Ngā Hokonga a te Karauna i Heretaunga Tamatea, 1851-1859\***

\*Kāore i tēnei ripanga te hokonga o te poraka o Tautāne i kōrerotia i konei, nā te mea kei waho paku atu tēnei i te rohenga ki te tonga o Heretaunga Tamatea. Kāore hoki i konei te hokonga o Waimārama me Ngaruroro, kāore anō i oti noa i taua wā.

Te Poraka	Te Rā i Hokona ai	Te Whenua i Hokona ai (Eka)
Waipukurau	Nōema 1851	279,000
Te Umuopua	Hānuere 1854	5,000 (he whakatau tata)
Kahurānaki	Hānuere 1854	22,000
Ōkawa	Hānuere 1854	16,000
Matau-a-Māui	Māehe 1855, Pēpuere 1857	29,000
Te Mata	Āperira 1855, Nōema 1856	16,000
Waipūreku	Āperira 1855, Mei 1856	200
Ōtapahi	Ākuhata 1855	6,400
Te Tōtara	Ākuhata 1855	35,000
Ruahine/Ruataniwha	1855-1859	130,000
Aorangi	Māehe 1856	38,000
Maraekākaho	Nōema 1856, Hūrae 1857	30,000
Manga-a-Rangipeke	Hānuere 1857, Hune 1857	10,000
Ruahine Bush	Hūrae 1857	100,000
Puahanui	Ākuhata 1857	12,000
Ōtaranga	Māehe 1857	50,000
Pōrangahau	Māehe 1858	145,000
Karanema's Reserve	Māehe me te Hepetema 1858	4,000
Eparaima Bush Reserve	Mei 1859	500

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Tukuwaru Reserve	Ākuhata 1859	71
Ōmarutāiri (Takapau)	1858, Hūrae 1859, Ākuhata 1859	11,700
Middle/South Pōrangahau	Hūrae 1859	16,000
<b>Te tapeketanga o ngā whenua i hokona ai (He whakatautata)</b>		<b>955,871</b>



## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

#### NGĀ RĀHUI

- 2.55 I āhai tā ngā Māori unu whenua i ngā hokonga e mau ai te mana ki runga i ngā papakāinga, i ngā māra, i ngā wāhi mahi kai, i ngā urupā rānei. Mai i te tau 1851 ki ngā marama o waenganui o te tau 1859, tata tonu ki te 20,000 eka, kai te takiwā o te rua paihēneti o ngā whenua o Heretaunga Tamatea, e 956,000 eka te rahi i hokona ai e te Karauna, ka rāhuitia. Kai te takiwā o te 4,462 eka anō ngā whenua i rāhuitia ai mō ētahi rangatira, mō ētahi atu tāngata whai mana rānei. I te nuinga o te wā, he iti noa ake ēnei rāhui i ērā i tonoa ai e Heretaunga Tamatea. Heoi anō, nō te tau 1855 ka tīmata te Karauna ki te hoko i ngā whenua i rāhuitia ai e ngā Māori i ngā hokonga o mua atu.
- 2.56 E 4,000 eka te rahi o te rāhui tuatahi i hokona ai e te Karauna i te rohe o Heretaunga Tamatea, arā, ko te rāhui o Karanema i rāhuitia ai i te tīti tuatahi o Te Mata, he mea haina i te marama o Aperira, i te tau 1855. Ko Karanema te tama mātamua a Te Hapuku. I te marama o Nōema, i te tau 1856 i te hainatanga o te tīti tuarua o Te Mata e ētahi atu tāngata nō rātau te whenua, ka whakaae te Karauna kia waiho tēnei wāhi ki ngā ringaringa o ngā uri o Te Heipora, o te wahine matua a Te Hapuku, o te whaea o Karanema, 'ā haere ake nei'. Heoi anō, nō te marama o Māehe, i te tau 1858 ka hokona e te Karauna te rāhui i ngā kaihaina i te tīti tuarua, ā, nō te Hepetema ka utua tētahi hunga, nā ētahi o rātau i haina te tīti tuatahi o Te Mata. Ka waiho tēnei hai take whakamau mā tērā whānau, te hokotanga o te whenua i rāhuitia ai 'mō ngā uri o Te Heipora ā haere ake nei'.
- 2.57 Nō te marama o Ākuhata, i te tau 1859, ka hokona e te Karauna te rāhui o Tukuwaru, e 71 eka te rahi, koinei tētahi o ngā wāhi e waru i rāhuitia ai i te hokonga o Waipukurau i te tau 1851. I te tau 1865, e 4,975 eka kua hokona e te Karauna, kai te takiwā o te hauwhā o ngā whenua i rāhuitia ai i ngā hokonga o ngā tau 1850.
- 2.58 He nui ngā rāhui i whakaritea ai i Heretaunga Tamatea i waenga i te tau 1851 me te tau 1859 kua waiho hai take whakatipu pakanga. I ōna wā, i ara ake te raruraru nā te hainatanga o te tīti i mua i te rūri i te rāhui. Ka mutu, nā te hē o te rūri, nā te korenga o te rūri i oti, kāre i rite ētahi o ngā wāhi rāhui ki tērā i maharatia ai e ngā Māori, i te wā i whakaritea ai ngā hoko. I ngā tau tōmua o ngā tau 1860, ka tuhia e te Kairūri Porowini o Te Matau-a-Māui, nā te hē o te tautuhi i ngā roherohenga i ara ake ai ngā tautohetohe mō ētahi o ngā rāhui i te rohe o Heretaunga Tamatea, arā, te rāhui o Eparaima, o Aorangī, o Oero, o Ōtane, o Pourērere, o Pōrangahau Middle (i āraitia te haere a te kairūri ki runga i te whenua e te hapū e tohe ana i te hokonga), o Takapau anō hoki (i peia atu ngā kairūri i te whenua).
- 2.59 Ko tētahi tautohetanga i ara ake i tēnei wā mō te rāhui o Tārewa, e 2,135 eka te rahi, koinei te rāhui rahi rawa o ngā rāhui e waru i rāhuitia ai i te tīti hoko o Waipukurau i te tau 1851. I te tau 1862, i tautohe ngā Māori nā te whakarerekētanga o tētahi wāhanga o te rohenga taketake i te tau 1860 hai whakatika i tētahi hapa o te rūritanga tuatahitanga i tangohia hēngia ai tōna toru tekau mā rima eka i taua rāhui, he mea hoko atu e te Karauna i muri iho. I roto i ngā tau tekau mā rima i muri mai, i whai ngā Māori ki te whakatika i te rohenga kia hoki ki tōna āhua tūturu. I te tau 1878, ka tīmata te peinga o ngā Māori i noho tonu i runga i te wāhi e tautohetia ana. I te marama o Aperira, i te tau 1880, ka hoatu e te Minita mō ngā Take Māori te £200 ki ngā Māori i whakaae ki te wehe i te whenua. Heoi anō, ka whakahētia, ā, nō te marama o Hūrae ka whakatumatumahia rātau ki te whiu o te peinga. I te tau 1881, ka tirohia anō ngā taunakitanga e te Minita hou mō ngā Take Māori, ā, ka whakaaetia i hē mārika te rūritanga, me te aha, 'e tika ana tā

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ngā Māori kerēme i te whenua'. I te tau 1884, paku neke atu i te tekau eka, iti iho rānei i te hautoru o taua wāhi rā i tautohetia ai i whakahokia ki ngā Māori nō rātau te whenua.

- 2.60 Mai i te tau 1856, i ara ake ngā tautohenga whāroa e pā ana ki ētahi atu rāhui o Waipukurau, arā, te rāhui o Oero me Pourērere, e rua i tautohetia ai e ngā Māori o te takiwā he iti ake te wāhi i tērā i tautuhia ai e rātau.
- 2.61 I tautohetia anō e ngā hapū o Heretaunga Tamatea te rironga o Whatumā (ka karangahia ko Roto Hatuma i muri mai), i whakaarotia ake ai e te nuinga he mea rāhui tēnei i te hokonga o Waipukurau nā tōna hiranga hai pātaka kai mō te tuna, mō te kākahi me ētahi atu ika wai māori, mō ngā momo manu, me te pungapunga. He āhua rahi tonu te iwi i noho tūturu ki ngā pā huri rauna i te roto, ā, i haere ngā hapū o ērā atu wāhi tūtata ki reira i ngā wā tika o te tau ki te kohi kai.
- 2.62 Neke atu i te whā tekau tau i muri mai i te hokonga o Waipukurau, i te taetae tonu ngā hapū o Heretaunga Tamatea ki Whatumā ki te whai i ōna rawa. I te tau 1893, i pānuitia kia hokona atu ētahi poraka e tētahi Pākehā nōna ngā whenua i tētahi taha o te roto, ā, ka aukatingia ngā Māori. Ka tautohe tonu atu ngā Māori o Heretaunga Tamatea, kātahi rātau ka kīia e ngā māngai o te Karauna, nā te mea kāre i tika te rāhuitanga o Whatumā i te tīti o Waipukurau, ka tangohia atu e te Karauna, ā, ka hokona atu ōna wāhanga e toru ki ngā tauhou i waenga i te tau 1863 me te tau 1875.
- 2.63 E hia nei ngā tāpaetanga kōrero me ngā petihana i tukuna ai e ngā Māori hai whakahē i ngā hokonga o muri mai, hai tonu rānei kia whakahokia mai te roto, kia wātea rānei te huarahi ki te roto. I tētahi petihana, i mea a Ihaia Hutana, i tae rā ki te hainatanga o te tīti o Waipukurau, i te wā o ngā whakawhitinga korero, i kī taurangi a Donald McLean, i mōhio nei ki te kōrero Māori, ki tētahi huinga Māori tokomaha, ka noho tonu te roto ki a rātau. E mahara ana ngā uri o Ihaia Hutana ki te kōrero a McLean:

*'E Ruhe kare i au tō koutou moana, engari kei a koutou anō. I au ko uta'  
(Your lake is not for me, it is with you. The land is for me).*

Mō te taha ki ngā whakahē, ko tā te Karauna kāre he huringa ake, nā te mea kāre te rāhuitanga o te roto i whai wāhi atu ki te tīti, ā, kua riro kē hoki i ngā ringaringa o ētahi atu.

- 2.64 I te korenga o te tūmanako tērā ka whakahokia mai a Whatumā, i tonu tika tonu atu ētahi rōpū māngai nō Heretaunga Tamatea ki te Pirimia o Aotearoa, ki a Richard Seddon i te tau 1896, me te tau 1901, he tonu e āhai ai tā rātau haere ki te roto o Whatumā. I te tau 1901, i whakaaetia te tonu a Ihaia Hutana e te Karauna kia whakaritea tētahi rāhui hī ika mō ngā Māori, e rima eka te rahi i te taha rātō o te roto o Whatumā, ko te here māna e utu te rēti ā-tau, e rima paihēneti o te wāriu o te rāhui. I tū tonu tēnei whakaritenga ā tae noa ki te tau 1949, nō te matenga o te tama a Ihaia Hutana, ka mutu te utu i te rēti. Hai tā ngā Māori o Heretaunga Tamatea i whakakorengia ēnei utu i te mea, i taua wā kua kore he take o te hī ika i taua wāhi nā te whakatūnga o te rerewē i taua takiwā, nā te matara anō hoki o te rāhui i te wai nō muri mai i te whakatahenga. No muri mai, ka riro anō i te Kāwana te mana whakahaere i te rāhui.

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### 2: HISTORICAL ACCOUNT

#### TE WHAKATŪNGA O TE RŪNANGA

- 2.65 Nō muri mai i te pakanga ki Pakiaka, i tūtaki ētahi o ngā rangatira o Heretaunga Tamatea ki ngā māngai o te Kīngitanga, ko tā rātau he akiaki i ngā Māori ki te tuku i ō rātau whenua ki raro i te maru o te Kīngi Māori. I te marama o Aperira, i te tau 1859, i tū tētahi hui, kotahi wiki te roa, ki Pā Whakairo kai te tuawhenua o Ahuriri, i tae atu rā ngā rangatira nō te rohe o Heretaunga me ngā rohe tūtata, i tae hoki tētahi ope nui nō te Kīngitanga. I whakaae ngā rangatira katoa o Heretaunga ki tā te Kīngitanga i whakahau ai, kia whakatūngia tētahi rūnanga, tētahi kāwanatanga ā-rohe. He pēnei te rūnanga i te kaunihera ā-iwi tūturu a te Māori, ā, i whai tikanga ngā Māori o Heretaunga Tamatea ki te whakatau i ngā mahi hē, i ngā take ā-whare, ā-waipiro me ētahi atu take ā-hapori. I whai wāhi nui anō hoki te Rūnanga ki te aukati i te hokonga o te whenua i te rohe o Heretaunga Tamatea.
- 2.66 I whakaūngia e te nuinga o te hunga i tae ki Pā Whakairo te whakatau a Te Whata a Te Herunga, kia mutu rawa te hoko whenua ki te Kāwanatanga, atu i ērā hokonga kua tata te whakaoti. I te tau 1858, he utu anō i tukuna mō te poraka o Tautāne, ā, i te marama o Hune, i te tau 1859, i hoki a Donald McLean ki Te Matau-a-Māui mō ngā marama e rima ki te whakaoti i ngā hokonga e whiriwhiringia ana. I tēnei wā he utu anō i tukuna ai e ia mō te poraka o Ruahine Ruataniwha, 130,000 eka te rahi, mō te poraka o Ruataniwha ki te Raki me Ōmarutairi (Takapau). E hia kē nei ēnei hokonga i whakahētia anō ai e ngā tāngata e noho ana ki runga i te whenua, e ngā rangatira rānei o Heretaunga Tamatea. I te marama o Hepetema, i whai ētahi o ngā māngai o te Rūnanga ki te whakahoki i ēnei utu ki a McLean, ki ngā mana ā-Porowini rānei, engari kāre i tangohia e rātau. I te marama o Māehe, i te tau 1860, i whakamōhiotia a McLean e te Kaikomihana ā-rohe kua mutu rawa te hoko whenua i ngā wāhi e tū rā te Rūnanga.
- 2.67 I te marama o Pēpuere, i te tau 1861, i tuhia he reta e Renata Kawepō hai whakahoki i ngā kōrero a te Kaiwhakahaere ā-Porowini o Te Matau-a-Māui. Ko te kōrero a Kawepō, 'kua takahia Te Tiriti o Waitangi' e ngā hoko 'tāhae' me te takahitanga o ngā kī taurangi, ā, nā ēnei take 'e kōpani nei te kūaha ki te hoko whenua'. Ka kī a Kawepō:
- Ko tāu e kī mai nei nā taku pupuri ki aku whenua kia kore ai e hokona i tika ai tō muru mai, tō hoko mai i te tangata takitahi. Engari ia; nā te hē o te hokonga i mau tonu ai te whenua koi noho hai huarahi atu e heke ai mātau ki te mate.
- 2.68 Nō muri mai i te whakatūnga o te hoko whenua e ngā hapū o Heretaunga Tamatea ki te Karauna i te pito o te tau 1859, i piki te nui o ngā whenua Māori e rīhi motuhaketia ana e ngā tauhou i Te Matau-a-Māui. I aukati te Ture o te 1846 Native Land Purchase i ngā whakaritenga motuhake i ngā whenua Māori, engari me uaua ka whakaūngia. I te tau 1860, i huri te Kāwanatanga ā-Porowini ki Te Matau-a-Māui ki te whakaū i te Ture e aukati ana i te rīhi motuhake i ngā whenua Māori, he taupā tēnei i te hokonga o te whenua, he aukati i ngā nohoanga ahuwhenua, tērā hoki te tūpono ka waiho tēnei hai take tautohe i te mana, me te rīhi o te whenua mā ngā hapū.
- 2.69 I kohia he kōrero taunaki i ngā whakapae ki ētahi tauhou e ono, ko Donald McLean hoki tētahi, ko ia nei te Chief Native Land Purchase Commissioner a te Karauna. I te Tihema o te tau 1860, i karangangia a McLean kia tū ki mua i te aroaro o te Napier Resident Magistrate whakautu ai i te whakapae i raro i te Native Land Purchase Ordinance o te

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tau 1846 e mea ana kua whakamahia hētia, kua nohoia hētia hoki e ia te whenua o te Māori. Kotahi te tauhou i whakawāngia, i whiua hoki, engari i reira ka tono te Karauna kia mutu ngā whakawhiunga, he māharahara nōna koi raru te maungārongo o te porowini. I te marama ka whai mai ka tuhi reta atu te Superintendent of Hawke's Bay ki te Colonial Secretary, e tono ana kia arotakengia ā McLean mahi hai Chief Native Land Purchase Commissioner, me te tohu atu ko McLean te mana whakaū i taua Ordinance, ka mutu, koia hoki 'tētahi o ngā tino tāngata noho poka noa i runga i ngā whenua Māori o te Porowini

- 2.70 I te marama o Pēpuere o te tau 1861, ka tuhia e ētahi rangatira o Heretaunga Tamatea ka 'pai noa iho' rātau ki te whakamana i te whakakorenga o te rīhi, engari i tērā ka kore e āhai tā rātau tonu i te pūtea whakaea, i te 'moni pātītī' rānei, i ngā kaipāmu Pākehā, nā rātau ngā kararehe e kotiti petapeta haere ana ki ngā whenua Māori i te korenga o te taiapa. I muri mai ka tuhi kōrero te Kaikomihana-a-rohe e mea ana ko ētahi kaipāmu Pākehā i te whakanoho i ā rātau kāhui ki ngā whenua Māori anake e pātata ana, kāore hoki mō te tuku moni pātītī ki ngā Māori nō rātau tonu aua whenua, i runga i te whakaaro kāre tērā e āhai e ai ki te Ordinance. Hai tā te Kaikomihana, i ēnei tūāhuatanga, kua roa hoki e noho pēnei ana, ehara i te mea he 'rerekē' tā te Māori tonu i tētahi wāhanga o ngā painga ka hua mai i ō rātau nā whenua. Hai tāna hoki nā tā te Ordinance aukati i tā te Māori whakaea i te take mā te kōti, kua tīmata ētahi ki te whakaherehere i ngā kararehe kotiti, me te tono utu ā-pauna.
- 2.71 Nō te tau 1864, ko tōna 228,000 eka i roto o Heretaunga Tamatea kua rīhingia e ngā hunga tūmataiti, e takahi mai nei i te Ture o te tau 1846, ā, kua tipu anō te māharahara o te Karauna i 'te korenga o ngā mahi a te Kāwanatanga i aro ki ngā kaipupuri i ngā rīhi e takahi nei i te ture i eke ki te taumata e tika ana.' Ko McLean, kua tū hai Kaiwhakahaere o te Porowini o Te Matau-a-Māui, ko ia i te whai wāhi atu ki ngā rīhi tūmataiti i ngā whenua o ngā poraka o Ngātarawa, o Mangaroa, o Raukawa anō hoki, i te taha tonu o tana pāmu i Maraekākaho, ā, kua tonu hoki ia ki te Karauna kia whakaaetia tā te Kāwanatanga o Te Matau-a-Māui rīhi mai i ētahi wāhi o ngā whenua mōmona huri noa i Ahuriri mai i ngā Māori. He mea whakahē tēnei tonu e te Hēkeretari a te Kāwanatanga nā te mea ka 'raru katoa te hokohoko', ka tukituki hoki ki te tūnga o te Karauna e pā ana ki ngā rīhi tūmatawhāiti i ngā whenua Māori, e takahi ana i te ture, hai tāna. Ko tāna kē he tuku ki a McLean te mana whakawhiu i ngā tauhou, e ai ki te Ordinance. Heoi anō, kāre he whiunga i puta.
- 2.72 I te tīmatanga o te tau 1865, he mea whakarite e McLean, mā te Kāwanatanga Porowini, ētahi rīhi hē e rua mai i te Māori, mō ngā poraka o Hikutoto, o Papakura hoki, kai tōna 4,700 eka te nui tōpū o ngā mānia o Ahuriri. He mea whakamōhio te Karauna e McLean ka whakawhirinaki atu ia 'ki te Kāwanatanga, māna hai whakarite ngā ture e pai ai aku whakaritenga'. Ka whakamōhiohia a McLean e te Hēkeretari a te Kāwanatanga i te hē ā-ture kē ngā rīhi, ka mutu, kāre hoki te Kāwanatanga e whakarite ture e mana ai ana whakaritenga, heoi anō, kāre hoki e whakawhiua e rātau.
- 2.73 Ahakoa i eke ki tōna kotahi miriona eka te nui o ngā whenua i riro atu i ngā hapū o Heretaunga Tamatea tae noa ki te tau 1860, ka uru tonu atu rātau ki ngā take ohaoha a te tauhou. I te tau 1863, ko te whakapae a tētahi āpiha o te rohe, i te takiwā o te £12,000 te pūtea rīhi e riro ana i ngā Māori o Te Matau-a-Māui whānui. I te marama o Mei, i te tau 1865, ka puta i te Hawke's Bay Times te kōrero e mea ana i te whakapau kaha ngā Māori o Te Matau-a-Māui ki te parau i ō rātau whenua, kia rite ai mō ngā huanga kai o te tau ka whai mai, ka mutu, e rua, neke atu rānei ā rātau mira, 'e kuoro nei i te nui o te

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paraoa puehu tino kounga rawa atu nei, hai kai mā rātau, hai koha hoki mā ō rātau hoa'. Ko ētahi atu i whai mahi i ngā kēnge kuti hipi, i ngā mahi waihanga rori anō hoki. I te tau 1868, ko tā te Kaiwhakahaere o Te Matau-a-Māui mō ngā Māori o te rohe 'he whairawa i te whenua, i te kau, i te hōiho, i te hipi, i te mira, me ngā taputapu ahuhenua', me te kī, i te 'kuhu atu rātau ki ngā kaupapa ahumahi... ka mutu, he wāhi nui tō rātau ki te tōnuitanga o te porowini nei'.

#### NGĀ TURE WHENUA MĀORI

- 2.74 Nā te matakawa haere o te Māori ki ngā mahi hokohoko a te Karauna, i whakatau ai te Karauna kia kōkiringia tētahi pūnaha ture e pā ana ki ngā whenua Māori, hai whakamāmā i te wetekanga o ngā whenua Māori hai nōhanga mō te Pākehā. I te tau 1862, me te tau 1865, he mea whakamana e te Pāremata ētahi Ture Native Land e rua, e āhai ai te huri i te mana whenua Māori hai taitara takitahi ā-ture i ahui mai i te Karauna. Nā konei i āhai ai tā te kaihoko whenua tango pānga takitahi me te kore i whai whakaaetanga i te katoa o te hapū nō rātau te mana whenua. Ko te whakapae a te Karauna ka ākina te Māori e te ture nei kia whakarērea ā rātau tikanga mana whenua ā-hapū, kia ngāwari ai te whakaurutanga atu ki te hapori Pākehā. Nō te whakarewatanga o te pūnaha taitara hou, kua whai wāhi hoki ngā tauhou o Te Matau-a-Māui e rīhi whenua Māori ana, ki te whai rīhi hoki e mana ana i raro i te ture, me te hoko whenua mai i ngā kaupupuri taitara tonu.
- 2.75 Ko tētahi o ngā whakaritenga matua i te Ture Whenua Māori o te tau 1865, ko tērā i tapaina ai ki te ingoa o te 'ten-owner rule', i here ai i te tokomaha o ngā kaupupuri ki te tekau, e whakaaetia ana ki te taitara o tētahi poraka iti iho i te 5,000 eka te nui. Ahakoa i whakaaetia kia neke atu i te tekau ingoa mō ngā poraka nui atu i tērā, kāre tēnei kōwhiringa i kawea i Heretaunga Tamatea, ahakoa he nui ake i te 5,000 eka ngā poraka 16 o ngā mea 129 i tirohia ai e te Kōti i waenga i te tau 1866 ki te tau 1873, i te wā i whakakorengia ai te 'ten-owner rule'. Waihoki, nā te Ture nei i riro ai i ngā kaupupuri taitara tekau, iti iho rānei, ngā mana ā-ture o te tangata nōna ake te whenua.
- 2.76 Ko tērā atu hua nui o te 'ten-owner rule', ko te korenga o te nuinga o ngā Māori i Heretaunga Tamatea i whai wāhi ki ngā taitara ā-ture. Hai tā ngā kōrero taunaki, i te whānuitanga o te takiwā o Te Matau-a-Māui, ko tōna hautoru noa iho o te iwi i kitea i ngā taitara whenua i muri mai i te tau 1865, ka mutu, ko te nuinga o rātau ka kitea i tētahi taitara kotahi anake. Ko tā ngā Māori o Te Matau-a-Māui i tapa ai ki ērā tāngata kāore nei i whai wāhi ki ngā taitara o raro i te 'ten-owner rule' ko te 'tangata o waho'.
- 2.77 He utu i pā ki ngā Māori huri noa i Aotearoa mō te whakahaere i te Kōti Whenua Māori. Inā rā, hai tā te Ture o te tau 1865, e riro ai tētahi taitara, me mātua rūri te whenua o te kaitono taitara, o ngā kaitono taitara rānei. He nui ngā wā nā te nui o te utu rūri i mate ai te kaupupuri taitara Māori ki te hoko whenua atu, ki te mōkete whenua atu rānei e taea ai aua utu te whakaea. He momo utu hoki ō te tae ā-tinana atu ki ngā whakawākanga. E ai ki te Ture, e āhai ana tā te tangata Māori kotahi tonu atu kia whakawākia e te Kōti ana pānga ki tētahi poraka, ā, kia tukuna pērāhia he tonu, me kuhu te katoa o te hunga e whai pānga atu ana ki taua whenua ki ngā whakahaerenga o te Kōti, koi mahue rātau i te taitara. Nō reira, he wā ōna ka haere atu ngā kaikerēme tokomaha ki ngā whakawākanga o te Kōti Whenua Māori, i ngaro ai rātau i te kāinga, i te mahi anō hoki, me te aha, ka mate rātau ki te utu i ngā kāinga noho me ētahi atu nama, ā, i ētahi wā, ka roa tonu e pēnei ana.

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- 2.78 I tīmata tā te Kōti Whenua Māori rongō kēhi i Nepiai te 5 o ngā rā o Māehe i te tau 1866. I te whakawākanga tuatahi o te Kōti Whenua Māori i Ahuriri, he mea whakamārama e te Kaiwhakawā, ko 'tā te Karauna tuku pānga kore here, he āta tuku mārika i te taitara ki ngā tāngata anake ka huaina i te tonu. Heoi anō, he wā anō i muri mai, ko te āhua nei he whakaritenga i kōrerohia ai, i whakaaetia ai rānei e ngā Kaiwhakawā Kōti Whenua Māori i Te Matau-a-Māui ko ngā kaupupuri tekau, iti iho rānei i te tāpaea kia uru ki ngā taitara whenua hai māngai mō te mana whenua whānui, ahakoa kāre he ritenga pērā i te Ture. E kitea ana i ngā kōrero taunaki, tokomaha ngā kaikerēme e mahara pērā ana, ā, i runga i taua whakaaro i mahara ētahi o ngā rangatira o Heretaunga Tamatea ko te Kōti Whenua Māori te huarahi e riro ai i a rātau ngā taitara ā-ture, e hohou ai te rongō mō ngā take mana whenua, hai tautoko hoki i te whakatū i ngā whakaritenga rīhi whai mana i raro i te ture. I te tau tuatahi o te Kōti i Te Matau-a-Māui, e toru tekau mā toru ngā poraka o Heretaunga Tamatea i āta tirohia, ā, nui atu i te 133,000 eka te nui. Ko te nuinga o aua poraka i te raki o Heretaunga Tamatea, i ngā wāhi kāre i hokona nuitia te whenua e te Karauna.
- 2.79 I te tau 1867, he mea whakatikatika te ture whenua Māori kia riro rā i te Kōti te tikanga kia whakapuakina katoahia ngā kaupupuri katoa i ngā tiwhikete, ahakoa kua herea tonuhia kia kaua e nui atu i te tekau ngā ingoa ka huaina ki ngā taitara. I waenga i te whakamanatanga o tēnei whakatikatikatanga o te tau 1867 me te pito o te tau 1870, tekau mā tahi noa iho o ngā taitara e ono tekau mā ono o Heretaunga Tamatea i whakawākia ai e te Kōti i raro i taua whakaritenga. Ko te whakatau o tētahi ripoata mō ngā whakahaeretanga ture whenua Māori i te tau 1871, i pēnei he kore nō te nuinga o ngā Māori o Te Matau-a-Māui i whakamōhiotia mō tēnei tīnihanga, me te kore hoki o tētahi whakamāoritanga o ngā Ture, o tētahi whakamāramatanga rānei o ngā taipitopito i tohaina ki a rātau. He mea kōrero i muri mai e ētahi rangatira whakahirahira o Heretaunga Tamatea, nō te whakapaunga rawatanga o te tekau tau, kātahi anō ka mōhio ki ngā tīnihanga o te ture i whakamanatia ai i te tau 1867, ka mutu, i taua wā rā, ko tōna 135,000 eka, he hautoru pū anō o ngā whenua i noho tonu rā i raro i te mana o Heretaunga Tamatea i te tau 1865, kua oti te whakawākia e te Kōti.
- 2.80 Nā te Ture o te tau 1865 i āhai ai hoki tā te Kōti whakatau herenga i runga i ngā mahi wewete whenua ka whakawhiwhia atu ana e ia he taitara, ā, tae rawa ake ki te tau 1870 kua pērā te Kōti i ngā poraka whā tekau o te 129 i tukuna ai e ia he taitara. I kapi i aua poraka whā tekau ngā eka 66,127, arā, ko tōna rua tekau paihēneti o ngā whenua o Heretaunga Tamatea i whai wāhi ki te Kōti i taua wā.
- 2.81 I amuamu atu ētahi o ngā Māori o Heretaunga Tamatea i te korenga o te Kōti i whakatau herenga i runga i ngā mahi wewete whenua i ngā wā e tonoa ana kia pērā. I te tau 1873, ka puta te kōrero i te rangatira, i a Henare Tomoana, he mea whakahē e te Kōti tana tonu whakatau herenga i runga i ngā mahi wewete whenua i te poraka o Heretaunga i te tau 1866, nā te mea he 'nui atu ōna whenua i tua atu i taua poraka'. I whai mana ēnei herenga tae noa ki te tau 1900, i te wā ko tōna iwa tekau paihēneti o te whenua i raro i ngā herenga i runga i ngā mahi wewete whenua i mua o te tau 1870 i te puritia e te Māori. Heoi anō, mai i taua wā, neke atu i te toru hauwhā o ēnei whenua kua riro atu i te Māori.
- 2.82 Nā te whakatakitahtanga o te taitara i raro i ngā ture whenua Māori, ka wātea kia wetekia tonuhia ngā whenua rāhui i whakaritea ai i mua i te tau 1865. Tae noa ki te mutunga o te tau 1869, ko te katoa, ko tētahi wāhanga rānei o ngā whenua rāhui o Waipukurau i hokona e te karauna, e ngā rōpū tūmataiti rānei. Ahakoa e ai ki te tīti o

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Waipukurau he mea rāhui aua whenua 'mō ngā rangatira me ngā tāngata o Heretaunga', nō te tukunga o ngā taitara takitahi e te Kōti Whenua Māori i hokona katoahia ngā whenua rāhui o Te Tamumu, o Waipukurau Pā, me Haowhenua. Tae noa ki te tau 1908, e 5,031 eka o ngā whenua i rāhuitia e te Māori i ngā hokotanga o mua i te tau 1865 kua hokona e te Karauna, e ngā rōpū tūmataiti rānei. Kia tōpūhia ērā ki ngā whenua rāhui kua hokona kētia e te Karauna i mua i te tau 1865, ka kitea ko tōna haurua o ngā whenua i rāhuitia ai e te Māori i mua i te tau 1865 ka riro atu i te Māori i mua i te tau 1908.

#### TE NOHO NAMA ME NGĀ WHAKAHAERENGA O TE 'TEN-OWNER RULE'

- 2.83 Nā te huringa o ngā kaipupuri taitara hai kaipupuri motuhake e ai ki te Ture o te tau 1865, i wātea ai te whakamahinga o ngā whenua Māori hai utu whakaea i ā rātau nama. I te marama o Ākuhata o te tau 1867, ka tuhi kōrero te Kaiwhakawā Takiwā o Ahuriri ki te Minita Take Māori e mea ana ko ētahi o ngā kaihoko rawa e akiaki ana i ngā rangatira o Te Matau-a-Māui kia tango ā-taurewa nei i ngā rawa, e hia mano pauna ai te noho nama a aua rangatira. Ko tāna hoki he nui ngā whenua i te hokona atu e ētahi o ngā Māori pupuri taitara, hai whakaea i ngā nama kāre e taea e rātau te whakaea ki ā rātau moni rīhi e whakawhiwhia ana ki a rātau.
- 2.84 Tae noa mai ki tēnei wā, ko te nuinga o ngā whenua i Heretaunga Tamatea i tukuna ai i raro i te 'ten-owner rule' kua mōketetia hai whakaū i ngā nama ki ngā kaihoko rawa, ki kaipakihi kē atu anō hoki. Hai tā ngā kaimātai Māori, Pākehā anō hoki i muri mai, he nui te hunga whai taitara i tango rawa ai, i pēhia kia whai nama, kia waitohu mōkete rānei, kāore rānei i āta mārama ki ngā hua o ngā pepa i te hainatia e rātau. I te tau 1869, he mea tuku e te Roia ā-Porowini o Te Matau-a-Māui tana tūranga, ko tētahi o ngā take ko te matakawa atu o te Kaiwhakahaere ā-Porowini o Te Matau-a-Māui, o Donald McLean, ki ā te Roia ngana ki te whakamarumaruru i ngā rangatira i ēnei momo whakaritenga.
- 2.85 I te tau 1866, tekau ngā kaitono i whakawhiwhia ki te taitara o te poraka o Heretaunga, koia tētahi o ngā poraka nui o te takiwā. He mānia haumako te poraka o Heretaunga, 19,835 eka tōna nui, i te hauāuru tonu o ngā kāinga Pākehā nui o te taone o Heretaunga me te taone o Maungawharau. Tae noa ki te tau 1868, i tēnā kaipupuri taitara, i tēnā kaipupuri taitara o te tekau tāna ake nama nui, ā, ka tīmata te riro haere atu o ngā pānga takitahi ki te taitara i ngā kaituku nama. I muri mai, nā tētahi o ngā kaipupuri taitara o Heretaunga, nā te rangatira, nā Karaitiana Takamoana i tohe atu, he mea kī e te kaiwhakawā e kore e whakaaetia tā te kaipupuri taitara kotahi hoko whenua atu ki te kore e whakaaetia e ērā atu kaipupuri taitara. Tae rawa mai ki te marama o Māehe o te tau 1870, kua riro katoa i ngā tauhou o te rohe tō ia kaitono pānga ki te taitara o Heretaunga. I muri mai i tēnā, ka tohe atu a Takamoana rātau ko ētahi atu kaipupuri taitara he mea āta āki rātau kia whai nama, kāre rānei i whakamōhiotia ki te nui o ngā nama kia tae rā anō ki te wā kua kore e āhai te aha hai whakaea i taua nama, hāunga i te hoko atu i ō rātau whenua.
- 2.86 Ko tētahi o ngā herenga o te hokotanga atu o Heretaunga, ko te rāhuitia o tētahi wāhi 1,601 eka te nui, e mōhiotia nei ko Karamu, hai tiaki i tētahi kāinga whakahirahira. I te tau 1871, i whai ngā kaihoko o Heretaunga ki te tuku i te mana o Karamu ki ētahi kaitiaki Pākehā tokorua. I ngā tau 1880, ka noho ko ngā whenua rāhui o Karamu hai papa tūwaewae mō tētahi tohe ā-ture roa rawa ki te Kōti Matua, nāwai, ā, ka noho hai papa mō ngā utu nui i puta i ngā mahi ā-ture. I te tau 1888, i whakatūria te hokonga atu o tētahi wāhi nui o Karamu i te whakamōhiotanga atu a Henare Tomoana rāua ko tētahi

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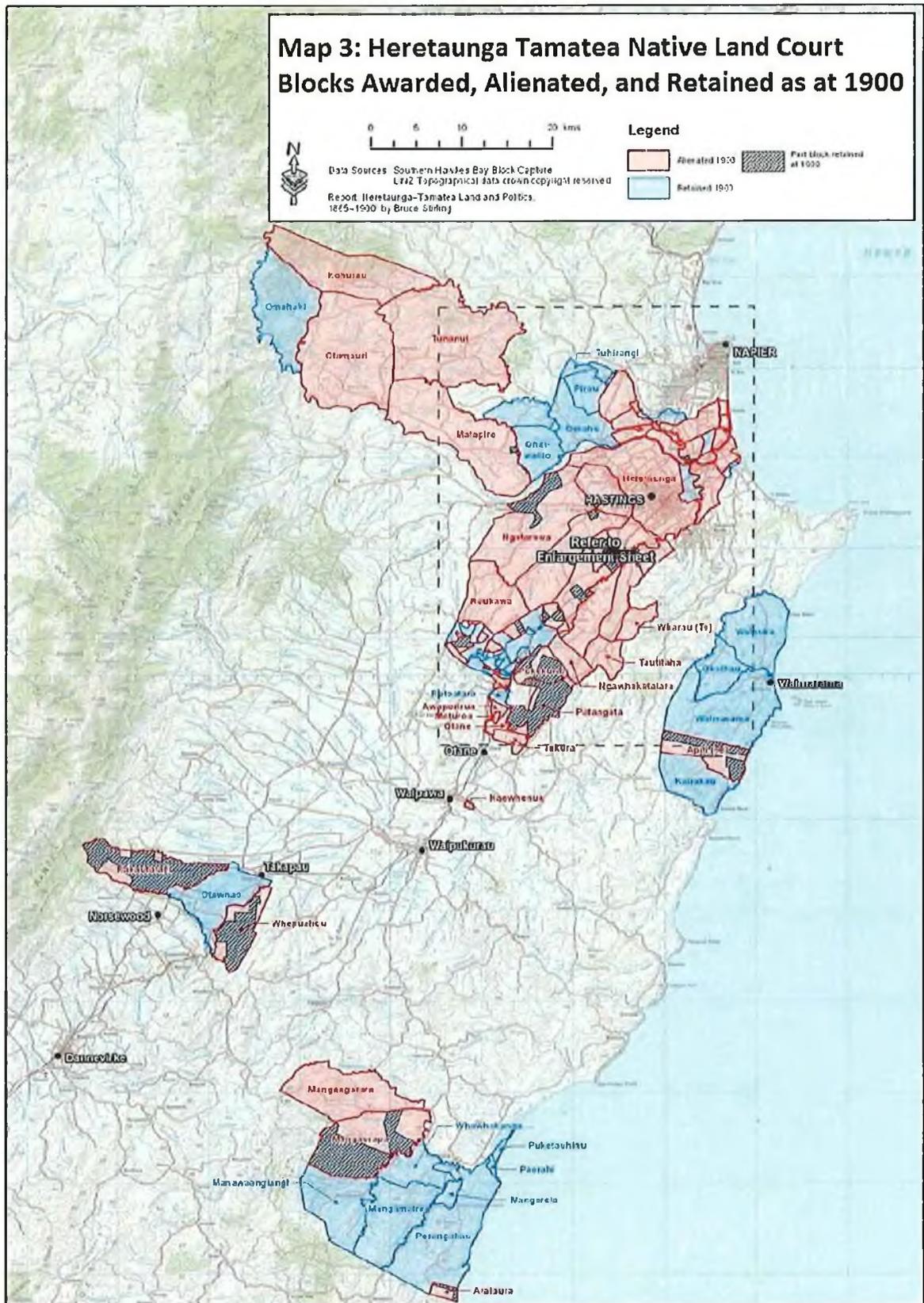
### 2: HISTORICAL ACCOUNT

mihinare o te rohe i te Minita mō ngā Take Māori, i reira ngā Māori e waru tekau mā iwa e noho tonu ana. I te marama o Aperira o te tau 1889, i whakaae te katoa kia hokona atu ngā eka e 375 o Karamu kia ea ai ngā nama, ā, ko te toenga ka tohaina ki te hunga e noho ana ki te whenua rāhui, ki a Ngāti Hori, me ngā kaupupuri taitara o taua wā.

- 2.87 Nō te tau 1870, kua puta te rīpoata a te Kaikomihana i ngā Whenua Tāpui o te Māori e mea ana puta noa i Te Matau-a-Māui, e £31,826 te wāriu o ngā whenua Māori kua mōketehia mō ngā nama takitahi, kua hokona atu rānei hai whakaea nama. I te tau 1870, ka puta i a Karaitiana Takamoana te kōrero e mea ana ko rātau ko ana hoa kaupupuri taitara e tūpato ana ki te whai i ngā mōkete e āhai nei te hāpai mā ngā moni rīhi e whakawhiwhia ana ki a rātau. Heoi anō, nō te hekenga o te utu wūru me te utu kararehe, ka kore ētahi o ā rātau kairīhi e utu i te rīhi, e toru tau te roa o tētahi e pērā ana. Nā tērā i kore ai e āhai tā Takamoana mā utu i te moni āpiti ki ā rātau mōkete, i mate ai rātau ki te mōkete whenua anō, ki te hoko whenua atu rānei. Arā noa atu ngā Māori o Te Matau-a-Māui i tuku amuamu ō-kawa mō te korenga o ā rātau kairīhi i utu rīhi. Ko te whakapono o Heretaunga Tamatea he rautaki kē te korenga i utu rīhi, e riro atu ai ō rātau whenua.
- 2.88 I te wā e kawea ana te uiuitanga o te Komihana Wewete Whenua Māori ki Te Matau-a-Māui (Hawke's Bay Native Lands Alienation Commission) i te tau 1873, i kōrerongia e ētahi o ngā rangatira o Heretaunga Tamatea ko ētahi o ngā nama i riro i a rātau he hua nō ngā utu hai whakawhanake i ngā pāmu i ō rātau whenua, hai tuku rānei i ētahi rawa me ngā painga mō ō rātau hapū. He nui ngā nama i riro i a Karaitiana Takamoana, i te hoko i ngā rawa whānui, i te kākahu, i te parau, i te hōiho, me te utu i ngā taiapa e karapotī nei i ngā whenua rāhui o Karamu, i te whakatūranga hoki o tētahi Whare Karapu Māori i te taone o Ahuriri. I te mutunga iho, koinei ngā nama i mate ai a Karaitiana ki te hoko atu i tōna pānga ki te poraka o Heretaunga.
- 2.89 Ko te whenua i riro atu i raro i te 'ten-owner rule', koia tētahi o ngā take e whakararu ana i te mana o ngā rangatira o te hapū. Hai tā Heretaunga Tamatea, nā ngā whakahaerenga o te 'ten-owner rule' ka uaua te wāhi ki te tokoiti i huaina hai kaupupuri taitara. Waihoki, i kōrero hoki a Heretaunga Tamatea, mō te puta haeretanga o ngā tohe o roto, i waenga hoki i ngā whānau me ngā hapū, i puta ai, i ōna wā, ōna uauatanga nui ki te whakakotahitanga o ngā hapori o Heretaunga Tamatea ki te taha pāpori, ki te taha ahurea, ki te taha ohacha anō.

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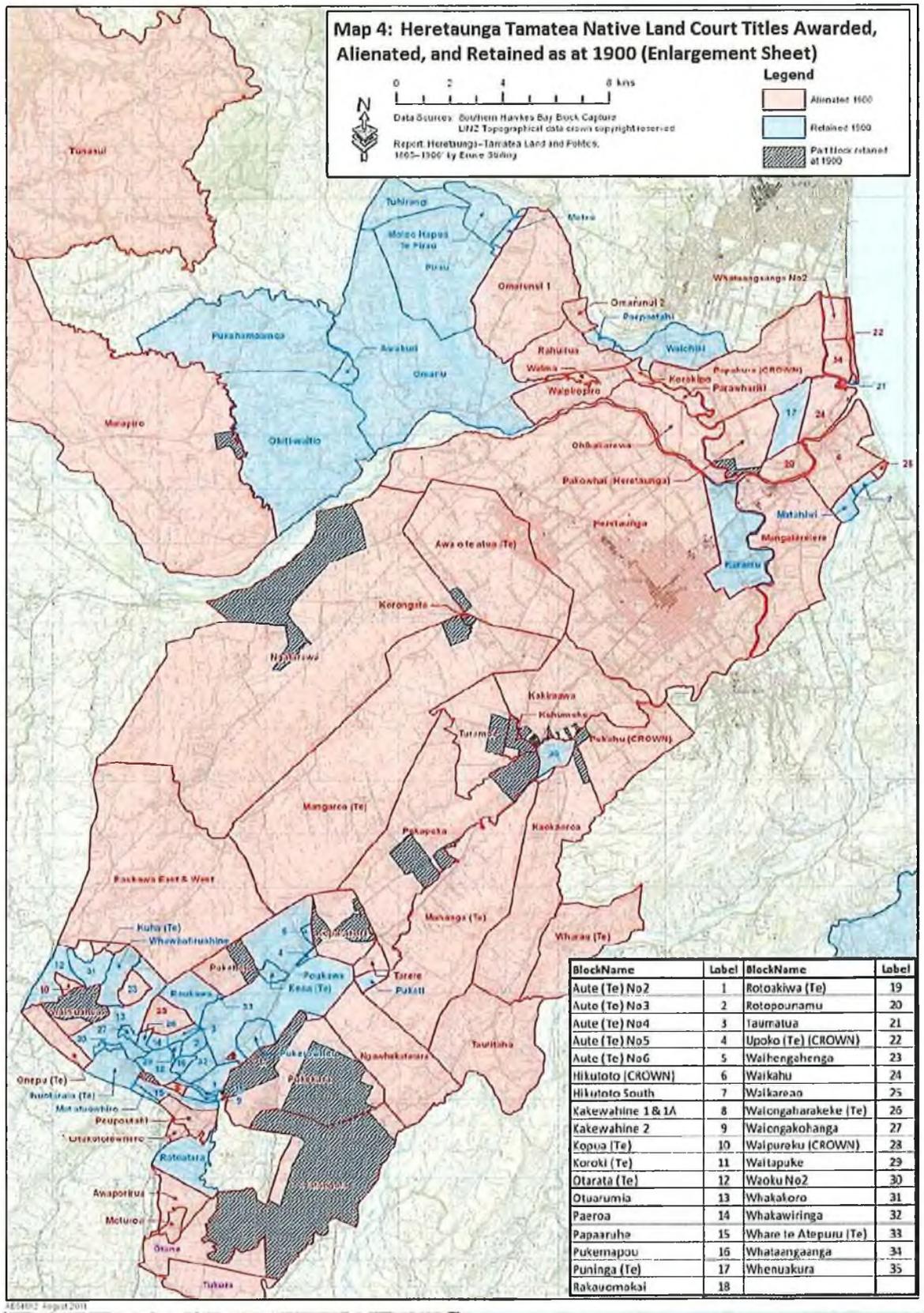
## 2: HISTORICAL ACCOUNT



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## 2: HISTORICAL ACCOUNT



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#### TE WHAWHAI KI A TE KOOTI

- 2.90 I te tau 1868, ahakoa te māharahara haere ki ngā wetekanga whenua, me ngā whakahaerenga o ngā ture whenua Māori, ka whakaae ētahi o ngā rangatira o Heretaunga Tamatea ki te tautoko i ngā kauhanga riri a te Karauna ki a Te Kooti. I te marama o Nōema o te tau 1868, 130 ngā kaitūao Māori nō Te Matau-a-Māui i whawhai i tā te Karauna whai i a Te Kooti, i raro i te mana o ngā rangatira o Te Matau-a-Māui, o Henare Tomoana rātau ko Karaitiana Takamoana, ko Renata Kawepo, ko Tareha Te Moananui, ko Te Hapuku, ko Paora Kaiwhata, ko Ihaia Hutana. Nā konei te ope nei i whai wāhi atu ki ngā pakanga i tū rā ki Pātutahi, ki Te Kāretu hoki i hinga ai ētahi Māori tokoono nō Te Matau-a-Māui, ā, tekau mā waru anō i taotū. Ko tētahi i hinga i Te Kāretu ko Karauria Pupu, he irāmutu nā Renata Kawepo, nō ngā kawai rangatira anō hoki. I te tangihanga o te rangatira rā, i whakanuitia e Donald McLean ngā Māori o Te Matau-a-Māui, mō rātau rā 'i tere puta mai i te wā o te mōrearea nui'.
- 2.91 I te marama o Ākuhata o te tau 1869, he ope taua anō nō Heretaunga, i raro i te mana o Henare Tomoana rāua ko Renata Kawepo, i kuhu atu ki tā te Karauna whai i a Te Kooti. I whai wāhi atu te ope nei ki ngā pakanga i Tauranga-Taupō, i Te Pōrere hoki e pātata ana ki Taupō nui a Tia, i tīkarongia ai tētahi o ngā whatu o Renata Kawepo, ā, i noho rātau ki te pae o te pakanga mō ngā marama e rua.
- 2.92 Kua wehe atu te ope tuarua i mua i te whakatau i ngā whakaritenga utu, ā, ka whakaaetia e Karaitiana kia riro taua take ki ngā ringaringa o te Kaiwhakahaere o te Porowini. He marama i muri i tō rātau wehenga, i mihia e te Kaiwhakahaere te āhua o te ope o 'Ngatikahungunu' me te kī 'kia kua rātau e tūkinotia'. I muri mai ka tohe a Karaitiana, rātau tahi ko Henare Tomoana ko Renata Kawepo, i te āhua o tā te Karauna utu i ā rātau tāngata. Hai tā Tomoana e £888 i tukuna ki te ope tuarua, he iti iho i tētahi hauwhā o te utu-i-te-rā i tukuna ai ki te ope tuatahi o Ahuriri. E rua anō ngā petihana i tukuna ai e ngā rangatira, engari auare ake te whakawhiwhinga o ētahi pūtea atu anō.

#### TE WHAKAHĒ A TE MĀORI KI NGĀ TURE WHENUA MĀORI

E hoa mā, he ritenga whakamate tangata rawa tēnei. E kore e taea e au te tuhi atu āna tini tikanga e whakararu nei i a mātau. Heoti nei tāku e whakaatu ai ki a koutou ko tēnei. Kia mutu te hoko a te tangata i roto i te Karauna Karaati kia kitea ai hai hoa rānei ngā Māori nei mō koutou, hai aha rānei, hai maka noa atu rānei i runga i te āhua o ēnei tikanga a te Pākehā.

Karaitiana Takamoana ki te Rūnanga Nui o Niu Tirenī, i te 29 o ngā rā o Hūrae, i te tau 1869.

- 2.93 Mai i te pito o ngā tau 1860, i tautohe ngā Māori o Heretaunga Tamatea me ngā rōhe pātata ki te wetekanga tonutanga o ō rātau nā whenua. I te tau 1868 ka whakatūngia a Tareha Te Moananui hai Mema Paremata mō te Tai Rāwhiti, nō reira he rite tonu tana whakahē i te Kōti me ngā ture i whai pānga atu i te whare Paremata. I te tau 1869, he mea tuku e Karaitiana Takamoana tētahi manatutanga ōkawa ki te Pāremata o Niu Tirenī e tautohe ana i ngā mahi a te Kōti. I waenga i te tau 1869 ki te tau 1872, e whā tekau mā ono ngā reta amuamu i tukuna ki te Tari Māori. I taua wā anō, tekau mā iwa ngā petihana ōkawa pērā i tirohia e te Karauna. Ko te nuinga o ēnei amuamu e pā ana ki ngā take hoko whenua. I te tau 1870, i puta te rongō i te penapena pūtea ngā tāngata o Pōrangahau e āhai ai te tuku tira haere ki te Kuini. I whakamōhiotia te Karauna e ētahi o

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ngā Pākehā o Te Matau-a-Māui, me ētahi āpiha Karauna hoki, i te tere o te whenua kore haeretanga o ngā Māori o Te Matau-a-Māui.

- 2.94 I te marama o Pēpuere o te tau 1870, i ākina e te Kaikomihana o ngā Whenua Rāhui Māori ngā rangatira o Heretaunga Tamatea me ngā rohe pātata kia tukuna ki a ia ngā wāhi o ō rātau whenua ka raru pea i te wetekanga hai tiaki māna kia āhai ai te aukati i te wetekanga o aua wāhi. Nō te puku o te marama o Āperira, ko tā te Kaikomihana tekau mā toru ngā poraka kua tukuna ki a rāua tahi ko tētahi atu āpiha Pākehā. Tekau mā tahi o aua poraka i te rohe o Heretaunga Tamatea, e whakakapi ana i ngā eka e 20,783 o ngā whenua wāriu nui katoa e puritia tonuhia ana e te Māori. Ahakoa ēnei whakaritenga, e waru, neke atu rānei o ngā poraka o Heretaunga Tamatea i tukuna ai kia tiakina e te Kaikomihana i wetekia katoatia, he wāhanga rānei i pērātia.
- 2.95 I te Mahuru o te tau 1870 i whakamanahia te Native Lands Frauds Prevention Act, hai 'ārai, ki te taumata e taea ai, i ngā tinihanga, i ngā tūkinotanga hoki' e pā ana ki te wetekanga o ngā whenua Māori. Nā te Ture i whai wāhi ai te whakatū i ngā Kaikomihana Kaitiaki (Trust Commissioners), ko tā rātau he āta tātari i ngā tauhokohoko whenua, me te whakatau mēnā i marama katoa ngā Māori ki ngā tīti i hainatia ai e rātau, kua puritia he whenua hai orange mō rātau, kāore hoki i utua ki te waipiro, ki te pū, ki ētahi atu rawa rānei kāre e whakaaetia e te ture. Ko tā ngā Kaikomihana Kaitiaki he āta tātari i ngā tauhoko mai i taua wā, engari kāre i āhei tā rātau tātari i te pono, i te tika rānei o ngā tauhokohoko o mua. I whakaaetia e te Whare o Runga o Niu Tireni (Legislative Council) tētahi whakatikahanga, e mana ai tā ngā Kaikomihana Kaitiaki tātari noa i te hoko whenua i whai pānga ai te Māori, tae atu ki ngā hokotanga o mua, engari i whakakorengia taua whakatikahanga e Donald McLean, kātahi anō ka whakatūngia hai Minita mō ngā Take Māori, i te tirohanga o te Ture hukihuki e te Whare Pāremata.

### TE KOMIHANA WEWETE WHENUA MĀORI O TE MATAU-A-MĀUI

- 2.96 I te marama o Ākuhata o te tau 1870, he mea tuku e Henare Matua rātau ko ētahi atu tāngata 115 tētahi petihana e tohe ana i te āhua o te Māori i Te Matau-a-Māui e 'rawakore haere ana nā te āhua o ngā whakahaere i te hoko i ō rātau whenua', me te tono kia whakatūngia tētahi taraiipiunara hai pae e rangona ai ā rātau amuamu. I te tīmatanga o te marama o Hune, i te tau 1872 ka kōkirihiā ētahi hui huri noa i Heretaunga Tamatea, i tae atu ai te tini ki te wānanga i ngā take mō te wetekanga o ngā whenua. I ēnei hui ka puta te whakatau a ētahi o ngā rangatira o Heretaunga Tamatea me tono tonu i te Pāremata kia āwhina mai, ko ētahi atu i te noho rangirua tonu ki ngā hua ka puta i taua rautaki, ka tīmata kē ki te tautoko kia tere te whakahēngia o te mana o ngā hoko o mua. I te marama o Ākuhata me te marama o Oketopa o te tau 1872, i tāpaetia e ngā Māori o Te Matau-a-Māui ētahi petihana e rua ki te Pāremata e tono ana kia āta rangahaua ngā whakahaerenga o te Kōti Whenua Māori, me te ngarongaro haeretanga o te whenua i hua mai i reira.
- 2.97 Hai aukati i te tipu mai o te kaupapa whakahē i te mana o ngā hoko whenua o mua, ka tīmata te Karauna ki te whakatū i tētahi Komihana Uiui hai tātari i ngā hokonga whenua Māori i Te Matau-a-Māui. I te marama o Oketopa o te tau 1872, i whakamanahia tētahi Ture e whakatū nei i ngā Kaikomihana mā rātau rā e rangahau ngā amuamu mō te wetekanga o ngā whenua o Te Matau-a-Māui, ā, ka pānuitia te karanga tāpaetanga Māori i te Tihema.

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### 2: HISTORICAL ACCOUNT

- 2.98 I waenga i te marama o Tihema o te tau 1872 me te marama o Pēpuere o te tau 1873, e 350 ngā amuamu i tukuna ki te Komihana. Heoi anō, nā te herea o te Komihana ki te tātari i ngā amuamu e pā ana ki ngā poraka i tirohia e te Kōti Whenua Māori anake, e whā tekau mā iwa ngā tono kāre i arohia mō ngā hoko whenua i mua i te tau 1865. E waru atu anō ngā amuamu i unuhia i muri mai. I mua i te timatanga o ngā whakawākanga, i tautohengia e ngā hapū o Heretaunga Tamatea ētahi āhuatanga o te uiui, tae atu ki te iti o ngā kōrero whakamahuki i ngā whakahaerenga o te uiui, ki te whakahētanga o ngā tono kia tū ngā whakawākanga i wāhi kē atu i Ahuriri, ki tōna whakaritenga i te wā pukumahi o te hauhake, me te whakatūhia hoki o ētahi āpiha o te rohe nā rātau rā ētahi o ngā raru, e ai ki te mahi a te Māori.
- 2.99 Ko te nohonga tuatahi o te Komihana Wetekanga Whenua Māori o Te Matau-a-Māui i Ahuriri i te 3 o ngā rā o Pēpuere i te tau 1873, ā, ka tīmata tana rangahau i ngā poraka e ai ki te rārangitanga o ngā tanga amuamu mō aua poraka i tuhia ai ki te Kahiti o te Porowini o Te Matau-a-Māui. Nō te mutunga o ngā whakawākanga a te Komihana i te 12 o ngā rā o Āperira, i rangona noa ihotia ngā kōrero taunaki e pā ana ki ngā amuamu e waru tekau mā tahi o ngā amuamu 301 katoa e toe ana. Kāre anō kia tirohia tētahi amuamu kotahi o te rua tekau mā rua i āta huaina rā te ingoa o Donald McLean, kāre anō hoki kia rangona he amuamu e hāngai ana ki ngā poraka matua e whā i rīhia, i hokona rānei e McLean – arā, ko Mangateretere, ko Mangaroa, ko Raukawa me Ngātarawa – ahakoa ko ngā amuamu e pā ana ki te hokona atu o Mangateretere me Raukawa ētahi o ērā i tāngia wawetia.
- 2.100 I ngā rangi tata ki te mutunga o ngā whakawākanga, he hui nui i whakatūngia e ngā hapū o Heretaunga Tamatea ki Pakipaki, hai whakarite petihana e tono ana kia whakatūngia he uiui hou me ōna mana tiketike ake, hai penapena pūtea hoki e taea ai ētahi o ngā amuamu kāre anō i whakawāngia te tuku ki te Kōti Matua.
- 2.101 I te wā i tāngia te rīpoata a te Komihana i te marama o Hūrae o te tau 1873, ko tōna kotahi rau whārangi, arā, neke atu i tētahi hautoru o te rīpoata i riro i ngā ripoata me ngā kōrero taunaki e pā ana ki te hokotanga o te poraka o Heretaunga. Tekau ngā amuamu motuhake i rangona e te Komihana e pā ana ki te wetekanga o te poraka nei, ko te nuinga mō ngā rautaki i whāia ai e ngā rōpū tūmataiti kia riro ai i a rātau ngā haina o ngā kaupupuri taitara tekau. I whakamāramahia e ētahi o ngā kaupupuri taitara he wā ōna ka tukuna ki a rātau te waipiro i mua i te haina tīti tuku whenua, he wā anō ka whakatumatumahia rātau ki ngā mahi kōti ki te kore e utua ngā nama, he wā anō i a rātau i Te Whanganui-a-Tara ka tonoa rātau kia tukuna ō rātau pānga, i a rātau i noho tawhiti atu ai i te kāinga me te tautoko a ō rātau hoa o te hapū.
- 2.102 Ki tā te Heamana o te Komihana kāre i kitea he kōrero taunaki hai whakakore i te mana o tētahi hokotanga atu, engari hai tāna he tika tonu ngā amuamu a te Māori ki ngā ture whenua Māori. Hai tā te Heamana he 'teka mārika' te whakaaro ka pai te tirohia o ngā kaupupuri tekau i whakarārangiha ai ki tētahi taitara Karauna, anō nei 'nō rātau tonu taua whenua e ai ki te tikanga Māori', nā, ka mea hoki te Heamana ko te tuku i aua kaupupuri taitara tekau kia hoko atu i ō rātau wāhi me te kore o te hāpori whānui i whakaae 'te tino aronga kētanga o tā ngā Māori i whai wāhi atu ai i pīrangi ai', i mahara nei ka noho ko ngā kaupupuri taitara hai kaitiaki mā ō rātau hapū. Hai tāna me unu i te mana o ngā Ture Whenua Māori, me whakatakoto whakaritenga hou hoki e āhei ai te tuku taitara ki tētahi iwi, ki tētahi hapū rānei.

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- 2.103 I te marama o Ākuhata o te tau 1873, he mea tuku ki te Pāremata e ngā Māori o Heretaunga Tamatea me ngā rohe pātata ētahi petihana nui e rua e tonono ana kia whakatūngia tētahi Komihana anō hai tiroiro i ngā amuamu kāre i rangona e te tuatahi o ngā Komihana, me ngā mahi tīni i ngā ture whenua Māori. I te marama o Hepetema o te tau 1873, ka takina e Karaitiana Takamoana tētahi Ture hukihuki ki te Pāremata hai whakatū i tētahi komihana tuarua, engari ka unuhia e ia i te hipanga o ētahi wiki i muri mai.
- 2.104 I te marama o Oketopa o te tau 1873, ka whakamanahia e te Pāremata tētahi Ture Whenua Māori hou e whakakore ana i te mana o te 'ten-owner rule' me te here kia āta tuhia ia tangata nōna taua whenua ki tētahi Manatutanga Mana Whenua. Hai tā te Ture me mātua whakaae e ngā tāngata katoa nō rātau ngā whenua, e āhei ai te hokona atu, engari ka whakaaetia te wāwāhitanga o te poraka inā whakaaetia e te nuinga o ngā tāngata nō rātau te whenua, me te hokotanga atu o ngā wāhanga inā whakaae katoahia e ngā tāngata katoa nō rātau taua wāhanga. He whakaritenga o roto i te Ture i haukoti ai i te pēhia o te Māori kia hokona atu tōna whenua hai whakaea nama noa iho. Heoi anō, kāre ngā whakaritenga o te Ture o te tau 1873 i hoki whakamuri, ā, kua kore e āhei ki ngā taitara kua tukuna kētia e te Kōti Whenua Māori, ki ngā whenua rānei kua wewetekia kētia. Nō te whakaaetanga o te Ture, kua hokona kētia e te Karauna ko tōna 90 paihēneti o ngā whenua o Heretaunga Tamatea, kua tukuna rānei mā te Kōti Whenua Māori.

#### 'TE KOMITI'

*Ko mātau, ko te iwi Māori, he marama katoa, e mōhio ana hoki ki ā mātau tikanga katoa mō te kerēme whenua, ka mutu mā mātau tonu e whakawā ā mātau take whenua i runga i te tika, te pono, me te maramatanga.*

Henare Matua, Te Wananga, Hui tanguru 1876.

- 2.105 I te pito o te tau 1873 me te tīmatanga hoki o te tau 1874, he hui nui anō i whakatūngia huri noa i te rohe o Heretaunga Tamatea, i tae atu ai ngā Māori o te rohe, me ētahi nō takiwā kē atu, ki te wānanga i ngā rautaki hai whakatau i ngā raru i hua mai ai i ngā ture whenua Māori. Ko te kaupapa i puta ai i aua hui, i tapaina rā ko te 'Repudiation Movement' e te Pākehā, ko 'te Komiti' e te Māori, kia aro ki te nui o aua take tonu i tautohengia ai e te Rūnanga i ngā tau 1850. I muri i te tau 1873, ka tīmata te wero a ngā kaiwhakahē i ētahi āhuatanga o ngā hokonga whenua o mua i te Kōti. I te tau 1874, i kōkirihia e Henare Matua rāua ko Henare Tomoana ngā tānga o Te Wānanga, he niupepa, ko tōna 1,000 kape i tohaina i te wiki, hai whakatairanga i ngā whāinga o te kaupapa. I te tau 1874, ka tukuna e Henare Matua he petihana ki te Pāremata e whakaū nei i te Tiriti o Waitangi hai tūāpapa mō te rangatiratanga o te Māori i ō rātau nā whenua.
- 2.106 Tae noa ki te tau 1876, i te tautokona nuitia 'te Komiti' e te Māori huri noa i te Ika-a-Māui. He mea whakatairanga e ngā rangatira o Heretaunga Tamatea te kotahitanga, me te whakatūngia o tētahi rōpū tōrangapū Māori, e āhei ai te whakatū ture me te tātari i ngā take whenua e ai ki ngā tikanga tuku iho. .
- 2.107 I te tau 1876 me te tau 1877, he hui nui whakaharahara i tū ki Waiohiki, ki Pākōwhai me Omāhu i Heretaunga, i reira rā ka wānangahia e te iwi Māori o Aotearoa whānui te whakatikahia o ngā ture whenua Māori me te whakatūhia o tētahi Pāremata Māori. I

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muri mai i aua hui, ka tukuna ki te Pāremata he petihana nui, kua hainatia e te 2,635 tāngata, e whakamārama atu ana i ngā whakataunga i oti ai. I te marama o Māehe me te marama o Āperira o te tau 1878, nā ētahi hui nui anō i tū rā ki Poukawa me Pākōwhai, i whakatūngia ai tētahi Komiti, e rua tekau mā whā ōna tāngata i whakatūria ai hai māngai mō ngā iwi Māori o te Ika a Māui i tae atu ki aua hui. I whakatauhia kia kotahi te hui a te Kōmiti nei i te tau, hai wānanga i ngā take e pā ana ki te Māori, ka whakaputa tūtohutanga atu ai ki te Pāremata.

#### NGĀ KOMITI MĀORI

- 2.108 I te tau 1882, kātahi anō a Henare Tomoana ka kōwhiringia hai Mema ki te Whare Pāremata hai māngai mō ngā Māori o te Rohe Pōti o te Tai Rāwhiti, nāna i whakataki tētahi Ture hukihuki hai whakamana i ngā Komiti Māori kia whakawā i ngā take e pā ana ki ngā rūri whenua, ki ngā tono ki te Kōti Whenua Māori hai uiui taitara me ngā tono kia hoko atu i te whenua, ina whakaae ngā rōpū kia tukuna tā rātau take kia whakawāngia e te Kōmiti. Heoi anō, i kaha whakahētia te Ture hukihuki e te Minita mō ngā Take Māori, e John Bryce, me te aha, kāre i puta i tana pānuitanga tuatoru.
- 2.109 I te tau 1883, he ture i whakatūria e te Karauna e āhei ai tā ngā Kōmiti Māori rangahau i ngā take taitara whenua, me te whāki atu i ngā whakataunga ki te Kōti Whenua Māori, heoi anō ehara i te mea me aro atu te Kōti ki aua whakataunga, ahakoa kua whakaaetia e ngā rōpū. Nā te Ture hukihuki i āhei ai tā ngā Kōmiti Māori whakawā i ngā take ā-iwi kāre e hipa atu te wāriu i te £20, heoi anō ko te herenga ka mana noa iho te whakawākanga ina mātua whakaaetia e ngā rōpū e rua i mua. I whakaaetia te Ture hukihuki e te Whare Pāremata, me te kore i tautohea.
- 2.110 I te marama o Āperira, i te tau 1884, tekau mā rua ngā mema i pōtīhia ki te Kōmiti Māori ki Te Matau-a-Māui. I ngā tau o muri mai, e hia nei ngā wā ka puta i te Mema hou i noho ai hai māngai mō ngā Māori o te Rohe Pōti o Te Tai Rāwhiti ana amuamu mō te herenga o te Kōmiti mana i raro i te Ture o te tau 1883. I te tau 1886, i rahua te tono a Henare Tomoana i tuhia ai ki te Tari Māori, kia tīningia te Ture e nui ake ai ngā mana o ngā Kōmiti Māori ki te whakahaere i ngā take ā-kiri tangata me ngā take whenua. I te tau 1889, ka whakamōhio atu a Henare Matua i te Tari Māori ki te kōrero e mea ana ko ia anake te mema o te Kōmiti ki Te Matau-a-Māui, ā, i te whanga ia kia puta i te Tari tētahi pānui mō ngā pōtītanga hou kia ea ai tana tono i whakatakotohia ai e rua tau i mua. I muri mai i tērā, i te nuinga o te wā, ka kore noa iho te Kōmiti ki Te Matau-a-Māui.

#### TE TURE NATIVE EQUITABLE OWNERS O TE TAU 1886

- 2.111 I te tau 1886, ka mana i te Kāwanatanga te Ture Native Equitable Owners me kore e tika ētahi o ngā raruraru i ara ake i te kaupapa e kīia nei ko te ture ten-owner. Hai tā te ture, e wātea ana te Māori e kerēme pānga ana i tētahi poraka 'ten-owner' ki te tono ki te Kōti Whenua Māori, māna e whakatau mehemea ko te hunga e whai pānga ana, kua tuhia nei ō rātau ingoa ki te taitara, e noho kē ana hai kaitiaki mā tētahi rōpū whānui ake nō rātau te whenua. Mēnā i whakatau te Kōti e pērā ana rātau, e āhei ana tāna tuhi i ngā ingoa o te hunga ka whaihua i tērā momo rōpū kaitiaki ki te taitara e kī ana nō rātau taua whenua.
- 2.112 Heoi anō, kāre tēnei āhuetanga i pā ki ngā poraka i hokona ai, i tukuna ai rānei he pānga i muri i ngā whakataunga a te Kōti Whenua Māori, ahakoa ko ētahi noa iho o ngā hea

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kua hokona. Nō reira, he iti noa iho te āwhina o roto i te ture Native Equitable Owners Act, o te tau 1886, ki ngā hapū o Heretaunga Tamatea nā te mea kua wewetekiā kētia ētahi o ngā pānga i te nuinga o ngā poraka whenua ka pāngia e te 'ten-owner rule'. Ko tētahi tauira, ko te korenga o te poraka o Te Pākōwhai i whai wāhi ki taua ture, nā te mea kua hokona tētahi wāhanga i te tau 1868, ā, ko te toenga kua whakanohoia i raro i te kaitiakitanga o te Komihana Rāhui, i te tau 1870. E whitu noa iho ngā poraka i tutuki nei te tono a ngā tāngata nō rātau te mana whenua i raro i te ture 1886, i ngā ture rānei i hua mai ai i taua ture ka whakaurua rā ki ngā taitara kāre nei rātau i whai wāhi atu i mua.

#### TE KAUPAPA O TE KOTAHITANGA

- 2.113 I ngā tau 1880 me ngā tau 1890, ka kawea e ngā Māori o Heretaunga Tamatea te kaupapa o te kotahitanga o te Māori i whakatairangahia ai e te Komiti i ngā tau 1870. I te marama o Āperira, i te tau 1892, neke atu i te 1,300 ngā Māori, tae atu ki ngā māngai o Heretaunga Tamatea, i hui ki Waitangi ki te kōrero i ngā take, tae atu ki te kotahitanga o te Māori me te whakakorenga o te Kōti Whenua Māori, kia huri kē ai ki ngā Kōmiti Māori. Ka whakatau te hui me whakatū tētahi pāremata hai whakawhanake, hai whakatinana hoki i ētahi atu kaupapa here whenua mā te Māori i te taha o te Pāremata Pākehā e noho ana i raro i te mana o te Kuini. E rite ana ēnei whakaaro ki ērā kua whakatairangahia e te Komiti.
- 2.114 I te marama o Hune, i te tau 1892, ka hui te pāremata Māori tuatahi ki Waipatu, e tata ana ki te tāone o Heretaunga o nāiane, ā, ko te rangatira o Heretaunga, ko Henare Tomoana te kaihautū. He tata ki te kotahi mano te tokomaha o ngā Māori, mai i Aotearoa whānui, i kōrero mō te kotahitanga o te Māori, mō te whakakorenga o te Kōti Whenua, mō te whakanuitanga ake hoki o te mana o ngā Komiti Māori, ā, i kōrerotia hoki ngā take mō te whakamāoritanga o te Tiriti o Waitangi, mō te āhua hoki ki ngā māngai Māori o te Pāremata ki Te Whanganui-a-Tara. I te marama o Āperira, i te tau 1893, ka puta i te pāremata tuarua i tū rā ki Waipatu, i tua atu i ētahi atu take, tētahi Ture hukihuki e whakamana ana i te whakakapinga o te Kōti Whenua e ngā Komiti Māori ā-takiwā. Ka tukuna e te hunga haina, i eke nei ki te rima tekau mā rima tāngata, tae atu ki ngā rangatira o Heretaunga, tētahi petihana ki te Pāremata ki Te Whanganui-a-Tara e tautoko ana i te Ture hukihuki e tono ana kia whakamanatia te Federated Māori Assembly hai mana kāwanatanga mō te Māori. Kāre te Ture hukihuki, te Petihana hoki i whāia e te Karauna.
- 2.115 I te marama o Hānuere, i te tau 1895, ka whakatūria te 'Pāremata Wāhine Māori' i te huinga o ngā wāhine o Heretaunga ki Te Hauke. Ka whakahau te huinga nei kia mutu tā te Māori huri ki te Kōti Whenua Māori, kia mutu hoki te hoko, te rīhi, te rūritanga hoki o ngā whenua ki Heretaunga Tamatea. Nō muri tata mai, ka puta te rīpoata i te Hawke's Bay Herald, e kī ana, he āhua pērā anō ngā kōrero a tētahi tokotoru o ngā Mema Māori o te Pāremata. Hai tā taua rīpoata anō, e tipu haere ana te tokomaha o ngā Māori o Heretaunga e kore nei e paku whakaae ki te mana o te Kōti.
- 2.116 Ahakoa ka iti haere ngā hokohokotanga a te Karauna i ngā tau 1890, ka protēhi tonu ngā hapū o Heretaunga Tamatea ki ngā mahi wetekanga whenua i whai mai. I te marama o Māehe, i te tau 1898, ka tono ngā Māori i tae atu ki Waipatu ki te hui me te Pirīmia, me Richard Seddon, kia mutu te hokotanga o ngā whenua Māori e toe ana ki a rātau, kia āhei hoki tā te Māori tono moni me te iti o ngā huamoni tāke, e pai ai tā rātau whakawhanake i ngā whenua e toe ana ki a rātau, ā, kia puritia aua whenua e toe tonu ana ki a rātau 'mō ake, ake tonu atu, kia pō rā anō te ao'. I whakaae a Seddon kia mutu

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te hokotanga o ngā whenua e toe ana, ka mutu, nāna hoki te kōrero ka nui ake ngā hua ki te Māori i te rīhi whenua, nā te mea ka mau tonu i a rātau te mana o te whenua, ā, ka taea tonutia te whakawhanake hai hua ohaoha.

#### Ā TE KARAUNA KAUPAPA HERE WHENUA ME TE HOKOTANGA, I NGĀ TAU 1900-1930

- 2.117 Mai i ngā tau e rima tekau i muri mai i te pōhiritanga tuatahitanga a ngā rangatira o Heretaunga Tamatea i ngā māngai o te Karauna kia hoko i ngā whenua o tō rātau rohe, kua riro tōna 1.2 miriona eka o ngā eka 1.4 miriona o ngā whenua o Heretaunga Tamatea i ngā ringa o te Māori, nā ngā mahi hokohoko a te Karauna.
- 2.118 I ngā tau whakamutunga o ngā tau 1890 me ngā tau mātāmua o ngā tau 1900, ka rongo anō te Karauna i te taumaha o ngā kōrero e āki ana i a ia kia riro i a ia ngā whenua Māori kāre i te whakamahia hai hua ā-ōhanga. I te tau 1905, ka haere anō ngā mahi hokohoko a te Karauna i ngā whenua Māori i Heretaunga Tamatea. Tae rawa ake ki te marama o Māehe, o te tau 1907, kua hokona e te Karauna ko tōna 8,000 eka o aua poraka whenua o roto o Waimārama, o Ōkaihau, o Waipuka, arā, he wāhanga nō te poraka taketake o Waimārama kāre nei ōna kainoho i hiahia ki te hoko atu ki te Karauna i te tau 1856.
- 2.119 I te marama o Hānuere, i te tau 1907, ka whakatūria te Komihana Uiui o Stout rāua ko Ngata hai āta uiui, hai tuku rīpoata hoki mō te whakamahinga o ngā whenua o te Māori e toe tonu ana ki a ia. I te marama o Pēpuere ka tīmata tā te Komihana tiro tiro i ngā take e pā ana ki ngā poraka o Waimārama, o Ōkaihau, me Waipuka. Ko ana whakatau ki te Karauna kia tangohia ko tōna 4,000 eka o te poraka o Waimārama hai whenua noho mō te Pākehā, ā, kia mutu hoki tāna hoko i ngā poraka o Ōkaihau me Waipuka nā te mea kāre he whenua atu anō o ngā tāngata, nō rātau aua poraka rā. I muri mai ka tohutohu hoki ngā Kaikomihana kia kaua te nuinga o ngā eka e 9,689 o te poraka o Ōtāwhao A e wewetekia hai hokotanga nā te mea kāre he whenua atu anō o ngā tāngata, nō rātau taua poraka rā.
- 2.120 I ngā marama tekau mā rua i muri mai i te putanga o te rīpoata a te Komihana o Stout rāua ko Ngata, e 3,639 ngā eka o te poraka o Waimārama i hokona ai e te Karauna, kia hāngai ai ki tā ngā whakatau a te Komihana. Heoi anō, e 3,000 atu anō ngā eka o ngā poraka o Ōkaihau me Waipuka i hokona ai e te Karauna, ahakoa ngā whakatau a te Komihana e kī ana kia kaua e hokona tonuhia ngā whenua o ēnei poraka. Hui katoa, ko ngā eka o roto o Heretaunga Tamatea i hokona ai e te Karauna i muri i te putanga mai o te rīpoata a te Komihana, kāre i iti iho i te 8,300 eka.
- 2.121 Tae rawa ake ki te tau 1910, kua whakatau te Karauna me hoko i ētahi atu whenua o Heretaunga Tamatea, ahakoa i taua wā, kua heke iho i te tekau paihēneti te iti o ō rātau whenua tipuna e mau tonu ana i a rātau. Nā te Ture Whenua Māori o te tau 1909 i āhei ai tā te Māori nō rātau ngā whenua whiriwhiri ngātahi i ngā whakataunga e pā ana ki te wetekanga o ō rātau whenua kāre nei i whakaaetia kia hokona mēnā kāre te nuinga o te hunga nō rātau te whenua i ngā hui nā te Poari Whenua Māori ā-Rohe i whakarite. I te tau 1913, ka whakaterā e te Karauna tētahi whakatikahanga i te ture whenua Māori, i āhei ai tana hoko i ngā whenua o te tangata takitahi.
- 2.122 I te tau 1914, ā, i te tau 1915 anō, kāre ngā huinga tāngata, nō rātau tētahi wāhanga whenua o Pōrangahau, e 437 eka te nui, i whakaae ki ngā tono a te Karauna kia hokona

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ō rātau whenua. Kāre te Karauna i whakaae ki te utu nui ake i tonoa ai e ngā tāngata nō rātau aua whenua, ā, i ngā marama i whai mai, i taua tau tonu, ka tīmata tana kapo haere i ngā pānga ā-takitahi nei. Tae rawa ake ki te marama o Hepetema, i te tau 1916, kua kapohia e te Karauna ko tōna waru tekau paihēneti o te poraka.

- 2.123 Mai i te tau 1910, i a ia e whakawhitiwhiti kōrero ana mō te hokohoko, i kaha tā te Karauna whiu i tōna mana i raro i te Ture o te tau 1909 e āhei ai tāna whakatau, tāna whakahou hoki i ngā whakahau hai aukati i te wetekanga motuhake nei i ngā poraka i pīrangi rā ia kia riro i a ia. Hai tauira, i te tau 1910, ka whakatau te Karauna i ana whakahau aukati ki te katoa o te poraka o Mangaorapa, ā, ka haere tonu ērā momo whakahau kia pai ai tana hoko i ētahi wehenga o te poraka i ngā tau e toru tekau mā rima i muri mai. Ka whakatauhia anō e te Karauna ana whakahau aukati ki tētahi wāhanga-iti o te poraka, ā, tekau mā tahi tau te roa i herea ai taua poraka ki aua whakahau. Nā ēnei whakahau i āki ngā tāngata nō rātau ngā whenua ki te hoko whenua atu ki te Karauna.
- 2.124 Tae rawa ake ki te tau 1930, nā ngā akiaki a te Mema Pāremata hai māngai mō ngā Māori o te Rohe Pōti o te Tai Rāwhiti, a Apirana Ngata, ko ia nei hoki te Minita Take Māori hou, ka huri kē te aronga o te kaupapa here a te Karauna mai i te hoko i ngā whenua mō ngā tauhou ki te āwhina i te Māori ki te whakawhanake i ō rātau ake whenua. Heoi anō, tae rawa ake ki taua wā, kua oti tā te Karauna hoko i tōna 71,000 eka, otirā, i tua noa atu i te hautoru o ngā whenua i ngā ringaringa tonu o ngā Māori o Heretaunga Tamatea i te tau 1900. I roto i ērā whenua, neke atu i te 7,300 eka, arā, ko tōna toru hauwhā o te poraka o Otawhao A i riro atu, ahakoa te whakatau a te Komihana a Stout rāua ko Ngata kia kaua te nuinga o ēnei whenua e whakawehea.

### TE WHAKAUTU I TE KARA KI TE PAKANGA TUATAHI O TE AO ME TE KĀINGA HŌIA

- 2.125 Ko ētahi o ēnei hokotanga i kawea kia pai ai te tango whenua mō te kaupapa kāinga hōia i whakatūria ai e te Karauna mā roto i te Ture Discharged Soldier Settlement o te tau 1915. I raro i tēnei ture, i āhei tā ngā hōia, i hoki mai i te pakanga, tonu kia hokona, kia rīhingia rānei e rātau ngā whenua o te Karauna, ā, i āhei hoki tā rātau tonu i ētahi pūtea taurewa kia pai ai te whakawhanake whenua hai whakatū pāmu whaitake. Nā tētahi whakatikahanga, i te tau 1917, i āhei ai tā ngā hōia, i hoki mai i te pakanga, tonu pūtea taurewa kia hokona e rātau ngā pāmu motuhake, ā, i āhei hoki tā rātau whakamahi i ngā whenua kāinga hōia mō te whakatū whare hōia. Puta noa i Niu Tireni, ko tōna tekau paihēneti o te hunga i hoki mai i te pakanga, i āhei ai tā rātau tonu i raro i te kaupapa nei, i whai āwhina kia riro ai i a rātau he whenua. Ko tōna rua paihēneti o ngā Māori, i āhei ai te tonu, i whai āwhina kia riro ai i a rātau he whenua.
- 2.126 I te wā e tū ana te Pakanga Tuatahi o te Ao, e ono tekau mā waru ngā tāne Māori, ko ō rātau whānau i Heretaunga Tamatea e noho ana, i haere hai tūao i te Ope Māori i pakanga rā ki Karipori, ā, ki Te Pae-o-te-Riri ki te Uru o Uropi hoki, i raro i te maru o Te Hokowhitu-a-Tū. Tokoiwa o ēnei tāne i hinga i taua wā tonu, i muri tata tonu mai rānei i te pakanga, ā, e toru i whakawhiwhia ki ngā hōnore mō te māia.
- 2.127 I ngā tau o waenga i te tau 1916 me te tau 1924, 1,456 ngā hōia i hoki mai i te pakanga (Māori mai, Pākehā mai) i tonu āwhina i raro i te kaupapa i te Takiwā Whenua o Te Matau-a-Māui (e toro atu ana ki Te Tai Rāwhiti). E 416 o ērā i āwhinatia kia riro ai i a

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rātau ō te Karauna whenua i te Takiwā. I riro i tōna tokowaru, arā, i tōna 1.5 paihēneti o ngā hōia Māori e rima rau nō te Takiwā Whenua o Te Matau-a-Māui i hoki mai i te pakanga, he pāmu i raro i te kaupapa rā. I riro i tētahi tokorua hōia anō, nō Heretaunga Tamatea he pāmu kāre i roto i te rohe o Heretaunga Tamatea. Nā te ngarohanga o ngā kōrero i te rū whenua ki Ahuriri, i te tau 1931, kāre i te mōhiotia tokohia ngā hōia o Heretaunga Tamatea i hoki mai i te pakanga, i tono kia riro i a rātau ngā whenua o te Karauna i raro i taua kaupapa, tokohia rānei i whai āwhina i raro i te whakatikahanga o te ture i te tau 1917, pēnei i te whai i ngā pūtea taurewa kia pai ai te hoko i ngā pāmu me ngā tekiana motuhake, kia pai ai rānei te hanga, te hoko whare tāone rānei.

#### NGĀ KAUPAPA WHAKAWHANAKE (DEVELOPMENTS SCHEMES) KI HERETAUNGA TAMATEA

- 2.128 I ngā tau 1930, i tīmata tā te Karauna whakatū kaupapa kia pai ai te whakawhanake whenua mō te ahuwenua arumoni. Me whakaae rawa ngā Māori, he whenua ō rātau, kia tau ō rātau whenua i tētahi kaupapa, engari nō te whakaae tonutanga, ka whakahaeretia e te Karauna te katoa o ngā mahi whakawhanake i te whenua, ā, ko te utu o aua whakawhanaketanga i whiua ki ngā nama o te whenua. Heoi anō, tae rawa ake ki te wā i whakatūngia ai tēnei kaupapa, e iwa rau paihēneti o ngā whenua o Heretaunga Tamatea kua riro i ngā ringaringa o te Māori, me te aha, he iti noa iho e toe ana hai whakawhanaketanga i raro i tēnei kaupapa.
- 2.129 I te marama o Ākuhata, i te tau 1931, i whakaae ngā Māori, he whenua ō rātau, kia whakatūngia e te Karauna te Kaupapa Whakawhanake ki Heretaunga, 1,403 ngā eka puta noa i ētahi o ngā wāhanga whenua whāiti, tae atu ki ngā whenua o roto o te rohe o Heretaunga Tamatea i tua tata atu o te 560 eka te nui. I te marama o Oketopa, i te tau 1932, ko ngā kupu i tuhia ai e Ngata mō te Kaupapa Whakawhanake ki Heretaunga e mea ana 'he whakamātauranga hua iti noa iho e korekore nei e ea ngā taumahatanga' e rongohia ana e ngā Māori o Te Matau-a-Māui.
- 2.130 Mai i te tau 1936, ka whakatūria ētahi atu kaupapa i te rohe o Heretaunga Tamatea, tae atu ki te Kaupapa Whakawhanake ki Mangaorapa, e 878 eka te nui, ki te Kaupapa Whakawhanake ki Pōrangahau, 1,130 eka te nui me te Kaupapa Whakawhanake ki Rākautātahi, 1,943 eka te nui. He wehenga whenua anō i tāpirihia ki te Kaupapa Whakawhanake ki Heretaunga, ā, i tangohia ētahi, engari tae rawa ake ki te tau 1940, e 2,755 te nui o ngā eka i roto i te kaupapa. Heoi anō, he tokoiti tonu ngā tāngata i whai āwhina i ēnei kaupapa.

#### TE WHAKAUTU I TE KARA KI TE PAKANGA TUARUA O TE AO

- 2.131 I te wā e tū ana te puehu i Te Pakanga Tuarua o te Ao, he tokomaha tonu ngā tāne o Heretaunga Tamatea i whakautu i te kara, i te Kamupene D o Te Hokowhitu a Tū, ka mutu, he autai tonu te nui o ērā i hinga. I whakaputaina e Kāpene F. R. Logan o te Kamupene D o te Rōpū 28 o Te Hokowhitu a Tū, nāna nei ngā hōia Māori i kohikohi ki te whakautu i te kara, tōna kaniawhea me tōna riri i te wā e parea tonutia ana rātau ki rahaki i ngā hua ā-pāpori, ā-ōhanga rānei, i tō rātau hokinga ki te whenua nā rātau i wawao.

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#### TE MAUTOHE TONU KI TE WHAKAWEHENGANGA O NGĀ WHENUA

- 2.132 I te porotēhi tonu ngā rangatira o Heretaunga Tamatea mō tā te Karauna wewete i ngā whenua i te puku tonu o te rautau rua tekau. I waenga i te tau 1902 me te tau 1920, he rite tonu tā ngā rangatira o Heretaunga Tamatea petihana ki te Karauna mō te rirohanga o Aorangi i ngā tau 1850. I te tau 1920, ka whakatakoto ngā rangatira o ngā hapū o Aorangi i ā rātau kōrero taunaki e pā ana ki tēnei take, ki te Komihana Kerēme Whenua Māori. Ko tā te Komihana whakataua, nā ngā 'hapa' i puta i ngā hokotanga o mua a te Karauna, kāre te wāhanga whakateraki o Aorangi i whakaurua ki tētahi tīti hoko, kāre te katoa o ngā Māori i whai pānga atu ki te wāhanga whakatetonga i hokona ai i whakaae, ā, kāre hoki i tutuki te whakaritenga kia whakahokia atu ētahi o taua wāhanga. I tīmata ngā āpiha a te Karauna ki te kōrero mō te paremata, ā, i te tau 1929, ka whakataua ngā kaiwhakawā e rua o te Kōti Whenua Māori kia £38,545 hai utu mō te rirohanga o Aorangi, nā runga i te wāriu o te whenua, te huamoni utu taketake me ngā nama. I kī hoki rāua ko ngā utu i kerēmetia e te Māori, i waenga i te £148,000 ki te £219,000, i ahu mai hoki i ngā moni rīhi kāre i utua, i te huamoni tāpiri rānei.
- 2.133 I te tau 1935, ka whakamōhiotia atu te Pirīmia e tētahi rōpū māngai mō te hunga nō rātau te whenua, kāore rātau i whai i te utunga i ngā tau i te pānga mai o te wā o te korekore. Kātahi rātau ka kī atu, ka whakaae rātau ki te £64,000, arā, ki te utu kōkau o te whenua, ki te whakahokinga tonutanga rānei o te whenua. He tono anō mō te puretumu e pā ana ki a Aorangi i tāpaetia i te tau 1938 me te tau 1939, ā, nāwai ka mutu kau anō ngā kōrero.
- 2.134 I te marama o Hepetema, i te tau 1949, ka mea te hunga kerēme, e tau ai te kerēme ka whakaae rātau ki te whakahāngai i tā rātau tonu utu whakaeatanga ki tā te Kōti Whenua Māori i tūtohu ai e rua tekau tau ki muri, ā, ka kore hoki rātau e whai tonu i te huamoni tāpiri. Ko tā te Karauna whakautu ki tā rātau tonu i te £73,185 ko te £46,500, me te aha, kāore te hunga kerēme i whakaae atu. I te marama o Tihema, i te tau 1949, ka whakaae tētahi huinga tāngata nō rātau ngā whenua ki te utunga o te £50,000. I te tau 1950, tata nei ki te kotahi rau tau i muri i te whakaurunga o te wāhanga tuatahi o Aorangi ki te hokotanga Waipukurau, ka puta i te ture Māori Purposes Act te whakautu o te £50,000, e £5,000 i pau ki te utu i ngā nama ā-ture, e £22,500 i tiritiria ki ngā tāngata nō rātau ngā whenua o Aorangi, ā, e £22,500 i waiho ki tētahi Rōpū Kaitiaki hai painga mō te hunga nō rātau ngā whenua me ā rātau uri whakahaere. Nō konā ka whakatūngia te Poari Kaitiaki o Aorangi, i raro i ngā ritenga o te ture Māori Trust Boards Act o te tau 1955, e whakatakoto ana i ngā tohutohu mō te āhua o te hanga o ngā Poari Kaitiaki Māori, mō te whakahaere pōti, mō ngā tikanga whakahaere, mō ngā take whakapaunga pūtea hoki.

#### TE TAI AO KI HERETAUNGA TAMATEA

- 2.135 I puta mai ngā kai taketake me ētahi atu rawa i ngā wao o Heretaunga Tamatea, tae atu hoki ki ngā awa, ki ngā puna, ki ngā repo, ki te takutai, ki te moana, ki ngā tauranga ika e whai pānga ana, hai oranga mō ngā hapū o Heretaunga Tamatea, e āhei ai hoki tā rātau whakatinana i te manaakitanga. Nō reira hoki ngā rauemi mō ngā kaupapa whānui ā-ahurea, ā-toi, ā-rongoa, hai hanga whare hoki. Mārō ana tērā te hononga i waenga i ngā Māori o Heretaunga Tamatea ki ngā whenua me ngā wai o tō rātau nā rohe, ka mutu, i manaakitia e rātau aua rawa i runga i ngā ritenga Māori o te kaitiakitanga.

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- 2.136 Kua tino huri te taiao o te rohe o Heretaunga Tamatea mai i te tau 1840. Nō te taunga mai o te Pākehā, ka tae mai hoki te huhua o ngā tipu tauhou, o ngā ika tauhou, o ngā manu tauhou, me ngā momo kararehe tauhou, me te aha, ka waerea tētahi wāhanga nui o te toenga o te wao, o te ngahere, o te mōheuheu me ngā whenua rarauhe. Nā te nui o te waerenga o ngā momo tipu hai whāriki mō te whenua i kino ake ai ngā take horo whenua i Te Matau-a-Māui me ngā hua o ngā waipuke.
- 2.137 Mai i te tau 1868, ka whakaterea e te Karauna ētahi Ture hai whakamana i tā ngā kaunihera me ngā poari ā-rohe o Te Matau-a-Māui whakarerekē i ngā awa me ngā manga mō ngā take papare-waipuke, me te kore e mate ki te kōrero ki ngā Māori o te rohe. I te tau 1898, i tangohia e te Karauna ko tōna 146 eka i ngā Māori nō rātau ngā wehewehenga o te poraka o Ngātara, e āhei ai tāna kawē i āna mahi papare awa kia kua ai te ara tereina o Ahuriri-Kōpua e waipukehia. I te marama o Hepetema, i te tau 1912, ka puta te whakahau a te Karauna e mea ana kāre ia e hiahia ana ki te whenua mō ngā take ara tereina, ā, ka whakahau hoki ia ko te whenua o taua wāhi he whenua nō te Karauna. Nō te tau i muri mai, ka rāhuitia te whenua kia whakamahia mō te whakapaitanga o te awa o Ngaruroro, ā, ka tukuna te mana o taua whenua ki te Poari o ngā Awa ki Te Matau-a-Māui.
- 2.138 I te rautau rua tekau, inā kē te nui o ngā whakarerekētanga o ngā awa o Ngaruroro me Tukituki i whakahaeretia ai e ngā hinonga, pēnei i te Poari o ngā Awa ki Te Matau-a-Māui. I waenga i ngā tau o waenga i ngā tau 1930 me ngā tau 1980, nā te Ture Public Works i riro ai i ngā mana ā-rohe ngā whenua tahatika e hia rau eka o te Māori i ngā awa o Ngaruroro, o Tūtaekurī me Tukituki, mō ngā take papare awa. He maha tonu ngā wā i tohe atu ngā Māori o Heretaunga Tamatea ki ēnei mahi nā te mea ko aua whenua tō rātau oranga ā-ōhanga, ā, kāre ngā paparenga waipuke e whaihua, ka pā kino rānei te kaupapa papare waipuke ki ō rātau kāinga me ngā whenua e toe ana ki a rātau. Heoi anō, nā te tokoiti o ngā māngai o ngā Māori o Heretaunga Tamatea i Te Poari o ngā Awa ki Te Matau-a-Māui, i Te Poari Hikuwai ki Te Matau-a-Māui rānei, kāre rātau i tino whai wāhi atu ki ngā whakataua e pā ana ki te whakahaeretanga o ngā wai i tō rātau rohe. Nā te tīnīhanga o te hanga me te rere o ngā awa matua o Heretaunga Tamatea i iti haere ai ngā momo ripoianga, me te aha, ka iti haere hoki ngā momo ika taketake o aua awa rā. Nā ngā para ā-ahuwahenua, ā-ahumahi, ā-kāinga anō kua kino kē te wai o ngā awa me ngā manga o te rohe o Heretaunga Tamatea, me te aha, e tino rongō ana te hapū o Heretaunga Tamatea i te kino o te māharahara.
- 2.139 Nō te whakatahanga o ngā roto me ngā repo i ngā rautau tekau mā iwa, rua tekau hoki, ka ngaro anō tētahi pātaka kai o te hapū o Heretaunga Tamatea. He wāhi nui a Poukawa, e kapi ana i te roto me ngā repo e tipuria ana e te raupō, e 3,000, e 4,000 eka hoki te nui; i te āhua o te te heke o te ua i te tau. I te tau 1872, nā ngā akiaki a te Karauna, i whakaae a Te Hapuku kia noho te roto me ngā whenua e karapotī ana i te roto i raro i te maru o te Ture Native Reserves kia kua ai e whakawehea. Nō muri tata mai, ka whakamōhio atu a Te Hapuku i te Karauna, kāre ia i pīrangi kia noho taua wāhi i raro i te mana whakahaere o te Kāwanatanga, me tana kī atu, 'Kāore au i tuku i te mana o aku whenua ki te Kāwanatanga...Kāre, kore, kore rawa. Nōku tonu te mana o aku whenua.' I te tau 1882, ka whakaterea e te Karauna he ture kia riro ai te mana whakahaere o ngā wāhi rāhui, pēnei i te Roto o Poukawa, hai wāhanga mō te Wāhi Rāhui Māori ki Poukawa, i te Kaitiaki o te Motu (Public Trustee). Mai i te tau 1893, ka whai te Rōpū Kaitiaki Tūmatanui kia tū ētahi pāmu iti ki te wāhi rāhui, ahakoa ngā whakahē a ngā Māori e noho ana ki reira, e whakamahi tonu ana i te whenua. I te tau 1903, ka mana i te Pāremata te ture Poukawa Native Reserves Act, kia āhei tā te Kaitiaki

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o te Motu rīhi i te nuinga o te whenua, kia āhei ai hoki te katoa, tētahi wāhanga rānei o te roto me ngā repo e karapoti ana i te roto te whakatahe. Nā ngā momo uauatanga, ka roa tonu te wā o te whakatahanga o ngā wai o Poukawa, engari tae rawa ake ki te tau 1948, kua heke ki te 400 eka te nui o te roto, i te mimititanga o ōna wai, me te aha, ka pā kino tērā ki te huhua o ngā tuna o Poukawa. Tae rawa ake ki ngā tau 1980, uaua ana tā ngā Māori nō rātau te roto hī tuna mō ngā hui o te marae.

- 2.140 I kaha hoki te whakatahanga o ngā wai o te roto o Whatumā, i tapaina mō te nui o ana kai, otirā mō ana tuna, i ngā tau 1950. I te tau 1968, i kīia nā te huranga o ngā kākahi o te papa o te roto, e ono putu nei te mātotoru, ka ara ake he pūmate ā-hauora ki ngā kainoho o te rohe, ka mutu, i te takoto ngā kōhiwi o ngā morihana me ngā wāna i te roto.
- 2.141 Kua pōke hoki ngā wai takutai o Heretaunga Tamatea nā ngā whakawhanaketanga o te rohe, otirā, nā te āta paheketanga o ngā para ā-ahumahi me ngā parakaingaki ki Te Matau-a-Māui. Kua pā kino te parahanga ki ngā putunga mātaitai o te rohe o Heretaunga Tamatea.
- 2.142 E ai ki ngā Māori o Heretaunga Tamatea, e whakatinana ana te kōrero 'he wairua tō te kai', i ōna whakaaro ki te tapu o ngā kai o te wai. Ki a rātau anō, nā te whakakinotanga o ngā awa me ngā roto o Heretaunga Tamatea i tāharahara ai te wairua o ngā wai o te rohe. E whai ana ngā hapū o Heretaunga Tamatea ki te whai wāhi atu ki ngā whakahaeretanga o ngā wai me ngā putunga ika i tō rātau rohe, ka mutu, kua whai wāhi atu rātau ki ngā kaupapa whaimana e whakahaere rawa ana, ā, kua whakatū hoki rātau i ētahi whakahaere tūao e whai ana ki te whakahaere i ngā rawa o te moana i raro i ngā mātāpono taketake o te kaitiakitanga.

### TE AUTE KĀRETI

- 2.143 I te katinga o ngā tatau o Te Aute Kāreti i te tau 1859, ka puta ngā tohe a ētahi rangatira o Heretaunga Tamatea, tae atu ki ētahi o te hunga nā rātau tonu ngā whenua o te kura i takoha, e mea ana kāre ngā whenua i takohangia ai hai tautoko i a Te Aute i te whakamahia mō te take i tukuna ai. I tonu ētahi rangatira kia whakatuwheratia anō te kura, manohi anō, ko ētahi i tonu kia whakahokia te whenua, kia utu rīhi rānei te mihinare e whai ana ki te whakawhanake i te whenua. I te tau 1870, ka whakaae te Komihana Uiu i tiro tiro ana i te 'tikanga me te āhua' o ngā whenua o ngā kura hāhi o Niu Tirenī e mahi ana i runga i te aroha, kua 'whakarērea' te take matua i takohangia ai a Te Aute.
- 2.144 I tuwhera anō ngā tatau o Te Aute Kāreti i te tau 1872. I te tau 1873, ka puta anō te tohe a ngā Māori o Heretaunga Tamatea e pā ana ki te kura, ki te Komihana Wewete Whenua Māori ki Te Matau-a-Māui, e mea anō ana me whakahoki te whenua, me utu rīhi rānei. I te tau 1875, e toru tekau mā rua ngā ākonga, tokorima he Pākehā. O ngā ākonga Māori e rua tekau mā whitu, tokowhā noa iho i ahu mai i Te Matau-a-Māui. I muri i tētahi hui nui i tū rā ki Te Hauke i te tau 1877, ka takoto i a Te Hapuku me te 168 tāngata ki te aroaro o te Pāremata tā rātau petihana e pā ana ki te whakahaeretanga o te whenua i Te Aute me te tokoiti o ngā tamariki Māori o te rohe e kuraina ana ki reira. Kāre te Komiti Petihana i kite i ētahi hē o te whakahaeretanga o te kura, o te whenua rānei, engari i whakaae rātau kāre he tamariki a te hunga nā rātau te whenua i takoha i te kuraina ki reira. I te wā o ngā whakawākanga a te Komihana a te Karauna o te tau 1906 i ngā Rōpū Kaitiaki i ngā kura, tae atu ki a Te Aute, ka whakapuakina anō e ngā kaitaunaki

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#### TE MĀTAURANGA ME TE REO

- 2.145 I te tau 1867 ka whakaterea e te Karauna tana ture e āhei ai tana whakatū Kura Māori ki te whakaako i ngā tamariki Māori ki te reo Pākehā, i ngā takiwā i tonoa ai e te Māori. I te tau 1872, ka whakatūngia e te Karauna ngā Kura Māori ki Pākōwhai me Omāhu. E rua me te haurua eka te nui o te whenua i takohangia ai e ngā Māori o Heretaunga Tamatea ki te kura o Pākōwhai, ki te kura hoki o Omāhu, ā, i kohi rātau i te £500 mō ngā mahi whakatikatika. Heoi anō, ka kapi ngā tatau o ngā kura e rua i te tau 1877. I whakatuwherangia anō te kura o Pākōwhai i te tau 1882, engari pūmau ana te katinga anō i te tau o muri mai. Kāre he Kura Māori atu anō i whakatūngia ki Te Matau-a-Māui i te rautau tekau mā iwa. I te rautau rua tekau, ka whakatūngia anō e te Karauna ētahi atu Kura Māori ki Te Matau-a-Māui, tae atu ki te mea kotahi ki Waimārama i te tau 1907. I te tau 1906, ka whakatūngia e te Hāhi Mihingare tētahi kura mīhana mō ngā Māori i Te Hauke.
- 2.146 I kuraina te nuinga o ngā tamariki Māori o Heretaunga Tamatea ki ngā kura tūmatanui. Tae rawa ake ki ngā tau o te rautau rua tekau, ko te whakaaro whānui o roto i te pūnaha mātauranga, e kore ngā tamariki Māori e eke ki ngā taumata e ekea nei e ngā tamariki Pākehā, ā, i whāia kia whakarite i ngā tamariki Māori mō ngā tūranga mahi ā-ringa anake. Nō ngā tau o te 1940 me te 1950 rawa, kātahi anō te kaupapa here mātauranga Māori a te Tari Mātauranga ka tīmata ki te arotake anō i ēnei whakaaro.
- 2.147 Hai tā te Karauna, ko te Kura Māori tētahi pūnaha mā reira e whakaururu ai te Māori ki te ahuatanga o te Pākehā. Kāre ngā kura tūmatanui, ngā Kura Māori hoki i āwhina kia mau tonu ai te reo Māori. He tokomaha ngā tamariki Māori i whiua mō tā rātau kōrero i te reo Māori i te kura. Ahakoa ko te reo Māori te reo e kaha ake ana te kōrerotia i ngā marae me ngā kāinga Māori, tae noa ki ngā tau 1930, ka heke haere te whakamahia o te reo i muri i te hekenga o ngā Māori tokomaha ki ngā tāone noho ai. Tae rawa ake ki ngā tau o waenga i ngā tau 1970, e rua tekau paihēneti noa iho o te iwi Māori e mātau ana ki te kōrero, ka mutu, ko te nuinga o ērā kua kaumātua. He kino ngā pānga o te ngarohanga o te reo ki tā Heretaunga Tamatea pupuri ki tōna ao Māori. Kei te mau tonu a Heretaunga Tamatea ki te whakaaro e kī ana he kino hoki ngā pānga o te Ture Tohunga Suppression o te tau 1907 ki ngā tikanga a te Māori me ō rātau rongoa Māori.

#### NGĀ PĀNGA OHAOHA, TE TIPU ME TE ORA O TE TANGATA

- 2.148 Tae rawa ake ki te tau 1930, e ono paihēneti noa iho o te whenua, ko reira te papatipu, te oranga hoki i te tau 1840, e mau tonu ana i ngā hapū o Heretaunga Tamatea. I ngā tau tuatahi o te rautau rua tekau, kua tokomaha haere ngā Māori o Heretaunga Tamatea e mahi ana i ngā tūmomo mahi i tīmata ai i runga i ngā whenua o ō rātau tīpuna, hai kaikuti-hipi, hai kaimahi pāmu, hai kaimahi mira rākau, hai kaimahi hangahanga, hai kaimahi patu mīti, ā, i te nuinga o te wā, he mahi waimori, he mahi mō tētahi wā, mō ētahi peka rānei o te tau.
- 2.149 I te tau 1929, ka mea tētahi āpiha o te Tari Hauora, ko ngā Māori e noho ana i waenga o Waipawa me Ahuriri, otirā, 'ko te nuinga, kua tino raru i te pōharatanga'. I te tau 1934, ka puta te rīpoata a tētahi āpiha o te Poari Mātauranga i toro atu ki te pā o Matahiwi e

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### 2: HISTORICAL ACCOUNT

mea ana, 'kāre au mō te whakamōmona kōrero, engari kai te āhua tumeke ahau i te kino o te noho a te iwi o te pā.' I te tau 1937, ko ngā kōrero i puta i te rangahau ā-motu mō ngā kāinga Māori e mea ana he nui ngā Māori o Heretaunga Tamatea me ōna wāhi pātata e noho ana i ngā kāinga 'tino hē nei, ā, he nui atu anō ngā mea e tino weriweri ana'. I ngā tau o muri mai, i hangaia, i whakahoungia rānei ētahi whare mō ngā Māori o te Takiwā o Ikaroa, i raro i te Ture Native Housing o te tau 1935 me tōna whakatikahanga o te tau 1938. Heoi anō, i te tau 1942, ko ngā kōrero o roto i te rangahautanga o ngā whare e 261 e nohongia ana e te Māori o Te Matau-a-Māui ki te tonga e mea ana, tekau mā rima paihēneti noa iho o ngā whare e eke ana ki ngā taumata parukore e tika ana, ā, e rua tekau paihēneti o ngā whare me turaki ki raro. He nui ngā whare kāre i te ārai i te wai, kāre hoki he wai e rere ana, kāre rānei he whakaritenga parukore o roto.

- 2.150 I te rautau tekau mā iwa, ka pāngia ngā hapū o Heretaunga Tamatea e ngā mate urutā, e ngā taru tawhiti rānei, pēnei i te mate kōpukupuku, i te mare tekekō, i te rewharewha hoki nā reira i hinga ai te tokomaha. Mai i ngā tau whakamutunga o te rautau tekau mā iwa, he nui ngā Māori o Heretaunga Tamatea i pāngia ai e ngā mate ka pā atu, i te nuinga o te wā, ki te hunga pōhara, pēnei i te mate kohi, i te rūmātiki me te taipō. I te tau 1936, ko tōna rua tekau paihēneti o ngā tamariki Māori o Heretaunga Tamatea ka mate i mua i te taenga ki te pakeke o te rima tau, arā, i Te Matau-a-Māui, e rima kē ngā tamariki Māori ka mate, i te matenga o te tamaiti Pākehā kotahi.
- 2.151 I ngā tau o waenga i ngā tau 1930, ā, mai i ngā tau 1950 anō, kua tokomaha haere ngā Māori o Heretaunga Tamatea i hūnuku atu ki ngā tāone ki te kimi mahi, ki te kimi whare pai ake hoki. Tae rawa ake ki te tau 1960, kāre te Karauna i tino āwhina i ngā rohe noho mamao, he iti noa iho nei te mahi, ki te whakatū whare, ā, ka akiaki kē ia i te Māori ki te hūnuku ki ngā tāone noho ai. I te tau 1966, ko te whakamārama a tētahi o ngā āpiha a te Karauna mō te kāinga o Te Hapuku, mō Te Hauke, e mea ana, 'he kāinga kua mate haere, tē taea te whakaora mai anō.' Tae rawa ake ki te tau 1976, e noho ana ko tōna toru tekau paihēneti o ngā Māori o Heretaunga Tamatea ki tuawhenua, he hekenga tērā mai i te waru tekau paihēneti i ngā tau rua tekau o mua.
- 2.152 I te wāhanga tuarua o te rautau rua tekau, kua tokomaha haere ngā Māori o Heretaunga Tamatea e huri ana ki ngā ahumahi whakarite kai, pēnei i ngā whare patu mīti me ngā wāhi whakarite huarākau. Ehara i te mea ka taea ngā pūkenga o ngā Māori e mahi ana i aua mahi te whakawhiti atu ki ētahi atu wāhi, ka mutu, nō te whakahoutanga o ēnei ahumahi i ngā tau o waenga i ngā tau 1980, ka tino heke ngā taumata whiwhi moni, ka piki ake te koremahi, ā, ka hūnuku atu ngā Māori o Heretaunga Tamatea ki ētahi atu rohe. I waenga i te tau 1986 me te tau 1991, ka huarua te tokomaha o ngā tāne Māori koremahi o Te Matau-a-Māui ki te tekau mā ono paihēneti, arā, e toru kē te reanga ake i ngā tāne Pākehā koremahi o Te Matau-a-Māui.

### HE KUPU WHAKAMUTUNGA

- 2.153 I ngā tau whakamutunga o ngā tau 1840, i tuku whenua ngā rangatira o Heretaunga Tamatea ki te Karauna e mau ai ngā hononga ki te Karauna me ngā tauhou Pākehā, kia whaihua ai ki ngā taha e rua. Heoi anō, tae rawa ake ki te mutunga o ngā tau 1850, e mahi ngātahi ana ngā rangatira me ngā hapū o Heretaunga Tamatea ki te aukati i te hoko tonutanga i te mea, neke atu i te rua hautoru o te rohe kua riro kē i te Karauna, ka mutu, nā te āhua o tana tango i ngā whenua i tū ai te puehu i waenga i ngā hapū, ā, ko te otinga atu ko te pakanga mau pū. I ngā tau 1860, whakamahi ai ngā hapū o

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### 2: HISTORICAL ACCOUNT

Heretaunga Tamatea i ngā whenua e toe ana ki a rātau ki te waihanga rawa hai tauhokohoko atu, kia nui tonu te moni rīhi e roho ai hoki i a rātau, engari nō te whakataunga mai o tā te Karauna ture whenua Māori, ka hokona tētahi wāhi nui o ngā whenua e ngā rōpū tūmataiti, i ngā tau 1870 me ngā tau 1880. I ngā tau tuatahi o te rautau rua tekau, ka tīmata anō tā te Karauna hoko whenua, ā, tae rawa ake ki te tau 1930, me kī, kua kore ō ngā hapū o Heretaunga Tamatea whenua. Ināianei, e kīia ana a Heretaunga Tamatea e rātau anō, he 'tangata kāore nei ōna whenua'. Neke atu i te haurua o ngā Māori o Heretaunga Tamatea kai waho i tō rātau rohe taketake e noho ana, ka mutu, ko ērā e noho tonu ana ki te rohe, kai te hanga pōhara.

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that before 1840, Heretaunga Tamatea was a community of proud and self sustaining independent hapū with an economy and polity consistent with tikanga Māori and traditional practices of the time.
- 3.2 The Crown acknowledges the sterling efforts and struggles of the hapū of Heretaunga Tamatea in pursuit of their claims for redress and compensation against the Crown for the ensuing 175 years. The Crown pays tribute to all of those who worked on pursuing the Treaty claims of the hapū of Heretaunga Tamatea, and in particular to those who have not survived to see this settlement. The Crown hereby recognises the legitimacy of the historical grievances of the hapū of Heretaunga Tamatea and makes the following acknowledgements.

#### **Heretaunga Tamatea has honoured its Treaty obligations**

- 3.3 The Crown acknowledges that as a Treaty partner the hapū of Heretaunga Tamatea have fulfilled their obligations under the Treaty of Waitangi.
- 3.4 The Crown acknowledges that its acts and omissions have caused great harm to the relationship between the hapū of Heretaunga Tamatea and the Crown, and that there is a need for the Crown to restore its honour and to demonstrate its respect for the mana of Heretaunga Tamatea rangatira, whānau and hapū.
- 3.5 The Crown acknowledges the significant contribution the hapū of Heretaunga Tamatea have made to the wealth and development of Hawke's Bay and in turn to the nation, in areas including the economy, education, farming, politics, culture and arts, public service and business.
- 3.6 The Crown acknowledges the sacrifice that the hapū of Heretaunga Tamatea have made for New Zealand's war efforts, and pays tribute to their service.
- 3.7 The Crown acknowledges that despite the hapū of Heretaunga Tamatea fulfilling their Treaty obligations, the Crown has breached the Treaty of Waitangi and its principles in a number of respects.
- 3.8 The Crown acknowledges that it has failed to address these longstanding grievances in an appropriate manner and that recognition of these grievances is long overdue.

#### **Crown land purchases**

- 3.9 The Crown acknowledges that:
- a. the rangatira of Heretaunga Tamatea sought to establish mutually beneficial relationships with the Crown when they offered land for settlement in the late 1840s;

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

- b. the hapū of Heretaunga Tamatea did not receive all the benefits of European settlement that the Crown said they could expect if they accepted the low prices the Crown offered to purchase their lands during negotiations in 1851 at Waipukurau, and later at a hui with the Governor in 1853;
- c. it failed to properly survey many of the areas it had agreed would be reserved in Heretaunga Tamatea ownership when purchasing their land in the 1850s, and this caused significant harm for the hapū of Heretaunga Tamatea;
- d. the hapū of Heretaunga Tamatea lost access to the rich resources of Whatumā many decades after the 1851 Waipukurau purchase, despite their testimony that they had received a verbal promise during those negotiations that Whatumā would be reserved, but which was not recorded in the Waipukurau deed; and
- e. it failed to ensure that adequate reserves were protected in the ownership of the hapū of Heretaunga Tamatea when it purchased land in the 1850s and this breached the Treaty of Waitangi and its principles.

3.10 The Crown acknowledges that:

- a. in 1851 it failed to investigate the customary ownership of a 3,500 acre area known as Aorangi before arranging to include it in a large extension of the Waipukurau block days before the deed was signed;
- b. it never obtained the consent of the customary owners to its acquisition of this portion of Aorangi;
- c. it purchased a further 3,700 acres of Aorangi from a small number of customary owners in 1854, again without investigating customary ownership;
- d. it failed to uphold an agreement it made with some customary owners in 1858 to return 1,870 acres of Aorangi; and
- e. all of these failures to actively protect the rights and interests of Heretaunga Tamatea Māori breached the Treaty of Waitangi and its principles.

3.11 The Crown further acknowledges that despite repeated protests from the hapū of Aorangi, the Crown did not provide a measure of compensation until nearly a century after the Aorangi lands had been lost.

3.12 The Crown acknowledges that:

- a. from 1854, it conducted negotiations that became known as 'ngā hoko tāhae' or the 'secret purchases' for a number of Heretaunga Tamatea blocks with small groups or individuals in Auckland and Wellington without adequately investigating the customary ownership of these blocks;
- b. in some cases it persisted with purchase negotiations despite being aware that other customary owners opposed those transactions;

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

- c. it continued to negotiate and make payments for some of these lands despite warnings that the tensions its purchase activities were creating were likely to lead to conflict between Māori who asserted interests in those blocks;
- d. these tensions led to armed conflict in 1857 between Māori who asserted interests in those blocks, during which a number of Heretaunga Tamatea Māori died; and
- e. its conduct during purchase negotiations in these blocks did not meet its obligations under the Treaty of Waitangi and its principles to actively protect the interests of the hapū of Heretaunga Tamatea.

#### The Native Land Laws

3.13 The Crown acknowledges that:

- a. it did not consult the people of Heretaunga Tamatea before introducing native land laws that provided for the individualisation of land previously held in collective hapū tenure under Heretaunga Tamatea tikanga;
- b. between 1866 and 1870, the Native Land Court awarded titles for over 100 land blocks in Heretaunga Tamatea covering more than 330,000 acres to ten or fewer owners in each case;
- c. the hapū of Heretaunga Tamatea understood that the individuals named on these titles were to be trustees for their communities, but the native land laws did not prevent land in the Heretaunga and other blocks from being alienated without the consent of the wider community of customary owners who were thereby dispossessed of their interests in these lands; and
- d. this meant the operation of the native land laws in these blocks did not reflect the Crown's obligation to actively protect the interests of the hapū of Heretaunga Tamatea in land they may otherwise have wished to retain, and this was a breach of the Treaty of Waitangi and its principles.

3.14 The Crown acknowledges that its failure to provide a legal means for the collective administration of the land of the hapū of Heretaunga Tamatea until 1894 was a breach of the Treaty of Waitangi and its principles.

3.15 The Crown acknowledges that the operation and impact of the native land laws, particularly the awarding of land to individuals rather than to iwi or hapū, made Heretaunga Tamatea lands more susceptible to partition, fragmentation and alienation. This contributed to the erosion of the tribal structures of the hapū of Heretaunga Tamatea, which were based on the tribal custodianship of land. The Crown's failure to protect the tribal structures of the hapū of Heretaunga Tamatea was a breach of the Treaty of Waitangi and its principles.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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#### Political engagement

- 3.16 The Crown acknowledges the long standing commitment of the rangatira and hapū of Heretaunga Tamatea Māori to peaceful political engagement with the Crown through such bodies as Te Whata a Te Herunga, the Rūnanga, the Repudiation movement and Kotahitanga. The Crown further acknowledges that it failed repeatedly to address in an effective way the issues these movements raised with it.

#### Heretaunga Tamatea landlessness

- 3.17 The Crown acknowledges that:
- a. despite almost 85% of Heretaunga Tamatea lands being alienated by 1900, the Crown continued to acquire large quantities of land in the rohe over the next two decades;
  - b. the cumulative effect of Crown purchasing and the operation of the native land laws left the hapū of Heretaunga Tamatea virtually landless by about 1930; and
  - c. the Crown's failure to ensure that the hapū of Heretaunga Tamatea retained sufficient land for their present and future needs had a devastating impact on the economic, social, cultural and spiritual well-being and development of the hapū of Heretaunga Tamatea, and was a breach of the Treaty of Waitangi and its principles.

#### Environment issues

- 3.18 The Crown acknowledges that:
- a. the lakes, rivers, springs and wetlands of Heretaunga Tamatea, such as Whatumā, Rūnanga and Poukawa, the Tūtaekurī, Ngaruroro, Maraetōtara, Tukituki, Waipawa, Mākāretu, and Pōrangahau / Tāurekaitai Rivers, and the Pekapeka swamplands are mahinga kai that are central to the well-being of the hapū of Heretaunga Tamatea;
  - b. the loss of traditional lands has limited the ability of the hapū of Heretaunga Tamatea to access these waterways, to gather traditional foods, and to provide the manaakitanga that is intrinsic to Heretaunga Tamatea; and
  - c. the modification and degradation of the Heretaunga Tamatea environment due largely to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works, has severely damaged traditional food resources and mahinga kai.

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#### Te Reo Māori and education

- 3.19 The Crown acknowledges that for too long the state education system failed to value Māori cultural understandings, and that this has had a detrimental impact on generations of Heretaunga Tamatea hapū and whānau. The Crown further acknowledges:
- a. that Crown-established schools caused significant harm to the children of Heretaunga Tamatea by punishing them for speaking their own language while at school;
  - b. the low expectations the state education system historically had for the achievements of Māori students; and
  - c. the poor educational outcomes which have afflicted generations of Heretaunga Tamatea children.

#### Socio-economic issues

- 3.20 The Crown acknowledges that its policies have contributed to the majority of the hapū of Heretaunga Tamatea now living outside of their traditional rohe.
- 3.21 The Crown acknowledges that economic reforms introduced by the Crown in the 1980s led to significant unemployment among the hapū of Heretaunga Tamatea.
- 3.22 The Crown acknowledges that the lands and resources of Heretaunga Tamatea have generated significant wealth during the 19th and 20th centuries. The Crown further acknowledges that the alienation of the hapū of Heretaunga Tamatea from their lands during this time has undermined their ability to share in that wealth, and has left them economically, socially and culturally marginalised.

#### APOLOGY

- 3.23 The Crown offers this apology to the tīpuna, hapū, whānau, and mokopuna of Heretaunga Tamatea.
- 3.24 The Crown is profoundly sorry that it has repeatedly failed to uphold the partnership envisaged by the Treaty and sought by the tīpuna of Heretaunga Tamatea since the 1840s. The Crown unreservedly apologises for its repeated breaches of the Treaty of Waitangi, and for 'ngā mamae me ngā tūkino', or the pain and damage, that these breaches have caused to generations of Heretaunga Tamatea.
- 3.25 The Crown regrets its many policies, acts, and omissions that have contributed to the whānau and hapū of Heretaunga Tamatea being left virtually landless. In the 1850s, the Crown used secret transactions and other divisive tactics to purchase huge areas of Heretaunga Tamatea land, often without the knowledge or consent of local customary owners. The Crown is deeply sorry that its purchasing tactics created tensions among your people that culminated in war, injury, and death.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.26 The Crown introduced land laws that facilitated the further dispossession of the hapū of Heretaunga Tamatea. At the beginning of the 20<sup>th</sup> century only a fraction of Heretaunga Tamatea lands remained in Māori ownership, yet the Crown continued to purchase land, often through measures that placed considerable pressure on individual owners. The Crown offers its profound apologies for its actions that alienated you from the whenua that had sustained your ancestors for generations, and deprived you of access to your lakes, rivers, wetlands, and springs.
- 3.27 The Crown is deeply sorry that its breaches of the Treaty of Waitangi have severely limited your economic and social opportunities, eroded your tribal structures and undermined your well-being, in stark contrast to the benefits of partnership that the Crown led you to expect in the 1850s.
- 3.28 The Crown regrets that it has failed to respond appropriately to the generations of Heretaunga Tamatea who have worked to obtain justice for their people. The Crown pays tribute to those who have not survived to see this settlement completed.
- 3.29 Through this settlement and this apology, the Crown hopes to ease the burden of grievance and sorrow that the whānau and hapū of Heretaunga Tamatea have carried for generations. The Crown looks forward to restoring a relationship with the hapū of Heretaunga Tamatea that is built on trust, co-operation, and respect for each other and the Treaty of Waitangi and its principles.

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### NGĀ WHAKAAETANGA

- 3.1 E whakaae ana te Karauna, i mua o te tau 1840, he hapū rangatira ngā hapū motuhake o Heretaunga Tamatea e kuhu ana i a rātau anō, me ā rātau pūnaha ōhanga, me ā rātau anō whakahaeretanga e hāngai ana ki ngā tikanga Māori o te wā.
- 3.2 E whakaae ana te Karauna i tino whakapau kaha, i oke hoki ngā hapū o Heretaunga Tamatea ki te whai i te puretumulunga me te utu i te Karauna mō ngā tau 175 i muri mai. E mihi ana te Karauna ki ērā tāngata katoa i whai wāhi atu ki ngā mahi kerēme Tiriti a ngā hapū o Heretaunga Tamatea, otirā hoki, ki ērā kāre i te ora tonu ki te kite i tēnei whakataunga. Nō reira, e whakaae ana te Karauna ki te tika o ngā nawe tūturu o te hapū o Heretaunga Tamatea, ā, kua oti i a ia ēnei whakaaetanga e whai ake nei.

### Kua ea i a Heretaunga Tamatea ngā herenga ki a ia i raro i te Tiriti

- 3.3 E whakaae ana te Karauna i ea i ngā hapū o Heretaunga Tamatea, e tū nei hai hoa ā-Tiriti, ngā herenga ki a ia i raro i te Tiriti o Waitangi.
- 3.4 E whakaae ana te Karauna nā ana mahi me ana hapa i tino kino ai te hononga i waenga i ngā hapū o Heretaunga Tamatea me te Karauna, ā, me whai te Karauna kia hoki mai anō tōna mana, ā, me whakaatu hoki i tōna whakaaro nui ki te mana o ngā rangatira, o ngā whānau me ngā hapū o Heretaunga Tamatea.
- 3.5 E whakaae ana te Karauna kua whai wāhi nui ngā hapū o Heretaunga Tamatea ki te rangatiratanga me te whakawhanaketanga o te rohe, otirā, ki te motu, tae atu ki ngā wāhanga o te ōhanga, o te mātauranga, o te mahi ahuhenua, o te tōrangapū, o te ahurea me ngā toi, o ngā mahi kāwanatanga me ngā mahi umanga.
- 3.6 E whakaae ana te Karauna ki ngā utu i utua ai e ngā hapū o Heretaunga Tamatea i runga i te urunga o Niu Tirenī ki ngā pakanga, ā, ka mihi ki ā rātau mahi.
- 3.7 E whakaae ana te Karauna, ahakoa te whakaaetanga a ngā hapū o Heretaunga Tamatea i ngā herenga ki a ia i raro i te Tiriti, kua takahia e te Karauna te Tiriti o Waitangi me ōna mātāpono hoki i ōna wā.
- 3.8 E whakaae ana te Karauna kāre i tika tāna whakatutuki i ngā nawe kua roa e kawea ana, ā, kua roa rawa te wā o te korenga i arohia o aua nawe.

### Ngā Hokotanga a te Karauna i te Whenua

- 3.9 E whakaae ana te Karauna:
- i te wā i tuku ngā rangatira o Heretaunga Tamatea i ētahi whenua hai kāinga mō te Pākehā i ngā tau whakamutunga o ngā tau 1840, i te whai rātau ki te whakaū i ngā hononga ki te Karauna kia whaihua ai ki ngā taha e rua;
  - kāre i riro i ngā hapū o Heretaunga Tamatea ngā painga o te nohonga o te Pākehā, i kīia ai e te Karauna ka riro i a rātau mēnā ka whakaae rātau ki ngā utu iti nā te Karauna i tāpae ki te hoko whenua i ngā whakawhitinga kōrero i tū rā ki Waipukurau i te tau 1851, ā, ki tētahi atu hui i muri mai, i te taha o te Kāwana, i te tau 1853;

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- c. kāre i tika tana rūri i te maha o ngā wāhi i kīia rā e ia ka noho tonu ki ngā ringaringa o Heretaunga Tamatea i te wā e hoko ana ia i ō rātau whenua i ngā tau 1850, ā, nā tērā, ka pā ngā raru nui ki ngā hapū o Heretaunga Tamatea;
- d. kāre i āhei tā ngā hapū o Heretaunga Tamatea toro atu ki ngā rawa mōmona o roto o Whatumā i ngā tekau-tau e hia i muri mai i te hokotanga o Waipukurau i te tau 1851, ahakoa tā rātau kōrero e kī nei i oati ā-wahatia rātau i ngā whakawhitinga kōrero ka rāhuitia a Whatumā, engari kāre nei i tuhia ki te tīti whenua mō Waipukurau; ā,
- e. i takahi ia i te Tiriti o Waitangi me ōna mātāpono i tana korenga i whai kia tiakina ngā wāhi rāhui i whakatapua hai whenua tūturu mō ngā hapū o Heretaunga Tamatea i te wā i hoko whenua ia i ngā tau 1850.

#### 3.10 E whakaae ana te Karauna:

- a. i te tau 1851, kāre ia i āta uiui nō wai te mana o te whenua e kīia nei ko Aorangi, e 3,500 eka te nui, i mua i tana whakauru i taua whenua rā ki tētahi tāpiritanga nui o te poraka o Waipukurau i ngā rā o mua i te hainatanga o te tīti whenua;
- b. kāre te hunga nō rātau te mana whenua i whakaae kia riro i a ia tēnei wāhanga o Aorangi;
- c. i hoko ia i ētahi atu eka o Aorangi, e 3,700 te nui, mai i ētahi tāngata ruarua o te hunga nō rātau te mana whenua i te tau 1854, ā, kāre tonu ia i āta kimi nō wai te mana whenua;
- d. kāre ia i ū ki te whakaaetanga i whakaritea ai e ia me ētahi o te hunga nō rātau te mana whenua i te tau 1858 kia whakahokia ngā eka 1,870 o Aorangi; ā,
- e. i takahi ia i te Tiriti o Waitangi me ōna mātāpono i te korenga o tana āta tiaki i te mana me ngā pānga o ngā Māori o Heretaunga Tamatea.

#### 3.11 E whakaae ana hoki te Karauna, ahakoa he rite tonu te porotēhi a ngā hapū o Aorangi, kāre te Karauna i utu i te paku aha tae noa ki te paunga o tōna rautau i muri i te rirohanga o ngā whenua ki Aorangi.

#### 3.12 E whakaae ana te Karauna:

- a. mai i te tau 1854, i whakahaeretia e ia ngā whakawhitinga kōrero mō ētahi o ngā poraka ki Heretaunga Tamatea, e kīia nei ko 'ngā hoko tāhae', me ētahi rōpū iti, me ētahi tāngata takitahi rānei i Tāmakimakaurau me Te Whanganui-a-Tara, me te kore i whakaoti pai i ngā uiuitanga i te mana whenua o ēnei poraka;
- b. i ētahi wā, i tohe tonu ia ki te whakawhiti kōrero mō te hoko ahakoa e mōhio ana ia i te whakahēngia aua take e ētahi atu tāngata nō rātau te mana whenua;

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- c. i whakawhiti kōrero tonu ia, i utu tonu hoki ia mō ētahi o ēnei whenua ahakoa ngā whakatūpato e mea ana māna te kore ka huri ngā Māori e kī ana he pānga o rātau ki aua poraka ki te whawhai ki a rātau anō, nā ngā tohe e puta ana i ngā mahi hoko a te Karauna;
- d. nā ēnei tohe ka tahuri ngā Māori i kī rā he pānga o rātau ki aua poraka ki te riri tara-ā-whare i te tau 1857, ka mutu, i hinga ētahi o ngā Māori o Heretaunga Tamatea; ā,
- e. nā āna mahi i ēnei whakawhitinga kōrero mō te hoko i ēnei poraka, kāre ia i ū ki ana herenga e kī ana me āta tiaki i ngā pānga o ngā hapū o Heretaunga Tamatea i raro i te Tiriti o Waitangi me ōna mātāpono.

#### Ngā Ture Whenua Māori

3.13 E whakaae ana te Karauna:

- a. kāre ia i kōrero ki ngā hapū o Heretaunga Tamatea i mua o tana whakatau i ngā ture whenua Māori e whakaae ana kia wehea ki te tangata takitahi ngā whenua i raro kē i te mana o ngā hapū i runga i ngā tikanga a Heretaunga Tamatea;
- b. i waenga i te tau 1866 me te tau 1870, neke atu i te kotahi rau ngā taitara poraka whenua o Heretaunga Tamatea, kai tua atu o te 330,000 eka te nui, i tukuna ai e te Kōti Whenua Māori ki ngā tāngata tekau, iti iho rānei i ia tukunga;
- c. ko ngā hapū o Heretaunga Tamatea i mahara ko ngā tāngata ko o rātau ingoa i ngā taitara nei ka noho hai kaitiaki mā o rātau hapū, engari kāre ngā ture whenua Māori i aukati i te wetekanga o ngā whenua o Heretaunga me ētahi atu poraka, me te korenga o te hunga nō rātau anō te mana whenua i whakaae, me te aha, ka tangohia o rātau pānga ki aua whenua;
- d. nā tērā, kāre te whakahaerenga o ngā ture whenua Māori i ēnei poraka i whakaata i ngā herenga i runga i te Karauna kia āta tiaki ia i ngā pānga o ngā hapū o Heretaunga Tamatea ki ngā whenua tērā pea i hiahia rātau ki te pupuri, ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

3.14 E whakaae ana te Karauna nā tana kore i whakatakoto huarahi ā-ture kia taea ai te whakahaerenga o ngā whenua o ngā hapū o Heretaunga Tamatea te whakahaere ngātahi tae rawa ake ki te tau 1894, he takahi tēnā i te Tiriti o Waitangi me ōna mātāpono.

3.15 E whakaae ana te Karauna nā te kawenga me ngā pānga o ngā ture whenua Māori, otirā, nā te rironga atu o ngā whenua ki ngā tāngata takitahi, kua ki te iwi, ki te hapū rānei, i kaha ake ai te noho mōrearea o ngā whenua o Heretaunga Tamatea ki te roherohenga, ki te whakawehenga me te wetekanga. I whai wāhi ēnei take ki te ngahorotanga o te anga ā-iwi o ngā hapū o Heretaunga Tamatea, i ahu mai rā i te mana whenuatanga o te iwi. I takahi te Karauna i te Tiriti o Waitangi me ōna mātāpono i tana korenga i whai kia tiakina ngā anga ā-iwi o ngā hapū o Heretaunga Tamatea.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

#### Ngā Whakapānga ā-Tōrangapū

- 3.16 E whakaae ana te Karauna kua hia tau ngā rangatira me ngā hapū o Heretaunga Tamatea e ū ana kia rangimārie ngā whakapānga ā-tōrangapū ki te Karauna mā ngā rōpū pēnei i a Te Whata a Te Herunga, i ngā Rūnanga, i te Kōmiti me te Kotahitanga. E whakaae ana hoki te Karauna he rite tonu tana kore i whakaea i ngā take nā ēnei kaupapa i kawē ki tōna aroaro, kia whaikiko rā anō.

#### Te Whenua Koretanga o Heretaunga Tamatea

- 3.17 E whakaae ana te Karauna:
- ahakoa, nō te taenga ki te tau 1900, kua tata ki te waru tekau mā rima paihēneti o ngā whenua o Heretaunga Tamatea i whakawehea ai, i te kapo tonu te Karauna i ētahi wāhanga nui o ngā whenua o te rohe i te rua tekau tau i whai mai;
  - nā ngā pānga katoa i hua mai ai i ngā mahi hoko a te Karauna, me tana whakahaere i ngā ture whenua Māori, tae rawa ake ki te tau 1930, kua tata whenua kore ngā hapū o Heretaunga Tamatea; ā,
  - nā te korenga o te Karauna i whakaū kia nui ngā whenua hai pupuritanga mā ngā hapū o Heretaunga Tamatea, hai whenua hoki mō ngā hiahia matua o nāianeī, o āpōpō hoki, ka kino rawa atu ngā pānga ki tō rātau oranga ā-ōhanga, ā-pāpori, ā-ahurea, ā-wairua hoki, tae atu hoki ki te whanaketanga o ngā hapū o Heretaunga Tamatea, ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

#### He Take Taiao

- 3.18 E whakaae ana te Karauna:
- ko ngā roto, ko ngā awa, ko ngā puna, ko ngā whenua reporepo o Heretaunga Tamatea, pēnei i a Whatumā, i a Rūnanga me Poukawa, i a Tūtaekurī, i a Ngaruroro, i a Maraetōtara, i a Tukituki, i a Waipawa, i a Mākāretu, i ngā awa o Pōrangahau / Tāurekaitai, i ngā whenua anō hoki o Pekapeka e kapi ana i te repo, ngā tino mahinga kai e ora ai ngā hapū o Heretaunga Tamatea;
  - nā te rirohanga o ngā whenua taketake i herea ai te kaha o ngā hapū o Heretaunga Tamatea ki te toro atu ki ēnei wai ki te kohi i ngā kai māori, ki te whakaatu hoki, i tētahi o ngā āhuetanga pūmau o Heretaunga Tamatea, i te manaakitanga; ā,
  - kua tino hē ngā pātaka kai taketake me ngā mahinga kai nā te tipuranga mai o ngā tarutaru me ngā riha, nā ngā para o ngā pāmu, o ngā wāhi ahumahi hoki, me ngā mahi whakatahenga i ahu mai i te whakarerekētanga me te whakakinotanga o te taiao o Heretaunga Tamatea.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

#### Te Reo Māori me te Mātauranga

- 3.19 E whakaae ana te Karauna kua roa rawa tā te pūnaha mātauranga ā-motu kore i whakaaro nui ki ngā mōhiotanga Māori, ā, kua pā kino tērā āhuatanga ki ngā whakatipuranga o ngā hapū me ngā whānau o Heretaunga Tamatea. E whakaae ana hoki te Karauna:
- nā ngā kura i whakatūria ai e te Karauna, ka kino tonu te mamae i pā ki ngā tamariki o Heretaunga Tamatea nā te whiu i a rātau mō te kōrero i tō rātau ake reo i a rātau i te kura;
  - i mua, he iti te whakapono o te pūnaha mātauranga ā-motu ki tā te ākongā Māori āhei ki te eke ki ngā taumata; ā,
  - nā te kino o ngā hua ā-mātauranga, i rongō ai ngā whakatipuranga o ngā tamariki o Heretaunga Tamatea i te ngau kino.

#### Ngā Take Oha-pori

- 3.20 E whakaae ana te Karauna i whai wāhi ana kaupapa here ki te take kai waho te nuinga o ngā tāngata o ngā hapū o Heretaunga Tamatea i tō rātau rohe taketake e noho ana.
- 3.21 E whakaae ana te Karauna nā ngā whakahoutanga ā-ōhanga i whakaturehia rā e te Karauna i ngā tau 1980 i tino nui ai te koremahi i waenga i ngā hapū o Heretaunga Tamatea.
- 3.22 E whakaae ana te Karauna he nui ngā rawa kua hua ake i ngā whenua me ngā rawa o Heretaunga Tamatea i ngā tau o te rautau tekau mā iwa, me te rautau rua tekau. E whakaae ana hoki te Karauna nā te whakawehenga o ngā hapū o Heretaunga Tamatea i ō rātau whenua i taua wā, kua kore rātau e whai wāhi atu ki aua hua rā, me te aha, noho pōhara kē ana rātau ā-ōhanga, ā-pāpori, ā-ahurea anō hoki.

#### TE WHAKAPĀHATANGA

- 3.23 E tāpaetia ana e te Karauna tēnei whakapāhatanga ki ngā tīpuna, ki ngā hapū, ki ngā whānau, ki ngā mokopuna hoki o Heretaunga Tamatea.
- 3.24 Inā kē te nui o te whakapāha a te Karauna i te rite tonu o tana kore i hāpai i te pātuitanga i manakohia ai e te Tiriti, i whāia ai hoki e ngā tīpuna o Heretaunga Tamatea mai i ngā tau 1840. E whakapāha mārika atu nei te Karauna, he rite tonu tāna takahi i te Tiriti o Waitangi, mō 'ngā mamae me ngā tūkino' i hua mai ai ki ngā whakatipuranga o Heretaunga Tamatea i ēnei takahitanga.
- 3.25 E whakapāha ana te Karauna i te tini o ana kaupapa here, o ana mahi, o ana hapa nā reira i tata whenua kore ai ngā whānau me ngā hapū o Heretaunga Tamatea. I ngā tau 1850, i whakamahi ai te Karauna i ana whakaritenga muna me ētahi atu rautaki whakawehewehe ki te hoko i ētahi wāhanga nui rawa atu o ngā whenua o Heretaunga Tamatea, ka mutu, i te nuinga o te wā, kāre ngā tāngata nō rātau te mana whenua i taua rohe i mōhio, kāre rānei i whakaae. E tino whakapāha ana te Karauna i runga i

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

tana mōhio nā ana rautaki hoko i tutū ai te puehu i waenga i tō iwi, me te aha, ka hua ko te riri, ko te wharanga me te matenga o te tangata.

- 3.26 I whakatauhia e te Karauna ngā ture whenua nā reira i kino kē atu ai te rawakoretanga o ngā hapū o Heretaunga Tamatea. I te tīmatanga o te rautau rua tekau, he wāhanga iti noa iho nō ngā whenua o Heretaunga Tamatea i ngā ringaringa tonu o te Māori, engari ka haere tonu ngā mahi hoko whenua a te Karauna, ka mutu, i ētahi wā, nā aua mahi i kaha pēhi ngā tāngata takitahi nō rātau ngā whenua. E tāpaetia ana e te Karauna ana whakapāha nui mō āna mahi nā reira i wehe ai koutou i te whenua i noho rā hai oranga mō ō koutou tīpuna mō ngā whakatipuranga e hia nei, i kore ai hoki tā koutou āhei ki te toro ki ō koutou roto, ki ō koutou awa, ki ō koutou whenua kueo me ō koutou puna.
- 3.27 E tino whakapāha ana te Karauna, nā tāna takahi i te Tiriti o Waitangi i tino uaua ai tā koutou whai i ngā ara ā-ōhanga, ā-pāpori hoki, i ngahoro ai ō koutou anga ā-iwi, i raru ai tō koutou oranga, e tino taupatupatu nei ki ngā hua o te pātuitanga i mahara ai koutou ka riro i a koutou i runga i tā te Karauna i oati ai i ngā tau 1850.
- 3.28 E whakapāha ana te Karauna i tana kore i whakautu tika ki ngā whakatipuranga o Heretaunga Tamatea kua whai nei i te tika mō tō rātau iwi. E mihi ana te Karauna ki ērā kāre i te ora tonu ki te kite i te otinga o tēnei whakataunga.
- 3.29 E tūmanako ana te Karauna, mā tēnei whakataunga me tēnei whakapāhatanga, ka mahea ake te taumaha o ngā nawe me te mamae kua pīkaungia e ngā whānau me ngā hapū o Heretaunga Tamatea mō te hia whakatipuranga. E anga whakamua ana te Karauna ki te whakamārō ake i te taura hono ki ngā hapū o Heretaunga Tamatea e whiria ana ki ngā here o te whakapono, o te mahitahi, o te whakaaro nui o tētahi ki tētahi, o te Tiriti o Waitangi hoki me ōna mātāpono.

## 4 SETTLEMENT

### ACKNOWLEDGEMENTS

- 4.1 Each party acknowledges that –
- 4.1.1 in negotiating this settlement within the context of wider Crown settlement policy, including the need by the Crown to consider the rights and interests of others, the other parties have acted honourably and reasonably in relation to the settlement; and
  - 4.1.2 it is not possible –
    - (a) to assess the loss and prejudice suffered by Heretaunga Tamatea as a result of the events on which the historical claims are, or could be, based; or
    - (b) to fully compensate Heretaunga Tamatea for all loss and prejudice suffered; and
  - 4.1.3 Heretaunga Tamatea intends their foregoing of full compensation to contribute to New Zealand's development; and
  - 4.1.4 the settlement is intended to enhance the ongoing relationship between Heretaunga Tamatea and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Heretaunga Tamatea acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair and the best that can be achieved in the circumstances.

### SETTLEMENT

- 4.3 Therefore, on and from the settlement date, –
- 4.3.1 the historical claims are settled; and
  - 4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
  - 4.3.3 the settlement is final.
- 4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 4: SETTLEMENT

- 4.5 The Crown acknowledges that, except as provided by this deed or the settlement legislation, the provision of redress will not –
- 4.5.1 affect any rights of Heretaunga Tamatea in relation to water; and
  - 4.5.2 affect, in particular, any rights Heretaunga Tamatea may have in relation to aboriginal title or customary rights or any other legal or common law rights; and
  - 4.5.3 affect the ability to bring contemporary claims, including (but not limited to) contemporary claims to water rights and interests.
- 4.6 Clause 4.5 does not limit clause 4.3.

#### REDRESS

- 4.7 The redress, to be provided in settlement of the historical claims, –
- 4.7.1 is intended to benefit Heretaunga Tamatea collectively; but
  - 4.7.2 may benefit particular members, or particular groups of members, of Heretaunga Tamatea if the governance entity so determines in accordance with the governance entity's procedures.

#### IMPLEMENTATION

- 4.8 The settlement legislation will, on the terms provided by sections 15 to 20 of the draft settlement bill, –
- 4.8.1 settle the historical claims; and
  - 4.8.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
  - 4.8.3 provide that the legislation referred to in section 17(2) of the draft settlement bill does not apply –
    - (a) to a redress property, a purchased deferred selection property if settlement of that property has been effected, the RFR land; or
    - (b) for the benefit of Heretaunga Tamatea or a representative entity; and
  - 4.8.4 require any resumptive memorial to be removed from a computer register for, a redress property, a purchased deferred selection property if settlement of that property has been effected, or the RFR land; and

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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### 4: SETTLEMENT

- 4.8.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not –
- (a) apply to a settlement document; or
  - (b) prescribe or restrict the period during which –
    - (i) the trustees of the Heretaunga Tamatea Settlement Trust, being the governance entity, may hold or deal with property; and
    - (ii) the Heretaunga Tamatea Settlement Trust may exist; and
- 4.8.6 require the Secretary for Justice to make copies of this deed publicly available.
- 4.9 Part 1 of the general matters schedule provides for other action in relation to the settlement.

## 5 CULTURAL REDRESS

### WATERWAYS

- 5.1 The Heretaunga Tamatea area of interest boasts significant waterways including the Tūtaekurī, Ngaruroro, Maraetōtara, Waipawa, Tukituki and Pōrangahau/Tāurekaitai rivers and the Rūnanga, Oingo, Poukawa, Te Roto a Kiwa, Whatumā (Hatuma) and Pūrimu lakes.
- 5.2 The hapū of Heretaunga Tamatea define themselves through these waterways. These waterways, which they consider taonga, lie at the heart of the spiritual and physical wellbeing and the identity and culture of Heretaunga Tamatea. The hapū of Heretaunga Tamatea have responsibilities to protect these waterways.
- 5.3 This deed provides for the following redress with respect to the waterways of significance to Heretaunga Tamatea:
- 5.3.1 the vesting of sites as set out in clauses 5.10.2 and 5.10.3:
- 5.3.2 statutory acknowledgements in respect of specified rivers as set out in clause 5.16.1:
- 5.3.3 deeds of recognition in respect of specified rivers as set out in clauses 5.18.1 and 5.18.2.
- 5.4 The Hawke's Bay Regional Planning Committee Act 2015 provides for the establishment of the Hawke's Bay Regional Planning Committee to which the governance entity is entitled to appoint two members.
- 5.5 The Crown is aware that elements of the Aquifer Claim (Wai 595) are best addressed through the Hawke's Bay Regional Planning Committee. For this reason the Crown agrees to write to the Hawke's Bay Regional Planning Committee after settlement date to encourage them to meet with the governance entity to discuss and agree how these elements will be addressed.

### CAPE KIDNAPPERS

- 5.6 The Crown acknowledges that Cape Kidnappers Nature Reserve and Cape Kidnappers Gannet Protection Reserve (Cape Kidnappers) have immense cultural and historical significance to Heretaunga Tamatea. The Crown also supports the aspirations of Heretaunga Tamatea for greater visibility in and around Cape Kidnappers in recognition of their status as tangata whenua holding mana whenua in and around Cape Kidnappers.
- 5.7 The Crown, through the Department of Conservation, agrees that it will meet with Heretaunga Tamatea after the settlement date and discuss how Heretaunga Tamatea and the Department of Conservation can work together collaboratively and constructively on issues relating to Cape Kidnappers and the surrounding area. This may include, but is not limited to, the nature and scope of the parties' interests and

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

responsibilities, their views on priorities for management in and around Cape Kidnappers, discussion on improving the profile of Heretaunga Tamatea and the possible development of signage or interpretation panels that outline the historical and cultural association of Heretaunga Tamatea with Cape Kidnappers. The meeting shall occur within six months of an invitation to meet being issued to the Director-General of Conservation by Heretaunga Tamatea after the settlement date.

#### RUAHINE RANGE

- 5.8 The Crown acknowledges that the Ruahine Range is of immense cultural and historical significance to Heretaunga Tamatea and other iwi with interests in the Ruahine Range. Heretaunga Tamatea wish to work collectively with other iwi who have interests in the Ruahine Range in order to build a collaborative partnership between the Crown and the collective iwi for the ongoing protection and management of the Ruahine Range and to provide greater recognition of tangata whenua associations with the Ruahine Range.
- 5.9 The Crown, through the Department of Conservation, will invite Heretaunga Tamatea and other iwi with interests in the Ruahine Range to meet to discuss how the parties can work together to achieve this vision and will discuss what support that the Crown may give to this process.

#### CULTURAL REDRESS PROPERTIES

- 5.10 The settlement legislation will vest in the governance entity on the settlement date –

##### *In fee simple*

- 5.10.1 the fee simple estate in each of the following sites:

- (a) Blackhead property;
- (b) Omahu property;
- (c) Parimāhu Beach property; and

##### *As a recreation reserve*

- 5.10.2 the fee simple estate in Lake Hatuma property, as a recreation reserve, with the governance entity as the administering body; and
- 5.10.3 the fee simple estate in Pūrimu Lake property, as a recreation reserve, with the Hawke's Bay Fish and Game Council as the administering body.
- 5.11 Each cultural redress property is to be –
- 5.11.1 as described in schedule 5 of the draft settlement bill; and
  - 5.11.2 vested on the terms provided by –

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (a) sections 54 to 74 of the draft settlement bill; and
  - (b) part 2 of the property redress schedule; and
- 5.11.3 subject to any encumbrances, or other documentation, in relation to that property –
- (a) required by the settlement legislation; and
  - (b) in particular, referred to by schedule 5 of the draft settlement bill.

### VESTING AND GIFT BACK OF CAPE KIDNAPPERS GANNET PROTECTION RESERVE AND CAPE KIDNAPPERS NATURE RESERVE

- 5.12 In clause 5.13, **gift back site** means each of Cape Kidnappers Gannet Protection Reserve (as shown on deed plan OTS-110-38) and Cape Kidnappers Nature Reserve (as shown on deed plan OTS-110-39).
- 5.13 The settlement legislation will, on the terms provided by sections 75 and 76 of the draft settlement bill, provide that –
- 5.13.1 the governance entity may give 40 working days' written notice to the Minister of Conservation stating the date that each gift back site is to vest in the governance entity under clause 5.13.3; and
  - 5.13.2 the vesting date for each gift back site will be –
    - (a) the date specified in the notice under clause 5.13.1, being a date no later than the fifth anniversary of the settlement date; and
    - (b) if a notice is not given for a site, the fifth anniversary of the settlement date; and
  - 5.13.3 on the vesting date the fee simple estate in each gift back site vests in the governance entity; and
  - 5.13.4 on the seventh day after the vesting date, the fee simple estate in each gift back site vests in the Crown –
    - (a) with its current status; and
    - (b) as a gift from the governance entity on behalf of Heretaunga Tamatea to the Crown for the people of New Zealand; and
    - (c) in recognition of the mana of Heretaunga Tamatea; and
  - 5.13.5 despite the vestings under clauses 5.13.3 and 5.13.4 (the **vestings**) –

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (a) each gift back site remains a reserve under the Reserves Act 1977, and that Act continues to apply to the reserve, as if the vestings had not occurred; and
- (b) any other enactment or any instrument that applied to a gift back site immediately before the vesting date continues to apply to that site as if the vestings had not occurred; and
- (c) to the extent that an overlay classification applies to a gift back site immediately before the vesting date, it continues to apply to the gift back site as if the vesting had not occurred; and
- (d) every encumbrance that affected a gift back site immediately before the vesting date continues to affect that site as if the vestings had not occurred; and
- (e) the Crown retains all liability for the gift back sites as if the vestings had not occurred; and
- (f) the vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, sections 10 and 11 of the Crown Minerals Act 1991, or any other enactment that relates to the land.

### OVERLAY CLASSIFICATION

- 5.14 The settlement legislation will, on the terms provided by sections 35 to 49 of the draft settlement bill, –
- 5.14.1 declare each of the following areas to be overlay areas subject to an overlay classification:
    - (a) A'Deanes Bush Scenic Reserve (as shown on deed plan OTS-110-02):
    - (b) Cape Kidnappers Gannet Protection Reserve (as shown on deed plan OTS-110-03):
    - (c) Cape Kidnappers Nature Reserve (as shown on deed plan OTS-110-04):
    - (d) Gwavas Conservation Area (as shown on deed plan OTS-110-05); and
  - 5.14.2 provide the Crown's acknowledgement of the statement of Heretaunga Tamatea values in relation to each of the sites; and
  - 5.14.3 require the New Zealand Conservation Authority, or a relevant conservation board, –

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (a) when considering a conservation document, in relation to a site, to have particular regard to the statement of Heretaunga Tamatea values, and the protection principles, for the site; and
  - (b) before approving a conservation document, in relation to a site, to –
    - (i) consult with the governance entity; and
    - (ii) have particular regard to its views as to the effect of the document on Heretaunga Tamatea values, and the protection principles, for the site; and
- 5.14.4 require the Director-General of Conservation to take action in relation to the protection principles; and
- 5.14.5 enable the making of regulations and bylaws in relation to the sites.
- 5.15 The statement of Heretaunga Tamatea values, the protection principles, and the Director-General of Conservation's actions are in part 1 of the documents schedule.

### STATUTORY ACKNOWLEDGEMENT

- 5.16 The settlement legislation will, on the terms provided by sections 21 to 29 and sections 31 to 34 of the draft settlement bill, –
- 5.16.1 provide the Crown's acknowledgement of the statements by Heretaunga Tamatea of their particular cultural, spiritual, historical, and traditional association with the following areas:
- (a) Clive River and its tributaries (as shown on deed plan OTS-110-06):
  - (b) Elsthorpe Scenic Reserve (as shown on deed plan OTS-110-07):
  - (c) Hiranui Scenic Reserve (as shown on deed plan OTS-110-08):
  - (d) Inglis Bush Scenic Reserve (as shown on deed plan OTS-110-09):
  - (e) Kāhika Conservation Area (as shown on deed plan OTS-110-10):
  - (f) Karamū Stream (with official name Karamu Stream) and its tributaries (as shown on deed plan OTS-110-11):
  - (g) Part of Kāweka State Forest Park (with official name Kaweka State Forest Park) (as shown on deed plan OTS-110-12):
  - (h) Māharakeke Stream (with recorded name Maharakeke Stream) and its tributaries (as shown on deed plan OTS-110-26):

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (i) Mākāretu River (with recorded name Makaretu River) and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-27):
- (j) Maraetōtara River (with recorded name Maraetotara River) and its tributaries (as shown on deed plan OTS-110-28):
- (k) Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve) (as shown on deed plan OTS-110-13):
- (l) Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve) (as shown on deed plan OTS-110-14):
- (m) Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve) (as shown on deed plan OTS-110-15):
- (n) McLeans Bush Scenic Reserve (as shown on deed plan OTS-110-16):
- (o) Mohi Bush Scenic Reserve (as shown on deed plan OTS-110-17):
- (p) Monckton Scenic Reserve (as shown on deed plan OTS-110-18):
- (q) Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-19):
- (r) Parkers Bush Scenic Reserve (as shown on deed plan OTS-110-20):
- (s) Pōrangahau/Tāurekaitai River (with recorded name Porangahau River) and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-32):
- (t) Ruahine Forest (East) Conservation Area (as shown on deed plan OTS-110-21):
- (u) Part of Ruahine Forest Park (as shown on deed plan OTS-110-22):
- (v) Springhill Scenic Reserve (as shown on deed plan OTS-110-23):
- (w) Te Aute Conservation Area (as shown on deed plan OTS-110-24):
- (x) Tukipō River (with recorded name Tukipo River) and its tributaries (as shown on deed plan OTS-110-29):
- (y) Tukituki River and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-30):

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (z) Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-25);
  - (aa) Waipawa River and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-31); and
- 5.16.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 5.16.3 require relevant consent authorities to forward to the governance entity –
- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and
  - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- 5.16.4 enable the governance entity, and any member of Heretaunga Tamatea, to cite the statutory acknowledgement as evidence of the association of Heretaunga Tamatea with an area.
- 5.17 The statements of association are in part 2 of the documents schedule.

### DEEDS OF RECOGNITION

- 5.18 The Crown must, by or on the settlement date, provide the governance entity with a copy of each of the following:
- 5.18.1 a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
- (a) Clive River and its tributaries (as shown on deed plan OTS-110-06):
  - (b) Elsthorpe Scenic Reserve (as shown on deed plan OTS-110-07):
  - (c) Hiranui Scenic Reserve (as shown on deed plan OTS-110-08):
  - (d) Inglis Bush Scenic Reserve (as shown on deed plan OTS-110-09):
  - (e) Kāhika Conservation Area (as shown on deed plan OTS-110-10):
  - (f) Karamū Stream (with official name Karamu Stream) and its tributaries (as shown on deed plan OTS-110-11):

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (g) Part of Kāweka State Forest Park (with official name Kaweka State Forest Park) (as shown on deed plan OTS-110-12):
- (h) Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve) (as shown on deed plan OTS-110-13):
- (i) Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve) (as shown on deed plan OTS-110-14):
- (j) Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve) (as shown on deed plan OTS-110-15):
- (k) McLeans Bush Scenic Reserve (as shown on deed plan OTS-110-16):
- (l) Mohi Bush Scenic Reserve (as shown on deed plan OTS-110-17):
- (m) Monckton Scenic Reserve (as shown on deed plan OTS-110-18):
- (n) Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-19):
- (o) Parkers Bush Scenic Reserve (as shown on deed plan OTS-110-20):
- (p) Ruahine Forest (East) Conservation Area (as shown on deed plan OTS-110-21):
- (q) Part of Ruahine Forest Park (as shown on deed plan OTS-110-22):
- (r) Springhill Scenic Reserve (as shown on deed plan OTS-110-23):
- (s) Te Aute Conservation Area (as shown on deed plan OTS-110-24):
- (t) Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-25); and

5.18.2 a deed of recognition, signed by the Commissioner of Crown Lands, in relation to the following areas:

- (a) Clive River and its tributaries (as shown on deed plan OTS-110-06):
- (b) Karamū Stream (with official name Karamu Stream) and its tributaries (as shown on deed plan OTS-110-11):
- (c) Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-19):

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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### 5: CULTURAL REDRESS

- (d) Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest (as shown on deed plan OTS-110-25).

- 5.19 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.20 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation, or the Commissioner of Crown Lands, as the case may be, must, if undertaking certain activities within an area that the deed relates to, –
  - 5.20.1 consult the governance entity; and
  - 5.20.2 have regard to its views concerning the association of Heretaunga Tamatea with the area as described in a statement of association.
- 5.21 Each deed of recognition will be –
  - 5.21.1 in the form in part 3 of the documents schedule; and
  - 5.21.2 issued under, and subject to, the terms provided by sections 21 and 30 to 34 of the draft settlement bill.
- 5.22 A failure by the Crown to comply with a deed of recognition is not a breach of this deed.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

#### OFFICIAL GEOGRAPHIC NAMES

- 5.23 The settlement legislation will, from the settlement date provide for each of the names listed in the second column to be the official geographic name for the features set out in columns 3 and 4.

Existing Name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Cape Kidnappers	Cape Kidnappers / Te Kauwae-a-Māui	BK40ptBK39 463035 – BK40ptBK39 486995	Cape
Capstan Rock	Muhuaka / Capstan Rock	BL39 433826	Rock
Flat Rock	Puapua	BK40ptBK39 504022 – BK40ptBK39 506025	Rock
Hakakino	Hakikino	BL39 392816	Historic Pā site
Kuku Reef/Rocks	Paparewa	BL39 421847 – BL39 422844	Reef
Lake Hatuma	Lake Whatumā	BL38 008639	Lake
Motuokura	Te Motu-o-Kura / Bare Island	BL39 446829	Island
Mount Erin	Kohinurākau or Kōhinerākau (alternative names)	BK39 291941	Hill
Nga Puhake-o-te-ora	Ngā Puha-ake-o-te-ora	BL39 455830	Spring
Puhokio Stream	Pouhōkio Stream	BL39 372778 – BL39 419856	Stream
Waihakura	Te Wai-a-Kura	BK39 424897	Historic Pā site

- 5.24 The settlement legislation will provide for the official geographic names on the terms provided by sections 50 to 53 of the draft settlement bill.

#### RELATIONSHIP STATEMENT

##### Principles and overview

- 5.25 Heretaunga Tamatea and the Crown are committed to maintaining and strengthening their positive and cooperative relationship so that it endures.
- 5.26 Accordingly, in the conduct of their relationship post-settlement to give effect to the commitments set out in this relationship statement, Heretaunga Tamatea and the Crown –

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- 5.26.1 will act in good faith, with integrity, honesty, transparency and accountability; and
- 5.26.2 will respect each other's autonomy and their respective mandates, roles and responsibilities; and
- 5.26.3 will share knowledge and expertise where appropriate; and
- 5.26.4 acknowledge that Heretaunga Tamatea and the Crown can only work within their available resources, priorities and capacity at any given time.
- 5.27 Without limiting the future scope of their relationship, Heretaunga Tamatea and the Crown have identified three focus areas for collaboration:
- 5.27.1 physical and natural resources:
- 5.27.2 Heretaunga Tamatea taonga:
- 5.27.3 social and cultural initiatives.
- 5.28 Specific acknowledgements and commitments in those areas are set out below.

#### **Physical and natural resources**

- 5.29 Heretaunga Tamatea have cultural, spiritual, traditional and historic associations with the land, waters and indigenous flora and fauna within the area of interest. It accepts a responsibility as kaitiaki under the tikanga of Heretaunga Tamatea to preserve, protect and manage those natural and historic resources.
- 5.30 To help support their kaitiakitanga, the Crown will work with Heretaunga Tamatea in the following ways.

#### *Department of Conservation*

- 5.31 The Department of Conservation will meet with Heretaunga Tamatea to develop a framework for a positive, collaborative, and enduring relationship based on the Treaty of Waitangi and its principles, as well as mutual conservation aims and aspirations.

#### *Ministry for the Environment*

- 5.32 The Ministry for the Environment and Heretaunga Tamatea acknowledge the importance of sustainable management of natural and physical resources within the Heretaunga Tamatea area of interest.
- 5.33 Upon invitation, the Ministry for the Environment will meet with the governance entity to discuss a Treaty-based relationship with Heretaunga Tamatea.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

#### *Ministry for Primary Industries*

- 5.34 The Ministry for Primary Industries recognises Heretaunga Tamatea as tangata whenua within the area of interest, and acknowledges they have a special relationship with, and an interest in, the sustainable utilisation of all species of fish, aquatic life and seaweed in the Heretaunga Tamatea area of interest. The Ministry for Primary Industries also acknowledges that Heretaunga Tamatea regard these species as taonga.
- 5.35 The Ministry for Primary Industries will –
- 5.35.1 work with the governance entity and other hapū and iwi in the Hawke's Bay region extending from Māhia to Wairarapa to enable tangata whenua to participate in Ministry for Primary Industries fisheries sustainability and management processes, including –
- (a) providing the opportunity for the governance entity to participate in and contribute to the development of an Iwi Fisheries Plan and Forum Fisheries Plan; and
  - (b) supporting the implementation of the Fisheries (Kaimoana Customary Fishing) Regulations 1998; and
- 5.35.2 invite the governance entity to be part of any Ministry-led regional initiatives seeking hapū and iwi participation in primary sector policy development.
- 5.36 The Minister for Primary Industries will appoint the governance entity as an advisory committee under section 21 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, for fisheries sites of particular importance to Heretaunga Tamatea. The appointment will require the Minister to consider written advice from the committee when making decisions relating to changes in the management regime for those areas of special significance identified by Heretaunga Tamatea. The appointment of the governance entity as an advisory committee will occur as soon as reasonably practicable after the settlement date once the governance entity identifies the fisheries sites of particular importance to Heretaunga Tamatea.

#### **Heretaunga Tamatea Taonga**

- 5.37 Heretaunga Tamatea and the Crown agree that the protection and restoration of Heretaunga Tamatea taonga is of fundamental importance to the iwi and hapū of Heretaunga Tamatea.
- 5.38 Acknowledging that importance, the following Crown agencies will work with Heretaunga Tamatea as outlined below.

#### *Ministry for Culture and Heritage*

- 5.39 Heretaunga Tamatea and the Ministry for Culture and Heritage commit to work together collaboratively on mutually agreed matters of common interest and this future work will be framed by the nature and scope of both parties' roles, responsibilities, and priorities.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- 5.40 The Ministry for Culture and Heritage agrees to meet with Heretaunga Tamatea after the settlement date to discuss the culture and heritage aspirations of Heretaunga Tamatea in relation to the Heretaunga Tamatea area of interest. This meeting will be informed, at least for the Ministry's part, by relationship agreements the Ministry has entered into in other settlements of historical claims.

*Department of Internal Affairs and Museum of New Zealand Te Papa Tongarewa*

- 5.41 Heretaunga Tamatea, the Department of Internal Affairs (through its responsibilities for the National Library and Archives New Zealand), and the Museum of New Zealand Te Papa Tongarewa will together develop –
- 5.41.1 a shared vision for the restoration and protection of Heretaunga Tamatea taonga; and
  - 5.41.2 a constructive relationship to facilitate access to, and protection of, information and taonga relating to Heretaunga Tamatea; and
  - 5.41.3 work plans for each agency detailing the steps they will take to realise specific taonga initiatives agreed with Heretaunga Tamatea; and
  - 5.41.4 in particular, the Museum of New Zealand Te Papa Tongarewa work plan will outline assistance and advice Te Papa will provide on the repatriation initiatives for the Ngāti Mihiroa collection of Taonga and the Te Poho o Kahungunu and Te Whare o Heretaunga whareniui.

#### **Social initiatives**

- 5.42 The Ministry of Social Development will work with Heretaunga Tamatea, after the settlement date, to identify opportunities to grow the Heretaunga Tamatea cultural capacity.
- 5.43 The Ministry of Social Development will also work with Heretaunga Tamatea to establish a collaborative Te Reo initiative with the Work and Income East Coast Regional Office and tertiary providers. The initiative will be aimed at enabling job seekers to undertake Te Reo classes and builds on the existing recognition by Work and Income of Te Reo as a work-readiness skill.

#### **Process for engagement**

- 5.44 The Treaty of Waitangi and its principles will provide the basis for any relationship as well as any further commitments agreed between the Crown and the governance entity that are a consequence of the commitments made in this relationship statement.
- 5.45 When the governance entity determines it is appropriate, it will write to the relevant Crown agency requesting a relationship meeting to pursue the commitments made in this relationship statement. The relevant Crown agency will acknowledge that initial contact and will commence implementation of the commitments made in this relationship statement no later than six (6) months following receipt of the governance entity's request.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- 5.46 The outcomes of the relationship meetings agreed in this relationship statement, including any further commitments about the ongoing relationship between the Crown and the governance entity, may be set out in writing in a form agreed between the relevant Crown agency and the governance entity.
- 5.47 Crown agencies will use their best endeavours to meet the commitments made under, or as a consequence of, this relationship statement, though any shortcoming will not constitute a breach of this deed. The Crown acknowledges that nothing in this relationship statement derogates from any existing rights of Heretaunga Tamatea.

#### TE AUTE COLLEGE

- 5.48 The Crown recognises that issues relating to Te Aute College are of great importance to Heretaunga Tamatea.
- 5.49 The governance entity intends that \$5,000,000 of the financial and commercial redress amount referred to in clause 6.1 will be applied to support the long term sustainability of Te Aute College.
- 5.50 The Crown, through the Office of Treaty Settlements, will facilitate discussions about developing relationship agreements between the Ministry of Education and Heretaunga Tamatea and between the Te Aute Trust Board and Heretaunga Tamatea.

#### AORANGI MAORI TRUST BOARD

- 5.51 While the Heretaunga Tamatea settlement settles the Aorangi claim (Wai 657) insofar as it relates to the historical claims of Heretaunga Tamatea, it is acknowledged that the claim includes persons affiliating to the shared hapū of Ngāi Tahu ki Takapau, Ngāi Toroiwaho and Ngāti Te Rangitotohu. The Crown acknowledges the shared whakapapa of the Aorangi descendants based on descent from Heretaunga Tamatea ancestors and Rangitāne, the eponymous ancestor of Rangitāne o Wairarapa and Rangitāne o Tāmaki Nui-ā-Rua (Rangitāne).
- 5.52 On this basis, the Crown acknowledges the issues relating to the relationship between the Aorangi Maori Trust Board and the Crown are of great importance to Heretaunga Tamatea and may not be fully addressed through the Heretaunga Tamatea settlement.
- 5.53 The Crown therefore further acknowledges that the Aorangi Maori Trust Board, Heretaunga Tamatea and Rangitāne (the Aorangi parties) have agreed to engage in negotiations with the Crown to explore options for approaches to address the issues in relation to the Aorangi Maori Trust Board-Crown relationship.
- 5.54 The Aorangi parties will agree their representatives for these discussions and will agree proposals to be presented to the Crown before entering into discussions with the Crown.
- 5.55 The Crown agrees to engage in an active and constructive manner in discussions with the nominated representatives of the Aorangi parties on the proposals in relation to Aorangi Maori Trust Board which they present to the Crown.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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### 5: CULTURAL REDRESS

- 5.56 Following the discussions the Crown will consider, in good faith, giving effect to any proposals referred to in clause 5.54.
- 5.57 It is intended that all discussions and negotiations between the Crown and the Aorangi parties will be completed by the date of the introduction of the draft settlement bill to the House of Representatives.
- 5.58 Where the Crown decides to give effect to a proposal, the Crown will introduce a bill to the House of Representatives for that purpose if required.
- 5.59 To avoid doubt, nothing in these clauses will affect or derogate from the provisions of this deed or the settlement legislation, including the full and final settlement of the historical claims of Heretaunga Tamatea.

#### CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

- 5.60 The Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.
- 5.61 However, the Crown must not enter into another settlement that provides for the same redress as in clauses 5.10 to 5.13.

## 6 FINANCIAL AND COMMERCIAL REDRESS

### FINANCIAL REDRESS

- 6.1 The Crown must pay the governance entity on the settlement date \$90,600,940, being the financial and commercial redress amount of \$105,000,000 less –
- 6.1.1 \$5,000,000 being the on-account payment that was paid on 23 July 2015 to the governance entity on account of the settlement; and
- 6.1.2 \$9,399,060 being the transfer value of the licensed land.

### ON-ACCOUNT PAYMENT

- 6.2 The parties acknowledge that before the date of this deed the Crown paid the amount referred to in clause 6.1.1 to the governance entity on account of the settlement. The on-account payment was comprised of two allocations and was made with the intention that –
- 6.2.1 \$3,000,000 be used to invest in marae and education initiatives; and
- 6.2.2 \$2,000,000 be used to establish a habitat restoration fund.

### PAYMENT IN RELATION TO NEGOTIATION COSTS

- 6.3 The governance entity wishes to record its intention to apply at least \$260,000 of the financial and commercial redress amount to the costs incurred in the course of negotiating this settlement.

### LICENSED LAND

- 6.4 In this deed –
- 6.4.1 **contemporaneous settlement date circumstance** means the circumstance that arises if the settlement date and the Ahuriri Hapū settlement date are the same; and
- 6.4.2 **different settlement date circumstance** means the circumstance that arises if the settlement date precedes the Ahuriri Hapū settlement date; and
- 6.4.3 in relation to the transfer of the licensed land, references to the governance entity are treated as references to the licensed land entity other than, for the avoidance of doubt, in clauses 6.8 to 6.10 and in part 3 of the general matters schedule.
- 6.5 The licensed land is to be –
- 6.5.1 transferred by the Crown to the licensed land entity on the settlement date –

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 6: FINANCIAL AND COMMERCIAL REDRESS

- (a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the governance entity or any other person; and
  - (b) on the terms of transfer in part 6 of the property redress schedule; and
- 6.5.2 as described in part 3 of the property redress schedule, and is to have the transfer value provided in that part in respect of each area separately described in that part.
- 6.6 The transfer of the licensed land will be –
  - 6.6.1 subject to, and where applicable with the benefit of, the encumbrances provided in the property redress schedule in relation to the licensed land; and
  - 6.6.2 subject to the licensed land entity providing to the Crown before the registration of the transfer of the licensed land right of way easements in gross on the terms and conditions set out as “type A” in part 4.1 of the documents schedule (subject to any variations in form necessary only to ensure its registration) to give effect to those descriptions of easements in the third column of part 3 of the property redress schedule that refer to this clause 6.6.2; and
  - 6.6.3 subject to the Crown providing to the licensed land entity before the registration of the transfer of the licensed land, right of way easements on the terms and conditions set out as “type B” in part 4.2 of the documents schedule (subject to any variations in form necessary only to ensure its registration) to give effect to those descriptions of easements in the third column of part 3 of the property redress schedule that refer to this clause 6.6.3.
- 6.7 The parties to the easements referred to in clause 6.6.2 and clause 6.6.3 are bound by the easement terms from the settlement date.

### LICENSED LAND ENTITY

- 6.8 In the case of the contemporaneous settlement date circumstance, the governance entity and the Ahuriri Hapū governance entity referred to in the Ahuriri Hapū deed of settlement will ensure that, by the date that the draft settlement bill is introduced in the House of Representatives, the licensed land entity will only have three shares on issue, of which the governance entity will own two shares and the Ahuriri Hapū governance entity will own one share.
- 6.9 In the case of the contemporaneous settlement date circumstance, the governance entity must, by the date that the draft settlement bill is introduced in the House of Representatives, procure the licensed land entity to enter into a deed of covenant in the form set out in part 5 of the documents schedule agreeing to be bound by the provisions of this deed in relation to the transfer of the licensed land.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 6: FINANCIAL AND COMMERCIAL REDRESS

- 6.10 In the case of the different settlement date circumstance, the parties agree that they will ensure that the licensed land entity –
- 6.10.1 is jointly incorporated in accordance with the constitution, and that the shareholders' agreement and trust deed have been entered into, by the settlement date; and
- 6.10.2 complies with any obligations imposed on the licensed land entity under this deed as if it were a party to this deed.

#### LICENSED LAND

- 6.11 The settlement legislation will, on the terms provided by sections 77 to 89 of the draft settlement bill, provide for the following in relation to the licensed land:
- 6.11.1 its transfer by the Crown to the licensed land entity:
- 6.11.2 it to cease to be Crown forest land upon registration of the transfer:
- 6.11.3 the licensed land entity to be, from the settlement date, in relation to the licensed land, –
- (a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
- (b) entitled to the rental proceeds since the commencement of the Crown forestry licence:
- 6.11.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if –
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
- (b) the Waitangi Tribunal's recommendation became final on settlement date:
- 6.11.5 the licensed land entity to be the licensor under the Crown forestry licence, as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying:
- 6.11.6 for rights of access to areas that are wāhi tapu.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 6: FINANCIAL AND COMMERCIAL REDRESS

#### DEFERRED SELECTION PROPERTIES

- 6.12 The governance entity, for 18 months after the settlement date, has a right to elect to purchase the deferred selection properties described in part 4 of the property redress schedule on, and subject to, the terms and conditions in part 5 of the property redress schedule.

#### SETTLEMENT LEGISLATION

- 6.13 The settlement legislation will, on the terms provided by sections 77 to 83 of the draft settlement bill, enable the transfer of the licensed land and the deferred selection properties.

#### RFR FROM THE CROWN

- 6.14 The governance entity is to have a right of first refusal in relation to a disposal of the RFR land, being the land described in the attachments as RFR land that, on the settlement date, –

6.14.1 is vested in the Crown; or

6.14.2 the fee simple for which is held by the Crown.

- 6.15 The right of first refusal is –

6.15.1 to be on the terms provided by sections 90 to 118 of the draft settlement bill; and

6.15.2 in particular, to apply –

(a) for a term of 174 years from the settlement date; but

(b) only if the RFR land is not being disposed of in the circumstances provided by sections 98 to 107 or under a matter referred to in section 108(1) of the draft settlement bill.

## 7 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

### SETTLEMENT LEGISLATION

- 7.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 7.2 The settlement legislation must provide for all matters for which legislation is required to give effect to this deed of settlement.
- 7.3 The draft settlement bill proposed for introduction to the House of Representatives –
- 7.3.1 may be in the form of an omnibus bill that includes a bill settling the claims of Ahuriri Hapū; and
  - 7.3.2 may be amended to give effect to the different settlement date circumstance; and
  - 7.3.3 must comply with the drafting standards and conventions of the Parliamentary Counsel Office for Governments Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and
  - 7.3.4 must be in a form that is satisfactory to Heretaunga Tamatea and the Crown.
- 7.4 Heretaunga Tamatea and the governance entity must support the passage of the draft settlement bill through Parliament.

### SETTLEMENT CONDITIONAL

- 7.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.6 However, the following provisions of this deed are binding on its signing:
- 7.6.1 clauses 6.8 and 6.9, and clauses 7.4 to 7.8:
  - 7.6.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

### EFFECT OF THIS DEED

- 7.7 This deed –
- 7.7.1 is "without prejudice" until it becomes unconditional; and
  - 7.7.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 7: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

- 7.8 Clause 7.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

#### TERMINATION

- 7.9 The Crown or the governance entity may terminate this deed, by notice to the other, if –

7.9.1 the settlement legislation has not come into force within 36 months after the date of this deed; and

7.9.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.

- 7.10 If this deed is terminated in accordance with its provisions –

7.10.1 this deed (and the settlement) are at an end; and

7.10.2 subject to this clause, this deed does not give rise to any rights or obligations; and

7.10.3 this deed remains "without prejudice"; but

7.10.4 the parties intend that the on-account payment is taken into account in any future settlement of the historical claims.

## 8 GENERAL, DEFINITIONS, AND INTERPRETATION

### GENERAL

- 8.1 The general matters schedule includes provisions in relation to –
- 8.1.1 the implementation of the settlement; and
  - 8.1.2 the Crown's –
    - (a) payment of interest in relation to the settlement; and
    - (b) tax indemnities in relation to redress; and
  - 8.1.3 giving notice under this deed or a settlement document; and
  - 8.1.4 amending this deed.

### HISTORICAL CLAIMS

- 8.2 In this deed, **historical claims** –
- 8.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Heretaunga Tamatea, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
- (a) is, or is founded on, a right arising –
    - (i) from the Treaty of Waitangi or its principles; or
    - (ii) under legislation; or
    - (iii) at common law, including aboriginal title or customary law; or
    - (iv) from fiduciary duty; or
    - (v) otherwise; and
  - (b) arises from, or relates to, acts or omissions before 21 September 1992 –
    - (i) by, or on behalf of, the Crown; or
    - (ii) by or under legislation; and

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Heretaunga Tamatea or a representative entity, including the following claims:

- (a) Wai 69 – Rangaika Reserve Claim:
- (b) Wai 71 – Mangateretere West Block Claim:
- (c) Wai 127 – Puketapu - Fernhill Claim:
- (d) Wai 270 – Kairakau Block Claim:
- (e) Wai 397 – Gwavas Forest Park Claim:
- (f) Wai 401 – Renata Kawepo Estate Claim:
- (g) Wai 402 – Part Ngaruroro Riverbed Claim:
- (h) Wai 516 – Waingongoro Stream Claim:
- (i) Wai 527 – Paki Paki School House Claim:
- (j) Wai 536 – Pakowhai Native Reserve and Ngaruroro Riverbed Claim:
- (k) Wai 574 – Karanema Reserve Claim:
- (l) Wai 596 – Ngatarawa Block Claim:
- (m) Wai 768 – Korongata Land Blocks (Heretaunga) Claim:
- (n) Wai 769 – Waipapa No. 3 and Other Blocks (Heretaunga) Claim:
- (o) Wai 816 – Ngāti Whatui-A-Piti Rohe Claim:
- (p) Wai 885 – Peka Peka Blocks (South Hastings) Claim:
- (q) Wai 1188 – Kenrick Whānau Pekapeka land Claim:
- (r) Wai 1345 – Te Orora (Tuingara Point Native Reserve) Claim:
- (s) Wai 1346 – Nga Uri o Te Hapuku Claim:
- (t) Wai 1348 – Parahaki Claim:
- (u) Wai 1351 – Ruaumoko Incorporated Claim:

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

- (v) Wai 1418 – Heretaunga Plains Claim:
- (w) Wai 1419 – Horonui Station Claim:
- (x) Wai 1429 – Ngāti Mihiroa (Marine Mammals Protection Act) Claim:
- (y) Wai 1443 – Descendants of Hupata Wheao Claim:
- (z) Wai 1453 – Ngāti Mihiroa and Ngāti Ngarengare (Smith-laea) Claim:
- (aa) Wai 1567 – Ngaruroro River and Kohupatiki Marae Claim:
- (bb) Wai 1570 – Soldiers Settlement Act and Māori Social and Economic Advancement Act Claim:
- (cc) Wai 1581 – Descendants of Tunui-a-rangi Rupuha Te Hianga and Ripeka Rupuha Lands Claim:
- (dd) Wai 1853 – Pukehou and other blocks (kiripatea) Claim:
- (ee) Wai 1893 – Ngāti Kahungunu Lands and Resources (Pene) Claim:
- (ff) Wai 1946 – Descendants of Te Hāpuku (Roach) Lands Claim:
- (gg) Wai 1948 – Heretaunga Plains Lands (Moananui) Claim:
- (hh) Wai 1951 – Descendants of Hineipaketia Waipukurau Block Claim:
- (ii) Wai 1984 – Ngāti Mihiroa and Ngāti Kahungunu Local Government and Rating Claim:
- (jj) Wai 1985 – Waimarama Lands and Waterways (Grey) Claim:
- (kk) Wai 2051 – Kenrick Whānau Mental Health Claim:
- (ll) Wai 2144 – Poukawa Lake (Grey) Claim:
- (mm) Wai 2221 – Te Aute gifted lands Claim; and

8.2.3 includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Heretaunga Tamatea or a representative entity, including the following claims:

- (a) Wai 161 – Waipukurau Block Claim:
- (b) Wai 201 – Wairoa ki Wairarapa Claim:

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

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### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

- (c) Wai 263 – Te Koau Block and Ruahine Ranges Claim:
- (d) Wai 378 – Owhaoko C3B Block Claim:
- (e) Wai 382 – Kaweka Forest Park and Ngaruroro River Claim:
- (f) Wai 400 – Ahuriri Block Claim:
- (g) Wai 595 – Heretaunga Aquifer Claim:
- (h) Wai 610 – Omarunui Lands Claim:
- (i) Wai 652 – Tamaki-Nui-a-Rua Rohe Claim:
- (j) Wai 657 – Aorangi Settlement Claim:
- (k) Wai 692 – Napier Hospital Services Claim:
- (l) Wai 799 – Karanema Reserve-Te Mata Peak Claim:
- (m) Wai 850 – Cape Kidnappers Claim:
- (n) Wai 852 – Kahungunu Petroleum Claim:
- (o) Wai 1021 – Ngāti Te Whatuiapiti Land Reserves Claim:
- (p) Wai 1232 – Ngāti Kere Heretaunga and Tamatea Lands and Resources Claim:
- (q) Wai 1233 – Ngāi Te Kikiri o Te Rangi Heretaunga and Tamatea Lands and Resources Claim:
- (r) Wai 1234 – Rongo a Tahu Heretaunga and Tamatea Lands and Resources Claim:
- (s) Wai 1235 – Ngāti Pōporo Heretaunga and Tamatea Lands and Resources Claim:
- (t) Wai 1236 – Ngāi Te Rangikoianake Heretaunga and Tamatea Lands and Resources Claim:
- (u) Wai 1237 – Hapū of Houngarea Marae Heretaunga and Tamatea Lands and Resources Claim:
- (v) Wai 1238 – Hapū of Mangaroa Marae Heretaunga and Tamatea Lands and Resources Claim:

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

- (w) Wai 1239 – Hapū of Matahiwi Marae Heretaunga and Tamatea Lands and Resources Claim:
- (x) Wai 1240 – Ngati Mihiroa Heretaunga and Tamatea Lands and Resources Claim:
- (y) Wai 1241 – Hapū of Omahu Marae Heretaunga and Tamatea Lands and Resources Claim:
- (z) Wai 1242 – Hapū of Ruahapia Marae Heretaunga and Tamatea Lands and Resources Claim:
- (aa) Wai 1243 – Hapū of Te Awhina Marae Heretaunga and Tamatea Lands and Resources Claim:
- (bb) Wai 1244 – Hapū of Waipatu Marae Heretaunga and Tamatea Lands and Resources Claim:
- (cc) Wai 1245 – Hapū of Waimarama Marae Heretaunga and Tamatea Lands and Resources Claim:
- (dd) Wai 1246 – Ngāi Te Whatuiāpiti Heretaunga and Tamatea Lands and Resources Claim:
- (ee) Wai 1344 – Te Orora (Peka Peka) Claim:
- (ff) Wai 1425 – Ngāti Hinemanu (Te Rito and others) Claim:
- (gg) Wai 1436 – East Cape to Wairoa-Heretaunga Oil, Gas, Gold and Other Minerals Claim:
- (hh) Wai 1456 – Te Aute College Claim:
- (ii) Wai 1568 – Southern Hawkes Bay Lands (Paewai and Apatu) Claim:
- (jj) Wai 1693 – Descendants of Whiu and Kahuihina Kara Carrol Lands Claim:
- (kk) Wai 1835 – Ngāti Paki and Ngāti Hinemanu (Winiata, Lomax, Cross, and Teariki) Claim:
- (ll) Wai 2046 – Ngati Mihiroa, Ngati Ngarengare and Muaupoko (Kenrick) Lands Claim.

8.3 However, **historical claims** does not include the following claims:

- 8.3.1 a claim that a member of Heretaunga Tamatea, or a whānau, hapū, or group referred to in clause 8.6.2, may have that is, or is founded on, a right arising

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

as a result of being descended from an ancestor who is not referred to in clause 8.6.1:

- 8.3.2 a claim that is based on descent from a recognised ancestor of Ngāi Tahu ki Takapau, Ngāi Te Rangitotohu (also known as Rangitotohu), or Ngāi Toroiwaho to the extent that the claim is, or is founded on, a right arising from being descended from Rangitāne:
- 8.3.3 a claim of Ngāti Hinemanu to the extent that the claim relates to the interests of Ngāti Hinemanu that are derived through the ancestor Punakiao:
- 8.3.4 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clauses 8.3.1 to 8.3.3.
- 8.4 To avoid doubt, clause 8.2.1 is not limited by clauses 8.2.2 or 8.2.3.
- 8.5 To avoid doubt, this settlement does not affect the right of any group to apply for recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.

### HERETAUNGA TAMATEA

8.6 In this deed, **Heretaunga Tamatea** means –

- 8.6.1 the collective group composed of individuals who descend from one or more ancestor of Heretaunga Tamatea; and
- 8.6.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.6.1, including:
- (a) Ngāi Tahu ki Takapau:
  - (b) Ngāi Tamaterā:
  - (c) Ngāi Te Ao:
  - (d) Ngāi Te Hauapu:
  - (e) Ngāi Te Hurihanga-i-te-rangi:
  - (f) Ngāi Te Kīkiri o Te Rangi:
  - (g) Ngāi Te Ōatua:
  - (h) Ngāi Te Rangikoianake I:
  - (i) Ngāi Te Rangikoianake II:

DC, JB

**HERETAUNGA TAMATEA DEED OF SETTLEMENT**  
**8: GENERAL, DEFINITIONS, AND INTERPRETATION**

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- (j) Ngāi Te Rangitekahutia:
- (k) Ngāi Te Rangitotohu (also known as Rangitotohu):
- (l) Ngāi Te Ūpokoiri:
- (m) Ngāi Te Whatuiāpiti:
- (n) Ngāi Toroiwaho:
- (o) Ngāti Hāwea:
- (p) Ngāti Hikatoa:
- (q) Ngāti Hinemanu:
- (r) Ngāti Hinemoa:
- (s) Ngāti Hinetewai:
- (t) Ngāti Hotoa:
- (u) Ngāti Honomōkai:
- (v) Ngāti Hōri:
- (w) Ngāti Kautere:
- (x) Ngāti Kere:
- (y) Ngāti Kotahi:
- (z) Ngāti Kurukuru:
- (aa) Ngāti Mahuika:
- (bb) Ngāti Manuhiri:
- (cc) Ngāti Mārau o Kahungunu (also known as Ngāti Mārau):
- (dd) Ngāti Mihiroa:
- (ee) Ngāti Ngarengare:
- (ff) Ngāti Papatuamāro:

**HERETAUNGA TAMATEA DEED OF SETTLEMENT**  
**8: GENERAL, DEFINITIONS, AND INTERPRETATION**

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- (gg) Ngāti Pīhere:
- (hh) Ngāti Pōporo:
- (ii) Ngāti Pukututu:
- (jj) Ngāti Rāhunga:
- (kk) Ngāti Takaora (Ngāti Tākaro):
- (ll) Ngāti Tamatea:
- (mm) Ngāti Te Rehunga:
- (nn) Ngāti Toaharapaki:
- (oo) Ngāti Tukuaterangi (also known as Ngāti Tukua I te Rangi, Ngāti Tukuoterangi, Ngāti Tuku(a)oterangi):
- (pp) Ngāti Ura ki te Rangi (also known as Ngāti Urakiterangi):
- (qq) Ngāti Whakaiti; and

8.6.3 every individual referred to in clause 8.6.1.

8.7 For the purposes of clause 8.6.1 –

8.7.1 a person is **descended** from another person if the first person is descended from the other by –

- (a) birth; or
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with the tikanga (Māori customary values and practices) of Heretaunga Tamatea; and

8.7.2 **Heretaunga Tamatea ancestor** means an individual who exercised customary rights by virtue of being descended from –

- (a) Rākaihikuroa; or
- (b) Rākainui; or
- (c) Te Whatuiāpiti; or

## HERETAUNGA TAMATEA DEED OF SETTLEMENT

### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

(d) a recognised ancestor of any of the hapū referred to in clause 8.6.2; and  
who exercised customary rights predominantly in relation to the area of interest of Heretaunga Tamatea any time after 6 February 1840; and

8.7.3 **customary rights** means rights according to tikanga Māori (Māori customary values and practices), including –

(a) rights to occupy land; and

(b) rights in relation to the use of land or other natural or physical resources.

#### MANDATED NEGOTIATORS AND SIGNATORIES

8.8 In this deed, **mandated negotiators** means the following individuals:

8.8.1 Elizabeth Munroe, Hastings, Barrister:

8.8.2 Brian Charles Morris, Lower Hutt, Publisher/Company Director:

8.8.3 Peter Alexander Paku, Hastings, Retired.

#### ADDITIONAL DEFINITIONS

8.9 The definitions in part 6 of the general matters schedule apply to this deed.

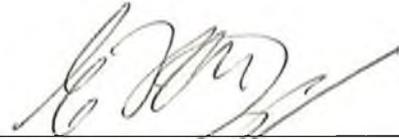
#### INTERPRETATION

8.10 Part 7 of the general matters schedule applies to the interpretation of this deed.

HERETAUNGA TAMATEA DEED OF SETTLEMENT

SIGNED as a deed on 26 September 2015

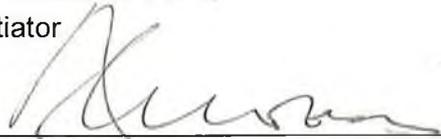
SIGNED for and on behalf of  
**HERETAUNGA TAMATEA** by the  
mandated negotiators and He Toa  
Takitini  
in the presence of:



Elizabeth Valentine Munroe  
Chief Negotiator



Peter Alexander Paku,  
Negotiator



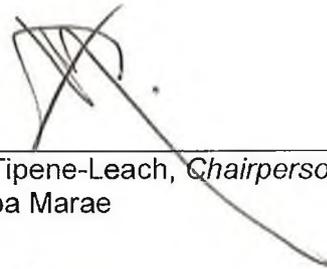
Brian Charles Morris, Negotiator

Signature of Witness

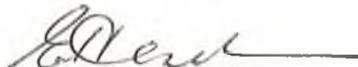
Witness Name:

Occupation:

Address:



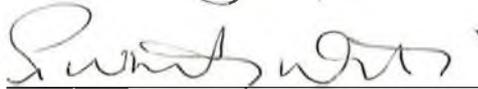
David Collins Tipene-Leach, *Chairperson*  
Rongomaraeroa Marae



Elizabeth Helen Graham  
*Deputy Chairperson* Pukehou Marae



Margaret Akata McGuire  
*Treasurer* Kohupatiki Marae



Penelope Hinehau WhitiWhiti  
*Executive* Omaha Marae

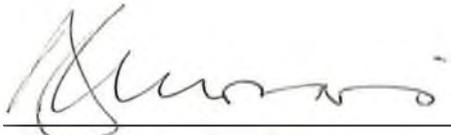


Tanira Hemana Te Rohu Te Au  
*Executive* Houngarea Marae



John-Barry Heperi Smith  
*Executive* Te Rongo a Tahu Marae

HERETAUNGA TAMATEA DEED OF SETTLEMENT



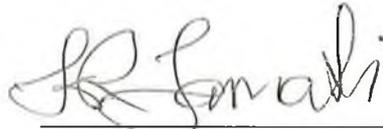
Brian Charles Morris  
Rakautātahi Marae



Peter Alexander Paku  
Ruahāpia Marae



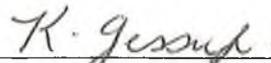
Cordry Tawa Huata  
Mangaroa Marae



Kevin Ronald Tamati  
Korongatā Marae



Henare Mātua Kani  
Pourerēre Marae



Kellie Anne-Marie Jessup  
Mihiroa Marae



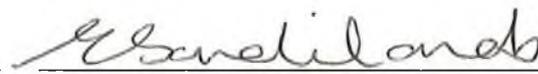
Tipene Heperi  
Aorangi Maori Trust Board



Ngāmoa Hukapapa Gillies  
Waimārama Marae



Robert Lui Clarke  
Taraia Marae



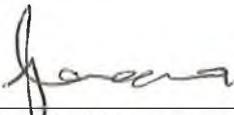
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Whatuiāpiti Marae



Leon Fredrick Hawea  
Kahurānaki Marae



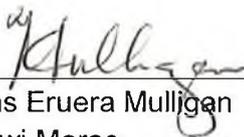
Charmaine Elizabeth Pene  
Rūnanga Marae



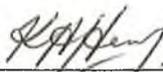
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Waipatu Marae



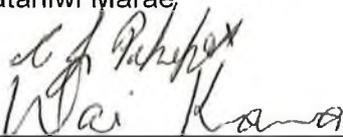
Kohine Gwen Rata  
Mataweka Marae



Thomas Eruera Mulligan  
Matahiwi Marae



Koreene Hariata Henry  
Kairakau marae



Wai Kana  
Waireamana Kara  
Tapairu Marae



Lisa Gray Tuhi  
Te Awhiri Marae

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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SIGNED by the Trustees of the  
HERETAUNGA TAMATEA  
SETTLEMENT TRUST  
in the presence of –

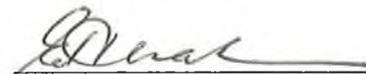
WITNESS

---

Name:

Occupation:

Address:



---

Elizabeth Helen Graham  
*Chairperson Pukehou Marae*



---

Cordry Tawa Huata  
*Deputy Chairperson Mangaroa Marae*



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Erin Marie Sandilands  
*Treasurer Whatuiāpiti Marae*



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David Collins Tipene-Leach,  
*Rongomaraeroa Marae*

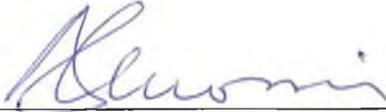
HERETAUNGA TAMATEA DEED OF SETTLEMENT



Tanira Hemana Te Rohu Te Au  
Houngarea Marae



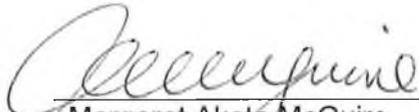
John-Barry Heperi Smith  
Te Rongo a Tahu Marae



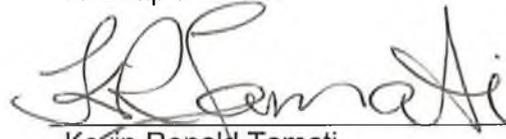
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Rakautātahi Marae



Peter Alexander Paku  
Ruahāpia Marae



Margaret Akatā McGuire  
Kohupātiki Marae



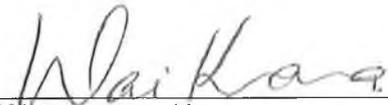
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Korongatā Marae



Henare Matua Kani  
Pourērere Marae



Kellie Anne-Marie Jessup  
Mihiroa Marae



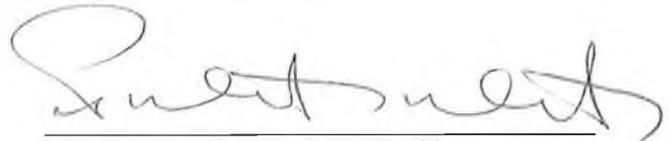
Waireamana Kara  
Tapairu Marae



Ngāmoa Hukapapa Gillies  
Waimārama Marae



Robert Lui Clarke  
Taraia Marae



Penelope Hinehau WhitiWhiti  
Omahu Marae



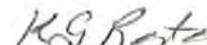
Leon Fredrick Hawea  
Kahurānaki Marae



Charmaine Elizabeth Pene  
Rūnanga Marae



Ngahiwi Tomoana  
Waipatu Marae



Kohine Gwen Rata  
Mataweka Marae

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Thomas Eruera Mulligan  
Matahiwi Marae



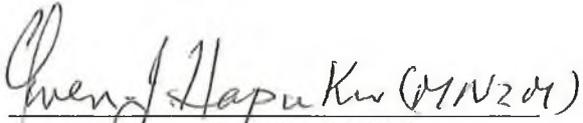
Koreene Hariata Henry  
Kairakau Marae

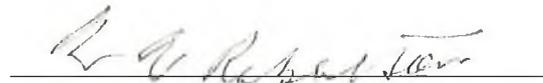


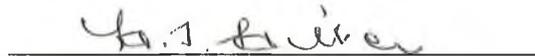
Lisa Gray Tuhi  
Te Awhi Rau Marae.

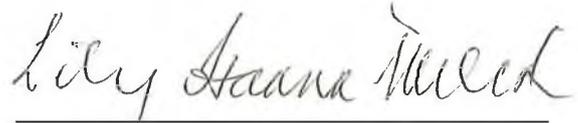
HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

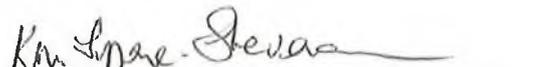
  
Owen Jerry Hapuku (MNZM)

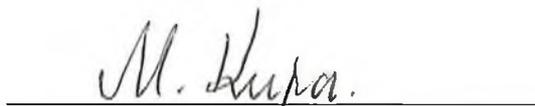
  
Rerekohu Ahiahi Robertson

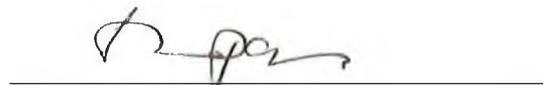
  
Haami Hilton

  
Lily Haana Wilcox

  
Professor Roger Maaka

  
Te Rangikauia Tipene-Stevenson

  
Mare Kupa

  
Olivia Thompson

\_\_\_\_\_  
Hon. Dr. Sir Pita Sharples

\_\_\_\_\_  
Marei Apatu

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

*[Handwritten signature]*  
Chloe Casen

*[Handwritten signature]*

*[Handwritten signature]*  
Jeanna Ruiha Kaukau

*[Handwritten signature]*

Mehana Watson

Le Nahu Hamea

Lacey Edwards

Mazata Wosoo Hape - Jacke

Pine Kaihou Harita - Monois

Jedwakana Meri Ahmatu Bru

Le Aorawika Rūtao Haronga Mātakitaki

*[Handwritten signature]*

Melana Whakau Te Rangiwahia & Heleu Wiraia

*[Handwritten signature]*

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

Rawiri Hopaku.

Paisella Hokkehupe

Rangi Bootsma Hey (Purua).

Elizabeth Robens (Maaka)

Gina Hauiti Houkama

Winiere Ora Pauna (Maaka)

Jenny Winiere Manger JM.

Yvonne Riddle

Indira Christina Karuwi, Donihene Wood

Sue Sharples Teale

Naomi Ramere Pokaitu

Te Riria Whatarau Proctor.

Joy A.N. Peke, Peke, Tamatea.

David Tekeora Kau Kau

M. Jones

John Baker Te Kopu.

Waiora Louise Tareha

TE AMARAMA TOMOANA

Arapata HAKIWA

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

HR Heta - Waipatu Marae.	
Wairangi Davis - Waipatu Marae	
Whiroa N. Rogers	Waipatu Marae.
<del>Wairangi Davis</del>	Waipatu Marae
Hinemaru Vercoe	Waipatu Marae.

P. J. Mull Waipatu Marae

Maria O'Leary Watahira. Waipatu  
 Beryl Nguro Armstrong (nee Mulligan) Matihini / Waipatu.  
 Wapora Amokura Maabonhauwhi Maake Waimarama

Keianake Sharples, Te Kaihou Ngarotata  
 Te Tama A Tumataunga

~~Kaia~~  - Te Kanohituhanga  
 Paora Sharples  
 Margaret Simeon

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

Mau Tai Tin

Karina Katuna

Josephine Mary Carter. Kapuwa Te Hanga.

Maurits Tai Tin

Ella Paku

Pohatu Paku.

Billy Kuniyoshi.

Karauria Hawea

Sonia Pikihoro Mulhoge

Uerga Staples & Nany Gracey Lee - Ngootata

Te Rangimare J. A. Manna Ngootata

Judith Myra Wilson.

Mepatuna Heremia

Te Rina Paerohi Sullivan

Riri-Ripeka Honeapu

Hemaina Pahatu.

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

Te Aieuea Kopua-Suutla  
Giselle-Rose Heperi "TAKAPAU"  
Brandon + Jay Heperi TAKAPAU

Tyne-Marie Nelson - Waipukurau

~~Kelly~~ ~~PAUEN~~

Liesel Ani Niania-Shoples  
Liania Shoples

~~Handwritten signature~~

Wrenu Tai Tin ~~Handwritten signature~~

Ariana Ruika Teiringarangi  
Williams ~~Handwritten signature~~

Chrissy Hilton ~~Handwritten signature~~

Kauri Williams ~~Handwritten signature~~

Peter Berrell Takapau

R. Eru Te Hopu Ngai Teroinaho, Ngai Te Wratuapiti

Rico Morris Pine Tomairangi Moutis

Danisha Spooner Fraserford Spooner

MAEWA WIRIHANA-HAWEA ~~Handwritten signature~~

Pyce-Eden Wirihana-Hawea Kuler

Daphne Manerikere-Kissell ~~Handwritten signature~~

Richard Hunter Ngati Marae ~~Handwritten signature~~

NC. 147 ~~Handwritten signature~~

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

Muonin

Te Moana Nui a Kiwa Pahaurewa Awakere Huata



Te Ana Kere Jai  
Ranghuna

Hira Huata. Mangaroa.

Hira Huata Mangaroa Marae (Ngati Rahungaitewangi)



Waene Teamokura-Hokianga-  
Mangaroa-Marae.

Opal Hale

Tamaiahitia Ratima Hokianga  
Mangafoa  
Manukatea Hokianga

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

Paerani Morrell - Mangaroa Marae  
 Grant James Morrell - Mangaroa Marae  
 Letitia Waerea Mangaroa Marae  
 Tukorehu Waerea Mangaroa Marae  
 Dewil Hokiangi Mangaroa Marae  
 Ruane Mangaroa  
 Harata Waerea / James Waerea / Wayne Waerea } Mangaroa Marae  
 Letitia Rogers / Te. Aho Rogers / Trojan Rogers / Izua Rogers  
 R Waerea, T Waerea, T Waerea, T Waerea  
 M Waerea, R Waerea, W Waerea  
 James Waerea Mangaroa Marae  
 Rahunga i te Rangitiki  
 Eero Hale. Kaipa. MANGAROA.  
 Queenie Cooke Mangaroa.  
 Jocelyn Ann Edwards. Petera } Mangaroa.  
 Rawiri Morrell - Mangaroa Marae - Ngati Paerani  
 Raewyn Turner - Mangaroa      Tewai Morrell  
 Jane Morrell - Mangaroa      Te Ani Kataraidia NC.  
 Adam Ioane Morrell      Mathews

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

Arden Bentley Bartlett

Patricia T. Morgan Ofa.

Marcelle Rahke

GEORGE TAWHI  
Jason Whaitiri

Aranneti Pappas Atkinchi Pipa Tokupatiki

Rossie Menezes (nee) Robin Le Apala

Waehaere Hapuku - Te Rangikoparua

Larry Leslie Allan Papanui Jessup

TU O TE AHI KA Te Kuri o te Manuaoa

Kioka Ripera Hapuku - Ngae Te Rangikoiamahe Hapuku

Tazjahn Iona Huanui Munroe Tatu

Ayherai Feli Ngeraaki Munroe Tatu

GAYLENE KIRIPATEA

*[Signature]*

*[Signature]*

*[Signature]*

Gabert Munroe

Rossie Menezes

*[Signature]*

Matthew Mullany Tapanui

Tania de Gromans  
for Maungaharuru  
Tangita Trust + Tangita  
Matai

Juli  
26/9/2015

Te Ana Kere Tei  
Rangihua

NC. *[Signature]*

HERETAUNGA TAMATEA DEED OF SETTLEMENT

Other witnesses/members of Heretaunga Tamatea who support the settlement

STEVE HATUPINI

Shano Ahuini

Azmaruwa Fafa

Ar Jts

Rehene Thompson

Nana Pakiata Taulai

CHRIS HILTON J.P.P.

Harmony Hapi

Aylee Warren Ohtoh

Lynlee Ohtohson

Brandi Rehu

NC JB

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Other witnesses/members of Heretaunga Tamatea who support the settlement

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Other witnesses/members of Heretaunga Tamatea who support the settlement

NC. JB

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Other witnesses/members of Heretaunga Tamatea who support the settlement

NC. 

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Other witnesses/members of Heretaunga Tamatea who support the settlement

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Other witnesses/members of Heretaunga Tamatea who support the settlement

NC  
156  
JB

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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Other witnesses/members of Heretaunga Tamatea who support the settlement

NC. JB

HERETAUNGA TAMATEA DEED OF SETTLEMENT

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