TE PAATU: WĀHI TAPU AND PORTABLE TAONGA

A report commissioned by the Crown Forestry Rental Trust

Ben Leonard

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Volume I – Historical Report

Ben Leonard

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MIHIMIHI

E te Atua Kaha Rawa, tēnei mātou au pononga e inoi atu nei i runga i te ngākau ripeneta, me te ngākau whakawhetai. Tiakina au pononga e te atua, manaakitia mai mātou katoa i runga i nga mahi o enei rā. Whakapaingia tēnei Pukapuka korero, kia puta ai nga whakaaro a te iwi, hei taonga mo nga uri whakatupu. I runga i te ingoa Tapu o tāu tama, to mātou Kaiwhakaora a Ihu Karaiti. Amene

"Ka memenge nga rau o te Kōrau, apopo ka ara mai he piko."

Tikina nga korero a o tatou tupuna i herea nei ki runga o nga maunga, i whiria nei ki roto ki te whenua, i rere nei ki raro ki nga awa, i tara tutu nei ki waho ki te moana.
Ka heke ki nga pu korero o te hunga kainga, ka heke ki nga kanohi ora.

Na Maui i hiia ai tēnei ika hei turangawaewae mo ōna uri maha. Na Kupe te taki mai i a tatou ki enei moutere a Maui Tikitiki, i nohoa mai rāno e o tatou atua maori.

Ma te ihi, te wehi te mana Motuhake me te tapu, tatou katoa i whakahono.

Turuturu a Uta, Turuturu a Tai, Haumi e, Hui e, Taiki e.

E te hunga wairua haere ki te okiokinga mo te tinana me te wairua, haere hoki atu ki te kainga tūturu mo te tangata ki Hawaiki nui, ki Hawaiiki Pamamao. Te hunga wairua ki a rātou, ko mātou te mahuetanga e noho iho nei. Tena Tātou Katoa.

E mihi nei ki nga tangata maha o te iwi Rangatira o Te Pātu, ki nga karangatanga maha o tena marae, o tena marae o tena marae. Ko nga korero e takoto ake nei he kohikohinga, he whakaatu ake ki te ao i te tino tapu o te whenua. Heke mai te tapu nei i te timatanga mai o te ao, pera hoki i te Mana Motuhake e ara mai nei ki roto ki te iwi.

No reira ka tukuna enei korero i runga i te Aroha o nga mātua, nga tini ahuaranga o te Whakapono me te Rangimarie, tatu iho ki te Rangatiratanga me te Mana Motuhake o Te Pātu, Tena Koutou, Tena Koutou, Tena Tatou Katoa.

Translation

O Almighty God, we your servants, pray with a repentant and grateful heart. Protect your servants O God and bless all of us in the activities of these days. Bless this book, so that the thoughts of the people may be revealed, as a treasure for the future generations. In the holy name of your son, our Saviour Jesus Christ. Amen.

“Although the fern shoot clenches tightly, tomorrow it shall unfurl."

Retrieve the stories of our ancestors that were bound to the mountains, woven into the land, flowed down to the rivers, and spread out into the ocean. They descend to the tongues of our orators, of the home people, to the living faces of those departed.

It was Māui who fished up this island as a place for his many descendants. It was Kupe who led us to these islands of Māui Tikitiki, long inhabited by our native deities. By the powers of creation, its authority, and sanctity, we are all connected.

To the spirits, go to the eternal resting place for body and spirit, return to the eternal home for humankind to Hawaiki nui, to Hawaiki Pamamao. To the spirits, abide with each other, we who remain are left behind to abide in the world of the living. Greetings to us all.

I acknowledge the many people of the noble tribe of Te Pātu, and the congregations of the many marae. The discourse laid before us is a collection, a disclosure to the world of the sacredness of the land. This sacredness descends from the beginning of time, as does the Mana Motuhake emanating within our people.

Therefore, these words are delivered with the Love of the ancestors, the many aspects of Faith and Peace, firmly founded in the Chieftainship and the Authority of Te Pātu.

PREFACE

THE AUTHOR

Ben Leonard was born in Auckland in 1989. He was educated at University of Auckland, where he obtained a Bachelor of Laws and Bachelor of Arts in degrees in 2013. He has subsequently received post-graduate degrees in History and Journalism from Massey University and AUT University, respectively. Since 2010, Mr Leonard has worked as a historian for Ngāti Tamaoho. During that time, he researched and wrote numerous historical reports and other evidence in connection with the Ngāti Tamaoho settlement and ongoing historical, legal and environmental projects. From 2020-2023, Mr Leonard worked in Māori Heritage team at Auckland Council, writing historical evidence and delivering expert evidence to the Environment Court among others. In addition, Mr Leonard has been a contract historian for other organisation and iwi in recent years, including Te Whatu Ora and Te Ākitai Waiohua.

ACKNOWLEDGEMENTS

The project team wishes to acknowledge all those who have contributed to this project. This includes all those who have given freely of their time for interviews and site visits. It also includes all those who have assisted with research and provided documents and other kōrero. Special acknowledgements also to all those who have supported the administration of this project, including those who have supported the wānanga and other hui held at marae and other places throughout the rohe.

Our acknowledgements also to Crown Forestry Rental Trust for the trusts support in resourcing this project. The project team wishes to acknowledge the trustees of Te Paatu ki Kauhanga Trust for their korowai manaaki and assistance of the claimant group to undertake research for the Wāhi Tapu and Portable Taonga report. The project team wishes to acknowledge Ben Leonard, Justin Maxwell and Jennifer Huebert of Sunrise Archaeology for their contribution to this project.

The project team would also like to thank the landowners for enabling access to undertake archaeology surveys of pā sites and wāhi tapu including Summit Forestry Ltd, Anne and Ian Walker, Robin Shepherd and Peter Shepherd, Angel Erstich, Māori Erstich and Lawrence Erstich, Larry Matthews and Winston Matthews and Pāmu Farms New Zealand. Our appreciation also to Ruth Jones, Trevor Wi Kaitaia, Sandy Poharama, Florence Campbell, Norma Evans, Bradley Rupapera, Owen Latimer, Lisa McNab, James Eruera and Lyn Heke for informing this report through oral interviews.

Tēnei te mihi, tēnei te mihi, tēnei te mihi ki a koutou kātoa.

CLAIMANTS AND PROJECT TEAM

The claimant group comprises 6 main claims and one observer claim:

1. Wai 1842 - He kerēme nā Pereniki Tauhara (M) mō Ngā Uri O Matiu Tauhara, Terina Kingi Waiaua, Pene Te Kaitoa, me Te Paatu Ki Kauhanga hapū. In the matter of a claim by Rev. Pereniki Tauhara (D) on behalf of the descendants of Matiu Tauhara, Terina Kingi Waiaua, Pene Te Kaitoa, and Te Paatu ki Kauhanga hapū
2. Wai 1359 - Sir Graham Latimer and Tina Patricia Latimer on behalf of themselves and the descendants of Paora (Te Patu), Paerata (Te Patu Koraha), Hare Reweti Hukatere (Te Patu Tere Tere), Ratima Aperahama (Whakakohatu, Tokaawai, Te Uriaranui) and Marara Ratima (Te Patu and Ngaitohianga).
3. Wai 1662 - Leah Wright, the Muriwhenua Hapu Collective on behalf of Taumata Kaumatua Hapu Whanau o Muriwhenua Incorporated, Te Runanga o Muriwhenua Incorporated, Nga Hapu o Muriwhenua, Ngati Tara Hapu, Te Paatu Hapu, Werowero Hapu, Morehurehu Hapu, Ringamaui Hapu, Ngati Murikahara Hapu, Materahurahu Hapu, Ngati Haua Hapu, Awarau Hapu, Ngati Wairoa Hapu, Pohotiare Hapu.
4. Wai 45 - Atihana Johns (as Interested Party)
5. Wai 1670 - a claim by Ricky Houghton, Emily Latimer and Sharlene Houghton on behalf of the descendants of Te Uri o Ratima.

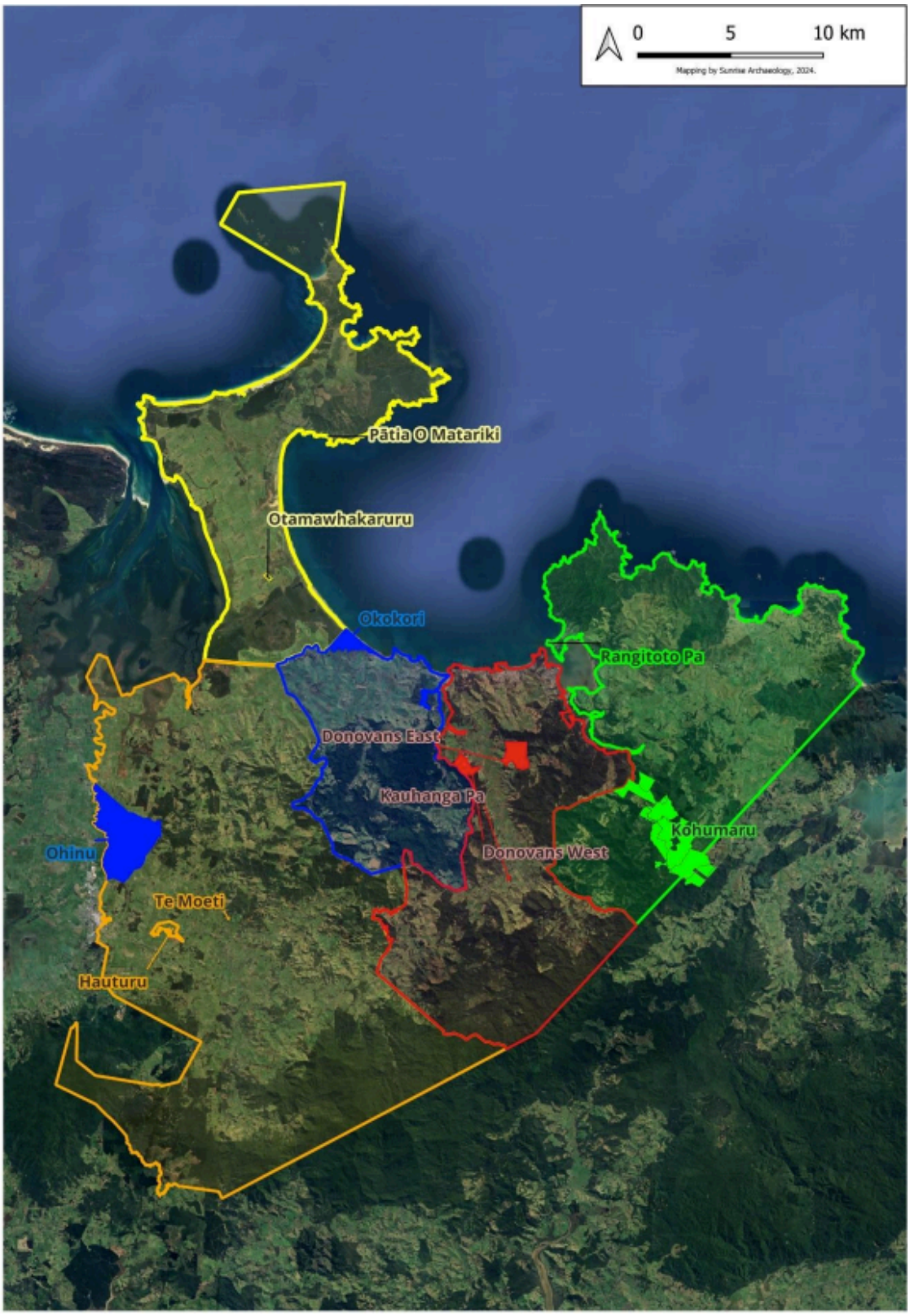
6. Wai 295 - Tarewa Rota on behalf of Te Uri-o-Te Aho, Te Tahawai, Ngati Mokokohi.
7. Wai 1886 and Wai 1668 - Robert Gabel on behalf of the Ngati Tara descendants and WAI 1668 on behalf of themselves and the descendants of Henare Piripi and Keiti Raiti.

The term 'claimants' is used throughout this document to cover this claimant group.

The project team consists of claimants Tina Latimer, Atihana Johns, Tarewa Rota, Ngaire Tauhara-White, Leah Wright, Susan Peters, Tony Murray, Trevor Wi Kaitaia, cultural advisors James Eruera, Crown Forest Rental Trust Principal Advisor Anita Miles, archaeologists Justin Maxwell & Jennifer Huebert, and historian Ben Leonard.

CLAIMANT ROHE

Rohe, by their very nature, are not fixed and defined by hard boundaries and straight lines. However, for the purposes of this project, the claimant rohe has been defined by claimants based on their historical and cultural interests in different landblocks. This is shown below in the following map. This rohe was provided to the author by the claimant group during the research hui in Taipa in September 2023. It was then mapped by the author and endorsed by claimants in the Project Plan and Methodology on 25 September 2023. This rohe was provided for the purposes of facilitating research on this project alone and should not be taken as a general historical or cultural rohe for the claimants (or their tūpuna, hapū or whānau). Furthermore, it does not necessarily imply exclusivity over the lands included within it.



Map 1: Claimant rohe as defined for this project. Case study areas as labelled. Source: Maxwell and Huebert, 2024

PROJECT BRIEF

This project was recommended in the *Wai 45 Renewed Muriwhenua Inquiry District: Te Paatu Scoping Report* produced by David Armstrong for Te Paatu and Crown Forest Rental Trust (CFRT) in 2022.[1] The report recommended seven (7) total research projects, of which Wāhi Tapu and Portable Taonga was one.[2]

A project brief was developed by CFRT, which outlined the main purposes of the project:[3]

- Provide evidence on the type and distribution of wāhi tapu that link Te Paatu claimants to specific events and geographic points across their area of interest;
- Assess the effectiveness of regimes established to protect wāhi tapu and portable tāonga in the Te Paatu area of interest;
- Examine the extent to which the Crown or its agencies recognised and accommodated Te Paatu requests, priorities and values in relation to the protection (or otherwise) of wāhi tapu, other sites of significance and portable tāonga;
- Describe the extent to which Te Paatu have been involved in the management and administration of wāhi tapu sites and portable tāonga.

The specific questions were

a) to what extent were urupā and wāhi tapu reserves sought by Te Paatu in connection with nineteenth century land transactions?
b) Te Paatu urupā reserved during the nineteenth century, and the circumstances surrounding their creation;
c) instances where requests for reservation of wāhi tapu were made by Te Paatu but were not followed up by the Crown;

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[1] David Armstrong, 'Wai 45 Renewed Muriwhenua Inquiry District: Te Paatu Scoping Report', Report for Crown Forest Rental Trust, 2022.
[2] Ibid., p. 4.
[3] Crown Forest Rental Trust, 'Project Brief: Te Paatu Wāhi Tapu and Portable Taonga', 2023, p. 4.

d) was there a reluctance on the part of Crown agents to reserve urupā or wāhi tapu sites because this might interfere with settlement? ;
e) during the nineteenth century, did Te Paatu anticipate that European settlement and its associated intensive pastoral and agricultural activity would have an adverse impact on wāhi tapu and urupā, and does this explain why more such reserves were not sought?;
f) to what extent were Te Paatu and related hapū able to protect wāhi tapu located on land that they retained? ;
g) what protective mechanisms (if any) were available to Te Paatu to protect their wāhi tapu and urupā on Crown or settler-owned land?;
h) were sacred sites and urupā located on isolated blocks or in the midst of European or Crown-owned land lacking ready access, and did this impede the ability of Te Paatu to exercise kaitiakitanga?
i) did land title individualisation and the consequent breakdown of tribal control, and ongoing title fragmentation, impede the ability of Te Paatu to exercise kaitiakitanga?
j) did the failure of nineteenth century Māori land legislation to recognise the concept of tribal titles - even in respect of urupā - lessen the ability of hapu and iwi to manage and protect sites?
k) did land title individualisation result in sites becoming the responsibility of individuals or whānau, who were often less able, from personal or other circumstances, to exercise a demanding and ongoing kaitiaki role - especially if wāhi tapu were located on remote or isolated land?
l) examples where rates charged on Te Paatu lands containing urupā and wāhi tapu, which by definition could not generate income to meet these liabilities
m) were Te Paatu able to better protect their wāhi tapu and urupā under various twentieth century legislative measures, including the Maori Social and Economic Advancement Act 1945?[4]

METHODOLOGY

[4] Ibid.

These overall purposes and questions were accepted at a research wānanga with claimants and the project team in Taipa 11-12 September 2023. The project methodology was also agreed during this wānanga, particularly that wāhi tapu case studies would be examined as cultural landscapes rather than stand-alone sites. Research methods, project timeline, sources and outputs were also agreed during this wānanga.

The project has been running since September 2023 following the initial research wānanga in Taipa. This document is the third draft report for this project (after draft #1 in March and #2 in May), with the final report, document bank, inventories and maps due at the end of August.

CASE STUDIES

A key issue for this project is balancing the need for comprehensive coverage of the area, the high evidential standard, and the project timeline and resources. Claimants have requested that some specific wāhi tapu received thorough historical and archaeological assessments as case studies. Two case studies were selected per claim (at the time there were 5) to ensure a balance between the description of as much rich cultural history relating to sites with what can be researched in depth within the resource constraints of a project. Claimants defined these case study areas broadly, and some are large landscapes covering numerous wāhi tapu.

Some specific considerations for identifying case studies sites were:

- Cultural, traditional, historical and spiritual importance
- Current threats or risk to site
- Links to resumable property
- Significance of Crown Te Tiriti breach
- Available information on a site, or lack thereof

As such the following case studies were chosen:

Wai 1842:

- Kauhanga Pā
- Donovans Blocks.

Wai 1359:

- Hauturu
- Te Moeti

Wai 1662:

- Ōhinu/Oinu
- Okokori

Wai 45: (as Interested Party)

- Otamawhakaruru
- Te Pātia O Matariki

Wai 295:

- Rangitoto and Rangikāpiti
- Kohumaru Station

At the time methodology was agreed to, Wai 1670, Wai 1886 and Wai 1668 were not a part of this claimant group.

RESEARCH METHODOLOGY

Based on the above approach, the research methodology will proceed in the following concurrent workstreams:

Historical Research

The historical research process required a wide-ranging search of books, journals, manuscripts, newspapers, court minutes documents, Waitangi Tribunal and CFRT documents, reports and

affidavits, Crown documents, reports and other official documents, local council reports and documents, archaeological records, Native Land Court and Māori Land Court minute books, papatupu committee minute books, surveyor record books, land deeds and old maps covering the project area.

This included sources held at libraries (National Library, Far North Public Library Auckland Libraries, University of Auckland Libraries), Archives New Zealand (Auckland and Wellington branches), museums (Auckland War Memorial, Te Papa, Te Ahu and others), online databases (New Zealand Electronic Text Collection etc), Crown and Council archives (Far North District Council, Crown agency records), existing Waitangi Tribunal research (especially the WAI 45 record of inquiry), the NZ Historic Places Trust Pouhere Taonga and the New Zealand Archaeological Association Archsite database. It is noted that there are already a large number of research reports completed on Muriwhenua, some (but not all) of which cover the Te Paatu cultural landscapes. These were read and research sources identified and reviewed.

The historical research also confirms how many urupā reserves or other wāhi tapu reserves were made in connection both pre- and post-1865 Crown purchases and thereafter, and any instances where requests for reservation were made but not followed up by the Crown. It also includes a non-exhaustive inventory of known wāhi tapu in the above defined takiwā based on historical sources and kōrero tuku iho.

Prior to the beginning of this project, claimants were funded to have their claimant archives organised and indexed by a project team led by historian Peter McBurney. As a result, both research teams kept contact regarding their respective work, but principal archival research was undertaken by the historian and archaeologists of this project prior to the completed and indexed Te Paatu archive.

Archaeological Research

The project brief specifically asked for evidence on the type and distribution of wāhi tapu that link claimants to specific events and geographic points across their area of interest. It also asked for evidence on specific sites so as to link current Te Paatu claimants to land for the purposes of a resumption inquiry.

The archaeologists were asked to create an inventory and maps of recorded sites in each designated takiwā, to locate archaeological records for wāhi tapu, possible wāhi tapu, and portable taonga. This involved importing data layers from existing sources and newly created material.

The archaeologists also brought in unrecorded wahi tapu & portable taonga information into the project. This includes locating other sites / site data not in Archsite (e.g. Oruru sites, 20th century historical aerial imagery, and resources typically used to research archaeological sites). Archaeological literature was searched for unrecorded sites and commentary on archaeological landscapes (HNZPT report archive, and unpublished / grey literature).

The claimants also requested that selected sites be given a thorough investigation by the project archaeologists. These are the case studies described above. As a result, the archaeologists undertook work including an archaeological evaluation of these sites including archaeological research, site visits and field work on these case studies.

The data and findings from this process were evaluated and critiqued through a formal assessment and determination of archaeological values, which is standard practice in NZ archaeology. Certain matters are to be taken into account when assessing the archaeological values or significance of an archaeological site. These are: condition; rarity, unusualness, uniqueness; the context; information potential; amenity potential; and any cultural associations.

Oral history & cultural advice

Claimant researchers and experts were tasked with conducting, where possible, oral history interviews on the cultural, historical, traditional and spiritual importance of wāhi tapu and

portable taonga and their experiences with the Crown regarding them. This included interviewing kaumātua and pūkenga on specific wāhi tapu and taonga.

Claimants developed their own methodology and questionnaire for oral history interviews and this can proceed on the basis of their tikanga. The results of these interviews were transcribed, translated where needed, and provided (to the extent appropriate) to the historian and archaeologists to inform the final report.

Te Paatu researchers and experts were also tasked with providing cultural and historical advice and assistance to the project team as needed, including working with the historian on an inventory of all known Te Paatu wāhi tapu sites.

Interviews that took place for this project included with:

- Ruth Jones
- Tina Latimer
- Sandy Poharama and Atihana Johns
- Trevor Wi Kaitaia
- Leah Wright
- Flo Campbell, Norma Evans, Bradley Rupapera
- Winston Matthews and Larry Matthews
- James Eruera
- Ngaire Tauhara White
- Owen Latimer
- Tarewa Rota and Lyn Heke
- Lisa McNab

Portable taonga

Claimants' taonga were identified to the extent possible, including their current whereabouts in museums around the country. The main museums holding taonga from the claimants' rohe

are Auckland Museum, Te Ahu Museum and Te Papa Tongarewa. The project team examined archival sources from New Zealand Archaeological Association, New Zealand Historic Places Trust, Archives New Zealand, museums and libraries. The archaeologists also pursued records from previous archaeological work done in this rohe and the extent to which taonga were found or taken therein. They will also examine museum records for taonga. An inventory list has been created including any additional information available regarding each taonga. This inventory contains information on the location of the taonga, what kind of taonga it is, a brief description, and (where possible) information on its origin.

Mapping

Mapping was a significant part of this project. The project brief asks for evidence on the type and distribution of wāhi tapu that link claimants to specific events and geographic points across their area of interest. This means that wāhi tapu, to the extent appropriate, have been mapped for each takiwā (region). This involved the provision of location of known and relevant archaeological wāhi tapu by the archaeologists, as well as those not previously recorded but discovered through archaeological research. These have been overlaid with block maps, current LINZ data and other overlays to show how wāhi tapu were alienated by the Crown and how they are managed today. A final mapping package will be provided, comprising a digital data set of GIS maps and shapefiles and PDF mapping outputs showing wāhi tapu, land blocks and cultural landscapes. These will be provided to claimants in August along with the final report.

PROJECT ROLES

This project involves the work of the historian, archaeologists and claimants and cultural advisers. The responsibilities for each contributor are as follows:

Historian

- Historical research
- Mapping
- Portable taonga research and cataloguing
- Report Writing

- Wāhi tapu inventory

Archaeologists

- Archaeological research
- Archaeological field work
- Portable taonga research and cataloguing
- Report Writing

Te Paatu

- Cultural and historical advice and assistance
- Oral history interviews
- Translation services
- Wāhi tapu inventory

Each of these contributor responsibilities will feed into the final report and document bank to be collated by the team, in collaboration with the other contributors. There may be cross-over between these roles as needed. For instance, the historian may attend key informant interviews with Te Paatu cultural advisors as needed.

TANGATA WHENUA

TE TAENGA-MAI O NGĀ TŪPUNA WAKA

I ngā wā o mua, the great voyager Kupe is said to have landed his waka Matawhaorua at Taipa.[5] Finding a plentiful supply of fish at the mouth of the river, he named the place Ika-tiri-tiri (to apportion fish). Kupe's daughter decided to remain here, living at Otengi point, while Kupe set out to explore the rest of the coastline. Upon his return to Hawaiki, Kupe gave the people directions back to Aotearoa.

As Kawiti Tomars wrote in his evidence to the Waitangi Tribunal:

> *'Kupe visited many places on this canoe, including the Chatham Islands. On his return to Hawaiki, he handed the Canoe to Te Pārata and Tumoana. During the Great Migration the Canoe, Māmaru was anointed to migrate to Aotearoa (New Zealand). The High Ranging Chiefs and Tohunga of the Ngāti Kahu Tribe who landed at the entrance into the Taipa River, known as Ikatiritiri (Ika-tiri-tiri). Here they lived and thrived on the shellfish, fish, and an abundance of other sea food. They moved inland to Oruru where they made many fortified pā. Their parent Pā being Hikurangi which stands on the land of Mr G. Adamson, on the western side of Taipa Bay.'*

Thus Taipa (or Taiapa as it was originally known) was described by the Tribunal as:

> *'the birthplace of the tribe, central to the tribe's existence and the gateway to the important hinterland.'*[6]

Another important waka to arrive in this rohe was the Tinana waka, captained by Tumoana. The Tinana waka explored the coastline of Muriwhenua and Tūmoana's daughter Kahutianui

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[5] Raniera Bassett, 'Brief of Evidence', Wai 45, R038, p. 35.
[6] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim*, pp. 5-6

stayed ashore at Tauroa, near Ahipara. It is from Kahutianui that the name Ngāti Kahu is said to derive. Tūmoana returned to Hawaiki aboard Tinana, with the intention that the waka should return with a husband for his daughter.

After returning to Rangiātea, Tūmoana's nephew Parata refashioned the waka and named it Māmaru. According to the oral traditions recorded by Florence Keene, the Māmaru waka was unique because it had been blessed and dedicated by the tohunga of Rangiātea for the conveyance of chiefs of high rank only.[7]

The Māmaru landed first at Rangiawhia, where the first pā was built to watch over the bay. According to other is landed at Tauroa first, before sailing round the north tip of Muriwhenua and on to Tokerau moana.[8] It was sailed on to Otengi and to Taipa where it was beached.

The arrival of Māmaru was announced by lightning, a sign to Kahutianui that the waka had returned and she should go east to meet it. From here the people of the Māmaru waka settled first at Taipa and Otengi, which remain important wāhi tapu to this day.

At Otengi the waka was brought ashore on two skids made of tawapou (orewa). These logs were planted and the trees remain there as a wāhi tapu and reminder of the ancestral voyages. Cuttings from these trees have established tawapou (orewa) right across Muriwhenua, connecting the many whanaunga and descendants of the great voyaging waka.

Another important waka in the whakapapa of claimants is the Kurahaupō. The Kurahaupō waka was said to be captained by Pōhurihanga and arrived in the north at Takapaukura. According to tradition, Pōhurihanga's descendant Tuwhakatere married two women.[9] His first wife was Tuterangitohia; their child was Popota, who became an important ancestor of claimants. His second wife was Tupoia and their son was Hoka. Tuwhakatere is an important tupuna for claimants.

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[7] Florence Keene, *Tai Tokerau*, Christchurch, 1992, p. 24.
[8] Evelyn Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', Wai 45, P002, vol. 1, p. II.
[9] Personal Communication, Leah Wright to Ben Leonard, 30 April 2024.

Among the many tupuna waka that arrived in Tokerau Moana (Doubtless Bay) was Ruakaramea, captained by Moehuri. The waka was guided here from Hawaiki under the protection of a kaitiaki taniwha in the form of a great shark.[10] Ruakaramea sailed in to the Mangōnui harbour where its people settled, with Moehuri building Rangikāpiti Pā and naming it after his wife.[11] The waka now lies below Rangikāpiti where it has been turned to stone.[12] The taniwha remained living in the harbour and continued to be an important kaitiaki of the area.

However, Moehuri's son Tukiato (or Tukiata) sought out the taniwha and fished it ashore at the present day site of Mangōnui township. Keene writes that the place Tukiato cut up the shark and shared it around was called Poroporo (small pieces).[13] For this transgression, Tukiato was banished from living at Rangikapiti pa and sent away to Ōtanenui Pā at the western end of Coopers Beach.

Mangōnui Harbour was named to commemorate the taniwha that guided the crew of Ruakaramea to this new land.[14] As Lloyd Popata states:

> *'The founding tupuna established themselves and their Hawaiiki whanau on Rangikapiti; one of the first kainga of the new land.'*[15]

Another important waka in this rohe is Waipapa, which arrived here under the stewardship of by Kaiwhetu and Wairere. The tohunga of the Waipapa waka was said to be Kahukura, an important tupuna of claimants. The Waipapa waka made its first landfall at Karikari peninsula, at Rangiaowhia. As Raniera Basset said in his evidence to the Tribunal:

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[10] Basset, p. 21
[11] Ibid., p. 17.
[12] Ibid., p. 5.
[13] Keene, *Tai Tokerau*, p. 24-25
[14] Lloyd Popata, 'Brief of Evidence', Wai 45, R015, p. 22.
[15] Ibid.

> *'At a later stage, the waka sailed across Doubtless Bay and paddled up the Kohumaru River. The crew went past our whanau at Kenana and buried Waipapa further up that river.'*[16]

Another important tupuna waka for claimants is the Takitimu waka, captained by Tamatea-ariki-nui. The Takitimu landed at Awanui in the Rangaunu Harbour and then again at Karikari before journeying onwards to the south. This arrival wove other important strands in to the whakapapa of the claimants. The Riukakara waka also landed at Mangōnui, captained by Paoa.

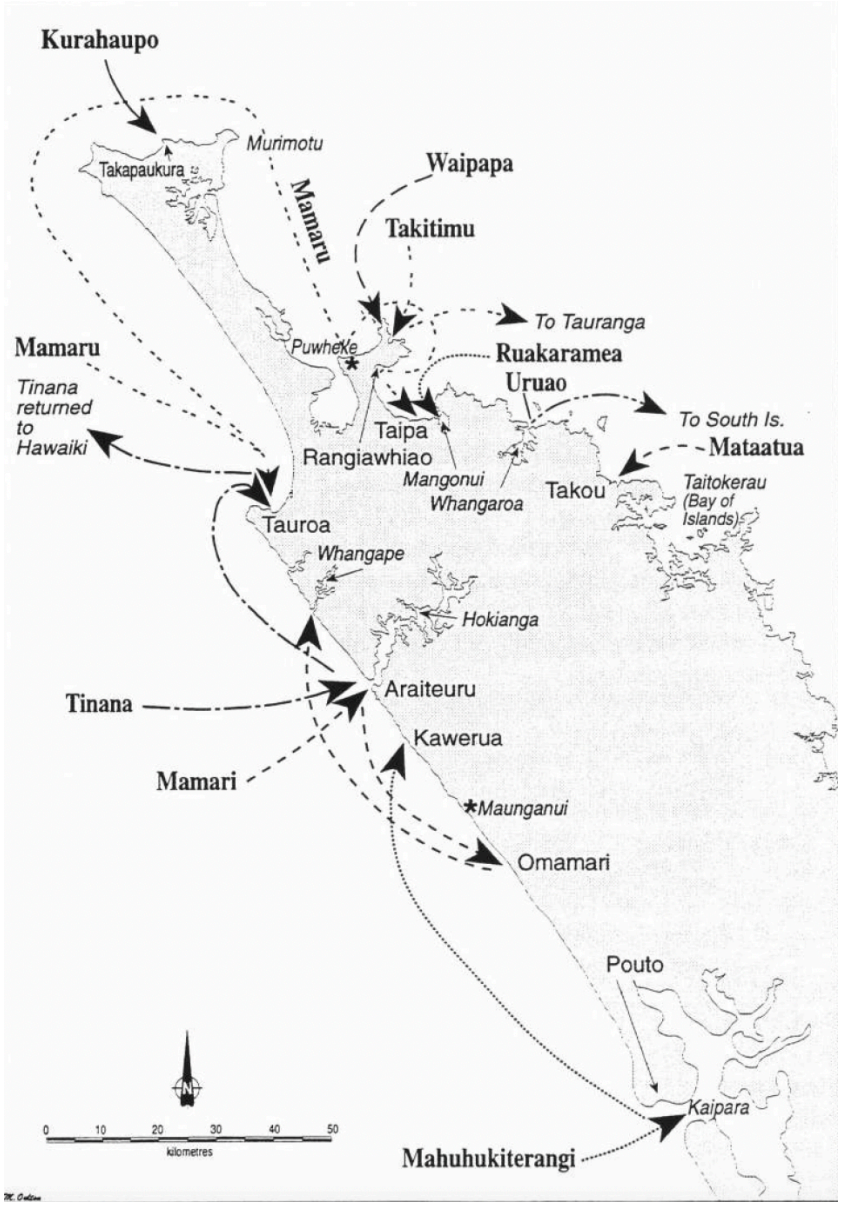
The people of these waka spread about Muriwhenua, intermingling with others and eventually forming the hapū and iwi of the claimants. The arrival of these waka establishes the whakapapa of claimants to their wāhi tapu and also highlights a number of important wāhi tapu specifically associated with the arrival of the tupuna waka.

As the peoples grew and spread across the rohe, they built their pā and villages, grew and gathered kai, fished and travelled on the coast and open seas, took part in battles both big and small, cleaned, dressed and buried their dead, undertook the rites, ceremonies and tikanga of their cultural traditions, and had many descendants who carried on these traditions to the present day.

As Florence Keene has observed:

> *'It is likely that for every coastal headland there was a pā, and many were built inland, on well drained hills, at strategic spots on communication lines, and at places with ready access to there sources of the dense forests and the open seas.'*

[16] Bassett, p. 35.



Map 2: Tupuna waka landings around Muriwhenua. Waitangi Tribunal, Muriwhenua Lands Report, 16

TE HAERENGA-MAI O NGĀPUHI

A significant event in the history of claimants wāhi tapu, is the arrival tūpuna and hapū associated with Ngāpuhi.[17] As discussed below, some have attributed this to the 17th century,

[17] Matarahurahu for instance

while others to the later 18th or even 19th. It is important to say from the outset that Ngāpuhi already shared many whakapapa links with the iwi and hapū who were already here. Their arrival in the rohe was partly a result of those links and also a means by which more links were established. However it also led to an number of battles across the rohe.

The 1901 Native Land Court minutes of the Kohumaru hearings contain numerous stories of the origin of these events, told from a variety of perspectives. Most accounts agreed that ope taua from Ngāpuhi undertook a number of battles throughout Mangōnui harbour, Kohumaru and Ōruru valley. These battles had a major impact on whakapapa, settlement patterns and crucially for this report, wāhi tapu. One particularly kōrero in this series of events is that of Kauhanga Pā.

It is said that during the 18th century Kauhanga was the main pā of Mōroki, son of Kākaitawhiti and brother of Koropeke.[18] It was during Moroki's time that the Ōruru valley faced an attack from Ngāpuhi.

There are many accounts on the origin of this conflict, but it appears that Ngāpuhi led a sustained attack on the Mangōnui Harbour and Kohumaru and Ōruru valleys. In particular, major battles are recorded at Mangōnui and throughout the Ōruru valley including Taumatatue, Ngaupiu and Otaharoa.[19] One of the pivotal battles was at Kauhanga as described by Pereniki Tauhara in 2012:[20]

> *The name of the hapū Te Paatu was derived from an historical event that occurred at Ōruru, around 1780 - 1800, in the time of my tupuna, Mōroki, who was the son of Kakaitawhiti. This is story that was told to me by my elders:*

[18] Popata, p. 13.
[19] Tony Walzl, 'Pre-Treaty Muriwhenua', Wai 45, #D004, 2010, p. 28. See also Pororua Wharekauri, Northern Minute Book (NMB), 2, 13 Apr 1875, p. 15.
[20] Pereniki Tauhara, 'Brief of Evidence', Wai 45, Wai1842, pp. 12 - 14.

Mōroki built a strongly fortified pā which did withstand the attacks by all invaders, while on the flats surrounding it, they established flourishing plantations. For a while, life flowed smoothly along, until one day a scout brought word that a strong tauā of Ngāpuhi from the middle north was advancing along the valley towards their stronghold, burning and destroying the many small Pā in their wake. There is a whakatauki "Ōruru Karanga Pā Tahataha" one pā that calls to one another; this was the warning device that was used to warn against invasion of enemies.

Mōroki made preparations for an onslaught, but before these were completed the enemies attacked. With war cries that echoed along the valley, both sides danced savage haka that would put fear in to the hearts of the bravest warrior. Then the grim battle began, fighting desperately, Mōroki and their warriors withstood attack after attack. At last the Ngāpuhi temporarily repulsed and retired to the foot of the pa for a conference.

Strategy always played an important part in Māori Warfare, and that night the people in the pā watched anxiously as Ngāpuhi set up camps surrounding their stronghold, which was soon dimly silhouetted by the glow of the enemy fires.

Mōroki soon discovered that they were to be victims of a siege. Down on the flats the Ngāpuhi feasted on the fruits of the gardens, and the fat eels from the river. They were in no hurry, for here was the food in plenty. Mōroki called his tohunga to him and said, "Our Gourds are fast emptying of life-giving water. Seek, O Te Au and Te Aratapu, seek out a spring on this hill or we die of thirst. To emphasize these words he added, "He huahua te kai? He wai te kai." Are preserved birds the best food? No, water is".

So, the two Tohunga searched every crevice and gully until they found a spring of crystal-clear water bubbling up into a rocky pool. The Mōroki were very grateful, and Mōroki said, "It is good. The mighty Atua looked with favor upon us. Our people will not die of thirst." Day after day dragged by, the Ngāpuhi continued to feast and grow

fat on the plantations below, but the besieged people on the Pā had almost eaten all their food supply, and day by day they grew thinner and hungrier.

Mōroki called together his two Tohunga and said, "He wai te kai? Aue, he huahua hoki te kai." Is water the best food? Alas, preserved birds are also." Having uttered those wise words of his ancestors, he went on to say, "The desire of the Ngāpuhi is to starve us out, and our and our food is almost gone. Come, O Te Au and Te Ara-tapu, find a way to out wit Ngāpuhi or we will surely die. To be captured was more feared by warriors than death, for then they could surely be killed or made slaves, something too humiliating to be contemplated.

Fully aware of their responsibilities to avert this catastrophe, the two Tohunga retired to their whare to plead with the Atua to save them all from such dreadful fate. Their voices rose and found that they chanted Karakia after Karakia to their Gods. Meanwhile, the gaunt face people on the Pā waited anxiously. Would they be saved? The strength was fast ebbing away for the want of food.

After about an hour, Te Au and Aratapu emerged from the dim light of their whare saying, "Come near, oh Mōroki, listen to our words. The mighty Atua have looked on us with favour and have told us of a clever strategy to deceive the Ngāpuhi. Call all the women together and tell them to work through the night, and make hundreds of flax kits.Then order your men to hang one on every pole of the palisades so that theNgāpuhiwill think we have an abundance of food. Go. We have spoken." So the women worked throughout the night and as they made kit after kit, the men hung them round the palisades.

The next morning, when the Ngāpuhi saw hundreds of kits that apparently were full of Kumara and other delicacies, they muttered among themselves, "We have wasted our time. It will take too long to starve out these people for they still have an abundance of food. Let us find easier prey". So saying this, they marched off feeling furious at the wasted days.

As soon as the Ngāpuhi had left the valley, Mōroki ordered their men to tear down the whare that they had built at the foot of the Pā, which they did with great enthusiasm, chanting and singing as they did so. The first parts to be pulled down were the Paatu, or side walls, and from this victorious action, the tribe was given the name, Paatu. Not long after the Paatu tribe had withstood the siege of the Ngāpuhi, Mōroki took a taua to Ngāpuhi territory to seek utu for the loss of all the produce of their gardens. They raided the Ngāpuhi plantations and destroyed what they could not carry home. Overwhelmed by their success and feeling that their mana had increased; they travelled back to their Pā at Ōruru (Kuia Waitonga Kaitoa, Florence Keene, Tai Tokerau).

The name of this pā is Kauhanga. It was at Kauhanga that the mana of Ngāti Kahu was retained from the mighty force of Ngāpuhi. Hence, this name Kauhanga was given for the marae by the kaumātua as a reminder of this very historical event."[21]

Pereniki's tupuna Matiu Tauhara recalled:

'The tangata whenua had packed and displayed to the enemy all the food kits these were filled with boulders so that it looked as though there were plenty of stores. These preserves were called kauhanga - and from this we get Kauhanga Marae's name. It is a name that carries with it a lot of mana (prestige).

Later when the enemy were well gone the people renamed the pa site Kauhanga and celebrated by having a huge fest on the flats below - kereru (wood-pigeons), ika (fish), tuna (eels) and other delicacies were cooked and celebrations continued for a long time.' [22]

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[21] ibid., p. 10.
[22] Matiu Tauhara, 'Peria', (Papers of Ngaire Tauhara-White), Kauhanga Marae, p. 2. Document Bank, p. 215.

One story describes Ngāpuhi as being deliberately lured to Kauhanga and then followed by Te Paatu to Okakewai Pā where Ngāpuhi were defeated.[23] Another source puts Tukitāhua as the originator of the name and founder of Te Paatu. He is said to have commanded his men during one of the battles fought from Kauhanga Pā to 'stand to the walls of the house'.[24]

The arrival of Ngāpuhi had a profound effect on iwi, hapū and whānau dynamics as well as settlement patterns in the rohe. Traditional histories differ on when and how these conflicts began but most agree that they came to a head in the late 18th century. It seems likely that attacks and counter-attacks had been occurring for some time prior to this escalation, though exactly how long is unclear. Suffice it to say that by the late-18th century Ngāpuhi (and specifically Māhurehure) were conducting major attacks on pā in the rohe.

Many sources in the Native Land Court minutes refer specifically to a period of invasion by Māhurehure leaders Te Awha and Te Taepa.[25] This period included major battles at Rangikāpiti and Rangitoto, Kauhanga, Ōruru, Oreti, Otaharoa, Mangamuka, Taipa, Te Pakonga, Ngaupiu, Taumatatue, Wereweretehe, Kohumaru and elsewhere. By the time Pākehā arrived in the rohe in the early 18th century the major battles were largely finished although their effect continued to be felt and battles did continue to occur right into the 1840s.

The descendants of the leaders who had fought in these battles became the new generation of rangatira leading their hapū and iwi at the time of the arrival of the Crown. These included well-known rangatira like Panakareao (later Nopera) and Pororua Wharekauri, who were key figures at this time.

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[23] Personal communications by Selwyn Clarke, in Te Paatu ki Kauhanga Trust Board, 'Ngā Hapu o Ngāti Kahu - Pre Hearing Evidence Gathering - Traditional Evidence Gathering', 2020, p. 16. Document Bank 212.
[24] Ibid. The document records this source as a personal communication by Atihana Johns (from a reading of early newspapers in the Far North Museum Archives, Kaitaia). It also states that Henare Kingi Waiaua, Paul Raharuhi and Tukitahua Hapa were all in agreement with this version.
[25] See for instance Karena Kiwa, Kohumaru Title Investigation, NMB, 31, 7 October 1901, p. 129.

HE WHAKAPUTANGA O TE RANGATIRATANGA O NIU TIRENI

Following the arrival of the missionaries and the early Pākehā settlers, agreements for land with local rangatira became increasingly common. These agreements had a profound impact on the wāhi tapu of the region. It is important to understand these agreements in context, particularly the context laid out in He Whakaputanga.

He Wakaputanga o te Rangatiratanga o Niu Tireni was a document outlining the sovereignty of tangata whenua in Aotearoa. The document codified the sovereignty and authority of the land as held by Te Whakaminenga, the Confederation of United Tribes. It also stipulated that that no foreigners could make laws within this territory. Te Whakaminenga was to meet at Waitangi each years to frame laws. The document offered protection to British subjects in this territory, and called on King William's protection against threats to their sovereignty.

CLAIMANT TŪPUNA SIGNATORIES

Te Matenga Paerata signed He Wakaputanga on the 28th of October 1835 in Paihia, for the tribe of Te Rarawa and people of Te Patu Koraha. Ururoa also known as Paora signed the He Wakaputanga on behalf of Ngāpuhi, Ngāti Kahu and Te Tahaawai. Nopera Panakareao signed He Wakaputanga on behalf of Te Rarawa and Te Paatu. Thus He Whakaputanga was a clear declaration of the sovereignty of claimants' tūpuna and their whanaunga over their lands and territories and thus over their wāhi tapu and taonga tūturu.

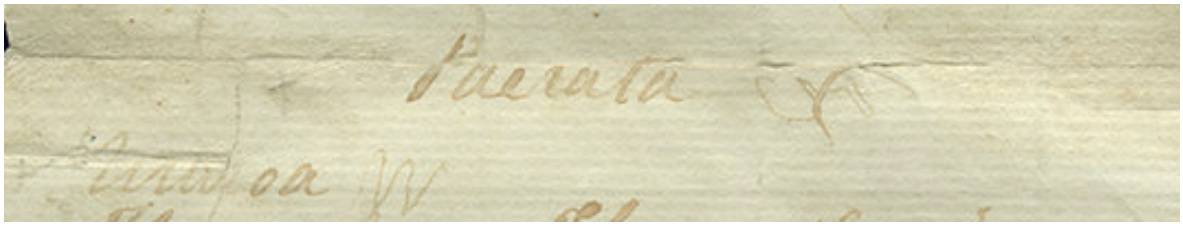

Image 1: Paerata and Ururoa signatures on He Whakaputanga, 1835. Source: IA1 9/1/1a, ANZ (WLG)

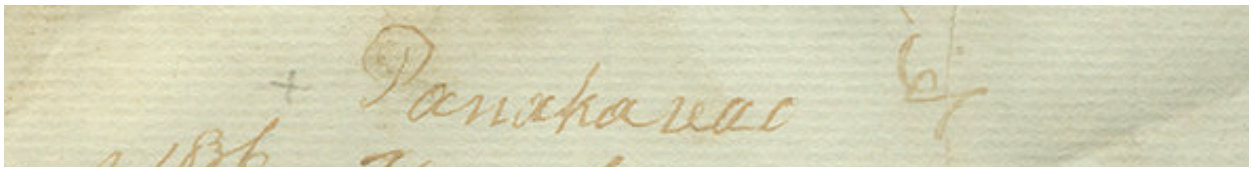

Image 2: Panakareao signature on He Whakaputanga, 1835. Source: IA1 9/1/1a, ANZ (WLG)

TE TIRITI O WAITANGI

Following the initial signing of Te Tiriti O Waitangi at Waitangi on 6 February 1840, copies were sent around the motu. Following Hobson's stroke, Colonial Secretary Willoughby Shortland sailed with a British delegation to Awanui and then into Kaitāia on the schooner New Zealander in April of 1840. Shortland's delegation was met by a large pōwhiri, including haka and musket fire.

On April 28, 1840, around 60 rangatira met the delegation on the lawn and veranda of missionary William Gilbert Puckey in Kaitaia. Among these leaders was Nopera Panakareao, who spoke at length about the Treaty. Panakareao had met with the British delegation the night before and apparently received their assurances about unregulated land sales, the behaviour of British subjects and the ongoing sovereignty of the Māori people.[26] His speech urged the other rangatira to sign, and unanimously they did. There was an exchange of gifts, potato, kūmara, pigs and dried shark from Māori and blankets and tobacco from the British.

CLAIMANT TŪPUNA SIGNATORIES

[26] This is detailed in Rima Edwards' evidence to the Waitangi Tribunal, Wai 45, F023, pp. 11-12.

Several claimant tūpuna signed Te Tiriti at Kaitāia, guaranteeing them tino rangatira over their wāhi tapu and taonga (among other things). Both Nopera Panakareao and Matenga Paerata signed Te Tiriti on the 28 April 1840 at Kaitaia. Other claimant tūpuna that signed at Kaitāita included Hare Matenga Kawa for the tribe of Te Rarawa and iwi (people) of Te Patu Koraha. Hare Popata Waha signed on behalf of Te Rarawa, Ngati Kahu, Kaiote, Te Patu Koraha and Ngai Taranga. Tana Te Wheinga Taua signed on behalf of Te Rarawa and Te Patu. Tamati Pawau signed Te Tiriti and is also of Te Paatu. Matiu Tauhara signed at Kaitāia on behalf of Te Rarawa and Te Roroa. Rawiri Awaru also signed as Te Rarawa and Patu Koraha. Karaka Kawau signed as Te Rarawa and Te Patu. Wheinga Taua, grandfather of Wiremu Taua and chief of Te Paatu also signed at Kaitaia on the 28 April 1840.

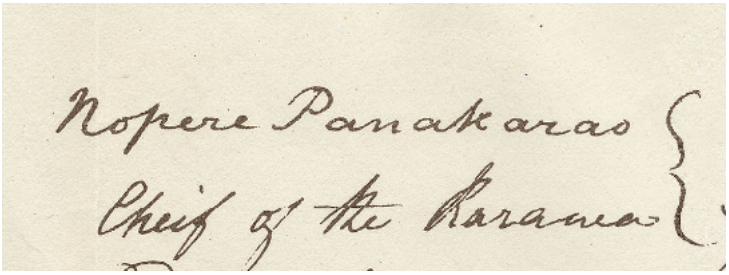

Image 3: Panakareao, Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

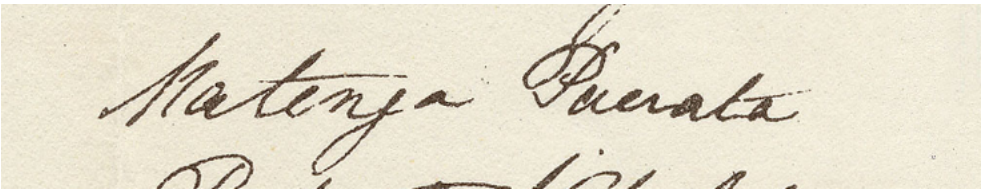

Image 4: Matenga Paerata, Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

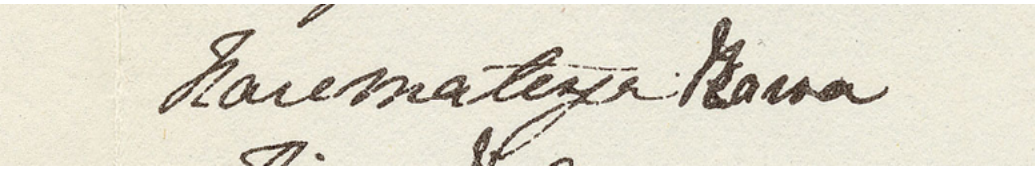

Image 5: Hare Matenga Kawa, , Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

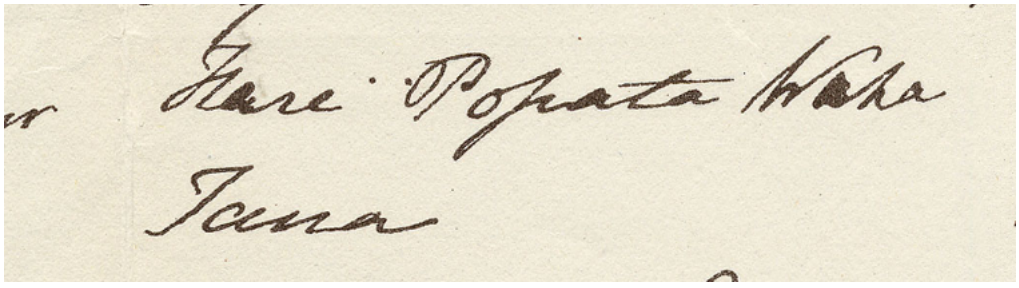

Image 6: Hare Popata Waha & Tana (Te Wheinga), Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

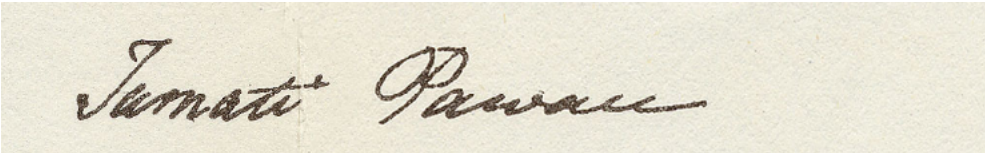

Image 7: Tamati Pawau (Pawhau), Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

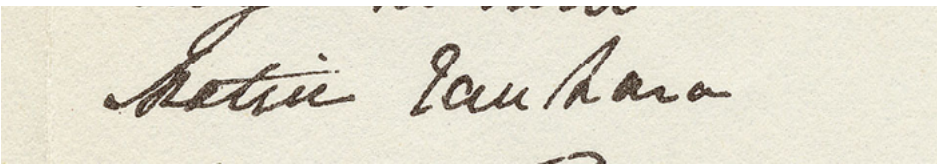

Image 8: Matiu Tauhara, Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

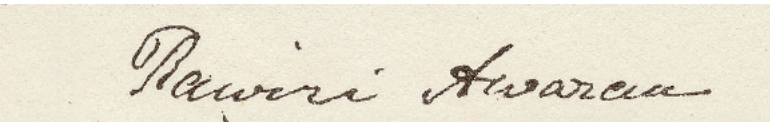

Image 9: Rawiri Awarau, Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

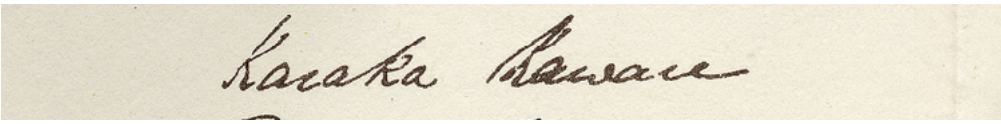

Image 10: Karaka Kawau, Waitangi copy of Te Tiriti O Waitangi 1840. Source: IA 9/9, ANZ (WLG)

WĀHI TAPU

TERMINOLOGY

It is important to define the terms 'wāhi tapu' and 'portable taonga' used and their meanings adopted for this project. These terms were not defined by either the scoping report or the project brief.

The Crown's attempts to define 'wāhi tapu' are catalogued at great length by Tony Walzl in his report on wāhi tapu for the Waitangi Tribunal's East Coast Inquiry District.[27] This review found Crown definitions of 'wāhi tapu' to be varied and frequently unsatisfactory to iwi and hapū. Ultimately, attempts by the Crown, courts or other institutions to define 'wāhi tapu' have demonstrated the importance of its definition being left to tangata whenua.

During the research wānanga for this project in September 2023, these considerations were addressed and discussions had on the scope of these terms 'wāhi tapu'. Claimants have deemed these to include the following:

- pā (fortified villages)
- urupa (burial grounds) and cemeteries
- wāhi hahu/hahunga (sites associated with the rites of hahunga)
- ana-kōiwi and tomo-kōiwi (burial caves)
- rua kōiwi (burial pits)
- wāhi pakanga (battle sites)
- maunga tapu (sacred peaks)
- tauranga waka (landing places of ancestral waka)
- tūāhu/ahu (ceremonial sites)
- marae

[27] See Tony Walzl, 'East Coast Wahi Tapu', Report commissioned by the Crown Forestry Rental Trust, Wai 900 A75, 2010, p. 68.

- ngahere tapu (forests)
- pou whenua (boundary markers)
- tūtohu whenua (cultural landscape markers)
- moana (sea)
- wahapū (mouth of a bay or river, estuary, harbour)
- tūpahipahi (sandspit)
- whānga/kokori (bay)
- manawa (mangroves)
- awa (waterway)
- repo (wetland)
- roto
- puna wai (freshwater spring)
- puke (hill)
- kōhatu/toka (stone/rock)
- motu (island)
- wāhi horoi tūpāpaku (place for cleaning of the dead)
- rākau tapu (tree)
- whenua tapu (sacred land)
- whenua rahui (protected land)
- iho/pito whenua (whenua/pito burial)
- wahi tūpuna (ancestral site)
- ara whenua/huarahi (overland path)
- ara moana (sea route)
- haerenga o te wai (currents)
- pou herenga waka (waka moorings)
- tōanga waka (portage)
- taonga discovery places
- any other sites deemed by claimants to be wāhi tapu

Ultimately, the right to determine what is and is what is not a wāhi tapu remains with claimants

INTRODUCTION TO WĀHI TAPU

This research project has attempted to record and document as many wāhi tapu as possible and appropriate. By their very nature, wāhi tapu are special places and their location and history is not always appropriate to be shared. It is important not to view these wāhi tapu in isolation but in the context of the wider cultural landscapes that they occupy.

The wāhi tapu inventory attached to this report (Appendix A) catalogues 487 wāhi tapu of significance to claimants. This is a huge amount but it also bears mentioning that this is likely only a fraction of the true number. Knowledge of many wāhi tapu has been lost as a result of the dispossession and alienation discussed in this report. This does not, however, diminish their importance to claimants.

Alongside the wāhi tapu database, this project has researched and produced detailed historical and archaeological case studies on 10 of the claimants wāhi tapu landscapes. These landscapes are large and interconnected areas containing numerous specific wāhi tapu within them. These are areas in which many wāhi tapu exist together and should be understood as contiguous cultural landscapes, rather than collections of isolated sites.

These wāhi tapu case studies were chosen by claimants, based on the significance of each site, the actions of the Crown regarding them, and the amount of existing research regarding them. The reasons for selection are discussed at the start of each case study, along with a brief statement of significance by claimants. The case studies contain detailed history of these wāhi tapu in these landscapes, including the role the Crown has played.

The Crown has a responsibility to protect wāhi tapu, as set out in Te Tuarua (Article II), Te Tiriti O Waitangi. Again, the Tribunal has generally applied a broad definition of wāhi tapu, including things such as pā as well as urupa and other burials. As set out above, the definition of places as wāhi tapu is exclusively the right of claimants.

A striking thing about the claimants rohe is the density and breadth of wāhi tapu across the region. One need only look to the Ōruru valley, with hundreds of pā packed so closely together that messages could be passed by calling from one to another. There are also numerous urupa and burial sites, including large spans of coastal dune burials. Respecting and caring for these tapu places is a key aspect of the kaitiaki responsibilities of claimants today.

For claimants, all pā are considered wāhi tapu. Many have been the site of battles where blood has been spilled and lives lost. Others are the sites of important events where the fate of the people decided and their tupuna carried out famous deeds. Still others are places of rangatira, tohunga and chiefly practices associated with the spiritual world. Each of these pā are special and important in their own right, forming an essential part of the cultural fabric of this rohe.

Despite the protections in Te Tiriti, it is only recently that the Crown has paid any attention to these responsibilities. There was no legislation for the protection of wāhi tapu until the end of the nineteenth century and precious little until the middle of the twentieth. While more recent legislation has improved protection for wāhi tapu, the vast majority of wāhi tapu have passed out of the ownership of claimants and their tupuna. Many have also suffered significant damage, desecration and, in some cases, complete destruction as discussed in the case studies below.

The disregard the Crown has paid for wāhi tapu has also led to a significant loss of traditional knowledge regarding these sites, such as their names, locations and traditions associated with them. For example, there are many pā and burials in the wāhi tapu database in Appendix A of this report that do not have traditional names recorded. This is not because they lacked such names, or the significance associated with them. Again, this is a significant loss of traditional mātauranga Māori. A lack of recorded traditional name or recorded traditional kōrero should

not be viewed as a lack of cultural, historical or spiritual significance. Rather this is a symptom of the wider issues that this project was commissioned to provide evidence on.

In other parts of Aotearoa the names and history of wāhi tapu and places of significance are recorded in Native Land Court minutes. Unfortunately, except for the 9 cases discussed below in the section on the Native Land Court, the vast majority of hearings in the claimants' rohe did not discuss wāhi tapu and did not generate substantial minutes. In many cases this is because minutes have either been lost or destroyed (as with the Maning hearings) or because only one or two claimants appeared and were granted title without further investigation. As Stokes argues:

> *'Since White was accustomed to dealing only with 'chiefs', especially those who were Assessors and/or members of the Runanga, he probably had no difficulty in putting only a few names in each title he determined. Unfortunately, his entries in the Court minute book (Northern MB1) are so brief that it is not possible to obtain a clear picture of how the names of owners were determined. Only evidence put before the Judge in a Court hearing was taken into account.'*[28]

Wāhi tapu began to pass out of the control of claimants' tūpuna in the 1840s as the Crown began to acquire land for settlement purposes. The vast majority of claimants wāhi tapu were taken by the Crown through its land block deeds and surplus land and scrip land processes. The rest were mostly subject to private sales affected by the Native Land Court (later Māori Land Court).

The Crown failed to set aside adequate reserves for claimants' tūpuna, including reserves of their wāhi tapu. However in some limited cases, claimants' tūpuna were able to have their special places excluded from land blocks. Despite being set aside in the Crown land block deeds, and despite sometimes being called 'Native Reserves', these blocks of land largely had no special protections. This included wāhi tapu on the following land blocks:

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[28] Stokes, 'The Muriwhenua Land Claims Post 1865', Wai 45, R008, p. 22.

Table 1: 'Reserves' set out from Crown land agreements

Reserve Name	Crown land block	Acreage
Parangiora	Upper Kohumaru	160
Hikurangi	Hikurangi	522
Ahitahi	Maungataniwha East	584
Haumapu	Maungataniwha East	488
Otaharoa	Maungataniwha East	241
Te Awapuku	Maungataniwha East	204
Otarapoko	Mangatete (South)	206
Whiwhero	Mangatete (South)	178
Te Rangiranginga	Mangatete (South)	176
Hauturu	Mangatete (South)	151
Peria	Maungataniwha West 1	1130
Mangataiore	Maungataniwha West 2	381
Takeke	Maungataniwha West 2	79
Motukahakaha	Whakapaku	494
Taupo	Whakapaku	2,510
Te Ahua	Toatoa	624
Te Kuihi	Oruru	34
Waipuna	Oruru	38
Ikatiritiri	Oruru	19
Pakautararua	Oruru	202
Opouturi	Toatoa	250
Taheke	Kaiaka	484
Te Hororoa	Kaiaka	41
Whakapapa	Toatoa	470
Waimamaku	Kaiaka	154
Waimutu	Otengi	79
Waikiekie	Waikiekie	0.16

Total Reserve Acreage	9903.16

These blocks were given no legal protections as reserves and as we will see below, many were partitioned and sold. In the claimant rohe (as defined for this project) 20 blocks of land were later given temporary restrictions by the Native Land Court. These were:

- Pukenui
- Parapara East
- Pukekahikatoa 1
- Oparahi (Oparihi)
- Okakewai
- Merita
- Karikari
- Hauturu
- Mangataiore
- Te Ahua
- Konoti
- Aputerewa 1
- Te Hororoa
- Motukahakaha
- Patiki South (Patiki/Takahue)
- Takahue 1
- Takahue 2
- Taumatawiwi
- Te Kauri
- Unihia

Even these 20 were only given temporary protections either from sale for 21 years, during which time they could be leased. Te Konoti was given restrictions only until it was subdivided. The result was that the 'protections' of Native Land Court reservation were really only delays.

Instead they were merely temporarily set aside, to be sold later through the Native Land Court. As the Waitangi Tribunal has previously observed:

> *'Reserves were provided for one day, and then purchased the next.'*[29]

Armstrong attributes this to:

> *'An overarching assimilationist objective lay at the heart of this, as well as a more prosaic desire to simply remove any impediments to settler use of the land.'*[30]

By the time of the establishment of the Native Land Court in 1865, the vast majority of wāhi tapu had already been alienated. Indeed the vast majority of claimants' wāhi tapu lie on the large Crown land blocks alienated during the 19th century, or on land acquired by the Crown through surplus and scrip during the Old Land Claims process. Both of these are discussed below.

The remaining customary land was subject to the Native Land Court process for determination of title. This included reserves like Te Awapuku, as well as land that remained in customary ownership such as Mangahoutoa. The Native Land Court process cost claimants and their tūpuna almost all of their remaining wāhi tapu after 1865.

A key issue was the Native Lands Act 1865, which did not permit the Court to recognise tribal title or trusteeship which might have allowed for better protection of wāhi tapu. Land blocks, including wāhi tapu, were often awarded to small groups of owners. This was particularly an issue for the claimant's rohe as described by Geiringer:

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[29] Waitangi Tribunal, *Muriwhenua Land Report*, Wellington, 1997, p. 281.
[30] David Armstrong, Vincent O'Malley, and Bruce Stirling, 'Northland Language, Culture and Education: Part Two: Wahi Tapu, Taonga and Te Reo Maori', (research report commissioned by the Crown Forestry Rental Trust), 2008, p. 570

The Court minute books for the Far North indicate that under this system White did not conduct a thorough investigation into title. He accepted on face value the claims of the applicant and the handful of claimants that appeared before the Court. He did not question the representative nature of such claimants. Indeed the Court minutes do not indicate that White was actually concerned about whether applicants applied as individuals or as representatives of a larger kinship group.[31]

Armstrong has suggested that these few claimants who appeared in Court and were awarded title may have been considered 'representative owners' for wider whānau and hapū when the Court was unable to recognise collective ownership or trusteeship.[32] He states:

'If the community of owners had decided to sell land to the Crown it made sense to nominate a small number of representatives (or even a single representative) to take the block through the Court, conclude a sale, and distribute the sale proceeds. Agreements made outside the Court, rubber-stamped by the judges, were also a quicker and cheaper option. Under these circumstances, and if the claim was unopposed, there was no need to provide lengthy evidence about 'ancestral or traditional claims'. In a sense this approach could be seen as a manifestation of Maori agency.'[33]

Armstrong cites White's claims that that many of the land grants he issued 'have been avowedly obtained to enable the owners to sell to Europeans' and this was why he named so few owners.[34] Whatever the reasons, the result was the individualisation of communally held land to a few owners. This included ownership of the wāhi tapu that lay on these lands. Individualisation, then, was a key means of alienation of wāhi tapu.

Individualisation also allowed for partition and subsequent sale of land blocks, with this occurring in the majority of cases in the claimants' rohe with only one exception;

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[31] Claudia Geiringer, 'Historical Background to the Muriwhenua Land Claim, 1865-1950', (Wai 45, F010), 1992, p. 79
[32] Armtrong, 'Scoping Report', p. 57.
[33] Ibid.
[34] AJHR 1867, A-10, p. 10

Mangahoutoa. In some cases whole blocks were eventually sold off, as in the case of Rangitihi or Hauturu. In other cases, sections were progressively carved up and sold off, with only some sections remaining as Māori Land. This can be seen in places like Te Konoti, Oturu, Kareponia, Parapara, Te Ahua, Peria and Kohumaru (lower).

It has been argued, by Armstrong for instance, that the partition and sale of Native Land Court-adjudicated lands by title holders can be seen as an active expression of Māori agency.[35] As he describes it:

> *'Maori, encouraged by the promises of land purchase agents, sold land in the expectation that they would obtain the manifold collateral advantages associated with European settlement. When the promised settlement and development did not occur and Maori became enmeshed in debt and poverty this encouraged further land alienation, especially after 1865.'*[36]

Geiringer describes the cause of ongoing block partitions and sales as an evolving relationship between poverty, debt, disease and prior land alienations resulted in the continuing alienation of land. The relationship between these contributing factors was, she suggests, cyclical, with the incidence of one compounded the others.[37] To put it simply, there were economic pressures on Māori to sell and the title individualisation implemented by the Native Land Court allowed it to happen.

The ability to partition land also meant that, at least theoretically, wāhi tapu could be carved out and kept aside while other parts of the land were sold off. This is indeed the case with the few wāhi tapu still on Māori land today such as Hauturu 1A, Hauturu 4C, Te Rangi (Mangatakauere). However there are two main problems with this. Firstly, this process resulted in land-locked and inaccessible wāhi tapu that were difficult to care for (as all of these examples illustrate). Secondly, the individualisation of title and loss of collective ownership meant the

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[35] Armstrong, 'Scoping Report', p. 58.
[36] Ibid.
[37] Geiringer, 'Historical Background to the Muriwhenua Land Claim 1865-1950', pp. 42-44.

decision-making power on when to partition and when to sell fell to individuals. True, these individuals might have had the full backing of their hapū but as the Hauturu example illustrates (see case study) this was not always the case and sometimes unscrupulous agents used the individualisation of title to put economic pressure to sell on individuals who could not afford to resist.

The Native Land Court process of individualising collectively-held land also greatly diminished claimants ability to protect their wāhi tapu, as responsibilities increasingly shifted to individuals. There was no legal means of awarding urupa (for instance) to a hapū or iwi. Individualisation of land titles effectively removed claimants control over what little wāhi tapu they were able to hold on to after the glut of Crown purchases in the 1850s.

With the alienation of these wāhi tapu, protecting them became extremely difficult. In some cases relationships were formed with the new owners of these sites that allowed for informal agreements for access and protection, such as with Kauhanga Pā. In some cases, relationships have led to the return of wāhi tapu, such as at Paengaroa in Ōruru valley or Otanguru near Taipa. However, these examples are few and far between. In most cases the wāhi tapu that ended up on private land are now beyond the protection of claimants and their wider whānau, hapū and iwi.

One of the main responses to the alienation and degradation of wāhi tapu has been the widespread removal of human remains and re-interment at Church cemeteries. This includes Paengaroa at Hato Panapa (St Barnabas) in Peria, Taraka Te Konoti, and Parapara. Christian church cemeteries were afforded greater legal protection and were respected to a greater extent by non-Māori populations.

Some early observers felt at the time that this was welcome evidence of Māori 'Christianisation' and assimilation. While that may have been true to a certain extent, it is clear that the need to protect kōiwi was the main consideration. This is a process that claimants have continued right to the present day. Many of the main church cemeteries they have connections

to have areas set aside for kōiwi reburial. Just as claimants' tūpuna were progressively squeezed by the Crown into smaller and smaller areas of land, so to were the remains of their tūpuna.

The task of moving kōiwi to protect them from damage or destruction has been discussed with the author during oral interviews and site visits conducted in connection with the preparation of this report. This has been a crucial task that has often fallen to a few families or individuals as part of the duties of kaitiakitanga of the wāhi tapu, urupa and the kōiwi. However due to the tapu nature of these events and the sometimes painful memories associated with them the majority of sources have not wished to be on record about the details of these exhumations. Suffice it to say here that instances of reburial have been consistent and extensive right across the rohe from the mid 19th century right through to today.

The primary reason for reburial is because the kōiwi were not safe where they were. This led to both reburial following accidental discovery and intentional pre-emptive reburial where threats to a wāhi tapu were known. Reburial in a Christian cemetery gave kōiwi the legal protection they did not have in their existing burial places. This has become common practice in this rohe, at places such as Paengaroa, Parapara and Tarakaka.

Christian cemeteries had legal protection from relatively early. Section 147 of Criminal Code Act 1893 made it an offence, punishable by two years' imprisonment, for anyone who 'improperly or indecently interferes with or offers any indignity to any dead human body or human remains, whether buried or not.'[38]

Alongside Christian cemeteries, reburials often took place at urupa on marae land. This land was essentially the only remaining Māori land in the rohe and was able to be set aside as marae reservations.

[38] Criminal Code Act 1896, No. 56, s147.

Of the 487 wāhi tapu recorded in the wāhi tapu database (Appendix A), only 74 are on Māori land today. That represents 15.19 percent of total wāhi tapu or less than 1/6th of total wāhi tapu on Māori Land. The vast majority, just under 85 percent, were alienated from claimants.

While claimants and their tupuna may have expected sites on alienated land to still be protected, the Crown took little interest in setting aside wāhi tapu reserves or otherwise protecting these important places.

Of the 487 recorded in the wāhi tapu database (Appendix A), only 7 have specific reservations as wāhi tapu. These are discussed below, along with the circumstances of their reservation.

Konoti A6B and A6A (Tarakaka)

Konoti A6B and A6A are the two land blocks containing the Tarakaka urupa and St Saviours Church. The smaller A6B block is set aside as a Māori Reservation for the purpose of a burial ground with 7 responsible trustees. It was set aside in 1971.[39] Meanwhile the larger A6B block is set aside as a Māori reservation with the purpose of Church site and burial ground with 6 responsible trustees. Like A6B block, it was set aside in 1971.[40] The land was originally part of the Te Konoti block brought before the Native Land Court in 1868. Its history is discussed in depth in the case study on Hauturu and Te Moeti.

As we can see, 5 of the 7 reservations were made under the Māori Affairs Act 1953, largely the section 439 provision for setting aside Māori reservations for communal purposes. These 5 sections were all part of Native Land Court blocks that had been subject to partition and alienation, though these parts had been kept aside. Te Iwi-Wehea, on the other hand, was reserved under section 237 of the Māori Affairs Act 1953, largely because of its status as Crown land under the Puheke deed of 1859. Finally, Kareponia 3 was set aside later than the others, with a reservation being made under section 338 of the Te Ture Whenua Māori Act 1993. All are managed by responsible trustees.

[39] Te Tai Tokerau Title Notice Minute Book (TNTOK), 8, p. 164. Kaitaia Minute Book, 7, p. 67
[40] Kaitaia Minute Book, 6, pp. 336-339. Te Tai Tokerau Title Notice Minute Book (TNTOK), 8, p. 164.

Kareponia No. 3 (Mangatakauere Māori Reservation)

Kareponia No. 3 (Mangatakauere Māori Reservation) is known as Te Rangi urupa and located on a landlocked peice of remaining Māori land from the original Kareponia block. The land was made a reservation in 2008 through section 338(1) of the Te Ture Whenua Māori Act 1993 on the recommendation of the Māori Land Court. It was reserved for the purpose of a burial ground, for the common use and benefit of the Patu Koraha hapu, Te Paatu hapu and Ngai Tohianga hapu.[41] It is managed under a reservation trust with 6 current trustees acting for the original 2 owners (now deceased).

Parapara A2C (Parapara urupa cemetery and church)

Parapara A2C is the block containing the Parapara urupa and cemetery as well as the St Matthews Church. It is the main urupa associated with the Parapara marae. The block was originally part of the Parapara block brought before the Native Land Court in 1877. It was then partitioned off through the Native Land Court in 1905 and declared inalienable as a church and cemetery.[42] It was recommended as a wāhi tapu reserve in the final report of the Stout-Ngata Commission in 1908.[43] It was then finally set aside in 1992 as a Māori reservation for the purpose 'of a Cemetery and Church reserve for the common use and benefit of in the case of the cemetery of the descendants of the owners and their spouses and in the case of the church of anyone of the Anglican faith' under section 439 of the Māori Affairs Act 1953.[44] It is currently managed by the Parapara A2C church and Burial Ground Māori Reservation Trust with 7 responsible trustees.

Kareponia No. 1A Sec.5D No.1. (Komako)

[41] New Zealand Gazette, 2008, No. 76, p. 2125
[42] Parapara East B5, NMB 37, p. 168.
[43] AJHR 1908 G-1J, p. 43.
[44] New Zealand Gazette 25, 27 February 1992, p. 505

Kareponia No. 1A Sec.5D No 1 is the block containing the Komako urupa, the main urupa associated with Kareponia Marae. It was originally part of the Kareponia block, brought before the Native Land Court in 1867. It is managed as a Māori Reservation by 7 trustees for the purpose of a burial place and church site. The reservation was made in 1961 through the Māori Affairs Act 1953.[45]

Oturu 2D 3B 1A (Hikinui)

Oturu 2D 3B 1A is the location of the Hikinui urupa, associated with Ōturu marae. It is managed as a Māori reservation with 11 responsible trustees. It was originally part of the Ōturu block brought before the Native Land Court in 1882. It was set aside as a Māori Reservation in 1988 through the Māori Affairs Act 1953.[46]

Rangaunu Survey District Section 1 SO Plan 64846 Block III (Te Iwi-Wehea Wahitapu Reservation)

Te Iwi-Wehea wāhi tapu is located on the Karikari Peninsula and was originally part of the Puheke block 1859. It is managed as a Māori Reservation under the Te Iwi-Wehea Wahitapu Trust, with two trustees. It was vested in the two trustees in 1993 under Section 267(3A) and 267(5) of the Māori Affairs Act 1953.[47] These sections cover land acquired by the Crown and allow for it to be granted to Māori through a vesting order made by the Court on application of the Minister of Lands. This land was made a reserve through the identification of wāhi tapu undertaken as part of the State Owner Enterprises asset sales discussed below.

Whatuwiwi 4 Part (Takapū)

Whatuwhiwhi Part 4 is the block containing the majority of Takapū urupa, associated with Haititaimarangai Marae. It is discussed at length in the case study on Pātia O Matariki. It was

[45] Te Tai Tokerau Title Notice Minute Book (TNTOK), 3, p. 492
[46] Auckland Minute Book (AT), 18, p. 343.
[47] Kaitaia Minute Book (KT), 18, pp. 53-54.

originally part of the Whatuwhiwhi block, brought through the Native Land Court and progressively subdivided. The Stout-Ngata Commission 1908 made recommendations for it to be set aside as a reserve but this wasn't done until 1966 when an application by the owners under section 439 of the Māori Affairs Act 1953 was made to the Māori Land Court. It is currently managed as a Māori Reservation with 14 responsible trustees.

Unreserved urupa on Māori freehold land

There are also several urupa which, while on Māori land, are not given reserve status and exist simply as Māori Freehold title:

Hauturu 1A & Hauturu 4C

Hauturu 1A and 4C are remnant parts of the Hauturu block, set aside from the Mangatete block and brought before the Native Land Court in 1867. They are discussed in full in the case study on Hauturu and Te Moeti. 1A block is owned as Māori freehold land by 3 owners, while the larger 4C block is owned by two owners (deceased) as trustees.[48] Both are landlocked and unfenced from surrounding freehold land and neither is actively managed.

Te Ahua B (urupa)

Te Ahua B is Māori freehold land containing an urupa, originally part of the Te Ahua block that was reserved from the Toatoa block and then brought to the Native Land Court in 1868. It was originally partitioned off in 1954, though it was not set aside as a Māori reservation.[49] There are no current details of its ownership or management available through the Māori Land Court's *Pātaka Whenua* portal.

Pukekahikatoa 2A2

[48] NMB, 43, p. 229
[49] Whangarei Minute Book (WH), 61, p. 62.

Pukekahikatoa 2A2 contains the Pukekahikatoa urupa, being a partition from the original Pukekahikatoa block brought before the Native Land Court in 1896. The urupa only takes up part of the block, with the rest being a mixture of forest and pasture with small pockets of residential. It is Māori freehold land owned by three owners (one of which is a whānau trust).

Mangataiore F and G

Mangataiore F and G is a block containing the Mangataiore urupa, assocaited with the Mangataiore Marae. Originally, it was part of the Mangataiore Native Reserve that was set aside from the Maungataniwha West No. 2 block. This was then brought before the Native Land Court for title investigation in 1867 and progressively partitioned. It is managed as a Māori Reservation for the purpose of an urupa by 8 responsible trustees. It was set aside in 1992.[50]

Paengaroa Urupa and Hato Panapa (St Barnabas) Church

Paengaroa Urupa and Hato Panapa (St Barnabas) Church are located in Peria in the Oruru valley on Section 1 SO 60565 and Part Peria Block. The land is general title, but wholy owned and managed by Te Paatu ki Kauhanga Trust Board following a gift from the Te Hui Amorangi ki Te Tai Tokerau Trust Board in 2022.[51] While it is not Māori land, it is a significant wāhi tapu that is now owned by claimants thanks to the return of the land in fulfilment of the original tuku whenua.

The land was originally part of the Peria Native Reserve left out of the Maungataniwha West No 1 block in 1863. Following title investigation of the Peria block in 1865, the block was granted to Pene Te Pae, Matiu Tauhara, Hehi Wharerau, Kaio Tawhitu, Wi Hakitara, Hemi Kahoe, Wi Kaitaia, Rakina Waiaua, Tama Pakaaia. On 28 May 1869, a 17 acre section of this land called 'Part Peria' was transferred by the title holders to Reverend Thomas Chapman and

[50] TNTOK, 13, p. 745
[51] Personal Communication, Tina Latimer to Ben Leonard, 9 May 2024.

Revered Robert Bennett (Church Missionary Society) for the purposes of a church. The St Barnabas Anglican Māori Church was built by the Peria community, and Reverend Renata Tangata who was ordained at St Paul's Cathedral in Auckland 1867 was the first serving Minister.

A scaled down model of the Kaitaia Mission Church was built and seven acres of land set apart for a burial ground, Ministers house and garden. The church building was subsequently moved in 1907 to Victoria Valley, close to Mangataeore cemetery. By 1912 that building had become too small for the growing congregation in Peria and a new one was built to replace it. It was dedicated as St Barnabas and opened by Bishop Crossley on March 26, 1912.

On the 12 June 1941, a letter to the diocese, signed by Henare Kingi Waiaua requested that the site of the church and burial ground, be transferred to Diocese of Auckland in trust as a church site and burial ground for all time. On 2 November 1942, 1.3152 hectares was transferred from the Tai Tokerau Board to the General Trust Board of the Diocese of Auckland. A new certificate of title was issued for this area, which is the current title of Part Peria.

The land was transfered to Te Paatu ki Kauhanga Trust by Te Hui Amorangi ki Te Tai Tokerau Trust Board in 2022 in recognition of the original terms of the tuku whenua. The land contains the church Hato Panapa as well as Paengaroa urupa, the final resting place of many significant tupuna from this region. It has also been a site for reburial of kōiwi from around the region that have been unearthed either accidentally or intentionally for protection.

<u>Marae reservations</u>

A further 10 pieces of Māori land have been given reservation status as marae:

- Whatuwiwi No. 1B 1A 2 (Haititaimarangai)
- Aputerewa 1D2B (Aputerewa)
- Kohumaru 1 (Kohumaru)
- Peria 7b3c (Kauhanga)

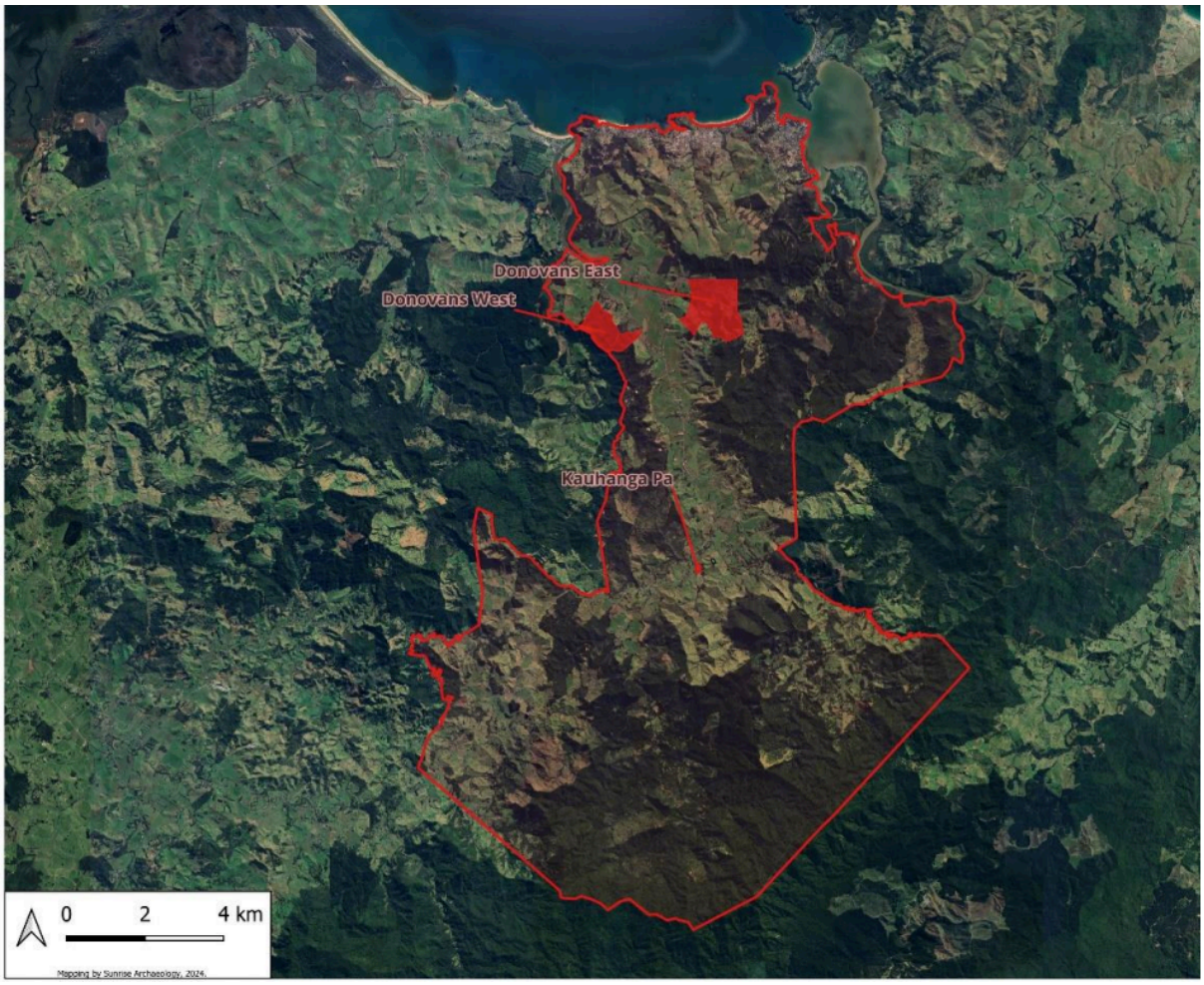
- Te Ahua A2B1 (Te Ahua)
- Parapara A2B1 (Parapara)
- Kareponia No 1A Sec 4 (Kareponia)
- Maimaru E2 (Mahimaru)
- Oturu 1A (Oturu)
- Konoti B No 3 South A (Te Paatu)

Other reserves

A further 3 sections have been given reserve status for other purposes:

- Okokori B (Whare Kaupapa Waka)
- Karikari 1A2A (Camping reserve for owners)
- Moturoa Islands (fishing reserve & recreation ground)

ORURU VALLEY



Map 3: Oruru Valley with Kauhanga Pā and Donovans Forestry Blocks. Source: Maxwell and Huebert.

CLAIMANT STATEMENT

The following statement has been provided by claimants for Wai 1842, outlining the significance of their chosen case study areas: Kauhanga Pā and Donovan's Blocks, both within the Oruru Valley.

Ka noho au ki te tihi o Maungataniwha ka anga aku kanohi ki ngā wai o Tokerau moana. Heke iho ki te ara o ngā waka tūpuna i ū mai ki uta.

Te takotoranga o te whenua kāmehameha, he whenua rangatira e tū ai ngā pā kāinga me ngā pā tūwatawata. Pēnei i te whenua e kiia nei ko 'Donovan's Forest Block'. He pā kāinga te wāhi nei, kei te wāhi o Oruru.

Ko te whakatauki o tō tātou hapū, ko 'Oruru karanga pā tahataha'. Nā te noho tata o ngā pā ki tēnei wāhi i pēnei ai.

Tu iho ana i te kōraha ko Te Kauhanga, te pā maioro o te rangatira Moroki. He wāhitapu taurikura te pā o Kauhanga, he whakapapa tōna, he kōrero tōna. He wāhi pakanga, he wāhi heke toto, he wāhi e puta ai ki te ora noki. E ai ki ngā kōrero tuku iho, i whānau mai Te Paatu ki konei.

No te hekenga o ngā tau kua mōwai te whenua ki onā kaitiaki, ngā uri. He mea whakahua te marae ki te ingoa o Kauhanga e ngā mātua tūpuna kia kaua rawa ngā korero e memehā noa.

Ko Kauhanga te pā, tū te ao, tū te pō.

From atop the sacred summit of Maungataniwha I cast my gaze across to the waters of the Tokerau harbour. To the pathways traversed by the ancestral waka to reach these shores.

To the fertile lands that lay ahead, a pristine landscape where many communal villages and defence fortresses once stood. Another pā site is located on Donovan's Forest Block. This is an area where tupuna settled and is in the Oruru vicinity. A proverb of our hapū, exemplifies the close relationship of the pā proximity in the Oruru area.

A significant feature of this landscape was Kauhanga Pā, the stronghold of Moroki, the paramount leader of his time. The stronghold of Kauhanga Pā is a sacred site of immense importance with its own history and stories. A story of war, a story of bloodshed, a story of survival. The oral traditions record these stories as the origin of Te Paatu.

Over time the landscape became alienated from its guardians, the descendants. To ensure the stories of Kauhanga would not be lost forever our forefathers bestowed the name upon the marae.

Ko Kauhanga te pā, tū te ao, tū te pō.

INTRODUCTION

Oruru is large alluvial river valley, stretching inland of Doubtless Bay and the Taipa River mouth to the watershed of the Maungataniwha range in the south. The valley surrounds the Oruru awa and its many tributaries, comprising approximately 16,000 ha (as defined for this project). According to Maxwell and Huebert:

'The central Oruru River is fed by numerous streams that create natural land divisions as they descend from the hills to the valley floor. Alluvial floodplains define the areas flanking the river, and above that are older floodplains (aggraded terraces) featuring well-drained soils, rising to ridges that define the valley. Johnson(1986a, 29-30) described the Oruru Valley as a series of micro environments, stretching from the montane forests of the Maungataniwha range to the fertile floodplains to long stretches of consolidated dunes, ending in sand and mud banks at Doubtless Bay.

Today, the vegetation of the valley largely follows an elevational gradient. The Oruru River is fringed by mangroves, which nearer to the river mouth can extend several hundred metres from the shore. On the surrounding flats and hills, there are large areas

of grazed land. Higher elevations are plantation forests, and well-developed scrub and secondary vegetation formations.[52]

It is said that when the ocean-going tupuna waka arrived in Tokerau Moana (Doubtless Bay), the people initially settled along the coastline on prominent headlands and the river mouths such as Taipa and Otengi, before moving inland to the Oruru Valley.[53] The fertile alluvial valley became a key focal point for settlement, with the Oruru awa providing allowing waka to pass easily from the coast to pā.[54]

The Oruru valley was an ideal place for settlement, with the fertile alluvial soils, defensible high points, and key transport links. As a result, Oruru is said to have become one of the most densely populated parts of the country.[55] It is said that during the eighteenth century the valley may have supported a population of 8,000.[56] The fertile alluvial nature of the soil in the valley is reflected in the whakatauki "Ōruru kāmehameha".[57]

The valley was so densely populated that messages were able to be called from one pā to another. This led to the whakataukī: Ōruru karanga pā tahataha.[58] This proverbial saying speaks of the density of pā in the valley and the interconnectedness of the entire valley as a cultural landscape.[59] Other kōrero refer to "Ōruru karanga pā tahi" as demonstrating the interconnectedness of all the many pā of this valley.[60]

Maxwell and Huebert noted 62 recorded pā in the valley, with many less than 500-600 m apart.[61] They continue:

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[52] Maxwell and Huebert, p. 11.
[53] Te Paatu ki Kauhanga Trust Board, 'Assessment of Environmental Effect: Summit Forestry Limited Donovan's East Forest, Back River Road', 2019, p. 17. Document Bank, p. 213.
[54] Waitangi Tribunal, *Mangonui Sewerage Claim*, p. 25.
[55] Waitangi Tribunal. *Muriwhenua Land Report*, p. 32.
[56] ibid.
[57] Pereniki Tauhara, p. 28
[58] Waitangi Tribunal, *Mangonui Sewerage Claim*, p. 13-15.
[59] N. C. McKenna, *Mangonui; Gateway to the Far North*, Kaitaia, 1990, p. 2.
[60] Robin McConnell, *Taua of Kareponia*, Hamilton, 1993, p. 18.
[61] Maxwell and Huebert, p. 110.

'The types include numerous hilltop and ridge pā, some with evidence of defensive strucutres including ditches (sometimes multiples) and palisades, and a lowland pā and a swamp pā. Most also have terracing, some have a large number of terrraces cascading down adjacent slopes, and pits that range from small to very large. Of the few exploratory excavations that have occurred on pā in this area, it would appear that many were constructed in a single event and were not later remodeled.

More than 100 terrace and/or pit sites, containing many hundreds of individual features, have also been recorded. The presence of terraces and pits of all sizes throughout the valley suggest large scale cultivation and a high population.

Over 90 instances of middens have been recorded in this landscape; some near beaches, rivers, and smaller waterways, others eroding from hillside or pā terracing some distance inland. Several firescoops and/or earth ovens have also been noted. There are a number of sites related to Maori horiculture (drains, mounds, terraces, wetland ditches, and made agricutural soils) that have also been recorded in this landscape. There are also several recorded, and many unrecorded, occurrences of relict taro plants in the area which may be remants of former cultivations.

Other site records have been made for artefact finds such as stone tools, flakes, fragments of obsidian, and several wooden items. Burials have also been recorded, mainly from narratives of the twentieth century landowners.'[62]

At almost every high point in the valley was a pā, and the lower hills and valley floor were a patchwork of māra (cultivations), villages and drainage networks. The Ōruru awa and its many tributaries connected the landscape, allowing waka to travel from Taipa and Ikatiritiri on the coast to Kauhanga, Ōruru Pā, Pakautararua, Ōmatai and other pā inland. Numerous puna (springs) provided fresh water, and the streams and wetlands were sources of food and

[62] Ibid., pp. 90-91.

medicines. The denser bush in the hill country and ridgelines provided important areas for birding and gathering resources of the forest.

The large population and long traditional history of Ōruru valley means it contains many wāhi tapu. These include pā, urupa, ana-kōiwi, burials and other sites associated with tūpāpaku. They also include many battlegrounds where blood has been spilled. Other wāhi tapu include significant landmarks such as maunga and places associated with particular tūpuna. The two case studies claimants have selected for this region, Kauhanga Pā and Donovan's Forestry Block contain wāhi tapu of tall of these types.

ARRIVAL OF PĀKEHĀ

Contact with Pākehā began in the late 18th century with ships visiting Tokerau Moana (Doubtless Bay) and Mangōnui. The immediate effect of these visits was the introduction of infectious diseases which began a series of epidemics that drastically impacted the population of the Ōruru Valley. These epidemics had major impacts on settlement patterns and land use within the valley, including the depopulation of pā in the Donovan's area as people moved to other places like Ōruru and Kauhanga pā.[63] Based on oral traditions recalled by local informants, McConnell records that the epidemic of 1794 led to a halving of the population of the Ōruru valley within two decade.[64]

Visiting ships also introduced new crops in the form of potato, wheat, corn, cabbage and other varieties of kūmara. These introductions of both new foods and new diseases had major impacts on settlement patterns and land use within the rohe, including at Kauhanga pā which served as a focal point for settlement and defence in the valley.

This meant that by the time of the arrival of Pākehā in the Ōruru valley in the 1830s, traditional life in the area had already been dramatically altered.

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[63] Waitangi Tribunal, *Mangonui Sewerage Report*, pp. 13-15. Personal Communication, Tina Latimer to Ben Leonard, 13 November, 2023.
[64] McConnell, p. 19.

Missionaries began visiting Ōruru valley from 1823 with the arrival of Reverend John Butler sailing up the Oruru river to a papakāinga.[65] In 1831 the Church Missionary Society's Henry Williams travelled up the Ōruru awa from Taipa in August of 1831. Williams visited a papakainga at Ōruru (probably around Pakautararua) and other villages further up the river at the "head of the valley" (possibly Kauhanga).[66]

In 1833 the Church Missionary Society (CMS) established its mission station in Kaitaia with the assistance of Nopera Panakareao. The CMS considered Ōruru valley part of its jurisdiction and rejected attempts by other missionary groups to operate there.[67] This relationship was further cemented between CMS catechist Joseph Matthews and the rangatira Morenui, later baptised as Reihana Kiriwi.[68]

By 1836 a number of Pākehā settlers had established themselves at Mangōnui. Many were sawyers and they began to negotiate with rangatira for the use of land to cut timber and build modest homes. These agreements took the form of tuku whenua arrangements where Pākehā settlers were granted use of the land in return for trade goods. One of the most important elements of these agreements was the creation of a mutual and enduring relationship in which Pākehā were expected to live according to the tikanga of their hosts and bring material benefits by attracting other Pākehā for trade. These agreements were often cemented by marriage between settlers and tangata whenua. A number of agreements were signed for land around Mangōnui between 1836 and 1839. [69]

LAND ALIENATION

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[65] R. J. Barton, *Earliest New Zealand*, New Zealand Electronic Text Collection, 1927, Wellington, section: Monday March 31st, 1823.
[66] Barry Rigby, 'The Oruru Area and the Muriwhenua Claim', Historical Report Commissioned by the Waitangi Tribunal, 1991, p. 8.
[67] Ibid., p. 10.
[68] Ibid., p. 11.
[69] Maurice Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', Report for the Waitangi Tribunal, Wai 45, H008, p. 17.

Among the group of Mangōnui settlers was Stephen Wrathall, who negotiated with Pororua and Kiwa for a large area around the Waikainga awa in 1836. This was later recorded as the 'Whikinga Block' in Turton's Deeds (No. 23).[70] Rigby argues that this deed was likely just an exchange of rights to cut timber in the area.[71] No Te Reo version of the deed has been found.

Of particular importance for the both Kauhanga Pā and Donovan's Forestry Blocks cultural landscape areas was the 'Waioioi, Ōruru and Parawai' agreement signed by former CMS surgeon Samuel Ford and 51 rangatira at Kaitaia on 12 November 1839. Ford had visited Muriwhenua for a few months in the summer of 1838-9 and negotiated for a huge area covering much of the Ōruru valley. This agreement is particularly important as its boundaries became the basis for later Crown claims to Ōruru. It is also said to have been a contributing factor in the 1843 Ōruru conflict between Pororua Wharekauri and Nopera Panakareao. The signatories were:

- Nopera Panakareo.
- Rawiri tiro.
- Kepa Waha.
- Morehou.
- Marari.
- Pana Wakangi.
- Poho.
- Uringarara.
- Riki.
- Wetekia.
- Hahakai Kapahu.
- Puia Kapahu.
- Rehi paraoa.
- Pita.

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[70] Deed 23, Whikinga block, 26 October 1836, H. Turton, *Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims*, 1882, p. 27.
[71] Rigby, p. 13.

- Kauika.
- Tukariri.
- Ko Pihangu.
- Wiremu Makiri.
- Matiu Puwai.
- Ihaia Hau.
- Hemi Pari.
- Kiripoka.
- Hamuera Toromai.
- Hohepa Kiwa.
- Tana Pokaia.
- Matiu Puke.
- Reihana Marenui.
- Wiremu Kapa.
- Ware.
- Mohi Witirua.
- Ripi.
- Mahanga.
- Watene Wera.
- Kingi Kohuru.
- Raniera Patuware.
- Ihaka Hunapuku.
- Hira Kuri.
- Wiremu Pikaahu.
- Turau.
- Omerengi.
- Aperahama More.
- Te Puru.
- Morenga.
- Ahuahu.
- Huhu.

- Waitaha.
- Paratene Hamu.
- Karuwero.
- Takamoana.
- Tamati Pawau.
- Taha

In October of 1840, Panakaraeo re-negotiated the boundaries of this area with Ford, greatly reducing its size. However, it appears that many other whānau and rangatira with interests in the area were unaware of either the 1839 agreement or the 1840 renegotiation. The english version of the 1840 deed stated that the people of Kohumaru and Ōruru would "remain upon their places on the said land within the boundary".[72] These places were apparently supposed to be pointed out by Panakaraeo but it is unclear from the written evidence whether this took place.

The agreement with Ford was one of many controversial land deals made by Pākehā settlers, sawyers and missionaries before the signing of the Treaty in 1840. The Waitangi Tribunal has since found that the Ford agreement was not a full and final land sale, but merely an agreement for Ford to use parts of the land.[73] These pre-treaty claims were known as 'Old Land Claims' and were investigated by the Crown in 1842-1843.

Governor Hobson sent Commissioner Edward Godfrey to Mangōnui in January 1843 to investigate Old Land Claims in the region. After being greeted by a large pōwhiri, Godfrey focused most of his initial investigations on the numerous overlapping Mangōnui agreements. Before claims in Ōruru could be heard in full, Godfrey left the area citing increasing tensions between Pororua and Panakareao. He did, however, note that there was strong opposition to Ford's claims in the Ōruru valley.[74]

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[72] Deed 52, Waioioi, Ōruru and Parawai Block, 12 Nov 1839, Turton, 1882, pp. 44-45.
[73] Waitangi Tribunal, *Muriwhenua Lands Report*, pp. 221-223
[74] Godfrey to Ford 13 Jun 1843, "Answer to Minute… relating to claims of C Patridge," OLC File 8/1, 69, ACFC 16431, R3809045. Document Bank, p. 140.

In the end, the Crown decided to offer Pākehā claimants 'scrip land', meaning that their claims could be exchanged for Crown land elsewhere. Some chose to take the deal, while others remained where they were.[75] Importantly, the Crown decided not to return the land to tangata whenua and instead assumed Crown ownership in cases where 'scrip land' was issued.

The way the Crown dealt with Old Land Claims exacerbated tensions between neighbouring hapū and iwi. This led to a series of disputes between Pororua and Panakareao in 1843 in Ōruru in which it was reported that at least a dozen people were killed.[76] A truce was eventually called later that year, and Panakaraeo signed a document agreeing to recognise both his and Pororua's rights in August 1843.[77] After supporting the Crown at Ruapekapeka, Panakareao returned to Pakautararua in the Ōruru valley and apparently cultivated there with whānau for around a decade.[78]

Pākehā settlement in Ōruru was slow in the years following the 1843 conflict but began to pick up again in the late 1840s and early 1850s. However tensions continued to simmer, including a battle between Panakareao and Tipene Te Taha fought in Ōruru (or Taipa) in 1852.[79]

In 1848, W. B. White was appointed Resident Magistrate for Muriwhenua and moved to Mangōnui.[80] White was ostensibly the face of the Crown during his 30 year tenure, acting as judge, assessor, surveyor, negotiator and land sales agent. He often acted independently and only sought formal Crown approval for his actions afterward.[81] This was in contrast to how he

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[75] Ibid.
[76] Matthews to Coates 31 July 1843, Church Missionary Society, Digitised by National Library of Australia, http://nla.gov.au/nla.obj-1409947500; Partridge to Colonial Secretary, 15 March 1844, Box File 18 - Claims 889-893 C Partridge and H Smyth - Whakaangi and Taemaro Petitions File "L" - Series 4, BAJZ 18/2n, ANZ (AKL), R22916163. Document Bank p. 149.
[77] Protector's Report, August 1843, British Parliamentary Papers 1846 (337), pp. 125-7. Document Bank, p. 157.
[78] Joseph Matthews Journal 26-29 May 1846, Church Missionary Society, Digitised by the National Library of Australia, http://nla.gov.au/nla.obj-1409947545.
[79] Matthews Journal 4 July 1852, Church Missionary Society, Digitised by the National Library of Australia, http://nla.gov.au/nla.obj-1409947545.
[80] Evelyn Stokes, 'A Review of the Evidence in the Muriwhenua Land Claims', Wai 45, P002, Volume I, p. 267.
[81] See, for instance, his actions in Oruru in the 1850s described in Rigby, 'The Oruru Area and the Muriwhenua Claim, pp. 34, 40-41. White and Kemp, for instance, paid for the 1856 Oruru purchase out of their own pocket before later being paid back by the Crown.

represented himself to Māori, where he was thought to be carrying out directives from the Governor and other high ranking Crown officials.

Part of White's project in Muriwhenua was the purchasing of large contiguous blocks of land for the Crown. Again, White rarely waited for Crown approval of these sales, preferring to act fast to secure some form of arrangement with Māori and then working out the details later. This included working out the boundaries of his purchases sometimes years after the fact. This was the case with White's Ōruru purchase in 1854 and 1856. Seeking to encourage Pākehā settlement in the area, White moved to the Ōruru valley in 1853. However, White appears to have been frustrated by what he saw as the slow bureaucracy of the Crown so he decided to take matters into his own hands. White and Kemp paid Panakareao 100 pounds from their own personal funds for a large area known as the Ōruru block in 3 July 1854. Panakareao was the only signatory to this deed. The purchase was retrospectively approved by Chief Land Purchase Commissioner Donald McLean a few weeks later.[82]

The 1854 Ōruru block was poorly defined and purported to follow the 1840 agreement between Panakareao and Ford. This huge area covered most of Ōruru valley and in particular covered the entire Kauhanga Pā and Donovan's Forestry Block cultural landscape. The only reserve made from this purchase was Pakautararua for Panakareao and his whānau.[83] The land apparently contained a settlement and cultivations at that time.

With regard to the 1854 Ōruru agreement, the Waitangi Tribunal has found:

> *'Again, however, it is doubtful that Panakareao saw this transaction as any more of a sale than the previous transactions. As the Crown historians pointed out, Panakareao wrote to the Governor in October 1854, apparently concerned about the settler occupations and complaining that the Government was stealing the land.'*[84]

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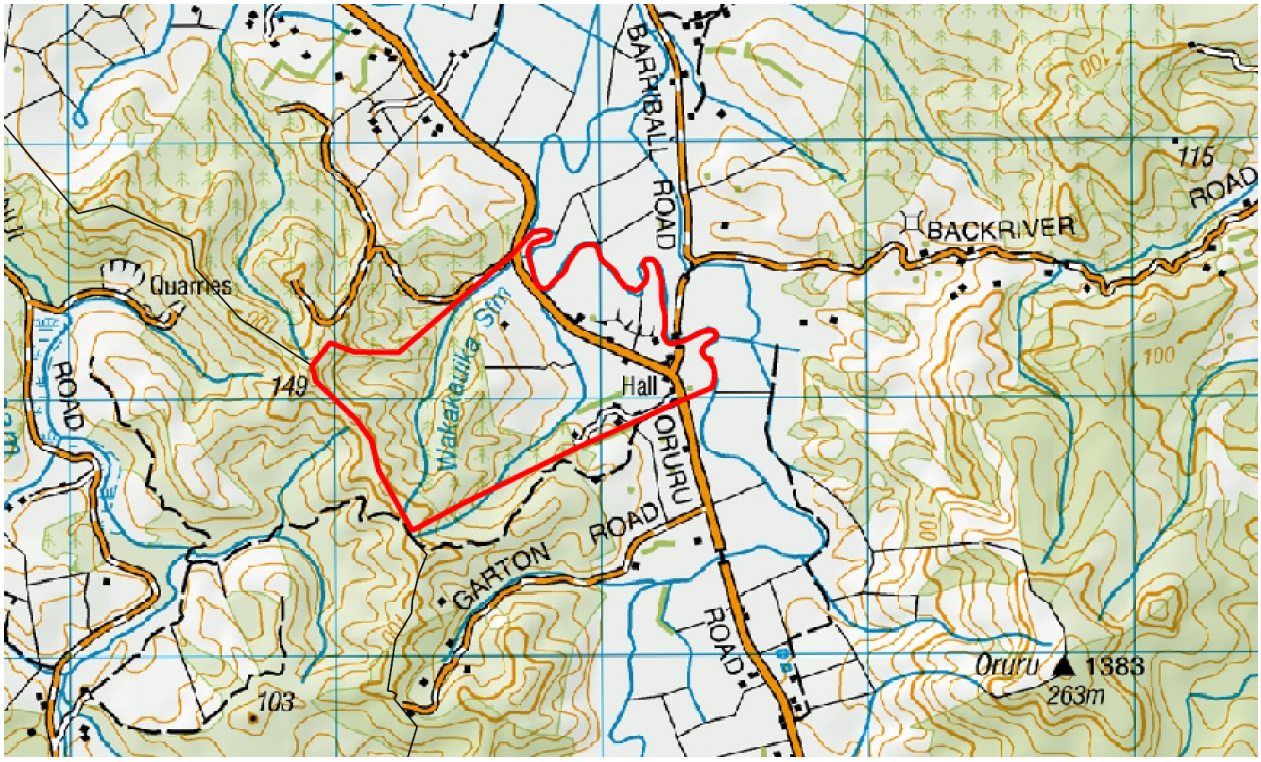
[82] See Rigby, 'Oruru', p. 36.
[83] White to Ligar 3 July 1854, Box File 18 - Oruru Petition - General File. Claims 563-564 Berghan (Series 2); 619, 621, 622 Thomas and Phillips (Series 2); 704 Ford (Series 4); 855 Wrathall (Series 4) - File "N", BAJZ 18/6a, ANZ (AKL), R22916150. Document Bank, p. 150.
[84] Waitangi Tribunal, *Muriwhenua Lands Report*, 223.



Map 4: Pakautararua (aka Nopera's Reserve), based on mapping for Waitangi Tribunal Renewed Muriwhenua Inquiry WAI45. Underlay NZ Topographic Map 50. Ben Leonard 2023.

The 1854 purchase was disputed by other rangatira including Pororua, Tipene Te Taha and Puhipi te Ripi. The recently appointed District Land Purchase Commissioner H T Kemp received a letter from a group based at Taipa saying that they would take Ōruru back if the claims were not settled fairly.[85]

Following Panakareao's death in 1856, White and Kemp were able to negotiate another deal for Ōruru (covering largely the same are) with a further 37 rangatira. The signatories were:[86]

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[85] Letter to Governor 6 Feb 1856, enclosed in Kemp to Mclean 12 April 1856, No 11, AJHR, 1856, C-1, pp. 7-8.
[86] Henry Hanson Turton, 'Oruru Valley, Mangonui District', *Maori Deeds of Land Purchases in the North Island of New Zealand: Volume One*, 1877, Digitised Copy held by New Zealand Electronic Text Centre, Accessed 8 July 2024.
https://ndhadeliver.natlib.govt.nz/webarchive/20211230011441/http://nzetc.victoria.ac.nz/tm/scholarly/tei-Tur01Nort-t1-g1-g1-g1-g1-g3-t1.html

- Puhipi te Rewarewa.
- Te Waka Rangaunu.
- Ahuahu.
- Kingi te Nganga.
- Wiremu Pikaahu.
- Hira Kuri.
- Te Matiu te Huhu.
- Te Karaka te Kawau.
- Kohoe.
- Meinata te Hou.
- Pi.
- Wharerau.
- Korewha.
- Reihana Te Kanohi.
- Tipene Kohe.
- Ihaka te Teira.
- Matiu
- Neho
- Te Teira
- Ngaheihei
- Wharekauri Pororua
- Tipene.
- H. Mehaka Hongi.
- Timoti Miti
- Tai pari tera Te Heu.
- Hone Pororua.
- Wi Te Ahumakiwi.
- Ko te Rakena—by Pororua.
- Wi Kaitaiai.
- Paratene Karuhuri.
- Heta Hinaki.

- Aperahama More na Tipene.
- Hohaia te Ngonge na Tipene.
- Omerengi.
- Riwai Paeuta.
- Hetaraka.
- Reihana Kiriwi

The deed purported to be a full and final settlement of claims to Ōruru, however historians have noted that a number of prominent rangatira and whānau did not sign.[87] Neither Kauhanga Pā nor Pakautararua are mentioned in this deed. No survey of the land was presented to the 37 signatories at the time. In fact, a survey was not completed until 29 June 1858. However, this post-facto survey was poor and difficult to reconstruct. A thorough review of the evidence by Rigby concluded that the boundary lines were "not consistent".[88]

In regards to the 1856 agreement, the Waitangi Tribunal has found:

> *'The one transaction on which the Government might most rely for rights to the Ōruru Valley, in our view, was the 1856 transaction, but that is marred by the fact that the European settlers had taken possession of the land beforehand and the greater part of the valley had already been carved up between them. This was not a willing seller-willing buyer situation.'* [89]

The allocation of reserves in the area is of particular note. Despite the presence of so many wāhi tapu (including burials of all kinds), the only reserve made was Pakautararua. Pākehā settlers were given hundreds of acres of land for individual settler families, including S Wrathall Jr (251 acres), W Butler (343 acres), N Butler (324 acres) and W B White (220

[87] Rigby, 'Oruru', p. 41.
[88] ibid., 45.
[89] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 224.

acres).[90] By comparison, Māori were reduced to just a single reserve (Pakautararua) of around 200 acres.

Despite the numerous issues with both Ōruru agreements, White wanted Māori off the land as soon as possible. Only months after the 1856 agreement, White was advocating for the removal of a group led by Nopera Te Puru from Pakautararua. [91] White seems to have believed that the presence of Māori in Ōruru valley was a barrier to Pākehā settlement. He seems to have feared that other rangatira like Tipene Te Taha were likely to return to Pakautararua if Te Puru was not expelled. Indeed, Te Taha wrote to Chief Commissioner McLean expressing his frustration with the situation and in response McLean told Kemp to investigate.[92] Despite White's continued attempts to have them removed, Te Puru and the others living at Pakautararua continued to occupy the land for at least another decade.[93]

The Ōruru land was progressively carved up and awarded to settlers, including 560 acres to F. Hunt, covering what is today the Donovan's West Forestry Block. Meanwhile, land on the east side of the valley was awarded to W. Butler (343 acres) and N. Butler (324 acres). The land in the Donovan's East block remained unallocated Crown land. By this point most whānau had moved to Pakautararua, Kauhanga, Peria and other places.

Pressure from White and other settlers to remove Māori from the area continued into the 1860s. Meanwhile, dispossessed whānau from surrounding areas moved to Kauhanga Pā, Pakautararua, Peria, and Waikainga as some of the few pieces of remaining Māori land in the area. Protests from Māori to the Ōruru agreement continued, including an 1860 petition to Governor Gore Brown from a rangatira identified as Ruhe.[94]

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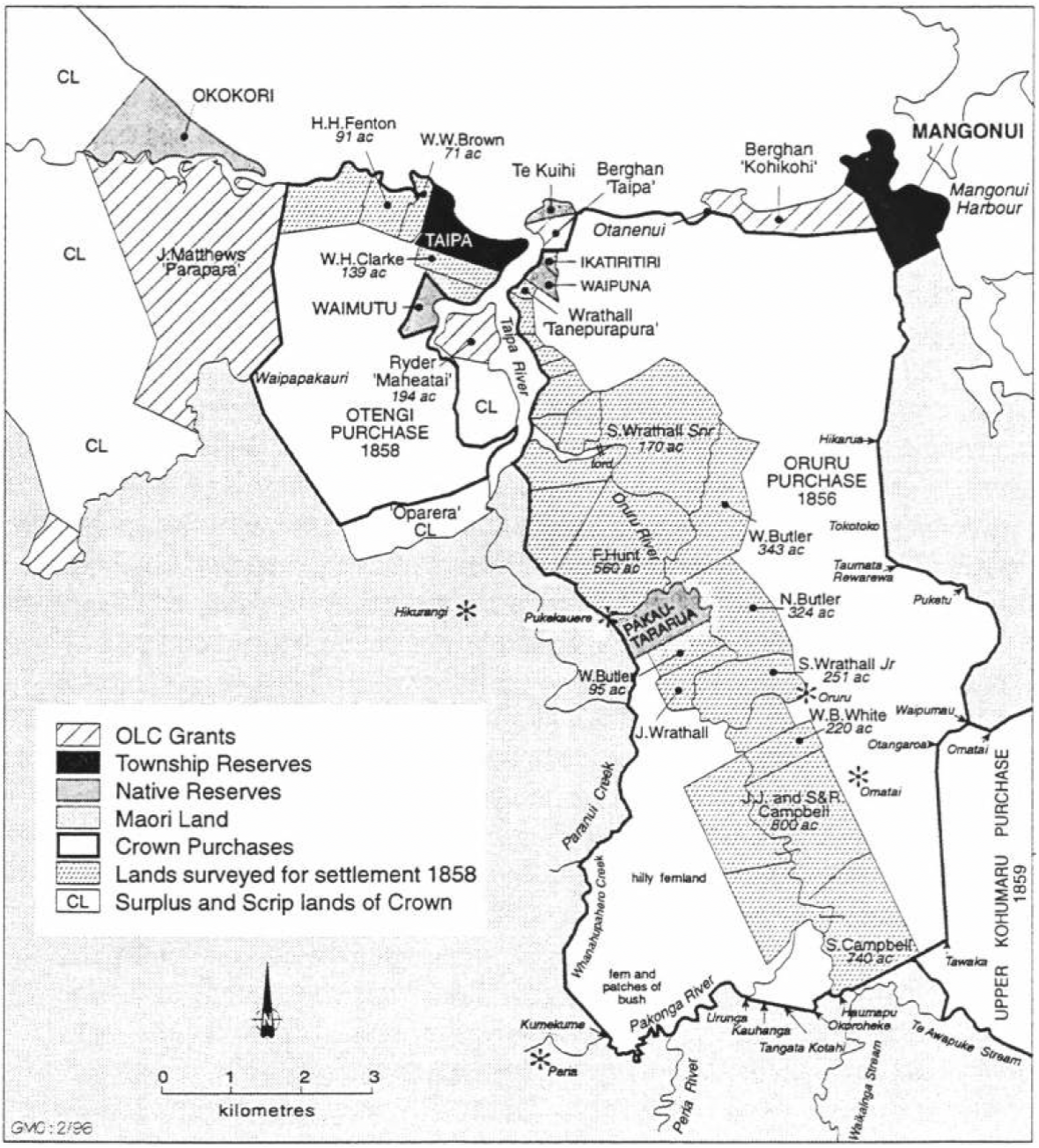
[90] Ibid.
[91] David Armstrong and Bruce Stirling. 'Surplus Lands. Policy and Practice: 1840-1950', Wai 45, J002, p 133.
[92] McLean to Kemp 25 March 1857, No 32 AJHR C-1, p. 19.
[93] Rigby, 'Oruru', p. 49.
[94] McLean to Kemp 9 Dec 1860, No 26, AJHR 1861, C1, p. 26.

Māori at Pakautararua continued living on the land through the 1860s. With most of the land taken by the Crown, gum-digging became the principal form of income. In 1867 R.J. Adamson established a branch of his gum-buying operations at Ōruru.



Map 5: Ōruru valley, 1858. Waitaingi Tribunal, Muriwhenua Land Report, p. 222.

Throughout the late 1850s and 1860s, Kemp attempted to extinguish all customary land title in Muriwhenua. His purpose, as he stated in 1856, was "to unite, as well as to extend, the property

of the Government".[95] In August of 1862 Kemp negotiated the purchase of a huge area of the upper Ōruru valley called the Maungataniwha East block. In reference to this purchase, Kemp stated that he hoped "to buy up the whole of the available land between the Ōruru and Victoria plains, and by this means to connect the Blocks as soon as possible."[96] The deed was signed by:

- Tipene Te Taha.
- Te Huhu.
- Aperahama.
- Wiremu Kingi.
- Hataere.
- Nga tawha.
- Reihana Kiriwi.
- Hohaia te Ngonge
- Tipene.
- Paora Ururoa.
- Heremaia te Ara.
- Hone Heke.
- Wiremu te Pahi.

Maungataniwha East contained 8,649 acres (3,500 ha) and was sold for 388 pounds. The block covered the remaining lands of the Kauhanga Pā cultural landscape not already claimed by the Crown in the 1854 and 1856 Ōruru agreements. Four reserves were meant to be excluded from the purchase but were never formally reserved. These were Ahitahi, Otaharoa, Haumapu, and Te Awapuku, comprising 1405 acres (569 ha).[97] Kauhanga Pā cultural landscape is partially covered by the Otaharoa and Ahitahi reserves as shown above.

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[95] Kemp to McLean, 6 April 1856, AJHR, 1861, C-l, p. 6.
[96] Kemp to McLean, 22 September 1858, AJHR, C-1, p. 29.
[97] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 237.

KAUHANGA PĀ

Image 11: Kauhanga Pā, northern defensive features. Facing south. Source: Maxwell and Huebert, 2024.

Introduction

Kauhanga has long been recognised as one of the principal pā of the fertile Ōruru Valley. The pā is a wāhi tapu of great importance, having been the site of several pivotal battles.[98] Kauhanga is part of a wider cultural landscape, including wāhi tapu and other sites of cultural, traditional and historical significance.

[98] Popata, p. 27.

The pā lies at a strategic high-point at the navigable headwaters of the Ōruru awa. The surrounding landscape includes many wāhi tapu such as Okoroheke, Te Korihi, Haumapu, Tangata Kōtahi, Ururoa, Urunga and Makapere/Makapera. These sites include pā, battle grounds and burial sites.

The land was claimed by the Crown in a number of parts throughout the mid 19th century. Primarily these were the 1854 and 1856 Ōruru agreements (covering the northern half), and the 1862 Maungataniwha East block (covering the southern). A number of reserves were created from the Maungataniwha East block, including Ahitahi/Waikainga, Otaharoa and Te Korihi which cover Kauhanga Pā (see map below).

The Native Land Court process allowed for the survey and sale of these reserves including Ahitahi in 1867 and Otaharoa in 1872. Māori petitioned the Crown numerous times over the Ōruru agreements, including in 1946 where it was described as 'confiscation'.[99] They also petitioned the Crown over the loss of their reserve lands including in 1907, asking for the reserve lands to be returned.[100]

Currently the land in the wider cultural landscape is entirely in private ownership. It has been subject to clearance and drainage for farming. There are also small areas of residential dwelling and roading, in particular close to Kauhanga Pā itself. Many of the wāhi tapu in this landscape have suffered degradation through clearance for pasture, wetland drainage, farming and agricultural practices, stock damage, and residential, roading and infrastructure earthworks. Claimants have been largely unable to exercise kaitiakitanga over these wāhi tapu, except by consent of the individual landowners.

As noted in the archaeology section below, Kauhanga Pā and other archaeological sites in the area are covered by the general protections of the Heritage New Zealand Pouhere Taonga Act 2014 and registered with the New Zealand Archaeological Association. Of the wāhi tapu in this area, only Makapera is registered on the Far North District Plan (2009). However it is

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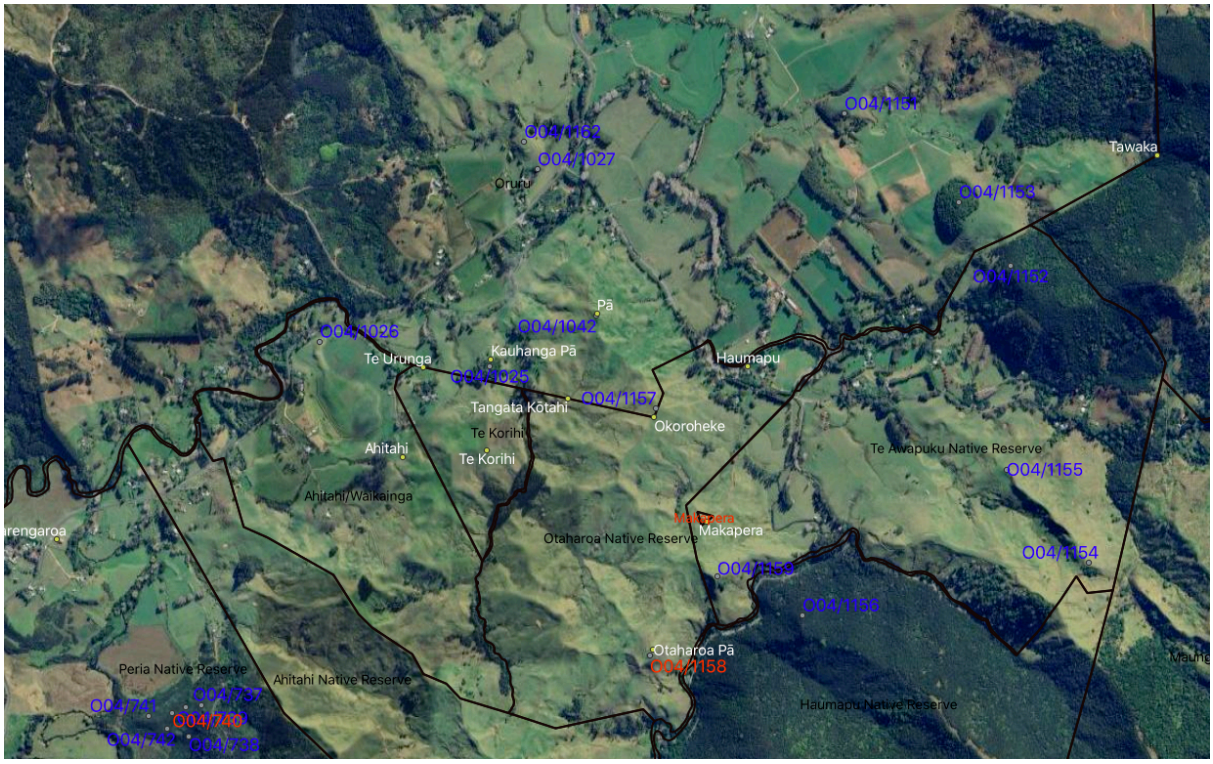
[99] Hoone P H Tukariri, Petition No 69/1946, AEBE 18507 1946/14 LE1, R17696775. Document Bank, p. 126.
[100] Petition of Heta Pawhau and others. October 9, 1907. ACIH 16036 MA1 931 1907/625. ANZ (WLG), R22402178. Document Bank, p. 86.

understood that a pilot project on the Oruru valley is underway for inclusion in the forthcoming new District Plan.



Map 6: Kauhanga Pā Cultural Landscape. Ben Leonard, 2024.

Wāhi tapu

At the centre of the fertile Oruru Valley, Kauhanga pā is undoubtedly a wāhi tapu of immense significance to the history and cultural identity of Te Paatu. The pā sits atop the northern tip of a ridgeline overlooking the fertile alluvial plains below. It is strategically located at the headwaters of the navigable portion of the Ōruru awa at the point the major waterways of the region converge. The soil surrounding the pā is said to have been highly productive and several puna (springs) lie nearby, including at least one on the pā itself. Te Paatu knowledge-holder Waha Tauhara described the pā as follows in his manuscript held in the Tauhara whānau papers:

> *'It was a perfect setting - the flat below the hill had rich gardens and in time of peace provided much of the needed food, the river provided fish and eels, the forest berries,*

birds and other food. The pa was barricaded for times of war and the biggest asset was a spring of water on the top of the hill which kept the people replenished in time of siege'.[101]

As one of the major pā in Ōruru valley, Kauhanga has been subject to many attacks throughout its history. The fortifications of Kauhanga were famously impenetrable, with deep trenches, high embankments, and walls of Mānuka posts that leaned outwards and prevented attackers climbing over. This was apparently similar to nearby Wereweretehe pā.[102] Kauhanga was reputedly one of the only unconquered pā in the area during the wars of the 18th and early 19th century.[103]

McConnell relates that Kauhanga was closely associated with 'Te Au, the grandfather of Tuki, whose ancestors lived in the Peria area. A wananga was set on a tapu of four acres at Oruru'.[104] McConnell also states that Te Au was closely associated with a pā called Ururoa, a mile to the south-east of Kauhanga.[105]

In the 18th century Kauhanga was the main pā of Mōroki, son of Kākaitawhiti and brother of Koropeke.[106] It was during Moroki's time that the Ōruru valley faced an invasion from Ngapuhi.

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[101] Waha Tauhara, 'Peria', (Papers of Ngaire Tauhara-White), p. 2. Document Bank, p. 210.
[102] Tauhara, 'Brief of Evidence', p. 10.
[103] Rigby, 'Oruru', p. 8.
[104] McConnell, p. 18.
[105] Ibid., p. 21.
[106] Popata, p. 13.

Image 12: Kauhanga Pā. Keene, Tai Tokerau, 79.

There are many accounts on the origin of this conflict, but it appears that Ngāpuhi led a sustained attack on the the rohe during the 18th century (or 19th according to some). In particular, major battles are recorded at Mangōnui and throughout the Ōruru valley including Taumatatue, Ngaupiu and Otaharoa.[107] The pivotal battle, however, was at Kauhanga as described by Pereniki Tauhara in 2012:[108]

> *The name of the hapū Te Paatu was derived from an historical event that occurred at Ōruru, around 1780 - 1800, in the time of my tupuna, Mōroki, who was the son of Kakaitawhiti. This is story that was told to me by my elders:*
>
> *Mōroki built a strongly fortified pā which did withstand the attacks by all invaders, while on the flats surrounding it, they established flourishing plantations. For a while, life flowed smoothly along, until one day a scout brought word that a strong tauā of Ngāpuhi from the middle north was advancing along the valley towards their stronghold, burning and destroying the many small Pā in their wake. There is a*

[107] Walzl, p. 28.
[108] Pereniki Tauhara, 'Brief of Evidence, pp. 12 - 14.

whakatauki "Ōruru Karanga Pā Tahataha" one pā that calls to one another; this was the warning device that was used to warn against invasion of enemies.

Mōroki made preparations for an onslaught, but before these were completed the enemies attacked. With war cries that echoed along the valley, both sides danced savage haka that would put fear in to the hearts of the bravest warrior. Then the grim battle began, fighting desperately, Mōroki and their warriors withstood attack after attack. At last the Ngāpuhi temporarily repulsed and retired to the foot of the pa for a conference.

Strategy always played an important part in Māori Warfare, and that night the people in the pā watched anxiously as Ngāpuhi set up camps surrounding their stronghold, which was soon dimly silhouetted by the glow of the enemy fires.

Mōroki soon discovered that they were to be victims of a siege. Down on the flats the Ngāpuhi feasted on the fruits of the gardens, and the fat eels from the river. They were in no hurry, for here was the food in plenty. Mōroki called his tohunga to him and said, "Our Gourds are fast emptying of life-giving water. Seek, O Te Au and Te Aratapu, seek out a spring on this hill or we die of thirst. To emphasize these words he added, "He huahua te kai? He wai te kai." Are preserved birds the best food? No, water is".

So, the two Tohunga searched every crevice and gully until they found a spring of crystal-clear water bubbling up into a rocky pool. The Mōroki were very grateful, and Mōroki said, "It is good. The mighty Atua looked with favor upon us. Our people will not die of thirst." Day after day dragged by, the Ngāpuhi continued to feast and grow fat on the plantations below, but the besieged people on the Pā had almost eaten all their food supply, and day by day they grew thinner and hungrier.

Mōroki called together his two Tohunga and said, "He wai te kai? Aue, he huahua hoki te kai." Is water the best food? Alas, preserved birds are also." Having uttered those wise words of his ancestors, he went on to say, "The desire of the Ngāpuhi is to starve us out, and our and our food is almost gone. Come, O Te Au and Te Ara-tapu, find a

way to out wit Ngāpuhi or we will surely die. To be captured was more feared by warriors than death, for then they could surely be killed or made slaves, something too humiliating to be contemplated.

Fully aware of their responsibilities to avert this catastrophe, the two Tohunga retired to their whare to plead with the Atua to save them all from such dreadful fate. Their voices rose and found that they chanted Karakia after Karakia to their Gods. Meanwhile, the gaunt face people on the Pā waited anxiously. Would they be saved? The strength was fast ebbing away for the want of food.

After about an hour, Te Au and Aratapu emerged from the dim light of their whare saying, "Come near, oh Mōroki, listen to our words. The mighty Atua have looked on us with favour and have told us of a clever strategy to deceive the Ngāpuhi. Call all the women together and tell them to work through the night, and make hundreds of flax kits. Then order your men to hang one on every pole of the palisades so that the Ngāpuhi will think we have an abundance of food. Go. We have spoken." So the women worked throughout the night and as they made kit after kit, the men hung them round the palisades.

The next morning, when the Ngāpuhi saw hundreds of kits that apparently were full of Kumara and other delicacies, they muttered among themselves, "We have wasted our time. It will take too long to starve out these people for they still have an abundance of food. Let us find easier prey". So saying this, they marched off feeling furious at the wasted days.

As soon as the Ngāpuhi had left the valley, Mōroki ordered their men to tear down the whare that they had built at the foot of the Pā, which they did with great enthusiasm, chanting and singing as they did so. The first parts to be pulled down were the Paatu, or side walls, and from this victorious action, the tribe was given the name, Paatu. Not long after the Paatu tribe had withstood the siege of the Ngāpuhi, Mōroki took a taua to Ngāpuhi territory to seek utu for the loss of all the produce of their gardens. They raided the Ngāpuhi plantations and destroyed what they could not carry home.

Overwhelmed by their success and feeling that their mana had increased; they travelled back to their Pā at Ōruru (Kuia Waitonga Kaitoa, Florence Keene, Tai Tokerau).

The name of this pā is Kauhanga. It was at Kauhanga that the mana of Ngāti Kahu was retained from the mighty force of Ngāpuhi. Hence, this name Kauhanga was given for the marae by the kaumātua as a reminder of this very historical event."[109]

According to Waha Tauhara:

'The tangata whenua had packed and displayed to the enemy all the food kits these were filled with boulders so that it looked as though there were plenty of stores. These preserves were called kauhanga - and from this we get Kauhanga Marae's name. It is a name that carries with it a lot of mana (prestige).

Later when the enemy were well gone the people renamed the pa site Kauhanga and celebrated by having a huge fest on the flats below - kereru (wood-pigeons), ika (fish), tuna (eels) and other delicacies were cooked and celebrations continued for a long time.' [110]

One story describes Ngāpuhi as being deliberately lured to Kauhanga and then followed by Te Paatu to Okakewai Pā where Ngāpuhi were defeated.[111] Another source puts Tukitāhua as the originator of the name and founder of Te Paatu. He is said to have commanded his men during one of the battles fought from Kauhanga Pā to 'stand to the walls of the house'.[112]

Arrival of Pākehā and Land Alienation

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[109] ibid., 10
[110] Waha Tauhara, 'Peria', p. 2. Document Bank, p. 211.
[111] Te Paatu ki Kauhanga Trust Board, 'Ngā Hapu o Ngāti Kahu - Pre Hearing Evidence Gathering - Traditional Evidence Gathering', 2020, p. 16. Document Bank, p. 212.
[112] Ibid. The document records this source as a personal communication by Atihana Johns (from a reading of early newspapers in the Far North Museum Archives, Kaitaia). It also states that Henare Kingi Waiaua, Paul Raharuhi and Tukitahua Hapa were all in agreement with this version.

The circumstances of Pākehā arrival and the alienation of land in the Kauhanga Pā cultural landscape are discussed above in the case study area overview. This included pre-Treaty agreements such as those with Wrathall around the Waikainga awa in 1836 and the 'Waioioi, Ōruru and Parawai' agreements with Ford in 1839/1840.[113] Land agreements with the Crown in this area include the Oruru 1854 and 1856 deeds and the Maungataniwha East block of 1862.

Native Land Court and subsequent protests

Map 7: Land blocks covering Kauhanga Pā landscape. Source: Waitangi Tribunal, 2023.

Following the establishment of the Native Land Court in 1865, Māori were encouraged to bring their lands forward for investigation. This included all the remaining land covering the Kauhanga Pā cultural landscape.

Otaharoa reserve (241 acres) was brought before the Native Land Court in October 1869. The principal claimant to the land at the hearing was Tipene Te Taha. He asked for the land to be

[113] Deed 52, Waioioi, Ōruru and Parawai Block, 12 Nov 1839, Turton, 1882, pp. 44-45.

returned to him so he could sell it to a settler. [114] The land was duly awarded to Te Taha and then and sold in 1872 to George Thomas.[115]

Less clear are the specifics around Ahitahi/Waikainga block(s), which also cover the Kauhanga Pā cultural landscape. A block called Ahitahi Waikainga was brought before the Native Land Court in August 1866 and awarded to Tipene Te Taha, Maihi Te Huhu, Aperahama More, and Hohaia Pawhau.[116] This was then sold in 1867 to a settler named Charles Davis.[117] A further title investigation was carried out by the Native Land Court at Mangōnui, involving a block referred to as Ahitahi, Te Awapuku and Waikainga in August 1909.[118] Confusingly, title to blocks called Awapuku No 3 and No 4 were heard much earlier, in 1877.[119] The matter requires further historical research, currently being commissioned by the Tribunal as two separate reports on post-1865 Native Land Court blocks.

In 1911, Awapuku No 5 was heard by the Native Land Court.[120] Claimants noted that there was a wāhi tapu on the land called Makapera for which a seperate title order was requested. The land apparently contained an old pā and burials, including Aperahama More and Hataere.[121] As there were no objections, the land was set aside in the names of Henare Pikaahu, and Eru Aperahama.[122] Importantly, however, Makapera was completely landlocked with no access for whānau. It does not appear to be fenced and a farm track and fence line have been contructed right over the wāhi tapu.

Te Korihi was investigated by the Native Land Court in 1885 with Tipene Te Taha being the only claimant to appear.[123] During the hearing, Tipene Te Taha stated that his tupuna Puketutu had lived here and had been occupied by his descendants to the present day. There was no objections and so the land was granted to him. The land was then sold to George Thomas. [124]

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[114] NMB, 1, p. 50.
[115] Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', p. 17.
[116] NMB, 1, p. 15.
[117] Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', p. 16.
[118] NMB, 43, pp. 232, 236-243, 256-258, 262-263, 273.
[119] NMB, 1, p. 50.
[120] NMB, 43, pp. 232, 236-243, 256-258, 262-263, 273.
[121] NMB, 43, p. 260.
[122] NMB, 45, p 284.
[123] Te Korihi Certificate of Title, 1885. ABWN 3931, ANZ (WLG), R25302660, p. 63.
[124] Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', p. 17.

Title to Peria block was investigated by the Native Land Court in 1865. The minutes are brief but Wiremu Pikaahu states that Pene Te Pai has a reserve on the land called Tamaitikoko.[125] It is not clear if this is a wāhi tapu. Regardless, the reserve was not set aside from the Peria title which was awarded to Pene Te Pae, Matiu Tauhara, Hehi Wharerau, Kaio Tawhitu, Wi Hakitara, Hemi Kahoe, Wiremu Kaitaia, Rakina Waiaua & Tana Pokaaia as a single block.

Whānau continued living at Kauhanga and Peria during the 1870s. In 1870, 50 people were recorded living at Peria and 160 at Waikainga.[126] In 1874, Peria was recorded as having 86 residents, Waikainga as 23, and Ōruru as 28.[127]

The settler R. J. Adamson established a trading complex at Taipa and part of his gum-buying took place at a trading branch of his operation at Ōruru. It is said that Mr Adamson would take a large canoe laden with six tons of merchandise up the Taipa-Ōruru river to Kauhanga pa in the Peria valley, where a large Māori population still remained.[128]

Protest against the loss of this land continued through the late 19th and early 20th century. In October, 1907, Heta A. Pawhau and others petitioned the Government with respect to Haumapu, Ahitahi and Otaharoa, 'asking that our land be returned to us'. They claimed that these blocks had been sold to George Thomas by only one of the six owners, and they, descendants of the five non-sellers, wanted the land to be returned to them. The petitioners added that:

> *'As our pieces of land upon which we now live are so small, and as we also know that these others of our lands are lying in a very wrong position, we have thought that we still possess the acres of our elders as they did not take any part in the sale: therefore it is right that the Governor and his Council should consider this report of the position of their lands'.*

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[125] Peria Title Investigation, NMB, 1, 19 December 1865, p. 3
[126] AJHR, 1870, A-11.
[127] AJHR, 1874, G-7.
[128] Waitangi Tribunal, *Mangonui Sewerage Report*, p. 36.

The Native Land Court Registrar carried out an investigation and found that Haumapu had been sold to Thomas in 1885, Ahitahi to Thomas Davis in 1867, and Otaharoa to Thomas in 1872. On the basis of this advice, the Native Minister decided that the petitioners had no grievance, 'as the sales of the land appear to be perfectly bona fide'.[129]

In 1946, Hoone P H Tukariri petitioned the Crown on behalf of his iwi, claiming the 1856 Ōruru agreement had amounted to Crown confiscation of 15,000 acres of land and that this confiscation had never been inquired into.[130] The Native Affairs Committee reported that the petitioners wanted Ōruru placed on the schedule for the Royal Commission in Surplus Lands.[131] In 1947, Tukariri wrote to the secretary of the Commission and requested that the Maungataniwha East block also be included on the schedule.[132]

In due course the petitions were referred to the Royal Commission on Surplus Lands (the Myers Commission) appointed in 1946, although it was not listed specifically in the schedule to its terms of reference. The Commission made no specific recommendations regarding the Ōruru agreements. [133] In 1949 Tukariri again wrote to the Crown, calling attention to the petition and asking for an inquiry into the blocks.[134] The Minister replied that the petition had been entirely dealt with by the Commission.[135]

Today Kauhanga Pā and the other wāhi tapu in this landscape are contained entirely in private lands, limiting the ability of claimants to exercise kaitiakitanga. In particular, access to Kauhanga Pā for site visits for this project was sought at the discretion of the individual land owner. While access was indeed forthcoming, it has to be sought upon each visit. The control of access to the pā, and the activities on this site (including grazing), remains the purview of

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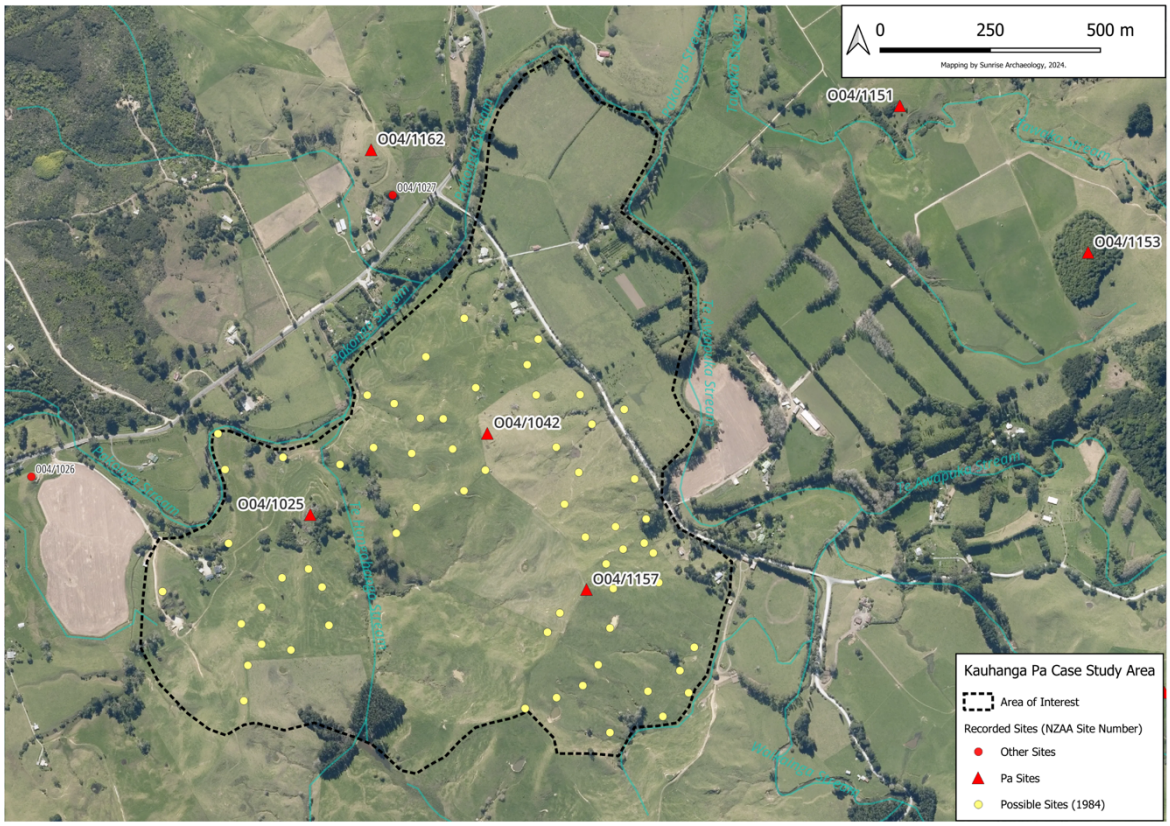
[129] Armstrong, 'Te Paatu Scoping Report', 118.
[130] Hoone P H Tukariri, Petition No 69/1946, AEBE 18507 1946/14 LE1, R17696775. Document Bank, p. 126.
[131] AJHR, 1946, I-3, p. 14.
[132] Geiringer, 'Subsequent Maori Protest Arising from the Crown Lands Purchases in Muriwhenua 1850-1865', p. 39.
[133] Stokes, 'Review of Evidence', p. 376.
[134] P. H. Tukariri, 8 October 1949, Pangari Docs, File E.
[135] See Geiringer, 'Subsequent Maori protest arising from the Crown land purchases in Muriwhenua 1850-1865', Wai 45, H007, p. 39.

the landowner. The archaeology of the site, including present condition of said archeology, is discussed below.

Archaeology of Kauhanga Area



Map 8: Recorded archaeological sites, and other possible sites, in the vicinity of Kauhanga Pā (O04/1025). Source: Maxwell and Huebert, 2024.

Maxwell and Huebert conducted an archaeological assessment of the Kauhanga Pā area (Map 8), noting at least 3 confirmed pā and 62 other possible sites[136] They described the landscape as follows:

> *"This area would also have been favourable for settlement, with gentle rolling hills around the pā, and alluvial soils along the river flats and streams good for the cultivation of crops."*[137]

Regarding Kauhanga Pā, Huebert and Maxwell found:

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[136] Maxwell and Huebert, 2024, p. 16.
[137] Ibid., p. 15.

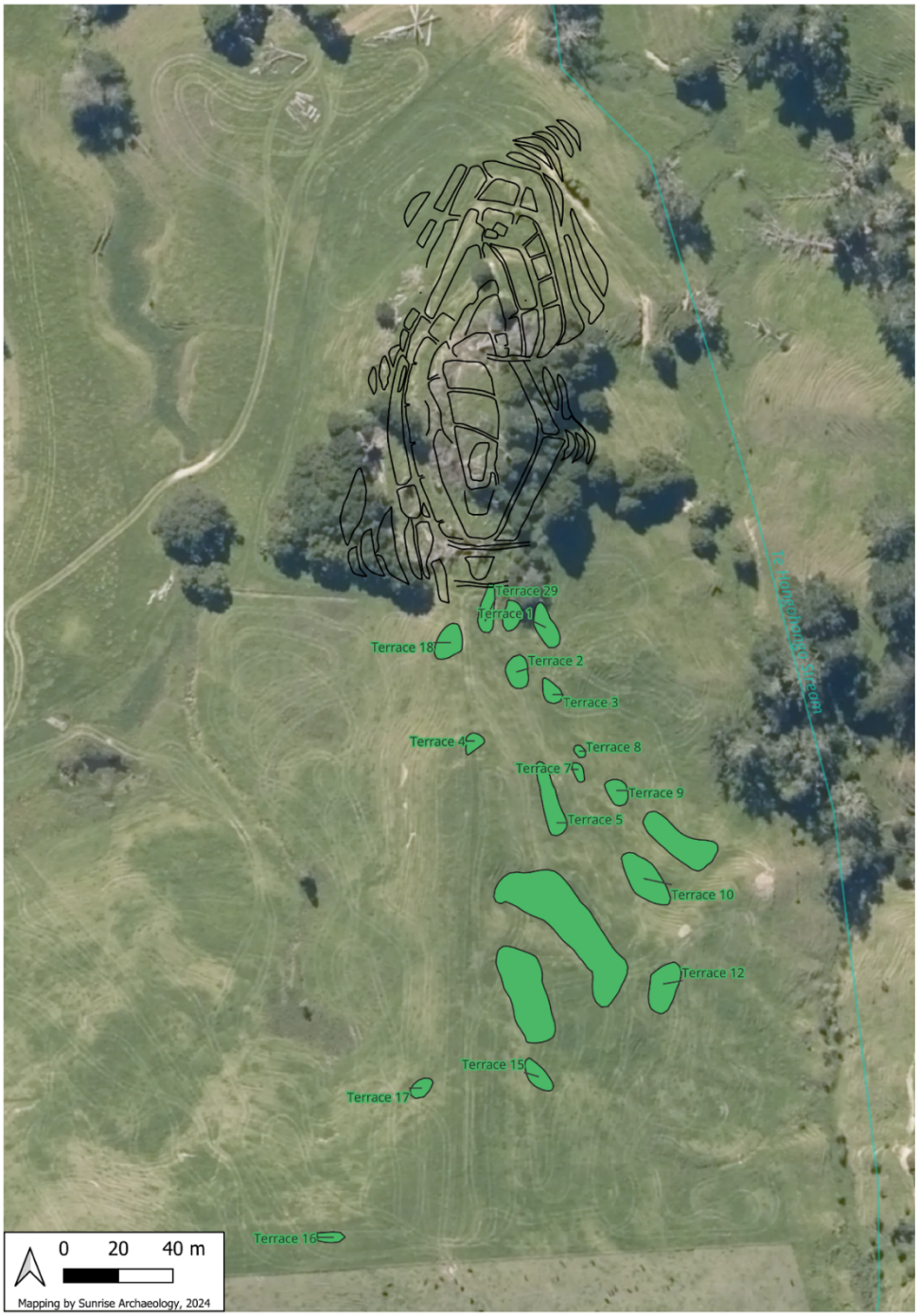
'Kauhanga was a well defended and complex pā. It is strategically located on a hilltop which has been heavily modified to create layered defences, with steep-sided slopes that drop off to the north and east. There are good views of the surrounding area and nearby streams. Also, the pā is near the head of the Oruru River, which feeds the two streams that wrap around the area of interest. In addition to providing access to fish and eels, these waterways would also have facilitated travel downstream to the Taipa River mouth and the bay.

The presence of some components of an earth oven and midden indicate that domestic activities took place on the pā itself. The presence of at least one spring near the pā would have provided an important source of fresh water. The proximity to streams and springs, and the rich alluvial soils here, would have made this an ideal area for cultivating crops such as kumara and taro.

Overall, the area around the pā contains features consistent with what was once an extensive Māori settlement. The broad terracing documented in this study to the north, east, and south suggest a large activity sphere which could have included numerous structures and large-scale cultivations.'[138]

Maxwell and Huebert also describe nine terraces to the west of the pā, and 17 terraces to the east and north. They suggest these terraces had a range of uses including house sites, garden plots, and storage areas. Meanwhile, to the south are a minimum of 17 terraces of various sizes that they suggest were likely for multiple uses including large house terraces, garden terraces, and a few which may have once had storage pits. Overall, the assessment suggests that these features represent a single archaeological and cultural site, covering an area ~400 m by 100 m, with another pā and associated terraces and pits to the north, and fertile flats to the west and north.

[138] Ibid., p. 43.



Map 9: Sketch map of Kauhanga pā, O04/1025, Maxwell and Huebert, 2024.

Assessing the present condition of Kauhanga Pā for this project, Maxwell and Huebert have found:

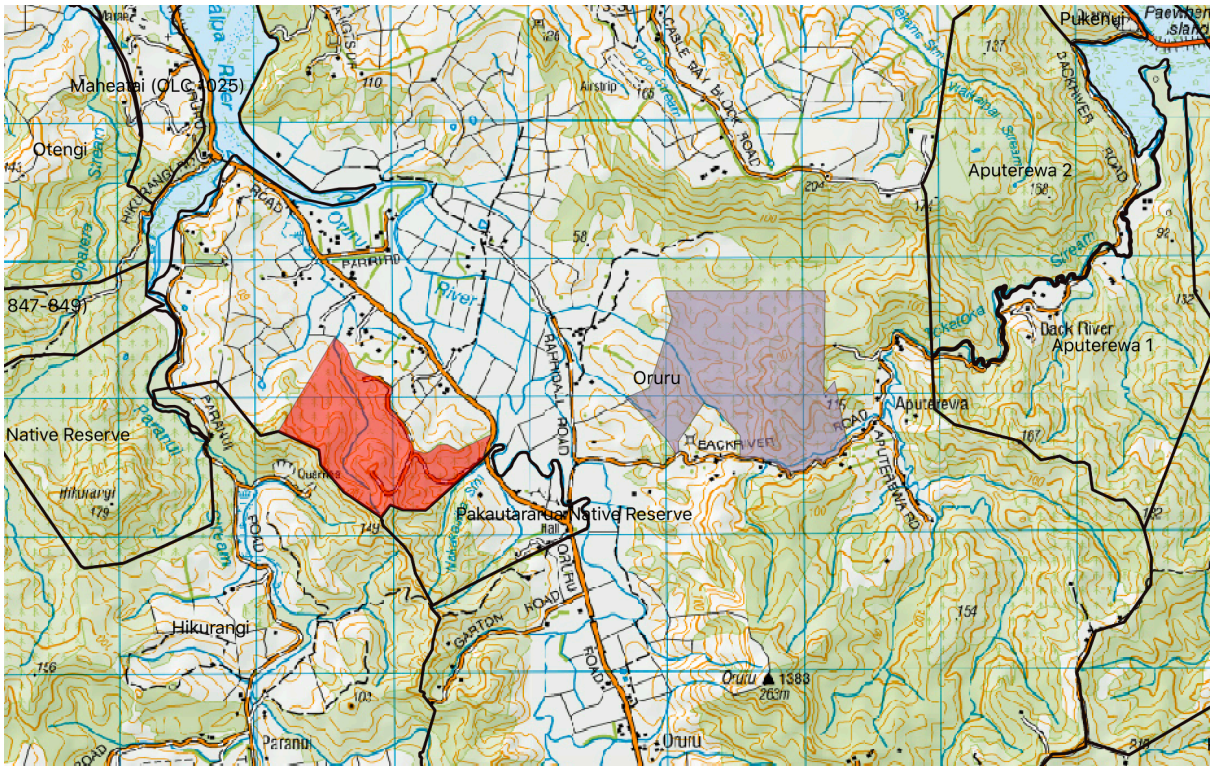
> *'The overall condition of the Kauhanga Pā site is good. Much of the ground surface was visible, and aerial and Lidar imagery also confirm that major features of the site*

are still present. At the time of this survey, the pā and the surrounding area that was observed was grazed, crossed in places by farm tracks and fences. The archaeological features in this area, including large areas of terracing and the neighbouring pā, can be easily discerned.

The upper terraces of Kauhanga have been damaged in places by large trees which have been felled or have toppled over, taking some of the fabric of the pā along with them. While the complex entrance at the head of the pā can be readily seen and walked, it is possible that area has been altered somewhat. Some of the terraces are eroding, or have slumped, but the entrances and main terraces are intact, and overall the site is in good condition.'[139]

[139] Maxwell and Huebert, p. 43.

DONOVAN'S FOREST BLOCKS



Map 10: Donovans East (blue) and Donovans West (red), with original land block boundaries shown in black. Source: Ben Leonard, 2024

Introduction

In this document, Donovan's Forest Blocks refers to the cultural landscape encompassing Donovan's Forestry Block East, Donovan's Forestry Block West and the surrounding area. It covers both sides of the lower Ōruru valley and includes the high country on either side, as well as the valley floor and several tributaries of the Ōruru awa.

This area is a cultural landscape of great importance to claimants, including numerous wāhi tapu and other sites of traditional, cultural and historical importance. The area includes at least 8 recorded pā and more than 80 other recorded archaeological sites, including burials. Many of these wāhi tapu have suffered degradation through bush clearance, drainage, road building, earthworks, soil erosion, stock damage, and the intensive forestry practices at both Crown forestry blocks.

This land was originally alienated by the Crown through the 1854 and 1856 Ōruru agreements, with the only reserve being nearby Pakautararua. The Pakautararua block passed through the Native Land Court and was portioned and sold off between 1875 and 1877. Māori petitioned the Crown numerous times over the Ōruru agreements, including in 1946 where it was described as 'confiscation'.[140]

Currently the land ownership in this case study is a mixture of Crown and private land, including the Crown forestry blocks. The Department of Conservation managed Aputerewa Scenic Reserve lies to the north of this area but was not included in this landscape by claimants. As noted in the archaeology section below, the two forestry blocks have been subject to clearance, planting and harvesting that has led to some damage to wāhi tapu. Claimants have been largely unable to exercise kaitiakitanga over these wāhi tapu and have had little interaction with the Forest block owners prior to this study.

As noted in the archaeology section below, the pā and other archaeological sites in the Donovan's Forestry area are covered by the general protections of the Heritage New Zealand Pouhere Taonga Act 2014 and registered with the New Zealand Archaeological Association (NZAA) Archsite. While none of the wāhi tapu in the landscape are registered as wāhi tapu on the New Zealand Hertiage List/Rārangi Kōrero, there are two pā just outside the block that are registered. Those are Pā (5875) and Pā (5876). Of note also is that Midden (5877) is within the Donovan's East Block and is registered in the List as a Historic Place Category 2. Of the wāhi tapu in this area, none are currently registered on the Far North District Plan (2009).

Wāhi tapu

Traditional history records that the Oruru Valley was one of the most densely populated areas of the rohe. It is said that during the eighteenth century the valley may have supported a

[140] Hoone P H Tukariri, Petition No 69/1946, AEBE 18507 1946/14 LE1, R17696775. Document Bank, p. 143.

population of 8,000.[141] Pā were so numerous that warnings could be called from one to another, leading to the whakataukī; Oruru karanga pā tahaha.[142]

The two Donovan's blocks are geographically separated, but culturally and historically linked as part of the cultural landscape of the Oruru Valley. As Maxwell and Huebert have described with regard to Donovan's East block:

> *'The frequency and types of archaeological features in this landscape, combined with fertile river flats, are indicative of a large and permanent population residing in the area. The presence of multiple defended peaks or ridges (pā sites) are also typical of post-1500 AD Māori archaeological landscapes.'*[143]

This follows Johnson's earlier finding that the block had once been made up of "numerous small settlements". [144]

There is little recorded traditional history specific to the Donovan's East block in the records. This largely seems to be because most of the names of these pā and wāhi tapu have been lost. As discussed above, the population of this area is said to have been particularly hard hit by epidemics of the late 18th and early 19th century. Along with the loss of connection to these places brought about by land alienation of the mid 18th century, it seems a significant amount of traditional knowledge about these areas has been lost or at least is not available to present researchers. That does not, however, mean they were insignificant. The landscape was particularly selected by claimants because of the significance of the wāhi tapu within it. Because of this, the archaeological assessment by Maxwell and Huebert is a crucial source in understanding the traditional wāhi tapu on this land.[145]

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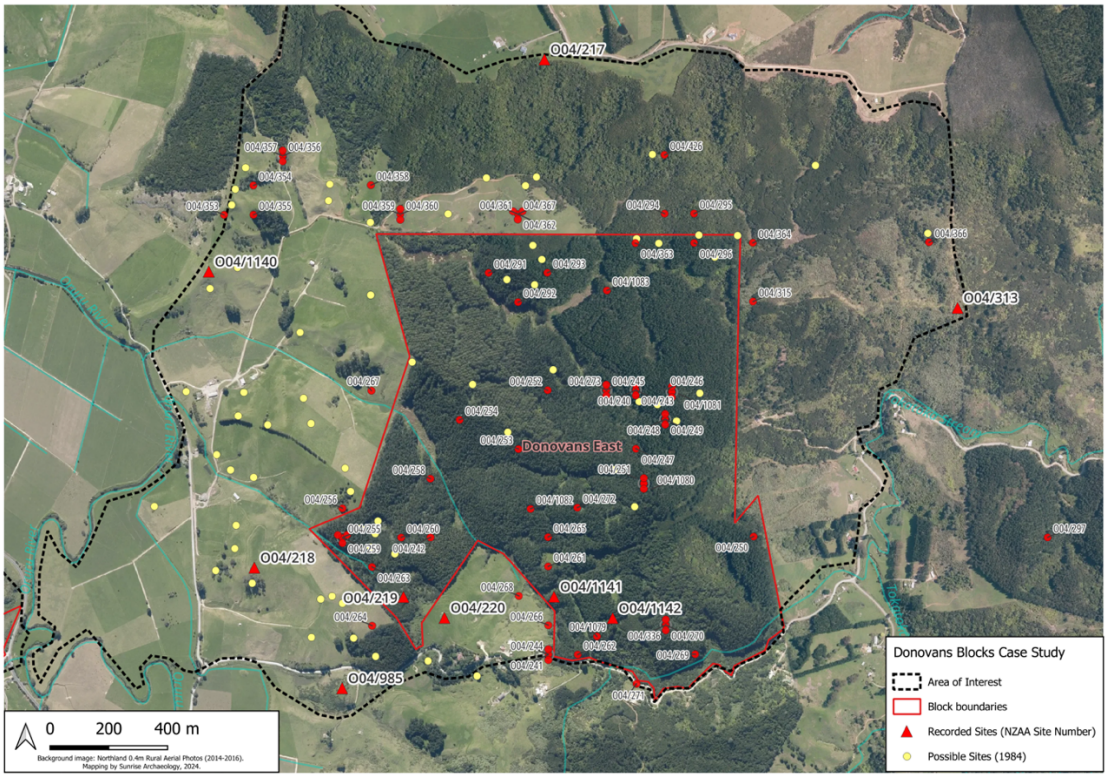
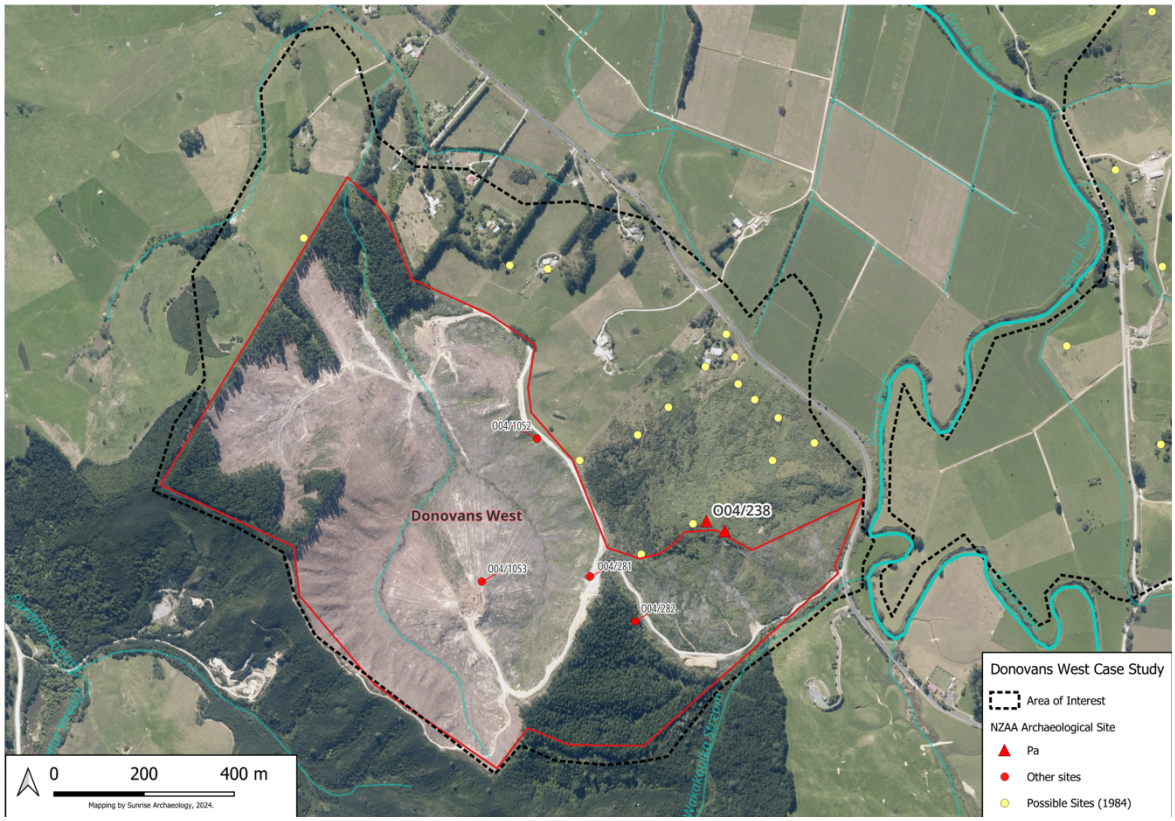
[141] Waitangi Tribunal, *Muriwhenua Land Report*, p. 32.
[142] Te Paatu ki Kauhanga Trust Board, 'Assessment of Environmental Effect: Summit Forestry Limited Donovan's East Forest, Back River Road', p. 17. Document Bank, p. 213. Another well-known whakatauki is 'Oruru karanga pā tahi'.
[143] Maxwell and Huebert, p. 84
[144] Leigh Johnson, 'Aspects of the Prehistory of the Far North Valley Systems', Masters Thesis, University of Auckland, 1986, p. 113.
[145] Maxwell and Huebert, p. 45.



Map 11: Archaeological Sites of Donovans East Block and surrounding area. Source: Maxwell and Huebert, 2024.



Map 12: Recorded archaeological sites on or in the vicinity of Donovans West Block. Source: Maxwell and Huebert, 2024.

As part of their archaeological assessment for this project, Maxwell and Huebert found 5 recorded archaeological sites within or on/near the boundary of Donovans West, 49 within or on the boundary of Donovans East, and 30 additional recorded sites in the area of interest (an approximately 500-m radius). Numerous other possible sites were also been noted including 35 pā sites which were recorded as part of the present project based on data from Johnson's 1984 survey, Lidar, and satellite imagery.

In terms of wāhi tapu as defined for this project, Maxwell and Huebert describe 4 pā in Donovan's East block (O04/219, O04/220, O04/1141, O04/1142) along with several instances of artefact finds.[146] Donovan's West contains part of Oruru Pā (O04/238), a large and significant pā in the hills above the Pakautararua reserve. Six further pā were identified in the wider surrounding area (O04/217, O04/218, O04/313, O04/218, O04/426, O04/985,

[146] Maxwell and Huebert, p. 48.

O04/1140) and one burial area (O04/426). For a full discussion of these see the section on Donovan's blocks in Maxwell and Huebert.[147]

Arrival of Pākehā and Land Alienation

The circumstances of Pākehā arrival and the alienation of land in the Donovan's Forestry Blocks cultural landscape are discussed above in the case study area overview. This includes the pre-Treaty agreements 'Waioioi, Ōruru and Parawai' made with Ford in 1839/1840.[148] Land agreements with the Crown in this area include the Oruru 1854 and 1856 deeds. In particular for this area, the Pakautararua (Nopera'a Reserve) land was ostensibly left out of the 1854 Oruru agreement.

Native Land Court and subsequent protest

Pakautararua came before the Native Land Court in two sections in October 1869.[149] After a brief hearing, largely considering the rights of Panakareao's daughter and her whānau, the blocks were awarded to those who appeared before the court. Pakautararua No.1 (180 acres) was awarded to Tehu Ngawaka and two others. Pakautararua No. 2 block (22 acres) was awarded to Nopera Te Puru and four others. This land is said to have been sold to private parties between 1875 and 1877.[150]

Protests to the Ōruru agreement continued into the 20th century. In 1934 Eru Ihaka and 41 others petitioned the Crown relating to the Ford transaction.[151] Specifically the petition stated that Panakareao had entered into the deal without the knowledge or permission of their tūpuna and that the Crown had subsequently claimed that land. The petitioners asked for the return of 5653 acres of land in the area.

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[147] Ibid., p. 45.
[148] Deed 52, Waioioi, Ōruru and Parawai Block, 12 Nov 1839, Turton, 1882, pp. 44-45.
[149] NMB, 1, pp. 49-50.
[150] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 372.
[151] ibid., pp. 374.

The Under-Secretary for Lands supplied a report on the issue to the Native Department based on the Old Land Claims hearings undertaken by Godfrey. The report was passed on to the Native Affairs Committee in Parliament by the Under-Secretary of the Native Department with the comment that the Ford agreements were fully investigated by Godfrey at the time. This, of course, was not true as Godfrey had left Mangōnui before investigating Ōruru. Indeed, Godfrey had noted at the time that there was considerable opposition to the Ōruru agreements. There was no recommendation for further action on this petition.[152]

In 1946 Hoone P H Tukariri petitioned the Crown claiming the 1856 Ōruru agreement had amounted to Crown confiscation of 15,000 acres of land and that this confiscation had never been inquired into.[153] The Native Affairs Committee reported that the petitioners wanted Ōruru placed on the schedule for the Royal Commission in Surplus Lands due to take place that year.[154]

In due course the petition was referred to the Royal Commission on Surplus Lands (the Myers Commission) appointed in 1946, although it was not listed specifically in the schedule to its terms of reference. The Commission made no specific recommendations regarding the Ōruru agreements or the petitions. [155] Indeed it appears that despite explicitly promising Tukariri and others that it would be dealt with by the Myers Commission, it seems to have been ignored altogether.

Crown Forestry

As settlers gradually took up the land in the Donovan's area, they began to clear it for pastoral agriculture. As Wilson noted, the draining of the wetlands led farmers to interesting discoveries:

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[152] AJHR 1934, 1-3, p. 10.
[153] Hoone P H Tukariri, Petition No 69/1946, AEBE 18507 1946/14 LE1, R17696775. Document Bank, p. 126.
[154] AJHR, 1946, I-3, p. 14.
[155] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 376

> *There is also evidence of similar draining and irrigation work in other parts of the Mangonui country. For instance, on Mr. Rhodes' property, the well-known "Fern Flat," section 52, Block VI., Maungataniwha, there existed a small Raupo and flax swamp of about three acres. Mr. Rhodes proceeded to drain this swamp, and had to deepen his drain to six feet through the subsiding peat before he got to the bottom of solid earth. After many years, when the peat had subsided, he found evidence of a previous drain. He also found a kapa-maori (or oven) on the original surface. When he started to plough the place up, he discovered two big stumps about a foot underground burnt off straight across. This "Fern Flat." was an isolated clearing in the midst of a large forest on the Mungataniwha range, evidently cleared formerly by the original inhabitants.*[156]

Between 1950 and the 1970s some areas were cleared for pasture and, by 1981, all areas of manuka had been bulldozed, firebreaks had been put inside the west, north, and eastern boundary fences, and the block had been root-raked and/or disced. In the case of the Donovan's East and West Forestry blocks, they appear to have been maintained as pastoral property until the early 1980s. As a marginal block for pastoral agriculture, it is understood the Donovans East Forest block was purchased by the former New Zealand Forest Service as a part employment project scheme and developed as a plantation forest in the mid-1980s.[157]

A 2012 review of potential forest compensation for the Ngāti Kahu settlement valued Donovan's West timber at $913,097 and Donovan East at $1,369,645.[158]

The area has been subject to sporadic archaeological survey since the 1980s, largely connected with the Crown forestry blocks.[159] Historical research of the area has largely been produced in connection with the Waitangi Tribunal Muriwhenua Inquiry (Wai 45).

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[156] D. Wilson, 'Ancient drains Kaitaia swamp.' *The Journal of the Polynesian Society*, 30 (3 (119)), pp. 185-188.
[157] Leigh Johnson, 'Archaeological Report on Summit Forestry, Donovan's East Block', Report for Summit Forests NZ, 2019, p. 8.
[158] M Marren, 'Brief of Evidence', Wai 45, R050, 2012, p. 16.
[159] See Maxwell and Huebert, p. 45.

Image 13: Occupation site in Donovans East Block, Site O04/252. Area in green is upper platform. Note wetland and fertile flats to east and north. Facing north. Source: Maxwell and Huebert, 2024.

Taonga tūturu

There have been a number of recorded and unrecorded taonga finds within the Donovan's area, largely as a result of wetland clearance and archaeological investigations on the Crown forestry land.[160]

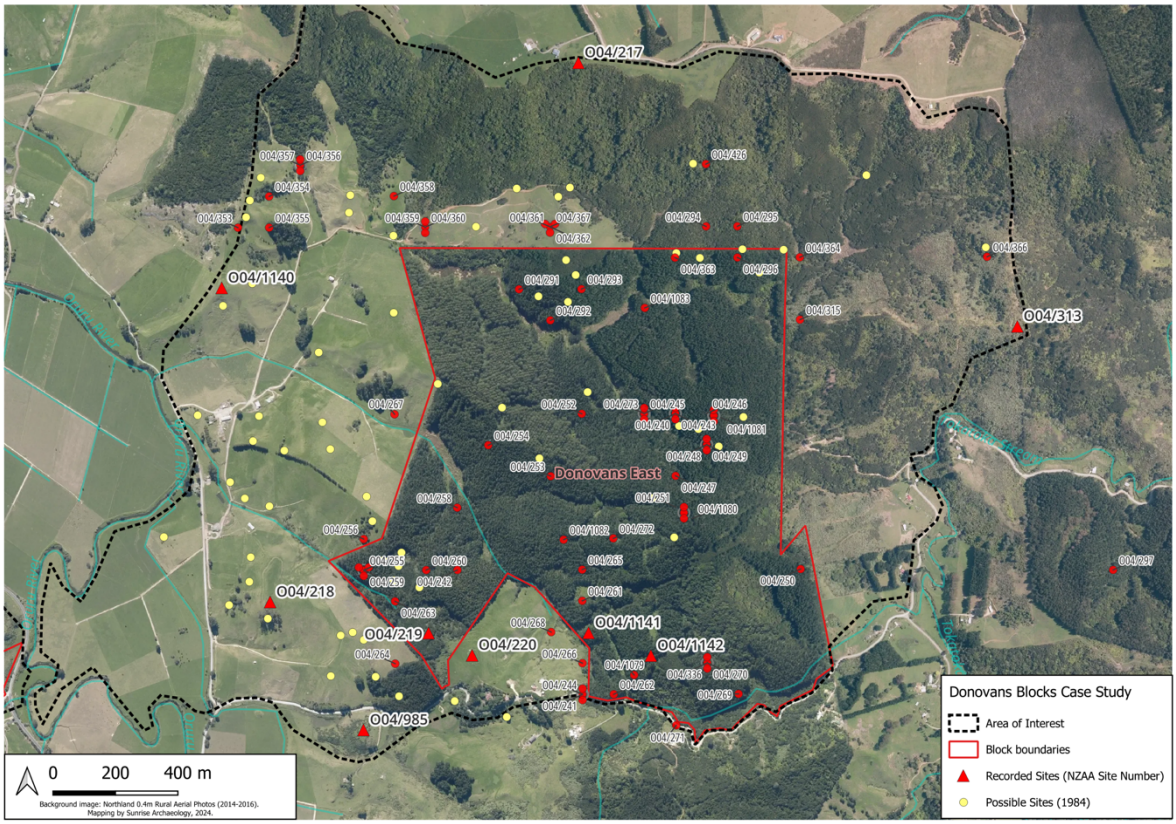
Wetland drainage in the Donovan's West Block in the 1930s led to a local farmer finding a number of wooden taonga and hue (gourds).[161] This suggests that similar material may exist

[160] Johnson, 2019, p. 6.
[161] Dean Nevin, 'Auckland Conservancy Survey Report: Otangaroa SF 115 - Archaeological Investigation', NZ Historic Places Trust, 1986, p. 21.

within the remaining wetland areas of the cultural landscape, particularly the lower part of the swamp that extends through the mid-northern section of the Donovan's Block West forest.[162]

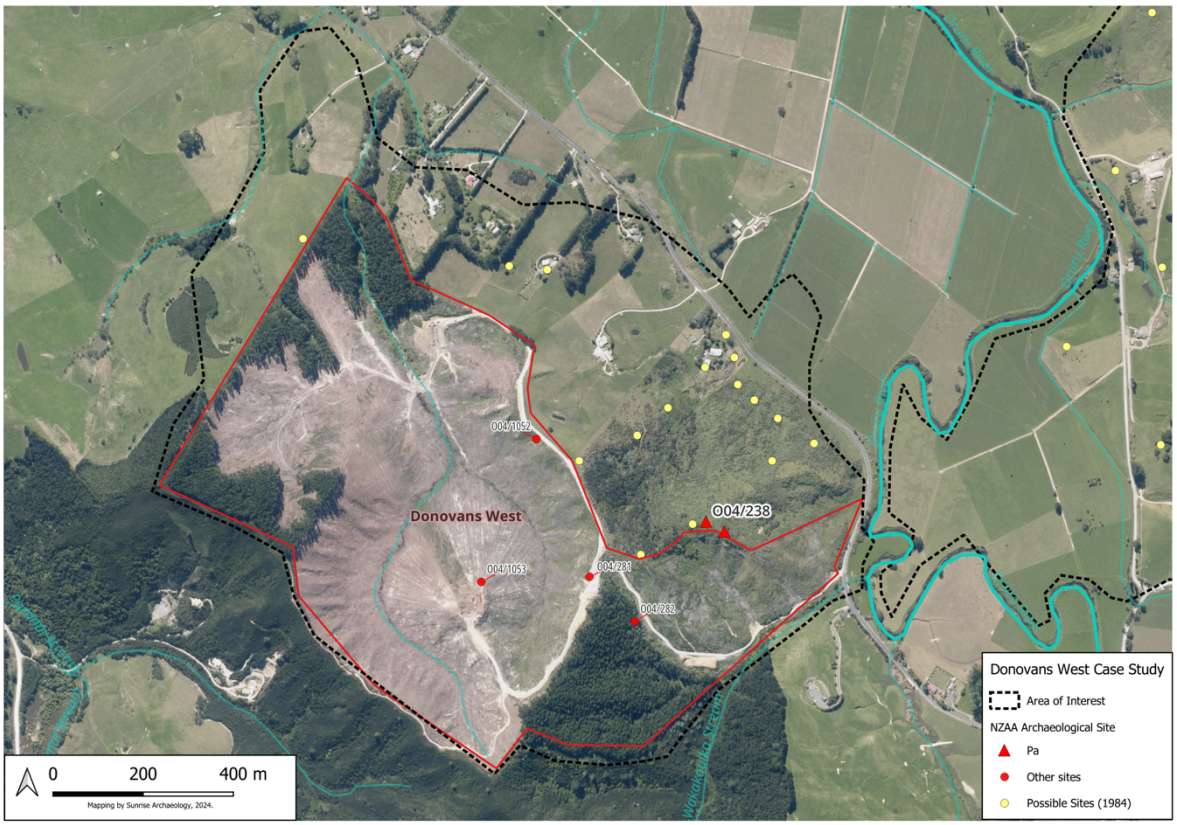
In 1986, an archaeological investigation of Donovan's Block West found a carbonised whakairo (carving) that appears to have been burnt. Casts were taken of the carving but the original carbonized whakairo disintegrated when the cast was lifted.

Archaeology of the Donovan's Blocks



Map 13: Archaeological Sites of Donovans East Block. Source: Maxwell and Huebert, 2024.

[162] Johnson, 2019, p. 6.



Map 14: Recorded archaeological sites on or in the vicinity of Donovans West Block. Source: Maxwell and Huebert, 2024.

As part of their archaeological assessment for this project, Maxwell and Huebert found 5 recorded archaeological sites within or on/near the boundary of Donovans West, 49 within or on the boundary of Donovans East, and 30 additional recorded sites in the area of interest (an approximately 500-m radius). Numerous other possible sites were also been noted including 35 pā sites which were recorded as part of the present project based on data from Johnson's 1984 survey, Lidar, and satellite imagery. The locations of 82 other sites were also plotted, based on Johnson's survey data.

> *'The site types recorded for the Donovans Blocks include pā (some within the blocks, others on or near boundaries), and a large number of terraces, usually in association with pits, and sometimes with shell middens. The numerous pit features found there have been interpreted as kumara storage facilities, but there are other possible functions. Horticultural features include a number of taro find spots, thought to be remnants of former swampland cultivations, and some structural modification of the*

lower end of the swamp reported by a local farmer; hillslope gardening features have also been noted on an adjacent block. Several instances of earth ovens or firescoops (i.e., hearths) have also been recorded. Carved wooden timbers were found at one site in Donovans East, but the few other recorded artefacts in the area of interest are mainly stone and obsidian flakes. A burial site was also recorded several hundred metres, more or less, north of Donovans East.'[163]

Maxwell and Huebert also lay out the ways in which previous archaeological surveys of these blocks have been carried out in the past. An early 1980s survey of the Donovan's East block led to the '*the most intact and important sites*' being marked off and avoided.[164] Almost 35 years later, the situation in 2019 was as follows:

'Most of the sites that were supposed to have been protected from forest emplacement had been avoided, and by 2019 they were surrounded by regenerating bush. A few that were supposed to have been protected had been planted over. Many of the smaller sites that had been in poor condition at the time of recording had been planted, although there were a few (probably accidental) exceptions. Some sites had suffered considerable pugging from stock activity. Others could not be relocated, having been destroyed or damaged by forestry activities, and five new sites were recorded.'[165]

Regarding the archaeology of Donovans East, their assessment found:

'Within its boundaries there are 3 recorded pā, another within approximately 30m, and 5 more in the surrounding area of interest that stretches from the Oruru River to Backriver Road to the high ridge to the north. The pā sites, largely on high points or ridges, are often found in defensive positions and some have evident fortifications (e.g., ditches, palisades).

There are numerous recorded terrace sites in this area, comprised of more than 50 individual terraces. Former house sites are often represented archaeologically by

[163] Maxwell and Huebert, p. 48-49.
[164] Ibid., p. 47.
[165] Ibid.

terraces. There are at least as many recorded pit sites; as pits frequently occur on terraces, many of these features are interrelated. The large number of terraces, often arranged in groups and running along ridges or down hillsides, indicate there were once small-scale settlements throughout the area of interest in and around Donovans East.

Of particular note are the carved wooden timbers found in pits at Site O04/252. Finds such as these are very rare. The charring on these carvings and associated detritus are indicative of a structure that was burned and collapsed in situ. The interpretation also included descriptions of a storage pit and house site, and while important detail is lacking, the evidence suggests this was a small settlement.

Other features associated with living spaces found in this location include hearths, though there are few, an earth oven, and food refuse (middens). The latter include seventeen recorded sites with midden deposits within the block, and others nearby. The middens are composed mainly of cockle and pipi shells. They sometimes also contained charcoal and fire-cracked rock, which are remnants of cooking fires, with other occasional inclusions such as stone flakes or water-rolled stones.

The few other recorded artefacts found have been found here, including mainly stone items such as a chert core and obsidian flakes, along with some flake scatters. These items are indicative of tool-making activities.

There is also evidence of past cultivations within this block. There are several recorded occurrences of relict taro plants in a central low-lying wetland, an area that would have been ideal for gardening. There are also records of relict taro plants in the wider area of interest around the block.

Donovans East, and the area immediately around it, contain features that are consistent with a location where small groups once lived and gardened. The varied topography and ready access to water and waterways would have supported a range of activities. Hilltops, ridges, and slopes were terraced to create living spaces, and low-lying areas

along watercourses and wetlands would have been ideal for cultivation. Close access to streams and the river would have provided a source of fish, as well as to the shellfish beds on the Taipa River and the wider resources of Doubtless Bay.'[166]

Meanwhile with regards to Donovans West block (containing Oruru Pā), the team found:

'There is only one recorded pā within its boundaries, but it has many terrace features and an overall very large archaeological footprint. It would have been a striking feature of the landscape in this area, and strategic as it overlooks the Oruru River. It is only 1-1.5 km from several other pā sites.

The few other recorded features nearby, which include several middens (one with patches covering a span of 40 m), earth ovens (one very large), a firescoop, charcoal, and a posthole, probably all relate to activities associated with the pā. Of the number of other possible sites also noted in this area, which include additional terraces, pits, and a midden, most were on the lower slopes and ridges that descend around the pā complex. Overall, the archaeological evidence points to a sprawling settlement both in and around the site.

The site also has a wide view of the large floodplains to the north and east. These areas would have been ideal for horticulture. With access to the river directly at the foot of the pā, this would have also been a favourable location for water travel, fishing, and access to the shellfish beds downstream.'[167]

Assessing the current condition of the archaeology in these two blocks, Maxwell and Huebert found:

[166] Ibid., p. 108.
[167] Ibid., p. 109.

'The overall condition of sites in the Donovans Blocks is poor. Much of the ground surface has been scraped bare, or it is obscured by regenerating scrub and trees. Aerial and Lidar imagery were useful only to confirm major site features.

Donovans West was replanted in production pines following the first harvest in 2015-16. The portion of the pā that lies within Donovans West (essentially the southern half) was not replanted and is now mainly covered in scrub, gorse, and regenerating native bush. The portion on private land to the north is covered in, what has become over the past decade or so, low-canopy regenerating bush. At the time of this survey, most of the site is obscured by vegetation and cannot be seen on the ground, and only a few of the main features could be seen with aerial imagery or Lidar. As a result, very little is known about its present condition. The few other recorded sites within the block have largely been destroyed, mainly by forestry-related activities.

At the time of this survey, Donovans East has been recently harvested of mature production pines and much of the ground surface was visible, with the exception of the areas which had not been planted, mainly around archaeological sites. Those areas were densely covered in a mix of native vegetation and invasive scrub and trees.

While the obvious features of some of the archaeological sites here have been protected, either by not being planted or by damage mitigated during the pine harvests, the archaeological landscape within the block overall has been severely compromised. Some of the damage is more recent, but it is certain that older activities which prepared the area for forest emplacement (e.g, 'raking') had already had a highly detrimental impact on the archaeological features in this block.

An example of this partial protection and damage can be seen in Site O04/252, the occupation site where the burnt carved wooden timbers were encountered. While how the structure came to be burnt and buried is open to conjecture; one possible scenario is that the building was destroyed after having been used as a type of hospital during the early European contact period, during the epidemics that spread through the local population. In any case, in addition to this evidence of a wooden structure, the site has

all the main archaeological features typical of a former Māori settlement: house sites, terraces for gardening and other activities, and food storage pits. The present survey found that the upper platform and features of this site which that had not modified by archaeologists had been preserved, as they had not been planted in pines. The lower slopes of the site, however, have been heavily modified by forestry practices. Any vestiges of Māori settlement in those areas have been destroyed.'[168]

MAUNGATANIWHA TELEVISION MAST

Maungataniwha is one of the claimants' tupuna maunga and a wāhi tapu of regional significance. Despite this, it has suffered desecration by the construction of a television mast on its peak in 1966. The construction of the mast, which still stands today, involved a significant amount of earthworks and whenua removal from the peak of Maungataniwha.

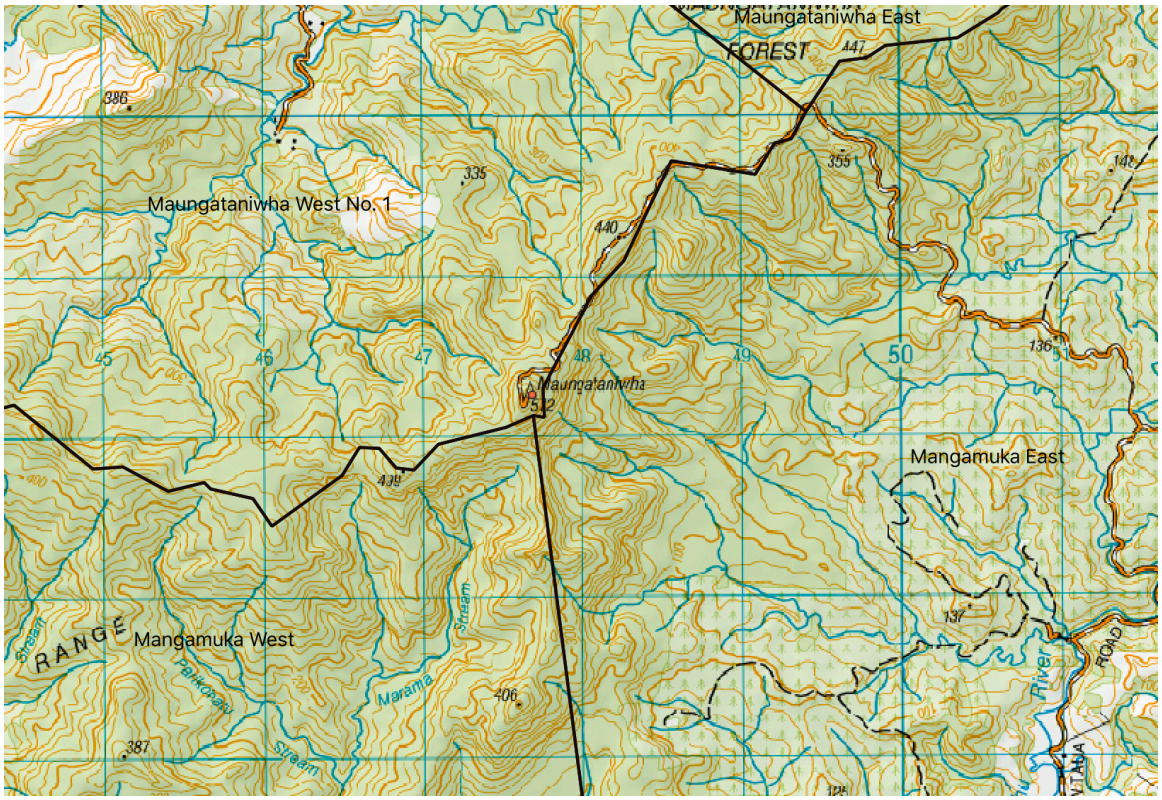
Researching Maungataniwha as part of the Te Paparahi o Te Raki inquiry (WAI 1040), David Alexander summarised the key events involving the Crown and impacting the significance of the maunga as:[169]

- Setting apart for forest conservation purposes
- Acquisition of Māori-owned land for unspecified purposes, and subsequent setting apart as scenic reserve
- Attempted acquisition of Māori-owned land for extension of state forest
- Allowing the building of a television transmitter
- Vehicle access to the transmitter

The north and western sides of the maunga were included in the Maungataniwha West 1 block, purchased by the Crown in 1863.[170] The rest of the block remained in customary title until the early 20th century, with the south-western side included in the Mangamuka West block that

[168] Ibid., p. 110.
[169] David Alexander, 'Land-Based Resources, Waterways and Environmental Impacts', Report commissioned by CFRT, November 2006, p. 671.
[170] Waitangi Tribunal, *Muriwhenua Land Report*, p. 215

was first brought to the Native Land Court in 1897, and the south-eastern side included in the Mangamuka East block first brought to the Native Land Court in 1889. The full circumstances of these agreements will be discussed in the forthcoming block reports commissioned by the Tribunal, but suffice it to say here that it in the claimants' view it was impossible that a tupuna maunga of such importance was intended to be part of a permanent sale of land to the Crown. As Maungataniwha is considered a tupuna by claimants, the concept of permanent alienation was inconceivable.



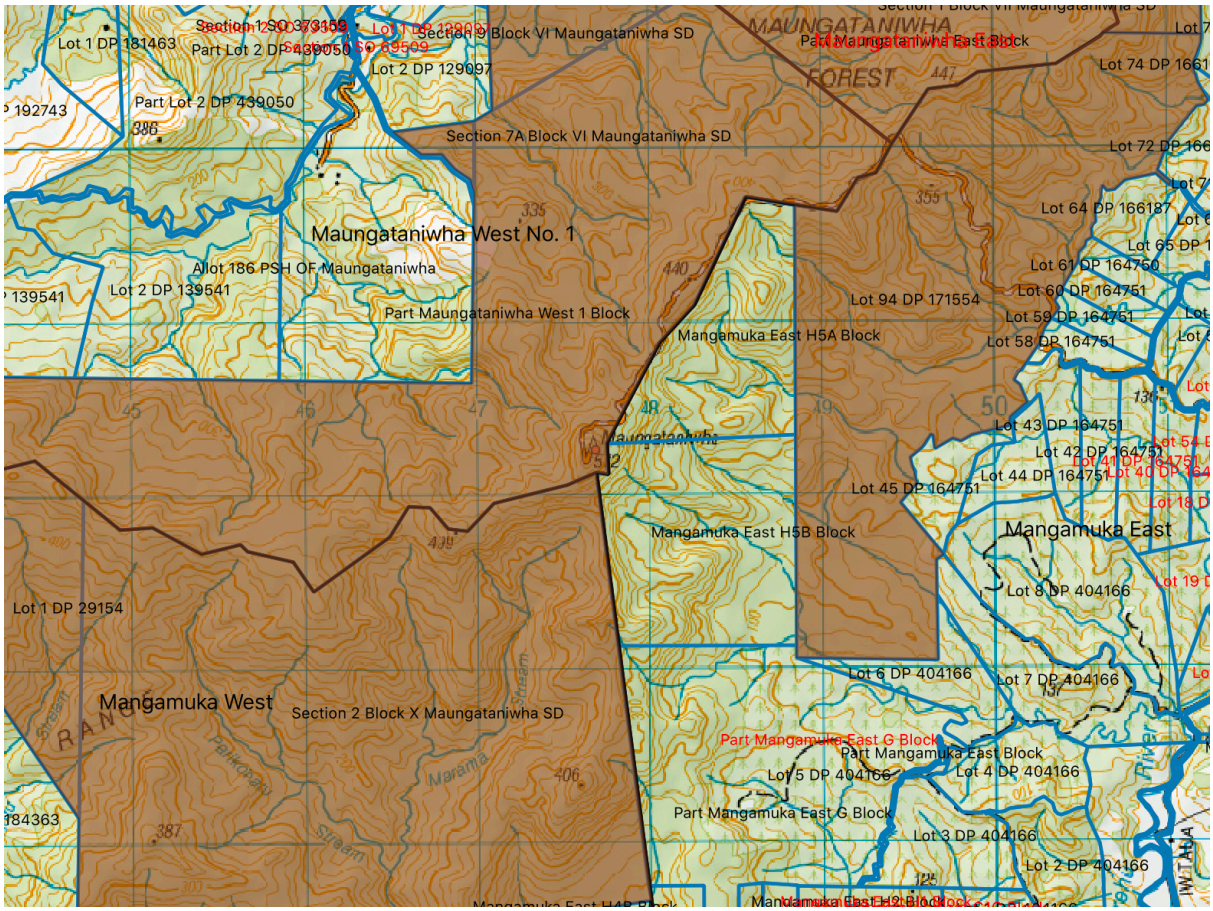
Map 15: Crown purchase blocks covering Maungataniwha. Source: Waitangi Tribunal 2023, base map NZ Topo.

In 1881 the upper north-facing slopes that were part of the Maungataniwha West 1 block were set apart as a timber reserve.[171] The land was then declared a state forest in 1886.[172] The forest reserve was again set apart for state forest in 1906 with a portion of it then revoked in 1922.[173] Parts of the traditional forest on the maunga were cleared and planted with pine, which

[171] Temporary reservation – New Zealand Gazette 1881, pp. 667-669.
[172] New Zealand Gazette 1886 pp. 55-56.
[173] New Zealand Gazette 1906, pp. 1427-1430. New Zealand Gazette 1922, p. 666.

claimants see as an desecration in its own right. Mangamuka East H5B, on the south-eastern side of the maunga, for instance, was logged of its original forest cover in 1941.[174]

Maungataniwha went through a number of iterations of legislative changes throughout the early 20th century, as both a state forest and wildlife reserve. This included notification in 1902 as a wildlife reserve under the Animals Protection Act 1880[175], notification in 1929 as a wildlife sanctuary under the Animals Protection and Game Act 1922[176], which in turn was carried through in the Wildlife Act 1953. None of these reservations contained reference to the wāhi tapu status or cultural significance of the maunga to Māori.



[174] Alexander, p. 677.
[175] New Zealand Gazette 1902, p. 1651.
[176] New Zealand Gazette 1929 p. 447.

Map 16: Current land status of Maungataniwha. DOC managed land in brown-shading, LINZ property parcels in blue outline. Source: Ben Leonard, 2024. Basemap NZ Topographic.

The south-western side of the maunga that was included in the Mangamuka West Block was partitioned several times, with the the block closest to Maungataniwha peak being Mangamuka West 3A. This block was partitioned into 3A1, 3A2, 3A3 and 3A4 in 1916. Eventually, blocks 3A4 and 3A3B were purchased by the Crown, along with adjacent blocks 3B4, 3B1B, 3B2B AND 3B5. These were amalgamated and set aside as a scenic reserve in 1942.[177] The scenic reserve vesting did not account for the cultural significance of the maunga.

Maungataniwha East was originally brought to the Native Land Court for tile investigation in 1889 and then partitioned such as that the south-eastern and north-eastern portions of the maunga were included in blocks Maungataniwha East H5A and H5B. In the early 1950s the Forest Service looked to expand the Maungataniwha State Forest, and considered the neighbouring Mangamuka East H5A and H5B blocks for purchase.[178] These were eventually rejected by owners in 1960, though sales to private individuals did later take place and the two blocks are now in private ownership.

In the 1960s the New Zealand Broadcasting Corporation began explorations to expand television coverage throughout Northland. Maungataniwha was identified as a potential site for a television transmitter. The official documents and correspondence available on these early investigations show no mention of the cultural importance of the maunga to Māori. It was noted at the time that earthworks and roading construction would be necessary, including levelling of the peak. [179]

In June 1965, approval was given by the New Zealand Forest Service to erect a television transmitter on State Forest land on Maungataniwha peak. No conditions on the approval were

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[177] New Zealand Gazette 1942, p. 2550.
[178] Schedule of Land Acquisition Proposals, 1 June 1955. AANS W5942 828, Former NZFS File 6/1/3, R24341388, ANZ (WLG), R24341388. Document Bank, p. 42.
[179] Director General NZ Broadcasting Corporation to Director General of Forests, 2 June 1965. AANS W5942 828, Former NZFS File 6/1/3, ANZ (WLG), R24341388. Document Bank, p. 43.

given, though a request was made that the New Zealand Broadcasting Corporation confer with Forest Service district officers in Kaikohe regarding location of the road and what to do with the timber felled.[180] In March 1966 a roading route was chosen, approaching the peak from the east over the Mangamuka Road.[181]

The Broadcasting Corporation's consulting engineers engaged a local contractor to construct the track, which he did in 1967 without consulting the district officers of the Forest Service. An inspection of the track showed that it had deviated from State Forest land in several area and gone on to adjoining Māori-owned land. Indeed the road-cutting had felled 2,338 cubic feet of timber on Māori-owned land.[182] The Forest Service decided not to pursue any reprimand of the contractor or any recompense for Māori owners. It did, however, note:

> *What the Maori owners may elect to do is quite a different matter, but we do not appear to have accepted any obligation to watch their interests.*[183]

It is not clear from the available files whether the Māori owners were aware of the encroachment onto their land. Subsequent history of the maunga has noted that the building of the road and transmitters was considered by local Māori to be 'an invasion of the sacred landform, at the time this insensitive action was resented'.[184] The levelling of the Maungataniwha peak reduced the overall height of the maunga by approximately 10 metres. Responsibility for Maungataniwha Forest, on which the transmitter sits, was transferred to the Department of Conservation in 1987. The transmitter remains on the maunga to this day.

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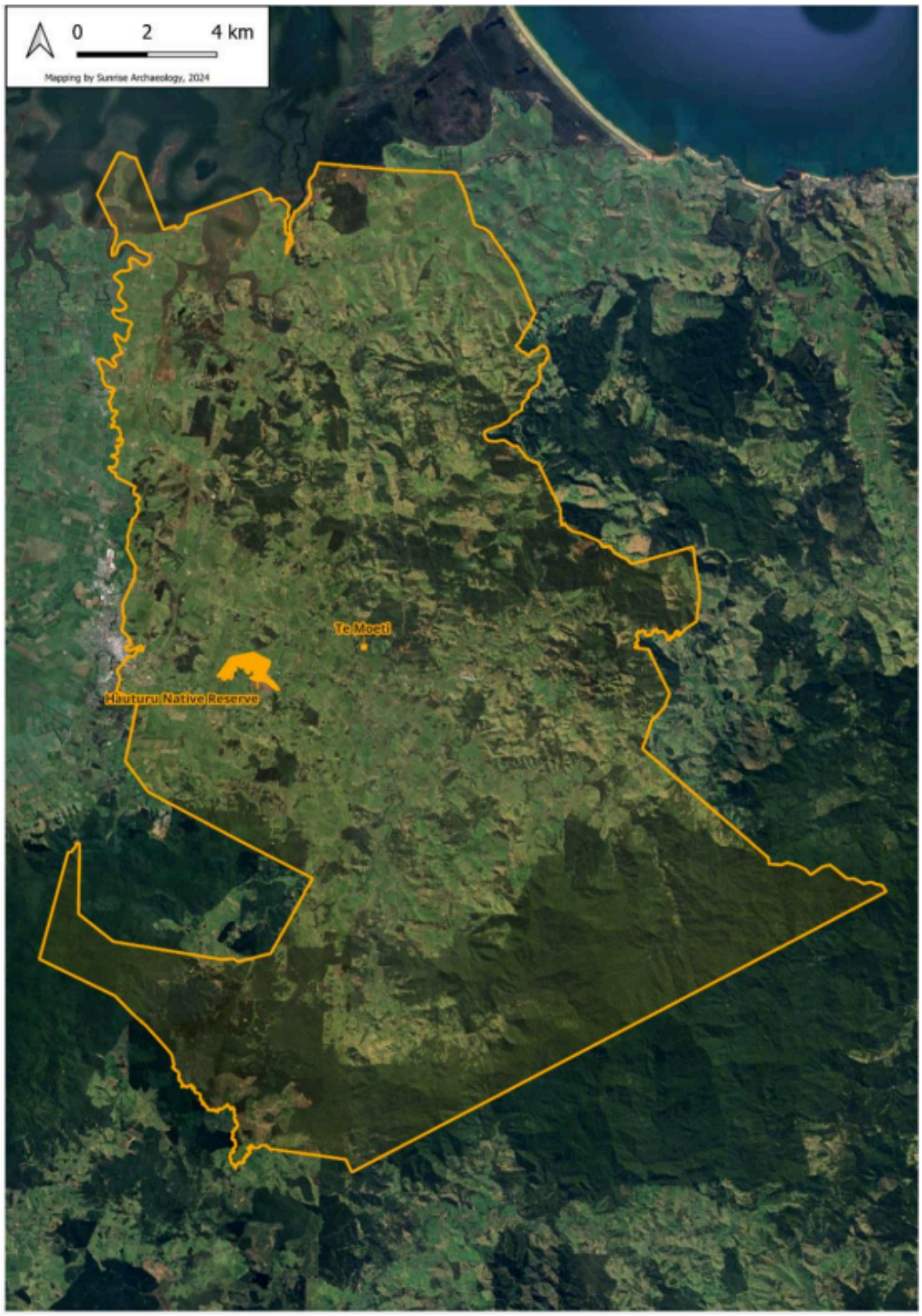
[180] Ibid.
[181] Office Solicitor NZ Broadcasting Corporation to Director General of Forests, 10 March 1966. AANS W5942 828, Former NZFS File 6/1/3, ANZ (WLG), R24341388. Document Bank, p. 44.
[182] Conservator of Forests Auckland to Director General of Forests, 27 October 1967 and 13 March 1968. AANS W5942 828, Former NZFS File 6/1/3, ANZ (WLG), R24341388. Document Bank, p. 45.
[183] File note, 19 March 1968, on Conservator of Forests Auckland to Director General of Forests, 13 March 1968. AANS W5942 828, Former NZFS File 6/1/3, ANZ (WLG), R24341388. Document Bank, p. 46.
[184] Olwyn Ramsey, In the Shadow of Maungataniwha: A History of Victoria Valley, Mangatoetoe and Te Puhi Districts, Kaitaia: 2001, p. 1.

KAITĀIA TO VICTORIA VALLEY



Map 17: Kaitāia to Victoria Valley, showing Hauturu and Te Moeti case study areas. Source: Maxwell and Huebert, 2024.

INTRODUCTION

The Kaitāia to Victoria Valley area encompasses around 37,000 ha stretching inland from the Rangaunu harbour, through Awanui and Kaitāia to the Victoria Valley and Maungataniwha range in the south. Within this large area claimants have selected two cultural landscapes as case studies: Hauturu and Te Moeti. These two landscapes are connected both historically and geographically, and so are discussed together below.

Both cultural landscapes flank the Awanui river and its tributaries, with rolling hills and ridgelines present overlooking the river flats. As Maxwell and Heubert describe the area:

> *'The soils of Te Moeti are a clay loam, a young sandstone with a sand or mudstone base, that is moderately well-drained but prone to tunnel gullying and some extensive slumping, and is difficult to cultivate (Northland Regional Council 2023). The hilly land at the east margin of Hauturu is a mature sandstone soil of fine sandy loam and clay, acidic soils of low fertility that are prone to erosion. The remainder of Hauturu is comprised of recent alluvial soils that are silt and clay loams, which are fertile but vulnerable to flooding and pugging. These soils would have been good for horticulture with adequate water management, and the fringes of former swamps would have suited taro cultivation.*
>
> *The vegetation in this area today is mostly grazed farmland. There is a small quarry in the northwestern part of Hauturu, and several houses in the eastern arm. The Te Moeti area is mostly grazed, with clusters of trees and some areas of scrub on the southern slopes of the pā. Mid-twentieth century aerial photographs show that this area has been farmland and largely in pasture for over 70 years. These photographs also show vestiges of old swamplands which were once scattered across the flats, most of which have since been drained. The network of rivers and streams that criss-cross this area would have provided access to many locations, and the major rivers would have served as a long transport corridor stretching from the Rangaunu Harbour to the*

Maungataniwha Range. These waterways would also have been a source for birds, eels, and other marine resources in the harbour to the north.[185]

[185] Maxwell and Heubert, p. 126.

HAUTURU & TE MOETI

Map 18: Hauturu and Te Moeti Cultural Landscape. Original land blocks (black outline), current Māori land (orange), wāhi tapu (white). Source: Ben Leonard, 2024.

Introduction

Hauturu and Te Moeti are two wāhi tapu of great significance to claimants. These two pā are part of a wider cultural landscape, situated south-east of Kaitāia. The area is an important one for tangata whenua, including a high concentration of wāhi tapu. It includes many pā along the main highpoints and ridgelines, as well as battle sites, burials, and places associated with preparing and cleaning the dead. It also includes modern urupa and church cemeteries that remain in use today.

Hauturu is located east of Kaitaia, above the Awanui river. Hauturu was set aside in connection with the 1862 Mangatete Crown purchase (later Mangatete South). It was a prominent and densely populated papakāinga at this time, however the 'reservation' of the block was not given any legal effect at this time. It was brought before the Native Land Court in 1867 where it was

granted to 10 owners and given a limited inalienable status, until such time as it was agreed to be subdivided. This initial subdivision happened in 1880 and the block was then progressively partitioned and sold throughout the 20th century.

Te Moeti is located north of Pāmapūria, on a high ridge just below the clearly visible Mourea Pā and Taware maunga behind it. This pā and wāhi tapu were part of land that Nopera Panakareao had kept aside from the Crown land blocks sold during the 1850s and '60s. It was brought before the Native Land Court in 1868 and granted to an initial list of 10 owners. From the 1880s on, the land was brought back to the Native Land Court several times for subdivision and by 1920 most of the land had been sold to private purchasers. Pressure on owners to sell continued throughout the 20th century and by 1990 the original 2674 acre block had been eroded to 790 acres.

Currently the land ownership in this case study area is a mixture of private and general Māori land with a few areas set aside a Māori reservations (Hauturu 1A, 4B, and Tarakaka Urupa). This reflects the ways the land has passed through the Native Land Court and been individualised and partitioned, as described below. Some of the sites in the area are covered by the general protections of the Heritage New Zealand Pouhere Taonga Act 2014 and registered with the New Zealand Archaeological Association. These include Te Moeti and Hauturu.

However not all wāhi tapu important to claimants meet the general protections of the 2014 Act. To have such protections the wāhi tapu must either be registered on the Heritage New Zealand Pouhere Taonga List/Rarangi Kōrero or be an archaeological site under the meaning of the Act. For instance the areas for washing tūpāpaku in Taware stream or for caring for and dressing the dead on Pukehāpai are not archaeological sites, nor are they registered on the Heritage New Zealand Pouhere Taonga List/Rarangi Kōrero. This demonstrates the limits of the current regime for protecting wāhi tapu. They must either be archaeological sites (which many are not) or be registered on the list (which the majority are not).

Of the wāhi tapu in this area, Tarakaka and Hauturu are currently registered on the Far North District Plan (2009). The others are not and have no other form of legal protection.

Wāhi Tapu

This cultural landscape includes a high concentration of wāhi tapu, reflecting the significance of the area. It includes many pā, some of which feature in the very earliest chapters of Muriwhenua history. It also includes other wāhi tapu such as urupa, burials, places of spiritual significance, and areas associated with caring for tūpāpaku.

This area is often referred to as a place of rangatira, many of whom built and lived in pā on the main ridges and hilltops of this region. Along with Hauturu and Te Moeti, other pā in the area include Mourea, Ūpokonui, Ōhārae, and Ōtarapoka. Some of these pā connect claimants back to early tūpuna like Tamatea-ure-i-haea and Te Reinga. The number of pā in this area reflects the regions significance and it is no surprise that many battles were fought here as a result. These wāhi pakanga are likewise important wāhi tapu, as are the burials associated with them.

Other wāhi tapu are specifically associated with caring for the dead and preparing them for burial. Taware stream, for instance, was a place where tūpāpaku were cleaned, while Pukehāpai is well-known as a place where the dead were prepared for burial. Burials took place at urupa, rua kōiwi and other burial sites including Hauturu, Te Moeti and Tarakaka.

The area was an interconnected whole, as described by Tina Latimer:

> *'The whenua was pretty much from Pūheke to the Victoria Valley, out to the coast. We were like nomadic people. We didn't stay still in one place. And we would travel to the coastline to harvest annually on a regular basis. There's still tracks, the old tracks that go through our bush Te Konoti XI that goes right out through to Parapara and Te Ahu marae and then out to Te Aurere.'*[186]

[186] Interview with Tina Latimer, Te Paatu ki Kauhanga Oral History Project, 14 March 2024, 05'09".

Hauturu

Image 14: Hauturu Pā, southern terraces. Facing north. Source: Maxwell, 2024.

Hauturu is an important wāhi tapu for claimants, including a pā, papakāinga and several urupa and burials. It is said to be one of the earliest settlements in the region, connected back to early tūpuna of Ngāi Tamatea.[187] In the New Zealand Archaeological Association site record for the pā (O04/141), a small excerpt is recorded:

> *'History: This pa is traditional of great importance built by Tamatea Ure-i-Haea and occupied by him until he left to circumnavigate New Zealand. It was here that Iwiputu, wife of Tamatea, died and was buried. Until the early 1920's this pa was still used by Te Paatu of Pamapuria as a burial site.'* [188]

[187] Personal Communication, Tina Latimer to Ben Leonard, 12 April 2024.
[188] New Zealand Archaeological Association Site Record O04/141 (N10/11), p. 3. Document Bank, p. 196

The site record suggests this information may have come from kaumatua Viv Gregory.[189]

Tamatea Ure-i-Haea is a well-known tūpuna throughout the country. His circumnavigation of the country earned him the name Tamatea Pōkai-whenua and his son Kahungunu went on to found the Ngāti Kahungunu people of the East Coast. The connection of this pā to Tamatea and Te Iwiputu gives it a special significance.

In 1874, a census undertaken by White recorded 135 people living at Hauturu, their tribal affiliations are recorded as 'Te Patu'.[190]

During the hearings for the nearby Epakauri block in 1876, Hare Reweti deposed that:

> *'My pā 'Hauturu' is about a mile from this block.'* [191]

Tina Latimer:

> *'But as for Hauturu, I know there's a wāhi tapu there, as well as the pā. Marara, Sir Graham's grandmother used to have interests in that block as did her brothers…'*[192]

At least two burial sites sit on the Hauturu block; Hauturu 1A (two the west of Hauturu Pā) and Hauturu 4C (on the northern end of the pā itself). These are the only remaining blocks of Māori land of the Hauturu reserve. The shareholders of Hauturu 1A (Urupa) are Kararaina Te Rori Rakena, Mere Te Tahana, Miria Hihi Keepa.

Meanwhile, Hauturu 4C is owned by Reihana Paora and Teira Ikaroa (Marara's brothers). Hauturu 4C is currently not fenced and in pasture. As discussed by Maxwell and Heubery below, the current landowner remembered a pūriri post and wire fencing surrounding the urupa when he was a child. These have apparently been removed.

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[189] Ibid.
[190] 'Approximate Census of the Maori Population', AJHR, 1874, G-7.
[191] Hare Reweti, Epakauri Title Investigation, NMB, 3, 3 November 1876, pp. 201-203, 210.
[192] Interview with Tina Latimer, Te Paatu ki Kauhanga Oral History Project, 14 March 2024, 14'41".

Te Moeti

Te Moeti is located on the ridge below Mourea Pā and the maunga Taware. The pā has been referred to as a 'sacred taonga' by claimants.[193] It has also been described as the 'main pā site' of the area, which other pā such as Ōtarapoka would support with kai. [194] The area contains both tomo kōiwi and ana kōiwi, which are tapu.[195] As Owen Latimer recalls:

> *'Te Moeti was where they were, where they grew up. Before then they built the church down at the bottom. They had a lot of regard for that place because all the caves had the bones in them…*
>
> *…Nobody was allowed to go there. Because our whānau were very superstitious back in those days'*[196]

Previously this area included a large forest, remnants of which still remain:

> *'The biggest bush is on the side of Te Moeti. In there are wood pigeons the tāwhara fruit of the kiekie plant and the berries of the taraire tree your teeth would be all black from eating the taraire berries but they were delicious.'*[197]

Tina Latimer recalls her knowledge of Te Moeti:

> *'There was also an old whare up there which the old man, Sir Graham, when he was a child, he used to go and stay up there. It actually wasn't so long ago really because it had all our photos. When the old kuia died, they were going to bury all our photos with*

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[193] Ricky Houghton, 'Statement of Claim of Ricky Houghton', 2008, Wai 1670, 1.1.1, p. 31.
[194] Popata, p. 28.
[195] Personal Communication, Tina Latimer to Ben Leonard, 7 May 2024.
[196] Interview with Owen Latimer, Te Paatu Ki Kauhanga Oral History Project, 30 April 2024, 20'00.
[197] Bert Clarke, in Mutu, Margaret, et al., Ngāti Kahu; Portrati of a Soverign Nation, Huia Publishers, 2012, p. 116.

her. But the old people decided not to bury them, and they were all taken to Ōturu Marae.'[198]

Te Moeti appears to have remained as a place of residence through the 20th century, with at least one house located there. Behind Te Moeti to the north-east lies Mourea Pā (O04/564). This pā is heavily terraced and the earthworks can still be easily seen from State Highway 1. This is discussed further below in the archaeolgical section.

Kawakawa Hill

Kawakawa Hill is a wāhi pakanga (battle site), located south east of Hauturu Pā. Keene records the following kōrero from kaumaūta Thomas Paul:

> *'Wharerau was another great chief at the time that the Ngāti Kuri tribe made war on the Pātu. Wharerau decided to meet the enemy on Kawakawa Hill, near Mr. F. Holders farm and the belligerents remained there for about four days, when peace was declared.'*[199]

Ōtarapoka and Ōhārae

Ōtarapoka is a pā located on the main ridge west of Tarakaka. According to Lloyd Pōpata:

> *'Ōtarapoka is an ancient pā site of Te Paatu, the pā was used for planting and cultivating kai to feed the tribe resident on the main pā site Te Moeti.'*[200]

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[198] Interview with Tina Latimer, Te Paatu ki Kauhanga Oral History Project, 14 March 2024, 12'05".
[199] Florence Keene, 'Scrapbook Volume 6E, Maori's', Whangarei District Libraries, Heritage Collection, p. 3. Document Bank, p. 215.
[200] Popata, p. 28.

Map 19: Map of Ōtarapoka. Source: Popata, Wai 45, R015(a) Annexures to Lloyd Popata BOE

South-west of Ōtarapoka Pā lies and area of hill country with many pā, including Ōhārae. The ridges and highpoints of this area contain at least 6 recorded pā.[201] Popata continues:

> *'Ohārae pa links Te Paatu through to Tahaawai in Ōkakewai and Takahue. Many rangatira lived along this range between Pamapūria and Takahue.'*[202]

<u>*Pukehāpai*</u>

[201] NZAA site numbers: O04/173, O04/211, O04/144, O04/167, O04/209, O04/169
[202] Popata, 28.

Pukehāpai is a wāhi tapu located in Pāmapūria where Fairburn Road meets State Highway 1.[203] The area is well known as a wāhi tapu where tūpāpaku were brought so they could be prepared for tangihanga and burial:

> *'Mereana Hamahona Pōpata was a great leader. When the old people passed away it was her job to prepare the bodies on the hill Pukehāpai (the hill that upholds). The body went up this hill and there she was working on them, massage them and preparing them before they went to the marae. That name is because our grannies upheld the customs in relations to the bodies of loved ones as they worked on them on that hill. In those days, on top of the hill was an old house. And thats where the bodies went to be prepared before going to the marae.'*[204]

In the early 1950s a road was cut through Pukehāpai by the Mangonui County Council, despite objections and protests from Māori.[205] As Leah Marie Wright recalls:

> *'So Pukehāpai is our maunga that they put the big road through at Pamapuria, right before our marae down the bottom there, and just over the back of there, there's a wāhi tapu there. I don't think it's been registered….*
>
> *We didn't have the council, the county council didn't have their consultation process and when the job needed to get done they just did the job regardless of what was what.'*[206]

This is supported from kōrero by Lisa McNab:

> *That maunga, Pukehāpai, was a whole maunga at that road, because the road used to come up where the marae is, used to come up and go around the side and then back onto Fairburn's Road and then down that way back into Kaitaia. And that's the same*

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[203] Te Were Nōpera (Wally Noble), 27 June 2010, in Mutu et al., p. 110.
[204] Ibid.
[205] Te Karaka Karaka, 26 June 2016, in Mutu et al., p. 110.
[206] Intreview with Leah Marie Wright, 14 Feb 2024, Te Paatu ki Kauhanga Oral History Project, Zoom 0010, 34:07"

with where it goes past Tarakaka, goes past the church there, that was the same it used to come that was a whole maunga….

… It used to go around Pukehāpai and come down not on State Highway 1 as we know it but used to come down and then used to go below Uncle Graham and them's house you know all of them down there and you can still see today where the old bridge used to be across the Awa there, you know, and then back on to wherever it was. So that landscape's changed.'[207]

The realignment of the road over Pukehāpai also appears to have affected Tarakaka urupa.[208]

Oral history recorded for this project also suggests that there is an ana (burial cave) at Pukehāpai.[209]

Taware stream

Nearby Tāware stream is an awa that is traditionally used to wash tupapaku as part of death rituals.[210] The stream carries the name of the nearby maunga, also a significant wāhi tapu and tūtohu whenua (cultural landscape marker).

Ūpokonui

Ūpokonui is another pā in this cultural landscape, located accross the Tāware stream from Te Moeti. Information from Te Wera Nōpera and Bert Clarke records that:

'The hill on the other side of the river is Ūpokonui. There are still ancient bones lying there. I asked me uncle Wiremu, once whether we could gather those bones up and take them to our cemetery to bury them. He said no. Leave them there. And so they are still

[207] Interview with Lisa McNab, 11 Jun 2024, Te Paatu Ki Kauhanga Oral History Project, 24'06"
[208] Ibid., 24'34"
[209] Ibid., 31'36"
[210] Mutu et al., Map 22.

there. He told me that those people came here and attacked our people. Te Paatu beat them; they fell there on Ūpokonui and are there still.' [211]

Taokete

To the north-east of Hauturu lies the ancient pā Taokete (sometimes referred to as Ngā Taokete). Taokete lies in the valley Rapukete or Raukete, named because the valley is like a food basket.[212] There are a number of other pā in the vicinity of Taokete, described below in the archaeological assessment.

Tarakaka and Saint Stephens Church

Tarakaka is the name of the urupa and cemetery connected to the St. Stephens Anglican Church at Pāmapūria. This urupa is the resting place of many significant tūpuna for the claimants, both from the past and more recently. It is still in use and new burials are still made here. The cemetery and church was partioned from the Te Konoti Block in 1894 and are still Māori land; Te Konoti A6A & A6B.[213]

The current church is the third on the site, the early church being south-west of the current building. [214] This building was replaced by the new church in 1956 and this area is now in graves; the old church was to be used as the local hall. Recent archaeological investigations have found evidence of gun-fighter defences on the land and are discussed below. [215]

The urupa and churchyard are both currently scheduled Site of Cultural Significance to Māori in the Far North District Plan.[216]

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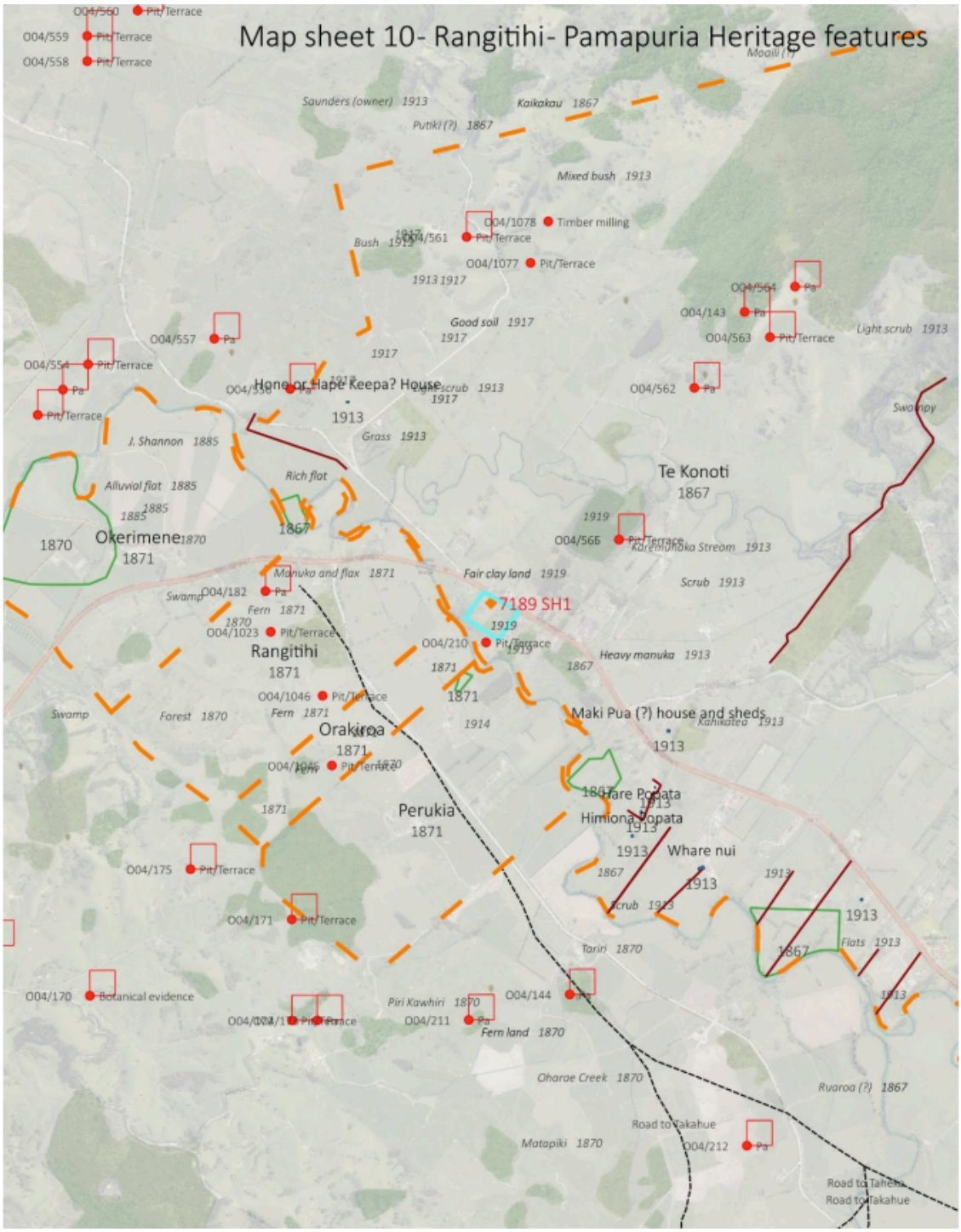
[211] Information from Te Wera Nōpera (Wally Noble) and Bert Clarke interviews in Mutu et al., p. 113.
[212] Personal Communication, Tina Latimer to Ben Leonard, 12 April 2024.
[213] These were originally designated Te Konoti A2. John Carpenter, 'Archaeological and Historic Heritage Assessment, State Highway 1 Slip Repairs, Mangamuka-Victoria Valley: Appendix G – Pamapuria Spoil Dump Site', Report for Heritage New Zealand, 2023, p. 151. Document Bank, p. 179.
[214] Ibid.
[215] Ibid.
[216] MS05-78 Tarakaka Cemetery Reserve & wāhi tapu



Map 20: Rangitihi – Pamapuria heritage features. Carpenter, p. 158.

Arrival of Pākehā

The first Pākehā to arrive in the area was the Church Missionary Society missionary Joseph Matthews who visited Kerekere pā in 1832 while Panakareao and Titore Takiri were meeting at Te Ikahunuhunu.[217] Rima Edwards gives an account of that meeting and how it led Panakareao to tuku land to Matthews and the CMS for a mission station on his land at Te Ahu.[218]

The nearby area of Te Ahu (including Te Ikahunuhunu) was already a common meeting place for Māori, and the location of the Mission Station there in 1834 only re-enforced that trend. The Mission Station became an important meeting place for Māori and Pākehā during the crucial years of the mid 19th century. It was the site of numerous important hui, including the singing of Te Tiriti O Waitangi by 61 rangatira on 28 April 1840.[219]

In the early years, Māori assisted with building, planting and road-making, and grew wheat and food crops. They took their produce to Auckland markets in their vessel, the Fairy.[220] A few Europeans arrived in the 1850s, though it was not until the 1870s that the settlement expanded with the arrival of kauri-gum diggers, including many from Dalmatia.

Meanwhile, nearby pā and papakāinga continued to be used and some thrived with proximity to trade at Kaitaia. Hauturu appears to have continued as a papakāinga and burial place right throughout the 19th century. A Census in 1874 under taken by White shows 135 people living at Hauturu, their tribal affiliations are recorded as 'Te Patu'.[221]

Pre-treaty tuku whenua and Crown land blocks

Kaitaia/Kerekere

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[217] Rima Edwards, 'Evidence of Rima Edwards', Wai 45, F023, p. 4.
[218] Ibid.
[219] See Edwards discussion on Panakareao and the signing of the Treaty at Kaitaia, ibid., 11-12.
[220] Ashley Gould, 'Memorandum in respect of further research related to the evidence of Dr Ashley Gould', Wai 45 #J4C, p. 23.
[221] Approximate Census of the Maori Population, AJHR, 1874, G-7

The first recorded pre-Treaty transaction to occur in this area was for the site of the Kaitāia mission station, transacted between Nōpera Panakāreao and the Church Missionary Society in March 1834, "follow[ing] three years of missionary visits to Muriwhenua, beginning with the journey of Henry and Edward Williams in 1831".[222] According to the *Muriwhenua Land Report*, the area transacted comprised around 700 acres.[223] The transaction of March 1834 is identified by Turton as Kerekere No. 1, with the area listed in the deed itself as 1,000 acres, but in the side notes as 2,000 acres.[224]

As Rima Edwards describes, the land at Te Ahu belonged to Panakareao and his whānau and he welcomed the missionaries to come and live among them as family.[225]

> *'He gave them the right to do things on the land, but not the right to dispose of it to anyone else.'*[226]

As discussed, the missionary diaries suggest that the Kaitāia-Kerekere deal was originally struck in the Bay of Islands in 1833. The agreement also included fees for 'cleaning the river' and building a road from 'Whiti's kāinga to Te Ahu'. A separate agreement was made for 'Trees growing in Oinu Bush'.[227]

The Tribunal notes that by "a second transaction in 1840, it was claimed that the area acquired for the Kaitāia Mission had been increased to 1727 acres."[228] Elsewhere, the Tribunal states that the 1840 transaction "doubled the Kaitaia mission station area, but no description of the occasion or of the negotiations has been located."[229]

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[222] Waitangi Tribunal, *Muriwhenua Land Report*, p. 56. An earlier transaction for an unnamed block, not located, was claimed to have been agreed in 1831 between unknown parties and one R. Dacre, sawyer, but with the claimant not appearing, no grant was issued.
[223] ibid., p. 56.
[224] Turton, 'Maori Deeds of Old Private Land Purchases in New Zealand', p. 3.
[225] Edwards, p. 10.
[226] Ibid.
[227] Dr Adrienne Puckey, Pers. Comm. 18 July 2012, in Peter McBurney, 'Te Rūnanga O Ngāti Kahu Addendum Report for an application for binding recommendations pursuant to section 8A and 8HB of the Treaty of Waitangi Act 1975', (Report for Te Rūnanga O Ngāti Kahu), August 2012, p. 34.
[228] Waitangi Tribunal, *Muriwhenua Land Report*, p. 56.
[229] Ibid., p. 65.

Turton records the Kerekere No. 2 deed, signed on 3 January 1840, which gives boundaries of the block in relation to the boundaries of the existing Kaitāia mission station. The area of Kerekere No. 2 is not recorded; although the consideration paid to "Panakareao and Tribe" was recorded as £26. Turton's record of the Kerekere No. 1 deed also records the Māori party as "Panakareao and Tribe", although the signatories are listed as: "Panakareao, Tuperiri, Te Waha and Tiro".[230] Both deeds employ the work 'tuku' to indicate the nature of the transaction.

Mangatete

As part of its ongoing attempts to cloak the whole of Te Hiku in European legal title, Crown officials such as Kemp and White attempted to connect all the land blocks during the late 1850s and early 1860s. This included the massive 11,125-acre Mangatete block, which was signed in August 1862 by the following rangatira who are recorded in the deed at "Te Rarawa":

- Rapata Take
- Hoani Taua
- Nopera.
- Matenga.
- Ta Whanu
- Timoti Popata
- Tohuora.
- Hare Peka.
- Kareka.
- Timoti Puhipi.
- Wharerau.
- Karaka.
- Hare Reweti.
- Pene Te Pae.
- Matiu Tauhara.

[230] Turton, 'Maori Deeds of Old Private Land Purchases', p. 3.

- Reweti Paepae.
- Hehi Wharerau.
- Timoti Popata.
- R. Kiriwi.
- Rutena te Wha.
- R. Matiu.
- Pita Tohia.
- Hare Mikara.
- Wi Remunganui.
- Rowhapaeana.
- Raharuhi.

Four reserves were made set out from the Mangatete (later known as Mangatete South) block. These were Otarapoko, Whiwhero, Te Rangirangina, and Hauturu. While they may have been set aside from the Mangatete Block, they were not given any formal protection at this time and were eventually brough before the Native Land Court, as discussed below.

Regarding the Mangatete Block, the Waitangi Tribunal has found that the Crown's right to 4,414 acres of this block was not established, and this area should have been retained by Māori.

Native Land Court and 20th century developments

While the Kaitaia/Kerekere tuku whenua agreements and the Mangatete Crown land block covered large portions of this region by the 1860s, substantial portions remained customary Māori land. This was in part thanks to the land set aside from the Mangatete block and also to the efforts of Nōpera Panakareao who had gone to great lengths to protect the land at places like Te Konoti. [231]

[231] Sir Graham Latimer and Tina Latimer, 'Amended Statement of Claim', Wai 1339, 1.1.1.(b), p. 16.

Okerimene

The Okerimene block sits just east of the Hauturu block, along the south bank of the Awanui river. It was brough before the Native Land Court in 1871 for title investigation. The minutes for this block appear to have been lost, along with the others from Judge Maning.

Alemann records that the 209 acre block was heard on 15 September 1871 and the block was sold to Shannon in 1875.[232] Stokes notes that Native Land Court minutes of Te Kohanga No 1, presided over by Maning and taking place in 1871, have not survived.[233] Other lost minutes for title investigations presided over by Maning include the 1868 Kaitaia title investigation, the 1876 hearings of Te Tauroa, and Epakauri, and the 1870 Whakakoro block hearing.[234]

Oharae

Oharae is a block of land situated on the south-western side of the Awanui River, opposite Te Konoti. There are at least 2 pā on the land block.[235]

The 197-acre Oharae block came before the Court in 1871 and was awarded to eight owners. In 1897 part of it was offered for sale to the Crown, but a sale did not proceed.[236] In 1908 Stout and Ngata recommended that this block be made available for 'general settlement'.[237]

In July, 1909, Oharae was vested in the Tokerau Māori Land Board. It was revested in the owners in June, 1915, of whom there were 22 at that time.[238] It was sold shortly thereafter.[239]

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[232] Alemann, 'Muriwhenua Land Tenure', p. 7.
[233] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 43.
[234] Ibid., pp. 79, 98, 102, 157.
[235] NZAA records O04/211, O04/144
[236] Armstrong, 'Te Paatu Scoping Report', p. 160.
[237] AJHR. 1908. G1j. p. 44.
[238] Report of the Under-Secretary of Native Affairs, 14 September 1915. ACIH 16036 MA1 1145 1915/2831. ANZ, Wellington. R22405779. Document Bank, p. 76.
[239] Waitangi Tribunal, *Muriwhenua Land Report*, p. 300.

There are no surviving minutes for these title investigations. However, there are minutes for later partitions of both Perukia and Oharae. These are brief and do not discuss wāhi tapu so they are best left for the Tribunal's upcoming Block History reports. According to Alemann, Oharae was sold to Forsert in 1918. [240]

Perukia

Perukia is the block of land bordering Oharae to the north-west. The 203-acre block came before the Native Land Court in 1871 and was granted to 10 owners.[241] Like Okerimene, the minutes for this hearing have not survived. The block was subsequently subdivided into the A, B and C blocks.[242]

In 1908 Stout and Ngata recommended the reservation of Perukia A and B (a total of a little over 62 acres) for Māori occupation. At this time, a flax lease involving these blocks was under negotiation. Perukia C (140 acres) was not considered by the Commissioners.[243] The Perukia land has since been mostly sold to private parties, possibly between 1912-1913.[244]

As with Oharae, no minutes survive and even the date of the hearing is unclear. Alemann quotes the date 25 June 1872, the same day he claims as the Oharae title investigation took place.[245] According to Stokes however, Oharae was heard in 1872 and Perukia was heard in 1871.[246] Without minutes, this is difficult to determine and is best left to the Tribunal's upcoming "Block histories" reports.

Regardless of the lack of minutes, it is clear the land was eventually alienated post-1920, apart from a small section in the north called Perukia B1. Perukia B1 is also land locked and accessed only through agreement informally with adjoining landowners. claimants have stated that

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[240] Alemann, 'Muriwhenua Land Tenure', p. 7
[241] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 61.
[242] Perukia and Kareponia Succession, NMB, 1, 2 March 1877, pp. 126-127
[243] AJHR. 1908. G1j. pp. 43-45.
[244] Waitangi Tribunal, *Muriwhenua Land Report*, p. 300.
[245] Alemann, 'Muriwhenua Land Tenure', p. 14
[246] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 61.

adjoining landowners have cut trees down here without consultation and are currently free grazing it.[247]

Rangitihi

Rangitihi was a 189-acre block in the Victoria Valley. It passed the Native Land Court in 1871 and was awarded to four owners. It was sold to a private party in 1881.[248] There are no archival sources except for the 1871 certificate of title and the minutes appear to have been lost.

Te Konoti

Te Konoti, situated between the Takahue 1 block and the Patiki block, is a hugely significant piece of land including Pukehāpai, Te Moeti, Taware, Mourea, Tarakaka and many more wāhi tapu. Sir Graham Latimer explains the significance of the area:

> *'The land known as Te Konoti at Pamapuria where I reside today comes through Marara Ratima. Marara Ratima is of Ngaitohianga, Te Paatu and Te Patu Koraha descent. Marara Ratima used to clean tu papaku (dead bodies) that was one of her customary roles. This was done at Rangatihi stream (Awanui River) across from Tarakaka wahi tapu, land remains there today in Marara Ratima's name under the Māori land Court, this land is land-locked and surrounded by general title land.'* [249]

It was part of an area that Panakareao had apparently wanted to keep set aside for tangata whenua. As Latimer says:

> *'The whole of this land should have been made inalienable as Panakareao had expected.'*[250]

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[247] Personal Communication, Tina Latimer to Ben Leonard, 12 April, 2024.
[248] Alemann, 'Muriwhenua Land Tenure', p. 300.
[249] Sir Graham Latimer and Tina Latimer, p. 16.
[250] Ibid.

Stokes agrees, claiming that:

> *'Te Konoti was part of the Maori land that Nopera Panakareao had tried to retain in the Victoria Valley.'*[251]

During the late 19th century, Te Konoti remained one of main residence areas for Te Paatu, such that the majority of applicants in the Patiki block hearings in 1875 gave Konoti as their residence.[252] Te Konoti was apparently the original name for the papakāinga here, before being changed to Pāmapūria.[253]

The 2,647-acre Te Konoti block came before the Native Land Court in 1868. One of the claimants to Te Konoti, Hare Rewiti, produced a list of nearly 30 names of claimants, all descended from the same ancestor, Hiria. Reihena Matiu agreed and then suggested 10 names to be 'in the Grant as trustees'.[254] It was apparently the intention that these ten people act as trustees for the wider community of owners.[255] They were Hare Reweti, Reihana Matou, Reihana Kiriwi, Te Rata Te Ahi, Rutene Te Wa, Timoti Popata, Karaka Te Kaurau, Hori Kati, Rapiana Rohe and Paki Karaka.[256]

The court placed a restriction on alienation on the block, but only until such time as it was further subdivided. As Stokes says:

> *'A restriction on alienation was also imposed on Te Konoti (2674 acres) but this was only intended as a temporary measure until the block was partitioned among the ten owners (AJHR 1886, G-15, p. 14). The effect was to delay alienation as the restriction was not renewed when the 21 years expired.'*[257]

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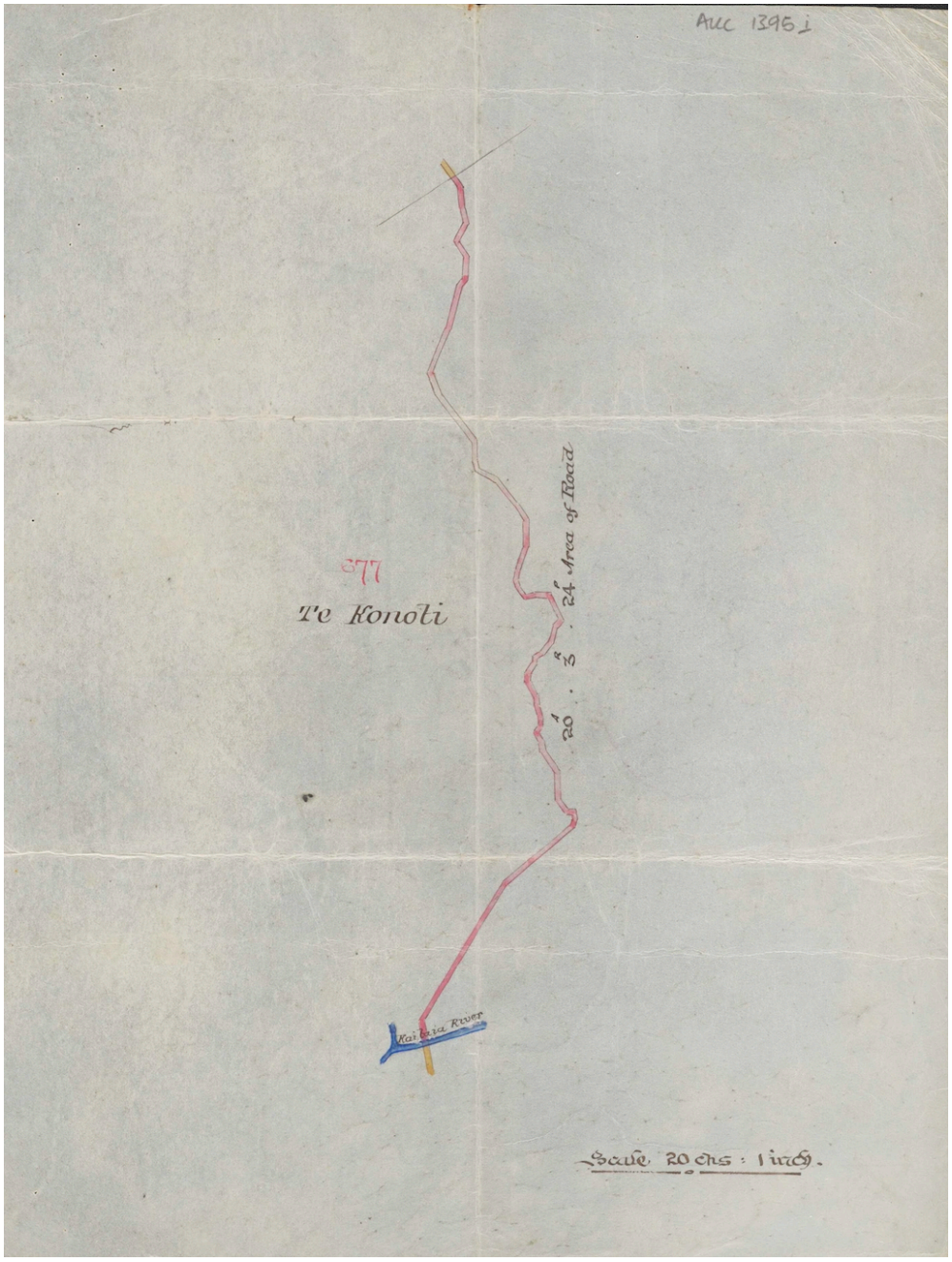
[251] Stokes, 'The Muriwhenua Land Claims Post 1865', 60.
[252] Clementine Fraser, 'Takahue: Investigation and Title', Report for Waitangi Tribunal, Wai 45, R002, p. 11.
[253] *Northern Advocate*, September 28, 1934, p. 3.
[254] NMB, 1, pp. 37-38.
[255] Stokes, 'The Muriwhenua Land Claims Post 1865'. 37-38.
[256] Konoti Title Investigation, NMB, 1, 21 July 1886, pp. 37-38.
[257] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 30.

In 1882 the Crown purchased 20a 3r 24p for roading purposes for 50 pounds from Mere Moko and Henare Parata as trustees and others.[258]

Map 21: Te Konoti Block. ML 677 Plan, 1867.

[258] ABWN 8102 W5279 209 AUC 1395, ANZ (WLG), R23281054. Document Bank, p. 70.



Map 22: Te Konoti Land acquired for roading by the Crown. ABWN 8102 W5279 209 AUC 1395. ANZ, Wellington.

The balance of the block was subdivided many times during subsequent years, commencing in around 1884. On 9 December 1884 Hare Reweti requested that the Konoti block be divided into two portions before Judge E.W. Puckey and Native Assessor Renata Ngahana. The first portion of 980 acres was to be vested in Rapuhana Tohe, Reihana Paora, Arama Karaka,

Mereana Kiwikiwi, Reihana Kiriwi and Maraea Ngarike. The remaining 1694 acres was to be vested in the remaining owners.[259]

A few months later, in February of 1885, the list of owners was amended; Peta Tohia, Henare Whata Popoto and Wiremu Kingi's names were moved from the order for Konoti B and moved to Konoti A. Hare Reweti specified that their interests should not be equal to his.

Tahi Karaka then applied for Konoti B to the divided further into another 267 acre block in his name and also in the name of Mere Karaka. He also requested that a 245 acre block be put aside for Timoti Popata, Hoani Popata and Wiremu Te Wha Paratene. Rapuhana Tihi also wanted 267 acres of Konoti A to be partitioned for himself, Maraea Ngaruke and Rupene Opewai.

Thus, Konoti B was divided into Konoti B No 1, a 524 acre block for Paki Kareka, Mere Karaka, Timoti Popata, Hoani Popata and Wiremu Te Wha Paratene and Konoti B No 2 of 5 acres in the name of Reihana Matiu. Konoti A was divided into a 267 acre block to be called Konoti A No. 1 which was given to Rapuhana Tihi and Maraea Ngaruke. The remainder of Konoti A and B were vested in those remaining owners of each block.[260]

In 1894, Timoti Popata requested that 5 acres in Konoti A be set aside as a Cemetery Reserve, to be called Konoti A No. 2. This was Tarakaka urupa and is discussed in full below.[261]

The bulk of Te Konoti land remained in Māori ownership at the time of the Stout Ngata Commission in 1908, although Konoti A4 and A5 North, and part of A4 South (totalling 115 acres), were apparently under negotiation for sale at this time.

The Commissioners recommended that most of the land they considered (except those blocks subject to sale negotiations) should be reserved for Māori occupation and some should be incorporated. Another eight Konoti blocks were listed by Stout and Ngata as 'not dealt with' or

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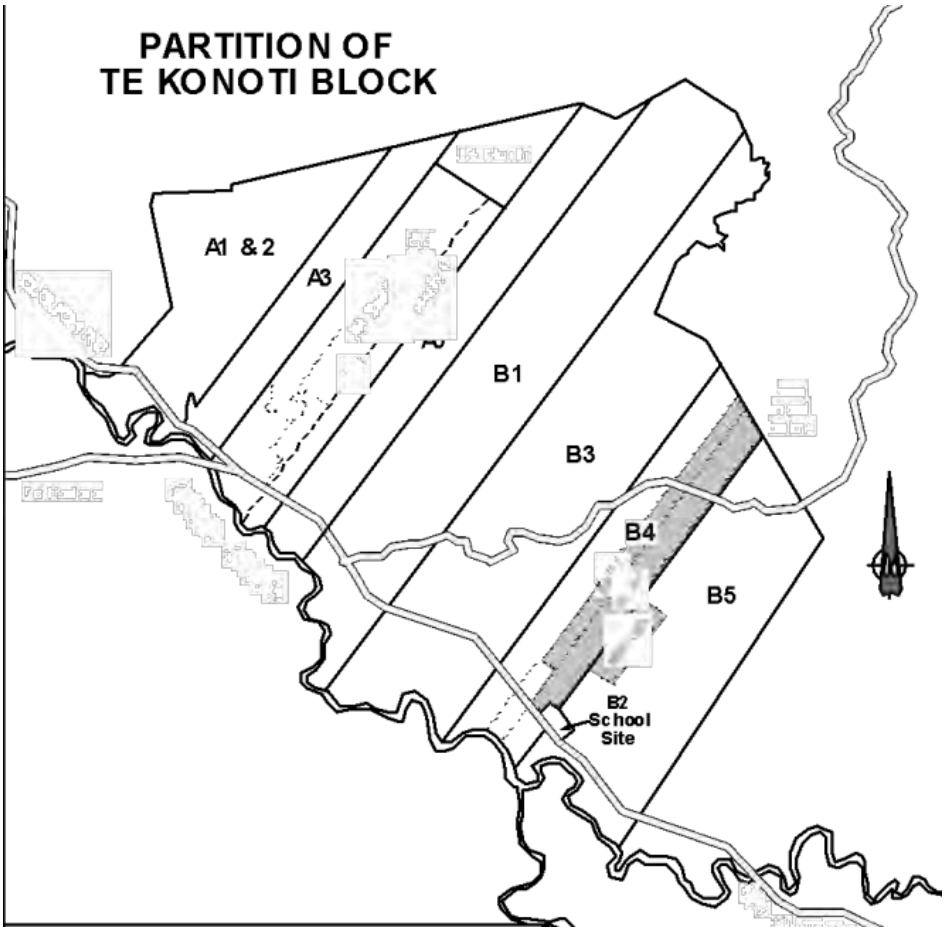
[259] Konoti Partition, NMB, 6, 9 December 1884, p. 241.
[260] Konoti Partition, NMB 6, 28 February 1885, pp. 345-346.
[261] NMB, 12, p. 289

requiring further information. These were Konoti A3, A5, A4 South 1, B2, B3 North, B5 No 1, B5 No 2, and B5 No. 3.

Despite the Stout Ngata recommendations much of the land was sold piecemeal to several private purchasers by the 1920s. This process involved the acquisition of a number of individual interests over a period of time, followed by a Native Land Court partition of the sellers' interests and an award to the purchaser.[262]

The process of alienation of Te Konoti lands seems to have been one of piecemeal alienation of small partitions, often initially by lease to a local farmer or timber miller, followed by sale. The boundaries are said to have been agreed by owner families at the time of the hearings.



[262] Stokes, 'The Muriwhenua Land Claims Post-1865', p. 64.

Map 23: Partition of Te Konoti Block. Stokes, 'Review of Evidence', p. 63.

It appears that significant wāhi tapu Te Moeti pā and Mourea pā were included in Te Konoti A5, with boundaries crossing in to A4.

The transfer in 1928 of the Logan and Reynolds land north of Fairburns Road to Nicholas Semenoff of Pamapuria, farmer, and the land between Fairburns and the main road to Herbert Oliver Tracey, also a farmer of Pamapuria, suggests that these were locally-based transactions among private individuals.[263] The Crown does not seem to have been involved in land transactions on Te Konoti in the 1920s.

By 1920 most of these lands had been sold to private purchasers. Pressure to alienate came on the owners of the many partitions of Te Konoti in the 1920s as well, so that by 1990 the 2674 acres had been eroded to 790 acres.[264]

Te Moeti Pā ended up split across a few parts of Te Konoti Block A, including A4 South 1B A4 South 2B2B, and Te Konoti 22. Te Konoti A5 South 2B4 is currently protected by the QEII trust, though this was done to protect the ecological values of the land, not its significance to Māori as a wāhi tapu.[265]

Nearby Mourea Pā is also included on Te Konoti 22, Te Konoti A5South2B4 Block and Te Konoti A4South1B Block. Taware is on the remaining piece of Māori land KONOTI X1. Current acces to all of these wāhi tapu is through neibouring land through an informal right of way.[266]

<u>*Hauturu*</u>

[263] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 65.
[264] Ibid., p. 61.
[265] Te Konoti A5 South 2B4 (Shepherds Block), QEII National Trust Case File, p. 8. Document Bank, p. 217.
[266] Personal Communication, Tina Latimer to Ben Leonard, 12 April 2024.

Despite being set aside from the Mangatete Block in 1862, Hauturu was given no formal legal status as a reserve. The 151-acre Hauturu block (less 7 acres for roads) came before the Native Land Court in March 1867.[267]

Hohepa Poutama gave evidence that Hauturu had been reserved for him and his people out of the Mangatete block. He claimed the land was his, along with others that he listed including Rauna Te Takanga, Hoani Kingi Te Heko, Hopa Tamia, Te Rutene Te Wa, Hare Reweti, Matiu Te Tihi, Teira Ikaroa and Reihana Paora. He stated that his people had continued to live and cultivate on the block to the present day.[268] Hau Mikara then came forward and said he too had a claim to the block. He asked for his name to be included in the deed as well.[269] Wāhi tapu on the site are not recorded in the court minutes.

The Court issued a grant to the claimants Hohepa Poutama, Rauna Te Takanga, Hoani Kingi te Heke, Hopa Toamia, Rutene Te Wa, Hare Reweti, Matiu Tihi, Teira Ikaroa, Reihana Paora & Hare Mikara and the block was declared inalienable until such time as it was subdivided.[270] This happened just 13 years later, in 1880, when Hauturu was split in to four, allowing it to be sold. The block was split into Nos. 1 (32 acres); 2 (33 acres); 3 (49 acres); and 4 (44 acres).[271] Around this time the Crown acquired a small area for roading. [272] During the partition hearing, claimants requested that Hauturu No.1, 2 and 4 be made inalienable, with 3 to be "left out".[273] While the subdivision of the block into four was approved, it is not clear if the request for three of the blocks to be made inalienable was granted.

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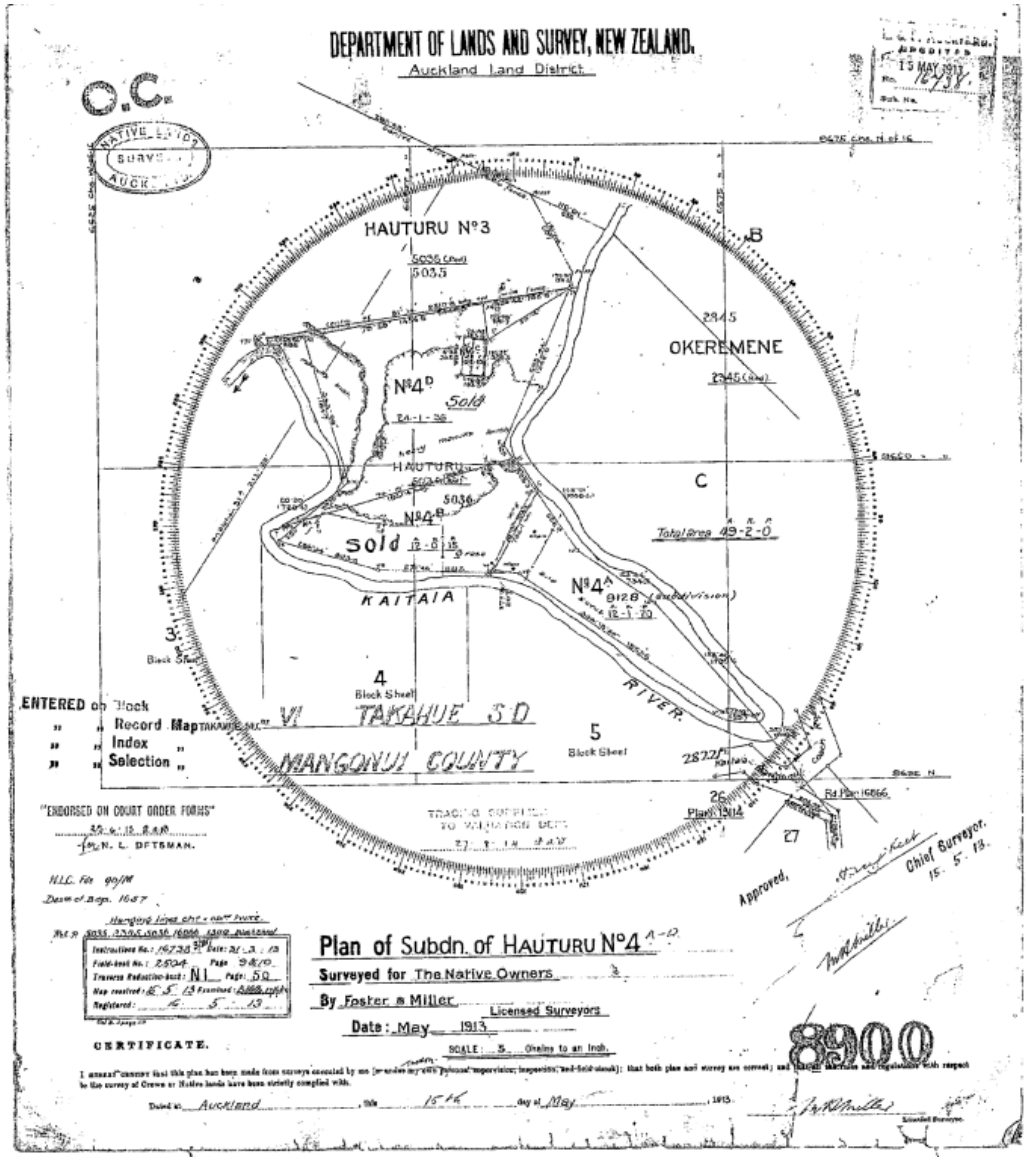
[267] Hauturu Title Investigation, NMB 1, 15 March 1867, p. 32.
[268] Hohepa Poutama, ibid., p. 32.
[269] Hau Mikara, ibid.
[270] Judgement, ibid,
[271] NMB, 4, pp. 299-300.
[272] Geiringer, ' Historical Background to the Muriwhenua Land Claim', p. 106.
[273] Hauturu partition, NMB, 4, April 16, 1880, pp. 299-300.



Map 24: Plan of Subdivision of Hauturu No. 4. Department of Lands and Survery, 1913. SO 8900.

In 1908 the Stout Ngata Commission noted that all four subdivisions were occupied and recommended they be reserved.[274] Further partitions of Hauturu blocks occurred over succeeding years with Hauturu No. 3 being sold in 1911.[275] The loss of Hauturu 4B (as well as Hauturu 4A and Perukia B) is briefly considered in Armstrong's report and will be further

[274] AJHR, 1908, G1j, p. 42.
[275] Waitangi Tribunal, *Muriwhenua Land Report*, p. 236: Stokes, 'The Muriwhenua Land Claims Post-1865', p. 30: Stokes, 'A Review of the Evidence in the Muriwhenua Lands Claims', p. 30: Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', pp. 17-18.

discussed in the Tribunal's commissioned block history reports.[276] Issues surrounding the loss of this block are discussed briefly here, at claimants request.

Hauturu No. 4 came before the Native Land Court in 1909 for partition. Those with interests in the land agreed to a partition into 4 parts (4A, 4B, 4C, and 4D).[277] Hauturu No. 4 A (11 acres) went to the successors of Hare Reweti. Hauturu No. 4 B (10 acres) went to Teira Ikaroa. An area of ½ acre for wāhi tapu was set aside as Hauturu No 4C, to go to Teira Ikaroa and Reihana Paora as trustees. The residue of the block was designated Hauturu No. 4D.

By 1913, Te Teira Ikaroa was the owner of Hauturu 4B. He was elderly and lived on a modest pension, with Hauturu 4B being the only land he owned. He was said to have been pressured by the agent of an intending purchaser to sell the land for £10 per acre. Te Teira Ikaroa died on May 10, 1913 while the transaction was being completed. The transaction was confirmed by the Tokerau District Māori Land Board five days after his death, on May 15.

Meanwhile, three days after Te Teira Ikaroa's death, and two days before the Land Board confirmed the sale of Hauturu 4B, his two sons Heteraka Te Teira Ikaroa and Takiwairua Wiremu Ikaroa wrote to Ratima Aperahama, Chairman of the Mangonui Māori Council.

Heteraka Te Teira Ikaroa and Takiwairua Wiremu Ikaroa claimed that their father was 'misled into selling Hauturu No. 4B'. [278] They asked the Council to write to the Government conveying their objections 'because of the great hardship which it entails on us two [sic], this being the only piece of land of our father's which he had to leave us to dwell on and to maintain us after his death'. They wanted the pending purchase to be set aside 'so that the land may be returned to us for our maintenance, for it has our cultivations, fences and our houses on it'.

However, it was too late to stop the Board's confirmation and so Aperahama wrote to Native Minister Herries a week later, on May 23, pointing out that Te Teira Ikaroa's two sons, who were occupying the Hauturu 4B block, 'because there was no other land for them to live upon',

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[276] Armstrong, 'Te Paatu Scoping Report', p. 164.
[277] Hauturu No 4 Partition, NMB, 4, p. 229.
[278] Heteraka Te Teira Ikaroa and Takiwairua Wiremu Ikaroa to R. Aperahama. May 13, 1913. ACIH 16036 MA1 1102 1913/2427. ANZ (WLG), R22404908. Document Bank, p. 80.

had been rendered landless. Aperahama was highly critical of the Land Board for confirming the sale. He stated that:

> *'if the Government does not protect the landless Maori it will be the death knell of your Maori people. Furthermore, this is a bad practice of the Maori Land Board, to confirm a sale by [a] Maori who became landless and leave their children without support'.'*[279]

The Board claimed that at the time of his death Te Teira Ikaroa was living on land belonging to his wife and was making no use of Hauturu 4B, which was 'lying idle'. Moreover, had he not died the £100 purchase price would have formed a useful supplement to his pension and would have enabled him to live in comfort in his declining years. In addition, Te Teira Ikaroa had died before the sale was confirmed, 'so that at the time of confirmation the Native being dead, the question of him being landless or otherwise in no way affected the position'. In other words the old man could not be landless if he was deceased. This, of course, failed to take into account the position of his successors. In addition, the Land Board pointed out that Aperahama himself was not an owner or in any way connected with the block, and had no reason to 'interest himself in the matter'.[280]

On June 19, 1913, Aperahama once more wrote to Native Minister Herries describing the actions of the Land Board as 'illegal and unfair' because Te Teira Ikaroa's sons 'have no other land left'. On July 2, 1913, the Rev. T. Paerata and 22 others made a 'solemn declaration' to the effect that Te Teira Ikaroa had lived permanently on the block until the time of his death and possessed no other land, and he and his wife had lived apart for the last five years of his life. Before becoming old and frail he had, according to the Rev. Paerata, improved the land and cultivated potatoes and kumara.

Ratima Aperahama wrote to Herries once more on July 10, 1913. He pointed to other sales, including Hauturu 4A and Perukia B, which were approved by the Board and had similarly resulted in landlessness. He further noted that sales were confirmed by the Board at Whangarei,

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[279] R. Aperahama to Native Minister. May 23, 1913. ACIH 16036 MA1 1102 1913/2427, ANZ (WLG), R22404908. Document Bank, p. 82.
[280] President Tokerau District Maori Land Board to Native Secretary. June, 9, 1913. ACIH 16036 MA1 1102 1913/2427, ANZ (WLG), R22404908. Document Bank, p. 85.

which was distant from Kaitaia: 'Only those in the best of health, and possessing means could travel... from here to Whangarei'. He wished to 'get back' Hauturu 4B for the sons of Te Teira Ikaroa, as well as the Hauturu 4A and Perukia B blocks, and asked for an inquiry to be undertaken by the Native Land Court, adding that 'we shall be left in a very bad way indeed if Government does not look into the matter of these sales'.

The Native Department was not sympathetic. The Native Secretary advised his Minister that 'no new grounds' had been brought forward by Aperahama and all correspondence should cease. Aperahama made a further effort to persuade the Minister at the end of July. He once again described the Hauturu 4B confirmation of sale as 'illegal', and urged Herries to 'warn the President of the Maori Land Board not to... confirm these sort of cases'.

In a reply dated August, 4, 1913, the Minister brusquely told Aperahama that he (the Minister) could not interfere with the Land Board in the execution of its judicial functions. As chairman of the Mangonui Māori Council, Ratima Aperahama had clearly gone to great lengths to obtain redress for the loss of this land. However the Crown was unsympathetic and ultimately the land was lost.

Of particular note are the only two block of remaining Māori land: Hauturu blocks 1A (wāhi tapu) and 4C (urupa). Hauturu 1A was subdivided from Hauturu 1 in 1921, with 1B and 1C later being sold. Hauturu 4C was split off from Hauturu 4 in 1909, with Hauturu 4A1, 4A2, 4B and 4D later being sold. As discussed below by Maxwell and Huebert, it is currently unfenced and in pasture. This is inappropriate for a wāhi tapu of this kind.

Hauturu 1A (0.1ha), in the west of the original reserve, is recorded today as an urupa. It is registered as Māori Freehold Land, having been exempted from accruing rates by order of the former Mangonui County Council. Meanwhile, the other wāhi tapu Hauturu 4C (0.2ha) lies on the northern side of Hauturu pā. It is also registered as Māori Freehold Land and has been given a similar rates abatement. Both of these wāhi tapu remain in the ownership of three since people, now deceased. They are land locked and totally inaccessible expect with permission from adjoining land owners.

The presence of the burial ground at Hauturu continued to be noted through the late 20th century. During the 1993 hearings on the Muriwhenua Inquiry by the Waitangi Tribunal, B. Clarke stated that:

> *'In 1990 I received evidence concerning Hauturu Burial Grounds south of Kaitaia.'*[281]

Tarakaka Cemetery and St Stephens Church

Map 25: Te Konoti A6A and A6B. Original land blocks shown in black, current Māori land in orange. Source: Ben Leonard, 2024

In 1894, Timoti Popata requested that 5 acres in Konoti A be set aside as a Cemetery Reserve, to be called Konoti A No. 2.[282] The 5 acres was to be deducted from from owners shares as follows: Hare Popata (1/2), Henare Popata (1/2), Mawene (1/2), Pene Hopa (1) and Marara Ratima (1/2), Kereama Hare Reweti (1/2), Te Teira Hare Reweti 91/2), Rameka Hare Reweti (1/2).

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[281] B Clarke in 'Muriwhenua Land Claim Hearing', Transcript of Interview, 10 May 1993 – 13 May 1993, Tape 8, 0780-1210, Wai 45, Doc 4.8, p., 1.
[282] NMB, 12, p. 289

In 1915, a typhoid epidemic struck the Te Konoti community (now known as Pamapuria) resulting in significant losses to the community. A newspaper report from the time cites 19 new graves in the burial ground at Tarakaka.[283]On the 14 February 1918 an extra piece of 2 roods adjoining was portioned from another block and became Konoti A4 Sth1A1.

In the succeeding years there seems to have been some disagreement over management and ownership over the cemetery such that it was brought to the Native Land Court by Tamaho Paora and others in 1941. [284] Eventually an agreement was reached, acknowledging the original partition in 1894 and the use of the urupa as a general cemetery. It was therefore agreed that a trustee owner be appointed to represent all the people of Pāmapuria, being the people of "Te Paatu and Ngai Tohianga" and any other persons residing either at Pāmapuria or Oturu. Hakaraia Karaka was duly appointed as the trustee owner.

The agreement, minuted by the Court, also notes that deceased owners in the block should not be succeeded by the next of kin in the ordinary way, but by succeeding trustees. As a result the 1931 succession order following the death of Rameka Hare Reweti was cancelled and an order issued for Hakaraia Karaka as trustee owner.

In 1956 it was reported that a new church was being built to replace the old one.[285] Then in 1958 a section of the north-eastern part of the block was taken for the main road.[286] This was done under the Public Works Act 1928 and reportedly resulted in the loss of part of the urupa.[287] As Lisa McNab recalled in oral history interviews for this project:

> *'…The road used to come up where the marae is, used to come up and go around the side and then back onto Fairburn's Road and then down that way back into Kaitaia.*

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[283] *Northern Advocate*, 18 October 1915, p. 1.
[284] NMB 72, pp. 33-134
[285] Notes of Florence Keene, UF017. Northland Room Digital Collections, accessed 17/06/2024, https://whangarei.recollect.co.nz/nodes/view/2086
[286] New Zealand Gazette, No 54, 4 Septmber 1958, p. 1163, 1168.
[287] Interview with Lisa McNab, 11 Jun 2024, Te Paatu Ki Kauhanga Oral History Project, 13'24".

And that's the same with where it goes past Tarakaka, goes past the church there, that was the same it used to come that was a whole maunga…

… Yeah, and took it over, I can't remember what the, that little maunga where Tarakaka is, that road didn't used to go through there either.[288]

In 1965 the original order splitting off Te Konoti A4 South 1A1 (the very southern section of the cemetery) was revoked and in 1968 it was combined with Te Konoti A2 as Te Konoti A6 and made a Māori reservation for the purposes of an Anglican Church site and cemetery.[289]

That order was revoked in 1971 after an investigation by the Court uncovered that the 1968 reservation had been made based on some incorrect information given to the Court and the land was split into A6A and A6B.[290] Te Konoti A6A was set out as Māori reservation for the purpose of a burial ground and A6B (the larger) was set out as Māori reservation for Church site and burial ground and vested in the General Trust Board of the Diocese of Auckland.[291] A6A was meanwhile vested in six trustees, 3 Ratana and 3 Anglican.[292]

It is said that the introduction of the Ratana faith here caused disputes resulting in a fence being placed down the centre of the local burial ground between Te Konoti A6B and Te Konoti A6A. Te Konoti A6B was then revested in 6 trustees in 1975.[293] Te Konoti A6A was set apart as a Māori reservation in 1976.[294]

In 1993 the trustees not exceeding 6 appointed for Konoti A6B are Daniel Simeon (deceased), Heta Tobin (deceased), Annie Clarke, Keith Tobin (deceased) and Tom Maheno known as the Cemetery Board Trustees. Today, Tarakaka Urupa is also known as Pāmapuria Māori Cemetery and St Stephens Church Cemetery.

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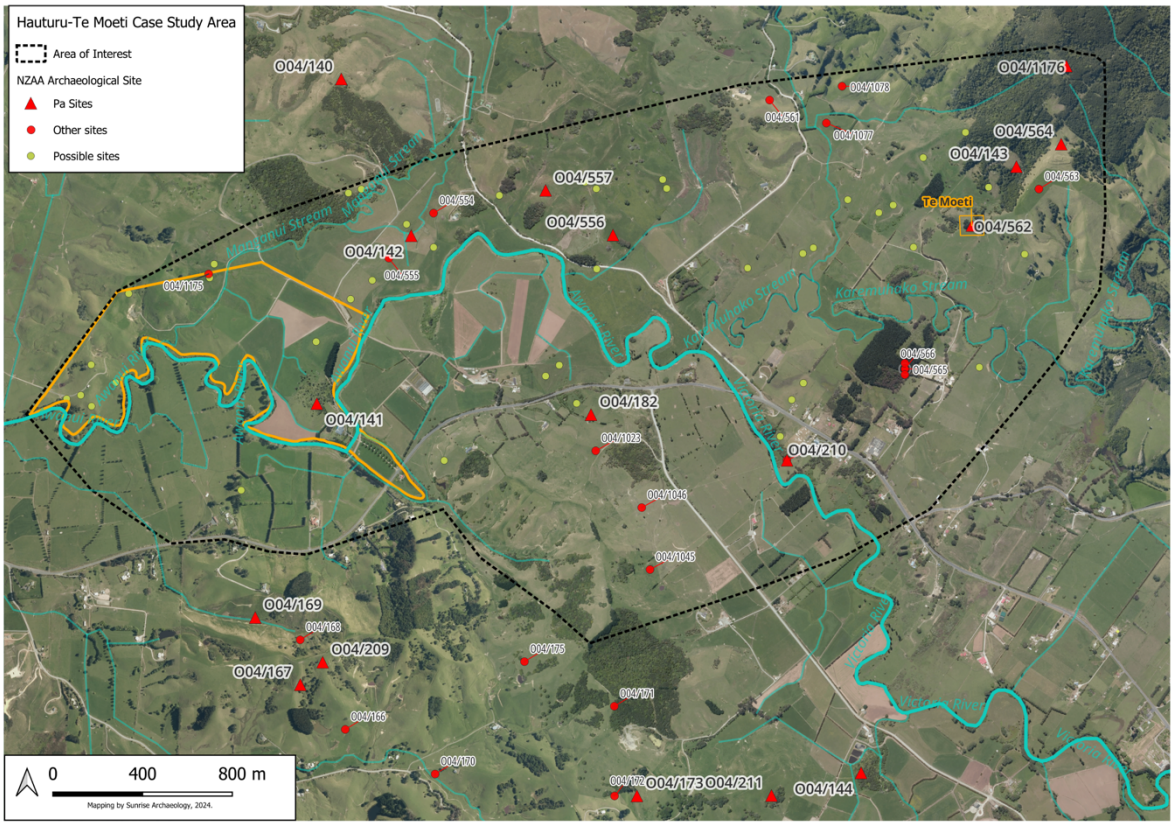
[288] Ibid., 24'34"
[289] New Zealand Gazette 1968 p. 1573.
[290] Kaitaia Minute Book (KT), 6, p. 339.
[291] KT, 6, pp. 336-339.
[292] KT, 7, p. 67.
[293] KT, 9, pp. 120-121.
[294] New Zealand Gazette 61, 1971, p. 1124.

In 2003, the trustees for Te Konoti A6A were confirmed as Warren Maheno, Henry Simeon, Wally Noble, Jesse Ryder, Merepaea Murray, Paul Dudley, Reginald Edwards, and Henry Simeon.[295]

Archaeology of Hauturu and Te Moeti area



Map 26: Recorded archaeological sites within and in the vicinity of Hauturu and Te Moeti. Source: Maxwell and Huebert, 'Hauturu and Te Moeti', Fig. 6.6.

As part of the archaeological assessment of this cultural landscape, Maxwell and Huebert found 21 recorded sites in or near the case study areas. Site types include 10 pā (or possible pā), and a number of pits and terraces. One site has possible nineteenth century timber industry associations. Overall, the site records in this collection are brief, the locations imprecise, and most have not been revisited since they were first recorded many years ago. They also

[295] KT, 23, p. 69-70.

identified at least 42 additional sites were located during the inspection of Lidar, historical aerials, and satellite.

Assessing the archaeology of this cultural landscape, Maxwell and Huebert write:

> *'Hauturu is a good example of a classic pre-contact pā, situated on a high point and surrounded by fertile river flats with the Awanui River encircling it on three sides. This would have been an ideal location for a permanent settlement, with high quality soils for gardening and permanent water courses which regularly flood the lowland area, reinvigorating the soil. Mourea is another example of a prominent pā, one that is much larger and more imposing than Hauturu, on a high vantage point that overlooks the Awanui-Victoria River and wide river flats below. In contrast, the gunfighter pā such as Te Moeti characterise a later period of Māori history and provide examples of how landscape features were remodelled after European contact.'*[296]

Regarding site O04/210, the recorded pā next to Tarakaka urupa, Maxwell and Huebert found:

> *'This pā site is beside the Awanui River and the urupā (Tarakaka cemetery and church) on SH1 in the small settlement of Rangitihi. The cemetery and church appear to be pre-1900; the urupā was established on ridge in 1894 (NZAA site record, J. Carpenter). When first recorded in 1971, the site was described as a ridge pā, on a low ridge below the church. The site was later (1979) described as "Ill-defined terraces beside the Awanui River. Possible ditch across the ridge but now filled in where cemetery is".*
>
> *The site was briefly revisited in 2023, and it was suggested that the site is possibly a gunfighter pā with a defensive ditch on the west and north face, and the south and east faces protected by steep slopes above the river. Terraces located on the west spur may not be associated with the pā, and could pre- or post-date the defensive features. Historical aerials from 1973, around the time of first recording, clearly show both the angled ditch and the terraces running downslope to the riverbed.*

[296] Ibid., pp. 178-179.

When first recorded in 1971, it was grassed with no condition noted. By 1979, it was said to have been partly destroyed by the cemetery. By 2023, there were some intact features, but the site was overall only in fair condition. The ditch was infilled, only visible as a darker line of vegetation and shallow swale running behind the urupā, and the terraces were relatively indistinct.'[297]

Maxwell and Huebert have assessed the cultural landscape's current condition as part of the archaeological assessment contained in Volume II of this report. Their assessment of Hauturu found:

'The overall condition of the Hauturu Pā site is good, with some damage from tree fell, stock damage, and erosion. Some of the ground surface was obscured by trees and scrub, but Lidar imagery confirms that major features of the pā are still present and well-defined. When surveyed, the archaeological features around the pā were easy to examine and sites were relatively well-preserved, as much of the area is grazed paddocks. Intervisibility with nearby landscape features was good.

The lowland flats all through this area have, however, been heavily modified by modern farming practices, as have the waterways. Such works have removed much of the direct evidence of the large-scale Māori horticulture that was certainly practiced across this landscape, though many examples remain on slopes above the flats.'[298]

Meanwhile, the condition at Te Moeti is described as follows:

'At the time of this survey, archaeological features of Te Moeti Pā were in overall good condition. The site was grazed pasture, with minor damage from stock, and some slumping and erosion.

[297] Ibid., p. 142.
[298] Maxwell and Huebert, p. 183.

As much of the area is grazed paddocks, there was good intervisibility with nearby landscape features and the large nearby Mourea Pā, which could be readily seen and appears to be well-preserved. Features on the hills above such as the pā possibly called Taware are, however, obscured by thick scrub and secondary vegetation.'[299]

EXHUMATION OF PANAKAREAO & ERENORA

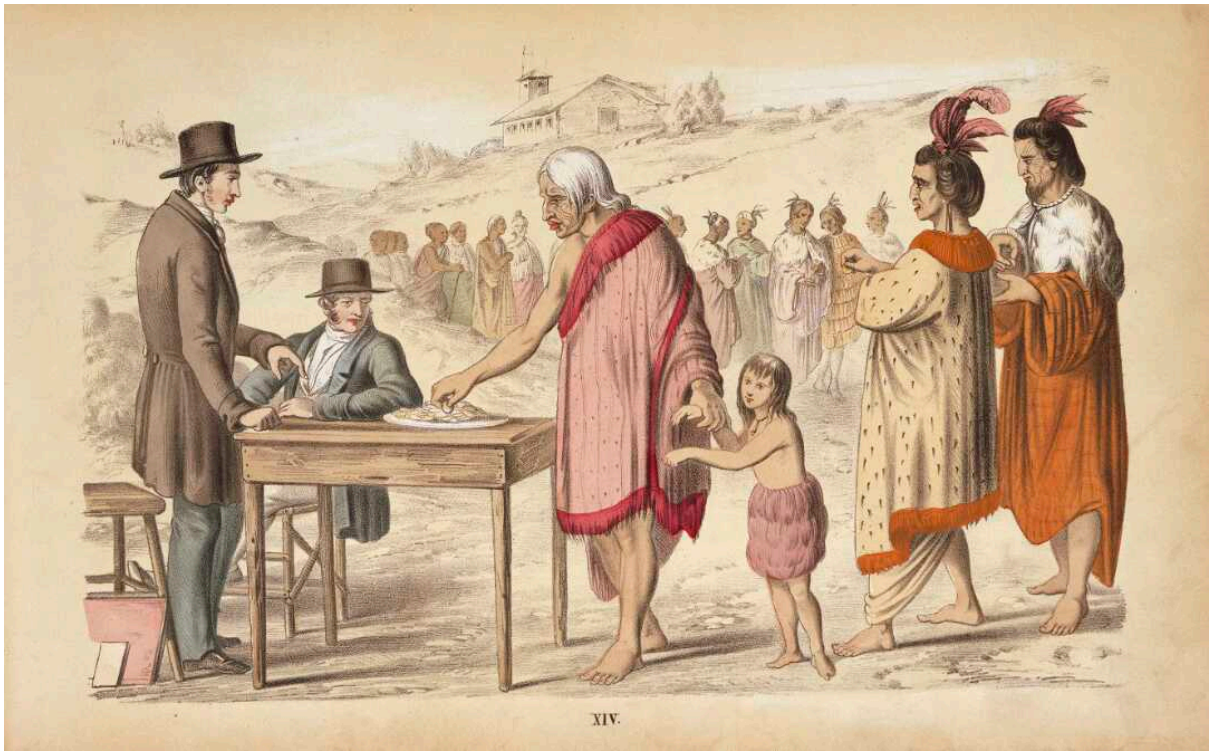


Image 15: Artist depiction of an 1856 meeting at Kaitāia Mission Station, showing Panakareao and his wife Erenora (far right). Source Alexander Turnbull Library, PUBL-0151-2-014

The nearby Victoria Valley has long been a significant place for claimants. According to Lloyd Pōpata, the tūpuna Hapute and Tuhangai of Te Paatu settled and maintained these lands for the iwi.[300] By the mid-1850s, the majority of this land had remained customary Māori land, while the lands surrounding it had been alienated by the Crown or settlers and missionaries in the Old Land Claims process.

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[299] Ibid., p. 184.
[300] Waitangi Tribunal, *The Ngāti Kahu Remedies Report*, 2012, p. 371.

Map 27: Main land blocks in Victoria Valley. Source: Waitangi Tribunal, 2023.

As we have seen, Nōpera Panakareao was an incredibly important leader during this time. He signed both Te Tiriti and He Whakaputanga on behalf of his people, and was one of the main rangatira dealing with Crown representatives like Hobson, White and Grey. Panakareao had been distinguished as a leader from birth as a result of his whakapapa. As Keene records from information from Thomas Paul:

> *'When Koropeke and Mōroki died the mana of the Pātu tribe was given to the great chief Poroa of the Rarawa, and when Poroa died, the mana was given to Nopera Panakareao, chief of the Rarawa's; and also, a chief of the Pātu tribe. Nopera Panakareao was the chief of the Pātu tribe when they were at war with the Ngāpuhi early in the eighteenth century.'*[301]

[301] Florence Keene, 'Scrapbook Volume 6E, Maori's', Whangarei District Libraries, Heritage Collection, p. 3. Document Bank, p. 215.

During his life, Panakareao had gone to great lengths to protect Victoria Valley and the lands at Takahue from alienation.[302] Panakareao had his wife Ereanora (Erenora) buried in the valley (which he named after her) in 1848.[303] As Kemp records in a report from 1856:

> *'The Victoria Valley I have traversed. Nobel* [Panakareao] *tells me he won't sell. It is a beautiful valley of about 20,000 acres. After hearing what he had with other[s] to say I intend to recommend £3,000 as a special bait that is if the Government really mean to carry on efficiently and in earnest'*[304]

The 'bait' was evidently refused by Panakareao shortly before his death in 1856.[305] As Kemp again reports:

> *'Noble Panakareao, the chief of the Rarawa tribe, is the principal owner of the valley, and upon my expressing a desire to visit, he informed me that it had never been offered for sale, that it was more than probable it would be required for the use of the Natives, whenever the surrounding districts shall have been purchased by the Government.'*[306]

Shortly before his death, Panakareao returned to his land at Te Ahu (present day Kaitaia) to die.[307] The death of Panakareao in 1856 was a major event for the whole of Muriwhenua. Panakareao had mana across the entire Muriwhenua region and his whakapapa gave him connections of rank right across the country. Panakareao requested that he be buried alongside his wife in Victoria Valley, an act that the Tribunal has described as follows:

> *'It was an unusually strong statement that these rangatira of exalted status should be buried on their own, outside the main tribal urupa. The effect was to make the valley tapu, restricting its use to Panakareao's own people.'*[308]

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[302] See Waitangi Tribunal, *Muriwhenua Lands Report*, p. 303.
[303] Fraser, p. 11.
[304] AJHR, 1861, C1, pp. 6-7.
[305] Rigby, 'A Question of Extinguishment: Crown Purchases in Muriwhenua, 1850-1865', p. 50.
[306] AJHR, 1862, C1, p. 372
[307] Rima Edwards, Wai 45, F023, p. 16.
[308] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 304.

It has been suggested that his was done specifically so as to make the entire valley tapu so as to protect it from alienation. As the Tribunal has found:

> *'Having regard to the surrounding alienations, and Panakareao's wishes, the whole of this land should have been reserved by 1865, and made inalienable, as Panakareao had expected.'*[309]

However, Crown agents like White continued to push for the sale of the valley.[310] With Panakareao gone, other rangatira vied for position and some even sought to sell the valley in 1861. This, however, was quashed by a rūnanga of rangatira gathered to discuss the potential sale. Kemp reports that:

> *'an important objection was made by these Chiefs to the sale of the entire Valley on the ground that the late Chief 'Noble' (Panakareao) and his wife were buried there, and as the place of interment lies in the centre, it seemed to us at first an almost insuperable obstacle to its acquisition, and one which would seriously interfere with the operations of any settlers, who might eventually establish themselves there, so long as the Native Title to that particular portion remains unextinguished'.*[311]

The sale of the valley evidently became an issue of contention between hapū and iwi, with some apparently keen to sell while others refused.[312] White was well aware of the effect of Panakareao's burial at Victoria Valley, but continued to push for its sale nonetheless. In 1865, he wrote to the under-secretary in the Native Department referring to his ongoing efforts to have Panakareao and Ereanora exhumed and removed so as to buy the land:

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[309] See Waitangi Tribunal, *Muriwhenua Lands Report*, p. 307.
[310] Ibid, p. 304.
[311] AJHR, 1862, C1, p. 372
[312] See Waitangi Tribunal, *Muriwhenua Lands Report*, p. 305.

> *'Having experienced great difficulty in purchasing land in the 'Victoria Valley', from the fact that the late Chief... Pana Kareau [sic] and his wife, being buried in the finest part of it, I have for some years urged his removal to the Church yard at Kaitaia.'*[313]

Although exhumation and the protection of kōiwi was a well-established practice, what White had proposed was very different. Moreover, it was directly contrary to Panakareao's express wish.[314]

Eventually White got his wish and an agreement was reached to exhume and reinter Panakareao and Ereanora from their resting place at Victoria Valley. In 1865, before a crowd of some 500 people, Panakareao and Erenora were exhumed.[315] The Tribunal has suggested that White may have exploited existing iwi disputes over the tūpāpaku (especially Ereanora), which were a normal and expected part of the tikanga following the death of rangatira.[316] According to Fraser:

> *'Panakareao and his wife, Ereanora, were buried in the Victoria Valley, and were exhumed in 1865 in order to remove the tapu on the Victoria Valley and free it up for sale.'*[317]

White himself wrote that the exhumation of Panakareao and Erenora was 'to prevent the peace of the district being disturbed, and to facilitate the purchase of the best block of land in the district'.[318] The Tribunal has described the exhumation of Panakareao and Erenora as demonstrating the 'extraordinary measures' the Crown was willing to go to in order to buy land.[319] It also demonstrates an attitude held by Crown agents like White and Kemp in regard to important wāhi tapu. They were impediments to land alienation and should be removed in

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[313] White to Native Department, February 14 1865, Mangonui Outward Letterbook, BAFO-A 760/8, ANZ (AKL), R21531220, pp. 346-347. Document Bank, p. 147.
[314] See Waitangi Tribunal, *Muriwhenua Lands Report*, pp. 305.
[315] Ibid., pp. 305-306
[316] Ibid., p. 305.
[317] Fraser, p. 11.
[318] White to Native Department, February 14 1865, Mangonui Outward Letterbook, BAFO-A 760/8, ANZ (AKL), R21531220, pp. 346-347. Document Bank, p. 147.
[319] Waitangi Tribunal, *Muriwhenua Land Report*, pp. 399-400.

order to facilitate a sale. There was quite literally nothing that would stand in the way of Crown land alienation, not even the burial place of one of the region's most significant Māori leaders.

With Panakareao and Ereanora reinterred elsewhere, disputes about the sale of the land continued. These continued for nearly ten years after the exhumation, until the land began to be brought before the Native Land Court. Takahue No 1 and Takahue No 2, Pukekahikatoa, Patiki-Takahue, Te Kauri and Okakewai blocks, comprising all the land in the Victoria Valley and surrounds, were both before the court in 1875.[320]

Liutenant-Colonel Thomas McDonnell, a veteran of the New Zealand Wars, was the Land Purchase Agent in charge of negotiations for the Takahue area. He was instructed to provide "a clear idea as to what reserves it will be necessary to make for the Natives – in the case of these, discriminating most carefully their acreage.[321] Despite the orders to McDonnell, no reserves were made.

As the Tribunal has outlined, McDonnell also had a 'habit of taking large sums of money with him and giving advance payments or deposits to prospective sellers, on land which had not passed through the Native Land Court.'[322] McDonnell apparently called this technique 'a sprat to catch a mackerel.'[323]

The full circumstances of the land alienation of the Victoria Valley that followed are more adequately addressed by the Tribunal's commissioned research on Native Land Court blocks. They are also quite well covered by the report on Takahue completed by Fraser as part of the original Wai45 inquiry.[324] Suffice it to say here that the vast majority of the land was sold to the Crown shortly after title to it was granted by the Native Land Court. Takahue No. 1 (24,122 acres) and Takahue No. 2 (4405 acres) were sold in full to the Crown in 1875. Patiki block (2219 acres) was largely sold to the Crown in 1897, with two small subdivisions being sold

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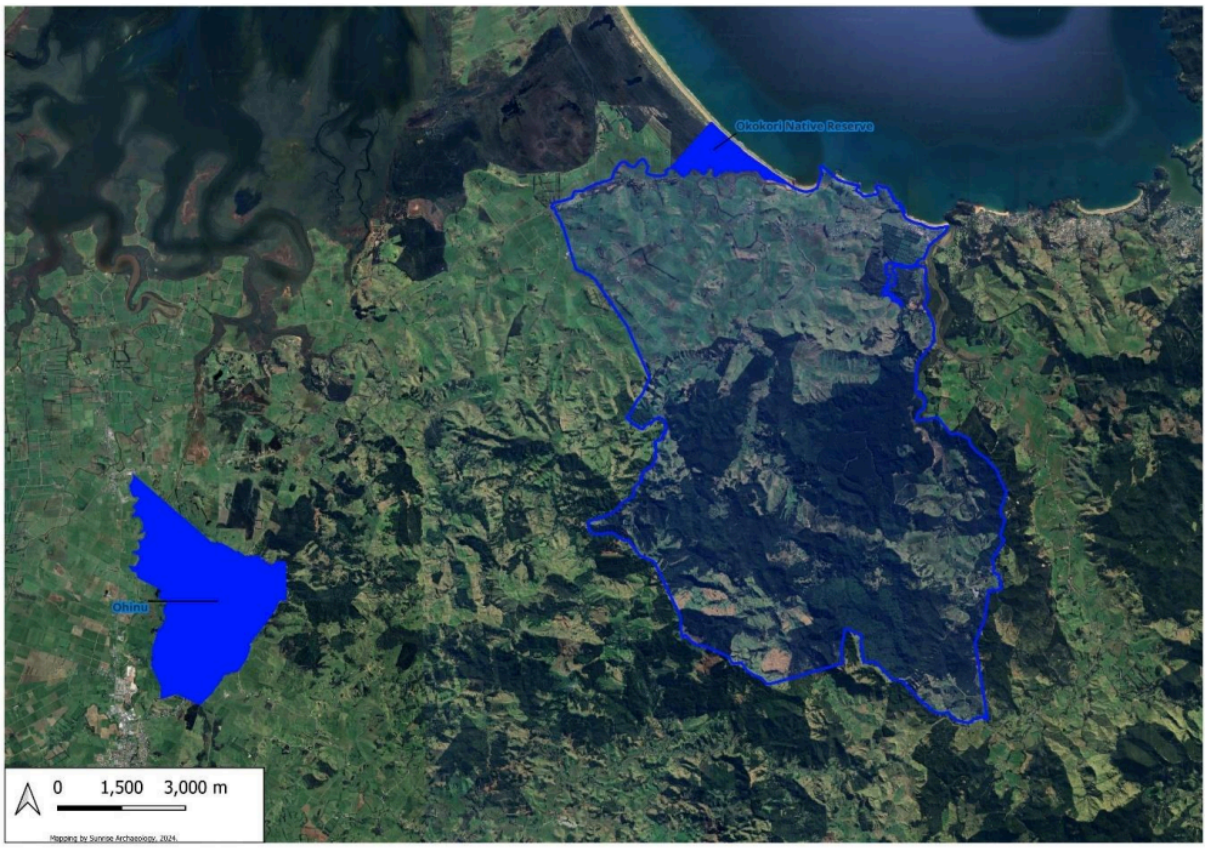
[320] Ibid., pp. 306-307
[321] McLean to McDonnell, enclosure in No. 22, Lietenant-Colonel St John to Lietenant-Colonel McDonnell, AJHR, 1875 G-7, 7.
[322] Waitangi Tribunal, *The Te Roroa Report 1992*, Wellington, 1992, p. 56.
[323] Ibid., p. 60.
[324] Clementine Fraser, 'Takahue: Investigation and Title', Report for Waitangi Tribunal, Wai 45, R002.

later.[325] Pukekahikatoa (349 acres) was partitioned with the majority being eventually sold throughout the 20th century, though some small areas remain in Māori land.

[325] Stokes, 'Muriwhenua Land Claims Post 1865', p. 121.

MANGATETE, OTURU, PARAPARA & OTENGI



Map 28: Mangatete, Oturu, Parapara & Otengi, showing Okokori and Ōhinu/Oinu case study areas. Source: Maxwell and Huebert, 2024.

CLAIMANT STATEMENT

The following claimant statement for these case studies was prepared by Leah Wright, claimant for WAI 1662.

Ruia, ruia, tahia, tahia,
Kia hemo te kākoakoa,
Kia herea mai i te kawau korokī.
Kia tātaki mai i roto i te pūkorokoro, whaikoro,
Te kūaka, he kūaka mārangaranga,
Tahi manu i tau ki te tāhuna, tau atu, tau atu, tau atu!

Scatter, scatter, sweep on, sweep on,
Let us not be plundered by our foe,
The rope has been stretched out and fastened, let us rejoice.
Moving along the rope,
The godwits have risen and flown,
One has landed, to the beach, the others follow!

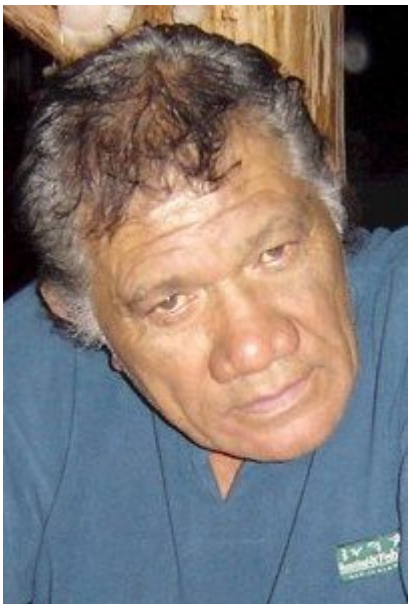
The case study of the Ohinu block was selected to reflect my historical association and occupation of my ancestors. My whanau also have occupation of Tarapunga Pa which sits on the original Ohinu Pa. My whakapapa extends to Matenga Paerata, Hakaraia Awarau, Paraone Ngaruhe, Hare Matenga, Tipene Te Taha, Parata Taha, and Timoti Popata.

In preparation for our site visit of the Ohinu block, we visited Aunty Angel Erstich with our archaeologists Justin Maxwell and Jennifer Huebert of Sunrise Archaeology. Aunty Angel Erstich's mokopuna Māori Erstich accompanied our archaeologist Justin Maxwell on the site visit to Wharekākāriki pa and Te Rangi urupa. Due to the no-flying zone and access limitations, we could not survey the Kaitaia Airport and Te Rangi Aniwaniwa Kura Kaupapa lands.

The relationships we established with the Matthews whanau commencing with the Raramata and Ōkokori blocks have played a crucial role in shaping our history, and the current state of our whenua, that relationship is still important today. It was back when Reverend Joseph Matthews landed here and my whanau and others took up the Anglican faith. Our tupuna Hori Kiritipa Raiti (Wright) became the first Māori Archdeacon in Aotearoa.

Throughout his life, he served as King Rata's Minister in Huntly for three decades before assuming the position of Archdeacon until his passing. Archdeacon Hori Kiritipa Raiti rests at Turangawaewae, while Wi Raiti (Wright) is interred in Parapara. It is important to note that their lineage traces back to Ramari Mare (Murray), daughter of Hone Mare, and granddaughter of Hone Te Koni a Rarawa, Chief. Furthermore, their grandmother, Mamangi Te Taha, daughter of Tipene Te Taha, was initially laid to rest at Ōkokori and later relocated to Parapara.

The Ohinu and Ōkokori blocks are sites significant to myself, Te Paatu, and Ngati Tara but more importantly my tupuna before me. Recounting these details evokes a deep sense of emotion, especially considering that my father was alive at the time of the initial site visits and has since joined his nine siblings in resting at Parapara, Ngati Tara.



Heremaia St John Wright aka Johnny Wright
Sunrise 12/2/1940 to 27/12/2023 Aged 83yrs 10 months

INTRODUCTION

The Mangatete, Oturu, Parapara & Otengi area encompasses two large areas in central Muriwhenua. While geographically separate, the two areas are intimately connected by history and culture. The Parapara-Otengi area is approximately 9,000-ha, stretching inland from Okokori, Otengi and Taipa through to Parapara in the south. The western area of Ōhinu comprises a roughly 1,000ha block between Awanui and Kāitaia.

The Ōhinu/Oinu area is characterised by numerous modified waterways, including the Whangatane River. The course of both the Whangatane and Awanui Rivers have since been changed to control flooding, and today much of the Whangatane flow has been channelled into a spillway that drains into the Pairatahi River and, ultimately, the Rangaunu Harbour to

the north.[326] From the Oinu awa, the land rises to a long ridge running roughly north-south that stretches across most of the Ōhinu block. This ridgeline is the site of the majority of wāhi tapu in the area, including Rangi Āniwaniwa, Tūtarakihi, Pukekahikatoa Pā and burial areas.

Writing about the Wharekākāriki area in the north of the Ōhinu landscape, Maxwell and Huebert found:

> *'The area around Wharekākāriki is comprised of several different substrates. To the north is a very old soil, known informally as gumland soil or pipe clay, which developed under ancient kauri forests. Much of the remainder of the hill is an old sandstone soil, land that was also covered by kauri long ago. The hills here are surrounded by a recent alluvium which has formed on the floodplains….*
>
> *… The network of waterways and deep swamps of these floodplains would have been ideal for water travel, as well as providing access to the Rangaunu Harbour. They would also have been a source for birds and fish such as eels, along with access to the wider marine resources of the harbour to the north.'*[327]

Meanwhile, the Otengi-Parapara area lies along the southern coast of Tokerau Moana (Doubtless Bay) and encompasses many headland promontories, beaches and dunes, and river-mouths. The western part of the area includes part of the Karikari tombolo, a large sand formation said to have previously been Kauri forest with parts underwater. According to Maxwell and Huebert:

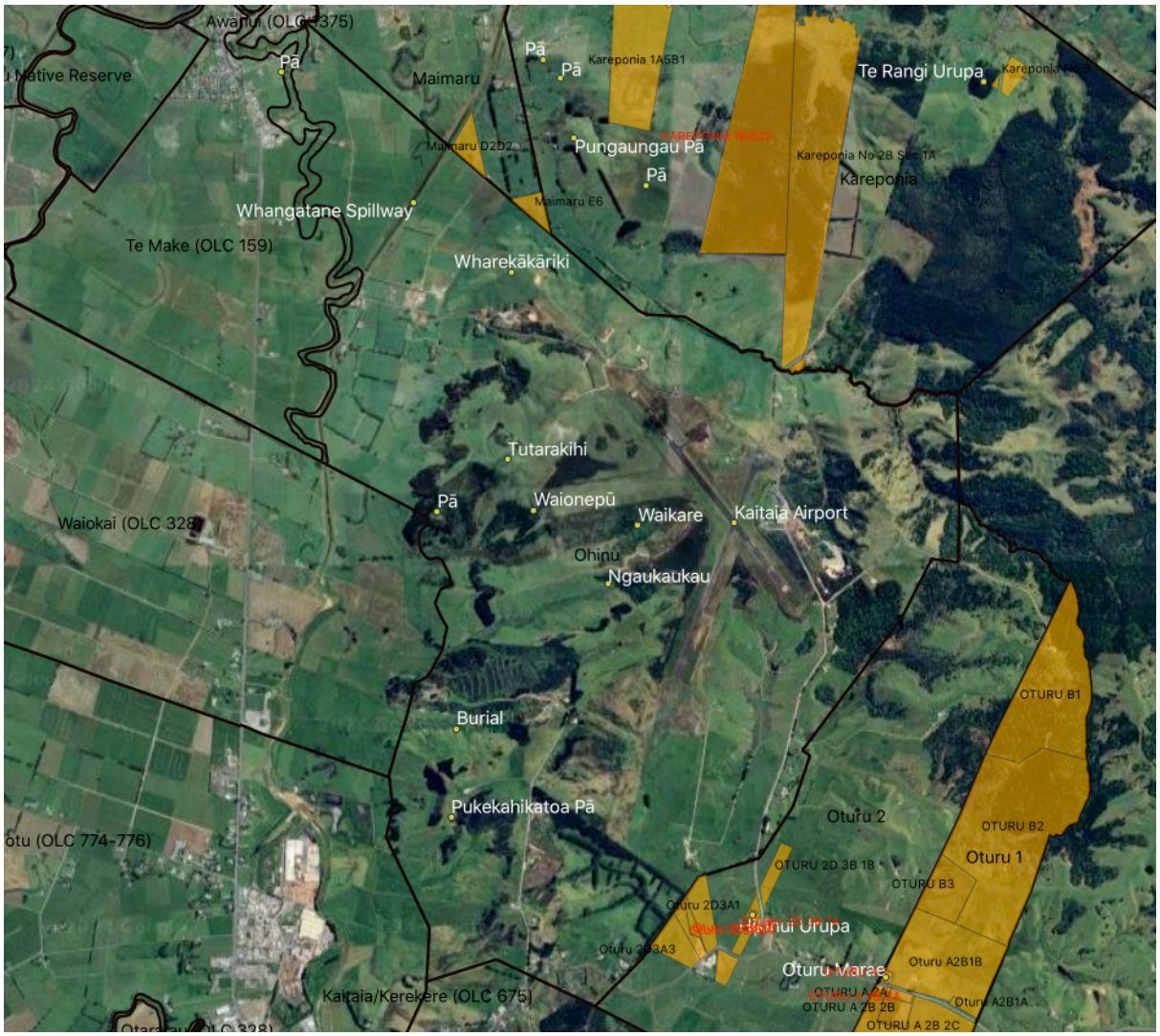
> *'The central area has a very old substrate, known informally as gumland soil, which developed under ancient kauri forests. It is fringed by largely acidic and poorly drained (i.e., swampy) soils formed from windblown sand and peat. The Tokerau beachfront, by contrast, is made up of a relatively young sand.*

[326] Maxwell and Huebert p. 190.
[327] Ibid., p. 191.

The vegetation of the case study area today is composed of low grasses and scrub along the dunes, a swath of wetland featuring rushes (often labelled wiwi in old survey maps) and other sedges behind the dunes, backed by a wide wetland which stretches inland to the stream. The waterways here are fringed by mangroves. There are indications the vegetation of Karikari was once very different than it is today. A study of fossils from the Tokerau dunes has led to proposals that the area was once a mosaic of shrubland and forest that included rimu, beech, kanuka, and others, until at least the time of human arrival (Millener 1981, 282, 294). The fossil assemblage that was studied also included moa bone and eggshell, sub-fossil landbirds, seabirds, reptiles, and landsnails (Millener 1981, 220-1, see Slocbome 1997; Brook 1999), suggesting there were once resources to support a diverse fauna. In the study, the reduction in forest cover was correlated with human arrival and subsequent vegetation burning, as well as natural processes that would have included drought, shifting sands, the introduction of invasive species, and other factors.'[328]

[328] Ibid., p. 240.

ŌHINU/ŌINU



Map 29: Ohinu/Oinu cultural landscape. Original land blocks (black border), remaining Māori land (orange), wāhi tapu (white). Source: Ben Leonard, 2024.

Introduction

Ōhinu/Ōinu is a cultural landscape located north of Kaitaia, stretching from Awanui and Kareponia in the north to Ōturu in the south. It includes a wide range of interconnected wāhi tapu, reflecting the significance of this area. These include several pā, wāhi pakanga (battle grounds), and ana kōiwi (burial caves). Today, the landscape includes the Kaitaia airport and Te Kura Kaupapa Māori o Te Rangi Āniwaniwa.

The western boundary of the landscape follows the Whangatane tributary of the Awanui river up to the wetlands at Te Make. Moving east, the land rises sharply up to Tūtarakihi (Tututarakihi), an important maunga. From Tutarakihi the ridge continues southward including important wāhi tapu such as Wharekākāriki, Waionepū and Te Rangi Āniwaniwa. In the north is the Ōhinu/Ōinu stream, from which the landscape takes its name.

The land was subject to the 1859 Ohinu Crown purchase block. However, later claimants in the Native Land Court hearings for the adjacent Ōturu block refer to this land as part of the Ōturu block. The land was subdivided and partly farmed, with whānau continuing to live here right up until the 1940s. Parts of the adjacent Ōturu block remain as Māori land, inlcuding the Ōturu Marae and Hikinui urupa.

The wāhi tapu Te Rangi Āniwaniwa was taken by the Crown under the Public Works Act for a war-time airport in 1942. It has subsequently been subject to Treaty settlements (Ngāi Takoto), protest and occupation, and was recently subject to a land transfer from the Crown to a collective of iwi and hapū including Te Paatu, Ngāi Tohianga, Patukōraha, and Ngāi Takoto for lease to the Far North District Council as an airport.

Currently the land ownership in this case study area is entirely in private land with the exception of the Kaitāia Airport as discussed above. Small blocks of Māori land exist to the east, part of the original Oturu block. Kareponia, where Te Rangi urupa is situated, is partly in Māori land and partly private. Te Rangi itself (Kareponia 3) is a Māori reservation for the purpose of an urupa. Of the wāhi tapu in this area, only Te Rangi is currently registered on the Far North District Plan (2009).

Some of the sites in the area are covered by the general protections of the Heritage New Zealand Pouhere Taonga Act 2014 and registered with the New Zealand Archaeological Association. To have such protections the wāhi tapu must either be registered on the Heritage New Zealand Pouhere Taonga List/Rarangi Kōrero or be an archaeological site under the meaning of the Act. Some of these sites are indeed archaeological sites, such as Tūtarakihi Pā and some of the burials as described below in the archaeological section. However, others of high significance

to claimants, like Wharekākāriki, are not. Once again, this demonstrates the weakness in the current protection regime.

Wāhi tapu

Ōhinu/Ōinu was a place of great strategic significance, sitting at the main nexus point of many transport including the Awanui river and overland tracks to Kaitaia and beyond. The high ground around Tūtarakihi and Wharekākāriki was perfect for pā, especially as a result of the numerous puna-wai. As a result, it has been the site of a number of important battles throughout the generations and the resulting burials. One of the most significant of these battles is Te Rangiāniwaniwa. [329]

The main ridgelines of this area includes a number of pā such as Tūtarakihi Pā (also known as Tatarakihi/Tututarakihi), Wharekākāriki, and Taraapunga. Other wāhi tapu in the area include burial caves in the southern part of the block. The Hikinui urupa, associated with Ōturu marae, sits just outside Ōhinu to the south east on neighbouring Ōturu block.

Tūtarakihi

Tūtarakihi (also known as Tututarakihi, Tutātarakihi and Tūturutarakihi) is an important pā said to have been the pā of the rangatira Te Reinga, along with others in the other such as Tirotiro/Tinotino.[330] According to Pene Te Kaitoa, Te Reinga was killed between Tirotiro Pā and Tututarakihi, making it likely to have occurred on the Ōhinu land or to the south of the neighbouring Ōturu Block.[331] This battle site is another important wāhi tapu on the land. The place where Te Reinga is a wāhi tapu said to carry his name.[332]

[329] Mutu et al, p. 124.
[330] Timoti Puhipi, Oturu No. 2 Title Investigation, NMB, 16, 15 November 1895, pp. 14-17.
[331] Pene Te Kaitoa, Oturu Title Investigation, NMB 1, 15 May 1882, p. 223.
[332] Ibid.

Tūtarakihi also appears to have been an important tūtohu whenua (landscape marker) and was used to delineate the boundaries between land, such as between the Ōhinu block and Waiokai.[333]

Rangi Āniwaniwa

An important battle known as Te Rangi Aniwaniwa was fought on this land, around the area of the Kaitāia airport and down to the Ōhinu/Ōinu river. According to some sources, the original name of the site where the battle took place was a plateau by the name of Waionepū. The resulting battle field was declared a wāhi tapu.

Accordording to Wiki Popata:[334]

> *'Kei te kuititanga o te awa e haerengia ana e taua, ko te wai a Oinu. He hiinga tuna, kokopu, inanga, kariwaka hoki.*
>
> *Kei runga ake, he mania – ko Te Waionepu. I Konei te pakanga a Te Rangianiwaniwa. Hinga a Te aupouri i a Ngaere Raumati. Koia i titoa ai te harihari nei:*
>
> *Ko Whiti, Ko Kuri, Ko Huapure*
> *Ko Takahipaetu*
> *E hoa! E kore rawa he iwi*
> *Rangatira ki te ringa hapai*
> *Paraoa O kara Wheeru*
> *Neinaha! Neinaha!*
> *Poroporo, poroporo'*

[333] Waiokai Block, Otararau and Waokai Blocks, Kaitaia, Mangonui District, 20 July, 1835, Turton, 1882, p. 11.
[334] Interview with Wiki Popata, March 1982, quoted in Te Pukapuka Whanaungatanga a nga uri o Popata Waha raua ko Riripeti Tokitahi Tuohu, p. 71.

According to Keene, Te Aupouri and Ngapuhi fought at an earlier battle called Te Rangimangu which resulted in a Ngapuhi victory. This was followed up by Te Rangi-āniwaniwa.[335] Keene suggests that the battle of Rangimangu (or Rangimanu as she calls it), took place before the time of Rahiri. That would place it many generations before the time of Wheeru and Ikanui who are said to have been the leaders at the time of Te Rangi Āniwaniwa.

Walzl disputes this timing, recording that Wheeru was the leader of Te Aupouri at the time of the battle of Te Rangi Āniwaniwa.[336] According to Walzl's timeline of events, however, the battle took place between the mid 1700s and 1800:

> *'Keene seems to think the first battle, Te Rangimangu, took place before the time of Rahiri who lived seven generations before Wheeru and Ikanui. However, according to Keene, Aupouri became involved in another battle following Te Rangimangu - Te Rangianiwaniwa. Te Wheeru was the leader at this time. The emergence of Te Aupouri from Makora under Te Wheern and Te Ikanui occured in the middle to later decades of the 1700s. If Te Rangimangu and Te Rangianiwaniwa occurred one after the other then the dating of these events rests more in the late 18th century rather than the 16th century as Keene suggests.'*[337]

It is not clear if Rangimangu and Rangianiwaniwa were different battles, but both clearly took place in Ōhinu cultural landscape.

Keene covers both the battles of Rangimangu and Rangi Āniwaniwa in some detail.[338] Keene places the beginning of hostilities with the arrival of Ngāti Awa who she claims "invaded" the north "over 400 years ago".[339] After some years a Ngapuhi ope taua (under Waitohi) arrived in the Kaitaia valley and camped Oinu. Importantly for this case study, Keene refers to Oinu as 'The hill where the airport now is, as well as the valley in the Quarrie Road area leading up to

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[335] Keene, *Tai Tokerau*, pp. 25-26.
[336] Walzl, p. 18
[337] Ibid., p. 10.
[338] Keene, *Tai Tokerau*, pp. 25-27.
[339] Ibid, p. 25.

it.'[340] This was said to be during the time when Te Whiti of Ngāti Awa occupied Te Kerekere pā.

After a reconnaissance mission to Kerekere, Ngapuhi launched an attack on Ngāti Awa that led to a Ngapuhi victory. This, Keene says, was the battle of Rangimangu.

The following story was apparently recounted by William Tararu and another unnamed kaikōrero to the New Zealand Herald in 1882.[341] This appears to be the same story as verbatim recorded by John White as "Told by Tararu" in Volume 10 of his *Ancient History of the Māori*.[342]

> *'RANGIMANGU*
> *Told by William Tararu and Another*
>
> *Fronting and about a quarter of a mile from Kaitaia mission station, is a steep hill, the termination of a long range, forming a spur at each end. At the top of one spur is an entrenchment of an old Maori pa, and near by there grows a scented moss which Maori ladies of olden time used to wear in pouches fastened round their necks. The pa belonged to Ngatiawa, who formerly lived at the North. A great battle was fought near the foot of this hill, between them and other tribes, which ended in Ngatiawa's defeat, and subsequent flight to Tauranga in the Bay of Plenty. On the opposite spur, called the Kerekere, are also remains of a pa of later date, which was occupied by Te Whiti and his braves. The view from this point is very extensive, and singularly lovely. Part of the Takahue range, far away in the dim blue haze, nearer and darker blue forest ranges and ferny hills, then the distant roadstead of Ahipara, with the surf dashing up its rocky point, and sparkling in the sunshine, Lake Tangonge, the long Awanui flat skirted for some distance on one side by a dark kahikatea wood, part of Rangaunu Bay, and Mount Camel far away, form a scene of indescribable loveliness; everything looking so quiet and still now, once a scene of war and terror. It was while Te Whiti*

[340] Ibid., p. 26.
[341] 'Incidents Of Maori Life', New Zealand Herald, Volume XIX, Issue 6452, 22 July 1882, p. 6.
[342] John White, The Ancient History of the Māori, His Mythology and Traditions: Nga-Puhi [Vol. X, English], Waikato University Microfilm Reprint, p. 49.

lived in the Kerekere pa that Waitohi and other Ngauhi chiefs came with their men to fight with the Northern tribes. Their last encampment was at a place called Oinu, about four miles from Te Whiti's pa. After dark they sent on two men, who were to bring back what information they could gather relative to the strength of the pa, &c. These spies entered the pa unnoticed, going about among the people for a while, till they were discovered. One was killed, the other escaped. That night Te Whiti addressed his people, " Listen to me, ye braves! Ngapuhi is coming to fight us. Be strong, and of good courage. Let the old men and the women and the children remain the pa. To-morrow at early dawn we go forth to meet them fearing nothing. Ye braves, be valiant." That night, too, a consultation was held in the Ngapuhi camp. Some were dispirited by the information brought, and proposed a return home, but Waitohi got up and spoke: "Let all cowards go back, and all the brave follow me ; treading in my footsteps." So all stayed, not willing to be thought cowards. I must here say that a Maori war party, while marching, observed the strictest silence—no one venturing to speak, till command be given to halt. Te Whiti with his men met Ngapuhi half away from their camp—each chief heading men, the attacking and the attacked. Te Whiti's weapon was a spear, Waitohi's a long-handled tomahawk, each rushed forward to meet the other. Te Whiti sent the end of his spear through Waitohi's neck, while he, not waiting to draw it out, sprang forward, and clove Te Whiti down to the ground with his hatchet. A general conflict ensued, in which Ngapuhi came off victorious. The others fought long and well for their families and homes, and sold their lives dearly; much after the fashion of Leonidas and his small party of Lacedemonians at the Pass of Thermopylae. The place was called Rangimangu (black day) in remembrance of what happened there, and still goes by that name. Waitohi did not die from his wound.'

According to Māori Marsden, the battle was part of an ongoing war between Ngāti Kahu and Te Aupōuri, precipitated by the killing of Ngāti Kahu messengers by Te Whiti.[343] Ngāti Kahu were allied with Ngare Raumati (from Bay of Islands) in this conflict. The ope from Te Aupōuri were defeated and Te Whiti was killed.[344]

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[343] Maori Marsden, 'Evidence of Maori Marsden', Wai 45, F025, p. 10.
[344] Ibid.

Walzl states that the battle resulted in the defeat of Te Aupōuri forces under Te Wheeru (Te Ikanui's brother) by a Ngapuhi taua. [345]

According to Keene, Rangimangu did not clear the "black skies" but led immediately to another conflict called Rangiāniwaniwa. [346] The battle took place during the time of the Aupouri leader Te Wheeru, who boasted of his undefeated status:

> *"A short time before the Battle of Te Rangianiwaniwa, he had visited Ahipara and asked a sub-tribe of the Aupouri who lived there to join him on a fighting expedition. When they refused, he was furious and said that they were "He hiore huna" a dog with its tail between its legs - in other words, cowards.*
>
> *This incensed them greatly but they were not strong enough to stand up against the great Te Wheru. Nevertheless they said bravely "without us, O Te Wheru, your strength will be halved and the gods will no longer smile on you."*
>
> *The following night two-thirds of this tribe withdrew secretly and went to settle at Kohuronaki near Te Paki. This was a serious matter for Te Wheru for now at Ahipara he had only four hundred allies under the chief Ngaruhe and this number included women and children. So he returned to Kaitaia where he had five hundred people but unfortunately for him half of these also were women and children.*
>
> *On his arrival there he learned of Te Whiti's defeat by the Ngareraumati warriors under Waitohi and Paerau. Te Wheru's fighting blood ran hot at the thought of this invasion by the tribe from Rawhiti and in spite of his greatly depleted forces, joined with Te Whiti and other chiefs in the district to attack Waitohi's taua. Together they attacked the invaders at Oinu where a fierce battle resulted in great slaughter.'*[347]

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[345] Walzl, p. 10.
[346] Keene, *Tai Tokerau*, p. 27
[347] Ibid.

So, Keene says, Te Whiti was killed and again Ngapuhi triumphed under Waitohi. They returned from Ohinu to their pā at Te Rākau Mangamanga at Rawhiti in the Bay of Islands. The battle was named for the brilliant rainbow (āniwaniwa) that spread across the sky at the time of the Ngāti Awa and Te Aupouri defeat. This was followed up by a number of battles fought by Te Aupouri under Te Kaka and Te Mahia, as utu for the defeat at Rangi Āniwaniwa.[348]

Wi Tana Papahia stated that that this conflict was instrumental in enabling Ngāti Kahu to return to Ōruru.

> *'Afterwards at the fight with the Aupouri tribe the remnant of Ngatikahu went with Poroa to assist in exterminating them. Poroa bought them back to Oruru and they have remained ever since.'*[349]

As a result of the battle, Te Rangi Āniwaniwa became a significant wāhi tapu, known across a number of iwi and hapū. There are burials and burial caves located nearby that are thought to relate to the battle.

Tara-a-punga

To the south of Rangiāniwaniwa lies the pā Tara-a-punga (Taraapunga). The pā takes its name both from a tupuna of the area and from the red-billed seagull.[350]

During the hearings on the neighbouring Ōturu block, Hupata Kaka named Tara-a-punga as a wāhi tapu in the area.

> *'We had a wahi tapu at Oturu and another at Tara a punga to the south west of this block included in land sold to the Government.'*[351]

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[348] Ibid., p. 28
[349] Evidence of Wi Tana Papahia, NMB, 2, 12 Apr 1875, Wai 45, D005, pp. 9-10.
[350] Pers. Comm. James Eruera to Ben Leonard, 30 April 2024.
[351] Hupata Kaka, Oturu Title Investigation, NMB, 1, 18 May 1882, p. 239.

The pā was also a prominent tūtohu whenua in the area, being referenced in both the Ōhotu Block deed of 20 July 1835[352] and the Kerekere No 2 Block of 3 January 1840[353]

Ōturu

Ōturu today refers to the settlement and marae to the south-east of the Ōhinu/Ōinu cultural landscape. The name apparently refers to the original Ōturu pā, located just south of Taraapunga. The pā is a significant wāhi tapu.

During the Ōturu block hearings in 1882, Hupata Kaka referred to himself as living at the pā of Oturu, which was located on the western boundary of the Oturu block, and from which the block took its name. Hupata Kaka said that the pā belonged to Wahanui and others, and that:

> *'The defences are still to be seen, and this land is a portion of that land – The reason we have not included that pa in the survey of this land is that we have agreed for a portion of us to have this land and others to have the land outside of this – We are not living on it now, we left 3 or 4 years ago – We used to cultivate along the slopes of the Waipakapaka river and it was all known by the name of Oturu. We had another cultivation called Waukauia outside the south western boundary of this land – Another at Tokitokia within this block near the road – these are all the cultivations I know – We had a Wahi Tapu at Oturu and another at Taraapunga to the south west of this block included on land sold to the Government – Kareponia is situated to the north of this land and is situated two miles from this block, where I kainga are – Oinu is the division boundary between this block and the Kareponia block. Kareponia is a permanent residence of ours.'*[354]

According to Charlie Larkins, the name Ōturu originally applied to the whole area along Ōturu Road (now called Quarry Road). Larkins states:

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[352] Deeds – No. 7, Ohotu, Kaitaia, Mangonui District, 20 July, 1835. Turton, 1882, p. 12.
[353] Supplementary Deed, Kerekere Block No. 2, Kaitaia, Mangonui District, 3 January, 1835. Deeds – No. 4 Kerekere Block No. 1. Ibid., p. 3.
[354] Hupata Kaka, Oturu Title Investigation, NMB, 1, 18 May 1882, p. 239.

'Ōturu settlement itself was the land along the Ōturu Rd, now called Quarry Rd because of the Quarry that was opened opposite where Te Kura Kaupapa Māori o Te Rangiāniwaniwa is now located. It included all the land on both sides of Quarry Rd, Te Rangiāniwaniwa, Ōturu Block Rd, up to Church Rd, across to Wiremu Peepi Popata's home (now George Popata's home), and from there straight across to the top of Donalds Rd and back to Quarry Rd. That was and still is the settlement of Ōturu.'[355]

Indeed, as discussed below, many of the claimants in the Ōturu block hearings in the Native Land Court refer to all the land south of the Ōhinu river as 'Ōturu' and seem to consider it part of the Ōturu block.

According to records kept by noted Northland historian Florence Keene, taonga were discovered at Ōturu in the early 1970s.[356] Lady Aileen Fox, at the time a lecturer in archaeology at the University of Auckland, is recorded as having visited a pā site on 'Mr C. B. Wells farm at Oturu where and important collection of ancient woodwork was recently discovered'.[357] The taonga were recorded as having been taken to the University of Auckland where they were to undergo preservation under the supervision of technician Mr Karel Peters.

Another record from 1973 noted that "ancient Maori woodwork" was discovered on the farm of Jack Wells at Oturu when a dam was being excavated from a small wetland area on a hillside.[358] The taonga are described as part of a pātaka (storehouse) and partially carved. The taong were apparently discovered by Shane Wells, son of the farm owner, and Mr Goble and Mr Stanaway who were working on the drainage. The taonga were reportedly sent to Auckland Museum for study and cleaning, with the intention of sending them onward to Kaitāia Museum (Te Ahu). Along with the pātaka panels was a kō (digging implement) made of pūriri. The article suggests that the taonga may have come from the 'extensive pā on a hill just above the swamp'. Which pā this is is unclear from the New Zealand Archaeological Association records,

[355] Charlie Larkins, 'Brief of Evidence', Wai 45, S044, p. 5.
[356] Florence Keene Scrapbook Volume 6D, Whangarei District Libraries Heritage Collection, p. 21.
[357] Ibid.
[358] Ibid., p. 36.

which do not show any taonga finds in the Oturu area. There are however, pātaka panels contained in the Te Ahu Museum at Kaitāia today which may be the same ones.

Pukekahikatoa Pā

Pukekahikatoa is a significant pā for claimants, located in the south of the Ōhinu block between Tutarakihi and Kerekere. It is important to not confuse this with the Pukekahikatoa block and associated urupa to the south between Ruaroa and Takahue 1 blocks.

Pukekahikatoa pā was and important tūtohu whenua and referred to as a part of a boundary line between Ngāti Kahu and Ngāi Takoto, along with the others of the area:

> *'The traditional boundary has always been south down the middle of the Rangaunu harbour to Ngakuraiti; from Mahimaru/Whangatane river following the hill range to Matakau Pā, to Paungaungau Pā, to Whare Kakariki Pa, to Ohinu, Waionepu to Tutarakihi Pa to Pukekahikatoa Pa to Kerekere Pa (Kaitaia).'*[359]

Te Rangi (Mangatakauere)

Te Rangi is the name of an significant urupa and wāhi tapu located at Mangatakauere, just south-east of Kareponia. Despite being outside of the Ōhinu/Oinu landscape, claimants have asked for the Mangatakauere wāhi tapu to be included in this case study based on its cultural, spiritual and historical significance and connection to the people of Ōhinu.

Te Rangi (often simply referred to as Mangatakauere or Mangatakuere) is an ancient burial place. claimants have frequently discussed the strong tapu associated with this area, and the significance of those buried here.[360] As McConnell says:

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[359] Patrick Nesbit Snedden, 'Exhibits to the Second Affidavit', 24 July 2012, Wai 45, R034(a), p. 4.
[360] Sir Graham Latimer and Tina Latimer, pp. 19-20.

'Mangatakauere, the burial place of Manutahi (Te Whakapaenga), is a tapu area with a special wairua, a short distance along the creek from Kareponia.'[361]

Other prominent tupuna are buried there, as Raniera Basset recalls:

'One of the signatories to the Puheke Turton's Deed was Wiremu Te Waha. Our kōrero is that he was a Ngati Tara chief. His full name is Wiremu Paratene Te Waha, with connections to the Piripi whanau and the Broughtons. He was born in 1842 and he died in 1901. He is buried at Mangatakauere, Kareponia.'[362]

As Charlie Larkins says:

'Our hapū also has a shared interest with Patukōraha and Te Paatu ki Pāmapuria in the ancient urupa at Mangatakuere. In fact my cousin, Hone Titore Popata who lives at Ōturu and is our marae chairman, has been vested with the kaitiakitanga of the urupa in behalf of Ngāi Tohianga, and for the past fifteen years he and his family have conscientiously fulfilled that role. Many people are too afraid to step foot in that urupa because it is tino tapu, but not Patukōraha ki Kareponia, Te Paatu ki Pāmapuria and Ngāi Tohianga ki Ōturu. They are our tūpuna in there and we take care of them'[363]

The land was originally part of the 2,164-acre Kareponia block (or California) which was investigated by the Native Land Court in 1867.[364] The block was awarded to Wiremu Taua, Hare Mikara, Timoti Popata, Wiremu Paratene, Te Waru Neho, Hare Peka, Hare Matenga, Hauri Popata, Nopera Kuka and Mihi Matenga Rutene.[365] The block was subject to partitions throughout the following decades. By the time of the 1908 Stout & Ngata Commission, only three blocks (totalling 1,456 acres) remained in Māori ownership. The full circumstances of the Kareponia block will be dealt with by the forthcoming block history reports commissioned

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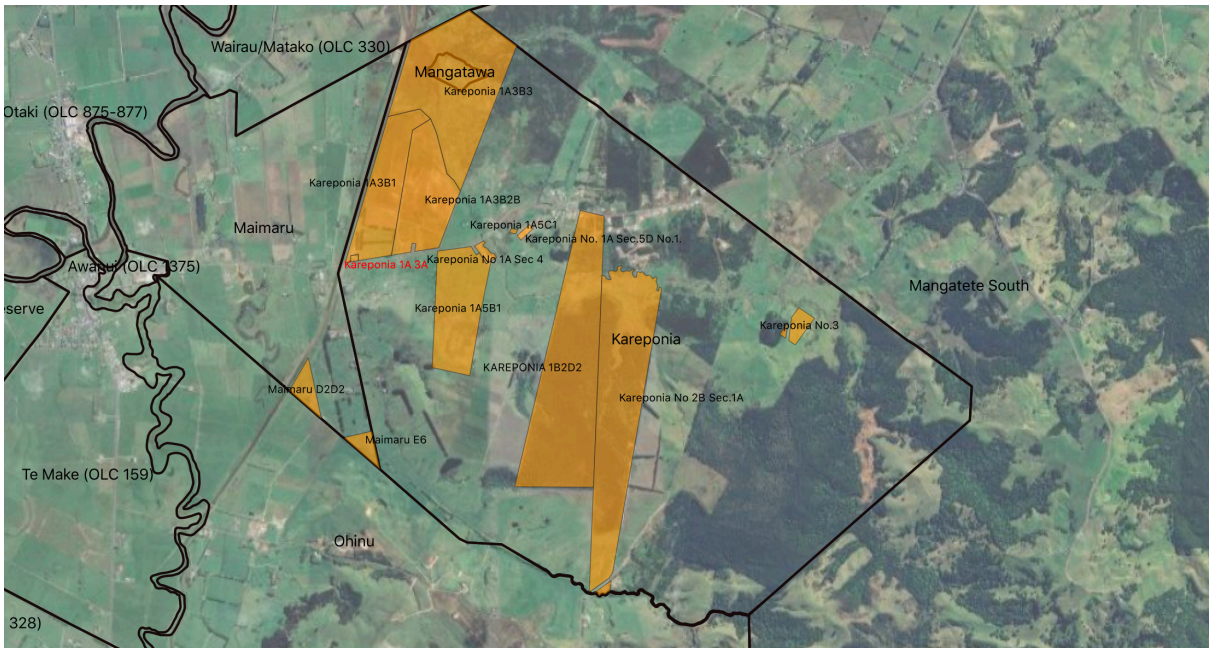
[361] McConnell, p. 23
[362] Bassett, p. 9.
[363] Larkins, p. 7.
[364] Kareponia Title Investigation, NMB 1, 15 March 1867, p. 28
[365] Certificate of Title - KAREPONIA at Awanui in the District of Mangonui in the Province of Auckland. R25285520 ABWN 1051 9, ANZ (WLG), R25285520. Document Bank, p. 65.

by the Tribunal. Today, only a few blocks remain as Māori land, comprising around 516.94 acres of the original 2164 acre Kareponia block, or roughly less than a quarter (23.88%).[366]



Map 30: Māori Land remaining in Kareponia block (as at 2023). Source: Pātaka Whenua, Māori Land Online. Original land blcoks shown in black outline, base map from Google Aerial Imagery 2017.

Regarding the Mangatakuere urupa, Yvonne Puriri recalls the following from her uncle George Erstich:

> *'As I understand from Uncle George, he has always taken care of the land including the old Māori cemetery at Mangatakuere. It is getting neglected now, but up until the last couple of years he has always fenced it and kept it clear of gorse. It is located about two miles from his home. As a family, we know the great significance the land has for Ngāti Kahu.*[367]

[366] See Kareponia Block details in Pātaka Whenua, Māori Land Online, Access: www.xn--morilandcourt-wqb.govt.nz/en/contact-us/p%C4%81taka-whenua-our-online-portal/
[367] Yvonne Puriri, 'Brief of Evidence', Wai 45, R16, 2012, pp. 36-37.

'Uncle George recounts "Our family roamed all over the block and my older brothers talked about finding caves, but I never saw them myself. Within our family's land, there's only one area at Mangatakuere that I've never been in, so maybe they are there. We were told not to go there and I listened".'[368]

Kōrero from Lisa McNab records how Te Rangi was suffering from degradation for surrounding farms prior to being fenced.

'And one time we had a wānanga because the farmers, cows. It was a very tapu place because like you had… these old, old, going back to the 1814, 1800s, there's a kohatu and this fella's cows used to get through and it would always be covered, you know, with tea tree and gorse and everything around it, you know, as it was just sort of like a natural protection, but the cows would still get through. Anyway, we ended up fencing it, and cleaning it, and trying to keep it as clean as those who, there were only certain whanau from home who would go out there and clean it.'[369]

Lisa McNab also recalled that the Te Rangi urupa was also the site of an important battle:

'Lloyd Popata, he's got lots of kōrero on that and he shared one time that it was a battleground as well, you know, down just below the urupa. And I I think if I recall rightly, one of his kōrero was that that's why that urupā is there, and that's also why, and it was a lot of our tūpuna from Te Pātu, you know, who were there because of the connect to Te Ao Marama, who's a Popata, and the connect to Kareponia and what have you.[370]

At present Te Rangi is mostly covered by Kareponia No 3, a landlocked block in the middle of general title land with no access expect for by permission of adjoining land owners (shown in map above). It is owned by Nopera Kuka and Timoti Popata and managed by the Mangatakauere Maori Reservation and its trustees.

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[368] Ibid., p. 39
[369] Interview with Lisa McNab, 11 June 2024, Te Paatu Ki Kauhanga Oral History Project, 46' 18"
[370] Ibid., 47' 57"

The current condition of Te Rangi is discussed below in the archaeological assessment.

Mangatakauere wāhi pakanga

Te Rangi is part of a wider significant landscape of wāhi tapu in Mangatakauere (taking its name from the stream that runs through it). The area is strategically important within Muriwhenua, sitting above the main transport routes along the Awanui river and overland to Kaitaia. As a result, it has been the site of a number of important battles. One of the most significant of these battles was fought between the forces of Kākaitāwhiti and Tuwhakatere on one side, and Te Wairua of Ngāpuhi on the other.

Lloyd Popata recalls how Te Wairua and his people killed Kākaitāwhiti's son Koropeke at Whakapapa Pā (afterward called Ōpouturi). After finding his son's body, Kākaitāwhiti sent word to Tuwhakatere and his sons to chase down Te Wairua, with the help of warriors from Te Paatu, Tahuroa and Whanau Moana.

> *'They needed to all work together because of the big ope of Ngapuhi warriors that Te Wairua had. Kakaitawhiti and his ope hunted them down into a valley now called Mangatakauere. Here was the place that Te Wairua and all his men got killed. The action and demonstration was "Patu Koraha" meaning that they were executed and removed from all existence. Kakaitawhiti, Tamahui and others ate the remains of Te Wairua as utu for the killing of his son Koropeke. Tamahui carved a patu from the thigh bone of Te Wairua. It is called "Patu Koraha': The people who settled at Mangatakauere took the name "Patu Kōraha" for their hapu.'*[371]

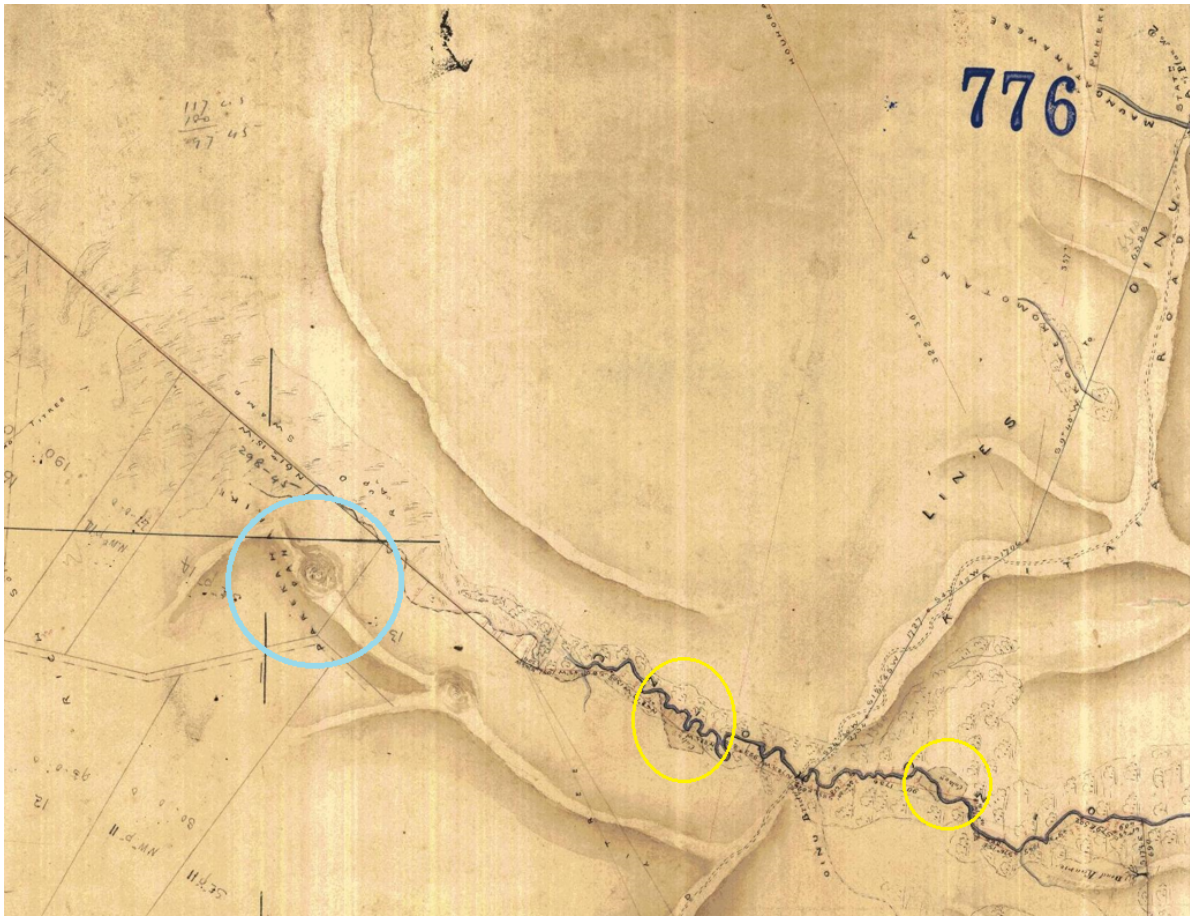
[371] Popata, p. 12

Wharekākāriki

Map 31: Facing west towards Wharekākāriki. Source: Maxwell and Huebert, 2024.

Wharekākāriki is another significant pā in this landscape, located to the north of the Ōhinu block. The pā is well known to local tangata whenua and was specifically requested to be included in this case study by claimants. However, written sources on traditional history for this pā were few.

However, a Survey Office (SO) map of Ōhinu from the c.1860s (Map 32) clearly shows Wharekākāriki [labelled Parekahariki Pah]. The pā appears to overlook a large area if wairepo (wetlands) to the north and east around the Oinu stream. The map shows a track between Kaitaia and Mangonui passing along the ridge to the east and Tūtātarakihi Pā is also shown to the south.



Map 32: Portion of survey office map of Ohinu (Oinu), n.d. [SO776, c.1860s], showing Wharekākāriki [Parekahariki Pah] (blue) and Māori cultivations along the Ohinu Stream (yellow). Source: Maxwell and Huebert, 2024.

Arrival of Pākehā

The first Pākehā to arrive in the area were the Church Missionary Society missionaries in 1834. According to Reverend Maori Marsden's evidence, Te Paatu, Ngāi Takoto and Te Patu Kōraha were absent from the district at this time.

Missionary accounts state that in mid-March 1833 an agreement was reached with Panakareao for land for a mission station at Kaitāia. The agreement also included fees for 'cleaning the

river' and building a road from 'Whiti's kāinga to Te Ahu'. A separate agreement was made for 'Trees growing in Oinu Bush'.[372]

The Kaitāia-Kerekere deed was apparently signed in 1834 between Panakareao, Tuperiri, Te Waha, Tiro and the missionary William Gilbert Puckey.[373] This was followed up by a second agreement for Kerekere Block No. 2 in January 1840.[374]

Both blocks were located well to the south of Ōhinu/Ōinu, but the arrival of the mihinare and the establishment of the Kaitaia Mission Station set the scene for the major changes to come. This apparently included the hiding of precious taonga (particularly whakairo) in the wetlands at Te Make. [375] According to kōrero from Karaka Karaka, Te Make was special because "the old people buried a number of taonga from Pāmapūria there, especially carvings, when the missionaries banned them.[376]

Land alienation

Ohinu block

Ohinu block was claimed by the Crown during the Crown's intensive land speculation period in the late 1850s. White, Kemp and other Crown agents were determined to connect all Crown land blocks and Old Land Claims so as to cover the entire region. Their goal was to completely remove customary Māori title across the whole of Muriwhenua.

In 1859, an agreement was signed for the 2,703 acre Ohinu block.[377] The price paid was £100 total, with a £67 advance to the vendors and a final payment of £33. The deed was signed by four rangatira, though no hapū or iwi was specifically mentioned in the deed:[378]

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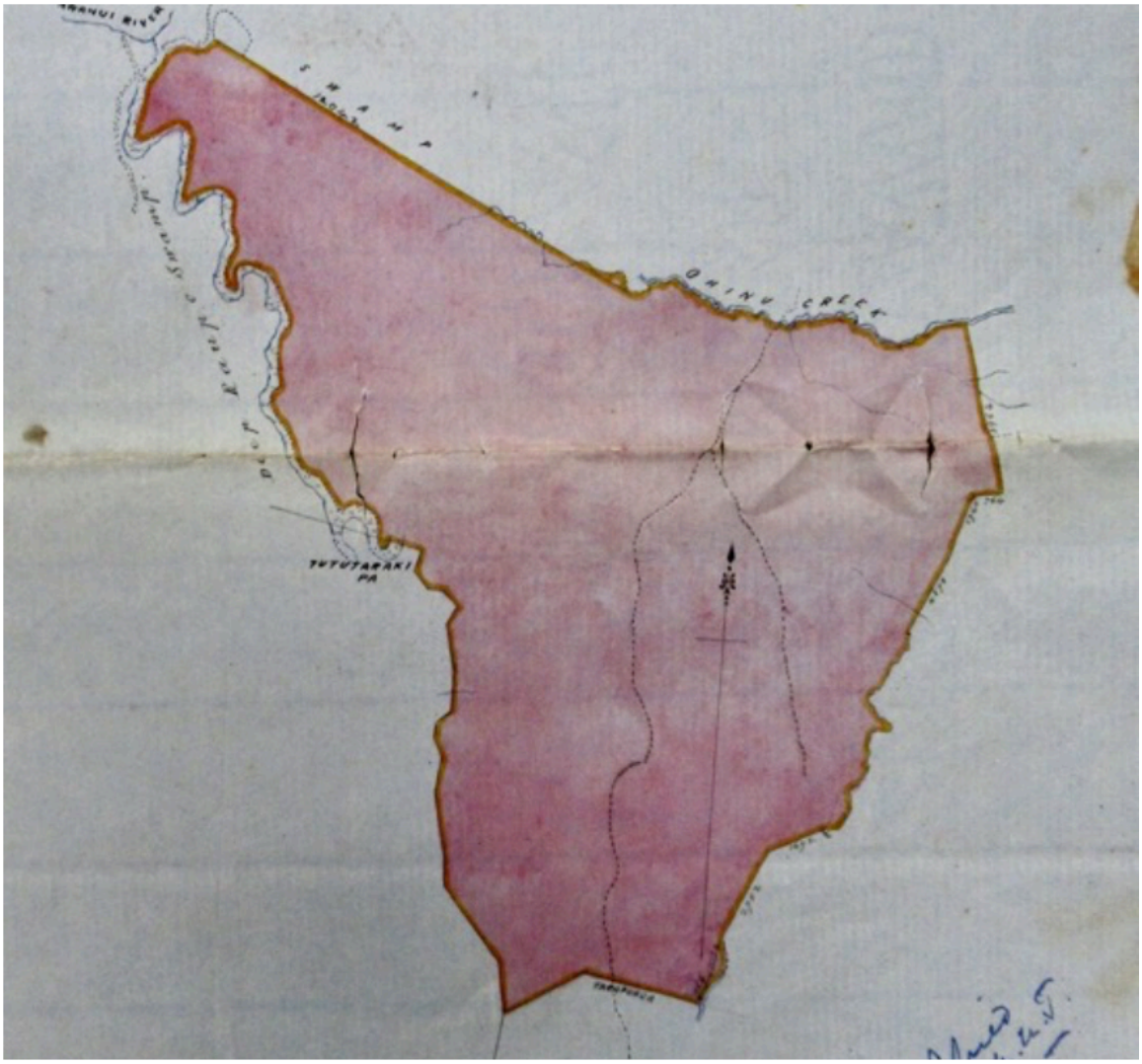
[372] Dr Adrienne Puckey, Pers. Comm. 18 July 2012 in McBurney, 2012, p. 34.
[373] Kerekere Block No. 1, Kaitaia, Mangonui District., Turton, 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims', p. 3.
[374] Supplementary Deed. Kerekere Block No. 2, Kaitaia, Mangonui District., ibid.
[375] Karaka Karaka, 'Brief of Evidence for the Waitangi Tribunal', in Wai 2364, Wai 2366, and Wai 2372, Ngāti Kahu Remedies Application, 29 June 2012, Paragraphs 37-44. Expanded in Mutu et al, 2012, p. 126.
[376] Ibid.
[377] Stokes, 'A Review of the Evidence in the Muriwhenua Lands Claims', p. 286.
[378] Armstrong, 'Te Paatu Scoping Report', p. 29.

- Hohepa Poutama
- Rapata
- Popata
- Hare Matenga

No reserves were made, despite the well known wāhi tapu such as Te Rangi Āniwaniwa and the burial caves nearby. The block map uses Tūtarakihi Pā as a boundary marker (though apparently slightly misaligned based on modern maps. In fact, Tūtarakihi Pā falls well within the Ōhinu block boundaries.



Map 33: Ohinu Block Deed, Archives New Zealand, Wellington Branch, ABWN 8102 W5279 152 AUC 50

Waiokai and Tutarakihi

A deed was signed between Panakareao and Mr Matthews for 700 acres in 20 July 1835. The block was named Waiokai and the payment was 10 pounds. This was later followed up with payment of one horse in 1842. The boundaries of the block were recorded as:

> *"bounded on the North West from the Pa at Tututarakihi, crossing Joseph Matthews over to Waiokai, on the East by the Hills of Waionepu, on the South by Mr. Puckey's Boundaries. [700 acres.]boundary, on the West by the Kaitaia River joining the Awanui."*[379]

The boundaries of the Waiokai block were reproduced as follows by the Waitangi Tribunal Research Unit:

[379] Deeds – No. 6. Otararau and Waiokai Blocks, Kaitaia, Mangonui District, 20 July 1835 in Turton, H., Maori Deeds of Old Land Purchases in New Zealand, From the year 1815 to 1840, with Pre-Emptive and Other Claims.

Map 34: Waiokai Block. Source: Wai45 Renewed Muriwhenua Inquiry Blocks, Waitangi Tribunal 2023.

During the Native Land Court hearings for the neighbouring Ōturu Block, a number of claimants referred to land to the north of Ōturu as the 'Tutarakihi' block which they said Panakareao had sold to the Crown.[380] It is possible this is the Waiokai block, however their boundary descriptions would ostensibly cover the Ōhinu Block sold in 1859 (discussed above).

Whether there is indeed an agreement for a 'Tutarakihi' block, or this is just another name for the Waiakai or Ōhinu block, is an open question. It is best addressed in the forthcoming block report commissioned by the Tribunal. However, the minutes for the Ōturu Block hearing do suggest that the land north of Ōturu (i.e. Ōhinu/Tutarakihi) included important wāhi tapu. For,

[380] See for instance Pene Te Kaitoa, Oturu Title Investigation, NMB, 1, 15 May 1882, p. 223.

instance, according to Pene Te Kaitoa, Te Reinga was killed between Tirotiro Pā and another pā called Tututarakihi, which was outside of the block on land sold by Nopera to Europeans.[381]

Hare Reweti also stated that Nopera had sold a piece of land called Tututarakihi because he had the right to do so. Reweti claimed that Oturu was a portion of the land known at Tututarakihi, as were other adjoining lands.[382]

Similarly, Timoti Popata stated:

> *'Beyond Taraapunga is Tututarakihi which Nopera sold to the Crown.'*[383]

When questioned by the Judge on the Ōturu block boundaries, Poptata said that Oinu was the dividing boundary between Oturu and Kareponia. This would place the Ōhinu land within the Ōturu block as claimants understood it.

Again, this suggests claimants saw the land at Ōhinu as being within the bounds of Ōturu. They may not, therefore, have been aware of the Ōhinu block deed of 1859.

During the hearings for Ōturu No 2 block in 1895 Timoti Popata claimed that a burial place existed on the adjacent block of land. This seems to be reffering to Ōhinu, though could be Kaitaia/Kerekere to the south. [384]

Gum digging, gardens and drainage

Despite the 'purchase' of the Ohinu block in 1859, whānau continued to live at on land at Ōhinu throughout the late 19th and early 20th century. Kai was grown in some part of the area,

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[381] Ibid.
[382] Hare Reweti, Oturu Title Investigation, NMB 1, 17 May 1882, pp. 231-232
[383] Timoti Popata, Oturu Title Investigation, ibid., pp. 233-234
[384] Timoti Popata, Oturu No. 2 Title Investigation, NMB, 16, 14 November 1895, p. 10.

depite the clay pan and sandstone.[385] The land is also well known for its freshwater springs which have provided for whānau accross many generations.[386]

In 1920, the Chief Drainage Engineer of the Department of Lands and Survey reported on the massive project of wetland drainage underway at Kaitaia and Awanui. By this point the Whangatane spillway cuttings were all complete between Kaitaia and Kareponia. The Chief Drainage Engineer reported that:

> *'A drain has been opened up on the line of the spillway through the California Swamp, tapping the Oinu Stream. In consequence of this the outfall drain along the line of the spillway to Pairatahi Creek has had to be widened and cleaned.'*[387]

By 1930, work was still under way with the Chief Drainage Engineer reporting that 21 chains of small channel for the 'Oinu stream' had been dredged.[388]

As the Kauri gum trade slowed in the eaerly 20th century, an apparenlty very high quality of gum was found on the land around Te Rangiāniwaniwa.[389] In 1938, Kataraina Matenga, a descendant of Matenga Paerata, rallied the many families of the area to come and dig at certain locations around Te Rangiāniwaniwa. It was said that the gum was a very special grade which would reach the highest price paid in the area at the time. This lasted until the 1940s when families were told to leave the land for the construction of the airport.

Kaitaia Airport

The Public Works Department began investigations into establishing a military aerodrome near Kaitaia in 1942.[390] The site decided on was Te Rangi Āniwaniwa, a significant wāhi tapu as described above. Along with the significant wāhi pakanga, burials and burial caves were

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[385] Mutu et al, p. 125.
[386] Pers Comm. Leah Marie Wright to Ben Leonard, 03 March 2024.
[387] AJHR, 1920 Session I, C-04, p. 2.
[388] AJHR, 1930 Session I, C-04, p. 3.
[389] Karaka, para. 37-44.
[390] McBurney, p. 13.

located nearby. For instance, the archaeological site visit to Wharekākāriki conducted for this project was accompanied by Māori Erstich, who indicated that it is believed there are remnants of caves under what is now the Kaitaia airfield, to the southeast, and that these caves were traditionally a burial ground.[391]

The land at Rangi Āniwaniwa was, however, ostensibly already owned by the Crown through the 1859 Ōhinu block deed. By the 1940s, much of the land around Awanui was leased to Pākehā farmers, while some sections on the northern side of the land in question were privately owned. This included some general title land owned by Māori.

A quarry seems to have been established on the land at some point prior to the 1940s, though it is not clear by whom. In 1943, the Public Works Department sought out the quarry land from a Mr E Matthews for use in the construction of a military aerodrome. [392]

The Public Works Department also sought out the neighbouring Māori development land a Ōturu. In December of 1843, workers for the Department entered and occupied the Ōturu land without notice, erecting camp huts, constructing access roads, and installing a water supply.[393] Earthworks also removed large amounts of soil from Ōturu 2A block for use in constructing the aerodrome site.[394] Māori living at Ōturu agreed to voluntarily move off the land, apparently on the understanding that it was their contribution to the war effort. New roads were established following the end of the war and the Awanui aerodrome became known as the 'Kaitaia Aerodrome'.

The taking of the airport land under the Public Works Act was formalised in the New Zealand Gazette in 1952.[395] The proclamations stated the land was taken for defence purposes, but by the early 1960s this was no longer the case, as it was used solely as a civil aviation aerodrome.

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[391] See Maxwell and Huebert, p. 210.
[392] McBurney, p. 13.
[393] Ibid., p. 14-15.
[394] Ibid.
[395] New Zealand Gazette, 1952, pp. 1406, 1438, 1599 & 1600

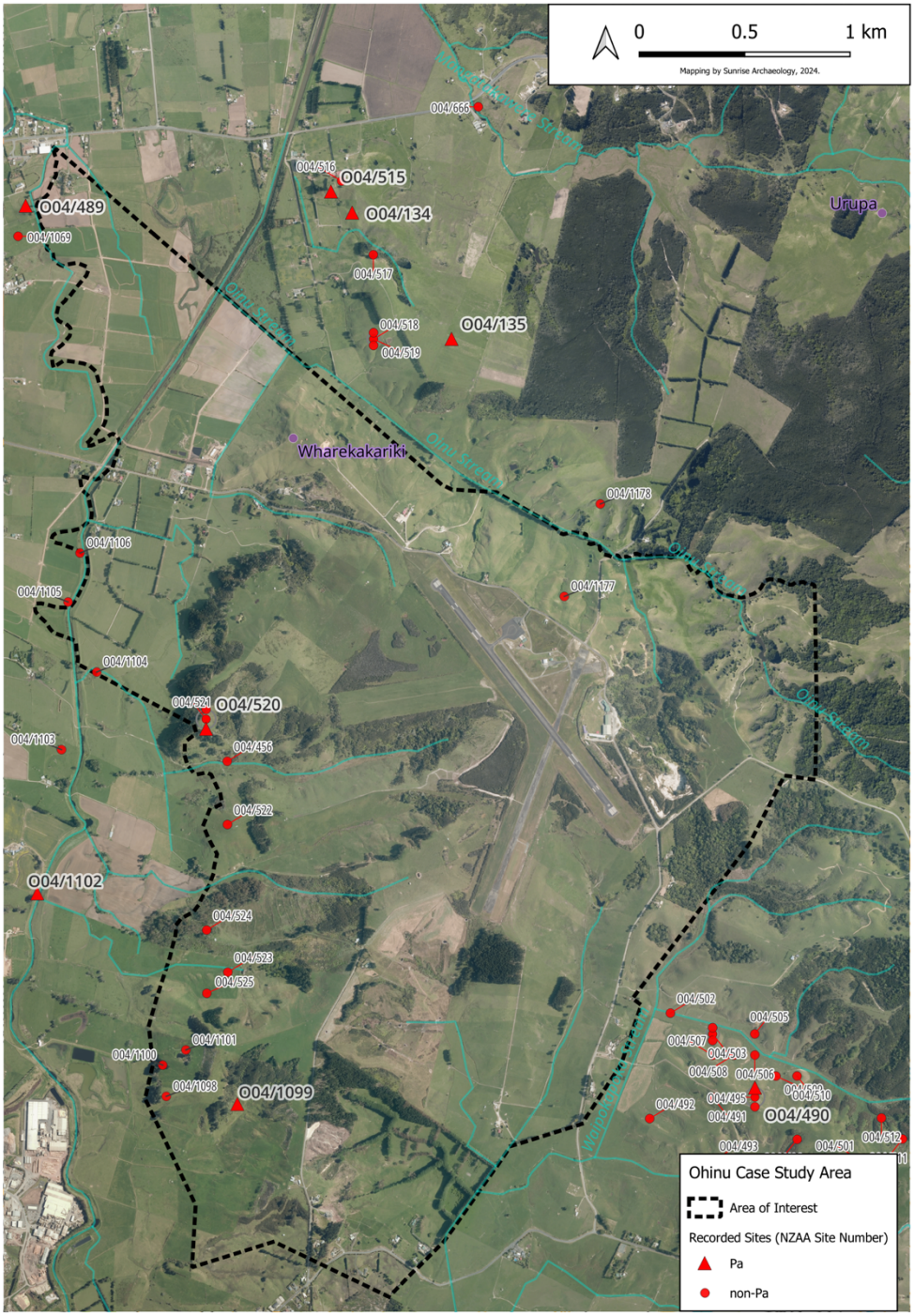
In September 1962, the Commissioner of Works began the process of changing the official title from 'defence' to 'aerodrome' purposes.[396] Investigations found that the Lands and Survey Department had paid out just over £1,200 to Pākehā farmers who had been leasing the land. Kaitāia Aerodrome was finally gazetted as an aerodrome in 1970.[397]

Crown land at the Kaitāia Airport was included in the Ngāi Takoto treaty settlement in 2015. This led to whānau from Patukoraha and Ngai Tohianga occupying the land just prior to the passing of the settlement legislation, claiming it was taken from their family during World War II and never returned.

The land remained in Crown ownership, with a lease to the Far North District Council. This lease expired in 2023, leading to fears the airport would close. Instead, an agreement was reached between the Crown and Te Paatu, Te Patukōraha, Ngāi Tohianga and Ngai Takoto to place the land in a joint iwi-hapū trust. The council would be given a free lease on the land to continue operating the airport.

[396] McBurney, p. 5.
[397] New Zealand Gazette, 1970, p. 2370.

Archaeology of Ōhinu/Oinu area



Map 35: Recorded archaeological sites on or in the vicinity of Ohinu. Source: Maxwell and Huebert, 2024.

As part of their assessment for this project, Maxwell and Huebert found 17 recorded sites in or on the border of the Ohinu block as part of their archaeological survey. Site types include three pā, a number of pits and terraces, a cave with reported burials, a site with surface and subsurface features and artefacts (possibly a settlement), and several artefact findspots. One site is a find of multiple instances of relict taro above a former swamp.

Of particular note, especially as regards taonga finds, is the site O04/1104. Maxwell and Huebert report:

> *'This site consists of a number of recently recorded surface and subsurface features, and artefact finds on a river terrace between the Whangatane Spillway to the east and the hills to the west. This area is part of a large expanse of grazed paddocks on the flats between Awanui and Kaitaia.*
>
> *On the surface, there are artificial channels including a large one between two old streambeds below (west of) Tūtarakihi (**Error! Reference source not found.**). These features have been interpreted as portages and canoe landings, used when this area was connected to a system of waterways leading to the Awanui River and Rangaunu Harbour. The large channel is clearly visible in Lidar and historical imagery (**Error! Reference source not found.**, **Error! Reference source not found.**), the latter of which shows there has been little change in land use since the mid-nineteenth century.*
>
> *Also recorded at this location were two large artefacts, a grinding stone and an anchor stone (Gibb 2020, Fig. 3.36); large numbers of obsidian flakes have also been exposed in the area. The site also consists of a buried canoe, whose location was known and provided by Ronald H. Matthews.*
>
> *Gibb (2019, 2020) noted that this has potential to be the site of a significant occupation, and would require monitoring during works on the spillway.'*[398]

[398] Maxwell and Huebert, p. 206.

Maxwell and Huebert also visited Te Rangi urupa (Mangatakauere) as part of their assessment of this landscape. They report that:

> *'This urupā is ~1 km south of SH1, and is surrounded by private land with no public accessway (**Error! Reference source not found.**). It is reported to be the earliest Christian-style urupā used by Māori in the area. At the time of survey, it was fenced and overgrown with weed species and native plants.*
>
> *The urupā is rectangular, 40 by 30 m. Two gravestones at the northern end were photographed (**Error! Reference source not found.** to **Error! Reference source not found.**). The southern end of the urupā was densely covered in vegetation. Photographing headstones was difficult due to the quantity of vegetation present.'*[399]

Maxwell and Huebert have assessed the cultural landscapes current condition as part of the archaeological assessment contained in Volume II of this report. Their assessment found:

> *'The archaeological sites surveyed as part of this case study include a number of terraces above the Ōhinu Stream. These sites were in good condition, located in grazed paddocks.*
>
> *A note about Wharekākāriki is warranted. While no evidence of archaeological features was found, it is a site of well-evidenced cultural importance. The hill has been partly quarried away, which has significantly changed its visual aspect and potentially destabilised a type of soil vulnerable to large slips.'*[400]

[399] Maxwell ands Huebert, p. 218.
[400] Ibid., p. 225.

OKOKORI

Map 36: Okokori Cultural Landscape. Original land block (black border), wāhi tapu (white). Source: Ben Leonard, 2024.

Introduction

Okokori is a cultural landscape situated along the south-western coast of Tokerau Moana (Doubtless Bay). It runs from Okokori and Te Aurere in the west to Otanguru Pā in the east. This landscape includes numerous significant wāhi tapu, including some of the oldest sites in the region, associated with the arrival of the tupuna waka. These wāhi tapu are all part of an interconnected cultural landscape of great importance to tangata whenua.

As a result of its coastal nature, this landscape includes many headland pā such as Haitureroa (Haetureroa), Raramata, Puketū, Otanguru, Te Māmangi, and Te Rauparaore. It also includes burials and urupa such as Kaimaoa and Pararake (Pararaki). Other wāhi tapu are directly related to the arrival of tupuna waka such as at Ōtako, Te Toka a Kupe and Te Kohatutapu. Other wāhi tapu include battle sites such as Wahakaionepū and awa such as Waitapu.

This cultural landscape was claimed by the Crown through 'surplus lands' in the Matthews claim at Parapara/Aurere and through the 1858 Otengi Block. Some of the wāhi tapu in this landscape were meant to be excluded from these agreements, such as Pararake (Pararaki).

Tangata whenua have gone to great lengths to protect the wāhi tapu in this landscape. Missionaries such as Joseph Matthews were asked by tangata whenua to use their influence to protect lands and wāhi tapu, such as Pararake (Pararaki). Attempts were also made to bring wāhi tapu to the attention of the Crown, including by Wiremu Tana Papahia (discussed below).

The majority of the land is now in private ownership and inaccessible to tangata whenua, accept by landowner permission. However, relationships with settler families (such as the Matthews) have proven beneficial and allowed informal protection for some wāhi tapu such as Haitureroa. These personal relationships also saw the return of some of the land at Otengi from the Adamson family in 1974. The Okokori block still remains Māori land, despite being split into two by the Native Land Court. Puketū also remains Māori land.

Some of the sites in the area are covered by the general protections of the Heritage New Zealand Pouhere Taonga Act 2014 and registered with the New Zealand Archaeological Association. These includes the terraces and rua-kai of Haitureroa, Kohatutapu, and other archaeological features along the coastline to Otengi. These are discussed in the archaeological assessment by Maxwell and Huebert in Volume II of this report. None of these sites, however, are on the New Zealand Heritage List/Rārangi Kōrero. Sites present in the Far North District Plan (2009) are Okokori/Kaimaua (as discussed below) and Puketū island.

Wāhi tapu

The history of Okokori begins with the arrival of Kupe aboard the waka Matawhaorua. It was late in the day when Matawhaorua and its crew paddled past Karikari and headed towards the southern end of Tokerau beach. Kupe was on the lookout for a safe landing place for the waka and as the sun set he spotted a beach bathed in the golden light. He named the place Waitohu.

The Matawhaorua was brought ashore on skids made of tawapou (or Orewa), brought across Te Moananui a Kiwa. The skids were then planted on the headland above the beach and grew in to some of the first tawapou (Orewa) trees in the motu. These trees still grow today and are considered highly tapu. They are an important reminder and point of connection between tangata whenua and their tupuna going right back to the time of Kupe. Cuttings from these trees have been planted in other places throughout the north, cementing the bonds of whakawhanaungatanga across the region.

Kupe left to explore the motu, while his wife Kura-maro-tini and others stayed behind. Some say that when he returned to Waitohu, he left Matawhaorua here and travelled overland via the Paranui valley to Mangamuka. There he prepared for the return to Hawaiiki.

Another important waka in this area is the Tīnana, captained by Tūmoana. Following Tūmoana's return home to Hawaiki, his nephew Te Parata refashioned the Tīnana waka and named it Māmaru.

Te Parata sailed Māmaru back to Aotearoa and landed at Taipa. Here he met Tūmoana's daughter Kahutianui and the people settled here, building many pā and other wāhi tapu. One of the first pā to be built was Ōtanguru, named for Tanguru, the tohunga on Māmaru waka. It was at Ōtengi that the people of Māmaru their wānanga and it was on Kohatutapu that many sacred ceremonies were performed.

Some say that the Māmaru waka was guided to this spot by a kaitiaki in the form of a great kāhu (harrier). The landing place of this kaitiaki is a wāhi tapu known as Tau Rangatira, commemorating the arrival of the highborn chiefs of Māmaru waka.[401]

Te Parata and Kahutianui eventually had a daughter named Māmangi who lived at the pā above Ōtako. According to some, Māmangi and her people also lived on Te Paraua (Te Paraoa), adjacent to Ōtanguru. Both Kahutianui and Māmangi died here and some say they were buried nearby.

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[401] Mutu et al., Map 18.

Other waka also came from across Te Moananui a Kiwa, including Waipapa and Ruakaramea. The descendants of all these waka grew and spread across the rohe, building pā, fishing, hunting and growing kai, upholding their tikanga, and burying their dead as they went.

Bassett describes the leader Kauri as being responsible for building many of the defensive pā in this region. One was built to the east and named after his mokopuna Tirepa, while another pā was also built by Kauri to the west of Parapara.[402] Kauri is often associated with Ngāti Awa who lived in this region before departing south. They are also said to have built Pararaki (Pararake) Pā and urupa on top of that maunga tapu to the south of Aurere.

Te Toka a Kupe

Te Toka a Kupe was a well-known rock formation at Ōkokori-Raramata. This rock is associated with the arrival of Kupe aboard the Matawhaorua waka and is therefore considered an important wāhi tapu. Population growth in the region and the development of infrastructure led to the destruction of Te Toka a Kupe. [403]

Pararake (Pararaki)

Pararake (Pararaki) is a maunga tapu, pā and urupa located south of Te Aurere. The pā is said to have been built by the rangatira Kauri of Ngāti Awa. Ngāti Awa were based in this region for some time before eventually being pushed south to other parts of the motu.[404] Though it is said that they took many of their kōiwi with them, Pararake remains tapu. [405]

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[402] Bassett, p. 10.
[403] C Harrison et al., 'Fourth Amended Statement of Claim for Wai 2000', Wai 45, Doc #1.53(a), 8 July 2021, p. 49.
[404] J Maingay, 'Mangonui County: Excerpt from inital report on northland archaeology', Report for the New Zealand Historic Places Trust, Auckland: 1986, p. 38.
[405] Mutu et al., plate 184.

During the Native Land Court hearings for the Parapara, Wi Te Take stated that:

> *'Paraki the hill near this land [of Parapara] was a tapu of my ancestors – many of them are buried there.'*[406]

During the same hearing, Winiata Tomairangi Papahia of Ngati Te Ruranga, presented his case as a descendant of Houmeaiti. He stated that his tupuna Te Teira was the elder brother of his father, who lived at Parapara, died at Peria and was buried at Pararaki.[407]

Haitureroa

Haitureroa Pā (Haetureroa) is situated on a high ridge and headland between Te Aurere and Waitapu beach. The pā is a large and important one, as described below in the archaeological assessment. It was an important defensive position along with other pā nearby such as Puketū and Raramata. The pā has commanding views across the whole of Tokerau Moana and is strategically located at the mouth of the Awapoko/Parapara awa.

Ahu (He Ahu/Te Ahu)

A small but important ahu (raised platform) exists just to the west of Haitureroa, on the southern side of Awapoko stream. The small raised mound is a wāhi tapu of great significance and is said to have been one of the places Reverend Joseph Matthews preached to the people of Te Aurere.[408]

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[406] Wi Te Take, Parapara Title Investigation, NMB 1, 5 March 1877, pp. 135-136.
[407] Winiata Tomairangi Papahia, Parapara Title Investigation, NMB 1, 5 March 1877, p. 137
[408] Larry Matthews, Interview with Matthews whānau, Te Paatu ki Kauhanga Oral History Project, 11 March 2024, Zoom011, 42'14"

Te Aurere and Kaimaoa

Image 16: View over southern portion of Okokori from Waka centre star-map grounds. Puketū Island and Haitureroa Pā visible in distance. Source: Maxwell, 2024.

Te Aurere is the name for the piece of land located to the west of Haitureroa, along Te Awapoko Stream. This area is said to have been named after the deaths of many of the haukāinga whanau during one of the deadly epidemics that swept the region.

Many of the dead are said to have been buried in the dunes at a burial place called Kaimaoa. Some of these have subsequently been moved in land once exposed by erosion. As Keene writes:

> *'Aurere is situated at the mouth of the Awapoko River, a few miles north of Taipa. It was great tragedy that gave this beautiful place its name and this was related by an old kaumatua, Ngakuku, He Ngakuku, He began the story by saying: "Ko te tini o Toi, ko te mano o Toi, I mate I te Rautahio atua," many thousands of Toi's people perished*

under a sweeping thrust of the gods. This was a terrible epidemic that carried off so many that there were not enough able-bodied men left to bury the dead. For many days and nights all that could be heard were the heart broken wailings of the dying and those who had escaped death. So, from this tragic happening the picturesque spot was given the name Te Aurere Tanga, which means the universal groanings and wailings of the dead. Later, Te Aurere Tanga was shortened to Aurere. Ngakuku also known as Nopera Pānakareao.'[409]

There appear to be at least 3 urupa/burials in the area. 2 are on the north side of the river at the mouth. The other is on the foreshore dunes.

<u>*Raramata*</u>

Raramata is a significant hill located opposite Puketū island. According to Keene, a rangatira who lived at the settlement near Puketū wished to build a fire and so called on a young girl to go to the nearby hill and gather firewood.[410]

'The day was hot, the hill was steep, and the girl could not be bothered hunting for dry wood. So she gathered a large armful of the nearest kindling she could find, although green and she knew it would not burn.'[411]

Angry with the girl, he sent her back to the hill to gather some dry wood. Keene continues:

'When the girl darted off, the old warrior turned towards the mountain, feeling that it, too, in some obscure way was to blame for the green firewood. H raised his voice to a roar, shouting scornfully, 'From this day on. I shall call this hill, Raramata' (hill with green kindling).'[412]

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[409] Keene, *Tai Tokerau*., pp. 24-25
[410] Ibid., p. 76
[411] Ibid.
[412] Ibid.

Puketū (Puketūtū)

Puketū (Puketūtū) is an island pā and wāhi tapu located just offshore from Waitapu beach. At highwater Puketu is completely cut off from the mainland, but at low tide it is possible to wade across from the island over a submerged causeway of stepping-stones about four feet below the surface.

As Wi Te Take said in the Native Land Court hearings for Papapara:

> *'Our Pa was at Puketu at the mouth of Parapara'.*[413]

At the same hearing, Wiremu Kingi spoke of the tupuna Te Teira, who was born at Ōruru. Kingi said:

> *'Te Teira was buried at the mouth of Parapara.'*[414]

According to some, the rangatira of Puketūtū was Mānia, the daughter of Te Rurunga and a descendant of Tirepa Wāhine.[415] Mānia is a prominent tūpuna for the tangata whenua, as are her children Te Rurunga and Tirawhakawhiu and her brother Houmeaiti.

The pā at Puketū features in a number of kōrero tuku iho. According to one source, a battle took place at Puketū between Mānia and her people and Ngāti Awa:[416]

> *'Mānia and her people were camped at Waitapu near Aurere, and sought refuge at Puketūtū. Mānia would travel back to Waitapu during the night to fetch water from a near by stream. One night Mānia was caught by a Ngāti Awa warrior who chased her with his mere pounamu. She immediately lifted her kakahu to show that she was female, as there is an ancient tikanga against killing women with a mere pounamu. Despite this*

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[413] Wi Te Take, Parapara Title Investigation, NMB 1, 5 March 1877, pp. 135-136.
[414] Wiremu Kingi, Parapara Title Investigation, ibid., pp. 136-137.
[415] Hehi Wharerau, Parapara Title Investigation, ibid., p. 134.
[416] Loyd Popata, in Mutu et al., p. 159.

tikanga, Mānia was killed. She now takes the form of a toka at Waitapu. The toka emobies the shape of a womans buttocks and every month the rock will turn red as a tohu of Mānia's mate marama (menstruation).'[417]

Keene gives two kōrero regarding a battle at Puketū. According to the first tradition, the bay around Puketū was well-known as an fishing ground and pāua could be found in abundance on the rocks below the pā.[418] One day a war party from an inland iwi came in secret to take some of the abundant kaimoana for themselves. They stationed themselves on the island, hoping they might avoid being caught by the local people. Before long, however, they were spotted by the tangata whenua who prepared to see off the interlopers on Puketū.

Knowing the pā well, the tangata whenua had only to guard the causeway and wait out the warriors who would eventually have to return to the mainland for freshwater. The tangata whenua consulted their tohunga about the besieged war party on Puketū. The tohunga sat in a dark corner of his whare with his mat flung over his head and gave karakia to the atua. After some time, he came out of his whare and said, 'I have consulted the will of the atua in this matter and this is their message. Let two chosen warriors of the besieged tribe come ashore at low tide each day. Let them take their gourds to the little creek half-way along the beach and return with them filled with water for the besieged warriors of Puketū. The atua have put a tapu on this creek, so that only those two men can go there with safety. Anyone else will die.'

The rangatira sent a messenger to the war party on Puketū to tell them of the tohunga's decree. And thus, it was that during the summer months, the unhappy marauders were able to exist on fish, shellfish, and what kai they could find on the island. But when winter came their situation became desperate. The cutting winds swept up the steep sides of Puketu and it was impossible to escape the biting cold.

At last, in a last bid for freedom, they decided upon a dangerous plan. They collected many leaves of flax and plaited a very long rope, taking the greatest care that the sharp-eyed enemy guards did not become suspicious of any concentrated activity on the island. Then, choosing a

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[417] Robert Gabel, 'Brief of Evidence', Wai 45, R39, para. 8-10.
[418] Keene, *Tai Tokerau*, p. 71

moonless night, they tied one end of the rope round the waist of their strongest swimmer, who was going to attempt the dangerous swim to the mainland. The other end of the rope was tied to a tree and held by another strong warrior.

While the unsuspecting guards watched the causeway, the intrepid swimmer divided into the water, well out of their hearing, and began his hazardous swim across the little bay to the far end of the beach. His friends anxiously watched him disappear into the darkness for his solitary battle against cold, submerged rocks and unfriendly breakers. Many times, he was forced to turn on his back to rest. Many times, his arms struck hidden, jagged rocks. However, after a long struggle against the current and other hazards, he at last felt firm, cold sand under his feet and staggering up the beach, he sank exhausted on the bank above high-water mark. But time was precious, and the rest of the plan had to be put into action before daylight.

So, in a few minutes he jerked the rope three times to let his friends know that he had reached the shore. He repeated this signal several times until he thought they had received it, and then firmly secured his end of the rope to a tree. Using the rope to guide them and to hold on to when they needed to rest, the besieged men one by one swam along behind the breakers to the far end of the beach. Then, as the first flush of dawn lightened the sky, they hastened over the hills to their own rohe inland. It was not until low tide that the guards of the causeway knew something was wrong. When the two men did not come for their daily ration of water, the captors searched the island and found that all their captives had disappeared. They started out in furious pursuit, but soon realized that they were too late to overtake the fugitives. Ever since that day, the little creek whose water was tapu to all but the two chosen men, has been called the Waitapu Stream, and the beach over which is forbidden waters trickled has been known as the Waitapu beach.

Keene's second version tells of how the tangata whenua would use Puketū as a refuge from their enemies, as they alone know of the line of large, submerged boulders over which they could cross from the shore to the island at low tide, when these stepping-stones were only three

feet below the surface of the water.[419] There they were able to defend themselves very effectively by pelting attackers with large stones from the island.

They could find enough food to keep them alive indefinitely, for fish abounded in the waters round the island, and pāua and other shellfish were to found on the rocks. But there was one great disadvantage in using Puketū as a fort and that was the fact that all water had to be carried in gourds from the nearest stream which flowed down the steep gully behind Waitapu beach. At the time of this story, the men of the tangata whenua had taken a war party to attack another tribe, when, to the great consternation of the women who were left behind, word was brought of impending danger.

A marauding party sent by Hongi Hika was fast approaching the beach. At once, the women frantically fathered together all the food and water that they could lay their hands on at such short notice, and retired to their rocky fortress, Puketu. They had no sooner settled in on the island, than Hongi Hika's force arrive at the deserted kainga.

When Hongi and his warriors found that they had fled to Puketu, they were furious, and gave a fierce haka on the beach, hoping to intimidate the women on the island. They set up camp on the foreshore and prepared to lay siege to Puketu. This strategy seemed very likely to succeed for after a few days the besieged part ran out of water. Now, among the women on Puketu was Rangihou, daughter of the chief. Both her father and her tāne were away with the raiding party, and she felt that she must take charge in this crisis. So, she called upon the taniwha that guarded Waitapu beach, and beseeched him to come to their aid.

After an anxious period of suspense, she heard a voice come from out of the green waters nearby. It said: 'Your prayer will be answered, O Rangihou, if you obey my words without question. Wait until the stillness and darkness of night, and then cross over to the mainland and walk without fear to the waters of the Waitapu stream. Do this, and I will guard you. But one waring I must give you. Do not falter and look back, but walk steadfastly forward, even in the face of greater danger. If you disobey my instructions, I shall forsake you.'

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[419] Ibid., p. 73.

After these cryptic words, the voice of the taniwha was heard no more and Rangihou prepared somewhat fearfully for her desperate venture. At last, when darkness fell and all was quiet, she carefully crossed over the secret, submerged stepping-stones, which, in the intense stillness, sounded like a brick wall collapsing, as they rattled against each other. This noise woke some of the warriors who were sleeping just above high-water mark. When they saw the dark form of Rangihou, they leapt to their feet and ran after her. Rangihou all but forgot the solemn words of the taniwha and turned and fled back to the crossing, with the excited warriors yelling behind her. Just as she reached the deepest part of the channel, she remembered the taniwha's words. At the same moment she realized that he would desert her because of her disobedience. She paused for but a moment and just ash she did a huge wave rose up from the sea. The wave crashed over both her and her attackers, washing them out to sea.

The moment of Rangihou's hesitation was captured for all time as at that spot stands the rocky shape of a woman. This is the form of Rangihou and is considered deeply tapu.[420]

Sometime in the late 18th century, an old tohunga was living alone on top of Puketū. Although surrounded by water most of the time, at low tide it was quite easily accessible on foot. One evening, when the sun was glowing red on the horizon the old tohunga saw a large tauā setting up camp near the beach opposite his island. Feeling curious, he waited until the tide was low and darkness would hide his approach. He then quickly and quietly crept up the beach and sat in the background, undetected.

He listened to the kōrero just long enough to learn how strong the taua was and who was to be victims of the attack. Then, stealing off into the night, he returned to his island home.

Fortunately, his whare door, which was fashioned out of a blanket faced a spot now known as Shag Point where he had friends living on Oreti Pā. He lit a fire in his whare and signalled to them by raising and lowering the blanket many times. In the calm summer night his friends soon saw the signal and realised that something must be wrong. Quickly two men were sent

[420] Keene, *Te Raki*, pp. 71-75.

out in a light canoe to Puketu. When they arrived at the island, the old tohunga told them the bad news.

My friends, he said, be prepared, the chief Poroa, with a tauā of 600 men is camped on Waitapu Beach and are planning to attack your people on Oreti Pa. You must gather a large tauā together and resist attack. Go, be warned, be prepared.

Swiftly the two men paddled their canoe back to Oreti Pā and told their chief the news. All available warriors were stationed at strategic points on the pā, while the chief sent messengers off to ask for reinforcements from his friends at Matauri Bay. Before these warriors could arrive to give help, Poroa had launched a well-planned assault with shattering results.

The chief and his men on Oreti Pā were almost overcome when the taua from Matauri Bay at last arrived. A fierce battle ensued with Poroa's taua eventually emerging the victor. Poroa ordered all male children to be killed so that they did not live to seek vengeance in the future. Hurrying through the pā, Poroa saw a woman clutching a baby. 'What is your child?' he asked. 'A boy', she replied fearfully, 'see for yourself'. But Poroa was in such a hurry that he had no time to see that his cold-blooded orders were carried out and passed quickly on and so the child escaped death. The baby lived to be the great chief, Porirua.[421]

Ōtako

Otako is the bay in which the Māmaru waka arrived and was brought ashore. It lies between Māmangi Pā in the west and Te Rauparaora Pā (also known as Te Rua Parore) in the east. The bay is an important wāhi tapu as a tauranga waka for the Māmaru waka.

Ōtanguru

[421] Keene, *Tai Tokerau*, pp. 29-30.

Otangauru is a pā on the western end of the Taipa beach. It is said to have been built by Tanguru, the tōhunga of the Māmaru waka. This makes it one of the oldest pā in the region and deeply significant because of its connection to these early tūpuna and the Māmaru waka.

Otanguru was also the site of one of the last battles fought in this region. The battle was fought as part of the Ōruru war of 1843 between the forces of Panakareao and Tipene Te Taha on one side and Pororua Wharekauri on the other. The battle was fought from Taipa and on to the sands below Otanguru.[422]

Wahakaionepu

Waha-kai-onepū refers to a significant battle and also to the site of the battle itself. In some traditions it is recorded as Kai-waha-onepū.

The battle was said to be the last in the region as part of the 1843 Ōruru war between Nōpera Panakareao and Pororua Wharekauri. Some stories record that the first man killed in this battle died on the sands at Taipa. Others record that the man was killed along the beach at Taipa. Either way it is clear that the battle raged right across Taipa and that the area is tapu as a result. The battle is said to have claimed somewhere between 34 and 46 lives.[423]

During the Native Land Court hearings for Pukenui, Wiremu Pikaahu said:

> *'At the fight at Oruru we were retreating when Hiki attacked us and defeated us at Taipa (Te Waha Kaionepu was the name of the fight) – When the first Governor came to New Zealand.'*[424]

Pororua had a pa in the proximity of the quarry as Nopera Panekarero's taua came down from Ōruru on their way to Kaitaia via Taipa and Aurere. He deliberately chose that route in order to confront Pororua when he could have gone via Mangataiore. The battle was fought with

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[422] Waitangi Tribunal, *Report on the Mangonui Sewerage Claim*, p. 55
[423] Atihana Johns, *Nga Tapuwae o Hinetewai: The Sacred Footsteps of Hinetewai*, Hamilton, 2012, p. 17.
[424] Wiremu Pikaahu, Pukenui Title Investigation, NMB, 1, 8 March 1877, pp. 166-167.

muskets and hand to hand weapons and took place from the bridge down to the point and onto the beach in front of the Taipa Resort. The sand was red with blood.

Nopera and what was left of his taua were chased to Aurere. He was about to reorganise their war party and go back for another attack when a Missionary caught up to him and urged him not to. Pororua had also agreed not to continue.

Te Rauparaore

Te Rauparaore Pā is located on the western headland above Otako bay. It is associated with the arrival of the Māmaru waka, though it continued to be used as a pā for many generations hence. It is also known by the name Rua Parore.

Ngatiti

After the people of Māmaru had established themselves at the headland pā of this region, they began seeking out good land for gardens. The land around the pā was unsuitable but further inland from Ōtako bay they found good soils and grew their kai here, naming the place Ngatiti.[425]

Arrival of Pākehā

Contact with Pākehā began in the late 18th century with ships visiting Tokerau Moana (Doubtless Bay) and Mangōnui. This included the arrival of Captains Cook and De Surville, as well as increasing visits by whaling ships stopping in Mangōnui harbour to provision. The immediate effect of these visits was the introduction of disease which began a series of epidemics that drastically impacted the population of the region.[426] It also introduced new crops in the form of potato, wheat, corn, cabbage and other varieties of kūmara.

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[425] Harrison et al., p. 5
[426] Waitangi Tribunal, *Mangonui Sewerage Claim*, p. 13-15.

The epidemics introduced by European sailors are said to have been particularly severe in this region. One account records that so many died at Okokori that the place was named Te Aurere after the wails of the women crying for their many dead.

The first Pākehā to live in the area was Stephen Wrathall, one of the party of sawyers who had landed from Dacre's ship Darling in 1831 at Mangōnui. Wrathall was given permission to live here and eventually married into the iwi.

Pre-Treaty agreements

A number of Pākehā had apparently entered in to tuku whenua agreements with the local people prior to the signing of Te Tiriti O Waitangi. Once the Treaty was signed, the Crown assumed pre-emption of all land sales and began investigating these tuku whenua agreements so as to formalise them in a European legal framework. The Crown framed these tuku whenua agreements as land sales. The claims of settlers were initially supposed to be heard by Commissioner Godfrey when he visited the area in 1843.

Wrathall

Pākehā settler Stephen Wrathall had arrived in Mangōnui on the *Darling* in 1831 and moved to land opposite Taipa, around Tanepurapura, for some time before formalising the tuku whenua arrangement in a deed dated 7 November 1839.[427] The date suggests it was one of the many deeds written by Pākehā to formalise tuku whenua agreements in the area before the expected assumption of Crown pre-emption of land sales in 1840. The deed was signed by Wrathall, William Wright and Panakareao for 100 acres.

Wrathall's claims were opposed by Panakareao at Mangōnui in 1843 and Commissioner Godfrey recommended the award of '242 Acres of Land elsewhere'.[428] This was later revised by Governor FitzRoy to 640 acres or £640 in land credit. Wrathall accepted the scrip award but remained living and working at Tanepurapura. On 31 July 1850 Wrathall wrote to Resident

[427] Deeds—No. 50, Tane Purapura Block, Oruru, Mangonui District, Turton, 1882, p. 44.
[428] See Stokes, 'Review of Evidence', Vol. I, p. 323-324

Magistrate White that he wanted to extend his business and erect other buildings and saw pits on the land. Although it took some time, this was subsequently agreed to and on 27 May 1852 at a public auction of lots in Mangōnui township, 150 acres at Tanepurapura was transferred to Stephen Wrathall for £15.10.0. Wrathall also purchased a one-acre township lot for £5 at the sale.[429]

Berghan

Berghan was another settler of the area and submitted a claim to 40 acres at Taipa from an apparent agreement made on 9 November 1839 (OLC 564). The claim was not investigated by Godfrey before he left the area and the claim appears to have lapsed.

Matthews

On 14 November 1839 Joseph Matthews entered into an agreement with Nopera Panakareao for a block called Parapara, which he called "Ventnor". The Deed states "Mō ngā tangata Māori a Parapara te nuinga a Raramata ake ake ake. Kia kōtahi tekau e kara mō te Matiu kei te Awamutu". That is, 'the majority of Raramata for the Māori of Parapara, for ever and ever. Ten acres at Te Awamutu for Matthews. The majority of Raramata would certainly include the majority of the many wāhi tapu in the area listed above.[430]

When Matthews brought his claim before Godfrey in 1843 he was awarded 306 acres of land in Parapara. This award was amended by Governor Fitzroy who granted a further 493 acres. He subsequently brought his claim forward to Commissioner Bell in 1857, as discussed below.

Following the award, and before the Bell Commission, Māori appear to have made their concerns known to the Crown. In 1856, Chief Commissioner Donald McLean wrote to Commissioner Kemp that, among other things, Wiremu Tana Papahia, Tomairangi, Ngarewa, Te Karu, Marupo "wish to exclude a piece of land called Pararaki from the sale to Mr. Matthews.[431] This is one of many indications that Pararaki was intended to be set aside.

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[429] Waitangi Tribunal, *Muriwhenua Lands Report*, pp. 323-324
[430] Alemann, 'Mangonui', p. 24
[431] 'No 11. Chief Commissioner to Mr Commissioner Kemp', 11 Decmeber 1856, H. H. Turton, *An Epitome of Official Documents Relatives to Native Affairs and Land Purchases in the North Island of New Zealand*, New Zealand Electronic Text Centre, Victoria University of Wellington, p. 6.

Bell Commission

In 1857 Matthews brought his claim before Land Commissioner FD Bell and he stated in Court on 5 October 1857 that:

> *'... the river goes by the name of Raramata and the intention was to make a sufficient Reserve for the Natives for their canoes, huts and others purposes. When the survey was made it was carried along the beach from the entrance of the river to the stump of a tree at Te Pikinga, and I am desirous in performance of my promises to the Natives. The whole of the land between the Raramata (or Awapoko) river and Te Pikinga should be given up as a Reserve for their use.'*[432]

This would be an area of 2967 acres (1201 ha). He also noted that Pararake was also to be reserved for Māori according to their requests.[433]

Commissioner Bell, allowing for survey and other costs, recalculated Matthews' entitlement at 1748 acres. 659 acres of this was awarded to the surveyor Clarke (as Matthews had asked). The balance of 1089 acres was awarded to Matthews in two blocks. The smaller block to the south provided a share, about 177 acres, in the valuable timber country of the Tapuirau bush. Bell, however, reduced the Māori claimants interest in Raramata from 2967 acres (1021 ha) to 340 acres (138 ha), being the small area north of Awapoko river called the out as Okokori Native Reserve. 5229 acres was retained by the Government as surplus. Pararake was not reserved as requested.

When Matthews presented his Aurere claim to Bell in October 1857, he claimed that he wished Māori to retain a 3,000 acre Raramata reserve in accordance with the terms of the original pre-Treaty transaction.[434] Upon hearing this request, Bell:

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[432] Joseph Matthews, 5 October 1857, Case files [Joseph Matthews, Kaitaia], ACFC 16153, ANZ (WLG), R18461514, p. 44. Document Bank, p. 137.
[433] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 146
[434] 'Parapara Deed 14 Nov. 1839' Turton, *Private Land Purchases*, p. 48.

'…declined to accede to this: but upon a discussion with the natives agreed to make them a Reserve of 300 acres at Raramata [Okokori] The whole question was gone into with the natives respecting the surplus reverting to the Crown.'[435]

The Tribunal has found that:

- Bell took positive and deliberate steps to maximise the amount of land which went to Pākehā or the Government, and to minimise that retained by Māori.
- Māori were allowed insufficient hearing or none at all.
- Bell had little regard for the use of the land by Māori or their future needs or historical and cultural interests. [436]

As the Tribunal said:

'These acts were inconsistent with the Treaty principles which require the Crown actively to protect Māori rights to their land, to ensure they maintain an economic base, and to respect tribal autonomy and law.'[437]

Matthews himself also later wrote to the Crown with regard to the Bell Commission noting Haitureroa Pā on the land granted to him at Raramata.[438]

Ōtengi Block

Crown agents including White and Bell had an explicit goal of extinguishing all customary title to land in Muriwhenua. Part of this project included ensuring that Old Land Claims grants from

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[435] Minutes of Old Land Claims Court, Mangonui, 5 Oct. 1857, 'Notes of Various sittings of the [Old] Land Claims Court', AFKK 4711 44, OLC 5/34, R23214229, p. 16. Document Bank, p. 153.
[436] Waitangi Tribunal, *Muriwhenua Land Report*, pp. 396-397
[437] Ibid.
[438] Matthews to Bell, October 5 1857, ACFC OLC1/14, OLC File 328, ANZ (WLG), R18461514, Document Bank, p. 143.

the Bell and Godfrey Commissions aligned with the boundaries of Crown blocks. To this end they sought out the remaining land between Matthews Raramata grant and Taipa.

In 1858, an agreement for a large area west of Taipa was signed by Kemp and 18 rangatira for 230 pounds. The block was called Otengi and contained numerous wāhi tapu, including some of the earlier pā of the region such as Mamangi, Otanguru, Te Rauparaore, Puketu and Otengi bay where the sacred tawapou (Orewa) trees brought by the Mamaru waka still grow. The rangatira who signed were:

- Wiremu Kingi
- Te Waka Rangaunu
- Wiremu Kingi Nganga.
- Te Puhipi
- Pene Kohe.
- Reihana Kiriwi.
- Matiu Tauhara.
- Wiremu Hakakai.
- Tipene Haha.
- Henare Kepa.
- Wakangi.
- Ahuahu
- Te Hira.
- Ihaka.
- Watene Patonga
- Kaio
- Matiu

In order to progress the sale, the Crown claimed an interest from the old land claims and the settlement with Panakareao. Indeed, various parts were already occupied by settlers. The Taipa lands, for example, were in possession of a settler, W J Clarke, at the time of the Otengi sale.

In respect of Ōtengi, Kemp was reprimanded by Donald McLean for submitting deeds that were "vague, and therefore objectionable". McLean was concerned that Kemp's deeds were vague to the point of being incomprehensible. Although this deed refers to the boundary of the Ōruru purchase, that boundary had not yet been surveyed.

Native Land Court

By the time the Native Land Court was established in 1865, the only remaining Māori land in this cultural landscape was Okokori. In the mid-1890s Māori (and some Europeans) began digging gum on the land. Indeed during the Native Land Court hearing for Okokori, Rihi Pikaahu stated that he had driven gum diggers off the land.[439] Several people interested in the reserve strongly objected to this as they wanted to use the gum themselves for the benefit of the nearby Parapara Native School. Ownership of the land was uncertain because no title had been issued and there were fears that a serious disturbance might occur. Crown officials thought the best way of settling this matter was to for those who claimed the land to make an application to the Native Land Court for a title adjudication.

An application was duly sent in. Uncertainty about whether the Native Land Court had jurisdiction was tidied up by a subsequent Order in Council conferring jurisdiction on the Court.[440] On 4 October 1897 the block was brought before the Native Land Court. One of the claimants, Mawene Kiriwi referred to the block as "a rahui." Timoti Puhipi testified that when Mawene's father, Reihana Kiriwi, appeared before Bell in 1857, "he was asking for the whole surplus to be returned to him".[441]

Mawene Kiriwi declared that only the descendant of the original vendors, that is, Parata Taha's descendants, and their hapū should be awarded the land:

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[439] Rihi Pikaahu, Okokori Native Reserve Title Investigation, NMB, 17, 4 October 1897, pp. 370-371
[440] Order in Council, 31 May 1897. ACGS 16211 J1 574/b 1897/631. ANZ (WLG), R24569348. Document Bank, p. 72.
[441] Barry Rigby and John Koning, 'Toitu Te Whenua E: Only the land remains, constant and enduring: A Preliminary Historical Report', Report for the Waitangi Tribunal, (Wai 45 A1), p. 14.

'Hemi Kerangi was one I believe of the vendors. His part of the land Okokori is a portion of the ancestral property of my aunt, parents and ancestors. It was a summer settlement and fishing place for my ancestors. We have a cemetery in the land. Our hapu's name at the time was Ngatitua.'[442]

Timoti Kiriwi appeared as the next witness. He stated that the land belonged to the Kiriwi's 'back to' Parata Taha's land. He also alleged that it was Matthews and Reihana Kiriwi that asked Commissioner Bell for the land to be turned into a Native Reserve. Reihana Kiriwi exercised mana over the land and leased it to Matthews. After his death, Mawene leased the land to Matthews grandson, Louis Matthews, with no dispute from any other individuals.[443] According to Timoti Puhipi, both he and Reihana Kiriwi were awarded Native Reserves by Commissioner Bell. He recounted the meeting at which the Native Reserves were allocated:

'It was a Big meeting and all the people were present. Pikaahu was, perhaps, but Reihana alone went into the Court. It may be they had arranged for him alone to appear. I appeared for Te Rarawa Hapu.

Reihana alone appeared in the Court before Commissioner Bell. He was asking for the whole surplus to be returned but the commissioner cut off this Reserve – 340 acres only.'[444]

Rihi Pikaahu noted that Okokori Reserve was part of the Waiaka block. He had at one time driven gumdiggers off the land. He then spoke of the cemeteries on the block:

'I know this reserve and the cemeteries within it. The bodies buried there have been removed. Ngatikaha [Kahu?] was their hapu. Whaitua was first body buried there – not Ngatikaha. There is another cemetery, some bodies of Te Paatu buried there, some of them have been removed, others remain there now.

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[442] Mawene Kiriwi, Okokori Native Reserve Title Investigation, NMB, 17, 4 October 1897, p. 366
[443] Timoti Kiriwi, ibid, p. 367.
[444] Timoti Puhipi, ibid, p. 368.

Paatu, Te Teira and Rahakai were the old men at that time. Te Kaapo and Pikaahu and others were the next generation living at that time.'[445]

Piri Raiti gave evidence that backed up Rihi Pikaahu's claim that the block was not just for Reihana Kiriwi's line. He said that after Reihana's death when Mawene demanded royalties for gum digging, Wiremu Pikaahu refused to pay him 'because the land was returned by Govt for them all and not for one family only'. Piri Raiti also said that he heard from all the elders, including Reihana, that the reserve was for all the tribe and noted that there were over 20 original vendors in the sale of the land to Matthews.[446] Of the bodies moved from Okokori, Piri Raiti had this to say:

'I heard that the bodies were removed to the church at Parapara after its erection in order to be near a sacred building there being none at Kokori. He told me that the first bodies buried at Kokori were his people but my mother also was buried there. My mother was a relation of Parata Taha's.'[447]

Piri Raiti's evidence revealed that there had been quarrelling over gum digging on the reserve. He said he had been sent by the government to stop a quarrel over the royalties accrued from gum digging. According to Piri, this was the only dispute – Reihana's grandchildren had cultivated on an old cultivation of Parata's, but this had not caused any trouble.[448] Henare Pikaahu then spoke, saying that he and others were gum digging on the block and Mawene had not demanded any royalties from them. Those he demanded royalties from were those who paid him no rent.[449]

Mawene then laid out the timeline of the leasing of the block and claimed that only his dead had been moved to Parapara. Henare's relatives had been taken to Toatoa and others had been taken to Rangiawhia.[450]

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[445] Rihi Pikaahu, ibid., pp. 370-371.
[446] Piri Raiti, ibid., pp. 371-372.
[447] Piri Raiti, ibid., p. 373.
[448] Ibid. p. 374.
[449] Henare Pikaahu, ibid., p. 374.
[450] Mawene Kiriwi, ibd., p. 375.

The following day the Court announced its findings:

> *'The Court finds that this land was reserved by the Government through the Commissioner Sir D. Bell for the Natives, friends and relatives of the late Reihana Kiriwi and Wiremu Pikaahu and requests these people to hand in lists of names for inclusion in same.'*

The minutes state that the land is a reserve for the 'Ngāti Tara and Ngāti Whata subtribes'.[451] An order was made in favour of the persons included in lists provided by Mawene Kiriwi and Henare Wiremu Pikaahu for equal shares in the 340 acre reserve called Okokori or Te Awapoko.[452] The six owners named were said to have been trustees for the wider Ngāti Tara and Ngāti Whata hapū but that element seems to have been lost sight of in succeeding Court proceedings as we shall see below. In any case, no formal reserve was made.

A survey plan (ML6783, see below) was eventually produced in 1900 and the land was awarded to 6 trustees for a larger group given to the court in a list by Mawena Kiriwi.[453] As we shall see, the land was partitioned into A and B blocks in 1954 and remains so to this day.

Pararake Quarry

Pararake was not set aside as a reserve as both Māori and Matthews had asked for in the Bell Commission. Instead it was included in the land granted to Matthews. In 1906, the Crown took two acres of this land under the Public Works Act, including the wāhi tapu, for the purposes of a quarry.[454] The quarry, however, appears not to have gone ahead and instead a trig station was built on top.[455] This was inappropriate for a wāhi tapu and burial ground.

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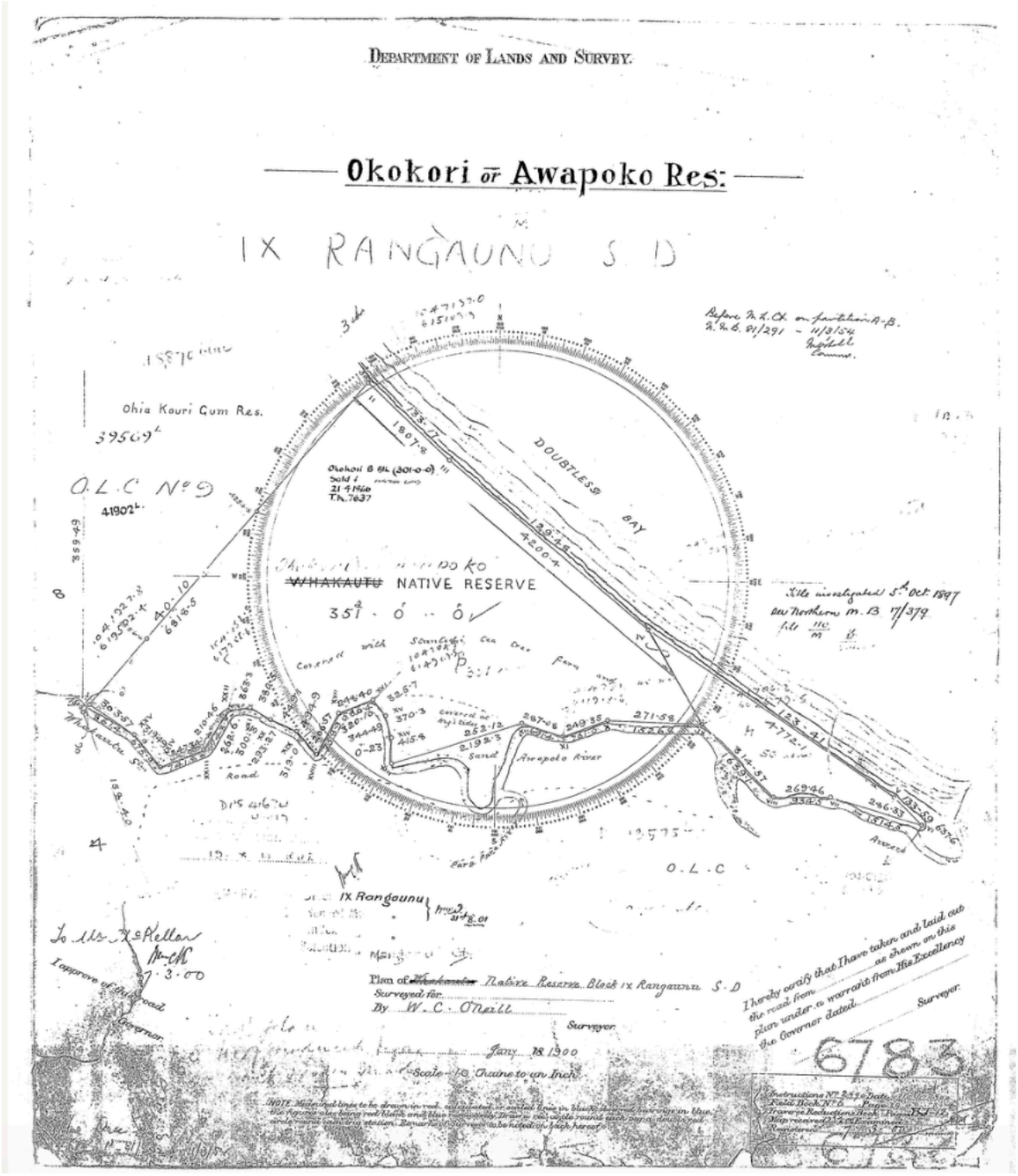
[451] Judgement, ibid., p. 379
[452] Ibid.
[453] NMB, 17, p. 379.
[454] New Zealand Gazette, 1 March 1906 Issue 017, pp. 650
[455] Winston Matthews, Matthews whānau interview, Te Paatu ki Kauhanga Oral History Project, 11 March 2024, 72'25".

Stout-Ngata Commission 1908

The land was considered as part of the Stout-Ngāta Commission in 1908. The Commission recommended that a part of the Okokori block (40 acres), should be reserved for the 109 owners.[456] A further area of 300 acres was recommended ‘for general settlement' under the auspices of the Maori Land Board.[457] The Commissioners referred to the block as 'Awapoko'.

[456] AJHR 1908, G1J, p. 42
[457] Ibid., p. 44.



Map 37: Okokori or Awapoko Native Reserve. ML6783

Surplus Lands (Myers) Commission 1946

The land was also considered in 1946 by Royal Commission on Surplus Lands (the Myer Commission). The commission was charged at once again looking at the surplus lands issue and specifically considered the Aurere and Otengi Blocks. The Commission found that Māori

had equity in the Otengi Block (OLC1025) 87 acres and what it called the Aurere block (OLC329) 5,229 acres.

Māori Land Court

Okokori was brought before the Māori Land Court several times in the early 1950s.[458] On 19 November 1952, Judge Prichard conducted a meeting and site inspection on the land with various owners. The notes from this meeting refer to the proposed block to be partitioned (what would become Okokori A) as being for "...a camping and fishing reserve and to include the tapu".[459]

In 1954, the Court subdivided the block, creating Okokori A (50 acres fronting Tokerau beach) and Okokori B (286 acres).[460] During its investigations, the court noted that Okokori A was 'in the nature of a reserve', with the purpose being: 'beach camping, fishing and historical: also includes a tapu'.[461] This may refer to the reserve set aside by Commissioner Bell or to the 1897 title investigation when the land was said to have been made a reserve for Ngāti Tara and Ngāti Whata 'subtribes' with the six named owners acting as trustees. Unfortunately, this trusteeship seems to have been lost sight of by the time of the 1954 partition, nor was the 1897 reserve made legally effective. It appears that Okokori A was not made under s439 of the Māori Affairs Act 1953.

The partition seems to have been actioned in order to sell Okokori B, though whether or not that was to pay rates is not discussed in the court documents. The land remains in two sections (A and B) to this day, with B having been made a Māori reserve for the purposes of a whare wānanga waka by its previous owner Mr Busby.

Return of lands at Otengi 1974

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[458] NMB, 81, p. 291
[459] NMB, 80, p. 361A
[460] Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', p. 291.
[461] NMB, 8, p. 291

Despite the land alienations, claimants' ancestors continued to live and work in this area, in many cases forging long-standing relationships with settler families and their descendants. These relationships were crucial in the access and protection of wāhi tapu, though they were rarely formalised. In some cases, however, these relationships led directly to the return of significant areas of land.

In 1974, Gerard and Freda Adamson gifted back a part of the Otengi headland. The gift recognised the significance of the site and was the result of the long-standing relationship between tangata whenua and the Adamson whānau.[462] Meanwhile, Puketu Island was determined as Māori land by a freehold order of the Maori Land Court on 18 August 1982.[463] It remains as Māori land today.

Far North District Council listing

Under the Town and Country Planning Act 1977, the Mangonui County Council was empowered to keep a list of Sites of Significance to Māori. Okokori A (at that time called Part Okokori Block) was scheduled in the 1988 Mangonui County Operative District Scheme where it appears as reference M23 and in Appendix F.[464] Interestingly, it is referred to as 'Okokori/Kaimaua' indicating that the Kaimaoa wāhi tapu may have been a key part of its scheduling.

This site was the carried over in to the current District Plan in 1997, where it appears as MS05-38 in the Appendix F Site of Significance to Māori.[465] At some point, a small part of the south-eastern section of Okokori B (around the current whare waka) was included in this scheduling. When this was later queried during a Resource Consent application (RC 2300463-RMALUC), Far North District Council's Team Leader Resource Consents made the following assessment:

[462] Waitangi Tribunal, *Mangonui Sewerage Claim*, p. 3.
[463] New Zealand Gazette 3717, 11 November 1982
[464] Mangonui County Operative District Scheme 1988, Appendix F.
[465] Far North District Council Operative District Plan 1997, Appendix F.

'In light of the above, it seems reasonable to conclude that the Site of Significance to Maori Scheduling may have been applied in error by Council to Okokori B Block within the District Plan during the transition from the Town and Country Planning Act 1977 planning environment to the Resource Management Act 1991.

I have been unable to locate any documentation relating to the scheduling from with the District Plan Team or Council's Legal Team. I do note that the owners of Okokori B Block have not challenged the scheduling of the site in the past. However, this may be due to oversite or the scheduling having not been important in the past.

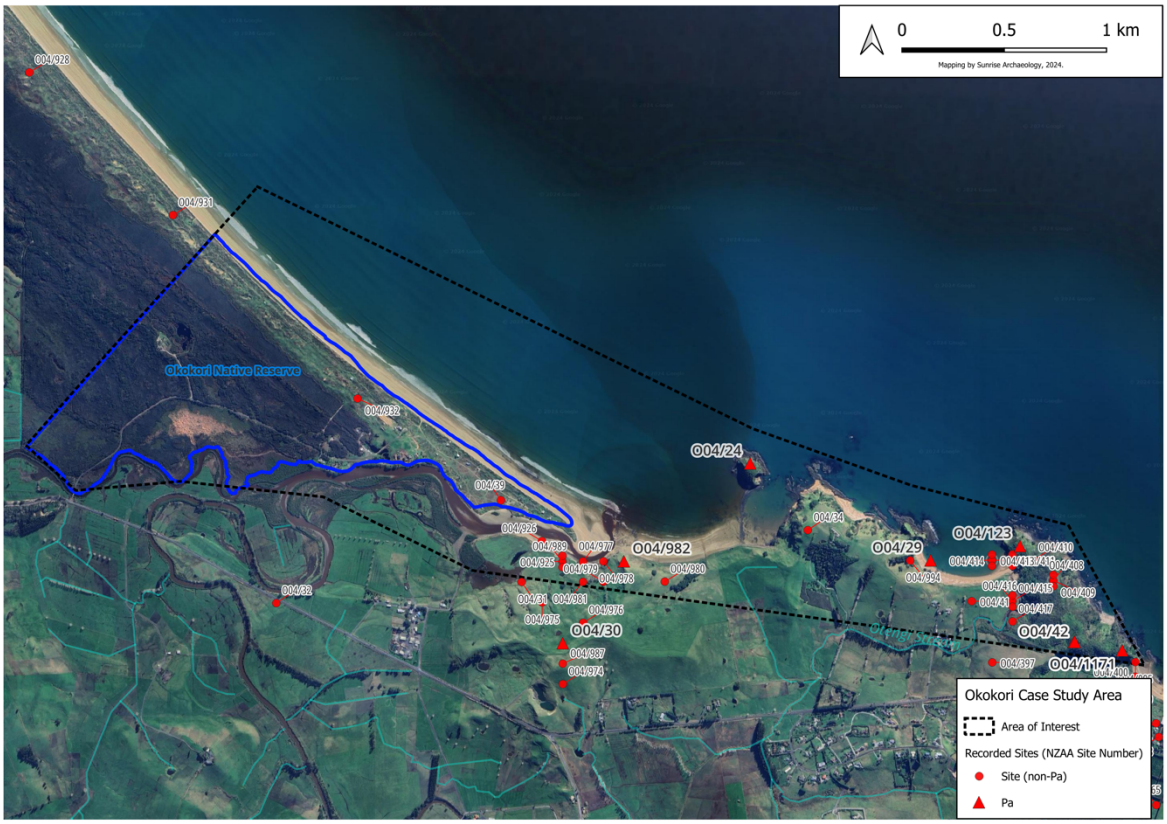
It is therefore my assessment that:

1. It appears that MS05-38 Awapoko Reserve may have been incorrectly applied to Okokori B Block. I recommend that the owners of Okokori B Block make contact with the District Plan Team to discuss the future scheduling of MS05-38 in the Draft District Plan.

2. Rule 12.5.6.2.2 of the District Plan applies to RC 2300463-RMALUC as the scheduling is in the District Plan and cannot be disregarded even though it may be the scheduling is an error. The rule breach should be included in the assessment of environmental effects for RC 2300463-RMALUC as a technical breach; however, the breach should not be a reason to limited notify the owners of Okokori Block A as a requesting party.'[466]

Archaeology of Okokori area

[466] Letter from Esther Powell (Team Leader – Resource Consents FNDC) to Shane Wratt re error in DP on MS05-38 Awapoko Reserve. Document Bank, p. 199.



Map 38: Recorded archaeological sites on or in the vicinity of Okokori. Source: Maxwell and Huebert, 2024.

Assessing the archaeology of this cultural landscape, Maxwell and Huebert have found one recorded site within Okokori, a midden (O04/932) in the Tokerau dunes. There is another recorded site in the area, the findspot of a moa egg (O04/39), though its archaeological associations are uncertain. There are another 28 recorded sites in the area of interest around Okokori, which stretches along the coast of Doubtless Bay to the western end of Taipa Beach. Site types include six pā, several shell middens, terraces, and pits. Several finds of taro in wetlands have also been recorded.[467]

Overall, the archaeological assessment of the area by Maxwell and Huebert found:

> *'The pā sites included in this case study are connected to the network of pā that are present across headlands around Doubtless Bay. This network extends far into the*

[467] Maxwell and Huebert, p. 258.

Oruru Valley to the southeast. The quantity of archaeological sites within the area of interest between Okokori and Taipa provide further evidence this was once a major locus of pre-European Māori settlement.

Overall, there are twelve pā in this large eastern part of the Blue cultural landscape, many of which are within the area of interest for this case study on headlands overlooking Doubtless Bay (Figure 3.64). Others are on high points inland, mostly near waterways.

Other site types in this landscape include over 75 sites where terraces, pits, and/or midden have been recorded, many features in conjunction with others (e.g., pits and terraces, terraces and midden). Over 50 midden sites have also been recorded, and while most appear to be of pre-contact Māori origin, some are associated with gumdiggers' camps. One recorded site (Site O04/1116) includes a Māori footpath, part of the large Kaurinui Pā complex above the Toatoa Stream.

Horticultural sites are few. There have been relict taro plants recorded near Otengi (O04/415, 417). Stone scatters and a historic spring (O04/584) and an extensive Māori wetland drain system (O04/580) were found northwest of Ryders Creek in Taipa.

Few Māori artefacts have been recorded as found in this landscape. Site records report on a few isolated obsidian flakes and a sandstone abrader, along with a few items that have dubious archaeological associations (such as the moa egg discussed previously). The distribution of recorded sites in this landscape fall into clusters that most likely reflect the intensity of archaeological surveys that have been done in some areas, notably around Taipa-Otengi, and also inland between the Oparera and Paranui Streams. It is highly likely there are unrecorded sites within this landscape, especially to the west and south where almost none have been noted.

Okokori would have been a marginal location for permanent habitation, and the archaeological evidence suggests one of the main activities in this area was used to gather resources such as shellfish, fish, and eels. The remains of large accumulations

of shell along with earth ovens, including charcoal, fire-cracked rock, and burnt shell, indicate these foods were processed and cooked in the area as well.

This was once at an important crossroads. It is just west of a series of pā along the headlands and would have been between the populous Māori settlements of Taipa-Oruru to the east and smaller communities farther north on the Karikari Peninsula. It also has a favourable view of much of Tokerau Beach, the inner Karikari Peninsula, and unobstructed views across Doubtless Bay.

Okokori would have been a strategic location, at the mouth of the Awapoko River as it enters Doubtless Bay. This area is said to have once been part of the portage route between the bay and Rangaunu Harbour, which crossed the Aurere Stream to the formerly extensive wetlands of Lake Ohia, and overland near the harbour at Toanga, where deep tracks were once visible (Coster 1984/5, 10). The river entrance here would have also provided access some distance (perhaps 9-10 km) inland via the Aurere Stream to the west, the Parapara Stream to the south, and a network of smaller waterways.

Some horticultural activities are evidenced in the case study area. There are several records of relict crops such as taro that grows well around wetland areas. Nearby to the south, where soils are more fertile, there are also indications of extensive Māori cultivations. For example, a large Māori horticultural drainage system has been documented several km to the southeast, where the Taipa wastewater treatment plant is now located (O04/580 site record, and pers. comm., J. Robinson, HNZPT).

There are only two recorded Māori artefacts in this case study location. This likely does not reflect the quantity of items that are (or were) present in once heavily used area such as this; items may still be present in the dunes, or eroded into the bay or fossicked by beach visitors.

Okokori appears to have avoided the twentieth century ground disturbances that greatly affected much of the Karikari Peninsula. It is reported to have been subject to

some gum digging activities[468]*, which would have compromised archaeological deposits that may have been present, but the extent of these excavations are not known. Overall, considering that archaeological sites are common in the area it is likely that there are further intact middens and other archaeological materials at Okokori. These sites would most likely be found in the dunes, and around the Awapoko River mouth.*

Lastly, it is of interest that there are indications of an early Māori presence in this area. The find of moa eroding from the same dune as human remains that was previously discussed would suggest, if the items are associated, that the area was used within the first century of settlement. Further discussion about the evidence for early use of Tokerau is in the Otamawhakaruru case study that follows.'[469]

Regarding site O04/29 (recorded in the site record as Kohatutapu), Maxwell and Huebert found:

'This site is a small headland pā, joined to the mainland by a narrow neck of land. There are sea cliffs or rocky shores on the remaining sides. A small costal flat is south of the pā, adjacent to Otengi Beach. There is a very large tree (kahika[470]*) of some renown on the mainland south of the ditch…*

When first recorded in 1963, the condition was reported as fair. A visit in 1980 noted it was being eroded but was in a fairly stable condition. Recent satellite imagery (Figure 3.49) shows the site grazed and still in good condition, and the platforms, some terracing, two ditches, and the pit on the eastern arm of the pā are all clearly visible. Historical aerials and Lidar imagery provided no additional information on this site, other than to confirm the tree was already very large in 1944.

There is also a residence and outbuilding on the coastal flat directly below the pā.'[471]

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[468] See historical background.
[469] Ibid., p. 257.
[470] Probably Dacrycarpus dacrydioides, Kahikatea
[471] Maxwell and Huebert, p. 238.

Site O04/39 is the site of a moa eggshell findspot on the left bank of the Awapoko stream. Maxwell and Huebert state:

> *'The eggshell was collected after it eroded out of a dune. Some notes on this and other finds of moa at Tokerau were reported by D.W. Robinson (1963). A note in the site record states the dune where the egg was "washed" (eroded out by flowing water) later exposed a human skeleton in the same general area. However, because the eggshell was not found in an archaeological context and there are sub-fossil deposits at Tokerau that contain moa remains, it cannot be assumed this object relates to human activity.*
>
> *The find was given to the Auckland War Memorial Museum.'*[472]

Site O04/123 is a pā, recorded in the archaeological records as Te Mamangi. According to Maxwell and Huebert:

> *'The site contains one distinguishable terrace (on the southwest side) and shallow, rectangular pits. Shell midden, with some oven stones, was also found in several places. There is a spring present near the site. A sketch map in the site record (Figure 3.56) shows most of these features.*
>
> *Karaka trees were indicated below the ridge, along with tawapou (Planchonella costata). An informant has reported a "stone skull" and scoria boulder nearby. The site sketch notes an "anvil stone" in the eastern portion of the site. There may be a European grave below the site near the stream.*
>
> *At the time of first recording in 1978, this site was under grass. A later note states the ridgetop had been ploughed at some point, and the site was poorly preserved. Aerial imagery from 1944 (Figure 3.49) shows the site was grazed with a few scattered trees*

[472] Ibid., p. 243

and shrubs; no archaeological features are visible. Recent satellite imagery and Lidar also provided no additional information.

The more useful documentation for this site has been mis-filed within the records of O04/42.' [473]

Site O04/981 is a midden, recorded as a 'Mound – Te Ahu':

'This site is on the flats south of the Awapoko River mouth.

The archaeological site here is a midden lens spanning several metres was noted here on the riverside, composed of tuatua shell and fire-cracked rock. Probing on the flats behind indicated extensive deposits of shell; all was not assumed to be midden, as it was noted there are natural shell deposits here as well.

The site also includes a raised mound on the flats, said by the landowner who is a descendant of the Matthews family to have once been a Māori orator's platform used to address those on the hill above.

The mound at the time of recording in 2004 was in good condition, and the area was grazed.'[474]

Maxwell and Huebert have assessed the cultural landscapes current condition as part of the archaeological assessment contained in Volume II of this report. Their assessment found:

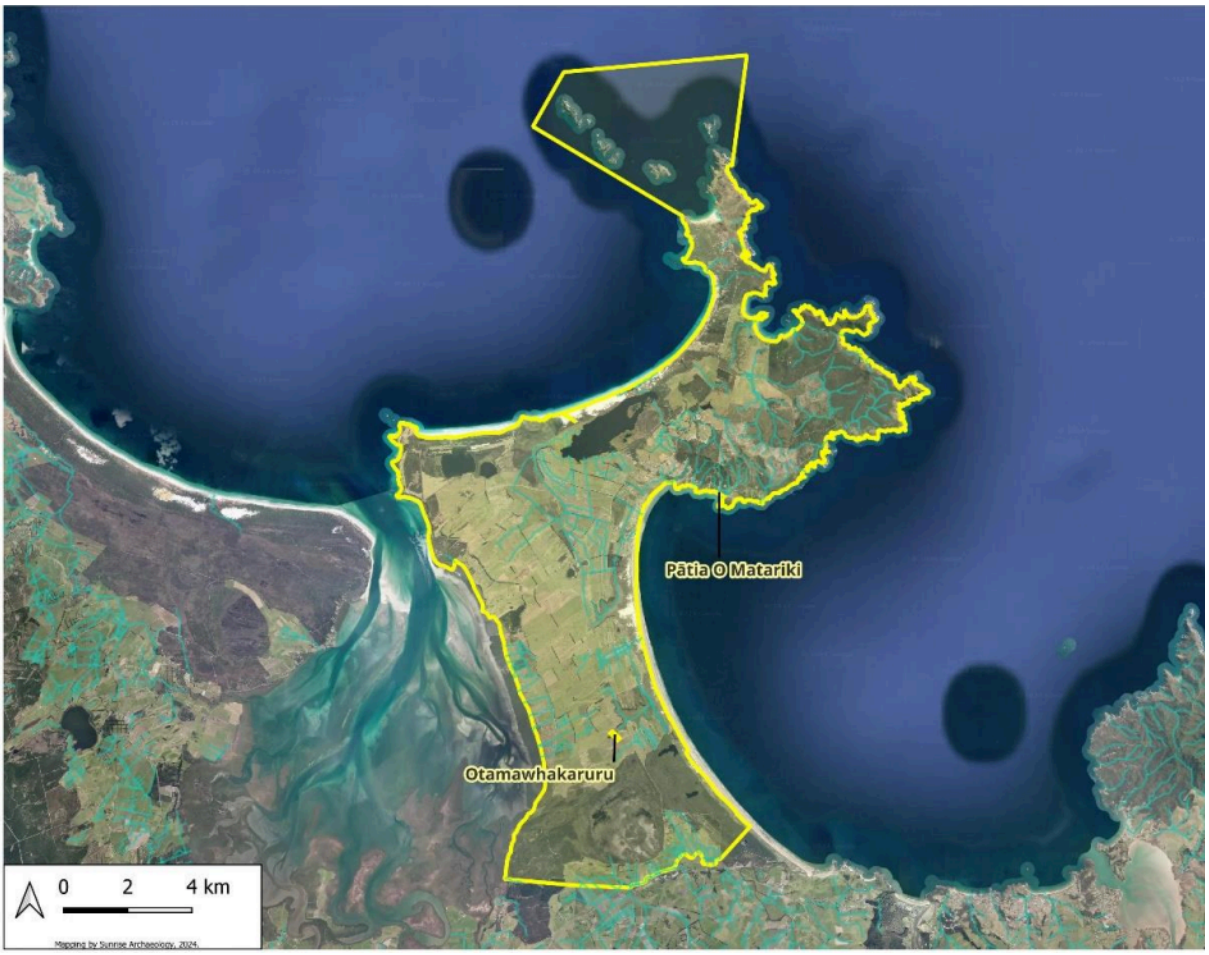
As no sites were subject to an archaeological survey, no review of site condition is warranted. Overall, the Okokori case study area is in moderately good condition at present. The wider area of interest is largely grazed paddocks, with a few scattered

[473] Ibid., p. 246
[474] Ibid., pp. 249-250

rural homesteads. Aerial and Lidar imagery confirm some of the major features of recorded pā in this area are still present.[475]

[475] Ibid., p. 238

PUHEKE TO WHATUWHIWHI



Map 39: Puheke to Whatuwhiwhi, showing Otamawhakaruru and Pātia O Matariki case study areas

CLAIMANT STATEMENT

The following statement has been provided by Atihana Johns for Wai 45 as Interested Party, outlining the significance of their chosen case study areas: Otamawhakaruru and Te Pātia O Matariki.

Kia ora. I happen to have been born and bred in Ngāti Kahu and the Peninsular.

In the case of Otamawhakaruru my interest and mātauranga grew as an adult and it's only recently that I became aware of the location. The inland road onto the Peninsular has been there since the 1960s and the Tokerau Beach road was some distance. While researching my book I came across an item re Kirihini wanting to set aside 20 acres of the site as a reserve. He was the son of Te Morenga. Before that I was aware of the Ngāti Kahu connection to Ngaiterangi of Tauranga the Ngāti Kahu led group from there visiting and being attacked. In the 1970s I met Mr Bill Ohia of Ngaiterangi and at Tauranga. When he found out where I came from he asked how his lake (Lake Ohia) was. His tupuna was one of the taua attacked at Otamawhakaruru and the lake nearby was named after him. The site was revealed to me during the site visit. In other words my mātauranga has grown over time.

Pātia O Matariki

This site was known by me more intimately. As a child we speared patiki there, fished at what we called the Tuuta (Te Uta) on the point. The Pa was at the top of the hill behind the marae. On the beach side was a peach orchard. At the other end of the beach was Matariki Hill. Between the road and the beach was the burial ground from about the dwelling back to Waihapurua stream. Once Takapu became established as a burial place burials there ceased. Access to Pātia beach was on the Pa side of Waihapurua creek. From time to time human kōiwi will be exposed which reinforced the obvious. This is a burial ground and wāhi tapu. Matariki Hill is called that because halfway up on the beach side was a grass platform where wānanga and the observation of Matariki was held. The last one was in 1924 and the Tohunga of the wānanga was Rev. Honetana Papahia. Hence Pātia O Matariki or Te Pā I Tia Ai A Matariki. Or the Pa where Matariki appears.

Atihana Moana Johns
Wai 45 Interested Party

INTRODUCTION

The Pūheke-Whatuwhiwhi area encompasses roughly 14,500 ha of the Karikari peninsula from Lake Ohia in the south through to Puheke, Karikari, Whakapouaka, Rangiāwhia and Whatuwhiwhi. The areas is large and diverse, though predominantly coastal, with long stretches of sand hills beaches and dunes along Tokerau beach and Pūheke and rocky coastal inlets around Karikari and Whatuwhiwhi. As Maxwell and Huebert have found:

> *'The peninsula is formed by several volcanic hills along its head, which over time have become joined to the mainland by tombolo, which are a series of sand dunes. Most of the peninsula lands are low-lying and exposed to winds, except for the hilly inner arm that faces Doubtless Bay.*
>
> *This area was once home to kauri forests, which cycled through periods of growth and decline over a very long time, leaving buried timber and gum resin which can still be encountered there today. Several larger swamps are interspersed through the dunelands. Some, such as Lake Ohia, had large areas drained away in the later nineteenth and twentieth century. Small streams are present in some areas.'*[476]

The area is an important one for tangata whenua, including many wāhi tapu such as Pūheke maunga, Te Ana O Taite, Maitai Pā, Rangiāwhia, Te Iwi-wehea, Waipapa and more. The case studies claimants have chosen for this region are Otamawharuru and Pātia O Matariki. These case studies provide a good representation of the diverse wāhi tapu throughout this area and claimant experiences with the Crown.

[476] Maxwell and Huebert, pp. 261-262

OTAMAWHAKARURU

Map 40: Otamawhakaruru Cultural Landscape. Original land blocks (black), Otamawhakaruru (pink), wāhi tapu (white). Source: Ben Leonard, 2024. Base layer: Google Aerial Imagery 2017.

Introduction

The Otamawhakaruru cultural landscape is located on the southern end of the Karikari Peninsula. It contains a number of important wāhi tapu, including Otamawhakaruru and several around Lake Ohia (Māpere). Otamawhakaruru itself is an important wāhi tapu, located north of Lake Ohia. The area includes burials, wāhi pakanga (battle sites) and a papakāinga. A significant battle took place here involving tupuna of claimants and the dead are said to have been buried there.

This land was claimed by the Crown through four transactions in the mid-19th century. The majority of this region is part of the Puheke Block (1859). In the south-west, the land is covered by the Mangatete Block (1836), sometime known as Mangatete North or OLC160. This was an Old Land Claim block based on an agreement with Mr Davis, in which the Crown kept over

4,000 acres as surplus land. To the south of Lake Ohia (Māpere), this landscape is covered by the Waiake block (1859). Finally, in the west, it is covered by the Parapara block. The Parapara block was an Old Land Claim block, parts of which were taken by the Crown as surplus. The circumstances of this are discussed below.

Claimants have long maintained that Otamawhakaruru was meant to be reserved from the Puheke Block and have consistently pushed for its return since 1859.[477] Parts of Puheke block were later used for growing flax and gum digging in the late 19th and early 20th century, though it is currently unclear whether Otamawhakaruru itself was actually dug over for gum.[478] Whānau continued to live in the area for many generations after the 1859 agreement, including the main signatories.[479]

Petitions in the late 19th century led to an investigation into the land and its eventual granting to the Public Trustee as a reserve for the owners. This appears to have been against tangata whenua appeals, who wished to see the land returned to them in full. As such, the land currently remains in public trusteeship. It was part of the now-lapsed 2012 Ngāti Kahu Agreement in Principle with the Crown as cultural redress for breaches of Te Tiriti suffered by Ngāti Kahu.

Tangata whenua have been largely unable to exercise kaitiakitanga over this wāhi tapu while it remains in Public trusteeship. The block is surrounded by the Rangiputa farm block, with the exception of an adjoining land block (marked on the property records as a road) that could possibly allow access in future, though at present it is not marked on the ground. Otamawhakaruru is fenced, with access for this project being granted at the discretion of the landowner of the surrounding lands, Landcorp.

Otamawhakaruru itself, along with many other sites across the landscape are archaeological sites under the meaning of the Pouhere Taonga Heritage New Zealand Act 2014 and therefore have the general protection discussed below in the section on this legislation. They are not, however, registered on the New Zealand Heritage List/Rārangi Kōrero as wāhi tapu, wāhi tapu

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[477] For instance see petition from Kirihini Te Moerangi discussed below.
[478] Johns, *Footsteps of Hinetewai*, p. 120.
[479] Emeri Matenga, Karikari Title Investigation, NMB, 1, p. 147.

areas or wāhi tūpuna. None of the sites in this cultural landscape are recorded in the Far North District Plan (2009).

Wāhi Tapu

Image 17: Otamawhakaruru. Note light green wetland through centre. High point on left side. Facing southwest. Source: Maxwell and Huebert, 2024.

Otamawhakaruru is part of the wider Puheke area, on land that was said to be underwater (or at least tidal) at the time of the arrival of the tupuna waka Mamaru and Waipapa.

The Mamaru waka was captained by Te Parata and first sighted land in the region at Rangiawhia.[480] At this time the waka was able to sail right around the island, leading to the pepeha: "*Te rangi i tawhiao te motu"* and the name Rangiawhia.[481] The people of Mamaru

[480] Johns, p. 4.
[481] Ibid., p. 5.

settled this area with the Patukoraha hapū at Rangaunu, Te Whānau Moana at Waipapa, Rangiawhia, Merita and Whatuwhiwhi, and Te Rorohuri at Okei, Parakerake, Whatuwhiwhi and elsewhere.[482]

Another important tupuna waka of the region is Waipapa, which arrived in Tokerau Moana and stopped at places like Rangiawhia, Waipapa, Whakapouaka and Tauranganui. Again, the people of the Waipapa waka settled in this region and are among the founding ancestors of the tangata whenua today.

Otamawhakaruru is a well-known by tangata whenua as a wāhi tapu and place of burial.[483] It has been described as a papakāinga and burial ground of "Ngai Tamatea, Ngai Takoto, Patukoraha and Ngati Kahu." Part of the Otamawhakaruru land included a papakāinga, where whānau such as the Matenga whanau lived. [484] As Atihana John recalls:

> *'The area of Otamawhakaruru is twenty acres. I believe that it was battle site where much blood was spilt, and those killed were buried where they fell. The area is a koraha or open space by Lake Ohia.'* [485]

In particular, it is said that a major battle took place on this land and that much blood was spilled. The dead were then buried where they fell, making the place a wāhi tapu of great significance. As Raniera Basset said during the evidence gathering for the Ngāti Kahu remedies inquiry in 2012:

> *'There are many waahi tapu on the Puheke block but I am just going to discuss several that I am aware of. The first is Otamawhakaruru. This is a burial ground that is very large for its purpose. It is a surveyed area of 20 acres. Our kōrero is that a large battle took place where the urupa sits today and that those who fell during that battle are*

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[482] Ibid.
[483] Bassett, p. 97.
[484] Johns, p. 14
[485] Atihana Johns, 'Brief of Evidence', 22 August 2012, Wai 45, R041, p. 15.

buried there. The fighting is said to have occurred during the early 19th century, sometime during the 1820s '[486]

Johns records one kōrero regarding the battle:

> *'I was told by Wiremu Ohia of Ngati Ranginui that his tupuna, Ohia, travelled with Te Kauri of Ngati Kahu. Te Kauri was returning to the north on a visit. Ohia was killed in a battle at a lake in this area. From this point onwards, it was known as Lake Ohia. Te Kauri had gone previously with the Takitimu people to Tauranga. '*[487]

Other burials and wāhi tapu nearby include places near Lake Waiporohita and Lake Ohia (Māpere). Near Lake Waiporohita a burial cave is said to exist.[488]

Johns continues:

> *'Whatever the case, battles did not stop customary use. Neither apparently did they stop the Matenga whanau from living there. It should be remembered that the knowledge of burial places were not always handed down through the generations and often forgotten when settlements were abandoned, only to be found as koiwi were up to 1859 and the sale to the Crown. The memory of so many burial places, would have been impossible to maintain. It also means that where the memory was kept ,tapu applied only to the area in which tupapaku were traditionally buried not the whole hectares surrounding it. With burial ana or caves only the cave was tapu and a reasonable space before it in order for tapu to be observed, the ana respected and a safe distance maintained. '* [489]

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[486] Basset, p. 11.
[487] Johns, 'Brief of Evidence', p. 12.
[488] Mutu et al., p. 45
[489] Johns, 'Brief of Evidence', p. 15.

During the Native Land Court Hearing on the Karikari block in 1877, Emiri Hare Matenga. Emeri claimed through whakapapa from the tupuna Taitehe and noted her ancestors had lived at Otamawhakaruru where they had a wāhi tapu.[490]

Sand dune areas of Puheke are also common for burial, where the bones can be dried before reburial in ana (caves), fissures, or rua in the hahunga process.[491]

Another important element of the hahunga process is the horoi tupapaku or washing of the bodies, usually in a creek with running water. As matua Atihana Johns puts it:

> *'Every creek was used for this purpose at one time or another. The place along the creek where this was done was tapu, but not the whole creek. This is because water has a cleansing effect to remove tapu.'*[492]

It seems likely, therefore, that other wāhi tapu associated with horoi tupapaku and hahunga nearby Otamawhakaruru. A stream and small wetlands area lies in the north of the Otamawharuru block.

There are a number of other important urupa in this landscape. Kōiwi are known to exist right along the Tokerau beach dunes. There are also areas of urupa and kōiwi around Lake Ohia. As Atihana Johns says:

> *'Kōiwi are located all around Lake Ohia.'*[493]

There is also another important urupa in this cultural landscape called Werowero, located just above Lake Ohia (Māpere), towards Rangaunu Harbour. Today, there is a grove of trees near the urupa.[494] Werowero was the location of a papakāinga during the gum digging years, and today is a marae (though no wharenui currently exists there).

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[490] Emiri Hare Matenga, Karikari Title Investigation, NMB 1, 7 March 1877, pp. 152-153.
[491] Johns, *Footsteps of Hinetewai*, p. 45.
[492] Ibid.
[493] Ibid., pp. 38-39.
[494] Bassett, p. 94.

Beyond Werowero, closer to the coast of Rangaunu harbour, lies Matakau Pā. This is another important wāhi tapu though little is currently known about this pā. This is not to be confused with another pā of the same name located near Paungaunau Pā and the Mahimaru/Whangatane River.

North-east of Lake Ohia (Māpere) is another important wāhi tapu known as Rotopōkākā. The caramel colour of the lake is said to emanates from the peat below the lake waters. This wāhi tapu is known for its ability to heal eczema and other skin conditions. [495]

With regards to Lake Ōhia, Sonny Tomas recalls:

> *'Ōhia took its name because there was a drowning in the lake. I believe it was a baby who was buried at Werowero. Māpere is the original name for Ōhia. Werowero is a little settlement, and is part of Ōhia.'*[496]

Arrival of Pākehā

For the tangata whenua of Puheke, contact with Pākehā began early. The first of these visitors were Captain James Cook and his French counter-part Captain Jean-François Marie de Surville who arrived in the rohe within days of each other in December 1769. While Cook and the *Endeavour* only stopped off the coast of Whakapouaka, De Surville and the crew of the *Saint Jean-Baptiste* went ashore at Rangiawhia, Whatuwhiwhi. Days later De Surville and his men kidnapped the rangatira Ranginui from Tokerau Beach and burned around 30 whare at a nearby papakāinga.

Subsequent visits by Pākehā ships appear to have introduced foreign diseases to the region, including a devastating epidemic known as 'piua' in the 1790s. The disease is thought to have

[495] Bassett, p. 93.
[496] Interview with Sonny Tomas, 26 March 2010 in Mutu et al, p. 160.

been introduced by the ship *Fancy* which visited Tokerau moana in 1794 under Captain Dell.[497] The epidemic led to a huge loss of life and reportedly scattered the hapū living here.

In the 1830s missionaries began to visit the surrounding region, including the Church Missionary Society priest Henry Williams.[498] In 1833 the Church Missionary Society (CMS) established its mission station in Kaitaia with the assistance of Nopera Panakareao. The CMS considered Puheke and the Karikari peninsula to be part of its jurisdiction and rejected attempts by other missionary groups to operate there.[499]

Land alienation

As relationships developed between missionaries and tangata whenua, agreements were made to allow the missionaries a place to live, build a home and do their mahi. These agreements were tikanga-based and intended to form ongoing and mutually beneficial relationships between the missionaries and their hosts. In some cases, the relationship developed such that missionaries purported to receive lands in trust for tangata whenua so that they could be protected from sale and alienation. This is said to have happened to the land immediately to the east and south of Otamawhakaruru, known as the Raramata-Parapara block.

Sometime before 1840, the land came in to the possession of the missionary Joseph Matthews. According to some this was done by Timoti Ngatote in order to protect the land from sale. [500] Matthews himself, however, states that he was sold the land by Panakareao in 1839 for 20 pounds cash, 1 cask of tobacco and 20 blankets.[501] This is confirmed by the Parapara deed found in Turton's 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims'.[502]

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[497] Ibid., p. 46
[498] Rigby, 'The Oruru Area and the Muriwhenua Claim', p. 8.
[499] Ibid., 10.
[500] Bassett, p. 77.
[501] J Matthews, 28 January 1843, OLC 329, 14, ANZ (WLG), R18461515. Document Bank, p. 138.
[502] Parapara Block, Turton, 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims', p. 47.

However it seems clear from later kōrero in the Godfrey Commission, Bell Commission and Native Land Court that this land was to be held for Māori, especially certain wāhi tapu within it such as the Pararake Pā.[503]

As the Waitangi Tribunal found in 1997:

> *'A feature of Joseph Matthews' transactions was the assumption that Maori would remain in occupation, that they would continue to have an interest, and that their interests would somehow be protected by the arrangement, presumably because Matthews as title holder could prevent an alienation.'*[504]

When the Raramata-Parapara claim came before Commissioner Godfrey, Nopera Panakareao stated explicitly:

> *'Mr Matthews has but a small portion of Raramata - the remainder of that place belongs to the natives still.'*[505]

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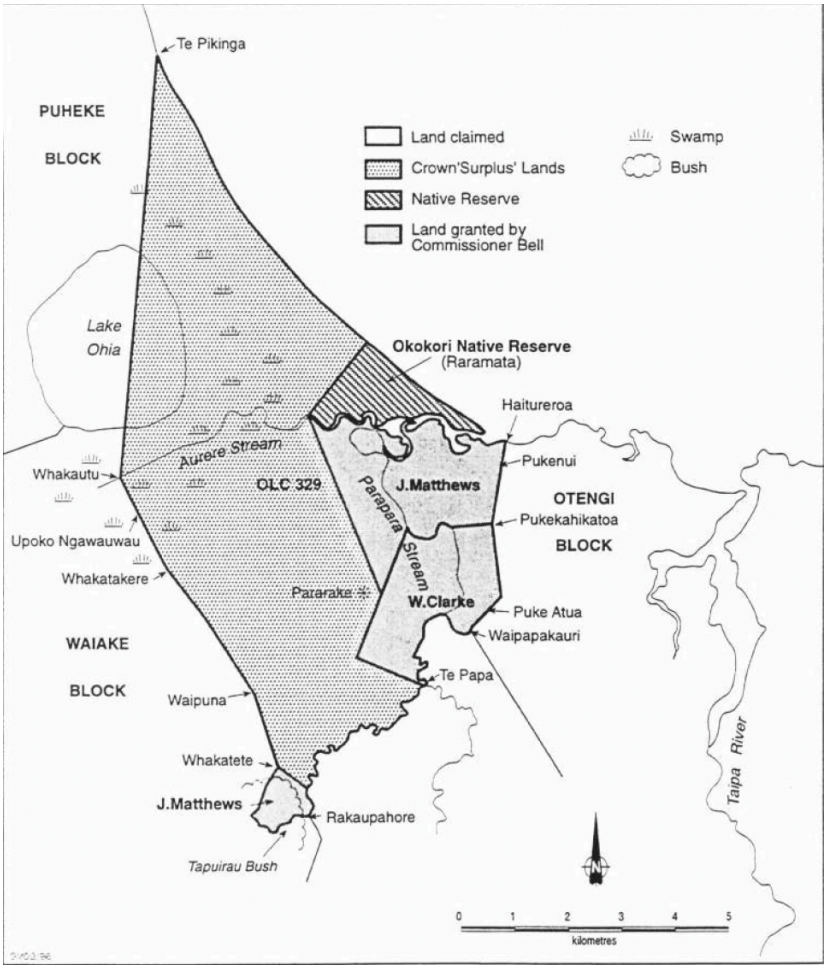
[503] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 91.
[504] Ibid., p. 144
[505] Walzl, p. 975. See also OLC 329, Wai 45, #D12.



Map 41: Raramata, Parapara, Te Mata; awarded to Matthews and Clarke and to the Crown the remainder as surplus. Waitangi Tribunal, Muriwhenua Lands Report, p. 147

Based on the value of goods and assumed size of the land block (though no survey had yet taken place), Commissioner Godfrey recommended a grant to Matthews of 306 acres (124 ha). Governor FitzRoy, accepting Matthews' personal appeal, increased the grant to 800 acres (324 ha). When the land was finally surveyed 16 years later, it was shown to be 7317 acres (2961 ha) in total.

In 1855, Wiremu Tana Papahia wrote to the Governor in reference to lands that were being sold to Pākehā that he claimed an interest in.[506] These included lands claimed by Mr Matthews at Raramata. He asked for payment as recognition of his rights to the land and stated that he

[506] Armstrong & Stirling, p. 127

would continue to put forward his claims to the land. This led to an inquiry by then Commissioner of Land Claims, William Gisborne. On September 22, 1855 Gisborne noted that "no question as to the title to sell seems to have been raised" at Godfrey's inquiry.[507] The claim was then referred to White as Resident Magistrate.

In 1857, Papahia arrived in Auckland, with other rangatira such as Tomairangi, Ngarewa, Te Karu, and Marupo of Hokianga, to request the payment for his interests in the Oruru valley. They also raised their claims to Matthew's Parapara land once again. Chief Land Purchase Commissioner Donald McLean noted in his report to Kemp:

> *'they wish to exclude a piece of land called Pararaki from the sale to Mr Matthews'*[508]

There is no record of what action Kemp took regarding Pararaki/Pararaki.

In 1857, the Raramata-Parapara claim came before the Bell Commission. Matthews appeared along with Reihana Kiriwi and other Māori.[509] Matthews produced a survey plan which defined the whole of the land north of Aurere Stream as 2967 acres (1201 ha).[510] In a sworn statement, Matthews reminded the commissioner that, when the matter was before Godfrey, it was settled that the whole of the land at Raramata was reserved. The intention, he said, was to make a sufficient reserve for the natives for their canoes, nets, and other purposes. He went on:

> *'When the survey was made it was carried along from the entrance of the river to the stump of a tree and Te Pikinga, and I am desirous in performance of my promises to the Natives, [that] the whole of [the] land between the Raramata (or Awapoko) River*

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[507] Ibid., p. 128.
[508] No. 11, The Chief Commissioner to Mr. Commissioner Kemp, Certain Hokianga Chiefs prefer Claims to Oruru. Land Commissioner's Office, 11th December, 1856, Henry H Turton, *An Epitome of Official Documents Relatives to Native Affairs and Land Purchases in the North Island of New Zealand*, George Didsbury, 1883, Wellington, Digitised as part of New Zealand Electronic Text Centre. Accessible online at https://ndhadeliver.natlib.govt.nz/webarchive/20210104000423/http://nzetc.victoria.ac.nz/tm/scholarly/tei-TurEpit.html
[509] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 230.
[510] The full circumstances of this are discussed in Armstrong & Stirling, p 133.

and Te Pikinga should be given up as a Reserve for their use. If this is conceded the Natives have agreed to pay Mr Clarke for the survey of the same'[511]

Matthews also noted a "sacred place" called "Pararaki" which some Maori wished to have reserved, adding that he understood that Bell had agreed to this.[512]

On February 15, 1858 Bell wrote to White regarding various Muriwhenua land claims and asked him to advise Matthews that:

'he must be careful as to the Pararaki Reserve mentioned in his evidence. I have had a Native letter from Wi Tana of Hokianga about it.'[513]

In January 1859, after calculating survey and fee allowances, Bell awarded Matthews 2,097 acres at Parapara. Matthews transferred 349 acres of this area to this Kaitaia award and selected a 1,748 acre grant for himself, out of which 659 acres were transferred to the claim's surveyor, William Clarke, as payment for his services. The Government retained 5,229 acres of surplus land.[514]According to Bell's minutes from the hearing, Māori were meant to receive 'their cultivations in the forest marked on the plan' and according to correspondence, they were also to take Pararake Pa and urupa.

Bell initially declined to grant a reserve to Māori, but after discussing it with Reihana Kiriwi and others, he agreed to make a reserve of 300 acres (later 340 acres) 'at Raramata'. There is no evidence that Bell had assessed the true area of Raramata.[515] Armstrong and Stirling state that 'the old Pararake pa and wahi-tapu (marked on the plan as "Native Reserve Hill' were reserved for Māori.[516]

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[511] No. 11, The Chief Commissioner to Mr. Commissioner Kemp, Certain Hokianga Chiefs prefer Claims to Oruru. Land Commissioner's Office, 11th December, 1856, Turton, *An Epitome of Official Documents Relatives to Native Affairs and Land Purchases in the North Island of New Zealand*.
[512] Armstrong & Stirling, p. 131.
[513] OLC 8/2, Wai 45, F004, p. 167.
[514] Armstrong & Stirling, p. 132.
[515] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 234.
[516] Armstrong & Stirling p. 132.

There is no evidence that Pararaki/Pararake was reserved however and it simply appears to have been included in the Matthews grant. The wāhi tapu had a trig station erected on its peak and was designated as a quarry reserve, though the quarry apparently never took place. The land remains part of the Matthews family land to this day.

When discussing the Bell Commission's handling of the Matthews claim during the 1897 title investigation to Okokori in the Native Land Court, Timoti Puhipi stated that:

> *'Reihana [Kiriwi] alone appeared in the Court before Commissioner Bell, he was asking for the whole surplus to be returned to him. But the Commissioner cut off this reserve - 340 acres only.'*[517]

With regards to Raramata, the Waitangi Tribunal found:

> *'Our primary concern about the Raramata situation can be stated simply. We consider the Government's right to Parapara block, over 2600 acres (1052 ha), was never properly established and, on the evidence, the land should have been reserved for Maori.'*[518]

The Tribunal has also found that it was doubtful that Māori were aware of the claiming of their lands as surplus at the time:

> *'The allocation of land to Europeans, to the Government, and to Maori was happening on paper. No change was apparent on the ground. One needed to have access to the documents and plans to know what was happening. Only White, Kemp, Bell, and whoever kept the papers in Auckland were in that privileged position. No physical possession was taking place.'*[519]

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[517] NMB, 17, 5 October 1897, p 368.
[518] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 234
[519] Ibid., p. 234

Another important pre-Treaty agreement covering this land was the Mangatete block. The deed was apparently signed by a rangatira called Taua and a settler named Mr David Jr in 1837. Payment was said to be 40 pounds cash. As with all tuku whenua agreements, this cannot be said to have been a full and final sale of the land. Subsequent surveys have shown the Mangatete block to contain 4880 acres, including the western shore of Lake Ohia.

Mangatete was brought before the Bell Commission and given the appellation OLC160. The Crown investigations of the agreement were minimal and in the end it granted Davis 466 acres and kept 4,414 acres itself as surplus.[520]

Following the signing of the Treaty of Waitangi in 1840, the Crown began signing agreements with local rangatira for huge blocks of land which it then claimed permanent sales. The land at Otamawhakaruru was subject to the Puheke Block agreement signed in 1859 by 15 rangatira for 300 pounds. [521] The signatories were:

- Ahuahu
- Mumu
- Wiremu Kingi
- Hare Matenga
- Taipari
- He Taraka Kawau
- He Tariki
- Wiremu Tewaha
- Kahoe
- Karewa
- Timoti
- Taniwa
- Ihaka
- Matiu

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[520] Rigby, 'A Question of Extinguishment: Crown Purchases in Muriwhenua 1850-1865', p. 72.
[521] Waitangi Tribunal, *Muriwhenua Lands Report*, 235. Stokes, 'A Review of the Evidence in the Muriwhenua Lands Claims', Ch. 17.6.

In the case of Puheke, no survey of the land was completed at the time of the agreement. Kemp estimated it at the time to be 6000 acres (2428 ha) but a later survey showed it was closer to 16,000 acres (6475 ha).[522] The sketch on the deed was apparently relied exclusively on a recently drawn hydrographic survey of Tokerau Moana and Rangaunu done by Commander Drury of the HMS Pandora in 1852. The chart may have been sufficient as a hydrologic survey of water depths and coastlines in the area, but it was certainly not appropriate for a lands survey of such scale.

Claimant Atihana Johns has questioned the legitimacy of the Puheke Block given the lack of a clear and contemporaneous survey, underestimation of land size, and wording of the Te Reo version of the deed (that rangatira signed).

> *'The intent of this document is very clear in English. It was to be "a lasting possession, absolutely forever and ever". In Te Reo it is by no means clear and says; "hei tino mau tonu ake, tonu atu.*
>
> *This is not only because the deed was written in English first and the translators had to find equivalent words in Māori to convey meanings that had no cultural context or significant meaning to Māori. The compiler of the deed is very confident in assuming that his language and land tenure system is the one that would count on the day."* [523]

Moreover, the details of the transaction and the kōrero and negotiations that surrounded it were not kept by the Crown. It appears that Māori had explicitly requested that Otamawhakaruru be reserved for them, as raised in the petition discussed below.[524]

That same year, and just to the south, the Crown entered into an agreement for a 6,952-acre block of land called Waiake. The land contained the southern boundary of Lake Ohia, complete

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[522] AJHR 1861 C-1 p. 31.
[523] Johns, *Footsteps of Hinetewai*, p. 77
[524] Stokes, 'A Review of Evidence, 560: Gould, pp. 2-3: Petition of Kirihini Te Moeranga (27/1882), AJHR, 1882, I2, p. 18.

with all its wāhi tapu, as well as others to the south such as Te Pewa. The purchase price was 220 pounds and the signatories were:

- Reihana Kiriwi
- Wiremu Pikaahu
- Henare Kepa
- Teira Karuhero
- Hone Karu
- Ahuahu

Records show that on June 16, 1864 the northern portion of the Puheke Block (6000 acres) was leased to H Matthew as a stock grazing run licence for 5 pounds per annum.[525]

Regardless of the Puheke, Raramata-Parapara, Waiake and Mangatete North deeds, little appears to have changed on the ground in terms of customary land tenure. People continued to live at Otamawhakaruru, Lake Ohia, and other places. They continued to set eel traps at Waimango and Rotokawau, to fish along the Rangaunu and Tokerau coasts, and to bury their dead in urupa including at Lake Ohia and Lake Waiporohita right up until the early 20th century.[526] Rangatira like Hare Matenga continued to throughout throughout the area, including at Otamawhakaruru, as did his daughter Emeri Matenga Popata in the next generation. [527]

As Johns states:

> *'Wasteland it definitely was not. This whenua wasn't developed until thew 1960s. This would have led them to believe that they had "let" it. They and the Dalmatians in particular even dug gum there as long as the industry thrived and while it was 'gum reserve' land. In other words even the Crown didn't see the 1859 transaction as "full*

[525] Daily Southern Cross, Volume XXVII, Issue 4457, 7 December 1871, Page 2. Auckland Star, Volume X, Issue 2975, 28 October 1879, p. 3
[526] See Emeri Matenga Popata's evidence in Karikari title Investigation, NMB, 1, 7 March 1877, p. 153
[527] Sir Graham Latimer and Tina Latimer, p. 5.

and final" until well into the twentieth century. Their sole activity as the' owner' was to sell pieces along the Tokerau Beach and Rangaunu Harbour foreshore.'[528]

Since it was clear that the Crown had no intention of properly protecting wāhi tapu, Māori began to look for other ways to protect their burials. As a response, tangata whenua began exhuming their dead across the rohe and moving them to the few urupa that had legal protection. These were often church cemeteries or marae urupa that were on the few pieces of Māori land that remained.

In the case of numerous wāhi tapu of Puheke, kōiwi were moved to Takapu urupa at Whatuwhiwhi, near the present Haititaimarangai marae.[529] This has occurred many times throughout the late 19th century and throughout the 20th.[530] Accidental discoveries of kōiwi were moved in this manner, as well as pre-emptive exhumation in cases where the burial was under threat.[531] In some cases, large ana kōiwi were completely emptied and reburied at Takapu. This was a direct response to the Crown's failure to protect the original burials, which should have remained safe.

At Lake Ohia, for example, burial mounds have been opened by accident and kōiwi have been exposed. Kaumatua such as Waaka Rutene reinterred the kōiwi using the appropriate tikanga.[532]

While these exhumations and reburials were done under the guidance of kaumatua and following tikanga, there is no doubt that they were deeply painful experiences. Oral history interviews conducted for this research project have recounted numerous instances of such reburials and the mamae experienced as a result. [533] As Flo Campbell describes:

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[528] Johns, *Footsteps of Hinetewai*, p. 49
[529] Ibid., p. 48.
[530] The extact details of these events have been withheld from this report to protect the tapu of this activity but numerous instances were discussed in both oral history interviews with Atihana Johns and the Rupāpera whānau completed for this project.
[531] Johns, *Footsteps of Hinetewai*, p. 49
[532] Johns, 'Brief of Evidence', pp. 38-39.
[533] Norma Evans, Interview with Rupāpera whānau, Te Paatu ki Kauhanga Oral History Project, Zoom 0014, 06'45"

‘There's a certain mana within the removal, you're removing, you're parting them from a beloved, that we don't know is there in those sands and to do that you're violating that aura where that person lays, laid. Because we kind of believe that they're not on their own in those sand dunes so to take them to a strange environment is not good for our souls and that we need to stop it from happening for future reference’[534]

However, the lack of protection for these wāhi tapu led Māori to make the difficult and painful decision to have to move their ancestors from their resting place. This was a necessary and practical responses to keep kōiwi safe from desecration and destruction, but that did not lessen the pain and trauma cause by the loss of these burial places and wāhi tapu.

1882 Petition

Both kōrero tuku iho and petitions to the Crown record that Otamawhakaruru was supposed to have been set aside from the Puheke block in 1859, at the explicit request of the signatories.[535] The Crown, however, appears to have kept no record of the discussions or negotiations with iwi signatories. Once it became clear that Otamawhakaruru had not been protected, tangata whenua made it known to Crown officials.

In 1882, the Native Affairs Committee received a petition from Te Kirihini Te Moerenga (Morenga) noting this error and asking that 20 acres be granted for the burial ground. [536] The petition had been forwarded to the Committee by H W Bishop, Resident Magistrate at Mangōnui. Like many contemporaneous requests to the Crown, the original petition has not been kept in the records. Instead, the first reference we have is the summary of the petition in the Native Affairs Committee report for that year. The report reads:

> *‘No. 297 of 1882.—Petition of Kirihini Te Moeranga.*

[534] Flo Campbell, ibid., 15’48”
[535] Bassett, pp. 11-12.
[536] Kirihini Te Moeranga, No 297/1882, AJHR, 1882, I-2, p.18

Petitioners say that a burial-place is included in land sold to Government at Otamawhakaruru, Mongonui, and that this burial-ground was excepted from the sale, but petitioners find that no provision has been made to give them possession. They pray that 20 acres of land, including the burial-ground, may be given to them.

I am directed to report as follows:—

That the petitioners do not give the name of the block referred to; but Mr. Tawhai, who presented the petition, thinks it is Puheke. The Committee has no evidence as to whether the land has been sold by Government to settlers. The Committee recommends that inquiry should be made, and if it be found that the land is still held by the Crown, that any burial-place within it should be protected.'

On 13 December the matter was referred to the Survey Department in Auckland. It appears that an investigation was made, because on 5 July 1883 the Under-Secretary of the Native Department wrote to the Surveyor General asking 'that a survey of 20 acres of the Puheke Block being the Wahi tapu called Otamawhakaruru may be made – plan and description supplied' to the Native Office.[537]

Instructions were issued to the Auckland office of the Lands Department to proceed. However, some delay appears to have ensued. On 17 September 1883 a letter was received at the Native Department from the petitioner Te Kirihini asking for information in respect of the wāhi tapu. This was followed on 2 April 1884 by a letter from S. Percy Smith to the Surveyor General in respect to the delay.[538]

The survey appears to have been authorised on 3 September 1884 and completed during December 1884.[539] It was noted that the block contained some ancient caves that may have included burials. The Native Department was informed on 31 December of the completion of the survey.

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[537] The correspondence is covered in full in Ashley Gould, 'Memorandum in respect of further research related to the evidence of Dr Ashley Gould', Wai 45 #J4C.
[538] Ibid., p.3.
[539] SO Maps 3335 in Wai 45, #J004.

During the first half of 1885 a decision appears to have been made to issue a Crown Grant to the Public Trustee on behalf of tangata whenua. This was specifically dealt with by the Special Powers and Contracts Act 1885. The land in question was to be held "in trust as a Native burial place, and to be absolutely inalienable". Notification of the decision was forwarded to Mr Bishop at Mangōnui on 18 January 1886.[540] While the Crown may have viewed public trusteeship as an adequate protection, this was apparently against the explicit wishes of the petitioners. Tangata whenua wanted a direct return of the land rather than a public vesting. [541]

An investigation carried out in 1993, as part of the original research for WAI45, revealed that the Otamawhakaruru was still held by the Public Trustee on behalf of the Māori owners under Certificate of Title 42/75. No information was available to explain why the land was vested in the Public Trustee, or why it remained so, and was not set aside as an inalienable reserve on application to the Native Land Court and so returned to the control of the Māori owners.

With regards to the vesting, the Waitangi Tribunal has found:

> *'A Maori claim was also admitted to the Otamawhakaruru burial ground on Puheke, but then the Government simply vested the urupa in the Public Trustee, in 1885. It was not passed on to Maori, and the fact that the title was still sitting with the Public Trustee was not discovered until 1993, during the course of our inquiry, over 100 years later.'*[542]

Gum digging and flax milling

As Pākehā settlement expanded in the far north and the Crown continued to sell off valuable land, Māori had to seek out new ways to make a living in the new cash economy. This included both flax milling and digging for kauri gum. Both activities were labour intensive, but for periods of the late 19th century, the returns and lack of other viable options made it worthwhile.

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[540] Gould, p. 4.
[541] Johns, *Footsteps of Hinetewai*, p. 79
[542] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 337

In the land surrounding Otamawhakaruru, both gum digging and flax milling were important activities. Flax was grown for milling at Lake Ohia and Waiporohita. A mill was established at Lake Ohia and produced dressed flax fibre for local and international export.

Image 18: Pile of dressed flax at Lake Ohia, c1910. Northwood Brothers Collection, National Library 1/1-010556-G IRN: 490871

Gum digging appears to have outlasted flax as an industry in the area, with the practice continuing right up until 1949. In 1883 it was reported that Kauri gum digging was the main occupation of Māori in the region, with plentiful gum and high prices (though these were

subject to extreme fluctuations).[543] Under the Kauri Gum Industry Act 1898, gum digging reserves were established at Puheke (called Puwheke), Lake Ohia and Parapara. The 5,600 acre Ohia gum reserve included the whole of Otamawhakaruru and its Public Trustee status does not appear to have excluded it from this designation.[544] At Werowero, Lake Ohia and Waiporohita, gum digging villages were built by the gum diggers themselves.[545]

As John Coster wrote in his historical review of the Rangiputa Farm:

> *'During the 1920s and 1930s, settlement on the "neck" of the Peninsula between Lake Ohia and Whatuwhiwhi was sparse and life was hard. The price of kauri gum dropped in the mid-1920s and by 1941 the gum industry had virtually ceased to exist. A small itinerant population of diggers lived on the gumfields, some with permanent shanties, others in temporary camps whose numbers increased during the summer when digging was possible in drier swamps. Māori, Dalmatian and "British" diggers were all represented. Around Lake Ohia, the largest settlement, the population might have been as large as 100-150, but generally it seems that during this period the gum diggers apart from some Māori family groups, worked along or in scattered groups.'*[546]

Gum digging was undertaken by Māori, along with recently arrived Dalmatian immigrants. The work involved sticking long probes into the earth and if gum deposits should be discovered, then they would be dug up by spade. Bags full of the gum would then be transported huge distances by back, horse and cart, or later by lorry. This was a highly extractive industry and in some places it took a heavy toll on the land.

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[543] 'HW Bishops report 1883; and gum digging flourishing'. AJHR, 1883, Vol 2 D-G, p. 1.
[544] Kauri-Gum Industry Act 1898. See also AJHR 1901 C-01, p. 3.
[545] Johns, *Footsteps of Hinetewai*, p. 120.
[546] John Coster, 'Rangiputa Farm Settlement Archaeological Site Survey', Report for Department of Lands and Survey, 1985, p. 3.

Image 19: Transporting Kauri Gum at Lake Ohia, 1913. Auckland Libraries Heritage Collections AWNS-19130501-06-01

In some areas, it appears the Dalmatian contingent planted and harvested grapes for wine, including around Lake Ohia in the early 20th century.

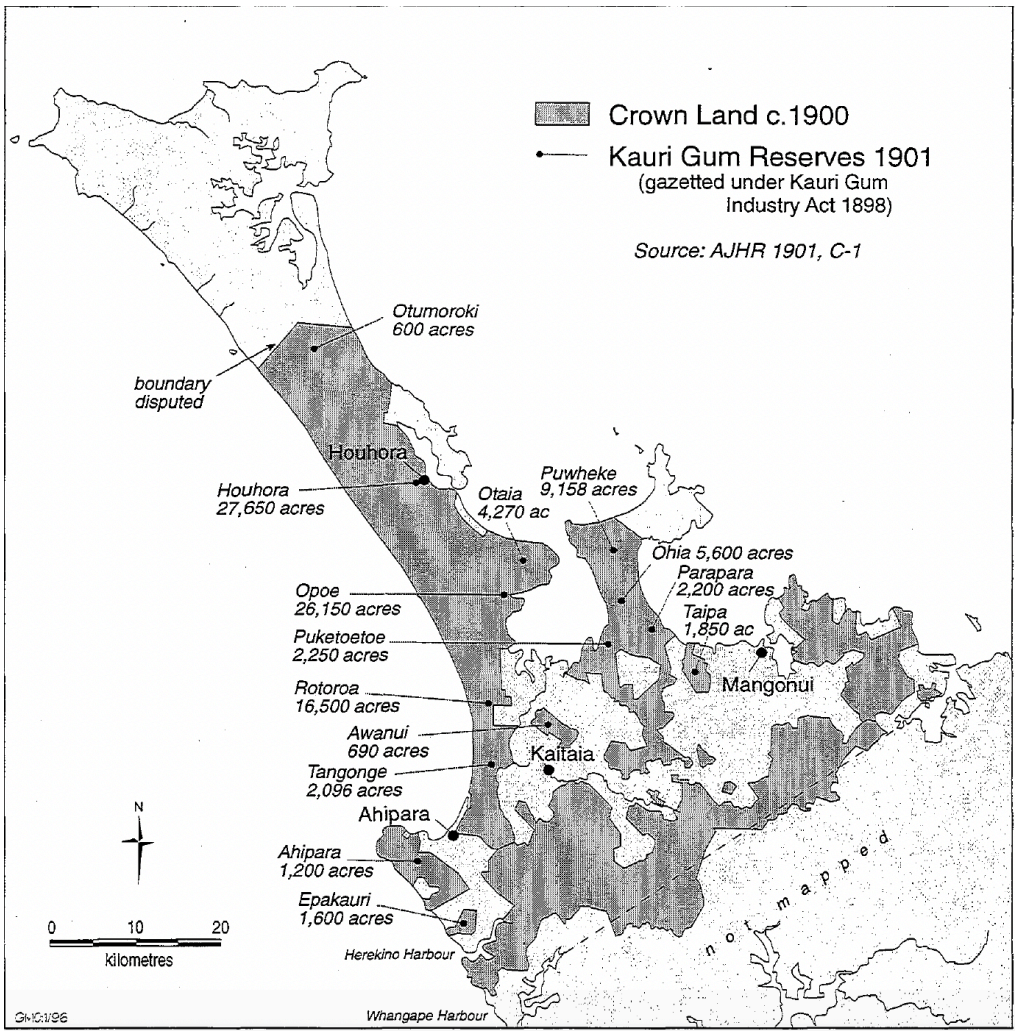
Image 20: Lake Ohia, 1913. Auckland Libraries Heritage Collections AWNS-19130501-15-04

According to oral history, tangata whenua engaged in gum-digging were well aware of Otamawhakaruru and the other wāhi tapu of the region.[547] It is unlikely they dug for gum on the wāhi tapu parts of this whenua, though others with less knowledge or inclination may well have.

Regarding the Werowero gum digging camp, Atihana John's recalls:

> *'In my lifetime however digging gum had become a sunshine industry. A Settlement at Werowero was set up by whanau for this purpose.'*[548]

[547] Johns, *Footsteps of Hinetewai*, p. 120.
[548] Johns, 'Brief of Evidence', p. 17



Map 42: Kauri Gum Reserve at 1901. Stokes, 'Review of Evidence', p. 295.

While Otamawhakaruru may have been vested in the Public Trustee on paper, developments on the lands at Puheke continued to threaten its existence. By the 1920s more and more land was being sold off by the Crown. Many of the gum reserves, including Puheke, were carved up into roughly 25 acre sections and sold off under what the Government called "easy terms":

> *'There would appear to be no question about it that this is the best method of settling these poor gum lands.'*[549]

[549] 'Settlement Of Crown Lands (Annual Report On),' AJHR, 1923 Session I-II, C-01

With the gum digging industry having collapsed by the mid-20th century, the Native Affairs Department began a project of trying to develop farms on consolidated blocks of Māori land.[550] In the case of farms at Karikari, this required transport to get the cream to dairy companies at places like Ōruru. Initially this was done by driving the cream truck along Tokerau beach at low tide, but by the 1960s investigations were taking place for a main road to connect the peninsula.[551]

Eventually in 1969 an inland road was constructed right through the middle of the Puheke lands.[552] The road was built right past Otamawhakaruru, which by this point had been a Public Trustee reserve for more than 80 years. The road bends around Otamawhakaruru and its unclear from the documentation if this was done to avoid the block or for more prosaic reasons given the nearby hill and wetland. While the 20 acres (8 ha) block was set aside, there is no guarantee that burials or wāhi tapu did not extend beyond this boundary and may have been impacted by the road. There is also no guarantee that construction activities associated with building the road did not spill over or impact the wāhi tapu nearby. Given the road crosses the wetland and stream area that crosses the northern section of Otamawhakaruru, some roading impact is likely.

At present the land remains vested in Public Trusteeship as it has done since 1885. It is surrounded by part of the Rangiputa station, discussed below, with some roading access, also discussed below.

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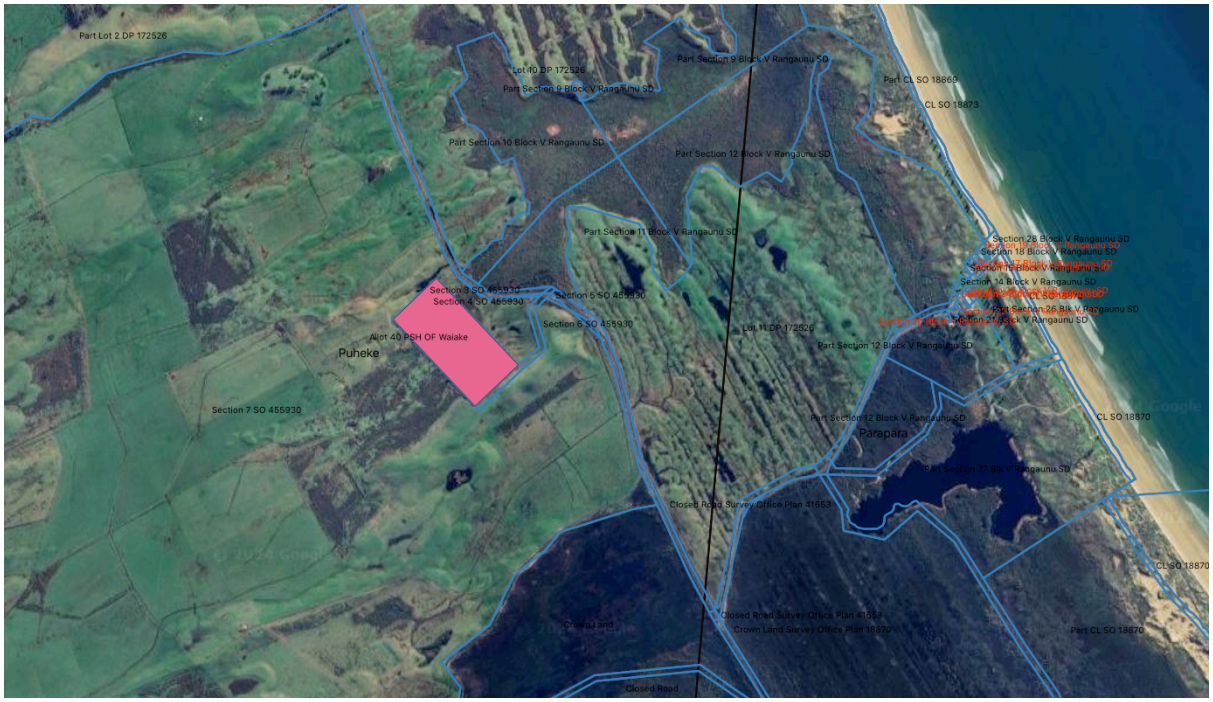
[550] This is thoroughly addressed in Stokes, 'The Muriwhenua Claims Post 1865', p. 297.
[551] Interview with Atihana Johns, Te Paatu ki Kauhanga Oral History Project, Zoom 0014, 06'45"
[552] Stokes, 'The Muriwhenua Claims Post 1865', p. 297.



Map 43: Current Land-ownership at Otamawhakaruru (shown in pink), current property parcels (blue), original land blocks (black). Source: Ben Leonard, 2024

Occupation of Rangiputa Farm Settlement

Otamawhakaruru is almost completely surrounded by Lot 4 DP172526, being part of the Rangiputa Station. The station was subject to a significant land occupation by tangata whenua, including claimants, in 2007.[553]

The Rangiputa Station, being part of the Puheke block of 1856, was held as Crown land well into the 20th century. This was transferred to Landcorp upon its inception in 1987 and became a Landcorp farming station. In 2005, as part of Crown asset sell-offs, sections of the land amounting to 9 hectares (of the full 3,700 hectares) were earmarked for sale tenders.

[553] Sir Graham Latimer and Tina Latimer, p. 22.

Map 44: Resumable Property on the Karikari Peninsula (orange), with Otamawhakaruru (pink) and original land blocks (black). Source: Waitangi Tribunal, 2023.

In protest, Rangiputa Station was occupied by WAI 1848 claimant Pereniki Tauhara on 14 February 2007.[554] Sir Graham Latimer picks up the story:

> *'With my support and kaumatua and kuia of Ngati Kahu including Hector Busby, Emily Latimer, Ngaroma Rupapera, the late Taaki Matthews, Atihana Johns, the late Susie Reihana, and the late Rima Edwards for Te Runanga O Muriwhenua, WAI 45, He Uri Whakaputuranga o Ngati Kahu occupied Rangiputa Station (Landcorp Farming Limited)…*
>
> *… Pereniki Tauhara was instrumental in organising the occupation along with Richard Lawrence. My daughter Tina Latimer did the necessary paper work which was filed with the Prime Minister and relevant Ministers of the Government of that day.'*[555]

[554] Ibid.
[555] Ibid.

According to Pereniki Tauhara's evidence:

> *'On the 14th February 2007 our rōpu, Nga uri whakatupuranga o Ngāti Kahu served an occupation notice on the Mananger of Land Corp farm Rangiputa. It was well organised, peaceful and non - threatening. This action was prompted by an attempt to sell part of the SOE Land Corp to sell 9 hectares of land on the Rangiputa beach front over looking Rangunu Harbour. As a piece of real estate it was well chosen as these times of exorbitant prices for such land in a coastal Northland. As this land was under claim by Ngāti Kahu the action was justified. It was seen by our rōpu as another attempt historically to alienate Crown or State owned land through privatization so that it could not be claimed. There have been two Land Corp blocks that have already been sold.*
>
> *Richard Lawerence and I were the main organisers of this occupation; our group was Boss Tipene, Ben Tukariri, Honi Bassett, Marlene Hetaraka and many others. Our Kuia and Kaumatua supported us and believe our actions were justified. These were Sir Graham Latimer, Huahana Reihana, Waipuarangi Lawerence, Milly Matiu, Ngaroma Rupapera, Rima Edwards, Maki Hetaraka, Emily Latimer, Atihana Johns, Whiti Fletcher, Millie Tukariri and Alan Hetaraka..*[556]

The reasons listed by Pereniki Tauhara for the occupation were:[557]

- Stop the sale of land by Land Corp;
- Cooperate in the management of the farm operations and ensure they were not disrupted but also make sure there was no asset stripping;
- Draw attention to the failure of the claims process in producing any results for Ngāti Kahu after eleven years of negotiations;
- Insist on a say in the process and for the whole of Ngāti Kahu people to have an input into the deliberations taking place with the Office of Treaty Settlements;
- Ultimately to get land back under Ngāti Kahu ownership, but with proper governance and farm management by competent people.

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[556] Tauhara, 'Brief of Evidence', p. 37.
[557] Ibid., pp. 37-38.

Again, Sir Graham Latimer picks up the story:

> *'On the 7th March 2007 it was unanimously agreed by the whanau "that the negotiators for Rangiputa Station Puheke Block (Deed No.7) be led by Sir Graham Latimer, Pereniki Tauhara, Atihana Johns, Alan Hetaraka and Richard Lawrence," moved by John Bassett/Te Uri Ngatote Reihana. Negotiators were appointed by the whanau (original occupiers of Rangiputa Station) to seek a return of Rangiputa Station from Landcorp Farming Limited. I was appointed spokesperson by the whanau of He Uri Whakatupurunga O Ngati Kahu.'*[558]

In March 2007, Landcorp announced it would defer the sale of the 9 hectare block while the Government reviewed its land-sale policies.[559] The land was subsequently included in the 2008 Ngāti Kahu Agreement In Principle (AIP), with 335 hectares from Rangiputa Station containing wāhi tapu and archaeological sites would be vested in Ngāti Kahu as cultural redress.[560] The AIP also included an opportunity to purchase Rangiputa Station (less the area transferred as cultural redress) for $4.1 million if a deed of settlement was signed within 18 months of the AIP.

The land was also the subject of the 2012 Ngāti Kahu Remedies Inquiry which heard evidence from claimants to this project (including Wai 1842 and Wai 1359) on their interests in Rangiputa station. That evidence has been an important source for this report. The Tribunal recommended:

> *'... that the Crown offer Rangiputa and Kohumaru Stations and the Kohumaru blocks of the Otangaroa Forest to an entity representative of all of Ngāti Kahu hapū. Any such offer would be the subject of a ratification process. If and when these assets are returned to a Ngāti Kahu post-governance entity we think it best left for the Ngāti Kahu*

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[558] Ibid., p. 23.
[559] Northern Advocate, 'Sighs of relief at Rangiputa', 22 March 2007.
[560] Ngāti Kahu Agreement in Principle, 2008, p. 9.

iwi and their constituent hapū to decide whether they are held as iwi assets or further devolved to any or all of the hapū.'[561]

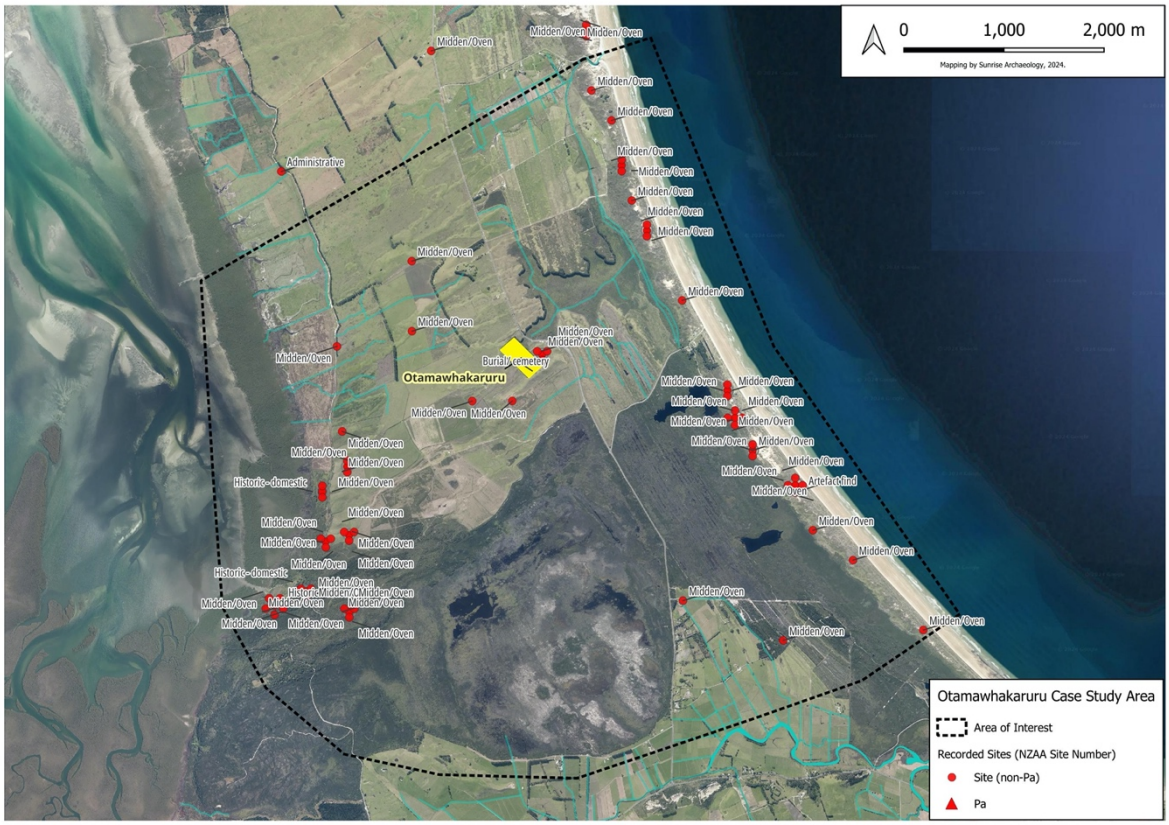
Current Access

Map 45: Potential access to Otamawhakaruru (pink), with paper road (red), property boundaries (blue). Source: LINZ property boundaries, 2024. Basemap: Google Aerial Imagery 2017.

For site visits and archaeological assessment as part of this project, Otamawhakaruru was accessed through the adjoining land block to the north, at the discretion of its owner Pāmu (Landcorp), who co-manages the Rangiputa station with Ngāti Kahu. However, cadastral investigations have discovered that legal access does technically exist through a paper road to the south of the block (as shown above). Site visits undertaken for this project found that this paper road or any markings for it do not exist on the ground. To put it simply, the paper road land is indistinguishable from the surrounding land block. Access to this paper road from the main road is blocked by the fence surrounding the Rangiputa station land (Lot 4 DP172526).

[561] Waitangi Tribunal, *Ngāti Kahu Remedies Report*, p. 127.

Archaeology of Otamawhakaruru area



Map 46: Recorded archaeological sites on or in the vicinity of Otamawhakaruru. Source: Maxwell and Huebert, 2024.

As part of the archaeological survey of this landscape for this project, Maxwell and Huebert found Otamawhakaruru recorded as site O04/35, and another 55 recorded sites in a ~2-4 km area around Otamawhakaruru, from the former southern edge of Lake Ohia to Dick Urlich Road to the north.[562]

> *'Despite the variety of sites that have been recorded on the Karikari Peninsula, site types within the area of interest are mainly shell midden, some of which was burnt, and also the remains of cooking fires including ovenstones, fire-cracked rock, and charcoal. Some middens have historic materials such as bottle glass. Many are in the dunes along*

[562] Maxwell and Huebert, p. 268.

Tokerau Beach to the east, or to the southwest along the dune fields that make up most of the western half of the peninsula.

One midden (O04/626) may be from an early period of occupation (Pre-1450 AD) as it also contained moa eggshell, bird bone, dog coprolites, among other items typically found in older Māori sites (e.g., Holdaway et al. 2014; Jennings, Weisler, and Walter 2023; Smith 2002). Another possible human association with a moa eggshell has also been discussed in the Okokori case study. The archaeological context of some of these materials are unfortunately not clear, based on information in the site records, and it is possible that some of the moa remains could be sub-fossil.'[563]

They also describe a burial cave (O04/620) found ~4.5 km to the north near Lake Waiporohita, was encountered when it collapsed under farm machinery c. 1980. The human remains that were found (and subsequently reburied) were said to be nineteenth century reburials, which was consistent with the associated artefacts that were later given to the regional museum. They continue:

'To the southwest of the case study area, deep tracks were once visible at Toanga on the Rangaunu Harbour, west of Lake Ohia approximately where Pukehe and Mangatete North blocks meet. They have been proposed to be an old overland canoe portage route between the harbour and the bay to the east, via Lake Ohia and the Aurere Stream (Coster 1984/5, 10). No evidence was found during an examination of Lidar imagery.

There was also the possible find of a canoe about 2.5 km north of the case study area at a place known as "Te Waka", but upon a site visit the wood could not be verified as worked. Other wooden artefacts, stumps and logs with axe marks in/near Lake Ohia have also been found in the old bed of Lake Ohia (Coster 1984/5, 8), but it is uncertain any are pre-contact Māori in origin.

[563] Ibid., p. 269.

There are other sites associated with the late nineteenth-early twentieth century gum digging activities. These are of some interest, as the gumdiggers on the Ohia fields were noted to be primarily Māori (Teegeab and Muellee 1898, 47). Sites include evidence of former encampments, largely shell middens with historical items such as bottle glass, metal, and sometimes lumps of kauri gum, and/or associations with gumholes or old house sites.'[564]

The archaeological assessment describes previous archaeological surveys of the area, including in 1984 by John Coster.[565] Coster, describing the area as 'the cemetery', found the area only partly fenced and recently burnt off, with at least one bulldozer track through it.[566] He recommended the area be fenced fully and noted that local informants claimed the area was a 19th century cemetery and that most (if not all the bodies had since been removed). He also noted two middens within the area.

During their 2024 site visit, Maxwell and Huebert found that since the area was last visited by an archaeologist in 1984:

' ... the block has been allowed to regenerate into a mix of native trees and large areas of invasive species, mainly gorse and pampas. The exterior boundary fence was walked, and attempts were made to survey the interior of the block. The interior proved to be largely impenetrable, and from an archaeological perspective, visibility was so poor that surveying was impractical.

No evidence of the two recorded areas of midden could be found. Outside the boundary, this is not surprising given that the creation of the surrounding farm involved heavily discing the property after scrub had been burnt off, to prepare it for pasture. This would have largely destroyed any surface and subsurface archaeological sites.

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[564] Ibid., p. 270.
[565] Ibid., pp. 270-271
[566] Coster, p. 28.

The urupā is notable for several features. Its high point (east side) is one of the highest points in the area, and would have provided visibility in all directions, including both coasts and pā in the vicinity. It is also roughly equal distance from the east and west coasts. This may be coincidental but given that oral histories indicate it was both a burial ground and a battlefield and it is the high point between the two coasts, it may be relevant.

The wetland through the centre would have potentially been an ideal location for some forms of Māori gardening, while the surrounding ridges would have provided dry areas for daily activities. The combination of well drained sandy soils bordering wet peat soils would have provided opportunities to cultivate dry and wet crops.

It should be noted that the urupā is adjacent to areas which were heavily modified during the gum digging industry, which in all likelihood removed much of the evidence of prior Māori occupation.'[567]

Assessing the condition of the archaeology in the Otamawhakaruru area, Maxwell and Huebert found:

'The land block that is Otamawhakaruru is presently overgrown, dominated by mature manuka, pampas, and scrub. Vegetation cover protects the remaining archaeological features, but also prevents any investigation into their present condition. A site inspection was only done from outside the boundary fence. The overall condition of this site is probably fair to poor, based on information from the 1980s when it was noted the block had been at least partly burnt and crossed by machinery.'[568]

[567] Ibid., p. 279.
[568] Ibid., pp. 299-300.

PĀTIA O MATARIKI

Map 47: Pātia O Matariki cultural landscape. Original land blocks (black), remaining Māori land (orange), wāhi tapu (white). Source: Ben Leonard, 2024. Basemap: Google Aerial Imagery.

Introduction

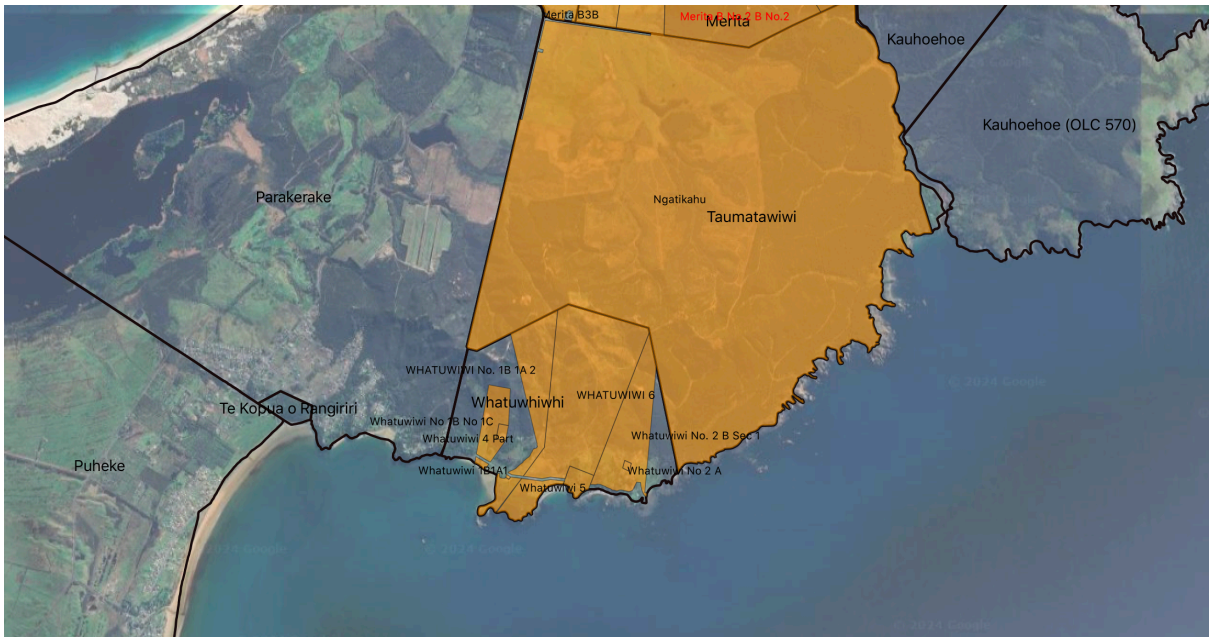
The Patia O Matariki cultural landscape lies on the north-eastern end of the Karikari peninsula, including much of Whatuwhiwhi. The area is a deeply significant one for claimants, as it includes many wāhi tapu such as Whakararo, Pāharakeke, Takapū, Parakerake, Rangiawhia, Matariki Pā, and Pātia O Matariki itself.

Parts of the land were alienated by Native Land Court process, including Parakerake block in 1872. [569] Other areas, such as Whatuwhiwhi and Taumatawiwi, have remained as Māori land to this day. The southern part of this region was part of the Puheke block, discussed previously in the Otamawhakaruru case study. The land was also claimed by the settler Walter Brodie as

[569] Parakerake Title Investigation, NMB, 1, 29 July 1868, pp. 44-45

part of the 1840 'Kauhoehoe' or 'Knuckle Point' pre-Treaty agreement.[570] Following investigations, the Crown kept the majority of this land as 'surplus', though this lies to the east of the Pātia O Matariki cultural landscape.

A number of Māori land blocks remain in this area. These include seven blocks at Whatuwhiwhi and the southern portion of the much large 'Ngatikahu' block (Taumatawiwi) to the north. Haititaimarangai marae stands at the eastern end of the Pātia O Matariki beach, with the Takapu urupa nearby.



Map 48: Land agreements of Pātia O Matariki landscape. Current Māori Land shown in orange. Source: Waitangi Tribunal, 2023.

Many of the wāhi tapu in this landscape have suffered degradation through development earthworks (including residential and roading). In particular, a major dispute over the protection of Pātia O Matariki led to a land occupation in late 2023. The result, at present, is that the land will be fenced off and the path cut through the middle of the urupa closed. Pātia O Matariki has also suffered from fossicking.[571]

[570] Stokes, 'Review of Evidence', Vol. II, p. 544.
[571] See Maxwell and Huebert, p. 303.

Currently the land ownership in this case study area is a mixture of private land and Māori Land. The Māori land that remains is mostly partitions of the original Whatuwhiwhi block, with some partitions having been sold to private hands. Takapū urupa is as a Māori reservation for the purpose of an urupa, while Haititaimarangai is reserved for the purpose of a marae. Takapū and Haititaimarangai are also both listed as Sites of Significance to Māori in the Far North District Plan 2009.

To be covered by the generic protections of the Heritage New Zealand Pouhere Taonga Act 2014, wāhi tapu must either be archaeological sites under the meaning of the Act or be registered wāhi tapu on the New Zealand Heritage List/Rārangi Kōrero. Some wāhi tapu such as Matariki Pā, Pātia Pā and others do indeed fit the meaning of archaeological sites and are covered in that way, but none are recorded on the New Zealand Heritage List/Rārangi Kōrero. This leaves some of the significant wāhi tapu like Whakararo, Te Kūpenga O Kupe, burials at Perehipe, Haumarere, Waiparaheka and Te Rākau i Whatia in the area without any formal legal protection as they are neither archaeological sites in the meaning of the Act nor recorded on the New Zealand Heritage List/Rārangi Kōrero.

As discussed below, after the occupation of Pātia O Matariki in 2023 an agreement was reached with the landowner to use the heritage covenant provisions of the Heritage New Zealand Pouhere Taonga Act 2014. The dune burials at Pātia O Matariki are therefore now covered by a heritage covenant, one of the stronger available protections available in the current regime. Of note is the fact that this is the only heritage covenant protection wāhi tapu in the claimants rohe.

Wāhi tapu

At the time of the arrival of the tupuna waka, this area was said to be an island. The sand-covered peninsula of Karikari was at this time said to be underwater (or at least tidal).

The first of the tupuna waka to arrive here was the Matahaorua, captained by Kupe. Matahaorua is said to have sailed around the island, stopping in at places such as Rangiawhia. There are

many place names and wāhi tapu associated with the arrival of Kupe, including Te Kupenga a Kupe at Parakerake.

As Kupe travelled along the coast from Rangiāwhia, he came to the creek now known as Waiare (Waiari). The water of this spring-fed stream was particularly fresh, and Kupe returned to this spot many times to cook his food and quench his thirst. He became very attached to Waiari and when he returned to Hawaiiki, he left behind a rock representing his daughter Puiarangi and his dog to guard over her. [572] Puiarangi still stands here, though the dog of Kupe is said to have worn away over the years. [573] Waiari is also the location of a pā and papakāinga, reputedly named after a prominent tupuna.

Another important wāhi tapu associated with Kupe is Haumarere. This is a spring where Kupe climbed up to have a drink. The feather in his hat fell into the water and floated out to sea. Haumarere is also the place where Kupe put his sail to dry on the side of a rock. The implanted mark of the sail is still there to this day. [574]

This area is particularly important because of its associations with the Tūrehu, or Patupaiarehe. These secretive and supernatural beings lived at places like Rangiāwhia and often journeyed out at night to fish. There are many stories of the Tūrehu, including how the discovery of net-making by Kahukura. [575] This association with the Tūrehu or Patupaiarehe adds another layer of significance to these wāhi tapu.

Many of the place names of this area record this pūrākau. The name "Whatuwhiwhi" or "Owhatuwhiwhi", for instance, is said to come from from Kahukura's attempts to tie the important knots of the net and getting "whiwhi" (tangled).[576] Another tradition records that Kahukura deliberately tangled the nets so that they would be left behind their whatu (knots) could be studied. Another tradition also states that the name Rangiawhia derived from the

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[572] Florence Keene, *O Te Raki*, p. 89
[573] Ibid.
[574] Mutu et al., p. 25.
[575] See for instance ibid., p. 24.
[576] Johns, *Footsteps of Hinetewai*, p. 8.

original "Rangiawhiawhia", meaning 'the loosening of fish' and referring to Kahukura and the nets of the Tūrehu. [577]

Another important wāhi tapu associated with the Tūrehu is Waiparaheka. This is a stream where the Turehu are said to have lived. It was so named because it flushed away the waste of the Turehu into the sea.[578]

At Parakerake lies the wāhi tapu Te Kupenga a Kupe (Kupe's Net). According to one kōrero, the net was left behind by Kahukura and the Tūrehu on one of their night-time fishing expeditions. Fleeing the rising sun, Kahukura rushed back to Rangiāwhia and left the net at Parakerake. Kupe saw the net and pulled it shore. From this net, the knowledge of net-making was secured for future generations.

One of the most important waka to explore this coastline was Mamaru, captained by Te Parata.[579] The Mamaru waka first sighted land in the region at Rangiawhia before stopping at Parakerake.[580] One of the first pā of the region is said to have been built here at Rangiawhia.[581] Mamaru was then able to sail right up through Waimango and back to Puheke, leading to the pepeha: "*Te rangi i tawhiao te motu"* and the name Rangiawhia.[582] The people of Mamaru settled this area with the Patukoraha hapū at Rangaunu, Te Whānau Moana at Waipapa, Rangiawhia, Merita and Whatuwhiwhi, and Te Rorohuri at Okei, Parakerake, Whatuwhiwhi and elsewhere.[583]

The Waipapa waka also arrived at Tokerau Moana, stopping at places like Rangiawhia, Waipapa, Whakapouaka and Tauranganui. The people of the Waipapa waka settled in this region and are among the founding ancestors of the tangata whenua today. The landing place of Waipapa is considered an important wāhi tapu, though it lies outside this landscape.

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[577] Keene, *O Te* Raki, pp. 91-92.
[578] Mutu, et al., p. 24.
[579] Johns, *Footsteps of Hinetewai*, p. 4.
[580] McConnell, p. 14. This passage quotes Parakerake as transalting to "high and dry".
[581] D Urlich Cloher, *The Tribes of Muriwhenua: Their Origins and Stories*, Auckland, 2002, p. 84.
[582] Johns, *Footsteps of Hinetewai*, p. 5.
[583] Ibid.

The rocky coastline, valleys and beaches of this region were the traditional homes of whānau of Te Whānau Moana, Te Rorohuri and Patukoraha. The headlands include many pā such as Matariki and Pātia, while burials and wāhi hahu are found right along the beaches, dunes, coastal trees and stream outlets. As Atihana Johns explains:

> *'Wherever there are sand dunes, areas were set aside for burial that were separate from those areas of mahi kai or places where kai moana was cooked and eaten, and paths to and from the beach. Burial in sand enabled the bleaching and drying of kōiwi for hahunga or burial later in ana or burial pits. Sand hill burials occur above the high water mark.'*[584]

Burials are known to be found in the dunes at Pātia O Matariki and on the adjacent beach and dunes at Whakararo (Tūwhakararo). Indeed the dunes at Pātia O Matariki were restricted in places were kōiwi (bones) were known to be present. As Johns says:

> *'At Patia we never went down the middle of that place. There wasn't a track down there until that fella put one there. We used to go on the other side of the river, Waihapurua River, past where the marae is now, before it was there, and we always went down that side. We never went on this side except when we were playing by the mouth of it. There must have been a reason for that. We weren't told exactly, but the track was there.*[585]

[584] Johns, *Footsteps of Hinetewai*, p. 45.
[585] Interview with Atihana Johns, 14 Feb 2024, 05'40", Te Paatu Ki Kauhgan Oral History Project, Mono-65/Zoom 009.

Image 21: Pātia O Matariki. Facing east toward pā sites O03/21 and 22 (Patia Pā). Source: Maxwell and Huebert, 2024.

Waihapūrua, a significant stream that follows down to the beach at Pātia O Matariki, is said to have been named after the mother of Ranginui, the rangatira who was abducted by French explorer Jean François Marie de Surville in 1770.[586] Others have suggested the name refers to it as a boundary between Te Rorohuri and Whānau Moana.

Other burials are found throughout the coastline and foreshore, such as at Perehipe Beach.[587] Discussing the numerous burial sites in sand dunes throughout this area, Norma Evans recalled:

[586] Ibid., 12'31"
[587] Mutu, et al., p. 45.

'We always knew all the sand dunes out there, every sand dune we stayed on, whether they were Pākeha land or Māori land, they had them.'[588]

Adjacent to Whakararo (Tūwhakararo) is the wāhi tapu known as Te Rākau i Whatia, a tree whose trunk and branches stuck out into the surrounding tuatua beds. This rākau is said to have a special to another tree near Dargaville and to only reveal itself to certain people at special times. Pāharakeke is another important wāhi tapu located nearby.

As Johns states above in his claimant statement, the name Pātia O Matariki is a contraction of Te Pā I Tia Ai A Matariki, meaning the Pā where Matariki appears. As the name suggests, the area was an important place for observing the rising of Matariki, including the associated wānanga and rituals.

Arrival of Pākehā

For the tangata whenua of Whatuwhiwhi and Rangiawhia, contact with Pākehā began on the 18th century with the arrival of European explorers. The first of these visitors were Captain James Cook and his French counter-part Captain Jean-François Marie de Surville who arrived in the rohe within days of each other in December 1769. While Cook and the *Endeavour* only stopped off the coast of Whakapouaka, De Surville and the crew of the *Saint Jean-Baptiste* went ashore at Rangiawhia. Days later, De Surville and his men kidnapped the rangatira Ranginui from Tokerau Beach and burned around 30 whare at a nearby papakāinga. Ranginui died later of the coast of South America and the incident of his kidnapping and the attack on their village is still remembered by tangata whenua today. The incident is remembered in the place name Te Kopua o Rangiriri.

Subsequent visits by Pākehā ships appear to have introduced foreign diseases to the region, including a devastating epidemic known as 'piua' in the 1790s. The disease is thought to have

[588] Norma Evans, Interview with Rupāpera whānau Part 2, 13 March 2024, 01'57", Te Paatu Ki Kauhgan Oral History Project, Zoom 0014.

been introduced by the ship *Fancy* which visited Tokerau moana in 1794 under Captain Dell.[589] The epidemic led to a huge loss of life and reportedly scattered the hapū living here.

In the 1830s missionaries began to visit the surrounding region, including the Church Missionary Society lay-preacher Joseph Matthews.[590] The CMS considered this while area to be part of its jurisdiction and rejected attempts by other missionary groups to operate there.[591]

Land alienation

Walter Brodie

The first piece of land claimed by Pākehā in this region was the 'Kauhoehoe' or 'Knuckle Point' block by Walter Brodie. Brodie was an English trader and explorer who reported to have signed an agreement with tangata whenua for what he later claimed was all the land east of Puheke. Brodie claimed that on January 3, 1840 an agreement was signed for this land for £5 in cash and goods including guns and powder, blankets, clothing and tobacco.[592] The block was estimated at the time to contain 35,000 acres and was signed by 13 rangatira including Te Ahuahu.

Bringing his claim to Commissioner Godfrey's investigation at Kaitaia on 1 February 1843, Brodie claimed a much reduced block size of 1200 acres.[593] Brodie said in his evidence that the boundaries had been "latterly determined by the Natives," and there is a suggestion that Māori were aware (as Brodie was) of the discovery of copper ore within the original boundaries.[594] In April 1843 Commissioner Godfrey awarded Brodie 567½ acres within the area claimed.[595] Brodie's claim was then surveyed and found to in fact contain 1,326 acres.[596]

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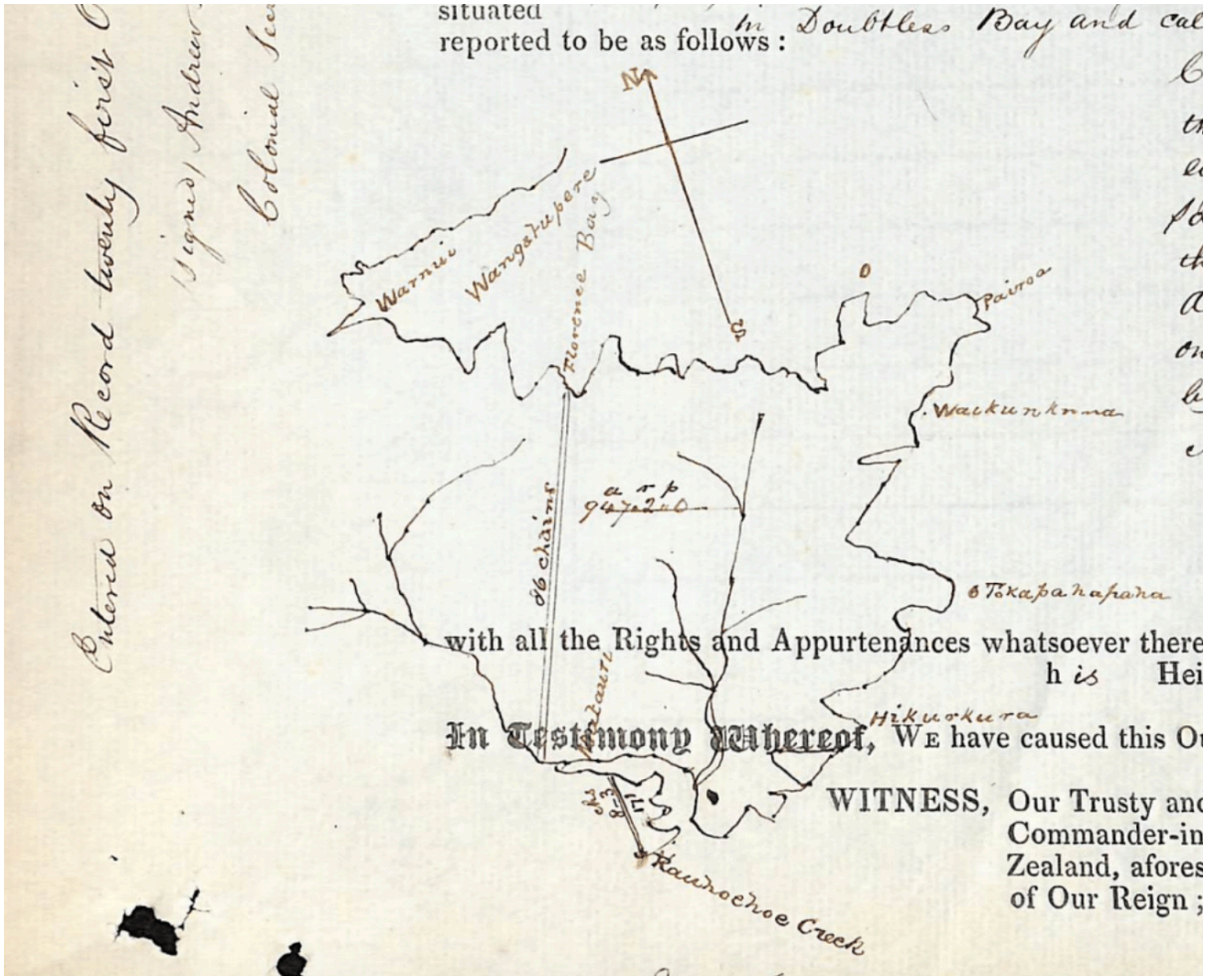
589 Johns, *Footsteps of Hinetewai*, p. 46.
590 Rigby, 'The Oruru Area and the Muriwhenua Claim', p. 8.
591 Ibid., 10.
592 Stokes, 'Review of Evidence', Vol. II, p. 544.
593 OLC 570, Wai 45, D0l2, pp. 1366-1367.
594 Armstrong & Stirling, pp. 350-351.
595 OLC 570, Wai 45, D0l2, pp. 1366-1367.
596 Stokes, 'A Review of the Evidence in the Muriwhenua Lands Claims' p. 546.



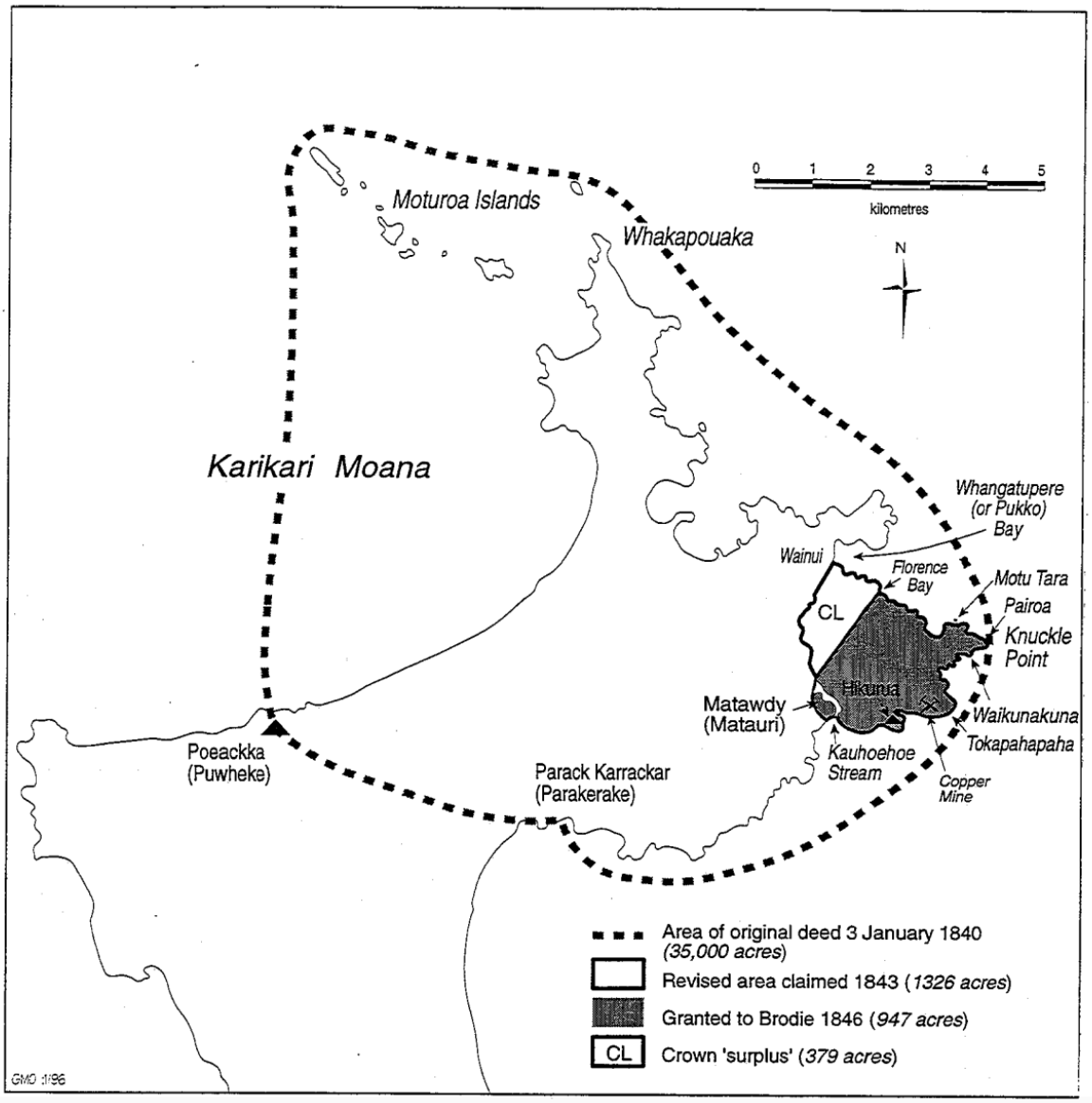
Map 49: Survey of Brodie's Claim to Kauhoehoe/Knuckle Point (OLC 570). Source: Case files [Walter Brodie, Mangonui], OLC 570, ANZW

In 1846 Brodie applied to exchange a 380 acre award from his Bay of Islands claim (OLC 569) for an additional area in the Knuckle Point land. This was agreed to and thus a total of 947.5 acres was awarded to him in a Crown grant dated 21 October 1846.

As Stokes says:

> *'The area of 'surplus' at Knuckle Point that reverted to the Crown was reduced to 378½ acres, and Brodie's Bay oflslands land reverted to the Crown in its entirety. There does*

not seem to have been any concern that Brodie's estimate of 1200 acres claimed was less than that surveyed, but it seems that the additional area of 126 acres was simply taken up in the Crown 'surplus'.'[597]



Map 50: Walter Brodie claim to 'Kauhoehoe' or 'Knuckle Point'. Stokes, 'Review of Evidence', p. 545.

[597] Ibid.

In September 1855, Wiremu Tana Papahia wrote to the Governor to complain that his land had been sold to settlers, including Brodie, by other Māori. He wrote:

> *'I had not the selling of the land, and therefore my claim to it is not wrong. Had I even received a sixpence as an acknowledgement of my right then the claim I now make would be unjust'.*[598]

Papahia laid claim to land 'near where the copper ore has been found', on which he said he had burial grounds. This is likely the land known as 'Te Kapa' (The Copper) within Brodie's Kauhoehoe/Knuckle Point claim. It has been suggested by Atihana Johns that Māori placed some kōiwi into the holes dug for copper mining at Te Kapa.[599] From the documents reviewed it is not clear whether the Crown followed up on Papahia's claims to wāhi tapu in the area of Brodie's Claim.

<u>*Puheke*</u>

Following the signing of the Treaty of Waitangi in 1840, the Crown began signing agreements with local rangatira for huge blocks of land which it then claimed permanent sales. The land at the southern end of this region, around Parakerake was on the north-eastern boundary of the Puheke Block, signed in 1859 by 15 rangatira for 300 pounds. [600] The signatories were:

- Ahuahu
- Mumu
- Wiremu Kingi
- Hare Matenga
- Taipari
- He Taraka Kawau
- He Tariki

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[598] OLC 329, Wai 45, D0l2, pp. 1366-1367.
[599] Personal Communication, Atihana Johns to Ben Leonard, 9 June 2024.
[600] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 235

- Wiremu Tewaha
- Kahoe
- Karewa
- Timoti
- Taniwa
- Ihaka
- Matiu

In the case of Puheke, no survey of the land was completed at the time of the agreement. Kemp estimated it at the time to be 6000 acres (2428 ha) but a later survey showed it was closer to 16,000 acres (6475 ha).[601] The sketch on the deed was badly drawn, and apparently relied exclusively on a recently drawn hydrographic survey of Tokerau Moana and Rangaunu done by Commander Drury of the HMS Pandora in 1852. The chart may have been sufficient as a hydrologic survey of water depths and coastlines in the area, but it was certainly not appropriate for a lands survey of such scale.

Johns has questioned the legitimacy of the Puheke Block given the lack of a clear and contemporaneous survey, underestimation of land size, and wording of the Te Reo version of the deed (that rangatira signed).

> *'The intent of this document is very clear in English. It was to be "a lasting possession, absolutely forever and ever". In Te Reo it is by no means clear and says; "hei tino mau tonu ake, tonu atu.'*
>
> *This is not only because the deed was written in English first and the translators had to find equivalent words in Māori to convey meanings that had no cultural context or significant meaning to Māori. The compiler of the deed is very confident in assuming that his language and land tenure system is the one that would count on the day.'*[602]

[601] AJHR, 1861 C-1 p. 31.
[602] Johns, *Footsteps of Hinetewai*, p. 77

Moreover, the details of the transaction and the kōrero and negotiations that surrounded it were not kept by the Crown.

Native Land Court

The majority of the rest of this land was maintained as Māori land throughout the intensive Crown purchasing period from 1850-1865. However, once the Native Land Court was established in 1865, the land in the area was brought forward for title adjudication and the subsequent individualisation, partition and sell off that is typical of the Native Land Court.

The land was covered by three Native Land Court blocks; Parakerake, Whatuwhiwhi and Taumatawiwi.

Kopua o Rangiriri

Te Kopua O Rangiriri was a 16-acre block of land at the far northern end of Tokerau Beach. This included Te Kopua O Rangiriri, the beach at Parakerake and the wāhi tapu Te Kupenga a Kupe. While it may have been labelled a 'Native Reserve', it was not given any formal legal protection. As a result, it was brought before the Native Land Court in 1868 where title was granted to Hetaraka Te Kawau, Timoti Ngatote, Riwhi Taniwha and Heta Te Hinake.[603] The map produced in the certificate of title made no mention of these wāhi tapu, nor did the court minutes. The block was then sold to private ownership.

Parakerake

[603] Certificate of Title - TE KOPUA O RANGIRIRI at Rangiawhia in the District of Mangonui in the Province of Auckland Owner/Owners: Hetaraka Te Kawau, Timoti Ngatoto, Riwhi Taniwha and Heta Te Hinake. ABWN 1057 9, ANZ (WLG), R25285526. Document Bank, p. 62.

Surrounding Te Kopua O Rangiriri to the north and east was the much larger Parakerake block of 3054 acres. This included wāhi tapu such as Matariki Pā and the burial ana at Perehipe beach. The land was brought before the Native Land Court in 1872 and subsequently sold for £229.[604]

The remaining land in the area, namely Whatuwhiwhi and Taumatawiwi blocks, were brought before the Native Land Court. They were, however, largely retained in Māori ownership although the Native Land Court process saw them individualised and subdivided multiple times throughout the 20th century. As Norma Evans described in an oral history interview for this project:

> *'In those days, if you were a shareholder, you didn't have to tell your relatives, you could just do it. And that's what happened to a lot of land at home. You only need one shareholder to go into the Māori Land Court and adjust it, because that happened a lot.'*[605]

<u>*Whatuwhiwhi*</u>

The Whatuwhiwhi land block was originally brought before the Native Land Court for title investigation in 1873. Unfortunately, the Whatuwhiwhi title investigation minutes are among the Maning minutes that have been lost.

The land appears to have been initially surveyed in 1872 (see ML2785 below). Interestingly. Patia Pā is clearly marked: 'Tabued'. Another feature of note is located on the east boundary of the block and labelled 'Te Ana Pitta'. An ana is a burial cave. Two further pencil annotations marked C and D are labelled "Ani Rahawhi" and "Whare Nui" respectively.

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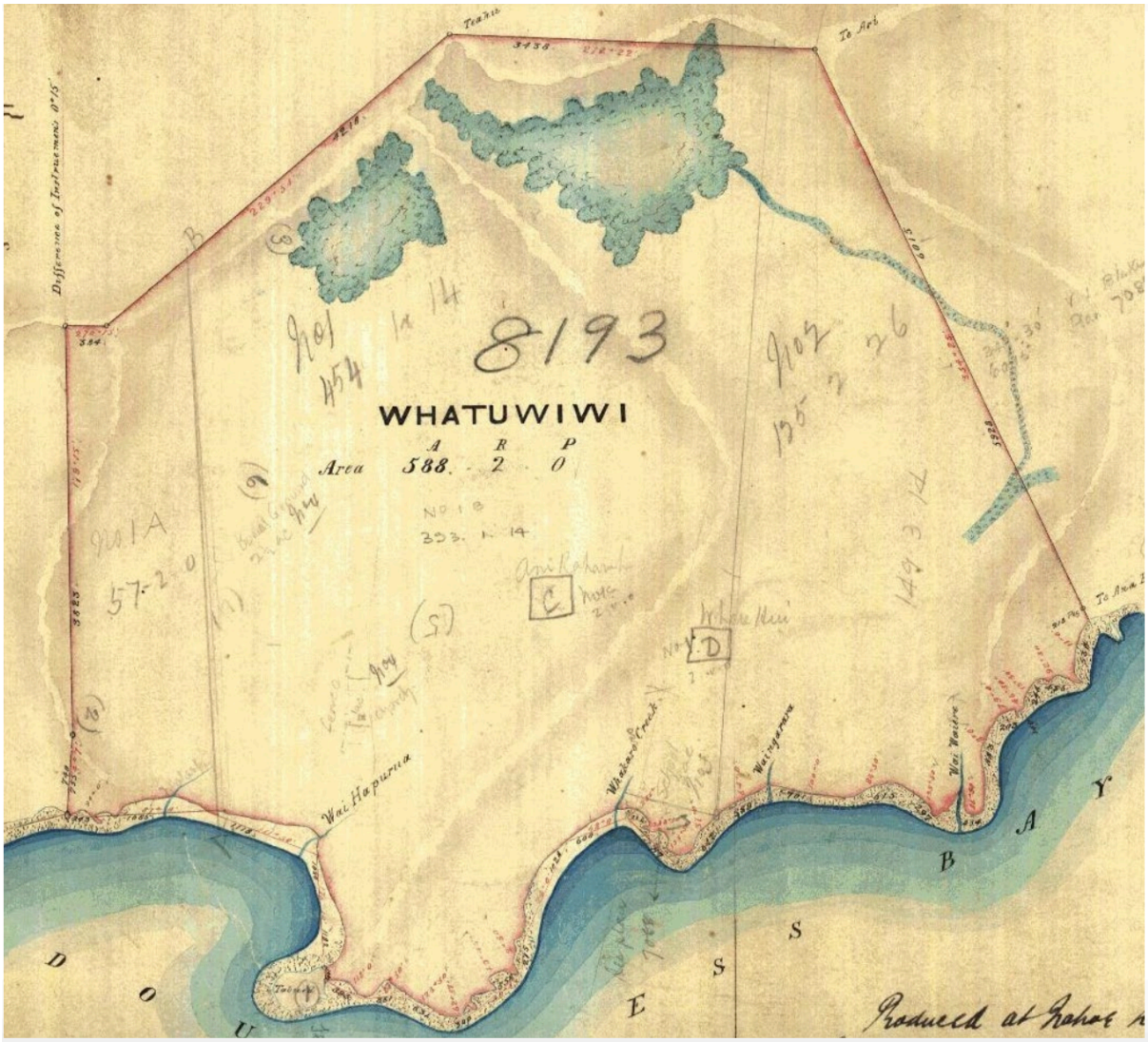
[604] Parakerake Title Investigation, NMB 1, 29 July 1868, pp. 44-45
[605] Interview with Norma Evans, 13 March 2024, Te Paatu ki Kauhanga Oral History Project, Zoom 0013, 20'17".



Map 51: Detail of ML 2785 (1872). Archaeological Survey and Assessment of the Proposed Gravelling of Right of Way B, Northern Archaeological Research, September 2023, p. 13. Document Bank, p. 243.

The block was brought back to the Native Land Court in 1905 for partition.[606] At this time, Pene te Ngatote and Wiremu Hone Taua gave evidence about the occupation, cultivation, pā and burials on the block. The main urupa on the block were named as Kere (Kerei, Keree), Takapū, Whakararo and Matariki.[607]

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[606] NMB, 37, August 4, 1905, pp. 138-151,
[607] Ibid., pp. 139-140

Pene Ngatote said that his ancestors had a pā on the land known as Te Pā O Pokoroa.[608] Another pā on the land was known as Kaea on the western boundary, also a pā or Pokoroa. He noted Kere Pā on the north western boundary of the block, where he also said there was a church and a burial ground. All the remains were apparently exhumed from Kere Pā and brought down to Takapū urupa. Other burial places existed at Whakararo and at Matariki No 4.

Wiremu Hone Taua claimed that the original division of the block was for Whānau Moana on the eastern side and Te Rorohuri on the west.[609] He stated that Kerei (Kere) was originally the most important burial place but that those burials were subsequently exhumed and moved to Takapū. The nature of the partition was left to claimants who stepped outside to discuss amongst themselves. Eventually it was agreed that the block would be split into 4 with 5 acres (Whatuwhiwhi No 3) going to the Crown for a school. Whatuwhiwhi 4 (containing Takapū urupa) was partitioned off as a burial ground and church site.[610]

Matariki was included in Whatuwhiwhi 1 block which was largely sold off apart from 1B1C which remains in Māori land. Whakararo was included in Whatuwhiwhi 2, and was later portioned off into Whatuwhiwhi 6, Whatuwhiwhi 5, and Whatuwhiwhi 2B1.

In 1960 the Māori Land Court heard the case for the sale of Whatuwhiwhi 1B1B1. The block ran adjacent to Takapū urupa and included burials and the pā in the northern part of the block. Hone Tukariri appeared in court to raise the issue of pā sites and urupa at Whatuwhiwhi. The court ruled that these were not on the land to be sold, and road access to the urupa would not be affected.[611] This has ongoing implications for Pātia O Matariki, which was just south of this block.

This block borders on both Pātia O Matariki Takapū urupa. The borders of these two wāhi tapu do not conform strictly to the land parcels and so parts of Whatuwhiwhi 1B1B1 are included in wāhi tapu areas. This was part of the point Tukariri was trying to make in 1960, however his

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[608] Ibid., p. 138.
[609] Ibid., p. 145.
[610] Ibid., p. 157.
[611] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 243

concerns were ignored by the Māori Land Court because the court considered the wāhi tapu to be restricted to the land parcel boundaries.

In 1966 the land Whatuwhiwhi 4 Block (containing Takapū urupa) was brought before the Māori Land Court.[612] Hoone Tukariri spoke in support of setting aside the majority of the land as a Māori Reservation, asking for 2.2 acres of the 3.2 acres to be reserved. The balance was a church site. The Court agreed and the reservation of Whatuwhiwhi 4 (now 2 acres) was completed in 1967 by Order in Council.[613]

In 1971, Whatuwiwi 1B1B1 and 1B1B2 were partitioned under the Maori Affairs Act 1953, Section 176.[614] The titles registered as Freehold land on 16th April 1975. The Titles for both properties reflect this partition and change from Maori Land to Freehold Title. The property has since been owned by several families.

Takapu

On the hill above Pātia o Matariki lies the Takapu urupa, one of the most significant wāhi tapu in the area. Takapu was first built in 1874 and has been used ever since as both the main urupa for the region and for the reburial of kōiwi found throughout the area.[615]

In the case of numerous burials of the area such as Perehipe and Waiporohita, kōiwi were moved to Takapu under the guidance of kaumātua.[616] Accidental discoveries of kōiwi were moved in this manner, as well as pre-emptive exhumation in cases where the burial was under threat.[617] In some cases, large ana kōiwi were completely emptied and reburied at Takapu. This appears to be a direct response to the fact that these burials were not safe where they were originally.

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[612] KT, 4, p 118.
[613] New Zealand Gazette 2 March1976, No 13, p. 304.
[614] See Archaeological Survey and Assessment of the Proposed Gravelling of Right of Way B, Northern Archaeological Research, September 2023, p. 18. Document Bank, p. 301.
[615] Johns, 'Brief of Evidence', p. 10.
[616] Ibid., p. 48.
[617] Ibid., p. 49.

The Rupāpera whānau, for instance, recounted an instance of removing and reinterring a large ana kōiwi:

> *'We had to all work to take these taonga out... And so we did that and we did that for 10 days, not quite 10 days, every day we had to do it. So we did, because if we had left it we would have had like archaeologists and we didn't want that.'* [618]

The threats to wāhi tapu remain in this area today, with traditional burial areas being threatened by tourism and residential development:

> *'Even where our urupa is, I remember my father saying, don't go beyond that ,there is ana up there because the sea currents changed and they were exposed and that was the only, in those days, that was the only place to take these taongas and safely place them in this ana. Unfortunately, slowly starting to be, the land starting to, around starting to be used for tourism and we have to challenge the council and the tourism boards as whānau hapū.'*[619]

Those with the expertise to do so are able to undertake the process of exhumation and reinterment with the appropriate tikanga, but the process is nonetheless a deeply mamae one:

> *'There's a certain mana within the removal, you're removing, you're parting them from a beloved, that we don't know is there in those sands and to do that you're violating that aura where that person lays, laid. Because we kind of believe that they're not on their own in those sand dunes so to take them to a strange environment is not good for our souls and that we need to stop it from happening for future reference'*[620]

Haititaimarangai

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[618] Norma Evans, Interview with Rupāpera whānau, Te Paatu ki Kauhanga Oral History Project, Zoom 0014, 06'45"
[619] Flo Campbell, ibid., 18'40"
[620] ibid., 15'48"

Prior to the 1950's, the main marae for this area was at Waiari, with the main building being a former schoolhouse.[621] It was named after Haititaimarangai, an important ancestor of this area and a descendant of Te Parata and Kahutianui of the Māmaru waka. The marae is a wāhi tapu of great significance to the claimants and one of the principal marae of the region.

In 1950 (or 1953), the whare was moved in sections by truck from Waiari to its present location on the eastern end of the Pātia O Matariki beach. It was renovated in 2013, including the extension of the meeting house, the building of the marae entrance and the addition of whakairo (carvings).[622]

Haititaimarangai is also an important place for housing significant taonga from the rohe that still remain in whānau owernship. This includes the taonga Te Rorohuri, a carved piece of whale bone. Atihana Johns, claimant for Wai 45, recalls:

> *'The story is that our tupuna Te Parinuitonu was out fishing when a shark bumped his waka and dived down at least six times as if telling him to follow. Te Pari dived down and in a sand hollow saw a whale bone.'*[623]

Perehipe dispute

Throughout the late 20th century, the wāhi tapu of this area faced increasing pressure from residential and hospitality developments. The beaches of the peninsula became popular holiday spots, and many baches, parks and associated infrastructure were built nearby.

In the early 2000s kōiwi from an ana at Perehipe beach were washed on to the beach by storm water that had been poorly channelled from the houses above. Far North District Council (FNDC) was tasked with concreting the ana closed to avoid further desecration. However, that still remains uncompleted.

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[621] Ibid., 39'21".
[622] Mutu et al., p. 26.
[623] Personal Communication, Atihana Johns to Ben Leonard, 4 August 2024.

Meanwhile, in 2017 a dispute arose regarding access to the Perehipe reserve. The reserve, adjacent to Whatuwhiwhi Holiday Park, was used by the park owners as overflow camping despite its public reserve status. In 2017, new owners Carrington Jade (owners of Whatuwhiwhi Holiday Park) sought to lease the reserve formally. This led to a raft of submissions to FNDC against the proposal and a brief occupation of the land by one local whānau. Haititaimarangai marae also requested that the FNDC decline the application for lease. Eventually the developers capitulated and agreed to abandon the lease. The land is maintained today by FNDC.

Occupation of Pātia O Matariki 2023

As the land continued to be subdivided and sold, areas such as Matariki Pā were developed as residential land. By 1977, the inland flank of Matariki Pā had been bulldozed and flattened for housing developments, with a road having been built along the ridge.[624]

A metalled road down to Haititaimarangai had initially been cut by the New Zealand Army during the Second World War.[625] Access via this road made further residential land developments at Pātia O Matariki possible. In the 1940s, the Army had built the road as part of a defence plan against the perceived threat of a Japanese invasion. The road, which remains in use today, was cut through wāhi tapu at Matariki Pā and Pātia O Matariki foreshore. As Atihana Johns recalls:

> *'The road went around like we get up to Matariki, it turns left and it goes down around by the Takapu hill and around to the old settlement. And I said, well, the army put that road through during the war. Nobody was going to tell them what to do. Whether they found any kōiwi, nobody knows. They could have. It was close enough to that, to that, to that wāhi tapu.'*[626]

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[624] Maxwell and Huebert, p. 312.
[625] Interview with Atihana Johns, 09'55", 14 February 2024, Te Paatu ki Kauhanga Oral Hisotry Project, MONO-65/Zoom 009.
[626] Ibid.

The land surrounding Pātia O Matariki had been originally part of the Whatuwhiwhi block brought to the Native Land Court in 1873. Title was issued to Timoti Ngatote, Riwhi Taniwha, Heta Te Hinake, Timoti Te Kawau, Poharama Ihaia, Manuera Houtai, Ihaka Kahoe, Kingi Wiremu Te Ngaga and Peri Reweti.[627] Since then the land had been slowly partitioned and parts sold off as shown below. The result was that the Pātia O Matariki dune area was largely privatised, apart from a section of Māori land in the centre.

As access increased and holiday developments grew, Pātia O Matariki and other dune areas in the region were increasingly used by the public for recreational activities. Motorbikes, 4WD vehicles and other motorised vehicles were frequently driven over dune wāhi tapu areas, exposing kōiwi. [628] Campers are also reported to have been using the dunes as a toilet.[629]

As described by Sandy Poharama during an interview for this project:

> *"I think when you look at something like that, it's all about respect eh? … I mean, it's like somebody going up to the urupa and walking all over my father's grave. I wouldn't like that. It is a way of doing things properly."*[630]

Pātia O Matariki wāhi tapu has also suffered from fossicking. The dune area of Pātia O Matariki contains a large stratified midden that, according to Maxwell and Huebert, was visible across the entire length of the beach when it was first recorded by archaeologists in 1977.[631] Most of the artefacts eroded from this midden had been fossicked and given to the Auckland War Memorial Museum by a private individual.[632] These have been recorded in the Portable Taonga database (Appendix II) though it was impossible to determine which ones came from this exact midden within the wider gift made to the museum. The gift to the museum contained a number of artefacts and may have included others fossicked from this cultural landscape.

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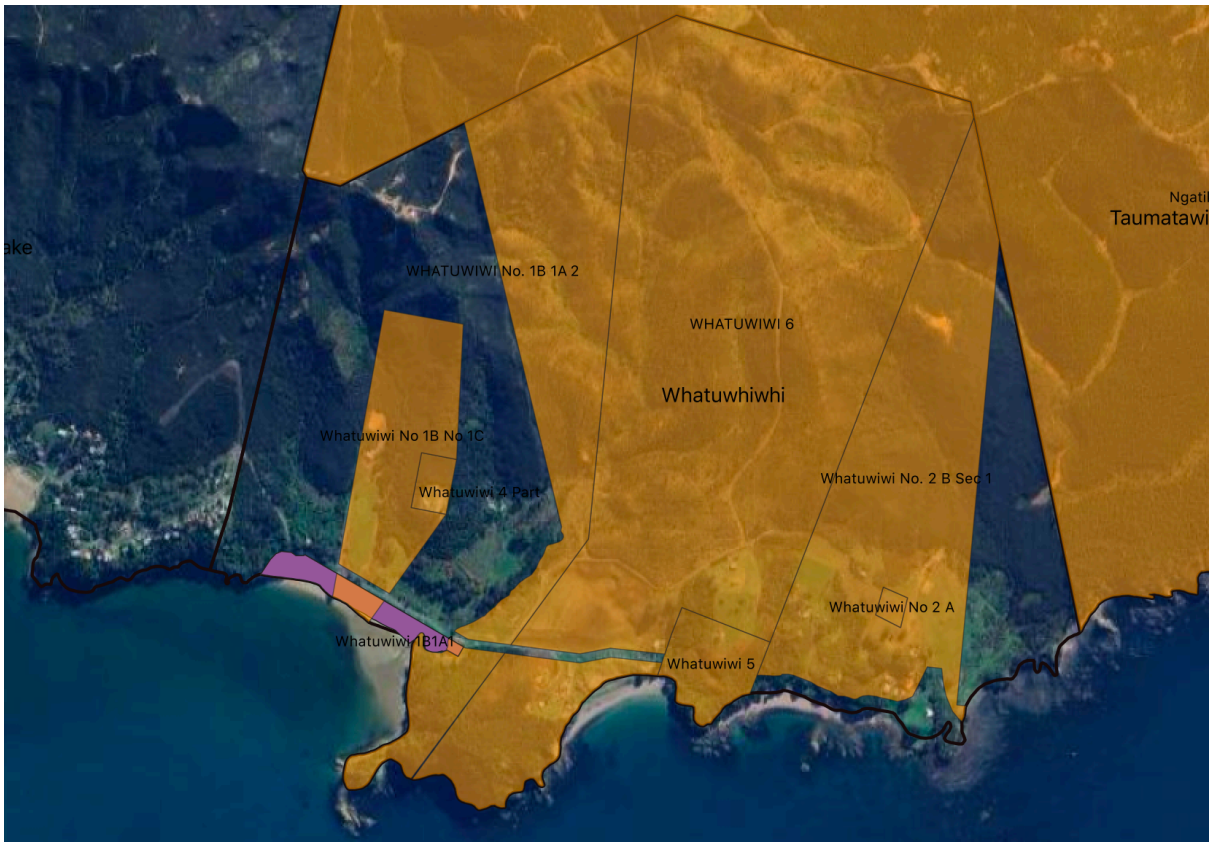
[627] Alemann, Maurice, *Muriwhenua Land Tenure*, Wai 45, Doc #M004, 1994, p. 13.
[628] Radio New Zealand, "Far North occupation highlights wider problem of hoons on dunes, iwi ranger says", 24 October 2023. Access: rnz.co.nz/news/te-manu-korihi/500888/far-north-occupation-highlights-wider-problem-of-hoons-on-dunes-iwi-ranger-says
[629] Personal Communication, Atihana Johns to Ben Leonard, 4 August 2024.
[630] Interview with Sandy Poharama and Atihana Johns, 14 Feb 2024, 08'09", MONO-65/Zoom 009, Te Paatu ki Kauhanga Oral History Project.
[631] Maxwell and Huebert, p. 324
[632] See Maxwell and Huebert, p. 325

Wai 45 claimant Atihana Johns also recalls taonga being found on the beach at Waiari and being taken away, though it is not clear exactly to where.[633] This seems to have been a common experience in this case study area.



Map 52: Remaining Māori land on Whatuwhiwhi block. Māori land shown in orange, original land block boundaries shown in black, Pātia dunes in pink. Source: Ben Leonard, 2024. Base layer Google Aerial Imagery 2017.

In 2007 the previous owners of Whatuwiwi 1B1B1 and 1B1B2 applied for an easement for a Right of Way over Whatuwiwi 1B1B2 on the southern side of Whatuwhiwhi Road.[634] The application was opposed by Te Runganga a Iwi o Ngāti Kahu who claimed that Whatuwhiwhi 1B1B2 was a wāhi tapu and a Maori Reserve.[635] Both FNDC and lawyers for the landowners conducted land title investigations and found that Whatuwiwi 1B1B2 was indeed in private

[633] Personal Communication, Atihana Johns to Ben Leonard, 4 August 2024.
[634] Far North District Council RC-2080092-RMA348
[635] Archaeological Survey and Assessment of the Proposed Gravelling of Right of Way B, Northern Archaeological Research, September 2023, p. 18. Document Bank, p. 301.

ownership and was not a reserve. FNDC informed Te Rūnanga a Iwi o Ngāti Kahu and requested further information but received no response.[636] The easement application was approved on 5th November 2007 and labelled Easement A.

By 2021, the majority of Pātia O Matariki was owned by Peter Hay of Whangārei. According to claimants, Hay had apparently originally intended to build a house down on the dune area where the kōiwi were buried.[637] Haititaimarangai marae apparently warned Hay against encroaching on the dunes area in 2021.[638]

In 2022, Hay applied to Far North District Council (FNDC) to formalize two sand tracks from Whatuwhiwhi Rd to the beach on his property at Whatuwhiwhi 1B1B2.[639] The application for both tracks was granted by FNDC on the 26th of July 2022 (Consent Number 3001922-LGA 348). Amongst the conditions of the consent were that a road metal crossing be formed for a minimum distance of 5m from the existing road edge. Therefore, Hay proposed to metal the entrance of the eastern sand track (Right of Way B) only to the required minimum 5m. of the FNDC Road Reserve.

In 2023, Hay began the work, including the expansion of the accessway through the land he owned at Pātia O Matariki on Whatuwhiwhi 1B1B2 block.[640] This included widening the entrance and track by machine excavator, followed by metalling. Road widening and initial road metaling was also undertaken at the entrance to the other sand track to the west. This was apparently to allow Hay access to the beach to launch his boat.[641] The beach already had shared access at the eastern-end of the beach by Haititaimarangai marae, within the same block of land (Whatuwhiwhi 1B1B2).

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[636] Ibid.
[637] Personal Communication, Atihana Johns to Ben Leonard, 9 June 2024.
[638] Haititaimarangai Marae in Heritage New Zealand Presentation to Haititaimarangai Site Visit, 17 August 2023. Document Bank, p. 278
[639] Archaeological Survey and Assessment of the Proposed Gravelling of Right of Way B, Northern Archaeological Research, September 2023, p. 1. Document Bank, p. 230.
[640] Radio New Zealand, "Hapū occupy wāhi tapu site to stop access road plan at Karikari Peninsula sand dunes", 18 October 2023. Access: rnz.co.nz/news/national/500499/hapu-occupy-wahi-tapu-site-to-stop-access-road-plan-at-karikari-peninsula-sand-dunes
[641] Personal Communication, Atihana Johns to Ben Leonard, 9 June 2024.

The expansion of Hay's access way was apparently noticed and then stopped by a marae-gardener who physically blocked the digger from accessing the dunes.[642] This led Hay to contact HNZPT staff who visited the area in August 2023 and reportedly found no kōiwi. Heritage New Zealand staff did, however, underscore the area's historical significance. Indeed there is significant oral history evidence regarding kōiwi finds in the dunes since the 1950s.[643]

HNZPT staff informed Hay that while the area was an important cultural landscape, no archaeological site damage had occurred and that no affected archaeological sites could be readily identified in the affected area.[644] HNZPT staff directed Hay to commission an archaeological survey or the area, which was completed in September 2023 by Leigh Johnson of Northland Archaeological Research.[645]

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[642] Te Hiku Media, 'Local Hapū And Iwi Occupy Te Pātia o Matariki', October 19, 2023. Access: tehiku.nz/te-hiku-radio/tautinei/41121/local-hapu-and-iwi-occupy-te-patia-o-matariki
[643] Personal Communication, Atihana Johns to Ben Leonard, 9 June 2024.
[644] Archaeological Survey and Assessment of the Proposed Gravelling of Right of Way B, Northern Archaeological Research, September 2023, p. 19. Document Bank, p. 302.
[645] Ibid. Beginning on Document Bank, p. 279

Image 22: Access way at Patia O Matariki. Source: Heritage New Zealand, 2023. See Document Bank, p 270.

The report found that:

> *'As a result of the fieldwork, no archaeological sites were identified within the 5m long and 6m wide (at the entrance funneling to 2-3m wide track) area of the metaling of the entrance to the eastern sand track (Right of Way B) on FNDC road reserve.'*[646]

The archaeological assessment spends some length refuting the wāhi tapu nature of the dune area, based on publicly held records and land use in the surrounding area. The report concludes:

> *'In relation to the proposal by to comply with the FNDC consent condition by metaling the first 5m of the Right of Way within the road reserve, we note that as;*

[646] Archaeological Survey and Assessment of the Proposed Gravelling of Right of Way B, Northern Archaeological Research, September 2023, p. 19. Document Bank, p. 302.

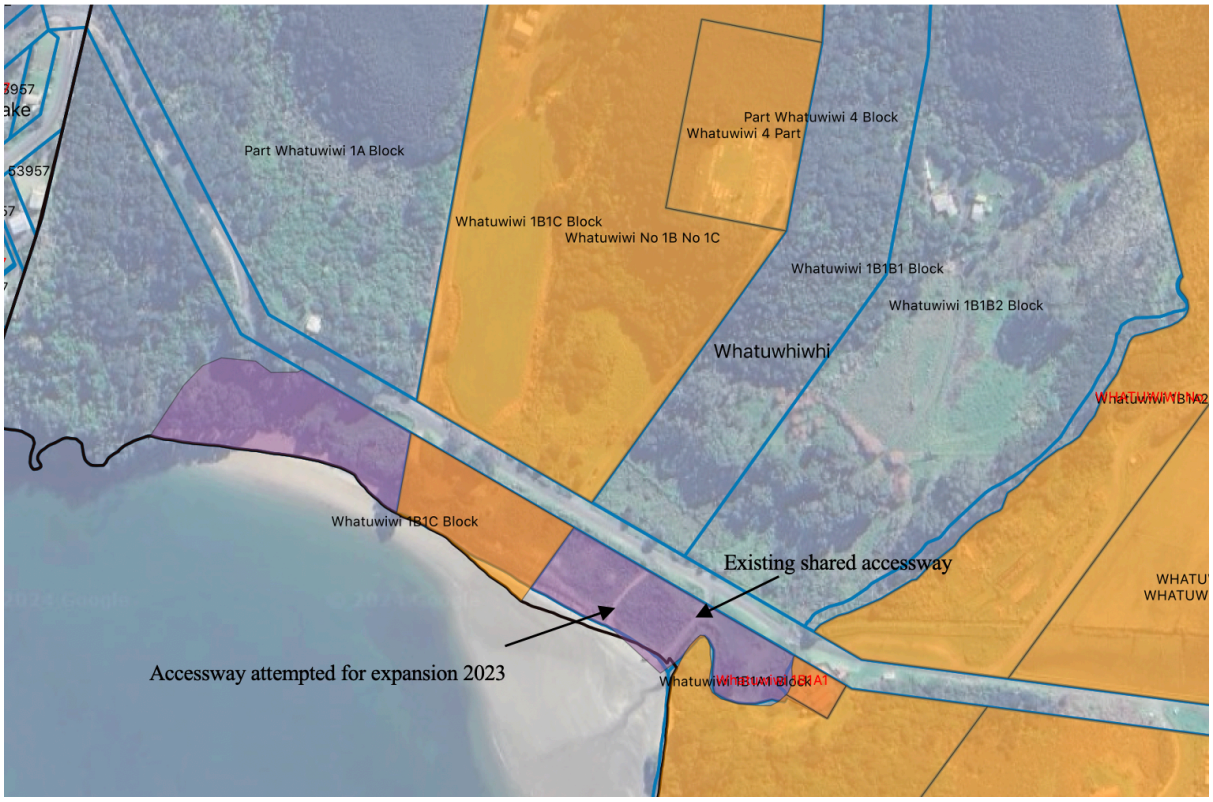
1. There are no earthworks involved in the proposed metaling of the Right of Way entrance;
2. That the road metal at the entrance will simply be laid on the surface to be embedded in the sand;
3. That there are no archaeological remains evident on the surface or either side of the proposed area to be metaled in the Right of Way entrance;
4. That the proposed metaling will occur entirely within the already modified, disturbed and displaced soil from the initial construction and maintenance of Whatuwhiwhi Rd;

no Authority from Heritage New Zealand Pouhere Taonga will be required for the proposed work required and that the metaling to the can proceed to the specifications outlined without further concern. However, we would recommend, that to prevent any subsoil impacts and protect any potential remains below, that some form of geomat or fibre cloth is placed on the ground over the area required and that the metal is laid directly over this'.[647]

In the meantime interested parties, including many whānau of Haititaimarangai marae wrote 300 submissions to the Far North District Council supporting the inclusion of Pātia o Matariki in the Proposed Far North District Plan.

In October, marae whānau heard of plans to bring a digger onsite to continue work on the access way. This led to an occupation of Pātia O Matariki, preventing outside access to the dunes. Following a meeting with the developer, work was put on hold.

[647] Ibid.



Map 53: Current LINZ titles to land at Pātia O Matariki, Māori land shown in orange, Pātia dunes marked in pink. Source: Ben Leonard, 2024. Base Layer Google Aerial Imagery 2017

The occupation was eventually brought to an end after four weeks on 15th December, after Hay agreed to permanent protection of sand dunes regarded as a wāhi tapu.[648] An agreement was signed agreeing to protections for the dunes, preventing any future building or earthworks. The accessway that sparked the occupation would be permanently closed, and a fence would be erected between the road and the wāhi tapu. There was not, however, a heritage covenant placed on the area (as has been erroneously reported).[649]

The original accessway across the dunes, at the far end of the beach near Haiti-tai-marangai Marae, would remain so the beach could still be accessed by people wishing to launch their boats.

[648] Radio New Zealand, "Landowner agrees not to dig Karikari Peninsula's wāhi tapu sand dunes", 15 November 2023. Access: rnz.co.nz/news/national/502485/landowner-agrees-not-to-dig-karikari-peninsula-s-wahi-tapu-sand-dunes

[649] This was confirmed by Te Pouhere Taonga Heritage New Zealand to Ben Leonard, 15 August 2024.

This episode illustrates the realities of the operation of the current regime involving the Resource Management Act and Heritage New Zealand Te Pouhere Taonga Act on wāhi tapu in the claimants' rohe. In this case Mr Hay followed the letter of the law regarding resource consents and had an archaeological report prepared. However, the outcome was a direct and physical threat to the well-known wāhi tapu of the dune area, which was only stopped by direct intervention and occupation of the land by tangata whenua.

Archaeology of Pātia O Matariki area

As part of their archaeological assessment of this landscape, Maxwell and Huebert found 36 recorded sites in the area of interest.

> *These include 8 pā, mainly on headlands, but one (O03/1) is an unusual flatland pā. The two pā pertinent to the case study are those the site Patia O Matariki is named for: Pātia Pā (O03/22) and Matariki Pā (O03/19). It is also noted that Rangiawhia Pā (O03/13), which is in the far eastern part of the area of interest, has been studied and mapped several times.*
>
> *There are also 23 shell midden sites or midden scatters, many Māori-associated but a few with European associations, often containing evidence of cooking fires including fire-cracked rock and charcoal. One midden is large and stratified (O03/15, which is within the case study area itself).*
>
> *There are few terrace sites, mostly confined to the bay-facing slopes of the Toupiroroa Range. Pit features are few and mainly at pā sites.*
>
> *Artefacts have been found in this area including obsidian flakes, stone flakes, and a hammerstone; there are also a number of items fossicked from Patia O Matariki itself (O03/15, discussed in more detail below).*
>
> *Human burials have been recorded at the Matariki Pā (O03/19), a pā upland of the project area (O03/20), and in the dunes east of Pātia (O03/76), and a note in the midden*

record for the large midden O03/15 states burials have been encountered at the east end of the beach. [650]

Regarding the items fossicked from midden O03/15, Maxwell and Huebert have this to say:

One stone flake was found by the site recorder. Most of the artefacts eroded from the midden had, however, been fossicked and given to the Auckland War Memorial Museum by a private individual.'[651]

'An inventory of this donor's large gift is reported in the Portable Taonga inventory compiled for this project ,but it was not possible to determine which artefacts were from O03/15 or the surrounding area'.[652]

Maxwell and Huebert have assessed the cultural landscape's current condition as part of the archaeological assessment contained in Volume II of this report. Their assessment found:

'The overall condition of the site is fair. The midden at Patia O Matariki is presently only visible in several places along the western side of the beach. Dune build-up covers parts of the site. Some of the site has been disturbed or destroyed by recent developments, and over a longer period by erosion.'[653]

However the review also found substantial threats to the wāhi tapu:

'As a feature within a coastal-facing dune, this site is vulnerable to ongoing erosion and remodelling from wind and wave action. More serious damage has been caused by human activities. Some years ago, a house and associated structures were erected atop the dunes at a point where deeply stratified midden deposits had been recorded, and an area to the east was disturbed when a recent attempt was made to bulldoze an

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[650] Maxwell and Huebert, p. 303.
[651] Ibid., p. 307
[652] Ibid.
[653] Ibid.

accessway through the dune. The remaining site has also been disturbed by the creation of informal accessways from the beach, which have increased erosion, and by vehicle traffic on the beach below. The site is in need of a conservation plan, one that is enacted, to preserve the integrity of this dune and prevent further damage.'[654]

KARIKARI

During the 1950s and 60s, development began to take place on the Karikari peninsula. The land had largely remained in Māori ownership until the advent of the Native Land Court, when blocks began to be partitioned and sold off.

From the 1950s on, the Karikari peninsula saw a marked uptick in coastal development, often associated with residential and holiday homes. This placed increasing pressure on Māori owners to sell and also had the effect of driving up land values and subsequently rates. This began to impact the many wāhi tapu of the area.

The Karikari block was initially brought forward for title investigation by the Native Land Court in 1877.[655] The only wāhi tapu discussed in the court minutes relate to Otamawhakaruru, which lies not on Karikari but the much further south Puheke block. The circumstances of that are discussed above in the case study on Otamawhakaruru.

In the 1905 partition hearing of the block, Pene Ngatote appeared. He said his ancestor Poharuru had a pā on the block called Waipapa where they lived until the time of Kiri.[656] Another pā on the block was Maitai, also owned by Poiharuru and lived on until the time of Kiri. He also stated that Waipapa was a burial place of his people on the land, from where kōiwi had been moved to Whatuwhiwhi (presumably Takapū). The block was portioned in two with Waipapa and Maitai both on Karikari 1.[657] By the mid-20th century the blocks were further partitioned, though still largely Māori land. The blocks contains numerous wāhi tapu, including

[654] Ibid., p. 351.
[655] NMB, 1, p. 147.
[656] NMB, 37, p 100.
[657] Ibid., p. 170.

those along the foreshore from Wairahoraho to Maraewhiti, and others like Waipapa and Maitai.[658]

In the late 1960s the Department of Lands and Survey began a programme of actively purchasing coastal lands that were seen as having potential as public scenic or recreational reserves. In 1968, Karikari 1B1B was purchased, with owners having been pressured into selling to fulfil a rates debt. These blocks were not farmed, for a variety of reasons, and as a result they did not generate enough income to meet their rates obligations.[659] What exactly these rates were meant to be paying for given the lack of local government services in this area is a question worth asking.

In 1970 Department of Maori Affairs staff prepared a report on the Karikari lands for the Board of Maori Affairs and Maori Land Court titled Proposed Utilization of Unproductive Maori Lands. As Stokes notes:

> *'The report then considered each beach in terms of its physical characteristics, access and potential for residential subdivision, but did not refer at all to archaeological sites, such as pa and middens, or wahi tapu, or other cultural aspects of the coast.'*[660]

There were a number of wāhi tapu in this area. Maitai Pā, for instance, had been partitioned off the farm on Karikari 1B1B block in 1965, to become Karikari 1B1B1 block. The intention from the owners seems to have been to create a Māori reserve.[661] At this time the land was considered Māori customary land under Part XXIV of the Māori Affairs Act 1953.[662] This proposed reserve was not implemented and in 1968 the Crown purchased the land, vesting in itself under section 265 of the Māori Affairs Act 1953.[663] The land became a public recreation reserve.[664]

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[658] See Johns, *Footsteps of Hinetewai*, 1.
[659] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 298
[660] Ibid., p. 350
[661] Ibid., p. 353.
[662] Maori Trust Mortgages - Karikari 1B1B1 and 1B1B2, AAMK 48 5/5/227 869, ANZ (WLG), R11835530. Document Bank, p. 36.
[663] NZ Gazette, 15 August 1968, No. 50. P. 1343
[664] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 397

This was not the end of the matter, however, as discussions between the Commissioner of Crown Lands and Department of Maori Affairs continued to contemplate extending the Crown land at Maitai Pā (Karikari 1B1B) by including part of the foreshore of neighbouring Karikari 1A2B2.[665] The Department of Maori Affairs noted that Māori owners would be unwilling to sell, however a proposal for a 15-year lease of all or parts of the Merita Bay coast was not acceptable to the Commissioner who wanted long-term or permanent access for public use.

The Department of Maori Affairs noted that Karikari 1A2A was not available for public camping as a Maori Reserve, and that any arrangements on lands outside the Ngati Kahu consolidation scheme block would have to be negotiated with owners of those blocks. It noted 'that the Maori owners of the land were suspicious of efforts to acquire beaches; even those attempts made by the Crown in the past few years had had this effect'[666]

The loss of the Maitai Pā site was a significant one. Tangata whenua had tried to keep it as a Māori Reserve when they applied to the Māori Land Court to partition it out as Karikari 1B1B1 in 1965.[667] Atihana Johns (a current claimant) wrote to the Minister of Lands in 1973, claiming that he had objected to the sale of Karikari 1B1B but that the owners were under 'extreme pressure from prospective buyers, syndicates and mortgages from the Maori Affairs Department'. [668] The letter noted the 'great historical significance' of the Maitai pā and asking that it be granted to Ngāti Kahu as a Māori Reserve. Johns also noted:

> *'It is a sacred place which is at present being abused every summer by campers'.*[669]

The Minister sought a report from the Department of Lands and Survey who replied by noting that the pā was apparently meant to have been partitioned off as a Māori Reserve until an appeal by the blocks original owners frustrated those efforts.[670] The report concludes by claimaing that the pā and it potential reservation could be a 'valuable pressure and bargaining point if or

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[665] Ibid., p. 353.
[666] Ibid.
[667] Ibid.
[668] Atihana Johns to Minister of Lands, 17 March 1975, BBEE 15336c, ANZ (AKL), R12189894..
[669] Ibid.
[670] File Note, 3 May 1975, BBEE 15336c, ANZ (AKL), R12189894.

when we can get the management office of the Karikati amalgamations to meets us on reserve matters for Waikato Bay'.[671]

The Minister replied to Johns, refuting that any pressure was placed on the sellers of the Karikari 1B1B block.[672] The letter noted the importance of the pā, but said that provisions were already underway to protect that pā for 'Māori and pakeha alike'.[673] The Minister claimed that the pā had already been fenced and was not being used for camping. With regards to the potential return of the land, the Minister wrote that:

> *'The Crown purchased property on a willing seller/ buyer basis and I could not, at this late stage, intervene to hand back the area, particularly when it was acquired for the enjoyment and benefit of all New Zealanders and public money has already been spent on providing facilities.'*[674]

Johns responded on 6 November 1973:

> *'Maitai Pā belongs to my tribe ie Ngāti Kahu and not to NZers or Maori and Pakeha alike. It seems to me that the Crown is being mighty generous with someone elses traditional heritage.'*[675]

Johns noted that while public funds may have been spent on the land as a whole, they had not been spent on the Maitai Pā, which he again asked to be returned. The Minister then asked for a report from the Commissioner of Crown Lands.

The Commissioner's report, delivered on 29 November 1973, further disputed Mr Johns claims.[676] The Commissioner, a Mr O'Brien, claimed to have completed the purchase of the lands himself and to have exerted no pressure on the land's owners to sell. He claimed that 'Mr

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[671] Ibid.
[672] Minister of Lands to Atihana Johns, 4 July 1973, BBEE 15336c, ANZ (AKL), R12189894.
[673] Ibid.
[674] Ibid.
[675] Atihana Johns to Minister of Lands, 6 November 1973, BBEE 15336c, ANZ (AKL), R12189894.
[676] Commisioner of Cornw Lands to Minister of Lands, 29 November 1973, BBEE 15336c, ANZ (AKL), R12189894.

Johns has something of an obsession about Maitai Bay and he is determined to find fault come what may'.[677] The Commissioner's points were noted by the Minister in his reply to Mr Johns on 28 March 1974, including another rebuff of the idea of returning the pā to Māori. The Minister stated:

> *'The Maoris will, because the Crown recognises its particular significance, have just as much right to use the area as anyone else.'*[678]

Mr Johns replied on 30 May 1974, arguing that if the land could not be returned then his people would like 'a voice in the future administration of it'.[679] He admitted that he did not know the full circumstances of the sale of the pā to the Crown, but argued that the previous Māori owners 'were not meant to sell it' as they were 'the guardians of it'.[680] He again asked that the pā be set out as a reserve or be administered by a committee of guardians comprising members of Ngāti Kahu.

After receiving the letter, the Director General wrote to the Minister in response saying that:

> *'Mr Johns has written before on a number of occasions and it does not seem to matter what information is supplied in answer to his queries, he always seems to find something else to write about. My attitude is that we should forward a fairly brief reply for the Ministers signature in an effort to 'stall off' Mr Johns but as you shall see from the attached representations, he has raised some points that have not been covered in previous correspondence'.*[681]

Once again, the Minister responded to Mr Johns, noting the previous correspondence:

> *'As you know, the Maitai Pa site was included in the title to the land purchased by the Crown for reserve purposes from Mr Hetaraka and has a guaranteed title. The Corwn*

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[677] Ibid.
[678] Minister of Lands to Atihana Johns, 28 March 1974, BBEE 15336c, ANZ (AKL), R12189894.
[679] Atihana Johns to Minister of Lands, 30 May 1974, BBEE 15336c, ANZ (AKL), R12189894.
[680] Ibid.
[681] Ibid.

acknowledges the significance of the Pa site and as indicated previously, present management of the area will ensure preservation in its natural state. While I cannot agree to the area being handed bacl to the Ngati Kahu Tribe, I have asked the Commissioner of Lands, Auckland to consult the Tribe on the future administration of the area to ensure its management is in sympathy with its historic and spiritual significance.'[682]

Johns also sent a letter regarding Maitai Pā to Hon. Matiu Rata, who was both Minister of Lands and Māori Affairs in 1975:

'I wish to pursue the matter of Karikari 1B1B and the Maitai pa site with you in your capacity of Māori Affairs rather than Minister of Lands because it appears to me that your officers in the latter department do not appear to have briefed you adequately. While I am pleased to receive the letter from the Commissioner of Crown Lands (Auckland) I wish to make it clear to you that I want much more than a consultative role for the Ngāti Kahu Tribe re Maitai Pā site. The Maitai Pā site should be returned to the Ngāti Kahu Tribe in the form of a Māori Reserve, to be administered by us. I remain unimpressed with the reasons why this cannot be done that have been made to me by you and your predecessors. The Crown acquired the said site easily enough. What insurmountable barriers are there to its return to Ngāti Kahu? If there are any court expenses or similar costs I am sure my tribe can meet them. I wish to impress upon you that the Maitai Pā site is historically and morally Ngati Kahu property and should be returned. It is not there for the benefit of Māori and Pakeha alike, or even for other tribes and I resent the manner in which outsiders have such free and easy access to it. Despite your assurances in your letter of 4th July 1973 that the site would be protected, I saw campers climbing over the fence and up to the summit (which is tapu) only last December holidays. I also saw evidence of fires having been lit by campers or picnickers on the site.'[683]

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[682] Minister of Lands to Atihana Johns, 31 October 1974, ibid.
[683] Atihana Johns to Hon. Matiu Rata, Minister of Lands and Maori Affairs, 3 March 1975, BBEE 15336c, ANZ (AKL), R12189894. Document Bank, p. 154.

After sometime tracking down the Secretary of Ngāti Kahu, the Commissioner of Crown Lands contacted the iwi to fulfil the Minister's earlier commitment to keep them informed on the management of the pā.[684]

The land at Karikari 2 Residue Esplanade Reserve was another main area of concern. The long coastline of this block contains several wāhi tapu, pa sites and sites of traditional significance which were removed from their ownership and control when subdivisions were made at the southern end of the block. The title to the esplanade reserve of Karikari 2 Residue is now public recreation reserve. [685]

In 1988, a case was brought to the Maori Land Court concerning rates and an application by to have the Karikari 2 Residue block set aside as a Maori reservation. Claimants told the Court that the debts on the land, both mortgages and rates, in a number of cases exceeded the value of the land, and that was why the Crown was able to acquire parts of the Karikari and Merita blocks which are now administered by the Department of Conservation.

Claimants concern was based on potential desecration of wāhi tapu and archaeological sites by opening up this coast for public recreation. Claimants raised concerns about interference and damage to wāhi tapu by the general public who were unaware or otherwise insensitive to their tapu nature. [686]

Mr McCully Matiu, who gave evidence to the Court, stated that the rates burden had resulted in partition and loss of land by way of esplanade reserve and sale. The vesting of the foreshore esplanade reserve in the Crown, without consultation or agreement from Māori, threatened the wāhi tapu lying therein.[687]

Considering this evidence for her report to the Tribunal in 2002, Stokes found the following:

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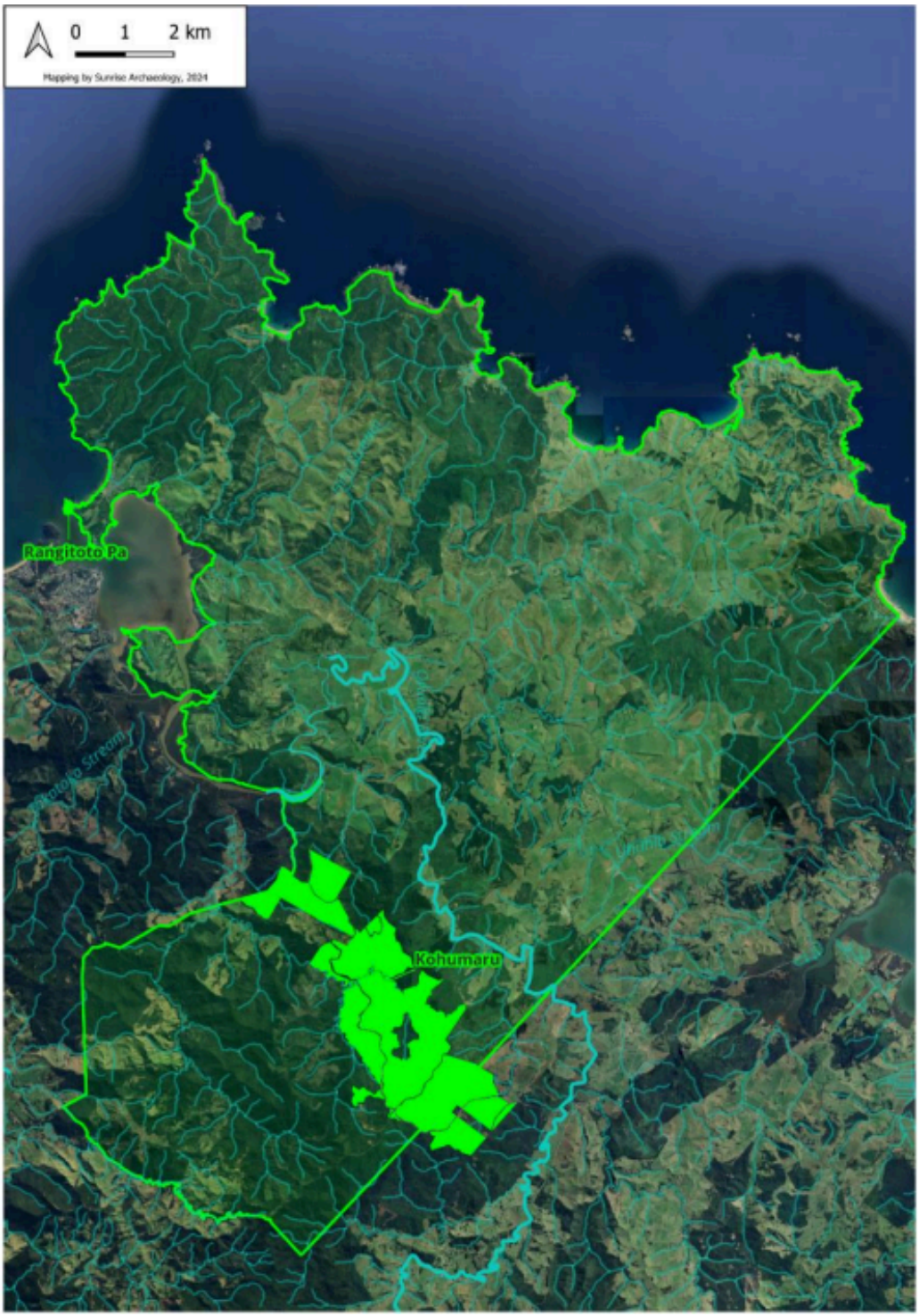
[684] Commissioner of Crown Lands to Mr Matthews, 1 April 1975, ibid.
[685] Ibid.
[686] Stokes, 'The Muriwhenua Land Claims Post 1865', p 343.
[687] Ibid., p. 346

'The owners of Karikari 2 Residue block have a good case to put before their local authority for remission of rates on the grounds of preservation of a scenic coastal environment and protection of pa and wahi tapu.'[688]

[688] Ibid., p. 350

MANGŌNUI & KOHUMARU



Map 54: Mangōnui and Kohumaru, showing case study areas. Source: Maxwell and Huebert, 2024.

INTRODUCTION

Mangōnui and Kohumaru are two roughly adjacent areas of cultural significance for claimants, located in eastern Muriwhenua. The wider area, shown below, covers roughly 20,000 ha stretching from Mangōnui harbour to Taupō Bay and southward to Otangaroa Forest. As Maxwell and Huebert write:

> *'This area has long stretches of rocky coastline, interspersed with sandy beaches. It is characterised by steep and rolling ridges of volcanic origin and the Oruaiti River system, which feeds into the Mangonui Harbour. The river flats extend through the south-central part of this landscape. The area is well-watered, with numerous streams and small rivers. The soils tend to be clayey, but fertile loams are present. Large parts of this landscape were once covered in forests, including kauri, much of which was harvested in the nineteenth century. Extensive fernlands were also noted at the time of European arrival.'*[689]

This region is one of great traditional, historical and cultural importance for claimants of WAI295, representing Te Uri-o-Te Aho, Te Tahawai, and Ngāti Mokokohi. These people have a long and enduring relationship with this land and the many wāhi tapu in the area. These include significant maunga such as Pārangiora, Whakaangi and Kotipu, pā such as Rangikāpiti, Rangitoto, Paroanui and Karewa, and burial areas such as Pārangiora, Mōrea, and Tarewa-tangata. Claimants for Wai295 have selected Rangitoto and Rangikāpiti Pā and Kohumaru Station as case studies demonstrating their traditional interests in the area and interactions with the Crown regarding wāhi tapu.

[689] Maxwell and Huebert, p. 357.

RANGITOTO AND RANGIKĀPITI

Map 55: Rangitoto and Rangikāpiti cultural landscape. Original land block (black), wāhi tapu and other sites of interest (white). Source: Ben Leonard, 2024. Basemap: Google Aerial Imagery.

Introduction

The entrance to Mangonui harbour is a large and important cultural landscape for claimants, incorporating pā, kāinga, wāhi tapu, urupa, cultivations, wahi pakanga and mahinga kai areas. It includes many significant wāhi tapu such as Rangikāpiti Pā, Rangitoto Pā, Te Pā O Moehuri, the Ruakaramea waka and burials.

The pā of this area are of great importance to claimants, being the site of several pivotal battles in the region.[690] Rangikāpiti, Rangitoto, and Te Pā o Moehuri formed a defensive gateway of

[690] Popata, p. 27

unique strategic importance in controlling and protecting access to the Mangōnui harbour. As a defensive locations they were perfectly situated to spot incoming waka and overland-parties and to defend the area from attack. As a result, these pā saw many major battles in which many lives were lost.

The pā and the surrounding cultural landscape were alienated by the Crown during the 19th century. This included by way of claiming 'surplus lands' through pre-Treaty agreements, land agreements through Treaty pre-emption, and taking land for public reserves. This has resulted in the land's current ownership and management which includes largely private-residential and business land at Mangōnui, public reserve land, and some limited horticulture and open space.

The pā and other wāhi tapu in this landscape have suffered degradation through clearance, landscaping, farming, horticulture and introduced weeds and pests. Tangata whenua have been largely unable to exercise kaitiakitanga over these wāhi tapu, except by consent of the individual landowners and local authorities. The wāhi tapu have suffered as a result.

Currently the land ownership in this case study area is largely private with a few areas of Department of Conservation-managed Crown land (including Rangikāpiti). Rangitoto Pā remains a Far North District Council vested reserve. As some of the wāhi tapu are archaeological sites (under the meaning of the Act), they have the generic protections available under the Heritage New Zealand Pouhere Taonga Act 2014. However none of the wāhi tapu in this cultural landscape are registered in the New Zealand Heritage List/Rarangi Kōrero.

Of the wāhi tapu in this area, only Rangikāpiti and the Berghan Family Urupa are currently registered on the Far North District Plan (2009).

Wāhi tapu

Mangōnui harbour has been an important place for tangata whenua mai rā anō (since time immemorial). Among the many tupuna waka that arrived in Tokerau Moana (Doubtless Bay) was Ruakaramea, captained by Moehuri. The waka was guided here from Hawaiki under the

protection of a kaitiaki taniwha in the form of a great shark.[691] Ruakaramea sailed in to the Mangōnui harbour where its people settled, with Moehuri building Rangikāpiti Pā.[692] The waka now lies below Rangikāpiti where it has been turned to stone.[693] The taniwha remained living in the harbour and continued to be an important kaitiaki of the area.

However, Moehuri's son Tukiato (or Tukiata) sought out the taniwha and fished it ashore at the present day site of Mangōnui township. For this transgression, Tukiato was banished from living at Rangikapiti pa and sent away. Mangōnui Harbour was named to commemorate the taniwha that guided the crew of Ruakaramea to this new land.[694]

As Lloyd Popoata states:

> *'The founding tupuna established themselves and their Hawaiiki whanau on Rangikapiti; one of the first kainga of the new land.'*[695]

It is unclear exactly when Rangitoto pā was first built but given its strategic location and links to nearby Rangikāpiti pā, it is possible that it was built during Moehuri and Tukiato's time. As the people grew and spread, these pā continued to be important strategic and defensive places.

Meanwhile, just north of present-day Butler's Point is Te Pā O Moehuri. Based on archaeological findings discussed by Maxwell and Heubert below, the pā was initially unfortified and likely included whata, pātaka and several whare.[696] The first defences are thought to have been a ring of wooden palisades near the hill top. Later defences consisted of a ditch and a bank. Overtime the height of the bank was increased and at least three lines of defensive palisades were built on top.

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[691] Ibid., p. 21
[692] Te Paatu ki Kauhanga Trust Board, 'Maria Subdivision, Maheatai – Cultural Effects Assessment', p. 17.
[693] Basset, p. 5.
[694] Popata, p. 22.
[695] Ibid.
[696] Maxwell and Huebert, pp. 379-381

On the southern flank of Rangikāpiti pā is an urupa of the Berghan family, thought to include David Berghan, his wife Turikatuku and 4 of their children are buried here, along with a further possible two children. The urupa is currently on private land, but has been registered with the New Zealand Archaeological Association (NZAA) Archsite.[697]

From a strategic perspective, Rangikāpiti and Rangitoto controlled access to and from the Mangōnui harbour. The residents of these pā had access to all the kaimoana resources of the Mangōnui Harbour, as well as the freshwater resources of nearby Oruaiti and the forest resources of the surrounding valleys. The wider cultural landscape includes highly productive patches of ground that produce excellent crops of kumara and other vegetables.[698]

Both archaeological evidence and traditional history suggest that the entire Mangōnui harbour was in use as an interconnected cultural landscape.[699] The defensive pā were connected to the other living sites, gardens, terraces, rua-kai, landing places and other pā right across the harbour coast and headlands.

As one of the oldest and longest occupied pā in the region, Rangikāpiti is an important wāhi tapu. The pā controlled the Mangōnui harbour and surrounding Tokerau Moana. Rangikāpiti was heavily defended and contained food storage, whare and other provisions for surviving a long-term siege. The tihi was the domain of rangatira, where chiefly activities were carried out with their associated tikanga, mana and tapu. The tihi of Rangikāpiti thus remains a particularly tapu place.

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[697] NZAA Site Record Form NZMS1, Site Number O04/942
[698] J Maingay, 'Archaeoligcal Inspection of a Proposed House Site, Butler Point', New Zealand Historic Places Trust, 2003, p. 2.
[699] J Maingay, 'Archaeoligcal Sites at Butler Point', Department of Conservation, 1993, p. 1.

Rangikapiti Pā. Note, Rangitoto Pā across harbour entrance is under vegetation. Facing northeast. Source: Maxwell and Huebert, 2024.

The surrounding peninsula was likely used for habitation, gardening and other settlement activities. The tihi is surrounded by concentric rings of more than forty terraces, with a defensive ditch and bank intermittently surrounding the southern slope. [700] Beyond the defences are several outlying isolated terraces. A series of terraces also rundown the slope to the north towards the headland. The pā would have had palisades encircling the terraces and two ditches on the outer edges of the pa stopping enemy entry.

Across the harbour mouth lies Rangitoto Pā, another important wāhi tapu. Much of the documentary record on the traditional history of Rangitoto is concerned with a series of battles on the pā, culminating in a major war during the late 18th or early 19th century.

[700] M Goddard, 'Rangikāpiti Pa Historic Reserve, Historic Heritage Assessment', Department of Conservation, 2011, p. 6.

During Native Land Court hearings in the mid-19th century, this battle was repeatedly referred to by Pororua Wharekauri and others as evidence of their take raupatu (rights of conquest) to the region. During the Mangataraire block hearings in October 1869, for instance, Pororua claimed that his father Te Taiapa (Te Taepa) had conquered the region, with the main battle being at Rangitoto.[701]

Pororua stated that the Ngāti Kahu defenders of the pā were beaten and left for surrounding regions. The area was then occupied by Te Taiapa and his people. This was supported by Poni Te Kanohi, who added that the chief of Rangitoto at the time was Pakaru.[702] This battle at Rangitoto was said to have been at some time in the late 18th or early 19th century. This is supported by Hohepa Kiwa, Pororua's elder brother, who testified that the land had been in his hapū's possession since he was a little child, making the battle around the beginning of the 1800s.[703] At the 1875 hearings for the Kauri Putete block, Pororua stated that the fighting began two generations before his father, indicating a long series of battles over generations.[704]

Pororua's timeline suggests an earlier battle at Rangitoto in which the defenders were forced out of the area. He says that Te Waikoi (Waikoe) then came and lived at Rangitoto along with some from Ngāti Kahu under a rangatira named Pakaru.[705] Following a failed attack on the nearby pā of Umahukupa by Ngāti Rangi, Ngapuhi assembled in large numbers and attacked Rangitoto in retribution. Pororua states that this was a victory for Ngapuhi who killed Pakaru and left only a few survivors.

During the Kohumaru hearings in 1901, Karena Kiwa stated that following a defeat of Ngapuhi by Ngāti Kahu, a group of Ngāti Kahu from Rangitoto pursued Ngapuhi and killed one of their rangatira Te Parera at Te Iwitaua, near Whangaroa.[706] This led to retaliation from Ngapuhi who

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[701] Pororua Wharekauri, Mangataraire Block hearing, NMB, 1, pp. 47-48.
[702] Poni Te Kanohi, ibid., pp. 47-48.
[703] Hohepa Kiwa, ibid., pp. 47-48.
[704] Pororua Wharekauri, Kauri Putete Block hearing, NMB, 2, p. 74
[705] Ibid.
[706] Karena Kiwa, Kohumaru Block hearing, NMB, 31, 1901, p. 138.

returned to attack Rangitoto Pa under the leadership of Te Awha and his son Te Taepa. The pā was taken and many lives lost in the battle.[707]

In evidence to the Waitangi Tribunal, Pereniki Tauahara stated that the attack on Rangitoto was led by a combined force of Ngāpuhi and Te Rarawa. Ngāti Kahu suffered a major defeat at Rangitoto and at Ngaupiu shortly afterward.[708] As a result, Ngāti Kahu vacated the areas around Mangōnui and in the Ōruru valley and Ngapuhi moved in.
While kōrero may differ, all speakers agree that a series of battles took place at Rangikāpiti, Rangitoto and the surrounding Mangōnui area during the late 18th or early 19th century. This culminated in a series of major battles around the turn of the century that led to an immense loss of life. As a result of the blood spilled on this land over many generations and their deep ancestral and spiritual importance, these places are considered important wāhi tapu. The differences in kōrero and perspectives are best addressed by the forthcoming 'tribal landscape' reports.[709]

Arrival of Pākehā

Contact with Pākehā began in the late 18th century with ships visiting Tokerau Moana (Doubtless Bay) and Mangōnui. This included the arrival Captain De Surville aboard *Saint Jean-Baptiste*, as well as increasing visits by whaling ships stopping in Mangōnui harbour to provision. These early arrivals had a number of important effects on Mangōnui and the surrounding regions.

Firstly, visiting ships and their crew introduced new infectious diseases that began a series of epidemics which drastically reduced the population of the region.[710] Early European visitors also introduced new crops in the form of potato, wheat, corn, cabbage and different varieties of kūmara. Finally, the use of the harbour as a provisioning location for European ships refocused Māori economic activity on Mangōnui to supply whalers, sawyers and a growing

[707] Ibid., p. 191
[708] Pereniki Tauhara, p. 24.
[709] As of July 2024 a tribal landscape report is underway for Wai 295, with another to begin shortly for WAI 1842, 1359, 1662, and 1670. This may include Wai 1886 and 1668 but this will be confirmed a later stage.
[710] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Mangōnui Sewerage Claim*, pp. 13-15.

settler population. These changes had major impacts on settlement patterns and land use around Mangōnui harbour, including on wāhi tapu.

By 1836 a number of Pākehā settlers had established themselves at Mangōnui. Many were sawyers and they began to negotiate with rangatira for the use of land to cut timber and build modest homes. These agreements took the form of tuku whenua arrangements where Pākehā settlers were granted use of the land in return for trade goods. One of the most important elements of these agreements was the creation of a mutual and enduring relationship in which Pākehā were expected to live according to the tikanga of their hosts and bring material benefits by attracting other Pākehā for trade. These agreements were often cemented by marriage between settlers and tangata whenua.

Pre-treaty agreements

Many of these pre-Treaty land agreements took place around Mangōnui during the 1830s. [711] As the main settlement for Pākehā settlers at the time, agreements were negotiated primarily with the rangatira Pororua, Hohepa Kiwa, Ururoa and others following the battles at places liked Rangitoto as described earlier.[712] Agreements for land in Mangōnui were later claimed in the 1843 Land Claims Commission by settlers Dacre, Berghan, Ryan, Wrathall, Butler, Partridge, Smyth, Wright, Thomas, Phillips and others.[713]

These agreements are often only recorded in written English text, probably recording verbal agreements that had occurred years earlier. A rush of agreements in 1839 seems to suggest that settlers were attempting to establish written claims in anticipation of British annexation in 1840. Although the deeds mention specific (though poorly recorded) boundaries and landmarks, they do not mention wāhi tapu or make reservations or set land aside for Māori.

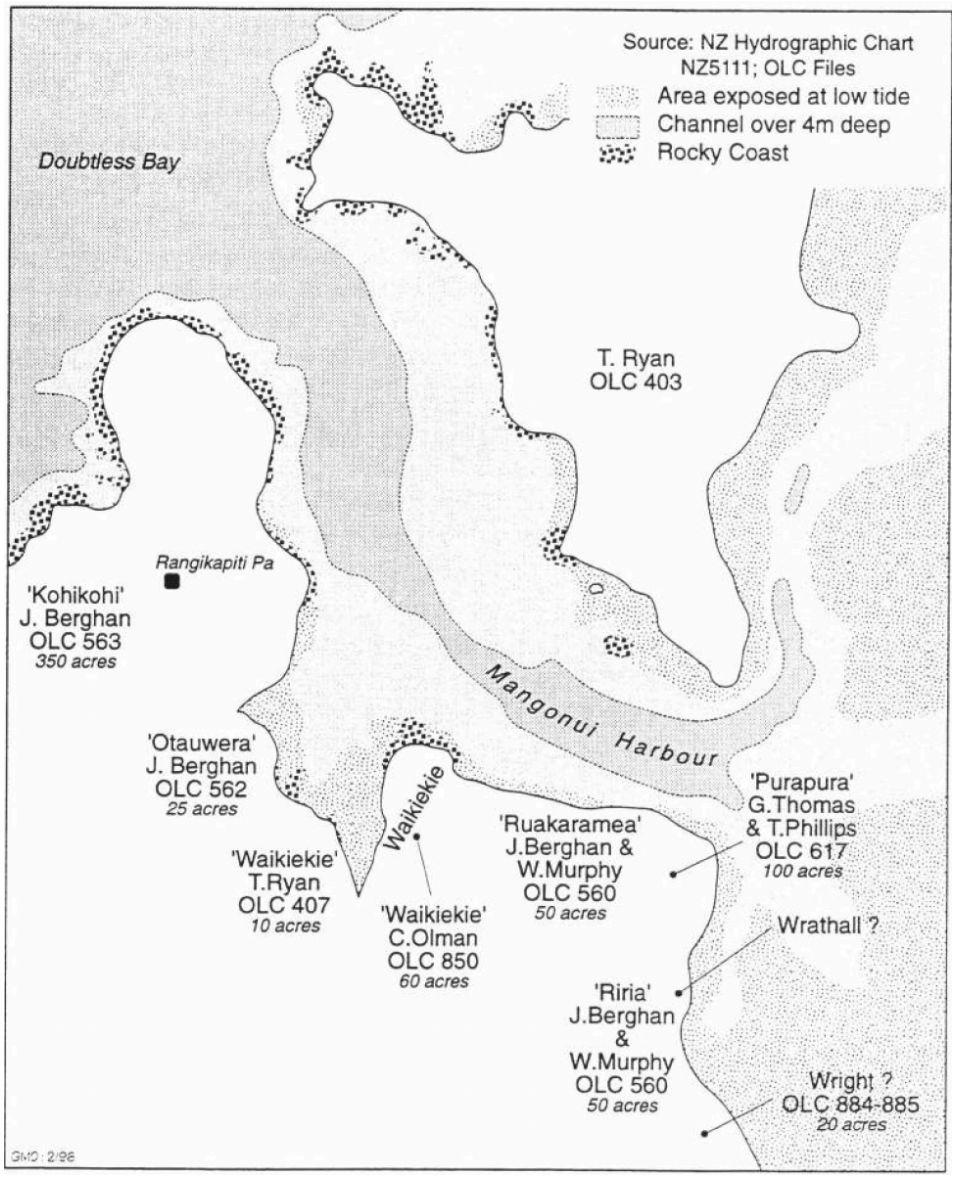
It is unclear to what extent wāhi tapu or taonga on the land were discussed during negotiations of these tuku whenua agreements. No mention is made to either taonga or wāhi tapu in the

[711] Rigby, 'Mangōnui Area and Taemaro Claim', p. 3.
[712] Stokes, 'A Review of the Evidence in the Muriwhenua Land Claims', p. 302.
[713] Ibid., p. 304.

English language deeds that have survived. This is despite these agreements covering very significant wāhi tapu in the area such as Rangikāpiti Pā, Ruakaramea, Rangitoto, and Te Pa O Moehuri.

Rangitoto Pā and the surrounding lands were included in an agreement with the Pākehā sawyer Thomas Ryan in 1838.[714] The agreement, named Waikeke, was signed by a rangatira recorded at the time as 'Ewarri' for goods including gun-powder and fabric.[715] Ryan then transferred about 20 acres of this land to William Butler in 1845. This land transfer appears to have included Rangitoto Pā and the southern portion of the peninsula including Te Pā O Moehuri.

[714] Alemann, p. 17.
[715] Waikeke Block, Doubtless Bay, Mangōnui District. Turton, 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims'.



Map 56: Old Land Claims in the Mangōnui area. Waitangi Tribunal, Muriwhenua Lands Report, p. 90.

Butler established a business on this land supplying whaling ships visiting the Mangōnui harbour. Local Māori were an essential part of Butler's enterprises, supplying the pork and vegetables that he supplied to whalers and of the flax and kauri gum that he exported.[716] The business became successful and Butler went on to become a prominent member of the settler community around Mangōnui harbour.

[716] Maingay, 'Archaeoligcal Inspection of a Proposed House Site, Butler Point', p. 3.

Image 23: Butler Point, 1900. Auckland Libraries Heritage Collections NZG-19000804-0212-02

Mangōnui 1840/1841

One of the first Crown purchases in Muriwhenua following the signing of the Treaty of Waitangi was the 1840 Mangōnui agreement between Panakareao and Governor Hobson.[717] The land in question was a huge area centred on the Mangōnui harbour and including the whole of the Rangikāpiti/Rangitoto cultural landscape. Upon hearing of this agreement, the chief Pororua Wharekauri travelled to Auckland to make his claim for the same lands. Pororua was successful and on 28 May 1841, an agreement was signed by Pororua and the Crown covering much of the same land as the Panakareao agreement.

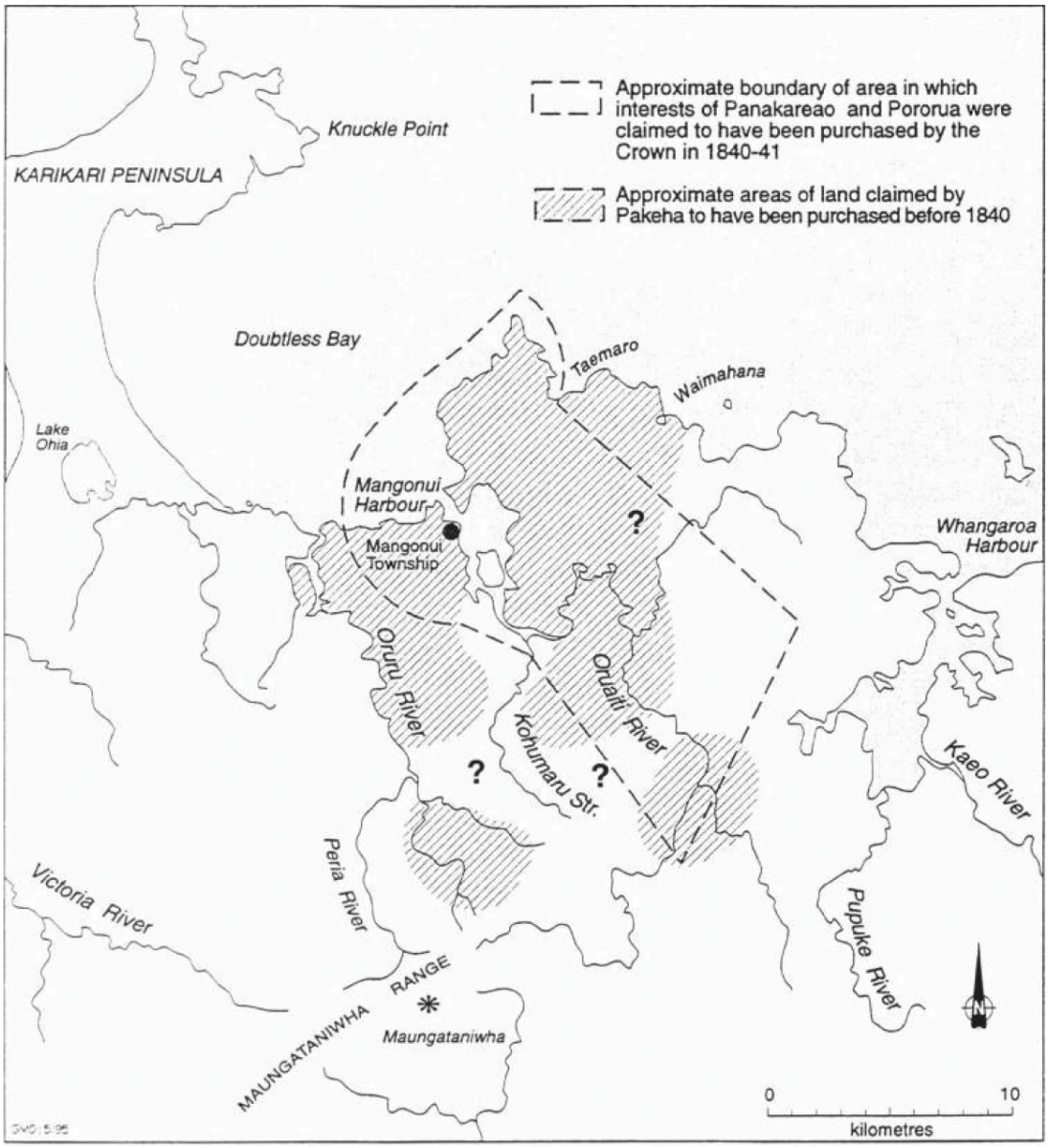
The Waitangi Tribunal has found that both the Panakareao and Pororua Mangōnui agreements were not so much sales as assertions of the mana of both chiefs and were 'no effective

[717] Rigby and Koning, p. 61.

conveyance of anything'.[718] The two Mangōnui deeds of 1840/1841 do not identify all the owners, or the full price to be paid. Moreover, the deeds do not give an area, and the boundary description is very hazy, and can hardly be reproduced on a map even today.

The agreement with Panakareao specifically mentions the boundary crossing over Rangitoto to Rangikāpiti. It does not, however, contain any mention to the tapu nature of these places or reserve them as wāhi tapu from the sale. It possible that as a 'assertions of mana', rather than sales, both Panakareao and Pororua may not have though it necessary to include specific protections for wāhi tapu.

[718] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 120.



Map 57: Possible location of Mangōnui blocks 1840/1841. Waitangi Tribunal, Muriwhenua Lands Report, p. 119.

Claimants' tūpuna continued to act as kaitiaki for their wāhi tapu regardless of these arrangements. Tipene Te Taha stated that he and his party set up a pou on Rangikāpiti to assert their mana but that this was knocked down by Pororua:

> *'We set it up and he knocked it down again and so on until we fought it out at Oruru.'*[719]

[719] Tipene Te Taha, Pukenui hearing, NMB, 1, 1877, p. 166.

With the fight at Ōruru occurring in 1843, it seems likely the setting up of the pou at Rangikāpiti was in the early 1840s or late 1830s. This would make it contemporaneous with the settler Old Land Claims to the land and the Crown's Mangōnui agreements with Panakareao and Pororua. At some point it appears that a flagstaff was placed on the tihi of Rangikāpiti. The flag staff is clearly visible in the 1852 painting by R Wynyard reproduced below.

Image 24: 'Mangonui' by R Wynyard, 1852. Rangikāpiti and the flagstaff are clearly visible to the right. Source: Alexander Turnbull Library, A-081-020, 160186.

Godfrey Commission

Following the signing of the Treaty of Waitangi in 1840, it became clear that existing land agreements between Māori and Pākehā would require investigation. These pre-treaty claims were known as 'Old Land Claims' and were investigated by the Crown in 1842-1843.

Governor Hobson sent Commissioner Edward Godfrey to Mangōnui in January 1843 to investigate pre-Treaty claims in the region. After being welcomed by a large pōwhiri of around 400 people on shore, Godfrey began investigations on the transactions in Mangōnui.[720] However before claims could be heard in full, Godfrey left the area because of increasing tensions between Pororua and Panakareao.

While notes on the claims of settlers were kept, no record of the claims of rangatira appear to have been made. Given the wide-ranging nature of the claims and the Crown's newly acquired responsibilities in the Treaty, an examination of the wāhi tapu laying on these lands and the ways in which they might be protected would have been appropriate.

In the end, the Crown to offered Pākehā claimants 'scrip land', meaning that their claims could be exchanged for other land elsewhere. Some chose to take the deal, while others remained where they were. Importantly, the Crown decided not to return the land to tangata whenua and instead assumed Crown ownership in cases where 'scrip land' was issued.

Apart from claims to Oparera, none of these transactions were investigated fully by Commissioner Godfrey at Mangōnui in 1843. All the rest were dealt with in Auckland in 1844 by Commissioner Godfrey and Governor FitzRoy, without any participation by Māori. In the case of Ryan's claims to land in the area including Rangitoto, Godfrey recommended 514 acres scrip. On application to FitzRoy, 1542 acres of scrip land was offered to Ryan who never took it up.[721]

An 1847 hydrographic survey of the Mangōnui harbour recorded that coal had been found in the vicinity of Rangitoto Pā.[722] It is unclear if this discovery was accidental or the result of intentional coal prospecting. This may have been the coal deposit mentioned by Governor Hobson to Panakareao as a potential development for the town of Mangōnui. This discussion is said to have led Panakareao to shift focus to Mangōnui in 1846.[723] However the coal appears

[720] Rigby, 'Mangōnui Area and the Taemaro Claim', p/15.
[721] Waitangi Tribunal, *Muriwhenua Land Report*, p. 139
[722] Port Monganui in Lauriston Bay by A. H. Halloran, Auckland Libraries Heritage Collections Map 849.
[723] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 365.

to have been limited and any plans for mining were abandoned. The abandonment of the Governor's promise of development at Mangōnui is said to have deeply affected Panakareao and his relationship with the Crown.

In 1848, W. B. White was appointed Resident Magistrate for Muriwhenua and moved to Mangōnui.[724] White investigated pre-Treaty land agreements in Mangōnui during 1848-1849. His main interest in this investigation seems to have been to ensure settlers had their land titles confirmed and that those who had land taken for the Mangōnui township be compensated. He investigated claims from Berghan, Ryan, Olman, Thomas and Phillips. In 1852, White granted the settler John Lloyd 426 acres worth of land covering Rangitoto Pā and the surrounding area as settlement for his claims in land elsewhere in Muriwhenua.[725]

Waikiekie

The first Crown purchase in the area was known as Waikiekie. The block covered land on the eastern headland of Mill Bay (excluding the Old Land Claims of Berghan, Murphy and Flavell).[726] This purchase seems to have been intended to cover all of Panakareao's claims in the Mangōnui township area after a patchwork of Old Land Claims.[727] The deed was signed by Panakareao in May 1850 for 5 pounds and set aside a small twenty eight yard square reserve on the western side of the headland, about where Mabel Thorburn Place is today. [728] This was kept as a waka-landing reserve.

Despite the Old Land Claims and Crown purchase of Waikiekie, there were several areas in Mangōnui which were simply assumed by the Crown with no transaction or other agreement. Waikiekie was ostensibly 32 acres, but a survey of the land by White showed an area of 200 acres. This included the areas noted as "waste land" in the map below and the area south of the line from Berhan's post to Te Rere (Māori Point). Importantly, this includes Rangikāpiti pā. As Alemann has observed:

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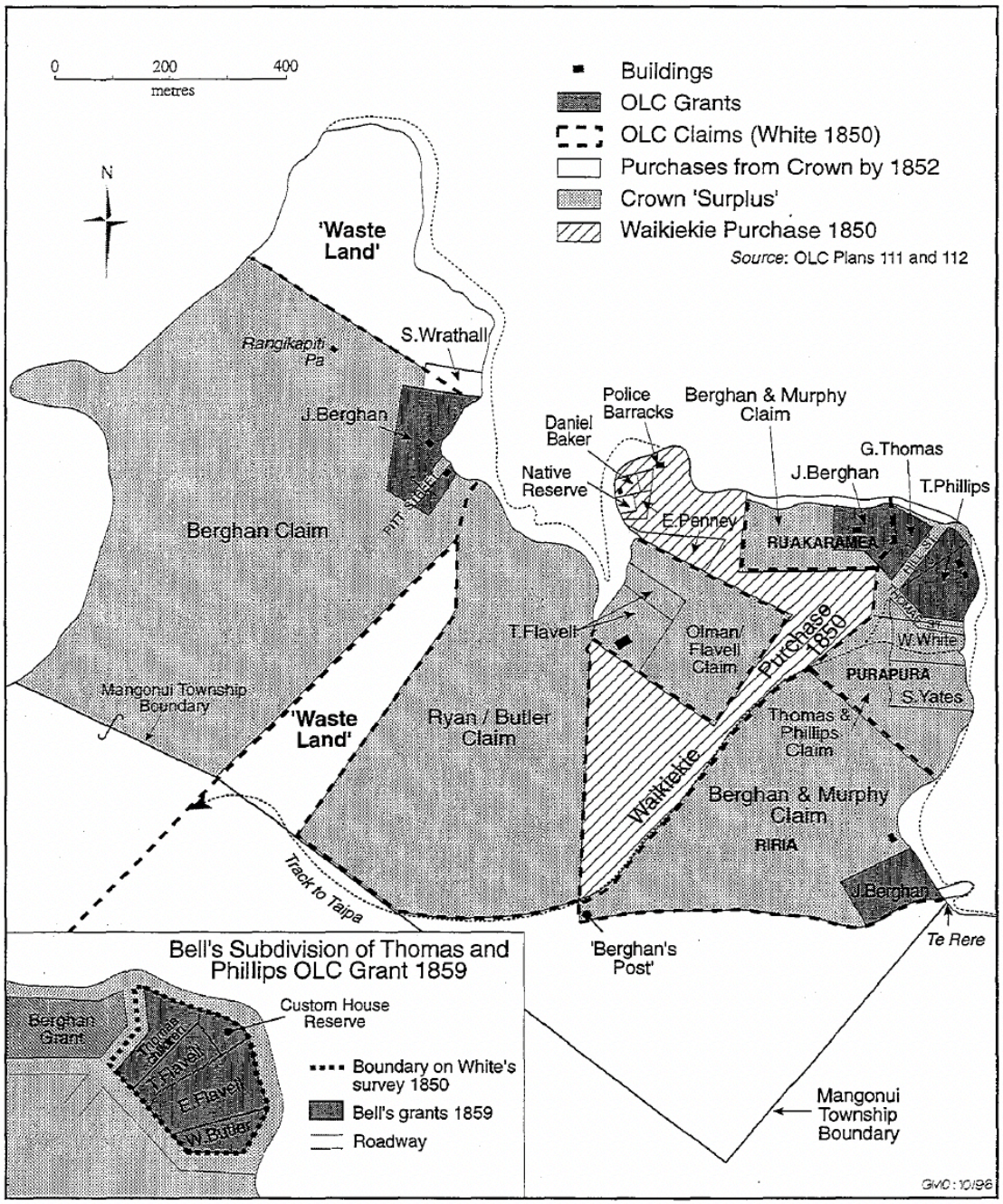
[724] Ibid., 267.
[725] Waitangi Tribunal, *Muriwhenua Land Report*, p. 238
[726] Waitangi Tribunal, 'Outline of Closing Submissions on Behalf of claimants', Wai 45, N001(a), p. 23
[727] See Stokes, Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 362.
[728] Koning & Rigby, p. 112.

'These two areas were apparently never "sold", they were not claimed by Pakeha claimants and they were not included within the boundaries of the 1850 Deed. The Crown obtained these two areas by way of inclusion in the survey.' [729]

Similarly, these is no record of how the area south of the line from Berhan's post to Te Rere came into Crown ownership. Again, Alemann notes:

'One could speculate that this land was included in the 1840 purchase from Nopera, but then why was the Waikiekie block bought again from Nopera? And how does this tally with the impression that Maori had that it referred to the Oruru Block? The 1841 purchase from Pororua had the same boundary description but again Maori thought that it referred to the Oruru block. And this land was not included in the sketch map made in 1863 of the Mangōnui block which purported to map the final purchase from Pororua.' [730]

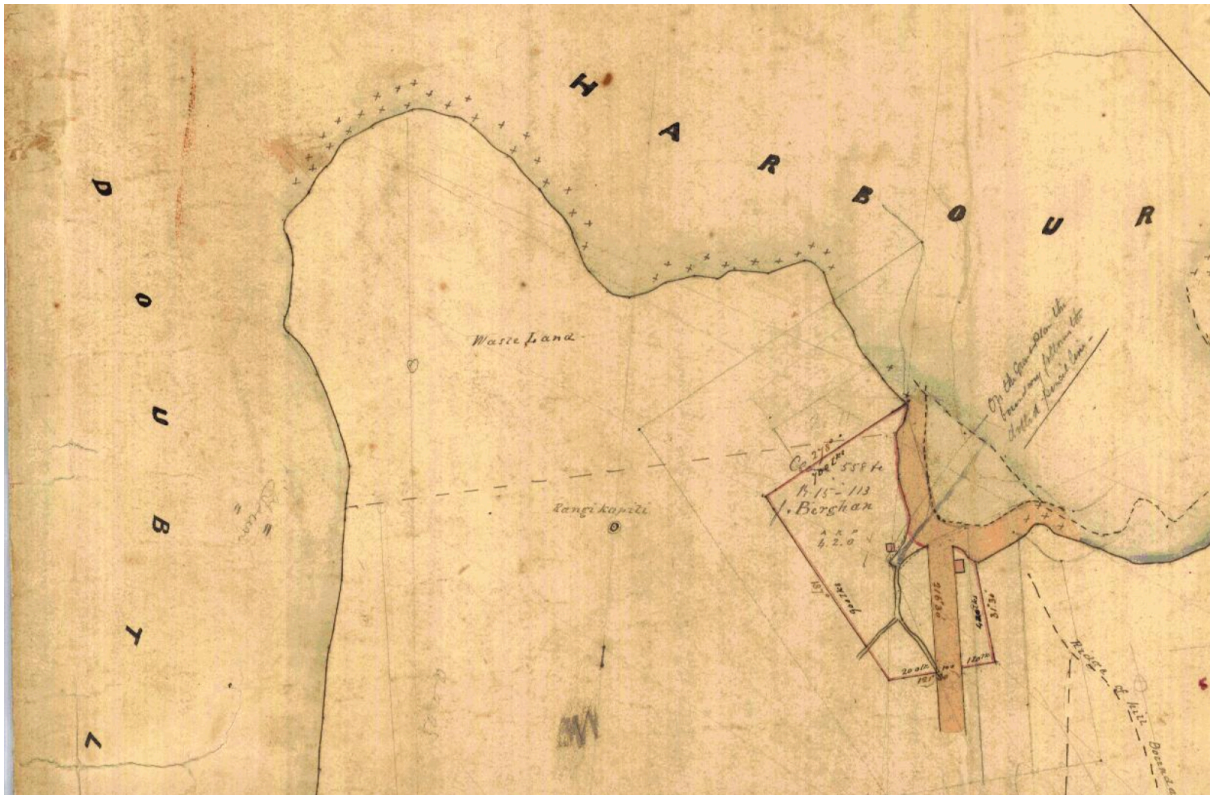
[729] Alemann, 'Muriwhenua Land Claim Mangōnui, Native Reserves And Opouturi', p. 10.
[730] Ibid.



Map 58: Mangōnui township, 1852. Stokes, 'Review of Evidence', p. 355.

In the case of Rangikāpiti, a pā and wāhi tapu on immense significance, this was particularly troubling. Part of this wāhi tapu was one of the areas labelled 'waste land' in White's 1850 plan of Mangōnui (OLC 111) that accompanied the Waikiekie purchase. As such, the origins of legal title to this part of Rangikāpiti pā are unclear. The rest of the pā appears to have been part of the Kohikohi claim by Bergan (OLC563). Just like Godfrey's 1843 Commission, there was

also no investigation of customary rights to wāhi tapu, nor was there an opportunity for Māori to have their claims heard.



Map 59: White's 1850 map of Mangonui showing northern portion of Rangikāpiti as 'waste land'. Source: North Auckland OLC111, Roll 1.

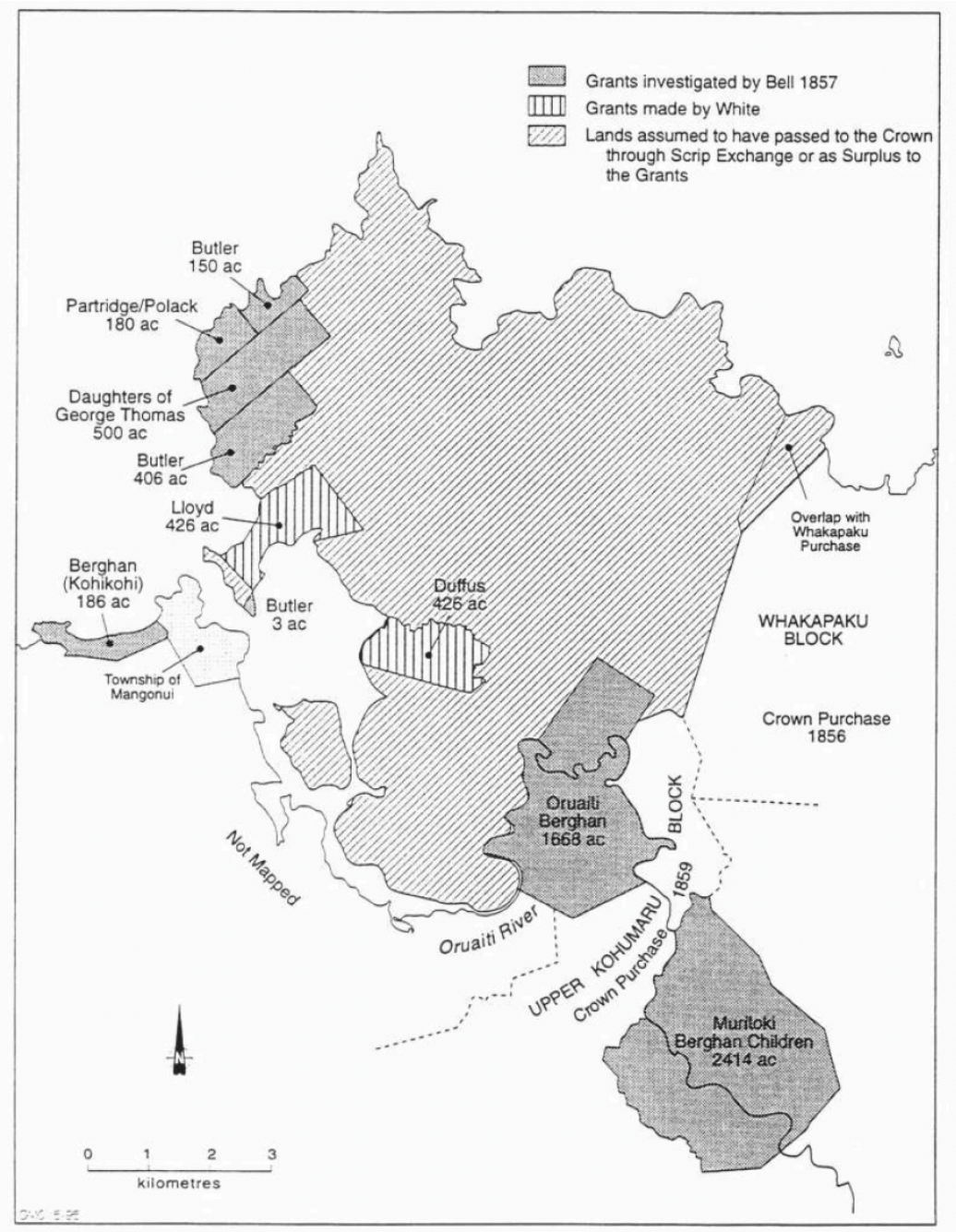
Bell Commission

As the Crown continued to purchase land in Muriwhenua during the 1850s, the messy boundaries and poor records of the pre-Treaty transactions continued to be a problem. As discussed above, in 1852 White granted the settler John Lloyd 426 acres worth of land adjacent to Rangitoto as settlement for his claims in land elsewhere in Muriwhenua.[731]

Butler's claim to Rangitoto and the surrounding lands came before the Bell Commission. Ostensibly, the adjacent land had already been granted to Lloyd by White in 1852. Bell

[731] Waitangi Tribunal, *Muriwhenua Land Report*, p. 238

considered the land transfer from Ryan to Butler (for the 'Waikeke' land originally agreed with 'Ewarri') and ordered that Butler should receive three acres for his interests in the land he had acquired from Ryan, covering Butler Point. The land between Butler's grant and Lloyd's earlier grant seems to have been kept by the Crown as 'surplus lands', as shown below.



Map 60: Surplus Lands and the Bell Commission investigation in Mangōnui. Waitangi Tribunal, Muriwhenua Lands Report, p. 239.

Mangōnui block 1863

The ad hoc purchasing of Māori land around Mangōnui harbour continued to cause problems for the Crown in to the 1860s. It attempted to settle its own sloppy purchases by sweeping up the entire area in one more large agreement in 1863.

On 19 May 1863 H T Kemp signed an agreement on behalf of the Crown with Pororua, Poni, Te Rakena, Te Paeara, Peropero and Kaiapa for a huge block of 22,000 acres called Mangōnui.[732] This transaction was supposed to clean up the various Old Land Claims and Crown Purchases in the Mangōnui area and act as a final settlement of Māori interests in the area. As with the other Crown purchases in the area, however, it only cause more problems and caused further divisions in iwi, hapū and whānau. Records on this transaction are convoluted and it appears the Crown did a poor job of describing boundaries and negotiating with the many traditional owners of this huge area of land.[733] The Waitangi Tribunal found that:

> *"We consider Maori interests were never properly extinguished by the Mangōnui transaction of 1863. In our view, the Mangōnui 'purchase' typifies the resident magistrate's incomprehension of, or disregard for, both the Maori ethic and English legal processes and conveyancing forms. The result was considerable confusion. White was not a lawyer, despite his resident magistrate's title, nor was he a competent surveyor, despite his adoption of that calling from when he worked for the New Zealand Company."*[734]

There were numerous wāhi tapu of great importance in this area, including Rangitoto, Te Pā O Moehuri and all those in the Whakaangi and Taemaro areas. However, only two reserves were provided for. These were the native reserves at Waiaua and Taemaro. While these reserves did include some wāhi tapu, the vast majority of wāhi tapu on this block were not set aside.

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[732] Mangōnui Block (Claims Of Pororua And Others), Deed #16 – Mangōnui District, Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand: Volume One*, New Zealand Electronic Text Centre, p. 19.
[733] Waitangi Tribunal, *Muriwhenua Lands Report*, 248.
[734] Ibid.

In 1862, Rakena Waiaua and 37 other rangatira wrote a petition to Governor Grey concerning these lands. [735] According to the petitioners, their land had been taken "without discussion, right or authority" by White. Petitioners stated that they had been to see the magistrate (also White) no less than five times to get this grievance addressed and each time White had refused. Again this illustrates a key problem with White's position and the Crown land transactions he affected. In this case he was both the accused (when it comes to improper land dealings) as well as his own judge and jury.[736]

One cannot help but wonder how many other protesters appealed to White and eventually got tired of his repeated refusals to recognise their claims. Certainly, when advising the department over Rakena Waiaua's petition, White stated that the dispute was 'only one of many which are being discussed about here, which if encouraged will cost immense sums of money, and encourage a most dishonest repudiation of all their former sales'.[737] The evidence thus suggests that there may have been a substantial amount of protest made at the local level that was never documented, followed up or reported to the central Government. Even when, as a last resort, Māori went above White's head to the Government, his views still prevailed. When dealing with Muriwhenua petitions, the Government relied chiefly on White's advice and the information he provided.[738]

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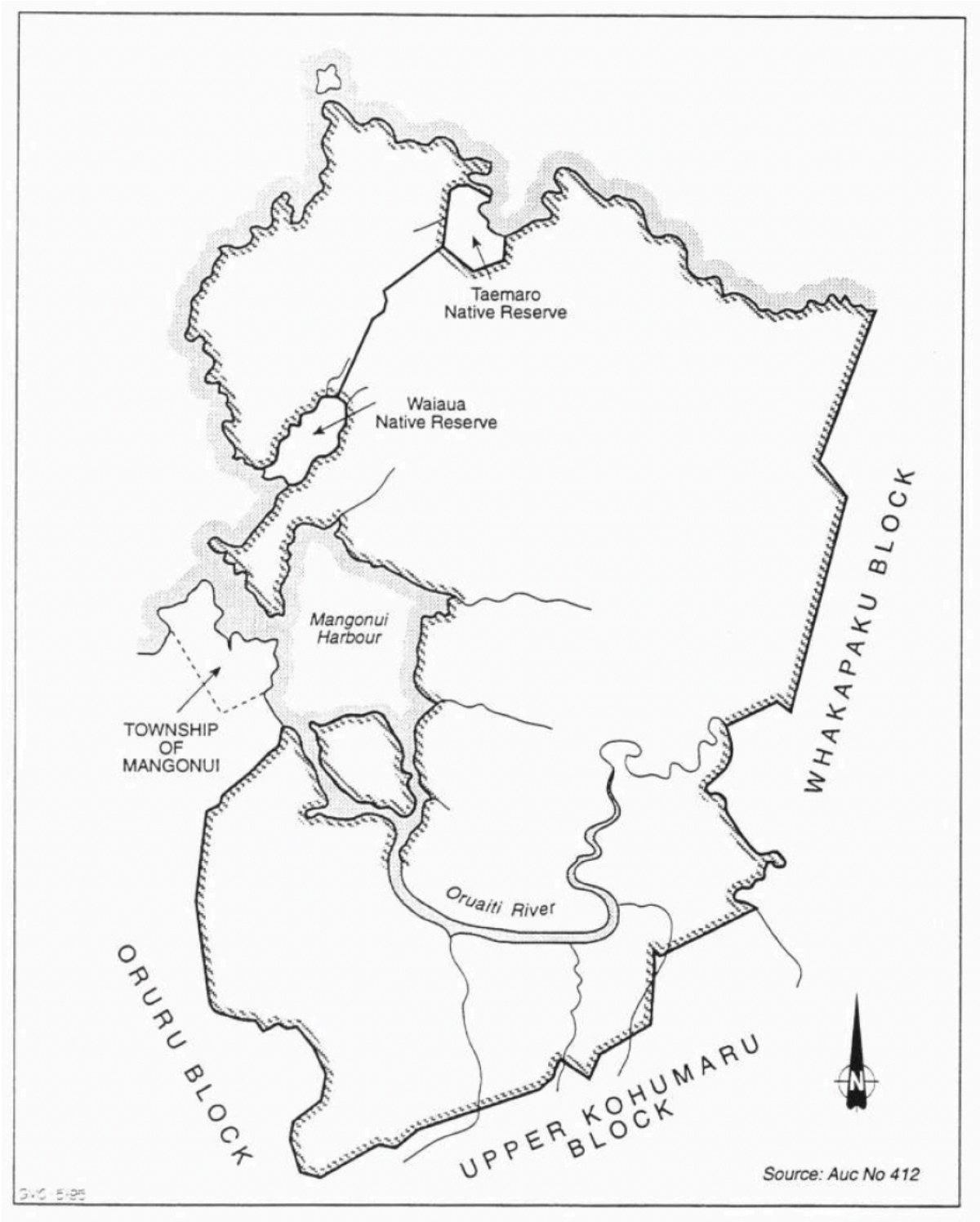
[735] Ibid.
[736] Geiringer, 'Subsequent Maori Protest Arising from the Crown Lands Purchases in Muriwhenua 1850-1865', p. 4.
[737] White to McLean, 30 December 1862, ACFC 27 OLC1, OLC558A-566, R18461702. Document Bank, p. 139.
[738] Ibid.



Map 61: Mangōnui Purchase 1863. Waitangi Tribunal, Muriwhenua Lands Report, p. 245.

Reservation of Rangitoto Pā

In May 1878, the block containing Rangitoto Pā was reserved for 'public defence' under the Land Act 1877.[739] It is not clear what exactly the 'public defence' purpose was, but the legislations allowed for reservation of lands at the Governor's discretion, provided it was laid before Parliament for discussion and then notified in the NZ Gazette.[740] The temporary reservation was made permanent in July 1878.[741]

The land had ostensibly been kept by the Crown as 'surplus land' after Commissioner Bell had granted 3 acres to Butler from the land he had claimed from Ryan (as part of Old Land Claim #403). Ryan's claim to the land had come through the Waikeke agreement with 'Ewarri' in 1838.[742] As discussed above, Ryan had transferred 20 acres of this land to William Butler in 1845, including Rangitoto Pā and the southern portion of the peninsula through to Te Pā O Moehuri. However, as we have also seen, Māori continue to reject this as a legitimate sale of the land. They have long maintained that this was a tuku whenua agreement and that the land, including the wāhi tapu, ought to have returned to them once Ryan no longer needed it.

Claimants also maintain then, that the 'defence purposes' taking of the land was itself illegitimate. The original purpose of 'defence' has seemingly lapsed yet the land remains a Crown possession under Council management. Recently, discussion have begun to have the designation of the reserve changed from scenic to historic to better reflect the nature of the pā. Whether this leads to improvements in the protection of the pā and tangata whenua ability to exercise kaitiakitanga over it remains to be seen.

In 1889, Maria Wrathall (recorded in her letter as 'Native Women') wrote a letter to R. Hobbs asking for information on who sold Rangitoto Pā. The letter reads:

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[739] New Zealand Gazette, 'Lot 71 Parish of Mangōnui East Temporary Reservation for Defence Purposes', Issue 041, 9 May 1878 , 570.
[740] New Zealand Lands Act 1877, s146-147.
[741] New Zealand Gazette, 'Lot 71 Parish of Mangōnui East Permanent Reservation for Defence Purposes', Issue 043, July 1878 , 1017.
[742] Alemann, p. 17.

'Dear Sir, There are two pieces of land in Mangonui Harbour named Rangitoto and Kaiaraara that were sold some time ago. Will you be good enough to find the Natives names who sold them, and acquaint me and oblige.'[743]

The letter was forwarded to the Secretary of Native Affairs, who duly replied that the lands 'became vested in the Crown many years ago under an award of the Land Claims Commissioner in connection with old private land sales in that locality'.[744] A subsequent note from the Survey Office by Mr Kensington notes that the land was taken as a defence reserve in 1878. Another note on the same page suggests that there are 'apparently surplus lands' involved and referred on to other staff. The final note is partially ripped off the bottom of the page but the legible portion argues that the 'names of the sellers of the land do not always appear in the records' but assures the reader that 'the Commissioners report and the evidence taken is our guide and authority for the existence of a grant'.[745]

1888 Petition

In 1888 Eru Aperahama submitted a petition to the Crown claiming that the Rangikāpiti Pā had never been sold. The report on the petition to the Native Affairs Committee reads:

'Petitioners state that a block of land called Rangikapiti belongs to them, but the Government lay claim to it. They state they never sold it to the Government or to any other person. They pray that the land may be left to them for their own benefit.

I am directed to report as follows; That the Committee has no recommendation to make.'[746]

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[743] Maria Wrathall to R Hobbs, 5th May 1889, AECZ 18714 1889/147, ANZ (WLG), R23904244. Document Bank, p. 125.
[744] Ibid.
[745] Native Lands Purchase, Survey Office Note, ibid.
[746] 'Reports of the Native Affairs Committee, 1888, No. 110.—Petition of Eru P. Aperahama and Others', AJHR, 1888, 1-3, p. 16

The Native Affairs Committee made no recommendation regarding this land and the claims were therefore not followed up on.[747] It is not clear from the documentation that any investigation in to the Crown's rights to this land were conducted. As discussed above, this makes it unclear where the origin for private land title in the northern part of Rangikāpiti Pā has originated from. As Eru Aperahama rightly noted, the Crown had not purchased it , nor had Māori intended to sell it. The only other purchase the Crown might rely on for title to this section of the pā would be either the 1840 Mangōnui agreement with Panakareao, the 1841 agreement with Pororua, or the 1863 Mangōnui agreement. However as we have discussed above, all of these agreements have been found by the Tribunal to be so faulty as to not constitute legitimate conveyances of land.

[747] Ibid.

Image 25: Mangōnui Harbour, c1927-1930. Auckland Libraries Heritage Collections FDM-0180-G. Rangikāpiti lies on the left of the harbour entrance, with Rangitoto on the right.

20th century developments

Discussions for the creation of a scenic and historic reserve at Rangitoto began in 1906 when it was raised by the Scenery Preservation Commission.[748] By this point, Rangitoto seems to have been leased to an 'Arama Tehara' for 1 pound per annum. During discussions on Rangitoto, the idea of reserving Rangikāpiti was also raised.[749] Once the reservation was recommended by the Auckland Scenery Preservation Board, the decision was made to reserve both pā under the Scenery Preservation Act 1906. [750] At this time Rangitoto Pā was designated Section 72, Parish of Mangonui, while Rangikāpiti was Section 131, Parish of Mangonui.

Section 131, being Rangikāpiti Pā, was declared 'Mangonui Scenic Reserve' in May 1907.[751] Interestingly, while the initial suggestions focused on reservation of both pā as scenic and historic reserves, this seems to have been changed to simply scenic reserve in the reservation of Rangikāpiti. Rangikāpiti reserve was visited by a Department of Lands and Survey Field Inspector in 1926 when under consideration for a grazing lease and described as follows:

> *'Practically the whole of the Reserve is covered in titree scrub and gorse. One cannot climb to the top of the Pa because of the height and thickness of the gorse. The property has been sadly neglected. Most of the earthworks are in fair order, and if cleared up again would show up prominently. They should be cleared and fenced off with a cattle-*

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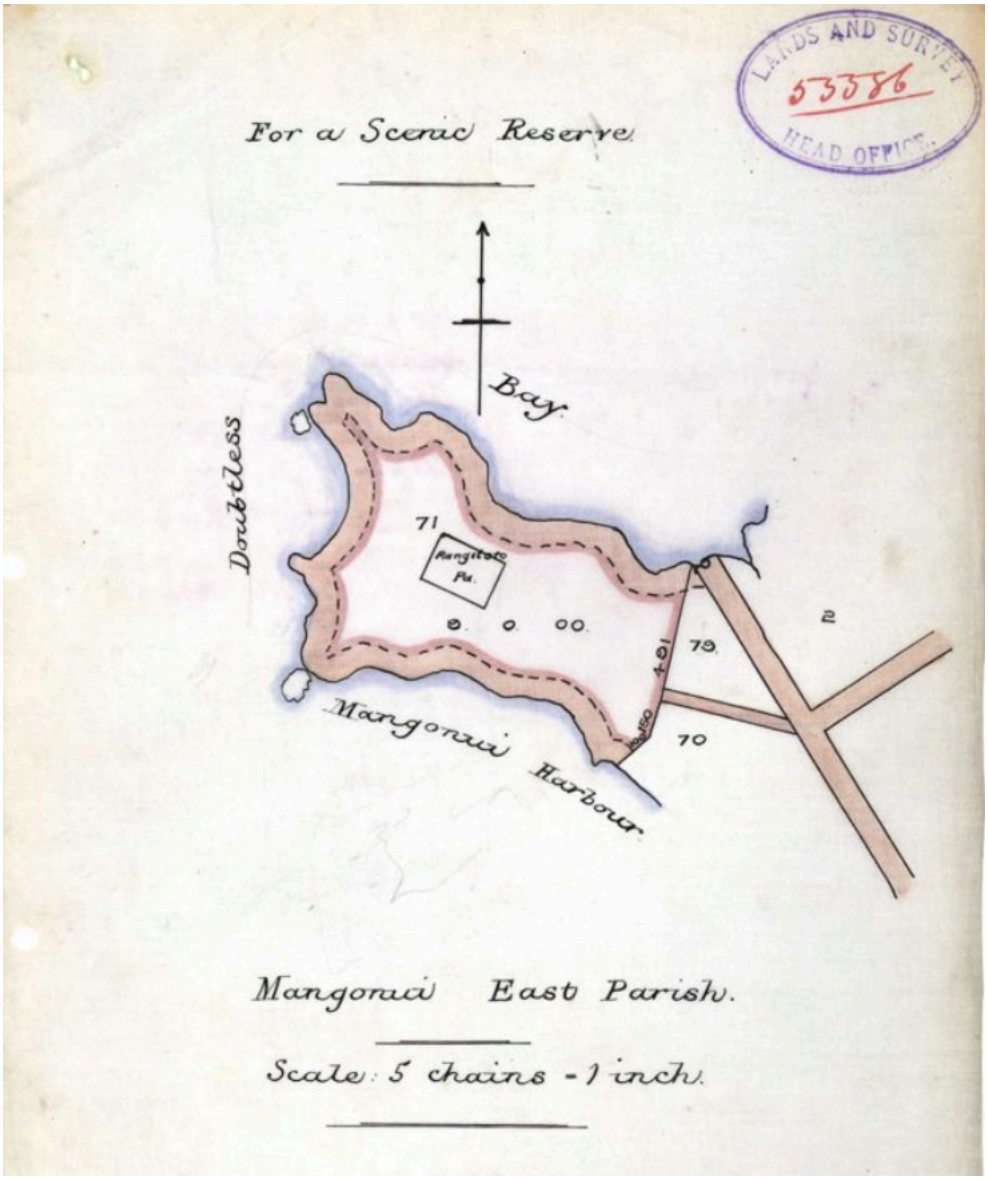
[748] Under Secretary Lands and Survey to Commissioner of Crown Lands, Auckland, 'Suggested Scenic and Historic Reserve, Rangitoto Pa, Doubtless Bay, Mangonui Harbour, 26th July 1906, AANS 25421 98 1 REH-0027, ANZ (WLG), R24557204. Also available online: https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE82987490

[749] Vincent Blake to Chief Surveyor, Department of Lands and Survey, 6 October 1906, AANS 25421 98 1 REH- 0027, ANZ (WLG), R24557204. Also available online: https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE82987490

[750] Chief Surveyor to Under Secretary of Lands, 27 November 1906. Ibid.

[751] NZ Gazette 45 23 May 1907, p. 1611.

proof fence. Sheep will not do any harm. Provided this was done, there is no reason the Reserve should not be leased.'[752]



Map 62: Map of Rangitoto Pā to be reserved, Commissioner of Crown Lands to Under Secretary of Lands, 16 April 1907, R24557204, AANS 25421 98 1 REH-0027, ANZ (WLG).

In 1962 the defence land reserved at Rangitoto Pā was vested in the Mangōnui County Council as a recreation reserve, replacing its earlier defensive designation.

[752] Field Inspector to Comissioner of Crown Lands, 23 November 1926, AANS 25421 98 1 REH- 0027, ANZ (WLG), R24557204. Document Bank, p. 41.

In the 1960s D Robinson created brief site records of Rangikāpiti pā, now recorded as site O04/15. In the 1980's several small adjacent parcels of land were acquired by the Department of Conservation at Rangikāpiti, bringing the reserve to its current extent. Shortly after the Lands and Survey Department re-gazetted Rangikapiti Pa as a historic reserve in recognition of the traditional and archaeological values. Under the management of Lands and Survey, steps were excavated into the scarps of the terraces, which eventually became very steep through wear and erosion.

Management of the reserve has revolved around vegetation control to minimize possible fire risk and to maintain open views for the public. Included in this was the need to maintain access on to and around the pa for the benefit of the public and to enable servicing of the navigation beacon at the harbour mouth. Until recently grass was maintained by grazing with sheep

In 1993 Historic Places Trust issued a permit to modify part of Rangikāpiti to repair the access tracks and steps.[753] In 2008 an authority was applied for and approved, to improve the steps bu the steps were removed and replaced with gravel due to 'community discontent'.[754] The pā is now visited by an estimated 35,000 annual visitors, spreading the damage across the entire site.[755] Damage to the features of the pa is increasing given the high visitor numbers.

At present Rangikāpiti Pā is managed by the Department of Conservation as a historic reserve. It was included in the 2008 Ngāti Kahu Agreement in Principle as cultural redress, though negotiations on that agreement have since ceased. A group of volunteers undertakes weed and pest management on the reserve.

Rangitoto, meanwhile, remains a Crown reserve managed by the Far North District Council. At the time of writing, it was recently re-classified as a historic reserve. The surrounding land is in private ownership, including Te Pā o Moehuri.

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[753] New Zealand Historic Places Trust, Authority #1993/26.
[754] Letter from Jonathan Carpenter (Geometria) to Department of Conservation, 26 May 2017, Document Bank 219.
[755] Goddard, p. 5.

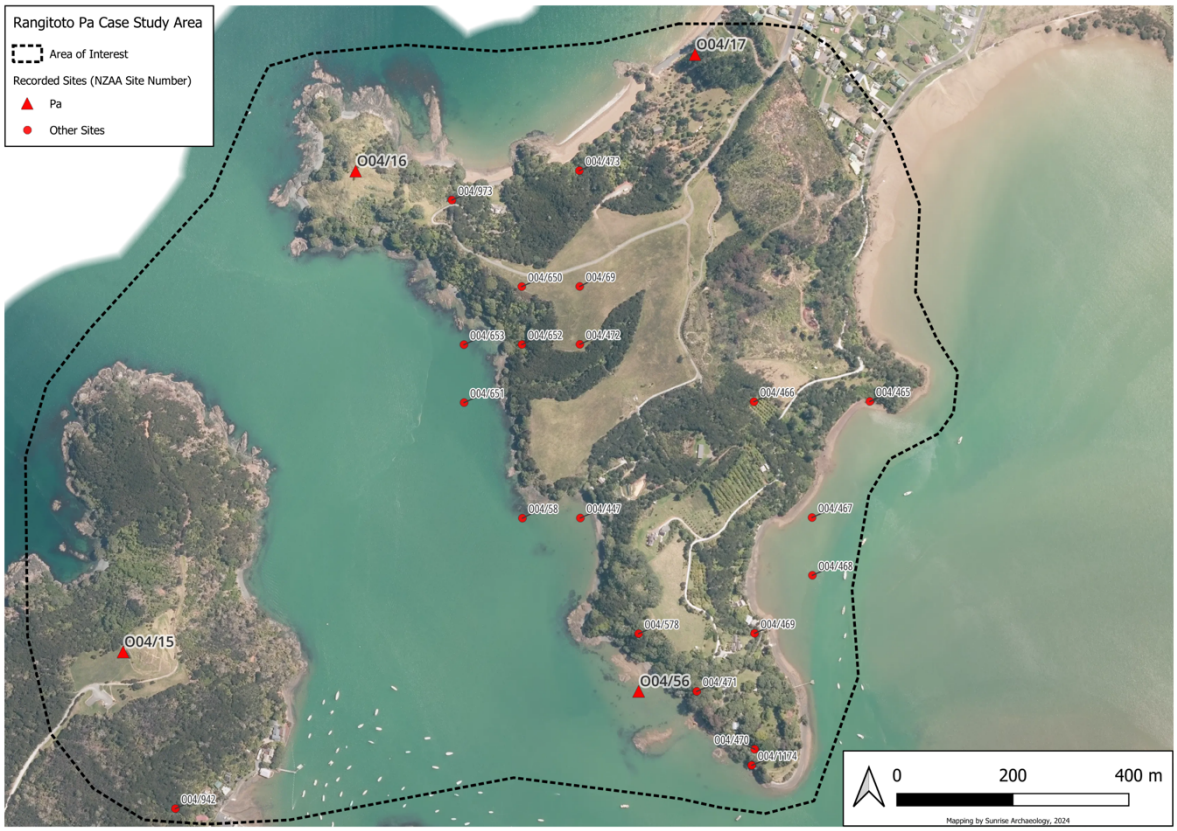
Taonga

Taonga have been found right across the landscape by individuals and archaeologists. At the south-western end of Hihi Beach, for instance, there are reports of hammer stones and a stone patu handle found amongst large boulders on the beach.[756] At the site of Butler's house a museum has been established housing taonga associated with the area.[757] Maxwell and Heubert report:

> *'Numerous Māori artefacts have been found in the immediate area. An inventory made of the collection at the Butler Point Whaling Museum listed 69 items (Maingay 1991, Appendix 2), most of which are adzes and flakes, along with a number of chisels, hammerstones, files, grindstones, and sinkers. Many of these items were found along the shoreline at the foot of Moehuri Pā'*[758]

Archaeology of Rangitoto and Rangikāpiti area

[756] NZAA Site Record Form NZMS1, Site Number O04/473.
[757] Maingay, 1993, 2.
[758] Maxwell and Huebert, p. 364.



Map 63: . Recorded archaeological sites in the vicinity of Rangitoto Pā (O04/16). Source: Maxwell and Huebert, 2024

As part of this project, Maxwell and Huebert have investigated the archaeology of this area. They have found:

> *'The area of interest in this study is 177 ha, more or less. Within it are 4 recorded pā, and several others within approximately 1.5 km which fringe the harbour and entrance to the Oruaiti River. They are all part of a network of pā in the eastern Muriwhenua that are arranged almost continuously along the coast from Taupo Bay in the east to Taipa in the west, and deep into the Ororu River Valley.*
>
> *The peninsula is a strategic location, with a relatively narrow low-lying isthmus separating the pā at the harbour heads from Whakaangi. While Rangitoto Pā is small, it is on a point overlooking the outer harbour entrance with clear views of the bay. It is highly defensible, with three steep sides and a narrow connection to the Hihi Peninsula, and resources such as a freshwater spring and easy access to fish and shellfish.*

Overall, the archaeological landscape of the Hihi Peninsula provides an ideal example of a place where Māori once lived and worked. While little evidence of domestic activities have been noted around Rangitoto Pā, there are remains of intensive domestic and gardening activities (including relict karaka trees) at the nearby Moehuri Pā and its surrounding area. Resources such as local basalt would have provided a good quality material for oven stones and tool-making. A good local source of ochre, important for decorative and ritual uses, was nearby and the stone tools needed to process it have also been found there. Traces of once extensive gardens have also been identified in the wider area.'[759]

Their assessment of the current condition of the archaeology found:

'The overall condition of the Rangitoto Pā is good. While much of the ground surface was obscured by tall and thick grass and invasive scrub when inspected, aerial and Lidar imagery confirms that major features of the pā including the upper platform, terracing, and large ditch, are still present.'[760]

As far as current threats are concerned, the review found:

'The main threat to the Rangitoto Pā is the overgrowth of invasive vegetation. In some areas it has already formed impassable thickets, and the overgrowth of kikuyu grass makes much of the rest of the site challenging to walk over. Once it takes hold, this grass is unpalatable to stock and difficult to remove.

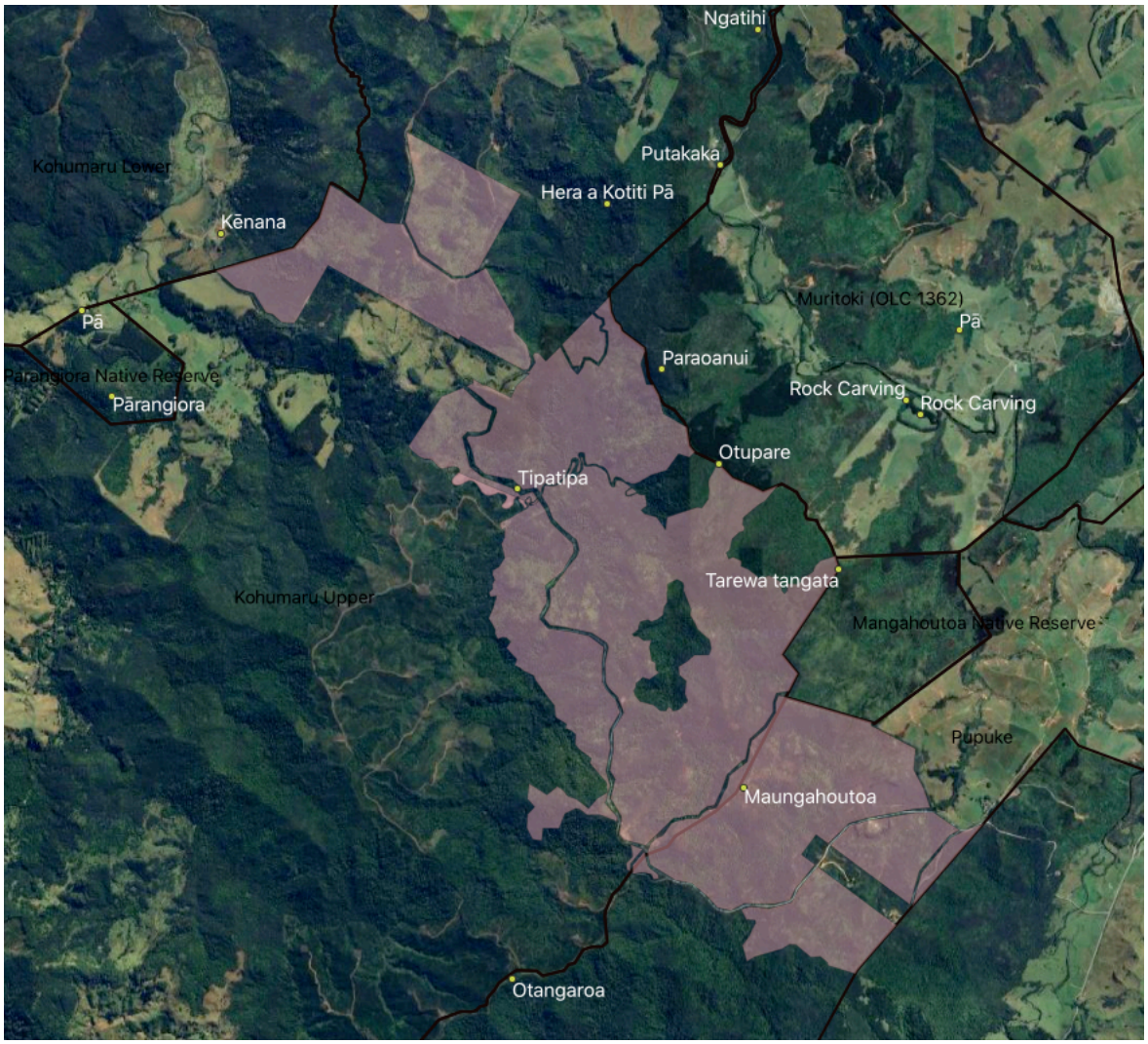
By comparison, the nearby Moehuri and Rangitoto Pā are subject to regular upkeep. The main features are intact, despite some erosion and slumping. These sites are mostly clear of invasive plants, and while large parts of Moehuri, and some features of

[759] Maxwell and Huebert, p. 403.
[760] Ibid.

Rangikapiti, are under the cover of native trees they pose no significant threat to the overall site condition.'[761]

[761] Ibid., pp. 403-404.

KOHUMARU STATION



Map 64: Kohumaru Station (pink). Original land blocks (black), wāhi tapu and other sites of interest (white). Source: Ben Leonard. Basemap: Google Aerial Imagery.

Introduction

Kohumaru Station is a large area of hill country and river valleys, stretching from Kēnana in the north through to Maungahoutoa and Otangaroa in the south. It is largely forested, with branches of the Kenana River running through it from the high peaks at Maungahoutoua. The area contains numerous wāhi tapu including pā, burials, tomo, ana kōiwi and other wāhi tapu.

Importantly, the name Kohumaru has a range of usages that need to be elucidated. In some usages, Kohumaru refers to the original Kohumaru papakāinga that is now known as Kēnana.[762]

Kohumaru also refers to the Upper Kohumaru block that was subject to a Crown land sale deed in 1859. The name also refers to the 'Lower Kohumaru Block' (also often simply called the Kohumaru Block), which was a piece of land north of 'Upper Kohumaru' that was brought before the Native Land Court in 1901. Ostensibly this land was covered by the infamous Mangōnui deed of 1863, that has since been found extremely dubious. Indeed, the Crown did not promote a claim to the land when it came before the Court in 1901. Finally, the name Kohumaru also refers to the Kohumaru Station, a former Landcorp block that stretches across both the Upper Kohumaru Block and the Pupuke Block as the map below. It is this usage, Kohumaru Station, that this report is concerned.

Crown protection of wāhi tapu in this area has been negligible. Researching Crown efforts to protect wāhi tapu in Kohumaru, Orr-Nimmo found:

> *'In the time available for the preparation of this report, however, very little has emerged in this area. '*[763]

As discussed below, Kohumaru Station is currently Crown-owned property, landbanked in anticipation of its use during settlements. An attempt to archaeologically survey the area was undertaken by the Department of Conservation in 1992, with disappointing results for claimants. This is discussed below. It was included as an asset for transfer in the Agreement in Principle between the Crown and the Te Hiku iwi collective in 2010.[764] However that agreement did not progress.

As the majority of wāhi tapu in this region are not archaeological sites under the meaning of the Heritage New Zealand Pouhere Taonga Act 2014, they do not receive that legal protection.

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[762] Huirama Tukariri, Kohumaru Title Investigation, NMB, 1, 1901, p. 129.
[763] Orr-Nimmo, p. 4.
[764] Te Hiku Agreement in Principle 2010, p. 15.

Some of the wāhi tapu (such as Paraoanui) are archaeological sites under the meaning of the Act and as such they have the generic protections available under the Heritage New Zealand Pouhere Taonga Act 2014. However none of the wāhi tapu in this cultural landscape are registered in the New Zealand Heritage List/Rarangi Kōrero. None are currently covered by heritage covenant. Of the wāhi tapu in this area, only Tipatipa is currently registered on the Far North District Plan (2009).

Wāhi tapu

The land in the Kohumaru Station block was apparently known traditionally as Tipatipa.[765] The decision to use the name 'Kohumaru Farm Settlement' (the origin of the name Kohumaru Station) was made by the Department of Lands and Survey.[766]

The history of the area, as with the wider region, has often been discussed in the context of increasing Ngāpuhi influence during the 18th and 19th centuries. As Orr-Nimmo describes it:

> *'The history of Kohumaru in the early nineteenth century is part of a wider picture that saw increasing Nga Puhi influence in the Muriwhenua area. Yet the pattern was very complex. It was certainly not simply one of displacement of Ngati Kahu by Nga Puhi. Pororua is an example of a highly influential rangatira who was of Ngati Kahu as well as of Nga Puhi by descent. Pororua also married a Ngati Kahu wife.'*[767]

This layered history was particularly borne-out in the lengthy evidence given to the Native Land Court in 1901, during the title investigation for 'Lower Kohumaru' block:

> *'The main witnesses in the 1901 investigation of title were at odds over the stage at which Pororua had moved from the Whangaroa area and come to live at Kenana.*

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[765] Minutes of the Hui held at Otangaroa Marae, Wednesday 12 August 1992, Wai 45, 1.13, p. 2.
[766] A W Conway for Superintendent of Land Development, Lands and Survey, North Auckland) to Director General of Lands, 2 November 1960, re naming Land Acquired from L.A.Savill & State Forest Land (Other less preferred names suggested were: Pirikaha; Aruru; Wainui); Director-General, approving name Kohumaru, 7 November 1960, AAMX W3284 36/2606, ANZ (WLG), R1413331. Document Bank, p. 37.
[767] Katherine Orr-Nimmo, '"A Land Flowing with Milk and Honey": Aspects of the History of Kohumaru in the Vicinty of Kenana', A Report Commissioned for the Waitangi Tribunal, Wai 45, R001, p. 95

Huirama Tukariri and his group dated this development to not long before the signing of the Upper Kohumaru deed. They emphasised the marriages of Pororua and his relatives who came to live in Kenana with Ngati Kahu women. Karena Kiwa, on the other hand, said that Pororua's presence at Kenana was considerably more long-standing. He argued that it was people other than Pororua who had had no right to sign the Upper Kohumaru deed, but had rather been included by aroha. He emphasised Nga Puhi conquest of the area, although he also mentioned rights obtained by a gift from Poroa of Te Rarawa, and by occupation, as among his take.'[768]

The wāhi tapu within Kohumaru Station need to be understood in the context of this layered and nuanced history. This is discussed in the upcoming Tribal Landscape history conducted by Tarewa Rota for the WAI295 claimant group. It is strongly recommended that this case study (and that of Rangitoto and Rangkāpiti) are read in conjunction with that report for a fuller understanding of the whakapapa and tribal context of these wāhi tapu.

<u>*Tipatipa*</u>

It appears that the name Tipatipa generally applied to the land within the Kohumaru Station. As McKenna records:

'Tipa (sic) was a place to which Maori walked along a bridle track. Acquired by the Lands & Survey Department later, the track was up-dated, and is passable now to Otangaroa.'[769]

<u>*Kēnana*</u>

Kēnana refers to the marae, kāinga and cemetery in the lower Kohumaru Valley, just outside the Kohumaru Station to the very north-west. The area was part of the 'Lower Kohumaru

[768] Ibid., p. 96-97.
[769] McKenna, p. 32.

Block' that went through the Native Land Court in 1901. Today it includes the Kēnana Marae, church and urupa.

In 1901, Karena Kiwa spoke of his tupuna Pororua and his son Hone Pororua. Kiwa told the Native Land Court that when Hone Pororua died at Kohumaru, Pororua gave the land a new name, Kēnana.[770] McKenna says that Māori named the area Kēnana. She also states, however, that:

> *'The name Kenana evolved from the missionary days when Reverend Joseph Matthews saw the flourishing settlement, flowing with milk and honey, and called it Canaan, the Maori interpreting this as Kenana.'*[771]

Sometime during the late 19th century church was built at Kēnana to service the local community. This included a church cemetery where people were buried.[772] Both the church and cemetery are important wāhi tapu for the Kēnana community.

<u>*Waipapa waka*</u>

The Waipapa waka is one of the tupuna waka of the current claimants. Its arrival in Tokerau Moana (Doubtless Bay) is a major historical event in the region and brought many significant tupuna to this soil. After circumnavigating the Rangiāwhia lands, the Waipapa sailed on through Tokerau Moana before being brought up the Kēnana River. As Raniera Basset recalls:

> *'The crew went past our whānau at Kenana and buried Waipapa further up that river.'*[773]

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[770] Karena Kiwa, Kohumaru Title Investigation, NMB, 31, 1901, pp. 159-160
[771] McKenna, p. 32.
[772] Karena Kiwa, Kohumaru Title Investigation, pp. 159-160
[773] Bassett, p. 35.

The burial of a tupuna waka of such significance is an important event binding the people to the land. The burial place of the Waipapa waka is therefore a wāhi tapu of immense significance within the Kohumaru area.

Paroanui

Paroanui is a significant pā, located on a prominent hill in the upper Ōruaiti river valley. It is said to be the pā of the well-known 19th century rangatira Pororua Wharekauri.[774] The pā is thought to have been the departure point for Pororua's battles with the forces of Panakareao and others in Oruru in 1843-44.[775] The pā includes burials, with kōiwi having been found there as well as taonga.[776] Subsequently it has been referred to as Paraoanui or Pororua's Pā.

Pārangiora

Pārangiora is maunga tapu, wāhi tapu and burial area located south of Kēnana, up the Kohumaru stream. It was frequently described as a 'tapu' during the 1901 title investigation on the neighbouring Lower Kohumaru block:

> *'We have a tapu at Parangiora – an ancient tapu. Te Koranga was buried there, and fellows before him, but I don't know their names.'* [777]

During the hearing, Karena Kiwa also said:

> *'When I came here I heard that Parangiora was a tapu of Tukariris. There were a lot of bones in it. It may be the ... tapu near Kohumaru. Tukariri was the first person buried there.'* [778]

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[774] Personal Communication, Tarewa Rota, Septmber 11 2023.
[775] Interview with Tarewa Rota, 12 July 2024, Te Paatu ki Kauhanga Oral History Project.
[776] Ibid.
[777] Wi Te Ahu, Kohumaru Title Investigation, p.147.
[778] Karena Kiwa, ibid., p. 155

Kiwa also stated:

> *'Putakiwi was an old tapu of Wi Te Ahu and his people.'*[779]

Pārangiora was apparently set aside for the 1859 Upper Kohumaru Block, though there remains some uncertainty. This is discussed below in the section on the Parangiora reserve.

Karewa Pā

Court minutes from the Lower Kohumaru Block hearing frequently refer to Karewa Pā. The pā seems to have been involved in the attacks by Ngāpuhi on this area led by Te Taepa and Te Awha. [780] Huirama Tukariri stated that like Papawera, Karewa was the pā of Papa, son of Rua:

> *'Karewa was another pa [which] belonged to the same man and his descendants… Karewa Pa has not been occupied since the time of Te Korenga.'*[781]

According to Karena Kiwa, the pā was taken by Ngāpuhi.[782] This was dispute by Huirama Tukariri. [783]

Morea

Morea, otherwise known as 'Bone Hill', is a significant wāhi tapu and burial site (including burial clefts) located in the very south of the Upper Kohumaru Block. The site was visited for archaeological survey in 1984 and kōiwi were sighted. The area retains a deep tapu to this day and was frequently discussed during hui and site visits relating to this project.

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[779] Ibid., 155
[780] Karena Kiwa, ibid., p. 129.
[781] Huirama Tukariri, ibid., p. 169
[782] Karena Kiwa, ibid., p. 154
[783] Huirama Tukariri, ibid., p. 169

Other pā and wāhi tapu

During the 1901 hearings on the Kohumaru block, Huirama Tukariri named a number of other important pā in the area, including Papawera, Torewa, Puketutu and Te Puke a te Ruahine:

> *"Papawera was a pa of my ancestors on the block. Papa, the son of Rua, owned it. Karewa was another pa [which] belonged to the same man and his descendants. Torewaa was another pa [which] belonged to the same man. Puketutu–owned by Te Reinga. All these pas are on the block. Te Puke-a-Te-Ruahine – owned by Te Reinga. Te Korenga lived in the Papawera Pa. Te Awe did not. Karewa Pa has not been occupied since the time of Te Korenga. Te Awe lived in Puke-a-Te-Ruahine Pa. She lived there and cultivated food."*[784]

Tukariri also identified a pā called Otaota:

> *"Otaota – a kainga of Tukariri ma. A pa stood here – a palisaded pa. I was born in it"*[785]

At another point, Tukariri discussed two more wāhi tapu called Te Awe and Te Maui:

'Te Awe was another, Papa, Tupuarangi, Tukariri, Hemi Te Pari, Te Mohi, Mihi, Te Awe, Te Hake, Ngamoni, Paratene, Ngatiki, Hamiora, Poni, Te Umaroa, Kipi, Matiu Puai and others. Te Maui is another tapu on the block. Don't know who was buried there, but I have seen skulls there' [786]

The boundary delineation of the 1859 Upper Kohumaru block also referred to pā at Te Pa o te Pakaru:

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[784] Ibid.
[785] Ibid., p. 179.
[786] Ibid., pp. 177-178.

'Ko nga rohe enei o taua whenua ka timata i te kaha o Te Whakapaku, ka rere Te Wai o Patupokopoko, Putakaka, Tarawa-tangata, Te Tiki-o-pokerehu, Te Wai o te tawapuku, Te Pa o te pakaru, Otangaroa o Matai ka whiti i te awa o Kohumaru pa noa ki te te kaha a Himi Poto (James Bergham) Te awa o O Ruaiti pa noa ki te raina o te Whakapaku te whenua o te Kawanatanga te timatanga o te kaha.'[787]

The map to this deed shows a pā labelled 'Hera a Kotiti', located in the northern portion of the block.[788] Another pā is show just outside the block, simply labelled pā. Another pā labelled 'Pokaru Pa' is shown in the south-western corner outside the block. This may well be Te Pa O Te Pakaru mentioned in the deed. Tarawa-tangata, mentioned in the deed and on the map, may be Tarewa-tangata, a wāhi tapu of great importance where tūpāpaku were strung up.[789]

[787] Upper Kohumaru Block, Mangonui District, 20 August, 1859, Turton, 'Maori Deeds of Land Purchases in the North Island of New Zealand: Volume One, Auckland Province', p. 4.
[788] Upper Kohumaru Block Map. ABWN 150 AUC 16, ANZ (WLG), R12153627. Document Bank, p. 67.
[789] Interview with Tarewa Rota, 12 July 2024, Te Paatu ki Kauhanga Oral History Project.

Map 65: Detail of Upper Kohumaru Block Map. Source: ABWN 150 AUC 16 (R12153627), ANZ Wellington.

The archaeological assessment by Maxwell and Huebert for this project found 4 recorded sites within the boundaries of the case study and 1 near the western boundary. Most are related to nineteenth and/or twentieth century gumdigging activities, but one is a small midden. A further 19 sites have been previously recorded in the wider area, further than 1km from the project cultural landscape. These include Pā (O04/635, O04/636, O04/755, O04/756, O04/1128), pits and terraces (O04/645, O04/745, O04/1028A, O04/1108, O04/1110, O04/1111,) and other sites.

Arrival of Pākehā

Contact with Pākehā began in the late 18th century with ships visiting Tokerau Moana (Doubtless Bay) and Mangōnui. While the ships and their crew did not journey in to Kohumaru, the people of Kohumaru maintained close connections with the coast. By 1836 a number of Pākehā settlers had established themselves at Mangōnui and begun to travel up the Kohumaru and Ōruaiti valleys. Many were sawyers and they began to negotiate with rangatira in these areas for the use of land to cut timber and build modest homes.

These agreements took the form of tuku whenua arrangements where Pākehā settlers were granted use of the land in return for trade goods. One of the most important elements of these agreements was the creation of a mutual and enduring relationship in which Pākehā were expected to live according to the tikanga of their hosts and bring material benefits by attracting other Pākehā for trade. These agreements were often cemented by marriage between settlers and tangata whenua.

These settlers began to seek land timber in the Kohumaru valley and this continued as parts of the surrounding lands, including the Oruaiti river valley were logged for kauri in the late 19th century. [790]

Pre-Treaty agreements

Muritoki

James Berghan arrived in Mangōnui in 1831 and married the daughter of prominent rangatira Te Ururoa.[791] The two had children together, who were eventually given land by their grandfather Te Ururoa. The children's rights to the land were confirmed in two deeds for land called Muritoki in 1836.

The Muritoki lands were not heard by Commissioner Godfrey, as they were deemed to be agreements between Māori and therefore not involving the jurisdiction of the Crown. They

[790] Orr-Nimmo, pp. 3-4
[791] Alemann, 'Muriwhenua Land Claim: Pre Trearty Land Transactions', p. 11.

were, however, heard by F.D. Bell during his tenure as Commissioner in 1857. This is a matter dealt with by the forthcoming report on pre-Treaty transactions commissioned by the Tribunal and produced by Dr Rigby and Mr Swears.

It was agreed by all that the claim from Berghan's children should be honoured and a Crown grant was then made for James and Joseph Berghan for all of the Muritoki block, containing 2414 acres. [792] The land contained numerous wāhi tapu, including Paraoanui Pā and several burial areas as described above. These were not discussed in the hearing.

Other pre-Treaty transactions in the area include:

Table 2: Pre-Treaty Agreements near Kohumaru

Name	Claimant	Acreage
Waipumahu (OLC558)	James Berghan	1000 acres
Putakaka (OLC618)	Thomas and Phillips	200 acres
Otoha (OLC893)	Partridge	2000 acres
Putakaka (OLC914)	Butler	3000 acres
Oparehu (OLC854)	Wrathall	1000 acres

Again, agreements will be discussed in full in the Tribunal's commissioned research on pre-Treaty land agreements by Dr Rigby and Mr Swears. As discussed above, records from the Godfrey and Bell Commissions are brief and rarely discuss wāhi tapu. It may well be that wāhi tapu were discussed during the original tuku whenua agreements, during the writing of the deeds, or afterwards. However no record of this survives in the Crown documentary record.

Ford blocks

As discussed in the Kauhanga and Donovan Blocks case studies, the former Church Missionary society doctor Samuel Hayward Ford signed a deed for 'Waioioi, Oruru, and Parawai' block with and Panakareao and 50 other rangatira on 12 November 1839. The area was a massive

[792] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 264.

one, covering much of the Ōruru valley and on to the western edge of the lower Kohumaru Valley. The deed refers to the boundaries around Kohumaru as:[793]

> *'... ka kake a Hapeparetao, ka marere i te Hou o te Tawaka, ka rere Otangaroa, a Waipumahu, a Kohumaru, ka ahu ki te Nota, a Hikurua, a Paekotare, a te Rua…'*

The English version reads:

> *'... ascending at Hapeparetao and descending at the Hou arriving at Tawaka, and going to Otangaroa as far as Waipamahu up to Kohumaru. It then bears to the Northward as far as Hikurua and Paekotare and on to the Rua…'*

Following the boundary descriptions, the deed gives the following qualification:

> *'Na, me noho nga tangata o Kohumaru ratoa katoa ano ko o ratou tamariki i taua wenua i tetahi wakatupuranga a taea noatia tera atu wakatupuranga. Aua ia nga tangata o hea noa atu: heoi ano ko o reira tangata ake. Waihoki ko nga tangata o Oruru pu ano te noho i o ratou wahi i runga i taua wenua, i roto ano i nga kaha. Ko te mea maku e tohutohu te wahi e noho ai te tangata maori: a heoi ano te hunga e noho i reira ko te hunga e noho ana i te ritenga o te Karaipeture o Ihu Karaiti.'*

The English version reads:

> *'The people of Kohumaru with their, children may sit upon this place from this generation to another: but not the people of other parts: those of the place only. Also the people of Oruru may sit upon their places on the said land within the boundary. But for me to point out the sitting places for the Natives; and those only shall be there who follow the directions of the Scripture of Jesus Christ.'*

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[793] 'Upper Kohumaru Block, Mangonui District, 20 August, 1859', Turton, Maori Deeds of Land Purchases in the North Island of New Zealand: Volume One, Auckland Province, p. 4.

These places were apparently supposed to be pointed out by Panakaraeo but it is unclear from the written evidence whether this took place. The deed was amended in October of 1840, with Panakaraeo re-negotiating the boundaries of this area with Ford, greatly reducing its size. The remaining lands were supposed to go back to their original owners. The Ford agreement later became the basis of the Crown's land block purchases in Ōruru Valley. This is discussed further in the Kauhanga and Donovan Blocks case studies.

Crown land agreements

During the 1840s, pre-Treaty land agreements, the Godfrey hearings and emerging Crown land purchases began to cause problems between rangatira, hapū and iwi within the area. In particular, disputes between Nopera Panakareao and Pororua Wharekauri flared up during this time, leading to what some have referred to as the Ōruru War 1846. Stokes argues that Pororua returned to Kēnana shortly after the return of Panakareao to Ōruru in 1846 or 1847.[794]

Upper Kohumaru Block 1859

From 1848 to 1878, W. B. White was the Resident Magistrate at Mangōnui. White's duties included involvement in negotiations for Crown land purchasing in the area. From 1855 on he did so alongside H. T. Kemp, the District Land Purchase Commissioner for the area. By September 1858, Kemp and White were negotiating to buy land that included what became the Upper Kohumaru block.

The purpose of these large and continuous land blocks, Kemp told the Land Purchase Department, was to "buy up the whole of the available land between the Ōruru and Victoria plains, and by this means to connect the Blocks as soon as possible".[795] By January 1859, Kemp told the department that he and White had set a price of £350 for an estimated 10,000 acres that he described as the 'Kohumaru block'. He also reported that Māori did not then wish to proceed.

[794] Stokes, 'Muriwhenua Land Claims Post-1865', p. 241.
[795] Ibid., pp. 388 - 389.

The Tribunal has previously suggested that the Crown saw the lands as valuable for timber, rather than for cultivation:

> *'White stressed that 'these lands will be a valuable acquisition, not only on account of the good soil, but fine timber'.* [796]

In January 1859, Kemp reported that:

> *'Kohumaru Block, is easily accessible by water, and although the surface is very broken, there is much of the land that is desirable, with a plentiful supply of timber, including some very fine Kauri.'*

The deed for the 11,062 acre Upper Kohumaru Block was signed on 29 August 1859 by the Crown and 19 rangatira for 400 pounds. The signatories were:

- Pororua.
- Te Haumakiri.
- Hohepa Kiwa.
- Te Teira Karuwhero.
- Te Munu Ngahieihei.
- Haupe Ihaia
- Hiko
- Wiremu
- Te Pukeroa
- Ruinga.
- Naihi.
- Te Kaka
- Te Rihari.
- Te Rata.

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[796] Waitangi Tribunal, *Muriwhenua Land Report*, pp. 236-237; citing White to Kemp, 7 September 1858, AJHR, 1861, C-1, p. 29, and Kemp to McLean, 18 January 1859, AJHR, 1861, C-1, pp. 33-34.

- Huirama.
- Tukariri.
- Reihana Haumekiri.
- Matiu.
- Tipene Taha.

Map 66: Upper Kohumaru Block Map. Source: ABWN 150 AUC 16 (R12153627), ANZ Wellington.

The Māori text of the deed includes the heading "Native reserves" and the following:

> *'Kei te Mapi o te ruritanga e apiti nei te tino tikanga o nga Kaha o tenei whenua, me te wahi hoki i kapea ki waho mo nga Maori.;*[797]

The English translation reads:

> *'The Map of the survey hereunto annexed will point out clearly the boundaries of the block and the Reserve made for the Natives'.*[798]

Unfortunately, however, the survey plan attached does not show a reserve. Thus it is not entirely clear whether Parangiora was indeed a 'reserve' created from the Kohumaru Upper block, or simply an area of Māori customary land. Either way it was brough before the Native Land Court in 1872, though the minutes for the title investigation are missing.

Despite the Upper Kohumaru deed, claimants have suggested their tūpuna did not view the agreement (or others like it) to be full and final sales. Wai295 claimant Tarewa Rota describes how his tūpuna continued to dig for gum on the land long after the 1859 Upper Kohumaru deed:

> *'The fact that our people were gumdigging there, shows that they still excercised the rangatiratanga over the land. They felt that they had a certain kind of authrotity over the land without having to go to the government to ask for permission.'* [799]

<u>*Pupuke 1863*</u>

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[797] 'Upper Kohumaru Block, Mangonui District, 20 August, 1859', Turton, Maori Deeds of Land Purchases in the North Island of New Zealand: Volume One, Auckland Province, p. 4.
[798] Kohumaru Upper Deed, ABWN 8102 AUC 16, ANZ (WLG), R12153627. Document Bank, p. 67.
[799] Interview with Tarewa Rota, 12 July 2024, Te Paatu ki Kauhanga Oral History Project.

In 1863, the Crown signed an agreement for the 19,592 acres (7929 ha) Pupuke block, located south of the Upper Kohumaru and Muritoki blocks. The purchase price was £1,273 and the signatories were identified as Te Tahaawai:

- Hone Heke Ururoa
- Paora Putete Ururoa.
- Arepata Taniora Kowhiti
- Roki
- Hare Hongi.
- Ruinga, Wiremu Tuauru
- Wiremu Turau
- Tamati Wake Nene
- Rutu
- Hunia Rari

Alemann has stated that a reserve called Mangahoutoa was set out from the Pupuke block as a Native Reserve.[800] However, there is no mention of Mangahoutoa, nor any reserve in the block deed. This is discussed below in regards to the Mangahoutoa block Native Land Court hearings in 1866. Claimants have made it clear that they do not consider Mangahoutoa to have been a reserve set out from the Pupuke block.[801]

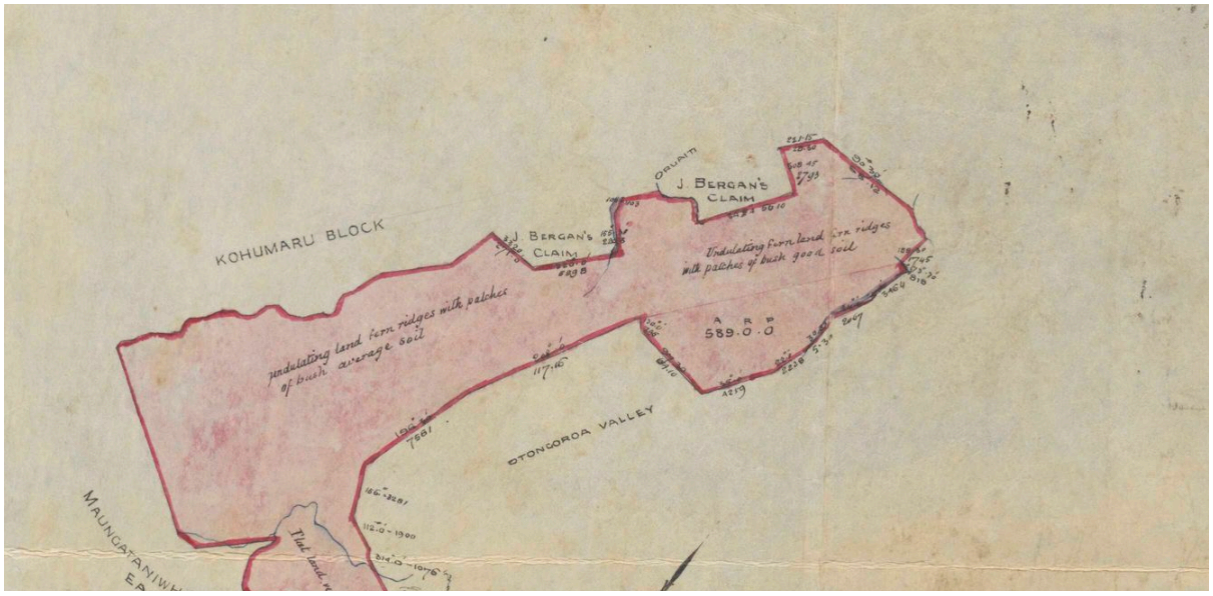
Native Land Court

Mangahoutoa

In evidence for the original WAI45 hearings, Alemann describes Mangahoutoa as a "piece of land excluded from the Pupuke purchase".[802] However he also says that the land is not

[800] Alemann, 'Mangonui Native Reserves & Opouturi', p. 21
[801] Personal Communication, Tarewa Rota, 11 September 2023. Also see Memorandum of Tarewa Rota (Wai 295), Wai 45, #2.909, 29 March 2023.
[802] Alemann, 'Mangonui Native Reserves & Opouturi', p. 21

mentioned in the Pupuke deed, nor is it clearly marked on the plan for this purchase. It seems to be marked as "J Berghan's Claim".[803] This is shown below as the left-most area marked "J Berghan's Claim", the right-most "J Berghan's Claim" is a slim part of the southern section of the "Unuhia" block that was declared 'waste lands' of the Crown in 1878.[804] This sits between the Pupuke block and the Muritoki block to its north.



Map 67: Detail of Pupuke Block, Mangonui District 1863. H H Turton, Plans of Land Purchases in the North Island of New Zealand. Volume One: Province of Auckland, Wellington, 1877.

The Mangahoutoa block was brought before the Native Land Court in 1866 with Judge White presiding. [805] Pororua Wharekauri appeared and simply stated that he claimed it from his ancestors and that there has no opposition to the claim. The block (containing 295 acres) was awarded to Pororua Wharekauri, Paora Ururoa and Hohepa Kiwa.[806] There was no mention of the land being set aside from the Pupuke Block. The block remains in Māori ownership to this day, currently managed by an Ahu Whenua Trust.

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[803] Ibid.
[804] New Zealand Gazette, No 35, 25 April 1878
[805] Alemann, 'Mangonui Native Reserve and Opouturi', p. 21
[806] Mangahoutoa Title Investigation, NMB, 1, 1866, p. 19.

Parangiora

As we have seen, Pārangiora was a significant wāhi tapu. Despite the lack of specific mention of the block in the Upper Kohumaru deed of 1859, it has been referred to as being set aside from the Upper Kohumaru block. [807]

The Pārangiora land (160 acres) was brought before Judge Maning in the Native Land Court in 1871. The minutes appear to have been among the others from Maning's tenure that have not survived. At any rate, on 16 September 1871, a Certificate of Title was ordered to be issued by the Native Land Court at a Court held at Ahipara, Mangonui District. The owners were: Te Huirama Tukariri, Ihaia Tukariri, Reihana Te Ahumakiri, Anikiha Te Umuroa, and Poni Te Kanohi. The area of the block was given as 160 acres 1 rood 12 perches in two places, but as 156 acres and 2 roods in another place on the Certificate of Title.[808] The Certificate of Tile was granted to the above grantees without restrictions on alienation, with 'the right to make and maintain a public road' was retained by the Crown.[809] Indeed, the Kohumaru Road now bisects the block.

In 1908 Stout and Ngata noted that the 'partly improved' block was occupied by its owners and should be reserved for them.[810] The block was partitioned in 1918 into the Parangiora No.1 and No. 2 blocks. Parangiora No. 1 was a small wāhi tapu of around six acres. [811] Parangiora No. 2 was subject to alienations in the twentieth century and the conversion of 'uneconomic' interests. According to Stokes, this resulted in the loss of 119 acres.[812] The balance of Parangiora No. 2 appears to still be Māori land.

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[807] See Waitangi Tribunal, *Muriwhenua Land Report*, p. 237. Stokes, 'A Review of the Evidence in the Muriwhenua Lands Claims' p. 390.
[808] Orr Nimmo, pp. 13-14
[809] Certificate of Title - PARANGIORA at Mangonui in the District of Mangonui in the Province of Auckland Owner/Owners: Te Huirama Tukariri, Ihaia Tukariri, Reihana Te Ahumakiri, Anikiha Te Umuroa and Poni Te Kanohi, ABWN 8910 W5278 9 1090. ANZ (WLG), R25285559. Document Bank, p. 68.
[810] AJHR, 1908, G1J, p. 43.
[811] NMB, 57, p. 154.
[812] Stokes, 'A Review of the Evidence in the Muriwhenua Lands Claims' p. 390. Note that the acreage breakdown provided by Stokes does not match the land in Maori ownership according to Maori Land Online.

Part of Parangiora was apparently sold to a settler called Thomas, who subsequently burnt the wāhi tapu. This event caused great pain and offence to tangata whenua. It is said that the fire burnt all around the wāhi tapu but left the burial areas themselves unscathed.[813]

Kohumaru

Throughout the late 19th century, Kohumaru continued to be a major papakāinga. In 1870, 200 people of Te Uri O Te Aho were recorded living at Kohumaru.[814] In 1874, 77 people identified as Matarahurahu were recorded living at Kohumaru.[815] While this land was ostensibly covered by the Crown's 1863 Mangonui purchase, it is clear that possession never changed hands on the ground.

The land eventually came before the Native Land Court for adjudication on title in 1901. This 2,067-acre Kohumaru block (sometimes called Kohumaru Lower) has been examined in some detail by Orr-Nimmo.[816] Despite the supposed 1863 Mangonui Crown purchase, the Crown did not oppose the applicants nor raise claim to the land through the Mangonui agreement.

The claimant in the 1901 case was Hone Hapa, with Huirama Tukariri presenting the *prima facie* case. Huirama claimed through ancestry from Papa and declared that the land belonged to the descendants of Ngahuirina, who was in turn the descendant of Papa. Occupation on the kāinga, Kenana, had been unbroken since the time of Papa, according to Huirama.[817]

Karena Kiwa of Te Uri o Te Aho was the first counter claimant. His claim was founded on conquest over Ngāti Kahu by his ancestors, Te Awha, Te Taepa and others including Pororua. Karena also provided two other claims: he stated that Poroa of Te Rarawa had gifted the land to his ancestors and that the block had been occupied by them since the time of Te Taepa and

[813] Interview of Ririana Kārena, quoted in Mutu et al, p. 48.
[814] Commissioners' Reports, AJHR, 1870, A-No. 1, p. 3.
[815] Approximate Census of the Maori Population, AJHR, 1874, G-7
[816] See Orr Nimmo, pp. 36-62.
[817] Huirama Tukariri, Kohumaru Title Investigation, NMB, 31, 7 October 1901, pp. 128-129.

Huia, Te Taepa's wife. Pororua and Hohepa Kiwa had lived at Ōruru, Mangōnui (township) and at Kohumaru kainga.

The case contains lengthy discussions of the wāhi tapu on the block, all of which are discussed above. These include:

- Kohumaru and Kēnana
- Pārangiora
- Karewa Pā
- Putakiwi
- Papawera
- Torewaa
- Puketutu
- Te Puke a te Ruahine
- Te Awe
- Otaota
- Te Maui

After hearing the lengthy evidence, the Court found that:

> *'Upon the whole the Court is of opinion that there was not such a conquest of N. Kahu as would given Ngapuhi a right to their lands. If any lands were conquered, they would seem to have been at Oruru.*
>
> *The Court is not satisfied that Te Taepa ever lived at Kohumaru, and there is no proof any of Ngapuhi lived there prior to the time when Pororua went there in 1856. And it is very significant that the only persons of Ngapuhi who have lived there have been partly of N. Kahu descent, and who have intermarried with N. Kahu.*
>
> *On the other hand, it is clear that the permanent occupants of Kohumaru have been Te Huirama's section of N. Kahu. The land is awarded to Te Huirama and his people.*

Whatever rights Pororua may have had in the Mangonui district have been amply satisfied by the lands he has sold, and those that have been awarded to him by the Court.'[818]

The land was awarded to 78 persons in the list of Hone Hapa, and made 'absolutely inalienable'.[819] Four acres of land, bounded by the school on one side and the road on another, were set aside to contain the church. These four acres were awarded to Te Huirama Tukariri and Hotu Wiremu.

The Court's decision was appealed in 1902. Judges Johnson and Scannell reached a very different conclusion. They found that Pororua had been the 'dominant owner' and divided the land into two parts; Kohumaru No. 1 (747 acres) awarded to 78 individuals identified as Ngāti Kahu, and the area west of the stream, Kohumaru No. 2, (1,341 acres), which was awarded to Karena Kiwa and 13 others of his group.

Following the decision, petitions were submitted to Parliament seeking a rehearing in 1902 (petition 340/1902), 1904 (petition 1/1904) and 1905 (petition 32/1905). The Native Affairs Committee made no recommendation with respect to the first two petitions, but the 1905 petition was referred to the Government for inquiry.[820]

In his 1905 petition Tukariri pointed out that no fresh evidence was heard in 1902, and he did not understand why the 1901 decision had been overturned. To add insult to injury the land awarded to Kiwa and others was by far the most valuable part of the block. Tukariri concluded by stating that he and the other petitioners:

'... and their predecessors are the persons entitled to this land by ancestral rights and that they have continuously and permanently occupied it from the earliest times whereas their opponents are persons who claim as members of the Ngapuhi tribe belonging to quite a different district and your petitioners respectfully submit that

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[818] Judgement, Kohumaru Title Investigation, NMB, 31, 16 October 1901, pp. 211-215.
[819] Ibid., pp. 225 - 229 (including list of names).
[820] AJHR, 1903, I3, p. 18: AJHR, 1904, I3, p. 30: AJHR, 1905, I3, p. 11.

before they are dispossessed under such a "take" as conquest common justice demands that the evidence in support should be of an absolutely conclusive character'.[821]

By the time of the Stout Ngata Commission in 1908, the block had been subdivided into Kohumaru No .1 and 2 (or 'A' and 'B') and the 4-acre church reserve. There were more than 90 owners at this time. Stout and Ngata recommended the incorporation of Kohumaru Nos.1 and 2.[822]

Huirama Tukariri's 1905 petition was referred to the Government for investigation. An inquiry (under s49 of the Native Land Laws Amendment Act 1895) was duly undertaken by Native Land Court Chief Judge Jackson Palmer at Mangōnui in January, 1910.[823] He found that Ngapuhi had not shown 'a title by conquest' as all the elements had 'not been fulfilled'. However, Ngapuhi nevertheless had rights through occupation, along with Ngati Kahu. The real question, in the judge's view, related to the quantity of land each party should receive. This could be settled by an application to the Court for a determination of the relative interests of each owner identified in 1901. This involved cancelling the partition into No. 1 and 2, and making one order for the whole block including all the names in the 1902 order.[824]

When the matter came before the Court in 1912 Ngati Kahu and Nga Puhi agreed to divide the block equally between them, and this was accepted by the Court. As far as Judge Wilson was concerned this was the end of the matter. Despite this Huirama Tukariri made further applications for a rehearing in 1913 and 1914.[825] These were rejected on the basis of the 1912 agreement.

In 1949 Perene Tukariri and others petitioned Parliament again seeking a rehearing.[826] The Native Secretary informed the Native Affairs Committee that the ownership of this land had

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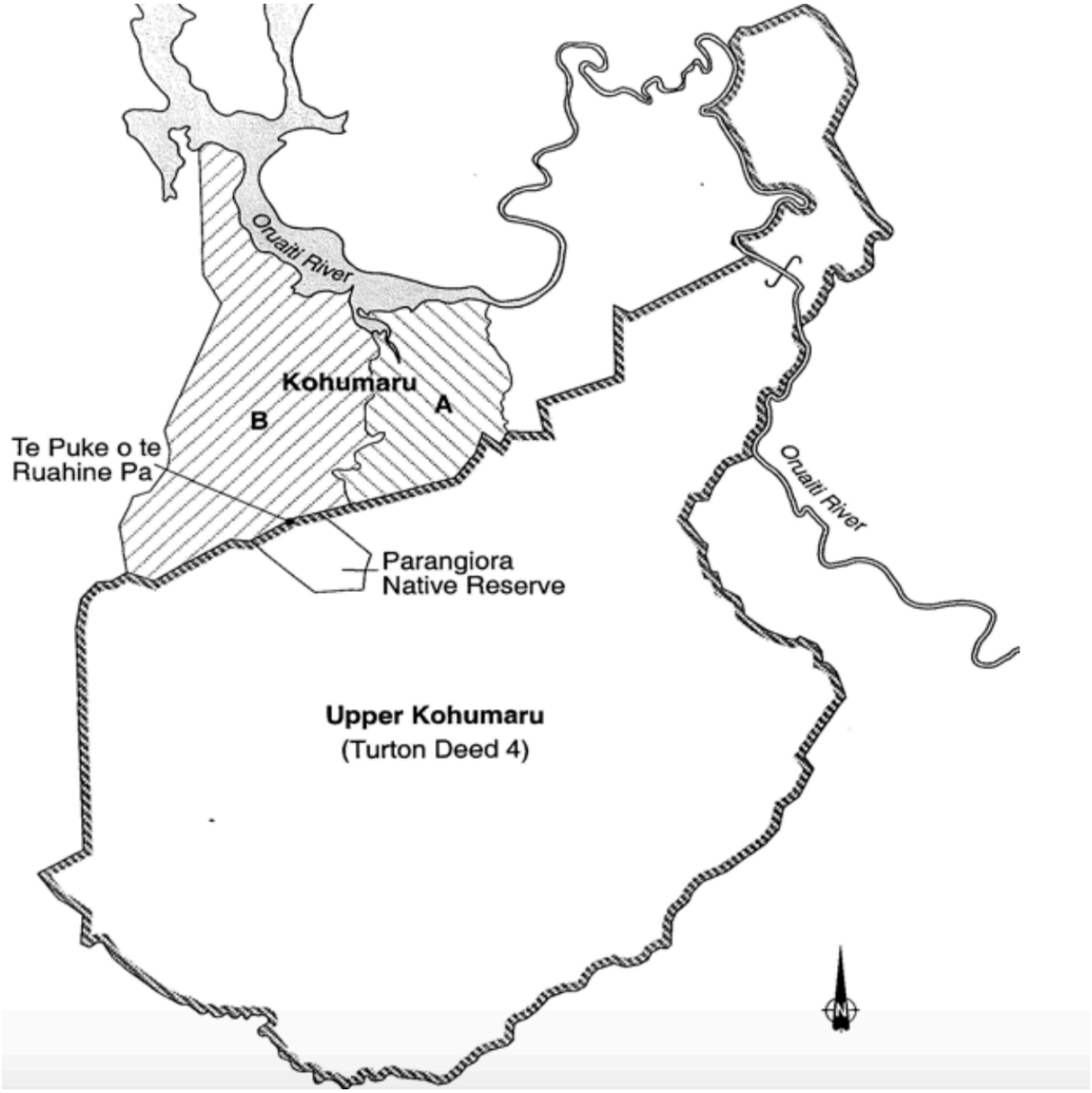
[821] AJHR. 1908. G1J. p. 42.
[822] Ibid.: Orr-Nimmo, pp. 55.-56.
[823] Hone Hape and Wiremu Maihi appeared for the petitioners.
[824] Chief Judge Jackson-Palmer report. 1910. ACIH 15036 MA1 145 5/13/227, ANZ (WLG), R19525286. Document Bank, p. 115. See also Orr-Nimmo, Ch. 4.6
[825] Huirama Tukariri to Native Minister. April 9, 1913, May 14, 1914. ACIH 15036 MA1 145 5/13/227. ANZ (WLG), R19525286. Document Bank, p. 113: Orr-Nimmo, Ch. 4.9.
[826] AJHR 1949, I3, p. 8.

'been before either the Maori Land Court or the Appellate Court on four separate occasions; on the final occasion [1912] the two contending parties came to an agreement which was given effect to by the Court. It is now 37 years since this agreement and the principal claimants are long since dead'.[827]



Map 68: Kohumaru (Upper), Parangiora Native Reserve, and Kohumaru A & B blocks. From Orr-Nimmo, Map 3.

[827] Maori Affairs Secretary to Clerk, Maori Affairs Committee. October 7, 1949. ACIH 15036 MA1 145 5/13/227, ANZ (WLG), R19525286. Document Bank, p. 115.

Petitions

As we have seen, petitions to the Crown were one way in which claimants tūpuna protested the alienation of their lands and wāhi tapu. From 1874, Huirama Tukariri wrote frequent letters to the Native Department regarding Kohumaru, and to various other Government officials. Most of the letters of Huirama to the Native Department have been lost. Nevertheless, entries summarising his letters have survived in numerous departmental registers of inwards correspondence, and in indices to these registers.[828] These include petitions were submitted to Parliament in 1902 (petition 340/1902), 1904 (petition 1/1904) and 1905 (petition 32/1905).

In 1944, Pereene H Tukariri and 163 others of Kenana petitioned parliament again, 'Praying that outstanding Native land claims in the Tokerau district be referred to a Commission.'[829] The Native Affairs Committee referred the matter to the Government.

In 1946 H. Tukariri petitioned for the Ōruru, Kohumaru and Maungataniwha blocks to be considered by the pending Royal Commission into Surplus Lands.[830] The Native Affairs Committee referred this petition to the Government for consideration. Eventually, petitions and other calls of protest led to the government to establish a Royal Commission of Inquiry in 1946 to deal with the issue of surplus lands. This became known as the Myer Commission, or the Surplus Lands Commission.

The Commission was established to determine a question which had been left open by the earlier MacCormick and Sim Commissions; whether in "equity and good conscience" surplus lands should be treated as Māori land and not belonging to the Crown.[831] The Commission was charged with inquiring into the circumstances, policy, legality and even "good conscience" of the lands taken by the Crown as surplus. It was also required to investigate specific claims in petitions relating to surplus lands, including Hone P H Tukariri's petition of 1946.

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[828] Orr-Nimmo, p. 18
[829] Petition 80/1944, AJHR, 1944,1-3, p. 10.
[830] Petition 69/1946, ibid.
[831] 'Report of Royal Commission to inquire into and report on claims preferred by members of the Maori race touching certain lands known as surplus lands of the Crown', AJHR, 1948, A67, p. 14

While some claimants sought a hearing before the Commission by making various representations through Cooney and statements at the hearings, it appears that others tried to communicate their views to the Commission by way of correspondence. One such group of claimants led by Hapeta Renata was continually disregarded by the Commission's secretary, Mr R J Blane. Renata wrote to the Commission listing 53 blocks of surplus lands, including several relevant to Kohumaru such as the Oruaiti and Parawanui pre-Treaty Transaction involving James Berghan.

The Myer Commission also considered the 1863 Mangōnui blocks and claims for surplus lands therein. In its report, the Commission did not give a decision as to the actual area of surplus involved. With regard to Mangōnui it simply said that "even if there was any surplus", any rights Māori might have had were extinguished by other Crown purchases. In summary, Māori claims regarding surplus lands at Mangōnui were dismissed on the basis of Crown purchases which were not properly investigated by the Myers Commission.

The Commission found that Māori did have a right, in equity and good conscience, to the greater part of 20,106 acres of surplus land in Muriwhenua. They stated that there already existed ample statutory power in section 472 of the Native Land Act to meet the claimants request. It was assumed that the necessary administrative steps would be taken "as a matter of course" and the Commission recommended that be done.[832]

The Myers Commission's majority recommendations were said to be implemented by the Crown with the passing of the Māori Purposes Act 1953. The Act provided for the payment of compensation at the rate of 14s per acre to various Māori Trust Boards. The total compensation awarded was £61,307 as recommended by Reedy and Samuel. The Tai Tokerau Maori Trust Board was established by the Act and awarded £47,154-4s-0, including the compensation for the Muriwhenua lands.

Lands deemed 'unproductive' by the Crown at both Kohumaru and Parangiora were also subject to conversion. Conversion was a process enacted through the Māori Land Court in

[832] Ibid., p. 17.

which 'coercive and confiscatory' measures were used to change communally held Māori land into privatised general title.[833] This included the compulsory acquisition of these 'uneconomic' interests valued at less than a certain threshold, starting at £25 in 1953 and increasing to £50 in 1967.

As Armstrong writes:

> *"Through this means Maori were deprived of their last tangible ancestral connections to their turangawaewae. It was not until 1974 that the Crown took steps to end the Maori Trustee's power to acquire land interests in this way, and only in 1987 did the Crown enact legislation providing for uneconomic interests still held by the Maori Trustee to be returned to their owners."*[834]

Kohumaru Station

In the early 1980's, discussions began between the Whangaroa County Council and the Minister of Lands regarding the development of lands in the Kohumaru Block, held by the Lands and Survey Department.[835] The Department began farm development operations on the block under its Lands Settlement Scheme, naming the area the Kohumaru Farm Settlement.[836] It was purchased by LandCorp (a State-Owned Enterprise) from the Crown at upon its establishment in April 1987, but proved to be uneconomical as a farm and was identified as a potential property for sale. The land was then tendered for sale by LandCorp in 1992.

Te Runanga o Whaingaroa wrote to LandCorp management in 1992, lodging a claim for the Kohumaru Station.[837] The letter noted claims on behalf of Ngāpuhi and Ngāti Kahu ki Whangaroa (written Whaingaroa). It also noted:

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[833] Armstrong, 'Te Paatu Scoping Report', p. 90
[834] Ibid.
[835] Letter from Whangaroa County Council Chairman to Minister of Lands, 1 August 1983, Kohumaru Landcorp File, 40. Document Bank, p. 202.
[836] Minister of Lands to Secretary of Kaeo Branch of Federated Farmers, 30 November 1983, Kohumaru Landcorp File, 34. Document Bank, p. 203.
[837] Te Runanga o Whaingaroa to LandCorp Management Services Ltd, 23 June 1992, Kohumaru Landcorp File, 9. Document Bank, p. 204.

"Since the year 1878 to 1955 our tupuna Te Huirama Tukariri, Hemi Riwhi and Hoone P Tukariri have petitioned to the Crown against injustices to the Iwi."[838]

The letter quotes Section 27B of the State Owned Enterprises Act 1986, which provided for the resumption of land on the recommendation of the Waitangi Tribunal. The letter noted the Upper Kohumaru block of 1859 and the rulings of the Myers Commission. It also states:

"We believe the Iwi have ben prejudicially affected by the alienation of this land (details attached) and that such alienation is inconsistent with the principles of the Treaty of Waitangi."[839]

The claims eventually led the Minister for State Owned Enterprises to put a temporary hold on the sale of the farm. The Farm Manager had already been served notice and left, while the houses on the land were subsequently tenanted.[840] Thefts led to stock being removed from the property and an afforestation programme was approved. The properties were duly land-banked, awaiting the Muriwhenua claims hearings.

Following the lodgement of the claim in 1992, the trustees of the Maungahoutoa Block situated on the station's northern boundary sought out an archaeological survey of the area for evidence in their claim. Department of Conservation archaeologists were invited to a series of hui at Waihapa and Otangaroa Marae in June and July of 1992.[841] These resulted in a to begin work with a two week survey concentrating on the Maungahoutoa Block and the area of Kohumaru Station situated in the Pupuke Block, to be conducted by a DOC archaeologist. If time was available reported sites would be checked in the Muritoki Block overlooking the Oruaiti Valley. Marae trustees Ihaka Riwhi (Jnr) and Billy Jean Shepherd were to assist in the field

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[838] Ibid.
[839] Ibid.
[840] LandCorp Chairman to Minister for State Owned Enterprises, 30 March 1994, Kohumaru Landcorp File, 33. Document Bank, p. 206.
[841] James Robinson, 'Whangaroa Archaeological Survey: A Report on field work in the Maungahoutoa, Pupuke and Muritoki land Blocks', Department of Conservation, 1992.

work. Once the survey was completed a draft report was to be brought back to the claimants for feedback and final approval.

The survey took place for six days, beginning in 3 August 1992. Only six days of the original ten planned were carried out, apparently be because of 'a hui and other commitments of the assistants'.[842] Five sites were found on the Pupuke block portion of the Kohumaru station, with none found on the Mangahoutoa block. The Muritoki block was not surveyed, though aerial photographs were studied and discussions had with some local kaumatua. This resulted in locating two pā (O04/635 and O06/636). Pā O04/635 is thought to be Paroanui Pā, while Pā O06/636 is situated further north along the same ridgeline, apparently looking across to a traditional burial site on the western side of the valley.[843]

Feedback hui for claimants took place at Te Huia Marae in Kaeo on 9 January 1993.[844] It was agreed here that the findings were to remain with the claimants and not for general distribution, which did not occur. Claimants were also unhappy with the nature of the survey given its limited investigation of Kohumaru block. For claimants the result was a disappointing interaction with Department of Conservation with the goal of better protecting their wāhi tapu.

Information about a possible further 2 pā, 3 groups of pits and an area containing kōiwi was recorded by the team from the study of aerial photographs or from reports by local residents. However, they were not confirmed as archaeological sites because of time constraints, because they were outside the survey area or, in the case of the koiwi, because kaumatua wished to visit the area first. These sites were recorded as:

> *'**D** - A hill top pa overlooking the Oruaiti Valley to the east, opposite the pa of Pororua (Pers comm: Mr Malcolm Hobbs)*
> ***E** – A possible hill top pa and associated pipi midden at the end of Hobbs Rd, reputedlydestroyed bythe construction of an airstrip (Pers comm: Mr Taepa Karena via Mr M Hobbs). Also known as a wahi tapu.*

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[842] Ibid., p. 6.
[843] Ibid., p. 9.
[844] Interview with Tarewa Rota, 12 July 2024, Te Paatu ki Kauhanga Oral History Project.

F *– Pits on a ridge running down hill to a tributary of the Oruaiti River approximately 500m south-west of pa "E".*

G *– Area of koiwi on the western slopes of the Oruaiti Valley (Pers. comm Mr Taepa Karena via Mr Malcolm Hobbs).*

H *– Possible pits on ridge descending from a pa (site "D" above) north towards the Oruaiti Valley (Pers comm: Mr Malcolm Hobbs*

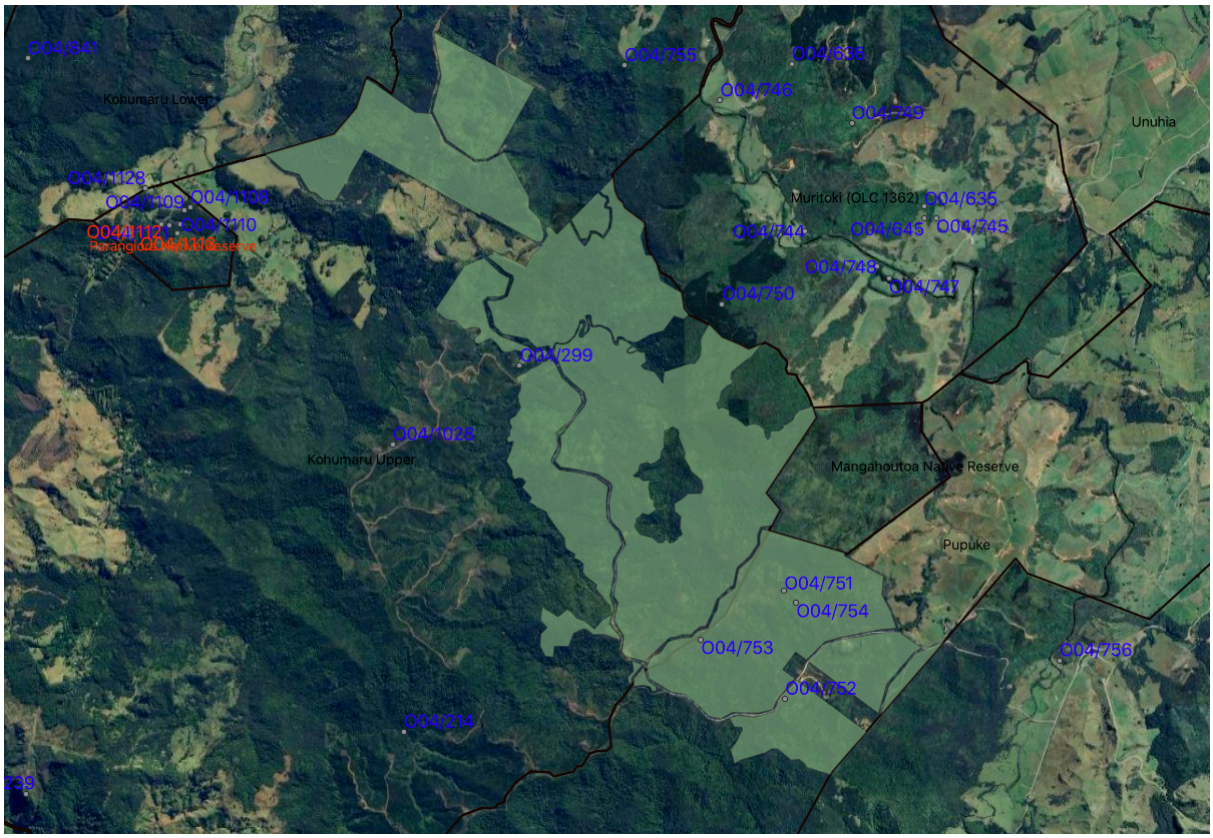
I *– A number of pits since destroyed by farm discing noted on a ridge east of the pa of Chief Pororua (Pers comm: Malcolm Hobbs).'*[845]

Using the grid recordings made in the report, the sites have been mapped below (along with the already identified wāhi tapu). It should be noted that these were references were approximate, not exact.

[845] Ibid., p. III.

Map 69: Additional sites identified by 1992 Department of Conservation survey of Muritoki Block. Source: Robinson, 1992, p. iii. Mapped by Ben Leonard, 2024.

Archaeology of Kohumaru Station area



Map 70: Recorded Archaeology of the Kohumaru Station area. Source: NZAA record, map by Ben Leonard 2024.

As part of this research project, Maxwell and Huebert examined the Kohumaru Station area for a desktop survey on the recorded archaeology there. They found:

> *'The area of interest in this study is the former Kohumaru Station, a large area of rolling hills that is 944 ha, more or less. No pā sites are located within the study area, with the closest recorded pā being almost 1 km from the case study boundary. There are also few previously recorded archaeological sites here: the four within the case study relate to gumdigging activities, one site, a midden with shell, is near the western boundary.*
>
> *It is uncertain this area was ever permanently (or even temporarily) inhabited by Māori. The areas of the southern Station investigated by Robinson were observed as unsuitable for occupation, which can be extrapolated to much of the remainder of the case study. The forests and scrub which would have been present in some areas would*

have provided resources such as birds, timber, and other plant materials, and perhaps other items. Short-term excursions for gathering forest resources or birding would, however, leave few archaeological traces.

The case study area may have been crossed occasionally by people travelling to and from nearby settlements. The closest areas favourable to settlement and horticulture would have been the alluvial flats along the Kohumaru and Oruaiti waterways that wrap around the study area, though at some distance. The archaeological evidence found in the adjacent Muritoki Block that straddles the Oruaiti River to the east provides one such example. In addition, an informant once reported that in the nineteenth century there was a large Māori settlement which extended up the Oruaiti River along the border between the Muritoki and Maungahoutoa Blocks (J. Robinson 1992, rev.1997, 3), which would have been within ~1 km of the study area.

Evidence of nineteenth century industry in this area indicates the land here was used, and probably occupied over short periods, to extract marketable resources such as timber and kauri gum. It is uncertain these activities were carried out with any intensity inside the study area.

Overall, the extensive search of historical photographs, digital imaging, and other documentary resources conducted for this study indicate there is scant evidence pre-contact Māori archaeological sites are present within the case study lands. This should be followed up by foot surveys, as many features can only be seen on the ground, however these could only be effectively conducted if vegetation cover were to be greatly reduced.

On a final note, the extensive fernlands that covered much of this area in the 1850s and 60s suggest repeated vegetation burning had occurred before European arrival. This may have been a management strategy to assist with resource extraction or to increase visibility, or for some other reason.'[846]

[846] Maxwell and Huebert, pp 419-420.

Regarding the current condition of the archaeology of the Kohumaru Station area, Maxwell and Huebert had this to say:

> *'As no site visits were conducted, a condition assessment relies only on aerial or satellite imagery, and the few descriptions in site records. Overall, any remaining archaeological sites here are likely to be in fair-poor condition.*
>
> **…** *The main threats to any sites are the further overgrowth of secondary vegetation, and the risk of fire.'*[847]

They add that recent satellite images were minimally useful, as the land is now densely overgrown by secondary forest.[848]

[847] Maxwell and Huebert, p. 420.
[848] Personal Communication, Jen Hubert to Ben Leonard, 31 May 2024.

DEVELOPMENT OF CROWN POLICY AND LEGISLATION

EARLY SETTLER ATTITUDES

The first non-Māori arrivals in the rohe entered into a world governed by tikanga. As essentially homeless itinerant workers these new migrants had little choice but to adhere to restrictions around wāhi tapu. It seems that a widespread knowledge of the importance and sanctity of wāhi tapu developed quickly among these first Pākehā, especially as many were tied to specific iwi, hapū and whānau by marriage.[849] The missionary Richard Davis, for instance, was required to make payment for burning a wāhi tapu in 1840.[850] So to was F E Manning who accidentally burnt a rākau tapu and was forced to make payment as restitution.[851]

The Crown, however, seems to have had no such interest in respecting wāhi tapu. From the beginning of Crown activity in the rohe, wāhi tapu were completely ignored. As we have seen above, there was no consideration given to ensuring that wāhi tapu were reserved from sale. They were not considered in the adjudication of Old Land Claims, that resulted in settler grants, surplus and scrip land. They were not considered in Crown land blocks where deeds ignored their existence completely and even 'Native Reserves' were given no formal protection. The Crown objective was to acquire as much land as possible, as quickly as possible, and wāhi tapu were ignored.

Crown land agents such as William Bertrand White made few attempts to provide for wāhi tapu protection and in cases like the burial of Panakareao, actively pushed for their removal to allow land sales. This reflected dominant European ideas of cultural supremacy at the time. The prediction was that Māori and their culture would either die out or be assimilated and that with the passing of time wāhi tapu would be all but forgotten.

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[849] Armstrong, O'Malley, and Stirling, p. 88.
[850] Vincent O'Malley and John Hutton, 'The Nature and Extent of Contact and Adaptation in Northland, c.1769-1840', Report commissioned by the Crown Forestry Rental Trust), 2007, pp. 123-124.
[851] F. E. Maning, *Old New Zealand, A Tale of the Good Old Times by a Pakeha Maori*, Golden Press, Auckland, 1973, pp. 110-111, pp. 115-116.

Major threats to wāhi tapu arose when settlers began pastoral and agricultural development in the 1840s and 1850s. Initial tuku whenua agreements with individual settlers had allowed Māori to control access to their wāhi tapu. However the conversion of these agreements into European-style permanent land sales through the Old Land Claims process (Godfrey Commission, Bell Commission etc) meant that wāhi tapu were increasingly "owned" by settlers. As the Crown took up "surplus land" and undertook its own land purchases, it sold the land to more settlers who continued to clear and farm it. Fencing at this time was scarce, and stock generally roamed to trample and graze on wāhi tapu and urupa.[852] The process of clearing and farming the land had a massive impact on wāhi tapu and is described in the case studies below.

As settler numbers grew and Māori land was alienated, settlers did not have to live according to the tikanga of their hosts. They paid increasingly scant regard to the sanctity of wāhi tapu and felt that the rules associated with these sites did not apply to them. As Alexander observes, this was especially so when 'they thought that Maori were not looking, and they could get away with inappropriate activity'.[853]

From the beginning of Crown land purchasing in the rohe, the Crown had a responsibility to set aside important wāhi tapu areas as reserves. The Waitangi Tribunal has found, with respect to Muriwhenua, that:

> *'Fiduciary responsibilities and Maori understandings were ignored in favour of a policy of total extinguishment of native title. No matter that the policy may have been intended as benign when first formulated, and no matter that adequate reserves may have been contemplated, when the policy was actually applied Maori interests were indeed very nearly extinguished totally'.*[854]

It was the statutory duty of the District Officer under the Native Lands Act 1873 to select and set apart, in consultation with Māori a sufficient quantity of land in as many blocks as he shall

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[852] Ibid., p. 99
[853] Alexander, 'Land-Based Resources, Waterways and Environmental Impacts', (Report commissioned by CFRT), p. 62.
[854] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 5.

deem necessary for the benefit of Natives'.[855] In the rare cases in which reserves were made, the Tribunal has found that:

> *'Moreover, the reserves were not protected for future generations or made and kept inalienable. Most of the reserves that were made were never formally gazetted as reserves, although the law required this. Instead, the Government purchased most of them soon after they were created, or, they were put through the Native Land Court process and private individuals sold them. In other words, the creation of 'reserves' in Muriwhenua had no reality: reserves were provided for one day, and then purchased the next.'*[856]

EARLY LEGISLATION

As discussed above, there was little legislative provision on the protection of wāhi tapu during the 19th century. One of the few options during this period was the setting aside of burial places or other 'Native Reserves' under the Native Reserves Act 1856.

The Native Reserves Act 1856 created Commissioners of Native Reserves who had broad powers regarding the management, lease and sale of land 'reserved or set apart for the benefit' of Māori from 'lands the Native title shall have management. been extinguished'.[857] No sale of the lands would be allowed without the express permission of the Governor.[858] The Act also granted the Commissioners powers to set apart lands as sites for 'churches chapels or burial-grounds' and to establish trustees to manage these 'special endowments'.[859] However none of the Native Reserves set aside from Crown land blocks in the project area were defined as such under the Native Reserves Act 1856.[860] No 'special endowment' areas were set aside for burial grounds either.

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[855] Native Lands Act 1873, s. 24.
[856] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 281
[857] S. 6. Native Reserves Act 1856
[858] Ibid., s. 7.
[859] Ibid., s. 8 & 13.
[860] Stokes, 'Muriwhenua Land Claims Post-1865', p. 29.

The establishment of the Native Land Court also allowed for the setting aside of lands as 'Native Reserves', which could have included wāhi tapu. Temporary restrictions on alienation could be registered on the title by the Court when it was investigated and granted. From 1866 onward the Native Land Court had the ability to create these 'Native Reserves' that were restricted from alienation for a period of 21 years, unless granted by the Governor in Council.[861] The 1873 Native Lands Act provided that titles could still be sold if all owners agreed to the sale.[862] This project has found temporary restrictions were placed on 20 of the 64 blocks that were adjudicated on by the Native Land Court in the claimants' rohe.

As Stokes has argued, the effect of these temporary restrictions was only 'to delay alienation as the restriction was not renewed when the 21 years expired.'[863] This form of temporary restriction was placed on 20 of the blocks in this project area, but following expiration of the 21 years the blocks were mostly partitioned and sold in part (excepting Mangahoutoa). This form of temporary restriction only served to delay alienation, which occurred in all the cases of temporary restriction discussed in this report. It is also worth noting that these restrictions were for land in general, not for wāhi tapu specifically.

The Māori Land Administration Act 1900 created Māori Land Councils which had the power to create inalienable burial-ground reserves on application from the lands owners.[864] This placed the onus on Māori owners to identify urupa to be set aside. However, Māori were not always interested in to disclosing the location of wāhi tapu to the Crown or anyone else, especially since fossicking and intentional desecration was common. Fossicking wāhi tapu for taonga, for instance, has occurred at Pātia O Matariki and other dune and foreshore areas along the Tokerau Moana coastline.[865]

The Māori Councils Act 1900 assigned responsibility to Māori Councils to make by-laws for the protection and control of burial grounds and required them to fence urupa, maintain paths,

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[861] S. 5 Native Land Act 1866
[862] s. 49 Native Land Act 1873
[863] Stokes, 'Muriwhenua Land Claims Post-1865', p. 30.
[864] s29(1) Maori Land Administration Act 1900
[865] See discussion on Pātia O Matriki case study above.

and 'generally regulate and mange such burial grounds'.[866] The Act does not specifically single out urupa on Māori-owned land, but appears to cover any 'burial-ground other than public cemeteries'.[867]

Then in 1903, The Māori Councils Amendment Act made it an offence for anyone to 'knowingly and wantonly without due and lawful authority trespasses on or desecrates or interferes in any manner with any Māori grave, cemetery, burial cave, or place of sepulchre'.[868] However, a review by Armstrong, O'Malley and Stirling in 2008 found absolutely no prosecutions under s11 of the 1903 Act. [869] This was attributed in part to the absence of an effective Māori Council structure and adequate funding.

In 1909 the Native Land Act passed, allowing for the reservation of Māori land owned by ten or more people for use as 'a burial ground' or 'a place of historical or scenic interest' among other things.[870] These reserves were to be made inalienable by Order in Council, on the recommendation of the Māori Land Board or the Native Land Court.[871]
It was not until 1930 that the Maori Land Boards were required to actively ensure that urupa were not included in sales.[872] This section was carried over in the Native Land Act 1931.[873] The 1931 Act also allowed for the setting aside of reserves for burial grounds by the Governor General and for the re-vesting of burial grounds on Crown land in to Māori ownership.[874] However, research has shown no record of this provision being used in the project area.

To summarise, by the early 1900s there were some legislative options available for protecting urupa and burial places in Māori ownership or by revesting of Crown land. However, these measures depended on Māori identifying urupa for reservation and going through the lengthy and expensive legal process of doing so. Disclosing the nature and location of urupa was risky with the potential for fossicking, grave-robbing and other forms of desecration. In some cases

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[866] S. 16 (11) Maori Councils Act 1900
[867] Ibid.
[868] S. 11 Maori Councils Amendment Act 1903
[869] Armstrong, O'Malley, and Stirling, p. 105
[870] S. 232, Native Land Act 1909
[871] S. 234 Native Land Act 1909
[872] S. 17, Native Land Amendment and Short Title. Native Land Claims Adjustment Act, 1930
[873] S 274 Native Land Act 1931
[874] S. 472 Native Land Act 1909

the tapu around certain burials may have specifically restricted disclosing their location, such as the burial grounds of prominent ancestors.

Bringing proceedings through the legal process was also beyond the means of many whānau during this period. Options included going to the Native Land Court, Maori Land Council or Maori Council to seek protections on burial grounds. This was time-consuming, involving travel and communications back and forth, as well as costly, potentially including the survey of lands to be reserved. The late 19th and early 20th centuries were a difficult economic period for the people of Muriwhenua and it is unsurprising that few people were able to take up these opportunities.

Finally, the protections offered were generally targeted at urupa and burials. While these were no doubt important wāhi tapu, they certainly were not the only kinds of wāhi tapu significant to claimants. There were no protections for historic pā, battle grounds, or waka landing places for instance, despite many of these places being very significant wāhi tapu in their own right. The focus for legislative provisions continued to be on burial places.

MID-20TH CENTURY

By the middle of the 20th century, some provisions for the protection of wāhi tapu were beginning to be enacted. The Māori Social and Economic Advancement Act 1945 permitted tribal executives to make by-laws for the protection of 'Maori Burial Grounds' and the 'prevention of desecration thereof or of trespass thereon'.[875] Māori Councils could impose fines for desecration (though no more than 20 pounds).

Within the claimants rohe, that responsibility fell to the Tokerau Māori Council. This research project has found no evidence of the Council imposing fines under the Act. Again, the Māori Council's at this time were significantly under-resourced and under-funded.

[875] Importantly, these were not cemeteries within the meaning of the Cemeteries Act 1908. S. 34(1) Māori Social and Economic Advancement Act 1945

1954 saw the establishment of the New Zealand Historic Places Trust (NZHPT), the first body charged with the protection of New Zealand's heritage places. As discussed above, the establishment of the New Zealand Historic Places Trust (now Te Pouhere Taonga Heritage New Zealand) was ostensibly for the purpose of preserving, marking and recording places and objects of historic interest in New Zealand. This was a major change to the way heritage sites and objects were dealt with in New Zealand, a regime which largely continues to this day (albeit with some updates).

The Trust was charged with reserving, marking, and keeping permanent records of:

> *'Lands associated with the early inhabitants of New Zealand, the Maoris, early European visitors, or early European settlers;*
>
> *Places associated with events of national or local importance, including (but without limiting the generality of the foregoing provisions...) buildings trees, sites, earthworks (military or otherwise), rocks, outcrops, caves, or objects of any kind);'*[876]

Unfortunately, the Trust was poorly resourced to undertake such wide-ranging duties. It lacked sufficient Māori expertise and as a result efforts tended to focus on the protection of European-settler heritage at the expense of wāhi tapu such as pā. According to Janet Davidson, insufficient resources quickly forced the NZHPT to be 'predominantly reactive rather than proactive'.[877]

In 1975 the Historic Places Amendment Act placed major new responsibilities on the Historic Places Trust. It was required to establish and maintain a New Zealand Register of archaeological sites, and control archaeological investigations through a permit system. It was made illegal to damage, destroy or modify any archaeological site, or engage in any archaeological work without first applying to the Historic Places Trust for permission to do so.

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[876] Historic Places Act 1954, S 3(a) and (c)
[877] Davidson, 'Wahi Tapu and Portable Taonga', p.30.

In 1964 the New Zealand Forest Service (NZFS) was given powers to preserve archaeological sites and mark their location on plans in response to a request from the New Zealand Archaeological Association. This was then extended in 1975, with the passage of the Historic Places Amendment Act.

The reasons for these powers were a recognition from the Crown that archaeological sites (some of which were wāhi tapu) would be destroyed as a consequence of being turned into forestry land. The large-scale planting taking place on Crown Forestry land made compliance with the Historic Places Amendment Act a major issue for the NZFS at this time.[878]

As a result, the NZFS carried out its own archaeological field surveys before planting commenced. Archaeologists were employed by the NZFS to undertake the work of identifying sites and making recommendations to both the NZFS and NZHPT for preservation, further investigation, or the destruction of sites after 'adequate recording'.[879]

HISTORIC PLACES ACT 1980

In 1980 a new Historic Places Act was passed to modernise the work of the Historic Places Trust. However, the changes in terms of protection for wāhi tapu were minor and the Act continued the dominant Eurocentric approach of confining Māori to mere advisory roles. Essentially, wāhi tapu protection continued to be driven by archaeologists employed or contracted to NZHPT, rather than Māori. In fact, the Act expanded the NZHPT Board from 12 to 15 members, while keeping just one seat available to represent all Māori.

The Historic Places Act 1980 provided the first explicit recognition of sites of significance to Māori by introducing a new category called 'traditional sites'. These were places that were important to Māori by virtue of a spiritual or emotional association. An application could be made to the NZHPT for designation of a place as a 'traditional site' which would then be considered by its Māori Advisory Committee. The Committee was an informal body with recommendation powers only but from 1985 onward a Māori representative was included on

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[878] Armstrong, O'Malley, and Stirling, p. 133
[879] Waitangi Tribunal, *Te Roroa Report*, Wellington, 1992, p. 234

each Regional Committee.[880] For the Tai Tokerau District Maori Council this was Viv Gregory until 1989.

If the nominated site met the criteria for traditional site, the NZHPT could then proceed to recommend the establishment of a reservation under the Māori Affairs Act 1953 or alternatively might refer the matter to a relevant 'Māori Association'.[881] Declaring a site a 'traditional site' meant that a local body (councils and the like) had to 'take into account the desirability of protecting or preserving' the place. However, this was only a requirement for the local body to consider protection, it was under no legal requirement to do so.

This created another ongoing problem in that the Trust (and local councils) began to rely heavily, if not exclusively, on this information rather than consultation with local Māori communities. In many cases, it was also noted, Māori opposed the modification or destruction of sites that were deemed of quite minor importance from an archaeological perspective. [882]

CONSERVATION ACT 1987

Another major development of the 1980s was the passing of the Conservation Act in 1987. This saw the establishment of the Department of Conservation (DOC), with responsibilities for managing the Crown's conservation lands. DOC was established to integrate the environmental functions of the Department of Internal Affairs, the Forest Service, the Lands and Survey Department, the Wildlife Service and other Crown agencies. As a result, it became responsible for the management of the many wāhi tapu within the conservation estate. It also became effectively the 'face of the Crown' as regards wāhi tapu in the far north, along with Heritage New Zealand.

The Conservation Act did not define wāhi tapu, but 'historic resource' was defined as an historic place within the meaning of the Historic Places Act 1980. The Act also allowed for

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[880] See Armstrong et al., pp. 136-137
[881] The criteria were simply that it be 'a place or site that is important by reason of its historical significance or spiritual or emotional association with the Maori people'. S. 1, Historic Places Act 1980.
[882] Ibid., 140. Alexander, 'Land-Based Resources', p. 322.

Māori land or Māori-leased Crown land to be managed for conservation purposes so as to 'reserve and protect' the:

- *'the natural and historic values of the land; or*
- *the spiritual and cultural values which Māori associate with the land.'*[883]

Since 1986 the New Zealand Archaeological Association's central file has also been based at the Department of Conservation. An agreement between the Association and DOC formalises the central file keeper's role.

The Tribunal has since found that since wāhi tapu are a taonga acknowledged in article 2 of Te Tiriti, the role of DOC and the HPT should not be 'decision-making role' in regards to protecting wāhi tapu. [884] Instead, DOC and the HPT are there to assist Māori by providing services and advice when it is sought, in order to enable Māori to better protect wāhi tapu themselves.

Again, the extent to which this has happened across the wāhi tapu in the claimants rohe is discussed in the case studies below. In cases such as Rangikāpiti, Aputerewa, Otangaroa and Kohumaru protection of wāhi tapu has been mixed and involvement of tangata whenua very limited until recently.

THE TREATY OF WAITANGI (STATE OWNED ENTERPRISES) ACT 1988

In 1987, a landmark Court of Appeal decision (New Zealand Māori Council v Attorney-General, 1987), required the Crown to give effect to the principles of the Treaty in the State Owned Enterprises Act 1986. This led to The Treaty of Waitangi (State Owned Enterprises Act) Act 1998.

The Crown began discussions with Māori Councils about the protection of wāhi tapu on SOE land, leading to an agreement that:

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[883] S. 27A Conservation Act 1987
[884] Waitangi Tribunal, *Te Roroa Report*, p. 254.

'When identified in a manner acceptable to both parties prior to 5 February 1988, they (wahi tapu) will be excluded from transfer to State Owned Enterprises and, where agreed to be appropriate, will be declared reserves under provisions of the Māori Affairs Act. A provision is to be included in the State Owned Enterprises Act which will enable the Crown to resume from State Owned Enterprises, wahi tapu which cannot be acceptably identified before transfer. This provision is contained in the draft bill. For wahi tapu included in land on-sold by State Owned Enterprises before identification and resumption the compulsory re-acquisition provisions will of course be available. The effect of that regime will be that there will be three tiers of protection for wahi tapu'.[885]

In essence, the agreement meant that the Crown would not transfer wāhi tapu sites to SOEs if they were identified within its timeframe. They were to be declared reservations under the terms of ss439-439a of the Maori Affairs Act 1953.[886] Otherwise the Crown might decide to resume the properties later, but only so long as the parties could agree that there was indeed a wāhi tapu on the land. The outright return of wāhi tapu to claimants was rejected on the basis that the policy was not to return land, but to protect wāhi tapu.[887]

The Crown also set down conditions for wāhi tapu to be protected through this process, including that claimants to withdraw their claims to the Tribunal regarding these wāhi tapu. It also required claimants to provide written guarantees that no other iwi claimed the land and that it would not be the subject of claims to the Tribunal by other iwi.[888] Wāhi tapu that met these conditions were then able to be reserved from transfer or later resumed.

This process also required Māori to identify wāhi tapu in specific locations to be provided to the Crown. This was something that could potentially have breached the tapu of the sites

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[885] Director-General DOSLI Report on Submissions Received. February 17, 1988. AALR 873 W5427 1247 62/25/3/1/3 pt. 1, ANZ (WLG), R20433181. Document Bank, p. 20.
[886] Ibid.
[887] Minister of Survey and Land Information to Chairman, State Owned Enterprises Committee. June 30, 1988. AALR 873 W5427 1247 62/25/3/3/3 pt 2, ANZ (WLG), R20433182. Document Bank, p. 23.
[888] S. Schwarz (DOSLI) to Chairperson Aotea Maori Committee, 20 April 1989. R12052130. ABWN 7616 W5021 913 LANDS 20/2, ANZ (WLG), R12052130. Document Bank, p. 60.

themselves. As the Maori Affairs Department itself acknowledged, claimant's may not have been willing to provide locations of wāhi tapu because they may have 'experienced plundering of sites and are anxious to protect taonga'.[889] Despite this, the Crown reserved the right to ask claimant's for specific locations of wāhi tapu where they had not provided any.[890]

In December 1987 a notice was sent by the Maori Council to all Maori Council delegates and Maori Trust Board secretaries outlining the arrangements which had been agreed, and inviting them to lodge submissions identifying relevant wāhi tapu sites and send submissions to the Department of Survey and Land Information. It was noted that a full and accurate description of the sites was required, including their precise location. The deadline for submissions was February 5, 1988, a mere few weeks later. Recipients could either make submissions in hope of having their wāhi tapu protected by this process, or make claims to the Tribunal after the land had been transferred to the SOEs.

Submissions were then classified into A, B or C category by the Crown. Category 'A' sites were those received in time and adequately identified on maps. These were excluded from transfer to the SOEs. Category 'B' sites were those not adequately identified. These could either be lodged with the Waitangi Tribunal or sent to the Chief Surveyor for the consideration. Category 'C' sites did not relate to SOE lands and took the form of more general claims not concerned with specific wāhi tapu sites.

In response to this discussion, the Tai Tokerau District Māori Council passed on submissions from Ngāti Kahu regarding wāhi tapu sites. The list included Puheke maunga, Maungataniwha, Te Iwi-Wehea urupa, Opouturi, and 19 pā on the Karikari Peninsula (shown in the map below).[891] These were all categorised as 'category C' by officials, except Te Iwi-Wehea which was classed as Category A.[892] The reasons for this categorisation is that only Te Iwi-Wehea actually sat on SOE land that was being considered for sale. This led to the reservation of Te

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[889] Ministry of Maori Affairs Memorandum for Cabinet. AALR 873 W5427 1247 62/25/3/1/3 pt. 1, ANZ (WLG), R20433181. Document Bank, p. 21.
[890] Minister of Survey and Land Information to Chairman, State Owned Enterprises Committee. June 30, 1988. AALR 873 W5427 1247 62/25/3/3/3 pt 2, ANZ (WLG), R20433182. Document Bank, p. 23.
[891] T. Paki to Director, DOSLI. February 4, 1988 AALR 873 W5427 1247 62/25/3/1/3 pt. 1, ANZ (WLG), R20433181. Document Bank, p. 24.
[892] Ibid.

Iwi-Wehea as a Māori Reservation, which it remains to this day. This, therefore, is the only wāhi tapu associated with claimants that was successfully reserved through the SOE wāhi tapu identification process.

Also worthy of note is the submission by Peter Pangari, identified as representing Ngāti Te Aukiwa (spelled O Kiwa in the Crown documents) of Ngāti Kahu.[893] The submission identifies 17 wāhi tapu including urupa, ana, and maunga of significance. Though all these lie within the claimants rohe, the submission is associated with Ngāti Te Aukiwa and not any of the claims represented in this claimant cluster. For that reason they are best addressed in reports for Ngāti Te Aukiwa claimants.

Importantly, as we have seen in the case studies above, the sale of SOE land (including wāhi tapu) led to significant protest from claimants at both Kohumaru Station and Rangiputa station. This led to the land-banking of these properties for use in historical claims settlements.

A few years prior, in 1985 and 1986, the NZ Forest Service and NZ Historic Places Trust had also undertaken an archaeological survey of 8 different compartments of the Otangaroa State Forest 115 in the present claimants' rohe, following by a reassessment of 2 of those compartments a year later.[894] This survey used the same 3 tiered categorisations. It must be noted that this was an archaeological survey, rather than a wāhi tapu survey. However, the use of the three-tiered categorisation in the claimants' rohe is worth considering.

David Nevin's 1985 assessed 13 blocks overall, with 8 of these in the present claimants' rohe. Robert Brassey's follow up assessment a year later re-examined two of these blocks. The result of both assessments was the identification of 78 archaeological sites within the claimants rohe.[895] These included a number of wāhi tapu such as pā and a burial site (N10/979 in

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[893] Submission fo Peter Pangari (No. 11), Department of Land Information, February 4, 1988 AALR 873 W5427 1247 62/25/3/1/3 pt. 1, ANZ (WLG), R20433181, Document Bank, p. 29.
[894] David Nevin, 'Otangaroa State Forest 115: Archaeological Site Survey 1985/86', Interim Report to NZ Forest Service and NZ Historic Places Trust, 1986. Robert Brassey, 'Archaeological Sites in Compartments 30-33, Otangaroa State Forest 115', New Zealand Forest Service, 1986. Nevins survey took in Otangaroa State Forest 115 Compartments 4, 17, 18, 19, 20/21, 25, 26, 27, 28, 29, 30, 31, 32/33 of which compartments 4, 17, 18, 19, 25 were outside the claimant rohe. Brassey's follow up re-assesment took in compartments 30 and 31.
[895] Nevin's survey found 54 sites, while Brassey found an additional 24 after resurveying compartments 30 and 31.

McCormack's Block). The archaeologists categorised 19 'A' classification sites, 6 'B' classification sites, and 53 'C' classification sites.[896]

CROWN FOREST ASSETS ACT 1989

In the wake of the Court of Appeal decision in the 'Lands' case and a slew of Waitangi Tribunal claims, the Crown decided not to sell off its forestry lands so they would be available for future settlements. Instead, it offered forest licences to companies which would collect fees to be held and invested by the Crown Forestry Rental Trust for Treaty claim settlements and research. However, the Crown still had a responsibility to protect wāhi tapu on lands that would be operated by private forestry companies.

A process of wāhi tapu identification was proposed on Crown forest lands, including submissions from iwi bodies and Māori committees.[897] In March 1989 123 'tribal representatives', were invited to participate in this wāhi tapu identification by sending in lists of wāhi tapu with locations. Overall, the number of submissions was very low and only one was received from the whole of Northland.[898] Claimants to this project and their hapū and marae organisations did not make submissions to this process. This could be related to a lack of proper consultation by the Crown, or a lack of resources from claimants and their representatives. The means in which the 123 tribal representatives were identified is not clear from Crown records available.

In addition to requesting submission, this wāhi tapu identification exercise consulted the Department of Conservation about the location of known wāhi tapu in the Crown's forests. A list was supplied, based on work carried out by the Forest Service between 1983-1986, including the surveys of Otangaroa State Forest 115 in 1985/1986 discussed above.[899]

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[896] Brassey, Appendix 1. Nevin pp. 12, 22-24, 28, 30, 34-35
[897] DOSLI, 'Te Puna Korero Whenua'. nd. ABJZ 7019 W4644 44 POL 19/1 pt. 1, ANZ.
[898] This was from Huimai Whanau Committee for Otangroa/Omahuta forest. The area is outside the claimant rohe boundary.
[899] A. Walton (DOSLI) to DOSLI. February 8, 1989. BAJZ 5157 10a 6950/1 pt. 1, ANZ (AKL), R1907621. Document Bank, p. 151.

MANUKAU CLAIM 1989

The Waitangi Tribunal's report on the Manukau Harbour claim was a major decision regarding both wāhi tapu and taonga. The Tribunal found that the Crown was obliged to not only recognise Māori interests but to actively protect them. Alongside the review of the Antiquities Act described in the section on taonga, the Tribunal also recommended: [900]

- statutory provision for the compulsory acquisition of significant sacred sites for settlement at Māori reservations in appropriate cases
- that research be undertaken into the desirable options for the identification of Māori sacred sites on Crown or General land having regard to the recent Australian experience pertaining to Aboriginal sacred sites.

As described above, this led to a lengthy process of legislative and policy review within the Department of Internal Affairs (and others). However, the review led to no legislative change and the proposed Bills coming out of this review were set aside.

RESOURCE MANAGEMENT ACT 1991

The Resource Management Act (RMA) is perhaps one of the most significant pieces of legislation regarding wāhi tapu yet introduced. It replaced the Town and Country Planning Act 1977 and set the stage for the management of the country's lands and resources for the next 40 years. Despite recent attempts to reform this process, as of the writing of this report it remains in force. As such, it is the RMA that governs much of what happens to wāhi tapu today (along with the Heritage New Zealand Pouhere Taonga Act 2014 discussed below).

[900] Waitangi Tribunal, *Report on the Manukau Claim*, pp. 110-111.

The Resource Management Act defines historic heritage as 'those natural and physical resources that contribute to an understanding and appreciation of Aotearoa history and cultures' that include:[901]

a. Historic sites, structures, places and areas;
b. Archaeological sites;
c. Sites of significance to Māori including wāhi tapu; and
d. Surroundings associated with the natural and physical resources.

Rather than define wāhi tapu, the Act provides Māori with the opportunity to define what a wāhi tapu is.[902] The Act says that because wāhi tapu are 'sites of significance to Māori', only Māori can identify such sites.

Other instances where wāhi tapu are discussed in the Act include in matters of 'national importance'. This is held to include 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga', the protection of historic heritage from inappropriate subdivision, use and development, and 'the protection of recognised customary activities'. The Act also requires all persons exercising functions and powers under it (including local council staff) to have particular regard to 'kaitiakitanga'.

There are a number of protections for wāhi tapu available in the Act, including iwi management plans and heritage orders. Iwi management plans are planning documents created by iwi that can identify matters of importance to the iwi such as wāhi tapu protection. These plans and their provisions must then be taken account of by local bodies administering the RMA. Note that there is no requirement to follow the plans, simply that the local body must take account of them.

Heritage orders are provisions found in district plans that give certain protections to certain areas of land. These heritage orders can be made for the purpose of protecting of:[903]

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[901] S. 1 Resource Management Act 1991
[902] S. 5(1)(iii) Resource Management Act 1991
[903] Section 189 (1), Resource Management Act 1991.

a) any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons; and
b) such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of that place.

The effect of a heritage order is that the designated land cannot be used in a way that 'would wholly or partly nullify the effect of the heritage order', which includes undertaking use of the land, subdividing the land, and changing the character, intensity or scale of the use of the land.[904] These protections supersede resource consents or the other provisions of relevant plans. Heritage orders can however be bypassed with prior written consent from the relevant heritage protection authority.

The process for implementing a heritage order in a district plan begins with designated 'heritage protection authorities' such as local authorities (councils), Heritage New Zealand or Crown Ministers. These heritage protection authorities can give notices of requirement for a heritage order to territorial authorities (councils such as the Far North District Council). These notices of requirement can be on the advice or request of iwi. A lengthy process of public notification and submissions must then take place before the notice of requirement is implemented in the district plan as a heritage order.

According to the guide for an iwi authority seeking to protect a wāhi tapu using heritage orders, the first step was to notify the territorial authority (often a local council). That notification must include the reason why the heritage order was sought, a description of the place and surrounding area, a specification of the restrictive conditions sought to be applied to the place and surrounding area.[905]

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[904] S. 193, Resource Management Act 1991.
[905] 'Protection of Wahi Tapu, A Guide to Legislation and How to Use It'. ABJZ 7019 W4644 69 POL 19/1 pt. 2, ANZ (WLG), R21986573. Document Bank, p. 57.

The Resource Management Amendment Act (RMAA) 2009 added new options for the processing of notices of requirement for heritage orders. Notices of requirement for heritage orders can now be directly referred to the Environment Court provided that the council agrees. RMAA 2009 also clarified that a notice of requirement for a new heritage order or to alter an existing heritage order can be called in as a matter of national significance by the Minister for the Environment.

As these examples demonstrate, the operationalisation of the RMA regarding wāhi tapu is largely handled by local authorities, who are required to have regard for iwi management plans, matters of national importance, and historic heritage. All of these have the potential to give protection for wāhi tapu (albeit limited).

In the case of the claimants, the local authority charged with these RMA obligations is the Far North District Council (FNDC). One of the main ways one might expect to see wāhi tapu protection is in the planning documents and policies of the FNDC. This includes district plans and in the granting of resource consents. This is discussed in the section on local authorities below, and in the case studies with particular regard to the granting of resource consents on identified wāhi tapu.

HISTORIC PLACES ACT 1993

The Historic Places Act 1993 attempted to address the shortcomings of the 1980 legislation. By the Crown's own admission, the pervious legislation had failed to 'provide satisfactory protection and control mechanisms to Māori and did not refer specifically to wāhi tapu'.[906] The new Act was intended to 'promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand'. It set out definitions of archaeological sites, historic areas, historic places, and wāhi tapu.

Wāhi tapu were defined as:

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[906] J. Clarke, Manatu Maori, to Minister of Maori Affairs. November 29, 1991. ABJZ 7019 W4644 69 POL 19/1 pt. 2, ANZ (WLG), p. R21986573. Document Bank, p. 53.

> *"a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense."*[907]

This definition reflected the wāhi tapu definition in the RMA, discussed above. In other words, wāhi tapu ought to be defined by Māori themselves based on their own cultural values and tikanga.

The Act also increased Māori representation on the Historic Places Trust Board to at least four Māori representatives. It also established the Māori Heritage Council (MHC), consisting of Māori Historic Places Trust Board members, plus four other Māori representatives with appropriate skills, knowledge or cultural background. While this was no doubt an improvement, the Māori Heritage Council has remained an advisor body only, with no powers of decision making.

Importantly, the Act continued its predecessors focus on heritage protection which was voluntary, low cost, and non-confrontational to existing landowners. This approach remains the standard to this day. Voluntary measures such as covenants or low-cost, nonbinding measures such as iwi management plans and sites of significance registers were preferred. As Armstrong describes:

> *"... this emphasis on low-confrontational 'voluntarism' came the expense of mandatory protective mechanisms, and hardly meets the duty of active protection which the Crown has recognised."*[908]

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

New Zealand is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The document sets out minimum standards for the survival, dignity, wellbeing, and rights of the world's indigenous peoples. This non-binding international declaration was the product of more than two decades of dedicated work, including from Māori

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[907] S. 1 Historic Places Act 1993
[908] Armstrong, O'Malley, and Stirling, p. 188

leaders such as Moana Jackson, Aroha Mead, Tariana Turia and Pita Sharples. It was initially adopted by the United Nations General Assembly in 2007, with New Zealand initially refusing to sign. This position was reversed and New Zealand became a signatory in 2010.[909]

This includes rights and responsibilities regarding

Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5 Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 8 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 11 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

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[909] Note: As of August 2024, New Zealand remains a signatory to the UNDRIP. However, the 2023 coalition agreement between the New Zealand National Party and New Zealand First Party confirms that the Government will not recognise the United Nations Declaration on the Rights of Indigenous Peoples as having any binding legal effect on New Zealand.

States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12 1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 25 Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 28 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

In 2014 new legislation was passed to update the existing regime. The Heritage New Zealand Pouhere Taonga Act 2014 is the current regime in place for protecting heritage sites and wāhi tapu as of the writing of this report. It largely carries on the overarching approach of non-confrontational voluntarism that has characterised the Crown's approach to protecting wāhi tapu since the 1980s. The Historic Places Trust was renamed Heritage New Zealand Pouhere Taonga (HNZPT).

The core functions of the HNZPT include: [910]

- identifying, listing and protecting wāhi tapu, and wāhi tapu areas on the New Zealand Heritage List,
- issuing archaeological authorities
- providing advice on heritage matters in the event of a national or local emergency,
- maintaining a list of places of outstanding national heritage value called the National Historic Landmarks, and
- acting as a heritage protection authority under the RMA as discussed above.[911]

Wāhi tapu is defined as 'a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.'[912] Wāhi tapu areas are defined 'land that contains 1 or more wāhi tapu'. It also defines 'wāhi tūpuna' as places important to Māori for ancestral significance and associated cultural and traditional values.

Archaeological sites, meanwhile, are designated as:[913]

- any place in New Zealand, including any building or structure (or part of a building or structure), that:

[910] Section 13, Heritage New Zealand Pouhere Taonga Act 2014
[911] Section 13, Heritage New Zealand Pouhere Taonga Act 2014
[912] Section 6, Heritage New Zealand Pouhere Taonga Act 2014
[913] Ibid.

    - was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
    - provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- includes a sites for which a declaration is made by Heritage New Zealand.

With regards to wāhi tapu, the Act gives HNZPT the power to:[914]

- identify, record, investigate, assess, protect, enter on the New Zealand Heritage List/Rārangi Kōrero, and conserve historic places, historic areas, wāhi tūpuna, wāhi tapu, or wāhi tapu areas, or assist any person or organisation to do 1 or more of those things
- assist any person or organisation to acquire, restore, conserve, or manage any wāhi tūpuna, wāhi tapu, or wāhi tapu area
- promote or supervise the investigation of a historic place or historic area or, where appropriate, of a wāhi tūpuna, wāhi tapu, or wāhi tapu area
- provide information relating to a historic place or historic area or, where appropriate, to a wāhi tūpuna, wāhi tapu, or wāhi tapu area

It also requires HNZPT to recognise the interests of an owner, as far as those interests are known, in a particular historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

The Act makes it an offence to modify or destroy archaeological sites, or cause them to be modified or destroyed, if the person knows or ought reasonably to have suspected that the site is an archaeological site. This applies to archaeological sites whether or not they are on the New Zealand Heritage List/Rārangi Kōrero. The main exception to this is for an authority to destroy, damage or modify granted by Heritage New Zealand. The decision requires an archaeological assessment and in some cases a 'cultural impact assessment' from iwi authorities. [915]

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[914] Section 14 (1), Heritage New Zealand Pouhere Taonga Act 2014
[915] Section 42 and 82, ibid.

Applications to modify or destroy sites are to include a statement as to whether 'consultation with tangata whenua and any other person likely to be affected' had taken place, and details of such consultation. Section 18 also prohibits any archaeological investigation of a wāhi tapu or related site unless the Māori Heritage Council of the Trust considered it appropriate, or lacking the consent of 'such iwi authority or other body as the Māori Heritage Council considers appropriate'.

The Act also made it an offence to destroy, damage or modify a wāhi tapu or wāhi tapu area registered on the HNZPT List/Rārangi Kōrero. The list has remarkably few wāhi tapu from the claimants rohe within it, the only ones being:

- Pā (5892)
- Pā (5887)
- Pā (5885)
- Middens/Oven/Terrace (5891)
- Pā (5875)
- Pā (5876)
- St Barnabas Church (453)

Midden (5877) is also included on the list as a Heritage Site Category 2, though this is not a wāhi tapu per se.

In the case of destruction of a site on this list, a fine of $100,000 would be incurred, and $40,000 in the case of alteration or damage. To date, no prosecutions under this rule have taken place regarding the claimants wāhi tapu.

One of the means of protecting wāhi tapu under the 2014 Act is heritage covenants. A heritage covenant is a legal agreement between the land owner and HNZPT about how the heritage values of the land will be protected. In essence it places certain conditions on the management and use of the land to protect it for the future, including preventing its destruction and restricting activities that will undermine or adversely affect the historic heritage values of the place. The land owner retains ownership and the covenant is registered against the title, usually

in perpetuity. A place does not have to be entered on Rārangi Kōrero/the List in order to be covenanted.

Heritage covenants can come through requests from landowners, or as a conditions of a resource consent. The HNZPT is then able to negotiate with anyone owning or leasing the land to place a heritage covenant upon it. Again, this is voluntary and requires the landowner or lessee to agree and go through the necessary steps. The essence of this approach, then, is that protection of wāhi tapu can only be done with the voluntary consent of landowners and that landowners themselves must put forward the notifications. The current approach, then, requires Māori to rely on the impetus and cooperation of landowners, HNZPT and the FNDC in the absence of more substantive active protection measures.

As of 2023 there are 14 heritage covenants within the Far North district. Importantly, none of these cover claimants' wāhi tapu.[916] Information obtained through Official Information Act for this project also show that HNZPT has granted 72 archaeological authorities under section 44 of the Act in the claimants rohe. These include in areas such as Kohumaru, Taipa, Mangōnui, Kaitāia, Paranui, Karikari, Kaingaroa, Oruaiti, Oruru, and Kareponia going back to 1986.[917] HNZPT staff believe there have been no archaeological authorities declined in the subject area.[918]

There are several major complains made of this current regime by claimants. The first is that HNZPT does not itself provide any active protection. Secondly, the recommendations of the Heritage New Zealand Board to local authorities are merely advisory. Thirdly, the protection of wāhi tapu and wāhi tūpuna depends largely on the provisions of each district plan as set out by the RMA. Finally, by placing the burden on Māori to notify their wāhi tapu for protection the current regime has seen few wāhi tapu included on the list. Sometimes this is because of resources constraints on iwi and hapū to file notifications, other times it is as a result of the sensitive nature of wāhi tapu.

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[916] Heritage New Zealand Pouhere Taonga, 'Heritage Covenants 2023', 31 January 2024. Document bank, p. 221.
[917] Heritage New Zealand Pouhere Taonga, Official Information Act response to Ben Leonard, 29 July 2024. Document bank, p. 227.
[918] Heritage New Zealand Pouhere Taonga to Ben Leonard, 29 July 2024. Document Bank, p. 228

As discussed in the case study on Pātia O Matariki, the current HNZPT and RMA approach demonstrates some of the existing problems with this reactive and 'low-confrontational voluntarism' approach. The original easement onto the wāhi tapu was apparently granted by Far North District Council because Council staff were not aware it was a wāhi tapu. The assessment by Heritage New Zealand showing no kōiwi present also highlights the issues with relying on archaeology to identify wāhi tapu, which the RMA identifies are best described by Māori. The end result is the use of a heritage covenant as per the HNZPT Act 2014. While this may be a satisfactory end result it was only achieved by vigilance from the marae community, physical blocking of access and then land occupation.

LOCAL AUTHORITIES

Implementation of the current regime established by the Resource Management Act and Historic Places Act often falls to local authorities. In the claimants' rohe this is largely the purview of the Far North District Council (FNDC), who succeeded the Mangonui County Council in 1989.

Under the RMA, the FNDC undertakes a number of functions that are intended to offer protection to wāhi tapu such as the resource consenting process, a District Plan, regional policy statements. All of these policies are required to take into account the Māori cultural values present in the land, as well as any relevant entry on the New Zealand Heritage list.

Where consents are required for works that affect historic heritage on the New Zealand Heritage list, local councils are required in certain circumstances to notify Heritage New Zealand as an affected party.

The implementation of these protections for wāhi tapu has often been poor, particularly in the claimants rohe, which has received comparatively little resourcing. Moreover, the regime continues to place the burden on Māori to disclose their wāhi tapu to local authorities and HNZ. As Davidson has observed:

'Māori reluctance to disclose site locations for fear of further violations has provided the Council with an excuse not to face the indignation of landowners, particularly farmers, over what they would see as any kind of designation, however weak, over their land. But policies that encourage Māori to manage their own heritage in their own way are laudable only when Māori have the power and resources to do so.'[919]

With regards to the claimants' rohe, Tina Latimer observed:

'We have a good relationship, Te Pātu ki Kauhanga, but those are built, and you know Far North District Council, Department Of Conservation, Minstry of Environment, Te Arawhiti, we're currently MBIE working with the Ministry of Business Innovation, Te Whatu Ora….

' So we've actually built those relationships probably in the last five years from nothing. And I find it, I'll tell you, the Ōruru, a good example is the Ōruru Valley Project which we started about five years ago. And that was due to the kōiwi, and some children being found at Ōmātai. They were found by a pig hunter, but they were on private property. And so those kōiwi are still there, and so this is where that mahi for the Ōruru Valley started. And it's taken us five big years to get a contract with Far North District Council to look at protecting sites of significance in the district plan. So the perseverance paid off in the end.'[920]

The current Far North District Plan was implemented in 2009 and is currently under review as it has now well past the 10 year lifespan of the plan. The plan contains a large number of policies and implementation measures regarding wāhi tapu.

Chapter 2 'Tangata Whenua' provides an overview of the FNDC's commitments to its Treaty partners. This includes Te Tiriti (and Professor Kawharu's well known translation), as well as the principles of Te Tiriti, including:

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[919] Davidson, p. 60.
[920] Interview with Tina Latimer, Te Paatu ki Kauhanga Oral History Project, 14 March 2024, 18'07".

- Rangatiratanga
- Active Protection
- Hapu/Iwi Resource Development.

Section 2.4 includes the following "Matters of Significance to Tangata Whenua", arrived at through some consultation hui:[921]

2.4.4 Account taken of Māori cultural and traditional values including concepts of mauri, tapu, mana, wehi and karakia.

2.4.7 Recognition of, and provision for, traditional Māori knowledge in the management of the District's natural and physical resources.

2.4.9 Protection of, and access to, those features, places and characteristics of the environment of special value to Māori, including waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga.

Section 2.5 includes the following issues:

2.5.1 The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga can be adversely affected by development that does not recognise this relationship.
2.5.2 The exercise of rangatiratanga and the practice of kaitiakitanga, as provided for by the principles of the Treaty of Waitangi and the Resource Management Act and involving the use of tikanga and other aspects of the Māori environmental management system, are able to contribute to the wellbeing of people and communities in the District but are not always recognised and provided for.
2.5.3 Subdivision, use and development of resources can adversely affect waahi tapu and other taonga

[921] S. 24 Far North District Plan 2009

The environmental outcomes expected from this section include:

2.6.1 To the extent possible, the rights guaranteed to Māori by Te Tiriti O Waitangi (Treaty of Waitangi) are given effect in the Plan.
2.6.2 Subdivision, use and development in the District occurs in a way that recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
2.6.3 Development on ancestral land occurs in a way that achieves sustainable management of natural and physical resources, and protects Sites of Cultural Significance to Māori and other taonga.

The objectives include:

2.7.3 To recognise and provide for the protection of waahi tapu and other ancestral sites and the mauri (life force) of natural and physical resources.

Similarly, Policy 2.8.5 requires:

2.8.5 That waahi tapu and other taonga be identified and protected by provisions in the Plan

Section 12.5 lays out provisions relating to heritage:

12.5.1.6 Cultural and spiritual values can be affected through places of cultural significance to Māori being used for inappropriate activities or physically altered through building, grading, removing or planting vegetation. It is also possible that access to these places can be blocked. Ignorance of the existence of these places and lack of understanding of their significance is often the cause of such degradation.

The Cultural Outcomes expected from this section are:

12.5.2.6 Knowledge and understanding of sites of cultural significance to Māori.
12.5.2.7 Recognition and retention of the Māori values relating to sites of cultural significance.

12.5.2.8 No unnecessary damage, destruction or modification of archaeological sites.
12.5.2.9 Active involvement by Māori in decision making about, and management of, Sites of Cultural Significance to Māori.

The objectives relating to taonga and wāhi tapu are:

12.5.3.1 To protect and retain the heritage values of resources, such values to include those of an archaeological, architectural, cultural, historic, scientific, and technological nature.
12.5.3.2 To protect waahi tapu and other sites of spiritual, cultural or historical significance to Māori from inappropriate use, development and subdivision.
12.5.3.5 To protect the cultural, spiritual, scientific and historic values of archaeological sites from inappropriate use, development and subdivision.
12.5.3.6 To assist landowners' understanding and appreciation of the heritage resources located on their land.
12.5.3.7 To ensure that subdivision and land use management practices avoid adverse effects on heritage values and resources.
12.5.3.8 To support landowners who protect heritage resources by providing financial relief and incentives.

The relevant District Plan policies regarding historic heritage are:

12.5.4.4 That land use activities in the vicinity of Sites of Cultural Significance to Māori shall not compromise their spiritual, cultural or historical values and that the effect on cultural, spiritual and historical values is taken into account in the assessment of applications.
12.5.4.5 That the Council consult with whanau, hapu and iwi to develop appropriate and acceptable consultation processes for Māori.
12.5.4.7 That activities on any archaeological sites shall be managed in order to avoid or minimise any adverse effects.
12.5.4.8 That where areas have significant historic character, their heritage values are not compromised by inappropriate activities.

12.5.4.9 That where there is evidence demonstrating support for heritage values attributed to a place by individuals, groups and agencies, these values shall be taken into account in considering applications to alter or destroy such places.
12.5.4.10 That landowners shall be encouraged to protect and enhance heritage sites on their land through the provision of information and incentives.
12.5.4.12 That the Council will utilise, where appropriate, its heritage protection authority status under s187 of the Act, to protect any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural or historical reasons and such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of the place.

The methods for achieving these policies are:

12.5.5.1 The Plan includes schedules of notable trees, historic buildings and objects, Sites of Cultural Significance to Māori, and registered archaeological sites and the items listed in these schedules (refer to Appendices 1D – 1G in Part 4) are shown on the District Plan Maps. While activities that will have minor effects, or, in certain circumstances, emergency works and in the case of notable trees trimming, maintenance and, in limited circumstances felling, will be permitted, an application for resource consent will be required for significant modifications to those items/places that are scheduled and/or mapped.

12.5.5.2 The Council may add to the schedules of notable trees, historic buildings and objects, and Sites of Cultural Significance to Māori, when it is advised of new items, provided that: (a) there is proof of consultation with the owner of the land on which the heritage resource is located; (b) a written narrative about the heritage resource is provided; (c) adequate mapping is carried out. New heritage resources will be added to the Plan only by a Variation or Plan Change.

12.5.5.5 Where excavation or filling, subdivision or other land use activities may lead to adverse effects on archaeological sites, the Council will require an archaeological assessment

of effects on identified sites by a qualified archaeologist as provided by rules in Chapter 4.3 (Processing of Resource Consents) as well as in this section.

12.5.5.6 Where an application is made to modify a Site of Cultural Significance to Māori, the tangata whenua and the relevant iwi authority for whom the site has significance shall be considered an affected party in terms of s93 and s94 of the Act.

12.5.5.7 Where an application is made for an activity which may modify an Archaeological Site listed in Appendix 1G or an Historic Site, Object or Building listed in Appendix 1E (or included in the Historic Places Register), or a Site of Cultural Significance to Māori listed in Appendix 1F the New Zealand Historic Places Trust, the Department of Conservation and/or the requesting party and the relevant iwi authority for whom the site has cultural significance shall be considered to be affected parties in terms of s93 and s94 of the Act.

12.5.5.15 Section 10 of the Historic Places Act 1993 makes it an offence for anyone to destroy, damage or modify, or cause to be destroyed, damaged or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect it is an archaeological site. Sections 11 and 12 of the Historic Places Act 1993 allow an application to be made to "destroy, damage or modify" any archaeological site.

12.5.5.20 The Council will work with interested parties to develop a protocol for the suitable protection of archaeological sites during afforestation projects and their subsequent harvesting.

12.5.5.21 Council will encourage the use of predictive modelling techniques to determine where archaeological sites are likely to occur.

Section 12.5.6.2.2 sets out policies regarding proposed activities that could affect 'Sites of Cultural Significance to Māori':

Building, excavating, filling, planting of trees or clearance of vegetation within any Site of Cultural Significance to Māori, as listed in Appendix 1F and shown on the Resource Maps, is

a restricted discretionary activity, unless the activity is proposed by the requesting party, in which case this rule does not apply.

The Council will restrict the exercise of its discretion to:

(a) the extent to which the activity may adversely affect cultural and spiritual values; and
(b) whether the activity will have an adverse effect on any historic site, building or object, notable tree, or archaeological site; and
(c) the means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated. Where an application is made in terms of this rule, the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered an affected party.

In Appendix 1F, the District Plan lays out a 'Schedule of Sites of Cultural Significance to Māori'.[922] This appendix recognises the FNDC's responsibilities under the Act to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. It accepts that the FNDC must also have regard to kaitiakitanga (the exercise of guardianship and the ethic of stewardship), and shall take into account the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

Appendix 1F states that:

One method of protecting Sites of Cultural Significance is to prepare an inventory of such sites and to restrict activities within such sites. Where there is an application to modify any Site of Cultural Significance to Māori, the tangata whenua shall be considered an affected party. The following schedule has been sourced in part from information in the Transitional District Plan. In addition, the Council has resourced a series of workshops. The result of these workshops has been the identification of specific sites, the identification of areas which contain unmarked sites, and the people and/or organisations to be contacted in response to any application for a resource consent.

[922] Appendix 1F: Schedule of Sites of Cultural Significance to Māori, Far Noth District Plan 2009.

The information gathered at these workshops is held by Council and is available on request. The sites were located on 1:50,000 topographic maps (MS260 series) by circles drawn around individual sites (where the centre point of the circle depicts the location of the site); or large circles/areas drawn around a number of unmarked or "silent" sites. The location of these sites or areas is by map reference, or in the case of information from the Transitional District Plan, by legal description. Revealing the location of the "silent" sites, including waahi tapu, is a sensitive issue.

At this point in time, this Schedule only lists those sites that: (a) are on Māori land or on Department of Conservation estate; and/or (b) were in the Transitional Plan; and/or (c) are on general title land and there has been consultation with the affected landowner. Where the column headed "Name & Description" contains a reference to "silent file", the Council has made an order pursuant to s42 of the Resource Management Act 1991 prohibiting or restricting the publication or communication of any information supplied to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu.

The plan identifies 336 sites of significance, of which 68 fall in the claimants' rohe.[923] These are:

Table 3: Claimant wāhi tapu in the Far North District Plan 2009

Number	Name
MS03-04	Moturoa Fishing Reserve/Recreation Grounds
MS03-05	Matai – Recreation Purposes
MS03-06	Merita Marae
MS03-07	Te Hunga Tapu
MS03-08	Takapu - waahi tapu
MS03-09	Church
MS03-10	Haititaimarangai

[923] This number was reached by cross-referencing the FNDC sites of significance list with the the wāhi tapu database produced by this report (Appendix C) and the mapped rohe as shown above.

MS05-06	Takapuna – urupa
MS05-07	Parapara Marae
MS05-08	Tirepa - maunga tapu and waahi tapu
MS05-09	Puketu Island Maori Reserve - maunga tapu, waahi tapu
MS05-12	Te Ahu Ponga maunga tapu & waahi tapu
MS05-25	SILENT FILE
MA05-27	SILENT FILE - urupa
MS05-29	Te Poka - waahi tapu
MS05-37	Maimaru Marae
MS05-38	Okokori/Kaimaua Recreation Reserve & waahi tapu
MS05-39	Tirepa Wahine Marae & Recreation Reserve
MS05-40	Takapuna - waahi tapu
MS05-41	Karipori Marae & Recreation Reserve
MS05-42	Putangarau - waahi tapu
MS05-43	Waiaua - meeting place and burial grounds
MS05-44	Taemaro Recreation Purposes
MS05-45	Pukeangina - waahi tapu
MS05-46	Opakau - waahi tapu
MS05-47	Waimahana - meeting house
MS05-48	Patau - waahi tapu
MS05-49	Kareponia Marae
MS05-50	Komako - waahi tapu
MS05-51	Te Rangi - waahi tapu
MS05-52	Hikinui - waahi tapu
MS05-53	Mataara Marae
MS05-55	Hauturu Pa & waahi tapu
MS05-56	Te Paatu Marae
MS05-57	Pukekahikatoa - waahi tapu
MS05-58	Kotipu Marae

MS05-59	Mangataiore - waahi tapu
MS05-60	Taunoke - waahi tapu
MS05-61	Te Ahua Marae
MS05-62	Makapera - waahi tapu
MS05-63	Parengaroa - waahi tapu
MS05-64	Waikainga - waahi tapu
MS05-65	Tipa Tipa - meeting place
MS05-72	Kerekere Pā
MS05-76	Kauhanga Marae
MS05-77	Ngati Kahu; Muria Marae & waahi tapu
MS05-78	Tarakaka Cemetery Reserve & waahi tapu
MS13-09	Pa Site (Te Whatu)
MS13-10	Pa Site (Opatu)
MS13-11	Pa Site (Tuanui)
MS13-12	Pa Site (Taranga)
MS13-13	Pa Site (Tutukakanihi)
MS13-14	Pa Site (Taumatate-Ra)
MS13-15	Waahi tapu (PukePipi-te-Wai)
MS13-16	Waahi tapu
MS13-17	Waahi tapu
MS13-18	Waahi tapu (Kai Rawaru)
MS13-19	Waahi tapu
MS13-20	Waahi tapu
MS13-21	Waahi tapu (Ngawhenua)
MS13-22	Waahi tapu
MS13-23	Waahi tapu (Omata)
MS13-24	Waahi tapu (Tupare)
MS13-25	Rangikapiti Pa
MS13-26	Berghan Family Urupa
MS13-27	Cossill Urupa

Appenidx 1G also maintains a record of registered archaeological sites , that is sourced from the New Zealand Heritage List. Of these, 23 can be said to have connections to claimants, all in the Otangaroa State Forest 115. In addition, the Council holds a copy of the NZAA list of Recorded Archaeological Sites.

The District Plan is currently under review, including a thorough review of wāhi tapu and sites of significance records. The results of these reviews will no doubt be put into the new District Plan in the coming years.

As we have seen, the Far North District Plan contains numerous policies and references to the protection of wāhi tapu and sites of cultural significance. Indeed the register, while only containing 68 wāhi tapu in claimants rohe, is an attempt to discharge the duties set out in the RMA. The question, then, is to what extent all these policies and registered sites have managed to actually protect wāhi tapu. This question is answered below in the case studies. As with Pātia O Matariki in particular, the answer is that these policies and registers of sites have been largely ineffective on the ground.

RATING

The general issue of rating is best addressed in the Economic Impact report proposed for this claimant group. However, the scoping report asked this project to investigate:

> *"were rates charged on lands containing urupa and wahi tapu, which by definition could not generate income to meet these liabilities"*[924]

Rates are chargeable on Māori land not specifically exempt. This includes land containing urupa and other wāhi tapu. It also includes general land that includes wāhi tapu. These rates can build up over time and become a huge financial burden for whānau who in some cases are forced to sell land off to pay them. Importantly, wāhi tapu lands are generally not used for

[924] Armstrong, 'Te Paatu Scoping Report', p. 9.

economic activities and therefore do not generate an income and are unable to meet their rates obligations.

Indeed it was not until the Native Land Rating Act 1924 came into force that urupa were exempt from rates, and only then if they were five acres or less. The Act did not refer to sacred sites other than burial grounds, and the terms of s.4b indicate that only urupa which had been surveyed and set aside for that specific purpose under the terms of the 1909 Native Land Act would be exempt.

Rating is the purview of local authorities, in this case the Far North District Council. Historically, rating has had a major impact on Māori. As Armstrong notes:

> *'Many Maori with loans from the Department of Maori Affairs could not meet mortgage payments and rates on land were not paid because there was no income. Debt in some cases came to exceed the value of the land.'*[925]

To give some context, by 1927 the survey liens on Māori lands in Mangonui County, including interest, amounted to a total of £5,521.5.9.[926] It was eventually agreed to accept a rates compromise of payment of 25% of rates owing on Māori lands. In Mangonui County the rates owing to 31 March 1930 amounted to £2,050, and of this it was agreed that the Māori Land Board would pay £512. [927] It was also agreed that unimproved lands valued at 15 shillings or less per acre and any reserves (urupa, historical, or communal areas such as marae) should have all survey liens remitted. On this basis it was estimated that £11,000 should remain due and the balance of £35,937 be remitted.[928]

It was suggested that some lands might be transferred to the Crown to pay off the £11,000 still owing, but this does not seem to have occurred. Survey liens still outstanding and the proportion of rates paid to Mangonui County in a rates compromise were costed into the land development schemes of the mid-20th century, and charged proportionately to each farm unit

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[925] Armstrong, 'Te Paatu Scoping Report', p. 85
[926] Elizabeth Stokes, 'The Muriwhenua Land Claims Post 1865', p. 221
[927] Ibid.
[928] AJHR 1932, G-7, pp. 8-9

financed by the Māori Land Board for the first few years of development, after which each farm became liable for rates in the usual way.[929] Thus rates bills became the responsibilities of individual owners of land containing wāhi tapu (whether it be on Māori-land or general land).

Of the 487 wāhi tapu recorded in the wāhi tapu database (Appendix A), only 74 are on Māori land today. Of these 74, only the following 25 have specific rates exemptions:

- Kareponia No. 3 (Mangatakauere Māori Reservation)
- Rangaunu Survey District Section 1 SO Plan 64846 Block III (Te Iwi-Wehea Waitapu Reservation
- Whatuwiwi 4 Part (Takapū)
- Parapara A2C (Parapara urupa cemetery and church)
- Kareponia No. 1A Sec.5D No.1. (Komako)
- OTURU 2D 3B 1A (Hikinui)
- Konoti A6B and A6A (Tarakaka)
- Hauturu 1A
- Hauturu 4C
- Te Ahua B (urupa)
- Pukekahikatoa 2A2
- Mangataiore F and G
- Whatuwiwi No. 1B 1A 2 (Haititaimarangai)
- Aputerewa 1D2B (Aputerewa)
- Kohumaru 1 (Kohumaru)
- Peria 7b3c (Kauhanga)
- Te Ahua A2B1 (Te Ahua)
- Parapara A2B1 (Parapara)
- Kareponia No 1A Sec 4 (Kareponia)
- Maimaru E2 (Mahimaru)
- Oturu 1A (Oturu)
- Konoti B No 3 South A (Te Paatu)

[929] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 222

- Okokori B (Whare Kaupapa Waka)
- Karikari 1A2A (Camping reserve for owners)
- Moturoa Islands (fishing reserve & recreation ground)

That leaves a remaining 49 wāhi tapu on Māori land that are subject to rates.

One particular example of the burden of rates on wāhi tapu is illustrated by the Karikari lands. The Tribunal's report on the Mangonui Sewerage Claim in 1988, noted that whanau feared that they would be 'rated' from some of their remaining coastal lands on the Karikari peninsula.[930] Indeed, the development of residential/holiday areas in the rohe had the effect of substantially raising rates and putting increasing pressures on Māori owners.

Especially in Kairkari, rates were said not to have been paid because there was no income since the blocks were not farmed.[931] During hearings, claimants told the Tribunal that the debts on the land, both mortgages and rates, in a number of cases exceeded the value of the land, and that was why the Crown was able to acquire parts of the Karikari and Merita blocks which are now administered by the Department of Conservation. That is a direct loss of the wāhi tapu on this land as a result of rating.

Mr McCully Matiu gave evidence that the rates burden had resulted in partition and loss of land by way of esplanade reserve and sale. The esplanade reserve contained wāhi tapu. Mr McCully told of how these tapu places were now under threat because of how the public were unaware or insensitive of their significance.[932]

In the end the Tribunal found that the lack of recognition of this lands ancestral value had resulted in a rating burden which led to the dismemberment of the land by partitioning or subdivision, resulting in the loss of the foreshore area being vested in the Crown by way of esplanade reserve and subsequent sale of the partitioned titles.[933]

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[930] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim*, p. 3.
[931] Ibid., p. 298.
[932] Ibid., p. 346.
[933] Ibid., p. 349.

As Stokes has found:

> *"The owners of Karikari 2 Residue block have a good case to put before their local authority for remission of rates on the grounds of preservation of a scenic coastal environment and protection of pa and wahi tapu.*[934]

PORTABLE TAONGA

Terminology

Taonga are guaranteed by Article II of Te Tiriti o Waitangi and the exact meaning of this term has been the subject of lengthy debates within Waitangi Tribunal inquiries. The Tribunal has generally applied a broad definition of taonga, including things such as mātauranga and te reo Māori me ōna tikanga.

The term 'portable taonga' was adopted during the Te Paparahi O Te Raki inquiry by Armstrong, O'Malley and Stirling.[935] Armstrong then carried over this term in to the scoping report for this project.[936]

The use of the term 'portable' suggests that the taonga must be tangible (i.e. have physical form) and moveable (i.e. be capable of being moved). The reasons for the adoption of this term appear to be to differentiate these kinds of taonga from others that are metaphysical (such as tikanga and te reo) or immoveable (such as maunga). The term therefore focuses on physical taonga that have the capacity to be taken, desecrated or destroyed (as many have been). This reflects the inquiry focus on documenting Crown responsibilities, actions and inactions regarding taonga.

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[934] Ibid., p. 350
[935] See Armstrong, et. al, p. 686.
[936] Armstrong, 'Te Paatu Scoping Report', p. 4.

The term, therefore, covers any physical and tangible taonga that are portable (i.e. movable). This includes all manner of material items of cultural, traditional, historical and spiritual significance to claimants.

Taonga are guaranteed to Māori in Te Tuarua (Article II), Te Tiriti o Waitangi. The Tribunal has generally applied a broad definition of taonga, including things such as mātauranga and te reo Māori me ōna tikanga. Physical items such as carvings, jewellery and other precious things have sometimes been termed 'portable taonga', including in the Te Paparahi O Te Raki inquiry by Armstrong, O'Malley and Stirling. [937]

In this report, the term *portable taonga* refers all manner of physical and tangible items of cultural, traditional, historical, and spiritual significance to claimants. These are items that have been subject mistreatment, theft and desecration over the past two centuries and many are now held in museums, private collections and other institutions, outside the care of claimants.

Taonga tūturu include, but are not limited to:

- Whakairo (carvings)
- Raranga (weaving)
- Kākahu (clothing)
- Whakarākei (adornments, including jewellery)
- Taputapu (tools, such as whao)
- Waka (canoes) and associated items
- Weapons (taiaha etc)
- Taonga pūoro (musical instruments)
- Taonga hī-ika (fishing items)
- Swamp kauri and other rākau

[937] Armstrong, et al., p. 6.

Despite being explicitly guaranteed by Te Tiriti O Waitangi, it is only very recently that the Crown has taken any responsibility for protecting Māori ownership over their taonga. In fact, during the nineteenth century, the Crown had no protective mechanisms for taonga at all. As Armstrong argues:

> *'The story of Crown efforts to protect and prevent the export of valuable taonga prior to 1901 can be told very succinctly: there were none.'*[938]

As a result, innumerable taonga have been lost to claimants and their ancestors, sometimes through trade, but often through fossicking, accidental discovery, collection and desecration of wāhi tapu.[939] They have often been trafficked and traded, both within the country around the world, as historic or artistic items or cultural curios and many have ended up in private collections. Many are now held in museums both in this country and around the world. Fossicking wāhi tapu for taonga, for instance, has occurred at Pātia O Matariki and other dune and foreshore areas along the Tokerau Moana coastline.[940] Sometimes those who have found them on the whenua have simply held on to them and many now exist quietly in private collections in private homes or family museums.

This final category of taonga in private collections is particularly pertinent to the claimants in this project, who have frequently discussed the significant number of their taonga held privately. Unfortunately, a full accounting of these privately held taonga was well beyond the scope of this project. However, their overwhelming prevalence in this rohe (tribal area) must be noted.

Collection of taonga

Since the first arrival of Europeans in Aotearoa, these visitors acquired a range of portable taonga through gifting and trade. Prior to his voyage to Muriwhenua in 1769, Cook had been instructed to forge relationships with Māori by "making them presents of such Trifles as they may

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[938] Ibid., p. 10.
[939] Ibid., p. 570.
[940] See discussion on Pātia O Matriki case study above.

value, and inviting them to Traffick".[941] While much of this early trade involved more prosaic items such as food, there was a strong European interest in jewellery, clothing, and other taonga objects for trade. These taonga became one context of early relationship forming as European and Māori came into contact.[942]

Indeed, there was well established precedent for the exchange of taonga in Aotearoa as part of tikanga Māori, including whakawhanaungatanga. As Amiria Henare argues:

> *'These sequences of gift-giving and barter centred on people of rank, Maori and European, and were intended to forge close ties between elites on either side. They often involved special items, valued by those who offered them, rather than European 'trinkets' or some of the more pedestrian items brought by Maori to trade.'*[943]

However early exchanges for the purpose of forming relationships quickly gave way to European attempts to gain taonga for trade and sale. Often these taonga were seen as cultural or historic curiosities by Europeans, collected to fulfil appetites for historical artefacts and cultural novelties. These taonga were then sold and gifted into European and settler institutions such as museums, where they became a part of the colonial story-telling project that has coloured so much of New Zealand historiography. As Nancy Swarbrick notes:

> *'Having established their dominance through war and legislative conquest, the settler majority could indulge in a sense of nostalgia for a romanticised Maori past and approve its memorialising by the state'.*[944]

While the whakapapa of taonga tūturu is important to Māori, Europeans appear to have had little interest in recording their origin and background. Indeed, the incentives for gathering and displaying taonga Māori meant that good record keeping was of a very low priority.

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[941] J. R. McKinlay, 'Archaeology and Legislation: A Study of the Protection of Archaeological Sites and Material by Legislative Action', New Zealand Archaeological Association, Wellington, 1973, p. 13.
[942] Amiria Henare, *Museums, Anthropology and Imperial Exchange*, Cambridge: Cambridge University Press, 2005, pp. 31-32.
[943] Ibid., pp. 34-35.
[944] Nancy Swarbrick, '"Conserving to this land what properly belongs to it": The Cultural Significance of the Maori Antiquities Act 1901', Research essay, Victoria University of Wellington, 2003, p. 14.

As a result, many of the taonga in public institutions or private collections today do not have even the most basic information recorded about them. Descriptions of these taonga are often brief and cursory and the location and circumstances of their acquisition are rarely recorded. In cases where a location has been recorded, it is often so generic as to be functionally meaningless (i.e. 'North Auckland District').

While there are many accounts of Europeans visiting the claimant's rohe and trading or being gifted taonga, details of the item's origins, acquisition, and current location are exceedingly rare. For examples, several well-known 'collectors' such as Cyril Bucher operated in the Doubtless Bay region during the 20th century.[945]

The lack of good record-keeping and provenance detail has made it extremely difficult to locate and assign hapū or iwi origins to taonga held in museums, and even more so in private collections. As Armstrong has noted:

> *'In many instances, only a painstakingly detailed re-examination of each individual item and any associated accession and other documentation will provide answers, while in other cases the provenance of some taonga is likely to forever remain a mystery. Meanwhile, there is virtually no way of knowing what taonga remain in private collections.'*[946]

While this level of detail was beyond the scope of this project, a portable taonga inventory has been produced cataloguing portable taonga retrieved from the claimants' rohe and held within national museums in New Zealand (Appendix B).

During the 19th century, the Crown paid very little attention to its obligations under Te Tiriti regarding portable taonga. This meant that taonga were stolen, traded, sold and exported with impunity. Indeed, it was during this period that many significant taonga were lost to collectors, museums and private collections. There was no formal policy or legislation regarding these

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[945] Personal Communication, Whina Te Whiu, Te Ahu Museum, 12 March 2023.
[946] Armstrong, et. al., p. 14.

taonga until the passing of the Māori Antiquities Act in 1901. That meant a gap of more than 60 years from 1840 to 1901, with no formal policy or legislation from the Crown to protect taonga.

Maori Antiquities Act 1901

The Māori Antiquities Act was the first legislation to formally deal with taonga Māori. The Act established a system in which taonga were not allowed to be exported offshore until they had been offered to the Crown first. If this offer was rejected by the Crown, as it almost always was, then the item was free to be exported.[947] The Act did not, however, address the very pertinent question of ownership for newly discovered taonga.[948] As such, the effect of the Māori Antiquities Act was not to ensure Māori retained ownership of their taonga, but instead to ensure that sale and trade could be directed towards local museums rather than private collections or overseas institutions.[949] This began a longstanding trend in Crown policy toward legislation that favoured New Zealand museums, at the expense of the traditional owners of these taonga.

In practice, the Act was completely ineffectual at policing the sale and trade of taonga. Armstrong suggests that evasion of the Act by taonga-collectors and traders was widespread.[950] Even in cases where the proper procedure was followed, the Crown rejected almost all offers of sale.

The ineffectiveness of the Māori Antiquities Act in the claimants' rohe was highlighted by W.J. Phillips of the Dominion Museum when he visited Te Tai Tokerau in 1925. Phillips discovered evidence of widespread trafficking and trade in taonga Māori:

> *'In regard to Maori material in private hands, there are very few old private families who have not in their possession several greenstone or other like valuable articles. In*

[947] 'Maori Antiquities Act 1908: Report of Advisory and Research Branch', ANZ (WLG), IA 1 53/1 pt.3 (box 25), R12322832. Document Bank, p. 129.
[948] Armstrong, et al., p. 39
[949] Swarbrick, p. 15.
[950] Armstrong, et al., p. 42.

practically every case I found that these had been picked up accidentally or rarely secured in payment of debt sustained by natives… Most private persons know of the law prohibiting the export of Maori material, yet the majority act as though no law existed in this respect. Many men in the North have made huge sums buying and selling Maori articles'.[951]

While the Act was consolidated in 1908, the regime it established remained in place for more than 60 years. During this time many more taonga were lost, trafficked and traded. The Pākehā population in the area continued to increase during this time and as much of the land was cleared for farming, many taonga were found and either kept, passed to museums or sold.

Historic Places Trust and New Zealand Archaeological Association

By the mid-20th century, dominant Pākehā values regarding national history began to shift somewhat. There was an increasing understanding that New Zealand had a national history worth preserving, though Māori and their taonga remained on the periphery as relics of a bygone historical past. These attitudes and priorities were reflected in the establishment of the Historic Places Trust in 1954 and the New Zealand Archaeological Association in 1955.[952]

The establishment of the New Zealand Historic Places Trust (now Heritage New Zealand Te Pouhere Taonga) was ostensibly for the purpose of preserving, marking and recording places and objects of historic interest in New Zealand. This was a major change to the way heritage sites and objects were dealt with in New Zealand, a regime which largely continues to this day (albeit with some changes). Alongside protecting and recording sites, the Historic Places Trust was charged with protecting:

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[951] W. J. Phillips, memorandum, enclosure in J. Allan Thomson (Director, Dominion Museum) to Under Secretary for Internal Affairs, 10 March 1925, MA 51/7 (box 1), ANZ (WLG), R4556226. Document Bank p. 111.
[952] Armstrong, et. al, p. 44.

'Natural objects of any kind traditionally held to be identified with the history, legends, and mythology of the inhabitants prior to the colonization of New Zealand by Europeans;

Chattels, relics, artefacts, or objects or things, either of a personal or general nature, that are of national or historic interest or of archaeological, scientific, educational, architectural... or other special national or local importance.'[953]

Meanwhile the New Zealand Archaeological Association (NZAA) was established in 1954 as a professional membership body for those working in archaeology and related fields (including many museums). One of the main functions of the NZAA is the recording of sites (and taonga found therein) in a central database. This database (presently called Archsite) contains site records of the field work done on many sites around the country. By 1962 there were a total of 573 site records, two thirds of them in the Auckland and Taranaki districts.[954]

However, the establishment of these institutions did little to shift the underlying assumptions that saw taonga Māori undervalued and their protection conducted based on Crown-ownership and European cultural norms. As previous Board member Janet Davidson has found, the institution has been 'a largely monocultural organisation with token Maori representation' for much of its history.[955]

Part of the problem was that the Trust was poorly resourced in its early years and lacked the expertise from Māori to be able to carry out the Te Tiriti-based responsibilities it had been charged with. This resulted in a continuing focus on Pākehā heritage sites and objects, over those of Māori. While the NZAA had an arguably greater focus on sites of Māori heritage, it was still a body concerned with the European tradition of archaeology. It was not until 1962 until any substantial change was made to the regime affecting taonga.

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[953] Historic Places Act 1954, s 3(d).
[954] Nigel Prickett., The NZAA - A Short History, Archaeology in New Zealand 47(4): 2004, p. 11.
[955] Davidson, 'Wahi Tapu and Portable Taonga', p. 30.

The Historic Articles Act 1962

The Historic Articles Act of 1962 was an attempt to address these changing values and update the law to reflect the increasing importance placed on New Zealand's material history. However, the Act was less a major regime change than an update to definitions of historical articles, specifically the inclusion of written historical records. There was, for example, no requirement for the government to have the first right of refusal to purchase items intended for export. Once again, evasion remained widespread, while the issue of newly-discovered items continued to be ignored.[956]

The attitude at the time was summarised by the Minister for Internal Affairs in 1970 in response to concerns from Matiu Rata:

> *'I do not think it would be proper for Government to seek to prohibit the buying or selling of Maori artifacts. Similarly, I feel that New Zealanders generally would not be prepared to accept a restriction on a land owner's freedom to dig or authorise digging on his property even though this might be in an area containing historically important material.'*[957]

Thus, the Crown continued to place the unfettered rights of property-owners above its responsibilities to protect taonga under Te Tiriti.

Antiquities Act 1975

The next major change came in 1975 with the passing of the Antiquities Act. The legislation's passage through Parliament drew a wide range of submissions, including from the New Zealand Maori Council, chaired during the 1970s by Sir Graham Latimer (claimant for WAI 1359).[958]

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[956] Armstrong, et al., p. 46
[957] Seath to Rata, 15 September 1970, IA 1 W1893 CUL 7/1/1, ANZ (WLG), R10880860. Document Bank, p. 127
[958] Armstrong, et al., p. 56.

The Council called for a complete overhaul of the Bill, primarily that all references to Māori artefacts be removed. This meant that the Bill would deal solely with non-Māori items. Instead, it submitted a new suggested Bill dealing specially with taonga Māori. Importantly, this proposed Bill went in completely the opposite direction of the final Antiquities Act and declared that any Māori artefact found in New Zealand should be prima facie deemed the property of Māori. Under this proposal, all taonga would be held by the Minister of Maori Affairs who would be given wide discretion as to whether the item should be returned to the finder, surrendered to the nation or made the subject of a Maori Land Court decision as to ownership.

The proposed Bill also called for a total ban on the export of all taonga Māori and strict controls around their sale, which was to be conducted by public auction under the supervision of the Maori Land Court and subject to a right of veto by the Maori Affairs Minister over the sale of any item. The Council's submission argued that a complete ban on the sale of artefacts would only push the trade underground and result in higher prices.[959]

Unfortunately, none of these suggestions nor the proposed alternative Bill provided by the Māori Council was taken up. The Bill progressed through as the Government initially intended it, with the prima facie vesting in the Crown of all taonga discovered after 1975. The Act allowed for the Māori Land Court to determine ownership of taonga. However, it did not require that Māori were consulted or even informed about taonga found in their rohe. Nor did it require that they were informed about the sale or export of taonga they might have connections with.

The majority of the taonga reported under the Antiquities Act were the result of surveys and archaeological field work authorised by the Historic Places Trust.[960] There were no cases in which the ownership of taonga was referred to the Māori Land Court to determine ownership.

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[959] Submission on the Antiquities Bill by the New Zealand Maori Council, n.d., AAAC 7536 W5084 CUL 7/1/5 (box 53), ANZ (WLG), R17225649. Document Bank, p. 15.
[960] Armstrong, et al., p. 53

This was partly because the Act did not establish any legal requirement for iwi to be consulted about the discovery of any taonga within their rohe, let alone their sale or export.[961]

Section 11 of the Act provided that:

> *'Any artifact found anywhere in New Zealand or within the territorial waters of New Zealand after the commencement of this Act is hereby declared as deemed to be prima facie the property of the Crown'.*[962]

Artifacts were defined as:

> *'... any chattel, carving, object, or thing which relates to the history, art, culture, traditions, or economy of the Maori or other pre-European inhabitants of New Zealand and which was or appears to have been manufactured or modified in New Zealand by any such inhabitant, or brought to New Zealand by an ancestor of any such inhabitant, or used by any such inhabitant, prior to 1902.'*[963]

There were a number of specific provisions relating to artifacts once they were discovered. Where an artifact was recovered from a grave of an identified person, for instance, the matter was to be sent directly to the Māori Land Court. If someone wished to claim ownership, possession, or custody of an artifact, they could apply to the Maori Land Court to determine ownership. It was also noted that this could not simply be established by the fact that it was found on a person's land.

Section 12 gave the Māori Land Court the right to make decisions on the ownership, possession and custody of artifacts. If it was recovered from a grave then the Court should determine who should hold custody of it. The Court could also make orders prohibiting anyone from dealing with damaging the artifact. It also had the power to vest the artifact with anyone as a trustee for safekeeping and preservation and to enforce the obligations of that trusteeship. It also

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[961] Davidson, pp. 15-16.
[962] Section 11, Antiquities Act 1975
[963] Ibid., Section 1.

granted the Court the power to make an order prohibiting sale of the artifact where it was in someone's possession ' by way of gift according to Maori custom and usage'.[964]

A review of the process, undertaken by Department of Internal Affairs in 1977, found that about 75 percent of taonga finds had been granted to public museums for custody indefinitely.[965] A review of notified findings of taonga by the Auckland Museum, suggests that it was not until 1982 that consultation with tangata whenua was even considered.[966]

In May 1984, another review conducted by the Department of Internal Affairs found that while the Act appeared to have successfully stopped the export of taonga, evasion of the Act remained widespread.[967]

Manukau Claim

By the 1980s the regime governing taonga Māori had become the subject of claims to the newly established Waitangi Tribunal. One of the first claims to be heard concerning taonga tūturu was the Manukau Claim (WAI8) in 1985. Sir Graham Latimer was a sitting member of the Tribunal for the Manukau Claim. The Tribunal found that:

> *'while the principle of protecting Maori taonga is consistent with the promises of the Treaty, the Treaty promises were intended to confer a benefit on the hapu owning or entitled to those taonga. Presently they are not getting that benefit. Simply put, the taonga are not returned to the owners'.*[968]

Among the many recommendations made by the Tribunal was that the Antiquities Act be reviewed by the Department of Internal Affairs:

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[964] Ibid., Section 12(3)
[965] *Press*, 14 October 1977, AAAC 7536 W5084 CUL 7/2/2 (box 55), ANZ (WLG), R17225657, Document Bank, p. 9.
[966] Armstrong, O'Malley, and Stirling, p. 54
[967] Ibid., p. 58
[968] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Manukau Claim*, p. 93

> *'upon the ground that while the principle of protecting Maori taonga is consistent with the promises of the Treaty of Waitangi, the Treaty promises were intended to confer a benefit on the hapu owning or entitled to those taonga and that the claimants in this case have not received a benefit since the passing of that Act.'*[969]

In 1986 the Department of Internal Affairs followed up on the Waitangi Tribunal's recommendations with a review of the Act, including submissions from relevant departments, institutions, groups and experts. The Department noted its support for the findings and recommendations of the Waitangi Tribunal and further noted that 'the existing scope of the Act may be too narrow to adequately meet its aims'.

The review led to some interest in a change of policy and by 1988 draft proposals were circulated for a Protection of Movable Cultural Heritage Bill. The Bill would have represented a significant step forward in the Crown's fulfilment of its Te Tiriti responsibilities toward taonga Māori, including the prima facie vesting of taonga in Māori (rather than the Crown). However the Bill was never passed.

As part of the 1989 Taonga Tuku Iho Working Party, the late claimant to Wai 1359 Sir Graham Latimer stated that:

> *'although the principles of rangatiratanga and territoriality weren't compatible, it was important to state that rangatiratanga applied to items held anywhere as the ownership of cultural objects always remained with the people that created them.'*[970]

This represents a clear statement from the perspective of claimants in this project as to the issues regarding protection of taonga by the Crown. Put simply, the rights to taonga always remained with their traditional owners, regardless of where they have ended up.

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[969] Ibid., 97.
[970] Antiquities Act Review: Taonga Tukuiho Working Party, 9 October 1989, AAAC 7536 W5084 CUL 7/1/3 pt.6 (box 52), ANZ (WLG), R17225648. Document Bank, p. 10.

Protected Objects Act 2006

While successive governments continued to attempt changes to the legislation regarding taonga Māori, it was not until 2006 that new legislation was passed. While proposals for change in the wake to the Tribunal's Manukau Harbour findings had been substantial, the Protected Objects Act 2006 retained much of the original process and background set up by the Antiquities Act more than 30 years prior. Indeed, it retained one of the core principals of the Antiquities Act; that newly found taonga were (at least initially) the property of the Crown. As Armstrong has argued, the Protected Objects Act was: *'no more than an amendment to the Antiquities Act 1975'.*[971]

One of the main changes the Protected Objects Act made was to require the chief executive of the relevant Government department to notify interested groups about taonga finds. It also allowed for the Māori Land Court investigation to be bypassed where the applications for custody or ownership were uncontested. While these were no doubt beneficial additions, the Act constituted only a minor update to the Crown policies in force since the 1970s.[972] This is the legislative regime still in force at the time of the writing of this report.

In his review of Crown-policy on taonga Māori for the Te Paparahi O Te Raki inquiry, Armstrong found that:

> *'Maori have no statutorily-defined role whatsoever in approving or otherwise considering – or even being 'consulted' on – applications for the export of taonga.'*[973]

At present, the Ministry for Culture and Heritage (MCH) is responsible for administering the Protected Objects Act. It is the Chief Executive of the MCH who is given decision-making power over the ownership of taonga Māori. The assumption of Crown ownership for newly-found items remains in place and tangata whenua are not the decision makers in the ownership or export of taonga.

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[971] Armstrong, et. al, p. 72
[972] Ibid., p. 82
[973] Ibid., p. 84

The current process requires that any taonga that are found after April 1976 are notified to the MCH. The Ministry then seeks an owner or custodian by publishing a Public Notice in the local daily paper and on their website seeking claims of ownership or custody. They also attempt to contact (by mail) all parties who might have an interest in the taonga. Interested parties then have 60 days to make an application to the Māori Land Court for ownership of the object. It is the Māori Land Court, however, not Māori, which has the decisive say as to ownership.[974] The Ministry for Culture and Heritage also maintains a Protected Object Database where public museums, archaeologists and iwi representatives can register their taonga tūturu.

The Ministry for Culture and Heritage assess the claims for ownership and works with claimants to resolve multiple claims. If need be, cases can be referred to the Māori Land Court to determine ownership. Claimants can also apply directly to the Māori Land Court for a determination of ownership.

Two different types of ownership can be sought; 'actual ownership' and 'traditional ownership'. Actual ownership applies where it is clear the taonga tūturu was owned by a particular person or persons, and a claim is made by that person or their associates.

Traditional ownership applies where evidence of actual ownership is not clear. The claim is made based on the rohe where the taonga was found or other identifying features, such as carving style, and the iwi or hapū which would normally associate with the taonga.

Some claimants are well familiar with this process, including those involved in the Te Paatu ki Kauhanga Trust Board, who are registered collectors under the Act.[975] The process of becoming registered collectors under the Act allows them to be granted custody of taonga tūturu or to have taonga gifted or sold to them. This has occurred in several recent cases of taonga finds, including regarding an important taonga found in the Oruru Valley.[976]

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[974] Armstrong, et. al., p. 22
[975] Interview with Tina Latimer, 14 March 2024, Te Paatu ki Kauhanga Oral History Project, Zoom0015, 20'04"
[976] Ibid.

As Tina Latimer describes who Pereniki Tauhara went through the process of ensuring Te Paatu ki Kauhanga were registered collectors under the Act:

> *'Niki wanted to make sure that was there should anything arise in the future, and which it is and we've been able to work through another five years later to get that taonga back to Te Ahu museum and back in the north still in the process of doing so.'*[977]

Museums

Many cherished taonga have ended up in museums, both here in Aotearoa and overseas. In most cases these taonga have been gifted or purchased by the museum from collectors and their estates. This has meant that museums are often several steps removed from the original kaitiaki or owners of the taonga and have little information on where they have come from or how they got there.

In Muriwhenua, collectors such as E Spencer and Cyril Bucher gathered many taonga before eventually transferring them in to the care of the collections at Auckland Institute (and later Museum) and Te Ahu Museum (formerly Far North Regional Museum). Later in the twentieth century other private collectors such as K.A. Webster also amassed significant collections from the north. In Webster's case much of this was presented to the then National Museum in Wellington in the late 1950s.

As discussed, many taonga are also held by private collections. This includes in private homes or in displayed private collections such as the Matthews Vintage Collection in Parapara and the Butler Point Whaling Museum.

In some cases, taonga have been placed in to the care of museums by their traditional owners. Sometimes this was done at the urging of the institutions, the Crown, or collectors, and sometimes it was due to an existing relationship. The history of taonga collection in

[977] Ibid.

Muriwhenua is nuanced and not always as simple as the removal of taonga by collectors without the knowledge or consent of traditional owners.

For instance the Rupāpera whānau recounted how taonga ended up in museums after the death of a whānau member who was caring for them:

> Norma Evans: *'Because, you know, things were being taken out of the house. Yeah, so that was sad. So had to get rid of them but...the guy came and..'.*
>
> Bradley Rupāpera: *'The museum eh? So they could have their proper care and trust, you know, and plus add to the history of certain things.'*
>
> Norma Evans: *'I wish now that we had kept them but there was nobody in the house and a lot of stuff had been taken.'* [978]

An inventory of taonga from the claimants' rohe is included as Appendix B to this report. The inventory details 329 portable taonga that originated from the claimants' rohe with 131 in Te Ahu Museum, 55 in Te Papa Tongarewa, 115 in the Auckland Museum, and 28 held elsewhere. This represents only a small portion of claimants' taonga that could positively be identified as having originated from their rohe. As discussed above, many more simply do not have sufficient records to enable identification and many others exist in private collections outside the scope of this review.

Auckland War Memorial Museum

In 1996, the Auckland War Memorial Museum Act transferred the assets and governance of the Auckland Institute and the Auckland Museum to the Auckland Museum Trust Board. This includes the trusteeship and guardianship of its collections, including those of claimants. The Museum's governing legislation, the Auckland War Memorial Museum Act 1996, includes a

[978] Interview with Rupāpera whānau, Te Paatu ki Kauhanga Oral History Project, 13 March 2024, Zoom 0014, 40'06"- 41'49"

number of Treaty of Waitangi provisions. Section 12, for instance, requires the museum's Board to:

> *'observe and encourage the spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Maori and elements in the care of Maori cultural property which only Maori can provide'.*[979]

The Act provides for the establishment of a Taumata-a-iwi to review policies and make recommendations in accordance with Māori values and Te Tiriti. The Taumata-a-Iwi also has responsibility:

> *'To assist the Board to ensure that the Board's policies in relation to the matters set out in paragraphs (a) to (d) accord properly with Maori values as well as matters provided for in the Treaty of Waitangi, the Taumata-a-Iwi shall review proposed policies and make recommendations to the Board in relation to those matters:*
>
> *a. custodial policies, and guardianship of all Maori taonga of whatever kind and tribal source:*
>
> *b. staffing policies, including taking affirmative action in recruitment and training programmes, which will lead Maori people into professional careers in New Zealand's bicultural museums:*
>
> *c. display policies, including presentation of Maori taonga to the public in a culturally appropriate and informative manner:*
>
> *d. development policies, including protection of both the substance and status of Maori taonga in any Museum development plan.'*[980]

Finally, the Director of the Museum Board is responsible for:

> *'ensuring that obligations imposed by the Treaty of Waitangi as they affect the Museum are taken into account'*[981]

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[979] Section 12, Auckland War Memorial Museum Act 1996
[980] Section 16 (8), ibid.
[981] Section 18, ibid.

Te Papa Tongarewa

Te Papa Tongarewa, New Zealand's national museum was established by legislation in 1992. It brought together the collections of the National Museum (previously the Colonial Museum and the Dominion Museum) and National Art Gallery. It houses many of the country's most significant taonga.

The Museum of New Zealand Te Papa Tongarewa Act 1992 requires that the Board of the Museum:

> (a) have regard to the ethnic and cultural diversity of the people of New Zealand, and the contributions they have made and continue to make to New Zealand's cultural life and the fabric of New Zealand society:
> (b) endeavour to ensure both that the Museum expresses and recognises the mana and significance of Māori, European, and other major traditions and cultural heritages, and that the Museum provides the means for every such culture to contribute effectively to the Museum as a statement of New Zealand's identity:
> (c) endeavour to ensure that the Museum is a source of pride for all New Zealanders. [982]

Te Ahu

Te Ahu Museum (formerly the Far North Regional Museum) is the main public museum in the rohe of claimants, located in Kaitaia. It holds many taonga from across Muriwhenua. The Museum's 2021 strategy document lists the following central principles:

1. Kaitiakitanga – Environmental stewardship and sustainability
2. Te Tiriti o Waitangi – Partnership

[982] Section 8, The Museum of New Zealand Te Papa Tongarewa Act 1992

3. Tū tangata – Strong cultural identities
4. Whanaungatanga – Family, community, connecting, and sharing [983]

It also calls for the Museum to:

> *'Apply the principles of Te Tiriti o Waitangi in our relationships with iwi, hapū, and whanau, making sure they are mutually beneficial, especially when it comes to caring for and presenting taonga Māori.*
>
> *a. Set up an iwi reference group*
>
> *b. Embed Te Tiriti o Waitangi into museum policy*
>
> *c. Work with the iwi of Te Hiku o Te Ika to tell unique iwi stories through physical and digital exhibitions'* [984]

Meetings and discussions with Te Ahu Museum were held for this project, but the author was told the records of the Museum were in paper-form and going through a process of digitisation. It was hoped that they would be ready before completion of this report but they were not.

[983] Te Ahu Museum, Museum Strategy, February 2021 – 26, https://teahumuseum.nz/wp-content/uploads/2022/07/Te-Ahu_Museum_Strategy.pdf, p. 6.
[984] Ibid., p. 9.

HISTORICAL OVERVIEW

As discussed above, the overall claimant group comprises 6 main claims and one observer claim:

1. Wai 1842 - He kerēme nā Pereniki Tauhara (M) mō Ngā Uri O Matiu Tauhara, Terina Kingi Waiaua, Pene Te Kaitoa, me Te Paatu Ki Kauhanga hapū. In the matter of a claim by Rev. Pereniki Tauhara (D) on behalf of the descendants of Matiu Tauhara, Terina Kingi Waiaua, Pene Te Kaitoa, and Te Paatu ki Kauhanga hapū.
2. Wai 1359 - Sir Graham Latimer and Tina Patricia Latimer on behalf of themselves and the descendants of Paora (Te Patu), Paerata (Te Patu Koraha), Hare Reweti Hukatere (Te Patu Tere Tere), Ratima Aperahama (Whakakohatu, Tokaawai, Te Uriaranui) and Marara Ratima (Te Patu and Ngaitohianga).
3. Wai 1662 - Leah Wright, the Muriwhenua Hapu Collective on behalf of Taumata Kaumatua Hapu Whanau o Muriwhenua Incorporated, Te Runanga o Muriwhenua Incorporated, Nga Hapu o Muriwhenua, Ngati Tara Hapu, Te Paatu Hapu, Werowero Hapu, Morehurehu Hapu, Ringamaui Hapu, Ngati Murikahara Hapu, Materahurahu Hapu, Ngati Haua Hapu, Awarau Hapu, Ngati Wairoa Hapu, Pohotiare Hapu.
4. Wai 45 - Atihana Johns (as Interested Party)
5. Wai 1670 - a claim by Ricky Houghton, Emily Latimer and Sharlene Houghton on behalf of the descendants of Te Uri o Ratima.
6. Wai 295 - Tarewa Rota on behalf of Te Uri-o-Te Aho, Te Tahawai, Ngati Mokokohi.
7. Wai 1886 and Wai 1668 - Robert Gabel on behalf of the Ngati Tara descendants and WAI 1668 on behalf of themselves and the descendants of Henare Piripi and Keiti Raiti.

These claimants all share common whakapapa and histories which link them as a common claimant group. However, there are also important differences in the histories and kōrero tuku iho for each claimant and the people they represent that deserve due respect and consideration. This report is concerned with the wāhi tapu of claimants and does not purport to be a full historical account of each claimant, their whānau, hapū and iwi. That work is best left for the Tribal Landscape reports that are still to come. However, for the purposes of understanding the history and context of the claimants' wāhi tapu, the following historical overview is presented.

ARRIVAL OF PĀKEHĀ

Contact with Pākehā began in the late 18th century with ships visiting Tokerau Moana (Doubtless Bay) from both France and England. This included the first voyage of Captain James Cook on the Endeavour, Lieutenant James Hanson on the Daedalus, and Jean François Marie de Surville on the St Jean Baptiste. Some of these sailors stopped and came ashore in the rohe, while others simply visited the harbours and often traded with local people. Sometimes these visits were brief and uneventful, other times they led to substantial bloodshed and kidnapping. Trade with these newcomers also led to some of the early export of taonga out of the rohe.

One of the most significant effects of these visits was the introduction of new epidemic diseases, which began a series of devastating epidemics in the rohe.[985] With no natural immunity to these diseases, Māori suffered greatly and many died. The population loss was so dramatic in some areas such as Aputerewa, that whānau left the areas completely.

The fleeting visits of these European explorers also introduced new crops of potato, wheat, corn, cabbage and new varieties of kūmara. These introductions had major impacts on settlement patterns and land use within the wider rohe.[986] As such, by the time of the arrival of permanent Pākehā settlers in the 1830s traditional life had already been significantly disrupted. This was the world in to which the early settlers, missionaries, and Crown representatives arrived.

Following the establishment of the New South Wales colony in 1788, Governor Arthur Phillip sent a party to Norfolk Island to found a convict settlement under the supervision of Lieutenant-Governor Philip King. King was instructed to cultivate flax but, lacking the skills to do so, kidnapped two men, Tukitāhua and Ngāhuruhuru from somewhere off the Cavalli Islands in April 1793.

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[985] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim*, pp. 13-15.
[986] Personal Communication, Tina Latimer, 13 November 2023.

King was anxious to obtain as much information as he could about New Zealand. King recorded in his journal: 'Some time after their arrival here, Tooke drew a Chart of Ea-he-no-maui, and Poe-nam-moo, i.e. the Northern and Southern Islands of New Zealand'; From other sources it seems that Tuki drew a map in chalk on the floor, and then drew an outline in pencil on a sheet of paper. On this map, as Tuki and Ngahuruhuru talked about the places depicted, the Governor's secretary wrote notes on the map in English. This process may have been spread over a period of time. The original map was sent with a despatch to London from King dated 8 November 1793 and is now held in the Public Record Office in London.

The significance of Tuki' s map is that he came from Muriwhenua, and his home was at the mouth of a river in a district labelled 'Ho-do-do' on the map, that is Ōruru. Muriwhenua comprises a significant proportion of the map but Tuki was also aware of Te Waipounamu (the South Island) which is clearly marked on his map.[987] Tuki was said to be concerned with his wife and child, and also his rangatira Muriwai. This is one of the first examples of claimant taonga being removed to a foreign repository, in this case the Public Record Office in London.

[987] Evelyn Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', vol. 1, p. 56.

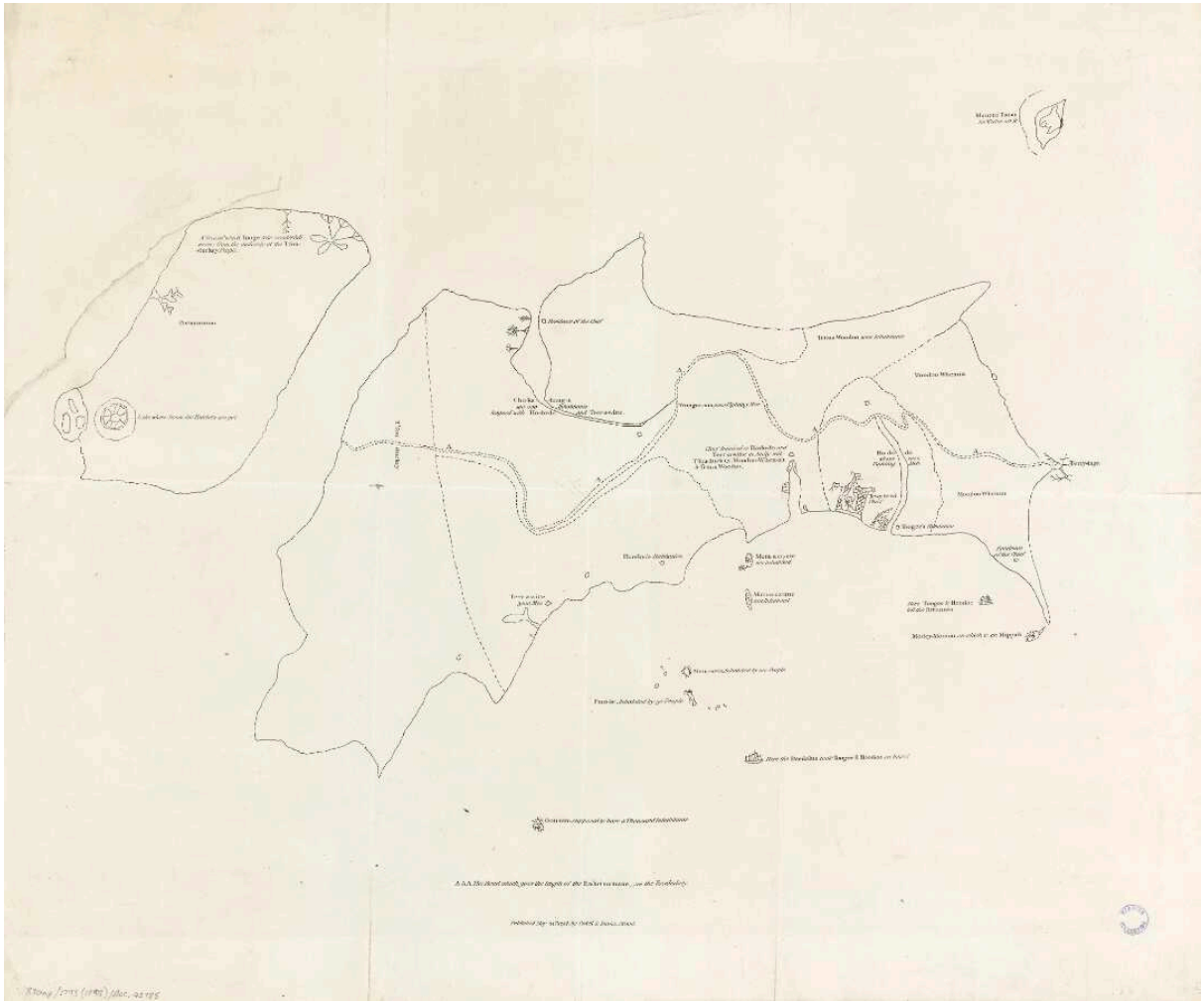

Image 26: Chart of New Zealand drawn by Tooke-Titter-a-nui Wari-pedo, a priest of that country who resided on Norfolk Islands 6 months. Alexander Turnbull Library: MapColl-CHA-2/1/9-ACC.36440

From the first arrival of Pākehā in Aotearoa, taonga tūturu were viewed by outsiders as artefacts, collectibles, antiques and other curios to be bought, stolen and traded around the world.

Prior to his visit to Muriwhenua in 1769, Captain Cook had been instructed to build relationships with tangata whenua by "making them presents of such Trifles as they may value,

and inviting them to Traffick."[988] Indeed, cultural items became a key item of early trade on both sides. As Amiria Henare has argued:

> *'Artefacts became the principal medium through which the two peoples initiated contact, tried to communicate, and established friendly or hostile relations'.*[989]

A significant number of taonga tūturu now held in various British museums are attributed to Cook's voyages. Yet many of the taonga attributed to Cook's voyages have no information on where and from whom they came from and under what circumstances they were collected.[990] It has been suggested that many of these taonga were not collected during Cook's voyages at all.[991]

The French explorer De Surville arrived in the north within a week of Cook's departure in 1769 and like many later visitors to the north also acquired a number of taonga from local Maori. De Surville himself, for example, received a significant tōpuni (dog skin cloak) upon his first encounter with Māori at Rangiawhia.[992]

The two earliest collections held in an overseas museum which can be traced back to Tai Tokerau are those deposited in 1807 by Captain William Richardson and in 1812 by his relative William Putnam Richardson at the institution known today as the Peabody Essex Museum in Salem, Massachusetts.[993]

The export of Māori taonga received a further boost after 1814 with a permanent European presence in Northland. Early missionaries such as Thomas Kendall were keen traders in such items.[994]

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[988] J. R. McKinlay, Archaeology and Legislation: A Study of the Protection of Archaeological Sites and Material by Legislative Action, Wellington, New Zealand Archaeological Association, 1973, p.13.
[989] Amiria Henare, *Museums, Anthropology and Imperial Exchange*, Cambridge: Cambridge University Press, 2005, pp. 31-32.
[990] Deidre Brown, Tai Tokerau Whakairo Rakau: Northland Maori Wood Carving, Auckland: Reed, 2003, p. 71.
[991] Ibid.
[992] Vincent O'Malley and John Hutton, 'The Nature and Extent of Contact and Adaptation in Northland, c.1769-1840', Report commissioned by the Crown Forestry Rental Trust, April 2007, p.59.
[993] Armstrong, et al., p. 13
[994] Judith Binney, *The Legacy of Guilt: A Life of Thomas Kendall*, Wellington: Bridget Williams Books, 2005, p.134.

MISSIONARIES

Missionaries began visiting the rohe from 1831 with the arrival of the Church Missionary Society's Henry Williams. Williams travelled up the Ōruru awa from Taipa in August of 1831 and stopped at villages along the way, including several papakāinga with cultivations and livestock.[995] However the visit was a fleeting one. According to Williams the Ōruru people were interested in missionarys, though largely for the purposes of trade.[996]

In 1833 the Church Missionary Society established its mission station in Kaitaia with the assistance of Nopera Panakareao. Despite the distance, the CMS claimed Ōruru Valley as part of its jurisdiction and rejected attempts by other missionary groups to operate there.[997] This relationship was further cemented between CMS catechist Joseph Matthews and the young rangatira Morenui, later baptised as Reihana Kiriwi.[998]

In 1838, the CMS missionary Joseph Matthews recorded that Te Paatu were living "at the head" of the valley, likely around Kauhanga.[999] That same year, the Wesleyans baptised Pawau, a rangatira living at Ōruru, while he was a candidate for CMS baptism.[1000] This was condemned by CMS missionaryWilliam Gilbert Puckey as a raiding of CMS territory, but the Wesleyans apparently continued to visit Ōruru regularly until after the Ōruru conflict in 1843.

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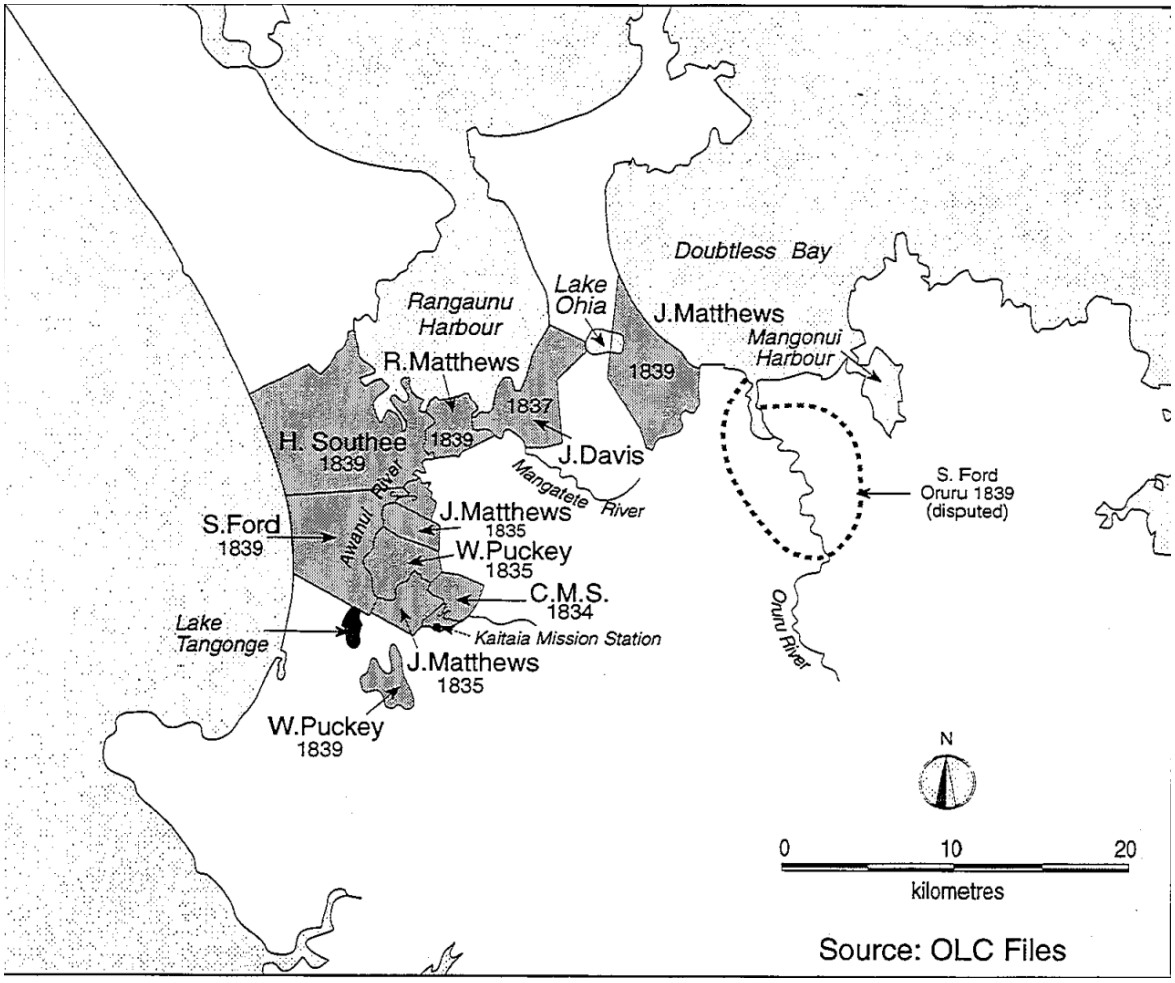
[995] Henry Williams, 5-11 August 1831, 'V – January to December 1831', *The Early Journal of Henry Williams*, Lawrence Rogers ed., Pegasus Press, 1961, New Zealand Electronic Text Collection digitized version, pp. 186-188. Available online: ndhadeliver.natlib.govt.nz/webarchive/20210104000423/http://nzetc.victoria.ac.nz/tm/scholarly/tei-RogEarl-t1-body-d5.html#n206
[996] Evelyn Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', vol. 1, p. 112.
[997] Barry Rigby, 'The Oruru Area and the Muriwhenua Claim', p. 10.
[998] Ibid., 11.
[999] Matthews to Jowett 8 December 1838, CMS/CN061, Digitised by National Library of Australia, accessed: https://nla.gov.au/nla.obj-2671693661/view, image 83.
[1000] Barry Rigby, 'Empire on the Cheap - Crown Policies and Purchases in Muriwhenua 1840-1850', Wai 45, F008, p. 63.



Map 71:Missionary land purchases before 1840. Source: Stokes, 'Review of Evidence', p. 121.

By 1836 a number of Pākehā settlers had established themselves at Mangōnui. Many were sawyers who had arrived in the area in 1831 to cut kauri spars for the British Admiralty. They included Stephen Wrathall, William Murphy, James Berghan and Thomas Ryan. The settlers began to negotiate with rangatira for the use of land to cut timber and build modest homes.

These agreements took the form of tuku whenua arrangements where Pākehā settlers were granted use of the land in return for trade goods. One of the most important elements of these agreements was the creation of a mutual and enduring relationship in which Pākehā were expected to live according to the tikanga of their hosts and bring material benefits by attracting other Pākehā for trade. These agreements were often cemented by marriage between settlers

and tangata whenua. A number of agreements were signed for land around Mangōnui between 1836 and 1839. [1001]

As Rigby and Koning have observed:[1002]

> *'By using transfers of land rights to seal alliances with Pākehā, they sought to establish small European communities within their respective tribal territories as a means of acquiring prestige and gaining access to European trade, technology, and agricultural skills.'*

The land agreements that were to come, especially those of the 1840s and 50s, were largely done by either Pororua Wharekauri or Nopera Panakareao. As the Waitangi Tribunal has found:

> *'It did not assist Ngati Kahu that Panakareao and Pororua both claimed authority over the Doubtless Bay lands, and that they sought to prove their over-right by granting Europeans access to them. In those days, as Europeans were befriended by one or other side, Ngati Kahu in the middle had but a minor say. The different land-sale policies were largely due to the establishment of a mission station at Kaitaia in the west and a trading port at Mangonui in the east. Panakareao sought an alliance with the missionaries, and was much influenced by them. Thousands of acres were transferred to them in a handful of deeds, but to the apparent intent that Māori and missionary families would develop them in association. It was a way of protecting the tribal land and of assuring the advance of the tribe.'*[1003]

Panakareao played a central role at a very important time for claimants' tūpuna. Panakareao's connections stretched across Muriwhenua. Some of his connections are described by Rima Edwards:

[1001] Maurice Alemann, 'Muriwhenua Land Claim Mangonui Native Reserves and Opouturi', p. 17.
[1002] Rigby and Koning, p. 33.
[1003] Waitangi Tribunal, *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim*, p. 16-17.

'Panakareao's father was Te Kaka whose hapu was Patu Koraha of Ngati Kahu. Te Kaka's village was Kaitaia, further up the valley from Te Ahu (where the missionaries established their mission station), past Pamapuria. Te Kaka was still alive, living at Kaitaia, when Panakareao was te tino rangatira o Muriwhenua. That means that he passed a lot of his mana to Panakareao.'[1004]

Rev. Marsden refers to a period of conflict between various hapū and iwi of the wider Muriwhenua claims area at North Cape, during the era immediately preceding Panakāreao's interactions with Pākehā.[1005] At this time:

'Te Whango of Ngai Takoto called upon his Te Paatu and Patu Koraha relations to accompany him to the North Cape to stop the fighting. The area from Victoria Valley, Takahue, Rangaunu, and the whole of the Awanui area were deserted as a result.
When the Pakeha arrived in the area, Ngai Takoto, Te Paatu and Patu Koraha were still in the Far North. It was this circumstance that led to Panakareao assuming the role of Kaitiaki (guardian) or overseer of their lands. Whilst he had no authority to alienate in Maori terms those lands, by virtue of his descent from Te Paatu, Ngai Takoto and Patukoraha, he regarded himself as being obligated to be a guardian on behalf of his whanaunga, as he was for his own Rarawa people . . . Whilst he could allow others the use of the land and its resources, this use was always conditional. The right to use could be withdrawn when Te Patukoraha, Te Paatu, and Ngai Takoto returned or if they objected to that use.'[1006]

PRE-TREATY AGREEMENTS WITH SETTLERS

As relationships developed between settlers and tangata whenua, agreements were made to allow the them a place to live, build a home and do their mahi. These agreements were tikanga-based and intended to form ongoing and mutually beneficial relationships between the settlers (including missionaries) and their hosts. In some cases, the relationship developed such that

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[1004] Evelyn Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 224.
[1005] Marsden, pp. 5-6.
[1006] Ibid., p. 6.

missionaries purported to receive lands in trust for tangata whenua so that they could be protected from sale and alienation.[1007]

A number of Pākehā settlers and missionaries apparently entered in to tuku whenua agreements with the local people prior to the signing of Te Tiriti O Waitangi. Once the Treaty was signed, the Crown began investigating these 'pre-Treaty' agreements so as to formalise them within a European legal framework. This process transformed tuku whenua agreements into western land sales, which did not incorporate or recognise the ability of Māori to manage or protect wāhi tapu on the land, a kaitiaki function which they had undoubtedly carried out under the terms of the original tuku.

The following is a list of recorded pre-Treaty agreements within the claimants rohe:

Table 4: Pre-Treaty Land Agreements (Old Land Claims)

Name	Area claimed (acres)
Claim 675 to 'Kaitaia/Kerekere'	2000
Claim 328 to 'Otararau' and 'Waiokai'	1400
Claim 774 to 'Ohotu'	1500
Claim 705 to 'Okiore'	2000
Claims 875-877 to 'Awanui'	10,000
Claim 330 to 'Warau' and 'Matako'	3000
Claim 775 to 'Pukepoto'	800
Claim 776 to 'Okuraiti'	100
Claim 1375 to 'Awanui'	14
Claim 847 to 'Toherry's Bush'	2
Claim 403 to 'Ryan's Point'	300
Claim 1362 to 'Muritoki'	3000
Claim 404 to 'Whakaangi'	320
Claim 618 to 'Putakaka River'	200

[1007] For example the missionary Joseph Matthews at Raramata/Parapara. See Ōkokori case study for details.

Claim 558 to ‘Waipumahu’	1000
Claim 619 to ‘Oneti’	600
Claim 405 to ‘Waiaua’	150
Claim 913 to ‘Paewhenua’.	640
Claim 565 to ‘Whatta’ (Berghan Point)	50
Claim 889 to ‘Ngawai’	1600
Claim 854 to ‘Oparehu’	1000
Claim 620 to ‘Te Moka’	150
Claim 890 to ‘Te Moka’	200
Claim 566 to ‘Oruaiti’	3000
Claim 891 to ‘Waimaori’	1800
Claim 856 to ‘Otoomania’	4000
Claim 892 to ‘Kapara’	4000
Claim 887 to ‘Taemaro’	300
Claim 888 to ‘Imua’	800
Claim 623 to ‘Otonga’	2000
Claim 893 to ‘Otoha’	2000
Claim 914 to ‘Pukakawa’	3000
Claim 443 to ‘Mangonui’	200
Claim 770 to unknown (not located)	650
Claim 115 to unnamed block, not located.	5000
Claim 617 to ‘Purapura’	100
Claim 560 to ‘Riria’	50
Claim 561 to ‘Ruakaramea’	50
Claim 852 to ‘Waikainga’	3000
Claim 851 to ‘Hemu No 1’	300
Claim 160 to ‘Mangatete’	1000
Claim 406 to ‘Kapanga’	1500
Claim 848 to ‘Oparera no 1’	400
Claim 407 to ‘Waikiekie’	10
Claim 853 to ‘Hemu no 2’	400

Claim 894 to unnamed block	Not stated
Claim 895 to unnamed block	20
Claim 621 to Rangatakaka	600
Claim 563 to Kohikohi	350
Claim 562 to 'Otauwera'	25
Claim 855 to 'Tanepurapura'	1100
Claim 850 to 'Waikiekie'	60
Claim 564 to Taipa	40
Claim 559 to 'Tuekawera'	40
Claim 704 to 'Oruru'	5000
Claim 329 to 'Parapara'	800
Claim 849 to 'Oparera 2'	400
Claim 622 to 'Otanenui'	100
Claim 570 to 'Knuckle Point'	1200
Claim 1025 to 'Maheatai'	200

These agreements are often only recorded in written English text, probably recording verbal agreements that had occurred years earlier. A rush of agreements in 1839 seems to suggest that settlers were attempting to establish written claims in anticipation of British annexation in 1840. Although the deeds mention specific (though poorly recorded) boundaries and landmarks, they do not mention wāhi tapu or make any reservations for such places.

Indeed the only reserve set aside from these agreements was Ōkokori from the Parapara/Raramata agreement with Matthews. While this did happen to include wāhi tapu, it was set aside as a papakāinga and fishing reserve. Other wāhi tapu such as Pararaki were meant to be reserved but were not. As discussed in the case study on Okokori, Māori made it clear to the Bell Commission that Pararaki has been intended as a reserve to protect the wāhi tapu there. However this was not carried through into Bell's subsequent land allocations where it was granted to Matthews.

Aside from Pararaki, it is unclear to what extent wāhi tapu or taonga on the land were discussed during negotiations as few records were made. No mention is made of either taonga or wāhi

tapu in the English language deeds that have survived. This is despite these agreements covering numerous very significant wāhi tapu as described below.

The Tribunal has found that these pre-Treaty transactions were not binding sales:

> *'Maori contracted with Europeans on the basis of Maori law, which was the only law known to them and the only cognisable law in New Zealand before 1840. As a consequence, the pre-Treaty land transactions were not sales but at best conferred a personal right of occupation conditional upon acceptance of the norms and authority of the local Maori community as represented in the rangatira.'*[1008]

The question of these pre-Treaty agreements was a major one during the original Muriwhenua claims hearings. The Waitangi Tribunal's overall findings are encapsulated in the following passage:

> *'We have summarised lengthy arguments, and our own conclusions are brief. The main issue, as we see it, was the extent to which Maori had come to new ways, and that, in our view, required reference to the total context, not merely the language of the deeds. We nonetheless note as follows. The traditional process of allocating land carried unique referents to continuing relationships and responsibilities as was fundamental to Maori society. Despite changes in outer form, such fundamental values remained the same. Western land sales were diametrically opposed to the traditional concepts. They severed relationships and terminated obligations, while, for Maori, continuing obligations and relationships were essential. The evidence is that Maori still expected those relationships and obligations to carry on. Accordingly, whatever Maori word was used to denote the sense of giving or conveying land, and no matter how neutral that word was, it would still conjure up a giving or conveying on Maori terms, unless something else was done, within or outside the deed, to make it very clear to Maori that*

[1008] Waitangi Tribunal, *Muriwhenua Land Report*, p. 392.

something extraordinary was happening. We are not aware of anything in particular that would sufficiently impute that new revelation'.[1009]

Pre-Treaty agreements in claimants' rohe were significant and covered many wāhi tapu. These agreements were investigated later by the Godfrey and Bell Commissions to determine legitimacy according to the Crown's prescribed criteria. The issues with these investigations are described in the sections on the Godfrey and Bell Commissions below. It is from these later investigations that we are able to build a picture of the extent of these pre-Treaty agreements implications for wāhi tapu within the claimants rohe.

The table above (Table 3) shows the recorded pre-Treaty agreements within the claimants rohe. There are 60 in total and they range in size from a mere two acres right through to 10,000. They are distributed right across the rohe, with particular focus on areas where settlement was occurring (including missionary settlement) such as Mangōnui and Kaitaia.

The impact of pre-Treaty agreements on this rohe is extensive and will be dealt with fully in the Tribunal's commissioned research on Old Land Claims by Dr Rigby and Mr Swears.[1010] For the purposes of this report, the question is what kind of impact did pre-Treaty agreements have on wāhi tapu?

For the most part, the existence of wāhi tapu is largely ignored by pre-Treaty agreements. The deeds that survive make no record of them or what is to happen to them. This is not surprising given the deeds general brevity and the fact that the deeds transformed tuku whenua arrangements into something recognisable to English law. This would not include the tikanga-based nuances of shared use and the ongoing protection of wāhi tapu and urupa.

The later Godfrey and Bell Commission reports on pre-Treaty agreements are also largely silent as to wāhi tapu. The exception to this is Raramata, in which the wāhi tapu in that block were said to have been put in to the care of the mihinare Joseph Matthews. Raramata is discussed in detail below in the case study on Ōkokori.

[1009] Ibid., p. 74.
[1010] At the time of writing, this report was yet to be completed.

However, aside from Raramata the discussions recorded during the Godfrey and Bell Commissions do not mention wāhi tapu specifically. Indeed it was not within the purview of these commissions to consider them. They were simply concerned with pro-forma questions regarding the validity of the agreement in western legal terms. As a result the records are generally brief.

In general terms, the Godfrey and Bell Commissions took these pre-Treaty agreements and converted them into legal title in the following ways:

- Issue Crown Grants to settlers for part of the land they claimed
- Issue 'scrip' land elsewhere for settlers if the land couldn't be taken up
- Retain the 'surplus' land for the Crown

In theory, if claims were successful the old land claimant received up to 2,500 acres (or 'scrip' land), with the Crown taking the balance. If the claims were not made out to the satisfaction of the Commissioners the land was supposed to stayed with Māori. However this land was largely retained by the Crown as 'surplus land'. This 'surplus land' issue continued to dog the Crown right throughout the 19th and 20th centuries. The conversion of settler claims from tuku-whenua agreements to Crown land grants or 'surplus' land alienated numerous wāhi tapu from their original owners.

The issue of pre-Treaty agreements, surplus lands, Crown grants and scrip lands has been traversed numerous times. The original Muriwhenua inquiry went to great lengths to unpack this issue and the Tribunal has issued clear findings (discussed above). Those issues do not need restating.

What does require a clear statement in this report is that the alienation of lands through these means also meant the alienation of many wāhi tapu. The boundaries of these transactions were mostly not surveyed and as a result it is difficult to detail exactly which wāhi tapu were included. However, this report has found 60 pre-Treaty agreements covering the claimants

rohe, accounting for 73,521 acres (29,752.9 hectares) claimed. This is a huge area, covering many significant wāhi tapu.

Some of the significant wāhi tapu that were alienated in this way are listed below. They include a wide range of wāhi tapu of immense historical, cultural, traditional and spiritual importance including pā, urupa, burials, tūpuna waka and others.

Table 5: Prominent wāhi tapu on pre-Treaty agreement (Old Land Claim) land

Wāhi tapu	Pre-treaty agreement	Year	Old Land Claim
Rangikāpiti Pā	Partly Kohikohi (Bergan)	1839	563
Rangitoto Pā	Waikeke Block (Ryan)	1838	403
Ruakaramea Waka	Kohikohi (Bergan)	1839	563
Te Pā O Moehuri	Waikeke Block (Ryan)	1838	403
Kerekere Pā	Kaitaia/Kerekere 1	1834	675
Tinotino/Tirotiro Pā	Kaitaia/Kerekere 1	1834	675
Te Aute Pā	Kaitaia/Kerekere 1	1834	675
Taraapunga	Kaitaia/Kerekere 1	1834	675
Waikauia	Kaitaia/Kerekere 1	1834	675
Pukemiro	Kaitaia/Kerekere 1	1834	675
Katakata	Kaitaia/Kerekere 1	1834	675
Koware	Knuckle Point	1840	570
Kauhoehoe	Knuckle Point	1840	570
Kopua Parore	Knuckle Point	1840	570
Te Kapa	Knuckle Point	1840	570
Pukewhau	Mangatete	1839	160
Whakapau	Mangatete	1839	160
Rangihuakuia	Mangatete	1839	160
Apatahi	Mangatete	1839	160
Mangōnui	Purapura, Waikiekie, Ruakaramea & Riria	1836, 1838	617, 850, 560, 561

Oruaiti	Oruaiti	1839	566
Taumarumaru	Kohikohi (Bergan)	1839	563
Otanenui	Kohikohi (Bergan)	1839	563
Te Homamu	Kohikohi (Bergan)	1839	563
Pararaki (Pararake)	Raramata/Parapara	1839	329
Tokerau Beach wāhi tapu	Raramata/Parapara	1839	329
Haitureroa	Raramata/Parapara	1839	329
Raramata	Raramata/Parapara	1839	329

GODFREY COMMISSION 1843

The pre-Treaty claims of Pākehā settlers became known as 'Old Land Claims' and were a source of ongoing trouble for the Crown. Through the Old Land Claims process, the Crown converted tuku whenua agreements into western style fee simple transactions which ignored their fundamental tikanga and customary underpinnings. This was to the great detriment of Māori, especially when it came to protecting their wāhi tapu and urupa. The areas of land covered by Old Land Claims contained many wāhi tapu as listed above (Table 4).

Many of these pre-Treaty claims were in Mangōnui, with the remainder stretching through the Ōruru Valley and west to Taipa. Governor Hobson sent Commissioner Edward Godfrey to Mangōnui in January 1843 to investigate claims in the region. [1011]

After being welcomed by a large pōwhiri of around 400 people, Godfrey began his investigations on the transactions in Mangōnui.[1012] However, before claims could be heard in full, Godfrey left the area citing tensions between Pororua and Panakareao. He did, however,

[1011] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 305.
[1012] Rigby, 'Mangonui', p. 15.

note that there was strong opposition to Ford's claims in the Ōruru valley.[1013] Panakareao also specifically disputed Wrathall's claims to Waikāinga.[1014]

Given the wide-ranging nature of the claims and the Crown's newly acquired responsibilities in the Treaty, an examination of the wāhi tapu included in these lands and the ways in which they might be protected would have been appropriate. Yet none took place.

Māori also voiced their concerns to Godfrey and Kemp at a hui in Kaitaia in early February 1843. On the site of the Treaty signing, the Crown officers heard the complaints of Māori regarding the Old Land Claims process. Kemp reported that the speeches largely covered the same two points:

a. That they object to the Government assuming any authority over their possessions
b. That any surplus lands will be resumed by the original proprietors.[1015]

Apart from for Murphy's claim to Oparera, none of the pre-Treaty transactions were investigated fully by Commissioner Godfrey at Mangōnui in 1843. Ford's request to exchange his deeds in Ōruru for scrip land elsewhere were dealt with in court by Commissioner Godfrey at Russell in March 1844. All the rest were dealt with in Auckland in 1844 by Commissioner Godfrey and Governor FitzRoy, without participation by claimants' tūpuna.

Even though this was a cursory process, some time was supposed to be spent investigating the validity of deeds. Māori witnesses also needed to be produced. In short, there was at least the semblance of an evidentiary standard which needed to be met. The key point is that after 1840 neither the Commissioners, or the Crown, or settlers, paid attention to the customary nature of these tuku whenua agreements. Moreover, because of Godfrey's abandonment of the Mangonui hearings, there were no real investigations in the Mangonui district, which meant that even this rudimentary process was absent.

[1013] Godfrey to Ford 20 Jan 1844, "Answer to Minute… relating to claims of C Patridge," OLC8/1, 69. Document Bank, p. 140.
[1014] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 323.
[1015] Rigby, 'Empire on the Cheap', p. 63.

Furthermore, none of the lands involved had been properly surveyed. Boundaries were often imprecisely described and estimates of areas were very approximate. No plans were attached to any of the deeds. This means that for many transactions, it is now impossible to determine exact boundaries on the ground.

The pre-treaty agreements were also personal, incorporating a purchaser into the whānau or hapū, or securing a compact with a church, with mutual and ongoing obligations involved. Many had been renegotiated to deal with changing circumstances. In some deeds Māori rights to continue using the land were protected, in others where no such rights were specified they continued in practice. Once land had been through the Commission however and Crown Grants made, quite usually for smaller areas especially in the case of the missionaries, the purchasers were freed of all such tribal obligations unless a reserve was clearly specified in the deeds. In the few cases where this was so, it was usual to reserve part of the land to the Māori sellers, an expedient which did not necessarily reflect the spirit of the original understanding. With a Crown grant based on survey, Europeans could mortgage, subdivide or alienate land as they pleased, without any reference to the needs or wishes of the tribe from which it was purchased.[1016]

In the end, Godfrey decided to offer settler claimants 'scrip land', meaning that their claims could be exchanged for other land elsewhere. Some chose to take the deal and move on, while others remained where they were.[1017] In cases where 'scrip land' was issued the Crown did not to return the land to Māori but instead assumed ownership itself. In the case of Waikāinga for instance, Godfrey recommended the award of '242 Acres of Land elsewhere' for Wrathall. This was revised by Governor FitzRoy to 640 acres or £640 in land credit.[1018]

In the case of the Mangōnui transcations, Godfrey's abandonment of the hearings in 1843 meant there was no opportunity for claimants' tūpuna to be heard. The Crown then assumed ownership of the land on the assumption that the customary title had been extinguished by the

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[1016] Waitangi Tribunal, Report of the Waitangi Tribunal on the Mangonui Sewerage Claim, p. 20
[1017] Godfrey to Ford 20 Jan 1844, "Answer to Minute… relating to claims of C Patridge," OLC File 8/1, 69. Document Bank, p. 140.
[1018] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 323.

pre-Treaty transactions. There was no inquiry by the Crown into the nature of these transactions, nor any attempt to define the boundaries or what lay within them.

In the case of Ryan's three transactions in Mangōnui, the Crown assumed ownership of the lands despite the fact that no deeds could be found and that Ryan's scrip issue had been cancelled. This was also the case at Te Whatu (Berghan Point), where the Crown took ownership of Berghan's claim despite no deed being produced. The same was true of Thomas and Phillips transactions for Oneti.

The way the Crown dealt with Old Land Claims also exacerbated tensions between neighbouring hapū and iwi. This led to a series of disputes between Pororua and Panakareao in 1843 in Ōruru in which it was reported that at least a dozen people were killed.[1019] A truce was eventually called later that year, and Panakaraeo signed a document agreeing to recognise both his and Pororua's rights in August 1843.[1020]

Pākehā settlement in Ōruru was slow in the years following the 1843 conflict but began to pick up again in the late 1840s and early 1850s. However, tensions continued to simmer including a battle between Panakareao and Tipene Te Taha fought in Ōruru (or Taipa) in 1852.[1021]

In 1848, W. B. White was appointed Resident Magistrate for Muriwhenua and moved to Mangōnui.[1022] White was ostensibly the face of the Crown during his 30 year tenure, acting as judge, assessor, surveyor, negotiator and land sales agent. He often acted independently and only sought formal Crown approval for his actions afterward.[1023] This was in contrast to how

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[1019] Matthews to Coates 31 July 1843, Church Missionary Society, Digitised by National Library of Australia, http://nla.gov.au/nla.obj-1409947500; Partridge to Colonial Secretary, 15 March 1844, Box File 18 - Claims 889-893 C Partridge and H Smyth - Whakaangi and Taemaro Petitions File "L" - Series 4, BAJZ 18/2n, R22916163, ANZ (WLG), R22916163. Document Bank, p. 149.
[1020] Protector's Report, August 1843, British Parliamentary Papers (BPP) 1846 (337), pp. 125-7. Document Bank, p. 157.
[1021] Matthews Journal 4 July 1852, Church Missionary Society, Digitised by the National Library of Australia, http://nla.gov.au/nla.obj-1409947545.
[1022] Stokes, 'A Review of the Evidence in the Muriwhenua Land Claims', p. 267.
[1023] See for instance his actions in Oruru in the 1850s described in Rigby, 'The Oruru Area and the Muriwhenua Claim, pp. 34, 40-41. White and Kemp, for instance, paid for the 1856 Oruru purchase out of their own pocket before recieving official Crown approval.

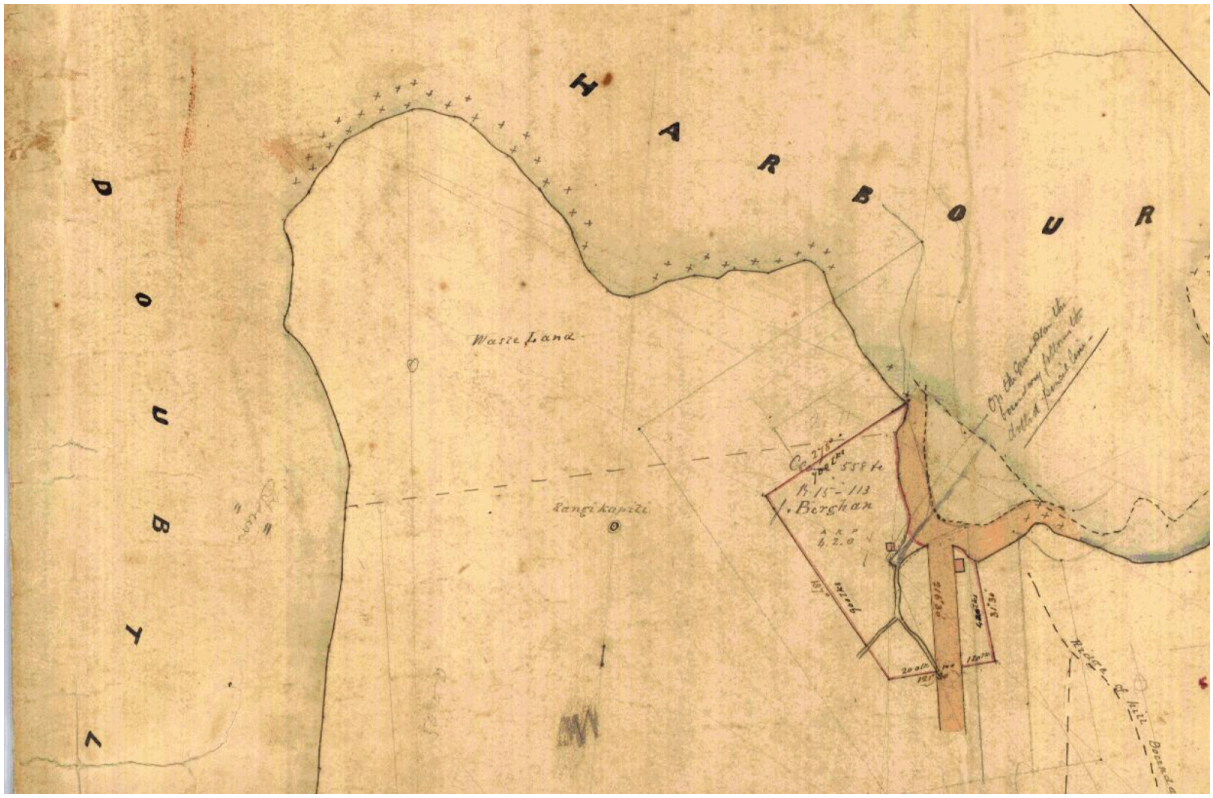
he represented himself to Māori, where he was thought to be carrying out directives from the Governor and other high ranking Crown officials.

White investigated pre-Treaty purchases in Mangōnui during 1848-1849. His main interest in this investigation seems to have been to ensure settlers had their land titles confirmed and that those who had land taken for the Mangōnui township be compensated. He investigated claims from Berghan, Ryan, Olman, Thomas and Phillips. There were several instances in which it was not clear that land in Mangōnui had been subject to a pre-Treaty purchases. However, the Crown considered that it had acquired rights to the land from the settlers that it had offered scrip land to.

In the case of Rangikāpiti, a pā and wāhi tapu on immense significance, this was particularly troubling. The northern half of this wāhi tapu was one of the areas literally labelled 'waste land' in White's 1850 plan of Mangōnui (OLC 111) that accompanied the Waikiekie purchase (shown below). As such, title to this part of Rangikāpiti pā is unclear. Berghan's Claim seems to cover the southern part of the pā but the origin of title to the northern part is unclear. Just like Godfrey's 1843 Commission, there was also no investigation of customary rights or wāhi tapu, nor was there an opportunity for Māori to have their claims heard.

Out of the 123,791 acres of Muriwhenua land claimed, the Crown granted 23,636 acres of land to Pākehā settlers, reserved 786 acres to Māori and claimed 39,207 acres as "surplus land".[1024]

[1024] Claudia Geiringer, 'Historical Background to the Muriwhenua Land Claim, 1865-1950', p. 8.



Map 72: White's 1850 map of Mangonui showing northern portion of Rangikāpiti as 'waste land'. Source: North Auckland OLC111, Roll 1.

CROWN LAND 'PURCHASES'

The signing of Te Tiriti O Waitangi gave the Crown a monopoly right to purchase land from Māori. No longer could Māori undertake tuku whenua agreements with individual settlers as they had done for the previous decade. The Crown was now the only game in town.

The reasons for entering in to land agreements with the Crown are sufficiently covered in other reports, notably the original report 1997 Waitangi Tribunal report on the Muriwhenua Inquiry and Dr Stokes two-volume 'Review of Evidence'. Suffice it to say that many of these land agreements were completed under dubious circumstances, using flawed processes, and under substantial duress. It is through these land blocks that the vast majority of wāhi tapu were alienated.

The Tribunal has made a number of findings on the Crown land 'purchases', which are relevant to the many wāhi tapu effected by them: [1025]

- The transactions were not absolute sales, because there was no 'contractual mutuality or common design, but a fundamental ideological divide'.
- The Government did not prove the transactions were sales at the time (or subsequently).
- The Government failed to provide adequate protective arrangements, such as independent audits of Government actions, a judicial confirmation process, independent, informed advice for Māori, independent monitoring of issues of title, representation (were vendors in fact owners?), boundaries, land descriptions, fair prices and reserves, all areas where the Tribunal found considerable looseness.
- There is no evidence that the Government was buying land in excess of Māori needs, as was required; rather, the Government was buying the better land in the central band where Māori were concentrated.
- Māori clearly anticipated long term benefits, as officials were well aware; but the Government's agenda was focused on immigration and colonisation, funded by the sale of Māori land. The Tribunal states that Māori had a prior claim on such funds for their own agricultural training and development. The Government did not incorporate Māori into its settlement plans, nor were any arrangements made to secure long-term benefits for Māori.
- There was an absence of a necessary sense of duty to protect Māori interests which stands in contrast to some extraordinary measures to buy, as the exhumation of the remains of Panakareao and Ereonora show.
- The Crown failed to ensure Māori retained adequate reserves, which was the main source of Māori dissatisfaction. Instead, the Crown sought to acquire as much Māori land as it could, as soon as practicable, and with as few reserves as possible.

[1025] Waitangi Tribunal, *Muriwhenua Land Report*, pp. 399-400.

Findings on specific land blocks in the claimants rohe include:[1026]

- Whakapaku block: The lack of proper process and formality was evident in the gross misdescription; there was also no inquiry into the right and title of the alienors. The misdescription was the result of White's poor sketch and assessment of the area inside the block.[1027]
- Mangonui block: The improper assumption, behind the whole of the Government's approach, was that most of the land had been validly purchased by the Government in 1863 when that had not been proven and was not the case, and when the pre-Treaty transactions had not been examined as required by law. The further lack of appropriate formality in the completion of the transaction was described earlier
- Mangonui township: Again, the pre-Treaty transactions had not been investigated as required by law, the Waikiekie purchase lacked sufficient specificity, Rangikāpiti headland and other areas should not have been included in a mopping-up clause, and the 'vendor' could have given no more than use rights
- Taemaro reserve: The Taemaro reserve was wrongly reduced by over 65 acres
- Ōruru Valley: No thought was given to whether this area should have been secured to Māori in accordance with original intentions. Then, the subsequent purchase wrongly proceeded on the basis that the lands had been validly acquired by prior transactions, when these had not been investigated or proven, and after the Government had allocated the land and possession had been taken
- Raramata block: Māori were wrongly deprived of 2600 acres (1077 ha)
- Mangatete block: The Government's right to 4414 acres (1786 ha) was not established, and it appears to us this area should have been retained by Māori
- Puheke block: The size of the Puheke purchase was grossly under-estimated, again indicating the regular looseness in proceedings
- Okiore block: The evidence of a trust was not investigated, a trust in respect of some 6000 acres should have been imputed, and there were obviously inadequate reserves

[1026] Ibid., pp. 401-402.
[1027] Ibid., p. 242.

- Victoria Valley: Having regard to the surrounding alienations, and Panakareao's wishes, the whole of this land should have been reserved by 1865, and made inalienable, as Panakareao had expected.

The Crown Land Blocks in the claimants rohe are:

Table 6: Crown Land Agreements ('Purchases')

Name	Date	Acreage
Waikiekie	1850	35
Oruru	1854 and 1856	1470
Whakapaku	1856	12050
Otengi	1858	2722
Puheke	1859	16000
Waiake	1859	6952
Kohumaru (Upper)	1859	11062
Ohinu	1859	2703
Hikurangi	1861	4705
Mangatete (South)	1862	11125
Maungataniwha East	1862-63	8469
Pupuke	1863	19592
Maungataniwha West 1	1863	12940
Maungataniwha West 2	1863	11002
Mangonui	1863	22000
Poneke	1864	345
Taunoke	1864	44
Waimutu	1864	79
Toatoa	1865	3863
Kaiaka	1865	7427
Ruaroa	1867	729
Hikurangi (former reserve)	1869	522
Whakapapa (former reserve)	1871	470

Opouturi (former reserve)	1871	250
Taheke (former reserve)	1871	484
Taumatapukapuka	1871	1430
Patiki North	1871	4007
Kaitaia North	1872	5806
Takahue 1	1875	24122
Takahue 2	1875	4405
Patiki South (Patiki-Takahue)	1897	2219
Aputerewa No 2 A	1897	177
Total Crown Block Acreage		199,206

Theses land 'purchases' by the Crown led to the eventual loss of almost all of claimants' remaining wāhi tapu. Despite requirements that the Crown ensure that Māori retained enough lands for their needs, only a few small areas of land were set aside from Crown land purchases. In fact of the total 199,206 acres of land included in Crown land blocks within the claimants rohe, only 9,903.16 acres were set aside. That is just under 5 percent.

Wāhi tapu receive barely a mention in the Crown's records on land blocks within the claimants rohe. Crown deeds do not mention them, except when they also happen to be boundary markers for a land block.[1028] Descriptions of reserves (to the extent there are any) do not mention them either. Contemporaneous Crown correspondence, such as between White and Kemp, also makes very little mention of wāhi tapu on the lands in question.[1029] The question is, then, why?

The first thing to note is that the Crown records are but a piece of the overall puzzle. They contain very little information on Māori perspectives on these land deeds, especially conversations and hui between Māori regarding these 'sales'. The extent to which wāhi tapu featured in these discussions is something we cannot know based on currently available archival sources.

[1028] Even in these cases they are not discussed as wāhi tapu, but as boundary indicators for the sale.
[1029] The lone exception to this is Pararaki, discussed below.

The lack of mention of wāhi tapu in the Crown records on land agreements illustrates several points. Firstly, wāhi tapu were not particularly important to the Crown. These were incredibly important places to Māori, the most significant of which would have been well known to long-time residents with relationships to local Māori like White and Kemp. However, we see little mention of these wāhi tapu in the deeds themselves or in Crown correspondence from the time.

Moreover, the Crown did not properly investigate or reserve wāhi tapu from its land block 'purchases'. The vast majority of wāhi tapu were not included in reserves and therefore alienated as part of the main Crown land blocks. As discussed, some happened to be included in 'native reserves' like Peria or Hauturu due to being close to kāinga and cultivations which were generally the focus of the Crown's meagre efforts to reserve land. No wāhi tapu were specifically reserved from land agreements with the Crown.

One possible explanation is that Māori did not want the locations and nature of their wāhi tapu known to the Crown. This makes sense given the tapu nature of these places. If this is the case, then did Māori intend their wāhi tapu to be included in the land blocks 'sold'?

Armstrong makes the following assessment based on research for the Te Paparahi O Te Raki inquiry:

> *'From the Maori perspective it is fair to conclude that in many cases where wahi tapu were included in transfers to the Crown (and third parties after 1865) the vendors simply assumed that their sacred sites would remain undisturbed, and regardless of the ownership of the land, Maori continued to feel a strong sense of spiritual and emotional association with the wahi tapu.'*[1030]

Interviews for this project have highlighted how claimants' tūpuna may have viewed wāhi tapu within these agreements:

[1030] Armstrong, et al., p. 101.

'I don't think that our tūpuna ever truly believed that the land could be completely alienated from them and that regardless of, especially in the Muriwhenua cases where you're looking at a tuku whenua where in the eyes of our people the land would eventually be returned and it could never be sold or owned outright by anyone you know, you have to understand that they were acting on their belief system and no one else's. So even though we might look at those early land transactions as sales, which is the incorrect way to think of them, they were not…

… So the question of why is that? I think our tūpuna never truly believed that they could be alienated in such a way that they could not still manage and take care of those said wāhi tapu….

… They never for a moment believed that the land could be alienated enough that their mana and everything about them would be disconnected from it in such a way that they could not continue to apply their tikanga over the whenua.'[1031]

As discussed above, the Tribunal has found that these land agreements were not absolute sales, there was an absence of a necessary sense of duty to protect Māori interests and the Crown failed to ensure Māori retained adequate reserves. This applies also to wāhi tapu.

A crucial part of the Crown's land purchasing process was supposed to be the setting aside of sufficient reserves for Māori. As we have seen from the discussion on Crown land blocks in the claimants rohe, very few of these were made. Even fewer of these were given any legal protection. For instance, none of these areas was ever formally gazetted as a reserve under the Native Reserves Act 1856.

The supposed Crown policy around reserves focused on land that was necessary for the 'needs' of Māori. The Native Minister wrote only in general terms, assuming, for example, that reserves should be 'sufficiently extensive to provide for their present and future wants'.[1032]

[1031] Interview with James Eruera, Te Paatu ki Kauhanga Oral History Project, 18 June 2024, 21'39"-23'17".
[1032] Waitangi Tribunal, *Muriwhenua Land Report*, p. 333.

What these needs or wants were was never fully spelled out but it seems from the reserves made that living and cultivation areas were a priority. Wāhi tapu, on the other hand, were not.

As noted, the total acreage involved in these transactions with the Crown was 199,206 acres. Twenty-seven reserves were set aside, and these were either purchased by the Crown at a later date (as with Hikurangi, Whakapapa, Opouturi and Taheke) or they were taken to the Native Land Court for adjudication. These reserves are summarised in Table 6 below. They comprise only 9903.16 acres, or less than 5% the area of the Crown land blocks they come from.

None of these reserves were specifically for wāhi tapu, though some reserves made for general reasons did include wāhi tapu, such as Hauturu, Otarapoka, Haumapu and Peria.

Generally speaking, these reserves were left out of Crown land deeds at the request of Māori and delineated in the deed or the later survey map. However this was not always the case and the 'reserve' status of some blocks still have significant questions remaining, such as Parangiora (discussed below)

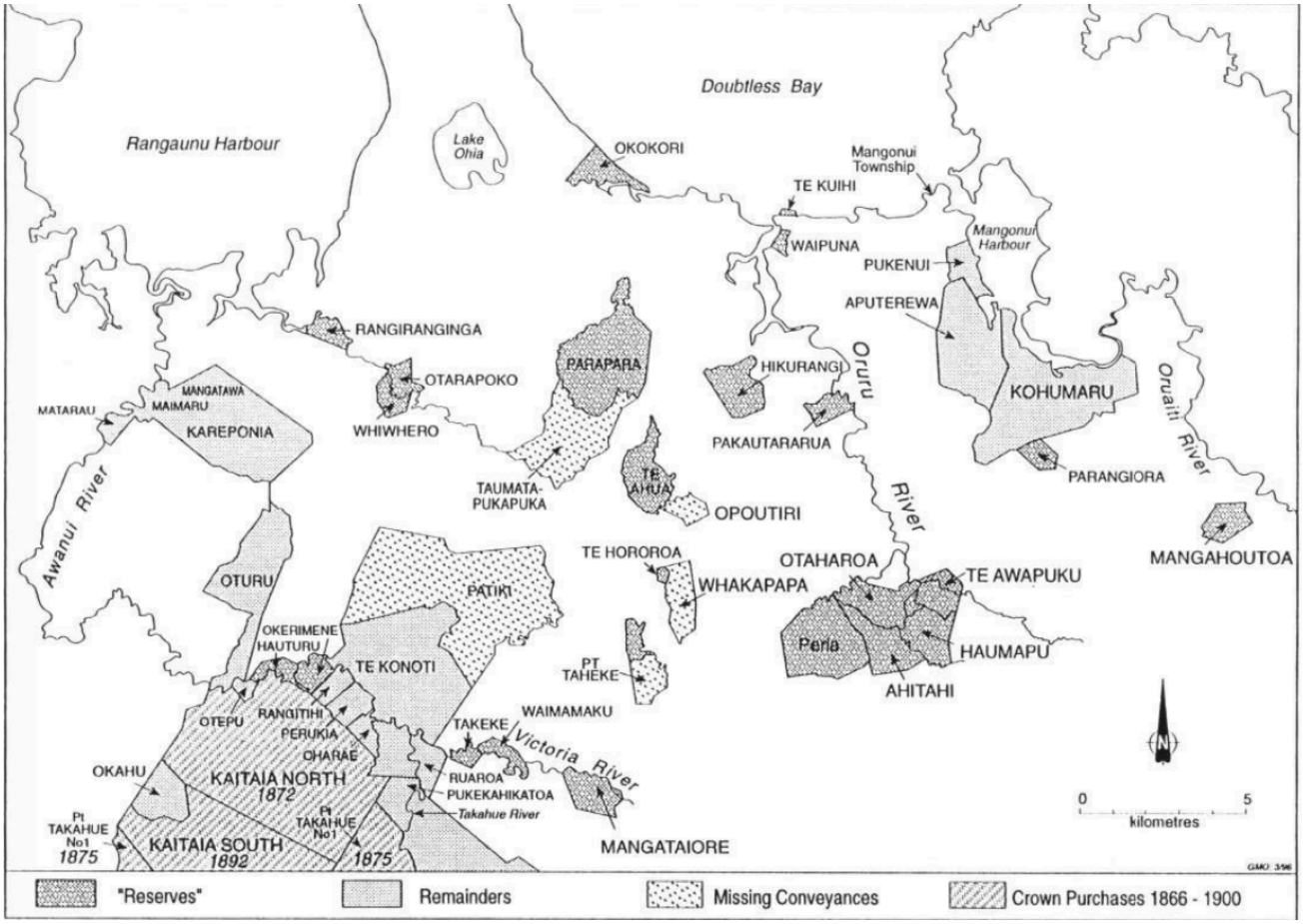
Moreover, the term 'reserves' is misleading as they were never given formal reserve status or protected from alienation in any way at the time. Only 20 blocks of land actually received protection and this was done at a later date by the Native Land Court, not during the original Crown agreements. These were Te Kauri, Unuhia, Taumatawiwi, Takahue 1, Takahue 2, Pukenui, Pukekahikatoa, Parapara East, Oparahi (Oparihi), Okakewai, Merita, Karikari, Hauturu, Mangataiore, Te Ahua, Konoti, Te Hororoa, Motukahakaha, Patiki South (Patiki/Takahue) and Aputerewa 1. Importantly, these reserves were only given limited time protection for a fixed period (such as 21 years or until subdivided in the case of Konoti).

The reserves made from Crown land blocks during this period are listed below. As we shall see in the following section on the Native Land Court, the vast majority of these were sold.

Table 7: 'Native Reserves' from land agreements with the Crown

Reserve Name	Crown land block	Acreage

Parangiora	Upper Kohumaru	160
Hikurangi	Hikurangi	522
Ahitahi	Maungataniwha East	584
Haumapu	Maungataniwha East	488
Otaharoa	Maungataniwha East	241
Te Awapuku	Maungataniwha East	204
Otarapoko	Mangatete (South)	206
Whiwhero	Mangatete (South)	178
Te Rangiranginga	Mangatete (South)	176
Hauturu	Mangatete (South)	151
Peria	Maungataniwha West 1	1130
Mangataiore	Maungataniwha West 2	381
Takeke	Maungataniwha West 2	79
Motukahakaha	Whakapaku	494
Taupo	Whakapaku	2,510
Te Ahua	Toatoa	624
Te Kuihi	Oruru	34
Waipuna	Oruru	38
Ikatiritiri	Oruru	19
Pakautararua	Oruru	202
Opouturi	Toatoa	250
Taheke	Kaiaka	484
Te Hororoa	Kaiaka	41
Whakapapa	Toatoa	470
Waimamaku	Kaiaka	154
Waimutu	Otengi	79
Waikiekie	Waikiekie	0.16
Total Reserve Acreage		9903.16



Map 73: 'Native reserves', Crown land purchases and customary title. Source: Waitangi Tribunal, Muriwhenua Lands Report, p. 299.

BELL COMMISSION 1856-1862

As the Crown continued to purchase land in Muriwhenua during the 1850s, the messy boundaries and poor records of the pre-Treaty transactions continued to be a problem. Following a Select Committee report, the Land Claims Settlement Act 1856 appointed Commissioners to investigate outstanding Old Land Claims issues. Francis Dillon Bell was the only Commissioner appointed under the Act and in 1862 he produced his final report.[1033]

The Land Claims Settlement Act 1856 was mainly concerned with clarifying land titles between Pākehā land claimants and the Crown. It was not intended to investigate the nature of

[1033] AJHR 1862, D-IO, p 1.

pre-Treaty transactions between settlers and Māori. There was, however, provision in s39 for claims:

> *'in which the Native title shall not be proved to have been extinguished over the lands comprised in such claim or grant, or any part thereof, it shall be lawful for the Governor, on behalf of her Majesty, on payment by the claimant of the estimated cost of extinguishing the Native title to such lands, or any part thereof, and all expenses thereto, to extinguish such title and obtain a, cession of such lands to Her Majesty, and thereupon to make a grant of the same, in accordance with the provisions of this Act, and in like manner as if the Native title had been extinguished.'*[1034]

However, in the case of the Mangōnui pre-Treaty agreements, the nature of the original transaction had not been conclusively established, or even investigated by Commissioner Godfrey in 1843.[1035]

A key part of the Land Claims Settlement Act was that if settler claimants wanted to receive official title to the land, they had to pay for the cost of the survey themselves. This cost would then be paid back to the settlers by an additional grant of land of 15 percent of the survey size. Bell wrote that this was an intentional clause to ensure that the settlers surveyed the largest area of land possible, because otherwise: [1036]

> *'The residue would, practically, have reverted to the natives, and must at some time or other have been purchased again by the Government: and a large extent of territory must have remained, as it was before the passing' of the Land Claims Acts, a terra incognita.'*

The "terra incognita" Bell was referring to was customary Māori land and contained wāhi tapu of great significance. Bell continued: [1037]

[1034] S. 39, Land Claims Settlement Act 1856
[1035] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 263.
[1036] AJHR 1862, D-IO, p. 5.
[1037] Ibid.

'But when the claimants were told they would receive an allowance in acreage to the extent of 15 per cent on the area surveyed, it became their interest to exert all their influence with the native sellers to give up the whole boundaries originally sold. The result has been not only to produce a large surplus of land which, under the operation of the existing Acts, goes to the Crown; but to connect the claims together, and lay them down on a map.'

Bell was not concerned with investigating the circumstances and validity of the original transactions the settlers and Māori. Instead, the Bell commission (like the Godfrey Commission before it) was another way for the Crown to bring customary Māori land into its system of British-style permanent freehold property title by granting some sections to settlers and keeping the rest for itself as 'surplus land'. This was anathema to Māori, who were adamant that any lands that they had not granted to settlers should be returned to them. Panakareao made this very clear when Commissioner Godfrey visited Kaitaia in 1843.[1038]

This included the many areas of 'scrip' lands around Mangōnui as well as the lands that came into Crown ownership from both the Godfrey and Bell Commissions, and the land simply surveyed off as waste land (as in the case of Rangakāpiti). This included wāhi tapu such as Akateretere, Te Kuihi Pā, Waipapa, Waipuna, Rangikāpiti Pā, Te Homamu Pā, Taumarumaru, Ōtanenui Pā and all those covered in the Ford transaction in Ōruru Valley.

The Bell Commission, like the Godfrey Commission, effectively took what were tikanga based tuku whenua agreements and converted them in to legal sales. This meant the loss of wāhi tapu on the lands and the erasure of the tikanga and any verbal agreements regarding wāhi tapu on the lands. As the Tribunal has found:

'The Government had effectively purchased the inchoate rights of the European claimants, and then converted them into binding sales without any independent hearing.'[1039]

[1038] Nopera Panakareao, OLC 329 Case Files [Joseph Matthews, Kaitaia], ACFC OLC329, ANZ (WLG), R18461515, p. 7. Document Bank, p. 138.
[1039] Waitangi Tribunal, *Muriwhenua Land Report*, p. 395.

The Tribunal has also found that Māori fully expected that any surplus land would return to them, and that this was a condition of the agreements. This included wāhi tapu. However, the evidence indicates that both Godfrey and Bell ignored this in their investigations and rulings. Having established the extent to which the European claimant was entitled, they made no comment as to the fate of the balance lands. The Crown claimed this as 'surplus lands', contrary to the expressed wishes of Māori.

The Land Claims Settlement Act enabled Bell to ignore the condition that surplus land be returned to Māori and enabled the Crown to treat all transactions as unconditional sales. Again, the Tribunal has found that:

> *'[T]he omission of such requirements in the Land Claims Settlement Act 1856 was inconsistent with the Treaty principles that which requires the Crown actively to protect Maori rights to their land, to ensure that they maintain an economic base, and to respect tribal autonomy and law.'*[1040]

For example, at Mangatētē, which comprised between 4,000 and 5,000 acres, the original 'purchaser' Davis claimed 1,000 acres from the Land Claims Commission on the basis of his payment of £40 in cash. When calculated on the scale rate used by the Godfrey commission, he was entitled to 320 acres, which is what Godfrey had recommended. However, when reassessed by Bell, following a survey of the original area which found it to contain 4880 acres, the grant to Davis was increased to 466 acres and the Government took the surplus of 4414 acres.[1041] The numerous wāhi tapu that were on this land, including Pukewhau, Whakapau, Apatahi and burials around Lake Ohia were therefore transferred to the Crown as 'surplus' land in direct contravention of Māori expectations for their return and the Te Tiriti responsibilities for their protection.

[1040] Ibid., p. 396.
[1041] Ibid., p. 144.

Regarding the taking of surplus lands by the Crown, The Tribunal has found:

> *'It may have made a difference that, by the time of Bell's operations, Panakareao was dead, for those who followed him may not have appreciated Panakareao's condition that the whole of the surplus was to return to them.'*[1042]

As already noted, the Tribunal's view of the surplus lands issue is predicated upon its conclusion that no sales in the European sense took place by virtue of the pre-Treaty transactions in Muriwhenua. The Tribunal states:

> *'[I]f the transactions were not sales in the first instance, there was no surplus that the Government could claim, and if the Maori transactions were personal to the Europeans concerned, and their issue, there was again no basis for the Government to assume an unencumbered right to any part. The Government's claim, moreover, was founded upon a legal theory that the radical title was vested in the Crown; but that legal theory was inappropriate to the circumstances of the colony, where the radical title was already spoken for.'*[1043]

The Tribunal has also found that it was doubtful that Māori were aware of the claiming of their lands as surplus at the time:

> *'The allocation of land to Europeans, to the Government, and to Maori was happening on paper. No change was apparent on the ground. One needed to have access to the documents and plans to know what was happening. Only White, Kemp, Bell, and whoever kept the papers in Auckland were in that privileged position. No physical possession was taking place.'*[1044]

[1042] Ibid., pp. 160-161.
[1043] Ibid., p. 398.
[1044] Ibid., p. 234.

Based on the Tribunal's findings it is clear that just like the land itself, the wāhi tapu should have been returned to Māori. As we shall see, this was not the case.

Raramata/Parapara

A land block of particular importance to be investigated by Bell was Raramata/Parapara. The block was large and contained a numerous important wāhi tapu such as Raramata, Haetureroa, Kaimaoa, Waitapu, Aurere, Pararake, Rotopōtaka and burials at Lake Ohia and along the Tokerau beach dunes. These are discussed in detail in the case study on Okokori found below.

Sometime before 1840, the land came in to the possession of the missionary Joseph Matthews. According to some claimants this was done by Timoti Ngatote in order to protect the land from sale. [1045] Matthews himself, however, states that he was sold the land by Panakareao in 1839 for 20 pounds cash, 1 cask of tobacco and 20 blankets.[1046] This is confirmed by the Parapara deed found in Turton's 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims'.[1047]

However it seems clear from later kōrero in the Godfrey Commission, Bell Commission and Native Land Court that this land was to be held for Māori, especially certain wāhi tapu within it such as the Pararake Pā.[1048]

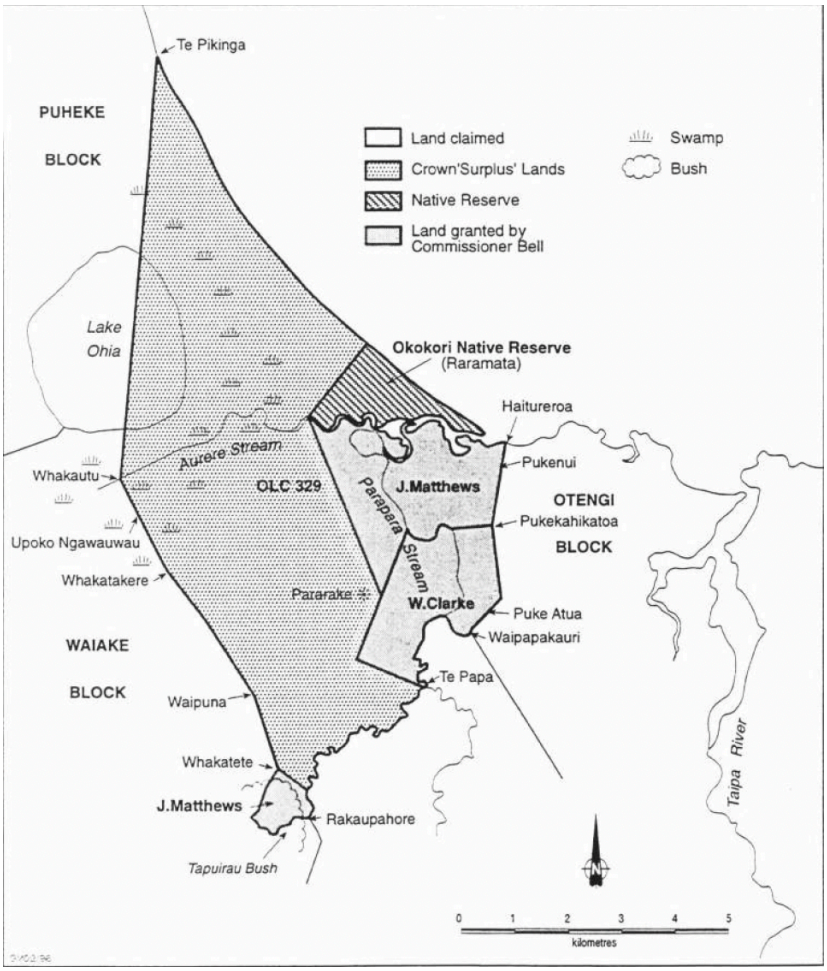
As the Waitangi Tribunal found in 1997:

> *'A feature of Joseph Matthews' transactions was the assumption that Maori would remain in occupation, that they would continue to have an interest, and that their interests would somehow be protected by the arrangement, presumably because Matthews as title holder could prevent an alienation.'*[1049]

[1045] Johns, *Footsteps of Hinetewai*, p. 77.
[1046] J Matthews, 28 January 1843, OLC 329, 14, ANZ (WLG), R18461515. Document Bank, p. 138.
[1047] Parapara Block, Turton, 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims', p. 47.
[1048] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 91.
[1049] Ibid., p. 144.

When the Raramata-Parapara claim came before Commissioner Godfrey, Nopera Panakareao stated explicitly:

> *'Mr Matthews has but a small portion of Raramata - the remainder of that place belongs to the natives still.'*[1050]



Map 74: Raramata, Parapara, Te Mata; awarded to Matthews and Clarke and to the Crown the remainder as surplus. Waitangi Tribunal, Muriwhenua Lands Report, p. 147

Based on the value of goods and assumed size of the land block (though no survey had yet taken place), Commissioner Godfrey recommended a grant to Matthews of 306 acres (124 ha).

[1050] Walzl, p. 975. See also OLC 329, Wai 45, Doc #D012.

Governor FitzRoy, accepting Matthews' personal appeal, increased the grant to 800 acres (324 ha). When the land was finally surveyed 16 years later, it was shown to be 7317 acres (2961 ha) in total.

In 1855, Wiremu Tana Papahia wrote to the Governor in reference to lands that were being sold to Pākehā that he claimed an interest in.[1051] These included lands claimed by Mr Matthews at Raramata. He asked for payment as recognition of his rights to the land and stated that he would continue to put forward his claims to the land. This led to an inquiry by then Commissioner of Land Claims, William Gisborne. On September 22, 1855 Gisborne noted that "no question as to the title to sell seems to have been raised" at Godfrey's inquiry.[1052] The claim was then referred to White as Resident Magistrate.

In 1857, Papahia arrived in Auckland, with other rangatira such as Tomairangi, Ngarewa, Te Karu, and Marupo of Hokianga, to request the payment for his interests in the Oruru valley. They also raised their claims to Matthew's Parapara land once again. Chief Land Purchase Commissioner Donald McLean noted in his report to Kemp:

> *'they wish to exclude a piece of land called Pararaki from the sale to Mr Matthews'*[1053]

There is no record of what action Kemp took regarding Pararaki/Pararaki.

In 1857, the Raramata-Parapara claim came before the Bell Commission. Matthews appeared along with Reihana Kiriwi and other Māori. [1054] Matthews produced a survey plan which defined the whole of the land north of Aurere Stream as 2967 acres (1201 ha).[1055] In a sworn statement, Matthews reminded the commissioner that, when the matter was before Godfrey, it

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[1051] Armstrong and Stirling, p. 127
[1052] Ibid., p. 128.
[1053] No. 11, The Chief Commissioner to Mr. Commissioner Kemp, Certain Hokianga Chiefs prefer Claims to Oruru. Land Commissioner's Office, 11th December, 1856, Henry H Turton, *An Epitome of Official Documents Relatives to Native Affairs and Land Purchases in the North Island of New Zealand*, George Didsbury, 1883, Wellington, Digitised as part of New Zealand Electronic Text Centre. Accessible online at https://ndhadeliver.natlib.govt.nz/webarchive/20210104000423/http://nzetc.victoria.ac.nz/tm/scholarly/tei-TurEpit.html
[1054] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 230.
[1055] The full circumstances of this are discussed in Armstrong and Stirling, p. 133.

was settled that the whole of the land at Raramata was reserved. The intention, he said, was to make a sufficient reserve for the natives for their canoes, nets, and other purposes. He went on:

> *'When the survey was made it was carried along from the entrance of the river to the stump of a tree and Te Pikinga, and I am desirous in performance of my promises to the Natives, [that] the whole of [the] land between the Raramata (or Awapoko) River and Te Pikinga should be given up as a Reserve for their use. If this is conceded the Natives have agreed to pay Mr Clarke for the survey of the same'*[1056]

Matthews also noted a "sacred place" called "Pararaki" which some Maori wished to have reserved, adding that he understood that Bell had agreed to this.[1057]

On February 15, 1858 Bell wrote to White regarding various Muriwhenua land claims and asked him to advise Matthews that:

> *'he must be careful as to the Pararaki Reserve mentioned in his evidence. I have had a Native letter from Wi Tana of Hokianga about it.'*[1058]

In January 1859, after calculating survey and fee allowances, Bell awarded Matthews 2,097 acres at Parapara. Matthews transferred 349 acres of this area to this Kaitaia award and selected a 1,748 acre grant for himself, out of which 659 acres were transferred to the claim's surveyor, William Clarke, as payment for his services. The Government retained 5,229 acres of surplus land.[1059]According to Bell's minutes from the hearing, Māori were meant to receive 'their cultivations in the forest marked on the plan' and according to correspondence, they were also to take Pararake Pa and urupa.

[1056] No. 11, The Chief Commissioner to Mr. Commissioner Kemp, Certain Hokianga Chiefs prefer Claims to Oruru. Land Commissioner's Office, 11th December, 1856, Henry H Turton, *An Epitome of Official Documents Relatives to Native Affairs and Land Purchases in the North Island of New Zealand*, George Didsbury, 1883, Wellington, Digitised as part of New Zealand Electronic Text Centre. Accessible online at https://ndhadeliver.natlib.govt.nz/webarchive/20210104000423/http://nzetc.victoria.ac.nz/tm/scholarly/tei-TurEpit.html
[1057] Armstrong and Stirling, p. 131.
[1058] OLC 8/2, Wai 45, F004, p. 167.
[1059] Armstrong and Stirling, p. 132.

Bell initially declined to grant a reserve to Māori, but after discussing it with Reihana Kiriwi and others, he agreed to make a reserve of 300 acres (later 340 acres) 'at Raramata'. There is no evidence that Bell had assessed the true area of Raramata.[1060] Armstrong and Stirling state that 'the old Pararake pa and wahi-tapu (marked on the plan as "Native Reserve Hill' were reserved for Māori.[1061]

The position of claimants was in fact put quite plainly by Timoti Puhipi in evidence before the Native Land Court in 1897:

> *'Reihana [Kiriwi] alone appeared in the Court before Commissioner Bell, he was asking for the whole surplus to be returned to him. But the Commissioner cut off this reserve - 340 acres only.'*[1062]

With regards to this land, the Waitangi Tribunal found:

> *'Our primary concern about the Raramata situation can be stated simply. We consider the Government's right to Parapara block, over 2600 acres (1052 ha), was never properly established and, on the evidence, the land should have been reserved for Maori.'*[1063]

The Tribunal has also found that it was doubtful that Māori were aware of the claiming of their lands as surplus at the time:

> *'The allocation of land to Europeans, to the Government, and to Maori was happening on paper. No change was apparent on the ground. One needed to have access to the documents and plans to know what was happening. Only White, Kemp, Bell, and*

[1060] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 234.
[1061] Armstrong and Stirling p. 132.
[1062] NMB, 17, 5 October 1897, p 368.
[1063] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 234

whoever kept the papers in Auckland were in that privileged position. No physical possession was taking place.'[1064]

Pararake was not reserved; it was used for a trig station which was a desecration of such a significant wāhi tapu and burial ground. The rest of the land, or 5229 acres (2238 ha), was retained by the Government as 'surplus'. This included the wāhi tapu at wāhi tapu at Lake Ohia, Rotopōtaka, and Tokerau Beach.

NATIVE LAND COURT

The Native Land Court was established by the Native Lands Act 1862 and became fully operative in 1865. The Court was the only avenue for Māori seeking a western-style legal title and Māori were encouraged to bring their customary land to the Court so as to have their title to it investigated and a Crown-derived title issued. Under the Native Land Court, remaining customary land was converted into permanent and individualised title, allowing for it to be partitioned and sold by individuals whether they had the full backing of their whānau and hapū or not. To put it simply, the Court undermined the collective customary interests in land held by Māori. This included the individualisation and alienation of wāhi tapu within the blocks.

The first chief judge of the Court, Francis Dart Fenton, established the precedent that judgements could only be based on the evidence presented to the Court. All claimants had to attend in person, which would have been difficult for some given the travel costs and time required.

Moreover, the court proceedings and lawyers' fees were not free and many claimants racked up large legal bills as a result of their claims. Some lawyers, grog sellers, Native agents and shopkeepers granted Māori credit while they awaited the outcome of their case and these expenses forced many to sell the land they had been defending to settle their debts. Court

[1064] Ibid., p. 234

hearings also racked up significant land survey charges for Māori which were a significant financial burden at this time.

From 1862 to 1867 the Native Land Court was required to name no more than 10 owners, regardless of the size of a block. While the ten owner rule was in force it was intended or assumed that the 10 or fewer owners would act as trustees for the wider community of owners, but there was no legal provision for this. Some owners acted as trustees, as noted above, but this tended to break down over time after successions took place. As Stokes found:

> *'The compulsory disinheritance of the ten-owner system meant that, from the beginning of Native Land Court operations in Muriwhenua, only a small proportion of those who held customary ancestral rights in Muriwhenua lands were recognised by the Crown in the titles to their lands'*[1065]

The Native land Act 1867 removed the 10 owner limit but this simply resulted in a longer list of individual owners.[1066] The key point is the Court and its legislation did not provide for any means of community control or collective hapū management, and almost by definition undermined kaitiakitanga, a duty traditionally exercised by the hapū collective. Successful claimants received title to the land in individual shares, not communally as part of (or trustees for) a tribal group. This also individualised wāhi tapu, which were communally held just as the land was.

White was appointed a Judge of the Native Land Court in 1865, in addition to all his other official duties. In 1869 he lost this position, partly because of his conflict of interest as a Native Land Court judge, Resident Magistrate and Civil Commissioner.[1067] Judge Maning, a former trader in Hokianga, took over the northern Native Land Court district.[1068]

[1065] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 25
[1066] s. 17, Native land Act 1867
[1067] Alan Ward, *A Show of Justice: Racial 'Amalgamation' In Nineteenth Century New Zealand*, Auckland: Auckland University Press, 1995, p. 180.
[1068] Stokes, 'A Review Of The Evidence In The Muriwhenua Lands Claims', p. 318

For the present claimants' tūpuna, most wāhi tapu were already alienated by the time the Native Land Court was established. All that remained were the 'Native Reserves' that had been set aside from land agreements with the Crown and the few remaining areas of customary land such as Mangahoutoa. As we have seen, the 'Native Reserves' had never been given legal protection under the Native Reserves Act 1856.

The Native Land Court had the ability to place some limited restrictions on selling the land it investigated. In the claimant rohe, it only placed restrictions on 20 of the 69 blocks of land it investigated.[1069] These were Te Kauri, Unuhia, Taumatawiwi, Takahue 1, Takahue 2, Pukenui, Pukekahikatoa, Parapara East, Oparihi/Oparahi, Okakewai, Merita, Karikari, Hauturu, Mangataiore, Te Ahua, Konoti, Te Hororoa, Motukahakaha, Patiki South (Patiki/Takahue) and Aputerewa 1. However these restrictions were temporary (either for 21 years or until they were subdivided (Konoti)) meaning that they only had the effect of delaying alienation rather than preventing it.

Importantly, the Crown also kept very poor records on reserves. It appears from the Native Land Court minutes on these blocks that the Court and Crown agents were not aware that the land blocks they were adjudicating on were Native Reserves at all. In some instance this was brought to the attention of the Judge by Māori claimants. As Commissioner of Native Reserves Charles Heaphy admitted, many of the Native Reserves "had been entirely lost sight of until search was made for the purpose of compiling the attached schedules".[1070]

During the period 1865-1870, claimants brought many of these blocks before the court. In some cases the Crown was even unable to produce the original conveyances for a number of blocks. These included Opouturi of 250 acres (101 ha), Whakapapa of 470 acres (190 ha) and part of Taheke at 484 acres (196 ha). The deeds of conveyance for each of these five blocks had, according to the Crown, gone missing. [1071] The burden of proof of ownership, therefore, was moved from the Crown to Māori.

[1069] Ibid., p. 29.
[1070] 'Report from the Commissioner of Native Reserves', AJHR 1871 F-4, p. 3
[1071] Waitangi Tribunal, *Muriwhenua Land Report*, p. 300.

The land blocks within the claimants rohe that came before the Native Land Court were:

Table 8: Native Land Court blocks

Name	Status prior to NLC	Acreage	Date title investigated	End result
Okokori	Excluded from Crown transaction (Raramata/Parapara)	340	1897	Partitioned but remain in Māori Land
Kaitaia	Customary Land	11,026	1868	Purchase by Crown in 1872
Kaitaia North	Customary Land	5,806	1868	Purchase by Crown in 1872
Mangamuka West	Customary Land	12,900	1908	Sold throughout 20th century, some Māori land remains
Te Kauri	Customary Land	261	1875	Sold 1875
Unuhia	Customary Land	3963	1876	Purchased by Crown in 1876
Ahitahi	Excluded from Crown transaction (Mangataniwha East)	584	1866	Sold, 1867
Mangataraire	Excluded from Crown transaction (Whakapaku)	200	1869	Sold 1869
Haumapu	Excluded from Crown transaction (Mangataniwha East)	488	1885	Sold, 1885
Hikurangi	Excluded from Crown transaction (Hikurangi)	522	1868	Sold
Ikatiritiri	Excluded from Crown transaction (Oruru 1856)	19	1882	Sold, 1899

Otaharoa	Excluded from Crown transaction (Mangataniwha East)	241	1869	Sold, 1872
Takeke	Excluded from Crown transaction (Maungataniwha West 2)	79	1865	Sold 1877
Pakautararua	Excluded from Crown transaction (Oruru 1854)	202 (two parts)	1869	Sold, 1875 and 1877
Peria	Excluded from Crown transaction (Maungataniwha West No 1)	1130	1865	Partitioned and sold from 1901 on. approx. 594 acres remain Māori land
Pukenui	Ostensibly part of Mangonui 1863 purchase (though not acknowledged by Court)	108	1877	Partitioned and part sold with approx. 52 acres remain Māori land
Te Awapuku	Excluded from Crown transaction (Mangataniwha East)	204	1873	Partitioned and sold off from 1875 on
Te Kuihi	Excluded from Crown transaction (Oruru) 1856	34	1871	Sold
Waipuna	Excluded from Crown transaction (Oruru) 1856	38	1855	Split in two and sold in 1866
Aputerewa	Excluded from Crown transaction (Mangonui) 1863	2118	1872	Split in two and sold off with only approx. Aputerewa 1 was given temporary 21

				year protection. 300 acres remaining in Māori land
Oparahi (Oparihi)	Supposedly part of Mangonui 1863 purchase (though not acknowledged by Court)	7	1873	Sold 1873
Te Korihi	Possbily part of Awapuku or Otaharoa reserves	50	1885	Sold, 1885
Oturu	Customary land	1174	1882	Partitioned and sold. approx. 430 acres remain in Māori Land
Te Ahua	Excluded from Crown transaction (Toatoa)	627	1868	Partly sold, 1868. approx. 468 acres remain in Māori Land
Opouturi	Excluded from Crown transaction (Toatoa)	250	1870	Sold, 1871
Mangahoutoa	Customary land	295	1866	Still Māori Land
Parangiora	Excluded from Crown transaction (Upper Kohumaru)	160	1872	Sold, approx. 41 acres still in Māori Land
Otarapoko	Excluded from Crown transaction (Mangatete)	206	1865	Sold, 1918
Wiwhero (Whiwhero)	Excluded from Crown transaction (Mangatete)	178	1865	Sold, 1947

Rangiranginga	Excluded from Crown transaction (Mangatete)	176	1865	Sold, 1869
Hauturu	Excluded from Crown transaction (Mangatete)	151	1867	Sold from 1911 onward, except 0.3 acres
Mangataiore	Excluded from Crown transaction (Maungataniwha West 2)	381	1867	Part sold, approx. 190 acres still Māori Land
Hororoa	Excluded from Crown transaction (Kaiaka)	41	1868	Still Māori Land
Whakapapa	Excluded from Crown transaction (Kaiaka)	470	1870	Sold 1871
Waimamaku	Excluded from Crown transaction (Kaiaka)	154	1866	Sold 1841
Rangitihi	Customary Land	189	1871	Sold, early 1880s
Perukia	Customary Land	203	1872	Sold except 1.5 acres
Te Konoti	Customary Land	2,647	1868	Part sold, approx. 815 acres remain Māori Land
Okerimene	Customary Land	209	1871	Sold 1871
Orakiroa	Customary Land	87	1871	Sold
Oharae	Customary Land	197	1872	Sold, 1918
Whatuwhiwhi	Customary Land	587	1873	Part sold, approx. 427 acres remain Māori Land

Te Kopua O Rangiriri	Customary Land	16	1868	Sold
Puketu	Freehold Land	5	1982	Still Māori Land
Patiki North	Customary Land	4700	1870	Sold, 1871
Patiki South	Customary Land	2219	1875	Sold, except 3 acres
Taumatapukapuka	Customary Land	1430	1870	Sold, 1871
Parakerake	Customary Land	3054	1868	Sold, 1872
Karikari	Customary Land	1936	1877	Part sold, approx. 1258 acres still still Māori Land
Moturoa Islands	Customary Land	67	1928	Still Māori Land
Whakapouaka	Customary Land	235	1928	Partitioned but still Māori Land
Merita	Customary Land	918	1877	Part sold but approx. 550 acres still Māori Land (or 3245 counting Ngatikahu block)
Taumatawiwi	Customary Land	2257	1877	Partitioned but still Māori Land
Takini	Customary Land	90	1928	Partitioned but still Māori Land
Otepu	Customary Land	177	1896	Sold, 1897

Motukahakaha	Supposedly excluded from Whakapaku block, but never formalised	494	1873	Sold, from 1901
Taupo	Supposedly excluded from Whakapaku block, but never formalised	2510	1901	Sold from 1912 on
Taemaro	Supposedly excluded from Whakapaku block, but never formalised	99	1870	approx. 95 acres remain Māori Land
Waimahana	Whakaangi-Takerau block	649	1870	Partitioned but still Māori Land
Ruaroa	Customary Land	729	1868	Sold (but never paid), 1868
Waiaua	Supposedly excluded from Mangonui 1863, but never formalised	147	1885	81 approx. acres remain in Māori Land
Pukekahikatoa	Customary Land	344	1896	76 approx. acres remain in Māori Land
Kohumaru Lower	Supposedly covered by Mangonui 1863, but never formalised	2067	1901	Part sold, approx. 1580 acres remain in Māori Land
Taheke	Excluded from Crown transaction (Kaiaka)	484	1866	Part sold, approx. 71 acres still in Māori Land
Maimaru	Customary Land	523	1867	Part sold, approx. 103 acres still Māori Land

Kareponia	Customary Land	2164	1867	Part sold, approx. 570 acres still Māori land
Mangatawa	Customary Land	8	1867	Still Māori Land
Parapara	Customary Land	1643	1877	891 approx. acres remain in Māori Land
Okakewai	Customary Land	1,514	1875	Part of block remains Māori land
Total acreage adjudicated by NLC		79, 181		

The vast majority of Native Land Court title investigations left very brief records. The minutes for many hearings are 1-2 pages in length, such as Te Awapuku, Hikurangi or Otarapoko. In these cases, claimants presented their case quite briefly, often citing rights derived from an ancestor or simply current occupation.

If there was no major dispute then the court granted certificate of title to the claimants and in some cases to other grantees who claimants asked to be included. In some other cases, title was granted to the claimants, while a longer list of people was added as a Memorial of Ownership. After 1873, those named on the title could not alienate the land without the agreement of the majority of those named on the Memorials of Ownership.

The majority of Native Land Court minutes are brief and wāhi tapu are not discussed often. There are some exceptions which generated huge amounts of historical evidence, usually when there was a major disagreement between claimants. This was the case with the Kohumaru hearing in 1901 which generated 86 pages of detailed evidence, including on wāhi tapu. This is dealt with at length in the Kohumaru case study below.

In some cases, the court minutes have not survived. This is the case for many of the hearings adjudicated by Judge Maning, the minutes of which were lost. Other documents such as conveyances were also lost to a fire that took place in Auckland on 19 November 1872.[1072] Native Land Court minutes relevant to the claimants' rohe (as defined for this project) that were lost are:

- Aputerewa 1 and 2 Title Investigations
- Okerimene Title Investigation
- Oharae/Perukia Title Investigation
- Kaitaia Title Investigation
- Rangitihi Title Investigation
- Orakiroa Title Investigation
- Okahu Title Investigation
- Whakapapa Title Investigation
- Oharae Title Investigation
- Perukia Title Investigation
- Waimutu Native Reserve
- Patiki Title Investigation
- Motukahakaha
- Oparihi Title Investigation
- Opouturi Title Investigation
- Parangiora Title Investigation
- Taumatapukapuka Title Investigation
- Te Awapuku Title Investigation
- Te Kuihi Title Investigation
- Whatuwhiwhi Title Investigation

The remaining Native Land Court title investigations have been thoroughly reviewed. Of these 49 title investigations, only 9 discuss wāhi tapu specifically. These are discussed below.

[1072] Maurice Alemann, 'Muriwhenua Land Claim: Mangonui, Native Reserves and Opouturi', p. 34.

Te Hororoa

The Te Hororoa title investigation was heard before the Court on 21 July 1868. The surveyor, J. Campbell, stated that Wiremu Pikaahu had pointed out the boundaries to him and he was also aware that there were several burials on the plot. No further information is given in the hearing minutes. The block was awarded to Wiremu Pikaahu, Hoani Te Karu, Pita Tohia, Rawiri Taringa & Rakana Waiaua.[1073]

Karikari

The title investigation of the 1936 acre Karikari block was heard on 7 March 1877 before Judge Henry Monro and Assessor Wiremu M. Hikairo at Mangōnui. The final counter claimant Emiri Hare Matenga stated that her ancestors lived at Otamawhakaruru where they had a wāhi tapu. The Court awarded the block to Timoti Ngatote, Pene Te Kaitoa, Riwhi Taniwha, Mata Ngakina, Te Ra Papera, Ihaka Kahoe, Raharuhi Ihaia, Matiu Paekoi, Haki Wi Kaitaia, Te Kingi Rakena, Herepeti Kingi, Te Kihiringi Te Morenga and Miriama Tipene.[1074] Emeri Hare Matenga was not one of them. It is worth noting that Otamawhakaruru was on the Puheke block, not the Karikari block and so Emeri Matenga's evidence of the wāhi tapu may not have influence the Court's decision. This is discussed at length below in the case study on Otamawhakaruru.

Pukenui

The Pukenui title investigation was heard on 8 March 1877. There was much discussion of the land and the fighting between Nopera and Pororua over Ōruru, though only Rangikāpiti is mentioned specifically. This is in the context of the planting of the flag there, which is discussed below in the case study on Rangikāpiti.[1075] Tipene Te Taha said:

[1073] Te Hororoa Title Investigation, NMB, 1, 21 July 1868, p. 39.
[1074] Judgement, Karikari Title Investigation, NMB, 1, 7 March 1877, p. 154.
[1075] Judgement, Pukenui Title Investigation, NMB, 1, 10 March 1877, p. 186.

Our fathers were fools and did not drive Ngapuhi away – In my time we did. Our tribe defeated Pororua several times. We did not fight – We set up a flag on Rangikapiti (Township hill) – Pororua came and knocked it down – We set it up and he knocked it down again and so on until we fought it out at Oruru – The Ngapuhi joined Pororua and the Rarawa joined Nopera. [1076]

Pukekahikatoa

On 2 June 1875 Timoti Popata appeared before the Court to make his claim to the Pukekahikatoa block. Popata said that:

'We have had the block subdivided. The owners of this land belong to two Hapus. One Hapu will be on No. 1 and the other Hapu on No. 2. The division was decided upon at a meeting we held at Mangonui. My hapu claim on the north side or No. 1. We have lived and cultivated on this land. My ancestor Whakaeke died and was buried on it.'[1077]

Popata also stated that his grandfather, Ngahinu, had died on Pukekahikatoa.

The first counter claimant was Pene Korako, who spoke of a pā called Pukekahikatoa on the land where Whiro was the chief and another pā called Waiapa Pakokai which was outside the boundary of the block. The pā was built by Tungutu and Pouroa in defence against Aupouri. Pene Korako alleged that none of the ancestors of Timoti Popata had pā on the block.[1078]

Herepeti Rapihana next gave evidence. He stated that the land belonged to the Uri o Hina hapū, the people of Timoti Puhipi. He said he could point out the landmarks of Tungutu and Tumaingarua on Pukekahikatoa, but that the pā were alone sufficient because they belonged to Taraanga. Herepeti did name a house of Tumaingarua called Te Ipu o Te Rangi. He explained

[1076] Tipene Taha, Pukenui Title Investigation, NMB, 1, 8 March 1877, pp. 170-171.
[1077] Timoti Popata, Pukekahikatoa Title Investigation, NMB, 16, p. 63
[1078] Pene Korako, ibid., pp. 63-64.

that the original occupants of the land were Ngāti Awa. The pā was originally that of Taraanga and Whiro was the last to occupy it.[1079]

In the end, the Court awarded the land to Hone Mare and Herepete Rapihana because neither Timoti Popata, nor is father or grandfather had occupied Pukekahikatoa. Hence, his claim was 'set aside'. This is despite the fact that Timoti Popata noted wāhi tapu (including urupa) on the block to which he was directly connected, as discussed above. The block was later divided in two in 1896.

Parapara

The Parapara case was heard on 5 March 1877 for the 1643 acre Parapara block. During the hearing, Wi Te Take stated:

> *'Paraki the hill near this land was a tapu of my ancestors – many of them are buried there – Our Pa was at Puketu at the mouth of Parapara. My ancestors lived at Parapara – I was born at Ahipara.'*[1080]

Wiremu Kingi also claimed that his ancestor's (Te Teira) father and brother, and many other relatives of Wi Kingi, were buried at Parapara, while Te Teira was buried at the mouth of Parapara. Te Make was buried in the forest on the Parapara block.[1081]

Tere Te Hau also stated that his uncle on his mother's side had told him of an ancestor of theirs who had been buried at Parapara.[1082]

Winiata Tomairangi Papahia presented his case as a descendant of Houmeaiti. He claimed that Te Teira was the elder brother of Winiata's father, who lived at Parapara, died at Peria and was

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[1079] Herepeti Rapihana, ibid., pp. 65-67.
[1080] Wi Te Take, Parapara Title Investigation, NMB, 1, pp. 135-136.
[1081] Wiremu Kingi, ibid., pp. 136-137.
[1082] Tere Te Hau, ibid., p. 137.

buried at Pararaki.[1083] Henare Kepa also confirmed that to his knowledge Wiremu Kingi's 'matuas' were buried at Pararaki.

The Court granted the land to Henare Popata, Piri Raiti, Henare Kepa, Pirika Pina [sp?], Mawene Kiriwi, Rora Kiriwi, Timoti Kiriwi, Mere Kepa, Harieta Kepa, Maraea Kepa, Henare Parata, Pene Te Kaitoa, Matiu Tauhara, Wiremu Pikahu, Timoti Popata, Hehu Wharerau, Haki Wi Kaitaia, Wiremu Kingi, and Winiata Tomairangi Papahia. It disallowed the claims of Wi Te Take and Tere Te Hau, saying they had not claim to the block[1084]

The Pararaki/Pararake wāhi tapu is discussed below in the case study on Okokori.

Oturu

Oturu was first heard before the Court on 15 May 1882 Judge John Jermyn Symonds and Native Assessor Pirimi Mataiawhea. Timoti Popata stated:

> *'One of our "Kaingas" or places of residence on it was called Toketokia. We had another just outside the South Western boundary of this block called Waikauia it was situated near the Missionary Station. We had a burial place on the North Eastern side of this block called Tumahine [sp?]. We have cut Puriri Trees at Puranga towards the Southern boundary near the road which we sold to an European. We had another burial place at Ngarara Whikatama [sp?]'*[1085]

Pene Te Kaitoa then took to the stand and declared that the land belonged to his ancestor Te Reinga. Like other witnesses, Pene Te Kaitoa had not lived on Oturu, but Te Reinga resided there and had a pā on the block called Tirotiro. Te Reinga was killed between Tirotiro Pā and another pā called Tututarakihi, which was outside of the block on land sold by Nopera to Europeans. [1086]

[1083] Winiata Tomairangi Papahia, ibid., p. 137.
[1084] Judgement, ibid., p. 139.
[1085] Timoti Popata, ibid., p. 220.
[1086] Pene Te Kaitoa, Oturu Title Investigation, NMB, 1, p. 223.

Hupata Kaka also gave evidence regarding wāhi tapu, claiming that Oturu pā belonged to Wahanui and others:

> *'The defences are still to be seen, and this land is a portion of that land – The reason we have not included that pa in the survey of this land is that we have agreed for a portion of us to have this land and others to have the land outside of this – We are not living on it now, we left 3 or 4 years ago – We used to cultivate along the slopes of the Waipakapaka river and it was all known by the name of Oturu. We had another cultivation called Waukauia outside the south western boundary of this land – Another at Tokitokia within this block near the road – these are all the cultivations I know – We had a Wahi Tapu at Oturu and another at Taraapunga to the south west of this block included on land sold to the Government.'*[1087]

Timoti Puhipi also stated that:

> *'Oturu pa belonged to Wahanui and Te Whai. I saw some of Ngaitakoto living on Oturu. I saw Tamati Rangitaunuku living there also. The N. Takoto and Patukoraha are closely connected."*[1088]

The Court then gave their judgement in favour of Patu Koraha and Ngāi Takoto, as well as those of Ngāti Kuri who were connected to those tribes by marriage.[1089]A list of 88 names was provided by Timoti Popata and Hupata Kaka.[1090] Timoti Popata and Hupata Kaka were included in the grantees, Pene Te Kaitoa was not.

Oturu 2

[1087] Hupata Kaka, Oturu Title Investigation, NMB 1, p. 239.
[1088] Timoti Puhipi, ibid., p. 243.
[1089] Judgement, ibid., p. 244.
[1090] Oturu Title Investigation, ibid., p. 247.

Oturu 2 block was heard on 14 November 1895, being a subdivision of the original Oturu block heard in 1882. Timoti Puhipi claimed the land through ancestry from Te Reinga. He said that he knew the pā and cultivations that belonged to Te Reinga on the land. He claimed that Te Reinga's pā was called Tirotiro, but that he had other pā aside from just that one, including Oturu. Tirotiro Pā was built in order to prevent Taraanga from taking the land, according to Timoti Puhipi.[1091]

In response to Timoti Puhipi's claims, Timoti Popata said that he had only heard of the ancestor Te Reinga and his pā at Tuturutarakihi, Tirotiro, from 'the other side'. According to Timoti Popata, Tirtiro was 'some distance inland from Oturu', Tuturutarakihi being at Awanui.[1092] Timoti Popata claimed the block for his entire hapū, and although they had no burial place on the block, they did have a settlement on Oturu No. 2 and also a burial place on the adjacent block (presumably Oturu 1).

The Court ruled that Timoti Popata, Hakaraia Te Awarau and 53 other individuals provided by the two claimants were awarded the block. Timoti Puhipi and those he represented were not admitted on the basis that their evidence was not sufficient to prove their claim.[1093]

Okokori

Okokori was the only land in the claimants' rohe set aside for Māori from the Old Land Claims process (specifically the Bell Commission).[1094] The Okokori Native Reserve title investigation was heard on 4 October 1897. Mawene Kiriwi stated that:

> *'It was a summer settlement and fishing place for my ancestors. We have a cemetery in the land. Our hapu's name at the time was Ngatitua. I assent that my ancestors Parata and others alone sold this 7000 odd acres to Mr Matthews.'* [1095]

[1091] Timoti Puhipi, Oturu No. 2 Title Investigation, NMB, 16, 15 November 1895, pp. 14-17.
[1092] Timoti Popata, ibid., pp. 17-19.
[1093] Judgement, ibid., p. 20.
[1094] Parapara/Raramata from Joseph Matthews.
[1095] Mawene Kiriwi, Okokori Native Reserve Title Investigation, NMB, 17, 4 October 1897, p. 366.

Rihi Pikaahu spoke of the cemeteries on the block:

> *'I know this reserve and the cemeteries within it. The bodies buried there have been removed. Ngatikaha [Kahu?] was their hapu. Whaitine was first body buried there – not Ngatikaha. There is another cemetery, some bodies of Te Paatu buried there, some of them have been removed, others remain there now.'*[1096]

Regarding the moving of kōiwi, Piri Raiti said:

> *'I heard that the bodies were removed to the church at Parapara after its erection in order to be near a sacred building there being none at Kokori. He told me that the first bodies buried at Kokori were his people but my mother also was buried there. My mother was a relation of Parata Taha's.'*[1097]

In reply, Mawene Kiriwi claimed that only his dead had been moved to Parapara. Henare's relatives had been taken to Toatoa and others had been taken to Rangiāwhia.[1098] The following day the Court announced its findings:

> *'The Court finds that this land was reserved by the Government through the Commissioner Sir D. Bell for the Natives, friends and relatives of the late Reihana Kiriwi and Wiremu Pikaahu and requests these people to hand in lists of names for inclusion in same.'*[1099]

An order was made in favour of Hinau Wiremu Pikaahu, Piri Raiti, Mawene Kiriwi, Timoti Kiriwi, Henare Tapa & Wiki W Pikaahu for equal shares in the 340 acre reserve called Okokori or Te Awapoko.[1100]

[1096] Rihi Pikaahu, ibid., pp. 370-371.
[1097] Piri Raiti, ibid., p. 373.
[1098] Mawene Kiriwi, ibid., p. 375.
[1099] Judgement, ibid., p. 379.
[1100] Ibid.

Kohumaru

The Kohumaru title investigation was heard on 7 October 1901. As discussed above, the hearing generated a huge amount of evidence, including on wāhi tapu. This is discussed in detail below in the Kohumaru case study. The Court found that the land had been originally owned by Ngāti Kahu, and that while Ngāpuhi had fought Ngāti Kahu, this was insufficient to supersede their ownership.

In this case, the presence and ownership of wāhi tapu was a factor in determining the outcome. The Court noted that the kōiwi of 'those persons partly Ngapuhi who died at Kohumaru have been taken away to Ngapuhi country; while those persons of N. Kahu who died away have been brought to Kohumaru for interment.'[1101] This, they declared, was evidence in establishing the fact that the Ngāpuhi invasion had not established permanent rights of ownership. The case was appealed and petitions regarding the cases outcome were sent to the Crown well in to the 20th century. This is discussed below in the case study on Kohumaru.

ACCESS TO WĀHI TAPU

By the late 19th century, the vast majority of claimants' wāhi tapu had been alienated. In some cases this loss was not immediately felt, especially in cases where settlers did not move on to the land. Tangata whenua access and kaitiakitanga was able to continue during this time and in many cases it appears that kaitiaki were not aware the land had been alienated. However, as the Pākehā population of the district grew and settlers took up the land, the reality of land alienation began to set in.

In some cases because settlers built strong relationships with Māori and continued not only to provide access to resources and wāhi tapu, but also to respect those wāhi tapu themselves.[1102]

[1101] Judgement, Kohumaru Title Investigation, NMB, 31, 16 October 1901, pp. 211-215.
[1102] Michael Belgrave et al., 'Te Rohe Pōtae Environmental and Wāhi Tapu Report', 28

However, these relationships could be tested and broken for a number of reasons, including the on-selling of the land and changing economic circumstances. [1103]

Māori continued to put considerable faith in these relationships, despite their fragility, in the face of urban drift, subsequent land sales and changing land use. Whatever the nature of these relationships, they had no legal protection. [1104] As land continued to be sold, connections with original settler families dwindled and access to wāhi tapu increasingly became a problem.

Access to wāhi tapu in the claimant rohe was highlighted as an issue throughout the research for this report as the project team attempted site visits. Landowner permission had to be sought to the majority of sites that lacked public access or were not on claimant land. This included Kauhanga Pā, Donovans Block, Hauturu, Ohinu, Rangi Āniwaniwa, Wharekākāriki, Te Rangi, Haitureroa, Otamawhakaruru, Rangitoto, and Te Pā O Moehuri. In some cases such as Kohumaru, landowner permission for access was not granted and this hampered the project teams ability to complete research on these case studies.

In the case of Kauhanga Pā, land alienation during the 19th century has left the wāhi tapu on private land. Access to the pā has been sporadic for claimants, mostly occurring during work on Waitangi Tribunal inquiries and archaeological investigations. Access to Kauhanga remains at the discretion of the landowner who has been gracious enough to allow site visits for this project. The pā is partly fenced, located in a grazed field adjacent to the landowners residence. Landownership has changed several times, requiring claimants to re-establish cordial relationships for access with the new land owners each time the land is sold.

Similarly, the numerous wāhi tapu found on the Donovans Blocks were alienated during the 19th century, principally in the Oruru agreements of 1854 and 1856. Today they remain as Crown land, managed as forestry blocks. Access is difficult, though possible, for claimants who require permission from the land-owner and site manager. Permission was granted for site visits for this project though this was the first visit to this land for many claimants given the

[1103] Ibid.
[1104] Ibid.

access issues. Oruru pā, which lies partly in the Donovans West block and partly on private land, was unable to be accessed for this project owing to a land of access permissions.

In the case of Hauturu, only two small wāhi tapu (1A and 4C) were retained as Māori land from the original Native Reserve. Both of these blocks remain in the ownership of three since people, now deceased, and are completely landlocked by private land.

Map 75: Hauturu 1A and 4C (red) with property parcels in blue. Source: LINZ.

Hauturu 1A was subdivided from Hauturu 1 in 1921, with 1B and 1C later being sold. Hauturu 1A (0.1ha), in the west of the original reserve, is recorded today as an urupa. It is registered as Māori Freehold Land, having been exempted from accruing rates by order of the former Mangonui County Council. It is completely landlocked by private land with claimants having never been to the wāhi tapu as a result.

Hauturu 4C was split off from Hauturu 4 in 1909, with Hauturu 4A1, 4A2, 4B and 4D later being sold. As discussed above, it is currently unfenced and indistinguishable from the surrounding pasture land. It is registered as Māori Freehold Land and has been given a similar rates abatement as 1A. They are land locked and totally inaccessible expect with permission from adjoining land owners.

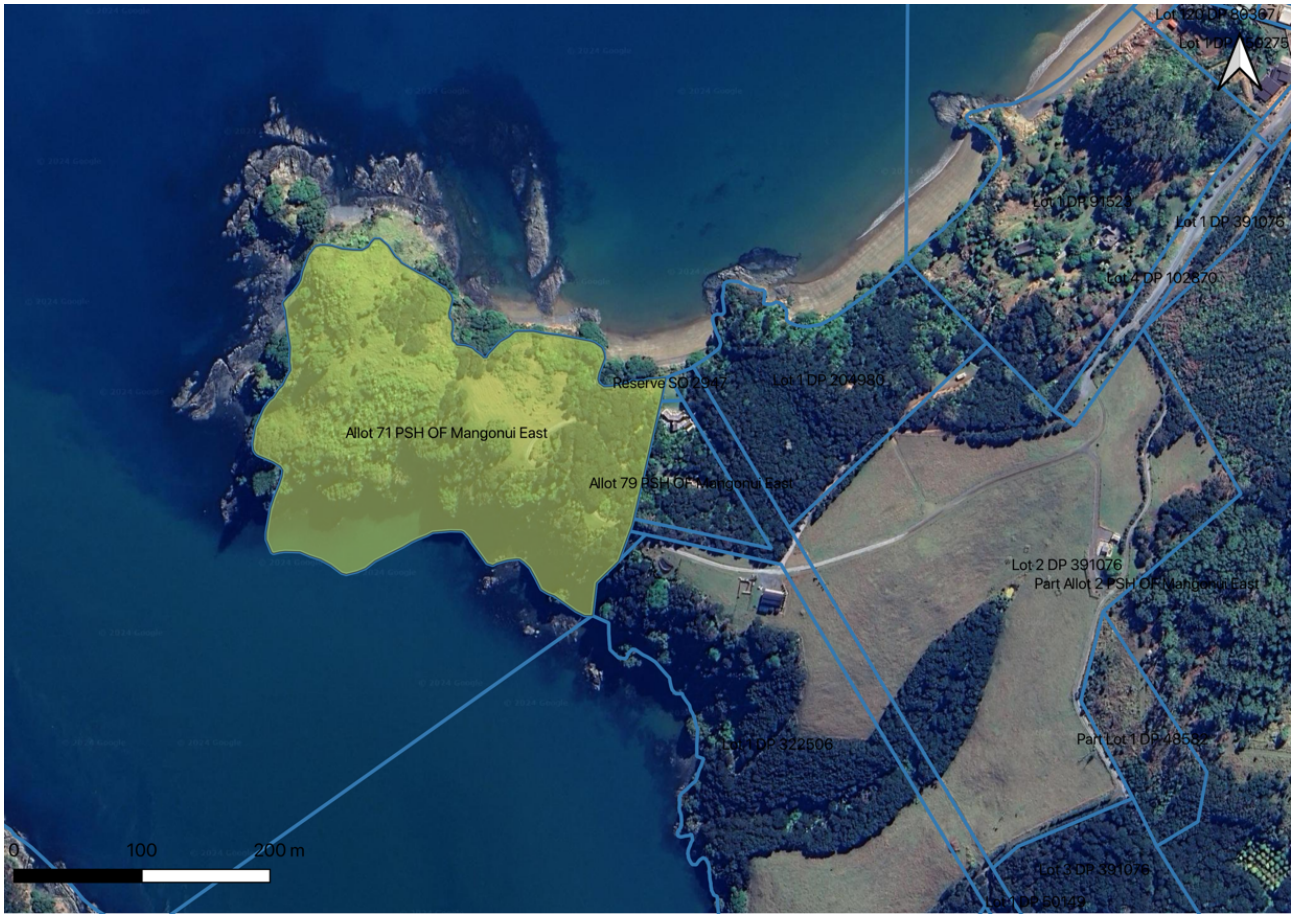
The wāhi tapu of the Okokori cultural landscape are largely on private land, with the exception of those on the Okokori A and B blocks of Māori land. Those on private land include some of the oldest and most significant in the region such as Pararaki (Pararake), Haitureroa, Mamangi, Kohatutapu, Waitapu and Rauparaore. Access to some of these wāhi tapu was granted by landowners to allow site visits to this project. However, permission was not forthcoming for all sites.

As discussed above, Otamawhakaruru presents an interesting case study in terms of access. Access for this project occurred through the adjoining land block to the north, at the discretion of its owner Pāmu (Landcorp), who co-manages the Rangiputa station with Ngāti Kahu. However, cadastral investigations have since discovered that legal access does technically exist through a paper road to the south of the block (as shown below). However the site visit found that this paper road is indistinguishable from the surrounding land block and is not marked on the land in any way. Access to this paper road from the main road is blocked by the fence surrounding the Rangiputa station land (Lot 4 DP172526).

Map 76: Otamawhakaruru (pink), with paper road (red), property boundaries (blue). Source: LINZ property boundaries, 2024. Basemap: Google Aerial Imagery 2017.

Another illustrative case study in terms of access is Rangitoto Pā, located at the entrance to the Mangōnui harbour. As discussed above, the land was alienated through pre-Treaty land agreements before being taken by the Crown for defence purposes and then transferred to the Far North District Council as a reserve. Despite its reserve status and Council ownership, the pā is only accessible through adjacent land, namely Lot 2 DP 391076 Lot 1 DP322506 (as shown below). An informal agreement has been reached with the adjoining landowners to allow access but this requires their permission, an interesting case for an ostensibly public reserve. This informal access includes a metalled road through the pā land block to the adjacent residential property Allot 97 Parish of Mangonui East. As noted by Maxwell and Huebert, a foot survey of Rangitoto was also not practical for this project, as the majority of the pā is inaccessible due to regenerating native bush or invasive scrub.[1105]

[1105] Maxwell and Huebert, p. 384.



Map 77: Rangitoto Pā (yellow) with land parcel boundaries (blue). Source: LINZ.

Finally, Kohumaru Station case study highlights the difficulties experienced by claimants in accessing wāhi tapu. As discussed above, Kohumaru Station was alienated in the mid-19th century through land agreements with the Crown (Kohumaru 1859 and Pupuke 1863). The station remains Crown-land today, having been landbanked for future settlements. This area was an important case study for this project, being central to the Wai 295 claim.

Access was sought by claimants for an archaeological survey of the land in 1992. However, access was withheld with the result being that the survey could not take place. This left claimants without the evidence they sought for the hearing of their claim. More than 30 years later the case remains the same. Access to Kohumaru Station for an archaeological survey for this project was sought but denied.

PROTEST AND PETITIONS

Protest against the loss of claimants lands, taonga and wāhi tapu began right from the moment the Crown began breaching its obligations under Te Tiriti. It has continued in an unbroken chain, passed down from one generation to the next right down to the present day.

During the nineteenth century in particular, protest often took place at the local level. [1106] Grievances were addressed to the Crown through its local representative in Muriwhenua, the Resident Magistrate. Many protests were almost certainly made at this level and were neither documented nor followed up.[1107] Geiringer, for instance, suggests:

> *'The evidence thus suggests that' there may have been a substantial amount of protest made at the local level that was never documented, followed up or reported to the central Government.'*[1108]

Resident Magistrates like William Bertram White were effectively governor, administrator and magistrate all rolled into one. White, for instance, had varying degrees of involvement in the Crown's land purchase activities, in the facilitation of private purchases and in the administration of the Native Land Court system. [1109] White was the Resident Magistrate from 1848-1878 overseeing the loss of the vast majority of claimant's wāhi tapu. In addition to his role as government representative and local magistrate, White held at various times the positions of Native Land Court Judge, Crown land purchase agent and even district officer under the "Native Land Act 1873".[1110] There were many complaints from Māori regarding the concentration of power and White's obvious conflicts of interest. [1111]

[1106] Geiringer, 'Subsequent Maori Protest Arising From The Crown Land Purchases In Muriwhenua 1850-1865', p. 2.
[1107] Ibid.
[1108] Ibid., p. 2.
[1109] Ibid.
[1110] Ibid.
[1111] "Conduct of W. B. White, Esq., R. M., Mongonui", AJHR, 1873, H-37. "Electoral Roll of Mongonui and Bay of Islands District", AJHR, 1879, H-8, 56; Geiringer, "Historical Background to the Muriwhenua Land Claim, 1865-1950", pp. 116.

Protests continued into the 1880s, with H. W. Bishop noting that the surplus lands issue had been 'for some time past attracting attention in every direction amongst the Natives' and that considerable sums of money had been collected to prosecute these claims.[1112]

Despite these general references to protest activity at this time, there is little specific written evidence of protest during the 19th century. Geiringer has suggested that issues with the alienation of lands and wāhi tapu were likely brought to White's attention either orally, in writing or through protest action, but that they then went no further.[1113]

In one recorded instance, a petition to the Crown regarding the Waiaua block was reported on by White as: 'only one of many which are being discussed about here, which if encouraged will cost immense sums of money, and encourage a most dishonest repudiation of all their former sales'.[1114] White was quite clear; properly investigating genuine complaints from Māori would be expensive and bring existing land deeds in to question. This was something the Crown could not risk.

Even in cases where Māori attempted to bypass White and make their claims directly to the central Government powers, White's word still prevailed.[1115] This left Māori with little to know effective channel for expressing their grievances or seeking restitution.

One of the many ways claimants' tūpuna chose to protest the loss of their lands and wāhi tapu was to write petitions to the Crown. These petitions are important as the document the grievances of Māori regarding their wāhi tapu and the Crown failures to protect them. These petitions were often written by rangatira, on behalf of whānau and hapū. However, the Crown once again kept poor records of these important documents and in many cases only the summaries made by Crown officials for the Native Affairs Committee have survived.

[1112] H. W. Bishop Report, AJHR, 1885, G-2, no 3, 1.
[1113] Geiringer, 'Subsequent Maori Protest Arising From The Crown Land Purchases In Muriwhenua 1850-1865', p. 3.
[1114] White to McLean, 30 December 1862, ACFC 27 OLC1, OLC558A-566, ANZ (WLG), R18461702. Document Bank, p. 139.
[1115] Geiringer, 'Subsequent Maori Protest Arising From The Crown Land Purchases In Muriwhenua 1850-1865', p. 3.

Once a petition was received by the Crown (often by one of its local agents such as White), the petition was translated, summarised and a report made by the Native Department. In light of the departmental report, the Native Affairs Committee then considered the petitions and decided whether to recommend further action. In some cases the Committee recommended that the petitions be referred back to the Government, either for "inquiry", "investigation", "consideration" or "favourable consideration". Even the seemingly validating term "favourable consideration" seems to have simply meant that the petitions were then referred back to the Native Department.[1116]

Otamawhakaruru - Te Kirihini Te Moerangi

In 1882 Te Kirihini Te Moerangi wrote to the Crown regarding the Otamawhakaruru wāhi tapu. The petition noted that this was meant to have been excluded from the Puheke block and asked that 20 acres be granted for the burial ground. [1117] The petition had been forwarded to the Committee by H W Bishop, Resident Magistrate at Mangōnui. Like many contemporaneous requests to the Crown, the original petition has not been kept in the records. Instead the first reference we have is the summary of the petition in the Native Affairs Committee report for that year. The report reads:

> *'No. 297 of 1882.—Petition of Kirihini Te Moeranga.*
>
> *Petitioners say that a burial-place is included in land sold to Government at Otamawhakaruru, Mongonui, and that this burial-ground was excepted from the sale, but petitioners find that no provision has been made to give them possession. They pray that 20 acres of land, including the burial-ground, may be given to them.*
>
> *I am directed to report as follows:—*
>
> *That the petitioners do not give the name of the block referred to; but Mr. Tawhai, who presented the petition, thinks it is Puheke. The Committee has no evidence as to whether*

[1116] Ibid., p. 9.
[1117] Petition No 297/1882, AJHR, 1882 , I-2, p.18.

the land has been sold by Government to settlers. The Committee recommends that inquiry should be made, and if it be found that the land is still held by the Crown, that any burial-place within it should be protected'.[1118]

On 13 December the matter was referred to the Survey Department in Auckland.[1119] It appears that an investigation was made, because on 5 July 1883 the Under-Secretary of the Native Department wrote to the Surveyor General asking 'that a survey of 20 acres of the Puheke Block being the Wahi tapu called Otamawhakaruru may be made – plan and description supplied' to the Native Office.[1120]

Instructions were issued to the Auckland office of the Lands Department to proceed. However, some delay appears to have ensued. On 17 September 1883 a letter was received at the Native Department from the petitioner Te Kirihini asking for information in respect of the wāhi tapu.[1121] This was followed on 2 April 1884 by a letter from S. Percy Smith to the Surveyor General in respect to the delay.[1122]

The survey appears to have been authorised on 3 September 1884 and completed during December 1884.[1123] It was noted that the block contained some ancient caves that may have included burials. The Native department was informed on 31 December of the completion of the survey.

During the first half of 1885 a decision appears to have been made to issue a Crown Grant to the Public Trustee.[1124] This was achieved through special legislation, namely the Special Powers and Contracts Act, 1885. Schedule 1(7) of the Act states:

[1118] Ibid.
[1119] Gould, 'Further Evidence - Crown Purchases in Muriwhenua to 1865', p. 3.
[1120] Ibid.
[1121] Ibid.
[1122] Ibid.
[1123] SO Maps 3335, Wai 45, J004, C-4.
[1124] Gould, p. 3.

'The land described in the second column having: been used as a Maori burial-ground, it is desirable to grant the same to the Public Trustee, upon trust, for a Native burial-place.'[1125]

The second column gives a surveyors description of the block and notes:

'The Governor to reserve in the grant the right of road, not exceeding 100 links wide. The land to be held in trust as a Native burial-place, and to be absolutely inalienable.'[1126]

Notification of the decision was forwarded to Mr Bishop at Mangōnui on 18 January 1886.[1127] Claimants (and descendants of the original petitioner) have suggested that this was against the explicit wishes of the petitioners who wanted a direct return of the land. [1128]

Rangikāpiti – Eru Aperahama

In 1886 Eru Aperahama wrote the first of two petitions to the Crown concerning Rangikāpiti, stating that it had never been sold.[1129] The Native Affairs Committee made no recommendations.[1130]

This was followed by another petition by Aperahama to the Crown in 1888 claiming that Rangikāpiti Pā had never been sold.[1131] Again, the Native Affairs Committee made no recommendation regarding this land. As discussed in the case study below, it appears that the northern part of Rangikāpiti was not covered by Old Land Claims or resulting scrip lands or grants to settlers. The only land agreement that can be said to apply to this land is the Mangonui 1863 purchase, which the Tribunal has already found to be 'so lacking for mutuality on the underlying facts, that we consider it was ineffective as a valid extinguishment of native title

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[1125] Schedule 1(7) Special Powers and Contracts Act, 1885.
[1126] Ibid.
[1127] Gould, p. 4.
[1128] Johns, *Hinetewai*, p. 79.
[1129] Petition 456/1888, AJHR, 1886, I-2, p. 43.
[1130] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 338
[1131] Petition 110/1888, AJHR, 1886, I-2, p. 43.

over the area concerned.'[1132]As Aperahama noted, the Crown had not purchased this extremely important wāhi tapu, nor had Māori intended to sell it.

Mapua/Mapuna – Pene Te Kaitoa

In 1886 Pene te Kaitoa and others petitioned the Government regarding a wāhi tapu called Mapua. The summary of the petition reported by the Native Affairs Committee states:

> *'No. 299. —Petition of Pene te Kaitoa and Others. Petitionees pray that a piece of land called Mapua, containing 10 acres, may be returned to them, as their ancestors have been buried there for eight generations. I am directed to report as follows : That, this being a case where a burial-ground is concerned, the Government be recommended to make early inquiry into it. 22nd July, 1886.'*[1133]

A contemporaneous newspaper report in the New Zealand Herald records that the petition was handed over by Mr Hakuene to Governor Grey:

> *'A petition was also presented by Pene Te Kaitoa and five others by Mr Hakuene to-day, asking that a piece of land known as Mapuna, of a sandy nature, may be returned to them as nothing will grow upon it, and it is looked upon as a sacred spot. The land comprises ten acres at Peria, Mangonui, and the ancestors of the petitioners for eight generations are buried there.'*[1134]

Mapuna is listed as a boundary marker in the eastern boundary of the 1839 Waioioi, Oruru, and Parawai deed signed with Panakareao and Dr Samuel Ford.[1135]

Whakaangi/Takerau

[1132] Waitangi Tribunal, *Muriwhenua Lands Report*, p. 274
[1133] AJHR 1886 session I, I-02, p. 32.
[1134] New Zealand Herald, Volume XXIII, Issue 7678, 1 July 1886, p. 5
[1135] Deed 52, Waioioi, Ōruru and Parawai Block, 12 Nov 1839, Turton, 'Maori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims', p. 44-45.

In 1906, Ngamoni Rewiri and others wrote a petition to the Government regarding damage to their urupa as a result of the taking of timber by settlers. While the original petition is not in the records, the summary made by the Native Affairs Committee reads:

> *'Petitioners pray that certain blocks of land be held sacred.*
>
> *I am directed to report that, in the opinion of the Committee, this petition should be referred to the Government for inquiry, with a view to finding out if any arrangement can be made with the European lessees in reference to the burial-places mentioned in the petition.'*[1136]

An investigation by the Native Affairs Committee had revealed that this was Crown land leased to settlers, and it was these lessees who were taking the timber. Unfortunately, that is where the record ends for this petition and investigation, with any efforts made to find a solution not present on the record.[1137]

The following year, Ngamoni Rewiri and others submitted another petition asking that Pākehā be prevented from removing timber from the Whakaangiangi block.[1138] The petition reffered to 'our land named Whakaangi in the County of Mangonui, including also the sacred (burial) places'. The names of the urupa were Ihumatao and Te Waihoroi. The petitioners concluded by stating 'we will stop the working of the timber on the block'. The Native Affairs Committee considered the petition and repeated its 1906 recommendation, that the Government should inquire into the matter 'with a view to finding out if any arrangement could be made with the European lessees in reference to the burial-places mentioned in the petition'.[1139] No action seems to have been taken.

[1136] AJHR, 1906, Session 2, I3, page 10 (petition 104/1906).
[1137] ACIH 16036 MA1 928 1907/542. ANZ (WLG), R22402133. Document Bank, p. 98.
[1138] AJHR, 1907 I, I-03, petition (151/1907), p. 12.
[1139] N. Rewiri and others to 'Honourable Members'. May 31, 1907. Report on the petition of Ngamoni Rewiri and four others. September 20, 1907. ACIH 16036 MA1 928 1907/542. ANZ (WLG), R22402133. Document Bank, p. 110.

Anarina Erihe and 73 others petitioned Native Affairs Minister James Carroll in September, 1908, complaining that the removal of kauri trees from the Whakaangi and Tokerau lands 'along Doubtless Bay' (Tokerau Moana) was resulting in damage to urupa: 'five of our dead are buried there, three are buried beneath the kauri trees. Be quick, lest blood be spilled, for who desires life in circumstances such as these?'[1140]

The Native Secretary advised that the petitioners could stop timber cutting on the Maori owned Kenana land, at least some of which was thought to have remained in customary Maori title. In this case an injunction could be issued by a Native Land Court judge, but such an injunction would only issue if an application for a partition or a title application was pending, and it would remain operative only until the application was finally heard.[1141] After that the owners could take action through the normal courts to prevent the taking of kauri. It is notable that if Maori wished in this instance to protect their urupa and wahi tapu the only option was to obtain individual titles from the Native Land Court.

In November 1908 William Matthews, the son of Rawiri Kaiwaka, who represented the September 1908 petitioners, submitted a further complaint. He referred to:

> *'My sacred (wahi tapu) places... on this block - there being three of them - these being the chief ones, being those of my ancestors through whom I came into this world to the days in which these kauri trees are being worked'.*[1142]

Yet another petition was sent in by Pereene Huirama in May, 1911. He referred to an urupa located

> *'on a piece of land which we claim is still ours, but Govt. has cut it up into sections. The land is known as Whakaangi and it is situated on the shore opposite the Mangonui*

[1140] A. Erihe and 73 others to Native Minister. September 16, 1908. ACIH 16036 MA1 928 1907/542. ANZ (WLG), R22402133. Document Bank, p. 106.
[1141] Native Secretary to Mr Grace. October 9, 1908. ACIH 16036 MA1 928 1907/542. ANZ (WLG), R22402133. Document Bank, p. 105.
[1142] W. Matthews to Native Secretary. November 10, 1908. ACIH 16036 MA1 928 1907/542. ANZ (WLG), R22402133. Document Bank, p. 98l

town. We have consistently opposed - at a cost of £70 - the Govts. claim to this land... This is to remind or inform you that we have many burial-places upon this land. I desire these burial places to be reserved and defined'.[1143]

There is no evidence in the file that any action was taken.

In September, 1909, Hemi Paeara and others petitioned Parliament asking for 'ancient burial places' included in 'old-time Crown purchased lands' to be surveyed and protected from damage and fossickers intent on gathering 'curios'. Their reason for making this appeal was that

'both Pakeha and (ignorant) Maori are desecrating the burial grounds of our ancestors which lies [sic] near the edges of coastal cliffs, wood, and stony cliffs generally. Some of these places have been entirely denuded of the bones by the Pakeha... Some of the bones have been deliberately set fire to, and others have been burnt by travelling fires...'.

The endangered urupa were named by the petitioners as Te Parea, Whakaangi, Te Kiripaka, Patoetoe, Ruakinui and Whatakao, 'and such other burial places as are being subjected to the desecration of man'. The petitioners added that other (unnamed) urupa which had been 'surveyed off' were not subject to desecration. [1144]

The petitioners were asked to provide a plan showing the location of their burial grounds.[1145] There is no plan in the file, and it is extremely unlikely that the petitioners would have disclosed these locations, given the widespread desecration which was clearly taking place at this time.

Kete Te Ahere and 56 others of Taemaro submitted another petition in November, 1910 (petition 605/1910). They claimed that Whakaangi had been sold to the Crown not by its

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[1143] P. Huirama to Hari Hongi. May 18, 1911. ACIH 16036 MA1 928 1907/542. ANZ (WLG), R22402133. Document Bank, p. 102.
[1144] Petition of H. Paeara and others of Waimahana, Taemaro and Mangonui. September 9, 1909. ACIH 16036 MA1 987 1909/522. ANZ (WLG), R22409622. Document Bank, p. 91.
[1145] Native Secretary memorandum. September 28, 1909. ACIH 16036 MA1 987 1909/522, ANZ (WLG), R22409622. Document Bank, p. 103.

legitimate owners but by a person 'who was a complete stranger to us'. The name of this person and the circumstances surrounding a sale were not disclosed in the petition. The petitioners added that they had been rendered landless by this act, and their 'four most important burial places are on the block had all passed to the Crown. O honourable Members it would have been well if even these had been reserved to us'.[1146] The Native Affairs Committee referred this petition to the to the Government for inquiry.[1147] The subsequent inquiry focused on claims of landlessness made by the petitioners, discussed above. There was no further reference in the file to urupa on the land.

Whakapapa – Henare Pikaahu

In 1923, Parliament received a petition from Henare Pikaahu and others claimaing that the 470-acre Whakapapa block had never been sold but had been 'taken by the Crown'. The peitioners claimed that this land was intended to be reserved to protect two urupa named Whakapapa and Waingarara, where their dead were buried 'even to this day'.[1148]

The Auckland Native Land Court Registrar duly caried out an inquiry, finding that title to the block had been awarded to Wiremu Pikaahu (father of Henare) and five others in June, 1870. A sale to the Crown was thought to have taken place about a year later, and the conveyance was deposited in Government offices located in Shortland Street, Auckland, which was destroyed, along with its contents, in an 1872 fire.

This was followed up by another petition in 1924 asking for the return of Whakapapa block. The Native Affairs Committee reported:

> *'I am directed to report that the Committee has no recommendation to make with regard to this petition.'*[1149]

[1146] Petition of Kete Te Ahere and 56 others, 1910, ACIH 16036 MA1 1039 1910/4993. ANZ (WLG), R22403465. Document Bank p. 94.
[1147] AJHR 1910. I3. 22.
[1148] Petition of H. Pikaahu and others, July, 1923, ACIH 16036 MA1 1318 1923/241, ANZ (WLG), R22408540. Document Bank p. 73.
[1149] AJHR 1924 I, I3, p. 44. Peition 118/23.

Conclusion

The above petitions make it clear that claimant's tūpuna considered these wāhi tapu to have been never sold or sold without the proper authority to do so. From the petitioners perspectives, the Crown's land purchases were not conducted properly, including the taking of important wāhi tapu.

In the case of Rangikāpiti, where a very legitimate concern about the legal status of the pā was raised, the Native Affairs Committee simply made no recommendation. As we shall see in the case studies below, the pā was eventually made into a Department of Conservation managed reserve.

In the case of Otamawharuru, the wishes of the petitioners to have the land returned to them (as had apparently been intended) were ignored and instead the wāhi tapu was put under the Public Trustee. As we shall see in the case studies below, this has left the wāhi tapu in a confusing legal purgatory for claimants and without proper legal access.

In the case of Whakapapa, the concerns of the petitioners were not fully engaged with by the Crown. The loss of the conveyance makes it difficult to piece together the exact circumstances of the supposed sale to the Crown but the petitioners claims that the block was intended to be preserved to protect the wāhi tapu on them deserved further investigation.

STOUT-NGATA COMMISSION 1908

In 1907 the Government was under immense pressure to buy more Māori land. As such, it appointed a Commission led by Apirana Ngata and Chief Justice Sir Robert Stout to investigate what land was 'excessive' to Māori needs and could be leased or sold for settlement. The Stout-Ngata Commission operated from 1907 through to the beginning of 1909. From the beginning, wāhi tapu were largely ignored by this process. In the whole of the claimants rohe, only the

small wāhi tapu blocks of Whatuwhiwhi No. 4 and Parapara East B5C were recommended for reservation.[1150]

Part of the Commissions role was to establish how much land remained in Māori title. By 1908 when the Stout-Ngata Commission visited Muriwhenua, only 109,706 acres of land in Mangonui County remained in Māori ownership. The Crown had vested 57,306 acres of this land in the Tokerau Māori Land Board to discharge survey liens. A further 680 acres were already leased to Europeans. That left Māori with only 51,720 acres in the entire district.[1151]

According to the Stout-Ngata Commission, the total area of Mangonui County was 559,100 acres. Therefore in 1908 Māori owned less than 20% and controlled less than 10% of the land in Mangonui County. In contrast, Māori made up 42% of the population of Mangōnui at the 1906 census.[1152]

During the months of March and April 1908, the commission toured extensively through the Far North and took submissions from Māori. People turned out in large numbers throughout to have their claims heard. The commission spent two days taking evidence from Māori in Mangonui County. On 27 April Ngata sat alone at Ahipara. He was joined by Stout at Mangōnui on 30 April.[1153]

The Stout-Ngata Commission recommended that the purchase of Māori land under the existing system should cease. Instead, they recommended the widespread use of the Māori Land Boards as an agent for owners or as the registered owner with the power to sell, lease, borrow on the security of the land and make reserves.[1154] The boards would have the power to reserve burial-places, village sites and papakāinga, set aside blocks as communal farms, grant leases to Māori

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[1150] AJHR 1908 G-1J, p. 43. Parapara East B5C later became Parapara A2C and was set aside as a Māori reservation for the purpose of a cemetery and church reserve in 1992. Nz Gazette No. 25, 27 Feb 1992, p. 505.
[1151] "Interim Report of the Native Lands Commission, on Native lands in the Counties of Whangarei, Hokianga, Bay of Islands, Whangaroa, and Mangonui', AJHR, 1908, G-lJ, pp. 42-45.
[1152] Ibid., 6.
[1153] Geiringer, 'Historical Background to the Muriwhenua Land Claim, 1865-1950', p. 168.
[1154] Ibid., pp. 16-17. Native Lands and Native-Land Tenure, AJHR, 1908, G-IF, p. 4.

tenants or incorporate owners of land to enable them to farm under an elected committee and raise money on security of the land for advancing to Māori farmers.[1155]

The Commission made specific recommendations about 89,024 acres of Māori land in Mangōnui distrcit.[1156] The Parengarenga and Pakohu lands, which parliament had vested in the Māori Land Board, comprised 57,306 acres. The Commission recommended another 7801 acres of land for "general settlement": 6819 by lease and 982 by sale. They recommended the remaining 23,236 acres for Māori occupation, an area which they admitted was small for a Māori population of 2053 at the last census. The commission recorded the wishes of the owners of many of these blocks, either to have the land incorporated to enable development, or to lease the land to one or some owners under the terms of the 1907 Act.[1157]

The Commission specifically listed Whatuwhiwhi No. 4 (Takapū urupa) as being necessary to reserve as a wāhi tapu. This was a 3 acre block said to contain a wāhi tapu and church to be vested in 39 owners.[1158] This does not appear to have happened until 1967, when the land was set aside as a Māori Reservation for the purpose. By that time however, the land had been partitioned and was only 2 acres.

SURPLUS LANDS COMMISSION 1946

While the seeds of urban migration had been planted long before, the mid-20th century saw a significant shift of whānau moving to the cities for work. This included loss of an economic base in terms of land alienation and the transition to a cash/labour based economy that required jobs, which were more plentiful outside the rohe in places like Auckland. The ability to act as kaitiaki for the wāhi tapu became much more difficult as whānau members balanced responsibilities to marae and tūrangawaewae with the demands of employment and new relationships in towns and cities.[1159]

[1155] Geiringer, 'Historical Background to the Muriwhenua Land Claim, 1865-1950', p. 160
[1156] Ibid., p. 161.
[1157] AJHR 1908, G-lJ, pp. 42-45.
[1158] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 301
[1159] Belgrave et al., p. 26.

Despite these changes, claimants kept up pressure on the government for the protection of their wāhi tapu. As we have seen above, petitions to the Crown were consistently made during this period, though they were just as consistently dismissed (as in the case of Rangikāpiti) or the outcomes were less than satisfactory (Otamawhakaruru). In particular, protest over the surplus lands issue continued to build, leading to the establishment of the 1946 Surplus Lands Commission.[1160]

The Commission was established to determine a question which had been left open by the MacCormick and Sim Commissions; whether in "equity and good conscience" surplus lands should be treated as Māori land and not belonging to the Crown. As we have seen, the Crown claimed 'surplus lands' in fact contained numerous wāhi tapu of great significance to claimants.

The Commission was charged with inquiring into the circumstances, policy, legality and even "good conscience" of the lands taken by the Crown as surplus. It was also required to investigate specific claims in petitions relating to surplus lands, such as the following involving land in the claimants rohe. While these petitions were not specifically for wāhi tapu, it is important that part of the reason these lands were important to claimants is that they contained wāhi tapu:

- Petition No 120 of 1923, of Heta Kiriwi and others, concerning the Aurere Block. (File N.D. 1924/439)
- Petition No 180 of 1924, of Hare Popata and another, concerning the Pukewhau Block. (File N.D. 1925/314)
- Petition No 183 of 1924, of Keita te Ahere, concerning the Whakaangi Block. (File N.D 1925/307)
- Petition No 179 of 1921 of Kere Erihe and 99 others, praying for the return of the Taemaro Block. Considered by the Commission at the request of Hemi Roha and others.

[1160] Geiringer, 'Subsequent Maori Protest Arising From The Crown Land Purchases In Muriwhenua 1850-1865', p. 5.

According to evidence prepared in connection with the Wai 45 claim, counsel appointed for Māori did not represent their interests adequately and the Commission was a 'shambles'. [1161] Counsel selected to represent Māori, Cooney, had no background in the surplus lands issue, nor did he know any of the specific circumstances of the many claims he was supposed to represent. The claimants made their protests known to the Crown but Cooney was kept on regardless. As a counsel representing Māori claimants, Cooney gave many concessions to the Crown counsel that failed to represent his clients properly.[1162]

The oral evidence which was heard was given during the first week of the second hearing, which was primarily devoted to a consideration of the various petitions. A brief statement was made by Pereene Huirama with regard to Aurere.[1163] This was the only opportunity claimants tūpuna had to state their case, as they were unable to produce oral evidence or argue their case in their rohe. All four of the Commissions hearings were held outside the rohe with the result being that they were not given their day in court.

While some Māori sought a hearing before the Commission by making various representations through Cooney and statements at the hearings, it appears that other Māori tried to communicate their views to the Commission by way of correspondence. One such group of Northern claimants led by Hapeta Renata was continually disregarded by the Commission's secretary, Mr R J Blane.[1164]

Renata write to the Commission listing 53 blocks of surplus lands, including:

- Whakaangi blk OLC Mangonui East.
- Te Hihi O.L.C Area 426 acres
- Maungaroa O.L.C Berghan Plan Blue 103 Mangonui East
- Oruaiti O.L.C Berghan 104 & 105 Area 2,414-0-0
- Parawanui O.L.C 103 Blue area 2,414.0.0 Berghan

[1161] Michael Nepia, 'Muriwhenua Surplus Lands Commissions of Inquiry in the Twentieth Century', (Wai 45, G001), pp. 41-43.
[1162] Ibid.
[1163] 'Report of Proceedings', AJHR 1947, P-J, p. 1.
[1164] Nepia, p. 54.

- Koware O.L.C 101 V1 Area 947.0.0 Karikari L.W. Doubtless Bay
- Taipa O.L.C Pt. 9.6 Area 303.0.0 Taipa Parish
- Taipa L.T P.S O.L.C Area 252.0.0 Taipa Parish
- Taipa Parake Pt O.L.C Area 650.0.0
- Pukewhau O.L.C 31 Area 466.0.0 VII
- Waipapakauri O.L.C Block X Near Awanui
- Kaitaia Pt O.L.C 7 Area 3,359.3.17 near Awanui township
- Awanui Pt O.L.C 193 29 Area 1116.3.17 near Awanui township

With regard to Aurere, the Commission found that the petitioners had a valid claim to the "surplus lands" at Aurere. However, the Commission did not report its findings in favour of the petitioners. Wāhi tapu were not discussed in the report, as they were not directly at issue in the terms of the Commission.

Māori apparently had particular concerns regarding their wāhi tapu and Cooney advised the Commission at its hearing on the 21st October 1947. Cooney had been approached by a number of elders with the specific request that if as a result of the Commission's enquiry the Crown retained possession of any lands on which there were wāhi tapu, and they mentioned in particular certain blocks including Whakaangi and Taemaro, they would like their wāhi tapu to be preserved.[1165]

The Commission in its unanimous decision said there already existed ample statutory power in section 472 of the Native Land Act to meet the Māori request. They assumed that the necessary administrative steps would be taken "as a matter of course" and recommended that that be done.[1166]

> *'There is one specific point which we think we should mention here. During our inquiry the Maoris made a request that any burial-grounds or sacred places that may exist on any of the " surplus lands " still in the possession of the Crown (in particular they*

[1165] 'Report of Proceedings', AJHR 1947, P-J, p. 1.
[1166] 'Report of Royal Commission to inquire into and report on claims preferred by members of the Maori race touching certain lands known as surplus lands of the Crown', AJHR 1948, A67, p. 17.

mentioned Taemaro, Whakaangi, Opua, and Manawaora) should be preserved. There exists ample statutory power in section 472 of the Native Land Act, 1931, to enable this to be done, and we assume that any necessary steps will be taken administratively as a matter of course. We would recommend that this be done.'[1167]

Though the Commission's recommendation was in accordance with the request made, Māori had only made that request in anticipation of the Crown retaining the land. If the Commission had found that Māori had no right in equity and good conscience to the surplus lands then the reservation of those lands was probably all Māori could expect. However, the Commission found that Māori did have a right, in equity and good conscience, to the greater part of the surplus lands. Therefore a more just outcome would have been to recommend the return of wāhi tapu to Māori ownership so that Māori could themselves protect their sacred sites.[1168]

The Commission found that Māori in the far north had a right in "equity and good conscience" to 20,106 acres of surplus land. The majority decision of Reedy and Samuel gave the following information on the location and extent of the surpluses:

Table 9: Decision of Reedy and Samuel on surplus lands to which Māori have an interest (by District)

District	Area (Acres)
Awanui	5,280
Mangonui	5,013
Kaitaia	9,813

Blocks of land relevant to today's claimants, which Māori were found to have an equity by the Myers Commission:

Table 10: Myers Commission findings on Māori equity in 'surplus lands'

Name	Acreage	OLC #

[1167] Ibid., pp. 15-16
[1168] Nepia, p. 77

Okiore Block	5,280	705
Pukewhau Block	3,880	160
Otengi Block	87	1025
Aurere	5,229	329

The Myer Commission also considered the Mangōnui blocks and claims for surplus lands therein. These two claims were originally supposed to be inquired into by Commissioner Godfrey in Mangōnui in 1843. Bell's subsequent enquiry into Berghan's claim, that of his children, and part of Thomas and Phillips claim, was the only enquiry into any of the scrip awards in Mangonui. As a consequence of his limited investigation, Bell found that the Crown was entitled to 11,000 acres of surplus land at Mangōnui, without giving any explanation as to how he arrived at that figure.

While it seems clear that in this case there was never a proper enquiry held into the original transactions, the Commission does not appear to have taken that fact into account in its deliberations. Myers states in his decision that in any scrip claims where the Crown took the benefit of the contract made by the original purchaser, the question of the surplus was dealt with on the same guiding principles, and in exactly the same way as the ordinary claims where a purchaser was awarded a grant to only a portion of the area purchased. In its report, the Commission did not give a decision as to the actual area of surplus involved. With regard to Mangōnui it simply said that "even if there was any surplus", any rights Māori might have had were extinguished by Crown purchase. In summary, Māori claims regarding surplus lands at Mangōnui were dismissed on the basis of shoddy Crown purchases which were not properly investigated by the Myers Commission.

The Myers Commission’s majority recommendations were supposedly implemented by the passing of the Māori Purposes Act 1953. The Act provided for the payment of compensation at the rate of 14s per acre to various Māori Trust Boards. The total compensation awarded was £61,307 as recommended by Reedy and Samuel. The Tai Tokerau Māori Trust Board was established by the Act and awarded £47,154-4s-0, including the compensation for the Muriwhenua lands. The Act did not, however, address the numerous wāhi tapu that were on

the land taken as surplus. Nor were reservations of wāhi tapu at Taemaro, Whakaangi and other places made despite the findings of the Commission regarding wāhi tapu discussed above.

STATE FORESTS & THE DEPARTMENT OF CONSERVATION

Through the twentieth century, significant areas of the rohe remained in Crown ownership. From the 1950s onward there were considerable efforts made to develop these lands by the Department of Lands and Survey. Primarily, this development was in the form of the clearance and planting of State Forests. The process of clearing, planting and harvesting these Crown forestry blocks has done immense and irreparable damage to wāhi tapu.
Maxwell and Huebert's assessment of the area for this project has found that the greatest threat to the features of the block is forestry:

"While the obvious features of some of the archaeological sites here have been protected, either by not being planted or by damage mitigated during the pine harvests, the archaeological landscape within the block overall has been severely compromised. Some of the damage is more recent, but it is certain that older activities which prepared the area for forest emplacement (e.g, 'raking') had already had a highly detrimental impact on the archaeological features in this block."[1169]

The passing of the Conservation Act in 1987 saw the establishment of the Department of Conservation (DOC), with responsibilities for managing the country's massive conservation estate. DOC was established to integrate the environmental functions of the Department of Internal Affairs, the Forest Service, the Lands and Survey Department, the Wildlife Service and other Crown agencies. As a result, it became responsible for the management of the many wāhi tapu within the conservation estate. It also became effectively the 'face of the Crown' as regards wāhi tapu in the far north, along with Heritage New Zealand.

Today, the Department of Conservation is a major land holder in claimants rohe. Its conservation estate lands have supposedly been set aside as reserves for particular purposes –

[1169] See Justin Maxwell and Jennifer Huebert 'Donovan's Block' case study in Volume II of this report.

historic, scientific, wildlife protection, scenic, recreational, and so on. However, Section 4 of the Conservation Act 1987 states: This Act shall be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi.'[1170] This includes the principal of active protection of wāhi tapu.

In its 1999 Conservation Management Strategy, the Northland Conservancy identified priority areas where Departmental effort will be focused:

> *'Archaeological sites are especially abundant near the coast and include pa such as Rangikapiti and Taumarumaru, middens, garden system, canoe portages, terraces, urupa and wahi tapu.*
>
> *The Oruru river valley/Taipa estuary is an important archaeological landscape and contains over 1000 well-preserved sites including pa, drainage systems, middens and terraces.'*[1171]

This indicates that there was some awareness of DOC of the important sites on their conservation estate. However as the above shows, these were still largely considered in terms of archaeology rather than as wāhi tapu in their own right. The effectiveness of DOC in protecting wāhi tapu is discussed in the case studies below, where DOC land is concerned. This is primarily in the Rangikāpiti case study.

The historic, traditional and cultural nature of the pā is well known to DOC and the damage it has suffered in the last few decades is certainly not in keeping with the Department's Treaty obligations as described above.

WAITANGI TRIBUNAL CLAIMS

[1170] Stokes, 'The Muriwhenua Land Claims Post 1865', p. 391-392
[1171] Department of Conservation, 'Conservation Management Strategy', 1999, vol. 1, p. 59

By the 1975, Māori calls for justice and the honouring of the Treaty had led to the establishment of the Waitangi Tribunal. Claimants and their tūpuna have been involved in a number of Waitangi Tribunal inquiries regarding their wāhi tapu.

The first of these claims concerning this region was the Mangōnui Sewerage inquiry (WAI 17), lodged shortly after the establishment of the Tribunal. The claim centred around plans for the redesign and building of a sewerage system for the Mangōnui area. The initial plan was for sewerage oxidation ponds at Taipa, with a outfall of treated sewerage into the sea at Otengi Headland. [1172] This is an area of many wāhi tapu for claimants, including Mamangi pā.

The landowners of the Otengi land, Adamson Taipa Ltd, G P Adamson's, and the Environmental Defence Society took a case to the Planning Tribunal in 1980. The Mangonui County Council protested that it had consulted with the New Zealand Historic Places Trust on the location of the ponds and the outfall at Otengi, which had made no objections. The Planning Tribunal approved the location of the oxidation ponds at Taipa, but declined to approve the outfall at Otengi which it deleted from the plan. It cautioned against a sewerage outfall route at Otengi, having regard to the evidence of the wāhi tapu on the headland.[1173] Eventually, a new proposal was made being that of the 'marsh disposal system' at Parapara, with oxidation ponds at Taipa.

Eventually, the issues was taken to the Waitangi Tribunal by MacCully Matiu and the Ngati Kahu Trust Board on behalf of Ngati Kahu and associated tribes. The claimants object to the siting of a sewerage treatment plant at Taipa with oxidation ponds to be constructed beside a creek that flows to the Taipa river. The Tribunal heard evidence that of numerous wāhi tapu in the area including the tawapou (orewa) trees at Te Paraua, Otanguru Pa, Te Huiki and Pekehorohoro pa.[1174] Gerard Adamson, who farmed at Taipa for over 60 years, described a period in his youth when the sandhills were littered with kōiwi that were sometimes exposed by the winds. These were periodically gathered and removed for reburial.[1175]

[1172] Waitangi Tribunal, *Mangonui Sewerage Claim*., pp. 43-44.
[1173] Ibid., p. 33.
[1174] Ibid., p. 64.
[1175] Ibid., p. 55.

In 1988 the Waitangi Tribunal reported on the Mangonui Sewerage inquiry, finding that while claimants had 'good grounds':

> *'... on the weighing of their concerns with those of the wider community, whose rights were also represented in the Treaty, we cannot on balance intervene.'*[1176]

The balancing of Māori claimants concerns with the interests of the wider public was a key consideration for the Tribunal:

> *'This is a case in our view, where the Treaty requires a balancing of Maori concerns with those of the wider community of which Maori form part. The construction of sewerage works imposes unavoidable costs, financial and cultural, on all members of the community, on the general populace as well as the local tribe. To find the proper balance between cultural and financial concerns is no mean task. The Maori spiritual ethic was singularly suppressed or overlooked in the past but recent Planning Tribunal and High Court decisions show that that need no longer be so. A balance must be maintained however, not an over-redress. In this case it is at least clear that an absolute priority for Maori cannot be upheld. The plans have been changed to avoid the significant fisheries, and the Maori owned lands affected were acquired well after the works were proposed.'*[1177]

The results were no doubt disappointing to claimants, however this was not the last Waitangi Tribunal inquiry they were a part of. The original Muriwhenua inquiry (WAI45) heard extensive evidence and produced numerous reports dealing with the loss and desecration of claimants wāhi tapu. These have been critical sources in this research project and the specific issues regarding wāhi tapu have been considered directly herein.

[1176] Ibid., p. 60.
[1177] Ibid.

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