

**AHURIRI HAPŪ**  
**and**  
**THE TRUSTEES OF THE MANA AHURIRI TRUST**  
**and**  
**THE CROWN**



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**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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**2 November 2016**

## DEED OF SETTLEMENT

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### PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ahuriri Hapū and breached the Treaty of Waitangi and its principles; and
- provides an acknowledgement by the Crown of the Treaty breaches and an apology; and
- settles the historical claims of Ahuriri Hapū; and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the governance entity that has been approved by Ahuriri Hapū to receive the redress; and
- includes definitions of –
  - the historical claims; and
  - Ahuriri Hapū; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.



Te Pakake Pa and Ahuriri harbour and roadstead. 1850s Joseph Rhodes, Alexander Turnbull Library

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### **SCHEDULES**

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- 4. Notice**
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- 2. Vesting of cultural redress properties**
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#### **DOCUMENTS**

- 1. Ahuriri Hapū values**
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- 2. Deed plans**
- 3. RFR land**
- 4. Te Muriwai o Te Whanga**
- 5. Draft settlement bill**

## DEED OF SETTLEMENT

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**THIS DEED** is made between

**AHURIRI HAPŪ**

**and**

**THE TRUSTEES OF THE MANA AHURIRI TRUST**

**and**

**THE CROWN**

## DEED OF SETTLEMENT

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### 1 BACKGROUND

- 1.1 In clauses 1.2 to 1.40 of this background section, Ahuriri Hapū describe their kōrero tuku iho (traditional history) about their origins and rohe (traditional area).

#### PRIOR TO 1840

- 1.2 The two earliest tribal groups to settle the Ahuriri district are generally agreed to be Ngāti Whatumamoa and Ngāti Awa.

#### NGĀTI WHATUMAMOA

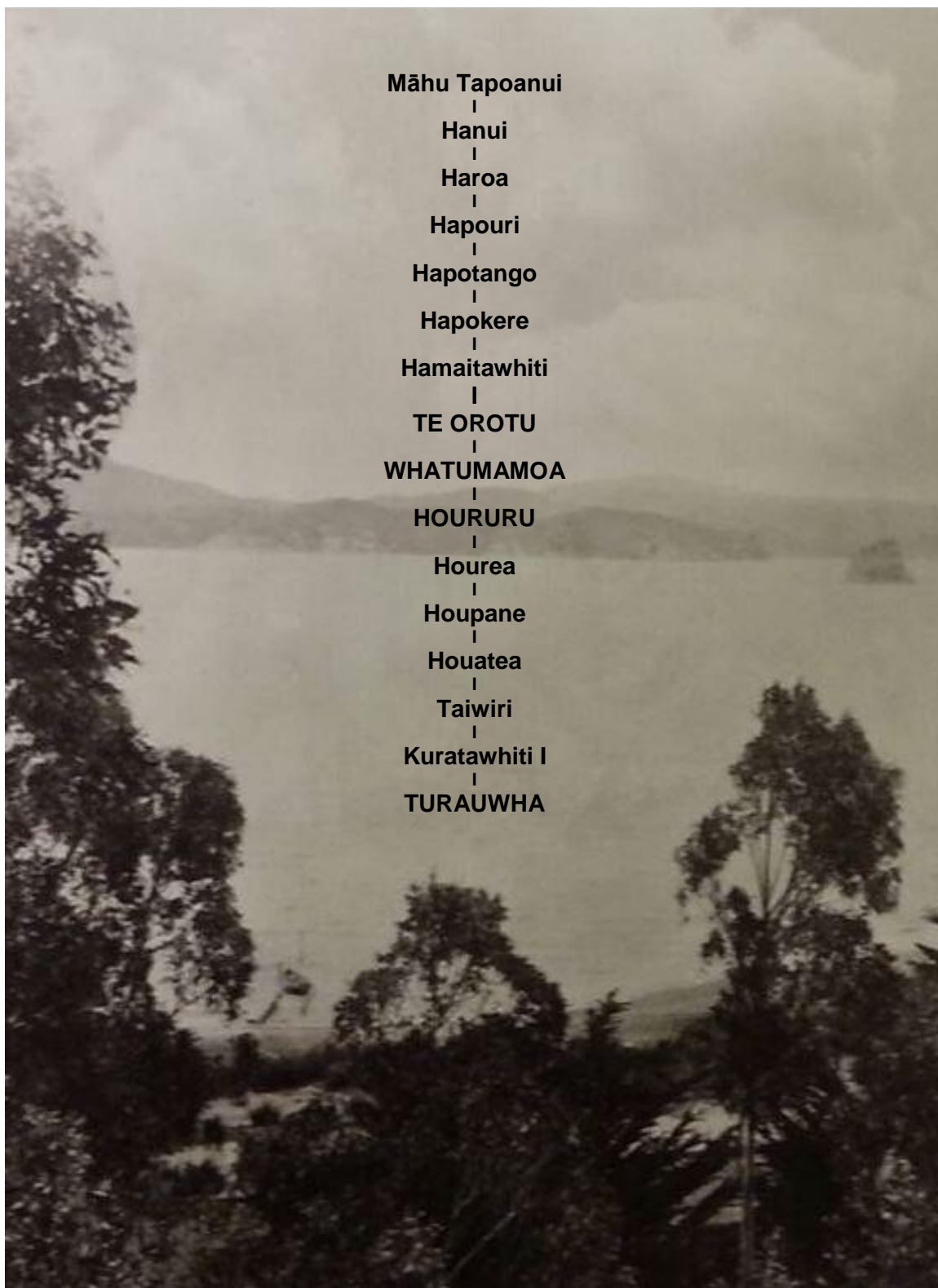
- 1.3 In the 1880s, Raniera Te Ahiko, an authority on the Māori history of Heretaunga and Ahuriri who lived at Ōmāhu until his death in 1894, stated that the interests of Whatumamoa extended across lands from Heretaunga to Pātea.
- 1.4 Ngāti Whatumamoa descended from the celebrated explorer chief Māhu Tapoanui, who lived principally in the Mahia and Waikaremoana districts. In some traditions, Māhu is claimed as being an original inhabitant who did not arrive on a canoe. Although Māhu Tapoanui did not live at Ahuriri he visited the area as part of his explorations. Ōmāhu takes its name from one of his visits. He had his kāinga at sea and he was brought ashore by other ancestors. He arrived on shore at Whakaki, near Wairoa, and had a raupō patch there. At Wairoa he had shark and pipi grounds. These places are called Pipi a Māhu and Mango a Māhu.
- 1.5 In 1889, tribal historian Wiramina Ngahuka of Ngāti Hinepare and Ngāti Māhu spoke of Māhu: “The descendants of Toi and Whatumamoa were divided into tribes and did not live together. Ngāti Māhu Tapoanui lived in this district. Māhu Tapoanui was the very beginning of our people, a taniwha or god.” Māhu is known to have been contemporary with the arrival of the original Tākitimu canoe. Māhu Tapoanui was before Kahungunu’s time.
- 1.6 Refer to the first verse of the Oriori composed by the Ngāti Māhu ancestress Te Whatu, as sung to her grandson Te Iho o Te Rangī before his death at the battle of Te Iho o Te Rei in the early 1820s:

<b>E Tama e moe nei e ara ki runga</b>	My grandson who sleeps... arise
<b>Tahuri to taringa ko te korero o te pana</b>	Disregard any talk of banishment
<b>Ehara e tama taua I te heke I a Taraia</b>	We are not of the migration of Taraia
<b>He Whenua tipu tonu</b>	We are permanent of the land
<b>He tangata tipu tonu</b>	We are the original settlers
<b>He takere taua no roto o Heretaunga e.</b>	We are the original inhabitants of Heretaunga.

## DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.7 It was Te Orotu, a direct descendant of Māhu, who permanently established his people at Ahuriri seven generations later. Ngāti Hinepare, Ngāti Māhu and Ngāti Paarau all descend directly from Te Orotu. Only the descendents of HOURURU maintained their link with Te Whanganui-ā-Orotu.



Te Whanganui-a-Orotu from Mataruahou with Taputeranga to the right



## DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.8 Te Whanganui-ā-Orotu, the estuary at Ahuriri, takes its name from this ancestor, Orotu. The great pā Heipipi, which spreads along the Pētane Range between Bay View and Kaimata, may date from Orotu's settlement.
- 1.9 Two of Orotu's kāinga were located on the shores of Te Whanganui-ā-Orotu. One of these kāinga was located on Tuteranuku Island and the other at Tiheruheru on the mainland at Poraiti.
- 1.10 Eventually Te Orotu abandoned Heretaunga, leaving Ahuriri in the possession of his son Whatumamoa. Refer to the Oriori composed by Te Tahatu ō Te Rangī:

**Kia noho ai tāua he kāinga ā tō tipuna a Whatumamoa**

That we should dwell in the home of your ancestor of Whatumamoa

**I Heretaunga waiho e Te Orotu waiho ki a Whatumamoa**

In Heretaunga abandoned by Te Orotu left to Whatumamoa

**Nōna te kiri pango e mau ia tāua nei.**

From whom comes the dark skin we inherit today.

- 1.11 The descendants of Whatumamoa became collectively known as Ngāti Whatumamoa and are descended from Tangaroa o Te Kore. They continue to maintain ahikaaroa in Ahuriri. Like Māhu Tapoanui, Te Whatumamoa and Te Orotu did not come in a canoe.
- 1.12 In the late fifteenth century Heipipi was occupied by the powerful tohunga chief Tunuiarangi. Refer to passage six of the moteatea Te Tangi a Rawiri Tareahi mo Ahuriri:

**Pohepohe kau ana I te tukawikawi I te toritori**

I am distracted by the hustle and bustle

**O roto mai o Heipipi te tohu o te mana**

Of Heipipi pā, the headquarters

**O te mauri o Whatumamoa**

**Hoki ana te mahara ki te tohunga Ariki**

Of the Ngāti Whatumamoa people

**Ki a Tunui e.**

I recall Tunui the tohunga Ariki.

- 1.13 Genealogies show Tunuiarangi to be a great, great grandson of Pania. Pania herself was a mokopuna of Tangaroa. Some of Tunuiarangi's exploits demonstrate a close affinity with the ocean. One account speaks of him riding out to sea on the back of the whale Ruamano. Refer to part passage six and passage seven of the Moteatea Te Tangi a Rawiri Tareahi mo Ahuriri:

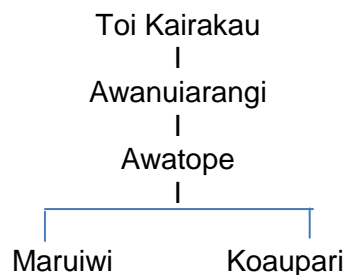
## DEED OF SETTLEMENT

### 1: BACKGROUND

<b>Hoki ana te mahara ki te tohunga Ariki</b>	I recall Tunui the tohunga Ariki
<b>Ki a Tunui e</b>	
<b>Ko Keteketerau tona ara ki te ripi pāua ki Matariki</b>	Going through Keteketerau on the back
<b>Ko Ruamano te kaikawe e.</b>	Of his whale Ruamano to fetch pāua at Matariki.

#### NGĀTI AWA

- 1.14 Ngāti Whatumamoa and Ngāti Awa thrived and were relatively united under the high chief Turauwha, whose mother Kuratawhiti I was of Ngāti Whatumamoa and whose father Kearoa was of Ngāti Awa.
- 1.15 Ngāti Awa are descendants of Awanuiarangi, who is variously described as the son or grandson of the navigator chief Toi Kairakau. This is the same Toi who came to Aotearoa in search of his grandson Whatonga, lost at sea during a regatta in Hawaiki. They were finally reunited in Whakatane where Toi had established himself at Kapu Te Rangi pā. The great grandsons of Toi, Maruiwi and Koaupari, are documented as having spent time in Hawke's Bay.



#### MARUIWI

- 1.16 Maruiwi came to Ahuriri from Waimana in the Bay of Plenty. After conflict with another iwi most of this party died in the treacherous Pokopoko ravine. A lament for the ill-fated Maruiwi, dating from the time of the tragedy, still survives today:

<b>Ko te heke o Maruiwi</b>	The migration of Maruiwi
<b>Toremi ki Te Reinga</b>	That descended into Hades
<b>I whakakopaia mai I Taraiti</b>	It fled from Taraiti
<b>I te maunga I te hu</b>	And when caught on the hill

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### 1: BACKGROUND

<b>Ka hoki te wai o Pakiteao</b>	The waters of Pakiteao began to flow
<b>Ko te heke o Maruiwi</b>	The migration of Maruiwi
<b>Toremi ki Te Reinga</b>	Thus descended into Hades
<b>I a Ruaimoko e.</b>	Forced by Ruaimoko.

- 1.17 Those who survived included Pakaumoana (Maruiwi's son) and a party of seven who had left the group earlier to head for Heipipi pā down the coast. Pakaumoana joined Tunuiarangi, the powerful tohunga chief at Heipipi, and married his sister Hinetu. They had one son Paretararoa. Both these men are mentioned in association with Otatara pā which suggests Pakaumoana may have joined his uncle Koaupari there.

#### TE KOAUPARI

- 1.18 Raniera Te Ahiko makes a distinction between the interests of Ngāti Awa (from whom Koaupari originates) and Ngāti Whatumamoā: "The land belonged to Turauwha and Orotu. Heipipi was their pā. Otatara was Awa and Koaupari's pā. Orotu was the father of Whatumamoā. Te Whanganui-ā-Orotu was named after him. Koaupari was an immigrant from Whakatane and Ohiwa. He arrived here shortly before Taraia's advent. They were both driven from their homes. Koaupari came and squatted upon Turauwha's land. That is why Koaupari's people were slaughtered."
- 1.19 Koaupari and his tribe Ngāti Awa were not associated with Ngāti Whatumamoā or Heipipi pā but rather with Ngāti Awa and Otatara pā. Koaupari himself is an ancestor of Ngāti Matepū.
- 1.20 This is supported by the statement of Hamana Tiakiwai in 1889: "Heipipi pā belonged to Whatumamoā and to his descendants.... Awanuiarangi owned Otatara pā. So did Turauwha. I mean the descendants of Awanuiarangi." Some traditions record Koaupari, the grandson of Awanuiarangi, as the builder of Otatara pā. Other traditions record Tūkapua I, a descendant of Koaupari, as having built Otatara pā and lived there himself.

#### TARA

Toi Kairakau  
|  
Rongoueroa  
|  
Whatonga = Hotuwaipara  
|  
TARA

- 1.21 Whatonga is reputed to have settled eventually at Nukutaurua on Mahia peninsula. He made his way down to Hawke's Bay where he built a house which he named Heretaunga. The district took the name as a result. Whatonga's first wife Hotuwaipara gave birth to a son TARA in the Te Awanga area. TARA later lived at Whangara on the coast above Gisborne. He had a favourite dog called Potaka who went missing after a

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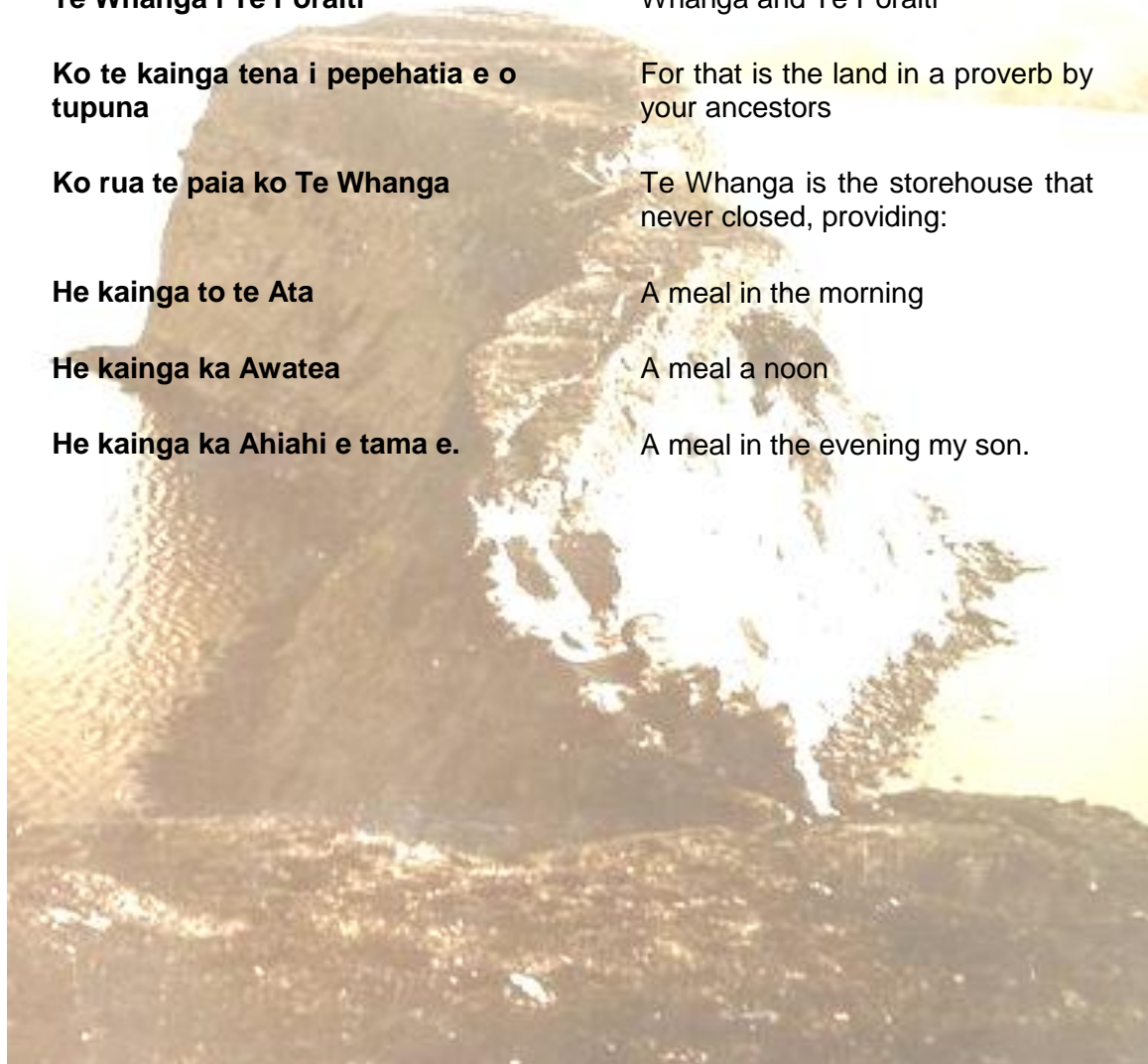
### 1: BACKGROUND

visiting party from Wellington left. TARA used a flute to whistle his dog and he set off down the coast whistling his dog in vain as he went. He beached his canoe at the outlet to Te Whanganui-ā-Orotu then remembered that he had left his flute at Wairoa. He clicked his tongue in annoyance, a sound known as “ketekete”.

1.22 An early outlet of Te Whanganui-ā-Orotu took the name KETEKETERAU as a result.

1.23 Refer to the final verse of the Oriori composed by the Ngāti Māhu ancestress Te Whatu:

<b>Ehara e tama ena</b>	No my son
<b>He Kaanga ahi kotahi</b>	This was the land where once the fire burned that united all
<b>Kia horo te haere nga taumata i Te Whanga i Te Poraiti</b>	Go quickly to the land that is Te Whanga and Te Poraiti
<b>Ko te kainga tena i pepehatia e o tupuna</b>	For that is the land in a proverb by your ancestors
<b>Ko rua te paia ko Te Whanga</b>	Te Whanga is the storehouse that never closed, providing:
<b>He kainga to te Ata</b>	A meal in the morning
<b>He kainga ka Awatea</b>	A meal a noon
<b>He kainga ka Ahiahi e tama e.</b>	A meal in the evening my son.



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### 1: BACKGROUND

#### TURAUWHA AND TARAIA



Tuhirangi Turauwha's Pa Alexander Turnbull Library

- 1.24 Turauwha was the primary chief of Ahuriri. He was descended from Pania, sharing whakapapa with Tunuiarangi. It was through his descent from Te Orotu and Whatumamoa that Turauwha and his people claimed the land in Ahuriri. Turauwha made the decision to evict Te Koaupari and his people from Otatara pā. At this time, another migration that had initially originated in Tūranganui arrived in the district. The leader was Taraia I, the son of Rakaihikuroa who in turn was the grandson of Kahungunu and Rongomaiwahine.
- 1.23 A number of connections existed between Turauwha and the migrants. Turauwha's paternal grandfather Rumakina, on the death of his father and remarriage of his mother, had been adopted by Kahukuranui (Kahungunu's son and Taraia I's grandfather) and was brought up in Tūranga. Rumakina grew up and had a son named Kearoa who also was brought up in Tūranga. As an adult, Kearoa was taken back to Ahuriri by Kahukuranui. He married Kuratawhiti, a descendant of Whatumamoa, and Turauwha was born.
- 1.24 Further genealogical connections existed. Taraia's nephew Te Rangituehu had come to Ahuriri and married Turauwha's daughter Rakaitekura. In addition, Taraia's son Te Rangitaumaha came to Ahuriri as well. He married Hineiao, the daughter of Rakaitekura and his cousin Te Rangituehu. Although some say this occurred after the arrival of Taraia, the descendants of Turauwha hold that Rangitaumaha had come south before Taraia and in fact was part of the reason that Taraia also came south.

## DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.25 Taraia left Wairoa for Aropawanui with his wife Hinepare and others and was joined by Ngāi Tamawahine, another branch of Ngāti Kahungunu. On the way, a battle took place at Te Puku o Te Wheki pā at Aropawanui. Victorious, Taraia and his party moved on to the Ngāti Whatumamoa pā of Heipipi at Pētane.
- 1.26 At the time of Taraia I's heke into Ahuriri and Heretaunga, the chief of Heipipi was Tunuiarangi, the legendary tohunga whose great, great grandmother was Pania, a direct descendant of Tangaroa. There are different accounts as to whether Tunui was alive or a spirit when Taraia and his party arrived. Tunuiarangi's powers on sea and land made his subjects feared and left them unmolested. To deal with these powers, Taraia adopted a plan to entice the people of the pā outside its walls. Taraia's warriors lay on the beach wearing black cloaks so that they appeared to be stranded blackfish. In some accounts, the people of the pā came out but could not be captured due to Tunuiarangi's incantations. In other accounts, although initially captured, they could not be held. At that point, Tunuiarangi was seen by Taraia in a karaka grove. Taraia asked him to approach and peace was made.
- 1.27 There are several different versions of the story of Otatara pā. Some say it was conquered by Taraia I and others say it was not. In 1888 and 1889 Wiramina Ngahuka contended that Turauwha welcomed Taraia I and that they attacked Ngāti Awa at Otatara pā together. Subsequently, by his various deeds, Taraia I gained mana south of the Ngaruroro River. Over successive generations, and through ongoing intermarriages, the rights of the descendants of Turauwha and Taraia became enmeshed. Eventually it was Hikawera II, son of Te Huhuti (eldest daughter of Hineiao and Rangitaumaha who married Te Whatuiāpiti), who went to live at Otatara pā.

### THE SEVEN HAPŪ OF AHURIRI

- 1.28 *Ngāti Māhu*: Ngāti Māhu trace back to the eponymous ancestor Māhu Tapoanui. They were known as Turauwha's descendants through his son Tumahuki. Ngāti Māhu interests are on the Tutaekuri River both upstream and downstream of the junction with the Mangaone River, as well as in and around Te Whanganui-ā-Orotu. From this locality their land interests extend westward to the Kaweka Ranges. Due to the sharing of whakapapa ties, Ngāti Māhu interests became closely intertwined with Ngāti Hinepare.
- 1.29 *Ngāti Tū*: the eponymous ancestor for Ngāti Tū is Tūkapua I, a descendant of the Ngāti Awa ancestor Koaupari who had come to Ahuriri. An important connection for this hapū is the marriage of Pania, Tūkapua's daughter, with Tikorua, the grandson of Kahungunu. Ngāti Tū, along with Ngāti Matepū and Ngāi Te Ruruku, to whom they are closely related, came to occupy territory bordering the northern end of Te Whanganui-ā-Orotu. Within this area, Ngāti Tū are more closely identified with the northern end of Whareponga Bay, over the Maporiki Ridge to the Waipatupatu Inlet and over College Hill into the Esk Valley.
- 1.30 *Ngāti Hinepare*: The eponymous ancestor of this hapū was the granddaughter of Rakaihikuroa (Kahungunu's grandson) and the wife of Taraia I. Subsequently, Hikateko, the son of Hineiao and Rangitaumaha was a key ancestor. The interests of Ngāti Hinepare extend over the Puketitiri district to the eastern slopes of the Kaweka Ranges, towards the headwaters of the Wharerangi Valley, down to the Tutaekuri River, and westward along both sides of the Mangaone River. Ngāti Hinepare also

## DEED OF SETTLEMENT

### 1: BACKGROUND

have interests in and around Te Whanganui-ā-Orotu. In later times their interests became closely intertwined with those of Ngāti Māhu and Ngāti Tāwhao.

- 1.31 *Ngāti Matepū*: The key ancestors of Ngāti Matepū, Te Atawhaki and Te Putanga-Ō-Te Rangi, were descendants of Kahutapere II of Ngāti Kahungunu and his wife Hineterangi of Ngāti Awa. Kahutapere II accompanied Taraia's expedition. The hapū was initially known as Ngāti Hineterangi but adopted the name Ngāti Matepū during the early nineteenth century following their defeat at island pā including Te Iho o Te Rei. Ngāti Matepū interests extend to the head of the Wairoaiti and Whareponga Valleys at the northern end of Te Whanganui-ā-Orotu, and also probably the Lucky Hill Basin adjoining the Wairoaiti Valley.
- 1.32 *Ngāti Tāwhao*: This hapū is named after the eponymous ancestor Tāwhao, one of three brothers, chiefs of Ngāti Tamawahine who accompanied Taraia I on his expedition south. Ngāti Tāwhao became specifically associated with Puketitiri and land inland from Te Ranga a Tāwhao, a pou marker situated on the Mohaka River near the confluence with the Mangatutu Stream. Ngāti Tāwhao have interests in and around Te Whanganui-ā-Orotu, as well as interests extending over the land west of Te Whanganui-ā-Orotu up into the area behind Puketitiri.
- 1.33 *Ngāti Paarau*: Ngāti Paarau are the descendants of Hikawera II (the son of Te Huhuti and Whatuiapiti) through his two sons, Tuku a Rangi (from his marriage to Te Uiraiwaho) and Te Kereru (from his marriage to Te Rangimokai). It is said that Hikawera II inherited extensive land interests through the tuku whenua of Rangitaumaha. Ngāti Paarau have interests in and around Te Whanganui-ā-Orotu.
- 1.34 *Ngāti Te Ruruku*: Ngāti Te Ruruku are the descendants of Wharerakau and Te Hiku, who were descendants of the eponymous ancestor Te Ruruku. Te Ruruku was active in the late eighteenth century. Born at Wairoa, he was given certain lands between Arapawanui and Te Whanganui-ā-Orotu by Marangatūhetaua, the chief of Ngāti Tū, in return for military services. Ngāti Te Ruruku have interests at the northern end of Te Whanganui-ā-Orotu, which are intermingled with those of Ngāti Matepū and Ngāti Tū.

### EXTERNAL CHALLENGES

- 1.35 From the early 1800s to the 1830s, parties of armed Māori from other parts of the North Island launched raids and attacks on the Ahuriri and Heretaunga districts. Battles took place at sites such as Puketapu, and on islands in Te Whanganui-ā-Orotu including Te Pakake, Parapara and Te Iho o Te Rei.
- 1.36 Fearing continuing incursions, from about 1822 many Ahuriri Māori went to live at Nukutaurua on the Mahia Peninsula. Ngāti Hinepare and Ngāti Matepū remained at Te Pakake pā under Hauwaho. In 1824 a large enemy force besieged the pā. The defenders were eventually defeated with a great many killed and numerous prisoners taken.
- 1.37 As outside parties sought to occupy land at Ahuriri, Māori from Ahuriri and other parts of Hawke's Bay who were living at Nukutaurua sent war parties south with some successes. In the early 1830s a party travelled to Heretaunga from Nukutaurua and successfully expelled the invaders. One of the expelled groups later visited

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### 1: BACKGROUND

Heretaunga and confirmed a peace arrangement through the exchange of gifts and a peace-making marriage.

- 1.38 From the late 1830s those who had taken refuge at Nukutaurua began to return to Ahuriri and Heretaunga, although the return from exile was not completed until the early 1840s.

#### TE KĀKANO PRINCIPLES

- 1.39 For Ahuriri Hapū, Tāngata (people) and Papatūānuku (land and resources) are the priority focus in the planning of any development.
- 1.40 Tikanga are the values that must be applied.
- 1.41 Kawa is the process that must be applied.

#### TĀNGATA (PEOPLE)

- 1.42 In the evolution of mankind, according to Māori and at the creation of Hineahuone (the first human being) the value and priority of people survived in this proverb:

*“Me ka ui mai koe he aha te mea nui o te ao, māku e kii atu ki a koe, He tāngata, He tāngata, He tāngata.”* “If one should ask what is the most important thing in this world you would respond, it is people, it is people, it is people.”

#### PAPATŪĀNUKU (OUR EARTH MOTHER (LAND AND RESOURCES))

- 1.43 In the evolution of mankind, according to Māori, Hineahuone (the first human being) was created from the clay (te oneone o Papatūānuku) and from the breath of Tāne (our first hongī).
- 1.44 The special relationship to Papatūānuku is based upon –
- 1.44.1 humanity was created from Papatūānuku - our whāea, our earth mother; and
  - 1.44.2 during our lifetime we are responsible for her care and development; and
  - 1.44.3 Papatūānuku in turn acknowledges her responsibility to nourish and nurture us during our lifetime; and
  - 1.44.4 at death Papatūānuku assumes her final role to care for our “kōiwi” body for eternity – “te oneone ki te oneone” – dust to dust.

#### TIKANGA (VALUES)

- 1.45 The core element of our tikanga is the spiritual significance of “tapu” and the need to acknowledge and value that “tapu” through the practice of “respect”.



## DEED OF SETTLEMENT

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### 1: BACKGROUND

1.46 As part of the creation of mankind, according to Māori, at the moment a mother conceives our creator implants his Wairua (spirit) in the womb of the mother. The baby and womb of the mother become “tapu”. This enactment is captured and has survived in two proverbs (whakatauaiki) –

1.46.1 *Te whare tapu o te tangata* (the sacred birth place of generations); and

1.46.2 *Te tapu o te tangata* (the sanctity of people).

### KAWA (PROTOCOL)

1.47 Kawa is an everyday practice agreed to by people and groups sharing values, aspirations, and beliefs in the development of Tāngata or Papatūānuku.

### NEGOTIATIONS

1.48 Ahuriri Hapū gave Mana Ahuriri Incorporated a mandate to negotiate a deed of settlement with the Crown by way of a postal vote, during June 2009 in which 98.8% of registered adult members accepted the mandate proposal.

1.49 The Crown recognised the mandate on 29 January 2010.

1.50 Mana Ahuriri Incorporated and the Crown –

1.50.1 by terms of negotiation dated 22 June 2010, agreed the scope, objectives, and general procedures for the negotiations; and

1.50.2 by agreement dated 19 December 2013, agreed, in principle, that Ahuriri Hapū and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and

1.50.3 since the agreement in principle, have –

(a) had extensive negotiations conducted in good faith; and

(b) negotiated and initialled a deed of settlement.

### RATIFICATION AND APPROVALS

1.51 Ahuriri Hapū have, since the initialling of the deed of settlement, by a majority of –

1.51.1 76%, ratified this deed and approved its signing on their behalf by the governance entity; and

1.51.2 71%, approved the governance entity receiving the redress.

1.52 Each majority referred to in clause 1.53 is of valid votes cast in a ballot by eligible members of Ahuriri Hapū.

## DEED OF SETTLEMENT

### 1: BACKGROUND

1.53 The governance entity approved entering into, and complying with, this deed by resolution of trustees dated 28 October 2016.

1.54 The Crown is satisfied –

1.54.1 with the ratification and approvals of Ahuriri Hapū referred to in clause 1.53; and

1.54.2 with the governance entity's approval referred to in clause 1.55; and

1.54.3 the governance entity is appropriate to receive the redress.

### AGREEMENT

1.55 Therefore, the parties –

1.55.1 in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and

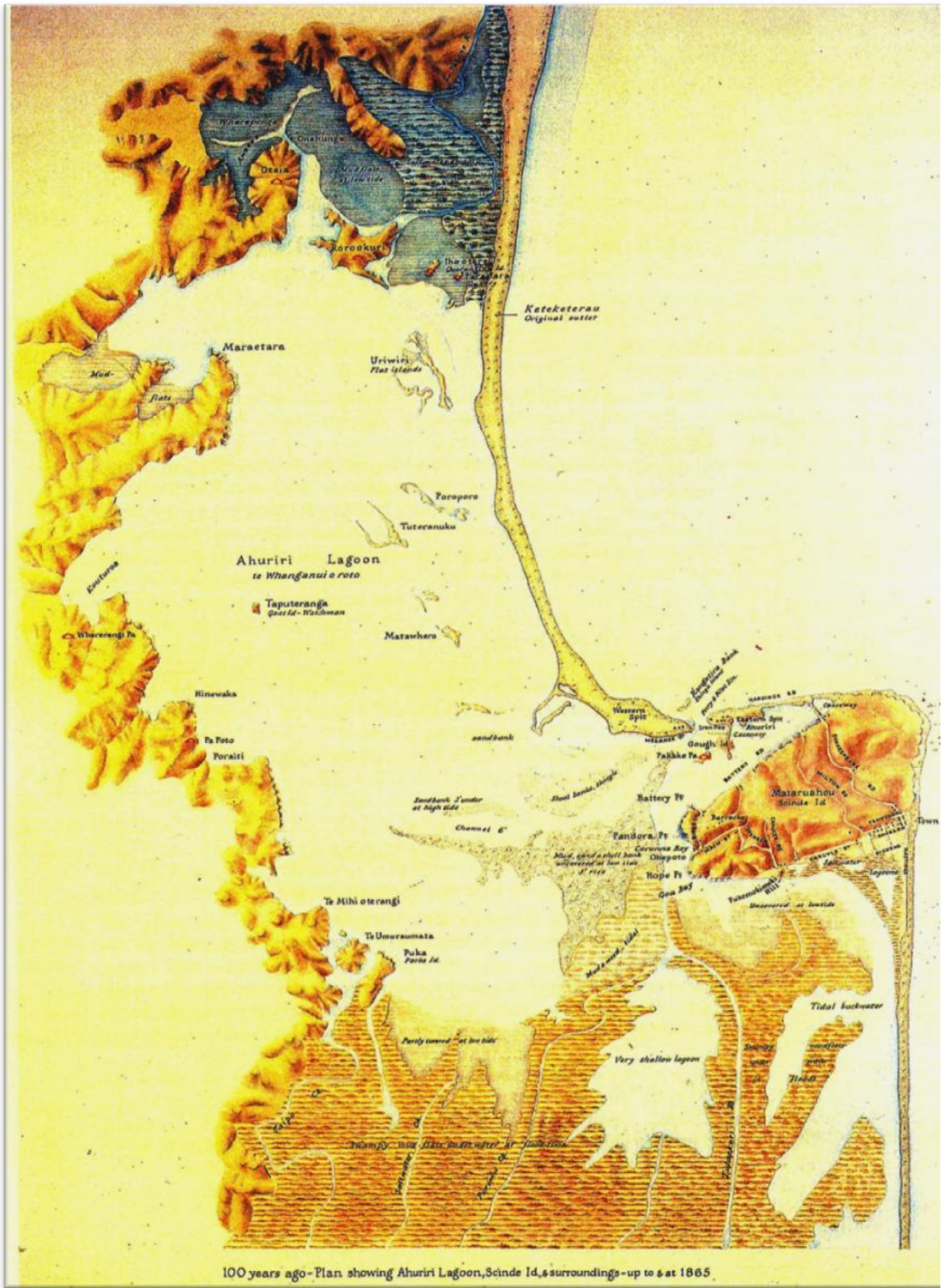
1.55.2 agree and acknowledge as provided in this deed.



Ahuriri Hapū Agreement in principle signing 2013



2 HISTORICAL ACCOUNT



100 years ago - Plan showing Ahuriri Lagoon, Scinde Id., & surroundings - up to & at 1865

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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- 2.1 This historical account describes the relationship between the Crown and Ahuriri Hapū since 1840 to provide context for the Crown's acknowledgements and apology to Ahuriri Hapū in part 3.

**THE IMPORTANCE OF TE WHANGANUI-Ā-OROTU**

- 2.2 The material in clauses 2.3 to 2.6 is based on the oral traditions of Ahuriri Hapū.
- 2.3 Ahuriri Hapū have long maintained ahi kā roa in Ahuriri. Te Whanganui-ā-Orotu is a place of great significance to Ahuriri Hapū. It is central to their existence and identity. It is named after the ancestor Te Orotu, who was a descendant of the great explorer ancestor Māhu Tapoanui. Māhu Tapoanui is considered the very beginning of the Ahuriri people. Te Orotu's son, Whatumamoa, gave his name to Ngāti Whatumamoa, one of the earliest tribal groups that settled the Ahuriri district. The following whakapapa shows the descent line from Māhu Tapoanui to Whatumamoa:

Māhu Tapoanui  
|  
Hanui  
|  
Haroa  
|  
Hapouri  
|  
Hapotango  
|  
Hapokere  
|  
Hamaitawhiti  
|  
TE OROTU  
|  
Whatumamoa

- 2.4 Ahuriri Hapū also refer to te oriori of Te Tahatu ō te Rangi as an illustration of the connections between Te Orotu, Whatumamoa, and Hawke's Bay:

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

**Kia noho ai tāua he kāinga ā tō tipuna a Whatumamoa** That we should dwell in the home of your ancestor of Whatumamoa

**I Heretaunga waiho e Te Orotu waiho ki a Whatumamoa** In Heretaunga abandoned by Te Orotu left to Whatumamoa

**Nōna te kiri pango e mau ia tāua nei** From whom comes the dark skin we inherit today.

- 2.5 For Ahuriri Hapū, Te Whanganui-ā-Orotu has always held an elevated status, with its own mauri, wairua and spirituality. The pepeha of Tamatea Pōkai Whenua expresses the importance of Te Whanganui-ā-Orotu as a mahinga kai:

**Te kāroro tangi tararau mai i runga o Tapu te Ranga** The seagulls continue their screeching cries above Tapu te Ranga

**Te pātiki tahanui o Otiere e** The thick sided flounders of Otiere

**Te pāua pātōtō mai i runga o Tāhinga** The pāua knocking on the rocks of Tahinga

**Te pūpū tangi mai i runga o Matakārohirohi e** The periwinkles crying at Matakārohirohi

**Te kiore pekenui o Rimariki** The high jumping rats of Rimariki

**Te aruhe maomaonanui o Pukekohu e.** The fernroots of Pukekohu in need of a lot of cooking.

- 2.6 The importance of Te Whanganui-ā-Orotu as a mahinga kai is further illustrated by the oriori of the Ngāti Māhu ancestress Te Whatu, composed prior to 1840:

**Kia horo te haere nga taumata i Te Whanga i Te Poraiti** Go quickly to the land that is Te Whanga and Te Poraiti

**Ko te kainga tena i pepehatia e o tupuna** For that is the land in a proverb by your ancestors

**Ko rua te paia ko Te Whanga** Te Whanga is the storehouse that never closed, providing:

**He kainga to te Ata** A meal in the morning

**He kainga ka Awatea** A meal a noon

**He kainga ka Ahiahi e tama e.** A meal in the evening my son.

## **DEED OF SETTLEMENT**

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### **2: HISTORICAL ACCOUNT**

#### **AHURIRI HAPŪ IN THE 1840s**

- 2.7 From the late 1830s onwards Ahuriri Māori had increasing contact with Europeans engaged in commercial activities such as whaling and trading. By 1850 Pākehā settlers were living all the way along the Hawke's Bay coast, some of them on pastoral runs. Christian missionaries also established stations in the Ahuriri district. In 1844 the Church Missionary Society built a Church of England mission at Waitangi, near Te Awapuni, and the rangatira Kurupō Te Moananui and Tāreha were baptised by the missionary in 1848. A Catholic mission was established at Pakowhai, near present-day Hastings, in 1851.
- 2.8 In May 1840 Te Tore of Ngāti Matepū signed Te Tiriti o Waitangi/the Treaty of Waitangi at Uawa, on the East Coast. The Crown did not bring Te Tiriti/the Treaty to Ahuriri in 1840, and other Ahuriri Hapū rangatira did not have the opportunity to sign it. Ahuriri Hapū state, however, that their rangatira subsequently identified with those that did sign.
- 2.9 By the late 1840s Ahuriri Hapū lived at settlements around Te Whanganui-ā-Orotu and the surrounding area, including pā and kāinga at Te Poraiti, Wharerangi, Awatoto, Waitanoa, Kapemaihi and Pētane.

#### **THE AHURIRI PURCHASE (1851)**

- 2.10 During the 1840s Tāreha and other Ahuriri rangatira began to consider the advantages that might arise from the promotion of Pākehā settlement in the Ahuriri district. Ahuriri Hapū state that these rangatira contemplated advantages in terms of security, having experienced several decades of inter-tribal warfare, as well as economic advantages. They offered land to the Crown for Pākehā settlement on several occasions. By late 1848 the Crown was interested in acquiring land in the Hawke's Bay and engaged the local missionary to discuss with Māori the prospect of selling land to the Crown. The Crown was keen to purchase land for Pākehā settlement rather than allow Māori to lease land to settlers, and also to purchase large amounts of land from Māori before settler demand encouraged Māori to seek higher prices. In 1849, Tāreha, on behalf of himself and eight other rangatira, wrote and asked the Governor to "approve of this our request for White people for this our land and let them be men of high principle or Gentlemen no people of the lower order - let them be good people - let them be the Colony of Missionaries who [we] have heard are coming out." In September 1849, the Crown ordered Land Purchase Officer Donald McLean to open negotiations for the purchase of lands in the Hawke's Bay.
- 2.11 McLean arrived in Hawke's Bay in December 1850. On 20 December he held a hui, attended by 400-500 Māori, on the spit that separated Te Whanganui-ā-Orotu from the sea. Those present unanimously supported a proposal to offer land at Ahuriri to the Crown. Tāreha told McLean: "Welcome, welcome to your land; the water is ours, the land you see before you is yours." The water Tāreha was referring to was Te Whanganui-ā-Orotu. By April 1851 the Crown had surveyed the Ahuriri block (later estimated to contain approximately 265,000 acres), and McLean was instructed to ascertain the lowest price Māori would accept for the block. On 22 April 1851 McLean recorded in his diary that Māori were anxious to settle the price for the Ahuriri block. The following day he noted: "Tareha's wife died last night; which will more fully determine the natives to sell their land at a moderate price."

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

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- 2.12 On 2 May 1851, a large hui was held at Te Awapuni to discuss the price of the Ahuriri block. Ahuriri Māori asked for £4,500. McLean told the hui that he could not accept the “enormous” price named. He stated that the land was “very poor”, and that Ahuriri Māori had not agreed to include two pieces of land he had repeatedly asked for: the island of Mataruahou, and the western spit of land between Te Whanganui-ā-Orotu and the sea known as Te Taha. Tāreha then agreed to include Mataruahou and Te Taha in the purchase block and asked that the Crown pay £4,000, which he described as “a small sum for our large land.” McLean recorded in his diary that he “felt, although my instructions restrict me from fixing the terms of payment... that it was best to name a sum at once.” McLean made a counter-offer of £1,500 and got up to leave the hui after this met with protest. In response, the rangatira agreed to sell for the price he had named.
- 2.13 The Crown led Ahuriri Māori to believe that they would derive considerable benefits from selling their land to the Crown in order to persuade them to accept low prices. On the day of the hui Tāreha and other rangatira wrote to the Governor asking for the development of a town and the arrival of Pākehā settlers. The rangatira stated: “do not delay and hesitate to send some Pākehā for our properties as this was the basis of our agreement in accordance to our lands.... Give us a Pākehā for our village (settlement) so that the payments met will be great.” McLean left Ahuriri the following day, leaving the Crown surveyor behind to complete his work. On 25 July 1851 the surveyor wrote to McLean and suggested that the Crown increase its offer to £2,000, on the basis of his having seen more of the Ahuriri block. The Crown did not increase its offer in light of this information. However, after completing the purchase McLean would highlight the advantages that the acquisition of the Ahuriri block had secured to the Crown through the provision of a harbour and land for a new town.
- 2.14 On 7 November 1851 McLean returned to Ahuriri after concluding business elsewhere and worked with Māori to finalise the details of the Ahuriri transaction from 11 November. On 17 November 1851 Tāreha and 299 others signed a deed of sale conveying the Ahuriri block to the Crown for £1,500. The purchase price amounted to a little over one penny per acre, and was less than a third of the amount the Crown had recently agreed to pay for a block of similar area to the south of Ahuriri. McLean told the hui that he hoped the Ahuriri deed would unite Ahuriri Māori with “a stronger power, that would, under the mild dispensations of our laws, befriend and protect them.” Ahuriri Hapū tradition records that those who signed envisaged that the deed would create an ongoing partnership between Ahuriri Māori and the Crown, and form the basis of a future of mutual benefit.
- 2.15 Some of the land around Te Whanganui-ā-Orotu was reserved from the transaction. The deed of sale described Te Whanganui-ā-Orotu as one of the boundaries of the purchase. The plan attached to the deed shaded Te Whanganui-ā-Orotu and included it within a dark red line that marked the boundary of the purchase. McLean wrote in his diary that he showed this plan as he read the deed before it was signed.
- 2.16 Dredging and reclamation work in parts of Te Whanganui-ā-Orotu began in the early 1860s. In 1861 Tāreha told a Crown official that all land reclaimed from Te Whanganui-ā-Orotu belonged to him because he had only sold the land as far as the high-water mark in 1851. The official, however, argued that the reclaimed land belonged to the Crown. This did not stop later protests and assertions by Ahuriri Māori that Te Whanganui-ā-Orotu had not been included in the 1851 purchase.

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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***Ahuriri purchase reserves***

- 2.17 Altogether, the reserves from the Ahuriri block totalled less than one percent of the purchased area. The Ahuriri deed identified three principal reserves for Ahuriri Māori: the island Te Roro o Kuri (70 acres), Wharerangi, on the western shore of Te Whanganui-ā-Orotu (1,845 acres), and 500 acres of the Puketitiri bush with an added “right to snare birds throughout the whole of the forest of Puketitiri.” The Ahuriri deed also provided for several smaller reserves. One was to be at Pukemokimoki (part of Mataruahou), and another on the island Te Pakake, which was an urupā. The latter was to be at reserved only “during such time as it remains unoccupied by the Europeans.” Finally, the deed stated that the Governor would set aside portions of the new town as landing places for waka. Ahuriri Māori later stated that McLean also agreed to a reserve on the right bank of the Waohinganga River named Kaiarero, where they gathered raupō for thatching. However, no reserve at Kaiarero was provided for in the Ahuriri deed.
- 2.18 Tāreha and other Ahuriri rangatira feared that they might later be deprived of their rights to fish and collect shellfish, and sought reserves for this purpose on both sides of Te Whanganui-ā-Orotu, including on Mataruahou. McLean declined requests for reserves on Mataruahou to support the collection of kaimoana and fishing in adjacent waters because they would interfere with the laying out of a town. Instead he reassured Ahuriri Māori that they would continue to enjoy their fishing rights. The English translation of the Ahuriri deed stated that Māori would have “an equal right with Europeans to the fish cockles muscles [sic] and other productions of the sea”. McLean also obtained a town section on the western spit for Tāreha in lieu of reserves on Mataruahou, though this arrangement was not recorded in the Ahuriri deed.
- 2.19 The Crown did not establish any mechanism to ensure the reserves would always remain in Māori ownership. Pukemokimoki and the urupā at Te Pakake had both been absorbed into urban Napier by the mid 1870s. The Crown set aside a half-acre site on the western spit for landing waka, which later became part of a public reserve.
- 2.20 The Crown did not survey the 500 acres reserved at Puketitiri in 1851 or later in the nineteenth century, and confusion subsequently arose about its size, extent and status. A witness told an 1875 inquiry into the Ahuriri purchase that in 1851 the Crown had initially offered Ahuriri Māori a reserve of 100 acres at Puketitiri, and that they had been informed that this was the same size of Te Whanganui-a-Orotu (which was actually approximately 9,500 acres in area). In 1860 some Ahuriri Māori prevented Crown officials from surveying the Puketitiri reserve and claimed most of the Puketitiri bush area and adjacent pastoral land.
- 2.21 In 1867 an official report to the Native Secretary stated, in error, that Māori had sold Puketitiri to the Crown. From this point the Crown treated Puketitiri as Crown land. Between 1886 and 1890 it partitioned and sold much of the land surrounding the Puketitiri bush, but it did not make any use of the area it agreed to reserve in 1851 until it established a 508-acre timber reserve there in 1906.
- 2.22 Ahuriri Māori petitioned Parliament in 1903 and 1920 requesting the return of Puketitiri to its original owners. In 1920 a Native Land Claims Commission concluded that the Crown had not purchased the reserve and suggested that it return 500 acres to Māori. Parliament gave effect to the Commission’s recommendation by passing legislation that reclassified 508 acres of the Puketitiri bush as Māori customary land. In 1922 the Native



## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

Land Court awarded the Puketitiri block of 508 acres to 127 owners. In 1926 a meeting of the assembled owners agreed to sell the Puketitiri block to the Crown for £17,815. Ahuriri Hapū state that the owners agreed to sell because multiple ownership and the alienation of surrounding lands meant that it would not be economically viable to use or develop the block. The Crown waived all survey charges and, later the same year, proclaimed Puketitiri a state forest.

- 2.23 In addition to the Crown purchase of Puketitiri, private parties purchased Te Roro o Kuri in 1870 and most of Wharerangi during the period 1911-1930. Out of all the Ahuriri purchase reserves, only a small portion of the Wharerangi reserve remained in Ahuriri Hapū ownership by 1930.

#### **FURTHER CROWN PURCHASES (1854-1860)**

- 2.24 By mid 1852 only about 50 Pākehā resided at Port Ahuriri (the site of the future town of Napier) and a town had not yet been laid out. In July 1852 Pāora Torotoro wrote to the Governor asking him to “please let us know when we can expect some Pākehā settlers for our lands. We have been waiting patiently but none have arrived.” Pākehā settlement in the Ahuriri district grew significantly after the town plan was laid out in 1855, and about 1,200 Pākehā were living there by 1858.
- 2.25 From 1854 the Crown resumed negotiations to purchase land in Hawke’s Bay. It sought to purchase land from Ahuriri Hapū and other iwi and hapū in the Heretaunga region to the south of Ahuriri, some of whom had close ties with Tāreha, Te Moananui and their Ahuriri Hapū. Aspects of the Crown’s purchasing practices differed from the practices followed in 1851. The Crown often dealt exclusively with a small number of rangatira, sometimes in Auckland or Wellington, rather than holding large open hui like those that preceded the Ahuriri purchase. In 1854 the Crown signed a purchase deed for the approximately 16,000-acre Ōkawa block, located across the Tūtaekurī River from the Ahuriri block, without having completed a survey. In 1855 and 1856 the Crown paid cash advances to individual Māori for some lands in Ahuriri and Heretaunga ahead of deed signings.
- 2.26 In 1855 and 1856 the Crown completed five land purchases involving rangatira of Ahuriri Hapū. The Crown purchased land at Tūtaekurī (approximately 1,000 acres) and Mataruahou (approximately 650 acres) from Tāreha and two others. Both blocks consisted primarily of swamp, but extended the land available to the fledgling town of Napier. The Crown acquired another small block named Waipureku (approximately 200 acres) for the establishment of a town at Clive. The purchases of the Matau-a-Maui (approximately 29,000 acres) and Te Mata (approximately 16,000 acres) blocks involved land between Ahuriri and Cape Kidnappers.

#### ***Conflict over land sales in 1857***

- 2.27 By 1855 the Crown’s approach to land purchasing south of the Ahuriri block was contributing to tensions among Hawke’s Bay Māori, including Ahuriri Hapū. The Crown was aware of these tensions but continued negotiations to purchase land from a southern rangatira and his close associates against the objections of Tāreha, Te Moananui and others to his authority to sell the land. In 1855 McLean, as Chief Commissioner of the Land Purchase Department, told the Hawke’s Bay District Commissioner that the Governor had instructed him not to enter into purchase

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

negotiations over land where customary ownership was in dispute. However, in March 1856 McLean scolded the District Commissioner for failing to make more progress in land purchase negotiations. The District Commissioner responded that he had been working to “prevent a Native war at Ahuriri.” In May 1856 a Pākehā resident of Ahuriri informed McLean that Hawke’s Bay Māori were fortifying pā in preparation for conflict. In November 1856 the District Commissioner expressed the view that “internal jealousies” among Hawke’s Bay rangatira were “leading them to extend the sale of their lands,” and told McLean “there is reason to hope for further and extensive acquisitions being speedily made to the Waste Lands of the Crown in the Ahuriri district.”

- 2.28 Anxiety over land issues continued to grow. Kaumātua of Ahuriri Hapū know of instances from this time where tōhunga used powerful traditional practices in order to try and bring a halt to continued land alienation. In March 1857 the Māori groups in dispute wrote to McLean asking him to come to Hawke's Bay to discuss matters. McLean did not come to Hawke’s Bay at this time, and the District Commissioner continued to conduct land purchase negotiations and completed a purchase deed for a Heretaunga land block that had been a source of dispute between the parties. In June 1857 the Native Minister instructed McLean to go to Ahuriri. A missionary later recorded that after arriving McLean privately admitted that the Crown was at fault for the development of the tense state of affairs. In July 1857 McLean arranged a Crown payment of compensation to 16 representatives of hapū in the Ahuriri and Heretaunga districts, including Tāreha and Pāora Kaiwhata, for their claims to the Aorangi, Ōtaranga and Maraekākaho blocks the Crown had purchased without reference to them or their hapū.
- 2.29 In August 1857 tensions over land sales erupted into inter-hapū fighting. Seven Māori were killed and 20 wounded during conflict at Pakiaka Bush on 18 August 1857. A further seven Māori were killed and 19 wounded during engagements on 14 October and 9 December 1857. Fighting ceased in March 1858 and in September 1858 the Ahuriri rangatira Tāreha, Pāora Kaiwhata and Pāora Torotoro joined eight other rangatira in advising the Governor that the parties had made peace.
- 2.30 Ahuriri Hapū 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 them and some of their closely-related southern whanaunga. Ahuriri Hapū consider that Crown purchasing tactics caused a rift between the two kinship groups that persisted into the twentieth century. However, as a result of the efforts of Ahuriri Hapū and their southern whanaunga, they now work together on key regional political, social and economic issues.
- 2.31 In 1859 some Ahuriri Māori participated in the establishment of Rūnanga (councils) to manage their affairs. These Rūnanga opposed further land sales, but agreed that sales already under negotiation could be completed.
- 2.32 In 1861 growing Crown concern about Māori opposition to land sales led to the suspension of Crown land purchasing operations in Hawke's Bay and other districts.

#### AHURIRI MĀORI IN THE EARLY 1860s

- 2.33 In the early 1860s Māori communities in Ahuriri were developing their economic base. Some Ahuriri Māori were “taking lucrative contracts upon the roads, chiefly for quarrying and laying down metal” and many were buying horses, bullocks, drays and carts.

## DEED OF SETTLEMENT

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### 2: HISTORICAL ACCOUNT

Rūnanga acted to manage community life. In July 1861 Pāora Kaiwhata told the Hawke's Bay Superintendant that he and his people were neutral in respect of the conflicts between the Crown and Māori in other districts, and requested that the Government supply a threshing machine to process the great quantity of wheat grown at Pawhakairo, Ōmarunui and Omāhu. In August 1862 the Crown supplied Ahuriri Māori with milling machinery and a millwright, and in July 1863 hundreds of Māori and Pākehā celebrated the opening of a flour mill at Pawhakairo.



Pa Whakairo Waiohiki July 1863. Celebrations at the opening of the flour mill.

- 2.34 As more Pākehā settlers arrived in the Ahuriri district settler stock increasingly strayed onto Māori land. In 1861 Tāreha and other rangatira wrote to the Provincial Council stating they were willing to make their lands available for grazing so long as they received payment for the grass. However, the Native Land Purchase Ordinance 1846 imposed legal penalties on individuals who dealt directly with Māori over land held under customary title. In order to encourage Māori to sell land rather than lease it, in 1860 the Hawke's Bay Provincial Superintendant had given notice that the Provincial Government would enforce the Ordinance. The rangatira protested the effect of the Ordinance and stated that they sought to work with the Provincial Government to “arrange a law that would be satisfactory to all parties.” They proposed that the Crown issue Māori with Crown titles for their lands.
- 2.35 Ahuriri Māori communities faced difficulties maintaining consistent cash flows and requested higher wages for labour on Pākehā farms. Settlers complained about this request and about Māori debts to storekeepers. Further tensions arose in 1862 when Ahuriri Māori complained on several occasions of Pākehā taking pigs owned by Māori communities.

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

#### THE CROWN ATTACKS AT ŌMARUNUI AND HEREPOHO, 1866

- 2.36 Wars between the Crown and Māori in Taranaki and the Waikato during the early 1860s did not directly lead to conflict in Hawke's Bay, but they contributed to tensions that led to warfare later in the decade. In general Ahuriri Hapū did not fight against the Crown during the conflicts of the 1860s. Some members of Ahuriri Hapū sought to protect their lands and other interests by participating as allies of the Crown in 1866 and 1868. Others did not participate at all.
- 2.37 In 1862 the Taranaki prophet Te Ua Haumene founded the Pai Mārire (Good and Peaceful) religion. Pai Mārire promised the achievement of Māori autonomy. From the mid-1860s the rise of Pai Mārire contributed to tensions developing in Hawke's Bay from military activity in neighbouring areas.
- 2.38 In September 1866 an armed party of about one hundred Pai Mārire adherents, most of whom belonged to other iwi and hapū, came to the Ngāti Matepū kāinga at Pētane. They told a Crown official they had come to Hawke's Bay in response to an invitation from Donald McLean. On 4 October most of those at Pētane moved to Ōmarunui. On 5 October McLean, the senior Crown official in Hawke's Bay, wrote to their leaders at Ōmarunui to ask them to explain their intentions. Some Ahuriri rangatira had been negotiating with the Pai Marire party to achieve a peaceful resolution to the crisis. In subsequent correspondence the leaders indicated that they were expecting to meet McLean in light of his invitation to come to Hawke's Bay. On 8 October 1866 McLean decided those at Ōmarunui were a threat to the security of the Napier region and ordered Crown military forces to begin preparations to neutralize the threat he perceived.
- 2.39 On 9 October 1866 rangatira allied to the Crown wrote to McLean stating that they had decided to fix a day to attack the Pai Marire party. McLean replied that they should be patient and that he would write to them when the proper time came to carry out their proposal.
- 2.40 On 12 October 1866, after the expiry of an ultimatum drafted by McLean which demanded that those inside Ōmarunui surrender within one hour or face attack, Crown forces attacked the pā at and inflicted a number of casualties on its occupants. On the same day Crown forces inflicted further casualties when they intercepted and surrounded, and then subsequently attacked another group at Herepoho, near Pētane.
- 2.41 The Crown captured 86 prisoners after its attacks at Ōmarunui and Herepoho. The prisoners included nine individuals, including one woman, from Ngāti Matepū, and one individual from Ngāti Māhu. The Crown sent most of the prisoners to the Chatham Islands, where they were detained without trial in harsh conditions for nearly two years.

#### THE NATIVE LAND LAWS AND THE EFFECTS OF THE 10-OWNER RULE

- 2.42 Parliament established the Native Land Court under the Native Lands Acts 1862 and 1865 to determine the owners of Māori land "according to native custom" and to convert Māori customary title into title derived from the Crown. Through these laws the Crown also set aside its pre-emptive right of purchase, allowing Māori owners to lease and sell their lands to private parties or to the Crown once title had been awarded. Amongst other things, the Crown intended these Acts to facilitate the opening up of Māori

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

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customary lands for Pākehā settlement. Māori were not represented in Parliament when this legislation was introduced, and Ahuriri Māori were not consulted about these Acts.

- 2.43 Any Māori individual could initiate a Native Land Court title investigation by submitting an application to the Court. When the Court decided to hear an application, all of those with customary interests had to participate in the hearing if they wished to be included in the Court's order regardless of whether or not they wanted a Crown title.
- 2.44 Customary tenure was complex and facilitated multiple forms of land-use through shared relationships with the land. The native land laws required those rights to be fixed within a surveyed boundary and did not necessarily include all those with customary interests in the land. The titles available under the native land legislation were awarded to individuals rather than hapū and iwi. The Crown expected that this change would eventually lead Māori to abandon the tribal and communal structures of traditional land holdings.
- 2.45 The Native Land Court first sat in Hawke's Bay in early 1866. The Native Lands Act 1865 provided for titles to Māori land blocks to be granted to a maximum of 10 individual "owners" (the "10-owner rule"). At the Court's first hearing in Napier, the Judge explained that the Crown grant vested title "absolutely and exclusively in the persons named in the grant." However, Ahuriri Māori often nominated particular individuals to be grantees during Native Land Court title investigations on the understanding that the grantees would be representatives for the wider community of individuals with customary interests in the land and not individual owners in their own right. In 1891 Pāora Kaiwhata recalled that at the first hearings: "The Judges told us to go outside and choose ten men for each block of land, and that the ten would act for the people." In 1869, a leading Hawke's Bay rangatira told Parliament that judges at the second Napier session in 1866 had stated that land could not be alienated without the consent of all individuals named in the Crown grant.
- 2.46 The Act, however, did not require grantees who sold, leased or mortgaged land in a block to obtain the consent of the other grantees, or the other individuals with customary interests whose names were not included on the title. The "strict law," as a Native Land Court judge noted in 1871, deemed the grantees to be "absolute owners." Land granted under this system was therefore available as an asset of the individual grantees and could be used for the recovery of debt.

#### ***Impacts of the operation of the 10-owner rule***

- 2.47 The introduction of the Court and the new title system gave Hawke's Bay settlers the opportunity to formalise existing leases over Māori land and to seek to purchase land directly from grantees. By 1868, Hawke's Bay Māori, including Ahuriri Māori, were receiving annual rents estimated at almost £20,000 and were participating in the Hawke's Bay economy. By 1870, the Commissioner of Native Reserves estimated that Pākehā shopkeepers and other creditors had extended more than £30,000 in credit to rangatira in Hawke's Bay. As early as 1867 a Crown official in Napier reported that rangatira were under pressure to pay debt, and that Māori land in Hawke's Bay was being alienated at a "great rate". The native land laws did not prevent some settlers using practices such as extending credit to grantees and subsequently acquiring Māori land after securing debt against titles with mortgages. These practices caused considerable public controversy in Hawke's Bay. In 1869 a local interpreter told the

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Native Minister that one shopkeeper involved in dealings in several Ahuriri land blocks used “the deceptive cloak of mortgage... with a view indirectly to disinherit the natives of their possessions, and also to deprive them of the yearly rents which they have heretofore been in the habit of receiving.

- 2.48 Between 1866 and 1870, about 51,000 acres of approximately 54,000 acres awarded to Ahuriri Hapū individuals under the 10-owner rule passed out of Māori ownership. Today, the land lost during this period is productive land used for farming and horticulture. Pākehā who observed Hawke’s Bay land dealings, including some Crown officials, expressed doubt that grantees fully understood the legal implications of the mortgages, leases and sales they agreed to, and noted that in some cases grantees were given inadequate information. In 1872, the Hawke’s Bay Trust Commissioner, a Crown official appointed to prevent fraudulent transactions involving Māori land, acknowledged the difficulties Māori faced in dealing with “the technical incidents and refinements of European tenure.” An 1872 petition signed by 554 Hawke’s Bay Māori stated that grantees had been “imposed upon, not knowing that they were parting with their land forever.”
- 2.49 In 1867 Parliament passed another Native Lands Act, which attempted to address problems that had arisen as a result of the 10-owner rule. The 1867 Act gave the Native Land Court discretion to register the names of all individuals with customary interests in a block, although the titles themselves could still only include the names of no more than 10 “owners”. Land awarded under these titles could only be alienated by way of lease, and for a maximum period of 21 years. The Court rarely used this discretion in Hawke’s Bay. An 1871 report on the operation of the native land laws concluded that this was because Hawke’s Bay Māori had “never been instructed” about the amendment to the 1865 Act, and that “no translation of the Acts, or full information of their details, have ever been circulated amongst them.” Between 1869 and 1872 Hawke’s Bay Māori wrote 46 letters of complaint to the Crown and 19 petitions to Parliament, most of which related to land dealings. In 1870 the Crown introduced Trust Commissioners to inquire into alienations of Māori land, and to approve them where satisfied that no trusts would be violated and that the parties understood the effect of the transaction. These measures did not apply to Ahuriri Hapū lands that had already passed through the Native Land Court by 1867, and that had been alienated by 1870.
- 2.50 In August 1872, following a 2-day hui at Pakowhai pā, 554 Hawke’s Bay Māori petitioned Parliament asking for an inquiry into land dealings. A similar petition signed by 513 Hawke’s Bay Māori followed soon after. The Native Affairs Committee recommended that Parliament appoint a Commission to inquire into the petitioners’ claims. In October 1872 Parliament passed the Hawke’s Bay Native Lands Alienation Commission Act, and the Commission was gazetted in December. 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 Native Land Court, 49 submissions relating to pre-1865 Crown purchases were not considered. Eight further complaints were later withdrawn. The Commission sat for the first time in Napier on 3 February 1873, and began to investigate blocks in the order in which complaints had been recorded in the Hawke’s Bay Provincial Gazette. When hearings ended on 12 April it was to the disappointment of many of the complainants that the Commission had only heard evidence relating to 81 complaints, which the Commissioners had grouped together into 34 “cases”.

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- 2.51 The Chairman of the Hawke's Bay Native Lands Alienation Commission found that Hawke's Bay Māori had legitimate complaints about the operation of the native land laws, and recommended that the 10-owner rule be repealed. The Chairman noted that almost all of the sales investigated by the Commission involved land "taken in discharge of a previous debit balance." The General Report of one of the Māori Commissioners criticised the methods settlers had employed to acquire Māori land in Hawke's Bay, including the practice of extending credit to individuals who had received Crown grants.
- 2.52 The Native Land Act 1873 repealed the Native Lands Act 1865. The provisions of the 1873 Act did not include the 10-owner rule and required every owner of a land block to be recorded on a Memorial of Ownership. The Act also required the Native Land Court to inquire into proposed sales of Māori land and to satisfy itself that the owners had received full cash payment of the agreed purchase price, without any deductions for debt, before approving the transaction. The provisions of the 1873 Act were not made retrospective to titles already granted by the Native Land Court and land that had already been alienated.
- 2.53 In August 1873, 300 Māori from Hawke's Bay and neighbouring districts petitioned Parliament requesting a second commission to conclude the work of the first. The petitioners stated that the evidence gathered by the first commission would enable Parliament to "see the evil ways of the lawyers and interpreters, and... understand by what underhand and dishonest methods the Native owners have been despoiled of their lands," and that "many cases much worse... remain to be dealt with." A Bill to establish a second commission did not go ahead.
- 2.54 Ahuriri Hapū state that the operation of the 10-owner rule dispossessed the majority of the rights-holders in Ahuriri land blocks and, in combination with the land acquisition practices used by private parties, put the few individuals named as grantees in an extremely difficult position. Ahuriri Hapū further state that the land loss resulting from the operation of the 10-owner rule contributed to an undermining of traditional hapū leadership and the creation of tension within and between whanau and hapū that has, at times, posed significant challenges to the social, cultural and economic cohesion of Ahuriri Hapū communities.

#### ***Papakura block and the Waitanoa "reserve"***

- 2.55 Papakura (3,363 acres) was illegally leased by the Hawke's Bay Provincial Council in 1865. The lease was arranged with 67 individuals from Ahuriri Hapū and other iwi/hapū to the south. In 1866 Papakura became the first Hawke's Bay land block to be investigated by the Native Land Court. In March 1866 the Court awarded Papakura to two grantees. The plan associated with the lease depicted a 94-acre area of bush at Waitanoa as a "reserve" for Māori. After securing title through the Court the two grantees entered into a new lease with the Provincial Council. The plan associated with this lease also showed Waitanoa, this time labelled "Native".
- 2.56 In 1867 the Hawke's Bay Provincial Government purchased Papakura from the two grantees for £9,500. The deed of sale did not mention Waitanoa, although its boundaries were depicted in the deed plan and labelled "Waitanoa". Subsequent deeds that completed the Papakura sale explicitly excluded Waitanoa.



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- 2.57 The status of Waitanoa subsequently became confused. Tāreha, one of the two 1866 grantees, entered into a series of transactions with private parties for the lease of Waitanoa but the block was ultimately sold. He later maintained that he had only ever intended to lease the land rather than sell it, and that he had obtained a verbal guarantee from the other party that Māori could continue to access Waitanoa for the purpose of gathering timber and firewood. However, Māori were denied access to Waitanoa from 1867.
- 2.58 In 1873 the Hawke's Bay Native Lands Alienation Commission heard complaints about the loss of Waitanoa. The deed of sale was not produced before the Commission and no longer exists today. The Commission found that the block had been purchased for a fair price, but accepted that Tāreha had a valid complaint that the provision for access to timber and firewood had not been included in the deed and had not been upheld.

#### *Te Pahou and Pētane blocks*

- 2.59 In August 1866 the Native Land Court investigated title to Te Pahou and Pētane blocks, located at the northern end of Te Whanganui-ā-Orotu. The Court applied the 10-owner rule and included Ahuriri Hapū individuals among the grantees. Te Pahou (694 acres) included three islands in Te Whanganui-ā-Orotu: Te Roro o Kuri, which had been reserved from the 1851 Ahuriri purchase, and two smaller islands called Parapara and Te Ihu o Te Rei. By 1870 a settler had purchased the interests of all of the 10 grantees in Te Pahou, including the islands. In 1873 a Māori witness told the Hawke's Bay Commission that about 40 to 50 customary owners were interested in the title to Te Pahou.
- 2.60 The Court awarded the Pētane block of 10,908 acres, which included the site of a significant kāinga, to 10 owners. By 1870 eight of the 10 shares in Pētane had been purchased by a settler. The two un-purchased shares belonged to grantees from the local hapū, Ngāti Matepū, who stated that they wished to hold the land for themselves and about 50 others who had not been included in the grant.
- 2.61 Individuals with customary interests in Te Pahou and Pētane, including members of Ahuriri Hapū, complained to the Hawke's Bay Commission about being left out of the 1867 Crown grants, and that the grantees had sold land without consulting or distributing benefits to all customary owners. Some grantees whose shares were alienated complained to the Commission that they had only received liquor and goods for their interests. Others complained that they had not received any payment. Two Commissioners concluded that the Pākehā purchaser had paid fairly for the shares by providing credit at the store he operated. Another Commissioner concluded that the Te Pahou transaction "was not quite fair." The same Commissioner also found that the storekeeper involved in the acquisition of Te Pahou was "in the habit of holding back money, so as to compel the Maoris to go to him in order to get goods on credit."
- 2.62 When the non-selling Pētane grantees died in 1870 and 1877, the native land laws provided that their shares in the block passed to their successors as their personal property. Between 1882 and 1912 lessees acquired most of the remainder of the Pētane block through a series of purchases from the grantees' successors, with the major exception being a 100-acre reserve established around the kāinga in the Pētane 1 subdivision. Today, only about 23 acres of Māori land remain around Pētane marae.



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***Waipiropiro, Ōmarunui 2, Tunanui and Te Whare-o-Maraenui blocks***

- 2.63 The Waipiropiro (1,126 acres), Ōmarunui 2 (225 acres) and Tunanui (31,289 acres) blocks passed through the Native Land Court in 1868-1869 and were purchased by private parties soon after. Parts of Waipiropiro and Ōmarunui 2 remained in use as sites of occupation and cultivation. Ahuriri Hapū grantees lodged complaints with the Hawke's Bay Commission about the means private parties used to acquire land in the blocks, which included, in each case, the transfer of land in exchange for goods or for the cancellation of debts to settler creditors accrued by some grantees. Two of the three Waipiropiro grantees told the Commission the block had only been leased. Three of the four Ōmarunui 2 grantees gave evidence that they had not agreed to lease or sell Kopuaroa, an 82-acre portion of the Ōmarunui 2 block on which their people lived and cultivated after the Native Land Court had awarded title. The occupants of Kopuaroa had left the land after the settler who had purchased Ōmarunui 2 initiated actions against them in the Supreme Court. Pāora Kaiwhata, who was not a grantee in Ōmarunui 2, told the Commission that 100 Māori were interested in the title to the block. Three of the ten Tunanui grantees, including Pāora Kaiwhata, told the Hawke's Bay Commission that they had only ever agreed to a mortgage over the land; that a deed signing had occurred after those involved had been served alcohol; and that the settler did not make any payments for the land in cash. Two of the four Commissioners made some findings in favour of the complainants in the Ōmarunui 2 and Tunanui cases and recommended that Kopuaroa be returned to Māori, but the other Commissioners found the complaints to be unfounded. The Crown took no action in relation to these aspects of the Commission's report.
- 2.64 In 1869 the Court awarded Te Whare-o-Maraenui (1,808 acres) to two owners. The Crown purchased the block later the same year. Individuals with customary interests in Te Whare-o-Maraenui complained to the Hawke's Bay Commission that the land had been sold without their consent and without their having received a fair share of the purchase money. The Commission did not report on these complaints.

***Wharerangi reserve***

- 2.65 In 1867 the Native Land Court awarded the Wharerangi reserve (1,845 acres) to four grantees. The Crown grant contained a proviso that the land would be inalienable by sale, lease of more than 21 years, or mortgage without the consent of the Governor.
- 2.66 Following the title investigation the grantees leased Wharerangi to a private party. In 1873 the Hawke's Bay Commission heard evidence that there were a large number of customary owners who had been excluded from the Crown grant, and that the grantees had agreed to reduce the rent to pay off debts they owed to the lessee without consulting other customary owners. The Commission found that "the law has allowed the grantees to anticipate the whole produce of the reserve for a long term of years... and thus to deprive a considerable part of the living generation of owners of all further chance of benefit therefrom."
- 2.67 In 1900 a number of Ahuriri Māori applied to the Native Land Court to determine whether the four grantees held Wharerangi in trust for all of the customary owners. The Court found that a trust did exist. It determined that there were 46 beneficial owners and awarded 370 shares, representing five acres each, to 22 whānau heads. Following some adjustments to the lists of beneficial owners in 1905, the Court partitioned the Wharerangi reserve in 1907. Orders for ten subdivisions were finalised in 1908. The

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Court dismissed further appeals to redefine relative interests in the blocks in 1911 and 1912. The revisions to the Wharerangi title did not affect the leases that had already been negotiated with Pākehā over parts of the block.

- 2.68 From 1911 private parties began purchasing parts of Wharerangi. In 1967 the Māori Land Court, as a result of an amendment to the Māori land laws, declared some small subdivisions of the Wharerangi block with four or fewer owners to be general land, though they were still owned by Māori. By the end of the twentieth century only about 222 acres of the original 1,845-acre reserve remained in Māori freehold ownership.

#### ***Ōmarunui and the Ngatahira kāinga***

- 2.69 The Native Land Court awarded the Ōmarunui block (3,573 acres) to two grantees proposed by the claimants in March 1866. The block included the Ngatahira kāinga, which was occupied by several dozen Ngāti Hinepare and Ngāti Māhu individuals. The survey plan produced at the title investigation showed two subdivisions within the Ōmarunui block: 163 acres around the Ngatahira kāinga was labelled “Section B”, while the remainder of the block (3,410 acres) was labelled “Section A”. The Native Land Court, however, did not issue separate titles for Ōmarunui Sections A and B. Ōmarunui was subsequently leased, mortgaged, and then sold by the grantees to a Pākehā storekeeper in March 1869 to clear debts that they had incurred on behalf of themselves and their communities.
- 2.70 In 1875 the occupants of Ngatahira sought to have title to Ōmarunui B restored to the two 1866 grantees through the courts. A Supreme Court jury in Napier found that one of the grantees had not known that the sale of Ōmarunui in 1869 applied to Ōmarunui B as well as Ōmarunui A, but that Court and several others found no cause in law to overturn the settler’s Crown grant for Ōmarunui B.
- 2.71 In 1876 150 Māori occupied Ōmarunui B. The settler owner obtained a writ to eject the occupants but they refused requests to leave. In late 1876 the Crown sought assistance from local rangatira, including Tāreha and Pāora Kaiwhata, to negotiate an arrangement that would end the occupation. The rangatira declined to end the occupation before knowing the nature and extent of the redress the Crown was willing to offer the occupants of the land, and negotiations broke down.
- 2.72 In 1879 the Native Affairs Committee inquired into a petition lodged by the settler who held the Crown grant for Ōmarunui B. The Committee reported that although the settler “appears to have a legal title to the estate... it seems probable that the issue of the Crown grant did a wrong to [Māori], who for a long time inhabited 163 acres included in the grant.” The Committee recommended that the Government take steps to settle the matter. In March 1880 the Crown resumed attempts to mediate the dispute and end the occupation. Māori negotiators insisted that the occupants get title to the 163-acre Ngatahira kāinga block (Ōmarunui B). They offered to give the settler 1,000 acres of Māori land in Te Kohurau 2 block in exchange for Ōmarunui B, and then agreed to a subsequent Crown proposal for the Crown to take the land in Te Kohurau 2 in exchange for acquiring Ōmarunui B from the settler for Māori. The settler rejected both proposals, and in November 1880 appealed to law enforcement officers to use the writ obtained in 1876 to evict the Ngatahira occupants. After an initial eviction party was repelled by the women of Ngatahira, the occupants were evicted on 7 December 1880.

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- 2.73 In 1881 Parliament's Native Affairs Committee investigated a petition from Pāora Kaiwhata and 6 others seeking the return of Ngatahira to its customary owners. The Committee found "that justice requires that the petitioners and their friends should be restored to their original position, and be confirmed in their possession of their land." The Committee's report also stated that the customary owners should not have to forfeit land or money in order to be restored in possession of Ngatahira. The same year, the Chief Judge of the Native Land Court informed the Native Minister that he believed Ōmarunui B had been included in the 1866 title investigation in error. In 1882 the Attorney-General concluded that those people with customary interests in Ngatahira had been "deprived of their land unjustly... [and had] at least a moral claim on the Government to endeavour as far as is within its power to rectify the mistake and restore them their land." The Crown did not take any steps to resolve the situation in response to these, or in response to further Māori petitions and appeals for action in 1886, 1891, 1896 and 1903.
- 2.74 The matter was revived almost fifty years later, after the Crown acquired part of Ōmarunui B. In 1949 Ngahere Hōhepa wrote to the Crown requesting that Ngatahira be returned to its customary owners so that it could be used to settle Māori returned servicemen. A petition seeking the return of the 163-acre Ōmarunui B block followed in 1952. Subsequent discussions between the Crown and the petitioners focused on compensation. The petitioners sought a payment of £9,753 as compensation for damages suffered as a result of the eviction in 1880, including buildings destroyed, damage to crops, value of the land itself, possessions destroyed by fire, and "privation and suffering". In 1953, after the Crown challenged the evidence underpinning the amount of compensation sought, the descendants of the Ngatahira occupants felt they had to accept the Crown's counter-offer of £4,000 compensation, which was paid in 1954.

#### ***Hawke's Bay Māori and the beginnings of Kotahitanga***

- 2.75 Māori dissatisfaction with the outcome of the 1873 Hawke's Bay Native Lands Alienation Commission contributed to the development of the Repudiation Movement, which sought to address the grievances of Hawke's Bay Māori, including Ahuriri Hapū, about land alienations. Some rangatira sought to overturn land transactions entered into since the introduction of the Native Land Court as well as earlier Crown purchases. Others sought further investigation of current land dealings, including the role of mortgages in land alienations, and monetary or other redress for lands lost. In August 1874 Hawke's Bay and other Māori in favour of overturning previous land transactions lodged a petition asking that Parliament "let not [the Native Land Act 1873] have any authority over our lands or other property, but allow us to fall back upon the Treaty of Waitangi".
- 2.76 This protest developed into an inter-tribal call for kotahitanga (unity) that centred on Ahuriri and Heretaunga. In March 1876 about 1,200 iwi and hapū representatives from across the lower and central North Island as far north as Raglan and Thames attended a hui at Tāreha's kāinga at Waiōhiki. They resolved not to bring further land before the Native Land Court and to cease selling land. Following a further inter-tribal hui held at Pakowhai, 395 individuals lodged a petition stating that there should be an annual assembly of Māori to provide advice to Parliament on matters of interest to Māori. Subsequent inter-tribal hui were held at Omāhu in December 1876, Porangahau in January 1877 and again at Omāhu in March 1877. Resolutions from these hui, including calls for reform of the native land laws, were presented to Parliament in a petition signed by 991 "Chiefs and People of the Majority of the Tribes of this Island." A further petition

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signed by over 1,000 people concerned with issues relating to the native land laws followed soon after. In 1877 and 1878 Tāreha and Pāora Kaiwhata attended large hui at Waiōhiki, Poukawa and Pakowhai that led to the formation of a Komiti (Committee) of 24 iwi representatives appointed to meet annually to make recommendations to the Wellington Parliament. In 1879, however, Māori assembled at Omāhu expressed disappointment with the lack of substantive reforms of the Native Land Court in response to the concerns raised in petitions, and the Crown's lack of sanction for the Komiti. From 1880, continuing discussions among Māori in both islands led to the Kotahitanga Māori parliaments of 1892-1902, in which Hawke's Bay Māori played a prominent role.

#### AHURIRI HAPŪ LANDS (1900-1930)

- 2.77 By 1900, Ahuriri Hapū retained land in blocks including Moteo-Hapua-Pirau (approximately 900 acres), Omāhu 1 (472 acres), Tuhirangi (approximately 1,200 acres) and Waiōhiki (approximately 1,190 acres), located to the south of the Ahuriri block. They also retained the Wharerangi reserve and part of the Pētane block. The Native Land Act 1909 removed existing alienation restrictions on Māori land titles. The Act provided for Māori landowners to make collective decisions about the alienation of their land. Māori land could be leased or sold if a majority of owners present at a meeting organised by the local District Māori Land Board approved a sale. By about 1930 much of the land in the remaining Ahuriri Hapū blocks had been partitioned, leased and sold to private parties. Ahuriri Hapū state that the money raised from land sales was often required to meet the costs of living.

#### THE WAIŌHIKI “RESERVE” AND PUBLIC WORKS TAKINGS AT WAIŌHIKI

- 2.78 In 1883 Te Roera Tāreha and 7 other Ahuriri Hapū individuals from Waiōhiki wrote to the Native Minister asking that the Waiōhiki and Paepaetahi blocks be “reserved as permanent kāinga for ourselves” (“ko to matou hiahia tenei me Rahui i aua whenua he kainga pumau mo matou”). The Crown decided to fulfil the request by having the blocks placed under the Public Trustee's administration. In 1886 the Native Land Court vested the Waiōhiki block (1,190 acres) in the Public Trustee as a “native reserve” and identified 20 beneficiaries to the land. In 1895 the Court added four further individuals to the list of beneficiaries and partitioned the block into six subdivisions.
- 2.79 In 1907, at the request of the Public Trust Office, the Waiōhiki reserve was returned to the owners through legislation. A small amount of land in Waiōhiki was subsequently alienated through several private purchases and a public works taking, but Ahuriri Hapū retained ownership of most of the land in the block until the 1930s.
- 2.80 The Waiōhiki block was located on the banks of the Tūtaekurī River. The river, and its floodplain and associated swamps were resources of high significance for Ahuriri Hapū. Up until the 1930s the Tūtaekurī River flowed into the southern end of Te Whanganui-ā-Orotu. It was prone to flooding, and in 1919 the Hawke's Bay Rivers Board released plans to divert the river's outlet for the purposes of flood prevention. In 1932 the Crown approved the Board's proposal to divert the outlet of the Tūtaekurī River to Waitangi, on the coast south of Napier.
- 2.81 In May 1934 the Hawke's Bay Rivers Board entered Māori land in the Waiōhiki block to commence work on stopbanks as part of the diversion project. In November 1935 it proclaimed its intention to take 183 acres of riparian land in the Waiōhiki block under

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public works legislation. The Māori owners, some of whom were actively farming the land, objected, but the work continued. In October 1936, when the diversion was virtually complete, the land was finally proclaimed as taken under the Public Works Act 1928 and vested in the Hawke's Bay Rivers Board. In 1937 the Native Land Court decided that the owners should be paid £2,951 in compensation, which was reduced on appeal to the Native Appellate Court to £2,658. The amount was determined after several different valuations of the land were laid before the Courts.

#### TWENTIETH CENTURY SOCIO-ECONOMIC ISSUES

- 2.82 By about 1930 Ahuriri Hapū retained very few of their ancestral lands, and those who retained land lacked capital to develop it. Many lived in poverty. The amount of land remaining and the small sections into which the land had been partitioned meant that state-assisted land development schemes were not viable for the majority of Ahuriri Hapū landowners, although Ahuriri Hapū owners added 9 "units" (totalling approximately 190 acres) to the Heretaunga Development Scheme in 1932. This scheme, which began in 1931, was made up of widely dispersed units rather than a unified scheme operating across contiguous blocks. In 1932 Native Minister Apirana Ngata expressed a view that the scheme "cannot make up the lee-way in the distressful conditions" amongst Hawke's Bay Māori that had been reported by Crown officials.
- 2.83 In 1942 a Crown survey of 261 dwellings at Hawke's Bay pā found that 19% of houses required demolition while 44% required extensive renovation. The survey found that only five of the 10 houses surveyed at Waiōhiki pā were "satisfactory," where satisfactory indicated that the house possessed the sanitary requirements for good health. At Moteo, none of the 14 houses was deemed satisfactory and five were recommended for demolition. Similarly, none of the five houses at Wharerangi was satisfactory. At Pētane only one of the 11 houses was deemed satisfactory, and one required demolition. The survey provided estimates of repair costs required to bring substandard houses up to satisfactory condition. The estimated costs were well beyond the capacity of the owners. Surveys of Māori housing at Bay View and Omāhu in the mid-1950s suggested that little had changed in some areas over the decade after 1942.
- 2.84 Up until the 1940s most Māori worked in intermittent and seasonal employment in rural areas. The loss of ancestral lands meant that by the post-second world war period most Ahuriri Māori had turned to waged employment to provide the necessities of life. The search for work led many whānau to leave rural pā and kāinga and settle in urban areas such as Napier and Hastings. This undermined traditional kāinga and pā communities.

#### WAR EFFORT

- 2.85 During the twentieth century Ahuriri Hapū supported their Treaty partner in the defence of New Zealand. When the New Zealand Parliament decided to join Great Britain during the South African (Boer) War, a group of young Hawke's Bay Māori sought to enlist as volunteers. The British Imperial government refused to accept non-European soldiers. Āhere Te Koari Hōhepa changed his name to Arthur Joseph, joined the New Zealand forces with other men from Hawke's Bay, and was sent overseas with the Third Contingent.
- 2.86 During the First World War Māori troops, including men from Ahuriri Hapū, initially served in a unit known as the "Native Contingent" and subsequently in the Pioneer Battalion

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(also known as Te Hokowhitu-a-Tū). During the Second World War Ahuriri Hapū men and women joined civilian and military units. Many men were part of D Company of the 28 (Māori) Battalion. All Ahuriri Hapū marae experienced a loss of life from their communities.

- 2.87 A feature of the Crown's post-war efforts to assist returned soldiers and nurses was to establish a scheme through which returned servicemen who met certain eligibility criteria could apply for access to Crown land to develop farms, or for loans to buy land for the same purpose. Very few men from Ahuriri Hapū obtained farms in Hawke's Bay after the First World War. After the Second World War the Crown retained little land suitable for agriculture in the Ahuriri Hapū rohe, having disposed of most of its land holdings to private parties. Ahuriri Hapū do not know of any of their servicemen obtaining a farm after the Second World War and recall being told by the Crown that Māori already had their own land. By this time, most Ahuriri Hapū were landless and economically marginalised. Any land holdings retained by Ahuriri Hapū servicemen were in small, multiply-owned land blocks.

#### TE WHANGANUI-Ā-OROTU

- 2.88 In the decade after the 1851 Ahuriri purchase, Ahuriri Hapū continued to occupy and use Te Whanganui-ā-Orotu in accordance with their tikanga. At this time Pākehā settlement had little impact on Te Whanganui-ā-Orotu.

#### *Harbour development and environmental change*

- 2.89 In 1860 the Crown vested in the Hawke's Bay provincial government a small part of Te Whanganui-ā-Orotu near the fledgling Ahuriri port, for the purposes of harbour development. The vesting empowered the Provincial Superintendent to develop harbour facilities to facilitate trade and commerce.
- 2.90 From the early 1860s the Hawke's Bay Provincial Council commenced dredging and reclamation works in Te Whanganui-ā-Orotu. Between 1861 and 1874 Te Pakake and Te Koau islands were joined together through reclamation, divided into lots, and sold. The 1851 Ahuriri deed had reserved Te Pakake for "such time as it remains unoccupied by the Europeans."
- 2.91 In 1874 Parliament passed legislation that set aside all of Te Whanganui-ā-Orotu as an endowment for a harbour board. Parliament established the Napier Harbour Board the following year. The Board's 12 members were prominent Hawke's Bay sheep farmers and businessmen, and none was a member of Ahuriri Hapū. Further legislation made Te Whanganui-ā-Orotu increasingly available for developments led by the Board.
- 2.92 In the 1870s the Napier Harbour Board dredged a channel and constructed a training wall to maintain the Ahuriri opening to Te Whanganui-ā-Orotu. The Board also reclaimed further land around Te Koau, where the Ahuriri railway station was situated. The development of a causeway linking Napier and Taradale led to the drying up of Te Whare-o-Maraenui lagoon, at the southern end of Te Whanganui-ā-Orotu. From the end of the nineteenth century into the early twentieth century the Harbour Board carried out major reclamation works in Te Whare-o-Maraenui and the southern part of Te Whanganui-ā-Orotu. Construction of the western embankment and road bridge between

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1915 and 1922 involved further dredging and filling. By 1931 the Harbour Board had reclaimed about 1,000 acres from Te Whanganui-ā-Orotu.

- 2.93 Harbour development works had a negative effect on the ecology of Te Whanganui-ā-Orotu. In 1920 Māori witnesses told the Native Land Claims Commission that dredging had made Te Whanganui-ā-Orotu salty, and that freshwater fish species had been replaced by saltwater species. According to one witness Māori had been unable to catch eels and other freshwater fish from the early twentieth century, and pipi beds had been smothered by reclamation. In addition, Te Whanganui-ā-Orotu and the Ahuriri estuary were polluted by sewage and factory effluent.

***The 1931 Hawke's Bay earthquake and further reclamation***

- 2.94 On 3 February 1931 a major earthquake hit Napier. The earthquake raised parts of the bed of Te Whanganui-ā-Orotu. Much of its waters emptied into the sea, leaving about two-thirds of the bed exposed.



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- 2.95 Immediately after the earthquake Ahuriri Māori assisted with relief work in Hawke's Bay.

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.96 According to legal advice obtained by the Crown after the earthquake, title to the newly-raised portions of Te Whanganui-ā-Orotu belonged to the Napier Harbour Board under the endowment provided for in the Napier Harbour Board Act 1874. On 3 May 1934 the Napier Harbour Board agreed to lease 7,595 acres of Te Whanganui-ā-Orotu to the Crown for a 21-year period and the Crown commenced drainage and reclamation work in June 1934. The Crown also commenced farming operations on reclaimed areas of Te Whanganui-ā-Orotu. By June 1937 the Public Works Department reported that 2,000 acres of Te Whanganui-ā-Orotu had been completely drained and drainage of a further 2,000 acres was well advanced.
- 2.97 In 1945 Parliament passed legislation that provided for certain areas of Napier Harbour Board land to be sold and leased to the Napier Borough Council for the expansion of urban Napier. Throughout the third quarter of the twentieth century reclamation and subsequent alienations by the Harbour Board provided land for residential, industrial and recreational developments in Napier. The Napier Borough Council developed the Hawke's Bay Airport on reclaimed land that included islands taken under public works legislation in 1939. The Crown also developed the Ahuriri Farm Settlement on reclaimed land.
- 2.98 The processes of drainage and reclamation, combined with the diversion of the outlet of the Tūtaekurī River to the sea, reduced Te Whanganui-ā-Orotu (originally approximately 9,500 acres in area) to a narrow tidal channel to dispose of hill runoff. Today, the remaining water-covered estuary area amounts to approximately 680 acres at high tide.

#### ***Compulsory acquisition of islands in Te Whanganui-ā-Orotu***

- 2.99 Nine islands were explicitly excluded from the endowment of Te Whanganui-ā-Orotu set aside for harbour development in 1874. After the earthquake the islands became surrounded by dry land. The Napier Harbour Board Empowering Act 1932-33 empowered the Native Land Court to vest in trustees six islands that were still Māori customary land.
- 2.100 In 1936, on the application of the Napier Harbour Board, the Native Land Court ordered the appointment of six trustees for the islands (approximately 20 acres in total). On 23 May 1939 the Board published a notice of intention to take the islands under the Public Works Act 1928. Hori Tupaea lodged an objection but, for reasons that are unclear, it appears that no hearing occurred. On 6 October 1939 the Governor-General proclaimed the islands as taken and vested in the Napier Harbour Board. When the deadline for compensation claims expired on 16 November 1944 the Māori trustees had not filed a claim and so no compensation was paid.

#### ***Ahuriri Hapū protests and claims to Te Whanganui-ā-Orotu***

- 2.101 Ahuriri Hapū have long denied that Te Whanganui-ā-Orotu was included in the sale of the Ahuriri block. Following Tāreha's 1861 assertion that he owned the land reclaimed from Te Whanganui-ā-Orotu, in 1875 Ahuriri Māori petitioned Parliament about the loss of Te Pakake. McLean, then Native Minister, told the Native Affairs Committee's inquiry into the petition that he had compensated Tāreha for the island. Māori evidence presented to the inquiry illustrated an Ahuriri Māori understanding that Te Whanganui-ā-Orotu had not been included in the Ahuriri purchase. Ahuriri Māori sent further petitions



## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

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about the terms of the 1851 purchase and the effects of reclamations to Parliament in 1894 and 1907.

- 2.102 In 1916 Hiha Ngarangione (of Ngāti Hinepare) and Oriwia Porou applied to the Native Land Court for an investigation of title to Te Whanganui-ā-Orotu, and based their claim on descent from the tipuna Tāwhao. The Court dismissed the case on the basis that Te Whanganui-ā-Orotu was not Māori customary land and therefore not within its jurisdiction. In 1916 the Department of Lands and Survey asked the Solicitor-General for his advice on whether the Crown held title to Te Whanganui-ā-Orotu. The Solicitor-General concluded that the wording of the 1851 Ahuriri deed did not include Te Whanganui-ā-Orotu within the boundaries of the purchase and that the boundary shown on the plan attached to the deed had been drawn in error. However, the Solicitor-General found that this was of no material importance because Te Whanganui-ā-Orotu was tidal and the Court of Appeal had determined that Māori customary title did not apply below the high water mark.
- 2.103 In 1920 the Crown established a Native Land Claims Commission to inquire into a number of petitions relating to Māori land, including a 1919 petition regarding Te Whanganui-ā-Orotu. The Commission found that the boundaries described in the 1851 Ahuriri deed “skirt along the interior line of the harbour, but do not include it.” However the Commission found that the Crown had made it clear to Māori that it was purchasing Te Whanganui-ā-Orotu in 1851 through references to “moana” in the deed, though it expressed doubt that Māori appreciated the full effect of the dealing when they signed.
- 2.104 In 1924 Te Wahapango of Ngāi Te Ruruku and eighteen others petitioned Parliament again. The petitioners reiterated their argument that Te Whanganui-ā-Orotu was not included within the boundaries of the Ahuriri purchase, and appealed to the Treaty of Waitangi as a guarantee of their fishing rights in Te Whanganui-ā-Orotu. The Native Affairs Committee reported that the petition should be referred to the Government for consideration but no Crown action resulted.
- 2.105 In 1932 Hori Tupaea of Ngāti Paarau and Ngāti Hinepare and four others petitioned Parliament seeking a share in the benefits accruing from the land upraised from the bed of Te Whanganui-ā-Orotu by the 1931 earthquake. The petition stated that Ahuriri Māori never intended to include Te Whanganui-ā-Orotu in the 1851 transaction. The petition went on to say that as a result of the earthquake Ahuriri Māori had “lost all that remained to them, and have nothing to represent the rights which they formerly had and which they were always so anxious to preserve.”
- 2.106 The Native Land Court inquired into the petition in 1934. Counsel for the petitioners argued that Te Whanganui-ā-Orotu belonged to Māori when the Treaty of Waitangi was signed. Accordingly, article 2 of the Treaty applied to it. Counsel for the petitioners also reiterated the argument that Ahuriri Hapū had not sold Te Whanganui-ā-Orotu to the Crown in 1851. The Crown argued that Te Whanganui-ā-Orotu had been included in the Ahuriri purchase, as it was included within the boundary apparently illustrated on the plan exhibited when the Ahuriri deed was signed. The Crown also argued that even if Te Whanganui-ā-Orotu had not been included in the purchase, ownership had transferred to the Crown automatically by virtue of the common law because Te Whanganui-ā-Orotu was an arm of the sea.

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### 2: HISTORICAL ACCOUNT

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- 2.107 The Māori Land Court did not issue its report until 1948, after further petitions from Ahuriri Māori. The report focused on two questions: whether Te Whanganui-ā-Orotu was included in the 1851 Ahuriri purchase, and whether Te Whanganui-ā-Orotu was an arm of the sea as at 1840. The Judge who wrote the report found that the Crown had only purchased the small, tidal harbour adjacent to the Ahuriri opening. He concluded that the Court had insufficient evidence to decide the arm of the sea question, though there was "some fairly strong evidence" that Te Whanganui-ā-Orotu was originally a fresh or brackish water lagoon.
- 2.108 The Chief Judge of the Māori Land Court forwarded the report to the Crown with a note that the report supported the contention that Ahuriri Māori possessed rights in Te Whanganui-ā-Orotu up until 1874. However, he went on to say that he was not in a position to make a recommendation as to the compensation that might be offered because the petitioners had not established what these rights were. He stated that he considered the question of compensation a matter for further consideration by the Government.
- 2.109 In 1949 the Prime Minister visited Napier. Ahuriri Hapū later testified that they declined his offer to return 4,500 acres in the northern half of Te Whanganui-ā-Orotu because they wanted the entire area returned to them. According to Ahuriri Hapū, one kaumātua said to the Government at the time, "If you're ready to give us the northern end, then surely we must also own the southern end." In 1951 Ahuriri Māori made further inquiries about the Crown's response to the Māori Land Court's report. The Crown responded that it would not take action until the claimants proved that Te Whanganui-ā-Orotu had not been an arm of the sea.
- 2.110 In 1955 counsel for Ahuriri Māori asked the Māori Land Court whether it was still willing to receive evidence in support of the 1932 petitioners' argument that Te Whanganui-ā-Orotu was not an arm of the sea as at 1840. The Chief Judge declined, stating that the case must be regarded as closed due to the amount of time that had elapsed since the hearings in 1934 and the release of the Court's report in 1948. A further petition in 1965 and a letter to the Crown in 1972 produced no action by the Crown. The Crown considered the 1948 Māori Land Court report an insufficient basis for Crown action.

#### ***Endowment lands and claim to the Waitangi Tribunal***

- 2.111 In 1988 the Crown disestablished the Hawke's Bay Harbour Board (previously Napier Harbour Board) and the remaining endowment lands began to be redistributed to other local authorities. That year the seven Ahuriri Hapū lodged the Te Whanganui-ā-Orotu (Wai 55) claim with the Waitangi Tribunal.

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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**NGĀ KŌRERO O MUA**

- 2.1 Kei te whakaahua ēnei kōrero o mua i te whanaungatanga i waenga i te Karauna me ngā Hapū o Ahuriri mai i te tau 1840 hei horopaki mō ngā whakaaetanga a te Karauna me te

**TE HIRANGA O TE WHANGANUI-Ā-OROTU**

- 2.2 He mea ahu mai ngā kōrero i roto i ngā rārangi 3 ki te 6 i ngā kōrero tuku iho nā ngā Hapū o Ahuriri.
- 2.3 Kua roa rawa ngā Hapū o Ahuriri e tiaki ana i te ahi kā roa i Ahuriri. He wāhi tino hira Te Whanganui-ā-Orotu ki ngā Hapū o Ahuriri. Koia te pū o tō rātou oranga me tō rātou tuakiri. He mea tapa tēnei ki te ingoa o te tipuna nei, o Te Orotu, he uri o te tipuna kaihōpara rongonui, o Māhu Tapoanui. E ai ki te whakaaro ko Māhu Tapoanui te tīmatanga mārika o ngā iwi o Ahuriri. Nā te tama a Te Orotu, nā Whatumamoa, ka puta ko Ngāti Whatumamoa, tētahi o ngā iwi tuatahi ki te noho i te takiwā o Ahuriri. Kei te whakaatu tēnei whakapapa i te kāwai mai i Māhu Tapoanui ki a Whatumamoa:

Māhu Tapoanui

|

Hanui

|

Haroa

|

Hapouri

|

Hapotango

|

Hapokere

|

Hamaitawhiti

|

TE OROTU

|

Whatumamoa

- 2.4 Ka kōrero hoki ngā Hapū o Ahuriri mō te oriori Te Tahatū o te Rangi hei whakaatu i ngā hononga i waenga i a Te Orotu, i a Whatumamoa, me Te Matau-a-Māui.

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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**Kia noho ai tāua he kāinga ā tō tipuna a Whatumamoa**

**I Heretaunga waiho e Te Orotu waiho ki a Whatumamoa**

**Nōna te kiri pango e mau ia tāua nei.**

- 2.5 Ki ngā Hapū o Ahuriri kei runga rawa te hira o Te Whanganui-ā-Orotu i ngā wā katoa me tōna ake mauri, tōna ake wairua. Kei te whakapuaki te pepeha a Tamatea Pōkai Whenua i te hira o Te Whanganui-ā-Orotu hei mahinga kai:

**Te kāroro tangi tararau mai i runga o Tapu te Ranga**

**Te pātiki tahanui o Otiere e**

**Te pāua pātōtō mai i runga o Tāhinga**

**Te pūpū tangi mai i runga o Matakārohirohi e**

**Te kiore pekenui o Rimariki**

**Te aruhe maomaoanui o Pukekohu e.**

- 2.6 Kei te whakapuakina anō te hira o Te Whanganui-ā-Orotu hei mahinga kai mā te oriori a te tipuna Te Whatu nō Ngāti Māhu, he mea tito i mua i te tau 1840:

**Kia horo te haere nga taumata i Te Whanga i Te Poraiti**

**Ko te kainga tena i pepehatia e o tupuna**

**Ko rua te paia ko Te Whanga**

**He kainga to te Ata**

**He kainga ka Awatea**

**He kainga ka Ahiahi e tama e.**

**NGĀ HAPŪ O AHURIRI I NGĀ TAU 1840**

- 2.7 Mai i te tōmuringa o te tekau tau 1830 ahu atu e piki haere ana te whakapā o te Māori ki ngā Pākehā e whai ana i ngā mahi arumoni pēnei i te aru tohorā me te tauhokohoko. Tae mai ki te tau 1850 e noho ana ngā kaiwhakanoho Pākehā i te nuku o te takutai o Te Matau-a-Māui, ko ētahi i runga pāmu kakarehe. I whakatū mīhana hoki ngā mihinare Karaitiana i te rohe o Ahuriri. I te tau 1844 i hanga te Rōpū Hāhi Mihinare i tētahi mīhana

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### 2: HISTORICAL ACCOUNT

Hāhi Mihinare i Waitangi, pātata ki Te Awapuni, ā, i iriiria ngā rangatira Kurupō Te Moananui rāua ko Tāreha e te mihinare i te tau 1848. I whakatūria he mīhana Katorika i Pakowhai, tata ki te tāone o Heretaunga, i te tau 1851.

- 2.8 I te marama o Mei 1840 i hainatia Te Tiriti o Waitangi e Te Tore nō Ngāti Matepū i Uawa, i te Tai Rāwhiti. Kīhai te Karauna i mau mai i Te Tiriti ki Ahuriri i te tau 1840, ā, kīhai ētahi atu rangatira o ngā Hapū o Ahuriri i whai wāhi ki te haina. E ai ki ngā Hapū o Ahuriri, i muri atu i tautoko o rātou rangatira i ērā i haina.
- 2.9 Tae mai ki ngā tau tōmuri o te tekau tau 1840 e noho ana ngā Hapū o Ahuriri i ngā kāinga huri noa i Te Whanganui-ā-Orotu me ōna takiwā, tae atu ki ngā pā me ngā kāinga i Te Poraiti, Wharerangi, Awatoto, Waitanoa, Kapemaihi me Pētane.

#### TE HOKONGA O AHURIRI (1851)

- 2.10 I roto i te tekau tau 1840 ka tīmata ngā rangatira o Ahuriri ki te whai whakaaro ki ngā painga ka pupū ake pea i te whakatairanga i tā te Pākehā whakanoho whenua i te takiwā o Ahuriri. Kei te kī ngā Hapū o Ahuriri i whai whakaaro aua rangatira ki ngā painga e pā ana ki te haumarutanga, nā te mea kua pāngia rātou e ētahi tau tekau o te rīri i waenga iwi, me ngā pāinga taha ohaoha. He maha tonu ngā wā i tuku whenua ki te Karauna hei whakanohonga e te Pākehā. Tae mai ki te tōmuringa o te tau 1848 i te hiahia te Karauna kia riro he whenua i Te Matau-a-Māui, ā, i tono i te mihinare o te takiwā ki te matapaki ki te Māori mēnā i pai ki a rātou te hoko whenua ki te Karauna. I hiahia kē te Karauna ki te hoko whenua hei whakanohonga mā te Pākehā, tēnā i te tuku kia rīhitia e te Māori ki ngā kaiwhakanoho whenua, ā, i hiahia hoki ki te hoko mai i ngā rahinga nui o te whenua i te Māori i mua i tā te Māori whakapikinga i te utu nā te tino hiahia o ngā kaiwhakanoho ki te hoko whenua mai. I te tau 1849 i tuhituhi a Tāreha, mōna me ētahi atu rangatira tokowaru, me te tono i te Kāwana "kia whakaae ia ki tēnei tono a mātou kia nohoia tō mātou whenua e te Pākehā, ā, kia tāngata whai mātāpono, Tāngata Pūwhero ēnei, kua he tūtūā - kia tāngata papai - kia noho ko ēnei te Koroni o ngā Mihinare kua rongo nei mātou kei te heke mai." I te marama o Hepetema 1849 i tonoa te Kaiwhakarite Whenua, a Te Mākarini, ki te tīmata i ngā whakaritenga mō te hoko whenua i Te Matau-a-Māui.
- 2.11 I tae atu a Te Mākarini ki Te Matau-a-Māui i te marama o Tīhema 1850. I te 20 o Tīhema i whakatūria he hui i te matatāhuna i waenga i Te Whanganui-ā-Orotu me te moana i taea e te 400 ki te 500 ngā Māori. I tautokona e te katoa i reira te whakaaro ki te tuku i ētahi whenua i Ahuriri ki te Karauna. I kī a Tāreha ki a Te Mākarini: "Nau mai, haere mai ki tō mātou whenua; nō mātou te wai, nōu te whenua kei mua i tō aroaro." Ko te wai i kōrerotia rā e Tāreha ko Te Whanganui-ā-Orotu. Tae mai ki Aperira 1851 kua rūritia e te Karauna te poraka o Ahuriri (ko te whakatau tata i muri atu, tata ki te 265,000 eka te rahi), ā, i tonoa a Te Mākarini kia rapuhia te utu tino iti rawa ka whakaaetia e te Māori mō taua poraka. I te 22 o Aperira 1851 i tuhituhi a Te Mākarini ki tāna rātaka e hiahia ana ngā Māori ki te whakatau i te utu mō te poraka o Ahuriri. I te rā i muri iho ka tuhituhi ia: "I mate te hoa rangatira o Tāreha inapō; nō reira ka whakatau mārika ngā Māori ki te utu i tō rātou whenua mō tētahi utu ngāwari."
- 2.12 I te 2 o Mei 1851, i tū tētahi hui nui i Te Awapuni ki te matapaki i te utu mō te poraka o Ahuriri. I tono ngā Māori o Ahuriri i te £4,500. I kī a Te Mākarini ki te minenga e kore ia e whakaae ki te utu "inatī" e tonoa ana. I kī ia he "akeake" te whenua, ā, kāore anō kia whakaae ngā Māori o Ahuriri ki te whakauru i ētahi wāhanga whenua e 2 i tonoa auautia e ia: te motu o Mataruahou, me te matatāhuna tuauru i waenga i Te Whanganui-ā-Orotu

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me te moana, ko Te Taha te ingoa. Kātahi ka whakaae a Tāreha ki te whakauru i Mataruahou me Te Tahaki ki roto i te poraka hoko me te tono kia utu te Karauna i te £4,000, e ai ki tāna "he tapeke iti mō tō mātou whenua rahi." I tuhituhi a Te Mākarini ki roto i tana rātaka "i whakaaro au, ahakoa ngā tohutohu mai ki a au kia kaua e whakatau i te utu...me hoatu i taua wā anō tētahi tapeke." He mea tuku kē e Te Mākarini te £1,500, me tana ara ki te wehe atu i te hui i muri i ngā kōrero whakahē. Hei uruparenga i whakaae ngā rangatira ki te hoko mō te utu kua hoatu ia.

- 2.13 Kia whakawhere ai i ngā Māori o Ahuriri ki te whakaae ki ngā utu iti, i kī te Karauna ka whiwhi rātou i ngā painga nunui i te hokonga o tō rātou whenua ki te Karauna. I te rā o te hui ka tuhituhi a Tāreha rātou ko ētahi atu rangatira ki te Kāwana ki te tono kia whakawhanaketia tētahi tāone, kia tae mai hoki ētahi kaiwhakanoho whenua Pākehā. I kī te rangatira: "kaua e takaroa te tuku kaiwhakanoho Pākehā mō ō mātou whenua, nō te mea koia te pūtaka o tā tātou whakaaetanga e pā ana ki ō mātou whenua... Tukuna mai he Pākehā mō tō mātou kāinga (nohanga) kia whiwhi ai i ngā utu nui. I wehe atu a Te Mākarini i Ahuriri i te rā i muri ake, me te waiho i te kairūri o te Karauna ki te whakaoti i āna mahi. I te 25 o Hūrae 1851 ka tuhituhi te kairūri ki a Te Mākarini me te tuku whakaaro kia whakapiki te Karauna i tōna utu ki te £2,000, i runga anō i tana kitenga i te wāhi nui ake o te poraka o Ahuriri. Kīhai te Karauna i whakapiki i tōna utu nō tōna whiwhinga i taua mōhiohio. Heoi anō, i muri mai i te whakaotinga o te hokonga i whakaaturia e Te Mākarini ngā painga kua whiwhi pūmau te Karauna i te hokonga mai o te poraka o Ahuriri nā te whiwhi i tētahi aka me te whenua mō tētahi tāone hou.
- 2.14 I te 7 o Nōema 1851 i hoki mai a Te Mākarini ki Ahuriri i muri i te whakaoti mahi pakihi i wāhi kē, ka mahi tahi me te Māori ki te whakaoti i ngā taipitopito o te whakawhitinga o Ahuriri i te 11 o Nōema. I te 17 o Nōema 1851 i hainatia he pukapuka hokonga e Tāreha me ētahi atu e 299 tērā i whakawhiti i te poraka Ahuriri ki te Karauna mō te £1,500. Paku neke atu i te kapa kotahi i te eka te utu hoko, ā, i iti iho i te hautoru o te nui i whakaaetia i nā noa nei e te Karauna hei utunga mō tētahi poraka he rite te horahanga i te tonga o Ahuriri. I kī a Te Mākarini ki te hui ko tōna tūmanako ka whakakotahitia ngā Māori o Ahuriri e te pukapuka Ahuriri "me te mana kaha ake hei whakahoahoa me te tiaki i a rātou, i raro i ngā whakaritenga ngāwari o ō mātou ture." E ai ngā kōrero tuku iho a ngā Hapū o Ahuriri, i whakaaro ērā i haina ka hanga taua pukapuka i te pātuitanga haere tonu i waenga i ngā Māori o Ahuriri me te Karauna, me te hanga anō hoki i te pūtaka o ngā painga matarua mō anamata.
- 2.15 I wehea atu ētahi o ngā whenua huri noa i Te Whanganui-ā-Orotu i te hokonga. I tuhia a Te Whanganui-ā-Orotu i roto i te pukapuka hokonga hei tētahi o ngā paenga o te hokonga. I roto i te mahere i tāpiritia ki te pukapuka i kaurukuhia a Te Whanganui-ā-Orotu, ā, i kapi i tētahi raina kurauri tērā i tohu i te paenga o te hokonga. I tuhia e Te Mākarini ki tāna rātaka ka whakaatu ia i taua mahere i a ia e pānui ana i te pukapuka i mua i te haina.
- 2.16 I tīmata ngā mahi rou takere me te whakawhenua anō i ētahi wāhanga o Te Whanganui-ā-Orotu i ngā tau tōmua o ngā 1860. I te tau 1861 i kī a Tāreha ki tētahi āpiha o te Karauna nōna, nō Tāreha, te whenua katoa i whakawhenuatia anō i Te Whanganui-ā-Orotu nā te mea kua hokona e ia te whenua tae atu ki te tahakupu anake i te tau 1851. Heoi anō, i tautohe te āpiha nō te Karauna kē te whenua katoa he mea whakawhenua anō. Kīhai tēnei i ārai i ngā mautohe me ngā kōrero tāpaetanga i muri atu nā ngā Māori o Ahuriri kīhai Te Whanganui-ā-Orotu i whai wāhi ki te hokonga o te tau 1851.

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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***Ngā rāhuitanga o te hokonga o Ahuriri***

- 2.17 Hui katoa, kīhai te tapeke o ngā rāhuitanga i te poraka Ahuriri i eke ki te 1% o te horahanga i hokona. I tautuhi te pukapuka o Ahuriri i ngā rāhuitanga matua e toru mō ngā Māori o Ahuriri: te motu o Te Roro-o-Kuri (70 eka), Wharerangi, i te takutai tuauru o Te Whanganui-ā-Orotu (1,845 eka), me te 500 eka o te ngahere Puketitiri me te tāpiritanga o te “motika ki te hei manu puta noa i te ngahere katoa o Puketitiri.” He mea tuku anō hoki e te pukapuka o Ahuriri ētahi atu rāhuitanga iti iho. Me tuku tētahi i Pukemokimoki (he wāhanga o Mataruahou), me tētahi atu i te motu o Te Pakake, he urupā. Ko te whakarite me rāhui anake tēnei "i te wā kāore i te nohoia e te Pākehā." I kī rawa anō te pukapuka mā te Kāwana e wehe atu ētahi wāhanga o te tāone hou hei ūnga wāka. I kī ngā Māori o Ahuriri i muri atu kua whakaae anō hoki a Te Mākarini ki tētahi rāhuitanga i te taha matau o te Awa o Waiohinganga e kīia ana ko Kaiarero, he wāhi i kohikohia ai te raupō mō te rauwhare. Heoi, kāore i whakaratoa tētahi rāhuitanga i Kaiarero i roto i te pukapuka o Ahuriri.
- 2.18 E mānukanuka ana a Tāreha rātou ko ētahi atu rangatira kei tangohia ā muri atu ō rātou motika ki te hī ika me te kohikohi mātaitai, ā, ka tonu rāhuitanga mō taua pūtake i ngā taha e rua o Te Whanganui-ā-Orotu. I whakahē a Te Mākarini i ngā tonu mō ngā rāhuitanga i Mataruahou ki te tuku i te kohikohi moana me te hī ika i ngā wai tūtata nā te mea ka raweke ērā i te whakatakoto i tētahi tāone. I whakaahuru kē ia i ngā Māori o Ahuriri ka whai mana tonu ō rātou motika hī ika. I kī te whakapākehātanga o te pukapuka o Ahuriri ka whai "motika ōrite te Māori ki tō ngā Pākehā ki te kohikohi tuangi me ngā kūtai me ērā atu hua a Tangaroa". I roto hoki i a Te Mākarini tētahi wāhanga whenua tāone i te matatāhuna tuauru mō Tāreha hei whakakapi i ngā rāhuitanga i Mataruahou, ahakoa kīhai i tuhia taua whakaritenga i te pukapuka o Ahuriri.
- 2.19 Kīhai te Karauna ia i whakarite i tētahi tikanga e noho ai te rangatiratanga i runga i ngā rāhuitanga ki te Māori mō ake tonu. 1870s.Kua whakawhenumia kētia a Pukemokimoki me te urupā i Te Pakake i roto i te tāone o Ahuriri tae mai ki waenga o ngā tau 1870. I wehea e te Karauna tētahi haurua eka i te matatāhuna tuauru hei ūnga waka, i muri atu he wāhanga tēnei o tētahi rāhui mō te katoa.
- 2.20 Kīhai te Karauna i rūri i te 500 eka i rāhuitia i Puketitiri i te tau 1851, i muri atu rānei i te rautau tekau mā iwa, ā, ka pupū mai te rangirua i muri e pā ana ki te rahi, te whānuitanga me te tūnga. I kī tetahi kaiwhakaatu i tētahi uiuitanga i te tau 1875 mō te hokonga o Ahuriri i tukuna tuatahitia e te Karauna i te tau 1851 he rāhuitanga 100 eka te rahi i Puketitiri ki ngā Māori o Ahuriri, ā, kua whakamōhiohia rātou he ōrite te rahi o taua rāhuitanga ki tō Te Whanganui-a-Orotu (e 9,500 eka pea te rahi i taua wā). I te tau 1860 i āraitia ētahi āpiha o te Karauna e ētahi o ngā Māori o Ahuriri i te rūri i te rāhuitanga o Puketitiri me tā rātou kerēme nō rātou te nuinga o te ngahere o Puketitiri me te whenua whāngai kararehe e tūtata ana.
- 2.21 I kī hētia i 1867 e tētahi pūrongo ōkawa ki te Hekeretari o ngā Take Māori kua hokona atu a Puketitiri e te Māori ki te Karauna. Mai i taua wā i meinga a Puketitiri hei whenua Karauna e te Karauna. I waenganui i ngā tau 1886 me te 1890 i wāwāhia e te Karauna te nuinga o te whenua huri noa i te ngahere o Puketitiri, ka hokona, engari kīhai i whakamahia tētahi wāhanga o te wāhi i whakaaetia ki te rāhui i te tau 1851 tae noa mai ki tāna whakatū i tētahi rāhuitanga rākau e 508 eka i reira i te tau 1906.

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- 2.22 I tuku ngā Māori o Ahuriri i ngā pukapuka inoi ki Pāremata i ngā tau 1903 me te 1920 e tono ana i te whakahokinga o Puketitiri ki ōna rangatira o mua. I te tau 1920 i whakatau tētahi Kōmihana Kerēme Whenua Māori kīhai te Karauna i hoko mai i te rāhuitanga, me te kī me whakahoki i te 500 eka ki te Māori. I whakamana te Pāremata i te tūtohutanga a te Kōmihana nā te whakature i te wehenga anō o ngā eka 508 o te ngahere o Puketitiri hei whenua Māori tuku iho. I te tau 1922 i tuku te Kōti Whakawā Whenua Māori i te poraka Puketitiri o te 508 eka ki ngā rangatira 127. I te tau 1926 i whakaae ngā rangatira tōpū i tētahi hui ki te hoko atu ki te poraka Puketitiri ki te Karauna mō te £17,815. E kī ana Hapū o Ahuriri i whakaae ngā rangatira ki te hoko nā te mea e kore e whaihua ā-ōhanga te whakamahī, te whakawhanake rānei i te poraka nā te tikanga o ngā kaupupuri maha me te whakawāteatanga o ngā whenua huri noa. Nā te Karauna ngā utu rūri katoa i whakakore, ā, i muri ake i taua tau i pānuitia a Puketitiri hei ngahere o te Karauna.
- 2.23 I tua atu i tā te Karauna hoko i Puketitiri, i hokona Te Roro o Kuri e hunga kē i te tau 1870 me te nuinga o Wharerangi i roto i te wā 1911-1930. Mai i roto i ngā rāhuitanga katoa o te hokonga o Ahuriri, ka toe tonu tētahi wāhi iti o te rāhuitanga o Wharerangi ki raro i te rangatiratanga o ngā Hapū o Ahuriri i te tau 1930.

#### ĒTAHI ATU HOKONGA A TE KARAUNA (1854-1860)

- 2.24 Tae mai ki waenga i te tau 1852 e noho ana anake ētahi Pākehā e 50 pea i Te Whanga o Ahuriri (te pae o te tāone o Ahuriri i muri atu), ā, kāore anō tētahi tāone kia whakatakotoria. I Hūrae 1852 i tuhituhi a Pāora Torotoro ki te Kāwana me te tono i a ia "kia whakamōhio mai ki a mātou āhea tae ai pea he kaiwhakanoho Pākehā mō ō mātou whenua. E tatari mārie ana mātou engari kāore anō tētahi kia tae mai." He nui te tipu mai o te tokomaha o ngā kaiwhakanoho Pākehā i te takiwā o Ahuriri i muri i te whakatakotoranga o te mahere tāone i te tau 1855, kua tata ki te 1,200 ngā Pākehā e noho ana i reira i te tau 1858.
- 2.25 Mai i te tau 1854 i tīmata anō te Karauna i ngā whakaritenga ki te hoko whenua i Te Matau-a-Māui. Ko tāna he rapu whenua hei hoko mai i ngā Hapū o Ahuriri, i ētahi atu iwi me ngā hapū i te takiwā o Heretaunga ki te taha tonga o Ahuriri. He whanaunga tata ētahi o ēnei ki a Tāreha, Te Moananui me ngā Hapū o Ahuriri. I rerekē ētahi āhuetanga o ngā ritenga hoko whenua a te Karauna i ērā i whāia i te tau 1851. Ko te tikanga whakariterite ai anake te Karauna ki te tokoiti o ngā rangtira, i ētahi wā i Tāmaki Makaurau, i Te Whanganui-a-Tara rānei, tēnā i te whakahaere hui nui tuwhera pērā i ērā i mua i te hokonga o Ahuriri. I te tau 1854 i haina te Karauna i tētahi pukapuka hoko mō te poraka Ōkawa 16,000 eka pea te rahi i rāwāhi i te Awa o Tūtaekurī i te poraka o Ahuriri, me te kore whakaoti i te poraka te rūri. I ngā tau 1855 me te 1856 i utu tōmuatia ētahi Māori takitahi mō ētahi whenua i Ahuriri me Heretaunga i mua i te hainatanga o ngā pukapuka.
- 2.26 I ngā tau 1855 me te 1856 i oti i te Karauna ētahi hokonga whenua e rima i whai wāhi ai he rangatira o ngā Hapū o Ahuriri. I hoko whenua te Karauna i Tūataekurī (tata ki te 1,000 eka) me Mataruahou (tata ki te 650 eka) mai i a Tāreha me ētahi atu rangatira tokorua. He reporepo te nuinga o te whenua o ngā poraka e rua, engari i whakawhānuitia te rahinga o te whenua wātea ki te tāone hou o Ahuriri. I riro i te Karauna tētahi atu poraka iti i tapaina ko Waipūreku (e 200 eka pea te rahi) mō te whakatū i tētahi tāone i reira (ko Clive te ingoa). I whai wāhi ki ngā hokonga o Te Matau-a-Māui (tata ki te 29,000 eka te rahi) me Te Mata (tata ki te 16,000 eka te rahi) ētahi whenua i waenga i Ahuriri me Te Kauae-o-Māui (Cape Kidnappers).



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***Te rīri i ahu mai i ngā hokonga whenua i te tau 1857***

- 2.27 Tae mai ki te tau 1855, ko te āhua i hoko whenua ai te Karauna ki te taha tonga o te poraka Ahuriri tētahi pūtake o ngā mānukanuka i waenga i ngā Māori o Te Matau-a-Māui, tae atu ki ngā Hapū o Ahuriri. I te aweko te Karauna ki aua mānukanuka engari ka haere tonu ana whakariterite ki te hoko whenua i tētahi rangatira i te taha tonga me ōna hoa ahakoa te whakahē a Tāreha rātou ko Te Moananui me ētahi atu i tōna mana hei hoko i te whenua. I te tau 1855 i kī a Te Mākarini, hei Kaikōmihana Matua o te Tari Hoko Whenua, ki te Kaikōmihana ā-Rohe o Te Matau-a-Māui kua tonoa ia e te Kāwana kia kua e uru atu ki ngā whakariterite hoko mai i ērā whenua e tautohetia ai te rangatiratanga. Heoi anō, i Māehe 1856 i kohetitia te Kaikōmihana ā-Rohe e Te Mākarini mō tōna kore haere whakamua me ngā whakariteritenga hoko whenua. I urupare te Kaikōmihana ā-Rohe e mahi ana ia ki te "ārai i te kawē ā-riri i Ahuriri." I te marama o Mei 1856 i kīia a Te Mākarini e tētahi kainoho Pākehā o Ahuriri e whakamaioro ana ngā Māori o Te Matau-a-Māui i ngā pā kei pā mai te riri. I Nōema 1856 i whakaputa te Kaikōmihana ā-Rohe i tōna whakaaro nā ngā "pūhaehae tara whare" i waenga i ngā rangatira o Te Matau-a-Māui "e ākina ana rātou ki te whakaupaupa i te hokonga o ō rātou whenua," me tāna kī ki a Te Mākarini "ka taea te tūmanako kia nunui ake, kia tere ake hoki, ngā hokonga whenua mō te Karauna i te takiwā o Ahuriri".
- 2.28 I tupu tonu te mānukanuka e pā ana ki ngā take whenua. Kei te mōhio ngā kaumātua o ngā Hapū o Ahuriri ki ngā tauira i taua wā i whakamahia ai e ngā tohunga he ritenga tino kaha tuku iho hei aukati i te whakawātea haere tonu o te whenua. I Māehe 1857 i tuhituhi ngā rōpū Māori e tautohetohe ana ki a Te Mākarini me te tono kia haere mai ia ki Te Matau-a-Māui ki te kōrerorero i ngā take. Kīhai a Te Mākarini i tae ki Te Matau-a-Māui i taua wā, ā, ka haere tonu ngā whakaritenga hoko whenua a te Kaikōmihana ā-Rohe me tana whakaotinga i tētahi pukapuka hoko mai i tētahi poraka whenua i Heretaunga koia he pūtake tautohetohe ki ngā hunga whai wāhi. I te marama o Hune 1857 i tonoa a Te Mākarini e te Minita Take Māori kia haere ki Ahuriri. I tuhituhi tētahi mihinare i muri atu i muna a Te Mākarini nō te Karauna te hē i pērā ai te kaha tipu o te mānukanuka. I te marama o Hūrae 1857 i whakaritea e Te Mākarini he utu paremata ki ētahi māngai 16 o ngā hapū o Ahuriri me Heretaunga, tae atu ki a Tāreha rāua ko Pāora Kaiwhata, mō ā rātou kerēme ki ngā poraka o Aorangī, Ōtaranga me Maraekākaho i hokona e te Karauna me te kore kōrero ki a rātou, ki ō rātou hapū rānei.
- 2.29 I Akuhata 1857 pupū ana te whawhai i waenga hāpu ko ngā mānukanuka mō ngā hokonga whenua te pūtake. Tokowhitu ngā Māori i mate, i taotū e 20 i te riri i te Ngahere o Pakiaka i te 18 o Akuhata 1858. Tokowhitu anō ngā Māori i mate, i taotū te 19 anō i ētahi whakaanga i te 14 o Oketopa me te 9 o Tīhema 1857. I mutu te kawē ā-riri i Māehe 1858, ā, i Hepetema 1858 i hui tahi ngā rangatira a Tāreha rātou ko Pāora Kaiwhata ko Pāora Torotoro me ētahi atu rangatira tokowaru ki te tohutohu i te Kāwana kua hohou rongo ngā hunga whawhai.
- 2.30 E kī ana ngā Hapū o Ahuriri ko te papātanga tino nui rawa, i tua atu i te ngaromanga o te whenua, o ngā rauhanganga hoko whenua a te Karauna i ngā tau o 1850 me te rīri i waenga hapū i whai ake, ko te āhua i tūkinotia mārikatia ai te whanaungatanga i waenga i a rātou me ētahi o ō ratou whanaunga kōpūtahi ki te tonga. Kei te whakapono ngā Hapū o Ahuriri ko ngā rauhanganga hoko whenua a te Karauna te pūtake o te tautohetohe i waenga i ngā rōpū whanaunga e rua tērā i toe tonu ki roto i te rautau rua tekau. Heoi, nā te whakapau kaha o ngā Hapū o Ahuriri me ō rātou whanaunga ki te tonga, e mahi

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ngātahi ana rātou ināiane me ētahi take matua ā-tōrangapū, ā-pāpori, ā-ōhanga anō hoki.

- 2.31 I te tau 1859 i whai wāhi ētahi Nāori o Ahuriri ki te whakatū Rūnanga ki te whakahaere i ā rātou mahi. He mea ātete e aua Rūnanga ētahi anō hoko whenua, engari i whakaae ka āhei te whakaoti i ngā hokonga whenua e whakariteritea ana.
- 2.32 I te tau 1861, nā te whakahētanga tipu haere a te Māori ki te hoko whenua i hīkina e te Karauna āna mahi hoko whenua i Te Matau-a-Māui me ētahi atu takiwā.

#### NGĀ MĀORI O AHURIRI I NGĀ TAU TŌMUA O NGĀ TAU 1860

- 2.33 E whakawhanakehia ana e ngā hapori Māori i ngā tau tōmua o ngā tau 1860 o rātou papa ōhanga. Kua riro i ētahi Māori o Ahuriri "he kirimana whaihua mō te mahi i ngā rori, inā koa mō te tākongakonga kōhatu me te whakatakoto mētara", ā, e hoko mai ana ētahi atu i ngā hōiho, ōkiha, terei me ngā kāta. Ko tā ngā Rūnanga he whakahaere i te oranga o te hapori. I te marama o Hūrae 1861 i kī atu a Pāora Kaiwhata ki te Huparatene o Te Matau-a-Māui e noho kūpapa ana rātou ko ōna tāngata e pā ana ki ngā rīriri i waenga i te Karauna me ngā Māori i ētahi atu takiwā, me te tono kia whakarato te Kāwanatanga i tētahi mīhini whiu wīti mō te tukatuka i te nui rawa o te wīti e whakatipuria ana i Pawhakaio, Ōmarunui me Omāhu. I Akuhata 1862 i whakaratohia ngā Māori o Ahuriri ki te mīhini mira me tētahi kaimira e te Karauna, ā, i Hūrae 1863 he mea whakanui e ngā rau maha o te Māori me te Pākehā te whakatuwheratanga o tētahi mira parāoa i Pawhakaio.
- 2.34 I te taenga atu o ētahi anō kaiwhakanoho Pākehā ki te takiwā o Ahuriri ka piki haere te atiti a ngā kararehe a ngā kaiwhakanoho ki runga i te whenua Māori. I te tau 1861 i tuhituhi a Tāreha me ētahi atu rangatira ki te Kaunihera Porowini me te kī he pai ki a rātou te whakawātea i ō rātou whenua hei kai mā te kararehe mēnā ka whiwhi utu mō te pātītī i kainga. Heoi anō, he mea whakaeke e te Ture Hoko Whenua Māori 1846 he whiu ā-ture ki ērā e whakarite tika ana ki te Māori mō ngā whenua whai kokoraho tuku iho. Kia whakatītina ai ngā Māori ki te hoko whenua tēnā i te tuku kia rīhitia, i pānuitia e te Huparatene Porowini o Te Matau-a-Māui i te tau 1860 ka uruhina te Ture e te Kāwanatanga Porowini. I mautohe ngā rangatira mō te pānga o te Ture me te kī e whai ana rātou ki te mahi tahi me Kāwanatanga Porowini ki te "whakarite i te ture ka arotau ki te katoa." Ka whakapuaki rātou kia tukuna ngā Māori e te Karauna ki ngā kokoraho Karauna mō ō rātou whenua.
- 2.35 I uaua ki ngā hapori Māori o Ahuriri ki te mau ki ngā kapewhiti moni taurite, ka tono i ngā utu nui ake mō te mahi i ngā pāmu o te Pākehā. I amuamu ngā kaiwhakanoho mō taua tono me ngā nama a te Māori ki ngā rangatira o ngā toa. I pupū he mānukanuka anō i te tau 1862 nā ngā amuamu a ngā Māori o Ahuriri mō ētahi wā i kahakina ai he poaka nā ngā hapori Māori.

#### NGĀ WHAKAEKENGĀ A TE KARAUNA I ŌMARUNUI ME HEREPOHO, 1866

- 2.36 Kīhai i puta tika atu i ngā pakanga i waenga i te Karauna me te Māori i Taranaki me Waikato i ngā tau tōmua o ngā tau 1860 te rīriri i Te Matau-a-Māui, engari i whai wāhi ki ngā mānukanuka i whakaputa i te kawē ā-riri i ngā tau tōmuri o taua tekau tau. Ko te tikanga kīhai ngā Hapū o Ahuriri i whawhai ki te Karauna i ngā rīriri o ngā tau 1860. I

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whai ētahi tāngata nō ngā Hapū o Ahuriri ki te tiaki i ō rātou whenua me ētahi atu pānga mā te whai wāhi hei haumi o te Karauna i ngā tau 1866 me te 1868. Kīhai ētahi atu i whai wāhi.

- 2.37 I te tau 1862 i whakatūria te hāhi Pai Mārire e te poropiti o Taranaki, e Te Ua Haumene. I kī taurangi te Pai Mārire ka tutuki te tino rangatiratanga mō te Māori. Mai i ngā tau waenga o ngā tau 1860 ka whai wāhi te pikinga o Pai Mārire ki ngā mānukanuka e whanake ana i Te Matau-a-Māui mai i ngā mahi ope taua i ngā rohe tūtata.
- 2.38 I te marama o Hepetema 1866 i tae tētahi taua mau rākau o ngā apataki o Pai Mārire tata ki te 100 nō ētahi atu iwi, hapū rānei, ki te kāinga o Ngāti Matepū i Pētane. I kī rātou ki tētahi āpiha o te Karauna kua tae ki Te Matau-a-Māui hei urupare ki tētahi tono nā Te Mākarini. I te 4 o Oketopa i neke atu te nuinga o rātou i Pētane ki Ōmarunui. I te 5 o Oketopa i tuhituhi a Te Mākarini, te āpiha matua o te Karauna i Te Matau-a-Māui, ki ō rātou kaihautū i Ōmarunui me te tono kia whakapuakina ō rātou koronga. E whiriwhiri ana ētahi rangatira o Ahuriri i taua wā ki te rōpū Pai Mārire kia whakatau whakaaioitia te mōrearea. I ngā reta i whai ake i whakaatu ngā kaihautū e tūmanako ana rātou ki te tūtaki i a Te Mākarini nā tāna tono kia haramai rātou ki Te Matau-a-Māui. I te 8 o Oketopa 1866 i whakatau a Te Mākarini e whakatumatuma ana rātou i Ōmarunui i te haumarutanga o te rohe o Ahuriri, ka whakahau kia tīmata ngā ope taua o te Karauna i ngā whakaritenga ki te whakakore i te tuma i kitea e ia.
- 2.39 I te 9 o Oketopa 1866 i tuhituhi ngā rangatira e noho haumi ana ki te Karauna ki a Te Mākarini me te kī kua whakatauria e rātou tētahi rā mō te huaki ki te rōpū Pai Mārire. I whakautu a Te Mākarini kia noho mānawanawa, ā, māna e tuhituhi ki a rātou ā te wā tika mō te whakatutuki i tā rātou i marohi ai.
- 2.40 I te 12 o Oketopa 1866, whai mai ana i te mōnehutanga o tētahi tauākī whakamutunga i whakahau kia whakahauraro ērā i roto i Ōmarunui i roto i te 1 haora ka huakina rānei, ka whakaekea te pā e ngā ope taua o te Karauna ka mutu he maha ngā mate me ngā taotū i waenga i ngā kainoho. I taua rā anō ka tūpono ētahi atu mate, taotū anō hoki nā ngā mahi a ngā ope taua a te Karauna nō tō rātou haukotinga, karapotinga me te whakaekenga o tētahi atu rōpū i Herepoho, pātata ki Pētane.
- 2.41 I mauhereheretia e 86 e te Karauna i muri i ana whakaekenga i Ōmarunui me Herepoho. I roto i aua mauhere e 9 ngā tāngata, tae atu ki tētahi wahine, nō Ngāti Matepū, me tētahi nō Ngāti Māhu. I tukuna e te Karauna te nuinga o aua mauhere ki Wharekauri i puritia ai rātou me te kore whakawā i ngā āhuatanga whakawiri mō tata ki te 2 tau.

### NGĀ TURE WHENUA MĀORI ME NGĀ PĀNGA O TE TURE KAIPUPURI WHENUA 10

- 2.42 I whakatūria te Kōti Whakawā Whenua Māori e te Pāremata i raro i ngā Ture Whenua Māori o ngā tau 1862 me te 1865 kia mōhiotia ai ngā rangatira o ngā whenua Māori "e ai ki ngā tikanga tuku iho" me te tahuri i te kokoraho Māori tuku iho ki te kokoraho he mea ahu mai i te Karauna. Nā aua ture i whakakore te Karauna i tōna mana hoko tuatahi, me te tuku i ngā rangatira Māori kia rīhi me te hoko atu i ō rātou whenua ki hunga kē, ki te Karauna rānei ina tukuna te kokoraho. Ko tētahi o ngā koronga o Te Karauna mō aua Ture ko te whakamāmā i te whakatuwheratanga o ngā whenua Māori tuku iho hei whakanohonga mā te Pākehā. Kāore he māngai tō te Māori i ngā Whare Pāremata i aua ture e kōrerorerotia ana, ā, kāore he whakawhitihiti kōrero ki ngā Māori o Ahuriri mō aua Ture.

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### 2: HISTORICAL ACCOUNT

- 2.43 Ka taea e tētahi tangata Māori te tīmata tētahi tiroiro kokoraho i te Kōti Whakawā Whenua Māori mā te tāpae tonu ki te Kōti. Nō te whakataunga a te Kōti ki te whakawā i tētahi tonu, me whai wāhi te katoa kua whai pānga tuku iho ki te whakawā ki te hiahia kia whakaurua ki te whakahau a te Kōti, ahakoa i pīrangi ki te kokoraho Karauna, kāore rānei.
- 2.44 He matatini te mana whenua tuku iho, ā, i whakamāmātia e tēnei ngā momo whakamahi whenua maha mā ngā hononga tiritiri ki te whenua. I whakarite ngā ture whenua Māori kia pūmau aua motika i roto i tētahi rohe kua rūrītia me te kore whakauru i ngā wā katoa i ērā katoa kua whai pānga tuku iho ki te whenua. Ka tukuna ngā kokoraho e wātea ana i raro i ngā ture whenua Māori ki te tangata takitahi, kua ki ngā hapū me ngā iwi. Ko te tūmanako o te Karauna mā tēnei huringa ngā Māori e aki taro rawa ki te whakarere i ngā hanganga ā-iwi, ā-hapū hoki mō ngā whenua tuku iho.
- 2.45 I tū tuatahi te Kōti Whakawā Whenua Māori i Te Matau-a-Māui i te tīmatanga o te tau 1866. He mea whakarato e te Ture Whenua Māori 1865 kia tukuna he kokoraho ki ngā poraka whenua Māori ki te mōrahi o ngā "rangatira" 10 (te ture "rangatira 10"). I te whakawā tuatahi o te Kōti i Ahuriri, i whakamārama te kaiwhakawā "ka tauria mārikatia e te Karauna te kokoraho ki ngā tāngata anake e tapaina ana i te tukunga." Heoi anō, ko te tikanga kōharitia ai e ngā Māori o Ahuriri ētahi tāngata kia noho hei kaiwhiwhi i te wā o ngā tiroirohanga a te Kōti Whakawā Whenua Māori i runga anō i te mōhio he māngai ērā kaiwhiwhi mō te hāpori whānui ake kua whai pānga tuku iho ki te whenua, ehara kē i te rangatira whai motika motuhake ki ngā whenua. I te tau 1891 i maumahara a Pāora Kaiwhata ki ngā whakawā tuatahi: "I tonoa mātou e ngā Kaiwhakawā kia haere ki waho me te kōwhiri kia tekau ngā tāne mō ia poraka whenua, ā, ka mahi aua tekau mō te iwi." I te tau 1869 i kī tētahi rangatira matua o Te Matau-a-Māui ki te Pāremata kua kī ngā kaiwhakawā i te whakawākanga tuarua i Ahuriri i te tau 1866 kāore e taea te whakawātea whenua me te kore whakaae a ngā tāngata katoa kua whakaingoatia i te tukunga Karauna.
- 2.46 Heoi anō kīhai te Ture i whakarite kia whiwhi ērā kaiwhiwhi i hoko atu, i tuku kia rīhitia, i mōketetia rānei he whenua i roto i tētahi poraka i te whakaaetanga o ērā atu kaiwhiwhi, i ngā tāngata rānei whai pānga tuku iho kāore ō rātou ingoa i whakaurua ki te kokoraho. I meinga e te "ture pākaha", e ai ki te kōrero a tētahi kaiwhakawā o te Kōti Whakawā Whenua Māori i te tau 1871, ko ngā kaiwhiwhi ngā "rangatira mārika" o te whenua. Nā reira e wātea ana ngā whenua i tukuna mā taua pūnaha hei rawa a tēnā me tēnā o ngā kaiwhiwhi, ka mutu, ka taea te whakamahi ki te utu i tētahi nama.

#### ***Ngā papānga o te whakahaere i te ture rangatira 10***

- 2.47 Nā te whakatūnga o te Kōti me te whakauru i te pūnaha kokoraho hou i whai wāhi ngā kaiwhakanoho o Te Matau-a-Māui ki te whakamana i ngā rīhi i taua wā me te hoko whenua tika mai i ngā kaiwhiwhi. Tae mai ki te tau 1868 e whiwhi ana ngā Māori o Te Matau-a-Māui, tae atu ki ngā Māori o Ahuriri, i ngā reti ā-tau tata ki te £20,000 e ai ki te whakatau tata, me te whai wāhi atu ki te ōhanga o Te Matau-a-Māui. I te tau 1870, i whakatau tata te Kaikōmihana o ngā Rāhuitanga Māori kua namahia ngā rangatira i Te Matau-a-Māui e te rahinga nui ake i te £30,000 ki ngā kaiwhakawā Pākehā me ētahi atu kaitukunama. I te tau 1867 tonu i kī tētahi āpiha o te Karauna i Ahuriri i te hotahotatia ētahi rangatira ki te utu i ā rātou nama, ā, i "tino tere" te whakawāteatanga o ngā whenua Māori i Te Matau-a-Māui". Kīhai ngā ture whenua Māori i aukati i ngā ritenga a ētahi kaiwhakanoho whenua pēnei i te hoatu moni taurewa ki ngā kaiwhiwhi me te tango i ngā

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### 2: HISTORICAL ACCOUNT

whenua Māori i muri i te whakaū nama ki ngā kokoraho whenua mā ngā mōkete. Ko aua ritenga he pūtake o te wenerau nui i waenga i ngā iwi whānui i Te Matau-a-Māui. I te tau 1869 i kī tētahi kaiwhakamāori ā-waha o te takiwā ki te Minita Take Māori whakamahi ai tētahi kaihokohoko e whai wāhi ana ki ngā whakaritenga mō ētahi poraka whenua i Ahuriri i "te kākahu nukurau o te mōkete... ko te whāinga kia whakahoea tīhatatia ngā rawa a te Māori, me te whakakore i ngā reti ā-tau e whiwhi ana rātou i mua.

- 2.48 I waenga i te tau 1866 me te tau 1870 nā te ture rangatira 10 i whakawhitia e 51,000 ngā eka o tata ki te 54,000 eka kua whakawhiwhia ki ngā tāngata takitahi nō ngā Hapū o Ahuriri i raro i te ture kaupupuri tekau, ki ngā rangatira ehara i te Māori. I ēnei rā ko ērā whenua i ngaro i taua wā he whenua haumako e whakamahia ana mō ngā mahi pāmu me te ahuone. He mea whakaatu e ētahi Pākehā i mātakitaki i ngā whakaritenga whenua i Te Matau-a-Māui, tae atu ki ētahi āpiha o te Karauna tō rātou rangirua, kāore pea ngā kaiwhiwhi i mātau katoa ki ngā rara ā-ture o ngā mōkete, rīhi me ngā hokonga i whakaaetia e rātou, me te kī i ētahi wā i hoatu he mōhiohio takarepa ki ngā kaiwhiwhi. I te tau 1872 i whāki te Kaikōmihana Whakapono o Te Matau-a-Māui, he āpiha o te Karauna ka whakatūria ki te ārai i ngā whakaritenga tinihanga e pā ana ki te Māori, i ngā uauatanga ka pā ki te Māori o te "whakariterite i ngā ritenga me ngā kaneketanga o tō te Pākeha mana whenua." I kī tētahi petihana o te tau 1872 he mea haina e ngā Māori e 554 o Te Matau-a-Māui kua "hīangatia" ngā kaiwhiwhi "me te kore mōhio i te hoatu rātou i tō rātou whenua mō ake tonu."
- 2.49 I whakamana te Pāremata i te tau 1867 i tētahi anō Ture Whenua Māori tērā i whakamātau ki te whakatutuki i ngā raruraru i pupū ake i te whakatinanatanga o te ture rangatira 10. I kī te Ture o te tau 1867 i te Kōti Whakawā Whenua Māori te kōwhiringa ki te rēhita i ngā ingoa o ngā tāngata katoa kua whai pānga tuku iho ki tētahi poraka, ahakoa kīhai i taea neke atu i te 10 "rangatira" i roto i te kokoraho. Ka taea anake te whakawātea ngā whenua i tukuna i raro i aua kokoraho mā te rīhi, ā, mō te mōrahi o te 21 tau. He āhua kore nei tā te Koti whakamahi i taua kōwhiringa i Te Matau-a-Māui. Ko te whakatau o tētahi pūrongo i te tau 1871 mō te whakahaere o ngā ture whenua Māori i tūpono tērā nā te mea "kore rawa" ngā Māori o Te Matau-a-Māui "i ākona" ki te menamena ki te Ture 1865, ā, "kore rawa he whakamāoritanga o ngā Ture, he mōhiohio rānei e pā ana ki ngā taipitopito kōrero katoa i roto, i tohatohaina ki waenga i a rātou." I waenga i ngā tau 1869 me te 1872 he mea tuhituhi e ngā Māori o Te Matau-a-Māui e 46 ngā reta amuamu ki te Karauna me ngā petihana 19 ki te Pāremata, ko te nuinga i pā ki ngā whakariteanga whenua. I te tau 1870 i whakatūria e te Karauna ngā Kaikōmihana Whakapono ki te tirotiro i ngā whakawāteatanga o ngā whenua Māori, me te whakaae ki ērā i ngata ai rātou kāore e takahia ngā whirinaki matarua, ā, i mārāma ai ngā hunga whai wāhi ki te pānga o te whakawhitanga. Kīhai ēnei ritenga i hāngai ki ngā whenua o ngā Hapū o Ahuriri kua whakatau kētia i te Kōti Whakawā Whenua Māori tae mai ki te tau 1867, ā, kua whakawāteatia tae mai ki te tau 1870.
- 2.50 I te mārāma o Akuhata 1872 i muri i tētahi hui e rua rā te roa i te pā o Pakowhai, i tuku petihana e 554 ngā Māori nō Te Matau-a-Māui ki te Pāremate, ka tonu i tētahi uiuitanga e pā ana ki ngā whakaritenga whenua. I muri tonu mai i tērā ka tukuna he petihana rite he mea haina e te 513 Māori o Te Matau-a-Māui. I tūtohu te Komiti Take Māori kai whakatūria e te Pāremata tētahi Kōmihana ki te tirotiro i ngā kerēme a te hunga petihana I Oketopa 1872 he mea whakature te Ture Kōmihana Whakawātea Whenua o Te Matau-a-Māui, ka kāhititia te Kōmihana i te mārāma o Tihema. I waenga i Tihema 1872 me Pepuere 1873 i tāpaetia e ngā Māori o Te Matau-a-Māui e 350 ngā amuamu ki te Kōmihana. Heoi anō, nā te mea i whakaaetia e ngā tikanga whakahaere a te Kōmihana kia tirotirohia anake ngā amuamu e pā ana ki ngā poraka kua whakawākia e te Kōti

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### 2: HISTORICAL ACCOUNT

Whakawā Whenua Māori, kīhai i tiro tirohia ētahi tāpaetanga e 49 e pā ana ki ngā hokonga a te Karauna i mua i te tau 1865. I whakatahitia ētahi atu amuamu e waru i muri atu. Ko te 3 o Pepuere 1873 te nohonga tuatahitanga o te Kōmihana i Ahuriri, ā, ka tīmata ki te tiro tiro poraka i runga anō i te raupapa i pūrongoatia ai ngā amuamu i te Kāhiti Porowini o Te Matau-a-Māui. I te otinga o ngā whakawā i te 12 o Aperira i matekiri te nuinga o ngā kaiwhakapae nā te mea kua rangona e te Kōmihana ngā taunakitanga e pā ana ki te 81 amuamu anake, he mea whakarōpū e ngā Kaikōmihana hei "kēhi" e 34.

- 2.51 I whakatau te Heamana o te Kōmihana Whakawātea Whenua o Te Matau-a-Māui kua whaimana ngā amuamau a ngā Māori o Te Matau-a-Māui mō te whakahaere o ngā ture whenua Māori, ka tūtohu kia whakakoretia te ture rangatira 10. I kī te Heamana tata te katoa o ngā hokonga whenua i tiro tirohia e te Kōmihana he whenua "he mea tango hei whakaea i tētahi nama o mua." I whakahē te Pūrongo Whānui nā tētahi o ngā Kaikōmihana Māori i ngā tikanga i whakamahi ngā kaiwhakanoho whenua kia riro i a rātou he whenua Māori i Te Matau-a-Māui, tae atu ki te ritenga o te hoatu moni taurewa ki ngā tāngata kua whiwhi tukunga a te Kārauna.
- 2.52 I whakakore te Ture Whenua Māori o te tau 1873 i te Ture Whenua Māori o te tau 1865. Kīhai i whai wāhi te ture rangatira 10 ki te Ture 1873, ā, ka whakarite kia tuhia ia rangatira o tētahi poraka whenua ki roto i tētahi Manatu Rangatiratanga. I whakarite anō hoki te Ture kia tiro tirohia e te Kōti Whakawā Whenua Māori ngā hokonga whenua Māori e marohitia ana me te whakatau kua whiwhi ngā rangatira i te katoa o te utu hoko i whakaaetia, kāore he tangohanga hei utu nama, i mua i te whakamana i te whakaritenga. Kīhai i hāngai ngā whakaratonga o te ture 1873 ki ngā kokoraho i tukuna i mua e te Kōti Whakawā Whenua Māori, ki ngā whenua anō hoki kua whakawātea kētia.
- 2.53 I te Marama o Akuhata 1873, i tuku petihana ngā Māori e 300 mai i Te Matau-a-Māui me ngā takiwā tūtata ki te Pāremata e tonono ana i tētahi kōmihana tuarua ki te whakaoti i ngā mahi o te mea tuatahi. I kī ngā kaituku petihana ka taea e te Pāremata mā ngā taunakitanga i whakaemihia e te kōmihana tuatahi "te kite i ngā mahi kikino a ngā rōia me ngā kaiwhakamāori ā-waha, ā,... ka mātau ki ngā tūmomo tikanga huna, hīanga anō hoki i pāhuatia ai ngā whenua o ngā rangatira Māori," ā, "e toe tonu ana te huhua o ngā kēhi tino kikino atu hei whakatikatika." Kīhai i oti tētahi Pire ki te whakatū i tētahi kōmihana tuarua.
- 2.54 E kī ana ngā Hapū o Ahuriri nā te whakatinanatanga o te ture rangatira 10 i raupatutia ai ngā whenua o te nuinga o ngā kaupupuri motika i ngā poraka whenua o Ahuriri, ā, nā ngā ritenga hoko whenua a hunga kē anō hoki, i tino taumaha rawa te tūnga o ērā tāngata ruarua i whakaingoatia hei kaiwhiwhi. E kī ana hoki ngā Hapū o Ahuriri i takoha atu te ngaromanga o ngā whenua nā te ture rangatira 10 te pūtaka ki te whakaruhi i ngā mahi hautū tuku iho me te whakaputa i ngā mānukanuka i roto, i waenga anō hoki i ngā hapū, ā, ko te mutunga iho, i tino tumatia rawatia te honohonotanga ā-pāpori, ā-ahurea, ā-ōhanga hoki o ngā hapori o ngā Hapū o Ahuriri.

#### ***Te poraka o Papakura me te "rāhuitanga" o Waitanoa***

- 2.55 I rīhi haratia a Papakura (e 3,363 eka) e te Kaunihera Porowini o Te Matau-a-Māui i te tau 1865 He mea whakarite te rīhi ki ngā tāngata e 67 nō ngā Hapū o Ahuriri me ētahi atu iwi, hapū rānei ki te tonga. I te tau 1866 ko Papakura te poraka whenua tuatahi o Te Matau-a-Māui kia tiro tirohia e te Kōti Whakawā Whenua Māori. I te marama o Māehe 1866 i tukuna a Papakura e te Kōti ki ētahi kaiwhiwhi e 2. I whakaatu te mahere e pātahi

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ana ki te rīhi i te horahanga 94 eka o te ngahere i Waitanoa hei "rāhuitanga" mā te Māori. I muri i te whiwhi kokoraho i te Kōti ka uru atu ngā kaiwhiwhi e 2 ki tētahi rīhi hou me te Kaunihera Porowini. I whakaatu anō hoki te mahere e pātahi ana ki taua rīhi i Waitanoa, e tapaina ana hei "Māori" i tēnei wā.

- 2.56 I te tau 1867 i hoko mai te Kāwanatanga Porowini o Te Matau-a-Māui i Papakura mai i ngā kaiwhiwhi e 2 mō te £9,500. Kīhai te pukapuka hokonga i kōrero mō Waitanoa, ahakoa i whakaaturia ōna paenga i te mahere pukapuka me te tapanga "Waitanoa". I ngā pukapuka whai ake i oti ai te hokonga o Papakura i katia mārikatia a Waitanoa.
- 2.57 Nō reira ka rangirua haere te tūnga o Waitanoa. Ka whai wāhi a Tāreha, tētahi o ngā kaiwhiwhi tokorua o te tau 1866, ki ngā whakaritenga me hunga kē ki te rīhi i te poraka o Waitanoa, engari i te mutunga i hokona atu. I kī ia i muri atu ko tōna koronga ko te rīhi anake i te whenua, kua ko te hoko atu, ā, kua riro i a ia he kī taurangi ka taea tonutia e te Māori te uru ki Waitanoa hei kohikohi rākau me te wāhie. Heoi i whakakoretia te āhei atu o te Māori ki Waitanoa atu i te tau 1867.
- 2.58 I te tau 1873 i rongō amuamu te Kōmihana Whakawātea Whenua o Te Matau-a-Māui mō te ngaromanga o Waitanoa. Kāore i whakaaturia te pukapuka hoko ki te Kōmihana, ā, kua kore taua pukapuka i tēnei rā. I whakatau te Kōmihana kua hokona te poraka ki te utu tōkeke, engari i whakaae he amuamu tika tā Tāreha kīhai i whakaurua te āhei ki ngā rākau me te wāhie ki roto i te pukapuka, kīhai hoki i tautokona.

#### ***Ngā poraka o Te Pahou me Pētane***

- 2.59 I te marama o Akuhata 1866 i tiroiro te Kōti Whakawā Whenua Māori i te kokoraho ki ngā poraka o Te Pahou me Pētane e takoto ana i te pito raki o Te Whanganui-ā-Orotu. I whakamahia e te Kōti te ture rangatira 10 me te whakauru i ētahi tāngata nō ngā Hapū o Ahuriri ki roto i ngā kaiwhiwhi. I roto i Te Pahou (e 694 ngā eka) ko ētahi motu e 3 i Te Whanganui-ā-Orotu: Te Roro o Kuri, kua rāhuitia i te hokonga Ahuriri o te tau 1851, me ētahi motu iti iho i kīia ko Parapara me Te Ihu o Te Rei. Tae mai ki te tau 1870 kua hoko mai tētahi kaiwhakanoho i ngā hea whaipānga o ngā kaiwhiwhi 10 katoa i Te Pahou, tae atu ki ngā motu. I te tau 1873, i kī atu tētahi kaiwhakaatu ki te Kōmihana o Te Matau-a-Māui e aro ana ētahi rangatira tuku iho e 40 ki te 50 pea ki te whiwhi kokoraho ki Te Pahou.
- 2.60 I tuku te Kōti i te poraka Pētane 10,908 eka te rahi, i roto ko ētahi kāinga hira, ki ngā rangatira 10. Tae mai ki te tau 1870 kua hokona mai e waru o ngā hea 10 i Pētane e tētahi kaiwhakanoho. Nō ētahi kaiwhiwhi o te hapū o te takiwā, o Ngāti Matepū, ngā hea e rua kāore i hokona. I kī rāua i hiahia ki te pupuri i te whenua mō rāua anō, mō ētahi atu tāngata e 50 kīhai i whakaurua ki te tukunga.
- 2.61 I amuamu ētahi tāngata whai pānga tuku iho ki Te Pahou me Pētane, tae atu ki ētahi tāngata nō ngā Hapū o Ahuriri, ki te Kōmihana o Te Matau-a-Māui nā te mea i mahue atu i ngā tukunga Karauna o te tau 1867, ā, kua hoko whenua atu ngā kaiwhiwhi me te kore whakawhitihiti kōrero me te kore tohatoha i ngā hua ki ngā rangatira tuku iho katoa. I amuamu ētahi kaiwhiwhi, nā rātou ētahi hea kua whakawāteatia, ki te Kōmihana kua whiwhi waipiro me ngā rawa anake mō ō rātou hea whaipānga. I amuamu ētahi atu kīhai i whiwhi utu. I whakatau ētahi Kaikōmihana e rua i tōkeke te utu a te kaihoko Pākehā i ngā hea mā te whakarato moni taurewa i te toa i whakahaeretia e ia. I whakatau tētahi atu Kaikōmihana "ehara i te tōkeke rawa" te whaakawhitinga o Te

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Pahou. I whakatau anō hoki taua Kaikōmihana ko tā te kaihokoko i whai wāhi ki te hokonga mai i Te Pahou "he pupuri tonu i ngā moni, kia uruhina ai ngā Māori ki te haere ki a ia ki te tono rawa mā te nama."

- 2.62 I te matenga o ngā kaiwhiwhi o Pētane kīhai i hoko atu i ō rāua hea i te tau 1870 me te tau 1877, i whakarato ngā ture whenua Māori kia tukuna iho ō rātou pānga i te poraka ki ō rāua uri hei rawa whaiaro. I waenga i ngā tau 1882 me te 1912 i riro i ētahi kairīhi te toenga o te poraka Pētane mā tētahi raupapa hokonga mai i ngā uri o ngā kaiwhiwhi tuatahi. Engari, ko tētahi aweretanga nui ko tētahi rāhuitanga 100 eka i whakatūria huri noa i te kāinga i te kotikotinga whenua o Pētane 1. I tēnei rā kei te toe tonu e 23 eka pea huri noa i te marae o Pētane.

#### ***Ngā poraka o Waipiropiro, Ōmarunui 2, Tunanui me Te Whare-o-Maraenui***

- 2.63 I whakatauria ngā poraka o Waipiropiro (1,126 ngā eka), Ōmarunui 2 (225 ngā eka) me Tunanui (31,289 ngā eka) e te Kōti Whakawā Whenua Māori i ngā tau 1868-1869, ka hokona e hunga kē i muri tonu atu. E nohoia tonutia ana, e tāmataia ana ētahi wāhanga o Waipiropiro me Ōmarunui 2 e te Māori. I tāpae amuamu ngā kaiwhiwhi o ngā Hapū o Ahuriri ki te Kōmihana o Te Matau-a-Māui mō ngā tikanga i whāia e hunga kē ki te hoko whenua i ngā poraka, tae atu ki te whakawhiti whenua i ia tūāhua hei utu rawa, hei whakaea nama rānei i putua e ētahi kaiwhiwhi. I kīia atu te Kōmihana e ētahi kaiwhiwhi e rua o ngā mea e toru o Waipiropiro kua rīhitia anake te poraka. I hoatu whakaaturanga e toru o ngā kaiwhiwhi tokowā o Ōmarunui 2 kāore anō rātou kia whakaae ki te rīhi, te hoko rānei i Kopuaroa, he wāhanga e 82 ngā eka o te poraka o Ōmarunui 2, i noho ai ō rātou iwi, i tāmata ai hoki i te whenua whai mai ana i te whiwhinga kokoraho i te Kōti Whakawā Whenua Māori. I wehe atu ngā kainoho o Kopuaroa i te whenua i muri i te tīmatanga a te kaiwhakanoho nāna i hoko mai i Ōmarunui 2 o ngā akihana ki a rātou i roto i te Kōti Matua. I kī atu a Pāora Kaiwhata, ehara ia i te kaiwhiwhi mō Ōmarunui 2, ki te Kōmihana e aro ana ngā Māori 100 ki te kokoraho o te poraka. I kī atu e toru o ngā kaiwhiwhi 10 o Tunanui, tae atu ki a Pāora Kaiwhata, ki te Kōmihana o Te Matau-a-Māui kua whakaae anake rātou ki tētahi mōkete i runga i te whenua; ka whakahaeretia te haina i te pukapuka i muri i te hoatu waipiro ki te hunga kaihaina; ā, kīhai i utua te whenua e te kaiwhakanoho ki te moni. I puta te kupu a ngā Kaikōmihana e rua o ngā mea e 4 mō ngā kaituku amuamu i ngā kehi o Ōmarunui 2 me Tunanui me te tūtohu kia whakahokia a Kopuaroa ki te Māori, engari i whakatau ērā atu Kaikōmihana kāore he kiko o ngā amuamu. Kīhai tētahi mahi i tutuki i te Karauna e pā ana ki aua āhuatanga o te pūrongo a te Kōmihana.
- 2.64 I te tau 1869 i tukuna Te Whare-o-Maraenui (1,808 eka) ki ētahi kaiwhiwhi e 2. I hokona mai taua poraka i muri atu e te Karauna i taua tau anō. I amuamu ētahi tāngata whai pānga tuku iho ki Te Whare-o-Maraenui ki te Kōmihana o Te Matau-a-Māui kua hokona atu te whenua me te kore whakaae, me te kore whiwhi i te wāhi tōkeke o te moni hoko. Kīhai te Kōmihana i tuku pūrongo mō aua amuamu.

#### ***Te rāhuitanga o Wharerangi***

- 2.65 I te tau 1867 i tukuna te rāhuitanga o Whareranga (1,845 eka) e te Kōti Whakawā Whenua Māori ki ētahi kaiwhiwhi e 4. I roto i te tukunga a te Karauna he whakaritenga kāore e taea te whakawātea te whenua mā te hoko atu, te rīhi rānei mō neke atu i te 21 tau, te mōkete rānei me te kore whiwhi whakaaetanga i te Kāwana.



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- 2.66 Whai mai ana i te tiroiro kokoraho i rīhi ngā kaiwhiwhi i Wharerangi ki hunga kē. I te tau 1873 i rongo whakaaturanga te Kōmihana o Te Matau-a-Māui he tokomaha ngā rangatira tuku iho kua aukatia i te tukunga a te Karauna, ā, kua whakaae ngā kaiwhiwhi ki te whakaiti i te reti hei whakaea i ā rātou nama ki te kairīhi me te kore whakawhiwhiti kōrero ki ērā atu rangatira tuku iho. I whakatau te Kōmihana "kua tuku te ture kia matakite ngā kaiwhiwhi i ngā hua katoa o te rāhuitanga mō te roanga ake o ngā tau... nā konei i āhei te whakakore i te tūponotanga kia whiwhi painga te nuinga o ngā rangatira e ora ana i taua rāhuitanga."
- 2.67 I te tau 1900 i tono ētahi o ngā Māori o Ahuriri ki te Kōti Whakawā Whenua Māori kia mōhio ai mēnā he kaitiaki ngā kaiwhiwhi tokowhā o Wharerangi mō te katoa o ngā rangatira tuku iho. I whakatau te Kōti i reira he tiakitanga. I whakatau i reira e 46 ngā rangatira whai painga, ka whakawhiwhi i te 370 hea, e tohu ana ia hea i te 5 eka, ki ngā rangatira o ētahi whānau e 22. Whai mai ana i ētahi rerekētanga ki ngā rārangi o ngā hunga whai painga i te tau 1905, i wāwāhi te Kōti i te rāhuitanga o Wharerangi i te tau 1907. I whakaotia he whakahau mō ngā wāwāhanga 10 i te tau 1908. He mea whakakore e te Kōti ētahi atu pīra ki te tautuhi anō i ngā pānga e pā ana ki ngā poraka i ngā tau 1911 me te 1912. Kīhai ngā whakahoutanga ki te kokoraho Wharerangi i pā ki ngā rīhi kua whakarite kētia ki te Pākehā mō ētahi wāhanga o te poraka.
- 2.68 Mai i 1911 i tīmata ētahi hunga kē ki te hoko wāhanga o Wharerangi. I te tau 1967 i kī te Kōti Whenua Māori, hei mutunga iho o tētahi menamena ki ngā ture whenua Māori, ko ētahi o ngā wāwāhanga o te poraka Wharerangi me te 4 tokoiti ake rānei ngā rangatira he whenua korehere, ahakoa e puritia tonutia ana e te Māori. Mutu mai te rautau rua tekau e toe tonu ana e 222 eka anake o te rāhuitanga taketake o te 1,845 eka hei whenua korehere nō te Māori.

#### ***Ngā kāinga o Ōmarunui me Ngatahira***

- 2.69 I tukuna te poraka o Ōmarunui (e 3,573 eka) e te Kōti Whakawā Whenua Māori ki ētahi kaiwhiwhi e 2 i tohua e ngā kaikerēme i te marama o Māehe 1866. I roto i taua poraka ko te kāinga o Ngatahira e nohoia ana e ētahi taihana o ngā tāngata o Ngāti Hinepare me Ngāti Māhu. I whakaatu te mahere rūri i tāpaetia i te tiroirohanga kokoraho i ngā wāwāhanga e 2 i roto i te poraka Ōmarunui: i tapaina 163 eka huri noa i te kāinga o Ngatahira ko te "Wāhanga B", me te tapa i te toenga o te poraka (e 3,410 eka) hei "Wāhanga A". Heoi anō, kīhai te Kōti Whakawā Whenua Māori i tuku kokoraho motuhake mō ngā wāhanga A me B o Ōmarunui. I muri atu i rīhitia a Ōmarunui, ka mōketetia, ka hokona atu ai e ngā kaiwhiwhi ki tētahi kaihokohoko Pākehā i Māehe 1869 ki te whakaea nama i whakapipia mō rāua me ō rāua hapori.
- 2.70 I te tau 1875 i tono ngā kainoho o Ngātahira kia whakahokia anō te kokoraho ki Ōmarunui 2 ki ngā kaiwhiwhi tokorua mā ngā kōti. I whakatau te Kōti Matua i Ahuriri kīhai tētahi o ngā kaiwhiwhi i mōhio i pā te hokonga o Ōmarunui i te tau 1869 ki Ōmarunui B me Ōmarunui A anō hoki, engari kīhai taua kōti me ētahi atu i kite i tētahi pūtake ki te whakakore i tā te Karauna tukunga ki te kaiwhakanoho e pā ana ki Ōmarunui B.
- 2.71 I te tau 1876 i nohoia a Ōmarunui B e ngā Māori 150. I riro i te rangatira kaiwhakanoho tētahi whakahau ā-pukapuka ki te pana i ngā kainoho ki waho engari i whakanau rātou ki te wehe. I te tōmuritanga o te tau 1876 i tono āwhina te Karauna i ngā rangatira o te takiwā, tae atu ki a Tāreha rāua ko Pāora Kaiwhata, ki te whakarite i tētahi whakaaetanga ki te whakamutu i te nōhanga. I whakapeka aua rangatira ki te

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whakamutu i te nōhanga i mua i tō rāua mōhio ki te āhua me te nui o te paremata tērā i hiahia te Karauna ki te tuku ki ngā kainoho, ka mutu, i rahua ngā whakaritenga.

- 2.72 I te tau 1879 i tirotirohia e te Kōmiti Take Māori tētahi petihana i tāpaetia e te kaiwhakanoho nōna te tukunga Karauna mō Ōmarunui B. I pūrongo te Komiti "ahakoa ko te āhua nei he kokoraho ā-ture tō te kaiwhakanoho ki te whenua... tērā tonu pea tā te Karauna tukunga he hara ki te [Māori] e noho ana mō te wā roa i runga i ētahi eka 163 i whai wāhi ki taua tukunga." Ko te tūtohutanga a te Komiti mā te Kāwanatanga e mahi he mahi hei whakatau i te take. I Māehe 1880 i whakamātau anō te Kāwanatanga ki te mahi hei takawaenga mō te tautohe me te whakamutu i te nōhanga. I whakanono i ngā kaiwhakarite Māori kia whiwhi kokoraho ngā kainoho ki te poraka kāinga 163 eka o Ngatahira (Ōmarunui B). Ko tā rātou tāpaetanga me hoatu te 1,000 eka o te whenua Māori i te poraka o Te Kohurau 2 ki te kaiwhakanoho mō Ōmarunui B, me tō rātou whakaae ki tētahi marohitanga a te Karauna i muri atu kia tango te Kaurana i te whenua i Te Kohurau 2 hei utu i te rironga o Ōmarunui B i te kaiwhakanoho mō te Māori. I whakahētia ngā marohi e rua e te kaiwhakanoho, ā, i Noema 1880 i inoi atu ki ngā āpiha o te ture ki te whakamahi i te whakahau ā-pukapuka i whiwhi i 1876 ki te pana i ngā kainoho o Ngatahira. Whai mai ana i te panatanga a ngā wāhine nō Ngatahira i te rōpu pana tuatahi, i panaia ngā kainoho i te 7 o Tihema 1880.
- 2.73 I te tau 1881 i tirotiro te Komiti Take Māori o Pāremata i tētahi petihana nā Pāora Kawhata me ētahi atu tāngata tokoono e tono ana kia whakahokia a Ngatahira ki ōna rangatira tuku iho. I whakatau te Komiti "mā te matatika e whakarite kia whakahokia ngā kaipetihana me ō rātou hoa ki tō rātou tūnga taketake, ā, kia whakaungia tō rātou rangatiratanga i runga i te whenua." I kī anō hoki te pūrongo a te Komiti me kua ngā rangatira tuku iho e uruhina ki te whakahapa whenua, moni rānei kia whakaoratia anō ai tō rātou rangatiratanga i runga i Ngatahira. I taua tau anō, i whakamōhio te Kaiwhakawā Matua o te Kōti Whakawā Whenua Māori i te Minita Take Māori i whakapono ia i hē te whakaurunga o Ōmarunui B i roto i te tirotirohanga o te tau 1866. I te tau 1882 i whakatau te Rōia Matua mō ērā tāngata whai pānga tuku iho ki Ngatahira "i hē te tangohanga o ō rātou whenua... [ā, kua] whai kerēme tika i te iti rawa kia tino whakapau kaha te Karauna ki te whakatika i te hē me te whakahoki i tō rātou whenua ki a rātou." Kīhai te Karauna i mahi i ētahi mahi ki te whakatau i te take hei uruparenga ki ēnei, ki ētahi atu petihana me ngā pīra Māori mō ngā mahi whakatikatika i ngā tau 1886, 1891, 1896 me 1903.
- 2.74 I whakaoratia anō te take tata ki te 50 tau i muri atu, i muri i te rironga o tētahi wāhanga o Ōmarunui B i te Karauna. I te tau 1949 i tuhituhi a Ngahere Hōhepa ki te Karauna e tono ana kia whakahokia a Ngatahira ki ōna rangatira tuku iho kia taea ai te whakamahi hei whakanoho i ngā hōia Māori kua hoki mai i tāwāhi. I whai atu tētahi petihana i te tau 1952 i tono i te whakahokinga o te poraka Ōmarunui B. He mea aro ngā kōrerorerotanga i muri ake i waenga i te Karauna me ngā kaipetihana ki te paremata. I tono utu paremata ngā kaipetihana o te £9,753 mō ngā whakakino i pā nā te panatanga i te tau 1880, tae atu ki ngā whare i turakina, ngā huakai maroro, te uara o te whenua anō, nga rawa i kainga e te ahi, me te "takaonge me te mamae". I te tau 1953, i muri i tā te Karauna wero i ngā taunakitanga hei pou here mō te paremata e tonoa ana, i whakaaro ngā uri o ngā kainoho o Ngatahira me whakaae ki te tukunga ātete a te Karauna o te paremata o te £4,000, he mea utu i te tau 1954.

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***Ngā Māori o Te Matau-a-Māui me te tīmatanga o te Kotahitanga***

- 2.75 I whai wāhi te whakaahu a te Māori ki te putanga o te Kōmihana Whakawātea Whenua o Te Matau-a-Māui i 1873 ki te whanaketanga o te Kaupapa Kōpaetanga, tērā i whai ki te whakatutuki i ngā whakamau a ngā Māori o Te Matau-a-Māui, tae atu ki ngā Hapū o Ahuriri, e pā ana ki ngā whakawāteatanga whenua. I tono ētahi rangatira ki te whakakore i ngā whakaritenga i urua mai i te whakatūnga o te Kōti Whakawā Whenua Māori, me ngā hokonga a te Karauna i mua atu. I tono ētahi atu kia tiroirohia ngā whakaritenga whenua o te wā, taea noatia te tūnga o ngā mōkete i roto i te whakawātea whenua, me te paremata ā-moni, ētahi atu momo paremata rānei, mō nga whenua i ngaro. I Akuhata 1874 i tāpaetia tētahi petihana e ngā Māori o Te Matau-a-Māui, o wāhi kē hoki, ka tautoko i te whakakorenga o ngā whakaritenga whenua o mua me te tono i te Pāremata "kia kua [te Ture Whenua Māori o te tau 1873] e whai mana i runga i ō mātou whenua, me ētahi atu rawa a mātou, engari kē ka tuku i a mātou ki te hoki ki te Tiriti o Waitangi hei taituarā whaimana".
- 2.76 I tipu taua mautohe hei karanga i waenga iwi mō te kotahitanga ko ngā pokapū ko Ahuriri me Heretaunga. I Māehe 1876 i tae atu tata ki te 1,200 māngai nō ngā iwi me ngā hapū o Ikaroa me te puku o Te Ika-a-Māui tae atu ki Te Kōpua me Hauraki i te raki ki tētahi hui i te kāinga o Tāreha i Waiōhiki. I whakatau rātou kia kua e kawē i ētahi atu whenua ki mua i te aroaro o te Kōti Whakawā Whenua Māori me te whakamutu i te hoko whenua. I muri i tētahi atu hui i waenga iwi i tū i Pakowhai i tāpae ētahi tāngata e 395 i tētahi petihana e kī ana kia whakahaerehia he rūnanga ā-tau o ngā Māori hei whakarato tohutohu ki te Pāremata mō ngā take e arohia ana e te Māori. I tū ētahi atu hui i waenga iwi i muri atu i Ōmahu i Tihema 1876, i Porangahau i Hānuere 1877, i Ōmahu anō i Māehe 1877. He mea tāpae ngā whakataunga mai i aua hui, tae atu ki ngā karanga kia whakahoutia ngā ture whenua Māori, ki te Pāremata i roto i tētahi petihana i hainatia e te 991 "Rangatira me ngā Tāngata nō te Nuinga o ngā Iwi o tēnei Motu." I muri tonu iho ka whai tētahi atu petihana i hainatia e neke atu i te 1,000 tāngata tērā i aro ki ngā take e pā ana ki ngā ture whenua Māori. I ngā tau 1877 me te 1878 i tae atu a Tāreha rāua ko Pāora Kaiwhata ki ētahi hui nui i Waiōhiki, Poukawa me Pakowhai i puta ai tētahi Komiti o ngā māngai ā-iwi 24 ka whakatūria ia tau ki te tuku tūtohutanga ki te Pāremata i Te Whanganui-a-Tara. Heoi anō, i te tau 1879 i whakapuaki ngā Māori i rūpeke i Ōmarunui i tō rātou matekiri ki te korenga o ngā whakahoutanga whaitake nā te Kōti Whakawā Whenua Māori hei urupare ki ngā āwangawanga i whakapuakina i ngā petihana, me te tā te Karauna kore whakamana i te Komiti. Mai i 1880, hei mutunga iho o ngā kōrerorero haere tonu i waenga i ngā Māori o ngā motu e rua ko te whakatūnga o ngā pāremata Kotahitanga Māori o 1892 ki te 1902, i tino whai wāhi ai ngā Māori o Te Matau-a-Māui.

**NGĀ WHENUA O NGĀ HAPŪ O AHURIRI (1900-1930)**

- 2.77 Tae mai ki te tau 1900, i puritia e ngā Hapū o Ahuriri he whenua i ētahi poraka, tae atu ki Moteo-Hapua-Pirau (tata ki te 900 eka), Omāhu 1 (472 eka), Tuhirangi (tata ki te 1,200 eka) me Waiōhiki (tata ki te 1,190 eka), e takoto ana ki te tonga o te poraka o Ahuriri. I puritia anō hoki te rāhuitanga o Wharerangi me tētahi wāhanga o te poraka o Pētane. I whakakore te Ture Whenua Māori 1909 i ngā herenga whakawātea whenua e toe tonu ana i runga i ngā kokoraho whenua Māori. Ko tā taua ture he whakaahei i ngā rangatira o ngā whenua Māori ki te hanga whakatau tōpū mō te whakawāteatanga o ō rātou whenua. Ka taea te whenua Māori te rīhi, te hoko atu rānei mēnā i whakaae te nuinga o ngā rangatira i tētahi hui i whakahaeretia e te Poari Whenua Māori ā-Rohe ki tētahi hokonga. Tae mai ki 1930 kua wāwāhia, kua rīhitia me te hoko atu ki hunga kē te nuinga

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o te whenua i ngā poraka o ngā Hapū o Ahuriri e toe ana. E kī ana ngā Hapū o Ahuriri whakapau ai te moni i whiwhi i ngā hokonga whenua hei utu i te oranga tangata.

#### TE "RĀHUITANGA" O WAIŌHIKI ME NGĀ TANGOANGA I WAIŌHIKI MŌ NGĀ MAHI NUNUI

- 2.78 I te tau 1883 i tuhituhi a Te Roera Tāreha me ētahi atu tāngata tokowhitu nō ngā Hapū o Ahuriri ki te Minita Take Māori ki te tono kia rāhuitia ngā poraka o Waiōhiki me Paepaetahi me te kī pēnei "ko tō mātou hiahia tēnei me rāhui i aua whenua hei kāinga pūmau mō mātou". I whakatau te Karauna ki te whakatutuki i te tono mā te whakarite kia whakahaeretia ngā poraka e te Kaitiaki mō te Katoa. I te tau 1886 i tauria te poraka o Waiōhiki (1,190 eka) e te Kōti Whakawā Whenua Māori i raro i te whakahaere a te Kaitiaki mō te Katoa hei "rāhuitanga Māori" me te tautohu i ngā kaiwhiwhi painga e 20 mō te whenua. I 1895 i tāpiri te Kōti i ētahi anō tāngata tokowhā ki te rārangi kaiwhiwhi painga, ka wāwāhi i te whenua kia 6 ngā wāwāhanga.
- 2.79 I te tau 1907, i runga anō i te tono a Te Tari Tiaki Iwi, i whakahokia ā-ture te rāhuitanga o Waiōhiki ki ngā rangatira. I muri atu ka whakawāteatia tētahi wāhanga iti o te whenua i Waiōhiki nā ētahi hokonga ki hunga kē me tētahi tangohanga mō ngā mahi nunui, engari i toe tonu te nuinga o te poraka ki ngā Hapū o Ahuriri hei rangatira tau atu ki ngā tau o 1930.
- 2.80 I takoto te poraka o Waiōhiki i ngā tahataha o te Awa o Tūtaekurī. He rawa hira te awa, tōna mānia he rite tonu te pukea, me ngā repo pātahi ki ngā Hapū o Ahuriri. Tae mai ki ngā tau o 1930 i rere te Awa o Tūtaekurī ki roto i te pito tonga o Te Whanganui-ā-Orotu. Horomia ai e te waipuke, ā, i te tau 1919 ka tuku mahere te Poari o ngā Awa o Te Matau-a-Māui ki te papare i te pūwahatanga o te awa hei ārai i te waipuketanga. I te tau 1932 i whakaaetia te kaupapa a te poari ki te papare i te pūwahatanga o te Awa o Tūtaekurī ki Waitangi, i te takutai ki te tonga o Ahuriri.
- 2.81 I te marama o Mei 1934 i urua te whenua Māori i te poraka o Waiōhiki e te Poari o ngā Awa o Te Matau-a-Māui ki te tīmata ki te hanga tupehau hei wāhanga o te kaupapa papare. I Noema 1935 i whakapuaki i tōna koronga ki te tango i te 183 eka o te whenua pārengarenga i te poraka o Waiōhiki i raro i ngā ture mahi nunui. I whakahētia tērā e ngā rangatira Māori, e mahi pāmu ana ētahi o ēnei i reira, engari ka haere tonu ngā mahi papare. I Oketopa 1936, i te tata otinga o te paparenga, he mea whakapuaki rawa te whenua he whenua ka tangohia i raro i te Ture Mahi Tūmatanui 1928 ka tauria anō hoki ki raro i te Poari o ngā Awa o Te Matau-a-Māui. I te tau 1937 i whakatau te Kōti Whakawā Whenua Māori me utu ngā rangatira ki te £2,951 hei paremata, tērā i whakahekeka nā te pīra ki te Kōti Pīra Whenua Māori ki te £2,658. I whiriwhiria te rahinga i muri i te whakatakoto i ētahi wāriutanga rerekē ki mua i ngā Koti.

#### NGĀ TAKE ŌHANGA O TE RAUTAU RUA TEKAU

- 2.82 Tae mai ki 1930 he tino iti rawa ngā whenua tuku iho e toe tonu ana ki ngā Hapū o Ahuriri, ā, kīhai i ērā i pupuri tonu i tō rātou whenua te pūtea hei whakawhanake. He pakukore te āhua noho o te nuinga. Ko te tikanga o te iti o te whenua e toe ana me ngā wāwāhanga iti i wāhia ai te whenua kāore i whai hua ngā kaupapa whakawhanake whenua e āwhinatia ana e te kāwanatanga mō te nuinga o ngā rangatira o ngā Hapū o Ahuriri, ahakoa i tāpiri ngā rangatira o ngā Hapū o Ahuriri i ngā "wāhanga" e 9 (ko te 190

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eka pea te tapeke) ki te Kaupapa Whakawhanake o Heretaunga i te tau 1932. Ka whai wāhi ki tēnei kaupapa, i tīmataria i te tau 1931, he wāhanga whenua kaupāpari, ā, ehara i te kaupapa whakakotahi e whakahaeretia ana whakawhiti i ngā poraka tūtata. I te tau 1932 i whakapauta te Minita Take Māori a Apirana Ngata i tōna whakaaro kāore e "taea e te kaupapa te whakatikatika te pakukore" i kitea i waenga i ngā Māori o Te Matau-a-Māui, ā, kua pūrongotia e ngā Āpiha o te Karauna.

- 2.83 I 1942 i kitea e tētahi rangahau a te Karauna o ngā whare 261 i ngā pā o Te Matau-a-Māui me turaki te 19%, ā, mō te 44% me nui rawa ngā mahi whakatikatika. I kitea e te rangahau i "pai" he 5 o te 10 whare i tirotirohia i te pā o Waiōhiki, ā, ko te tikanga o te kupu pai i reira me whai tikanga parukore te whare kia noho hauora nga kainoho. I Moteo, ko te whakatau kīhai tētahi o ngā whare 14 he whare pai, ā, ko te tūtohu me turaki e 5. Waihoki, ehara tētahi o ngā whare e 5 i Wharerangi i te pai. I Pētane, ko te whakatau 1 o ngā whare 11 he whare pai, ā, me turaki kotahi. I whakarato te rangahau i ngā whakatau tata o ngā utu whakatika ka hiahiatia kia pai anō te āhua o ngā whare. I tino nui atu ngā utu i ērā ka taea e ngā kainoho te utu. I whakaautu he rangahau o ngā whare Māori i Bay View me Ōmahu i waenga i ngā tau 1950 he iti pea te rerekētanga i te tekau tau i muri i 1942.
- 2.84 Tae mai ki ngā tau 1940 mahi ai te nuinga o Ngā Māori i ngā mahi tāmutumutu, mahi ā-kaupeka hoki. Nā te ngaromanga o ngā whenua tuku iho kua tahuri te nuinga o ngā Māori o Ahuriri i te wā i muri i te pakanga tuarua o te ao ki te whiwhi mahi e utua ana kia āhei ai te utu i ngā mea hiahia noa o te oranga. Nā taua rapunga mahi i wehe ai te maha o ngā whānau i ngā pā me ngā kāinga o te tuawhenua ki te noho i ngā tāone o Ahuriri me Heretaunga. Nā tēnei i whakaruhi ngā hapori o ngā pā me ngā kāinga taketake.

#### TE WHAI WĀHI KI NGĀ PAKANGA

- 2.85 I roto i te rautau rua tekau i tautoko ngā Hapū o Ahuriri i tō rātou hoa Tiriti i ngā mahi wawao i Aotearoa. Nō tā te Pāremata o Aotearoa whakatau ki te tautoko i Piritene Nui i te Pakanga o Āwherika ki te Tonga (te Pakanga Boer), i ngana tētahi rōpū o ngā Māori o Te Matau-a-Māui ki te haina hei tūao. I whakanau te kāwanatanga o te Emepaea Piritene ki te whakaae ki ngā hōia ehara i te Pākehā. I hurihia e Āhere Te Koari Hōhepa tōna ingoa ki a Arthur Joseph, ā, ka hono atu ki ngā ope taua o Aotearoa i te taha o ētahi atu nō Te Matau-a-Māui, ka tukuna ki tāwāhi me te Matua Tuatoru.
- 2.86 I te wā o te Pakanga Tuatahi o te Ao, i whai wāhi ētahi hōia Māori nō ngā Hapū o Ahuriri ki tētahi matua i mōhiotia hei "Matua Māori", i muri atu ka whai wāhi ki Te Hokowhiti-a-Tū. I te wā o te Pakanga Tuarua o te Ao i hono atu ētahi tāne, wāhine rānei nō ngā Hapū o Ahuriri i ngā ope kairiri kore me ngā ope kawē ā-riri. He tokomaha ngā tāne i whai wāhi ki te Matua D o te Hokowhiti-a-Tū. I pāngia ngā hapori o ngā marae katoa o ngā Hapū o Ahuriri ki te hinganga tangata nā te pakanga.
- 2.87 Ko tētahi āhuatanga o ngā mahi a te Karauna i muri i te pakanga hei āwhina i ngā hōia me ngā tapuhi kua hoki mai ko te whakatū i tētahi kaupapa i āhei ai ērā i hoki mai i te pakanga, ā, i tutuki i a rātou ētahi paerewa māaurau, te tono i te whenua Karauna hei whakawhanake pāmu, te tono moni taurewa rānei hei hoko whenua mō taua pūtaka. Tino ruarua noa iho ngā tāne nō ngā Hapū o Ahuriri i whiwhi pāmu i Te Matau-a-Māui i muri i te Pakanga Tuatahi o te Ao i muri i te Pakanga Tuarua o te Ao he iti te whenua pai mō te ahuhenua e toe tonu ana ki te Karauna i te rohe o ngā Hapū o Ahuriri, nā te mea kua hokona atu te nuinga o ana whenua i reira ki hunga kē. Kāore ngā Hapū o Ahuriri e

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mōhio ana ki tētahi o ō rātou hōia kua whiwhi pāmu i muri i te Pakanga Tuarua o te Ao, engari e maumahara ana i kīia rātou e te Karauna i a rātou kē ō rātou ake whenua. Tae mai ki tēnei wā, he hapū whenua kore te nuinga o ngā Hapū o Ahuriri, kua whakahekea rawatia hoki ō rātou oranga ā-ōhanga. Ko ngā wāhanga whenua i puritia e ngā hōia nō ngā Hapū o Ahuriri i roto i ngā poraka iti whai rangatira maha.

#### TE WHANGANUI-Ā-OROTU

2.88 I te tekau tau i muri i te hokonga o Ahuriri i te tau 1851 i nohoia tonutia ana, e whakamahia tonutia ana hoki a Te Whanganui-ā-Orotu e ngā Hapū o Ahuriri e ai ki ō rātou tikanga. I taua wā he iti te papānga o ngā kaiwhakanoho Pākehā ki Te Whanganui-ā-Orotu.

#### *Te whakawhanake i te aka me ngā rerekētanga ā-taiao*

2.89 I te tau 1860 i tauria e te Karauna ki te kāwanatanga porowini o Te Matau-a-Māui he wāhanga iti o Te Whanganui-ā-Orotu pātata ki te tumu herenga waka o Ahuriri kātahi anō ka whakatūria ko te whakawhanake i te aka te pūtake. Nā taua whakatakanga i whakamanahia te Huparitene Porowini ki te whakawhanake i ngā whakaurunga aka kia māmā ai ngā mahi tuopu me te tauhokohoko.

2.90 Mai i ngā tau tōmua o ngā 1860 ka tīmata te Kaunihera Porowini o Te Matau-a-Māui i ngā mahi rou takere me te whakawhenua anō i Te Whanganui-ā-Orotu. I waenga i ngā tau 1861 me te 1874 i tūhonoa ngā motu o Te Pakake me Te Koau mā te whakawhenua anō, ka wāwāhia hei wāwāhanga, ka hokona atu. Nā te pukapuka Ahuriri o 1851 Te Pakeke i rāhui mō te roanga "o te wā kāore i te nohoia e te Pākehā."

2.91 I te tau 1874 i whakamanahia e te Pāremata he ture tērā i whakawehe i te katoa o Te Whanganui-ā-Orotu hei mea tuku iho mā te Poari Whanga o Ahuriri. I te tau i whai ake ka whakatū te Pāremata i te Poari Whanga o Ahuriri. Ko ngā mema 12 o te Poari he kaupapa hipi me ngā tāngata pakihi kōhure o Te Matau-a-Māui, ā, kāore tētahi o ēnei nō ngā Hapū o Ahuriri. Nā ētahi anō ture i whakarite kia piki haere te wātea o Te Whanganui-ā-Orotu ki ngā kaupapa whakawhanake a te Poari.

2.92 I ngā tau o 1870 i whakarite te Poari Whanga o Ahuriri kia roua he hōngere, ka hanga i tētahi pātū uruhi kia mau tonu te pūaha ki Te Whanganui-ā-Orotu. I whakawhenuatia anō e te Poari he whenua huri noa i Te Koau, i tū ai te teihana rerewē o Ahuriri. Nā te hanga i tētahi huanui e hono ana a Ahuriri me Taradale ka maroke te hāpua o Te Whare-o-Maraenui, i te pito tonga o Te Whanganui-ā-Orotu. Mai i te mutunga o te rautau tekau mā iwa tae mai ki te tōmuatanga o te rautau rua tekau i whakaritea e te Poari Whanga he mahi whakawhenua anō nunui i Te Whare-o-Maraenui me te pito tonga o Te Whanganui-ā-Orotu. Nā te hanga i te maioro tuauru me tētahi arawhata rori i waenga i ngā tau 1915 me 1922 i whakarite kia mahia he mahi rou take anō me te whakakī. Tae mai ki 1931 kua whakawhenuatia anō e te Poari Whanga he 1,000 eka pea i Te Whanganui-ā-Orotu.

2.93 I kino te pānga o ngā mahi whakawhanake aka ki te taupuhi kaiao o Te Whanganui-ā-Orotu. I te tau 1920 i kī ngā kaiwhakaatu Māori ki te Kōmihana Kerēme Whenua Māori nā te mahi rou takere i kōtāitai haere te wai o Te Whanganui-ā-Orotu, ā, kua whakakapia ngā momo ika wai māori ki ngā momo ika wai tai. E ai ki tētahi kaiwhakaatu kīhai i taea e

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ngā Māori te hopu tuna me ētahi atu momo ika wai māori mai i te tōmuatanga o te rautau rua tekau, ā, i tanumia ngā tumu pipi nā nga mahi whakawhenua anō. I tua atu, he mea poke Te Whanganui-ā-Orotu me te wahapū o Ahuriri e te parakaingaki me te parapara i ngā wheketere.

#### ***Te Rū Whenua i Te Matau-a-Māui i te tau 1931 me ngā mahi whakawhenua anō***

- 2.94 I te 3 o Pēpuere 1931 i pā tētahi rū whenua nui rawa ki Ahuriri. Nā te rū whenua ētahi wāhanga o te takere o Te Whanganui-ā-Orotu i whakarewa. I tāhoro atu te nuinga o ōna wai ki roto i te moana, me te waiho tata ki te toru hauwhā o te takere kia māraakerake.
- 2.95 I muri tata tonu iho i te rū whenua ka āwhina ngā Māori o Ahuriri ki ngā mahi oranga ngākau i Te Matau-a-Māui.
- 2.96 E ai ki ngā tohutohu ā-ture i riro i te Karauna i muri i te rū whenua nō te Poari Whanga o Ahuriri i raro i te tuku ihotanga i whakaritea e te Ture Poari Whanga o Ahuriri 1874 te kokoraho ki ngā wāhanga o Te Whanganui-ā-Orotu kātahi anō ka whakarewaina. I te 3 o Mei 1934 i whakaae te Poari Whanga o Ahuriri ki te rīhi i te 7,595 eka o Te Whanganui-ā-Orotu ki te Karauna mō te 21 tau, ka tīmata te Karauna i ngā mahi whakaawa me ngā mahi whakawhenua anō i Hune 1934. I tīmata anō hoki te Karauna ki te mahi i ngā mahi pāmu i ngā wāhi o Te Whanganui-ā-Orotu kua whakawhenuatia anō. Tae mai ki Hune 1937 i pūrongo te Tari Mahi Tūmatanui kua whakaawatia katoatia he 2,000 eka o Te Whanganui-ā-Orotu, ā, e tino ahu whakamua ana te whakaawatanga o ētahi anō eka 2,000.
- 2.97 I te tau 1945 nā te Pāremata he ture i whakamana ka whakarite kia hokona atu ētahi wāhanga o ngā whenua nō te Poari Whanga o Ahuriri me te rīhi atu ki te Kaunihera Tāone o Ahuriri mō te whānui haeretanga o te tāone o Ahuriri. Puta noa i te hauwhā tuatoru o te rautau rua tekau i whakaratohia e ngā mahi whakawhenua anō me ngā whakawāteatanga whenua nā te Poari Whanga he whenua mō ngā whakawhanaketanga whare noho, ahumahi, hākinakina hoki i Ahuriri. He mea whakawhanake te Taunga Wakarererangi e te Kaunihera Tāone o Te Matau-a-Māui i te whenua kua whakawhenuatia anō i whai wāhi ai ngā whenua i tango i raro i ngā ture mahi nunui i te tau 1939. I whakawhanake anō hoki te Karauna i te Kaupapa Pāmu Ahuriri i runga i ngā whenua kua whakawhenuatia anō.
- 2.98 Nā ngā mahi whakaawa me te whakawhenua anō, me te papare i te wahapū o Awa o Tūtaekurī ki te moana, i whakaitia ai Te Whanganui-ā-Orotu (i tata ki te 9,500 eka te horahanga i mua) ki tētahi hawai whāiti e ngau ai te tai mō te kawē atu i te wai e heke ana i ngā puke. I ēnei rā ko tōna 680 eka te horahanga o te wahapū i te paringa o te tai.

#### ***Te tango whakature i ngā motu i Te Whanganui-ā-Orotu***

- 2.99 I katia mārikatia ētahi motu e iwa i te tuku ihotanga o Te Whanganui-ā-Orotu i whakawehea mō te whakawhanakenga o te aka i 1874. Whai mai ana i te rū whenua ka karapotia ngā motu ki te whenua maroke. I whakamanahia te Kōti Whakawā Whenua Māori e te Ture Whakamana i te Poari Whanga o Ahuriri 1932-33 ki te whakataka ki ngā kaitiaki ērā motu e 6 he whenua Māori tuku iho tonu.

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2.100 I te tau 1936, i runga anō i te tonono a te Poari Whanga o Ahuriri i whakahau te Kōti Whakawā Whenua Māori kia whakatūria ngā kaitiaki e 6 mō aua motu (tata ki te 20 eka te tapeke o te horahanga). I te 23 o Mei 1939 i whakaputa te Poari i tētahi pānui e whakaatu ana i tōna koronga ki te tango i ngā motu i raro i te Ture Mahi Tūmatanui o te tau 1928. I tāpae a Hori Tupaea i tētahi whakahē engari kīhai i tū tētahi whakawā, ā, kāore i te mōhiotia te pūtaka. I te 6 o Oketopa 1939 i pānui te Kāwana-Tianara kua tangohia ngā motu, kua tauria hoki ki te Poari Whanga o Ahuriri. Nō te mōnehu o te wā mō te whakarite kerēme paremata i te 16 o Nōema 1944 kāore anō ngā kaitiaki kia tāpae i tētahi kerēme, ā, kīhai i utua tētahi pāremata.

#### ***Ngā mautohe me ngā kerēme a ngā Hapū o Ahuriri ki Te Whanganui-ā-Orotu***

2.101 Kua roa rawa ngā Hapū o Ahuriri e whakahē ana i whai wāhi Te Whanganui-ā-Orotu ki te hokonga o te poraka Ahuriri. I muri i te whakapae a Tāreha i te tau 1861 nōna ngā whenua i whakawhenuatia anō i Te Whanganui-ā-Orotu, i tuku petihana ngā Māori o Ahuriri i te tau 1875 ki te Pāremata mō te ngaromanga o Te Pakake. I kī a Te Mākarini, te Minita Take Māori i taua wā, ki te uiuitanga a te Komiti o ngā Take Māori ki taua petihana kua utu ia i te pāremata ki a Tāreha mō te motu. I whakaatu ngā taunakitanga Māori i tāpaetia ki te uiuitanga i te whakapono o ngā Māori o Ahuriri kīhai Te Whanganui-ā-Orotu i whai wāhi ki te hokonga o Ahuriri. I tuku petihana anō ngā Māori o Ahuriri mō ngā whakaritenga o te hokonga o te tau 1851 me ngā pānga o ngā whakawhenuatanga anō ki te Pāremata i ngā tau 1894 me 1907.

2.102 I te tau 1916 i tonono a Hihi Ngarangione (nō Ngāti Hinepare) rāua ki Oriwia Porou ki te Kōti Whakawā Whenua Māori mō tētahi tiroiro i te kokoraho o Te Whanganui-ā-Orotu, ko tō rāua kāwai ki te tipuna Tāwhao te pūtaka. I whakakoretia te kēhi e te Kōti ko te pūtaka ehara Te Whanganui-ā-Orotu i te whenua Māori tuku iho, nō reira kīhai i taea te whakawā i te kēhi. I te tau 1916 i tonono te Tari Rūri Whenua i te Rōia Matua mō tōna tohutohu mēnā nō te Karauna te kokoraho ki Te Whanganui-ā-Orotu. I whakatau te Rōia Matua kīhai ngā kupu o te pukapuka Ahuriri o 1851 i kī i roto Te Whanganui-ā-Orotu i ngā paenga o te hokonga, ā, kua tā hētia te paenga i runga i te mahere kua tāpiritia ki te pukapuka. Heoi anō, i whakatau te Rōia Matua ehara tēnā i te whaitake nā te mea e ngaua ana a Te Whanganui-ā-Orotu e te tai, ā, kua whakatauria te Kōti Pīra kāore te kokoraho Māori tuku iho e hāngai ana i raro i te tohu tai pari.

2.103 I te tau 1920 i whakatū te Karauna i tētahi Kōmihana mō ngā Kerēme Whenua Māori ki te tiroiro i te maha o ngā petihana e pā ana ki ngā whenua Māori, tae atu ki tētahi petihana o te tau 1919 e pā ana ki Te Whanganui-ā-Orotu. I whakatau te Kōmihana ko ngā paenga i whakaahuatia i te pukapuka Ahuriri o 1851 "e taku haere i te rārangi ā-roto o te aka, engari kāore e whakauru ana." Heoi anō i whakatau te Kōmihana i mārama te kī a te Karauna ki ngā Māori e hoko ana te Karauna i Te Whanganui-ā-Orotu i te tau 1851 nā ngā putanga o te kupu "moana" i roto i te pukapuka, engari i kī hoki te Kōmihana kāore i kore tē mōhiotia e te Māori te pānga katoa o te whakaritenga i tā rātou hainatanga.

2.104 I te tau 1924 ka tuku petihana anō a Te Wahapango o Ngāi Te Ruruku rātou ko ētahi atu tāngata tekau mā waru. He mea tārua tā rātou tohenga e ngā kaipetihana kīhai i whakaurua Te Whanganui-ā-Orotu i roto i ngā paenga o te hokonga o Ahuriri, ka pīra atu ki Te Tiriti o Waitangi hei pūtāhui mō ō rātou motika hī ika i Te Whanganui-ā-Orotu. I pūrongo te Komiti Take Māori me tuku atu te petihana ki te Kāwanatanga kia whai whakaarohia engari kīhai tētahi mahi a te Karauna i whai atu.



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- 2.105 I 1932 i tuku petihana a Hori Tupaea nō Ngāti Paarau me Ngāti Hinepare rātou ko ētahi atu tokowhā e tono ana i tētahi wāhanga o ngā painga e whakapipi mai ana i te whenua i whakarewaina i te takere o Te Whanganui-ā-Orotu nā te mahi a te rū whenua i te tau 1931. I kī te petihana kīhai ngā Māori o Ahuriri i koro ki te whakauru i Te Whanganui-ā-Orotu ki roto i te whakaritenga o te tau 1851. I kī anō te petihana nā te rū whenua "i ngaro" i ngā Māori o Ahuriri "te katoa e toe tonu ana ki a rātou, ā, kāore he aha ki a rātou hei tohu i ngā motika i a rātou i mua, ā, i whakapau kaha i ngā wā katoa ki te tiaki."
- 2.106 I uiuitia te petihana e te Kōti Whakawā Whenua Māori i te tau 1934. I tautohe ngā rōia mō ngā kaipetihana nō te Māori Te Whanganui-ā-Orotu i te wā i hainatia ai Te Tiriti o Waitangi. Nō reira, e hāngai ana te upoko 2 o te Tiriti ki Te Whanganui-ā-Orotu. I tāruatia e ngā rōia mō ngā kaipetihana te tohenga kīhai ngā Hapū o Ahuriri i hoko i Te Whanganui-ā-Orotu ki te Karauna i te tau 1851. I tohea e te Karauna i whai wāhi Te Whanganui-ā-Orotu ki te hokonga o Ahuriri, nā te mea i whakaurua i roto i te paenga tērā pea i whakaahuatia i te mahere i whakaaturia i te wā o te hainatanga o te pukapuka Ahuriri. I tohe anō te Karauna mēnā kīhai i whai wāhi a Te Whanganui-ā-Orotu ki te hokonga, kua whakawhitia aunoatia te rangatiratanga ki te Karauna nā te ture noa, nā te mea he kaupeka nō te moana a Te Whanganui-ā-Orotu.
- 2.107 Kīhai te Kōti Whenua Māori i whakaputa i tōna pūrongo tae noa ki te tau 1948, i muri i ētahi atu petihana nā ngā Māori o Ahuriri. I aro taua pūrongo ki ngā kaupapa e rua: mēnā i whai wahi a Te Whanganui-ā-Orotu ki te hokonga Ahuriri o te tau 1851, mēnā hoki he *kaupeka nō te moana* a Te Whanganui-ā-Orotu pēnā i te tau 1840. I kitea e te Kaiwhakawā nāna te pūrongo i tuhituhi kua hokona mai anake e te Karauna te aka iti e ngaua ana e te tai e tūtata ana ki te pūaha o Ahuriri. I whakatau ia he iti rawa ngā taunakitanga a te Kōti ki te whakatau mēnā he *kaupeka nō te moana* a Te Whanganui-ā-Orotu, ahakoa i reira he taunakitanga "āhua kaha nei" he hāpua wai māori, he hāpua kōtaitai rānei a Te Whanganui-ā-Orotu i ngā wā o nehe.
- 2.108 I tuku te Kaiwhakawā Matua o te Kōti Whenua Māori i te pūrongo ki te Karauna me tētahi tuhipoka e tautoko ana i te tohenga kua whai motika ngā Māori o Ahuriri ki Te Whanganui-ā-Orotu tae noa mai ki te tau 1874. Heoi, i kī anō hoki kāore i taea e ia te tūtohu te rahi o te paremata ka tukuna pea nā te mea kāore anō kia whakapūmautia e ngā kaipetihana he aha aua motika. I kī ia, ki ōna whakaaro, he take hei whai whakaarotanga anō mā te Kāwanatanga tēnei mea te paremata.
- 2.109 I te tau 1949 i toro te Pirimia i Ahuriri. I kōrero pono ngā Hapū o Ahuriri i muri atu nā rātou tōna whakaaro ki te whakahoki i ētahi eka 4,500 i roto i te haurua raki o Te Whanganui-ā-Orotu i whakahē nā te mea i hiahia rātou kia whakahokia te wāhi katoa ki a rātou. E ai ki ngā Hapū o Ahuriri, i kī atu tētahi kaumātua ki te Kāwanatanga i taua wā, "Ki te rite koe ki te homai ki a mātou te pito ki te raki, kāore e kore he pono nō mātou hoki te pito ki te tonga." I te tau 1951 i tuku pātai anō ngā Māori o Ahuriri mō tā te Karauna urupare ki te pūrongo a te Kōti Whenua Māori. I urupare te Karauna e kore rātou e mahi i tētahi mahi tae noa kia hāpono rā ngā kaikerēme ehara Te Whanganui-ā-Orotu i te *kaupeka nō te moana* i ngā wā o mua.
- 2.110 I te tau 1955 i tono te rōia mō ngā Māori o Ahuriri mēnā e pai tonu ana te Kōti Whenua Māori ki te rongo taunakitanga e tautoko ana i te tohenga o ngā kaipetihana o 1932 ehara Te Whanganui-ā-Orotu i te *kaupeka nō te moana* i te tau 1840. I whakapeka te Kaiwhakawā Matua me te kī ki a ia kua katia te kēhi nā te roanga o te wā kua pahure mai i ngā whakawākanga i te tau 1934 me te tukunga o te pūrongo a te Kōti i te tau

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### 2: HISTORICAL ACCOUNT

1948. Kīhai tētahi mahi i oti i te Karauna i muri i tētahi anō petihana i 1965 me tētahi reta ki te Karauna i 1972. I whakaaro te Karauna ehara te pūrongo a te Kōti Whenua Māori i te tau 1948 i te pūtake pai hei whakarite i tētahi mahi a te Karauna.

#### ***Ngā whenua tuku iho me te kerēme ki Te Taraipiunara o Waitangi***

2.111 I te tau 1988 i whakakorea e te Karauna te Poari Whanga o Te Matau-a-Māui (te Poari Whanga o Ahuriri o mua), ka tīmataria te tohatoha anō i ngā whenua tuku iho e toe ana ki ētahi atu mana ā-rohe. I taua tau ka tāpae ngā Hapū o Ahuriri e 7 i te kerēme o Te Whanganui-ā-Orotu (Wai 55) ki Te Taraipiunara o Waitangi.

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that Ahuriri Hapū sought to establish ongoing and mutually beneficial relationships with the Crown after 1840, and that, as Treaty partners, Ahuriri Hapū have fulfilled their obligations under the Treaty of Waitangi. The Crown further acknowledges that it has failed to deal with the longstanding and legitimately held grievances of Ahuriri Hapū in an appropriate way and that recognition of these grievances is long overdue. Accordingly, the Crown now makes the following acknowledgements.
- 3.2 The Crown acknowledges that:
- 3.2.1 it sought to purchase the Ahuriri block, which encompassed a significant portion of the rohe of Ahuriri Hapū and included important resource-gathering and wāhi tapu sites, for the lowest price Māori would accept;
  - 3.2.2 Ahuriri Hapū did not receive the full, ongoing benefits from European settlement that the Crown led them to expect if they agreed to sell the Ahuriri block for the price the Crown offered; and
  - 3.2.3 the Crown failed to ensure that adequate reserves from the Ahuriri purchase were protected in Ahuriri Hapū ownership, and this was a breach of the Treaty of Waitangi and its principles.
- 3.3 The Crown further acknowledges that:
- 3.3.1 Ahuriri Hapū, including individuals involved in the Ahuriri transaction, have long protested that Te Whanganui-ā-Orotu was not included in the Ahuriri purchase and that Ahuriri Hapū never willingly relinquished their rangatiratanga over Te Whanganui-ā-Orotu;
  - 3.3.2 Ahuriri Hapū retained rights and interests in Te Whanganui-ā-Orotu after 1851, but the Crown did not ensure that Ahuriri Hapū were given a role in the administration of Te Whanganui-ā-Orotu for many decades;
  - 3.3.3 in 1932, Parliament recognised 6 islands in Te Whanganui-ā-Orotu as Māori customary land, as if they had not been included in the Ahuriri purchase;
  - 3.3.4 the 6 islands in Te Whanganui-ā-Orotu were subsequently vested in Ahuriri Hapū ownership and then compulsorily acquired without any consultation or payment of compensation to Ahuriri Hapū;
  - 3.3.5 the authorities in which the Crown vested Te Whanganui-ā-Orotu after 1851 have derived significant benefits from the endowment lands reclaimed from Te Whanganui-ā-Orotu after the Hawke's Bay earthquake; and

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- 3.3.6 for Ahuriri Hapū, the Crown's exercise of ownership and control over Te Whanganui-ā-Orotu from 1851 has been the source of deeply-felt and longstanding grievances.
- 3.4 The Crown acknowledges that:
- 3.4.1 it negotiated to purchase contested lands in Hawke's Bay, including the Aorangī, Ōtaranga, and Maraekākaho blocks despite being aware that its approach to land purchase negotiations was provoking tensions that might lead to conflict among Māori who asserted interests in the blocks;
- 3.4.2 these tensions led to armed conflict among Hawke's Bay Māori, including some of the Ahuriri Hapū, in 1857; and
- 3.4.3 the Crown's failure to adequately investigate customary ownership when it purchased these lands was a breach of the Treaty of Waitangi and its principles.
- 3.5 The Crown acknowledges that:
- 3.5.1 in 1866 it issued an unreasonable ultimatum demanding the surrender of all those inside Ōmarunui, including individuals from Ngāti Matepū and Ngāti Māhu, rather than continue negotiations to preserve the peace;
- 3.5.2 Crown forces endangered the lives of all men, women and children inside the pā by attacking Ōmarunui when the ultimatum expired;
- 3.5.3 Crown forces killed more than 30 people who were defending themselves at Ōmarunui and during another Crown attack at Herepoho; and
- 3.5.4 the attacks at Ōmarunui and Herepoho were an injustice and breached the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that the detention of individuals from Ngāti Matepū and Ngāti Māhu on the Chatham Islands without trial in harsh conditions for nearly 2 years was an injustice and a breach of the Treaty of Waitangi and its principles.
- 3.7 The Crown acknowledges that:
- 3.7.1 it did not consult Ahuriri Hapū before introducing native land laws that provided for the individualisation of Ahuriri Hapū land previously held collectively in hapū tenure;
- 3.7.2 between 1866 and 1869, the Native Land Court awarded ownership of a number of land blocks in the Ahuriri Hapū rohe, totalling more than 50,000 acres, to 10 or fewer individuals in each case;
- 3.7.3 Ahuriri Hapū understood these individuals to be trustees for their hapū communities, but the native land laws did not prevent nearly all of this land

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

from being alienated without the consent of the wider community of right-holders who were thereby dispossessed of their interests in these lands;

- 3.7.4 it did not take effective steps to prevent this dispossession before most of these lands had been alienated; and
- 3.7.5 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 Ahuriri Hapū in land they may otherwise have wished to retain, and this was a breach of the Treaty of Waitangi and its principles.
- 3.8 The Crown acknowledges that the operation and impact of the native land laws, in particular the awarding of land to individuals rather than iwi or hapū, made Ahuriri Hapū lands more susceptible to partition, fragmentation and alienation. This contributed to the erosion of the tribal structures of Ahuriri Hapū, which were based on collective tribal custodianship of land. The Crown's failure to protect the tribal structures of Ahuriri Hapū was a breach of the Treaty of Waitangi and its principles.
- 3.9 The Crown acknowledges the significant efforts of Ahuriri Hapū to resist land sales and reform the native land laws through their involvement in inter-tribal political movements, from the 1870s through to the 1890s. The Crown further acknowledges that it did not always recognise or respond to the issues raised by these movements, and this has been a source of lasting grievance for Ahuriri Hapū.
- 3.10 The Crown acknowledges that the compulsory taking of ancestral riparian land at Waiōhiki has had a detrimental effect on Ahuriri Hapū access to and relationship with the Tūtaekurī River.
- 3.11 The Crown acknowledges the importance of Te Whanganui-ā-Orotu as a source of physical and spiritual sustenance for Ahuriri Hapū, and that for Ahuriri Hapū Te Whanganui-ā-Orotu is a taonga of great significance. The Crown further acknowledges that dredging, reclamation and pollution have had a damaging impact on the fish, shellfish and other kai moana resources in Te Whanganui-ā-Orotu, and generations of Ahuriri Hapū have endured pain and hardship as a result of the loss of this formerly abundant resource.
- 3.12 The Crown acknowledges that:
- 3.12.1 environmental modification and urban development in the Ahuriri Hapū rohe, including Te Whanganui-ā-Orotu, has damaged and destroyed wāhi tapu;
- 3.12.2 Ahuriri Hapū have lost access to many sites of cultural and spiritual significance; and
- 3.12.3 the loss of wāhi tapu and erosion of the ability to exercise kaitiakitanga and other rights and responsibilities over these taonga has been a source of distress for Ahuriri Hapū.
- 3.13 The Crown acknowledges that the cumulative effect of Crown purchasing and the operation of the native land laws, particularly the operation of the 10-owner rule,

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

contributed to Ahuriri Hapū being left virtually landless by about 1930. The Crown's failure to ensure that Ahuriri Hapū retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This had a devastating impact on the economic, social and cultural well-being and development of Ahuriri Hapū, and undermined their ability to protect and manage their natural resources and other taonga, including te reo Māori, and to maintain spiritual connections to their lands.

- 3.14 The Crown acknowledges that for too long Ahuriri Hapū have lived with poorer housing, lower rates of educational achievement, and worse health than many other New Zealanders. The Crown further acknowledges the longstanding dissatisfaction Ahuriri Hapū have felt about the provision of hospital and health services for Māori in Napier.
- 3.15 The Crown acknowledges the contribution of Ahuriri Hapū, over many years, to New Zealand. In particular, the Crown pays tribute to:
- 3.15.1 the service of Ahuriri Hapū in the relief effort that followed the Hawke's Bay earthquake; and
  - 3.15.2 the sacrifices Ahuriri Hapū made for New Zealand's overseas wars in the twentieth century.

#### APOLOGY

- 3.16 The Crown makes this apology to Ahuriri Hapū, to their tipuna, and to their mokopuna.
- 3.17 For generations, the relationship between the Crown and Ahuriri Hapū has not fulfilled Ahuriri Hapū expectations of a mutually beneficial partnership. Crown acts and omissions have hurt Ahuriri Hapū and caused long-held and deeply felt grievances. Ahuriri Hapū have pursued their claims for justice and redress from the Crown over many decades, but the Crown has failed, until now, to find an appropriate way to respond to them.
- 3.18 The Crown profoundly regrets its many failures to live up to its obligations under the Treaty of Waitangi in its dealings with Ahuriri Hapū, and unreservedly apologises for the immense damage caused by its breaches of the Treaty of Waitangi and its principles.
- 3.19 The Crown is deeply remorseful for the prejudice it created by purchasing so much Ahuriri Hapū land in the 1850s, and for using divisive purchasing methods that involved Ahuriri Hapū in conflict. The Crown deeply regrets that many Ahuriri Hapū were dispossessed by the operation of the 10-owner rule. The Crown solemnly apologises for its policies, acts, and omissions that have left Ahuriri Hapū virtually landless, and for the severe impacts the loss of ancestral lands and resources has had on the capacity of Ahuriri Hapū for economic and social development, and physical, cultural, and spiritual well-being.
- 3.20 For too long, the Crown has failed to recognise the special relationship between Ahuriri Hapū and their taonga, Te Whanganui-ā-Orotu. The Crown profoundly regrets the distress and anguish generations of Ahuriri Hapū have endured due to the Crown's acts and omissions in relation to Te Whanganui-ā-Orotu.

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

3.21 Through this settlement and this apology the Crown seeks to atone for its past wrongs and begin the process of healing. The Crown looks forward to building a new, positive, and enduring relationship with Ahuriri Hapū that fulfils the expectations of their tipuna and mokopuna, a relationship based on mutual trust, partnership, and respect for the Treaty of Waitangi and its principles.

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

#### NGĀ WHAKAAETANGA

- 3.1 Kei te whakaae te Karauna i ngana ngā Hapū o Ahuriri ki te whakapūmau i te whanaungatanga haere tonu i matarua ai ngā painga, ki te Karauna i muri i te tau 1840, ā, kua tutuki ngā Hapū o Ahuriri, hei hoa Tiriti, ō rātou here i raro i te Tiriti o Waitangi. Kei te whakaae anō te Karauna i rahua tāna whakatutuki i ngā whakamau mauroa, tōtika hoki o ngā Hapū o Ahuriri i runga i te tika, ā, he tino tōmuri rawa tāna whakaae ki aua whakamau. Nā reira, e pēnei ana ngā whakaaetanga a te Karauna.
- 3.2 Kei te whakaae te Karauna:
- 3.2.1 i aru ki te hoko mai i te poraka Ahuriri, i roto ko te wāhanga nui o te rohe o ngā Hapū o Ahuriri me te maha o ngā pae hira mō te kohikohi rawa me ngā wāhi tapu, mō te utu iti rawa ka whakaaetia e te Māori;
- 3.2.2 kīhai ngā Hapū o Ahuriri i whiwhi i ngā painga haere tonu katoa mai i tā te Pākehā whakanoho whenua tērā i kī te Karauna ka tūmanakohia e rātou mēnā ka whakaae ki te hoko atu i te poraka Ahuriri mō te utu i tukuna e te Karauna; ā,
- 3.2.3 i rahua e te Karauna te whakarite kia mau tonu i ngā Hapū o Ahuriri te rangatiranga o ngā rāhuitanga rawaka i te hokonga o Ahuriri, ā, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.
- 3.3 Kei te whakaae anō hoki te Karauna:
- 3.3.1 Kua roa rawa ngā Hapū o Ahuriri, tae atu ki ngā tāngata i whai wāhi ai ki te hokonga atu o Ahuriri, e tautohetohe ana kīhai i whakaurua Te Whanganui-ā-Orotu ki roto i te hokonga atu i Ahuriri, ā, kīhai rawa ngā Hapū o Ahuriri i hiahia ki te tuku i tō rātou rangatiranga ki runga i Te Whanganui-ā-Orotu;
- 3.3.2 i pupuri ngā Hapū o Ahuriri i ngā motika me ngā pānga ki Te Whanganui-ā-Orotu i muri i te tau 1851, engari kīhai te Karauna i whakarite kia whai tūnga ngā Hapū o Ahuriri ki te whakahaerenga o Te Whanganui-ā-Orotu mō te hia tekau tau;
- 3.3.3 i te tau 1932 ka āhukahukatia e te Pāremata e 6 ngā motu i Te Whanganui-ā-Orotu hei whenua Māori tuku iho, me te mea nei kāore i te whai wāhi ki te hokonga o Ahuriri;
- 3.3.4 i muri iho ka tauria aua motu e 6 i Te Whanganui-ā-Orotu ki raro i te rangatiratanga o ngā Hapū o Ahuriri, kātahi ka tango whakaturetia kāore he whakawhitiwhi kōrero, kāore rānei he utu ki ngā Hapū o Ahuriri;
- 3.3.5 he nui ngā painga ōhanga mai i ngā whenua tuku iho i tāmatatia i Te Whanganui-ā-Orotu i muri i te rū whenua i Te Matau-a-Māui, i riro i muri 1851 i ngā mana i tauria ai Te Whanganui-ā-Orotu e te Karauna; ā,



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- 3.3.6 mō ngā Hapū o Ahuriri, ko te ekengia o tōna mana e te Karauna me nga whakahaerenga a te Karauna e pā ana ki Te Whanganui-ā-Orotu mai i te tau 1851 te pūtaka o ngā mamae ngau kino, mauroa anō hoki.
- 3.4 Kei te whakaae te Karauna:
- 3.4.1 i whakarite ki te hoko i ētahi whenua e tautohea ana i Te Matau-a-Māui, tae atu ki ngā poraka o Aorangi, Ōtaranga me Maraekākaho, ahakoa i te mōhio e pātaritari ana tōna huarahi mō te whakarite hokonga whenua i ngā mānukanuka ko te mutunga iho pea ka pupū te papā i waenga i ngā Māori e tāpae kōrero ana mō ō rātou pānga ki aua poraka;
- 3.4.2 nā aua mānukanuka i pupū ake te kawae a riri i waenga i ngā Māori o Te Matau-ā-Māui, tae atu ki ētahi o ngā Hapū o Ahuriri, i te tau 1857; ā,
- 3.4.3 i takahia te Tiriti o Waitangi me ōna mātāpono e te kore tika o tā te Karauna rangahau i te rangatiratanga tuku iho i tāna hokonga mai o aua whenua.
- 3.5 Kei te whakaae te Karauna:
- 3.5.1 i tuku i te tau 1866 i tētahi tauākī whakamutunga kutikuti i whakahau kia whakahauraro te katoa i roto i Ōmarunui, tae atu ki ngā tāngata nō Ngāti Matepū rāua ko Ngāti Māhu, mahue atu te whakariterite haere tonu i te hohou rongō; ā,
- 3.5.2 he mea whakamōrea ngā oranga o ngā tāne, wāhine, tamariki katoa i roto i te pā e te whakaekenga o Ōmaruni i te mōnehutanga o te tauākī whakamutunga; ā,
- 3.5.3 i whakamatea e te Karauna neke atu i te 30 tāngata e wawao ana i a rātou anō i Ōmarunui, i tētahi atu whakaekenga o te Karauna i Herepoho; ā,
- 3.5.4 he mahi tūkino ngā whakaekenga o Ōmarunui me Herepoho me te takahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.6 Kei te whakaae te Karauna he mahi tūkino me te takahitanga o te Tiriti o Waitangi me ōna mātāpono te whakarau tāngata nō Ngāti Matepū rāua ko Ngāti Māhu i ngā āhuatanga whakawiri ki Te Wharekauri me te kore whakawā mō tata ki te 2 tau.
- 3.7 Kei te whakaae te Karauna:
- 3.7.1 kīhai i whakawhitiwhiti kōrero ki ngā Kōti Whakawā Whenua Māori i mua i te whakauru i ngā ture whenua Māori tērā i tuku i te whakatakitahitanga o ngā whenua o ngā Hapū o Ahuriri i puritia tōpūtia e ngā hapū i mua; ā,
- 3.7.2 i waenga i te tau 1866 me te tau 1869 i tukuna e te Kōti Whakawā Whenua Māori te rangatiranga o ētahi poraka whenua i te rohe o ngā Hapū o Ahuriri, hui katoa neke atu i te 50,000 eka, ki te 10 iti iho rānei ngā tāngata takitahi mō ia poraka; ā,

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- 3.7.3 i whakaaro ngā Hapū o Ahuriri he kaitiaki aua tāngata takitahi mō ō rātou hapori hapū engari kīhai ngā ture whenua Māori i ārai i te whakawāteatanga o tata ki te katoa o ēnei whenua me te kore whakaaetanga o te hapori whānui ake o ngā kaipupuri motika, ā, ko te mutunga iho he mea raupatu ō rātou pānga ki aua whenua; ā,
- 3.7.4 kīhai i whaitake āna mahi ki te ārai i tēnei raupatutanga i mua i te whakawāteanga o te nuinga o aua whenua; ā,
- 3.7.5 ko te tikanga o tēnei kīhai i tutuki i te whakahaerenga o ngā ture whenua Māori i aua poraka te here a te Karauna ki te āta tiaki i ngā pānga o ngā Hapū o Ahuriri ki ngā whenua tērā kē i hiahia pea ki te pupuri, ā, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.
- 3.8 Kei te whakaae te Karauna he mea whakarite e te mahinga me te pānga o ngā ture whenua Māori, ina koa te tuku i ngā poraka ki ngā tāngata takitahi, kua ki te iwi, ngā hapū rānei, kia kaha ake te pā o te roherohe, te whakawehewehe me te whakawāteatanga ki ngā whenua o ngā Hapū o Ahuriri. I whai wāhi tēnei ki te memeha haere o ngā hanganga ā-iwi o ngā Hapū o Ahuriri, tērā e ahu mai ana i tō te iwi kaitiakitanga tōpū o te whenua. Ko tā te Karauna rahunga ki te tiaki i ngā hanganga ā-iwi o ngā Hapū o Ahuriri he takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- 3.9 Kei te āhukahuka te Karauna i ngā mahi nunui a ngā Hapū o Ahuriri ki te ātete i te hoko whenua me te whakahou i ngā ture whenua Māori mā ā rātou whai wāhi ki ngā kaupapa tōrangapū whakawhiti iwi mai i ngā tau o 1870 ki ngā tau o 1890. Kei te whakaae anō hoki te Karauna kīhai i tautohu, i urupare rānei i ngā wā katoa ki ngā take i kōkiritia e aua kuhunga tōrangapū, ā, he pūtake tērā o te whakamau mauroa ki ngā Hapū o Ahuriri.
- 3.10 Kei te whakaae te Karauna he kino te pānga o te tango whakature i ngā whenua pārengarenga tuku iho i Waiōhiki ki te āhei me te hononga o ngā Hapū o Ahuriri ki te Awa o Tūtaekurī.
- 3.11 Kei te āhukahuka te Karauna i te hiranga o Te Whanganui-ā-Orotu hei puna ora, puna wairua hoki ki ngā Hapū o Ahuriri, ā, ki ngā Hapū o Ahuriri anō hoki he tino taonga Te Whanganui-ā-Orotu. Kei te whakaae anō hoki te Karauna he kino te pānga o te rou takere, te whakawhenua anō, me te parakino ki ngā ika, mātaitai, me ērā atu rawa kai moana i Te Whanganui-ā-Orotu, ā, e pāngia ana ngā whakatipuranga maha o ngā Hapū o Ahuriri e te mamae me te whakawiringa nā te ngaromanga o tēnei rawa pūkahu o mua.
- 3.12 Kei te whakaae te Karauna:
- 3.12.1 kua tūkinotia, kua hoepapatia ētahi wāhi tapu i te rohe o ngā Hapū o Ahuriri, tae atu ki Te Whanganui-ā-Orotu, e te hurihanga o te taiao me te whakawhanaketanga ā-tāone;
- 3.12.2 kua ngaro i ngā Hapū o Ahuriri tō rātou āhei ki ngā pae hira ā-ahurea, ā-wairua hoki; ā,

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.12.3 he mātāpuna kohuki tonu ki ngā Hapū o Ahuriri te ngaromanga o ngā wāhi tapu me te memeha haere o te kaha whakatutuki i te kaitiakitanga me ētahi atu motika, kawenga anō hoki e pā ana ki aua taonga.
- 3.13 Kei te whakaae te Karauna i whai wāhi te pānga tāpiripiri o ngā mahi hoko whenua a te Karauna me te whakahaere i ngā ture whakawā whenua Māori, ina koa te whakahaerenga o te ture kaupupuri whenua 10, ki te korenga o tata ki te katoa o ngā whenua o ngā Hapū o Ahuriri tae mai ki te tau 1930. Ko tā te Karauna rahunga ki te whakarite kia mau tonu i ngā Hapū o Ahuriri ngā whenua rawaka mō ō ratou hiahia o nāianeī, mō āpōpō hoki, he takahitanga o te Tiriti o Waitangi me ōna mātāpono. He pānga whakaiki tō tēnei ki te oranga me te whanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki o ngā Hapū o Ahuriri, me te whakaruhi i tō rātou kaha ki te tiaki me te whakahaere i ō rātou rawa o te taiao me ētahi atu taonga, tae atu ki te reo Māori, me te mau tonu ki ō rātou hononga ā-wairua ki ō rātou whenua.
- 3.14 Kei te whakaae te Karauna kua roa rawa ngā Hapū o Ahuriri e noho ana i ngā whare kino ake, kua whiwhi i ngā paetae mātauranga iti iho, kua kino ake tō rātou hauora, i te nuinga o ērā atu tāngata o Aotearoa. I tua atu kei te whakaae te Karauna ki te whakaahu mauroa o ngā Hapū o Ahuriri mō te whakaratonga o ngā ratonga hōhipera, hauora anō hoki ki ngā Māori i Ahuriri.
- 3.15 Kei te āhukahuka te Karauna i ngā takoha nā ngā Hapū o Ahuriri mō te hia tau ki a Aotearoa. Ina koa, kei te whakamihī te Karauna:
- 3.15.1 i ngā mahi whakamāmā nā ngā Hapū o Ahuriri i muri tonu iho i te rū whenua i Te Matau-a-Māui; ā,
- 3.15.2 i ērā o ngā Hapū o Ahuriri i hinga i te pae o te riri i ngā pakanga i tāwāhi i te rautau rua tekau.

#### TE WHAKAPĀHA

- 3.16 Ko tēnei te whakapāha a te Karauna ki ngā Hapū o Ahuriri, ki ō rātou tīpuna, ki ā rātou mokopuna.
- 3.17 Puta noa i ngā whakatipuranga maha kāore i tutuki i te whanaungatanga i waenga i te Karauna me ngā Hapū o Ahuriri ngā tūmanakohanga o te kōtuitanga e matarua ai ngā painga. Nā ngā mahi me ngā hapa a te Karauna i pupū ake te mamae ki ngā Hapū o Ahuriri me ngā whakamauroa, tino ngau kino nei hoki. Kua pau i ngā Hapū o Ahuriri ngā tekau taha maha ā rātou kerēme mō te tika me te whakatika hapa te whai, engari i rahua tonutia e te Karauna, tae noa mai ki nāianeī, te kite i te huarahi tōtika ki te urupare ki aua mahi me aua hapa.
- 3.18 E kaha pōuri ana te Karauna mō ōna rahunga maha ki te whakatutuki i ōna here i raro i te Tiriti o Waitangi mā āna mahi me ngā Hapū o Ahuriri, ā, e whakapāha ana me te kore here mō ngā tūkinō nunui rawa i puta mai i ōna takahitanga i Te Tiriti o Waitangi me ōna mātāpono.
- 3.19 E kaha hinapōuri ana te Karauna mō te whakatoihara i ahu mai i āna hokonga i te nunui rawa o ngā whenua o ngā Hapū o Ahuriri i te tekau tau o 1850, mō te

## DEED OF SETTLEMENT

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

whakamahi anō hoki i ngā tikanga hokohoko whakawehewehe ko te mutunga iho i whai wāhi ai ngā Hapū o Ahuriri ki te kawē a riri. E kaha pōuri ana te Karauna mō ngā mahi o te ture rangatira tekau i raupatutia ai ngā whenua o te maha o ngā Hapū o Ahuriri. E āta whakapāha ana te Karauna mō āna kaupapahere, mahi, hapa hoki ko te mutunga iho kua tata kore nei ngā whenua o ngā Hapū o Ahuriri. E āta whakapāha ana hoki mō ngā papānga taumaha o te ngaromanga o ngā whenua me ngā rawa tuku iho ki te kaha o ngā Hapū o Ahuriri ki te whakawhanake ā-ōhanga, ā-pāpori, ki tō rātou oranga ā-tinana, ā-ahurea, ā-wairua anō hoki.

- 3.20 Kua roa rawa te Karauna e kōroiroi ana me te kore āhukahuka i te hononga motuhake i waenga i ngā Hapū o Ahuriri me tō rātou taonga, Te Whanganui-ā-Orotu. E kaha pōuri ana te Karauna mō te mamae me te kohuki i pā ki ngā whakatipuranga o ngā Hapū o Ahuriri nā ngā mahi me ngā hapa a te Karauna e pā ana ki Te Whanganui-ā-Orotu.
- 3.21 Mā tēnei whakataunga me tēnei whakapāhatanga e rīpenetā ana te Karauna mō ōna mahi hē i mua, me te whai kia tīmataria te wā hei whakaoratanga anō. E tāria ana e te Karauna te hanga i tētahi whanaungatanga hou, takatika, pūmau hoki ki ngā Hapū o Ahuriri tērā e ea ai ngā tūmanakohanga o ō rātou tīpuna me ā rātou mokopuna, he whanauangatanga e ahu mai ana i te whakawhirinaki matarua, te kōtui haere, me te whakautē i te Tiriti o Waitangi me ōna mātāpono.

## 4 SETTLEMENT

### ACKNOWLEDGEMENTS

- 4.1 Each party acknowledges that –
- 4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
  - 4.1.2 full compensation for Ahuriri Hapū is not possible; and
  - 4.1.3 the settlement is intended to enhance the ongoing relationship between Ahuriri Hapū and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ahuriri Hapū acknowledge that, taking matters into consideration (some of which are specified in clause 4.1), the settlement is the best that could be negotiated and therefore is fair 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.
- 4.5 Without limiting clause 4.4, the Crown acknowledges that, except as provided by this deed or the settlement legislation, the provision of redress will not –
- 4.5.1 affect the ability for Ahuriri Hapū to have ongoing discussions with the Crown in relation to matters such as Wai 262 (including traditional knowledge and the ownership of flora and fauna);
  - 4.5.2 affect any rights of Ahuriri Hapū in relation to water; or
  - 4.5.3 affect, in particular, any rights Ahuriri Hapū may have in relation to aboriginal title or customary rights or any other legal or common law rights including the ability to bring a contemporary claim to water rights and interests.
- 4.6 Clause 4.5 does not limit clause 4.3.

## DEED OF SETTLEMENT

### 4: SETTLEMENT

#### REDRESS

- 4.7 The redress, to be provided in settlement of the historical claims, –
- 4.7.1 is intended to benefit Ahuriri Hapū collectively; but
  - 4.7.2 may benefit particular members, or particular groups of members, of Ahuriri Hapū 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 of the draft settlement bill does not apply –
    - (a) to a redress property, the early release commercial property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land; or
    - (b) for the benefit of Ahuriri Hapū or a representative entity; and
  - 4.8.4 require any resumptive memorial to be removed from a computer register for, a redress property, the early release commercial property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land; and
  - 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 Mana Ahuriri Trust, being the governance entity, may hold or deal with property; and
      - (ii) the Mana Ahuriri Trust may exist; and
  - 4.8.6 require the Secretary for Justice to make copies of this deed publicly available.

## **DEED OF SETTLEMENT**

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### **4: SETTLEMENT**

- 4.9 Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 TE WHANGANUI-Ā-OROTU



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## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

#### TE WHANGANUI-Ā-OROTU

- 5.1 The text in clauses 5.2 to 5.8 is drawn from the traditions of Ahuriri Hapū.
- 5.2 Te Whanganui-ā-Orotu is a place of great significance to Ngā Hapū o Ahuriri and is central to the existence and identity of Ahuriri Hapū. It is named after the ancestor Te Orotu who was a descendent of the great explorer ancestor Māhutapoanui who is the very beginning of the Ahuriri Hapū people.
- 5.3 An important part of Te Oriori of the tipuna Te Tahatu ō Te Rangi proclaims, **“Kia noho ai tāua he kāinga ā tō tīpuna a Whatumamoa i Heretaunga waiho e Te Orotu waiho kia Whatumamoa nōna te kiri pango e mau ia tāua nei.”** *“That we should dwell in the house of your ancestor Whatumamoa in Heretaunga abandoned by Te Orotu and left to Whatumamoa from whom comes the dark skin we inherit today.”*
- 5.4 Te Whanganui-ā-Orotu contained islands where people lived and or camped while on fishing expeditions, as well as wāhi tapu and urupā. Tapu Te Ranga is the recognised place of baptism. The pepeha by Tamatea Pōkaiwhenua expressed the importance of Te Whanganui-ā-Orotu as a mahinga kai:

**“Te kāroro tangi tararau mai i runga ō Tapu Te Ranga** *“The seagulls continue their screeching cries above Tapu te Ranga*

**Te pātiki tahanui ō Otiere e** *The thick sided flounders of Otiere*

**Te pāua pātōtō mai i runga o Tāhinga** *The paua knocking on the rocks of Tāhinga*

**Te pūpū tangi mai i runga o Matakārohirohi e  
Te kiore pakenui ō Rimariki** *The periwinkles crying on  
Matakārohirohi  
The high jumping rats of Rimariki*

**Te aruhe maomaonanui ō Pukekohu e”** *The fern roots of Pukekohu in need of a lot of cooking”*

- 5.5 Ahuriri Hapū has a long and continuous history of settlement in Te Whanganui-ā-Orotu and this history is related in song and story, reciting the names of ancestors, kaitiaki and events.
- 5.6 Te Whanganui-ā-Orotu was coveted by others as an important food resource necessary for the survival of the people and indeed other living creatures.
- 5.7 Te Whanganui-ā-Orotu enjoys an elevated status and has its own mauri, wairua and spirituality. The Oriori of the Ngāti Māhu ancestress Te Whatu expresses eloquently the value placed on Te Whanganui-ā-Orotu as a mahinga kai. Te Whatu sang this to her grandson Te Iho o Te Rangi before his death at the battle of Te Iho o Te Rei in the early 1820s and to her son Raukawa the father of Te Iho o Te Rangi. It was composed prior to the Treaty of Waitangi signing in 1840:

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

Kaea:

**E TAMA E MOE NEI E ARA KI RUNGA**

Roopu:

**Tahuri to taringa ko te korero o te pana  
Ehara e tama taua I te heke I a Taraia  
He Whenua tipu tonu  
He tangata tipu tonu  
He takere taua no roto o Heretaunga e**

1st Verse: Encourages Te Iho o Te Rangi to ignore and to disregard any korero of banishment. It reaffirms that in fact his people were not of the migration of Taraia. That they are the land and the land is them and that they are the principal people of Heretaunga.

Kaea:

**INA TE TANGATA E UI MAI KI A KOE**

Roopu:

**Nawai ra e kii atu e tama  
Na Tangaroanui a Te Kore  
Na Maikanui a Te Whatu  
Na Whakakehu ano  
Na Hamaitawhiti e**

2nd Verse: Confirms that should anyone ask of your origins then your reply should be that Tangaroanui is of Te Kore Maikanui is of Te Whatu Whakakehu is of Hamaitawhiti (who was the father of Te Orotu who in turn was the father of Whatumamoa).

Kaea:

**O TE OROTU ANO NA WHATUMAMOA**

Roopu:

**Na Tamaahuroa a Ruakukuru  
Nana te awa poka Hauhaupounamu  
A Hekepango ano  
Nana nga one ka takoto I runga o  
Moteo  
Kaore ra e rangona Tawhiri –Rourou  
Na Ruapirau Na Tapora ano e**

3rd Verse: Confirms that Whatumamoa is the son of Te Orotu and that the youngest son of Whatumamoa –Tamaahuroa had a son Ruakukuru who made the watercourse Hauhaupounamu and that it was Hekepango the son of Ruakukuru who laid “one” upon Moteo. (Hekepango was the son of Ruapirau) Tawhiri-Rourou did not hear of this it was Ruapirau and his son Tapora.

Kaea :

**NA NGAIOKAWA NANA TE PEPEHA**

Roopu:

**He Ngaio rakau e kitea e koe  
Tena he Ngaio Tangata e Whanake nei  
ano  
Oti tonu ake nei e**

4th Verse: It was NgaioKawa who offered the proverb “You may see the Ngaio tree (in its growth) However the growth of the Ngaio tangata in its development is for a time specific.”

Kaea :

**NA TAITA-A-WAHIE NA TE AHUHU A-**

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

#### TE-UMURANGI

Roopu :

**Te Maoro o te Rangi, Tamairakau –a-te Rangi**

**Na Rangiwihakakemo te Mahukihuki-o-te-Rangi**

**Ka puta korua e tama e**

5th Verse: Taita-a-wahie (Tamataita) was the son of Ngaioakawa of Ngati Ruapirau. Te Umurangi is the son of Te Ahuhu who was the husband of Te Hinu the daughter of Te Matoe of Ngati Mahu. Te Ahuhu was the father of Te Umurangi.

Kaea :

**E TAMA E TANGI NEI HE TANGI KAI PEA**

Roopu :

**Kaore nei e Tama he kainga kei o Tipuna I a taua**

**Tena ka riro I nga wehewehenga a o Tipuna**

**Ko Te Rerehu ko Tamanuhiri**

**Ki runga ki Kawera**

6th Verse: My son you are crying, are you crying for food

There is no land that is ours they are the lands that were divided by your ancestors To Te Huhuti the side at Ruahine to Te Rerehu and Tamanuhiri at and upon Kawera.

Kaea:

**KO HINEAO ANO KI TONA TAURANGA KI TAWHITINUI**

Roopu:

**Ko Hinekai ano ki tona waiu ki Te Rotokare**

**Ko Haumahurua ano ki ona wai e rua**

**Ki Ohiwia ki Te Mokoparae e**

7th Verse: Hineiao to her landing place at Tawhitinui and Hinekai to her landing at Te Rotokare and Haumahurua to Ohiwia and Te Mokoparae.

Kaea:

**KAATI KA TAU MAI A TARAIA**

Roopu:

**Nga ngutuawa Kahawai kei Ngaruroro**

**Ka whati mai o Tipuna**

**I runga I te tahuna tapapa noa ai**

**Hou he ra e ao ana**

**Ka whakamanawa mai ki runga ki nga hiwi**

**Nga uru rakau kei Ngatokorua a Houmea**

**Kai tapu a tira e**

8th Verse: Taraia came to the river mouth at Ngaruroro renown for its Kahawai. Your ancestors were driven to the shingle banks and there squatted without right, a new day dawned, they took breathing time upon the hills and in the dense bush at Ngatokorua a Houmea at Puketitiri.

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

Kaea:

**EHARA E TAMA ENA**

Roopu:

**He Kaanga ahi kotahi  
Kia horo te haere nga taumata  
I Te Whanga I Te Poraiti  
Ko te kainga tena  
I pepehatia e o Tipuna e**

9th Verse: No my son this was land where once the fire burned that united all.

Go quickly to the land that is Te Whanga and Te Poraiti for that is the land in a proverb by your ancestors :

(Haka) **KO RUA TE PAIA KO TE  
WHANGA  
HE KAINGA TO TE ATA  
HE KAINGA KA AWATEA  
HE KAINGA KA AHIAHI  
E TAMA E**

“Te Whanga is the Storehouse that never closed, providing a:

Meal in the morning

Meal at noon

Meal in the evening my son.”

- 5.8 At the Native Land Court hearing in 1934 Raniera Ellison said that Te Whanganui-ā-Orotu from time immemorial was a veritable garden owing to its fertility. It was truly a food supply area and has been so for ages. So greatly was it valued by Māori through the generations that songs were sung, poetry composed and dances created in praise of its productiveness. It was the most valuable part of the patrimony. Māori tradition and available evidence demonstrates that clearly in its original state, it was a freshwater area with a fair proportion of rich dry flats. The deepest portion of the water was around Te Pakake Pā. At the northern end of Te Whanganui-ā-Orotu are a number of important islands. Te Roro ō Kurī was extensively settled and that comprised of Ō Kahungūnu Pā, Otaia Pā, Otire Pā, Pāhuru Pā, Tapatukokata Pā. Six small sandbank islands, Matawhero, Awa Mauka, Tuteranuku, Tirowhangahē, Poroporo and Uruwiri were used as Urupā, kāinga and fishing camps.
- 5.9 Before European settlement, Te Whanganui-ā-Orotu covered an area of about 9500 acres (3800 hectares) and was separated from the sea by a narrow sand and shingle bank or spit.
- 5.10 In 1995 the Waitangi Tribunal released its report regarding Te Whanganui-ā-Orotu (also known as Te Whanga, Ahuriri Lagoon, or the Napier Inner Harbour), which is a central claim of the Ahuriri Hapū (Wai 55). In 1998 the Waitangi Tribunal released *Te Whanganui-ā-Orotu Report on Remedies*.
- 5.11 The Crown acknowledges that Te Whanganui-ā-Orotu and the islands in it were prized taonga of Ahuriri Hapū and remain valued today.

**DEED OF SETTLEMENT**  
**5: TE WHANGANUI-Ā-OROTU**

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**ACKNOWLEDGEMENT OF KAITIAKI STATUS**



Te Whanganui-a-Orotou with Mataruahou across the Estuary

- 5.12 The Crown recognises the role of Ahuriri Hapū as Kaitiaki of Te Muriwai o Te Whanga. In recognition of this the Crown has provided the redress set out in clauses 5.13 to 5.37.

**KAITIAKI FUND FOR TE MURIWAI O TE WHANGA**

- 5.13 The Crown will pay \$500,000 to the governance entity on the settlement date for the purpose of assisting Ahuriri Hapū and the governance entity to engage in management of Te Muriwai o Te Whanga.

**TE KOMITI MURIWAI O TE WHANGA**

**Settlement legislation**

- 5.14 The settlement legislation will, on the terms provided by part 3 and schedule 4 of the draft settlement bill, provide for the matters set out in clauses 5.15 to 5.24 and 5.26 to 5.37.

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

#### **Establishment and purpose of Te Komiti Muriwai o Te Whanga**

- 5.15 The settlement legislation will establish a permanent statutory committee called Te Komiti Muriwai o Te Whanga (**Komiti**).
- 5.16 The purpose of the Komiti is to promote the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Muriwai o Te Whanga for present and future generations.

#### **Functions of the Komiti**

- 5.17 The functions of the Komiti are to provide guidance and co-ordination in the management of Te Muriwai o Te Whanga to local authorities and Crown agencies that exercise functions in relation to Te Muriwai o Te Whanga by –
- 5.17.1 promoting a greater understanding of Te Muriwai o Te Whanga and the issues relating to its health and well-being; and
  - 5.17.2 advocating on behalf of Te Muriwai o Te Whanga; and
  - 5.17.3 providing a forum for the community to express its views on Te Muriwai o Te Whanga and its health and well-being; and
  - 5.17.4 identifying the values, vision, objectives, and desired outcomes and any other matters relevant to Te Muriwai o Te Whanga; and
  - 5.17.5 working with stakeholders to gather and collate all data and information relevant to the functions of the Komiti; and
  - 5.17.6 monitoring, evaluating, and reporting on matters affecting the ongoing health and well-being of Te Muriwai o Te Whanga; and
  - 5.17.7 advising the local authorities and the Director-General of Conservation on matters pertaining to Te Muriwai o Te Whanga; and
  - 5.17.8 communicating to stakeholders matters pertaining to Te Muriwai o Te Whanga; and
  - 5.17.9 promoting and seeking opportunities to raise funds and support for the ongoing health and well-being of Te Muriwai o Te Whanga; and
  - 5.17.10 making recommendations on the integration and co-ordination of Te Muriwai o Te Whanga management; and
  - 5.17.11 preparing and approving the Te Muriwai o Te Whanga Plan; and
  - 5.17.12 taking any other action that is considered by Te Komiti Muriwai o Te Whanga to be appropriate to achieve its purpose.

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

5.18 To avoid doubt, except as provided in clause 5.17.11, the Komiti has discretion to determine in any particular circumstances, –

5.18.1 whether to perform any function specified in clause 5.17; and

5.18.2 how, and to what extent, any function specified in clause 5.17 is performed.

#### **Capacity**

5.19 The Komiti has full capacity to perform its functions in a manner consistent with the provisions in part 3 and schedule 4 of the draft settlement bill.

#### **Terms of reference**

5.20 The Komiti will adopt a terms of reference at its first meeting that will set out the procedures that the Komiti must operate within.

#### **Membership of Komiti**

5.21 The Komiti will consist of eight members who are appointed as follows –

5.21.1 four members appointed by the governance entity; and

5.21.2 one member appointed by the Hawke's Bay Regional Council; and

5.21.3 one member appointed by the Napier City Council; and

5.21.4 one member appointed by the Hastings District Council; and

5.21.5 one member appointed by the Minister of Conservation.

#### **Appointment of members**

5.22 The draft settlement bill will provide for matters relating to –

5.22.1 the appointment of members to the Komiti; and

5.22.2 the appointment of the chairperson and deputy chairperson of the Komiti; and

5.22.3 membership of the Komiti; and

5.22.4 any change to the membership of the Komiti that may result from a reorganisation, as described in section 88 of the draft settlement bill.

#### **Meetings and decision-making of Komiti**

5.23 The draft settlement bill will provide for matters relating to –

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

5.23.1 meetings schedules for the Komiti; and

5.23.2 the quorum for meetings; and

5.23.3 voting and decision-making; and

5.23.4 liability of Komiti members.

#### **Conflicts and declarations of interest**

5.24 The draft settlement bill will provide for matters relating to conflicts and declarations of interest of Komiti members.

#### **Administrative and technical support of the Komiti**

5.25 On the settlement date, the Crown will provide \$100,000 to Napier City Council as a contribution to the provision of support for Te Komiti Muriwai o Te Whanga for –

5.25.1 the initial operation of the Komiti; and

5.25.2 the preparation and approval of the first Te Muriwai o Te Whanga Plan.

5.26 The Napier City Council will –

5.26.1 hold funds on behalf of the Komiti; and

5.26.2 account for those funds in a separate and identifiable manner; and

5.26.3 expend those funds as directed by the Komiti.

5.27 The administrative support for the Komiti will be provided by the Napier City Council.

5.28 The technical support for the Komiti will be provided by the appointers, to the extent that it is reasonably practicable to provide such support.

#### **TE MURIWAI O TE WHANGA PLAN**

##### **Purpose and scope of Te Muriwai o Te Whanga Plan**

5.29 The Komiti will prepare and approve a plan for Te Muriwai o Te Whanga called the Te Muriwai o Te Whanga Plan.

5.30 The purpose of the Te Muriwai o Te Whanga Plan is to –

5.30.1 set out the environmental, economic, social, spiritual, historical, and cultural values of Te Muriwai o Te Whanga; and



## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

- 5.30.2 set out the vision, objectives, and desired outcomes for Te Muriwai o Te Whanga in order to promote the protection and enhancement of those values; and
  - 5.30.3 identify the significant issues for Te Muriwai o Te Whanga; and
  - 5.30.4 identify how Te Muriwai o Te Whanga may enhance the social, cultural, and economic well-being of people and communities; and
  - 5.30.5 consider the integrated management of the waters and lands of Te Muriwai o Te Whanga for the benefit of the health and well-being of Te Muriwai o Te Whanga; and
  - 5.30.6 make recommendations on the integration and co-ordination of Te Muriwai o Te Whanga management.
- 5.31 The Te Muriwai o Te Whanga Plan must be consistent with the purpose set out in clause 5.30.
- 5.32 Te Komiti Muriwai o Te Whanga will complete the preparation of the first Te Muriwai o Te Whanga Plan not later than three years after the settlement date.

#### **Preparation and approval of Te Muriwai o Te Whanga Plan**

- 5.33 The draft settlement bill will provide for matters relating to the preparation and approval of the Te Muriwai o Te Whanga Plan.

#### **Effect of Te Muriwai o Te Whanga Plan on Resource Management Act 1991 planning documents and resource consents**

- 5.34 The draft settlement bill will provide how a local authority must have regard to the Te Muriwai o Te Whanga Plan –
- 5.34.1 in preparing or amending a regional policy statement, regional plan, or district plan (as those terms are defined in section 43AA of the Resource Management Act 1991); and
  - 5.34.2 when considering an application for a resource consent to authorise an activity to be undertaken within Te Muriwai o Te Whanga.

#### **Effect of Te Muriwai o Te Whanga Plan on local government matters**

- 5.35 A local authority must have regard to the Te Muriwai o Te Whanga Plan when making a decision under the Local Government Act 2002, to the extent that the Te Muriwai o Te Whanga Plan is relevant to the decision.

#### **Effect of Te Muriwai o Te Whanga Plan on conservation matters**

## DEED OF SETTLEMENT

### 5: TE WHANGANUI-Ā-OROTU

- 5.36 Every person or entity must take into account the values and objectives set out in the Te Muriwai o Te Whanga Plan when –
- 5.36.1 preparing, reviewing, or approving a conservation management strategy or conservation management plan that relates to Te Muriwai o Te Whanga; or
- 5.36.2 making a decision, under any conservation legislation, that relates to Te Muriwai o Te Whanga.

#### Definitions

- 5.37 In this part –
- 5.37.1 **appointer** has the meaning given to it by section 82 of the draft settlement bill; and
- 5.37.2 **conservation legislation** means –
- (a) the Conservation Act 1987; and
  - (b) the enactments listed in Schedule 1 of that Act; and
- 5.37.3 **local authority** means any or all of the following:
- (a) the Hawke's Bay Regional Council;
  - (b) the Hastings District Council;
  - (c) the Napier City Council; and
- 5.37.4 **stakeholders** means –
- (a) residents of the Hawke's Bay region, Crown agencies, and businesses with an interest in Te Muriwai o Te Whanga; and
  - (b) the local authorities; and
  - (c) the Director-General of Conservation; and
- 5.37.5 **Te Komiti Muriwai o Te Whanga** or **Komiti** has the meaning given to it by clause 5.15; and
- 5.37.6 **Te Muriwai o Te Whanga** or **Te Whanga** means the Ahuriri Estuary and catchment areas shown on SO 486367, a copy of which is in the attachments; and
- 5.37.7 **Te Muriwai o Te Whanga Plan** has the meaning given to it by clause 5.29.

## DEED OF SETTLEMENT

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### 5: TE WHANGANUI-Ā-OROTU

#### TE WHANGANUI-Ā-OROTU: FINANCIAL AND COMMERCIAL REDRESS

5.38 Part 7 includes the following financial and commercial redress in respect of Te Whanganui-ā-Orotu:

5.38.1 a right to elect to purchase Ahuriri Station provided for by clause 7.13:

5.38.2 a right to elect to purchase the Hawke's Bay Airport shares:

5.38.3 a right of first refusal over the Hawke's Bay Airport shares.

## 6 CULTURAL REDRESS

### OVERLAY CLASSIFICATION

- 6.1 The settlement legislation will, on the terms provided by sections 46 to 60 of the draft settlement bill, –
- 6.1.1 declare each of the following areas to be overlay areas subject to an overlay classification:
    - (a) Balls Clearing Scenic Reserve (as shown on deed plan OTS-206-02):
    - (b) Otatara Pa Historic Reserve (as shown on deed plan OTS-206-04); and
  - 6.1.2 provide the Crown's acknowledgement of the statement of Ahuriri Hapū values in relation to each of the overlay areas; and
  - 6.1.3 require the New Zealand Conservation Authority, or a relevant conservation board, –
    - (a) when considering a conservation management strategy, conservation management plan or national park management plan, in relation to an overlay area, to have particular regard to the statement of Ahuriri Hapū values, and the protection principles, for the area; and
    - (b) before approving a conservation management strategy, conservation management plan or national park management plan, in relation to an overlay area, to –
      - (i) consult with the governance entity; and
      - (ii) have particular regard to its views as to the effect of the strategy or plan on Ahuriri Hapū values, and the protection principles, for the area; and
  - 6.1.4 require the Director-General of Conservation to take action in relation to the protection principles; and
  - 6.1.5 enable the making of regulations and bylaws in relation to the overlay areas.
- 6.2 The statement of Ahuriri Hapū values, the protection principles, and the Director-General's actions are in parts 1 and 2 of the documents schedule.

### STATUTORY ACKNOWLEDGEMENT

- 6.3 The settlement legislation will, on the terms provided by sections 32 to 40 and 42 to 45 of the draft settlement bill, –

## DEED OF SETTLEMENT

### 6: CULTURAL REDRESS

- 6.3.1 provide the Crown's acknowledgement of the statements by Ahuriri Hapū of their particular cultural, spiritual, historical, and traditional association with the following areas:
- (a) Esk River and its tributaries within the area of interest (as shown on deed plan OTS-206-18):
  - (b) Fern Bird Bush Nature Reserve (as shown on deed plan OTS-206-05):
  - (c) Hutchinson Scenic Reserve (as shown on deed plan OTS-206-06):
  - (d) Part of Kaimanawa Forest Park (as shown on deed plan OTS-206-07):
  - (e) Part of Kaweka Forest Conservation Area (as shown on deed plan OTS-206-08):
  - (f) Part of Kaweka State Forest Park (as shown on deed plan OTS-206-09):
  - (g) Kuripapango DOC Field Base (as shown on deed plan OTS-206-10):
  - (h) Mangaone River and its tributaries within the area of interest (as shown on deed plan OTS-206-12):
  - (i) Mohaka River and its tributaries within the area of interest (as shown on deed plan OTS-206-13):
  - (j) Ngaruroro River and its tributaries within the area of interest (as shown on deed plan OTS-206-14):
  - (k) Puketitiri (Puketitiri Field Centre) (as shown on deed plan OTS-206-17):
  - (l) Tutaekuri River and its tributaries within the area of interest (as shown on deed plan OTS-206-19):
  - (m) Ahuriri Hapū Coastal Marine Area (as shown on deed plan OTS-206-20); and
- 6.3.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 6.3.3 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

## DEED OF SETTLEMENT

### 6: CULTURAL REDRESS

- (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
- 6.3.4 enable the governance entity, and any member of Ahuriri Hapū, to cite the statutory acknowledgement as evidence of Ahuriri Hapū's association with an area.
- 6.4 The statements of association are in part 3 of the documents schedule.

#### DEEDS OF RECOGNITION

- 6.5 The Crown must, by or on the settlement date, provide the governance entity with a copy of each of the following:
- 6.5.1 a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
- (a) Esk River and its tributaries within the area of interest (as shown on deed plan OTS-206-18):
  - (b) Fern Bird Bush Nature Reserve (as shown on deed plan OTS-206-05):
  - (c) Hutchinson Scenic Reserve (as shown on deed plan OTS-206-06):
  - (d) Part of Kaimanawa Forest Park (as shown on deed plan OTS-206-07):
  - (e) Part of Kaweka Forest Conservation Area (as shown on deed plan OTS-206-08):
  - (f) Part of Kaweka State Forest Park (as shown on deed plan OTS-206-09):
  - (g) Kuripapango DOC Field Base (as shown on deed plan OTS-206-10):
  - (h) Mangaone River and its tributaries within the area of interest (as shown on deed plan OTS-206-12):
  - (i) Mohaka River and its tributaries within the area of interest (as shown on deed plan OTS-206-13):
  - (j) Ngaruroro River and its tributaries within the area of interest (as shown on deed plan OTS-206-14):
  - (k) Puketitiri (Puketitiri Field Centre) (as shown on deed plan OTS-206-17):
  - (l) Tutaekuri River and its tributaries within the area of interest (as shown on deed plan OTS-206-19); and

## **DEED OF SETTLEMENT**

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### **6: CULTURAL REDRESS**

- 6.5.2 a deed of recognition, signed by the Commissioner of Crown Lands, in relation to the following areas:
- (a) Esk River and its tributaries within the area of interest (as shown on deed plan OTS-206-18):
  - (b) Mangaone River and its tributaries within the area of interest (as shown on deed plan OTS-206-12):
  - (c) Mohaka River and its tributaries within the area of interest (as shown on deed plan OTS-206-13):
  - (d) Ngaruroro River and its tributaries within the area of interest (as shown on deed plan OTS-206-14):
  - (e) Tutaekuri River and its tributaries within the area of interest (as shown on deed plan OTS-206-19).
- 6.6 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 6.7 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, –
- 6.7.1 consult the governance entity; and
  - 6.7.2 have regard to its views concerning Ahuriri Hapū's association with the area as described in a statement of association.

#### **PROTOCOLS**

- 6.8 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:
- 6.8.1 the Crown minerals protocol:
  - 6.8.2 the taonga tūturu protocol.
- 6.9 A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

#### **FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS**

- 6.10 Each deed of recognition and each protocol will be –
- 6.10.1 in the form in the documents schedule; and

## **DEED OF SETTLEMENT**

### **6: CULTURAL REDRESS**

- 6.10.2 issued under, and subject to, the terms provided by sections 26 to 32 and 41 to 44 of the draft settlement bill.
- 6.11 A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.

#### **TE KAWA O PAPA**

- 6.12 The Minister of Conservation, the Director-General of Conservation and the governance entity must, by or on the settlement date, sign and enter into a partnership agreement, to be known as Te Kawa o Papa, relating to the area of interest, in the form set out in part 6 of the documents schedule.
- 6.13 A breach by the Crown of Te Kawa o Papa is not a breach of this deed.

#### **RELATIONSHIP AGREEMENTS**

- 6.14 By or on the settlement date, the governance entity will enter into a relationship agreement in the form set out in part 9 of the documents schedule with each of the following:
- 6.14.1 Ministry for the Environment:
- 6.14.2 Museum of New Zealand Te Papa Tongarewa.
- 6.15 Each of the relationship agreements referred to in clause 6.14 will set out how the Ministry for the Environment, or Museum of New Zealand Te Papa Tongarewa, as the case may be, will interact with the governance entity with regard to the matters specified in it.

#### **LETTER OF COMMITMENT WITH DEPARTMENT OF INTERNAL AFFAIRS**

- 6.16 The Department of Internal Affairs and the governance entity intend to enter into a letter of commitment in the form set out in part 7 of the documents schedule in relation to –
- 6.16.1 the care and management, access and use, and development and revitalisation of Ahuriri Hapū taonga; and
- 6.16.2 facilitating engagement around areas of mutual interest to support access to, and the development and maintenance of, Ahuriri Hapū birth, death, marriage, civil union and name change information.

#### **MINISTRY FOR PRIMARY INDUSTRIES LETTER OF RECOGNITION**

- 6.17 The Director-General for Primary Industries must, by or on the settlement date, write a letter to the governance entity in the form set out in part 8 of the documents schedule outlining how Ahuriri Hapū will have input into sustainability processes and decisions covering fisheries resources, and how Ahuriri Hapū will be consulted on policy



## DEED OF SETTLEMENT

### 6: CULTURAL REDRESS

development led, and work undertaken, by the Ministry for Primary Industries, as these directly affect the area of interest.

- 6.18 Clause 6.19 applies if, after the settlement date, the governance entity identifies areas of significance to Ahuriri Hapū (**areas of significance**) and the Minister for Primary Industries agrees to those areas of significance.
- 6.19 As soon as reasonably practicable after this clause applies, the Ministry for Primary Industries must appoint the governance entity as an advisory committee to the Minister for Primary Industries under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 for the purpose of advising the Minister on changes in the management regime for the areas of significance.

#### PROMOTION OF RELATIONSHIP WITH MINISTRIES AND DEPARTMENTS

- 6.20 The Minister for Treaty of Waitangi Negotiations will, prior to introduction of the draft settlement bill, be writing a letter to the Minister of each of the following Ministries and departments, to provide a platform for the governance entity and each Ministry or department to better engage with each other:

6.20.1 Te Puni Kōkiri:

6.20.2 Ministry of Education:

6.20.3 Ministry of Justice:

6.20.4 Ministry of Social Development:

6.20.5 Minister of Finance and Minister for Social Housing.

#### LETTERS OF INTRODUCTION TO ENTITIES AND AGENCIES

- 6.21 The Director of the Office of Treaty Settlements has written a letter to each of the following entities and agencies to introduce the governance entity and encourage each entity or agency to enhance its relationship with the governance entity:

6.21.1 Hawke's Bay District Health Board:

6.21.2 Housing New Zealand Corporation:

6.21.3 KiwiRail:

6.21.4 New Zealand Transport Agency.

## DEED OF SETTLEMENT

### 6: CULTURAL REDRESS

#### POUWHENUA AND INTERPRETATION PANEL FUNDING

- 6.22 The Crown will pay \$15,000 to the governance entity on the settlement date for the purpose of erecting pouwhenua or interpretation panels. The parties will agree the locations of pouwhenua within the area of interest after the settlement date.

#### HAWKE'S BAY REGIONAL PLANNING COMMITTEE

- 6.23 The parties acknowledge that the governance entity, the Hawke's Bay Regional Council (**regional council**), Tūhoe and iwi and hapū of the Hawke's Bay region, including those represented by the governance entity, have agreed –

6.23.1 to establish a Hawke's Bay Regional Planning Committee as a permanent committee of the regional council in order to improve the engagement between the regional council and tangata whenua in relation to resource management matters within the Hawke's Bay region; and

6.23.2 interim terms of reference for the committee that were adopted by the regional council on 14 December 2011.

- 6.24 The Hawke's Bay Regional Planning Committee Act 2015 establishes a Hawke's Bay Regional Planning Committee based on the agreement referred to in clause 6.23.

- 6.25 That Act provides that the governance entity may appoint a member to the Hawke's Bay Regional Planning Committee.

#### CULTURAL REDRESS PROPERTIES

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

##### *In fee simple*

- 6.26.1 the fee simple estate in Pakake; and

##### *In fee simple subject to a lease*

- 6.26.2 the fee simple estate in the Conservation House property, subject to the governance entity providing an unregistered lease in relation to that site in the form in part 10 of the documents schedule; and

##### *As a historic reserve*

- 6.26.3 the fee simple estate in Heipipi Pa, being Heipipi Pa Historic Reserve as a historic reserve with the governance entity as the administering body.

- 6.27 Each cultural redress property is to be –

- 6.27.1 as described in schedule 3 of the draft settlement bill; and

## DEED OF SETTLEMENT

### 6: CULTURAL REDRESS

- 6.27.2 vested on the terms provided by –
- (a) sections 65 to 81 of the draft settlement bill; and
  - (b) part 2 of the property redress schedule; and
- 6.27.3 subject to any encumbrances, or other documentation, in relation to that property –
- (a) required by clause 6.26 to be provided by the governance entity; or
  - (b) required by the settlement legislation; and
  - (c) in particular, referred to by schedule 3 of the draft settlement bill.

#### OFFICIAL GEOGRAPHIC NAMES

- 6.28 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
Bluff Hill, Hospital Hill, Napier Hill, Scinde Island	Mataruahou	BK39 356215	Hill
Mouth of the Ngaruroro River (local use)	Te Ipu-o-Taraia	BK39 375123	Historic site
Perfume Point (local use)	Te Karaka	BJ39 351230	Historic site
Sturms Gully (local use)	Karetoki Whare	BJ39 368227	Historic site
The Lakes	Rotoroa	BJ37 900375	Lake
The Lakes	Rototuna	BJ37 898377	Lake

- 6.29 The settlement legislation will provide for the official geographic names on the terms provided by sections 61 to 64 of the draft settlement bill.

#### TE WHANGANUI-Ā-OROTU REDRESS

- 6.30 To avoid doubt, the parties acknowledge that the redress in clauses 5.13 to 5.37 is cultural redress.

## **DEED OF SETTLEMENT**

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### **6: CULTURAL REDRESS**

#### **CULTURAL REDRESS GENERALLY NON-EXCLUSIVE**

- 6.31 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.
- 6.32 However, the Crown must not enter into another settlement that provides for the same redress as set out in clauses 5.13 to 5.37 and 6.26.

## 7 FINANCIAL AND COMMERCIAL REDRESS

### FINANCIAL REDRESS

- 7.1 The Crown must pay the governance entity on the settlement date \$13,849,223, being the financial and commercial redress amount of \$19,500,000 less –
- 7.1.1 if clause 7.3 applies, \$702,000, being the transfer value for the early release commercial property; and
  - 7.1.2 \$4,700,940 being the total transfer values of the commercial redress properties, but subject to clause 7.2; and
  - 7.1.3 \$247,837 being the agreed contribution by Ahuriri Hapū towards the cost of the cultural redress properties.
- 7.2 If clause 7.4 applies, clause 7.1.1 does not apply and the amount in clause 7.1.2 is increased to \$5,402,940.

### EARLY RELEASE COMMERCIAL PROPERTY

- 7.3 At any time after the date of this deed, if the governance entity gives a written notice to the Crown, the Crown and the governance entity may enter into an agreement for sale and purchase of the early release commercial property –
- 7.3.1 at a purchase price equal to the transfer value for the property which will be satisfied by an on-account deduction from the financial and commercial redress amount; and
  - 7.3.2 otherwise on terms to be agreed.
- 7.4 If the early release commercial property does not become the subject of an unconditional agreement for sale and purchase by the day before the third reading in the House of Representatives of the draft settlement bill, the property becomes a commercial redress property for the purposes of this deed and the settlement legislation and has a transfer value of \$702,000.

### COMMERCIAL REDRESS PROPERTIES

- 7.5 In this deed, –
- 7.5.1 **contemporaneous settlement date circumstance** means the circumstance that arises if the settlement date and the Heretaunga Tamatea settlement date are the same; and
  - 7.5.2 **different settlement date circumstance** means the circumstance that arises if the settlement date precedes the Heretaunga Tamatea settlement date; and

## DEED OF SETTLEMENT

### 7: FINANCIAL AND COMMERCIAL REDRESS

- 7.5.3 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 7.9 to 7.11, and in part 3, and in the definition of “Crown redress” in part 6, of the general matters schedule.
- 7.6 Each commercial redress property is to be –
- 7.6.1 transferred by the Crown to the governance entity on the settlement date –
- (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
- 7.6.2 as described, –
- (a) in parts 3 and 3A of the property redress schedule; and
  - (b) is to have the transfer value provided –
    - (i) in clause 7.1.1, in respect of the early release commercial property if the property becomes a commercial redress property by operation of clause 7.4; and
    - (ii) in part 3 of the property redress schedule, in respect of a commercial redress property that is the licensed land.
- 7.7 The transfer of each commercial redress property will be –
- 7.7.1 subject to, and, where applicable, with the benefit of, the encumbrances provided in the property redress schedule in relation to that property; and
- 7.7.2 in the case of the licensed land, –
- (a) 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 11.1 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 7.7.2(a); and
  - (b) 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 11.2 of the documents schedule (subject to any variations in form necessary only to ensure its registration) to give effect to those descriptions of easements

## **DEED OF SETTLEMENT**

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### **7: FINANCIAL AND COMMERCIAL REDRESS**

in the third column of part 3 of the property redress schedule that refer to this clause 7.7.2(b).

- 7.8 The parties to the easements referred to in clause 7.7.2(a) and (b) are bound by the easement terms from the settlement date.

#### **LICENSED LAND ENTITY**

- 7.9 In the case of the contemporaneous settlement date circumstance, the governance entity and the Heretaunga Tamatea governance entity referred to in the Heretaunga Tamatea 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 have only three shares on issue, of which the governance entity will own one share and the Heretaunga Tamatea governance entity will own two shares.
- 7.10 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 13 of the documents schedule agreeing to be bound by the provisions of this deed in relation to the transfer of the licensed land.
- 7.11 In the case of the different settlement date circumstance, the parties agree that they will ensure that the licensed land entity –
- 7.11.1 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
  - 7.11.2 complies with any obligations imposed on the licensed land entity under this deed as if it were a party to this deed.

#### **LICENSED LAND**

- 7.12 The settlement legislation will, on the terms provided by sections 101, 108 to 110, 113, 114 and 116 of the draft settlement bill, provide for the following in relation to a commercial redress property that is licensed land:
- 7.12.1 its transfer by the Crown to the licensed land entity:
  - 7.12.2 it to cease to be Crown forest land upon registration of the transfer:
  - 7.12.3 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:

## DEED OF SETTLEMENT

### 7: FINANCIAL AND COMMERCIAL REDRESS

- 7.12.4 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:
- 7.12.5 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:
- 7.12.6 for rights of access to areas that are wāhi tapu.
- 7.12A Despite every other provision in this deed relating to the licensed land and the licensed land entity, the parties acknowledge and agree that –
- 7.12A.1 the Crown has participated in Waitangi Tribunal-led mediation with the Ngāti Hinemanu me Ngāti Paki Heritage Trust; and
- 7.12A.2 following the outcome of the mediation referred to in clause 7.12A.1, the provisions relating to the licensed land and the licensed land entity in the following documents may need to be amended:
- (a) this deed:
  - (b) the constitution:
  - (c) the shareholders' agreement and trust deed:
  - (d) the deed of covenant in part 13 of the documents schedule:
  - (e) the draft settlement bill.

### DEFERRED SELECTION PROPERTIES

- 7.13 The governance entity may during the deferred selection period for each deferred selection property, give the Crown a written notice of interest in accordance with part 5 of the property redress schedule.



## DEED OF SETTLEMENT

### 7: FINANCIAL AND COMMERCIAL REDRESS

#### UNLICENSED LAND

- 7.14 The settlement legislation will, on the terms provided by sections 111 to 113, 115 and 116 of the draft settlement bill, provide for the following in relation to the deferred selection property that is unlicensed land:
- 7.14.1 on the actual TSP settlement date the unlicensed land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets:
- 7.14.2 for rights of access to areas that are wāhi tapu.

#### SETTLEMENT LEGISLATION

- 7.15 The settlement legislation will, on the terms provided by sections 100 to 116 of the draft settlement bill, enable the transfer of the commercial redress properties and the deferred selection properties.

#### RFR FROM THE CROWN

- 7.16 The governance entity is to have a right of first refusal in relation to a disposal of RFR land, being land listed in the attachments as RFR land that, on the settlement date, –
- 7.16.1 is vested in the Crown; or
- 7.16.2 the fee simple for which is held by the Crown.
- 7.17 The right of first refusal is –
- 7.17.1 to be on the terms provided by sections 117 to 145 of the draft settlement bill; and
- 7.17.2 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 125 to 134 or under a matter referred to in section 135(1) of the draft settlement bill.

#### TE WHANGANUI-Ā-OROTU REDRESS: HAWKE'S BAY AIRPORT SHARES

- 7.18 The governance entity may, during the deferred selection period for the Hawke's Bay Airport shares, give the Crown a written notice of interest in accordance with part 5 of the property redress schedule.
- 7.19 In addition, the governance entity is to have a right of first refusal over the Hawke's Bay Airport shares, in the event that the governance entity has not previously elected to

## **DEED OF SETTLEMENT**

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### **7: FINANCIAL AND COMMERCIAL REDRESS**

purchase the shares under the right described in clause 7.18. The right is to be on the terms provided in the deed of grant of right of first refusal in part 12 of the documents schedule and that deed will be executed by the persons who hold those shares on behalf of the Crown. The governance entity will execute that deed on, or not later than 10 business days after, the settlement date.

## **8 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION**

### **SETTLEMENT LEGISLATION**

- 8.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 8.2 The settlement legislation must provide for all matters for which legislation is required to give effect to this deed of settlement.
- 8.3 The draft settlement bill proposed for introduction to the House of Representatives—
- 8.3.1 may be in the form of an omnibus bill that includes a bill settling the claims of Heretaunga Tamatea; and
  - 8.3.2 may be amended to give effect to the different settlement date circumstance; and
  - 8.3.3 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
  - 8.3.4 must be in a form that is satisfactory to Ahuriri Hapū and the Crown.
- 8.4 Ahuriri Hapū and the governance entity must support the passage of the draft settlement bill through Parliament.

### **SETTLEMENT CONDITIONAL**

- 8.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 8.6 However, the following provisions of this deed are binding on its signing:
- 8.6.1 clauses 7.3, 7.4, 7.9 to 7.11, 7.12A and 8.4 to 8.10:
  - 8.6.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

### **EFFECT OF THIS DEED**

- 8.7 This deed –
- 8.7.1 is “without prejudice” until it becomes unconditional; and

## **DEED OF SETTLEMENT**

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### **8: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION**

- 8.7.2 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.
- 8.8 Clause 8.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

#### **TERMINATION**

- 8.9 The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 8.9.1 the settlement legislation has not come into force within 36 months after the date of this deed; and
- 8.9.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 8.10 If this deed is terminated in accordance with its provisions –
- 8.10.1 this deed (and the settlement) are at an end; and
- 8.10.2 subject to this clause, this deed does not give rise to any rights or obligations; and
- 8.10.3 this deed remains “without prejudice”; but
- 8.10.4 the parties intend that, if the early release commercial property is transferred under clause 7.3, the transfer of that property is taken into account in any future settlement of the historical claims.

## 9 GENERAL, DEFINITIONS, AND INTERPRETATION

### GENERAL

- 9.1 The general matters schedule includes provisions in relation to –
- 9.1.1 the implementation of the settlement; and
  - 9.1.2 the Crown’s –
    - (a) payment of interest in relation to the settlement; and
    - (b) tax indemnities in relation to redress; and
  - 9.1.3 giving notice under this deed or a settlement document; and
  - 9.1.4 amending this deed.

### HISTORICAL CLAIMS

- 9.2 In this deed, **historical claims** –
- 9.2.1 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 Ahuriri Hapū, 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

## DEED OF SETTLEMENT

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### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- 9.2.2 includes every claim to the Waitangi Tribunal to which clause 9.2.1 applies that relates exclusively to Ahuriri Hapū or a representative entity, including the following claims:
- (a) Wai 55 – Te Whanganui-ā-Orotu/Napier Inner Harbour claim;
  - (b) Wai 168 – Tutaekuri River/Waiōhiki lands claim;
  - (c) Wai 732 – Pētane block claim; and
- 9.2.3 includes every other claim to the Waitangi Tribunal to which clause 9.2.1 applies, so far as it relates to Ahuriri Hapū or a representative entity, including the following claims:
- (a) Wai 191 – Tarawera confiscation claim;
  - (b) Wai 201 – Wairoa ki Wairarapa claims;
  - (c) Wai 216 – Te Matai and Pakaututu blocks claim;
  - (d) Wai 299 – Mōhaka-Waikare raupatu/confiscation claim;
  - (e) Wai 382 – Kāweka Forest Park claim;
  - (f) Wai 400 – Ahuriri block claim;
  - (g) Wai 595 – Heretaunga aquifer claim;
  - (h) Wai 610 – Ōmarunui lands claim;
  - (i) Wai 692 – Napier hospital and health services claim;
  - (j) Wai 852 – Ngāti Kahungunu petroleum claim; and
  - (k) Wai 1232 – Ngāti Kere Heretaunga and Tamatea Lands and Resources claim.
- 9.3 However, **historical claims** does not include the following claims –
- 9.3.1 a claim that a member of Ahuriri Hapū, or a whānau, hapū, or group referred to in clause 9.6.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 9.6.1; or
- 9.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 9.3.1.
- 9.4 To avoid doubt, clause 9.2.1 is not limited by clauses 9.2.2 or 9.2.3.

## DEED OF SETTLEMENT

### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- 9.5 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.

#### AHURIRI HAPŪ

- 9.6 In this deed, **Ahuriri Hapū** means –
- 9.6.1 the collective group composed of individuals who descend from an Ahuriri Hapū ancestor; and
- 9.6.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 9.6.1, including:
- (a) Ngāti Hinepare;
  - (b) Ngāti Māhu;
  - (c) Ngāti Matepū;
  - (d) Ngāti Paarau (which includes Ngāi Tahu Ahi);
  - (e) Ngāi Tāwhao;
  - (f) Ngāti Tū; and
  - (g) Ngāi Te Ruruku; and
- 9.6.3 every individual referred to in clause 9.6.1.
- 9.7 For the purposes of clause 9.6.1 –
- 9.7.1 a person is **descended** from another person if the first person is descended from the other by –
- (a) birth;
  - (b) legal adoption; or
  - (c) Māori customary adoption in accordance with Ahuriri Hapū tikanga (customary values and practices); and
- 9.7.2 **Ahuriri Hapū ancestor** means an individual who:
- (a) exercised customary rights by virtue of being descended from:
    - (i) Hikateko (for Ngāti Hinepare); or

## DEED OF SETTLEMENT

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### 9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (ii) Tumahuki (for Ngāti Māhu); or
  - (iii) Te Atawhaki or Te Putanga-Ō-Te Rangi (for Ngāti Matepū); or
  - (iv) Hikawera II (for Ngāti Paarau (which includes Ngāi Tahu Ahi)); or
  - (v) Tāwhao (for Ngāi Tāwhao); or
  - (vi) Tūkapua I (for Ngāti Tū); or
  - (vii) Wharerakau or Te Hiku (for Ngāi Te Ruruku); or
  - (viii) a recognised ancestor of any of the groups listed in clause 9.6.2;  
and
- (b) exercised the customary rights in clause 9.7.2(a) predominantly in relation to the area of interest after 6 February 1840; and

9.7.3 **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.

#### ADDITIONAL DEFINITIONS

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

#### INTERPRETATION

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



## DEED OF SETTLEMENT

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Ruruarau Heitia Hiha initialling the Ahuriri Hapū Agreement in Principle 19 December 2013

**DEED OF SETTLEMENT**

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**SIGNED** as a deed on 2 November 2016

**SIGNED** by **THE TRUSTEES OF THE  
MANA AHURIRI TRUST** as trustees of  
that trust and for and on behalf of  
**AHURIRI HAPŪ** in the presence of –

\_\_\_\_\_  
Rururarau Heitia Hiha

\_\_\_\_\_  
Beverley Jane Horiana Kemp-Harmer

\_\_\_\_\_  
Tania Harriet Huata – Kupa

\_\_\_\_\_  
Joinella Mouru Patricia Maihi-Carroll

\_\_\_\_\_  
Piriniha Tuturu Prentice

\_\_\_\_\_  
Evelyn Nukumai Te Mangai Ratima

\_\_\_\_\_  
Rangi Spooner

\_\_\_\_\_  
Barry Allan Wilson

\_\_\_\_\_  
Terry Owen Wilson

**WITNESS**

\_\_\_\_\_  
Name:

Occupation:

Address:

**DEED OF SETTLEMENT**

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**SIGNED** for and on behalf of **THE CROWN** by –

The Minister for Treaty of Waitangi  
Negotiations in the presence of –

\_\_\_\_\_  
Hon Christopher Finlayson

The Minister of Finance  
(only in relation to the tax indemnities)  
in the presence of –

\_\_\_\_\_  
Hon Simon William English

**WITNESS**

\_\_\_\_\_  
Name:

Occupation:

Address:

## DEED OF SETTLEMENT

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**Other witnesses / members of Ahuriri Hapū who support the settlement**

## DEED OF SETTLEMENT

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**Other witnesses / members of Ahuriri Hapū who support the settlement**

## DEED OF SETTLEMENT

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**Other witnesses / members of Ahuriri Hapū who support the settlement**