Te Ahu a Turanga; Manawatū Tararua Highway
Notices of Requirement for Designations
Volume Three: Technical assessments

NZ TRANSPORT AGENCY
WAKA KOTAHI

New Zealand Government

7. TE AHU A TURANGA

IN THE MATTER OF	The Resource Management Act 1991
AND	
IN THE MATTER OF	Notices of requirement for designations under section 168 of the Act, in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project
BY	**NZ TRANSPORT AGENCY** Requiring Authority

TE AHU A TURANGA; MANAWATŪ TARARUA HIGHWAY PROJECT
TECHNICAL ASSESSMENT
TANGATA WHENUA VALUES

INTRODUCTION

1. I am Associate Professor Jonathan Procter. I have a PhD in Earth Science and lead a number of national research projects focused on Matauranga Māori, natural hazards and cultural landscapes. Notably I designed and compiled the GIS data that assisted in this assessment.

2. This document has had contributions from Paul Horton, Environmental Advisor, and Siobhan Lynch-Karaitiana, the Resource Manager Planner for Te Ao Turoa Environmental Centre of Tanenuiarangi Manawatū Incorporated, an entity of Rangitāne o Manawatū. Paul holds a BSc in Ecology and a Post Graduate Diploma in Zoology. Whilst Siobhan holds a BSc in Ecology and Environmental Science and a Postgraduate Honours Degree in Plant and Aquatic Ecology and Energetic Interactions from Massey University.

3. This document has also had input from one of our esteemed Rangitāne Kaumātua Matua Manahi Paewai who is the Co-Manager of the Cultural and Political Services for Rangitāne Tamaki Nui-ā-Rua and has whakapapa connections to both Rangitāne o Manawatū and Rangitāne Tamaki Nui-ā-Rua. Matua Manahi may also assist me in presenting evidence today.

4. This document therefore is submitted on behalf of Rangitāne o Manawatū (RoM) and Rangitāne Tamaki Nui-ā-Rua (RTNaR).

Qualifications and Experience

5. I, Jon have the following qualifications and experience relevant to this assessment:

   (a) PhD in Earth Science;

   (b) Ngāi Tahu and Muaūpoko descent as well as Ngāti Tauira, a hapū of Ngāti Apa and Rangitāne; and

   (c) Worked for and advised Rangitāne for 17 years and provided advice on aspects of Kaitiakaitanga, Te Ao Turoa and Mātauranga related to a range of resource management developments that have environmental and cultural impacts.

Code of Conduct

6. I confirm that we have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. This assessment has been prepared in compliance with that Code, as if it were evidence being given in Environment Court proceedings. In particular, unless we state otherwise, this assessment is within our area of expertise and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.

Purpose and Scope of Assessment

7. This assessment of effects on tangata whenua values includes a historical account and values from a RoM and RTNaR perspective. This report shall not be used as a discussion document for review by other iwi or stakeholder groups. This is the RoM and RTNaR accounts of their respective history and values as tangata whenua.

8. Whilst it forms part of a suite of technical reports prepared in relation to the New Zealand Transport Agency's (the NZTA) Te Ahu a Turanga: Manawatū Gorge Replacement Route Project (the Project) it sits under its own mana and not as part of NZTA documentation. The purpose of this assessment is to inform the broader assessment of effects on the environment required to support the notices of requirement for a designation (NoRs) given under section 168 of the Resource Management Act 1991 (RMA) for the Project.

9. This assessment relates to the Notice of Requirement and a corridor (proposed designation) within which a road (and all associated infrastructure) is proposed to be built. Accordingly, the focus of the assessment has been to identify RoM and RTNaR issues that shall be impacted by the Project and to identify the RoM and RTNaR cultural values and other matters that shall need to be considered during the ensuing phases of the project. This assessment will inform the next phases of design development from a RoM and RTNaR perspective. The intention is to update and evolve this document which RoM and RTNaR see as a living document as part of this process of design development.

10. This assessment:

    (a) Documents the RoM and RTNaR cultural landscape of the wider project area, including inter alia the history, creation stories, waahi

tapu, relationships with our taonga species, and our immense spiritual connections with the environment.

(b) Sets RoM and RTNaR cultural scene for the integration of our tangata whenua values into the project.

Assumptions and Exclusions in this Assessment

11. The assessment is confined to matters that are relevant to the NoRs. It is anticipated that RoM and RTNaR interests in freshwater and indigenous vegetation shall inter alia be addressed as part of a subsequent regional resource consent process and will reflect an on-going partnership approach to managing effects on RoM and RTNaR tangata whenua values.

12. This assessment is based upon traditional information and practices that have been preserved within RoM and RTNaR, recovered through our respective cultural redress under our Treaty Settlements, and archaeological investigations. This assessment does not seek to provide a definitive history or detailed archaeological assessment of the area subject to the Project but seeks to address the need for the broad RoM and RTNaR cultural context within and surrounding the proposed designation.

13. Opposed to the RMA description of a historical site being a specific set of coordinates, it is RoM and RTNaR cultural view that waahi tapu are highly interconnected. This generates a broad cultural landscape where travel routes, temporary and permanent shelters, large resource collecting areas, and urupā can be generally described within an area rather than specifically defined.

14. The authors and contributors of this assessment understanding of the proposed site designation is based upon attendance at a number mitigation hui facilitated by the NZTA and maps provided by the NZTA. It is also based on direct engagement with the NZTA through RoM/RTNaR and the NZTA hui over a period of several months.

EXECUTIVE SUMMARY

15. RoM and RTNaR trace their whakapapa back to the great migration from Hawaiki. Inter alia Rangitāne ancestors settled in the Manawatū,Tamaki and surrounding environs over 700 years ago and have an unbroken connection with the land and waterways since that time.

16. RōM who have settled their Treaty Claims reflected in the RoM Claims Settlement Act 2016 inter alia received Statutory Acknowledgements in their Treaty Settlement over the Manawatū River and its tributaries, Gorge Scenic Reserve, and within the Ruahine Forest Park. Attached at Appendix A is the Historical Account, Crown Acknowledgements and Apology from RoM Treaty Settlement. Also in our settlement is the trigger for the creation of the Manawatū River Advisory Board which shall be a formal mechanism for Rangitāne and other iwi who settle who have interests in the river recognised by the Crown to assist in the management of the river and its tributaries.

17. Whilst RTNaR who have also settled their Treaty Claims reflected in their Claims Settlement Act 2017 inter alia received a Statutory Acknowledgement in their Treaty Settlement over the Manawatū River as well. Attached at Appendix B is the Historical Account, Crown Acknowledgements and Apology from RTNaR settlement.

18. The area in the vicinity of the Gorge replacement route contains approximately fifty or so waahi tapu that have been identified and recorded by Tanenuiarangi Manawatū Incorporated (TMI), a RoM entity, who operate Te Ao Environmental Centre who are the party engaging on behalf of RoM in this process. This number of waahi tapu sites makes the possibility for accidental discoveries of RoM and also TNaR (together hereinafter referred to as Rangitāne) origin extremely likely. Adverse impacts shall therefore occur on Rangitāne waahi tapu, spiritual and environmental values as a result of the project. It is through Rangitāne involvement as a project partner, that through agreed processes these values can be protected, mitigated and provided for as part of the project. Furthermore, the incorporation of Rangitāne tangata whenua values into design development shall contribute to delivering a broad set of benefits to the Region.

19. Rangitāne thus far have developed a relatively positive, relationship with the NZTA officers and other parties working on the project and will continue to build on this moving forward in subsequent stages of the project. This is imperative as the face of Rangitāne landscape, waterways, taonga and waahi tapu are going to be impacted forevermore as a result of this project. Rangitāne have a duty to protect and enhance their landscape and waahi tapu as kaititaki for future generations.

PROJECT DESCRIPTION

20. The project consists of 11.5km of new State Highway road and associated infrastructure. A four-lane bridge will cross the Manawatū River at the western end of the route, the proposed designation will progress through a number of extremely high value ecosystems, tributaries, and historic cultural travel routes and food collecting areas of Rangitāne that will be deeply affected. It will cut through the Ruahine Ranges north of the Manawatū Gorge and south of the Saddle Road. The road will emerge onto the existing State Highway 3 near Woodville.

21. The Manawatū Gorge and surrounding Ranges represent a significant connective route between communities East and west of the Ranges. It is proposed that this new roadway will inter alia provide a resilient, lasting connection for local communities and national commuters.

RANGTĀNE HISTORY, CULTURAL LANDSCAPE AND CULTURAL VALUES

Rangitāne Tangata Whenua History and Heritage

22. Rangitāne have an over 700 year unbroken occupation of and connection to the Manawatū and Tararua Districts. Rangitāne was recognised as mana whenua prior to European settlement and remain recognised as mana whenua to this day of the area the subject of this project. Rangitāne came to settle the Manawatū River catchment on both sides of the Ranges, and settlement was predominantly on the margins of the River and its many tributaries. The river was inter alia the main route for travel and communication and provided abundant resources. The plains were covered by dense forests and swamps that were impenetrable in places and could only be accessed by tracks created and used by Rangitāne. J. McEwen (1986) provides a description of Rangitāne settlement and occupation of the area, which is set out in the following paragraphs.

23. The ancestors of Rangitāne arrived in Aotearoa aboard the Kurahaupō waka. Whatongā, a Captain of the waka settled in Heretaunga. Whatongā explored a large part of the southern North Island or Te Ika a Maui. Whatongā is attributed to discovering and exploring the Manawatū River catchment area both East and West of the Ruahine and Tararua mountain, chain. He named the great expanse of bush cover Te Taperenui o Whatongā or the great district (food supply/resources) of Whatonga.

24. The name ‘Manawatū’ was bestowed on the River by a Tohunga over six hundred years ago, his name was Haunui a Nanaia. Whilst searching for his wife Wairaka, Haunui travelled down the West Coast of Te Ika a Maui crossing and naming many waterways on his travels. On reaching the now Manawatū river exit to the sea, the sheer width of the river mouth essentially took his breath away (stand still) hence manawa(breath), tū (to stand still).

25. Tanenuiarangi (Baptismal name of Rangitāne the ancestor) was the grandson of Whatonga whose descendants moved from Heretaunga, Hawkes Bay, south to Southern Hawkes Bay, Dannevirke,Wairarapa and Manawatū areas.They also occupied other areas of the lower North Island and the top of the South Island. The descendants of Tanenuiarangi during this time became known as Rangitāne. During initial settlement of the Manawatū, Rangitāne encountered earlier occupants who had arrived

with our ancestor Kupe and settled here, they were known as Ngatiara. Rangitāne took possession of the land and waterways from these whanaunga and occupied the Region. These whanau were largely assimilated into Rangitāne around 600 years ago.

26. Over time Rangitāne expanded its population and the number of their settlements. To maintain the natural resources needed to sustain the iwi and protect them in times of warfare, Rangitāne developed a number of settlements (kāinga and Pā) in strategic locations. Pā were situated near their most valuable natural resources as well as in strategic positions to view oncoming invaders and explorers. Rangitāne occupied and defended hundreds of thousands of acres in the Manawatū and Tamaki Nui ā Rua areas, developing into a number of Whānau based hapū that were responsible for certain geographical areas and natural resources within their rohe.

27. RoM area of interest as defined in its Treaty Settlement is defined by the Rangitikei River upstream to Orangipango trig east to Te Hekenga trig following the summit along the Ruahine Ranges southwest to Tararua trig across to the mouth of the Manawatū River. It also includes Ko te Waewae Kāpiti o Tara rāua Ko Rangitāne Island. The rohe map is attached as Appendix C.

28. RTNaR area of interest as defined in its Treaty Settlement is attached as Appendix D.

Rangitāne Tangata Whenua Values and the Environment

29. The Manawatū River was central to Rangitāne cultural values system. It was created through the spirit of Okatia, who gave life to a tōtara tree growing on the slopes of the Puketoi Range in the Hawkes Bay. The tōtara made its way to the mountain Ranges of Ruahine and Tararua and forced its way through these Ranges. It created the Manawatū Gorge, i.e., Te Āpiti, giving the river the ability to make its way out to sea. For Rangitāne, traditional legends such as this represent the significant links between the cosmological world and the tangible world.

30. The most significant quality that flows through the Manawatū River is its mauri which binds the physical, traditional, and spiritual elements of all things together, generating, nurturing, and upholding all life. This mauri is the most crucial element that binds Rangitāne with their tangible and intangible surroundings. The interconnected waterways of the Manawatū

River catchment form a dendritic pattern across the landscape. The mauri supplied from the mountains, forests, scrub, wetlands and the Gorge is transported through the waterways to nourish and feed the land and everything living on the land. Flooding was celebrated as part of this process.

31. For Rangitāne, the Manawatū River catchment is the main artery in this network containing the strongest and greatest amount of mauri. If an activity occurs that disrupts the natural actions of the waterway or pollutes the water, it is seen as having a negative impact on the mauri. Thus, the proposed project shall have a significant impact on the mauri of the River and Rangitāne shall be working through with the NZTA and other parties to the project to implement processes and actions to assist in mitigating impacts on the mauri of the River.

32. There are many Rangitāne kaitiaki or guardians of the river. These include Peketahi who has lairs both East and West of the Manawatū Gorge but presently resides at Kaitoki near Dannevirke and Whangaimokopuna who lived near Motuiti until he was banished for some bad behaviour. He now lives up in the hills at Raikatia East of Dannevirke. Whenever western Rangitāne people visit marae in the Dannevirke area, a mist descends on the Raikatia hills which is Whangaimokopuna weeping for his old friends.

33. Whilst it is traditionally abhorrent to disrupt or pollute the lifegiving waters of the Manawatū River or take more resources than one needs to provide for their hapū and manuhiri, today disruption, pollution and wide scale vegetation clearance is very sadly common. The need for proactive kaitiakitanga or guardianship has grown over time requiring the contemporary people of Rangitāne to immerse themselves in the protection, restoration and governance of the Manawatū River, its tributaries and natural ecosystems. As part of Rangitāne Deeds of Settlement, the relationship between Rangitāne, the Manawatū River and the Ruahine Ranges must be acknowledged in all RMA matters.

34. Rangitāne regard many species as taonga including those that were relied directly upon for food and other resources, but also for the important positions they held in the surrounding ecosystems. Rangitāne worldview deeply understands the interconnectedness among different aspects of the natural world. This is demonstrated in the whakapapa relationships between Atua of different domains. To give effect to Article 2 (Treaty of

Waitangi) and Sections 6, 7, 8 (RMA), all natural resources and taonga species belong to Māori until such times as they are disposed of.

Rangitāne Cultural Landscape, Sites and Places of Significance

35. A number of spiritual, ritualistic, and practical activities occurred at different times and locations within the Ruahine and Tararua Ranges, and the Manawatū River and tributaries. These sites have developed into tapu or waahi tapu. Many practices and sites disappeared during the breakdown of traditional Rangitāne society with European colonisation and expansion in the Region, the introduction of Christianity, and associated environmental change. However, the areas still hold the memories, traditions, stories and wairua of Rangitāne tupuna. Many locations therefore remain unknown to the wider public. In a modern day context, Rangitāne is reconnecting with these sites and re-establishing these cultural and spiritual practices.

36. Rangitāne cultural, spiritual and historical links with the Te Āpiti area continue to exist very strongly today. Resource gathering areas are under management plans for restoration, environmental monitoring and protection work occurs, Rangitāne sit on interagency bodies such as the Te Āpiti Gorge governance group and Rangitāne continue to hold wananga to teach Rangitāne history. Waahi tapu described below include those within the vicinity (~10 km) of the proposed designation. The inclusion of this information demonstrates the broad and interconnected Rangitāne cultural landscape that exists in the area.

a. Ruahine Ranges

It goes without saying the Ranges are immensely significant to Rangitāne as they go to our identity as to who we are and are recited as part of our Pepeha. One of Rangitāne cultural practices involves a purification ritual when a person's whare tapa wha is out of sync. The ritual, generated the saying 'Hokia ki ngāmaunga kia purea koe e nga hau a Tāwhirimātea' or 'Return to the mountains and there be cleansed by the winds of Tāwhirimātea. The Ruahine Ranges contain undisclosed burial grounds, sites where people have been killed in battle, special trees where placenta have been buried, include significant hunting/gathering grounds, travel routes connecting Rangitāne East and West, and include the significant Peaks of Rangitāne.The Ruahine Ranges are significant in that they represent

both the divide and unity of whakapapa relationships within Rangitāne. Thus, Rangitāne are very much of the belief that some of the resting places of our tupuna are going to be disturbed when construction commences. Thus it is imperative there are the likes of Rangitāne Accidental Discovery Protocols as part of the consent conditions.

b. Whare-tītī

The spelling of this Peak on the Ruahine Range just north of the Manawatū Gorge has been hashed over the years and wrongly referred to variously as Wharite,Wharaiti,Warati and Whareiti among others. Rangitāne refer to this Peak as Whare-tītī (The house (home) of the mutton bird) which were abundant in the area in former times. All that remains of this resource however is the abundant mutton bird scrub (*Olearia*) which was food and a habitat for the mutton birds.

c. Oruahiore

Location of a signal fire within the Ruahine Ranges. The signal fire was one of many fires located along a transect of Peaks used to warn surrounding settlements of invasion and the need for help.

d. Te Āpiti

Te Āpiti, commonly referred to as the Manawatū Gorge, is of paramount importance to Rangitāne. Not only did Te Āpiti provide a means of crossing form East to West, but crucially it connected the Eastern and Western boundaries of Rangitāne: an area which the iwi has continuously occupied for over 700 years. Te Āpiti is the Rangitāne name for the Manawatū Gorge. Te Āpiti has many meanings including a split or cleft, to place side by side, or to have two of. It represents the two sides of the Gorge. The river and riparian margins through Te Āpiti were a significant route of transport and communication passageways between the Westerns and Eastern Rangitāne communities. The area is thus symbolic of connectivity between people, places and environments. Also, Te Āpiti is the meeting place of the two great forests of Whatongā, the Ruahine and Tararua Ranges. Thus, Te Āpiti represents and incites a number of significant and strong cultural feelings amongst Rangitāne.

e. Te au-nui- a- te-tonga

Ta au-nui-a-te-tonga (the great South current) is the name of the rapid in the middle of the Gorge sometimes referred to as White horse rapids.

f. Burial Caves

Located within Te Āpiti. Specific locations undisclosed.

g. Te Au Rere a te Tonga

This name, translated as 'the flowing current of the south', refers to that stretch of the river that plunges through the Gorge. .

h. Te Ahu a Turanga Peak

Above Te Āpiti, near the Saddle Road,sits a rock on a hilltop in the Ruahine Range named Te Ahu a Turanga(imua)-(the sacred mound of Turanga(the elder child). Turanga was a revered associate of the Rangitāne people both East and West of Te Āpiti.

Te Ahu a Turanga is a significant waahi tapu, culturally, spiritually and historically to Rangitāne. The site which is registered with the New Zealand Archaeological Association has the following narrative associated with it. Te Ahu Turanga: A Peak on the Ruahine Range. The West Coast connections of Rangitāne also have their source with the Aotea waka which made landfall at Aotea Harbour, just North of Taranaki. The Aotea waka was Captained by Turi,who settled in the Patea District of Southern Taranaki. He had a son named Turangaimua, or more commonly Turanga. Once old enough Turanga ventured back to where the Aotea had landed, and with a support party, set off to achieve victories over surrounding tribes. When they arrived in Turanganui a Kiwa (Gisborne) they not only clashed with the local iwi there but caught the attention of the women, with some women following them as they ventured on. The local Turanganui a Kiwa people quickly noticed some of their women were missing and followed Turanga and his support party. They were eventually overtaken at a saddle on the Ruahine Range just north of the Manawatū Gorge. This is where a fierce battle took place and Turanga was killed, along with several Rangitāne Chiefs who lent support to Turanga. Turanga was buried there and the waahi tapu site was subsequently named Te Ahu a Turanga, the mound of Turanga.

Thus this is an extremely significant area to Rangitāne. Subsequently it has been agreed with NZTA that the road shall not impact on this site in particular.

i. Sacred Rocks in the Gorge

Rangitāne tradition has it that a tapu rock resides in te-au-rere-a-te-tonga which along with its vicinity was the scene of an unfortunate killing in earlier times. Consequently, it is said that it is this rock, situated in the more Eastern reaches of the Gorge, if seen to be red in colour is a call for caution to all who pass by. Earlier generations of Rangitāne know this rock as Potaehinetewhaiwa but in more recent times has become commonly referred to as Wahine-potae or Hine-potae.

Another rock located more westerly through the Gorge is that which is referred to as Te Ahu a Turanga.

j. Te Waha o te Kurī

The Eastern entrance to the Manawatū Gorge has been known to the Rangitāne people of the area as Te waha o te Kurī since an early traveller named Tarāwhata passed through the Region in the 14th Century. He was accompanied by his famous dog Mahurangi who, after travelling from the North through the great dense forest of Te Tapere nui o Whatonga and later the Seventy Mile Bush, became seperated from his owner as they entered the Gorge entrance. An anxious Tarawhata, fearing the worst, located his beloved dog only after hearing his bark from among the forest trees that covered the flats at the Gorge entrance; hence the name Te waha o te Kurī referring to the voice (barking) of the dog.

k. Parahaki Island and Other Native Reserves in the Gorge

Parahaki Island is a riverbed Reserve. The Reserve is divided into two titles Parahaki No1 and Parahaki No 2. Hearings for this Reserve were held in Masterton, beginning April 14th 1880.Nireaha Tamaki of Rangitāne gave the following evidence.”I belong to Ngati Muahi (Mutuahi),a hapu of Rangitāne. I claim through ancestry. My ancestors are buried on the land.A large number are buried there. It came into my possession through my grandfather. This is all I have to say. My fathers cultivated on the land. I have lived on it”. Subsequently an

order was made in favour of Nireaha Tamaki, Makere Te Pikihuia and Heketa Te Awe Awe in equal shares as tenants in common. Land to be made absolutely inalienable being a wahi tapu.

Two other Native Reserves exist in the Gorge vicinity on the Tararua side namely Te Potae and Te Rerenga o Whiro.

l. Otangaki Pā

Otangaki Pā was a Rangitāne defensive outpost and kainga situated at the present Ashhurst Domain on the upper terrace. The soil on the upper terrace is rich and would have supported kumara farming. Otangaki means to weed out, lending support to the potential for widespread gardening to have occurred.

m. Otangaki Urupā

On a low rise in Ashurst Domain, between the upper terrace and bush covered flats, is an urupa containing six unmarked graves. These are the graves of six Rangitāne people who drowned after their canoe sank in the Manawatū River around the 1850's/1860's. The urupa and nearby wetland is under threat of erosion as a result of changes in sediment accumulation around Parahaki Island.

n. Kopuanui Pā

Kopuanui Pā was a kainga and staging point for a number of trails traversing Te Āpiti ridge line and entering Pohangina Valley.

o. The following kainga were also located within a 10km vicinity of the proposed designation, along the lower stretch of the Pohangina River. The meaning of Pohangina is many night ovens. These Pā were included to further convey the Rangitāne significant cultural landscape within the area.

a. Ahuriri;

b. Keikeitangio;

c. Tikorangi;

d. Ka makoe;

e. Pongaru;

f. Waniepiwai;

g. Parimanakau;

h. Rapuruhe;

i. Te Pihu;

j. Rarokaikatea;

k. Te ponga;

l. Wairarapa; and

m. Wharau.

STATUTORY CONTEXT

Treaty of Waitangi

37. Mana whenua as defined by the RMA is the customary authority exercised by an iwi in an identified area. The authority is obtained through the relationship of the people and the resources of the land, and also the genealogy or lineage of those people being original people to occupy the area. Mana whenua then are those tangata whenua that have the say or right to be involved in decision making processes. This also in turn contributes to the rangatiratanga of the tribe as a whole.

38. It is important to note that at no time in Rangitāne 700 year association with its vast rohe has the Iwi ever relinquished or lost its status as mana whenua.

39. Under the Treaty of Waitangi Deed of Settlement for Rangitāne ō Manawatū, the Manawatū Gorge Scenic Reserve, Ruahine Forest Park and the Manawatū River (in the RTNaR settlement as well) and its tributaries each have the following acknowledgements:

    a. Crown acknowledgement of cultural, spiritual, historical, and traditional association.

    b. A deed of recognition for Crown owned and managed land and waterways, signed by the Minister for Conservation, the Director-General of Conservation, and Commissioner of Crown Lands, requiring consultancy with the governance entity and regard to views concerning the settling groups association with the area as described in the Crown acknowledgement.

c. A requirement that consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga have regard to statutory acknowledgements.

40. Article 2 of the Treaty of Waitangi describes all taonga species as remaining in the possession of Māori for as long as they wish to retain them. Rangitāne have never disposed of their rights of Rangatiratanga over taonga species within their rohe.

Planning Documents

41. Te Ao Turoa Environmental Centre staff have reviewed Appendix One, Statutory Provisions (the legislation), provided by the NZTA, regarding national, regional, and district planning rules applicable to the project.

42. The legislation coupled with the Treaty of Waitangi, its principles and the Rangitāne Treaty Settlements Acknowledgements and Deeds of Recognitions requires the partnership of Iwi and Crown agencies in planning for the development and protection of natural resources within Rangitāne rohe. This legislation, albeit deficient in some areas regarding Iwi interests, provides the framework by which relationships are to be developed. However, the framework does not necessarily mean that this will guarantee Iwi active involvement at the decision-making table. Proactive relationships built on mutual trust and respect are key in Iwi being able to protect and enhance their interests to continue to support the sustainable development of resources in their rohe.

43. Rangitāne are in the process of developing their Iwi Environmental Management Plans (IMP). This process is set to be complete by July 2019. Rangitāne have been and will continue to be transparent in their resource management approach. However, once finalised the IMPs shall be referred to throughout the remaining duration of the project along with any of their other protocols and processes.

APPROACH TO ASSESSMENT

44. A suite of evidence was provided to Te Ao Environmental Centre staff to form this document, and also includes review and contribution from a number of other key authors. The evidence has come from a range of mana whenua sources, archaeological records, and information provided by the NZTA relating specifically to the project. The sources are as follows in no particular order:

a. Cultural Impact Assessments undertaken previously by Rangitāne within the proposed designation vicinity.

b. Court documents pertaining to prior and post Treaty Settlement periods.

c. A historical account of the alienation of Rangitāne land in the Manawatū, commissioned by TMI.

d. Historical records from Rangitāne Tamaki-Nui-ā-Rua.

e. A book written by J.M. McEwen providing an account of Rangitāne tribal history.

f. Verbal presentations and notes presented by a Matua Manahi Paewai at hui with the NZTA.

g. An Inventory of Rangitāne Heritage sites in Palmerston North City.

h. Environmental Assessments provided by the NZTA.

i. Through participation in design/mitigation workshops, and Rangitāne/NZTA hui kanohi ki te kanohi.

45. This technical document has been circulated for feedback around a number of Rangitāne mana whenua, and signed off by Danielle Harris O.N.Z.M., LLB, Chief Executive of TMI.

PROJECT SHAPING

46. The NZTA contacted Rangitāne mid2017 to begin to meet around the project. This included sharing four replacement options for the Manawatū Gorge Road. Rangitāne have had the opportunity to advise the NZTA of the location of our significant waahi tapu where the development of a road and associated infrastructure would be unacceptable to RoM. Te Ahu a Turanga was identified in the path of Option 3, South of the Saddle Road, along with the significant cultural landscape within the designation. Option 3 was identified as the most unacceptable by Rangitāne as this option was then presented.

47. Option 3 was chosen as the best option for the replacement of the Manawatū Gorge Road, however the proposed designation was shifted so not to impact on Te Ahu a Turanga and its mauri which is acceptable to Rangitāne now,as mitigations in respect of this site were addressed by NZTA to Rangitāne satisfaction.

48. Parahaki Island was also identified within the proposed designation of options 1, 2 and 3. The designation has been narrowed so to avoid any physical contact with Parahaki Island. The proposed designation is however still in close proximity to Parahaki Island and Rangitāne understand that the NZTA are working with the current Trustees of Parihaka Island around mitigation opportunities.

49. Option 3 cuts through a number of significant indigenous ecosystems. Rangitāne interests in indigenous vegetation removal, water quality concerns, and aquatic taonga species will be addressed in subsequent Regional resource consent applications.

50. Rangitāne and NZTA are continuing to meet to explore other avenues, processes, methodologies and actions to mitigate and address other Rangitāne concerns in respect of the project. It is suffice to say that thus far these discussions have been robust, open and transparent and Rangitāne shall continue such discussions in good faith and in the spirit in which they have occurred and expect the same from the NZTA under the Treaty of Waitangi.It goes without saying there shall be disagreements and differences of opinion going forward but the parties have agreed mechanisms to seek to address these differences.

ASSESSMENT OF EFFECTS ON RANGITĀNE TANGATA WHENUA VALUES

Introduction

51. The project will have both positive and negative impacts on Rangitāne tangata whenua values. It will be necessary to mitigate and offset negative impacts on environmental values, and the bridge adjacent to Parahaki Island will require careful design development. There is the opportunity however, to promote, enhance and continue to recognise Rangitāne cultural values and share some of Rangitāne history with the wider community.

Project Benefits

52. Te Āpiti Reserve is a significant sized remnant of indigenous vegetation, with a range of management challenges. It contains taonga species, ecosystem types, waahi tapu and mauri spiritually significant to Rangitāne. The Manawatū Gorge Replacement Project offers a unique

opportunity to invest in the protection and enhancement of Te Āpiti environment for the benefit of Rangitāne and the wider public.

53. The project offers Rangitāne the opportunity to share aspects of our history and environmental values with the wider community. Rangitāne have been integral in guiding the incorporation of cultural designs, historical narratives and original names within the project to date. This will enhance the understanding of Rangitāne within our local community and further afar. It may also have a positive effect on the wider culture of New Zealand and contribute positively to our global image.

Effects on Waahi Tapu

54. It is Rangitāne cultural view that waahi tapu are highly interconnected with the surrounding area and thus a very integral part of the landscape and waterways. This generates a broad cultural landscape where effects can be present despite the external location of the proposed development. The project will impact the interlinked nature of the cultural landscape described in the cultural landscapes, sites, and places of significance section. Certain prohibitions applied to these areas. People either had to stay away from them, or refrain from doing things which would break their tapu, such as taking food.

55. Direct effects on waahi tapu are detailed below:

a. Ruahine Ranges

The Ruahine Ranges are an especially significant waahi tapu. Human development and associated environmental pollution within the Ranges shall disturb the mauri of this whenua. The traditional ara or pathway that crossed both the top and bottom of the Ruahine will be impacted, as well as traditional hunting/gathering grounds.

b. Whare-tītī

Whare-tītī is a biodiversity hotspot. Indigenous wildlife are sensitive to noise and light pollution.

c. Oruahiore

The location of Oruahiore is strategic in that one can clearly see the surrounding landscape and other signal locations. The proposed project will impact on the visual relationship with the surrounding

landscape from this point and impact the ability for Rangitāne to host noho/wananga at this location.

d. Te Āpiti

The proposed four lane bridge will visually impact Rangitāne relationship with Te Āpiti. The loss of access through the Gorge has affected a seven-hundred-year long tradition of travel through Te Āpiti and will change features reminiscent of ancient Ruahine.

e. Te au-nui- a- te- tonga and the Sacred Rocks

As discussed previously, Rangitāne have used the Te Āpiti Gorge route for travel for many hundreds of years. Losing access to Te Āpiti as a result of safety concerns has resulted in the significant loss of cultural connections with many waahi tapu.

f. Burial Caves

Te Āpiti burial caves are located at an undisclosed location to protect koiwi. Previously the public has had no access to the site however the project development may result in a higher risk of the public finding and accessing the burial caves, tuahu (alter), or paeapae used for customary rituals. The site has been placed under a very old and long rahui to protect those who rest in peace there. The concern is also what the vibration effects will have on the cave(s), including erosion of the walls and surrounding landscape on the caves and lesser grave sites in close proximity.

g. Te Au Rere a te Tonga

The proposed four lane bridge will visually impact on these waahi tapu and kaitiaki. The unnatural structure will impact on the flow of mauri through the waters of the Manawatū River, given that a foreign body is essentially contamination.

h. Te Ahu a Turanga Peak

The proposed designation passes close to Te Ahu a Turanga Peak. Earthworks, vibration from road activities, increased loading, erosion, public access and pollution associated with the life of the project each has the potential to impact on Te Ahu a Turanga.

i. Te Waha o te Kurī

With the reduction in traffic this area may become a more popular spot for camping.

j. Parahaki Island

The placement of the proposed four lane bridge across the Manawatū River will no doubt impact on erosion/accumulation dynamics around Parahaki Island. We acknowledge however it is the domain of the Parahaki Trustees to work through this with the NZTA.

k. Otangaki Pā

This Pa site may also experience some impact.

l. Otangaki Urupā

Erosion/accumulation dynamics around the proposed bridge and Parahaki Island could further impact Otangaki Urupā.

m. Kopuanui Pā

This Pa may also be impacted by the Project.

Effects on Environmental and Spiritual Values

56. The proposed designation is set within two nationally and regionally threatened ecosystem types including old growth forest and wetland and progresses through a number of significant and lower value tributaries of the Manawatū River containing secondary forest and scrub. Rangitāne have witnessed the near totality loss of indigenous forest and scrub, taonga species, and drainage of wetlands within their rohe. Any further loss of indigenous vegetation, impact on wildlife, or modification to wetlands will further significantly impact the mauri of the area, will result in the loss of taonga, and will cause irrevocable spiritual harm to Rangitāne tangata whenua and Rangitāne Kaitiaki.

57. Sediment released during construction works, the construction of culverts, gully filling (and associated loss of freshwater habitat), and ongoing release of contaminants in storm water (human rubbish, fossil fuels and sediments) will impact upon freshwater communities within the tributaries and will also thus impact the mauri of the Manawatū River.

Effects on Accidental Discoveries

58. Earthworks have the potential to disturb archaeological evidence of early human occupation and koiwi. However, this also presents the opportunity to obtain historic information on the lives of Rangitāne ancestors, their activities, resource use, and structures. It is of utmost importance that the dignified and appropriate cultural management of such sites and remains be upheld and managed by Rangitāne mana whenua and Kaumātua.

SUMMARY OF EFFECTS

59. Negative effects on waahi tapu, environment, and disturbance of accidental discoveries shall occur but mitigation to various levels can be provided for through agreed processes with the NZTA. Negative effects at this stage are perceived to be able to be worked through, however it should be noted that impacts discussed are only those that are foreseen at this stage of the project. Negative impacts on waahi tapu may come to our attention as mana whenua become more familiar with the project designation and the kaupapa is further circulated among Rangitāne elders. The project benefits described have the potential to offset some impacts on cultural, spiritual and environmental values within the Region.

60. Culturally responsive and adaptive environmental management will be key to reducing the negative impact on Rangitāne relationships with the landscape. Rangitāne have developed a positive, proactive relationship with NZTA and will continue to build on this moving forward in subsequent stages of the project. Rangitāne will nevertheless always maintain other mechanisms and options to address issues where they cannot be resolved between the parties.

PROCESSES TO AVOID, REMEDY OR MITIGATE ACTUAL OR POTENTIAL ADVERSE EFFECTS ON TANGATA WHENUA VALUES

Project Partnership

61. At a governance level a Memorandum of Partnership is being developed to manage the relationship at the governance level between Rangitāne and NZTA.

62. Whilst at the operational level another agreement is being finalised to address how Rangitāne will be involved in the project in terms of cultural, spiritual and environmental processes to assist in mitigating the matters raised in this document and others that may come to the surface as the project continues to unfold.

Accidental Discovery Protocol

63. It has been agreed that an accidental archaeological discovery protocol will be included in the designation conditions.

64. This protocol details an acceptable way to reduce effects on accidental discoveries and protect the wairua of Rangitāne ancestors.

Environmental and Cultural Design Framework

65. Rangitāne tangata whenua values are imbedded in the Environmental and Cultural Design Framework (ECDF).

66. The recognition and provision for Rangitāne Mana, Whakapapa, Taiao, Mauri Tu, Mahi Toi, Tohu, and Ahi Kaa in the ECDF establishes pathways for addressing and reducing effects on Rangitāne spiritual and cultural connections with the environment within and externally to the proposed designation.

a. Mana/Whakapapa

The development of a Treaty based relationship between the NZTA and Rangitāne has resulted in the involvement of Rangitāne in the project design process. The development of trust between the two parties which is continuing to grow has allowed Rangitāne to share world views, tikanga, and cultural narratives with confidence that they will be protected, respected and incorporated into the future design of the project, for the benefit of Rangitāne and the wider community. A true partnership approach will mean that effects on waahi tapu can go some way towards to being mitigated and provided for during planning design and addressed as future issues arise.

b. Taiao/Mauri Tu

As described previously Rangitāne have a significant cultural connection to the environment within and surrounding the proposed designation. The commitment to minimise environmental harm and provide for significant offset and environmental enhancement with input from Rangitāne at the planning and operational level is a best possible outcome in contributing to mitigating the environmental and spiritual effects of the project.

c. Mahi Toi/Tohu/Ahi Kā

The opportunity to have ancestral names, tohu, taonga species, and narratives weaved into the project represents an opportunity for tangata whenua to share and build on their valuable skills. This will support the obligation tangata whenua have in upholding tiakitanga of the whenua and culture for future generations.

CONCLUSION AND RECOMMENDATIONS

67. Rangitāne have been open to the partnership relationship that is beginning to develop during the planning phases of the project to date with the NZTA. We have very real and very genuine concerns around environmental effects and impacts on waahi tapu that need to be addressed in the coming phases of design development, mitigation planning, and public management. We thus recommend that the NZTA continue to work in partnership under the Treaty of Waitangi with Rangitāne to find processes to honour our cultural heritage, involve us at all levels of the process and continue to find ways to mitigate our concerns.

68. Our recommendations center around the use of a living Cultural Impact Assessment that is to be undertaken and implemented as part of the process. This document will be used and implemented by the parties in assessing the need for and success of adaptive approaches to reduce cultural impacts throughout the entire project life and beyond. This does not in any way take away from the need to consult with mana whenua face to face regarding management approaches that arise but shall be used to assess the overall success of the suite of cultural mitigation tools that have been developed to date and will continue to be developed as part of the project.

69. As a literal translation Te Āpiti means connection. The area of Te Āpiti, the Gorge and Te Ahu a Turanga are places where Rangitāne connected from East to West joining up the great basket of Whatongā, one of our most prominent ancestors. It was also an area where we connected with Tawhirimatea and with the backbone of the great fish of Maui and where the Tararua connects with Ruahine recognising the connection between our ancestors sIt is a place of great spiritual significance where the waters from the East connects with the active mountain Ranges, Te Ahu a Turanga and continue to flow West fertilising the plains and wetlands of the Manawatū. It is this connection to a variety of Rangitāne cultural values, concepts and unbroken history we immensely value, respect and honour. We thus see this new proposed road as a 21st Century of that connection. So finally, as an overall recommendation we must see these values being incorporated into this journey we are embarking on with the NZTA and other stakeholders. A journey that shall forevermore change our landscape and waterways as we traverse up and over an actively rising mountain Range

which our Awa surges and meanders through and is for Rangitāne a place where we can experience Rangi and Papa truly connecting.

7.A
RANGITĀNE DEED OF SETTLEMENT HISTORICAL CLAIMS

APPENDIX A

RANGITĀNE DEED OF SETTLEMENT HISTORICAL CLAIMS

2. HISTORICAL ACCOUNT

2.1 The Crown's acknowledgements and apology to the settling group in part 3 are based on this historical account.

Rangitāne o Manawatū Before 1840

2.2 Rangitāne o Manawatū trace their origins back to Whātonga, one of three rangatira who commanded the Kurahaupō waka as it sailed from Hawaiki to New Zealand. After landing at Nukutaurua, a small bay on Māhia Peninsula, Whātonga eventually settled at Heretaunga in Hawke's Bay. Whātonga and his second wife Reretua had a son called Tautoki, who married Waipuna, a great granddaughter of the navigator Kupe. Rangitāne o Manawatū take their name from the son of Tautoki, their eponymous ancestor Rangitāne.

2.3 The descendants of Whātonga explored the lower North and upper South Islands, and settled in Wairarapa, Te Whanganui a Tara, Wairau, and the Marlborough Sounds. A considerable number of Rangitāne continued to reside at Heretaunga.

2.4 In the sixteenth century two brothers, Tawhakahiku and Mangere, led a party of Rangitāne from Heretaunga to Manawatū. Initially they followed a route through Te Āpiti (the Manawatū Gorge), as Whātonga had done during his exploration of the lower North Island. However, after meeting resistance from another iwi, Tawhakahiku and Mangere entered Manawatū via a route near the Pahiatua track, passing through what is now known as Aokoutere to settle along the Manawatū River.

2.5 As the Rangitāne o Manawatū population grew, they established pā, kainga, and mahinga kai sites along the Manawatū River and exerted control over resources in the area. Their customary rohe follows the Manawatū River, extending north as far as the Rangitikei River, from the Tararua and Ruahine Ranges to the West Coast, south to the Manawatū River mouth. A number of neighbouring iwi also had interests in parts of this area. Rangitāne o Manawatū pā and kainga included Hotuiti, Tokomaru, Paparewa, Raewera, Puketotara, Tiakitahuna, Te Kuipaka, Awapuni, Te Motu o Poutoa, and Te Wi.

2.6 Rangitāne o Manawatū lived largely peacefully until the 1820s, when musket armed iwi migrating from the north arrived in Manawatū. Rangitāne o Manawatū suffered disruption as a result of battles with the northern iwi and their movements into and through their area.

New Zealand Company Purchases and the Spain Commission, 1839-1844

2.7 The New Zealand Company was a private land-settlement company established in London in May 1839. In late August 1839 the British Government dispatched Captain William Hobson to negotiate with Māori for the cession of New Zealand to the British Crown. One of the instructions given to Hobson was to establish the Crown's sole right to purchase land (pre-emption). The Company sent representatives to New Zealand ahead of Hobson to purchase the land it desired before pre-emption was established.

2.8 In October 1839, the Company entered into the Kāpiti deed of purchase with another iwi. Through this deed, the Company purported to purchase vast tracts of the upper South and lower North Islands, including the Rangitāne o Manawatū rohe. Rangitāne o Manawatū did not sign this Company deed.

2.9 In January 1840 the Crown issued three proclamations. The third established pre-emption and announced the Crown would create a Commission to investigate earlier land transactions between Māori and private parties.

2.10 In May 1840 the Crown proclaimed sovereignty over the North Island of New Zealand based on the Treaty of Waitangi and over the South Island on the basis of discovery. Although Crown representatives took the Treaty to Manawatū in May 1840, it was not signed by Rangitāne o Manawatū rangatira.

2.11 In September 1841 the Crown waived pre-emption in certain areas, including a defined area of Manawatū. The Company could then make additional payments to Māori in order to complete transactions it had begun before pre-emption was proclaimed. In February 1842, the Company signed a Deed of Purchase with another iwi at Te Papangaio pā at the Manawatū River mouth, conveying an area of land between the Tararua Ranges and the Rangitikei and Horowhenua Rivers. Rangitāne o Manawatū did not participate in the sale. When New Zealand Company surveyors arrived in Manawatū in early 1842 Rangitāne o Manawatū and another iwi objected to the survey. Rangitāne o Manawatū burnt down the surveyors' huts.

2.12 In December 1841, Land Claims Commissioner William Spain arrived in New Zealand to investigate the Company's land claims. In 1843 and 1844 Spain heard evidence from Company officials, European settlers, and other iwi about the Company's Manawatū transactions. In 1872 a rangatira from another iwi testified that Commissioner Spain was told in 1844 that Rangitāne o Manawatū had not agreed to the sale of their lands and were not present when the lands were purportedly sold. Spain did not seek evidence from Rangitāne o Manawatū witnesses.

2.13 In his 1845 report, Commissioner Spain found the New Zealand Company's claims in Manawatū failed aside from a 100 acre block at Horowhenua secured by way of further compensation, paid to other iwi in 1844. The Commissioner recommended, in light of the previous attempt to purchase the land, the Company be given a right of pre-emption to the lands between the Rangitikei and Horowhenua Rivers so that, with the permission of the Crown, they might complete the purchase at a later date.

2.14 There were no further land purchases in the Rangitāne o Manawatū rohe until the 1850s, by which time the Company had gone out of business. Nevertheless the Crown still considered itself responsible for providing land to settlers who had purchased land from the Company before it had purchased the land from Māori.

Crown Purchase of the Te Awahou Block, 1859

2.15 In 1858 legislation was enacted providing that settlers who held Company land orders in Manawatū would be entitled to be granted land in this region when Māori titles had been extinguished. In 1859 the Crown purchased approximately 37,000 acres in the Te Awahou block on the lower north bank of the Manawatū River. The chief who sold the land later agreed that others should have been included in the sale. As a result, some Rangitāne o Manawatū received a share of the purchase money from the vendors of the block. In 1873 the Native Land Court awarded some Rangitāne o Manawatū individuals 76 acres at Iwitekai, just south of Moutoa, which had been reserved from the purchase.

Te Ahuaturanga Purchase, 1864

2.16 In 1850 the Crown had initial discussions with Rangitāne o Manawatū regarding the acquisition of what became the Te Ahuaturanga block. However, no boundaries were discussed and negotiations did not resume until 1858. At this time, a Rangitāne o Manawatū rangatira, Te Hirawanui Kaimokopuna, offered to sell the Te Ahuaturanga block, estimated by Crown officials to be 170,000 acres, to the Crown. Rangitāne o Manawatū wanted to encourage European settlement in northern Manawatū so they could participate in the developing settler economy.

2.17 The Crown purchase agent wanted to negotiate using a rough sketch of the block as a guide to the area under discussion. However, Te Hirawanui told the Crown agent that "before the land could be sold that it must be surveyed all round the Boundaries and then paid for at the rate of 30/- per acre – that [the] land was of immense extent and that it should not be sold in the dark." Te Hirawanui understood that the Crown had already promised to have the land surveyed before sale.

2.18 The Crown refused to negotiate a per acre price for the land, and sought instead to negotiate on a lump sum basis. Negotiations for the sale broke down by late 1859, after Te Hirawanui rejected Crown offers of first £5,000 and then £6,000 for the block.

2.19 In 1862 the Crown, under the Native Lands Act 1862, established the Native Land Court to determine the owners of Māori land "according to native custom", and to provide these owners with titles derived from the Crown. The Act waived the Crown's right of pre-emption, allowing the owners identified by the Native Land Court to sell their land "to any person or persons whomsoever."

2.20 The Crown still wanted to acquire land to pass on to settlers who held New Zealand Company land orders in Manawatū. The Crown therefore exempted a defined area of Manawatū, including the Te Ahuaturanga and Rangitikei-Manawatū blocks from the operation of the 1862 Act. The exemption of these lands from the 1862 Act meant the Native Land Court did not have jurisdiction to investigate land ownership in Manawatū, and onl the Crown could purchase Rangitāne o Manawatū land.

2.21 In April 1862, the Governor authorised the superintendent of the Wellington Provincial Council to purchase land on behalf of the Crown and, in 1863, the Crown resumed negotiations for Te Ahuaturanga with Rangitāne o Manawatū. The Crown purchase agent told Rangitane o Manawatū that he considered the previous Crown offer of £6,000 'insufficient' and promoted the benefits of rapid Pākehā settlement 'provided that the Reserves were ample and well selected'. The Te Ahuaturanga deed of sale was signed on 23 July 1864 and transferred approximately 250,000 acres to the Crown. The purchase price of £12,000 was paid to Rangitāne o Manawatū on 19 August 1864. The Te Ahuaturanga block extended from just north of present day Tokomaru to the headwaters of the Oroua River, bounded to the east by the Tararua and Ruahine Ranges and to the west by the Oroua River to just above Feilding, then cutting a line just west of the Taonui Stream and across the Manawatū River.

Te Ahuaturanga Reserves

2.22 At the outset of the Te Ahuaturanga negotiations the Crown instructed its purchase agent to be on guard against Rangitāne o Manawatū requests for high prices and large reserves, and to urge them to sell as much land as possible. In September 1858 a Crown purchase agent proposed that 5,000 acres be set aside as reserves. However, after meeting Rangitāne o Manawatū at Puketotara on 27 October, he reported that 'we arranged anew the reserves, reducing them very much in extent'.

2.23 The Crown surveyed the reserves over a year later, in November 1859. They totalled 2,570 acres. At the request of Te Hirawanui the Crown set aside a 200 acre reserve at Wairarapa, on the west bank of the Pohangina River. The other reserves were at Te Wi, 650 acres on the west bank of the Manawatū River near Raukawa Pā; at Hokowhitu, 890 acres on the west bank of the Manawatū River between the river and the northern end of Papaioea clearing; and at Te Kairanga, 830 acres on the east bank of the Manawatū River.

2.24 The Te Ahuaturanga deed of 1864 attached a plan showing the boundary of the land sold, and the boundaries of the reserves for Rangitāne o Manawatū. The reserves were not described in the body of the deed.

2.25 The Crown issued grants to Rangitāne o Manawatū for these reserves between 1873 and 1879, after the Native Land Court had determined their ownership. At the request of Rangitane o Manawatū rangatira the Hokowhitu reserve was subdivided into seven sections between Rangitane o Manawatū hapū and awarded to 54 individuals. A further 43 Rangitane o Manawatū people were registered by the Native Land Court, under section 17 of the Native Lands Act 1867, as having an interest in the reserve. The Te Wi and Wairarapa reserves were granted to 3 and 8 people respectively.

2.26 The location of reserves caused much discontent for Rangitāne o Manawatū for several years after the Te Ahuaturanga sale, as they excluded wāhi tapu such as Raukawa Pā, Awapuni lagoon and kainga, Te Motu o Poutoa, Maraetarata and Tiakitahuna. In 1866 Rangitāne o Manawatū sought unsuccessfully to have the Crown include Raukawa Pā and Awapuni lagoon in their reserves.

2.27 In November 1866 the Wellington provincial government auctioned the first sections of the Te Ahuaturanga block. Sections were offered at higher prices than the shilling per acre the Crown paid Rangitāne o Manawatū two years earlier. Between 1866 and 1873 Rangitāne o Manawatū participated in auctions of the Te Ahuaturanga block to re-acquire several of their kainga. Their acquisitions included 105 acres at Awapuni (which became a principal settlement of Rangitāne o Manawatū until the 1920s and the site of their marae Kikiwhenua); 168 acres at Karere (including Tiakitahuna kainga), 100 acres on the Manawatū River opposite Tiakitahuna, and small plots in the town of Palmerston North. In 1879 Hoani Meihana told the Native Land Court that he purchased Tiakitahuna ‘on behalf of the people’. While Rangitāne o Manawatū repurchased some wāhi tapu, other sites of significance such as Raukawa Pā were sold to settlers and not subsequently repurchased.

Papaioea Clearing

2.28 The Papaioea clearing, later the site of Palmerston North, was located within the Te Ahuaturanga block. It had been the pā site of the Rangitāne o Manawatū rangatira Rakaumaui and was a significant site for Rangitāne o Manawatū.

2.29 In August 1865, after the sale of Te Ahuaturanga, Rangitāne o Manawatū rangatira, Kerei Te Panau and Huru Te Hiaro, proposed that a part of the Papaioea clearing be made a Rangitāne o Manawatū reserve so that their land at Hokowhitu could be adjoined to Papaioea and held 'in one piece'. They proposed exchanging the reserve at Te Wi for land at Papaioea. The Crown did not act on the proposal. This was likely because the Crown had identified Papaioea as a good site for a township. In late 1866 the Wellington Provincial government began auctioning the Papaioea land.

2.30 In 1867, the Crown did not consult with Rangitāne o Manawatū before purchasing 71 acres of the Papaioea clearing from the Wellington provincial government so that it could be given to another iwi as part of an exchange including land outside Manawatū. The block, located in central Palmerston North, is now valuable commercial and residential real estate.

Rangitikei-Manawatū Purchase, 1866

2.31 From the 1840s, Rangitāne o Manawatū, alongside other iwi, leased out large tracts of land between the Rangitikei and Manawatū Rivers to settlers. In 1863 a dispute arose among several iwi, including Rangitāne o Manawatū, over the distribution of rental proceeds from leases of around 80,000 acres between the Rangitikei and Manawatū rivers. The Crown intervened when the dispute threatened to escalate into armed conflict.

2.32 In 1863 the Crown held hui with the three principal iwi party to the dispute, including Rangitāne o Manawatū. At these hui Crown agents offered to refer the dispute to the Governor or to resolve the matter through arbitration. However, neither solution could be agreed upon by all parties. At a hui on 16 January 1864 one of the iwi with interests in the block offered the land for sale to the Crown. On 27 January 1864, the superintendent of Wellington province secured agreements from all parties that rents from the block would be suspended until the dispute was settled. Rangitāne o Manawatū and another iwi favoured arbitration to resolve the disagreement, and wrote to Governor Grey and the superintendent protesting the proposed sale of the land.

2.33 At a hui with the superintendent and a number of other rangatira at Whārangi in October 1864, Hoani Meihana, a Rangitāne o Manawatū rangatira, consented to the sale of the block. However other Rangitāne o Manawatū rangatira were not present.

2.34 In 1865 the Native Lands Act 1862 was repealed and replaced by the Native Lands Act 1865. The new legislation retained the clause excluding the Manawatū block from the operation of the 1862 Act. As before, the land could only be acquired by the Crown, and the Native Land Court had no role in determining its customary ownership.

2.35 Late in 1865 the superintendent travelled to Manawatū and met with Rangitāne o Manawatū and the other iwi with interests in the block. He said to a rangatira of another iwi that the exclusion of the block from the Act prevented what he called the "farce" of a Native Land Court investigation, given its ownership was so strongly disputed. At a meeting at Puketotara Te Peeti Te Awe Awe, a Rangitāne o Manawatū rangatira, told the superintendent he had not attended the Whārangi hui in October 1864 where the chiefs agreed to sell the land. Te Awe Awe said that he refused to sell and that he wanted the rents to be released because Rangitāne o Manawatū were "living upon" them. Hoani Meihana repeated his preference to sell the Rangitikei-Manawatū block, but opposed the further sale of any land east of the Oroua River, later known as the Aorangi block, saying that:

2.36 We must keep it as a reserve for our children, and for their children after them. We must have it partitioned and get Crown grants for it. My determination to sell is confined to the disputed lands.

2.37 The Superintendent offered to distribute the suspended rents if the involved iwi could reach a unanimous decision on their release and division, but no consensus was reached.

2.38 In April 1866 representatives of the three principal iwi in the dispute met to discuss terms of sale. Te Peeti Te Awe Awe and Kerei Te Panau now consented to the sale on behalf of Rangitāne o Manawatū. The price agreed for the block was £25,000, and the superintendent called upon the iwi to determine the division of the money before signing a deed. Reserve areas would be determined on the completion of the purchase. Rangitāne o Manawatū believed the purchase money should be divided equally and paid directly to the three principal iwi in the block with their share given to Te Peeti Te Awe Awe.

2.39 When the iwi gathered at Parewanui on 5 December 1866, the allocation of the purchase money had not been agreed. Before the hui the superintendent outlined to the Native Minister a proposed division of the purchase money that would have given Rangitāne o Manawatū £5,000. At the Parewanui hui, Rangitāne o Manawatū

expressed their preference for an equal distribution of the purchase money among the three principal iwi. When this was not agreed to, Rangitāne o Manawatū supported a further proposal which would have seen them receive £5,000. No consensus could be reached for this proposal either. After lengthy discussions Rangitāne o Manawatū informed the superintendent that they had entered an arrangement with one of the other principal iwi. This iwi would represent Rangitāne interests and allocate them a share of the purchase price.

2.40 The deed of sale for the approximate 241,000 acre block was signed at Parewanui on 13 December 1866. Approximately 96 Rangitāne o Manawatū signed the purchase deed. The Crown paid £15,000 of the purchase money to the iwi from whom Rangitāne o Manawatū had arranged to receive payment. Rangitāne o Manawatū received only £600 despite having consistently sought at least £5,000 for their interests.

Rangitikei-Manawatū Reserves

2.41 No reserves were defined in the Rangitikei-Manawatū deed, despite the Native Minister's recommendation that they be included, in line with established practice. The purchase had been completed on the basis that reserves would be allocated after sale. However, in the years following the sale, the provision of reserves to Rangitāne o Manawatū from the Rangitikei-Manawatū block became intertwined with their protests over the payment of the purchase money.

2.42 In January 1867 a large gathering of Rangitāne o Manawatū met with the superintendent at Puketotara Pā, extremely angry with their share of the payment from the Rangitikei-Manawatū sale. Rangitāne o Manawatū sought his assistance in securing what they considered their full share of the purchase money. Te Peeti Awe Awe requested the superintendent to "make good the loss" by giving Rangitāne o Manawatū a reserve of 3,000 acres at Puketotara. The superintendent said that he sympathised with Rangitāne o Manawatū, but refused to intervene in the dispute. He offered Rangitāne o Manawatū a 1,000 acre reserve at Puketotara as compensation. The superintendent also indicated that the government had identified a site where a township could be established within the reserve. He suggested Rangitāne o Manawatū establish the town themselves for their own benefit.

2.43 Rangitāne o Manawatū initially refused the offer of 1,000 acres and repeated their request for 3,000 acres. In March 1867, however, Te Peeti Te Awe Awe accepted the offer of 1,000 acres at Puketotara. The memorandum of agreement signed by Te Awe Awe and the superintendent assigned the 1,000 acres as a 'tribal reserve' and included a provision that gave the Crown the right to build public roads through the reserve. The Puketotara reserve did not end Rangitāne o Manawatū protests and over the following

decade they unsuccessfully petitioned the Crown on more than twelve occasions to have their concerns about the purchase payments addressed and a further payment made.

2.44 The conclusion of the purchase left the matter of the rent that had been suspended since 1864. In November 1869, the superintendent, acting as land purchase commissioner, reported that, unable to reach an agreement, the vendors of the Rangitikei-Manawatū block resolved to leave the apportionment of the suspended rents, totalling £4,699, in his hands. Rangitāne o Manawatū wanted the rents to be apportioned equally. When the Crown distributed the rents in late 1869 Rangitāne o Manawatū received £525, rather than the equal share they sought. The land commissioner told Rangitāne o Manawatū that £300 of the payment represented compensation for what the Crown considered the unfair payment they received for the Rangitikei-Manawatū purchase.

2.45 In November 1870, Rangitāne o Manawatū rangatira sought an additional 10,000 acres of reserves in lieu of the £4,400 they said had not been received from the Rangitikei-Manawatū purchase. The Minister of Native Affairs conceded that Rangitāne o Manawatū appeared to "have suffered great loss." He awarded further reserves. These included a further 1,100 acres at Puketotara for the "Rangitane tribe," 100 acres on the west bank of the confluence of the Oroua and Manawatū Rivers (that included Puketotara pā), and three small sections to individuals along the west bank of the Oroua River totalling 56.5 acres and covering urupā and eel fisheries. Hare Rakena Te Awe Awe had not consented to the sale, and was awarded a 500 acre reserve at Puketotara. In 1871 the Minister of Native Affairs described the greater portion of the reserves he created for Māori in the Rangitikei-Manawatū block as being composed of "sand hills, swamp, and broken bush".

2.46 Between 1871 and 1874, Rangitāne o Manawatū sought, unsuccessfully, to have the Crown increase the size of their Oroua River reserves. One of the reserves encompassed 35.5 acres on the bank of the Oroua River and included part of the lagoon at Te Awa a Pūnoke, which was an important eel fishery for Rangitāne o Manawatū. In 1872 Hoani Meihana asked the Native Minister to add old cultivations at Te Awa a Pūnoke to the reserve. The Crown declined this request after a Crown surveyor was unable to find any cultivations and considered the area Hoani had identified to be about 1,000 acres. In 1874 the Crown declined a request by Hoani to expand the reserve to include the whole lagoon.

2.47 In the mid-1870s Rangitāne o Manawatū continued to feel aggrieved over the Rangitikei-Manawatū sale and felt their claims had not been satisfactorily addressed by the Crown. As European settlement on the Rangitikei-Manawatū block neared areas of

Rangitāne o Manawatū occupation, some Rangitāne o Manawatū individuals began to obstruct the survey and development of the land.

2.48 In 1876 Rangitāne o Manawatū opposed the survey and drainage of a large block of land encompassing a number of swamps and lagoons, including Te Awa a Pūnoke. Rangitāne o Manawatū occupied the block in protest. Hoani Meihana told a Crown official that Rangitāne o Manawatū were "anxious lest the Awapunoke be drained and their eels thereby be destroyed." A Crown official commented sympathetically that "every attempt to drain [the swamps] has been opposed by the Natives, who argue with some show of reason that to open out these swamps would destroy the object for which these reserves were made".

2.49 Rangitāne o Manawatū rangatira Hoani Meihana and Te Peeti Te Awe Awe linked the protest and occupation to their wider grievance over the money paid to Rangitāne o Manawatū in the Rangitikei-Manawatū purchase. In 1877 the Crown laid charges against two Rangitāne o Manawatū individuals who had occupied the disputed block but later dropped the prosecution and the survey proceeded.

2.50 In the late 1870s the Crown granted Hoani Meihana 1,473 acres adjacent to the Rangitane o Manawatū reserve at Puketotara in recognition of the grievance over the draining of Te Awa o Pūnoke. This grant generated protest among other members of Rangitane o Manawatū who considered that the land should be the property of the whole iwi for their remaining grievances over the Rangitikei-Manawatū sale.

2.51 Rangitāne o Manawatū continue to believe they were inadequately compensated by the Crown for the loss of their land in the Rangitikei-Manawatū block.

Rangitāne o Manawatū and the Taranaki Campaign, 1866-1869

2.52 Rangitāne o Manawatū, like some other iwi, voluntarily joined the native military contingent in 1866 at the request of the superintendent of Wellington province. Under the command of Major General Trevor Chute and Major Kemp they fought in the Taranaki Campaign and in the 1868-1869 campaign against Titokowaru.

2.53 The Crown recognised the contribution of Rangitāne o Manawatū in these wars by awarding Te Peeti Te Awe Awe a sword of honour and the Tanenuiarangi Flag. Rangitāne o Manawatū believe their rangatira fought in order to protect their remaining land from alienation.

Rangitāne o Manawatū and the Native Land Court

2.54 From the late 1860s to the early twentieth century, land in Manawatū which had not already been purchased by the Crown passed through the Native Land Court. The

Native Land Court, under the Native Lands Act 1865, was to determine the owners of Māori land "according to native custom" and to convert customary title into title derived from the Crown.

2.55 The native land laws introduced a significant change to the Māori land tenure system. Customary tenure was able to accommodate multiple and overlapping interests to the same land, but effective participation in the post 1840 economy required clear land boundaries and certainty of ownership. The Native Land Court was not designed to accommodate the complex and fluid customary land usages of Māori within its processes, because it assigned permanent ownership. In addition, land rights under customary tenure were generally communal but the new land laws tended to give rights to individuals, instead of hapū and iwi.

2.56 The Crown aimed, with these measures, to provide a means by which disputes over the ownership of lands could be settled and facilitate the opening up of Māori customary lands to Pākehā settlement. It was expected that land title reform would eventually lead Māori to abandon the tribal and communal structures of traditional land holdings.

2.57 Under the native land laws individuals could submit claims to the Court without reference to their whānau or hapū. If awarded title by the Court, individuals held that title as their own property. They were free to dispose of their title, subject to the various native land acts. It was not until the 1894 that legislation provided for title to be held by iwi as corporate bodies.

2.58 The Native Lands Act 1867 gave the Governor discretion to refer claims to the Rangitikei-Manawatū block to the Native Land Court. However, claims could only be received from persons who had not signed the 1866 Deed of Sale. As most Rangitāne o Manawatū rangatira had signed the Deed of Sale, they were prevented from bringing claims regarding the Rangitikei-Manawatū block before the Native Land Court.

2.59 However, from the late 1860s through to the early twentieth century, Rangitāne o Manawatū rangatira participated widely in Court investigations of ownership for other Manawatū land. In total, the Native Land Court awarded Rangitāne o Manawatū owners almost 12,000 acres, primarily in the Aorangi, Taonui–Ahuaturanga, and Tuwhakatupua blocks.

2.60 After the large Crown purchases of the 1860s, Rangitāne o Manawatū sought to retain their remaining lands acquired through the Native Land Court for their own support. In 1873, shortly after the title hearing of the Aorangi block where Rangitāne o Manawatū were awarded the southern portion (Aorangi 3), Hoani Meihana informed the superintendent of Wellington province that:

2.61 Rangitane's portion of Aorangi is 5,200 acres. This is my word to you. I will never consent to the sale of this piece, it must be left for maintenance for ourselves and children. If the Government purchase I will never give my consent to sell.

European Settlement and the Alienation of Remaining Land

2.62 By the end of the 1880s Rangitāne o Manawatū held approximately 20,000 acres in reserves from Crown purchases, land they had been awarded by the Native Land Court, and land they had repurchased in the Te Ahuaturanga block. After acquiring the Rangitikei-Manawatū block, the Crown made few further purchases from Rangitāne o Manawatū. In 1876, the Crown purchased a small strip of land across the Aorangi 3 block for the Foxton Light Railway. In 1890 the Native Land Court awarded the Crown 300 acres from the same block to pay its survey costs. In 1897 the Crown purchased the 1,026 acre Tuwhakatupua 1A block on the southern bank of the Manawatū River.

2.63 From the early 1870s the Crown assisted significant numbers of European settlers to immigrate and settle in the upper Manawatū. In 1870 a block of 3,000 to 4,000 acres was made available to settle Scandinavian immigrants near Rangitāne o Manawatū settlements at Awapuni and Te Wi. Large virgin forests and swamps such as Taonui, Makurerua and Moutoa, which once provided a rich resource to Rangitāne o Manawatū, became over time fertile farmland and towns. The arrival of these settlers and the development of rural and urban areas in Manawatū brought many changes to Rangitāne o Manawatū and their rohe. As the region's agricultural economy developed, settlers and speculators began purchasing land from Rangitāne o Manawatū. From the late nineteenth century private purchasing accounted for the alienation of the majority of the remaining land of Rangitāne o Manawatū.

2.64 Except to a limited extent at Puketotara, the Rangitāne o Manawatū reserves in the Te Ahuaturanga and Rangitikei-Manawatū blocks were too small and fragmented to sustain either traditional subsistence or modern agriculture. The four original Te Ahuaturanga reserves had been leased out by Rangitāne o Manawatū to generate income for hapū and whānau. On their wooded Hokowhitu reserve, Rangitāne o Manawatū had entered into a joint venture with a European sawmilling company. By 1900 these reserves had all been sold to private interests, along with most of the land that had been repurchased. Reasons given for selling the Hokowhitu reserve included the erosion of the block by the Manawatū River and to pay debts owed to the Crown on the Aorangi 3 block. The effect of these sales was to leave only a small area of land in Rangitāne o Manawatū ownership in the core of their traditional rohe.

2.65 During the 1880s and 1890s, the Native Land Court partitioned much of the land it awarded Rangitāne o Manawatū in the Aorangi and Taonui-Ahuaturanga blocks, into

smaller blocks which were then sold by their owners. This included over 2,500 acres of Aorangi 3 which was located in the middle of the Taonui swamp, away from road and rail lines.

2.66 By 1900 over 10,000 acres in total, more than half of the remaining land held by Rangitāne o Manawatū had been alienated.

2.67 The Puketotara reserve (two blocks totalling 2,178 acres) remained intact until the early twentieth century. In 1876 Te Peeti Awe Awe and Hoani Meihana had title to Puketotara issued, under the Rangitikei-Manawatū Crown Grants Act 1873, to ten grantees who acted as trustees on behalf of 100 owners. This arrangement lasted until 1902 when a case was brought before the Native Land Court to establish ownership of the Puketotara reserves beyond the ten original grantees. As a result, in 1904 the number of owners to Puketotara was greatly expanded. Between 1908 and 1920 many of the new owners sought to partition out their individual interests, resulting in the Native Land Court ordering as many as 74 partitions. During the twentieth century most of the Puketotara reserve was sold.

2.68 Between 1900 and 1910 the number of private purchases fell dramatically. After 1910 this trend was reversed; over the next twenty years Rangitāne o Manawatū alienated, by way of private sales, 3,756 acres. By 1930 Rangitāne o Manawatū had been reduced to 2,903 acres. The remaining land was gradually eroded by further sales until the area of land owned by the iwi fell below 1,000 acres by 1990.

Conclusion

2.69 The Crown's purchases prior to 1866 left Rangitāne o Manawatū with very little land. Further Crown purchases and private sales of reserves left Rangitāne o Manawatū virtually landless by the early twentieth century. In spite of their social and economic marginalisation, Rangitāne o Manawatū have continued to contribute extensively to the cultural and economic development of Palmerston North and the Manawatū Region.

3. ACKNOWLEDGEMENTS AND APOLOGY

ACKNOWLEDGEMENTS

3.1 The Crown acknowledges that until now it has failed to address the longstanding grievances of Rangitāne o Manawatū in an appropriate way. The Crown hereby recognises the legitimacy of the historical grievances of Rangitāne o Manawatū and makes the following acknowledgements.

3.2 The Crown acknowledges that when it investigated the New Zealand Company claims in Manawatū in 1843-1844, it did not seek the views of Rangitāne o Manawatū about the transactions affecting their land.

3.3 The Crown acknowledges that between 1859 and 1866 it acquired most of the land in which Rangitāne o Manawatū held customary interests by purchasing over 500,000 acres in the Te Awahou, Te Ahuaturanga and Rangitikei-Manawatū blocks.

3.4 The Crown acknowledges that when it opened negotiations for the Te Ahuaturanga block, Rangitāne o Manawatū sought to have the boundaries of the block surveyed and the purchase conducted on a price per acre basis, but the Crown was only prepared to offer a lump sum payment for the land under negotiation.

3.5 The Crown acknowledges that:

3.5.1 in 1865 and 1866, after the sale of the Te Ahuaturanga block, it declined requests from Rangitāne o Manawatū to have sites they used and occupied, such as Raukawa Pā and Awapuni lagoon, included in their reserves;

3.5.2 between 1866 and 1873 Rangitāne o Manawatū re-purchased several hundred acres of Te Ahuaturanga land, including wāhi tapu and kāinga; and

3.5.3 when purchasing the Te Ahuaturanga block the Crown failed to adequately protect the interests of Rangitāne o Manawatū by ensuring that adequate reserves were set aside for Rangitāne o Manawatū and this failure was in breach of the Treaty of Waitangi and its principles.

3.6 The Crown acknowledges that:

3.6.1 it did not act on a proposal by Rangitāne o Manawatū in 1865 to add land from the Papaioea clearing to their reserve at Hokowhitu in exchange for their reserve at Te Wi;

3.6.2 in 1867 it purchased land from the Papaioea clearing for individuals from another iwi; and

3.6.3 this purchase has remained a considerable grievance for Rangitāne o Manawatū to the present day.

3.7 The Crown acknowledges that:

3.7.1 the manner in which it conducted its purchase of the Rangitikei-Manawatū block in 1866, including not defining reserves prior to the purchase deed being signed, gave rise to one of the deepest grievances of Rangitāne o Manawatū; and

3.7.2 Rangitāne o Manawatū repeatedly sought redress from the Crown following the sale for what Rangitāne o Manawatū considered an insufficient payment and the Crown's response to those requests failed to alleviate this major grievance for Rangitāne o Manawatū. In particular, reserves created by the Crown in response to Rangitāne o Manawatū protests did not fully encompass those areas Rangitāne o Manawatū wanted to retain. As a consequence, the Rangitikei-Manawatū purchase has remained a major source of bitterness for Rangitāne o Manawatū down the generations to the present day.

3.8 The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Rangitāne o Manawatū, in particular the awarding of land to individual Rangitāne o Manawatū rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the traditional tribal structures of Rangitāne o Manawatū. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.

3.9 The Crown acknowledges that:

3.9.1 by 1900 over half of the land still available to Rangitāne o Manawatū for their support and maintenance following the Te Ahuaturanga and Rangitikei- Manawatū purchases had been alienated, including much of their reserved land from those blocks;

3.9.2 by 1992 only a fraction of the former lands of Rangitāne o Manawatū remained in their ownership;

3.9.3 the cumulative effect of the Crown's acts and omissions, including the Te Ahuaturanga and Rangitikei-Manawatū purchases, the operation and impact of the native land laws, and private purchasing has left Rangitāne o Manawatū virtually landless; and

3.9.4 the Crown's failure to ensure that Rangitāne o Manawatū retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This hindered the social, cultural and economic development of Rangitāne o Manawatū as an iwi.

3.10 The Crown acknowledges that its actions have undermined the ability of Rangitāne o Manawatū to access many of their traditional resources, including rivers, lakes, forests, and wetlands. The Crown also acknowledges that Rangitāne o Manawatū has lost control of many of their significant sites, including wāhi tapu that they wished to retain, and that this has had an ongoing impact on their physical and spiritual relationship with the land.

APOLOGY

3.11 The Crown recognises the struggles of the ancestors of Rangitāne o Manawatū in pursuit of redress and justice for the Crown's wrongs and makes this apology to Rangitāne o Manawatū, to their ancestors and to their descendants.

3.12 The Crown is deeply sorry that it has not always lived up to its obligations under the Treaty of Waitangi in its dealings with Rangitāne o Manawatū and unreservedly apologises to Rangitāne o Manawatū for its breaches of the Treaty of Waitangi and its principles.

3.13 The Crown sincerely apologises for the cumulative effect of its acts and omissions which left Rangitāne o Manawatū virtually landless. The Crown greatly regrets that on a number of occasions it failed to protect Rangitāne o Manawatū interests when purchasing land in their rohe. By 1866 Rangitāne o Manawatū had been alienated from many of their traditional kainga, taonga and wāhi tapu, and were left with insufficient reserves. Despite the efforts of Rangitāne o Manawatū to retain and reacquire these lands, many have been lost forever. The Crown is deeply remorseful about the lasting sense of grievance its acts and omissions have caused Rangitāne o Manawatū.

3.14 The Crown profoundly and deeply regrets that over the generations the Crown's breaches of the Treaty of Waitangi undermined the social and traditional structures of Rangitāne o Manawatū, and compromised the autonomy and ability of Rangitāne o Manawatū to exercise its customary rights and responsibilities.

3.15 The Crown deeply regrets its failure to appropriately acknowledge the mana and rangatiratanga of Rangitāne o Manawatū. Through this apology and by this settlement, the Crown seeks to atone for its wrongs and begin the process of healing. The Crown looks forward to re-establishing its relationship with Rangitāne o Manawatū based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

7.B
RANGITĀNE O TAMAKI NUI Ā RUA DEED OF SETTLEMENT HISTORICAL CLAIMS

APPENDIX B

RANGITĀNE O TAMAKI NUI Ā RUA DEED OF SETTLEMENT HISTORICAL CLAIMS

2 HISTORICAL ACCOUNT

2.1 The Crown's acknowledgement and apology to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in part 3 are based on this historical account.

Rangitāne o Wairarapa, Rangitāne o Tamaki nui-ā-Rua

2.2 Rangitāne trace their descent from the explorers Kupe and Whātonga. Whātonga was a rangatira (chief) of the Kurahaupō waka and the grandfather of the eponymous ancestor Rangitāne. The traditional area of interest of Rangitāne spans the regions of both Wairarapa and Tamaki nui-ā-Rua.

2.3 Tamaki nui-ā-Rua comprises the old Seventy Mile Bush and the eastern or coastal area from Cape Turnagain to Mataikona (Castlepoint). The Wairarapa region comprises the area east of the Tararua Ranges and south of Tamaki nui-ā-Rua, to the southern coast at Palliser Bay and Cape Palliser. Together these regions comprise approximately 2.5 million acres.

'NGĀ PĀKEHĀ RĪHI WHENUA ME TE KĀWANA': THE LEASEHOLD ECONOMY AND CROWN PURCHASING PRE-1865

2.4 In the early to mid-1840s, Wairarapa Māori experienced the Crown's authority mostly sporadically and indirectly. In May 1845, a group of Wairarapa Māori appeared in the Hutt Valley in support of other Māori groups who were in dispute with the Crown over land issues. Governor Grey's 1846 declaration of martial law in response to these Hutt Valley tensions applied south of a line between Wainui and Castlepoint. The reverberations of this conflict were felt in Wairarapa. When Māori groups in conflict with the Crown appeared in Wairarapa they were opposed by Wairarapa Māori, while some settlers were said to have taken refuge in Māori communities.

The early leasehold economy

2.5 Wairarapa Māori welcomed Pākehā settlers to the region from the mid-1840s, leasing them large 'runs' to graze stock in return for annual rentals. Important relationships developed between Pākehā runholders and rangatira including Te Korou at Kaikōkirikiri (Masterton) and Te Pōtangaroa at Mataikona (north of Castlepoint).

2.6 The Crown opposed this emerging leasehold economy, insisting on its pre-emptive right of purchase under the Treaty. It intended to purchase Māori land at low prices, for on-sale to settlers at a profit, with proceeds from sale ('the Land Fund') being used to help pay for government administration, economic infrastructure, and immigration. It is not clear that Wairarapa Māori understood Crown pre-emption as disallowing all direct Māori-settler land transactions, such as leases.

2.7 The Native Land Purchase Ordinance 1846 reaffirmed the Crown's view of pre-emption. The Ordinance stipulated that all direct land dealings between Māori and settler were illegal, including leases, except where a license from the Government was obtained. The Ordinance authorised the prosecution of settlers who contravened its provisions. Notwithstanding this, the number of lease arrangements in the Wairarapa continued to grow through the second half of the 1840s.

2.8 In 1847, Governor Grey wrote to Wairarapa rangatira stating that the Crown wished them to sell their land, promising 'ample reserves' if they did so. Grey warned that if they did not sell the Crown would intervene to end leasing and cause the Pākehā leaseholders to leave the Wairarapa district.

2.9 With the Crown's support, the New Zealand Company made several purchase attempts in the period 1847 to 1849. Purchase agents recorded how they maintained 'constant pressure' on chiefs to induce them to sell, including emphasising the benefits of organised settlement and the government's power to remove the squatters and deprive Māori of their rents. Government gazettes issued in October 1847 and October 1848 formally reiterated the threat of prosecution of settlers – the latter with specific reference to the Wairarapa purchase negotiations.

2.10 Wairarapa Māori were divided on whether to sell. Some sought to retain their lands and maintain the leasehold arrangements while others were prepared to sell. In November 1848, a New Zealand Company official noted that at a meeting at Otaraia the view was expressed strongly that 'they had held the land; and would do so still. It had belonged to their forefathers, and was theirs now: the land was in fact their great parent, to surrender whom would be death to themselves and their children … [they said] the white man could occupy land as the squatters were now doing, without buying it'. In 1849, Rangitāne at Kaikōkirikiri (Masterton area) protested against the Government's clampdown on leasing. These 1840s purchase attempts were ultimately unsuccessful.

2.11 In the early 1850s, the Crown's land purchase agent in Wairarapa and Tamaki nui-ā-Rua, Donald McLean took steps to prevent the spread of leasing by threatening the use of the Ordinance in a few instances where Pākehā were in the process of taking up new runs. He directed a recent arrival in the Castlepoint area to abandon the land and may have encouraged rents to be withheld from Māori in another case.

2.12 Generally, however, the Crown did not intend to move existing runholders off their leased land, but instead sought their support for Crown purchase plans. The Crown assured settlers that they would be able to obtain secure possession of their runs once the Crown had purchased the land from Māori. At the same time Wairarapa Māori were told that they must sell as the leasehold system was coming to an end. In doing so the Crown limited Māori ability to choose the terms of their own economic development. Governor Grey at one time considered the formal regulation of leasing but eventually decided, in part based on instructions from England, to pursue a Crown purchase policy of acquiring large areas at low prices and reserving areas for Māori.

2.13 Many Wairarapa Māori leaders, however, wished to retain the leasehold system as it enabled them to earn a regular income from rentals and trade and still remain owners of the land. By the early 1850s, Wairarapa Māori were receiving approximately £1,200 in total rentals per annum for an area estimated at between 300,000 and 400,000 acres. The Crown's purchase agent estimated that Māori trade with the settlers 'must be very considerable, if not quite equal to the rents they are receiving'. Rangitāne had also made lease commitments to settlers that they felt honour-bound to uphold.

2.14 In 1851, McLean rode through Wairarapa with satchels full of Crown sovereigns, on his way to negotiate purchases in Hawke's Bay province. He met with Wairarapa leaders and it was later said that he showed the coins to those interested. Crown representatives, including McLean, considered that by purchasing in Hawke's Bay the

Government might encourage Wairarapa runholders to move there, leaving the Wairarapa squatter-free and Māori more inclined to sell.

2.15 McLean also used the Hawke's Bay purchases, especially Waipukurau, to cultivate relationships with a leading rangatira of another iwi who he hoped would assist the Crown's efforts to purchase Wairarapa land. McLean proposed to this rangatira that Wairarapa chiefs, including Te Pōtangaroa, should receive some of the purchase price for the Waipukurau block. The rangatira agreed, paying them £100, 'in satisfaction of all their claims to this block', McLean recorded. He wrote further that this 'pleased the two chiefs very much, and I have no doubt that it will have a favourable effect in reference to the sale of their land. They are both sensible men.' Neither of the Wairarapa chiefs signed the Waipukurau sale deed.

Castlepoint and the komiti nui

2.16 In 1852, Te Pōtangaroa and others corresponded with the Crown about sales of Castlepoint and other Wairarapa land. In March 1853, Govenor Grey discussed a Castlepoint or Whakataki purchase with Wairarapa Māori while travelling through the Wairarapa.

2.17 In June 1853, McLean concluded the Castlepoint purchase with Wairarapa and Tamaki nui-ā-Rua rangatira during a large public hui. Three-hundred people signed the deed, including a significant number of woman and some children. Before the hui, a sketch plan of the block was prepared and boundaries were described. The Crown paid £2,500 for a block estimated at the time to be 275,000 acres but later found to be closer to 485,000 acres.

2.18 The Crown and rangatira agreed to reserve a number of areas for Māori in the Castlepoint block. The reserves, 10 in number, ranged from 5 acres to over 17,500 acres in size, covering a total area of approximately 28,000 acres, or approximately 10 percent of the estimated purchase area. The extent of reserves made in Castlepoint was large in comparison with reserves agreed in later purchases.

2.19 In August 1853, Governor Grey and Donald McLean convened a large assembly or 'komiti nui' of Wairarapa rangatira, at Tūranganui in southern Wairarapa, in a further effort to persuade Wairarapa Māori to sell their lands to the Crown. Evidence suggests that Grey personally emphasised the benefits flowing from sale to the Crown, including Pākehā settlement and trade, and repeated his longstanding promise of ample reserves for Māori, these associated benefits being 'the real payment' for land sales. Grey's status probably meant that Rangitāne and other Wairarapa Māori had very high levels of faith in Grey's promises and expected the Crown to act honourably to meet these commitments. Clauses in a number of purchase deeds of southern Wairarapa land immediately following the komiti nui made financial provision for schools, medical services, annuities for chiefs, and other kinds of ongoing benefits. These 'five percent' or 'koha' clauses were most likely held out by Grey at the komiti nui as additional inducements to sell land.

2.20 Grey reported following the meeting that the Wairarapa rangatira 'eventually' consented, indicating the persuasion required to obtain their agreement to Crown purchase.

2.21 Within six months of the komiti nui, McLean and other Crown agents acquired a further 1 million acres through around 40 individual purchases. Together with Castlepoint, the Crown's purchases comprised an estimated three-fifths of Wairarapa and Tamaki nui-ā-Rua, approximately 1,500,000 acres, acquired within the space of 8 months.

2.22 While some rangatira were willing to negotiate with McLean, Ngātuere was reported to be fighting hard to persuade others not to sell their land and McLean noted that it was only 'after a very obstinate persistence on the part of Ngātuere and his followers' that he 'at last succeeded in getting a very fair block of land'.

2.23 The Crown paid a total of £23,500 for these purchases. This may have been equivalent to about 10-15 years income from leases and trade under the leasehold economy. Rangitāne had been reluctant to sell because of these benefits.

Crown purchase process

2.24 In the 1853-54 purchases following the komiti nui, the Crown negotiated purchases quickly and often relied on descriptions of boundaries and sketch plans without the boundaries of the block having been walked and marked out. In some cases, the Crown began surveying the new Wairarapa towns for Pākehā settlement before any surveying of the surrounding purchases from Māori. Only in 1871 did the Wellington Chief Surveyor compile all the 1853-54 Crown purchases in map form. At the time the purchases were conducted, the lack of surveys or clear visual representations of the blocks sold made it difficult for Rangitāne and other Wairarapa Māori to grasp easily the total picture of lands sold and retained.

2.25 Following the Castlepoint purchase and the komiti nui, the Crown generally conducted purchases with smaller groups of vendors. A number of rangatira appeared in multiple deeds. The Crown in some instances appears to have granted reserves to individual rangatira to secure their agreement to Crown purchase. A number of 'deed receipts' were signed alongside or instead of actual purchase deeds. In the case of the Manawatū block purchase in 1853, McLean first paid a number of people, including Rangitāne chief Wī Waaka, under a receipt in October 1853, and then entered into a purchase deed a couple of months later with a largely different group of people. As part of this second transaction in December 1853, Wī Waaka managed to secure a 1,000 acre reserve.

2.26 In January 1854, at Wellington, the Crown negotiated a purchase deed for the Tautāne block of approximately 92,000 acres, located north of Castlepoint and south of Porangahau. Thirty-two Māori signed the deed. A number of owners were not present at the negotiations, including the rangatira Hēnare Matua from the Tautāne area. On learning of the transaction, Matua and some resident owners opposed it vigorously. The rangatira Te Rōpiha threatened to 'cut off the noses' of the selling chiefs.

2.27 Hēnare Matua and other non-sellers came under pressure to accept the purchase as the Crown viewed the initial purchase deed as binding, despite the deed negotiations not including rights holders such as Matua. In March 1858, four years after the first Tautāne transaction, the Crown secured the signature of Matua and 89 others to a second deed of sale for the block. The deed provided for two reserves comprising a total of 1,050 acres. In 1867 Hēnare Matua and Hoera Rautu received a Crown grant for these reserves.

2.28 On 22 April 1858, the Crown paid £100 to Rangitāne chiefs for the Ngaawapurua block estimated at 100,000 acres, located approximately east and south of the Manawatū Gorge, in the southern part of Seventy Mile Bush. Te Hirawanu Kaimokopuna, a Rangitāne rangatira prominent on both the eastern and western sides of the Manawatū Gorge, and other Rangitāne people resident at Pahiatua, opposed the sale of the Ngaawapurua land. Te Hirawanu protested that a leading western Rangitāne chief had sold Ngaawapurua despite the opposition of residents. Te Hirawanu did not object to sale at a future point and expressed interest in selling his interests in land west of the Ruahine ranges (or west of the Manawatū Gorge), land that was later included in the 1864 Te Ahuaturanga purchase.

2.29 In 1858 the Crown made a further payment of £25 towards purchase of the Ngaawapurua block, but acknowledged that, because of the numerous claims to the block, it would take some time to finalise the purchase. Negotiations for the Ngaawapurua area did not resume until the late 1860s, when the Crown renewed efforts to purchase the Seventy Mile Bush.

2.30 In October 1859, at Mataikona (Castlepoint), Donald McLean arranged a deed of sale for the Makuri block after what he described as a large meeting. The Makuri land sat on the opposite side of the Puketoi range, and some 30 kilometres, from the signing location at Mataikona.

2.31 Leading rangatira of coastal Wairarapa and Tamaki nui-ā-Rua signed the October 1859 deed at Mataikona, including Te Pōtangaroa, Hēnare Matua and Hoera Rautu. Te Hirawanu Kaimokopuna was apparently not present and did not sign. The map on the sale deed had Te Hirawanu's name shown to the west of the Makuri block.

2.32 In 1871, the Crown included the Makuri block nominally in its wider purchase of the Tamaki blocks, renaming the Makuri block Puketoi numbers 4 and 5. In 1874, the Crown made a final payment to settle an old claim to Puketoi numbers 4 and 5. Apart from this payment, it did not pay any further sums for the Makuri area.

2.33 Rangitāne complained on various occasions about the purchase prices they were paid for their lands by the Crown. One official commented in 1861 that Wairarapa Māori considered 'they must take the price offered by Government or they cannot sell'. In 1870, it was complained that in the early Crown purchases Mr McLean 'invariably fixed the price for each block and not the sellers'. Rangitāne were also aware that their lands were on-sold by the Crown at a significant 'mark-up'. The Crown used the profits from on-sale (the Land Fund) to finance infrastructure and settlement. In 1853, Donald McLean commented that he had acquired a block from Wairarapa Māori 'at a wonderfully cheap rate'. McLean paid £100, and then expected to sell the land to the existing Pākehā runholder at the standard rate of 10 shillings per acre, leaving the Crown with a £300 profit.

The koha or five percents

2.34 The Crown agreed to 'koha' or five percent clauses in a number of purchase deeds it negotiated with Rangitāne rangatira between August 1853 and January 1854. The first Wairarapa deed to contain a five percent clause (for Turakirae, or the west side of Lake Wairarapa) provided that the Crown was to collect five percent of the proceeds from on-selling the land, which it would then 'pay' to the Māori vendors 'for the forming of schools to teach our children, for construction of flour mills for us, for the construction of

Hospitals and for Medical attendance for us, and also for certain annuities to be paid to us for certain of our Chiefs…'.

2.35 The Turakirae deed stipulated further that all expenditure on schools, hospitals, and mills was to be discussed by Māori and Crown representatives in committee, while the Governor alone was to determine payments to individual chiefs. The Māori text of the koha clause in some deeds simply provided that the koha of the block would be paid to or arranged for the Māori vendors.

2.36 The Crown did not set up a committee to consult Māori about expenditure or to jointly manage the fund with them. Crown officials faced difficulties administering the fund. One official noted, for example, that payments were often made without being tagged to a particular block. The fund diminished over time as sales slowed and fund monies were paid out.

2.37 In 1870, 1873, and 1881, the Crown conducted public hui as a means to make distributions of the accumulated funds. Māori sometimes requested full accounts detailing the land sold, monies received by the Crown, and sums advanced from the fund. Some accounts were eventually provided but may not have satisfied the beneficiaries' requests. Specific infrastructure projects including a school at Pāpāwai and the operation of Crown-provided mills did not yield great benefit for Wairarapa Māori.

2.38 At various times, Rangitāne questioned the extent or lack of benefits received from the koha fund. Following the February 1881 distribution hui, Erihapeti Whakamairū (the sister of Rangitāne leader Karaitiana Te Korou) wrote to Native Minister Rolleston about the five percents on her lands at Mākōura (near Masterton). She complained about unsatisfactory services provided by the Government's medical doctor and spoke of 'discontent' due to the promised schools, churches, hospitals and flour mills not being established.

2.39 Other evidence suggests some Rangitāne understood the koha fund as perpetual. In 1886, Rangitāne rangatira Wī Waaka Kahukura and others wrote from Te Oreore (Masterton) inquiring why koha on their land had only been paid twice even though Donald McLean had said that koha 'will be continually paid to you for ever and ever'. Rangitāne leaders, Huru Te Hiaro, Nireaha Tamaki and Marakaia Tawaroa, also wrote in 1886 requesting further koha payments.

2.40 However after 1881 the fund received minimal amounts from Crown land sales. By 1899, the approximately £250 remaining in the koha fund was paid out.

Reserves from pre-1865 Crown purchases

Adequacy of pre-1865 reserves

2.41 Following the 1853 komiti nui, it is probable that Rangitāne expected 'ample reserves' to be set aside out of the Crown's early purchases. Providing sufficient reserves for the present and future needs of Māori was an important part of the Crown's policy, shaped by Governor Grey, to purchase large areas of Māori land at nominal prices. Crown representatives realised that if Māori land was to subsidise the Crown's Land Fund and

organised Pākehā settlement, it was reasonable for Māori to obtain 'advantages fully equal' to those they had lost in relinquishing ownership of large areas of land.

2.42 Approximately 100 reserves were associated with pre-1865 Crown purchases. These reserves comprised approximately 62,500 acres, being about 4 percent of the total pre-1865 Crown purchases of 1,500,000 acres. McLean sought to limit the extent of reserves. In his 1853 instructions to a surveyor, McLean stated that he believed local Māori would demand 'extravagant reserves at Ōpaki, Mākoura, Kō[h]angawareware and other plains within the valley', near Masterton. He instructed that it was 'necessary to confer with me before acceding to any beyond what you may consider essential for their welfare'.

2.43 Rangitāne do not consider that these reserve arrangements adequately reflected the promise of 'ample reserves' especially as the Crown pursued an ongoing policy of actively seeking to purchase remaining Rangitāne lands after 1865. In 1870, the total estimated Wairarapa Māori population was 850 men, women and children, while the estimated Tamaki nui-ā-Rua population was several hundred. Regardless of the population size at this period, Rangitāne consider that reserves comprising only 4 percent of the overall pre-1865 Crown purchases were unlikely to be sufficient for the present and future needs of Rangitāne communities.

Delays in Surveying and Crown grants of reserves

2.44 Of the approximately 100 reserves associated with the Crown's pre-1865 purchases, of which about 90 were referred to directly in deeds of purchase, the Crown purchased approximately 14 reserves before they had been surveyed and granted. Most of these purchases were made within a few years of the original Crown purchase. By 1855, for example, McLean had purchased four of the Castlepoint reserves, Porotāwhao, Puketewai, Taurangawaiō (near Akitio) and Whakataki (with the last including a right of repurchase).

2.45 By 1858, disputes had arisen over boundaries of purchase blocks and reserves which had not been surveyed on the ground at purchase. A thorough surveying process for the early purchases of 1853-54 only began in 1859.

2.46 In 1860, during the Kohimarama conference in Auckland, the prominent rangatira Ngātuere wrote to the Governor requesting that McLean settle grievances over reserves. Leading Rangitāne rangatira, Karaitiana Te Korou and Wīremu Waaka, also wrote to the Governor and complained that Crown Grants had not been issued for their reserves. Additionally, in many instances the Crown did not prioritise the survey of areas reserved in purchase deeds. This had resulted in the Crown selling some areas to settlers before they were created or defined on the ground for Māori.

2.47 The complaints of Te Korou and Wī Waaka reflect an expectation on the part of many leading Wairarapa chiefs that reserves would be formalised or protected by survey and Crown Grant. It is probable that this expectation was based on discussions had with Grey and McLean during the komiti nui and purchase negotiations. A number of rangatira negotiated individual reserves that were recorded in purchase deeds. In fact, out of a total of approximately 100 reserves from pre-1865 Crown purchases, the Crown made about 24 grants under the Crown Grants Act 1862, mostly to individual rangatira. Most of these grants were not made until 1863 and 1864, some 10 years after the original Crown purchase in many cases.

2.48 Other evidence suggests a more widespread concern among Wairarapa Māori about obtaining Crown granted titles to portions of land they had previously sold. In at least 17 instances, Wairarapa Māori individuals purchased back portions of the wider Crown purchase block. In these cases, Māori usually purchased back the land at the going rate for purchase of Crown land, a price many times greater than the Crown had paid them for the wider block (a difference that reflected the Crown's Land Fund policy). Many of these 17 sections had been sold on the open market to Pākehā settlers by 1900.

2.49 In 1855, the Crown purchased the Whakataki reserve, one of 10 reserves provided for in the Castlepoint purchase. The 1855 purchase deed included an express clause allowing Māori to repurchase the land within a two year period. The deed recorded that the sale and right of re-purchase was intended, 'kia whakamutua nga ritenga maori mo runga i taua whenua', translated as, 'to put an end to our native customs relative to that piece of land'. In about 1858, some resident hapū members did re-purchase a small section of Whakataki.

2.50 In 1874, the Crown introduced legislation – the Whakataki Grants Act 1874 – to confirm grants totalling 6,620 acres more or less to various individuals and hapū in the Whakataki reserves. In the meantime, the Crown sold a desirable portion (85 acres) of the reserve adjoining the Whakataki river to a settler. In 1874 the Crown paid an additional sum to settle a boundary dispute concerning the Whakataki block (possibly relating to the area sold to the settler). Under the 1874 legislation, the Crown gifted back the largest of the reserve blocks, no. 10, of 6,298 acres on the basis of a promise made by the Wellington provincial superintendent that the reserve be given back 'for the support and maintenance' of the original owners. In 1881, the Crown finally issued grants for 6,620 acres of reserves, 28 years after the original Castlepoint transaction had reserved the land.

2.51 When the Native Reserves Commissioner visited the Wairarapa in 1879, a number of Māori complained about 'lost' reserves. In 1881, a Royal Commission held meetings in Masterton over a two-to-three week period to investigate Wairarapa native reserves. The Commission listed about 90 reserves made out of pre-1865 Crown purchases. It tallied 10 of these reserves as sold to the Crown, eight as missing (or possibly set aside elsewhere), and three fishing reserves as remaining undefined.

2.52 The Crown, in response to reserve issues in Wairarapa and other regions, introduced legislation that became the Native Reserves' Titles Grant Empowering Act 1886, enacted primarily to complete the granting of legal title to Māori for a number of Crown purchase reserves from the pre-1865 period. The Act empowered the Governor to execute warrants for the issuing of titles and to impose restrictions on alienation. Approximately 30 reserves in Wairarapa and Tamaki nui-ā-Rua, about a third of all pre-1865 purchase reserves in the region, were awarded title under the Act.

2.53 In the three decades between the reserves being made in Crown purchase deeds and titles being granted under the 1886 Act, reserves had been left unprotected and some had been sold to settlers. The 1881-82 Royal Commission found that the Takapūai reserve had never been surveyed and that Pākehā settlers had occupied the area where it should have been. In the 1890s various Māori applied for succession orders in the Native Land Court, but there was no reserve to succeed to. Eventually the Crown provided substitute land on the Waihoki stream (Aohanga blk 5, sec 7), as opposed to the original location on the Mataikona river. Title for 150 acres was finally issued in 1910 to the individuals identified by the 1882 Royal Commission.

2.54 The commission also reported that the fishing reserve at Waimīmiha, a reserve in the 1853 Castlepoint transaction, had never been surveyed. Although descendants of the Māori owners petitioned several times in the early 1900s for a larger area, various parliamentary and Crown departmental investigations concluded that only a small fishing place was intended. This was eventually surveyed in 1907 at less than an acre. Another Castlepoint reserve, Waitutu, was never surveyed and was probably included in land on-sold to settlers.

2.55 The Crown did not survey or define on the ground a reserve known as Whatakai, reserved in the 1853 Whareama south (no. 2) purchase. The Crown sold this piece of land to a settler around 1861. In 1875, the Crown paid the Māori owners £150 in compensation for this lost reserve. Cultivations reserved at Mangapiu in the Whareamu south purchase were eventually awarded under the 1886 Act and provided for in the adjoining Waikaraka block reserve also known as Mangapiu. Another reserve in the Whareama south purchase, Te Ruru, does not appear to have ever been surveyed.

2.56 About 28 reserves remained as Māori customary land until Wairarapa and Tamaki nui-ā-Rua Māori obtained title to these areas under general native land legislation after 1865. Some of these were granted in the 1860s, while others received legal title in the 1880s and some as late as the early twentieth century. These titles were mostly awarded under the ten-owner system or to a few individual owners.

Alienation of pre-1865 reserves

2.57 By 1930, 29 percent of the large Whakataki no. 10 block reserve at Castlepoint remained in Māori ownership. Today, only 4.5 acres is recorded as Māori land. Of all the Whakataki reserve blocks totalling some 6,620 acres in 1874, only about 92 acres (1.3 percent) remains today.

2.58 Of the other nine Castlepoint reserves, four were permanently alienated by 1900, three of those in 1855 and the Ngātāhuna reserve of 1,552 acres by 1881. Of the remaining five, two were very small (less than 10 acres). Only Mataikona, comprising 17,768 acres, remained almost entirely intact and is now incorporated as the Aohanga Incorporation.

2.59 By 1900, about a third of the pre-1865 purchase reserves had been sold, leaving just 3 percent of the entire Crown purchase area reserved for Māori, about 44,000 acres. Today, approximately 22,000 acres are retained, about 1.5 percent of the total Crown purchase area. The bulk of this area is concentrated at Aohanga (17,684 acres) and the other 4,500 acres scattered over the wider region.

'TE TAPERE-NUI-O-WHĀTONGA': NATIVE LAND COURT AND 70 MILE BUSH TRANSACTIONS

The Court and the native land laws

2.60 In 1862 and 1865 the Crown promoted legislation that established the Native Land Court. The Court was to determine the owners of Māori land, effectively converting customary ownership of land into individualised legal titles derived from the Crown. The Crown's pre-emptive right of land purchase was also set aside, enabling Māori to lease and sell their lands to private parties.

2.61 The Native Lands Acts introduced a significant change to the native land tenure system at a time when there was no direct Māori representation in parliament. In particular, land rights under customary tenure were generally communal but the legislation gave ownership rights to individuals, including the legal right to sell without reference to the community.

2.62 In addition, the Native Lands Act 1865 provided that a certificate of title could be ordered to no more than 10 persons. This became known as the 'ten-owner rule'. It also provided that a tribal title could be awarded in blocks of over 5,000 acres, however in practice the Court awarded title to ten or fewer owners regardless of the size of the block. One effect of the ten-owner rule, therefore, was to exclude many customary owners from legal title to blocks. It was expected in many cases that the named owners would act as representatives for the wider community, however they were under no legal obligation to do so.

2.63 An 1867 amendment to the land laws enabled the Court to register all interested parties on certificates of title, however in practice this provision was little utilized. There was no effective collective title option for Māori until the 1894 Native Land Court Act, which provided for the incorporation of owners.

2.64 The Otawhake or Kopuaranga reserve of 259 acres at Opaki was created out of the December 1853 Manawatū block purchase. The reserve contained cultivations and urupā of the Hāmua hapū, and 20-30 people resided on the land. In 1873 it was sold by the sole owner named in the Crown Grant. The Trust Commissioner operating under the Native Lands Frauds Prevention Act 1870, Charles Heaphy, on discovering that the reserve was intended for the hapū initially refused to endorse the sale. Heaphy had some doubts about his authority to do this but said that 'I felt that even if I exceeded my legal power, it was necessary to arrest, decisively, the consummation of an act of improvidence and injustice.' However, since there was only one name on the title document, that owner had the legal right to sell. Heaphy was obliged to endorse the sale to the private buyer, which he did in September 1874.

2.65 Wairarapa and Tamaki nui-ā-Rua Māori sent several petitions to Parliament in the 1870s. The petitions called for abolition of the Court or major reform of the land laws, and sought more authority for Māori communities to decide their own land questions. They canvassed other pressing issues, including the costs of survey, court fees, grant fees, and lawyers and interpreters' fees; and the lack of attention to creating proper reserves for the ongoing occupation and livelihood of Māori owners.

2.66 Survey and court charges involved in securing title through the Native Land Court could be considerable. Some owners may have been left with little option but to sell land to repay these costs. In addition to these direct costs were the indirect costs of attending court sittings sometimes over extended periods, costs which could include accommodation and food costs and loss of income while attending court. In addition, once an application was made to the Court, non-applicant parties with interests in land blocks could feel compelled to attend court to protect their interests even though they were opposed to the application being made in the first place.

2.67 In the case of the Okurupatu block, adjacent to the Te Oreore block north of Masterton, various Ngāti Hāmua hapū contested the block's ownership in the Court. Court costs were incurred over several rounds of protracted hearings, rehearings and appeals. Survey charges were significant, at least £490 over the period 1881 to 1895.

Accommodation and food costs increased with the repeated hearings. Additional expenses were incurred from travel to Wellington to petition authorities. Rangitāne customary owners also incurred considerable costs in the title process for the Ākura and Kopuāranga blocks. Owners sometimes used their interests as security for debts – mostly survey costs – and this could lead to sale of portions of blocks (as in the case of the Ākura block). In other instances, settlers advanced money to cover survey and court costs on the understanding that they would receive formal leases once titles had been obtained.

2.68 The succession rules for native land (applying on the death of an owner) resulted in blocks with an ever-increasing number of owners. Over time, larger blocks were also partitioned to facilitate sales. At the same time, blocks in multiple ownership often made it difficult for owners to access capital or loans for land development.

2.69 Te Oreore block (Masterton) illustrates the problem of title fragmentation. Originally subdivided into four blocks during an 1869 title investigation, the largest of the subdivisions, Te Oreore no. 3 of 460 acres, was awarded to ten owners of Hāmua descent, including Karaitiana Te Korou, without restrictions on alienation. Over the next 30 years, individual interests were partitioned out of the no. 3 block and sold. By 1900 only a tenth of the original block remained in Rangitāne ownership. The land remaining in Te Oreore no. 3 today consists of small blocks of marae reserves and urupā, and long thin 'bowstring' blocks. The largest block is just under 20 acres and the smallest 0.1 acres. The effect of many partitions and subdivisions over time is evident from blocks such as Te Oreore 2C Sec 3 (48.87 acres, 35 owners), and Te Oreore 1E1B No 2 (10.43 acres, 48 owners).

Purchasing 'Tamaki' or the northern Bush

2.70 In mid-1868, the Crown renewed efforts to acquire the Seventy Mile Bush, conducting a large hui at Waipawa in southern Hawke's Bay. At the hui, it was agreed to sell an area of land between 'Te Ruataniwha and Wairarapa' and a survey of the land commenced but was not completed.

2.71 Between 1868 and 1871, the Crown made small advance payments to various rangatira it considered had interests in the Bush. The Crown conducted negotiations at Napier, Waipawa and Waipukurau, some distance north of the Bush. The advances it paid facilitated initial surveys, in anticipation of the Native Land Court determining the title.

2.72 By April 1870, the Crown secured agreements to purchase three large areas described as Te Ahuaturanga, Maharahara and Puketoi, comprising the bulk of the northern Bush. Rangitāne rangatira Hohepa Paewai, Manahi Paewai, Huru Te Hiaro, Nireaha Matiu (Tamaki), and Wirihana Kaimokopuna were among the signatories to these agreements. They agreed to apply to the Native Land Court for title to this land and to afterwards sign a deed conveying the land to the Crown.

2.73 In April 1870, the Crown purchase agent reported to Donald McLean that local Māori had applied to the Court for the 'whole of the Manawatū bush from Ruataniwha to Wairarapa'.

2.74 Some Tamaki nui-ā-Rua rangatira opposed the Crown's purchasing activity. In August 1870, a Crown purchase agent reported that 'Hēnare [Matua], Nopera, Paora, Hakara,

old Āperahama [Rautahi] and others are the staunch opponents. The Rangitāne, Huru [Te Hiaro], Hohepa [Paewai] and others are as firm for the sale as ever and it is admitted they are the principal owners'. The Crown agent also commented on the emergence of 'a deep seated scheme… for making the Māori more united in their actions against the encroachment of the Europeans'. In this regard he thought 'Hēnare Matua is ambitious of being chosen as leader', adding 'Hēnare admits he has no claims [in the Seventy Mile Bush] but shall oppose all he can'. Despite this statement, Matua had been awarded an interest in the Mangatoro block – in the north-east part of the Bush – in an 1867 land court hearing. A meeting at Waipukurau also revealed that all the Porangahau Māori present opposed the sale of the Bush.

2.75 In early September 1870, the Crown convened another large hui at Waipawa to discuss the ownership and sale of the Tamaki area. The Crown purchase agent told those at the hui that the Crown wanted to open up the land for settlement, but that Māori should also hold on to large areas for themselves and their children for the future. Disagreements between Māori parties at the hui appear to have been mostly over who had rights to the land.

2.76 The Native Land Court began hearing the Seventy Mile Bush applications on 8 September 1870, at Waipawa. The Crown purchase agent produced for the Court a map of what he called 'the Manawatū Ngāherehere' application, apparently for the whole of Seventy Mile Bush. He informed the Court that 'on behalf of the applicants the whole of the portion surveyed was conducted under my direction'. The Crown surveyor gave evidence that he had met with some 'small' opposition to the survey from Āperahama Rautahi. He also stated that he 'did not complete the survey' but that a 'Crown Grant could be made from this plan, it would not require to go on the ground to separate the plans'.

2.77 On 10 and 11 September 1870, the Native Land Court awarded 17 northern Bush blocks to ten or fewer people under the Native Land Act 1865. Many other interested persons were referred to in evidence. Restrictions on alienation applied to two of the 17 blocks, Tamaki and Piripiri. Most of the awards were made to claimants affiliating as Rangitāne, including leading rangatira Huru Te Hiaro, Hōhepa Paewai, Te Wirihana Kaimokopuna (a nephew of Te Hirawanu Kaimokopuna), Nireaha Matiu (or Tamaki), and Karaitiana Te Korou.

2.78 The Crown set about finalising the purchase after the Court awarded title. The purchase price had been left unsettled until after the Court process had concluded. When negotiations recommenced, a group led by Hōhepa Paewai opposed sale for under £30,000. In April 1871, a receipt for £1300 of advances against sale of the northern Bush blocks and for survey, court and other expenses was signed by Karaitiana Takamoana and 23 other owners. An agreement to sell the northern Bush was signed on 1 June 1871 by 12 leading chiefs, including Takamoana, Hōhepa Paewai and Wirihana Kaimokopuna. The sale price was £16,000.

2.79 In August 1871, the Crown convened a public hui regarding sale of the northern Bush. On 16 August, the Crown secured signatures to a purchase deed for the 'Tamaki'. Thirty-nine signatures of named owners were obtained on 16 August, with others collected over the following weeks, and a few final signatures not obtained until 1881-1882. For a total price of £16,000, approximately 250,000 acres were conveyed, comprising 12 blocks whose ownership had been determined by the Native Land Court in 1870, namely: Puketoi no. 1 (37,000a), Puketoi no. 2 (28,500a), Puketoi no. 3

(33,400a), Puketoi no. 4 (31,000a), Puketoi no. 5 (15,500a), Te Ahuaturanga (21,000a), Māharahara (13,000a), Manawatū no. 1 or Umutaoroa (17,000a), Manawatū no. 3 or Te Ohu (20,600a), Manawatū no. 5 or Ngamoko (15,000a), Manawatū no. 6 or Tuatua (9,600a), and Manawatū no. 7 or Rakaiatai (8,200a).

2.80 A total of approximately 19,870 acres, were 'for ever' reserved from the northern Bush purchase area. These reserves were portions of Umutaoroa (4000a), Te Ohu (13,000a), Manawatū no. 6 (1370a), a 1000 acre reserve near Ngaawapurua in the Ahuaturanga block, and a 500 acre reserve ('Te Rotoahiri'), also in the Ahuaturanga block.

2.81 Several large blocks were not included in the 1871 Tamaki purchase, including five blocks, Tahoraiti, Kaitoki, Mangatoro, Otawhao and Oringi Waiaruhe, estimated 65,555 acres total area, that had ownership determined between 1867 and 1869. The Tamaki and Piripiri blocks, and the Manawatū number 4 and 8 blocks, whose ownership was determined by the 1870 Waipawa court, were also retained by Tamaki nui-ā-Rua Māori.

2.82 The northern Bush deed noted that £12,000 of the purchase money had been paid on the signing day, with 'the balance to be paid when the reserves are marked out and the purchase finally completed'. The Crown intended to use the remaining £4000 to induce a few 'dissentients' to accept the sale and encourage the sellers to put pressure on them. Reports a few days before the deed was signed suggested the main dissentients were from 'the Porangahau people', those connected with Hēnare Matua, who had earlier opposed sale. The Crown paid the final instalment of £4000 in December 1873.

2.83 In November 1874, Donald McLean paid £500 to rangatira of another iwi to extinguish their claims on the Tamaki block.

Persuading the 'non-sellers'

2.84 In 1870 and 1871, some Tamaki Māori of Rangitāne descent protested about the Court and sale process regarding the northern Bush, concerned that detailed surveys were not carried out on the ground, that some owners did not consent to sale, and that proper restrictions on alienation were not imposed on reserved blocks. A few complainants wanted a second investigation by the Native Land Court.

2.85 Some owners in the northern Bush blocks resisted putting their names to the 1871 sale deed. In 1877, four blocks awaited signatures: one signature for Maharahara, one for Te Ohu (Manawatū no. 3), four signatures at Rakaiatai (Manawatū no. 7), and one signature at Umutaoroa (Manawatū no. 1). In the 1880s, the Crown instructed agents to acquire final signatures, initially paying them £1 per day and £10 per signature, and later, £20 per signature.

2.86 In 1881, the Crown obtained the final signature in Maharahara. In 1882, the interests of Hōri Ropiha and the three other owners at Raikaiatai were partitioned out to enable the Crown to obtain title to the rest of the block. In 1882, Paora Ropiha, who had protested the title awards and the Crown's purchase in 1870, finally accepted £200 for his share in Te Ohu, while Maata Te Aopukahu finally accepted £400 as her share in Umutaoroa.

2.87 Crown agents applied considerable pressure to obtain these final signatures. One reported that he had told the owners that Crown grants for reserve areas would not issue until the Crown obtained their final signatures for the wider block. Maata was also

threatened that if she did not sign, the Crown would apply to cut out her portion of the land, which would be indebted with an advance already paid to another rangatira for her share, together with interest on that advance and the cost of the agent's trips. The agent reported that Maata 'finally consented and signed the deed'. The Crown paid additional amounts above the original purchase price in the 1871 deed to complete the purchases of these blocks.

Purchasing the southern Bush

2.88 In 1870, the Crown proposed a new economic development policy. The main elements of this policy were a scheme to bring thousands of assisted immigrants to New Zealand and a programme of large-scale public works. The Crown financed this programme by large-scale borrowing and the purchase and on-sale of Māori land. The Immigration and Public Works Act 1870 authorised expenditure on large-scale railways and roading projects, and assisted immigration schemes.

2.89 In May 1871, the Wellington provincial superintendent wrote to the Colonial Secretary requesting that the government purchase the Wellington end of Seventy Mile Bush (that is, the southern Bush, below Manawatū Gorge), under section 34 of the Immigration and Public Works Act 1870. The Colonial Secretary requested the Wellington and Hawke's Bay provincial superintendents to work together, under the direction of the general government, in negotiating such purchase.

2.90 In July 1871, the Hawke's Bay provincial superintendent reported that principal owners of the southern Bush had made offers to sell. He expressed the hope that 'satisfactory arrangements' would be concluded.

2.91 Rangitāne rangatira applied to the Native Land Court for an investigation of title to the southern Bush. The Crown assisted with the preparation of initial survey plans for the Court process and the division into a number of blocks. Survey plans or tracings for Court appear to have been prepared in part from blocks already purchased in the southern portion of the Bush, including the Manawatū and Ihuraua blocks, and the southern Puketoi area, comprised in the earlier Makuri purchase.

2.92 In September 1871, the Court heard the claims. Some at the hearings asked that the blocks be withdrawn, but the Court carried on, being obliged by legislation to make a determination. It awarded the land in ten of the eleven blocks to ten or fewer owners per block, whose names were provided by Rangitāne. The owners represented a range of Rangitāne rangatira, some of whom had interests both east and west of the Manawatū Gorge. The eleventh block, Manawatū-Wairarapa no. 3 (also known as 'Mangatainoka'), was awarded to 56 named owners and any other 'natives who may be found to be members of the Rangitane tribe'. The Court added that 'the land be considered a tribal estate of the Rangitāne tribe', apparently utilising s 17 of the Native Lands Act 1867 that allowed for all tribal owners to be listed.

2.93 Nireaha Tamaki, a leading Rangitāne rangatira of the southern Bush, was absent from the Court sitting. Bad weather delayed the beginning of the hearing. After the hearing, Tamaki petitioned Parliament. In October 1871, Tamaki told the Native Affairs Committee that flooding prevented him attending the hearing. Crown witnesses queried this evidence. Tamaki objected to his land being awarded to 'strangers', while admitting the 'right of some' to be on the titles. A couple of the Committee members advised Tamaki to apply for a rehearing. Applications for a rehearing were declined.

2.94 On 10 October 1871, the Crown obtained Rangitāne signatures to a deed of sale for 10 of the southern Bush blocks, an area of 125,000 acres. Reserves totalled 4,069 acres and the purchase price was £10,000. The reserves were clearly marked on the plan in the deed of purchase. The large 'Mangatainoka' block estimated at 62,000 acres was not included in the purchase.

2.95 Leading Rangitāne rangatira signed the southern Bush deed, including Huru te Hiaro, Karaitiana Te Korou, Wī Waaka Kahukura, Mikaera te Rangiputara, and Wirihana Kaimokopuna. Approximately 60 individuals signed the deed up to August 1872.

The Mangatainoka block

2.96 In November 1871, the Crown promoted the enactment of the Railways Act 1871, which provided that the costs of railway construction in Wairarapa and Hawke's Bay be charged against Crown sales of recently acquired land in Seventy Mile Bush. In all, the legislation set aside 296,000 acres of the southern Bush and 147,800 acres of the northern Bush for the railway.

2.97 The legislation specifically included within the area set aside in the southern Bush, the 62,000 acre Manawatū-Wairarapa no. 3 (or Mangatainoka) block and the 7000 acre Mangahao no. 3 block, both referred to as subject to purchase negotiations. This was despite Rangitāne withholding the Mangatainoka block from sale only a month before the Railways Act was passed.

2.98 By 30 June 1871, the Government had spent over £1,300 on preliminary surveys for the Wellington to Seventy Mile Bush to Napier railway. This survey work predated the conclusion of the Seventy Mile Bush purchases. The Government had for some time intended to apply proceeds from resale of the Bush towards the costs of railway construction.

2.99 By mid-1872, a Crown agent believed that Rangitāne rangatira, Hoani Meihana, was reaching the view that sale would enhance the value of their reserves as it would lead to roading and Pākehā settlement. In March 1873, Meihana, Huru te Hiaro, Nireaha Tamaki, and Manahi Paewai, and about 15 other Rangitāne individuals, signed deeds of lien accepting loans secured against the Mangatainoka block, to be repaid as directed by the chiefs on a future purchase being negotiated. Although the lien wording anticipated a sale, there was no agreement to sell the block.

2.100 In February 1875, the Mangatainoka block was partitioned into six parts. Titles were ordered under section 17 of the Native Lands Act 1867, which provided for the names of all the interested parties to be determined. Approximately 165 individuals were granted interests in one or more of the six titles. One of the main objects of the 1867 Act was to ensure that all of the owners were protected, the main safeguard being that no sales of undivided land could occur and no partitioning could occur unless a majority of the owners first agreed.

2.101 Nireaha Tamaki (or Matiu) was awarded interests in four of the Mangatainoka partitions. Nireaha protested in *Te Wananga*, newspaper of the Repudiation movement, that his resident hapū were not awarded land whereas those without proper claims on the land had been admitted. Tamaki vigorously opposed sale. He wrote to Donald McLean

demanding a rehearing, and threatened to resort to arms if his concerns were not addressed. McLean then met with Tamaki, which appears to have resolved matters.

2.102 Between the March 1873 deeds of lien and 1877, the Crown made a number of payments to a few Mangatainoka block grantees, only about four of whom were not parties to the 1873 deeds. The payment receipts were variously expressed as 'on account of purchase' or 'ngā moni utu', 'to be deducted from purchase money', and 'advance on the purchase of Mangatainoka block'. The receipts did not record any agreement on the amount of the block to be sold or the purchase price. Only a small minority – perhaps 24 – of the 165 owners received payments (including the 1873 lien payments).

2.103 In May 1877, Crown officials reported a meeting with Rangitāne in which leading rangatira conveyed the owners' decision to sell 37,000 acres, or about half, of the Mangatainoka block. Officials then 'demanded fulfilment of [the] written agreement', apparently a reference to the 1873 deeds of lien. In response to this demand, Rangitāne stated they would refuse to sell any portion of the block. Leading rangatira alleged they were misled by the translator of the 1873 deeds, 'and that they make themselves personally responsible for money advanced', implying they would personally repay the money, releasing the land from any liability. Officials tried to convince the meeting that the lien agreements meant Rangitāne had agreed to sell the block. The meeting broke up without a resolution.

2.104 Crown Minister, J D Ormond, wired the officials, referring to his disappointment at the stance of rangatira and instructing officials to communicate that the Crown would not allow the Mangatainoka owners 'to breach the agreement' with the Government. He denied there had been any misleading conduct on the part of the Crown's interpreter when the lien deeds were entered into. He refused to accept the offer by rangatira Huru te Hiaro and Peeti te Aweawe to assume personal liability for the lien payments. He threatened that the rangatira had better reconsider, in which case the 'Government will deal liberally with them', but if not, 'the land shall be tied up and reserved from sale or lease, and made liable for the advances'.

2.105 The Crown did not achieve an agreement to purchase Mangatainoka land through the remainder of 1877. In February 1878, the Crown proclaimed a monopoly over the Mangatainoka block, prohibiting all private alienation, including by sale, lease or otherwise. Although the 1875 partition had created six individual Mangatainoka titles, each with their list of grantees, the proclamation designated only the original block of Manawatū-Wairarapa no. 3 (or Mangatainoka). Of the approximately 24 individuals who had accepted lien debts or payments, none of them was an owner of the Mangatainoka 2B block of 3,170 acres. The proclamation therefore stated incorrectly that money had been paid or negotiations had commenced in respect of this block.

2.106 Between 1882 and 1884 the Crown purchased Mangatainoka interests, mostly by dealing with individuals rather than by convening hui of groups of owners or otherwise dealing with recognised leaders of Rangitāne. By 1884 the Crown had expended around £12,000 on acquiring interests in the Mangatainoka block. Incidental expenses amounted to just over £731.

2.107 By February 1885 the Crown had applied to the Native Land Court to have its interests in the Mangatainoka block defined, but Hoani Meihana asked the Government to withdraw its application. He sought instead a meeting with the Minister to discuss the

matter. Meihana listed the chiefs who were 'ngā rangatira tiaki' or chiefs of the land on behalf of the tribe of 'Tanenuiarangi' (another name for Rangitāne), including Nireaha Tamaki, Huru Te Hiaro, and Wirihana Kaimokopuna. The Native Minister minuted the file that Meihana should be told that the Government had bought shares in Mangatainoka and would ask the Court to cut out its portion.

2.108 On 21 April 1885, the Crown's application regarding its interests in the Mangatainoka block was heard in the Native Land Court at Palmerston North. The Crown relied on the Native Land Amendment Act 1877, legislation that empowered the Court to award to the Crown the interests it had acquired in any block. Huru Te Hiaro stated to the Court that 'no satisfactory arrangement' had been reached with the Government over the land, 'although it has been under negotiation since the time of Sir Donald McLean.'

2.109 On 22 April 1885, Hoani Meihana testified in Court that Rangitāne held the block tribally and that a Rangitāne committee had decided which areas to cut out for the Crown and which to hold for Rangitāne. He said that the Government rejected this proposal because, in Meihana's view, it wanted to buy the whole block. Meihana complained that Native Minister Sheehan had not turned up at a meeting of 'all Rangitāne' in January 1879, although he had 'promised' to come. He stated that in 1882 Native Minister Bryce failed to attend another meeting requested by Rangitāne. Meihana gave evidence that Crown agents targeted individual owners in public houses to secure their signatures. He stated: 'I thought this could not be the work of the Government, but of a Company'.

2.110 When Meihana stated that Rangitāne held the land tribally the Court responded that the title was 'to individuals, not to a tribe'.

2.111 Hoani Meihana requested an adjournment of five months. He stated 'this is the last of our land. We have no more. We want five months to make private and tribal arrangements about its disposal or of as much as remains to us'. The Crown opposed such a long adjournment. Native Minister, John Ballance, telegraphed the Crown agent in Court the same day, instructing him to 'object to postponement'. The Court adjourned to the following day, while some Rangitāne, including Huru Te Hiaro and Nireaha Tamaki, left the Court to return to dying relatives.

2.112 When the Court reopened the day following, on 23 April, the Crown submitted to the Court that the case could proceed without hearing from all the Rangitāne owners. It submitted that it was not necessary for Nireaha Tamaki and others to be present on the partition matters as they had already been paid for their interests.

2.113 The Crown called Hoani Meihana to give evidence, but Meihana 'asked for time to think'. The case adjourned to the afternoon. When Hoani Meihana did not reappear, the Crown issued a subpoena to cause him to appear to give evidence. The Crown had earlier that day indicated its willingness to use subpoenas to obtain 'the evidence of some who are wilfully absenting themselves'. The Crown agent telegraphed Native Minister Ballance seeking instructions whether to serve the subpoena on Meihana. Ballance replied: 'If any probability [of] success push matters[.] Meihana has no right to refuse [to] give evidence after asking for adjournment of L[and] Court[.] If we have the Law with us [we] should not be trifled with'.

2.114 When the case resumed on 24 April, the Crown's agent had altered his position, stating that he had reflected on Meihana's words and that the deaths of 'two influential relatives' made it 'expedient' for him to delay the Crown's application.

2.115 The Court next heard the Crown's partition application in late June 1885. The Court's minutes show that the various orders were made without objection, usually an indication that the Crown agent and the non-sellers had reached agreement outside the Court as to how the partitioning would proceed.

2.116 The areas awarded to the Crown in 1885 were calculated by a Crown agent as 42,424 acres out of a total area of 66,395 acres (area revised from the original 1871 estimate of 62,000 acres). Over the following two years, the Crown purchased an additional 14,305 acres. The Crown acquired approximately 90 acres under public works legislation for the Ngaawapurua bridge. Other purchases followed. By 1890, the Crown had acquired some 58,000 acres, approximately 87 percent of the block. Rangitāne rangatira Huru te Hiaro, Nireaha Tamaki (or Matiu), Wirihana Kaimokopuna, and Peeti Te Aweawe, figured prominently in the list of remaining owners.

2.117 In 1877, Nireaha Tamaki and Huru Te Hiaro reached an agreement with the Crown allowing construction of a bridge across the Manawatū river, at the northern end of the Mangatainoka block. In return, the Crown agreed to pay them a subsidy of £25 per annum for continuing to operate a ferry service across the Manawatū river. In 1881, Nireaha and Huru entered into a new agreement with the Crown, relinquishing their rights to conduct the ferry crossing for a payment of £100. The Crown did not intervene later to enable free passage for Nireaha and Huru on the ferry service now run by the local council, contrary to the chiefs' expectations and protests. The Crown completed the Ngaawapurua bridge in 1885. Delays in compensating the owners of the land taken for the bridge were encountered while the relevant land was partitioned by the Native Land Court.

2.118 After 1890, most sales in Mangatainoka block were to private purchasers. Today, approximately 460 acres remain, representing less than one percent of the 66,000 acres in the original block.

'NGĀ TOHU O TE HAKI': EARLY LANDLESSNESS AND PROTEST MOVEMENTS

Crown-Rangitāne political engagement in 1860s

2.119 During the New Zealand Wars of the 1860s, many Rangitāne in Wairarapa and Tamaki nui-ā-Rua became adherents of the Kīngitanga (or King movement) in Waikato. In August 1861, a Crown official listed Rangitāne rangatira Wī Waaka, Retimana te Korou and Ihaia Whakamairu at Masterton/Ōpaki as among those sympathetic with the Kīngitanga. In 1868, official comments suggested that only a minority of Wairarapa Māori remained neutral or 'loyal' during the period of the 1863-66 conflicts in Waikato and Taranaki. The Pai Mārire ('good and peaceful') faith arrived in the Wairarapa in 1865 and many of the Kīngitanga adherents adopted this new movement that promised the achievement of Māori autonomy. Karaitiana Te Korou became a scribe of the Pai Mārire scriptures, the *Ua Rongopai,* while Wī Waaka and others fought with Pai Mārire inspired groups in Taranaki in the 1865-66 period, several dying in the conflicts. Some Wairarapa Māori expressed solidarity with Pai Mārire by adopting ancestral names. Wī Waaka, for example, adopted the name 'Rangiwhakaewa'. But despite several alarms throughout the decade – mostly local responses to conflicts in other regions – the Wairarapa and Tamaki nui-ā-Rua regions experienced no armed conflict.

Pāora Pōtangaroa

2.120 Pāora Pōtangaroa was a prophetic leader of Rangitāne descent affiliating to Te Hika a Pāpāuma and Ngāti Hāmua. In 1877, Pāora and others wrote from Āohanga on behalf of Te Hika a Pāpāuma referring to 'the teeth of these [native land] laws which are voracious in consuming people and land. It is because we the Māori people have seen the fault of decision making of this entity, the court, a stranger who owns the land, deciding in favour of the person who speaks falsehoods... We are not agreeable to these laws'.

2.121 In March 1881, Pōtangaroa hosted an important hui at Te Oreore (Masterton) at which he presented a flag divided into sections with stars in each, and with several other symbols including a korowai and an army tunic. He challenged the hui to interpret their meaning, but no-one could do so. Some weeks later Pāora eventually revealed his matakite (vision) to the people, declaring that Rangitāne and other Wairarapa Māori should not sell or lease their lands, and should not pay debts. It became apparent that the sections of the flag were the large blocks sold, while the stars were small reserves remaining in Māori possession. These were 'ngā tohu o te haki', the symbols of the flag of Pāora Pōtangaroa. Later it was reported that Pōtangaroa had declared at the hui that the island (New Zealand) was in mourning because the land and authority had been taken from Māori by the Pākehā (or Crown). He said the army tunic represented the authority by which the Kāwanatanga (Government or Crown) was devouring the land.

2.122 Pāora also held out hope for his people. He told them that, when their faith was strong, he would swim the ocean in a soldier's uniform to take the Treaty of Waitangi to Queen Victoria to ask her to honour it. Many people considered this prophecy to be fulfilled by the members of the Wairarapa Native Mounted Rifles who travelled to London in 1897 to attend Queen Victoria's Diamond Jubilee celebrations. Rangitāne communities, including hapū from Seventy Mile Bush attended the hui in 1881, indicating region-wide concern for the issues highlighted by Pōtangaroa.

2.123 Pōtangaroa took a leading role in establishing the whare rūnanga (meeting house) named Ngā Tau e Waru at Te Oreore marae. Rangitāne and other Wairarapa Māori continued to meet regularly, including at Te Oreore, to commemorate Pōtangaroa's prophecies. Today, Ngā Tau e Waru remains a focal point for Ngāti Hāmua and other Rangitāne people.

Problems with applying Equitable Owners legislation

2.124 In 1886, the Crown introduced legislation that became the Native Equitable Owners Act 1886. The Act was designed to remedy prejudice arising from ten-owner titles awarded under the 1865 native lands legislation, which had led to some grantees selling, leasing or mortgaging land without consulting the wider community of Māori with customary interests in the land. The 1886 Act empowered the Native Land Court to introduce new named beneficial owners to the titles of blocks that had previously been awarded to only ten grantees.

2.125 The Act did not resolve many of Rangitāne's grievances arising out of the ten-owner rule. On several occasions over the period 1890 to 1910, claimants to various reserve blocks in Seventy Mile Bush applied under the equitable owners legislation for their names to be introduced to the title. In the case of the Ahuatūranga, Umutaoroa (Manawatū no. 1) and Tuatua (Whiti-a-Tara) reserves, various courts ruled that they

were unable to apply the 1886 Act or its successor legislation as the titles to these blocks had not been awarded under the Native Land Act 1865. Although in 1870 the Court determined who should be the owners of the parent blocks, it did not formally issue certificates of title under the 1865 Act before the Crown completed the purchase of the parent blocks in the 1871 northern Bush transaction. The Crown subsequently granted title to the reserves agreed in the 1871 sale under the Volunteers and Others Lands Act 1877 to the ten or fewer owners named in the 1870 Court decision. A judgment of the Supreme Court (as the High Court was then called) of 1906 confirmed that the Native Land Court had no jurisdiction to consider equitable owners claims as the Crown grant had been issued under the 1877 Act without reference to any title issued under the native land legislation.

2.126 Rangitāne claimants protested about this situation, including taking petitions to both Parliament and Ministers. Although the Crown made various attempts to address the situation, claimants were left without a legal remedy.

2.127 Applications under the Equitable Owners legislation for the Kaitoki, Mangatoro, and Oringiwaiaruhe blocks, awarded title in 1867, were unsuccessful because the legislation did not apply to blocks where land had already been sold. There was no legal remedy available to these claimants whereby their claims to the remaining portions of the blocks could be determined.

2.128 In some instances, applications under the Equitable Owners legislation did succeed. In 1892, the Native Land Court investigated the Piripiri block, awarded titled in 1870 under the Native Land Act 1865, and found that the original grantees held the land on trust in 1870 and 'owners have manifestly been omitted from the block'. From an original number of ten owners, the Court re-awarded title to 124 owners. In 1897, the Native Land Court re-awarded title to 74 owners in Tahoraiti no. 2 block. Additional names were also added to the Tahoraiti no. 1 block. The Tahoraiti block was originally awarded title in 1869.

Sale of reserves in Seventy Mile Bush

2.129 Following the Tamaki (or northern Bush) purchase of August 1871, five reserves were set aside at Umutaoroa, Te Ohu, Te Whiti-a-Tara (or Tuatua) and Ahuaturanga (two reserves) comprising an estimated 20,000 acres out of a total purchase area of 250,000 acres. The October 1871 purchase deed for the southern Bush referred to eight reserves comprising 4,369 acres out of a total area of 125,000 acres. Between 1872 and 1883, the Crown purchased six of these southern Bush reserves.

2.130 In August 1892, Rangitāne rangatira including Nireaha Tamaki and Huru Te Hiaro wrote to the Native Minister complaining of 'the evils under which Rangitāne are suffering', including ten-owner titles and 'the Reserves made in the blocks of land sold to the Gov[ernmen]t. It was thought by the Tribe that these Reserves were made for the occupation and maintenance of the Tribe, now it is seen that these Reserves are being sold'. They continued, saying '[h]ence the Tribe of Rangitāne are grieved as it appears that before long there will be no land at all for them to live on (except the sets of 10 persons who have got the land)'. The Crown filed this complaint 'until the matter crops up again'.

2.131 The remaining Seventy Mile Bush reserves were entirely alienated within two decades of the writing of this letter. Equitable owners legislation and other alienation restrictions did

not ultimately preserve the reserves in Rangitāne ownership. By 1900, the Umutaoroa and Te Ohu reserves in the northern Bush were completely sold. The Te Whiti-a-Tara and Ahuaturanga reserves were both completely alienated by 1913 after owners offered to sell or applied to lift alienation restrictions, and after dismissals of the equitable owners claims made by parties outside the titles. In the southern Bush in 1908 and 1909, the Crown removed all remaining restrictions on alienation from the titles of the remaining Eketahuna and Pahiatua reserves and both the Crown and private parties acquired the reserves.

2.132 By 1913, therefore, all the reserves set aside in the two large Seventy Mile Bush Crown purchases of 1871 had been completely alienated. Rangitāne communities between Norsewood and south of Eketahuna were left with the remaining portions of the Mangatainoka block, a 20 acre reserve at Kauhanga (near the Manawatū Gorge), and with scattered and largely small areas in the northern Bush.

Nireaha Tamaki's Privy Council Appeal

2.133 In 1892, Huru te Hiaro and two others petitioned Parliament seeking compensation for a surveying error which they said deprived them of more than 5,000 acres between the Kaihinu and Mangatainoka blocks. In July 1893, the Crown offered for sale land that included the the area claimed by Huru te Hiaro.

2.134 In 1894, Nireaha Tamaki applied to the Supreme Court (as the High Court was then called) for a ruling that the disputed land was improperly offered for sale. He alleged that the land formed part of the Mangatainoka block retained by southern Bush Māori or, alternatively, was still customary land. On the questions of law being removed into the Court of Appeal, that Court found, in *Nireaha Tamaki v Baker* (1894), that it had no jurisdiction to consider the legality of Crown dealings with Māori land. This ruling was based on an earlier decision, *Wi Parata v the Bishop of Wellington* (1877), which saw these as unreviewable state actions.

2.135 Nireaha appealed to the Privy Council and succeeded, in *Nireaha Tamaki v Baker* (1901), on the legal point that the courts could review whether Crown dealings over Māori land were in accordance with statutory provisions that authorised Crown action. The Council also found that New Zealand legislation recognised the existence of native custom. It observed that a lack of survey was seemingly an important issue in the case. This decision allowed Nireaha to ask the courts in New Zealand to again try the question of whether the disputed 5,184 acres were in fact still owned by southern Bush Māori.

2.136 In response to the Privy Council's decision, the Crown negotiated a settlement with Nireaha Tamaki and promoted the Native Land Claims Adjustment and Laws Amendment Act 1901 to implement this and other settlements. The Crown agreed to pay £4566 to the former owners, to extinguish their claims to the land. The Native Land Court was to determine who these owners were. In 1904, after the various parties had reached agreement, further legislation was passed confirming that all legal actions relating to the matter were discontinued. The Crown also successfully managed through Parliament the Land Titles Protection Act 1902 to prohibit Māori from litigating land titles awarded more than ten years before the passing of the legislation.

Kotahitanga

2.137 In the 1890s, Rangitāne hapū and communities supported the Kotahitanga (tribal unity) movement, which in Wairarapa was centred on the paremata (parliaments) at Pāpāwai. Nireaha Tamaki and other Rangitāne rangatira played important roles in the Pāpāwai paremata. The Kotahitanga paremata, hosted around the North Island in the 1890s, garnered support from many iwi and sought official Crown recognition of their status as a decision making body for Māori.

2.138 In 1897, a Māori military unit that included some Wairarapa members aligned to Kotahitanga, the New Zealand Mounted Rifles, travelled with a New Zealand party to England to participate in Queen Victoria's Diamond Jubilee as a guard of honour. Captain Rīmene, of Rangitāne whakapapa, was a member of this party. The Kotahitanga contingent presented a petition to the British Parliament, seeking to retain the remaining 5,000,000 acres of Māori land nationally in iwi ownership. Kotahitanga Māori in Wairarapa saw this petition as fulfilling a specific prophecy of Pōtangaroa in 1881, in which Pōtangaroa would swim the ocean in a soldier's uniform to seek a remedy from the Queen for the ills of the land.

2.139 The petition was embarrassing for the Seddon Government. On his return from England, Seddon brought a Bill proposing reforms to the Native land laws to Kotahitanga hui at Pāpāwai. In 1900 the Māori Lands Administration Act 1900 and the Māori Councils Act 1900 were enacted. This legislation conferred a degree of control over land and other matters on local councils, although Māori opinion on its merits was divided. Māori involvement in the management of land, however, was curtailed by the Māori Land Settlement Act 1905. Section 5 of this legislation provided for three-member Māori Land Boards, of whom only one member needed to be Māori. Legislation in 1913 removed direct Māori involvement in land vested in Boards.

Wairarapa Moana

2.140 Wairarapa Moana, comprising Lake Wairarapa and Lake Ōnoke and their associated waterways and wetlands, supplied abundant kai and other resources for Rangitāne communities over many centuries, including the hapū Ngāti Hāmua and the aho-rua or shared hapū, Ngāi Tūkoko, Ngāti Hinetauira, and Ngāti Te Whakamana. The lakes were plentiful in tuna (eel), flounder, whitebait, kokopu, ducks, fern root and korau. Rangitāne tradition relates how Wairarapa Moana was named by a tōhunga (tribal expert) aboard the Kurahaupō waka, Haunui-ā-Nanaia. After the sun reflected off the lake making his eyes water, he named the lake 'Wairarapa', meaning flashing or glistening waters. The whakatauākī 'Ka rarapa ngā kanohi ko Wairarapa' is said to record this event.

2.141 In the early and extensive Crown purchases of 1853-1854, the Crown acquired four blocks surrounding the lakes, Turakirae, Tūranganui, Tauherenīkau, and Kahutara. The Crown on-sold much of this land to Pākehā settlers. Tension arose between settlers and Māori over the opening of the spit at Lake Ōnoke. The natural action of the ocean at Palliser Bay against the spit caused the spit to be completely closed for several months of the year. The closed spit allowed Wairarapa Māori to catch many tons of kai over the summer months. Tuna (eel) in particular would pool in huge numbers in the lower lake. The closed spit also led to flooding of low-lying land surrounding Wairarapa Moana. Settlers occupying and farming this land wished to open the Ōnoke spit to drain the Lakes system and reduce flooding.

2.142 Settlers and Māori asked the government for a solution. In 1876, the Crown attempted to purchase the lakes. However only some rights-holders were dealt with, and leading rangatira protested about this transaction. In November 1883, the Native Land Court awarded ownership of the Lakes to 139 Māori owners, and did not refer to its previous 1882 finding that the Crown had acquired 17 undivided interests (via the 1876 transaction). In 1890, the Crown established a Royal Commission in response to a petition by Wairarapa Māori about the lakes issues. In 1891, the Commission concluded that Donald McLean had promised Wairarapa Māori in 1853 that Wairarapa Moana would not be opened at Ōnoke. It found that Māori retained ownership of the lakes and the spit, and that they retained their fishing rights but were not justified in allowing the lakes to flood the land sold to the Crown. It recommended compensation for Māori over some land adjacent to the lakes that it found the Crown had not purchased in 1853-54. It also recommended solutions to the flooding problem.

2.143 The Crown did not adopt the Commission's recommendations. Instead, in 1896, the Crown and Wairarapa rangatira entered into an agreement in which Māori gifted or transferred the lakes in return for 'ample reserves' surrounding the lakes. The Crown paid compensation of £2000, apparently in lieu of court and other costs Māori had expended in the lake struggles. The Crown did not provide reserves in the vicinity of the lakes as the parties had agreed in 1896. After a convoluted bureaucratic process lasting some two decades, the Crown finally provided land north of Lake Taupō in substitution for reserve land near the lakes. Some Wairarapa Māori whānau eventually relocated to this southern King Country land, known as the Pouākani block. The Crown only provided formed road access to this remote area in the late 1940s.

'NGĀ TAU O TE KOREKORE': THE TWENTIETH CENTURY

Nineteenth century land loss and twentieth century landlessness

2.144 In 1886, a government return of Māori land for Wairarapa and Tamaki nui-ā-Rua showed that approximately 215,500 acres was reserved or made inalienable for Māori. In addition, there was customary land that had not passed through the Court, being a total of 95,442 acres for 'Wairarapa West' and a portion of northern Tamaki nui-ā-Rua, perhaps around 140,000 acres. Perhaps 450,000 acres or 18 percent, then, out of a total land area of approximately 2,500,000 acres, was still in Māori possession by the mid-1880s.

2.145 By the time of the Stout-Ngata Commission reports of 1908-1909, around 129,000 acres remained in Māori ownership in Wairarapa and the southern Bush, while approximately 124,000 acres remained in the northern Bush and coastal Tamaki nui-ā-Rua. In total, therefore, about 253,000 acres remained in Māori ownership by 1908, representing approximately 10 percent of the total region. Commission figures did not record any remaining customary land in the region.

2.146 In 1908, the Commission described Māori society and economy, observing that '[t]here appears to be very little actual farming among the Māoris [sic] in this district. Most of the younger people are working for Europeans, and the older ones are depending largely on rents for their livelihood'. They noted the desire of many Wairarapa Māori 'to begin farming on a proper basis' and underlined that 'the small remnant' of unalienated lands should be reserved for Māori occupation.

2.147 In its final report on native land generally, the Commission commented that many of the economic problems arising from under-utilised Māori land could have been solved long ago 'if the Legislature had in the past devoted more attention to making the Māori an efficient farmer and settler'.

2.148 Despite Rangitāne and other Māori in the region retaining only ten percent of their original land holdings by 1909, and despite the warnings of the Stout-Ngata Commission, the Native Land Act of 1909 removed many restrictions on alienation. In the years 1910-1919 alone, about another 13,000 acres was alienated within the Tamaki nui-ā-Rua takiwā. With such widespread alienation by the early twentieth century, Rangitāne communities increasingly eked out a precarious existence based on subsistence agriculture and labouring work for Pākehā-owned farms and businesses.

2.149 By 1939, approximately 3.5 percent of the Wairarapa and Tamaki nui-ā-Rua region remained in Māori land titles. The effect of almost total alienation by mid-century left Rangitāne communities impoverished and unable to engage in a meaningful way with a New Zealand economy based on the ownership of land and other forms of capital. This poverty contributed to human suffering and social ills, including educational underachievement, family violence and youth suicide.

2.150 Today, approximately only 2 percent of the region is owned under a Māori land title.

Public Works Takings

2.151 From the 1870s the Crown and local authorities used legislative powers to compulsorily take Rangitāne land for public purposes. There was limited, if any, consultation with Rangitāne or with Māori generally about the policy and enactment of public works legislation before the middle of the twentieth century. About 1,700 acres in total were taken from Rangitāne and other Māori over the whole region up until the year 1981. Direct consultation with all owners was uncommon until the second half of the twentieth century. In most cases it appears compensation was paid when it was due, though occasionally after significant delays.

2.152 In the 1870s and 1880s, there is no evidence of consultation with Māori owners prior to roads being constructed through the Whakataki reserve in the Castlepoint block.

2.153 The Crown compulsorily took approximately 587 acres from Rangitāne owners for railway purposes in the Seventy Mile Bush during the 1880s-90s period. Mangatainoka block railway takings alone totalled around 160 acres.

2.154 In 1888, the Crown took 16 acres of reserved land at Eketahuna for railway purposes. The Eketahuna reserve was one of the few reserves in the southern Seventy Mile Bush purchases. Compensation of £78 was paid in 1892.

2.155 In 1905, the local road board obtained a proclamation taking Māori reserve land in the Tautāne block for a road. The road was taken at the request of a neighbouring landowner, apparently to enable better access to his property from the main road (that also ran through the reserve). It appears the board did not notify or consult the Māori owners prior to the taking and did not advise the Crown's central roads department of its intentions. However it followed the statutory process set out in the public works

legislation, meaning Crown officials were unable to intervene to prevent the taking. Compensation was finally paid some four years later.

Dannevirke takings

2.156 There were a number of public works takings of Māori land by both the Crown and local council in the vicinity of Dannevirke. These takings occurred mostly in the first half of the twentieth century and amounted to over 300 acres.

2.157 In 1900, the council took 3 acres for the Dannevirke gravel pit from Tahoraiti no. 2 block. Local Māori protested against the taking. Twelve years later compensation was paid to the Māori land owners. The land was not returned to Māori once the gravel pit was exhausted, and was disposed of to a private party in 1955. There is no evidence the original owners were ever approached about the return of the land, although the council was under no legal obligation to do so.

2.158 In 1904, the Crown took 10 acres of Māori land for a rifle range. There is no evidence that the Public Works Department notified the Māori landowners of its intention to take the land. The land was sold to a descendant of a former owner after 1956 when no longer required for defence purposes, even though the public works legislation of the time did not require the land to be offered back to the descendants of the original owners.

2.159 In 1911, the Crown took 38 acres at Mākirikiri for scenery preservation. Compensation was determined in 1912. In 1913, the Crown vested the reserve in the local council. Later some of the land was subdivided and leased by the council, and a small portion became a rubbish dump in 1951. Since reclassification in 1983, the land has been part scenic and part recreation reserve administered by the council.

2.160 Between 1933 and 1956, a Māori landowner, Eriata Nopera, leased 100 acres to the Dannevirke Airport Association for an aerodrome. During this period, central government agencies spent more than £13,000 developing the aerodrome. Towards the end of the lease, the council attempted to negotiate a purchase of the land, but the parties could not agree on price. The council moved to compulsorily acquire the land. The beneficial owner at that time, Muri Paewai, objected to the taking. She wanted to keep the land to farm for herself and her family. She protested that locals using the aerodrome for aerial top-dressing would benefit from the taking, rather than the public generally. The council took the land in 1956. Compensation of £10,000 was awarded. In the 1970s and 1980s, the council expanded the aerodrome, in two cases exercising a statutory power to exchange land with neighbouring property owners without first offering these portions back to the Paewai family. These events created significant grievance for the Paewai family and the wider Rangitāne community in the Dannevirke area.

'TE TAIAO ME TE TAONGA': IMPACTS ON ENVIRONMENT AND TAONGA

2.161 The settlement of Wairarapa and Tamaki nui-ā-Rua resulted over time in significant transformation of the environment.

2.162 Following the Crown's extensive purchasing in the Seventy Mile Bush in the later nineteenth century, much of the Seventy Mile Bush was cut down to make way for agricultural uses, roading and railways along with the new towns of Norsewood,

Dannevirke, Pahiatua, and Eketahuna. The Crown provided for the settlement of immigrant communities in these new towns, many from Scandinavia.

2.163 At the same time, Rangitāne kāinga (villages), and food and medicinal sources, were detrimentally affected by this loss of Te Tapere-nui-o-Whātonga. The huia bird, highly-prized by Rangitāne, succumbed to this loss of habitat and died out. Other bird species declined in numbers. Rangitāne say their people suffered not just physically but also psychologically and spiritually from the loss of the forest and its taonga. The wildlife reserve at Pūkaha/Mt Bruce contains some of the last remnants of Te Tapere-nui-o-Whātonga.

2.164 The felling of forests and the draining of wetlands for settlement and agriculture also led over time to the degradation of rivers and lakes, and the loss or diminution of indigenous fish species, including eel. The large-scale forest clearance was followed by the introduction of exotic grasses, crops and animals. These changes affected adversely the traditional ways of life of Rangitāne communities, including traditional food-gathering and fishing, and contributed to the loss of ancestral knowledge and tikanga (custom).

2.165 The modification of the course of the Ruamahanga river and the opening of Wairarapa Moana outlet at Lake Ōnoke, coupled with the introduction of exotic fish species, impacted adversely, over time, on seasonal fishing resources. These changes also affected detrimentally the relationship of Rangitāne communities to many of their sacred sites, including urupā (burial places).

2.166 Changes to the environment occurred under management regimes set up by the Crown which did not, until the late 1980s, provide for the recognition of Māori cultural values and practices. In particular, Crown policy until the late 1980s did not require Māori needs and values to be taken into account in the management of rivers. Crown policy in general limited the ability of Rangitāne to exercise their kaitiakitanga over their natural environment and taonga.

'TŪ MAI RĀ, RANGITĀNE': RANGITĀNE IDENTITY AND RESURGENCE

2.167 The early Crown purchase deeds of 1853 to 1865 did not include references to the tribal identity of Rangitāne in Wairarapa and Tamaki nui-ā-Rua. Many deeds did make reference to another tribal identity.

2.168 In the 1870s and 1880s, the Crown compiled 'censuses' of the Māori population that reported on aspects of iwi affiliation. In these censuses there were few references to the tribal identity of Rangitāne in the Wairarapa and Tamaki nui-ā-Rua regions. Nevertheless many leading claimants to the Native Land Court from the 1860s to the 1910s identified as Rangitāne or made claims on the basis of their Rangitāne whakapapa. Rangitāne people continued to identify as Rangitāne in their own narratives and engagements with each other, as recorded in their own whakapapa records and Māori language newspapers.

2.169 Rangitāne identity remained visible in other ways throughout the nineteenth century in Wairarapa and Tamaki nui-ā-Rua. The *Nireaha Tamaki v Baker* litigation of the 1890s gave prominence to Nireaha Tamaki and Rangitāne throughout the country, the case being framed in part on the Native Land Court's 1871 award of title for the Mangatainoka block to 'the Rangitāne tribe'. Nireaha played an important role at the Pāpāwai

parliaments of Kotahitanga and became an advisory counsellor of the Rongokako Māori Council.

2.170 As the Rangitāne land base dwindled by the early twentieth century, Rangitāne struggled to maintain their relationships with their whenua and their traditional ways of life. After World War Two, tribal populations moved to towns and cities seeking work and this posed additional challenges to maintaining traditional knowledge, ways of life, and Rangitāne identity. Urbanisation also resulted in pressures towards assimilation into the surrounding Pākehā culture.

2.171 Crown-run schools, for much of the twentieth century, made little allowance for te reo Māori (Māori language) or cultural expressions, leading to further Māori alienation from their culture. In some cases, Crown schooling inflicted significant cultural and psychological harm by discouraging the speaking of te reo Māori in the school environment.

2.172 The Pāpāwai and Kaikōkirikiri Trusts Act 1943 established a new board to manage properties granted to the Anglican Church by the Crown in 1853 for educational purposes. The Act made no reference to Rangitāne, despite Rangitāne tūpuna being among those who gifted the land for these purposes. This gift and the 1943 legislation were in part facilitated by the Crown. Rangitāne consider that scholarship applicants to the trust who referred to their Rangitāne whakapapa and affiliation were disadvantaged. Governmental and parliamentary inquiries over a number of decades identified inadequacies in administration of the gifted lands.

2.173 Rangitāne considers that up until the early twentieth century, Rangitānetanga (Rangitāne traditions and culture) remained strong, a reflection of the ongoing importance of te reo Māori and tikanga Māori (Māori custom) within Rangitāne communities. However the combined effects of rapid land loss, the destruction of Te Tapere-nui-o-Whātonga (Seventy Mile Bush), the decline in te reo Māori, urbanisation and other socio-economic circumstances probably contributed to the weakening of traditional knowledge among Rangitāne people. Rangitāne considers that this weakening of Rangitānetanga, particularly through the middle and later parts of the twentieth century, and the comparatively few references to Rangitāne identity in government records, are reasons why Rangitāne people emphasized other tribal affiliations in their dealings with the Crown.

2.174 The Māori cultural revival of the 1970s and 1980s led to Rangitāne people reasserting their identity as Rangitāne, creating intense debate within the region. Rangitāne people and marae worked to reassert their Rangitānetanga in social, cultural, political and government domains. Rangitāne consider that, during this period, some of their people felt excluded from some employment opportunities within government agencies, from access to marae and other Māori development funding, and from education scholarships and other opportunities because they identified as Rangitāne.

2.175 Despite these challenges, Rangitāne people, marae and other organisations have successfully re-established working relationships with government agencies, local government and other parties. Recent census figures indicate a resurgence of Rangitāne identity in the region.

3 ACKNOWLEDGEMENT AND APOLOGY

ACKNOWLEDGEMENT

3.1 The Crown acknowledges that it has failed to deal with the longstanding grievances of Rangitāne in an appropriate way and that recognition of these grievances is long overdue.

Crown Purchasing pre-1865

3.2 The Crown acknowledges that:

3.2.1 it threatened to end Pākehā settlement in Wairarapa unless Rangitāne sold land to the Crown and gave up the pastoral leases to settlers, which were providing Rangitāne with income and trade benefits in the 1840s and early 1850s;

3.2.2 it carried out an extensive series of purchases in the period 1853-1865 in Wairarapa and Tamaki nui-ā-Rua, and that in respect of these purchases it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by:

(a) failing to obtain the consent of key rights holders in the Tautāne block purchase, including Hēnare Matua, rangatira at Tautāne, who wished to retain the land;

(b) failing to adequately discharge its obligations under the 'koha' or 'five percent' clauses that were incorporated into certain purchase deeds, under which the Crown set aside funds for Māori benefit derived from on-selling the land; and

(c) failing to properly survey, set aside or protect from being taken up by settlers, lands intended to be reserved from some purchases, or unreasonably delaying issuing grants of reserves where these were promised;

3.2.3 following the sale of their land to the Crown at low prices, Rangitāne did not receive all the educational, health, and economic benefits that the Crown had led them to expect from selling their land to the Crown and from the 'koha' fund.

The Native Land Laws

3.3 The Crown acknowledges that:

3.3.1 it did not consult Rangitāne before introducing native land laws that provided for the individualisation of Māori land holdings, which had previously been held in tribal tenure;

3.3.2 the Native Land Court title determination process carried significant costs, including survey and court costs, which at times contributed to the sale of Rangitāne land;

3.3.3 the operation and impact of the native land laws in the Seventy Mile Bush or Tamaki nui-ā-Rua region, and in Wairarapa, from 1865, in particular the awarding of land to individuals and the enabling of individuals to deal with that land without reference to the iwi and hapū, made the lands of Rangitāne and its constituent hapū more susceptible to partition, fragmentation and alienation. This contributed to the erosion of the customary tribal structures of Rangitāne and its constituent hapū, which were based on collective ownership or trusteeship of land; and

3.3.4 it failed to take steps to adequately protect the traditional tribal structures of Rangitāne and its constituent hapū and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

3.4 The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by failing to provide a legal means for the collective administration of Rangitāne land until 1894, by which time the bulk of Rangitāne land had been alienated.

Te Tapere-nui-o-Whātonga (Seventy Mile Bush) post-1865

3.5 The Crown acknowledges that in some cases it applied unreasonable pressure to obtain signatures in favour of sale of certain northern Seventy Mile Bush blocks, actions that were in breach of te Tiriti o Waitangi/ the Treaty of Waitangi and its principles.

3.6 The Crown acknowledges that it pressured Rangitāne rangatira and hapū to sell their interests in Mangatainoka block in the southern Seventy Mile Bush by misrepresenting loan agreements as agreements to sell the block, and unreasonably imposing monopoly powers over the whole of Mangatainoka after rejecting a Rangitāne offer to sell more than enough Mangatainoka land to repay the Crown's advances. The Crown acknowledges that it did not negotiate in good faith, and failed to actively protect Rangitāne interests, and that its conduct of negotiations for Mangatainoka breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

3.7 The Crown acknowledges that:

3.7.1 under the native land laws, most titles in Seventy Mile Bush were granted to ten or fewer owners;

3.7.2 Rangitāne hapū understood that, in most cases, these named owners were to act as trustees for the wider community, but the native land laws allowed the owners to sell the land granted to them without the consent of the wider community of customary owners and without their participation in the benefits of the sale;

3.7.3 although it introduced the equitable owners legislation in 1886 to remedy this situation by providing for the addition of other customary owners on legal titles, the Crown failed to ensure that this remedy could be applied to a

number of blocks, including reserve blocks, in Seventy Mile Bush. These Crown actions and omissions caused prejudice to Rangitāne and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Political Movements

3.8 The Crown acknowledges that:

3.8.1 Rangitāne rangatira and communities were involved in collective efforts to resist land sales and the loss of iwi and hapū integrity. These movements included the Repudiation movement, Pōtangaroa's prophetic movement, the Kotahitanga parliaments, and the efforts of Nireaha Tamaki to bring Crown dealings with customary title under court scrutiny; and

3.8.2 it did not always recognise these movements nor address the grievances they raised.

Wairarapa Moana

3.9 The Crown acknowledges that:

3.9.1 for Rangitāne hapū, the Wairarapa Lakes and their associated waterways and wetlands were a taonga and an abundant source of food and other customary resources;

3.9.2 in 1896 the Crown addressed settlers' concerns about the flooding of agricultural land by securing a transfer of the Wairarapa Lakes from Rangitāne and other Wairarapa Māori;

3.9.3 it failed to meet its obligations under the Lakes agreement to provide ample reserves in the vicinity of the Lakes and provided instead remote and inaccessible land north of Lake Taupō, at Pouākani, after a delay of two decades; and

3.9.4 its accumulated acts and omissions in relation to the Lakes agreement breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Public Works Takings

3.10 The Crown acknowledges that:

3.10.1 there was limited, if any, consultation with Rangitāne or with Māori generally about the policy and enactment of public works legislation before the middle of the twentieth century;

3.10.2 consultation with Rangitāne communities prior to some takings was negligible or absent;

3.10.3 land taken for public works was in some cases disposed of to a third party rather than offered back to the original Rangitāne owners; and

3.10.4 Rangitāne communities have suffered land loss through public works takings and these losses have in many instances created a sense of grievance within Rangitāne communities that is still held today.

Landlessness and Socio-economic Impacts

3.11 The Crown acknowledges that:

3.11.1 the cumulative effect of Crown purchasing, the native land laws, public works takings, and other forms of alienation, left Rangitāne with insufficient land by 1900 to engage meaningfully with the colonial economy or to provide for their future needs in the twentieth century;

3.11.2 Rangitāne communities are virtually landless today; and

3.11.3 its failure to ensure Rangitāne retained sufficient land for their socio-economic needs caused real and lasting prejudice to Rangitāne communities and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

3.12 The Crown further acknowledges that Rangitāne communities have suffered from social deprivation and disadvantage for too long.

Loss of Environment or Taonga

3.13 The Crown acknowledges that:

3.13.1 Rangitāne consider their lands, mountains, rivers, wetlands and lakes as taonga, as part of their identity, as significant sources of food and other resources, and as integral to their spiritual and material well-being;

3.13.2 this Rangitāne environment has been degraded over time through deforestation, introduction of exotic species and pests, agricultural and industrial waste, road works and drainage works, and these changes have detrimentally affected the relationship of Rangitāne communities to many of their urupā (burial places) and sacred sites and have been a source of distress and grievance for Rangitāne; and

3.13.3 historic environmental legislation before the late 1980s did not provide for the recognition of Māori cultural values and practices and limited the ability of Rangitāne to exercise kaitiakitanga (or stewardship) over their natural environment or taonga.

Te Tapere-nui-o-Whātonga (or Seventy Mile Bush)

3.14 The Crown acknowledges that:

3.14.1 the ancient forest formerly covering the western part of the Tamaki nui-ā-Rua region and the north-western part of the Wairarapa region, and known as 'Te Tapere-nui-o-Whātonga', was a taonga of great significance to Rangitāne

communities and was a key source of Rangitāne's spiritual and material well-being;

3.14.2 large-scale Crown purchasing and settlement in this area resulted in primarily agricultural land uses and the almost total loss of this forest taonga and resource, along with many indigenous species, among these the highly-prized huia bird; and

3.14.3 the loss of these taonga deprived Rangitāne of an important link to the tikanga and way of life of their ancestors, and has been a source of distress and grievance for Rangitāne.

Impacts on Culture and Identity

3.15 The Crown acknowledges that the Rangitāne experience of large-scale land loss in the nineteenth century, urbanisation in the twentieth century, and the state education system that discouraged the use of te reo Māori, contributed significantly to Rangitāne struggling to maintain their traditional marae communities and becoming alienated from their own cultural traditions and language.

3.16 The Crown acknowledges that:

3.16.1 it has been a source of distress and grievance for Rangitāne that they were not named in the 1943 legislation that governs the administration of land at Pāpāwai and Kaikōkirikiri that was gifted by Rangitāne and other Wairarapa rangatira to the Anglican Church for the purpose of schools; and

3.16.2 inadequacies in the administration of the gifted lands identified by various governmental and parliamentary inquiries were not remedied by legislative or other means for many decades, and these inadequacies and delays were an ongoing source of grievance in Rangitāne communities.

3.17 The Crown acknowledges Rangitāne as an iwi of Wairarapa and Tamaki nui-ā-Rua regions. The Crown acknowledges that its former limited recognition of Rangitāne contributed to the challenges experienced by Rangitāne in maintaining a distinct iwi presence from 1840 to the present. The Crown further acknowledges the efforts of Rangitāne, especially from the 1980s, to re-establish its identity in the region, including with Crown agencies and local authorities.

APOLOGY

3.18 The Crown recognises the efforts of the ancestors of Rangitāne in pursuit of redress and justice for the Crown's wrongs, and offers this apology to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, to their ancestors and to their descendants.

3.19 The Crown is deeply sorry for its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and for the effect that these breaches have caused to generations of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.

3.20 The Crown sincerely regrets that on a number of occasions it failed to negotiate in good faith and actively protect Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua interests when purchasing land in their takiwā.

3.21 The Crown profoundly regrets that it failed to actively protect the tribal structures of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua after it promoted native land legislation which individualised their previously tribal land tenure.

3.22 The Crown deeply regrets that Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua did not experience the prosperity the Crown led them to expect when it pressured them to sell large areas of land before 1865. The Crown sincerely apologises that it failed in its Treaty duty to protect them from being left virtually landless, and they have for too long experienced socio-economic deprivation and disadvantage.

3.23 The Crown deeply regrets the prejudice Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua have suffered from the degradation of lakes and rivers, the felling of Te Tapere-nui-o-Whātonga (the Seventy Mile Bush), and the loss of taonga such as the huia.

3.24 The Crown regrets that its former limited recognition of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua contributed to the challenges experienced by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in maintaining a distinct iwi presence from 1840 to the present.

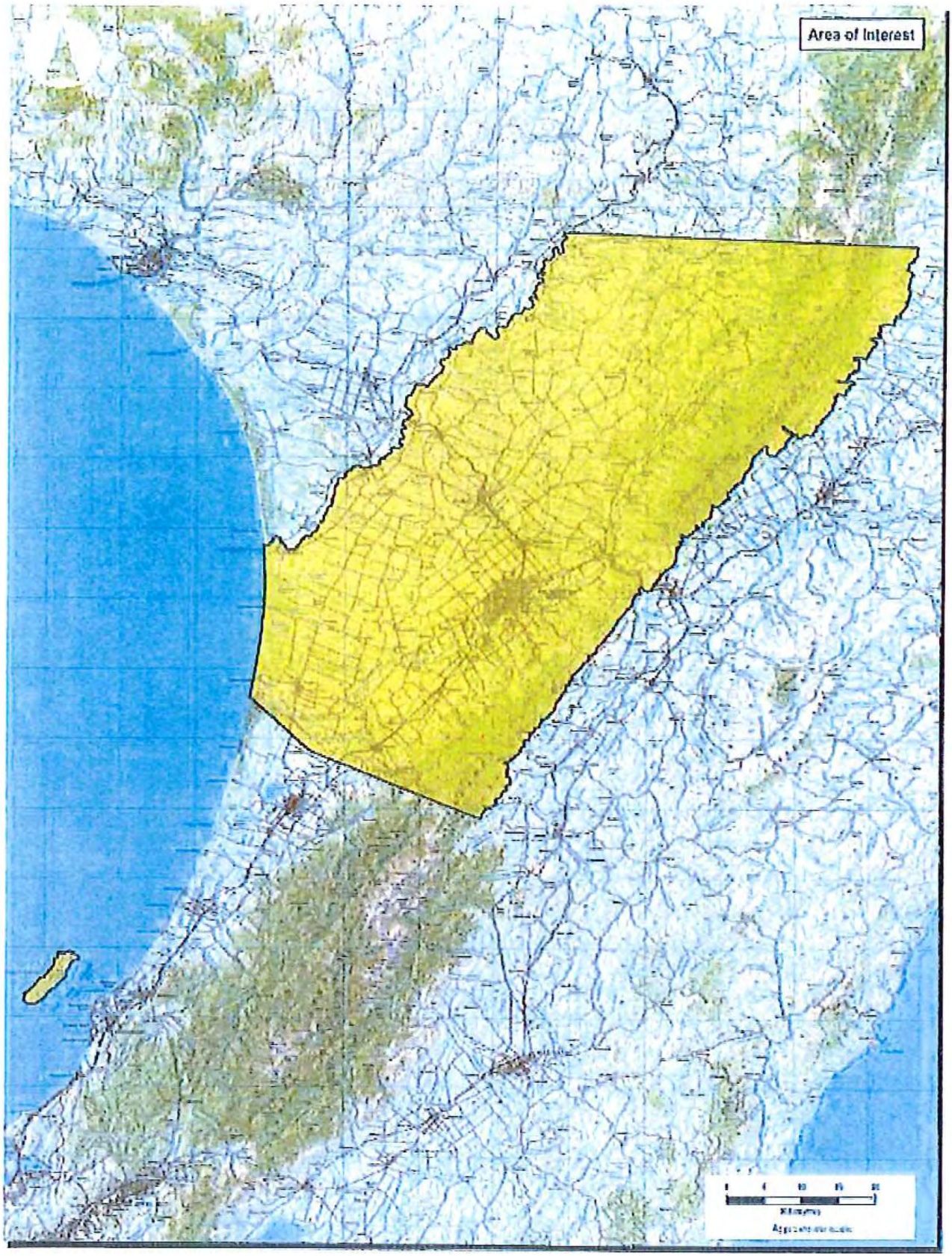
3.25 The Crown unreservedly apologises for not respecting the rangatiratanga of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and for not having honoured its obligations to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua under te Tiriti o Waitangi/the Treaty of Waitangi.

3.26 Through this settlement and this apology, the Crown seeks to restore its honour and atone for its wrongs to the whānau and hapū of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua by easing the burden of grievance that has been carried for generations. The Crown looks forward to developing a new relationship with Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua that has mutual trust and respect for te Tiriti/the Treaty and its principles as its foundation.

7.C
RANGITĀNE O MANAWATŪ AREA OF INTEREST

APPENDIX C

RANGITĀNE o MANAWATŪ AREA OF INTEREST



7.D
RANGITĀNE O TAMAKI NUI Ā RUA AREA OF INTEREST

APPENDIX D

RANGITĀNE o TAMAKI NUI Ā RUA AREA OF INTEREST